



February 3, 2020

Our Nevada Judges
(775) 391-9139
admin@ournevadajudges.com

To: Clerk of the Supreme Court
201 S. Carson Street, Suite 201
Carson City, NV 89701
nvscclerk@nvcourts.nv.gov

This is a request for court records. If it is necessary to treat it as a request under Nevada's Freedom of Information Act, please deem it as such. NRS 239.

We maintain a repository of cases that are used to conduct statistical analysis. Each judge's "error rate on appeal" is computed by reviewing appellate dispositions and published¹. Attached is a list of cases that appear to be sealed or confidential. Exhibit 1. We are not requesting copies of the dispositive orders, as we assume they were sealed for good reason; instead, it is only requested that the judge who's decision was reviewed be disclosed, as well as the disposition². Typically, the judge's name is listed in the dispositive order as shown in some of the attached examples. Exhibit 2 (for direct appeals). Exhibit 3 (for writ petitions). If this information is provided, we can update our records which would trigger changes in each judge's respective statistics.

Sincerely,

Alexander M. Falconi
Our Nevada Judges
Administrator

¹ <https://www.ournevadajudges.com/judges>

² For direct appeals, this is usually "affirmed", "reversed", "vacated", "affirmed in part and reversed in part", or "dismissed". For writ petitions, this is usually "granted", "denied", or "dismissed."

EXHIBIT 1

EXHIBIT 1

Requested Case List:

Case Number: 66973
Case Number: 67222
Case Number: 78880
Case Number: 75459
Case Number: 73895
Case Number: 78156
Case Number: 77816
Case Number: 76911
Case Number: 78898
Case Number: 78699
Case Number: 70431
Case Number: 69627
Case Number: 75000
Case Number: 78084
Case Number: 78830
Case Number: 79737
Case Number: 80066
Case Number: 78056
Case Number: 75658
Case Number: 77420
Case Number: 78700
Case Number: 78063
Case Number: 47375
Case Number: 47316
Case Number: 47143
Case Number: 47141
Case Number: 47134
Case Number: 47119
Case Number: 47118
Case Number: 47000
Case Number: 46876
Case Number: 46866
Case Number: 46803
Case Number: 46761

Case Number: 46660
Case Number: 46441
Case Number: 46400
Case Number: 46358
Case Number: 46308
Case Number: 45696
Case Number: 45533
Case Number: 45525
Case Number: 45369
Case Number: 45286
Case Number: 45241
Case Number: 45151
Case Number: 44961
Case Number: 44893
Case Number: 44553
Case Number: 44469
Case Number: 44414
Case Number: 44375
Case Number: 44270
Case Number: 44178
Case Number: 44089
Case Number: 43911
Case Number: 43844
Case Number: 43523
Case Number: 43488
Case Number: 43424
Case Number: 43423
Case Number: 43403
Case Number: 43365
Case Number: 43294
Case Number: 43239
Case Number: 43230
Case Number: 43070
Case Number: 42735
Case Number: 42575

Case Number: 42347
Case Number: 42346
Case Number: 41839
Case Number: 41438
Case Number: 41199
Case Number: 41104
Case Number: 40753
Case Number: 40669
Case Number: 40595
Case Number: 40582
Case Number: 40534
Case Number: 40280
Case Number: 40074
Case Number: 40020
Case Number: 39787
Case Number: 39768
Case Number: 39704
Case Number: 39602
Case Number: 16736

EXHIBIT 2

EXHIBIT 2

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

DEWEY DAVIS,
Appellant,
vs.
JERRY HOWELL, WARDEN,
Respondent.

No. 78490-COA

FILED

JAN 30 2020

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Yarny
DEPUTY CLERK

ORDER OF AFFIRMANCE

Dewey Davis appeals from a district court order denying a postconviction petition for a writ of habeas corpus filed on March 16, 2018. Eighth Judicial District Court, Clark County; Linda Marie Bell, Chief Judge.

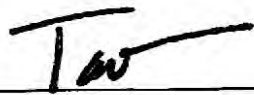
In his petition below, Davis claimed the Nevada Department of Corrections was improperly denying him the application of earned statutory credit to his minimum sentence. The district court found that Davis was convicted of one count of conspiracy to commit robbery, three counts of robbery with the use of a deadly weapon, and one count of attempted robbery, all category B felonies, *see* NRS 193.330(1)(a)(2); NRS 199.480(1); NRS 200.380(2), for acts he committed in 2010. The district court further found he is currently serving an aggregate term of 120 to 360 months for those convictions. And the district court concluded NRS 209.4465(8)(d) prohibited the application earned statutory credit to Davis' minimum sentence. The record supports the district court's findings and we conclude the district court did not err by denying this claim.

Davis also argued that he was entitled to have credit applied to his minimum sentence pursuant to the decision in *Williams v. State*,

Department of Corrections, 133 Nev. 594, 402 P.3d 1260 (2017), and the denial of such credit violates his right to equal protection because he is similarly situated to Williams. The district court denied this claim because the Nevada Supreme Court ruled that the *Williams* decision does not affect crimes committed after July 1, 2007, and Davis committed his crime in 2010. *See id.*, at 600 n.7, 402 P.3d at 1265 n.7. We conclude the district court did not err by denying this claim. *See Vickers v. Dzurenda*, 134 Nev. 747, 748-51, 433 P.3d 306, 308-10 (Ct. App. 2018) (rejecting similar claim). Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Linda Marie Bell, Chief Judge
Dewey Davis
Attorney General/Carson City
Attorney General/Las Vegas
Eighth District Court Clerk

EXHIBIT 3

EXHIBIT 3

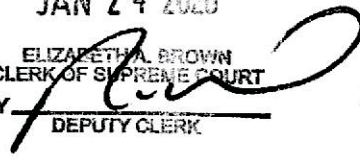
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

FRANK J. MATYLINSKY, JR.,
Petitioner,
vs.
THE SECOND JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
WASHOE; AND THE HONORABLE
EGAN K. WALKER, DISTRICT JUDGE,
Respondents.
and
THE STATE OF NEVADA,
Real Party in Interest.

No. 80186-COA

FILED

JAN 24 2020

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER DENYING PETITION


In this original petition for a writ of mandamus, Frank J. Matylinsky, Jr., seeks an order directing the district court to enter an amended judgment of conviction that complies with NRS 176.105(1)(c) and states the statutory basis for Matylinsky's convictions and punishment. Matylinsky asserts the lack of a citation in the judgment of conviction to the statutes under which he was convicted and punished constitute "a denial of due process of law as provided pursuant to NRS 176.105(1)(c) and Article 1, § 8 of the Nevada Constitution" and a denial of due process and equal protection under the Fourteenth Amendment of the United States Constitution.

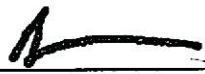
Matylinsky's judgment of conviction was entered on September 25, 1984. In 1984, NRS 176.105 did not require the judgment of conviction to include citation to the statutes under which a person was convicted and punished. See 1979 Nev. Stat., ch. 571, § 2, at 1124. Because Matylinsky's

judgment of conviction complies with the statutory requirements of NRS 176.105 that were in effect at the time his judgment was entered, we conclude Matylinsky has failed to demonstrate this court's intervention by way of extraordinary writ is warranted. Accordingly, we

ORDER the petition DENIED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Egan K. Walker, District Judge
Frank J. Matylinsky, Jr.
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk