

In the Supreme Court of the State of Nevada

No. 85884

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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 2 OF 3 TO OPENING BRIEF

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APPENDIX TABLE OF CONTENTS FOR CRAWLEY OPENING BRIEF

Chronological List of Appendices (followed by **Alphabetical)**

1	June 17 2019 to July 11 2019	Justice Court Case 19F11843X Register of Actions	1-2
1	July 11, 2019	Transcript of Waiver of Preliminary Hearing	3-8
1	July 11, 2019	Bindover and Order to Appear	9
1	June 17, 2019	Criminal Complaint	10-11
1	June 17, 2019	Court Minutes	12
1	June 25, 2019	Court Minutes	13
1	June 28, 2019	Court Minutes	14
1	July 11, 2019	Court Minutes	15
1	July 13, 2019	Court Minutes	16
1	June 2019	House Arrest Release and Hearing Notice	17
1	June 25 2019	Bench Warrant	18-19
1	July 12, 2019	Information	20-21
1	July 15, 2019	Guilty Plea Agreement	22-29
1	July 15, 2019	Transcript of Initial Arraignment and Plea Hearing	30-36
1	October 28, 2019	Motion to Dismiss Counsel -Appoint Alternate Counsel	37-41
1	November 13, 2019	Transcript of Hearing on All Pending Motion	42-51
1	November 19, 2019	State's Notice of Intent to Seek Punishment as a Habitual Criminal	52-53
1	November 20, 2019	Transcript of All Pending Motions	54-57
1	January 15, 2020	Transcript of All Pending Motions Hearing	58-59
1	January 29, 2020	Transcript of All Pending Motions Hearing	60-62
1	January 31, 2020	Attorney Arnold Motion to Withdraw Guilty Plea	63-68
1	February 14, 2020	State's Opposition to Motion to Withdraw Guilty Plea	69-74
1	February 14, 2020	Declaration of Arrest Report Attachment	73-74
1	February 19, 2020	Transcript of Argument on Motion to Withdraw Guilty Plea	75-82
1	March 3, 2020	State's Sentencing Memorandum	83-85
1	March 4, 2020	Transcript of Sentencing Hearing	86-103
1	April 1, 2020	Transcript of Sentencing Hearing	104-125
1	April 6, 2020	Pro per Notice of Appeal	126-129
1	April 7, 2020	Judgment of Conviction JOC (Plea of Guilty)	130-131
1	April 13, 2020	Case Appeal Statement	132-133

1	June 4, 2020	Pro Per Post-Conviction Petition for Writ of Habeas Corpus	134-149
1	June 9, 2020	Order for Petition for Writ of Habeas Corpus	150
1	June 12, 2020	Pro Per Post-Conviction Petition for Writ of Habeas Corpus Postconviction	151-167
1	July 21 2020	State's Response to Defendant's Petitions for Writ of Habeas Corpus Post-Conviction	168-175
1	August 19, 2020	Transcript of Hearing on Petition for Writ	176-177
1	August 26, 2020	Transcript of Status Check on Appointment of Counsel	178-180
1	September 30, 2020	Motion for Appointment of Counsel	181-183
1	October 12, 2020	Opening Brief by Attorney Arnold	184-192
1	November 12, 2020	Respondent's Answering Brief	193-205
1	November 12, 2020	Respondent's Appendix	206-207
1	December 28, 2020	Notice of Motion and Motion to Withdraw counsel and Appoint new Counsel	208-212
1	March 18 2021	Pro per Petition for Writ of Habeas Corpus Postconviction	213-237
		Pro per Supplement to Petition for Writ of Habeas Corpus Part 1	238-241
2	March 18 2021	Continued Pro per Supplement part 2	242-263
2	March 18 2021	Order for Petition for Writ of Habeas Corpus	264-265
2	March 19, 2021	Court of Appeals Order of Affirmance 81011	266-267
2	April 13 2021	Remittitur	268
2	April 14, 2021	Clerk's Certificate No 81011 Judgment Affirmed	269
2	May 6, 2021	State's Response	272-278
2	June 3, 2021	Pro per Motion for Production of Response to Writ of Habeas Corpus	279-282
2	June 8, 2021	Order Denying Defendant's Motion to Withdraw Counsel and Appoint New Counsel	283-285
2	June 24 2021	Pro Per appeal cover	286
2	June 24 2021	Proper Appeal labeled: Petition for Writ of Habeas	287-341

2	June 25 2021	Motion to withdraw counsel to file appeal from 8th Judicial District Court re post-Conviction Writ of Habeas Corpus	342
2	June 28 2021	Case Appeal Statement	343-344
2	July 8, 2021	Motion to Withdraw of Counsel	345-349
2	July 22 2021	Findings of Fact Conclusions of Law and Order	350-356
2	January 10, 2022	Transcript of Status Check State's Response	357-359
2	February 3, 2022	Court of Appeals Reversal & Remand	360-363
2	March 1, 2022	Supreme Court No 83136 Clerk's Certificate Reversed and Remand	364
2	March 1 2022	Remittitur	365
		Crawley Certificates of Achievement	366-371
2	March 29, 2022	Order appointing Diane Lowe Counsel	372-377
2	August 26, 2022	Supplemental Brief to Post-Conviction Petition for Writ of Habeas Corpus	378-408
2	Attachments to Supplemental Brief August 26 2022	Declaration of Daine Crawley	409-427
2		Nevada Behavioral Health Records of Daine Crawley part 1 Supplement Attachment	428-484
3		Nevada Behavioral Health Records of Daine Crawley part 2 Supplement Attachment	485-517
3		Community Orthopedic Medical Letter re Treatment of Mr. Crawley	519-520
3		Declaration of Program Director of CrossRoads of Southern Nevada re Daine Crawley & their Operation James June	521-523
3		Medical Records of Daine Crawley from Crossroads Treatment	524-641
3		Clark County Detention Center Inquiry and Response re Release time of Daine Crawley	642-643
3		Completion of Program Letter Dated March 25, 2022 from Life Coach at Body, Mind, Soul, Support Solutions from Sharon Bachman	644-645 366-371
3		Daine Crawley Certificate of Achievement for Substance Abuse Counseling March 15 2020	646
3	October 20, 2022	State's Response to Defendant's Supplemental Brief	647-666

3	November 28, 2022	Transcript Argument Hearing	667-677
3	December 21, 2022	Minute Order Denying Relief	678
3	December 21, 2022	Amended Findings of Fact, Conclusions of Law and Order	679-699
3	February 17, 2023	Amended Judgment of Conviction	700-703
	Minutes	July 15 2019.....703 November 12 2019.....704 November 13 2019.....705 November 20 2019.....706 January 15 2020.....707 January 29 2020.....708 February 19 2020.....709 March 4 2020.....710 April 1 2020.....711 May 11 2020.....712 August 19 2020.....713 August 26 2020.....714 January 19 2021.....715 May 25 2021 Minute Order.....716-717 January 10 2022.....718 March 28 2022.....719 April 11 2022.....720 January 9 2023.....721 February 13 2023.....722	
3	December 21, 2022	Notice of Appeal December 21, 2022	723-725

Alphabetical List of Appendices

3	December 21, 2022	Amended Findings of Fact, Conclusions of Law and Order	679-699
2	June 24 2021	Appeal cover pro per	286
2	June 24 2021	Appeal pro per labeled: Petition for Writ of Habeas	287-341

1	June 25 2019	Bench Warrant	18-19
1	July 11, 2019	Bindover and Order to Appear	9
1	April 13, 2020	Case Appeal Statement	132-133
2	June 28 2021	Case Appeal Statement	343-344
		Certificates of Achievement Crawley	366-371
3		Clark County Detention Center Inquiry and Response re Release time of Daine Crawley	642-643
3		Certificate of Achievement for Substance Abuse Counseling March 15 2020 Daine Crawley	646
2	April 14, 2021	Clerk's Certificate No 81011 Judgment Affirmed	269
3		Community Orthopedic Medical Letter re Treatment of Mr. Crawley	519-520
3		Completion of Program Letter Dated March 25, 2022 from Life Coach at Body, Mind, Soul, Support Solutions from Sharon Bachman	644-645 366-371
1	June 17, 2019	Court Minutes	12
1	June 25, 2019	Court Minutes	13
1	June 28, 2019	Court Minutes	14
1	July 11, 2019	Court Minutes	15
1	July 13, 2019	Court Minutes	16
2	February 3, 2022	Court of Appeals Reversal & Remand	360-363
1	June 17, 2019	Criminal Complaint	10-11
1	February 14, 2020	Declaration of Arrest Report Attachment	73-74
2	Attachments to Supplemental Brief August 26 2022	Declaration of Daine Crawley	409-427
3		Declaration of Program Director of CrossRoads of Southern Nevada re Daine Crawley & their Operation James June	521-523
2	July 22 2021	Findings of Fact Conclusions of Law and Order	350-356
1	July 15, 2019	Guilty Plea Agreement	22-29
1	June 2019	House Arrest Release and Hearing Notice	17
1	July 12, 2019	Information	20-21
1	April 7, 2020	Judgment of Conviction JOC (Plea of Guilty)	130-131
1	June 17 2019 to July 11 2019	Justice Court Case 19F11843X Register of Actions	1-2
3		Medical Records of Daine Crawley from Crossroads Treatment	524-641

3	December 21, 2022 Minutes	Minute Order Denying Relief July 15 2019.....703 November 12 2019.....704 November 13 2019.....705 November 20 2019.....706 January 15 2020.....707 January 29 2020.....708 February 19 2020.....709 March 4 2020.....710 April 1 2020.....711 May 11 2020.....712 August 19 2020.....713 August 26 2020.....714 January 19 2021.....715 May 25 2021 Minute Order.....716-717 January 10 2022.....718 March 28 2022.....719 April 11 2022.....720 January 9 2023.....721 February 13 2023.....722	678
1	October 28, 2019	Motion to Dismiss Counsel -Appoint Alternate Counsel	37-41
1	September 30, 2020	Motion for Appointment of Counsel	181-183
2	June 3, 2021	Motion for Production of Response to Writ of Habeas Corpus Pro Per	279-282
2	June 25 2021	Motion to withdraw counsel to file an appeal July 1 filed with supreme Court and court stamped with District court re post-conviction writ of habeas corpus	342
2	July 8, 2021	Motion to Withdraw of Counsel	345-349
1	January 31, 2020	Motion to Withdraw Guilty Plea Attorney Arnold	63-68
2		Nevada Behavioral Health Records of Daine Crawley part 1 Supplement Attachment	428-484
3		Nevada Behavioral Health Records of Daine Crawley part 2 Supplement Attachment	484-517
1	April 6, 2020	Notice of Appeal Pro per	126-129
3	December 21, 2022	Notice of Appeal December 21, 2022	723-725

1	December 28, 2020	Notice of Motion and Motion to Withdraw counsel and Appoint new Counsel	208-212
1	October 12, 2020	Opening Brief by Attorney Arnold	184-192
2	March 29, 2022	Order appointing Diane Lowe Counsel	372-377
2	June 8, 2021	Order Denying Defendant's Motion to Withdraw Counsel and Appoint New Counsel	283-285
1	June 9, 2020	Order for Petition for Writ of Habeas Corpus	150
2	March 18 2021	Order for Petition for Writ of Habeas Corpus	264-265
2	March 19, 2021	Order of Affirmance 81011 Court of Appeals	266-267
1	June 4, 2020	Petition for Writ of Habeas Corpus Pro Per Post-Conviction	134-149
1	June 12, 2020	Petition for Writ of Habeas Corpus Postconviction Pro Per Post-Conviction	151-167
1	March 18 2021	Petition for Writ of Habeas Corpus Postconviction	213-237
2	April 13 2021	Remittitur	268
2	March 1 2022	Remittitur	365
1	November 12, 2020	Respondent's Answering Brief	193-205
1	November 12, 2020	Respondent's Appendix	206-207
1	November 19, 2019	State's Notice of Intent to Seek Punishment as a Habitual Criminal	52-53
1	February 14, 2020	State's Opposition to Motion to Withdraw Guilty Plea	69-74
1	July 21 2020	State's Response to Defendant's Petitions for Writ of Habeas Corpus Post-Conviction	168-175
2	May 6, 2021	State's Response	272-278
3	October 20, 2022	State's Response to Defendant's Supplemental Brief	647-666
1	March 3, 2020	State's Sentencing Memorandum	83-85
2	August 26, 2022	Supplemental Brief to Post-Conviction Petition for Writ of Habeas Corpus	378-408
1	March 18 2021	Supplement to Petition for Writ of Habeas Corpus Pro per Part 1	238-241
2	March 18 2021	Supplement Continued Pro per Supplement 2	242-263
2	March 1, 2022	Supreme Court No 83136 Clerk's Certificate Reversed and Remand	364
1	July 11, 2019	Transcript of Waiver of Preliminary Hearing	3-8

1	November 13, 2019	Transcript of Hearing on All Pending Motion	42-51
1	November 20, 2019	Transcript of All Pending Motions	54-57
1	January 15, 2020	Transcript of All Pending Motions Hearing	58-59
1	January 29, 2020	Transcript of All Pending Motions Hearing	60-62
3	November 28, 2022	Transcript Argument Hearing	667-677
1	February 19, 2020	Transcript of Argument on Motion to Withdraw Guilty Plea	75-82
1	August 19, 2020	Transcript of Hearing on Petition for Writ	176-177
1	July 15, 2019	Transcript of Initial Arraignment and Plea Hearing	30-36
1	March 4, 2020	Transcript of Sentencing Hearing	86-103
1	April 1, 2020	Transcript of Sentencing Hearing	104-125
1	August 26, 2020	Transcript of Status Check on Appointment of Counsel	178-180
2	January 10, 2022	Transcript of Status Check State's Response	357-359

Respectfully Submitted,

/s/ Diane C. Lowe

DIANE C. LOWE ESQ. Nevada Bar #14573

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, Bradvina 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.

243

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 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

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. D10, 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 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

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 projected 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 any 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 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 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 razor
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 13 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 defendant's 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 client's First Amendment [sic] right to obtain legal advice." Denius vs. Dinkop F.3d 944, 954 (7th Cir 2006).

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 CR10FO1924, CR10FO1926, CR10FO1925 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 CR14FO2472 (2 counts), since the District Attorney Stanton deliberately misled the conception and perception of the Court with the error in Jurisdiction for Case Number CR14FO2472. 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 States 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

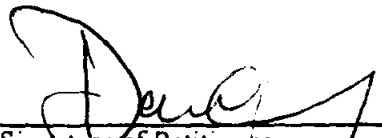
2/25/21
Date

Daine Crawley
Print Name

Post Conviction Habeas Corpus
Title

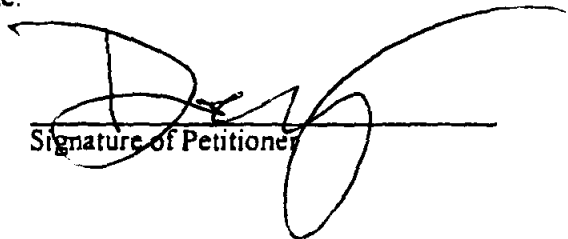
1 WHEREFORE, Dane Crawley, prays that the court grant Post Conviction Habeas
2 relief to which he may be entitled in this proceeding.

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

1. 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 89701

District Court
200 Lewis Avenue
Las Vegas, NV 89155

CC:FILE

DATED: this 25th day of February, 2021

Daine Crawley # 1167447

/In Propria Personam
Post Office Box 208, S.D.C.C.
Indian Springs, Nevada 89018
IN FORMA PAUPERIS:

Dave Cawley # 11671417
SDE
PO Box 208
Indian Springs, NV 89070

Clark County District Court
200 Lewis Avenue, 3rd Floor
Las Vegas, NV 89155

R/S #
2491078



03/09/01
USPS

Heather S. Smith
CLERK OF THE COURT

1 PPOW

2
3 **DISTRICT COURT**
4 **CLARK COUNTY, NEVADA**

5 Daine Crawley,

6 Petitioner,

7 vs.

8 Warden Williams, HDSP,

9 Respondent,

Case No: A-20-816041-W
Department 6

**ORDER FOR PETITION FOR
WRIT OF HABEAS CORPUS**

10
11 Petitioner filed a Petition for Writ of Habeas Corpus (Post-Conviction Relief) on
12 March 18, 2021. The Court has reviewed the Petition and has determined that a response would assist the
13 Court in determining whether Petitioner is illegally imprisoned and restrained of his/her liberty, and good
14 cause appearing therefore,

15 **IT IS HEREBY ORDERED** that Respondent shall, within 45 days after the date of this Order,
16 answer or otherwise respond to the Petition and file a return in accordance with the provisions of NRS
17 34.360 to 34.830, inclusive.

18 **IT IS HEREBY FURTHER ORDERED** that this matter shall be placed on this Court's

19 Calendar on the 26th day of May, 2021, at the hour of

20
21 11:00 a.m.
22 _____ o'clock for further proceedings.

Dated this 18th day of March, 2021

23
24 *J. Bluth*

25 District Court Judge

kj

26 168 252 3402 404B
27 Jacqueline M. Bluth
28 District Court Judge

1 CSERV

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 Daine Crawley, Plaintiff(s)

CASE NO: A-20-816041-W

7 vs.

DEPT. NO. Department 6

8 Warden Williams, HDSP,
9 Defendant(s)

10
11 **AUTOMATED CERTIFICATE OF SERVICE**

12 Electronic service was attempted through the Eighth Judicial District Court's
13 electronic filing system, but there were no registered users on the case.

14 If indicated below, a copy of the above mentioned filings were also served by mail
15 via United States Postal Service, postage prepaid, to the parties listed below at their last
16 known addresses on 3/19/2021

17 Carl Arnold

Cega Law Group
Attn: Carl Arnold, Esq
1428 South Jones Boulevard
Las Vegas, NV, 89146

19 Steven Wolfson

Juvenile Division - District Attorney's Office
601 N Pecos Road
Las Vegas, NV, 89101

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

DAINE ANTON CRAWLEY,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 81011-COA

FILED

MAR 19 2021

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

ORDER OF AFFIRMANCE

Daine Anton Crawley appeals from a judgment of conviction entered pursuant to a guilty plea of carrying a concealed firearm or other deadly weapon. Eighth Judicial District Court, Clark County; Jacqueline M. Bluth, Judge.

Crawley argues the district court erred by denying his presentence motion to withdraw his guilty plea. A defendant may move to withdraw a guilty plea before sentencing, NRS 176.165, and "a district court may grant a defendant's motion to withdraw his guilty plea before sentencing for any reason where permitting withdrawal would be fair and just." *Stevenson v. State*, 131 Nev. 598, 604, 354 P.3d 1277, 1281 (2015). In considering the motion, "the district court must consider the totality of the circumstances to determine whether permitting withdrawal of a guilty plea before sentencing would be fair and just." *Id.* at 603, 354 P.3d at 1281. The district court's ruling on a presentence motion to withdraw a guilty plea "is discretionary and will not be reversed unless there has been a clear abuse of discretion." *State v. Second Judicial Dist. Court (Bernardelli)*, 85 Nev. 381, 385, 455 P.2d 923, 926 (1969).

Crawley claimed he should be allowed to withdraw his plea because he did not receive the benefit of his plea bargain: He was not immediately released on his own recognizance following the entry of his guilty plea, which resulted in his losing his spot in an inpatient drug treatment program. Crawley does not provide this court with transcripts of his plea canvass or the hearing on his motion to withdraw plea. These documents are necessary for this court's review of his claim. Therefore, we cannot conclude the district court abused its discretion by denying Crawley's presentence motion to withdraw his guilty plea. *See McConnell v. State*, 125 Nev. 243, 256 n.13, 212 P.3d 307, 316 n.13 (2009) ("The burden is on the appellant to provide this court with an adequate record enabling this court to review assignments of error."); *see also* NRAP 30(b)(3). Accordingly, we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Jacqueline M. Bluth, District Judge
Law Offices of Carl E.G. Arnold
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

IN THE SUPREME COURT OF THE STATE OF NEVADA

DAINE ANTON CRAWLEY,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

Supreme Court No. 81011
District Court Case No. C341735

FILED

MAY 07 2021

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

REMITTITUR

TO: Steven D. Grierson, Eighth District Court Clerk

Pursuant to the rules of this court, enclosed are the following:

Certified copy of Judgment and Opinion/Order.
Receipt for Remittitur.

DATE: April 13, 2021

Elizabeth A. Brown, Clerk of Court

By: Kaitlin Meetze
Administrative Assistant

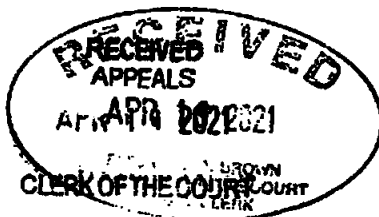
cc (without enclosures):

Hon. Jacqueline M. Bluth, District Judge
Clark County District Attorney
Law Offices of Carl E.G. Arnold \ Carl E. G. Arnold

RECEIPT FOR REMITTITUR

Received of Elizabeth A. Brown, Clerk of the Supreme Court of the State of Nevada, the
REMITTITUR issued in the above-entitled cause, on APR 14 2021.

[Signature]
Deputy District Court Clerk



IN THE SUPREME COURT OF THE STATE OF NEVADA

DAINE ANTON CRAWLEY,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

Supreme Court No. 81011
District Court Case No. C341735

CLERK'S CERTIFICATE

STATE OF NEVADA, ss.

I, Elizabeth A. Brown, the duly appointed and qualified Clerk of the Supreme Court of the State of Nevada, do hereby certify that the following is a full, true and correct copy of the Judgment in this matter.

JUDGMENT

The court being fully advised in the premises and the law, it is now ordered, adjudged and decreed, as follows:

"ORDER the judgment of conviction AFFIRMED."

Judgment, as quoted above, entered this 19 day of March, 2021.

IN WITNESS WHEREOF, I have subscribed
my name and affixed the seal of the Supreme
Court at my Office in Carson City, Nevada this
April 13, 2021.

Elizabeth A. Brown, Supreme Court Clerk

By: Kaitlin Meetze
Administrative Assistant



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1 RSPN
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 KAREN MISHLER
6 Chief Deputy District Attorney
7 Nevada Bar #13730
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 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 SUPPLEMENTAL PETITION FOR
16 WRIT OF HABEAS CORPUS (POST-CONVICTION)

17 DATE OF HEARING: MAY 26, 2021
18 TIME OF HEARING: 11:00 AM

19 COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, Clark County
20 District Attorney, through KAREN MISHLER, Chief Deputy District Attorney, and hereby
21 submits the attached Points and Authorities in Response to Defendant's Supplemental Petition
22 for Writ of Habeas 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 ///

28 ///

1 On April 6, 2020, Crawley filed a Notice of Appeal. The Judgment of Conviction
2 ("JOC") was filed on April 7, 2020. Crawley's Case Appeal Statement was filed on April 13,
3 2020. On May 11, 2020, Carl Arnold, Esq. was appointed as appellate counsel.

4 On June 4, 2020, and June 12, 2020, Crawley filed Petitions for Writ of Habeas Corpus
5 (Post-Conviction). The State responded to both Petitions filed by Crawley on July 21, 2020.
6 On August 26, 2020, appointed Carl Arnold as counsel.

7 On March 18, 2021, Crawley filed the instant pro-per Supplement Petition for Writ of
8 Habeas Corpus (Post-Conviction) ("Supplement Petition"). The State's response now follows.

9 **STATEMENT OF THE FACTS**

10 This Court relied on the following factual summary in sentencing Defendant:

11 On June 12, 2019, officers were dispatched to a location
12 between the Excalibur and the Luxor in reference to a person
13 threatening pedestrians with a knife. Upon arrival, contact was
14 made with a witness who stated he was walking with his friend
15 through the hotel parking lot when they were approached by a
16 male, later identified as defendant Daine Anton Crawley, who got
17 in his face and made unintelligible comments while retrieving a
18 knife from his backpack. The witness felt threatened by the
19 defendant who held the knife in his hand with the blade exposed.
20 He stepped away from the defendant who then approached a
21 vehicle with three occupants and attempted to open the door
22 before the car drove away. As the defendant walked to another
23 vehicle and hit the window, the witness notified police and
24 security.

25 Officers also spoke to witness' friend who relayed the same
26 events as described by the witness. While the defendant was being
27 detained, he stated that he did not have a knife; however, officers
28 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.

25 Presentence Investigation Report ("PSI"), August 27, 2019, at 7-8.

26 **ARGUMENT**

27 **I. DEFENDANT'S CLAIMS PROCEDURALLY BARRED**

28 NRS 34.810(1) reads:

1 The court shall dismiss a petition if the court determines that:

2 (a) The petitioner's conviction was upon a plea of guilty or guilty
3 but mentally ill and the petition is not based upon an allegation
4 that the plea was involuntarily or unknowingly or that the plea was
5 entered without effective assistance of counsel.

6 (b) The petitioner's conviction was the result of a trial and the
7 grounds for the petition could have been:

8 (2) Raised in a direct appeal or a prior petition for a writ of habeas
9 corpus or postconviction relief.

10 The Nevada Supreme Court has held that "challenges to the validity of a guilty plea and claims
11 of ineffective assistance of trial and appellate counsel must first be pursued in post-conviction
12 proceedings.... [A]ll other claims that are appropriate for a direct appeal must be pursued on
13 direct appeal, or they will be *considered waived in subsequent proceedings*." Franklin v. State,
14 110 Nev. 750, 752, 877 P.2d 1058, 1059 (1994) (emphasis added) (disapproved on other
15 grounds by Thomas v. State, 115 Nev. 148, 979 P.2d 222 (1999)). "A court must dismiss a
16 habeas petition if it presents claims that either were or could have been presented in an earlier
17 proceeding, unless the court finds both cause for failing to present the claims earlier or for
18 raising them again and actual prejudice to the petitioner." Evans v. State, 117 Nev. 609, 646-
19 47, 29 P.3d 498, 523 (2001).

20 Under NRS 34.810,

21 1. The court *shall* dismiss a petition if the court determines that:

22 (a) The petitioner's conviction was upon a plea of guilty or guilty but
23 mentally ill and the petition is not based upon an allegation that the
24 plea was involuntarily or unknowingly entered or that the plea was
25 entered without effective assistance of counsel.

26 ...
27 unless the court finds both cause for the failure to present the
28 grounds and actual prejudice to the petitioner.

(emphasis added). Further, substantive claims are beyond the scope of habeas and waived.
NRS 34.724(2)(a); Evans v. State, 117 Nev. 609, 646-47, 29 P.3d 498, 523 (2001); Franklin
v. State, 110 Nev. 750, 752, 877 P.2d 1058, 1059 (1994), disapproved on other grounds,
Thomas v. State, 115 Nev. 148, 979 P.2d 222 (1999).

///

1 A defendant may only escape these procedural bars if they meet the burden of
2 establishing good cause and prejudice:

3 3. Pursuant to subsections 1 and 2, the petitioner has the burden of
4 pleading and proving specific facts that demonstrate:

5 (a) Good cause for the petitioner's failure to present the claim or
6 for presenting the claim again; and

7 (b) Actual prejudice to the petitioner.

8 NRS 34.810(3). Where a defendant does not show good cause for failure to raise claims of
9 error upon direct appeal, the district court is not obliged to consider them in post-conviction
10 proceedings. Jones v. State, 91 Nev. 416, 536 P.2d 1025 (1975).

11 Here, the grounds Defendant raises in his Supplement Petition are proper only for a
12 direct appeal, and thereby, waived. Specifically, Defendant presents four (4) grounds to this
13 Court: (1) Equal Protection/Due Process violation; (2) errors within Defendant's PSI; (3)
14 violation of the Court's Administrative Order; and (4) error in adjudication as a habitual
15 criminal. Supplement Petition, 6-12. Defendant does not challenge the validity of a guilty plea
16 and/or raise claims of ineffective assistance of counsel. See generally, Id. Indeed, the issues
17 Defendant does raise in this Supplement Petition are improperly brought before this Court. As
18 such, these substantive claims proper for only direct appeal are barred in this Petition.

19 Even still Defendant does not attempt to demonstrate good cause or prejudice for
20 raising these claims for the first time in the instant proceedings. See Supplement Petition.
21 Thus, such claims should be denied.

22 **II. DEFENDANT'S SUPPLEMENT PETITION FOR WRIT OF HABEAS** 23 **CORPUS IS SUCCESSIVE AND/OR AN ABUSE OF THE WRIT**

24 The instant Supplement Petition filed eight (8) months after the State filed its
25 Response to his prior Petitions. This Supplement Petition is procedurally barred because it is
26 successive. NRS 34.810(2) reads:

27 A second or successive petition *must* be dismissed if the judge or
28 justice determines that it fails to allege new or different grounds
for relief and that the prior determination was on the merits or, if
new and different grounds are alleged, the judge or justice finds

1 that the failure of the petitioner to assert those grounds in a prior
2 petition constituted an abuse of the writ.

3 (emphasis added). Second or successive petitions are petitions that either fail to allege new or
4 different grounds for relief and the grounds have already been decided on the merits or that
5 allege new or different grounds but a judge or justice finds that the petitioner's failure to assert
6 those grounds in a prior petition would constitute an abuse of the writ. Second or successive
7 petitions will only be decided on the merits if the petitioner can show good cause and
8 prejudice. NRS 34.810(3); Lozada v. State, 110 Nev. 349, 358, 871 P.2d 944, 950 (1994).

9 The Nevada Supreme Court has stated: "Without such limitations on the availability of
10 post-conviction remedies, prisoners could petition for relief in perpetuity and thus abuse post-
11 conviction remedies. In addition, meritless, successive and untimely petitions clog the court
12 system and undermine the finality of convictions." Lozada, 110 Nev. at 358, 871 P.2d at 950.
13 The Nevada Supreme Court recognizes that "[u]nlike initial petitions which certainly require
14 a careful review of the record, successive petitions may be dismissed based solely on the face
15 of the petition." Ford v. Warden, 111 Nev. 872, 882, 901 P.2d 123, 129 (1995). In other words,
16 if the claim or allegation was previously available with reasonable diligence, it is an abuse of
17 the writ to wait to assert it in a later petition. McClesky v. Zant, 499 U.S. 467, 497-498 (1991).
18 Application of NRS 34.810(2) is mandatory. See Riker, 121 Nev. at 231, 112 P.3d at 1074.

19 Here, Defendant acknowledges that this is his Supplement Petition. This Supplement
20 Petition reasserts identical claims to his Second Petition, and it is therefore successive and an
21 abuse of the writ under NRS 34.810(2) and should be denied. Further, Defendant attempts to
22 assert substantive claims that cannot be raised in a petition. Therefore, Defendant's pleadings
23 are successive and subject to dismissal absent a showing of good cause and prejudice. NRS
24 34.810(2). Defendant does not argue good cause nor prejudice. See generally, Supplement
25 Petition. Thus, pursuant to statute, Defendant's pleadings "*must be dismissed*." NRS 34.810(2)
26 (emphasis added).

27 ///

28 ///

1 **III. DEFENDANT'S SUPPLEMENTAL PETITION IS A FUGITIVE**
2 **DOCUMENT**

3 Defendant's instant pro per Supplement Petition should be dismissed as a fugitive
4 document. EJDRC 7.40(a) states:

5 When a party has appeared by counsel, the party cannot thereafter
6 appear on the party's own behalf in the case without the consent
7 of the court. Counsel who has appeared for any party must
8 represent that party in the case and shall be recognized by the court
 and by all parties as having control of the case. The court in its
 discretion may hear a party in open court although the party is
 represented by counsel.

9 Carl Arnold, Esq., was confirmed as counsel on August 26, 2020. The instant
10 Supplement Petition was filed seven months later on March 18, 2021. Because Petitioner
11 cannot appear on his own behalf after he had already appeared by counsel, the current
12 Supplement Petition should be dismissed as a fugitive document.

13
14 **CONCLUSION**


15 Based on the foregoing the State respectfully requests that Defendant's Petitions for
16 Writ of Habeas Corpus (Post-Conviction) be DENIED.

17 DATED this 16th day of May, 2021.

18 Respectfully submitted,

19 STEVEN B. WOLFSON
20 Clark County District Attorney
 Nevada Bar #001565

21
22 BY


 KAREN MISHLER
 Chief Deputy District Attorney
 Nevada Bar #13730

23
24
25
26
27 KM/mah/L3
28

Heather Spurr
CLERK OF THE COURT

Daine Crawley #1167447
WSCC

P.O BOX 7007

Carson City, NV 89702

In The 8th Judicial District Court of
The State of Nevada In and For Clark County

Daine Crawley #1167447

Case Number: A-20-816041-W

petitioner,

Department 6

VS.

Director Charles Daniels, NDOC

Respondent,

Motion for production of Response to Writ of Habeas
Corpus A-20-816041-W (due 45 days from March 18th, 2021)

Comes Now, Petitioner Daine Crawley #1167447, herein above
respectfully moves this Honorable Court for an response
from Clark County District Attorney, or return in
accordance with the provisions of NRS 34.360 to
34.830, as the response was ordered 45 days
from March 18th, 2021. Please provide copy of timely
response, at this time.

This motion is made, and based upon the
accompanying Memorandum of points, and authorities
associated with Grounds #1-4 of Habeas Corpus (post-
conviction) Filed on March 18th, 2021.

1 I, Daine A. Crawley, have mailed a copy of original
2 Habeas Corpus (post-conviction) on March 3rd, 2021
3 Brass slip # 2491078) to Clark County Court Clerk
4 and District Attorney's office at 200 Lewis Avenue
5 Las Vegas NV 89155. An additional copy was also
6 forwarded on March 23rd of Habeas Corpus, and order
7 that was electronically filed on 3/18/2021 (in Department
8 6 Judge Jacqueline M. BLUTH District Court Judge) to DA.
9 According to this order a response was due 45
10 days from March 18th 2021; on or about May 3rd 2021
11 would be 45 days; May 26th 2021 would exceed 45 days
12 of due process proceedings for response.

13 In conclusion, The petitioner is now requesting that
14 Case No: (341735 / A-20-816041-W writ of Habeas
15 Corpus be "granted" in relation to an illegal sentence
16 structure under NRS 207.010 according to valid case
17 law (Carter vs. State 79 Nev. 89, 378 P.2d 876; 1963 Nev.)
18 Ground(s) 3 and 4 regarding Commonwealth of Virginia Case(s)
19 CR10B01924-01 CR10B01925-01, 02; CR10B01926-01 CR11-
20 B02472-01-02. Equivalent to Gross Misdemeanor convictions
21 in the State of Nevada for NRS 205.275 and NRS 205.
22 222 for "Foreign convictions" (under 207.010 Nevada Revised Statutes)

23 A copy of the response, or new order granting or denying
24 the Habeas Corpus would be greatly appreciated, please forward
25 to Daine Crawley #1167447 WSCC P.O. Box 7007 Carson City, NV
26 89702 when applicable.

27 Respectfully Submitted,

28 Page 2

Daine A. Crawley #1167447
WSCC
P.O. Box 7007
Carson City, NV 89702

280

CERTIFICATE OF SERVICE BY MAILING

I, Daine Crawley, hereby certify, pursuant to NRCP 5(b), that on this 24th
day of May, 2021, I mailed a true and correct copy of the foregoing, "Motion for Response to Habeas Corpus of post-conviction."
by placing document in a sealed pre-postage paid envelope and deposited said envelope in the
United State Mail addressed to the following:

Clerk of Court
Clark County District Court
200 Lewis Avenue
Las Vegas, NV 89155

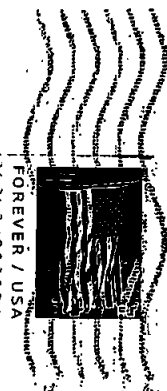
CC:FILE

DATED: this 24th day of May, 2021.

Daine Crawley # 1167447
Warm Springs Correctional Center # po Box 7007
/In Propria Personam
Post Office Box 7007
Carson City, NV 89102
IN FORMA PAUPERIS:

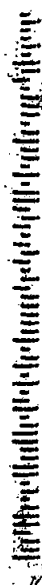
#1167447
Daine Crawley
WSSC
PO Box 7007
Carson City, NV 89702

RENO NV 895
20 MAY 2021 PM 3 T

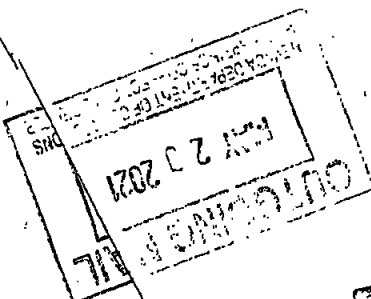


Clark County District Court Clerk
200 Lewis Avenue, 3rd Floor
Las Vegas, NV 89155

9910136300



STEEL MAIL



Alvin S. Shuman
CLERK OF THE COURT

ORDR
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
SHANON CLOWERS
Chief Deputy District Attorney
Nevada Bar #010008
200 Lewis Avenue
Las Vegas, NV 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

DAINE ANTON CRAWLEY,
#7031173

Defendant.

CASE NO: C-19-3417351

DEPT NO: VI

**ORDER DENYING DEFENDANT'S MOTION TO WITHDRAW COUNSEL AND
APPOINT NEW COUNSEL**

DATE OF HEARING: January 19, 2021
TIME OF HEARING: 3:00 A.M.

THIS MATTER having come on for hearing before the above-entitled Court on the
19th day of January, 2021, the Defendant not being present, **IN PROPER PERSON**, the
Plaintiff being represented by **STEVEN B. WOLFSON**, District Attorney, through **SHANON**
CLOWERS, Chief Deputy District Attorney, without argument, based on the pleadings and
good cause appearing therefor,

///

///

///

///

1 IT IS HEREBY ORDERED that the Defendant's Motion to Withdraw Counsel and
2 Appoint New Counsel, shall be, and it is DENIED. Defendant requests to remove Roger
3 Bailey, Esq., as appellate counsel and to appoint new counsel to assist with the filing of post-
4 conviction habeas relief and a motion to modify and/or correct illegal sentence. However, Mr.
5 Bailey is not Mr. Crawley's counsel. Carl Arnold, Esq., was appointed as appellate counsel
6 on May 11, 2020. As such, the appointment of Mr. Arnold as appellate counsel still stands.

7 ~~DATED this _____ day of June, 2021.~~

Dated this 8th day of June, 2021

8 
9 DISTRICT JUDGE

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

4A8 F5D 0AAB 50D3
Jacqueline M. Bluth
District Court Judge

kj

12
13 BY /s/ Shanon Clowers
14 SHANON CLOWERS
15 Chief Deputy District Attorney
16 Nevada Bar #010008
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mah/L3

1 CSERV

2 DISTRICT COURT
3 CLARK COUNTY, NEVADA

4
5
6 State of Nevada

CASE NO: C-19-341735-1

7 vs

DEPT. NO. Department 6

8 Daine Crawley
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 6/8/2021

15 LAW CLERK

Dept06lc@clarkcountycourts.us

16 Carl Arnold

lvcegal@yahoo.com

Clerk of District Court,

A-20-816041-W

Jonathan B. [Signature]

At this time, I Daine A. Crawley am sending "two copies" of my intended appeal of post-conviction Habeas Corpus dated June 16th, 2021. This is my entitled notice of appeal as I wish to have this copy sent (1) to The District Attorney, and (2) Nevada Supreme Court. Contact with Attorney has been futile, and I would like to file this petition on my own behalf to The Nevada Supreme Court at this time since "no response has been received by myself regarding this matter. A response was due on May 26th, 2021 as ordered by Judge Bluth on March 18th 2021 to no avail.

I do not want to exceed the time in which I may file this appeal of Postconviction Habeas Corpus, as this is my intention, in this moment.

Your cordial response is greatly appreciated.

Respectfully Submitted,

Daine Crawley # 1167447
WSCC
P.O. Box 7007
Carson City, NV 89702

1 Daine Crawley, #1167447

2 Warm Springs Correctional Center

3 P.O. Box 7007

4 Carson City, Nevada 89702

5 PETITIONER IN PROPER PERSON

6 IN THE 8th (Eighth) JUDICIAL DISTRICT COURT OF THE STATE OF
7 NEVADA IN AND FOR THE COUNTY OF Clark

8
9
10 Daine Anton Crawley #1167447

11 Petitioner,

Case No.: A-20-816041-W (Appeal from District Court)
Dept. No. VI 6

12 V.

13 Director Charles Daniels of NDOC,

14 Respondent

15
16
17 **PETITION FOR WRIT OF HABEAS CORPUS (POST CONVICTION)**

18 (Reverse and Remand)

19 **INSTRUCTIONS:**

20 (1) This petition must be legibly handwritten or typewritten, signed by the
21 petitioner and verified.

22 (2) Additional pages are not permitted except where noted or with respect to the
23 facts which you rely upon to support your grounds for relief. No citation of
24 authorities need be furnished. If briefs or arguments are submitted, they should be
25 submitted in the form of a separate memorandum.

26 (3) If you want an attorney appointed, you must complete the Affidavit in Support
27 of Request to Proceed in Forma Pauperis. You must have an authorized officer at the
28 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.

1 (5) You must include all grounds or claims for relief which you may have
2 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.

3 (6) You must allege specific facts supporting the claims in the petition you file
4 seeking relief from any conviction or sentence. Failure to allege specific facts
5 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.

6 (7) When the petition is fully completed, the original and one copy must be filed
7 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,
8 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.
9 Copies must conform in all particulars to the original submitted for filing.

10
11 **PETITION**
12

13 1. Name of institution and county in which you are presently
14 imprisoned or where and how you are presently restrained of your
15 liberty: Warm Springs Correctional Center under an illegal sentence
16 Structure of 84-240 months (Foreign Convictions under 207.010)
17

18 2. Name and location of court which entered the judgment of
19 conviction under attack:

20 Clark County District Court 200 Lewis Avenue Las Vegas, NV 89155
21 (Dept. 6)
22

23 3. Date of judgment of conviction: April 1st, 2020

24 4. Case number: 0341735 (A-20-816041-W)

25 5. (a) Length of sentence: 84-240 months
26
27
28

1 (b) If sentence is death, state any date upon which
2 execution is scheduled: N/A

3
4 6. Are you presently serving a sentence for a conviction
5 other than the conviction under attack in this motion?

6 Yes ☒ No ☐

7 If "yes," list crime, case number and sentence being
8 served at this time: Grand Larceny Case Number C347881 12-30
9 months Concurrently (served)

10 7. Nature of offense involved in conviction being
11 challenged: Carry Concealed Weapon To wit: Razor Knife or
12 multipurpose tool.

13
14 8. What was your plea? (check one)

15 (a) Not guilty ☐

16 (b) Guilty ☒

17 (c) Guilty but mentally ill ☐

18 (d) Nolo contendere ☐

19
20 9. If you entered a plea of guilty to one count of an
21 indictment or information, and a plea of not guilty to another
22 count of an indictment or information, or if a plea of guilty was
23 negotiated, give details: The Defendant agreed to a 1 to 5 year probationable
24 sentence (recommended 18 to 60 month sentence) for case # C341135, and the state
25 would not seek Habitual Sentence when case # C347881 is signed (District Attorney Breached
26 the plea agreement).

27 10. If you were found guilty after a plea of not guilty, was
28 the finding made by: (check one)

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(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: District Court Direct Appeal to Nevada Supreme Court

(b) Case number or citation: C341735

(c) Result: Still pending decision

(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 X No _____

1 16. If your answer to No. 15 was "yes," give the following
2 information:

3 (a) (1) Name of court: District Court of Clark County

4 (2) Nature of proceeding: Post Conviction Habeas Corpus

5 Direct Appeal

6 (3) Grounds raised: Breach of Plea Agreement, Due process rights
7 Violations NRS. 171.174, 171.104, 171.196, NRS 176.145 NAC 213.10988,
8 Violation of 14th and 6th Amendment under Carter VS. State (1963) Case law, Ex post Facto.

9 (4) Did you receive an evidentiary hearing on your
10 petition, application or motion? Yes _____ No X

11 (5) Result: _____

12
13 (6) Date of result: _____

14 (7) If known, citations of any written opinion or date of
15 orders entered pursuant to such result: _____

16
17 (b) As to any second petition, application or motion, give
18 the same information:

19 (1) Name of court: _____

20 (2) Nature of proceeding: _____

21 (3) Grounds raised: _____

22
23
24 (4) Did you receive an evidentiary hearing on your petition,
25 application or motion? Yes _____ No _____

26 (5) Result: _____

27 (6) Date of result: _____

28

1 (7) If known, citations of any written opinion or date of
2 orders entered pursuant to such result: _____
3 _____
4 _____

5 (c) As to any third or subsequent additional applications or
6 motions, give the same information as above, list them on a
7 separate sheet and attach.

8 (d) Did you appeal to the highest state or federal court
9 having jurisdiction, the result or action taken on any petition,
10 application or motion?

11 (1) First petition, application or motion?

12 Yes ^{This is my} ~~intended Appeal~~ No _____

13 Citation or date of decision: _____

14 (2) Second petition, application or motion?

15 Yes _____ No _____

16 Citation or date of decision: _____
17

18 (3) Third or subsequent petitions, applications or motions?

19 Yes _____ No _____

20 Citation or date of decision: _____
21

22 (e) If you did not appeal from the adverse action on any
23 petition, application or motion, explain briefly why you did not.

24 (You must relate specific facts in response to this question.

25 Your response may be included on paper which is 8 1/2 by 11
26 inches attached to the petition. Your response may not exceed
27 five handwritten or typewritten pages in length.)
28

1 17. Has any ground being raised in this petition been
2 previously presented to this or any other court by way of
3 petition for habeas corpus, motion, application or any other
4 post-conviction proceeding? If so, identify:

5
6 (a) Which of the grounds is the same: Grand 1-4 are the same
7 as my intent is to use this as Appeal to Nevada Supreme Court, with
8 additional points and Authorities.

9 (b) The proceedings in which these grounds were raised:
10
11

12 (c) Briefly explain why you are again raising these grounds.
13 Because these grounds were not properly presented by My Attorney, as
14 there has been conflicting confirmation as to who my Attorney actually
15 is for the last year, as Court records will show and documentation.

16 (You must relate specific facts in response to this
17 question. Your response may be included on paper which is 8 1/2
18 by 11 inches attached to the petition. Your response may not
19 exceed five handwritten or typewritten pages in length.)
20
21
22

23
24 18. If any of the grounds listed in Nos. 23(a), (b), (c) and
25 (d), or listed on any additional pages you have attached, were
26 not previously presented in any other court, state or federal,
27 list briefly what grounds were not so presented, and give your
28 reasons for not presenting them. (You must relate specific facts

1 in response to this question. Your response may be included on
2 paper which is 8 1/2 by 11 inches attached to the petition. Your
3 response may not exceed five handwritten or typewritten pages in
4 length.)

5 The Grands were presented to Attorney, however it is uncertain if Attorney
6 presented them. Court clerk(s) have given me two different names
7 for possible Attorneys neither of which have responded - Via Mail.

8
9 19. Are you filing this petition more than 1 year following
10 the filing of the judgment of conviction or the filing of a
11 decision on direct appeal? If so, state briefly the reasons for
12 the delay. (You must relate specific facts in response to this
13 question. Your response may be included on paper which is 8 1/2
14 by 11 inches attached to the petition. Your response may not
15 exceed five handwritten or typewritten pages in length.)

16 This is my appeal to Post-Conviction filed on March 18th, 2021 that neither
17 attorney Carl Arnold or Roger Bailey has given me a response to, so
18 I intend to file a timely appeal using this petition to Nevada Supreme Court.

19 20. Do you have any petition or appeal now pending in any
20 court, either state or federal, as to the judgment under attack?
21 Yes _____ No X If yes, state what court and the case number:

22 This should be the appeal from March 18th, 2021 and May 26th,
23 2021 deadline for response filed by Judge Bluth.

24 21. Give the name of each attorney who represented you in
25 the proceeding resulting in your conviction and on direct appeal:

26 Roger Bailey and Carl Arnold

27 22. Do you have any future sentences to serve after you
28 complete the sentence imposed by the judgment under attack?

Yes _____ No X



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

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

Steven D. Grierson
Clerk of the Court

Anntoinette Naumec-Miller
Court Division Administrator

December 28, 2020

Attorney: Roger Bailey
Sgro & Roger
c/o Roger C Bailey
720 S 7th St 3rd Fl
Las Vegas NV 89101

Case Number: C-19-341735-1
Department: Department 6

Defendant: Daine Anton Crawley

*Conflicting Information
provided by Court
as to Identity of Attorney
Violation of 6th Amendment*

Attached are pleadings received by the Office of the District Court Clerk which are being forwarded to your office pursuant to Rule 3.70.

Pleadings: Motion For Production Of Documents

Rule 3.70. Papers which May Not be Filed

Except as may be required by the provisions of NRS 34.730 to 34.830, inclusive, all motions, petitions, pleadings or other papers delivered to the clerk of the court by a defendant who has counsel of record will not be filed but must be marked with the date received and a copy forwarded to the attorney for such consideration as counsel deems appropriate. This rule does not apply to applications made pursuant to Rule 7.40(b)(2)(ii).

Cordially yours,

DC Criminal Desk # 7

Deputy Clerk of the Court



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

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

Steven D. Grierson
Clerk of the Court

Anntoinette Naumec-Miller
Court Division Administrator

December 28, 2020

Attorney: Roger Bailey
1428 S. Jones Blvd.
Las Vegas, NV 89146

Case Number: C-19-341735-1
Department: Department 6

Defendant: Daine Anton Crawley

*⌞ Conflicting Information
(Continued)*

Attached are pleadings received by the Office of the District Court Clerk which are being forwarded to your office pursuant to Rule 3.70.

Pleadings: Please See Attached Motions

Rule 3.70. Papers which May Not be Filed

Except as may be required by the provisions of NRS 34.730 to 34.830, inclusive, all motions, petitions, pleadings or other papers delivered to the clerk of the court by a defendant who has counsel of record will not be filed but must be marked with the date received and a copy forwarded to the attorney for such consideration as counsel deems appropriate. This rule does not apply to applications made pursuant to Rule 7.40(b)(2)(ii).

Cordially yours,

DC Criminal Desk # 7

Deputy Clerk of the Court

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

January 19, 2021

C-19-341735-1 State of Nevada
vs
Daine CrawleyJanuary 19, 2021 03:00 AM Minute Order Re: Defendant's Motion to Withdraw Counsel and
Appoint New Counsel

HEARD BY: Bluth, Jacqueline M. COURTROOM: RJC Courtroom 10C

COURT CLERK: Reed, Keith

RECORDER:

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

Defendant's Motion to Withdraw Counsel and Appoint New Counsel is hereby DENIED. Defendant requests to remove Roger Bailey, Esq., as appellate counsel and to appoint new counsel to assist with the filing of post-conviction habeas relief and a motion to modify and/or correct illegal sentence. However, Mr. Bailey is not Mr. Crawley's counsel. Carl Arnold, Esq., was appointed as appellate counsel on May 11, 2020. As such, the appointment of Mr. Arnold as appellate counsel still stands.

Conflicting Information
(Cont)

* Still have not contacted (information
provided by court incorrect)
Who is my Attorney?

Carl Arnold or Roger Bailey
neither one responds

Violation of 6th Amendment,
in relation ^{to} Attorney Client
Communications, for Post-Conviction
Proceedings and/or Appeal

1 If yes, specify where and when it is to be served, if you know:

2 possible violation of probation in the Commonwealth of Virginia,
3 _____
4 _____

5 23. State concisely every ground on which you claim that you
6 are being held unlawfully. Summarize briefly the facts
7 supporting each ground. If necessary you may attach pages
8 stating additional grounds and facts supporting same.

9 (a) Ground one: Violation of 14th Amendment, Violation of NRS 171.174,
10 NRS 171.104 and NRS 171.196 Violation of 4th and 6th Amendment
11 NRS 202.3652, NRS 176.145, 176.153 section B of AB 236, NRS 176.
12 135 and 176.151. Bradvica vs. state Arnett vs. Jackson 393 F.3d 681
13 686 (6th cir 2005) citing Townsend vs. Burke 334 U.S. 736 68 S.Ct 1252, 92 L Ed. 205 (1972).

14 (b) Ground two: Violation of Amendment 5, 6, 8 and 7 in
15 relation to not being granted an evidentiary hearing to amend errors
16 within PSI/PSP score and for withdrawal guilty plea, Violation of
17 NRS 176.145, NRS 213.10488, Blankenship vs. state NRS 202.350
18 Bradvica vs. state, AB 236 section 90 and 105

19 (c) Ground three: Violation of Administrative order 20-06 filed
20 March 18th, 2020 titled in the Administrative matter of Court operations of Criminal
21 matters in response to Covid-19, Violation of Amendment 5, Amendment 6
22 NRS 176.145, 176.153 176.135 in relation to procedure for NRS
23 201.010. (Habitual Criminal proceedings)

24 (d) Ground four: A foreign conviction must be a felony in The
25 State of Nevada to be used to adjudicate under NRS 201.010.
26 Murray vs. state, Rezin vs. state US vs. McCann 613 F.3d 486 (2010)
27 Shepard 125 S.Ct at 1263, JAMES ALBERT CARTER vs. State
28 79 Nev. 89 378 P.2d 876; 1963

Ground 5 (Five) : Breach of Plea Agreement, US. vs. Miner 544
F.3d 930, 932 (8th Cir. 2008) US. vs. Jose Luis Diaz-Jimenez 622
F.3d 692, 2010. US. vs. Mondragon 228 F.3d 978, 981
(9th Cir 2000) US. vs. Moscahlaidis 868 F.2d 1357, 1361,
1363, (3d Cir. 1989)

Ground _____ : _____

Ground _____ : _____

Ground _____ : _____

Ground _____ : _____

1 (a) Ground ONE: Violation of 14th Amendment - equal protection clause / Due
 2 process of law, Violation of NRS 171.174, NRS 171.104, and NRS
 3 171.196, Violation of 4th Amendment and 6th Amendment - The
 4 accused has the right to hear and question all witnesses and call witnesses
 5 Supporting FACTS (Tell your story briefly without citing cases or law.): On June 12th, 2019, An
 6 arrest was made detaining Daine Anton Crawley for possible involvement in
 7 an assault w/ deadly weapon on Las Vegas BLVD, between the Luxor and
 8 Excalibur adjacent parking lots. Body Cam Footage will show that a multi
 9 purpose tool w/ razor blade attached was retrieved from Mr. Crawley's
 10 belt. Upon seizure Mr. Crawley was booked for Assault w/ deadly weapon
 11 on June 12th, 2019 at 21:01 hours without proper explanation or
 12 discovery given until PSI was provided for this case. On June 17th,
 13 2019 Mr. Crawley was brought before the court for an initial arraignment
 14 and notified of additional charge "Five days" after arrest exceeding
 15 72 hour hearing. It wasn't until later that day of June 17th, 2019 that
 16 Mr. Crawley was formally given the rebooking charge at 16:00 / 4:00 pm
 17 according to the temporary Custody record from June 17th, 2019 by an
 18 officer John D. Ferry, this being hours after the initial court
 19 appearance. This new rebook charge for Carry Concealed Weapon was
 20 used as leverage to obtain guilty plea agreement even though the
 21 Assault w/ deadly weapon charge held no merit. Mr. Crawley was never
 22 positively identified by any witnesses, no witnesses were ever brought
 23 before the court. The incorrect facts of the police report were used
 24 to obtain a habitual sentence of 84 to 240 months. No additional
 25 fingerprints, mugshots, etc. were taken which in turn also led
 26 to the miscalculation of "Credit Time Served" at time of April
 27 1st, 2020 sentencing. The credited time at sentencing should have
 28 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) Brad v. 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/PSF information was used to pursue a sentence structure under NRS 207. D10, 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. Evidence that a defendant engaged in conduct more serious than the charged offense can create substantial unfair prejudice. A general

23. (a) GROUND ONE: Arnett vs. Jackson, 393 F.3d 681, 686 (6th cir 2005) Citing Townsend vs. Burke, 334 U.S. 736, 68 S.Ct 1252, 92 L. Ed. 2d 592 (1972), Tucker, 404 U.S. at 448.

23. (a) SUPPORTING FACTS (tell your story briefly without citing cases or law): rule that a violation of due process exists when a sentencing judge relies upon erroneous information. This erroneous information was detrimental to the sentencing Memorandum and/or provoked the "plea agreement" that the District Attorney later breached at April 1st, 2020 sentencing. To determine whether a sentencing court "relied on" certain misinformation the Supreme Court has suggested that appellate courts should analyze whether "the sentence might have been different in the absence of that information". This clearly being the case in this present matter, and the reason for the requested Appeal of previous post-Conviction Habeas Corpus petition.

08/28/2018 23:59:11

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

PAGE: 02 OF 03

P18052V

CLARK COUNTY DETENTION CENTER

OIRPTRAN

11.2.1.1

PROPERTY TRANSACTION REPORT

ID# : 0007031173

NAME: CRAWLEY, DAINE

ADMIT DATE: 08/13/2019

PROPERTY DETAILS

TYPE	DESCRIPTION	CONDITION	MAKE	SERIAL #	QUANTITY	STATUS
MISC OTHER	A-337	USED			1	Stored
PANTS	BLK	USED			1	Stored
SHOES	GRY	USED			1	Stored
PANTS	BROW	USED			1	Stored
BELT	BLK	USED				
MISC OTHER	TOOLS	USED				
LIGHTER	1 GREEN 1 YELLOW 1 GOLD	USED				
BIRTH CERT	INMATE	USED				
SSN CARD	INMATE	USED				
WALLET	BLK	USED				
MISC OTHER	NV CARD 1425	USED				
GLASSES	BLK FRAME	USED				
CELL PHONE	RED IPHONE	USED				

CRAWLEY, DAINE

ID#: 0007031173

BKG#: 1900032991

LVMPD-PRM-A-A337



934296 PROP

SIGN-OFF BY OFFENDER

DATE: 08/28/2019

OFFICER: 18058 P18052V

I acknowledge that my personal property and/or cash has been properly received and recorded

ID# : 0007031173

NAME: CRAWLEY, DAINE

Unable to sign

Signature of Offender

PROPERTY LOCATION

TYPE	DESCRIPTION	DATE/TIME	ACTION	[FACILITY]	LOCATION	PERSON	AGENCY
MISC OTHER	A-337	08/28/2018 23:59:09	Stored	LVMPD	LVMPD-PRM-A-A337		
PANTS	BLK	08/28/2018 23:59:09	Stored	LVMPD	LVMPD-PRM-A-A337		
SHOES	GRY	08/28/2018 23:59:09	Stored	LVMPD	LVMPD-PRM-A-A337		
PANTS	BROW	08/28/2018 23:59:09	Stored	LVMPD	LVMPD-PRM-A-A337		
BELT	BLK	08/28/2018 23:59:09	Stored	LVMPD	LVMPD-PRM-A-A337		
MISC OTHER	TOOLS	08/28/2018 23:59:09	Stored	LVMPD	LVMPD-PRM-A-A337		
LIGHTER	1 GREEN 1 YELLOW 1 GOLD	08/28/2018 23:59:09	Stored	LVMPD	LVMPD-PRM-A-A337		
BIRTH CERT	INMATE	08/28/2018 23:59:09	Stored	LVMPD	LVMPD-PRM-A-A337		
SSN CARD	INMATE	08/28/2018 23:59:09	Stored	LVMPD	LVMPD-PRM-A-A337		
WALLET	BLK	08/28/2018 23:59:09	Stored	LVMPD	LVMPD-PRM-A-A337		
MISC OTHER	NV CARD 1425	08/28/2018 23:59:09	Stored	LVMPD	LVMPD-PRM-A-A337		

(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 213.10980, Blankenship VS. State July 2nd, 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

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

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.

1 (c) Ground THREE: Violation of Administrative order 20-06 filed
2 March 18th, 2020 titled in the Administrative matter of Court operations
3 of Criminal matters in response to COVID-19, 5th Amendment Violation
4 No person shall be deprived of due process law, or be witness against himself
5 Supporting FACTS (Tell your story briefly without citing cases or law.): Administrative order
6 20-06 filed March 18th, 2020 titled "In the administrative
7 matter of court operations of Criminal matters in response
8 to COVID-19" lines 8-17 clearly state, "Attorney client
9 conversations will be facilitated if needed, however
10 attorneys are cautioned that it will be absolutely
11 necessary to prepare clients for guilty pleas, sentencing
12 and probation violations/revocations prior to court."
13 However, in case number C341735 Attorney Carl Arnold
14 was not present at the April 1st, 2020 sentencing
15 hearing. Mr. Crowley's attempts to have PSI/PSP
16 Score issues amended, and a Continuance to discuss
17 matters with Substitute counsel were denied by
18 both Judge Jacqueline Bluth and District Attorney
19 David Stanton. Restrictions within the Clark County
20 Detention Center involving Attorney/Client privileges
21 left the defendant unable to discuss any related
22 information prior to sentencing due to the COVID-19
23 pandemic. In relation to the March 4th, 2020 Continuance
24 to have new PSI Conducted, as noted in Court transcripts
25 for April 1st, 2020 Sentencing, a new PSI was never
26 conducted at all and Page 7 of the supplemental
27 PSI Dated March 24th, 2020 by acting Supervisor
28 M. Leavitt discloses this error. In addition to these

restrictions; Due to the COVID 19/Corona Virus pandemic the defendant's 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 1 to 5 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

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 razor
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 pre sentence investigation may be ordered by the court
within "180" days of the judgment of conviction. As
well as section 13 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/improper 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 defendant's 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 client's First Amendment [sic] right to obtain legal advice." Denius vs. Dinkap F.3d 944, 954 (7th Cir 2006).

FILED

MAR 18 2020

CLARK COUNTY

EIGHTH JUDICIAL DISTRICT COURT
CLARK COUNTY, NEVADA

IN THE ADMINISTRATIVE MATTER OF
COURT OPERATIONS OF CRIMINAL
MATTERS IN RESPONSE TO COVID-19

Administrative Order: 20-06

Rule 1.30(b) of the Rules of Practice for the Eighth Judicial District Court of the State of Nevada charges the Chief Judge of the Eighth Judicial District Court with various responsibilities, such as supervising the administrative business of the EJD, ensuring the quality and continuity of its services, supervising its calendar, reassigning cases as convenience or necessity requires, assuring the court's duties are timely and orderly performed, and otherwise facilitating the business of the EJD.

On March 12, 2020, Governor Steve Sisolak declared a state of emergency in Nevada in response to the recent outbreak of the Coronavirus Disease (COVID-19). The District Court is closely monitoring local developments in response to COVID-19 and will continue to evaluate and implement measures to slow the spread of infection in our community. During this time, it is critical to prevent the spread of any illness among members of the court, counsel, staff, the public, and our valuable community partners. To further prevent the spread of disease, the Centers for Disease Control and Prevention recommends putting distance between yourself and other people. According to the CDC, the virus is spread mainly from people who are in close contact with one another—within about six feet.

///

Therefore, effective Friday, March 20, 2020, all in custody defendants will either appear by video or in the lower level arraignment court. No defendants will be transported to a district court courtroom absent extremely extraordinary circumstances. Also, no defendant who is in isolation pursuant to the Detention Services protocol will be brought for any court appearance. Criminal case hearing times will be as designated on the attachment.

Defense attorneys will have limited ability to discuss things with their clients during court proceedings. 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 revocations prior to court.

Attorneys are also encouraged to appear by alternate means. In order to appear by alternate means in a criminal matter, attorneys must e-mail the department at least one judicial day in advance of their appearance and provide the e-mail they intend to use to appear. In case of an emergency that does not allow for one day's notice, attorneys should contact the department.

Only in custody arraignments, release motions, sentencing, probation revocations, and competency hearings will proceed unless a judge determines a different matter needs hearing. Out of custody matters may be decided by the judge or heard at the discretion of the judge if the matter can be heard entirely by alternate means. Otherwise, out of custody matters will be continued.

All in custody specialty court matters for all Criminal Division specialty courts will be heard together in lower level arraignment court on Friday, March 20, 2020, at noon (12:00 p.m.). All status hearings for out of custody participants will be continued for at least 30 days, unless a judge determines that extraordinary circumstances warrant

3

1 23. (d) GROUND FOUR: James Albert Carter Vs. State 79 Nev. 89, 378

2 P.2d 876; 1963 Nev. A foreign conviction under NRS 207.010 must
3 be a felony if it were to of happened in the State of Nevada Us. Vs.
4 McAnn 613 F.3d 486; 2010, Shepard 125 S.Ct. at 1263

5 23. (d) SUPPORTING FACTS (tell your story briefly without citing
6 cases or law): A felony committed by the Defendant under The law

7 of The Commonwealth of Virginia for Grand Larceny and Conspiracy to
8 Commit Grand Larceny that was counted as "6 felony counts" on
9 the incorrect PSI /PSP score would have been a Gross Misdemeanor
10 or petit larceny (under NRS 205.222 and NRS 205.275)
11 had it occurred in the State of Nevada. Not one of those "6"
12 felony convictions is equivalent at all to any felony Grand Larceny
13 NRS statute for a \$200 dollar amount involving stolen
14 property. Thus proving that all of the defendants Chesterfield,
15 Virginia Circuit Court Case(s) CR10BO1924, CR10BO1925,
16 CR10BO1926 that arose from the same drug Court Violation(s)
17 could not be used to establish his status as a habitual offender
18 under this section. The violations for Chesterfield, VA under
19 Case Number CR14BO2472 (2 counts) are clearly from the same
20 transaction, as David Stanton deliberately misled the court
21 with an error in jurisdiction. The "PSI" is in plain error in
22 that all the above cases are under the court, and Judge in
23 Chesterfield County, Virginia (Honorable Judge Frederick G.
24 Rockwell III) and not Richmond City as stated in the
25 Supplemental PSI provided on April 1st, 2020, prepared
26 on March 24th, 2020. Furthermore, if exemplified copies
27 of the prior felonies and certified fingerprint cards from
28 the penal institutions where the defendant had been

GROUND 4 : James Albert Carter vs. State 19 Nev. 89; 378
P.2d 876; 1963 Nev. (Continued) Dressler vs. State.

SUPPORTING FACTS (tell your story briefly without citing cases or law): incarcerated or the probation office would have been contacted, this error would not of occurred, and there would have been no threat of habitual Criminal proceedings whatsoever. The states 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. However according to the "Carter Case" the state must establish that those "foreign convictions" would have been felonies if committed in The State of Nevada. The state must present evidence to prove by a preponderance that the prior conviction was constitutionally obtained (Dressler vs. State). In this case in point, the preponderance remains unfounded in that these prior felonies from the Commonwealth of Virginia are clear from the same act (Drug Court Violation(s)) 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 regularity afforded to a Criminal Conviction, the defendant is none the less free to present evidence to rebut a conviction Under NRS 207.010. The defendant was clearly not provided adequate counsel, to rebut, or present said evidence that is now being brought forth due to Covid-19 restrictions concerning Attorney Client

GROUND 4 : Shepard 125 S.Ct at 1263, and
U.S. vs. McClain 613 F.3d 486, 2010.

SUPPORTING FACTS (tell your story briefly without citing cases or law): privileges. Prior to the filing of withdrawal of guilty plea the defendant attempted to address the errors within PSI/PSP score consistent with case law for Carter vs. State, as this was the basis and reason for accepting a plea agreement to begin with. 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 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 rights regarding equal protection on April 1st, 2020 at the sentencing hearing. As this was plain error. In Shepard (Shepard 125 S.Ct at 1263) the U.S. Supreme Court held that, in cases where the prior conviction was obtained through a guilty plea the conclusive records that allow a district court to implement this exception to the categorical approach are limited to the terms of the charging document (PSI in this case) the terms of the plea agreement or transcript of colloquy between judge and defendant in which the factual basis for

GROUND 4 : Continued U.S. vs. McCann 613 F.3d 486;
2010

SUPPORTING FACTS (tell your story briefly without citing cases or law): the plea was confirmed by the defendant or to some comparable judicial record of this information. Due to Shepard, a district court may not apply a particular offense level based solely on the pre sentence investigation reports conclusory characterization of a prior conviction. In this instance, the prior conviction does not equal a felony in The state of Nevada and the district Attorney relied on a conclusory characterization of a prior conviction multiple times despite knowing the situs of NRS 205.222 and NRS 205.275 in relation to NRS 207.010 foreign convictions. When a court thus relies on the "PSR" alone it makes an error that is clear and obvious. (U.S. vs. McCann 613 F.3d 486, 2010). 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 Statute. The District Court relied only on the Pre-sentence Investigation Report without verifying the prior convictions. For this reason, it should be noted that this is an error that seriously affects the fairness, integrity or public reputation of the judicial proceeding. The entitled conviction for case C341735 should not of been adjudicated under the habitual offender statute NRS.

GROUND 4 : (continued)

SUPPORTING FACTS (tell your story briefly without citing cases or law): 207.010 and the defendant should not of been sentenced to a term exceeding 18 to 60 months, or 60 months by expiration for the underlying conviction NRS 202.350 Category C in the Nevada Department of Corrections, a reverse and remand for resentencing would be the most appropriate form of amelioration at this time.

January 6, 2021

Chesterfield County Commonwealth's Attorney
P.O. Box 25
Chesterfield, VA 23832

Re: *Commonwealth v. Daine Crawley*, CR10B01924-01; CR10B01925-01, 02;
CR10B01926-01; CR14B02472-01

To Whom It May Concern:

In connection with the above-referenced matter, the Court received the attached *pro se* filing on January 4, 2021. Judge Rockwell kindly requests that the Commonwealth file a response. Please do not hesitate to contact me with any questions or concerns.

Thank you for your time and attention to this matter.

Very respectfully,

Peyton Siddall, Law Clerk to the
Honorable Frederick G. Rockwell, III

 **FILE COPY**

Commonwealth
of
VA
Felonyes
#1) CR10FO1924
#2)3) CR10FO1925(1,2)
#4) CR10FO1926
#5)6 CR14FO2472

205.275. Offense involving stolen property: Definition; penalty; restitution; prima facie evidence; determination of value of property.

1. Except as otherwise provided in NRS 501.3765, a person commits an offense involving stolen property if the person, for his or her own gain or to prevent the owner from again possessing the owner's property, buys, receives, possesses or withholds property:

(a) Knowing that it is stolen property; or

(b) Under such circumstances as should have caused a reasonable person to know that it is stolen property.

2. A person who commits an offense involving stolen property in violation of subsection 1:

(a) If the value of the property is less than \$1,200, is guilty of a misdemeanor;

(b) If the value of the property is \$1,200 or more but less than \$5,000, is guilty of a category D felony and shall be punished as provided in NRS 193.130;

(c) If the value of the property is \$5,000 or more but less than \$25,000, is guilty of a category C felony and shall be punished as provided in NRS 193.130;

(d) If the value of the property is \$25,000 or more but less than \$100,000 or if the property is a firearm, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, and by a fine of not more than \$10,000; or

(e) If the value of the property is \$100,000 or more, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 20 years, and by a fine of not more than \$15,000.

3. In addition to any other penalty, the court shall order the person to pay restitution.

4. A person may be prosecuted and convicted pursuant to this section whether or not the principal is or has been prosecuted or convicted.

5. Possession by any person of three or more items of the same or a similar class or type of personal property on which a permanently affixed manufacturer's serial number or manufacturer's identification number has been removed, altered or defaced, is prima facie evidence that the person has violated this section.

6. For the purposes of this section, the value of the property involved shall be deemed to be the highest value attributable to the property by any reasonable standard.

7. As used in this section, "stolen property" means property that has been taken from its owner by larceny, robbery, burglary, embezzlement, theft or any other offense that is a crime against property, whether or not the person who committed the taking is or has been prosecuted or convicted for the offense.

NV CODE

1

HISTORY:

C&P 1911, § 383; 1951, p. 29; 1967, p. 502; 1971, p. 925; 1979, pp. 561, 1445; 1989, ch. 626, § 20, p. 1434; 1995, ch. 14, § 3, p. 13; 1995, ch. 443, §§ 144, 376, pp. 1223, 1323; 1997, ch. 150, § 18, p. 344; 1999, ch. 105, § 8, p. 402; 2011, ch. 41, § 21, p. 166; 2013, ch. 231, § 5.6, p. 1003; 2019, ch. 633, § 69, p. 4433.

Amendment Notes

The 2011 amendment, effective October 1, 2011, substituted "\$650" for "\$250" in (2)(a) and (2)(b); and substituted "\$3,500" for "\$2,500" in (2)(b) and (2)(c).

The 2013 amendment, effective May 28, 2013, added "Except as otherwise provided in NRS 501.3765" in the introductory language of (1); and made a related change.

The 2019 amendment by ch. 633, effective July 1, 2020, substituted "\$1,200" for "\$650" in 2(a); added 2(b); redesignated former 2(b) and 2(c) as 2(c) and 2(d); in 2(c), substituted "\$5,000" for "\$650" and "\$25,000" for "\$3,500"; in 2(d), substituted "\$25,000" for "\$3,500" and added "but less than \$100,000"; added 2(e); and made a related change.

NOTES TO DECISIONS

By enacting this section, the Legislature sought to reach and punish those who unlawfully receive or possess stolen property from the initial wrongdoer, and the Supreme Court would not infer an intent to compound the punishment for larceny, robbery, or embezzlement by permitting convictions for the receipt or possession of stolen property against the one who took the property in the first instance. *Point v. State*, 102 Nev. 143, 717 P.2d 38, 1986 Nev. LEXIS 1119 (Nev. 1986).

Larceny and knowingly receiving stolen property are separate and distinct crimes under NRS 205.220 and this section, respectively; thus, where the evidence showed that the defendant had committed both of these crimes, the state could elect to prosecute for either offense. *State v. Sheeley*, 63 Nev. 88, 162 P.2d 96, 1945 Nev. LEXIS 41 (Nev. 1945).

There are three material and essential elements constituting the offense of receiving stolen goods, the absence of any one of which elements will defeat a charge of this character under the law: (1) A person charged must receive or buy the property; (2) he must know that the property was stolen; (3) the purpose or intent to prevent the owner from again possessing the property, or for the receiver's own gain, must also exist. *State v. Pray*, 30 Nev. 206, 94 P. 218, 1908 Nev. LEXIS 14 (1908), overruled in part, *Knight v. State*, 2000 Nev. LEXIS 14, 116 Nev. 140, 993 P.2d 67 (2000) (decision under former similar statute).

Commonwealth Possession
of Schedule I or II
VA Felony * Concentrated cannabis oil
CR14F03523

4. Unless a greater penalty is provided pursuant to NRS 212.160, a person who is convicted of the possession of 1 ounce or less of marijuana:

(a) For the first offense, is guilty of a misdemeanor and shall be:

(1) Punished by a fine of not more than \$600; or

(2) Assigned to a program of treatment and rehabilitation pursuant to NRS 176A.230 if the court determines that the person is eligible to participate in such a program.

(b) For the second offense, is guilty of a misdemeanor and shall be:

(1) Punished by a fine of not more than \$1,000; or

(2) Assigned to a program of treatment and rehabilitation pursuant to NRS 176A.230 if the court determines that the person is eligible to participate in such a program.

(c) For the third offense, is guilty of a gross misdemeanor and shall be punished as provided in NRS 193.140.

(d) For a fourth or subsequent offense, is guilty of a category E felony and shall be punished as provided in NRS 193.130.

5. It is not a violation of this section if a person possesses a trace amount of a controlled substance and that trace amount is in or on a hypodermic device obtained from a sterile hypodermic device program pursuant to NRS 439.985 to 439.994, inclusive.

6. The court may grant probation to or suspend the sentence of a person convicted of violating this section.

7. As used in this section:

(a) "Controlled substance" includes flunitrazepam, gamma-hydroxybutyrate and each substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor.

(b) "Marijuana" does not include concentrated cannabis.

(c) "Sterile hypodermic device program" has the meaning ascribed to it in NRS 439.986.

Garden Grove, Felony
California 16WF0150

453.336. Unlawful possession not for purpose of sale: Prohibition; penalties; exception.

1. Except as otherwise provided in subsection 5, a person shall not knowingly or intentionally possess a controlled substance, unless the substance was obtained directly from, or pursuant to, a prescription or order of a physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist, podiatric physician, optometrist, advanced practice registered nurse or veterinarian while acting in the course of his or her professional practice, or except as otherwise authorized by the provisions of NRS 453.005 to 453.552, inclusive.

2. Except as otherwise provided in subsections 3 and 4 and in NRS 453.3363, and unless a greater penalty is provided in NRS 212.160, 453.3385 or 453.339, a person who violates this section:

(a) For a first or second offense, if the controlled substance is listed in schedule I or II and the quantity possessed is less than 14 grams, or if the controlled substance is listed in schedule III, IV or V and the quantity possessed is less than 28 grams, is guilty of possession of a controlled substance and shall be punished for a category E felony as provided in NRS 193.130. In accordance with NRS 176.211, the court shall defer judgment upon the consent of the person.

(b) For a third or subsequent offense, if the controlled substance is listed in schedule I or II and the quantity possessed is less than 14 grams, or if the controlled substance is listed in schedule III, IV or V and the quantity possessed is less than 28 grams, or if the offender has previously been convicted two or more times in the aggregate of any violation of the law of the United States or of any state, territory or district relating to a controlled substance, is guilty of possession of a controlled substance and shall be punished for a category D felony as provided in NRS 193.130, and may be further punished by a fine of not more than \$20,000.

(c) If the controlled substance is listed in schedule I or II and the quantity possessed is 14 grams or more, but less than 28 grams, or if the controlled substance is listed in schedule III, IV or V and the quantity possessed is 28 grams or more, but less than 200 grams, is guilty of low-level possession of a controlled substance and shall be punished for a category C felony as provided in NRS 193.130.

(d) If the controlled substance is listed in schedule I or II and the quantity possessed is 28 grams or more, but less than 42 grams, or if the controlled substance is listed in schedule III, IV or V and the quantity possessed is 200 grams or more, is guilty of mid-level possession of a controlled substance and shall be punished for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years and by a fine of not more than \$50,000.

(e) If the controlled substance is listed in schedule I or II and the quantity possessed is 42 grams or more, but less than 100 grams, is guilty of high-level possession of a controlled substance and shall be punished for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years and by a fine of not more than \$50,000.

3. Unless a greater penalty is provided in NRS 212.160, 453.337 or 453.3385, a person who is convicted of the possession of flunitrazepam or gamma-hydroxybutyrate, or any substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years.

NVCODE

1

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California > 16WFO150
Felony

for hypodermic device
in sallyport of police station Garden Grove
CA

212.160. Furnishing weapon, facsimile, intoxicant or controlled substance to state prisoner; possession of controlled substance, marijuana or marijuana paraphernalia by state prisoner.

1. A person, who is not authorized by law, who knowingly furnishes, attempts to furnish, or aids or assists in furnishing or attempting to furnish to a prisoner confined in an institution of the Department of Corrections, or any other place where prisoners are authorized to be or are assigned by the Director of the Department, any deadly weapon, explosive, a facsimile of a firearm or an explosive, any controlled substance or intoxicating liquor, shall be punished:

(a) Where a deadly weapon, controlled substance, explosive or a facsimile of a firearm or explosive is involved, for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than \$5,000.

(b) Where an intoxicant is involved, for a gross misdemeanor.

2. Knowingly leaving or causing to be left any deadly weapon, explosive, facsimile of a firearm or explosive, controlled substance or intoxicating liquor where it may be obtained by any prisoner constitutes, within the meaning of this section, the furnishing of the article to the prisoner.

3. A prisoner confined in an institution of the Department of Corrections, or any other place where prisoners are authorized to be or are assigned by the Director of the Department, who possesses a controlled substance without lawful authorization or marijuana or marijuana paraphernalia, regardless of whether the person holds a valid registry identification card to engage in the medical use of marijuana pursuant to chapter 678C of NRS, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

HISTORY:

1949, p. 340; CL 1929 (1949 Supp.), § 11474.01; 1963, p. 520; 1967, p. 525; 1971, p. 2026; 1977, p. 869; 1979, p. 1458; 1985, p. 596; 1987, ch. 658, § 7, p. 1548; 1995, ch. 443, § 229, p. 1257; 2001 Sp. Sess., ch. 14, § 23, p. 198; 2017, ch. 540, § 58.5, p. 3711; 2019, ch. 595, § 193, p. 3848.

Amendment Notes

The 2017 amendment by ch. 540, effective July 1, 2017, added "or marijuana or marijuana paraphernalia, regardless of whether the person holds a valid registry identification card to engage in the medical use of marijuana pursuant to chapter 453A of NRS" in (3).

The 2019 amendment by ch. 595, effective July 1, 2020, substituted "pursuant to chapter 678C of NRS" for "pursuant to chapter 453A of NRS" in 3.

NVCODE

1

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NOTES TO DECISIONS

Cited In:

Glispey v. Sheriff, Carson City, 89 Nev. 221, 510 P.2d 623, 1973 Nev. LEXIS 475 (1973).

Research References and Practice Aids

Review of Selected Nevada Legislation, Crimes, 1985 Pac. L.J. Rev. Nev. Legis. 109.

GROUND 5 : Breach of plea Agreement, Violation of 5th and 14th
Amendment regarding equal protection, US. vs. Mondragon 228 F.3d
979, 981 (9th Cir 2000) US. vs. Moschlaidis 868 F.2d 1357
1361, 1363 (3d Cir 1989)

SUPPORTING FACTS (tell your story briefly without citing cases or law): A plea agreement was reached for Case C341735, In that agreement a term of 105 years imprisonment or probation were to be argued by the District Attorney at Sentencing. A recommended 18 to 60 months was determined by the PNP office prior to defendants attempt to address issues within PSI/ PSP Score. It was stated By District 18 Judge Holthuis that Case C347881 plea agreement (for 12 to 30 months) would not seek habitual sentence structure and that case would not have a negative impact on the plea agreement previously reached for Case C341735 when signed in open Court. However, despite not seeking habitual for Case C347881 the District Attorney Stanton sought habitual adjudication for Case C341735, the result being 84 to 240 months. Issues concerning the interpretation and enforcement of a plea agreement are reviewed de novo. When a guilty plea is induced by an agreement, the government must abide by it's terms when the offense level is part of the inducement or consideration for pleading guilty, the government breaches a plea agreement by advocating a higher offense level than that specified in the agreement. The underlying charge was Carry Concealed Weapon to wit: Razor Knife. Though now it reads as if a Firearm was involved in addition to the breach. As in this case where the rights in the plea agreement relate to sentencing the

GROUND 5 : (Continued) Breach of plea agreement
US vs. Miner 544 F.3d 930, 932 (8th Cir 2008)

SUPPORTING FACTS (tell your story briefly without citing cases or law): defendant has clearly established and shown that his sentence is affected by the breach. Mr. Crawley has shown favorably beyond a reasonable probability that but for the error(s) in PSI he would have received a more favorable sentence. The district court abuses its discretion and imposes an unreasonable sentence when it fails to consider a relevant and significant factor, gives weight significantly to an irrelevant or improper factor, or considers the appropriate factors but commits a clear error of judgment in weighing those factors. In this instance, each of the three elements of the plain error test are palpably satisfied in the defendant's favor. A court in its discretion should grant relief as this error seriously affects the fairness, integrity, or public reputation of judicial proceedings. U.S. vs. Miner 544 F.3d 930, 932 (8th Cir. 2008) US vs. Jose Luis Diaz Jimenez 622 F.3d 692 (2010). A guilty plea must be voluntary and knowing and if it was induced by promises the essence of those promises must in some way be known. As in this case 1341735, the transcripts (that still have not been provided) disclose the avowal and colloquy previously made by the District Attorney prior to sentencing, as well as Public Defender from July 2019 through November 2019 that had become the basis of the withdrawal of guilty plea.

GROUND 5 : Breach of plea agreement.

Violation of Amendment 14 and 5, Sheppard vs. Rees 909
F.2d 1234, 1990

SUPPORTING FACTS (tell your story briefly without citing cases or

law): that was not presented by way of evidentiary hearing. In the sentencing phase of the criminal justice process, the adjudicative element inherent in accepting a plea of guilty, must be attended by safeguards to insure the defendant what is reasonably due in the circumstances. Those circumstances will vary, but a constant factor is that when a plea rests in any significant degree on a promise or agreement of the prosecutor, so that it can said to be in part of the inducement or consideration, such promise must be fulfilled. The inadvertence of the breach does not "lessen its impact" and even absent prejudice at sentencing, the interests of justice and appropriate recognition of the duties of the prosecution in relation to promises made in the negotiation of pleas of guilty (By public Defender Ballou) will be best served by remanding the case to the state courts for further consideration. In Nevada, a defendant sentenced to confinement must be sentenced to both a minimum and maximum sentence under the provisions of the Crime Committed. The plea agreement was for a probationable 1 to 5 year sentence under NRS. 202.350 Carry concealed weapon without permit (NVC 51459) the result was 84 to 240 months under an erroneous sentence structure despite reaching the agreement and defendant

GROUND 5 : Breach of plea agreement
Violation of 14th Amendment, Dalton vs. Battaglia 402
F.3d 729; 2005

SUPPORTING FACTS (tell your story briefly without citing cases or law): not being able to withdraw his guilty plea prior to sentencing. When a prosecutor breaches a plea agreement he or she violates the defendant's due process rights by implicating the consideration and voluntariness upon which that plea was based. A defendant's Constitutional rights are violated when a prosecutor reneges on the consideration underlying the defendant's plea of guilty. Especially, when the prosecutor uses impalpable or highly suspect information to increase the sentence structure. The doctrine that the government must adhere to its bargain in the plea agreement is so fundamental that even though the government's breach is inadvertent and the breach may or may not have influenced the judge in sentence imposed, due process and equity require that sentence to be vacated. The errors within the Cawley case are to be treated as akin to structural defects and are not susceptible of harmless error analysis on this prong. U.S. vs. Mondragon 228 F.3d 978, 981 (9th Cir 2000) U.S. vs. Moscahaidis 868 F.2d 1357, 1361, 1363 (3d Cir 1989). Thus, if a defendant was unaware of his eligibility for an extended term sentence when he pleaded guilty, it would be an unreasonable application of any court precedent by the state courts to find that his plea was knowing and voluntary.

#5

C-19-342881-1

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

November 14, 2019

C-19-342881-1 State of Nevada
vs
Daine Crawley

November 14, 2019 09:00 AM Sentencing

HEARD BY: Holthus, Mary Kay COURTROOM: RJC Courtroom 03F

COURT CLERK: Yorke, Dara

RECORDER: Sison, Yvette G.

REPORTER:

PARTIES PRESENT:

Daine Crawley

Defendant

Daniel R. Jenkins

Attorney for Defendant

JOURNAL ENTRIES

Upon Court's inquiry, Mr. Jenkins noted Deft. still had not been sentenced in front of Judge Bluth; additionally, Mr. Jenkins was waiting to hear if Deft. was accepted into Drug Court. Mr. Jenkins requested that Deft. released to House Arrest for a needed surgery. Court noted it would continue the instant matter due to agreeing to trail Deft.'s other case; however, it would not release Deft. due to his record. Statements by Deft. requesting an own recognizance release. Court advised Deft. there was no own recognizance Motion before the Court; however, he could put it in writing and submit to the State. Following colloquy, Mr. Jenkins requested that another pre-sentence investigation (PSI) report be ordered for the instant case, and the matter be continued for 30 to 45 days. CONFERENCE AT BENCH. Colloquy between parties regarding previous prison terms. Statements by Deft. Court noted it would not sent file back to Parole and Probation. Following colloquy, COURT ORDERED, matter CONTINUED.

CUSTODY

12/12/19 9:00 AM CONTINUED: SENTENCING

↓
Judge Did not order new
"PSI" because she agreed that
"PSI" would not be used against
me to obtain habitual sentence
this was a 1 to 5 year probationable
Sentence to run - concurrent with case
C341735, at this time I was unaware
that "Notice" was already filed for
habitual in other case C341735, and
was under impression that Drug Court was option

Printed Date: 11/19/2019

Page 1 of 1

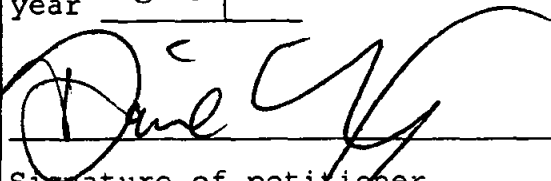
Minutes Date:

November 14, 2019

Prepared by: Dara Yorke

1 WHEREFORE, petitioner prays that the court grant petitioner
2 relief to which he may be entitled in this proceeding.

3
4 EXECUTED at Warm Springs Correctional Center
5 on the 16th day of the month of June of the
6 year 2021

7
8 
9 Signature of petitioner

10 Daine Crawley # 1162447

11 WSEC P.O BOX 7007

12 Carson City, NV 89702

13 Address


14
15 Signature of attorney (if any)

16
17 Attorney for petitioner

18
19
20
21 Address

1
2
3 **VERIFICATION**

4 Under penalty of perjury, the undersigned declares that he
5 is the petitioner named in the foregoing petition and knows the
6 contents thereof; that the pleading is true of his own knowledge,
7 except as to those matters stated on information and belief, and
8 as to such matters he believes them to be true.

9 
10 _____
11 Petitioner

12 _____
13 Attorney for petitioner
14
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27
28

CERTIFICATE OF SERVICE BY MAIL

I, Daine Anton Crawley, hereby certify pursuant to
N.R.C.P. 5(b), that on this _____ day of the month of _____
of the year _____, I mailed a true and correct copy of the
foregoing PETITION FOR WRIT OF HABEAS CORPUS addressed to:

Director Daniels of NDOC
Warm Springs Correctional Center

Respondent prison or jail official

P.O. Box 7007
Carson City, NV 89702

Address

Attorney General's Office

100 North Carson Street

Carson City, Nevada 89701-4717

Steve Wolfson (Clark County)

District Attorney of County of Conviction

200 Lewis Avenue
Las Vegas, NV 89155

Address

[Signature]

Signature of Petitioner

P.O. Box 7007

Warm Springs Correctional Center

Carson City, Nevada 89702

AFFIRMATION
PURSUANT TO NRS 239B.030

The undersigned does hereby affirm that the preceding

Post-Conviction Habeas Corpus (Appeal to Supreme Court of Nevada)
(Title of Document)

Filed in District Court Case number

C341735 (A-20-816041-W)



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.


Signature

June 16th, 2021
Date

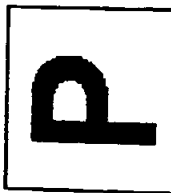
Daine A. Crowley
Print name

Post-Conviction Habeas Corpus
Title

Brass slip # 2555320

Daine Caudrey 1167447
WSC
P.O. Box 7007
Carson City, NV 89702

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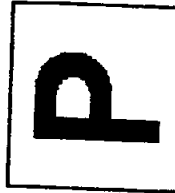
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Nevada Supreme Court

JUL 01 2021

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

Daine Anton Cawley #1167447
vs.

State of Nevada

Case No: A-20-816041-W

Motion to Withdraw Counsel to file appeal
from 8th Judicial District (Post Conviction Habeas Corpus)

The entitled petition was denied on May 25th 2021, and
this is the appeal to the Nevada Supreme Court.

Proceeding in proper person, moves this Honorable Court
for an Order Granting him permission to withdraw
his present of record in the proceeding action, namely
Carl Arnold, ESQ. (Mr. ARNOLD will not respond or file "Grounds" #
1-4 on Direct appeal). In order to file this "Petition" Enclosed.

This motion is made and based on all papers pleadings
on file with the Clerk of Court which are hereby incorporated
by this reference the points and Authorities herein, and
attached Affidavit of defendant (per Habeas Corpus).

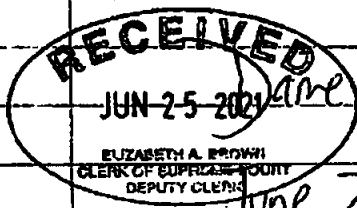
Please file this Post-Conviction Habeas
Corpus dated June 23rd 2021 within this Court
at this time.

Respectfully Submitted,

Daine A. Cawley #1167447
WSCC

P.O. Box 7007

Carson City, NV 89702
21-18927



June 23rd, 2021



1 ASTA

2
3
4
5
6 **IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE**
7 **STATE OF NEVADA IN AND FOR**
8 **THE COUNTY OF CLARK**
9

10 DAINE ANTON CRAWLEY,

11 Plaintiff(s),

12 vs.

13 WARDEN WILLIAMS, HIGH DESERT STATE
14 PRISON,

15 Defendant(s),
16

Case No: A-20-816041-W

Dept No: VI

17
18 **CASE APPEAL STATEMENT**

19 1. Appellant(s): Daine Crawley

20 2. Judge: Jacqueline M. Bluth

21 3. Appellant(s): Daine Crawley

22 Counsel:

23 Daine Crawley #1167447
24 P.O. Box 7007
25 Carson City, NV 89702

26 4. Respondent (s): Warden Williams, High Desert State Prison

27 Counsel:

28 Steven B. Wolfson, District Attorney
200 Lewis Ave.

1 Las Vegas, NV 89155-2212

2 5. Appellant(s)'s Attorney Licensed in Nevada: N/A
3 Permission Granted: N/A

4 Respondent(s)'s Attorney Licensed in Nevada: Yes
5 Permission Granted: N/A

6 6. Has Appellant Ever Been Represented by Appointed Counsel In District Court: No

7 7. Appellant Represented by Appointed Counsel On Appeal: N/A

8 8. Appellant Granted Leave to Proceed in Forma Pauperis**: N/A

9 **Expires 1 year from date filed

10 Appellant Filed Application to Proceed in Forma Pauperis: Yes,
11 Date Application(s) filed: June 4, 2020

12 9. Date Commenced in District Court: June 4, 2020

13 10. Brief Description of the Nature of the Action: Civil Writ

14 Type of Judgment or Order Being Appealed: Civil Writ of Habeas Corpus

15 11. Previous Appeal: No

16 Supreme Court Docket Number(s): N/A

17 12. Child Custody or Visitation: N/A

18 13. Possibility of Settlement: Unknown

19 Dated This 28 day of June 2021.

20 Steven D. Grierson, Clerk of the Court

21 /s/ Heather Ungermann

22 Heather Ungermann, Deputy Clerk
23 200 Lewis Ave
24 PO Box 551601
25 Las Vegas, Nevada 89155-1601
26 (702) 671-0512

27 cc: Daine Crawley
28

Daine A. Crawley # 1167447
W.S.C.C.
P.O. BOX 7067
Carson City, NV 89702

Electronically Filed
07/08/2021

Heather L. Smith
CLERK OF THE COURT

27

In The 8th Judicial District Court of The
State of Nevada In and For The County of Clark

State of Nevada
Plaintiff,

Case NO:
A-20-816041-W

VS.

Daine Crawley # 1167447

Motion To Withdraw of Counsel

Comes Now, Defendant Daine Anton Crawley, proceeding in proper person moves this Honorable Court for an order granting him permission to withdraw his present counsel of record in the proceeding action, namely,

Carl Arnold and Roger Bailey of CEBA Law Group

This motion is made and based on all papers and pleadings on file with the clerk of the court which are hereby incorporated by this reference, the points and Authorities herein, and attached Affidavit of Defendant.

Dated: this 24th day of June 2021

By: Daine Anton Crawley # 1167447
In propria personam

RECEIVED

JUL - 6 2021

CLERK OF THE COURT

1 At the Defendant, Daine A. Crawley # 1167447 request
2 please withdraw Attorney Carl Arnold Esq. as
3 Counsel. As stated by Mr. Arnold on Telephone (at 8:25
4 AM) on June 24th, 2021 "he does not represent individuals
5 on Habeas Corpus petitions". It is uncertain why the Court
6 has continued to provide ineffective assistance of counsel
7 throughout Case Number C341735 (A-20-816041-W). Conflicting
8 information has been provided many times starting on
9 May 27th, 2020 as to who my attorney actually is. At
10 this time, I am citing "ineffective Assistance" of Counsel
11 for failing to present valid case law regarding "foreign
12 convictions" under NRS 207.010 Carter vs. State, 1988.
13 Mr. Arnold did not properly disclose the information
14 within my Habeas Corpus dated March 18th, 2021 to the
15 Nevada Supreme Court respond to phone calls, or
16 mail in a timely matter present grounds # 1-4 on Direct Appeal.

17 Please Dismiss Mr. Arnold and any other representative
18 within The CEA Law Group as Counsel at this time.

19 Transcripts have not been forwarded so please order
20 the production of all documents. Including my transcripts
21 at this time in their entirety. d

22 File subsequent Habeas Corpus accordingly as clear
23 and plain error has occurred in failing to disclose the
24 identity of Defendants Attorney and/or the fact that
25 Mr. Arnold does not represent petitioners for Habeas relief.

26 Respectfully Submitted,

27 Daine Crawley # 1167447

28 Page —

29 P.O. Box 7007
30 Carson City, NV 89702
31 346

1
2
3 **POINTS AND AUTHORITIES**

4 NRS 7.055 states in pertinent part:

- 5 1. An attorney who has been discharged by his client shall upon demand and payment of the fee
6 due from the client, immediately deliver to the client all papers, documents, pleadings and items
7 of tangible personal property which belong to or were prepared for that client (transcripts)
- 8 2. . . . If the court finds that an attorney has, without just cause, refused or neglected to obey its
9 order given under this section, the court may, after notice and fine or imprison him until the
10 contempt purged. If the court finds that the attorney has, without just cause, withheld the
11 client's papers, documents, pleadings, or other property, the attorney is liable for costs and
12 attorney's fees.

13 Counsel in the above-entitled case was court-appointed due to Defendant's indigence. Defendant
14 does not owe counsel any fees.

15 **WHEREFORE**, Defendant prays this Honorable Court, Grant his Motion to Withdraw Counsel
16 and that counsel deliver to Defendant all papers, documents, pleadings, discovery and any other
17 tangible property which belong to or were prepared for the Defendant to allow Defendant the proper
18 assistance that is needed to insure that justice is served.

19 DATED: this 24th day of June 2014

20 Respectfully submitted,

21 BY: Daine Anton Crawley 1167447

22 /In Propria Personam

23 WSCC

24 P.O. BOX 7007
25 Carson City, NV 89702
26
27
28

NAME: Daine Anton Cawley, # 1167447

~~HIGH DESERT STATE PRISON~~

~~P.O. BOX 650~~

~~INDIAN SPRINGS, NEVADA 89018~~

~~57000~~ WSCC

~~P.O. BOX 2001~~ 7007

~~89000~~ Carson City, NV 89702

DATE: June 24th, 2021

TO: ~~XXXXXXXXXX~~ Carl Arnold, Esq.

(Address formerly known as)

1428 S. Jones BLVD.

Las Vegas, NV 89146

SUBJECT: TERMINATION OF COUNSEL/TRANSFER OF RECORDS

CASE NO.: C341735 (A-20-816041-W)

DEPT. NO.: VI

CASE NAME: Post conviction Habeas Corpus

Please be advised that from this date forward, your authority as Attorney of Record in the above-stated action is hereby terminated. All of the professional relations of Attorney and Client do hereby cease.

Please enter your withdrawal from this action with the Court immediately.

Pursuant to NRS 7.055, I respectfully request that you deliver to me, forthwith, all documents, papers, pleadings and tangible personal property that is in your possession that relates to the above-named action.

Your prompt attention to this request is genuinely appreciated.

Respectfully,

Daine Cawley

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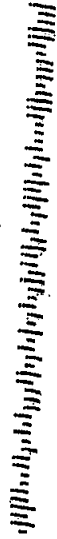
Dane Crawley #1167447
WSCE
P.O. Box 7007
Carson City, NV 89702

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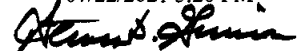
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200 Lewis Avenue 3rd Floor
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CLERK OF THE COURT

1 **FCL**
2 **STEVEN B. WOLFSON**
3 **Clark County District Attorney**
4 **Nevada Bar #001565**
5 **KAREN MISHLER**
6 **Chief Deputy District Attorney**
7 **Nevada Bar #13730**
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 DAINÉ CRAWLEY,
13 #7031173

14 Defendant.

CASE NO: A-20-816041-W

C-19-341735-1

DEPT NO: VI

15 **FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER**

16 DATE OF HEARING: MAY 25, 2021
17 TIME OF HEARING: 3:00 PM

18 THIS CAUSE having come on for hearing before the Honorable JACQUELINE
19 BLUTH, District Judge, on the 25th day of May 2021, the Defendant not present, the
20 Respondent being represented by STEVEN B. WOLFSON, Clark County District Attorney,
21 not present, and the Court having considered the matter, including briefs, transcripts, and
22 documents on file herein, now therefore, the Court makes the following findings of fact and
23 conclusions of law:

24 //

25 //

26 //

27 //

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1 **FINDINGS OF FACT, CONCLUSIONS OF LAW**

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 //

28 //

1 On April 6, 2020, Crawley filed a Notice of Appeal. The Judgment of Conviction
2 ("JOC") was filed on April 7, 2020. Crawley's Case Appeal Statement was filed on April 13,
3 2020. On May 11, 2020, Carl Arnold, Esq. was appointed as appellate counsel.

4 On June 4, 2020, and June 12, 2020, Crawley filed Petitions for Writ of Habeas Corpus
5 (Post-Conviction). The State responded to both Petitions filed by Crawley on July 21, 2020.
6 On August 26, 2020, appointed Carl Arnold as counsel.

7 On March 18, 2021, Crawley filed the instant pro-per Supplement Petition for Writ of
8 Habeas Corpus (Post-Conviction) ("Supplement Petition"). The State filed its Response on
9 May 6, 2021. This Court denied the Supplement Petition on May 25, 2021.

10 STATEMENT OF THE FACTS

11 This Court relied on the following factual summary in sentencing Defendant:

12 On June 12, 2019, officers were dispatched to a location
13 between the Excalibur and the Luxor in reference to a person
14 threatening pedestrians with a knife. Upon arrival, contact was
15 made with a witness who stated he was walking with his friend
16 through the hotel parking lot when they were approached by a
17 male, later identified as defendant Daine Anton Crawley, who got
18 in his face and made unintelligible comments while retrieving a
19 knife from his backpack. The witness felt threatened by the
20 defendant who held the knife in his hand with the blade exposed.
21 He stepped away from the defendant who then approached a
22 vehicle with three occupants and attempted to open the door
23 before the car drove away. As the defendant walked to another
24 vehicle and hit the window, the witness notified police and
25 security.

21 Officers also spoke to witness' friend who relayed the same
22 events as described by the witness. While the defendant was being
23 detained, he stated that he did not have a knife; however, officers
24 located a knife in his pocket.

24 Based on the above facts, Mr. Crawley was arrested,
25 transported to the Clark County Detention Center, and booked
26 accordingly.

26 Presentence Investigation Report ("PSI"), August 27, 2019, at 7-8.

27 //

28 //

AUTHORITY

I. DEFENDANT'S CLAIMS ARE PROCEDURALLY BARRED

NRS 34.810(1) reads:

The court shall dismiss a petition if the court determines that:

(a) The petitioner's conviction was upon a plea of guilty or guilty but mentally ill and the petition is not based upon an allegation that the plea was involuntarily or unknowingly or that the plea was entered without effective assistance of counsel.

(b) The petitioner's conviction was the result of a trial and the grounds for the petition could have been:

(2) Raised in a direct appeal or a prior petition for a writ of habeas corpus or postconviction relief.

The Nevada Supreme Court has held that "challenges to the validity of a guilty plea and claims of ineffective assistance of trial and appellate counsel must first be pursued in post-conviction proceedings.... [A]ll other claims that are appropriate for a direct appeal must be pursued on direct appeal, or they will be *considered waived in subsequent proceedings*." Franklin v. State, 110 Nev. 750, 752, 877 P.2d 1058, 1059 (1994) (emphasis added) (disapproved on other grounds by Thomas v. State, 115 Nev. 148, 979 P.2d 222 (1999)). "A court must dismiss a habeas petition if it presents claims that either were or could have been presented in an earlier proceeding, unless the court finds both cause for failing to present the claims earlier or for raising them again and actual prejudice to the petitioner." Evans v. State, 117 Nev. 609, 646-47, 29 P.3d 498, 523 (2001).

Under NRS 34.810,

1. The court *shall* dismiss a petition if the court determines that:

(a) The petitioner's conviction was upon a plea of guilty or guilty but mentally ill and the petition is not based upon an allegation that the plea was involuntarily or unknowingly entered or that the plea was entered without effective assistance of counsel.

...

unless the court finds both cause for the failure to present the grounds and actual prejudice to the petitioner.

(emphasis added). Further, substantive claims are beyond the scope of habeas and waived. NRS 34.724(2)(a); Evans v. State, 117 Nev. 609, 646-47, 29 P.3d 498, 523 (2001); Franklin

1 v. State, 110 Nev. 750, 752, 877 P.2d 1058, 1059 (1994), disapproved on other grounds,
2 Thomas v. State, 115 Nev. 148, 979 P.2d 222 (1999).

3 A defendant may only escape these procedural bars if they meet the burden of
4 establishing good cause and prejudice:

5 3. Pursuant to subsections 1 and 2, the petitioner has the burden of
6 pleading and proving specific facts that demonstrate:

7 (a) Good cause for the petitioner's failure to present the claim or
8 for presenting the claim again; and

(b) Actual prejudice to the petitioner.

9 NRS 34.810(3). Where a defendant does not show good cause for failure to raise claims of
10 error upon direct appeal, the district court is not obliged to consider them in post-conviction
11 proceedings. Jones v. State, 91 Nev. 416, 536 P.2d 1025 (1975).

12 Here, the grounds Defendant raises in his Supplement Petition are proper only for a
13 direct appeal, and thereby, waived. Specifically, Defendant presents four (4) grounds to this
14 Court: (1) Equal Protection/Due Process violation; (2) errors within Defendant's PSI; (3)
15 violation of the Court's Administrative Order; and (4) error in adjudication as a habitual
16 criminal. Supplement Petition, 6-12. Defendant does not challenge the validity of a guilty plea
17 and/or raise claims of ineffective assistance of counsel. See generally, Id. Indeed, the issues
18 Defendant does raise in this Supplement Petition are improperly brought before this Court. As
19 such, these substantive claims proper for only direct appeal are barred in this Petition.

20 Even still Defendant does not attempt to demonstrate good cause or prejudice for
21 raising these claims for the first time in the instant proceedings. See Supplement Petition.
22 Thus, such claims are denied.

23 II. DEFENDANT'S SUPPLEMENTAL PETITION IS A FUGITIVE 24 DOCUMENT

25 Defendant's instant pro per Supplement Petition should be dismissed as a fugitive
26 document. EJDRC 7.40(a) states:

27 When a party has appeared by counsel, the party cannot thereafter
28 appear on the party's own behalf in the case without the consent
of the court. Counsel who has appeared for any party must

1 represent that party in the case and shall be recognized by the court
2 and by all parties as having control of the case. The court in its
3 discretion may hear a party in open court although the party is
4 represented by counsel.

5 Carl Arnold, Esq., was confirmed as counsel on August 26, 2020. The instant
6 Supplement Petition was filed seven months later on March 18, 2021. Because Defendant
7 cannot appear on his own behalf after he had already appeared by counsel, the current
8 Supplement Petition is dismissed as a fugitive document.

9 **ORDER**

10 THEREFORE, IT IS HEREBY ORDERED that Defendant's Supplemental Petition for
11 Writ of Habeas Corpus (Post-Conviction) shall be, and it is, hereby denied.

12 ~~DATED this _____ day of June, 2021.~~

Dated this 22nd day of July, 2021

13 
DISTRICT JUDGE

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

B2B 83A 2614 D93C
Jacqueline M. Bluth
District Court Judge

kj
MT

16 BY 
17 KAREN MISHLER
18 Chief Deputy District Attorney
19 Nevada Bar #13730

20 **CERTIFICATE OF MAILING**

21 I hereby certify that service of the above and foregoing was made this 24th day of June,
22 2021, by depositing a copy in the U.S. Mail, postage pre-paid, addressed to:

23 DAINE CRAWLEY #1167447
24 HIGH DESERT STATE PRISON
25 PO BOX 650
26 INDIAN SPRINGS, NV, 89070

27 BY 
28 Secretary for the District Attorney's Office

KM/mah/L3

1 CSERV

2 DISTRICT COURT
3 CLARK COUNTY, NEVADA
4

5
6 Daine Crawley, Plaintiff(s)

CASE NO: A-20-816041-W

7 vs.

DEPT. NO. Department 6

8 Warden Williams, HDSP,
9 Defendant(s)

10
11 **AUTOMATED CERTIFICATE OF SERVICE**

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

15 Service Date: 7/22/2021

16 Steven Wolfson

motions@clarkcountyda.com



1 RTRAN

2
3
4 DISTRICT COURT
5 CLARK COUNTY, NEVADA

6 DAINE CRAWLEY,
7 Plaintiff,

CASE NO. A-20-816041-W
DEPT. XVII

8 vs.

9 WARDEN WILLIAMS, HDSP,
10 Defendant.

11
12 BEFORE THE HONORABLE MICHAEL VILLANI, DISTRICT COURT JUDGE
13 MONDAY, JANUARY 10, 2022

14 **RECORDER'S TRANSCRIPT OF PROCEEDINGS RE:**
15 **STATUS CHECK: STATE'S RESPONSE**

16 APPEARANCES:

17 For the Plaintiff:

NO APPEARANCE

18 For the Defendant:

SARAH OVERLY, ESQ.
Chief Deputy District Attorney

19
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24
25 RECORDED BY: KRISTINE SANTI, COURT RECORDER

1 LAS VEGAS, NEVADA, MONDAY, JANUARY 10, 2022

2 * * * * *

3 [Case called at 8:47 a.m.]

4 THE MARSHAL: Page 9, Your Honor.

5 THE COURT: Daine Crawley.

6 Ms. Overly, on January 4th of this year, there was an order from the
7 Supreme Court apparently to your office to respond to -- service response with
8 Points and Authorities to the Defendant's matter pending in front of the Supreme
9 Court. Were you aware of that?

10 MS. OVERLY: Your honor, the [indiscernible] that I received was --

11 THE COURT: Were you aware of that?

12 MS. OVERLY: The Order is to statistically close the case, and it's not
13 a pleading that we would've responded to --

14 THE COURT: Okay. We can just --

15 MS. OVERLY: -- so I don't believe we --

16 THE COURT: So we just dismiss the case. Is that what you're
17 saying?

18 MS. OVERLY: Well, I believe -- I believe the State litigated in the
19 appellate court, so I don't believe that we need to even respond to anything.

20 THE COURT: Well, I have the Order in front of me of January 4th, last
21 sentence of paragraph 1 says, Respondent, referring to the State, has failed to
22 respond to our Order. It says Respondent shall have an additional 10 days from
23 the date of this Order to file a response as outlined above.

24 MS. OVERLY: Okay. I believe then -- Court's indulgence. I believe
25 our Appeals Division indicated that they will file a response with the Court of

1 Appeals pursuant to their order.

2 THE COURT: Okay. Just be aware of the time frame for the
3 response to the Court of Appeals, all right?

4 MS. OVERLY: Yes.

5 [Proceedings concluded at 8:49 a.m.]

6 * * * * *

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

9 
10 KRISTINE SANTI
11 Court Recorder/Transcriber
12
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25

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

DAINE ANTON CRAWLEY,
Appellant,
vs.
BRIAN WILLIAMS, WARDEN, HIGH
DESERT STATE PRISON,
Respondent.

No. 83136-COA

FILED

FEB 03 2022

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER OF REVERSAL AND REMAND

Daine Anton Crawley appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; Jacqueline M. Bluth, Judge.

Crawley contends the district court erred by denying postconviction relief. Crawley filed postconviction petitions for a writ of habeas corpus on June 4, 2020, June 12, 2020, and March 18, 2021. We give deference to the court's factual findings if supported by substantial evidence and not clearly erroneous but review the court's application of the law to those facts de novo. *Lader v. Warden*, 121 Nev. 682, 686, 120 P.3d 1164, 1166 (2005).

The district court first denied relief on the ground that Crawley did not challenge the validity of his guilty plea or raise claims of ineffective assistance of counsel and, accordingly, his claims were outside the scope permissible under NRS 34.810(1)(a). This finding is belied by the record. At least one of Crawley's grounds contains allegations that trial-level counsel was ineffective, and other grounds contain complaints about counsel's performance. Accordingly, we conclude the district court erred by denying Crawley's petition as outside the scope. See *Erickson v. Pardus*,

551 U.S. 89, 94 (2007) (“A document filed *pro se* is to be liberally construed.” (italics in original) (internal quotation marks omitted)).

The district court also denied relief on the ground that the final pleading was a fugitive document because “Carl Arnold, Esq., was confirmed as counsel on August 26, 2020.” Because the record is conflicting, we cannot conclude this finding is supported by substantial evidence in the record. The minutes of August 26, 2020, are contradictory. They indicate that “Mr. Bailey will accept the appointment today,” but they conclude with “COURT ORDERED, Carl Arnold APPOINTED as counsel.” Further, while the district court’s case summary that was transmitted to this court indicates Mr. Arnold represented Crawley in his postconviction proceedings below, the State argues in its response on appeal that “the district court appointed Roger Bailey, Esq., as post-conviction counsel.” The State also concedes that Mr. Bailey “did not ‘actually represent’ Crawley below,” as Mr. Bailey made no appearance beyond that on August 26, 2020. We note the same is true of Mr. Arnold with the exception that, unlike Mr. Bailey, Mr. Arnold was not present at the August 26, 2020, hearing. In light of these unique facts, we cannot conclude that the district court did not err by denying Crawley’s petition as a fugitive document.

Finally, the district court implicitly found the appointment of counsel was warranted when it exercised its discretion and appointed postconviction counsel. The State does not oppose that decision on appeal. However, we note that at least one of Crawley’s claims in his petition was that counsel was ineffective in the sentencing proceedings. Because both Mr. Bailey and Mr. Arnold represented Crawley in one or more of the several hearings that comprised the sentencing proceedings, they appear to have a conflict of interest. *See Clark v. State*, 108 Nev. 324, 326, 831 P.2d

1374, 1376 (1992) ("In general, a conflict exists when an attorney is placed in a situation conducive to divided loyalties." (quotation marks omitted)). Accordingly, we conclude the district court abused its discretion by appointing one or both of those attorneys as postconviction counsel.

Because we cannot conclude the district court did not err by denying Crawley's petition, we reverse the district court's order and remand this matter to the district court to reconsider Crawley's pleadings. We further instruct the district court to appoint replacement postconviction counsel who did not represent Crawley either in the trial-level proceedings or on appeal. For the foregoing reasons, we

ORDER the judgment of the district court REVERSED AND REMAND this matter to the district court for proceedings consistent with this order.¹


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

¹The State argues on appeal that the district court denied the June 4, 2020, and June 12, 2020, pleadings as outside the scope permissible when the conviction arises out of a guilty plea. However, in both the minutes and its written order, the district court referred only to the March 18, 2021, pleading, which purported to supersede the previous pleadings. We urge the district court to be explicit as to the disposition of all pleadings, regardless of whether they are considered on the merits. See NRS 34.750(3), (5).

In light of the disposition, respondent's motion to transmit Crawley's presentence investigation report is denied.

cc: Hon. Jacqueline M. Bluth, District Judge
Daine Anton Crawley
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

IN THE SUPREME COURT OF THE STATE OF NEVADA

DAINE ANTON CRAWLEY,
Appellant,
vs.
BRIAN WILLIAMS, WARDEN, HIGH DESERT
STATE PRISON,
Respondent.

Supreme Court No. 83136
District Court Case No. A818041; ~~8341735~~

FILED

MAR - 1 2022

Elizabeth A. Brown
CLERK OF COURT

CLERK'S CERTIFICATE

STATE OF NEVADA, ss.

I, Elizabeth A. Brown, the duly appointed and qualified Clerk of the Supreme Court of the State of Nevada, do hereby certify that the following is a full, true and correct copy of the Judgment in this matter.

JUDGMENT

The court being fully advised in the premises and the law, it is now ordered, adjudged and decreed, as follows:

"ORDER the judgment of the district court REVERSED AND REMAND this matter to the district court for proceedings consistent with this order."

Judgment, as quoted above, entered this 3rd day of February, 2022.

IN WITNESS WHEREOF, I have subscribed
my name and affixed the seal of the Supreme
Court at my Office in Carson City, Nevada this
February 28, 2022.

Elizabeth A. Brown, Supreme Court Clerk

By: Sandy Young
Deputy Clerk

A-20-818041-W
CCJR
NV Supreme Court Clerks Certificate/Judge
4884120



IN THE SUPREME COURT OF THE STATE OF NEVADA

DAINE ANTON CRAWLEY,
Appellant,
vs.
BRIAN WILLIAMS, WARDEN, HIGH DESERT
STATE PRISON,
Respondent.

Supreme Court No. 83136
District Court Case No. AB004 EC341935

FILED

MAR 27 2022

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

REMITTITUR

TO: Steven D. Grierson, Eighth District Court Clerk

Pursuant to the rules of this court, enclosed are the following:

Certified copy of Judgment and Opinion/Order.
Receipt for Remittitur.

DATE: February 28, 2022

Elizabeth A. Brown, Clerk of Court

By: Sandy Young
Deputy Clerk

cc (without enclosures):

Hon. Jacqueline M. Bluth, District Judge
Daine Anton Crawley
Clark County District Attorney \ Alexander G. Chen, Chief Deputy District
Attorney
Clark County District Attorney \ John T. Afshar

RECEIPT FOR REMITTITUR

Received of Elizabeth A. Brown, Clerk of the Supreme Court of the State of Nevada, the
REMITTITUR issued in the above-entitled cause, on MAR 1 2022


Deputy District Court Clerk

RECEIVED
APPEALS
MAR - 1 2022

CLERK OF THE COURT



August 28, 2022

Dear Daine,

Congratulations and thank you for becoming such a valued facilitator for Body, Mind, and Soul's Correspondence Workshops.

I value your knowledge and appreciate your role in our program. Everything from doing, reviewing, and especially designing the **LAW OF ATTRACTION AND ADDICTION** Program. You are an amazing individual and will do great things with your life from here on out. **CONGRATULATIONS** and **THANK YOU!!**

Love and Peace,

Sharon Bachman

Sharon Bachman



August 29, 2022

To Whom it May Concern,

My Name is Sharon Bachman. I am a certified Life Coach with a BA in Human Development with an emphasis on Animal Assisted Therapy, a minor in Business, and a minor in Liberal Arts. I am the owner and head Life Coach at Body, Mind, and Soul, Support Solutions.

Due to the pandemic and shortage of programs offered to inmates, I decided to offer my Life Skills Correspondence Workshops to a select group of inmates.

DAINE CRAWLEY #1167447 has successfully completed our Phase 3, Lifeskills Correspondence Workshop. He plans to continue to work through the different phases of our program. I have personally worked with Daine and have

watched him grow as he continued working through the steps of our program.

If you have any questions, please feel free to call, (775)397-2172, email me at sharonatbodymindandsoul@gmail.com, or check out my website at elkolifecoach.com.

Sincerely,

A handwritten signature in cursive script that reads "Sharon Bachman". The signature is written in black ink and is positioned above the printed name.

Sharon Bachman

CERTIFICATE OF ACCOMPLISHMENT

THIS CERTIFIES THAT

Daine Crawley

#1167447

HAS SUCCESSFULLY COMPLETED ALL PHASES OF OUR LIFESKILLS CORRESPONDENCE
WORKSHOP AND HAS DESIGNED A NEW PHASE SPONSORED BY
BODY, MIND, AND SOUL SUPPORT SOLUTION ON AUGUST 8, 2022. CONGRATULATIONS
AND THANK YOU DAINE CRAWLEY.

Endorsed by

Zehra Mahoon



Sharon Bachman
Sharon Bachman
Certified Life Coach

CERTIFICATE OF COMPLETION

THIS CERTIFIES THAT

Daine Crawley

#1167447

HAS SUCCESSFULLY COMPLETED PHASE 3 OF OUR LIFESKILLS CORRESPONDENCE
WORKSHOP SPONSORED BY

BODY, MIND, AND SOUL SUPPORT SOLUTION ON AUGUST 8, 2022

Endorsed by

Zehra Mahoon

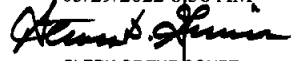


Sharon Bachman

Sharon Bachman
Certified Life Coach



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CLERK OF THE COURT

ORDR

LOWE LAW, L.L.C.

DIANE C. LOWE, ESQ. Nevada Bar No. 14573

7350 West Centennial Pkwy #3085

Las Vegas, Nevada 89131

(725)212-2451 – F: (702)442-0321

Email: DianeLowe@LoweLawLLC.com

Attorney for Daine Crawley

EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

Case No.: A-20-816041-W

DAINE CRAWLEY DOC #1167447

Petitioner,

[Companion case: C-19-341735-1 and
Appeal Remand Sup Ct No 83136]

vs.

STATE OF NEVADA,

DEPT NO: XVII

Respondent.

ORDER APPOINTING APPEAL COUNSEL

THIS MATTER HAVING COME BEFORE THE COURT and there
appearing good cause, having been remanded by the Nevada Supreme Court for
appointment of counsel, therefore it is hereby ORDERED, ADJUDGED AND

1 DECREED that Diane C. Lowe, Esq. be appointed to represent the above-named
2 Petitioner as of this date in his Appeal.
3
4
5

6 Dated this 29th day of March, 2022

7 

8
9 87A B6F 978A B611
10 Michael Villani
11 District Court Judge
12
13

14 Order Prepared by: /s/ Diane C. Lowe
15 Diane C Lowe, Esq.
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1 CSERV

2 DISTRICT COURT
3 CLARK COUNTY, NEVADA
4

5		
6	Daine Crawley, Plaintiff(s)	CASE NO: A-20-816041-W
7	vs.	DEPT. NO. Department 17
8	Warden Williams, HDSP,	
9	Defendant(s)	

10
11 **AUTOMATED CERTIFICATE OF SERVICE**

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

15 Service Date: 3/29/2022

16 Steven Wolfson motions@clarkcountyda.com

17 Diane Lowe danielowe@lowelawllc.com
18
19
20
21
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23
24
25
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27
28

1 **ORDR**

2 **LOWE LAW, L.L.C.**

3 DIANE C. LOWE, ESQ. Nevada Bar No. 14573

4 7350 West Centennial Pkwy #3085

5 Las Vegas, Nevada 89131

6 (725)212-2451 – F: (702)442-0321

7 Email: DianeLowe@LoweLawLLC.com

8 Attorney for Daine Crawley

9 EIGHTH JUDICIAL DISTRICT COURT

10 CLARK COUNTY, NEVADA

11 Case No.: A-20-816041-W

12 DAINÉ CRAWLEY DOC #1167447

13 Petitioner,

[Companion case: C-19-341735-1 and
Appeal Remand Sup Ct No 83136]

14 vs.

15 STATE OF NEVADA,

DEPT NO: XVII

16 Respondent.

17
18
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21
22 **ORDER APPOINTING COUNSEL**

23
24 THIS MATTER HAVING COME BEFORE THE COURT and there
25 appearing good cause, having been remanded by the Nevada Supreme Court for
26 appointment of counsel, therefore it is hereby ORDERED, ADJUDGED AND
27
28

1 DECREASED that Diane C. Lowe, Esq. be appointed to represent the above-
2 named Petitioner as of this date.
3
4
5

6 Dated this 29th day of March, 2022

7 
8

9 3F9 903 F430 B4C4
10 Michael Villani
11 District Court Judge
12
13

14 Order Prepared by: /s/ Diane C. Lowe
15 Diane C Lowe, Esq.
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1 CSERV

2 DISTRICT COURT
3 CLARK COUNTY, NEVADA
4

5
6 Daine Crawley, Plaintiff(s)

CASE NO: A-20-816041-W

7 vs.

DEPT. NO. Department 17

8 Warden Williams, HDSP,
9 Defendant(s)

10
11 **AUTOMATED CERTIFICATE OF SERVICE**

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13 Court. The foregoing Order was served via the court's electronic eFile system to all
recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 3/29/2022

15 Steven Wolfson

motions@clarkcountyda.com

16 Diane Lowe

dianelowe@lowelawllc.com



1 **SUPPL**

2 **LOWE LAW, L.L.C.**

3 **DIANE C. LOWE, ESQ.** Nevada Bar No. 14573

4 **7350 West Centennial Pkwy #3085**

5 **Las Vegas, Nevada 89131**

6 **(725)212-2451 – F: (702)442-0321**

7 **Email: DianeLowe@LoweLawLLC.com**

8 **Attorney for Daine Crawley**

9 **EIGHTH JUDICIAL DISTRICT COURT**

10 **CLARK COUNTY, NEVADA**

11 **DAINE CRAWLEY DOC #1167447**

12 **Petitioner,**

Case No.: A-20-816041-W

13 **vs.**

14 **[Companion case: C-19-341735-1 and**
15 **Appeal Remand Sup Ct No 83136]**

16 **WARDEN JOHNSON, HDSP,**

17 **Respondent.**

18 **DEPT NO: XVII Hon _____**

19 **DATE OF HEARING: November 28, 2022**

20 **TIME OF HEARING: 8:30 a.m.**

21 **COMES NOW, Petitioner, DAINE CRAWLEY by and through his counsel of**
22 **record DIANE C. LOWE, ESQ., and hereby submits his supplemental brief in**
23 **support of his Petition for Writ of Habeas Corpus.**

1 This Supplement is made and based upon the pleadings and papers on file herein,
2 and the Points and Authorities attached hereto, and any oral arguments adduced at
3 the time of hearing/s on this matter.
4

5 Dated this 26th day of August 2022.
6

7 Respectfully Submitted,
8 /s/ Diane C. Lowe
9 DIANE C. LOWE ESQ. Nevada Bar #14573
10

11 POINTS AND AUTHORITIES

12 I. STATEMENT OF THE CASE

14
15 Mr. Crawley's attorney ineffectively and prejudicially mislead him into believing
16 that if he participated in programming – or made good efforts to do so after
17 committing to the plea agreement - the State would not seek habitual treatment.
18 Further the parameters of 'habitual treatment' was not adequately explained to him.
19 Nor was he properly advised on how it related to the Gonzales 'spirit of the
20 agreement' to forgo habitual if treatment was sought. Pdf:48. Therefore, it was an
21 unknowing involuntary plea due to ineffectiveness of his counsel. He was
22 prejudiced because the misinformation given to him led him to take a plea agreement
23 instead of taking his case to trial. Pdf:48. This caused manifest injustice. With the
24 habitual on the second count - possession of a dangerous weapon– he was getting
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1 more exposure than he would have on the two counts as charged. He states had he
2 known this and that the State would not honor the spirit of their agreement on the
3 habitual – he would not have taken the plea deal and instead would have insisted on
4 a jury trial. Pdf:48.
5

6 Further his trial attorney's comments at sentencing were prejudicially ineffective.
7 He did not sufficiently address or bolster with documentary evidence - his mitigating
8 circumstances and outline the errors in the State's sentencing memorandum. This
9 prevented the court from considering factors they should have considered, and which
10 should have resulted in a lower sentence. He respectfully requests an evidentiary
11 hearing so that both he and the trial counsel can be called to explain what was said
12 and the court can determine who is more credible or whether there was strategy
13 behind the decisions complained about and whether said strategy comported with
14 what a reasonable attorney would do.
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19 **II. STATEMENT OF FACTS**

20 Just prior to this case, Mr. Crawley was released from prison with a fully
21 expired sentence on or around March 31, 2019 after serving the remainder
22 of 31 months in prison for revocation after being revoked from his
23 supervision for attempted grand larceny. There was an unattended purse
24 at Planet Hollywood that he tried to walk away with. He served some
25 time in prison and while in – he participated in the Rise Program. Pdf:44.
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1 He was released early to the Sober Living Freedom House but 3 weeks
2 into the program he relapsed, drank, and was kicked out and revoked. He
3 served his remaining time and was released March 31, 2019 without any
4 tail.
5

6
7 After release, even though he was not required to – he became actively involved in
8 programming with the Nevada Behavioral Health Systems in order to better himself
9 and learn to become a law-abiding citizen. April – July 2019. Pdf:32-13; Records
10 NBH pdf:51-142.
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12
13
14 On June 12, 2019 Mr. Crawley was helping someone move to make a
15 little money. He lost track of time, and this caused him to miss the
16 opportunity to check in to get a bed at Salvation Army and he had no
17 place he could think of to go. He was riding the bus for a while; and
18 you can't ride on the bus forever - so he had them let him off at the
19 Luxor Hotel. He thought he could hang out there for a couple hours at
20 the Sports Book bar in the seating area. Within the hour he had fallen
21 asleep. Security told him he had to leave the hotel. They grabbed his
22 nearby backpack and tablet and said since he did not have an ID he
23 could not have it back. Nevertheless, they must have looked through it
24 and determined it was worthless – the tablet was cracked and old, the
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1 backpack contents nothing to speak of – so he was given his things back
2 after he made it outside. They had security on bikes following him to
3 make sure he fully left. Las Vegas police approached him as he was
4 leaving the casino area. He reflexively ran from them and as he did; a
5 vehicle grazed him. Pdf:45. He was trying to protect himself pushing
6 himself away from the car. So, he is wondering if that is what they
7 were talking about for count 1. He had tried to end his life that day and
8 had taken a large amount of Xanax, alprazolam and alcohol hoping he
9 would not wake up. [27:20 line 19]; pdf:45. So, he can't fully rule out
10 that he was not cognizant of what was going on and what had
11 transpired. NBH records state on April 27, 2019 Crisis assessment that
12 he presented with extreme paranoia and delusional thinking. Pdf:139.
13 This action stems from a June 12, 2019 incident near the Luxor. He had
14 been to NBH June 4 2019 where his diagnoses continued to be
15 Adjustment disorder, unspecified Active. and unspecified nonorganic
16 psychosis. Active. Pdf:89. He can't figure out why the people in the
17 parking lot would have said the things they did to the police unless there
18 was another person running around in the parking lot and they just
19 confused him for the other guy given he was running. Or if it was
20 because he was pushing against the vehicle to get away from it and they

1 mistook it for threats. Or if there was some sort of mental break. What
2 he does definitely remember is he never had any intent to hurt anyone.
3 Pdf:15. He does recall earlier having about 4-5 fifths of new liquor
4 bottles in his backpack that he was trying to sell. Pdf:46. And maybe he
5 was approaching them trying to sell the bottles. He never got them back
6 from police after he got locked up.
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11 When he was apprehended the police found a small knife on his belt. Pdf:46.
12 He did not even think of it as a knife it's so small; so, when they asked him
13 whether he had a knife on him he said no. Literally it was a razor blade about
14 the size of a pen cap if extended. He was arrested. He was later released out
15 with electronic monitoring. It registers to your cell phone. And that was a
16 problem because he had no home and he had to be at NBH to get it charged.
17 He went back to Nevada Behavioral Health, and they got him on a standby list
18 for Salvation Army so some nights he had a bed and some nights he didn't.
19 pdf:46-7. That's when he asked NBH for alternatives and they suggested the
20 Crossroads Program and he then attempted to get in there. He was taken back
21 into custody after not showing up at a hearing and then released with his plea
22 agreement. June 26 – July 16, 2019. Records NBH pdf:51-142. He was under
23 the impression that he did not have to go back to court until July 1, 2019 which
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1 was the original date of the July 11 hearing. It was hard to keep track of things
2 when he did not have a reliable phone.
3

4 He thought he could check in at Crossroads for in-patient treatment. He states
5 that is what a caseworker at Nevada Behavioral Health told him. But he was
6 released from CCDC at 8:01 pm July 16, 2019 the day after his plea agreement,
7 and when he got to Crossroads he was turned away. He was surprised to learn
8 later on that at the time, they did not have inpatient treatment; just beds to stay
9 in for the night. He went back to Crossroads for the detox program July 23.
10 He went to the probation office on Bonanza Road near 7/11 downtown July 18
11 2019 and filled out the paperwork as required but then they told him he had to
12 wait to talk to someone. He did, but it was taking too long. It was in the
13 afternoon, and it was far enough away from Salvation Army that he would have
14 had to walk back, and he was worried because he would have had to check in
15 at 6 pm. For them you had to check in at 6 pm and check out by 6 am every
16 day. They had just let him back on standby at Salvation Army and he did not
17 want to mess it up. So, he left the probation office. Pdf:47-8.
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23 On August 9, 2019 he was taken into custody after attempting to
24 conceal 2 pairs of jeans for sale at Neiman Marcus so he could resell
25 them for cash. 19F16376X. His motion for release was denied. Bail
26 was set for \$10,000. And he was charged with Grand Larceny a
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1 Category C Felony NRS 204.220.1, 205.222.2. Statutory potential– 1-5
2 years. This was plead to on September 6, 2019. The State agreed to
3 make no recommendation at sentencing and both parties stipulated the
4 sentence should run concurrent to the ultimate sentence in this case.
5 On April 15, 2020 he was sentenced to 12-30 months concurrent to this
6 case with a recommendation for the 184 program while incarcerated.
7 This was right on the heels of the April 1, 2020 sentencing for this case
8 which resulted in a sentence of 7-20 years for carrying the small
9 pocketknife and the small habitual added due to the new crime. (84
10 months to 240 months).

11 **III. PROCEDURAL HISTORY**

12 On June 13, 2019 the Las Vegas Justice Court in case 19F11843X held an Initial
13 Appearance Hearing for Daine Crawley because of his alleged involvement in the
14 June 12, 2019 casino parking lot incident. Probable cause was found, and counsel
15 was provisionally appointed to him. Register of Actions for Case 19F11843X.
16 Standard bail was set at \$5,000 / \$5,000. The Criminal Complaint was filed in open
17 court on June 17, 2019 charging him with Count 1: Assault with a Deadly Weapon
18 a category B felony in violation of NRS 200.471; and Count 2: Carrying a Concealed
19 Firearm or other Deadly Weapon a category C felony in violation of N.R.S.
20 202.350(1)(d)(3). At this hearing Mr. Crawley was advised of the charges in the
21

1 criminal complaint and he waived reading. He was allowed out on house arrest with
2 Electronic Monitoring. He failed to appear for his June 25 2019 hearing and a bench
3 warrant order issued. He appeared in custody at his July 11 2019 hearing and
4 unconditionally waived his right to a preliminary hearing. The Register of Actions
5 state that Defendant is to be released on own recognizance at entry of plea in district
6 court. Waiver of Preliminary Hearing Transcript - Eighth Judicial District Online
7 Portal for C-19-341735-1 Court Records (hereinafter '[Portal designated document
8 number]') [5]. He was bound over to District Court as charged in case C-19-341735-
9 1. At his Initial Arraignment on July 15, 2019, with counsel Erika D. Ballou by his
10 side, he entered a plea of guilty to Count 2 Carrying other Deadly Weapon Category
11 C felony per NRS 202.350(1)(d)(3). Guilty Plea Agreement - [4]. Transcript of
12 Hearing - [34]. On August 27, 2019 a sealed PSI was eFiled. PSI - [6]. Mr.
13 Crawley moved to dismiss his trial counsel, Ms. Ballou, by motion on October 28,
14 2019. [7]. There was an All Pending Motions hearing on November 13, 2019.
15 Transcript of Hearing - [33]. Attorney Ballou moved for the Guilty Plea Agreement
16 to be withdrawn and advised that there was incorrect information in the PSI and that
17 a new evaluation needed to be done.
18 On November 19 2019 not too long after his September 6 2019 plea for trying to
19 carry away the jeans at Neiman Marcus in the other case - the State submitted their
20 Notice of Intent to Seek Punishment as a Habitual Criminal. [9]. On November 20
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1 Carl Arnold confirmed as counsel to handle the plea withdrawal efforts. Transcript
2 – [32]. There were two brief hearings on January 15 and 29, 2020 to check status.
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4 Transcripts: [31, 30]. On January 31, 2020 Attorney Arnold submitted his Motion
5 to Withdraw Guilty Plea. [18]. And the State filed their Opposition on February 14,
6 2020. [20]. Argument on the motion took place February 19, 2020. [29]. The Court
7 made an immediate denial of the motion. [29:5]. It was decided Mr. Arnold would
8 handle the Sentencing hearing at Mr. Crawley's request. The Court requested that
9 any errors in the PSI to be addressed prior to sentencing. [29:6]. The State submitted
10 their Sentencing Memorandum on March 3 2020. [13]. On March 4, 2020 there
11 was a hearing with argument on Small Habitual Criminal Treatment. [28]. A
12 Supplemental PSI was eFiled confidential and sealed on March 24, 2020. [14].
13
14 And on April 1, 2020 the Sentencing Hearing took place before the Honorable
15 Jacqueline M. Bluth. Transcript - [27]. Attorney Roger Bailey appeared with Mr.
16 Crawley. Crawley was sentenced pursuant to the small habitual statute NRS
17 207.010(a) for this case which resulted in a sentence of 7-20 years for carrying the
18 small pocketknife. (84 months to 240 months). [27:21 line 12]. The Judgment of
19 Conviction was filed April 7, 2020. [15].
20
21 On May 11, 2020 Attorney Arnold's appointment as Appellate Counsel for direct
22 appeal was confirmed. The Nevada Supreme Court Clerk's Certificate of
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1 Judgment Affirmed dated March 19, 2021 for Supreme Court Case #81011 - was
2 eFiled. [23].
3

4 On June 4, 2020 Mr. Crawley filed a timely postconviction Petition for Writ of
5 Habeas Corpus. A-20-816041-W [A1]. The Court ordered a Petition for Writ of
6 Habeas Corpus June 9, 2020. [A3]. The State responded July 21, 2020. [A5].
7

8 With respect to the appointment of a postconviction writ of habeas corpus attorney
9 there is confusion in that the minutes on August 26, 2020 are contradictory. [18].
10

11 "Mr. Bailey will accept the appointment today," but they conclude with Court
12 Ordered, Carl Arnold Appointed as counsel." It is believed they were both with
13 the CEGA Law Group at the time.
14

15 On March 18, 2021 Mr. Crawley filed a pro se supplement because he could not
16 reach attorney Bailey or attorney Arnold or get a straight answer from the court as
17 to why his action was at a standstill. [A6]. Inmate Petition for Writ of Habeas
18 Corpus [A7]. Order for Petition. [A8]. The State Responded May 6, 2021. [A9]. A
19 Minute Order was filed May 25, 2021 denying Mr. Crawley's petition as
20 procedurally barred. First there were claims that were direct appeal issues which is
21 not allowed. And next, Mr. Crawley had stepped in and filed the supplement himself
22 even though attorney Carl Arnold and or Roger Bailey had been appointed on April
23 26, 2020. [A6]. Mr. Crawley filed a Notice of Appeal on June 24, 2021. [A11].
24
25 And a Case Appeal Statement was filed June 28 2021. [A12]. A Motion to
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1 Withdraw Counsel was submitted July 8 2021. [A13]. Findings of Fact,
2 Conclusions of Law and Order issued July 22, 2021. [A15].
3

4 The appeal courts remanded the case – No. 83136-COA - on March 1, 2022. [A18].

5 They found that the District Court’s opinion that no ineffectiveness of trial counsel
6 issues were raised in the petition or subsequent arguments was belied by the record.
7

8 [A18: page 2]. Further because the record was unclear on who the appointed
9

10 counsel was and there was not supporting documentation provided, they could not

11 align with the District Court’s finding that Mr. Crawley’s pro se supplement filing

12 in light of his attorney’s inattention was fugitive. [A18: 3]. And because the District
13

14 Court had deemed the postconviction action as meriting counsel – and that at least

15 one of the issues raised was a sentencing issue creating a conflict of interest with the

16 appointment of either attorney because both Bailey and Arnold had represented
17

18 Crawley during the criminal case proper. [A18: 3].

19 On March 28, 2022 this counsel Diane Lowe was appointed to represent Mr.
20

21 Bailey for his postconviction writ of habeas corpus action. A-20-816041-W Daine

22 Crawley, Plaintiff(s) vs. Warden Williams, HDSP, Defendant. A briefing schedule
23

24 was set May 25, 2022: Supplemental Brief due August 26, 2022; State’s Response

25 due October 27, 2022. Hearing on Oral Arguments November 28, 2022 at 8:30
26

27 am.
28

IV. ARGUMENT

To prove ineffective assistance of counsel, a petitioner must show: (1) that counsel's performance was deficient, and (2) that the deficient performance prejudiced the defense. The first prong of this test asks whether counsel's representation fell below an objective standard of reasonableness as evaluated from counsel's perspective at the time. The second prong asks whether there is a reasonable probability that, but for counsel's errors, the result of the proceeding would have been different.

Gonzales v. State, 492 P.3d 556, 558 (Nev. 2021)

When the State enters into a plea agreement, it is held to the most meticulous standards of both promise and performance with respect to both the terms and the spirit of the plea bargain. Id.

The Sixth Amendment to the United States Constitution provides that, “[i]n all criminal prosecutions the accused shall enjoy the right ... to have the Assistance of Counsel for his defense.” Strickland v Washington, 466, U.S. 668, 104 S.Ct. 2052, 2063 (1984); see also State v. Love, 109 Nev. 1136, 1138, 865 P.2d 322, 323 (1993).

To prevail on a claim of ineffective assistance of trial counsel a defendant must prove he was denied “reasonably effective assistance” of counsel by satisfying the two-prong test of Strickland. 466 U.S. at 686, 104 S. Ct. at 2063-64; see also Love,

109 Nev at 1138, 865 P.2d at 323. Under the Strickland test, a defendant must show 13

1 first that his counsel's representation fell below an objective standard of
2 reasonableness, and second, that but for the counsel's errors there is a reasonable
3 probability that the result of the proceedings would have been different. Strickland
4 at 687-88, 694, 104 S. Ct at 2065, 2068. Warden, Nevada State Prison v Lyons, 100
5 Nev 430, 432, 683 P.2d 504, 505 (1984) (adopting the Strickland two-part test).
6
7 The Nevada courts have adopted the "reasonably effective assistance" standard to
8 govern ineffective assistance of counsel cases. Warden v. Lyons, 100 Nev. 430,
9 432-33, 683 P.2d 504, 505 (1984). The "reasonably effective assistance" standard
10 was articulated in Strickland v. Washington, 466 U.S. 668, 80 L. Ed. 2d 674, 104
11 S. Ct. 2052 (1984), and described by this court in State v. Love, 109 Nev. 1136,
12 865 P.2d 322 (1993). Doleman v. State, 112 Nev. 843, 847, 921 P.2d 278, 280
13 (1996).
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19 'An ineffective assistance claim has two components: A petitioner must show that
20 counsel's performance was deficient, and that the deficiency prejudiced the defense.
21
22 In evaluating whether the performance of counsel was deficient in a constitutional
23 sense the relevant question is whether counsel's representation fell below an
24 objective standard of reasonableness. In considering prejudice, the appropriate
25 inquiry is whether there is a reasonable probability that, but for counsel's
26 unprofessional errors, the result of the proceeding would have been different.'
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1 H. v. Allen, 408 F.3d 1262, 1266 (9th Cir. 2005). ‘The Court begins with the
2 presumption of effectiveness and then must determine whether the defendant has
3 demonstrated that counsel was ineffective by a preponderance of the evidence.’ See
4 Means v. State, 120 Nev. 1001, 1011, 103 P.3d 25, 32 (2004). ‘The preponderance
5 of the evidence standard requires the trier of fact “to find that the existence of the
6 contested fact is more probable than its nonexistence.” Abbott v. State, 122 Nev.
7 715, 734, 138 P.3d 462, 475 (2006) (internal quotation marks
8 omitted)’. Preponderance of evidence means: ‘The greater weight of the evidence,
9 not necessarily established by the greater number of witnesses testifying to a fact
10 but by evidence that has the most convincing force; superior evidentiary weight that,
11 though not sufficient to free the mind wholly from all reasonable doubt, is still
12 sufficient to incline a fair and impartial mind to one side of the issue rather than the
13 other. This is the burden of proof in most civil trials in which the jury is instructed
14 to find for the party that, on the whole, has the stronger evidence, however slight
15 the edge may be.” Black’s Law Dictionary 1431 (Deluxe 11th Edition).

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22 Nev. Rev. Stat. § 34.810(1)(a) establishes that a court must grant petitioner relief if
23 he is able to show that his conviction was upon a plea of guilty and the petitioner
24 successfully proves that the plea was entered without effective assistance of counsel
25 causing him prejudice. Gonzales v. State, 492 P.3d 556, 558 (Nev. 2021). It also
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1 allows relief for meritorious claims of ineffective assistance of counsel at
2 sentencing. Id.

3
4 A District court may only set aside a conviction post-conviction sentence in order
5 to correct “manifest injustice”. NRS 176.165.

6
7 **Nevada Revised Statutes (NRS) Chapter 176 Judgment and**
8 **Execution - Withdrawal of Plea**

9 **NRS 176.165 When plea of guilty, guilty but mentally ill or nolo**
10 **contendere may be withdrawn.** Except as otherwise provided in this
11 section, a motion to withdraw a plea of guilty, guilty but mentally ill or
12 nolo contendere may be made only before sentence is imposed or
13 imposition of sentence is suspended. To correct manifest injustice, the
14 court after sentence may set aside the judgment of conviction and permit
15 the defendant to withdraw the plea.
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19 Manifest injustice is a more difficult standard to prove than the pre conviction
20 standard for plea withdrawal. Nev. Rev. Stat. §176.165 allows a defendant who has
21 pleaded guilty, but not been sentenced, to petition the district court to withdraw his
22 plea for any substantial reason that is “fair and just”. Stevenson v. State, 354 P.3d
23 1277, 1278 (Nev. 2015). “To correct manifest injustice, a court after sentence may
24 set aside a judgment of conviction and permit a defendant to withdraw a plea. Nev.
25 Rev. Stat. § 176.165. “A manifest injustice occurs where a defendant makes
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1 a plea involuntarily or without knowledge of the consequences of the plea—or
2 where the plea is entered without knowledge of the charge or that the sentence
3 actually imposed could be imposed." State v. James, 176 Wis. 2d 230, 500 N.W.2d
4 345, 348 (Wis. Ct. App. 1993) (internal quotation marks omitted). Bork v. State,
5 2016 Nev. App. Unpub. LEXIS 160, *1, 132 Nev. 948, 2016 WL 757117
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7
8 "To establish prejudice in the context of challenging a guilty plea agreement based
9 upon ineffective assistance of counsel, Petitioner must demonstrate a reasonable
10 probability that, but for counsel's errors, he would not have pleaded guilty and
11 would have insisted on going to trial." Molina v State, 120 Nev. 185, 190-191, 87
12 P.3d 533, 537 (2004). Kirksey v State, 112 Nev. 980, 988, 923 P.2d 1102, 1107
13 (1996).
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16 He can show this prejudice by a declaration affirming under oath this proposition
17 and also by pointing to the strengths of his case now known - to support the
18 believability of his declaration. Molina v. State, 120 Nev. 185, 192, 87 P.3d 533,
19 538 (2004).
20

21
22 The totality of the circumstances must demonstrate that a defendant pleaded guilty
23 with knowledge of the direct consequences of his plea. Nollette v. State, 118 Nev.
24 341, 344, 46 P.3d 87, 89 (2002). Direct consequences are those ramifications that
25 have "a definite, immediate and largely automatic effect on the range of the
26 defendant's punishment." Collateral consequences, by contrast, do not affect the
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length or nature of the punishment and are generally dependent on either the court's discretion, the defendant's future conduct, or the discretion of a government agency.

Id.

A claim for habeas corpus relief is not belied by the record just because a factual dispute is created by the pleadings or affidavits filed during the post-conviction proceedings. A claim is belied when it is contradicted or proven to be false by the record as it existed at the time the claim was made. Mann v. State, 118 Nev. 351, 352, 46 P.3d 1228, 1228 (2002).

1. Mr. Crawley's Plea was Entered without Effective Assistance of Counsel Pursuant to NRS § 34.810(1)(a) and 176.165 and caselaw, which led to manifest injustice mandating withdrawal. The plea withdrawal efforts of substitute counsel pretrial were prejudicially ineffective as well.

Mr. Crawley entered a plea without effective assistance of counsel. Had he known about his proposed sentence structure and been advised fully about the plea, there is a reasonable probability he would have rejected the plea offer and requested a trial instead.

Nev. Rev. Stat. § 34.810(1)(a) establishes that a court must grant petitioner relief if he is able to show that his conviction was upon a plea of guilty and the petitioner successfully proves that the plea was entered without effective assistance of counsel causing him prejudice. Gonzales v. State, 492 P.3d 556, 558 (Nev. 2021). It also allows relief for meritorious claims of ineffective assistance of counsel at

1 sentencing. Id. A plea agreement may be withdrawn after sentencing pursuant to
2 NRS 176.165 it is shown that manifest injustice has occurred.
3
4

5 Mr. Crawley's first motion to withdraw his plea was denied under a much easier
6 'any reason fair and just' standard pre conviction. And the reason is because
7 Attorney Arnold's Motion to withdraw the Guilty plea February 19 2020
8 insufficiently written and it failed effectively demonstrate to the judge why plea
9 withdrawal was mandated. [10].
10
11

12 That is why we urge the court to take a second look at this issue. As the State
13 pointed out in their very short response – "Crawley fails to present evidence to this
14 court to support that there was a failure to receive the benefit of the guilty plea."
15 [12:2]. There was not a Declaration by Crawley attached to the brief withdrawal
16 motion – nor was there any evidence from Crossroads or Nevada Behavioral Health
17 provided as we do herein with this brief. (Pdf 32:Decl of Crawley); (pdf 51:NV
18 Behavioral Health Records); (pdf 143-144:Medical letter); (pdf 145:Declaration of James
19 June with Crossroads); (pdf 148-264:Crossroads Medical records); (pdf 266 Jail Release
20 Time after Plea) (pdf 267-9: Certificate/Letter).
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24 The State implicitly admits the agreement not to seek habitual in their argument:
25 "Crawley complains that he was released one date after his guilty plea and that
26 tardiness prevented him from being accepted into a treatment program. Crawley
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1 offers no evidence to support such an unusual claim. Proof of that claim is required
2 before this Court should even entertain the next component of Crawley's argument."

3
4 [12:2]. They go on "Next, the State did not violate the guilty plea agreement and
5 therefore that is not a basis to have the guilty plea withdrawn. No 'delay' occurred
6 in this case and as was previously stated supra there is no evidence to support the
7 claim that any "delay" caused Crawley to not be admitted to a treatment program."

8
9 Id. Molina v. State, 120 Nev. 185, 192, 87 P.3d 533, 538 (2004).

10
11 The totality of the circumstances must demonstrate that a defendant pleaded guilty
12 with knowledge of the direct consequences of his plea. Nollette v. State, 118 Nev.
13 341, 344, 46 P.3d 87, 89 (2002). Direct consequences are those ramifications that
14 have "a definite, immediate and largely automatic effect on the range of the
15 defendant's punishment." Mr. Crawley's sentence exposure is a direct consequence
16 of his plea. His attorney advised him if he participated in programing the State
17 would not seek habitual. His original exposure for carrying a pocketknife
18 NRS 202.350(1)(d)(3), 193.130(2)(c) was 1-5 years and the habitual added five to
19 twenty years. Though a habitual potential is stated in the plea agreement [4:1-2] he
20 thought it was to be read in combination with the agreement that the State would not
21 seek the habitual if he made good faith efforts to get treatment. Further he did not
22 know out of state convictions would count. Nor did he know that crimes qualifying
23 as gross misdemeanors out here would be counted as felonies. Pdf:49.

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4 It was the misinformation and lack of his information by his attorney that led him to
5 accept an agreement he otherwise would not have. And that caused a sentence much
6 larger than anticipated.
7

8 Failure to advise that he could opt for a plea agreement guilty but mentally ill

9 Mr. Crawley states he was not advised of the option to NRS §175.035 taking a plea
10 agreement guilty but mentally ill and he would have opted for this if informed of it.
11 He was prejudiced because if this succeeded – and by all accounts including
12 information provided in this action – he would have prevailed and gotten a better
13 result for himself in terms of penalties. Pdf:48. A reasonable attorney would have
14 advised him of this.
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- 18 **2. Trial Attorney Bailey provided prejudicially ineffective assistance of**
19 **counsel at sentencing by failing to outline for the judge Mr. Crawley's**
20 **significant mitigating circumstances. This led to a higher sentence than**
21 **warranted because it was not appropriately tailored to his character,**
22 **needs for rehabilitation and punishment, and the need to protect the**
23 **public.**

24 The sentencing hearing was April 1, 2020.

25 **Nevada Revised Statutes provide for presentation of mitigation evidence at**
26 **sentencing.**

27 NRS 176.015 Prompt hearing; court may commit defendant or
28 continue or alter bail before hearing; statement by defendant;

1 presentation of mitigating evidence; rights of victim; notice of hearing.
2 [Effective through June 30, 2020.]

3 1. Sentence must be imposed without unreasonable delay.
4 Pending sentence, the court may commit the defendant or continue or
alter the bail.

5 2. Before imposing sentence, the court shall:

6 (a) Afford counsel an opportunity to speak on behalf of the
7 defendant; and

8 (b) Address the defendant personally and ask the defendant if:

9 (1) The defendant wishes to make a statement in his or her own behalf
10 and to present any information in mitigation of punishment; and

11 (2) The defendant is a veteran or a member of the military. If the
12 defendant meets the qualifications of subsection 1 of NRS 176A.280, the
13 court may, if appropriate, assign the defendant to:

14 (I) A program of treatment established pursuant to NRS
15 176A.280; or

16 (II) If a program of treatment established pursuant to NRS
17 176A.280 is not available for the defendant, a program of treatment
18 established pursuant to NRS 176A.250 or 453.580.

19

20 'Few limitations are imposed on a judge's right to consider evidence in imposing a
21 sentence, and courts are generally free to consider information extraneous to the pre-
22 sentencing report. Possession of the fullest information possible concerning a defendant's
23 life and characteristics is essential to the sentencing judge's task of determining the
24 type and extent of punishment. Further, a sentencing proceeding is not a second trial,
25 and the court is privileged to consider facts and circumstances that would not be
26 admissible at trial.' Denson v. State, 112 Nev. 489, 490, 915 P.2d 284, 285 (1996).

27 Even a small increase in a defendant's sentence is prejudicial. Lampkin v. State,
28 470 S.W.3d 876, 886 (Tex. App. 2015). "Even though sentencing does not concern

1 the defendant's guilt or innocence, ineffective assistance of counsel during a
2 sentencing hearing can result in Strickland prejudice because "any amount of
3 [additional] jail time has Sixth Amendment significance." Glover v. United States,
4 531 U.S. 198 at 203 (2001); See also, Lafler v Cooper, 132 S. Ct. 1376, 1385-86,
5 182 L.Ed. 2d 398 (2012). Sentencing which takes place without the effective
6 assistance of counsel is in violation of the Sixth and Fourteenth amendments to the
7 United States Constitution and is therefore infirm. Weaver v Warden, Nevada State
8 Prison, 107 Nev. 856, 858-59, 822 P.2d 112, 114 (1991).

12 In this case – Mr. Bailey's 17-line presentation [27:19-20] at the sentencing hearing
13 was grossly inadequate to fully address his significant mitigation circumstances of
14 mental illness, poverty, homelessness, physical disabilities and good faith efforts at
15 rehabilitation and to report to probation that we have presented herein and attached.

18 See supra at 7. Pdf:133. See also PSI [6:3]: (Mr. Crawley is in poor health due to
19 injuries he sustained in a car accident in 2015. He suffered a broken leg and other
20 injuries to his legs which led to a disability determination from the Social Security
21 Administration in 2016. (pdf 143-144: Medical letter). He is also in need of surgery
22 on his wrist which was broken in March 2018. The defendant's physical disability
23 has caused problems in his life and left him unable to work.) pdf:130, 122, 119.

26 Moreover, he does not correct the State when they wrongly assert in their sentencing
27 memorandum that Mr. Crawley has had a 20-year dangerous felony criminal record.

1 To wit: "Defendant has ten (10) prior felony convictions – he is 33 years old. His
2 felony criminal resume spans three (3) state and almost twenty (20) years. [13:1].
3

4 In their own recitation of priors, they cited convictions from 2016 to 2019. The PSI
5 cites felony crimes from 2010 to 2016 – far short of the 20 years complained of. [6].
6

7 But yet sentencing attorney Bailey does nothing to call this out. Gonzales v. State is
8 right on point. Gonzales v. State, 492 P.3d 556 (Nev. 2021)
9

10 In 2013 Gonzales was charged with burglary, receiving stolen property, possession
11 of methamphetamine, and four counts of aggravated stalking. He took a plea to 3
12 counts of stalking. Instead of outlining for the judge the agreed to recommendation,
13 the State at his sentencing hearing said that he agreed with the recommendations of
14 the PSI which was a higher than agreed to sentence. The defense counsel did not say
15 anything, and the judge sentenced him to the higher sentence.
16
17

18 The Nevada Supreme Court overturned the decision finding that it was ineffective
19 of the trial counsel not to say anything and that furthermore it was prejudicial and
20 remanded the case back to district court for resentencing.
21

22 Likewise, here in this case it was ineffective for Attorney Bailey to fail to alert the
23 court of this very significant error and more likely than not caused at least one extra
24 day for his imprisonment sentence.
25

26 The right to present relevant mitigating evidence overcomes even otherwise-
27 applicable substantive evidentiary rules such as hearsay rules, so long as the
28

1 evidence has hallmarks of reliability. Green v. Georgia, 442 U.S. 95, 97, 99 S. Ct.
2 2150 (1979); see Sears v. Upton, 561 U.S. 945, 950 & n.6 (2010). While a district
3 court has wide discretion to consider prior uncharged crimes during sentencing,
4 the district court must refrain from punishing a defendant for prior uncharged
5 crimes. Consideration of those crimes is solely for the purpose of gaining a fuller
6 assessment of the defendant's life, health, habits, conduct, and mental and moral
7 propensities. Denson v. State, 112 Nev. 489, 490, 915 P.2d 284, 285 (1996).

11 **Denson contends that the district court improperly sentenced him for prior acts**
12 **which were not supported by any evidence. We agree. Before issuing its**
13 **sentencing decision, the district court made the following comments:** [I] am
14 absolutely convinced--the tape and Mr. Silva's testimony probably capped it all for
15 me, but I started wondering from the first time I saw you . . . I'm absolutely
16 convinced you are a dangerous person.

17
18 I think every single time you walk into a casino you have the intent to steal. Every single
19 time you walk into a casino. And you know what, Mr. Denson? That's burglary. Every
20 single time.

21
22 **Well, you're going to pay for it now. . . . You're going to pay for it now, and you're**
23 **going to pay for it for all the other times that you walked into a casino. Sort of**
24 **like it just caught up with you.**
25 **(Emphasis added.)**

26 Denson v. State, 112 Nev. 489, 493, 915 P.2d 284, 287 (1996).

27 And with the case of Mr. Crawley the defense attorney Bailey failed to point out that by in large
28 his criminal convictions were not for violent behavior as depicted by the State. This also was
prejudicial ineffectively causing the judge to sentence him to at least one additional day of
imprisonment: State: "He (Crawley) has eight (8) misdemeanor convictions for theft and

1 violence related crimes.” [13:3]. He does not provide support for ‘violent crimes’ and this
2 should have been refuted by the defense.

3 Nor does defense attorney Bailey explain to the court that the PSI failed to account in their
4 report and sentence calculation for his cognitive difficulties and mental health issues. [6:13].

6 To decide whether any errors in a defendant's sentencing forms provide a basis for new
7 sentencing hearings, a reviewing court must determine (1) whether those errors constituted
8 impalpable or highly suspect evidence, and (2) if so, whether prejudice resulted from the
9 district court's consideration of information founded upon such evidence. Blankenship v.

11 State, 132 Nev. 500, 503, 375 P.3d 407, 409 (2016). Undoubtedly, a mental disability
12 affects a defendant's behavior and is relevant when weighing recidivism probability.

13 Therefore, sentencing forms must, at a minimum, include considerations for legitimate
14 mental disabilities, and the current Probation Success Probability (PSP) form categories
15 should not penalize a defendant as a result of a disability. Id.

17 The focus of a penalty hearing is the defendant's character and record and the
18 circumstances of the offense, not the defendant's guilt or innocence, as that matter
19 has been decided. Browning v. State, 124 Nev. 517, 521, 188 P.3d 60, 63 (2008)

21 Authority does not suggest that a minimal amount of additional time in prison cannot
22 constitute prejudice. Quite to the contrary, jurisprudence suggests that any amount
23 of actual jail time has U.S. Const. amend. VI significance. Glover v. United States,

25 531 U.S. 198, 199, 121 S. Ct. 696, 698 (2001).
26
27
28

1 Throughout the evidentiary hearing, defense counsel revealed a fundamental
2 misconception of mitigation evidence. He referred to the sentencing hearing as "a
3 dog and pony show" and "so much smoke." He said he felt that the judge would not
4 have been receptive to mitigation evidence that was "touchy-feely [sic] fuzzy-
5 headed kind of stuff." When asked about the classic mitigation evidence that was
6 available, such as potential brain injury, 3 a history of drug addiction, and abuse
7 suffered as a child, counsel testified that he didn't think of the evidence as favorable
8 evidence. However, it is precisely this type of evidence that the Supreme Court has
9 deemed "powerful." Wiggins, 539 U.S. at 534. Correll v. Ryan, 539 F.3d 938, 950
10 (9th Cir. 2008). Failure to uncover and present mitigating evidence cannot be
11 justified as a tactical decision when defense counsel has not conducted a thorough
12 investigation of the defendant's background. Lampkin v. State, 470 S.W.3d 876,
13 886 (Tex. App. 2015). Further, we conclude that the failure to introduce the
14 testimony from the Horans and other Boy's Town employees prejudiced Doleman.
15 The testimony would have illustrated that Doleman flourished in structured
16 environments and was able to adhere to institutional rules. Also, the testimony may
17 have displayed that Doleman can be easily influenced by others, thereby explaining
18 his role as an aider and a better in the cab driver shooting. Further, the introduction
19 of the records from Boy's Town did not sufficiently convey to the jury what
20 live witnesses who knew Doleman could have conveyed. *See Love*, 109 Nev. at

1 1140, 865 P.2d at 324. Doleman v. State, 112 Nev. 843, 850, 921 P.2d 278, 282
2 (1996).

3
4 A punishment is excessive “if it (1) makes no measurable contribution to acceptable
5 goals of punishment and hence is nothing more than the purposeless and needless
6 imposition of pain and suffering; or (2) is grossly out of proportion to the severity of
7 the crime.” Pickard v State, 94 Nev. 681, 684 (1978). To decide whether any errors
8 in a defendant's sentencing forms provide a basis for new sentencing hearings, a
9 reviewing court must determine (1) whether those errors constituted palpable or
10 highly suspect evidence, and (2) if so, whether prejudice resulted from the district
11 court's consideration of information founded upon such evidence. Blankenship v.
12 State, 132 Nev. 500, 503, 375 P.3d 407, 409 (2016). Undoubtedly, a mental
13 disability affects a defendant's behavior and is relevant when weighing recidivism
14 probability. Therefore, sentencing forms must, at a minimum, include considerations
15 for legitimate mental disabilities, and the current Probation Success Probability
16 (PSP) form categories should not penalize a defendant as a result of a disability.

17
18
19
20
21
22 Blankenship v. State, 132 Nev. 500, 503, 375 P.3d 407, 409 (2016)

23 In the context of a knowingly entered guilty plea, the loss of the possibility of probation
24 becomes an inseparable ingredient of the punishment imposed. Its effect is so powerful that
25 it translates the term imposed by the sentencing judge into a mandate of actual
26 imprisonment. Little v. Warden, 117 Nev. 845, 847, 34 P.3d 540, 542 (2001).

1 Mr. Crawley states that because his sentence is so high, he is not currently eligible
2 for programing. And that if his sentence was 60-150 months, he could get into the
3 Phoenix program.
4

5 **V. MR. CRAWLEY IS ENTITLED TO AN EVIDENTIARY HEARING.**
6

7 A petitioner is entitled to an evidentiary hearing where the petitioner raises a
8 colorable claim of ineffective assistance. Smith v McCormick, 914 F.2d 1153
9 1170(9th Cir. 1990); Hendricks v Vasques, 974 F.2d 1099, 1103, 1109-10 (9th Cir.
10 1992). See also Morris v California, 996 F.2d 448, 454 (9th Cir. 1991) (remand for
11 evidentiary hearing required where allegations in petitioner's affidavit raise
12 inference of deficient performance); Harich v. Wainright, 813 F.2d 1082, 1090 (11th
13 Cir. 1987) ("[W]here a petitioner raises a colorable claim of ineffective assistance,
14 and where there has not been a state or federal hearing on this claim, we must remand
15 to the district court for an evidentiary hearing."); Porter v. Wainwright, 805 F.2d
16 930 (11th Cir. 1986)(without the aid of an evidentiary hearing the court cannot
17 conclude whether attorneys properly investigated a case or whether their decisions
18 concerning evidence were made for tactical reasons). In the instant case, an
19 evidentiary hearing is necessary to question trial counsel. Mr. Crawley's counsel
20 fell below a standard of reasonableness. More importantly, based on the failures of
21 trial counsel, he was severely prejudiced, pursuant to Strickland v Washington, 466
22 U.S. 688, 104 S. Ct. 204 (1984). Under the facts presented here, an evidentiary
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1 hearing is mandated to show the performance of trial counsel was effective, to show
2 the prejudicial impact of the errors and omissions noted in the petition, and to
3 establish for the record the truth in this case. We assert all the above errors were
4 outside the performance of a reasonable attorney. "A postconviction habeas petitioner
5 is entitled to an evidentiary hearing on any claims that if true would warrant relief as long
6 as the claims are supported by specific factual allegations which the record does not belie
7 or repel." Byford v. State, 123 Nev. 67, 68, 156 P.3d 691, 691 (2007).

10 VI. CONCLUSION

11
12 WHEREFORE, based upon the above and foregoing, Mr. Crawley respectfully
13 requests this Court grant her an evidentiary hearing. Further he requests that this
14 Court grant her Petition finding he received ineffective assistance of counsel and that
15 ineffectiveness prejudiced him on multiple levels throughout her court proceedings.
16
17

18 DATED this 26th day of August 2022.

19 Respectfully Submitted,

20
21 /s/ Diane C. Lowe, Esq.

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28 Attorney for Petitioner
DAINE CRAWLEY

1
2
3 **CERTIFICATE OF SERVICE VIA ELECTRONIC FILING EService**

4 I hereby certify that service of the above and foregoing was made this 26th day of
5 AUGUST 2022, by Electronic Filing SERVICE: District Attorney's Office

6
7 Email Address: motions@clarkcountyda.com

8
9
10 /s/ Diane C Lowe, Esq
11 Attorney for DAINE CRAWLEY

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7 **EIGHTH JUDICIAL DISTRICT COURT**

8 **CLARK COUNTY, NEVADA**

10 **DAINE CRAWLEY DOC #1167447**

Case No.: A-20-816041-W

11 **Petitioner,**

[Companion case: C-19-341735-1]

12 **vs.**

13 **STATE OF NEVADA,**

DEPT NO: XVII

14 **Respondent.**

DECLARATION OF DAINE CRAWLEY

- 15
- 16 1. I Daine Crawley am the Petitioner in this action.
- 17 2. Attached are my records from Nevada Behavioral Health Systems
- 18 Support System located at 2500 W Washington, Building B, Las Vegas
- 19 NV 89106. Nevada Behavioral Health Systems Support Center
- 20 <https://nvbhs.com/support-center/>. 92 pages. These records reflect my
- 21 concerted efforts to improve myself and become a productive law-
- 22 abiding citizen. Records cover April 26, 2019 – July 23, 2019.
- 23
- 24 3. On April 26, 2019, they diagnosed me with Adjustment disorder
- 25 unspecified and unspecified nonorganic psychosis.
- 26
- 27
- 28

- 1 4. April 27, 2019 notes indicate I presented with extreme paranoia and
2 delusional thinking. I was referred for triage/medication consult as a
3 walk in and scheduled for MHA in five days. I participated in Post-
4 Crisis/Relapse Planning and Using and Action Plan for Prevention and
5 Recovery Group.
6
7
- 8 5. April 28, 2019, I had a face-to-face meeting with the Community Care
9 Coordinator to discuss my immediate needs. She verified that I am on
10 the Salvation Army Bed List. CCC assisted me with obtaining a bus
11 pass. I attended the NBH Post-Crisis/Relapse Planning and Using
12 Action Plan for Prevention and Recovery Group.
13
14
- 15 6. I participated on April 29, 2019 in a Post-Crisis /Relapse Planning and
16 Using an Action Plan for Prevention and Recovery group. This group is
17 to help me develop a plan so I can recover after I have had a very difficult
18 time. Community Care Coordinator met with me to assist me obtaining
19 my birth certificate.
20
21
- 22 7. On April 30, 2019 I met with the Community Care Coordinator, and they
23 advised me I am eligible for a monthly pass at the local welfare office. I
24 participated in Post-Crisis / Relapse Planning and Using an Action Plan
25 for Prevention and Recovery Group.
26
27
28

1 8. On May 1 2019 I participated in pairing and signing a Treatment Plan
2 for me. Basic Living and Self Care Skills. Peer Support/Recovery
3 Meetings. Transitional Living Skills. Diagnoses Adjustment disorder,
4 unspecified. Psych Diagnostic Interview. This was the first time I was
5 truly homeless, and it was hard. The lack of support and resources after
6 release from 31 months incarceration was hard. I was released from
7 prison March 31. I was referred to NBH Support Center for Day
8 Treatment. I participated in Post-Crisis / Relapse Planning and Using an
9 Action Plan. I was trying to get back on my feet and going to
10 programming and groups. I was working on getting an identification,
11 phone, attending appointments for medical concerns and wanting to
12 address the physical pain in my right leg.
13
14
15
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17

18 9. I attended the Day Treatment Program on May 2, 2019 – Self-Advocacy
19 Groups; Assessing Personal and Community Groups; Peer Support,
20 Recovery Meetings and Peer Counseling Group; Developing a Lifestyle
21 that Supports your Recovery and Wellness Group. I was told to be more
22 vocal about my needs.
23
24

25 10. On May 3 2019 I attended the NBH Support Center Day Treatment
26 Program. I participated in Self-Advocacy group, Assessing Personal and
27 Community Resources Group. Developing a Lifestyle that Supports
28

1 Your Recover and Wellness group. Personal Assessment, Motivation
2 and Celebration Group.
3

4 11. On May 4, 2019 I attended the NBH Support Center Day Treatment Plan.

5 I participated in Self-Advocacy group. Assessing Personal and
6 Community Resources group. Peer Support, Recovery Meetings and
7 Peer Counseling group.
8

9 12. On May 5, 2019 I made face to face contact with the Community Care
10

11 Coordinator at the support center to discuss disability and medical. I
12 attended my appointment with disability help center and was told to
13 return once I had been treated for mental and physical health diagnosis
14 for 6 months. CCC assisted me with scheduling a medical appointment.
15

16 I attended the NBH Support Day Treatment Program. I participated in
17 the Self-Esteem group the Self-Advocacy Group; the Assessing Personal
18 and Community Resources group.
19

20 13. On May 6, 2019 I met with the Community Care Coordinator to discuss
21

22 my medical condition. CCC assisted me with scheduling a medical
23 appointment. I attended the NBH Support Center Day Treatment
24 Program. I participated in the Self-Esteem Group; the Self-Advocacy
25 group; the Assessing Personal and Community Resources group; the
26
27
28

1 Peer Support, Recovery Meetings and Peer Counseling Group. Session
2 Start 7:15 am. Session end. 345 pm.
3

4 14. On May 7, 2019 I attended the Community Support Day Treatment
5 Program. I participated in the Self-Esteem Group; Hope group; Self-
6 Advocacy Group; Assessing Personal and Community Resources group;
7 Peer Support, Recovery Meetings and Peer Counseling Group.
8
9 Session Start 7:15 am. Session end. 345 pm.
10

11 15. On May 8, 2019 I attended the NBH Support Center Day Treatment
12 Program. I participated in the Education and Research group; the Self-
13 Advocacy group; the Assessing Personal and Community Resources
14 group; the Peer Support, Recovery Meetings and Peer Counseling group.
15
16 Session start: 7:15 am. Session end: 3:30 pm.
17

18 16. On May 9, 2019 I attended the NBH Support Center Day Treatment
19 Program. I participated in the Self-Esteem group; the Empowerment and
20 Self-Determination group; the Self-Advocacy group; the Assessing
21 Personal and Community Resources group; the Peer Support, Recovery
22 Meetings and Peer Counseling group. Session start: 7:15 am. Session
23
24 end: 3:30 pm.
25

26 17. On May 10, 2019 I attended the NBH Support Center Day Treatment
27 Program. I participated in the Self-Esteem group; the Self-Advocacy
28

1 group; the Building a Strong Support System group; the Assessing
2 Personal and Community Resources group, the Peer Support, Recovery
3 Meetings and Peer Counseling Group. Session start: 7:15 am. Session
4 end: 3:15 pm.
5

6
7 18. On May 11, 2019 I attended the NBH Support Center Day Treatment
8 Program. I participated in the Self-Esteem group; the Self-Advocacy
9 Group; the Assessing Personal and Community Resources group.
10
11 Session Start: 7:45 am. Session End: 12:45 pm.

12 19. On May 12, 2019 I attended the NBH Support Center Day Treatment
13 Program. I participated in the Self-Advocacy group; the Assessing
14 Personal and Community Resources group; the Diet, exercise, Light,
15 Sleep and Smoking group; the Developing an Action Plan for Prevention
16 and Recovery group. Session Start: 7:45 am. Session End: 12:45 pm.
17

18
19 20. On May 13, 2019 I attended the NBH Support Center Day Treatment
20 Program. I participated in the Self-Advocacy group; Assessing Personal
21 and Community Resources Group; Diet, Exercise, Light, Sleep and
22 Smoking group; Peer Support, Recovery Meetings and Peer Counseling
23 group; Developing an Action Plan for Prevention and Recovery group.
24
25 Session start: 7 am. Session end: 3:15 pm.
26
27
28

1 21. On May 14, 2019 I attended the NBH Support Center Day Treatment
2 Program. I participated in the Self-Advocacy group; the Assessing
3 Personal and Community Resources group; the Diet, Exercise, Light,
4 Sleep and Smoking group; the Peer Support, Recovery Meetings and
5 Peer Counseling group; the Health Care and Medications group.
6 Session start: 7:15 am. Session end: 3:30 pm.
7

8
9 22. On May 15, 2019 I attended the NBH Support Center Day Treatment
10 Program. I participated in the Self-Advocacy group; Assessing Personal
11 and Community Resources group; Diet, Exercise, Light, Sleep and
12 Smoking group; Peer Support, Recovery Meetings and Peer Counseling
13 group; Finalizing Your List of Wellness Tools group. Session start: 7:00
14 am. Session end: 3:15 pm.
15
16
17

18 23. On May 16, 2019 I attended the NBH Support Center Day Treatment
19 Program. I participated in the Self-Advocacy groups; the Assessing
20 Personal and Community Resources group; Peer Support, Recovery
21 Meetings and Peer Counseling group; Action Planning- Triggers, Early
22 Earning Signs, and Difficult Times group. Session start: 7:15
23 am .Session End: 2:00 pm.
24
25

26 24. On May 17, 2019 I attended the NBH Support Center Day Treatment
27 Program. I participated in the Self-Advocacy groups; the Overcoming
28

1 Barriers and Challenges group. Session start: 12:00 pm. Session end:
2 3:30 pm.
3

4 25. On May 18, 2019 I attended the NBH Support Center Day Treatment
5 Program. I participated in the Self-Advocacy groups; Assessing
6 Personal and Community Resources group; Peer Support, Recovery
7 Meetings and Peer Counseling group. Session Start 7:30 am. Session
8 end: 2:15 pm.
9
10

11 26. On May 19, 2019 I attended the NBH Support Center Day Treatment
12 Program. I participated in the Self-Advocacy group; the Assessing
13 Personal and Community Resources group; the Advance Directives Part
14 1 and Developing a Lifestyle that Supports your Recovery and Wellness
15 Group. I met with the Community Care Coordinator face to face to
16 discuss employment and medical. Session Start: 7:45 am. Session end:
17 3:15 pm.
18
19
20

21 27. On May 20, 2019 I attended the NBH Support Center Day Treatment
22 Program. I participated in the Self-Advocacy groups; the Assessing
23 Personal and Community Resources group; the Peer Support, Recovery
24 Meetings and Peer Counseling group; Addressing Difficult Life Issues
25 group; Developing a Lifestyle that Supports your Recovery and Wellness
26 Group. Session start: 7:30 am. Session end: 3:15 pm.
27
28

1 28. On May 21, 2019 I met with the Community Care Coordinator to
2 discuss obtaining an ID. I had gotten a copy of my birth certificate and
3 social security card. I attended the NBH Support Center Day Treatment
4 Program. Session start: 7:45 am. Session end: 3:30 pm.
5

6
7 29. On May 22, 2019 I attended the NBH Support Center Day Treatment
8 Program. I participated in the Self-Advocacy groups; the Assessing
9 Personal and Community Resources group; the Peer Support, Recovery
10 Meetings and Peer Counseling group; Advance Directives Part 2 group;
11 Developing a Lifestyle that Supports your Recovery and Wellness
12 Group. Session start: 7:00 am. Session end: 3:00 pm.
13
14

15 30. On May 25, 2019 I attended the NBH Support Center Day Treatment
16 Program. I participated in the Self-Advocacy groups; the Relaxation,
17 Diversion and Fun group; the Peer Support, Recovery Meetings and Peer
18 Counseling group. Session start: 11:00 am. Session end: 2:15 pm.
19
20

21 31. On May 26, 2019 I attended the NBH Support Center Day Treatment
22 Program. I participated in the Self-Esteem group; the Self-Advocacy
23 Group; the Assessing Personal and Community Resources group.
24 Session start: 9:00 am. Session end: 3:15 pm.
25

26 32. On May 27, 2019 I attended the NBH Support Center Day Treatment
27 Program. I participated in the Self-Esteem group; the Self-Advocacy
28

1 Group; the Assessing Personal and Community Resources group.

2 Session start: 7:30 am. Session end: 2:15 pm.

3
4 33. On May 28, 2019 I met with the Community Care Coordinator to
5 discuss obtaining an ID card. I participated in the Self-Esteem group;
6 the Hope group; the Self-Advocacy group; the Assessing Personal and
7 Community Resources group; the Peer Support, Recovery Meetings and
8 Peer Counseling group. Session start: 8:15 am. Session end: 4:00 pm.

9
10
11 34. On May 29, 2019 I met with the Community Care Coordinator to
12 discuss obtaining an ID card. I participated in the Self-Esteem group;
13 the Education and Research Group; the Self-Advocacy group; the
14 Assessing Personal and Community Resources group; the Assessing
15 Personal and Community Resources group. Session start: 7:00 am.
16 Session end: 1:30 pm.

17
18
19 35. On May 30, 2019 I attended the NBH Support Center Day Treatment
20 Program. I participated in the Self-Advocacy group; the Assessing
21 Personal and Community Resources group; the Assessing Personal and
22 Community Resources group. Session start: 7:00 am. Session end: 3:00
23 pm.
24
25
26
27
28

1 36. On May 31, 2019 I attended the NBH Support Center Day Treatment
2 Program. I participated in the Assessing Personal and Community
3 Resources group. Session start: 7:00 am. Session end: 12:15 pm.
4

5 37. On June 1 2019 I attended the NBH Support Center Day Treatment
6 Program. I participated in the Self-Advocacy group; the Assessing
7 Personal and Community Resources group; the Peer Support, Recovery
8 Meetings and Peer Counseling group. Session start: 7:30 am. Session
9 end: 2:00 pm.
10
11

12 38. On June 2, 2019 I attended the NBH Support Center Day Treatment
13 Program. I participated in the Self-Advocacy group; the Assessing
14 Personal and Community Resources group; the Diet, Exercise, Light,
15 Sleep and Smoking group. Session start: 7:45 am. Session end: 1:15 pm.
16
17

18 39. On June 3, 2019 I attended the NBH Support Center Day Treatment
19 Program. I participated in the Assessing Personal and Community
20 Resources group; the Diet, Exercise, Light, Sleep and Smoking group.
21 Session start: 7:00 am. Session end: 11:45 am.
22

23 40. On June 4, 2019 I made contact with the Community Care Coordinator
24 to discuss obtaining my ID. I attended the NBH Support Center Day
25 Treatment Program. I participated in the Self-Advocacy group. Session
26 start: 10:00 am. Session end: 1:30 pm.
27
28

1 **41. On June 12, 2019 I had fallen asleep at the Luxor Hotel. I had**
2 **missed the opportunity to get a bed at Salvation Army and had not**
3 **place I could think of to go. Security told me I had to leave the hotel.**
4 **Security tried to grab my backpack and tablet and said since I did**
5 **not have an ID said I could not have my stuff back. I became**
6 **disoriented and was wandering around the parking lot looking for**
7 **my backpack thinking one of the people in the cars had taken it. I**
8 **was arrested. I was later released out with electronic monitoring.**

9
10
11
12 **42. On June 20, 2019, I attended the NBH Support Center Day Treatment**
13 **Program. I participated in the Self-Advocacy group; and the Self-Esteem**
14 **group. Session start: 11:00 am. Session end: 1:15 pm.**

15
16 **43. On June 22, 2019, I attended the NBH Support Center for crisis**
17 **intervention. I participated in Post-Crisis / Relapse Planning and Using**
18 **and Action Plan for Prevention and Recovery group. Session start: 2:45**
19 **pm. Session end: 3:45 pm.**

20
21
22 **44. On June 25 2019 it appears I missed a hearing, and a bench warrant was**
23 **issued for my arrest. I was taken into custody and placed at CCDC until**
24 **my plea hearing July 15, 2019. It was my understanding that if I**
25 **attempted to get programming the State would not seek the habitual**
26 **treatment. I was released from CCDC July 16, 2019 at 8:01 pm. At the**
27
28

1 time I thought that Crossroads had an inpatient treatment program. I had
2 been told this by someone at Nevada Behavioral Health. So, I went to
3 Crossroads and tried to check in. But was turned away. They said they
4 had no beds left. I tried again with a three-day detox program.
5

6
7 45. On July 23, 2019, I attended the NBH Support Center for crisis
8 intervention. I participated in Post-Crisis / Relapse Planning and Using
9 and Action Plan for Prevention and Recovery group. Session start: 1:30
10 pm to 6:30 pm.
11

12 46. I was released from prison with a fully expired sentence on or around
13 March 31, 2019 after serving 31 months in prison for revocation after
14 being revoked from his supervision for attempted grand larceny. There
15 was an unattended purse at Planet Hollywood that I tried to walk away
16 with. I served some time in prison and while in – I participated in the
17 Rise Program. I was released early to the Sober Living Freedom House
18 but 3 weeks into the program he relapsed, drank, and was kicked out and
19 revoked. I served my remaining time and was released March 31, 2019
20 without any tail.
21
22
23
24

25 47. On June 12, 2019 I was helping someone move to make a little money.
26 I lost track of time, and this caused me to miss the opportunity to check
27 in to get a bed at Salvation Army and I had no place he could think of
28

1 to go. I was riding the bus for a while; and you can't ride on the bus
2 forever - so I had them let him off at the Luxor Hotel. I thought I could
3 hang out there for a couple hours at the Sports Book bar in the seating
4 area. Within the hour I had fallen asleep. Security told him I had to leave
5 the hotel. They grabbed my nearby backpack and tablet and said since
6 he did not have an ID said he could not have it back. Nevertheless, I
7 was given my things back after I made it outside. They had security on
8 bikes following me to make sure I fully left. Las Vegas police
9 approached me as I was leaving the casino area. I reflexively ran from
10 them and as I did; a vehicle grazed me. I was trying to protect myself
11 pushing myself away from the car. So, I am wondering if that is what
12 they were talking about for count 1. I had tried to end my life that day
13 and had taken a large amount of Xanax, alprazolam and alcohol hoping
14 I would not wake up. [27:20 line 19]. So, I can't fully rule out that I
15 was not cognizant of what was going on and what had transpired. NBH
16 records state on April 27, 2019 Crisis assessment that I presented with
17 extreme paranoia and delusional thinking. This action stems from a June
18 12, 2019 incident near the Luxor. I had been to NBH June 4 2019 where
19 my diagnoses continued to be Adjustment disorder, unspecified Active.
20 and unspecified nonorganic psychosis. Active.
21
22
23
24
25
26
27
28

1 48.I can't figure out why the people in the parking lot would have said the
2 things they did to the police unless there was another person running
3 around in the parking lot and they just confused me for the other guy
4 given he was running. Or if it was because I was pushing against the
5 vehicle to get away from it and they mistook it for threats. Or if there
6 was some sort of mental break. What I do definitely remember is I never
7 had any intent to hurt anyone.
8
9
10

11 49.I do recall earlier having about 4-5 fifths of new liquor bottles in my
12 backpack that I was trying to sell. And maybe I was approaching them
13 trying to sell the bottles. I never got them back from police after I got
14 locked up.
15
16

17 50. When I was apprehended the police found a small knife on my belt. I
18 did not even think of it as a knife it's so small; so, when they asked me
19 whether I had a knife on me I said no. Literally it was a razor blade about
20 the size of a pen cap if extended. I was arrested. I was later released
21 out with electronic monitoring. It registers to your cell phone. And that
22 was a problem because I had no home and I had to be at NBH to get it
23 charged.
24
25

26 51. I went back to Nevada Behavioral Health, and they got me on a standby
27 list for Salvation Army so some nights I had a bed and some nights I
28

1 didn't. That's when I asked NBH for alternatives and they suggested the
2 Crossroads Program and I then attempted to get in there.

3
4 52. I was taken back into custody after not showing up at a hearing and then
5 released with his plea agreement. June 26 – July 16, 2019. I was under
6 the impression that I did not have to go back to court until July 1, 2019
7 which was the original date of the July 11 hearing. It was hard to keep
8 track of things when I did not have a reliable phone.

9
10
11 53. I thought I could check in at Crossroads for in-patient treatment. That
12 is what someone at Nevada Behavioral Health told me. But I was
13 released from CCDC at 8:01 pm July 16, 2019 the day after my plea
14 agreement, and when I got to Crossroads I was turned away. I was
15 surprised to learn later on that at the time, they did not have inpatient
16 treatment; just beds to stay in for the night. I went back to Crossroads
17 for the detox program July 23. I went to the probation office on Bonanza
18 Road near 7/11 downtown July 18 2019 and filled out the paperwork as
19 required but then they told me I had to wait to talk to someone. I did,
20 but it was taking too long. It was in the afternoon, and it was far enough
21 away from Salvation Army, and I would have had to walk back, and I
22 was worried because I would have missed check in at 6 pm. For them
23 you had to check in at 6 pm and check out by 6 am every day. They had
24
25
26
27
28

1 just let me back on standby at Salvation Army and I did not want to mess
2 it up. So, I left the probation office.
3

4 54. On August 9, 2019 I was taken into custody after attempting to conceal
5 2 pairs of jeans for sale at Neiman Marcus so I could resell them for cash.
6 19F16376X. My motion for release was denied. Bail was set for
7 \$10,000. And I was charged with Grand Larceny a Category C Felony NRS
8 204.220.1, 205.222.2. Statutory potential– 1-5 years.
9

10 55. Attached are Certificates from programs I have participated in since I
11 have been incarcerated.
12

13 56. I tried repeatedly to contact attorney Arnold after the March 4 2020
14 hearing, but he never returned my phone calls. I never saw him again. I also
15 tried to contact him regarding my postconviction action, but he still did not
16 get back to me.
17

18 57. I don't feel she explained the plea agreement to me sufficiently and this led
19 to an unknowing plea on my part. It was my understanding if I showed
20 that I had tried to get into programming the State would honor the spirit of
21 the agreement and not seek habitual treatment at sentencing.
22

23 58. I was not advised of the option to NRS §175.035 taking a plea
24 agreement guilty but mentally ill and there is a reasonable probability I would
25 have opted for this if informed of it.
26
27
28

1 59. I don't feel competent comments were offered on my behalf at sentencing. I
2 tried to tell my attorneys some of the mitigating factors, but they did not spend
3 time to get to know me or to listen. I tried calling them repeatedly, but they
4 would not pick up. We had agreed that Attorney Arnold would handle my
5 sentencing hearing; but instead, he sent his colleague to handle it - Roger
6 Bailey. And as little as Carl Arnold knew about my background - Bailey
7 knew even less. His fifteen-sentence lackluster statement on my behalf was
8 devastating to me.
9

12 60. Though a habitual potential is stated in the plea agreement [4:1-2]
13 I thought it was to be read in combination with the agreement that the
14 State would not seek the habitual if he made good faith efforts to get
15 treatment. I was also not advised that out of state convictions would
16 count. Nor did I know that felony crimes from other states qualifying as
17 gross misdemeanors out here would be counted as felonies.
18

21 61. I don't believe my attorney effectively explained to me or the court
22 the amount of jail credit I was entitled to. There were several months
23 that I think were not properly credited
24

25 62. I would not have accepted the plea agreement and instead would
26 have insisted on going to trial had I known what I know now; but did not
27 know because my representation was prejudicially ineffective.
28

1 63. I respectfully request an evidentiary hearing.
2
3
4
5

6
7 I, Daine Crawley, the undersigned, do hereby swear that all statements, facts and
8 events within my foregoing Affidavit are true and correct to my own knowledge,
9 information and belief, and to those I believe them to be true and correct. Signed
10 under penalty of perjury pursuant to NRS 208.165.
11

12 Respectfully Signed and Attested to this 26th day of August 2022.
13

14 ** /s/ Daine Crawley
15 Daine Crawley, Petitioner
16

17 ** Signature affixed by Diane Lowe at the direction of Daine Crawley.
18

19 Respectfully Signed and attested to again:
20

21 Date: 8/31/22 x
22

23 Original Signature:  x
24 Daine Crawley, Petitioner
25
26
27
28

RE: Medical Records Request

CJ Graham <cgraham@nvbhs.com>

Thu 11/10/2022 2:20 PM

To: Diane Lowe <DianeLowe@lowelawllc.com>

Hello,

The medical records have been sent to the fax number listed on the release of information.

Thanks,
CJ

From: Diane Lowe <DianeLowe@lowelawllc.com>

Sent: Monday, October 31, 2022 7:39 AM

To: CJ Graham <cgraham@nvbhs.com>

Subject: Re: Medical Records Request

October 31, 2022

To: CJ Graham at cgraham@nvbhs.com

Re Records of Daine Crawley

Dear Mr. Graham:

Just following up on my request submitted. I was wondering if there is a timetable for a response. Our hearing is November 28, 2022, and I was hoping to have them before then. Thank you!

Sincerely,

/s/ Diane Lowe

Diane C Lowe, Esq.
Lowe Law L.L.C.

Licensed in Nevada

From: Diane Lowe <DianeLowe@lowelawllc.com>

Sent: Wednesday, October 19, 2022 7:44 AM

To: CJ Graham <cgraham@nvbhs.com>

Subject: Re: Medical Records Request

October 19, 2022

From: CJ Graham <cgraham@nvbhs.com>
Sent: Friday, September 30, 2022 5:09 PM
To: Diane Lowe <DianeLowe@lowelawllc.com>
Subject: Medical Records Request

CJ

CJ Graham
(They/Them)
Front Desk Supervisor
Nevada Behavioral Health Systems
cgraham@nvbhs.com 702-857-8800 ext 621



Notice of Confidentiality: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution of this information is prohibited, and may be punishable by law. If this was sent to you in error, please notify the sender by reply e-mail and destroy all copies of the original message.



3035 S Maryland Pkwy., Ste 110
Las Vegas, NV 89109
Phone: 702-857-8800
Fax: 702-857-8801

To: Diane Lowe From: NBH CJ
Fax: (702) 442-0321 Number of Pages 94
Phone: _____ Date: 11/10/2022
Re: medical records

☐ Urgent☐ For Review☐ Please Comment☐ Please Reply

Comments:

The information contained in this fax transmission is privileged, confidential and may contain sensitive information according to the Health Insurance Portability and Accountability Act (HIPAA), standards for Privacy of Individually Identifiable Health Information (Privacy Standards), 42 CFR 2.11 and 2.13 (a), 45 CFR 160 and 164, and all other interpretive guidelines. This fax transmission is for the intended use of the addressee stated above only. If the recipient of this fax transmission is not authorized to receive or deliver this fax to the intended addressee, this serves as the notification that any disclosure, copying, distribution, or action taken upon reliance of the content of this fax transmission is strictly prohibited. If this fax transmission has been received in error, immediately notify the sender by telephone to determine proper disposition of the fax transmission.

Page 1 of 1

Shanna Underwood

Crawley, Daine

ID: 2004725984

DOB: 3/21/1986

4/26/2019

7:31:53 PM

Progress Note (Non-Rx)

DIAGNOSES: The following Diagnoses are based on currently available information and may change as additional information becomes available.

Adjustment disorder, unspecified, F43.20 (ICD-10) (Active)

Unspecified nonorganic psychosis, F29 (ICD-10) (Active)

H0031 Complete Assessment, New Patient

Ward Swallow, PhD

(Note Compiled by: Shanna Underwood)

Page 1 of 1

Brenna Benas

Nevada Behavioral Health Systems
2500 W Washington Ave
Suite B
Las Vegas, NV 89106-3731
702-605-5858
702-857-8801

Crawley, Daine

ID: 2004725984

DOB: 3/21/1986

4/27/2019

3:31:42 PM

Progress Note (Non-Rx)

Crisis assessment completed: 4/27/19
See uploaded risk assessment in ICANotes.

Outcome: Client does not report intent , plans or means for self harm, suicide or homicide. Ct presented with extreme paranoia and delusional thinking.

Client was referred for triage/medication consult as a walk in and scheduled for MHA in 5 days.

H2011 Crisis Intervention**Brenna Benas**

Electronically Signed
By: Brenna Benas
On: 4/27/2019 3:31:57 PM

Page 1 of 1

CC Cook

Nevada Behavioral Health Systems
2500 W Washington Ave
Suite B
Las Vegas, NV 89106-3731
702-605-5858
702-857-8801

Crawley, Daine

ID: 2004725984

DOB: 3/21/1986

4/27/2019

5:53:33 PM

Group Therapy Note

Daine Crawley attended the NBH Support Center for crisis intervention today.

Daine Crawley participated in Post-Crisis/Relapse Planning and Using an Action Plan for Prevention and Recovery group. Post-Crisis/Relapse Planning and Using an Action Plan for Prevention and Recovery groups are to work with group members to develop a plan that they can use to recover after they have had a very difficult time.

Suicidal/Homicidal:

Mr. Crawley convincingly denied homicidal ideas in today's session.

Suicidal ideas or intentions are not in evidence and were not expressed by Mr. Crawley today.

Mental Status Exam:

Affect is congruent with mood and appropriate to examination circumstances.

Participation:

Mr. Crawley's participation today, was normal, with responses to others and sharing of personal experiences and feelings.

Appearance and Behavior:

In today's session Mr. Crawley appeared friendly, communicative, and relaxed.

INSTRUCTIONS / RECOMMENDATIONS / PLAN:

Ct will continue treatment while working on treatment objectives

H2011 Crisis Intervention

Session start: 8:45 AM

Session end: 2:30 PM

CC Cook

Electronically Signed

By: CC Cook

On: 4/28/2019 5:53:40 PM

Page 1 of 1

Trina Richardson

Nevada Behavioral Health Systems
2500 W Washington Ave
Suite B
Las Vegas, NV 89106-3731
702-605-5858
702-857-8801

4/28/2019

Crawley, Daine

ID: 2004725984

DOB: 3/21/1986

Case Management Note

Daine Crawley 4/28/19 10:45 11:00

Community Care Coordinator (CCC) made face to face contact with the client to discuss client's immediate needs. CCC assisted client with a clarity card and verified client is on the salvation army bed list. Client is interested in returning to his home out of state. Client does not have an ID and it is required for assistance with out of state transportation through the county. CCC will assist client with obtaining his bus pass.

1 Unit for T1016 Case Management

Time spent face to face with patient and/or family and coordination of care: 15 min

Session start: 11:00 AM

Session end: 11:15 AM

Trina Richardson

Electronically Signed

By: Trina Richardson

On: 5/6/2019 10:54:52 AM

Page 1 of 2

CC Cook

Nevada Behavioral Health Systems
2500 W Washington Ave
Suite B
Las Vegas, NV 89106-3731
702-605-5858
702-857-8801

Crawley, Daine

ID: 2004725984

DOB: 3/21/1986

4/28/2019

6:23:09 PM

Group Therapy Note

Daine Crawley attended the NBH Support Center for crisis intervention today.

Daine Crawley participated in Post-Crisis/Relapse Planning and Using an Action Plan for Prevention and Recovery group. Post-Crisis/Relapse Planning and Using an Action Plan for Prevention and Recovery groups are to work with group members to develop a plan that they can use to recover after they have had a very difficult time.

Suicidal/Homicidal:

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Suicidal ideas or intentions are not in evidence and were not expressed by Mr. Crawley today.

Mental Status Exam:

Affect is congruent with mood and appropriate to examination circumstances.

Participation:

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Appearance and Behavior:

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DIAGNOSES: The following Diagnoses are based on currently available information and may change as additional information becomes available.

Adjustment disorder, unspecified, F43.20 (ICD-10) (Active)

INSTRUCTIONS / RECOMMENDATIONS / PLAN:

Ct will continue treatment while working on treatment objectives

H2011 Crisis Intervention

Session start: 8:15 AM

Session end: 2:45 PM

CC Cook

Electronically Signed

By: CC Cook

Page 1 of 1

Trina Richardson

Nevada Behavioral Health Systems
2500 W Washington Ave
Suite B
Las Vegas, NV 89106-3731
702-605-5858
702-857-8801

4/29/2019

Crawley, Daine

ID: 2004725984

DOB: 3/21/1986

Case Management Note

Dain Crawley 4/29/19 11:00 11:15

Community Care Coordinator (CCC) made face to face contact with the client to assist client with obtaining his birth certificate. CCC requested transportation for the client. Client thanked CCC. CCC will email application once it is notarized.

1 Unit for T1016 Case Management

Time spent face to face with patient and/or family and coordination of care: 15 min

Session start: 11:00 AM

Session end: 11:15 AM

Trina Richardson

Electronically Signed

By: Trina Richardson

On: 5/6/2019 11:02:28 AM

Page 1 of 2

CC Cook

Nevada Behavioral Health Systems
2500 W Washington Ave
Suite B
Las Vegas, NV 89106-3731
702-605-5858
702-857-8801

Crawley, Daine

ID: 2004725984

DOB: 3/21/1986

4/29/2019

7:20:44 PM

Group Therapy Note

Daine Crawley attended the NBH Support Center for crisis intervention today.

Daine Crawley participated in Post-Crisis/Relapse Planning and Using an Action Plan for Prevention and Recovery group. Post-Crisis/Relapse Planning and Using an Action Plan for Prevention and Recovery groups are to work with group members to develop a plan that they can use to recover after they have had a very difficult time.

Suicidal/Homicidal:

Mr. Crawley convincingly denied homicidal ideas in today's session.
Suicidal ideas or intentions are not in evidence and were not expressed by Mr. Crawley today.

Mental Status Exam:

Affect is congruent with mood and appropriate to examination circumstances.

Participation:

Mr. Crawley's participation today, was normal, with responses to others and sharing of personal experiences and feelings.

Appearance and Behavior:

In today's session Mr. Crawley appeared friendly, communicative, and relaxed.

DIAGNOSES: The following Diagnoses are based on currently available information and may change as additional information becomes available.

Adjustment disorder, unspecified, F43.20 (ICD-10) (Active)

INSTRUCTIONS / RECOMMENDATIONS / PLAN:

Ct will continue treatment while working on treatment objectives

H2011 Crisis Intervention

Session start: 8:15 AM

Session end: 4:15 PM

CC Cook

Electronically Signed

By: CC Cook

Page 1 of 1

Trina Richardson

Nevada Behavioral Health Systems
2500 W Washington Ave
Suite B
Las Vegas, NV 89106-3731
702-605-5858
702-857-8801

4/30/2019

Crawley, Daine

ID: 2004725984

DOB: 3/21/1986

Case Management Note

Community Care Coordinator (CCC) contacted MTM to set up client's reoccurring trip. CCC will notify client eligible to pick up a monthly pass at the local welfare office.

1 Unit for T1016 Case Management

Time spent face to face with patient and/or family and coordination of care: 15 min

Session start: 2:15 PM

Session end: 2:30 PM

Trina Richardson

Electronically Signed

By: Trina Richardson

On: 4/30/2019 9:27:26 PM

Page 1 of 1

CC Cook

Nevada Behavioral Health Systems
2500 W Washington Ave
Suite B
Las Vegas, NV 89106-3731
702-605-5858
702-857-8801

Crawley, Daine

ID: 2004725984

DOB: 3/21/1986

4/30/2019

2:59:48 PM

Group Therapy Note

Daine Crawley attended the NBH Support Center for crisis intervention today.

Daine Crawley participated in Post-Crisis/Relapse Planning and Using an Action Plan for Prevention and Recovery group. Post-Crisis/Relapse Planning and Using an Action Plan for Prevention and Recovery groups are to work with group members to develop a plan that they can use to recover after they have had a very difficult time.

Suicidal/Homicidal:

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Suicidal ideas or intentions are not in evidence and were not expressed by Mr. Crawley today.

Mental Status Exam:

Affect is congruent with mood and appropriate to examination circumstances.

Participation:

Mr. Crawley was active today and participated fully in discussions today.

Appearance and Behavior:

In today's session Mr. Crawley appeared friendly, communicative, and happy.

DIAGNOSES: The following Diagnoses are based on currently available information and may change as additional information becomes available.

Adjustment disorder, unspecified, F43.20 (ICD-10) (Active)

INSTRUCTIONS / RECOMMENDATIONS / PLAN:

Ct will continue treatment while working on treatment objectives

H2011 Crisis Intervention

Session start: 8:30 AM

Session end: 3:30 PM

CC Cook

Electronically Signed

By: CC Cook

On: 5/2/2019 2:59:58 PM

Page 1 of 3

Brenna Benas

Nevada Behavioral Health Systems
2500 W Washington Ave
Suite B
Las Vegas, NV 89106-3731
702-605-5858
702-857-8801

Crawley, Daine

ID: 2004725984

DOB: 3/21/1986

5/1/2019

1:11:50 PM

Progress Note (Non-Rx)**MHA Assessment Date:** 5/1/19**Name:** Daine Crawley **DOB:** 3/21/19 **Phone:** No phone

Reason for Services, SNAP- Client reported he is trying to get back on his feet, has been programming and going to groups. He is working on getting an identification, a phone, attending appointments for medical concerns and wanting to address physical pain in his right leg. Strengths identified as "pretty smart" and a limitations "physical abilities right no, my wrist and my leg."

Current Situation, Family Info, Religion- Client reported he has been homeless since getting out of prison March 31, after being incarcerated for 31 months. Client reported he does not have family in Nevada and reported everyone he knows is in California. Religious preference is "Christian."

Mental Health Hx (Amt, Frequency, Duration)- Client reported he has severe anxiety, panic attacks and experiences depression. At 18 received formal diagnoses of anxiety after having a "break down at 18 and being hospitalized." Client reported he has had a couple of hospitalizations in the past 10 years and then "I snap back to reality."

Depression/Mood Disturbance- Client reported symptoms are reported as feeling hopeless, worrying and low self esteem, worthless, and low energy.

Behavioral Changes/Danger to others- Client reported "when things don't go right I have racing thoughts and I freeze."

Anxiety- Symptoms identified not being able to catch his breath, heart pounding out of his chest, feeling on edge, distrust, being uncomfortable, excessive fear and worry.

Psychosis- Client reported "I feel people are out to get me; but I don't see things or hear voices."

Trauma (Accident, TBI, Violence) - Client reported he was hit by a car in 2015 and was supposed to have surgery on his leg and never did due to being incarcerated. Client reported he has witnessed violence his entire life through his lifestyle on the streets and in prison.

History of Abuse- Client reported he has been "beat up a lot" over the course of his lifetime.

Somatic Complaints (headache, Pain, Seizure) - Client reported he used to experience migraines and reported they happen periodically a couple times a month.

Suicide/Self Harm/Danger to Others- Client reported he has never attempted suicide and does not think of suicide. Client reported he had a cousin who completed suicide that he "has not dealt with." No self harm or homicide ideation or plans.

Page 2 of 3

Crawley, Daine

5/1/2019

1:11 PM

ID: 2004725984

DOB: 3/21/1986

Progress Note (Non-Rx)

Stressful Events Past 12 Months- Primary stresses have been "worrying about how I was going to survive when I got out, not having anyone or nowhere to turn to." Client reported "I have never been truly homeless like this and it is hard."

Sexual History/Orientation- Client identifies as male, heterosexual.

Legal History- Client reported he has been incarcerated for 31 months before the last 30 days and reported lack of support and resources after being released is a problem.

Substance Abuse History- Client reported he has been using drugs since age 11 and has history of using alcohol and methamphetamine and heroin use over 7 years with the last time being 2016. Client reported having used methamphetamine from April 1 to April 21. Client reported he was using alcohol for a couple days March 31 and his last drink was the 15th of April. Client reported withdrawal fatigue, hunger, decrease in symptoms of psychosis, and still recuperating physically.

Past & Present Medical Hx- Client reported he has chronic pain in his right leg and right wrist with a scheduled surgery for the wrist and needing medical consult for his leg. Client reported having some feet injuries due to an extreme amount of walking.

Education/Employment- Client reported he is unemployed and has history of HVAC work and stated "As long as I can stay sober I will be fine."

MHA Summary- Client presented as disheveled, with clear speech, average eye contact, behavior appropriate to the setting, able to follow conversation and respond. Client presents as slightly guarded but open to guidance. Ct perception shows an improvement from five days ago as he is less delusional and more coherent. Client presents as oriented to time, place, person, and situation. Insight and judgment seem fair at time of assessment. He was able to identify reasonable goals and seems motivated. Client memory seems intact. Ct does not appear to be a danger to himself or others based on report observed behavior. Client presents with difficulty adjusting to life after incarceration, lacks positive support, has no financial means and does not have a secure living environment.

Summary of client's expectations for intervention and anticipated outcomes:

Clinical recommendations regarding treatment approach: (BST, PSR, CD,) Client is referred to NBH Support Center for Day Treatment.

DIAGNOSIS SECTION (ICD 10 codes/DSM 5)

Primary: F43.20

LOCUS Score: 22 **Level:** IV **Date completed:**

CLIENT QUALIFIES AS SEVERELY MENTALLY ILL (SMI): Yes XX No
Monitoring to be ongoing.

Brenna Benas LCSW, LCADC

Interviewer Name & Credentials:

Date: 5/1/19

Page 3 of 3

Crawley, Daine

5/1/2019

1:11 PM

ID: 2004725984

DOB: 3/21/1986

Progress Note (Non-Rx)

Accepted for Admission YES XX NO (reason): _____

Treatment Plan Completed and Signed-

Basic Living and Self Care Skills

- Topic 9: Diet, Exercise, Light, Sleep and Smoking

Peer Support/Recovery Meetings

- Topic 1: Introduction to Recovery
- Topic 12: Peer Support, Recovery Meetings, and Peer Counseling

Transitional Living Skills

- Topic 23: Developing a Lifestyle That Supports Your Recovery and Wellness

DIAGNOSES: The following Diagnoses are based on currently available information and may change as additional information becomes available.

Adjustment disorder, unspecified, F43.20 (ICD-10) (Active)**90791 Psych Diagnostic Interview**

Brenna Benas

Electronically Signed

By: Brenna Benas

On: 5/2/2019 1:12:05 PM

Page 1 of 2

CC Cook

Nevada Behavioral Health Systems
2500 W Washington Ave
Suite B
Las Vegas, NV 89106-3731
702-605-5858
702-857-8801

Crawley, Daine

ID: 2004725984

DOB: 3/21/1986

5/1/2019

8:30:32 PM

Group Therapy Note

Daine Crawley attended the NBH Support Center for crisis intervention today.

Daine Crawley participated in Post-Crisis/Relapse Planning and Using an Action Plan for Prevention and Recovery group. Post-Crisis/Relapse Planning and Using an Action Plan for Prevention and Recovery groups are to work with group members to develop a plan that they can use to recover after they have had a very difficult time.

Suicidal/Homicidal:

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Mental Status Exam:

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Participation:

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Appearance and Behavior:

In today's session Mr. Crawley appeared friendly, communicative, and happy.

DIAGNOSES: The following Diagnoses are based on currently available information and may change as additional information becomes available.

Adjustment disorder, unspecified, F43.20 (ICD-10) (Active)

Unspecified nonorganic psychosis, F29 (ICD-10) (Active)

INSTRUCTIONS / RECOMMENDATIONS / PLAN:

Ct will continue treatment while working on treatment objectives

H2011 Crisis Intervention

Session start: 7:15 AM

Session end: 5:30 PM

CC Cook

Electronically Signed

By: CC Cook

Page 1 of 1

Brenique Lowe

Nevada Behavioral Health Systems
3035 S. Maryland Pkwy
Las Vegas, NV 89109-2202
702-857-8800
702-857-8801

5/2/2019

Crawley, Daine

ID: 2004725984

DOB: 3/21/1986

Case Management Note

Community care coordinator transported client to the help disability center. This writer assisted with helping the client verbalize what he is feeling that prevents him from working. This writer also advised client to think about other options in terms of earning income, and reminding the client that therapy would be a good option to look into in this transition of doing things the "right way". This writer explained to client that he should be more vocal about his needs.

6 Units for T1016 Case Management

Session start: 12:30 PM

Session end: 2:00 PM

Brenique Lowe

Electronically Signed

By: Brenique Lowe

On: 5/3/2019 1:09:43 PM

Electronically Signed

By: Brenique Lowe

On: 5/3/2019 1:10 PM

Page 1 of 2

NBH SUPPORT CENTER

Nevada Behavioral Health Systems
2500 W Washington Ave
Suite B
Las Vegas, NV 89106-3731
702-605-5858
702-857-8801

Crawley, Daine

ID: 2004725984

DOB: 3/21/1986

5/2/2019

5:33:31 PM

Group Therapy Note

Daine Crawley attended the NBH Support Center Day Treatment Program today. Daine Crawley participated in Self-Advocacy group. Self-Advocacy groups are to help group members think about assertiveness and anger, specific laws and rights, and use the advocacy skills to access services and get what they need and want.

Daine Crawley participated in Assessing Personal and Community Resources group. Assessing Personal and Community Resources groups are to introduce the concept of action planning for prevention and recovery and to begin work on the first section of their plan, developing lists of skills, strategies and services to use in developing action plans.

Daine Crawley participated in Peer Support, Recovery Meetings and Peer Counseling group. Peer Support, Recovery Meetings and Peer Counseling groups are to learn about using peer support, recovery meetings and peer counseling as wellness tools.

Daine Crawley participated in Developing a Lifestyle That Supports Your Recovery and Wellness group. Developing a Lifestyle That Supports Your Recovery and Wellness groups are to consider group member's living space, living with others, people in their life and their day-to-day lifestyle, and to make plans to implement changes that will support their recovery and wellness.

Appearance and Behavior:

In today's session Mr. Crawley appeared calm, communicative, and happy.

Participation:

Mr. Crawley's participation today, was normal, with responses to others and sharing of personal experiences and feelings.

Mental Status Exam:

Affect is congruent with mood and appropriate to examination circumstances.

Suicidal/Homicidal:

Suicidal ideas or intentions are not in evidence and were not expressed by Mr. Crawley today.
Mr. Crawley convincingly denied homicidal ideas in today's session.

DIAGNOSES: The following Diagnoses are based on currently available information and may change as additional information becomes available.

Adjustment disorder, unspecified, F43.20 (ICD-10) (Active)
Unspecified nonorganic psychosis, F29 (ICD-10) (Active)

INSTRUCTIONS / RECOMMENDATIONS / PLAN:

Ct will continue treatment while working on treatment objectives

H2012 Day Treatment Program

Page 1 of 2

NBH SUPPORT CENTER

Nevada Behavioral Health Systems
2500 W Washington Ave
Suite B
Las Vegas, NV 89106-3731
702-605-5858
702-857-8801

Crawley, Daine

ID: 2004725984

DOB: 3/21/1986

5/3/2019
2:32:31 PM

Group Therapy Note

Daine Crawley attended the NBH Support Center Day Treatment Program today.

Daine Crawley participated in Self-Advocacy group. Self-Advocacy groups are to help group members think about assertiveness and anger, specific laws and rights, and use the advocacy skills to access services and get what they need and want.

Daine Crawley participated in Assessing Personal and Community Resources group. Assessing Personal and Community Resources groups are to introduce the concept of action planning for prevention and recovery and to begin work on the first section of their plan, developing lists of skills, strategies and services to use in developing action plans.

Daine Crawley participated in Developing a Lifestyle That Supports Your Recovery and Wellness group. Developing a Lifestyle That Supports Your Recovery and Wellness groups are to consider group member's living space, living with others, people in their life and their day-to-day lifestyle, and to make plans to implement changes that will support their recovery and wellness.

Daine Crawley participated in Personal Assessment, Motivation and Celebration group. Final Session: Personal Assessment, Motivation and Celebration groups is to give participants an opportunity to revisit the goals and dreams they developed in the first session: assess their progress in meeting these goals and explore possible next steps; review their organizational systems and using the Action Plan for Prevention and Recovery, discuss motivation and make decisions about an ongoing support group.

Appearance and Behavior:

In today's session Mr. Crawley appeared calm, communicative, and happy.

Participation:

Mr. Crawley's participation today, was normal, with responses to others and sharing of personal experiences and feelings.

Mental Status Exam:

Affect is congruent with mood and appropriate to examination circumstances.

Suicidal/Homicidal:

Suicidal ideas or intentions are not in evidence and were not expressed by Mr. Crawley today.
Mr. Crawley convincingly denied homicidal ideas in today's session.

DIAGNOSES: The following Diagnoses are based on currently available information and may change as additional information becomes available.

Adjustment disorder, unspecified, F43.20 (ICD-10) (Active)
Unspecified nonorganic psychosis, F29 (ICD-10) (Active)

INSTRUCTIONS / RECOMMENDATIONS / PLAN:

Page 2 of 2

Crawley, Daine

5/3/2019

2:32 PM

ID: 2004725984

DOB: 3/21/1986

Group Therapy Note

Ct will continue treatment while working on treatment objectives

H2012 Day Treatment Program

Session start: 7:30 AM

Session end: 2:00 PM

Emily Tenzer

Electronically Signed

By: Emily Tenzer

On: 5/4/2019 2:32:38 PM

Page 1 of 2

CC Cook

Nevada Behavioral Health Systems
2500 W Washington Ave
Suite B
Las Vegas, NV 89106-3731
702-605-5858
702-857-8801

Crawley, Daine

ID: 2004725984

DOB: 3/21/1986

5/4/2019

1:58:37 PM

Group Therapy Note

Daine Crawley attended the NBH Support Center Day Treatment Program today.

Daine Crawley participated in Self-Advocacy group. Self-Advocacy groups are to help group members think about assertiveness and anger, specific laws and rights, and use the advocacy skills to access services and get what they need and want.

Daine Crawley participated in Assessing Personal and Community Resources group. Assessing Personal and Community Resources groups are to introduce the concept of action planning for prevention and recovery and to begin work on the first section of their plan, developing lists of skills, strategies and services to use in developing action plans.

Daine Crawley participated in Peer Support, Recovery Meetings and Peer Counseling group. Peer Support, Recovery Meetings and Peer Counseling groups are to learn about using peer support, recovery meetings and peer counseling as wellness tools.

Suicidal/Homicidal:

Mr. Crawley convincingly denied homicidal ideas in today's session.

Suicidal ideas or intentions are not in evidence and were not expressed by Mr. Crawley today.

Mental Status Exam:

Affect is congruent with mood and appropriate to examination circumstances.

Participation:

Mr. Crawley was active today and participated fully in discussions today.

Appearance and Behavior:

In today's session Mr. Crawley appeared friendly, communicative, and happy.

DIAGNOSES: The following Diagnoses are based on currently available information and may change as additional information becomes available.

Adjustment disorder, unspecified, F43.20 (ICD-10) (Active)

Unspecified nonorganic psychosis, F29 (ICD-10) (Active)

INSTRUCTIONS / RECOMMENDATIONS / PLAN:

Ct will continue treatment while working on treatment objectives

H2012 Day Treatment Program

Session start: 7:45 AM

Page 1 of 1

Trina Richardson

Nevada Behavioral Health Systems
2500 W Washington Ave
Suite B
Las Vegas, NV 89106-3731
702-605-5858
702-857-8801

5/5/2019

Crawley, Daine

ID: 2004725984

DOB: 3/21/1986

Case Management Note

Daine Crawley 5/5/19 1:30 1:45

Community Care Coordinator (CCC) made face to face contact with the client at the support center to discuss disability and medical. Client attended appointment with disability help center and was told to return once he has been treated for mental and physical health diagnosis for 6 months. CCC assisted client with scheduling a medical appointment

1 Unit for T1016 Case Management

Time spent face to face with patient and/or family and coordination of care: 15 min

Session start: 1:30 PM

Session end: 1:45 PM

Trina Richardson

Electronically Signed

By: Trina Richardson

On: 5/12/2019 4:19:17 PM

Page 1 of 2

CC Cook

Nevada Behavioral Health Systems
2500 W Washington Ave
Suite B
Las Vegas, NV 89106-3731
702-605-5858
702-857-8801

Crawley, Daine

ID: 2004725984

DOB: 3/21/1986

5/5/2019

3:37:26 PM

Group Therapy Note

Daine Crawley attended the NBH Support Center Day Treatment Program today.

Daine Crawley participated in Self-Esteem group. Self-Esteem groups are to encourage group members to look at their strengths and gifts and to take part in exercises that build self-esteem.

Daine Crawley participated in Self-Advocacy group. Self-Advocacy groups are to help group members think about assertiveness and anger, specific laws and rights, and use the advocacy skills to access services and get what they need and want.

Daine Crawley participated in Assessing Personal and Community Resources group. Assessing Personal and Community Resources groups are to introduce the concept of action planning for prevention and recovery and to begin work on the first section of their plan, developing lists of skills, strategies and services to use in developing action plans.

Suicidal/Homicidal:

Mr. Crawley convincingly denied homicidal ideas in today's session.

Suicidal ideas or intentions are not in evidence and were not expressed by Mr. Crawley today.

Mental Status Exam:

Affect is congruent with mood and appropriate to examination circumstances.

Participation:

Mr. Crawley's participation today, was normal, with responses to others and sharing of personal experiences and feelings.

Appearance and Behavior:

In today's session Mr. Crawley appeared friendly, communicative, and relaxed.

DIAGNOSES: The following Diagnoses are based on currently available information and may change as additional information becomes available.

Adjustment disorder, unspecified, F43.20 (ICD-10) (Active)

Unspecified nonorganic psychosis, F29 (ICD-10) (Active)

INSTRUCTIONS / RECOMMENDATIONS / PLAN:

Ct will continue treatment while working on treatment objectives

H2012 Day Treatment Program

Page 2 of 2

Crawley, Daine

5/5/2019

3:37 PM

ID: 2004725984

DOB: 3/21/1986

Group Therapy Note

Session start: 7:45 AM

Session end: 3:30 PM

CC Cook

Electronically Signed

By: CC Cook

On: 5/6/2019 3:37:34 PM

Page 1 of 1

Trina Richardson

Nevada Behavioral Health Systems
2500 W Washington Ave
Suite B
Las Vegas, NV 89106-3731
702-605-5858
702-857-8801

5/6/2019

Crawley, Daine

ID: 2004725984

DOB: 3/21/1986

Case Management Note**Daine Crawley 5/6/19 11:15 11:30**

Community Care Coordinator (CCC) made face to face contact with the client at the support center to discuss client's medical condition. CCC assisted client with scheduling a medical appointment. Client is aware of address and will follow up with CCC after his appointment.

1 Unit for T1016 Case Management**Time spent face to face with patient and/or family and coordination of care: 15 min****Session start: 11:15 AM****Session end: 11:30 AM****Trina Richardson****Electronically Signed****By: Trina Richardson****On: 5/13/2019 2:50:45 PM**

Page 1 of 2

CC Cook

Nevada Behavioral Health Systems
2500 W Washington Ave
Suite B
Las Vegas, NV 89106-3731
702-605-5858
702-857-8801

Crawley, Daine

ID: 2004725984

DOB: 3/21/1986

5/6/2019
7:16:03 PM

Group Therapy Note

Daine Crawley attended the NBH Support Center Day Treatment Program today.

Daine Crawley participated in Self-Esteem group. Self-Esteem groups are to encourage group members to look at their strengths and gifts and to take part in exercises that build self-esteem.

Daine Crawley participated in Self-Advocacy group. Self-Advocacy groups are to help group members think about assertiveness and anger, specific laws and rights, and use the advocacy skills to access services and get what they need and want.

Daine Crawley participated in Assessing Personal and Community Resources group. Assessing Personal and Community Resources groups are to introduce the concept of action planning for prevention and recovery and to begin work on the first section of their plan, developing lists of skills, strategies and services to use in developing action plans.

Daine Crawley participated in Peer Support, Recovery Meetings and Peer Counseling group. Peer Support, Recovery Meetings and Peer Counseling groups are to learn about using peer support, recovery meetings and peer counseling as wellness tools.

Suicidal/Homicidal:

Mr. Crawley convincingly denied homicidal ideas in today's session.

Suicidal ideas or intentions are not in evidence and were not expressed by Mr. Crawley today.

Mental Status Exam:

Affect is congruent with mood and appropriate to examination circumstances.

Participation:

Mr. Crawley was active today and participated fully in discussions today.

Appearance and Behavior:

In today's session Mr. Crawley appeared friendly, communicative, and happy.

DIAGNOSES: The following Diagnoses are based on currently available information and may change as additional information becomes available.

Adjustment disorder, unspecified, F43.20 (ICD-10) (Active)

Unspecified nonorganic psychosis, F29 (ICD-10) (Active)

INSTRUCTIONS / RECOMMENDATIONS / PLAN:

Ct will continue treatment while working on treatment objectives

H2012 Day Treatment Program

Page 2 of 2

Crawley, Daine

5/6/2019

7:16 PM

ID: 2004725984

DOB: 3/21/1986

Group Therapy Note

Session start: 7:15 AM

Session end: 3:45 PM

CC Cook

Electronically Signed

By: CC Cook

On: 5/7/2019 7:16:08 PM

Page 1 of 2

CC Cook

Nevada Behavioral Health Systems
2500 W Washington Ave
Suite B
Las Vegas, NV 89106-3731
702-605-5858
702-857-8801

Crawley, Daine

ID: 2004725984

DOB: 3/21/1986

5/7/2019

7:21:25 PM

Group Therapy Note

Daine Crawley attended the NBH Support Center Day Treatment Program today.

Daine Crawley participated in Self-Esteem group. Self-Esteem groups are to encourage group members to look at their strengths and gifts and to take part in exercises that build self-esteem.

Daine Crawley participated in Hope group. Hope groups are to help group members understand that there is hope; they can get better and work toward meeting their goals, and there are many simple, safe and effective things that they can do to help themselves recover.

Daine Crawley participated in Self-Advocacy group. Self-Advocacy groups are to help group members think about assertiveness and anger, specific laws and rights, and use the advocacy skills to access services and get what they need and want.

Daine Crawley participated in Assessing Personal and Community Resources group. Assessing Personal and Community Resources groups are to introduce the concept of action planning for prevention and recovery and to begin work on the first section of their plan, developing lists of skills, strategies and services to use in developing action plans.

Daine Crawley participated in Peer Support, Recovery Meetings and Peer Counseling group. Peer Support, Recovery Meetings and Peer Counseling groups are to learn about using peer support, recovery meetings and peer counseling as wellness tools.

Suicidal/Homicidal:

Mr. Crawley convincingly denied homicidal ideas in today's session.

Suicidal ideas or intentions are not in evidence and were not expressed by Mr. Crawley today.

Mental Status Exam:

Affect is congruent with mood and appropriate to examination circumstances.

Participation:

Mr. Crawley's participation today, was normal, with responses to others and sharing of personal experiences and feelings.

Appearance and Behavior:

In today's session Mr. Crawley appeared friendly, communicative, and relaxed.

DIAGNOSES: The following Diagnoses are based on currently available information and may change as additional information becomes available.

Adjustment disorder, unspecified, F43.20 (ICD-10) (Active)

Unspecified nonorganic psychosis, F29 (ICD-10) (Active)

INSTRUCTIONS / RECOMMENDATIONS / PLAN:

Page 2 of 2

Crawley, Daine

5/7/2019

7:21 PM

ID: 2004725984

DOB: 3/21/1986

Group Therapy Note

Ct will continue treatment while working on treatment objectives

H2012 Day Treatment Program

Session start: 7:15 AM

Session end: 3:30 PM

CC Cook

Electronically Signed

By: CC Cook

On: 5/8/2019 7:21:29 PM

Page 1 of 2

Luther Kendrick

Nevada Behavioral Health Systems
2500 W Washington Ave
Suite B
Las Vegas, NV 89106-3731
702-605-5858
702-857-8801

Crawley, Daine

ID: 2004725984

DOB: 3/21/1986

5/8/2019

5:39:35 PM

Group Therapy Note

Daine Crawley attended the NBH Support Center Day Treatment Program today.

Daine Crawley participated in Education and Research group. Education and Research groups are to help group members understand the importance of education and research in mental health and addiction recovery, and to introduce them to various ways they can get the information they want and need.

Daine Crawley participated in Self-Advocacy group. Self-Advocacy groups are to help group members think about assertiveness and anger, specific laws and rights, and use the advocacy skills to access services and get what they need and want.

Daine Crawley participated in Assessing Personal and Community Resources group. Assessing Personal and Community Resources groups are to introduce the concept of action planning for prevention and recovery and to begin work on the first section of their plan, developing lists of skills, strategies and services to use in developing action plans.

Daine Crawley participated in Peer Support, Recovery Meetings and Peer Counseling group. Peer Support, Recovery Meetings and Peer Counseling groups are to learn about using peer support, recovery meetings and peer counseling as wellness tools.

Appearance and Behavior:

In today's session Mr. Crawley appeared friendly, communicative, and relaxed.

Participation:

Mr. Crawley's participation today, was normal, with responses to others and sharing of personal experiences and feelings.

Mental Status Exam:

Affect is congruent with mood and appropriate to examination circumstances.

Suicidal/Homicidal:

Suicidal ideas or intentions are not in evidence and were not expressed by Mr. Crawley today.

Mr. Crawley convincingly denied homicidal ideas in today's session.

DIAGNOSES: The following Diagnoses are based on currently available information and may change as additional information becomes available.

Adjustment disorder, unspecified, F43.20 (ICD-10) (Active)
Unspecified nonorganic psychosis, F29 (ICD-10) (Active)

INSTRUCTIONS / RECOMMENDATIONS / PLAN:

Ct will continue treatment while working on treatment objectives

H2012 Day Treatment Program

457

Page 2 of 2

Crawley, Daine

5/8/2019

5:39 PM

ID: 2004725984

DOB: 3/21/1986

Group Therapy Note

Session start: 7:15 AM

Session end: 3:30 PM

Luther Kendrick

Electronically Signed

By: Luther Kendrick

On: 5/9/2019 5:39:41 PM

Page 1 of 2

NBH SUPPORT CENTER

Nevada Behavioral Health Systems
2500 W Washington Ave
Suite B
Las Vegas, NV 89106-3731
702-605-5858
702-857-8801

Crawley, Daine

ID: 2004725984

DOB: 3/21/1986

5/9/2019

2:56:39 PM

Group Therapy Note

Daine Crawley attended the NBH Support Center Day Treatment Program today.

Daine Crawley participated in Self-Esteem group. Self-Esteem groups are to encourage group members to look at their strengths and gifts and to take part in exercises that build self-esteem.

Daine Crawley participated in Empowerment and Self-Determination. Empowerment and Self-Determination groups are to help participants develop a sense of their own power and understand their rights and support them in taking the necessary risks in making their own decisions and taking action.

Daine Crawley participated in Self-Advocacy group. Self-Advocacy groups are to help group members think about assertiveness and anger, specific laws and rights, and use the advocacy skills to access services and get what they need and want.

Daine Crawley participated in Assessing Personal and Community Resources group. Assessing Personal and Community Resources groups are to introduce the concept of action planning for prevention and recovery and to begin work on the first section of their plan, developing lists of skills, strategies and services to use in developing action plans.

Daine Crawley participated in Peer Support, Recovery Meetings and Peer Counseling group. Peer Support, Recovery Meetings and Peer Counseling groups are to learn about using peer support, recovery meetings and peer counseling as wellness tools.

Appearance and Behavior:

In today's session Mr. Crawley appeared calm, communicative, and happy.

Participation:

Mr. Crawley's participation today, was normal, with responses to others and sharing of personal experiences and feelings.

Mental Status Exam:

Affect is congruent with mood and appropriate to examination circumstances.

Suicidal/Homicidal:

Suicidal ideas or intentions are not in evidence and were not expressed by Mr. Crawley today.

Mr. Crawley convincingly denied homicidal ideas in today's session.

DIAGNOSES: The following Diagnoses are based on currently available information and may change as additional information becomes available.

Adjustment disorder, unspecified, F43.20 (ICD-10) (Active)
Unspecified nonorganic psychosis, F29 (ICD-10) (Active)

INSTRUCTIONS / RECOMMENDATIONS / PLAN:

Page 2 of 2

Crawley, Daine

5/9/2019

2:56 PM

ID: 2004725984

DOB: 3/21/1986

Group Therapy Note

Ct will continue treatment while working on treatment objectives

H2012 Day Treatment Program

Session start: 7:15 AM

Session end: 3:15 PM

Emily Tenzer

Electronically Signed

By: Emily Tenzer

On: 5/10/2019 2:56:50 PM

Page 1 of 2

CC Cook

Nevada Behavioral Health Systems
2500 W Washington Ave
Suite B
Las Vegas, NV 89106-3731
702-605-5858
702-857-8801

Crawley, Daine

ID: 2004725984

DOB: 3/21/1986

5/10/2019

12:55:18 PM

Group Therapy Note

Daine Crawley attended the NBH Support Center Day Treatment Program today.

Daine Crawley participated in Self-Esteem group. Self-Esteem groups are to encourage group members to look at their strengths and gifts and to take part in exercises that build self-esteem.

Daine Crawley participated in Self-Advocacy group. Self-Advocacy groups are to help group members think about assertiveness and anger, specific laws and rights, and use the advocacy skills to access services and get what they need and want.

Daine Crawley participated in Building a Strong Support System group. Building a Strong Support System groups are to help group members understand the importance of having a strong system of natural supports and having strategies for building or rebuilding their support network and for keeping their support system strong.

Daine Crawley participated in Assessing Personal and Community Resources group. Assessing Personal and Community Resources groups are to introduce the concept of action planning for prevention and recovery and to begin work on the first section of their plan, developing lists of skills, strategies and services to use in developing action plans.

Daine Crawley participated in Peer Support, Recovery Meetings and Peer Counseling group. Peer Support, Recovery Meetings and Peer Counseling groups are to learn about using peer support, recovery meetings and peer counseling as wellness tools.

Suicidal/Homicidal:

Mr. Crawley convincingly denied homicidal ideas in today's session.

Suicidal ideas or intentions are not in evidence and were not expressed by Mr. Crawley today.

Mental Status Exam:

Affect is congruent with mood and appropriate to examination circumstances.

Participation:

Mr. Crawley's participation today, was normal, with responses to others and sharing of personal experiences and feelings.

Appearance and Behavior:

In today's session Mr. Crawley appeared friendly, communicative, and relaxed.

DIAGNOSES: The following Diagnoses are based on currently available information and may change as additional information becomes available.

Adjustment disorder, unspecified, F43.20 (ICD-10) (Active)

Unspecified nonorganic psychosis, F29 (ICD-10) (Active)

INSTRUCTIONS / RECOMMENDATIONS / PLAN:

Page 2 of 2

Crawley, Daine

5/10/2019

12:55 PM

ID: 2004725984

DOB: 3/21/1986

Group Therapy Note

Ct will continue treatment while working on treatment objectives

H2012 Day Treatment Program

Session start: 7:15 AM

Session end: 3:15 PM

CC Cook

Electronically Signed

By: CC Cook

On: 5/11/2019 12:55:23 PM

Page 1 of 2

CC Cook

Nevada Behavioral Health Systems
2500 W Washington Ave
Suite B
Las Vegas, NV 89106-3731
702-605-5858
702-857-8801

Crawley, Daine

ID: 2004725984

DOB: 3/21/1986

5/11/2019

5:10:46 PM

Group Therapy Note

Daine Crawley attended the NBH Support Center Day Treatment Program today.

Daine Crawley participated in Self-Esteem group. Self-Esteem groups are to encourage group members to look at their strengths and gifts and to take part in exercises that build self-esteem.

Daine Crawley participated in Self-Advocacy group. Self-Advocacy groups are to help group members think about assertiveness and anger, specific laws and rights, and use the advocacy skills to access services and get what they need and want.

Daine Crawley participated in Assessing Personal and Community Resources group. Assessing Personal and Community Resources groups are to introduce the concept of action planning for prevention and recovery and to begin work on the first section of their plan, developing lists of skills, strategies and services to use in developing action plans.

Suicidal/Homicidal:

Mr. Crawley convincingly denied homicidal ideas in today's session.

Suicidal ideas or intentions are not in evidence and were not expressed by Mr. Crawley today.

Mental Status Exam:

Affect is congruent with mood and appropriate to examination circumstances.

Participation:

Mr. Crawley's participation today, was normal, with responses to others and sharing of personal experiences and feelings.

Appearance and Behavior:

In today's session Mr. Crawley appeared friendly, communicative, and relaxed.

DIAGNOSES: The following Diagnoses are based on currently available information and may change as additional information becomes available.

Adjustment disorder, unspecified, F43.20 (ICD-10) (Active)
Unspecified nonorganic psychosis, F29 (ICD-10) (Active)

INSTRUCTIONS / RECOMMENDATIONS / PLAN:

Ct will continue treatment while working on treatment objectives

H2012 Day Treatment Program

Page 2 of 2

Crawley, Daine

5/11/2019

5:10 PM

ID: 2004725984

DOB: 3/21/1986

Group Therapy Note

Session start: 7:45 AM

Session end: 12:45 PM

CC Cook

Electronically Signed

By: CC Cook

On: 5/12/2019 5:10:59 PM

Page 1 of 2

CC Cook

Nevada Behavioral Health Systems
2500 W Washington Ave
Suite B
Las Vegas, NV 89106-3731
702-605-5858
702-857-8801

Crawley, Daine

ID: 2004725984

DOB: 3/21/1986

5/12/2019

3:34:46 PM

Group Therapy Note

Daine Crawley attended the NBH Support Center Day Treatment Program today.

Daine Crawley participated in Self-Advocacy group. Self-Advocacy groups are to help group members think about assertiveness and anger, specific laws and rights, and use the advocacy skills to access services and get what they need and want.

Daine Crawley participated in Assessing Personal and Community Resources group. Assessing Personal and Community Resources groups are to introduce the concept of action planning for prevention and recovery and to begin work on the first section of their plan, developing lists of skills, strategies and services to use in developing action plans.

Daine Crawley participated in Diet, Exercise, Light, Sleep and Smoking group. Diet, Exercise, Light, Sleep and Smoking groups are to help participants uncover personal wellness tools related to diet, exercise, light, sleep and smoking.

Daine Crawley participated in Developing an Action Plan for Prevention and Recovery group. Developing an Action Plan for Prevention and Recovery groups are to use Wellness Toolbox to begin developing a personal Action Plan for Prevention and Recovery.

Suicidal/Homicidal:

Mr. Crawley convincingly denied homicidal ideas in today's session.

Suicidal ideas or intentions are not in evidence and were not expressed by Mr. Crawley today.

Mental Status Exam:

Affect is congruent with mood and appropriate to examination circumstances.

Participation:

Mr. Crawley's participation today, was normal, with responses to others and sharing of personal experiences and feelings.

Appearance and Behavior:

In today's session Mr. Crawley appeared friendly, communicative, and relaxed.

DIAGNOSES: The following Diagnoses are based on currently available information and may change as additional information becomes available.

Adjustment disorder, unspecified, F43.20 (ICD-10) (Active)

Unspecified nonorganic psychosis, F29 (ICD-10) (Active)

INSTRUCTIONS / RECOMMENDATIONS / PLAN:

Ct will continue treatment while working on treatment objectives

H2012 Day Treatment Program

Page 2 of 2

Crawley, Daine

5/12/2019

3:34 PM

ID: 2004725984

DOB: 3/21/1986

Group Therapy Note

Session start: 7:45 AM

Session end: 2:30 PM

CC Cook

Electronically Signed

By: CC Cook

On: 5/13/2019 3:34:53 PM

Page 1 of 2

CC Cook

Nevada Behavioral Health Systems
2500 W Washington Ave
Suite B
Las Vegas, NV 89106-3731
702-605-5858
702-857-8801

Crawley, Daine

ID: 2004725984

DOB: 3/21/1986

5/13/2019

2:07:47 PM

Group Therapy Note

Daine Crawley attended the NBH Support Center Day Treatment Program today.

Daine Crawley participated in Self-Advocacy group. Self-Advocacy groups are to help group members think about assertiveness and anger, specific laws and rights, and use the advocacy skills to access services and get what they need and want.

Daine Crawley participated in Assessing Personal and Community Resources group. Assessing Personal and Community Resources groups are to introduce the concept of action planning for prevention and recovery and to begin work on the first section of their plan, developing lists of skills, strategies and services to use in developing action plans.

Daine Crawley participated in Diet, Exercise, Light, Sleep and Smoking group. Diet, Exercise, Light, Sleep and Smoking groups are to help participants uncover personal wellness tools related to diet, exercise, light, sleep and smoking.

Daine Crawley participated in Peer Support, Recovery Meetings and Peer Counseling group. Peer Support, Recovery Meetings and Peer Counseling groups are to learn about using peer support, recovery meetings and peer counseling as wellness tools.

Daine Crawley participated in Developing an Action Plan for Prevention and Recovery group. Developing an Action Plan for Prevention and Recovery groups are to use Wellness Toolbox to begin developing a personal Action Plan for Prevention and Recovery.

Suicidal/Homicidal:

Suicidal ideas or intentions are not in evidence and were not expressed by Mr. Crawley today.
Mr. Crawley convincingly denied homicidal ideas in today's session.

Mental Status Exam:

Affect is congruent with mood and appropriate to examination circumstances.

Participation:

Mr. Crawley's participation today, was normal, with responses to others and sharing of personal experiences and feelings.

Appearance and Behavior:

In today's session Mr. Crawley appeared friendly, communicative, and relaxed.

DIAGNOSES: The following Diagnoses are based on currently available information and may change as additional information becomes available.

Adjustment disorder, unspecified, F43.20 (ICD-10) (Active)
Unspecified nonorganic psychosis, F29 (ICD-10) (Active)

INSTRUCTIONS / RECOMMENDATIONS / PLAN:

Page 2 of 2

Crawley, Daine

5/13/2019

2:07 PM

ID: 2004725984

DOB: 3/21/1986

Group Therapy Note

Ct will continue treatment while working on treatment objectives

H2012 Day Treatment Program

Session start: 7:00 AM

Session end: 3:15 PM

CC Cook

Electronically Signed

By: CC Cook

On: 5/14/2019 2:08 PM

Page 1 of 2

CC Cook

Nevada Behavioral Health Systems
2500 W Washington Ave
Suite B
Las Vegas, NV 89106-3731
702-605-5858
702-857-8801

Crawley, Daine

ID: 2004725984

DOB: 3/21/1986

5/14/2019

3:51:26 PM

Group Therapy Note

Daine Crawley attended the NBH Support Center Day Treatment Program today.

Daine Crawley participated in Self-Advocacy group. Self-Advocacy groups are to help group members think about assertiveness and anger, specific laws and rights, and use the advocacy skills to access services and get what they need and want.

Daine Crawley participated in Assessing Personal and Community Resources group. Assessing Personal and Community Resources groups are to introduce the concept of action planning for prevention and recovery and to begin work on the first section of their plan, developing lists of skills, strategies and services to use in developing action plans.

Daine Crawley participated in Diet, Exercise, Light, Sleep and Smoking group. Diet, Exercise, Light, Sleep and Smoking groups are to help participants uncover personal wellness tools related to diet, exercise, light, sleep and smoking.

Daine Crawley participated in Peer Support, Recovery Meetings and Peer Counseling group. Peer Support, Recovery Meetings and Peer Counseling groups are to learn about using peer support, recovery meetings and peer counseling as wellness tools.

Daine Crawley participated in Health Care and Medications group. Health Care and Medications groups are to help group members learn how to get the best possible health care from their care providers, get medication management strategies they can use if medications are part of their recovery strategy, and develop wellness tools concerning health care and medication management.

Suicidal/Homicidal:

Suicidal ideas or intentions are not in evidence and were not expressed by Mr. Crawley today.
Mr. Crawley convincingly denied homicidal ideas in today's session.

Mental Status Exam:

Affect is congruent with mood and appropriate to examination circumstances.

Participation:

Mr. Crawley's participation today, was normal, with responses to others and sharing of personal experiences and feelings.

Appearance and Behavior:

In today's session Mr. Crawley appeared friendly, communicative, and relaxed.

DIAGNOSES: The following Diagnoses are based on currently available information and may change as additional information becomes available.

Adjustment disorder, unspecified, F43.20 (ICD-10) (Active)
Unspecified nonorganic psychosis, F29 (ICD-10) (Active)

INSTRUCTIONS / RECOMMENDATIONS / PLAN:

Page 2 of 2

Crawley, Daine

5/14/2019

3:51 PM

ID: 2004725984

DOB: 3/21/1986

Group Therapy Note

Ct will continue treatment while working on treatment objectives

H2012 Day Treatment Program

Session start: 7:15 AM

Session end: 3:30 PM...

CC Cook

Electronically Signed

By: CC Cook

On: 5/15/2019 3:51:30 PM

Page 1 of 2

CC Cook

Nevada Behavioral Health Systems
2500 W Washington Ave
Suite B
Las Vegas, NV 89106-3731
702-605-5858
702-857-8801

Crawley, Daine

ID: 2004725984

DOB: 3/21/1986

5/15/2019

3:58:01 PM

Group Therapy Note

Daine Crawley attended the NBH Support Center Day Treatment Program today.

Daine Crawley participated in Self-Advocacy group. Self-Advocacy groups are to help group members think about assertiveness and anger, specific laws and rights, and use the advocacy skills to access services and get what they need and want.

Daine Crawley participated in Assessing Personal and Community Resources group. Assessing Personal and Community Resources groups are to introduce the concept of action planning for prevention and recovery and to begin work on the first section of their plan, developing lists of skills, strategies and services to use in developing action plans.

Daine Crawley participated in Diet, Exercise, Light, Sleep and Smoking group. Diet, Exercise, Light, Sleep and Smoking groups are to help participants uncover personal wellness tools related to diet, exercise, light, sleep and smoking.

Daine Crawley participated in Peer Support, Recovery Meetings and Peer Counseling group. Peer Support, Recovery Meetings and Peer Counseling groups are to learn about using peer support, recovery meetings and peer counseling as wellness tools.

Daine Crawley participated in Finalizing Your List of Wellness Tools group. Finalizing Your List of Wellness Tools groups are to explore possible wellness tools related to spirituality and alternative healing practices, and to refine participants Wellness Toolbox in anticipation of developing an Action Plan for Prevention and Recovery.

Suicidal/Homicidal:

Suicidal ideas or intentions are not in evidence and were not expressed by Mr. Crawley today.
Mr. Crawley convincingly denied homicidal ideas in today's session.

Mental Status Exam:

Affect is congruent with mood and appropriate to examination circumstances.

Participation:

Mr. Crawley's participation today, was normal, with responses to others and sharing of personal experiences and feelings.

Appearance and Behavior:

In today's session Mr. Crawley appeared friendly, communicative, and relaxed.

DIAGNOSES: The following Diagnoses are based on currently available information and may change as additional information becomes available.

Adjustment disorder, unspecified, F43.20 (ICD-10) (Active)
Unspecified nonorganic psychosis, F29 (ICD-10) (Active)

INSTRUCTIONS / RECOMMENDATIONS / PLAN:

Page 2 of 2

Crawley, Daine

5/15/2019

3:58 PM

ID: 2004725984

DOB: 3/21/1986

Group Therapy Note

Ct will continue treatment while working on treatment objectives

H2012 Day Treatment Program

Session start: 7:00 AM

Session end: 3:15 PM

CC Cook

Electronically Signed

By: CC Cook

On: 5/16/2019 3:58:07 PM

Page 1 of 2

NBH SUPPORT CENTER

Nevada Behavioral Health Systems
2500 W Washington Ave
Suite B
Las Vegas, NV 89106-3731
702-605-5858
702-857-8801

Crawley, Daine

ID: 2004725984

DOB: 3/21/1986

5/16/2019

3:01:12 PM

Group Therapy Note

Daine Crawley attended the NBH Support Center Day Treatment Program today.

Daine Crawley participated in Self-Advocacy group. Self-Advocacy groups are to help group members think about assertiveness and anger, specific laws and rights, and use the advocacy skills to access services and get what they need and want.

Daine Crawley participated in Assessing Personal and Community Resources group. Assessing Personal and Community Resources groups are to introduce the concept of action planning for prevention and recovery and to begin work on the first section of their plan, developing lists of skills, strategies and services to use in developing action plans.

Daine Crawley participated in Peer Support, Recovery Meetings and Peer Counseling group. Peer Support, Recovery Meetings and Peer Counseling groups are to learn about using peer support, recovery meetings and peer counseling as wellness tools.

Daine Crawley participated in Action Planning – Triggers, Early Warning Signs, and Difficult Times group. Triggers, Early Warning Signs, and Difficult Times groups are to identify triggers, early warning signs and signs that things have gotten much worse and, using your Wellness Toolbox, develop action plans that will help you feel better.

Appearance and Behavior:

In today's session Mr. Crawley appeared calm, communicative, and happy.

Participation:

Mr. Crawley's participation today, was normal, with responses to others and sharing of personal experiences and feelings.

Mental Status Exam:

Affect is congruent with mood and appropriate to examination circumstances.

Suicidal/Homicidal:

Suicidal ideas or intentions are not in evidence and were not expressed by Mr. Crawley today.

Mr. Crawley convincingly denied homicidal ideas in today's session.

DIAGNOSES: The following Diagnoses are based on currently available information and may change as additional information becomes available.

Adjustment disorder, unspecified, F43.20 (ICD-10) (Active)

Unspecified nonorganic psychosis, F29 (ICD-10) (Active)

INSTRUCTIONS / RECOMMENDATIONS / PLAN:

Ct will continue treatment while working on treatment objectives

Page 2 of 2

Crawley, Daine

5/16/2019

3:01 PM

ID: 2004725984

DOB: 3/21/1986

Group Therapy Note

H2012 Day Treatment Program

Session start: 7:15 AM

Session end: 2:00 PM

Emily Tenzer

Electronically Signed

By: Emily Tenzer

On: 5/17/2019 3:01:18 PM

Page 1 of 1

NBH Clinic

Nevada Behavioral Health Systems
2500 W Washington Ave
Suite B
Las Vegas, NV 89106-3731
702-605-5858
702-857-8801

Crawley, Daine

ID: 2004725984

DOB: 3/21/1986

5/17/2019

6:38:24 PM

Group Therapy Note

Daine Crawley attended the NBH Support Center Day Treatment Program today.

Daine Crawley participated in Self-Advocacy group. Self-Advocacy groups are to help group members think about assertiveness and anger, specific laws and rights, and use the advocacy skills to access services and get what they need and want.

Daine Crawley participated in Overcoming Barriers and Challenges group. Overcoming Barriers and Challenges groups are to discuss the barriers and challenges to participants' recovery and explore ways of resolving these issues.

Appearance and Behavior:

In today's session Mr. Crawley appeared friendly, communicative, and happy.

Participation:

Mr. Crawley's participation today, was normal, with responses to others and sharing of personal experiences and feelings.

Mental Status Exam:

Affect is congruent with mood and appropriate to examination circumstances.

Suicidal/Homicidal:

Suicidal ideas or intentions are not in evidence and were not expressed by Mr. Crawley today.

Mr. Crawley convincingly denied homicidal ideas in today's session.

DIAGNOSES: The following Diagnoses are based on currently available information and may change as additional information becomes available.

Adjustment disorder, unspecified, F43.20 (ICD-10) (Active)

Unspecified nonorganic psychosis, F29 (ICD-10) (Active)

H2012 Day Treatment Program

Session start: 12:00 PM

Session end: 3:30 PM

James Hickonbottom

Electronically Signed

By: James Hickonbottom

On: 5/17/2019 6:38:28 PM

Page 1 of 2

CC Cook

Nevada Behavioral Health Systems
2500 W Washington Ave
Suite B
Las Vegas, NV 89106-3731
702-605-5858
702-857-8801

Crawley, Daine

ID: 2004725984

DOB: 3/21/1986

5/18/2019

4:20:48 PM

Group Therapy Note

Daine Crawley attended the NBH Support Center Day Treatment Program today.

Daine Crawley participated in Self-Advocacy group. Self-Advocacy groups are to help group members think about assertiveness and anger, specific laws and rights, and use the advocacy skills to access services and get what they need and want.

Daine Crawley participated in Assessing Personal and Community Resources group. Assessing Personal and Community Resources groups are to introduce the concept of action planning for prevention and recovery and to begin work on the first section of their plan, developing lists of skills, strategies and services to use in developing action plans.

Daine Crawley participated in Peer Support, Recovery Meetings and Peer Counseling group. Peer Support, Recovery Meetings and Peer Counseling groups are to learn about using peer support, recovery meetings and peer counseling as wellness tools.

Suicidal/Homicidal:

Suicidal ideas or intentions are not in evidence and were not expressed by Mr. Crawley today.
Mr. Crawley convincingly denied homicidal ideas in today's session.

Mental Status Exam:

Affect is congruent with mood and appropriate to examination circumstances.

Participation:

Mr. Crawley's participation today, was normal, with responses to others and sharing of personal experiences and feelings.

Appearance and Behavior:

In today's session Mr. Crawley appeared friendly, communicative, and relaxed.

DIAGNOSES: The following Diagnoses are based on currently available information and may change as additional information becomes available.

Adjustment disorder, unspecified, F43.20 (ICD-10) (Active)
Unspecified nonorganic psychosis, F29 (ICD-10) (Active)

INSTRUCTIONS / RECOMMENDATIONS / PLAN:

Ct will continue treatment while working on treatment objectives

H2012 Day Treatment Program

Page 2 of 2

Crawley, Dalne

5/18/2019

4:20 PM

ID: 2004725984

DOB: 3/21/1986

Group Therapy Note

Session start: 7:30 AM

Session end: 2:15 PM

CC Cook

Electronically Signed

By: CC Cook

On: 5/19/2019 4:20:57 PM

Page 1 of 1

Trina Richardson

Nevada Behavioral Health Systems
2500 W Washington Ave
Suite B
Las Vegas, NV 89106-3731
702-605-5858
702-857-8801

5/19/2019

Crawley, Daine

ID: 2004725984

DOB: 3/21/1986

Case Management Note

Community Care Coordinator (CCC) made face to face contact with client at the support center to discuss employment and medical. CCC assisted client with obtaining a copy of his HVAC certification online. Client requested transportation to his upcoming medical appointment. CCC will attempt to find a community care coordinator to assist with transportation.

1 Unit for T1016 Case Management

Time spent face to face with patient and/or family and coordination of care: 15 min

Session start: 8:00 AM

Session end: 8:15 AM

Trina Richardson

Electronically Signed

By: Trina Richardson

On: 5/19/2019 11:57:11 AM

Page 1 of 2

CC Cook

Nevada Behavioral Health Systems
2500 W Washington Ave
Suite B
Las Vegas, NV 89106-3731
702-605-5858
702-857-8801

Crawley, Daine

ID: 2004725984

DOB: 3/21/1986

5/19/2019

3:28:43 PM

Group Therapy Note

Daine Crawley attended the NBH Support Center Day Treatment Program today.

Daine Crawley participated in Self-Advocacy group. Self-Advocacy groups are to help group members think about assertiveness and anger, specific laws and rights, and use the advocacy skills to access services and get what they need and want.

Daine Crawley participated in Assessing Personal and Community Resources group. Assessing Personal and Community Resources groups are to introduce the concept of action planning for prevention and recovery and to begin work on the first section of their plan, developing lists of skills, strategies and services to use in developing action plans.

Daine Crawley participated in Advance Directives, Part 1. Advance Directives, Part 1 groups are to assist people in developing their own advance directive. This is the first of two sessions on this topic and is followed by a session on post-crisis planning.

Daine Crawley participated in Developing a Lifestyle That Supports Your Recovery and Wellness group. Developing a Lifestyle That Supports Your Recovery and Wellness groups are to consider group member's living space, living with others, people in their life and their day-to-day lifestyle, and to make plans to implement changes that will support their recovery and wellness.

Suicidal/Homicidal:

Suicidal ideas or intentions are not in evidence and were not expressed by Mr. Crawley today.
Mr. Crawley convincingly denied homicidal ideas in today's session.

Mental Status Exam:

Affect is congruent with mood and appropriate to examination circumstances.

Participation:

Mr. Crawley's participation today, was normal, with responses to others and sharing of personal experiences and feelings.

Appearance and Behavior:

In today's session Mr. Crawley appeared friendly, communicative, and relaxed.

DIAGNOSES: The following Diagnoses are based on currently available information and may change as additional information becomes available.

Adjustment disorder, unspecified, F43.20 (ICD-10) (Active)
Unspecified nonorganic psychosis, F29 (ICD-10) (Active)

INSTRUCTIONS / RECOMMENDATIONS / PLAN:

Ct will continue treatment while working on treatment objectives

H2012 Day Treatment Program

479

Page 2 of 2

Crawley, Daine

5/19/2019

3:28 PM

ID: 2004725984

DOB: 3/21/1986

Group Therapy Note

Session start: 7:45 AM

Session end: 3:15 PM

CC Cook

Electronically Signed

By: CC Cook

On: 5/20/2019 3:28:52 PM

Page 1 of 2

CC Cook

Nevada Behavioral Health Systems
2500 W Washington Ave
Suite B
Las Vegas, NV 89106-3731
702-605-5858
702-857-8801

Crawley, Daine

ID: 2004725984

DOB: 3/21/1986

5/20/2019

4:35:27 PM

Group Therapy Note

Daine Crawley attended the NBH Support Center Day Treatment Program today.

Daine Crawley participated in Self-Advocacy group. Self-Advocacy groups are to help group members think about assertiveness and anger, specific laws and rights, and use the advocacy skills to access services and get what they need and want.

Daine Crawley participated in Assessing Personal and Community Resources group. Assessing Personal and Community Resources groups are to introduce the concept of action planning for prevention and recovery and to begin work on the first section of their plan, developing lists of skills, strategies and services to use in developing action plans.

Daine Crawley participated in Peer Support, Recovery Meetings and Peer Counseling group. Peer Support, Recovery Meetings and Peer Counseling groups are to learn about using peer support, recovery meetings and peer counseling as wellness tools.

Daine Crawley participated in Addressing Difficult Life Issues group. Addressing Difficult Life Issues groups are to help people understand that they can deal with issues of trauma in their lives through empowerment, validation and connection.

Daine Crawley participated in Developing a Lifestyle That Supports Your Recovery and Wellness group. Developing a Lifestyle That Supports Your Recovery and Wellness groups are to consider group member's living space, living with others, people in their life and their day-to-day lifestyle, and to make plans to implement changes that will support their recovery and wellness.

Suicidal/Homicidal:

Suicidal ideas or intentions are not in evidence and were not expressed by Mr. Crawley today.
Mr. Crawley convincingly denied homicidal ideas in today's session.

Mental Status Exam:

Affect is congruent with mood and appropriate to examination circumstances.

Participation:

Mr. Crawley was active today and participated fully in discussions today.

Appearance and Behavior:

In today's session Mr. Crawley appeared friendly, communicative, and happy.

DIAGNOSES: The following Diagnoses are based on currently available information and may change as additional information becomes available.

Adjustment disorder, unspecified, F43.20 (ICD-10) (Active)
Unspecified nonorganic psychosis, F29 (ICD-10) (Active)

INSTRUCTIONS / RECOMMENDATIONS / PLAN:

Ct will continue treatment while working on treatment objectives

Page 2 of 2

Crawley, Daine

5/20/2019

4:35 PM

ID: 2004725984

DOB: 3/21/1986

Group Therapy Note

H2012 Day Treatment Program

Session start: 7:30 AM

Session end: 3:15 PM

CC Cook

Electronically Signed

By: CC Cook

On: 5/21/2019 4:35:35 PM

Page 1 of 1

Trina Richardson

Nevada Behavioral Health Systems
2500 W Washington Ave
Suite B
Las Vegas, NV 89106-3731
702-605-5858
702-857-8801

5/21/2019

Crawley, Daine

ID: 2004725984

DOB: 3/21/1986

Case Management Note**Daine Crawley 5/21/19 3:00 3:15**

Community Care Coordinator (CCC) made face to face contact with the client to discuss obtaining his ID. Client has his birth certificate and a copy of his social security card. CCC informed client that he will not be able to obtain his ID with a copy. Client is waiting for a copy of his social security card and can go to the DMV when it arrives.

1 Unit for T1016 Case Management

Time spent face to face with patient and/or family and coordination of care: 15 min

Session start: 3:00 PM

Session end: 3:15 PM

Trina Richardson

Electronically Signed

By: Trina Richardson

On: 5/27/2019 5:30:13 PM

Page 1 of 2

NBH Clinic

Nevada Behavioral Health Systems
2500 W Washington Ave
Suite B
Las Vegas, NV 89106-3731
702-605-5858
702-857-8801

Crawley, Daine

ID: 2004725984

DOB: 3/21/1986

5/21/2019

8:24:10 PM

Progress Note (Non-Rx)

Daine Crawley attended the NBH Support Center Day Treatment Program today.

Appearance and Behavior:

In today's session Mr. Crawley appeared friendly, communicative, and happy.

Participation:

Mr. Crawley's participation today, was normal, with responses to others and sharing of personal experiences and feelings.

Mental Status Exam:

Affect is congruent with mood and appropriate to examination circumstances.

Suicidal/Homicidal:

Suicidal ideas or intentions are not in evidence and were not expressed by Mr. Crawley today.

Mr. Crawley convincingly denied homicidal ideas in today's session.

DIAGNOSES: The following Diagnoses are based on currently available information and may change as additional information becomes available.

Adjustment disorder, unspecified, F43.20 (ICD-10) (Active)

Unspecified nonorganic psychosis, F29 (ICD-10) (Active)

INSTRUCTIONS / RECOMMENDATIONS / PLAN:

Ct will continue treatment while working on treatment objectives

H2012 Day Treatment Program

Session start: 7:45 AM

Session end: 3:30 PM

James Hickonbottom

Electronically Signed