

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOSEPH NAPOLEON WARREN, III,
Appellant(s),

vs.

THE STATE OF NEVADA,
Respondent(s),

Electronically Filed
Feb 22 2023 01:53 PM
Elizabeth A. Brown
Clerk of Supreme Court

Case No: A-22-858403-W

Docket No: 85892

RECORD ON APPEAL

ATTORNEY FOR APPELLANT
JOSEPH WARREN, II, #30727,
PROPER PERSON
P.O. BOX 208
INDIAN SPRINGS, NV 89070

ATTORNEY FOR RESPONDENT
STEVEN B. WOLFSON,
DISTRICT ATTORNEY
200 LEWIS AVE.
LAS VEGAS, NV 89155-2212

A-22-858403-W Joseph Warren, III, Plaintiff(s) vs. Warden Nujera, Defendant(s)

I N D E X

VOLUME: **PAGE NUMBER:**

1

1 - 94

I N D E X

<u>VOL</u>	<u>DATE</u>	<u>PLEADING</u>	<u>PAGE NUMBER:</u>
1	12/21/2022	Case Appeal Statement	83 - 84
1	2/22/2023	Certification of Copy and Transmittal of Record	
1	11/23/2022	Clerk's Notice of Nonconforming Document	70 - 72
1	2/22/2023	District Court Minutes	94 - 94
1	1/17/2023	Findings of Fact, Conclusions of Law and Order	85 - 88
1	11/23/2022	Motion and Order for Transportation of Inmate for Court Appearance or, in the Alternative, for Appearance by Telephone or Video Conference	73 - 79
1	12/20/2022	Notice of Appeal From Denial of Post Conviction Relief	80 - 82
1	1/18/2023	Notice of Entry of Findings of Fact, Conclusions of Law and Order	89 - 93
1	9/16/2022	Order for Petition for Writ of Habeas Corpus	64 - 65
1	9/15/2022	Petition for Writ of Habeas Corpus (Post- Conviction)	1 - 63
1	10/20/2022	State's Response to Petitioner's Petition for Writ of Habeas Corpus (Post-Conviction)	66 - 69

Original

Joseph Warren III
Petitioner/In Propria Persona
Post Office Box 208, SDCC
Indian Springs, Nevada 89070

FILED

SEP 15 2022

John J. Williams
CLERK OF COURT

PP
HA
IN THE 8th JUDICIAL DISTRICT COURT OF
THE STATE OF NEVADA IN AND FOR THE
COUNTY OF CLARK

Joseph N. Warren III

Petitioner,

vs.

WARDEN NUIERA

Respondent(s).

Case No. **A-22-858403-W**

Dept. No. **Dept. 21**

Docket _____

PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION)

INSTRUCTIONS:

- (1) This petition must be legibly handwritten or typewritten signed by the petitioner and verified.
- (2) Additional pages are not permitted except where noted or with respect to the facts which you rely upon to support your grounds for relief. No citation of authorities need be furnished. If briefs or arguments are submitted, they should be submitted in the form of a separate memorandum.
- (3) If you want an attorney appointed, you must complete the Affidavit in Support of Request to Proceed In Forma Pauperis. You must have an authorized officer at the prison complete the certificate as to the amount of money and securities on deposit to your credit in any account in the institution.
- (4) You must name as respondent the person by whom you are confined or restrained. If you are in a specific institution of the department of corrections, name the warden or head of the institution. If you are not in a specific institution of the department within its custody, name the director of the department of corrections.
- (5) You must include all grounds or claims for relief which you may have regarding your conviction and sentence.

RECEIVED

SEP - 8 2022

CLERK OF THE COURT

ORIGINAL

RETURNED
UNFILED

AUG 15 2022

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY DEPUTY CLERK

Case No. [REDACTED]
Dept. No. [REDACTED]

IN THE 8th JUDICIAL DISTRICT COURT OF THE
STATE OF NEVADA IN AND FOR THE COUNTY OF CLARK

Joseph Napoleon Warren III
Petitioner,

v.
Warden L. Johnson
Respondent.

PETITION FOR WRIT
OF HABEAS CORPUS
(POSTCONVICTION)

INSTRUCTIONS:

- (1) This petition must be legibly handwritten or typewritten, signed by the petitioner and verified.
- (2) Additional pages are not permitted except where noted or with respect to the facts which you rely upon to support your grounds for relief. No citation of authorities need be furnished. If briefs or arguments are submitted, they should be submitted in the form of a separate memorandum.
- (3) If you want an attorney appointed, you must complete the Affidavit in Support of Request to Proceed in Forma Pauperis. You must have an authorized officer at the prison complete the certificate as to the amount of money and securities on deposit to your credit in any account in the institution.
- (4) You must name as respondent the person by whom you are confined or restrained. If you are in a specific institution of the Department of Corrections, name the warden or head of the institution. If you are not in a specific institution of the Department but within its custody, name the Director of the Department of Corrections.
- (5) You must include all grounds or claims for relief which you may have regarding your conviction or sentence. Failure to raise all grounds in this petition may preclude you from filing future petitions challenging your conviction and sentence.
- (6) You must allege specific facts supporting the claims in the petition you file seeking relief from any conviction or sentence. Failure to allege specific facts rather than just conclusions may cause your petition to be dismissed. If your petition contains a claim of ineffective assistance of counsel, that claim will operate to waive the attorney-client privilege for the proceeding in which you claim your counsel was ineffective.
- (7) When the petition is fully completed, the original and one copy must be filed with the clerk of the state district court for the county in which you were convicted. One copy must be mailed to the respondent, one copy to the Attorney General's Office, and one copy to the district attorney of the county in which you were convicted or to the original prosecutor if you are challenging your original conviction or sentence. Copies must conform in all particulars to the original submitted for filing.

PETITION

1. Name of institution and county in which you are presently imprisoned or where and how you are presently restrained of your liberty: High Desert State Prison, Clark County, S.D.C.C. 11m2 court
2. Name and location of court which entered the judgment of conviction under attack: 8th Judicial District Court, Court Room 21
3. Date of judgment of conviction: 8-26-21
4. Case number: C-21-356232-1
5. (a) Length of sentence: Time served

(b) If sentence is death, state any date upon which execution is scheduled:....

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

Yes ☒ No

If "yes," list crime, case number and sentence being served at this time: 1st Degree Murder, C91622
Parole Revoked Until December 1 2023

7. Nature of offense involved in conviction being challenged: Attempt Battery

8. What was your plea? (check one)

(a) Not guilty

(b) Guilty

(c) Guilty but mentally ill

(d) Nolo contendere

9. If you entered a plea of guilty or guilty but mentally ill to one count of an indictment or information, and a plea of not guilty to another count of an indictment or information, or if a plea of guilty or guilty but mentally ill was

negotiated, give details: A negotiated plea was arranged on the phone in
the span of less than 10 minutes under extreme duress

10. If you were found guilty or guilty but mentally ill after a plea of not guilty, was the finding made by: (check one)

(a) Jury

(b) Judge without a jury ☒

11. Did you testify at the trial? Yes

12. Did you appeal from the judgment of conviction? Yes ☒ No

13. If you did appeal, answer the following:

(a) Name of court: Nevada Supreme Court

(b) Case number or citation: 84290

(c) Result: Denied

(d) Date of result: March 17/22

(Attach copy of order or decision, if available.)

1 14. If you did not appeal, explain briefly why you did not:

2
3
4 15. Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any
5 petitions, applications or motions with respect to this judgment in any court, state or federal? Yes No X.....

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

7 (a) (1) Name of court:

8 (2) Nature of proceeding:

9
10 (3) Grounds raised:

11
12
13 (4) Did you receive an evidentiary hearing on your petition, application or motion? Yes No

14 (5) Result:

15 (6) Date of result:

16 (7) If known, citations of any written opinion or date of orders entered pursuant to such result:
17

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

19 (1) Name of court:

20 (2) Nature of proceeding:

21 (3) Grounds raised:

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

23 (5) Result:

24 (6) Date of result:

25 (7) If known, citations of any written opinion or date of orders entered pursuant to such result:
26

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

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

3 (1) First petition, application or motion? Yes No

4 Citation or date of decision:

5 (2) Second petition, application or motion? Yes No

6 Citation or date of decision:

7 (3) Third or subsequent petitions, applications or motions? Yes No

8 Citation or date of decision:

9 (e) If you did not appeal from the adverse action on any petition, application or motion, explain briefly why you
10 did not. (You must relate specific facts in response to this question. Your response may be included on paper which
11 is 8 1/2 by 11 inches attached to the petition. Your response may not exceed five handwritten or typewritten pages in
12 length.).....

13
14 17. Has any ground being raised in this petition been previously presented to this or any other court by way of
15 petition for habeas corpus, motion, application or any other postconviction proceeding? If so, identify:

16 (a) Which of the grounds is the same: ALL of them.....

17
18 (b) The proceedings in which these grounds were raised: Collateral AND Appeal.....

19
20 (c) Briefly explain why you are again raising these grounds. (You must relate specific facts in response to this
21 question. Your response may be included on paper which is 8 1/2 by 11 inches attached to the petition. Your
22 response may not exceed five handwritten or typewritten pages in length.) See Attached.....

23
24 18. If any of the grounds listed in Nos. 23(a), (b), (c) and (d), or listed on any additional pages you have attached,
25 were not previously presented in any other court, state or federal, list briefly what grounds were not so presented,
26 and give your reasons for not presenting them. (You must relate specific facts in response to this question. Your
27 response may be included on paper which is 8 1/2 by 11 inches attached to the petition. Your response may not
28 exceed five handwritten or typewritten pages in length.)

1 Petitioner contends that my imprisonment resulted from
2 Perjured testimony, knowingly used by the State
3 Authorities to obtain my conviction, and from the deliber-
4 ate suppression by those same authorities of evidence
5 favorable to me. This fundamental unfairness, deprived
6 me of rights guaranteed by the Federal Constitution,
7 Further a court will set aside a guilty plea, when
8 there is a miscarriage of justice. Throughout
9 these whole proceedings, I have shown the blatant
10 and deliberate unfairness of this whole process.
11 The attached exhibits will show and prove the
12 misconduct and deliberate deception which was
13 used to obtain a conviction on perjured testimony
14 known to prosecuting authorities to be perjured, clearly
15 is a denial of due process. Everything that has trans-
16 pired falls in the category of a structural error.
17 And petitioner prays to be granted relief from this
18 wrongful conviction.

1
2 19. Are you filing this petition more than 1 year following the filing of the judgment of conviction or the filing
3 of a decision on direct appeal? If so, state briefly the reasons for the delay. (You must relate specific facts in
4 response to this question. Your response may be included on paper which is 8 1/2 by 11 inches attached to the
5 petition. Your response may not exceed five handwritten or typewritten pages in length.)
6

7 20. Do you have any petition or appeal now pending in any court, either state or federal, as to the judgment
8 under attack? Yes No ~~.....~~ X.....

9 If yes, state what court and the case number:
10

11 21. Give the name of each attorney who represented you in the proceeding resulting in your conviction and on
12 direct appeal: Daniel Jenkins. And on the Appeal, MY SELF.....
13

14 22. Do you have any future sentences to serve after you complete the sentence imposed by the judgment under
15 attack? Yes No ~~.....~~ X.....

16 If yes, specify where and when it is to be served, if you know: CURRENTLY SERVING / PAROLE
17 REVOKED.....
18

19 23. State concisely every ground on which you claim that you are being held unlawfully. Summarize briefly the
20 facts supporting each ground. If necessary you may attach pages stating additional grounds and facts
21 supporting same.
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(a) Ground ONE: Violation of Brady Material, 5th and 14th Amendment,
Perjury, The state knowingly used perjured testimony,
Ineffective Assistance of Counsel, Prosecutorial Misconduct

Supporting FACTS (Tell your story briefly without citing cases or law.): At my Preliminary Hearing
on May 24, 2021, The Prosecution along with my Public defender
withheld evidence and contrived a conviction through a pretense
of a Preliminary hearing, and a guilty Plea Arrangement, which in
truth was but used as a means of depriving me of Liberty
through a deliberate deception of Court and perjured testimony,
Presented by the Prosecution, was testimony, known to be perjured
for the Prosecution's only two witnesses. knowingly committed
perjury. Detective T. Albright visited Bruce Agard^{SR} at the hospital
the day after the incident [see Exhibit 3C]. In his report [see
Exhibit 5] He later explained how he made contact with
Bruce Agard JR. Therefore, on May 24th 2021, Detective T. Albright
knew without a doubt that his so-called witness was Bruce Agard JR. [see Exhibit 3C]
The son pretending to be his father. T. Albright procured Bruce
Agard JR to commit perjury. [see Exhibits B and 2C] Also
[see Exhibit 4BB]. Detective T. Albright committed perjury
when he said under oath, that he interviewed me, read me
the Miranda Rights, re-arrested me and booked me electronically??
I had never seen T. Albright a day in my life... until that
moment. He was neither of the two officers that interviewed
me. When I spoke of the video footage, it would have proven
this fact. Also if there would have been photos at the Prelim-
inary hearing, it would have shown that Bruce Agard SR
was not in the court room. I contend that my imprisonment

6B LONT-SUPPORTING FACTS

1 Was based on Perjured testimony, which was knowingly
2 used by the Prosecuting Authorities, in order to obtain a
3 conviction, and also that these Authorities deliberately
4 suppressed evidence which would have impeached
5 and refuted the testimony, thus given against me.

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(b) Ground TWO:

6th Amendment Violations Ineffective Assistance of Counsel And Confrontation Clause

Supporting FACTS (Tell your story briefly without citing cases or law.):

Petitioner Was appointed counsel on March 31st 2021. Preliminary Hearing Was scheduled for April 14th 2021. The first time I spoke with Dan Jenkins Was on April 13th 2021 on the phone. That Was the first time I heard of the Attempt Murder Charge. He then went on to tell me, of what could get thrown out AND what I would face at trial, AND He said I would end up with about 40 or 50 to Life. Then he told me that if I Plead Guilty to one of the lesser felonies AND the case would be closed time served. AND then I would have to deal with P&P At my Revocation Hearing. I then began to tell him that Procedure Wasn't Followed, that I Was Not read the Miranda Rights, Attested, Nor Was I rebooked for any charges. He told me that "Procedure didn't matter." My response Was "How can you say Constitutional Procedure don't matter?" I then told Him to listen to the Audio tape of the interview. The next day, At court I saw Mr Jenkins for the first time. He told me he hadn't listened to the Audio of the interview, AND he requested A continuance for the 21st of April. On the 15th of April I Was transferred to Prison. On the 19th of April I contracted COVID 19. I recovered enough to Appear in court on May 6th 2021. Dan Jenkins brought me transcribed documents of the interview that Was conducted on March 28th 2021. After a few moments of looking at the

7B DON'T SUPPORTING FACTS

1. documents, I told Mr Jenkins, "This shit didn't happen!"
2. Where is the Audio?" He turned from me saying "I wasn't
3. there," I stood up and addressed the court and I gave
4. the Honorable Litizia Harmony a rendition of what I
5. told Dan Jenkins on the phone. Her response was "Do you
6. want me to dismiss these charges because you said so?"
7. My response was "I won't lie about anything. Everything
8. at C.C.D.C. is monitored and recorded, just watch the tape."
9. My constitutional rights, were being disregarded and ignored
10. and the video evidence I spoke of was being suppressed.
11. This malfeasance would continue on May 24th 2021. [See
12. Exhibit 2B and 2C] Two days after my Preliminary Hearing,
13. on May 26th 2021 I was scheduled for court at 1:30 PM
14. to be bound over. That morning at 6:12 AM Debra Mason cont-
15. acted Dan Jenkins and sent him photos of both Agards...
16. hours before my court appearance. [See Exhibit 7E and 7F]
17. From the very beginning Daniel Jenkins conduct, behavior and
18. unprofessional errors, has been demonstrated and shown
19. throughout this whole process, it seems his whole objective
20. was to thwart my every move, suppress any helpful evidence
21. and to keep my voice from being heard. Daniel Jenkins is
22. the epitome of ineffectiveness. [See Exhibit 4B, 4C, 4D, 4E, 4F]
23. Further, I was unable to confront my accuser at the
24. Preliminary Hearing. The prosecution presented no evidence, if
25. pictures would have been shown, it would have been re-
26. futed that Bruce Agard SR was not present in court. [See
27. Exhibit 3C] Whom was not in court. That photo was re-
28. trieved from Bruce Agard SR Face book account, which

7C CONT. SUPPORTING FACTS

1 is now shut down. The same as with Bruce Agard Jr.
2 His Facebook Account has shut down also.

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1 (c) Ground THREE: Prosecutorial Misconduct, Subornation of Perjury,
2 Ineffective Assistance of Counsel, Right of Due Process
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5 Supporting FACTS (Tell your story briefly without citing cases or law.): The Prosecution Committed
6 Misconduct, When the states ONLY two witnesses gave perjured
7 testimony [see Exhibit 3 A AND 3 B] [see Exhibit 4 B B AND 4 C] AND
8 [Exhibit 5] Investigator/Detective Albright, willfully committed
9 Perjury AND procured Bruce Agard JR to join him, with the
10 acceptance of the Prosecution AND my Public Defender DAN
11 Jenkins. Investigator T. Albright, with out a doubt knew who
12 he came into court with on May 24, 2021, therefore the Prosecution
13 also knew or should have known, AND DAN Jenkins non-
14 action on my behalf AND how he ignored me at the preliminary
15 hearing when I asked him to produce photos... should
16 that he knew as well. This was all a deliberate deception
17 to deprive me of liberty. This fundamental unfairness is
18 clearly a miscarriage of justice. This conviction was based
19 on perjured testimony, which was knowingly used by the prosecuting
20 authorities in order to obtain this conviction, AND ALSO
21 that these authorities deliberately suppressed AND ignored
22 evidence which would have impeached AND refuted the
23 testimony, thus given against me.
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(d) Ground FOUR:

Judicial Error, Judicial Misconduct in Violation of My Fourteenth Constitutional Right Deprivation of Rights Guaranteed By the United States Constitution

Supporting FACTS (Tell your story briefly without citing cases or law.):

Every Exhibit AND document that I have enclosed is a factual truth AND All of these documents, I Presented to Judge Newberry AND Was ignored. [See Exhibit 6 D AND 6 E] IF the Prosecution Would have Presented A Photo, At the Preliminary Hearing, it Would have shown Agard SG Was Not in the Court room. I Furnished the Judge With all the evidence for a dismissal for "3" three Months straight. [See All Exhibits] AND Was disregarded AND ignored. Petitioner Prays that in light of prosecutorial Misconduct, Perjury, egregious ineffective Assistance of Counsel, Judicial Error AND multiple Constitutional Violations... Petitioner Prays that this honorable court Will reverse AND Vacate this wrongful Conviction.

Respectfully Submitted
Joseph Napoleon Warren III
P.O. Box 650
Indian Springs, NV
89070

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

3 EXECUTED at HOSP on the 3rd day of the month of JUNE of the year 2022

4 Joseph N. Warren III
Signature of petitioner
5 P.O. Box 1650 Indian Springs, NY 89076
Address

6 Joseph N. Warren III
Signature of attorney (if any)
7 P.O. Box 1650 Indian Springs, NY 89076
Attorney for petitioner
8 Address

9 VERIFICATION

10 Under penalty of perjury, the undersigned declares that the undersigned is the petitioner named in the foregoing
11 petition and knows the contents thereof; that the pleading is true of the undersigned's own knowledge, except as to
12 those matters stated on information and belief, and as to such matters the undersigned believes them to be true.

13 Joseph N. Warren III
Petitioner
14 Joseph N. Warren III
Attorney for petitioner

15 CERTIFICATE OF SERVICE BY MAIL

16 I, Joseph N. Warren III, hereby certify, pursuant to N.R.C.P. 5(b), that on this 3rd day of the month of JUNE of
the year 2022, I mailed a true and correct copy of the foregoing PETITION FOR WRIT OF HABEAS CORPUS
addressed to:

17 Wardell R. Johnson
Respondent, prison or jail official
18 P.O. Box 1650 Indian Springs, NY 89076
Address

19
20 Attorney General
21 Heroes' Memorial Building
22 Capitol Complex
23 Carson City, Nevada 89710

24 Steve Wilson of Clark County
District Attorney of County of Conviction
25 200 Lewis Avenue
Address

26 Joseph N. Warren
Signature of Petitioner
27
28

CERTIFICATE OF SERVICE BY MAILING

I, Joseph N. Warren III, hereby certify, pursuant to NRCP 5(b), that on this 24th day of AUGUST, 2022, I mailed a true and correct copy of the foregoing, "Habeas

Corpus (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:

CLARK COUNTY District Court

200 LEWIS AVE 2nd Floor

LAS VEGAS, Nevada

89155

CC:FILE

DATED: this 24th day of AUGUST, 2022.

Joseph N. Warren

30727

In Propria Personam

Post Office Box 208, S.D.C.C.

Indian Springs, Nevada 89018

IN FORMA PAUPERIS:

1 WHEREFORE, Joseph N. Warren III prays that the court grant HABEAS CORPUS
2 relief to which he may be entitled in this proceeding.

3 EXECUTED at Southern Desert Correctional Center
4 on the 29th day of AUGUST, 2022

5
6 Joseph N. Warren III
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 Joseph N. Warren III
15 Signature of Petitioner

16
17
18 _____
Attorney for Petitioner
19
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AFFIRMATION
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding Habeas

Corpus (Post Conviction)
(Title of Document)

filed in District Court Case number _____

☒ 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.

Joseph Mc Warren
Signature

8-24-22
Date

Joseph Warren
Print Name

Habeas Corpus
Title



Exhibit I-A

**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

September 22, 2021

Attorney: Public Defender
Clark County Public Defender
309 S 3rd Street Suite #2
Las Vegas NV 89101

Case Number: C-21-356232-1
Department: Department 21

Defendant: Joseph Napoleon Warren, III

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 To Withdraw Guilty Plea Agreement

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

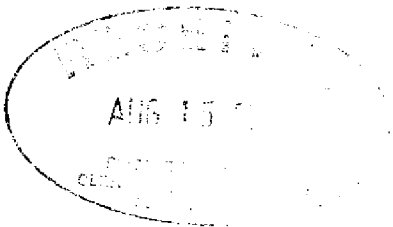


Exhibit 1B

1 Joseph N. Warren III

2 V

3 State of Nevada

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Case No. C-21-356232

Dept. No. 21

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Motion to Withdraw Guilty Plea Arrangement

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Your Honor, I would like to withdraw and or reconstruct the Guilty Plea Arrangement which was entered on 8-26-21. Due to the unexpectedness of the Arrangement, which was made over the phone...in the span of less than ten minutes. I feel that it wasn't an appropriate enough time to go over the Plea Arrangement. Also due to COVID-19 I was unable to read the Plea Arrangement myself, and I fear there could be Ambiguous wording which will disrupt the Arrangement.

I pray that in all fairness, that you will withdraw the Plea Arrangement, and allow me the opportunity to go over the Plea Arrangement properly, so that there can be no discrepancy.

Respectfully Submitted

Joseph N. Warren III 30127

P.O. Box 1650

Indian Springs, Nevada

89670

Joseph Warren 30127
P.O. Box 650
Indian Springs, NV
89090

LAS VEGAS NV 890
17 SEP 2021 PM 4 L

Thinking



FOREVER

Steven D. Erikson
Clerk of the Courts
200 Lewis Avenue 3rd Floor
Las Vegas, Nevada 89155

69101\$6300 0075

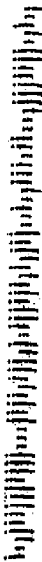


Exhibit I-C

SEP 16 2021
UNIT 5 C/D

Exhibit 2A

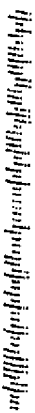
Joseph L. Lister / #301247
P.O. Box 650
Medical Services, NV
89250

LAS VEGAS NV 890
16 JUL 2021 PM 5 L



Steven D. Lister
Clerk of the Court
200 Lewis & Clark
Las Vegas, Nevada
89155

8910186300 0075



UNIT 5 A/B

JUN 08 2021

HIGH DESERT STATE PRISON

Exhibit 2B

1 State of Nevada	August 12, 2021 1:30 PM	FILED JUL 21 2021 CLERK OF COURT
2 Joseph W. Horrel III	Case No.	C-21-356232-1 Dept. 21
3 RECEIVED	JUL 20 2021	Supplement Motion to Dismiss Counsel
4 CLERK OF THE COURT	Facts	
<p>5 Your Honor I must bring to light of the Mockery thats being made</p> <p>6 of the Judicial system The two witnesses against me, who gave</p> <p>7 False testimony At my preliminary hearing, Was all a ruse put together</p> <p>8 by the D.A., Investigator T. Albright and my public Defender Dan</p> <p>9 Jenkins. On May 24th Investigating Officer T. Albright got on the witness</p> <p>10 stand and testified that he interviewed me At C.C.D.C., Arrested me,</p> <p>11 Read me the Miranda rights and booked me electronically. I told Mr.</p> <p>12 Jenkins that "I have never seen this man a day in my life." Every</p> <p>13 thing is recorded and monitored At C.C.D.C. "Video" evidence of March</p> <p>14 28th will prove that T. Albright was not/ neither of the two officers</p> <p>15 that interviewed me. The other person got on the witness stand</p> <p>16 looking like the "Invisible Man" His dress for court consisted of</p> <p>17 some sort of hat that covered most of his forehead, real big</p> <p>18 bifocal glasses... (seeing glasses) and a COVID Mask. Since</p> <p>19 my incident with Bruce Hagar, I have seen him on "3" three</p> <p>20 different occasions. When this person approached the witness</p> <p>21 stand, immediately I noticed that this person has lighter skin and</p> <p>22 the build of the body wasn't right. I asked Dan Jenkins to</p> <p>23 get a photo of the Alleged Victim, so we could compare it with</p> <p>24 the person giving testimony... and he ignored me... Police, I told</p> <p>25 him that wasn't right and that we must talk... and I haven't spoken</p> <p>26 to him since. When I got back to prison, I conducted my own</p>		

Exhibit 2C

1 investigation and came to the realization that the person
2 that was on the witness stand committing perjury was
3 Bruce Agard Jr. the son of Bruce Agard Sr. My Alleged
4 Victim. Unlike my preliminary hearing, I have photos of
5 the father and the son. The son wears bifocals the father
6 does not. The father is more my complexion, the son is of
7 lighter skin tone. I was bound over with no evidence
8 ...it's always pictures at a preliminary hearing. A photo
9 would have shown that Bruce Agard Sr. the Alleged Victim
10 was not present in the court room and I pray that I have
11 done that today. I will bring photos to court.
12 Without my knowledge or consent, Don Jenkins has been
13 discussing my case with Debra Mason. He told her that I
14 couldn't win, I confessed and that I called myself degrading
15 some other woman's honor. He's created strife between us.
16 Debra Mason sent him photos of the Agards behind my
17 back. In retrospect it shows that he had knowledge.
18 Even though Don Jenkins could have took what I said in
19 court along with the photos and used them for my defense
20 he decided to cover it up and keep his conversations
21 with Debra Mason a secret from me.
22 Your Honor, my intentions were never meant to disrespect
23 you or the court, I've been trying to speak since May 24th
24 desperate to convey this wrong... felt like being muffled
25 while being buried alive. Respectfully Submitted
26 Joseph H. Warren III 30729
27 P.O. Box 650
28 INDIAN SPRINGS, NY, 89070

Exhibit 3A

1 State of Nevada

Case No. 21-356232-1

2 V
3 Joseph N. Warren III

Case No. 21-CR-015138

Dept No. 21

FILED

JUL 28 2021

CLERK OF COURT

4
5 Second Supplement to
6 Motion to Dismiss Counsel
7

8 Your Honor, With All due respect I submit these photos of
9 the Agards. Exhibit #1 Is Bruce Agard JR. ON May 24th
10 2021, Bruce Agard JR committed Perjury at my preliminary
11 hearing. When he got on the Witness stand AND claimed
12 to be his father. Video footage from 5-24-21 of Prelimin-
13 ary hearing, will show that he did commit Perjury. The
14 bifocals he wore in court, were bigger AND thicker
15 than the pair in this photo. He did mention that his eyes
16 got worse. Exhibit #2 Is Bruce Agard SR. Whom the
17 son was impersonating. Bruce Agard SR darker complexion
18 And he does not wear bifocals.
19

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28
CLERK OF THE COURT

RECEIVED
JUL 26 2021

Respectfully Submitted

Joseph N. Warren III #30927

P.O. Box 650

Indian Springs, NY. 89070

Exhibit 3 B Bruce Agar JMR



Exhibit 3 C Bruce Aard SR



Exhibit 4-A

HIGH DESERT STATE PRISON
JUL 12 2021
UNIT 5 A

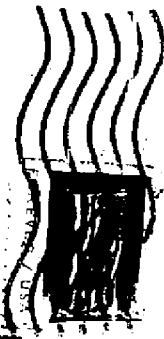
RETURNED
UNFILED
AUG 15 2022
ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY DEPUTY CLERK

Joseph L. Brown
P.O. Box 655
Indian Springs, NV
89070

RECEIVED
JUL 26 2021
CLERK OF THE COURT
89101-630000

Steven D. Liffel
Clerk of the Court
200 Lewis Avenue, Ste 100
Las Vegas, Nevada
89101

LAS VEGAS NV 890
20 JUL 2021 PM 5 L



AUG 15 2022



Exhibit 4B

**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

July 28, 2021

Attorney: Public Defender
Clark County Public Defender
309 S 3rd Street Suite #2
Las Vegas NV 89101

Case Number: C-21-356232-1
Department: Department 21

Defendant: Joseph Napoleon Warren, III

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 To Dismiss Case**

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

1 State of Nevada
2 V
3 Joseph N. Warren III

Case No. 21-356232-1
Case No. 21-CR-015138
Dept No. 21

4
5 Motion to Dismiss Case No. 21-CR-015138
6 21-356232-1

7 Facts

8
9 Your Honor, the day after my incident with Bruce Agard
10 d^{SR}, He sent two photos of himself in the hospital
11 to D'Lynn Dorsey. Detective T. Albright said in his
12 report that he conducted an interview with Bruce Agard
13 d^{SR} at the hospital and later made contact with Bruce
14 Agard ^{SR}. Detective T. Albright and myself both saw
15 Bruce Agard ^{SR} the day after the incident, the only
16 difference is that Detective T. Albright was in person
17 while I looked at the two photos. Therefore on May 24th
18 2021 at my preliminary hearing, Detective T. Albright knew
19 that his co-witness was in fact Bruce Agard ^{SR} and they
20 both committed perjury. Both of these witnesses are state
21 witnesses put in place by the D.A., Forgive me your Honor
22 for I can't find her name on any document, she also had
23 to know that it was Bruce Agard ^{SR}. And the way how
24 my public defender Dan Jenkins ignored me twice when I
25 asked him to produce a photo so that we could compare
26 it to the person testifying against me, the way how he
27 reacted when I told him "that isn't Agard, we need to talk"
28 and his constant non-action on my behalf shows that he

CLERK OF THE COURT

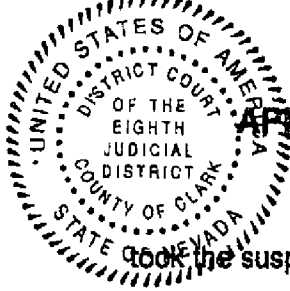
RECEIVED
JUL 26 2021

Exhibit 4C

1 Also knew that Bruce Board JR Was committing perjury.
2 I once read that: "IF A defendant can NOT be convicted
3 fairly, then he should not be convicted AT ALL!" How is it
4 in the midst of prosecuting me, the opposition breaks the
5 law... AND I go to trial? IN light of Prosecutorial Mis-
6 conduct, Perjury, egregious ineffective assistance of counsel
7 and multiple Constitutional Violations... Your Honor I humbly
8 beseech that you Will dismiss this case.
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28

Respectfully Submitted
Joseph N. Warren III 30121
P.O. Box 650
Indian Springs, NV
89070

3/8/2021



LAS VEGAS METROPOLITAN POLICE DEPARTMENT

APPLICATION AND AFFIDAVIT FOR SEARCH WARRANT

(Continuation)

Event #: LLV200900120334

Exhibit #5

CERTIFIED COPY
ELECTRONIC SEAL (NRS 1.190(3))

took the suspect to the bedroom and then to the kitchen. Bruce grabbed a kitchen knife

but the suspect punched Bruce over 10 times and struck Bruce with a crowbar twice.

Bruce eventually passed out. Bruce described the suspect as a black male adult 5'6" to 5'9", 180 to 215 pounds, wearing dark clothing, and had shoulder length corn rows.

Bruce did not notice if anything was taken and Bruce did not have any money. As a result of the attack Bruce sustained a laceration on the left side of his head, a broken nose, and bruising to the face.

Detective Albright contacted, via telephone, Bruce Agard Jr. Bruce Agard Jr confirmed had had recently moved his belongings from his father's house and move to Orlando. Bruce Agard Jr did not know who would have attacked his father.

On September 30, 2020 Bruce Agard was released from UMC hospital. Detectives Albright and Villagrana met in person with Bruce at his apartment. Bruce had located a crowbar under the kitchen table and notified Detective Albright. Bruce did not touch or tamper with the crowbar. The crowbar is shown in photographs taken when the crime scene was processed on September 28, 2020 but was missed by Detectives. Crime Scene Analyst A. Wapneksi PN17536 responded and recovered the crowbar. Bruce Agard provided a DNA sample that was collected via buccal swab. Bruce could not provide detectives with any further description of the suspect. Bruce did confirm the suspect did not take any of his property.

On October 7, 2020, the crowbar was submitted for evidentiary testing. On November 16, 2020 DNA testing results returned. There were four DNA contributors found on the crowbar and one of the contributors was Bruce Agard. Two portions of the mixture DNA

Exhibit 6A

1 Joseph N. Warren III

2 VS

Case NO. 21-356232-7

3 State of Nevada

DeP NO. 21

4

5

Motion to Represent Myself

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Your Honor, My faith in the judicial system has been blown
Asunder. On August 5th 2021, I was awakened at 2:30 AM, At
3:00 AM I was placed in a cement holding cage. A little bit
After 4:00 AM I was brought a sandwich and an apple for
breakfast. The meat of my sandwich was tinged with a
green color, so I just ate the apple. At the hour of 6:00 AM
I was placed in belly chains and my ankles were shackled.
It was about 4:00 PM when I came before you, Aching,
hungry, tired, shackled, weary of mind, along with a headache
to a closed court room. As if it were a secret affair
to further hide the wrongness I was experiencing. To
listen to the lies of Dan Jenkins. You heard him say out
of his mouth that I beat someone with a crowbar....
And you want me to intrust my life to him?? The man was
prosecuting me right in front of you. Your Honor I don't know
Mr. Jenkins to not like him, and this was not an issue of
trial strategy. I was bringing to your attention, of a
crime and conspiracy that took place at my preliminary
hearing on May 24 2021. I showed you proof of who
committed perjury, I showed you proof of whom I
initially fought. And you disregarded all of that T

See Exhibit 6D3E

For line 28 has been
conveniently altered, blanked??

Exhibit 6B

1 front of you, that I told him at my Preliminary hearing
2 that, "that isn't regard, we need to talk." And in the midst
3 of all this... in nearly "3" three months of having this infor-
4 mation... Mr. Jenkins' non-action on my behalf is apparent.
5 Granted, I'm not a decorated scholar of law... but when
6 the opposition presents a false victim and commits perjury
7 at a Preliminary Hearing... the structure is broken and
8 there should be no trial... Surely I'm being made to be
9 a victim of a modern day lynching.

10 Your Honor... I invoke my right to defend myself.

11
12
13 Respectfully Submitted
14 Joseph N. Hurst III
15 P.O. Box: 650
16 Indian Springs, NV
17 89070
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Exhibit 46C

Electronically Filed
8/18/2021 1:05 PM
Steven D. Grierson
CLERK OF THE COURT

Steven D. Grierson

DARIN F. IMLAY, PUBLIC DEFENDER
NEVADA BAR NO. 5674
309 South Third Street, Suite 226
Las Vegas, Nevada 89155
(702) 455-4685
Attorneys for Defendant

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

v.

JOSPEH NAPOLEON WARREN,

Defendant,

CASE NO. C-21-356232-1

DEPT. NO. XXI

DATE: August 24, 2021
TIME: 1:30 p.m.

DEFENDANT'S MOTION TO DISMISS COUNSEL

TO: CLARK COUNTY DISTRICT ATTORNEY, Attorney for Plaintiff

YOU WILL PLEASE TAKE NOTICE that the Public Defender's Office requests that the above entitled matter be placed on calendar on the August 24, 2021, at 1:30 p.m. in District Court Department No. XXI, for the purpose of the attached motion dismissing counsel.

DATED this 18th day of August, 2021.

DARIN F. IMLAY
CLARK COUNTY PUBLIC DEFENDER

By: /s/Daniel R. Jenkins
DANIEL R. JENKINS, #10375
Deputy Public Defender

CERTIFICATE OF ELECTRONIC SERVICE

I hereby certify that service of the above and forgoing MOTION was served via electronic e-filing to the Clark County District Attorney's Office at motions@clarkcountynvda.com on this 18th day of August, 2021.

By: /s/Kristina A. Byrd
An employee of the
Clark County Public Defender's Office

Exhibit 60

Joseph N. Warren III

VS

State of Nevada

Case No. 21-356232-1

Dept No 21

Motion to Represent Myself

Your Honor, My faith in the judicial system has been blown ASUNDER. On August 5th 2021 I was AWAKENED AT 2:30 AM. At 3:00 AM I was placed in a cement holding cage. A little bit after 4:00 AM I was brought a sandwich and an apple for breakfast. The meat of my sandwich was tinged with a green color, so I just ate the apple. In the hour of 6:00 AM I was placed in belly chains and my ankles were shackled.

It was about 4:00 PM when I came before you, Aching, hungry, tired, shackled, weary of mind, along with a headache to a closed court room... AS if it were a secret AFFAIR, to further hide the wrongness I was experiencing. To listen to the lies of ERN JENKINS. You heard him say out of his mouth that I beat someone with a crowbar ... And you want me to intrust my life to him?? The man was prosecuting me right in front of you, Your Honor I don't know Mr. Jenkins to not like him, and this was not an issue of trial strategy. I was bringing to your attention, of a crime and conspiracy that took place at my preliminary hearing on May 24, 2021. I showed you proof of who committed perjury, I showed you proof of whom I actually fought, and you disregarded

Exhibit ~~2~~
6E ~~2~~

1 All of what I said. Even when Dan Jenkins admitted
2 in front you, that I told him at my preliminary hearing
3 that, "that isn't Agard, we need to talk." And in the
4 midst of all this... in nearly "3", three months of having
5 this information... Mr. Jenkins' non-action on my behalf
6 is apparent. Granted, I'm not a decorated scholar
7 of law... but when the opposition presents a false
8 victim and commits perjury at a preliminary hearing
9 ... the structure is broken and there should be no
10 trial... Surely I'm being made to be a victim of
11 a modern day lynching.

12 Your Honor... I invoke my right to defend myself.

13
14
15 Respectfully Submitted
16 Joseph N. Warren III
17 P.O. Box: 650
18 Indian Springs, NV
19 89070
20
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Exhibit 7A

RJC COURTROOM 16C
REGIONAL JUSTICE CENTER
200 LEWIS AVE
LAS VEGAS, NV 89101

State of Nevada

C-21-356232-1

Plaintiff

-vs-

Joseph N. Warren III

Defendant

AFFIDAVIT

I, Debra Mason, of Las Vegas, in Clark, Nevada, MAKE OATH AND SAY THAT:

1. I Debra Mason do state that on May 26, 2021. I had a phone conversation with Daniel Jenkins regarding Joseph Warren's case. I sent Mr. Jenkins a message From my phone explaining that Mr. Warren had expressed to me that the person Who showed up and testified in court on May 24, 2021 was not the person who? That was accusing him of this crime. I attached pictures of Bruce Agard Sr. And Bruce Agard Jr. Mr. Jenkins called me back and we discussed Mr. Warren's case He stated that it is hard to defend someone that has confessed to the police And I don't see a win in this and said that he should take the plea deal he briefly

Exhibit 7E

Explained to me what that consisted of. This conversation was had without Mr. Warren's permission. Mr. Jenkins and I had several conversations from May 26, 2010 to our last conversation on July 02, 2021. Mr. Jenkins called me on 07/02/21 and asked if I had spoken to Mr. Warren. I told him I had and he was suppose to call me back if he could. Mr. Jenkins went on to ask me if Mr. Warren Had intended on accepting the plea deal so he could send the paperwork to him To get things started. Mr. Warren had a court date scheduled for 07/06/2021 Mr. Jenkins said he would be out of town for the holiday weekend and he was Not sure if he would make it back by the court date. He wanted Mr. Warren to try To set up a phone schedule with the prison guard so he could call Mr. Jenkins on July 12, 2021 between 2 and 4pm. Because due to the covid restrictions being lifted he Would have to go to the prison in order to talk with Mr. Warren because they could not Arrange phone call to the inmates anymore.

Exhibit 7C

STATE OF NEVADA

COUNTY OF CLARK

SUBSCRIBED AND SWORN TO BEFORE ME,
on the 19th day of August, 2021

Signature Jackie Plover
(Seal)

NOTARY PUBLIC

My Commission expires:

APRIL 19, 2025

Debra Mason
(Signature)

Debra Mason

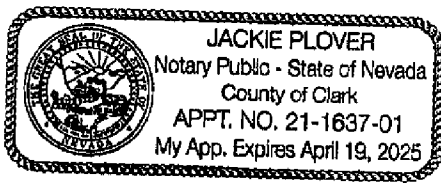
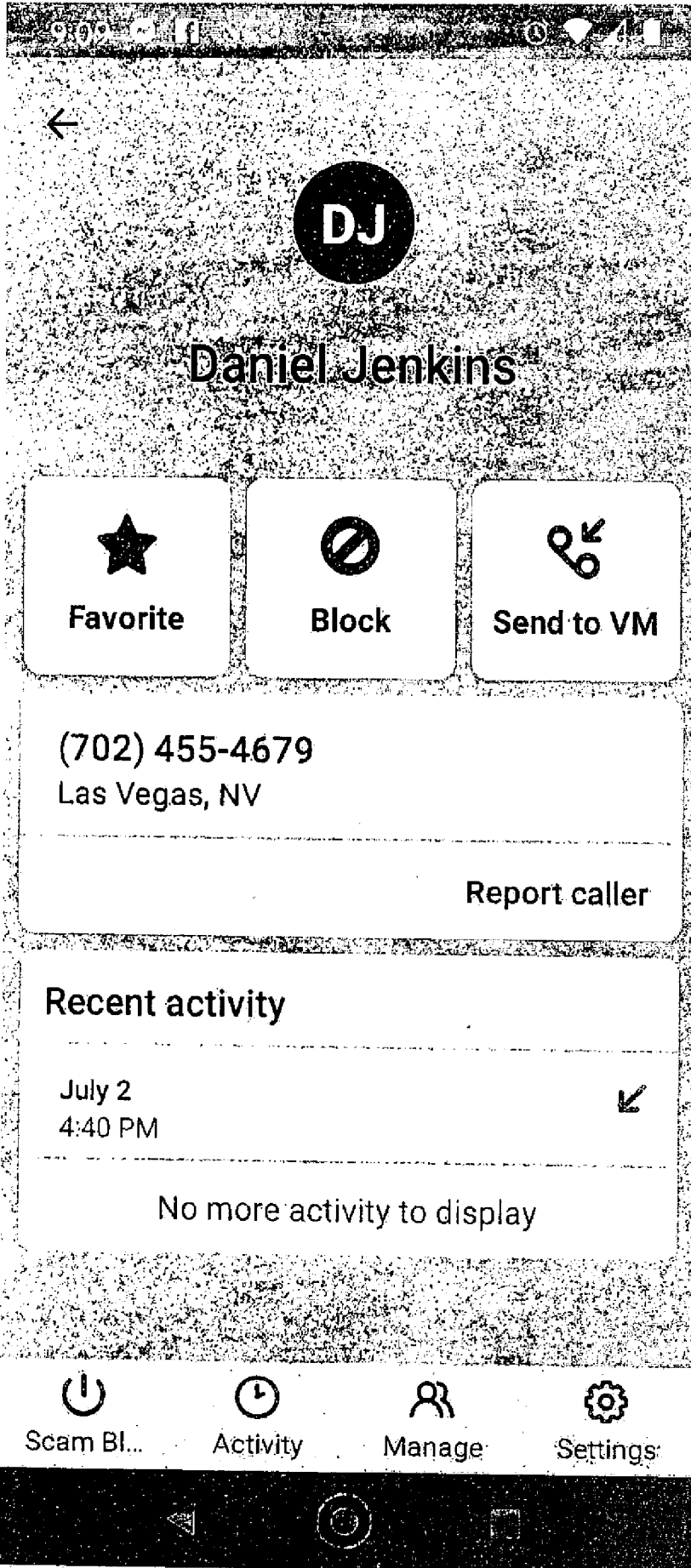


Exhibit #
M-I



12:51

U W A

Daniel Jenkins

May 26, 6 12 AM

Conversation with Daniel Jenkins



Hello Mr Jenkins. My new is Debra Mason. I am Joseph, Warren fiance. He explained to me yesterday that the gentleman that showed up in court was not the guy that accused him of the altercation. So I am sending you these pictures of the person and his son who has the same name. Please let Joseph know I sent you the pictures. Would you please ask him to give you permission to talk to me about his case. Thank you J.



12:51 PM
 Daniel Jenkins
 Dear Agent Michael (in love with me)
 May 26, 2021



Send message

 Exhibit #
 7-E



Mikey

(725) 236-9048

Incoming calls

Exhibit #

Jul 3



Caron

(702) 884-4795



Jul 2

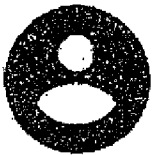


Daniel Jenkins

(702) 455-4679



Jul 2

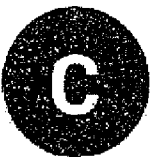


Securus Tech

Prison/Jail



Jul 2



Caron

(702) 884-4795



Jul 2



Paul

(702) 503-1297



Jul 2

PAGE 1 OF 1
ID# 582861
JUVENILE ☐ DNA SAMPLE TAKEN ☐ NEW? ☐
CO. SGT APPROVAL ☐ PREBOOK ☐ ABSENTIA ☐ FORM 6 ☐ MDOC ☐ EXT TO LAS VEGAS ☐ LVC ☐ HND ☐ NLV ☐ COURTNEY HOLD ☐ DETAINER

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
TEMPORARY CUSTODY RECORD
(* DENOTES OFFICER REQUIRED FIELD)

843411
ARREST DATE: 3/25/2021
EVENT #: 1LV210300117707
ARREST TIME: 11:00
TCR# 128394

INTEK NAME (AKA, ALIAS, ETC.) LAST FIRST MIDDLE
WARREN JOSEPH
HOME ADDRESS (STREET # AND STREET NAME) 4429 LAWRENCE DRIVE
DATE OF BIRTH 1/18/1972 RACE N HISP ETHN M SEX M HEIGHT 5'11" WEIGHT 169 HAIR BLK EYES BRO
LOCATION OF CRIME (STREET ADDRESS, CITY, STATE, ZIP) 121 NORTH NELLIS BOULEVARD LAS VEGAS NEVADA 89110
ARR TYPE PC COURT JURIS PB WARRANT # / CASE # 89C091622-2 CTS 1 NOC CODE 54455 CATEGORY F
ARREST FOR VIOL OF COND OF PAROLE
MURDER IN THE 1st DEGREE
FILE L-19-4434
OTHER JURISDICTION: PC - PROBABLE CAUSE BS - BONDSMAN SURRENDER BW - BENCH WARRANT AW - ARREST WARRANT RM - REMAND GJ - GRAND JURY INDICTMENT

03-25-21 1954 DSD RECORDS
TIME STAMP AT BOOKING
ARRESTING OFFICER SIGNATURE K MORGAN
PRINTED NAME K MORGAN
TRANSFERRING OFFICER SIGNATURE
PRINTED NAME
WARREN, JOSEPH NAPOLEON III
DOB: 01/18/1972 AGE: 49 M / B
BRO BLK 5'11 169 DOA: 03/25/2021
ID#: 00982861
CUSTODY RELEASED TO
INMATE
FIRST APP DATE: 3/25/2021
TIME: 11:00
COURT: JUSTICE
MUNICIPAL JUVENILE
STD BAIL O.R. REL
JUDGE: PC JLN
REL REV P#

DOC DIST P#
MID: RT LT RI L SCORE: 9991 2779
POLICE RECORDS COPY COURTS COPY DSD RECORDS COPY PROCESSING COPY
IN RT LT RI L SCORE: 9822861

EXHIBIT 8

1 APPL

2 NAME

3 P.O. Box 1650

4 ADDRESS

5 Indian Springs, Nevada 89070

6 CITY, STATE, ZIP CODE

7 TELEPHONE

8 IN PROPER PERSON

9 CLARK DISTRICT COURT
10 COUNTY, NEVADA

11 STATE OF Nevada

12 Plaintiff,

13 vs.

14 Joseph N. Warren III

15 Defendant

Case No.: _____

Dept. No.: _____

17 **APPLICATION TO PROCEED INFORMA PAUPERIS**
18 (Filing Fees/Service Only)

19 Pursuant to NRS 12.015, and based on the following Affidavit, I request
20 permission from this Court to proceed without paying court costs or other costs and fees
21 as provided in NRS 12.015, because I lack sufficient financial ability.
22
23
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28

**RETURNED
UNFILED**

AUG 15 2022

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY DEPUTY CLERK

AFFIDAVIT

STATE OF NEVADA)
) ss.
COUNTY OF CLARK)

I, Joseph N. Warren, after being duly sworn, depose and state as follows:

I wish to file with this Court the pleading submitted with this Application. I cannot pay the filing fees and costs of this action because I lack sufficient income, assets, or other resources. Including myself, there are 0 adults and 0 children age(s) _____ in my household.

My total monthly income is:

From all sources including employment, self-employment, social security, child support, etc
Any other household income from another member of the household is

\$ 0
\$ 0

My employer is None located at _____, my job title is _____

The following represents a list of all of my assets and their value:

Automobile	Value	Loan Balance
<u>None</u>	\$ <u>0</u>	\$ <u>0</u>
YEAR, MAKE, AND MODEL		
Mobile Home, House or Other Real Estate		
<u>0</u>	\$ <u>0</u>	\$ <u>0</u>
SIZE, TYPE, AND YEAR		
Bank Accounts	Value	Loan Balance
<u>0</u>	\$ <u>0</u>	\$ <u>0</u>
NAME OF BANK AND TYPE OF ACCOUNT		
<u>0</u>	\$ <u>0</u>	\$ <u>0</u>
NAME OF BANK AND TYPE OF ACCOUNT		
Other		
<u>0</u>	\$ <u>0</u>	\$ <u>0</u>
DESCRIPTION		

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_____ \$ 0 _____ \$ 0
_____ \$ 0 _____ \$ 0

The following represents my total monthly expenses:

Rent or Mortgage		\$ <u>0</u>
Phone, Gas, Electricity, and Other Utilities		\$ <u>0</u>
Food		\$ <u>0</u>
Child Care		\$ <u>0</u>
Insurance		\$ <u>0</u>
Medical		\$ <u>0</u>
Transportation		\$ <u>0</u>
Other: Auto Insurance		\$ <u>0</u>
None		\$ _____
TOTAL MONTHLY EXPENSES		\$ <u>0</u>

I request the Court hold a hearing on this Application if the Court is inclined to deny same, so that I may testify as to my indigent status. I declare under penalty of perjury that the foregoing is true and correct.

DATED this 3 day of JUNE, 2022

Joseph N. Warren III
(Signature)

1 APPL

2 NAME

3 P.O. Box 650

4 ADDRESS

5 Tropic Springs, NV. 89070

6 CITY, STATE, ZIP CODE

7 TELEPHONE

8 IN PROPER PERSON

9 CLARK DISTRICT COURT
10 COUNTY, NEVADA

11 State of Nevada

12 Plaintiff,

13 vs.

14 Joseph N. Warren III

15 Defendant

Case No.: _____

Dept. No.: _____

17 **ORDER TO PROCEED IN FORMA PAUPERIS**

18 (Filing Fees/Service Only)

19 Upon consideration of _____'s Application to Proceed in Forma
20 Pauperis and it appearing that there is not sufficient income, property, or resources with
21 which to maintain the action and good cause appearing therefore:

22 **IT IS HEREBY ORDERED,**

23 1. That _____, shall be permitted to proceed in
24 Forma Pauperis with this action as permitted by NRS 12.015.

25 2. That _____ shall proceed without the prepayment costs or
26 fees or the necessity of giving security, and the Clerk of the Court may file or issue any
27 necessary writ, pleading or paper without charge.

28 3. That the Sheriff or other appropriate officer within this State shall make
personal service of any necessary writ, pleading or paper without charge.

49

CERTIFICATE OF SERVICE BY MAILING

I, Joseph Napoleon Warren III hereby certify, pursuant to NRCP 5(b), that on this 3rd day of JUNE, 2012, I mailed a true and correct copy of the foregoing, "Application to Proceed In Forma Pauperis"

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

~~STACY D. LUTHERN~~
~~CLERK OF THE COURT~~
~~200 LEWIS AVENUE~~
~~LAS VEGAS, NEVADA~~
~~89155~~

STACY D. LUTHERN
CLERK OF THE COURT
200 LEWIS AVENUE
LAS VEGAS, NEVADA
89155

CC: FILE

DATED: this 3rd day of JUNE, 2012

Joseph Napoleon Warren III
Joseph Napoleon Warren # 30127
/In Propria Personam
Post Office box 650 [HDSP]
Indian Springs, Nevada 89018
IN FORMA PAUPERIS:

FINANCIAL CERTIFICATE

I request that an authorized officer of the institution in which I am confined, or other designated entity, such as Inmate Services for the Nevada Department of Prisons (NDOC), complete the below Financial Certificate.

I understand that:

(1) if I commence a petition for writ of habeas corpus in federal court pursuant to 28 U.S.C. § 2254, the filing fee is \$5.00, and that such fee will have to be paid by me if the court denies my *in forma pauperis* application;

(2) if I commence a civil rights action in federal court pursuant to 42 U.S.C. § 1983, the filing fee is \$400.00 (which includes the \$350 filing fee and a \$50 administrative fee), which I must pay in full; and

(a) if my current account balance (line #1 below) is \$400.00 or more, I will not qualify for *in forma pauperis* status and I must pay the full filing fee of \$400.00 before I will be allowed to proceed with the action;

(b) if I do **NOT** have \$400.00 in my account as reflected on line #1 below, before I will be allowed to proceed with an action I will be required to pay 20% of my average monthly balance (line #2 below), or the average monthly deposits to my account (line #3 below), whichever is greater, and thereafter I must pay installments of 20% of the preceding month's deposits to my account in months that my account balance exceeds \$10.00 (if I am in the custody of the NDOC, I hereby authorize the NDOC to make such deductions from deposits to my account, and I further understand that if I have a prison job, then the 20% of my paycheck that is guaranteed to me as spendable money will be sent to the court for payment of the filing fee); and

(c) I must continue to make installment payments until the \$350.00 filing fee is fully paid, without regard to whether my action is closed or my release from confinement. The \$50 administrative fee will be waived only if I am granted permission to proceed *in forma pauperis*.

Type of action (check one): ☐ civil rights

☒ habeas corpus

Joseph Warren
INMATE NAME (printed)

Joseph Warren #307217
SIGNATURE & PRISON NUMBER

1. CURRENT ACCOUNT BALANCE	<u>\$ 4.55</u>
2. AVERAGE MONTHLY BALANCE*	<u>\$ 44.33</u>
3. AVERAGE MONTHLY DEPOSITS*	<u>\$ 13.33</u>
4. FILING FEE (based on #1, #2 or #3, whichever is greater)	<u>\$ 5.00</u>

* for the past six (6) months, from all sources, including amount in any savings account that is in excess of minimum amount that must be maintained

I hereby certify that as of this date, the above financial information is accurate for the above named inmate.

(Please sign in ink in a
color other than black.)

12.17.2021
DATE

J. M. Laughlin
AUTHORIZED OFFICER
IA3-JSBS
TITLE

Financial Certificates
0030727 - WARREN, JOSEPH N
(6/18/2021 - 12/17/2021)

Date	Description	Deposit	Withdrawal	Balance
06/18/2021	Opening Balance			\$112.44
06/19/2021	Phone Credit		(\$2.00)	\$110.44
06/27/2021	Phone Credit		(\$5.00)	\$105.44
07/09/2021	Commissary		(\$43.20)	\$62.24
07/21/2021	Commissary Refund	\$1.73		\$63.97
07/21/2021	Trust 2		(\$1.73)	\$62.24
07/23/2021	Trust 2	\$1.73		\$63.97
07/23/2021	Commissary		(\$12.10)	\$51.87
07/30/2021	Commissary		(\$23.93)	\$27.94
08/06/2021	Commissary		(\$18.14)	\$9.80
08/09/2021	Commissary Refund	\$23.93		\$33.73
08/09/2021	Trust 2		(\$23.93)	\$9.80
08/13/2021	Trust 2	\$23.93		\$33.73
08/13/2021	Commissary		(\$33.68)	\$0.05
09/13/2021	Keefe	\$150.00		\$150.05
09/13/2021	Savings		(\$15.00)	\$135.05
09/14/2021	Phone Credit		(\$5.00)	\$130.05
09/17/2021	Commissary		(\$72.67)	\$57.38
09/20/2021	Phone Credit		(\$5.00)	\$52.38
09/22/2021	Keefe	\$40.00		\$92.38
09/22/2021	Savings		(\$4.00)	\$88.38
09/24/2021	Commissary		(\$59.87)	\$28.51
09/25/2021	Phone Credit		(\$8.00)	\$20.51
09/27/2021	Keefe	\$200.00		\$220.51
09/27/2021	Savings		(\$20.00)	\$200.51
10/01/2021	Commissary		(\$50.58)	\$140.93
10/07/2021	Phone Credit		(\$10.00)	\$130.93
10/08/2021	Commissary		(\$38.17)	\$92.76
10/15/2021	Commissary		(\$82.01)	\$10.75
11/19/2021	Commissary		(\$7.50)	\$3.25
11/20/2021	Phone Credit		(\$3.00)	\$0.25
12/10/2021	Keefe	\$50.00		\$50.25
12/10/2021	Savings		(\$5.00)	\$45.25
12/17/2021	Commissary		(\$40.70)	\$4.55
12/17/2021	Closing Balance			\$4.55

Date	Description	Deposit	Withdrawal	Balance
06/18/2021	Opening Balance			\$0.00
07/21/2021	Trust 2	\$1.73		\$1.73
07/23/2021	Trust 2		(\$1.73)	\$0.00
08/09/2021	Trust 2	\$23.93		\$23.93
08/13/2021	Trust 2		(\$23.93)	\$0.00
12/17/2021	Closing Balance			\$0.00

Financial Certificates

0030727 - WARREN, JOSEPH N

Date	Description	Deposit	Withdrawal	Balance
	No Activity			
06/18/2021	Opening Balance			\$0.00
12/17/2021	Closing Balance			\$0.00



Date	Description	Deposit	Withdrawal	Balance
06/18/2021	Opening Balance			\$32.76
09/13/2021	Savings	\$15.00		\$47.76
09/22/2021	Savings	\$4.00		\$51.76
09/27/2021	Savings	\$20.00		\$71.76
12/10/2021	Savings	\$5.00		\$76.76
12/17/2021	Closing Balance			\$76.76

Financial Certificates

0030727 - WARREN, JOSEPH N

Date	Daily Balance	Daily Deposit	Number Of Deposit
06/18/2021	\$112.44	\$0.00	0
06/19/2021	\$110.44	\$0.00	0
06/20/2021	\$110.44	\$0.00	0
06/21/2021	\$110.44	\$0.00	0
06/22/2021	\$110.44	\$0.00	0
06/23/2021	\$110.44	\$0.00	0
06/24/2021	\$110.44	\$0.00	0
06/25/2021	\$110.44	\$0.00	0
06/26/2021	\$110.44	\$0.00	0
06/27/2021	\$105.44	\$0.00	0
06/28/2021	\$105.44	\$0.00	0
06/29/2021	\$105.44	\$0.00	0
06/30/2021	\$105.44	\$0.00	0
07/01/2021	\$105.44	\$0.00	0
07/02/2021	\$105.44	\$0.00	0
07/03/2021	\$105.44	\$0.00	0
07/04/2021	\$105.44	\$0.00	0
07/05/2021	\$105.44	\$0.00	0
07/06/2021	\$105.44	\$0.00	0
07/07/2021	\$105.44	\$0.00	0
07/08/2021	\$105.44	\$0.00	0
07/09/2021	\$62.24	\$0.00	0
07/10/2021	\$62.24	\$0.00	0
07/11/2021	\$62.24	\$0.00	0
07/12/2021	\$62.24	\$0.00	0
07/13/2021	\$62.24	\$0.00	0
07/14/2021	\$62.24	\$0.00	0
07/15/2021	\$62.24	\$0.00	0
07/16/2021	\$62.24	\$0.00	0
07/17/2021	\$62.24	\$0.00	0
07/18/2021	\$62.24	\$0.00	0
07/19/2021	\$62.24	\$0.00	0
07/20/2021	\$62.24	\$0.00	0
07/21/2021	\$62.24	\$0.00	0
07/22/2021	\$62.24	\$0.00	0
07/23/2021	\$51.87	\$0.00	0
07/24/2021	\$51.87	\$0.00	0
07/25/2021	\$51.87	\$0.00	0
07/26/2021	\$51.87	\$0.00	0
07/27/2021	\$51.87	\$0.00	0
07/28/2021	\$51.87	\$0.00	0
07/29/2021	\$51.87	\$0.00	0
07/30/2021	\$27.94	\$0.00	0
07/31/2021	\$27.94	\$0.00	0
08/01/2021	\$27.94	\$0.00	0
08/02/2021	\$27.94	\$0.00	0
08/03/2021	\$27.94	\$0.00	0
08/04/2021	\$27.94	\$0.00	0
08/05/2021	\$27.94	\$0.00	0

Financial Certificates

0030727 - WARREN, JOSEPH N

Date	Daily Balance	Daily Deposit	Number Of Deposit
08/06/2021	\$9.80	\$0.00	0
08/07/2021	\$9.80	\$0.00	0
08/08/2021	\$9.80	\$0.00	0
08/09/2021	\$9.80	\$0.00	0
08/10/2021	\$9.80	\$0.00	0
08/11/2021	\$9.80	\$0.00	0
08/12/2021	\$9.80	\$0.00	0
08/13/2021	\$0.05	\$0.00	0
08/14/2021	\$0.05	\$0.00	0
08/15/2021	\$0.05	\$0.00	0
08/16/2021	\$0.05	\$0.00	0
08/17/2021	\$0.05	\$0.00	0
08/18/2021	\$0.05	\$0.00	0
08/19/2021	\$0.05	\$0.00	0
08/20/2021	\$0.05	\$0.00	0
08/21/2021	\$0.05	\$0.00	0
08/22/2021	\$0.05	\$0.00	0
08/23/2021	\$0.05	\$0.00	0
08/24/2021	\$0.05	\$0.00	0
08/25/2021	\$0.05	\$0.00	0
08/26/2021	\$0.05	\$0.00	0
08/27/2021	\$0.05	\$0.00	0
08/28/2021	\$0.05	\$0.00	0
08/29/2021	\$0.05	\$0.00	0
08/30/2021	\$0.05	\$0.00	0
08/31/2021	\$0.05	\$0.00	0
09/01/2021	\$0.05	\$0.00	0
09/02/2021	\$0.05	\$0.00	0
09/03/2021	\$0.05	\$0.00	0
09/04/2021	\$0.05	\$0.00	0
09/05/2021	\$0.05	\$0.00	0
09/06/2021	\$0.05	\$0.00	0
09/07/2021	\$0.05	\$0.00	0
09/08/2021	\$0.05	\$0.00	0
09/09/2021	\$0.05	\$0.00	0
09/10/2021	\$0.05	\$0.00	0
09/11/2021	\$0.05	\$0.00	0
09/12/2021	\$0.05	\$0.00	0
09/13/2021	\$135.05	\$150.00	1
09/14/2021	\$130.05	\$0.00	0
09/15/2021	\$130.05	\$0.00	0
09/16/2021	\$130.05	\$0.00	0
09/17/2021	\$57.38	\$0.00	0
09/18/2021	\$57.38	\$0.00	0
09/19/2021	\$57.38	\$0.00	0
09/20/2021	\$52.38	\$0.00	0
09/21/2021	\$52.38	\$0.00	0
09/22/2021	\$88.38	\$40.00	1
09/23/2021	\$88.38	\$0.00	0

Financial Certificates

0030727 - WARREN, JOSEPH N

Date	Daily Balance	Daily Deposit	Number Of Deposit
09/24/2021	\$28.51	\$0.00	0
09/25/2021	\$20.51	\$0.00	0
09/26/2021	\$20.51	\$0.00	0
09/27/2021	\$200.51	\$200.00	1
09/28/2021	\$200.51	\$0.00	0
09/29/2021	\$200.51	\$0.00	0
09/30/2021	\$200.51	\$0.00	0
10/01/2021	\$140.93	\$0.00	0
10/02/2021	\$140.93	\$0.00	0
10/03/2021	\$140.93	\$0.00	0
10/04/2021	\$140.93	\$0.00	0
10/05/2021	\$140.93	\$0.00	0
10/06/2021	\$140.93	\$0.00	0
10/07/2021	\$130.93	\$0.00	0
10/08/2021	\$92.76	\$0.00	0
10/09/2021	\$92.76	\$0.00	0
10/10/2021	\$92.76	\$0.00	0
10/11/2021	\$92.76	\$0.00	0
10/12/2021	\$92.76	\$0.00	0
10/13/2021	\$92.76	\$0.00	0
10/14/2021	\$92.76	\$0.00	0
10/15/2021	\$10.75	\$0.00	0
10/16/2021	\$10.75	\$0.00	0
10/17/2021	\$10.75	\$0.00	0
10/18/2021	\$10.75	\$0.00	0
10/19/2021	\$10.75	\$0.00	0
10/20/2021	\$10.75	\$0.00	0
10/21/2021	\$10.75	\$0.00	0
10/22/2021	\$10.75	\$0.00	0
10/23/2021	\$10.75	\$0.00	0
10/24/2021	\$10.75	\$0.00	0
10/25/2021	\$10.75	\$0.00	0
10/26/2021	\$10.75	\$0.00	0
10/27/2021	\$10.75	\$0.00	0
10/28/2021	\$10.75	\$0.00	0
10/29/2021	\$10.75	\$0.00	0
10/30/2021	\$10.75	\$0.00	0
10/31/2021	\$10.75	\$0.00	0
11/01/2021	\$10.75	\$0.00	0
11/02/2021	\$10.75	\$0.00	0
11/03/2021	\$10.75	\$0.00	0
11/04/2021	\$10.75	\$0.00	0
11/05/2021	\$10.75	\$0.00	0
11/06/2021	\$10.75	\$0.00	0
11/07/2021	\$10.75	\$0.00	0
11/08/2021	\$10.75	\$0.00	0
11/09/2021	\$10.75	\$0.00	0
11/10/2021	\$10.75	\$0.00	0
11/11/2021	\$10.75	\$0.00	0

Financial Certificates

0030727 - WARREN, JOSEPH N

Date	Daily Balance	Daily Deposit	Number Of Deposit	
11/12/2021	\$10.75	\$0.00	0	
11/13/2021	\$10.75	\$0.00	0	
11/14/2021	\$10.75	\$0.00	0	
11/15/2021	\$10.75	\$0.00	0	
11/16/2021	\$10.75	\$0.00	0	
11/17/2021	\$10.75	\$0.00	0	
11/18/2021	\$10.75	\$0.00	0	
11/19/2021	\$3.25	\$0.00	0	
11/20/2021	\$0.25	\$0.00	0	
11/21/2021	\$0.25	\$0.00	0	
11/22/2021	\$0.25	\$0.00	0	
11/23/2021	\$0.25	\$0.00	0	
11/24/2021	\$0.25	\$0.00	0	
11/25/2021	\$0.25	\$0.00	0	
11/26/2021	\$0.25	\$0.00	0	
11/27/2021	\$0.25	\$0.00	0	
11/28/2021	\$0.25	\$0.00	0	
11/29/2021	\$0.25	\$0.00	0	
11/30/2021	\$0.25	\$0.00	0	
12/01/2021	\$0.25	\$0.00	0	
12/02/2021	\$0.25	\$0.00	0	
12/03/2021	\$0.25	\$0.00	0	
12/04/2021	\$0.25	\$0.00	0	
12/05/2021	\$0.25	\$0.00	0	
12/06/2021	\$0.25	\$0.00	0	
12/07/2021	\$0.25	\$0.00	0	
12/08/2021	\$0.25	\$0.00	0	
12/09/2021	\$0.25	\$0.00	0	
12/10/2021	\$45.25	\$50.00	1	
12/11/2021	\$45.25	\$0.00	0	
12/12/2021	\$45.25	\$0.00	0	
12/13/2021	\$45.25	\$0.00	0	
12/14/2021	\$45.25	\$0.00	0	
12/15/2021	\$45.25	\$0.00	0	
12/16/2021	\$45.25	\$0.00	0	
Start Date	End Date	Total Daily Balances	Number Of Days	Average Monthly Balances
06/18/2021	07/17/2021	\$2,821.40	30	\$94.05
07/18/2021	08/17/2021	\$1,037.90	31	\$33.48
08/18/2021	09/17/2021	\$583.68	31	\$18.83
09/18/2021	10/17/2021	\$2,925.93	30	\$97.53
10/18/2021	11/17/2021	\$333.25	31	\$10.75
11/18/2021	12/17/2021	\$340.30	30	\$11.34
Start Date	End Date	Total Deposits	Number Of Deposits	Average Monthly Deposits
08/18/2021	09/17/2021	\$150.00	1	\$150.00
09/18/2021	10/17/2021	\$240.00	2	\$120.00
11/18/2021	12/17/2021	\$50.00	1	\$50.00

Current Account Balance:	12/17/2021	\$4.55
Average Monthly Account Balance:		\$44.33
Average Monthly Deposits:		\$73.33
Average Total Monthly Deposit:		\$53.33

RETURNED
UNFILED

AUG 15 2022

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY ~~DEPUTY CLERK~~

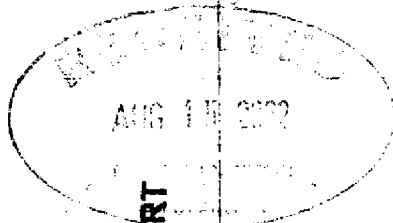
Clerk of the Court

Hello and how are you doing? This is my
second attempt to mail in the habeas corpus
Petition and this will be my second
Follow up letter from 8-17-22, so I am
sending the above mentioned documents to your
office. If you did not receive that letter, please
let me know, for I have copies. My situation has
not changed, but I have a broader understanding
of what's going on... These inmates are hapless
victims of a constant variation of...
Eager to earn the approval of someone in charge
of them... The staff of... are responsible for
the inmates and the deaths of many
lives... Not all the staff, but to do a very few
thousand.

Hopefully these documents will reach
your office, and I will close with those hopes.

Respectfully Submitted

Joseph A. Brown III



P.T.: A copy of the habeas corpus
Petition was mailed to the
District Attorney's office on
8/15/22. 8/23/22.

RECEIVED
SEP - 8 2022
CLERK OF THE COURT

RETURNED
UNFILED

AUG 15 2022

ELIZABETH A. BROWN
CLERK OF SUPREME COURT

BY ~~DEPUTY CLERK~~

Clerk of the Court

Well, and I'm not doing. This is my
last attempt to mail in the habeas corpus
last session. I apologize for the condition of the
envelope, but I have it in a padded
slip. Nothing else could be done. This has been
going on for two months straight.
Again I hope and pray that these documents
reach your office.

Respectfully Submitted

Joseph A. Brown III

RECEIVED

SEP - 8 2022

CLERK OF THE COURT

AUG 15 2022

DATE 8-11-22

SUPREME COURT #84290
DISTRICT COURT #356232

RETURNED
UNFILED

AUG 15 2022

ELIZABETH A. BROWN
CLERK OF SUPREME COURT

BY DEPUTY CLERK

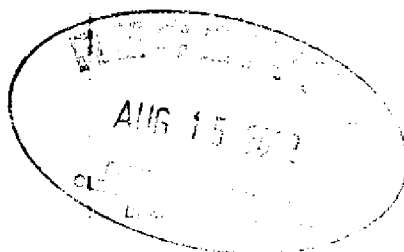
Clerk of the Court

Hello and how are you doing? This
is my 8th attempt to Mail this Habeas
Corpus (Post conviction). I feel that the
results will be favorable due to the
transfer to D.D.L.L.

Respectfully Submitted

Joseph N. Warren III

P.O. Box 208
Indian Springs NV
89070



J. Warren #307217
P.O. Box 208
Indian Springs, NV

89070



Label 107R, January 2008

RECEIVED
SEP - 8 2022
CLERK OF THE COURT

☐ CONFIDENTIAL

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

RECEIVED
SEP - 8 2022
CLERK OF THE COURT
☐ CONFIDENTIAL

CONFIDENTIAL

Southern Desert
Correctional Center
AUG 30 2022
OUTGOING MAIL

CONFIDENTIAL

Heather S. Smith
CLERK OF THE COURT

PPOW

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Joseph N Warren, III,

Petitioner,

vs.

Warden Nujera,

Respondent,

Case No: A-22-858403-W
Department 21

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

Petitioner filed a Petition for Writ of Habeas Corpus (Post-Conviction Relief) on September 15, 2022. The Court has reviewed the Petition and has determined that a response would assist the Court in determining whether Petitioner is illegally imprisoned and restrained of his/her liberty, and good cause appearing therefore,

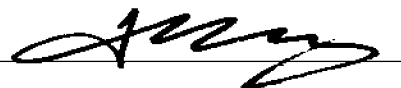
IT IS HEREBY ORDERED that Respondent shall, within 45 days after the date of this Order, answer or otherwise respond to the Petition and file a return in accordance with the provisions of NRS 34.360 to 34.830, inclusive.

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

Calendar on the 17th day of NOVEMBER, 2022, at the hour of

9:30 o'clock for further proceedings.

Dated this 16th day of September, 2022



District Court Judge

14A 44F 728C 6D87
Tara Clark Newberry
District Court Judge

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 Joseph Warren, III, Plaintiff(s)

CASE NO: A-22-858403-W

7 vs.

DEPT. NO. Department 21

8 Warden Nujera, Defendant(s)

9
10 **AUTOMATED CERTIFICATE OF SERVICE**

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

13
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
known addresses on 9/19/2022

16 Joseph Warren

#30727

SDCC

P.O. Box 208

Indian Springs, NV, 89070



RSPN
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
John Afshar
Chief Deputy District Attorney
Nevada Bar #14408
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Respondent

DISTRICT COURT
CLARK COUNTY, NEVADA

JOSEPH N WARREN III,

Petitioner,

CASE NO: A-22-858403-W

-vs-

C-21-356232-1

THE STATE OF NEVADA,

DEPT NO: XXI

Respondent.

STATE'S RESPONSE TO PETITIONER'S PETITION FOR
WRIT OF HABEAS CORPUS (POST-CONVICTION)

DATE OF HEARING: NOVEMBER 17, 2022

TIME OF HEARING: 9:30 AM

COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, Clark County District Attorney, through JOHN AFSHAR, Chief Deputy District Attorney, and hereby submits the attached Points and Authorities in Opposition to Petitioner's Petition for Writ of Habeas Corpus (Post-Conviction).

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

///

///

1 POINTS AND AUTHORITIES

2 STATEMENT OF THE CASE

3 On May 25, 2021, State filed an Information charging Joseph N Warren, III (hereinafter
4 "Petitioner") with Count 1—Residential Burglary while in Possession of a Deadly Weapon;
5 Count 2—Battery with Use of a Deadly Weapon Resulting in Substantial Bodily Harm, Victim
6 60 Years of Age or Older; Count 3—Attempt Murder with Use of a Deadly Weapon, Victim
7 60 Years of Age or Older; and Count 4—Attempt Robbery with Use of a Deadly Weapon,
8 Victim 60 Years of Age or Older.

9 On August 26, 2021, Petitioner entered a guilty plea to Attempt Battery with Substantial
10 Bodily Harm (Category D Felony/Gross Misdemeanor). Pursuant to a Guilty Plea Agreement,
11 State and Petitioner stipulated to a Gross Misdemeanor treatment, credit for time served, and
12 dismissal of all remaining counts. On September 20, 2021, the Judgment of Conviction was
13 filed, adjudicating Petitioner guilty under the Gross Misdemeanor statute, and sentencing him
14 to credit for time served.

15 On September 15, 2022, Petitioner filed the instant Petition For Writ Of Habeas Corpus
16 (Post-Conviction) (hereinafter "Petition").

17 ARGUMENT

18 This Petition must be denied because Petitioner had already completed the sentence
19 imposed in this case.

20 The ability to file a petition for post-conviction relief is authorized by NRS Chapter 34.
21 NRS 34.360 provides, "[e]very person unlawfully committed, detained, confined or restrained
22 of his or her liberty, under any pretense whatever, may prosecute a writ of habeas corpus to
23 inquire into the cause of such imprisonment or restraint." Further, NRS 34.724(1) plainly states
24 that a person "convicted of a crime and under sentence of death or imprisonment" may file a
25 post-conviction petition for writ of habeas corpus to challenge the conviction, the sentence, or
26 the computation of time served. The Nevada Constitution also provides, "[t]he District Courts
27
28

///

1 and the Judges thereof shall also have power to issue writs of Habeas Corpus on petition by,
2 or on behalf of any person who is held in actual custody in their respective districts, or who
3 has suffered a criminal conviction in their respective districts and *has not completed the*
4 *sentence imposed pursuant to the judgment of conviction.*" Nev. Const. art. 6 § 6(1) (emphasis
5 added).

6 The Nevada Supreme Court has held that "a post-conviction petition for a writ of habeas
7 corpus cannot be filed by a petitioner who is no longer under a sentence of death or
8 imprisonment for the conviction at issue." Coleman v. State, 130 Nev. 190, 193, 321 P.3d 863,
9 865-866 (2014); see NRS 34.724(1); see also Jackson v. State, 115 Nev. 21, 23, 973 P.2d 241,
10 242 (1999) (concluding that a petitioner was not entitled to file a post-conviction petition for
11 a writ of habeas corpus when he was no longer incarcerated pursuant to the judgment of
12 conviction contested).

13 Here, Petitioner cannot file a post-conviction petition for a writ of habeas corpus
14 because he is no longer under a sentence of imprisonment under this case. Petitioner entered a
15 guilty plea and was sentenced on August 26, 2021 to credit for time served. This imposed
16 sentence clearly expired well before this Petition was filed on September 15, 2022.

17 Accordingly, Petitioner was not eligible to file a post-conviction petition for a writ of
18 habeas corpus because his sentence was already expired in this case. Thus, this Petition must
19 be denied.
20

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1 CONCLUSION

2 Based on the foregoing arguments, Petitioner's Petition for Writ of Habeas (Post-Conviction)
3 must be DENIED.

4 DATED this 28th day of October, 2022.

5 Respectfully submitted.

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

9 BY 

10 JOHN AFSHAR
11 Chief Deputy District Attorney
12 Nevada Bar #14408

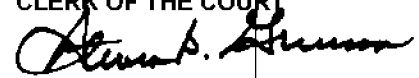
13 CERTIFICATE OF MAILING

14 I hereby certify that service of the above and foregoing was made this 28th day of
15 October, 2022, by depositing a copy in the U.S. Mail, postage pre-paid, addressed to:

16 JOSEPH WARREN, #30727
17 SOUTHERN DESERT CORRECTIONAL CENTER
18 P.O. BOX 208
INDIAN SPRINGS, NV, 89070

19 BY 

20 Secretary for the District Attorney's Office
21
22
23
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25
26
27
28



CNND

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Joseph Warren, III, Plaintiff(s)

A-22-858403-W

vs.

Department 21

Warden Nujera, Defendant(s)

CLERK'S NOTICE OF NONCONFORMING DOCUMENT

Pursuant to Rule 8(b)(2) of the Nevada Electronic Filing and Conversion Rules, notice is hereby provided that the following electronically filed document does not conform to the applicable filing requirements:

Title of Nonconforming Document:	Motion and Order for Transportation of Inmate for Court Appearance or, in the Alternative for Appearance by Telephone or Video Conference
Party Submitting Document for Filing:	Joseph Warren III
Date and Time Submitted for Electronic Filing:	11-23-2022 at 8:12AM

Reason for Nonconformity Determination:

- ☐ The document filed to commence an action is not a complaint, petition, application, or other document that initiates a civil action. *See* Rule 3 of the Nevada Rules of Civil Procedure. In accordance with Administrative Order 19-5, the submitted document is stricken from the record, this case has been closed and designated as filed in error, and any submitted filing fee has been returned to the filing party.

☐ The document initiated a new civil action and a cover sheet was not submitted as required by NRS 3.275.

☐ The document was not signed by the submitting party or counsel for said party.

☐ The document filed was a court order that did not contain the signature of a judicial officer. In accordance with Administrative Order 19-5, the submitted order has been furnished to the department to which this case is assigned.

☒ Motion does not have a hearing designation per Rule 2.20(b). Motions must include designation "Hearing Requested" or "Hearing Not Requested" in the caption of the first page directly below the Case and Department Number.

Pursuant to Rule 8(b)(2) of the Nevada Electronic Filing and Conversion Rules, a nonconforming document may be cured by submitting a conforming document. All documents submitted for this purpose must use filing code "**Conforming Filing – CONFILE.**" Court filing fees will not be assessed for submitting the conforming document. Processing and convenience fees may still apply.

Dated this: 23rd day of November, 2022

By: /s/ Michelle McCarthy

Deputy District Court Clerk

1 **CERTIFICATE OF SERVICE**

2

3 I hereby certify that on November 23, 2022, I concurrently filed and served a copy of the

4 foregoing Clerk's Notice of Nonconforming Document, on the party that submitted the

5 nonconforming document, via the Eighth Judicial District Court's Electronic Filing and Service

6 System.

7

8

9

10

11 By: /s/ Michelle McCarthy

12 Deputy District Court Clerk

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Alvin S. Shuman
CLERK OF THE COURT

Joseph N. Warren III

NDOC No. 30727

Joseph N. Warren III

In proper person

IN THE 8th JUDICIAL DISTRICT COURT OF THE
STATE OF NEVADA IN AND FOR THE
COUNTY OF CLARK

Joseph N. Warren III

Petitioner,

v.

Case No. A-22-858403-W

Warden Nulera

Dept. No. 21

Respondent.)

MOTION AND ORDER FOR TRANSPORTATION
OF INMATE FOR COURT APPEARANCE
OR, IN THE ALTERNATIVE,
FOR APPEARANCE BY TELEPHONE OR VIDEO CONFERENCE

Petitioner, *Joseph N. Warren III*, proceeding pro se, requests

that this Honorable Court order transportation for his personal appearance or, in the
alternative, that he be made available to appear by telephone or by video conference
at the hearing in the instant case that is scheduled for 17th day of November 2022

at 9:30 PM

RECEIVED
OCT 24 2022

CLERK OF THE COURT

1 In support of this Motion, I allege the following:

2 1. I am an inmate incarcerated at Southern Desert Correctional Center
3 My mandatory release date is 7/23/12.

4
5 2. The Department of Corrections is required to transport offenders to and
6
7 from Court if an inmate is required or requests to appear before a Court in this state.
8

9 NRS 209.274 Transportation of Offender to Appear Before Court states:

10 "1. Except as otherwise provided in this section, when an offender is
11 required or requested to appear before a Court in this state, the
12 Department shall transport the offender to and from Court on the day
13 scheduled for his appearance.

14 2. If notice is not provided within the time set forth in NRS 50.215, the
15 Department shall transport the offender to Court on the date scheduled
16 for his appearance if it is possible to transport the offender in the usual
17 manner for the transportation of offenders by the Department. If it is
18 not possible for the Department to transport the offender in the usual
19 manner:

20 (a) The Department shall make the offender available on the date scheduled
21 for his appearance to provide testimony by telephone or by video conference,
22 if so requested by the Court.

23 (b) The Department shall provide for special transportation of the offender to
24 and from the Court, if the Court so orders. If the Court orders special
25 transportation, it shall order the county in which the Court is located to
26 reimburse the Department for any cost incurred for the special transportation.

27 (c) The Court may order the county sheriff to transport the offender to and
28 from the Court at the expense of the county."

29 3. My presence is required at the hearing because:

1 ☐ I AM NEEDED AS A WITNESS.

2 My petition raises substantial issues of fact concerning events in which I
3 participated and about which only I can testify. *See U.S. v. Hayman*, 342 U.S.
4 205 (1952) (District Court erred when it made findings of fact concerning
5 Hayman's knowledge and consent to his counsel's representation of a witness
6 against Hayman without notice to Hayman or Hayman's presence at the
7 evidentiary hearing).

8 ☒ THE HEARING WILL BE AN EVIDENTIARY HEARING.

9 My petition raises material issues of fact that can be determined only in my
10 presence. *See Walker v. Johnston*, 312 U.S. 275 (1941) (government's contention
11 that allegations are improbable and unbelievable cannot serve to deny the
12 petitioner an opportunity to support them by evidence). The Nevada
13 Supreme Court has held that the presence of the petitioner for habeas corpus
14 relief is required at any evidentiary hearing conducted on the merits of the
15 claim asserted in the petition. *See Gebers v. Nevada*, 118 Nev. 500 (2002).

16 4. The prohibition against ex parte communication requires that I be present
17 at any hearing at which the state is present and at which issues concerning the claims
18 raised in my petition are addressed. U.S. Const. amends. V, VI.

19 5. If a person incarcerated in a state prison is required or is requested to
20 appear as a witness in any action, the Department of Corrections must be notified in
21 writing not less than 7 business days before the date scheduled for his appearance in
22 Court if the inmate is incarcerated in a prison located not more than 40 miles from
23 Las Vegas. NRS 50.215(4). If a person is incarcerated in a prison located 41 miles or
24 more from Las Vegas, the Department of Corrections must be notified in writing not
25 less than 14 business days before the date scheduled for the person's appearance in
26 Court.

27 6. S.D.L.F. is located approximately
28 45 miles from Las Vegas, Nevada.

1 7. If there is insufficient time to provide the required notice to the Department
2 of Corrections for me to be transported to the hearing, I respectfully request that this
3 Honorable Court order the Warden to make me available on the date of the
4 scheduled appearance, by telephone, or video conference, pursuant to NRS
5 209.274(2)(a), so that I may provide relevant testimony and/or be present for the
6 evidentiary hearing.

7 8. The rules of the institution prohibit me from placing telephone calls from
8 the institution, except for collect calls, unless special arrangements are made with
9 prison staff. Nev. Admin. Code DOC 718.01. However, arrangements for my
10 telephone appearance can be made by contacting the following staff member at my
11 institution: ~~AWO~~ *AWO*
12 whose telephone number is *N/A*

13
14 Dated this *18th* day of *October*, *2022*.

15 *Joseph Warren III*

16
17 *Joseph Warren III*
18
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CERTIFICATE OF SERVICE BY MAILING

I, Joseph N. Warren III, hereby certify, pursuant to NRCP 5(b), that on this 19th
day of October, 20 22 I mailed a true and correct copy of the foregoing, "Motion and
Order for Transportation of Inmate for Court Appearance"
by placing document in a sealed pre-postage paid envelope and deposited said envelope in the
United State Mail addressed to the following:

Steven D. Grierson
Clerk of the Court
200 Lewis Avenue, 2nd Floor
LAS VEGAS, NV
89155-1160

CC:FILE

DATED: this 19th day of October, 20 22.

Joseph Napoleon Warren III
Joseph Napoleon Warren III # 30729
/In Propria Personam
Post Office Box 208, S.D.C.C.
Indian Springs, Nevada 89018
IN FORMA PAUPERIS:

AFFIRMATION

Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding Motion and

Order for Transportation of Inmate for Court Appearance

(Title of Document)

filed in District Court Case number A-22-858403

☒ 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

Date _____

Print Name _____

Title

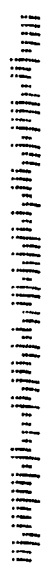
Joseph Warren #30227
P.O. Box 208
Adrian Springs, NV 89070

LAS VEGAS NV 890
19 OCT 2022 PM 5 L



Steven D. Grielson
200 Lewis Avenue 3rd Floor
Las Vegas, NV 89155-1160

000063-10168



Stump. Luman

1 Joseph Napoleon Warren III
2
3 State of Nevada
4

Case# 21-356232-1
A-22-858403-W

5 Notice of Appeal
6 From Denial of Post Conviction Relief
7

8 Appellant Comes before this Court Challenging
9 the Denial of His Constitutional Rights. Appellant
10 contends and prays that this Honorable Court will
11 rectify this miscarriage of justice that's been done
12 against him. The record will reflect the errors done
13 against Appellant
14
15
16
17
18
19

20 Respectfully
21 Submitted
22

23 Joseph N. Warren III
24 P.O. Box 1208
25 Indian Springs, NV
26 89070
27
28

CLERK OF THE COURT

RECEIVED
DEC 19 2022

80

CERTIFICATE OF SERVICE BY MAILING

I, Joseph N. Warren, hereby certify, pursuant to NRCP 5(b), that on this 13th
day of December, 2022, I mailed a true and correct copy of the foregoing, "Notice
of Appeal"

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

Steven D. Emerson
200 Lewis Avenue
2nd Floor
Las Vegas, Nevada 89155-1160

CC: FILE

DATED: this 13th day of December, 2022.

Joseph N. Warren
Joseph N. Warren

30727

In Propria Personam

Post Office Box 208, S.D.C.C.

Indian Springs, Nevada 89018

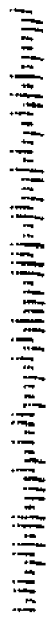
IN FORMA PAUPERIS:

Joseph N. Warren #30727
P.O. Box: 208
Indian Springs, NV 89070

LAS VEGAS NV 890
14 DEC 2022 PM 4 L



Steven D. Nielson
200 Lewis Avenue 3RD Floor
Las Vegas, Nevada 89155-1160



89101-630000



1 ASTA
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5

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

10 JOSEPH N. WARREN, III,

11 Plaintiff(s),

12 vs.

13 WARDEN NUJERA,

14 Defendant(s),
15

Case No: A-22-858403-W

Dept No: XXI

16
17 **CASE APPEAL STATEMENT**
18

19 1. Appellant(s): Joseph N. Warren, III

20 2. Judge: Tara Clark Newberry

21 3. Appellant(s): Joseph N. Warren, III

22 Counsel:

23 Joseph N. Warren, III #30727
24 P.O. Box 208
Indian Springs, NV 89070

25 4. Respondent (s): Warden Nujera

26 Counsel:

27 Steven B. Wolfson, District Attorney
28 200 Lewis Ave.
Las Vegas, NV 89155-2212

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

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

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

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

7 8. Appellant Granted Leave to Proceed in Forma Pauperis**: N/A
8 ***Expires 1 year from date filed*
9 Appellant Filed Application to Proceed in Forma Pauperis: No
Date Application(s) filed: N/A

10 9. Date Commenced in District Court: September 15, 2022

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

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

13 11. Previous Appeal: No

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

15 12. Child Custody or Visitation: N/A

16 13. Possibility of Settlement: Unknown

17 Dated This 21 day of December 2022.

18
19 Steven D. Grierson, Clerk of the Court

20
21 /s/ Amanda Hampton

22 Amanda Hampton, Deputy Clerk
23 200 Lewis Ave
24 PO Box 551601
Las Vegas, Nevada 89155-1601
(702) 671-0512

25 cc: Joseph N. Warren, III
26
27
28

Thomas J. Linn
CLERK OF THE COURT

FCL
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
JOHN AFSILAR
Chief Deputy District Attorney
Nevada Bar #014408
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,
Plaintiff,

-vs-

JOSEPH NAPOLEAN WARREN, III.,
#982861

Defendant.

CASE NO: A-22-858403-W
DEPT NO: C-21-356232-1
XXI

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

DATE OF HEARING: NOVEMBER 17, 2022
TIME OF HEARING: 9:30 AM

THIS CAUSE having come on for hearing before the Honorable TARA CLARK-NEWBERRY, District Judge, on the 17th day of November, 2022, the Petitioner not being present, proceeding in proper person, the Respondent being represented by STEVEN B. WOLFSON, Clark County District Attorney, by and through SKYLER L. SULLIVAN, Deputy District Attorney, and the Court having considered the matter, including briefs, transcripts, arguments of counsel, and documents on file herein, now therefore, the Court makes the following findings of fact and conclusions of law:

POINTS AND AUTHORITIES

STATEMENT OF THE CASE

On May 25, 2021, State filed an Information charging Joseph N Warren, III (hereinafter "Petitioner") with Count 1-Residential Burglary while in Possession of a Deadly Weapon;

1 Count 2-Battery with Use of a Deadly Weapon Resulting in Substantial Bodily Harm, Victim
2 60 Years of Age or Older; Count 3-Attempt Murder with Use of a Deadly Weapon, Victim 60
3 Years of Age or Older; and, Count 4-Attempt Robbery with Use of a Deadly Weapon, Victim
4 60 Years of Age or Older.

5 On August 26, 2021, Petitioner entered a guilty plea to Attempt Battery with Substantial
6 Bodily Harm (Category D Felony/Gross Misdemeanor). Pursuant to a Guilty Plea Agreement,
7 State and Petitioner stipulated to a Gross Misdemeanor treatment, credit for time served, and
8 dismissal of all remaining counts. On September 20, 2021, the Judgment of Conviction was
9 filed, adjudicating Petitioner guilty under the Gross Misdemeanor statute, and sentencing him
10 to credit for time served.

11 On September 15, 2022, Petitioner filed the instant Petition For Writ Of Habeas Corpus
12 (Post-Conviction) (hereinafter "Petition"). The State's Response was filed on October 20,
13 2022. This Court denied the Petition on November 17, 2022.

14 ARGUMENT

15 This Petition is denied because Petitioner had already completed the sentence imposed
16 in this case. The ability to file a petition for post-conviction relief is authorized by NRS
17 Chapter 34. NRS 34.360 provides, "[e]very person unlawfully committed, detained, confined
18 or restrained of his or her liberty, under any pretense whatever, may prosecute a writ of habeas
19 corpus to inquire into the cause of such imprisonment or restraint." Further, NRS 34.724(1)
20 plainly states that a person "convicted of a crime and under sentence of death or imprisonment"
21 may file a post-conviction petition for writ of habeas corpus to challenge the conviction, the
22 sentence, or the computation of time served. The Nevada Constitution also provides, "[t]he
23 District Courts and the Judges thereof shall also have power to issue writs of Habeas Corpus
24 on petition by, or on behalf of any person who is held in actual custody in their respective
25 districts, or who has suffered a criminal conviction in their respective districts and has not
26 completed the sentence imposed pursuant to the judgment of conviction." Nev. Const. art. 6 §
27 6(1) (emphasis added).

28 //

1 The Nevada Supreme Court has held that "a post-conviction petition for a writ of habeas
2 corpus cannot be filed by a petitioner who is no longer under a sentence of death or
3 imprisonment for the conviction at issue." Coleman v. State, 130 Nev. 190, 193, 321 P.3d 863,
4 865-866 (2014); see NRS 34.724(1); see also Jackson v. State, 115 Nev. 21, 23, 973 P.2d 241,
5 242 (1999) (concluding that a petitioner was not entitled to file a post-conviction petition for
6 a writ of habeas corpus when he was no longer incarcerated pursuant to the judgment of
7 conviction contested).

8 Here, Petitioner cannot file a post-conviction petition for a writ of habeas corpus
9 because he is no longer under a sentence of imprisonment under this case. Petitioner entered a
10 guilty plea and was sentenced on August 26, 2021, to credit for time served. This imposed
11 sentence clearly expired well before this Petition was filed on September 15, 2022.

12 Accordingly, Petitioner was not eligible to file a post-conviction petition for a writ of
13 habeas corpus because his sentence was already expired in this case. Thus, this Petition is
14 denied.

15 **ORDER**

16 THEREFORE, IT IS HEREBY ORDERED that this Petition for Writ of Habeas (Post-
17 Conviction), shall be, and is, hereby DENIED.

18 DATED this ____ day of January, 2023.

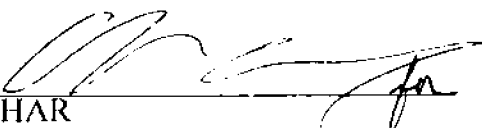
Dated this 17th day of January, 2023

19
20 
DISTRICT JUDGE

21 STEVEN B. WOLFSON
22 Clark County District Attorney
Nevada Bar #001565

449 E96 0AA3 0B5A
Tara Clark Newberry
District Court Judge

23 BY

24 
JOHN AFSHAR
25 Chief Deputy District Attorney
Nevada Bar #014408

26 //

27 //

28 //

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4	
5	
6 Joseph Warren, III, Plaintiff(s)	CASE NO: A-22-858403-W
7 vs.	DEPT. NO. Department 21
8 Warden Nujera, Defendant(s)	
9	

10 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 1/17/2023

15 Steven Wolfson	motions@clarkcountyda.com
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1 NEFF

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

4
5 JOSEPH WARREN, III,

6 Petitioner,

Case No: A-22-858403-W

Dept No: XXI

7 vs.

8 WARDEN NUJERA,

9 Respondent,

**NOTICE OF ENTRY OF FINDINGS OF FACT,
CONCLUSIONS OF LAW AND ORDER**

10
11 **PLEASE TAKE NOTICE** that on January 17, 2023, the court entered a decision or order in this matter, a
12 true and correct copy of which is attached to this notice.

13 You may appeal to the Supreme Court from the decision or order of this court. If you wish to appeal, you
14 must file a notice of appeal with the clerk of this court within thirty-three (33) days after the date this notice is mailed
to you. This notice was mailed on January 18, 2023.

15 STEVEN D. GRIERSON, CLERK OF THE COURT

16 /s/ Amanda Hampton

17 Amanda Hampton, Deputy Clerk

18
19 **CERTIFICATE OF E-SERVICE / MAILING**

20 I hereby certify that on this 18 day of January 2023, I served a copy of this Notice of Entry on the
21 following:

22 ☒ By e-mail:

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

24 ☒ The United States mail addressed as follows:

25 Joseph Warren, III # 30727
26 P.O. Box 208
Indian Springs, NV 89070

27 /s/ Amanda Hampton

28 Amanda Hampton, Deputy Clerk

Heather L. Smith
CLERK OF THE COURT

FCL
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
JOHN AFSIAR
Chief Deputy District Attorney
Nevada Bar #014408
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,
Plaintiff,

-vs-

JOSEPH NAPOLEAN WARREN, III.,
#982861

Defendant.

CASE NO: A-22-858403-W
C-21-356232-1
DEPT NO: XXI

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

DATE OF HEARING: NOVEMBER 17, 2022
TIME OF HEARING: 9:30 AM

THIS CAUSE having come on for hearing before the Honorable TARA CLARK-NEWBERRY, District Judge, on the 17th day of November, 2022, the Petitioner not being present, proceeding in proper person, the Respondent being represented by STEVEN B. WOLFSON, Clark County District Attorney, by and through SKYLER L. SULLIVAN, Deputy District Attorney, and the Court having considered the matter, including briefs, transcripts, arguments of counsel, and documents on file herein, now therefore, the Court makes the following findings of fact and conclusions of law:

POINTS AND AUTHORITIES

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1 Count 2-Battery with Use of a Deadly Weapon Resulting in Substantial Bodily Harm, Victim
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6 Bodily Harm (Category D Felony/Gross Misdemeanor). Pursuant to a Guilty Plea Agreement,
7 State and Petitioner stipulated to a Gross Misdemeanor treatment, credit for time served, and
8 dismissal of all remaining counts. On September 20, 2021, the Judgment of Conviction was
9 filed, adjudicating Petitioner guilty under the Gross Misdemeanor statute, and sentencing him
10 to credit for time served.

11 On September 15, 2022, Petitioner filed the instant Petition For Writ Of Habeas Corpus
12 (Post-Conviction) (hereinafter "Petition"). The State's Response was filed on October 20,
13 2022. This Court denied the Petition on November 17, 2022.

14 ARGUMENT

15 This Petition is denied because Petitioner had already completed the sentence imposed
16 in this case. The ability to file a petition for post-conviction relief is authorized by NRS
17 Chapter 34. NRS 34.360 provides, "[e]very person unlawfully committed, detained, confined
18 or restrained of his or her liberty, under any pretense whatever, may prosecute a writ of habeas
19 corpus to inquire into the cause of such imprisonment or restraint." Further, NRS 34.724(1)
20 plainly states that a person "convicted of a crime and under sentence of death or imprisonment"
21 may file a post-conviction petition for writ of habeas corpus to challenge the conviction, the
22 sentence, or the computation of time served. The Nevada Constitution also provides, "[t]he
23 District Courts and the Judges thereof shall also have power to issue writs of Habeas Corpus
24 on petition by, or on behalf of any person who is held in actual custody in their respective
25 districts, or who has suffered a criminal conviction in their respective districts and has not
26 completed the sentence imposed pursuant to the judgment of conviction." Nev. Const. art. 6 §
27 6(1) (emphasis added).

28 //

1 The Nevada Supreme Court has held that "a post-conviction petition for a writ of habeas
2 corpus cannot be filed by a petitioner who is no longer under a sentence of death or
3 imprisonment for the conviction at issue." Coleman v. State, 130 Nev. 190, 193, 321 P.3d 863,
4 865-866 (2014); see NRS 34.724(1); see also Jackson v. State, 115 Nev. 21, 23, 973 P.2d 241,
5 242 (1999) (concluding that a petitioner was not entitled to file a post-conviction petition for
6 a writ of habeas corpus when he was no longer incarcerated pursuant to the judgment of
7 conviction contested).

8 Here, Petitioner cannot file a post-conviction petition for a writ of habeas corpus
9 because he is no longer under a sentence of imprisonment under this case. Petitioner entered a
10 guilty plea and was sentenced on August 26, 2021, to credit for time served. This imposed
11 sentence clearly expired well before this Petition was filed on September 15, 2022.

12 Accordingly, Petitioner was not eligible to file a post-conviction petition for a writ of
13 habeas corpus because his sentence was already expired in this case. Thus, this Petition is
14 denied.

15 **ORDER**

16 THEREFORE, IT IS HEREBY ORDERED that this Petition for Writ of Habeas (Post-
17 Conviction), shall be, and is, hereby DENIED.

18 DATED this ____ day of January, 2023.

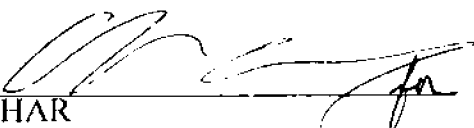
Dated this 17th day of January, 2023

19
20 
DISTRICT JUDGE

21 STEVEN B. WOLFSON
22 Clark County District Attorney
Nevada Bar #001565

449 E96 0AA3 0B5A
Tara Clark Newberry
District Court Judge

23 BY

24 
JOHN AFSHAR
25 Chief Deputy District Attorney
Nevada Bar #014408

26 //

27 //

28 //

1 **CSERV**

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

5
6 Joseph Warren, III, Plaintiff(s)

CASE NO: A-22-858403-W

7 vs.

DEPT. NO. Department 21

8 Warden Nujera, Defendant(s)

9
10 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 1/17/2023

15 Steven Wolfson

motions@clarkcountyda.com

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Writ of Habeas Corpus

COURT MINUTES

November 17, 2022

A-22-858403-W Joseph Warren, III, Plaintiff(s)
vs.
Warden Nujera, Defendant(s)

**November 17, 2022 9:30 AM Petition for Writ of Habeas
Corpus**

HEARD BY: Clark Newberry, Tara **COURTROOM:** RJC Courtroom 14A

COURT CLERK: Carina Bracamontez-Munguia

RECORDER: Robin Page

REPORTER:

PARTIES

PRESENT: Sullivan, Skyler L Attorney

JOURNAL ENTRIES

- Upon Court's inquiry, Ms. Sullivan submitted on their response filed by their Appellate Unit. Based on the Deft. not being present the Court noted it would not take oral argument and would make a decision based on the brief; COURT FINDS the Deft's criminal case, C356232, was closed and the sentencing was complete, therefore, the Deft. was not entitled to a Writ relief as requested. Thus, COURT ORDERED petition DENIED; State DIRECTED to prepare the order and Advised they could use the return as the basis of the order.

CLERK S NOTE: A copy of this minute order has been mailed to: Joseph N. Warren, ID#30727, Southern Desert Correctional Center, PO Box 208, Indian Springs, Nevada 89070-0208. // cbm 11-21-2022

PRINT DATE: 02/22/2023

Page 1 of 1

Minutes Date: November 17, 2022

Certification of Copy and Transmittal of Record

State of Nevada }
County of Clark } SS:

Pursuant to the Supreme Court order dated February 15, 2023, I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, do hereby certify that the foregoing is a true, full and correct copy of the complete trial court record for the case referenced below. The record comprises one volumes with pages numbered 1 through 94.

JOSEPH N. WARREN, III,

Plaintiff(s),

vs.

WARDEN NUJERA,

Defendant(s),

Case No: A-22-858403-W

Dept. No: XXI

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
This 22 day of February 2023.

Steven D. Grierson, Clerk of the Court



Amanda Hampton, Deputy Clerk