

Electronically Filed
04/13/2022

Heather S. Lavin
CLERK OF THE COURT

8th Judicial District
Court Clark County Nevada

Electronically Filed
Apr 15 2022 10:44 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

Jamel Gibbs
Petitioner

Case NO. A-21-844881-W

Vs.

Dept NO. 10

State of Nevada
Respondant

"Notice of Appeal"

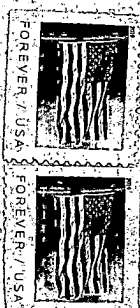
you will Please take notice, that comes now, Jamel Gibbs (1056675) is coming as an Appellant to the Nevada Supreme Court. This Appeal is taken from the final Judgment entered on March 31, 2022, denying the Petition for Writ of habeas Corpus

Dated: this 10th day of April 2022

By: Jamel Gibbs #1056675

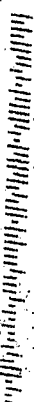
x [Signature]
In Proper Person

#10566675

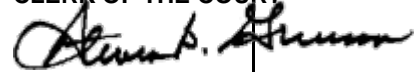


Jamel Gibbs
SDCC PO Box 208
Indian Springs, NV
84070

200 Lewis Ave. 3rd floor
Department 10, 8th Judicial
District Court,
Las Vegas, Nevada
89155



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

10 JAMEL GIBBS,

11 Plaintiff(s),

12 vs.

13 STATE OF NEVADA,

14 Defendant(s),
15

Case No: A-21-844881-W

Dept No: X

16
17 **CASE APPEAL STATEMENT**
18

19 1. Appellant(s): Jamel Gibbs

20 2. Judge: Tierra Jones

21 3. Appellant(s): Jamel Gibbs

22 Counsel:

23 Jamel Gibbs #1056675
24 P.O. Box 208
Indian Spring, NV 89070

25 4. Respondent (s): State of Nevada

26 Counsel:

27 Steven B. Wolfson, District Attorney
28 200 Lewis Ave.
Las Vegas, NV 89155-2212

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

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

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

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

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

8 **Expires 1 year from date filed

9 Appellant Filed Application to Proceed in Forma Pauperis: Yes,
10 Date Application(s) filed: December 2, 2021

11 9. Date Commenced in District Court: February 2, 2021

12 10. Brief Description of the Nature of the Action: Civil Writ

13 Type of Judgment or Order Being Appealed: Civil Writ of Habeas Corpus

14 11. Previous Appeal: No

15 Supreme Court Docket Number(s): N/A

16 12. Child Custody or Visitation: N/A

17 13. Possibility of Settlement: Unknown

18 Dated This 13 day of April 2022.

19 Steven D. Grierson, Clerk of the Court

20
21 /s/ Amanda Hampton

22 Amanda Hampton, Deputy Clerk
23 200 Lewis Ave
24 PO Box 551601
25 Las Vegas, Nevada 89155-1601
26 (702) 671-0512

27 cc: Jamel Gibbs
28

CASE SUMMARY

CASE NO. A-21-844881-W

Jamel Gibbs, Plaintiff(s)
vs.
State of Nevada, Defendant(s)

§
§
§
§
§

Location: **Department 10**
 Judicial Officer: **Jones, Tierra**
 Filed on: **12/02/2021**
 Cross-Reference Case Number: **A844881**

CASE INFORMATION

Related Cases

C-21-355769-1 (Writ Related Case)

Case Type: **Writ of Habeas Corpus****Statistical Closures**

03/31/2022 Other Manner of Disposition

Case Status: **03/31/2022 Closed****DATE****CASE ASSIGNMENT****Current Case Assignment**







Case Number	A-21-844881-W
Court	Department 10
Date Assigned	12/02/2021
Judicial Officer	Jones, Tierra

PARTY INFORMATION











Plaintiff**Gibbs, Jamel***Lead Attorneys***Pro Se****Defendant****State of Nevada**

Wolfson, Steven B
Retained
 702-671-2700(W)

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

12/02/2021	 Inmate Filed - Petition for Writ of Habeas Corpus Party: Plaintiff Gibbs, Jamel <i>[1] Post Conviction</i>
12/02/2021	 Memorandum Filed By: Plaintiff Gibbs, Jamel <i>[2] Memorandum Supporting the Fact of the Ineffective Assistance of Counsel Claim</i>
12/02/2021	 Application to Proceed in Forma Pauperis Filed By: Plaintiff Gibbs, Jamel <i>[3]</i>
12/02/2021	 Motion for Appointment of Attorney Filed By: Plaintiff Gibbs, Jamel <i>[4] Motion for Appointment of Attorney and Request for Evidentiary Hearing</i>
12/02/2021	 Notice of Motion Filed By: Plaintiff Gibbs, Jamel <i>[5]</i>
12/07/2021	 Order for Petition for Writ of Habeas Corpus

CASE SUMMARY
CASE NO. A-21-844881-W

	<i>[6] Order for Petition for Writ of Habeas Corpus</i>
12/09/2021	 Clerk's Notice of Hearing <i>[7] Notice of Hearing</i>
01/21/2022	 Response <i>[8] State's Response to Petitioner's Petition for Writ of Habeas Corpus (Post-Conviction), Motion for Appointment of Counsel, and Request for Evidentiary Hearing</i>
02/10/2022	 Response Filed by: Defendant State of Nevada <i>[9] States Supplemental Response to Petitioner's Petition for Writ of Habeas Corpus(Post Conviction), Motion for Appointment of Counsel and Request for Evidentiary Hearing.</i>
02/18/2022	 Motion Filed By: Plaintiff Gibbs, Jamel <i>[10] Motion for Change of Address</i>
03/04/2022	 Reply to Opposition Filed by: Plaintiff Gibbs, Jamel <i>[11] Petitioner's Pro Per Response to Respondent's Answer</i>
03/31/2022	 Findings of Fact, Conclusions of Law and Order Filed By: Plaintiff Gibbs, Jamel <i>[12] Findings of Fact, Conclusions of Law and Order</i>
04/06/2022	 Notice of Entry of Findings of Fact, Conclusions of Law <i>[13] Notice of Entry of Findings of Fact, Conclusions of Law and Order</i>
04/13/2022	 Notice of Appeal Filed By: Plaintiff Gibbs, Jamel <i>[14] Notice of Appeal</i>
04/13/2022	 Case Appeal Statement <i>Case Appeal Statement</i>
<u>HEARINGS</u>	
02/09/2022	 Petition for Writ of Habeas Corpus (8:30 AM) (Judicial Officer: Jones, Tierra) 02/09/2022, 03/09/2022 <i>Petition for Writ of Habeas Corpus</i> Continued; Denied; Journal Entry Details: <i>APPEARANCE CONTINUED: Ms. Walls present as a friend of the Court, via video on behalf of Mr. Gibbs through bluejeans technology. Deft. not present and in the Nevada Department of Corrections. Counsel submitted the matter on the pleadings. Court Stated its Findings and ORDERED, Petition for Writ of Habeas Corpus, DENIED. State to prepare Findings of Fact and Conclusions of Law consistent with their Supplemental opposition. Clerk's Note: A copy of these minutes mailed to Jamel Gibbs ID # 1056675 SDCC P.O. Box 208 Indian Springs, Nevada 89070 /tb ;</i> Continued; Denied; Journal Entry Details: <i>Mr. Gibbs not present an in the Nevada Department of Corrections. COURT ORDERED, Matter CONTINUED for the State to file a supplemental response. 03/09/22 8:30 A.M. PETITION FOR WRIT OF HABEAS CORPUS ;</i>

CASE SUMMARY

CASE NO. A-21-844881-W

02/09/2022

Motion for Appointment of Attorney (8:30 AM) (Judicial Officer: Jones, Tierra)

Plaintiff's Ex Parte Motion for Appointment of Counsel and Request for Evidentiary Hearing

DISTRICT COURT CIVIL COVER SHEET

A-21-844881-W

Dept. 10

County, Nevada
 Case No. _____
 (Assigned by Clerk's Office)

I. Party Information (provide both home and mailing addresses if different)

Plaintiff(s) (name/address/phone): Jamel Gibbs	Defendant(s) (name/address/phone): State of Nevada
Attorney (name/address/phone):	Attorney (name/address/phone):

II. Nature of Controversy (please select the one most applicable filing type below)**Civil Case Filing Types**

Real Property Landlord/Tenant <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Other Landlord/Tenant Title to Property <input type="checkbox"/> Judicial Foreclosure <input type="checkbox"/> Other Title to Property Other Real Property <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property	Negligence <input type="checkbox"/> Auto <input type="checkbox"/> Premises Liability <input type="checkbox"/> Other Negligence Malpractice <input type="checkbox"/> Medical/Dental <input type="checkbox"/> Legal <input type="checkbox"/> Accounting <input type="checkbox"/> Other Malpractice	Torts Other Torts <input type="checkbox"/> Product Liability <input type="checkbox"/> Intentional Misconduct <input type="checkbox"/> Employment Tort <input type="checkbox"/> Insurance Tort <input type="checkbox"/> Other Tort
Probate Probate (select case type and estate value) <input type="checkbox"/> Summary Administration <input type="checkbox"/> General Administration <input type="checkbox"/> Special Administration <input type="checkbox"/> Set Aside <input type="checkbox"/> Trust/Conservatorship <input type="checkbox"/> Other Probate Estate Value <input type="checkbox"/> Over \$200,000 <input type="checkbox"/> Between \$100,000 and \$200,000 <input type="checkbox"/> Under \$100,000 or Unknown <input type="checkbox"/> Under \$2,500	Construction Defect & Contract Construction Defect <input type="checkbox"/> Chapter 40 <input type="checkbox"/> Other Construction Defect Contract Case <input type="checkbox"/> Uniform Commercial Code <input type="checkbox"/> Building and Construction <input type="checkbox"/> Insurance Carrier <input type="checkbox"/> Commercial Instrument <input type="checkbox"/> Collection of Accounts <input type="checkbox"/> Employment Contract <input type="checkbox"/> Other Contract	Judicial Review/Appeal Judicial Review <input type="checkbox"/> Foreclosure Mediation Case <input type="checkbox"/> Petition to Seal Records <input type="checkbox"/> Mental Competency Nevada State Agency Appeal <input type="checkbox"/> Department of Motor Vehicle <input type="checkbox"/> Worker's Compensation <input type="checkbox"/> Other Nevada State Agency Appeal Other <input type="checkbox"/> Appeal from Lower Court <input type="checkbox"/> Other Judicial Review/Appeal
Civil Writ Civil Writ <input checked="" type="checkbox"/> Writ of Habeas Corpus <input type="checkbox"/> Writ of Mandamus <input type="checkbox"/> Writ of Quo Warrant <input type="checkbox"/> Writ of Prohibition <input type="checkbox"/> Other Civil Writ		Other Civil Filing Other Civil Filing <input type="checkbox"/> Compromise of Minor's Claim <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Other Civil Matters

Business Court filings should be filed using the Business Court civil coversheet.

December 2, 2021

Date

PREPARED BY CLERK

Signature of initiating party or representative

See other side for family-related case filings.

FFCO
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
TALEEN PANDUKHT
Chief Deputy District Attorney
Nevada Bar #005734
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Respondent

**DISTRICT COURT
CLARK COUNTY, NEVADA**

JAMAL GIBBS,

Petitioner,

-vs-

THE STATE OF NEVADA,

Respondent.

CASE NO: A-21-844881-W

(C-21-355769-1)

DEPT NO: X

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

DATE OF HEARING: MARCH 9, 2022
TIME OF HEARING: 8:30 AM

THIS CAUSE having come on for hearing before the Honorable TIERRA JONES, District Judge, on the 9th day of March 2022, Petitioner not being present, the State being represented by STEVEN B. WOLFSON, Clark County District Attorney, by and through ALEXANDER CHEN, Chief Deputy District Attorney, and the Court having considered the matter, including briefs, transcripts, and documents on file herein, now therefore, the Court makes the following findings of fact and conclusions of law:

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1 **FINDINGS OF FACT, CONCLUSIONS OF LAW**

2 **PROCEDURAL HISTORY**

3 An Indictment was filed on May 6, 2021, charging Jamel Gibbs (hereinafter
4 “Petitioner”) with one count of Murder with Use of a Deadly Weapon and one count of
5 Ownership or Possession of Firearm by Prohibited Person. Trial proceeded on July 20, 2021.
6 On July 23, 2021, the jury returned a verdict of guilty of Second-Degree Murder with Use of
7 a Deadly Weapon. The State subsequently dismissed the Ownership or Possession of Firearm
8 by Prohibited Person charge.

9 On July 28, 2021, Petitioner filed a Motion for New Trial. The State’s Opposition was
10 filed on July 29, 2021. On August 30, 2021, the Court denied Petitioner’s Motion for New
11 Trial.

12 On October 8, 2021, Petitioner was sentenced to Life with the Possibility of Parole after
13 ten (10) years in the Nevada Department of Corrections (hereinafter “NDOC”), plus a
14 consecutive minimum of forty-eight (48) months and a maximum of one hundred twenty (120)
15 months in the NDOC for use of a deadly weapon, with one hundred ninety-nine (199) days
16 credit for time served.

17 The Judgment of Conviction was filed on October 12, 2021.

18 On October 16, 2021, Petitioner filed a Notice of Appeal.

19 On November 1, 2021, Petitioner’s Motion to Withdraw Attorney of Record and
20 Request for Appointment of Appellate Counsel was granted. On November 29, 2021, Jeannie
21 Hua, Esq. was appointed as appellate counsel. Petitioner’s appeal is currently still pending
22 under Nevada Supreme Court Case No. 83672.

23 On December 2, 2021, Petitioner filed the instant Petition for Writ of Habeas Corpus
24 (Post-Conviction) (hereinafter “Petition”), Motion for Appointment of Counsel and Request
25 for Evidentiary Hearing. On January 21, 2022, the State filed its Response.

26 On February 9, 2022, this Court ordered the State to file a Supplemental Response. On
27 February 10, 2022, the State filed its Supplemental Response. On March 4, 2022, Petitioner
28 filed a Reply to the State’s Supplemental Response.

1 On March 9, 2022, this Court denied the Petition, finding as follows.

2 **FACTUAL BACKGROUND¹**

3 On May 3, 2021, around 6:30 PM, Brionta Terrell (hereinafter “Brionta”) and Jaylon
4 Tiffith (hereinafter “Jaylon”) drove to Hidden Canyon Villas to drop off Jaylon’s daughter,
5 Navaeh. Navaeh lived at the apartment complex with her mother, Mimi. At the time, Mimi
6 and Petitioner were in a relationship. Upon arriving, Brionta saw Petitioner in his garage.

7 After dropping Navaeh off and leaving, Mimi called Brionta to let her know Navaeh
8 left her phone in the car. Brionta and Jaylon returned the complex and saw Petitioner driving
9 with Mimi and Navaeh. Petitioner stopped his car behind Brionta and both Petitioner and Mimi
10 exited the car. Brionta noticed that Petitioner had a firearm. Without provocation, Petitioner
11 and Mimi started to argue with Brionta and Jaylon.

12 As the argument escalated, Mimi started to throw rocks at Brionta’s car. Jaylon
13 attempted to intervene and prevent Mimi from throwing rocks. Jaylon was unsuccessful as
14 Mimi pulled Brionta out of the car starting a fight. Jaylon attempted to break up the fight, but
15 Petitioner joined the fight and started to punch Brionta.

16 Jaylon disengaged and went to get his daughter who was in Petitioner’s car. While in
17 the midst of the fight, Brionta heard a gunshot and saw Petitioner waving his gun around.
18 Petitioner then quickly got in the car and fled the scene.

19 Brionta looked around and saw Jaylon on the floor. She noticed a gunshot wound in his
20 head. When Brionta called 911, Mimi ran off. Jaylon died as a result of the gunshot wound.

21 **ANALYSIS**

22 **I. PETITIONER DID NOT RECEIVE INEFFECTIVE ASSISTANCE OF**
23 **COUNSEL**

24 The Sixth Amendment to the United States Constitution provides that, “[i]n all criminal
25 prosecutions, the accused shall enjoy the right . . . to have the Assistance of Counsel for his
26 defense.” The United States Supreme Court has long recognized that “the right to counsel is
27

28 ¹ The transcripts for Petitioner’s jury trial have been requested. Since they have not been filed,
this Court relies upon the Grand Jury Transcripts.

1 the right to the effective assistance of counsel.” Strickland v. Washington, 466 U.S. 668, 686,
2 104 S. Ct. 2052, 2063 (1984); see also State v. Love, 109 Nev. 1136, 1138, 865 P.2d 322, 323
3 (1993).

4 To prevail on a claim of ineffective assistance of trial counsel, a defendant must prove
5 he was denied “reasonably effective assistance” of counsel by satisfying the two-prong test of
6 Strickland, 466 U.S. at 686-87, 104 S. Ct. at 2063–64. See also Love, 109 Nev. at 1138, 865
7 P.2d at 323. Under the Strickland test, a defendant must show first that his counsel's
8 representation fell below an objective standard of reasonableness, and second, that but for
9 counsel's errors, there is a reasonable probability that the result of the proceedings would have
10 been different. 466 U.S. at 687–88, 694, 104 S. Ct. at 2065, 2068; Warden, Nevada State Prison
11 v. Lyons, 100 Nev. 430, 432, 683 P.2d 504, 505 (1984) (adopting the Strickland two-part test).
12 “[T]here is no reason for a court deciding an ineffective assistance claim to approach the
13 inquiry in the same order or even to address both components of the inquiry if the defendant
14 makes an insufficient showing on one.” Strickland, 466 U.S. at 697, 104 S. Ct. at 2069.

15 The court begins with the presumption of effectiveness and then must determine
16 whether the defendant has demonstrated by a preponderance of the evidence that counsel was
17 ineffective. Means v. State, 120 Nev. 1001, 1011, 103 P.3d 25, 32 (2004). “Effective counsel
18 does not mean errorless counsel, but rather counsel whose assistance is ‘[w]ithin the range of
19 competence demanded of attorneys in criminal cases.’” Jackson v. Warden, 91 Nev. 430, 432,
20 537 P.2d 473, 474 (1975).

21 Counsel cannot be ineffective for failing to make futile objections or arguments. See
22 Ennis v. State, 122 Nev. 694, 706, 137 P.3d 1095, 1103 (2006). Trial counsel has the
23 “immediate and ultimate responsibility of deciding if and when to object, which witnesses, if
24 any, to call, and what defenses to develop.” Rhyne v. State, 118 Nev. 1, 8, 38 P.3d 163, 167
25 (2002).

26 Based on the above law, the role of a court in considering allegations of ineffective
27 assistance of counsel is “not to pass upon the merits of the action not taken but to determine
28 whether, under the particular facts and circumstances of the case, trial counsel failed to render

1 reasonably effective assistance.” Donovan v. State, 94 Nev. 671, 675, 584 P.2d 708, 711
2 (1978). This analysis does not mean that the court should “second guess reasoned choices
3 between trial tactics nor does it mean that defense counsel, to protect himself against
4 allegations of inadequacy, must make every conceivable motion no matter how remote the
5 possibilities are of success.” Id. To be effective, the constitution “does not require that counsel
6 do what is impossible or unethical. If there is no bona fide defense to the charge, counsel
7 cannot create one and may disserve the interests of his client by attempting a useless charade.”
8 United States v. Cronin, 466 U.S. 648, 657 n.19, 104 S. Ct. 2039, 2046 n.19 (1984).

9 “There are countless ways to provide effective assistance in any given case. Even the
10 best criminal defense attorneys would not defend a particular client in the same way.”
11 Strickland, 466 U.S. at 689, 104 S. Ct. at 689. “Strategic choices made by counsel after
12 thoroughly investigating the plausible options are almost unchallengeable.” Dawson v. State,
13 108 Nev. 112, 117, 825 P.2d 593, 596 (1992); see also Ford v. State, 105 Nev. 850, 853, 784
14 P.2d 951, 953 (1989). In essence, the court must “judge the reasonableness of counsel's
15 challenged conduct on the facts of the particular case, viewed as of the time of counsel's
16 conduct.” Strickland, 466 U.S. at 690, 104 S. Ct. at 2066.

17 The decision not to call witnesses is within the discretion of trial counsel, and will not
18 be questioned unless it was a plainly unreasonable decision. See Rhyne v. State, 118 Nev. 1,
19 38 P.3d 163 (2002); see also Dawson v. State, 108 Nev. 112, 825 P.2d 593 (1992). Strickland
20 does not enact Newton's third law for the presentation of evidence, requiring for every
21 prosecution expert an equal and opposite expert from the defense. In many instances cross-
22 examination will be sufficient to expose defects in an expert's presentation. When defense
23 counsel does not have a solid case, the best strategy can be to say that there is too much doubt
24 about the State's theory for a jury to convict. Harrington v. Richter, 131 S.Ct. 770, 791, 578
25 F.3d. 944 (2011). “Strategic choices made by counsel after thoroughly investigating the
26 plausible options are almost unchallengeable.” Dawson v. State, 108 Nev. 112, 117, 825 P.2d
27 593, 596 (1992).

28 ///

1 Even if a defendant can demonstrate that his counsel's representation fell below an
2 objective standard of reasonableness, he must still demonstrate prejudice and show a
3 reasonable probability that, but for counsel's errors, the result of the trial would have been
4 different. McNelson v. State, 115 Nev. 396, 403, 990 P.2d 1263, 1268 (1999) (citing
5 Strickland, 466 U.S. at 687, 104 S. Ct. at 2064). "A reasonable probability is a probability
6 sufficient to undermine confidence in the outcome." Id. (citing Strickland, 466 U.S. at 687-89,
7 694, 104 S. Ct. at 2064-65, 2068).

8 The Nevada Supreme Court has held "that a habeas corpus petitioner must prove the
9 disputed factual allegations underlying his ineffective-assistance claim by a preponderance of
10 the evidence." Means v. State, 120 Nev. 1001, 1012, 103 P.3d 25, 33 (2004). Furthermore,
11 claims of ineffective assistance of counsel asserted in a petition for post-conviction relief must
12 be supported with specific factual allegations, which if true, would entitle the petitioner to
13 relief. Hargrove v. State, 100 Nev. 498, 502, 686 P.2d 222, 225 (1984). "Bare" and "naked"
14 allegations are not sufficient, nor are those belied and repelled by the record. Id. NRS
15 34.735(6) states in relevant part, "[Petitioner] must allege specific facts supporting the claims
16 in the petition[.] . . . Failure to allege specific facts rather than just conclusions may cause your
17 petition to be dismissed." (emphasis added).

18 In this case, Petitioner argues that trial counsel was ineffective because he failed to
19 notify him of the Marcum notice. Petition, at 3. The magistrate may order an accused to answer
20 the charges filed against him or her upon a finding that a public offense has been committed,
21 and slight or marginal evidence that the Appellant committed the crime. See, Sheriff v. Hodes,
22 96 Nev. 184, 186, 606 P.2d 178, 180 (1980); Beasley v. Lamb, 79 Nev. 78, 80, 378 P.2d 524,
23 525 (1963); State v. Fuchs, 78 Nev. 63, 65, 368 P.2d 869, 869 (1962). The State only must
24 present enough evidence to support a reasonable inference that the accused committed the
25 crime and does not need to negate all possible inferences as to doubt. See, Lamb v. Holsten,
26 85 Nev. 566, 568, 459 P.2d 771, 772 (1969); Johnson v. State, 82 Nev. 338, 341, 418 P.2d
27 495, 496 (1966). Further, the State may present a case based solely on circumstantial evidence.
28 See, Howard v. Sheriff, 93 Nev. 30, 31, 559 P.2d 827, 827 (1977). Finally, the Nevada

1 Supreme Court has explicitly held that a probable cause hearing is “not a substitute for trial,”
2 and that the “full and complete exploration of all facets of the case” should be reserved for
3 trial. Marcum v. Sheriff, 85 Nev. 175, 178, 451 P.2d 845, 847 (1969); see also, Robertson v.
4 Sheriff, 85 Nev. 681, 683, 462 P.2d 528, 529 (1969).

5 In a grand jury proceeding, neither a criminal defendant nor his or her counsel have a
6 right to be present. NRS 172.145; NRS 172.235; Maiden v. State, 84 Nev. 443, 445, 442 P.2d
7 902, 904 (1968). However, a defendant has a right to testify before a grand jury considering
8 an indictment against him or her. NRS 172.241(1); Sheriff v. Bright, 108 Nev. 498, 501, 835
9 P.2d 782, 784-85 (1992). NRS 172.241 governs the right of certain persons to appear before
10 the Grand Jury and it provides that the district attorney’s notice upon a person whose
11 indictment is being considered by a grand jury is adequate if it is given to the person, or the
12 person’s attorney of record, and gives the person not less than 5 days judicial days to submit a
13 request to testify to the district attorney. NRS 172.241(2)(a).

14 The Nevada Supreme Court has held that a defendant must be given reasonable notice
15 that a grand jury will meet and consider returning an indictment against him. Sheriff v.
16 Marcum, 105 Nev. 824, 783 P.2d 1389 (1989). In order for a defendant to exercise his
17 statutory right to testify before the grand jury, he must be given reasonable notice that he is
18 the target of a grand jury investigation. Id. at 826, 783 P.2d at 1390.

19 In Solis-Ramirez, the Nevada Supreme Court held that “reasonable” notice under NRS
20 172.241 required the State to inform the target of the investigation of the actual time, date and
21 place of the grand jury hearing otherwise the statutory right to testify would be meaningless.
22 Solis-Ramirez v. District Court, 112 Nev. 344, 913 P.2d 1293 (1996). In Solis-Ramirez, the
23 defendant received a Marcum notice indicating that the State intended to obtain a Grand Jury
24 indictment against him but failed to include the date, time, or location. Solis-Ramirez, 112
25 Nev. at 346, 913 P.2d at 1294. The Nevada Supreme Court held that the notice to the defendant
26 placed the ultimate “burden on him to call the district attorney’s office from jail and located
27 the information regarding the date, time, and location of the hearing” and ordered the district
28 court to dismiss the indictment. Solis-Ramirez, 112 Nev. at 347, 913 P.2d at 1295. However,

1 it was not the legislature's intent that the right to testify be interpreted so expansively.
2 Therefore, in 1998, the legislature amended NRS 172.241 to clarify that notice is adequate if
3 it simply "advises the person that he may testify before the grand jury only if he submits a
4 written request to the district attorney and includes an address where the district attorney may
5 send a notice of the date, time and place of the scheduled proceeding of the grand jury." NRS
6 172.241(2)(b). This legislative change places the burden on the person receiving notice of a
7 grand jury investigation to respond with written notice of their intent to testify before they are
8 entitled to details of the date, time, and place where they may appear to testify.

9 On April 15, 2021, the State provided Petitioner with Marcum notice. Exhibit 1.
10 Petitioner does not deny that the State properly notified counsel:

11 The State of Nevada did their part in giving Craig a proper notice
12 but he failed to give Petitioner "any" type of notice . . ."

13 Petition, at 3. Petitioner's only contention is that trial counsel should have told him about the
14 notice. This is insufficient to establish prejudice. Only if the defendant demonstrates actual
15 prejudice based on lack of notice must the district court dismiss an Indictment. Hill v. State,
16 124 Nev. 546, 188 P.3d 51; Lisle v. State, 114 Nev. 221, 224, 954 P.2d 744, 746 (1998).
17 Implicit in the decisions of most district courts addressing claims of basic unfairness, which
18 violates due process within grand jury proceedings, "is the concept that substantial prejudice
19 to the defendant must be demonstrated before the province of the independent grand jury is
20 invaded." Sheriff v. Keeney, 106 Nev. 213, 216, 791 P.2d 55, 57 (1990).

21 Therefore, even if Petitioner did not receive adequate notice from his attorney, any error
22 in the Grand Jury proceedings connected with the charging decision is harmless beyond a
23 reasonable doubt where a defendant was convicted after trial beyond a reasonable doubt,
24 because the conviction establishes that probable cause undoubtedly existed to bind the
25 defendant over for trial. In United States v. Mechanik, the United States Supreme Court held
26 that the jury's guilty verdict in prosecution for drug-related offenses and conspiracy established
27 probable cause to charge the defendants with those offenses and thus rendered harmless any
28 error in the grand jury's charging decision. United States v. Mechanik, 475 U.S. 66, 106 S. Ct.

1 938 (1986) (cited approvingly by and applied in the Marcum context in Lisle v. State, 114
2 Nev. 221, 224-225, 954 P.2d 744, 746-747 (1998)). The United States Supreme Court
3 concluded that the jury's subsequent guilty verdict means not only that there was probable
4 cause to believe that the defendants were guilty as charged, but also that they are in fact guilty
5 as charged beyond a reasonable doubt. Measured by the jury's verdict, then, any error in
6 the grand jury proceeding connected with the charging decision was harmless beyond a
7 reasonable doubt. Mechanik, 475 U.S. at 70, 106 S. Ct. at 941–42.

8 The Nevada Supreme Court has also suggested that a jury verdict of guilt may render
9 harmless an error in the grand jury proceedings. Dettloff v. State, 120 Nev. 588, 596, 97 P.3d
10 586, 591 (2004). The Nevada Supreme Court found that the jury convicting Dettloff under a
11 higher burden of proof cured any irregularities that may have occurred during the grand jury
12 proceedings. Dettloff, 120 Nev. at 596, 97 P.3d at 591.

13 The State presented substantial evidence of Petitioner's guilt during the Grand Jury
14 proceeding. Brionta testified that Petitioner and Mimi started a fight with her and Jaylon. Prior
15 to and during this fight. she saw Petitioner with a gun. She heard a gunshot and saw Petitioner
16 waving the gun around. Petitioner was the only person in the area that she saw with a gun. Her
17 testimony established probable cause that Petitioner murdered Jaylon with a deadly weapon.
18 As such, there was substantial evidence for the Grand Jury to indict Petitioner. Additionally,
19 there is nothing in the transcripts that the Grand Jury held his absence against him.

20 Furthermore, Petitioner cannot face prejudice as a jury found him guilty beyond a
21 reasonable doubt. Any error associated with his lack of notice is harmless beyond a reasonable
22 doubt due to his conviction. Thus, Petitioner's claim of ineffective assistance of trial counsel
23 for allegedly failing to present Petitioner's testimony and exculpatory evidence to the Grand
24 Jury is moot because a jury has already found Petitioner guilty of the charged offense beyond
25 a reasonable doubt. Weber v. State, 121 Nev. 554, 585, 119 P.3d 107, 128 (2005). There is no
26 evidence whatsoever to suggest that Petitioner's testimony or any exculpatory evidence
27 Petitioner may have presented would have negated the probable cause evidence offered by the
28 State. As such, this Court denies Petitioner's claim.

II. PETITIONER IS NOT ENTITLED TO COUNSEL

Under the U.S. Constitution, the Sixth Amendment provides no right to counsel in post-conviction proceedings. Coleman v. Thompson, 501 U.S. 722, 752, 111 S. Ct. 2546, 2566 (1991). In McKague v. Warden, 112 Nev. 159, 163, 912 P.2d 255, 258 (1996), the Nevada Supreme Court similarly observed that “[t]he Nevada Constitution...does not guarantee a right to counsel in post-conviction proceedings, as we interpret the Nevada Constitution’s right to counsel provision as being coextensive with the Sixth Amendment to the United States Constitution.” McKague specifically held that with the exception of NRS 34.820(1)(a) (entitling appointed counsel when petitioner is under a sentence of death), one does not have “any constitutional or statutory right to counsel at all” in post-conviction proceedings. Id. at 164, 912 P.2d at 258.

The Nevada Legislature has, however, given courts the discretion to appoint post-conviction counsel so long as “the court is satisfied that the allegation of indigency is true and the petition is not dismissed summarily.” NRS 34.750. NRS 34.750 reads:

A petition may allege that the Defendant is unable to pay the costs of the proceedings or employ counsel. If the court is satisfied that the allegation of indigency is true and the petition *is not dismissed summarily*, the court may appoint counsel at the time the court orders the filing of an answer and a return. In making its determination, the court may consider whether:

- (a) The issues are difficult;
- (b) The Defendant is unable to comprehend the proceedings; or
- (c) Counsel is necessary to proceed with discovery.

(emphasis added). Accordingly, under NRS 34.750, it is clear that the Court has discretion in determining whether to appoint counsel.

More recently, the Nevada Supreme Court examined whether a district court appropriately denied a defendant’s request for appointment of counsel based upon the factors listed in NRS 34.750. Renteria-Novoa v. State, 133 Nev. 75, 391 P.3d 760 (2017). In Renteria-

1 Novoa, the petitioner had been serving a prison term of eighty-five (85) years to life. Id. at 75,
2 391 P.3d at 760. After his judgment of conviction was affirmed on direct appeal, the defendant
3 filed a pro se postconviction petition for writ of habeas corpus and requested counsel be
4 appointed. Id. The district court ultimately denied the petitioner's petition and his appointment
5 of counsel request. Id. In reviewing the district court's decision, the Nevada Supreme Court
6 examined the statutory factors listed under NRS 34.750 and concluded that the district court's
7 decision should be reversed and remanded. Id. The Court explained that the petitioner was
8 indigent, his petition could not be summarily dismissed, and he had in fact satisfied the
9 statutory factors. Id. at 76, 391 P.3d 760-61. As for the first factor, the Court concluded that
10 because petitioner had represented he had issues with understanding the English language
11 which was corroborated by his use of an interpreter at his trial, that was enough to indicate that
12 the petitioner could not comprehend the proceedings. Id. Moreover, the petitioner had
13 demonstrated that the consequences he faced—a minimum eighty-five (85) year sentence—
14 were severe and his petition may have been the only vehicle for which he could raise his
15 claims. Id. at 76-77, 391 P.3d at 761-62. Finally, his ineffective assistance of counsel claims
16 may have required additional discovery and investigation beyond the record. Id.

17 Pursuant to NRS 34.750, Petitioner has not demonstrated that counsel should be
18 appointed. As a preliminary matter, Petitioner's request is suitable only for summary denial as
19 he has failed to provide any specific facts to support his bare and naked request. Hargrove v.
20 State, 100 Nev. 498, 502, 686 P.2d 222, 225 (1984).

21 Notwithstanding summary denial, Petitioner's request should still be denied as he has
22 failed to meet any of the additional statutory factors under NRS 34.750. The issues Petitioner
23 raises are not difficult. Petitioner raises a meritless claim since there was substantial evidence
24 to support probable cause at the grand jury hearing. Additionally, Petitioner cannot establish
25 prejudice because he was convicted by a jury. As such, counsel is not necessary as the issue is
26 not difficult.

27 Additionally, there has been no indication that Petitioner is unable to comprehend the
28 proceedings. Unlike the petitioner in Renteria-Novoa who faced difficulties understanding the

English language, here Petitioner has failed to demonstrate any inability to understand these proceedings. By filing the instant petition, Petitioner demonstrates he understands that a Petition for Writ of Habeas Corpus is how you bring a claim of ineffective assistance of counsel. Additionally, he is able to research and apply case law. As such, he can comprehend the proceedings.

Finally, counsel is not necessary to proceed with further discovery in this case. Given that Petitioner's claim is meritless, no additional discovery is necessary. Due to habeas relief not being warranted, there is no need for additional discovery, let alone counsel's assistance to conduct such investigation. Therefore, Petitioner's request is denied.

III. PETITIONER IS NOT ENTITLED TO AN EVIDENTIARY HEARING

NRS 34.770 determines when a defendant is entitled to an evidentiary hearing. It reads:

1. The judge or justice, upon review of the return, answer and all supporting documents which are filed, shall determine whether an evidentiary hearing is required. A petitioner must not be discharged or committed to the custody of a person other than the respondent *unless an evidentiary hearing is held*.
2. If the judge or justice determines that the petitioner is not entitled to relief and an evidentiary hearing is not required, he shall dismiss the petition without a hearing.
3. If the judge or justice determines that an evidentiary hearing is required, he shall grant the writ and shall set a date for the hearing.

The Nevada Supreme Court has held that if a petition can be resolved without expanding the record, then no evidentiary hearing is necessary. Marshall v. State, 110 Nev. 1328, 885 P.2d 603 (1994); Mann v. State, 118 Nev. 351, 356, 46 P.3d 1228, 1231 (2002). A defendant is entitled to an evidentiary hearing if his petition is supported by specific factual allegations, which, if true, would entitle him to relief unless the factual allegations are repelled by the record. Marshall, 110 Nev. at 1331, 885 P.2d at 605; see also Hargrove v. State, 100 Nev. 498, 503, 686 P.2d 222, 225 (1984) (holding that "[a] defendant seeking post-conviction relief is not entitled to an evidentiary hearing on factual allegations belied or repelled by the record"). "A claim is 'belied' when it is contradicted or proven to be false by the record as it

1 existed at the time the claim was made.” Mann, 118 Nev. at 354, 46 P.3d at 1230 (2002).

2 It is improper to hold an evidentiary hearing simply to make a complete record. *See*
3 State v. Eighth Judicial Dist. Court, 121 Nev. 225, 234, 112 P.3d 1070, 1076 (2005) (“The
4 district court considered itself the ‘equivalent of . . . the trial judge’ and consequently wanted
5 ‘to make as complete a record as possible.’ This is an incorrect basis for an evidentiary
6 hearing.”). Further, the United States Supreme Court has held that an evidentiary hearing is
7 not required simply because counsel’s actions are challenged as being unreasonable strategic
8 decisions. Harrington v. Richter, 131 S. Ct. 770, 788 (2011). Although courts may not indulge
9 post hoc rationalization for counsel’s decision making that contradicts the available evidence
10 of counsel’s actions, neither may they insist counsel confirm every aspect of the strategic basis
11 for his or her actions. Id. There is a “strong presumption” that counsel’s attention to certain
12 issues to the exclusion of others reflects trial tactics rather than “sheer neglect.” Id. (*citing*
13 Yarborough v. Gentry, 540 U.S. 1, 124 S. Ct. 1 (2003)). Strickland calls for an inquiry in the
14 *objective* reasonableness of counsel’s performance, not counsel’s *subjective* state of mind. 466
15 U.S. 668, 688, 104 S. Ct. 2052, 2065 (1994).

16 Here, Petitioner requests an evidentiary hearing for his claim. There is no need for an
17 evidentiary hearing because Petitioner is not entitled to any relief. Petitioner’s claim fails as
18 he is unable to establish prejudice. As such, Petitioner would not be entitled to relief even if
19 counsel were deficient. No need exists to expand the record, as all claims can be disposed of
20 based on the existing record. Thus, Petitioner’s request for an evidentiary hearing is denied.

21 ORDER

22 Based on the foregoing, IT IS HEREBY ORDERED that the Petition for Writ of Habeas
23 Corpus (Post-Conviction), Motion for Appointment of Counsel, and Request for Evidentiary

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25 ///

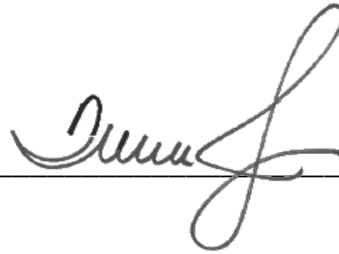
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1 Hearing shall be, and is, hereby denied.

Dated this 31st day of March, 2022

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6 Respectfully submitted,

7 STEVEN WOLFSON
8 Clark County District Attorney
9 Nevada Bar #001565

929 77A D7CA 87E9
Tierra Jones
District Court Judge

10
11 By /s/ TALEEN PANDUKHT
12 TALEEN PANDUKHT
13 Chief Deputy District Attorney
14 Nevada Bar #005734
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28 21CRN000371X/TRP/ee/jh/GANG

1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 Jamel Gibbs, Plaintiff(s)

CASE NO: A-21-844881-W

7 vs.

DEPT. NO. Department 10

8 State of Nevada, Defendant(s)

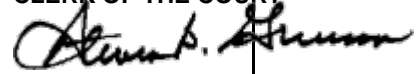
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10 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 3/31/2022

15 Dept 10 Law Clerk

dept10lc@clarkcountycourts.us



1 NEFF

2 **DISTRICT COURT**
3 **CLARK COUNTY, NEVADA**

4
5 JAMEL GIBBS,

6 Petitioner,

Case No: A-21-844881-W

Dept No: X

7 vs.

8 STATE OF NEVADA,

9 Respondent,

**NOTICE OF ENTRY OF FINDINGS OF FACT,
CONCLUSIONS OF LAW AND ORDER**

10
11 **PLEASE TAKE NOTICE** that on March 31, 2022, the court entered a decision or order in this matter, a
12 true and correct copy of which is attached to this notice.

13 You may appeal to the Supreme Court from the decision or order of this court. If you wish to appeal, you
14 must file a notice of appeal with the clerk of this court within thirty-three (33) days after the date this notice is mailed
15 to you. This notice was mailed on April 6, 2022.

16 STEVEN D. GRIERSON, CLERK OF THE COURT

17 /s/ Amanda Hampton

18 Amanda Hampton, Deputy Clerk

19 **CERTIFICATE OF E-SERVICE / MAILING**

20 I hereby certify that on this 6 day of April 2022, I served a copy of this Notice of Entry on the following:

21 ☒ By e-mail:

22 Clark County District Attorney's Office
23 Attorney General's Office – Appellate Division-

24 ☒ The United States mail addressed as follows:

25 Jamel Gibbs # 1056675
26 P.O. Box 208
27 Indian Springs, NV 89070

28 /s/ Amanda Hampton

Amanda Hampton, Deputy Clerk

FFCO
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
TALEEN PANDUKHT
Chief Deputy District Attorney
Nevada Bar #005734
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Respondent

DISTRICT COURT
CLARK COUNTY, NEVADA

JAMAL GIBBS,

Petitioner,

-vs-

THE STATE OF NEVADA,

Respondent.

CASE NO: A-21-844881-W

(C-21-355769-1)

DEPT NO: X

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

DATE OF HEARING: MARCH 9, 2022
TIME OF HEARING: 8:30 AM

THIS CAUSE having come on for hearing before the Honorable TIERRA JONES, District Judge, on the 9th day of March 2022, Petitioner not being present, the State being represented by STEVEN B. WOLFSON, Clark County District Attorney, by and through ALEXANDER CHEN, Chief Deputy District Attorney, and the Court having considered the matter, including briefs, transcripts, and documents on file herein, now therefore, the Court makes the following findings of fact and conclusions of law:

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1 **FINDINGS OF FACT, CONCLUSIONS OF LAW**

2 **PROCEDURAL HISTORY**

3 An Indictment was filed on May 6, 2021, charging Jamel Gibbs (hereinafter
4 “Petitioner”) with one count of Murder with Use of a Deadly Weapon and one count of
5 Ownership or Possession of Firearm by Prohibited Person. Trial proceeded on July 20, 2021.
6 On July 23, 2021, the jury returned a verdict of guilty of Second-Degree Murder with Use of
7 a Deadly Weapon. The State subsequently dismissed the Ownership or Possession of Firearm
8 by Prohibited Person charge.

9 On July 28, 2021, Petitioner filed a Motion for New Trial. The State’s Opposition was
10 filed on July 29, 2021. On August 30, 2021, the Court denied Petitioner’s Motion for New
11 Trial.

12 On October 8, 2021, Petitioner was sentenced to Life with the Possibility of Parole after
13 ten (10) years in the Nevada Department of Corrections (hereinafter “NDOC”), plus a
14 consecutive minimum of forty-eight (48) months and a maximum of one hundred twenty (120)
15 months in the NDOC for use of a deadly weapon, with one hundred ninety-nine (199) days
16 credit for time served.

17 The Judgment of Conviction was filed on October 12, 2021.

18 On October 16, 2021, Petitioner filed a Notice of Appeal.

19 On November 1, 2021, Petitioner’s Motion to Withdraw Attorney of Record and
20 Request for Appointment of Appellate Counsel was granted. On November 29, 2021, Jeannie
21 Hua, Esq. was appointed as appellate counsel. Petitioner’s appeal is currently still pending
22 under Nevada Supreme Court Case No. 83672.

23 On December 2, 2021, Petitioner filed the instant Petition for Writ of Habeas Corpus
24 (Post-Conviction) (hereinafter “Petition”), Motion for Appointment of Counsel and Request
25 for Evidentiary Hearing. On January 21, 2022, the State filed its Response.

26 On February 9, 2022, this Court ordered the State to file a Supplemental Response. On
27 February 10, 2022, the State filed its Supplemental Response. On March 4, 2022, Petitioner
28 filed a Reply to the State’s Supplemental Response.

1 On March 9, 2022, this Court denied the Petition, finding as follows.

2 **FACTUAL BACKGROUND¹**

3 On May 3, 2021, around 6:30 PM, Brionta Terrell (hereinafter “Brionta”) and Jaylon
4 Tiffith (hereinafter “Jaylon”) drove to Hidden Canyon Villas to drop off Jaylon’s daughter,
5 Navaeh. Navaeh lived at the apartment complex with her mother, Mimi. At the time, Mimi
6 and Petitioner were in a relationship. Upon arriving, Brionta saw Petitioner in his garage.

7 After dropping Navaeh off and leaving, Mimi called Brionta to let her know Navaeh
8 left her phone in the car. Brionta and Jaylon returned the complex and saw Petitioner driving
9 with Mimi and Navaeh. Petitioner stopped his car behind Brionta and both Petitioner and Mimi
10 exited the car. Brionta noticed that Petitioner had a firearm. Without provocation, Petitioner
11 and Mimi started to argue with Brionta and Jaylon.

12 As the argument escalated, Mimi started to throw rocks at Brionta’s car. Jaylon
13 attempted to intervene and prevent Mimi from throwing rocks. Jaylon was unsuccessful as
14 Mimi pulled Brionta out of the car starting a fight. Jaylon attempted to break up the fight, but
15 Petitioner joined the fight and started to punch Brionta.

16 Jaylon disengaged and went to get his daughter who was in Petitioner’s car. While in
17 the midst of the fight, Brionta heard a gunshot and saw Petitioner waving his gun around.
18 Petitioner then quickly got in the car and fled the scene.

19 Brionta looked around and saw Jaylon on the floor. She noticed a gunshot wound in his
20 head. When Brionta called 911, Mimi ran off. Jaylon died as a result of the gunshot wound.

21 **ANALYSIS**

22 **I. PETITIONER DID NOT RECEIVE INEFFECTIVE ASSISTANCE OF**
23 **COUNSEL**

24 The Sixth Amendment to the United States Constitution provides that, “[i]n all criminal
25 prosecutions, the accused shall enjoy the right . . . to have the Assistance of Counsel for his
26 defense.” The United States Supreme Court has long recognized that “the right to counsel is
27

28 ¹ The transcripts for Petitioner’s jury trial have been requested. Since they have not been filed,
this Court relies upon the Grand Jury Transcripts.

1 the right to the effective assistance of counsel.” Strickland v. Washington, 466 U.S. 668, 686,
2 104 S. Ct. 2052, 2063 (1984); see also State v. Love, 109 Nev. 1136, 1138, 865 P.2d 322, 323
3 (1993).

4 To prevail on a claim of ineffective assistance of trial counsel, a defendant must prove
5 he was denied “reasonably effective assistance” of counsel by satisfying the two-prong test of
6 Strickland, 466 U.S. at 686-87, 104 S. Ct. at 2063–64. See also Love, 109 Nev. at 1138, 865
7 P.2d at 323. Under the Strickland test, a defendant must show first that his counsel's
8 representation fell below an objective standard of reasonableness, and second, that but for
9 counsel's errors, there is a reasonable probability that the result of the proceedings would have
10 been different. 466 U.S. at 687–88, 694, 104 S. Ct. at 2065, 2068; Warden, Nevada State Prison
11 v. Lyons, 100 Nev. 430, 432, 683 P.2d 504, 505 (1984) (adopting the Strickland two-part test).
12 “[T]here is no reason for a court deciding an ineffective assistance claim to approach the
13 inquiry in the same order or even to address both components of the inquiry if the defendant
14 makes an insufficient showing on one.” Strickland, 466 U.S. at 697, 104 S. Ct. at 2069.

15 The court begins with the presumption of effectiveness and then must determine
16 whether the defendant has demonstrated by a preponderance of the evidence that counsel was
17 ineffective. Means v. State, 120 Nev. 1001, 1011, 103 P.3d 25, 32 (2004). “Effective counsel
18 does not mean errorless counsel, but rather counsel whose assistance is ‘[w]ithin the range of
19 competence demanded of attorneys in criminal cases.’” Jackson v. Warden, 91 Nev. 430, 432,
20 537 P.2d 473, 474 (1975).

21 Counsel cannot be ineffective for failing to make futile objections or arguments. See
22 Ennis v. State, 122 Nev. 694, 706, 137 P.3d 1095, 1103 (2006). Trial counsel has the
23 “immediate and ultimate responsibility of deciding if and when to object, which witnesses, if
24 any, to call, and what defenses to develop.” Rhyne v. State, 118 Nev. 1, 8, 38 P.3d 163, 167
25 (2002).

26 Based on the above law, the role of a court in considering allegations of ineffective
27 assistance of counsel is “not to pass upon the merits of the action not taken but to determine
28 whether, under the particular facts and circumstances of the case, trial counsel failed to render

1 reasonably effective assistance.” Donovan v. State, 94 Nev. 671, 675, 584 P.2d 708, 711
2 (1978). This analysis does not mean that the court should “second guess reasoned choices
3 between trial tactics nor does it mean that defense counsel, to protect himself against
4 allegations of inadequacy, must make every conceivable motion no matter how remote the
5 possibilities are of success.” Id. To be effective, the constitution “does not require that counsel
6 do what is impossible or unethical. If there is no bona fide defense to the charge, counsel
7 cannot create one and may disserve the interests of his client by attempting a useless charade.”
8 United States v. Cronin, 466 U.S. 648, 657 n.19, 104 S. Ct. 2039, 2046 n.19 (1984).

9 “There are countless ways to provide effective assistance in any given case. Even the
10 best criminal defense attorneys would not defend a particular client in the same way.”
11 Strickland, 466 U.S. at 689, 104 S. Ct. at 689. “Strategic choices made by counsel after
12 thoroughly investigating the plausible options are almost unchallengeable.” Dawson v. State,
13 108 Nev. 112, 117, 825 P.2d 593, 596 (1992); see also Ford v. State, 105 Nev. 850, 853, 784
14 P.2d 951, 953 (1989). In essence, the court must “judge the reasonableness of counsel's
15 challenged conduct on the facts of the particular case, viewed as of the time of counsel's
16 conduct.” Strickland, 466 U.S. at 690, 104 S. Ct. at 2066.

17 The decision not to call witnesses is within the discretion of trial counsel, and will not
18 be questioned unless it was a plainly unreasonable decision. See Rhyne v. State, 118 Nev. 1,
19 38 P.3d 163 (2002); see also Dawson v. State, 108 Nev. 112, 825 P.2d 593 (1992). Strickland
20 does not enact Newton's third law for the presentation of evidence, requiring for every
21 prosecution expert an equal and opposite expert from the defense. In many instances cross-
22 examination will be sufficient to expose defects in an expert's presentation. When defense
23 counsel does not have a solid case, the best strategy can be to say that there is too much doubt
24 about the State's theory for a jury to convict. Harrington v. Richter, 131 S.Ct. 770, 791, 578
25 F.3d. 944 (2011). “Strategic choices made by counsel after thoroughly investigating the
26 plausible options are almost unchallengeable.” Dawson v. State, 108 Nev. 112, 117, 825 P.2d
27 593, 596 (1992).

28 ///

1 Even if a defendant can demonstrate that his counsel's representation fell below an
2 objective standard of reasonableness, he must still demonstrate prejudice and show a
3 reasonable probability that, but for counsel's errors, the result of the trial would have been
4 different. McNelson v. State, 115 Nev. 396, 403, 990 P.2d 1263, 1268 (1999) (citing
5 Strickland, 466 U.S. at 687, 104 S. Ct. at 2064). "A reasonable probability is a probability
6 sufficient to undermine confidence in the outcome." Id. (citing Strickland, 466 U.S. at 687-89,
7 694, 104 S. Ct. at 2064-65, 2068).

8 The Nevada Supreme Court has held "that a habeas corpus petitioner must prove the
9 disputed factual allegations underlying his ineffective-assistance claim by a preponderance of
10 the evidence." Means v. State, 120 Nev. 1001, 1012, 103 P.3d 25, 33 (2004). Furthermore,
11 claims of ineffective assistance of counsel asserted in a petition for post-conviction relief must
12 be supported with specific factual allegations, which if true, would entitle the petitioner to
13 relief. Hargrove v. State, 100 Nev. 498, 502, 686 P.2d 222, 225 (1984). "Bare" and "naked"
14 allegations are not sufficient, nor are those belied and repelled by the record. Id. NRS
15 34.735(6) states in relevant part, "[Petitioner] must allege specific facts supporting the claims
16 in the petition[.] . . . Failure to allege specific facts rather than just conclusions may cause your
17 petition to be dismissed." (emphasis added).

18 In this case, Petitioner argues that trial counsel was ineffective because he failed to
19 notify him of the Marcum notice. Petition, at 3. The magistrate may order an accused to answer
20 the charges filed against him or her upon a finding that a public offense has been committed,
21 and slight or marginal evidence that the Appellant committed the crime. See, Sheriff v. Hodes,
22 96 Nev. 184, 186, 606 P.2d 178, 180 (1980); Beasley v. Lamb, 79 Nev. 78, 80, 378 P.2d 524,
23 525 (1963); State v. Fuchs, 78 Nev. 63, 65, 368 P.2d 869, 869 (1962). The State only must
24 present enough evidence to support a reasonable inference that the accused committed the
25 crime and does not need to negate all possible inferences as to doubt. See, Lamb v. Holsten,
26 85 Nev. 566, 568, 459 P.2d 771, 772 (1969); Johnson v. State, 82 Nev. 338, 341, 418 P.2d
27 495, 496 (1966). Further, the State may present a case based solely on circumstantial evidence.
28 See, Howard v. Sheriff, 93 Nev. 30, 31, 559 P.2d 827, 827 (1977). Finally, the Nevada

1 Supreme Court has explicitly held that a probable cause hearing is “not a substitute for trial,”
2 and that the “full and complete exploration of all facets of the case” should be reserved for
3 trial. Marcum v. Sheriff, 85 Nev. 175, 178, 451 P.2d 845, 847 (1969); see also, Robertson v.
4 Sheriff, 85 Nev. 681, 683, 462 P.2d 528, 529 (1969).

5 In a grand jury proceeding, neither a criminal defendant nor his or her counsel have a
6 right to be present. NRS 172.145; NRS 172.235; Maiden v. State, 84 Nev. 443, 445, 442 P.2d
7 902, 904 (1968). However, a defendant has a right to testify before a grand jury considering
8 an indictment against him or her. NRS 172.241(1); Sheriff v. Bright, 108 Nev. 498, 501, 835
9 P.2d 782, 784-85 (1992). NRS 172.241 governs the right of certain persons to appear before
10 the Grand Jury and it provides that the district attorney’s notice upon a person whose
11 indictment is being considered by a grand jury is adequate if it is given to the person, or the
12 person’s attorney of record, and gives the person not less than 5 days judicial days to submit a
13 request to testify to the district attorney. NRS 172.241(2)(a).

14 The Nevada Supreme Court has held that a defendant must be given reasonable notice
15 that a grand jury will meet and consider returning an indictment against him. Sheriff v.
16 Marcum, 105 Nev. 824, 783 P.2d 1389 (1989). In order for a defendant to exercise his
17 statutory right to testify before the grand jury, he must be given reasonable notice that he is
18 the target of a grand jury investigation. Id. at 826, 783 P.2d at 1390.

19 In Solis-Ramirez, the Nevada Supreme Court held that “reasonable” notice under NRS
20 172.241 required the State to inform the target of the investigation of the actual time, date and
21 place of the grand jury hearing otherwise the statutory right to testify would be meaningless.
22 Solis-Ramirez v. District Court, 112 Nev. 344, 913 P.2d 1293 (1996). In Solis-Ramirez, the
23 defendant received a Marcum notice indicating that the State intended to obtain a Grand Jury
24 indictment against him but failed to include the date, time, or location. Solis-Ramirez, 112
25 Nev. at 346, 913 P.2d at 1294. The Nevada Supreme Court held that the notice to the defendant
26 placed the ultimate “burden on him to call the district attorney’s office from jail and located
27 the information regarding the date, time, and location of the hearing” and ordered the district
28 court to dismiss the indictment. Solis-Ramirez, 112 Nev. at 347, 913 P.2d at 1295. However,

1 it was not the legislature's intent that the right to testify be interpreted so expansively.
2 Therefore, in 1998, the legislature amended NRS 172.241 to clarify that notice is adequate if
3 it simply "advises the person that he may testify before the grand jury only if he submits a
4 written request to the district attorney and includes an address where the district attorney may
5 send a notice of the date, time and place of the scheduled proceeding of the grand jury." NRS
6 172.241(2)(b). This legislative change places the burden on the person receiving notice of a
7 grand jury investigation to respond with written notice of their intent to testify before they are
8 entitled to details of the date, time, and place where they may appear to testify.

9 On April 15, 2021, the State provided Petitioner with Marcum notice. Exhibit 1.
10 Petitioner does not deny that the State properly notified counsel:

11 The State of Nevada did their part in giving Craig a proper notice
12 but he failed to give Petitioner "any" type of notice . . ."

13 Petition, at 3. Petitioner's only contention is that trial counsel should have told him about the
14 notice. This is insufficient to establish prejudice. Only if the defendant demonstrates actual
15 prejudice based on lack of notice must the district court dismiss an Indictment. Hill v. State,
16 124 Nev. 546, 188 P.3d 51; Lisle v. State, 114 Nev. 221, 224, 954 P.2d 744, 746 (1998).
17 Implicit in the decisions of most district courts addressing claims of basic unfairness, which
18 violates due process within grand jury proceedings, "is the concept that substantial prejudice
19 to the defendant must be demonstrated before the province of the independent grand jury is
20 invaded." Sheriff v. Keeney, 106 Nev. 213, 216, 791 P.2d 55, 57 (1990).

21 Therefore, even if Petitioner did not receive adequate notice from his attorney, any error
22 in the Grand Jury proceedings connected with the charging decision is harmless beyond a
23 reasonable doubt where a defendant was convicted after trial beyond a reasonable doubt,
24 because the conviction establishes that probable cause undoubtedly existed to bind the
25 defendant over for trial. In United States v. Mechanik, the United States Supreme Court held
26 that the jury's guilty verdict in prosecution for drug-related offenses and conspiracy established
27 probable cause to charge the defendants with those offenses and thus rendered harmless any
28 error in the grand jury's charging decision. United States v. Mechanik, 475 U.S. 66, 106 S. Ct.

1 938 (1986) (cited approvingly by and applied in the Marcum context in Lisle v. State, 114
2 Nev. 221, 224-225, 954 P.2d 744, 746-747 (1998)). The United States Supreme Court
3 concluded that the jury's subsequent guilty verdict means not only that there was probable
4 cause to believe that the defendants were guilty as charged, but also that they are in fact guilty
5 as charged beyond a reasonable doubt. Measured by the jury's verdict, then, any error in
6 the grand jury proceeding connected with the charging decision was harmless beyond a
7 reasonable doubt. Mechanik, 475 U.S. at 70, 106 S. Ct. at 941–42.

8 The Nevada Supreme Court has also suggested that a jury verdict of guilt may render
9 harmless an error in the grand jury proceedings. Dettloff v. State, 120 Nev. 588, 596, 97 P.3d
10 586, 591 (2004). The Nevada Supreme Court found that the jury convicting Dettloff under a
11 higher burden of proof cured any irregularities that may have occurred during the grand jury
12 proceedings. Dettloff, 120 Nev. at 596, 97 P.3d at 591.

13 The State presented substantial evidence of Petitioner's guilt during the Grand Jury
14 proceeding. Brionta testified that Petitioner and Mimi started a fight with her and Jaylon. Prior
15 to and during this fight. she saw Petitioner with a gun. She heard a gunshot and saw Petitioner
16 waving the gun around. Petitioner was the only person in the area that she saw with a gun. Her
17 testimony established probable cause that Petitioner murdered Jaylon with a deadly weapon.
18 As such, there was substantial evidence for the Grand Jury to indict Petitioner. Additionally,
19 there is nothing in the transcripts that the Grand Jury held his absence against him.

20 Furthermore, Petitioner cannot face prejudice as a jury found him guilty beyond a
21 reasonable doubt. Any error associated with his lack of notice is harmless beyond a reasonable
22 doubt due to his conviction. Thus, Petitioner's claim of ineffective assistance of trial counsel
23 for allegedly failing to present Petitioner's testimony and exculpatory evidence to the Grand
24 Jury is moot because a jury has already found Petitioner guilty of the charged offense beyond
25 a reasonable doubt. Weber v. State, 121 Nev. 554, 585, 119 P.3d 107, 128 (2005). There is no
26 evidence whatsoever to suggest that Petitioner's testimony or any exculpatory evidence
27 Petitioner may have presented would have negated the probable cause evidence offered by the
28 State. As such, this Court denies Petitioner's claim.

II. PETITIONER IS NOT ENTITLED TO COUNSEL

Under the U.S. Constitution, the Sixth Amendment provides no right to counsel in post-conviction proceedings. Coleman v. Thompson, 501 U.S. 722, 752, 111 S. Ct. 2546, 2566 (1991). In McKague v. Warden, 112 Nev. 159, 163, 912 P.2d 255, 258 (1996), the Nevada Supreme Court similarly observed that “[t]he Nevada Constitution...does not guarantee a right to counsel in post-conviction proceedings, as we interpret the Nevada Constitution’s right to counsel provision as being coextensive with the Sixth Amendment to the United States Constitution.” McKague specifically held that with the exception of NRS 34.820(1)(a) (entitling appointed counsel when petitioner is under a sentence of death), one does not have “any constitutional or statutory right to counsel at all” in post-conviction proceedings. Id. at 164, 912 P.2d at 258.

The Nevada Legislature has, however, given courts the discretion to appoint post-conviction counsel so long as “the court is satisfied that the allegation of indigency is true and the petition is not dismissed summarily.” NRS 34.750. NRS 34.750 reads:

A petition may allege that the Defendant is unable to pay the costs of the proceedings or employ counsel. If the court is satisfied that the allegation of indigency is true and the petition *is not dismissed summarily*, the court may appoint counsel at the time the court orders the filing of an answer and a return. In making its determination, the court may consider whether:

- (a) The issues are difficult;
- (b) The Defendant is unable to comprehend the proceedings; or
- (c) Counsel is necessary to proceed with discovery.

(emphasis added). Accordingly, under NRS 34.750, it is clear that the Court has discretion in determining whether to appoint counsel.

More recently, the Nevada Supreme Court examined whether a district court appropriately denied a defendant’s request for appointment of counsel based upon the factors listed in NRS 34.750. Renteria-Novoa v. State, 133 Nev. 75, 391 P.3d 760 (2017). In Renteria-

1 Novoa, the petitioner had been serving a prison term of eighty-five (85) years to life. Id. at 75,
2 391 P.3d at 760. After his judgment of conviction was affirmed on direct appeal, the defendant
3 filed a pro se postconviction petition for writ of habeas corpus and requested counsel be
4 appointed. Id. The district court ultimately denied the petitioner's petition and his appointment
5 of counsel request. Id. In reviewing the district court's decision, the Nevada Supreme Court
6 examined the statutory factors listed under NRS 34.750 and concluded that the district court's
7 decision should be reversed and remanded. Id. The Court explained that the petitioner was
8 indigent, his petition could not be summarily dismissed, and he had in fact satisfied the
9 statutory factors. Id. at 76, 391 P.3d 760-61. As for the first factor, the Court concluded that
10 because petitioner had represented he had issues with understanding the English language
11 which was corroborated by his use of an interpreter at his trial, that was enough to indicate that
12 the petitioner could not comprehend the proceedings. Id. Moreover, the petitioner had
13 demonstrated that the consequences he faced—a minimum eighty-five (85) year sentence—
14 were severe and his petition may have been the only vehicle for which he could raise his
15 claims. Id. at 76-77, 391 P.3d at 761-62. Finally, his ineffective assistance of counsel claims
16 may have required additional discovery and investigation beyond the record. Id.

17 Pursuant to NRS 34.750, Petitioner has not demonstrated that counsel should be
18 appointed. As a preliminary matter, Petitioner's request is suitable only for summary denial as
19 he has failed to provide any specific facts to support his bare and naked request. Hargrove v.
20 State, 100 Nev. 498, 502, 686 P.2d 222, 225 (1984).

21 Notwithstanding summary denial, Petitioner's request should still be denied as he has
22 failed to meet any of the additional statutory factors under NRS 34.750. The issues Petitioner
23 raises are not difficult. Petitioner raises a meritless claim since there was substantial evidence
24 to support probable cause at the grand jury hearing. Additionally, Petitioner cannot establish
25 prejudice because he was convicted by a jury. As such, counsel is not necessary as the issue is
26 not difficult.

27 Additionally, there has been no indication that Petitioner is unable to comprehend the
28 proceedings. Unlike the petitioner in Renteria-Novoa who faced difficulties understanding the

English language, here Petitioner has failed to demonstrate any inability to understand these proceedings. By filing the instant petition, Petitioner demonstrates he understands that a Petition for Writ of Habeas Corpus is how you bring a claim of ineffective assistance of counsel. Additionally, he is able to research and apply case law. As such, he can comprehend the proceedings.

Finally, counsel is not necessary to proceed with further discovery in this case. Given that Petitioner's claim is meritless, no additional discovery is necessary. Due to habeas relief not being warranted, there is no need for additional discovery, let alone counsel's assistance to conduct such investigation. Therefore, Petitioner's request is denied.

III. PETITIONER IS NOT ENTITLED TO AN EVIDENTIARY HEARING

NRS 34.770 determines when a defendant is entitled to an evidentiary hearing. It reads:

1. The judge or justice, upon review of the return, answer and all supporting documents which are filed, shall determine whether an evidentiary hearing is required. A petitioner must not be discharged or committed to the custody of a person other than the respondent *unless an evidentiary hearing is held*.
2. If the judge or justice determines that the petitioner is not entitled to relief and an evidentiary hearing is not required, he shall dismiss the petition without a hearing.
3. If the judge or justice determines that an evidentiary hearing is required, he shall grant the writ and shall set a date for the hearing.

The Nevada Supreme Court has held that if a petition can be resolved without expanding the record, then no evidentiary hearing is necessary. Marshall v. State, 110 Nev. 1328, 885 P.2d 603 (1994); Mann v. State, 118 Nev. 351, 356, 46 P.3d 1228, 1231 (2002). A defendant is entitled to an evidentiary hearing if his petition is supported by specific factual allegations, which, if true, would entitle him to relief unless the factual allegations are repelled by the record. Marshall, 110 Nev. at 1331, 885 P.2d at 605; see also Hargrove v. State, 100 Nev. 498, 503, 686 P.2d 222, 225 (1984) (holding that "[a] defendant seeking post-conviction relief is not entitled to an evidentiary hearing on factual allegations belied or repelled by the record"). "A claim is 'belied' when it is contradicted or proven to be false by the record as it

1 existed at the time the claim was made.” Mann, 118 Nev. at 354, 46 P.3d at 1230 (2002).

2 It is improper to hold an evidentiary hearing simply to make a complete record. *See*
3 State v. Eighth Judicial Dist. Court, 121 Nev. 225, 234, 112 P.3d 1070, 1076 (2005) (“The
4 district court considered itself the ‘equivalent of . . . the trial judge’ and consequently wanted
5 ‘to make as complete a record as possible.’ This is an incorrect basis for an evidentiary
6 hearing.”). Further, the United States Supreme Court has held that an evidentiary hearing is
7 not required simply because counsel’s actions are challenged as being unreasonable strategic
8 decisions. Harrington v. Richter, 131 S. Ct. 770, 788 (2011). Although courts may not indulge
9 post hoc rationalization for counsel’s decision making that contradicts the available evidence
10 of counsel’s actions, neither may they insist counsel confirm every aspect of the strategic basis
11 for his or her actions. Id. There is a “strong presumption” that counsel’s attention to certain
12 issues to the exclusion of others reflects trial tactics rather than “sheer neglect.” Id. (*citing*
13 Yarborough v. Gentry, 540 U.S. 1, 124 S. Ct. 1 (2003)). Strickland calls for an inquiry in the
14 *objective* reasonableness of counsel’s performance, not counsel’s *subjective* state of mind. 466
15 U.S. 668, 688, 104 S. Ct. 2052, 2065 (1994).

16 Here, Petitioner requests an evidentiary hearing for his claim. There is no need for an
17 evidentiary hearing because Petitioner is not entitled to any relief. Petitioner’s claim fails as
18 he is unable to establish prejudice. As such, Petitioner would not be entitled to relief even if
19 counsel were deficient. No need exists to expand the record, as all claims can be disposed of
20 based on the existing record. Thus, Petitioner’s request for an evidentiary hearing is denied.

21 ORDER

22 Based on the foregoing, IT IS HEREBY ORDERED that the Petition for Writ of Habeas
23 Corpus (Post-Conviction), Motion for Appointment of Counsel, and Request for Evidentiary

24 ///

25 ///

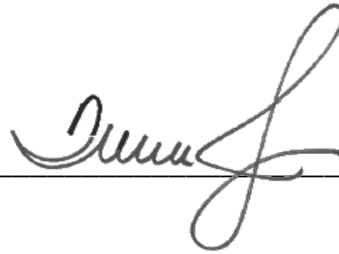
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27 ///

28 ///

Hearing shall be, and is, hereby denied.

Dated this 31st day of March, 2022

A handwritten signature in black ink, appearing to read 'Tierra Jones', is written over a horizontal line.

Respectfully submitted,

STEVEN WOLFSON
Clark County District Attorney
Nevada Bar #001565

929 77A D7CA 87E9
Tierra Jones
District Court Judge

By /s/ TALEEN PANDUKHT
TALEEN PANDUKHT
Chief Deputy District Attorney
Nevada Bar #005734

21CRN000371X/TRP/ee/jh/GANG

1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 Jamel Gibbs, Plaintiff(s)

CASE NO: A-21-844881-W

7 vs.

DEPT. NO. Department 10

8 State of Nevada, Defendant(s)
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 3/31/2022

15 Dept 10 Law Clerk

dept10lc@clarkcountycourts.us

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Writ of Habeas Corpus

COURT MINUTES

February 09, 2022

A-21-844881-W Jamel Gibbs, Plaintiff(s)
vs.
State of Nevada, Defendant(s)

**February 09, 2022 8:30 AM Petition for Writ of Habeas
Corpus**

HEARD BY: Jones, Tierra **COURTROOM:** RJC Courtroom 14B

COURT CLERK: Teri Berkshire

RECORDER: Victoria Boyd

REPORTER:

PARTIES

PRESENT: Chen, Alexander G. Attorney
State of Nevada Defendant

JOURNAL ENTRIES

- Mr. Gibbs not present an in the Nevada Department of Corrections. COURT ORDERED, Matter CONTINUED for the State to file a supplemental response.

03/09/22 8:30 A.M. PETITION FOR WRIT OF HABEAS CORPUS

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Writ of Habeas Corpus

COURT MINUTES

March 09, 2022

A-21-844881-W	Jamel Gibbs, Plaintiff(s)
	vs.
	State of Nevada, Defendant(s)

March 09, 2022	8:30 AM	Petition for Writ of Habeas Corpus
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HEARD BY: Jones, Tierra **COURTROOM:** RJC Courtroom 14B

COURT CLERK: Teri Berkshire
Deriontae Green

RECORDER: Victoria Boyd

REPORTER:

PARTIES

PRESENT:	Chen, Alexander G.	Attorney
	Walls, Tina M, ESQ	Attorney

JOURNAL ENTRIES

- APPEARANCE CONTINUED: Ms. Walls present as a friend of the Court, via video on behalf of Mr. Gibbs through bluejeans technology.

Deft. not present and in the Nevada Department of Corrections. Counsel submitted the matter on the pleadings. Court Stated its Findings and ORDERED, Petition for Writ of Habeas Corpus, DENIED. State to prepare Findings of Fact and Conclusions of Law consistent with their Supplemental opposition.

Clerk's Note: A copy of these minutes mailed to Jamel Gibbs ID # 1056675 SDCC P.O. Box 208

PRINT DATE: 04/13/2022

Page 2 of 3

Minutes Date: February 09, 2022

Indian Springs, Nevada 89070 /tb

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; CIVIL COVER SHEET; FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER; NOTICE OF ENTRY OF FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER; DISTRICT COURT MINUTES

JAMEL GIBBS,

Plaintiff(s),

vs.

STATE OF NEVADA,

Defendant(s),

Case No: A-21-844881-W

Dept No: X

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 13 day of April 2022.

Steven D. Grierson, Clerk of the Court



Amanda Hampton, Deputy Clerk

