

Steven D. Grierson

1. GERALD Whatley JR #48057

2. P.O. Box 650 H.D.S.P.

3. Indian Springs, NV 89070

4.

5.

District Court

6.

Clark County, Nevada

7.

8. GERALD Whatley JR

9.

Petitioner

Case no. A-22-861330-W

10.

-v-

Dept. no. 20

11. CALVIN JOHNSON et al

Date 2-23-2023

12.

Respondents

13.

14.

Notice of Appeal

15. Notice is hereby given that the Appellate,

16. GERALD Whatley JR, by and through himself in

17. proper person, does now appeal to the Supreme

18. Court of the State of Nevada, the decision of

19. the District court denial of Habeas petition

20. that contained the following Constitutional

21. Raised Grounds

22. 1) Ground One: Nevada's Constitution Art. 4, Sec. 6,

23. and Sec. 8 in Due Process was violated due to

24. ineffective assistance of counsel prior to and

25. during trial court proceedings et seq. Ineffective

26. Assistance of Appellate/appeal Counsel in

27. Violation of the petitioner's 6th Amendment

28.

Electronically Filed
Mar 06 2023 09:31 AM
Elizabeth A. Brown
Clerk of Supreme Court

CLERK OF THE COURT

FEB 21 2023

RECEIVED

1. Right. 45 Const, Violation

2. Grounds two: Counsel for the Petitioner during

3. the pre-trial Phase was ineffective when

4. Counsel did not suppress officer Polion

5. Perjured Declaration to obtain a search

6. warrant to abstract Blood Sample violating

7. the 4th (illegal search and seizure) 6th

8. (effective counsel) and the 14th Amendment

9. (denial of substantive procedural due

10. process) of the U.S. Const.

11. Grounds Three: That the sentencing court lacked

12. a disregard for the state statutory entitlements

13. afforded to Petitioner under Chapter 484C.320

14. of the Nevada Revised Statutes et seq., deprived

15. the sentencing court actual jurisdiction

16. absent the sentencing court, aided in programs

17. of treatment upon the Petitioner's request

18. prior to sentencing, violation Const. 14th Amend.

19. Ground Four: The Petitioner's sentence phase

20. demonstrated because a jury trial occurred,

21. the sentencing court relied on a 2016 citation,

22. to justify subject the Petitioner to a 7 Prison

23. term. Violation Const. 14th Amend.

24. Ground Five: Petitioner believes he was re-

25. taliated against when the sentencing court

26. arbitrarily violated the Petitioner's first Amend.

27. Rights (Retaliation/Imprisonment for seeking a

28.

1. Jury trial) upon Seeking the imprisonment
2. of A PRISON term without jurisdiction
3. Ground Six: Petitioner believes Counsel
4. was Ineffective when it created a jurisdictional
5. defect during the appellate process the
6. appellant A Statutory Right to a Direct
7. Appeal and effective Counsel on Direct Appeal
8. Review. A violation of the 6th and the 14th
9. Amend. of the U.S. Const.
10. Ground Seven: The Trial-Sentencing Court
11. deprived to the Petitioner Compulsory
12. process of the 6th Amend. of the US.
13. Const. The judicial office of the Eighth
14. Judicial District Court Abused its discretion
15. When the judicial record of the Court
16. Demonstrates this Petitioner's pleadings
17. Before (Habeas Petition, its Supplement and
18. 2nd Supplemental) was denied for judicial
19. Review when the Court entered judgement in
20. favor of respondents Prior to the Order
21. Date for Appellants Reply Due date.

22.
23. Date: 2-23-2023

24.
25. Petitioner does not have access to electronic
26. transmission, mailing system is only process.

27.

28.

Certificate Of Service By Mailing

1.

2. I, Gerald Whatley, hereby certify pursuant

3. to NRC P 5(b) that on this February day of 23,

4. 2023, I mailed a true and correct copy of the

5. foregoing "Notice of Appeal" by depositing it

6. in the High Desert State Prison, Legal Library,

7. first-class Postage, fully prepaid address as follows:

8.

9. Steven D. Grierson

Steven Wolfson

10. 200 Lewis Avenue 3rd Floor

200 Lewis Ave 3rd fl

11. Las Vegas NV 89155-1160

Las Vegas NV 89101

12.

13.

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18.

Gerald Whatley Jr
Gerald Whatley Jr

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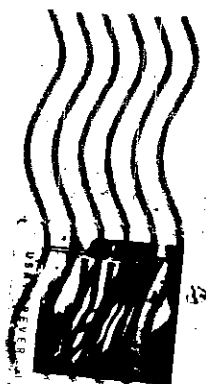
26.

27.

28.

Greata Whitten #48057
High Desert State Prison
P.O. Box 1050
Indian Springs NV 89070

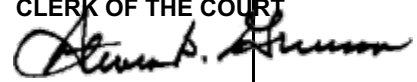
LAS VEGAS NV 890
23 FEB 2023 PM 3 L



Steven D. Belersdon
200 Lewis Avenue 3rd Fl
Las Vegas Nevada 89155-1160

89101-630000





1 ASTA

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

10 GERALD LEE WHATLEY, JR.,

11 Plaintiff(s),

12 vs.

13 THE EIGHTH JUDICIAL DISTRICT COURT,

14 Defendant(s),
15

Case No: A-22-861330-W

Dept No: XX

16
17 **CASE APPEAL STATEMENT**
18

19 1. Appellant(s): Gerald Whatley, Jr.

20 2. Judge: Eric Johnson

21 3. Appellant(s): Gerald Whatley, Jr.

22 Counsel:

23 Gerald Whatley, Jr. #48057
24 P.O. Box 650
Indian Springs, NV 89070

25 4. Respondent (s): The Eighth Judicial District Court

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: November 16, 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 2 day of March 2023.

19 Steven D. Grierson, Clerk of the Court

20
21 /s/ Amanda Hampton

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

27 cc: Gerald Whatley, Jr.
28

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY
CASE NO. A-22-861330-W

Gerald Whatley, Jr., Plaintiff(s)
vs.
Eighth Judicial District Court, Defendant(s)

§
§
§
§
§

Location: **Department 20**
Judicial Officer: **Johnson, Eric**
Filed on: **11/16/2022**
Cross-Reference Case Number: **A861330**

CASE INFORMATION

Related Cases

C-21-357412-1 (Writ Related Case)

Case Type: **Writ of Habeas Corpus**

Case Status: **11/16/2022 Open**

DATE

CASE ASSIGNMENT

Current Case Assignment

Case Number A-22-861330-W
Court Department 20
Date Assigned 11/16/2022
Judicial Officer Johnson, Eric

PARTY INFORMATION

Plaintiff

Whatley, Gerald, Jr.

Lead Attorneys

Pro Se

Defendant

Eighth Judicial District Court


DATE

EVENTS & ORDERS OF THE COURT


INDEX

EVENTS


11/16/2022

 Inmate Filed - Petition for Writ of Habeas Corpus
Party: Plaintiff Whatley, Gerald, Jr.
[1] Post Conviction

11/16/2022

 Order for Petition for Writ of Habeas Corpus
[2] Order for Petition for Writ of Habeas Corpus


11/17/2022

 Supplement
Filed by: Plaintiff Whatley, Gerald, Jr.
[3] Supplemental to Writ of Habeas Corpus


01/04/2023

 Response
[4] State's Response To Petitioner's Petition For Writ Of Habeas Corpus (Post-Conviction)


01/04/2023

 Response
[5] State's Response To Petitioner's Supplemental To Writ Of Habeas Corpus

02/05/2023

 Supplemental
Filed by: Plaintiff Whatley, Gerald, Jr.
[6] Petitioner's Second Supplemental to Writ of Habeas (Brook vs State 22285 Nev. Sup. Ct) Corpus

02/05/2023

 Motion for Appointment of Attorney

CASE SUMMARY
CASE NO. A-22-861330-W

Filed By: Plaintiff Whatley, Gerald, Jr.
[7] Motion to Appoint Counsel

02/05/2023



Notice of Motion

Filed By: Plaintiff Whatley, Gerald, Jr.
[8] Notice of Motion

02/05/2023



Clerk's Notice of Nonconforming Document

[9] Clerk's Notice of Nonconforming Document

02/07/2023



Motion

Filed By: Plaintiff Whatley, Gerald, Jr.
[10] Motion Requesting Extension of Time

02/07/2023



Clerk's Notice of Nonconforming Document

[11] Clerk's Notice of Nonconforming Document

02/11/2023



Reply

Filed by: Plaintiff Whatley, Gerald, Jr.
[12] Petitioner's Reply to Respondents Response to Original 1 st and 2 nd Supplemental Habeas Petition

02/11/2023



Exhibits

Filed By: Plaintiff Whatley, Gerald, Jr.
[13] Sworn Authentication of Exhibits

02/28/2023



Notice of Appeal

[14] Notice of Appeal

03/02/2023



Case Appeal Statement

Case Appeal Statement

HEARINGS

01/19/2023



Petition for Writ of Habeas Corpus (8:30 AM) (Judicial Officer: Johnson, Eric)

Denied;

Journal Entry Details:

Upon Court's inquiry, Ms. Griffith advised the State filed an opposition to the petition. COURT stated its FINDINGS, and ORDERED, Petition for Writ of Habeas Corpus DENIED. NDC CLERK'S NOTE: The above minute order has been distributed to: Gerald Whatley, Jr. #48057, HDSP, PO Box 650, Indian Springs, NV 89070. 1.24.23kkm;

DISTRICT COURT CIVIL COVER SHEET

County, Nevada

A-22-861330-W

Dept. 20

Case No.

(Assigned by Clerk's Office)

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

Plaintiff(s) (name/address/phone): GERALD WHATLEY	Defendant(s) (name/address/phone): EIGHTH JUDICIAL DISTRICT COURT
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.

November 16, 2022

Date

PREPARED BY CLERK

Signature of initiating party or representative

See other side for family-related case filings.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Writ of Habeas Corpus

COURT MINUTES

January 19, 2023

A-22-861330-W Gerald Whatley, Jr., Plaintiff(s)
vs.
Eighth Judicial District Court, Defendant(s)

**January 19, 2023 8:30 AM Petition for Writ of Habeas
Corpus**

HEARD BY: Johnson, Eric **COURTROOM:** RJC Courtroom 12A

COURT CLERK: Kathryn Hansen-McDowell

RECORDER: Angie Calvillo

REPORTER:

PARTIES

PRESENT: Griffith, Brittni Attorney
Nevada, State Of Other

JOURNAL ENTRIES

- Upon Court's inquiry, Ms. Griffith advised the State filed an opposition to the petition. COURT stated its FINDINGS, and ORDERED, Petition for Writ of Habeas Corpus DENIED.

NDC

CLERK'S NOTE: The above minute order has been distributed to: Gerald Whatley, Jr. #48057, HDSP, PO Box 650, Indian Springs, NV 89070. 1.24.23khm



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

GERALD WHATLEY, JR., #48057
P.O. BOX 650
INDIAN SPRINGS, NV 889

DATE: March 2, 2023
CASE: A-22-861330-W

RE CASE: GERALD LEE WHATLEY, JR., vs. THE EIGHTH JUDICIAL DISTRICT COURT

NOTICE OF APPEAL FILED: February 28, 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

GERALD LEE WHATLEY, JR.,

Plaintiff(s),

vs.

THE EIGHTH JUDICIAL DISTRICT COURT,

Defendant(s),

Case No: A-22-861330-W

Dept No: XX

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 2 day of March 2023.

Steven D. Grierson, Clerk of the Court



Amanda Hampton, Deputy Clerk