

In the Supreme Court of the State of Nevada

No. 85884

Electronically Filed
Apr 17 2023 07:39 AM
Elizabeth A. Brown
Clerk of Supreme Court

DAINE CRAWLEY,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

**Appeal from Denial of Petition for Writ of Habeas Corpus
Eighth Judicial District Court, Clark County**

APPELLANT'S APPENDIX VOLUME 1 OF 3 TO OPENING BRIEF

DIANE C. LOWE, ESQ.
Lowe Law, L.L.C.

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Attorney for Appellant

STEVE B. WOLFSON, ESQ.
CLARK COUNTY DISTRICT
ATTORNEY

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Attorneys for Respondent

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Respectfully Submitted,

/s/ Diane C. Lowe

DIANE C. LOWE ESQ. Nevada Bar #14573

REGISTER OF ACTIONS**CASE No. 19F11843X****State of Nevada vs. CRAWLEY, DAINE ANTON**§
§
§
§
§
§Case Type: **Felony**
Date Filed: **06/17/2019**
Location: **JC Department 7****PARTY INFORMATION****Defendant CRAWLEY, DAINE ANTON****Lead Attorneys**
Public Defender
Public Defender
702-455-4685(W)**State of Nevada****CHARGE INFORMATION**

Charges: CRAWLEY, DAINE ANTON	Statute	Level	Date
1. Assault, w/DW [50201]	200.471.2b	Felony	06/12/2019
2. Carry conceal expl/gun/dang weap w/o prmt [51459]	202.350.1d1	Felony	06/12/2019

EVENTS & ORDERS OF THE COURT**DISPOSITIONS**

07/11/2019 **Disposition** (Judicial Officer: Bennett-Haron, Karen P.)
 1. Assault, w/DW [50201]
 Waiver of Preliminary Hearing - Bound Over to District Court
 2. Carry conceal expl/gun/dang weap w/o prmt [51459]
 Waiver of Preliminary Hearing - Bound Over to District Court

OTHER EVENTS AND HEARINGS

06/13/2019 **Standard Bail Set**
Ctl: \$5000 Cash/\$5000 Surety

06/13/2019 **CTRACK Track Assignment JC07**

06/13/2019 **Initial Appearance Justice Court (PC Review)** (1:30 PM) (Judicial Officers Senior/Visiting, Judge, Oesterle, Nancy)
Result: Matter Heard

06/13/2019 **Nevada Risk Assessment Tool**

06/13/2019 **Not Released NPR**

06/13/2019 **Probable Cause Review Packet - Initial Appearance Court**

06/13/2019 **Probable Cause Review Packet - Initial Appearance Court**

06/13/2019 **CTRACK Case Modified**
Judge/BEN;

06/13/2019 **Defendant not Transported**
not processed

06/13/2019 **Probable Cause Found**

06/13/2019 **Counsel Provisionally Appointed**
Tracy Ip, Esq. Public Defender provisionally appointed for limited purposes of first appearance hearing.

06/13/2019 **Bail Argument Heard**
The Court has heard arguments from the prosecution and defense counsel regarding custody of the Defendant

06/13/2019 **Bail Stands - Cash or Surety**
Counts: 001 - \$5,000.00/\$5,000.00 Total Bail

06/13/2019 **Continued for Status Check on filing of Criminal Complaint**

06/13/2019 **Minute Order - Initial Appearance**

06/14/2019 **CTRACK Case Modified**

06/17/2019 **72 Hour Hearing** (7:30 AM) (Judicial Officer Bennett-Haron, Karen P.)
in custody
Result: Matter Heard

06/17/2019 **Criminal Complaint**
Filed in open Court

06/17/2019 **Initial Appearance Completed**
Advised of Charges on Criminal Complaint, Waives Reading of Criminal Complaint

06/17/2019 **Public Defender Appointed**

06/17/2019 **Motion by Defense for an O.R. Release**
and stay away order. Objection to said motion by State. State requests bail to stand. Motion denied for own recognizance release.

06/17/2019 **Release Order - Electronic Monitoring - Low Level** (Judicial Officer: Bennett-Haron, Karen P.)

06/17/2019 **Minute Order - Department 07**

06/20/2019 **Official Court Date Slip**

06/25/2019 **House Arrest Review** (7:30 AM) (Judicial Officer Bennett-Haron, Karen P.)
Low Level Electronic Monitoring
Result: Bench Warrant Issued

06/25/2019 **Custody Comment**

Per House Arrest memorandum, Defendant failed to maintain charge on low level electronic monitoring device and cannot be tracked.

06/25/2019 **Bench Warrant Ordered Issued - Defendant Failed to Appear**
\$5,000/5,000 total

06/25/2019 **Future Court Date Vacated**
7/1/19 at 9 am

06/25/2019 **Minute Order - Department 07**

06/25/2019 **Warrant Issued**

06/25/2019 **Not in custody**
Counts: 001; 002

06/25/2019 **Bench Warrant - Face Sheet**

06/25/2019 **Bench Warrant Confidential**

06/26/2019 **Warrant Arrest Documents**

06/26/2019 **Warrant Executed**

06/28/2019 **Bench Warrant Return Hearing (7:30 AM)** (Judicial Officer Bennett-Haron, Karen P.)
In Custody
Result: Matter Heard

06/28/2019 **Defendant not Transported**
Refusal

06/28/2019 **Court reviews history of case**

06/28/2019 **Bail Stands - Cash or Surety**
Counts: 001; 002 - \$5,000.00/\$5,000.00 Total Bail

06/28/2019 **Release Order - from Electronic Monitoring** (Judicial Officer: Bennett-Haron, Karen P.)
Low level

06/28/2019 **Minute Order - Department 07**

07/01/2019 **CANCELED Preliminary Hearing (9:00 AM)** (Judicial Officer Bennett-Haron, Karen P.)
Vacated
Low level electronic monitoring

07/11/2019 **Preliminary Hearing (9:00 AM)** (Judicial Officer Bennett-Haron, Karen P.)
In custody
Result: Matter Heard

07/11/2019 **Defendant to be released OR at entry of plea**
in District Court

07/11/2019 **Unconditional Bind Over to District Court**
Defendant unconditionally waives right to Preliminary Hearing. Defendant Bound Over to District Court as Charged. Defendant to Appear in the Lower Level Arraignment Courtroom A.


07/11/2019 **District Court Appearance Date Set**
Jul 15 2019 10:00AM: In custody

07/11/2019 **Bail Stands - Cash or Surety**
Counts: 001; 002 - \$5,000.00/\$5,000.00 Total Bail

07/11/2019 **Case Closed - Bound Over**

07/11/2019 **Minute Order - Department 07**

07/11/2019 **Certificate, Bindover and Order to Appear**



1 CASE NO.: C-19-341735-1

2

3 IN THE JUSTICE COURT OF LAS VEGAS TOWNSHIP

4 COUNTY OF CLARK, STATE OF NEVADA

5 -oOo-

6 STATE OF NEVADA,)

7 Plaintiff,)

8 vs.)

9 DAINE CRAWLEY,)

10 Defendant.)

11

12

13 REPORTER'S TRANSCRIPT OF

14 UNCONDITIONAL WAIVER OF PRELIMINARY HEARING

15 BEFORE THE HONORABLE KAREN BENNETT-HARON
16 JUSTICE OF THE PEACE

17 THURSDAY, JULY 11, 2019

18

APPEARANCES

19

For the State: DAVID STANTON, ESQ.
Chief Deputy District Attorney

20

21

22 For the Defendant: ERIKA BALLOU, ESQ.

23

24

25 Reported By: Jennifer O'Neill, CCR No. 763

1 LAS VEGAS, NEVADA; JULY 11, 2019; 9:00 A.M.

2 -oOo-

3

4 THE COURT: Daine Crawley, 19F11843X.

5 MS. BALLOU: Your Honor, this matter has been
6 negotiated.

7 This morning Mr. Crawley is prepared to
8 unconditionally waive his right to a preliminary
9 hearing.

10 At the District Court level, he's going to be
11 pleading to carrying a concealed weapon, a category C
12 felony.

13 The State will retain the right to argue.
14 Mr. Crawley will receive an OR release at entry of
15 plea.

16 MR. STANTON: Correct statement.

17 THE COURT: Mr. Crawley, good morning. Did
18 you understand the terms of the negotiation?

19 THE DEFENDANT: For the most part, yes.
20 The -- yes, I do. Sorry.

21 THE COURT: No. Don't be sorry. If you have
22 a question, you're entitled to ask it. You can talk to
23 your lawyer.

24 THE DEFENDANT: It's a category C felony,
25 right?

1 THE COURT: I don't know. You can ask your
2 lawyer about it. Would you like to talk to her?

3 THE DEFENDANT: No. That's all right. It's
4 understood. Thank you.

5 THE COURT: Are you sure?

6 THE DEFENDANT: Yes, ma'am.

7 THE COURT: Okay. So you understood the
8 negotiations.

9 Did you also understand that one of the
10 things you're being asked to do this morning is to
11 unconditionally waive your right to a preliminary
12 hearing, which means if you get to District Court and
13 you change your mind about the negotiations, you won't
14 be able to come back to this court to have a
15 preliminary hearing on these charges.

16 Do you understand that?

17 THE DEFENDANT: Yes, ma'am.

18 THE COURT: And understanding that, is it
19 still your intention to unconditionally waive your
20 right to a preliminary hearing?

21 THE DEFENDANT: Yes, ma'am. Under the
22 conditions she just said, yes, ma'am.

23 THE COURT: Then it appearing to this Court
24 from the criminal complaint on file herein that the
25 crimes of assault with a deadly weapon and carrying a

1 concealed firearm or other deadly weapon has been
2 committed; and the defendant, Daine Crawley, having
3 unconditionally waived his right to a preliminary
4 hearing on said charges, shall be held to answer said
5 charges in the Eighth Judicial District Court, lower
6 level, on:

7 THE CLERK: July 15, 10:00 a.m.

8 THE COURT: Thank you. Do you have a
9 question?

10 THE DEFENDANT: It's going to be only one
11 felony, though, at that level, right?

12 THE COURT: Well, the entire case is being
13 transferred to District Court. When you get there,
14 then that's where you'll put your actual negotiations
15 on the record.

16 THE DEFENDANT: Thank you.

17 THE COURT: You're welcome.

18 (The proceedings concluded.)

19

20

* * * * *

21 ATTEST: Full, true, and accurate
22 transcript of proceedings.

23

24

25

/S/ Jennifer O'Neill
JENNIFER O'NEILL, CCR No. 763

1 REPORTER'S CERTIFICATE

2 STATE OF NEVADA)

3 COUNTY OF CLARK)

4

5 I, Jennifer O'Neill, a certified court reporter
6 in and for the State of Nevada, hereby certify that
7 pursuant to NRS 239B.030 I have not included the Social
8 Security number of any person within this document.

9 I further certify that I am not a relative or
10 employee of any party involved in said action, nor a
11 person financially interested in the action.

12 Dated in Las Vegas, Nevada this 25th day of
13 July, 2019.

14 /S/ Jennifer O'Neill
15 JENNIFER O'NEILL, CCR No. 763

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CLERK OF THE COURT

JUSTICE COURT, LAS VEGAS TOWNSHIP
CLARK COUNTY, NEVADA

STATE OF NEVADA,

Plaintiff,

vs.

DAINE ANTON CRAWLEY,

Defendant

District Court Case No.: C-19-341735-1
Dept.: VI

Justice Court Case No.: 19F11843X

CERTIFICATE

I hereby certify the foregoing to be a full, true and correct copy of the proceedings as
the same appear in the above case.

Dated this 11th day of July, 2019



Justice of the Peace, Las Vegas Township

1
2 **JUSTICE COURT, LAS VEGAS TOWNSHIP**
3 **CLARK COUNTY, NEVADA**

4 STATE OF NEVADA,

5 Plaintiff,

6 vs.

7 DAINÉ ANTON CRAWLEY

8 Defendant
9

District Court Case No.:

Justice Court Case No.: 19F11843X

10 **BINDOVER and ORDER TO APPEAR**

11 An Order having been made this day by me that **DAINE ANTON CRAWLEY** be
12 held to answer before the Eighth Judicial District Court, upon the charge(s) of **Assault,**
13 **w/DW [50201]; Carry conceal expl/gun/dang weap w/o prmt [51459]** committed in said
14 Township and County, on or about June 12, 2019 .

15 **IT IS FURTHER ORDERED** that said defendant is commanded to appear in the
16 Eighth Judicial District Court, Regional Justice Center, Lower Level Arraignment
17 Courtroom "A", Las Vegas, Nevada on July 15, 2019 at 10:00 AM for arraignment and
18 further proceedings on the within charge(s).

19 **IT IS FURTHER ORDERED** that the Sheriff of the County of Clark is hereby
20 commanded to receive the above named defendant(s) into custody, and detain said
21 defendant(s) until he/she can be legally discharged, and be committed to the custody of the
22 Sheriff of said County, until bail is given in the sum of \$5,000/5,000 total.

23 Dated this 11th day of July, 2019

24 

25 Justice of the Peace, Las Vegas Township
26
27
28

ORIGINAL

LAS VEGAS JUSTICE COURT
FILED IN OPEN COURT

JUSTICE COURT, LAS VEGAS TOWNSHIP
CLARK COUNTY, NEVADA

JUN 17 2019

BY RSP

THE STATE OF NEVADA,

Plaintiff,

-vs-

DAINE ANTON CRAWLEY #7031173,

Defendant.

CASE NO: 19F11843X

DEPT NO: 7

CRIMINAL COMPLAINT

The Defendant above named having committed the crimes of ASSAULT WITH A DEADLY WEAPON (Category B Felony - NRS 200.471 - NOC 50201) and CARRYING CONCEALED FIREARM OR OTHER DEADLY WEAPON (Category C Felony - NRS 202.350 (1)(d)(3) - NOC 51459), in the manner following, to wit: That the said Defendant, on or about the 12th day of June, 2019, at and within the County of Clark, State of Nevada,

COUNT 1 - ASSAULT WITH A DEADLY WEAPON

did willfully, unlawfully, feloniously and intentionally place another person in reasonable apprehension of immediate bodily harm and/or did willfully and unlawfully attempt to use physical force against another person, to wit: MATTHEW HAWKINS, with use of a deadly weapon, to wit: a knife, by Defendant threatening the said MATTHEW HAWKINS with the said knife.

COUNT 2 - CARRYING CONCEALED FIREARM OR OTHER DEADLY WEAPON

did then and there willfully, unlawfully and feloniously carry concealed upon his person, a firearm or other deadly weapon, to wit: a knife.

All of which is contrary to the form, force and effect of Statutes in such cases made and provided and against the peace and dignity of the State of Nevada. Said Complainant makes this declaration subject to the penalty of perjury.

Brian C
06/14/19

19F11843X/ew
LVMPD EV# 190600056903
(TK7)

19F11843X
CRM
Criminal Complaint
11062611



W:\2019\2019F11843\19F11843-COMP-001.DOCX

FILED IN OPEN COURT
LAS VEGAS JUSTICE COURT

JUN 17 2018

RS

**Justice Court, Las Vegas Township
Clark County, Nevada**

Department: 07

Court Minutes



L011063125

19F11843X State of Nevada vs. CRAWLEY, DAINE ANTON

Lead Atty: Public Defender

6/17/2019 7:30:00 AM 72 Hour Hearing (in custody)

Result: Matter Heard

PARTIES PRESENT:	State Of Nevada	Getler, Stephanie
	Attorney	Public Defender
	Attorney	Schmidt, Robert Jennings
	Defendant	CRAWLEY, DAINE ANTON

Judge: Bennett-Haron, Karen P.

Court Reporter: Ott, Shawn

Court Clerk: Powers, Rissa

PROCEEDINGS

Attorneys:	Public Defender	CRAWLEY, DAINE ANTON	Added
	Schmidt, Robert Jennings	CRAWLEY, DAINE ANTON	Added

Hearings:	7/1/2019 9:00:00 AM: Preliminary Hearing	Added
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Events: **Criminal Complaint**
Filed in open Court
Initial Appearance Completed
Advised of Charges on Criminal Complaint, Waives Reading of Criminal Complaint
Public Defender Appointed
Motion by Defense for an O.R. Release
and stay away order. Objection to said motion by State. State requests bail to stand. Motion denied for own recognizance release.
Release Order - Electronic Monitoring - Low Level

**Justice Court, Las Vegas Township
Clark County, Nevada**

Department: 07

Court Minutes



L011101339

19F11843X State of Nevada vs. CRAWLEY, DAINE ANTON

Lead Atty: Public Defender

**6/25/2019 7:30:00 AM House Arrest Review (Low
Level Electronic Monitoring)**

Result: Bench Warrant Issued

PARTIES	State Of Nevada	Stanton, David
PRESENT:	Attorney	Public Defender
	Attorney	Schmidt, Robert Jennings

Judge: Bennett-Haron, Karen P.

Court Reporter: O'Neill, Jennifer

Court Clerk: Powers, Rissa

PROCEEDINGS

Hearings:	7/1/2019 9:00:00 AM: Preliminary Hearing	Canceled
------------------	--	----------

Events: **Custody Comment**

Per House Arrest memorandum, Defendant failed to maintain charge on low level electronic monitoring device and cannot be tracked.

Bench Warrant Ordered Issued - Defendant Failed to Appear

\$5,000/5,000 total

Future Court Date Vacated

7/1/19 at 9 am

Not in custody

Counts: 001; 002

**Justice Court, Las Vegas Township
Clark County, Nevada**

Department: 07

Court Minutes



L011119512

19F11843X State of Nevada vs. CRAWLEY, DAINE ANTON

Lead Atty: Public Defender

**6/28/2019 7:30:00 AM Bench Warrant Return
Hearing (In Custody)**

Result: Matter Heard

PARTIES	State Of Nevada	Clowers, Shanon
PRESENT:	Attorney	Ross, Katrina
	Attorney	Public Defender

Judge: Bennett-Haron, Karen P.

Court Reporter: O'Neill, Jennifer

Court Clerk: Powers, Rissa

PROCEEDINGS

Attorneys:	Ross, Katrina	CRAWLEY, DAINE ANTON	Added
Hearings:	7/11/2019 9:00:00 AM: Preliminary Hearing		Added
Events:	Defendant not Transported		
	<i>Refusal</i>		
	Court reviews history of case		
	Ball Stands - Cash or Surety	<i>Amount: \$5,000.00</i>	
	<i>Counts: 001; 002 - \$5,000.00/\$5,000.00 Total Bail</i>		
	Release Order - from Electronic Monitoring		
	<i>Low level</i>		

**Justice Court, Las Vegas Township
Clark County, Nevada**

Department: 07

Court Minutes



L011174892

19F11843X State of Nevada vs. CRAWLEY, DAINE ANTON

Lead Atty: Public Defender

7/11/2019 9:00:00 AM Preliminary Hearing (In custody)

Result: Matter Heard

PARTIES PRESENT:	State Of Nevada	Stanton, David
	Attorney	Ballou, Erika D.
	Attorney	Public Defender
	Defendant	CRAWLEY, DAINE ANTON

Judge: Bennett-Haron, Karen P.

Court Reporter: O'Neill, Jennifer

Court Clerk: Powers, Rissa

PROCEEDINGS

Attorneys: **Ballou, Erika D.** CRAWLEY, DAINE ANTON Added

Events: **Defendant to be released OR at entry of plea**
in District Court

Unconditional Bind Over to District Court

Review Date: 7/12/2019

Defendant unconditionally waives right to Preliminary Hearing. Defendant Bound Over to District Court as Charged. Defendant to Appear in the Lower Level Arraignment Courtroom A.

District Court Appearance Date Set

Jul 15 2019 10:00AM: In custody

Bail Stands - Cash or Surety

Amount: \$5,000.00

Counts: 001; 002 - \$5,000.00/\$5,000.00 Total Bail

Case Closed - Bound Over

Plea/Disp: **001: Assault, w/DW [50201]**

Disposition: Waiver of Preliminary Hearing - Bound Over to District Court

002: Carry conceal expl/gun/dang weap w/o prmt [51459]

Disposition: Waiver of Preliminary Hearing - Bound Over to District Court

**Justice Court, Las Vegas Township
Clark County, Nevada**

Department: PC

Court Minutes



L011050446

PC19F11843X State of Nevada vs. CRAWLEY, DAINE ANTON

**6/13/2019 1:30:00 PM Initial Appearance Justice
Court (PC Review)**

Result: Matter Heard

PARTIES State Of Nevada Walsh, Jessica
PRESENT:

Judge: Senior/Visiting, Judge

Court Reporter: Murray, Loree

**Senior/Visiting
Judge:** Oesterle, Nancy

Court Clerk: Montrone, Lauren

PROCEEDINGS

Hearings: 6/17/2019 7:30:00 AM: 72 Hour Hearing

Added

Events: **Defendant not Transported**

not processed

Probable Cause Found

Counsel Provisionally Appointed

Tracy Ip, Esq. Public Defender provisionally appointed for limited purposes of first appearance hearing.

Bail Argument Heard

The Court has heard arguments from the prosecution and defense counsel regarding custody of the Defendant

Bail Stands - Cash or Surety

Amount: \$5,000.00

Counts: 001 - \$5,000.00/\$5,000.00 Total Bail

**Continued for Status Check on filing of Criminal
Complaint**

OFFICIAL COURT DATE
JUSTICE COURT LAS VEGAS TOWNSHIP
REGIONAL JUSTICE CENTER
200 LEWIS AVE
LAS VEGAS, NV 89155
www.LasVegasJusticeCourt.us

19F11843X
OCD
Official Court Date Slip
11081854



Date Released: 6-20-2019

Case #: 19F11843X

ID#: 7031173

Defendant: CRAWLEY, DAINE
(Last Name) (First Name)

2500 W Washington NV 702-349-9435
Address State Zip Phone # Home/Cell

Is hereby notified that your court date is set for 7-1-2019 Department #: 7

Time: ☐ 7:30 a.m.
☐ 7:45 a.m.
☐ 8:00 a.m.
☐ 8:30 a.m.
☒ 9:00 a.m.
☐ 9:30 a.m.
☐ 10:00 a.m.
☐ 11:00 a.m.
☐ 1:00 p.m.
☐ 1:30 p.m.
☐ Other: _____

Release Type:	<input type="checkbox"/>	48 Hour Delay	<input type="checkbox"/>	NCF Release
	<input type="checkbox"/>	Cash Bond Release	<input type="checkbox"/>	No PC
	<input type="checkbox"/>	C.C.D.C. O.R.	<input type="checkbox"/>	No Criminal Complaint
	<input type="checkbox"/>	Court Ordered Release	<input type="checkbox"/>	O.R. Release
	<input type="checkbox"/>	D.A.R.F. Release	<input type="checkbox"/>	SCRAM
	<input checked="" type="checkbox"/>	House Arrest	<input type="checkbox"/>	Sentenced/Fined
	<input type="checkbox"/>	IAD Release	<input type="checkbox"/>	Treatment Program

APPROPRIATE COURTROOM ATTIRE REQUIRED

NO SHORTS, HALTER TOPS OR TANK TOPS

(NO FOOD OR DRINK PERMITTED)

JC-11 (PreTrial Services)

Distribution

Rev. 3/19

White-Court Canary-Jail Pink-Defendant

IMAGE
COPY

WARRANT ELECTRONICALLY GENERATED AND ENTERED INTO NCJIS
*** DO NOT MANUALLY ENTER INTO NCJIS ***

JUSTICE COURT, LAS VEGAS TOWNSHIP
CLARK COUNTY NEVADA

THE STATE OF NEVADA)	CASE NO: 19F11843X
)	
PLAINTIFF)	DEPT. NO: 7
VS.)	
)	AGENCY: METRO
CRAWLEY, DAINE ANTON)	
ID# 07031173)	
)	
DEFENDANT)	BENCH WARRANT
)	-----

THE STATE OF NEVADA,

TO: ANY SHERIFF, CONSTABLE, MARSHALL, POLICEMAN, OR PEACE OFFICER
IN THIS STATE:

THE DEFENDANT, CRAWLEY, DAINE ANTON, HAVING BEEN ORDERED
TO APPEAR BEFORE THE ABOVE ENTITLED COURT ON THE 25TH DAY OF JUNE,
2019, ON THE FOLLOWING CHARGES:

COUNTS	CHARGE	BAIL: CASH	SURETY	PROPERTY
1	ASSAULT, W/DW	5,000.00	5,000.00	
1	CARRY CONCEAL WEAPON W			

AND THE DEFENDANT HAVING FAILED TO APPEAR AT SAID TIME AND PLACE;

YOU ARE, THEREFORE, COMMANDED FORTHWITH TO ARREST THE ABOVE NAMED
DEFENDANT, CRAWLEY, DAINE ANTON, AND BRING HIM BEFORE THIS
COURT, OR IF THE COURT HAS ADJOURNED, THAT YOU DELIVER HIM INTO THE
CUSTODY OF THE SHERIFF OF THE COUNTY OF CLARK.

THIS WARRANT MAY BE SERVED AT ANY HOUR OF THE DAY OR NIGHT.

GIVEN UNDER MY HAND THIS 25TH DAY OF JUNE, 2019.

Karen Bennett Haron

JUSTICE OF THE PEACE IN AND FOR SAID TOWNSHIP
KAREN BENNETT-HARON

SHERIFF'S RETURN

I HEREBY CERTIFY THAT I RECEIVED THE ABOVE AND FOREGOING BENCH WARRANT
ON THE _____ DAY OF _____, _____, AND SERVED THE SAME BY
ARRESTING AND BRINGING DEFENDANT, _____, INTO COU
COURT THIS _____ DAY OF _____.

19F11843X
BWF
Bench Warrant - Face Sheet
11101064



JOSEPH LOMBARDO, SHERIFF, CLARK COUNTY, NEVADA

BY: _____, DEPUTY

2. Criminal Bindover Confidential Placeholder



1 INFM
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 DAVID STANTON
6 Chief Deputy District Attorney
7 Nevada Bar #003202
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

12 I.A. 7/15/19
13 10:00 A.M.
14 PD BALLOU

15 THE STATE OF NEVADA,
16
17 Plaintiff,

CASE NO: C-19-341735-1

18 -vs-

DEPT NO: VI

19 DAINÉ ANTON CRAWLEY,
20 #7031173

21 Defendant.

INFORMATION

22 STATE OF NEVADA }
23 COUNTY OF CLARK } ss.

24 STEVEN B. WOLFSON, District Attorney within and for the County of Clark, State
25 of Nevada, in the name and by the authority of the State of Nevada, informs the Court:

26 That DAINÉ ANTON CRAWLEY, the Defendant(s) above named, having committed
27 the crime of CARRYING CONCEALED FIREARM OR OTHER DEADLY WEAPON
28 (Category C Felony - NRS 202.350 (1)(d)(3) - NOC 51459), on or about the 12th day of June,
2019, within the County of Clark, State of Nevada, contrary to the form, force and effect of
statutes in such cases made and provided, and against the peace and dignity of the State of
Nevada, did then and there willfully, unlawfully and feloniously carry concealed upon his

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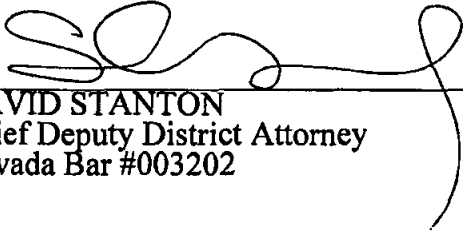
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1 person, a firearm or other deadly weapon, to wit: a knife.

2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565

5 BY

6 
7 DAVID STANTON
8 Chief Deputy District Attorney
9 Nevada Bar #003202

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27 19F11843X/rmj
28 LVMPD EV#190600056903
(TK7)

ORIGINAL

14

1 **GPA**
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 DAVID STANTON
6 Chief Deputy District Attorney
7 Nevada Bar #003202
8 200 Lewis Avenue
9 Las Vegas, NV 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

FILED IN OPEN COURT
STEVEN D. GRIERSON
CLERK OF THE COURT

JUL 15 2019

BY, Krista Brown
KRISTEN BROWN, DEPUTY

DISTRICT COURT
CLARK COUNTY, NEVADA

C-19-341735-1
GPA
Guilty Plea Agreement
4849207



9 THE STATE OF NEVADA,
10 Plaintiff,

11 -vs-

12 DAINE ANTON CRAWLEY,
13 #7031173

14 Defendant.

CASE NO: C-19-341735-1

DEPT NO: VI

15 **GUILTY PLEA AGREEMENT**

16 I hereby agree to plead guilty to: CARRYING CONCEALED FIREARM OR OTHER
17 DEADLY WEAPON (Category C Felony - NRS 202.350 (1)(d)(3) - NOC 51459), as more
18 fully alleged in the charging document attached hereto as Exhibit "1".

19 My decision to plead guilty is based upon the plea agreement in this case which is as
20 follows:

21 The State retains the right to argue at sentencing. The State will not oppose Defendant's
22 own recognizance release at entry of plea.

23 I agree to the forfeiture of any and all weapons or any interest in any weapons seized
24 and/or impounded in connection with the instant case and/or any other case negotiated in
25 whole or in part in conjunction with this plea agreement.

26 I understand and agree that, if I fail to interview with the Department of Parole and
27 Probation, fail to appear at any subsequent hearings in this case, or an independent magistrate,
28 by affidavit review, confirms probable cause against me for new criminal charges including

8

1 reckless driving or DUI, but excluding minor traffic violations, the State will have the
2 unqualified right to argue for any legal sentence and term of confinement allowable for the
3 crime(s) to which I am pleading guilty, including the use of any prior convictions I may have
4 to increase my sentence as an habitual criminal to five (5) to twenty (20) years, life without
5 the possibility of parole, life with the possibility of parole after ten (10) years, or a definite
6 twenty-five (25) year term with the possibility of parole after ten (10) years.

7 Otherwise I am entitled to receive the benefits of these negotiations as stated in this
8 plea agreement.

9 CONSEQUENCES OF THE PLEA

10 I understand that by pleading guilty I admit the facts which support all the elements of
11 the offense(s) to which I now plead as set forth in Exhibit "1".

12 I understand that as a consequence of my plea of guilty The Court must sentence me to
13 imprisonment in the Nevada Department of Corrections for a minimum term of not less than
14 ONE (1) year and a maximum term of not more than FIVE (5) years. The minimum term of
15 imprisonment may not exceed forty percent (40%) of the maximum term of imprisonment. I
16 understand that I may also be fined up to \$10,000.00. I understand that the law requires me to
17 pay an Administrative Assessment Fee.

18 I understand that, if appropriate, I will be ordered to make restitution to the victim of
19 the offense(s) to which I am pleading guilty and to the victim of any related offense which is
20 being dismissed or not prosecuted pursuant to this agreement. I will also be ordered to
21 reimburse the State of Nevada for any expenses related to my extradition, if any.

22 I understand that I am eligible for probation for the offense to which I am pleading
23 guilty. I understand that, except as otherwise provided by statute, the question of whether I
24 receive probation is in the discretion of the sentencing judge.

25 I understand that I must submit to blood and/or saliva tests under the Direction of the
26 Division of Parole and Probation to determine genetic markers and/or secretor status.

27 I understand that if I am pleading guilty to charges of Burglary, Invasion of the Home,
28 Possession of a Controlled Substance with Intent to Sell, Sale of a Controlled Substance, or

1 Gaming Crimes, for which I have prior felony conviction(s), I will not be eligible for probation
2 and may receive a higher sentencing range.

3 I understand that if more than one sentence of imprisonment is imposed and I am
4 eligible to serve the sentences concurrently, the sentencing judge has the discretion to order
5 the sentences served concurrently or consecutively.

6 I understand that information regarding charges not filed, dismissed charges, or charges
7 to be dismissed pursuant to this agreement may be considered by the judge at sentencing.

8 I have not been promised or guaranteed any particular sentence by anyone. I know that
9 my sentence is to be determined by the Court within the limits prescribed by statute.

10 I understand that if my attorney or the State of Nevada or both recommend any specific
11 punishment to the Court, the Court is not obligated to accept the recommendation.

12 I understand that if the offense(s) to which I am pleading guilty was committed while I
13 was incarcerated on another charge or while I was on probation or parole that I am not eligible
14 for credit for time served toward the instant offense(s).

15 I understand that if I am not a United States citizen, any criminal conviction will likely
16 result in serious negative immigration consequences including but not limited to:

- 17 1. The removal from the United States through deportation;
- 18 2. An inability to reenter the United States;
- 19 3. The inability to gain United States citizenship or legal residency;
- 20 4. An inability to renew and/or retain any legal residency status; and/or
- 21 5. An indeterminate term of confinement, with the United States Federal
22 Government based on my conviction and immigration status.

23 Regardless of what I have been told by any attorney, no one can promise me that this
24 conviction will not result in negative immigration consequences and/or impact my ability to
25 become a United States citizen and/or a legal resident.

26 I understand that the Division of Parole and Probation will prepare a report for the
27 sentencing judge prior to sentencing. This report will include matters relevant to the issue of
28 sentencing, including my criminal history. This report may contain hearsay information

1 regarding my background and criminal history. My attorney and I will each have the
2 opportunity to comment on the information contained in the report at the time of sentencing.
3 Unless the District Attorney has specifically agreed otherwise, the District Attorney may also
4 comment on this report.

5 WAIVER OF RIGHTS

6 By entering my plea of guilty, I understand that I am waiving and forever giving up the
7 following rights and privileges:

- 8 1. The constitutional privilege against self-incrimination, including the right
9 to refuse to testify at trial, in which event the prosecution would not be
10 allowed to comment to the jury about my refusal to testify.
- 11 2. The constitutional right to a speedy and public trial by an impartial jury,
12 free of excessive pretrial publicity prejudicial to the defense, at which
13 trial I would be entitled to the assistance of an attorney, either appointed
14 or retained. At trial the State would bear the burden of proving beyond
15 a reasonable doubt each element of the offense(s) charged.
- 16 3. The constitutional right to confront and cross-examine any witnesses who
17 would testify against me.
- 18 4. The constitutional right to subpoena witnesses to testify on my behalf.
- 19 5. The constitutional right to testify in my own defense.
- 20 6. The right to appeal the conviction with the assistance of an attorney,
21 either appointed or retained, unless specifically reserved in writing and
22 agreed upon as provided in NRS 174.035(3). I understand this means I
23 am unconditionally waiving my right to a direct appeal of this conviction,
24 including any challenge based upon reasonable constitutional,
25 jurisdictional or other grounds that challenge the legality of the
26 proceedings as stated in NRS 177.015(4). However, I remain free to
27 challenge my conviction through other post-conviction remedies
28 including a habeas corpus petition pursuant to NRS Chapter 34.

22 VOLUNTARINESS OF PLEA

23 I have discussed the elements of all of the original charge(s) against me with my
24 attorney and I understand the nature of the charge(s) against me.

25 I understand that the State would have to prove each element of the charge(s) against
26 me at trial.

27 I have discussed with my attorney any possible defenses, defense strategies and
28 circumstances which might be in my favor.

1 All of the foregoing elements, consequences, rights, and waiver of rights have been
2 thoroughly explained to me by my attorney.

3 I believe that pleading guilty and accepting this plea bargain is in my best interest, and
4 that a trial would be contrary to my best interest.

5 I am signing this agreement voluntarily, after consultation with my attorney, and I am
6 not acting under duress or coercion or by virtue of any promises of leniency, except for those
7 set forth in this agreement.

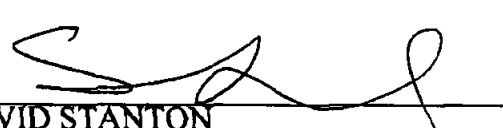
8 I am not now under the influence of any intoxicating liquor, a controlled substance or
9 other drug which would in any manner impair my ability to comprehend or understand this
10 agreement or the proceedings surrounding my entry of this plea.

11 My attorney has answered all my questions regarding this guilty plea agreement and its
12 consequences to my satisfaction and I am satisfied with the services provided by my attorney.

13 DATED this 15 day of July, 2019.

14
15
16 
DAINE ANTON CRAWLEY
Defendant

17 AGREED TO BY:

18
19 
20 DAVID STANTON
Chief Deputy District Attorney
21 Nevada Bar #003202
22
23
24
25
26
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28

1 CERTIFICATE OF COUNSEL:

2 I, the undersigned, as the attorney for the Defendant named herein and as an officer of the court
3 hereby certify that:

- 4 1. I have fully explained to the Defendant the allegations contained in the
5 charge(s) to which guilty pleas are being entered.
- 6 2. I have advised the Defendant of the penalties for each charge and the restitution
7 that the Defendant may be ordered to pay.
- 8 3. I have inquired of Defendant facts concerning Defendant's immigration status
9 and explained to Defendant that if Defendant is not a United States citizen any
10 criminal conviction will most likely result in serious negative immigration
11 consequences including but not limited to:
 - 12 a. The removal from the United States through deportation;
 - 13 b. An inability to reenter the United States;
 - 14 c. The inability to gain United States citizenship or legal residency;
 - 15 d. An inability to renew and/or retain any legal residency status; and/or
 - 16 e. An indeterminate term of confinement, by with United States Federal
17 Government based on the conviction and immigration status.
- 18 Moreover, I have explained that regardless of what Defendant may have been
19 told by any attorney, no one can promise Defendant that this conviction will not
20 result in negative immigration consequences and/or impact Defendant's ability
21 to become a United States citizen and/or legal resident.
- 22 4. All pleas of guilty offered by the Defendant pursuant to this agreement are
23 consistent with the facts known to me and are made with my advice to the
24 Defendant.
- 25 5. To the best of my knowledge and belief, the Defendant:
 - 26 a. Is competent and understands the charges and the consequences of
27 pleading guilty as provided in this agreement,
 - 28 b. Executed this agreement and will enter all guilty pleas pursuant hereto
voluntarily, and
 - c. Was not under the influence of intoxicating liquor, a controlled
substance or other drug at the time I consulted with the Defendant as
certified in paragraphs 1 and 2 above.

25 Dated: This 15th day of July, 2019.

26 
27 DEFENSE ATTY. NAME

28 rmj/L3

Steven D. Grierson

1 INFM
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 DAVID STANTON
6 Chief Deputy District Attorney
7 Nevada Bar #003202
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

12 I.A. 7/15/19
13 10:00 A.M.
14 PD BALLOU

15 THE STATE OF NEVADA,
16
17 Plaintiff,

CASE NO: C-19-341735-1

18 -vs-

DEPT NO: VI

19 DAINE ANTON CRAWLEY,
20 #7031173

21 Defendant.

INFORMATION

22 STATE OF NEVADA }
23 COUNTY OF CLARK } ss.

24 STEVEN B. WOLFSON, District Attorney within and for the County of Clark, State
25 of Nevada, in the name and by the authority of the State of Nevada, informs the Court:

26 That DAINE ANTON CRAWLEY, the Defendant(s) above named, having committed
27 the crime of CARRYING CONCEALED FIREARM OR OTHER DEADLY WEAPON
28 (Category C Felony - NRS 202.350 (1)(d)(3) - NOC 51459), on or about the 12th day of June,
2019, within the County of Clark, State of Nevada, contrary to the form, force and effect of
statutes in such cases made and provided, and against the peace and dignity of the State of
Nevada, did then and there willfully, unlawfully and feloniously carry concealed upon his

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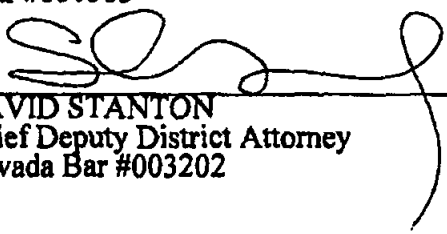
EXHIBIT "1"

W:\2019\2019F\11843\19F11843-INFM-(CRAWLEY__DAINE)-001.DOCX

1 person, a firearm or other deadly weapon, to wit: a knife.

2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565

5 BY

6 
7 DAVID STANTON
8 Chief Deputy District Attorney
9 Nevada Bar #003202

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27 19F11843X/rmj
28 LVMPD EV#190600056903
(TK7)



1 RTRAN

2
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4
5 DISTRICT COURT
6 CLARK COUNTY, NEVADA
7

8 THE STATE OF NEVADA,

9 Plaintiff,

10 vs.

11 DAINE CRAWLEY,

12 Defendant.

) CASE NO. C-19-341735-1

) Companion Case:
A-20-816041-W

) DEPT. NO. VI

) Arraignment held in LLA

13
14 BEFORE THE HONORABLE SHANNON WITTENBERGER,

15 DISTRICT COURT JUDGE

16 MONDAY, JULY 15, 2019

17 **RECORDER'S TRANSCRIPT OF PROCEEDING:**

18 **INITIAL ARRAIGNMENT**

19 **APPEARANCES:**

20 For the State: JOHN TORRE
21 Deputized Law Clerk

22 For the Defendant: ERIKA D. BALLOU, ESQ.,
23 Deputy Public Defender

24
25 RECORDED BY: SHARON NICHOLS, COURT RECORDER

1 Las Vegas, Nevada; Monday, July 15, 2019

2 [Proceeding commenced at 10:24 a.m.]

3
4 THE COURT: Page 14, State of Nevada versus Daine
5 Crawley, C341753. Good morning.

6 MS. BALLOU: Good morning, Your Honor. Erika Ballou with
7 the Clark County Public Defender's Office, bar number 8365 on Mr.
8 Crawley's behalf. He's making his way to the microphone.

9 THE COURT: Thank you. Good morning.

10 THE DEFENDANT: Good morning.

11 THE COURT: I have a guilty plea agreement which indicates
12 that Mr. Crawley will plead guilty to carrying concealed firearm or other
13 deadly weapon, a C felony.

14 THE DEFENDANT: Yes, ma'am.

15 THE COURT: Thank you. The State retains the right to argue
16 at sentencing and the State will not oppose an O.R. release after entry
17 of plea. Counsels, is that accurate?

18 MS. BALLOU: Yes, Your Honor.

19 MR. TORRE: Yes, Your Honor.

20 THE COURT: And, Mr. Crawley, is that your understanding of
21 the negotiations?

22 THE DEFENDANT: Yes, ma'am.

23 THE COURT: What is your true full name please?

24 THE DEENDANT: Daine Anton Crawley.

25 THE COURT: And how old are you?

1 THE DEFENDANT: Thirty-three.
2 THE COURT: How far have you've gone in school?
3 THE DEFENDANT: Graduate.
4 THE COURT: From high school?
5 THE DEFENDANT: High school, I'm sorry, yes.
6 THE COURT: That's okay. Do you read, write and
7 understand the English language?
8 THE DEFENDANT: Yes, ma'am.
9 THE COURT: Are you taking any medications or suffering
10 any medical conditions that would interfere with your ability to
11 understand the proceedings or the terms of your agreement?
12 THE DEFENDANT: No, ma'am.
13 THE COURT: Do you understand you're being charged with
14 carrying concealed firearm or other deadly weapon, a C felony?
15 THE DEFENDANT: Yes, ma'am.
16 THE COURT: How do you plea to that charge, guilty or not
17 guilty?
18 THE DEFENDANT: Guilty, ma'am.
19 THE COURT: Is anybody forcing you to plead guilty?
20 THE DEFENDANT: No, ma'am.
21 THE COURT: Are you pleading guilty of your own free will?
22 THE DEFENDANT: Yes, ma'am.
23 THE COURT: Do you understand as a consequence of your
24 plea, the Court may sentence you to minimum of one year and
25 maximum of five years in the Nevada Department of Corrections and

1 may fine you up to ten thousand dollars?

2 THE DEFENDANT: Yes, ma'am.

3 THE COURT: And do you understand that you'll be required

4 to pay administrative assessment fees?

5 THE DEFENDANT: Yes, ma'am.

6 THE COURT: I have the original Guilty Plea Agreement, did

7 you read through it?

8 THE DEFENDANT: Yes, ma'am.

9 THE COURT: Did you understand it?

10 THE DEFENDANT: Yes, ma'am.

11 THE COURT: And was your attorney available to answer any

12 questions you had regarding the agreement?

13 THE DEFENDANT: Yes, ma'am.

14 THE COURT: Are you satisfied with the services of your

15 attorney?

16 THE DEFENDANT: Yes, ma'am.

17 THE COURT: Did you sign the agreement?

18 THE DEFENDANT: Yes, ma'am.

19 THE COURT: Is this your signature on page 5?

20 THE DEFENDANT: Yes, ma'am.

21 THE COURT: Did you sign it freely and voluntarily?

22 THE DEFENDANT: Yes, ma'am.

23 THE COURT: Do you understand that by entering your guilty

24 plea, you're giving up the constitutional rights listed in the Agreement?

25 THE DEFENDANT: Yes, ma'am.

1 THE COURT: Do you understand that if you're not a U.S.
2 citizen you may be deported based on your guilty plea?

3 THE DEFENDANT: Yes, ma'am.

4 THE COURT: Did you discuss the case and your rights with
5 your attorney?

6 THE DEFENDANT: Yes, ma'am.

7 THE COURT: Do you have any questions?

8 THE DEFENDANT: No, ma'am.

9 THE COURT: Are you pleading guilty because in truth and in
10 fact on or about June 12th, 2019 in Clark County Nevada, you willfully,
11 unlawfully and feloniously carry concealed upon your person, a firearm
12 or other deadly weapon, that being a knife?

13 THE DEFENDANT: Yes, ma'am.

14 THE COURT: I will accept your plea as being freely and
15 voluntarily entered. I will release you on your own recognizance. I'll
16 also order a pre-sentence investigation report. You must report to
17 Probation and Parole within 24 hours of your release. So assuming you
18 get out today, you have to report by 5 p.m. tomorrow, okay?

19 THE DEFENDANT: All right. Thank you, ma'am.

20 THE COURT: Thank you. And you must return to Court for
21 sentencing on this date.

22 THE COURT CLERK: November 13th, 8:30, Department 6.

23 THE COURT: Thank you.

24 MS. BALLOU: 8:30?

25 THE COURT CLERK: I'm sorry, that's 9 o'clock at that time.

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MS. BALLOU: Okay. I was like she --

THE COURT CLERK: I'm going off of their own -- her old
time.

MS. BALLOU: Okay, I was like she never started at 8:30.

THE COURT CLERK: Yeah. It's now -- it's going to be 9
o'clock though in November.

MS. BALLOU: Oh, crap. Okay. Thank you.

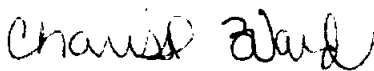
THE COURT: Thanks.

MS. BALLOU: I think I wrote 9:30 anyways.

[Proceeding concluded at 10:27 a.m.]

* * * * *

ATTEST: I do hereby certify that I have truly and correctly transcribed
the audio/video proceedings in the above-entitled case to the best of my
ability.


Charisse Ward
Court Recorder/Transcriber

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FILED

OCT 28 2019

Atty. General
CLERK OF COURT

28

MDC #
Name: Daine Anton Crawley 7031173
Address: 330 S. Casino Center BLVD.
City/State/Zip: Las Vegas, NV 89101
Phone: N/A
DEFENDANT IN PROPER PERSON

EIGHTH JUDICIAL DISTRICT COURT
CLARK COUNTY, NEVADA

The State of
Nevada

Plaintiff.

vs.

Case No.: C341735

Dept. No.: _____

Daine Anton Crawley #7031173

Defendant

MOTION TO DISMISS COUNSEL AND APPOINT ALTERNATE COUNSEL

COMES NOW, the Defendant Daine Anton Crawley #7031173, and moves this Honorable Court to dismiss Defendant's counsel, Erika Ballou, and appoint alternate counsel to represent Defendant.

This Motion is based upon all papers, pleadings, and documents on file.

POINTS AND AUTHORITIES

It is respectfully requested of this court to grant this Motion to Dismiss Counsel and Appoint Alternate Counsel for the reasons listed below:

RECEIVED
OCT 28 2019
CLERK OF THE COURT

C-19-341735-1
MDC
Motion to Dismiss Counsel
4872722



I. PROCEDURAL BACKGROUND AND FACTUAL SUMMARY

Since Erika Ballou ^{or About} was appointed as counsel on June 17, 2019, Defendant

has been prejudiced and suffered manifest injustice based on counsel's refusal or failure to:

I Daine Anton Crawley, am filing a motion to dismiss counsel
and appoint alternate counsel due to inappropriate representation. The
defendant believes that his best interests were not expressed at his
preliminary hearing(s) in Justice Court. The preliminary hearing was continued
multiple times to the District Attorneys advantage without the defendants
presence on June 28th, 2019, July 1st, 2019, and also would have been
continued on July 11th, 2019; until the defendant reluctantly agreed
to a plea agreement that was supposed to allow him to enter "The
Crossroads" inpatient treatment center on July 16th, 2019. It is the
defendants belief that this said program "Crossroads", along with
his need for surgery of a Fractured right wrist (Scaphoid) were
both used as leverage against him to sign a plea agreement
Since the surgery was scheduled for August 19, 2019 and the program
he had been waiting for was the following Tuesday July 16th, 2019
after much anticipation. The defendant only had about 10 minutes to go
over the details of the plea agreement and this being the reason the
consequences of the plea agreement were not explained in its entirety at
or before the District Court arraignment on July 15th, 2019. The
defendants choice to enter the "Crossroads" program was of the defendants
own accord prior to said charge, however as part of the plea
agreement the defendant was told he would be released prior to
the said entry date of July 16th, 2019. The date of signing
was July 15th, 2019, though the own recognizance release did
not take place until after 8pm July 16th, 2019 well
after bed date. Mrs. Erika Ballou has still not ordered or requested
an application for "Drug Court", or responded via mail or telephone
Gonzales vs. State, Nev. 2016

Continued →

II. ARGUMENT

Defendant, Daine Anton Crawley, asserts that he/she is being denied his/her right to effective representation due to wholly inadequate actions of his/her court-appointed counsel. Further, counsel's actions constitute a violation of the Defendant's due process rights under the following cases, statutes, and/or rules of professional conduct:

Public Defender Erika Ballou declined to review documents regarding the defendants mental Health | Substance Abuse issues during the July 11th, 2019 preliminary hearing, indicated the lack of representation in requesting Body Cam footage (The lack of), evidence and/or witnesses that may have made statements resulting in the probable cause and/or illegal search and seizure on the night in question of June 12th, 2019. It is the request to have Mrs. Erika Ballou dismissed as counsel, as it appears she maybe in cahoots with the District Attorney in not having the "motion to withdraw guilty plea / evidentiary hearing" dated October 1st, 2019, filed in District Court before sentencing date. This motion is being filed without prejudice and factual in all aspects. It is the defendants request that motion be granted with no prejudice shown by DA. Buffalo vs. State, Nev. 1995, Young vs. State, Nev. 2004 Rule 4.1, Rule 4.2, Rule 6.4, Mitchell vs. State Nev. 1993, Mayer vs State

WHEREFORE, the undersigned prays that the court grant Defendant's Motion to Dismiss Counsel and Appoint Alternate Counsel.

DATED THIS 22nd day of October, 2019.

Respectfully submitted,

Daine Anton Crawley
Defendant

7031173

Daine Crawley #7031173
CCDC
330 S. Casino Center Blvd
Las Vegas, NV 89101

SENT FROM CCDC

Clerk of The District Court
200 Lewis Avenue, 3rd Floor
Las Vegas, NV 89155-1160

89101-830000



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THIS ENVELOPE IS RECYCLABLE AND MADE WITH 30% POST CONSUMER CONTENT

"LEGAL MAIL"



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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Electronically Filed
10/30/2019 10:50 AM
Steven D. Grierson
CLERK OF THE COURT



State of Nevada
vs
Daine Crawley

Case No.: C-19-341735-1

Department 6

NOTICE OF HEARING

Please be advised that the Defendant's Motion to Dismiss Counsel and Appoint Alternate Counsel in the above-entitled matter is set for hearing as follows:

Date: November 18, 2019

Time: 9:30 AM

Location: RJC Courtroom 10C
Regional Justice Center
200 Lewis Ave.
Las Vegas, NV 89101

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

STEVEN D. GRIERSON, CEO/Clerk of the Court

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

CERTIFICATE OF SERVICE

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

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



1 RTRAN

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5 DISTRICT COURT
6 CLARK COUNTY, NEVADA

7
8 THE STATE OF NEVADA,
9 Plaintiff,

CASE NO: C-19-341735-1

DEPT. NO. VI

10 vs.

11 DAINE ANTON CRAWLEY,
12 Defendant.

13
14 BEFORE THE HONORABLE JACQUELINE M. BLUTH DISTRICT COURT JUDGE,

15 WEDNESDAY, NOVEMBER 13, 2019

16 **RECORDER'S TRANSCRIPT OF HEARING RE:**
17 **ALL PENDING MOTIONS**

18 APPEARANCES:

19 For the State: SHANON L. CLOWERS, ESQ.
20 Chief Deputy District Attorney

21
22 For the Defendant: ERIKA D. BALLOU, ESQ.
23 Deputy Public Defender

24
25 RECORDED BY: PATTI SLATTERY, COURT RECORDER

1 Las Vegas, Nevada; Wednesday, November 13, 2019

2 [Proceeding commenced at 11:52 a.m.]

3
4 THE COURT: Page 40, C341735, State versus Daine
5 Crawley. Defendant in custody. Ms. Ballou on his behalf. Ms. Clowers
6 on behalf of the State.

7 So this was the time and date set for sentencing, but then I
8 saw a motion filed on behalf of the Defendant set for November 18th. So
9 I --

10 MS. BALLOU: I just got a motion to dismiss counsel. I didn't
11 have a date for it.

12 THE COURT: I think it's set for November 18th.

13 THE DEFENDANT: I have documents, ma'am, if I can
14 forward them to you.

15 THE COURT: What are they?

16 THE DEFENDANT: Documents from the court stating about
17 this hearing in -- on the 18th.

18 THE COURT: Okay.

19 MS. BALLOU: Can I take a look?

20 THE DEFENDANT: Yeah, just forward everything.

21 MS. BALLOU: I'm just going to show them to the State as
22 well.

23 THE DEFENDANT: That was for you, ma'am.

24 THE COURT: Okay. Anything that you hand over have to be
25 -- has to be shown to the State.

1 THE DEFENDANT: Okay. As long as it gets to you. Thank
2 you.

3 THE COURT: Yeah, it'll -- it'll get here.

4 [Colloquy between counsel]

5 MS. BALLOU: And, Your Honor, this is a motion to withdraw
6 a guilty plea evidentiary hearing and a motion that neither Ms. Clowers
7 nor myself have ever seen before and then a notice of hearing for
8 November 18th and then a letter from him as well --

9 THE COURT: All right.

10 MS. BALLOU: -- that I've also never seen. Do you want me
11 to approach with these?

12 THE COURT: Yes, please.

13 MS. BALLOU: Okay. And, again, I've seen -- I'm seeing
14 these for the first time right now --

15 THE COURT: Okay.

16 MS. BALLOU: -- so I haven't had an opportunity to go through
17 them. The motion that I've got is a motion to dismiss counsel and
18 appoint alternate counsel that didn't have a date on it, but I got a call
19 from your law clerk saying that that was going to be heard this morning,
20 so that's what I was prepared for.

21 THE COURT: Okay. All right. So you are seeking to
22 withdraw your guilty plea; right?

23 THE DEFENDANT: Yes, ma'am. Just a quick overlay of
24 what's going on. Since August I've been trying to make contact with the
25 Public Defender's Office by phone and -- phone and mail. Nobody's

1 responded. Just like this morning, she still hasn't spoken to me about
2 anything.

3 October 1st one was sent to the Court for the motion to
4 withdraw a plea. The Court sent her a copy and I also sent her a copy
5 on October 1st. That's what that said it was received on October 8th, I
6 believe is on that letter.

7 THE COURT: Okay.

8 THE DEFENDANT: And just the main concern was mostly
9 too is the PSI had some incorrect information. I would hope to try to
10 have another evaluation done.

11 THE COURT: So what is it that you -- why do you want to
12 withdraw your guilty plea, though?

13 THE DEFENDANT: I wrote the motion. I just submitted it.
14 There's -- I believe there's evidence that that would prove otherwise that
15 I'm not guilty. There is, you know, body camera evidence.

16 THE COURT: Well, so -- but there has to be legal basis of
17 why --

18 THE DEFENDANT: It's in the motion.

19 THE COURT: -- why you feel like you can withdraw your
20 guilty plea. So what happens is I have to appoint another attorney --

21 THE DEFENDANT: Yes, ma'am.

22 THE COURT: -- to see if there's a valid reason for you to
23 withdraw your guilty plea.

24 THE DEFENDANT: Yes, ma'am. I would just like for you to
25 read the motion. I took time to write it myself.

1 THE COURT: No. I understand that.

2 THE DEFENDANT: I cited different cases and also,
3 you know --

4 THE COURT: So what will happen though, see you're not --
5 you're not your own attorney --

6 THE DEFENDANT: I understand.

7 THE COURT: So I have to appoint an attorney who will get a
8 copy of this and will be able -- if he believes or she believes that you
9 have a valid basis to withdraw your guilty plea, they then file a motion.

10 THE DEFENDANT: Yes, ma'am. I'd just been trying since
11 August, you know. And I've gotten nowhere with any -- you know,
12 anybody in the Public Defender's Office whatsoever.

13 THE COURT: Sure. So what we're going to do is we're going
14 to set this for next week for confirmation of counsel in regards to the
15 limited motion of whether or not the Defendant has a basis to withdraw
16 his plea. So we'll have this stapled and filed on behalf of the Defendant
17 as a left side filing, so that the defense attorney who's appointed -- you
18 could just staple it all together if you want.

19 THE COURT CLERK: Sure.

20 MS. BALLOU: And, Your Honor, who are you going to
21 appoint because I could send them the discovery?

22 THE COURT CLERK: Next in line will be Carl Arnold.

23 THE DEFENDANT: One last thing. I've been trying to get an
24 evaluation for drug court program. How do I go about doing that the
25 correct way? I wrote a letter to Specialty Court Coordinator, but I

1 haven't received any response. I just want to know how to go about it
2 correctly.

3 MS. BALLOU: And, Your Honor, just for the record, I haven't
4 had any contact with Mr. Crawley since the -- the entry of plea on July
5 15th. He was supposed to have received an OR. I haven't had any
6 phone calls from him. I didn't know he was in custody. I came in this
7 morning and said -- and started calling his name over here and then Ms.
8 Sisolak told me he was in custody.

9 THE COURT: Oh.

10 MS. BALLOU: So I had literally no idea. I've never received
11 anything other --

12 THE COURT: Did you pick up a new case?

13 THE DEFENDANT: Yes, ma'am. There's an underlying issue
14 on something further.

15 THE COURT: So you have another case in the system?

16 THE DEFENDANT: It's -- it's already being trailed with this.
17 It's an already concurrent sentence with this one.

18 THE COURT: Okay. Hold on. Just wait. Did you ever get
19 out on my case? Were you OR'd and got out?

20 THE DEFENDANT: This is the issue at hand.

21 THE COURT: Okay, no. I need you to answer yes or no. Did
22 you get out on my case?

23 THE DEFENDANT: I was released --

24 THE COURT: I am not playing this game. I just need you to
25 say yes or no.

1 THE DEFENDANT: -- over 24 hours after I was supposed to
2 do the sign in, yes, ma'am. And I did -- I was supposed to go into a
3 program that they did not allow me to enter.

4 THE COURT: What program?

5 THE DEFENDANT: It's all in the outlined information right
6 there, ma'am.

7 MS. BALLOU: So -- so just for the record, Your Honor, again,
8 my social --

9 THE DEFENDANT: She's playing the district attorney right
10 here, you know, what I mean?

11 THE COURT: No, she's not. She's trying to help you.

12 THE DEFENDANT: I'm sorry. I apologize, but I need a real
13 attorney.

14 MS. BALLOU: My social workers were trying to get in contact
15 with him. We tried to contact him through the information that he told us.
16 We had -- I had literally no idea he was in custody. If I had known that, I
17 would have had some additional information at the time prepared for the
18 sentencing. But I didn't receive any phone calls. I didn't receive any
19 letters or anything, so I didn't know he was in custody. The only thing I
20 received was this from the Court which is the motion to dismiss counsel
21 and appoint alternate counsel, and again I was anticipating him being
22 out of custody, so I didn't know that he was trying to reach me.

23 You can call the Public Defender's Office. I've told everybody
24 that. If you can't reach me because I'm not sitting at my desk if you call
25 the front desk, you can -- you can get through and leave a message. So

1 I don't know -- I didn't know he was custody and I didn't have any other
2 information.

3 THE COURT: All right. So here's the -- the thing. We're
4 talking about two different things, right. So you want to withdraw your
5 guilty plea, that's -- we've taken care of that.

6 THE DEFENDANT: Yes, ma'am.

7 THE COURT: You're getting a new attorney to look at that.
8 Drug Court only happens is if you have a plea, right? So you're trying to
9 get out of this guilty plea and -- but you want to get into Drug Court?
10 You can't get into Drug Court until you've entered a plea guilty.

11 THE DEFENDANT: I understand. I was just trying to have
12 that as an option as I have been --

13 THE COURT: Sure.

14 THE DEFENDANT: -- since April even before all these cases,
15 you know.

16 THE COURT: Right.

17 THE DEFENDANT: I was trying to address these issues a
18 long time ago.

19 THE COURT: Sure.

20 THE DEFENDANT: But she is aware of that part.

21 THE COURT: So we can only deal with B until we figure out
22 A. So if you have a valid basis to withdraw your guilty plea, then we
23 wouldn't be considering any treatment options, right, because you want
24 to back out of your deal. Which is fine, that's your right.

25 THE DEFENDANT: Yes, ma'am.

1 THE COURT: So we got to deal with one thing at a time. So
2 Mr. Arnold has been appointed.

3 THE DEFENDANT: Yes, ma'am.

4 THE COURT: He's going to confirm next week. He's going to
5 look through your file and see if there's a valid basis to withdraw your
6 guilty plea. If there is, he'll file a motion. If he finds that there is not,
7 then we'll go forward with sentencing. And Ms. Ballou or whoever is
8 representing you can look into Drug Court options.

9 MS. CLOWERS: And, Judge, I will note that he did --

10 THE DEFENDANT: Well --

11 MS. CLOWERS: -- he was arrested on -- on August 9th, 2019
12 for grand larceny in 19F16376X. I don't have the status of that though.

13 THE COURT: Okay.

14 THE DEFENDANT: It's scheduled for tomorrow.

15 THE COURT: Okay. All right. So let's come back next week
16 for confirmation of counsel.

17 THE DEFENDANT: All right. Thank you and I apologize,
18 ma'am.

19 THE COURT CLERK: Confirmation of counsel November
20 20th, 9:30, Carl Arnold. So PD staying in the case at this point or do you
21 want me to withdraw him?

22 THE COURT: So if Carl will be appointed for the, yeah, sole
23 basis of the motion to withdraw, but the PD will remain on the case
24 outside of that.

25 THE COURT CLERK: Thank you.

1 MS. BALLOU: And, Your Honor, just for the record again, I'm
2 in trial next week. I'm going to email Mr. Arnold the discovery, so he can
3 make sure he doesn't have a conflict. If we are back on it for
4 sentencing, I'd ask somebody to just let me know so that I can apply for
5 Drug Court and some other programming for him.

6 THE COURT: Okay.

7 MS. BALLOU: Thank you.

8 [Proceeding concluded at 12:00 p.m.]

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21 ATTEST: I do hereby certify that I have truly and correctly transcribed the
22 audio/video proceedings in the above-entitled case to the best of my ability.

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Deloris Scott
Court Recorder/Transcriber



1 **NOTC**
2 **STEVEN B. WOLFSON**
3 **Clark County District Attorney**
4 **Nevada Bar #001565**
5 **SHANON CLOWERS**
6 **Chief Deputy District Attorney**
7 **Nevada Bar #010008**
8 **200 Lewis Avenue**
9 **Las Vegas, Nevada 89155-2212**
10 **(702) 671-2500**
11 **Attorney for Plaintiff**

7 **DISTRICT COURT**
8 **CLARK COUNTY, NEVADA**

9 **THE STATE OF NEVADA,**
10 **Plaintiff,**

11 **-vs-**

12 **DAINE ANTON CRAWLEY,**
13 **#7031173**

14 **Defendant.**

CASE NO: C-19-341735-1

DEPT NO: VI

15 **STATE'S NOTICE OF INTENT TO SEEK PUNISHMENT AS**
16 **A HABITUAL CRIMINAL**

17 **TO: DAINÉ ANTON CRAWLEY, Defendant; and**

18 **TO: PUBLIC DEPUTY PUBLIC DEFENDER, Counsel of Record:**

19 **YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that pursuant to NRS**
20 **207.010, the STATE OF NEVADA will seek punishment of Defendant DAINÉ ANTON**
21 **CRAWLEY, as a habitual criminal in the event of a felony conviction in the above-entitled**
22 **action.**

23 **That in the event of a felony conviction in the above-entitled action, the STATE OF**
24 **NEVADA will ask the court to sentence Defendant DAINÉ ANTON CRAWLEY as a habitual**
25 **criminal based upon the following felony convictions, to-wit:**

26 **1. That on or about 2010, the Defendant was convicted in the State of**
27 **Virginia, for the crime of Conspiracy to Commit Felony (felony) in CR10F01924.**

28 **2. That on or about 2010, the Defendant was convicted in the State of**
Virginia, for the crime of Grand Larceny (felony) in CR10F01926.

1 3. That on or about 2010, the Defendant was convicted in the State of
2 Virginia, for the crime of Grand Larceny (felony) in CR10F01925.

3 4. That on or about 2014, the Defendant was convicted in the State of
4 Virginia, for the crime of Possess Schedule I or II (felony) in CR14F03523.

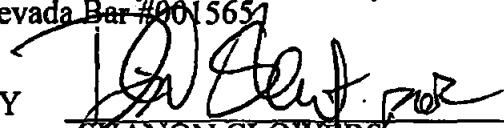
5 5. That on or about 2014, the Defendant was convicted in the State of
6 Virginia, for the crime of Grand Larceny (felony) in CR14F02472.

7 6. That on or about 2016, the Defendant was convicted in the State of
8 California, for the crime of Bring Controlled Substance/Etc. into Prison/Etc. (felony) in
9 16WF0150.

10 7. That on or about 2016, the Defendant was convicted in the State of
11 Nevada, for the crime of Attempt Grand Larceny (felony) in C-16-318889-1.

12 STEVEN B. WOLFSON
13 Clark County District Attorney
14 Nevada Bar #0015651

15 BY


16 SHANON CLOWERS
17 Chief Deputy District Attorney
18 Nevada Bar #010008


19 CERTIFICATE OF SERVICE

20 I certify that on the 19th day of Nov., 2019, I mailed a copy of the foregoing Notice

21 to:

22 pdclerk@clarkcountynv.gov

23 BY


24 R. JACKSON
25 Secretary for the District Attorney's Office

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28 19F11843X/rmj/L3



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RTRAN

DISTRICT COURT
CLARK COUNTY, NEVADA

STATE OF NEVADA,
Plaintiff,

vs.

DAINE CRAWLEY,
Defendant.

CASE NO. C-19-341735-1

DEPT NO. VI

BEFORE THE HONORABLE CHARLES THOMPSON, DISTRICT COURT JUDGE

WEDNESDAY, NOVEMBER 20, 2019

RECORDER'S TRANSCRIPT OF HEARING:

ALL PENDING MOTIONS

APPEARANCES:

For the State:

SARAH OVERLY, ESQ.
Deputy District Attorney

For the Defendant:

ERIKA D. BALLOU, ESQ.,
Deputy Public Defender

CARL E. ARNOLD, ESQ.

RECORDED BY: DE'AWNA TAKAS, COURT RECORDER

1 Las Vegas, Nevada; Wednesday, November 20, 2019

2 [Proceeding commenced at 10:05 a.m.]

3
4 THE COURT CLERK: C-19-341735-1, State of Nevada
5 versus Daine Anton Crawley.

6 THE COURT: The record reflect the presence of the
7 defendant in custody with the Public Defender. It's on calendar --

8 MS. BALLOU: Confirmation of counsel for Mr. Arnold. I e-
9 mailed --

10 THE COURT: -- for Mr. Arnold to -- to confirm as counsel.
11 Mr. Arnold?

12 MS. BALLOU: -- I e-mailed him the discovery on the 13th with
13 a red receipt and he did read it.

14 MR. ARNOLD: Yeah. And I can confirm, Your Honor.

15 MS. OVERLY: And, Your Honor, the defendant has another
16 case that he pled guilty to after entering his plea in this case and that's
17 set for sentencing on 12/12. So -- and in that case, they agreed to run
18 his sentence concurrent to our case so if we want to set this sentence
19 date before 12/12, that's fine with the State.

20 MR. ARNOLD: Well --

21 MS. BALLOU: It's actually just to see if he is allowed to
22 withdraw his plea.

23 MR. ARNOLD: Yeah. He wants to --

24 MS. OVERLY: Oh, is that what it is?

25 THE COURT: Yeah. He wants to withdraw --

1 MS. BALLOU: Yes. And that's what --
2 THE COURT: -- his plea?
3 MS. OVERLY: In this case?
4 MS. BALLOU: Yes.
5 MS. OVERLY: But not the other case.
6 MS. BALLOU: I have no idea about the other case.
7 MS. OVERLY: Well, subsequently pled in that case and he's
8 got a sentencing date. So, I wasn't aware he sought to withdraw his
9 plea in this case.
10 THE COURT: I didn't understand that he wanted to withdraw
11 his plea in this case. I thought he just was unhappy with Ms. Ballou and
12 the Court permitted the --
13 MS. BALLOU: No. She made it clear at the last hearing that
14 Mr. Arnold is only on for the purposes of withdrawing his plea --
15 THE COURT: Oh.
16 MS. BALLOU: And that if he's -- there is no reason to
17 withdraw his plea then he comes back to me for sentencing.
18 THE COURT: Okay. Have you discussed this with your
19 client?
20 MR. ARNOLD: No. Your Honor, I haven't been appointed.
21 I'm confirming today. I wouldn't be able to look at it until, you know, after
22 the holidays in January. So I would just ask the Court for that at least on
23 January 15th to set it for a status in regards to whether he can withdraw
24 his plea or not.
25 THE COURT: All right.

1 THE COURT CLERK: Status check withdrawal of plea
2 January 15th, 9:30.
3 THE COURT: And put it on for sentencing too because --
4 THE COURT CLERK: Yes, Your Honor.
5 THE COURT: -- if he doesn't withdraw his plea then we'll --
6 we'll go ahead with sentencing.
7 THE COURT CLERK: Status check withdrawal
8 THE DEFENDANT: Thank you, sir.
9 THE COURT CLERK: -- of plea sentencing January 15th,
10 9:30.
11 MS. OVERLY: I'm sorry. What was that date again?
12 THE COURT CLERK: January 15th, 9:30.

13 [Proceedings concluded at 10:08 a.m.]
14

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21 ATTEST: I do hereby certify that I have truly and correctly transcribed
22 the audio/video proceedings in the above-entitled case to the best of my
23 ability.
24



Charisse Ward
Court Recorder/Transcriber



1 RTRAN

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5 DISTRICT COURT
6 CLARK COUNTY, NEVADA

7
8 STATE OF NEVADA,
9 Plaintiff,

10 vs.

11 DAINE CRAWLEY,
12 Defendant.

) CASE NO. C-19-341735-1
)
) DEPT NO. VI
)
)
)
)

13
14 BEFORE THE HONORABLE JACQUELINE M. BLUTH, DISTRICT COURT JUDGE

15 WEDNESDAY, JANUARY 15, 2020

16 **RECORDER'S TRANSCRIPT OF HEARING:**

17 **ALL PENDING MOTIONS**

18
19 APPEARANCES:

20 For the State: ELISE CONLIN, ESQ.
21 Deputy District Attorney

22 For the Defendant: CARL E. ARNOLD, ESQ.

23
24
25 RECORDED BY: DE'AWNA TAKAS, COURT RECORDER

1 Las Vegas, Nevada; Wednesday, January 15, 2020

2 [Proceeding commenced at 10:06 a.m.]

3
4 THE COURT: C341735, State of Nevada versus Daine Anton
5 Crawley. He's present in custody. Mr. Arnold on his behalf. This is --
6 where are we at with this?

7 MR. ARNOLD: Your Honor, I'm just going to ask for two more
8 weeks. He gave me a letter. I just went over it this morning and I do
9 believe he does have a basis for withdrawal of the guilty plea and so I'll
10 probably file it in the next week or so.

11 THE COURT: All right. So let's do a status check. Let's just
12 pass this over for two weeks please.

13 THE DEFENDANT: Thank you, ma'am.

14 THE COURT CLERK: January 29th, 9:30.

15 MR. ARNOLD: Thank you, Your Honor.

16 [Proceedings concluded at 10:07 a.m.]

17
18 * * * * *

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20 ATTEST: I do hereby certify that I have truly and correctly transcribed
21 the audio/video proceedings in the above-entitled case to the best of my
22 ability.

23 

24 Charisse Ward
25 Court Recorder/Transcriber



1 RTRAN

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5 DISTRICT COURT
6 CLARK COUNTY, NEVADA
7

8 STATE OF NEVADA,
9 Plaintiff,

CASE NO. C-19-341735-1

DEPT NO. VI

10 vs.

11 DAINE CRAWLEY,
12 Defendant.

13
14 BEFORE THE HONORABLE JACQUELINE M. BLUTH, DISTRICT COURT JUDGE

15 WEDNESDAY, JANUARY 29, 2020

16 **RECORDER'S TRANSCRIPT OF HEARING:**

17 **ALL PENDING MOTIONS**
18

19 **APPEARANCES:**

20 For the State:

ELISE CONLIN, ESQ.
Deputy District Attorney

22 For the Defendant:

CARL E. ARNOLD, ESQ.

23
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25 RECORDED BY: DE'AWNA TAKAS, COURT RECORDER

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Las Vegas, Nevada; Wednesday, January 29, 2020
[Proceeding commenced at 9:52 a.m.]

THE COURT: C341735-1, State of Nevada versus Daine Anton Crawley. Mr. Crawley is present in custody. Mr. Arnold on his behalf. Ms. Conlin on behalf of the State. This is a status check in regards to the Defendant's Motion to Withdraw Guilty Plea.

MR. ARNOLD: Your Honor, I was attempting to negotiate the case last night with Mr. Stanton. I just was informed that they're not going to go for the negotiations so I'll file the motion today or tomorrow.

THE COURT: All right. So you want -- well then you'll want to probably do an opposition.

MR. ARNOLD: Correct.

THE COURT: So Mr. Arnold's opposition -- or excuse me -- motion will be due by Friday, the State will have a week to respond and then we'll put it on the following Wednesday please.

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THE COURT CLERK: Yes, Your Honor. Defendant's motion will be due January 31st, State's response will be due February 7th and we'll place that for argument Wednesday, December -- excuse me -- Wednesday, February 19th 9:30.

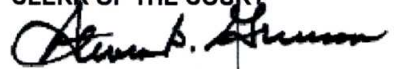
[Proceedings concluded at 9:53 a.m.]

* * * * *

ATTEST: I do hereby certify that I have truly and correctly transcribed the audio/video proceedings in the above-entitled case to the best of my ability.



Charisse Ward
Court Recorder/Transcriber



MOT

CARL E.G. ARNOLD, ESQ.
Nevada Bar No. 8358
LAW OFFICE OF CARL E.G. ARNOLD
1428 South Jones Boulevard
Las Vegas, NV 89146
LVCEGA1@yahoo.com
P : (702) 358-1138
F: (702) 253-6997
Attorneys for Defendant

DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

vs.

DAINE CRAWLEY,

Defendant

Case No.: C-19-341735-1

DEPT.: 6

**MOTION TO WITHDRAW
GUILTY PLEA**

COMES NOW, Defendant Daine Crawley, by and through his attorney of record, CARL E.G. ARNOLD, ESQ., and hereby submits the attached Memorandum of Points and Authorities in support of his motion to withdraw his guilty plea. Mr. Crawley's motion to withdraw guilty plea is made and based upon all papers on file for this case, the attached memorandum of points and authorities, and any oral argument allowed by this Honorable Court.

Dated this 31st day of January, 2020.

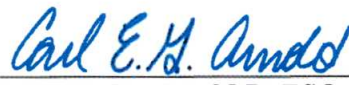


CARL E.G. ARNOLD, ESQ.
1428 S. Jones Blvd.
Las Vegas, Nevada 89146
(702) 358-1138

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2
3 **NOTICE OF HEARING**

4 PLEASE TAKE NOTICE that the undersigned will bring the above and foregoing
5 *Motion to Withdraw Guilty Plea* for DAINE CRAWLEY for hearing before the Court at the
6 courtroom of the above-entitled Court on the ____ day of _____, 2020, at
7 _____m. in Department 6.
8

9 DATED this 31st day of January, 2020.
10

11
12
13 
14 CARL E.G. ARNOLD, ESQ.
15 Nevada Bar No. 8358
16 1428 South Jones Boulevard
17 Las Vegas, NV 89146
18 (702) 358-1138
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23

24 **MEMORANDUM OF POINTS AND AUTHORITIES**

25 **STATEMENT OF THE CASE**
26

27 On July 15, 2019, Mr. Crawley pled guilty to one count of Carrying a Concealed Firearm
28 or Deadly Weapon. As part of the guilty plea, Mr. Crawley was to receive an own recognizance
29 release so he could go to the Crossroads Residential Treatment Center for in patient drug
30 treatment on the same day. Mr. Crawley was not released until July 16, 2019 at 8 p.m. and a bed
31 was no longer available for Mr. Crawley. Accordingly, Mr. Crawley did not receive the benefit of
32 the guilty plea agreement that he was most interested in, which was a timely release so he could
33 be accepted to the in patient treatment program.
34

35 Moreover, Mr. Crawley learned when he was placed back into custody after committing a
36 new crime on August 9, 2019, that he was subject to illegal search and seizure relating to his
37 arrest for the crime on June 12, 2019. Specifically, Mr. Crawley believes that Body Camera
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1 footage, in the State's possession, will demonstrate that the police never had probable cause to
3 commence the stop and search of Mr. Crawley.

5 LEGAL ARGUMENT

7 District courts may grant a motion to withdraw a guilty plea prior to sentencing for any
9 substantial, fair and just reason. Crawford v. State, 30 P.3d 1123, 1125 (Nev. 2001).

11 Accordingly, Nevada trial and appellate courts must apply a more relaxed standard to presentence
13 motions to withdraw guilty pleas than to post-sentencing motions. Molina v. State, 87 P.3d 533,
15 537 (Nev. 2004), NRS 176.165. To determine whether the defendant advanced a substantial, fair,
17 and just reason to withdraw a plea, the district court must consider the totality of the
19 circumstances to determine whether the defendant entered the plea voluntarily, knowingly, and
21 intelligently. State v. Freese, 116 Nev. 1097 (2000).

23
25 Mr. Crawley did not receive the benefit of the bargain by being immediately released on
27 his own recognizance after the entry of his guilty plea. Consequently, he lost his placement at the
29 in patient treatment program. Moreover, Mr. Crawley learned that the police did not have
31 probable cause to stop and search him in the first instant and that his prior counsel did not review
33 the Body Camera footage to argue the illegal search by motion to this Court. Accordingly, Mr.
35 Crawley's plea was not completely knowing and voluntary since he did not obtain all the
37 information necessary to make an informed decision regarding his guilty plea and the benefits of
39 the bargain.

1 footage, in the State's possession, will demonstrate that the police never had probable cause to
3 commence the stop and search of Mr. Crawley.

5 LEGAL ARGUMENT

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9 substantial, fair and just reason. Crawford v. State, 30 P.3d 1123, 1125 (Nev. 2001).

11 Accordingly, Nevada trial and appellate courts must apply a more relaxed standard to presentence
13 motions to withdraw guilty pleas than to post-sentencing motions. Molina v. State, 87 P.3d 533,
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17 and just reason to withdraw a plea, the district court must consider the totality of the
19 circumstances to determine whether the defendant entered the plea voluntarily, knowingly, and
21 intelligently. State v. Freese, 116 Nev. 1097 (2000).

23 Mr. Crawley did not receive the benefit of the bargain by being immediately released on
25 his own recognizance after the entry of his guilty plea. Consequently, he lost his placement at the
27 in patient treatment program. Moreover, Mr. Crawley learned that the police did not have
29 probable cause to stop and search him in the first instant and that his prior counsel did not review
31 the Body Camera footage to argue the illegal search by motion to this Court. Accordingly, Mr.
33 Crawley's plea was not completely knowing and voluntary since he did not obtain all the
35 information necessary to make an informed decision regarding his guilty plea and the benefits of
37 the bargain.
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CONCLUSION

Based on the foregoing arguments, Mr. Crawley prays that this Honorable Court grant the Motion to Withdraw Guilty Plea.

Dated this 31st of January, 2020.

RESPECTFULLY SUBMITTED BY:



CARL E.G. ARNOLD, ESQ.
Nevada Bar No. 008358
LVCEGA1@yahoo.com
1428 S. Jones Blvd.
Las Vegas, Nevada 89146

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CERTIFICATE OF SERVICE

This certifies that this office has forwarded electronically a copy of **Motion to Withdraw Guilty Plea** on January 31, 2020, by sending the attached to motions@clarkcountyda.com



Employee

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**DISTRICT COURT
CLARK COUNTY, NEVADA

Electronically Filed
1/31/2020 11:23 AM
Steven D. Grierson
CLERK OF THE COURT



State of Nevada
vs
Daine Crawley

Case No.: C-19-341735-1

Department 6

NOTICE OF HEARING

Please be advised that the Defendant's Motion to Withdraw Guilty Plea in the above-entitled matter is set for hearing as follows:

Date: February 12, 2020

Time: 9:30 AM

Location: RJC Courtroom 10C
Regional Justice Center
200 Lewis Ave.
Las Vegas, NV 89101

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

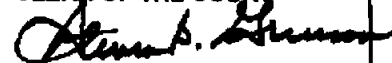
STEVEN D. GRIERSON, CEO/Clerk of the Court

By: /s/ Marie Kramer
Deputy Clerk of the Court

CERTIFICATE OF SERVICE

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

By: /s/ Marie Kramer
Deputy Clerk of the Court



1 **OPPS**
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 DAVID STANTON
6 Chief Deputy District Attorney
7 Nevada Bar #003202
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,
10 Plaintiff,

11 -vs-

12 DAINE ANTON CRAWLEY,
13 #7031173

14 Defendant.

CASE NO: C-19-341735-1

DEPT NO: VI

15 **STATE'S OPPOSITION TO DEFENDANT'S MOTION TO WITHDRAW GUILTY**
16 **PLEA**

17 DATE OF HEARING: FEBRUARY 19, 2020
18 TIME OF HEARING: 9:30 A.M.

19 COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, Clark County
20 District Attorney, through DAVID STANTON, Chief Deputy District Attorney, and hereby
21 submits the attached Points and Authorities in Opposition to Defendant's Motion To Withdraw
22 Guilty Plea.

23 This Opposition is made and based upon all the papers and pleadings on file herein, the
24 attached points and authorities in support hereof, and oral argument at the time of hearing, if
25 deemed necessary by this Honorable Court.

26 //

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//

1 POINTS AND AUTHORITIES

2 There are two fatal defects in the instant Motion. First, CRAWLEY fails to present
3 evidence to this Court to support that there was a failure to "receive the benefit of the guilty
4 plea." Second, these allegations, even if true, does not meet the legal standard to support
5 granting the relief requested, to wit, withdrawal of his voluntary plea of guilt.

6 CRAWLEY complains that he was released one date after his guilty plea and that
7 tardiness prevented him from being accepted into a treatment program. CRAWLEY offers no
8 evidence to support such an unusual claim. Proof of that claim is required before this Court
9 should even entertain the next component of CRAWLEY's argument. Thus, assuming
10 arguendo, that such a minor delay did in fact prevent his entry into a particular treatment
11 program, there is no relevant argument made how that would satisfy the legal requirements of
12 *Stevenson v. State*, 131 Nev. 598, 603, 354 P.3d 1277, 1281 (2015).

13 Next, the State did not violate the guilty plea agreement and therefore that is not a basis
14 to have the guilty plea withdrawn. No "delay" occurred in this case and as previously stated
15 *supra* there is no evidence to support the claim that any "delay" caused CRAWLEY to not be
16 admitted to a treatment program.

17 Consistent with a complete failure to present this Court with any evidence to support
18 his claim, CRAWLEY claims that his plea is involuntary because his prior counsel failed to
19 review the bodycam footage to establish that the search of his person and effects had been
20 violated by police. Attached hereto as Exhibit 1 is the police report in this case. The search
21 of CRAWLEY was based upon numerous citizen/witnesses describing to officers that
22 CRAWLEY confronted people in the Excalibur parking lot with a knife. Further, police were
23 told that CRAWLEY attempted to carjack an SUV with 3 women in the car. They were
24 successful in speeding away from CRAWLEY after he had ripped open the door to the SUV.

25 There is no issue legal/factual basis of the detention, arrest or search of CRAWLEY.

26 Finally, the words of the Nevada Supreme Court ring true in this case with the warning
27 the Court gave at the conclusion of their opinion in *Stevenson*:

28 ///

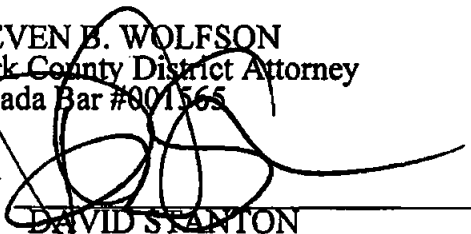
1 Considering the totality of the circumstances, we have no difficulty in
2 concluding that Stevenson failed to present a sufficient reason to permit
3 withdrawal of his plea. Permitting him to withdraw his plea under the
4 circumstances would allow the solemn entry of a guilty plea to "become a mere
gesture, a temporary and meaningless formality reversible at the defendant's
whim." *Barker*, 514 F.2d at 221. This we cannot allow.

5 *Stevenson v. State*, 354 P.3d 1277, 1281-82 (Nev. 2015).

6 DATED this 14th day of February, 2020.

7 Respectfully submitted,

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

10 BY 
11 DAVID STANTON
12 Chief Deputy District Attorney
13 Nevada Bar #003202

14 **CERTIFICATE OF ELECTRONIC FILING**

15 I hereby certify that service of State's Opposition to Defendant's Motion to Withdraw
16 Guilty Plea, was made this 14th day of February, 2020, by Electronic Filing to:

17 CARL E. ARNOLD, ESQ.
18 lvcegal@yahoo.com

19 
20 Secretary for the District Attorney's Office
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28 19F11843X/DS/rmj/L3

EXHIBIT “1”

**LAS VEGAS METROPOLITAN POLICE DEPARTMENT
DECLARATION OF ARREST REPORT**

TCR1026989

☐ County Jail

☐ City Jail

☐ Adult

☐ Juvenile

Bureau: CCAC

ID# 7031173		EVENT # LLV190800056903		ARRESTEE'S NAME (LAST) CRAWLEY			(FIRST) DAINE	(MIDDLE) ANTON	SSN# 610-07-0540
RACE W	SEX M	DOB 3/21/1986	HGT 5'08"	WGT 130	HAIR BLK	EYES BRO	POB RIVERSIDE		
ARRESTEE'S ADDRESS TRANSIENT						CITY LAS VEGAS	STATE NV	ZIP CODE 89109	
OCCURRED DATE: 6/12/2019		TIME: 21:01		ARREST DATE: 6/12/2019		TIME: 21:01		LOCATION OF ARREST (NUMBER, STREET, CITY, STATE, ZIP CODE) 3850 LAS VEGAS BLVD S LAS VEGAS NEVADA 89109	
LOCATION OF CRIME (NUMBER, STREET, CITY, STATE, ZIP CODE) 3850 LAS VEGAS BLVD S LAS VEGAS NEVADA 89109									
CHARGES / OFFENSES PC - JC - 50201 - F - ASSAULT, WDW									
CONNECTING REPORTS (TYPE OR EVENT NUMBER) FELONY ARREST PACKET									

The undersigned makes the following declarations subject to the penalty of perjury and says: That I am a peace officer with the Las Vegas Metropolitan Police Department, Clark County, Nevada, being so employed for a period of approximately 1 year(s).

That I learned the following facts and circumstances which lead me to believe that the above named subject committed or was committing the offenses above at the location of 3850 LAS VEGAS BLVD S LAS VEGAS NEVADA 89109 and that the offense(s) occurred at approximately 21:01 hours on the 12th day of June, 2019.

Details for Probable Cause:

On 6/12/19 at approximately 2101 hours I, Officer J. Curry P#17371 while operating as marked patrol unit 3M16 and Officer D. Westhead P#14467 while operating as marked patrol 9M32, were dispatched to 3850 S Las Vegas Blvd Las Vegas, NV 89109 in reference to a person with a knife between the Excalibur and Luxor threatening pedestrians.

I made contact with Matthew Hawkins DOB 01/19/1983 in between the Excalibur and Luxor who made the following statements. Hawkins and his friend, Travis Duun DOB 06/18/85, were walking through the Excalibur hotel parking lot and were approached by a unknown male who was later identified as Daine Crawley DOB 03/21/86. Hawkins stated that Crawley got in his face and started uttering something to him that could not be made out. Crawley reached for something from his back pack while still in the face of Hawkins and as he looked down he saw that Crawley had retrieved a knife in his right hand with the blade exposed. Hawkins stepped away from Crawley to get to a safe distance and felt threatened and in fear. Crawley then approached a silver Mercedes SUV occupied with three females in the parking lot and attempted to open the door and the car was seen accelerating to get away. Crawley then walked up to a another vehicle in the parking lot and hit the window. Hawkins notified police and security, who later took Crawley into custody.

I made contact with Travis Duun who stated that himself and Hawkins were walking through the Excalibur parking lot and Crawley approached him mumbling something that could not be made out. Duun avoided Crawley and walked passed him, while doing so he looked back and saw Crawley stop Hawkins by getting in his face. Duun observed Crawley reach for something and Hawkins jumped back stating he's got a knife. Duun called the police and observed Crawley walk towards a silver Mercedes SUV in the parking lot and attempted to get into the vehicle by opening the door, failing to do so because the vehicle accelerated to get away from Crawley. Crawley then approached another unknown vehicle and hit the window.

Officer's took Crawley into custody and while conducting a pat down a pink knife with a assisted blade was found in his right rear pocket after Crawley made statements that he did not have a knife.

Wherefore, Declarant prays that a finding be made by a magistrate that probable cause exists to hold said person for preliminary hearing (if charges are a felony or gross misdemeanor) or for trial (if charges are misdemeanor).

Arresting Officer: J CURRY

P#: 17371

LVMPO 602 (Rev 02/18) Word 2013

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

CONTINUATION REPORT

SCOPE ID: 7031173 EVENT #: LLV190600356903

Page 2 of 2

Based on the facts and circumstances of Crawley being in the face of Hawkins while holding a knife with the blade exposed causing Hawkins to jump back in fear that he was going to cause bodily harm, Crawley was charged with Assault, W/Dw(F)-NRS 200.471.2B and booked into CCDC accordingly.


***** End *****

Wherefore, Declarant prays that a finding be made by a magistrate that probable cause exists to hold said person for preliminary hearing (if charges are a felony or gross misdemeanor) or for trial (if charges are misdemeanor).

Arresting Officer: J CUPRY

PD: 17371

LVMPD 002 (Rev 02/10) Word 2013



1 RTRAN

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5 DISTRICT COURT
6 CLARK COUNTY, NEVADA

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8 THE STATE OF NEVADA,

9 Plaintiff,

10 vs.

11 DAINE CRAWLEY,

12 Defendant.

CASE NO. C-19-341735-1

DEPT. NO. VI

13
14 BEFORE THE HONORABLE JACQUELINE BLUTH, DISTRICT COURT JUDGE

15 WEDNESDAY, FEBRUARY 19, 2020

16 **RECORDER'S TRANSCRIPT OF HEARING:**

17 **ARGUMENT: DEFENDANT'S MOTION TO WITHDRAW**

18 **GUILTY PLEA AGREEMENT...SENTENCING**

19
20 APPEARANCES:

21 For the State: ROBERT B. TURNER, ESQ.
22 Chief Deputy District Attorney

23 For the Defendant: CARL E. ARNOLD, ESQ.

24
25 RECORDED BY: DE'AWNA TAKAS, COURT RECORDER

1 Las Vegas, Nevada; FEBRUARY 19, 2020

2 [Proceeding commenced at 9:57 a.m.]

3
4 THE COURT: All right. Page 5 is C341735-1, State of
5 Nevada versus Daine Anton Crawley. He's present in custody. Mr.
6 Arnold on his behalf. Mr. Turner on behalf of the State. This is the
7 defendant's motion to withdraw guilty plea agreement. Mr. Arnold, go
8 ahead.

9 MR. ARNOLD: Your Honor, you read the reasons. I just
10 finished reading the State's opposition. We just submit it on the
11 reasonings. I mean, his main reason is that he didn't get out on the day
12 of -- he entered into the plea agreement. He said that was his whole
13 reason for entering into that plea agreement because, you know, that
14 outpatient treatment program was set up for him to be seen on the 15th.
15 And then he gets out on the 16th and there is no bed.

16 He also brought up the contention. In regards to that it was a
17 illegal search. I just got a copy of the police report and discussed that
18 with him. So I think our first basis is sufficient enough to do his motion
19 to withdraw the guilty plea.

20 THE COURT: Mr. Turner, in regards to the first grounds.

21 MR. TURNER: Judge, I think the State's opposition sets forth
22 our position that that's not a valid reason to withdraw the plea. We didn't
23 oppose an O.R., but it's not like that was ever promised to him and
24 obviously the Court canvassed him on that fact.

25 THE COURT: Right.

1 MR. TURNER: It's not a lawful basis for him to withdraw his plea
2 for something that occurred after the fact.

3 THE COURT: All right. So, I mean, I think part of the reason
4 why I do the canvass that I do is to discuss, you know, if there are any
5 promises, any promises for leniency, any type of special treatment and
6 that's why I do that thorough canvass is that so defendants understand
7 that there aren't any promises in -- in place. And so, I don't think that it
8 is a valid reason to withdraw the plea. So I am denying defendant's
9 motion to withdraw the guilty plea agreement.

10 MR. CRAWLEY: Can I speak, please?

11 THE COURT: Sure.

12 MR. CRAWLEY: I guess it's too late. You already denied it,
13 but that was the entire issue and that's why I put in a withdrawal of
14 counsel. And then I had to do -- I've been trying to get rid of this plea
15 agreement since August and I had to get rid -- go through all the motions
16 to get rid of a Public Defender to finally get -- Carl Arnold to help me.

17 You know, the whole entire reason was to go into in-patient
18 treatment at Crossroads. That's the entire reason I took that plea
19 agreement and it wasn't -- they -- they didn't release me for over 36
20 hours after the signing of that plea agreement. That's what was told to
21 me. That's what's in the plea agreement.

22 THE COURT: Right. But you remember when I did the
23 canvass and I discussed you -- you're not promised any special
24 treatment, you can't -- there are no promises that are given, it's
25 completely up to the discretion of the judge. There's no -- you're not

1 promised any specific treatment so if something falls through, it's not
2 necessarily a reason to withdraw your plea.

3 MR. CRAWLEY: Well, why did they tell me that I would be out
4 that day on the 15th and I wasn't going to be?

5 THE COURT: Who?

6 MR. CRAWLEY: Public Defender which she's in here right
7 now. You can ask her yourself. She's here. The -- the whole
8 agreement says it in there that you'll be released upon signing the plea
9 agreement. That's what it says in the plea agreement.

10 THE COURT: Right. You mean O.R. after entry of plea?

11 MR. CRAWLEY: Right.

12 THE COURT: Right. Yeah. I mean, that doesn't mean you
13 go back to court and you go back to jail and you get released right away.

14 MR. CRAWLEY: One -- one other thing that I found later is --
15 is they used the second charge that was actually -- it's over 72. Don't
16 you have a 72-hour window of when you're supposed to be brought
17 before a judge for an arraignment?

18 THE COURT: So, sir --

19 MR. CRAWLEY: I have that information here also. Under
20 the -- the case law *Gonzales versus State*, it says that you are entitled to
21 an evidentiary hearing if we're not released at a specific time that we
22 were told.

23 THE COURT: All right. So those issues are not in front of me
24 today. The issue --

25 MR. CRAWLEY: I got it over here if you would like to read it.

1 THE COURT: No. I know the case. I'm talking about the
2 motions today that are in front of me are the motion to withdraw your
3 guilty plea. I have found that there is not sufficient basis in order to do
4 so. So that motion is denied. So the sentencing -- yes.

5 MR. TURNER: Judge, I know in checking the calendar, that it
6 was also on for sentencing in the event the Court were deny -- to deny
7 the motion. Mr. Stanton is the D.A. that was handling this matter. He
8 would like leave of the court to pass this --

9 THE COURT: Okay.

10 MR. TURNER: -- for a week to do a sentencing
11 memorandum. The defendant is habitual eligible. I informed Mr. Arnold
12 of that fact before court started that we would request time to prepare
13 that.

14 THE COURT: So my understanding, though, is Mr. Arnold,
15 and correct me if I'm wrong, you were just appointed for the purpose of
16 looking at the withdrawal of the plea, correct?

17 MR. ARNOLD: Yes, Your Honor, but I'll assist him with the
18 sentencing. He prefers that I do it as opposed to going back to a Public
19 Defender. I have no problem with that. The only thing in regards to the
20 sentencing, we just checked the file. I don't see a PSI report for this
21 case. And he's already advised me that there's --

22 MR. CRAWLEY: There is one. However, there's issues that I
23 would like to have clarified. It says that I've been in prison six times.
24 I've only been in prison once out here and once in Virginia.

25 THE COURT: All right. So --

1 MR. CRAWLEY: And there's also the -- the details of the
2 case as far as using certain coinage is taking the sentencing structure
3 from 18 to 60 to 12 to 36 which --

4 THE COURT: All right. So, Mr. Arnold, I'm going to set this
5 for two weeks for sentencing. If you -- if there are errors in the PSI that
6 need to be corrected after speaking with your client, would you mind
7 emailing the Court and the State so everybody doesn't prepare for
8 sentencing?

9 MR. ARNOLD: I will, Your Honor. I'll -- I'll probably just do a
10 sentencing memorandum in regards to the errors.

11 THE COURT: Okay.

12 MR. ARNOLD: And have that filed before the --

13 MR. CRAWLEY: Excuse me, I have one last question also.
14 I'm sorry. If -- if -- if they're not allowing me to withdraw the guilty plea,
15 how can they extend and go beyond what the guilty plea agreement was
16 of one to five? Is it still one to five or am I wrong?

17 THE COURT: I -- sir, you're -- it was just on for a motion to
18 withdraw guilty plea. I have 42 people in here. I have no idea what the
19 specifics are of your case. If you're habitual eligible, yeah, it can be way
20 over the one to five.

21 MR. CRAWLEY: Well, I don't have it. That's what I'm saying.
22 In *Gonzales versus State*, the whole case law doesn't pertain to my
23 case?

24 THE COURT: I don't know because, again, this is on for a
25 motion to withdraw guilty plea.

1 MR. CRAWLEY: Right. That's -- it pertains to the guilty plea
2 agreement.

3 THE COURT: Did you put that in your motion?

4 MR. CRAWLEY: You did, right? *Gonzales versus State*?

5 MR. ARNOLD: No. No.

6 MR. CRAWLEY: What -- well, it's in your file right there. I put
7 it -- I sent you one. Can you please look in your file?

8 THE COURT: What file? What file do -- I don't have any file.
9 Sir, you have an attorney. He files the motions.

10 MR. CRAWLEY: Ma'am, that --

11 THE COURT: No. It's my turn.

12 MR. CRAWLEY: Back -- back in November --

13 THE COURT: He filed the motion. It wasn't in there. Your
14 motion is denied.

15 MR. CRAWLEY: It's in the file right there.

16 THE COURT: Next case.

17 THE COURT MARSHAL: Take a seat.

18 THE COURT: Two weeks.

19 MR. CRAWLEY: Man, this is crazy, man.

20 THE COURT MARSHAL: Sit down.

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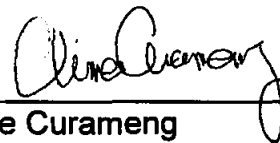
THE COURT CLERK: Sentencing March 4th, 9:30.

MR. CRAWLEY: He ain't giving me special attention.

[Proceeding concluded at 10:04 a.m.]

* * * * *

ATTEST: I do hereby certify that I have truly and correctly transcribed the audio/video proceedings in the above-entitled case to the best of my ability.



Aimee Curameng
Court Recorder/Transcriber



1 **MEMO**
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 DAVID STANTON
6 Chief Deputy District Attorney
7 Nevada Bar #003202
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,

10 Plaintiff,

11 -vs-

12 DAINE ANTON CRAWLEY,
13 #7031173

14 Defendant.

CASE NO: C-19-341735-1

DEPT NO: VI

15 **SENTENCING MEMORANDUM**

16 DATE OF HEARING: MARCH 4, 2020
17 TIME OF HEARING: 9:00 A.M.

18 COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, Clark County
19 District Attorney, through DAVID STANTON, Chief Deputy District Attorney, and hereby
20 submits this Memorandum for the Court's consideration.

21 **STATEMENT OF THE CASE**

22 "Defendant has ten (10) prior felony convictions – he is 33 years old. His felony
23 criminal resume spans three (3) state and almost twenty (20) years. More careful analysis of
24 his prior convictions reveals that many also involve the use of or threat to use force. As such,
25 he represents a significant and ongoing threat to this, or any other community that he resides.

26 ///

27 ///

28 ///

1 STATEMENT OF FACTS

2 NEVADA CASES

3 In April 2016 CRAWLEY stole a woman's purse while using a diversionary technique.
4 The adult female victim ran after CRAWLEY and notified security. CRAWLEY stated a
5 series of elaborate lies to both security personnel and Metro officers upon their arrival.
6 CRAWLEY claimed that the victim's purse "looked like his girlfriends" and he took it to find
7 the ID inside of it to confirm his belief.

8 Additionally, CRAWLEY insisted that his true and correct name was "William James
9 Thomas Harris." Ultimately CCDC personnel were able to correctly identify CRAWLEY via
10 fingerprint identification. Ultimately, CRAWLEY was convicted of Attempted Grand
11 Larceny for this offense before Judge Villani in September 2016. It should be noted that the
12 PSI was an FTA-PSI since CRAWLEY failed to interview with Parole & Probation.

13 In June 2019 police responded to the Excalibur and Luxor casinos in reference to
14 CRAWLEY threatening pedestrians with a knife. Witnesses described to police that
15 CRAWLEY began verbally threatening several pedestrians. Soon after those verbal threats,
16 CRAWLEY pulled out a knife from his backpack and then threatened to kill/injure them.
17 CRAWLEY then approached a vehicle with three (3) female occupants. CRAWLEY
18 attempted to rip open the door while holding a knife. The occupants were so afraid that they
19 sped off. CRAWLEY then walked up to another vehicle and repeatedly struck the car's
20 window in an attempt to gain entry.

21 When police arrived, CRAWLEY denied having a knife on his person, however, police
22 found a knife on his person during a search incident to his arrest. CRAWLEY, prior to his
23 sentencing, committed several misdemeanor offense but also another felony (C19-342881 -
24 Grand Larceny).

25 In that case, committed on August 9, 2019, CRAWLEY stole in excess of \$3,500.00 at
26 Neiman Marcus. It took 3 loss prevention officers to take CRAWLEY into custody based
27 upon his physical resistance to being placed under arrest.

1 ARGUMENT

2 CRAWLEY has had his probation revoked four (4) times under felony sentences. He
3 has repeatedly been arrested for criminal acts while felony charges are pending. CRAWLEY
4 has also been revoked from parole on several occasions. CRAWLEY has served four (4)
5 distinct and separate felony prison terms. He has eight (8) misdemeanor convictions for theft
6 and violence related crimes.

7 CONCLUSION

8 For the reasons set forth above, the State is asking this Court to adjudicate CRAWLEY
9 as a habitual offender and sentence him accordingly.

10 DATED this 2 day of March, 2020.

11 Respectfully submitted,

12 STEVEN B. WOLFSON
13 Clark County District Attorney
14 Nevada Bar #001565

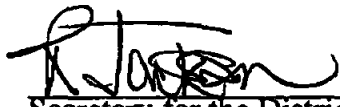
15 BY 

16 DAVID STANTON
17 Chief Deputy District Attorney
18 Nevada Bar #003202

19 CERTIFICATE OF ELECTRONIC FILING

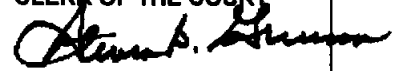
20 I hereby certify that service of Enter document, was made this 3rd day of March 2020,
21 by Electronic Filing to:

22 CARL ARNOLD, ESQ.
23 Lvcegal@yahoo.com

24 

25 Secretary for the District Attorney's Office

26 DS/rmj/L3



1 RTRAN

2
3
4
5 DISTRICT COURT
6 CLARK COUNTY, NEVADA

7 THE STATE OF NEVADA,)

8 Plaintiff,)

9 vs.)

10 DAINE ANTON CRAWLEY,)

11 Defendant.)

CASE NO. C-19-341735-1

DEPT. XI

12
13 BEFORE THE HONORABLE JACQUELINE M. BLUTH,
14 DISTRICT COURT JUDGE
15 WEDNESDAY, MARCH 04, 2020

16 **RECORDER'S TRANSCRIPT OF HEARING:**
17 **SENTENCING**

18
19 APPEARANCES:

20
21 For the Plaintiff:

DAVID M. STANTON, ESQ.

22
23 For the Defendant:

CARL E. ARNOLD, ESQ.

24
25 RECORDED BY: DE'AWNA TAKAS , COURT RECORDER

1 LAS VEGAS, NEVADA; WEDNESDAY, DECEMBER 04, 2020

2 *****

3 [Hearing commenced at 9:33 a.m.]

4 THE COURT: C-341735-1 State of Nevada versus Daine Anton
5 Crawley. I think Mr. Arnold stepped out.

6 MR. ARNOLD: Yeah, I haven't spoken to him.

7 THE COURT: Okay.

8 MR. ARNOLD: Thank you.

9 [Hearing trailed at 9:33 a.m.]

10 [Hearing resumed at 10:04 a.m.]

11 THE COURT: Nevada versus Daine Anton Crawley. He is present in
12 custody. Mr. Arnold on his behalf. Mr. Stanton on behalf of the State. This is
13 the time and date for sentencing. The State does retain the right to argue. I did
14 receive the sentencing memo on behalf of the State today.

15 MR. STANTON: I'm sorry Your Honor.

16 THE COURT: I was just putting everything on the record.

17 MR. STANTON: Oh.

18 THE DEFENDANT: Excuse me, Ma'am.

19 THE COURT: Yeah.

20 THE DEFENDANT: Do you mind if I speak to my attorney?

21 THE COURT: No, we can trail it. Mr. Arnold, can you speak to him?

22 THE DEFENDANT: I don't mean to waste time. I just want to speak
23 to him.

24 THE COURT: No, that's fine. So we'll – I'll just trail this until Mr.
25 Arnold has an opportunity to speak with you.

1 THE DEFENDANT: All right. Thank you Ma'am.

2 [Hearing trailed at 10:04 a.m.]

3 [Hearing resumed at 10:40 a.m.]

4 THE COURT: ...dash 1, State of Nevada versus Daine Anton
5 Crawley, present in custody. Mr. Arnold on his behalf and Mr. Stanton on behalf
6 of the State. This is the time and date set for sentencing. I did receive the
7 Sentencing Memo filed by the State.

8 MR. STANTON: Judge, I'm handing your clerk certified copies of
9 various felony convictions to support the State's argument to this Court this
10 morning that the Defendant should: A, be adjudicated as a habitual offender.
11 And B, the sentence – to argue the underlying sentence within the ranges based
12 upon the Court's finding in that regard.

13 THE COURT: All right. So for the record, I am looking at several
14 exhibits. The PSI shows that the Defendant has convictions of nine felonies.
15 The State has marked for, looks like identification, State's proposed 1C341375
16 [sic] which is a Certified Judgment of Conviction for Possession of Heroin. Mr.
17 Arnold, any objection to the certified judgements of conviction?

18 MR. ARNOLD: The only one -- Mr. Stanton's provided that one. I told
19 him I had an objection to the one from Virginia. The one from Virginia, there's no
20 certification that that was a true and correct copy. The other ones, at first I
21 thought the California one did, in fact -- we found the certification. The one that
22 was certified and submitted that one to the Court. But all the rest of them have
23 the seal, are from Nevada which self authenticate themselves.

24 THE COURT: Mr. Stanton, your position in regards to State's
25 proposed one.

1 MR. STANTON: That it is – or authorized or noted by the Clerk of
2 Court, I believe on page 2. And also it is reflected in the three different PSIs that
3 have been submitted in his felony cases here in Nevada. So corroboration of
4 that conviction, I think is also important to gain its admissibility at a sentencing
5 proceeding.

6 THE COURT: All right. So I do note Mr. Arnold's objection for the
7 record; however, I do see on page 2 it says, "A copy testify, Edward F. Juitt
8 [phonetic], Clerk, Court Clerk," who I assume is a court clerk and says, "By J.
9 Juitt DC." So that in corroboration with the conviction that I see in the PSI. I'm
10 going to admit State's 1.

11 So then State's Proposed 2 is case number: 16003589 which is a
12 Certified Judgment of Conviction, and that does have the seal on it in regards to
13 that, which is a felony for Smuggling Controlled Substance into a Correctional
14 Facility. And then State's Proposed 3, C-34137 – sorry for C-314889 Judgment
15 of Conviction for Attempt Grand Larceny, which was sentenced as to the D
16 felony. That is also certified. That will be admitted.

17 And also, I should state that I do have the State's Notice to Seek
18 Punishment as a Habitual Criminal; however, only – there were seven listed,
19 however. Only – you're only proceeding on three of those today; is that correct?

20 MR. STANTON: Actually a total of – with Virginia, the California and
21 two Nevada warrants outside of this one.

22 THE COURT: All right. So that would be four. This one would be
23 five?

24 MR. STANTON: Correct.

25 THE COURT: All right. State argument.

1 MR. STANTON: Judge, first let me begin by kind of going through the
2 GP – or the PSI beginning on page 4. And I know this Court and certain courts
3 here in the Eighth Judicial District Court are much more qualified at reading not
4 only the black and white PSIs, but reading also what it means and what it can tell
5 you, and I think that's very important in this case.

6 Because ultimately, as the Court indicated, the State is going to ask
7 that you find him an habitual offender. So his, his crime resume spans almost
8 three decades in three different states; it begins in the State of Virginia. And of
9 note, his first felony conviction is after several in the adult system in February of
10 2010 out of Chesterfield County.

11 But what I think is of significant import is the length of time that he's
12 sentenced in that case. It is by the nature of the offense a non-violent offense,
13 but it is certainly serious enough that they impose a substantial underlying – and
14 I'll get to some of the aspects of his performance after being convicted. But it is
15 a large substantial underlying.

16 He violates probation. At the time he's just over 20 years of age. I
17 think he's either 22 or 23, which I'm sure, based upon the nature of the offense at
18 his age may have, in this serious case still gone the probation route, which he
19 violates and he's revoked to his – the substantial underlying term. And they – in
20 the column that says, "20 years unsupervised probation."

21 And then they go to warrant, and that's a pending Nevada extradition
22 off that, because he's still under 20 years of probation. So once again, all of
23 those facts I think tell somebody reading this document that there's more to just
24 what it says in black and white. So now we have probably in the next felony
25 what violates him off the first one.

1 He or – this is occurring during the same period. It's a separate
2 event. This is July of 2010. He suffers here another felony conviction. So this
3 was his criminal conduct that he was caught in conjunction with the February
4 offense. And once again, we had a substantial underlying sentence. The
5 charges are now more serious, because now we're going not just from a pure
6 theft; we're going to, this is from a person.

7 Then we have once again Chesterfield County responding to July of
8 two then -- 2010, another offense, this dealing with theft from another person.
9 And then just look at the Defendant's performance while he's there. Because I'm
10 sure what you're going to hear either from Mr. Arnold or the Defendant himself,
11 that he's got a problem with drugs or he's got some problem.

12 But look at the amount of time that he's offered and is suspended for
13 his conduct and the serious nature of his conduct just in the State of Virginia
14 alone. Once again, that leads to not only a probation violation being revoked, but
15 he's currently a fugitive from the 21 – 20 year supervised probation in the State
16 of Virginia.

17 So now we have him being arrested in March of 2004 in Virginia for
18 another felony. He's convicted of that. In May of 2014 two counts now of Grand
19 Larceny from a Person. And this I would submit is probably the triggering
20 conduct that causes the revocation of his probation from his 2010. So now we
21 are, you know, heavily into five felonies in the State of Virginia.

22 Next is 2016. Now he's in the State of California. And I'm addressing
23 now at the top of page 6 of the PSI. Here he's convicted of bringing in controlled
24 substance into prison. He's granted probation. Now he moves from California to
25 the State of Nevada. In 2016 with the record that he has, he's sentenced to

1 prison straight out of the box first case catching in Nevada, once again, April
2 2016.

3 Now we're still not dealing with pure theft cases but theft from people.
4 He's paroled. He violates parole. His parole is revoked on May 4th of 2018. So
5 he's in prison in May. If you go down to the next areas of his offenses, in June of
6 2019, right after he gets out of prison is when he catches this case or the first
7 felony case in Nevada.

8 And what are the charges now? Assault with a Deadly Weapon and
9 Carrying a Concealed Weapon Without a Permit. Then we have misdemeanors
10 and then I guess that's the instant case. And then he has a Grand Larceny case
11 on August 9th 2019 which is in another department.

12 And so he's caught three felony cases in the State of Nevada, virtually
13 if he's not in prison or incarcerated, he's committing felony acts of violence. And
14 the one in front – in front of you that you're sentencing him here today. As I
15 outlined in my sentencing memorandum, what he's charged with or what's he's
16 convicted is just, you know, as frequently only part of the story.

17 The underlying facts of this case is that not only did he approach just
18 innocent people in the strip corridor, which is most of the areas of where he goes
19 to commit felonies here in the State of Nevada. Is that he confronts people just
20 walking between – on the strip corridor, and begins to threaten them with a knife
21 verbally and then puts – pulls out his backpack and pulls out a knife.

22 And not only does he threaten them, and they don't originally call the
23 police by that. They're nervous, they're watching him. But then he goes to a car
24 that's right near by them occupied three times by females, and he begins to bang
25 on the window of that car with a knife. They see that and they, as the witnesses

1 describe, take off accelerating rapidly to get away from the situation.

2 Undeterred, the Defendant continues to make threats of other
3 individuals around the area, once again armed with a knife. So what you have is
4 a person that's escalating not only in the severity of the crimes but the use of
5 weapons, the use of violence on individuals that aren't real or imagined or
6 hypothetical; they actually occur.

7 And so, from the State's perspective is, the only way to protect any
8 number of individuals is to incarcerate, because it's unrepentant as far as when
9 he's out of custody and what he does. The number of times that I think is also
10 interesting is, while he's on probation in earlier case, that didn't affect his ability
11 to commit new crimes. So the probationary aspect of this, and the interjection
12 into the criminal justice system didn't act as a deterrent at all, and neither did
13 prison.

14 So just as a protectionary measure, I think the adjudication of him as
15 a habitual offender: A, is appropriate under the facts and the law and B, in this
16 case would be appropriate just simply to protect the community. And then, I
17 mean, I wish there was some alternative where there was a lower sentence
18 which would have a lifetail, but I would say a small habitual offender status is
19 appropriate in this case. Because I don't think there's anything that's going to
20 deter this individual unless he starts getting hammered.

21 THE COURT: It's a small with a 5 to 20; right?

22 MR. STANTON: Yes. And I'll submit it with that Judge.

23 THE COURT: Sir. In a moment I'm going to hear from Mr. Arnold on
24 your behalf. Is there anything that you'd like to add?

25 THE DEFENDANT: Yes, Ma'am. I have prepared a letter I wanted to

1 read because I'm not good at, you know, publically speaking. But, however, the
2 PSI has many, many errors in it and I've noticed -- I've tried to get another one
3 done, because the amount of prison terms on there and the amount of felonies
4 are also incorrect.

5 THE COURT: Okay. Where is it --

6 THE DEFENDANT: In Virginia, all those cases happened at one time.
7 The four felonies at one time and the other two that they're -- that he's saying
8 happened in 2014 is actually probation violations. In the State of Virginia, there
9 is no parole, so what they do is they give a large amount of time and they
10 suspend it to be on probation after your sentence. You do 85 percent in that
11 State. There is no parole.

12 However, there is other areas in the PSI that are wrong but, you
13 know, I took the plea and I can't, you know, I can't take it back. I took it for a 1 to
14 5, you know. And the second one they said they will not seek habitual if I took
15 that plea. And now they're going back and saying they will, so I didn't know that
16 this was going to happen, you know.

17 But I would like to read my letter. I don't want to make up any
18 excuses, but there is errors in the PSI and I would like to have --

19 THE COURT: Okay. We'll --

20 THE DEFENDANT: -- another one done.

21 THE COURT: -- so we need to address that Mr. Arnold.

22 MR. ARNOLD: Yes, Your Honor. I mean, again, we'll start at the
23 criminal record. He's saying he wasn't convicted of five felonies. That he only
24 did two terms of incarceration as opposed to six. He just finished explaining
25 what Virginia does in regards to probation --

1 THE COURT: Sure.

2 MR. ARNOLD: -- and parole. And so it says indefinite probation and
3 unsupervised probation. That's explained.

4 THE COURT: So I definitely see in Virginia the three cases in 2010
5 were probably all the same time period, because the dates match up.

6 THE DEFENDANT: Yes, Ma'am. I was incarcerated from July 2nd,
7 2010 to February 11th, 2013 for all four of those felonies.

8 THE COURT: Okay.

9 THE DEFENDANT: And the other two were probation violations.

10 MR. ARNOLD: And that would --

11 THE DEFENDANT: That was for 2014.

12 MR. ARNOLD: Those would be 3/27/2014 and 5/16/2000.

13 THE DEFENDANT: I did amount of time and it was in a county jail, a
14 city jail and a regional jail as of like a global deal. So the other two felonies come
15 up later as a probation violation. That was my only violation. The only time I
16 ever been on probation.

17 THE COURT: But is the number of felonies wrong?

18 THE DEFENDANT: Yes, because two of them are being counted as
19 extra felonies when they're just violations on the previous.

20 MR. ARNOLD: The 3/24/14 Your Honor he's stating that that was a
21 misdemeanor as opposed to a felony. That's the Drugs Possessions Schedule 1
22 or Schedule 2.

23 THE DEFENDANT: Also in the State of California Prop 47, Your
24 Honor, states that there is no felony conviction for drugs under the amount of 28
25 grams. So that felony also shouldn't be counted as a felony; it should be a

1 misdemeanor. [Cough heard].

2 And in Virginia I'd also like to say, they have what you call a class U or
3 a category U which is similar to gross misdemeanors. That's what all of those
4 felonies are; they're no –

5 THE COURT: So, here's the thing though, I'm a little uncomfortable
6 going forward on a habitual sentencing when he's stating half of these are – well,
7 I mean not necessarily half of them, but a third of them aren't even felonies on
8 his record. So, I mean, I would – if, if these are in fact errors, we're going to
9 have to get it corrected or we're going to come back here on, you know –

10 MR. ARNOLD: On a habeas.

11 THE COURT: -- on *Stockmeier* issues. Yeah.

12 MR. ARNOLD: Right.

13 THE COURT: So –

14 THE DEFENDANT: I noted this. I'm sorry to interrupt you. I noted
15 this back in like October when I first got a copy of this, and I told, you know, my
16 public defender at the time, which I had to have her removed and I had Carl
17 Arnold now look over it and he's trying to help me with the whole issue.

18 THE COURT: All right, so –

19 THE DEFENDANT: And so, a lot, a lot of errors. See there was one
20 done in 2016 that's a little bit more accurate than this one. And it states there's
21 only two prison terms on there, which I thought that was wrong too, but I, I would
22 accept that as, you know, accounted for the violation I guess as an [cough
23 heard].

24 THE COURT: All right. So Mr. Arnold I, I have notated Mr. Stanton's
25 argument and where I was mentally after his argument. I'm going to need to

1 pass this 30 days for –

2 THE DEFENDANT: Do you mind if I read my letter though to the
3 Court?

4 THE COURT: I – if I were you I would read it on the day that you're
5 going to be sentenced –

6 THE DEFENDANT: Thank you, Ma'am.

7 THE COURT: -- because we need 30 days. Mr. Arnold, I need you to
8 notate each of those.

9 MR. ARNOLD: Yeah, I have them Your Honor.

10 THE COURT: All right, so –

11 MR. STANTON: And Judge, if there's going to be a letter read; I
12 would like a copy of the letter --

13 THE DEFENDANT: I can submit –

14 MR. STANTON: -- in anticipation of the sentencing.

15 THE COURT: All right. So if you wouldn't mind, if I could have that
16 letter so I can have –

17 THE DEFENDANT: Should I – should I read it Mr. Arnold or should I
18 just give it –

19 THE COURT: No, we're just going to take. So what we're going to
20 do, I'm just going to make a copy --

21 MR. ARNOLD: Give them a copy.

22 THE COURT: -- for Mr. Arnold, and then you can read it on the day of
23 – no the letter.

24 THE DEFENDANT: All right. And these are the self-help texts I've
25 been doing in here.

1 THE COURT: Just keep those till next time.

2 THE DEFENDANT: All right. Thank you. I'm sorry about the
3 inconvenience.

4 THE COURT: That's all right. And I'll give it to you right, a copy to
5 Mr. Stanton.

6 THE DEFENDANT: Thank you Mr. Arnold, appreciate it.

7 THE COURT: All right. So 30 days for corrections of the PSI. Mr.
8 Crawley, make sure that Mr. Arnold knows each and every correction, because I
9 need the PSI writers to know so we can go forward.

10 THE DEFENDANT: Yeah.

11 MR. ARNOLD: We have them now Your Honor.

12 THE DEFENDANT: I – I've tried to, you know, best I could.

13 MR. STANTON: And there's one other thing based upon the
14 Defendant's statement to you Judge outside of the – well, actually there's two
15 things. Number one, he's pending sentencing on another Nevada felony
16 operating from – I have three PSIs including the one for your Court on this case
17 for today. He has one that he was sentenced on. I think he just referenced that,
18 that according to him, it's the closest thing to being accurate out of, I guess all
19 three.

20 That other case is being -- pending. I believe it's Ms. Holthus' case.
21 But just – I would just ask the Court, if your staff can contact that department.
22 Because whatever's the issue on the *Stockmeier* issues on the PSI in this case.

23 THE COURT: Yeah.

24 MR. STANTON: It's going to parallel the problems there. So I think
25 we could be more efficient in clarifying both of these –

1 THE COURT: Sure.

2 MR. STANTON: -- at the same time.

3 THE COURT: I'll let them know.

4 THE DEFENDANT: I would just like to note --

5 MR. STANTON: And --

6 THE DEFENDANT: -- also Ma'am. I'm sorry for cutting you off, Sir. I
7 was approved for, for drug court on the other case, and that's kind of like why I, I
8 accepted, you know. I don't know, it's not no excuse, but I thought I was under
9 the impression that they weren't going to seek habitual and let me do drug court
10 and then --

11 MR. STANTON: And that's my concern about -- the second point I
12 was going to make beyond the *Stockmeier* issues.

13 THE COURT: Right.

14 MR. STANTON: His claim --

15 THE COURT: That he didn't know.

16 MR. STANTON: -- that he's standing here unaware that the State's
17 going to seek habitual and that he --

18 THE DEFENDANT: I have a plea agreement.

19 MR. STANTON: -- that he is, is concerning to me, because -- and it's
20 belied by the record in any number of different ways. I'm not sure how Mr.
21 Arnold wants to address this, but --

22 THE COURT: Sure.

23 MR. STANTON: -- what happened was, he had a series of
24 negotiations involved in each one of his three cases here in Nevada. He, in this
25 case, as well in the other case that's pending, violated the terms and conditions

1 by committing additional criminal conduct. That's why the State has, today, an
2 unfettered right to argue.

3 And part of that is based upon his record to seek the Habitual
4 Offender Status. But I think that needs to be cleared up the next time we come
5 in the – and once again, it's not my problem; it's not my issue, but I think the
6 record needs to be clear.

7 MR. ARNOLD: And Your Honor I think we made a clear record on it,
8 because we did our Motion to Withdraw with the basis of why it should have
9 been withdrawn, and you ruled that we didn't need a hearing in order to go
10 forward with the sentencing.

11 THE COURT: So I'm sorry, it's because there are so many cases.
12 And I do remember –

13 MR. ARNOLD: Right.

14 THE COURT: -- that this was argued off – there was a Motion to
15 Withdraw. I'm just trying to remember if one of the bases in the motion was, he
16 didn't know that he could be sentenced on habitual. I --

17 MR. ARNOLD: That's correct Your Honor.

18 THE COURT: -- I just wanted to make sure if I'm remembering the
19 case right; did we argue that?

20 MR. ARNOLD: Yes, Your Honor.

21 THE COURT: Okay. All right.

22 MR. STANTON: Yes.

23 THE COURT: All right. Okay. So yes –

24 MR. ARNOLD: And –

25 THE COURT: -- that has already been argued and briefed.

1 MR. ARNOLD: Right.

2 THE COURT: And I did make a decision. I'm just trying to remember
3 all the facts of the specifics.

4 THE DEFENDANT: Yeah, because – I'm sorry, I just – I didn't
5 understand, because on the second one it said it was run concurrent, and they
6 will not seek habitual. Now they're using it as leverage on the first – on this one,
7 which I understand that the right to argue and everything.

8 THE COURT: Right.

9 THE DEFENDANT: But I'm trying to, you know, address the problem
10 and not, not make it worse.

11 THE COURT: Right. But Mr. Stanton, I'm sorry, can you say it again
12 in regards to –

13 MR. STANTON: Sure.

14 THE COURT: -- originally there was --

15 MR. STANTON: The agreement not to seek the habitual, but he
16 violated any number of different ways –

17 THE COURT: Right.

18 MR. STANTON: -- by committing new criminal –

19 THE COURT: Right.

20 MR. STANTON: -- felonly acts.

21 THE COURT: So what happens is, if you violate a Guilty Plea
22 Agreement for any reason, the State then retains the full right to argue including
23 for habitual. So when you violate it becomes a full right to argue.

24 THE DEFENDANT: So there's no 1 to 5 anymore?

25 THE COURT: Well, I mean I guess you could –

1 MR. ARNOLD: We could still argue it.

2 THE COURT: -- you can always make the pitch. You can always
3 make the pitch.

4 THE DEFENDANT: I, I just -- I'm sorry for -- I just didn't understand
5 that, because it said on here, you know, they will not on the second one.

6 THE COURT: Right.

7 THE DEFENDANT: Not just the first one in here; it's on the second
8 one that said, "No habitual."

9 THE COURT: Right.

10 THE DEFENDANT: So I wouldn't have took that deal thinking, oh
11 yeah, they're going to come back on this one and give it to me, you know.

12 THE COURT: Yeah.

13 THE DEFENDANT: If you understand.

14 THE COURT: But the problem is is, you violated it.

15 THE DEFENDANT: I understand Ma'am.

16 THE COURT: And so then it gives them the full right to argue.

17 MR. ARNOLD: That don't --

18 THE DEFENDANT: And I just -- I just want to, you know, correct my
19 wrongs and, and you know --

20 MR. ARNOLD: Time to wrap it.

21 THE DEFENDANT: -- move forward.

22 THE COURT: All rightee. Okay, so --

23 MR. ARNOLD: And for the record, that's not my case, Your Honor --

24 THE COURT: I know.

25 MR. ARNOLD: -- because I would have wrapped up the entire

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negotiations.

THE DEFENDANT: Right.

THE COURT: Yeah.

THE DEFENDANT: I, I was ill advised, you know, but Mr. Carl is helping me and I appreciate it.

THE COURT: All right.

MR. STANTON: And what day are we coming back on this Judge; I'm sorry.

MR. ARNOLD: April 1st, 9:30.

THE DEFENDANT: Thank you.

MR. STANTON: I'll be here.

THE DEFENDANT: I appreciate it.


THE MARSHAL: C-1, whatever one you want Ma'am.

THE COURT: All right. I was just letting the other department know about the errors in the PSI.

[Proceedings concluded at 11:04 a.m.]

* * * * *

ATTEST: I hereby certify that I have truly and correctly transcribed the audio/visual proceedings in the above-entitled case to the best of my ability.


Kerry Esparza
Court Recorder/Transcriber

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Case Number: C-19-341735-1

1 LAS VEGAS, NEVADA; WEDNESDAY, APRIL 01, 2020

2 *****

3 [Hearing commenced at 11:25 a.m.]

4 THE COURT: State of Nevada versus Daine Anton Crawley. He is
5 present, in custody. Mr. Bailey on his behalf. Mr. Stanton on behalf of the State.
6 This is the time and date for sentencing. We had turned it – we had continued it
7 after Mr. Stanton's argument to see if – Mr. Crawley had represented that there
8 was some issue with the PSI.

9 Mr. Crawley, did you speak to Mr. Arnold about your issues with the
10 PSI?

11 THE DEFENDANT: No, Ma'am. I would like to speak to him if
12 possible.

13 THE COURT: Well, what the heck. What did you guys do from the –
14 that was today was for is for – that to have happened.

15 THE DEFENDANT: And I know, I talked to him briefly before court
16 when we were there that date, and that's when we brought up the issue, but I
17 haven't seen him since then or heard from him since then.

18 THE COURT: All right. Are you still – are there still issues?

19 THE DEFENDANT: Yes, Ma'am; there was never a new PSI done at
20 all.

21 THE COURT: Okay.

22 UNIDENTIFIED SPEAKER: Yes, there was.

23 THE COURT: There was a new PSI?

24 MR. STANTON: There was a supplemental PSI where the Division
25 addressed the concerns –

1 THE COURT: Oh yeah, I have it here.

2 MR. STANTON: -- and also indicates that the -- I, I talked to -- I put a
3 note in the file for the author of the PSI to contact me. I advised him of what
4 occurred in the court at our last appearance. And his response about the claims
5 is set forth in the highlighted section of the supplemental. And it talks about his
6 attempts to -- it's on page 7.

7 THE COURT: Yeah. I see it now. Yup.

8 MR. STANTON: And so, what the Defendant claims about his Virginia
9 record isn't borne out by the Division's investigation. In fact, it confirms exactly
10 what the PSI had previously stated. And the author goes on to say,

11 "Therefore, there's nothing about the Virginia cases that needs
12 or could be modified from the Division's perspective."

13 It also confirms, through direct contact with the -- Bridgett -- Virginia
14 Department of Corrections about when the Defendant was in custody. That's
15 reflected at the bottom half of page 7 of the Supplemental PSI. Once again, it's
16 interesting to note that those times of incarceration correspond directly with the
17 dates and times of the Virginia convictions.

18 So once again, not only does the Division see it as accurate
19 information, so does the State corroborate what's in the PSI.

20 THE COURT: All right. So what we're going to do. You -- have you
21 seen a copy of the Supplemental?

22 THE DEFENDANT: I haven't Ma'am.

23 THE COURT: All right. So Mr. Bailey, if you could put a copy of the
24 Supplemental underneath the door for him to review, and I'm going to call this in
25 a moment. Yes, Mr. Bailey.

1 MR. BAILEY: That I do not have.

2 THE DEFENDANT: Ma'am, is there anyway I could wait till Mr. Arnold
3 is available so I can have him as my attorney please, not to any offense to him. I
4 just -- he's familiar with my case.

5 THE COURT: No, I know but Mr. Bailey is Mr. Arnold's partner, and
6 they have spoken about today and going forward with the sentencing. So we're
7 going to go forward today.

8 THE DEFENDANT: Can --

9 THE COURT: But you are going to be able to review this.

10 THE DEFENDANT: Can I give him some documents also?

11 THE COURT: Sure.

12 THE DEFENDANT: All right. Thank you.

13 THE COURT: All right, so we'll recall that in a moment after he's had
14 the opportunity.

15 Mr. Crawley, all of the corrections are on page 7 and 8.

16 THE DEFENDANT: All right. Thank you.

17 THE COURT: All right.

18 [Hearing trailed at 11:28 a.m.]

19 [Hearing resumed at 11:29 a.m.]

20 MR. BAILEY: Have Carl come back, because Carl's going to be in the
21 building at noon anyway --

22 THE COURT: So I only --

23 MR. BAILEY: -- for another matter.

24 THE COURT: -- I only have this until 11:45. I'm not allowed to --

25 MR. BAILEY: Okay.

1 THE COURT: -- go over. I'm a rule follower. All right.

2 [Hearing trailed at 11:29 a.m.]

3 [Hearing resumed at 12:01 p.m.]

4 THE COURT: C-341735-1. State of Nevada versus Daine Anton
5 Crawley. Mr. C-O, how are we doing on time? Do you guys need to get out of
6 here?

7 THE CORRECTION OFFICER: We're fine. I'm sorry. Yeah, you're
8 good. You're okay.

9 THE COURT: That we're good?

10 THE CORRECTION OFFICER: Yeah.

11 THE COURT: Okay. All right. He is present in custody, Mr. Bailey on
12 his behalf; Mr. Stanton on behalf of the State. Have you had the opportunity to
13 look through your PSI now?

14 THE DEFENDANT: Yes, Ma'am. I still had a few errors. Paragraph
15 1 of the supplemental information and paragraph 4. The main concern is, is the
16 number of prison terms that it says on there, 6; however, in 2016 it said 2. And
17 I've been in custody 40 months since 2016. It's not possible to go to prison 4
18 additional times.

19 And it said that they never had a response from my defense attorney
20 to clarify this issue; however, it said that it spoke to me or said, "via email" on the
21 first paragraph. And I never spoke to them again to -- at P&P at all. The first
22 paragraph.

23 And then paragraph 4 I believe it is -- oh no, I'm sorry. It says:

24 "If there's any issues with these records to challenge them that
25

1 you would contact appropriate repository and request the procedure
2 for modifying the records in question.”

3 Now, I don't have my attorney here to be able to discuss this with.
4 That's my main concern.

5 THE COURT: All right. Parties, what would you like me to do?

6 MR. BAILEY: Your Honor, if you're inclined to continue this matter for
7 additional two weeks or 30 days, then that would be our request.

8 THE COURT: Mr. Stanton, your position?

9 MR. STANTON: I'm not sure what we would be continuing it for.

10 THE COURT: Well, so – in regards to the prison been a 6 times
11 versus 2 times. I, I could be wrong, but I've seen this before where right, you go
12 to prison, you get paroled, you get revoked, and then you go back and they count
13 it multiple times.

14 MR. BAILEY: Correct. That's what I'm thinking as well.

15 THE COURT: So I'm, that – but it states that they, they reached out,
16 you know, to Mr. Arnold multiple times and didn't get anything back to work with
17 them on this information. And then that they spoke with – they're saying that
18 they emailed with him, but they wouldn't have been able to email with him.

19 MR. STANTON: Yeah, but, but all that being said. The question
20 becomes is as the Defendant now asserts:

21 “I'd like to talk to my attorney about getting – as the Division
22 comments about the repository from the records out of the State of Virginia. You
23 know, it's a distinct thing to say:

24 I'm challenging whether or not those are felony convictions –

25 THE COURT: Sure.

1 MR. STANTON: -- which you can't collaterally attack a felony
2 conviction just by claiming they're invalid. There has to be some sort of tangible
3 proof to that fact. And there was nothing in here that would suggest that the
4 Virginia convictions are invalid in any way, shape, or form.

5 THE COURT: No. I, I don't have any -- I don't think anyone -- I agree.

6 MR. STANTON: Okay.

7 THE COURT: I don't think anybody's doing that.

8 MR. STANTON: So that claim I think is not only belied by the record,
9 but inappropriate for purposes --

10 THE DEFENDANT: Yeah, because I, I need to show --

11 MR. STANTON: -- of today's sentencing or to continuing to conduct
12 whatever investigation. The first part of when he says the two versus four. I'm
13 not sure what paragraph on what page. He said paragraph 4, but I'm not sure of
14 what case --

15 THE DEFENDANT: I'm, I'm sorry that's paragraph 1 and 2.

16 MR. STANTON: Of what page?

17 THE COURT: On the supplemental so --

18 THE DEFENDANT: The supplemental is all I have.

19 THE COURT: But page 7, on page 7?

20 THE DEFENDANT: I'm sorry, page 7, Ma'am. And I have a page 7
21 from my -- well, I know it's a different PSI for a different case which they inclined
22 to give me drug court on which follows this one, that it says,

23 "Minimal information could be obtained from the pro -- Virginia
24 probation office.

25 And then it said again,

1 "Richmond Circuit Court. No information was available
2 regarding this case. Orange County California. No further information
3 could be obtained.

4 So I –

5 THE COURT: Yeah. No, I mean that's – that is common, those types
6 of things. But what we were able to go in and look at the convictions, and they
7 double checked all of that, looked at the convictions and put those all straight.
8 You see that; right? That's what all that supplemental information is in bold?

9 THE DEFENDANT: Okay. Yeah, I don't mean to waste your time or
10 anything Ma'am.

11 THE COURT: No, you're not wasting my time.

12 THE DEFENDANT: It's just the, the mere fact that if I was in prison in
13 2016, I've done 40 months since then, and it was only two times. How could it
14 have been now 6 times that they have it on here now? You get what I mean? I
15 haven't been out not long enough to be going back to prison 4 times.

16 THE COURT: He, he has my PSI so I don't – I, I can't see what you
17 guys are showing up.

18 MR. STANTON: I, I can't – I'll give you mine. It makes no sense.
19 [Hands document to Court].

20 THE DEFENDANT: August 23rd, 2016 an original PSI was done.

21 MR. STANTON: Okay, but the problem is not to calculate it by dates
22 that someone claims or asserts that you're in prison. The question is: Do you
23 contest the felony convictions that are depicted in the original PSI or the
24 Supplemental PSI?

25 THE COURT: So what, what we're asking is it – it says you have 9

1 felony convictions, are you contesting those 9, or you're just contesting the
2 amount of times you've been to prison?

3 THE DEFENDANT: Both the amount of times, and it's not 9. I think
4 it's more along the lines of like 5 if you include these two now. 'Cause all, all of
5 those were in same, like same case, you know, from --

6 THE COURT: Right, but those count. So even if --

7 THE DEFENDANT: I -- that's why I kind of wanted to speak to my
8 attorney about this, because I don't really understand. That's why I don't -- I -- I
9 don't mean to waste any time and I apologize; I just don't understand like 'cause I
10 -- we haven't gone over anything, me and this attorney here.

11 THE COURT: No, that's not true. Because I watched you guy -- you
12 guys went through the PSI to go --

13 THE DEFENDANT: Not -- I know --

14 THE COURT: -- this attorney.

15 THE DEFENDANT: Not this one though, not this attorney here.

16 MR. BAILEY: But I understand the same facts though, that's the
17 issue. The Carlisle Apartments. I know everything that's going on in the case.
18 What, what the DA is trying to say here is that when it comes to arguing for
19 habitual treatment, which happened because of what happened at the first PSI,
20 it's the number of convictions.

21 If you're not challenging the number of convictions there's nothing that
22 that the judge has to hold over right now. You're challenging the amount of
23 prison time, that has nothing to do with whether or not she's going to determine
24 what the sentencing's going to be today. But there are certain amount of
25 convictions; right?

1 THE DEFENDANT: Right.

2 MR. BAILEY: Once you get a certain amount of convictions, felony
3 convictions and then you have additional ones; that gives them the right to argue
4 for habitual treatment. We would not have had that, you know [indiscernible].

5 THE DEFENDANT: And this is my question 'cause I, I was stood here
6 before, but I even pled to the other case to make sure on that case it said,

7 "We will not seek habitual sentence," and, and now we are.

8 MR. STANTON: Yeah, well, Judge, look. I mean, this is a perfect
9 example –

10 THE DEFENDANT: I don't – I just don't understand --

11 MR. STANTON: -- this --

12 THE DEFENDANT: -- you know. I'm sorry, Ma'am.

13 THE COURT: One second, go ahead.

14 MR. STANTON: This is a perfect example of what I outlined in my
15 Sentencing Memorandum --

16 THE COURT: I know.

17 MR. STANTON: -- that there is nothing of his interaction with the
18 criminal justice system where he tells the truth. And that's exhibited here yet
19 again here today for the second time that we've been here.

20 He made the same argument. I know it was couched -- you see a lot
21 of cases everyday, and his last argument of -- that he made when we were here
22 is the exact things that just came out of his mouth. I didn't know that the State
23 was going to seek the habitual offender treatment. In fact, I thought that they
24 were. That's all predicated upon the previous negotiations that were violated --

25 THE COURT: Right.

1 MR. STANTON: -- because he caught a new felony case --

2 THE COURT: Right.

3 MR. STANTON: -- of which this is one of his 10 prior felony
4 convictions. So to make that claim again, yet again today is evidence that he
5 doesn't tell the truth under any circumstance that he's involved.

6 THE COURT: We talked about at length last time that you did have
7 that as an agreement, but then you picked up a new case. That gives them the
8 full right to argue. We talked about that at length last time with your attorney and
9 with you.

10 THE DEFENDANT: Yeah, I just didn't understand. I still don't
11 understand how I signed for a deal and it -- and it gets retracted despite the other
12 one. I understand -- I'm sorry for wasting time.

13 THE COURT: No, you don't have to apologize, but we talked about it
14 -- remember I -- in your first deal you had a specific negotiation, but you violated
15 that deal. Which means when you violate -- let's say that the deal was no
16 opposition to probation. When you violate that and you pick up a new case, that
17 means that gives them the full right to argue for the full gamut, prison, habitual, et
18 cetera.

19 So when you violate that then that's where we're at.

20 THE DEFENDANT: Despite the -- this plea agreement on the other
21 case that said, "Not to."

22 THE COURT: Correct.

23 THE DEFENDANT: And Drug Court approval and all that --

24 THE COURT: Correct.

25 THE DEFENDANT: -- doesn't matter.

1 THE COURT: Correct. Correct. All right.

2 MR. BAILEY: Once –

3 THE DEFENDANT: All right.

4 MR. BAILEY: -- once you pick up a new case – I'm sorry Your Honor.

5 THE COURT: That's okay.

6 MR. BAILEY: When you pick up a new case what happens is, if you
7 can hear me. When you pick a new case that – the entire deal is off the table,
8 and then they can come back with the full amount – they – the full right to argue
9 for habitual and everything. That's what happened.

10 You hadn't picked a new case up and yes, that deal was 100 percent
11 in play.

12 THE DEFENDANT: And, and -- And that's what I understand but, you
13 know, I didn't – I, I wouldn't have pled guilty to that other case had I had known
14 this, but that's fine, you know, I, I don't want to make up excuses. That's not my
15 intentions. I just want to be, you know, given whatever the sentence structure
16 was, you know what I mean?

17 MR. BAILEY: I understand. But you do give it to – when you picked
18 the new case it violated that; correct?

19 THE DEFENDANT: Yeah, because a part of the deal, yes, Ma'am –
20 yes, Sir, I'm sorry.

21 THE COURT: All right. So we're going to go forward with sentencing
22 today. Mr. Crawley, is there anything that you'd like to say?

23 THE DEFENDANT: I, I would still like to talk to Mr. Arnold since he
24 knows more about my case if that's possible.

25 THE COURT: No, I understand that but Mr. Bailey and Mr. Arnold

1 have discussed the case. Mr. Bailey, are you up to speed on this case? Are you
2 – do you feel comfortable arguing the proper sentence? Have you gone over
3 everything with Mr. Arnold?

4 MR. BAILEY: I, I have Your Honor.

5 THE COURT: Go ahead Sir.

6 THE DEFENDANT: What, what am I –

7 THE COURT: Anything that you'd like to say to me.

8 THE DEFENDANT: Oh yes, Ma'am; I have a letter I would like to
9 read.

10 THE COURT: Okay. Go ahead.

11 THE DEFENDANT: Did I submit the certificate of completion of the
12 programs to you?

13 THE COURT: I –

14 MR. BAILEY: Substance Abuse Program.

15 THE COURT: Oh yes, yes, yes, I had bench on those, yes.

16 THE DEFENDANT: Did I – I gave you the –

17 THE COURT: The Substance Abuse Programs?

18 THE DEFENDANT: The Substance Abuse Programs, and I've been
19 doing self-help package since August 2019, Ma'am.

20 THE COURT: Okay, thank you. Go ahead, Sir.

21 THE DEFENDANT: I – I'm sorry, I'm not good at public speaking, but
22 I did write a letter, so –

23 THE COURT: Okay. Go ahead and read it.

24 THE DEFENDANT: -- if you don't mind; I'm sorry.

25 "Good morning, first and foremost I would like to apologize for

1 any inconvenience I may have imposed on the courts in my attempt to
2 seek substance abuse treatment in relation to my mental health
3 issues. I have been battling these issues for the past 20 years, and
4 over the last 10 years my criminal history is a reflection to what these
5 issues in combination with homelessness have become for me.

6 There is no justification for my actions. Although through this
7 time of incarceration, I have reached out to many programs. The
8 programs to which I have reached out to are as follows: The Drug
9 Court Program, Crossroads, Westcare, and my family wanted me to
10 go to the Healing Place in Louisville, Kentucky.”

11 My mom was actually going to come out here. This is not a part of the
12 letter, but my mom was going to come out here with my little brother but, you
13 know, the situation that’s going on she couldn’t be here.

14 “But I also had the Hero House representative come to my other
15 two court cases for District 18. His name is Stella. I’m sorry, he was
16 going to be the advocate to reside at the Silver Living House. As it
17 stands right now, I have been participating in substance abuse
18 classes for the past four months and completed my final class on
19 March 11th, 2020.

20 There is also a series of self-help books, workbooks that I have
21 completed since August of 2019 ranging from substance abuse, life
22 skills, successful release and financial planning for reintegration.
23 Beyond doing these programs here at CCDC, my greatest hope is to
24 finally be able to complete the Drug Court Program here in Las Vegas,
25 as I – I’ve been -- I previously wrote the Specialty Court Coordinator

1 Wanda Negron." I'm sorry if I mispronounced – "on my own behalf
2 last November 2019 and was deemed appropriate through an
3 evaluation shortly thereafter.

4 My criminal record is indelible [sic] and one in which I must live
5 with for the rest of my life. It is apparent to me now that my bouts with
6 PTSD and social anxiety disorders have influenced much of my
7 substance about over the years.

8 These issues have been left untreated for most of my life up
9 until recently through the Nevada Behavioral Health. Prior to this,
10 recognizing the change in myself has been futile.

11 My purpose in writing this letter is not to bring levity to the
12 situation, but more of a plea for help and to also shed light on my
13 attempts to seek it. Since April 24th 2019, well before this most recent
14 blunder in judgment, I attempted to address my problems by
15 arranging placement into the Crossroads Residential Program.

16 My schedule date that I arranged through Mr. Riley at the
17 Nevada Behavioral Health was July 16th, 2019. Due to various
18 complications, including the timing of my own recognizance release,
19 among other things in regards to this case; I was unable to do so. I
20 had high expectations of the Crossroads Program and really wished
21 things would have worked out so I could have completed the
22 program?

23 But after admitting and completing the three day detox part of
24 the program on July 20th of 2019, I was still unable to regain a
25 residential spot at the program at which time, you know, I, I went

1 Back.”

2 This is not part of the letter. I went back to, to being homeless again in
3 the streets and,

4 “Judge Holthus is willing to allow me to enter Drug Court for the
5 District 18th case, but it ultimately depends on this present matter.
6 I need the court to intervene and make recovery a possibility for me.
7 My life has truly become unmanageable.”

8 And, you know, there’s nothing I can really do about that at this time
9 other than what I’ve tried.

10 “If this program is an option for me, please let me be the next
11 success story. In addition to recently being granted my disability
12 benefits, I am still in need of a bone graft medical procedure for my
13 right wrist that I have since had postponed at the Hand Center of
14 Nevada.

15 For the first time in 10 years I have a stable residence and
16 income. I have been putting my best foot forward in trying to correct
17 my wrongs during the last 261 days of incarceration. My father is
18 getting older and my daughter is – will be turning 10 in his care this
19 upcoming July 4th. It’s time for me to become the father he was for
20 me and relieve him of the burden of raising mine.

21 The Drug Court Program I believe is the answer, and I will
22 succeed. I can assure you that I will never come before you under
23 these circumstances ever again. It has been said that an ounce of
24 prevention is better than a pound of cure. And although it has been
25 my past actions that have led to this present set of circumstances, it is

1 my hope that the Court will provide the cure to the disease of
2 addiction that has plagued my life for the last 20 years.

3 Emotional impoverishment comes to those who neglect to work
4 on themselves.”

5 And just before I close out I just wanted to say, you know, Ma'am that
6 I'm sorry for wasting your time once again. But, you know, my biggest fear is, is
7 getting out of here, whenever it may be – however many years and repeating the
8 same process again.

9 And that's probably what he's going to say also. But, you know, at
10 what point do I – can I change? I've tried to attempt to do this on my own and I
11 can't. I need the court to help me, please.

12 THE COURT: Okay. For the record, Mr. Stanton. I was looking at
13 my notes from last time, and I know that you had provided the – we already have
14 on the record all of the JOCs. Your recommendation though was –

15 MR. STANTON: Well, Judge, can I just address something set forth
16 in this letter.

17 THE COURT: Yeah.

18 MR. STANTON: It – because it's addressed in the supplemental, and
19 I know you didn't have that, and it's listed in the bold on either page 7 or 8. So
20 this claim that the Defendant is now in this and his three other cases here in
21 Nevada asserting that this is a drug problem and that he's seeking help and
22 counseling.

23 The Division documents thoroughly the number of times in three
24 different states on seven different occasions he's been provided counseling and
25 the ability to get out from underneath of the criminal acts that he was standing

1 before the courts looking at prison time. So the – it should fall on deaf ears or
2 give little to marginal weight to any claim that he's seeking now to rehabilitate
3 himself.

4 Number one, and the opportunities that were provided by the court
5 systems as he's professing now. The second thing that I think is important, once
6 again with the theme as I put in the Sentencing Memorandum. There's virtually
7 nothing that this individual says to authorities that's truthful. And once again, that
8 has been -- occurred at the last time we were here for sentencing, and yet again
9 here today.

10 Within two minutes he says completely and opposite things.

11 "I'm homeless, I don't have any income."

12 But then he says,

13 "I have a place to live and I'm fully employed."

14 So if you go to –

15 THE DEFENDANT: I didn't say that.

16 MR. STANTON: So if you go to the PSI and of the three PSIs
17 prepared recently in Nevada, it's interesting what he asserts, because he asserts
18 about employment, mental health and substance abuse, kind of what is best
19 suited as the situation that he's in front of, even though they're completely
20 inconsistent with one another.

21 THE DEFENDANT: I'm on disability, Sir.

22 MR. STANTON: So if you look at page 2, it says in the employment
23 status -- and I'm looking from page 2 of the PSI, the original, but it should be the
24 same, because they didn't do any modifications in the Supplemental PSI, that he
25 was, according to his own self-reporting –

1 THE DEFENDANT: Disabled.

2 MR. STANTON: -- that none of this is verified that he has 14 years of
3 experience as a HVAC technician and was employed as such. So, and the
4 PTSD is generated from, not military service, but the breaking of his wrist. And
5 once again, that's reflected in the PSA page 3 under the health and medical
6 history. So what the Defendant claims and asserts isn't even consistent with
7 what he has asserted and claimed in other cases.

8 Once again, evidencing his modification of what he's telling courts as
9 it suits him. What's clear from uncontroverted facts is that this is his 10th felony
10 conviction. That as I mentioned in the Sentencing Memorandum, the concern for
11 this Court in determining whether to adjudicate him as a habitual offender is the
12 escalation of violence in weapons culminating in this event, which I think speaks
13 directly to -- you can't prevent him from committing new offenses. Three states
14 and three decades of evidence confirm that.

15 I'd ask that you adjudicate him as habitual offender to the small
16 habitual.

17 THE COURT: Mr. Bailey.

18 MR. BAILEY: Your Honor, I mean you can see his history, yes. He
19 does have extensive criminal history. But if you go back almost everything is --
20 involves drugs. It's a drug related Your Honor. He does have some document
21 issues as far as his mental health, that's why he's under substance abuse. He's
22 tried to go these different ways.

23 I'm not saying that Your Honor's inclined to send him to Drug Court.
24 But Your Honor, I don't think habitual treatment is necessary at this point,
25 because it -- the underlying offense was Possession of a Deadly Weapon, which

1 basically was more less like a, a tool, a utility tool in the first place. It wasn't so
2 much just a flat out blade that he's going to attack these, these people with – the
3 alleged victim in this case, Your Honor.

4 More less, they startled him. He was nervous. He was scared. Like I
5 said he's living on the street. He's, you know, he's – everything – his whole life is
6 in chaos, Your Honor. I think obviously he needs some kind of structure. I'm not
7 saying that that could – let him go free. But I think something in the – more in the
8 lines of either 24 to 60 or even 36 to 96 months would be more than in line with
9 the sentencing I think that my client deserves, Your Honor.

10 THE COURT: Okay.

11 MR. BAILEY: And with that I'll submit it.

12 THE COURT: All right. Thank you.

13 THE DEFENDANT: Ma'am, I may not be able to speak again and I
14 apologize, but I am on disability. I never said I had a job, you know. I was
15 waiting for that to actually kick in.

16 THE COURT: Okay.

17 THE DEFENDANT: And I apologize for everything.

18 MR. BAILEY: Correct. I'm sorry.

19 THE DEFENDANT: The day in question I attempted – I don't like to
20 talk about it, but I ate a large substantial amount of Xanax alprazolam and
21 alcohol, and my attempt was not to wake up from it, and here we are. And I, I
22 don't mean to make that an excuse or anything like that but, you know, I, I gave
23 up, and I didn't know, you know, the right way to do that, you know.

24 And I even failed at that attempt, you know. And I just need some
25 help, you know, and I – maybe it's not, you know, Drug Court's maybe not for me

1 or whatever the case may be. I turn that over to my higher power and you, of
2 course, but I just fear that getting out and, you know, my dad being gone, my
3 mom being gone or something like that with all that time, you know what I mean?

4 And I apologize Ma'am.

5 THE COURT: Okay. In accordance with the laws of the State of
6 Nevada, you are hereby adjudged guilty of the crime of Carrying Concealed
7 Firearm or Other Deadly Weapon. In addition to the \$25 administrative
8 assessment fee, the \$150 dna fee, is it waived? As it was taken on April 26th of
9 2016. There is a \$3 dna collection fee and a \$250 defense fee.

10 You are sentenced under the small habitual statute, NRS 207.010(a).
11 The State has provided the Court with Certified Judgments of Convictions. This
12 is a category B felony. You are sentenced to a minimum of 84 months and a
13 maximum of 240 months.

14 I am showing that there is, for today, 38 days credit for time served?

15 No –

16 THE DEFENDANT: No, I have 261.

17 THE COURT: Well no, I think some of that went – no, I don't think so.
18 Hold on. 67 – so if you look at page 8 of the PSI you guys. You see how it says
19 – yeah, it breaks it all down for this case. It's 67 days credit for time served. And
20 if there's a problem with that, Mr. Bailey put it on back on calendar, but the PSI
21 did a breakdown of each of the times he was in custody on this case.

22 MR. BAILEY: I will Your Honor.

23 THE DEFENDANT: Ma'am.

24 MR. BAILEY: Thank Your Honor.

25 THE COURT: Okay.

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THE DEFENDANT: Ma'am, how, how many – how long?

THE COURT: 7, minimum of 7 years, a maximum of 20.

THE DEFENDANT: 20 years?

MR. BAILEY: 7, 7's on the lower.

THE DEFENDANT: Well, 20 years – they never give me parole out here anymore. 20 years. Sir, sir can I talk to you real quick before you leave?

MR. BAILEY: I can't – I can't do that.

THE DEFENDANT: Can I speak to you though. I, I need you to put – I need you to talk to Carl Arnold put in for sentence modification.

THE COURT: I'm sorry, what?

MR. BAILEY: I'll talk.

THE DEFENDANT: Please man.

[Proceedings concluded at 12:25 p.m.]

* * * * *

ATTEST: I hereby certify that I have truly and correctly transcribed the audio/visual proceedings in the above-entitled case to the best of my ability.


Kerry Esparza
Court Recorder/Transcriber

In The Eighth Judicial District Court of The
State of Nevada In
AND FOR THE COUNTY OF CLARK

FILED

APR 06 2020

CLERK OF COURT

The State of Nevada

Plaintiff,

vs.

Case No.: C-19-341735-1

Dept. No.: VI

Docket No.: _____

Daine Anton Crawley # 7031173

NDOC # 1167447

Defendant

Notice of Appeal

Notice is hereby given that Daine A. Crawley, Defendant above named, hereby appeals to the Supreme Court of Nevada from The Honorable Jacqueline M. Bluth Department VI, Clark County Eighth Judicial District Court case number C341735. Carrying Concealed Firearm, or other Deadly Weapon, to wit Multi-purpose tool / knife; Adjudicated as a small habitual Category B 64-240 months.

The Defendant now comes forth to file this entitled notice of Appeal due to the error / errors within PSI. The Defendant would like to note that communication with counsel has been strained due to the COVID 19, Corona Virus Pandemic. The Sentencing hearing was continued from March 4th, 2020 to April 1st, 2020 in order to have new PSI ordered. As stated in supplementary "PSI" provided April 1st, 2020. Attorney

APR 06 2020

CLERK OF THE COURT

126

1 Carl Arnold was never reached to give response according
2 to "Page 7" of Supplemental Information in PSI dated
3 March 24th, 2020. The information also states on "Page 7" that
4 "The Defendant" responded Via Email with a "Statement"
5 regarding errors. The Defendant was and still is in custody
6 for the past "260 days" and could not do so. A new
7 "PSI" was never clarified, and since neither Defendant
8 Crawley nor Attorney Carl Arnold were contacted the "PSI"
9 was never clarified in any respect; Convictions, incarceration
10 Mental Health, Substance Abuse Etc. The Defendants probation
11 Success Probability Score (PSP) used at sentencing failed to
12 properly account for Mental Health and/or physical handicap
13 as previously noted in the transcripts from all District Court
14 hearings starting in November 2019. Blankenship VS. State
15 Supreme Court of Nevada July 21, 2016. In addition to
16 these most prevalent errors there are various Complaints
17 noted by defendant for ineffective Counsel / withdraw guilty
18 plea motions filed in October / November 2019. The Defendant
19 is requesting that the sentence be challenged due to
20 these errors, but not limited to the lack of contact with
21 Substitute Attorney amid the COVID 19 / Corona Virus
22 Outbreak. If alternate Counsel regarding these errors will
23 please submit this Notice of Appeal, and note a request
24 of procedure for modifying the records in question, as
25 directed by PNP. It is a known fact that PNP for
26 said jurisdictions have failed to respond regarding
27 Convictions used to obtain habitual sentence. Please note
28

1 that Defendant Crawley signed a 1 to 5 year Probationable Sentence
2 and was told that the "State would not seek habitual Sentence" at
3 Signing, Court records will show. There was inadequate time to
4 discuss errors before April 1st, 2020 with substitute attorney.
5 Before rendition of sentencing, a Continuance was denied even
6 though appointed Counsel Carl Arnold was not present. In
7 addition to these issues previously noted, a violation
8 of Due process rights has been disclosed according to
9 NRS 171.174 regarding June 12th, 2019 arrest, and the
10 delay of 72 hour hearing until June 17th, 2019. July
11 1st, 2019 preliminary Hearing was continued multiple times without
12 Defendant being present, leading Defendant to feel Plea like
13 agreement only viable option. Respectively.

14 DATED THIS 1st day of April, 2020.

15 I Daine Anton Crawley, do

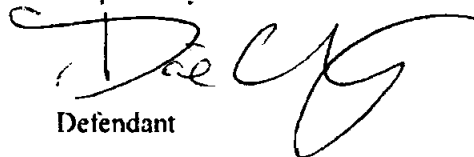
16 solemnly swear, under the penalty of perjury, that

17 the above Notice of Appeal is accurate.

18 correct, and true to the best of my knowledge.

19 NRS 171.102 and NRS 208.165.

20 Respectfully submitted.

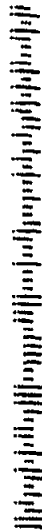
21 
22
23 Defendant

24
25 NRS 208.165 A prisoner may execute any instrument by signing his name immediately
26 following a declaration "under penalty of perjury" with the same legal effect as if he had
27 acknowledged it or sworn to its truth before a person authorized to administer oaths. As used in
28 this section, "prisoner" means a person confined in any jail or prison, or any facility for the
detention of juvenile offenders in this state.

Daine Crawley #7031173
CCDC
330 S. Casino Center Blvd.
Las Vegas, NV 89101



Clerk of District Court
200 Lewis Avenue, 3rd Floor
Las Vegas, NV 89155-1160



000069-10169



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CONFIDENTIAL

Steven D. Grierson

1 JOCP

2
3 DISTRICT COURT

4 CLARK COUNTY, NEVADA

5
6 THE STATE OF NEVADA,

7 Plaintiff,

CASE NO. C-19-341735-1

8 -vs-

9 DEPT. NO. VI

10 DAINE ANTON CRAWLEY
#7031173

11 Defendant.

12
13 JUDGMENT OF CONVICTION
14 (PLEA OF GUILTY)

15
16
17 The Defendant previously appeared before the Court with counsel and entered
18 a plea of guilty to the crime of CARRYING CONCEALED FIREARM OR OTHER
19 DEADLY WEAPON (Category C Felony) in violation of NRS 202.350(1)(d)(3);
20 thereafter, on the 1st day of April, 2020, the Defendant was present in court for
21 sentencing with counsel ROGER BAILEY, ESQ., and good cause appearing,
22


23 THE DEFENDANT IS HEREBY ADJUDGED guilty of said offense under the
24 SMALL HABITUAL Criminal Statute and, in addition to the \$25.00 Administrative
25 Assessment Fee and \$250.00 Indigent Defense Civil Assessment Fee plus \$3.00
26 DNA Collection Fee, the Defendant is sentenced to the Nevada Department of
27 Corrections (NDC) as follows: a MAXIMUM of TWO HUNDRED FORTY (240)
28

<input type="checkbox"/> Nolle Prosequi (before trial)	<input type="checkbox"/> Bench (Non-Jury) Trial
<input type="checkbox"/> Dismissed (after diversion)	<input type="checkbox"/> Dismissed (during trial)
<input type="checkbox"/> Dismissed (before trial)	<input type="checkbox"/> Acquittal
<input checked="" type="checkbox"/> Guilty Plea with Sent (before trial)	<input type="checkbox"/> Guilty Plea with Sent (during trial)
<input type="checkbox"/> Transferred (before/during trial)	<input type="checkbox"/> Conviction
<input type="checkbox"/> Other Manner of Disposition	

dy

1 MONTHS with a MINIMUM parole eligibility of EIGHTY-FOUR (84) MONTHS; with
2 SIXTY-SEVEN (67) DAYS credit for time served. As the \$150.00 DNA Analysis Fee
3 and Genetic Testing have been previously imposed, the Fee and Testing in the
4 current case are WAIVED.
5

6 DATED this 6th day of April, 2020.

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9 JACQUELINE M. BLUTH
10 DISTRICT COURT JUDGE
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1 ASTA

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

9 STATE OF NEVADA,

10 Plaintiff(s),

11 vs.

12 DAINÉ ANTON CRAWLEY,

13 Defendant(s),

Case No: C-19-341735-1

Dept No: VI

14
15
16 **CASE APPEAL STATEMENT**

17
18 1. Appellant(s): Daine Crawley

19 2. Judge: Jacqueline M. Bluth

20 3. Appellant(s): Daine Crawley

21 Counsel:

22 Daine Crawley #7031173
23 330 S. Casino Center Blvd.
24 Las Vegas, NV 89101

25 4. Respondent: The State of Nevada

26 Counsel:

27 Steven B. Wolfson, District Attorney
28 200 Lewis Ave.
Las Vegas, NV 89101

(702) 671-2700

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

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

6. Has Appellant Ever Been Represented by Appointed Counsel In District Court: Yes

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

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

9. Date Commenced in District Court: July 11, 2019

10. Brief Description of the Nature of the Action: Criminal

Type of Judgment or Order Being Appealed: Judgment of Conviction

11. Previous Appeal: No

Supreme Court Docket Number(s): N/A

12. Child Custody or Visitation: N/A

Dated This 13 day of April 2020.

Steven D. Grierson, Clerk of the Court

/s/ Amanda Hampton

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

cc: Daine Crawley

FILED

JUN 04 2020

John L. Williams
CLERK OF COURT

Case No.: C341735

Dept. No.: District VI

IN THE 8th JUDICIAL DISTRICT COURT OF THE
STATE OF NEVADA IN AND FOR THE COUNTY OF Clark

Daine Anton Crawley # 1167447

Petitioner,

v.

Warden Williams, High Desert State Prison

Respondent.

A-20-816041-W
Dept. VI

PETITION FOR WRIT OF
HABEAS CORPUS

(Post-conviction)

(NRS 34.720 et seq.)

INSTRUCTIONS:

- (1) This petition must be legibly handwritten or typewritten, signed by the petitioner and verified.
- (2) Additional pages are not permitted except where noted or with respect to the facts which you rely upon to support your grounds for relief. No citation of authorities need be furnished. If briefs or arguments are submitted, they should be submitted in the form of a separate memorandum.
- (3) If you want an attorney appointed, you must complete the Affidavit in Support of Request to Proceed in Forma Pauperis. You must have an authorized officer at the prison complete the certificate as to the amount of money and securities on deposit to your credit in any account in the institution.
- (4) You must name as respondent the person by whom you are confined or restrained. If you are in a specific institution of the Department of Corrections, name the warden or head of the institution. If you are not in a specific institution of the Department but within its custody, name the Director of the Department of Corrections.

(5) You must include all grounds or claims for relief which you may have regarding your conviction or sentence. Failure to raise all grounds in this petition may preclude you from filing future petitions challenging your conviction and sentence.

(6) You must allege specific facts supporting the claims in the petition you file seeking relief from any conviction or sentence. Failure to allege specific facts rather than just conclusions may cause your petition to be dismissed. If your petition contains a claim of ineffective assistance of counsel, that claim will operate to waive the attorney-client privilege for the proceeding in which you claim your counsel was ineffective.

(7) When the petition is fully completed, the original and one copy must be filed with the clerk of the state district court for the county in which you were convicted. One copy must be mailed to the respondent, one copy to the Attorney General's Office, and one copy to the district attorney of the county in which you were convicted or to the original prosecutor if you are challenging your original conviction or sentence. Copies must conform in all particulars to the original submitted for filing.

PETITION

1. Name of institution and county in which you are presently imprisoned or where and how you are presently restrained of your liberty:

High Desert State Prison Indian Springs, Nevada

2. Name and location of court which entered the judgment of conviction under attack:

Eighth Judicial District Court of the State of Nevada, Clark County

3. Date of judgment of conviction: April 1st, 2020

4. Case number: C-19-341735-1

5. (a) Length of sentence:

84 to 240 months

b) If sentence is death, state any date upon which execution is scheduled:

N/A

6. Are you presently serving a sentence for a conviction other than the conviction under attack in this motion? Yes X No _____

If "yes," list crime, case number and sentence being served at this time: Grand Larceny /
C342881 / 12 to 30 months

7. Nature of offense involved in conviction being challenged:

Carry Concealed Weapon, Firearm or other deadly weapon: To
with multi purpose knife, one count

8. What was your plea? (check one)

- (a) Not guilty _____
(b) Guilty X
(c) Guilty but mentally ill _____
(d) Nolo contendere _____

9. If you entered a plea of guilty or guilty but mentally ill to one count of an indictment or information, and a plea of not guilty to another count of an indictment or information, or if a plea of guilty or guilty but mentally ill was negotiated, give details:

A plea of guilty was plead for a negotiated 1 to 5 year probationable sentence for case C341735 and a negotiated plea for 1 to 5 year probationable sentence to run concurrently for case C42881 in which the State agreed to not seek habitual criminal treatment.

10. If you were found guilty or guilty but mentally ill after a plea of not guilty, was the finding made by: (check one)

- (a) Jury _____
(b) Judge without a jury _____

11. Did you testify at the trial? Yes _____ No _____

12. Did you appeal from the judgment of conviction? Yes X No _____

13. If you did appeal, answer the following:

- (a) Name of court: Eighth Judicial District for Clark County / notice of appeal
(b) Case number or citation: C-19-341735-1
(c) Result:

A notice of appeal was filed to the Eighth Judicial District for Clark County to be appealed to the Supreme Court of Nevada, still pending

(d) Date of result: _____

(Attach copy of order or decision, if available.)

14. If you did not appeal, explain briefly why you did not:

15. Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any petitions, applications or motions with respect to this judgment in any court, state or federal? Yes _____ No X

16. If your answer to No. 15 was "yes," give the following information:

(a) (1) Name of court: _____

(2) Nature of proceeding: _____

(3) Grounds raised: _____

(4) Did you receive an evidentiary hearing on your petition, application or motion? Yes: _____ No: X

(5) Result: _____

(6) Date of result: _____

(7) If known, citations of any written opinion or date of orders entered pursuant to such result: _____

(b) As to any second petition, application or motion, give the same information:

(1) Name of court: _____

(2) Nature of proceeding: _____

(3) Grounds raised: _____

(4) Did you receive an evidentiary hearing on your petition, application or motion?
Yes _____ No X

(5) Result: _____

(6) Date of result: _____

(7) If known, citations of any written opinion or date of orders entered pursuant to such result: _____

(c) As to any third or subsequent additional applications or motions, give the same information as above, list them on a separate sheet and attach.

(d) Did you appeal to the highest state or federal court having jurisdiction, the result or action taken on any petition, application or motion?

(1) First petition, application or motion? Yes X No _____

Citation or date of decision: Still pending

(2) Second petition, application or motion? Yes _____ No _____

Citation or date of decision: _____

(3) Third or subsequent petitions, applications or motions? Yes _____ No _____

Citation or date of decision: _____

(e) If you did not appeal from the adverse action on any petition, application or motion, explain briefly why you did not. (You must relate specific facts in response to this question. Your response may be included on paper which is 8 1/2 by 11 inches attached to the petition. Your response may not exceed five handwritten or typewritten pages in length.):

17. Has any ground being raised in this petition been previously presented to this or any other court by way of petition for habeas corpus, motion, application or any other postconviction proceeding? If so, identify:

(a) Which of the grounds is the same:

A notice of appeal was filed only

(b) The proceedings in which these grounds were raised:

(c) Briefly explain why you are again raising these grounds. (You must relate specific facts in response to this question. Your response may be included on paper which is 8 1/2 by 11 inches attached to the petition. Your response may not exceed five handwritten or typewritten pages in length.)

18. If any of the grounds listed in Nos. 23(a), (b), (c) and (d), or listed on any additional pages you have attached, were not previously presented in any other court, state or federal, list briefly what grounds were not so presented, and give your reasons for not presenting them. (You must relate specific facts in response to this question. Your response may be included on paper which is 8 1/2 by 11 inches attached to the petition. Your response may not exceed five handwritten or typewritten pages in length.)

19. Are you filing this petition more than 1 year following the filing of the judgment of conviction or the filing of a decision on direct appeal? If so, state briefly the reasons for the delay. (You must relate specific facts in response to this question. Your response may be included on paper which is 8 1/2 by 11 inches attached to the petition. Your response may not exceed five handwritten or typewritten pages in length.)

20. Do you have any petition or appeal now pending in any court, either state or federal, as to the judgment under attack? Yes X No

If yes, state what court and the case number:

A notice of appeal for Judgment of conviction case C341735 NV Supreme Court

21. Give the name of each attorney who represented you in the proceeding resulting in your conviction and on direct appeal:

Attorney Carl Arnold

22. Do you have any future sentences to serve after you complete the sentence imposed by the judgment under attack? Yes No X

If yes, specify where and when it is to be served, if you know:

23. State concisely every ground on which you claim that you are being held unlawfully. Summarize briefly the facts supporting each ground. If necessary you may attach pages stating additional grounds and facts supporting same.

(a) Ground one: Violation of 14th Amendment, Equal Protection Clause / Due process of law
Violation of NRS 171.174, NRS 171.104, NRS 171.196
Supporting FACTS (Tell your story briefly without citing cases or law.):

On June 12th, [REDACTED] 2019. The Defendant Daine A. Crawley was unlawfully detained for possible involvement in Assault w/ Deadly weapon case. Despite numerous requests for Body Cam footage and/or other related exculpatory evidence including Discovery / filing of motion to inspect all evidence favorable to defense none was provided by District Attorney David Stanton or Public Defender Erika Ballou. Defendant Crawley was stopped between the Luxor and Excalibur parking lots adjacent to the Luxor Hotel and Casino. A multi purpose tool / with Razor blade attached was retrieved from Daine A. Crawley's belt body cam footage will show. Upon seizure Mr. Crawley was booked for Assault with Deadly Weapon on June 12th 2019 at 21:01 hours. The property inventory sheet at Clark County Detention Center shows discrepancies in description of clothing in police report and lack of weapon other than said tool / tools listed. On June 17th 2019 Mr. Crawley was brought before the Judge for an initial arraignment. This now being "5 days" after arrest violating 14th amendment right and NRS 171.174 exceeding "72 hour hearing". After court the morning of June 17th 2019, Mr. Crawley was formally booked at 1600 / 4:00pm according to Temporary Custody Record on June 17th 2019 by an officer Joshua D. Ferry despite being hours after initial court appearance violating NRS. 171.104. In addition to these due process rights violations the preliminary hearing for both charges were scheduled to be on July 1st 2019, but were continued until July 11th 2019 for unknown reason by David Stanton despite Defendant being in custody and not being brought before the court. Violating Amendments 4 and 6, NRS 171.196 and Federal Rules for criminal procedure. It was later used as a tactic by District Attorney David Stanton and Public Defender Erika Ballou to entice a Guilty Plea agreement of a 1 to 5 year probationable sentence which in turn was used to adjudicate Mr. Crawley as an habitual offender, and sentence of 84 to 240 months.

(b) Ground two: Violation of Amendment 6, Amendment 7, Amendment 5
Blankenship vs. State, Supreme Court of Nevada July 21, 2016.

Supporting FACTS (Tell your story briefly without citing cases or law:

Prosecutorial misconduct was exercised at both March 4th, 2020 and April 1st 2020 sentencing hearings regarding Mr. Crawley's Mental Health / physical Handicap. Mr. Crawley's attempts to seek adequate counsel in dismissing Public Defender Erika Ballou for inappropriate representation involving violation of Due process rights and withdrawal of guilty plea in November of 2019 resulted in malicious vindictive prosecution. Mr. Crawley was unable to speak on his own behalf during the hearing related to the withdrawal of Guilty Plea prior to the withdrawal being denied in January 2020. An evidentiary hearing was never held to weigh exculpatory evidence and /or mental health issues. Mr. Crawley has suffered from bouts of PTSD / Social Anxiety disorders since 2004, these mental health issues were the basis of the withdrawal of guilty plea. The stability of his mental health during the signing of the guilty plea in July 2019 are in question due to not being on his medication during that time due to incarceration. Mr. Crawley believed he was signing a 1 to 5 year probationable sentence with 18 to 60 months recommended by PNP, This mislead plea agreement led to an 84 to 240 month sentence. Issues with PSI were addressed through multiple hearings from November 2019 through April 1st 2020 sentencing. The most notable discrepancies are with the PSP Scoring sheet regarding mental health and physical handicap. The pre sentence adjustment section is in error and can be seen in difference with PSI for case number C342081. A supplemental PSI report was brought into question in that the same issues remained unclarified. On the 7th page it states issue with contacting Attorney Carl Arnold, and not being able to receive response. A response from Defendant is stated via Email although Defendant was in custody "260" days at this point and could not of responded in this manner.

(c) Ground three: Violation of Administrative order 20-06 filed March 18th, 2020

Supporting FACTS (Tell your story briefly without citing cases or law.):

Communication with Counsel has been futile due to the COVID 19, Corona Virus pandemic. The Administrative order: 20-06 In the administrative matter of court operations of criminal matters in response to Covid-19 clearly states from lines 8-12 dated March 18th, 2020, that "attorneys are cautioned that it will be absolutely necessary to prepare clients for guilty pleas, Sentencings, and probation revocations prior to court". This lack of contact due to social distancing with Attorney Carl Arnold in turn led to extreme Sentencing. Mr. Crawley asked for continuance to address issues in probation Success probability Score page 7" but was denied right to consult with counsel due to Coronavirus/COVID 19 pandemic. The Defendant is requesting that the sentence be challenged due to these errors and lack of contact with court appointed Attorney Carl Arnold amid the COVID 19 / corona virus pandemic. Mr. Crawley signed a 1 to 5 year probationable sentence, and the above errors were used to adjudicate Mr. Crawley to Habitual offender status by District Attorney David Stanton and Judge Jacqueline Bluth despite various attempts to withdrawal guilty plea and/or dismiss Counsel.

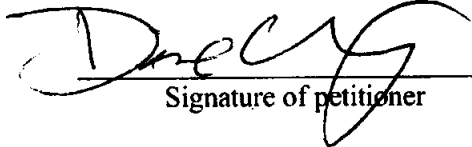
(d) Ground four: 8th Amendment cruel and unusual punishment; 7th amendment Right to Jury trial.

Supporting FACTS (Tell your story briefly without citing cases or law.):

It is the prosecutorial misconduct in previous years known by District Attorney David Stanton and the inappropriate representation throughout the duration of case C341735 that led to guilty plea coercion through fear of life imprisonment due to false police report that was withheld by Public Defenders office. Court transcripts of both case C341735 and C342881 show the malice and vindictive prosecution by David Stanton due to the Defendants attempt and eventual acceptance into The Drug Court program. It is a well known fact according to the website Appeal.Org, That Mr. David Stanton's anger and vindictive prosecution tactics have led him to be fired from Reno, Nevada's DA's office in 1999. He was arrested for resisting arrest and has taken Anger management counseling related to his career. Mr. Stanton has been involved in a tradition in Clark County of paying witnesses for testimony from a secret checking account. In light of this information Mr. Crawley attempted to enlighten appointed Attorney Carl Arnold of these facts, but was told to not disclose them in open court in relation to the withdrawal of guilty plea. It is the defendants belief that this is why Mr. Arnold did not attend April 1st 2020 rendition of sentencing and Mr. Crawley was denied a continuance to consult with substitute counsel or Mr. Arnold in relation to PSI/PSP Scoring issues. The result being 84 to 240 months for Carry concealed weapon / To wit multi purpose tool / Knife. The website is as follows <https://theappeal.org/lesses-and-legal-purs-the-cowboy-culture-of-the-clark-county-nevada>.

WHEREFORE, petitioner prays that the court grant petitioner relief to which petitioner may be entitled in this proceeding.

EXECUTED at 5:00pm on the 29th day of the month of April of the year 2020



Signature of petitioner

HDSP P.O. Box 650 Indian Springs NV 89070

Address

Signature of attorney (if any)

Attorney for petitioner

Address

VERIFICATION

Under penalty of perjury, the undersigned declares that the undersigned is the petitioner named in the foregoing petition and knows the contents thereof; that the pleading is true of the undersigned's own knowledge, except as to those matters stated on information and belief, and as to such matters the undersigned believes them to be true.



Petitioner

Attorney for petitioner

CERTIFICATE OF SERVICE BY MAIL

I, Daine Crawley hereby certify, pursuant to N.R.C.P. 5(b), that on this 29th day of the month of April of the year 2020, I mailed a true and correct copy of the foregoing PETITION FOR WRIT OF HABEAS CORPUS addressed to:

Warden Williams / High Desert State Prison
Respondent prison or jail official

P.O. Box 650 Indian Springs, NV 89070
Address

Aaron Ford
Attorney General

100 North Carson Street Carson City, NV 89701
Address

Steven B. Wolfson
District Attorney of County of Conviction

200 Lewis Avenue Las Vegas, NV 89155-2212
Address

Re: *State of Nevada v. Daine Crawley*

Case No. C341735

Dear Mr./Ms. _____:

Nev. Rev. Stat. 7.055, provides that:

An attorney who has been discharged by his client shall, upon demand...Immediately deliver to the client all papers, documents, pleadings and items of tangible personal property which belong to or were prepared for that client.


See also Nev. Sup. Ct. Rule 166(4):

Upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client's interest, such as ... surrendering papers and property to which the client is entitled..."

I hereby formally make demand that you provide my entire file, including, but not limited to all papers, documents, pleading and items of tangible personal property which belong to or were prepared on my behalf to me at the address set forth on this letter.

As you know pursuit of post-conviction claims are governed by strict deadlines. Therefore, I cannot stress enough the importance of your providing of your providing my file to me as soon as possible. Your prompt attention to this very important matter is greatly appreciated.

Sincerely,

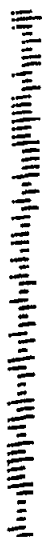
A handwritten signature in black ink, appearing to read "Daine Crawley", written in a cursive style.

Daine Crawley #1167447
HDSP
P.O. Box 650
Indian Springs, NV 89070

NON
MACHINABLE MAIL
PLEASE HAND CANCEL

District Court Clerk
200 Lewis Avenue
Las Vegas, NV 89155

RECEIVED
APR 27 2020



5400 00000000000000000000

"LEGAL MAIL"

HIGH DESERT STATE PRISON
APR 29 2020
UNIT 1 C/D

2. Confidential Sealed Application to Proceed in Forma Pauperis

Steven D. Grierson

PPOW

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Daine Crawley,

Petitioner,

vs.

Warden Williams, HDSP,

Respondent,

Case No: A-20-816041-W
Department 6

**ORDER FOR PETITION FOR
WRIT OF HABEAS CORPUS**

Petitioner filed a Petition for Writ of Habeas Corpus (Post-Conviction Relief) on June 04, 2020. The Court has reviewed the Petition and has determined that a response would assist the Court in determining whether Petitioner is illegally imprisoned and restrained of his/her liberty, and good cause appearing therefore,

IT IS HEREBY ORDERED that Respondent shall, within 45 days after the date of this Order, answer or otherwise respond to the Petition and file a return in accordance with the provisions of NRS 34.360 to 34.830, inclusive.

IT IS HEREBY FURTHER ORDERED that this matter shall be placed on this Court's

Calendar on the 19th day of August, 2020, at the hour of

10:15 a.m. o'clock for further proceedings.

[Signature]
District Court Judge

FILED

JUN 12 2020

John L. Williams
CLERK OF COURT

1 Case No. C341735
2 Dept. No. VT

IN THE 8th JUDICIAL DISTRICT COURT OF THE
STATE OF NEVADA IN AND FOR THE COUNTY OF Clark

4 Daine Anton Crawley
5 Petitioner,

6 v.

PETITION FOR WRIT
OF HABEAS CORPUS
(POSTCONVICTION)

A-20-816041-W
Dept. 6

7 Warden Williams, HDSP
8 Respondent.

9 INSTRUCTIONS:

- 10 (1) This petition must be legibly handwritten or typewritten, signed by the petitioner and verified.
11 (2) Additional pages are not permitted except where noted or with respect to the facts which you rely upon to
12 support your grounds for relief. No citation of authorities need be furnished. If briefs or arguments are submitted,
13 they should be submitted in the form of a separate memorandum.
14 (3) If you want an attorney appointed, you must complete the Affidavit in Support of Request to Proceed in
15 Forma Pauperis. You must have an authorized officer at the prison complete the certificate as to the amount of
16 money and securities on deposit to your credit in any account in the institution.
17 (4) You must name as respondent the person by whom you are confined or restrained. If you are in a specific
18 institution of the Department of Corrections, name the warden or head of the institution. If you are not in a specific
19 institution of the Department but within its custody, name the Director of the Department of Corrections.
20 (5) You must include all grounds or claims for relief which you may have regarding your conviction or sentence.
Failure to raise all grounds in this petition may preclude you from filing future petitions challenging your conviction
and sentence.
21 (6) You must allege specific facts supporting the claims in the petition you file seeking relief from any conviction
or sentence. Failure to allege specific facts rather than just conclusions may cause your petition to be dismissed. If
22 your petition contains a claim of ineffective assistance of counsel, that claim will operate to waive the attorney-
23 client privilege for the proceeding in which you claim your counsel was ineffective.
24 (7) When the petition is fully completed, the original and one copy must be filed with the clerk of the state
25 district court for the county in which you were convicted. One copy must be mailed to the respondent, one copy to
26 the Attorney General's Office, and one copy to the district attorney of the county in which you were convicted or to
27 the original prosecutor if you are challenging your original conviction or sentence. Copies must conform in all
28 particulars to the original submitted for filing.

PETITION

- 22 1. Name of institution and county in which you are presently imprisoned or where and how you are presently
23 restrained of your liberty: High Desert State Prison Indian Springs, NV
24 2. Name and location of court which entered the judgment of conviction under attack: Clark County District Court 300 Lewis Avenue Las Vegas, NV 89155
25 Clark County District Court 300 Lewis Avenue Las Vegas, NV 89155
26 3. Date of judgment of conviction: April 1st, 2020
27 4. Case number: C341735
28 5. (a) Length of sentence: 84 + 0240 months

(b) If sentence is death, state any date upon which execution is scheduled:....

6. Are you presently serving a sentence for a conviction other than the conviction under attack in this motion?

Yes X No

If "yes," list crime, case number and sentence being served at this time: Grand Larceny C342881
12 to 30 months to run - concurrently with case C341735

7. Nature of offense involved in conviction being challenged: Carrying Concealed Firearm
or other Deadly Weapon To wit: Knife or multipurpose tool

8. What was your plea? (check one)

(a) Not guilty

(b) Guilty X

(c) Guilty but mentally ill

(d) Nolo contendere

9. If you entered a plea of guilty or guilty but mentally ill to one count of an indictment or information, and a plea of not guilty to another count of an indictment or information, or if a plea of guilty or guilty but mentally ill was negotiated, give details: A plea negotiation was agreed to a 1 to 5 year probationable sentence

for case C341735, and a 1 to 5 year probationable sentence for case C342881 to run -
concurrently with case C341735 and the state would not seek habitual if C342881 is
10. If you were found guilty or guilty but mentally ill after a plea of not guilty, was the finding made by: (check one) Signed

(a) Jury

(b) Judge without a jury

11. Did you testify at the trial? Yes No

12. Did you appeal from the judgment of conviction? Yes X No

13. If you did appeal, answer the following:

(a) Name of court: Clark County District Court

(b) Case number or citation: C341735

(c) Result: No reply by courts

(d) Date of result:

(Attach copy of order or decision, if available.)

1 14. If you did not appeal, explain briefly why you did not:

2
3
4 15. Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any
5 petitions, applications or motions with respect to this judgment in any court, state or federal? Yes X No

6 16. If your answer to No. 15 was "yes," give the following information:

7 (a) (1) Name of court: Clark County District Court

8 (2) Nature of proceeding: A notice of appeal was filed, and a Habeas
9 Corpus, but no response on either or notice of receipt of Habeas Corpus

10 (3) Grounds raised: Due process rights violations, incorrect PSI/PSP
11 information

12
13 (4) Did you receive an evidentiary hearing on your petition, application or motion? Yes No X.....

14 (5) Result:

15 (6) Date of result:

16 (7) If known, citations of any written opinion or date of orders entered pursuant to such result:
17

18 (b) As to any second petition, application or motion, give the same information:

19 (1) Name of court:

20 (2) Nature of proceeding:

21 (3) Grounds raised:

22 (4) Did you receive an evidentiary hearing on your petition, application or motion? Yes No

23 (5) Result:

24 (6) Date of result:

25 (7) If known, citations of any written opinion or date of orders entered pursuant to such result:
26

27 (c) As to any third or subsequent additional applications or motions, give the same information as above, list
28 them on a separate sheet and attach.

(d) Did you appeal to the highest state or federal court having jurisdiction, the result or action taken on any petition, application or motion?

(1) First petition, application or motion? Yes ^x No

Citation or date of decision: no response

(2) Second petition, application or motion? Yes No

Citation or date of decision:

(3) Third or subsequent petitions, applications or motions? Yes No

Citation or date of decision:

(e) If you did not appeal from the adverse action on any petition, application or motion, explain briefly why you did not. (You must relate specific facts in response to this question. Your response may be included on paper which is 8 1/2 by 11 inches attached to the petition. Your response may not exceed five handwritten or typewritten pages in length.).....

17. Has any ground being raised in this petition been previously presented to this or any other court by way of petition for habeas corpus, motion, application or any other postconviction proceeding? If so, identify:

(a) Which of the grounds is the same: The court has not notified receipt of Habeas Corpus, the grounds 1 to 3 are similar.

(b) The proceedings in which these grounds were raised:

(c) Briefly explain why you are again raising these grounds. (You must relate specific facts in response to this question. Your response may be included on paper which is 8 1/2 by 11 inches attached to the petition. Your response may not exceed five handwritten or typewritten pages in length.)

18. If any of the grounds listed in Nos. 23(a), (b), (c) and (d), or listed on any additional pages you have attached, were not previously presented in any other court, state or federal, list briefly what grounds were not so presented, and give your reasons for not presenting them. (You must relate specific facts in response to this question. Your response may be included on paper which is 8 1/2 by 11 inches attached to the petition. Your response may not exceed five handwritten or typewritten pages in length.)

19. Are you filing this petition more than 1 year following the filing of the judgment of conviction or the filing of a decision on direct appeal? If so, state briefly the reasons for the delay. (You must relate specific facts in response to this question. Your response may be included on paper which is 8 1/2 by 11 inches attached to the petition. Your response may not exceed five handwritten or typewritten pages in length.) N/A

20. Do you have any petition or appeal now pending in any court, either state or federal, as to the judgment under attack? Yes ☒ No

If yes, state what court and the case number: Hopefully, an appeal and Habeas Corpus for Clark County District Court Case # C341735 if properly filed

21. Give the name of each attorney who represented you in the proceeding resulting in your conviction and on direct appeal: District Court Sentencing Attorney Carl Arnold, and Roger Bailey has been appointed 5/27/20

22. Do you have any future sentences to serve after you complete the sentence imposed by the judgment under attack? Yes No ☒

If yes, specify where and when it is to be served, if you know:

23. State concisely every ground on which you claim that you are being held unlawfully. Summarize briefly the facts supporting each ground. If necessary you may attach pages stating additional grounds and facts supporting same.

(a) Ground ONE: Violation of 14th Amendment - equal protection clause / Due process of Law, Violation of NRS 171.174, NRS 171.104, and NRS 171.196, Violation of 4th Amendment and 6th Amendment - The accused has the right to hear and question all witnesses and call witnesses

Supporting FACTS (Tell your story briefly without citing cases or law.): On June 12th, 2019, An arrest was made detaining Daine Anton Crawley for possible involvement in an assault w/ deadly weapon on Las Vegas BLVD, between the Luxor and Excalibur adjacent parking lots. Body Cam footage will show that a multi purpose tool w/ razor blade attached was retrieved from Mr. Crawley's belt. Upon seizure Mr. Crawley was booked for Assault w/ deadly weapon on June 12th, 2019 at 21:05 hours without proper explanation or discovery given until PSI was provided for this case. On June 17th, 2019 Mr. Crawley was brought before the court for an initial arraignment and notified of additional charge "Five days" after arrest exceeding 72 hour hearing. It wasn't until later that day of June 17th, 2019 that Mr. Crawley was formally given the rebooking charge at 16:00 / 4:00pm according to the temporary custody record from June 17th, 2019 by an officer John D. Ferry, this being hours after the initial court appearance. This new rebook charge for Carry Concealed Weapon was used as leverage to obtain guilty plea agreement even though the Assault w/ deadly weapon charge held no merit. Mr. Crawley was never positively identified by any witnesses, no witnesses were ever brought before the court. The incorrect facts of the police report were used to obtain a habitual sentence of 84 to 240 months. No additional fingerprints, mugshots, etc. were taken which in turn also led to the miscalculation of "Credit Time Served" at time of April 1st, 2020 sentencing. The credited time at sentencing should have been "261 days". The preliminary hearing for both charges were

1 scheduled to be on July 1st, 2019, but were continued until July
2 11th, 2019 without the Defendant Mr. Crawley being brought before
3 the court despite being in custody at CDC during that
4 time. It is also noted on "PSI" that a June 28th, 2019
5 appearance, or "Failure To Appear" is now on Defendants
6 record that he was never brought before the court for
7 nor did he initially even have a June 28th, 2019 Court
8 date. This is a procedural tactic used by District Attorney
9 David Stanton to obtain the desired "Guilty Plea agreement
10 or finance the "prosecution witnesses" vacation expenses
11 for their appearance or testimonies in many cases he
12 has prosecuted over the years according to the appeal.org
13

14 DATED THIS 2nd day of June, 2020

15 I Daine Anton Crawley, do

16 solemnly swear, under the penalty of perjury, that

17 the above Grand I Haters Corpus is accurate.

18 correct, and true to the best of my knowledge.

19 NRS 171.102 and NRS 208.165.

20 Respectfully submitted.

21 
22
23 Defendant

24
25 NRS 208.165 A prisoner may execute any instrument by signing his name immediately
26 following a declaration "under penalty of perjury" with the same legal effect as if he had
27 acknowledged it or sworn to its truth before a person authorized to administer oaths. As used in
28 this section, "prisoner" means a person confined in any jail or prison, or any facility for the
detention of juvenile offenders in this state.

(b) Ground TWO: Violation of Amendment 5 and 6, Violation of 8th Amendment, Violation of 7th Amendment in relation to evidentiary hearing to Amend errors within PST/PSP Score, Violation of NRS 176.145, NRS 213.10988, Blankenship VS. State July 21st, 2016

Supporting FACTS (Tell your story briefly without citing cases or law.): The Defendants Probation Success Probability form used at sentencing for Carrying Concealed Firearm or other Deadly weapon: To wit Knife/multi purpose tool failed to properly account for defendants mental Health/physical handicap in scoring his ability to be employed under the psych or medical impact Section of the present offense Section of the PSP score, and Financial section of Social History. The Defendants sentence was prejudiced because the District Court did not correct the errors in the PSP prior to sentencing despite defendants objections, and lack of contact with court appointed counsel due to restrictions amid the COVID 19/Corona Virus pandemic. The difference in score raised the sentencing recommendations significantly. Mr. Crawleys mental disability affected his behavior and was relevant when weighing recidivism probability in reference to Habitual Criminality recommendations. Sentencing forms were required to include considerations for legitimate mental disabilities and physical handicap. The current PSP categories improperly penalized defendant as a result of a disability. In addition to Mr. Crawleys attempts to correct these errors, the dismissal of Public Defender Erika Ballou for inappropriate representation involving the initial violation of Due process rights and Withdrawal of Guilty Plea from August 2019 through

November 2019 resulted in malicious prosecution. No evidentiary hearing was ever conducted in relation to the withdrawal of guilty plea. Mr. Crawley has suffered from bouts of PTSD / Social Anxiety disorders since 2004, he has not been properly medicated since the June 12th, 2019 arrest. The Defendant believed he was signing a 1 to 5 year probationable sentence. The Supplemental PSI report was brought into question on April 1st 2020, the same issues remain unaddressed. On the 7th page it states issue with contacting Attorney Carl Arnold, and not being able to receive a response. A response from Defendant is stated via email, although Defendant was in custody "260 days" at that point and could not of responded in that manner. If neither the defendant, or Attorney were contacted who then could of possibly given a response. In turn these errors were never corrected or properly addressed. As you may know, PSP'S are Separated into four broad categories. Prior Criminal History, Present offenses, Social History, and Community Impact. These four categories include a total of 35 independent considerations. The 35 considerations are independently scored in the PSP, using a separate form to guide the division when assigning points (the scoring sheet). The points assigned to the 35 considerations are then added to arrive at

an offender overall score or "PSP". When an overall PSP score warrants a recommendation of prison, a raw score is computed consisting of the scores from the considerations in the prior criminal history and present offense categories. The raw score is translated into a sentencing range using the Sentencing Scale - NAC 213.600. In this instance Mr. Crawley was interviewed for case C341735 and case C342881 by the PNP office, only a matter of weeks apart while in custody. However, the social history varies substantially between the two, as well as the pre sentence adjustment section. Most notably under the Attitude/supervision, Attitude/offense, Honesty/cooperation categories of the pre sentence adjustment. Also most importantly the psych or medical impact and weapon categories of the present offense section. The charge is concealed weapon, though -2 points are deducted for brandished on a "victimless" crime, for example. It is believed that these errors would have put Mr. Crawley in the borderline candidate recommendation range if a new PSI would have been ordered as was intended on March 4th, 2020 to be used at April 1st, 2020 rendition of sentencing. It is stated that a

Ground 2 Continuation page 2

Defendant has the right to object to factual or methodological errors in sentencing forms, so long as he or she objects before sentencing and allows the District Court to strike information that is based on impalpable or highly suspect evidence. It is clear that any objections that the defendant has must be resolved prior to sentencing. In this case however, this remains an issue in that the defendant was not given a new PSI interview, or ample time to review the Supplement PSI dated March 24th, 2020 prior to April 1st, 2020 Sentencing. The Supplemental PSI was never reviewed with the defendant by the defense Attorney. Under NRS 207.016 Procedure; 'trial of primary offense; prior convictions; it clearly states that if such a Supplement or amendment is filed the sentence must not be imposed, or the hearing required by subsection 3 held, until 15 days after the separate filing. Mr. Crawley was not given time to review the Supplemental PSI with Counsel prior to April 1st, 2020 Sentencing due to restrictions amid the COVID 19/Corona Virus pandemic. Although, prosecution

1 retains the right to argue for prison versus probation, the
2 additional 5 to 8 points that Mr. Crawley was penalized
3 would have protected a lower sentencing
4 recommendation. The errors also affect classification
5 and parole eligibility in the Department of Corrections.
6 In conclusion Mr. Crawley's PSI was tainted as a
7 result of the error, and the division failed to
8 contact Attorney Carl Arnold prior to April 1st,
9 2020 sentencing to clarify issue, or give new
10 PSI interview for the defendant. Therefore, the
11 sentencing forms constituted palpable or highly
12 suspect evidence.

13
14 DATED THIS 2nd day of June, 2020

15 I, Daine Anton Crawley, do

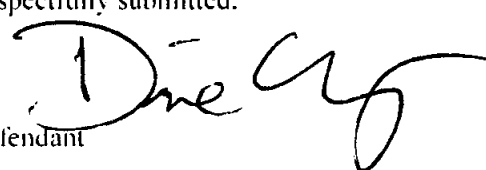
16 solemnly swear, under the penalty of perjury, that

17 the above Grand Jury Verdict is accurate.

18 correct, and true to the best of my knowledge.

19
20 NRS 171.102 and NRS 208.165.

21 Respectfully submitted.

22 
23 Defendant

24
25 NRS 208.165 A prisoner may execute any instrument by signing his name immediately
26 following a declaration "under penalty of perjury" with the same legal effect as if he had
27 acknowledged it or sworn to its truth before a person authorized to administer oaths. As used in
28 this section, "prisoner" means a person confined in any jail or prison, or any facility for the
detention of juvenile offenders in this state.

(c) Ground THREE: Violation of Administrative order 20-06 filed March 18th, 2020 titled in the Administrative matter of Court operations of Criminal matters in response to COVID 19, 5th Amendment violation. No person shall be deprived of due process law, or be witness against himself.

Supporting FACTS (Tell your story briefly without citing cases or law.): Administrative order 20-06 filed March 18th, 2020 titled "In the administrative matter of court operations of criminal matters in response to COVID-19" lines 8-17 clearly state, "Attorney client conversations will be facilitated if needed, however attorneys are cautioned that it will be absolutely necessary to prepare clients for guilty pleas, sentencing and probation violations/revocations prior to court." However, in case number C341735 Attorney Carl Arnold was not present at the April 1st, 2020 sentencing hearing. Mr. Crawley's attempts to have PSI / PSP Score issues amended, and a Continuance to discuss matters with Substitute Counsel were denied by both Judge Jacqueline Bluth and District Attorney David Stanton. Restrictions within the Clark County Detention Center involving Attorney / Client privileges left the defendant unable to discuss any related information prior to sentencing due to the COVID-19 pandemic. In relation to the March 4th, 2020 Continuance to have new PSI Conducted, as noted in Court transcripts for April 1st, 2020 Sentencing, a new PSI was never conducted at all and Page 7 of the supplemental PSI Dated March 24th, 2020 by acting Supervisor M. Leavitt discloses this error. In addition to these

restrictions; Due to the COVID 19/Corona Virus pandemic the defendants acceptance to Drug Court was not granted by Judge Bluth despite being approved for the program for District 18 case number C342881 in which a plea agreement was reached to run that case concurrent with case C341735 and not seek habitual treatment. Entry into the Drug Court program were previously an option or consideration prior to sentencing, as court records will show. It is believed that District Attorney David Stanton never intended to acknowledge the 1405 year probationable plea agreement to begin with at all. Prosecutorial misconduct has been an issue with Mr. David Stanton in past and his anger has led him to be fired from the Reno, Nevada DA's office in 1999. Mr. Stanton has been involved in paying witnesses for testimony from a secret checking account, and has also been arrested for resisting arrest himself. The PSI reflects that the crime is "victimless" under the PSP present offense section, yet Mr. Stanton used the incorrect police report to obtain a "guilty

Ground 3 continuation
page 1

1 plea agreement". This in turn led Mr. Crawley to accept
2 a 1 to 5 year probationable sentence or a recommended
3 12 to 36 month sentence. The lack of adequate counsel
4 throughout case number C341735 led to 84 to
5 240 months in the Department of Corrections.
6 It is stated per the Nevada Revised Statutes, any changes
7 to factual allegations in the Pre Sentence Investigation
8 Report may be ordered by the court within 180 days
9 of the entry of Judgement of Conviction. Please
10 order new "PSI" to amend PSP Score errors for
11 rehabilitation purposes, and Post Conviction relief.

12
13
14 DATED THIS 2nd day of June, 2020

15 I Daine Anton Crawley, do


16 solemnly swear, under the penalty of perjury, that

17 the above Ground 3 Habeas Corpus is accurate.

18 correct, and true to the best of my knowledge.

19 NRS 171.102 and NRS 208.165.

20
21 Respectfully submitted.

22 
23 Defendant

24
25 NRS 208.165 A prisoner may execute any instrument by signing his name immediately
26 following a declaration "under penalty of perjury" with the same legal effect as if he had
27 acknowledged it or sworn to its truth before a person authorized to administer oaths. As used in
28 this section, "prisoner" means a person confined in any jail or prison, or any facility for the
detention of juvenile offenders in this state.

BEFORE, petitioner prays that the court grant petitioner relief to which petitioner may be entitled in this proceeding.

EXECUTED at High Desert State Prison on the 22nd day of the month of June, 2020

Daine Anton Crowley #1167447

High Desert State Prison
Post Office Box 650
Indian Springs, Nevada 89070
Petitioner in Proper Person

VERIFICATION

Under penalty of perjury, the undersigned declares that the undersigned is the petitioner named in the foregoing petition and knows the contents thereof; that the pleading is true of the undersigned's own knowledge, except as to those matters stated on information and belief, and as to such matters the undersigned believes them to be true.

Daine Anton Crowley #1167447

High Desert State Prison
Post Office Box 650
Indian Springs, Nevada 89070
Petitioner in Proper Person

AFFIRMATION (Pursuant to NRS 239B.030)

The undersigned does hereby affirm that the preceeding PETITION FOR WRIT OF HABEAS CORPUS filed in District Court Case Number C341235 Does not contain the social security number of any person.

Daine Anton Crowley #1167447

High Desert State Prison
Post Office Box 650
Indian Springs, Nevada 89070
Petitioner in Proper Person

CERTIFICATE OF SERVICE BY MAIL

I, Daine Anton Crowley, hereby certify pursuant to N.R.C.P. 5(b), that on this 22nd day of the month of June, 2020 I mailed a true and correct copy of the foregoing PETITION FOR WRIT OF HABEAS CORPUS addressed to:

Warden High Desert State Prison
Post Office Box 650
Indian Springs, Nevada 89070

Attorney General of Nevada
100 North Carson Street
Carson City, Nevada 89701

Clark County District Attorney's Office
200 Lewis Avenue
Las Vegas, Nevada 89155

Daine Anton Crowley #1167447

High Desert State Prison
Post Office Box 650
Indian Springs, Nevada 89070
Petitioner in Proper Person

* Print your name and NDOC back number and sign

Daine Anton Crowley #1167447

-10-

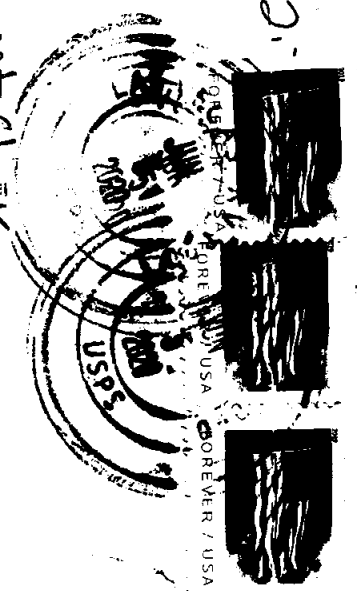
D. C. G.

Daine Crawley #1167447
#HDSF
P.O. Box 650
Indian Springs, NV 89070

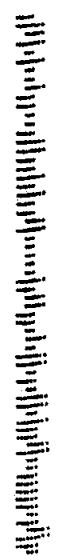
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MAIL ROOM
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Clark County District Court Clerk
200 Lewis Avenue
Las Vegas, NV 89155

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HIGH DESERT STATE PRISON

UNIT 1 C/D
JUN 04 2020
HIGH DESERT STATE PRISON



1 **RSPN**
2 **STEVEN B. WOLFSON**
3 **Clark County District Attorney**
4 **Nevada Bar #001565**
5 **JOHN NIMAN**
6 **Deputy District Attorney**
7 **Nevada Bar #14408**
8 **200 Lewis Avenue**
9 **Las Vegas, Nevada 89155-2212**
10 **(702) 671-2500**
11 **Attorney for Plaintiff**

DISTRICT COURT
CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,

10 Plaintiff,

11 -vs-

12 DAINE ANTON CRAWLEY,
13 #7031173

14 Defendant.

CASE NO: A-20-816041-W

C-19-341735-1

DEPT NO: VI

15 STATE'S RESPONSE TO DEFENDANT'S PETITIONS FOR WRIT OF HABEAS
16 CORPUS (POST-CONVICTION)

17 DATE OF HEARING: AUGUST 19, 2020
18 TIME OF HEARING: 9:30 AM

19 COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, Clark County
20 District Attorney, through JOHN NIMAN, Deputy District Attorney, and hereby submits the
21 attached Points and Authorities in Response to Defendant's Petitions for Writ of Habeas
22 Corpus (Post-Conviction).

23 This Response is made and based upon all the papers and pleadings on file herein, the
24 attached points and authorities in support hereof, and oral argument at the time of hearing, if
25 deemed necessary by this Honorable Court.

26 ///

27 ///

28 ///

1 **POINTS AND AUTHORITIES**

2 **STATEMENT OF THE CASE**

3 On July 12, 2019, Daine Crawley (hereinafter ("Crawley" and/or "Defendant") was
4 charged by way of Information for having committed the crime of Carrying Concealed Firearm
5 or Other Deadly Weapon (Category C Felony- NRS 202.350 (1)(d)(3)- NOC 51459).

6 On July 15, 2019, Crawley entered a plea of guilty to the crime as listed in the
7 Information at Initial Arraignment. The Guilty Plea Agreement ("GPA") was filed the same
8 day in open court.

9 On October 28, 2019, Crawley filed a Motion to Dismiss Counsel and Appoint
10 Alternate Counsel. On November 13, 2019, defense counsel moved for the withdrawal of the
11 GPA and advised there was incorrect information in the Presentence Investigation Report
12 ("PSI") and that another evaluation has to be done. The Court ordered Carl Arnold, Esq., to
13 be appointed as counsel for the limited basis of the Motion to Withdraw Plea. On November
14 19, 2019, the State filed its Notice of Intent to Seek Punishment as a Habitual Criminal

15 On January 31, 2020, Crawley filed a Motion to Withdraw Plea. The State filed its
16 Opposition on February 14, 2020. On February 19, 2020, the District Court heard oral
17 arguments on the motion. The Court concluded that there was an insufficient basis to withdraw
18 the plea and denied the motion.

19 On March 4, 2020, Crawley's sentencing hearing took place. At the hearing, the State
20 argued in support of Habitual Treatment since he violated his agreement. Defense counsel
21 provided that there were errors within Crawley's PSI. The Court ordered that the sentencing
22 proceedings be continued to correct the PSI. On April 1, 2020, Crawley was sentenced
23 pursuant to the Small Habitual Criminal Statute. Crawley was sentenced to a minimum of
24 eighty-four (84) months and a maximum of two hundred-forty (240) months in the Nevada
25 Department of Corrections (NDC). Defendant stated he had two hundred sixty-one (261) days
26 credit. The District Court ordered sixty-seven (67) days credit for time served.

27 On April 6, 2020, Crawley filed a Notice of Appeal. The Judgment of Conviction
28 ("JOC") was filed on April 7, 2020. Crawley's Case Appeal Statement was filed on April 13,

1 2020. On May 11, 2020, Carl Arnold was appointed as appellate counsel. Crawley's appeal is
2 currently pending under Nevada Supreme Court case number 81011, but no Opening Brief has
3 yet been filed.

4 On June 4, 2020, Crawley filed a Petition for Writ of Habeas Corpus (Post-Conviction)
5 (First Petition) and on June 12, 2020, Crawley filed another Petition for Writ of Habeas Corpus
6 (Post-Conviction) (Second Petition). The State responds as follows.

7 **STATEMENT OF THE FACTS**

8 This Court relied on the following factual summary in sentencing Defendant:

9 On June 12, 2019, officers were dispatched to a location
10 between the Excalibur and the Luxor in reference to a person
11 threatening pedestrians with a knife. Upon arrival, contact was
12 made with a witness who stated he was walking with his friend
13 through the hotel parking lot when they were approached by a
14 male, later identified as defendant Daine Anton Crawley, who got
15 in his face and made unintelligible comments while retrieving a
16 knife from his backpack. The witness felt threatened by the
17 defendant who held the knife in his hand with the blade exposed.
18 He stepped away from the defendant who then approached a
19 vehicle with three occupants and attempted to open the door
20 before the car drove away. As the defendant walked to another
21 vehicle and hit the window, the witness notified police and
22 security.

23 Officers also spoke to witness' friend who relayed the same
24 events as described by the witness. While the defendant was being
25 detained, he stated that he did not have a knife; however, officers
26 located a knife in his pocket.

27 Based on the above facts, Mr. Crawley was arrested,
28 transported to the Clark County Detention Center, and booked
accordingly.

Presentence Investigation Report, August 27, 2019, at 7-8.

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1 **ARGUMENT**

2 **I. DEFENDANT'S CLAIMS ARE PROCEDURALLY BARRED**

3 NRS 34.810(1) reads:

4 The court shall dismiss a petition if the court determines that:

5 (a) The petitioner's conviction was upon a plea of guilty or guilty
6 but mentally ill and the petition is not based upon an allegation
7 that the plea was involuntarily or unknowingly or that the plea was
8 entered without effective assistance of counsel.

9 (b) The petitioner's conviction was the result of a trial and the
10 grounds for the petition could have been:

11 (2) Raised in a direct appeal or a prior petition for a writ of habeas
12 corpus or postconviction relief.

13 The Nevada Supreme Court has held that "challenges to the validity of a guilty plea and claims
14 of ineffective assistance of trial and appellate counsel must first be pursued in post-conviction
15 proceedings.... [A]ll other claims that are appropriate for a direct appeal must be pursued on
16 direct appeal, or they will be *considered waived in subsequent proceedings.*" Franklin v. State,
17 110 Nev. 750, 752, 877 P.2d 1058, 1059 (1994) (emphasis added) (disapproved on other
18 grounds by Thomas v. State, 115 Nev. 148, 979 P.2d 222 (1999)). "A court must dismiss a
19 habeas petition if it presents claims that either were or could have been presented in an earlier
20 proceeding, unless the court finds both cause for failing to present the claims earlier or for
21 raising them again and actual prejudice to the petitioner." Evans v. State, 117 Nev. 609, 646-
22 47, 29 P.3d 498, 523 (2001).

23 Further, substantive claims are beyond the scope of habeas and waived. NRS
24 34.724(2)(a); Evans v. State, 117 Nev. 609, 646-47, 29 P.3d 498, 523 (2001); Franklin v.
25 State, 110 Nev. 750, 752, 877 P.2d 1058, 1059 (1994), disapproved on other grounds, Thomas
26 v. State, 115 Nev. 148, 979 P.2d 222 (1999).

27 A defendant may only escape these procedural bars if they meet the burden of
28 establishing good cause and prejudice:

3. Pursuant to subsections 1 and 2, the petitioner has the burden of
pleading and proving specific facts that demonstrate:

(a) Good cause for the petitioner's failure to present the claim or
for presenting the claim again; and

1 (b) Actual prejudice to the petitioner.

2 NRS 34.810(3). Where a defendant does not show good cause for failure to raise claims of
3 error upon direct appeal, the district court is not obliged to consider them in post-conviction
4 proceedings. Jones v. State, 91 Nev. 416, 536 P.2d 1025 (1975).

5 Here, the grounds Defendant raises in his First Petition are proper only for a direct
6 appeal, and thereby, waived. Specifically, Defendant presents four (4) grounds to this Court:
7 (1) violation of his due process rights; (2) claims of prosecutorial misconduct; (3) violation of
8 a court administrative order; and (4) allegations of cruel and unusual punishment. First
9 Petition, at 8-11. Defendant does not challenge the validity of a guilty plea and/or raise claims
10 of ineffective assistance of counsel. See generally, Id. Indeed, the issues Defendant does raise
11 in this First Petition are improperly brought before this Court. As such, these substantive
12 claims are proper only on direct appeal and are barred in this Petition.

13 Even still, Defendant does not attempt to demonstrate good cause or prejudice for
14 raising these claims for the first time in the instant proceedings. See First Petition. Thus, such
15 claims should be denied.

16 **II. DEFENDANT'S SECOND PETITION FOR WRIT OF HABEAS CORPUS**
17 **IS SUCCESSIVE AND/OR AN ABUSE OF THE WRIT**

18 The Second Petition was filed eight (8) days after his First Petition is procedurally
19 barred because it is successive. NRS 34.810(2) reads:

20 A second or successive petition *must* be dismissed if the judge or
21 justice determines that it fails to allege new or different grounds
22 for relief and that the prior determination was on the merits or, if
23 new and different grounds are alleged, the judge or justice finds
that the failure of the petitioner to assert those grounds in a prior
petition constituted an abuse of the writ.

24 (emphasis added). Second or successive petitions are petitions that either fail to allege new or
25 different grounds for relief and the grounds have already been decided on the merits or that
26 allege new or different grounds but a judge or justice finds that the petitioner's failure to assert
27 those grounds in a prior petition would constitute an abuse of the writ. Second or successive
28 petitions will only be decided on the merits if the petitioner can show good cause and

1 prejudice. NRS 34.810(3); Lozada v. State, 110 Nev. 349, 358, 871 P.2d 944, 950 (1994).

2 The Nevada Supreme Court has stated: "Without such limitations on the availability of
3 post-conviction remedies, prisoners could petition for relief in perpetuity and thus abuse post-
4 conviction remedies. In addition, meritless, successive and untimely petitions clog the court
5 system and undermine the finality of convictions." Lozada, 110 Nev. at 358, 871 P.2d at 950.
6 The Nevada Supreme Court recognizes that "[u]nlike initial petitions which certainly require
7 a careful review of the record, successive petitions may be dismissed based solely on the face
8 of the petition." Ford v. Warden, 111 Nev. 872, 882, 901 P.2d 123, 129 (1995). In other words,
9 if the claim or allegation was previously available with reasonable diligence, it is an abuse of
10 the writ to wait to assert it in a later petition. McClesky v. Zant, 499 U.S. 467, 497-498 (1991).
11 Application of NRS 34.810(2) is mandatory. See Riker, 121 Nev. at 231, 112 P.3d at 1074.

12 Here, Defendant acknowledges that this is his Second Petition, and it is therefore
13 successive and an abuse of the writ under NRS 34.810(2) and should be denied. Further,
14 Defendant attempts to assert substantive claims that cannot be raised in a petition. Therefore,
15 Defendant's pleadings are successive and subject to dismissal absent a showing of good cause
16 and prejudice. NRS 34.810(2). Defendant does not argue good cause nor prejudice. See
17 generally, Second Petition. Thus, pursuant to statute, Defendant's pleadings "*must be*
18 *dismissed.*" NRS 34.810(2) (emphasis added).

19 III. DEFENDANT'S FAILURE TO RAISE CLAIMS ON DIRECT APPEAL 20 CONSTITUTE WAIVER

21 Defendant's Second Petition additionally presents three (3) issues: (1) violation of his
22 Equal Protect and/or Due Process rights; (2) allegations of errors within his PSI; and, (3)
23 violation of this Court's Administrative Order. Second Petition, at 6-15. None of the claims
24 raised in this Second Petition challenge the voluntariness of Defendant's guilty plea, nor does
25 it allege ineffective assistance of counsel. Therefore, this claim should have been pursued on
26 direct appeal, rather than in a petition. NRS 34.810(1); Franklin, 110 Nev. at 752, 977 P.2d at
27 1059.

1 Defendant does not attempt to argue good cause or prejudice for raising these claims in
2 the instant proceedings. Such an argument would be meritless, as Defendant specifically and
3 unconditionally waived any protentional constitutional defect by entering his guilty plea.
4 Warden, Nevada State Prison v. Lyons, 100 Nev. 430, 431, 683 P.2d 504, 505.

5 Because Defendant waived all constitutional issues prior to the entry of his plea, and
6 because his claim does not challenge the voluntariness of Defendant's plea, these claims must
7 be summarily denied.¹

8 **CONCLUSION**

9 Based on the foregoing the State respectfully requests that Defendant's Petitions for
10 Writ of Habeas Corpus (Post-Conviction) be DENIED.

11 DATED this 16th day of July, 2020.

12 Respectfully submitted,

13 STEVEN B. WOLFSON
14 Clark County District Attorney
15 Nevada Bar #001565

16 BY /s/JOHN NIMAN

17 JOHN NIMAN
18 Deputy District Attorney
19 Nevada Bar #14408

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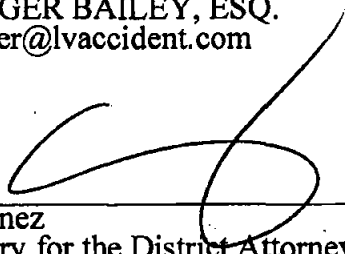
¹ The State asserts that Defendant's claims are waived as to his Petitions. If he raises these claims on direct appeal, we will respond in our Answering Brief to the appellate court.

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CERTIFICATE OF ELECTRONIC FILING

I hereby certify that service of STATE'S RESPONSE TO DEFENDANT'S
PETITIONS FOR WRIT OF HABEAS CORPUS (POST-CONVICTION) , was made this
21st day of July, 2020, by Electronic Filing to:

ROGER BAILEY, ESQ.
roger@lvaccident.com



C. Jimenez
Secretary for the District Attorney's Office

JH/cmj/L3



1 RTRAN

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5 DISTRICT COURT
6 CLARK COUNTY, NEVADA

7
8 DAINE CRAWLEY,
9 Plaintiff,

10 vs.

11 WARDEN WILLIAMS, HDSP,
12 Defendant.

) CASE NO. A-20-816041-W

) DEPT. NO. VI

13
14 BEFORE THE HONORABLE JACQUELINE BLUTH, DISTRICT COURT JUDGE

15 WEDNESDAY, AUGUST 19, 2020

16 **RECORDER'S TRANSCRIPT OF HEARING:**
17 **PETITION FOR WRIT OF HABEAS CORPUS**

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19 APPEARANCES:

20 For the State: No appearance

21 For the Defendant: No appearance

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25 RECORDED BY: DE'AWNA TAKAS, COURT RECORDER

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Las Vegas, Nevada; Wednesday August 19, 2020

[Proceeding commenced at 12:11 p.m.]

THE COURT: All right. Now let's call page 2, A816041-W,
Daine Crawley versus Warden Williams;

[Pause in the proceedings]

All right. So I am going to appoint counsel in this case. There
are some ineffective assistance of counsel issues that were brought up
in regards to the defendant having mental disabilities and not being able
to discuss errors in his PSI with counsel. So I would like counsel to be
appointed to look over these issues. So I'm going to pass this for one
week to have Mr. Christensen have someone appointed who will look
over this.

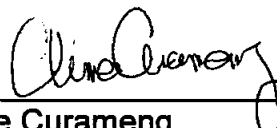
THE COURT CLERK: That'd be August 26th at 10:15 a.m.

THE COURT: That should be it.

[Proceeding concluded at 12:12 p.m.]

* * * * *

ATTEST: I do hereby certify that I have truly and correctly transcribed
the audio/video proceedings in the above-entitled case to the best of my
ability.


Aimee Curameng
Court Recorder/Transcriber



1 RTRAN

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5 DISTRICT COURT
6 CLARK COUNTY, NEVADA

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8 DAINE CRAWLEY,

9 Plaintiff,

10 vs.

11 WARDEN WILLIAMS, HDSP,

12 Defendant.

} CASE NO. A-20-816041-W

} DEPT. NO. VI

13
14 BEFORE THE HONORABLE JACQUELINE BLUTH, DISTRICT COURT JUDGE

15 WEDNESDAY, AUGUST 26, 2020

16 **RECORDER'S TRANSCRIPT OF HEARING:**

17 **STATUS CHECK: APPOINTMENT OF COUNSEL**

18
19 APPEARANCES:

20 For the State:

ROBERT BRAD TURNER, ESQ.
Chief Deputy District Attorney

21
22 For the Defendant:

ROGER BAILEY, ESQ.

23
24 RECORDED BY: DE'AWNA TAKAS, COURT RECORDER

1 Las Vegas, Nevada; Wednesday, August 26, 2020

2 [Proceeding commenced at 10:41]

3
4 THE COURT: Warden Williams versus Daine Crawley,
5 A816041-W. This is just status check for appointment of counsel. Mr.
6 Crawley is not present, in custody of the Nevada Department of
7 Corrections. Mr. Christensen sent us notification that Mr. Arnold was
8 appointed on one of Mr. Crawley's other cases and so that Mr. Bailey
9 will be accepting appointment today; is that correct, Mr. Bailey?

10 MR. BAILEY: That's my understanding, Your Honor.

11 THE COURT: Okay. Great. That will be it then and that's all
12 I have for you today; is that right?

13 MR. BAILEY: That's correct, Your Honor. I -- for some
14 reason, I thought we had, Darien Ventus, but I saw that it was canceled.
15 There's a -- I know there's a trial readiness conference this afternoon in
16 front of Judge Barker so.

17 THE COURT: Oh, okay. Great. All right. Thank you.

18 MR. BAILEY: Thank you. Have a good day.

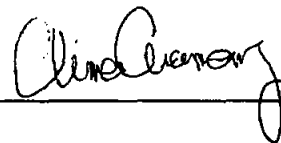
19 THE COURT: You too.

20 MR. BAILEY: Thank you.

21 [Proceeding concluded at 10:42 a.m.]

22 * * * * *

23 ATTEST: I do hereby certify that I have truly and correctly transcribed
24 the audio/video proceedings in the above-entitled case to the best of my
25 ability.



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Aimee Curameng
Court Recorder/Transcriber

Ex-Parte Motion For
Appointment of Counsel / Evidentiary Hearing

In the 8th Judicial District Court of
The State of Nevada IN and FOR The
County of Clark

The State of Nevada

Plaintiff

Case NO: C341735

VS.

DEPT NO: VI

Daine Anton Crawley #1167447

HDSP

P.O BOX 650

Indian Springs, NV 89070

The Defendant Daine Anton Crawley now comes
forth to file the entitled motion to request the
appointment of Alternate Counsel to assist with
the filing of the Post Conviction Relief Habeas
Corpus, and Motion to Modify and/or correct
Illegal Sentence that were both received by
the Clerk of Clark County District Court
in June 2020. Under Rule 3.70 it said that
a Defendant cannot file these documents on
his/her own behalf if Counsel has been appointed.
An attorney by the name of Roger C. Bailey was

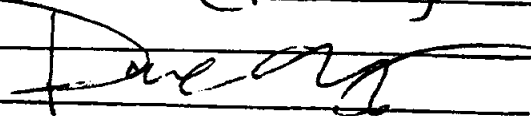
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CLERK OF THE COURT

previously appointed^{CONT-} by way of ex-parte motion on 5/27/2020. However after many attempts to Mr. Bailey at 720 S. 7th Street, 3rd Floor Las Vegas, NV 89101 Phone Number (702) 384-9800, to no avail. It was stated by the Nevada State Bar that Mr. Bailey is now affiliated with the same Law Firm of Carl Arnold at 1428 S. Jones BLVD Las Vegas, NV 89146. The purpose of the entitled motion is to request alternate Counsel that is not-biased in the filing of said motion to modify sentence, and Post Conviction Habeas Corpus Evidentiary proceedings. It is the defendant's assertion that there is now a conflict of interest cited within the CEGA Law Firm, and Mr. Bailey. It would be in the best interest of the Defendant if alternate can be provided. If alternate Counsel cannot be provided for any reason deemed by the Court. Please assist Defendant Crawley with locating Mr. Roger C. Bailey since he cannot be located at this time. Thank you for your assistance and filing of this urgent legal matter. Respectively,

Daine Crawley #1167447



PO BOX 650 Indian Springs NV 89400
Daine Crawley #1167447
Defendant/ In

Daine A. Caudy #1161447
SDCC
P.O. Box 208
Indian Springs, NV 89070

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450362

LEGAL MAIL

RECEIVED
DEC - 7 2020 Clerk of District Court
CLERK OF THE COURT 200 Lewis Avenue, 3rd Floor
Las Vegas, NV 89155

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" Correspondence
LEGAL 79977
Confidential
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CARL E.G. ARNOLD, ESQ.

Nevada Bar No. 008358

Carl@cegalawgroup.com

1428 S. Jones Boulevard

Las Vegas, Nevada 89146

(702) 358-1138

Attorney for Appellant

Electronically Filed
Oct 12 2020 11:47 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

IN THE SUPREME COURT
OF THE STATE OF NEVADA

DAINE CRAWLEY,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

} Docket No. 81011
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APPELLANT'S OPENING BRIEF

ATTORNEY FOR THE APPELLANT

ATTORNEY FOR THE RESPONDENT

CARL E.G. ARNOLD, ESQ.

Nevada Bar No. 008358

1428 S. Jones Boulevard

Las Vegas, NV 89146

Vox: (702) 358-1138

LVCEGA1@yahoo.com

STEVE WOLFSON, DISTRICT ATTY

Nevada Bar No. 1565

200 Lewis Avenue

Las Vegas, NV 89145

Vox: (702) 671-2500

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STATEMENT OF JURISDICTION

The Nevada Supreme Court has appellate jurisdiction over this matter pursuant to NRS 177.015 (3) which states, “the defendant only may appeal from a final judgment or verdict in a criminal case.”

The Judgment of Conviction was filed on April 7, 2020, and the Notice of Appeal was filed on April 6, 2020.

ROUTING STATEMENT

The Court of Appeals shall hear and decide only those matters assigned to it by the Supreme Court. The following case categories are presumptively assigned to the Court of Appeals:

(1) All postconviction appeals except those in death penalty cases and cases that involve a conviction for any offenses that are a category A felony; any direct appeal from a judgment of conviction based on a plea of guilty, guilty but mentally ill, or nolo contendere (Alford); direct appeals from a judgment of conviction that challenges only the sentence imposed or the sufficiency of the evidence; and any direct appeal from a judgment of conviction based on a jury verdict that does not involve a conviction for any offenses that are category A or category B felonies;...

The Court of Appeals retains jurisdiction of this appeal because it is a direct appeal from a judgment of conviction based on a plea of guilty.

STATEMENT OF ISSUE

Whether the Defendant should be allowed to withdraw his guilty plea.

STATEMENT OF THE CASE

On April 1, 2020, Mr. Crawley was sentenced as to a maximum of two hundred forty-one (241) months with a minimum of eighty-four (84) months with sixty-seven (67) days credit time served.

STATEMENT OF RELEVANT FACTS

On July 15, 2019, Mr. Crawley pled guilty to one count of Carrying a Concealed Firearm or Deadly Weapon. As part of the guilty plea, Mr. Crawley was to receive an own recognizance release so he could go to the Crossroads Residential Treatment Center for in patient drug treatment on the same day. Mr. Crawley was not released until July 16, 2019 at 8 p.m. and a bed was no longer available for Mr. Crawley. Accordingly, Mr. Crawley did not receive the benefit of the guilty plea agreement that he was most interested in, which was a timely release so he could be accepted to the in-patient treatment program. Unfortunately, Mr. Crawley was placed back into custody after committing a new crime on August 9, 2019.

SUMMARY OF ARGUMENT

Mr. Crawley should be permitted to withdraw his guilty plea because the benefit of the bargain was not received.

ARGUMENT

District courts may grant a motion to withdraw a guilty plea prior to sentencing for any substantial, fair and just reason. Crawford v. State, 30 P.3d 1123, 1125 (Nev. 2001). Accordingly, Nevada trial and appellate courts must apply a more relaxed standard to presentence motions to withdraw guilty pleas than to post-sentencing motions. Molina v. State, 87 P.3d 533, 537 (Nev. 2004), NRS 176.165. To determine whether the defendant advanced a substantial, fair, and just reason to withdraw a plea, the district court must consider the totality of the circumstances to determine whether the defendant entered the plea voluntarily, knowingly, and intelligently. State v. Freese, 116 Nev. 1097 (2000).

In the matter before this Court, Mr. Crawley did not receive the benefit of the bargain by being immediately released on his own recognizance after the entry of his guilty plea. Consequently, he lost his placement at the in-patient treatment program. Mr. Crawley was well aware of his drug problem and aware of his proclivity to not abide by the laws. Accordingly, Mr. Crawley undertook substantial measures that he would go to a safe environment upon his release and combat his addiction. Nevertheless, the State of Nevada failed Mr. Crawley without giving him a timely own recognizance release. Mr. Crawley was returned to the streets and committed a new crime, which precluded him from receiving a possible grant of probation at the time of sentencing. The State was granted

permission to argue for prison time since the terms of the plea agreement had been violated. Mr. Crawley was given a very significant sentence and the system failed Mr. Crawley in his attempt to be a law-abiding citizen.

CONCLUSION

Mr. Crawley ask that the District Court be ordered to permit withdrawal of his guilty plea and that a new trial be set in this matter.

CERTIFICATE OF COMPLIANCE

I hereby certify that this brief complies with the formatting requirements of NRAP § 32(a)(4), the typeface requirements of NRAP § 32(a)(5) and the type style requirements of NRAP § 32(a)(6). The typeface and the type style that was used is Times New Roman, size 14 point.

I further certify that this brief complies with the page limitations of NRAP § 32(a)(7), because it does not exceed 30 pages; excluding the parts of the brief exempted by NRAP § 32(a)(7)(C).

Finally, I hereby certify that I have read this appellate brief, and to the best of my knowledge, information and belief, it is not frivolous or interposed for any improper purpose. I further certify that this brief complies with all the Nevada Rules of Appellate Procedure, in particular NRAP § 28(e)(1), which requires every assertion in the brief regarding matters in the record to be supported by reference to the page and volume number, if any, of the transcript or appendix where the

matter relied on is to be found. I understand that I may be subject to sanctions in the event the accompanying brief is not in conformity with the requirements of the Nevada Rules of Appellate Procedure.

Dated this October 10, 2020.



CARL E.G. ARNOLD, ESQ
Nevada Bar No. 008358

IN THE SUPREME COURT OF THE STATE OF NEVADA

DAINE CRAWLEY,
Appellant,
v.
THE STATE OF NEVADA,
Respondent.

Electronically Filed
Nov 12 2020 01:56 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

Case No. 81011

RESPONDENT'S ANSWERING BRIEF

**Appeal From Judgment of Conviction after a Guilty Plea
Eighth Judicial District Court, Clark County**

CARL E.G. ARNOLD, ESQ.
Nevada Bar #008358
1428 S. Jones Blvd.
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(775) 684-1265

Counsel for Appellant

Counsel for Respondent

I:\APPELLATE\WPDOCS\SECRETARY\BRIEFS\ANSWER & FASTRACK\2020 ANSWER\CRAWLEY, DAINE, 81011, RESP'S ANS.

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IN THE SUPREME COURT OF THE STATE OF NEVADA

DAINE CRAWLEY,
Appellant,

v.

THE STATE OF NEVADA,
Respondent.

Case No. 81011

RESPONDENT'S ANSWERING BRIEF

**Appeal from Judgment of Conviction after a Guilty Plea
Eighth Judicial District Court, Clark County**

ROUTING STATEMENT

This case is presumptively assigned to the Court of Appeals because it is an appeal from a judgment of conviction based on a plea of guilty. NRAP 17(b)(1).

STATEMENT OF THE ISSUE(S)

1. Whether Appellant is entitled to withdraw his guilty plea.

STATEMENT OF THE CASE

On July 12, 2019, Daine Crawley (hereinafter ("Appellant")) was charged by way of Information for having committed the crime of Carrying Concealed Firearm or Other Deadly Weapon (Category C Felony- NRS 202.350 (1)(d)(3)- NOC 51459). Appellant's Appendix ("AA") at 1.

On July 15, 2019, Appellant entered a plea of guilty to the crime as listed in the Information at Initial Arraignment. Respondent's Appendix ("RA") 000001. The Guilty Plea Agreement ("GPA") was filed the same day in open court. AA 3.

On October 28, 2019, Appellant filed a Motion to Dismiss Counsel and Appoint Alternate Counsel. RA 000002. On November 19, 2019, the State filed its Notice of Intent to Seek Punishment as a Habitual Criminal. RA 000006.

On January 31, 2020, Appellant filed a Motion to Withdraw Plea. RA 000008. The State filed its Opposition on February 14, 2020. RA 000012. On February 19, 2020, the District Court heard oral arguments on the motion. RA 000018. The Court concluded that there was an insufficient basis to withdraw the plea and denied the motion. Id.

On March 4, 2020, Appellant's sentencing hearing took place. At the hearing, the State argued in support of Habitual Treatment since he violated his agreement. Defense counsel provided that there were errors within Crawley's PSI. The Court ordered that the sentencing proceedings be continued to correct the PSI. On April 1, 2020, Appellant was sentenced pursuant to the Small Habitual Criminal Statute. Appellant was sentenced to a minimum of eighty-four (84) months and a maximum of two hundred-forty (240) months in the Nevada Department of Corrections (NDC). Defendant stated he had two hundred sixty-one (261) days credit. The District Court ordered sixty-seven (67) days credit for time served. AA 19.

On April 6, 2020, Appellant filed a Notice of Appeal. AA 16. The Judgment of Conviction (“JOC”) was filed on April 7, 2020. AA 19. Appellant’s Case Appeal Statement was filed on April 13, 2020. RA 19. During this period, Appellant’s appeal was pending under Nevada Supreme Court case number 81011, but no Opening Brief had yet been filed.

On June 4, 2020, Appellant filed a Petition for Writ of Habeas Corpus (Post-Conviction) (First Petition) and on June 12, 2020, Appellant filed another Petition for Writ of Habeas Corpus (Post-Conviction) (Second Petition). RA 000020; 000036. The State responded to both petitions on July 21, 2020. RA 000053. The Court Minutes from August 19, 2020, seem to indicate that the district court granted Appellant’s Petition while this appeal was pending, but as of the date of this Answering Brief no Findings of Fact, Conclusions of Law or Order have been filed disposing of the Petition, nor did the District Court certify its intent to grant the Petition or seek remand. *See Foster v. Dingwall*, 126 Nev. 49, 53, 228 P.3d 453, 455 (2010); RA 000061.

Appellant filed his Opening Brief on October 12, 2020. The State’s response now follows.

STATEMENT OF THE FACTS

The district court relied on the following factual summary in sentencing Appellant:

On June 12, 2019, officers were dispatched to a location between the Excalibur and the Luxor in reference to a person threatening pedestrians with a knife. Upon arrival, contact was made with a witness who stated he was walking with his friend through the hotel parking lot when they were approached by a male, later identified as defendant Daine Anton Crawley, who got in his face and made unintelligible comments while retrieving a knife from his backpack. The witness felt threatened by the defendant who held the knife in his hand with the blade exposed. He stepped away from the defendant who then approached a vehicle with three occupants and attempted to open the door before the car drove away. As the defendant walked to another vehicle and hit the window, the witness notified police and security.

Officers also spoke to witness' friend who relayed the same events as described by the witness. While the defendant was being detained, he stated that he did not have a knife; however, officers located a knife in his pocket.

Based on the above facts, Mr. Crawley was arrested, transported to the Clark County Detention Center, and booked accordingly.

Presentence Investigation Report, August 27, 2019, at 7-8.

SUMMARY OF THE ARGUMENT

Appellant claims that he should be permitted to withdraw his guilty plea because the benefit of the bargain was not received. Appellant's claim is barred as the proper vehicle for requesting the withdrawal of a guilty plea is by Petition for Writ of Habeas Corpus (Post-Conviction). Appellant does not argue that the district court erred in denying his pre-sentence Motion to Withdraw Plea. Instead, Appellant alleges that he did not receive the benefit of the bargain, which was not available as,

not the basis of, the pre-sentence motion. Instead, Appellant appears to request that this Court determine that he may withdraw his plea in the first instance. The claims brought to this Court by Appellant are unsupported and without merit.

ARGUMENT

I. APPELLANT'S CLAIM IS PROCEDURALLY BARRED

Appellant seeks to withdraw his plea in the instant appeal. Appellant's Opening Brief ("AOB") at 3. In Harris v. State, 130 Nev. 435, 329 P.3d 619 (2014), the Nevada Supreme Court reversed a district court order that decided a motion to withdraw a plea on the merits. In reversing and remanding, the Supreme Court determined that challenges to the plea are collateral attacks and thus may *only* be made via a post-conviction petition for a writ of habeas corpus. In that vein, the Supreme Court instructed lower courts on what they are required to do when a defendant seeks to withdraw his plea via written motion: "In the case of future filings and for any currently pending post-sentence motion to withdraw a guilty plea, the district court should construe the motion to be a post-conviction petition for a writ of habeas corpus and require the defendant to cure any defects (filings not in compliance with the procedural requirements of NRS Chapter 34) within a reasonable time period selected by the district court." Id. at 628.

It is well-settled law that when a defendant pleads guilty, the only claims that may be raised thereafter are those involving the voluntariness of the plea itself, or

that the plea was entered without effective assistance of counsel. NRS 34.810(1); Kirksey v. State, 112 Nev. 980, 999, 923 P.2d 1102, 1114 (1996), *citing* Warden, Nevada State Prison v. State, 100 Nev. 430, 432, 683 P.2d 504, 505 (1984).

In the instant case, Appellant claims he “did not receive the benefit of the bargain” after the entry of his guilty plea. AOB at 3. Specifically, Appellant argues that his Own Recognizance (“OR”) release at the entry of his plea was untimely, therefore, precluding him placement in the in-patient treatment program. Id. Appellant’s claim is improperly raised on appeal before this Court. First, Appellant may *only* move to withdraw his plea via a post-conviction petition for writ of habeas corpus filed in the district court in the first instance. Second, even if this direct appeal were treated as a post-conviction petition for writ of habeas corpus, Appellant’s claims fail. [B]oth the plain language of the statute and the legislative and statutory history of NRS 34.810(1)(a) demonstrate that the scope of claims that may be raised in a postconviction petition challenging a conviction entered as a result of a guilty plea are limited to claims that challenge the validity of the guilty plea. These claims may be raised either directly, i.e., a claim asserting the plea was not voluntarily or knowingly entered, or indirectly, i.e., a claim asserting the plea was entered without the effective assistance of counsel. Gonzales v. State, 136 Nev. Adv. Op. 60 (Nev. App. 2020).

Even if this were a Petition, the Court of Appeals clarified the scope of NRS 34.810, and the grounds presented in the instant appeal exceed the scope of that statute. Appellant does not argue that his plea was not knowingly and/or voluntarily entered into, but that Appellant did not receive any benefit by pleading guilty since his OR release was allegedly untimely. As such, this Court should affirm the Judgment of Conviction.

To the extent Appellant argues he received an untimely OR release, such allegation is bare, naked, and meritless. “Bare” and “naked” allegations are not sufficient to warrant post-conviction relief, nor are those belied and repelled by the record. Hargrove v. State, 100 Nev. 498, 502, 686 P.2d 222, 225 (1984). Appellant offers no evidence to support such an unusual claim. Appellant simply provides the blanket statement that Appellant’s OR release was allegedly delayed, impeding his admission into in-patient drug treatment.

There is no support for Appellant’s claim that such delay of his OR release even occurred, nor for the proposition that the alleged delay somehow violated the terms of his GPA. See generally Maresca v. State, 103 Nev. 669, 673, 748 P.2d 3, 6 (1987) (“It is appellant’s responsibility to present relevant authority and cogent argument; issues not so presented need not be addressed by this court.” State v. Haberstroh, 119 Nev. 173, 187, 69 P.3d 676, 685-86 (2003) (This Court has stated that “[c]ontentions unsupported by specific argument or authority should be

summarily rejected on appeal.”) (internal citations omitted). As such, Appellant’s claim should be denied

CONCLUSION

For the foregoing reasons, this Court should affirm the Judgment of Conviction.

Dated this 12th day of November, 2020.

Respectfully submitted,

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

BY */s/ John T. Niman*

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CERTIFICATE OF COMPLIANCE

- 1. I hereby certify** that this brief complies with the formatting requirements of NRAP 32(a)(4), the typeface requirements of NRAP 32(a)(5) and the type style requirements of NRAP 32(a)(6) because this brief has been prepared in a proportionally spaced typeface using Microsoft Word 2003 in 14 point font of the Times New Roman style.
- 2. I further certify** that this brief complies with the page or type-volume limitations of NRAP 32(a)(7) because, excluding the parts of the brief exempted by NRAP 32(a)(7)(C), it is either proportionately spaced, has a typeface of 14 points of more, contains 1,556 words and 8 pages.
- 3. Finally, I hereby certify** that I have read this appellate brief, and to the best of my knowledge, information, and belief, it is not frivolous or interposed for any improper purpose. I further certify that this brief complies with all applicable Nevada Rules of Appellate Procedure, in particular NRAP 28(e)(1), which requires every assertion in the brief regarding matters in the record to be supported by a reference to the page and volume number, if any, of the transcript or appendix where the matter relied on is to be found. I understand that I may be subject to sanctions in the event that the accompanying brief is not in conformity with the requirements of the Nevada Rules of Appellate Procedure.

Dated this 12th day of November, 2020.

Respectfully submitted

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BY */s/ John T. Niman*

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CERTIFICATE OF SERVICE

I hereby certify and affirm that this document was filed electronically with the Nevada Supreme Court on 12th day of November, 2020. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

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Nevada Attorney General

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Counsel for Appellant

JOHN T. NIMAN
Deputy District Attorney

/s/ J. Garcia

Employee, Clark County
District Attorney's Office

JTN/Maggie Christiansen/jg

IN THE SUPREME COURT OF THE STATE OF NEVADA

DAINE CRAWLEY,
Appellant,

v.

THE STATE OF NEVADA,
Respondent.

Electronically Filed
Nov 12 2020 02:00 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

Case No. 81011

RESPONDENT'S APPENDIX

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Counsel for Appellant

Counsel for Respondent

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1 Daine Crowley # 1167447

2 / In Propria Personam
3 Post Office Box 650 [HDSP]
4 Indian Springs, Nevada 89018

FILED

DEC 28 2020

Ch. Williams
CLERK OF COURT

5 DISTRICT COURT
6 CLARK COUNTY, NEVADA

January 20, 2021
10:15 AM

7 State of Nevada

9
10 vs.

11 Daine Anton Crowley

1167447

Case No. C341735

Dept No. VI

Docket _____

13
14 **NOTICE OF MOTION**

15 YOU WILL PLEASE TAKE NOTICE, that Daine Anton Crowley

16
17 will come on for hearing before the above-entitled Court on the ____ day of _____, 20____
18 at the hour of ____ o'clock ____ M. In Department ____, of said Court.

19
20 CC:FILE

21
22 DATED: this 1st day of December, 2020

23
24 BY: Daine Anton Crowley

1167447

/In Propria Personam

Daine Crawley ID NO. 1167447

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

FILED

DEC 28 2020

John T. Williams
CLERK OF COURT

Clerk County District Court

Eighth Judicial District

January 20, 2021
10:15 AM

State of Nevada

v.

Daine Anton Crawley
1167447

CASE NO.: C341735

DEPT. NO.: VI

DOCKET: _____

Motion to Withdraw Counsel / Appoint new counsel to
file June 2020 Habeas Corpus and Motion to Modify or
Correct illegal sentence (Note: Postconviction Habeas Corpus Supplement)

COMES NOW, Defendant Daine A. Crawley, herein above respectfully
moves this Honorable Court for an Evidentiary Hearing to Appoint Alternate
Counsel and/or allow Postconviction Habeas Corpus to be filed
in addition to Motion to Modify Correct illegal sentence, enclosed

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

DATED: this 1st day of December, 2020

BY: Daine A. Crawley

SIX BOX 208 Indian Springs # 1167447
Defendant In Proper Personam

RECEIVED

DEC - 8 2020

CLERK OF THE COURT

1 The Defendant Daine Anton Crawley, previously filed
2 an ex parte motion to appoint counsel and request evidentiary
3 hearing, that was granted on May 27th, 2020. An Attorney
4 by the name of Roger Bailey was appointed at that time.
5 After various attempts to contact Mr. Bailey at Roger
6 Bailey Sgro and Roger C/o Roger C. Bailey 720 S.
7 7th Street 3rd Floor Las Vegas, NV 89101 to no
8 avail. It was brought to Mr. Crawley's attention that
9 Mr. Bailey is no longer affiliated with this law firm.

10 The Nevada State Bar provided Defendant Crawley
11 with the new address at 1428 S. Jones Blvd
12 Las Vegas, NV 89146. This location is the CEGA Law Group
13 the same affiliation as Attorney Carl Arnold, ESQ. This
14 is now a conflict of interest in that Carl Arnold represented
15 Mr. Crawley during the original case and sentencing, at which
16 time a violation of Amendment 6, and the violation of
17 Administrative order 20-06 filed March 18th, 2020
18 Administrative matter of court operations of criminal
19 matters in response to COVID-19 occurred and is the
20 basis for the Habeas Corpus and enclosed Motion to Modify
21 Correct illegal sentence imposed on April 1st, 2020.

22 Please review this motion, and appoint alternate counsel
23 other than the CEGA Law group to file motion and Habeas
24 Corpus, or file the enclosed motion(s) pursuant to Rule 7.40
25 (b)(2)(ii) if applicable.

26 Respectfully Submitted,
27 Daine C. 1167447

AFFIRMATION
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding ex parte

Motion Withdraw/appoint alternate Counsel
(Title of Document)

filed in District Court Case number C341735

☒ 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.

Dine G
Signature

12/2/20
Date

Daine Anton Crawley
Print Name

Motion to withdraw Counsel
Title

CERTIFICATE OF SERVICE BY MAILING

I, Daine Anton Crawley, hereby certify, pursuant to NRCP 5(b), that on this 1st
day of December, 2020, I mailed a true and correct copy of the foregoing, "Motion to Withdraw Counsel appoint alternate"
by placing document in a sealed pre-postage paid envelope and deposited said envelope in the
United State Mail addressed to the following:

200 Lewis Avenue, 3rd Floor
Las Vegas, NV 89155

CC:FILE

DATED: this 1st day of December, 2020

Daine Crawley # 1167447

/In Propria Personam
Post Office Box 208, S.D.C.C.
Indian Springs, Nevada 89018
IN FORMA PAUPERIS:

Daine Crawley # 1167447
Petitioner/In Propria Persona
Post Office Box 208, SDCC
Indian Springs, Nevada 89070

FILED
MAR 18 2021
John T. Williams
CLERK OF COURT

PP
DA

IN THE 8th JUDICIAL DISTRICT COURT OF
THE STATE OF NEVADA IN AND FOR THE
COUNTY OF Clark

Daine Anton Crawley # 1167447

Petitioner,

vs.

Director Charles Daniels
Nevada Department of
Corrections, NDOC

Respondent(s).

Case No. **A-20-816041-W**
Dept. No. **Dept. 6**
Docket _____

PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION)

INSTRUCTIONS:

- (1) This petition must be legibly handwritten or typewritten signed by the petitioner and verified.
- (2) Additional pages are not permitted except where noted or with respect to the facts which you rely upon to support your grounds for relief. No citation of authorities need be furnished. If briefs or arguments are submitted, they should be submitted in the form of a separate memorandum.
- (3) If you want an attorney appointed, you must complete the Affidavit in Support of Request to Proceed in Forma Pauperis. You must have an authorized officer at the prison complete the certificate as to the amount of money and securities on deposit to your credit in any account in the institution.
- (4) You must name as respondent the person by whom you are confined or restrained. If you are in a specific institution of the department of corrections, name the warden or head of the institution. If you are not in a specific institution of the department within its custody, name the director of the department of corrections.
- (5) You must include all grounds or claims for relief which you may have regarding your conviction and sentence.

1 Failure to raise all grounds in this petition may preclude you from filing future petitions
2 challenging your conviction and sentence.

3 (6) You must allege specific facts supporting the claims in the petition you file seeking relief
4 from any conviction or sentence. Failure to allege specific facts rather than just conclusions may
5 cause your petition to be dismissed. If your petition contains a claim of ineffective assistance of
6 counsel, that claim will operate to waive the attorney-client privilege for the proceeding in which
7 you claim your counsel was ineffective.

8 (7) If your petition challenges the validity of your conviction or sentence, the original and one
9 copy must be filed with the clerk of the district court for the county in which the conviction
10 occurred. Petitions raising any other claim must be filed with the clerk of the district court for the
11 county in which you are incarcerated. One copy must be mailed to the respondent, one copy to the
12 attorney general's office, and one copy to the district attorney of the county in which you were
13 convicted or to the original prosecutor if you are challenging your original conviction or sentence.
14 Copies must conform in all particulars to the original submitted for filing.

15 PETITION

16 1. Name of institution and county in which you are presently imprisoned or where and who you
17 are presently restrained of your liberty: _____

18 2. Name the location of court which entered the judgment of conviction under attack: _____

19 Clark County District Court 200 Lewis Avenue Las Vegas, NV 89155

20 3. Date of judgment of conviction: April 1st, 2020

21 4. Case number: C341735

22 5. (a) Length of sentence: 84 to 240 months

23 (b) If sentence is death, state any date upon which execution is scheduled: _____

24 6. Are you presently serving a sentence for a conviction other than the conviction under attack in
25 this motion: _____

26 Yes X No _____ If "Yes", list crime, case number and sentence being served at this time: _____

27 Grand Larceny Case Number C342881 12 to 30 months concurrently

28 7. Nature of offense involved in conviction being challenged: _____

Carrying Concealed Weapon: To wit: Razor knife or multi purpose
tool

16. If your answer to No 15 was "Yes", give the following information:

(a) (1) Name of court: District Court (Clark County)

(2) Nature of proceedings: Post conviction Habeas Corpus, Direct Appeal,

(3) Grounds raised: Due process rights violations NRS 171.174, 171.104,

171.196, NRS 176.145, NAC 213.10988 Blankenship VS. State Bradvica

VS. State Knight VS. State Violation of 14th and 6th amendments, Carter
VS. State, REZIN VS. State, State VS. Sanchez, Ex Post Facto Law

(4) Did you receive an evidentiary hearing on your petition, application or motion?

Yes ___ No X

(5) Result: _____

(6) Date of result: _____

(7) If known, citations of any written opinion or date of orders entered pursuant to each
result: _____

(b) As to any second petition, application or motion, give the same information:

(1) Name of Court: _____

(2) Nature of proceeding: _____

(3) Grounds raised: _____

(4) Did you receive an evidentiary hearing on your petition, application or motion?

Yes ___ No ___

(5) Result: _____

(6) Date of result: _____

(7) If known, citations or any written opinion or date of orders entered pursuant to each
result: _____

(c) As to any third or subsequent additional application or motions, give the same
information as above, list them on a separate sheet and attach.

217

1 18. If any of the grounds listed in Nos. 23(a), (b), (c), and (d), or listed on any additional pages
2 you have attached, were not previously presented in any other court, state or federal, list briefly what
3 grounds were not so presented, and give your reasons for not presenting them. (You must relate
4 specific facts in response to this question. Your response may be included on paper which is 8 1/2 x
5 11 inches attached to the petition. Your response may not exceed five handwritten or typewritten
6 pages in length). _____
7 _____

8 19. Are you filing this petition more than one (1) year following the filing of the judgment of
9 conviction or the filing of a decision on direct appeal? If so, state briefly the reasons for the delay.
10 (You must relate specific facts in response to this question. Your response may be included on
11 paper which is 8 1/2 x 11 inches attached to the petition. Your response may not exceed five
12 handwritten or typewritten pages in length). _____
13 _____
14 _____

15 20. Do you have any petition or appeal now pending in any court, either state or federal, as to the
16 judgment under attack?

17 Yes X No _____

18 If "Yes", state what court and the case number: Appeal and Habeas Corpus for
19 Clark County District Court Case Number C34TT35

20 21. Give the name of each attorney who represented you in the proceeding resulting in your
21 conviction and on direct appeal: District Court Sentencing Attorney(s)
22 Carl Arnold and Roger Bailey from CEGA Law group.
23 _____

24 22. Do you have any future sentences to serve after you complete the sentence imposed by the
25 judgment under attack?

26 Yes _____ No X If "Yes", specify where and when it is to be served, if you know: Not
27 in Nevada, though possible violations in the Commonwealth of Virginia
28 _____

(a) Ground ONE: Violation of 14th Amendment - equal protection clause / Due process of Law, Violation of NRS 171.174, NRS 171.104, and NRS 171.196, Violation of 4th Amendment and 6th Amendment - The accused has the right to hear and question all witnesses and call witnesses

Supporting FACTS (Tell your story briefly without citing cases or law.): On June 12th, 2019, An arrest was made detaining Daine Anton Crawley for possible involvement in an assault w/ deadly weapon on Las Vegas BLVD, between the Luxor and Excalibur adjacent parking lots. Body Cam footage will show that a multi purpose tool w/ razor blade attached was retrieved from Mr. Crawley's belt. Upon seizure Mr. Crawley was booked for Assault w/ deadly weapon on June 12th, 2019 at 21:01 hours without proper explanation or discovery given until PSI was provided for this case. On June 17th, 2019 Mr. Crawley was brought before the court for an initial arraignment and notified of additional charge "Five days" after arrest exceeding 72 hour hearing. It wasn't until later that day of June 17th, 2019 that Mr. Crawley was formally given the rebooking charge at 16:00 / 4:00pm according to the temporary Custody record from June 17th, 2019 by an officer Joshua D. Ferry, this being hours after the initial Court appearance. This new rebook charge for Carry Concealed Weapon was used as leverage to obtain guilty plea agreement even though the Assault w/ Deadly weapon charge held no merit. Mr. Crawley was never positively identified by any witnesses, no witnesses were ever brought before the court. The incorrect facts of the police report were used to obtain a habitual sentence of 84 to 240 months. No additional fingerprints, mugshots, etc. were taken which in turn also led to the miscalculation of "Credit Time Served" at time of April 1st, 2020 sentencing. The credited time at sentencing should have been "261 days". The preliminary hearing for both charges were

Summarize briefly the facts supporting each ground. If necessary, you may attach pages stating additional grounds and facts supporting same.

23. (a) GROUND ONE (Continued) Bradvira vs. State, Knight vs. State, NRS 202.3652, NRS 176.145, 176.153, Section B of AB 236, 176.135 and 176.151, Brady vs. Maryland

23. (a) SUPPORTING FACTS (Tell your story briefly without citing cases or law):
 Scheduled to be on July 1st, 2019, but were continued until July 11th, 2019 without defendant Crawley being brought before the court, despite defendant Crawley being held in custody at the Clark County Detention Center during that time. It is also noted on "PSI" that a June 28th, 2019 "Failure to appear" is now on the defendants record. It should be noted that Mr. Crawley never had a June 28th, 2019 court date at all. This procedural tactic used by District Attorney David Stanton proved to be detrimental to the sentencing memorandum provided in the supplemental PSI dated March 24th, 2020 at April 1st, 2020 sentencing. At which time, incorrect PSI/PSP information was used to pursue a sentence structure under NRS 207. DIO, despite agreement of 1 to 5 year probationable sentence, and drug court acceptance. A District Court abuses its discretion in denying a request for an evidentiary hearing, if a petitioner has alleged facts that if proven would entitle him to habeas relief, and he did not receive a full and fair opportunity to develop those facts. If the state courts did not afford a petitioner a full

Supporting FACTS:

and fair hearing, then the state Courts' decision was based on an unreasonable determination of the facts. The Sentencing Court was not operating in the same capacity, and The Sentencing Judge has discretion to adjudicate an individual under NRS 207.010, as long as the record as a whole indicates that the sentencing Court was not operating under a misconception of law regarding the discretionary nature of a habitual criminal adjudication, and that the Court exercised its discretion. A Brady Violation occurred, in that the evidence was not disclosed, and that evidence would have provided grounds for the defendant to impeach the credibility of the state's witnesses or to bolster the defense's case. The evidence at issue that was withheld by the State (such as Discovery, Body Cam footage), either intentionally or inadvertently, prejudice ensued, i.e. the evidence was material and provoked a guilty plea agreement that in turn became detrimental to the Sentencing memorandum, thus an illegal sentence of 84 to 240 months under NRS, 207.010 ensued. NRS 202.350 does not provide a method by which a person can obtain a concealed weapons permit for a Razor Knife most commonly used in the HVAC Trade that the Defendant has been known to work in since 2004.

(b) Ground TWO: Violation of Amendment 5 and 6, Violation of 8th Amendment, Violation of 7th Amendment in relation to evidentiary hearing to amend errors within PSI/PSP score, Violation of NRS 176.145, NRS 213.10988, Blankenship vs. State July 21st, 2016

Supporting FACTS (Tell your story briefly without citing cases or law.): The Defendants Probation Success Probability form used at sentencing for Carrying Concealed Firearm or other Deadly Weapon: To wit Knife/multi purpose tool failed to properly account for defendants mental health/physical handicap in scoring his ability to be employed under the psych or medical impact section of the present offense section of the PSP score, and Financial section of Social History. The Defendants sentence was prejudiced because the District Court did not correct the errors in the PSP prior to sentencing despite defendants objections, and lack of contact with court appointed counsel due to restrictions amid the COVID 19/corona virus pandemic. The difference in score raised the sentencing recommendations significantly. Mr. Crawleys mental disability affected his behavior and was relevant when weighing recidivism probability in reference to Habitual Criminality recommendations. Sentencing forms were required to include considerations for legitimate mental disabilities and physical handicap. The current PSP categories improperly penalized defendant as a result of a disability. In addition to Mr. Crawleys attempts to correct these errors, the dismissal of Public Defender Erika Ballou for inappropriate representation involving the initial violation of due process rights and Withdrawal of Guilty Plea from August 2019 though

November 2019 resulted in malicious prosecution. No evidentiary hearing was ever conducted in relation to the withdrawal of guilty plea. Mr. Crawley has suffered from bouts of PTSD / Social Anxiety disorders since 2004, he has not been properly medicated since the June 12th, 2019 arrest. The Defendant believed he was signing a 1 to 5 year probationable sentence. The Supplemental PSI report was brought into question on April 1st 2020, the same issues remain unaddressed. On the 7th page it states issue with contacting Attorney Carl Arnold, and not being able to receive a response. A response from Defendant is stated via email, although Defendant was in custody "260 days" at that point and could not of responded in that manner. If neither the defendant, or Attorney were contacted who then could of possibly given a response. In turn, these errors were never corrected or properly addressed. As you may know, PSP's are Separated into four broad categories. Prior Criminal History, Present Offenses, Social History, and Community Impact. These four categories include a total of 35 independent considerations. The 35 considerations are independently scored in the PSP, using a separate form to guide the division when assigning points (the Scoring Sheet). The points assigned to the 35 Considerations are then added to arrive at

an offender overall score or "PSP". When an overall PSP score warrants a recommendation of prison, a raw score is computed consisting of the scores from the considerations in the prior criminal history and present offense categories. The raw score is translated into a sentencing range using the Sentencing Scale, NAC 213.600. In this instance Mr. Crawley was interviewed for case C341735 and case C342881 by the PNP office, only a matter of weeks apart while in custody. However, the social history varies substantially between the two, as well as the pre sentence adjustment section. Most notably under the Attitude/supervision, Attitude/offense, Honesty/cooperation categories of the pre sentence adjustment. Also most importantly the psych or medical impact and weapon categories of the present offense section. The charge is concealed weapon, though -2 points are deducted for brandished on a "victimless" crime, for example. It is believed that these errors would have put Mr. Crawley in the borderline candidate recommendation range if a new PSI would have been ordered as was intended on March 4th, 2020 to be used at April 1st, 2020 rendition of sentencing. It is stated that a

Defendant has the right to object to factual or methodological errors in sentencing forms, so long as he or she objects before sentencing and allows the District Court to strike information that is based on impalpable or highly suspect evidence. It is clear that any objections that the defendant has must be resolved prior to sentencing. In this case however, this remains an issue in that the defendant was not given a new PSI interview, or ample time to review the Supplement PSI dated March 24th, 2020 prior to April 1st, 2020 Sentencing. The Supplemental PSI was never reviewed with the defendant by the defense Attorney. Under NRS 207.016 Procedure; trial of primary offense; prior convictions; it clearly states that if such a Supplement or amendment is filed the sentence must not be imposed, or the hearing required by subsection 3 held, until 15 days after the separate filing. Mr. Crawley was not given time to review the Supplemental PSI with counsel prior to April 1st, 2020 Sentencing due to restrictions amid the COVID 19/Corona Virus pandemic. Although, prosecution

23. (b) GROUND TWO: NRS 202.350 Bradvica VS. State
AB 236 section 90 section 105

23. (b) SUPPORTING FACTS (Tell your story briefly without citing cases or law):

Retains the right to argue for prison versus probation, the additional "5 to 8 points" that Mr. Crawley was penalized would have protected a much lower recommendation. The errors also affects classification and parole eligibility in the department of corrections under AB 236 Section 90 and section 105. Section 54 of AB 236 NRS 202.3652 does not list any specific method by which a person could apply for a permit to carry a razor knife / multi purpose tool commonly used in the construction / HVAC trade that Mr. Crawley has been known to work in. In conclusion Mr. Crawley's PSI was tainted as a result of the above error(s), and the division failed to contact Attorney Carl Arnold prior to April 1st, 2020 sentencing to clarify and discrepancies, or give new PSI interview for the defendant. Therefore, the sentencing forms constituted palpable or highly suspect evidence.

(c) Ground THREE: Violation of Administrative order 20-06 filed March 18th, 2020 titled in the Administrative matter of Court operations of Criminal matters in response to COVID-19, 5th Amendment Violation. No person shall be deprived of due process law, or be witness against himself.

Supporting FACTS (Tell your story briefly without citing cases or law.): Administrative order 20-06 filed March 18th, 2020 titled "In the administrative matter of court operations of criminal matters in response to COVID-19" lines 8-17 clearly state, "Attorney client Conversations will be facilitated if needed, however attorneys are cautioned that it will be absolutely necessary to prepare clients for guilty pleas, sentencing and probation Violations/revocations prior to court." However, in case number C341735 Attorney Carl Arnold was not present at the April 1st, 2020 sentencing hearing. Mr. Crawley's attempts to have PSI/PSP Score issues amended, and a Continuance to discuss matters with Substitute Counsel were denied by both Judge Jacqueline Bluth and District Attorney David Stanton. Restrictions within the Clark County Detention Center involving Attorney/Client privileges left the defendant unable to discuss any related information prior to sentencing due to the COVID-19 pandemic. In relation to the March 4th, 2020 Continuance to have new PSI Conducted, as noted in Court transcripts for April 1st, 2020 Sentencing, a new PSI was never Conducted at all and Page 7 of the supplemental PSI Dated March 24th, 2020 by acting Supervisor M. Leavitt discloses this error. In addition to these

restrictions; Due to the COVID 19/Corona Virus pandemic the defendants acceptance to Drug Court was not granted by Judge Bluth despite being approved for the program for District 18 case number C342001 in which a plea agreement was reached to run that case concurrent with case C341735 and not seek habitual treatment. Entry into the Drug Court program were previously an option or consideration prior to sentencing, as court records will show. It is believed that District Attorney David Stanton never intended to acknowledge the 1105 year probationable plea agreement to begin with at all. Prosecutorial misconduct has been an issue with Mr. David Stanton in past and his anger has led him to be fired from the Reno, Nevada DAs office in 1999. Mr. Stanton has been involved in paying witnesses for testimony from a secret checking account, and has also been arrested for resisting arrest himself. The PSI reflects that the crime is "victimless" under the PSP present offense section, yet Mr. Stanton used the incorrect police report to obtain a "guilty

23. (c) GROUND THREE: Bradica Vs. State, Violation of
Amendment 6, NRS 176.145, 176.153, 176.135 in
relation to the procedure for NRS 207.010 A) NAC 53138
Dressler Vs. State, Carter Vs. State, REZIN Vs. State

23. (c) SUPPORTING FACTS (Tell your story briefly without citing cases or law):
Plea agreement. This in turn led Mr. Crawley to agree
to a 1 to 5 year probationable Sentence, or a recommended
18 to 60 month sentence for carrying a concealed Raz or
Knife on the defendants belt. The lack of adequate Counsel
throughout Case number C341735 led to 84 to 240 months
in the department of Corrections. It is stated Per the
Nevada Revised Statutes any changes to factual allegations
in the presentence investigation may be ordered by the
within "180" days of the Judgment of Conviction. As
well as Section B of AB 236 NRS 176.145
Subsection B states that information concerning behavior
circumstances, and financial condition has been verified
although the violation of the Administrative order, and
amendment 6 directly contradict the Administrative
Matter put in place concerning the Attorney Client
privileges during COVID to verify, or amend any
PSI / PSP information prior to April 1st, 2020 Sentencing
It is clear that the substitute Counsel provided was deficient
in performance, and this deficient performance prejudiced
the defense. There is a reasonable probability that, but
for the Counsel's unprofessional / inappropriate errors, the
result of the proceeding would have been much different.

Supporting Facts:

Furthermore, on the prejudice prong, the facts alleged "show that there is a reasonable probability that if Counsel had provided effective assistance by objecting to the proffered non-qualifying convictions in The Commonwealth of Virginia under Carter vs. State and REZIN vs. state, being that those convictions arose from a Drug Court violation under the same Jurisdiction and Court, as well as the fact that those \$200 dollar grand Larceny charges are Gross/ petit Larceny charges if prosecuted under Nevada State Law, Carter vs. State (1963), and should not be counted as "6" Felony convictions. The Sentencing Judge did not have the authority to conduct a sentencing hearing without Attorney Carl Arnold present in open Court, in order to establish the validity of a "foreign prior conviction". The state must also advise the district Court that such charges will be filed in the event of a conviction in order to enable the Court to fully apprise a defendant of the potential consequences of self-representation, or in the present matter with this case, the withdrawal of Counsel and request for an evidentiary hearing in order to withdraw defendants guilty plea. Scott vs. State. Because the maintenance of confidentiality in attorney client communications is vital to the ability of an Attorney to effectively Counsel her/his client, interference with this Confidentiality impedes the Clients First Amendment [sic] right to obtain legal advice." Denius vs. Dinkap F.3d 944, 954 (7th Cir 2000).

GROUND 4: Carter vs. State, A Foreign Conviction must be a felony if it happened in the State of Nevada.
Murray vs. State, Rezin vs. State, Sanchez vs. State

A Felony Committed by the Defendant under The Commonwealth of Virginia Law for Grand Larceny And Conspiracy to Commit Grand Larceny Counted as "6 felony counts" on the incorrect PSI/ PSP Score would have been a petit larceny / gross misdemeanor under Grand Larceny NRS Statutes such as NRS . 205.222 had it occurred in the State of Nevada, and thus defendants "Chesterfield" Convictions for The Commonwealth of Virginia Case numbers CR10F01924, CR10F01926, CR10F01925 that arose from the same "Drug Court" violation could not be used to establish his status as a habitual Criminal under this section and neither could the Violations for Chesterfield Case Number CR14F02472 (2 counts), Since the District Attorney Stanton deliberately misled the conception and perception of the Court with the error in Jurisdiction for Case Number CR14F02472. The "PSI" is in error in that all the above cases are under the Court and Judge in Chesterfield County, Virginia Honorable Frederick G. Rockwell, III and "not" Richmond City, VA as stated in the Supplemental PSI provided on April 1st, 2020, prepared on March 24th, 2020. Furthermore, if exemplified copies of the prior felony convictions and certified fingerprint cards from the penal institutions where the defendant had been incarcerated or the probation office would have been contacted, this error would not of occurred, and there

Supportive Facts:

Would have been no threat of habitual Criminal proceedings whatsoever. The State's initial burden of production shall be satisfied if the State presents Prima Facie evidence of the existence of the prior felony convictions in the Commonwealth of Virginia. The state must present evidence to prove by a preponderance (remains) (unfounded) that the prior conviction was constitutionally obtained (Dressler vs. State). In this case this preponderance remains unfounded in that these prior felonies from The Commonwealth of Virginia are clearly from the same act (Drug Court Violation) transaction or occurrence, and are prosecuted in the same Court and County of Chesterfield, not Richmond City as incorrectly stated by Mr. Stanton. If the record does not raise a presumption of constitutional infirmity, the defendant is none the less free to present evidence tending to rebut the presumption of regularity afforded to a Criminal conviction. The defendant was not granted the opportunity of a rebuttal with the assistance of Court appointed counsel, or presentation of said evidence due to COVID-19 restrictions concerning attorney-client privileges. Prior to filing of withdrawal of guilty plea the defendant attempted to address errors within PSI / PSP score consistent with Case law for Carter vs. State 1963, as there were also errors within the synopsis of arrest as well as prior convictions regarding constitutionally infirm convictions that were within the PSI. Nevada Law requires a sentencing court to exercise its discretion and weigh the appropriate factors for and against

Supporting Facts :

the habitual Criminal statute before adjudicating a person as a habitual Criminal. During this deliberation it may have been necessary ^{to} properly investigate the errors within the PSI, before violating the defendants 14th Amendment due process rights / clause regarding equal protection on April 1st, 2020 at sentencing hearing. District Attorney Stanton used other arbitrary classification tactics including, but not limited to Mental Health and physical handicap credibility of Mr. Crawley as an unjustifiable standard within his argument for habitual Criminal adjudication. In Conclusion, those several convictions may only be utilized as a single "prior conviction", if any for purposes of applying the habitual Criminal statute (Under State vs. Sanchez, State vs. Murray, REZIN vs. State) since the convictions in the Commonwealth of Virginia "do not" constitute a felony of equal value under any grand larceny felony conviction within The State of Nevada. (Under Carter vs. State (1963) and AB 236 in relation to NRS 205.222 grand larceny convictions). This entitled conviction for case C341735 should not of been adjudicated under the habitual offender statute NRS 207.010 and the defendant should not of been sentenced to a term exceeding 18 to 60 months, or 60 months by expiration in the Nevada Department of Corrections.

AFFIRMATION
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding _____

Post Conviction Habeas Corpus
(Title of Document)

filed in District Court Case number C341735

☒ 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.

Daine Crawley
Signature


2/25/21
Date

Daine Crawley
Print Name

Post Conviction Habeas Corpus
Title

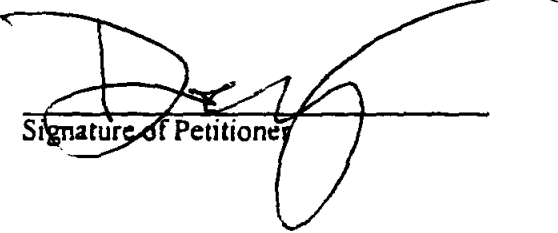
1 WHEREFORE, Dave Crawley, prays that the court grant Post Conviction Habeas
2 relief to which he may be entitled in this proceeding.

3 EXECUTED at Southern Desert Correctional Center
4 on the 25th day of February, 2021

5
6 
7 Signature of Petitioner

8 **VERIFICATION**

9 Under penalty of perjury, pursuant to N.R.S. 208.165 et seq., the undersigned declares that he is
10 the Petitioner named in the foregoing petition and knows the contents thereof, that the pleading is
11 true and correct of his own personal knowledge, except as to those matters based on information and
12 belief, and to those matters, he believes them to be true.

13
14 
15 Signature of Petitioner

16
17
18 Attorney for Petitioner

CERTIFICATE OF SERVICE BY MAILING

I, Daine Crawley, hereby certify, pursuant to NRCP 5(b), that on this 25th
day of February, 2021, I mailed a true and correct copy of the foregoing, "

Post - Conviction Habeas Corpus "

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

District Attorneys office
200 Lewis Avenue
Las Vegas, NV 89155

NDOC / Directors office
5500 Snyder Road
Carson City, NV 89702

Attorney Generals office
100 North Carson Street
Carson City, NV 89101

District Court
200 Lewis Avenue
Las Vegas, NV 89155

CC: FILE

DATED: this 25th day of February, 2021.

Daine Crawley 1161447
#

/In Propria Personam
Post Office Box 208, S.D.C.C.
Indian Springs, Nevada 89018
IN FORMA PAUPERIS:

Dave Cawley # 1167447
SDC
PO Box 208
Indian Springs, NV 89070

Clark County District Court
200 Lewis Avenue, 3rd Floor
Las Vegas, NV 89155

B/S#
2491078



03/03/17
17/03/17

237

Daine Crawley ID NO. 1167447

SOUTHERN DESERT CORRECTIONAL CTN.
20825 COLD CREEK RD.
P.O. BOX 208
INDIAN SPRINGS, NV 89070

FILED

MAR 18 2021

John L. Williams
CLERK OF COURT

Clark County District Court

200 Lewis Avenue, 3rd Floor

Las Vegas, NV 89155

The State of Nevada

v.

Daine Crawley #1167447

SDCC P.O. BOX 208 Indian Springs, NV 89070

CASE NO.: **A-20-816041-W**

DEPT. NO **Dept. 6**

DOCKET: _____

SUPPLEMENT: PETITION for Writ of Habeas Corpus (Post Conviction)
This Petition shall supersede any previous Petition, as contact
with Court appointed Counsel remains futile.

COMES NOW, Defendant Daine A. Crawley, herein above respectfully
moves this Honorable Court for an Evidentiary Hearing for this
entitled petition of Habeas Corpus (relief)

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

DATED: this 25th day of February, 2021

BY: Daine Crawley 1167447
SDCC P.O. BOX 208 Indian Springs, NV 89070
Defendant In Proper Personam

CLERK OF THE COURT

RECEIVED

Daine Crawley # 1167447
Petitioner/In Propria Persona
Post Office Box 208, SDCC
Indian Springs, Nevada 89070

FILED
MAR 18 2021

[Signature]
CLERK OF COURT

PP
DA

IN THE 8th JUDICIAL DISTRICT COURT OF
THE STATE OF NEVADA IN AND FOR THE
COUNTY OF Clark

Daine Anton Crawley # 1167447

Petitioner,

vs.

Director Charles Daniels,
Nevada Department of
Corrections, NDCC

Respondent(s).

Case No. **A-20-816041-W**

Dept. 6

Dept. No.

Docket _____

PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION)

INSTRUCTIONS:

- (1) This petition must be legibly handwritten or typewritten signed by the petitioner and verified.
- (2) Additional pages are not permitted except where noted or with respect to the facts which you rely upon to support your grounds for relief. No citation of authorities need be furnished. If briefs or arguments are submitted, they should be submitted in the form of a separate memorandum.
- (3) If you want an attorney appointed, you must complete the Affidavit in Support of Request to Proceed in Forma Pauperis. You must have an authorized officer at the prison complete the certificate as to the amount of money and securities on deposit to your credit in any account in the institution.
- (4) You must name as respondent the person by whom you are confined or restrained. If you are in a specific institution of the department of corrections, name the warden or head of the institution. If you are not in a specific institution of the department within its custody, name the director of the department of corrections.
- (5) You must include all grounds or claims for relief which you may have regarding your conviction and sentence.

1 Failure to raise all grounds I this petition may preclude you from filing future petitions
2 challenging your conviction and sentence.

3 (6) You must allege specific facts supporting the claims in the petition you file seeking relief
4 from any conviction or sentence. Failure to allege specific facts rather than just conclusions may
5 cause your petition to be dismissed. If your petition contains a claim of ineffective assistance of
6 counsel, that claim will operate to waive the attorney-client privilege for the proceeding in which
7 you claim your counsel was ineffective.

8 (7) If your petition challenges the validity of your conviction or sentence, the original and one
9 copy must be filed with the clerk of the district court for the county in which the conviction
10 occurred. Petitions raising any other claim must be filed with the clerk of the district court for the
11 county in which you are incarcerated. One copy must be mailed to the respondent, one copy to the
12 attorney general's office, and one copy to the district attorney of the county in which you were
13 convicted or to the original prosecutor if you are challenging your original conviction or sentence.
14 Copies must conform in all particulars to the original submitted for filing.

15 PETITION

16 1. Name of institution and county in which you are presently imprisoned or where and who you
17 are presently restrained of your liberty: _____

18 2. Name the location of court which entered the judgment of conviction under attack: _____

19 Clark County District Court 200 Lewis Avenue Las Vegas, NV 89155

20 3. Date of judgment of conviction: April 1st, 2020

21 4. Case number: C341735

22 5. (a) Length of sentence: 84 to 240 months

23 (b) If sentence is death, state any date upon which execution is scheduled: _____

24 6. Are you presently serving a sentence for a conviction other than the conviction under attack in
25 this motion: _____

26 Yes X No _____ If "Yes", list crime, case number and sentence being served at this time: _____

27 Grand Larceny Case Number C342881 12 to 30 months concurrently

28 7. Nature of offense involved in conviction being challenged: _____

Carrying Concealed Weapon: To wit: Razor knife or multi purpose
tool

