

Appendix **Cover Page**

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CASE NUMBER Nevada Sup CT. #84583

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Exhibit Number _____ Number of Pages _____

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Exhibit Description _____

CASE NUMBER Nev. Sup Ct. #84583

EXHIBIT 1

Request for Nevada Sup. Ct. Judgment and Opinion dated 1/9/89 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 FMJCC 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's Writ of Certiorari within the timeframe indicated in 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 Liberation's

Dated this 8th Day of January, 2024.

Respectfully Submitted

Shirmon 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 10th 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
Off. of the Clerk / Scott Harris
#1 First St. NE
Washington, DC, 20543-0001

3. Mass Liberations
840 S. Rainbow Bl. #161
ATTN: Ms. Teresa Vance
Las Vegas, NV, 89107

Dated this 10th 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 ¹NRS 171.102 and ²NRS 208.165. See ³28 U.S.C. 1746 and 18 U.S.C. 1621.

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Dated this 9th day of January, 20 24
Mirron Taylor-Zanders
Signature

1258355
Nevada Department of Corrections ID #

¹ 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:

Attorney Sandra Stewart

Gayles-Zanders, S. #1258355

1361 Babbling Brook Ct.

MESQUITE, NV

89034

US

7029829817

Ship from:

FLORENCE MCCLURE

WOMENS CORRECTIONA

NDOC

4370 SMILEY RD

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.

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

Affidavit dated 1/10/24 to Scott Harris / U.S. 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

v. Shirron Gayles-Zanders
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 12/20/2023. First of all I 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 proper person petitioner 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 FMVCC, the institution where I am incar-
3 cerated 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 an Affidavit on the Institution's letter head to
7 substantiate my proclamation of not having access to a Federal Reporter
8 however advised the 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 10th day of January, 20 24

15 Respectfully submitted,

16 Shirron Gayles-Zanders
Signature

17 Shirron Gayles-Zanders
18 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
21 subject me to penalties of perjury.

22 I declare, under the penalty of perjury under the laws of the United States of America,
23 that the above and/or foregoing information is accurate, correct and true to the best of my knowledge, executed
24 within the terms of ¹NRS 171.102 and ²NRS 208.165. See ³28 U.S.C. 1746 and 18 U.S.C. 1621.

25 Dated this 10th day of January, 20 24

26 Shirron Gayles-Zanders
Signature

27 1258355
Nevada Department of Corrections ID #

28 ¹ 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

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

v. Shirron Gayles-Zanders
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 12/20/2023. 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 proper 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 with out 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
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3 cerated 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 an Affidavit on the Institution's letter head to
7 substantiate my proclamation of not having access to a Federal Reporter
8 however advised the 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 10th day of January, 20 24

15 Respectfully submitted,

16 Shirron Gayles-Zanders
17 Signature

18 Shirron Gayles-Zanders
19 Printed Name

20 DECLARATION UNDER PENALTY OF PERJURY

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

23 I declare, under the penalty of perjury under the laws of the United States of America,
24 that the above and/or foregoing information is accurate, correct and true to the best of my knowledge, executed
25 within the terms of ¹NRS 171.102 and ²NRS 208.165. See ³28 U.S.C. 1746 and 18 U.S.C. 1621.

26 Dated this 10th day of January, 20 24

27 Shirron Gayles-Zanders
28 Signature

1258355
Nevada Department of Corrections ID #

¹ 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:

United States Supreme Court

Gayles-Zanders, S. #1258355

Clerk Of The Court/ 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.: 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 10:47 A.M. Sign T. Trusdale

Thank you for shipping online with FedEx ShipManager at 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 3

Request for Withdrawal dated 1/16/24 to Atty. Stewart/FED-ex Receipt

Shirron Gayles-Zanders

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

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

In the matter of:

State of Nevada
Plaintiff/Petitioner

v. Shirron Gayles-Zanders
Defendant/Respondent

Case No: 8484583

Dept No.: 1

☐ Hearing Requested

☐ Hearing Not Requested

AFFIDAVIT

STATE OF NEVADA)

COUNTY OF Clark)

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

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

* Since the 8th district court still have you as my attorney on record, please certify the Motions and Electronically file the Motions on my behalf I bring that you are aware how critical my entire case files are to establishing a fully developed record that my Conviction & Confinement is illegal. If for some reason you cannot accommodate my request, please advise why? Also please advise if I can file a Writ of Mandamus in the Supreme 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 9/2/2023 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 9/2/2023 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 adroit & knowledgeable 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

Shirmon Gayles Zanders

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

Dated this 16th day of January, 2024.

Respectfully submitted,

Shirron Gayles-Zanders
Signature

Shirron 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 ¹NRS 171.102 and ²NRS 208.165. See ³28 U.S.C. 1746 and 18 U.S.C. 1621.

Dated this 16th day of January, 2024
Shirron Gayles-Zanders
Signature

1258355
Nevada Department of Corrections ID #

¹ 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

CERTIFICATE OF MAILING

STATE OF NEVADA
COUNTY OF Clark

I am the ☐ Plaintiff/Petitioner ☐ Defendant/Respondent

Shirron Gayles-Zanders

for Case No: 84389

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. *Please Note The 8th Dist Court has your Address as 3161 Babbling 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 Babbling Brook Court
Mesquite, NV, 89034

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

3. _____

Dated this 22nd 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 ¹NRS 171.102 and ²NRS 208.165. See ³28 U.S.C. 1746 and 18 U.S.C. 1621.

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Dated this 22nd day of January, 20 14
Mignon Gayles-Zanders
Signature

1258355
Nevada Department of Corrections ID #

¹ 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:

Attorney Sandra Stewart

Gayles-Zanders, S. #1258355

1361 Babbling Brook Ct.

MESQUITE, NV

89034

US

7029829817

Ship from:

FLORENCE MCCLURE

WOMENS CORRECTIONA

NDOC

4370 SMILEY RD

LAS VEGAS, NV

89115

US

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.

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

Shirron Gayles-Zanders # 125B355
Florence McClure Women's Correctional Center
4370 Smiley Road
Las Vegas, NV 89115

"In Nevada Supreme Court"

In the matter of:

State of Nevada

Plaintiff/Petitioner

V.

Shirron Gayles-Zanders

Defendant/Respondent

Case No: SC # 84583

Dept. No: _____

☐ Hearing Requested

☐ Hearing Not Requested

Motion To Request Withdrawal of Counsel

Proper Person Motion to Request Withdrawal of Attorney Sandra Stewart

Comes Now, the appellant Shirron Gayles-Zanders in proper person and moves this honorable Nevada Supreme Court to withdraw attorney Stewart from counsel on record on petitioner's direct appeal on case. Petitioner declares she received an Order of Affirmation on 8/24/23 from the Court of Appeals, she received a Confirmation of the Order of Affirmation from attorney Stewart on 9/2/2023 and received a Remittitur dated 10/9/2023 from the Nevada Supreme Court, thus signifying that her Direct Appeal was final. Further returned petitioner's Motion for Rehearing, Motion for Affirmation Rejected & Motion to Vacate Remittitur Unfiled, ignoring petitioner's "Affirmative Duty to Appeal."

Points and Authorities

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

Points and Authorities

Petitioner declare due to she and appellate counsel's Stewart conspir-
cious irreconcilable differences deriving from Counsel's undermining actions
divided loyalty, conflicting interests and lack of communication, her direct
appeal legal representation suffered a complete attorney/client breakdown,

Petitioner avers her direct appeal record will reflect petitioner made numer-
ous requests for Counsel's withdrawal, appellate Complaints and Filings for
Motion for Substitution of Counsel due to the obvious attorney/client break-
down. Petitioner declare Counsel ignored her requests and refused to Withdraw

Petitioner aver & argue Counsel's legal appellate representation was
meaningless, unproductive, a complete "Sham" and burdened with Con-
flicting interests, divided loyalty that caused unsavagable detriment to
petitioner's direct appeal and future appellate proceedings due to Counsel's
refusal & failure to preserve petitioner's vital Meritous Constitutional claims
for review in both State & Habeas proceedings & provide Counsel for her defense

Petitioner argue Counsel's refusal to file the requested Motion for Rehearing
Motion for Affirmation Relief & Motion to Vacate Rehearing, refusal to file
requested Writ of Certiorari and refusal & failure to withdraw from peti-
tioner's direct appeal & case is the sole reason petitioner's Representation was
Affirmed. Petitioner argue & must emphasize her direct appeal record will amply
suggest & indicate that Counsel's legal representation was compromised and
conducted with the "sole intent" to arrest the development of any & all of peti-
tioner's endeavors to establish a fully developed record that her Con-
viction & Confinement is illegal and further designed to impede petitioner
from preserving any & all Meritous Constitutional Claims for review in both
State & Federal Habeas proceedings, thus Violating petitioner's due process rights

Petitioner declare she once again sent a written Affidavit dated 1/16/24
to attorney Stewart requesting her Withdrawal as Counsel on petitioner's case.

Points and Authorities

The FED-EX shipment record reflect the request / Affidavit 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 & argues as any 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, 14th & 14th Amend to keep petitioner informed of any & all 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 quest to obtain the much needed writ of Certiorari in the U.S. Supreme Court.

Petitioner further avers & argues 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 abouts. 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 a fair & impartial state appellate process, thus limiting petitioner's Constitutional right of equal access to the appellate process. (615 F.2d at 433). Petitioner must emphasize the court hold Counsel's failures to raise an appeal now frivolous Constitutional claims upon which her client insists must constitute "Cause and Prejudice" for any resulting procedural defaults under state law. See *Wainwright v. Sykes*, 433 U.S. 72, 53 AF2d 594, 97 S.Ct. 2497 (1977) See (463 U.S. 750) Id at 434 (463 U.S. 754)

Arguments

Petitioner argue she has demonstrated that counsel provided objectively unreasonable appellate representation rendering her legal representation Constitutionally deficient. Petitioner argue counsel completely undermined her efforts to prove her Conviction & Confinement is illegal and therefore Counsel's withdrawal is warranted.

Petitioner affirmly declare & argue she has demonstrated a "reasonable probability" that "absent" counsel's undermining actions, divided loyalty, conflicting interests, intentional ineffectiveness, deficient performance, compromised position & Constitutional errors, petitioner declare the outcome of her direct appeal would have been successful given the preponderance of evidence available to support that her Conviction & Confinement is illegal. Petitioner argue she was deprived of her inherent correlative rights protected & guaranteed by the Six Amend. and deprived of her "Equal Protection" rights & guarantees of the Fourteenth Amend. under *Strickland v. Washington* during her first appeal, 466 U.S. 668, 104 S.Ct. 2052, 80 L.Ed.2d 674. Petitioner argue in further support of Motion to Withdraw Counsel she list: *McMann v. Richardson*, 397 U.S. 759, 771, 25 L.Ed.2d 963, 90 S.Ct. 1441 (1990) *Enitts v. Lucey* 469 U.S. 387, 83 L.Ed.2d 821 (1985) *U.S. vs. Moore* 159 F.3d 1154 (9th Cir. 1998) *U.S. vs. Ash*, 413 U.S. 300, 309, 372 Ed.2d 619, 93 S.Ct. 2568 (1973) *U.S. vs. Cronin*, 466 U.S. 648, 80 L.Ed.2d 333, 100 S.Ct. 1708, *Brown v. Cullen*, 424 F.2d 1166, 1169 (1990) *Ree*, 528 U.S. at 483, see also *Janis v. Kranner*, 167 F.3d, 494-496-98 (9th Cir.) *Anders v. Calif.*, 386 U.S. 738, 18 L.Ed.2d 493, 89 S.Ct. 1396 (1967) *Robinson v. Black*, 812 F.2d 1084 U.S. Ct. of App's (8th Cir. 1987) *Woodsworth*, 830 F.2d at 1510-11 (2nd Cir.) *Toomey v. Bunnell*, 898 F.2d 741, 744 n.2 (1990) *U.S. vs. Rodgers*, 769 F.2d 1418, 1424 (9th Cir.) *U.S. v. Walker*, 915 F.2d 480, 485 (9th Cir. 1990) *U.S. vs. McElanahan*, 782 F.2d 785, 789 (9th Cir.)

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

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 ¹NRS 171.102 and ²NRS 208.165. See ³28 U.S.C. 1746 and 18 U.S.C. 1621.

Dated this 1st day of February, 20 24

Sharon Taylor-Zanders
Signature

1258353
Nevada Department of Corrections #

¹ 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:

Attorney Sandra Stewart

Gayles-Zanders, S. #1258355

1361 Babbling Brook Ct.

MESQUITE, NV

89034

US

7029829817

Ship from:

FLORENCE MCCLURE

WOMENS CORRECTIONA

NDOC

4370 SMILEY RD

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.

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 5

Affidavit Requesting Low Court Judgement and Opinion From New. Supct. Fed Ex

Shirron Gayles Zanders

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

Case No: SL # 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:

* Request for Lower courts opinion for Writ of Certiorari (Nev. Sup. Ct.)
After receipt of attached correspondence dated 9/2/2023 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 opinion 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 advisement of time limitations

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

With that being said, petitioner declare and must reiterate that due to she and attorney Stewart's irreconcilable differences, conflicting interests, attorney Stewart's conspicuous divided loyalty & complete lack of communication, petitioner's direct appeal and future appellate proceedings have been catastrophically impacted & impaired resulting in a complete attorney/client breakdown. The need for Certiorari is a must and very imperative to protect petitioner's Constitutional due process rights. Petitioner is requesting that the Nev. Sup Ct. provide the requested opinion or if not available, the final disposition of the court.

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

Dated this 1st day of February, 2024.

Respectfully submitted,

Shimon Gayles-Zandera
Signature

Shimon Gayles-Zandera
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 ¹NRS 171.102 and ²NRS 208.165. See ³28 U.S.C. 1746 and 18 U.S.C. 1621.

Dated this 1st day of February, 2024
Shimon Gayles-Zandera
Signature

1258355
Nevada Department of Corrections ID #

¹ 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

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

Following document(s):

1. Motion to Request Withdrawal of Attorney Stewart (3) pages
2. including Cert. of Mailing For all documents
3. Affidavit Requesting Lower Court Opinion (4) pages
4. Affidavit dated 1/8/24 to Atty. Stewart Requesting Lower Court Opinion
5. Affidavit dated 1/16/24 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
201 S. Carson ST. Ste. #201
Carson City, Nevada 89701

2. Attorney Sandra Stewart
1311 Babbling Brook Court
Mesquite, NV. 89034

3. Mass Liberation
ATTN: Ms. Teresa Vaney
848 N. Rainbow Bl. #161
Las Vegas, NV. 89104

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 ¹NRS 171.102 and ²NRS 208.165. See ³28 U.S.C. 1746 and 18 U.S.C.
11 1621.

12
13 Dated this 2nd day of February, 2024
14 Shirley Gayles-Landress 1258355
15 Signature Nevada Department of Corrections ID #
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26 ¹ NRS 171.102

27 ² NRS 208.165

28 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:

Nevada Supreme Court

Gayles-Zanders, S. #1258355

ATTN Clerk Of The Court

201 S. CARSON ST STE 201

CARSON CITY, NV

89701

US

7252166190

Ship from:

FLORENCE MCCLURE

WOMENS CORRECTIONA

NDOC

4370 SMILEY RD

LAS VEGAS, NV

89115

US

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 3:35pm Signed by Morouke

Thank you for shipping online with FedEx ShipManager at 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 #84503

EXHIBIT 6

Affidavit 2/24/29 to Scott 4 pages RE: Opinion/FED-EX

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

v. Shirron Gayles-Zanders
Defendant/Respondent

Case No: BC # 84583 (Nevada)

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

On 1/12/2024 I sent you a copy of the letter dated 1/8/2024 I sent to my attorney requesting the lower court's opinion in which I have attached again. I have left two messages on the voicemail of Clayton Higgins, one on 1/25/24 and one on 1/31/24 asking Mr. Higgins to follow up with you and that either you or him contact my son to advise on my questions regarding the resubmission of my Writ. To date, I have not received a reply from you or Clayton regarding my questions.

As I have expressed in my application for a Writ due to the irreconcilable differences between my appellate attorney and I, my appellate representation 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 1/16/24 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 findings.

3 further due to counsel Stewart's ignorance 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 Sup. Court or get a timely response from you, I will rebow the application with the
8 other corrections I made pursuant to your correspondence to avoid disqualification
9 from the application for writ 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.O.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
18 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 ¹NRS 171.102 and ²NRS 208.165. See ³28 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 ¹ NRS 171.102

² NRS 208.165

³ 28 U.S.C.

27 §1746. Unsworn declarations under penalty of perjury

18 U.S.C.

28 § 1621. Perjury generally

CERTIFICATE OF MAILING

STATE OF NEVADA
COUNTY OF _____

Clerk

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 2/2/2024
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.)

FED-EX
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. ACHU/Nevada Chapter
ATTN: Christopher Peterson
601 S. Rancho Dr.
Las Vegas, NV. 89106

3. Mass Liberations
ATTN: Ms. Teresa Vowey
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 ¹NRS 171.102 and ²NRS 208.165. See ³28 U.S.C. 1746 and 18 U.S.C. 1621.

10 Dated this 2nd day of February, 2024

11 Shirron Gayles-Zanders
12 Signature

13 1258355
14 Nevada Department of Corrections ID #

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26 ¹ NRS 171.102

27 ² NRS 208.165

28 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:

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.

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 2/9/24

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:

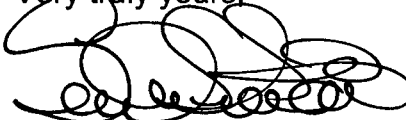
Enclosed is a Notice Of Withdrawal Of Counsel which I have filed with the District Court. This lets them know that you are now proceeding in pro per so that they will file documents you request to be filed in the District Court.

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,

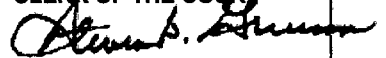
A handwritten signature in black ink, appearing to read 'Sandra L. Stewart', with a stylized, cursive flourish.

SANDRA L. STEWART

CASE NUMBER New. Sup. Ct. #84583

EXHIBIT 8

Notice of Withdrawal of Counsel Electronically Filed in D.C. 2/9/24



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

Attorney for SHIRRON GAYLES-ZANDERS

DISTRICT COURT

CLARK COUNTY, NEVADA

STATE OF NEVADA,

Plaintiff,

v.

SHIRRON GAYLES-ZANDERS,

Defendant.

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

SUPREME COURT NO.: - 84583

NOTICE OF WITHDRAWAL OF COUNSEL

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

....

....

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 9th day of February, 2024.

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9 _____
10 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

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,

A handwritten signature in black ink, appearing to read 'Sandra L. Stewart', with a large, stylized flourish above the name.

SANDRA L. STEWART

CASE NUMBER New Sup. Ct. # 84583

EXHIBIT 9

Correspondence dated 9/2/2023 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 "remits" 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 Court¹
09-24-2024 Deadline for filing Habeas Petition with Nevada state (trial) court (approximate)²
11-22-2024 Deadline for filing Habeas Petition with Federal court (may be tolled)³

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

¹ 90 days from Order Of Affirmance.

² One year from date of Remittitur.

³ 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

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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

¹ 90 days from Order Of Affirmance.
² One year from date of Remittitur.
³ 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,

A handwritten signature in black ink, appearing to read 'Sandra L. Stewart', with a large, stylized flourish above the name.

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 New. Sup. Ct. #84503

EXHIBIT 11

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



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

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 New Sup Ct. #84583

EXHIBIT 12

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

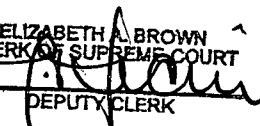
IN THE SUPREME COURT OF THE STATE OF NEVADA

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  DEPUTY CLERK

ORDER DENYING MOTION

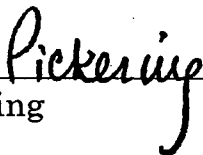
Appellant has filed a second motion requesting that the en banc court reconsider the order denying her motion to discharge appointed counsel and appoint substitute counsel. En banc reconsideration may be requested when seeking review of a decision of a panel of the Supreme Court. See NRAP 40A. Here, 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 New, Sup. Ct. # 84583

EXHIBIT 13

Order of Affirmation dated 8/24/2023 from New, 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.


Gibbons

C.J.


Bulla

J.


Westbrook

J.

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 New. Sup Ct. #87583

EXHIBIT 14

Correspondence dated 3/15/23 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. # 84583

EXHIBIT 15

Order Denying Motion dated 7/28/23 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 A. 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.

Shiglin, 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

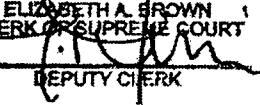
IN THE SUPREME COURT OF THE STATE OF NEVADA

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.¹ 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*,

¹Appellant'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.²

Shiglin, 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

²Appellant'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 Affidavit/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 New. Sup. Ct. # 84583

EXHIBIT 19

Correspondence dated 11/1/2023 From New. Sup. Ct. Ret. Unfiled Vocate Petition



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,

A handwritten signature in cursive script, appearing to read "Melissa Fuller".

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 assistance 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 2nd. 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 2nd, 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 3rd 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 31st 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 Nov. Sup. Ct. #84583

EXHIBIT 21

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

CarenBrown Sent from my iPhone

Begin forwarded message:

From: "Timothy R. Treffinger, Esq." <attorneytreffinger@gmail.com>
Date: February 23, 2022 at 6:26:35 PM EST
To: Caren Brown <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> wrote:

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>
Date: March 1, 2022 at 8:53:29 PM EST
To: "Timothy R. Treffinger, Esq." <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> 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> 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> 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)

CarenBrown Sent from my iPhone

Begin forwarded message:

From: Caren Brown <carenbrown@me.com>
Date: April 2, 2022 at 5:47:44 PM EDT
To: Gwendolyn Odom <vavspeakout@yahoo.com>
Subject: Fwd: Shirron

CarenBrown Sent from my iPhone

Begin forwarded message:

From: Caren Brown <carenbrown@me.com>
Date: March 28, 2022 at 9:10:18 PM EDT
To: Tim/Shirron <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>
Date: April 2, 2022 at 5:42:58 PM EDT
To: vavspeakout@yahoo.com
Subject: Fwd: Urgent Visit

CarenBrown Sent from my iPhone

Begin forwarded message:

From: "Timothy R. Treffinger, Esq." <attorneytreffinger@gmail.com>
Date: March 16, 2022 at 12:34:48 PM EDT
To: Caren Brown <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> 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> 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>
Date: April 9, 2022 at 5:45:46 PM EDT
To: l.gayles@yahoo.com, vavspeakout@yahoo.com
Subject: Fwd: Shirron

CarenBrown Sent from my iPhone

Begin forwarded message:

From: "Timothy R. Treffinger, Esq." <attorneytreffinger@gmail.com>
Date: April 9, 2022 at 5:30:06 PM EDT
To: Caren Brown <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> wrote:

CarenBrown Sent from my iPhone

Begin forwarded message:

From: "Timothy R. Treffinger, Esq." <attorneytreffinger@gmail.com>

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

To: Caren Brown <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> 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>
Date: May 3, 2022 at 10:16:35 PM EDT
To: Leland Gayles <l.gayles@yahoo.com>, Gwendolyn Odom
<vavspeakout@yahoo.com>
Subject: Fwd: Shirron 3rd Request

CarenBrown Sent from my iPhone

Begin forwarded message:

From: "Timothy R. Treffinger, Esq." <attorneytreffinger@gmail.com>
Date: May 3, 2022 at 5:02:16 PM EDT
To: Caren Brown <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 .



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On Tue, May 3, 2022 at 1:55 PM Caren Brown <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> 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>
Date: May 19, 2022 at 6:46:13 PM EDT
To: Gwendolyn Odom <vavspeakout@yahoo.com>, Leland Gayles sr
<l.gayles@yahoo.com>
Subject: Fwd: Shirron

CarenBrown Sent from my iPhone

Begin forwarded message:

From: "Timothy R. Treffinger, Esq." <attorneytreffinger@gmail.com>
Date: May 16, 2022 at 12:28:01 PM EDT
To: Caren Brown <carenbrown@me.com>, Telia Williams
<telia@telialaw.com>, Telialaw <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. Ct. #84583

EXHIBIT 22

151 page letter from final 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 unflappableness 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)

CarenBrown Sent from my iPhone

Begin forwarded message:

From: Caren Brown <carenbrown@me.com>
Date: April 2, 2022 at 5:47:44 PM EDT
To: Gwendolyn Odom <vavspeakout@yahoo.com>
Subject: Fwd: Shirron

CarenBrown Sent from my iPhone

Begin forwarded message:

From: Caren Brown <carenbrown@me.com>
Date: March 28, 2022 at 9:10:18 PM EDT
To: Tim/Shirron <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>
Date: April 2, 2022 at 5:42:58 PM EDT
To: vavspeakout@yahoo.com
Subject: Fwd: Urgent Visit

CarenBrown Sent from my iPhone

Begin forwarded message:

From: "Timothy R. Treffinger, Esq." <attorneytreffinger@gmail.com>
Date: March 16, 2022 at 12:34:48 PM EDT
To: Caren Brown <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> 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> 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>
Date: April 9, 2022 at 5:45:46 PM EDT
To: Lgayles@yahoo.com, vavspeakout@yahoo.com
Subject: Fwd: Shirron

CarenBrown Sent from my iPhone

Begin forwarded message:

From: "Timothy R. Treffinger, Esq." <attorneytreffinger@gmail.com>
Date: April 9, 2022 at 5:30:06 PM EDT
To: Caren Brown <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> wrote:

CarenBrown Sent from my iPhone

Begin forwarded message:

From: "Timothy R. Treffinger, Esq." <attorneytreffinger@gmail.com>

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

To: Caren Brown <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> 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>
Date: May 3, 2022 at 10:16:35 PM EDT
To: Leland Gayles <l.gayles@yahoo.com>, Gwendolyn Odom
<vavspeakout@yahoo.com>
Subject: Fwd: Shirron 3rd Request

CarenBrown Sent from my iPhone

Begin forwarded message:

From: "Timothy R. Treffinger, Esq." <attorneytreffinger@gmail.com>
Date: May 3, 2022 at 5:02:16 PM EDT
To: Caren Brown <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 .



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On Tue, May 3, 2022 at 1:55 PM Caren Brown <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> 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>
Date: May 19, 2022 at 6:46:13 PM EDT
To: Gwendolyn Odom <vavspeakout@yahoo.com>, Leland Gayles sr <l.gayles@yahoo.com>
Subject: Fwd: Shirron

CarenBrown Sent from my iPhone

Begin forwarded message:

From: "Timothy R. Treffinger, Esq." <attorneytreffinger@gmail.com>
Date: May 16, 2022 at 12:28:01 PM EDT
To: Caren Brown <carenbrown@me.com>, Telia Williams <telia@telialaw.com>, Telialaw <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. 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 unflappableness 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. # 89583

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.

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.

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

Name of appellant

AUGUST 9, 2022

Date

SANDRA L. STEWART

Name of counsel of record

Signature of counsel of record

CERTIFICATE OF SERVICE

I certify that on the 9TH day of 20 22, 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-FILEING 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

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

In the matter of:

State of Nevada
Plaintiff/Petitioner

v. Shirlean Gayles-Zanders
Defendant/Respondent

Case No: 84503

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:

Please see attached (19) page Direct Appeal Complaint
dated 3/23/2023

enclosures: Cert. Arite of mailing, Trial exhibits 29, 92, 979
100 p 162, Affidavit of Custodian of Records dated 12/13/19
1/3/17 HPD Incident recall for Audit Trial, letter dated 3/26/22
from Co-Counsel Teline Williams

cc: 8th Dist. Court / Judge Jones, Nevada Supreme Court

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

Dated this 3rd day of April, 2023

Respectfully submitted,
Shirron Gayles-Zanders
Signature
Shirron 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 ¹NRS 171.102 and ²NRS 208.165. See ³28 U.S.C. 1746 and 18 U.S.C. 1621.

Dated this 3rd day of April, 2023

Shirron Gayles-Zanders
Signature

1258355
Nevada Department of Corrections ID #

¹ 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

Direct Appeal Complaint

3/25/23

Case Name: State of Nevada vs. Shinnow Gayles-Zanders
District Court Case No. C-18-330666-1
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 law & 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 DIS 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 "Meritorious 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. In 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 exacerbated 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 Kerry 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.

On 7/12/2022 I received a letter from attorney Sandra Stewart informing me that you had been retained to represent me on appeal. She 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 your 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 docketing 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 *Cronic*, 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 7/12/22 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 reasoning to argue that claim when the self representation claim is a structural error and

warrants an automatic reversal of a conviction on 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 airtight 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 11/31/17 incident report, trial exhibits, discovery witness statements, my MRI brain scans, history of trauma & abuse, decedent's V.A. 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 omission of Alan Wings testimony and lastly the 3/26/22 letter from Teliu 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.

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 the mistakes & errors 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 21 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 amply 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 fail. 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 denying & depriving me of my Sixth Const. right out of the spirit of justice but due wholly to his conspicuous bias, animus position in my case and his determination to conceal his improprieties

Moreover a judge is not a psychologist, psychiatrist or Neurosurgeon. 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 Sua Bonte conduct an adequate inquiry to substantiate his erroneous decisions 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~~ ^{These} ~~known~~ ^{known} ~~medical~~ ^{medical} ~~professionals~~ ^{professionals} ~~would~~ ^{would} ~~find~~ ^{find} ~~me~~ ^{me} ~~competent~~ ^{competent}.

Further my case record reflect I had been cleared by three psychiatric evaluators at Lakes Crossing as competent 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 Canons repeatedly and made many erroneous decisions that was clearly ^{his} not under purview due to his abuse of discretion.

I feel due to this obvious sixth 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.

It is unequivocal Gayles-Zanders claim of her sixth 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. Withers*, 638 F.3d 1055, 1065 (9th Cir. 2011). See also *Frantz*, 533 F.3d at 734.

Gayles-Zanders have a compelling claim to relief under *Faretta*. See *Supra*, sections A.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 sixth & fourteenth amendment right to effective assistance of Counsel. *Smith*, 528 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. 1970). 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, 133 P.3d 453 (2006) and *Lewis vs. 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, 2531 (2003).

110617

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 & humusing but however engrossingly enlightening as well. Like previous counsel Ms. Jackson, attorney Williams and I developed an instant rapport of mutual respect in 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 on 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 subpoena 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 Trottinger 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.

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, perplexing impact it had on me emotionally & mentally it compromised my ability to think & perform with any firm rationale thus violating my substantial due process of a fair trial.

After extensive observation of repeated deficient performance & complete dereliction of Counsel I was vastly inclined to fire my attorney & take over but was dissuaded by Telian.

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." (Nis. vs. 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 vs. 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. vs. 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 vs. Cook (2006) 39 Cal 4th 566, 587.)

14819

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 1/31/17 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. vs. Trombetta (1984) 467, U.S. 479, Arizona vs. Youngblood (1988) 488 U.S. 51).

"A prosecutor is held to a higher standard higher than that imposed on others 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 jurist in his or her determination there were indeed two vanities in the master. Moreover the house was newly built in 2016 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 Kerry 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 advised 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 inhuman indifference for the advocacy 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 unfairly prejudicial & forced the jury to render a verdict on a speculative & partial evidence.

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." Levy v. Nevada, 114 Nev. 1185, 1194 (2000) Citing Berger v. U.S., 295 U.S. 78, 88 (1935) overruled on other grounds by Strope v. United States, 361 U.S. 272 (1960). A prosecutor must act fairly and follow the rules U.S. v. Kejaayan, 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, 106 S.Ct. 2464, 91 L.Ed. 2d 144 (1986). (2012 U.S. Dist. Lexis 11) Brooklyn Fairness 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 misconduct, 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. I do."

18 of 19

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 756 (2000); *Evitts v. Lucey*, 469 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 unreasonably and second, that she 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." *Moormann v. Ryan*, 628 F.3d, 1102, 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 & (49) forty-nine page Synopsis containing issues I have researched, I feel are meritorious and would like you to further research, investigate & argue on my behalf. After all you have been assigned to represent me."

19 of 19

Never the less I would like to extend my grat. 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 as 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~~^{Sec} Plaintiff/Petitioner ☒ Defendant/Respondent

State of Nevada, W. Shiron Zanders for Case No: SC 84523 / Dist Court C-183306667

On this 3rd day of April, 2023, I mailed a copy of the

Following document(s):

1. Direct Appeal Complaint
2. Please See Exhibits 29, 92, 97, 100, 162
3. Affidavit 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 Babbiling 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, 2023.

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 ¹NRS 171.102 and ²NRS 208.165. See ³28 U.S.C. 1746 and 18 U.S.C. 1621.

10 Dated this 3rd day of April, 2023

11 Mirron Gyles-Zanders
12 Signature

13 1258355
14 Nevada Department of Corrections ID #

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26 ¹ NRS 171.102

27 ² NRS 208.165

28 ³ 28 U.S.C.

\$1746. Unsworn declarations under penalty of perjury

18 U.S.C.

§ 1621. Perjury generally

CASE NUMBER New. Sup. Ct. #84583

EXHIBIT 25

187 page Motion To Stay Proceedings & To Retain Private Counsel

Shirron Gayles-Landers # 1258355
Florence McClure Women's Correctional Center
4370 Smiley Road
Las Vegas, NV 89115

In the matter of:

State of Nevada)
Plaintiff/Petitioner)
V.)
Shirron Gayles-Landers)
Defendant/Respondent)

Case No: 84583

Dept. No: _____

☐ Hearing Requested

☐ Hearing Not Requested

Motion To "Stay" Direct Appeal, Affidavit

To Attorney Sandra Stewart,

Please file a Motion to Stay my Direct Appeal proceedings. Due to your conspicuous intentional ineffective disloyal representation, absolute refusal & failure to protect & respect my many requests to amend your Opening Statement to include the known "head 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 voted 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.

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

Dear Attorney Stewart,

Due to our irreconcilable attorney/client relationship created by your conspicuous divided loyalty, ineffectiveness and total lack of communication, I am fervently requesting your immediate withdrawal from my cases. 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 reputable, cognizable prevailing direct appeal. That is why in spite of your advisement to keep our communication to a minimum, I immediately established a written record of my questions & 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 any deficient performance & ineffectiveness demonstrated by you can be conclusively determined as "Intentional" & Malicious.

I must reiterate under the sixth amendment I am overruled the right to "effective" counsel with said loyalty, the fourteen amendment right to the "equal protection of the law" the first "due process of law" in which you are duty bound to represent me in an effective manner to protect these rights. Your absolute refusal & failure to file the initial brief, artificial, meritorious claims and preserve the constitutional claims grounds is an egregious blatant violations of these rights. Further I must emphasize your initial docketing statement speaks volume. It clearly illustrate after your review of my case file, you ascertained the initial listed claims to be meritorious and warranted filing on direct appeal. I too ascertained these claims to be Meritorious and warranted filing on direct appeal with the other claims Co-Counsel William advised on as well. on her letter written to me dated 3/26/2023. I advised in writing the importance of my review of the claims you planned to submit on Opening statement before the submital of the Opening statement. It as well requested that you send a brief of each claim. Neither request was fulfilled. Your intentional denial & deprivation of my fundamental sixth due process "right to be informed of all critical decision that may frustrate the fairness of the proceeding was thus violated. The most essential obligation & duty of an attorney 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 Const. 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 fictional representation is clearly hindering me from exercising my Const. "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*, 920 F.2d, 1355, 1359, (4th Cir, 1992). See also *Marcrum v. Luebbers*, 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"); *Brecheen v. Reynolds*, 41 F.3d 1343, 1369, (10th Cir 1994) ("mere invocation of strategy does not insulate attorney behavior from review"); *Adams v. Balkcom*, 688 F.2d, 734, 738 (11th 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 & ineffectiveness. The initial listed Meritous claims clearly demonstrate you are aware of the Constitutional Violations. Moreover the preponderance of evidence & 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 not 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.

740

You cannot conceive that after the clandestine, undermining submittal of the Opening statement ⁱⁿ "omitting" 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 decision as a vehicle ~~to~~ 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, ⁱⁿ ~~event use of~~ adverse citation of cases and the intentional "omittance" 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

8 of 8
Your actions were clearly clandestine & Malicious and thus violated my Fifth & Fourteenth "due process" and the Sixth Amend. right of Confrontation Clause to fundamental fairness of proceedings.

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

re: Mass Liberations, Carmen Brown, Leland Gayles,

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 NRS 171.102 and NRS 208.165. See 28 U.S.C. 1746 and 18 U.S.C. 1621.

Dated this 12th day of July, 2013

Sharon Gayles-Zanders
Signature

1258355
Nevada Department of Corrections #

¹ 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

CERTIFICATE OF MAILING

STATE OF NEVADA
COUNTY OF

Clark

I am the ☐ Plaintiff/Petitioner ☒ Defendant/Respondent

Shirron Gayles-Zanders

for Case No: 84583

On this 7th day of August, 20 23, I mailed a copy of the

Following document(s):

1. Motion to "Stay" Direct Appeal
2. Copies of Emails between Atty. Tre Pfinger & 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 Liberationists
ATTN: Teresa Yancey
848 N. Rainbow Bl. #161
Las Vegas, NV.

3. _____

Dated this 7th day of August, 20 23.

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.

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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 ¹NRS 171.102 and ²NRS 208.165. See ³28 U.S.C. 1746 and 18 U.S.C. 1621.

10 Dated this 7th day of August, 20 23
11 Shirmon Gayles-Zanders 1258355
12 Signature Nevada Department of Corrections ID #
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26 ¹ NRS 171.102

27 ² NRS 208.165

28 ³ 28 U.S.C.

§1746. Unsworn declarations under penalty of perjury

18 U.S.C.

§ 1621. Perjury generally

CASE NUMBER New. Sup. Ct. # 84583

EXHIBIT 26

(1) page AAA davis Complaint dated 8/21/23 Re: Violation of Due Process

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)
v. Shirron Gayles-Zanders)
Defendant/Respondent)

Case No: 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:

Please see attached (2) twenty-one page Motion for Ex Parte Reconsideration to dismiss appellate counsel Stewart dated August 7th 2023 and initially submitted with attached Motion to exceed page limit received August 14th 2023 by Elizabeth Brown Clerk of Supreme Court

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

Affidavit & 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 clearly a violation of the guarantees prescribed by the sixth amendment. Counsel refusal & 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

Affidavit & 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 sworn clerks as a "tool" to deny & deprive appellant's Motions, pleadings, affidavits and other supporting evidentiary documentation improperly.

Pursuant to Rule 3870 of Eighth district local Rules and NRAPC, 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 submissions.

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 denial letters from the clerks. 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
 stamps by the clerks. Appellant must emphasize she has a
 "due process" of law right and "Equal Protection" of law under
 the Fifth & Fourteenth Amendment of the Federal Constitution to
 protect & ensure that all of the "Meritous" 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 denial & 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 "Mere appointment of counsel does not
 satisfy the Sixth Amendment guarantee" nor does "Mere incantation
 of strategy insulate the attorneys behavior from review."
 See *Boechner 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. § 3606m,
 Demands effective Assistance of Counsel. Appellant asserts &
 declare a review of her transcripts and direct appeal by any competent
 lay persons or attorney would ascertain & conclude appellates
 attorney, Stewart is providing deficient, inadequate appellate representation
 harboring with divided loyalty due 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 Shinn's "Due Process"

Affidavit & Complaint to Court of Appeals

Appellant assert & declare she will not be further denied & 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 filing in Federal District court for a Certificate of Appealability for a Habeas. Which will first & foremost include a claim for a violation of ~~imp 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 Shimon further adds 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 "meaningless" and is in "contradiction" and in violation of the guarantee prescribed by the due process clause of the Fifth, Sixth & Fourteenth Amendments.

Appellant definitely 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 re file 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, subloyal 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 Meritous claims made known by appellant to protect her "due process" rights to preserve known Const. 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 27th day of August, 20 23.

Respectfully submitted,
Shirron Gayles-Zanders
Signature
Shirron 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 ¹NRS 171.102 and ²NRS 208.165. See ³28 U.S.C. 1746 and 18 U.S.C. 1621.

Dated this 28th day of August, 20 23.
Shirron Gayles-Zanders
Signature
1258353
Nevada Department of Corrections ID #

¹ 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

CASE NUMBER New Sup. Ct. #84583

EXHIBIT 27

(21) page Motion for En Banc Reconsider dated 8/7/23

Shirrow Gayles-Zanders 1258355
Florence McClure Women's Correctional Center
4370 Smiley Road
Las Vegas, NV 89115

In the matter of:

State of Nevada

Plaintiff/Petitioner

V.

Shirrow 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:

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

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
NRS 171.102 and NRS 208.165. See 28 U.S.C. 1746 and 18 U.S.C. 1621.

Dated this 5th day of August 20 23
Sharon Gyles-Zanders
Signature

1258355
Nevada Department of Corrections #

¹ 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

1924
Shirron Gayles-Zanders = 1258355
Florence McQuire Women's Correctional Center
4370 Smiley Road
Las Vegas, NV 89115

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 for En Banc Reconsideration

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

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

Points and Authorities

It is respectfully requested of This Court of Appeals to grant this Motion for Reconsideration to Dismiss Counsel and replace 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 4/30/2023. On 7/6/2023 appellant received an
 3 order denying her Motion to dismiss counsel. Appellant declare
 4 she submitted a Motion for Ex Bona 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 reasons for the transfer was not
 10 disclosed appellant was left to speculate the transfer was made
 11 due to appellant's filing of the Ex Bona Reconsideration which
 12 would have required the entire panel of justices to review and render
 13 a decision. However due to appellant's advisement 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 Ex Bona Reconsideration from the Nevada Supreme Court.
 20 However the Motion was not filed until 7/28/23, fifteen 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 Ex Bona Reconsideration did not list
 24 or include a basis or ground for case citation substantiating a
 25 denial to warrant a decision. Therefore appellant has a "due process"
 26 right to refile the Ex Bona Reconsideration Motion in the Court of
 27 Appeals.

Procedural background and Factual Summary

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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
7 teenth 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 reason-
12 ably 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 absolute 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. 668, 104 S.Ct. 2052, 80 LEd 2d
21 674 during his or her first appeal as of right.
22 Appellant assent & declare her court records amply reflect
23 she is in her present predicament due wholly to her previous
24 counsel's and current counsel divided loyalty created by an
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 contrivance of a cognizable, reputable direct appeal. *Wood v. GA*, 101 S.Ct. 1097, 67 L.Ed.2d 230, 950 U.S. 261

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 WEd 285, 289 (9th Cir. 1989).

Appellant must also emphasize the appellate process was instituted to protect & safeguard an 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 declare 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 v. 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, illegal representation. Further a review of her heartfelt Opening Statement, mutilating citation of supporting cases, omission 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 appellant's
 7 knowledge that many of her transcripts were sanitized & altered by
 8 the court to offer an adversarial opposition to appellant's 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 not only in
 19 the direct appeal but if necessary on both state or federal matters 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 Neuro-psychological assessment on appellant performed by
 25 Dr. Sharons Jones Forester, Psychiatrist reports, MRI Brain Scans
 26 indicating a organic Brain defect, decedent's V.A. 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, Mar's
- 8 that were intentionally omitted at trial, and 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 & Judge Bell interest. Further counsel is demon-
- 18 strating a presence 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 vs. Janis* (1962)

Points and Authorities

1 Due to appellant's keen 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. *Borin v. Calderon*, 59 F.3d 815, 834 (9th Cir. 1995).
6 The appellant must be able to provide needed information to
7 her or her lawyer and to participate in the making of decisions
8 on her own behalf. *U.S. v. Cronin* 466 U.S. 648, 659 n.25
9 104 S.Ct. 2039, 80 L.Ed.2d 657 (1984).

10 Appellant declare she 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 encompass
17 acting in the role of an advocate (see *Cronin*) and providing
18 counsel for "her defense." Unlike ineffective counsel appellant
19 does not have to prove prejudice. See *Cronin*.

20 Appellant declare after a comprehensive review of the opening
21 statement, the constitution supporting case laws and the obvious,
22 absent whether independently stated constitutional claims, appellant
23 ascertained her direct appeal was "condemned to fail." Appellant
24 assert that in 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: *U.S. v. Jose Roman Ortega* and *U.S. v. [illegible]*

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 - Jimenez vs. Eighth Dist Court
 4 and Akshaya Anthony Kubiak 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, a 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 prescribed & guaranteed
 17 by the sixth & fourteenth amendments of the Federal Constitution
 18 Wood vs. Georgia (28 U.S.C. § 2106) & (28 U.S.C. § 2515)

19 Appellant declare due to her advisement & 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 Shiron into the known
 25 circumstances to accept appellate counsel against her will, the Nevada
 26 higher court will thus deprive Shiron of her Fifth due process, 5th right
 27 to effective counsel and fourteenth amend. right to Equal Protection of Law

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 claims made known by appellant,
8 the claims Co-Williams listed & advised on the most important
9 the Meritorious claims appellant counsel Stewart personally ascer-
10 tained as viable and initially listed on her docketing statements
11 claims that constitute structural ineffective assistance of counsel.
12 Appellant however declares due to her profound knowledge
13 that ineffective claims are generally not cognizable 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 in particular
20 the right to self representation, the right to counsel, the right to direct
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, unexcusable & unethical
24 intentional deficient performance which constitutes ineffective
25 assistance of counsel. Appellant must emphasize "Tolerance of tactical
26 miscalculations is one thing; fabrication of tactical responses is
27 quite another." *Griffin v. Warden Maryland Pen Adj. Ctr.* (4th Cir. 1993);

Points and Authorities

1 Brecheen v. Reynolds, 41 F.3d, 1343, 1369 (10th cir 1994) "Mere
 2 manifestation of strategy does not insulate attorney behavior
 3 from review." Adams v. Balkcom, 688 F.2d, 734, 738 (11th cir 1982)
 4 certain defense strategies or decisions may be "so ill chosen" as
 5 to render counsel's overall representation constitutionally
 6 deficient; Mason v. Hanks, 97 F.3d 887, 894 (7th cir 1996)
 7 ineffective assistance of counsel where counsel failed to
 8 raise obvious issues on appeal; Ramirez v. Berghuis, 490 F.3d
 9 482, 488, (6th cir 2007) strategic decision is not objectively
 10 reasonable when the attorney has failed to investigate his or
 11 her options and make a reasonable choice between them. And
 12 Lastly in Mancrum v. Zuehlbers, 509 F.3d 489, 502 (8th cir 2006) it
 13 is not the court's commission to invent strategic reasons to
 14 accept any strategy counsel could have followed without regard
 15 to what actually happened; when a petitioner shows that
 16 counsel's actions actually resulted from inattention or neglect,
 17 rather than reasoned judgement, the petitioner has rebutted the
 18 presumption of strategy.

19 Appellant declare she must emphasize it is considered a
 20 "harmless error" when counsel's mistakes are oversights, however
 21 it is blatant deficient performance, negligence & unethical when
 22 counsel is aware and knew of Mentous "dead hunger winner"
 23 Constitutional claims yet absolutely failed to file, approve the
 24 claims at appellant's fervent request and on her behalf to direct
 25 appeal. Appellant must reiterate it can be firmly concluded
 26 that counsel is laboring under conflicting interest which has affected
 27 her ability to function & render effective & loyal appellate representation

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 unethical 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 which were tested

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 counsel's 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 & U.S. Supreme Court. The
 11 effect of that if permitted to stand, would be to mount 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 *Reese vs. GA* (350 US 85, 100 LEd 77, 76 S.Ct. 167), See also 18 U.S.C.
 16 § 3006A which "Demands effective assistance of Counsel."
 17 "Any state procedural device which would deprive Shimm
 18 of submitting evidence to prove the deprivation and prevent her
 19 from making a record in the interior 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 Shimm 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 Shiron of the benefits embraced within
4 the fourteenth amendment clause.

5 "The fourteenth Amendment is paramount 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 "Stanch Cause" exist when 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 reasons 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 Teague v. Zook, 806 F.3d 803 (4th Cir 2015); *quoting*
25 *Quisenberry v. Taylor*, 162 F.3d at 279 (4th Cir 2009). Appellant declares
26 the conspicuous exhibition of counsel's diligent endeavors to
27 arrest the development of a cognizable appeal is both ineffective & unethical.

Argument

1 Appellant argument is that in all criminal prosecutions
2 the accused has the right to be heard either by herself or her
3 attorney. One of counsel's primary duties are to keep the defendant
4 informed of all important decisions that can affect or impact
5 the fundamental fairness of the adjudication process. The record
6 reflect that appellate made requests to appellate counsel to review
7 and provide a synopsis of claims she planned to file before submitting
8 the Opening Statement. Appellant declare counsel's absolute refusal
9 & failure to inform her of her plan to omit the filing of the initial
10 Meritous claims she listed on the docketing statement; the claims
11 listed & advised by Co. Counsel Williams and many meritorious claims
12 she ascertained and requested counsel to file on her behalf. This
13 prejudicial to appellate, Counsel refusal & failure to investigate
14 & uncover known Meritous claims for filing cannot be justified
15 as a tactical strategy. It is counsel's duty to conscientiously,
16 vigorously, & competently advocate on the defendant's behalf. The
17 arbitrary & capricious and discriminatory manner in which counsel
18 filed the Opening Brief was immensely presumptively prejudicial.
19 Appellant declare had she been accorded the opportunity to
20 discuss counsel's plans for filing the Opening Brief beforehand or
21 advised on Counsel's decision to omit the initial Listed Meritous
22 "banger winner" claims appellant would have advised counsel to
23 file another motion to "extend" or a "Motion to Stay" the proceedings
24 to allow her the opportunity to retain another private counsel that
25 would represent appellant in an effective & loyal manner. The ignorance
26 of these known facts by the Nevada higher courts will egregiously
27 contribute to the denial and deprivation of appellant's constitutional rights.

Arguments

In proceedings at which the Sixth Amendment right to counsel apply, Judges have an "Independent Duty" to safeguard a criminal defendant's right to Conflict-free Counsel in order to ensure that the defendant or appellant receive a trial or proceeding that is fair and does not contravene the Sixth & Fourteenth Amendment; *Wheat v. U.S.*, 486 U.S. 153, 161-162 (1982). It is also a duty & obligation of judges to

protect a defendant's "Due process" fundamental rights as well.

If a judge is "alerted" to a possible Conflict of Interest and fails to take adequate steps to ascertain whether the conflict warrants separate counsel (*id.* at 60), the Judge has unconstitutionally forced the defendant or appellant to choose between proceeding with a lawyer who has an apparent conflict or giving up the right to be represented by counsel. It is clearly established in the record this happened in *Smith vs. Lockhart*, 923 F.2d 1314 (8th Cir 1991) Petitioner declare she is entitled to a hearing. See *Drumwright*

A review of appellant's direct appeal record will reveal that counsel has failed to discharge her professional duties which is immensely impacting the success of appellant's direct appeal.

See *McKaskle v. Wiggins*, 465 U.S. 168, 174, 80 LEd 2d 148, 109 S Ct 420 (1983) "To satisfy the Constitution, counsel must function as an advocate

for the defendant, as opposed to a friend of the court;" *Ferris v.*

Ackerman, 74 US 193, 204, 62 LEd 2d 355, 100 S Ct. 402. "Indeed

an indispensable element of the effective performance of defense

counsel's responsibilities is the ability to act independently of the

Government and to oppose it in adversary litigation". A review of appella

case will offer proof counsel is laboring under a Conflict of interest.

Arguments

1 Appellant argument is that the appointment of her appellate
2 counsel is a complete sham and nothing more than a formal
3 compliance with the Constitution's requirement that an accused
4 be given the assistance of counsel. The Constitution's guarantee
5 of assistance of counsel cannot be satisfied by mere formal
6 appointment of counsel. Where denial of the constitutional
7 right to assistance of counsel is asserted, its peculiar sacred-
8 ness demands the United States Supreme Court ^{to} scrupulously
9 review the record. *Avery vs. Alabama* 84 U.S. 377, 308 U.S. 444
10 Appellant declare she has a right to be heard. Further due to
11 her keen knowledge of how the appellate process works she
12 is diligently endeavoring and has exerted & exhausted every
13 means to establish a written record of preserve the consti-
14 tutional violations for the Circuit Courts & U.S. Supreme Court
15 review.

16 Appellant further argue that Counsel Stewart is ~~the~~ fifteen
17 year slightly experienced, admit veteran appellate attorney
18 Therefore she has a profound understanding of every aspect
19 of the legal profession and appellate process. It would be
20 incomprehensible for any reasonable person to conceive that
21 counsel's decision not to file the initial Meritous "death
22 winner" claims ~~she~~ initially listed on her docketing statement
23 to pursue the ineffective assistance of counsel claim "only"
24 is her idea of a sound strategic tactic is ludicrously
25 unreasonable. Further the decision of the Supreme Court to uphold &
26 condone such a preposterous ^{"Huffington" appellate representation}
27 is a travesty and complete miscarriage of justice.

Arguments

1 Appellant declare the following citation of cases are additional
2 arguments to support her request to Dismiss her appellate counsel.
3 *Hawkins v. Hannigan*, 185 F.3d 1146, 1152, (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 failures to raise the claim
7 on direct appeal was deficient and prejudicial; Failure to raise
8 a "dead bang winner" claim on appeal constitutes ineffective
9 assistance.
10 *Neill v. Gibson*, 278 F.3d 1044, 1057 n.5 (10th Cir 2001) Omission
11 of a "dead bang 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 (5th 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*, 536 F.3d 624, 627 (7th Cir 2008) 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 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 declare that all several
27 written affidavits she has provided amply instances of Constitutional violation

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 *Boiley v. Anderson*, 326,
 6 U.S. 203, (90 LEd, 663 (Ct. 46))

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. 797, 865,
 11 28 LEd 2d 484, 91 S.Ct. 1106 (1971). *Moore vs. Illinois*, 408 U.S. 786,
 12 799, 33 LEd 2d 706, 92 S.Ct. 2562 (1972).

13 Appellant declare due to this knowledge of how the appellate
 14 process work, she had made numerous diligent efforts to request
 15 her counsel to file every known meritorious claim that may
 16 should be filed on direct appeal under the appropriate ground,
 17 correct procedure citation to protect appellant's rights guaranteed
 18 by the Fifth "due process" and Equal Protection clause of the fourteenth
 19 amendment. Appellant declare counsel's actions are very unethical prejudicial

20 Appellant declare with this information provided above and
 21 on record, appellate counsel's absolute refusal & failure 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 *Crowe*, 466 U.S. at 656, 104 S. Ct. at 2045. Appellant declare, the
 27 cumulative errors alone warrants an automatic reversal of her conviction

19 of 21

Arguments

1 Appellant Shiron Goules-Zanders assert & declare she
2 is being denied & deprived of her right to effective representa-
3 tion of appellate counsel due wholly to the inadequate
4 action of her court appointed counsel. Appellant declare
5 the record reflect counsel is laboring with divided loyalty
6 created by a conspicuous ^{apparent} conflict of interest
7 which unequivocally has affected & impacted her ability & willing-
8 ness to provide the "effective" assistance of counsel with said
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 appellant's
12 rights under the following Federal Constitutional Law, state statutes
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 LEd
17 2d 674, during his or her first Appeal as of right, Smith vs. Robbins,
18 528 U.S. 259, 285, 120 S.Ct. 746, 145 LEd 2d 756 (2000); Ewitt
19 vs. Lucey 469 U.S. 387, 396, 105 S.Ct. 830, 83 LEd 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, & 2.1.

23 "Actual or Constructive denial of assistance of counsel
24 altogether is legally presumed to result in prejudice" Toomey vs.
25 Bunnell, 898 F.2d 741, 744 n.2 (1990), Lack of Communication
26 preventing an adequate defense U.S. vs. McClendon, 782 F.2d
27 785, 789 (9th Cir 1986) See Hudson v. Rushon 686, F.2d 826, 832 (9th Cir 1982)

20 of 21

Argument

1 U.S. vs. Moore 159 F.3d 1154 (1998)

2 The role of an Advocate-Consile, 464 U.S. at 656, 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. (1994) Anderson v. Cal.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 Foretta and other Constitutional grounds as well.

11

12 Wherefore, the undersigned prays that the Court of Appeals in

13 State of Nevada grant appellant's ~~motion~~ motion to dismiss

14 appellate counsel Stewart and replace with alternate counsel.

15

16 cc: Attorney Sandra Stewart, Mass Liberationis, 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 Mailing

19

20

21 Dated this 4th of August, 2023

22

23

24

25

26

27

Respectfully Submitted

Shirron Gayles-Zanders
Shirron Gayles-Zanders

Enclosures: Supporting Documentations
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 3/26/2022 by Attorney Felia Williams
Motion to Withdraw as Counsel by atty. Tim Treffinger dated 5/16/2022
Incident report/Audit trail dated 1/31/2017 jury requested to review
Witness Statement of Neighbor Alan Wing to off. Naparty 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 documentations

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,
Shimon Gayles-Zanders
Signature
Shimon 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 ¹NRS 171.102 and ²NRS 208.165. See ³28 U.S.C. 1746 and 18 U.S.C. 1621.

Dated this 4th day of August, 2023
Shimon Gayles-Zanders
Signature
1258355
Nevada Department of Corrections ID #

¹ 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

- Continued List of Supporting documentation for En Banc Reconsideration
- 1 Court Minutes dated 6/22/2023 initial hearing on Motion to Dismiss
 - 2 Simon Med Brain MRI 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 12/5/19
 - 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 Master bath
 - 9 Page 1499 of case file depicting far right double vanity sink in Master bath
 - 10 Page 1491 of case file depicting far right double vanity sink in Master bath
 - 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. Tregginer on 2/1/2021 / Subj. of Counsel 2/19/21
 - 15 (5) Five Page Motion to Compel to T. Tregginer to Eight Dist Ct. 4/1/2023
 - 16 (6) Page Motion to Compel for Aisen & Brill to Eight Dist. Ct dated 4/7/2023
 - 17 (4) Page Motion to Obtain Audio Recordings dated 9/7/23 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 Clark

I am the ☐ Plaintiff/Petitioner ☐ Defendant/Respondent

Shirron Gayles-Zanders for Case No: 84583

On this 7th day of August, 20 23, 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, 20 23.

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 ¹NRS 171.102 and ²NRS 208.165. See ³28 U.S.C. 1746 and 18 U.S.C. 1621.

10 Dated this 7th day of August, 20 23

11 Shirley Taylor-Landers
12 Signature

13 1258355
14 Nevada Department of Corrections ID #

15
16
17
18
19
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21
22
23
24
25
26 ¹ NRS 171.102

27 ² NRS 208.165

28 ³ 28 U.S.C.

¹ 1746. Unsworn declarations under penalty of perjury

² 18 U.S.C.

³ § 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. Herkleroad

Thank you for shipping online with FedEx ShipManager at 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.



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201 S. Carson St. Suite 201

CARSON CITY, NV
89701
US
7758682100

Ship from:

RECORDS
NDOC
4370 SMILEY RD
FLORENCE MCCLURE
WOMEN'S CORRECTION
LAS VEGAS, NV
89115
US
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. Piqueurdo

Thank you for shipping online with FedEx ShipManager at 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 39

Pretrial & Trial 5th, 6th, & 14th Amendments Const. Violations

GROUND *See below*
(continued)

I allege that my state court conviction and/or sentence are unconstitutional, in violation of my
5th, 14th Amendment Right to Various Constitutional Violations based on these facts:

Petitioner argue her conviction was obtained erroneously, illegally & unconstitutional due to many violations of petitioner's Constitutional due process rights either by ineffective Counsel, prosecutorial misconduct and Judicial Abuse. Listed below are some of the Constitutional Violations of Due process Rights:

- 1) Right to Self Representation (*Paretti v. California*)
 - 2) Right to Counsel Issues (*Strickland*, *Smith vs. Robbins*, 6th & 14th Amendments)
 - 3) Inefficiency of Evidence (*Brady*, *McMann*, *Glasser vs. U.S.*)
 - 4) Competency Issues (Improper Exclusion of Psych Evidence) (*Ake v. Oklahoma*)
 - 5) Altered Transcripts (Unlawful termination) of two Jurors after Jury Deliberation
 - 6) Right to Plea ~~HEAR~~ (*Brookhart v. Janis*, 5th, 6th & 14th Amendments)
 - 7) Right to Suppression hearing (*McMann v. Richardson*, 6th Amendment)
 - 8) Right to Speedy Trial (Counsel failed to cite Controlling Precedence (*McMann*))
 - 9) Right to Remain Silent (*Miranda vs. Ariz*, *McNabb/Mallory Rule*, 5th & 14th Amendments)
 - 10) Right to Best Plausible Line of Defense (*Miller v. State*, *Miss. Williams*, 6th & 14th Amendments)
 - 11) Right to Confrontation (deprived of right to Confront Witness Alan Wing)
 - 12) Right to Compulsory (deprived of Right to both Expert & Material Witnesses)
 - 13) Right to Competent Counsel with legally prescribed & guaranteed by 6th Amendment
 - 14) Abuse of Judicial Discretion (Unlawful Refusal hearing / Failure to Recuse)
 - 15) Abuse of Judicial Discretion (Failure to Advise Jury in Open Court (Incident Report))
 - 16) Prosecutorial Misconduct (Knowledge of perjured Testimony & Jury Tampering)
 - 17) Prosecutorial Misconduct (Concealing witnesses, false presentation of evidence, etc)
- Please Review both (30) & (39) Page Supplemental Briefs for additional Violations

CASE NUMBER Nev. Sup. Ct. #84583

EXHIBIT 29

Direct Appeal 5th, 12th & 14th Amendments Const. Due Process Violations

Statement of Case (Grounds)

Petitioner base her Arguments in this petition on the below grounds & Violations of her 5th, 14th & 14th Amendments Federal Constitutional Rights:

- 1) Right to Counsel for "her Defense" (Abuse of Judicial Discretion)
- 2) Right to Conflict-free Counsel (Abuse of Judicial Discretion)
- 3) Right to Retain private Counsel of Choice (Ignorance of Motion to "Stay")
- 4) Right to Competent Effective Counsel of Sound Loyalty (Abuse of Jud. Discretion)
- 5) Right to Preserve Adversarial process & to preserve Const. Claims for Review
- 6) Right to Access the Court (Right to fair & impartial Appellate process)
- 7) Right to equal Access to the appellate process (Right to file Supplemental Brief)
- 8) Right to file for Retrial & Evidentiary hearing (Ineffective Counsel on Direct appeal)
- 9) Right to Self Representation (plead own case) Informed on Critical Decisions
- 10) Right to participate in decision Making (Choose Claims to file on Appeal)
- 11) Right to provide needed information to counsel to support claims on direct appeal
- 12) Right to file Rehearing & Review of Affirmation, Rejection of Motion, Vacate Reconstitution
- 13) Right to proper inquiry & hearing for substitution of Counsel (Violations of Const. 6)
- 14) Right to a Brief that is consistent & comply with the Provisions of Anders

Petitioner must reiterate & argue her Brief consisted of one claim that is customarily filed in State or Federal Habeas, the other claim was "Moot" and contained adverse citations. Petitioner must emphasize in this light, it is clear that the Nevada higher courts erroneous denial of petitioner's Motion to dismiss counsel, ignorance of petitioner's complaints, Motion to Stay to allow petitioner to procure private counsel, unlawful infiling of Motions, Affidavits, refusal to allow the filing of petitioners Supplemental briefs and Retrial imposed "unreasonable constraints" on petitioner's diligent endeavors to establish a fully developed record that her conviction & confinement is illegal, her "due process" right to preserve her adversarial process & right to Counsel for "her defense" thus forcing Shiron to participate in a Direct Appeal process that the very Structure was Pre Constitutional