

1  
2  
3 IN THE SUPREME COURT OF THE STATE OF NEVADA

4  
5 JOAN KATHRYN WENGER,

6 Appellant,

7 vs.

8 THE STATE OF NEVADA,

9 Respondent,  
10 \_\_\_\_\_/

Electronically Filed  
Feb 13 2023 04:19 PM  
Elizabeth A. Brown  
Clerk of Supreme Court

Case No. 2021-CR-00114

Case No. 2021-CR-0014BD

11  
12 RECORD ON APPEAL  
13 VOLUME 3

14 COPIES OF ORIGINAL PLEADINGS  
15 PAGES 288-356  
16  
17  
18

19 JOAN KATHRYN WENGER  
20 #1250827  
21 CGTH  
22 3955 W. RUSSELL ROAD  
23 LAS VEGAS, NEVADA 89118

24 OFFICE OF THE ATTORNEY GENERAL  
25 100 NORTH CARSON STREET  
26 CARSON CITY, NEVADA 89701-4717

27 THE STATE OF NEVADA  
28 DOUGLAS COUNTY DISTRICT ATTORNEY  
P.O. BOX 218  
MINDEN, NEVADA 89423

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Original

FILED

1 Case No. 2021-CR-00114

2 Dept. No. 11

RECEIVED

2022 DEC -5 AM 10:17

DEC - 5 2022

BOBBIE R. WILLIAMS  
CLERK

Douglas County  
District Court Clerk

BY [Signature] DEPUTY

6 IN THE Ninth JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

7 IN AND FOR THE COUNTY OF Douglas

9 Joan Kathryn Wenger

Petitioner,

vs.

11 State of Nevada

Respondent.

**PETITION FOR WRIT  
OF HABEAS CORPUS  
(POST-CONVICTION)**

14 INSTRUCTIONS:

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

17 (2) Additional pages are not permitted except where noted or with respect to the facts  
18 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.

19 (3) If you want an attorney appointed, you must complete the Affidavit in Support of  
20 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.

21 (4) You must name as respondent the person by whom you are confined or restrained. If  
22 you are in a specific institution of the department of prisons, name the warden or head of the  
23 institution. If you are not in a specific institution of the department but within its custody, name  
the director of the department of prisons.

24 (5) You must include all grounds or claims for relief which you may have regarding your  
25 conviction or sentence.

26 Failure to raise all grounds in this petition may preclude you from filing future  
27 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. 4 copies

### PETITION

1. Name of institution and county in which you are presently imprisoned or where and how you are presently restrained of your liberty:

JCC - Jean Conservation Camp; Clark County; <sup>minimum</sup> custody  
WARDEN: LT. OWENS

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

9<sup>th</sup> Judicial District Court; 1038 Buckeye Rd., Minden, NV. 89423

3. Date of judgment of conviction: 11/29/21

4. Case number: 2021-CR-00114

5. (a) Length of sentence: Life with Possibility of Parole

(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 X.

If "yes," list crime, case number and sentence being served at this time:

7. Nature of offense involved in conviction being challenged:

VEHICULAR HOMICIDE

1 8. What was your plea? (check one)

2 (a) Not guilty \_\_\_\_\_

3 (b) Guilty X \_\_\_\_\_

4 (c) Guilty but mentally ill \_\_\_\_\_

5 (c) Nolo contendere \_\_\_\_\_

6 9. If you entered a plea of guilty ro guilty but mentally ill to one count of an indictment or  
7 information, and a plea of not guilty to another count of an indictment or information, or if a plea  
8 of guilty was negotiated, give details:

9 I plead guilty on the agreement by both sides that  
10 I would serve a sentence of 10-25 years. This  
11 was agreed to by all parties.

12 10. If you were found guilty after a plea of not guilty, was the finding made by:

13 (check one)

14 (a) Jury \_\_\_\_\_

15 (b) Judge without a jury: \_\_\_\_\_

16 11. Did you testify at the trial? Yes \_\_\_\_\_ No \_\_\_\_\_

17 ? 12. Did you appeal from the judgment of conviction: Yes X No \_\_\_\_\_

18 13. If you did appeal, answer the following:

19 (a) Name of court: Supreme Court, state of Nevada

20 (b) Case number or citation: 2021-CR-00114

21 (c) Result: Denied

22 (d) Date of result: 9/9/22

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

24 14. If you did not appeal, explain briefly why you did not: \_\_\_\_\_

25 \_\_\_\_\_

26 \_\_\_\_\_

27 \_\_\_\_\_

28 \_\_\_\_\_



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

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

5 (a) (1) Name of Court: \_\_\_\_\_

6 (2) Nature of proceeding: \_\_\_\_\_

7 \_\_\_\_\_

8 \_\_\_\_\_

9 (3) Grounds raised: \_\_\_\_\_

10 \_\_\_\_\_

11 \_\_\_\_\_

12 (4) Did you receive an evidentiary hearing on your petition, application or motion?

13 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

17 such result: \_\_\_\_\_

18 \_\_\_\_\_

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

20 (1) Name of Court: \_\_\_\_\_

21 (2) Nature of proceeding: \_\_\_\_\_

22 (3) Grounds raised: \_\_\_\_\_

23 (4) Did you receive an evidentiary hearing on your petition, application or motion?

24 Yes \_\_\_\_\_ No \_\_\_\_\_

25 (5) Result: \_\_\_\_\_

26 (6) Date of result: \_\_\_\_\_

27 \_\_\_\_\_

28 \_\_\_\_\_

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

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

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

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

Citation or date of decision: \_\_\_\_\_

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

Citation or date of decision: \_\_\_\_\_

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

Yes \_\_\_\_\_ No \_\_\_\_\_

Citation or date of decision: \_\_\_\_\_

(e) If you did not appeal from the adverse action on any petition, application or motion, explain briefly why you did not. (You must relate specific facts in response to this question. Your response may be included on paper which is 8 ½ by 11 inches attached to the petition. Your response may not exceed five handwritten or typewritten pages in length).

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

a. Which of the grounds is the same: \_\_\_\_\_

1 b. The proceedings in which these grounds were raised: \_\_\_\_\_

2 \_\_\_\_\_

3 c. Briefly explain why you are again raising these grounds. (You must relate specific  
4 facts in response to this question. Your response may be included on paper which is 8 ½ by 11  
5 inches attached to the petition. Your response may not exceed five handwritten or typewritten  
6 pages in length). \_\_\_\_\_

7 \_\_\_\_\_

8 18. If any of the grounds listed in Nos. 23(a), (b), (c) and (d), or listed on any additional  
9 pages you have attached, were not previously presented in any other court, state or federal, list  
10 briefly what grounds were not so presented, and give your reasons for not presenting them. (You  
11 must relate specific facts in response to this question. Your response may be included on paper  
12 which is 8 ½ by 11 inches attached to the petition. Your response may not exceed five  
13 handwritten or typewritten pages in length). \_\_\_\_\_

14 \_\_\_\_\_

15 19. Are you filing this petition more than 1 year following the filing of the judgment of  
16 conviction or the filing of a decision on direct appeal? If so, state briefly the reasons for the delay.  
17 (You must relate specific facts in response to this question. Your response may be included on  
18 paper which is 8 ½ by 11 inches attached to the petition. Your response may not exceed five  
19 handwritten or typewritten pages in length). \_\_\_\_\_

20 \_\_\_\_\_

21 20. Do you have any petition or appeal now pending in any court, either state or federal,  
22 as to the judgment under attack? Yes \_\_\_\_\_ No X

23 If yes, state what court and the case number: \_\_\_\_\_

24 \_\_\_\_\_

25 \_\_\_\_\_

26 \_\_\_\_\_

27 \_\_\_\_\_

28 \_\_\_\_\_

21. Give the name of each attorney who represented you in the proceeding resulting in your conviction and on direct appeal: Brian Filter / Sally Desoto

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

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

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

(a) Ground one: absolute ineffective Counsel -

Raised continually by D.E.D.A. in his answering brief.

Supporting FACTS (Tell your story briefly without citing cases or law): my P.D. Brian Filter, never offered me options, nor did he <sup>argue for</sup> fight for my agreed-upon 10-<sup>25</sup> yr. sentence.

(b) Ground two: Prosecutor Lied - said my crime was intended. of course it was not. my Remorse is huge.

Supporting FACTS (Tell your story briefly without citing cases or law): my P.D. did not argue for me on this matter or any matter for me. Prejudice and miscarriage of justice.

(c) Ground three: \_\_\_\_\_

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

JAC /  
Sentence appeal

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(d) Ground four: \_\_\_\_\_

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

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

EXECUTED at JCC on the 22 day of the month of November of the year 2022,

Joan Kathryn Wenger  
Signature of Petitioner

Jean Conservation Camp  
Address

3 Prison Rd./Jean, nr 89019

\_\_\_\_\_  
Signature of Attorney (if any)

\_\_\_\_\_  
Attorney for Petitioner

\_\_\_\_\_  
Address

VERIFICATION

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

Joan Kathryn Wenger  
Signature of Petitioner

\_\_\_\_\_  
Attorney for Petitioner

CERTIFICATE OF SERVICE BY MAIL

I, Joan Kathryn Wenger, hereby certify pursuant to N.R.C.P. 5(b), that on this 22 day of the month of November of the year 2022, I mailed a true and correct copy of the foregoing PETITION FOR WRIT OF HABEAS CORPUS addressed to:

Douglas County District Court  
Respondent prison or jail official

1038 Buckeye Rd.

Address

Minden, NV 89423

Attorney General  
Heroes' Memorial Building  
Capitol Complex  
Carson City, Nevada 89710

Douglas County District Attny.  
District Attorney of County of Conviction

~~1038 Buckeye Rd.~~ P.O. Box 218  
Address

Minden, NV 89423

Joan Kathryn Wenger  
Signature of Petitioner

(Rev. 5/03)

1 Case No. 2021-CR-0014

2 Dept. No. 11

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IN THE Ninth JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

7

IN AND FOR the County of Douglas

8

9

State of Nevada,

10

Plaintiff,

vs.

11

MOTION FOR LEAVE TO  
PROCEED IN FORMA PAUPERIS

12

Joan Kathryn Wenger

13

Respondent.

14

15

COMES NOW the Petitioner, in propria persona, pursuant to  
16 NRS 12.015, and respectfully moves this Honorable Court for an Order granting  
17 Petitioner leave to proceed in the above-entitled action in forma pauperis, without  
18 requiring Petitioner to pay or provide security for the payment of costs of prosecution  
19 this action.

20

21

This motion is made and based upon the attached affidavit and  
certificate.

22

DATED this 22 day of November, 2022

23

RESPECTFULLY SUBMITTED,

24

25

Joan Kathryn Wenger  
[Print your name underneath signature]  
Joan Kathryn Wenger

26

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1 Case No. 2021-Cr-00114

2 Dept. No. 11

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IN THE Ninth JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
IN AND FOR the County of Douglas

State of Nevada,

Plaintiff,  
vs.

**AFFIDAVIT IN SUPPORT OF  
REQUEST TO PROCEED  
IN FORMA PAUPERIS**

Joan Kathryn Wenger,

Respondent.

I, Joan Kathryn Wenger, first being duly sworn, depose and say  
that I am the Petitioner in the above-entitled case; that in support of my Motion to  
proceed without being required to prepay fees, costs or give security therefor; I state  
that because of my poverty I am unable to pay the costs of said proceeding or to  
give security therefor; that I am entitled to relief.

I do X do not \_\_\_\_\_ request an attorney to be appointed for me.

I further swear that the responses which I have made to questions and  
instructions below are true.

1. Are you presently employed? Yes \_\_\_\_\_ No X

a. If the answer is yes, state the amount of your salary of wages  
per month, and give the name and address of your employer:

\_\_\_\_\_  
\_\_\_\_\_



b. If the answer is no, state the date of last employment and the amount of salary and wages per month which you received:

3/13/20; \$12.50/hr

2. Have you received within the past twelve months any money from any of the following sources?

a. Business, professional or form of self-employment:

Yes \_\_\_\_\_ No ☒

b. Rent payments, interest of dividends:

Yes \_\_\_\_\_ No ☒

c. Pensions, annuities or life insurance payments:

Yes \_\_\_\_\_ No ☒

d. Gifts or inheritances:

Yes \_\_\_\_\_ No ☒

e. Any other sources:

Yes \_\_\_\_\_ No ☒

If the answer to any of the above is "Yes", describe each source of money and state the amount received from each during the past twelve months:

3. Do own cash or equivalent prison currency, or do you have money in a checking or savings account?

Yes \_\_\_\_\_ No ☒

If the answer is "Yes", state the total value of the items owned:

4. Do you own any real estate, stocks, bonds, notes, automobiles, or other valuable property (excluding ordinary household furnishings and clothing)?

Yes \_\_\_\_\_ No ☒

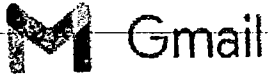
1 If your answer is "Yes", describe the property and state its approximate  
2 value: \_\_\_\_\_  
3 \_\_\_\_\_

4 5. List the persons who are dependent upon you for support, state  
5 your relationship to those persons, and indicate how much you contribute toward  
6 their support: N/A  
7 \_\_\_\_\_  
8 \_\_\_\_\_

9 UNDER THE PENALTY OF PERJURY, pursuant to NRS 208.165, the  
10 above affidavit is true and correct to the best of affiant's personal knowledge.

11 DATED this 22 day of November, 2022

12  
13 SIGNED: Joan Kathryn Wengert  
14 Print your name here:  
15 Print your DOP # here: my BAC/NDIC # 1250827  
16 Print the mailing address of prison - JCC  
17 P. O. Box 19859  
18 City, state, zip: Jean, NV 89019  
19  
20  
21  
22  
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Brian Filter <bfilter@filterlaw.net>

Joan Wenger

Hames, A.J. <ahames@douglas.nv.gov>  
To: Brian Filter <bfilter@filterlaw.net>

Tue, Jul 20, 2021 at 10:05 AM

Brian,

After thinking things over, I am willing to mutually recommend 10-25 instead of 10 to life.

A.J. Hames  
Deputy District Attorney  
Douglas County District Attorney's Office  
P.O. Box 218  
Minden, Nevada 89423  
Phone: 775-782-9800 | Fax: 775-782-9807  
Email: ahames@douglas.nv.gov



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IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JOAN KATHRYN WENGER,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 84003-COA

FILED

SEP 09 2022

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

ORDER OF AFFIRMANCE

Joan Kathryn Wenger appeals from a judgment of conviction, entered pursuant to a guilty plea, of vehicular homicide. Ninth Judicial District Court, Douglas County; Thomas W. Gregory, Judge.

Wenger argues the State breached the guilty plea agreement by implicitly arguing for a higher sentence than the sentence it had agreed to recommend. <sup>¶</sup> Wenger did not object to the State's comments at the sentencing hearing below; therefore, we review for plain error. See *Jeremias v. State*, 134 Nev. 46, 50, 412 P.3d 43, 48 (2018). To demonstrate plain error, an appellant must show there was an error, the error was plain, meaning that it is clear under current law from a casual inspection of the record, and the error affected appellant's substantial rights. *Id.* "[A] plain error affects a defendant's substantial rights when it causes actual prejudice or a miscarriage of justice (defined as a 'grossly unfair' outcome)." *Id.* at 51, 412 P.3d at 49.

The State is held "to the most meticulous standards of both promise and performance in fulfillment of its part of a plea bargain" and

my  
attny didn't!

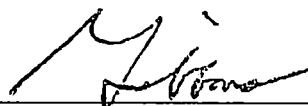
must avoid violating either the terms or the spirit of the agreement. *Sullivan v. State*, 115 Nev. 383, 387, 990 P.2d 1258, 1260 (1999). Although “a promise to recommend a sentence is not a promise to stand silent, . . . in arguing in favor of a sentencing recommendation that the state has agreed to make, the prosecutor must refrain from either explicitly or implicitly repudiating the agreement.” *Id.* at 389, 990 P.2d at 1261-62.

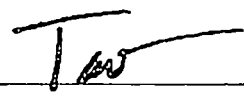
In the guilty plea agreement, the parties agreed to jointly recommend a sentence of 25 years in prison with eligibility for parole beginning after 10 years. The State reserved the right to present arguments, facts, and witnesses in support of the plea agreement at sentencing. The State also reserved the right to provide the court with relevant information not in the court’s possession, to call victims to make victim impact statements, and to comment on the circumstances of the crime and Wenger’s criminal history.


At the sentencing hearing, the State affirmed it was standing by the joint recommendation. The prosecutor’s comments about the circumstances of the case and Wenger’s criminal history were offered in support of the recommendation and were permitted by the guilty plea agreement. Moreover, the prosecutor’s stated belief that a sentence of 10 to 25 years in prison was similar to a sentence of 10 years to life in prison due to Wenger’s age did not indicate the State was seeking a higher sentence. Finally, Wenger does not demonstrate that the prosecutor’s reading of a letter written by the deceased’s son to the deceased was for the purpose of seeking a higher sentence. Accordingly, Wenger fails to demonstrate error plain from the record, *see* NRS 176.015(6) (“This section does not restrict

the authority of the court to consider any reliable and relevant evidence at the time of sentencing.”), or that any alleged errors affected her substantial rights. Therefore, we conclude Wenger is not entitled to relief, and we

ORDER the judgment of conviction AFFIRMED.

  
\_\_\_\_\_, C.J.  
Gibbons

  
\_\_\_\_\_, J.  
Tao

  
\_\_\_\_\_, J.  
Bulla

cc: Hon. Thomas W. Gregory, District Judge  
State Public Defender/Carson City  
Attorney General/Carson City  
Douglas County District Attorney/Minden  
Douglas County Clerk

FILED

Case No. 2021-CR-00114B

Dept. No. II

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DEC - 9 2022

DOBBIE R. WILLIAMS  
CLERK

Douglas County  
District Court Clerk

*[Signature]*  
DEPUTY

IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
IN AND FOR THE COUNTY OF DOUGLAS

JOAN KATHRYN WENGER,  
Petitioner,

vs.

ORDER

THE STATE OF NEVADA,  
Respondent.

THIS MATTER comes before the Court on a *Petition for Writ of Habeas Corpus (Post-Conviction)* and *Motion for Leave to Proceed In Forma Pauperis*, filed December 5, 2022. The Court has considered the Petition, Motion, and the entirety of the record in case number 2021-CR-00114, entitled *The State of Nevada v. Joan Kathryn Wenger ("Defendant")*, incorporated by reference herein. Good cause appearing, the Court finds and orders as follows:

**I. Motion for Leave to Proceed In Forma Pauperis**

Defendant claims indigence and requests an attorney to assist with pursuit of her post-conviction writ.

"If the court is satisfied that the allegation of indigency is true and the petition is not dismissed summarily, the court may appoint counsel to represent the petitioner." NRS 34.750(1). The statute goes on to provide some other considerations. *Id.*

1       The Court is satisfied that Defendant is indigent. However,  
2 as seen below, the *Petition for Writ of Habeas Corpus (Post-*  
3 *Conviction)* is being summarily dismissed. Additionally, the  
4 issues presented are not difficult, Defendant is able to  
5 comprehend the proceedings and there is no need for discovery.  
6 NRS 34.750(1).

7       Defendant's *Motion for Leave to Proceed in Forma Pauperis* is  
8 DENIED.

9 **II. Petition for Writ of Habeas Corpus (Post-Conviction)**

10                               Procedural and Factual Background

11       On July 29, 2021, Defendant was charged with Vehicular  
12 Homicide with three prior DUI convictions, a violation of NRS  
13 484C.130(1) and NRS 484C.440(1), a category A felony.  
14 *Information.* The sentencing range for this offense is life with  
15 parole eligibility beginning in 10 years or a definite term of 25  
16 years with parole eligibility beginning in 10 years. NRS  
17 484C.440(1). The sentence may not be suspended or probation  
18 granted. NRS 484C.440(3).

19       On August 23, 2021, Defendant appeared with counsel and  
20 entered a plea of guilty to the charged offense pursuant to  
21 negotiations memorialized in a written Guilty Plea Agreement  
22 ("GPA") executed by the State, Defendant and Defendant's counsel.  
23 The GPA stated, in relevant part, "The parties have agreed to  
24 mutually recommend that I be sentenced to serve a definite term of

25 ///

26 ///

27 ///

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1 25 years in prison, with eligibility for parole beginning when a  
2 minimum of 10 years has been served." GPA, p. 1, lines 22-24.

3 Further:

4 I understand that, at the time of sentencing, the State  
5 may present arguments, facts, and/or witnesses in  
6 support of the plea agreement. I understand the State  
7 also reserves the right at sentencing to provide the  
8 court with relevant information that may not be in the  
9 court's possession; to call victims to make a victim  
10 impact statement; to comment on the circumstances of  
11 the crime and my criminal history; and to correct  
12 factual misstatements made by me or my character  
13 witnesses.

10

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11

12 I have not been promised or guaranteed any particular  
13 sentence by anyone. I know that my sentence is to be  
14 determined by the court within the limits prescribed by  
15 statute. I understand that if my attorney, the State  
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17 the court, the court is not obligated to accept the  
18 recommendation.

16 GPA at p. 1-2 and p. 4, lines 1-4.

17 Defendant was canvassed by the Court after being sworn. The  
18 canvass was thorough, as represented by the 25-page Transcript of  
19 Arraignment ("TOA"). The TOA includes the following exchange:

20 COURT: What is your understanding of the maximum penalty  
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6 counsel made a recommendation consistent with the plea agreement  
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9 consistent with the plea agreement and made arguments in support  
10 thereof. TS2, p. 13-20. Victim impact statements were received.  
11 The Court imposed a sentence of life with parole eligibility  
12 beginning when a minimum of ten years have been served. *Judgment*  
13 *of Conviction*.

14 Defendant filed a direct appeal arguing that the State  
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16 sentence than agreed. An *Order of Affirmance* was entered on  
17 September 9, 2022, Court of Appeals Case No. 84003-COA.  
18 *Remittitur* issued on October 4, 2022.

19 On December 5, 2022, Defendant filed the pending *Petition for*  
20 *Writ of Habeas Corpus (Post-Conviction)* and *Motion for Leave to*  
21 *Proceed In Forma Pauperis*.

22 Discussion

23 Defendant does not claim that her guilty plea was involuntary  
24 or otherwise seek to withdraw her plea. Rather, Defendant is not  
25 satisfied with her sentence of 10 to life given that she bargained  
26 for a joint recommendation of 10 to 25 years.

27 Defendant's dissatisfaction with her sentence is not, in and  
28 of itself, a legal basis for relief. A petitioner must make more

1 than conclusory claims for relief and must support claims with  
2 specific factual allegations that, if true, would entitle him/her  
3 to relief. *Pangallo v. State*, 112, Nev. 1533 (1996). A  
4 petitioner is not entitled to an evidentiary hearing on factual  
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6 100 Nev. 498 (1984). If a court determines that a petitioner is  
7 not entitled to relief and an evidentiary hearing is not required,  
8 the court "shall" dismiss the petition without a hearing. NRS  
9 34.770.

10 **Ground One**

11 Defendant alleges "absolute ineffective assistance of  
12 counsel." *Petition*, p. 7. As supporting facts, Defendant states,  
13 "My PD, Brian Filter, never offered me options, nor did he argue  
14 for/fight for my agreed-upon 10-25 yr. sentence." *Id.* Also, "My  
15 P.D. did not argue for me on this matter or any matter for me.  
16 Prejudice and miscarriage of justice." *Id.*

17 Defendant's contention that counsel did not argue or fight  
18 for the bargained for 10-25 year recommendation is belied by the  
19 record. TS2, p. 5-8. Defendant does not reveal any facts or  
20 arguments that counsel failed to assert that would have changed  
21 the outcome and/or suggest that counsel's performance was  
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23 her "options" is conclusory and Defendant does not say what  
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25 outcome. The two sentencing options available to the Court were  
26 fully addressed during the arraignment and in the GPA. At  
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28 option and made appropriate arguments in support. Defendant well

1 understood that the Court was not bound by the recommendations.  
2 Defendant's sentence was within the range set by statute.

3 Defendant is not entitled to an evidentiary hearing or relief  
4 on Ground One.

5 **Ground Two**

6 Defendant alleges the "Prosecutor lied." *Petition*, p. 7. In  
7 support, Defendant alleges the prosecutor "said my crime was  
8 intended. Of course it was not. My remorse is huge." *Id.*

9 Defendant already raised this issue in her direct appeal  
10 wherein she contended that the State breached the plea agreement.  
11 The issue was considered and denied by the Court of Appeals. To  
12 the extent Defendant might be trying to raise a new issue  
13 regarding comments made by the State at sentencing, any such issue  
14 could have been and should have been raised during Defendant's  
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16 Defendant's *mens rea* are the prosecutor's opinions and nothing in  
17 the GPA prohibited the prosecutor from making the opinions known  
18 to the Court at the time of sentencing. Some of the comments were  
19 in response to things brought up by Defendant. To the extent the  
20 prosecutor's opinion was based on factual representations, the  
21 factual representations conform to the offense synopsis contained  
22 in the Pre-Sentence Investigation Report. Defendant reviewed the  
23 PSI prior to sentencing with counsel and did not dispute any  
24 factual corrections upon which the prosecutor relied. Defendant  
25 does not now claim or cite to any specific misstatement of fact  
26 argued by counsel and/or relied upon by the Court. Defendant was  
27 extended a full opportunity to address her *mens rea* and offer any  
28 remorse. Defendant took advantage of the opportunity through

1 arguments made by counsel, her own statements during her lengthy  
2 allocution and in a written statement attached to the PSI, all of  
3 which were considered by the Court.

4 Defendant is not entitled to an evidentiary hearing or relief  
5 on Ground Two.

6 Conclusion

7 Defendant's *Petition for Writ of Habeas Corpus (Post-*  
8 *Conviction)* is summarily DISMISSED.

9 IT IS SO ORDERED.

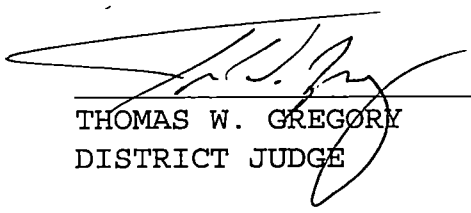
10 DATED this 9<sup>th</sup> day of December, 2022.

11

12

13

14

  
THOMAS W. GREGORY  
DISTRICT JUDGE

15

16

Copies served by mail/hand delivery on December 9<sup>th</sup>, 2022,  
addressed to:

17

Joan Kathryn Wenger  
Inmate # 1250827  
JCC  
P.O. Box 19859  
Jean, Nevada 89019

(Mail)

18

19

20

21

Douglas County District Attorney's Office (Hand Delivery)  
P.O. Box 218  
Minden, Nevada 89423

22

23

Office the Attorney General  
100 North Carson Street  
Carson City, Nevada 89701

(Mail)

24

25

26

  
Erin C. Plante

27

28

Case No. 2021-CR-00114B

Dept. No. II

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Douglas County  
District Court Clerk

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BOBBIE R. WILLIAMS  
CLERK

BY *[Signature]* DEPUTY

IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
IN AND FOR THE COUNTY OF DOUGLAS

JOAN KATHRYN WENFER,  
Petitioner,

vs.

NOTICE OF ENTRY OF ORDER

STATE OF NEVADA,  
Respondent.

PLEASE TAKE NOTICE that on December 9, 2022, the Court entered a decision or order in this matter, a true and correct copy of which is attached to this notice.

You may appeal to the appellate court of competent jurisdiction pursuant to the rules fixed by the Supreme Court from the decision or order of this court. If you wish to appeal, you must file a notice of appeal with the clerk of this Court within 33 days after the date of this notice is mailed to you.

This notice was mailed on December 12, 2022.

*[Signature]*  
CLERK OF COURT

BY *[Signature]* DEPUTY

1 Copies served this 12<sup>th</sup> day of December 2022 to:

2 Joan Kathryn Wenger

3 Inmate# 1250827

4 P.O. Box

5 Jean, Nevada 89019

6 Brian Filter

7 P.O. Box 2079

8 Minden, Nevada 89423

9 Douglas County District Attorney's Office

10 1038 Buckeye Road

11 Minden, Nevada 89423 (hand delivered)

12 Office of the Attorney General

13 100 N. Carson Street

14 Carson City, Nevada 89701

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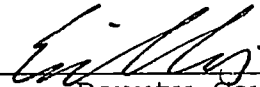
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Deputy Court Clerk



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1 Case No. 2021-CR-00114B

2 Dept. No. II

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DEC -9 2022

DEEDIE R. WILLIAMS  
CLERK

Douglas County  
District Court Clerk

*[Signature]*  
DEPUTY

6 IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

7 IN AND FOR THE COUNTY OF DOUGLAS

9 JOAN KATHRYN WENGER,

10 Petitioner,

11 vs.

ORDER

12 THE STATE OF NEVADA,

13 Respondent.

14

15 THIS MATTER comes before the Court on a *Petition for Writ of*  
16 *Habeas Corpus (Post-Conviction)* and *Motion for Leave to Proceed In*  
17 *Forma Pauperis*, filed December 5, 2022. The Court has considered  
18 the Petition, Motion, and the entirety of the record in case  
19 number 2021-CR-00114, entitled The State of Nevada v. Joan Kathryn  
20 Wenger ("Defendant"), incorporated by reference herein. Good  
21 cause appearing, the Court finds and orders as follows:

22 I. Motion for Leave to Proceed In Forma Pauperis

23 Defendant claims indigence and requests an attorney to assist  
24 with pursuit of her post-conviction writ.

25 "If the court is satisfied that the allegation of indigency  
26 is true and the petition is not dismissed summarily, the court may  
27 appoint counsel to represent the petitioner." NRS 34.750(1). The  
28 statute goes on to provide some other considerations. *Id.*

1 The Court is satisfied that Defendant is indigent. However,  
2 as seen below, the *Petition for Writ of Habeas Corpus (Post-*  
3 *Conviction)* is being summarily dismissed. Additionally, the  
4 issues presented are not difficult, Defendant is able to  
5 comprehend the proceedings and there is no need for discovery.  
6 NRS 34.750(1).

7 Defendant's *Motion for Leave to Proceed in Forma Pauperis* is  
8 DENIED.

9 II. *Petition for Writ of Habeas Corpus (Post-Conviction)*

10 Procedural and Factual Background

11 On July 29, 2021, Defendant was charged with Vehicular  
12 Homicide with three prior DUI convictions, a violation of NRS  
13 484C.130(1) and NRS 484C.440(1), a category A felony.  
14 *Information*. The sentencing range for this offense is life with  
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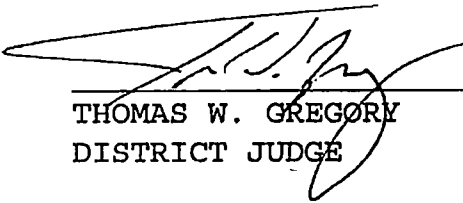
4 Defendant is not entitled to an evidentiary hearing or relief  
5 on Ground Two.

6 Conclusion

7 Defendant's Petition for Writ of Habeas Corpus (Post-  
8 Conviction) is summarily DISMISSED.

9 IT IS SO ORDERED.

10 DATED this 9<sup>th</sup> day of December, 2022.

11  
12   
13 THOMAS W. GREGORY  
14 DISTRICT JUDGE

15 Copies served by mail/hand delivery on December 9<sup>th</sup>, 2022,  
16 addressed to:

17 Joan Kathryn Wenger  
18 Inmate # 1250827  
19 JCC  
20 P.O. Box 19859  
21 Jean, Nevada 89019

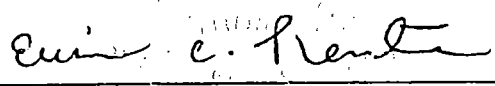
(Mail)

22 Douglas County District Attorney's Office  
23 P.O. Box 218  
24 Minden, Nevada 89423

(Hand Delivery)

25 Office the Attorney General  
26 100 North Carson Street  
27 Carson City, Nevada 89701

(Mail)

28   
Erin C. Plante



**CERTIFIED COPY**

The document to which this certificate is attached is a full, true and correct copy of the original in file and of record in my office.

DATE 12-12-22

BOBBIE R. WILLIAMS Clerk of Court  
of the State of Nevada, in and for the County of Douglas,

By *Emilio* Deputy

FILED

Case No. 2021-CR-00114B

Dept. No. II

RECEIVED

DEC 14 2022

Douglas County  
District Court Clerk

2022 DEC 14 AM 8:39

BOBBIE R. WILLIAMS  
CLERK

BY *Emily* DEPUTY

IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
IN AND FOR THE COUNTY OF DOUGLAS

JOAN KATHRYN WENGER,  
Petitioner,

vs.

AMENDED NOTICE OF ENTRY OF  
ORDER

STATE OF NEVADA,  
Respondent.

PLEASE TAKE NOTICE that on December 9, 2022, the Court  
entered a decision or order in this matter, a true and correct  
copy of which is attached to this notice.

You may appeal to the appellate court of competent  
jurisdiction pursuant to the rules fixed by the Supreme Court from  
the decision or order of this court. If you wish to appeal, you  
must file a notice of appeal with the clerk of this Court within  
33 days after the date of this notice is mailed to you.  
This notice was mailed on December 14, 2022.

*[Signature]*  
CLERK OF COURT

BY *Emily*  
DEPUTY

1 Copies served this 14<sup>th</sup> day of December 2022 to:  
2 Joan Kathryn Wenger  
3 Inmate# 1250827  
4 P.O. Box  
Jean, Nevada 89019  
5 Brian Filter  
6 P.O. Box 2079  
Minden, Nevada 89423  
7 Douglas County District Attorney's Office  
8 1038 Buckeye Road  
Minden, Nevada 89423 (hand delivered)  
9 Office of the Attorney General  
10 100 N. Carson Street  
11 Carson City, Nevada 89701  
12  
13  
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15  
16  
17  
18  
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20  
21  
22  
23  
24  
25  
26  
27  
28



Deputy Court Clerk

FILED

1 Case No. 2021-CR-00114B

2 Dept. No. II

RECEIVED 2022 DEC -9 PM 4:29

DEC - 9 2022

LEONOR R. WILLIAMS  
CLERK

Douglas County  
District Court Clerk

*[Signature]*  
DEPUTY

6 IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
7 IN AND FOR THE COUNTY OF DOUGLAS

9 JOAN KATHRYN WENGER,  
10 Petitioner,

11 vs.

ORDER

12 THE STATE OF NEVADA,  
13 Respondent.

14  
15 THIS MATTER comes before the Court on a *Petition for Writ of*  
16 *Habeas Corpus (Post-Conviction)* and *Motion for Leave to Proceed In*  
17 *Forma Pauperis*, filed December 5, 2022. The Court has considered  
18 the Petition, Motion, and the entirety of the record in case  
19 number 2021-CR-00114, entitled *The State of Nevada v. Joan Kathryn*  
20 *Wenger ("Defendant")*, incorporated by reference herein. Good  
21 cause appearing, the Court finds and orders as follows:

22 I. Motion for Leave to Proceed In Forma Pauperis

23 Defendant claims indigence and requests an attorney to assist  
24 with pursuit of her post-conviction writ.

25 "If the court is satisfied that the allegation of indigency  
26 is true and the petition is not dismissed summarily, the court may  
27 appoint counsel to represent the petitioner." NRS 34.750(1). The  
28 statute goes on to provide some other considerations. *Id.*

1 The Court is satisfied that Defendant is indigent. However,  
2 as seen below, the *Petition for Writ of Habeas Corpus (Post-*  
3 *Conviction)* is being summarily dismissed. Additionally, the  
4 issues presented are not difficult, Defendant is able to  
5 comprehend the proceedings and there is no need for discovery.  
6 NRS 34.750(1).

7 Defendant's *Motion for Leave to Proceed in Forma Pauperis* is  
8 DENIED.

9 II. *Petition for Writ of Habeas Corpus (Post-Conviction)*

10 Procedural and Factual Background

11 On July 29, 2021, Defendant was charged with Vehicular  
12 Homicide with three prior DUI convictions, a violation of NRS  
13 484C.130(1) and NRS 484C.440(1), a category A felony.  
14 Information. The sentencing range for this offense is life with  
15 parole eligibility beginning in 10 years or a definite term of 25  
16 years with parole eligibility beginning in 10 years. NRS  
17 484C.440(1). The sentence may not be suspended or probation  
18 granted. NRS 484C.440(3).

19 On August 23, 2021, Defendant appeared with counsel and  
20 entered a plea of guilty to the charged offense pursuant to  
21 negotiations memorialized in a written Guilty Plea Agreement  
22 ("GPA") executed by the State, Defendant and Defendant's counsel.  
23 The GPA stated, in relevant part, "The parties have agreed to  
24 mutually recommend that I be sentenced to serve a definite term of

25 ///

26 ///

27 ///

28 ///

1 25 years in prison, with eligibility for parole beginning when a  
2 minimum of 10 years has been served." GPA, p. 1, lines 22-24.

3 Further:

4 I understand that, at the time of sentencing, the State  
5 may present arguments, facts, and/or witnesses in  
6 support of the plea agreement. I understand the State  
7 also reserves the right at sentencing to provide the  
8 court with relevant information that may not be in the  
9 court's possession; to call victims to make a victim  
10 impact statement; to comment on the circumstances of  
11 the crime and my criminal history; and to correct  
12 factual misstatements made by me or my character  
13 witnesses.

10

...

11

12 I have not been promised or guaranteed any particular  
13 sentence by anyone. I know that my sentence is to be  
14 determined by the court within the limits prescribed by  
15 statute. I understand that if my attorney, the State  
16 of Nevada, or both recommend any specific punishment to  
17 the court, the court is not obligated to accept the  
18 recommendation.

15

16 GPA at p. 1-2 and p. 4, lines 1-4.

17 Defendant was canvassed by the Court after being sworn. The  
18 canvass was thorough, as represented by the 25-page Transcript of  
19 Arraignment ("TOA"). The TOA includes the following exchange:

20 COURT: What is your understanding of the maximum penalty  
21 for this offense?

22 DEFENDANT: Life.

23 COURT: All right. That is correct. The maximum prison  
24 sentence is life with parole eligibility when ten  
25 years have been served. Do you understand that?

26 DEFENDANT: Yes.

27 COURT: Do you understand the only other alternative to  
28 that that the Court could impose would be a  
definite term of 25 years in prison with a minimum  
parole eligibility beginning when ten years have  
been served?

1 DEFENDANT: Yes.  
2 COURT: Has anybody made any promises to you regarding what  
3 your sentence will be in this case?  
4 DEFENDANT: No.  
5 COURT: Do you understand that what sentence you'll receive  
6 is entirely up to the Court?  
7 DEFENDANT: Yes.  
8 COURT: Do you understand that you are not eligible for  
9 probation for this offense?  
10 DEFENDANT: Yes.  
11 COURT: So at the time of sentencing the Court could if the  
12 Court deemed it appropriate sentence you to serve a  
13 period of life imprisonment with minimum parole  
14 eligibility beginning when ten years have been  
15 served or the Court could impose a definite term of  
16 25 years in prison with minimum parole eligibility  
17 beginning when ten years have been served. Do you  
18 understand that?  
19 DEFENDANT: Yes.  
20 COURT: So in other words at the time of sentencing those  
21 are the two options that are available to the  
22 Court. Do you understand?  
23 DEFENDANT: Yes.  
24 COURT: And while the Court will listen to any  
25 recommendations made, the Court could go the  
26 direction of life with the possibility of parole in  
27 ten years. Do you understand that?  
28 DEFENDANT: Yes.  
29 COURT: Knowing that do still desire to plead guilty?  
30 DEFENDANT: Yes.  
31 GPA, p. 10-11. Defendant stated that she was satisfied with her  
32 representation. GPA p. 8.  
33 Defendant appeared with counsel for sentencing on October 18

1 and November 29, 2021. Defendant received and reviewed the Pre-  
2 Sentence Investigation Report ("PSI") and was provided with a full  
3 opportunity to suggest factual corrections. Transcript of  
4 Sentencing, October 18, 2021 ("TS1"), p. 5-8, Transcript of  
5 Sentencing, November 29, 2021 ("TS2"), p. 2-5. Defendant's  
6 counsel made a recommendation consistent with the plea agreement  
7 and made arguments in support thereof. TS2, p. 5-8. Defendant  
8 made a statement. TS2, p. 9-14. The State made a recommendation  
9 consistent with the plea agreement and made arguments in support  
10 thereof. TS2, p. 13-20. Victim impact statements were received.  
11 The Court imposed a sentence of life with parole eligibility  
12 beginning when a minimum of ten years have been served. *Judgment*  
13 *of Conviction*.

14 Defendant filed a direct appeal arguing that the State  
15 breached the plea agreement by implicitly arguing for a higher  
16 sentence than agreed. An *Order of Affirmance* was entered on  
17 September 9, 2022, Court of Appeals Case No. 84003-COA.  
18 *Remittitur* issued on October 4, 2022.

19 On December 5, 2022, Defendant filed the pending *Petition for*  
20 *Writ of Habeas Corpus (Post-Conviction)* and *Motion for Leave to*  
21 *Proceed In Forma Pauperis*.

22 Discussion

23 Defendant does not claim that her guilty plea was involuntary  
24 or otherwise seek to withdraw her plea. Rather, Defendant is not  
25 satisfied with her sentence of 10 to life given that she bargained  
26 for a joint recommendation of 10 to 25 years.

27 Defendant's dissatisfaction with her sentence is not, in and  
28 of itself, a legal basis for relief. A petitioner must make more



1 than conclusory claims for relief and must support claims with  
2 specific factual allegations that, if true, would entitle him/her  
3 to relief. *Pangallo v. State*, 112, Nev. 1533 (1996). A  
4 petitioner is not entitled to an evidentiary hearing on factual  
5 allegations belied or repelled by the record. *Hargrove v. State*,  
6 100 Nev. 498 (1984). If a court determines that a petitioner is  
7 not entitled to relief and an evidentiary hearing is not required,  
8 the court "shall" dismiss the petition without a hearing. NRS  
9 34.770.

10 **Ground One**

11 Defendant alleges "absolute ineffective assistance of  
12 counsel." *Petition*, p. 7. As supporting facts, Defendant states,  
13 "My PD, Brian Filter, never offered me options, nor did he argue  
14 for/fight for my agreed-upon 10-25 yr. sentence." *Id.* Also, "My  
15 P.D. did not argue for me on this matter or any matter for me.  
16 Prejudice and miscarriage of justice." *Id.*

17 Defendant's contention that counsel did not argue or fight  
18 for the bargained for 10-25 year recommendation is belied by the  
19 record. TS2, p. 5-8. Defendant does not reveal any facts or  
20 arguments that counsel failed to assert that would have changed  
21 the outcome and/or suggest that counsel's performance was  
22 deficient. Defendant's contention that counsel failed to offer  
23 her "options" is conclusory and Defendant does not say what  
24 options counsel failed to reveal that would have changed the  
25 outcome. The two sentencing options available to the Court were  
26 fully addressed during the arraignment and in the GPA. At  
27 sentencing, Defendant's counsel recommended the bargained for  
28 option and made appropriate arguments in support. Defendant well

1 understood that the Court was not bound by the recommendations.  
2 Defendant's sentence was within the range set by statute.

3 Defendant is not entitled to an evidentiary hearing or relief  
4 on Ground One.

5 **Ground Two**

6 Defendant alleges the "Prosecutor lied." *Petition*, p. 7. In  
7 support, Defendant alleges the prosecutor "said my crime was  
8 intended. Of course it was not. My remorse is huge." *Id.*

9 Defendant already raised this issue in her direct appeal  
10 wherein she contended that the State breached the plea agreement.  
11 The issue was considered and denied by the Court of Appeals. To  
12 the extent Defendant might be trying to raise a new issue  
13 regarding comments made by the State at sentencing, any such issue  
14 could have been and should have been raised during Defendant's  
15 direct appeal. In any event, the prosecutor's opinions regarding  
16 Defendant's *mens rea* are the prosecutor's opinions and nothing in  
17 the GPA prohibited the prosecutor from making the opinions known  
18 to the Court at the time of sentencing. Some of the comments were  
19 in response to things brought up by Defendant. To the extent the  
20 prosecutor's opinion was based on factual representations, the  
21 factual representations conform to the offense synopsis contained  
22 in the Pre-Sentence Investigation Report. Defendant reviewed the  
23 PSI prior to sentencing with counsel and did not dispute any  
24 factual corrections upon which the prosecutor relied. Defendant  
25 does not now claim or cite to any specific misstatement of fact  
26 argued by counsel and/or relied upon by the Court. Defendant was  
27 extended a full opportunity to address her *mens rea* and offer any  
28 remorse. Defendant took advantage of the opportunity through

1 arguments made by counsel, her own statements during her lengthy  
2 allocution and in a written statement attached to the PSI, all of  
3 which were considered by the Court.

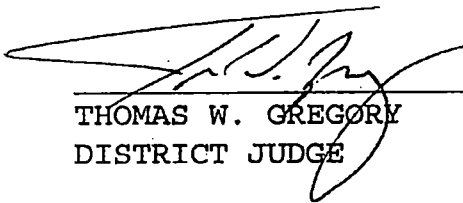
4 Defendant is not entitled to an evidentiary hearing or relief  
5 on Ground Two.

6 Conclusion

7 Defendant's Petition for Writ of Habeas Corpus (Post-  
8 Conviction) is summarily DISMISSED.

9 IT IS SO ORDERED.

10 DATED this 9<sup>th</sup> day of December, 2022.

11  
12   
13 THOMAS W. GREGORY  
14 DISTRICT JUDGE

15 Copies served by mail/hand delivery on December 9<sup>th</sup>, 2022,  
16 addressed to:

17 Joan Kathryn Wenger  
18 Inmate # 1250827  
19 JCC  
20 P.O. Box 19859  
21 Jean, Nevada 89019

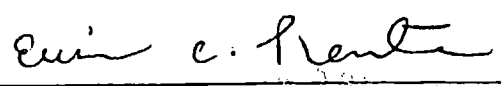
(Mail)

22 Douglas County District Attorney's Office  
23 P.O. Box 218  
24 Minden, Nevada 89423

(Hand Delivery)

25 Office the Attorney General  
26 100 North Carson Street  
27 Carson City, Nevada 89701

(Mail)

28   
Erin C. Plante

**CERTIFIED COPY**

The document to which this certificate is attached is a full, true and correct copy of the original in file and of record in my office.

DATE 12-14-22

BOBBIE R. WILLIAMS, Clerk of Court  
of the State of Nevada, in and for the County of Douglas,

By [Signature] Deputy

DEC 19 22

CHIEF  
DeWitt County  
District Court Clerk

ACCOUNTING INQUIRY  
INMATE SERVICES - CENTRAL ADMINISTRATION

Institution/Facility WCC Inmate Name Wenger, John (Last, First, Middle Initial)  
Inmate Number 1250827 NO. 221-CR-114B  
Date Concern Occurred: 11/1/22 (Per AR 201, incidents older than 90 days will  
not be acted upon) Dollar Amount Involved \$ my acct. balance FILED 12/19/2022  
BOBBIE R. WILLIAMS  
CLERK OF COURT

Posting (other than deposit or payroll)

Trust Acct. \_\_\_\_\_ Trust 2 \_\_\_\_\_ Dept. Charges \_\_\_\_\_ Dept. \_\_\_\_\_ Savings Acct. \_\_\_\_\_

Deposit

Deposit Receipt Date \_\_\_\_\_ Sender \_\_\_\_\_

Payroll

Pay Period in Question \_\_\_\_\_ Institution/Facility \_\_\_\_\_

Check to outside party

Brass Slip # \_\_\_\_\_ Payee \_\_\_\_\_ Ck # \_\_\_\_\_  
(if known)

Other (see AR 201)

Briefly describe the concern and attach any information, which will properly identify the situation.  
Use additional sheets if necessary.

\*Second Request- I'm desperate to get a  
financial statement on my acct. for my court  
appeal. Please F.W.d. to correct dept. & deliver  
statement back to me at W.C.C.  
Thank you.

Inmate Signature and Number John Wenger 1250827 Date 11/28/22

Caseworker or Other Authorized Signature Corey B. St. (Bourhis) Date 11-28-22-2022  
(Inquiry will be returned if not signed by caseworker or other authorized person.)

Response From Inmate Services - Central Administration

\* Wenger new address:

ATTACHED ARE THE  
STATEMENT(S) YOU  
REQUESTED.

Date 12/8/22

# Daily Transaction Summary: November 01, 2022 - December 08, 2022

## Offender Information

Offender Number 1250827  
Offender Name: WENGER, JOAN K  
Account Status: Open

Institution: CGTH  
Housing Facility: U1

Living Unit: A  
Cell: 13  
Bed: D

## Primary/Trust Transactions

Date	Transaction Type	Payer / Paid To	Reference Number	Deposit# / Check#	Amount	Balance	Loc Code
11/01/2022						\$5.40	
11/07/2022 05:47:22 AM	Commissary	Clarisa Jacinto	4809,103543166		(\$5.08)	\$0.32 JCC	
11/12/2022 07:00:53 AM	Keefe			9900023563	\$30.00	\$30.32 JCC	
11/12/2022 07:00:53 AM	Legal Copies	Inmate Welfare Fund			(\$3.27)	\$27.05 JCC	
11/12/2022 07:00:53 AM	Legal Copies	Inmate Welfare Fund			(\$1.20)	\$25.85 JCC	
11/12/2022 07:00:53 AM	Legal Copies	Inmate Welfare Fund			(\$0.03)	\$25.82 JCC	
11/12/2022 07:00:53 AM	Savings				(\$3.00)	\$22.82 JCC	
11/15/2022 05:31:01 AM	Commissary		4809,103551124		(\$0.50)	\$22.32 JCC	
11/15/2022 01:10:12 PM	Outside Agency Payroll	OA - Outside Agency Payroll	10/31/2022	1560	\$50.00	\$72.32 FMWCC	
11/15/2022 01:10:12 PM	Room and Board	Room and Board	10/31/2022		(\$12.50)	\$59.82 FMWCC	
11/15/2022 01:10:12 PM	Legal Copies	Inmate Welfare Fund	10/31/2022		(\$0.77)	\$59.05 FMWCC	
11/15/2022 01:10:12 PM	Legal Copies	Inmate Welfare Fund	10/31/2022		(\$1.40)	\$57.65 FMWCC	
11/15/2022 01:10:12 PM	Legal Copies	Inmate Welfare Fund	10/31/2022		(\$1.10)	\$56.55 FMWCC	
11/15/2022 01:10:12 PM	Legal Copies	Inmate Welfare Fund	10/31/2022		(\$3.90)	\$52.65 FMWCC	
11/15/2022 01:10:12 PM	Legal Copies	Inmate Welfare Fund	10/31/2022		(\$0.33)	\$52.32 FMWCC	
11/15/2022 01:10:12 PM	Savings		10/31/2022		(\$5.00)	\$47.32 FMWCC	
11/16/2022 12:24:41 PM	Phone Credit	Securus			(\$7.00)	\$40.32 DOC	
11/17/2022 05:25:51 AM	Commissary		4809,103551614		(\$27.58)	\$12.74 JCC	
11/22/2022 05:29:14 AM	Commissary		4809,103555055		(\$11.19)	\$1.55 JCC	
11/29/2022 05:49:09 AM	Commissary		4809,103561266		(\$1.20)	\$0.35 JCC	
12/08/2022						\$0.35	

## Trusts

Date	Reference Number	Amount	Balance	Loc Code
11/01/2022			\$0.00	
No Activity				
12/08/2022			\$0.00	

## Trusts

Date	Reference Number	Amount	Balance	Loc Code
------	------------------	--------	---------	----------

# Daily Transaction Summary (1250827 - JOAN WENGER cont.): November 01, 2022 - December 08, 2022

Page 2

11/01/2022 \$0.00  
 No Activity  
 12/08/2022 \$0.00

## Savings

Date	Reference Number	Amount	Balance	Loc Code
11/01/2022			\$25.94	
11/12/2022 07:00:53 AM		\$3.00	\$28.94	JCC
11/15/2022 01:10:12 PM		\$5.00	\$33.94	FMWCC
12/08/2022			\$33.94	

## DOCs - Current Month (12/01/2022)

Date Held	Hold Type	Notes	Amount
No Activity			

## Departmental Charges

Department Opening Balance: \$45.69

DOC Sanction Type Legal Postage  
 Reference Number 2579586  
 Document Number 10000250860  
 V Document Number 12/15/2021  
 DOC Sanction Date 12/15/2021  
 Paid To Inmate Welfare Fund

11/01/2022  
 No Activity  
 12/08/2022  
 Opening Balance: \$1.16  
 Closing Balance: \$1.16

DOC Sanction Type Medical Copy  
 Reference Number 12/06/2021  
 Document Number 10000250862  
 V Document Number 12/06/2021  
 DOC Sanction Date 12/06/2021  
 Paid To Inmate Welfare Fund

11/01/2022  
 No Activity  
 12/08/2022  
 Opening Balance: \$8.00  
 Closing Balance: \$8.00

DOC Sanction Type Dental Copy  
 Reference Number 02/15/2022  
 Document Number 10000251737  
 V Document Number 2/15/2022  
 DOC Sanction Date 2/15/2022  
 Paid To Inmate Welfare Fund

11/01/2022  
 No Activity  
 12/08/2022  
 Opening Balance: \$8.00  
 Closing Balance: \$8.00

# Daily Transaction Summary (1250827 - JOAN WENGER cont.): November 01, 2022 - December 08, 2022

Department Charges

DOC Sanction Type	Reference Number	Document Number	V Document Number	DOC Sanction Date	Paid To
Dental Copay	01/31/2022	10000251737		1/31/2022	Inmate Welfare Fund

Date	Description	Check Document Number	Amount	Opening Balance:	Balance
11/01/2022				\$8.00	
No Activity					
12/08/2022				Closing Balance:	\$8.00

DOC Sanction Type	Reference Number	Document Number	V Document Number	DOC Sanction Date	Paid To
Legal Postage	2560310	10000251735		2/8/2022	Inmate Welfare Fund

Date	Description	Check Document Number	Amount	Opening Balance:	Balance
11/01/2022				\$0.58	
No Activity					
12/08/2022				Closing Balance:	\$0.58

DOC Sanction Type	Reference Number	Document Number	V Document Number	DOC Sanction Date	Paid To
Legal Supply	2560416	10000252850		3/18/2022	Inmate Welfare Fund

Date	Description	Check Document Number	Amount	Opening Balance:	Balance
11/01/2022				\$2.31	
No Activity					
12/08/2022				Closing Balance:	\$2.31

DOC Sanction Type	Reference Number	Document Number	V Document Number	DOC Sanction Date	Paid To
Legal Postage	2560524	10000253692		4/20/2022	Inmate Welfare Fund

Date	Description	Check Document Number	Amount	Opening Balance:	Balance
11/01/2022				\$0.58	
No Activity					
12/08/2022				Closing Balance:	\$0.58

DOC Sanction Type	Reference Number	Document Number	V Document Number	DOC Sanction Date	Paid To
Legal Postage	2560577	10000253692		5/4/2022	Inmate Welfare Fund

Date	Description	Check Document Number	Amount	Balance



# Daily Transaction Summary (1250827 - JOAN WENGER cont.): November 01, 2022 - December 08, 2022

Department: CH 1043

11/01/2022	Opening Balance:	\$0.58
No Activity	Closing Balance:	\$0.58
12/08/2022		

<b>DOC Sanction Type</b>	<b>Reference Number</b>	<b>Document Number</b>	<b>V Document Number</b>	<b>DOC Sanction Date</b>	<b>Paid To</b>
Legal Postage	2560616	10000253692		5/13/2022	Inmate Welfare Fund

<b>Date</b>	<b>Description</b>	<b>Amount</b>	<b>Opening Balance:</b>	<b>Balance</b>
11/01/2022				\$0.58
No Activity				
12/08/2022				

<b>DOC Sanction Type</b>	<b>Reference Number</b>	<b>Document Number</b>	<b>V Document Number</b>	<b>DOC Sanction Date</b>	<b>Paid To</b>
Legal Postage	2560652	10000254407		5/25/2022	Inmate Welfare Fund

<b>Date</b>	<b>Description</b>	<b>Amount</b>	<b>Opening Balance:</b>	<b>Balance</b>
11/01/2022				\$10.10
No Activity				
12/08/2022				

<b>DOC Sanction Type</b>	<b>Reference Number</b>	<b>Document Number</b>	<b>V Document Number</b>	<b>DOC Sanction Date</b>	<b>Paid To</b>
Legal Supply	2560630	10000254440		5/23/2022	Inmate Welfare Fund

<b>Date</b>	<b>Description</b>	<b>Amount</b>	<b>Opening Balance:</b>	<b>Balance</b>
11/01/2022				\$2.31
No Activity				
12/08/2022				

<b>DOC Sanction Type</b>	<b>Reference Number</b>	<b>Document Number</b>	<b>V Document Number</b>	<b>DOC Sanction Date</b>	<b>Paid To</b>
Legal Postage	2560788	10000257118		7/12/2022	Inmate Welfare Fund

<b>Date</b>	<b>Description</b>	<b>Amount</b>	<b>Opening Balance:</b>	<b>Balance</b>
11/01/2022				\$0.58
No Activity				
12/08/2022				

<b>DOC Sanction Type</b>	<b>Reference Number</b>	<b>Document Number</b>	<b>V Document Number</b>	<b>DOC Sanction Date</b>	<b>Paid To</b>
Legal Postage	2560857	10000257118		7/27/2022	Inmate Welfare Fund

<b>Date</b>	<b>Description</b>	<b>Amount</b>	<b>Opening Balance:</b>	<b>Balance</b>
11/01/2022				\$0.60
No Activity				
12/08/2022				

<b>DOC Sanction Type</b>	<b>Reference Number</b>	<b>Document Number</b>	<b>V Document Number</b>	<b>DOC Sanction Date</b>	<b>Paid To</b>
Legal Postage	2560857	10000257118		7/27/2022	Inmate Welfare Fund

<b>Date</b>	<b>Description</b>	<b>Amount</b>	<b>Opening Balance:</b>	<b>Balance</b>
11/01/2022				\$0.60
No Activity				
12/08/2022				

Daily Transaction Summary (1250827 - JOAN WENGER cont.): November 01, 2022 - December 08, 2022

Department Change 1

Department Closing Balance:

\$45.69

Department Change 2

Department Opening Balance:

\$12.87

DOC Sanction Type  
Legal Copies

Reference Number  
2560535  
Document Number  
10000253692  
DOC Sanction Date  
4/22/2022  
Paid To  
Inmate Welfare Fund

Date  
Description

Check Document Number  
Amount  
Balance

11/01/2022

Opening Balance: \$3.27

11/12/2022 07:00:53 AM  
12/08/2022

Closing Balance: (\$3.27)  
\$0.00

DOC Sanction Type  
Legal Copies

Reference Number  
2560615  
Document Number  
10000254407  
DOC Sanction Date  
5/13/2022  
Paid To  
Inmate Welfare Fund

Date  
Description

Check Document Number  
Amount  
Balance

11/01/2022

Opening Balance: (\$1.20)

11/12/2022 07:00:53 AM  
12/08/2022

Closing Balance: (\$1.20)  
\$0.00

DOC Sanction Type  
Legal Copies

Reference Number  
2560653  
Document Number  
10000254407  
DOC Sanction Date  
5/25/2022  
Paid To  
Inmate Welfare Fund

Date  
Description

Check Document Number  
Amount  
Balance

11/01/2022

Opening Balance: (\$0.03)

11/12/2022 07:00:53 AM  
11/15/2022 01:10:12 PM  
12/08/2022

Closing Balance: (\$0.77)  
\$0.00

DOC Sanction Type  
Legal Copies

Reference Number  
2560717  
Document Number  
10000254407  
DOC Sanction Date  
6/17/2022  
Paid To  
Inmate Welfare Fund

Date  
Description

Check Document Number  
Amount  
Balance

11/01/2022

Opening Balance: (\$1.40)

11/15/2022 01:10:12 PM  
12/08/2022

Closing Balance: (\$1.40)  
\$0.00

DOC Sanction Type  
Legal Copies

Reference Number  
2560757  
Document Number  
10000255866  
DOC Sanction Date  
6/29/2022  
Paid To  
Inmate Welfare Fund

Date  
Description

Check Document Number  
Amount  
Balance

11/01/2022

Opening Balance: (\$1.10)

11/15/2022 01:10:12 PM

Offender Payment  
(\$1.10)  
\$0.00

342

Daily Transaction Summary (1250827 - JOAN WENGER cont.): November 01, 2022 - December 08, 2022

Department: 10392

12/08/2022

Closing Balance: \$0.00

DOC Sanction Type  
Legal Copies

Reference Number  
2560741

Document Number  
10000255866

V Document Number  
6/27/2022

DOC Sanction Date  
Inmate Welfare Fund

Date

Description

Check Document Number

Amount

Balance

11/01/2022

Opening Balance:

\$3.90

11/15/2022 01:10:12 PM Offender Payment

Closing Balance: (\$3.90)

\$0.00

DOC Sanction Type  
Legal Copies

Reference Number  
2560787

Document Number  
10000257118

V Document Number  
7/12/2022

DOC Sanction Date  
Inmate Welfare Fund

Date

Description

Check Document Number

Amount

Balance

11/01/2022

Opening Balance:

\$1.00

11/15/2022 01:10:12 PM Offender Payment

Closing Balance: (\$0.33)

\$0.67

DOC Sanction Type  
Legal Copies

Reference Number  
2699060

Document Number  
10000260239

V Document Number  
8/31/2022

DOC Sanction Date  
Inmate Welfare Fund

Date

Description

Check Document Number

Amount

Balance

11/01/2022

Opening Balance:

\$0.20

No Activity

Closing Balance:

\$0.20

Department Closing Balance:

\$0.87

Remaining Obligations: Current as of Date and Time of Report

Description	Paid To	Period To	Max Per	Ordered	Initial	Paid To	Outside	Total	Remaining
		Curr	Period	Payment		Curr	Source	Paid	
No Remaining Obligations									

Total: \$0.00

Sancho, Luke  
10392  
1038

CASE No. 2021-CR-00114 B

Dept. No. 11

RECEIVED

JAN 17 2023

Douglas County  
District Court Clerk

JOAN Kathryn Wenger

Petitioner,

vs.

STATE OF NEVADA,

Respondent.

FILED

2023 JAN 17 AM 11:50

BOBBIE R. WILLIAMS  
CLERK

BY  DEPUTY

## NOTICE OF APPEAL

Comes now, Appellant / Petitioner JOAN Kathryn Wenger, on this 10<sup>th</sup> DAY of JANUARY, 2023, my appeal to the Appellate Court of Competent Jurisdiction, Pursuant to the rules fixed by the Supreme Court from the decision or order of the above-named court.

I. Petition For Review And examination of the complete Process of CASE NO. 2021-CR-00114 from Arraignment through sentencing phases; and remand for a competency hearing of defendant's counsel on the following grounds:

### Ground One

Brian Filter (herewithin named "counsel") WAS Appointed to represent ms. Wenger (herewithin named "Defendant") for this case. Mr. Filter / counsel provided incompetent counsel and representation from the beginning. He failed to inform Defendant of her plea options or counters with regard to the charge of Vehicular Homicide, such as D.V.I.

with death, vehicular manslaughter, etc. Counsel only advised defendant to accept the charges, plead guilty, and accept the offer to have the D.V.I. thrown out. Counsel was beyond negligent to the defendant.

## Ground two

Both the Prosecutor and counsel agreed to, in writing, a sentence of 10-25 yrs. for the defendant. When the court and the prosecutor decided, together, on the higher sentence of Life with the possibility of parole after 10 years, counsel failed to stand up, object or argue, or even attempt to defend the original agreed-to sentence on behalf of the defendant. Again, counsel was negligent in providing any defense, support, or argument for Defendant.

## Ground three

The Prosecutor falsely stated that the defendant actually performed the act of hitting the victim's vehicle as a "reckless and intentional" act. Again, counsel for the defendant simply sat at the table and refused to react in any defense for the defendant whatsoever, thereby allowing the prosecutor to set the stage to present the higher sentence.

## Conclusion

It is clear beyond any doubt that the counsel for the defendant never once identified any of the defendant's rights that were very obviously violated by the prosecutor's intentional errors, or how she was prejudiced. The defendant absolutely lost any potential opportunity to receive the

agreed-upon 25 yr. sentence due to the complete lack of competent counsel throughout her entire court process.

Based on the foregoing argument, this appellant respectfully requests the court find the defendants' counsel incompetent and completely negligent in his defense of the defendant, and therefore remand for a new hearing.

Respectfully Submitted on this 10<sup>th</sup>  
day of January, 2023

Joan Kathryn Wenger  
Appellate / Petitioner  
CGTH  
3955 W. Russell Rd.  
Las Vegas, NV  
89118

RECEIVED

JAN 17 2023

FILED

Joan Kathryn Wenger  
~~Florence McClure Women's Correctional Center~~  
~~4370 Smiley Rd.~~  
~~Las Vegas, NV 89115~~

BP 1250827

Douglas County  
District Court Clerk

CGTH  
3955 W. Russell Rd  
Las Vegas, NV 89118

2023 JAN 17 AM 11:51

BOBBIE R. WILLIAMS  
CLERK

BY [Signature] DEPUTY

In The 9<sup>th</sup> Judicial District Court of the State of Nevada  
In and for the County of Douglas

In the matter of:

Joan Kathryn Wenger

Plaintiff/Petitioner

v.

State of Nevada

Defendant/Respondent

Case No: 2021-CR-00114 B

Dept No.: 11

☒ Hearing Requested

☐ Hearing Not Requested

**REQUEST FOR SUBMISSION OF MOTION**

It is requested that the Motion for

Competency Hearing

which was filed on the 10 day of January, 2023, in the above-entitled matter be submitted to the Court for decision.

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

This document does not include the personal information of any person as defined by NRS 603A.40.

Dated this 10 day of January, 2023

Respectfully submitted,

Joan Wenger  
Signature

Joan Wenger  
Print Name

---

DECLARATION UNDER PENALTY OF PERJURY

*I, the undersigned, understand that a false statement or answer to any question in this declaration will subject me to penalties of perjury.*

*I declare, under the penalty of perjury under the laws of the United States of America, that the above and/or foregoing information is accurate, correct and true to the best of my knowledge, executed within the terms of <sup>1</sup>NRS 171.102 and <sup>2</sup>NRS 208.165. See <sup>3</sup>28 U.S.C. 1746 and 18 U.S.C. 1621.*

This document does not include the personal information of any person as defined by NRS 603A.40.

Dated this 10 day of January, 2023

Joan Kathryn Wenger  
Signature

1250827  
Nevada Department of Corrections ID #

---

<sup>1</sup> NRS 171.102

<sup>2</sup> NRS 208.165

<sup>3</sup> 28 U.S.C.

§1746. Unsworn declarations under penalty of perjury

18 U.S.C.

§ 1621. Perjury generally



Case No. 2021-CR-00114B

Dept. No. II

RECEIVED

DEC 12 2022

Douglas County  
District Court Clerk

FILED

2022 DEC 12 PM 2:29

BOBBIE R. WILLIAMS  
CLERK

BY *[Signature]* DEPUTY

IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
IN AND FOR THE COUNTY OF DOUGLAS

JOAN KATHRYN WENFER,  
Petitioner,

vs.

NOTICE OF ENTRY OF ORDER

STATE OF NEVADA,  
Respondent.

PLEASE TAKE NOTICE that on December 9, 2022, the Court entered a decision or order in this matter, a true and correct copy of which is attached to this notice.

You may appeal to the appellate court of competent jurisdiction pursuant to the rules fixed by the Supreme Court from the decision or order of this court. If you wish to appeal, you must file a notice of appeal with the clerk of this Court within 33 days after the date of this notice is mailed to you.

This notice was mailed on December 12, 2022.

*[Signature]*  
CLERK OF COURT

By *[Signature]* DEPUTY



Brian Filter <bfilter@filterlaw.net>

---

Joan Wenger

---

Hames, A.J. <ahames@douglas.nv.gov>  
To: Brian Filter <bfilter@filterlaw.net>

Tue, Jul 20, 2021 at 10:05 AM

Brian,

After thinking things over, I am willing to mutually recommend 10-25 instead of 10 to life.

A.J. Hames

Deputy District Attorney

Douglas County District Attorney's Office

P.O. Box 218

Minden, Nevada 89423

Phone: 775-782-9800 | Fax: 775-782-9807

Email: ahames@douglas.nv.gov



CONFIDENTIAL AND PRIVILEGED ATTORNEY/CLIENT COMMUNICATION AND WORKPRODUCT: This communication, including attachments, is for the exclusive use of addressee and may contain proprietary, confidential, and/or privileged information. If you are not the intended recipient, any use, copying, disclosure, dissemination, or distribution is strictly prohibited. If you are not the intended recipient, please notify the sender immediately by return e-mail, delete this communication, and destroy all copies.

CERTIFICATE OF MAILING

STATE OF NEVADA  
COUNTY OF Clark

I am the ☒ Plaintiff/Petitioner ☐ Defendant/Respondent \_\_\_\_\_

\_\_\_\_\_ for Case No: \_\_\_\_\_

On this 10 day of January, 2023, I mailed a copy of the

Following document(s):

1. Notice of Appeal
2. Request for Submission of Motion
3. Penalty of Perjury
4. Attachment A - Reply from D.C. Court
5. Attachment B - Copy of Email

By United States First Class Mail, to the following addresses:

1. Douglas Co. Court Clerk  
1038 Buckeye Rd.  
Minden, NV  
89423

2. Douglas Co. DA  
1038 Buckeye Rd.  
Minden, NV  
89423

3. Office of the A.G.  
100 N. Carson St.  
Carson City, NV  
89701

Dated this 10 day of January, 2023.

Respectfully submitted,

Joan Kathryn Wenger  
Signature

Joan Kathryn Wenger  
Printed Name

**Form 2. Case Appeal Statement**

No. 2021-CR-00114B

Dept. No. II

FILED

2023 JAN 26 AM 11:20

IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE  
OF NEVADA IN AND FOR THE COUNTY OF DOUGLAS

BOBBIE R. WILLIAMS  
BY Victor DEPUTY

JOAN KATHRYN WENGER,

**RECEIVED**

Appellant,

JAN 26 2023

vs.

Douglas County  
District Court Clerk

THE STATE OF NEVADA,

Respondent.

**CASE APPEAL STATEMENT**

1. Name of appellant filing this case appeal statement:  
Joan Kathryn Wenger
2. Identify the judge issuing the decision, judgment, or order appealed from:  
Honorable Thomas W. Gregory.
3. Identify each appellant and the name and address of counsel for each appellant:  
Joan Kathryn Wenger #1250827 CGTH 3955 W. Russell Rd., Las Vegas, NV 89118  
– In Proper Person
4. Identify each respondent and the name and address of appellate counsel, if known, for each respondent (if the name of a respondent=s appellate counsel is unknown, indicate as much and provide the name and address of that respondent=s trial counsel):  
The State of Nevada, represented by the Douglas County Attorney's Office, P.O. Box 218, Minden, NV 89423
5. Indicate whether any attorney identified above in response to question 3 or 4 is not licensed to practice law in Nevada and, if so, whether the district court granted that attorney permission to appear under SCR 42 (attach a copy of any district court order granting such permission):  
N/A.
6. Indicate whether appellant was represented by appointed or retained counsel in the district court: Appellant was represented by Brian Filter, Esq.
7. Indicate whether appellant is represented by appointed or retained counsel on appeal:  
Unrepresented.
8. Indicate whether appellant was granted leave to proceed in forma pauperis, and the date of entry of the district court order granting such leave: N/A
9. Indicate the date the proceedings commenced in the district court (e.g., date complaint, indictment, information, or petition was filed):  
The Information was filed July 29, 2021.
10. Provide a brief description of the nature of the action and result in the district court,

including the type of judgment or order being appealed and the relief granted by the Court: This is a criminal matter in which the Judgment of Conviction was filed on November 29, 2021, order filed December 9, 2022.

11. Indicate whether the case has previously been the subject of an appeal to or original writ proceeding in the Supreme Court and, if so, the caption and Supreme Court docket number of the prior proceeding: Supreme Court Docket Number 84003
12. Indicate whether this appeal involves child custody or visitation: No.
13. If this is a civil case, indicate whether this appeal involves the possibility of settlement: N/A.

Dated this 26<sup>th</sup> day of January 2023

*Victor*

Deputy Clerk  
P.O. Box 218  
Minden, Nevada 89423  
(775) 782-9820

IN THE SUPREME COURT OF THE STATE OF NEVADA  
OFFICE OF THE CLERK

JOAN KATHRYN WENGER,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

FILED  
2023 FEB -1 AM 10:30

BOBBIE R. WILLIAMS  
CLERK

BY  DEPUTY

Supreme Court No. 86027

District Court Case No. 2021-CR-00114B

RECEIVED

FEB 01 2023

RECEIPT FOR DOCUMENTS

TO: Bobbie W. Williams, Douglas County Clerk  
Joan Kathryn Wenger

Douglas County  
District Court Clerk

Douglas County District Attorney/Minden \ Mark B. Jackson, District Attorney

You are hereby notified that the Clerk of the Supreme Court has received and/or filed the following:

01/27/2023 Appeal Filing Fee Waived. Criminal. (SC)

01/27/2023 Filed Notice of Appeal/Proper Person. Appeal docketed in the  
Supreme Court this day. (SC)

DATE: January 27, 2023

Elizabeth A. Brown, Clerk of Court  
ds

RECEIVED  
2021-CR-00114B  
FEB 07 2023  
Douglas County  
District Court Clerk

NO. 2021-CR-00114B  
FILED 2/7/2023  
BOBBIE R. WILLIAMS  
CLERK OF COURT  
DEPUTY

JOAN KATHRYN WENGER,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 86027

FILED

FEB 03 2023

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
DEPUTY CLERK

**ORDER DIRECTING TRANSMISSION OF RECORD  
AND REGARDING BRIEFING**

Having reviewed the documents on file in this pro se appeal, this court has concluded that its review of the complete record is warranted. *See* NRAP 10(a)(1). Accordingly, the clerk of the district court shall have 30 days from the date of this order to transmit to the clerk of this court a certified copy of the complete trial court record of this appeal. *See* NRAP 11(a)(2). The record shall include copies of documentary exhibits submitted in the district court proceedings, but shall not include any physical, non-documentary exhibits or the original documentary exhibits. The record shall also include any presentence investigation reports submitted in a sealed envelope identifying the contents and marked confidential. *See* NRS 176.156(5).

Within 120 days, appellant may file either (1) a brief that complies with the requirements in NRAP 28(a) and NRAP 32; or (2) the "Informal Brief Form for Pro Se Parties" provided by the supreme court clerk. NRAP 31(a)(1). If no brief is submitted, the appeal may be decided on the record on appeal. NRAP 34(g). Respondent need not file a response to any brief filed by appellant, unless ordered to do so by this court. NRAP

46A(c). This court generally will not grant relief without providing an opportunity to file a response. *Id.*

It is so ORDERED.

*Stiglin*

\_\_\_\_\_, C.J.


cc: Joan Kathryn Wenger  
Attorney General/Carson City  
Douglas County District Attorney/Minden  
Douglas County Clerk



1  
2  
3 STATE OF NEVADA       )  
                                  )  
4 COUNTY OF DOUGLAS     )       ss

5  
6               I, BOBBIE R. WILLIAMS, Clerk of the Ninth Judicial  
7 District Court, State of Nevada, in and for the said County of  
8 Douglas; said Court being a Court of Record, having common law  
9 jurisdiction, and a Clerk and a Seal, do hereby certify that the  
10 foregoing are the full, true copies of the original pleadings  
11 filed in Case No. 2021-CR-00114 THE STATE OF NEVADA vs. JOAN  
12 KATHRYN WENGER and Case No. 2021-CR-00114B JOAN KATHRYN WENGER  
13 vs. THE STATE OF NEVADA.

14               IN       TESTIMONY       WHEREOF, I have hereunto set my hand  
15 and affixed my Official Seal at Minden, in said County and State  
16 this 13<sup>TH</sup> day of February, A.D., 2023.

17  
18                                 
Clerk of Court

19                               *Victor*  
20                               Apprentice Court Clerk  
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