

In the name of God Most Gracious Most Justice

DA  
PP  
AOR - K.S. Stone

LEROU ROOSEVELT MACK

- vs -

STATE OF NEVADA

Case No. C-21-358925-1

Dept. XXVIII

Electronically Filed  
03/29/2022

Annex. Shinn  
CLERK OF THE COURT

Electronically Filed  
Apr 01 2022 10:32 a.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

### NOTICE OF APPEAL

COMES NOW Petitioner Leroy ROOSEVELT MACK pro, per  
respectfully moves this Honorable Court Notice of Appeal

Petitioner in timely fashion submits this  
Notice of Appeal for decision made by Honorable Judge  
Ronald J. Israel Denying Petitioner Motion To Grant  
Relief or Release based on COVID 19 Hardship Act, and  
Defendant's Proper Person Motion For Sentence Reduction  
or Modification based on Constitution Violation.

Dated: this 22th of March, 2022

Respectfully Submitted  
Leroy Mack

RECEIVED

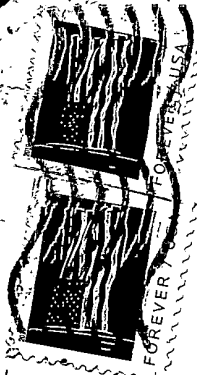
MAR 29 2022

CLERK OF THE COURT

I.

0046524  
LEROY BLACK  
P.O. Box 650  
Indian Springs, NV, 89070  
HDP.

LAS VEGAS NV 890  
24 MAR 2022 PM 5 L



Clerk of The Court  
200 Lewis Ave. 3rd Floor  
Las Vegas, NV 89155

89101-630000

HIGH DESERT STATE PRISON  
MAR 23 2022  
UNIT 2A/B



1 ASTA

2  
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5  
6 **IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE**  
7 **STATE OF NEVADA IN AND FOR**  
8 **THE COUNTY OF CLARK**  
9

10 STATE OF NEVADA,

11 Plaintiff(s),

12 vs.

13 LEROY MACK  
14 aka LEROY ROOSEVELT MACK,

15 Defendant(s),  
16

Case No: C-21-358925-1

Dept No: XXVIII

17 **CASE APPEAL STATEMENT**  
18

19 1. Appellant(s): Leroy Mack

20 2. Judge: Ronald J. Israel

21 3. Appellant(s): Leroy Mack

22 Counsel:

23 Leroy Mack #46524  
24 P.O. Box 650  
25 Indian Springs, NV 89070

26 4. Respondent: The State of Nevada

27 Counsel:

28 Steven B. Wolfson, District Attorney  
200 Lewis Ave.

Las Vegas, NV 89101  
(702) 671-2700

5. Appellant(s)'s Attorney Licensed in Nevada: N/A  
Permission Granted: N/A

Respondent(s)'s Attorney Licensed in Nevada: Yes  
Permission Granted: N/A

6. Has Appellant Ever Been Represented by Appointed Counsel In District Court: No

7. Appellant Represented by Appointed Counsel On Appeal: N/A

8. Appellant Granted Leave to Proceed in Forma Pauperis: N/A

9. Date Commenced in District Court: September 9, 2021

10. Brief Description of the Nature of the Action: Criminal

Type of Judgment or Order Being Appealed: Misc. Order

11. Previous Appeal: No

Supreme Court Docket Number(s): N/A

12. Child Custody or Visitation: N/A

Dated This 30 day of March 2022.

Steven D. Grierson, Clerk of the Court

/s/ Heather Ungermann

Heather Ungermann, Deputy Clerk  
200 Lewis Ave  
PO Box 551601  
Las Vegas, Nevada 89155-1601  
(702) 671-0512

cc: Leroy Mack

## EIGHTH JUDICIAL DISTRICT COURT

**CASE SUMMARY****CASE NO. C-21-358925-1**

State of Nevada  
vs  
Leroy Mack

§  
§  
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§

Location: **Department 28**  
Judicial Officer: **Israel, Ronald J.**  
Filed on: **09/09/2021**  
Cross-Reference Case Number: **C358925**  
Defendant's Scope ID #: **1023622**  
ITAG Case ID: **2432141**  
Lower Court Case # Root: **21-CR-039581**  
Lower Court Case Number: **21-CR-039581**

**CASE INFORMATION**

Offense	Statute	Deg	Date	Case Type:	Felony/Gross Misdemeanor
1. BATTERY WITH SUBSTANTIAL BODILY HARM	200.481.2b	F	07/09/2021	Case Status:	<b>01/13/2022 Closed</b>
Arrest:	08/23/2021	MET - Metro			

**Statistical Closures**

01/13/2022 Guilty Plea with Sentence (before trial) (CR)  
12/06/2021 Guilty Plea with Sentence (before trial) (CR)

**Bonds**

Surety #SV50-5163665 \$50,000.00  
8/31/2021 Active  
12/6/2021 Exonerated  
Counts: 1




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

Case Number	C-21-358925-1
Court	Department 28
Date Assigned	09/09/2021
Judicial Officer	Israel, Ronald J.















**PARTY INFORMATION**

		Lead Attorneys
<b>Defendant</b>	<b>Mack, Leroy</b>	<b>Pro Se</b>
<b>Plaintiff</b>	<b>State of Nevada</b>	<b>Wolfson, Steven B</b> 702-671-2700(W)


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

09/09/2021	 Bail Bond [1] Aladdin Bail NV, Inc; SV50-5163665; \$50,000	In #1
09/09/2021	 Criminal Bindover [2]	In #2
09/09/2021	 Criminal Bindover - Confidential [3]	In #3
09/13/2021		In










**CASE SUMMARY**  
**CASE NO. C-21-358925-1**

	 Information <i>[4] Information</i>	#4
09/20/2021	 Guilty Plea Agreement Party: Defendant Mack, Leroy <i>[5] Guilty Plea Agreement</i>	In #5
11/04/2021	 PSI <i>[6]</i>	In #6
11/05/2021	 PSI - Defendant Statements <i>[7]</i>	In #7
11/29/2021	 Media Request and Order <i>[8] Media Request And Order Allowing Camera Access To Court Proceedings</i>	In #8
12/06/2021	 Judgment of Conviction <i>[9] Judgment Of Conviction (Plea Of Guilty)</i>	In #9
12/17/2021	 Bond <i>[10] "Bond Exonerated; bonding company notified via mail". SV50-5163665</i>	In #1
01/03/2022	 Motion to Withdraw As Counsel Filed By: Defendant Mack, Leroy <i>[11] Motion to Withdraw As Counsel</i>	In #1
01/03/2022	 Clerk's Notice of Hearing <i>[12] Notice of Hearing</i>	In #1
01/12/2022	 Motion Filed By: Defendant Mack, Leroy <i>[13] Motion to Withdraw Counsel</i>	In #1
01/13/2022	 Judgment of Conviction <i>[14] Judgment of Conviction - Mack</i>	In #1
02/03/2022	 Motion to Modify Sentence Filed By: Defendant Mack, Leroy <i>[15] Motion for Sentence Reduction or Modification Based On Constitution Violation</i>	In #1
02/03/2022	 Motion for Relief Filed By: Defendant Mack, Leroy <i>[16] Motion to Grant Relief or Release Based on Covid 19 Hardship Act</i>	In #1
02/08/2022	 Motion Filed By: Defendant Mack, Leroy <i>[17] Motion for Minutes and Transcripts</i>	In #1

**CASE SUMMARY**  
**CASE NO. C-21-358925-1**

02/17/2022	 Motion <i>[18] Motion for Evidentiary Hearing Based on Submitted Sentencing Modification</i>	In #1
02/25/2022	 Motion to Dismiss <i>[19] Motion to Dismiss Counsel of Record</i>	In #1
02/25/2022	 Opposition <i>[20] State's Opposition to Defendant's Motion for Sentence Reduction of Modification and Motion for Evidentiary Hearing Based on Submitted Sentencing Modification</i>	In #2
03/01/2022	 Motion <i>[21] Notice of Motion; Motion to Correction Sentence</i>	In #2
03/01/2022	 Motion <i>[22] Motion for Assistance of Counsel</i>	In #2
03/01/2022	 Motion <i>[23] Motion for Sentence Modification Based on Presentence Investigation Finding</i>	In #2
03/02/2022	 Motion <i>[24] Motion for Sentence Modification based on Prosecution Misconduct</i>	In #2
03/02/2022	 Motion <i>[25] Motion to Resolve</i>	In #2
03/09/2022	 Motion <i>[26] Notice of Motion; Motion to Transport</i>	In #2
03/10/2022	 Opposition to Motion <i>[27] State's Opposition to Defendant's Motion to Correction Sentence; Motion for Sentence Modification Based on Prosecution Misconduct; Motion for Sentence Modification Based on Presentence Investigation Finding; Motion for Assistance of Counsel; and Motion to Resolve</i>	In #2
03/15/2022	 Motion to Dismiss <i>[28] Notice of Motion; Motion to Dismiss</i>	In #2
03/15/2022	 Motion <i>[29] Motion for Transcripts</i>	In #2
03/15/2022	 Motion for Contempt Filed By: Defendant Mack, Leroy <i>[30] Motion for Contempt of Court</i>	In #2
03/15/2022	 Motion Filed By: Defendant Mack, Leroy <i>[31] Motion to Transport Referred to Case C-21-358925-1</i>	In #2
03/15/2022		In

**CASE SUMMARY**  
**CASE NO. C-21-358925-1**

	 Motion [32] Motion to Oppose State Reply to Motion for Sentence Reduction or Modification Based on Constitution Violation	#2
03/15/2022	 Motion [33] Notice of Motion; Motion to Vacate Sentence	In #2
03/18/2022	 Recorders Transcript of Hearing [34] Recorder's Transcript of Hearing Re: Sentencing December 1, 2021	In #2
03/18/2022	 Recorders Transcript of Hearing [35] Recorder's Transcript of Hearing Re: Status Check: Restitution December 15, 2021	In #2
03/18/2022	 Recorders Transcript of Hearing [36] Status Check: Restitution	In #2
03/22/2022	 Order [37] Order Regarding Defendant's Proper Person Motion To Grant Relief Or Release Based On COVID-19 Hardship Act, Defendant's Proper Person Motion For Minutes And Transcripts, And Defendant's Proper Person Motion For Sentence Reduction Or Modification Based On Constitution Violation	In #2
03/25/2022	 Order for Production of Inmate [38] Order For Production Of Inmate - Leroy Mack BAC #46524	In #2
03/29/2022	 Notice of Appeal (Criminal) Party: Defendant Mack, Leroy [39] Notice of Appeal	In #2
03/30/2022	 Case Appeal Statement Case Appeal Statement	In #4
	<b><u>DISPOSITIONS</u></b>	
09/20/2021	<b>Plea</b> (Judicial Officer: Israel, Ronald J.) 1. BATTERY WITH SUBSTANTIAL BODILY HARM Guilty PCN: Sequence:	
12/01/2021	<b>Disposition</b> (Judicial Officer: Israel, Ronald J.) 1. BATTERY WITH SUBSTANTIAL BODILY HARM Guilty PCN: Sequence:	
12/01/2021	<b>Adult Adjudication</b> (Judicial Officer: Israel, Ronald J.) 1. BATTERY WITH SUBSTANTIAL BODILY HARM 07/09/2021 (F) 200.481.2b (DC50214) PCN: Sequence:	
	Sentenced to Nevada Dept. of Corrections Term: Minimum:24 Months, Maximum:60 Months Credit for Time Served: 11 Days Comments: Restitution (the amount to be determined) Fee Totals: Administrative	



**CASE SUMMARY****CASE NO. C-21-358925-1**

Assessment Fee	25.00
\$25	
DNA Analysis Fee	150.00
\$150	
Genetic Marker	
Analysis AA Fee	3.00
\$3	
Fee Totals \$	178.00

01/12/2022 **Amended Adult Adjudication** (Judicial Officer: Israel, Ronald J.) Reason: Amended

1. BATTERY WITH SUBSTANTIAL BODILY HARM

07/09/2021 (F) 200.481.2b (DC50214)

PCN: Sequence:

Sentenced to Nevada Dept. of Corrections  
 Term: Minimum:24 Months, Maximum:60 Months  
 Credit for Time Served: 11 Days  
 Comments: Restitution (the amount to be determined)


**Fee Totals:**

Administrative	
Assessment Fee	25.00
\$25	
DNA Analysis Fee	150.00
\$150	
Genetic Marker	
Analysis AA Fee	3.00
\$3	
Fee Totals \$	178.00

Comment (Amended 01/12/2022)

Other Fees

1. , \$22.00

**HEARINGS**09/20/2021  **Initial Arraignment** (12:00 PM) (Judicial Officer: Israel, Ronald J.)

Plea Entered;

Journal Entry Details:

*Deft. MACK present, not in custody with bond and a no contact order. Mr. Miceli noted the Guilty Plea Agreement (GPA) was filed this afternoon and stated the negotiations. DEFT. MACK ARRAIGNED AND PLED GUILTY TO BATTERY WITH SUBSTANTIAL BODILY HARM (F). Court ACCEPTED plea, and ORDERED, matter referred to the Division of Parole and Probation (P&P) for a Pre-Sentence Investigation (PSI) Report and set for sentencing. Court DIRECTED Deft. to report to P&P within 48 hours and to be present in the courtroom at sentencing. At the request of the State, COURT ORDERED, No Contact Order REMAINS in place. State noted there will be victim speakers and may take additional time for the sentencing. BOND / NO CONTACT ORDER 11/22/2021 12:00 PM SENTENCING;*

12/01/2021  **Sentencing** (12:00 PM) (Judicial Officer: Israel, Ronald J.)**MINUTES**

At Request of Defense Counsel

Defendant Sentenced;





Journal Entry Details:

*Ms. Stone requested the matter continue; Deft. is requesting Mr. Miceli appear. Ms. Stone stated she has discussed the case with Mr. Miceli and is prepared to go forward. Colloquy and argument regarding Mr. Miceli's appearance in Justice Court 10, the Victim Speakers present, and proceeding with the Sentencing. Statement by Deft. COURT ADVISED, Sentencing will proceed. Arguments by counsel. Victim Speakers Rayven Thomas and Regina Pullens SWORN IN and TESTIFIED. DEFT MACK ADJUDGED GUILTY of BATTERY WITH SUBSTANTIAL BODILY HARM (F). COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee, Restitution (the amount to be determined), \$150.00 DNA Analysis fee including testing to determine genetic markers, and \$3.00 DNA Collection Fee, Deft. SENTENCED to a MINIMUM of TWENTY-FOUR (24) MONTHS and a MAXIMUM of SIXTY (60) MONTHS in the Nevada Department of Corrections (NDC), with ELEVEN (11) DAYS credit for time served. COURT FURTHER ORDERED a Status Check SET. Deft. REMANDED into CUSTODY. BOND, if any, EXONERATED. NDC 12.15.21 11:00 A.M. STATUS CHECK: RESTITUTION;*

**SCHEDULED HEARINGS**


# CASE SUMMARY

CASE NO. C-21-358925-1

	 <b>Status Check</b> (12/15/2021 at 11:00 AM) (Judicial Officer: Eller, Crystal) <b>12/15/2021, 01/12/2022</b> <i>Status Check: Restitution</i>
12/15/2021	 <b>Status Check</b> (11:00 AM) (Judicial Officer: Eller, Crystal) <b>12/15/2021, 01/12/2022</b> <i>Status Check: Restitution</i> Matter Continued; Matter Heard; Journal Entry Details: <i>Counsel appeared via BlueJeans. Mr. Zadrowski indicated the amount of restitution owed was \$22.00. Mr. Miceli stated he would submit. COURT ORDERED, Defendant shall pay restitution in the amount of \$22.00 payable to Rayven Thomas. NDC CLERK'S NOTE: Subsequent to Court, the person of Rayven Thomas was named a recipient of restitution; therefore, this minute order corrected with recipients name. clm 1/13/22 ;</i> Matter Continued; Matter Heard; Journal Entry Details: <i>Noreen Demonte present on behalf of the State. Osvaldo Fumo present on behalf of Michael Miceli for the Defendant. Defendant not present. Ms. Demonte explained she received victim documents this morning and requested additional time to review the documents. COURT ORDERED, matter CONTINUED. 01/12/2022 STATUS CHECK: RESTITUTION;</i>
01/19/2022	 <b>Motion to Withdraw as Counsel</b> (11:00 AM) (Judicial Officer: Israel, Ronald J.) <i>Defendant's Proper Person Motion to Withdraw Michael Miceli, Esq., As Counsel of Record for Defendant</i> Granted; Journal Entry Details: <i>Mr. Miceli advised Deft. filed the motion Pro Per. COURT ORDERED, Motion to Withdraw GRANTED.;</i>
03/02/2022	<b>Motion to Modify Sentence</b> (11:00 AM) (Judicial Officer: Israel, Ronald J.) <b>03/02/2022, 03/07/2022</b> <i>Defendant's Proper Person Motion for Sentence Reduction or Modification Based On Constitution Violation</i> Matter Continued; See All Pending; 3-02-2022 Denied; Matter Continued; See All Pending; 3-02-2022 Denied;
03/02/2022	<b>Motion for Relief</b> (11:00 AM) (Judicial Officer: Israel, Ronald J.) <b>03/02/2022, 03/07/2022</b> <i>Defendant's Proper Person Motion to Grant Relief or Release Based on Covid 19 Hardship Act</i> Matter Continued; See All Pending; 3-02-2022 Denied; Matter Continued; See All Pending; 3-02-2022 Denied;
03/02/2022	<b>Motion</b> (11:00 AM) (Judicial Officer: Israel, Ronald J.) <b>03/02/2022, 03/07/2022</b> <i>Defendant's Proper Person Motion for Minutes and Transcripts</i> Matter Continued; See All Pending; 3-02-2022 Granted; Matter Continued; See All Pending; 3-02-2022 Granted;
03/02/2022	 <b>All Pending Motions</b> (11:00 AM) (Judicial Officer: Israel, Ronald J.) Matter Heard; Journal Entry Details: <b>DEFENDANT'S PROPER PERSON MOTION TO GRANT RELIEF OR RELEASE BASED ON COVID 19 HARDSHIP ACT... DEFENDANT'S PROPER PERSON MOTION FOR MINUTES AND TRANSCRIPTS... DEFENDANT'S PROPER PERSON MOTION FOR SENTENCE REDUCTION OR MODIFICATION BASED ON CONSTITUTION VIOLATION</b> Deft. was not transported for today's proceedings. COURT NOTED, Mr. Kern provided the Court with a written objection to Deft's motions in open court. COURT ORDERED, matters CONTINUED for the Court to review

**CASE SUMMARY****CASE NO. C-21-358925-1**

*Mr. Kern's written objection. NDC 3/07/2022 11:00 AM DEFENDANT'S PROPER PERSON MOTION TO GRANT RELIEF OR RELEASE BASED ON COVID 19 HARDSHIP ACT... DEFENDANT'S PROPER PERSON MOTION FOR MINUTES AND TRANSCRIPTS... DEFENDANT'S PROPER PERSON MOTION FOR SENTENCE REDUCTION OR MODIFICATION BASED ON CONSTITUTION VIOLATION ;*

03/07/2022	 <b>All Pending Motions</b> (11:00 AM) (Judicial Officer: Israel, Ronald J.) Matter Heard; Journal Entry Details: <i>Court Advised it would be ruling based on the pleadings. DEFENDANT'S PROPER PERSON MOTION TO GRANT RELIEF OR RELEASE BASED ON COVID 19 HARDSHIP ACT Court noted it was not quite clear but the Deft. had asked for some general relief based on Covid, however, Advised he certainly did not give any specific grounds; Court noted the Deft. was asking for the release of inmates based on Covid, therefore, clearly there was no basis for that request; thus, COURT ORDERED motion DENIED. State DIRECTED to prepare the order. DEFENDANT'S PROPER PERSON MOTION FOR MINUTES AND TRANSCRIPTS Court mentioned it believed it had already granted this Motion, however, ORDERED motion GRANTED. Deft. DIRECTED to submit an order requesting the Minutes and Transcripts from December 1, 2021 and December 15, 2021. DEFENDANT'S PROPER PERSON MOTION FOR SENTENCE REDUCTION OR MODIFICATION BASED ON CONSTITUTION VIOLATION COURT FINDS no reasonable basis to modify the sentence; Deft. didn't say what his attorney would say that would change the sentencing hearing or the sentence that was granted; there was nothing to say that the Court did not have jurisdiction to do the sentencing or that it was in excess of the statutory maximum. Further, Deft. eluded to the fact that Ms. Stone did the sentencing instead of Mr. Miceli, however, Ms. Stone stated she was ready and prepared to go forward. Therefore, COURT FINDS no grounds for an Evidentiary Hearing or a new sentencing, thus, ORDERED motion DENIED. State DIRECTED to prepare the order. NDC CLERK S NOTE: A copy of this minute order has been mailed to: Leroy Mack, #46524, High Desert State Prison, 22010 Cold Creek Road, P.O. Box 650, Indian Springs, Nevada 89070. // cbm 03-10-2022;</i>
03/21/2022	<b>Motion</b> (11:00 AM) (Judicial Officer: Israel, Ronald J.) <i>Defendant's Proper Person Motion for Evidentiary Hearing Based on Submitted Sentencing Modification</i> <b>MINUTES</b> Motion Granted; <b>SCHEDULED HEARINGS</b> <b>All Pending Motions</b> (03/21/2022 at 11:00 AM) (Judicial Officer: Israel, Ronald J.)
03/21/2022	<b>Motion to Dismiss</b> (11:00 AM) (Judicial Officer: Israel, Ronald J.) Events: 02/25/2022 Motion to Dismiss <i>Defendant's Proper Person Motion to Dismiss Counsel of Record</i> Off Calendar; Already heard and granted before
03/21/2022	<b>All Pending Motions</b> (11:00 AM) (Judicial Officer: Israel, Ronald J.) Matter Heard;
03/23/2022	<b>Motion</b> (11:00 AM) (Judicial Officer: Israel, Ronald J.) <b>03/23/2022, 04/13/2022</b> Events: 03/01/2022 Motion <i>Defendant's Proper Person Notice of Motion; Motion to Correction Sentence</i> Matter Continued;
03/23/2022	<b>Motion</b> (11:00 AM) (Judicial Officer: Israel, Ronald J.) <b>03/23/2022, 04/13/2022</b> Events: 03/01/2022 Motion <i>Defendant's Proper Person Motion for Assistance of Counsel</i> Matter Continued;
03/23/2022	<b>Motion</b> (11:00 AM) (Judicial Officer: Israel, Ronald J.) <b>03/23/2022, 04/13/2022</b> Events: 03/01/2022 Motion <i>Defendant's Proper Person Motion for Sentence Modification Based on Presentence Investigation Finding</i> Matter Continued;
03/23/2022	<b>Motion</b> (11:00 AM) (Judicial Officer: Israel, Ronald J.) <b>03/23/2022, 04/13/2022</b>

EIGHTH JUDICIAL DISTRICT COURT

**CASE SUMMARY**  
**CASE NO. C-21-358925-1**

	Events: 03/02/2022 Motion <i>Defendant's Prose Person Motion for Sentence Modification based on Prosecution Misconduct</i> Matter Continued;
03/23/2022	<b>Motion</b> (11:00 AM) (Judicial Officer: Israel, Ronald J.) <b>03/23/2022, 04/13/2022</b> Events: 03/02/2022 Motion <i>Defendant's Prose Person Motion to Resolve</i> Matter Continued;
03/23/2022	<b>All Pending Motions</b> (11:00 AM) (Judicial Officer: Israel, Ronald J.)
04/13/2022	<b>Motion</b> (11:00 AM) (Judicial Officer: Israel, Ronald J.) <i>Defendant's Prose Person Notice of Motion; Motion to Transport</i>
04/13/2022	<b>Motion to Dismiss</b> (11:00 AM) (Judicial Officer: Israel, Ronald J.) <i>Defendant's Prose Person Notice of Motion; Motion to Dismiss</i>
04/13/2022	<b>Motion</b> (11:00 AM) (Judicial Officer: Israel, Ronald J.) <i>Defendant's Prose Person Motion for Transcripts</i>
04/13/2022	<b>Motion</b> (11:00 AM) (Judicial Officer: Israel, Ronald J.) <i>Defendant's Prose Person Motion for Contempt of Court</i>
04/13/2022	<b>Motion</b> (11:00 AM) (Judicial Officer: Israel, Ronald J.) <i>Defendant's Prose Person Motion to Transport Referred to Case C-21-358925-1</i>
04/13/2022	<b>Motion</b> (11:00 AM) (Judicial Officer: Israel, Ronald J.) <i>Defendant's Prose Person Motion to Oppose State Reply to Motion for Sentence Reduction or Modification Based on Constitution Violation</i>
04/13/2022	<b>Motion</b> (11:00 AM) (Judicial Officer: Israel, Ronald J.) <i>Defendant's Prose Person Notice of Motion; Motion to Vacate Sentence</i>

DATE

FINANCIAL INFORMATION

<b>Defendant</b> Mack, Leroy	
Total Charges	178.00
Total Payments and Credits	0.00
<b>Balance Due as of 3/30/2022</b>	<b>178.00</b>

**ORDR**

STEVEN B. WOLFSON  
Clark County District Attorney  
Nevada Bar #001565  
SAMUEL KERN  
Deputy District Attorney  
Nevada Bar #10638  
200 Lewis Avenue  
Las Vegas, NV 89155-2212  
(702) 671-2500  
Attorney for Plaintiff

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

LEROY MACK,  
#1023622

Defendant.

CASE NO: C-21-358925-1

DEPT NO: XXVIII

**ORDER**

DATE OF HEARING: March 07, 2022  
TIME OF HEARING: 11:00 A.M.

THIS MATTER having come on for hearing before the above entitled Court on the 7th day of March, 2022, the Defendant not being present, IN PROPER PERSON, the Plaintiff being represented by STEVEN B. WOLFSON, District Attorney, through SAMUEL KERN, Deputy District Attorney, and the Court advised it would be ruling on the pleadings and provide its ruling as follows:

///

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///

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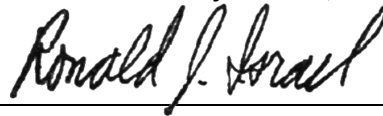
///

1 IT IS HEREBY ORDERED that the DEFENDANT'S PROPER PERSON MOTION  
2 TO GRANT RELIEF OR RELEASE BASED ON COVID 19 HARDSHIP ACT, IS  
3 DENIED.

4 MOTION FOR  
5 DEFENDANT'S PROPER PERSON ~~MOTION FOR~~ MINUTES AND  
6 TRANSCRIPTS IS GRANTED. This Court had already been granted.

7 DEFENDANT'S PROPER PERSON MOTION FOR SENTENCE REDUCTION OR  
8 MODIFICATION BASED ON CONSTITUTION VIOLATION is hereby DENIED. The  
9 COURT FINDS no reasonable basis to modify the sentence. The Court further finds there is  
10 no grounds for an Evidentiary Hearing or a new sentencing.

11 Dated this 22nd day of March, 2022

12 

13 C-21-358925-1

14 EFB AF6 9185 92F8  
15 Ronald J. Israel  
16 District Court Judge

JT

17 STEVEN B. WOLFSON  
18 Clark County District Attorney  
19 Nevada Bar #001565

20 BY /s/ SAMUEL KERN  
21 SAMUEL KERN  
22 Deputy District Attorney  
23 Nevada Bar #10638

24 CERTIFICATE OF SERVICE

25 I certify that on the 16th day of March, 2022, I mailed a copy of the foregoing Order  
26 to:

27 LEROY MACK, BAC #46524  
28 HIGH DESERT STATE PRISON  
P. O. BOX 650  
INDIAN SPRINGS, NEVADA 89070

BY /s/ J. HAYES  
Secretary for the District Attorney's Office

21CR039581/jh/DVU

1 **CSERV**

2  
3 DISTRICT COURT  
4 CLARK COUNTY, NEVADA

5  
6 State of Nevada

CASE NO: C-21-358925-1

7 vs

DEPT. NO. Department 28

8 Leroy Mack  
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: 3/22/2022

15 Taleen Pandukht

taleen.pandukht@clarkcountyda.com

16 District Court Department 28

Dept28LC@Clarkcountycourts.us

17 Hagar Trippiedi

Hagar.Trippiedi@clarkcountyda.com

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**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**September 20, 2021**

C-21-358925-1      State of Nevada  
vs  
Leroy Mack

**September 20, 2021    12:00 AM      Initial Arraignment**

**HEARD BY:** Israel, Ronald J.

**COURTROOM:** RJC Courtroom 15C

**COURT CLERK:** Kathy Thomas

**RECORDER:** Judy Chappell

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Lacher, Ashley A.	Attorney
	Mack, Leroy	Defendant
	Miceli, Michael J.	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- Deft. MACK present, not in custody with bond and a no contact order. Mr. Miceli noted the Guilty Plea Agreement (GPA) was filed this afternoon and stated the negotiations. DEFT. MACK ARRAIGNED AND PLED GUILTY TO BATTERY WITH SUBSTANTIAL BODILY HARM (F). Court ACCEPTED plea, and ORDERED, matter referred to the Division of Parole and Probation (P&P) for a Pre-Sentence Investigation (PSI) Report and set for sentencing. Court DIRECTED Deft. to report to P&P within 48 hours and to be present in the courtroom at sentencing. At the request of the State, COURT ORDERED, No Contact Order REMAINS in place. State noted there will be victim speakers and may take additional time for the sentencing.

**BOND / NO CONTACT ORDER**

**11/22/2021 12:00 PM SENTENCING**



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****December 01, 2021**

C-21-358925-1      State of Nevada  
vs  
Leroy Mack

**December 01, 2021      12:00 AM      Sentencing**

**HEARD BY:** Israel, Ronald J.**COURTROOM:** RJC Courtroom 15C

**COURT CLERK:** Shelley Boyle  
Patia Cunningham

**RECORDER:** Judy Chappell**REPORTER:****PARTIES**

<b>PRESENT:</b>	Mack, Leroy	Defendant
	State of Nevada	Plaintiff
	Stone, Kendall S.	Attorney
	Trippiedi, Hagar L	Attorney

**JOURNAL ENTRIES**

- Ms. Stone requested the matter continue; Deft. is requesting Mr. Miceli appear. Ms. Stone stated she has discussed the case with Mr. Miceli and is prepared to go forward. Colloquy and argument regarding Mr. Miceli's appearance in Justice Court 10, the Victim Speakers present, and proceeding with the Sentencing. Statement by Deft. COURT ADVISED, Sentencing will proceed.

Arguments by counsel. Victim Speakers Rayven Thomas and Regina Pullens SWORN IN and TESTIFIED. DEFT MACK ADJUDGED GUILTY of BATTERY WITH SUBSTANTIAL BODILY HARM (F). COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee, Restitution (the amount to be determined), \$150.00 DNA Analysis fee including testing to determine genetic markers, and \$3.00 DNA Collection Fee, Deft. SENTENCED to a MINIMUM of TWENTY-FOUR (24) MONTHS and a MAXIMUM of SIXTY (60) MONTHS in the Nevada Department of Corrections (NDC), with ELEVEN (11) DAYS credit for time served. COURT FURTHER ORDERED a Status Check SET. Deft. REMANDED into CUSTODY. BOND, if any, EXONERATED.

**C-21-358925-1**

NDC

12.15.21 11:00 A.M. STATUS CHECK: RESTITUTION

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**December 15, 2021**

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C-21-358925-1      State of Nevada  
                                 vs  
                                 Leroy Mack

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**December 15, 2021      11:00 AM      Status Check**

**HEARD BY:** Israel, Ronald J.

**COURTROOM:** RJC Courtroom 15C

**COURT CLERK:** Patia Cunningham

**RECORDER:** Judy Chappell

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- Noreen Demonte present on behalf of the State. Osvaldo Fumo present on behalf of Michael Miceli for the Defendant. Defendant not present.

Ms. Demonte explained she received victim documents this morning and requested additional time to review the documents. COURT ORDERED, matter CONTINUED.

01/12/2022 STATUS CHECK: RESTITUTION

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**January 12, 2022**

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C-21-358925-1      State of Nevada  
   vs  
   Leroy Mack

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**January 12, 2022      11:00 AM      Status Check**

**HEARD BY:** Eller, Crystal      **COURTROOM:** RJC Courtroom 05A

**COURT CLERK:** Cynthia Moleres

**RECORDER:** Angelica Michaux

**REPORTER:**

**PARTIES**

**PRESENT:**      Miceli, Michael J.      Attorney  
   State of Nevada      Plaintiff  
   Zadrowski, Bernard B.      Attorney

**JOURNAL ENTRIES**

- Counsel appeared via BlueJeans.

Mr. Zadrowski indicated the amount of restitution owed was \$22.00. Mr. Miceli stated he would submit. COURT ORDERED, Defendant shall pay restitution in the amount of \$22.00 payable to Rayven Thomas.

NDC

CLERK'S NOTE: Subsequent to Court, the person of Rayven Thomas was named a recipient of restitution; therefore, this minute order corrected with recipients name. clm 1/13/22

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**January 19, 2022**

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C-21-358925-1      State of Nevada  
                                 vs  
                                 Leroy Mack

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**January 19, 2022      11:00 AM      Motion to Withdraw as  
   Counsel**

**HEARD BY:** Israel, Ronald J.      **COURTROOM:** RJC Courtroom 15C

**COURT CLERK:** Patia Cunningham

**RECORDER:** Sara Richardson

**REPORTER:**

**PARTIES**

**PRESENT:**      Miceli, Michael J.      Attorney

**JOURNAL ENTRIES**

- Mr. Miceli advised Deft. filed the motion Pro Per. COURT ORDERED, Motion to Withdraw GRANTED.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**March 02, 2022**

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C-21-358925-1      State of Nevada  
vs  
Leroy Mack

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**March 02, 2022      11:00 AM      All Pending Motions**

**HEARD BY:** Israel, Ronald J.      **COURTROOM:** RJC Courtroom 15C

**COURT CLERK:** Sharyne Suehiro

**RECORDER:** Judy Chappell

**REPORTER:**

**PARTIES**

**PRESENT:**      Kern, Samuel R.      Attorney  
State of Nevada      Plaintiff

**JOURNAL ENTRIES**

- DEFENDANT'S PROPER PERSON MOTION TO GRANT RELIEF OR RELEASE BASED ON COVID 19 HARDSHIP ACT... DEFENDANT'S PROPER PERSON MOTION FOR MINUTES AND TRANSCRIPTS... DEFENDANT'S PROPER PERSON MOTION FOR SENTENCE REDUCTION OR MODIFICATION BASED ON CONSTITUTION VIOLATION

Deft. was not transported for today's proceedings.

COURT NOTED, Mr. Kern provided the Court with a written objection to Deft's motions in open court. COURT ORDERED, matters CONTINUED for the Court to review Mr. Kern's written objection.

NDC

3/07/2022    11:00 AM    DEFENDANT'S PROPER PERSON MOTION TO GRANT RELIEF OR RELEASE BASED ON

COVID 19 HARDSHIP ACT... DEFENDANT'S PROPER PERSON MOTION FOR MINUTES AND

TRANSCRIPTS...

DEFENDANT'S PROPER PERSON MOTION FOR SENTENCE REDUCTION OR MODIFICATION  
BASED ON

CONSTITUTION VIOLATION

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**March 07, 2022**

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C-21-358925-1      State of Nevada  
                                 vs  
                                 Leroy Mack

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**March 07, 2022      11:00 AM      All Pending Motions**

**HEARD BY:** Israel, Ronald J.      **COURTROOM:** RJC Courtroom 15C

**COURT CLERK:** Carina Bracamontez-Munguia

**RECORDER:** Judy Chappell

**REPORTER:**

**PARTIES**

**PRESENT:**      Kern, Samuel R.      Attorney  
                                 State of Nevada      Plaintiff

**JOURNAL ENTRIES**

- Court Advised it would be ruling based on the pleadings.

**DEFENDANT'S PROPER PERSON MOTION TO GRANT RELIEF OR RELEASE BASED ON COVID  
19 HARDSHIP ACT**

Court noted it was not quite clear but the Deft. had asked for some general relief based on Covid, however, Advised he certainly did not give any specific grounds; Court noted the Deft. was asking for the release of inmates based on Covid, therefore, clearly there was no basis for that request; thus, COURT ORDERED motion DENIED. State DIRECTED to prepare the order.

**DEFENDANT'S PROPER PERSON MOTION FOR MINUTES AND TRANSCRIPTS**

Court mentioned it believed it had already granted this Motion, however, ORDERED motion GRANTED. Deft. DIRECTED to submit an order requesting the Minutes and Transcripts from December 1, 2021 and December 15, 2021.

**DEFENDANT'S PROPER PERSON MOTION FOR SENTENCE REDUCTION OR MODIFICATION**

PRINT DATE: 03/30/2022

Page 9 of 10

Minutes Date: September 20, 2021



BASED ON CONSTITUTION VIOLATION

COURT FINDS no reasonable basis to modify the sentence; Deft. didn't say what his attorney would say that would change the sentencing hearing or the sentence that was granted; there was nothing to say that the Court did not have jurisdiction to do the sentencing or that it was in excess of the statutory maximum. Further, Deft. eluded to the fact that Ms. Stone did the sentencing instead of Mr. Miceli, however, Ms. Stone stated she was ready and prepared to go forward. Therefore, COURT FINDS no grounds for an Evidentiary Hearing or a new sentencing, thus, ORDERED motion DENIED. State DIRECTED to prepare the order.

NDC

CLERK S NOTE: A copy of this minute order has been mailed to: Leroy Mack, #46524, High Desert State Prison, 22010 Cold Creek Road, P.O. Box 650, Indian Springs, Nevada 89070. // cbm 03-10-2022



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

**LEROY MACK #46524**  
**P.O. BOX 650**  
**INDIAN SPRINGS, NV 89070**

**DATE: March 30, 2022**  
**CASE: C-21-358925-1**

**RE CASE:** STATE OF NEVADA vs. LEROY MACK aka LEROY ROOSEVELT MACK

NOTICE OF APPEAL FILED: March 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

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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; CASE APPEAL STATEMENT; DISTRICT COURT  
DOCKET ENTRIES; ORDER; DISTRICT COURT MINUTES; NOTICE OF DEFICIENCY

STATE OF NEVADA,

Plaintiff(s),

vs.

LEROY MACK  
aka LEROY ROOSEVELT MACK,

Defendant(s).

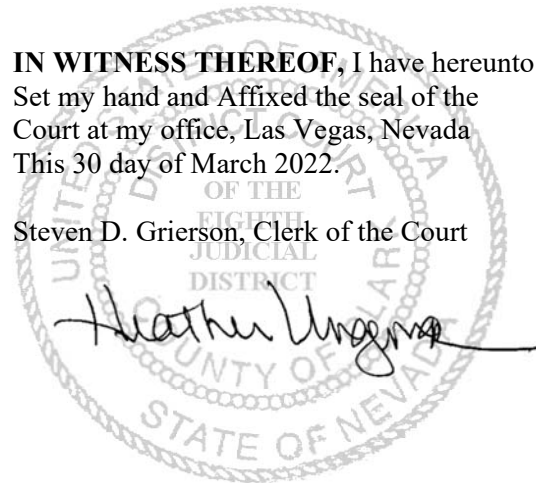
Case No: C-21-358925-1

Dept No: XXVIII

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 30 day of March 2022.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk



**EIGHTH JUDICIAL DISTRICT COURT  
CLERK OF THE COURT**

REGIONAL JUSTICE CENTER  
200 LEWIS AVENUE, 3<sup>rd</sup> FL.  
LAS VEGAS, NEVADA 89155-1160  
(702) 671-4554

Steven D. Grierson  
Clerk of the Court

Anntoinette Naumec-Miller  
Court Division Administrator

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March 30, 2022

Elizabeth A. Brown  
Clerk of the Court  
201 South Carson Street, Suite 201  
Carson City, Nevada 89701-4702

RE: STATE OF NEVADA vs. LEROY MACK aka LEROY ROOSEVELT MACK  
D.C. CASE: C-21-358925-1

Dear Ms. Brown:

Please find enclosed a Notice of Appeal packet, filed March 30, 2022. Due to extenuating circumstances minutes from the date(s) listed below have not been included:

March 21, 2022  
March 23, 2022

We do not currently have a time frame for when these minutes will be available.

If you have any questions regarding this matter, please contact me at (702) 671-0512.

Sincerely,  
STEVEN D. GRIERSON, CLERK OF THE COURT

/s/ Heather Ungermann  
Heather Ungermann, Deputy Clerk