

Steven D. Grierson

1 Davontae Wheeler
2 Petitioner, In Propria Personam
3 Post Office Box 208, S.D.C.C.
4 Indian Springs, Nevada 89018

Electronically Filed
Feb 08 2023 01:29 PM
Elizabeth A. Brown
Clerk of Supreme Court

5 IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

6 IN AND FOR THE COUNTY OF CLARK

9 DAVONTAE WHEELER

10 Petitioner

11 vs.

12 GABRIELA NAJERA, Warden
13 Respondent

Case No. A-22-957575-W
(C-17-328587-3)

Dept. No. XII

Docket _____

16 **NOTICE OF APPEAL**

17 NOTICE IS HEREBY GIVEN, That the Petitioner/Defendant,

18 Davontae Wheeler, in and through his proper person, hereby
19 appeals to the Supreme Court of Nevada from the ORDER denying and/or
20 dismissing the

21 Petition For Writ of Habeas Corpus (Post-Conviction)

22 _____
23 ruled on the 3rd day of November, 20 22.

24 _____
25 Dated this 25th day of January, 20 23

Respectfully Submitted,

Davontae Wheeler

RECEIVED

FEB 9 6 2023

CLERK OF THE COURT

CERTIFICATE OF SERVICE BY MAILING

I, Davontae Wheeler, hereby certify, pursuant to NRCP 5(b), that on this 25th day of January, 20 23, 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:

District Attorney
Clark County Nevada
200 Lewis Ave
PO Box 532212
Las Vegas NV 89155

CC:FILE

DATED: this 25th day of January, 20 23.

Davontae Wheeler
Davontae Wheeler # 1235057
Petitioner /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 _____

NOTICE OF APPEAL

(Title of Document)

A-22-857575-W

filed in District Court Case number C-17-328587-3

☒ 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.

Darontae Wheeler
Signature

01, 25, 23
Date

Darontae Wheeler
Print Name

PETITIONER PRO SE
Title

Davontae Wheeler #1235057
S.D.C.C.
P.O BOX 208
Indian Springs NV 89070

BRASS SLIP #
26-1977

quadrant

04/11/2008

04/11/2008

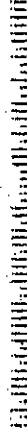
US POSTAGE \$001.50

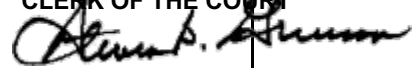


ZIP 89070

04/11/2008

Dept of the Court
8th Dist. Ct.
990 Lewis Ave
3rd Floor
Las Vegas NV 89155-1160





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

10 DAVONTAE WHEELER,

11 Plaintiff(s),

12 vs.

13 WARDEN NAJERA,

14 Defendant(s),
15

Case No: A-22-857575-W

Dept No: XII

16
17 **CASE APPEAL STATEMENT**
18

19 1. Appellant(s): Davontae Wheeler

20 2. Judge: Michelle Leavitt

21 3. Appellant(s): Davontae Wheeler

22 Counsel:

23 Davontae Wheeler 31235057
24 P.O. Box 208
Indian Springs, NV 89070

25 4. Respondent (s): Warden Najera

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
10 Date Application(s) filed: N/A

11 9. Date Commenced in District Court: August 29, 2022

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

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

14 11. Previous Appeal: No

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

16 12. Child Custody or Visitation: N/A

17 13. Possibility of Settlement: Unknown

18 Dated This 8 day of February 2023.

19 Steven D. Grierson, Clerk of the Court

20
21 /s/ Heather Ungermann

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

27 cc: Davontae Wheeler
28

CASE SUMMARY

CASE NO. A-22-857575-W

Davontae Wheeler, Plaintiff(s)
vs.
Warden Najera, et. al, Defendant(s)

§
§
§
§
§

Location: **Department 12**
 Judicial Officer: **Leavitt, Michelle**
 Filed on: **08/29/2022**
 Cross-Reference Case Number: **A857575**

CASE INFORMATION

Related Cases

C-17-328587-3 (Writ Related Case)

Case Type: **Writ of Habeas Corpus**

Case Status: **08/29/2022 Open**

DATE

CASE ASSIGNMENT

Current Case Assignment

Case Number A-22-857575-W
 Court Department 12
 Date Assigned 08/29/2022
 Judicial Officer Leavitt, Michelle

PARTY INFORMATION

Plaintiff

Wheeler, Davontae

Lead Attorneys

Pro Se

Defendant

Warden Najera, et. al


Wolfson, Steven B
Retained
 702-671-2700(W)


DATE


EVENTS & ORDERS OF THE COURT


INDEX


EVENTS


08/29/2022  Inmate Filed - Petition for Writ of Habeas Corpus
 Party: Plaintiff Wheeler, Davontae
[1] Post Conviction

09/01/2022  Order for Petition for Writ of Habeas Corpus
[2] Order for Petition for Writ of Habeas Corpus

10/12/2022  Opposition
[3] State's Opposition to Petitioner's Petition for Post-Conviction Relief

12/15/2022  Motion
 Filed By: Plaintiff Wheeler, Davontae
[4] Motion to Compel the State to Provide Petitioner a Copy of State's Opposition to Petitioner's Petition for (Post Conviction) Relief

12/15/2022  Clerk's Notice of Hearing
[5] Notice of Hearing

12/21/2022  Certificate of Mailing
[6] Certificate of Mailing

CASE SUMMARY

CASE NO. A-22-857575-W

02/07/2023



Notice of Appeal
[7] Notice of Appeal

02/08/2023



Case Appeal Statement
Case Appeal Statement

HEARINGS

11/03/2022



Petition for Writ of Habeas Corpus (8:30 AM) (Judicial Officer: Leavitt, Michelle)
Denied;
Journal Entry Details:
COURT ORDERED, Petition DENIED as the allegations are bare and naked and belied by the record; State to prepare the Order.;

02/16/2023

Motion (8:30 AM) (Judicial Officer: Leavitt, Michelle)
Plaintiff / Petitioner's - Motion to Compel the State to Provide Petitioner a Copy of State's Opposition to Petitioner's Petition for (Post Conviction) Relief

DISTRICT COURT CIVIL COVER SHEET

A-22-857575-W
Dept. 12

County, Nevada

Case No.

(Assigned by Clerk's Office)

I. Party Information (provide both home and mailing addresses if different)

Plaintiff(s) (name/address/phone):

Davontae Wheeler

Defendant(s) (name/address/phone):

Warden Najera , et. al.

Attorney (name/address/phone):

Attorney (name/address/phone):

II. Nature of Controversy (please select the one most applicable filing type below)**Civil Case Filing Types**

Real Property Landlord/Tenant <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Other Landlord/Tenant Title to Property <input type="checkbox"/> Judicial Foreclosure <input type="checkbox"/> Other Title to Property Other Real Property <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property	Negligence <input type="checkbox"/> Auto <input type="checkbox"/> Premises Liability <input type="checkbox"/> Other Negligence Malpractice <input type="checkbox"/> Medical/Dental <input type="checkbox"/> Legal <input type="checkbox"/> Accounting <input type="checkbox"/> Other Malpractice	Torts Other Torts <input type="checkbox"/> Product Liability <input type="checkbox"/> Intentional Misconduct <input type="checkbox"/> Employment Tort <input type="checkbox"/> Insurance Tort <input type="checkbox"/> Other Tort
Probate Probate (select case type and estate value) <input type="checkbox"/> Summary Administration <input type="checkbox"/> General Administration <input type="checkbox"/> Special Administration <input type="checkbox"/> Set Aside <input type="checkbox"/> Trust/Conservatorship <input type="checkbox"/> Other Probate Estate Value <input type="checkbox"/> Over \$200,000 <input type="checkbox"/> Between \$100,000 and \$200,000 <input type="checkbox"/> Under \$100,000 or Unknown <input type="checkbox"/> Under \$2,500	Construction Defect & Contract Construction Defect <input type="checkbox"/> Chapter 40 <input type="checkbox"/> Other Construction Defect Contract Case <input type="checkbox"/> Uniform Commercial Code <input type="checkbox"/> Building and Construction <input type="checkbox"/> Insurance Carrier <input type="checkbox"/> Commercial Instrument <input type="checkbox"/> Collection of Accounts <input type="checkbox"/> Employment Contract <input type="checkbox"/> Other Contract	Judicial Review/Appeal Judicial Review <input type="checkbox"/> Foreclosure Mediation Case <input type="checkbox"/> Petition to Seal Records <input type="checkbox"/> Mental Competency Nevada State Agency Appeal <input type="checkbox"/> Department of Motor Vehicle <input type="checkbox"/> Worker's Compensation <input type="checkbox"/> Other Nevada State Agency Appeal Other <input type="checkbox"/> Appeal from Lower Court <input type="checkbox"/> Other Judicial Review/Appeal
Civil Writ Civil Writ <input checked="" type="checkbox"/> Writ of Habeas Corpus <input type="checkbox"/> Writ of Mandamus <input type="checkbox"/> Writ of Quo Warrant <input type="checkbox"/> Writ of Prohibition <input type="checkbox"/> Other Civil Writ		Other Civil Filing Other Civil Filing <input type="checkbox"/> Compromise of Minor's Claim <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Other Civil Matters

Business Court filings should be filed using the Business Court civil coversheet.

August 29, 2022

Date

PREPARED BY CLERK

Signature of initiating party or representative

See other side for family-related case filings.

Writ of Habeas Corpus

COURT MINUTES

November 03, 2022

A-22-857575-W Davontae Wheeler, Plaintiff(s)
vs.
Warden Najera, et. al, Defendant(s)

November 03, 2022 08:30 AM Petition for Writ of Habeas Corpus

HEARD BY: Leavitt, Michelle **COURTROOM:** RJC Courtroom 14D

COURT CLERK: Pannullo, Haly; Ramey, Cristle

RECORDER: Richardson, Sara

REPORTER:

PARTIES PRESENT:

Haley Ann Jaramillo Attorney for Defendant

JOURNAL ENTRIES

COURT ORDERED, Petition DENIED as the allegations are bare and naked and belied by the record; State to prepare the Order.



EIGHTH JUDICIAL DISTRICT COURT CLERK'S OFFICE
NOTICE OF DEFICIENCY
ON APPEAL TO NEVADA SUPREME COURT

DAVONTAE WHEELER #1235057
P.O. BOX 208
INDIAN SPRINGS, NV 89070

DATE: February 8, 2023
CASE: A-22-857575-W

RE CASE: DAVONTAE WHEELER vs. WARDEN NAJERA

NOTICE OF APPEAL FILED: February 7, 2023

YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.

PLEASE NOTE: DOCUMENTS **NOT** TRANSMITTED HAVE BEEN MARKED:

- ☐ \$250 – Supreme Court Filing Fee (Make Check Payable to the Supreme Court)**
 - If the \$250 Supreme Court Filing Fee was not submitted along with the original Notice of Appeal, it must be mailed directly to the Supreme Court. The Supreme Court Filing Fee will not be forwarded by this office if submitted after the Notice of Appeal has been filed.
- ☐ \$24 – District Court Filing Fee (Make Check Payable to the District Court)**
- ☐ \$500 – Cost Bond on Appeal (Make Check Payable to the District Court)**
 - NRAP 7: Bond For Costs On Appeal in Civil Cases
 - *Previously paid Bonds are not transferable between appeals without an order of the District Court.*
- ☐ Case Appeal Statement
 - NRAP 3 (a)(1), Form 2
- ☒ Order
- ☒ Notice of Entry of Order

NEVADA RULES OF APPELLATE PROCEDURE 3 (a) (3) states:

"The district court clerk must file appellant's notice of appeal despite perceived deficiencies in the notice, including the failure to pay the district court or Supreme Court filing fee. The district court clerk shall apprise appellant of the deficiencies in writing, and shall transmit the notice of appeal to the Supreme Court in accordance with subdivision (g) of this Rule with a notation to the clerk of the Supreme Court setting forth the deficiencies. Despite any deficiencies in the notice of appeal, the clerk of the Supreme Court shall docket the appeal in accordance with Rule 12."

Please refer to Rule 3 for an explanation of any possible deficiencies.

***Per District Court Administrative Order 2012-01, in regards to civil litigants, "...all Orders to Appear in Forma Pauperis expire one year from the date of issuance." You must reapply for in Forma Pauperis status.*

Certification of Copy

State of Nevada }
County of Clark } SS:

I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full and correct copy of the hereinafter stated original document(s):

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT
DOCKET ENTRIES; CIVIL COVER SHEET; DISTRICT COURT MINUTES; NOTICE OF
DEFICIENCY

DAVONTAE WHEELER,

Plaintiff(s),

vs.

WARDEN NAJERA,

Defendant(s),

Case No: A-22-857575-W

Dept No: XII

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 8 day of February 2023.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk

