

IN THE SUPREME COURT FOR THE STATE OF NEVADA

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Elizabeth A. Brown
Clerk of Supreme Court

Case No. 85838

D'VAUGHN KING,

Appellant/Petitioner,

vs.

THE STATE OF NEVADA,

Appellee/Respondent.

**APPELLANT'S REPLY APPENDIX
VOLUME I**

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Nevada Bar No. 9665
464 South Sierra Street
Reno, Nevada 89501
Attorney for Mr. D'Vaughn King

APPELLANT'S APPENDIX INDEX

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FILED

D'VAUGHN KING ID NO. 1115593

2022 JUN -6 PM 3:24

SOUTHERN DESERT CORRECTIONAL CTN.
20825 COLD CREEK RD.
P.O. BOX 208
INDIAN SPRINGS, NV 89010

ALICIA L. LERUD
CLERK OF THE COURT
BY Scalabrino
DEPUTY

IN THE SECOND JUDICIAL DISTRICT OF THE
STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

D'VAUGHN KEITHAN KING,
PETITIONER,

v.

STATE OF NEVADA
RESPONDANCE,

CASE NO.: CR12-1160

DEPT. NO.: 7

DOCKET: _____

MOTIONING THE COURT TO SUBSTITUTE COUNSEL.

COMES NOW, ^{PETITIONER} D'VAUGHN KEITHAN KING, herein above respectfully
moves this Honorable Court for an ORDER TO SUBSTITUTE COUNSEL. THERE
IS A CONFLICT BETWEEN DEFENDANT AND THE APPOINTED
COUNSEL, TO WIT, VICTORIA OLDENBURG. . . (SEE ATTACHED)

This Motion is made and based upon the accompanying Memorandum of Points and
Authorities,

DATED: this 30 day of MAY, 2022

BY: D'Vaughn King
D'VAUGHN KING # 1115593
Defendant In Proper Personam

1 IT IS EVIDENT THAT THERE IS A SERIOUS BREACH OF
2 TRUST AND A SIGNIFICANT ABSENCE IN COMMUNICATION
3 THAT SUBSTANTIALLY INTERFERES WITH THE ATTORNEY-
4 CLIENT RELATIONSHIP. (U.S. V. ADELZO-GONZALEZ,
5 268 F.3d 772).

6 DATING BACK TO WHEN COUNSEL WAS FIRST GIVEN
7 THIS CASE BY DEFAULT (I.E. TROY JORDAN ESQ., NO
8 LONGER PRACTICES LAW AND MARY LOU WILSON ESQ.,
9 WAS REMOVED AS APPOINTED COUNSEL BY THE BOARD)
10 THERE WAS A DEFICIENCY IN COMMUNICATION. AFTER
11 RECEIVING A BRIEF LETTER INFORMING DEFENDANT
12 THAT SHE WAS HIS NEW COUNSEL, THERE WAS A LARGE
13 VOID IN DIALOGUE. ALL ATTEMPTS FOR DEFENDANT TO
14 SET DOWN WITH COUNSEL (PRE-COVID & POST-COVID)
15 WERE EITHER CONCLUDED WITH NO SHOWS OR PROMISES
16 OF FUTURE ENDEAVORS. DEFENDANT TRANSFERRED FACILITIES
17 (RE: NNCC) IN ORDER TO BE ACCESSIBLE FOR COUNSEL AND
18 THE COURTS, TO NO AVAIL. AND WITHOUT ANY FOREWARNING
19 OR ASSISTANCE FROM COUNSEL, DEFENDANT WAS
20 BLINDSIDED WITH A VISIT FROM A WOMAN NAMING
21 HERSELF "MRS. BRENEWSTALL". SHE CLAIM TO BE HERE TO
22 SEE DEFENDANT ON HIS COUNSEL'S ACCORD. BUT BEING
23 THAT DEFENDANT WASN'T FOREWARNED OR EVEN SPOKE WITH
24 ABOUT MEETING WITH SOMEONE OTHER THAN DEFENDANT'S
25 NEW COUNSEL. DEFENDANT WAS QUITE SUSPICIOUS AND
26 UNEASY WHEN SHE STARTED TO ASK SPECIFIC AND
27 INTIMATE QUESTIONS. DEFENDANT LET HER KNOW HIS

1 CONCERNS AND WAS ALLOWED TO CALL HIS ATTORNEY TO SEE IF
2 IT WAS OKAY TO TALK WITH THIS UNFAMILIAR PERSON. YET AGAIN
3 DEFENDANT WAS UNSUCCESSFUL IN REACHING COUNSEL. DEFENDANT
4 WAS CALLED BACK TO A ROOM TO SPEAK WITH THE WOMAN IN QUESTION.
5 DEFENDANT WAS EXPERIENCING EXTREME ANXIETY BECAUSE HE
6 WASN'T SURE WHICH WAS THE RIGHT THING TO DO. AMIDST
7 ALARM AND CONFUSION, DEFENDANT PROCEEDED WITH THE
8 INTERVIEW.

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

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

CERTIFICATE OF SERVICE BY MAILING

I, D'VAUGHN KEITHAN KENG, hereby certify, pursuant to NRCP 5(b), that on this 30th
day of MAY, 20 22 I mailed a true and correct copy of the foregoing, "MOTION TO SUBSTITUTE COUNSEL."

by placing document in a sealed pre-postage paid envelope and deposited said envelope in the
United State Mail addressed to the following:

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

CC:FILE

DATED: this 30th day of MAY, 20 22.

D'Vaughn Keng
D'VAUGHN KENG # 1115593
/In Propria Personam
Post Office Box 208, S.D.C.C.
Indian Springs, Nevada 89018
IN FORMA PAUPERIS:

AFFIRMATION
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding _____

MOTION TO SUBSTITUTE COUNSEL

(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

5/30/22
Date

D'VAUGHN KING
Print Name

PETITIONER
Title

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.

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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

RA 008

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of RISTENPART LAW, LLC and that on the 7th day of November, 2023, a true and correct copy of the above D’Vaughn King **Reply Appendix** was e-filed and e-served on all registered parties to the Nevada Supreme Court’s electronic filing system as listed below:

Jennifer Noble
Washoe County District Attorney Chief Appellate Deputy

Attorney General/Carson City

I further certify that some of the participants in the case are not registered CM/ECF users. I have mailed the foregoing document to the following non-CM/ECF participants:

Mr. D’Vaughn King
#1115593
High Desert State Prison
22010 Cold Creek Road
Indian Springs, Nevada 89070

/s/ Stacey Cota-Sanchez
Stacey Cota-Sanchez, Legal Assistant