

Electronically Filed
Aug 03 2022 11:59 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

NOASC
PETER ISSO, ESQ.
Nevada Bar No. 14721
SHANA BACHMAN, ESQ.
Nevada Bar No. 10506
ISSO & ASSOCIATES LAW FIRM, PLLC
8275 S. Eastern Ave., Unit 200
Las Vegas, NV 89123
Tel. (702) 756-1582
Email: peter@issolaw.com
Email: Sbachman@IссоLaw.com
Attorneys for Defendant

**DISTRICT COURT
CLARK COUNTY, NEVADA**

STATE OF NEVADA,

Plaintiff,

vs.

MAX MONES,

Defendant.

Case No.: C-21-361278-1

Dept.: VI

HEARING REQUESTED

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN that, MAX MONES (“DEFENDANT”) by and through his counsel of record, SHANA BACHMAN, ESQ. of ISSO & ASSOCIATES, PLLC and does appeal to the Supreme Court of Nevada from the Order filed on July 1, 2022, denying Defendant’s Petition for Writ of Habeas Corpus and all orders and rulings merged into that final Order.

Dated this 29th day of July, 2022.

Respectfully Submitted,

By: /s/ Shana Bachman

PETER ISSO, ESQ.
Nevada Bar No.:14721
SHANA BACHMAN, ESQ.
Nevada Bar No. 10506
ISSO & ASSOCIATES LAW FIRM, PLLC
8275 S. Eastern Ave., Unit 200
Las Vegas, NV 89123
Tel. (702) 756-1582
Email: peter@issolaw.com
Email: Sbachman@IссоLaw.com
Attorneys for Defendant

CASE SUMMARY**CASE NO. C-21-361278-1**

State of Nevada
vs
Max Mones

§ Location: **Department 6**
 § Judicial Officer: **Bluth, Jacqueline M.**
 § Filed on: **12/15/2021**
 § Cross-Reference Case **C361278**
 § Number:
 § Defendant's Scope ID #: **6034359**
 § Lower Court Case # Root: **20CRN000347**
 § Lower Court Case Number: **20CRN000347-0000**

CASE INFORMATION

Offense	Statute	Deg	Date	Case Type:	Felony/Gross Misdemeanor
1. DUTY TO STOP AT SCENE OF CRASH INVOLVING DEATH OR PERSONAL INJURY	484E.010	F	07/25/2019	Case Status:	12/15/2021 Open
Arrest: 12/15/2021 MET - Metro					
2. DUTY TO STOP AT SCENE OF CRASH INVOLVING DEATH OR PERSONAL INJURY	484E.010	F	07/25/2019		
3. FAILURE TO STOP IN OBEDIENCE TO A STOP SIGN	484B.257	M	07/25/2019		





DATE**CASE ASSIGNMENT****Current Case Assignment**

Case Number C-21-361278-1
 Court Department 6
 Date Assigned 12/15/2021
 Judicial Officer Bluth, Jacqueline M.

PARTY INFORMATION















		Lead Attorneys
Defendant	Mones, Max	Sabalos, James Retained 9493556084(W)
Plaintiff	State of Nevada	Wolfson, Steven B 702-671-2700(W)

DATE**EVENTS & ORDERS OF THE COURT****INDEX****EVENTS**

12/15/2021	 Recorders Transcript of Hearing Party: Plaintiff State of Nevada [1] RECORDER'S TRANSCRIPT OF HEARING: PRELIMINARY HEARING DAY 1; NOVEMBER 9, 2021	Index #1
12/16/2021	 Information Party: Plaintiff State of Nevada [2] Information	Index #2
12/16/2021	 Criminal Bindover - Confidential [3]	Index #3
12/16/2021	 Criminal Bindover [4]	Index #4







CASE SUMMARY

CASE NO. C-21-361278-1

12/21/2021	 Recorders Transcript of Hearing Party: Plaintiff State of Nevada <i>[5] Recorder's Transcript of Hearing: Preliminary Hering - Day 2 Status Check. December 8, 2021</i>	Index #5
12/21/2021	 Recorders Transcript of Hearing Party: Plaintiff State of Nevada <i>[6] Recorder's Transcript of Hearing: Status Check; December 15, 2021</i>	Index #6
01/18/2022	 Notice of Appearance Party: Defendant Mones, Max <i>[7] Notice of Appearance</i>	Index #7
01/18/2022	 Petition for Writ of Habeas Corpus Filed by: Defendant Mones, Max <i>[8] Defendant Mones Pretrial Petition for Writ of Habeas Corpus</i>	Index #8
01/18/2022	 Certificate of Electronic Service Filed By: Defendant Mones, Max <i>[9] Certificate of Electronic Service</i>	Index #9
01/19/2022	 Clerk's Notice of Hearing Party: Defendant Mones, Max <i>[10] Notice of Hearing</i>	Index #10
01/27/2022	 Notice of Withdrawal Filed by: Defendant Mones, Max <i>[11] Notice of Withdrawal</i>	Index #11
01/28/2022	 Order <i>[12] Order that Writ of Habeas Corpus Issue</i>	Index #12
01/28/2022	 Notice of Entry of Order Filed By: Defendant Mones, Max <i>[13] Notice of Entry of Order that Writ of Habeas Corpus Issue</i>	Index #13
01/28/2022	 Writ Filed by: Defendant Mones, Max <i>[14] Writ of Habeas Corpus - Unissued</i>	Index #14
02/09/2022	 Response Filed by: Plaintiff State of Nevada <i>[15] State's Response to Defendant's Petition for Writ of Habeas Corpus</i>	Index #15
04/22/2022	 Notice of Witnesses and/or Expert Witnesses <i>[16] State's Notice Of Witnesses And/Or Expert Witnesses</i>	Index #16
04/24/2022	 Motion to Continue Trial Filed By: Defendant Mones, Max <i>[17] Motion to Continue Trial</i>	Index #17
04/24/2022	 Ex Parte Application	Index #18

CASE SUMMARY

CASE NO. C-21-361278-1

	<p>Party: Defendant Mones, Max <i>[18] Ex Parte Application for An order Shorten Time for Motion to Continue Trial</i></p>	
04/25/2022	 Clerk's Notice of Hearing <i>[19] Notice of Hearing</i>	Index #19
07/01/2022	 Findings of Fact, Conclusions of Law and Order <i>[20] Findings of Fact and Conclusions of Law and Order</i>	Index #20
07/29/2022	 Notice of Appeal (Criminal) Party: Defendant Mones, Max <i>[21] Notice of Appeal</i>	Index #21
	HEARINGS	
12/28/2021	 Initial Arraignment (11:00 AM) (Judicial Officer: Bluth, Jacqueline M.) Set in CLOSED Session Plea Entered; Journal Entry Details: <i>DEFT. MONES ARRAIGNED, PLED NOT GUILTY, and WAIVED the 60-DAY RULE. COURT ORDERED, matter SET for trial. OR 05/10/22 11:00 AM CALENDAR CALL 05/16/22 10:00 AM JURY TRIAL ;</i>	
02/03/2022	 Petition for Writ of Habeas Corpus (11:00 AM) (Judicial Officer: Bluth, Jacqueline M.) 02/03/2022, 02/15/2022 <i>[8] Defendant Mones Pretrial Petition for Writ of Habeas Corpus</i> Matter Continued; Denied; Journal Entry Details: <i>Michaela Sullivan appearing on behalf of the State in accordance with Nevada Supreme Court Rule 49.5 under the supervision of Deputy District Attorney, Jay Raman. Arguments by counsel. Court stated its findings and ORDERED, Petition DENIED. O.R.;</i> Matter Continued; Denied; Journal Entry Details: <i>By stipulation of parties, COURT ORDERED, matter CONTINUED. O.R. CONTINUED TO: 2/15/22 11:00 AM;</i>	
05/05/2022	 Motion to Continue Trial (9:30 AM) (Judicial Officer: Bluth, Jacqueline M.) <i>Defendant's Motion to Continue Trial</i> Granted; Journal Entry Details: <i>Mr. Meng stated he is ready to proceed to trial, however, based on the information he received from defense counsel this morning, will have no opposition to the motion. Court stated that based on the representations by Mr. Meng, ORDERED, Motion GRANTED and Trial dates VACATED and RESET to a firm setting. O.R. 9/22/22 9:30 AM STATUS CHECK: TRIAL READINESS 11/08/22 9:30 AM CALENDAR CALL 11/14/22 10:00 AM JURY TRIAL;</i>	
05/10/2022	CANCELED Calendar Call (9:30 AM) (Judicial Officer: Bluth, Jacqueline M.) <i>Vacated</i>	
05/16/2022	CANCELED Jury Trial (10:00 AM) (Judicial Officer: Bluth, Jacqueline M.) <i>Vacated</i>	
09/22/2022	Status Check: Trial Readiness (9:30 AM) (Judicial Officer: Bluth, Jacqueline M.)	
11/08/2022	Calendar Call (9:30 AM) (Judicial Officer: Bluth, Jacqueline M.)	
11/14/2022	Jury Trial (10:00 AM) (Judicial Officer: Bluth, Jacqueline M.)	

CASE SUMMARY

CASE NO. C-21-361278-1

1 **SHANA BACHMAN, ESQ.**
2 Nevada Bar No. 10506
3 Sbachman@IssoLaw.com
4 Isso & Associates Law Firm, PLLC
5 8275 S. Eastern Ave., Ste 200
6 Las Vegas, Nevada 89123
7 Phone: (702) 756-1582
8 *Attorney for Defendant*

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**EIGHTH JUDICIAL DISTRICT
COUNTY OF CLARK, STATE OF NEVADA**

STATE OF NEVADA,

Plaintiff,

vs.

Case No.: C-21-361278-1

MAX MONES,

Defendant.

Department No.: 6

FINDINGS OF FACT AND CONCLUSIONS OF LAW AND ORDER

COMES NOW, Defendant, MAX MONES, by and through his counsel of record, Shana Bachman, Esq., of Isso & Associates Law Firm, PLLC and hereby files this proposed findings of fact and conclusions of law, as well as a proposed order.

Dated this 3rd day of June, 2022

/s/ Shana Bachman
SHANA BACHMAN, ESQ.
Nevada Bar No. 10506
Isso & Associates Law Firm, PLLC
8275 S. Eastern Ave., Ste. 200
Las Vegas, Nevada 89123
Attorney for Defendant

1
2
3
4
5
6
7
8
9
10
11

1. Procedural Background

On December 28, 2021, following a preliminary hearing in Justice Court, Max Mones was arraigned in District Court Dept 6 on two (2) counts of Duty to Stop at the Scene of a Crash Involving Death or Injury, which is governed by NRS 484E.010, and one (1) count of Failure to Stop in Obedience to a Stop Sign, which is governed by NRS 484B.257. He entered not guilty pleas to all counts.

On February 3, 2022, Mr. Mones, through counsel, filed a Petition for Writ of Habeas Corpus. On February 9, 2022, the District Attorney filed a response. A hearing was held on the matter on February 22, 2022, and both parties made oral arguments. The Court then denied the Petition.

A trial date of May 16, 2022, was initially set, with a calendar call on May 10. Upon the motion of the defense, the date was continued to a trial date of November 14, 2022, with a calendar call of November 8, 2022. A status check on trial readiness was also set for September 22, 2022.

12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

2. Decision by the Court

At the February 22, 2022 hearing, Mr. Sablanos appeared on behalf of Mr. Mones. By way of highlighting the points made in his Petition for Writ of Habeas Corpus, he argued that no evidence had been presented to show that Mr. Mones had actual knowledge that an accident had occurred; thereby negating his duty to intervene. He argued that the State had presented zero testimony or physical evidence which could meet even the slight or marginal standard. The State responded that they had presented a witness, who was a passenger in Mones' car, who had heard a very loud sound, and that the dashcam footage it presented far surpassed the legal standard to defeat a Petition for Writ of Habeas Corpus.

The Court found that the evidence presented by the State at the preliminary hearing met the standard of slight or marginal evidence, and that each piece of evidence presented would need to be evaluated by a jury. Based on that, the Court denied the Petition.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

EIGHTH JUDICIAL DISTRICT
COUNTY OF CLARK, STATE OF NEVADA

STATE OF NEVADA,

Plaintiff,

vs.

MAX MONES,

Defendant.

Case No.: C-21-361278-1

Department No.: 6

ORDER

It is hereby ordered that the Petition for Writ of Habeas Corpus is denied, based on the Court's finding that the evidence presented by the State meets the standard of slight or marginal evidence, and that the evidence must be evaluated by a jury.

Dated this 1st day of July, 2022

DATE: _____



DISTRICT COURT JUDGE

2D8 125 1E7A 2894 ^{NH}
Jacqueline M. Bluth
District Court Judge

1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 State of Nevada

CASE NO: C-21-361278-1

7 vs

DEPT. NO. Department 6

8 Max Mones
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

11 This automated certificate of service was generated by the Eighth Judicial District
12 Court. The foregoing Order was served via the court's electronic eFile system to all
13 recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 7/1/2022

15 Peter Isso, Esq.

peter@issolaw.com

16 Gary Reeves, Esq.

greeves@issolaw.com

17 James Sabalos, Esq.

jimsabalos@hotmail.com

18 Kelley Blantik, Esq.

kblatnik@issolaw.com

19 Steven Wolfson, Esq.

motions@clarkcountyda.com

20 Alicia Albritton, Esq.

alicia.albritton@clarkcountyda.com

21 Isso & Associates Law Firm, PLLC EFilings Inbox

efilings@issolaw.com
22
23
24
25
26
27
28

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

December 28, 2021

C-21-361278-1 State of Nevada
vs
Max Mones

December 28, 2021 11:00 AM Initial Arraignment

HEARD BY: Bluth, Jacqueline M.

COURTROOM: RJC Courtroom 10C

COURT CLERK: Natalie Ortega

RECORDER: De'Awna Takas

REPORTER:

PARTIES

PRESENT:	Albritton, Alicia A.	Attorney
	Crawford, Douglas C.	Attorney
	Mones, Max	Defendant
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- DEFT. MONES ARRAIGNED, PLED NOT GUILTY, and WAIVED the 60-DAY RULE. COURT ORDERED, matter SET for trial.

OR

05/10/22 11:00 AM CALENDAR CALL

05/16/22 10:00 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 03, 2022

C-21-361278-1 State of Nevada
 vs
 Max Mones

**February 03, 2022 11:00 AM Petition for Writ of Habeas
Corpus**

HEARD BY: Bluth, Jacqueline M.

COURTROOM: RJC Courtroom 10C

COURT CLERK: Kristen Brown

RECORDER: Deloris Scott

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- By stipulation of parties, COURT ORDERED, matter CONTINUED.

O.R.

CONTINUED TO: 2/15/22 11:00 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 15, 2022

C-21-361278-1 State of Nevada
 vs
 Max Mones

**February 15, 2022 11:00 AM Petition for Writ of Habeas
Corpus**

HEARD BY: Bluth, Jacqueline M.

COURTROOM: RJC Courtroom 10C

COURT CLERK: Kristen Brown

RECORDER: Deloris Scott

REPORTER:

PARTIES

PRESENT:	Raman, Jay	Attorney
	Sabalos, James	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Michaela Sullivan appearing on behalf of the State in accordance with Nevada Supreme Court Rule 49.5 under the supervision of Deputy District Attorney, Jay Raman.

Arguments by counsel. Court stated its findings and ORDERED, Petition DENIED.

O.R.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

May 05, 2022

C-21-361278-1 State of Nevada
vs
Max Mones

May 05, 2022 9:30 AM Motion to Continue Trial

HEARD BY: Bluth, Jacqueline M. **COURTROOM:** RJC Courtroom 10C

COURT CLERK: Kristen Brown

RECORDER: De'Awna Takas

REPORTER:

PARTIES

PRESENT:	Lanning, John Bowman	Attorney
	Meng, Yu	Attorney
	Mones, Max	Defendant
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Mr. Meng stated he is ready to proceed to trial, however, based on the information he received from defense counsel this morning, will have no opposition to the motion. Court stated that based on the representations by Mr. Meng, ORDERED, Motion GRANTED and Trial dates VACATED and RESET to a firm setting.

O.R.

9/22/22 9:30 AM STATUS CHECK: TRIAL READINESS

11/08/22 9:30 AM CALENDAR CALL

11/14/22 10:00 AM JURY TRIAL



EIGHTH JUDICIAL DISTRICT COURT CLERK'S OFFICE
NOTICE OF DEFICIENCY
ON APPEAL TO NEVADA SUPREME COURT

PETER ISSO, ESQ.
8275 S. EASTERN AVE., UNIT 200
LAS VEGAS, NV 89123

DATE: August 2, 2022
CASE: C-21-361278-1

RE CASE: STATE OF NEVADA vs. MAX MONES

NOTICE OF APPEAL FILED: July 29, 2022

YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.

PLEASE NOTE: DOCUMENTS **NOT** TRANSMITTED HAVE BEEN MARKED:



Case Appeal Statement

- NRAP 3 (a)(1), Form 2



Order



Notice of Entry of Order

NEVADA RULES OF APPELLATE PROCEDURE 3 (a) (3) states:

"The district court clerk must file appellant's notice of appeal despite perceived deficiencies in the notice, including the failure to pay the district court or Supreme Court filing fee. **The district court clerk shall apprise appellant of the deficiencies in writing**, and shall transmit the notice of appeal to the Supreme Court in accordance with subdivision (g) of this Rule with a notation to the clerk of the Supreme Court setting forth the deficiencies. Despite any deficiencies in the notice of appeal, the clerk of the Supreme Court shall docket the appeal in accordance with Rule 12."

Please refer to Rule 3 for an explanation of any possible deficiencies.

Certification of Copy

State of Nevada }
County of Clark } SS:

I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full and correct copy of the hereinafter stated original document(s):

NOTICE OF APPEAL; DISTRICT COURT DOCKET ENTRIES; FINDINGS OF FACT AND CONCLUSIONS OF LAW AND ORDER; DISTRICT COURT MINUTES; NOTICE OF DEFICIENCY

STATE OF NEVADA,

Plaintiff(s),

vs.

MAX MONES,

Defendant(s).

Case No: C-21-361278-1

Dept No: VI

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
This 2 day of August 2022.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk