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CASE NO: A-24-894239-C
Department 3

DISTRICT COURT
CLARK COUNTY, NEVADA

In the Matter of:

THE RECUSAL OF THE HONORABLE
ERIKA BALLOU FROM ALL CASES
PROSECUTED BY THE CLARK
COUNTY DISTRICT ATTORNEY

CASE NO:
DEPT NO: XXX

**STATE'S NOTICE OF MOTION FOR THE RECUSAL OF THE HONORABLE
ERIKA BALLOU FROM ALL CASES PROSECUTED BY THE CLARK COUNTY
DISTRICT ATTORNEY**

**DATE OF HEARING:
TIME OF HEARING:**

COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, Clark County District Attorney, and files this Notice Of Motion And Motion for the Recusal of the Honorable Erika Ballou from All Cases Prosecuted by the Clark County District Attorney.

This Motion is made and based upon all the papers and pleadings on file herein, the attached points and authorities in support hereof, and oral argument at the time of hearing, if deemed necessary by this Honorable Court.

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NOTICE OF HEARING

YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the undersigned will bring the foregoing motion on for setting before the above entitled Court, in Department XXX thereof, on the ____ day of June, 2024, at the hour of _____ o'clock AM/PM, or as soon thereafter as counsel may be heard.

PROCEDURAL HISTORY

In August of 2022, the Nevada Supreme Court overturned Judge Ballou’s erroneous granting of a petition for a writ of habeas corpus in State v. Christman, No. 83572 (Order of Reversal and Remand, Aug. 11, 2022). That order required Judge Ballou to deny the writ of habeas corpus and remand Mia Christman into custody. She then ordered an evidentiary hearing to attempt to “reconvince” the Nevada Supreme Court that it was incorrect the first time. See Generally State’s Motion to Recuse Judge Erika Ballou. ***Fourteen*** months later, the Nevada Supreme Court then granted the State of Nevada’s petition for an extraordinary measure, a writ of mandamus. The Nevada Supreme Court made clear that Judge Ballou had no authority to pursue more evidence of a matter that the Supreme Court had already resolved. State v. Eighth Judicial District Court in and for County of Clark, 537 P.3d 134 (2023).

Judge Ballou continued to defy the Nevada Supreme Courts’ orders for an additional ***seven months***. On April 30th, 2024, the State of Nevada filed a Judicial Ethics complaint with the Nevada Commission on Judicial Discipline concerning her handling of the Christman Case. On May 1, 2024, the State also filed a Motion to Recuse Judge Ballou from the Christman case. NRS 1.235 clearly requires that once a Motion to Recuse has been filed, the contested judge may take ***no further action*** on the case. However, in a stunning decision, Judge Ballou not only continued to rule on the case, ***she granted a Motion to Strike the State’s motion against her***.

Shortly ***after*** the filing of the Recusal Motion on May 1, 2024, Defendant filed a Motion to Strike State’s Motion to Recuse Judge Erika Ballou on the same day, alleging that the motion should be stricken because the motion should be filed in Defendant’s civil case number A-19-797445-W, which relates to post-conviction petitions for habeas relief. The State, in an

1 abundance of caution, filed the same Recusal Motion under that A number as well on May 1,
2 2024. The State did not concede the arguments raised by Defendant’s Motion to Strike and
3 filed an opposition on May 3, 2024.

4 A day after the Recusal Motion was filed, on May 2, 2024, without a hearing or the 10
5 days allotted to file an opposition by Nevada Rules of Criminal Procedure Rule 8(4), Judge
6 Ballou issued a Minute Order granting Defendant’s Motion to Strike the Recusal Motion in
7 Defendant’s criminal case. In the minute order, Judge Ballou expressly admitted that she was
8 aware that a Recusal Motion had been filed against her and still made the determination to
9 strike the Recusal Motion. Judge Ballou’s minute order stated:

10 *It having come to the attention of the Court that the State filed a*
11 *Motion to Recuse Judge Erika Ballou on April 24, 2024. This*
12 *Motion is scheduled to be heard on May 6, 2024. However, Ms.*
13 *Christman filed a Motion to Strike State’s Motion to Recuse Judge*
14 *Erika Ballou on May 1, 2024, based on the fact that the Motion*
15 *was incorrectly filed into the C case number rather than the A case*
16 *number based on the arguments. The State then refiled The Motion*
17 *to Recuse Judge Erika Ballou into case A-19-797445-W on May*
18 *2, 2024. Therefore, Ms. Christman s Motion to Strike is*
19 *GRANTED. The State’s Motion to Recuse is hereby ORDERED*
STRICKEN from case C-13-287140-2. The matter will proceed in
the correctly captioned case, A-19-797445-W. The hearing on the
Motion scheduled for May 6, 2024, in case C-13-287140-2, is
hereby VACATED.

20 (Ex. 1 – Ballou’s 1st 050224 Minute Order) (emphasis added). As a result of that improper
21 Minute Order, the State immediately filed a Motion to Compel Judge Ballou’s Compliance
22 with NRS 1.235 (“Compliance Motion”) on the same day, May 2, 2024. (Ex. 2 – Criminal
23 Docket for Defendant’s Case). The Compliance Motion essentially begged the District Court
24 to stop Judge Ballou from continuing to take judicial action on a case that she was subject to
25 a Recusal Motion.

26 In response to the Compliance Motion filed May 2, 2024, that same day, Judge Ballou
27 elected to take further action in direct defiance of Nevada law and the Nevada Code of Judicial
28

1 Conduct by entered another Minute Order granting a Motion to Modify Sentence, which
2 sought to vacate Defendant’s remaining prison sentence that the Nevada Supreme Court
3 ordered her to serve. (See Ex. 2, Ex. 3 - Ballou’s 2nd 050224 Minute Order). Judge Ballou
4 entered the Minute Order *despite two* Nevada Supreme Court Orders directing her to deny
5 Defendant’s post-conviction relief, remand Defendant back into custody, and re-institute the
6 original Judgment of Conviction. Judge Ballou also issued this Minute Order without holding
7 an evidentiary hearing, despite previously stating that an evidentiary hearing was needed to
8 resolve the matter.¹

9 The very next morning, May 3, 2024, the Nevada Supreme Court issued an Order
10 directing the Eighth Judicial District Court to remove Judge Ballou from Mia Christman’s
11 cases immediately and directing the Eighth Judicial District Court to assign a new judge that
12 would comply with its Writ of Mandamus requiring the remand of Mia Christman. The Nevada
13 Supreme stated:

14 *We nonetheless are concerned by the district court’s refusal to*
15 *act. This court twice has directed the district court to enter*
16 *judgment in the State’s favor on Christman’s postconviction*
17 *habeas petition*—first in the State’s appeal from the district court’s
18 order granting the postconviction habeas petition and again in the
19 writ issued in this matter. Although this court did not address
20 Christman’s custody status in either instance, we think it clear that
21 a judgment in the State’s favor on the postconviction habeas
22 petition necessarily entails recommitting Christman to serve the
23 sentence imposed in the judgment of conviction. See NRS
24 178.4873 (allowing the district court to admit a petitioner to bail
pending appeal when the court grants a postconviction habeas
petition, the court does not stay the order granting relief, and the
State files a notice of appeal); NRS 178.4875 (addressing

25 ¹ Judge Ballou’s 2nd Minute Order falsely claimed, “the parties have informed the Court that the Evidentiary Hearing
26 should be vacated.” Judge Ballou’s executive assistant reached out to the parties and explained the May 8, 2024,
27 evidentiary hearing was mistakenly set on a civil calendar and asked if there was any objection to moving the hearing.
28 The State said while it objected to there being a hearing at all based on the lack of merit in the motion, it did not oppose
rescheduling the evidentiary hearing due to the clerical error. Specifically, the State said “[w]hile the State is opposed to
there being a hearing as a preliminary matter based on the merits, *if logistically there was an error in setting the matter,*
the State understands the need for pushing it to May 8th...” Similarly, defense counsel for Defendant also did not oppose
rescheduling the hearing, which Judge Ballou cancelled instead. (Ex. 4 – 041924 Email Exchange from Judge Ballou’s
Chambers Email to Parties)

1 recommitment of a petitioner admitted to bail pending appeal).
2 Neither our appellate mandate nor our writ of mandamus
3 contemplated any delay, let alone the more than fifteen months
4 that have passed since we entered judgment in the State's favor
5 on its appeal. And although the writ of mandamus issued in this
6 matter did not state a specific time for the district court to enter
7 a judgment in the State's favor on the postconviction habeas
8 petition, that writ was peremptory in nature and thus NRS
9 34.190(2) and (3) contemplate that the district court would do
10 the act required by the writ "immediately after the receipt of the
11 writ." Given these circumstances, we are not convinced that the
12 respondent district court judge will comply. Accordingly, we
13 direct the chief judge of the respondent Eighth Judicial District
14 Court to reassign the postconviction habeas proceeding involving
Christman (district court case A-19-797445-W) and the related
criminal case involving Christman (district court case C-13-
287140-2). *Upon reassignment of those cases, the district court
shall promptly comply with this court's mandate in Warden v.
Christman*, No. 83572, 2022 WL 3336142 (Nev. Aug. 11, 2022)
(Order of Reversal and Remand), and the writ issued by this court
in this matter on October 13, 2023.

15 (Ex. 5 at 2-3)(emphasis added). The Nevada Supreme Court also issued a parallel order on the
16 same day, reiterating that it had ordered the removal of Judge Ballou from this case. (Ex. 6).

17 As a result, on May 6, 2024, Department 20 was assigned to take over this case from
18 Judge Ballou. Department 20 immediately issued an order that finally complied with the two
19 Nevada Supreme Court orders that had been pending for nearly two years and ordered
20 Defendant to surrender to the Nevada Department Corrections. Department 20 entered an
21 order that:

22 1) RESCINDS the prior court's judgment in A-19-797445-W
23 granting Petitioner/Defendant Christman's Post-Conviction Writ
24 for Petition of Habeas Corpus and ENTERS A JUDGMENT in
25 favor of the State of Nevada denying Petitioner's Petition;

26 2) RESCINDS the prior court's November 16, 2021 Order in C-
27 13-287140-2 releasing Petitioner/Defendant Christman pending
28 sentencing on own recognizance release with low level electronic
monitoring;

- 1 3) REMANDS Petitioner/Defendant into the custody of the
2 Nevada Department of Corrections to server her sentence pursuant
3 to her Judgement of Conviction of July 27, 2017 in C-13-287140-
4 2; and
5 4) VACATES any pending Court hearings, the Court will reset
6 any necessary hearing on Petitioner/Defendant's Motion to
7 Modify Sentence in C-13-287140-2.

8 (Ex. 7).

9 However, after Department 20 issued that Order, later that day, May 6, 2024, as a result
10 of Judge Ballou's improper Minute Order that she issued while subject to a recusal motion,
11 Defendant filed a Motion for Sentencing, erroneously claiming Defendant was not under a
12 sentence of imprisonment due to Judge Ballou's improper Minute Order.

13 As a result, Department 20 had to issue *another* order that denied Defendant's Motion
14 for Sentencing and explained that Judge Ballou's Minute Order was improper under Nevada
15 Law and a violation under NRS 1.235. Moreover, the Order also explained that Judge Ballou's
16 Minute Order had no legal effect under Nevada law, as Judge Ballou was required by law to
17 issue a *written* order, rather than a minute order. (Ex. 8).

18 Judge Ballou's actions from May 1, 2024, through May 6, 2024, caused the State to
19 subsequently file an addendum to its Ethics complaint covering the events occurring in the
20 week after its filing of the original Ethics complaint.

21 The State of Nevada is not filing this motion to relitigate the issues surrounding the Mia
22 Christman case. However, the status quo in which Judge Ballou is permitted to preside over
23 all criminal matters involving the District Attorney's office, while a judicial ethics complaint
24 filed by the District Attorney's office is pending, is an untenable situation that should be
25 addressed by the Eighth Judicial District Court. Accordingly, the State has filed the instant
26 motion to request that the Eighth Judicial District Court recuse Judge Ballou from any criminal
27 proceeding involving the Clark County District Attorney's office until the Nevada
28 Commission on Judicial Discipline completes its investigations and issues their judgement.

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1 POINTS AND AUTHORITIES

2 The Preamble to the Nevada Code of Judicial Conduct (NCJC) states that “An
3 independent, fair and impartial judiciary is indispensable to our system of justice...” because
4 “the judiciary plays a central role in preserving the principles of justice and the rule of law.”
5 The Preamble urges judges to “maintain the dignity of judicial office at all times and avoid
6 both impropriety and the appearance of impropriety in their professional and personal lives.”
7 Judges must uphold and apply the law impartially and fairly, complete their duties competently
8 and diligently, and impartially resolve issues without unnecessary cost or delay. NCJC Rule
9 2.2; NCJC Rule 2.5, NCJC Rule 2.5, Comment 4. While Comment 3 of NCJC Rule 2.2
10 protects “good faith errors of fact or law.” Rule 2.11(A)(1) states that “A judge shall disqualify
11 himself or herself in *any proceeding in which the judge’s impartiality might reasonably be*
12 *questioned*, including but not limited to the following circumstances: (1) *The judge has a*
13 *personal bias or prejudice concerning a party....*” NCJC Rule 2.5

14 Pursuant to NRS 1.230(1), a judge cannot preside over an action or proceeding if he or
15 she is biased or prejudiced against one of the parties to the action. An implied bias of a judge
16 exists when a judge appears “interested in the action or proceeding.” NRS 1.230(2)(a). This
17 rule is intended to promote public confidence in the independence, efficiency, and finality of
18 the judiciary. Hogan v. Warden, 112 Nev. 553, 560, 916 P.2d 805, 809 (1996). When a judge
19 is unable to fulfill those duties, a judge must be recused. A recusal is required when the risk
20 of bias is too high to be constitutionally tolerable. Morgan v. State, 1479 P.3d 1006 (Nev. Ct.
21 App. 2021) (quoting Rippo v. Baker, 580 U.S. 285, 286-287, 137 S. Ct. 905, 907 (2017)). A
22 judge is presumed to be impartial and therefore the party moving to recuse the judge bears the
23 burden to establish sufficient factual grounds to warrant recusal or disqualification. Ybarra v.
24 State, 127 Nev. 47, 51, 247 P.3d 269, 272 (2011)

25 While opinions formed by the judge on the basis the proceedings do not generally
26 constitute a basis for a recusal motion, those opinions certainly can form the basis of a recusal
27 motion where “they display a deep-seated favoritism or antagonism that would make fair
28 judgement impossible.” Canarelli v. Eighth Jud. Dist. Ct. in & for Cnty. of Clark, 138 Nev.

1 104, 108, 506 P.3d 334, 338 (2022). In cases where such deep-seated favoritism or antagonism
2 is displayed, recusal is appropriate, unlike in cases with mere unfavorable judicial opinions
3 which simply lay the grounds for an appeal. Liteky v. United States, 510 U.S. 540, 555, 114
4 S. Ct. 1147, 1157, 127 L. Ed. 2d 474 (1994)

5 Ultimately, a court analyzing a motion to recuse is required to decide “whether a
6 reasonable person, knowing all the facts, would harbor reasonable doubts about [the judge’s]
7 impartiality.” PETA, 111 Nev. 438, 894 P.2d 341 (1995).

8 ARGUMENT

9 THE RECUSAL OF JUDGE BALLOU FROM ALL CRIMINAL MATTERS 10 INVOLVING THE DISTRICT ATTORNEY’S OFFICE, WHILE THE ETHICS 11 COMPLAINT IS PENDING, IS THE ONLY WAY TO ENSURE IMPARTIALITY 12 FOR THESE CRIMINAL CASES

13 I. The Merits of the Motion Should Not Be In Dispute as the Nevada Supreme Court 14 Has Already Intervened to Remove Judge Ballou from One Criminal Matter 15 Involving the State

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17 The question of Judge Ballou’s bias has already been settled. The Nevada Supreme
18 Court, in its order removing Judge Ballou from the Christman case, made clear that it was “not
19 convinced that the respondent district court judge will comply” with the law which favored
20 the State of Nevada. (Ex. 5). This is not in dispute. What the State of Nevada now raises with
21 the Eighth Judicial District Court is the following question: Does allowing Judge Ballou to sit
22 on criminal cases with the District Attorney’s Office as a litigant when the office’s judicial
23 ethics complaint is pending against her create a situation where Judge Ballou’s “impartiality
24 might reasonably be questioned?” NCJC Rule 2.11. The clear and dispassionate answer is yes.
25 Accordingly, during the pendency of this latest judicial ethics complaint, the Eighth Judicial
26 District Court should remove her from any criminal case involving the District Attorney’s
27 Office under the matter is resolved.

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1 **II. Removing Judge Ballou From Handling These Criminal Cases while a Judicial**
2 **Ethics Complaint is Pending, Protects Judge Ballou, the State as well as Criminal**
3 **Defendants**

4 Normally, when a motion to recuse is filed the party seeking the recusal is most often
5 limited to the individual case before that judge. However, this is a rare circumstance in which
6 the moving party, the District Attorney’s Office, is responsible for handling virtually all
7 criminal matters before the Eighth Judicial District Court and, more specifically, before Judge
8 Ballou. Moreover, given that the behavior of Judge Ballou was so egregious, it prompted the
9 State to file a judicial ethics complaint.² Now, the current situation before the Eighth Judicial
10 District Court is there is a current judge, subject to a judicial ethics complaint, presiding over
11 hundreds of felony criminal matters in which the party that filed the ethics complaint is a party
12 to those criminal matters. The stakes are extraordinarily high for Judge Ballou since one
13 potential outcome of the ethics complaint could be her removal from judicial office.

14 Thus, Judge Ballou is faced with making rulings on cases on hundreds of cases, where
15 one party to all of these criminal matters has sought to have her disciplined by the Judicial
16 Ethics Commission. This puts all parties, the State, the defendants, and Judge Ballou, in a
17 precarious situation. In short, allowing Judge Ballou to remain handling criminal matters
18 involving the State while this judicial ethics complaint is pending, would subject the Eighth
19 Judicial District Court to future claims of bias involving Judge Ballou and entirely unnecessary
20 scrutiny concerning the Eighth Judicial Court’s ability to be part of a fair legal system.

21 The situation that Judge Ballou, the State, and every defendant in front of Ballou is this:
22 while the State is actively pursuing an ethics complaint against Judge Ballou, Judge Ballou
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24 ² Not only has the State of Nevada filed an ethics complaint, Judge Ballou currently has a variety of ethics complaints
25 pending against her, including two brought against her by the Police Protective Association. These complaints relate to
26 several comments made during sentencing hearings where she stated, among other things, “You’re the one making the
27 decisions not to walk away from cops. You’re a Black man in America. You know you don’t want to be nowhere where
28 cops are,” Judge Ballou said. “You know you don’t want to be nowhere where cops are ’cause I know I don’t, and I’m a
middle-aged, middle-class Black woman. I don’t want to be around where the cops are because I don’t know if I’m
going to walk away alive or not.” See <https://www.8newsnow.com/investigators/las-vegas-judge-facing-ethics-violations-over-hot-tub-photo-charged-for-saying-black-man-could-run-from-police/> These comments demonstrate that
Judge Ballou is not only biased against the State of Nevada in the form of the Clark County District Attorney’s office,
but also law enforcement officers who form an integral part of every single criminal case before her.

1 will continue to sit on criminal cases where the State is one of the litigating parties. Every time
2 that Judge Ballou makes a ruling in favor of a Defendant, the State could argue that it was
3 made in retribution for the ethics complaint. Every time that Judge Ballou makes a ruling in
4 favor of the State, a defendant could argue that their due process rights were violated because
5 Judge Ballou's decision was merely her bowing to the pressure of an ethics complaint to curry
6 favor with the State. This situation also puts the Eighth Judicial District Court into a position
7 where the public can question both the impartiality and the competence of the District Court
8 if a judge is permitted to openly defy the law and continue to sit on these types of cases. This
9 is a rare set of circumstances that is disadvantageous for all parties involved and it would be
10 improper for the Eighth Judicial District to place each party in this situation, while the judicial
11 ethics complaint is pending.

12 The Nevada Code of Judicial Conduct is clear that a judge should remove herself from
13 a case where there is an appearance of impropriety or impartiality. NCJC Rule 2.11. No matter
14 what decision Judge Ballou may make on a criminal case, she would be subjecting herself to
15 a claim of bias from either party. Permitting her to continue presiding over criminal matters,
16 while this judicial ethics complaint is pending, only subjects the Eighth Judicial Court to future
17 litigation. The appropriate and prudential remedy at this juncture is to remove her from
18 handling these criminal cases until the Judicial Ethics Commission has reviewed and resolved
19 the ethics complaint filed by the District Attorney's Office. Removing her from handling these
20 criminal matters, in the interim, promotes confidence in the judiciary and ensures that future
21 claims of bias or retaliatory actions are eliminated.

22 The State of Nevada did not come to the decision to file this motion lightly. However,
23 the State and, apparently, the Nevada Supreme Court have learned over the course of the last
24 several years that Judge Ballou will not comply with the law if it does not suit the outcome

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1 that she seeks. Taking the reasoned and prudential step of removing her from handling these
2 matters, while the judicial ethics complaint is pending, ensures the preservation of “justice and
3 the rule of law” and the appearance of an impartial and fair judiciary. See NCJC Preamble. In
4 the words of Lord Hewart, “Justice should not only be done, but should manifestly and
5 undoubtedly be seen to be done.” R v. Sussex Justices, Ex parte McCarthy, [1924] 1 K.B. 256
6 (Eng.). However, allowing Judge Ballou to continue to handle criminal matters, while this
7 ethics complaint is pending, is an untenable situation that will erode the public trust in the
8 judiciary and subject the Eighth Judicial Court to future litigation over the impropriety of
9 Judge Ballou handling these matters. Here, the Eighth Judicial District Court can serve justice
10 and manifestly and undoubtedly be seen to serve justice by removing Judge Ballou from all
11 criminal cases involving the District Attorney’s Office until the judicial ethics complaint
12 against her is resolved.

13 DATED this 29th day of May, 2024.

14 STEVEN B. WOLFSON
15 Clark County District Attorney
16 Nevada Bar #001565

17 BY 

18 STEVEN B. WOLFSON
19 Clark County District Attorney
20 Nevada Bar #1565

15/02/2024 Minute Order (3:00 AM) (Judicial Officer Ballou, Erika)

Minutes

05/02/2024 3:00 AM

- It having come to the attention of the Court that the State filed a Motion to Recuse Judge Erika Ballou on April 24, 2024. This Motion is scheduled to be heard on May 6, 2024. However, Ms. Christman filed a Motion to Strike State's Motion to Recuse Judge Erika Ballou on May 1, 2024, based on the fact that the Motion was incorrectly filed into the C case number rather than the A case number based on the arguments. The State then refilled The Motion to Recuse Judge Erika Ballou into case A-19-797445-WY on May 2, 2024. Therefore, Ms. Christman's Motion to Strike is GRANTED. The State's Motion to Recuse is hereby ORDERED STRICKEN from case C-13-287140-2. The matter will proceed in the correctly captioned case, A-19-797445-W. The hearing on the Motion scheduled for May 6, 2024, in case C-13-287140-2 is hereby VACATED. CLERK'S NOTE: Minute order electronically served to parties via email and/or Odyssey File & Serve. //5-2-24/dy CLERK'S NOTE: A copy of this minute order sent to the Sealing/Striking / Redacting team. //5-2-24/dy

[Return to Register of Actions](#)

EXHIBIT 1

04/24/2024 Motion Doc ID# 101
 [101] State's Notice of Motion and Motion to Recuse Judge Erika Ballou

04/24/2024 Notice Doc ID# 102
 [102] State's Notice of Exhibits for State's Motion to Recuse Judge Erika Ballou

04/25/2024 Clerk's Notice of Hearing Doc ID# 103
 [103] Notice of Hearing

05/01/2024 Addendum Doc ID# 104
 [104] ADDENDUM TO STATES NOTICE OF MOTION AND MOTION TO RECUSE JUDGE ERIKA BALLOU

05/01/2024 Motion to Strike Doc ID# 105
 [105] Motion to Strike State's Motion to Recuse Judge Erika Ballou

05/02/2024 Clerk's Notice of Hearing Doc ID# 106
 [106] Notice of Hearing

05/02/2024 Minute Order (3:00 AM) (Judicial Officer Ballou, Erika)
Minutes
 Result: Minute Order - No Hearing Held

05/02/2024 Motion to Compel Doc ID# 107
 [107] State's Notice of Motion and Motion to Compel Judge Ballou's Compliance with Nevada Revised Statute 1.235

05/02/2024 Minute Order (3:00 AM) (Judicial Officer Ballou, Erika)
 Re: Motion to Modify Sentence / Sentencing Date Set
Minutes
 Result: Minute Order - No Hearing Held

05/03/2024 Clerk's Notice of Hearing Doc ID# 108
 [108] Notice of Hearing

05/03/2024 Opposition Doc ID# 109
 [109] State's Opposition to Defendant's Motion to Strike State's Motion to Recuse Judge Erika Ballou

05/03/2024 Minute Order (12:20 PM) (Judicial Officer Jones, Tierra)
Minutes
 Result: Minute Order - No Hearing Held

05/06/2024 CANCELED Motion to Compel (9:30 AM) (Judicial Officer Ballou, Erika)
 Vacated - per Attorney or Pro Per
 Defendant's Ex Parte Motion for Order to Compel Justice Court File

05/06/2024 CANCELED Motion (9:30 AM) (Judicial Officer Ballou, Erika)
 Vacated - per Judge
 State's Notice of Motion and Motion to Recuse Judge Erika Ballou

05/06/2024 CANCELED Motion to Strike (9:30 AM) (Judicial Officer Ballou, Erika)
 Vacated - Previously Decided
 Defendant's Motion to Strike State's Motion to Recuse Judge Erika Ballou

05/06/2024 Order Doc ID# 110
 [110] Order

05/06/2024 Notice of Department Reassignment Doc ID# 111
 [111] Notice of Department Reassignment

05/06/2024 Motion Doc ID# 112
 [112] Motion to Place on Calendar for Sentencing (Denied 05/06/24)

05/06/2024 Motion Doc ID# 113
 [113] Motion to Disqualify the District Attorney's Office

05/06/2024 Order Denying Doc ID# 114
 [114] Order Denying Defendant Christman's Motion for Sentencing

05/07/2024 Clerk's Notice of Hearing Doc ID# 115
 [115] Clerk's Notice of Hearing

05/08/2024 CANCELED Evidentiary Hearing (1:30 PM) (Judicial Officer Ballou, Erika)
 Vacated - per Attorney or Pro Per

05/08/2024 CANCELED Surrender (1:30 PM) (Judicial Officer Ballou, Erika)
 Vacated

05/08/2024 CANCELED Sentencing (9:30 AM) (Judicial Officer Ballou, Erika)
 Vacated - per Order

EXHIBIT 2

15/02/2024 | Minute Order (3:00 AM) (Judicial Officer Ballou, Enka)
 Re: Motion to Modify Sentence / Sentencing Date Set

Minutes

05/02/2024 3:00 AM

- If having come to the attention of the Court that Ms. Christman filed a Motion to Modify Sentence which was heard on April 15, 2024. At that time, the Court ordered an Evidentiary Hearing on the issue brought before the Court of whether the original Presentence Investigation Report (PSI) was misleading. The hearing was scheduled for May 8, 2024, at 1:30 pm. However, the parties have informed the Court that the Evidentiary Hearing should be vacated. Therefore, based on the papers and pleadings, and argument heard at the time of the original hearing, Ms. Christman's Motion to Modify Sentence is GRANTED. In general, a district court lacks jurisdiction to modify a sentence once a defendant has begun serving it. *Passanisi v. State*, 108 Nev. 318, 321, 831 P.2d 1371, 1373 (1992). However, a district court has inherent authority to correct, vacate, or modify a sentence that violates due process where the defendant can demonstrate the sentence is based on a materially untrue assumption or mistake of fact about the defendant's criminal record that has worked to the extreme detriment of the defendant. *Edwards v. State*, 112 Nev. 704, 707, 918 P.2d 321, 324 (1996) (emphasis added); see also *Passanisi*, 108 Nev. at 322, 831 P.2d at 1373. Not every mistake or error during sentencing gives rise to a due process violation. *State v. Eighth Judicial Dist. Court*, 100 Nev. 90, 97, 677 P.2d 1044, 1048 (1984). A district court has jurisdiction to modify a defendant's sentence "only if (1) the district court actually sentenced appellant based on a materially false assumption of fact that worked to appellant's extreme detriment, and (2) the particular mistake at issue was of the type that would rise to the level of a violation of due process." *Passanisi*, 108 Nev. at 322-23, 831 P.2d at 1373-74. Ms. Christman was convicted, after a plea, of one count of Robbery With Use of a Deadly Weapon (Category B felony) and one count of Stop Required on Signal of Police Officer (Category B felony). Here, Ms. Christman's PSI, dated August 29, 2016, listed under the heading "Additionally, the defendant was arrested, detained or cited in Nevada and California from December 5, 2012 to July 24, 2016 for the following offenses for which no disposition is noted, prosecution was not pursued or charges were dismissed: Robbery with Deadly Weapon (4); Evade Police Officer, Burglary(2); Robbery; Battery with Deadly Weapon ; Burglary with Deadly Weapon; Kidnapping, 1st Degree with Deadly Weapon (2); Solicit/Engage in Prostitution; Unlawful Restrain of a Dog and Fugitive from Justice. It appears, in this section, as if Ms. Christman was arrested on a number of charges California (the PSI does not distinguish which charge is alleged in which jurisdiction). It further appears, from the original PSI, that Ms. Christman was alleged to have, in addition to the "instant charges" listed immediately preceding this section, committed additional robberies, burglaries, kidnapping, etc. in California. In the supplemental PSI, filed in 2021, it clarifies that Ms. Christman was wanted on a warrant out of California, not on charges stemming out of California. In fact, Ms. Christman was wanted on a material witness warrant out of California. This was due to Ms. Christman s being a named victim, arising out of charges against Dwayne Lawson in California. This Court finds that this is a materially a materially false assumption of fact that worked to appellant's extreme detriment. In the case at bar, at the original sentencing hearing, the State filed a sixty (60) page sentencing memoranda which depicted Ms. Christman as more culpable than the much older and more violent co-defendant, Michael Saunders. The State's sentencing memoranda recommended a sentence of ten to thirty (10-30) years. At the sentencing hearing, on July 12, 2017, Ms. Christman was sentenced to an aggregate term of ten to thirty (10-30) years in the Nevada Department of Corrections with five hundred seventeen (517) days credit for time served. The sentencing court, relied in part, upon the mistake in fact in Ms. Christman's criminal history which worked to her extreme detriment. The Court also finds that the particular mistake at issue was of the type that would rise to the level of a violation of due process. Because of this, Ms. Christman's Motion is therefore GRANTED. Ms. Christman is entitled to a new sentencing hearing. An updated PSI was produced on October 11, 2021, therefore, a new PSI is not required. Ms. Christman is ordered to appear for sentencing in District Court Department XXIV on Wednesday, May 8, 2024, at 9:30 am. The surrender date of May 8, 2024, at 1:30 pm is vacated. Ms. Christman is to promptly prepare and order and submit it to DC24Inbox@clarkcountycourts.us for signature. CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve/ kw 5.3.24

EXHIBIT 3

EXHIBIT 4

From: [Christopher Hamner](#)
To: [Wright, Chapri](#)
Cc: [Zarcone, Sandra](#); "Betsy Allen"
Subject: RE: C-13-287140-2
Date: Friday, April 19, 2024 1:59:00 PM

While the State is opposed to there being a hearing as a preliminary matter based on the merits, if logistically there was an error in setting the matter, the State understands the need for pushing it to May 8th..

From: Wright, Chapri
Sent: Friday, April 19, 2024 1:26 PM
To: Christopher Hamner
Cc: Zarcone, Sandra ; 'Betsy Allen' **Subject:** RE: C-13-287140-2

CAUTION: This email originated from an **External Source**. Please **use caution** before opening attachments, clicking links, or responding to this email. **Do not sign-in with your DA account credentials.**

State are you in agreeance?

Thanks! Chapri Wright

**JUDICIAL EXECUTIVE ASSISTANT
to the Honorable Judge Erika Ballou
District Court, Department 24**

<http://www.clarkcountycourts.us/departments/judicial/civil-criminal-divison/department-xxiv/>

From: Betsy Allen
Sent: Thursday, April 18, 2024 11:32 AM
To: Wright, Chapri
Cc: Christopher Hamner ; [Zarcone, Sandra](#)
Subject: Re: C-13-287140-2

[NOTICE: This message originated outside of Eighth Judicial District Court
-- DO NOT CLICK on links or open attachments unless you are sure the content

is safe.]

I would appreciate setting this the same date as the hearing. May 8.
Sent From Betsy's iPhone

On Apr 18, 2024, at 11:16 AM, Wright, Chapri wrote:

Hello! Counsel,

The temp clerk in our department inadvertently set a couple of criminal cases on a civil day, including this case. The Court has vacated the date of 4/23/24 and is asking when parties would like this matter on calendar for the surrender as this may be impacted by the evidentiary hearing we set, the court did not want to set it without input from the parties. Thanks.

Thanks! Chapri Wright

**JUDICIAL EXECUTIVE ASSISTANT
to the Honorable Judge Erika Ballou
District Court, Department 24**


<http://www.clarkcountycourts.us/departments/judicial/civil-criminal-divison/department-xxiv/>

EXHIBIT 5

IN THE SUPREME COURT OF THE STATE OF NEVADA

THE STATE OF NEVADA,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
ERIKA D. BALLOU, DISTRICT JUDGE,
Respondents,
and,
MIA CHRISTMAN,
Real Party in Interest.

No. 86007

FILED
MAY 03 2024
ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

*ORDER DENYING MOTION,
DIRECTING REASSIGNMENT OF CASES,
AND DIRECTING COMPLIANCE WITH WRIT OF MANDAMUS*

Petitioner State of Nevada filed an original petition for a writ of mandamus and/or prohibition challenging the district court's failure to comply with this court's order of reversal and remand in *Warden v. Christman*, No. 83572, 2022 WL 3336142 (Nev. Aug. 11, 2022) (Order of Reversal and Remand). This court granted the petition and issued a writ of mandamus. The writ directed the district court to enter judgment in favor of the State on real party in interest Mia Christman's postconviction habeas petition. The State now moves for enforcement of the writ pursuant to NRS 34.290, arguing that the respondent district court has failed to comply with the writ by failing to remand Christman back into custody to continue serving the sentence imposed in the judgment of conviction.

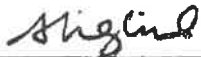
Having reviewed the motion and Christman's reply, we deny the motion because the initial means of enforcing a writ under NRS 34.290 is through a contempt proceeding. *See* NRS 34.290(1) (providing that a

compelled party may be adjudicated guilty of contempt for “refus[ing] or neglect[ing] to obey” the mandate “after notice and hearing”). Although NRS 34.290(2) provides that the court that issued a writ of mandamus may make “any orders necessary and proper for the complete enforcement of the writ” where the compelled party persists in refusing to obey the mandate, that authority is “held in abeyance until and unless the \$1,000 fine [following a contempt adjudication] does not induce the fined party comply with the writ.” *Barrows v. Seventh Jud. Dist. Ct.*, 112 Nev. 339, 343, 913 P.2d 1296, 1298 (1996), *disapproved of on other grounds by Glover v. Concerned Citizens for Fuji Park & Fairgrounds*, 118 Nev. 488, 50 P.3d 546 (2002). The district court here has not been found guilty of contempt, and the State has specifically declined to ask this court to impose any penalty and has not requested that we schedule a contempt hearing. Accordingly, we deny the motion for enforcement.

We nonetheless are concerned by the district court’s refusal to act. This court has twice directed the district court to enter judgment in the State’s favor on Christman’s postconviction habeas petition—first in the State’s appeal from the district court’s order granting the postconviction habeas petition and again in the writ issued in this matter. Although this court did not address Christman’s custody status in either instance, we think it clear that a judgment in the State’s favor on the postconviction habeas petition necessarily entails recommitting Christman to serve the sentence imposed in the judgment of conviction. *See* NRS 178.4873 (allowing the district court to admit a petitioner to bail pending appeal when the court grants a postconviction habeas petition, the court does not stay the order granting relief, and the State files a notice of appeal); NRS 178.4875 (addressing recommitment of a petitioner admitted to bail

pending appeal). Neither our appellate mandate nor our writ of mandamus contemplated any delay, let alone the more than fifteen months that have passed since we entered judgment in the State's favor on its appeal. And although the writ of mandamus issued in this matter did not state a specific time for the district court to enter a judgment in the State's favor on the postconviction habeas petition, that writ was peremptory in nature and thus NRS 34.190(2) and (3) contemplate that the district court would do the act required by the writ "immediately after the receipt of the writ." Given these circumstances, we are not convinced that the respondent district court judge will comply. Accordingly, we direct the chief judge of the respondent Eighth Judicial District Court to reassign the postconviction habeas proceeding involving Christman (district court case A-19-797445-W) and the related criminal case involving Christman (district court case C-13-287140-2). Upon reassignment of those cases, the district court shall promptly comply with this court's mandate in *Warden v. Christman*, No. 83572, 2022 WL 3336142 (Nev. Aug. 11, 2022) (Order of Reversal and Remand), and the writ issued by this court in this matter on October 13, 2023.

It is so ORDERED.


_____, J.
Stiglich


_____, J.
Lee


_____, J.
Bell

cc: Hon. Jerry A. Wiese, Chief Judge
Hon. Erika D. Ballou, District Judge
Attorney General/Carson City
Clark County District Attorney
Law Office of Betsy Allen
Eighth District Court Clerk

EXHIBIT 6

IN THE SUPREME COURT OF THE STATE OF NEVADA

THE STATE OF NEVADA,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
ERIKA D. BALLOU, DISTRICT JUDGE,
Respondents,
and
MIA CHRISTMAN,
Real Party in Interest.

No. 88574

FILED
MAY 03 2024

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

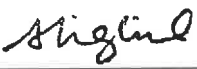
*ORDER DENYING PETITION
FOR WRIT OF MANDAMUS AND PROHIBITION*

This emergency original petition for a writ of mandamus and prohibition seeks to compel the district court's compliance with a writ of mandamus issued on October 13, 2023, in *State v. Eighth Jud. Dist. Ct. (Christman)*, No. 86007, 2023 WL 6781265 (Nev. Oct. 12, 2023) (Order Granting Petition), and to prohibit the district court from holding an evidentiary hearing on real party in interest's motion to modify sentence. Real party in interest has filed motions for leave to file an answer and to disqualify the Clark County District Attorney's Office.


Earlier today, we entered an order in Docket No. 86007 addressing petitioner's motion to enforce the October 13 writ. In the order, the chief judge was directed to reassign the underlying cases (including the motion to modify sentence pending below) to a different district court judge, after which this court's orders are to be complied with promptly. Given our order in Docket No. 86007, the relief requested in this petition is moot, *Personhood Nev. v. Bristol*, 126 Nev. 599, 602, 245 P.3d 572, 574 (2010), and

we therefore decline to further consider it, NRAP 21(b). Consequently, and as real party in interest may pursue disqualification of the Clark County District Attorney's Office in the district court, we deny real party in interest's motions for leave to file an answer and to disqualify. In light of this order, we

ORDER the petition DENIED.


_____, J.
Stiglich


_____, J.
Lee


_____, J.
Bell

cc: Hon. Jerry A. Wiese, Chief Judge
Hon. Erika D. Ballou, District Judge
Attorney General/Carson City
Clark County District Attorney
Law Office of Betsy Allen
Eighth District Court Clerk

EXHIBIT 7

Heather L. Smith
CLERK OF THE COURT

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ORDR

**DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,
Plaintiff,
vs.
MIA CHRISTMAN,
#2862925
Defendant.

Case No. C-13-287140-2
Dept. No. XX

MIA CHRISTMAN,
Petitioner,
vs.
DWITE NEVIN,
Warden,
Respondent.

Case No. A-19-797445-W
Dept. No. XX

ORDER

Pursuant to the Supreme Court of the State of Nevada's:

- 1) August 11, 2022 Order of Reversal and Remand, reversing the judgment of District Judge Erika Ballou's Granting of Petitioner/Defendant Christman's Post-Conviction Writ of Habeas Corpus;
- 2) October 12, 2023 Order Granting State of Nevada's Petition for Writ of Mandamus directing District Judge Erika Ballou to enter judgment for the State of Nevada on Petitioner/Defendant Christman's Post-Conviction Petition for Writ of Habeas Corpus; and
- 3) May 3, 2024 Order Directing Reassignment of Cases, and Directing Compliance with Writ of Mandamus,

1 this Court:

- 2 1) RESCINDS the prior court's judgment in A-19-797445-W granting
3 Petitioner/Defendant Christman's Post-Conviction Writ for Petition of Habeas
4 Corpus and ENTERS A JUDGMENT in favor of the State of Nevada denying
5 Petitioner's Petition;
- 6 2) RESCINDS the prior court's November 16, 2021 Order in C-13-287140-2
7 releasing Petitioner/Defendant Christman pending sentencing on own
8 recognizance release with low level electronic monitoring;
- 9 3) REMANDS Petitioner/Defendant into the custody of the Nevada Department
10 of Corrections to server her sentence pursuant to her Judgement of Conviction
11 of July 27, 2017 in C-13-287140-2; and
- 12 4) VACATES any pending Court hearings, the Court will reset any necessary
13 hearing on Petitioner/Defendant's Motion to Modify Sentence in C-13-
14 287140-2.

15 **IT IS FURTHER ORDERED** Petitioner/Defendant Christman **SHALL**
16 **SURRENDER** to the Nevada Department of Corrections at Florence McClure
17 Women's Correctional Center, 4370 Smiley Road, Las Vegas, Nevada, by 12:00 p.m.
18 (noon) Pacific Daylight Savings Time **ON TUESDAY, MAY 7, 2024.**

19 **Dated this 6th day of May, 2024**

20 

21 **ERIC JOHNSON**
22 **DISTRICT COURT JUDGE**

23 **F16 FC4 F4BC E54B**
24 **Eric Johnson**
25 **District Court Judge**

1 CSERV

2 DISTRICT COURT
3 CLARK COUNTY, NEVADA

4
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6 State of Nevada

CASE NO: C-13-287140-2

7 vs

DEPT. NO. Department 20

8 Mia Christman
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

11 This automated certificate of service was generated by the Eighth Judicial District
12 Court. The foregoing Order was served via the court's electronic eFile system to all
13 recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 5/6/2024

15 Department Law Clerk

dept30lc@clarkcountycourts.us

16 Betsy Allen

betsyallenesq@yahoo.com

17 dept 24 LC

dept24lc@clarkcountycourts.us

18 Master Calendar Clerk AAA

clerkmastercalendar@clarkcountycourts.us

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EXHIBIT 8

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ORDER

**DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,
Plaintiff,
vs.
MIA CHRISTMAN,
#2862925
Defendant.

Case No. C-13-287140-2
Dept. No. XX

MIA CHRISTMAN,
Petitioner,
vs.
DWITE NEVIN,
Warden,
Respondent.

Case No. A-19-797445-W
Dept. No. XX

**ORDER DENYING DEFENDANT CHRISTMAN' MOTION FOR
SENTENCING**

On May 6, 2024, Defendant Christman filed a Motion for Sentencing. In the motion, Defendant asserts Judge Erika Ballou, the prior judge on this matter, entered a Minute Order on May 2, 2024 granting Defendant's Motion to Modify Sentence. Defendant contends she is not currently under any sentence and asks the Court to reset sentencing in this matter.

However, on April 24, 2024, the State of Nevada filed a Motion to Recuse Judge Erika Ballou in this matter. On May 1, 2024, Defendant filed a Motion to Strike the State's Motion to Recuse asserting the State's arguments in support of its

1 motion was focused on Judge Ballou's decisions and conduct in Christman v. Neven,
2 A-19-797445. Defendant argued the State should have filed its Motion to Recuse in
3 that case rather than in the criminal case. On May 2, 2024, the State also filed its
4 Motion to Recuse in A-19-797445. In filing its motion in A-19-797445, the State did
5 not withdraw its motion in the instant criminal matter or make any suggestion its
6 filing in A-19-797445 somehow superseded or replaced its filing in the instant matter.
7 Subsequently, Judge Ballou, presumably before she granted Defendant's Motion to
8 Modify Sentence, granted Defendant's Motion to Strike the State's Motion to Recuse
9 in the instant matter. Judge Ballou then entered a minute order granting Defendant's
10 Motion to Modify Sentence.
11

12 However, "once a motion to disqualify is filed by a party, the subject judge
13 can take no further action in the case until the motion to disqualify is resolved."
14 Debiparshad v. Eighth Jud. Dist. Ct. in & for Cnty. of Clark, 137 Nev. 691, 695, 499
15 P.3d 597, 601 (2021); *see also* NRS 1.235(5)(a)("the judge against whom an affidavit
16 alleging bias or prejudice is filed shall proceed no further with the matter" except to
17 transfer the case to another judge...."); NCJC Rule 2.11; Towbin Dodge, LLC v.
18 Eighth Judicial Dist. Court, 121 Nev. 251, 260, 112 P.3d 1063, 1069 (2005)("When,
19 however, the grounds for disqualification are discovered only after the time for filing
20 an affidavit under NRS 1.235(1) has passed, a party may timely file a motion to
21 disqualify pursuant to NCJC Rule 2.11 'as soon as possible after becoming aware of
22 the new information,' and the motion must be adjudicated before the trial may
23 continue."). Consequently, at the time she struck the State's Motion to Recuse in this
24 matter, Judge Ballou could not take such action as the State had not withdrawn the
25 motion in the matter and it had not been resolved.
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1 Consequently, this Court finds Judge Ballou improperly stuck the State's
2 Motion to Recuse and the motion had not been resolved at the time Judge Ballou
3 entered her minute order granting the Motion to Modify Sentence. The Nevada
4 Supreme Court has held "any order entered by the judge while a timely motion to
5 disqualify is pending becomes void should the judge later be disqualified. Voiding the
6 orders of a judge whose impartiality has reasonably been questioned promotes
7 confidence in the judiciary." Debiparshad v. Eighth Jud. Dist. Ct. in & for Cnty. of
8 Clark, 137 Nev. 691, 695, 499 P.3d 597, 601 (2021). In the instant matter, while
9 Judge Ballou was removed from the case before the State's Motion to Recuse was
10 resolved, this Court finds Judge Ballou's minute order issued while the State's
11 Motion to Recuse was pending is void. The Nevada Supreme Court ordered the
12 instant matter to be reassigned in view of its concern Judge Ballou would not comply
13 with its prior orders. Consequently, this Court finds voiding Judge Ballou's minute
14 order issued after she ethically could not act in the case and while the State's Motion
15 to Recuse was pending is consistent with the high Court's holding in Debiparshad and
16 promotes confidence in the judiciary.

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19 Additionally, Judge Ballou's May 2, 2024 minute order upon which
20 Defendant relies for her motion is a minute order. "Dispositional court orders that
21 are not administrative in nature, but deal with the procedural posture or merits of the
22 underlying controversy, must be written, signed, and filed before they become
23 effective." Div. of Child & Fam. Servs., Dep't of Hum. Res., State of Nevada v.
24 Eighth Jud. Dist. Ct. ex rel. Cnty. of Clark, 120 Nev. 445, 455, 92 P.3d 1239, 1246
25 (2004). "'Entry' involves the filing of a signed *written* order with the court clerk.
26 Before the court reduces its decision to writing, signs it, and files it with the clerk, the
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1 nature of the judicial decision is impermanent. The court remains free to reconsider
2 the decision and issue a different written judgment. Consequently, a "[c]ourt's oral
3 pronouncement from the bench, the clerk's minute order, and even an unfiled written
4 order are ineffective for *any purpose*.'" Div. of Child & Fam. Servs., Dep't of Hum.
5 Res., State of Nevada v. Eighth Jud. Dist. Ct. ex rel. Cnty. of Clark, 120 Nev. 445,
6 451, 92 P.3d 1239, 1243 (2004)(emphasis added)(quoting Rust v. Clark Cty. School
7 District, 103 Nev. 686, 688, 747 P.2d 1380, 1382 (1987)). This Court has
8 reconsidered the minute order of May 2, 2024 granting Defendant's Motion to
9 Modify Sentence and rescinds it. Defendant's Judgment of Conviction of July 27,
10 2017 in C-13-287140-2 remains in effect and Defendant is subject to it.

12 Defendant's Motion for Sentencing is DENIED. The Court finds the prior
13 Court's Minute Order of May 2, 2024 void or voided and/or reconsidered and
14 rescinded. The Court will consider Defendant's Motion to Modify Sentence and
15 related briefings and filings, and either set a hearing, if necessary, or issue a ruling
16 based on the motion and briefings.

18 Defendant Christman **SHALL SURRENDER** to the Nevada Department of
19 Corrections at Florence McClure Women's Correctional Center, 4370 Smiley Road,
20 Las Vegas, Nevada, by 12:00 p.m. (noon) Pacific Daylight Savings Time **ON**
21 **TUESDAY, MAY 7, 2024** to serve her Judgment of Conviction of July 27, 2017 in
22 C-13-287140-2.

24 Dated this 6th day of May, 2024

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26 ERIC JOHNSON
27 DISTRICT COURT JUDGE

28 **492 0C3 F30E 744D**
Eric Johnson
District Court Judge

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DISTRICT COURT
CLARK COUNTY, NEVADA

State of Nevada	CASE NO: C-13-287140-2
vs	DEPT. NO. Department 20
Mia Christman	

AUTOMATED CERTIFICATE OF SERVICE

This automated certificate of service was generated by the Eighth Judicial District Court. The foregoing Order was served via the court's electronic eFile system to all recipients registered for e-Service on the above entitled case as listed below:

Service Date: 5/6/2024

Department Law Clerk	dept30lc@clarkcountycourts.us
Betsy Allen	betsyallenesq@yahoo.com
dept 24 LC	dept24lc@clarkcountycourts.us
Master Calendar Clerk AAA	clerkmastercalendar@clarkcountycourts.us