

Steven D. Grierson

TONEY A. WHITE
NDOC NO. 1214172
HIGH DESERT STATE PRISON
POST OFFICE BOX 650
INDIAN SPRINGS, NV,
89070

Electronically Filed
Nov 28 2022 11:34 AM
Elizabeth A. Brown
Clerk of Supreme Court

PETITIONER/DEFENDANT
IN PRO SE

DISTRICT COURT
CLARK COUNTY, NEVADA

TONEY A. WHITE,
PETITIONER,

VS.

CALVIN JOHNSON, WARDEN,
RESPONDENT.

CASE NO.
A-20-824261-W
C-16-313216-Z

PETITIONERS NOTICE OF
APPEAL

PETITIONER PREVIOUSLY PROCEEDED WITH A PCR
PETITION PRO SE RESULTING FROM A CONVICTION OUT OF
THIS COURT.

ON MAY 11, 2020 NSC AFFIRMED PETITIONER'S CON-
VICTION AND ISSUED REMITTANCE JUNE 05, 2020. PETITIONER'S
PCR PETITION WAS FILED IN THIS COURT NOVEMBER 05, 2020.
ON APRIL 08, 2021 A FINDINGS OF FACT, CONCLUSIONS OF LAW
AND ORDER ISSUED. AN APPEAL ENSUED IN NSC NO. 82889
AND WAS AFFIRMED IN PART, REVERSED IN PART AND REMAN-
DED JUNE 22, 2022.

WHILE REMANDED BACK TO THIS COURT AND PENDING
AND ON JULY 28, 2022 PETITIONER DELIVERED TO PRISON STAFF
FOR MAILING 11 A MOTION ENTITLED "DEFENDANT/PETITIONERS MOTION
FOR LEAVE OF COURT TO FILE AMENDED OR SUPPLEMENTAL HABEAS
CORPUS PETITION" AND EXPLAINING HIS MAY 15, 2021 SUBMISSION
OF HIS 2ND PCR PREPARATORY TO HIS FILING FOR WRITING AND ITS
MALICIOUS SABOTAGE AND IMPERED FILING BY VIRTUE OF STATE ACT-
ION.

1. PETITIONER INVOKES THE MAIL BOX RULE ENUNCIATED IN HOUSTON V.
LACK, 487 U.S. 266 (1988).

RECEIVED

NOV 09 2022

CLERK OF THE COURT

THE CLAIMS TIMELY SUBMITTED IN THAT PCR AND ANTICIPATED FOR STATE COURT REVIEW BUT FOR THE FORGEOUS AND DILATORY IMPEDIMENT ARE CONTAINED AT EXHIBIT '1' HERETO. THE MOTION POST-MARKED JULY 29, 2022 WAS RECEIVED BY THE CLERK AUGUST 02ND AND FILED AUGUST 11, 2022 ID.

MEANWHILE, PRIOR TO THE AUGUST 11, 2022 OFFICIAL "FILING" OF THAT MOTION BY THE CLERK AND DESPITE ITS RECEIPT PRIOR TO THE AUGUST 04, 2022 ORDER AMENDING THE SOC, THIS COURT ENTERED ITS AMENDED SOC (EXHIBIT '2' HERETO).

FOLLOWING ITS AUGUST 11, 2022 DELAYED FILING, PETITIONER WAS PROVIDED NOTICE OF A CALENDARED SEPTEMBER 13, 2022 HEARING ON HIS MOTION FOR LEAVE (EXHIBIT '3').

THE HEARING CONVENED BEFORE HONORABLE MICHELLE M. LEAVITT AND PURPORTEDLY THE MOTION WAS DENIED SAID DATE. PRIOR TO NOVEMBER 03, 2022, SOME 1 MONTH AND 3 WEEKS LATER, PETITIONER WAS NOT SERVED THE SEPTEMBER 13, 2022 HEARING RESULTS BY IN WHICH TO DILIGENTLY EXPLORE APPEALATE OPTIONS.

RATHER, HE SOLELY DISCOVERED THE EXISTENCE OF THIS COURTS SEPTEMBER 13, 2022 HEARING RESULTS AT A NOVEMBER 03, 2022 CONTACT WITH APPOINTED COUNSELS IN CONNECTION WITH HIS \$ 2254 PROCEEDINGS PENDING BEFORE THE U.S. DISTRICT COURT IN WHITE V. JOHNSON, 2:21-cv-01114 APG VCF WHOM PROVIDED PETITIONER THE JOURNAL ENTRIES CONTAINED AT EXHIBIT '4' HERETO AND PRINTED OCTOBER 27, 2022 AFTER BEING PREPARED BY COURT CLERK HALY PANNULLO.

GIVEN THIS COURT'S FAILURE TO TIMELY NOTICE PETITIONER OF HEARING RESULTS IN A TIMELY MANNER, A TIMELY NOTICE OF APPEAL WAS NOT POSSIBLE PLACING HIM AT A SUBSTANTIAL DISADVANTAGE AND COMPROMISE IN PROTECTING HIS LEGAL INTERESTS.

IN ACCORDANCE PETITIONER HEREBY FILES HIS NOTICE OF APPEAL TO THIS COURTS SEPTEMBER 13, 2022 ORDER DENYING HIS MOTION. WHILE ALTHOUGH THE COURTS ORDER NOTES THE INITIAL PETITION WAS DENIED AND A FINDING OF FACTS FILED AND PETITIONER CANNOT SUPPLEMENT WHAT HAS ALREADY BEEN DONE AND ORDERED AS A PRETEXT TO DENY THE MOTION, AT THE TIME OF THE MOTION THE MATTER WAS UNDER NSC REMAND STILL OPEN BEFORE THIS COURT FOR REVIEW AND ACCORDINGLY HAD NOT BEEN FINALIZED.

MOREOVER, THIS COURT PROCEDURALLY DEFECTED IN PROPERLY NOTICING PETITIONER OF ITS SEPTEMBER 13, 2022 ORDER WHICH CONSTITUTES THE CORNERSTONE OF DUE PROCESS, IN TURN COMPROMISING HIS APPEAL THEREFROM ON TIMELINESS JURISDICTIONAL ISSUES.

NONETHELESS EXECUTING DUE DILIGENCE AND IN GOOD FAITH, PETITIONER HEREBY FILES HIS INSTIGATED RELATED NOTICE OF APPEAL TO THIS COURTS SEPTEMBER 13, 2022 ORDER DENYING HIS ABILITY TO AMEND/SUPPLEMENT HIS PCR GIVEN IMPEDIMENTS OF STATE ACTORS WHICH PURPOSEFULLY OBSTRUCTED REVIEW OF THE ISSUES IN EXHIBIT '1' HERETO.

RESPECTFULLY SUBMITTED,

DATED: NOVEMBER 06, 2022

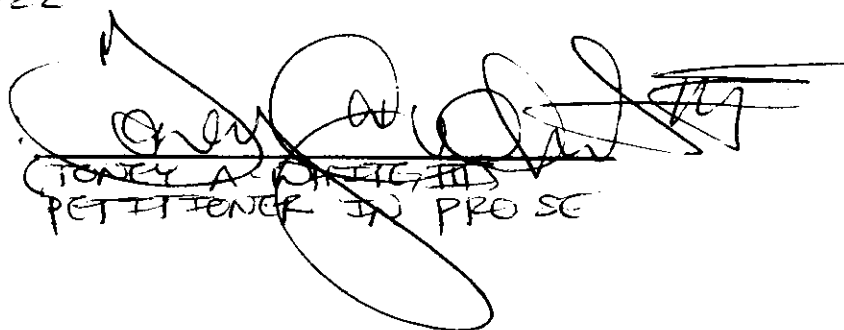
BY: 
TONY A. WRIGHT
PETITIONER IN PRO SE

EXHIBIT 11

Heather Shuman
CLERK OF THE COURT

TONY A. WHITE
NDOC NO. 1214172
HIGH DESERT STATE PRISON
POST OFFICE BOX 650
INDIAN SPRINGS, NV,
89040

PETITIONER/DEFENDANT
IN PRO SE

DISTRICT COURT
CLARK COUNTY, NEVADA

STATE OF NEVADA,

PLAINTIFF,

VS.

TONY ANTHONY WHITE,

DEFENDANT.

CASE NO.
C-16-313216-2; A-20-824261-W;

DEFENDANT/PETITIONERS MO-
TION FOR LEAVE OF COURT TO
FILE AMENDED OR SUPPLE-
MENTAL HABEAS CORPUS
PETITION.

PREVIOUSLY DEFENDANT WAS CONVICTED AND SEN-
TENCED BY THIS COURT TO 20 YEARS TO LIFE. A DIRECT APPEAL
ENSUED AND WAS AFFIRMED IN NEVADA SUPREME COURT
NUMBER 78483. SUBSEQUENTLY, DEFENDANT PETITIONED THIS
COURT FOR RELIEF IN A PCR PETITION IN CASE NO. A-20-
824261-W. IT WAS DENIED BY THIS COURT AND A SECOND
APPEAL ENSUED IN NEVADA SUPREME COURT NO. 82889 AND
WAS ON JUNE 22, 2022 AFFIRMED IN PART, REVERSED IN
PART AND RETAINED.

IN THE INTERIM OF THE PENDENCY OF HIS FIRST
PCR PROCEEDING AND AMIDST THE COVID PANDEMIC ON
AND ABOUT MAY 15, 2021 HE SUBMITTED HIS 2ND PCR PETITION
FOR COPYING AND SERVICE TO HIS FACILITY LAW LIBRARY.
THIS SECOND PETITION WAS THE RESULT OF EXHAUSTIVE
RESEARCH AND AFTER THE CONSULTING EFFORTS OF OBTAINING
SUPPORTING DOCUMENTS FROM VARIOUS LOCATIONS.

AMONGST THE CANY OF CLAIMS PRESENTED BY
SAID PETITION WERE THE FOLLOWINGS:

RECEIVED

AUG 02 2022

CLERK OF THE COURT

RECEIVED
NOV 09 2022
CLERK OF THE COURT

22-0400

1). PROSECUTORIAL MISCONDUCTS:

- A). CONCEALING MARLENE BURKHALTERS CRIMINAL AND CONVICTION HISTORY FROM THE COURT AND DEFENSE;
- B). PERMITTING THE INHERENTLY FALSE AND MIS-LEADING TESTIMONY OF JASON CLIFF AND MARLENE BURKHALTER;
- C). TAMPERING WITH AND PLANTING EVIDENCE;
- D). CONCEALING JASON CLIFF TOXICOLOGY RESULTS OF 1/21/16;
- E). CONCEALING FELONY CONVICTION HISTORY OF JASON CLIFF.

- 2). SMS CLAIM BASED ON MARCUM VIOLATION.
- 3). DENIAL OF COMPULSORY PROCESS
- 4). IAC
- 5). SOLICITATION OF FALSE EVIDENCE/TESTIMONY; AND
- 6). DUE PROCESS VIOLATIONS.

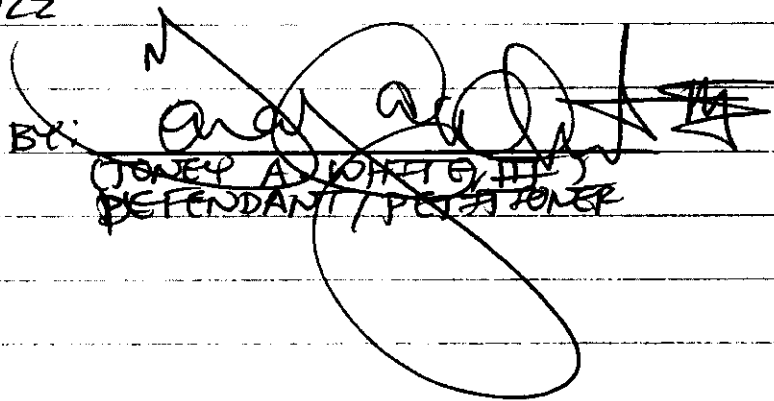
SAID PETITION WAS SEIZED BY PRISON STAFF AND WAS NEVER RETURNED TODAY. THIS STATE CREATED IMPEDIMENT SERVED THE BASIS OF THE U.S. DISTRICT COURTS APPOINTMENT OF COUNSEL IN WHITE V. JOHNSON 2:21-CV-01114 APS VCF. FOLLOWING COUNSEL APPOINTMENT ON MAY 15TH AND 26TH, 2022 DEFENDANT RELINQUISHED ALL FILE MATERIALS TO COUNSEL OF RECORD AND HAS SINCE AND ON JULY 26, 2022 SOUGHT THE RETURN OF THE FILE MATERIALS BY FN WHITE TO PURSUE THE STATE COURT REVIEW OF ALL CLAIMS MALICIOUSLY OBSTRUCTED BY SEIZURE AND DESTRUCTION OF HIS 2ND PCR BY PRISON STAFF.

ON JULY 14, 2022 THIS COURT PROVIDED DEFENDANT NOTICE OF HEARING THIS DATE ON STATUS CHECK RE: ORDER OF THE COURT OF APPEALS. GIVEN THAT STATE REVIEW OF THIS MATTER IS STILL ONGOING AND IN LIGHT OF STATE CREATED IMPEDIMENT WHICH OBSTRUCTED DEFENDANTS DUE DILIGENCE IN FILING HIS 2ND PCR TIMELY, HE NOW FORMALLY SEEKS LEAVE OF COURT TO AMEND OR SUPPLEMENT HIS AFOREMENTIONED FIRST PCR TO INCLUDE THE LATER CLAIMS. 2

THIS MOTION IS MADE FOR GOOD CAUSE.

RESPECTFULLY SUBMITTED,

DATED: JULY 28, 2022

BY: 
JONER A. WHITE III
DEFENDANT / PRISONER

TONER A, WHITE-1214172

HDSF

P.O. BOX 650

INDIAN SPRINGS, NV

89070

LAS VEGAS NV 890

29 JUL 2022 PM 4 L



HIGH DESERT STATE PRISON

JUL 28 2022

UNIT 3 A/F

CLERK OF THE COURT
8TH JUDICIAL DISTRICT COURT
COUNTY OF CLARK
200 LEWIS AVENUE, 3RD FLOOR
LAS VEGAS, NV, 89155

LEGAL MAIL

99101-630000

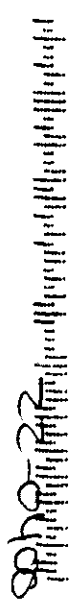


EXHIBIT '2'

Heather S. Smith
CLERK OF THE COURT

1 AJOCP

2
3
4 DISTRICT COURT
5 CLARK COUNTY, NEVADA

6
7 THE STATE OF NEVADA,

8 Plaintiff,

CASE NO. C-16-313216-2

9 -vs-

DEPT. NO. XII

10
11 TONEY ANTHONY WHITE
12 #8270790

13 Defendant.

14 AMENDED JUDGMENT OF CONVICTION
15 (PLEA OF GUILTY)

16
17 The Defendant previously appeared before the Court with counsel and entered
18 a plea of guilty to the crimes of **COUNT 1 - CONSPIRACY TO COMMIT ROBBERY**
19 (Category B Felony) in violation of NRS 200.380, 199.480; **COUNT 2 - BURGLARY**
20 **WHILE IN POSSESSION OF A DEADLY WEAPON** (Category B Felony) in violation of
21 NRS 205.060; **COUNT 3 - FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY**
22 **WEAPON** (Category A Felony) in violation of NRS 200.310, 200.320, 193.165;
23 **COUNT 4 - FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON**
24 (Category A Felony) in violation of NRS 200.310, 200.320, 193.165; **COUNT 5 -**
25 **ATTEMPT ROBBERY WITH USE OF A DEADLY WEAPON** (Category B Felony) in
26 violation of NRS 200.380, 193.330, 193.165; **COUNT 6 - ATTEMPT ROBBERY WITH**
27
28

RECEIVED

NOV 09 2022

CLERK OF THE COURT

1 USE OF A DEADLY WEAPON (Category B Felony) in violation of NRS 200.380,
2 193.330, 193.165; **COUNT 7 - BATTERY WITH USE OF A DEADLY WEAPON**
3 **RESULTING IN SUBSTANTIAL BODILY HARM** (Category B Felony) in violation of
4 NRS 200.481; and **COUNT 8 - IMPERSONATION OF AN OFFICER** (Gross
5 Misdemeanor) in violation of NRS 199.430; thereafter, on the 19th day of March, 2019,
6 the Defendant was present in court for sentencing with counsel MICHAEL SANFT,
7 ESQ., and good cause appearing,

9 THE DEFENDANT IS HEREBY ADJUDGED guilty of said offenses and, in
10 addition to the \$25.00 Administrative Assessment and \$150.00 DNA Analysis Fee
11 including testing to determine genetic markers plus \$3.00 DNA Collection Fee, the
12 Defendant is sentenced to the Nevada Department of Corrections (NDC) as follows:
13 **COUNT 1 - a MAXIMUM of SEVENTY-TWO (72) MONTHS with a MINIMUM Parole**
14 **Eligibility of TWENTY-EIGHT (28) MONTHS, CONCURRENT with COUNTS 2 & 4;**
15 **COUNT 2 – a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS with a**
16 **MINIMUM Parole Eligibility of SIXTY-SIX (66) MONTHS, CONCURRENT with**
17 **COUNT 1; COUNT 3 – LIFE with a MINIMUM Parole Eligibility of FIVE (5) YEARS**
18 **plus a CONSECUTIVE term of TWENTY (20) YEARS MAXIMUM with a parole**
19 **eligibility of FIVE (5) YEARS for the Use of a Deadly Weapon, CONCURRENT with**
20 **COUNT 2; COUNT 4 – LIFE with a MINIMUM Parole Eligibility of FIVE (5) YEARS**
21 **plus a CONSECUTIVE term of TWENTY (20) YEARS MAXIMUM with a parole**
22 **eligibility of FIVE (5) YEARS for the Use of a Deadly Weapon, CONSECUTIVE with**
23 **COUNT 3; COUNT 5 – a MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS**
24 **with a MINIMUM Parole Eligibility of FORTY-EIGHT (48) MONTHS plus a**

1 CONSECUTIVE term of ONE HUNDRED TWENTY (120) MONTHS with a MINIMUM
2 Parole Eligibility of FORTY-EIGHT (48) MONTHS for the Use of a Deadly Weapon,
3 CONCURRENT with COUNT 4; **COUNT 6** - a MAXIMUM of ONE HUNDRED
4 TWENTY (120) MONTHS with a MINIMUM Parole Eligibility of FORTY-EIGHT (48)
5 MONTHS plus a CONSECUTIVE term of ONE HUNDRED TWENTY (120) MONTHS
6 with a MINIMUM Parole Eligibility of FORTY-EIGHT (48) MONTHS for the Use of a
7 Deadly Weapon, CONCURRENT with COUNT 5; **COUNT 7** - a MAXIMUM of ONE
8 HUNDRED EIGHTY (180) MONTHS with a MINIMUM Parole Eligibility of SIXTY-SIX
9 (66) MONTHS, CONCURRENT with COUNT 6; and **COUNT 8** - THREE HUNDRED
10 SIXTY-FOUR (364) DAYS IN CLARK COUNTY DETENTION CENTER (CCDC),
11 CONCURRENT with COUNT 7; with ONE THOUSAND ONE HUNDRED THIRTY-
12 FOUR (1,134) DAYS credit for time served. The AGGREGATE TOTAL sentence is
13 LIFE with a MINIMUM Parole Eligibility of TWENTY (20) YEARS.
14
15
16

17 THEREAFTER, on the 28th day of July, 2022, the Defendant not present, and
18 pursuant to Supreme Court Order filed on June 22, 2022, Amended Order Affirming in
19 Part, Reversing in Part and Remanded; COURT ORDERED: **RESTITUTION IS**
20 **VACATED.**
21
22

23 Dated this 4th day of August, 2022

24 

25
26 hvp

27 6CA DAE 0FCD 50D7
28 Michael Cherry
District Court Judge

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 State of Nevada

CASE NO: C-16-313216-2

7 vs

DEPT. NO. Department 12

8 Toney White
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 8/4/2022

15 Michael Schwartzer

michael.schwartzter@clarkcountyda.com

16 Michael Sanft

michael@sanftlaw.com

17 Dept 12 Law Clerk

dept12lc@clarkcountycourts.us

18 Eileen Davis


Eileen.Davis@clarkcountyda.com

19 Terrence Jackson

Terry.jackson.esq@gmail.com
20
21
22
23
24
25
26
27
28

EXHIBIT 131

**DISTRICT COURT
CLARK COUNTY, NEVADA**



Toney White, Plaintiff(s)

Case No.: A-20-824261-W

vs.

Calvin Johnson, Warden, Defendant(s)

Department 12

NOTICE OF HEARING

Please be advised that the Defendant/ Plaintiff's Motion for Leave of Court to File Amended or Supplemental Habeas Corpus Petition in the above-entitled matter is set for hearing as follows:

Date: September 13, 2022

Time: 8:30 AM

Location: RJC Courtroom 14D
Regional Justice Center
200 Lewis Ave.
Las Vegas, NV 89101

NOTE: Under NEFCR 9(d), if a party is not receiving electronic service through the Eighth Judicial District Court Electronic Filing System, the movant requesting a hearing must serve this notice on the party by traditional means.

STEVEN D. GRIERSON, CEO/Clerk of the Court

By: /s/ Michelle McCarthy
Deputy Clerk of the Court

CERTIFICATE OF SERVICE

I hereby certify that pursuant to Rule 9(b) of the Nevada Electronic Filing and Conversion Rules a copy of this Notice of Hearing was electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.

By: /s/ Michelle McCarthy
Deputy Clerk of the Court

EXHIBIT 4

A-20-824261-W

DISTRICT COURT
CLARK COUNTY, NEVADA

Writ of Habeas Corpus

COURT MINUTES

September 13, 2022

A-20-824261-W Toney White, Plaintiff(s)
vs.
Calvin Johnson, Warden, Defendant(s)

September 13, 2022 08:30 AM Defendant/ Plaintiff's Motion for Leave of Court to File Amended
or Supplemental Habeas Corpus Petition

HEARD BY: Leavitt, Michelle

COURTROOM: RJC Courtroom 14D

COURT CLERK: Pannullo, Haly

RECORDER: Richardson, Sara

REPORTER:

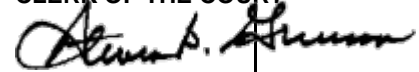
PARTIES PRESENT:

Haley Ann Jaramillo

Attorney for Defendant

JOURNAL ENTRIES

COURT STATED the Petition was denied and a Finding of Facts was filed; therefore, the Defendant can file whatever Petition or Motion he deems to be appropriate; however, cannot supplement what has already been done and ORDERED, Motion DENIED.



1 ASTA
2
3
4
5

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

10 TONEY A. WHITE, III,

11 Plaintiff(s),

12 vs.

13 CALVIN JOHNSON, WARDEN,

14 Defendant(s),
15

Case No: A-20-824261-W

Dept No: XII

16
17 **CASE APPEAL STATEMENT**
18

19 1. Appellant(s): Toney Anthony White

20 2. Judge: Michelle Leavitt

21 3. Appellant(s): Toney Anthony White

22 Counsel:

23 Toney Anthony White#1214172
24 P.O. Box 650
Indian Springs, NV 89070

25 4. Respondent (s): Calvin Johnson, Warden

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: No
10 Date Application(s) filed: N/A

11 9. Date Commenced in District Court: November 5, 2022

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: Yes

15 Supreme Court Docket Number(s): 78483, 82889

16 12. Child Custody or Visitation: N/A

17 13. Possibility of Settlement: Unknown

18 Dated This 10 day of November 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: Toney Anthony White
28

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. A-20-824261-W

Toney White, Plaintiff(s)
vs.
Calvin Johnson, Warden, Defendant(s)

§
§
§
§
§
§
§

Location: **Department 12**
 Judicial Officer: **Leavitt, Michelle**
 Filed on: **11/05/2020**
 Cross-Reference Case Number: **A824261**
 Defendant's Scope ID #: **8270790**
 Supreme Court No.: **82889**

CASE INFORMATION

Related Cases
 C-16-313216-2 (Writ Related Case)

Case Type: **Writ of Habeas Corpus**

Statistical Closures
 06/08/2021 Other Manner of Disposition

Case Status: **06/08/2021 Closed**

DATE

CASE ASSIGNMENT

Current Case Assignment

Case Number A-20-824261-W
 Court Department 12
 Date Assigned 11/05/2020
 Judicial Officer Leavitt, Michelle

PARTY INFORMATION

Plaintiff

White, Toney

Lead Attorneys

Pro Se

Defendant

Calvin Johnson, Warden

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


DATE

EVENTS & ORDERS OF THE COURT


INDEX

EVENTS


11/05/2020

 Inmate Filed - Petition for Writ of Habeas Corpus
 Party: Plaintiff White, Toney
[1] Petition for Writ of Habeas Corpus (Postconviction)


11/05/2020

 Motion to Seal/Redact Records
 Filed By: Plaintiff White, Toney
[2] Petitioner's Motion for Filing Exhibits "1" thru "4" Under Seal

11/05/2020

 Filed Under Seal
 Filed By: Plaintiff White, Toney
[3] SEALED PER MINUTE ORDER 5/13/22 [3] Exhibits to Petitioner's Motion for Filing Exhibits "1" thru "4" Under Seal (Sealed Pending Court Approval)

11/05/2020

 Appendix
 Filed By: Plaintiff White, Toney
[4] Petitioner's Appendix Volume 1 Pages 1 thru 194

11/05/2020

 Appendix
 Filed By: Plaintiff White, Toney

CASE SUMMARY
CASE NO. A-20-824261-W

[5] Petitioner's Appendix Volume II Pages 195 thru 347

12/08/2020



Order for Petition for Writ of Habeas Corpus

[6]

01/07/2021



Motion to Seal/Redact Records

Filed By: Plaintiff White, Toney

[7] Amended Petitioner's Motion for Filing Exhibits "1" thru "4" Under Seal.

01/07/2021



Filed Under Seal

[22] SEALED PER MINUTE ORDER 5/13/22 [22] Exhibits to Amended Petitioner's Motion for Filing Exhibits "1" thru "4" Under Seal (Sealed Pending Court Approval)

03/09/2021



Response

[8] State's Response to Petitioner's Petition for Writ of Habeas Corpus (Post-Conviction)

03/22/2021



Motion

Filed By: Plaintiff White, Toney

[9] Plaintiff's Motion for Extension of Time of 60 Days from March 25, 2021 Hearing to File Reply to States Response to PCR Petition.

04/08/2021



Findings of Fact, Conclusions of Law and Order

Filed By: Defendant Calvin Johnson, Warden

[10]

04/12/2021



Notice of Entry of Findings of Fact, Conclusions of Law

Filed By: Defendant Calvin Johnson, Warden

[11] Notice of Entry of Findings of Fact, Conclusions of Law and Order

04/21/2021



Request

Filed by: Plaintiff White, Toney

[12] Petitioner's Renewed Request for Appointment of PCR Counsel. Hearing Requested

04/21/2021



Clerk's Notice of Hearing

[13] Notice of Hearing

04/21/2021



Motion for Appointment of Attorney

Filed By: Plaintiff White, Toney

[14] Motion for the Appointment of Counsel; Request for Evidentiary Hearing

04/22/2021



Notice of Change of Hearing

Filed By: Plaintiff White, Toney

[15]

05/06/2021



Notice of Appeal

[16] Petitioner/ Defendant's Notice of Appeal Pursuant to NRAP R. 4.

05/07/2021



Case Appeal Statement

Filed By: Plaintiff White, Toney

[17]

05/07/2021










Amended Case Appeal Statement

[18]

CASE SUMMARY
CASE NO. A-20-824261-W

05/13/2021	 Notice of Appeal <i>[19] Petitioner's Second Notice of Appeal and Request for Appointment of Counsel on Appeal.</i>
05/14/2021	 Case Appeal Statement Filed By: Plaintiff White, Toney <i>[21]</i>
06/01/2021	 Order Denying Filed By: Plaintiff White, Toney <i>[23] Order Denying Defendant's Renewed Request for Appointment of Counsel</i>
06/08/2021	 Order to Statistically Close Case <i>[24] Civil Order to Statistically Close Case</i>
06/17/2021	 Motion Filed By: Plaintiff White, Toney <i>[25] Petitioner's Motion for Additional Copy Credits for Purposes of Filing Second PCR Petition</i>
06/23/2021	 Motion for Appointment of Attorney Filed By: Plaintiff White, Toney <i>[26] Petitioner's Motion for Appointment of PCR Counsel for Pur-Poses of 2nd PCR Claims Being Obstructed and Frustrated</i>
06/25/2021	 Order Denying Motion <i>[28] Order Denying Defendant's Motion for Appointment of Attorney for Appeal</i>
04/07/2022	 Motion Filed By: Plaintiff White, Toney <i>[29] Motion for Provision of Volume 7 of Record on Appeal Filed with Nevada Court of Appeals on February 23, 2022</i>
07/13/2022	 NV Supreme Court Clerks Certificate/Judgment - Affd/Rev Part <i>[30] Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Affirmed in Part, Reversed in Part and Remand; Petition Denied</i>
07/14/2022	 Notice of Hearing <i>[31] Notice of Hearing</i>
08/11/2022	 Motion for Leave to File <i>[32] Defendant/ Plaintiff's Motion for Leave of Court to File Amended or Supplemental Habeas Corpus Petition</i>
08/11/2022	 Clerk's Notice of Hearing <i>[33] Notice of Hearing</i>
11/02/2022	 Court Recorders Invoice for Transcript <i>[34]</i>
11/03/2022	 Order Denying Motion <i>[35] Order Denying Defendant's Motion for Leave of Court to File Amended or Supplemental Habeas Corpus Petition</i>




CASE SUMMARY
CASE NO. A-20-824261-W

11/07/2022	 Recorders Transcript of Hearing <i>[36] Petition for Writ of Habeas Corpus, March 25, 2021</i>
11/07/2022	 Recorders Transcript of Hearing <i>[37] Petitioner's Renewed Request for Appointment of Counsel, May 25, 2021</i>
11/07/2022	 Recorders Transcript of Hearing <i>[38] Status Check, July 28, 2022</i>
11/07/2022	 Recorders Transcript of Hearing <i>[39] Defendant/Plaintiff's Motion for Leave of Court to File Amended or Supplemental Habeas Corpus Petition September 13, 2022</i>
11/09/2022	 Notice of Appeal <i>[40] Notice of Appeal</i>
11/10/2022	 Notice of Entry of Order <i>[41] Notice of Entry of Order</i>
11/10/2022	 Case Appeal Statement <i>Case Appeal Statement</i>

DISPOSITIONS

07/13/2022	Clerk's Certificate (Judicial Officer: Leavitt, Michelle) Debtors: Toney White (Plaintiff) Creditors: Calvin Johnson, Warden (Defendant) Judgment: 07/13/2022, Docketed: 07/15/2022 Comment: Judgment Affirmed in Part Debtors: Calvin Johnson, Warden (Defendant) Creditors: Toney White (Plaintiff) Judgment: 07/13/2022, Docketed: 07/15/2022 Comment: Supreme Court No. 82889; Reversed in Part and Remand Debtors: Toney White (Plaintiff) Creditors: Calvin Johnson, Warden (Defendant) Judgment: 07/13/2022, Docketed: 07/15/2022 Comment: Supreme Court No. 82889; Review Denied
------------	---



HEARINGS

03/25/2021	 Petition for Writ of Habeas Corpus (12:30 PM) (Judicial Officer: Leavitt, Michelle) Denied; Journal Entry Details: <i>Petitioner not present. COURT ORDERED, Petition DENIED; State to prepare the Findings of Facts and Conclusions of Law. NDC;</i>
05/25/2021	 Request (12:30 PM) (Judicial Officer: Leavitt, Michelle) <i>Petitioner's Renewed Request for Appointment of Counsel</i> Denied; Petitioner's Renewed Request for Appointment of Counsel Journal Entry Details: <i>Petitioner not present. COURT ORDERED, Motion DENIED as the Petition was previously denied and the Petitioner is not entitled to counsel; State to prepare the Order. ;</i>
05/13/2022	 Minute Order (12:30 PM) (Judicial Officer: Leavitt, Michelle) Minute Order - No Hearing Held; Journal Entry Details: <i>COURT ORDERED, documents filed on 11/5/2020 and 1/7/2021 are to be PERMANENTLY</i>

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. A-20-824261-W

	<i>SEALED.;</i>	
07/28/2022	 Status Check (8:30 AM) (Judicial Officer: Leavitt, Michelle) Matter Heard; Journal Entry Details: <i>State confirmed the only issue is restitution and the State is not seeking restitution. COURT ORDERED, Judgment of Conviction is to be AMENDED; restitution is VACATED; State to send a copy of the Judgment of Conviction to the Defendant.;</i>	
09/13/2022	 Motion (8:30 AM) (Judicial Officer: Leavitt, Michelle) <i>Defendant/ Plaintiff's Motion for Leave of Court to File Amended or Supplemental Habeas Corpus Petition</i> Denied; Defendant/ Plaintiff's Motion for Leave of Court to File Amended or Supplemental Habeas Corpus Petition Journal Entry Details: <i>COURT STATED the Petition was denied and a Finding of Facts was filed; therefore, the Defendant can file whatever Petition or Motion he deems to be appropriate; however, cannot supplement what has already been done and ORDERED, Motion DENIED. ;</i>	

DATE

FINANCIAL INFORMATION

Plaintiff White, Toney	
Total Charges	34.20
Total Payments and Credits	34.20
Balance Due as of 11/10/2022	0.00

DISTRICT COURT CIVIL COVER SHEET

A-20-824261-W
Dept. 12

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): Toney White	Defendant(s) (name/address/phone): Calvin Johnson, Warden
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 <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 <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.

November 5, 2020

Date

PREPARED BY CLERK

Signature of initiating party or representative

See other side for family-related case filings.

Heaven S. Linn

CLERK OF THE COURT

ORDR

STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
HALEY JARAMILLO
Deputy District Attorney
Nevada Bar #015506
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-

TONEY WHITE,
#8270790

Defendant.

CASE NO: A-20-824261-W

DEPT NO: XII

**ORDER DENYING DEFENDANT'S MOTION FOR LEAVE OF COURT TO FILE
AMENDED OR SUPPLEMENTAL HABEAS CORPUS PETITION**

DATE OF HEARING: September 13, 2022
TIME OF HEARING: 08:30 A.M.

THIS MATTER having come on for hearing before the above entitled Court on the 13th day of September, 2022, the Defendant not being present, IN PROPER PERSON, the Plaintiff being represented by STEVEN B. WOLFSON, District Attorney, through HALEY JARAMILLO, Deputy District Attorney, without argument and good cause appearing therefor,

///

///

///

///

1 COURT STATED a Findings of Facts was filed; therefore, the Defendant can file
2 whatever Petition or Motion he deems to be appropriate; however, cannot supplement what
3 has already been done.

4 IT IS HEREBY ORDERED that the Defendant's Motion for Leave of Court to File
5 Amended or Supplemental Habeas Corpus Petition, shall be, and it is DENIED.

6
7 Dated this 3rd day of November, 2022

8 

9 STEVEN B. WOLFSON
10 Clark County District Attorney
11 Nevada Bar #001565

D09 BC2 61D2 2E8A
Michelle Leavitt
District Court Judge

12 BY /s/ HALEY JARAMILLO
13 HALEY JARAMILLO
14 Deputy District Attorney
Nevada Bar #015506

15 CERTIFICATE OF SERVICE

16 I certify that on the 2nd day of November, 2022, I mailed a copy of the foregoing Order
17 to:

18 TONEY WHITE, BAC #1214172
19 HIGH DESERT STATE PRISON
20 P. O. BOX 650
INDIAN SPRINGS, NEVADA 89070-0650

21 BY /s/ Janet Hayes
22 Secretary for the District Attorney's Office

23
24
25
26
27
28 16FH0191B/jh/GANG

1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 Toney White, Plaintiff(s)

CASE NO: A-20-824261-W

7 vs.

DEPT. NO. Department 12

8 Calvin Johnson, Warden,
9 Defendant(s)

10
11 **AUTOMATED CERTIFICATE OF SERVICE**

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

Service Date: 11/3/2022

15 Alexander Chen

Alexander.chen@clarkcountyda.com

16 Dept 12 Law Clerk

dept12lc@clarkcountycourts.us

17 Steven Wolfson

18 motions@clarkcountyda.com

19
20
21
22
23
24
25
26
27
28



NEOJ

**DISTRICT COURT
CLARK COUNTY, NEVADA**

TONEY WHITE,

Petitioner,

Case No: A-20-824261-W

Dept. No: XII

vs.

CALVIN JOHNSON, WARDEN,

Respondent,

NOTICE OF ENTRY OF ORDER

PLEASE TAKE NOTICE that on November 3, 2022, the court entered a decision or order in this matter, a true and correct copy of which is attached to this notice.

You may appeal to the Supreme Court from the decision or order of this court. If you wish to appeal, you must file a notice of appeal with the clerk of this court within thirty-three (33) days after the date this notice is mailed to you. This notice was mailed on November 10, 2022.

STEVEN D. GRIERSON, CLERK OF THE COURT

/s/ Amanda Hampton

Amanda Hampton, Deputy Clerk

CERTIFICATE OF E-SERVICE / MAILING

I hereby certify that on this 10 day of November 2022, I served a copy of this Notice of Entry on the following:

☒ By e-mail:

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

☒ The United States mail addressed as follows:

Tony White # 1214172
P.O. Box 650
Indian Springs, NV 89070

/s/ Amanda Hampton

Amanda Hampton, Deputy Clerk

Heaven S. Linn

CLERK OF THE COURT

ORDR

STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
HALEY JARAMILLO
Deputy District Attorney
Nevada Bar #015506
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-

TONEY WHITE,
#8270790

Defendant.

CASE NO: A-20-824261-W

DEPT NO: XII

**ORDER DENYING DEFENDANT'S MOTION FOR LEAVE OF COURT TO FILE
AMENDED OR SUPPLEMENTAL HABEAS CORPUS PETITION**

DATE OF HEARING: September 13, 2022
TIME OF HEARING: 08:30 A.M.

THIS MATTER having come on for hearing before the above entitled Court on the 13th day of September, 2022, the Defendant not being present, IN PROPER PERSON, the Plaintiff being represented by STEVEN B. WOLFSON, District Attorney, through HALEY JARAMILLO, Deputy District Attorney, without argument and good cause appearing therefor,

///

///

///

///

1 COURT STATED a Findings of Facts was filed; therefore, the Defendant can file
2 whatever Petition or Motion he deems to be appropriate; however, cannot supplement what
3 has already been done.

4 IT IS HEREBY ORDERED that the Defendant's Motion for Leave of Court to File
5 Amended or Supplemental Habeas Corpus Petition, shall be, and it is DENIED.

6
7 Dated this 3rd day of November, 2022

8 

9 STEVEN B. WOLFSON
10 Clark County District Attorney
11 Nevada Bar #001565

D09 BC2 61D2 2E8A
Michelle Leavitt
District Court Judge

12 BY /s/ HALEY JARAMILLO
13 HALEY JARAMILLO
14 Deputy District Attorney
Nevada Bar #015506

15 CERTIFICATE OF SERVICE

16 I certify that on the 2nd day of November, 2022, I mailed a copy of the foregoing Order
17 to:

18 TONEY WHITE, BAC #1214172
19 HIGH DESERT STATE PRISON
20 P. O. BOX 650
INDIAN SPRINGS, NEVADA 89070-0650

21 BY /s/ Janet Hayes
22 Secretary for the District Attorney's Office

23
24
25
26
27
28 16FH0191B/jh/GANG

1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 Toney White, Plaintiff(s)

CASE NO: A-20-824261-W

7 vs.

DEPT. NO. Department 12

8 Calvin Johnson, Warden,
9 Defendant(s)

10
11 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 11/3/2022

15 Alexander Chen

Alexander.chen@clarkcountyda.com

16 Dept 12 Law Clerk

dept12lc@clarkcountycourts.us

17 Steven Wolfson

18 motions@clarkcountyda.com

Heather S. Smith

CLERK OF THE COURT

AJOCP

DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

TONEY ANTHONY WHITE
#8270790

Defendant.

CASE NO. C-16-313216-2

DEPT. NO. XII

AMENDED JUDGMENT OF CONVICTION
(PLEA OF GUILTY)

The Defendant previously appeared before the Court with counsel and entered a plea of guilty to the crimes of **COUNT 1** - CONSPIRACY TO COMMIT ROBBERY (Category B Felony) in violation of NRS 200.380, 199.480; **COUNT 2** - BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON (Category B Felony) in violation of NRS 205.060; **COUNT 3** - FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON (Category A Felony) in violation of NRS 200.310, 200.320, 193.165; **COUNT 4** - FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON (Category A Felony) in violation of NRS 200.310, 200.320, 193.165; **COUNT 5** - ATTEMPT ROBBERY WITH USE OF A DEADLY WEAPON (Category B Felony) in violation of NRS 200.380, 193.330, 193.165; **COUNT 6** - ATTEMPT ROBBERY WITH

1 USE OF A DEADLY WEAPON (Category B Felony) in violation of NRS 200.380,
2 193.330, 193.165; **COUNT 7** - BATTERY WITH USE OF A DEADLY WEAPON
3 RESULTING IN SUBSTANTIAL BODILY HARM (Category B Felony) in violation of
4 NRS 200.481; and **COUNT 8** - IMPERSONATION OF AN OFFICER (Gross
5 Misdemeanor) in violation of NRS 199.430; thereafter, on the 19th day of March, 2019,
6 the Defendant was present in court for sentencing with counsel MICHAEL SANFT,
7 ESQ., and good cause appearing,
8

9 THE DEFENDANT IS HEREBY ADJUDGED guilty of said offenses and, in
10 addition to the \$25.00 Administrative Assessment and \$150.00 DNA Analysis Fee
11 including testing to determine genetic markers plus \$3.00 DNA Collection Fee, the
12 Defendant is sentenced to the Nevada Department of Corrections (NDC) as follows:
13

14 **COUNT 1** - a MAXIMUM of SEVENTY-TWO (72) MONTHS with a MINIMUM Parole
15 Eligibility of TWENTY-EIGHT (28) MONTHS, CONCURRENT with COUNTS 2 & 4;
16

17 **COUNT 2** – a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS with a
18 MINIMUM Parole Eligibility of SIXTY-SIX (66) MONTHS, CONCURRENT with
19 COUNT 1; **COUNT 3** – LIFE with a MINIMUM Parole Eligibility of FIVE (5) YEARS
20 plus a CONSECUTIVE term of TWENTY (20) YEARS MAXIMUM with a parole
21 eligibility of FIVE (5) YEARS for the Use of a Deadly Weapon, CONCURRENT with
22

23 COUNT 2; **COUNT 4** – LIFE with a MINIMUM Parole Eligibility of FIVE (5) YEARS
24 plus a CONSECUTIVE term of TWENTY (20) YEARS MAXIMUM with a parole
25 eligibility of FIVE (5) YEARS for the Use of a Deadly Weapon, CONSECUTIVE with
26 COUNT 3; **COUNT 5** – a MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS
27 with a MINIMUM Parole Eligibility of FORTY-EIGHT (48) MONTHS plus a
28

1 CONSECUTIVE term of ONE HUNDRED TWENTY (120) MONTHS with a MINIMUM
2 Parole Eligibility of FORTY-EIGHT (48) MONTHS for the Use of a Deadly Weapon,
3 CONCURRENT with COUNT 4; **COUNT 6** - a MAXIMUM of ONE HUNDRED
4 TWENTY (120) MONTHS with a MINIMUM Parole Eligibility of FORTY-EIGHT (48)
5 MONTHS plus a CONSECUTIVE term of ONE HUNDRED TWENTY (120) MONTHS
6 with a MINIMUM Parole Eligibility of FORTY-EIGHT (48) MONTHS for the Use of a
7 Deadly Weapon, CONCURRENT with COUNT 5; **COUNT 7** - a MAXIMUM of ONE
8 HUNDRED EIGHTY (180) MONTHS with a MINIMUM Parole Eligibility of SIXTY-SIX
9 (66) MONTHS, CONCURRENT with COUNT 6; and **COUNT 8** - THREE HUNDRED
10 SIXTY-FOUR (364) DAYS IN CLARK COUNTY DETENTION CENTER (CCDC),
11 CONCURRENT with COUNT 7; with ONE THOUSAND ONE HUNDRED THIRTY-
12 FOUR (1,134) DAYS credit for time served. The AGGREGATE TOTAL sentence is
13 LIFE with a MINIMUM Parole Eligibility of TWENTY (20) YEARS.

14
15
16
17 THEREAFTER, on the 28th day of July, 2022, the Defendant not present, and
18 pursuant to Supreme Court Order filed on June 22, 2022, Amended Order Affirming in
19 Part, Reversing in Part and Remanded; COURT ORDERED: **RESTITUTION IS**
20 **VACATED.**
21

22
23 Dated this 4th day of August, 2022

24 

25
26 *hvp*

27 **6CA DAE 0FCD 50D7**
28 **Michael Cherry**
District Court Judge

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 State of Nevada

CASE NO: C-16-313216-2

7 vs

DEPT. NO. Department 12

8 Toney White
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 8/4/2022

15 Michael Schwartzer michael.schwartz@clarkcountyda.com

16 Michael Sanft michael@sanftlaw.com

17 Dept 12 Law Clerk dept12lc@clarkcountycourts.us

18 Eileen Davis Eileen.Davis@clarkcountyda.com

19 Terrence Jackson Terry.jackson.esq@gmail.com
20
21
22
23
24
25
26
27
28

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Writ of Habeas Corpus

COURT MINUTES

March 25, 2021

A-20-824261-W Toney White, Plaintiff(s)
vs.
Calvin Johnson, Warden, Defendant(s)

**March 25, 2021 12:30 AM Petition for Writ of Habeas
Corpus**

HEARD BY: Leavitt, Michelle

COURTROOM: RJC Courtroom 14D

COURT CLERK: Haly Pannullo

RECORDER: Sara Richardson

REPORTER:

PARTIES

PRESENT: Zadrowski, Bernard B. Attorney

JOURNAL ENTRIES

- Petitioner not present. COURT ORDERED, Petition DENIED; State to prepare the Findings of Facts and Conclusions of Law.

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Writ of Habeas Corpus

COURT MINUTES

May 25, 2021

A-20-824261-W	Toney White, Plaintiff(s)
	vs.
	Calvin Johnson, Warden, Defendant(s)

May 25, 2021	12:30 AM	Request	Petitioner's Renewed Request for Appointment of Counsel
---------------------	-----------------	----------------	--

HEARD BY: Leavitt, Michelle

COURTROOM: RJC Courtroom 14D

COURT CLERK: Haly Pannullo

RECORDER: Sara Richardson

REPORTER:

PARTIES

PRESENT: Iscan, Ercan E Attorney

JOURNAL ENTRIES

- Petitioner not present. COURT ORDERED, Motion DENIED as the Petition was previously denied and the Petitioner is not entitled to counsel; State to prepare the Order.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Writ of Habeas Corpus

COURT MINUTES

May 13, 2022

A-20-824261-W Toney White, Plaintiff(s)
vs.
Calvin Johnson, Warden, Defendant(s)

May 13, 2022 12:30 AM Minute Order

HEARD BY: Leavitt, Michelle **COURTROOM:** Chambers

COURT CLERK: Haly Pannullo

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- COURT ORDERED, documents filed on 11/5/2020 and 1/7/2021 are to be PERMANENTLY SEALED.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Writ of Habeas Corpus

COURT MINUTES

July 28, 2022

A-20-824261-W Toney White, Plaintiff(s)
vs.
Calvin Johnson, Warden, Defendant(s)

July 28, 2022 8:30 AM Status Check

HEARD BY: Leavitt, Michelle **COURTROOM:** RJC Courtroom 14D

COURT CLERK: Haly Pannullo

RECORDER: Sara Richardson

REPORTER:

PARTIES

PRESENT: Schwartz, Michael J. Attorney

JOURNAL ENTRIES

- State confirmed the only issue is restitution and the State is not seeking restitution. COURT ORDERED, Judgment of Conviction is to be AMENDED; restitution is VACATED; State to send a copy of the Judgment of Conviction to the Defendant.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Writ of Habeas Corpus

COURT MINUTES

September 13, 2022

A-20-824261-W	Toney White, Plaintiff(s)
	vs.
	Calvin Johnson, Warden, Defendant(s)

September 13, 2022	8:30 AM	Motion	Defendant/ Plaintiff's Motion for Leave of Court to File Amended or Supplemental Habeas Corpus Petition
---------------------------	----------------	---------------	--

HEARD BY: Leavitt, Michelle

COURTROOM: RJC Courtroom 14D

COURT CLERK: Haly Pannullo

RECORDER: Sara Richardson

REPORTER:

PARTIES

PRESENT: Jaramillo, Haley Ann Attorney

JOURNAL ENTRIES

- COURT STATED the Petition was denied and a Finding of Facts was filed; therefore, the Defendant can file whatever Petition or Motion he deems to be appropriate; however, cannot supplement what has already been done and ORDERED, Motion DENIED.

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):

PETITIONERS NOTICE OF APPEAL; CASE APPEAL STATEMENT;
DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; ORDER DENYING DEFENDANT'S
MOTION FOR LEAVE OF COURT TO FILE AMENDED OR SUPPLEMENTAL HABEAS CORPUS
PETITION; NOTICE OF ENTRY OF ORDER; AMENDED JUDGMENT OF CONVICTION (PLEA OF
GUILTY) (FROM CASE C313216-2); DISTRICT COURT MINUTES

TONEY A. WHITE, III,

Plaintiff(s),

vs.

CALVIN JOHNSON, WARDEN,

Defendant(s),

Case No: A-20-824261-W

Dept No: XII

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 10 day of November 2022.

Steven D. Grierson, Clerk of the Court



Amanda Hampton, Deputy Clerk