

FILED

2023 JAN 25 PM 1:33

IN THE SECOND JUDICIAL DISTRICT
OF THE STATE OF NEVADA IN AND FOR
FOR THE COUNTY OF WASHOE

ALICIA L. LERUD
CLERK OF THE COURT

Electronically Filed
Jan 27 2023 10:53 AM
Elizabeth A. Brown
Clerk of Supreme Court

D'VAUGHN KEITHAN KENG,
PETITIONER,

CASE NO:

CR12-1160

VS.

DEPT. NO:

STATE OF NEVADA,
RESPONDANT.

7

APPEAL OF ORDER DENYING PETITION

I. STATEMENT OF THE CASE

THIS IS AN APPEAL FROM THE ORDER
ENTERED ON JANUARY 3, 2023, DENYING
PETITION FOR WRIT OF HABEAS
CORPUS (POST-CONVICTION).

IN THE SUPREME COURT OF THE
STATE OF NEVADA

D'VAUGHN KEITHAN KING,
APPELLANT,

No. 64983

VS.

STATE OF NEVADA,
RESPONDANT

APPEAL OF ORDER DENYING PETITION

I. STATEMENT OF THE CASE

THIS IS AN APPEAL FROM THE ORDER
ENTERED ON JANUARY 3, 2023, DENYING
PETITION FOR WRIT OF HABEAS
CORPUS (POST-CONVICTION).

II ORDER OF EVENTS

- APPELLANT TIMELY FILED INITIAL WRIT OF HABEAS CORPUS (AFTER DIRECT APPEAL WAS DENIED).
- MARY LOU WILSON ESQ. WAS COURT-APPOINTED TO ASSIST APPELLANT IN THE POST-CONVICTION APPEAL PROCESS. SHE WAS ULTIMATELY RESCINDED AS APPELLANTS' COUNSEL DUE TO AN OFFENSE IN ANOTHER MATTER OUTSIDE OF THE SCOPE OF THESE PROCEEDINGS, BY THE COURTS.
- COUNSEL WAS SUBSTITUTED BY THE COURTS WITH COURT-APPOINTED COUNSEL TROY JORDAN ESQ.. MR. JORDAN SUBSEQUENTLY WROTE A SUPPLEMENTAL HABEAS ON APPELLANTS BEHALF.
- ON NOVEMBER 22, 2017, THE HONORABLE DAVID A. HARDY ENTERED AN ORDER DISMISSING PETITION FOR WRIT OF HABEAS (POST-CONVICTION) ("ORDER"). APPELLANT TIMELY APPEALED THE ORDER TO THE NEVADA SUPREME COURT IN NEVADA SUPREME COURT CASE NO. 74703. THE CASE WAS TRANSFERRED TO THE COURT OF APPEALS OF THE STATE OF NEVADA WHICH ISSUED AN ORDER OF REVERSAL AND REMAND ON MARCH 14, 2019.

THE COURT OF APPEALS FOUND THE DISTRICT COURT ERRED BY NOT HOLDING AN EVIDENTIARY HEARING ON APPELLANTS' CLAIM THAT TRIAL

2. COUNSEL WAS INEFFECTIVE FOR FAILING TO

PRESENT EXPERT PSYCHOLOGICAL TESTIMONY IN MITIGATION AT SENTENCING. IN THE SUPPLEMENTAL PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION), PRIOR HABEAS COUNSEL TROY JORDAN ESQ. ARGUED THAT EXPERT WITNESS DR. MARTHA MAHAFFEY WAS EXPECTED TO TESTIFY THAT HAD THE PSYCHOLOGICAL EVALUATION BEEN PRESENTED, IT WOULD HAVE SHOWN A LOW RISK TO RE-OFFEND, AND THAT APPELLANT WAS AMENABLE TO TREATMENT AND REHABILITATION. THE NEVADA SUPREME COURT GRANTED APPELLANTS PETITION AND REMANDED THE CASE BACK BEFORE THE DISTRICT COURT WITH INSTRUCTIONS FOR AN EVIDENTIARY TO BE HELD.

- ATTORNEY OF RECORD, TROY JORDAN ESQ. SHORTLY AFTER THE NEVADA SUPREME COURTS DECISION, WAS FORCED TO WITHDRAW FROM APPELLANTS CASE FOR OTHER EMPLOYMENT OPPORTUNITIES WITH THE DISTRICT ATTORNEYS OFFICE (HE WOULD SOON RUN FOR THE LYONS COUNTY DISTRICT ATTORNEY TO NO AVAIL; 2022).

- THE APPELLANTS CASE WAS IN-TURN THEN ASSIGNED TO COURT-APPOINTED COUNSEL VICTORIA OLDENBURG THEREAFTER.

- ATTORNEY-CLIENT COMMUNICATION HAS BEEN SPARSE SINCE THE BEGINNING. ON SEVERAL

3. OCCASSIONS VICTORIA OLDENBURG DEMONSTRATED

"NO SHOWS" AT SCHEDULED FACE TO FACE VISITS (H.D.S.P.) AND DISPLAYED AN HABITUAL DEMONSTRATION OF UNAVAILABILITY. ULTIMATELY, APPELLANT WAS TRANSPORTED TO NCCC (CARSON CITY) IN AN EFFORT TO BE MORE ACCESSIBLE TO ATTORNEY OF RECORD AND THE COURTS. THE 18-MONTHS THAT APPELLANT WAS LOCATED THERE, APPELLANT STILL WASN'T AFFORDED THE OPPORTUNITY TO MEET MS. OLDENBURG ESQ. OR DISCUSS THE PARTICULARS OF APPELLANTS CASE.

- IN TROY JORDAN'S (FORMER ATTORNEY) SUPPLEMENTAL PETITION THERE WERE MENTIONINGS ABOUT A PSYCHOLOGIST NAMED MARTHA MAHAFFEY, WHO WAS TO DO A PSYCHOLOGICAL RISK ASSESSMENT ON APPELLANT. WITH NO FOREWARNING BY ATTORNEY OF RECORD VICTORIA OLDENBURG ESQ. APPELLANT RECEIVED A VISITOR BY THE NAME OF SHERI J. HIXON - BRENNSTALL, PH.D WHO ATTEMPTED TO CONDUCT A SERIES OF INTERVIEWS AND TEST ON APPELLANT. APPELLANT WAS NOT COMFORTABLE WITH THE INTERVIEW AND REQUESTED TO STOP IN ORDER TO CONTACT ATTORNEY OF RECORD TO VERIFY IF IT WAS OKAY TO PROCEED; AND LIKE THE COMMON THEME OF APPELLANTS ATTORNEY - CLIENT RELATIONSHIP - APPELLANT WAS UNABLE TO REACH HIS ATTORNEY OR GET 4. HER TO ACCEPT APPELLANTS CALL(S). APPELLANT

ULTIMATELY PROCEEDED WITH THE INTERVIEW, TO APPELLANTS PERIL. AND TRUE TO APPELLANTS APPREHENSION, THE PSYCHOLOGICAL RISK ASSESSMENT WAS TO APPELLANTS DETRIMENT. RESULTING IN AN UPWARD DEPARTURE OF A MODERATE TO MODERATELY - HIGH RISK TO RE-OFFEND ASSESSMENT.

- APPELLANT EXPRESSED THESE CONCERNS TO COURT-APPOINTED COUNSEL VICTORIA OLDENBURG AND INQUIRED WHY WASN'T THE PSYCHOLOGIST IN THE PETITION CONTACTED. APPELLANT REQUESTED TO HAVE A SECOND OPINION (RISK ASSESSMENT) CONDUCTED. THIS AND OTHER CONTENTIONS WERE THE LEADING BASIS OF APPELLANTS ATTORNEY - CLIENT CONFLICT.

ULTIMATELY, COURT-APPOINTED COUNSEL VICTORIA OLDENBURG DREW A LINE IN THE SAND (SO TO SPEAK) AND REQUESTED/INSTRUCTED THAT APPELLANT FIND ANOTHER ATTORNEY.

- AMONG CONTACTING SEVERAL ATTORNEYS IN AN EFFORT TO OBTAIN ADEQUATE REPRESENTATION, APPELLANT FILED (3) SEPARATE MOTIONS TO SUBSTITUTE COUNSEL WHICH WERE SUCCESSFULLY OPPOSED BY THE DISTRICT ATTORNEYS OFFICE AS "FUGITIVE DOCUMENTS" UNDER THE FARCE THAT APPELLANT IS REPRESENTED BY COUNSEL (VICTORIA OLDENBURG ESQ.) THEREFORE APPELLANT

5. CAN NOT PETITION THE COURT IN CONCERNS OF THAT

VERY SAME COUNSEL BEING DEFICIENT. APPELLANT AS WELL, OPENED A CASE WITH THE NEVADA STATE BAR, FILING A COMPLAINT ON COUNSEL OF RECORD VICTORIA OLDENBURG AND AS WELL AS NOTIFIED THE COURT AND ATTORNEY, THAT APPELLANT WAS SUING COURT APPOINTED COUNSEL IN HER PERSONAL AND PROFESSIONAL CAPACITY FOR MALPRACTICE - AND APPELLANT BELIEVED IT WOULD BE UNETHICAL FOR HER TO REPRESENT APPELLANT AT THE IMPENDING EVIDENTIARY HEARING. DUE TO COURT APPOINTED COUNSELS LACK OF COMMUNICATION, APPELLANT ASSERTS THAT ATTORNEY OF RECORD ALSO FAILED TO INFORM APPELLANT OF THE EVIDENTIARY HEARING BEING ON CALANDER ON NOVEMBER 21, 2022, FURTHER DEMONSTRATING THE ATTORNEYS ABANDONMENT AND DEMONSTRATION OF CONDUCT OF AN ATTORNEY WHO IS NOT OPERATING AS HER CLIENTS AGENT IN ANY MEANINGFUL SENSE OF THE WORD.

- ATTORNEY OF RECORD STILL REFUSED TO RECUSE HERSELF FROM APPELLANTS CASE AND THE COURT/JUDGE AS WELL TOOK ON THE POSITION THAT HE DIDN'T "SEE ANY PROBLEMS WITH PROCEEDING WITH HER AS APPELLANTS COUNSEL" AT THIS PRESENT EVIDENTIARY HEARING.

6. • APPELLANT MOTIONED AND REQUESTED (IN OPEN COURT)

THE COURT, FOR A FERETTA HEARING AND WAS REFUSED A CANVAS; APPELLANT THEN INVOKED HIS RIGHT TO PROCEED PRO PER AND REPRESENT HIMSELF AND APPELLANT WAS ALSO DENIED THAT RIGHT AS WELL. THE COURT/JUDGE WENT ON TO SAY THAT HIS OPINION IS THAT "HE BELIEVES" THAT "I ENJOY DOING THIS" (PLAYING JAILHOUSE LAWYER). APPELLANT RESPONDED "NO I DON'T. I'M SITTING HERE REPRESENTING AND FIGHTING FOR MY LIFE". *id.* 19

- THE EVIDENTIARY HEARING WAS ULTIMATELY CONDUCTED IN APPELLANTS PRESENCE WITH APPELLANT BEING A MEAR SPECTATOR. APPELLANT WAS INITIALLY NOT ALLOWED TO REMOVE A HAND FROM SHACKLES IN ORDER TO WRITE OR DRINK WATER IN AN EFFORT WITH ASSISTING IN APPELLANTS DEFENSE. ONCE THEY (THE COURTS/ CORRECTIONAL OFFICERS) RELEASED ONE ARM IN ORDER TO WRITE, APPELLANT WAS DISPLACED FROM ADJACENT TO COURT-APPOINTED COUNSEL AND PLACED ON THE FAR END OPPOSITE SIDE OF THE TABLE AWAY FROM COURT APPOINTED COUNSEL, PREVENTING COMMUNICATION AND THE NEEDED INTERACTION WITH COUNSEL IN ORDER TO ASSEST WITH INFORMATION/QUESTIONS THAT

7. APPELLANT FELT APPROPRIATE TO ASSIST IN THE

HEARING. APPELLANT WROTE HIS QUESTIONS DOWN AND HAD APPROPRIATE INFORMATION THAT WOULD'VE BEEN HELPFUL TO APPELLANTS ATTORNEY OF RECORD AND WAS SHUNNED BY ANY ATTEMPT FROM VICTORIA OLDENBURG ESQ. TO PROVIDE HER WITH APPELLANTS' NOTES/ INFORMATION.

- JANUARY 3, 2023 THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA ENTERED AN OFFICIAL DECISION (ORDER) DENYING APPELLANTS PETITION.

- ON THIS SAME LISTED DATE (JANUARY 3, 2023), COURT APPOINTED ATTORNEY, VICTORIA OLDENBURG SUBMITTED A REQUEST AND MOTION TO WITHDRAW AS APPELLANTS ATTORNEY OF RECORD FOR ALL OF THE AFORE-MENTIONED ASSERTIONS. THESE MOTIONS ARE URGENTLY AND ALL OF THE DAMAGES HAVE BEEN DONE.

III. ISSUES PRESENTED

- UNDER THE U.S. CONST. AMEND. VI REQUIRES THAT COUNSEL BE GIVEN ADVANCE NOTICE OF THE SCOPE AND NATURE OF A PSYCHOLOGICAL EXAMINATION SO THAT COUNSEL CAN DISCUSS

8. WITH THE CLIENT THE ADVISABILITY OF UNDERGOING

THE EXAMINATION AND GIVE OTHER APPROPRIATE ADVICE. THE SUPREME COURT CASES EXPLAINING THE CONTOURS OF SMITH, HOWEVER, MAKE CLEAR THAT THE PURPOSE OF THE NOTIFICATION REQUIREMENT IS TO AFFORD COUNSEL THE OPPORTUNITY TO CONSULT WITH CLIENT PRIOR TO THE EXAMINATION. ESTELLE V. SMITH, 101 S. CT. (1980) APPELLANT WAS DENIED THE ASSISTANCE OF HIS ATTORNEY OF RECORD IN MAKING THE SIGNIFICANT DECISION OF WHETHER TO SUBMIT TO THE EXAMINATION AND TO WHAT END THE PSYCHOLOGICAL ASSESSMENT COULD BE EMPLOYED.

- PERMITTING CONSIDERATION OF POSTSENTENCING REHABILITATION. U.S. V. HUGHES 401 F.3d 540 (INSTRUCTING DISTRICT COURT TO ADJUST GUIDELINES CALCULATION ON REMAND IF NEW CIRCUMSTANCES HAVE ARISEN OR EVENTS OCCURRED SINCE).

- SUBSTITUTE COUNSEL U.S. V. ADOLZO-GONZALEZ (268 F.3d 772).

- IN PARTICULAR, APPELLANT ALLEGES THAT HIS ATTORNEY ESSENTIALLY "ABANDONED" HIM, AS EVIDENCED BY COUNSEL'S NEAR-TOTAL FAILURE TO COMMUNICATE WITH APPELLANT OR RESPOND TO APPELLANT'S MANY INQUIRIES AND REQUEST

9. OVER A PERIOD OF SEVERAL YEARS. APPELLANT

ALSO ALLEGES THAT HE MADE REASONABLE EFFORTS TO TERMINATE COUNSEL DUE TO HER INADEQUATE REPRESENTATION AND TO PROCEED PRO SE, AND THAT SUCH EFFORTS WERE SUCCESSFULLY OPPOSED BY THE STATE ON THE PERVERSE GROUND THAT APPELLANT FAILED TO ACT THROUGH COURT APPOINTED COUNSEL.

COMMON SENSE DICTATES THAT AN APPELLANT CANNOT BE HELD CONSTRUCTIVELY RESPONSIBLE FOR THE CONDUCT OF AN ATTORNEY WHO IS NOT OPERATING AS HIS AGENT IN ANY MEANINGFUL SENSE OF THAT WORD... "WHEN AN 'AGENT ACTS IN A MANNER COMPLETELY ADVERSE TO THE PRINCIPALS INTEREST THE 'PRINCIPAL IS NOT CHARGED WITH [THE] AGENTS MISDEEDS".

THESE TYPE OF FAILURES VIOLATE FUNDAMENTAL CANONS OF PROFESSIONAL RESPONSIBILITY, WHICH REQUIRE ATTORNEYS TO PERFORM REASONABLY COMPETENT LEGAL WORK, TO COMMUNICATE WITH THEIR CLIENTS, TO IMPLEMENT CLIENTS REASONABLE REQUESTS, TO KEEP THEIR CLIENTS INFORMED OF KEY DEVELOPMENTS IN THEIR CASES, AND NEVER TO ABANDON A CLIENT, AND IN THIS CASE, THE FAILURES SERIOUSLY PRESUDICED THE APPELLANT WHO MAY HAVE LOST WHAT WAS

10. LIKELY HIS SINGLE OPPORTUNITY TO GAIN RELIEF

AT THE REMANDED EVIDENTIARY HEARING. HERE, APPELLANT NOT ONLY WROTE HIS ATTORNEY NUMEROUS LETTERS SEEKING CRUCIAL INFORMATION AND PROVIDING DIRECTION; HE ALSO REPEATEDLY CONTACTED THE STATE COURTS, THEIR CLERKS AND THE NEVADA STATE BAR ASSOCIATION IN AN EFFORT TO HAVE VICTORIA OLDENBURG - THE CENTRAL IMPEDIMENT TO THE PURSUIT OF HIS LEGAL REMEDY - REMOVED FROM HIS CASE.

- ATTORNEY OF RECORD NEVER CONTACTED DR. MARTHA MAHAFFEY NOR DR. JOHN PAGLINI UNTIL AFTER SHE OBTAINED A PSYCHOLOGICAL RISK ASSESSMENT FROM DR. SHERI HIXON - BREHENSTALL ON FEBRUARY 11, 2020 AND APPELLANT INITIATED CONTACT WITH THE TWO AFORE-MENTIONED DOCTORS AND INSISTED ON ATTORNEY OF RECORD TO FOLLOW-UP.

- THE COURT OF APPEALS FOUND THAT THE DISTRICT COURT ERRED BY NOT HOLDING AN EVIDENTIARY HEARING ON APPELLANTS CLAIM THAT TRIAL COUNSEL WAS INEFFECTIVE FOR FAILING TO PRESENT EXPERT PSYCHOLOGICAL TESTIMONY IN MITIGATION AT SENTENCING THAT MAY OR MAY NOT HAVE AFFECTED THE OUTCOME.

BUT IN THE ABSENCE OF THIS INFORMATION AT THE TIME OF SENTENCING ALSO REFLECTS

11. THAT DISTRICT ATTORNEY JENNIFER NOBLES

COULD NOT POSSIBLY ASCERTAIN WHAT AN ABSENT WITNESS (OR JUDGE IN THIS CASE) WOULD OPINE IF PRESENTED WITH INFORMATION THAT WAS NOT AVAILABLE AT THE TIME OF SENTENCING. IN THE HIGHEST POSSIBLE RESPECT FOR THE PASSING OF HONORABLE JUDGE PATRICK FLANAGAN, DISTRICT ATTORNEY JENNIFER NOBLES IS NOT A MEDIUM OR A PERSON QUALIFIED TO DRAW A CONCLUSION IN A FACTUAL MANNER AS TO WHAT A PERSON IN HIS CAPACITY WOULD DO WITH INFORMATION NEVER PRESENTED TO HIM OR AVAILABLE BEFORE THE TIME OF HIS PASSING. id. 78-81.

- IN QUESTIONING APPELLANT'S TRIAL COUNSEL, MR. JOHN OHLSON, IN HIS VERY OWN TESTIMONY. HE DEMONSTRATES THAT HIS REPRESENTATION WAS OBJECTIVELY UNREASONABLE. CLAIMING TO BE REPRESENTING A CLIENT (APPELLANT) WITH MULTIPLE MURDER CONVICTION(S), WITHOUT ANY FACTUAL DOCUMENTATION TO ATTEST TO THESE ASCERTAINATIONS ON ONE END OF THE SPECTRUM; AND TO TURN AROUND AND STATE THAT A PERSON THAT HE BELIEVES TO HAVE COMMITTED MULTIPLE HOMICIDES, THAT HE DID NOT SEEK A PSYCHOLOGICAL

12. EVALUATION ON THE OTHER END OF THE SPECTRUM,

ONLY BECAUSE "IT WOULD HAVE BEEN DIFFICULT WITH A STRAIGHT FACE TO STAND UP IN COURT AND SAY THAT THE DEFENDANTS MOTIVATIONS WERE NOT ROOTED IN A PSYCHOLOGICAL OR EMOTIONAL CONDITION" *id.* 57-58.

IT IS MORE LIKELY TO REASONABLY ASSUME THAT, ONCE A PLEA WAS ENTERED IN THIS CASE, THAT (TRIAL) COUNSEL ABANDONED HIS DUTIES WITH THE BELIEF - ALL THINGS KNOWING, THAT HIS NEGOTIATED PLEA AGREEMENT WOULD BE HONORED BY ALL PARTIES INVOLVED.

AS REFLECTED BY THE PRESIDING JUDGE, HONORABLE SENIOR JUDGE POLAHA, WHO STATED AT THE NOVEMBER 21, 2022, EVIDENTIARY HEARING, IF IT WAS WITH IN HIS POWER TO HONOR THE AGREED UPON PLEA AGREEMENT, THAT HE "WOULD REDUCE IT TO 72 MONTHS..." *id.* 83. THEREBY HONORING THE AGREEMENT.

THIS DOCUMENT DOES NOT CONTAIN THE SOCIAL SECURITY NUMBER OF ANY PERSON.
(PURSUANT TO NRS 239B.030)

RESPECTFULLY SUBMITTED THIS 13TH DAY
OF JANUARY, 2023.

D'Vaughn King
D'VAUGHN KING
APPELLANT.

CERTIFICATE OF SERVICE

I, D'VAUGHN KING certify that on this date I did serve a true and correct copy of the foregoing Request upon Respondent(s), via U.S. Mail, by placing same in the United States Postal Service (Prison Mail System), postage being fully prepaid, and addressed to:

CLERK OF COURT
75 COURT STREET
RENO, NV. 89501

AND

WASHOE COUNTY DISTRICT ATTORNEY
106100
1 SOUTH SIERRA STREET
RENO, NEVADA 89501

Dated this 19th day of DECEMBER, 2022

By: D'VAUGHN KING
Movant, In Proper Person

AFFIRMATION PURSUANT TO NRS 239B.030

** I certify that the foregoing document DOES NOT contain the social security number of any Persons.

12/19/22
(Date)

D'Vaughn King
(Signature)

1 **CODE 2540**

2
3
4
5 **IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
6 **IN AND FOR THE COUNTY OF WASHOE**

7
8 **STATE OF NEVADA,**

9 **Plaintiff,**

Case No: CR12-1160

10 **vs.**

Dept. No: 7

11
12 **D'VAUGHN KEITHAN KING,**

13 **Defendant.**

14 _____ /
15 **NOTICE OF ENTRY OF ORDER**

16
17 PLEASE TAKE NOTICE that on January 3, 2023, the Court entered a decision or
18 order in this matter, a true and correct copy of which is attached hereto.

19 Dated January 3, 2023.

20
21 _____
22 **ALICIA LERUD**

Clerk of the Court

23 _____
24 **/s/N. Mason**

N. Mason-Deputy Clerk

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

CERTIFICATE OF SERVICE

Case No. CR12-1160

Pursuant to NRCP 5 (b), I certify that I am an employee of the Second Judicial District Court; that on January 3, 2023, I electronically filed the Notice of Entry of Order with the Court System which will send a notice of electronic filing to the following:

VICTORIA THIMMESCH OLDENBURG, ESQ. for DVAUGHN KEITHAN KING
ZACH YOUNG, ESQ. for STATE OF NEVADA
JENNIFER P. NOBLE, ESQ. for STATE OF NEVADA
DIV. OF PAROLE & PROBATION

I further certify that on January 3, 2023, I deposited in the Washoe County mailing system for postage and mailing with the U.S. Postal Service in Reno, Nevada, a true copy of the attached document, addressed to:

Attorney General's Office
100 N. Carson Street
Carson City, NV 89701-4717

D'Vaughn K. King (#1115593)
High Desert State Prison
P. O. Box 650
Indian Springs, Nevada 89070

The undersigned does hereby affirm that pursuant to NRS 239B.030 and NRS 603A.040, the preceding document does not contain the personal information of any person.

Dated January 3, 2023.

/s/N. Mason

N. Mason- Deputy Clerk

1 CODE No. 3665

2
3
4
5
6 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,
7 IN AND FOR THE COUNTY OF WASHOE

8 * * *

9 D'VAUGHN KEITHAN KING,

10 Petitioner,

Case No. CR12-1160

11 v.

12 Dept. No. 7

13 THE STATE OF NEVADA,

14 Respondent.

15 _____/
16 ORDER DENYING PETITION

17 On November 22, 2017, the Honorable David A. Hardy entered an Order
18 Dismissing Petition for Writ of Habeas Corpus (Post-Conviction) ("Order"). Petitioner
19 timely appealed the Order to the Nevada Supreme Court in Nevada Supreme Court Case
20 No. 74703. The case was transferred to the Court of Appeals of the State of Nevada
21 which issued an Order of Reversal and Remand on March 14, 2019.

22 The Court of Appeals found the district court erred by not holding an evidentiary
23 hearing on Petitioner's claim that trial counsel was ineffective for failing to present
24 expert psychological testimony in mitigation at sentencing. In the Supplemental
25 Petition for Writ of Habeas Corpus (Post-Conviction), prior habeas counsel argued that
26 expert witness Dr. Martha Mahaffey was expected to testify that had the psychological

1 evaluation been presented, it would have shown a low risk to re-offend, and that
2 Petitioner was amenable to treatment and rehabilitation. Supplemental Petition for
3 Writ of Habeas Corpus (Post-Conviction) at 5:8-10. Petitioner further alleged that
4 “other mitigating psychological evidence such as the impact of Mr. King’s ADHD,
5 learning disabilities, drug abuse, and childhood would have been presented indicating
6 the need for rehabilitation.” *Id.* at 5:10-12. After the reversal and remand, an
7 evidentiary hearing was held on November 21, 2022.

8 **Findings of Fact and Conclusions of Law**

9 At the beginning of the hearing, Petitioner’s counsel informed the Court that
10 although prior post-conviction counsel had alleged that Dr. Mahaffey would testify that
11 Petitioner was a low risk to re-offend, Dr. Mahaffey had never evaluated Petitioner.
12 TOP, Evidentiary Hearing, November 21, 2022, 6. Counsel had successfully sought and
13 obtained an evaluation by another qualified expert, clinical psychologist Dr. Sharon
14 Hixon-Brenenstall, Ph.D. However, Petitioner was dissatisfied with the result of the
15 evaluation, and with appointed counsel’s performance. *Id.*, 8-11. His counsel explained
16 that after Petitioner was dissatisfied with Dr. Hixon-Brenenstall’s evaluation, she
17 reached out to another expert, Dr. Paglini who declined to do a second evaluation. *Id.*,
18 12-13. The Court declined Petitioner’s request to remove Ms. Oldenburg as counsel.

19 Dr. Hixon-Brenenstall testified that she conducted a psychological evaluation risk
20 assessment on February 11th, 2020 at the Northern Nevada Correctional Facility. *Id.*, 31.
21 She related that Petitioner reported being abused by his parents as a child, and
22 witnessed domestic violence and substance abuse. She testified that such circumstances
23 can impact an individual’s emotional and social development. *Id.*, 35. She further
24 testified that Petitioner demonstrated below average and grade range in reading and
25 mathematics. *Id.* Dr. Hixon-Brenenstall further opined that testing revealed that
26 Petitioner suffers from post-traumatic stress disorder, depression, and anxiety. *Id.* 36-

1 37. She assessed Petitioner as a moderate to moderately high risk to re-offend, based on
2 his history of drug use and lifestyle behaviors. *Id.*, 38. She also reported that he
3 reportedly had been receptive to some interventions and classes in prison, which
4 indicated that he could be receptive to additional rehabilitative services. *Id.*, 39-40.

5 On cross-examination, Dr. Hixon-Brenenstall acknowledged a portion of her
6 report which opined that Petitioner struggles with managing stress in positive ways, and
7 may be vulnerable to behaving in self-defeating ways, such as substance abuse. *Id.*, 43.
8 She further testified that Petitioner had a lengthy history of poly-substance abuse. *Id.* In
9 response to the Court's questions, she indicated that Petitioner presented well,
10 answered her questions appropriately, and understood the purpose of the evaluation.
11 *Id.*, 53-54.

12 Petitioner's trial attorney, John Ohlson, Esq., also testified. Mr. Ohlson informed
13 the Court that he practiced criminal defense for approximately 40 years prior to his
14 retirement. *Id.*, 56. He testified that he did not seek a psychological evaluation for
15 Petitioner, because the offense in this case arose out of a drug debt, and it would have
16 been "difficult with a straight face to stand up in court and say that the defendant's
17 motivations were rooted in a psychological or emotional condition." *Id.*, 57-58.

18 This Court evaluates Petitioner's ineffective assistance of counsel claim pursuant
19 *Strickland v. Washington*, 466 U.S. 668 (1984). This Court's evaluation begins with the
20 "strong presumption that counsel's conduct falls within the wide range of reasonable
21 professional assistance." *Strickland, supra; Harrington v. Richter*, 562 U.S. 86 (2011).
22 The Supreme Court further explained that the "defendant must overcome the
23 presumption that, under the circumstances, the challenged action might be considered
24 sound trial strategy." *Id.* Within the context of this strong presumption, the petitioner
25 must demonstrate, by a preponderance of evidence, that his counsel's performance was
26 deficient, falling below an objective standard of reasonableness, and that counsel's

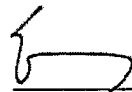
1 deficient performance prejudiced the defense. *Means v. State*, 120 Nev.1001, 1012, 103
2 P.3d 25, 33 (2004).

3 This Court may evaluate the questions of deficient performance and prejudice in
4 either order and need not consider both issues if the defendant fails to make a sufficient
5 showing on one. Where a petitioner claims he is entitled to relief due to ineffective
6 assistance of counsel, he must demonstrate the facts underlying such a claim by a
7 preponderance of the evidence; the district court's factual findings regarding a claim of
8 ineffective assistance of counsel are entitled to deference when reviewed on appeal.
9 *Means v. State*, 120 Nev. 1001, 1012, 103 P.3d 25, 33 (2004); *Riley v. State*, 110 Nev.
10 638, 647, 878 P.2d 272, 278 (1994).

11 Having considered the pleadings, the testimony adduced at the evidentiary
12 hearing, and heard the testimony of Dr. Hixon-Brenenstall, and Mr. Ohlson, the Court
13 finds that Petitioner has not demonstrated by a preponderance of the evidence that Mr.
14 Ohlson's representation was objectively unreasonable. The Court further finds that
15 Petitioner has not demonstrated prejudice. The record reveals that the late Honorable
16 Patrick Flanagan based the sentence imposed on the facts of the offense, as well as
17 Petitioner's criminal history, and a psychiatric evaluation opining that Petitioner was a
18 moderate to moderately high risk to re-offend would not have materially affected Judge
19 Flanagan's decision.

20 GOOD CAUSE APPEARING, the Petition is DENIED.

21 Dated this 2 day of January, 2023.

22
23 
24 DISTRICT JUDGE for
25 Senior Judge Polaha
26

1 Code: 3860
2 VICTORIA T. OLDENBURG
3 OLDENBURG LAW OFFICE
4 P.O. Box 17422
5 Reno, Nevada 89511
6 Telephone: (775) 971-4245
7 *Attorney for Petitioner*

8 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,
9
10 IN AND FOR THE COUNTY OF WASHOE

11 * * *

12 D'VAUGHN KEITHAN KING,

13 Petitioner,

14 v.

Case No. CR12-1160

15 THE STATE OF NEVADA,

Dept. No. 7

16 Respondent.
17 _____/

18 REQUEST FOR SUBMISSION OF MOTION TO WITHDRAW AS ATTORNEY OF RECORD

19 COMES NOW, Victoria T. Oldenburg, appointed attorney for Petitioner D'Vaughn Keithan
20 King, ("Petitioner"), and hereby requests that the Motion to Withdraw as Attorney of Record be
21 submitted to the Court for decision.

22 SUBMITTED THIS 3rd day of January, 2023.

23 /s/ Victoria T. Oldenburg
24 Victoria T. Oldenburg
25 Nevada Bar No. 4770
26

AFFIRMATION

Pursuant to NRS 239B.030

The undersigned affirms that this Request for Submission of Motion to Withdraw as Attorney of Record does not contain the social security number of any person.

DATED this 3rd day of January, 2023.

/s/ Victoria T. Oldenburg
Victoria T. Oldenburg
Nevada Bar No. 4770

**DECLARATION OF VICTORIA T. OLDENBURG, ESQ. IN SUPPORT OF MOTION TO
WITHDRAW AS ATTORNEY OF RECORD**

I, Victoria T. Oldenburg, declare:

1. I am an attorney licensed to practice law within the State of Nevada.
2. I am the attorney of record in the above-captioned matter.
3. I have read the foregoing motion and I am familiar with the contents thereof; that the same is true of my own knowledge, except for those matters stated therein based upon information and belief and, as to those matters, I believe the to be true and correct.
4. This motion is not made for any improper purpose but to address the needs and Constitutional protections of the client.

Dated this 16th day of December, 2022.


Victoria T. Oldenburg

AFFIRMATION

Pursuant to NRS 239B.030

The undersigned affirms that this Motion to Withdraw as Attorney of Record does not contain the social security number of any person.

DATED this 16th day of December, 2022.

/s/ Victoria T. Oldenburg
Victoria T. Oldenburg
Nevada Bar No. 4770

CERTIFICATE OF SERVICE

I, Victoria T. Oldenburg, hereby declare and state as follows:

I am over the age of eighteen years, a member of Oldenburg Law Office in the County of Washoe, State of Nevada, and I am not a party to this action.

On the 3rd day of January, 2023 I electronically filed the foregoing with the Clerk of the Court system which will send a notice of electronic filing to the following:

Jennifer P. Noble, Chief Appellate Deputy
Washoe County District Attorney's Office
P.O. Box 11130
Reno, NV 89520

/s/ Victoria T. Oldenburg
Victoria T. Oldenburg
Nevada Bar No. 4770

LIST OF EXHIBITS

Exhibit No. 1

Proposed Order

1 page

1 Code: 2280
2 VICTORIA T. OLDENBURG
3 OLDENBURG LAW OFFICE
4 P.O. Box 17422
5 Reno, Nevada 89511
6 Telephone: (775) 971-4245
7 *Attorney for Petitioner*

8 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,
9
10 IN AND FOR THE COUNTY OF WASHOE

11 * * *

12 D'VAUGHN KEITHAN KING,

13 Petitioner,

14 v.

Case No. CR12-1160

15 THE STATE OF NEVADA,

Dept. No. 7

16 Respondent.
17 _____/

18 MOTION TO WITHDRAW AS ATTORNEY OF RECORD

19 COMES NOW, Victoria T. Oldenburg, appointed attorney for Petitioner D'Vaughn Keithan
20 King, ("Petitioner"), and hereby moves this Honorable Court to allow Ms. Oldenburg to withdraw as
21 counsel of record pursuant to NRPC Rule 1.16.

22 Counsel was appointed to represent Petitioner on his Petition for Writ of Habeas Corpus on June
23 7, 2019. Over the last several months the level of communication between counsel and Mr. King has
24 degraded to the point where little to no meaningful communication is had. At the November 21, 2022
25 evidentiary hearing held on Petitioner's Petition and Supplemental Petition for Writ of Habeas Corpus
26 (Post-Conviction), which the court dismissed at the hearing,¹ Petitioner informed counsel that he had
filed two bar complaints against counsel and one civil action.

¹ As of this date a written order dismissing the Petition and Supplemental Petition has not been filed.

1 Counsel was appointed through the conflict group which appointment includes the responsibility
2 to file an appeal on Petitioner's behalf. Obviously, Petitioner has lost confidence in counsel's ability to
3 represent him on any matters relevant to an appeal. Upon information and belief, the relationship
4 between attorney and client has degraded to such a point that neither attorney nor client feels that the
5 continued representation of Petitioner by counsel would be helpful to Petitioner's appeal of the court's
6 denial of his Petition and Supplemental Petition for Writ of Habeas Corpus (Post-Conviction).

7 As such, counsel respectfully requests this Honorable Court to allow her to withdraw as
8 Petitioner's appointed counsel.

9 SUBMITTED THIS 16th day of December, 2022.

10
11 /s/ Victoria T. Oldenburg
12 Victoria T. Oldenburg
13 Nevada Bar No. 4770
14
15
16
17
18
19
20
21
22
23
24
25
26

1 CODE 3860

2
3
4
5
6 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7 IN AND FOR THE COUNTY OF WASHOE
8

9 D'VAUGHN KING,

10 Plaintiff,

11 vs.

Case No. CR12-1160

12 STATE OF NEVADA,

Dept. No. 7

13 Defendant.
14 _____/

15 **REQUEST FOR SUBMISSION OF MOTION**

16 It is requested that the motion for A FERETTA HEARING
17 _____

18 _____, which was filed on the 21 day of
19 NOVEMBER, 2022, in the above-entitled matter be submitted to the Court
20 for decision.

21 The undersigned attorney certifies that a copy of this request has been mailed
22 to all counsel of record.

23 DATED this 21 day of NOVEMBER, 2022.
24
25
26
27

28 _____
Attorney for

1
2
3
4
5 D'PAUGHN KING

6 Plaintiff,

7 vs.

8
9 STATE OF NEVADA

10 Defendant
11
12

Case No.: CR-12 1160

Dept. No.: 7

13 MOTION REQUESTING FERETTA HEARING
14

15 COMES NOW, THE PETITIONER, D'PAUGHN KING,
16 PROCEEDING PRO SE, WITHIN THE ABOVE ENTITLED
17 CAUSE OF ACTION AND RESPECTFULLY REQUEST THIS
18 COURT TO CONSIDER CONDUCTING A FERETTA
19 HEARING IN ORDER TO REMOVE COURT APPOINTED
20 COUNSEL, TO WIT VICTORIA OLDENBURG, IN
21 EXCHANGE OF SELF REPRESENTATION FOR THE
22 PROSECUTION OF THIS ACTION; WHICH IS AN
" EVIDENTIARY HEARING ".

23 THIS MOTION IS MADE AND BASED UPON
24 THE MATTERS SET FORTH HERE, FERETTA VS.
25 CALIFORNIA.
26
27
28

AFFIRMATION
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding MOTION

REQUESTING FERETTA HEARING
(Title of Document)

filed in District Court Case number CR12-1160

☒ Does not contain the social security number of any person.

-OR-

☐ Contains the social security number of a person as required by:

A. A specific state or federal law, to wit:

(State specific law)

-or-

B. For the administration of a public program or for an application
for a federal or state grant.

D'Vaughn King
Signature

11/21/22
Date

D'VAUGHN KING
Print Name

PETITIONER
Title

CERTIFICATE OF SERVICE BY MAILING

I, D'VAUGHN KING, hereby certify, pursuant to NRCP 5(b), that on this 21
day of NOVEMBER, 2022, I mailed a true and correct copy of the foregoing, ""

by depositing it in the High Desert State Prison, Legal Library, First-Class Postage, fully prepaid,
addressed as follows:

VERONICA OLSENBUZG
P.O. BOX 17422
RENO, NV. 89511

CC:FILE

DATED: this 21 day of NOVEMBER, 2022

D'VAUGHN KING # 1115593
/In Propria Personam
Post Office box 650 [HDSP]
Indian Springs, Nevada 89018
IN FORMA PAUPERIS

STATE BAR OF NEVADA



December 8, 2022

D'Vaughn King, #1115593
Northern Nevada Correctional Center
P.O. Box 7000
Carson City, NV 89702

3100 W. Charleston Blvd.
Suite 100
Las Vegas, NV 89102
phone 702.382.2200
toll free 800.254.2797
fax 702.385.2878

9456 Double R Blvd., Ste. B
Reno, NV 89521-5977
phone 775.329.4100
fax 775.329.0522

Re: Grievance / Victoria Oldenburg, Esq.

www.nvbar.org

Dear Mr. King:

Thank you for taking the time to submit your grievance to the State Bar of Nevada regarding attorney Victoria Oldenburg. We take every submission seriously, and we understand how important this matter is to you. After careful consideration, we have decided we cannot pursue this matter further at this time.

After researching your information, we determined that your grievance involves allegations which should be addressed in an appropriate judicial setting. That is the more appropriate venue to consider this matter.

If the court finds there was attorney misconduct, then please re-submit the court's findings for our reconsideration.

Thank you again for taking the time to submit your grievance and for your understanding regarding this decision.

Sincerely,

/s/

Phillip J. Pattee
Assistant Bar Counsel

Name of court or agency: 2ND JUDICIAL DISTRICT COURT DEPT. NO. 7

EXPLANATION OF GRIEVANCE

Complaint details: PLEASE SEE ATTACHED DECLARATION.

In order for us to better understand and investigate your claim, please provide specific information regarding your grievance. In the space above, **please provide in narrative form a comprehensive and detailed description of the persons and events involved in the conduct which you believe constitutes a breach of professional ethics. In essence, please provide us a story about what occurred in the legal matter underlying your complaint.** It is not necessary for you to cite specific Rules of Professional Conduct. **However, it is very important that a complete and thorough explanation of events and dates be provided.** There is no limit to the amount of spaces that can, and should, be utilized. Explain what measures you have taken to resolve this matter directly with the attorney

Written Materials

Please provide, if applicable, the following materials to the State Bar of Nevada:

A copy of any written fee agreement with the attorney. If there was no written agreement, please explain your understanding regarding payment to your attorney in your explanation of grievance.

Copies of the front and back sides of all canceled checks and/or copies of receipts showing payments made by you to the attorney.

Copies of any pertinent court documents, particularly pleadings and judicial orders, in your possession.

Copies of all correspondence between you and the attorney.

RE: COMPLAINT AGAINST AN ATTORNEY 11/10/22

MY NAME IS D'LAUGHAN KING AND VICTORIA OLDENBURG WAS APPOINTED TO REPRESENT ME IN MY PETITION FOR HABEAS CORPUS, SPECIFICALLY FOR THE EVIDENTIARY HEARING REQUIRED PURSUANT TO THE NEVADA SUPREME COURT'S RULING, WELL OVER TWO YEARS AGO.

I MOTIONED THE COURT TO SUBSTITUTE COUNSEL.

THERE IS A CONFLICT BETWEEN DEFENDANT AND THE APPOINTED COUNSEL, TO WIT, VICTORIA OLDENBURG. IT IS EVIDENT THAT THERE IS A SERIOUS BREACH OF TRUST AND A SIGNIFICANT ABSENCE IN COMMUNICATION THAT SUBSTANTIALLY INTERFERES WITH THE ATTORNEY - CLIENT RELATIONSHIP.

DATING BACK TO WHEN COUNSEL WAS FIRST GIVEN THIS CASE BY DEFAULT (ie TROY JORDAN ESQ., NO LONGER PRACTICES AND MARY LOU WILSON ESQ., WAS REMOVED AS APPOINTED COUNSEL BY THE BOARD)

THERE WAS A DEFICIENCY IN COMMUNICATION. AFTER RECEIVING A BRIEF LETTER INFORMING DEFENDANT THAT SHE WAS HIS NEW COUNSEL, THERE WAS A LARGE VOID IN DIALOGUE. ALL ATTEMPTS FOR DEFENDANT TO SIT DOWN WITH COUNSEL (PRE-COVID AND POST-COVID) WERE EITHER CONCLUDED WITH NO SHOWS OR PROMISES OF FUTURE ENDEAVORS. DEFENDANT TRANSFERRED FACILITIES (RE: NNCC) IN ORDER TO BE ACCESSIBLE FOR COUNSEL AND THE COURTS,

TO NO AVAIL. AND WITHOUT ANY FOREWARNING OR ASSISTANCE FROM COUNSEL, DEFENDANT WAS BLINDSIDED WITH A VISIT FROM A WOMAN NAMING HERSELF MRS. FIXON-BRENNSTALL. SHE CLAIM TO BE HERE TO SEE DEFENDANT ON HIS COUNSEL'S ACCORD. BUT BEING THAT DEFENDANT WASN'T FOREWARNED OR EVEN SPOKE WITH ABOUT MEETING WITH SOMEONE OTHER THAN DEFENDANT'S NEW COUNSEL. DEFENDANT WAS QUITE SUSPICIOUS AND UNEASY WHEN SHE STARTED TO ASK SPECIFIC AND INTIMATE QUESTIONS. DEFENDANT LET HER KNOW HIS CONCERNS AND WAS ALLOWED TO CALL HIS ATTORNEY TO SEE IF IT WAS OKAY TO TALK WITH THIS UNFAMILIAR PERSON. YET AGAIN DEFENDANT WAS UNSUCCESSFUL IN REACHING COUNSEL. DEFENDANT WAS CALLED BACK TO A ROOM TO SPEAK WITH THE WOMAN IN QUESTION. DEFENDANT WAS EXPERIENCING EXTREME ANXIETY BECAUSE HE WASN'T SURE WHICH WAS THE RIGHT THING TO DO. AMIDST ALARM AND CONFUSION, DEFENDANT PROCEEDED WITH THE INTERVIEW.

THOUGH COUNSEL WAS THE DETERMINATIVE OF THE SCOPE AND NATURE OF THE PSYCHOLOGICAL EXAMINATION, THE DEFENDANT STILL HAS A SIXTH AMENDMENT RIGHT TO "ASSISTANCE OF COUNSEL BEFORE" SUBMITTING TO A PRETRIAL PSYCHOLOGICAL EXAMINATION THAT REPRESENTS A "CRITICAL STAGE" OF THIS APPELLATE PROCEDURE. (DELQUIDICE V. SINGLETARY 84 F.3d 1359).

IT IS ALSO ASSERTED THAT THERE IS AN ACTUAL CONFLICT OF INTEREST THAT ADVERSELY IS AFFECTING THE REPRESENTATION OF DEFENDANT. COUNSEL IS DRAWING A LINE IN THE SAND, SO TO SAY, AND TAKING A STANCE NOT TO HIRE A SECOND PSYCHOLOGIST (TO WIT, JOHN PAGLIONE IS A POSSIBLE CHOICE) IN AN EFFORT TO SAVE MONEY THAT THE COURTS HAVE ALREADY ALLOTTED TO COUNSEL, UNDER THE FARCE THAT THERE ISN'T ENOUGH TO OBTAIN THE NECESSARY RISK ASSESSMENT PSYCHOLOGICAL EVALUATION. I BELIEVE IT WAS A FREUDIAN SLIP WHEN COUNSEL STATED TO DEFENDANT THAT THERE WAS ATLEAST \$4,000 REMAINING. IT IS ALSO MY BELIEF THAT, THAT IS ATLEAST ENOUGH TO COVER A SECOND RISK ASSESSMENT REPORT.

COUNSEL WROTE ME A LETTER STATING THAT SHE WOULD NOT BE OBTAINING MY REQUESTED PSYCHOLOGICAL RISK ASSESSMENT EVALUATION AND IF I DIDN'T LIKE IT, TO SEEK ANOTHER ATTORNEY. I HAVE SINCE BEEN DENIED BY THE COURTS TO REMOVE/REPLACE COUNSEL BECAUSE THE COURTS ARE NOT WILLING TO ACCEPT MY PRO SE (PROPER PERSON) MOTION. AND TO DATE, COUNSEL HAS NOT WITHDRAWN FROM MY CASE. THESE ASSERTIONS SUPPORTS AN AGGRAVATING CIRCUMSTANCE THAT THIS LAWYER IS KNOWINGLY ENGAGING IN CONDUCT

THAT IS A VIOLATION OF A DUTY OWED AS A
PROFESSIONAL AND CAUSES POTENTIAL INJURY
TO ME AS HER CLIENT AND THE LEGAL
SYSTEM. I THANK WHOM IT MAY CONCERN FOR
YOUR TIME AND CONSIDERATION.

My SINCEREST REGARDS
D'Laughn King
D'LAUGHN KING

IN THE SUPREME COURT OF THE STATE OF NEVADA

D'VAUGHN KEITHAN KING,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 85135

FILED

AUG 22 2022

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is a pro se notice of appeal from an order striking motions. Because no statute or court rule permits an appeal from such an order, this court lacks jurisdiction over this appeal. *Castillo v. State*, 106 Nev. 349, 352, 792 P.2d 1133, 1135 (1990) (explaining that court has jurisdiction only when statute or court rule provides for appeal). Accordingly, this court
ORDERS this appeal DISMISSED.

Hardesty, J.
Hardesty

Stiglich, J.
Stiglich

Herndon, J.
Herndon

cc: Hon. Egan K. Walker, District Judge
D'Vaughn Keithan King
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE

JUN -8 PM 2:21

D'VAUGHN KING,
PETITIONER,

CLERK OF THE COURT
TO INMATE CORRESPONDENCE
CASE NO. 22-00000000-0
DEPT. NO. 7

v.

THE STATE OF NEVADA,
RESPONDENT.

APPEAL FROM JUDGEMENT AND ORDER OF THE DISTRICT COURT
APPEALING FROM JUDGEMENT AND ORDER OF THE
DISTRICT COURT, TO WIT JUDGE EGAN K. WALKER,
IN REGARDS TO PETITIONERS (3) MOTIONS
FILED ON JUNE 7, 2022 IN PROPER PERSON
(RE: MOTION TO WITHDRAW COUNSEL, MOTION TO
SUBSTITUTE COUNSEL AND MOTION FOR AN
ENLARGEMENT OF TIME).

THIS APPEAL IS PURSUANT TO NRCP RULE 46
WHERE IT STATES IN PART

(a) IN GENERAL, EXCEPT AS OTHERWISE
PROVIDED IN THIS RULE, A PARTY MAY APPEAR
WITHOUT COUNSEL AND FILE WRITTEN BRIEFS
AND OTHER PAPERS SUBMITTED IN ACCORDANCE
WITH THESE RULES. A PARTY WHO IS
REPRESENTED BY COUNSEL SHALL PROCEED
THROUGH COUNSEL AND IS NOT PERMITTED
TO FILE WRITTEN BRIEFS OR OTHER PAPERS,
IN PRO SE, WITH THE EXCEPTION OF A
MOTION TO REMOVE COUNSEL.

WHICH IS IN ESSENCE, THE (3) MOTIONS THAT ARE BEFORE YOU. NEW. RULES OF PRACTICE, RULE 7.40 FURTHER GOES ON TO SAY THAT THE COURT IN ITS DISCRETION MAY ALSO HEAR A PARTY IN OPEN COURT ALTHOUGH THE PARTY IS REPRESENTED BY COUNSEL. I AM REQUESTING THAT THE COURT RECONSIDER PETITIONERS (3) MOTIONS. I HAVE ENCLOSED AN ADDITIONAL "REQUEST FOR SUBMISSION" FORM, IF THAT IS NECESSARY.

IN THE DISTRICT ATTORNEY'S OPPOSITION TO PETITIONERS PROPER PERSON, SHE STATES THAT THE PETITIONERS CLAIMING THAT HIS POSITION ENTITLES HIM TO A DISCRETIONARY APPOINTMENT OF COUNSEL OF HIS CHOICE. THAT ASSERTION COULDN'T BE THE FURTHEREST FROM THE TRUTH. PETITIONER UNDERSTANDS THAT ACCORDING TO "STATE V. MCCORMICK 159 P.3d 194", AN INDIGENT DEFENDANT IS NOT AFFORDED REPRESENTATION OF THEIR CHOICE. BUT IN CONTRAST, UNDER THE U.S. CONST. AMEND. VI PETITIONER IS PROTECTED AND HAS A RIGHT TO COUNSEL. PETITIONER WAS DENIED THE ASSISTANCE OF HIS ATTORNEY IN MAKING THE SIGNIFICANT

DECISION OF WHETHER TO SUBMIT TO THE EXAMINATION AND HAS OUTLINED THE CONFLICT OF INTEREST, AN IRRECONCILABLE CONFLICT AND COMPLETE BREAKDOWN IN COMMUNICATION BETWEEN COUNSEL (i.e. VICTORIA OLDENBURG) AND THE PETITIONER IN THE (3) MOTIONS IN CONTENTION. (ESTELLE V. SMITH, 101 S. CT. 1870); (STATE V. JASPER 269 KAN. 649).

IF BY CHANCE, YOU ARE UNWILLING TO CONSIDER PETITIONERS PROPER PERSON MOTION(3), PETITIONER WOULD LIKE TO FORMALLY REQUEST A FARETTA HEARING IN ORDER TO PROCEED "PRO SE" IN SELF REPRESENTATION. (FERETTA V. CALIFORNIA).

AFFIRMATION PURSUANT TO NRS 239B.030

THE UNDERSIGNED DOES HEREBY AFFIRM THAT THE PRECEDING DOCUMENT DOES NOT CONTAIN THE SOCIAL SECURITY NUMBER OF ANY PERSON.

DATED: AUGUST 3, 2022

D'Vaughn King
D'VAUGHN K. KING 1115593
PETITIONER.

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE

D'VAUGHN KEITHAN KING,

Petitioner,

Case No.: CR12-1160

vs.

Dept. No.: 7

THE STATE OF NEVADA,

Respondent.

ORDER STRIKING MOTIONS

On June 6, 2022, Petitioner filed three motions in proper person: a *Motion to Withdraw Counsel*, *Motion for Enlargement of Time*, and *Motion to Substitute Counsel* ("the Motions"). The State filed an *Opposition to Proper Person Motions* on June 16, 2022. Petitioner in proper person submitted the "Substitute Counsel/Enlargement of Time that was filed on June 7th 2022" on June 27, 2022. There are no other motions filed by Petitioner in proper person in the month of June, thus the Court assumes the Petitioner is referring to the Motions filed on June 6th, 2022.

Petitioner is currently represented by appointed counsel Victoria Oldenburg, Esq. The Court finds that the Motions are fugitive documents. The Court will not authorize Petitioner to file on his own behalf.

///

1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8

JENNIFER P. NOBLE, ESQ.
VICTORIA OLDENBURG, ESQ.

CERTIFICATE OF MAILING

D'Vaughn King #1115593
Southern Desert Correctional Center
P.O. Box 208
Indian Springs, Nevada 89070

Laura A. White
Judicial Assistant

1 CODE No. 2645
2 CHRISTOPHER J. HICKS
3 #7747
4 One South Sierra Street
5 Reno, Nevada 89501
6 (775) 328-3200
7 districtattorney@da.washoecounty.gov
8 Attorney for Respondent

9 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,
10
11 IN AND FOR THE COUNTY OF WASHOE

12 * * *

13 D'VAUGHN KEITHAN KING,

14 Petitioner,

Case No. CR12-1160

15 v.

Dept. No. 7

16 THE STATE OF NEVADA,

17 Respondent.

18 **OPPOSITION TO PROPER PERSON MOTIONS**

19 COMES NOW, the State of Nevada, by and through Jennifer P. Noble, Chief
20 Appellate Deputy, and opposes D'Vaughn King's (hereafter "Petitioner") proper person
21 motions filed on June 6, 2022. This Opposition is based on the pleadings and papers on
22 file with this Court, and the following points and authorities.

23 **MEMORANDUM OF POINTS AND AUTHORITIES**

24 On June 6, 2022, Petitioner filed three motions in proper person: a Motion to
25 Withdraw Counsel, Motion for Enlargement of Time, and Motion to Substitute Counsel.
26 Petitioner is currently represented by appointed counsel Victoria Oldenburg, Esq.. As
such, he may not file his own motions in proper person.

1 In Nevada, an indigent prisoner may request the appointment of counsel if the
2 district court does not summarily dismiss his petition. NRS 34.750(1). However,
3 Petitioner's counsel is appointed at this Court's discretion, and Ms. Oldenburg is the
4 third counsel appointed on this case. Petitioner's proper person Motion to Withdraw
5 Counsel appears to be a pre-prepared document. Although it cites authorities regarding
6 former counsel's obligation to return documents to a former client, there are no
7 allegations specific to Ms. Oldenburg's representation of Petitioner, and no indication
8 regarding what documents Petitioner believes are being withheld from him. Similarly,
9 the Motion to Substitute Counsel appears to argue that because Petitioner is unhappy
10 with the new psychological assessment conducted at the behest of his counsel, he is
11 entitled to a new attorney. No authority cited by Petitioner supports his position that he
12 is entitled to the discretionary appointment of counsel of his choice. Additionally, his
13 Motion for Enlargement of Time of evidentiary hearing is duplicative, as his appointed
14 counsel has already sought to continue the upcoming evidentiary hearing via
15 stipulation.
16

17 Based on the foregoing, the State respectfully asserts that Petitioner's proper
18 person motions should be denied.
19

20 AFFIRMATION PURSUANT TO NRS 239B.030

21 The undersigned does hereby affirm that the preceding document does not
22 contain the social security number of any person.

23 DATED: June 16, 2022.

24 CHRISTOPHER J. HICKS
District Attorney

25 By /s/ JENNIFER P. NOBLE
26 JENNIFER P. NOBLE
Chief Appellate Deputy

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26

D'Vaughn King #1115593
Southern Desert Correctional Center
P.O. Box 208
Indian Springs, Nevada 89070

/s/ Tatyana Ducummon

I hereby certify that this document was filed electronically with the Second Judicial District Court on June 16, 2022. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

Victoria Oldenburg, Esq.

/s/ Tatyana Ducummon

SECOND JUDICIAL DISTRICT COURT
75 COURT STREET
RENO, NV 89501
PHONE (775) 328-3110

RETURN NOTICE

Name: DVAUGHN KEITHAN KING
Case #: CR12-1160
D.O.C. #: 1115593
Facility: SOUTHERN DESERT CORRECTIONAL CENTER

The Court is in receipt of your letter received June 27, 2022.

- ☐ If you are attempting to file a Motion or other document, it must comply with District Court Rule 10. (See enclosed copy of WDCR 10)
- ☐ Your Motion or other document has been filed with the court. To be considered a "Request for Submission" document must be filed into your case, a copy of which is enclosed for your convenience.
- ☐ Pursuant to NRS 7.285, Court Staff is not permitted to give legal advice.
- ☐ The document(s) you have requested are enclosed.
- ☒ Your file-stamped copies are enclosed.
- ☐ Other:

Date: 6/27/2022

By: Deputy Clerk assigned to Inmate
Correspondence

Code: 3860
Name: D'VAUGHN KING 1115593
Address: P.O. BOX 208
INDIAN SPRINGS, NV. 89070
Telephone: N/A
Email: N/A

FILED
JUN 27 PM 2:53
ALICIA L. LEFELD
CLERK OF DISTRICT COURT
DEPUTY CLERK - ASSIGNED TO
BY INMATE CORRESPONDENCE

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE

D'VAUGHN KING
Plaintiff,
vs.
STATE OF NEVADA
Defendant,

Case No. CR12-1160
Dept. No. 7

REQUEST FOR SUBMISSION

I request that the SUBSTITUTE COUNSEL / ENLARGEMENT OF TIME that was filed
(Print the name of the document(s) to be submitted to the Court)

on JUNE 7TH 2022 be submitted to the Court for decision.
(Date the document was filed)

This document does not contain the personal information of any person as defined by
NRS 603A.040.

I declare under penalty of perjury under the law of the State of Nevada the foregoing is true and
correct.

Date: JUNE 15TH 2022

Your Signature D'Vaughn King

Print Your Name D'VAUGHN KING

D'VAUGHN KING
Name P.O. BOX 7000
CARSON CITY, NV. 89702
1115593
Prison Number

DISTRICT COURT
WASHOE COUNTY, NEVADA

D'VAUGHN KING,
Plaintiff,

vs.
VICTORIA OLDENBURG,

Defendant(s).

CASE NO. _____
(To be supplied by the Clerk)

DEPT. NO. 7

NRS 41.0322 TORT ACTION

CIVIL RIGHTS COMPLAINT

PURSUANT TO

42 U.S.C. § 1983

A. JURISDICTION

- 1) This complaint alleges that the civil rights of Plaintiff,
D'VAUGHN KING
(Print Plaintiff's name)
who presently resides at P.O. BOX 7000, CARSON CITY, NV., were
violated by the actions of the below named individuals which
were directed against
Plaintiff at NORTHERN NEVADA COR. CENTER on the following dates
(institution/city where violation occurred)
3/15/2020, 5/28/2022, and 4/28/2022.
(Count I) (Count II) (Count III)

**Make a copy of this page to provide the below
information if you are naming more than five (5) defendants**

2) Defendant VICTORIA OLDENBURG resides at P.O. Box 17422, Reno, NV. 89511.
(full name of first defendant) (address if first defendant)
and is employed as ATTORNEY AT LAW. This defendant is sued in his/her
(defendant's position and title, if any)
X individual X official capacity. (Check one or both). Explain how this defendant was
acting

under color of law: BREACH OF PROFESSIONAL CONDUCT; BREACH OF CONTRACT;
AND MALPRACTICE

3) Defendant _____ resides at _____.
(full name of first defendant) (address if first defendant)
and is employed as _____. This defendant is sued in his/her
(defendant's position and title, if any)
____ individual ____ official capacity. (Check one or both). Explain how this defendant was
acting

under color of law: _____

4) Defendant _____ resides at _____.
(full name of first defendant) (address if first defendant)
and is employed as _____. This defendant is sued in his/her
(defendant's position and title, if any)
____ individual ____ official capacity. (Check one or both). Explain how this defendant was
acting

under color of law: _____

5) Defendant _____ resides at _____.
(full name of first defendant) (address if first defendant)
and is employed as _____. This defendant is sued in his/her
(defendant's position and title, if any)
____ individual ____ official capacity. (Check one or both). Explain how this defendant was
acting

under color of law: _____

6) Defendant _____ resides at _____,
(full name of first defendant) (address if first defendant)
and is employed as _____. This defendant is sued in his/her
(defendant's position and title, if any)
_____ individual _____ official capacity. (Check one or both). Explain how this
defendant was acting
under color of law: _____

7) Jurisdiction is invoked pursuant to 28 U.S.C. § 1343 (a)(3) and
42 U.S.C. § 1983. If you wish to assert jurisdiction under different or
additional statutes, list them below.

28 U.S.C. § 242, NRS 41.0322.

B. NATURE OF THE CASE

1) Briefly state the background of your case.

MY NAME IS D'VAUGHN KING AND VICTORIA OLDENBURG WAS
APPOINTED TO REPRESENT ME IN MY PETITION FOR HABEAS CORPUS,
SPECIFICALLY FOR THE EVIDENTIARY HEARING REQUIRED PURSUANT TO
THE NEVADA SUPREME COURT'S RULING, WELL OVER TWO YEARS AGO.
I MOTIONED THE COURT TO SUBSTITUTE COUNSEL. THERE IS A CON-
FLECT BETWEEN DEFENDANT AND THE APPOINTED COUNSEL, TO WIT,
VICTORIA OLDENBURG. IT IS EVIDENT THAT THERE IS A SERIOUS
BREACH OF TRUST AND A SIGNIFICANT INTERFERENCE WITH THE
ATTORNEY - CLIENT RELATIONSHIP.

C. CAUSE OF ACTION

COUNT I

The following civil rights has been violated: SIXTH AMENDMENT

Supporting Facts: [Include all fact you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

AFTER RECEIVING A BRIEF LETTER INFORMING ME THAT SHE WAS MY NEW COUNSEL, THERE WAS A LARGE JUMP IN DIALOGUE. ALL ATTEMPTS FOR ME TO SET DOWN WITH COUNSEL WERE EITHER CONCLUDED WITH NO SHOWS OR PROMISES OF FUTURE ENDEAVORS. I WAS TRANSFERRED FACILITIES IN ORDER TO BE ACCESSIBLE FOR COUNSEL AND THE COURTS, TO NO AVAIL. AND WITHOUT ANY FOREWARNING OR ASSISTANCE FROM COUNSEL, I WAS BLINDSEIDED WITH A VISIT FROM A WOMAN NAMING HERSELF MRS. HELEN-BRENNBYRN. SHE CLAIMED TO BE HERE TO SEE ME ON MY COUNSEL'S ACCORD. BUT BEING THAT I WASN'T FOREWARNED OR EVEN TOLD WITH ABOUT MEETING WITH SOMEONE OTHER THAN MY NEW COUNSEL, I WAS QUITE SUSPICIOUS AND UNEASY WHEN SHE STARTED TO ASK SPECIFIC AND INTIMATE QUESTIONS. I TOLD HER ABOUT MY CONCERNS AND WAS ALLOWED TO CALL MY COUNSEL TO SEE IF IT WAS OKAY TO TALK WITH THIS UNFAMILIAR PERSON. YET AGAIN I WAS UNSUCCESSFUL IN REACHING COUNSEL. I WAS CALLED BACK TO A ROOM AND WAS VIRTUALLY COMPELLED TO SPEAK WITH THE WOMAN IN QUESTION. I WAS EXPERIENCING EXTREME ANXIETY BECAUSE I WASN'T SURE IF I WAS DOING THE RIGHT THING. THOUGH COUNSEL WAS THE DERIVATIVE OF THE SCOPE AND NATURE OF THE PSYCHOLOGICAL EXAMINATION, I STILL HAVE A CONSTITUTIONAL RIGHT TO "ASSISTANCE OF COUNSEL BEFORE" SUBMITTING TO A PRETRIAL PSYCHOLOGICAL EXAMINATION THAT REPRESENTS A "CRITICAL STAGE" OF THIS APPELLATE PROCEDURE.

COUNT II

The following civil rights has been violated: SIXTH AMENDMENT

Supporting Facts: [Include all fact you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

IT IS ALSO ASSERTED THAT THERE IS AN ACTUAL CONFLICT OF INTEREST THAT ADVERSELY IS AFFECTING THE REPRESENTATION OF ME. COUNSEL IS DRAWING A LINE IN THE SAND, SO TO SAY, AND TAKING A STANCE NOT TO HIRE A SECOND PSYCHOLOGIST IN AN EFFORT TO SAVE MONEY THAT THE COURTS HAVE ALREADY ADDED TO COUNSEL, UNDER THE FAIRNESS THAT THERE ISN'T ENOUGH TO OBTAIN THE NECESSARY RISK ASSESSMENT PSYCHOLOGICAL EVALUATION. I BELIEVE IT WAS A FREQUENT SLEEP WHEN COUNSEL STATED TO ME THAT THERE WAS AT LEAST \$4,000 REMAINING. IT IS ALSO IN BELIEF THAT, THAT IS AT LEAST ENOUGH TO COVER A SECOND RISK ASSESSMENT REPORT. COUNSEL WROTE ME A LETTER STATING THAT SHE WOULD NOT BE OBTAINING MY REQUESTED PSYCHOLOGICAL RISK ASSESSMENT EVALUATION AND IF I DIDN'T LIKE IT, TO SEEK ANOTHER ATTORNEY. I HAVE SINCE BEEN DENIED BY THE COURTS TO REMOVE/REPLACE COUNSEL BECAUSE THE COURTS ARE NOT WILLING TO ACCEPT MY PROSECUTION. AND TO DATE, COUNSEL HAS NOW WITHDREW FROM MY CASE. THESE ASSERTIONS SUPPORTS AN AGGRAVATING CIRCUMSTANCE THAT SHE IS KNOWLEDGELY ENGAGING IN CONDUCT THAT IS A VIOLATION OF A DUTY OWED AS A PROFESSIONAL AND CAUSES POTENTIAL INJURY TO ME AS HER CLIENT AND THE LEGAL SYSTEM.

COUNT III

The following civil rights has been violated: _____

Supporting Facts: [Include all fact you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

D. PREVIOUS LAWSUITS AND ADMINISTRATIVE RELIEF

- 1) Have you filed other actions in state or federal courts involving the same or similar facts as involved in this action? ____ Yes X No. If your answer is "Yes", describe each lawsuit. (If more than one, describe the others on an additional page following the below

outline).

- a) Defendants: N/A
- b) Name of court and docket number: -
- c) Disposition (for example, was the case dismissed, appealed or is it still pending?):
-
- d) Issues raised: -
-
-
- e) Approximate date it was filed: -
- f) Approximate date of disposition: -

- 2) Have you filed an action in federal court that was dismissed because it was determined to be frivolous, malicious, or failed to state a claim upon which relief could be granted? Yes ~~X~~ No. If your answer is "Yes", describe each lawsuit. (If you had more than three actions dismissed based on the above reasons, describe the others on an additional page following the below outline.)

Lawsuit #1 dismissed as frivolous, malicious, or failed to state a claim:

- a) Defendants: N/A
- b) Name of court and case number: -
- c) The case was dismissed because it was found to be (check one): frivolous
 malicious or failed to state a claim upon which relief could be granted.
- d) Issues raised: -
-
- e) Approximate date it was filed: -
- f) Approximate date of disposition: -

Lawsuit #2 dismissed as frivolous, malicious, or failed to state a claim:

- a) Defendants: -
- b) Name of court and case number: -

- c) The case was dismissed because it was found to be (check one): _____ frivolous
_____ malicious or _____ failed to state a claim upon which relief could be granted.
- d) Issues raised: _____

- e) Approximate date it was filed: _____
- f) Approximate date of disposition: _____

Lawsuit #3 dismissed as frivolous, malicious, or failed to state a claim:

- a) Defendants: N / A
- b) Name of court and case number: _____
- c) The case was dismissed because it was found to be (check one): _____ frivolous
_____ malicious or _____ failed to state a claim upon which relief could be granted.
- d) Issues raised: _____

- e) Approximate date it was filed: _____
- f) Approximate date of disposition: _____

- 3) Have you attempted to resolve the dispute stated in this action by seeking relief from the proper administrative officials, e.g., have you exhausted available administrative grievance procedures? X Yes _____ No. If your answer is "No", did you not attempt administrative relief because the dispute involved the validity of a: (1) _____ disciplinary hearing; (2) _____ state or federal court decision; (3) _____ state or federal law or regulation; (4) _____ parole board decision; or (5) X other STATE BAR OF NEVADA OFFICE OF BAR COUNSEL. If your answer is "Yes", provide the following information. Grievance Number _____. Date and institution where grievance was filed 11/10/22 STATE BAR OF NEVADA.

Response to grievance: _____

E. REQUEST FOR RELIEF

I believe that I am entitled to the following relief:

REFORM OF PROFESSIONAL CONDUCT AND PRODUCING
SAFEGUARDS AND IMPROVING PROTECTIONS.
MONETARY DAMAGES

I understand that a false statement or answer to any question in this complaint will subject me to penalties of perjury. **I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA THAT THE FOREGOING IS TRUE AND CORRECT.** See 28 U.S.C. § 1746 and 18 U.S.C. § 1621.

(Name of Person who prepared or helped
prepare this complaint if not Plaintiff)

D. V. Laughon King
(Signature of Plaintiff)

11/21/22
(Date)

(Additional space if needed; identify what is being continued)

AFFIRMATION
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding CIVIL

RIGHTS COMPLAINT 42 U.S.C. § 1983
(Title of Document)

filed in District Court Case number CR 12 - 1160

☒ Does not contain the social security number of any person.

-OR-

☐ Contains the social security number of a person as required by:

A. A specific state or federal law, to wit:

(State specific law)

-or-

B. For the administration of a public program or for an application for a federal or state grant.

D. Vaughn King
Signature

11/21/22
Date

D. VAUGHN KING
Print Name

PLAINTIFF
Title

Code 1310

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE

D'VAUGHN KEITHAN KING,

Petitioner,

Case No. CR12-1160

vs.

Dept. No. 7

THE STATE OF NEVADA,

Respondent.

CASE APPEAL STATEMENT

This case appeal statement is filed pursuant to NRAP 3(f).

1. Appellant is D'Vaughn Keithan King.
2. This appeal is from an order entered by the Honorable Egan Walker.
3. Appellant is representing himself in Proper Person on appeal. The Appellant's address is:
D'Vaughn King #1115593
N.N.C.C.
PO Box 7000
Carson City, Nevada 89702
4. Respondent is the State of Nevada. Respondent is represented by the Washoe County District Attorney's Office:
Jennifer P. Noble, Esq., SBN: 9446
P.O. Box 11130
Reno, Nevada 89520
5. Respondent's attorney is not licensed to practice law in Nevada: NA
6. Appellant is represented by appointed counsel in District Court.

- 1 7. Appellant is not represented by appointed counsel on appeal.
- 2 8. Appellant was granted leave to proceed in forma pauperis in the District Court filed
- 3 February 26th, 2016.
- 4 9. Proceeding commenced by the filing of an Information on July 23rd, 2012.
- 5 10. This is a criminal proceeding and the Appellant is appealing the Order Denying
- 6 Petition filed January 3rd, 2023.
- 7 11. The case has been the subject of a previous appeal to the Supreme Court.
- 8 Supreme Court No.: 64983, 74703, 85135 and 85838
- 9 12. This case does not involve child custody or visitation.
- 10 13. This is not a civil case involving the possibility of a settlement.

11 Dated this 25th day of January, 2023.

12 Alicia L. Lerud
13 Clerk of the Court
14 By: /s/ Y.Viloria
15 Y.Viloria
16 Deputy Clerk
17
18
19
20
21
22
23
24
25
26
27
28

1
2
3
4
5
6 IN THE SECOND JUDICIAL DISTRICT COURT FOR THE STATE OF NEVADA
7 IN AND FOR THE COUNTY OF WASHOE
8

9 D'VAUGHN K. KING, Case No. CR12-1160
10 Petitioner, Dept. No.: 7
11

12 vs.

13 THE STATE OF NEVADA,
14 Respondent.
15 /

16 **ORDER GRANTING MOTION TO PROCEED IN FORMA PAUPERIS**

17 Having read D'VAUGHN K. KING'S *Motion to Proceed Informa Pauperis*,
18 this Court finds that pursuant to NRS 12.015, D'VAUGHN K. KING'S *Motion to*
19 *Proceed Informa Pauperis* is sufficient to grant informa pauperis status at this
20 time.

21 Based on the foregoing and good cause appearing,

22 IT IS HEREBY ORDERED, pursuant to NRS 12.015, D'VAUGHN K. KING'S
23 *Motion to Proceed Informa Pauperis*, is GRANTED.

24 IT IS FURTHER ORDERED that the Court allow D'VAUGHN K. KING to
25 proceed without payment of fees or security thereof

26 IT IS HEREBY FURTHER ORDERED that the Clerk of the Court shall file
27 and process all pleadings necessary in the prosecution of this action without fees;

28 ///

///

1 IT IS HEREBY FURTHER ORDERED that the Sheriff make personal
2 service of any necessary pleadings or papers for Petitioner in this action without
3 charge.

4 DATED this 26 day of February, 2016.

6 
7 PATRICK FLANAGAN
8 District Judge

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

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I hereby certify that I am an employee of the Second Judicial District Court of the State of Nevada, County of Washoe; that on this 26 day of February, 2016, I electronically filed the following with the Clerk of the Court by using the ECF system which will send a notice of electronic filing to the following:

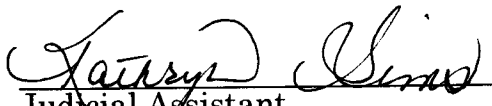
Terrance McCarthy, Esq. for State of Nevada;

I deposited in the County mailing system for postage and mailing with the United States

Postal Service in Reno, Nevada, a true copy of the attached document addressed to:

D'Vaughn King
N. Kern State Prison
P.O. Box 5000 AZ-128 Low
Delano, CA 93216

Robert Bell, Esq.
Administrator of the Court Appointed Counsel
326 W. Liberty St., 2nd Floor
Reno, NV 89501


Judicial Assistant

**SECOND JUDICIAL DISTRICT COURT
COUNTY OF WASHOE**

Case History - CR12-1160

DEPT. D7

HON. EGAN WALKER

Report Date & Time

1/25/2023

4:18:56PM

Case ID:	CR12-1160	Case Description:	STATE OF NEVADA VS. DVAUGHN KEITHAN KING (TN) (D7)	Case Type:	CRIMINAL	Initial Filing Date:	7/9/2012
-----------------	------------------	--------------------------	---	-------------------	-----------------	-----------------------------	-----------------

Parties

PNP	Div. of Parole & Probation - DPNP
ATTY	Mary Lou A. Wilson, Esq. - 3329
ATTY	Joseph R. Plater, III, Esq. - 2771
PLTF	STATE OF NEVADA - STATE
DA	Zach Young, Esq. - 9227
DA	Jennifer P. Noble, Esq. - 9446
DEFT	DVAUGHN KEITHAN KING - @1221728
DATY	John Ohlson, Esq. - 1672
CAA	Karla Butko, Esq. - 3307
CAA	Patrick McGinnis, Esq. - 8183

Charges

<i>Charge No.</i>	<i>Charge Code</i>	<i>Charge Date</i>	<i>Charge Description</i>
1	50011	11/22/2013	AI MURDER IN THE SECOND DEGREE WITH THE USE OF A DEADLY WEAPON

Plea Information

<i>Charge No.</i>	<i>Plea Code</i>	<i>Plea Date</i>	<i>Plea Description</i>
1	50011	11/25/2013	PLED GUILTY

Sentences

<i>Date</i>	<i>Charge No.</i>	<i>Charge Desc</i>	<i>Time Served</i>	<i>Sentence Text</i>
1/22/2014	1	Life With Poss of Parole		LIFE WITH THE POSSIBILITY OF PAROLE, WITH ELIGIBILITY FOR PAROLE BEGINNING WHEN A MINIMUM OF 10 YEARS HAS BEEN SERVED; DEFT TO SERVE AN ADDITIONAL CONSECUTIVE TERM IN THE NEVADA STATE PRISON OF A MINIMUM OF 53 MONTHS TO A MAXIMUM TERM OF 240 MONTHS FOR THE DEADLY WEAPON ENHANCEMENT; THESE SENTENCES ARE TO BE SERVED CONSECUTIVELY TO CASE NO. 10F07661; FEES

Release Information

Custody Status

Hearings

<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>	<i>Disposed Date</i>
1 D7	ARRAIGNMENT	8/8/2012 09:00:00	8/2/2012

Event Extra Text:

Disposition:
D844 8/2/2012
STIPULATED CONTINUANCE BETWEEN COUNSEL MOLEZZO AND CDDA HAHN; PAPERWORK TO FOLLOW

Case Description: STATE OF NEVADA VS. DVAUGHN KEITHAN KING (TN) (D7)						
Case ID:	CR12-1160		Case Type:	CRIMINAL		Initial Filing Date: 7/9/2012
	<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>	
2	D7	ARRAIGNMENT	8/22/2012	09:00:00	8/22/2012	
	Event Extra Text:		<i>Disposition:</i> 1280 8/22/2012			
	<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>	
3	D7	ARRAIGNMENT	8/22/2012	09:00:00	8/22/2012	
	Event Extra Text:		<i>Disposition:</i> D725 8/22/2012			
	<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>	
4	D7	MOTION TO SET TRIAL	11/28/2012	09:00:00	11/28/2012	
	Event Extra Text:		<i>Disposition:</i> D425 11/28/2012 MOTION TO SET TRIAL GRANTED			
	<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>	
5	D7	MOTION TO SET TRIAL	11/28/2012	09:00:00	10/22/2012	
	Event Extra Text:		<i>Disposition:</i> D845 10/22/2012 ATTYS ARE UNSURE OF TRIAL SETTING DATE - ASST INFORMS JA THAT ATTYS WILL CONTACT COURT TOMORROW TO SET DATE TO SET TRIAL - ks			
	<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>	
6	D7	MOTION TO SET TRIAL	2/13/2013	09:00:00	10/22/2012	
	Event Extra Text:		<i>Disposition:</i> D845 10/22/2012 MTN TO SET TRIAL SET FOR 11.28.12 - APPL. TO SET FORTHCOMING - ks			
	<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>	
7	D7	STATUS HEARING	2/20/2013	09:00:00	2/20/2013	
	Event Extra Text:		<i>Disposition:</i> D435 2/20/2013			
	<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>	
8	D7	STATUS HEARING	5/3/2013	11:00:00	5/3/2013	
	Event Extra Text:		<i>Disposition:</i> D455 5/3/2013 CONT TO 5/8 @ 11:00			
	<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>	
9	D7	STATUS HEARING	5/3/2013	11:00:00	4/26/2013	
	Event Extra Text:		<i>Disposition:</i> FIE 4/26/2013			

Case Description: STATE OF NEVADA VS. DVAUGHN KEITHAN KING (TN) (D7)						
Case ID:	CR12-1160		Case Type:	CRIMINAL		Initial Filing Date: 7/9/2012
	Department	Event Description	Sched. Date & Time		Disposed Date	
10	D7	STATUS HEARING	5/8/2013	11:00:00	5/8/2013	
	Event Extra Text: RE: DEFENSE COUNSEL		Disposition: D840 5/8/2013 MOTION TO RELEASE COUNSEL MOLEZZO AND APPOINT COUNSEL OHLSON TAKEN UNDER ADVISEMENT			
	Department	Event Description	Sched. Date & Time		Disposed Date	
11	D7	STATUS HEARING	5/22/2013	09:00:00	5/22/2013	
	Event Extra Text:		Disposition: D425 5/22/2013 MOTION TO SET TRIAL: GRANTED			
	Department	Event Description	Sched. Date & Time		Disposed Date	
12	D7	MOTION TO CONFIRM TRIAL	7/31/2013	09:00:00	5/13/2013	
	Event Extra Text:		Disposition: D843 5/13/2013 MTC AND TRIAL TO BE RESET AT STAT HEAR SCH'D FOR 05.22.13 - ks			
	Department	Event Description	Sched. Date & Time		Disposed Date	
13	D7	TRIAL - JURY	8/12/2013	09:30:00	5/13/2013	
	Event Extra Text: DAY ONE		Disposition: D843 5/13/2013 MTC AND TRIAL TO BE RESET AT STAT HEAR SCH'D FOR 05.22.13 - ks			
	Department	Event Description	Sched. Date & Time		Disposed Date	
14	D7	CHANGE OF PLEA	11/25/2013	09:00:00	11/25/2013	
	Event Extra Text:		Disposition: D655 11/25/2013 TO THE AMENDED INFORMATION			
	Department	Event Description	Sched. Date & Time		Disposed Date	
15	D7	SENTENCING	1/22/2014	09:00:00	1/22/2014	
	Event Extra Text: CASE NO. CR13-1149 WILL BE DISMISSED		Disposition: D765 1/22/2014			
	Department	Event Description	Sched. Date & Time		Disposed Date	
16	D7	MOTION TO CONFIRM TRIAL	1/22/2014	09:00:00	11/25/2013	
	Event Extra Text:		Disposition: D872 11/25/2013			
	Department	Event Description	Sched. Date & Time		Disposed Date	
17	D7	TRIAL - JURY	2/18/2014	09:30:00	11/25/2013	
	Event Extra Text: DAY ONE		Disposition: D872 11/25/2013			

Case Description: STATE OF NEVADA VS. DVAUGHN KEITHAN KING (TN) (D7)						
Case ID:	CR12-1160		Case Type:	CRIMINAL		Initial Filing Date: 7/9/2012
18	Department	Event Description	Sched. Date & Time		Disposed Date	
	D7	Request for Submission	9/15/2017	10:06:00	11/21/2017	
	Event Extra Text: PETITION FOR WRIT OF HABEAS CORPUS (POST CONVICTION)		Disposition: S200 11/21/2017 PETITION FOR WRIT OF HABEAS CORPUS (POST CONVICTION) - DENY/DISMISS			
19	Department	Event Description	Sched. Date & Time		Disposed Date	
	D7	Request for Submission	5/13/2019	16:52:00	5/14/2019	
	Event Extra Text: MOTION TO WITHDRAW AS COUNSEL		Disposition: S200 5/14/2019			
20	Department	Event Description	Sched. Date & Time		Disposed Date	
	D7	PETITION FOR POST CONVICTION	9/4/2019	13:30:00	7/11/2019	
	Event Extra Text: HEARING FOLLOWING REMAND ON PETITION FOR POSTCONVICTION RELIEF		Disposition: D870 7/11/2019			
21	Department	Event Description	Sched. Date & Time		Disposed Date	
	D7	Request for Submission	12/18/2019	08:49:00	12/19/2019	
	Event Extra Text: STIPULATION TO CONTINUE POST-CONVICTION HEARING		Disposition: S200 12/19/2019			
22	Department	Event Description	Sched. Date & Time		Disposed Date	
	D7	Request for Submission	12/31/2019	07:23:00	1/9/2020	
	Event Extra Text: POINTS AND AUTHORITIES IN SUPPORT OF THE STIPULATION TO CONTINUE POST CONVICTION HEARING		Disposition: S200 1/9/2020			
23	Department	Event Description	Sched. Date & Time		Disposed Date	
	D7	EVIDENTIARY HEARING	1/16/2020	09:00:00	1/9/2020	
	Event Extra Text:		Disposition: D855 1/9/2020			
24	Department	Event Description	Sched. Date & Time		Disposed Date	
	D7	Request for Submission	4/20/2020	15:15:00	4/21/2020	
	Event Extra Text: Stipulation and Order to Continue Post-Conviction Hearing		Disposition: S200 4/21/2020			
25	Department	Event Description	Sched. Date & Time		Disposed Date	
	D7	EVIDENTIARY HEARING	4/29/2020	14:00:00	4/20/2020	
	Event Extra Text: HEARING ON POST CONVICTION PETITION		Disposition: D843 4/20/2020			

Case Description: STATE OF NEVADA VS. DVAUGHN KEITHAN KING (TN) (D7)					
Case ID:	CR12-1160	Case Type:	CRIMINAL	Initial Filing Date:	7/9/2012
Department		Event Description	Sched. Date & Time		Disposed Date
26	D7	Request for Submission	8/28/2020	10:12:00	8/28/2020
Event Extra Text: REQUEST FOR SUBMISSION OF STIPULATION TO CONTINUE POST-CONVICTION HEARING			Disposition: S200 8/28/2020		
Department		Event Description	Sched. Date & Time		Disposed Date
27	D7	EVIDENTIARY HEARING	9/29/2020	09:00:00	8/28/2020
Event Extra Text: HEARING ON POST-CONVICTION PETITION			Disposition: D843 8/28/2020		
Department		Event Description	Sched. Date & Time		Disposed Date
28	D7	Request for Submission	5/26/2022	09:14:00	5/27/2022
Event Extra Text: STIPULATION TO HOLD EVIDENTIARY HEARING VIA SIMULTANEOUS AUDIO/VISUAL TRANSMISSION			Disposition: S200 5/27/2022		
Department		Event Description	Sched. Date & Time		Disposed Date
29	D7	Request for Submission	6/14/2022	12:33:00	6/19/2022
Event Extra Text: Stipulation to Continue Post-Conviction Hearing			Disposition: S200 6/19/2022		
Department		Event Description	Sched. Date & Time		Disposed Date
30	D7	HEARING ON PETITION	6/27/2022	13:30:00	6/17/2022
Event Extra Text: ZOOM; HEARING ON POST-CONVICTION PETITION			Disposition: D843 6/17/2022		
Department		Event Description	Sched. Date & Time		Disposed Date
31	D7	Request for Submission	6/27/2022	15:34:00	7/21/2022
Event Extra Text: SUBSTITUTION OF COUNSEL / ENLARGEMENT OF TIME			Disposition: S200 7/21/2022		
Department		Event Description	Sched. Date & Time		Disposed Date
32	D7	HEARING ON PETITION	11/21/2022	13:30:00	11/21/2022
Event Extra Text: IN-PERSON EVIDENTIARY HEARING ON POST-CONVICTION PETITION			Disposition: D355 11/21/2022 COURT ORDERED: EVIDENTIARY HEARING ON POST-CONVICTION PETITION IS HEREBY DENIED. COUNSEL NOBLE TO PREPARE AND SUBMIT PROPOSED ORDER.		
Department		Event Description	Sched. Date & Time		Disposed Date
33	D7	Request for Submission	12/16/2022	12:22:00	1/5/2023
Event Extra Text: REQUEST FOR PROCEEDINGS TRANSCRIPTS			Disposition: S200 1/5/2023		

Case Description: STATE OF NEVADA VS. DVAUGHN KEITHAN KING (TN) (D7)				
Case ID:	CR12-1160	Case Type:	CRIMINAL	Initial Filing Date: 7/9/2012

	Department	Event Description	Sched. Date & Time		Disposed Date
34	D7	Request for Submission	12/16/2022	12:24:00	1/5/2023
Event Extra Text: MOTION FOR TRANSCRIPTS AT PUBLIC EXPENSE			Disposition: S200 1/5/2023		

	Department	Event Description	Sched. Date & Time		Disposed Date
35	D7	Request for Submission	12/23/2022	12:59:00	1/3/2023
Event Extra Text: Order Denying Petition			Disposition: S200 1/3/2023		

	Department	Event Description	Sched. Date & Time		Disposed Date
36	D7	Request for Submission	1/3/2023	06:56:00	1/5/2023
Event Extra Text: MOTION TO WITHDRAW AS ATTORNEY OF RECORD			Disposition: S200 1/5/2023		

	Department	Event Description	Sched. Date & Time		Disposed Date
37	D7	Request for Submission	1/3/2023	06:33:00	1/5/2023
Event Extra Text: MOTION TO WITHDRAW AS ATTORNEY OF RECORD			Disposition: S200 1/5/2023		

	Department	Event Description	Sched. Date & Time		Disposed Date
38	D7	Request for Submission	1/4/2023	08:57:00	1/5/2023
Event Extra Text: MOTION TO WITHDRAW AS ATTORNEY OF RECORD			Disposition: S200 1/5/2023		

Agency Cross Reference		
Code	Agency Description	Case Reference I.D.
DA	District Attorney's Office	DA438987
SC	Supreme Court	SCN 64983
SC	Supreme Court	SCN 74703
SC	Supreme Court	SCN 85838
SC	Supreme Court	SCN 85135

			Actions
Action Entry Date	Code	Code Description	Text
7/9/2012	1270	Application ...	MATERIAL WITNESS
7/10/2012	NEF	Proof of Electronic Service	Transaction 3069871 - Approved By: NOREVIEW : 07-10-2012:11:50:02
7/10/2012	3370	Order ...	CRIMINAL CERTIFICATION UNIFORM ACT TO SECURE THE ATTENDANCE OF WITNESSES FROM WITHO
7/12/2012	2490	Motion ...	MOTION TO REQUIRE BOND OF A MATERIAL WITNESS - Transaction 3079983 - Approved By: AZION : 07-1:
7/12/2012	NEF	Proof of Electronic Service	Transaction 3080836 - Approved By: NOREVIEW : 07-12-2012:16:52:54
7/12/2012	NEF	Proof of Electronic Service	Transaction 3081202 - Approved By: NOREVIEW : 07-12-2012:17:10:24
7/12/2012	1301	Bench Warrant Filed -Case Open	BENCH WARRANT ON MATERIAL WITNESS ORDER
7/12/2012	3370	Order ...	MATERIAL WITNESS ORDER - Transaction 3081098 - Approved By: NOREVIEW : 07-12-2012:16:58:56

Case ID:		Case Description: STATE OF NEVADA VS. DVAUGHN KEITHAN KING (TN) (D7)	
CR12-1160		Case Type:	CRIMINAL
		Initial Filing Date:	7/9/2012
7/20/2012	1491	Pretrl Srves Assessment Report	Transaction 3099230 - Approved By: AZION : 07-20-2012:14:06:56
7/20/2012	1250E	Application for Setting eFile	ARRAIGNMENT 08-08-12 @ 9AM - Transaction 3098332 - Approved By: NOREVIEW : 07-20-2012:09:49:54
7/20/2012	NEF	Proof of Electronic Service	Transaction 3099356 - Approved By: NOREVIEW : 07-20-2012:14:17:47
7/20/2012	NEF	Proof of Electronic Service	Transaction 3098345 - Approved By: NOREVIEW : 07-20-2012:09:51:52
7/23/2012	1800	Information	Transaction 3102518 - Approved By: AZION : 07-23-2012:16:18:19
7/23/2012	NEF	Proof of Electronic Service	Transaction 3101535 - Approved By: NOREVIEW : 07-23-2012:13:32:21
7/23/2012	NEF	Proof of Electronic Service	Transaction 3100939 - Approved By: NOREVIEW : 07-23-2012:10:43:47
7/23/2012	NEF	Proof of Electronic Service	Transaction 3102625 - Approved By: NOREVIEW : 07-23-2012:16:20:25
7/23/2012	2400	Mtn Quash Warrant Attachmnt	MOTION TO QUASH MATERIAL WITNESS WARRANT (ERIC KING) - Transaction 3100807 - Approved By: AZ
7/23/2012	3370	Order ...	QUASHING MATERIAL WITNESS WARRANT (ERIC KING) - Transaction 3101523 - Approved By: NOREVIEW
7/23/2012	4265	Waiver of Preliminary Exam	Transaction 3102518 - Approved By: AZION : 07-23-2012:16:18:19
7/26/2012	3893	Return on B/W - Quashed	WARRANT FILED 07/12/12 - QUASHED 07/23/12
8/3/2012	NEF	Proof of Electronic Service	Transaction 3127396 - Approved By: NOREVIEW : 08-03-2012:12:09:44
8/3/2012	3980	Stip and Order...	CONSOLIDATED STIPULATION: GOOD CAUSE TO CONTINUE FIRST APPEARANCE; GOOD CAUSE FOR C
8/16/2012	3700	Proceedings	JUSTICE COURT PROCEEDINGS
8/22/2012	1280	** 60 Day Rule - Waived	
8/23/2012	MIN	***Minutes	08-22-12 ARRAIGNMENT - Transaction 3170621 - Approved By: NOREVIEW : 08-23-2012:10:49:16
8/23/2012	NEF	Proof of Electronic Service	Transaction 3170643 - Approved By: NOREVIEW : 08-23-2012:10:53:14
8/24/2012	NEF	Proof of Electronic Service	Transaction 3174648 - Approved By: NOREVIEW : 08-24-2012:15:18:05
8/24/2012	1670	Ex-Parte Mtn...	*SEALED* EXPARTE MOTION FOR INVESTIGATIVE FEES FILED UNDER SEAL - Transaction 3174627 - App
8/29/2012	NEF	Proof of Electronic Service	Transaction 3181270 - Approved By: NOREVIEW : 08-29-2012:08:55:50
8/29/2012	2610	Notice ...	*SEAL* NOTICE REGARDING AUTHORIZATION OF INVESTIGATIVE FEES - Transaction 3181227 - Approvec
10/9/2012	1670	Ex-Parte Mtn...	(SEALED) EX PARTE MOTION FOR AN ORDER OF APPROVAL OF PAYMENT OF ATTORNEYS FEES AND C
10/9/2012	NEF	Proof of Electronic Service	Transaction 3269967 - Approved By: NOREVIEW : 10-09-2012:10:42:45
10/29/2012	NEF	Proof of Electronic Service	Transaction 3309177 - Approved By: NOREVIEW : 10-29-2012:12:22:35
10/29/2012	2610	Notice ...	*SEALED* NOTICE RE: PAYMENT OF ATTY'S FEES - Transaction 3309039 - Approved By: AZION : 10-29-201
11/27/2012	NEF	Proof of Electronic Service	Transaction 3370262 - Approved By: NOREVIEW : 11-27-2012:16:19:20
11/27/2012	1250	Application for Setting	MOTION TO SET TRIAL 11-28-12 AT 9:00 A.M. - Transaction 3370181 - Approved By: JYOST : 11-27-2012:16:1
11/29/2012	MIN	***Minutes	11-28-12 MOTION TO SET TRIAL - Transaction 3376445 - Approved By: NOREVIEW : 11-29-2012:15:36:30
11/29/2012	NEF	Proof of Electronic Service	Transaction 3376471 - Approved By: NOREVIEW : 11-29-2012:15:39:34
12/3/2012	NEF	Proof of Electronic Service	Transaction 3382338 - Approved By: NOREVIEW : 12-03-2012:16:01:11
12/3/2012	4185	Transcript	MOTION TO SET TRIAL - NOVEMBER 28, 2012 - Transaction 3382284 - Approved By: NOREVIEW : 12-03-20
12/4/2012	NEF	Proof of Electronic Service	Transaction 3383257 - Approved By: NOREVIEW : 12-04-2012:09:15:54
12/4/2012	4185	Transcript	ARRAIGNMENT - AUGUST 22, 2012 - Transaction 3383242 - Approved By: NOREVIEW : 12-04-2012:09:13:23
2/22/2013	1670	Ex-Parte Mtn...	SEALED - EX-PARTE MOTION FOR DEFENSE THEORY EXPERT FEES FILED UNDER SEAL - Transaction 3
2/22/2013	3860	Request for Submission	NO S1 DONE - REFERRED TO BOB BELL - Transaction 3549286 - Approved By: SHAMBRIG : 02-22-2013:14
2/22/2013	NEF	Proof of Electronic Service	Transaction 3548769 - Approved By: NOREVIEW : 02-22-2013:11:26:09
2/22/2013	NEF	Proof of Electronic Service	Transaction 3549465 - Approved By: NOREVIEW : 02-22-2013:14:04:30
2/27/2013	MIN	***Minutes	STATUS HEARING - 02-20-13 - Transaction 3558164 - Approved By: NOREVIEW : 02-27-2013:10:42:26

Case Description: STATE OF NEVADA VS. DVAUGHN KEITHAN KING (TN) (D7)				
Case ID:	CR12-1160	Case Type:	CRIMINAL	Initial Filing Date: 7/9/2012
2/27/2013	NEF	Proof of Electronic Service	Transaction 3558175 - Approved By: NOREVIEW : 02-27-2013:10:44:24	
3/25/2013	NEF	Proof of Electronic Service	Transaction 3614163 - Approved By: NOREVIEW : 03-25-2013:13:47:28	
3/25/2013	NEF	Proof of Electronic Service	Transaction 3613388 - Approved By: NOREVIEW : 03-25-2013:10:46:11	
3/25/2013	1670	Ex-Parte Mtn...	(SEALED) EX-PARTE MOTION FOR AN ORDER OR APPROVAL OF PAYMENT OF ATTORNEY'S FEES AND	
3/25/2013	3860	Request for Submission	NO S1 BUILT (REFERRED TO BOB BELL) - EX PARTE MOTION FOR AN ORDER OF APPROVAL OF PAYME	
4/3/2013	2610	Notice ...	SEALED - NOTICE REGARDING PAYMENT OF ATTORNEY'S FEES - Transaction 3634036 - Approved By: JY	
4/3/2013	NEF	Proof of Electronic Service	Transaction 3634070 - Approved By: NOREVIEW : 04-03-2013:08:23:03	
4/19/2013	NEF	Proof of Electronic Service	Transaction 3673840 - Approved By: NOREVIEW : 04-19-2013:14:55:32	
4/19/2013	4185	Transcript	STATUS HEARING - FEBRUARY 20, 2013 - Transaction 3673832 - Approved By: NOREVIEW : 04-19-2013:14:	
4/23/2013	1670	Ex-Parte Mtn...	EX-PARTE MOTION REQUESTING TO RELIEVE COUNSEL	
4/24/2013	NEF	Proof of Electronic Service	Transaction 3682908 - Approved By: NOREVIEW : 04-24-2013:12:59:06	
4/24/2013	2610	Notice ...	*SEAL* NOTICE REGARDING PAYMENT OF EXPERT FEES - Transaction 3682528 - Approved By: MCHOLIC	
4/25/2013	1250E	Application for Setting eFile	STAT HEARING - 05.03.13 - 11:00 A.M.	
4/25/2013	NEF	Proof of Electronic Service	Transaction 3685374 - Approved By: NOREVIEW : 04-25-2013:10:35:39	
4/26/2013	FIE	**Document Filed in Error		
5/6/2013	MIN	***Minutes	5/3/13 STATUS HEARING - Transaction 3707641 - Approved By: NOREVIEW : 05-06-2013:16:45:20	
5/6/2013	NEF	Proof of Electronic Service	Transaction 3707650 - Approved By: NOREVIEW : 05-06-2013:16:48:10	
5/8/2013	1695	** Exhibit(s) ...	MOTION FOR APPOINTMENT OF NEW COUNSEL	
5/13/2013	3370	Order ...	[ATTY JOHN OHLSON IS APPT'D TO REP DEFENDANT; TRIAL DATE OF 08.12.13 AND MTN TO CONFIRM I	
5/13/2013	NEF	Proof of Electronic Service	Transaction 3720623 - Approved By: NOREVIEW : 05-13-2013:10:50:38	
5/14/2013	MIN	***Minutes	5-8-13 STATUS HEARING IN RE: APPOINTMENT OF COUNSEL - Transaction 3725013 - Approved By: NORE	
5/14/2013	NEF	Proof of Electronic Service	Transaction 3725030 - Approved By: NOREVIEW : 05-14-2013:14:58:23	
5/22/2013	MIN	***Minutes	5-22-13 STATUS HEARING - Transaction 3743625 - Approved By: NOREVIEW : 05-22-2013:16:42:59	
5/22/2013	NEF	Proof of Electronic Service	Transaction 3743634 - Approved By: NOREVIEW : 05-22-2013:16:44:59	
5/28/2013	NEF	Proof of Electronic Service	Transaction 3749572 - Approved By: NOREVIEW : 05-28-2013:13:42:00	
5/28/2013	1670	Ex-Parte Mtn...	(SEALED)EXPARTE MOTION FOR ORDER FOR AUTHORIZATION TO EMPLOY PRIVATE INVESTIGATOR A	
5/29/2013	1670	Ex-Parte Mtn...	(SEALED) EXPARTE MOTION FOR AN ORDER OF APPROVAL OF PANY OF ATTORNEY'S FEES AND COST	
5/29/2013	3860	Request for Submission	DOCUMENT TITLE: EXPARTE MOTION FOR AN ORDER OF APPROVAL OF PANY OF ATTORNEY'S FEES A	
5/30/2013	NEF	Proof of Electronic Service	Transaction 3755126 - Approved By: NOREVIEW : 05-30-2013:10:19:14	
5/30/2013	2610	Notice ...	(SEALED) NOTICE REGARDING AUTHORIZATION OF INVESTIGATIVE FEES - Transaction 3755084 - Appro	
6/5/2013	4185	Transcript	STATUS HEARING - MAY 3, 2013 - Transaction 3769032 - Approved By: NOREVIEW : 06-05-2013:14:56:47	
6/5/2013	NEF	Proof of Electronic Service	Transaction 3769036 - Approved By: NOREVIEW : 06-05-2013:14:58:13	
6/5/2013	NEF	Proof of Electronic Service	Transaction 3769040 - Approved By: NOREVIEW : 06-05-2013:14:59:04	
6/5/2013	4185	Transcript	STATUS HEARING - MAY 8, 2013 - Transaction 3769035 - Approved By: NOREVIEW : 06-05-2013:14:57:51	
6/5/2013	1670	Ex-Parte Mtn...	(SEALED) EX PARTE MOTION FOR AN ORDER OF APPROVAL OF PAYMENT OF INVESTIGATOR FEES - FI	
6/5/2013	3860	Request for Submission	NO S1 DONE - REFERRED TO BOB BELL	
6/12/2013	NEF	Proof of Electronic Service	Transaction 3782223 - Approved By: NOREVIEW : 06-12-2013:08:41:53	
6/12/2013	2610	Notice ...	(SEALED) NOTICE REGARDING PAYMENT OF ATTORNEY'S FEES - Transaction 3782009 - Approved By: JY	
6/26/2013	NEF	Proof of Electronic Service	Transaction 3816664 - Approved By: NOREVIEW : 06-26-2013:11:02:50	

Case Description: STATE OF NEVADA VS. DVAUGHN KEITHAN KING (TN) (D7)				
Case ID:	CR12-1160	Case Type:	CRIMINAL	Initial Filing Date: 7/9/2012
6/26/2013	2610	Notice ...	(SEALED) NOTICE REGARDING AUTHORIZATION OF INVESTIGATIVE FEES - Transaction 3816632 - Appro	
7/16/2013	1670	Ex-Parte Mtn...	(SEALED) EX PARTE MOTION FOR ORDER ALLOWING PAYMENT OF ATTORNEY'S FEES - Transaction 385	
7/16/2013	NEF	Proof of Electronic Service	Transaction 3858622 - Approved By: NOREVIEW : 07-16-2013:15:03:51	
7/29/2013	NEF	Proof of Electronic Service	Transaction 3884112 - Approved By: NOREVIEW : 07-29-2013:08:42:41	
7/29/2013	4185	Transcript	STATUS HEARING - MAY 22, 2013 - Transaction 3884095 - Approved By: NOREVIEW : 07-29-2013:08:40:59	
8/7/2013	2610	Notice ...	(SEALED) NOTICE REGARDING PAYMENT OF INTERIM ATTORNEY FEES - Transaction 3906463 - Approver	
8/7/2013	NEF	Proof of Electronic Service	Transaction 3906650 - Approved By: NOREVIEW : 08-07-2013:12:29:35	
9/6/2013	1670	Ex-Parte Mtn...	(SEALED) EX PARTE MOTION FOR ORDER ALLOWING PAYMENT OF ATTORNEY'S FEES - Transaction 397	
9/6/2013	NEF	Proof of Electronic Service	Transaction 3976846 - Approved By: NOREVIEW : 09-06-2013:09:17:24	
9/12/2013	2610	Notice ...	(SEALED) NOTICE REGARDING PAYMENT OF INTERIM ATTORNEY FEES - Transaction 3991481 - Approver	
9/12/2013	NEF	Proof of Electronic Service	Transaction 3991651 - Approved By: NOREVIEW : 09-12-2013:10:54:39	
10/2/2013	1670	Ex-Parte Mtn...	(SEALED) EX PARTE MOTION FOR ORDER ALLOWING PAYMENT OF ATTORNEY'S FEES - Transaction 403	
10/2/2013	NEF	Proof of Electronic Service	Transaction 4037089 - Approved By: NOREVIEW : 10-02-2013:10:50:06	
10/22/2013	2610	Notice ...	(SEALED) NOTICE REGARDING PAYMENT OF INTERIM ATTORNEY FEES - Transaction 4083219 - Approver	
10/22/2013	NEF	Proof of Electronic Service	Transaction 4083930 - Approved By: NOREVIEW : 10-22-2013:11:22:52	
11/13/2013	3980	Stip and Order...	RE PRE-PRELIMINARY HEARING AND PRE-TRIAL RECIPROCAL DISCOVERY (FELONY AND GROSS MISE	
11/13/2013	NEF	Proof of Electronic Service	Transaction 4132314 - Approved By: NOREVIEW : 11-13-2013:17:12:46	
11/21/2013	NEF	Proof of Electronic Service	Transaction 4149923 - Approved By: NOREVIEW : 11-21-2013:08:31:15	
11/21/2013	2610	Notice ...	SEALED *** NOTICE RE: PAYMENT OF INTERIM ATTY FEES - Transaction 4149761 - Approved By: AZION : "	
11/22/2013	NEF	Proof of Electronic Service	Transaction 4155374 - Approved By: NOREVIEW : 11-22-2013:14:04:49	
11/22/2013	NEF	Proof of Electronic Service	Transaction 4154671 - Approved By: NOREVIEW : 11-22-2013:12:54:18	
11/22/2013	1095	Amended Information	Transaction 4154695 - Approved By: SHAMBRIG : 11-22-2013:14:03:06	
11/22/2013	1250	Application for Setting	CHANGE OF PLEA HEARING 11-25-13 AT 9:00 - Transaction 4154581 - Approved By: SHAMBRIG : 11-22-201	
11/25/2013	1785	Guilty Plea Memo/Agreement	Transaction 4157773 - Approved By: NOREVIEW : 11-25-2013:10:04:19	
11/25/2013	NEF	Proof of Electronic Service	Transaction 4159233 - Approved By: NOREVIEW : 11-25-2013:14:48:07	
11/25/2013	NEF	Proof of Electronic Service	Transaction 4157783 - Approved By: NOREVIEW : 11-25-2013:10:06:14	
11/25/2013	MIN	***Minutes	CHANGE OF PLEA - Transaction 4159211 - Approved By: NOREVIEW : 11-25-2013:14:45:23	
12/5/2013	1670	Ex-Parte Mtn...	(SEALED) EX PARTE MOTION FOR ORDER ALLOWING PAYMENT OF ATTORNEYS FEES - Transaction 417	
12/5/2013	NEF	Proof of Electronic Service	Transaction 4178559 - Approved By: NOREVIEW : 12-05-2013:14:37:05	
12/19/2013	2610	Notice ...	(SEALED) NOTICE REGARDING PAYMENT OF INTERIM ATTORNEY FEES - Transaction 4208567 - Approver	
12/19/2013	NEF	Proof of Electronic Service	Transaction 4208637 - Approved By: NOREVIEW : 12-19-2013:08:30:45	
1/9/2014	4500	PSI - Confidential	(CONFIDENTIAL) Transaction 4245096 - Approved By: MELWOOD : 01-09-2014:09:07:03	
1/9/2014	NEF	Proof of Electronic Service	Transaction 4245160 - Approved By: NOREVIEW : 01-09-2014:09:10:15	
1/16/2014	NEF	Proof of Electronic Service	Transaction 4263025 - Approved By: NOREVIEW : 01-16-2014:15:40:05	
1/16/2014	1960	Memorandum ...	DEFENDANT'S PRE-SENTENCE MEMORANDUM - Transaction 4262738 - Approved By: SHAMBRIG : 01-16-	
1/21/2014	4185	Transcript	CHANGE OF PLEA - NOVEMBER 25, 2013 - Transaction 4267171 - Approved By: NOREVIEW : 01-21-2014:11	
1/21/2014	NEF	Proof of Electronic Service	Transaction 4267173 - Approved By: NOREVIEW : 01-21-2014:11:59:41	
1/22/2014	1695	** Exhibit(s) ...	SENTENCING	
1/22/2014	COLL	Sent to Collections	22-JAN-2014	

Case Description: STATE OF NEVADA VS. D'VAUGHN KEITHAN KING (TN) (D7)				
Case ID:	CR12-1160	Case Type:	CRIMINAL	Initial Filing Date: 7/9/2012
1/23/2014	NEF	Proof of Electronic Service	Transaction 4271604 - Approved By: NOREVIEW : 01-23-2014:12:51:23	
1/23/2014	1850	Judgment of Conviction	01-22-14 - Transaction 4271603 - Approved By: NOREVIEW : 01-23-2014:12:50:33	
1/27/2014	NEF	Proof of Electronic Service	Transaction 4276269 - Approved By: NOREVIEW : 01-27-2014:13:50:18	
1/27/2014	2590	Notice Withdrawal of Attorney	JOHN OHLSON, ESQ - Transaction 4276161 - Approved By: SHAMBRIG : 01-27-2014:13:47:00	
1/28/2014	MIN	***Minutes	SENTENCING - 01-22-14 - Transaction 4278667 - Approved By: NOREVIEW : 01-28-2014:15:16:58	
1/28/2014	NEF	Proof of Electronic Service	Transaction 4278675 - Approved By: NOREVIEW : 01-28-2014:15:18:05	
1/28/2014	COC	Evidence Chain of Custody Form		
1/31/2014	2230	Mtn Trial Trans. Public Exp		
1/31/2014	3868	Req to Crt Rptr - Rough Draft		
1/31/2014	2515	Notice of Appeal Supreme Court		
1/31/2014	1215	Application Appoint Counsel	INDIGENT REQUEST FOR COURT APPOINTED COUNSEL ON APPEAL	
2/4/2014	NEF	Proof of Electronic Service	Transaction 4289264 - Approved By: NOREVIEW : 02-04-2014:14:17:16	
2/4/2014	1670	Ex-Parte Mtn...	(SEALED) EX PARTE MOTION FOR ORDER ALLOWING PAYMENT OF ATTORNEY'S FEES - Transaction 428	
2/6/2014	NEF	Proof of Electronic Service	Transaction 4293192 - Approved By: NOREVIEW : 02-06-2014:10:55:09	
2/6/2014	4185	Transcript	SENTENCING - JANUARY 22, 2014 - Transaction 4293188 - Approved By: NOREVIEW : 02-06-2014:10:54:11	
2/7/2014	3863	**Submit regarding Appeals	DOCUMENT TITLE: INDIGENT REQUEST FOR COURT APPOINTED COUNSEL ON APPEAL (NO S1 BUILT)	
2/7/2014	1350	Certificate of Clerk	CERTIFICATE OF CLERK AND TRANSMITTAL - NOTICE OF APPEAL - Transaction 4295157 - Approved By: NC	
2/7/2014	1310E	Case Appeal Statement	Transaction 4295157 - Approved By: NOREVIEW : 02-07-2014:10:10:22	
2/7/2014	NEF	Proof of Electronic Service	Transaction 4295161 - Approved By: NOREVIEW : 02-07-2014:10:11:22	
2/14/2014	1188	Supreme Court Receipt for Doc	SUPREME COURT NO. 64983/RECEIPT FOR DOCUMENTS - Transaction 4305975 - Approved By: NOREVIEW	
2/14/2014	NEF	Proof of Electronic Service	Transaction 4305981 - Approved By: NOREVIEW : 02-14-2014:10:45:21	
2/26/2014	2610	Notice ...	(SEALED) NOTICE REGARDING PAYMENT OF INTERIM ATTORNEY FEES - Transaction 4319701 - Approver	
2/26/2014	NEF	Proof of Electronic Service	Transaction 4319778 - Approved By: NOREVIEW : 02-26-2014:09:50:19	
3/6/2014	2520	Notice of Appearance	KARLA BUTKO, ESQ. / D'VAUGHN KING - Transaction 4331824 - Approved By: MCHOLICO : 03-06-2014:11:2	
3/6/2014	NEF	Proof of Electronic Service	Transaction 4331927 - Approved By: NOREVIEW : 03-06-2014:11:30:26	
3/10/2014	NEF	Proof of Electronic Service	Transaction 4335898 - Approved By: NOREVIEW : 03-10-2014:13:14:03	
3/10/2014	4135	Supreme Court Ord Remanding	SUPREME COURT NO. 64983/ORDER OF LIMITED REMAND FOR APPOINTMENT OF COUNSEL - Transact	
3/12/2014	3863	**Submit regarding Appeals	DOCUMENT TITLE: SUPREME COURT NO. 64983/ORDER OF LIMITED REMAND FOR APPOINTMENT OF	
8/12/2014	1670	Ex-Parte Mtn...	(SEALED) EX PARTE MOTION FOR ORDER ALLOWING PAYMENT OF ATTORNEY'S FEES TO APPOINTED	
9/2/2014	NEF	Proof of Electronic Service	Transaction 4585911 - Approved By: NOREVIEW : 09-02-2014:09:16:28	
9/2/2014	2610	Notice ...	NOTICE REGARDING PAYMENT OF ATTORNEY FEES - Transaction 4585652 - Approved By: SHAMBRIG : 09	
10/8/2014	4129	Supreme Ct Order Granting ...	SUPREME COURT NO. 64983 / ORDER GRANTING MOTION FOR TRANSMISSION OF PRESENTENCE INV	
10/8/2014	NEF	Proof of Electronic Service	Transaction 4642480 - Approved By: NOREVIEW : 10-08-2014:11:07:19	
10/21/2014	1350	Certificate of Clerk	CERTIFICATE OF CLERK AND TRANSMITTAL - Transaction 4660905 - Approved By: NOREVIEW : 10-21-2014	
10/21/2014	NEF	Proof of Electronic Service	Transaction 4660914 - Approved By: NOREVIEW : 10-21-2014:09:42:06	
10/22/2014	1670	Ex-Parte Mtn...	EX PARTE MOTION FOR ORDER ALLOWING PAYMENT OF ATTORNEY'S FEES TO APPOINTED COUNSEL	
10/30/2014	NEF	Proof of Electronic Service	Transaction 4675792 - Approved By: NOREVIEW : 10-30-2014:11:24:06	
10/30/2014	2610	Notice ...	REGARDING PAYMENT OF ATTORNEY FEES - Transaction 4675499 - Approved By: ASMITH : 10-30-2014:11	
12/8/2014	NEF	Proof of Electronic Service	Transaction 4725365 - Approved By: NOREVIEW : 12-08-2014:11:35:09	

Case ID:		Case Description: STATE OF NEVADA VS. DVAUGHN KEITHAN KING (TN) (D7)	
CR12-1160	Case Type:	CRIMINAL	Initial Filing Date: 7/9/2012
12/8/2014	4134	Supreme Court Order Affirming	SUPREME COURT NO. 64983/ORDER OF AFFIRMANCE - Transaction 4725361 - Approved By: NOREVIEW
12/30/2014	NEF	Proof of Electronic Service	Transaction 4754544 - Approved By: NOREVIEW : 12-30-2014:14:39:32
12/30/2014	4134	Supreme Court Order Affirming	SUPREME COURT NO. 64983/ORDER OF AFFIRMANCE - Transaction 4754537 - Approved By: NOREVIEW :
12/30/2014	4111	Supreme Ct Clk's Cert & Judg	SUPREME COURT NO. 64983/CLERK'S CERTIFICATE AND JUDGMENT - Transaction 4754537 - Approved B
12/30/2014	4145	Supreme Court Remittitur	SUPREME COURT NO. 64983/REMITTITUR - Transaction 4754537 - Approved By: NOREVIEW : 12-30-2014:1
7/16/2015	2385	Mtn Proceed Forma Pauperis	
7/16/2015	2490	Motion ...	MOTION FOR LEAVE OF COURT TO FILE THE LONGER THAN NORMAL PETITION
7/16/2015	3565	Pet Post-Conviction Relief	
7/16/2015	3862	**Criminal Submit	DOCUMENT TITLE: NO S1 BUILT-PETITION FOR WRIT OF HABEAS CORPUS (POSTCONVICTION) PAPEF
7/16/2015	1215	Application Appoint Counsel	
2/26/2016	NEF	Proof of Electronic Service	Transaction 5388869 - Approved By: NOREVIEW : 02-26-2016:09:42:06
2/26/2016	NEF	Proof of Electronic Service	Transaction 5388885 - Approved By: NOREVIEW : 02-26-2016:09:45:29
2/26/2016	3060	Ord Granting Mtn ...	FOR COURT APPOINTED COUNSEL - Transaction 5388873 - Approved By: NOREVIEW : 02-26-2016:09:44:30
2/26/2016	3035	Ord Grant in Forma Pauperis	Transaction 5388864 - Approved By: NOREVIEW : 02-26-2016:09:41:04
3/24/2016	2715	Ord Appointing Counsel	[Mary Lou Wilson, Esq. for D'Vaughn King - ks] - Transaction 5433469 - Approved By: NOREVIEW : 03-24-2016
3/24/2016	NEF	Proof of Electronic Service	Transaction 5433471 - Approved By: NOREVIEW : 03-24-2016:10:54:34
5/19/2016	1670	Ex-Parte Mtn...	EX PARTE MOTION FOR APPROVAL OF FUTURE INVESTIGATIVE FEES IN SUPPORT OF PETITION AND S
5/19/2016	NEF	Proof of Electronic Service	Transaction 5523994 - Approved By: NOREVIEW : 05-19-2016:15:56:04
5/20/2016	2075	Mtn for Extension of Time	MOTION FOR EXTENSION OF TIME (FIRST REQUEST) - Transaction 5526623 - Approved By: TBRIITON : 0
5/20/2016	NEF	Proof of Electronic Service	Transaction 5526665 - Approved By: NOREVIEW : 05-20-2016:16:48:36
6/9/2016	NEF	Proof of Electronic Service	Transaction 5556093 - Approved By: NOREVIEW : 06-09-2016:16:21:51
6/9/2016	1670	Ex-Parte Mtn...	EX PARTE MOTION FOR APPROVAL OF INTERIM ATTORNEY FEES - Transaction 5555779 - Approved By: C
6/28/2016	NEF	Proof of Electronic Service	Transaction 5582530 - Approved By: NOREVIEW : 06-28-2016:10:31:40
6/28/2016	3370	Order ...	RECOMMENDATION AND ORDER FOR PAYMENT OF INTERIM ATTORNEY'S FEES (POST CONVICTION) -
7/6/2016	2525	Notice of Change of Address	D'VAUGHN KING - Transaction 5596441 - Approved By: RKWATKIN : 07-07-2016:09:23:21
7/7/2016	NEF	Proof of Electronic Service	Transaction 5596763 - Approved By: NOREVIEW : 07-07-2016:09:24:27
7/28/2016	2075	Mtn for Extension of Time	Transaction 5631006 - Approved By: YVILORIA : 07-28-2016:11:03:39
7/28/2016	NEF	Proof of Electronic Service	Transaction 5631667 - Approved By: NOREVIEW : 07-28-2016:11:04:37
10/9/2016	1670	Ex-Parte Mtn...	EXPARTE MOTION FOR APPROVAL OF INTERIM ATTORNEY FEES (TO BE FILED UNDER SEAL) - Transacti
10/10/2016	NEF	Proof of Electronic Service	Transaction 5747776 - Approved By: NOREVIEW : 10-10-2016:09:20:51
10/18/2016	3370	Order ...	RECOMMENDATION AND ORDER FOR PAYMENT OF ATTORNEY'S FEES (POST CONVICTION) - Transacti
10/18/2016	NEF	Proof of Electronic Service	Transaction 5762427 - Approved By: NOREVIEW : 10-18-2016:10:45:23
11/8/2016	NEF	Proof of Electronic Service	Transaction 5796981 - Approved By: NOREVIEW : 11-08-2016:12:39:58
11/8/2016	3370	Order ...	RECOMMENDATION AND ORDER FOR APPOINTMENT OF COUNSEL (POST CONVICTION) - Transaction 5
12/12/2016	NEF	Proof of Electronic Service	Transaction 5848227 - Approved By: NOREVIEW : 12-12-2016:11:29:19
12/12/2016	NEF	Proof of Electronic Service	Transaction 5849313 - Approved By: NOREVIEW : 12-12-2016:15:40:19
12/12/2016	2526	Notice of Change of Attorney	JENNIFER P. NOBLE DA IN PLACE OF TERRENCE P MCCARTHY DA / STATE - Transaction 5848201 - Apprc
12/12/2016	4047	Stip Extension of Time ...	STIPULATION FOR EXTENSION OF TIME - Transaction 5848190 - Approved By: YVILORIA : 12-12-2016:11:2
12/12/2016	NEF	Proof of Electronic Service	Transaction 5848206 - Approved By: NOREVIEW : 12-12-2016:11:25:26

Case Description: STATE OF NEVADA VS. DVAUGHN KEITHAN KING (TN) (D7)				
Case ID:	CR12-1160	Case Type:	CRIMINAL	Initial Filing Date: 7/9/2012
12/12/2016	3030	Ord Granting Extension Time	Transaction 5849299 - Approved By: NOREVIEW : 12-12-2016:15:39:01	
2/3/2017	NEF	Proof of Electronic Service	Transaction 5933207 - Approved By: NOREVIEW : 02-03-2017:11:43:30	
2/3/2017	1670	Ex-Parte Mtn...	EX PARTE MOTION FOR EXCESS ATTORNEY'S FEES (POST CONVICTION) - Transaction 5933129 - Approv	
2/9/2017	NEF	Proof of Electronic Service	Transaction 5944916 - Approved By: NOREVIEW : 02-09-2017:16:55:11	
2/9/2017	4047	Stip Extension of Time ...	Transaction 5944687 - Approved By: CSULEZIC : 02-09-2017:16:54:09	
2/13/2017	NEF	Proof of Electronic Service	Transaction 5947962 - Approved By: NOREVIEW : 02-13-2017:12:07:27	
2/13/2017	3105	Ord Granting ...	EXTENSION OF TIME - Transaction 5947959 - Approved By: NOREVIEW : 02-13-2017:12:06:27	
2/14/2017	NEF	Proof of Electronic Service	Transaction 5950008 - Approved By: NOREVIEW : 02-14-2017:11:00:20	
2/14/2017	1670	Ex-Parte Mtn...	(SEALED) EX-PARTE MOTION FOR PRIVATE INVESTIGATOR FEES - Transaction 5949681 - Approved By: TI	
3/1/2017	3370	Order ...	RECOMMENDATION AND ORDER FOR PAYMENT OF ATTORNEY'S FEES (POST CONVICTION) - Transacti	
3/1/2017	NEF	Proof of Electronic Service	Transaction 5975589 - Approved By: NOREVIEW : 03-01-2017:16:50:08	
3/15/2017	NEF	Proof of Electronic Service	Transaction 5997631 - Approved By: NOREVIEW : 03-15-2017:09:25:36	
3/15/2017	3370	Order ...	RECOMMENDATION AND ORDER FOR INVESTIGATION FEES (POST CONVICTION) - Transaction 5997628	
3/17/2017	4047	Stip Extension of Time ...	Transaction 6005294 - Approved By: CSULEZIC : 03-17-2017:14:44:58	
3/17/2017	NEF	Proof of Electronic Service	Transaction 6005419 - Approved By: NOREVIEW : 03-17-2017:14:49:15	
3/20/2017	3030	Ord Granting Extension Time	Transaction 6006648 - Approved By: NOREVIEW : 03-20-2017:09:37:41	
3/20/2017	NEF	Proof of Electronic Service	Transaction 6006653 - Approved By: NOREVIEW : 03-20-2017:09:38:34	
3/30/2017	NEF	Proof of Electronic Service	Transaction 6025585 - Approved By: NOREVIEW : 03-30-2017:14:08:21	
3/30/2017	4100	Supplemental Petition	SUPPLEMENTAL PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION) - Transaction 6025544 -	
5/10/2017	1130	Answer ...	ANSWER TO PETITION AND SUPPLEMENTAL PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVIC	
5/10/2017	NEF	Proof of Electronic Service	Transaction 6093575 - Approved By: NOREVIEW : 05-10-2017:11:54:46	
6/29/2017	NEF	Proof of Electronic Service	Transaction 6174304 - Approved By: NOREVIEW : 06-29-2017:16:13:15	
6/29/2017	1670	Ex-Parte Mtn...	EX-PARTE MOTION FOR EXCESS ATTORNEYS FEES (POST CONVICTION) - Transaction 6173848 - Approve	
7/17/2017	NEF	Proof of Electronic Service	Transaction 6199932 - Approved By: NOREVIEW : 07-17-2017:16:15:54	
7/17/2017	3370	Order ...	RECOMMENDATION AND ORDER FOR PAYMENT OF ATTORNEY'S FEES (POST CONVICTION) - Transacti	
9/15/2017	NEF	Proof of Electronic Service	Transaction 6301437 - Approved By: NOREVIEW : 09-15-2017:10:06:24	
9/15/2017	3860	Request for Submission	Transaction 6301355 - Approved By: YVILORIA : 09-15-2017:10:05:23	
11/21/2017	2827	Ord Deny/Dism Post Conviction	ORDER DISMISSING PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION) - Transaction 64062	
11/21/2017	F230	Other Manner of Disposition	ORDER DENY/DISMISS PETITION FOR WRIT ADJUDICATES CASE	
11/21/2017	S200	Request for Submission Complet	PETITION FOR WRIT OF HABEAS CORPUS (POST CONVICTION) - DENY/DISMISS	
11/21/2017	NEF	Proof of Electronic Service	Transaction 6406213 - Approved By: NOREVIEW : 11-21-2017:15:14:17	
11/22/2017	2540	Notice of Entry of Ord	Transaction 6406972 - Approved By: NOREVIEW : 11-22-2017:08:52:39	
11/22/2017	NEF	Proof of Electronic Service	Transaction 6406980 - Approved By: NOREVIEW : 11-22-2017:08:55:37	
12/12/2017	NEF	Proof of Electronic Service	Transaction 6436036 - Approved By: NOREVIEW : 12-12-2017:15:50:40	
12/12/2017	NEF	Proof of Electronic Service	Transaction 6436040 - Approved By: NOREVIEW : 12-12-2017:15:50:48	
12/12/2017	NEF	Proof of Electronic Service	Transaction 6436041 - Approved By: NOREVIEW : 12-12-2017:15:50:57	
12/12/2017	1310	Case Appeal Statement	Transaction 6436013 - Approved By: YVILORIA : 12-12-2017:15:49:36	
12/12/2017	2610	Notice ...	NOTICE THAT NO TRANSCRIPTS ARE REQUESTED - Transaction 6436019 - Approved By: YVILORIA : 12-12	
12/12/2017	2515	Notice of Appeal Supreme Court	Transaction 6436000 - Approved By: YVILORIA : 12-12-2017:15:49:24	

Case Description: STATE OF NEVADA VS. DVAUGHN KEITHAN KING (TN) (D7)				
Case ID:	CR12-1160	Case Type:	CRIMINAL	Initial Filing Date: 7/9/2012
12/13/2017	1350	Certificate of Clerk	CERTIFICATE OF CLERK AND TRANSMITTAL - NOTICE OF APPEAL - Transaction 6436529 - Approved By: N	
12/13/2017	NEF	Proof of Electronic Service	Transaction 6436534 - Approved By: NOREVIEW : 12-13-2017:08:23:38	
12/20/2017	NEF	Proof of Electronic Service	Transaction 6448385 - Approved By: NOREVIEW : 12-20-2017:14:46:13	
12/20/2017	1188	Supreme Court Receipt for Doc	SUPREME COURT NO. 74703 / RECEIPT FOR DOCUMENTS - Transaction 6448379 - Approved By: NOREVIEW	
5/28/2018	1670	Ex-Parte Mtn...	EX-PARTE MOTION FOR EXCESS ATTORNEYS FEES (POST CONVICTION) - Transaction 6699939 - Approved	
5/29/2018	NEF	Proof of Electronic Service	Transaction 6700086 - Approved By: NOREVIEW : 05-29-2018:09:21:36	
6/22/2018	NEF	Proof of Electronic Service	Transaction 6742101 - Approved By: NOREVIEW : 06-22-2018:10:19:57	
6/22/2018	2777	Ord Approving ...	RECOMMENDATION AND ORDER FOR PAYMENT OF INTERIM ATTORNEY'S FEES (POST CONVICTION) -	
8/7/2018	1670	Ex-Parte Mtn...	EX-PARTE MOTION FOR EXCESS ATTORNEYS FEES (POST CONVICTION) - Transaction 6816089 - Approved	
8/7/2018	NEF	Proof of Electronic Service	Transaction 6816402 - Approved By: NOREVIEW : 08-07-2018:12:50:20	
8/29/2018	2777	Ord Approving ...	RECOMMENDATION AND ORDER FOR PAYMENT OF INTERIM ATTORNEY'S FEES (POST CONVICTION) -	
8/29/2018	NEF	Proof of Electronic Service	Transaction 6854717 - Approved By: NOREVIEW : 08-29-2018:12:27:10	
9/14/2018	NEF	Proof of Electronic Service	Transaction 6880960 - Approved By: NOREVIEW : 09-14-2018:14:26:48	
9/14/2018	4133	Supreme Court Notice	SUPREME COURT NO. 74703 / NOTICE OF TRANSFER TO COURT OF APPEALS - Transaction 6880954 - A	
3/15/2019	3863	**Submit regarding Appeals	DOCUMENT TITLE: SUPREME COURT NO. 74703 / ORDER OF REVERSAL AND REMAND (NO S1 BUILT)	
3/15/2019	NEF	Proof of Electronic Service	Transaction 7169075 - Approved By: NOREVIEW : 03-15-2019:14:08:45	
3/15/2019	4135	Supreme Court Ord Remanding	SUPREME COURT NO. 74703 / ORDER OF REVERSAL AND REMAND - Transaction 7169068 - Approved By:	
3/19/2019	NEF	Proof of Electronic Service	Transaction 7172852 - Approved By: NOREVIEW : 03-19-2019:08:19:22	
3/19/2019	3242	Ord Setting Hearing	ORDER ACKNOWLEDGING ORDER OF REVERSAL AND REMAND FROM THE COURT OF APPEALS; ORD	
3/26/2019	1250	Application for Setting	09/4/19 @1:30PM - Transaction 7185956 - Approved By: CVERA : 03-26-2019:15:10:13	
3/26/2019	NEF	Proof of Electronic Service	Transaction 7186118 - Approved By: NOREVIEW : 03-26-2019:15:11:26	
4/10/2019	3863	**Submit regarding Appeals	DOCUMENT TITLE: SUPREME COURT NO. 74703 / ORDER OF REVERSAL AND REMAND (NO S1 BUILT)	
4/10/2019	4140	Supreme Court Ord Reversing	SUPREME COURT NO. 74703 / ORDER OF REVERSAL AND REMAND - Transaction 7211893 - Approved By:	
4/10/2019	4145	Supreme Court Remittitur	SUPREME COURT NO. 74703 / REMITTITUR - Transaction 7211893 - Approved By: NOREVIEW : 04-10-2019	
4/10/2019	4111	Supreme Ct Clk's Cert & Judg	SUPREME COURT NO. 74703 / CLERK'S CERTIFICATE & JUDGMENT - Transaction 7211893 - Approved By:	
4/10/2019	NEF	Proof of Electronic Service	Transaction 7211900 - Approved By: NOREVIEW : 04-10-2019:14:06:02	
5/9/2019	2490	Motion ...	MOTION TO WITHDRAW AS COUNSEL - Transaction 7261324 - Approved By: YVILORIA : 05-09-2019:09:33:3	
5/9/2019	NEF	Proof of Electronic Service	Transaction 7261411 - Approved By: NOREVIEW : 05-09-2019:09:35:41	
5/13/2019	NEF	Proof of Electronic Service	Transaction 7267546 - Approved By: NOREVIEW : 05-13-2019:16:52:18	
5/13/2019	3860	Request for Submission	REQUEST FOR SUBMISSION - Transaction 7267434 - Approved By: YVILORIA : 05-13-2019:16:51:12	
5/14/2019	NEF	Proof of Electronic Service	Transaction 7267981 - Approved By: NOREVIEW : 05-14-2019:09:40:43	
5/14/2019	3005	Ord Withdrawal of Counsel	Transaction 7267978 - Approved By: NOREVIEW : 05-14-2019:09:39:46	
5/14/2019	S200	Request for Submission Complet		
6/7/2019	2715	Ord Appointing Counsel	VICTORIA OLDENBURG, ESQ. - Transaction 7309867 - Approved By: NOREVIEW : 06-07-2019:12:23:19	
6/7/2019	NEF	Proof of Electronic Service	Transaction 7309870 - Approved By: NOREVIEW : 06-07-2019:12:24:20	
7/9/2019	4045	Stipulation to Continuance	Evidentiary Hearing - Transaction 7362879 - Approved By: NOREVIEW : 07-09-2019:13:27:14	
7/9/2019	NEF	Proof of Electronic Service	Transaction 7362885 - Approved By: NOREVIEW : 07-09-2019:13:28:15	
7/11/2019	NEF	Proof of Electronic Service	Transaction 7366877 - Approved By: NOREVIEW : 07-11-2019:08:24:45	
7/11/2019	3366	Ord Vacating	HEARING AND DIRECTING THE MATTER TO BE RESET - Transaction 7366870 - Approved By: NOREVIEW :	

Case Description: STATE OF NEVADA VS. DVAUGHN KEITHAN KING (TN) (D7)				
Case ID:	CR12-1160	Case Type:	CRIMINAL	Initial Filing Date: 7/9/2012
7/29/2019	1260	Application Produce Prisoner	Transaction 7399599 - Approved By: NOREVIEW : 07-29-2019:14:56:08	
7/29/2019	1250	Application for Setting	Transaction 7398791 - Approved By: NOREVIEW : 07-29-2019:11:50:05	
7/29/2019	3340	Ord to Produce Prisoner	Transaction 7399711 - Approved By: NOREVIEW : 07-29-2019:15:12:12	
7/29/2019	NEF	Proof of Electronic Service	Transaction 7398794 - Approved By: NOREVIEW : 07-29-2019:11:50:58	
7/29/2019	NEF	Proof of Electronic Service	Transaction 7399604 - Approved By: NOREVIEW : 07-29-2019:14:57:10	
7/29/2019	NEF	Proof of Electronic Service	Transaction 7399718 - Approved By: NOREVIEW : 07-29-2019:15:13:14	
12/16/2019	4047	Stip Extension of Time ...	STIPULATION TO CONTINUE POST-CONVICTION HEARING - Transaction 7640301 - Approved By: NOREVIEW : 12-16-2019:14:24:10	
12/16/2019	NEF	Proof of Electronic Service	Transaction 7640314 - Approved By: NOREVIEW : 12-16-2019:14:24:10	
12/18/2019	NEF	Proof of Electronic Service	Transaction 7644063 - Approved By: NOREVIEW : 12-18-2019:06:13:33	
12/18/2019	3860	Request for Submission	Transaction 7644062 - Approved By: NOREVIEW : 12-18-2019:06:12:33	
12/19/2019	NEF	Proof of Electronic Service	Transaction 7647518 - Approved By: NOREVIEW : 12-19-2019:12:26:21	
12/19/2019	S200	Request for Submission Complet		
12/19/2019	3370	Order ...	ORDER ON STIPULATION TO CONTINUE POST-CONVICTION HEARING - Transaction 7647516 - Approved By: NOREVIEW : 12-19-2019:12:26:21	
12/20/2019	3880	Response...	MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF STIPULATION TO CONTINUE EVIDENTIARY HEARING - Transaction 7647516 - Approved By: NOREVIEW : 12-20-2019:08:39:01	
12/20/2019	NEF	Proof of Electronic Service	Transaction 7649151 - Approved By: NOREVIEW : 12-20-2019:08:39:01	
12/30/2019	1955	Memorandum Points&Authorities	MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF STIPULATION - Transaction 7659729 - Approved By: NOREVIEW : 12-30-2019:15:24:27	
12/30/2019	NEF	Proof of Electronic Service	Transaction 7659740 - Approved By: NOREVIEW : 12-30-2019:15:24:27	
12/31/2019	NEF	Proof of Electronic Service	Transaction 7660280 - Approved By: NOREVIEW : 12-31-2019:07:25:00	
12/31/2019	3860	Request for Submission	REQUEST FOR SUBMISSION OF POINTS AND AUTHORITIES IN SUPPORT OF STIPULATION TO CONTINUE EVIDENTIARY HEARING - Transaction 7660280 - Approved By: NOREVIEW : 12-31-2019:07:25:00	
1/9/2020	S200	Request for Submission Complet		
1/9/2020	3105	Ord Granting ...	JOINT MOTION TO CONTINUE POST-CONVICTION HEARING AND ORDER TO RESET - Transaction 7677448 - Approved By: NOREVIEW : 01-09-2020:13:29:26	
1/9/2020	NEF	Proof of Electronic Service	Transaction 7677448 - Approved By: NOREVIEW : 01-09-2020:13:29:26	
1/15/2020	NEF	Proof of Electronic Service	Transaction 7687294 - Approved By: NOREVIEW : 01-15-2020:12:35:46	
1/15/2020	1670	Ex-Parte Mtn...	DFX: SET AT SECURITY LEVEL 5 BY FILER	
1/30/2020	2777	Ord Approving ...	RECOMMENDATION AND ORDER TO AUTHORIZE EXPERT WITNESS - Transaction 7713570 - Approved By: NOREVIEW : 01-30-2020:14:37:36	
1/30/2020	NEF	Proof of Electronic Service	Transaction 7713582 - Approved By: NOREVIEW : 01-30-2020:14:37:36	
3/2/2020	NEF	Proof of Electronic Service	Transaction 7768981 - Approved By: NOREVIEW : 03-02-2020:13:27:05	
3/2/2020	1250	Application for Setting	04/29/2020 @ 2:00 PM - Transaction 7768977 - Approved By: NOREVIEW : 03-02-2020:13:25:59	
4/20/2020	3860	Request for Submission	Transaction 7842473 - Approved By: NOREVIEW : 04-20-2020:15:15:26	
4/20/2020	NEF	Proof of Electronic Service	Transaction 7842482 - Approved By: NOREVIEW : 04-20-2020:15:17:40	
4/21/2020	4025	Stip & Ord to Continue	HEARING - Transaction 7843152 - Approved By: NOREVIEW : 04-21-2020:08:29:11	
4/21/2020	S200	Request for Submission Complet		
4/21/2020	NEF	Proof of Electronic Service	Transaction 7843154 - Approved By: NOREVIEW : 04-21-2020:08:30:11	
6/4/2020	1250	Application for Setting	APPLICATION FOR SETTING - EVIDENTIARY HEARING - AUGUST 4, 2020, 1:30 PM Transaction 7910127 - Approved By: NOREVIEW : 06-04-2020:16:49:16	
6/4/2020	NEF	Proof of Electronic Service	Transaction 7910131 - Approved By: NOREVIEW : 06-04-2020:16:49:16	
6/15/2020	1670	Ex-Parte Mtn...	Payment of Attorneys Fees - Transaction 7925436 - Approved By: MPURDY : 06-15-2020:15:33:10	
6/15/2020	NEF	Proof of Electronic Service	Transaction 7925690 - Approved By: NOREVIEW : 06-15-2020:15:36:08	
6/28/2020	2610	Notice ...	RECOMMENDATION FOR PAYMENT OF INTERIM ATTORNEY'S FEES – POST CONVICTION - Transaction 7946251 - Approved By: NOREVIEW : 06-29-2020:08:57:55	
6/29/2020	NEF	Proof of Electronic Service	Transaction 7946251 - Approved By: NOREVIEW : 06-29-2020:08:57:55	

Case Description: STATE OF NEVADA VS. DVAUGHN KEITHAN KING (TN) (D7)				
Case ID:	CR12-1160	Case Type:	CRIMINAL	Initial Filing Date: 7/9/2012
7/1/2020	2592	Notice of Witnesses	NOTICE OF EXPERT WITNESS PURSUANT TO NRS 174.234 - Transaction 7952145 - Approved By: NOREVIEW	
7/1/2020	NEF	Proof of Electronic Service	Transaction 7952148 - Approved By: NOREVIEW : 07-01-2020:15:10:08	
7/14/2020	2777	Ord Approving ...	ORDER APPROVING INTERIM ATTORNEY'S FEES - Transaction 7969848 - Approved By: NOREVIEW : 07-14	
7/14/2020	NEF	Proof of Electronic Service	Transaction 7969851 - Approved By: NOREVIEW : 07-14-2020:12:26:32	
7/16/2020	1260	Application Produce Prisoner	Transaction 7974567 - Approved By: NOREVIEW : 07-16-2020:13:40:56	
7/16/2020	NEF	Proof of Electronic Service	Transaction 7974575 - Approved By: NOREVIEW : 07-16-2020:13:42:07	
7/17/2020	NEF	Proof of Electronic Service	Transaction 7975710 - Approved By: NOREVIEW : 07-17-2020:08:38:38	
7/17/2020	3340	Ord to Produce Prisoner	Transaction 7975706 - Approved By: NOREVIEW : 07-17-2020:08:37:36	
8/5/2020	1260	Application Produce Prisoner	Transaction 8005426 - Approved By: NOREVIEW : 08-05-2020:16:08:26	
8/5/2020	NEF	Proof of Electronic Service	Transaction 8005432 - Approved By: NOREVIEW : 08-05-2020:16:09:26	
8/5/2020	NEF	Proof of Electronic Service	Transaction 8005656 - Approved By: NOREVIEW : 08-05-2020:17:11:36	
8/5/2020	1250	Application for Setting	Transaction 8005426 - Approved By: NOREVIEW : 08-05-2020:16:08:26	
8/5/2020	3340	Ord to Produce Prisoner	Transaction 8005652 - Approved By: NOREVIEW : 08-05-2020:17:10:36	
8/20/2020	NEF	Proof of Electronic Service	Transaction 8028580 - Approved By: NOREVIEW : 08-20-2020:09:36:08	
8/20/2020	4045	Stipulation to Continuance	Evidentiary Hearing - Transaction 8028558 - Approved By: NOREVIEW : 08-20-2020:09:34:47	
8/28/2020	NEF	Proof of Electronic Service	Transaction 8042585 - Approved By: NOREVIEW : 08-28-2020:10:15:11	
8/28/2020	S200	Request for Submission Complet		
8/28/2020	3020	Ord Granting Continuance	Transaction 8043624 - Approved By: NOREVIEW : 08-28-2020:14:52:20	
8/28/2020	3860	Request for Submission	- Transaction 8042583 - Approved By: NOREVIEW : 08-28-2020:10:14:01	
8/28/2020	NEF	Proof of Electronic Service	Transaction 8043629 - Approved By: NOREVIEW : 08-28-2020:14:53:19	
7/23/2021	1670	Ex-Parte Mtn...	EX-PARTE MOTION FOR PAYMENT OF INTERIM ATTORNEY'S FEES - Transaction 8560047 - Approved By: :	
7/26/2021	NEF	Proof of Electronic Service	Transaction 8560325 - Approved By: NOREVIEW : 07-26-2021:07:46:55	
7/26/2021	2610	Notice ...	RECOMMENDATION FOR PAYMENT OF INTERIM ATTORNEY'S FEES – POST CONVICTION - Transaction 8	
7/27/2021	NEF	Proof of Electronic Service	Transaction 8562683 - Approved By: NOREVIEW : 07-27-2021:07:38:02	
8/2/2021	NEF	Proof of Electronic Service	Transaction 8572926 - Approved By: NOREVIEW : 08-02-2021:12:21:41	
8/2/2021	2777	Ord Approving ...	Transaction 8572922 - Approved By: NOREVIEW : 08-02-2021:12:20:41	
11/5/2021	1250	Application for Setting	Transaction 8735508 - Approved By: NOREVIEW : 11-05-2021:14:15:31	
11/5/2021	1260	Application Produce Prisoner	Transaction 8735721 - Approved By: NOREVIEW : 11-05-2021:14:40:16	
11/5/2021	NEF	Proof of Electronic Service	Transaction 8735730 - Approved By: NOREVIEW : 11-05-2021:14:41:15	
11/5/2021	NEF	Proof of Electronic Service	Transaction 8735519 - Approved By: NOREVIEW : 11-05-2021:14:16:33	
11/8/2021	3340	Ord to Produce Prisoner	Transaction 8739477 - Approved By: NOREVIEW : 11-08-2021:16:33:24	
11/8/2021	NEF	Proof of Electronic Service	Transaction 8739504 - Approved By: NOREVIEW : 11-08-2021:16:37:21	
2/7/2022	3242	Ord Setting Hearing	ORDER RESETTING HEARING DATE AND TIME - Transaction 8882983 - Approved By: NOREVIEW : 02-07-21	
2/7/2022	NEF	Proof of Electronic Service	Transaction 8882985 - Approved By: NOREVIEW : 02-07-2022:08:04:09	
5/26/2022	4050	Stipulation ...	STIPULATION TO HOLD EVIDENTIARY HEARING VIA SIMULTANEOUS AUDIO/VISUAL TRANSMISSION - Tr	
5/26/2022	3860	Request for Submission	REQUEST FOR SUBMISSION OF STIPULATION TO HOLD EVIDENTIARY HEARING VIA	
5/26/2022	NEF	Proof of Electronic Service	Transaction 9068719 - Approved By: NOREVIEW : 05-26-2022:09:15:26	
5/26/2022	NEF	Proof of Electronic Service	Transaction 9068671 - Approved By: NOREVIEW : 05-26-2022:08:52:15	
5/27/2022	4050	Stipulation ...	STRIKING THE EXHIBIT 1 FOR THE FOLLOWING REASON: DOCUMENT DOES NOT HAVE A DISTRICT CO	

Case Description: STATE OF NEVADA VS. DVAUGHN KEITHAN KING (TN) (D7)				
Case ID:	CR12-1160	Case Type:	CRIMINAL	Initial Filing Date: 7/9/2012
5/27/2022	S200	Request for Submission Complet		
5/27/2022	NEF	Proof of Electronic Service	Transaction 9070593 - Approved By: NOREVIEW : 05-27-2022:07:20:15	
5/27/2022	3340	Ord to Produce Prisoner	VIA SIMULTANEOUS AUDIO/VISUAL TRANSMISSION - Transaction 9070600 - Approved By: NOREVIEW : 05-	
5/27/2022	NEF	Proof of Electronic Service	Transaction 9070601 - Approved By: NOREVIEW : 05-27-2022:07:42:46	
5/27/2022	NEF	Proof of Electronic Service	Transaction 9070655 - Approved By: NOREVIEW : 05-27-2022:08:17:19	
5/27/2022	2589	Notice of Stricken Document	EXHIBIT 1 FILED 5-27-22 BY VICTORIA OLDENBURG ESQ. FOR NO CASE NUMBER OR AFFIRMATION (E-I	
6/6/2022	2490	Motion ...	MOTION TO WITHDRAW COUNSEL	
6/6/2022	2490	Motion ...	MOTION FOR ENLARGEMENT OF TIME, NRCP RULE 6(B)	
6/6/2022	2490	Motion ...	MOTIONING THE COURT TO SUBSTITUTE COUNSEL	
6/14/2022	3860	Request for Submission	Transaction 9099343 - Approved By: NOREVIEW : 06-14-2022:12:26:30	
6/14/2022	4045	Stipulation to Continuance	Post-Conviction Hearing - Transaction 9099337 - Approved By: NOREVIEW : 06-14-2022:12:25:09	
6/14/2022	NEF	Proof of Electronic Service	Transaction 9099344 - Approved By: NOREVIEW : 06-14-2022:12:26:57	
6/14/2022	NEF	Proof of Electronic Service	Transaction 9099339 - Approved By: NOREVIEW : 06-14-2022:12:25:38	
6/16/2022	NEF	Proof of Electronic Service	Transaction 9104802 - Approved By: NOREVIEW : 06-16-2022:16:29:18	
6/16/2022	2645	Opposition to Mtn ...	OPPOSITION TO PROPER PERSON MOTIONS - Transaction 9104759 - Approved By: SACORDAG : 06-16-2022:16:29:18	
6/19/2022	4025	Stip & Ord to Continue	EVIDENTIARY HEARING - Transaction 9107469 - Approved By: NOREVIEW : 06-19-2022:11:44:33	
6/19/2022	S200	Request for Submission Complet		
6/19/2022	NEF	Proof of Electronic Service	Transaction 9107470 - Approved By: NOREVIEW : 06-19-2022:11:45:03	
6/27/2022	3860	Request for Submission	DOCUMENT TITLE: SUBSTIUION OF COUNSEL / ENLARGEMENT OF TIME	
7/15/2022	NEF	Proof of Electronic Service	Transaction 9152141 - Approved By: NOREVIEW : 07-15-2022:14:40:49	
7/15/2022	1670	Ex-Parte Mtn...	EX-PARTE MOTION FOR PAYMENT OF INTERIM ATTORNEY'S FEES - Transaction 9151936 - Approved By: NOREVIEW : 07-15-2022:14:40:49	
7/20/2022	NEF	Proof of Electronic Service	Transaction 9159081 - Approved By: NOREVIEW : 07-20-2022:08:55:34	
7/20/2022	1250	Application for Setting	Transaction 9159076 - Approved By: NOREVIEW : 07-20-2022:08:54:46	
7/21/2022	NEF	Proof of Electronic Service	Transaction 9162756 - Approved By: NOREVIEW : 07-21-2022:14:11:30	
7/21/2022	3250	Ord Striking ...	ORDER STRIKING MOTIONS - Transaction 9162753 - Approved By: NOREVIEW : 07-21-2022:14:10:52	
7/21/2022	S200	Request for Submission Complet		
8/4/2022	PAYRC	**Payment Received	A Payment of -\$500.00 was made on receipt DCDC696238.	
8/8/2022	1350	Certificate of Clerk	CERTIFICATE OF CLERK AND TRANSMITTAL - NOTICE OF APPEAL - Transaction 9193702 - Approved By: NOREVIEW : 08-08-2022:15:31:04	
8/8/2022	2515	Notice of Appeal Supreme Court		
8/8/2022	1310E	Case Appeal Statement	CASE APPEAL STATEMENT - Transaction 9193702 - Approved By: NOREVIEW : 08-08-2022:15:31:04	
8/8/2022	NEF	Proof of Electronic Service	Transaction 9193711 - Approved By: NOREVIEW : 08-08-2022:15:31:50	
8/9/2022	1187	**Supreme Court Case No. ...	SUPREME COURT CASE NO. 85135 KING	
8/15/2022	1188	Supreme Court Receipt for Doc	SUPREME COURT NO. 85135 - RECEIPT FOR DOCUMENTS - Transaction 9206222 - Approved By: NOREVIEW : 08-15-2022:15:38:39	
8/15/2022	NEF	Proof of Electronic Service	Transaction 9206227 - Approved By: NOREVIEW : 08-15-2022:15:38:39	
8/24/2022	NEF	Proof of Electronic Service	Transaction 9224424 - Approved By: NOREVIEW : 08-24-2022:15:45:41	
8/24/2022	4127	Supreme Ct Ord Dismis Appeal	SUPREME COURT NO. 85135 - ORDER DISMISSING APPEAL - Transaction 9224421 - Approved By: NOREVIEW : 08-24-2022:15:45:41	
9/19/2022	PAYRC	**Payment Received	A Payment of -\$178.00 was made on receipt DCDC700062.	
9/20/2022	4127	Supreme Ct Ord Dismis Appeal	SUPREME COURT NO. 85135 - ORDER DISMISSING APPEAL - Transaction 9269921 - Approved By: NOREVIEW : 09-20-2022:15:45:41	
9/20/2022	4145	Supreme Court Remittitur	SUPREME COURT NO. 85135 - REMITTITUR - Transaction 9269921 - Approved By: NOREVIEW : 09-20-2022:15:45:41	

Case Description: STATE OF NEVADA VS. DVAUGHN KEITHAN KING (TN) (D7)				
Case ID:	CR12-1160	Case Type:	CRIMINAL	Initial Filing Date: 7/9/2012
9/20/2022	4111	Supreme Ct Clk's Cert & Judg	SUPREME COURT NO. 85135 - CLERK'S CERTIFICATE JUDGMENT - Transaction 9269921 - Approved By: N	
9/20/2022	NEF	Proof of Electronic Service	Transaction 9269925 - Approved By: NOREVIEW : 09-20-2022:14:25:42	
11/21/2022	MIN	***Minutes	11/21/22 EVIDENTIARY HEARING ON POST CONVICTION PETITION - Transaction 9373546 - Approved By: N	
11/21/2022	NEF	Proof of Electronic Service	Transaction 9373551 - Approved By: NOREVIEW : 11-21-2022:16:15:25	
11/29/2022	4185	Transcript	HEARING - NOVEMBER 21, 2022 - Transaction 9381763 - Approved By: NOREVIEW : 11-29-2022:10:40:59	
11/29/2022	NEF	Proof of Electronic Service	Transaction 9381766 - Approved By: NOREVIEW : 11-29-2022:10:41:53	
12/11/2022	1670	Ex-Parte Mtn...	EX-PARTE MOTION FOR PAYMENT OF INTERIM ATTORNEY'S FEES - Transaction 9403435 - Approved By: N	
12/12/2022	NEF	Proof of Electronic Service	Transaction 9403565 - Approved By: NOREVIEW : 12-12-2022:07:55:25	
12/15/2022	3860	Request for Submission	FOR NOTICE OF APPEAL (NO S1 BUILT)	
12/15/2022	2515	Notice of Appeal Supreme Court	ORDER APPEALING NOT FILED IN CASE AS OF THIS DATE	
12/16/2022	3860	Request for Submission	DOCUMENT TITLE: REQUEST FOR PROCEEDINGS TRANSCRIPT	
12/16/2022	3860	Request for Submission	DOCUMENT TITLE: MOTION FOR TRANSCRIPT AT PUBLIC EXPENSE	
12/16/2022	2230	Mtn Trial Trans. Public Exp		
12/16/2022	1310E	Case Appeal Statement	CASE APPEAL STATEMENT - Transaction 9414569 - Approved By: NOREVIEW : 12-16-2022:14:32:16	
12/16/2022	1350	Certificate of Clerk	CERTIFICATE OF CLERK AND TRANSMITTAL - NOTICE OF APPEAL - Transaction 9414569 - Approved By: N	
12/16/2022	3870	Request	REQUEST FOR TRANSCRIPT OF PROCEEDINGS	
12/16/2022	NEF	Proof of Electronic Service	Transaction 9414361 - Approved By: NOREVIEW : 12-16-2022:13:25:14	
12/16/2022	NEF	Proof of Electronic Service	Transaction 9414572 - Approved By: NOREVIEW : 12-16-2022:14:33:04	
12/16/2022	2490	Motion ...	MOTION TO WITHDRAW AS ATTORNEY OF RECORD - Transaction 9414353 - Approved By: YVILORIA : 12-1	
12/19/2022	1187	**Supreme Court Case No. ...	SUPREME COURT NO. 85838 - KING	
12/23/2022	NEF	Proof of Electronic Service	Transaction 9425338 - Approved By: NOREVIEW : 12-23-2022:12:32:46	
12/23/2022	3860	Request for Submission	Transaction 9425336 - Approved By: NOREVIEW : 12-23-2022:12:31:55	
1/3/2023	NEF	Proof of Electronic Service	Transaction 9434966 - Approved By: NOREVIEW : 01-03-2023:06:57:13	
1/3/2023	2540	Notice of Entry of Ord	Transaction 9435314 - Approved By: NOREVIEW : 01-03-2023:09:49:03	
1/3/2023	NEF	Proof of Electronic Service	Transaction 9434952 - Approved By: NOREVIEW : 01-03-2023:06:34:02	
1/3/2023	2589	Notice of Stricken Document	UNSIGNED ORDER - Transaction 9435483 - Approved By: NOREVIEW : 01-03-2023:10:23:38	
1/3/2023	S200	Request for Submission Complet		
1/3/2023	F230	Other Manner of Disposition		
1/3/2023	2827	Ord Deny/Dism Post Conviction	ORDER DENYING PETITION - Transaction 9434967 - Approved By: NOREVIEW : 01-03-2023:07:02:54	
1/3/2023	NEF	Proof of Electronic Service	Transaction 9435490 - Approved By: NOREVIEW : 01-03-2023:10:24:20	
1/3/2023	NEF	Proof of Electronic Service	Transaction 9434968 - Approved By: NOREVIEW : 01-03-2023:07:03:34	
1/3/2023	3860	Request for Submission	Motion to Withdraw as Attorney of Record - Transaction 9434965 - Approved By: NOREVIEW : 01-03-2023:06:5	
1/3/2023	3860	Request for Submission	NOTICE OF STRICKEN DOCUMENT FILED 1/03/2023 STRIKING THE EXHIBIT 1 - UNSIGNED ORDER FOR	
1/3/2023	NEF	Proof of Electronic Service	Transaction 9435316 - Approved By: NOREVIEW : 01-03-2023:09:49:51	
1/4/2023	3860	Request for Submission	Transaction 9437395 - Approved By: NOREVIEW : 01-04-2023:05:58:08	
1/4/2023	NEF	Proof of Electronic Service	Transaction 9437396 - Approved By: NOREVIEW : 01-04-2023:05:58:47	
1/5/2023	S200	Request for Submission Complet		
1/5/2023	S200	Request for Submission Complet		
1/5/2023	S200	Request for Submission Complet		

Case Description: STATE OF NEVADA VS. DVAUGHN KEITHAN KING (TN) (D7)				
Case ID:	CR12-1160	Case Type:	CRIMINAL	Initial Filing Date: 7/9/2012
1/5/2023	3005	Ord Withdrawal of Counsel	VICTORIA T. OLDENBURG - Transaction 9440286 - Approved By: NOREVIEW : 01-05-2023:10:14:44	
1/5/2023	3000	Ord Trial Transcript/Public\$	Transaction 9440293 - Approved By: NOREVIEW : 01-05-2023:10:15:31	
1/5/2023	S200	Request for Submission Complet		
1/5/2023	NEF	Proof of Electronic Service	Transaction 9440292 - Approved By: NOREVIEW : 01-05-2023:10:15:31	
1/5/2023	NEF	Proof of Electronic Service	Transaction 9440296 - Approved By: NOREVIEW : 01-05-2023:10:16:16	
1/5/2023	S200	Request for Submission Complet		
1/17/2023	3863	**Submit regarding Appeals	DOCUMENT TITLE: ORDER OF LIMITED REMAND FOR APPOINTMENT OF COUNSEL (NO S1 BUILT)	
1/17/2023	4125	Supreme Court Order...	SUPREME COURT NO. 85838 - ORDER OF LIMITED REMAND FOR APPOINTMENT OF COUNSEL - Transa	
1/17/2023	NEF	Proof of Electronic Service	Transaction 9459601 - Approved By: NOREVIEW : 01-17-2023:16:25:13	
1/23/2023	1350	Certificate of Clerk	CERTIFICATE OF CLERK AND TRANSMITTAL - ORDER - Transaction 9468135 - Approved By: NOREVIEW :	
1/23/2023	NEF	Proof of Electronic Service	Transaction 9468059 - Approved By: NOREVIEW : 01-23-2023:08:17:04	
1/23/2023	2715	Ord Appointing Counsel	Transaction 9468053 - Approved By: NOREVIEW : 01-23-2023:08:16:23	
1/23/2023	NEF	Proof of Electronic Service	Transaction 9468139 - Approved By: NOREVIEW : 01-23-2023:08:33:01	
1/25/2023	1310E	Case Appeal Statement	Transaction 9475259 - Approved By: NOREVIEW : 01-25-2023:16:18:15	
1/25/2023	1600	Designation Record on Appeal		
1/25/2023	2515	Notice of Appeal Supreme Court	JUDGMENT 11/21/2022	
1/25/2023	3860	Request for Submission	REQUEST FOR SUBMISSION FOR NOTICE OF APPEAL (NO S1 BUILT)	
1/25/2023	1350	Certificate of Clerk	CERTIFICATE OF CLERK AND TRANSMITTAL - NOTICE OF APPEAL - Transaction 9475259 - Approved By: N	
1/25/2023	2515	Notice of Appeal Supreme Court		
1/25/2023	1310E	Case Appeal Statement	CASE APPEAL STATEMENT - Transaction 9475077 - Approved By: NOREVIEW : 01-25-2023:15:36:25	
1/25/2023	NEF	Proof of Electronic Service	Transaction 9475082 - Approved By: NOREVIEW : 01-25-2023:15:37:04	
1/25/2023	1350	Certificate of Clerk	CERTIFICATE OF CLERK AND TRANSMITTAL - NOTICE OF APPEAL - Transaction 9475077 - Approved By: N	

1 CODE No. 3665

2
3
4
5
6 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,
7
8 IN AND FOR THE COUNTY OF WASHOE

9 * * *

10 D'VAUGHN KEITHAN KING,

11 Petitioner,

Case No. CR12-1160

12 v.

Dept. No. 7

13 THE STATE OF NEVADA,

14 Respondent.

15 _____/

16 ORDER DENYING PETITION

17 On November 22, 2017, the Honorable David A. Hardy entered an Order
18 Dismissing Petition for Writ of Habeas Corpus (Post-Conviction) ("Order"). Petitioner
19 timely appealed the Order to the Nevada Supreme Court in Nevada Supreme Court Case
20 No. 74703. The case was transferred to the Court of Appeals of the State of Nevada
21 which issued an Order of Reversal and Remand on March 14, 2019.

22 The Court of Appeals found the district court erred by not holding an evidentiary
23 hearing on Petitioner's claim that trial counsel was ineffective for failing to present
24 expert psychological testimony in mitigation at sentencing. In the Supplemental
25 Petition for Writ of Habeas Corpus (Post-Conviction), prior habeas counsel argued that
26 expert witness Dr. Martha Mahaffey was expected to testify that had the psychological

1 evaluation been presented, it would have shown a low risk to re-offend, and that
2 Petitioner was amenable to treatment and rehabilitation. Supplemental Petition for
3 Writ of Habeas Corpus (Post-Conviction) at 5:8-10. Petitioner further alleged that
4 “other mitigating psychological evidence such as the impact of Mr. King’s ADHD,
5 learning disabilities, drug abuse, and childhood would have been presented indicating
6 the need for rehabilitation.” *Id.* at 5:10-12. After the reversal and remand, an
7 evidentiary hearing was held on November 21, 2022.

8 **Findings of Fact and Conclusions of Law**

9 At the beginning of the hearing, Petitioner’s counsel informed the Court that
10 although prior post-conviction counsel had alleged that Dr. Mahaffey would testify that
11 Petitioner was a low risk to re-offend, Dr. Mahaffey had never evaluated Petitioner.
12 TOP, Evidentiary Hearing, November 21, 2022, 6. Counsel had successfully sought and
13 obtained an evaluation by another qualified expert, clinical psychologist Dr. Sharon
14 Hixon-Brenenstall, Ph.D. However, Petitioner was dissatisfied with the result of the
15 evaluation, and with appointed counsel’s performance. *Id.*, 8-11. His counsel explained
16 that after Petitioner was dissatisfied with Dr. Hixon-Brenenstall’s evaluation, she
17 reached out to another expert, Dr. Paglini who declined to do a second evaluation. *Id.*,
18 12-13. The Court declined Petitioner’s request to remove Ms. Oldenburg as counsel.

19 Dr. Hixon-Brenenstall testified that she conducted a psychological evaluation risk
20 assessment on February 11th, 2020 at the Northern Nevada Correctional Facility. *Id.*, 31.
21 She related that Petitioner reported being abused by his parents as a child, and
22 witnessed domestic violence and substance abuse. She testified that such circumstances
23 can impact an individual’s emotional and social development. *Id.*, 35. She further
24 testified that Petitioner demonstrated below average and grade range in reading and
25 mathematics. *Id.* Dr. Hixon-Brenenstall further opined that testing revealed that
26 Petitioner suffers from post-traumatic stress disorder, depression, and anxiety. *Id.* 36-

1 37. She assessed Petitioner as a moderate to moderately high risk to re-offend, based on
2 his history of drug use and lifestyle behaviors. *Id.*, 38. She also reported that he
3 reportedly had been receptive to some interventions and classes in prison, which
4 indicated that he could be receptive to additional rehabilitative services. *Id.*, 39-40.

5 On cross-examination, Dr. Hixon-Brenenstall acknowledged a portion of her
6 report which opined that Petitioner struggles with managing stress in positive ways, and
7 may be vulnerable to behaving in self-defeating ways, such as substance abuse. *Id.*, 43.
8 She further testified that Petitioner had a lengthy history of poly-substance abuse. *Id.* In
9 response to the Court's questions, she indicated that Petitioner presented well,
10 answered her questions appropriately, and understood the purpose of the evaluation.
11 *Id.*, 53-54.

12 Petitioner's trial attorney, John Ohlson, Esq., also testified. Mr. Ohlson informed
13 the Court that he practiced criminal defense for approximately 40 years prior to his
14 retirement. *Id.*, 56. He testified that he did not seek a psychological evaluation for
15 Petitioner, because the offense in this case arose out of a drug debt, and it would have
16 been "difficult with a straight face to stand up in court and say that the defendant's
17 motivations were rooted in a psychological or emotional condition." *Id.*, 57-58.

18 This Court evaluates Petitioner's ineffective assistance of counsel claim pursuant
19 *Strickland v. Washington*, 466 U.S. 668 (1984). This Court's evaluation begins with the
20 "strong presumption that counsel's conduct falls within the wide range of reasonable
21 professional assistance." *Strickland, supra; Harrington v. Richter*, 562 U.S. 86 (2011).
22 The Supreme Court further explained that the "defendant must overcome the
23 presumption that, under the circumstances, the challenged action might be considered
24 sound trial strategy." *Id.* Within the context of this strong presumption, the petitioner
25 must demonstrate, by a preponderance of evidence, that his counsel's performance was
26 deficient, falling below an objective standard of reasonableness, and that counsel's

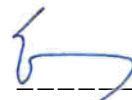
1 deficient performance prejudiced the defense. *Means v. State*, 120 Nev.1001, 1012, 103
2 P.3d 25, 33 (2004).

3 This Court may evaluate the questions of deficient performance and prejudice in
4 either order and need not consider both issues if the defendant fails to make a sufficient
5 showing on one. Where a petitioner claims he is entitled to relief due to ineffective
6 assistance of counsel, he must demonstrate the facts underlying such a claim by a
7 preponderance of the evidence; the district court's factual findings regarding a claim of
8 ineffective assistance of counsel are entitled to deference when reviewed on appeal.
9 *Means v. State*, 120 Nev. 1001, 1012, 103 P.3d 25, 33 (2004); *Riley v. State*, 110 Nev.
10 638, 647, 878 P.2d 272, 278 (1994).

11 Having considered the pleadings, the testimony adduced at the evidentiary
12 hearing, and heard the testimony of Dr. Hixon-Brenenstall, and Mr. Ohlson, the Court
13 finds that Petitioner has not demonstrated by a preponderance of the evidence that Mr.
14 Ohlson's representation was objectively unreasonable. The Court further finds that
15 Petitioner has not demonstrated prejudice. The record reveals that the late Honorable
16 Patrick Flanagan based the sentence imposed on the facts of the offense, as well as
17 Petitioner's criminal history, and a psychiatric evaluation opining that Petitioner was a
18 moderate to moderately high risk to re-offend would not have materially affected Judge
19 Flanagan's decision.

20 GOOD CAUSE APPEARING, the Petition is DENIED.

21 Dated this 2 day of January, 2023.

22
23
24
25
26


DISTRICT JUDGE for
Senior Judge Polaha

1 **CODE 2540**

2
3
4
5 **IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
6 **IN AND FOR THE COUNTY OF WASHOE**

7
8 **STATE OF NEVADA,**

9 **Plaintiff,**

Case No: CR12-1160

10 **vs.**

Dept. No: 7

11
12 **D'VAUGHN KEITHAN KING,**

13 **Defendant.**

14 _____/

15 **NOTICE OF ENTRY OF ORDER**

16
17 PLEASE TAKE NOTICE that on January 3, 2023, the Court entered a decision or
18 order in this matter, a true and correct copy of which is attached hereto.

19 Dated January 3, 2023.

20
21 _____
22 **ALICIA LERUD**

Clerk of the Court

23 _____
24 **/s/N. Mason**

N. Mason-Deputy Clerk

1 **CERTIFICATE OF SERVICE**

2 Case No. CR12-1160

3 Pursuant to NRCP 5 (b), I certify that I am an employee of the Second
4 Judicial District Court; that on January 3, 2023, I electronically filed the Notice of Entry of
5 Order with the Court System which will send a notice of electronic filing to the following:

6
7 VICTORIA THIMMESCH OLDENBURG, ESQ. for DVAUGHN KEITHAN KING
8 ZACH YOUNG, ESQ. for STATE OF NEVADA
9 JENNIFER P. NOBLE, ESQ. for STATE OF NEVADA
10 DIV. OF PAROLE & PROBATION

11 I further certify that on January 3, 2023, I deposited in the Washoe
12 County mailing system for postage and mailing with the U.S. Postal Service in Reno,
13 Nevada, a true copy of the attached document, addressed to:

14 Attorney General's Office
15 100 N. Carson Street
16 Carson City, NV 89701-4717

17 D'Vaughn K. King (#1115593)
18 High Desert State Prison
19 P. O. Box 650
20 Indian Springs, Nevada 89070

21 The undersigned does hereby affirm that pursuant to NRS 239B.030 and NRS 603A.040, the
22 preceding document does not contain the personal information of any person.

23 Dated January 3, 2023.

24 /s/N. Mason
25 N. Mason- Deputy Clerk
26
27
28

1 CODE No. 3665
2
3
4
5

6 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,
7
8 IN AND FOR THE COUNTY OF WASHOE

9 * * *

10 D'VAUGHN KEITHAN KING,

11 Petitioner,

Case No. CR12-1160

12 v.

Dept. No. 7

13 THE STATE OF NEVADA,

14 Respondent.
15 _____/

16 ORDER DENYING PETITION

17 On November 22, 2017, the Honorable David A. Hardy entered an Order
18 Dismissing Petition for Writ of Habeas Corpus (Post-Conviction) ("Order"). Petitioner
19 timely appealed the Order to the Nevada Supreme Court in Nevada Supreme Court Case
20 No. 74703. The case was transferred to the Court of Appeals of the State of Nevada
21 which issued an Order of Reversal and Remand on March 14, 2019.

22 The Court of Appeals found the district court erred by not holding an evidentiary
23 hearing on Petitioner's claim that trial counsel was ineffective for failing to present
24 expert psychological testimony in mitigation at sentencing. In the Supplemental
25 Petition for Writ of Habeas Corpus (Post-Conviction), prior habeas counsel argued that
26 expert witness Dr. Martha Mahaffey was expected to testify that had the psychological

1 evaluation been presented, it would have shown a low risk to re-offend, and that
2 Petitioner was amenable to treatment and rehabilitation. Supplemental Petition for
3 Writ of Habeas Corpus (Post-Conviction) at 5:8-10. Petitioner further alleged that
4 “other mitigating psychological evidence such as the impact of Mr. King’s ADHD,
5 learning disabilities, drug abuse, and childhood would have been presented indicating
6 the need for rehabilitation.” *Id.* at 5:10-12. After the reversal and remand, an
7 evidentiary hearing was held on November 21, 2022.

8 **Findings of Fact and Conclusions of Law**

9 At the beginning of the hearing, Petitioner’s counsel informed the Court that
10 although prior post-conviction counsel had alleged that Dr. Mahaffey would testify that
11 Petitioner was a low risk to re-offend, Dr. Mahaffey had never evaluated Petitioner.
12 TOP, Evidentiary Hearing, November 21, 2022, 6. Counsel had successfully sought and
13 obtained an evaluation by another qualified expert, clinical psychologist Dr. Sharon
14 Hixon-Brenenstall, Ph.D. However, Petitioner was dissatisfied with the result of the
15 evaluation, and with appointed counsel’s performance. *Id.*, 8-11. His counsel explained
16 that after Petitioner was dissatisfied with Dr. Hixon-Brenenstall’s evaluation, she
17 reached out to another expert, Dr. Paglini who declined to do a second evaluation. *Id.*,
18 12-13. The Court declined Petitioner’s request to remove Ms. Oldenburg as counsel.

19 Dr. Hixon-Brenenstall testified that she conducted a psychological evaluation risk
20 assessment on February 11th, 2020 at the Northern Nevada Correctional Facility. *Id.*, 31.
21 She related that Petitioner reported being abused by his parents as a child, and
22 witnessed domestic violence and substance abuse. She testified that such circumstances
23 can impact an individual’s emotional and social development. *Id.*, 35. She further
24 testified that Petitioner demonstrated below average and grade range in reading and
25 mathematics. *Id.* Dr. Hixon-Brenenstall further opined that testing revealed that
26 Petitioner suffers from post-traumatic stress disorder, depression, and anxiety. *Id.* 36-

1 37. She assessed Petitioner as a moderate to moderately high risk to re-offend, based on
2 his history of drug use and lifestyle behaviors. *Id.*, 38. She also reported that he
3 reportedly had been receptive to some interventions and classes in prison, which
4 indicated that he could be receptive to additional rehabilitative services. *Id.*, 39-40.

5 On cross-examination, Dr. Hixon-Brenenstall acknowledged a portion of her
6 report which opined that Petitioner struggles with managing stress in positive ways, and
7 may be vulnerable to behaving in self-defeating ways, such as substance abuse. *Id.*, 43.
8 She further testified that Petitioner had a lengthy history of poly-substance abuse. *Id.* In
9 response to the Court's questions, she indicated that Petitioner presented well,
10 answered her questions appropriately, and understood the purpose of the evaluation.
11 *Id.*, 53-54.

12 Petitioner's trial attorney, John Ohlson, Esq., also testified. Mr. Ohlson informed
13 the Court that he practiced criminal defense for approximately 40 years prior to his
14 retirement. *Id.*, 56. He testified that he did not seek a psychological evaluation for
15 Petitioner, because the offense in this case arose out of a drug debt, and it would have
16 been "difficult with a straight face to stand up in court and say that the defendant's
17 motivations were rooted in a psychological or emotional condition." *Id.*, 57-58.

18 This Court evaluates Petitioner's ineffective assistance of counsel claim pursuant
19 *Strickland v. Washington*, 466 U.S. 668 (1984). This Court's evaluation begins with the
20 "strong presumption that counsel's conduct falls within the wide range of reasonable
21 professional assistance." *Strickland, supra; Harrington v. Richter*, 562 U.S. 86 (2011).
22 The Supreme Court further explained that the "defendant must overcome the
23 presumption that, under the circumstances, the challenged action might be considered
24 sound trial strategy." *Id.* Within the context of this strong presumption, the petitioner
25 must demonstrate, by a preponderance of evidence, that his counsel's performance was
26 deficient, falling below an objective standard of reasonableness, and that counsel's

1 deficient performance prejudiced the defense. *Means v. State*, 120 Nev.1001, 1012, 103
2 P.3d 25, 33 (2004).

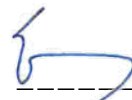
3 This Court may evaluate the questions of deficient performance and prejudice in
4 either order and need not consider both issues if the defendant fails to make a sufficient
5 showing on one. Where a petitioner claims he is entitled to relief due to ineffective
6 assistance of counsel, he must demonstrate the facts underlying such a claim by a
7 preponderance of the evidence; the district court's factual findings regarding a claim of
8 ineffective assistance of counsel are entitled to deference when reviewed on appeal.
9 *Means v. State*, 120 Nev. 1001, 1012, 103 P.3d 25, 33 (2004); *Riley v. State*, 110 Nev.
10 638, 647, 878 P.2d 272, 278 (1994).

11 Having considered the pleadings, the testimony adduced at the evidentiary
12 hearing, and heard the testimony of Dr. Hixon-Brenenstall, and Mr. Ohlson, the Court
13 finds that Petitioner has not demonstrated by a preponderance of the evidence that Mr.
14 Ohlson's representation was objectively unreasonable. The Court further finds that
15 Petitioner has not demonstrated prejudice. The record reveals that the late Honorable
16 Patrick Flanagan based the sentence imposed on the facts of the offense, as well as
17 Petitioner's criminal history, and a psychiatric evaluation opining that Petitioner was a
18 moderate to moderately high risk to re-offend would not have materially affected Judge
19 Flanagan's decision.

20 GOOD CAUSE APPEARING, the Petition is DENIED.

21 Dated this 2 day of January, 2023.

22
23
24
25
26



DISTRICT JUDGE for
Senior Judge Polaha

CASE NO. CR12-1160

STATE OF NEVADA vs. DVAUGHN KEITHAN KING

DATE, JUDGE
OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

8/22/12
HONORABLE
PATRICK
FLANAGAN
DEPT. NO. 7
M. Conway
(Clerk)
S. Koetting
(Reporter)

ARRAIGNMENT

Deputy District Attorney Bruce Hahn, Esq. represented the State. Defendant was present, in custody, with Richard Molezzo, Esq. Probation Officer Karin Hornbarger was also present. TRUE NAME: **DVAUGHN KEITHAN KING**. Defendant handed a copy of the Information; waived reading. Defendant entered a plea of Not Guilty; Waived the 60-day rule. Counsel Molezzo addressed the Court and requested a November 2013 trial date, explaining that he will need sufficient time to examine and review the extensive discovery in this matter. Counsel Lee addressed the Court and responded, advising that the parties have executed a consolidated stipulation extending the trial date, but that the trial date cannot exceed April 30, 2013 without further order from the Court. Counsel Lee further advised that the trial should take two (2) weeks.

COURT ORDERED: Matter continued for a Motion to Set Trial to February 13, 2013 at 9:00 a.m. Defendant is remanded to the custody of the Sheriff.

2/13/13
9:00 a.m.
Motion to Set
Trial

CASE NO. CR12-1160

STATE OF NEVADA vs. DVAUGHN KEITHAN KING

DATE, JUDGE OFFICERS OF COURT PRESENT	APPEARANCES-HEARING	CONTINUED TO
11/28/12	<u>MOTION TO SET TRAIL</u>	
HONORABLE	Deputy District Attorney Erica Jones represented the State.	2/20/13
PATRICK	Defendant was present with Richard Molezzo, Esq.	9:00 a.m.
FLANAGAN	Probation Officer Karin Hornbarger was also present.	Status Hearing
DEPT. NO. 7	Counsel Molezzo addressed the Court, advised the matter needs to	
M. Conway	be set for trial and that due to the voluminous discovery associated	
(Clerk)	with this case he does not foresee a trial date before 2014.	7/31/13
S. Koetting	Counsel Jones addressed the Court, objected to a trial date in 2014,	9:00 a.m.
(Reporter)	and requested a July 2013 trial date.	Motion to
	COURT ORDERED: Motion to Set Trial: GRANTED.	Confirm
	COURT ORDERED: Status Hearing is set February 20, 2013 at 9:00	
	a.m., a Motion to Confirm Trial set for July 31, 2013 at 9:00 a.m. and	8/12/13
	Trial set for August 12, 2013 at 9:30 a.m.	9:30 a.m.
		Jury Trial
		-2 weeks-

CASE NO. CR12-1160

STATE OF NEVADA VS DVAUGHN KEITHAN KING

DATE, JUDGE OFFICERS OF COURT PRESENT	APPEARANCES-HEARING	CONTINUED TO
2/20/13 HONORABLE PATRICK FLANAGAN DEPT. NO. 7 K. Oates (Clerk) S. Koetting (Reporter)	<u>STATUS HEARING</u> Chief Deputy District Attorney Bruce Hahn represented the State. Defendant was present with counsel, Rich Molezzo, Esq. Probation Officer Sarah Ostlie was also present. Counsel for the Defendant addressed and advised the Court that he has received all discovery in this case, he is in the process of retaining an expert, and further argued in support of resetting the trial due to the voluminous discovery. Counsel for the State addressed and advised the Court that the discovery has not changed, and further argued in opposition to a continuance of the trial. COURT ORDERED: Status Hearing CONTINUED. Defendant's Motion to Reset Trial DENIED at this time. Defendant is remanded to the custody of the Sheriff.	Status Hearing set for May 22, 2013 at 9:00 a.m.

FILED

Electronically

05-06-2013:04:44:42 PM

Joey Orduna Hastings

Clerk of the Court

Transaction # 3707641

CASE NO. CR12-1160 STATE OF NEVADA VS. DVAUGHN KEITHAN KING

DATE, JUDGE
OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

5/3/13

STATUS HEARING

HONORABLE

Deputy District Attorney Bruce Hahn represented the State.

5/8/13

PATRICK

Defendant was present with counsel, Richard Molezzo, Esq.

11:00 a.m.

FLANAGAN

10:32 a.m. – Court convened with the Court, respective counsel and Defendant present.

Continued

DEPT. NO. 7

The Defendant addressed the Court and argued in support of his Ex Parte Motion to Relieve Counsel filed on April 23, 2013 stating irreconcilable differences, discovery issues and conflict of interest concerning Mr. Molezzo and the Hardy Law Group. He further stated he personally contacted counsels Dave Houston, Ken McKenna, Tom Vilorio and John Olsen about possibly representing him and everyone except Dave Houston will accept the case. He further advised the Court that if the Court denies his motion they will still need to continue the trial as Mr. Molezzo is not prepared.

Status Hearing

J. Krush

Respective counsel addressed the Court.

(Clerk)

The COURT is concerned with the potential conflict with the Hardy Law Group and the delay of a substitution of counsel; the COURT will not continue the trial. In addition, the Defendant cannot create a conflict and use that as a basis for a substitution of counsel and lastly, there is no basis to call Mr. Molezzo as a witness.

S. Koetting

COURT ORDERED: Matter is continued. The Court will contact Bob Bell, Esq. and direct him to contact counsels Ken McKenna, Esq., Tom Vilorio, Esq. and John Olsen Esq. to see if they can appear at the next hearing.

(Reporter)

Defendant remanded to the custody of the Sheriff.

CASE NO. CR12-1160

STATE OF NEVADA

vs.

DVAUGHN KEITHAN KING

DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

5/8/13
HONORABLE
PATRICK
FLANAGAN
DEPT. NO. 7
M. Conway
(Clerk)
S. Koetting
(Reporter)

STATUS HEARING RE: APPOINTMENT OF NEW COUNSEL
Deputy District Attorney Bruce Hahn represented the State.
Defendant was present, in custody, represented by Richard A. Molezzo, Esq.
The Court addressed counsel, advised that it had reviewed the ex-parte Motion for Appointment of New Counsel; found that it was timely and requested Counsel Molezzo address the extent of the conflict between himself and the Defendant.
Counsel Molezzo addressed the Court and responded.
Upon inquiry from the Court, Counsel Hahn addressed the Court and detailed what impact a delay would have on the State's case. Counsel Hahn discussed issues regarding being able to find and keep track of out-of-state witnesses, addressed concerns regarding Defendant Toy and the length of time he has been incarcerated, and argued that a delay will prejudice the State.
Counsel Molezzo responded, argued there is a severe divide between himself and the Defendant, that communication has broken down between himself and the Defendant and he does not feel that the communication can be mended. Counsel Molezzo reiterated that at several hearings he has voiced his concerns to this Court regarding his ability to proceed to trial in August 2013, due to the volume of discovery presented to him.
Counsel John Ohlson addressed and advised the Court that he was asked to appear at today's hearing as a representative from the Robert Bell Group. Counsel Ohlson discussed his trial schedule, indicating that he has a murder trial in Quincy CA beginning August 19, 2013, it is set for six (6) weeks and they anticipate calling five hundred (500) potential jurors. Counsel Ohlson indicated that his schedule is open for November and December 2013.
Counsel Hahn responded, advising the Court that his calendar is booked for October, November and the first part of December, and further advised that the earliest time available for him would be January 2014.
The Defendant addressed the Court, agreed with Counsel Molezzo's recitation and stated he wants Counsel Ohlson to represent him.
Counsel Ohlson further advised the Court that he has a murder trial beginning in late January 2014 and a burglary trial beginning in March 2014.
Counsel Hahn responded, advised the Court that he wishes to preserve the record and would like to call witnesses at today's hearing.
Counsel Molezzo responded, objecting to witnesses being called, arguing that he was not notified.

CASE NO. CR12-1160

STATE OF NEVADA vs. DVAUGHN KEITHAN KING

DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

5/8/13
HONORABLE
PATRICK
FLANAGAN
DEPT. NO. 7
M. Conway
(Clerk)
S. Koetting
(Reporter)

STATUS HEARING RE: APPOINTMENT OF NEW COUNSEL

The Court noted the objection and advised Counsel Hahn to call his first witness.

Counsel Hahn called Lt. Ken Gallot, who was sworn and testified under direct examination. Witness Gallot identified the Defendant. Counsel Hahn marked for identification State's exhibits 1-3, advised the Court that these exhibits have been provided to defense counsel through discovery, and moved for their admission.

Counsel Molezzo stated he had no objection to (for this hearing only) the admission of State's exhibits 1-3.

COURT ORDERED: Exhibits 1-3: ADMITTED.

Counsel Molezzo further stated that he had no objection to Lt. Gallot reviewing his personal notes while testifying. Counsel Molezzo conducted cross examination.

Sidebar taken.

COURT ORDERED: Matter TAKEN UNDER ADVISEMENT, with Court to issue a written decision.

11:45 a.m. – Court stood in recess.

5-8-13 Hearing Exhibits

PLTF: State of Nevada

PATY: Chief Deputy District Attorney
Bruce Hahn

DEFT: Dvaughn Keithan King

DATY: Richard Molezzo, Esq.

Case No: CR12-1160

Dept. No: 7

Clerk: M. Conway

Date: 05/08/13

Exhibit No.	Party	Description	Marked	Offered	Admitted
1	State	Copy of Prior Conviction Superior Court of California County of Sacramento Case No. 10F07661	05-08-13	No objection	05-08-13
2	State	Copy of Prior Conviction Superior Court of California County of Sacramento Case No. 08F01901	05-08-13	No objection	05-08-13
3	State	Copy of Prior Conviction Superior Court of California County of Sacramento Case No. 03F06273	05-08-13	No objection	05-08-13

CASE NO. CR12-1160

STATE OF NEVADA
vs.
DVAUGHN KEITHAN KING

DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

5/22/13	<u>STATUS HEARING TO CONFIRM COUNSEL AND SET MATTER</u>	
HONORABLE	<u>FOR TRIAL</u>	January 22, 2014
PATRICK	Deputy District Attorney Bruce Hahn represented the State.	9:00 a.m.
FLANAGAN	Defendant was present, in custody, represented by John Ohlson, Esq.	Motion to Confirm
DEPT. NO. 7	Probation Officer Deborah Brown was also present.	Trial
M. Conway	The Court and counsel discussed various trial dates.	
(Clerk)	COURT ORDERED: Motion to Confirm Trial set for January 22, 2014 at	February 18, 2014
S. Koetting	9:00 a.m. with Trial beginning February 18, 2014 at 9:30 a.m.	9:30 a.m.
(Reporter)	Respective Counsel agreed that the trial would take two (2) weeks.	Jury Trial
	Defendant remanded to the custody of the Sheriff.	(2 weeks)

CASE NO. CR12-1160

STATE OF NEVADA VS. DVAUGHN KEITHAN KING

DATE, JUDGE
OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

11/25/13
HONORABLE
PATRICK
FLANGAN
DEPT. NO. 7
K. Oates
(Clerk)
S. Koetting
(Reporter)

CHANGE OF PLEA

Chief Deputy District Attorney Bruce Hahn represented the State.
Defendant was present with Court Appointed Counsel John Ohlson.
Probation Officer Thomas Wilson was also present.

TRUE NAME: **DVAUGHN KEITHAN KING**. Defendant handed a
copy of the Amended Information; waived reading.
Defendant entered a plea of Guilty to Murder in the Second Degree
with the Use of a Deadly Weapon, a violation of NRS 200.010, NRS
200.030, and NRS 193.165, a felony, as contained in the Amended
Information. Plea negotiations stated to include the parties are free
to argue as to consecutive or concurrent time relating to this case,
and the Defendant's California case. Further, the parties are free to
argue as to the length of time to be served as to the deadly weapon
enhancement, but consecutive time is not negotiable. Further, by
agreement of the parties, Case No. CR13-1149 will be dismissed at
the time of sentencing.

Counsel for the State concurred with defense counsel as to the
negotiations in this case.

Counsel for the Defendant further advised that he met with his client
at the Washoe County Jail at his client's direction, and he, defense
counsel, further believes that the Defendant understands the
negotiations and ramifications from entering a guilty plea in this case.
Court interrogated the Defendant, advised him of his rights, found
that there was a factual basis for the plea and that the Defendant
understood the elements of the offense and the possible punishment
therefore; Court further found that the plea was knowing, voluntary
and intelligent, that the Defendant was competent to enter the plea
and accepted same.

Court ordered Presentence Investigation and matter continued for
entry of judgment and imposition of sentence.

Defendant is remanded to the custody of the Sheriff.

01/22/14
9:00 a.m.
Sentencing

CASE NO. CR12-1160

STATE OF NEVADA VS. DVAUGHN KEITHAN KING

DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

01/22/14
HONORABLE
PATRICK
FLANGAN
DEPT. NO. 7
K. Oates
(Clerk)
S. Koetting
(Reporter)

ENTRY OF JUDGMENT; IMPOSITION OF SENTENCE

Chief Deputy District Attorney Bruce Hahn represented the State.
Defendant was present with Court Appointed Counsel John Ohlson,
Esq. Probation Officer Jennifer Iveson was also present.
Counsel for the Defendant addressed the Court.

Officer Iveson of the Division of Parole and Probation addressed the
Court and stated corrections to the Presentence Investigation Report
to include correcting the sentencing date and credit for time served,
presently in the amount of 596 days.

Counsel for the Defendant responded, and argued that the
Defendant should have an additional 55 days credit for time served.
Counsel for the State replied and argued in opposition.

Counsel for the Defendant moved to allow the Defendant to have
one hand removed from the handcuffs so he can drink water; SO
ORDERED.

Counsel for the Defendant **Nancy King**, who was sworn and
presented a statement in mitigation.

Counsel for the State called **Ken Gallop**, who was sworn and direct
examined.

Exhibit 1 marked for identification.

Counsel for the Defendant conducted cross-examination; re-direct
examination conducted; re-cross examination waived; witness
excused.

Counsel for the Defendant argued in support of a sentence
consisting of concurrent time.

Counsel for the State argued in support of a sentence consisting of
Life with parole eligibility after a minimum of ten years has been
served, to include 24 – 72 months in the Nevada State Prison for the
deadly weapon enhancement, both sentences to be served
consecutively to the Defendant's California sentence.

The Defendant addressed the Court on his own behalf.

Counsel for the State called **Evelyn Young, Kiana Pride and Karen
Jones**, all of whom were sworn independently and presented victim
impact statements.

Exhibit 1 offered; no objection(s); **ADMITTED.**

COURT ORDERED: The Defendant, having entered a plea of guilty,
and no sufficient cause being shown by Defendant as to why

DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

01/22/14
HONORABLE
PATRICK
FLANGAN
DEPT. NO. 7
K. Oates
(Clerk)
S. Koetting
(Reporter)ENTRY OF JUDGMENT; IMPOSITION OF SENTENCE

judgment should not be pronounced against him, the Court rendered judgment. Dvaughn Keithan King is guilty of the crime of Murder in the Second Degree With the Use of a Deadly Weapon, a violation of NRS 200.010, NRS 200.030 and NRS 193.165, a felony, as charged in the Amended Information, and that he be punished by imprisonment in the Nevada State Prison for the term of Life With the Possibility of Parole, with parole eligibility beginning when a minimum of Ten (10) years has been served. Further, the Court, having considered Paragraphs (a) through (e) as described in NRS 193.165(1), imposes an additional penalty of a consecutive term of imprisonment in the Nevada State Prison for a minimum term of Fifty-Three (53) months to a maximum term of Two Hundred and Forty (240) months for the Use of a Deadly Weapon enhancement. It is further ordered that both sentences will be served consecutively to the sentence previously imposed in Case No. 10F07661, with credit for time served in the amount of Six Hundred and Fifty-One Days (651) days. It is further ordered that the Defendant shall pay the statutory Twenty-Five Dollar (\$25.00) administrative assessment fee, the One Hundred Fifty Dollar (\$150.00) DNA testing fee, and submit to a DNA analysis to determine the presence of genetic markers, if not previously ordered, the Three Dollar (\$3.00) administrative assessment fee for obtaining a biological specimen and conducting a genetic marker analysis, if not previously ordered, and reimburse the County of Washoe the sum of Five Hundred Dollars (\$500.00) for legal representation. Any fine, fee or administrative assessment imposed upon the Defendant today as reflected in this Judgment of Conviction constitutes a lien, as defined in Nevada Revised Statutes (NRS 176.275). Should the Defendant not pay these fines, fees or assessments, collection efforts may be undertaken against him. Defendant is remanded to the custody of the Sheriff.

Sentencing Exhibits

PLTF: **STATE OF NEVADA**
 DEFT: **DVAUGHN KEITHAN KING**

PATY: **CDDA Bruce Hahn**
 DATY: **CAA John Ohlson**

Case No: **CR12-1160**

Dept. No: **7**

Clerk: **K. Oates**

Date: **01/22/14**

Exhibit No.	Party	Description	Marked	Offered	Admitted
1	State	Chart of Interested Parties	01-22-14	No Objection	01-22-14

CASE NO. CR12-1160

STATE OF NEVADA VS. DVAUGHN KEITHAN KING

DATE, JUDGE
OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONTINUED

11/21/2022

EVIDENTIARY HEARING ON POST-CONVICTION PETITION

HONORABLE
EGAN

Deputy District Attorney Jennifer Noble was present in Court, representing the State. Defendant was present, in custody, in Court with counsel Court appointed attorney Victoria Oldenburg.

WALKER

DEPT. NO. 7

J. Encallado
(Clerk)

1:30 p.m. – Court convened with Court, counsel and Defendant present.

S. Koetting
(Reporter)

Counsel Oldenburg addressed and informed the Court the Defendant filed a bar complaint and has prepared a civil suit. Further, counsel provided a background of this matter to include lack of evaluations and the results of the most current completed evaluation.

Counsel Noble addressed the Court and provided information regarding ineffective counsel claims against Mr. Ohlson, who is present in Court and will provide testimony. Further, counsel did not object with proceeding with hearing.

Counsel Oldenburg informed the Court the Defendant was not evaluated by Dr. Mahaffey as mentioned in the record.

The Defendant addressed the Court and made statements relating to issues with his case to include this is his first in person meeting with his counsel. The Defendant moved for her dismissal and be appointed a new counsel.

The Court inquired of the Defendant if he has an issue with the results of the evaluation.

The Defendant responded there are additional issues to include ineffective counsel and lack of communication.

Counsel Oldenburg responded she had not met the Defendant in person but has had frequent contact with him over the phone. The Defendant is not satisfied with the results of the evaluation and she attempted to obtain a second one, to no avail.

Counsel Noble responded the Defendant may not understand the limited scope of this hearing.

The Defendant moved for a Faretta hearing and moved to represent himself in proper persona.

The Court inquired of the Defendant if he knew why he was in Court today.

The Defendant responded he is in Court for an evidentiary hearing on a psychiatric evaluation that was not completed prior to sentencing and further, provided statements regarding removal of counsel.

Counsel Noble argued the Defendant is not entitled to counsel in these proceedings and the Court is not required to appoint new counsel.

The Court inquired if the current evaluation makes a difference, should sentencing be set.

Counsel Noble responded a future date would be set for sentencing and the Defendant would then be appointed counsel.

The Court conducted a canvass of the Defendant regarding to self-representation.

The Defendant responded he wants a different counsel to be appointed.

COURT ORDERED: Oral motion for removal of counsel Oldenburg and appoint of new counsel is hereby DENIED.

The Court responded the Defendant is present in Court on a limited scope.

The Defendant responded a conflict exists due to pending litigation between counsel Oldenburg and himself.

Counsel Oldenburg responded she has yet to be served.

The Defendant responded he does not want to continue with this hearing represented by counsel Oldenburg.

COURT ORDERED: Evidentiary hearing on Post-Conviction Petition shall continue as set.

Counsel Oldenburg moved for the rule of exclusion; **SO ORDERED.**

Counsel Oldenburg provided opening statements in support of the post-petition.

Counsel Oldenburg called **Dr. Sheri J. Hixon-Brenenstall**, who was sworn and direct examined; cross-examination; redirect; witness excused.

Counsel Oldenburg informed the Court she had no further witnesses.

Counsel Noble called **John Olson**, who was sworn and direct examined; cross-examined; redirect; witness excused.

Counsel Noble informed the Court she had no further witnesses.

Counsel Oldenburg made final arguments in support of the post-petition.

Counsel Noble made final arguments objecting the post-petition.

COURT ORDERED: Post-conviction petition is hereby DENIED.

The Court inquired as to the sentencing in regards to the weapon enhancement since the Court at the time did not follow the negotiations.

Counsel Noble responded there is no ground for resentencing or reopening this case as to the weapon enhancement issue.

COURT ORDERED: Counsel Noble to prepare and submit a proposed Order.

3:56 p.m. – Court stood in Recess.

The Defendant was remanded to the custody of the Nevada Department of Corrections.

1 Code 1350

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

D'VAUGHN KEITHAN KING,

Petitioner,

vs.

THE STATE OF NEVADA,

Respondent.

Case No. CR12-1160

Dept. No. 7

CERTIFICATE OF CLERK AND TRANSMITTAL – NOTICE OF APPEAL

I certify that I am an employee of the Second Judicial District Court of the State of Nevada, County of Washoe; that on the 25th day of January, 2023, I electronically filed the Notice of Appeal in the above entitled matter to the Nevada Supreme Court.

I further certify that the transmitted record is a true and correct copy of the original pleadings on file with the Second Judicial District Court.

Dated this 25th day of January, 2023.

Alicia L. Lerud
Clerk of the Court
By /s/Y.Viloria
Y.Viloria
Deputy Clerk