

*Appendix*      **Cover Page**

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*Appendix*      **NUMBER A**

CASE NUMBER Nevada Sup Ct #84583

**EXHIBIT** 1-29

Exhibits for Writ of Mandamus To Compel Nev. Sup. Ct Judgement & Opinion

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**Exhibit Number** \_\_\_\_\_ **Number of Pages** \_\_\_\_\_

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**Exhibit Description** \_\_\_\_\_

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**Exhibit Description** \_\_\_\_\_

CASE NUMBER Nev. Sup Ct. #84583

**EXHIBIT** 1

Request for Nevada Sup. Ct. Judgement and Opinion dated 1/13/89 Fed-Ex Receipt

Hello attorney Stewart,

As you are aware, I am pursuing the filing of a Writ of Certiorari in the United States Supreme Court since you advised you are unwilling to do so in your letter informing me of the Order of Affirmation. As you know as well I must provide the U.S. Supreme Court with the lower court opinion. However the Law Library at FMWCC does not contain a Federal Reporter to support that request. Therefore I am unable to provide the lower court opinion to the U.S. Supreme Court.

Please review the enclosed correspondence from the U.S. Supreme Court Clerk. I have corrected the other requirements but as I mentioned I am unable to provide the lower court's opinion. Please provide me with the lower court's opinion & any associated referenced documents I need so I can return the application for the proper person Writ of Certiorari within the time frame indicated on the correspondence.

Due to possible further delays a expeditious response will be greatly appreciated. Thank you in advance for your cooperation in this matter.

If for some reason the Opinion is not available, please advise. Thanks

cc: U.S. Supreme Court Clerk, Alton Dixon, Mass Liberations

Dated this 8th Day of January, 2024.

Respectfully Submitted

Sharon Gayles-Zanders

CERTIFICATE OF MAILING

STATE OF NEVADA  
COUNTY OF Clark

I am the  Plaintiff/Petitioner  Defendant/Respondent

Shirron Gayles-Zanders

for Case No: SC case # 84583

On this 10<sup>th</sup> day of January, 2024, I mailed a copy of the

Following document(s):

1. Request for Nevada's Supreme Court opinion

2. \_\_\_\_\_

3. \_\_\_\_\_

4. \_\_\_\_\_

5. \_\_\_\_\_

By United States First Class Mail, to the following addresses:

1. Attorney Stewart

1361 Babbling Brook Ct.  
Mesquite, NV. 89034

2. U.S. Supreme Court

Office of the Clerk / Scott Harris  
#1 First St. NE

Washington, DC, 20543-0001

3. Moss Liberations

840 S. Rainbow Bl. #161  
APT# 101; Ms. Teresa Yancy  
Las Vegas, NV. 89107

Dated this 10<sup>th</sup> day of January, 2024.

Respectfully submitted,

Shirron Gayles-Zanders

Signature

Shirron Gayles-Zanders

Printed Name

1 This document does not contain the personal information of any person as  
2 defined by NRS 603A.40.  
3

4 **DECLARATION UNDER PENALTY OF PERJURY**

5 I, the undersigned, understand that a false statement or answer to any question in this declaration will  
6 subject me to penalties of perjury.

7 I declare, under the penalty of perjury under the laws of the United States of America,  
8 that the above and/or foregoing information is accurate, correct and true to the best of my knowledge, executed  
9 within the terms of <sup>1</sup>NRS 171.102 and <sup>2</sup>NRS 208.165. See <sup>3</sup>28 U.S.C. 1746 and 18 U.S.C. 1621.

10 Dated this 9th day of January, 20 24  
11 Mirron Gayles-Zandoss 0  
12 Signature

13 1258355  
14 Nevada Department of Corrections ID #

15 <sup>1</sup> NRS 171.102

16 <sup>2</sup> NRS 208.165

17 <sup>3</sup> 28 U.S.C.

18 <sup>3</sup> 1746. Unsworn declarations under penalty of perjury

19 18 U.S.C.

20 1621. Perjury generally



## Shipment Receipt

### Address Information

Ship to:	Ship from:
Attorney Sandra Stewart	FLORENCE MCCLURE WOMENS CORRECTIONA
Gayles-Zanders, S. #1258355 1361 Babbling Brook Ct.	NDOC 4370 SMILEY RD
MESQUITE, NV 89034 US 7029829817	LAS VEGAS, NV 89115 US 7252166164

### Shipment Information:

Tracking no.: 789203305384  
Ship date: 01/12/2024  
Estimated shipping charges: 11.28 USD

### Package Information

Pricing option: FedEx Standard Rate

Service type: FedEx 2Day

Package type: Your Packaging

Number of packages: 1

Total weight: 1 LBS

Declared Value: 0.00 USD

Special Services:

Pickup/Drop-off: Drop off package at FedEx location

### Billing Information:

Bill transportation to: FMWCC-907

Your reference: Postage BS# 2656035

P.O. no.:

Invoice no.:

Department no.:

*Delivered 1/16/24 at 12:40 p.m.*

Thank you for shipping online with FedEx ShipManager at [fedex.com](http://fedex.com).

### Please Note

FedEx will not be responsible for any claim in excess of \$100 per package, whether the result of loss, damage, delay, non-delivery, misdelivery or misinformation, unless you declare a higher value, pay an additional charge, document your actual loss and file a timely claim. Limitations found in the current FedEx Service Guide apply. Your right to recover from FedEx for any loss, including intrinsic value of the package, loss of sales, income, interest, profit, attorney's fees, costs, and other forms of damage whether direct, incidental, consequential, or special is limited to the greater of \$100 or the authorized declared value. Recovery cannot exceed actual documented loss. Maximum for items of extraordinary value is \$1000, e.g., jewelry, precious metals, negotiable instruments and other items listed in our Service Guide. Written claims must be filed within strict time limits; Consult the applicable FedEx Service Guide for details.

The estimated shipping charge may be different than the actual charges for your shipment. Differences may occur based on actual weight, dimensions, and other factors. Consult the applicable FedEx Service Guide or the FedEx Rate Sheets for details on how shipping charges are calculated.

CASE NUMBER Nev. Sup. Ct #84583

**EXHIBIT** 2

AAA affidavit dated 1/10/07 to Scott Harris/US sup.Ct/Fed. ex Receipt

Shirron Gayles-Zanders

**Florence McClure Women's Correctional Center**  
4370 Smiley Rd.  
Las Vegas, NV 89115

In the matter of:

State of Nevada

Plaintiff/Petitioner

Shannon Gayles-Zamiders  
Defendant/Respondent

**Defendant/Respondent**

Case No: SC # 84583

Dept No.:

Hearing Requested

Hearing Not Requested

**AFFIDAVIT**

STATE OF NEVADA

COUNTY OF Clark

1. My personal knowledge or personal observations of the situation is/are as follows:

To Scott Harris/Clerk of the Court,

This Affidavit is written in response to your letter dated 12/05/2023, first of all Thank you for patience & understanding in this matter. However I am still unclear on some of the issues you listed on the correspondence. I have corrected & made my one person petition more concise as you advised, however the petition is still (47) pages in total including the Opinion page, Jurisdiction page, & Constitutional and Statutory provisions & Statement of Case. My question however is before I send the petition back to you I need to know if the petition will be accepted as is or if I need to provide another Motion to proceed the page limit as I initially submitted. I must emphasize I revised the petition to my best without omitting issues/claims I feel are critical to the success of getting a Writ.

1 further I thought I addressed the lower court opinion issue in the  
2 first letter to you. Here at FMWCC, the institution where I am incor-  
3 porated don't have access to the federal Reporter, therefore I am  
4 unable to provide the lower court's opinion or even ascertain if the  
5 opinion has already been reported. The clerk law library stated she is  
6 not at liberty to write an APP affidavit on the Institution's letterhead to  
7 substantiate my proclamation of not having access to a federal Reporter  
8 however advised the APP affidavit should be sufficient.

9 In addition I have included the written request that I sent to my  
10 attorney on record to provide the opinion. In case she does not comply,  
11 please advise other options or advise if I can request a "Stay" to obtain the info

12 This document does not contain the personal information of  
13 any person as defined by MNRS 603A.040

14 Dated this 10<sup>th</sup> day of January, 20 24.

15 Respectfully submitted,

16 Shirron Gayles-Zandors  
Signature

17  
18 Shirron Gayles-Zandors  
Printed Name

19 DECLARATION UNDER PENALTY OF PERJURY

20 I, the undersigned, understand that a false statement or answer to any question in this declaration will  
subject me to penalties of perjury.

21 I declare, under the penalty of perjury under the laws of the United States of America,  
22 that the above and/or foregoing information is accurate, correct and true to the best of my knowledge, executed  
within the terms of <sup>1</sup>NRS 171.102 and <sup>2</sup>NRS 208.165. See <sup>3</sup>28 U.S.C. 1746 and 18 U.S.C. 1621.

23 Dated this 10<sup>th</sup> day of January, 20 24

24 Shirron Gayles-Zandors  
Signature

25 1258355

Nevada Department of Corrections ID #

26 <sup>1</sup> NRS 171.102

27 <sup>2</sup> NRS 208.165

28 <sup>3</sup> 28 U.S.C.

S1746. Unsworn declarations under penalty of perjury

18 U.S.C.

S 1621. Perjury generally

1 Shirron Gayles-Zanders

2 Florence McClure Women's Correctional Center  
3 4370 Smiley Rd.  
4 Las Vegas, NV 89115

5 In the matter of:

6 State of Nevada

7 Plaintiff/Petitioner

8 v. Shirron Gayles-Zanders

9 Defendant/Respondent

10 ) Case No: SC # 84583

11 ) Dept No.: \_\_\_\_\_

12 )  Hearing Requested

13 )  Hearing Not Requested

14 AFFIDAVIT

15 STATE OF NEVADA )

16 COUNTY OF Clark )

17 1. My personal knowledge or personal observations of the situation  
18 is/are as follows:

19 To Scott Harris/Clerk of the Court,

20 This Affidavit is written in response to your letter dated 12/09/2023, first  
21 of all I thank you for patience & understanding in this matter. However I  
22 am still unclear on some of the issues you listed on the correspondence.  
23 I have corrected & made my proper person petition more concise  
24 as you advised, however the petition is still (47) pages in total including  
25 the Opinion page, Jurisdiction page, & Constitutional and Statutory provisions  
26 & Statement of Case. My question however is before I send the petition  
27 back to you I need to know if the petition will be accepted as is or if I  
28 need to provide another motion to proceed the page limit as I initially  
submitted. I must emphasize I revised the petition to my best without  
omitting issues/claims I feel are critical to the success of getting a Writ.

1 further I thought I addressed the lower court opinion issue in the  
2 first letter to you. Here at FMWCC, the institution where I am incarcerated  
3 doesn't have access to the Federal Reporter, therefore I am  
4 unable to provide the lower court's opinion or even ascertain if the  
5 opinion has already been reported. The Clerk Law Library stated she is  
6 not at liberty to write on AIA affidavit on the Institution's letterhead to  
7 substantiate my proclamation of not having access to a Federal Reporter  
8 however advised the AIA affidavit should be sufficient.

9 In addition I have included the written request that I sent to my  
10 attorney on record to provide the opinion. In case she does not comply,  
11 please advise other options or advise if I can request a "Stay" to obtain the info

12 This document does not contain the personal information of  
13 any person as defined by MNRS 603A.040

14 Dated this 10<sup>th</sup> day of January, 2024.

15 Respectfully submitted,

16 Sharon Gayles-Zanders  
Signature

17 Sharon Gayles-Zanders  
Printed Name

19 DECLARATION UNDER PENALTY OF PERJURY

20 I, the undersigned, understand that a false statement or answer to any question in this declaration will  
subject me to penalties of perjury.

21 I declare, under the penalty of perjury under the laws of the United States of America,  
22 that the above and/or foregoing information is accurate, correct and true to the best of my knowledge, executed  
within the terms of<sup>1</sup>NRS 171.102 and<sup>2</sup>NRS 208.165. See<sup>3</sup>28 U.S.C. 1746 and 18 U.S.C. 1621.

23 Dated this 10<sup>th</sup> day of January, 2024

24 Sharon Gayles-Zanders  
Signature

1258355

25 Nevada Department of Corrections ID #

26 <sup>1</sup> NRS 171.102

27 <sup>2</sup> NRS 208.165

28 <sup>3</sup> 28 U.S.C.

S1746. Unsworn declarations under penalty of perjury  
18 U.S.C.

S 1621. Perjury generally



## Shipment Receipt

### Address Information

Ship to:	Ship from:
United States Supreme Court	FLORENCE MCCLURE
	WOMENS CORRECTIONA
Gayles-Zanders, S. #1258355	NDOC
Clerk Of The Court/ Scott	4370 SMILEY RD
Harris	
#1 First ST NE	
WASHINGTON, DC	LAS VEGAS, NV
20530	89115
US	US
7252166190	7252166164

### Shipment Information:

Tracking no.: 789202840111  
Ship date: 01/12/2024  
Estimated shipping charges: 9.54 USD

### Package Information

Pricing option: FedEx Standard Rate  
Service type: FedEx 2Day  
Package type: Your Packaging  
Number of packages: 1  
Total weight: 1 LBS  
Declared Value: 0.00 USD  
Special Services:  
Pickup/Drop-off Drop off package at FedEx location

### Billing Information:

Bill transportation to: FMWCC-907  
Your reference: BS#2656039  
P.O. no.:  
Invoice no.:  
Department no.:

Delivered on 1/16/2024 at 10:47A.M. Sign T. Trusdale

Thank you for shipping online with FedEx ShipManager at [fedex.com](http://fedex.com).

### Please Note

FedEx will not be responsible for any claim in excess of \$100 per package, whether the result of loss, damage, delay, non-delivery, misdelivery or misinformation, unless you declare a higher value, pay an additional charge, document your actual loss and file a timely claim. Limitations found in the current FedEx Service Guide apply. Your right to recover from FedEx for any loss, including intrinsic value of the package, loss of sales, income, interest, profit, attorney's fees, costs, and other forms of damage whether direct, incidental, consequential, or special is limited to the greater of \$100 or the authorized declared value. Recovery cannot exceed actual documented loss. Maximum for items of extraordinary value is \$1000, e.g., jewelry, precious metals, negotiable instruments and other items listed in our Service Guide. Written claims must be filed within strict time limits; consult the applicable FedEx Service Guide for details. The estimated shipping charge may be different than the actual charges for your shipment. Differences may occur based on actual weight, dimensions, and other factors. Consult the applicable [FedEx Service Guide](#) or the FedEx Rate Sheets for details on how shipping charges are calculated.

CASE NUMBER Nev. Sup. Ct # 84583

**EXHIBIT** 3

Request for withdrawal dated 1/16/24 to Atty. Stewart/ED - except

1 Sharon Gayles-Zandors

2 Florence McClure Women's Correctional Center  
3 4370 Smiley Rd.  
4 Las Vegas, NV 89115

5 In The 8th Judicial District Court of the State of Nevada  
6 In and for the County of Clark

7 In the matter of:

8 Plaintiff/Petitioner

9 v.  
10 Sharon Gayles-Zandors  
11 Defendant/Respondent

Case No. 8284583

Dept No.:

Hearing Requested

Hearing Not Requested

12 AFFIDAVIT

13 STATE OF NEVADA

14 COUNTY OF Clark

15 1. I am the  Plaintiff/Petitioner  Defendant/Respondent in the above  
16 entitled action. I have personal knowledge of the facts contained  
17 in the above-entitled case and am competent to testify to these  
facts.  
18 2. My personal knowledge or personal observations of the situation  
19 is/are as follows:

20 Please see attached Request for Withdrawal of Attorney Stewart  
21 (2) two pages.

22 \* Since the 8th district court still have you as my attorney on record, please  
23 certify the Motions and Electronically file the Motions on my behalf by  
24 being that you are aware how critical my Entire Case files are to establishing  
25 a fully developed record that my Conviction & Confinement is illegal.  
26 If for some reason you cannot accommodate my request, please advise  
27 why? Also please advise if I can file a Writ of Mandamus in the Supreme  
28 Court Compelling the release of my Entire Case file from these attorneys?

Request for Withdrawal as Counsel // Attorney Stewart  
Hello attorney Stewart,

As you know I am in the process of exercising my due process of law right to file for a Writ of Certiorari in the U.S. Supreme Court based on your 9/3/2023 written correspondence informing me of the Affirmation of my conviction and the Remittitur I received from the Nevada Supreme Court as well on 10/17/2023.

On the 9/3/2023 correspondence you specifically stated, "Anyway, the case will soon be back in your hands and you handle it as you see fit." You further stated, "I will send you a copy of the Remittitur as soon as I receive it," in which I never received a copy of the Remittitur from you. With that being said, I conceived the letter as a termination of our attorney/client representation as any reasonable person would.

However, knowing the vitality of time limitations involved in post conviction proceedings, on or about the end of December I sent several Motions to the 8th district court once again requesting the court to compel my entire case file from each attorney that previously represented me to assist in establishing a fully developed record that my Conviction & Confinement is illegal, unconstitutional and warrants reversal.

Once again the 8th district court forwarded the Motions to you pursuant to Rule 3, 70. Please also note your address on their correspondence is incorrect. Please verify with the court.

further please correct me if I am wrong. To my understanding of the direct appeal process and the Rules of the (CJA) Criminal Justice Act, once a Conviction is affirmed and the Remittitur is issued, a state appointed attorney is duty bound to withdraw as Counsel on record immediately to avoid any

interference or hindrance with the appellant's future Post-Conviction process. However, if this is not the case, I am using this letter to serve as a formal official request for your withdrawal from my case. Further as the record amply reflect I was opposed to your representation on direct appeal and I certainly do not want your representation in State Post-Conviction proceedings.

Therefore being that both you and I have a profound understanding of how the Post-Conviction process work, it is imperative I receive a copy of your withdrawal most expeditiously to avoid any time constraints procedural bars. I cannot afford any further dilatory tactics to impede my due process of law rights to a fair & impartial adversary process.

I must emphasize due to your failure to withdraw as counsel pursuant to both state & federal laws, I have already lost several months of vital time to prepare my Post-Conviction Habeas as a result of your unlawful, unethical dilatory tactics. I must reiterate, you are immensely uncooperative & knowledgable of Post-Conviction proceedings. If no one else understand the "essence of time" & how critical time is in Post-Conviction proceedings, you do. Therefore there is no excuse you can use or offer to justify your Constitutionally deficient performance other than the conspicuous Conflict of interest that divided your loyalty to me as a Client. Your cooperation in this matter is greatly appreciated.

Dated this 16th Day of January, 2024

Respectfully Submitted

Thirrow Hayes Zandess

1  
2  
3  
4  
5  
6  
7  
8  
9  
10 This document does not contain the personal information of any person as  
11 defined by NRS 603A.040.

12 Dated this 16<sup>th</sup> day of January, 2024.

13 Respectfully submitted,

14 Shirron Gayles-Zanders  
Signature

15 Shirron Gayles-Zanders  
Printed Name

17 DECLARATION UNDER PENALTY OF PERJURY

18 I, the undersigned, understand that a false statement or answer to any question in this declaration will  
subject me to penalties of perjury.

19 I declare, under the penalty of perjury under the laws of the United States of America,  
20 that the above and/or foregoing information is accurate, correct and true to the best of my knowledge, executed  
within the terms of<sup>1</sup>NRS 171.102 and<sup>2</sup>NRS 208.165. See<sup>3</sup>28 U.S.C. 1746 and 18 U.S.C. 1621.

21 Dated this 16<sup>th</sup> day of January, 2024

22 Shirron Gayles-Zanders  
Signature

23 1258355

24 Nevada Department of Corrections ID #

25 <sup>1</sup> NRS 171.102

26 <sup>2</sup> NRS 208.165

27 <sup>3</sup> 28 U.S.C.

28 S1746. Unsworn declarations under penalty of perjury

18 U.S.C.

S 1621. Perjury generally

CERTIFICATE OF MAILING

STATE OF NEVADA  
COUNTY OF Clark

I am the  Plaintiff/Petitioner  Defendant/Respondent \_\_\_\_\_

Shirnon Gayles-Zanders for Case No: 84585

On this 22nd day of January, 2024, I mailed a copy of the

Following document(s):

1. Request for Direct Appeal Atty Stewart's Withdrawal
2. Pleasie Note The 8th Dist Court has your Address as 3161 Bubbling Brook Ct.
3. Copy of Correspondence dated 1/9/2024 from 8th Dist Ct.
4. \_\_\_\_\_
5. \_\_\_\_\_

By United States First Class Mail, to the following addresses:

1. Attorney Sandra Stewart  
1361 Bubbling Brook Court  
Mesquite, NV, 89034

2. Mass Liberations  
ATTN: Ms. Teresa Yancy  
848 Rainbow Bl. #161  
Las Vegas, NV, 89107

3. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Dated this 22nd day of January, 2024.

Respectfully submitted,

Shirnon Gayles-Zanders  
Signature

Shirnon Gayles-Zanders  
Printed Name

1 This document does not contain the personal information of any person as  
2 defined by NRS 603A.40.  
3

4 **DECLARATION UNDER PENALTY OF PERJURY**

5 I, the undersigned, understand that a false statement or answer to any question in this declaration will  
6 subject me to penalties of perjury.

7 I declare, under the penalty of perjury under the laws of the United States of America,  
8 that the above and/or foregoing information is accurate, correct and true to the best of my knowledge, executed  
9 within the terms of<sup>1</sup>NRS 171.102 and<sup>2</sup>NRS 208.165. See<sup>3</sup>28 U.S.C. 1746 and 18 U.S.C. 1621.

10 Dated this 23rd day of January, 2014  
11 Sharon Gayles-Zanders  
12 Signature  
13

14 1258355  
15 Nevada Department of Corrections ID #

16 <sup>1</sup> NRS 171.102  
17 <sup>2</sup> NRS 208.165  
18 <sup>3</sup> 28 U.S.C.  
19

20 S1746. Unsworn declarations under penalty of perjury  
21 18 U.S.C.  
22 S 1621. Perjury generally



## Shipment Receipt

### Address Information

Ship to:	Ship from:
Attorney Sandra Stewart	FLORENCE MCCLURE
	WOMENS CORRECTIONA
Gayles-Zanders, S. #1258355	NDOC
1361 Babbling Brook Ct.	4370 SMILEY RD
MESQUITE, NV	LAS VEGAS, NV
89034	89115
US	US
7029829817	7252166164

### Shipment Information:

Tracking no.: 774908111670  
Ship date: 01/23/2024  
Estimated shipping charges: 9.42 USD

### Package Information

Pricing option: FedEx Standard Rate  
Service type: FedEx Ground

Package type: Your Packaging

Number of packages: 1

Total weight: 1 LBS

Declared Value: 0.00 USD

Special Services:

Pickup/Drop-off: Drop off package at FedEx location

### Billing Information:

Bill transportation to: FMWCC-907  
Your reference: Postage BS# 2446675

P.O. no.:

Invoice no.:

Department no.:

*Delivered on 1/24/24 at 4:43 p.m.*

Thank you for shipping online with FedEx ShipManager at [fedex.com](http://fedex.com).

### Please Note

FedEx will not be responsible for any claim in excess of \$100 per package, whether the result of loss, damage, delay, non-delivery, misdelivery or misinformation, unless you declare a higher value, pay an additional charge, document your actual loss and file a timely claim. Limitations found in the current FedEx Service Guide apply. Your right to recover from FedEx for any loss, including intrinsic value of the package, loss of sales, income, interest, profit, attorney's fees, costs, and other forms of damage whether direct, incidental, consequential, or special is limited to the greater of \$100 or the authorized declared value. Recovery cannot exceed actual documented loss. Maximum for items of extraordinary value is \$1000, e.g., jewelry, precious metals, negotiable instruments and other items listed in our Service Guide. Written claims must be filed within strict time limits; Consult the applicable FedEx Service Guide for details.

The estimated shipping charge may be different than the actual charges for your shipment. Differences may occur based on actual weight, dimensions, and other factors. Consult the applicable FedEx Service Guide or the FedEx Rate Sheets for details on how shipping charges are calculated.

CASE NUMBER New Sup. Ct. #84583

**EXHIBIT** 4

Proper Person Withdrawal to New Sup Ct. Atty Stewart/FED-EX

1 Shirron Gayles-Zandens # 125B355  
2 Florence McClure Women's Correctional Center  
3 4370 Smiley Road  
4 Las Vegas, NV 89115

5

6 "In Nevada Supreme Court"

7 In the matter of:

8 State of Nevada

9 Plaintiff/Petitioner

10 v.

11 Shirron Gayles-Zandens

12 Defendant/Respondent

13 Case No: SC # 84583

14 Dept. No: \_\_\_\_\_

15  Hearing Requested

16  Hearing Not Requested

17 Motion To Request Withdrawal of Counsel/

18 Proper Person Motion to Request Withdrawal of Attorney Sandra Stewart

19 Comes Now, the appellant Shirron Gayles-Zandens in proper person and  
20 moves This honorable Nevada Supreme Court to withdraw attorney Stewart  
21 from counsel on record on petitioner's direct appeal on case. Petitioner  
22 declare she received an Order of Affirmation on 8/24/23 from the Court of  
23 Appeals, & she received a Confirmation of the Order of Affirmation from attorney  
24 Stewart on 9/1/2023 and received a Remittitur dated 10/9/2023 from the  
25 Nevada Supreme Court, thus signifying that her Direct Appeal was final.  
26 Further returned petitioner's Motion for Rehearing, Motion for Affirmation/Relief,  
27 & Motion to Vacate Remittitur Unfiled, ignoring petitioner's "Affirmative Duty to Appeal".

28 Points and Authorities

29 It is respectfully requested of this Nevada Supreme Court to grant this  
30 motion to withdraw Counsel Stewart as attorney on record for the  
31 reasons listed below:

1 Points and Authorities

2 Petitioner declare due to she and appellate counsel/s Stewart conspi-  
3 erous irreconcilable differences deriving from Counsel/s undermining actions  
4 divided Loyalty, Conflicting interests and Lack of Communication, her direct  
5 appeal legal representation suffered a complete attorney/Client breakdown.

6 Petitioner avers her direct appeal record will reflect petitioner made numerous  
7 requests for Counsel/s withdrawal, appellate Complaints and Filings for  
8 Motion for Substitution of Counsel due to the obvious attorney/Client break-  
9 down. Petitioner declare Counsel ignored her requests and refused to withdraw.

10 Petitioner aver & argue Counsel/s legal appellate representation was  
11 meaningless, unproductive, a complete "Sham" and burdened with Con-  
12 flicting interests, divided loyalty that caused unsavable detriment to  
13 petitioner's direct appeal and future appellate proceedings due to counsel's  
14 refusal & failure to preserve petitioner's vital Meritless Constitutional claims  
15 for review in both State & federal habeas proceedings. To provide Counsel for her defense.

16 Petitioner argue Counsel's refusal to file the requested Motion for Reversal  
17 Motion for Affirmation, Relief or Motion to Vacate Remittitur, refusal to file  
18 requested Writ of Certiorari, refusal & failure to withdraw from peti-  
19 tioner's direct appeal & case is the sole reason petitioner's appeal was  
20 Affirmed. Petitioner argue & must emphasize her direct appeal record will imply  
21 suggest & indicate that Counsel/s legal representation was compromised and  
22 contrived with the sole intent to arrest the development of any & all of peti-  
23 tioner's endeavors to establish a fully developed record that her Con-  
24 stitutional & Constitutional is illegal and further designed to impede petitioner  
25 from preserving any & all Meritless Constitutional Claims for review in both  
26 State & federal habeas proceedings, thus Violating petitioner's due process rights

27 Petitioner declare she on the 2nd of April sent a written Affidavit dated 1/16/24  
28 to attorney Stewart requesting her withdrawal as Counsel on petitioner's case.

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## Points and Authorities

The FED-EX shipment record reflect the request / AIA document was delivered on 1/24/24 to attorney Stewart's home office. Please see attached request & FED-EX delivery, receipt, and Correspondence, dated 9/2/23 to petitioner from Counsel Stewart. Petitioner avers a reasonable person would have, she conceived the advising correspondence as a letter of termination of their attorney/client representation. Further, to date counsel has not corresponded with her on any issues of her case whatsoever nor has counsel fulfilled her duty or legal representation prescribed & guaranteed by the 5th, 6th & 14th Amend to keep petitioner informed of any legal critical decisions that might thwart petitioner's due process of law rights during the legal proceedings. Therefore, petitioner is requesting the Court to relieve counsel of her duties as counsel on record to curtail any further delays of petitioner's appellate process and grant to obtain the much needed Writ of Certiorari in the US. Supreme Court.

Petitioner further aver & argue due to the court's clerks inconsistent, unlawful manner in which the rulings and decisions were conveyed in conjunction with Counsel's inconsistent lack of communication, petitioner's direct appeal legal proceedings was very "confounding" as petitioner repeatedly made complaints about. Petitioner avers both Counsel & the Nevada higher courts used unlawful, illegal maneuvers to intentionally deceive petitioner, thus depriving petitioner of her due process of law right to before & impartial state appellate process, thus limiting petitioner's Constitutional right of equal access to the appellate process. (165 F.2d at 433). Petitioner must emphasize the court hold Counsel's failures do raise an appeal nonfrivolous Constitutional claims upon which her client insists must constitute "Cause and Prejudice" for any resulting procedural defaults under state law. See *Whitworth v. Sykes*, 43 U.S. 72, 53 AED 2d 594, 97 SCT 2492 (1977) See (463 U.S. 750) Id at 434 (463 U.S. 754)

1 Arguments  
2

3 Petitioner argue she has demonstrated that counsel provided ab-  
4 jectively unreasonable appellate representation rendering her legal  
5 representation Constitutionally deficient. Petitioner argue counsel com-  
6 pletely undermined her efforts to prove her Conviction & Confinement is  
7 illegal and therefore Counsel's withdrawal is warranted.

8 Petitioner affirms declare & argue she has demonstrated a "reasonable  
9 probability that "absent" counsel's undermining actions, divided loyalty,  
10 conflicting interests, intentional ineffectiveness, deficient performance,  
11 compromised position & Constitutional errors, petitioner deems the outcome  
12 of her direct appeal would have been successful given the preponderance  
13 of evidence available to support that her Conviction & Confinement is illegal.  
14 Petitioner argue she was deprived of her inherent correlative rights postulated  
15 & guaranteed by the Sixth Amend. and deprived of her "Equal Protection" rights  
16 & guarantees of the Fourteenth Amend. under Strickland v. Washington during  
17 her first appeal, 466 U.S. 669, 104 S.Ct. 2052, 80 L.Ed.2d 624. Petitioner argue  
18 in further support of Motion to Withdraw Counsel she list: McNair v.  
19 Richardson, 397 U.S. 759, 771-25 L.Ed.2d 943, 90 S.Ct. 1441 (1990) Evitts v. Lucey  
20 469 U.S. 387, 83 L.Ed.2d 821 (1983) U.S. v. Moore 159 F.3d 1154 (9th Cir. 1998)  
21 U.S. v. Ash, 413 U.S. 300, 309, 372 F.2d 147, 93 S.Ct. 2568 (1973) U.S. v. Crone, 466 U.S. 678, 80 L.Ed.2d 333, 100 S.Ct. 1703, Brown v. Craven, 434 F.2d 1166, 1169 (1970)  
22 Ree, 520 U.S. at 483, see also Davis v. Kramer, 117 F.3d 499-96-98 (9th Cir.) Anders  
23 U. Calif., 386 U.S. 738, 18 L.Fd 2d 193, 89 S.Ct. 1396 (1967) Robinson v. Black, 812  
24 F.2d 1084 U.S. Ct. of App's (8th Cir. 1982) Wardsworth, 830 F.2d at 1510-11 (9th Cir.)  
25 Toomey v. Bunnell, 898 F.2d 741, 744 n.2 (1990) U.S. v. Rodgers, 769 F.2d 1418, 1424 (9th Cir.)  
26 U.S. v. Walker, 915 F.2d 480, 485 (9th Cir. 1990) U.S. v. McLendon, 782 F.2d 785, 789 (9th Cir.)

27 Wherefore petitioner prays that this Court grant petitioner's Motion to  
28 Withdraw Counsel Stewart as counsel of record on direct appeal.

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14      This document does not contain the personal information of any person as  
15      defined by NRS 603A.40.

16  
17      DECLARATION UNDER PENALTY OF PERJURY  
18      I, the undersigned, understand that a false statement or answer to any question in this declaration will  
19      subject me to penalties of perjury.

20      I declare, under the penalty of perjury under the laws of the United States of America, that the above  
21      and/or foregoing information is accurate, correct and true to the best of my knowledge, executed within the terms of  
22      NRS 171.102 and<sup>1</sup> NRS 208.165. See<sup>2</sup> 28 U.S.C. 1746 and 18 U.S.C. 1621.

23      Dated this 1st day of February, 2024

24      Sharon Hayes-Zandera  
25      Signature

26      1258355

27      Nevada Department of Corrections #

28      <sup>1</sup> NRS 171.102

2      NRS 208.165

3      28 U.S.C.

S1746. Unsworn declarations under penalty of perjury

18 U.S.C.

S 1621. Perjury generally



## Shipment Receipt

### Address Information

Ship to:	Ship from:
Attorney Sandra Stewart Gayles-Zanders, S. #1258355 1361 Babbling Brook Ct.	FLORENCE MCCLURE WOMENS CORRECTIONAL NDOC 4370 SMILEY RD
MESQUITE, NV 89034 US 7029829817	LAS VEGAS, NV 89115 US 7252166164

### Shipment Information:

Tracking no.: 775055106759

Ship date: 02/02/2024

Estimated shipping charges: 9.42 USD

### Package Information

Pricing option: FedEx Standard Rate

Service type: FedEx Ground

Package type: Your Packaging

Number of packages: 1

Total weight: 1 LBS

Declared Value: 0.00 USD

#### Special Services:

Pickup/Drop-off: Drop off package at FedEx location

### Billing Information:

Bill transportation to: FMWCC-907

Your reference: Postage BS# 2446829

P.O. no.:

Invoice no.:

Department no.:

*Delivered on 2/6/24 at 12:23 P.M.*

Thank you for shipping online with FedEx ShipManager at [fedex.com](http://fedex.com).

### Please Note

FedEx will not be responsible for any claim in excess of \$100 per package, whether the result of loss, damage, delay, non-delivery, misdelivery or misinformation, unless you declare a higher value, pay an additional charge, document your actual loss and file a timely claim. Limitations found in the current FedEx Service Guide apply. Your right to recover from FedEx for any loss, including intrinsic value of the package, loss of sales, income interest, profit, attorney's fees, costs, and other forms of damage whether direct, incidental, consequential, or special is limited to the greater of \$100 or the authorized declared value. Recovery cannot exceed actual documented loss. Maximum for items of extraordinary value is \$1000, e.g., jewelry, precious metals, negotiable instruments and other items listed in our Service Guide. Written claims must be filed within strict time limits. Consult the applicable FedEx Service Guide for details.

The estimated shipping charge may be different than the actual charges for your shipment. Differences may occur based on actual weight, dimensions, and other factors. Consult the applicable [FedEx Service Guide](#) or the FedEx Rate Sheets for details on how shipping charges are calculated.

CASE NUMBER Nev. Sup. Ct. #84583

**EXHIBIT** 5

Affidavit Requesting Law Court Judgment and Opinion from Nev. Supct. Fwex

Shirron Gaines Sanders

Florence McClure Women's Correctional Center  
4370 Smiley Rd.  
Las Vegas, NV 89115

"In Nevada Supreme Court"

In the matter of:

State of Nevada

Plaintiff/Petitioner

v. Shirron Gayles-Zanders  
Defendant/Respondent

Defendant/Respondent

Case No: 61 # 84683

Dept No.:

Hearing Requested

Hearing Not Requested

## AFFIDAVIT

STATE OF NEVADA

COUNTY OF Clark )

1. My personal knowledge or personal observations of the situation is/are as follows:

\* Request for Lower courts opinion for Writ of Certiorari (Nev. Sup Ct)  
After receipt of attached correspondence dated 9/3/2023 from attorney Stewart  
advising the Order of Affirmation & instructions on how to proceed Pro Se in  
further appellate proceedings and after the receipt of the Remittitur dated 10/9/23  
received on 10/17/23 from the Nevada Supreme Court, I filed a timely Pro Se  
Writ of Certiorari in the U.S. Supreme Court. However the application was re-  
turned for the following reason: The Lower Court opinions must be appended.

On 1/12/24 I sent a written correspondence requesting Counsel send me the Lower Court's opinion & any other associated documents I may need to complete the application for Writ of Certiorari. I sent the request via Fed-Ex (2 Day). The attached Fed-Ex Shipment receipt reflect the correspondence was delivered on 1/16/24 at 12:40 p.m. To date, I have yet to receive any reply from attorney Stewart whatsoever, even with my advancement of time limitations.

1 As the court is well aware, "time is of essence" in all judicial proceedings  
2 Procedural time bars is one of the major impediments appellants encounter during  
3 their appellate process;

4 With that being said, petitioner declare and must reiterate that due to  
5 She and attorney Stewart's irreconcilable differences, conflicting interests,  
6 attorney Stewart's conspicuous divided loyalty & complete lack of communication  
7 petitioner's direct appeal and future appellate proceedings have been cata-  
8 strophically impacted & impaired resulting in a complete attorney/client break-  
9 down. The need for Certiorari is a must and very imperative to protect petitioner's  
10 Constitutional due process rights. Petitioner is requesting that the Nev. Sup. Ct. pro-  
11 vide the requested opinion or if not available, the final disposition of the court.

12 This document does not contain the personal information of  
13 any person as defined by MNRS 603A.040

14 Dated this 1st day of February, 20 24.

15 Respectfully submitted,

16 Shirion Hayes-Zandess  
Signature

17 Shirion Hayes-Zandess  
Printed Name

19 DECLARATION UNDER PENALTY OF PERJURY

20 I, the undersigned, understand that a false statement or answer to any question in this declaration will  
subject me to penalties of perjury.

21 I declare, under the penalty of perjury under the laws of the United States of America,  
22 that the above and/or foregoing information is accurate, correct and true to the best of my knowledge, executed  
within the terms of<sup>1</sup>NRS 171.102 and<sup>2</sup>NRS 208.165. See<sup>3</sup>28 U.S.C. 1746 and 18 U.S.C. 1621.

23 Dated this 1st day of February, 20 24

24 Shirion Hayes-Zandess  
Signature

1258355

Nevada Department of Corrections ID #

26 <sup>1</sup> NRS 171.102

27 <sup>2</sup> NRS 208.165

28 <sup>3</sup> 28 U.S.C.

S1746. Unsworn declarations under penalty of perjury

18 U.S.C.

S 1621. Perjury generally

CERTIFICATE OF MAILING

STATE OF NEVADA  
COUNTY OF Clark

I am the  Plaintiff/Petitioner  Defendant/Respondent \_\_\_\_\_

Shirron Gayles-Zanders for Case No: SC-Case # 84593

On this 2nd day of February, 20 24, I mailed a copy of the

Following document(s):

1. Motion to Request Withdrawal of Attorney Stewart (5) pages
2. including Cert. of Mailing For all documents
3. Affidavit Requesting Lawyer Court Opinion (4) pages
4. Affidavit dated 1/8/24 to Atty. Stewart Requesting Lawyer Court Opinion
5. Affidavit dated 1/6/24 to Atty. Stewart Requesting Official Withdrawal

FED-EX

By United States First Class Mail, to the following addresses:

1. Nevada Supreme Court

ATTN: Court Clerk

301 S. Carson St. Ste. #301

Carson City, Nevada 89701

2. Attorney Sandra Stewart

1361 Babbling Brook Court

Mesquite, NV. 89034

3. Mass Liberation

ATTN: Ms. Teresa Yaney

848 N. Rainbow Bl. #161

Los Vegas, NV. 89109

Dated this 2nd day of February, 20 24.

Respectfully submitted,

Shirron Gayles-Zanders  
Signature

Shirron Gayles-Zanders  
Printed Name

1 This document does not contain the personal information of any person as  
2 defined by NRS 603A.40.

3

---

4 DECLARATION UNDER PENALTY OF PERJURY

5 I, the undersigned, understand that a false statement or answer to any  
6 question in this declaration will subject me to penalties of perjury.

7 I declare, under the penalty of perjury under the laws of  
8 the United States of America, that the above and/or foregoing information is  
9 accurate, correct and true to the best of my knowledge, executed within the  
10 terms of <sup>1</sup>NRS 171.102 and <sup>2</sup>NRS 208.165. See <sup>3</sup>28 U.S.C. 1746 and 18 U.S.C.  
11 1621.

12 Dated this 3rd day of February, 2014

13 Sharon Hayes-Tanders  
Signature

14 Nevada Department of Corrections ID #

15 1258355

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26 <sup>1</sup> NRS 171.102

2 NRS 208.165

3 28 U.S.C.

§1746. Unsworn declarations under penalty of perjury

18 U.S.C.

§ 1621. Perjury generally



## Shipment Receipt

### Address Information

Ship to:	Ship from:
Nevada Supreme Court	FLORENCE MCCLURE
	WOMENS CORRECTIONA
Gayles-Zanders, S. #1258355	NDOC
ATTN Clerk Of The Court	4370 SMILEY RD
201 S. CARSON ST STE 201	
CARSON CITY, NV	LAS VEGAS, NV
89701	89115
US	US
7252166190	7252166164

### Shipment Information:

Tracking no.: 775055064016

Ship date: 02/02/2024

Estimated shipping charges: 5.22 USD

### Package Information

Pricing option: FedEx Standard Rate

Service type: FedEx Ground

Package type: Your Packaging

Number of packages: 1

Total weight: 1 LBS

Declared Value: 0.00 USD

#### Special Services:

Pickup/Drop-off: Drop off package at FedEx location

### Billing Information:

Bill transportation to: FMWCC-907

Your reference: BS#2446726

P.O. no.:

Invoice no.:

Department no.:

*Delivered on 2/6/24 at 3:35p.m. Signed by Morawie*

Thank you for shipping online with FedEx ShipManager at [fedex.com](http://fedex.com).

### Please Note

FedEx will not be responsible for any claim in excess of \$100 per package, whether the result of loss, damage, delay, non-delivery, misdelivery or misinformation, unless you declare a higher value, pay an additional charge, document your actual loss and file a timely claim. Limitations found in the current FedEx Service Guide apply. Your right to recover from FedEx for any loss, including intrinsic value of the package, loss of sales, income interest, profit, attorney's fees, costs, and other forms of damage whether direct, incidental, consequential, or special is limited to the greater of \$100 or the authorized declared value. Recovery cannot exceed actual documented loss. Maximum for items of extraordinary value is \$1000, e.g., jewelry, precious metals, negotiable instruments and other items listed in our Service Guide. Written claims must be filed within strict time limits. Consult the applicable FedEx Service Guide for details.

The estimated shipping charge may be different than the actual charges for your shipment. Differences may occur based on actual weight, dimensions, and other factors. Consult the applicable [FedEx Service Guide](#) or the FedEx Rate Sheets for details on how shipping charges are calculated.

CASE NUMBER Nev. Sup. Ct #84583

**EXHIBIT 6**

AM dmsmt 2/24/27 to Scott 4 pages RE: Opinion/Fed-Ex

1 Shirron Gayles-Zandens

2 Florence McClure Women's Correctional Center  
3 4370 Smiley Rd.  
4 Las Vegas, NV 89115

5 In the matter of:

6 State of Nevada

7 Plaintiff/Petitioner

8 v. Shirron Gayles-Zandens

9 Defendant/Respondent

10 Case No: SC # 84583 (Nevada)

11 Dept. No.: \_\_\_\_\_

12  Hearing Requested

13  Hearing Not Requested

14 AFFIDAVIT

15 STATE OF NEVADA )

16 COUNTY OF Clark )

17 1. My personal knowledge or personal observations of the situation  
18 is/are as follows:

19 To Mr. Scott Harris/ Clerk of U.S. Supreme Court,

20 On 1/13/2024 I sent you a copy of the letter dated 1/8/2024 I sent to my attorney  
21 requesting the lower court's opinion, in which I have attached again. I have left  
22 two messages on the voicemail of Clayton Higgins, one on 1/25/24 and one on 4/3/24  
23 asking Mr. Higgins to follow up with you and that either you or him contact my son  
24 to advise on my questions regarding the resubmission of my Writ. To date, I have  
25 not received a reply from you or Clayton regarding my questions.

26 As I have expressed in my application for a Writ due to the irreconcilable  
27 differences between my appellate attorney and I, my appellate representation  
28 suffered a complete attorney/client breakdown thus causing a tremendous catastrophic  
impact on our communication. To date I have yet to receive any reply regarding  
the request for the lower court opinion nor has she responded to my Affidavit dated  
1/10/24 requesting her official withdrawal from my case so that going forward all of

1 my proper person requests, Motions, Affidavits, etc are honored respectively & accordingly  
2 without any legal impediments restricting my filings.

3 further due to counsel Stewart's inattention of my requests, I sent another request  
4 to the Nev. Sup. Ct. requesting the lower court Opinions as I have attached as well for  
5 the record. Please reply most expeditiously to my questions to ensure I meet the (60)  
6 day deadline. If for some reason I do not get a timely response from the Nevada  
7 Slip. Court or get a timely response from you, I will resubmit the application with the  
8 other corrections I made pursuant to your correspondence to avoid disqualification  
9 from the application for due process. Additionally due to the many due process of law  
10 violations I have suffered in my adjudication process, the Nevada Chapter of the ACLU  
11 is in the process of ascertaining the process needed to file a Complaint with the D.D.J.

12 This document does not contain the personal information of  
13 any person as defined by MNRS 603A.040

14 Dated this 2nd day of February, 20 24.

15 Respectfully submitted,

16 Shirron Gayles-Zanders  
Signature

17 Shirron Gayles-Zanders  
Printed Name

19 DECLARATION UNDER PENALTY OF PERJURY

20 I, the undersigned, understand that a false statement or answer to any question in this declaration will  
subject me to penalties of perjury.

21 I declare, under the penalty of perjury under the laws of the United States of America,  
22 that the above and/or foregoing information is accurate, correct and true to the best of my knowledge, executed  
within the terms of <sup>1</sup>NRS 171.102 and <sup>2</sup>NRS 208.165. See <sup>3</sup>28 U.S.C. 1746 and 18 U.S.C. 1621.

23 Dated this 2nd day of February, 20 24

24 Signature

25 Shirron Gayles-Zanders

Nevada Department of Corrections ID #

26 <sup>1</sup> NRS 171.102

27 <sup>2</sup> NRS 208.165

28 <sup>3</sup> 28 U.S.C.

§1746. Unsworn declarations under penalty of perjury

18 U.S.C.

§ 1621. Perjury generally

CERTIFICATE OF MAILING

STATE OF NEVADA  
COUNTY OF Clark

I am the  Plaintiff/Petitioner  Defendant/Respondent \_\_\_\_\_

Shirron Gayles-Zanders for Case No: SC #84583

On this 2nd day of February, 20 24, I mailed a copy of the

Following document(s):

1. Affidavit Re: Lower Court's Opinion) dated 2/3/2024
2. Affidavit Re: letter dated 12/28/23 from S. Harris/Lower Court's Opinion
3. Request dated 1/8/24 to atty. Stewart Re: Lower Court's Opinion
4. Request dated 2/2/24 to Nev. Sup. Ct. Re: Lower Court's Opinion
5. Motion Requesting Withdrawal of Counsel dated 1/1/24 (Nev. Sup. Ct.)

By United States First Class Mail, to the following addresses:

1. U.S. Supreme Court  
ATTN: Scott Harris/Clerk of the Court  
# 1 First ST. NE  
Washington, D.C. 20530

2. ACLU/Nevada Chapter  
ATTN: Christopher Peterson  
601 S. Rancho Dr.  
Las Vegas, NV. 89106

3. Mass Liberations  
ATTN: Ms. Teresa Yaweg  
848 N. Rainbow BL, #161  
Las Vegas, NV. 89107

\*\* (See all attached FED-EX Shipment)  
Receipts confirming deliveries for  
Requests.

Dated this 2nd day of February, 20 24.

Respectfully submitted,

Shirron Gayles-Zanders  
Signature  
Shirron Gayles-Zanders  
Printed Name

1 This document does not contain the personal information of any person as  
2 defined by NRS 603A.40.  
3

4 DECLARATION UNDER PENALTY OF PERJURY

5 I, the undersigned, understand that a false statement or answer to any question in this declaration will  
6 subject me to penalties of perjury.

7 I declare, under the penalty of perjury under the laws of the United States of America,  
8 that the above and/or foregoing information is accurate, correct and true to the best of my knowledge, executed  
9 within the terms of<sup>1</sup> NRS 171.102 and<sup>2</sup> NRS 208.165. See<sup>3</sup> 28 U.S.C. 1746 and 18 U.S.C. 1621.

10 Dated this 2nd day of February, 2014

11 Shirron Taylor-Zanders  
12 Signature

13 1058355

14 Nevada Department of Corrections ID #

15

16 <sup>1</sup> NRS 171.102

17 <sup>2</sup> NRS 208.165

18 <sup>3</sup> 28 U.S.C.

19 S1746. Unsworn declarations under penalty of perjury

20 18 U.S.C.

21 S 1621. Perjury generally

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## Shipment Receipt

### Address Information

#### Ship to:

United States Supreme Court

Gayles-Zanders, S. #1258355

Clerk Of The Court/ Mr Scott

Harris

#1 First ST NE

WASHINGTON, DC

20530

US

7252166190

#### Ship from:

FLORENCE MCCLURE  
WOMENS CORRECTIONA

NDOC

4370 SMILEY RD

LAS VEGAS, NV

89115

US

7252166164

### Shipment Information:

Tracking no.: 775054971932

Ship date: 02/02/2024

Estimated shipping charges: 5.62 USD

### Package Information

Pricing option: FedEx Standard Rate

Service type: FedEx Ground

Package type: Your Packaging

Number of packages: 1

Total weight: 1 LBS

Declared Value: 0.00 USD

Special Services:

Pickup/Drop-off: Drop off package at FedEx location

### Billing Information:

Bill transportation to: FMWCC-907

Your reference: BS#2446725

P.O. no.:

Invoice no.:

Department no.:

*Delivered on 2/9/24*

Thank you for shipping online with FedEx ShipManager at [fedex.com](http://fedex.com).

### Please Note

FedEx will not be responsible for any claim in excess of \$100 per package, whether the result of loss, damage, delay, non-delivery, misdelivery or misinformation, unless you declare a higher value, pay an additional charge, document your actual loss and file a timely claim. Limitations found in the current FedEx Service Guide apply. Your right to recover from FedEx for any loss, including intrinsic value of the package, loss of sales, income, interest, profit, attorney's fees, costs, and other forms of damage whether direct, incidental, consequential, or special is limited to the greater of \$100 or the authorized declared value. Recovery cannot exceed actual documented loss. Maximum for items of extraordinary value is \$1000, e.g., jewelry, precious metals, negotiable instruments and other items listed in our Service Guide. Written claims must be filed within strict time limits. Consult the applicable FedEx Service Guide for details.

The estimated shipping charge may be different than the actual charges for your shipment. Differences may occur based on actual weight, dimensions, and other factors. Consult the applicable [FedEx Service Guide](#) or the FedEx Rate Sheets for details on how shipping charges are calculated.

CASE NUMBER Nev. Sup. Ct #84583

**EXHIBIT** 7

Notice of Withdrawal of Counsel & Retirement dated 3/9/84

**SANDRA L. STEWART**  
**Attorney At Law**

1361 Babbling Brook Court  
Mesquite, NV 89034  
Phone: 702-526-1867 Fax: 702-613-5327  
E-Mail: nvatt@icloud.com

February 9, 2024

**SHIRRON GAYLES-ZANDERS**  
INMATE NO. 1258355  
**FLORENCE MC CLURE WOMEN'S FACILITY**  
4370 SMILEY ROAD  
LAS VEGAS, NV 89115

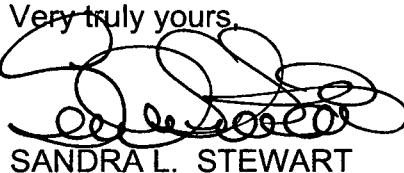
Dear Ms. Zanders:

Enclosed is a Notice Of Withdrawal Of Counsel which I have filed with the District Court. This lets them know that you are now proceeding in pro per so that they will file documents you request to be filed in the District Court.

I was only appointed to represent you through the appeal to the Nevada Supreme Court. When the case was remitted to the District Court my appointment (and my representation of you) ended.

I have already provided you every single document that I have ever possessed. It is up to you to file whatever is necessary for your U.S. Supreme Court filing. That is not my responsibility, and, in fact, I am currently retired from the practice of law altogether.

Please do not send me any more letters or documents. I am no longer your attorney and cannot represent you further in any way. I will not be retaining any future communications from you and will not be responding to them.

Very truly yours,  
  
SANDRA L. STEWART

CASE NUMBER Neu. Sup. Ct. #84533

**EXHIBIT** 8

Notice of Withdrawal of Counsel Electronically filed in D.C. 3/9/24

1 **SANDRA L. STEWART**  
2 Attorney at Law  
3 Nevada Bar No. 6834  
4 1361 Babbling Brook Court  
Mesquite, NV 89034  
(702) 526-1867

5  
6 Attorney for SHIRRON GAYLES-ZANDERS

7 **DISTRICT COURT**

8 **CLARK COUNTY, NEVADA**

10 STATE OF NEVADA,

DISTRICT COURT NO.: - C-18-330666-1

11 Plaintiff,

SUPREME COURT NO.: - 84583

12 v.  
13 SHIRRON GAYLES-ZANDERS,

**NOTICE OF WITHDRAWAL OF COUNSEL**

14 Defendant.

17  
18 NOTICE IS HEREBY GIVEN pursuant to Supreme Court Rule 46 that  
19 inasmuch as counsel only handles direct appeals, and was appointed only to  
20 handle the direct appeal to the Nevada Supreme Court in the captioned matter,  
21 and that appeal having been concluded and a remittitur issued on October 24,  
22 2023, and there being no further proceedings before the Nevada Supreme Court,  
23 the undersigned does hereby withdraw as attorney for SHIRRON GAYLES-  
24 ZANDERS.  
25  
26

27 ....

28 ....

1      Further notice may be given to the defendant at her address, to wit:

2      Shirron Gayles-Zanders  
3      Inmate No. 1258355  
4      **Florence Mc Clure Women's Facility**  
5      4370 Smiley Road  
6      Las Vegas, Nv 89115

7      Dated this 9<sup>th</sup> day of February, 2024.

8        
9      SANDRA L. STEWART

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## **CERTIFICATE OF SERVICE**

I hereby certify that on February 9, 2024, I served a copy of the:

**NOTICE OF WITHDRAWAL OF COUNSEL**

by mailing a copy via first class mail, postage thereon fully prepaid, to the following:

SHIRRON GAYLES-ZANDERS  
INMATE NO. 1258355  
FLORENCE MC CLURE WOMEN'S FACILITY  
4370 SMILEY ROAD  
LAS VEGAS, NV 89115

and by e-filing the document with the Eighth Judicial District Court via Wiznet, thereby providing access to a copy to all other interested parties, including but not limited to, the following:

**STEVEN B. WOLFSON, ESQ.  
CLARK COUNTY DISTRICT ATTORNEY  
200 LEWIS AVENUE  
LAS VEGAS, NV 89155-2212**

SANDRA L. STEWART

Sep. 2, 23

order to support that theory. Anyway, the case will soon be back in your hands and you can handle it as you see fit.

I will send you a copy of the Remittitur as soon as I receive it. In the meantime, I will be on vacation until September 15, 2023. Best of luck to you.

Very truly yours,



SANDRA L. STEWART

CASE NUMBER Ne. Sup. Ct. #84583

**EXHIBIT** 9

Correspondence dated 9/3/2023 providing Order of Affirmation 8/24/23

**SANDRA L. STEWART**  
**Attorney At Law**

1361 Babbling Brook Court  
Mesquite, NV 89034  
Phone: 702-526-1867 Fax: 702-613-5327  
E-Mail: nvatt@icloud.com

September 2, 2023

**SHIRRON GAYLES-ZANDERS**  
INMATE NO. 1258355  
**FLORENCE MC CLURE WOMEN'S FACILITY**  
4370 SMILEY ROAD  
LAS VEGAS, NV 89115

Dear Ms. Zanders:

Enclosed is a copy of the Order affirming your convictions. In about a month I will receive the Remittitur which "remitis" jurisdiction of your case back to the District Court from the Nevada Supreme Court.

The following are deadlines you should be aware of:

**11-22-2023** Deadline for filing Petition for Certiorari to United States Supreme Court<sup>1</sup>  
**09-24-2024** Deadline for filing Habeas Petition with Nevada state (trial) court (approximate)<sup>2</sup>  
**11-22-2024** Deadline for filing Habeas Petition with Federal court (may be tolled)<sup>3</sup>

I do not see a basis upon which certiorari would be granted by the United States Supreme Court.

As to the State habeas petition (for ineffective assistance of counsel), the State court is not **required** to appoint counsel to represent you for that action. However, the district court has the discretion to appoint counsel to represent you if you file a motion with the district court requesting that. **It is likely** to appoint counsel for someone such as yourself who received a life sentence, so I would urge you to file a motion requesting the court appoint counsel to represent you for the State habeas petition, if you wish to file one.

The time for filing the Federal habeas petition may be tolled during the time a State habeas petition is pending. The date for filing the State habeas petition is one year from the date of the remittitur.

I think your case is a difficult one because you stabbed your husband 17 times and the evidence was that he was trying to escape into his bedroom and you pursued him. That eliminates a self-defense theory. I do not feel that any technicalities that you espouse would be successful. The only successful argument in my view would be pursuant to a theory of battered woman syndrome. I sent you a lengthy article about that theory. I feel that your trial attorney should have retained experts in

<sup>1</sup> 90 days from Order Of Affirmance.

<sup>2</sup> One year from date of Remittitur.

<sup>3</sup> One year from deadline for Petition For Certiorari.

**SANDRA L. STEWART**  
**Attorney At Law**

1361 Babbling Brook Court  
Mesquite, NV 89034  
Phone: 702-526-1867 Fax: 702-613-5327  
E-Mail: nvatt@icloud.com

September 2, 2023

**SHIRRON GAYLES-ZANDERS**  
**INMATE NO. 1258355**  
**FLORENCE MC CLURE WOMEN'S FACILITY**  
**4370 SMILEY ROAD**  
**LAS VEGAS, NV 89115**

Dear Ms. Zanders:

Enclosed is a copy of the Order affirming your convictions. In about a month I will receive the Remittitur which "remitts" jurisdiction of your case back to the District Court from the Nevada Supreme Court.

The following are deadlines you should be aware of:

---

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As to the State habeas petition (for ineffective assistance of counsel), the State court is not **required** to appoint counsel to represent you for that action. However, the district court has the discretion to appoint counsel to represent you if you file a motion with the district court requesting that. **It is likely** to appoint counsel for someone such as yourself who received a life sentence, so I would urge you to file a motion requesting the court appoint counsel to represent you for the State habeas petition, if you wish to file one.

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I think your case is a difficult one because you stabbed your husband 17 times and the evidence was that he was trying to escape into his bedroom and you pursued him. That eliminates a self-defense theory. I do not feel that any technicalities that you espouse would be successful. The only successful argument in my view would be pursuant to a theory of battered woman syndrome. I sent you a lengthy article about that theory. I feel that your trial attorney should have retained experts in

<sup>1</sup> 90 days from Order Of Affirmance.

<sup>2</sup> One year from date of Remittitur.

<sup>3</sup> One year from deadline for Petition For Certiorari.

order to support that theory. Anyway, the case will soon be back in your hands and you can handle it as you see fit.

I will send you a copy of the Remittitur as soon as I receive it. In the meantime, I will be on vacation until September 15, 2023. Best of luck to you.

Very truly yours,



SANDRA L. STEWART

CASE NUMBER Nev. Sup. Ct. #84583

**EXHIBIT** 10

Remittitur from Nevada Sup. Court dated 10/9/23

IN THE SUPREME COURT OF THE STATE OF NEVADA

SHIRRON JOZETTE GAYLES-ZANDERS,  
A/K/A SHIRRON JOZETTE  
GAYLESZANDERS,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

Supreme Court No. 84583  
District Court Case No. C330666

**REMITTITUR**

TO: Steven D. Grierson, Eighth District Court Clerk

Pursuant to the rules of this court, enclosed are the following:

Certified copy of Judgment and Opinion/Order.  
Receipt for Remittitur.

DATE: October 09, 2023

Elizabeth A. Brown, Clerk of Court

By: Elyse Hooper

Administrative Assistant

cc (without enclosures):

Hon. Tierra Danielle Jones, District Judge  
Shirron Jozette Gayles-Zanders  
Law Office of Timothy R. Treffinger \ Timothy R. Treffinger  
Law Office of Telia U. Williams \ Telia U. Williams  
Clark County District Attorney \ Alexander G. Chen\ Taleen R. Pandukht  
Sandra L. Stewart

**RECEIPT FOR REMITTITUR**

Received of Elizabeth A. Brown, Clerk of the Supreme Court of the State of Nevada, the  
REMITTITUR issued in the above-entitled cause, on \_\_\_\_\_

\_\_\_\_\_  
District Court Clerk

CASE NUMBER Nev. Sup. Ct. #84583

**EXHIBIT** 11

Correspondence dated 10/9/23 from Nev. Sup. Ct. Returning Motions Unfiled



**SUPREME COURT OF NEVAD/  
OFFICE OF THE CLERK  
ELIZABETH A. BROWN, CLERK  
201 SOUTH CARSON STREET, SUITE 201  
CARSON CITY, NEVADA 89701-4702**

Telephone  
(775) 684-1600

October 9, 2023

Shirron Gayles-Zanders  
Inmate ID: 1258355  
Florence McClure Women's Correctional Center  
4370 Smiley Road  
Las Vegas NV 89115

Re: Gayles-Zanders (Shirron) vs. State

Dear Ms. Gayles-Zanders:

We are returning, unfiled, the documents received in this office on October 6, 2023 in the above-entitled matter.

You are represented by counsel in this appeal. Please contact your attorney with any further questions or concerns you may have regarding your appeal.

Sincerely,

Melissa F.  
Deputy Clerk

Enclosures

CASE NUMBER Nev. Sup. Ct. #84593

**EXHIBIT** 12

Order Denying En Reconsideration dated 9/18/23 from Nev. Sup. Ct.

IN THE SUPREME COURT OF THE STATE OF NEVADA

SHIRRON JOZETTE GAYLES-  
ZANDERS, A/K/A SHIRRON JOZETTE  
GAYLESZANDERS,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 84583 -COA

**FILED**

SEP 18 2023

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY *[Signature]*  
DEPUTY CLERK

**ORDER DENYING MOTION**

Appellant has filed a second motion requesting that the en banc court reconsider the order denying her motion to discharge appointed counsel and appoint substitute counsel. En banc reconsideration may be requested when seeking review of a decision of a panel of the Supreme Court. *See* NRAP 40A. Here, appellant is seeking review of the action of a single justice, not a panel of this court. Thus, her request for en banc reconsideration is inappropriate, and is therefore denied. Even if appellant's request for en banc reconsideration was appropriate at this juncture, she has failed to demonstrate that "(1) reconsideration by the full court is necessary to secure or maintain uniformity of decisions . . . , or (2) the proceeding involves a substantial precedential, constitutional or public policy issue." NRAP 40A(a).

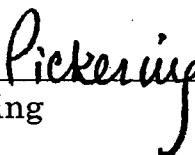
A panel of this court may review the action of a single justice. *See* NRAP 27(c)(2). To the extent that appellant's motion can be construed as seeking reconsideration of this court's June 30, 2023, order entered by a single justice, it is likewise denied. *See McConnell v. State*, 121 Nev. 25, 26, 107 P.3d 1287, 1288 (2005) (the party seeking reconsideration bears the burden of showing that this court overlooked or misapprehended a material point of law or fact).

Appellant shall have 14 days from the date of this order to file and serve any petition for rehearing or review. *See* NRAP 40; NRAP 40A. If no petition is filed within this time period, the remittitur shall issue. The clerk shall file this order in both this court and the court of appeals.

It is so ORDERED.

  
\_\_\_\_\_, J.

Cadish

  
\_\_\_\_\_, J.  
Pickering

  
\_\_\_\_\_, J.  
Parraguirre

cc: Sandra L. Stewart

Shirron Jozette Gayles-Zanders, a/k/a Shirron Jozette Gayleszanders  
Law Office of Telia U. Williams  
Law Office of Timothy R. Treffinger  
Attorney General/Carson City  
Clark County District Attorney

CASE NUMBER Nev. Sup. Ct. # 84583

**EXHIBIT** 13

Order of Affirmation dated 8/24/2023 from Nev. Ct of Appeals

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

SHIRRON JOZETTE GAYLES-  
ZANDERS, A/K/A SHIRRON JOZETTE  
GAYLESZANDERS,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 84583-COA

**FILED**

AUG 24 2023

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
*[Signature]*  
DEPUTY CLERK

***ORDER OF AFFIRMANCE***

Shirron Jozette Gayles-Zanders appeals from a judgment of conviction, entered pursuant to a jury verdict, of first-degree murder with use of a deadly weapon. Eighth Judicial District Court, Clark County; Tierra Danielle Jones, Judge.

Gayles-Zanders argues that her trial counsel was ineffective. A claim of error related to an attorney's alleged ineffectiveness must generally be raised in a postconviction habeas petition. *See Gibbons v. State*, 97 Nev. 520, 523, 634 P.2d 1214, 1216 (1981) (holding that a claim for ineffective assistance of counsel is properly challenged in postconviction relief because factual issues are best determined in the district court). “[W]e have generally declined to address claims of ineffective assistance of counsel on direct appeal unless there has already been an evidentiary hearing or where an evidentiary hearing would be unnecessary.” *Pellegrini v. State*, 117 Nev. 860, 883, 34 P.3d 519, 534 (2001), *abrogated on other grounds by Rippo v. State*, 134 Nev. 411, 423 n.12, 423 P.3d 1084, 1097 n.12 (2018).

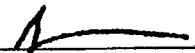
Here, Gayles-Zanders alleges her counsel failed to request a jury instruction on temporary insanity or to retain and call experts on

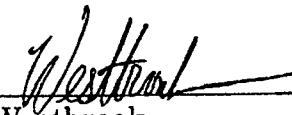
temporary insanity due to battered woman syndrome. Because no evidentiary hearing was held and there are unresolved factual issues, we decline to address on direct appeal Gayles-Zanders' claims of ineffective assistance of counsel.

Gayles-Zanders also argues that the district court erred by denying her reasonable bail. Gayles-Zanders alleges that her presentence detention prevented her from working, this in turn prevented her from earning money to retain experts, and she will suffer future prejudice because she remains in prison pending appeal. Because Gayles-Zanders' claim relates to presentence detention to which she is no longer subjected, there is no longer a live controversy, and we conclude this claim is moot. *See Valdez-Jimenez v. State*, 136 Nev. 155, 158, 460 P.3d 976, 982 (2020) (providing that "issues concerning bail and pretrial detention become moot once the case is resolved by dismissal, guilty plea, or trial"). Therefore, we decline to consider this claim on appeal. Accordingly, we

ORDER the judgment of conviction AFFIRMED.

  
\_\_\_\_\_, C.J.  
Gibbons

  
\_\_\_\_\_, J.  
Bulla

  
\_\_\_\_\_, J.  
Westbrook

cc: Hon. Tierra Danielle Jones, District Judge  
Sandra L. Stewart  
Law Office of Telia U. Williams  
Law Office of Timothy R. Treffinger  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk

CASE NUMBER Neel. Sup. Ct. #84583

**EXHIBIT** 14

Correspondence dated 8/15/83 advising Returned Unfiled Affidavits



**SUPREME COURT OF NEVADA**  
**OFFICE OF THE CLERK**  
**ELIZABETH A. BROWN, CLERK**  
**201 SOUTH CARSON STREET, SUITE 201**  
**CARSON CITY, NEVADA 89701-4702**

Telephone  
(775) 684-1600

August 15, 2023

Shirron Jozette Gayles-Zanders  
Inmate ID: 1258355  
Florence McClure Women's Correctional Center  
4370 Smiley Road  
Las Vegas, NV 89115

Re: GAYLES-ZANDERS (SHIRRON) VS. STATE, No. 84583-COA

Dear Shirron Jozette Gayles-Zanders:

We are returning, unfiled, the "Affidavit" received in this office on August 14, 2023, in the above-entitled matter.

---

You are represented by counsel in this appeal. Please contact your attorney with any further questions or concerns you may have regarding your appeal.

Sincerely,

R. Wunsch  
Deputy Clerk

Enclosure

CASE NUMBER Nov. Sup. Ct. #87583

**EXHIBIT** 15

Order Denying Motion dated 7/26/23 for En Banc Reconsider Dismissal

IN THE SUPREME COURT OF THE STATE OF NEVADA

SHIRRON JOZETTE GAYLES-  
ZANDERS, A/K/A SHIRRON JOZETTE  
GAYLESZANDERS,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 84583

**FILED**

JUL 28 2023

ELIZABETH L. BROWN  
CLERK OF SUPREME COURT  
BY *[Signature]*  
DEPUTY CLERK

***ORDER DENYING MOTION***

Appellant has filed a motion requesting that the en banc court reconsider the decision to deny her motion to discharge appointed counsel and appoint substitute counsel. The motion is denied.

It is so ORDERED.

*Sigurd*, C.J.

cc: Sandra L. Stewart  
Shirron Jozette Gayles-Zanders, a/k/a Shirron Jozette Gayleszanders  
Law Office of Telia U. Williams  
Law Office of Timothy R. Treffinger  
Attorney General/Carson City  
Clark County District Attorney

CASE NUMBER New. Sup. Ct. #84583

**EXHIBIT** 16

Notice of Transfer dated 7/13/23 from New. Sup. Ct.

IN THE SUPREME COURT OF THE STATE OF NEVADA  
OFFICE OF THE CLERK

SHIRRON JOZETTE GAYLES-ZANDERS,  
A/K/A SHIRRON JOZETTE  
GAYLESZANDERS,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

Supreme Court No. 84583  
District Court Case No. C330666

**NOTICE OF TRANSFER TO COURT OF APPEALS**

Pursuant to NRAP 17(b), the Supreme Court has decided to transfer this matter to the Court of Appeals. Accordingly, any filings in this matter from this date forward shall be entitled "In the Court of Appeals of the State of Nevada." NRAP 17(e).

DATE: July 13, 2023

Elizabeth A. Brown, Clerk of Court

By: Rory Wunsch  
Deputy Clerk

Notification List

Electronic

Law Office of Timothy R. Treffinger \ Timothy R. Treffinger  
Law Office of Telia U. Williams \ Telia U. Williams  
Clark County District Attorney \ Alexander G. Chen\ Taleen R. Pandukht  
Sandra L. Stewart

Paper

Hon. Tierra Danielle Jones, District Court Judge  
Shirron Jozette Gayles-Zanders  
Steven D. Grierson, Eighth District Court Clerk

CASE NUMBER Nev. Sup. Ct. # 84583

**EXHIBIT** 17

Order Denying Motion to Dismiss Counsel dated 6/30/2023

IN THE SUPREME COURT OF THE STATE OF NEVADA

SHIRRON JOZETTE GAYLES-  
ZANDERS, A/K/A SHIRRON JOZETTE  
GAYLESZANDERS,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 84583

FILED

JUN 30 2023

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY DEPUTY CLERK

*ORDER DENYING MOTION*

This is a direct appeal from a judgment of conviction for murder with use of a deadly weapon. Appellant has filed a pro se emergency motion to discharge her counsel and for this court to appoint new appellate counsel.<sup>1</sup> Appellant is not entitled to reject court-appointed counsel and insist on appointment of alternate counsel absent a showing of good cause. See *Thomas v. State*, 115 Nev. 148, 979 P.2d 222 (1999). Appellant has failed to demonstrate cause for the discharge of her appointed counsel. See *Thomas v. Wainwright*, 767 F.2d 738, 742 (11th Cir. 1985) (appellant's general loss of confidence or trust in counsel is not adequate cause for appointment of new counsel). And appellant has failed to demonstrate any conflict of interest. Finally, appellant has no right to proceed without counsel on direct appeal from a judgment of conviction. *Blandino v. State*,

<sup>1</sup>Appellant's motion for leave to file a motion in excess of the allowed pages is granted. The motion was filed on June 22, 2023.

112 Nev. 352, 914 P.2d 624 (1996); *see also Martinez v. Court of Appeal of Cal.*, 538 U.S. 152 (2000). The motion is denied.

It is so ORDERED.<sup>2</sup>

*Stiglin*

C.J.

cc: Sandra L. Stewart  
Shirron Jozette Gayles-Zanders  
Law Office of Telia U. Williams  
Law Office of Timothy R. Treffinger  
Attorney General/Carson City  
Clark County District Attorney

---

<sup>2</sup>Appellant's motion does not constitute an emergency under this court's rules. Nor does it comply with the procedural requirements of NRAP 27(e). Labeling a motion an "emergency" causes this court to reallocate its scarce resources from normal case processing, and appellant is cautioned to use the emergency motion provisions only when circumstances fit the definition set forth in NRAP 27(e).

CASE NUMBER New Sup Ct. #84583

**EXHIBIT** 18

Correspondence informing Ret. Unfiled AM/david/Complaint 4/1/23



**SUPREME COURT OF NEVADA**  
**OFFICE OF THE CLERK**  
**ELIZABETH A. BROWN, CLERK**  
**201 SOUTH CARSON STREET, SUITE 201**  
**CARSON CITY, NEVADA 89701-4702**

Telephone  
(775) 684-1600

April 11, 2023

Shirron Jozette Gayles-Zanders  
Inmate ID: 1258355  
Florence McClure Women's Correctional Center  
4370 Smiley Road  
Las Vegas, NV 89115

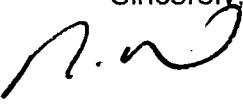
Re: GAYLES-ZANDERS (SHIRRON) VS. STATE, 84583

Dear Mr. Langford,

We received your document entitled "Proper Person Affidavit," on April 10, 2023.

You are represented by counsel in this appeal. Please contact your attorney with any further questions or concerns you may have regarding your appeal. We are returning the documents, unfiled.

Sincerely,

  
R. Wunsch

Deputy Clerk

CASE NUMBER Nev. Sup. Ct. # 84583

**EXHIBIT** 19

Correspondence dated 11/1/2023 from Nev. Sup. Ct. Ret. Unified Vehicle Permit



**SUPREME COURT OF NEVADA**  
**OFFICE OF THE CLERK**  
ELIZABETH A. BROWN, CLERK  
201 SOUTH CARSON STREET, SUITE 201  
CARSON CITY, NEVADA 89701-4702

Telephone  
(775) 684-1600

November 1, 2023

Shirron Jozette Gayles-Zanders  
Inmate ID: 1258355  
Florence McClure Women's Correctional Center  
4370 Smiley Road  
Las Vegas NV 89115

Re: Gayles-Zanders (Shirron) vs. State - 84583

Dear Ms. Gayles-Zanders:

We are returning, unfiled, the "Motion to Obtain Permission to Exceed Page Limit on Motion to Vacate Remittitur and Disposition of a Motion for a Procedural Order" received in this office on October 25, 2023 in the above-entitled matter.

You are represented by counsel in this appeal. Please contact your attorney with any further questions or concerns you may have regarding your appeal.

Sincerely,

Melissa Fuller  
Deputy Clerk

Enclosures

CASE NUMBER Nev. Sup. Ct. #84583

**EXHIBIT** 20

transcript for Sentencing Hearing (Abuse of Discretion)

1 THE COURT: Okay, that was what I was going to ask you.

2 Pursuant to statute, would you like your victims to speak last?

3 MR. DIGIACOMO: Yes, Judge.

4 THE COURT: All right. Okay.

5 Ms. Gayle-Zanders, I did read the letter that you submitted. Is  
6 there anything that you would like to say before I pronounce sentence  
7 against you today?

8 THE DEFENDANT: Yes.

9 THE COURT: Okay.

10 THE DEFENDANT: First of all, good morning, Your Honor.

11 THE COURT: Good morning.

12 THE DEFENDANT: First of all, I would like to give my  
13 condolences to the Zanders family and to my family as well. This has  
14 been tough on both of our families. This has been a lose-lose situation,  
15 no matter how it turned out. Kerry lost his life and I've lost my freedom.

16 So, it's been tough on both families. Our families were very close.

17 We've been knowing each other -- [indiscernible] and my family go back  
18 60 years. Before I was even born. Mr. Zanders and I go back 35 years.

19 This situation, I feel like was a total misunderstanding.

20 Again, I feel like I did everything that I was supposed to do, as a law  
21 abiding citizen, to avoid this tragic incident. They can't say I didn't call  
22 the police department. They can't say I didn't go down, I went down to  
23 the police department. I called the police repeatedly after I went down to  
24 the police department. They told me to continue calling Henderson  
25 Police Department to establish a record of Mr. Zanders' belligerent

1 behavior being that he was legally mentally ill. I did that. I did  
2 everything I was supposed to do. Mr. Zanders put himself in this  
3 position. Mr. Zanders was told to remain at the gate. That's the sole  
4 purpose of having a civil standby rule is to keep the parties apart when  
5 they know there's a volatile situation involved.

6 When Mr. Zanders chased me home, I again called 911 to let  
7 them know that Mr. Zanders chased me home to start a fight. Those  
8 were my words. I did everything I was supposed to do.

9 Karriayn Zanders waited because she wasn't high off cocaine  
10 and drunk and intoxicated. She waited because she knew the situation  
11 was volatile. I wasn't trying to fight nobody. All I wanted to do was allow  
12 the court's to handle this. Several of the [indiscernible] were not played  
13 where I continuously told Mr. Zanders and his daughters, let the courts  
14 handle this. Let's handle this the proper way and let's let the court  
15 handle this.

16 But Mr. Zanders is always high off of crack, and PCP, and  
17 heroin, and drunk. Mr. Zanders, you can't reason with a drunk person.  
18 Mr. Zanders was almost four times the legal limit drunk. Had a gram of  
19 cocaine in his system. You can't reason with somebody that's obviously  
20 highly intoxicated. Mr. Zanders refused to wait.

21 They did not play Kerriaun's video/audio, that statement she  
22 gave. She even begged her dad to wait. She said, I told my dad to wait,  
23 if my dad would have just waited five more minutes. I begged Mr.  
24 Zanders to wait. Kerry, would you please just wait until the police get  
25 here. I don't want any problems. I have been up driving all night. I was

1 tried. I'd been working in Florida for months, working 16/18-hour days. I  
2 was tired. All I wanted to do and all I was trying to do was leave a very  
3 volatile, toxic situation, drug-infested, alcohol-infested situation. That  
4 was all I was trying to do.

5 I'm very hurt because my whole purpose of staying as long as  
6 I did was to help Mr. Zanders. Mr. Zanders asked me to stay to keep his  
7 [indiscernible] in this family. I wanted to see that him and his daughter,  
8 he wanted to be able to buy a home for him and his daughter after we  
9 split custody because I had maintained that I wanted out of that  
10 marriage. That I don't do drug-head men, I don't do alcoholic men  
11 because of my past abuse and traumatic background and history. I  
12 don't engage with those type of men.

13 Mr. Zanders completely, completely deceived me. Had I  
14 known that Mr. Zanders was on drugs and a alcoholic, I wouldn't have  
15 looked his way because of my history and past abuse with abusive  
16 alcoholic and drug-head men. I don't do them. I don't do them.

17 So my whole thing is, I tried to do the right thing. They cannot  
18 say that I didn't try to do the right thing. This is not -- this was not an  
19 isolated incident that I would like to get into once I talk about my  
20 ineffective counsel at trial. This was not an isolated incident. The  
21 moment Mr. Zanders and I got married, Mr. Zanders turned into Dr.  
22 Jekyll and Mr. Hyde on me. Mr. Zanders hid his alcohol abuse, he hid  
23 his drug abuse until the day we got married. Had Mr. Zanders been  
24 honest with me like I was with him and like I asked him to be honest with  
25 me, this marriage would have never taken place. I can assure you not

1 just the marriage, the relationship would have never taken place.

2 Because I just don't do alcoholic and drug-head men.

3 I'm very sorry that this happened. I'm very sorry but I feel like  
4 I had a right to defend myself. This is not the first time that Mr. Zanders  
5 had attacked me and I tried to establish that at trial. But because of my  
6 ineffective assistant of a counsel, a lot of things that happened in my  
7 relationship did not come out at trial. And that's why my counsel was  
8 not here today.

9 I would like to just go into a little bit about my ineffective  
10 assistance of counsel

11 THE COURT: And this actually is not the time for you to do  
12 that, Ms. Zanders.

13 THE DEFENDANT: Oh no?

14 THE COURT: You can all do that on appeal because I'm not  
15 ruling on any of that.

16 THE DEFENDANT: Okay.

17 THE COURT: I'm just here to determine sentencing. Your  
18 appeal or any post-conviction petition you file is where you deal with  
19 ineffective assistance of counsel. I'm not ruling on any of that.

20 THE DEFENDANT: So I can't bring up like anything that  
21 happened during the trial that –

22 THE COURT: I'm not here to decide any of those issues.  
23 You can talk about anything you want to say in litigation of her sentence.

24 THE DEFENDANT: Mm-hmm.

25 THE COURT: How this has affected you and what you would

1 like me to do in regards to your sentence. But as far as you getting into  
2 these witnesses should have been called, these witnesses were not  
3 properly crossed examined, that is all stuff for an appeal. That's not for  
4 sentencing.

5 THE DEFENDANT: Okay.

6 Another thing about my – to mitigate my sentence. Your  
7 Honor, one of my previous attorney's, Ms. Alzora Jackson, ordered a  
8 neuropsychological assessment on me. I spent two and a half months  
9 which Sharon Jones-Foster. None of that was even brought up. None  
10 of that mitigating evidence or none of that stuff was ever brought up. I  
11 have an extensive history of domestic abuse, domestic violence, and  
12 trauma. None of these were brought up. I have a brain tumor that  
13 produces seizures and other illness, brain illnesses. None of those  
14 things were brought up. I have severe PTSD. My attorneys refused to  
15 bring any of those things up during trial which was a travesty. My trial  
16 was a complete travesty and miscarriage of justice.

17 Because none of those things, mitigating factors were brought  
18 up at trial. And they should have been. With my history of trauma.  
19 Those things should have been. That was the whole purpose of me  
20 trying to handle the situation the way I did because I knew that Mr.  
21 Zanders and I both had PTSD. That was my whole purpose of trying to  
22 keep calling the police department to please take Mr. Zanders in. Mr.  
23 Zanders was deemed a legally, mentally ill veteran in 2012.

24 I kept trying to get the police department to take him in on a  
25 spousal request for a legal 2000 hold. They ignored all of my requests.

1 I don't know what more they wanted me to do. It's not like I didn't make  
2 the effort to do these things. I made the effort. You heard the calls. I  
3 made the effort to do these things. I mean, they filmed it. No one talked  
4 about the systematic failure aspect of my case. The Henderson Police  
5 Department failed me.

6 I went down to the Family Court on November 2<sup>nd</sup>. And you  
7 read my TPO. Trying to get a TPO against Mr. Zanders to put some  
8 space between us. I went back down there. When I came home from  
9 TPO Court on November 2<sup>nd</sup>, I went back down there and Mr. Zanders  
10 again started in on me as soon as I got back home. I called the  
11 Henderson Police Department, not once but twice on the 3<sup>rd</sup> because of  
12 Mr. Zanders' belligerent behavior to report his belligerent behavior.

13 If you remember the 911 calls. I did these things trying to  
14 keep from having a tragedy. Trying to keep incident from happening. I  
15 did these things. So they can't say that I didn't try to do these things. I  
16 have severe PTSD. I have been hit beside my head so much by men  
17 that you all I feel like Muhammed Ali and Joe Frazier all of them put  
18 together.

19 So my reaction to Mr. Zanders' attacking me. Mr. Zanders  
20 didn't attack me just once. Mr. Zanders tried to put his cigarette out in  
21 my eye for no real reason. Just because I asked him to put the cigarette  
22 out because he was trying to set the house on fire. I was in the safety  
23 zone of my own home. No one talks about it. I was in the safety zone of  
24 my own home.

25 The second amendment gives you the right to protect your

1 life, yourself, and your property. Your home and your property. I was –  
2 I was in the safety zone of my home. When I saw Mr. Zanders, I didn't  
3 jump out my car and run over to the golf course and stab him. I turned  
4 around and went the opposite way trying to get away from Mr. Zanders  
5 because I knew Mr. Zanders had a lot of resentment for me and was  
6 ready. Mr. Zanders had made it clear, I'm ready to die, are you ready to  
7 die? I told him, no I'm not ready to die. Because I've done nothing  
8 wrong to you. All I was trying to do was leave Mr. Zanders.

9 No one -- Mr. Zanders for two weeks trying to convince me, to  
10 sway me to stay with him. I kept reiterating to Mr. Zanders, I kept telling  
11 Mr. Zanders, you are too mentally ill to be in a relationship let alone a  
12 marriage. Whatever you were doing before you met me, you need to  
13 continue that. But this marriage is no good. This marriage was a  
14 complete mistake. I reiterated that to Mr. Zanders over and over again.

15 I went and took a job in Florida just to get away from Mr.  
16 Zanders. Mr. Zanders was so upset that I took a job in Florida. And I  
17 don't understand because me -- Mr. Zanders and I were already living  
18 completely separate lives. One of the conditions I made with him when  
19 he asked me to stay so he can keep his loan in good standing. One of  
20 the conditions I made to him was that we live completely separate lives.  
21 I put Mr. Zanders out of that bedroom for several reasons. Mr. Zanders  
22 had an incurable disease. I had to put him out of that bedroom. Mr.  
23 Zanders was a bisexual man. I do not do bisexual men.

24 Once I found these things out. Mr. Zanders has so many  
25 skeleton's coming out the closet so fast, I had to take a pause. When

1 Mr. Zanders was --

2 MR. DIGIACOMO: Judge, I apologize but I object at this  
3 point. This is supposed to be about remorse, her statements of the  
4 future. It's not about relitigating a case. We've all heard this story a  
5 number of times, that's within the record. And I let her go for 10  
6 minutes, but at some point I have to object.

7 THE COURT: I understand. And Ms. Gayles-Zanders, you  
8 have to stay within the boundary. And I've read all of this in your letter.  
9 I've read all 25 pages of everything that you wrote --

10 THE DEFENDANT: You read my mini book?

11 THE COURT: -- so I am 100% aware of everything that  
12 you're saying. I sat down and I read every page. So everything that you  
13 just said for the last 10 minutes is in that letter. And I read it all. So, Mr.  
14 DiGiacomo is correct. This is about any mitigation, what your plans are  
15 for the future, and what type of sentence you would like to receive. And  
16 I did sit through, you know I was here every day of the trial, I have heard  
17 all of this.

18 THE DEFENDANT: You didn't hear everything, Your Honor.  
19 Because I was not allowed to tell my story. I wasn't given this --

20 THE COURT: Right but the story you're telling right now, you  
21 put in your 25-page letter. I read it all.

22 THE DEFENDANT: Exactly.

23 THE COURT: So anything I've read in the letter, trust me  
24 when I tell you -- because I know you put all of that in there. I know  
25 about all the medical issues. I know about all of that stuff. Everything

1 that you wrote in that letter, I have read. I've read every word of it.

2 THE DEFENDANT: Okay. So, Your Honor, like I -- my thing is  
3 -- all I'm saying is, I have severe PTSD. I responded based on my  
4 PTSD and my history of trauma. I wasn't trying to hurt Mr. Zanders. But  
5 when Mr. Zanders had attacked me the first time, I knew Mr. Zanders  
6 already had told me, we -- he was determined we weren't going to leave  
7 that marriage in one piece. And I didn't understand why because I  
8 walked in this marriage, I should have the right to walk out of this  
9 marriage. This marriage is no good. It's no good.

10 I responded based on -- on my PTSD and my history of  
11 dealing with black, angry men. My history of dealing with these men that  
12 want to beat and want to fight you. Like I said, this was not my first  
13 rodeo with Mr. Zanders attacking me. And I tried to establish that at  
14 trial.

15 THE COURT: But you did establish in your letter. I read  
16 about all of the attacks. I've read all this.

17 THE DEFENDANT: Okay. So then -

18 THE COURT: Okay.

19 THE DEFENDANT: -- I'm just saying, that's why I brought up  
20 the incident report from January 31<sup>st</sup> that they didn't allow me to bring in.  
21 To show that when Mr. Zanders was not the friendly drunk, that Mr.  
22 DiGiacomo made him -- characterized him as being at trial. Mr. Zanders  
23 is a very mentally unstable, violent, aggressive man. He just no body  
24 never called the police on him. He's very aggressive and violent.

25 And I did. All I thought I was doing was defending myself. I.

1 maintain to this day I defended myself. All this, I chased Mr. Zanders  
2 down and did all this, I didn't do those things. Mr. Zanders and I had a  
3 fight, a knockdown, drag-out fight. Mr. Zanders was so highly  
4 intoxicated he wasn't feeling anything. He wasn't feeling anything. I  
5 kept swinging until I felt my life was no longer in danger. I did what I  
6 thought was right. I did what I thought was protecting my life and  
7 protecting myself.

8 Bottom line here, had Mr. Zanders waited that day, like they  
9 told him and his daughter to instead of devising some sinister plan that  
10 they're going to come to the house. I should not -- my life and my  
11 freedom should not be taken because Mr. Zanders and his daughter  
12 decided not to wait like they were told to. Even when he got there, Your  
13 Honor, I told -- I called 911 again. That's not the actions of a person --

14 MR. DIGIACOMO: Judge, I'm sorry. Can I object again?  
15 Now we're just going over it again.

16 THE DEFENDANT: But that's not the actions --  
17 THE COURT: Ms. Gayles-Zanders. But Ms. Gayles-Zanders,  
18 you got to -- you got to just stay on task. I know you called 911. I  
19 listened to every one of them calls. I sat here with everybody else. I've  
20 heard them. I know you called on Kerry. I could hear Kerry in the  
21 background. I heard everything he said. I know that he -- that  
22 everything that you testified to, remember I sat right here, you sat right  
23 there when you testified. I remember it all very, very vividly. We're not  
24 going to go down all of the facts in your case. I heard them. And  
25 everything you're saying, I get that you are going to make an ineffective

1 assistance of counsel claim down the road. But everything you're  
2 saying now, you testified to all of that and I heard every bit of it when  
3 you testified.

4 So we're not going to go out -- this is the time for you to talk  
5 about sentencing and talk about what type of sentence you would like to  
6 receive.

7 THE DEFENDANT: Your Honor, I'm asking that you'd show  
8 some leniency. Based on, due to the fact that the things that I did do  
9 right. Things that I did do right that day. And throughout our marriage.  
10 That I tried to handle this in a cordial, amicable manner. But dealing  
11 with an alcoholic, crackhead, drug-addicted man was not easy.. That's  
12 why I left my house to keep from having to deal with these things. I left.  
13 I was on my way out. That was why this whole twist and why this  
14 marriage really went sour so quick because when I came back from  
15 Florida, I was --

16 THE COURT: Ms. Gayles-Zanders, I know what happened  
17 what happened when you came back from Florida. You already told me.  
18 You already told me. Okay.

19 THE DEFENDANT: So, I'm just asking for some leniency,  
20 Your Honor. I mean, to -- because of the things that I did. I, in my mind,  
21 thought I did the right thing and that I was -- I'm -- not just Kerry but that  
22 I'm the victim here as well because I was failed by the system. Failed by  
23 the system. Kerry was failed by the system. Kerry and I both was failed  
24 by the system. I feel like that the system handled our dispute --

25 THE COURT: Ms. Gales-Zanders, you wrote all of this in your

CASE NUMBER New. Sup. Ct. #84583

**EXHIBIT** 21

Emails between Karen Brown & Atty Treffinger Re: Reg for Retrial Appeal

CarenBrown Sent from my iPhone

Begin forwarded message:

**From:**"Timothy R. Treffinger, Esq." <[attorneytreffinger@gmail.com](mailto:attorneytreffinger@gmail.com)>  
**Date:** February 23, 2022 at 6:26:35 PM EST  
**To:** Caren Brown <[carenbrown@me.com](mailto:carenbrown@me.com)>  
**Subject:** Re: Visit

I'll reach out again, give me a day or so.

On Wed, Feb 23, 2022 at 2:49 PM Caren Brown <[carenbrown@me.com](mailto:carenbrown@me.com)>  
wrote:

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Shirron Would Like To Know When Is Telia Coming?

---

CarenBrown Sent from my iPhone

--  
Timothy R. Treffinger, Esq.  
Nevada Bar No.: 12877  
Law Office of Timothy R. Treffinger  
2350 S. Jones Blvd, D2  
Las Vegas, NV 89146  
702-333-5594 (office)

CarenBrown Sent from my iPhone

Begin forwarded message:

**From:** Caren Brown <[carenbrown@me.com](mailto:carenbrown@me.com)>  
**Date:** March 1, 2022 at 8:53:29 PM EST  
**To:** "Timothy R. Treffinger, Esq." <[attorneytreffinger@gmail.com](mailto:attorneytreffinger@gmail.com)>  
**Subject: Re: Shirron Meetings**

Okay Thanks Tim Feel Better!

CarenBrown Sent from my iPhone

On Mar 1, 2022, at 7:28 PM, Timothy R. Treffinger, Esq. <[attorneytreffinger@gmail.com](mailto:attorneytreffinger@gmail.com)> wrote:

My plan would be to have you testify via video, if we need you to. That is going to be an evolving discussion depending on how the case is going.

One other update, I did meet with Shirron today. I also just tested positive for COVID. I am going to see if they can start the trial later in the week, as I do not want it to get reset again. I don't have a lot of symptoms aside from a nasty headache and a low grade fever, but I will keep you informed. Thankfully I did not meet with her in person (just over video) so I did not expose her.

On Tue, Mar 1, 2022 at 1:59 PM Caren Brown <[carenbrown@me.com](mailto:carenbrown@me.com)> wrote:

Good Afternoon Tim,  
I Now Reside In Stone Mountain, GA, So I Need To Know I'm I Going To Testify? And Roughly When So I Can Get My Airline Ticket!

CarenBrown Sent from my iPhone

On Mar 1, 2022, at 3:05 PM, Timothy R. Treffinger, Esq. <[attorneytreffinger@gmail.com](mailto:attorneytreffinger@gmail.com)> wrote:

Giving you a quick update, I am going to be meeting with Shirron on Video today, briefly, to go over a couple of things.

Telia is still in the process of typing out her questions for Shirron's testimony (per her request to have it in writing so she could go over it). She will be in as soon as that is completed.

I will be back in for sure on Saturday, with Telia, to do the joint meeting. There will be several other joint meetings during the week next week on breaks/evenings/etc.

I will also be back in there solo between now and Monday to go over some of the audio she has requested to go over. Even though we likely won't be able to use them in trial (she is insistent on hearing them again).

I have to delegate time to that, that won't go towards actual prep time as we memorize and prep arguments and such.

I'll be going over this with her as well this afternoon, but I wanted to make sure you have a written copy in case of any misunderstanding as to when I or Telia will be in.

I still have you on our witness list, based on the State's schedule it appears that we will start our case on Friday morning so most likely we would need you to testify following Shirron's testimony. I would assume Friday afternoon or Monday.

Any questions or concerns, please reach out.

-Tim

--

Timothy R. Treffinger, Esq.

Nevada Bar No.: 12877  
Law Office of Timothy R. Treffinger  
2350 S. Jones Blvd, D2  
Las Vegas, NV 89146  
702-333-5594 (office)

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--  
Timothy R. Treffinger, Esq.  
Nevada Bar No.: 12877  
Law Office of Timothy R. Treffinger  
2350 S. Jones Blvd, D2  
Las Vegas, NV 89146  
702-333-5594 (office)

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CarenBrown Sent from my iPhone

Begin forwarded message:

**From:** Caren Brown <[carenbrown@me.com](mailto:carenbrown@me.com)>  
**Date:** April 2, 2022 at 5:47:44 PM EDT  
**To:** Gwendolyn Odom <[vavsspeakout@yahoo.com](mailto:vavsspeakout@yahoo.com)>  
**Subject:** Fwd: Shirron

CarenBrown Sent from my iPhone

Begin forwarded message:

**From:** Caren Brown <[carenbrown@me.com](mailto:carenbrown@me.com)>  
**Date:** March 28, 2022 at 9:10:18 PM EDT  
**To:** Tim/Shirron <[attorneytreffinger@gmail.com](mailto:attorneytreffinger@gmail.com)>  
**Subject:** Shirron

OMG Tim,  
I Was Told By Several People That You Did Nothing For My Cousin And Friend. They Said You Served Her Up On A Platter And That You Was Working For The DA. I Can't Believe That You Wouldn't Allow No Witness Or Expert Witnesses To Help Her. Someone From Our Family Said You Are From The Bottom Of The Barrel And It's So True, You Didn't Even Do A Good Cross Examination. The Toxicology Report, The Police Officer That Lied, But The Interview Shirron Didn't Say The Things In The Report. And You Didn't Even Object To Anything. And Kerry's Daughter You Still Did Nothing. How Are You Going To Be Able To Sleep! I Guess Just Fine. May God Have Mercy On Your Soul.

CarenBrown Sent from my iPhone

CarenBrown Sent from my iPhone

Begin forwarded message:

**From:** Caren Brown <[carenbrown@me.com](mailto:carenbrown@me.com)>

**Date:** April 2, 2022 at 5:42:58 PM EDT

**To:** [vavsspeakout@yahoo.com](mailto:vavsspeakout@yahoo.com)

**Subject: Fwd: Urgent Visit**

CarenBrown Sent from my iPhone

Begin forwarded message:

**From:** "Timothy R. Treffinger, Esq." <[attorneytreffinger@gmail.com](mailto:attorneytreffinger@gmail.com)>

**Date:** March 16, 2022 at 12:34:48 PM EDT

**To:** Caren Brown <[carenbrown@me.com](mailto:carenbrown@me.com)>

**Subject: Re: Urgent Visit**

Good morning,

It can't be today, I have a heavy court day. I am already scheduled to see her on Friday to go over the MAVs, first thing in the morning.

On Wed, Mar 16, 2022 at 5:46 AM Caren Brown  
<[carenbrown@me.com](mailto:carenbrown@me.com)> wrote:

Good Morning Tim,

Shirron Needs To See You Today, She Says It's Urgent.

I Don't Know What It's About!

Thanking You In Advance!

CarenBrown Sent from my iPhone

On Sat, Apr 9, 2022 at 2:21 PM Caren Brown <[carenbrown@me.com](mailto:carenbrown@me.com)> wrote:

Good Afternoon Tim,  
Shirron and the family would like you an appeal and a request for a  
retrial. Can you please advise?  
Thanking You In Advance For Your Cooperation.

CarenBrown Sent from my iPhone

---

Timothy R. Treffinger, Esq.  
Nevada Bar No.: 12877  
Law Office of Timothy R. Treffinger  
2350 S. Jones Blvd, D2  
Las Vegas, NV 89146  
702-333-5594 (office)

---

CarenBrown Sent from my iPhone

Begin forwarded message:

**From:** Caren Brown <[carenbrown@me.com](mailto:carenbrown@me.com)>  
**Date:** April 9, 2022 at 5:45:46 PM EDT  
**To:** [Lgayles@yahoo.com](mailto:Lgayles@yahoo.com), [vavsspeakout@yahoo.com](mailto:vavsspeakout@yahoo.com)  
**Subject: Fwd: Shirron**

CarenBrown Sent from my iPhone

Begin forwarded message:

**From:** "Timothy R. Treffinger, Esq." <[attorneytreffinger@gmail.com](mailto:attorneytreffinger@gmail.com)>  
**Date:** April 9, 2022 at 5:30:06 PM EDT  
**To:** Caren Brown <[carenbrown@me.com](mailto:carenbrown@me.com)>  
**Subject: Re: Shirron**

Good morning,

The family has been texting my assistant as well. The notice of appeal has been prepared, we are waiting for the final documentation to be filed with the court, at which point we can file our notice. It will be filed timely, I can promise you that.

I do not currently have grounds to file for a new trial, if she wants to go that route I assume she will claim "ineffective assistance of counsel" and to do that she would need the public defender appointed or to have other counsel appear on her behalf. If she wants to go that route immediately (as opposed to waiting to do an appeal first) let me know and I will do what I can to streamline that.

-Tim

Good Afternoon Tim,

What does Shirron need to do to have new counsel appointed to file for ineffective counsel? Does she have to wait until her sentencing to do so?

CarenBrown Sent from my iPhone

On Apr 28, 2022, at 7:14 AM, Caren Brown <[carenbrown@me.com](mailto:carenbrown@me.com)> wrote:

CarenBrown Sent from my iPhone

Begin forwarded message:

**From:** "Timothy R. Treffinger, Esq." <[attorneytreffinger@gmail.com](mailto:attorneytreffinger@gmail.com)>

**Date:** April 27, 2022 at 6:31:12 PM EDT

**To:** Caren Brown <[carenbrown@me.com](mailto:carenbrown@me.com)>

**Subject: Re: Shirron 3rd Request**

I have answered this question previously, at least once, we have filed the notice of appeal. It has been docketed by the Nevada Supreme Court. I do not have grounds for a rehearing, unless she is claiming ineffective assistance of counsel, and as I stated previously I cannot file that motion. She would need appointed or other counsel for that type of motion.

I don't mean to be snippy, but we are getting multiple questions (repeated generally) from multiple people, and I certainly do not want my office being blamed for wires being crossed.

On Wed, Apr 27, 2022, 3:13 PM Caren Brown <[carenbrown@me.com](mailto:carenbrown@me.com)> wrote:

Good Evening Tim,

Can You Advise On The Request For A Rehearing?

CarenBrown Sent from my iPhone

CarenBrown Sent from my iPhone

Begin forwarded message:

**From:** Caren Brown <[carenbrown@me.com](mailto:carenbrown@me.com)>  
**Date:** May 3, 2022 at 10:16:35 PM EDT  
**To:** Leland Gayles <[l.gayles@yahoo.com](mailto:l.gayles@yahoo.com)>, Gwendolyn Odom <[vavspkout@yahoo.com](mailto:vavspkout@yahoo.com)>  
**Subject: Fwd: Shirron 3rd Request**

CarenBrown Sent from my iPhone

Begin forwarded message:

**From:** "Timothy R. Treffinger, Esq." <[attorneytreffinger@gmail.com](mailto:attorneytreffinger@gmail.com)>  
**Date:** May 3, 2022 at 5:02:16 PM EDT  
**To:** Caren Brown <[carenbrown@me.com](mailto:carenbrown@me.com)>  
**Subject: Re: Shirron 3rd Request**

I don't know if they will let me off before sentencing, it would be part of her appeal most likely and they will appoint new counsel as part of that process. If she hires someone in the meantime they can substitute in at any time.

I just got her PSI so I will be in early next week to get her a copy of that and go over it .



Virus-free. [www.avast.com](http://www.avast.com)

On Tue, May 3, 2022 at 1:55 PM Caren Brown <[carenbrown@me.com](mailto:carenbrown@me.com)> wrote:

claims.

So here is where we are at, the Notice of Appeal and Case Appeal Statement have both been filed. Those are stayed pending a judgment of conviction. (which will issue after the sentencing hearing) Because she will not allow me to prepare her for the sentencing hearing, all I can do at this point is file a motion to withdraw and see if the court will agree to appoint new counsel for sentencing. That will be filed today.

This will be the last update from this office regarding this case, the only further information that I will pass along is who the appointed counsel is for sentencing (if allowed) and for the appeal so that all inquiries may be addressed to that counsel.

If Shirron is unwilling to have a rational conversation with me, there is nothing more I can do.

---

Regards,

---

Tim Treffinger

On Sat, May 14, 2022 at 2:45 PM Caren Brown <[carenbrown@me.com](mailto:carenbrown@me.com)> wrote:

Good Afternoon Tim,

You said you were going to see Shirron because you have the PSI and you were going to go over it with. We the family would like to know when will this happen and did they move her sentencing to the 19 Please advise?

CarenBrown Sent from my iPhone

--  
Timothy R. Treffinger, Esq.

Nevada Bar No.: 12877

Law Office of Timothy R. Treffinger  
2350 S. Jones Blvd, D2  
Las Vegas, NV 89146  
702-333-5594 (office)

CarenBrown Sent from my iPhone

Begin forwarded message:

**From:** Caren Brown <[carenbrown@me.com](mailto:carenbrown@me.com)>  
**Date:** May 19, 2022 at 6:46:13 PM EDT  
**To:** Gwendolyn Odom <[vavsspeakout@yahoo.com](mailto:vavsspeakout@yahoo.com)>, Leland Gayles sr <[l.gayles@yahoo.com](mailto:l.gayles@yahoo.com)>  
**Subject: Fwd: Shirron**

CarenBrown Sent from my iPhone

Begin forwarded message:

**From:** "Timothy R. Treffinger, Esq." <[attorneytreffinger@gmail.com](mailto:attorneytreffinger@gmail.com)>  
**Date:** May 16, 2022 at 12:28:01 PM EDT  
**To:** Caren Brown <[carenbrown@me.com](mailto:carenbrown@me.com)>, Telia Williams <[telia@telialaw.com](mailto:telia@telialaw.com)>, Telialaw <[daviddasilva@telialaw.com](mailto:daviddasilva@telialaw.com)>  
**Subject: Re: Shirron**

Good morning,

I tried to prepare Shirron for sentencing this morning, rather than allowing me to do that, she decided to engage in a laundry list of complaints she has against me. Apparently, she does not believe that I have answered the question/s regarding the motion for a new trial/ineffective assistance of counsel multiple times, even though I have and the family is well aware that I have. And then wanted to go into why a piece of evidence a "report" as she calls it, which is not a report and was not admissible, was not allowed into evidence.

It is clear that she has no interest in allowing me to prepare her for the sentencing hearing, and she wants to move forward with her ineffective

CASE NUMBER New. Sup. Et. #84583

**EXHIBIT** 22

151 page letter from trial Co-Counsel Williams Re: Prosecutor Misconduct

# LAW OFFICE OF TELIA U. WILLIAMS

10161 PARK RUN DRIVE, SUITE 150, LAS VEGAS, NEVADA 89145 • 702-835-6866 • TELIA@TELIALAW.COM

## PRIVILEGED—ATTORNEY CLIENT COMMUNICATION

March 26, 2022

Shirron Gayles-Zanders  
ID#: 8407426  
Clark County Detention Center  
330 South Casino Center Blvd.  
Las Vegas, Nevada 89101

Re: *State of Nevada v. Gayles-Zanders (C-18-330666-1)*

Dear Shirron:

You did absolutely fantastic yesterday. I am impressed by your performance, and I am proud at your unflappability during cross-examination. You should be very proud of yourself, too. The jury was rapt with attention. They hung on your every word in parts of your recounting what went down with you and Mr. Zanders that final day. I saw that some jurors were literally on the edge of their seats. In fact, I even at times forgot that I was there; it felt like I was there with you at the scene. That is exactly what we were going for! You did it.

Sure, there were some weak spots for us, such as the prosecution's sly trick of getting in that you were arrested for Assault with a Deadly Weapon. But I hope that is not going to stick in anyone's mind. Or at least not enough to get all of the jurors bent on convicting you of first or second degree murder. Though it was risky to put in your TPO paperwork, (which is why I was hesitant about it at first), on balance, despite the prosecution's low blow, I still think it was worth it. I agree with you that the jury needs to see what you said about your husband's proclivities to violence before that final day. You obviously are not making it up now just to get out of a murder conviction. You said it all there. Sadly, the prosecution made the assertion that you only made that up for the Family Court to get Mr. Zanders out of the house, which requires you to say you were afraid of him. (I'm glad you answered 'yes' to the question as to whether you knew that or not. The fact that you were not argumentative gained you additional ground with the jury). But I think what is strong about your application is that you were ~~specific about what you said about Mr. Zanders, including his failure or refusal to take his medication. I don't think any fair-minded juror is going to think you were simply making this up to get the TPO.~~ After all, you had already contacted the police on him, and he later broke a door down. Also, the fact that you did not immediately go down and add the broken door to your application points to the fact that you were not just trying to put down as much as you could to get him out.

I think the prosecution's point that you did not really want the divorce, but Mr. Zanders did, is a weak one. You said so many things about Mr. Zanders' shortcomings (including in the sexual sphere), that it really is not believable that you wanted to stay married to him. We don't have to harp on that, but I think the jury will get it. I think their argument that you were trying to take advantage of Mr. Zanders

financially is also weak. If I were on the jury, the fact that they pushed these weak arguments would make me feel even better about you. Why use these weak arguments if they have stronger ones available to them?

The only strong point that the prosecution has, of course, is that there is no one to corroborate what happened that day, only you. There are no eyewitnesses, and the little details that might help, are missing, such as the cigarette butt from what he was smoking, the clothes or hangers, and blood in the sink. But those are small details. If I were on the jury, and already on your side after that fantastic description you gave of the final showdown with Mr. Zanders, those little things would not bother me. The coroner did an amazing job, I have to say. That is a plus and a minus. On the minus side, he said that the wounds looked like the person knew what they were doing, and went for the most devastating areas, such as the spleen, heart, liver. I thought about asking you if you had medical knowledge, but I thought that was not worth it. Your description of just "swinging" wildly was better than putting in the jury's mind that you *might* know some medical information, and were targeting vital organs when fighting Mr. Zanders. Then, it would seem more like an execution, and not just self-defense. So I stayed away from that, after all. On the plus side, the coroner was friendly and not ominous (which kind of persuades a jury when they are that way), and did not fight Mr. Treffinger when he asked if it was "possible" that someone could have made those cuts to the neck with him in a standing position. It's enough, again, for someone on the jury (who is already on your side), to hang his or her hat on to vote for you. And even if a juror believed that you were striking Mr. Zanders while he was down, he or she may still not be disturbed by that. You were high off adrenaline and fighting for your life, which is our theory; so what if you kept going even after he was down? If I were on your jury, that would not bother me, as long as I thought you had reason to defend yourself in the first place.

As you know, I reached out to a couple of your friends whose names you gave me, who saw Mr. Zanders strike you, but one of the numbers was disconnected, and the other, I left a voicemail, but did not hear back. At first, I was disappointed, but on reflection before trial, I was not. It really is a strong case that you have, and I now agree with Mr. Treffinger that random corroboration may seem like we are conceding that you by yourself are not credible. As you also know, Mr. Treffinger reached out to your old neighbor, Mr. Wing. We have not heard back from him yet. (He was already on the prosecution's witness list. They wanted him to say that he did not know exactly who this person was). I plan to go out in person to his old address to see if I can get him. I don't want you to worry that we may not find him. I'm not even sure if I manage to locate him, that we will use him. After your great job yesterday, we don't need him. I absolutely believe you that Bro was there. And I think the prosecution's theory that you made Bro up in order to bolster your claim of self-defense, because you wanted to give Mr. Zanders a reason in your story to get extra mad on the last day, by accusing you of infidelity, is bunk. You were very, very convincing about Mr. Zanders' words, emotion, and actions at every point. It all sounded compelling, like watching cinema. I don't think that many, if any, on the jury will be thinking that your recitation of, "Are you \*\*\* my wife, too?" And, "You're gonna bring some other \*\*\* in my house?!" is something that you just came up with. Of course, you never know with people. But because you seem to have an excellent memory for all of the strange and rude things that he said to you—and it seemed like you were reliving it—I just don't think the jury will be too moved by the prosecution saying you made Bro up. Also, it would be very believable for some on the jury that you would work with a handyman to do projects around the house. Lots of people do that, and do not want to pay the prices that a store would charge to come out and do those things, or pay a private contractor.

For the prosecution to get a conviction for first degree murder, the jury has to believe that you deliberately decided to kill Mr. Zanders with thought prepared. Again, the fact that you convincingly

explained that you chose not to use your gun to defend yourself really negates this. Which is a better way to kill someone bigger and taller than you, if you are premeditating it, a knife or a gun? I just don't think that theory flies. There is no way for the prosecution to avoid the fact that everyone knew you had a gun in your room, because it was on the 911 calls. For second degree, the jury will have to think you had an evil intention, or were reckless, but again, you came off well that you did not mean Mr. Zanders any harm and just wanted to get away from him. The only other weaknesses on our side are: 1) You did not seem to mention the fact that Mr. Zanders attacked you in the hallway, making you feel scared. You did not mention fear at all in any of the police interviews. 2) You said a lot of negative things about Mr. Zanders, but did not mention any of the physical violence you had experienced from him in the past. Mr. Treffinger will try to address these in cross, but you gave us a solid explanation on the stand. And that's all you can do. No defense will be perfect.

Finally, just a heads up that Kathye texted me in court that the Domestic Violence person or expert wanted to see if she could take the stand in your defense yesterday. It was nice of Kathye to convey the message. (And it was nice of the bailiff to let me know that she had texted me). But I let her know to tell them that was not possible. Our witness list was due well before trial, and it is not possible to bring a new witness, especially an expert witness, at the last minute. I wouldn't do it anyway, even if we could, though. I don't know at such a late stage what she might say, and we don't know how she would do under cross. And our case is really not about domestic violence giving you reason for killing your husband, which would not be fully justified. It is more about fear of imminent death that gave you justification. A DV expert would likely create a different case than the one we are pursuing, and may not be good for you. A lot of the jury were eating out of your hand when you were talking. So, let's see what happens when they all talk together. I don't think a person who does not know you or Mr. Zanders talking about how domestic violence might affect your thinking is going to help. All of trial is strategy, so it could always go one way or another, but I think simple is the best path for you, even though circumstances may have pushed us into it (with the unavailability of witnesses).

In my mind, the only rational options for the jury to choose, *as long as they understand the law that the judge gives to them*, is Voluntary Manslaughter or Not Guilty. If it is Voluntary Manslaughter, Mr. Treffinger tells me that you are probably eligible for parole after being in custody for so long, which time would apply towards your sentence.

If you are convicted of anything, the judge will have you do an interview with Parole and Probation. P&P will ask you a lot of questions and about your personal medical, criminal, family, and other history, as well as, facts about the crime, to make a sentencing recommendation. Unfortunately, unlike in federal court, the State court does not invite your attorney to be part of this interview. I think you can politely ask, but I'm not sure if they will allow it. You are not entitled to an attorney. But I can give you some advice about it right now, since I have sat through *I don't know how many* of such interviews: Be like how you were with me and the prosecution at your testimony day. Give "yes or no" answers to close-ended questions; provide clear and concise answers to open-ended questions. Do not go off on tangents. Do not volunteer information that is not reasonably related to the direct question asked. Be honest and courteous and engaging. Don't change your story in any way from trial about how you ended up killing Mr. Zanders. Don't criticize the police or failures of any other person or department (the P&P may note this and hold it against you). This is not the time to do that. Just focus on your fear, your attempts to get him help, your reaching out to the police with 911 calls and the TPO, and the final showdown, etc. Don't talk at all like you did in your police interviews. If P&P asks for names of people to interview about you (they on occasion do this), be sure to give them good, solid people like your friend, Kathye or your son, Alron, who came off very well to me. (Good job).

What happens if the jury convicts you of something more than Voluntary Manslaughter? You are not without options or hope. You have the right to appeal. (You can appeal any conviction, even of Voluntary). Now, neither Mr. Treffinger nor I will be available to do the appeal. He is running for Clark County District Attorney, and my husband and I are planning to move out of Las Vegas. But even if we were available, it would not be a good idea. In this case, I think you would benefit from someone with "fresh" eyes on the whole case, who may see errors that we would not. For sure, if you could not afford an appellate attorney, one will be provided to you for free. Even if there is a conflict with the PD's office, they will find you a private attorney.

If the jury convicts you, then you should ask your family/friends to help you pay for an attorney to help you with parole, as well. I know a good attorney for that, Malcolm Lavigne. He did O.J. Simpson's parole board hearing, and I saw it; he did a good job. Of course, there are other attorneys who do that, too. I would also recommend Tom Pitaro, Esq. Or Yi-Lin Zheng. You can search for others. I am not sure, but the Public Defender's (PD's) office *may* also be available to help you with a parole hearing if you qualify. But again, I'm not sure if they do parole hearings. However, it should not be that expensive to get an attorney for such a limited engagement. I am not aware how many years have to pass for you to be eligible for parole, but a parole attorney should be able to tell you that. Mr. Treffinger, again, thinks you are very close to the time that you could seek parole if you were convicted of VM. VM is punishable in Nevada with 1-10 years in prison and a fine of up to \$10,000.00. But when a deadly weapon is used (such as a knife), it could be more. You can also appeal the conviction, as I said.

In the unfortunate event that you were convicted, the judge will also set a date for a Sentencing Hearing. Mr. Treffinger will likely handle your sentencing hearing. That is where the State will argue for a particular sentence, and your attorney will argue for a particular sentence. If I am available, I will also attend. However, my work on your case will end after your trial. You can think of this letter as my closing letter. I am only co-counsel for the purpose of trial. Be sure to tell Mr. Treffinger that you want him to file a Notice of Appeal in the event you are convicted. There is a tight deadline of 30 days after the judgment. Even though he is not going to handle your appeal, he can file the Notice for you, which is mandatory to get the appeal started. The rest of it can be taken over by another lawyer. I will also do it, (if Mr. Treffinger does not for some reason). Just call my office or have one of your family or friends to do so and let me know, in case he does not inform you that he did it or will do it within the time frame. If for some reason you do not hear from either of us (which is rare), you need to file your own appeal notice before the deadline. Just take a piece of paper, and write that you want to appeal your conviction, and mail it to the Clerk of Eighth Judicial District Court, Regional Justice Center, 200 Lewis Ave, Las Vegas, NV 89101, and put your name and case number in the notice, and *sign it*. That is not ideal, but is better than not having one done if you have any reason to believe we have not done one for you. Without a Notice of Appeal, you waive your right to appeal.

After the Notice of Appeal is filed in the district court, the Nevada Supreme Court or Court of Appeals will set a briefing schedule. That is when you want your real appellate attorney to take over and write a brief in your behalf. The issues that you may raise on appeal vary widely and every attorney will have his or her own idea about what is best. Some things that come to mind are: 1) The fact that Judge Herndon would not recuse but instead sent you to competency; 2) The fact that you were in the competency process/mental institution for so long, with your attorney(s) doing nothing about that situation, despite the fact that, at least to me, you were obviously competent, and Mr. Treffinger was able to get you out in short order; 3) The judge allowing the prosecution to mention the Assault with a Deadly weapon arrest even though you did not open the door, but just because you missed saying it in

your Question #11 on the TPO. And I'm sure there are more possible appellate issues. Again, you would work with appellate counsel about how best to approach the appeal, and what to argue. Just keep in mind that each appellate lawyer is different. Some are very collaborative, and some are not. Some will want to hear your ideas, and others, not so much. You will just have to go with the flow. The best way to talk to them is usually to send a letter. Keep it short and to the point of what you want them to look into. It is not always possible for an appellate lawyer to visit in person (although I usually try to do so when I do appeals—but sometimes it does not happen).

One more bit of information I want to give you: Keep up the practice of not discussing anything sensitive in your phone calls, including if you are transferred to another facility. The only time you can feel assured that you are not being recorded (or that anything recorded cannot be used against you), is *when you are talking to your lawyer*. Any other time, you should assume that you are being recorded and whatever you say is being provided to the prosecution. Okay? Sometimes people forget this if they are waiting on appeal, and then blow their case by saying something regrettable in a phone call to family. Don't do it in an email or letter, either. Only discuss anything sensitive or incriminating in communications (letter, email, phone, visit) with your lawyer.

Your courage and focus yesterday gave you a fighting chance. At the end of the day, this whole case rested on you, and you did fantastic. There is nothing more that you or I could have done to make your testimony better. I am truly glad that you turned it around. Most of the days we met, apart from the last night we met, I can now confess to you, I had my doubts that you would be able to pull it off. But you described that event in rich detail; you were humble, and stayed on point; and you showed us that you were truly in fear. All of us were concerned that you would blow up at the prosecution. You were a champ with Mr. DiGiacomo. Instead of getting bent out of shape, you GOT HIM upset! Do you remember the judge saying, "Calm down, Mr. DiGiacomo"? That almost made me chuckle. Although it is not the best jury I have ever seen, the jury is not a bad one. There is a mix of people on it, and they have been mostly paying attention to everything, and seeming like they understand most of what is happening in the courtroom. I like that they had so many questions after you testified. In my opinion, that is a good sign (though not a guarantee of anything). Sometimes juries are insightful, and other times they seem to make illogical decisions. It is a very emotional thing to look at a dead person, and there is a cold side to people that just wants to punish because someone is dead, and they think it has to be murder. It is just hard to predict. The jury could also "hang," meaning that they cannot reach an unanimous decision. This is not a frequent occurrence, but it does happen from time to time. Usually, it happens because one or more persons just felt more strongly about a particular piece of evidence than the majority, and the majority cannot persuade them because they hold their ground. (This is the reason that I look for strong, compassionate personalities for juries—I want people who will dig in their heels if they disagree with the majority and stand their ground, rather than just give in and go along with what everyone else thinks, or just want to go home or back to work and be done with jury service.) And hopefully, we got a couple of good folks like that on your jury. If you get a hung jury, the judge will allow the prosecution to re-try the case after a couple months, but Mr. Treffinger or I would request your immediate release. Usually, if a jury hangs, the prosecution will make a more favorable offer to settle in order to avoid having to do a second trial. I want you to be prepared either way. But no matter what happens on Monday, I want you to be mindful that you could not have done any better than you did.

Yours truly,

Telia Mary U. Williams, Esq.  
"Harvard trained, Brooklyn tough"

CASE NUMBER Ned. Sup. Ct. # 84583

**EXHIBIT** 23

Docketing Statement; Re: Initial Meritous Const. Claims

**IN THE SUPREME COURT OF THE STATE OF NEVADA**

**INDICATE FULL CAPTION:**

SHIRRON JOZETTE GAYLES-ZANDERS,

Appellant,

vs.

STATE OF NEVADA,

Respondent.

No. 84583

**DOCKETING STATEMENT  
CRIMINAL APPEALS**

(Including appeals from pretrial and post-conviction rulings and other requests for post-conviction relief)

**GENERAL INFORMATION**

Appellants must complete this docketing statement in compliance with NRAP 14(a). The purpose of the docketing statement is to assist the Supreme Court in screening jurisdiction, identifying issues on appeal, assessing presumptive assignment to the Court of Appeals under NRAP 17, scheduling cases for oral argument, classifying cases for expedited treatment and assignment to the Court of Appeals, and compiling statistical information.

**WARNING**

This statement must be completed fully, accurately and on time. NRAP 14(c). The Supreme Court may impose sanctions on counsel or appellant if it appears that the information provided is incomplete or inaccurate. *Id.* Failure to fill out the statement completely or to file it in a timely manner constitutes grounds for the imposition of sanctions.

**Nevada Bar No.: 12877**  
**Law Office of Timothy R. Treffinger**  
**2350 S. Jones Blvd, D2**  
**Las Vegas, NV 89146**  
**702-333-5594 (office)**

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**Timothy R. Treffinger, Esq.**  
**Nevada Bar No.: 12877**  
**Law Office of Timothy R. Treffinger**  
**2350 S. Jones Blvd, D2**  
**Las Vegas, NV 89146**  
**702-333-5594 (office)**

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CarenBrown Sent from my iPhone

Begin forwarded message:

**From:** Caren Brown <[carenbrown@me.com](mailto:carenbrown@me.com)>  
**Date:** April 2, 2022 at 5:47:44 PM EDT  
**To:** Gwendolyn Odom <[vavsspeakout@yahoo.com](mailto:vavsspeakout@yahoo.com)>  
**Subject:** Fwd: Shirron

CarenBrown Sent from my iPhone

Begin forwarded message:

**From:** Caren Brown <[carenbrown@me.com](mailto:carenbrown@me.com)>  
**Date:** March 28, 2022 at 9:10:18 PM EDT  
**To:** Tim/Shirron <[attorneytreffinger@gmail.com](mailto:attorneytreffinger@gmail.com)>  
**Subject:** Shirron

OMG Tim,

I Was Told By Several People That You Did Nothing For My Cousin And Friend. They Said You Served Her Up On A Platter And That You Was Working For The DA. I Can't Believe That You Wouldn't Allow No Witness Or Expert Witnesses To Help Her. Someone From Our Family Said You Are From The Bottom Of The Barrel And It's So True, You Didn't Even Do A Good Cross Examination. The Toxicology Report, The Police Officer That Lied, But The Interview Shirron Didn't Say The Things In The Report. And You Didn't Even Object To Anything. And Kerry's Daughter You Still Did Nothing. How Are You Going To Be Able To Sleep! I Guess Just Fine. May God Have Mercy On Your Soul.

CarenBrown Sent from my iPhone

CarenBrown Sent from my iPhone

Begin forwarded message:

**From:** Caren Brown <[carenbrown@me.com](mailto:carenbrown@me.com)>  
**Date:** April 2, 2022 at 5:42:58 PM EDT  
**To:** [vavsspeakout@yahoo.com](mailto:vavsspeakout@yahoo.com)  
**Subject: Fwd: Urgent Visit**

CarenBrown Sent from my iPhone

Begin forwarded message:

**From:** "Timothy R. Treffinger, Esq." <[attorneytreffinger@gmail.com](mailto:attorneytreffinger@gmail.com)>  
**Date:** March 16, 2022 at 12:34:48 PM EDT  
**To:** Caren Brown <[carenbrown@me.com](mailto:carenbrown@me.com)>  
**Subject: Re: Urgent Visit**

Good morning,

It can't be today, I have a heavy court day. I am already scheduled to see her on Friday to go over the MAVs, first thing in the morning.

On Wed, Mar 16, 2022 at 5:46 AM Caren Brown  
<[carenbrown@me.com](mailto:carenbrown@me.com)> wrote:

Good Morning Tim,  
Shirron Needs To See You Today, She Says It's Urgent.  
I Don't Know What It's About!  
Thanking You In Advance!

CarenBrown Sent from my iPhone

On Sat, Apr 9, 2022 at 2:21 PM Caren Brown <[carenbrown@me.com](mailto:carenbrown@me.com)> wrote:

Good Afternoon Tim,  
Shirron and the family would like you an appeal and a request for a retrial. Can you please advise?  
Thanking You In Advance For Your Cooperation.

CarenBrown Sent from my iPhone

--  
Timothy R. Treffinger, Esq.  
Nevada Bar No.: 12877  
Law Office of Timothy R. Treffinger  
2350 S. Jones Blvd, D2  
Las Vegas, NV 89146  
702-333-5594 (office)

CarenBrown Sent from my iPhone

Begin forwarded message:

**From:** Caren Brown <[carenbrown@me.com](mailto:carenbrown@me.com)>  
**Date:** April 9, 2022 at 5:45:46 PM EDT  
**To:** [l.gayles@yahoo.com](mailto:l.gayles@yahoo.com), [vavsspeakout@yahoo.com](mailto:vavsspeakout@yahoo.com)  
**Subject: Fwd: Shirron**

CarenBrown Sent from my iPhone

Begin forwarded message:

**From:** "Timothy R. Treffinger, Esq." <[attorneytreffinger@gmail.com](mailto:attorneytreffinger@gmail.com)>  
**Date:** April 9, 2022 at 5:30:06 PM EDT  
**To:** Caren Brown <[carenbrown@me.com](mailto:carenbrown@me.com)>  
**Subject: Re: Shirron**

Good morning,

The family has been texting my assistant as well. The notice of appeal has been prepared, we are waiting for the final documentation to be filed with the court, at which point we can file our notice. It will be filed timely, I can promise you that.

I do not currently have grounds to file for a new trial, if she wants to go that route I assume she will claim "ineffective assistance of counsel" and to do that she would need the public defender appointed or to have other counsel appear on her behalf. If she wants to go that route immediately (as opposed to waiting to do an appeal first) let me know and I will do what I can to streamline that.

-Tim

Good Afternoon Tim,

What does Shirron need to do to have new counsel appointed to file for ineffective counsel? Does she have to wait until her sentencing to do so?

CarenBrown Sent from my iPhone

On Apr 28, 2022, at 7:14 AM, Caren Brown <[carenbrown@me.com](mailto:carenbrown@me.com)> wrote:

CarenBrown Sent from my iPhone

Begin forwarded message:

**From:** "Timothy R. Treffinger, Esq." <[attorneytreffinger@gmail.com](mailto:attorneytreffinger@gmail.com)>

**Date:** April 27, 2022 at 6:31:12 PM EDT

**To:** Caren Brown <[carenbrown@me.com](mailto:carenbrown@me.com)>

**Subject: Re: Shirron 3rd Request**

I have answered this question previously, at least once, we have filed the notice of appeal. It has been docketed by the Nevada Supreme Court. I do not have grounds for a rehearing, unless she is claiming ineffective assistance of counsel, and as I stated previously I cannot file that motion. She would need appointed or other counsel for that type of motion.

I don't mean to be snippy, but we are getting multiple questions (repeated generally) from multiple people, and I certainly do not want my office being blamed for wires being crossed.

On Wed, Apr 27, 2022, 3:13 PM Caren Brown <[carenbrown@me.com](mailto:carenbrown@me.com)> wrote:

Good Evening Tim,

Can You Advise On The Request For A Rehearing?

CarenBrown Sent from my iPhone

CarenBrown Sent from my iPhone

Begin forwarded message:

**From:** Caren Brown <[carenbrown@me.com](mailto:carenbrown@me.com)>  
**Date:** May 3, 2022 at 10:16:35 PM EDT  
**To:** Leland Gayles <[l.gayles@yahoo.com](mailto:l.gayles@yahoo.com)>, Gwendolyn Odom <[vavsspeakout@yahoo.com](mailto:vavsspeakout@yahoo.com)>  
**Subject: Fwd: Shirron 3rd Request**

CarenBrown Sent from my iPhone

Begin forwarded message:

**From:** "Timothy R. Treffinger, Esq." <[attorneytreffinger@gmail.com](mailto:attorneytreffinger@gmail.com)>  
**Date:** May 3, 2022 at 5:02:16 PM EDT  
**To:** Caren Brown <[carenbrown@me.com](mailto:carenbrown@me.com)>  
**Subject: Re: Shirron 3rd Request**

I don't know if they will let me off before sentencing, it would be part of her appeal most likely and they will appoint new counsel as part of that process. If she hires someone in the meantime they can substitute in at any time.

I just got her PSI so I will be in early next week to get her a copy of that and go over it .



Virus-free. [www.avast.com](http://www.avast.com)

On Tue, May 3, 2022 at 1:55 PM Caren Brown <[carenbrown@me.com](mailto:carenbrown@me.com)> wrote:

claims.

So here is where we are at, the Notice of Appeal and Case Appeal Statement have both been filed. Those are stayed pending a judgment of conviction. (which will issue after the sentencing hearing) Because she will not allow me to prepare her for the sentencing hearing, all I can do at this point is file a motion to withdraw and see if the court will agree to appoint new counsel for sentencing. That will be filed today.

This will be the last update from this office regarding this case, the only further information that I will pass along is who the appointed counsel is for sentencing (if allowed) and for the appeal so that all inquiries may be addressed to that counsel.

If Shirron is unwilling to have a rational conversation with me, there is nothing more I can do.

Regards,

Tim Treffinger

On Sat, May 14, 2022 at 2:45 PM Caren Brown <[carenbrown@me.com](mailto:carenbrown@me.com)> wrote:

Good Afternoon Tim,

You said you were going to see Shirron because you have the PSI and you were going to go over it with. We the family would like to know when will this happen and did they move her sentencing to the 19 Please advise?

CarenBrown Sent from my iPhone

--  
Timothy R. Treffinger, Esq.

Nevada Bar No.: 12877

Law Office of Timothy R. Treffinger

2350 S. Jones Blvd, D2

Las Vegas, NV 89146

702-333-5594 (office)

CarenBrown Sent from my iPhone

Begin forwarded message:

**From:** Caren Brown <[carenbrown@me.com](mailto:carenbrown@me.com)>

**Date:** May 19, 2022 at 6:46:13 PM EDT

**To:** Gwendolyn Odom <[vavpeakout@yahoo.com](mailto:vavpeakout@yahoo.com)>, Leland Gayles sr <[L.gayles@yahoo.com](mailto:L.gayles@yahoo.com)>

**Subject: Fwd: Shirron**

CarenBrown Sent from my iPhone

Begin forwarded message:

**From:** "Timothy R. Treffinger, Esq." <[attorneytreffinger@gmail.com](mailto:attorneytreffinger@gmail.com)>

**Date:** May 16, 2022 at 12:28:01 PM EDT

**To:** Caren Brown <[carenbrown@me.com](mailto:carenbrown@me.com)>, Telia Williams <[telia@telialaw.com](mailto:telia@telialaw.com)>, Telialaw <[daviddasilva@telialaw.com](mailto:daviddasilva@telialaw.com)>

**Subject: Re: Shirron**

Good morning,

I tried to prepare Shirron for sentencing this morning, rather than allowing me to do that, she decided to engage in a laundry list of complaints she has against me. Apparently, she does not believe that I have answered the question/s regarding the motion for a new trial/ineffective assistance of counsel multiple times, even though I have and the family is well aware that I have. And then wanted to go into why a piece of evidence a "report" as she calls it, which is not a report and was not admissible, was not allowed into evidence.

It is clear that she has no interest in allowing me to prepare her for the sentencing hearing, and she wants to move forward with her ineffective

CASE NUMBER Nev. Sup. Ct. #84583

**EXHIBIT** 22

151 page letter from trial Co-Counsel Williams Re: Prosecutor Misconduct

# LAW OFFICE OF TELIA U. WILLIAMS

10161 PARK RUN DRIVE, SUITE 150, LAS VEGAS, NEVADA 89145 • 702-835-6866 • TELIA@TELIALAW.COM

## PRIVILEGED—ATTORNEY CLIENT COMMUNICATION

March 26, 2022

Shirron Gayles-Zanders  
ID#: 8407426  
Clark County Detention Center  
330 South Casino Center Blvd.  
Las Vegas, Nevada 89101

Re: *State of Nevada v. Gayles-Zanders (C-18-330666-1)*

Dear Shirron:

You did absolutely fantastic yesterday. I am impressed by your performance, and I am proud at your unflappability during cross-examination. You should be very proud of yourself, too. The jury was rapt with attention. They hung on your every word in parts of your recounting what went down with you and Mr. Zanders that final day. I saw that some jurors were literally on the edge of their seats. In fact, I even at times forgot that I was there; it felt like I was there with you at the scene. That is exactly what we were going for! You did it.

Sure, there were some weak spots for us, such as the prosecution's sly trick of getting in that you were arrested for Assault with a Deadly Weapon. But I hope that is not going to stick in anyone's mind. Or at least not enough to get all of the jurors bent on convicting you of first or second degree murder. Though it was risky to put in your TPO paperwork, (which is why I was hesitant about it at first), on balance, despite the prosecution's low blow, I still think it was worth it. I agree with you that the jury needs to see what you said about your husband's proclivities to violence before that final day. You obviously are not making it up now just to get out of a murder conviction. You said it all there. Sadly, the prosecution made the assertion that you only made that up for the Family Court to get Mr. Zanders out of the house, which requires you to say you were afraid of him. (I'm glad you answered 'yes' to the question as to whether you knew that or not. The fact that you were not argumentative gained you additional ground with the jury). But I think what is strong about your application is that you were specific about what you said about Mr. Zanders, including his failure or refusal to take his medication. I don't think any fair-minded juror is going to think you were simply making this up to get the TPO. After all, you had already contacted the police on him, and he later broke a door down. Also, the fact that you did not immediately go down and add the broken door to your application points to the fact that you were not just trying to put down as much as you could to get him out.

I think the prosecution's point that you did not really want the divorce, but Mr. Zanders did, is a weak one. You said so many things about Mr. Zanders' shortcomings (including in the sexual sphere), that it really is not believable that you wanted to stay married to him. We don't have to harp on that, but I think the jury will get it. I think their argument that you were trying to take advantage of Mr. Zanders

financially is also weak. If I were on the jury, the fact that they pushed these weak arguments would make me feel even better about you. Why use these weak arguments if they have stronger ones available to them?

The only strong point that the prosecution has, of course, is that there is no one to corroborate what happened that day, only you. There are no eyewitnesses, and the little details that might help, are missing, such as the cigarette butt from what he was smoking, the clothes or hangers, and blood in the sink. But those are small details. If I were on the jury, and already on your side after that fantastic description you gave of the final showdown with Mr. Zanders, those little things would not bother me. The coroner did an amazing job, I have to say. That is a plus and a minus. On the minus side, he said that the wounds looked like the person knew what they were doing, and went for the most devastating areas, such as the spleen, heart, liver. I thought about asking you if you had medical knowledge, but I thought that was not worth it. Your description of just "swinging" wildly was better than putting in the jury's mind that you *might* know some medical information, and were targeting vital organs when fighting Mr. Zanders. Then, it would seem more like an execution, and not just self-defense. So I stayed away from that, after all. On the plus side, the coroner was friendly and not ominous (which kind of persuades a jury when they are that way), and did not fight Mr. Treffinger when he asked if it was "possible" that someone could have made those cuts to the neck with him in a standing position. It's enough, again, for someone on the jury (who is already on your side), to hang his or her hat on to vote for you. And even if a juror believed that you were striking Mr. Zanders while he was down, he or she ~~may still not be disturbed by that. You were high off adrenaline and fighting for your life, which is our theory, so what if you kept going even after he was down? If I were on your jury, that would not bother me, as long as I thought you had reason to defend yourself in the first place.~~

As you know, I reached out to a couple of your friends whose names you gave me, who saw Mr. Zanders strike you, but one of the numbers was disconnected, and the other, I left a voicemail, but did not hear back. At first, I was disappointed, but on reflection before trial, I was not. It really is a strong case that you have, and I now agree with Mr. Treffinger that random corroboration may seem like we are conceding that you by yourself are not credible. As you also know, Mr. Treffinger reached out to your old neighbor, Mr. Wing. We have not heard back from him yet. (He was already on the prosecution's witness list. They wanted him to say that he did not know exactly who this person was). I plan to go out in person to his old address to see if I can get him. I don't want you to worry that we may not find him. I'm not even sure if I manage to locate him, that we will use him. After your great job yesterday, we don't need him. I absolutely believe you that Bro was there. And I think the prosecution's theory that you made Bro up in order to bolster your claim of self-defense, because you wanted to give Mr. Zanders a reason in your story to get extra mad on the last day, by accusing you of infidelity, is bunk. You were very, very convincing about Mr. Zanders' words, emotion, and actions at every point. It all sounded compelling, like watching cinema. I don't think that many, if any, on the jury will be thinking that your recitation of, "Are you \*\*\* my wife, too?" And, "You're gonna bring some other \*\*\* in my house?!" is something that you just came up with. Of course, you never know with people. But because you seem to have an excellent memory for all of the strange and rude things that he said to you—and it seemed like you were reliving it—I just don't think the jury will be too moved by the prosecution saying you made Bro up. Also, it would be very believable for some on the jury that you would work with a handyman to do projects around the house. Lots of people do that, and do not want to pay the prices that a store would charge to come out and do those things, or pay a private contractor.

For the prosecution to get a conviction for first degree murder, the jury has to believe that you deliberately decided to kill Mr. Zanders with thought prepared. Again, the fact that you convincingly

explained that you chose not to use your gun to defend yourself really negates this. Which is a better way to kill someone bigger and taller than you, if you are premeditating it, a knife or a gun? I just don't think that theory flies. There is no way for the prosecution to avoid the fact that everyone knew you had a gun in your room, because it was on the 911 calls. For second degree, the jury will have to think you had an evil intention, or were reckless, but again, you came off well that you did not mean Mr. Zanders any harm and just wanted to get away from him. The only other weaknesses on our side are: 1) You did not seem to mention the fact that Mr. Zanders attacked you in the hallway, making you feel scared. You did not mention fear at all in any of the police interviews. 2) You said a lot of negative things about Mr. Zanders, but did not mention any of the physical violence you had experienced from him in the past. Mr. Treffinger will try to address these in cross, but you gave us a solid explanation on the stand. And that's all you can do. No defense will be perfect.

Finally, just a heads up that Kathye texted me in court that the Domestic Violence person or expert wanted to see if she could take the stand in your defense yesterday. It was nice of Kathye to convey the message. (And it was nice of the bailiff to let me know that she had texted me). But I let her know to tell them that was not possible. Our witness list was due well before trial, and it is not possible to bring a new witness, especially an expert witness, at the last minute. I wouldn't do it anyway, even if we could, though. I don't know at such a late stage what she might say, and we don't know how she would do under cross. And our case is really not about domestic violence giving you reason for killing your husband, which would not be fully justified. It is more about fear of imminent death that gave you justification. A DV expert would likely create a different case than the one we are pursuing, and may not be good for you. A lot of the jury were eating out of your hand when you were talking. So, let's see what happens when they all talk together. I don't think a person who does not know you or Mr. Zanders talking about how domestic violence might affect your thinking is going to help. All of trial is strategy, so it could always go one way or another, but I think simple is the best path for you, even though circumstances may have pushed us into it (with the unavailability of witnesses).

In my mind, the only rational options for the jury to choose, *as long as they understand the law that the judge gives to them*, is Voluntary Manslaughter or Not Guilty. If it is Voluntary Manslaughter, Mr. Treffinger tells me that you are probably eligible for parole after being in custody for so long, which time would apply towards your sentence.

If you are convicted of anything, the judge will have you do an interview with Parole and Probation. P&P will ask you a lot of questions and about your personal medical, criminal, family, and other history, as well as, facts about the crime, to make a sentencing recommendation. Unfortunately, unlike in federal court, the State court does not invite your attorney to be part of this interview. I think you can politely ask, but I'm not sure if they will allow it. You are not entitled to an attorney. But I can give you some advice about it right now, since I have sat through *I don't know how many* of such interviews: Be like how you were with me and the prosecution at your testimony day. Give "yes or no" answers to close-ended questions, provide clear and concise answers to open-ended questions. Do not go off on tangents. Do not volunteer information that is not reasonably related to the direct question asked. Be honest and courteous and engaging. Don't change your story in any way from trial about how you ended up killing Mr. Zanders. Don't criticize the police or failures of any other person or department (the P&P may note this and hold it against you). This is not the time to do that. Just focus on your fear, your attempts to get him help, your reaching out to the police with 911 calls and the TPO, and the final showdown, etc. Don't talk at all like you did in your police interviews. If P&P asks for names of people to interview about you (they on occasion do this), be sure to give them good, solid people like your friend, Kathye or your son, Alron, who came off very well to me. (Good job).

What happens if the jury convicts you of something more than Voluntary Manslaughter? You are not without options or hope. You have the right to appeal. (You can appeal any conviction, even of Voluntary). Now, neither Mr. Treffinger nor I will be available to do the appeal. He is running for Clark County District Attorney, and my husband and I are planning to move out of Las Vegas. But even if we were available, it would not be a good idea. In this case, I think you would benefit from someone with "fresh" eyes on the whole case, who may see errors that we would not. For sure, if you could not afford an appellate attorney, one will be provided to you for free. Even if there is a conflict with the PD's office, they will find you a private attorney.

If the jury convicts you, then you should ask your family/friends to help you pay for an attorney to help you with parole, as well. I know a good attorney for that, Malcolm Lavigne. He did O.J. Simpson's parole board hearing, and I saw it; he did a good job. Of course, there are other attorneys who do that, too. I would also recommend Tom Pitaro, Esq. Or Yi-Lin Zheng. You can search for others. I am not sure, but the Public Defender's (PD's) office *may* also be available to help you with a parole hearing if you qualify. But again, I'm not sure if they do parole hearings. However, it should not be that expensive to get an attorney for such a limited engagement. I am not aware how many years have to pass for you to be eligible for parole, but a parole attorney should be able to tell you that. Mr. Treffinger, again, thinks you are very close to the time that you could seek parole if you were convicted of VM. VM is punishable in Nevada with 1-10 years in prison and a fine of up to \$10,000.00. But when a deadly weapon is used (such as a knife), it could be more. You can also appeal the conviction, as I said.

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In the unfortunate event that you were convicted, the judge will also set a date for a Sentencing Hearing. Mr. Treffinger will likely handle your sentencing hearing. That is where the State will argue for a particular sentence, and your attorney will argue for a particular sentence. If I am available, I will also attend. However, my work on your case will end after your trial. You can think of this letter as my closing letter. I am only co-counsel for the purpose of trial. Be sure to tell Mr. Treffinger that you want him to file a Notice of Appeal in the event you are convicted. There is a tight deadline of 30 days after the judgment. Even though he is not going to handle your appeal, he can file the Notice for you, which is mandatory to get the appeal started. The rest of it can be taken over by another lawyer. I will also do it, (if Mr. Treffinger does not for some reason). Just call my office or have one of your family or friends to do so and let me know, in case he does not inform you that he did it or will do it within the time frame. If for some reason you do not hear from either of us (which is rare), you need to file your own appeal notice before the deadline. Just take a piece of paper, and write that you want to appeal your conviction, and mail it to the Clerk of Eighth Judicial District Court, Regional Justice Center, 200 Lewis Ave, Las Vegas, NV 89101, and put your name and case number in the notice, and *sign it*. That is not ideal, but is better than not having one done if you have any reason to believe we have not done one for you. Without a Notice of Appeal, you waive your right to appeal.

After the Notice of Appeal is filed in the district court, the Nevada Supreme Court or Court of Appeals will set a briefing schedule. That is when you want your real appellate attorney to take over and write a brief in your behalf. The issues that you may raise on appeal vary widely and every attorney will have his or her own idea about what is best. Some things that come to mind are: 1) The fact that Judge Herndon would not recuse but instead sent you to competency; 2) The fact that you were in the competency process/mental institution for so long, with your attorney(s) doing nothing about that situation, despite the fact that, at least to me, you were obviously competent, and Mr. Treffinger was able to get you out in short order; 3) The judge allowing the prosecution to mention the Assault with a Deadly weapon arrest even though you did not open the door, but just because you missed saying it in

your Question #11 on the TPO. And I'm sure there are more possible appellate issues. Again, you would work with appellate counsel about how best to approach the appeal, and what to argue. Just keep in mind that each appellate lawyer is different. Some are very collaborative, and some are not. Some will want to hear your ideas, and others, not so much. You will just have to go with the flow. The best way to talk to them is usually to send a letter. Keep it short and to the point of what you want them to look into. It is not always possible for an appellate lawyer to visit in person (although I usually try to do so when I do appeals—but sometimes it does not happen).

One more bit of information I want to give you: Keep up the practice of not discussing anything sensitive in your phone calls, including if you are transferred to another facility. The only time you can feel assured that you are not being recorded (or that anything recorded cannot be used against you), is *when you are talking to your lawyer*. Any other time, you should assume that you are being recorded and whatever you say is being provided to the prosecution. Okay? Sometimes people forget this if they are waiting on appeal, and then blow their case by saying something regrettable in a phone call to family. Don't do it in an email or letter, either. Only discuss anything sensitive or incriminating in communications (letter, email, phone, visit) with your lawyer.

Your courage and focus yesterday gave you a fighting chance. At the end of the day, this whole case rested on you, and you did fantastic. There is nothing more that you or I could have done to make your testimony better. I am truly glad that you turned it around. Most of the days we met, apart from the last night we met, I can now confess to you, I had my doubts that you would be able to pull it off. But you described that event in rich detail; you were humble, and stayed on point; and you showed us that you were truly in fear. ~~All of us were concerned that you would blow up at the prosecution.~~ You were a champ with Mr. DiGiacomo. Instead of getting bent out of shape, you GOT HIM upset! Do you remember the judge saying, "Calm down, Mr. DiGiacomo"? That almost made me chuckle. Although it is not the best jury I have ever seen, the jury is not a bad one. There is a mix of people on it, and they have been mostly paying attention to everything, and seeming like they understand most of what is happening in the courtroom. I like that they had so many questions after you testified. In my opinion, that is a good sign (though not a guarantee of anything). Sometimes juries are insightful, and other times they seem to make illogical decisions. It is a very emotional thing to look at a dead person, and there is a cold side to people that just wants to punish because someone is dead, and they think it has to be murder. It is just hard to predict. The jury could also "hang," meaning that they cannot reach an unanimous decision. This is not a frequent occurrence, but it does happen from time to time. Usually, it happens because one or more persons just felt more strongly about a particular piece of evidence than the majority, and the majority cannot persuade them because they hold their ground. (This is the reason that I look for strong, compassionate personalities for juries—I want people who will dig in their heels if they disagree with the majority and stand their ground, rather than just give in and go along with what everyone else thinks, or just want to go home or back to work and be done with jury service.) And hopefully, we got a couple of good folks like that on your jury. ~~If you get a hung jury, the judge will allow the prosecution to re-try the case after a couple months, but Mr. Treffinger or I would request your immediate release. Usually, if a jury hangs, the prosecution will make a more favorable offer to settle in order to avoid having to do a second trial.~~ I want you to be prepared either way. But no matter what happens on Monday, I want you to be mindful that you could not have done any better than you did.

Yours truly,

Telia Mary U. Williams, Esq.  
*"Harvard trained, Brooklyn tough"*

CASE NUMBER Ned. Sup. Ct. # 84583

**EXHIBIT 23**

Docketing Statement; Re: Initial Meritless Const. Claims

**IN THE SUPREME COURT OF THE STATE OF NEVADA**

**INDICATE FULL CAPTION:**

SHIRRON JOZETTE GAYLES-ZANDERS,

Appellant,

vs.

STATE OF NEVADA,

Respondent.

No. 84583

**DOCKETING STATEMENT  
CRIMINAL APPEALS**

(Including appeals from pretrial and post-conviction rulings and other requests for post-conviction relief)

**GENERAL INFORMATION**

Appellants must complete this docketing statement in compliance with NRAP 14(a). The purpose of the docketing statement is to assist the Supreme Court in screening jurisdiction, identifying issues on appeal, assessing presumptive assignment to the Court of Appeals under NRAP 17, scheduling cases for oral argument, classifying cases for expedited treatment and assignment to the Court of Appeals, and compiling statistical information.

**WARNING**

This statement must be completed fully, accurately and on time. NRAP 14(c). The Supreme Court may impose sanctions on counsel or appellant if it appears that the information provided is incomplete or inaccurate. *Id.* Failure to fill out the statement completely or to file it in a timely manner constitutes grounds for the imposition of sanctions.

1. Judicial District Eighth County Clark

Judge Tierra Jones District Ct. Case No. C-18-33066-1

2. If the defendant was given a sentence,

(a) what is the sentence?

Life with minimum parole eligibility of 240 months, plus consecutive 36-120 months.

(b) has the sentence been stayed pending appeal?

No.

(c) was defendant admitted to bail pending appeal?

No.

3. Was counsel in the district court appointed  or retained  ?

4. Attorney filling this docketing statement:

Attorney Sandra L. Stewart Telephone 702-526-1867

Firm Sandra Stewart, Attorney at Law

Address: 1361 Babbling Brook Court  
Mesquite, NV 89034

Client(s) Shirron Jozette Gayles-Zanders

5. Is appellate counsel appointed  or retained  ?

If this is a joint statement by multiple appellants, add the names and addresses of other counsel on an additional sheet accompanied by a certification that they concur in the filing of this statement.

**6. Attorney(s) representing respondent(s):**

Attorney STEVEN B. WOLFSON Telephone 702-671-2700  
Firm CLARK COUNTY DISTRICT ATTORNEY  
Address: 200 LEWIS AVENUE  
LAS VEGAS, NV 89155

**Client(s) STATE OF NEVADA**

Attorney \_\_\_\_\_ Telephone \_\_\_\_\_  
Firm \_\_\_\_\_  
Address: \_\_\_\_\_

**Client(s) \_\_\_\_\_**

(List additional counsel on separate sheet if necessary)

**7. Nature of disposition below:**

<input type="checkbox"/> Judgment after bench trial	<input type="checkbox"/> Grant of pretrial habeas
<input checked="" type="checkbox"/> Judgment after jury verdict	<input type="checkbox"/> Grant of motion to suppress evidence
<input type="checkbox"/> Judgment upon guilty plea	<input type="checkbox"/> Post-conviction habeas (NRS ch. 34)
<input type="checkbox"/> Grant of pretrial motion to dismiss	<input type="checkbox"/> grant <input type="checkbox"/> denial
<input type="checkbox"/> Parole/probation revocation	<input type="checkbox"/> Other disposition (specify):
<input type="checkbox"/> Motion for new trial	
<input type="checkbox"/> grant <input type="checkbox"/> denial	
<input type="checkbox"/> Motion to withdraw guilty plea	
<input type="checkbox"/> grant <input type="checkbox"/> denial	

**8. Does this appeal raise issues concerning any of the following:**

<input type="checkbox"/> death sentence	<input type="checkbox"/> juvenile offender
<input checked="" type="checkbox"/> life sentence	<input type="checkbox"/> pretrial proceedings

**9. Expedited appeals:** The court may decide to expedite the appellate process in this matter.  
Are you in favor of proceeding in such manner?

Yes       No

**10. Pending and prior proceedings in this court.** List the case name and docket number of all appeals or original proceedings presently or previously pending before this court which are related to this appeal (e.g., separate appeals by co-defendants, appeal after post-conviction proceedings):

NONE KNOWN.

**11. Pending and prior proceedings in other courts.** List the case name, number and court of all pending and prior proceedings in other courts that are related to this appeal (e.g., habeas corpus proceedings in state or federal court, bifurcated proceedings against co-defendants):

NONE KNOWN.

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**12. Nature of action.** Briefly describe the nature of the action and the result below:  
DOMESTIC DISPUTE RESULTING IN A HOMICIDE BY STABBING. DEFENDANT  
WAS FOUND GUILTY BY JURY OF FIRST DEGREE MURDER.

**13. Issues on appeal.** State specifically all issues in this appeal (attach separate sheets as necessary):

1. WHETHER THE CONVICTION WAS SUPPORTED BY THE EVIDENCE.
2. COMPETENCY ISSUES.
3. RIGHT TO COUNSEL ISSUES.
4. RIGHT TO SELF REPRESENTATION.
5. OTHER ISSUES WHICH MAY BE REVEALED WHEN THE ENTIRE RECORD IS REVIEWED.

**14. Constitutional issues:** If the State is not a party and if this appeal challenges the constitutionality of a statute or municipal ordinance, have you notified the clerk of this court and the attorney general in accordance with NRAP 44 and NRS 30.130?

N/A

Yes

No

If not, explain:

**15. Assignment to the Court of Appeals or retention in the Supreme Court.** Briefly set forth whether the matter is presumptively retained by the Supreme Court or assigned to the Court of Appeals under NRAP 17, and cite the subparagraph(s) of the Rule under which the matter falls. If appellant believes that the Supreme Court should retain the case despite its presumptive assignment to the Court of Appeals, identify the specific issue(s) or circumstance(s) that warrant retaining the case, and include an explanation of their importance or significance:

THIS MATTER INVOLVES APPEALS FROM CONVICTIONS BASED ON A JURY VERDICT OF CATEGORY A FELONIES AND ARE, THEREFORE, PRESUMPTIVELY RETAINED BY THE NEVADA SUPREME COURT.

**16. Issues of first impression or of public interest.** Does this appeal present a substantial legal issue of first impression in this jurisdiction or one affecting an important public interest?

First impression:  Yes  No

Public interest:  Yes  No

**17. Length of trial.** If this action proceeded to trial or evidentiary hearing in the district court, how many days did the trial or evidentiary hearing last?

6 days

**18. Oral argument.** Would you object to submission of this appeal for disposition without oral argument?

Yes  No

### **TIMELINESS OF NOTICE OF APPEAL**

19. Date district court announced decision, sentence or order appealed from 6-16-22

20. Date of entry of written judgment or order appealed from 6-21-22

(a) If no written judgment or order was filed in the district court, explain the basis for seeking appellate review:

21. If this appeal is from an order granting or denying a petition for a writ of habeas corpus, indicate the date written notice of entry of judgment or order was served by the district court

(a) Was service by delivery  or by mail

22. If the time for filing the notice of appeal was tolled by a post judgment motion,

(a) Specify the type of motion, and the date of filing of the motion:

Arrest judgment \_\_\_\_\_ Date filed \_\_\_\_\_

New trial (newly discovered evidence) \_\_\_\_\_ Date filed \_\_\_\_\_

New trial (other grounds) \_\_\_\_\_ Date filed \_\_\_\_\_

(b) Date of entry of written order resolving motion \_\_\_\_\_

23. Date notice of appeal filed 4-16-22

24. Specify statute or rule governing the time limit for filing the notice of appeal, e.g., NRAP 4(b), NRS 34.560, NRS 34.575, NRS 177.015(2), or other  
NRAP 4(B)

### SUBSTANTIVE APPEALABILITY

25. Specify statute, rule or other authority that grants this court jurisdiction to review from:

NRS 177.015(1)(b) \_\_\_\_\_ NRS 34.560 \_\_\_\_\_  
NRS 177.015(1)(c) \_\_\_\_\_ NRS 34.575(1) \_\_\_\_\_  
NRS 177.015(2) \_\_\_\_\_ NRS 34.560(2) \_\_\_\_\_  
NRS 177.015(3) XX \_\_\_\_\_ Other (specify) \_\_\_\_\_  
NRS 177.055 \_\_\_\_\_

### VERIFICATION

I certify that the information provided in this docketing statement is true and complete to the best of my knowledge, information and belief.

SHIRRON GAYLES-ZANDERS

SANDRA L. STEWART

Name of appellant

Name of counsel of record

AUGUST 9, 2022

  
Signature of counsel of record

Date

### CERTIFICATE OF SERVICE

I certify that on the 9TH day of 2022, I served a copy of this completed docketing statement upon all counsel of record:

By personally serving it upon him/her; or

By mailing it by first class mail with sufficient postage prepaid to the following address(es):

BY E-FILING WITH THE NEVADA SUPREME COURT.

Dated this 9TH day of AUGUST 2022  
  
Signature

CASE NUMBER New Sup.Ct. #84583

**EXHIBIT** 24

(19) Page Appellate Complaint on attorney Stewart dated 3/25/23

1  
2 Florence McClure Women's Correctional Center  
3 4370 Smiley Rd.  
4 Las Vegas, NV 89115  
5  
6  
7

8 In the matter of:  
9

10 State of Nevada  
11 Plaintiff/Petitioner  
12

13 v. Shirron Gayles-Zanders  
14 Defendant/Respondent  
15

) Case No: 84583  
16 )  
17 ) Dept No.: \_\_\_\_\_  
18 )  
19  Hearing Requested  
20  Hearing Not Requested  
21  
22

23 **AFFIDAVIT**  
24

25 STATE OF NEVADA  
26 )  
27 COUNTY OF Clark )  
28

1. My personal knowledge or personal observations of the situation  
2. is/are as follows:

3. Please see attached (19) page Direct Appeal Complaint  
4. dated 3/25/2023  
5.

6. Enclosures: Certificate of mailing, Trial exhibits 29, 92, 97, 9  
7. 100, 9162, Affidavit of Custodian of Records dated 12/18/19  
8. 1/31/17 HPD Incident recall for Audit trial, letter dated 3/24/23  
9. from Co-Counsel Telia Williams  
10.

11. CC: 8th Dist. Court / Judge Jones, Nevada Supreme Court  
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12 This document does not contain the personal information of  
13 any person as defined by MNRS 603A.040

14 Dated this 3rd day of April, 20 23.

15 Respectfully submitted,

Shirron Gayles-Zanders  
Signature

Shirron Gayles-Zanders  
Printed Name

19

DECLARATION UNDER PENALTY OF PERJURY

20 I, the undersigned, understand that a false statement or answer to any question in this declaration will  
subject me to penalties of perjury.

21 I declare, under the penalty of perjury under the laws of the United States of America,  
22 that the above and/or foregoing information is accurate, correct and true to the best of my knowledge, executed  
within the terms of<sup>1</sup>NRS 171.102 and<sup>2</sup>NRS 208.165. See<sup>3</sup>28 U.S.C. 1746 and 18 U.S.C. 1621.

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24

25

Dated this 3rd day of April, 20 23

Shirron Gayles-Zanders  
Signature

1258355

Nevada Department of Corrections ID #

26

<sup>1</sup> NRS 171.102

<sup>2</sup> NRS 208.165

<sup>3</sup> 28 U.S.C.

S1746. Unsworn declarations under penalty of perjury

18 U.S.C.

S 1621. Perjury generally

27

28

10/11/19  
Direct Appeal Complaint

3/27/23

Case Name: State of Nevada vs. Shirrow Gayles-Zanders  
District Court Case No. C-18-3304666-1  
Nevada Supreme Court Case No. 84583

To Attorney Sandra Stewart,

I am writing this complaint to inform you, the eight district court and the Appellate Courts that I have made numerous attempts in writing advising the issues & claims I have researched to be meritorious. Requested that you file on my behalf on Direct Appeal to protect my appellate rights.

During my incarceration I have used my time wisely to study & learn the legal process, particularly the procedures of the Appellate process due to my conviction. I have acquired a profound knowledge that only a few appeals are actually accepted & heard. Moreover those chosen few are strictly scrutinized for errors & mistakes. I have learned that most are denied due to being time barred or procedurally barred because "claims were not raised on direct appeal because of erroneous strategies decisions made by the appeal counsel."

For the above reasons stated I felt it was imperative that I put both you and the courts on NOTICE I TOTALLY DO AGREE with your Direct Appeal strategy.

further I am fervently requesting that you reconsider your strategic reasoning and amend your opening statement to argue every "Meritous" claim known or uncovered by you or made known by me and requested that you argue on my behalf. So there are no misunderstandings of my desires or intentions or whether I made our concerns known to you, me, my family & legal advocates felt a compelling need to address our concerns on a complaint. To case the direct appeal is not successful, we want the appellate court to know our position in regards to your strategic plan.

Due to my many negative experiences with my previous private & assigned defense attorneys, my lack of trust for defense attorneys and the lack of confidence in the judicial system as a whole has immensely eroded justifiably so.

It does not take a rocket scientist to determine or ascertain after reviewing my transcripts I am the victim of a "Malicious Prosecution" due to my perseverant relentless endeavors to expose the systemic failures of the justice system. As I have repeatedly held, my case has little or nothing to do with any justice for Kerr but has everything to do with the Concealment of the Henderson Police department and the Family court failures. The case record clearly reflect neither agency followed procedural protocol in handling our dispute.

3 of 19

On 7/12/2022 I received a letter from attorney Sandra Stewart informing me that you had been retained to represent me on appeal. You provided an overview of the appeal process, advised you could only use what is in the record and advised for that reason it was not helpful for you to meet with me in connection with preparing my appeal. As I read the advisement I grew an instant concern for my appeal process. Therefore I immediately shared your advisement with my family & legal advocates. They too viewed your advisement as being peculiar and grew an instant concern as well. We felt the advisement was <sup>the</sup> way of minimizing your communication with me to avoid an established record of my case concerns & requests. However we decided to give benefit of doubt and wait to see what you planned to argue on appeal.

On 8/15/2022 I received a letter from Sandra Stewart dated 8/14/2022. One of the enclosures was a copy of the Docketing Statement you intended to file. Issues on appeal included:

- 1) Whether the conviction was supported by the evidence
- 2) Competency Issues
- 3) Right to Counsel Issues
- 4) Right to Self Representation
- 5) Other Issues which may be revealed when entire record is reviewed

On your initial Scketing statement you listed numerous viable claims you uncovered and planned to argue on Direct Appeal. In my initial letter you dated 8/24/2022 I advised the claims you listed were some of the claims I ascertained to be meritorious as well.

In addition I advised due to my attorney's conspicuous deficient performance during trial, his complete exhibition of "Denial of Counsel" under the standards of Cronie, his ineffective assistance of counsel met the criteria for the two exceptions to the rules and could be filed on direct appeal.

In your initial correspondence to me dated 7/13/22 you advised that ineffective assistance of counsel claims could not be addressed on Direct Appeal. However I guess after my advisement of the two exceptions of the rules, you conducted further research, ascertained my assertions were valid and decided to pursue this meritorious ineffective assistance claim on direct appeal.

However my family, advocates and I are finding it to be very peculiar you decided to not pursue all of the other highly meritorious claims to pursue the one claim you initially stated you "could not" claim on direct appeal. However I know the ineffective assistance claim is meritorious as well. I do not understand your strategic purpose to ignore the claim especially when the self representation claim is a structural error and

warrants an automatic reversal of a conviction in plain error review. Not to mention the other meritorious claims you uncovered that warrants automatic reversal of a conviction as well.

I hope you do not misconstrue this complaint as an attack on your competency as a highly experienced and able appeal attorney. I am however requesting you exercise deference. Please understand I am fighting for my life & freedom that was taken due wholly to the systemic failures of two legal agencies that were instituted to protect & serve the citizens of the United States equally. As you have personally uncovered & ascertained due to the egregious Gross Wanton Negligence & Failures of our broken judicial system I was put in a "No Win" situation and forced to choose life or death.

Even though our legal system is referred to as the justice system I have yet to see any justice. Being I was unlawfully repeatedly denied & deprived of my Sixth Amend. Constitutional right to represent myself, I must rely on my assigned appeal's attorney to expend every skill necessary to protect my appellate rights to obtain a reversal of my conviction.

If for any reason you feel this complaint has created a conflict in our attorney/client relationship or will be a hindrance to any further necessary communication between us, please advise so we can resolve or dissolve this representation in a amicable manner.

An attorney has the duty ~~obligation~~ to bring, bear & exercise the skill, judgement & diligence of a competent defense attorney. It is incumbent upon the defense attorney to conduct thorough investigations & uncover all evidence of misconduct & errors during a defendant's adjudication process, trial & post conviction appellate process as well.

After several comprehensive reviews of my case file provided, I discovered many pre-trial & trial errors that must be addressed on direct appeal. Counsel's failure to investigate or uncover exculpatory evidence cannot be justified as a tactical decision.

"When tantalizing indications in the record show that certain appeal evidence is available, those leads must be pursued, a court must consider not only the quantum of evidence already known to counsel, but also whether the known evidence would lead any reasonable attorney to further investigate." Given the availability of the 1/31/17 incident report, trial exhibits, discovery witness statements, my MRI brain scans, history of trauma & abuse, decedent's U.H. mental health records, forty year history of alcohol & drug abuse, pics of master bath that depicts two vanities, pic of interior door jam damage, the purposely omitted tawee of Alan Wines testimony and lastly the 3/30/22 Letter from Telia Williams, the mentioning of prior bad acts and statements made during the state opening & closing arguments, there is absolutely no excuse for not pursuing a claim of prosecutorial misconduct.

8/1/89

The Appellate process was instituted to protect & safeguard a defendant's Constitutional rights. It gives a defendant the right to resort to a higher court to mistakes persons made in an inferior court. Due to my immense distrust & lack of confidence in our broken judicial system and my profound belief I am the victim of a Malicious Prosecution, it is vital & imperative to protect my appellate rights guaranteed by the Federal Constitution.

Therefore during my ~~unlawful~~ incarceration I made use of my time wisely to obtain a vast knowledge of the practices & procedures of the legal system. I have all intentions of exhausting my appellate rights to its fullest. However I have ascertained in order to fully exhaust my appellate process, appellate procedures must be strictly followed to avoid being procedurally barred.

Pursuant to Rule 24 of Judges Canons and Article I, section 8, of Nevada Constitution a defendant has a right to be heard. "The right to be heard is an essential component of a fair and impartial system of justice. Substantive rights of litigants can be protected only if procedures protecting the right to be heard are observed."

Even with these safeguards in place the record only reflect throughout my adjudication process the judge repeatedly abused his discretion by hindering my right to be heard through the forced representation of

unwanted counsel. An unwanted counsel "represents" the defendant only through a tenuous and unacceptable legal fiction. Unless the accused in such representation, the defense presented is not the defense guaranteed him or her by the Constitution, for in a very real sense, it is not her defense, 422 U.S. at 820-821.

With that being said I have made it known throughout my adjudication process I have a right to be heard in a valiant effort to protect my rights & receive a fair trial. I must emphasize I will continue to provide my input and be heard being the accused is the one who suffers should the defense fails. If for any reason you have a problem with my assertiveness & diligence to protect my Constitutional appellate rights, please do not hesitate to assert your opinion or position so we can handle any disagreements at this level of my appellate process.

As I stated before I am an educated intelligent woman. Any reasonable person or fair minded jurist would unequivocally conclude I was at no time incompetent to represent myself. Further have a vast knowledge & understanding of my legal predicament, could appreciate the alleged charges against me, was able to assist my attorney and fully understood the warnings of the dangers & disadvantages of self representation by the trial judge.

Moreover I fully & profoundly understood that the trial judge was not clearing & exonerating me of my Sixth Const. right out of the spirit of justice but due wholly to his conspicuous bias, malicious position in my case and his determination to conceal his improprieties

Moreover a judge is not a psychologist, psychiatrist or Neuro surgeon. My case record & transcripts clearly reflect Judge Herndon repeatedly advised he was denying my repeated requests to represent myself due to the findings of my brain MRI results. However at no point did the State Bppte conduct an adequate inquiry to substantiate his erroneous decision nor did he once attempt to hold the required evidentiary hearing to allow any of the above medical professionals to substantiate his decision or make the proper determination of my incompetent ability to represent myself due to my brain defects & illnesses. The above medical professionals all found me competent.

Further my case record reflect I had been cleared by three psychiatric evaluators at Lakes Crossing as incompetent to stand trial and/or to represent myself (shall I chose or decided to do so). Being judge Herndon receives a copy of that report he was well aware of the psychiatric assessments. It was clear & evident he disregarded his judicial Cewones repeatedly and made many erroneous decisions that was clearly (not under <sup>his</sup> purview) due to his abuse of discretion.

I feel due to this obvious 36th amendment Constitutional self representation violation, it would be a complete travesty & miscarriage of Justice if it is not addressed on Direct Appeal. My adjudication process have been exhausting & cumbersome due to intentional ineffective Counsel.

160/19

It is unequivocal Gayles-Zanders claim of her eighth amendment right to self representation is meritorious. A denial of a defendant's right under Faretta is "one of those rare constitutional errors that requires automatic reversal because it amounts to a structural defect." United States v. Wither, 638 F.3d 1055, 1065 (9th Cir 2011). See also Frantz, 533 F.3d at 739.

Gayles-Zanders have a compelling claim to relief under Faretta. See Supra, sections 1A, A-B. To say the least, counsel failure to raise this claim will unequivocally undermine the confidence of Gayles-Zanders direct Appeal. Strickland, 466 U.S. at 694. Therefore Gayles-Zanders would be prejudiced by her appellate counsel's deficient performance. Thus denying her eighth and fourteenth amendment right to effective assistance of counsel. Smith, 523 U.S. at 285.

I must reiterate "there is nothing strategic or tactical about ignorance. *Pineda v. Green*, 424 F.2d, 369, 371 (9th Cir 1976). An attorney is required to make reasonable investigations during the trial stage of a proceeding or in the alternative to reasonably decide that particular investigations are necessary. *State v. Powell* 122 Nev. 751, 754, 13 B. Pd. 3d 453 (2006) and *Lewis v. Legrand* 132 Nev. 1000 (2016). Failure to do so can lead to a finding of ineffectiveness. *Wiggins v. Smith* 539 U.S. 510, 514, 123 S.Ct. 2527, 2631 (2003).

110609

With letter dated 8/24/2022 I sent you a copy of a letter dated 3/26/2022 provided to me by Co-Counsel Telia Williams on the morning of 3/28/2022 the last day of my trial. While in the holding cell waiting for my trial session to begin I read the letter. After several thorough reviews of the letter, I conceived the contents as being immensely disturbing & bumusing but however engrossly enlightening as well. Like previous counsel Ms. Jackson, attorney Williams and I developed an instant rapport of mutual respect which was one of the motivating reasons I retained her to represent me.

In this letter attorney Williams advised a very disturbing revelation. She advised that she had not heard from witness Alan Wing and that he was already on the prosecution's witness list. However to my dismay also advised "they wanted him to say that he did not know exactly who this person was." She in essence expressed she was aware of prosecutorial misconduct but yet failed to inform the trial judge. Attorney Williams was very aware of how critical Alan Wing's testimony was to my defense as well as the written statement he gave to HRB and the date of the incident. Not only did she allow him to leave the country on vacation during such a critical time of my adjudication process, my attorneys refused & failed to honor my repeated urgent request to exercise the court Subpeona power to procure his presence and assured me I had a very meritorious Appeal.

based on, (1) the fact that Judge Herndon would not recuse himself but instead sent me to competency; (2) the fact that I was held baselessly in competency proceedings for so long with my attorney doing nothing to remedy the situation, and attorney Treffinger's ability to get to out in such a short order; (3) The judge allowing the prosecutor to mention the Assault with a deadly weapon arrest even though I did not open the door.

My point is when I encountered attorney Williams and questioned the contents of her letter as to what message she was in essence trying to convey, she replied you are an intelligent woman I have confidence you will know what to do with it. Being she made the comment she did I felt an immense inclination to address in particular the prosecutorial misconduct aspect of the letter but was advised if I did so, my imposition might negatively impact the jury's impression of me and ultimately their verdict.

I feel that due to the receipt of this letter at such a critical stage in my proceeding and the disturbing, perhaps impact it had on my emotional mentality it constituted my ability to think & perform with any firm rationale thus violating my substantial due process rights in trial.

After extensive observation of repeated deficient performance & complete ~~lack~~ of counsel I was mostly inclined to fire my attorney & take over but was about to by Telias

The duty of a district attorney is not merely that of an advocate. His duty is not to obtain convictions but to fully & fairly present to the court the evidence material to the charge upon which the defendant stands trial, and it is the solemn duty of the trial judge to see that the facts material to the charge are fairly presented. The D.A. is the servant of the law, the two-fold aim at which is that guilt shall not escape or innocent suffer." (N.J. v. Agurs (1976), 427 U.S. 97, 110-111, 96 S. Ct. 2392, 2401, 49, 1 Ed. 2d 342).

One of the most important ethical canons for prosecutors is the duty to reveal exculpatory evidence, (Brady v. Maryland, (1963) 373, U.S. 83, 83 S. Ct. 1194, 10 Ed 2d, 215.) Under Brady, the prosecution must disclose to the defense any evidence that is favorable to the accused "and is material on the issue of either guilt or innocence.

Failure to do so violates the accused constitutional right to due process. Evidence is material under the Brady standard if there is reasonable probability had the evidence been disclosed to the defense, the result of the proceedings would have been different. (City of L.A. v. Superior Court (2000) 29 Cal. 4th 1, 7).

The prosecution's disclosure duty under Brady applies even without a request by the accused, it pertains not only to exculpatory evidence but also impeachment evidence (People v. Cook (2006) 39 Cal. 4th 566, 587.)

149 19

Evidence that is material to defendant's guilt, innocence or punishment and that impeaches a prosecution witness must be disclosed. Although Brady disclosure issues may arise "in advance of, during or after trial, the test is always the same. Brady Materiality is a Constitutional Standard required to ensure that non disclosure will not result in the denial of defendant's right to a fair trial.

Because the Brady rule encompasses evidence known only to police investigators and not the prosecutor, it is incumbent upon the prosecutor to learn of any favorable evidence known to the others acting on the government's behalf in a case, including the police. The D.A. had a duty to obtain & disclose the 1/31/77 report.

Law enforcement agencies have a duty, under the Due Process clause of the federal Constitution to preserve evidence "that might be expected to play a significant role in the alleged defense." (Calif. v. Trombetta (1984) 467 U.S. 479, Arizona v. Youngblood (1988) 488 U.S. 51).

"A prosecutor is held to a higher standard higher than that imposed on other attorneys because of the unique function he or she performs in representing the interests, and in exercising the sovereign power, of the state. " "But while he may strike hard blows, he is not at liberty to strike foul ones. It is as much his duty to refrain from improper methods calculated to produce wrongful convictions as it is to use every legitimate means to bring about a just one."

A Prosecutor commits misconduct in characterizing the evidence. A prosecutor "has a duty to refrain from making statements in opening & closing arguments that cannot be proved at trial. Neither can he or she present misleading evidence known to him to be false or unfairly prejudicial to the accused.

The prosecutor knowingly & purposely misstated facts and presented a highly detrimental misleading photo of one vanity in the master bedroom to the jury when he possessed numerous other crime scene photos that could substantiate

I clearly had two vanities in the master as I stated in my testimony. Please see attached trial exhibit 93,97,100 that was available and would have unequivocally aid any fairminded just in his or her determination. There were indeed two vanities in the master. Moreover the house was newly built in 2010 by Century Homes. A layout of the design & floor plan was fairly easy to obtain to disprove the evidence presented at trial or erase any doubt. See exhibit 93,97,100

The prosecutor also presented a picture of the exterior garage entry door with no damage. He inferred I lied about the enormous amount of damage Kerly caused when kicking the door. However he purposely failed to show pictures of the interior garage entry door where the damage actually occurred. Jurors should not be expected to be legal experts. Therefore we cannot conclude any fairminded jurist would have the knowledge being the door was kicked in all of the damage would have been on the interior of the door & jam. See exhibit #29

During the state cross-examination I advised the state of the 1/31/2017 incident where the decedent repeatedly assaulted me. I advised my neighbor called the police and reported the assault and that an incident report existed. The prosecutor insinuated I was lying about the incident and challenged me to produce the incident report on the next calendar trial date.

On 3/26/22 I presented the 1/31/17 incident report. I gave it to my attorney to present as evidence to the trial court. After a bench conference between the judge and the opposing attorneys, my lead counsel informed me he was not going to present the incident report. Demonstrating a total callous disregard for the catastrophic impact the omission of the incident report would render on the corroboration of my testimony.

To add insult to injury during deliberations the jury requested to view the 1/31/17 incident report to assist in their fact finding process. The trial judge informed my attorney he was not going to permit the jury to see the critical exculpatory corroborative evidence. It is clear & evident my attorney provided a complete "Denial of Counsel" during the most critical moments of my trial and demonstrated an egregious indifference and indifference for the adovation of my innocence and the obvious reasonable doubt of the jury. It is clear & evident that the collective misconduct of my defense attorney & the prosecutor had a detrimental influence & impact on the confidence of the verdict. The evidence was unduly pre-judicial & forced the jury to render a verdict on a speculative & partial evidence.

17 of 19

A prosecutor is a "representative of a sovereignty whose interest in a criminal case is not that it shall win, but that justice shall be." ley v. Nevada 116 Nev. 1185, 1194 (2000) Citing Berger v. U.S., 295 U.S. 78, 88 (1935) overruled on other grounds by Stone v. United States, 361 U.S. 272 (1960). A prosecutor must act fairly and follow the rules U.S. v. Keayayon, 8 F. 3d, 3115, 1323 (9th Cir 1993).

In evaluating a claim that a prosecutor engaged in misconduct during trial, the court must determine whether the prosecutor's comments & conduct "so infected the trial with unfairness as to make the resulting conviction a denial of due process." Darden v. Wainwright, 477 U.S. 168, 181, 126 S.Ct. 2464, 91 L.Ed. 2d 144 (1986). (2013 U.S. Dist. Lexis 11) Unfairness exists where the court concludes that the prosecutorial misconduct had a "substantial and injurious effect or influence in determining the jury's verdict."

I can unequivocally state the facts underlying this claim is sufficient to establish by clear & convincing evidence that for the prosecutor's <sup>misconduct</sup> presentation of misleading evidence, no reasonable fact finder would have found me guilty of the underlying offense.

"for errors that were objected to court applies a harmless error standard unless the misconduct is of a constitutional nature, and then the court will reverse unless the state demonstrates, beyond a reasonable doubt, the error did not contribute to the verdict. Id.

The Fourteenth Amendment's Due Process Clause guarantees a criminal defendant effective assistance of counsel as defined in *Strickland v. Washington*, 466 U.S. 668, 104 S.Ct. 2052, 80 L.Ed. 2d 674, during his or her first appeal as of right. *Smith v. Robbins*, 528 U.S. 259, 285, 120 S.Ct. 746, 145 L.Ed. 2d 757 (2000); *Evitts v. Lacy*, 449 U.S. 387, 396, 105 S.Ct. 830, 83 L.Ed. 2d 821 (1985).

To prevail, the defendant must show, first, "that counsel's performance was objectively unreasonable," which in the appellate context requires the petitioner to demonstrate that counsel acted unreasonably in failing to brief a merit-worthy issue that was known or unreasoned and second, that s/he was prejudiced on account of the deficient performance, which in the context means that the petitioner must demonstrate a reasonable probability that, but for appellate counsel's failure to raise the issues, the petitioner would have prevailed in her direct appeal. *Moermann v. Ryan*, 628 F.3d, 1103, 1106 (9th Cir. 2010).

I must emphasize I have "all intentions" of "fully exhausting" my Appellate process. Being I cannot represent myself on direct appeal I provided you with a (20) twenty page q (49) Forty-Nine page Synopsis containing issues I have researched, I feel are meritorious and should like you to further research, investigate & argue on my behalf. After all you have been assigned to represent me.

Never the less I would like to extend my gratitude to you for taking my case on appeal. Me, my family & advocates really do appreciate your adroit representation. However as with my trial attorney, we candidly disagree with your direct appeal strategy. Due to our profound knowledge of how the Appellate process work, we feel all Meritous issues/ claims are equally important and must be addressed on direct appeal to avoid later being procedurally barred. shall my direct appeal is unsuccessful. As you know all too well it is very difficult to overcome.

However I am aware that the United States Supreme Court is duty bound to conduct an independent investigation of my claims asserting Constitutional rights violations, I am also aware the process is not only very time consuming but may or may not be heard. With that in mind, I feel I have already been unlawfully incarcerated too long due to the negligence, mistakes & corruption of the Legal System. Therefore I must reiterate it will be a vast error & mistake to not address all known Meritous claims on direct appeal whether the knowledge was made by you or myself.

With that being said so there is "absolutely" no misunderstanding of my position in this matter or my future intentions. shall the appeal is unsuccessful I want to inform both you & the courts, I plan to file a Ineffective Assistance of Appellate Counsel if my fervent requests of you are not met on my direct appeal.

CERTIFICATE OF MAILING

STATE OF NEVADA  
COUNTY OF Clark

I am the  Plaintiff/Petitioner  Defendant/Respondent  
State of Nevada v. Shannon Zanders for Case No: SC 84583/Dist Court C-18-330666-1  
On this 3rd day of April, 20 23, I mailed a copy of the

Following document(s):

1. Direct Appeal Complaint
2. Please See Exhibits 29, 92, 97, 100, 162
3. APPidavit of Custodian of Records
4. 1/31/17 Incident Report with audit Trail
5. Telia Williams Letter dated 3/26/22

By United States First Class Mail, to the following addresses:

1. Attorney Sandra Stewart  
1361 Blackbling Brook Court  
Mesquite, NV. 89034
2. Nevada Supreme Court  
201 S. Carson ST. Ste. 201  
Clerk of Supreme Court  
Carson City, NV. 89701-4702
3. Eight dist. Court/Judge T. Jones  
200 Lewis Ave.  
Judge Tierra Jones  
Las Vegas, NV. 89155

Dated this 3rd day of April, 20 23.

Respectfully submitted,

Shannon Gayles-Zanders  
Signature

Shannon Gayles-Zanders  
Printed Name

1                   This document does not contain the personal information of any person as  
2                   defined by NRS 603A.40.

3                   

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**DECLARATION UNDER PENALTY OF PERJURY**

4                   I, the undersigned, understand that a false statement or answer to any question in this declaration will  
5                   subject me to penalties of perjury.

6                   I declare, under the penalty of perjury under the laws of the United States of America,  
7                   that the above and/or foregoing information is accurate, correct and true to the best of my knowledge, executed  
8                   within the terms of <sup>1</sup>NRS 171.102 and <sup>2</sup>NRS 208.165. See <sup>3</sup>28 U.S.C. 1746 and 18 U.S.C. 1621.

9                   Dated this 3rd day of April, 20 23

10                  Shirron Hayes-Zanders  
11                  Signature

12                  1258355  
13                  Nevada Department of Corrections ID #

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26                  <sup>1</sup> NRS 171.102

27                  <sup>2</sup> NRS 208.165

28                  <sup>3</sup> 28 U.S.C.

29                  §1746. Unsworn declarations under penalty of perjury

30                  18 U.S.C.

31                  § 1621. Perjury generally

CASE NUMBER New. Sup. Ct. #84583

**EXHIBIT** 25

(8) page Motion To Stay Proceedings is To Retain Private Counsel

1 Shirron Gayles-Zanders # 1258355  
2 Florence McClure Women's Correctional Center  
3 4370 Smiley Road  
4 Las Vegas, NV 89115

5  
6 In the matter of:

7 State of Nevada

8 Plaintiff/Petitioner

9 V.

10 Shirron Gayles-Zanders

11 Defendant/Respondent

12 Case No: 84583

13 Dept. No: \_\_\_\_\_

14  Hearing Requested

15  Hearing Not Requested

16 Motion To "Stay" Direct Appeal

17 APP'clant

18 To Attorney Sandra Stewart,

19 Please file a Motion to Stay my Direct Appeal proceedings.  
20 Due to your conspicuous intentional ineffective disloyal representation,  
21 absolute refusal & failure to protect & respect my many requests to amend your Opening Statement to include the known "dead banger" winner Constitutional claims you initially listed on the docketing statement, the meritorious constitutional claims I made known, the Meritorious claims Co-Counsel Williams made known and noted in her letter dated 3/26/22, your absolute refusal to withdraw from my case and the Nevada Supreme Court & Court of Appeals refusal to "dismiss" you as my counsel, I am once again being denied & deprived of my Sixth Amend. right to "Effective assistance of counsel and forced to retain another private counsel to represent me on Appeal.

22 Had you respected & protected my Due process rights to be informed  
23 of all critical decisions pertaining to my case including your decision  
24 "not to" file the initial Meritorious claims you listed, I would have  
25 requested that a "Stay" Motion be filed before the filing of your Opening Statement.

Dear Attorney Stewart,

Due to our irreconciable attorney/client relationship created by your conspicuous divided loyalty, ineffectiveness and total lack of communication, I am fervently requesting your immediate withdrawal from my case.

I am tired of having my Fifth "due process" of law rights and Sixth & Fourteenth amendment rights violated thru the forced representation of intentional inadequate legal counsel. From day one of your representation, your introduction made it obvious your representation was the product of an undermining clandestine scheme to hinder the continuation of a justifiable, cognizable prevailing direct appeal. That is why in spite of your advancement to keep our communication to a minimum, I immediately established a written record of my question's & concerns regarding my trial & direct appeal. It was obvious your legal representation came with an innate conflict of interest that was going to inhibit your ability to provide the effective, loyal representation prescribed & guaranteed by the Sixth & Fourteenth amendments and accorded by the Fifth "due process" of law to protect my rights.

What is even more insulting is that you are a very highly experienced skillful fifteen year veteran appeal attorney so my deficient performance & ineffectiveness demonstrated by you can be conclusively determined as "Intentional." & Malicious.

I must reiterate under the sixth remuneration I am  
accorded the right to "effective" counsel with regard to  
the fourteen amendment which the Equal Protection of the Law  
affords, due process of law, in which you are duly bound  
to represent me in our effective manner to protect those rights  
you deserve a refusal to file the individual  
but then I must emphasize your individual protection  
guarantees is an egregious blot on violations of these rights  
but I do, therefore, do this and protect the rights of the public  
speaks volume. If at all possible, I will offer your services of my  
use here, your services limited, the individual listed claims to be  
meritorious and warrantable finding out  
claimed these claims to be meritorious and warrantable finding out  
direct appeal with the other claims to Counsel will be advised  
as well as her letter (or letter) to me dated 3/26/8033.  
I advised in writing the importance of my review of the  
claims you planned to submit on opening statement before  
the submission at the opening statement. As well as  
that you send a brief of each claim. Neither party was  
able to file your "initial denial" (denial of my fraud  
and duress) due to the fact that the proceedings of all parallel  
deeds to the new trustee (the former of the proceedings was  
thus violated. The most essential of the duty of our  
attorneys is to protect the accused fundamental right to a fair  
legal process. When you filed the opening brief without first

notifying me you plan to omit the initial critical "dead banger" winner Meritous Constitutional claims, you violated my rights. Had I been made aware or notified of the critical changes to your Opening brief schematic, I would have requested that you file a "Stay Motion" to allow me the opportunity to retain a private attorney who was willing to honor my request to file the known "dead banger winner" Meritous Constitutional claims that constitute structural errors & reversal.

Must I remind you a litigant seeking to preserve Constitutional claims for review in the Supreme Court must not only make clear to the lower courts the nature of her claim, but she must also make it clear that the claim is Constitutionally grounded. It is your duty to protect this process.

Your undermining arbitrary & capricious deceitful actions and fictitious representation is clearly hindering me from exercising my Constitutional "due process" to a fair & impartial direct appeal process. Your absolute refusal & failure to file the known initial Meritous claims and your refusal & failure to honor my request to amend the Opening Statement to add the claims is unacceptable and as an egregious demonstration of intentional ineffectiveness to hinder the protection of my "due process" of law and right to preserve Constitutional Claims for review in habeas proceedings. Your actions clearly demonstrate you are defeating the whole purpose of your obligation to provide "Effective, Loyal" representation.

In your Opening Statement you stated "my attorney performance at trial was so deficient, I might as well have been at the counsel table alone." Due to your "conspicuous intentional ineffective deficient performance" that statement is a true reflection of your fictional representation as well. Your undermining actions clearly demonstrate you are not acting in the role of a vigorous/competent advocate nor are you providing the "Effective" representation and undivided loyalty prescribed & guaranteed by the Sixth & Fourteenth amendments of the Federal Constitution. However I know that strategy is the decision of the attorney, the outright fabrication of tactical excuses is quite another. *Griffin v. Warren, Maryland Correction Adjustment Center*, 970 F.2d, 1355, 1359, (4th Cir, 1992). See also *Mercurio v. Lubbers*, 509 F.3d 489, 502 (8th Cir 2007) it is not the court's commission to invent strategic reasons to accept any strategy counsel could have followed without regard to what actually happened; ("when a petitioner shows that counsel's actions actually resulted from inattention or neglect, rather than reasoned judgement, the petitioner has rebutted the presumption of strategy"); *Brechein v. Reynolds*, 41 F.3d 1343, 1369, (10th Cir 1994) ("mere inattention of strategy does not insulate attorney behavior from review"); *Adams v. Balkcom*, 688 F.2d, 734, 738 (4th Cir 1982) certain defense strategies or decisions may be "so ill chosen" as to render counsel's overall representation constitutionally deficient.

As you know it is my intention to fully exhaust my appellate process. With your knowledge of this information, it makes your actions even that more preposterous. As I previously stated due to your profound knowledge of the procedures of the appellate process there is absolutely no excuse you could use to justify your deficient performance of Ineffectiveness. The initial listed Meritous claims clearly demonstrate you are aware of the Constitutional Violations. Moreover the preponderance of evidence of claims in the numerous lengthy correspondences and complaints to you, offer even more substantiation of a conspicuous clandestine Conflict of Interest & divided loyalty in your legal representation.

As I have expressed previously due to my keen knowledge of the procedures of the appellate process, I am well aware that your actions are intentionally malicious and designed to sabotage my just my direct appeal but every other process of my appeal thereafter. Your representation has been "Meaningless".

With that being said, I am requesting that you please uphold the integrity of your oath to the American Bar Association and the guarantees of the Fifth, Sixth & Fourteenth amendments to the Federal Constitution to protect the fundamental rights of the accused by withdrawing from my case. Otherwise as I advised previously I intend to file an claim of appellate Ineffective assistance of counsel on my State post-conviction Habeas and Federal Habeas if necessary. I intend to attack every complaint I have made.

780

You cannot conceive that after the clandestine, undermining submittal of the Opening statement <sup>filling</sup> admitting the initial listed critical Meritous claims, any reasonable fairminded person would believe you were acting in the role of a vigorous conscientious minded advocate and had the appellant's best interest at heart. In fact your actions clearly demonstrate the intentional misuse of your right to strategical decisions as a vehicle/tool to hinder a cognizable, successful direct appeal. It is also your way of hindering me from my "due process" right to preserve any Constitutional claims for review in the Federal and U.S. Supreme Court. (My right to self-rep. claim).

It is obvious your representation has been compromised due to a clandestine Conflict of Interest which has divided your loyalty. The weak composition of your Opening Statement, ~~overuse of adverse citation of cases and the intentional omission~~ of known Meritous Constitutional grounds is a clear demonstration of deficient performance thus constituting Ineffective Counsel. Your appellate representation is "Meaningless" therefore your withdrawal is warranted and a must.

Dated this 12th Day of July, 2023

Shirron Gayles-Zanders

Shirron Gayles-Zanders

1 Your actions were clearly clandestine & Malicious and thus  
2 violated my Fifth & Fourteenth "due process" and the Sixth Amend.  
3 right of Confrontation Clause to fundamental fairness of  
4 proceedings.  
5

6 Please file a "stay" motion most expeditiously as time is of  
7 essence as you are aware. If for some reason you are not  
8 going to respect & honor my request to file the Stay Motion  
9 Please advise immediately as I have a Pro Se motion to "Stay"  
10 the direct appeal ready to file.

11  
12  
13  
14 cc: Mass Liberations, Camen Brown, Leland Gayles,  
15

16 This document does not contain the personal information of any person as  
17 defined by NRS 603A.40.

18 DECLARATION UNDER PENALTY OF PERJURY

19 I, the undersigned, understand that a false statement or answer to any question in this declaration will  
20 subject me to penalties of perjury.

21 I declare, under the penalty of perjury under the laws of the United States of America, that the above  
22 and/or foregoing information is accurate, correct and true to the best of my knowledge, executed within the terms of  
23 NRS 171.102 and NRS 208.165. See <sup>1</sup>28 U.S.C. 1746 and 18 U.S.C. 1621.

24 Dated this 12<sup>th</sup> day of July, 2013

25 Shirion Gayles-Zamless  
26 Signature

27 1258355  
28 Nevada Department of Corrections #

<sup>1</sup> NRS 171.102

<sup>2</sup> NRS 208.165

<sup>3</sup> 28 U.S.C.

S1746. Unsworn declarations under penalty of perjury

18 U.S.C.

S 1621. Perjury generally

CERTIFICATE OF MAILING

STATE OF NEVADA  
COUNTY OF Clark

I am the  Plaintiff/Petitioner  Defendant/Respondent \_\_\_\_\_  
Shirron Gayles-Zandors for Case No: 84583

On this 7th day of August, 2023, I mailed a copy of the

Following document(s):

1. Motion to "Stay" Direct Appeal
2. Copies of Emails between Atty. Treffinger & Brown
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_

By United States First Class Mail, to the following addresses:

1. Attorney Sandra Stewart  
1361 Bobbling Brook Ct  
Mesquite, NV, 89034
2. Mass Liberations  
ATTN: Teresa Yanney  
848 N. Rainbow Bl. #161  
Las Vegas, NV.
3. \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

Dated this 7th day of August, 2023.

Respectfully submitted,

Shirron Gayles-Zandors  
Signature  
Shirron Gayles-Zandors  
Printed Name

This document does not contain the personal information of any person as defined by NRS 603A.40.

DECLARATION UNDER PENALTY OF PERJURY

*I, the undersigned, understand that a false statement or answer to any question in this declaration will subject me to penalties of perjury.*

I declare, under the penalty of perjury under the laws of the United States of America, that the above and/or foregoing information is accurate, correct and true to the best of my knowledge, executed within the terms of <sup>1</sup>NRS 171.102 and <sup>2</sup>NRS 208.165. See <sup>3</sup>28 U.S.C. 1746 and 18 U.S.C. 1621.

, Dated this

7th

day of

, 20 23

190000 Signature

1258355

Nevada Department of Corrections ID #

1 NBS 171-102

<sup>2</sup> NBS 208 165

3 NRS 208.1

28 U.S.C.  
§1746. Unsworn declarations under penalty of perjury

\$1748.00

18 U.S.C.  
§ 1621 Per

§ 1821. Perjury generally

CASE NUMBER New. Sup. Ct. #84583

**EXHIBIT** 26

(7) page AAA davit Complaint dated 8/21/23 RE: Violation of Due Process

1 Sharon Gayles-Zawlers

2 Florence McClure Women's Correctional Center  
3 4370 Smiley Rd.  
4 Las Vegas, NV 89115

5

6 In the matter of:

7 State of Nevada

Plaintiff/Petitioner

8 v. Sharon Gayles-Zawlers

9 Defendant/Respondent

10 Case No: 84583

11 Dept No.: \_\_\_\_\_

12  Hearing Requested13  Hearing Not Requested14 AFFIDAVIT

15 STATE OF NEVADA )

16 COUNTY OF Clark )17 1. My personal knowledge or personal observations of the situation  
18 is/are as follows:19 Please see attached (21) twenty-one page Motion for En Banc Reconsideration  
20 to dismiss appellate counsel Stewart dated August 7th 2023  
21 and initially submitted with attached Motion to exceed page limit  
22 received August 14th 2023 by Elizabeth Brown/Clerk of Supreme Court

23

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29 \* Please date stamp each submitted document either filed or unfiled  
30 for my records according to NRAP.

Appellant's Complaint to Court of Appeals

Appellant declare she received a notice from the Nevada Supreme Court advising they were transferring her case to the Nevada Court of Appeals. The Notice of Transfer was dated July 13th, 2023. Appellant then received an Order denying her Motion for En Banc Reconsideration to Dismiss Counsel from the Supreme Court on August 3rd, 2023. However the Order Denying the En Banc Motion for Reconsideration was not date stamped filed until July 28th 2023. Further (1) the Order was very undefined; (2) the Order did not list a reason or case citation for a basis for its denial; nor did the denial list any NRAP governing its denial; (3) how could a decision be rendered when the Order clearly does not reflect any grounds to base the decision on; (4) being the Notice of Transfer was dated July 13th, the Supreme Court lack jurisdiction to render a decision on appellant's case.

Appellant declare she has a "due process" right to file for a dismissal of Counsel if there is evidence and a possibility that a Conflict of interest exist in her appellate Counsel's representation. Encompassed in the Sixth Amendment guarantee is a right to Conflict-free Counsel and the right of the accused to "enjoy" the right to have the assistance of counsel for her defense. Appellate counsel absolute refusal to respect my due process of law to conduct a defense of my own is a clearly a violation of the guarantees prescribed by the Sixth Amendment. Counsel refusal or failure to file the initial dead banger winner Constitutional claims she listed on the docketing statement offer a clear & vast demonstration counsel is laboring with divided Loyalty created by a conspicuous Conflict of interest. Mere appointment of counsel does not satisfy Sixth Amendment.

APPENDIX & Complaint to Court of Appeals

Appellant declare due to the undefined basis to the decision for the Order denying her En Banc Motion to dismiss counsel and the Notice of Transfer dated July 13th, 2023 appellant has a "due process" right to file the Motion for the En Banc Reconsideration to dismiss counsel in the Nevada Court of Appeals. If I am incorrect, please provide a denial with clear grounds.

Appellant declare she filed a motion for an En Banc Reconsideration to dismiss counsel along with the supporting documentation which was received by the Court of Appeals on August 14th, 2023. However appellate declare she received a reply notice from the Nevada Supreme Court clerk dated August 15th 2023, informing her that her "Affidavit" was being returned unfiled. Appellant avers both the Nevada Supreme and the Eighth district court has diligently endeavored to arrest the establishment of a written record by appellant by using 3rd party clerks as a "tool" to deny & deprive appellant's Motions & pleadings, affidavits and other supporting evidentiary documentation improperly.

Pursuant to Rule 370 of Eighth district local Rules and NRAP( ) all defendants are entitled to file Motions, pleadings, affidavits, etc with the court to protect their "due process" rights. Whether the filing is appropriate or not, all submitted documents must be date stamped "Filed" or "Unfiled" by the clerk of the designated court thus allowing defendants a written record of their filings.

With that being said appellant declare many of her Motions to both the Eighth district court & the Nevada Supreme Court have been denied and intentionally, improperly Entitled as "Affidavits" on the denied letters from the clerk(s). Appellant avers there is a "clear distinction"

Affidavit & Complaint to Court of Appeals  
 between an "Affidavit & Motion", further appellant declare  
 her Motions and supporting documentations are not being date  
 stamped by the clerks. Appellant must emphasize she has a  
 "due process" of law right to "Equal Protection" of law under  
 the Fifth & Fourteenth Amendment of the Federal Constitution to  
 protect & ensure that all of the "Meritorious" Constitutional claims  
 are addressed properly in the state court to preserve the Con-  
 stitutional claims for review in the federal circuit courts and  
 United States Supreme Court. The denied & deprivation of this  
 right by a state using arbitrary & capricious methods of procedures  
 is abuse of discretion and contrary to the "rights & benefits"  
 embraced within the Fifth & Fourteenth "due process" clauses.  
 Appellant must reiterate "Merely appointment of counsel does not  
 satisfy the Sixth Amendment guarantee" nor does "Merely inaction  
 of strategy insulate the attorney's behavior from review."

See *Beecham v. Reynolds*, 41 F.3d 1343, 1369 (10th Cir 1994) See also  
*Reece v. GA* (350 U.S. 85, 100 L.Ed. 77, 76 S.Ct. 167), 18 U.S.C. § 33006(h),  
 Demands effective Assistance of Counsel. Appellant asserts  
 declare a review of her transcripts and direct appeal by any competent  
 day person or attorney would ascertain & conclude appellate  
 attorney Stewart is/procuring deficient, inadequate appellate representation  
 bandoning with divided loyalty close to her conspicuous conflicting  
 interests to aid & help conceal the improprieties & corruption of the  
 judges, prosecutors & other government officials involved in this case.

Appellant declare the forced representation of attorney Stewart  
 by the Nevada Supreme Court or Court of Appeals without the proper conduct  
 of an investigation or proper hearing is a violation of Chevron's "Due Process"

Affidavit & Complaint to Court of Appeals

Appellant assert & declare she will not be given the desired & deprived of her "Due Process of law rights guaranteed by the Federal Constitution) through the misfeasances of the state of Nevada Courts and the Abuse of Discretion of the State judges and the improper practices of state court clerks. Appellant declare due to the conspicuous prejudicial issues & many "due process" violations she is encountering at the state level, appellant declare proper documentation is necessary & imperative to support her Piling in federal District court for a Certificate of Appealability for a Habeas. Which will first & foremost include a claim for a violation of her Fifth "Due Process" of law and Equal Protection of law guaranteed by the Fourteenth Amendment.

Appellant declare there has been a complete collapse in her attorney/Client relationship with attorney Stewart Shiron. Further avers the representation is completely irreconcilable and has detrimentally affected & impaired her direct appeal. Appellant must emphasize under the Sixth Amendment guarantee the accused have a right to conduct his or her own defense and shall enjoy the right to have an "Assistance" of counsel for her defense. Appellant declare her appellate counsel/s representation has been completely "meaning less" & is in "contradiction" and in violation of every guarantee prescribed by the due process clause of the Fifth, Sixth & Fourteenth Amendments.

Appellant affirms declare her appellate attorney actions are clearly unreasonable. Further attorney Stewart's intentional inadequate, deficient performance is a clear demonstration of her total callous disregard for appellant's "due process" of law to obtain a reversal of her conviction.

Affidavit & Complaint to Court of Appeals

Appellant declare due to the Notice of Transfer she received dated July 13th 2023 she is going to file this written "Affidavit" and refile her En Banc Motion to dismiss counsel Stewart with the Nevada Court of Appeals. Appellant avers whether the Motion is accepted or denied she expects and is entitled to a date stamped "Filed" or unfiled copy for her record.

Appellant further advise the court she filed an Ethics complaint on attorney Stewart with the Nevada State Bar due to her conspicuous surreptitious, ineffective, and loyal appellate representation. In addition, appellant is advising the court due to appellate counsel Stewart absolute, resolute refusal to file the "dead banger" winner initial Constitutional claims she listed on the docketing statement and the meritorious claims made known by appellant to protect her "due process" rights to preserve known Constitutional claims, appellant is in the process of filing a Civil lawsuit for a violation of her due process rights under Title 42, U.S.C. (section 1983), against attorney Stewart as well. And of course shall if Appellant's appeal is unsuccessful, appellant made it clearly known she plan to file "Ineffective appellate Counsel" on state and on federal Habeas.

Appellant declare her transcripts will reflect that throughout her entire adjudication process she has been burdened with the representation of disloyal, ineffective defense counsel with conflicting interests. Appellant declare her legal representations have all been complete "Shams". Appellant avers she should not have to argue & fight with her own defense attorneys to represent her to the standards prescribed & guaranteed by the Sixth & Fourteenth Amendment.

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This document does not contain the personal information of  
 any person as defined by MNRS 603A.040

Dated this 27<sup>th</sup> day of August, 20 23.

Respectfully submitted,

Shirron Gayles-Zandars  
Signature

Shirron Gayles-Zandars  
Printed Name

DECLARATION UNDER PENALTY OF PERJURY

I, the undersigned, understand that a false statement or answer to any question in this declaration will subject me to penalties of perjury.

I declare, under the penalty of perjury under the laws of the United States of America, that the above and/or foregoing information is accurate, correct and true to the best of my knowledge, executed within the terms of <sup>1</sup>NRS 171.102 and <sup>2</sup>NRS 208.165. See <sup>3</sup>28 U.S.C. 1746 and 18 U.S.C. 1621.

Dated this 28<sup>th</sup> day of August, 20 23.

Shirron Gayles-Zandars  
Signature

1258353  
Nevada Department of Corrections ID #

<sup>1</sup> NRS 171.102

<sup>2</sup> NRS 208.165

<sup>3</sup> 28 U.S.C.

\$1746. Unsworn declarations under penalty of perjury

18 U.S.C.

\$ 1621. Perjury generally

CASE NUMBER Nev. Sup. Ct. #89583

**EXHIBIT** 27

(21) page Motion for En Banc Reconsider dated 8/7/03

1 Shirron Gayles-Zanders 1258355

2 Florence McClure Women's Correctional Center  
3 4370 Smiley Road  
4 Las Vegas, NV 89115

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In the matter of:

State of Nevada

Plaintiff/Petitioner

v.

Shirron Gayles-Zanders

Defendant/Respondent

Case No: 84583

Dept. No: \_\_\_\_\_

Hearing Requested

Hearing Not Requested

Motion to Exceed Page Limit Rule 40

Motion to obtain permission to leave of court to exceed page limit on Motion for En Banc Reconsideration to dismiss Counsel and replace with alternate counsel.

Points and Authorities

It is respectfully requested of this Court of Appeals to grant this motion to exceed page limit for the following reasons:

2  
3 Appellant assert & declare she is incarcerated at (FMWCC)  
4 Florence McClure Women Correctional Center in Las Vegas, Nevada  
5 She declares she does not have access to a computer, therefore  
6 all motions must be handwritten, which may render appellant  
7 unable to comply with the rules of NRAP.

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15 This document does not contain the personal information of any person as  
16 defined by NRS 603A.40.

17

DECLARATION UNDER PENALTY OF PERJURY

18 I, the undersigned, understand that a false statement or answer to any question in this declaration will  
19 subject me to penalties of perjury.

20 I declare, under the penalty of perjury under the laws of the United States of America, that the above  
21 and/or foregoing information is accurate, correct and true to the best of my knowledge, executed within the terms of  
22 NRS 171.102 and NRS 208.165. See <sup>1</sup>28 U.S.C. 1746 and <sup>2</sup>18 U.S.C. 1621.

23 Dated this 5<sup>th</sup> day of August 20<sup>23</sup>  
Sharon Gaylor-Zandess  
Signature

1258355  
Nevada Department of Corrections #

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<sup>1</sup> NRS 171.102

<sup>2</sup> NRS 208.165

<sup>3</sup> 28 U.S.C.

S1746. Unsworn declarations under penalty of perjury

18 U.S.C.

S 1621. Perjury generally

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1 of 24  
Shannon Gayles-Zanders = 1258355  
Florence McClure Women's Correctional Center  
4370 Smiley Road  
Las Vegas, NV 89115

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6 In the matter of:

7 State of Nevada

8 Plaintiff/Petitioner

9 v.

10 Shannon Gayles-Zanders

11 Defendant/Respondent

12 Case No: 84583

13 Dept. No: \_\_\_\_\_

14  Hearing Requested

15  Hearing Not Requested

16 Motion for En Banc Reconsideration

17 Motion for En Banc Reconsideration to Dismiss Appellate Counsel  
18 and Replace with Alternate Counsel.

19 Comes Now, The Appellant Shannon Gayles-Zanders and moves This  
20 Honorable Nevada Court of Appeals to conduct an En Banc  
21 Reconsideration to Dismiss Appellate Counsel Stewart and  
22 Replace with alternate Counsel. In addition appellant would  
23 like to reserve a right to argue either Pro-Se or by Counsel pursuant  
24 to Doganware US, United States, 914 F.2d 165, 168 (9th Cir 1990).

25 Points and Authorities

26 It is respectfully requested of this Court of Appeals to grant  
27 this motion for Reconsideration to Dismiss Counsel and replace  
28 with Alternate counsel for the reasons following:

### Procedural Background and Factual Summary

1 Appellant declare she submitted a Motion to dismiss counsel  
2 that was filed on 6/30/2023. On 7/6/2023 appellant received an  
3 order denying her Motion to dismiss counsel. Appellant declare  
4 she submitted a Motion for En Banc Reconsideration dated  
5 7/11/2023 and it was delivered to the Nevada Supreme Court on 7/13/2023.  
6 On 7/17/2023 appellant received a Notice from the Nevada  
7 Supreme Court dated 7/13/2023 informing appellant they were  
8 transferring her case to the Nevada Court of Appeals pursuant to  
9 NRAP 17(b). Being that the specific reason for the transfer was not  
10 disclosed appellant was left to speculate the transfer was made  
11 due to appellant's filing of the En Banc Reconsideration which  
12 would have required the entire panel of justices to review and render  
13 a decision. However due to appellant's advancement of Judge  
14 Herndon's & Judge Bell involvement in her case on the initial  
15 Motion to dismiss counsel, it would have constituted a conflict of  
16 interest for either of them to rule or render a decision on appellant's  
17 case.

18 Appellant declare on 8/3/2023 she received an order denying the  
19 Motion for En Banc Reconsideration from the Nevada Supreme Court.  
20 However the Motion was not filed until 7/20/23, the teen day after its  
21 receipt of delivery and Notice of transfer. Appellant declare, (1) the  
22 Supreme Court lack jurisdiction due to the 7/13/23 Notice of Transfer;  
23 (2) the order denying the motion for En Banc Reconsideration did not list  
24 or include a basis or ground for its denial (not substantiating a  
25 denial to warrant a decision). Therefore appellant has a "due process"  
26 right to refile the En Banc Reconsideration Motion in the Court of  
27 Appeals.

3 of 6

## Procedural background and Factual Summary

1  
2 Since attorney Sandra Stewart was appointed as counsel on  
3 May 16th, 2023 appellant has been prejudiced and suffered  
4 manifest injustice based on counsel's refusal & failure to  
5 provide effective assistance of appellate counsel prescribed  
6 guaranteed by the sixth amendment and re-enforced by the four  
7teenth amendment of the federal constitution.

8 The Sixth Amendment provides that "in all criminal prosecutions,  
9 the accused shall enjoy the right to have the assistance of counsel  
10 for his or her defense." This right has two components, (1) the  
11 right to counsel's undivided loyalty, and (2) the right to reasonably  
12 competent counsel. The special value of the right to the  
13 assistance of counsel explains why it has long been recognized  
14 that the right to counsel is the right to the effective assistance  
15 of counsel. In *McMann v. Richardson* (1970) Where a constitutional  
16 right to counsel exist, the Sixth Amendment hold that there is an  
17 correlative right to representation that is free from conflict of interest.  
18 In addition the Fourteenth Amendment's "Due Process" clause  
19 guarantees effective assistance of counsel as defined in  
20 *Strickland v. Washington*, 466 U.S. 660, 104 S.Ct. 2052, 80 L.Ed.2d  
21 674 during his or her first appeal as of right.

22 Appellant assert & declare her court records apply reflect  
23 she is in her present predicament due wholly to her previous  
24 counsel's and current counsel divided loyalty created by a  
25 conspicuous conflict of interest. Appellant declare the lack of  
26 effective communication between she and her counsel has completely  
27 destroyed their attorney/client relationship thus rendering a

Procedural Background and Factual Summary  
 catastrophic impact on the continuation of a cognizable, reputable direct appeal. Wood v. Ga. 101 S.C.T. 1097, 167 L.E.D. 2d 230, 450 U.S. 361

Appellant must emphasize an appellate attorney has the duty & obligation to bring, bear & exercise the skills, judgement & due diligence of a competent attorney. It is the client's right to expect that her "counsel will use every skill, expend every energy and tap into every legitimate resource in the exercise of independent professional judgement on behalf of the client and in undertaking representation on the client's behalf." Thomas v. Municipal Court 878 L.E.D. 2d 85, 289 (9th Cir. 1989).

Appellant must also emphasize the appellate process was instituted to protect a safeguard on appellant's Constitutional rights. It gives an appellant the right to resort to a higher court the mistakes & errors made in an inferior court. However appellant declares if appellate counsel refuses & fails to respect appellant's due process of law, provide "effective" assistance of counsel with said loyalty, their representation is "meaningless" and in essence is nothing but a representation through an unacceptable tenuous legal fiction. See Faretta U.S. California, 422 U.S. 806, 821 (95 S. Ct. 2525) An unwanted counsel

Appellant declare in this instance her appellate attorney has methodically arrested the development of a reputable, cognizable direct appeal by intentionally providing deficient, ineffective legal representation. Further a review of her ~~highly~~ <sup>highly</sup> ~~biased~~ <sup>biased</sup> Opening Statement, mutilating citation of supporting cases, ~~omission~~ <sup>omission</sup> of independently stated constitutional claims initially listed to file, makes it clear & evident counsel is laboring under a conflict of interest.

## Points and Authorities

1 Appellant declare immediately after she received her case file  
2 from attorney Stewart, she advised it was not complete and requested  
3 attorney Stewart to obtain the ENTIRE case/work file from each of  
4 her previous attorneys. Appellant further declare she filed the Motion  
5 to compel the ENTIRE case files Pro-Se in Eighth district court after  
6 attorney Stewart refused to file them. In addition due to appellants  
7 knowledge that many of her transcripts were sanitized & altered by  
8 the court to offer an adversarial opposition to appellants allegations,  
9 appellant filed a motion as well to obtain the audio recordings of  
10 numerous hearings including trial to substantiate her allegations.  
11 Appellant received notices from the Eighth district court informing  
12 her that pursuant to Rule 3.70 of Local court rules all Pro-Se motions  
13 must be forwarded to attorney on record for filing. However appellant  
14 noticed the courts did not date file stamp the Motions and pleadings  
15 in accordance with rule 3.70. Appellate Counsel ignored the motions altogether  
16 Appellant declare there are many materials her previous lawyers  
17 possess that are pertinent and very vital to her direct appeal. They are  
18 necessary in establishing a complete fact finding process especially in  
19 the direct appeal but if necessary on both state or federal habeas as well.  
20 Appellant declare she is diligently endeavoring to establish a written  
21 record of every known violation for appellate review due to her  
22 knowledge of the process. Appellant declare there are many exculpatory  
23 mitigating evidence that were not included in the case file such as  
24 the Neuropsychological assessment on appellant performed by  
25 Dr. Sharon Jones Lester, Psychiatrist reports, MRI Brain Scans  
26 indicating an organic Brain defect, defendant's V.P. records & history  
27 of Mental illness, appellant's history of trauma & abuse, notes of

## Points and Authorities

- 1 attorneys & private investigators, interoffice memos of attorneys &
- 2 private investigators, reports of interviews of prospective witnesses,
- 3 emails between attorneys & prosecutors, ex parte meetings with
- 4 judge Herndon & attorney Jackson, (37) thirty-seven page grievance
- 5 given to attorney Jackson to file, Motion to Dismiss given to
- 6 attorney Jackson to file, note or verbally instruction given to
- 7 the jury for request to see the 1/31/2017 incident report, Maris
- 8 that were intentionally omitted at trial, etc., etc., etc.
- 9 Appellant assert & declare counsel has refused & failed
- 10 to even attempt to conduct an investigation into these very viable
- 11 known claims, Appellant does not understand counsel's logic or
- 12 what she claim is strategy when the record clearly reflect
- 13 half of the case file was not even obtained by counsel. However
- 14 what can be concluded is that counsel is demonstrating she definitely
- 15 does not share appellant's interest, she is laboring with divided
- 16 loyalty created by her conflicting interest to protect the government,
- 17 Judge Herndon's & Judge Bell's interest, further counsel is demon-
- 18 strating a course of Active and Constructive denial of
- 19 counsel through her callous disregard & respect for appellant's
- 20 "due process of law rights and Equal Protection rights" guarantees
- 21 of the Fifth & Fourteenth Amendments. In fact counsel's disregard is
- 22 so inexplicable, her undermining, unethical actions constitutes a
- 23 violation of appellant's Civil Rights protected by the Bill of Rights
- 24 guarantees of the federal Constitution. Appellant must reiterate "what
- 25 good is it to have counsel if the only purpose they are serving is the
- 26 "hindrance" of a reputable, cognizable appellate process. However there
- 27 is a remedy for an Overbearing counsel in *Brookhart v. Texas* (1960)

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## Points and Authorities

1 Due to appellant's knew awareness to determine whether  
2 counsel's errors prejudiced the outcome of the trial, the courts  
3 must compare the evidence that actually was presented to  
4 the jury with that which could have been presented had counsel  
5 acted appropriately. *Bonin v. Cameron*, 59 F.3d 815, 834 (9th Cir. 1995).  
6 The appellant must be able to provide needed information to  
7 his or her lawyer and to participate in the making of decisions  
8 on his own behalf. *U.S. v. Cronic* 466 U.S. 648, 659 n.25  
9 104 S.Ct. 2039, 80 L.Ed.2d 657 (1984).

10 Appellant declares he has provided appellate counsel with  
11 a preponderance of exculpatory evidence to support her innocence  
12 and the reversal of her conviction & sentence. But due to counsel's  
13 divided loyalty, she has refused to investigate or pursue any  
14 of the appellant's viable claims of Constitutional violations.  
15 Appellant declare counsel is exhibiting a total callous disregard  
16 that her duty as an effective assistance of counsel encompasses  
17 acting in the role of an advocate (see *Cronic*) and providing  
18 counsel for "her defense." Unlike ineffective counsel, appellant  
19 does not have to prove prejudice. See *Cronic*.

20 Appellant declare, after a comprehensive review of the Opening  
21 Statement, Conclusion supporting case laws and the obvious,  
22 absent witness independently of Constitutional claims, appellant  
23 ascertained her direct appeal was contrived to fail. Appellant  
24 ascertained from the review of the cases cited, she ascertained some  
25 of them were clearly contradictory decisions and did not support  
26 the arguments of appellant's direct appeal in a favorable manner.  
27 Whatsoever for example: *N.S. v. Jose Roman Ortega* and *U.S. v. Ortega*

## Points and Authorities

1 cases that were affirmed by the Supreme Court and therefore are  
2 immensely adverse to appellant's direct appeal arguments.  
3 Further the case of *E Valdez-Timorez vs. Eighth Dist Court*  
4 and *AKshaya Anthony Kubrak vs. Eighth Dist Court* were both  
5 denied petitions that was used to demonstrate an Eighth Amend.  
6 violation. Moreover are "meaningless" due to the fact a conviction  
7 thus render that argument as being a "Moot" issue unless the  
8 conviction is reversed and appellant is faced with the same  
9 situation. Appellant also noted an incorrect citation address  
10 in U.S. vs. Townsend, and was unable to locate the case.  
11 Appellant must emphasize with her knowledge of these  
12 known facts makes it clear evident appellate counsel's loyalty  
13 is divided, as conflict of interest exist, she does not share appellant's  
14 interest, does not have appellant's best interest at heart, is not acting in the role  
15 of a competent, vigorous advocate and is most definitely not providing  
16 the adequate "effective" assistance of counsel proscribed or guaranteed  
17 by the sixth & fourteenth Amendments of the federal Constitution  
18 *Blood vs. Georgia* (28 USC § 2106) & (28 USC § 2593)

19 Appellant declare due to her advancement of allegations & claims of  
20 her appellate counsel's known intentional ineffective assistance  
21 of counsel, divided loyalty and undermining, unethical legal practices,  
22 to the Nevada higher courts, the denial of her motion to dismiss counsel  
23 would create a detrimental contribution to a catastrophic miscarriage  
24 of Justice, Appellant declare "In forcing ~~Shirley~~ <sup>Shirley</sup> into the known  
25 circumstances to accept appellate counsel against her will, the Nevada  
26 higher court will thus deprive Shirley of her Fifth due process, <sup>5</sup> the right  
27 to effective counsel and fourteenth amendment right to Equal Protection of Law.

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## Point and Authorities

1 Appellant must emphasize she is not disputing that the in-  
2 effective assistance of counsel claim is not Meritorious and definitely  
3 met the two exceptions to the rule and should be filed on direct  
4 appeal. In fact, it was appellant who initiated and requested  
5 the filing on direct appeal by counsel. However with the absolute  
6 understanding it would be filed with the other stronger "dead  
7 banger winner" Meritorious circumstances known by appellant,  
8 the claims Co-Williams listed & advised are the most important  
9 the Meritorious claims appellant counsel Stewart personally ascer-  
10 tained as viable and initially listed on her docketing statements  
11 considered the claim to be of fact rather than law.  
12 Appellant however declare, due to her profound knowledge  
13 that ineffective claims are generally not appealable on direct  
14 appeal and customarily addressed or claimed on a 28 USC  
15 2254 or 2255 habeas motion and with appellate counsel's  
16 experience & keen knowledge of the possible options of remedies  
17 of the Nevada Supreme Court or Court of Appeals, of course the  
18 opposition of the state, to argue this ground, the failure of  
19 counsel to file the other initial stronger claims is particularly  
20 the right to self representation, the right to counsel, The right to assert  
21 issues, the insufficient evidence to support the conviction, the right  
22 to choose own plea, the right to speedy trial violation is an egregious  
23 demonstration of blatant unacceptable & unscrupulous unethical  
24 intentional deficient performance which constitutes ineffective  
25 assistance of counsel. Appellant must emphasize "Tolerance of tactical  
26 miscalculations is one thing; Puffing/citation of tactical expenses is  
27 quite another" *Griffin v. Maryland* Com. Ad. Ct. (Md. in 1992)

## Points and Authorities

- 1 Breeches v. Reynolds, 41 F.3d, 1343, 1369 (10th Cir 1994) "Mere representation of strategy does not insulate attorney behavior from review."
- 2 Adams v. Balkcom, 688 F.3d, 734, 738 (11th Cir 1993)
- 3 Adams v. Balkcom, 688 F.3d, 734, 738 (11th Cir 1993)
- 4 Certain defense strategies or decisions may be "so ill chosen as to render counsel's overall representation constitutionally deficient; Mason v. Hanks, 91 F.3d 887, 894 (7th Cir 1996)
- 5 Mason v. Hanks, 91 F.3d 887, 894 (7th Cir 1996)
- 6 Mason v. Hanks, 91 F.3d 887, 894 (7th Cir 1996)
- 7 Ineffective assistance of counsel where counsel failed to raise obvious issues on appeal; Ramoncz v. Bergman, 490 F.3d 482, 488, (6th Cir 2007) strategic decision is not objectively reasonable when the attorney has failed to investigate his or her options and make a reasonable choice between them. And
- 8 Ramoncz v. Bergman, 490 F.3d 482, 488, (6th Cir 2007)
- 9 482, 488, (6th Cir 2007) strategic decision is not objectively reasonable when the attorney has failed to investigate his or her options and make a reasonable choice between them. And
- 10 482, 488, (6th Cir 2007) strategic decision is not objectively reasonable when the attorney has failed to investigate his or her options and make a reasonable choice between them. And
- 11 482, 488, (6th Cir 2007) strategic decision is not objectively reasonable when the attorney has failed to investigate his or her options and make a reasonable choice between them. And
- 12 Lastly in Marcum v. Zuehberg, 509 F.3d 489, 502 (8th Cir 2007)
- 13 Is not the court's commission to invent strategic reasons to accept any strategy counsel could have followed without regard to what actually happened; when a petitioner shows that
- 14 counsel's actions actually resulted from inattention or neglect,
- 15 rather than reasoned judgement, the petitioner has rebutted the presumption of strategy.
- 16 Appellant declares he must emphasize it is considered a
- 17 "harmless error" when counsel's mistakes are oversights, however
- 18 it is blatant deficient performance, negligence & unethical when
- 19 counsel is aware and knew of Meritorious Dead hunger runner
- 20 Constitutional claims yet absolutely failed to file & argue the
- 21 claims at appellant's fervent request and on her behalf to direct
- 22 appeal. Appellant must reiterate it can be firmly concluded
- 23 that counsel is laboring under conflicting interest which has affected
- 24 her ability to function & render effective & loyal appellate representation
- 25
- 26
- 27

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## Points and Authorities

- 1 The Supreme Court of Nevada denied appellant's motion
- 2 to dismiss counsel based on the following: appellant's failure
- 3 to demonstrate cause for discharge of her appointed counsel;
- 4 the denial also states that appellant's general loss of confidence
- 5 or trust in counsel is not adequate cause for appointment of new
- 6 counsel; further the denial states appellant has failed to demon-
- 7 strate any Conflict of Interest. However the Nevada Supreme Court
- 8 partially addressed appellant's motion and most important failed
- 9 to address the claims which constitutes a violation of
- 10 appellant's "due process" of law, Equal Protection of Law guaranteed
- 11 by the Fifth & Fourteenth amendment, and Six amendment right to
- 12 an "effective" assistance of counsel with said Loyalty;
- 13 Appellant declare a review of her initial request to dismiss
- 14 Counsel asserted claims of ineffective assistance of counsel;
- 15 counsel laboring under Conflict of interest & divided Loyalty;
- 16 total lack of communication; and the presence of a complete
- 17 attorney client breakdown resulting from the appellate complaint
- 18 appellant filed against appellate counsel for the Non-Filing of
- 19 known "dead banger winner" meritorious claims on direct appeal.
- 20 Appellant declare the loss of confidence & distrust in
- 21 counsel derives from counsel's undermining, unreasonable,
- 22 unlawful actions & unscrupulous, unethical legal practices.
- 23 Appellant declare there is NO valid or reasonable excuse or ex-
- 24 planation) counsel Stewart can offer to substantiate her Strategic
- 25 reasoning for the "non-filing" of the initial Meritorious claims she listed
- 26 on her docketing statement, the claims Co-Counsel Williams
- 27 advised on and the many constitutional claims (not listed)

## Points and Authorities

1 Appellant declare the denial of the Nevada Supreme Court or  
 2 Court of Appeals to dismiss counsel with the knowledge about  
 3 appellant's deviant /3 unethical actions & deficient performance  
 4 known is a violation of appellant's "due process" of law and  
 5 "Equal Protection" of law under the fourteenth amendment of the  
 6 federal Constitution because the effect of the ruling decision is  
 7 only serving the deprivation of appellant's constitutional right to  
 8 ensure that all of the Meritous constitutional claims are addressed  
 9 properly in the state court to preserve a constitutional claim for  
 10 review in the federal Circuit courts & N.S. Supreme Court. The  
 11 effect of that if permitted to stand, would be tantamount to per-  
 12 mitting a state by a sophisticated method of procedure to deny  
 13 appellant the right to the aid and benefit of counsel as that right is  
 14 embraced within the "due process" clause of the fourteenth amend.  
 15 See *Reece v. GA* (350 U.S. 85, 100 F.2d 77, 763. Ct. 167). See also 18 U.S.C.  
 16 § 3006A which "Demands effective assistance of Counsel."  
 17 "Any state procedural device which would deprive [Shirin]  
 18 of submitting evidence to prove the deprivation and prevent her  
 19 from making a record in the inferior court is itself contrary to the  
 20 "due process" clause of the fourteenth amendment." The denial of  
 21 counsel in the appellant's case is an Abuse of Discretion perpetrated  
 22 by the court to hide "Bona fide credibility issues" from an  
 23 Honorable Reviewing Court.  
 24 Any ruling whether made by the trial court or the Nevada  
 25 Supreme Court or Court of Appeals to deprive Shirin of her right to a  
 26 fair adjudication process and to deny & deprive her of the right to  
 27 protect her Constitutional rights through the aid of an "effective"

## Points and Authorities

1 counsel, is contrary to the "due process" clause of the Fourteenth  
 2 amendment of the United States because the effect of such  
 3 ruling is to deprive Spivard of the benefits embraced within  
 4 the Fourteenth amendment clause in  
 5 "The Fourteenth Amendment is equivalent to any state rule  
 6 of procedure, whether the same be embodied in statute or by  
 7 judicial opinion. For the law to be otherwise would render the  
 8 Fourteenth Amendment valueless in so far as protecting personal  
 9 liberty is concerned."

10 Appellant declares "that Courts exist where through  
 11 specific allegations, the appellant demonstrates that fully  
 12 developing the record would establish her detention is illegal  
 13 and deserving of relief." Gayles-Zander lists Harris v. Nelson,  
 14 in support of this statement. In Harris v. Nelson, 394 U.S. 286,  
 15 300, it clearly states no pertinent part that:

16 "Where specific allegations before the court show reason to  
 17 believe that the petitioner may, if the facts are fully developed,  
 18 be able to demonstrate that her confinement is illegal and is  
 19 therefore entitled to relief, it is the duty of the court to provide  
 20 the necessary facilities and procedures for an adequate inquiry."  
 21 Obviously in exercising this power, the court may utilize familiar  
 22 procedures as appropriate, whether they are found in civil or  
 23 criminal rules or elsewhere in the usages and principles of law."

24 See also Telequiz v. Zinke, 806 F.3d 803 (7th Cir. 2015); quoting  
 25 Quesinberry v. Taylor, 162 F.3d at 279 (4th Cir. 2009). Appellant declare  
 26 the consecutive exhibition of Counsel's deliberate endeavors to  
 27 arrest the development of a cognizable appeal is both ineffective & unethical

## Argument

Appellant argument is that in all criminal prosecutions the accused has the right to be heard either by herself or her attorney. One of counsel's primary duties are to keep the defendant informed of all important decisions that can affect or impact the fundamental fairness of the adjudication process. The record reflect that appellate made requests to appellate counsel to review and provide a synopsis of claims she planned to file before submitting the Opening Statement. Appellant declare counsel's absolute refusal to failure to inform her of her plan to omit the filing of the initial Meritous claims she listed on the docketing statement, the claims listed & advised by Co-Counsel WD Williams and many meritorious claims she ascertained and requested counsel to file on her behalf. The pre-judicial appeal with Counsel refusal & failure to investigate uncover known Meritous claims for filing cannot be justified as an tactical strategy. It is counsel's duty to conscientiously & vigorously & competently advocate on the defendant's behalf. The arbitrary & capricious & unbecoming manner in which counsel filed the Opening Brief was immensely presumptively prejudiced. Appellant declare had she been accorded the opportunity to discuss counsel's plans for filing the Opening Brief before hand or advised on Counsel's decisions to omit the initial listed claims "banger winner" claims appellant would have advised counsel to file another motion to "extend" or a "Motion to Stay" the proceedings to allow her the opportunity to retain another private counsel that would represent appellant in an effective & loyal manner. The ignorance of these known facts by the Nevada higher courts will egregiously contribute to the denial and deprivations of Appellant's constitutional rights.

13 of 20

## Arguments

1 In proceedings at which the Sixth Amendment right to  
2 counsel apply, Judges have an "Independent Duty" to  
3 safeguard a criminal defendant's right to Conflict-Free Counsel  
4 in order to ensure that the defendant or appellant receives a  
5 trial or proceeding that is fair and does not contravene the  
6 Sixth & Fourteenth Amendment; *Wheat v. U.S.*, 486 U.S. 153,  
7 161-162 (1982). It is also a duty & obligation of judges to  
8 protect a defendant's "Due process" fundamental rights as well.  
9 If a judge is "alerted" to a possible Conflict of Interest  
10 and fails to take adequate steps to ascertain whether the conflict  
11 warrants separate counsel (id at 60), the judge has uncons-  
12 titionally forced the defendant or appellant to choose between  
13 proceeding with a lawyer who has an apparent conflict or giving  
14 up the right to be represented by counsel. It is clearly established  
15 in the record this happened in *Smith v. Lockhart*, 923 F.2d 1314  
16 (8th cir 1991) Petitioner declare she is entitled to a hearing. See *Doppmeier*  
17 A review of appellant's direct appeal record will reveal that  
18 counsel has failed to discharge her professional duties which  
19 is immensely impacting the success of appellant's direct appeal.  
20 See *McKaskle v. Wiggins*, 465 U.S. 168, 174, 80 LEd 2d 148, 104 S.Ct 1620 (1984)  
21 "To satisfy the Constitution, counsel must function as an advocate  
22 for the defendant, as opposed to a friend of the court," *ferri v.  
23 Ackerman*, 44 US 193, 204, 62 LEd 2d 355, 100 S.Ct. 402. "Indeed  
24 an indispensable element of the effective performance of defense  
25 counsel's responsibilities is the ability to act independently of the  
26 Government and to oppose it in adversary litigation." A review of appellee  
27 case will offer proof counsel is laboring under a Conflict of interest.

## Arguments

Appellant argument is that the appointment of her appellate counsel is a complete sham and nothing more than a formal compliance with the Constitution's requirement that an accused be given the assistance of counsel. The Constitution's guarantee of assistance of counsel cannot be satisfied by mere formal appointment of counsel. Where denial of the constitutional right to assistance of counsel is asserted, its peculiarity demands the United States Supreme Court scrupulously review the record. Avery vs. Alabama 84 U.S. 377, 308 U.S. 444 Appellant declare she has a right to be heard. Further due to her keen knowledge of how the appellate process works she is diligently endeavoring and has exerted exhausted every means to establish a written record to prosecute the Constitutional violations for the Circuit Courts & U.S. Supreme Court review.

Appellant further argue that Counsel Stewart is experienced, admit veteran appellate attorney. Therefore she has a profound understanding of every aspect of the legal profession and appellate process. It would be incomprehensible for any reasonable person to conceive that Counsel's decision not to file the initial Meritous "dead banger" "winner" claims she initially listed on her docketing statement to insure the ineffective assistance of counsel claim only is an idea of a sound strategic tactic unreasonably unreasonable. Further the decision of the Supreme Court to uphold conclude such a preposterous "hugger-mugger" appellate representation is a "truly and complete miscarriage of justice".

## Arguments

1 Appellant declare the following citations of cases are additional  
 2 arguments to support her request to Dismiss her appellate counsel.  
 3 Hawkins v. Hannigan, 185 F.3d 1146, 1153, (10th Cir. 1999) In this  
 4 instance, claim of ineffective assistance on appeal is reviewed  
 5 to determine whether omitted issue was meritorious; if so, the  
 6 court must determine whether "counsel's failure to raise the claim  
 7 on direct appeal was deficient and prejudicial; failure to raise  
 8 a "dead hang winner" claim on appeal constitutes ineffective  
 9 assistance.  
 10 Naill v. Gibson, 278 F.3d 1044, 1057 n.5 (10th Cir. 2001) Omission  
 11 of a "dead hang winner" is not necessary to prevail on a claim  
 12 that an attorney was ineffective for failing to raise an issue on  
 13 appeal.  
 14 United States v. Dovalina, 262 F.3d 472, 474-75 (9th Cir. 2001)  
 15 "Defendant must show that the appeal would have had, with  
 16 reasonable probability, a different outcome if the attorney adequately  
 17 addressed the issue."  
 18 Stallings v. United States, 336 F.3d 634, 637 (7th Cir. 2003) In  
 19 assessing whether an attorney was ineffective for failing to  
 20 present an issue, courts look first to see if the attorney missed  
 21 a "significant and obvious" issue; if so the court compares the  
 22 neglected issue to those actually raised; if the ignored issues  
 23 were clearly stronger than appellate counsel's, was deficient;  
 24 to show prejudice, a petitioner must show that there is a reasonable  
 25 probability the omitted claim would have altered the outcome.  
 26 of the appeal had it been raised. Appellant declared that several  
 27 written affidavits she has provided apply instances of institutional viola

## Arguments

1 A litigant seeking to preserve a constitutional claim for  
2 review in the United States Supreme Court or United States circuit  
3 courts must not only make clear to the lower courts the nature of  
4 his or her claim, but he or she must also make it clear that the  
5 claim is Constitutionally grounded. See *Bailey v. Anderson*, 326  
6 U.S. 203, (90 L.Ed. 663 (Ct. 1965))

7 Appellant is also well aware that claims not raised in the state  
8 court or a decision being rendered in the state court on the issue;  
9 if not adequately addressed the Supreme Court will be jurisdictionally  
10 barred from review of the issue. See *Hill v. Calif.*, 401 U.S. 799, 865  
11 28 L.Ed.2d 484, 91 S.Ct. 1106 (1971), *Moore v. Illinois*, 408 U.S. 786,  
12 999, 33 L.Ed.2d 706, 92 S.Ct. 2572 (1972).

13 Appellant declare due to this knowledge of how the appellate  
14 process work, s/he had made numerous diligent efforts to request  
15 her counsel to file every known meritorious claim that can be  
16 should be filed on direct appeal based on appropriate grounds,  
17 correct procedure, citation to protect appellant's rights guaranteed  
18 by the 5th "due process" and Equal Protection Clause of the Fourteenth  
19 amendment. Appellant declare counsel's actions are very unethical prejudi-

20 Appellant declare with this information provided below and  
21 on record, appellate counsel's absolute refusal to file not  
22 only the initial listed claims on her docketing statement but the other  
23 known claims made known to her as well is prejudicial to appellant.  
24 Appellant must emphasize when counsel demonstrate any form of  
25 "active or Constructive" denial of Counsel, prejudice is presumed.  
26 See *Crowley*, 466 U.S. at 656, 104 S.Ct. at 2045. Appellant declare, the  
27 cumulative errors above warrants an automatic reversal of her conviction.

19 off

## Arguments

1 Appellant Shannon Gayles-Zanders assert & declare she  
2 is being denied & deprived of her right to effective representation  
3 & denial of appellate counsel due wholly to the inadequate  
4 actions of her court appointed counsel. Appellant declares  
5 the record reflect counsel is laboring with divided loyalty  
6 created by a conspicuous ~~surprise~~ <sup>conflict of interest</sup> Conflict of Interest  
7 which unequivocally has affected impacted her ability unwilling-  
8 ness to provide the "effective" assistance of counsel with the 3rd  
9 loyalty that is prescribed & guaranteed by the sixth amendment  
10 and enforced by the "Equal Protection of Law" Clause of the Fourteenth  
11 amendment. Counsel actions constitutes a violation of appellants  
12 rights under the following Federal Constitution Laws, State Statues  
13 & rules of professional conduct:

14 The Fourteenth amendment "Due Process" clause guarantees a  
15 criminal defendant effective Assistance of counsel as defined  
16 in Strickland v. Washington, 466 U.S. 668, 104 S.Ct. 2052, 80 L.Ed.  
17 2d 674, during his or her first Appeal as of right, Smith v. Robbins,  
18 528 U.S. 259, 265, 120 S.Ct. 146, 145 L.Ed.2d 756 (2000), Fultz  
19 vs. Lucey, 469 U.S. 387, 396, 105 S.Ct. 830, 83 L.Ed.2d 821 (1985)  
20 U.S. vs. Rodgers, 769 F.2d 1418, 1424, (9th Cir 1985), U.S. v. Walker,  
21 915 F.2d 480, 485 (9th Cir 1999) Violation of ABA Rules of Professional  
22 Conduct 1.1, 1.2, 1.3, 1.4, 4.3.1  
23 "Actual or Constructive denial of assistance of counsel  
24 altogether is legally presumed to result in prejudice" Tanney v. Bunnell, 898 F.2d 741, 744 n.2 (1990), Lack of Communication  
25 preventing an adequate defense. U.S. v. McLendon, 762 F.2d  
26 785, 789 (9th Cir 1985) See Hudson v. Rushen, 686 F.2d 826, 832 (9th Cir 1982)

## Argument

1 U.S. vs. Moore 159 F.3d 1154 (1998)  
 2 The role of an Advocate-Counsel, 466 U.S. at 456, 104 S.Ct. at 2045  
 3 Pursuant to Six amendment of the U.S. Constitution, a  
 4 defendant has an unqualified right to legal assistance  
 5 that expresses loyalty to said defendant. The right to counsel  
 6 is the right to "Effective" assistance of counsel. *Cuyler vs. Sullivan*  
 7 100 S.Ct. 1708 (1980) *Frazier vs. U.S.* (1944) *Anderson v. Col. P* (1967)  
 8 87 S.Ct. 1396. See Dwight Tamplin Jr. v. William Muniz, Appellant  
 9 argue her conviction & sentence, was obtain in violation of her  
 10 Sixth Amend. right under *Faretta* and other Constitutional grounds as well.

11  
 12 Wherefore, the undersigned prays that the Court of Appeals in  
 13 State of Nevada grant appellants ~~the~~ <sup>the</sup> motion to dismiss  
 14 appellate counsel Stewart and replace with alternate counsel.  
 15

16 cc: Attorney Sandra Stewart, Mass Liberation, Return Strong  
 17 Enclosures: Ethics complaint dated 8/5/2023 on Atty. Stewart to State Bar;  
 18 See all additional ~~listed~~ supporting documentation on Cert. of Mail/My  
 19

20  
 21 Dated this 4th of August, 2023

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Respectfully Submitted

28  
 29 *Shirron Gayles-Zanders*  
 30 *Shirron Gayles-Zanders*

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Enclosures: Supporting Documentation(s)

Notice of Transfer to Court of Appeals dated 7/13/2023

Supreme Court order denying Motion filed 7/28/2023

Initial Docketing Statement by Attorney Stewart for Gayles-Zanders Appeal

(5) Five page Written Affidavit dated 3/26/2023 by Attorney Telia Williams

Motion to Withdraw as Counsel by atty. Tim Treffinger dated 5/16/2023

Incident report / Audit Trail dated 1/31/2017 jury requested foreview

Witness Statement of Neighbor Alan Welling to off. Nagarty dated 11/4/2017

Letter dated 8/1/18 from SPD off. denying my right to Standby Counsel

(5) Five page Affidavit to attorney Stewart dated 2/10/2023

See additional attached sheet with Supporting documentation(s)

This document does not contain the personal information of  
any person as defined by MNRS 603A.040

Dated this 4th day of

August, 2023.

Respectfully submitted,

Sharon Gayles-Zanders

Signature

Sharon Gayles-Zanders

Printed Name

DECLARATION UNDER PENALTY OF PERJURY

I, the undersigned, understand that a false statement or answer to any question in this declaration will subject me to penalties of perjury.

I declare, under the penalty of perjury under the laws of the United States of America, that the above and/or foregoing information is accurate, correct and true to the best of my knowledge, executed within the terms of<sup>1</sup>NRS 171.102 and<sup>2</sup>NRS 208.165. See<sup>3</sup>28 U.S.C. 1746 and 18 U.S.C. 1621.

Dated this 4th day of

August, 2023

Sharon Gayles-Zanders

Signature

1258355

Nevada Department of Corrections ID #

<sup>1</sup> NRS 171.102

<sup>2</sup> NRS 208.165

<sup>3</sup> 28 U.S.C.

S1746. Unsworn declarations under penalty of perjury

18 U.S.C.

S 1621. Perjury generally

Continued List of Supporting documentation for En Banc Reconsideration

- 1 Court Minutes dated 6/32/2013 initial hearing on Motion to Dismiss
- 2 Simon/Med Brains M.R.T dated 10/31/2018 / Mental Defense
- 3 Recorder's transcript of Hearing to Recuse Judge Herndon dated 3/19/19
- 4 Amended Notice of hearing dated 3/11/19
- 5 Certificate of Service for Decision and Order with No date
- 6 Certificate of Service for Decision and Order dated 10/5/19
- 7 Page 1428 of case file depicting damage to interior garage door
- 8 Page 1496 of case file depicting far left double vanity sink in Masterbath
- 9 Page 1499 of case file depicting far right double vanity sink in Masterbath
- 10 Page 1491 of case file depicting far right double vanity sink in Masterbath
- 11 Page 1731 of case file pic of sink prosecutor showed to jury
- 12 (4) Four letter to Spec. PD off. requesting Entire case file dated 5/22/23
- 13 Letter from Spec. PD off. dated 3/22/23 from request to Entire Case file
- 14 Receipt of file by Atty. Treggiver on 2/1/2021 / Sub. of Counsel 3/19/21
- 15 (5) Five Page Motion to Compel to T. Treffinger to Eight Dist Ct. 4/1/2023
- 16 (6) Page Motion to Compel for Aisen & Gor to Eight Dist. Ct dated 4/7/2023
- 17 (4) Page Motion to Obtain Audio Recordings dated 4/7/23 sent DC 4/12/23
- 18 court minutes of initial arraignment dated 3/23/18
- 19 court minutes of seven motions filed Pro-Se by 3/6/2019
- 20 court minutes of status hearing dated 9/10/19 substantiating Conflict of Interest
- 21 (8) Eight Page Affidavit to Jones Tierra Jones dated 4/23/23 (Complaint)
- 22 (20) Page Written Affidavit to Atty. Stewart dated 8/24/2022
- 23 (19) Page Affidavit/Appellate Complaint to Atty. Stewart dated 3/25/23
- 24 (49) Page Affidavit with claims to Atty. Stewart dated 3/1/2023
- 25 transcript dated 9/11/19 Young hearing / Requesting to Self-represent
- 26 transcript dated 9/18/19 Status hearing / Requesting to Self-represent
- 27 transcript dated 10/16/19 Status hearing / Requesting to Self-represent

CERTIFICATE OF MAILING

STATE OF NEVADA  
COUNTY OF Clerk

I am the  Plaintiff/Petitioner  Defendant/Respondent

Sharon Gayles-Zandess for Case No: 84583

On this 7th day of August, 2083, I mailed a copy of the

Following document(s):

1. Send copy of Filed date stamped motion, Thanks
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_

By United States First Class Mail, to the following addresses:

1. Nevada Court of Appeals  
201 South Carson St.  
Suite 201  
Carson City, NV. 89701-4702

2. Attorney Sandra Stewart

1361 Babbling Brook Court  
Mesquite, Nevada 89034

3. Mass Liberations  
ATTN: Teresa Yancy  
848 N. Rainbow Bl. #161  
Las Vegas, NV. 89107

Dated this 7th day of

August, 2083.

Respectfully submitted,

Sharon Gayles-Zandess  
Signature

Sharon Gayles-Zandess  
Printed Name

1 This document does not contain the personal information of any person as  
2 defined by NRS 603A.40.

3 DECLARATION UNDER PENALTY OF PERJURY

4 I, the undersigned, understand that a false statement or answer to any question in this declaration will  
5 subject me to penalties of perjury.

6 I declare, under the penalty of perjury under the laws of the United States of America,  
7 that the above and/or foregoing information is accurate, correct and true to the best of my knowledge, executed  
8 within the terms of <sup>1</sup>NRS 171.102 and <sup>2</sup>NRS 208.165. See <sup>3</sup>28 U.S.C. 1746 and 18 U.S.C. 1621.

9 Dated this

7<sup>th</sup>

day of

August

20 23

10 Shirron Hayes-Cardoso  
11 Signature

12 1258355

13 Nevada Department of Corrections ID #

14 <sup>1</sup> NRS 171.102

15 <sup>2</sup> NRS 208.165

16 <sup>3</sup> 28 U.S.C.

17 S1746. Unsworn declarations under penalty of perjury

18 U.S.C.

19 S 1621. Perjury generally



## Shipment Receipt

### Address Information

#### Ship to:

Nevada Court of Appeals  
Gayles-Zanders, S. #1258355  
201 S. Carson St. Suite 201

CARSON CITY, NV  
89701  
US  
775-868-2100

#### Ship from:

GWENDOLYN HARRISON  
NDOC  
4370 SMILEY RD  
FLORENCE MCCLURE  
WOMEN'S CORRECTION  
LAS VEGAS, NV  
89115  
US  
7252166162

### Shipment Information:

Tracking no.: 772986129880  
Ship date: 08/08/2023  
Estimated shipping charges: 4.93 USD

### Package Information

Pricing option: FedEx Standard Rate

Service type: FedEx Ground

Package type: Your Packaging

Number of packages: 1

Total weight: 2 LBS

Declared Value: 0.00 USD

#### Special Services:

Pickup/Drop-off: Drop off package at FedEx location

### Billing Information:

Bill transportation to: FMWCC-907

Your reference: Postage BS#2655883

P.O. no.:

Invoice no.:

Department no.:

Delivered on 8/14/23 at 11:27 signed by M'harkleroad

Thank you for shipping online with FedEx ShipManager at [fedex.com](http://fedex.com).

### Please Note

FedEx will not be responsible for any claim in excess of \$100 per package, whether the result of loss, damage, delay, non-delivery, misdelivery or misinformation, unless you declare a higher value, pay an additional charge, document your actual loss and file a timely claim. Limitations found in the current FedEx Service Guide apply. Your right to recover from FedEx for any loss, including intrinsic value of the package, loss of sales, income, interest, profit, attorney's fees, costs, and other forms of damage (whether direct, incidental, consequential, or special) is limited to the greater of \$100 or the authorized declared value. Recovery cannot exceed actual documented loss. Maximum for items of extraordinary value is \$1000, e.g., jewelry, precious metals, negotiable instruments and other items listed in our Service Guide. Written claims must be filed within strict time limits; consult the applicable FedEx Service Guide for details. The estimated shipping charge may be different than the actual charges for your shipment. Differences may occur based on actual weight, dimensions, and other factors. Consult the applicable FedEx Service Guide or the FedEx Rate Sheets for details on how shipping charges are calculated.



## Shipment Receipt

### Address Information

Ship to:	Ship from:
Nevada Court of Appeals	RECORDS
Gayles-Zanders, S. #1258355	NDOC
201 S. Carson St. Suite 201	4370 SMILEY RD
	FLORENCE MCCLURE
	WOMEN'S CORRECTION
CARSON CITY, NV	LAS VEGAS, NV
89701	89115
US	US
7758682100	7252166162

### Shipment Information:

Tracking no.: 773126317582  
Ship date: 08/22/2023  
Estimated shipping charges: 4.86 USD

### Package Information

Pricing option: FedEx Standard Rate  
Service type: FedEx Ground  
Package type: Your Packaging  
Number of packages: 1  
Total weight: 1 LBS  
Declared Value: 0.00 USD  
Special Services:  
Pickup/Drop-off: Drop off package at FedEx location

### Billing Information:

Bill transportation to: FMWCC-907  
Your reference: Postage BS#2659851  
P.O. no.:  
Invoice no.:  
Department no.:

*Delivered on 8/24 at 1:56 p.m. Sign by M. Figueredo*

Thank you for shipping online with FedEx ShipManager at [fedex.com](http://fedex.com).

### Please Note

FedEx will not be responsible for any claim in excess of \$100 per package, whether the result of loss, damage, delay, non-delivery, misdelivery or misinformation, unless you declare a higher value, pay an additional charge, document your actual loss and file a timely claim. Limitations found in the current FedEx Service Guide apply. Your right to recover from FedEx for any loss, including intrinsic value of the package, loss of sales, income, interest, profit, attorney's fees, costs, and other forms of damage whether direct, incidental, consequential, or special is limited to the greater of \$100 or the authorized declared value. Recovery cannot exceed actual documented loss. Maximum for items of extraordinary value is \$1000, e.g., jewelry, precious metals, negotiable instruments and other items listed in our Service Guide. Written claims must be filed within strict time limits; consult the applicable FedEx Service Guide for details. The estimated shipping charge may be different than the actual charges for your shipment. Differences may occur based on actual weight, dimensions, and other factors. Consult the applicable FedEx Service Guide or the FedEx Rate Sheets for details on how shipping charges are calculated.

CASE NUMBER Nev. Sup. Ct. #84583

**EXHIBIT** 39

Pre-trial & trial 5<sup>th</sup>, 6<sup>th</sup>, & 14<sup>th</sup> Amendments Const. Violations

1 GROUND See below  
2 (continued)

3 I allege that my state court conviction and/or sentence are unconstitutional, in violation of my  
4 5th, 8th, 14th Amendment Right to Various Constitutional Violations based on these facts:

5 Petitioner argue her conviction was obtained erroneously, illegally & unconsti-  
6 tutional due to many violations of petitioner's Constitutional due process rights  
7 either by ineffective Counsel, prosecutorial misconduct and Judicial Abuse.

8 Listed below are some of the Constitutional Violations of Due process Rights:

9 1) Right to Self Representation (Faretta v. California)

10 2) Right to Counsel Issues (Strickland, Smith vs. Robbins, 6th & 14th Amend.)

11 3) Insufficiency of Evidence (Brady, McMann, Glasser vs. U.S.)

12 4) Competency Issues (Improper Exclusion of Psych Evidence) (Ake v. OKLA.)

13 5) Abuse of Discretion (Unlawful termination of two jurors after Jury Deliberation)

14 6) Right to Plea BERT (Brockhart v. Janis / 5th, 6th & 14th Amend.)

15 7) Right to Suppression hearing (McMann v. Richardson, 6th Amend.)

16 8) Right to Speedy Trial (Counsel Failed to cite Controlling Precedence/McMann)

17 9) Right to Remain Silent (Miranda vs. Ariz, 14th Amendment / 5th & 14th Amend.)

18 10) Right to Best Plausible Line of Defense (Miller v. State, 13th Amendment)

19 11) Right to Confrontation (deprived of right to Confront witness Alan Wing)

20 12) Right to Compulsory (deprived of Right to both Expert & Material Witnesses)

21 13) Right to Competent Counsel with Loyalty prescribed & guaranteed by 6th

22 14) Abuse of Judicial Discretion (Unlawful Recusal hearing/Failure to Recuse)

23 15) Abuse of Judicial Discretion (Failure to Advise Jury in Open Court/Investigent Report)

24 16) Prosecutorial Misconduct (Knowledge of perjured testimony & Jury Tampering)

25 17) Prosecutorial Misconduct (Concealing witnesses, false presentation of Evidence, etc)

26 Please Review both (20) & (39) Page Supplemental Briefs for additional Violations

CASE NUMBER Nev. Sup. Ct. #84583

**EXHIBIT** 29

Direct Appeal/ 5<sup>th</sup>, 10<sup>th</sup> & 14<sup>th</sup> Amendments Const. Due Process Violations

## 1 Statement of Case (Grounds)

2 Petitioner base her Arguments in this petition on the below grounds of  
3 Violations of her 5<sup>th</sup>, 14<sup>th</sup> & 14<sup>th</sup> Amendments Federal Constitutional Rights:

4 1) Right to Counsel for her Defense (Abuse of Judicial Discretion)  
5 2) Right to Conflict-free Counsel (Abuse of Judicial Discretion)  
6 3) Right to Retain private Counsel of Choice (Injunction of Motion to Stay)  
7 4) Right to Competent Effective Counsel of Solid Loyalty (Abuse of Jud. Discretion)  
8 5) Right to Preserve Adversarial process & to preserve Const. Claims for Relief  
9 6) Right to Access the Court (Right to Fair & Impartial Appellate process)  
10 7) Right to equal Access to the appellate process (Right to file Supplemental Brief)  
11 8) Right to file for Retrial & Exentiency hearing (Ineffective Counsel on Direct Appeal)  
12 9) Right to Self Representation (pledge own cause) Informed on Critical Decisions  
13 10) Right to participate in decision Making (Choose Claims to file on Appeal)  
14 11) Right to provide needed information to counsel to support claims on direct appeal  
15 12) Right to file Rehearing & Review of Affirmation, Petition of Appeal, Vacate Remand  
16 13) Right to proper inquiry & hearing for Substitution of Counsel (Injunction of Counsel)  
17 14) Right to a Brief that is consistent & comply with the Provisions of Anders

18 Petitioner must reiterate & argue her Brief consisted of one claim that is  
19 customarily filed in State or Federal Habeas, the other claim was "MOOT" and con-  
20 tained adverse citations. Petitioner must emphasize in this light, it is clear that the  
21 Nevada higher courts erroneous denial of petitioner's Motion to dismiss  
22 counsel, ignorance of petitioner's complaints, Motion to Stay to allow petitioner to  
23 procure private counsel, unlawful handling of Motions, Appeals, refusal to allow  
24 the filing of petitioner's Supplemental briefs and Retrial imposed "unreasonable con-  
25 straints" on petitioner's diligent endeavors to establish a fully developed record that  
26 her conviction & confinement is illegal, her "due process" right to preserve her  
27 adversary process & right to Counsel for her defense thus forcing Shiron  
28 to participate in a Direct Appeal process that the very Structure was Non-constitutional