



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

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

Electronically Filed
Mar 11 2022 09:16 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

Steven D. Grierson
Clerk of the Court

Anntoinette Naumec-Miller
Court Division Administrator

March 11, 2022

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

RE: STATE OF NEVADA vs. WILBURT HICKMAN
S.C. CASE: 84316
D.C. CASE: C-12-278699-1

Dear Ms. Brown:

Pursuant to your Order Directing Entry and Transmission of Written Order, dated March 8, 2022, enclosed is a certified copy of the Order Denying Defendant's Pro Per Motion to Modify and/or Correct Illegal Sentence filed March 10, 2022 in the above referenced case. If you have any questions regarding this matter, please do not hesitate to contact me at (702) 671-0512.

Sincerely,
STEVEN D. GRIERSON, CLERK OF THE COURT

/s/ Heather Ungermann
Heather Ungermann, Deputy Clerk

1 **ORDR**
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 MEGAN S. THOMSON
6 Chief Deputy District Attorney
7 Nevada Bar #011002
8 200 Lewis Avenue
9 Las Vegas, NV 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

8 DISTRICT COURT
9 CLARK COUNTY, NEVADA

10 THE STATE OF NEVADA,

11 Plaintiff,

12 -vs-

13 WILBURT HICKMAN,
14 #0905481

15 Defendant.

CASE NO: C-12-278699-1

DEPT NO: XXIII

16 **ORDER DENYING DEFENDANT'S PRO PER MOTION TO**
17 **MODIFY AND/OR CORRECT ILLEGAL SENTENCE**

18 DATE OF HEARING: JANUARY 5, 2022

19 TIME OF HEARING: 12:00 P.M.

20 THIS MATTER having come on for hearing before the above entitled Court on the
21 5th day of January, 2022, the Defendant not being present, in proper person, the Plaintiff
22 being represented by STEVEN B. WOLFSON, District Attorney, through MEGAN S.
23 THOMSON, Chief Deputy District Attorney, and without argument, based on the pleadings
24 and good cause appearing therefor,

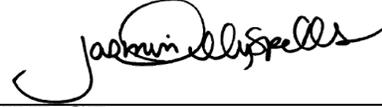
25 THE COURT FINDS that the imposed sentence does not violate due process. *State v.*
26 *Eighth Judicial District Court*, 100 Nev. 90, 97 (1984).

27 THE COURT FURTHER FINDS that there is no evidence that the court based its
28 sentence on a materially false assumption of fact which worked to the defendant's
detriment. *Passanisi v. State*, 108 Nev. 318 (1992).

1 THE COURT FINDS that AB236 cannot be applied retroactively.

2 IT IS HEREBY ORDERED that the Defendant's Pro Per Motion to Modify and/or
3 Correct Illegal Sentence, shall be, and it is DENIED as it lacks jurisdiction to modify the
4 sentence because Defendant has already started serving the sentence. *Passanisi v. State*, 108
5 Nev. 318, 321 (1992).

Dated this 10th day of March, 2022



6
7 DISTRICT JUDGE

8 **708 E01 651A D8CC**
9 **Jasmin Lilly-Spells**
10 **District Court Judge**

11 **CERTIFICATE OF MAILING**

12 I hereby certify that service of the above and foregoing was made this _____ day of
13 March, 2022, by depositing a copy in the U.S. Mail, postage pre-paid, addressed to:

14 WILBURT HICKMAN, BAC# 62150
15 HIGH DESERT STATE PRISON
16 P. O. BOX 650
17 INDIAN SPRINGS, NV 89070

18 BY /s/ E. Goddard
19 Secretary – District Attorney’s Office

20
21
22 March 11, 2022

23 11F21695Xerg/



24
25
26
27
28 **CERTIFIED COPY**
ELECTRONIC SEAL (NRS 1.190(3))

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 State of Nevada

CASE NO: C-12-278699-1

7 vs

DEPT. NO. Department 23

8 Wilburt Hickman

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: 3/10/2022

15 Margaret McLetchie

maggie@nvlitigation.com

16 Alina Shell .

alina@nvlitigation.com

17 E-File .

efile@nvlitigation.com

18 Margaret McLetchie .

maggie@nvlitigation.com

19
20
21
22
23
24
25
26
27
28