

IN THE SUPREME COURT OF THE STATE OF NEVADA

TERMAINE ANTHONY LYTLE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 40103

FILED

JUN 25 2003

ORDER OF AFFIRMANCE

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY J. Richards
CHIEF DEPUTY CLERK

This is a proper person appeal from an order of the district court denying a post-conviction petition for a writ of habeas corpus.

We have reviewed the record on appeal and for the reasons stated in the attached order of the district court, we conclude that the district court properly denied appellant's petition. Therefore, briefing and oral argument are not warranted in this case.¹ Accordingly, we

ORDER the judgment of the district court AFFIRMED.²

Shearing J.
Shearing

Leavitt J.
Leavitt

Becker J.
Becker

¹See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

²We have considered all proper person documents filed or received in this matter, and we conclude that the relief requested is not warranted.

cc: Hon. Donald M. Mosley, District Judge
Termaine Anthony Lytle
Attorney General Brian Sandoval/Carson City
Clark County District Attorney David J. Roger
Clark County Clerk

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1 **ORDR**
2 STEWART L. BELL
3 DISTRICT ATTORNEY
4 Nevada Bar #000477
5 200 S. Third Street
6 Las Vegas, Nevada 89155
7 (702) 455-4711
8 Attorney for Plaintiff

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Shirley B. Pappas
CLERK

DISTRICT COURT
CLARK COUNTY, NEVADA

7 THE STATE OF NEVADA,

8 Plaintiff,

9 -vs-

10 TERMAINE ANTHONY LYTLE,
11 #1081418

12 Defendant.

Case No.. C145174
Dept. No. XIV

13
14
15 **FINDINGS OF FACT, CONCLUSIONS OF
16 LAW AND ORDER**

17 DATE OF HEARING: 7-16-02
18 TIME OF HEARING: 9:00 A.M.

19 THIS CAUSE having come on for hearing before the Honorable Donald M. Mosley,
20 District Judge, on the 16th day of July, 2002, the Petitioner not being present, proceeding in
21 Forma Pauperis, the Respondent being represented by STEWART L. BELL, District Attorney,
22 by and through BERNARD B. ZADROWSKI, Deputy District Attorney, and the Court having
23 considered the matter, including briefs, transcripts, arguments of counsel, and documents on file
24 herein, now therefore, the Court makes the following findings of fact and conclusions of law:

25 **FINDINGS OF FACT**

26 1. Termaine A. Lytle, hereinafter Defendant, was charged by an Information on January 29,
27 2001, with Count I: Conspiracy to Commit a Crime (Felony); Count II: Burglary (Felony); Count
28 III: Robbery, Victim 65 Years of Age or Older (Felony); Count IV: First Degree Kidnaping,
Victim 65 Years of Age or Older (Felony); Count V: Murder, Victim 65 Years of Age or Older;

CCOUNTY CLERK

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1 and Counts VI-VIII: Forgery (Felony). On February 6, 2001, the Defendant was convicted by
2 a jury on all seven counts (I, II, III, IV, V, VI, VII, and VIII). However, on February 13, 2001,
3 the jury was unable to reach a unanimous decision regarding the Defendant's penalty phase.

4 2. Defendant was then scheduled to have his penalty determined by a three judge panel. On
5 April 5, 2001, Defendant accepted a penalty negotiation in which he and the State both agreed
6 that he would be sentenced to Life in Prison Without the Possibility of Parole with an equal and
7 consecutive Life in Prison Without the Possibility of Parole enhancement for First Degree
8 Murder of a victim 65 years or older.

9 3. On May 14, 2001, the Court sentenced the Defendant to one (1) year in the Clark County
10 Detention Center as to Count I; a maximum of 120 months with a minimum of 48 months in the
11 Nevada department of prisons as to Count II to run consecutive to Count I. Defendant was
12 sentenced to a maximum of 180 months with a minimum of 72 months in the Nevada department
13 of prisons with an equal and consecutive maximum of 180 months with a minimum of 72
14 months in the Nevada department of prisons enhancement for victim 65 years of age or older as
15 to Count III, also to run consecutive to Count II. As to Count IV, life in prison with the
16 possibility of parole after five years with an equal and consecutive life in prison with the
17 possibility of parole after five years enhancement for victim 65 years of age or older - to run
18 consecutive to Count III. Life in prison without the possibility of parole with an equal and
19 consecutive life in prison without the possibility of parole enhancement for victim 65 years of
20 age or older and pay restitution joint and severally with co-defendant as to Count V and to run
21 consecutive to Count IV. As to Counts VI through VIII, the Defendant was sentenced to a
22 maximum of 48 months with a minimum of 19 months in the Nevada department of prisons;
23 Counts VI-VIII to run consecutive to Count V. Judgement of Conviction was filed on May 18,
24 2001.

25 4. On January 24, 2002, Defendant filed a motion for Withdrawal of Attorney of Record and
26 Transfer of Records and a Motion for Leave to Proceed in Forma Pauperis. The Court granted
27 both motions on February 7, 2002.

28 5. On May 16, 2002, Defendant filed the present Petition for Writ of Habeas Corpus.

1 6. Defendant failed to comply with NRS 34.735(23) as Defendant failed to specify in what
2 manner his conviction is unlawful.

3 CONCLUSIONS OF LAW

4 1. NRS 34.735 provides in part:

5 A petition must be in substantially the following form, with
6 appropriate modifications if the petition is filed in the supreme
7 court...

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

12 ORDER


13 Based upon the Findings of Fact and Conclusions of Law contained herein, it is
14 hereby:

15 ORDERED, ADJUDGED, and DECREED that Defendant's Petition for Writ of Habeas
16 Corpus (Post-Conviction) is denied.

17 DATED this 9TH day of August, 2002.

18 
19 DISTRICT JUDGE 8

20 STEWART L. BELL
21 DISTRICT ATTORNEY
22 Nevada Bar #000477

23 BY 
24 H. LEON SIMON
25 Deputy District Attorney
26 Nevada Bar #000411
27
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