

*Steven D. Grierson*

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

Electronically Filed  
Jul 10 2023 11:32 AM  
Elizabeth A. Brown  
Clerk of the Supreme Court

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

6 IN AND FOR THE COUNTY OF CLARK

9 DEMARENE COLEMAN

10 Plaintiff,

11 vs.  
12 Warden Keyser, Aaron Ford, State of Nevada  
13 Steven Wolfson

14 Defendant.

Case No. A-23-86846-W

Dept. No. 6

Docket \_\_\_\_\_

16 **NOTICE OF APPEAL**

17 NOTICE IS HEREBY GIVEN, That the Petitioner/Defendant,  
18 DEMARENE COLEMAN, 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 20<sup>th</sup> day of June, 20 23

24 \_\_\_\_\_  
25 Dated this 23<sup>rd</sup> day of June, 20 23

Respectfully Submitted,

Demarene Coleman

RECEIVED  
JUN 28 2023  
CLERK OF THE COURT

Demicene Coleman #1007335

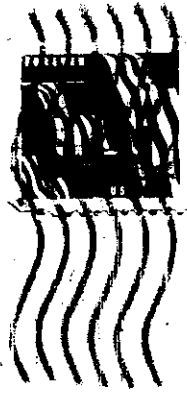
P.O. Box 208

S.D.C.C.

Indian Springs, NV. 89070

LAS VEGAS NV 890

28 JUN 2023 PM 4 1



**RECEIVED**

**JUN 28 2023**

**CLERK OF THE COURT**

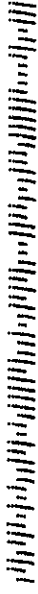
Steven D. Grierson

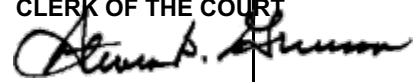
Clerk of the Court

200 Lewis Avenue 3rd Floor

Las Vegas NV, 89155-1160

89155-1160





ASTA

**IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE  
STATE OF NEVADA IN AND FOR  
THE COUNTY OF CLARK**

DEMARENE COLEMAN,

Plaintiff(s),

vs.

WARDEN NAJERA; AARON FORD ATTORNEY  
GENERAL; STATE OF NEVADA; STEVEN B.  
WOLFSON D.A.,

Defendant(s),

Case No: A-23-868466-W

Dept No: VI

**CASE APPEAL STATEMENT**

1. Appellant(s): Demarene Coleman

2. Judge: Jacqueline M. Bluth

3. Appellant(s): Demarene Coleman

Counsel:

Demarene Coleman #1007335  
P.O. Box 208  
Indian Springs, NV 89070

4. Respondent (s): Warden Majera; Aaron Ford Attorney General; State of Nevada; Steven B.  
Wolfson D.A.

Counsel:

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

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

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

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

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

8. Appellant Granted Leave to Proceed in Forma Pauperis\*\*: N/A  
*\*\*Expires 1 year from date filed*

Appellant Filed Application to Proceed in Forma Pauperis: No  
Date Application(s) filed: N/A

9. Date Commenced in District Court: April 5, 2023

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

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

11. Previous Appeal: No

Supreme Court Docket Number(s): N/A

12. Child Custody or Visitation: N/A

13. Possibility of Settlement: Unknown

Dated This 6 day of July 2023.

Steven D. Grierson, Clerk of the Court

/s/ Heather Ungermann

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

cc: Demarene Coleman

# CASE SUMMARY

## CASE NO. A-23-868466-W

Demarene Coleman, Plaintiff(s)  
vs.  
Warden Najera, Defendant(s)

§  
§  
§  
§  
§

Location: Department 6  
Judicial Officer: Bluth, Jacqueline M.  
Filed on: 04/05/2023  
Cross-Reference Case Number: A868466

### CASE INFORMATION

#### Related Cases

05C215295-1 (Writ Related Case)

Case Type: Writ of Habeas Corpus

Case Status: 04/05/2023 Open

### DATE

### CASE ASSIGNMENT

#### Current Case Assignment

Case Number A-23-868466-W  
Court Department 6  
Date Assigned 04/05/2023  
Judicial Officer Bluth, Jacqueline M.

### PARTY INFORMATION






<b>Plaintiff</b>	<b>Coleman, Demarene</b>	<b>Pro Se</b>
<b>Defendant</b>	<b>Ford, Aaron</b>	
	<b>State of Nevada</b>	
	<b>Warden Najera</b>	
	<b>Wolfson, Steven</b>	

### DATE

### EVENTS & ORDERS OF THE COURT

### INDEX

#### EVENTS

04/05/2023	 Inmate Filed - Petition for Writ of Habeas Corpus Party: Plaintiff Coleman, Demarene <i>[1] Post Conviction</i>
04/06/2023	 Order for Petition for Writ of Habeas Corpus <i>[2] Order for Petition for Writ of Habeas Corpus</i>
05/09/2023	 Response <i>[3] State's Response to Petitioner's Petition for Writ of Habeas Corpus (Post-Conviction) and Counter-motion to Dismiss Pursuant to Laches</i>
06/28/2023	 Notice of Appeal <i>[4] Notice of Appeal</i>
07/06/2023	 Case Appeal Statement <i>Case Appeal Statement</i>

#### HEARINGS

06/20/2023

**CASE SUMMARY****CASE NO. A-23-868466-W****Minute Order (3:00 AM)** (Judicial Officer: Bluth, Jacqueline M.)*Minute Order re: Petitioner's Petition for Writ of Habeas Corpus*

Minute Order - No Hearing Held;

Journal Entry Details:

**COURT ORDERED**, *Petitioner's Petition for Writ of Habeas Corpus (Post-Conviction)* is **DENIED**. "Any person convicted of a crime and under sentence of death or imprisonment who claims that the conviction was obtained, or that the sentence was imposed, in violation of the Constitution of the United States or the Constitution or laws of this State, or who, after exhausting all available administrative remedies, claims that the time the person has served pursuant to the judgment of conviction has been improperly computed, may, without paying a filing fee, file a postconviction petition for a writ of habeas corpus to obtain relief from the conviction or sentence or to challenge the computation of time that the person has served." NRS 34.724. However, "[u]nless there is good cause shown for delay, a petition that challenges the validity of a judgment or sentence must be filed within 1 year after entry of the judgment of conviction or, if an appeal has been taken from the judgment, within 1 year after the appellate court of competent jurisdiction ... issues its remittitur." NRS 34.724(1). "[G]ood cause for delay exists if the petitioner demonstrates to the satisfaction of the court: (a) That the delay is not the fault of the petitioner; and (b) That dismissal of the petition as untimely will unduly prejudice the petitioner." NRS 34.724(1)(a)-(b). "Application of the statutory procedural default rules to post-conviction habeas petitions is mandatory." *Sate v. Eighth Jud. Dist. Ct. ex rel. Cnty. of Clark*, 121 Nev. 225, 231, 112 P.3d 1070, 1074 (2005). Here, Petitioner has raised seven interrelated grounds for relief in his Petition revolving around his guilty plea agreement in case number 05C215295-1. However, each ground fails as they are subject to the above procedural bar. Petitioner entered a plea of guilty and was sentenced on August 14, 2007. Judgment of Conviction, filed August 22, 2007 in 05C215295-1. Thereafter, Petitioner's judgment of conviction was filed on August 22, 2007. *Id.* The instant Petition was filed on April 5, 2023. Petition for Writ of Habeas Corpus (Post-Conviction), filed April 5, 2023. Clearly, the one-year time limit of NRS 34.724(1) has lapsed and this Petition should be barred. In reviewing Petitioner's Petition, at no point does he argue about, or provide a reason for, his Petition being filed far after the one-year time limit expired. Even if Petitioner had provided argument pertaining to good cause for delay, the Court notes that all of his grounds are premised on events that occurred in 2007 and Petitioner could have brought his claims much, much sooner than now; per the Petition, Petitioner was present for each event he now complains of. As such, the Petition must be denied. As this Petition is time-barred, there is no need for an evidentiary hearing. See NRS 34.770(1) ("The judge or justice, upon review of the return, answer and all supporting documents which are filed, shall determine whether an evidentiary hearing is required."); see also NRS 34.770(2) ("If the judge or justice determines that the petitioner is not entitled to relief and an evidentiary hearing is not required, the judge or justice shall dismiss the petition without a hearing."). Therefore, **COURT ORDERED**, Petitioner's Petition is **DENIED**. **COURT FURTHER ORDERED**, as the Petition is denied, its setting on June 20, 2023 shall be **VACATED**. **COURT FURTHER ORDERED**, as the Petition is denied, the State of Nevada's Countermotion to Dismiss Pursuant to Laches is **DENIED** as **MOOT**. The State of Nevada is to prepare an order consistent with the Court's ruling. **CLERK'S NOTE**: A copy of this minute order was electronically mailed to John Afshar, Deputy District Attorney and a copy mailed to the Petitioner./kb;

06/20/2023

**CANCELED Petition for Writ of Habeas Corpus (9:30 AM)** (Judicial Officer: Bluth, Jacqueline M.)*Vacated**Petition for Writ of Habeas Corpus*

07/03/2023

**Minute Order (3:00 AM)** (Judicial Officer: Bluth, Jacqueline M.)

Minute Order - No Hearing Held;

Journal Entry Details:

**COURT ORDERED**, the Findings of Facts, Conclusion of Law, and Order, filed June 22, 2023, shall be **STRICKEN** as it was inadvertently filed without the Court's signature. ;

## DISTRICT COURT CIVIL COVER SHEET

A-23-868466-W

Dept. 6

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): Demarene Coleman	Defendant(s) (name/address/phone): Warden Najera
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**

<b>Real Property</b> <b>Landlord/Tenant</b> <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Other Landlord/Tenant <b>Title to Property</b> <input type="checkbox"/> Judicial Foreclosure <input type="checkbox"/> Other Title to Property <b>Other Real Property</b> <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property	<b>Negligence</b> <input type="checkbox"/> Auto <input type="checkbox"/> Premises Liability <input type="checkbox"/> Other Negligence <b>Malpractice</b> <input type="checkbox"/> Medical/Dental <input type="checkbox"/> Legal <input type="checkbox"/> Accounting <input type="checkbox"/> Other Malpractice	<b>Torts</b> <b>Other Torts</b> <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
<b>Probate</b> <b>Probate</b> (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 <b>Estate Value</b> <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	<b>Construction Defect &amp; Contract</b> <b>Construction Defect</b> <input type="checkbox"/> Chapter 40 <input type="checkbox"/> Other Construction Defect <b>Contract Case</b> <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	<b>Judicial Review/Appeal</b> <b>Judicial Review</b> <input type="checkbox"/> Foreclosure Mediation Case <input type="checkbox"/> Petition to Seal Records <input type="checkbox"/> Mental Competency <b>Nevada State Agency Appeal</b> <input type="checkbox"/> Department of Motor Vehicle <input type="checkbox"/> Worker's Compensation <input type="checkbox"/> Other Nevada State Agency <b>Appeal Other</b> <input type="checkbox"/> Appeal from Lower Court <input type="checkbox"/> Other Judicial Review/Appeal
<b>Civil Writ</b> <b>Civil Writ</b> <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		<b>Other Civil Filing</b> <b>Other Civil Filing</b> <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.

April 5, 2023

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**

**June 20, 2023**

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A-23-868466-W      Demarene Coleman, Plaintiff(s)  
vs.  
Warden Najera, Defendant(s)

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**June 20, 2023      3:00 AM      Minute Order**

**HEARD BY:** Bluth, Jacqueline M.

**COURTROOM:** Chambers

**COURT CLERK:** Kristen Brown

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- COURT ORDERED, Petitioner's Petition for Writ of Habeas Corpus (Post-Conviction) is DENIED.

"Any person convicted of a crime and under sentence of death or imprisonment who claims that the conviction was obtained, or that the sentence was imposed, in violation of the Constitution of the United States or the Constitution or laws of this State, or who, after exhausting all available administrative remedies, claims that the time the person has served pursuant to the judgment of conviction has been improperly computed, may, without paying a filing fee, file a postconviction petition for a writ of habeas corpus to obtain relief from the conviction or sentence or to challenge the computation of time that the person has served." NRS 34.724.

However, "[u]nless there is good cause shown for delay, a petition that challenges the validity of a judgment or sentence must be filed within 1 year after entry of the judgment of conviction or, if an appeal has been taken from the judgment, within 1 year after the appellate court of competent jurisdiction ... issues its remittitur." NRS 34.724(1). "[G]ood cause for delay exists if the petitioner demonstrates to the satisfaction of the court: (a) That the delay is not the fault of the petitioner; and (b) That dismissal of the petition as untimely will unduly prejudice the petitioner." NRS 34.724(1)(a)-(b).



"Application of the statutory procedural default rules to post-conviction habeas petitions is mandatory." *Sate v. Eighth Jud. Dist. Ct. ex rel. Cnty. of Clark*, 121 Nev. 225, 231, 112 P.3d 1070, 1074 (2005).

Here, Petitioner has raised seven interrelated grounds for relief in his Petition revolving around his guilty plea agreement in case number 05C215295-1. However, each ground fails as they are subject to the above procedural bar.

Petitioner entered a plea of guilty and was sentenced on August 14, 2007. Judgment of Conviction, filed August 22, 2007 in 05C215295-1. Thereafter, Petitioner's judgment of conviction was filed on August 22, 2007. *Id.* The instant Petition was filed on April 5, 2023. Petition for Writ of Habeas Corpus (Post-Conviction), filed April 5, 2023. Clearly, the one-year time limit of NRS 34.724(1) has lapsed and this Petition should be barred. In reviewing Petitioner's Petition, at no point does he argue about, or provide a reason for, his Petition being filed far after the one-year time limit expired. Even if Petitioner had provided argument pertaining to good cause for delay, the Court notes that all of his grounds are premised on events that occurred in 2007 and Petitioner could have brought his claims much, much sooner than now; per the Petition, Petitioner was present for each event he now complains of. As such, the Petition must be denied.

As this Petition is time-barred, there is no need for an evidentiary hearing. See NRS 34.770(1) ("The judge or justice, upon review of the return, answer and all supporting documents which are filed, shall determine whether an evidentiary hearing is required."); see also NRS 34.770(2) ("If the judge or justice determines that the petitioner is not entitled to relief and an evidentiary hearing is not required, the judge or justice shall dismiss the petition without a hearing.").

Therefore, COURT ORDERED, Petitioner's Petition is DENIED. COURT FURTHER ORDERED, as the Petition is denied, its setting on June 20, 2023 shall be VACATED. COURT FURTHER ORDERED, as the Petition is denied, the State of Nevada's Countermotion to Dismiss Pursuant to Laches is DENIED as MOOT. The State of Nevada is to prepare an order consistent with the Court's ruling.

CLERK'S NOTE: A copy of this minute order was electronically mailed to John Afshar, Deputy District Attorney and a copy mailed to the Petitioner./kb

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Writ of Habeas Corpus**

**COURT MINUTES**

**July 03, 2023**

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A-23-868466-W      Demarene Coleman, Plaintiff(s)  
vs.  
Warden Najera, Defendant(s)

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**July 03, 2023      3:00 AM      Minute Order**

**HEARD BY:** Bluth, Jacqueline M.

**COURTROOM:** Chambers

**COURT CLERK:** Kristen Brown

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- COURT ORDERED, the Findings of Facts, Conclusion of Law, and Order, filed June 22, 2023, shall be STRICKEN as it was inadvertently filed without the Court's signature.



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

**DEMARENE COLEMAN #1007335**  
**P.O. BOX 208**  
**INDIAN SPRINGS, NV 89070**

**DATE: July 6, 2023**  
**CASE: A-23-868466-W**

**RE CASE:** DEMARENE COLEMAN vs. WARDEN NAJERA; AARON FORD ATTORNEY GENERAL; STATE OF NEVADA; STEVEN B. WOLFSON D.A.

NOTICE OF APPEAL FILED: June 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

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**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

DEMARENE COLEMAN,

Plaintiff(s),

vs.

WARDEN NAJERA; AARON FORD  
ATTORNEY GENERAL; STATE OF  
NEVADA; STEVEN B. WOLFSON D.A.,

Defendant(s),

Case No: A-23-868466-W

Dept No: VI

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 6 day of July 2023.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk