

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

Stiglin

C.J.

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

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).

IN THE SUPREME COURT OF THE STATE OF NEVADA

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

No. 84583

FILED

JUL 28 2023

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

ORDER DENYING MOTION

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

It is so ORDERED.

Stiglin, 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

Appendix Cover Page

Appendix NUMBER D

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

ORDER DENYING MOTION

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

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

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

It is so ORDERED.

Cadish, J.

Cadish

Parraguirre, J.

Parraguirre

Pickering, J.

Pickering

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

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

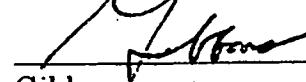
temporary insanity due to battered woman syndrome. Because no evidentiary hearing was held and there are unresolved factual issues, we decline to address on direct appeal Gayles-Zanders' claims of ineffective assistance of counsel.

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

Appendix Cover Page

Appendix NUMBER B

1 JOC
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3 DISTRICT COURT
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5 CLARK COUNTY, NEVADA
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7 THE STATE OF NEVADA,
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9 Plaintiff,
10 -vs-
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12 CASE NO. C-18-330666-1
13

14 DEPT. NO. X
15

16 SHIRRON JOZETTE GAYLES-ZANDERS aka
17 Shirron Jozette Gayleszanders
18 #8407426
19

20 Defendant.
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22 JUDGMENT OF CONVICTION
23

24 (JURY TRIAL)
25

26 FIRST DEGREE
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28 The Defendant previously entered a plea of not guilty to the crime of MURDER
WITH USE OF A DEADLY WEAPON (Category A Felony) in violation of NRS
200.010, 200.030, 193.195; and the matter having been tried before a jury and the
Defendant having been found guilty of the crime of MURDER WITH USE OF A
DEADLY WEAPON (Category A Felony) in violation of NRS 200.010, 200.030,
193.195; thereafter, on the 16th day of June, 2022, Pro Se Defendant was present in
court for sentencing and good cause appearing,

29 THE DEFENDANT IS HEREBY ADJUDGED guilty of said offenses and, in
30 addition to the \$25.00 Administrative Assessment Fee, \$3,3744.91 Restitution payable
31 to Victims of Crime and \$150.00 DNA Analysis Fee including testing to determine
32

1 genetic markers plus \$3.00 DNA Collection Fee, the Defendant is SENTENCED to the
2 Nevada Department of Corrections (NDC) as follows: LIFE with a MINIMUM parole
3 eligibility of TWO HUNDRED FORTY (240) MONTHS plus CONSECUTIVE a
4 MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS with a MINIMUM parole
5 eligibility of THIRTY-SIX (36) MONTHS in the Nevada Department of Corrections
6 (NDC); with ONE THOUSAND SIX HUNDRED EIGHTY-SIX (1,686) DAYS credit for
7 time served.

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12 Dated this 21st day of June, 2022
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18 37A 609 6D5F D561
19 Tierra Jones
20 District Court Judge
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Appendix Cover Page

Appendix NUMBER C

Appendix **Cover Page**

Appendix **NUMBER** *A*

**Additional material
from this filing is
available in the
Clerk's Office.**