

Case No. PI 14-0920

NO. 72599

Dept No. 1

FILED

2017 MAR -8 PM 2:21

MAKENZIE HODGES
DISTRICT COURT CLERK

BY:

~~FILED~~

MAR 16 2017

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

IN THE ELEVENTH JUDICIAL DISTRICT COURT
OF THE STATE OF NEVADA IN AND FOR THE
COUNTY OF PERSHING

Roy James Trust
Petitioner

Notice of Appeal

DATE OF Hearing: _____
TIME OF Hearing: _____

COMES NOW Petitioner, Roy James Trust, in proper person and Eleventh Judicial District Court Judge Jim C Shirley, Ruled on the above Case number on the 16th Day of February, 2017 and I File this proper person notice of appeal effective on Date Below

This appeal, is made and based upon the Memorandum of Points and Authorities, all the pleadings and other documents on File in this Case, as well as Copy of Notice attached hereto:

Dated this 5th day of March 2017

mailed a True and correct Copy to:

Dated this 5th Day of March 2017
Eleventh Judicial District Court
P.O. Box H
Covelock, NV
89419

By *[Signature]*
Roy James Trust #1027885
High Desert State Prison
P.O. Box 650
Incline Springs, NV
89010

17-08820

FILED

2017 MAR -9 AM 9:01

MACKENZIE HODGES
DISTRICT COURT CLERK

BY: 

Case No. PI 14-0920
Dept No. I

IN THE ELEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF
NEVADA IN AND FOR THE COUNTY OF PERSHING

IN THE MATTER OF THE APPLICATION)
OF ROY JAMES TROST,)
PETITIONER FOR CHANGE OF NAME)
/

CASE APPEAL STATEMENT

1. Name of appellant filing this case appeal statement:
Roy James Trost
2. Identify the judge issuing the decision, judgment or order appealed from:
Honorable Jim C. Shirley
3. Identify each appellant and the name and address of counsel for each appellant: (the use of et al. to denote parties is prohibited):
Pro Per appellant: Roy James Trost
Inmate No. 1027585
1200 Prison Rd./LCC
Lovelock, NV 89419
Pro Per for Appellant
4. Identify each respondent and the name and address of counsel (the use of et al. to denote parties is prohibited):
Alyson L. McCormick of the Attorney General's office -100 North Carson St., Carson City, NV 89702

/

/

/

1 5. Indicate whether any attorney identified above in response to question 3 or
2 4 is not licensed to practice law in Nevada and, if so, whether the district
3 court granted that attorney permission to appear under SCR 42(attach a
4 copy of any district court order granting such permission):
No attorney for appellant; pro per: Attorney for Respondents: Alyson L.
McCormick

5 6. Indicate whether appellant was represented by appointed or retained
6 counsel in the district court:

No: Pro Per

7 7. Indicate whether appellant is represented by appointed or retained counsel
8 on appeal:

No: Pro per

9 8. Indicate whether appellant was granted leave to proceed in forma pauperis,
10 and the date of entry of the district court order granting such leave:

11 Order to Proceed in Forma Pauperis: Filed 5/21/14

12 9. Indicate the date the proceedings commenced in the district court (e.g. date
13 of complaint, indictment, information or petition was filed):

Petition for Change of Name was filed 5/21/14

14 10. Provide a brief description of the nature of the action and result in the
15 district court, including the type of judgment or order being appealed and
16 the relief granted by the district court: There a Petition for a change of
17 Name filed on 5/21/14. There was a Writ of Mandamus filed by the
18 Petitioner in the Supreme Court. An Order Denying Petition for Writ of
Mandamus was filed on 11/19/15. There were Oppositions filed by the
Attorney General's Office. An Order on Change of Name was filed by the
Court on 2/16/17. A Notice of Appeal was filed on 3/8/17.

19 11. Indicate whether the case has previously been the subject of an appeal to or
20 original writ proceeding in the Supreme Court and, if so, the caption and
21 Supreme Court docket number of the prior proceeding: This case was
22 appealed to the Supreme Court case number 68996. An Order Denying
Petition for Writ of Mandamus on November 13, 2015.

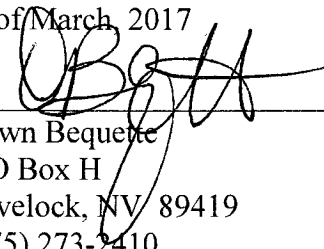
23 12. Indicate whether this appeal involves child custody or visitation: No

24 /
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- 1 13. If this is a civil case, indicate whether this appeal involves the possibility of
2 settlement: No, an Order on Name Change was filed on 2/16/17.

3 Dated this 9th day of March, 2017

4 Court Clerk


5 Dawn Bequette
6 PO Box H
7 Lovelock, NV 89419
8 (775) 273-2410
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Case #: PI-14-0920

Judge: SHIRLEY, JIM C

Date Filed: 05/16/14 Department: 01

Case Type: OTHRCV OTHER CIVIL MATTERS

Title/Caption: In the Matter of the Application of Roy
James Trost, for Change of Name

Plaintiff(s)
TROST, ROY JAMES

Attorney(s)
PRO PER

Filings:

Date	Pty	Filing	Fee
5/16/14	P	APPLICATION TO PROCEED IN FORMA PAUPERIS	FILED
5/16/14	P	CERTIFICATE OF INMATE'S INSTITUTIONAL ACCOUNT	FILED
5/21/14	C	ORDER TO PROCEED IN FORMA PAUPERIS	FILED
5/21/14	P	PETITION FOR CHANGE OF NAME	FILED
9/18/14	P	NOTICE OF PUBLICATION	FILED
11/13/14	P	NOTICE OF CHANGE OF ADDRESS	FILED
11/21/14	C	ORDER	FILED
11/21/14	C	NOTICE OF ENTRY OF ORDER	FILED
12/08/14	P	PETITION FOR LEGAL CHANGE OF NAME	FILED
12/08/14	P	REQUEST FOR SUBMISSION	FILED
5/15/15	P	MOTION FOR GRANTING OF CHANGE OF NAME IN TIME	
	P	SENSITIVE MATTER	FILED
5/15/15	P	NOTICE OF CHANGE OF ADDRESS	FILED
6/08/15	P	NOTICE OF CHANGE OF ADDRESS	FILED
6/15/15	P	NOTICE OF CHANGE OF ADDRESS	FILED
7/23/15	P	MOTION TO GRAND AND RECEIVE ORDER OF NAME CHANGE	FILED
10/13/15	C	ORDER TO ANSWER OR FILE NON-OPPOSITION	FILED
10/13/15	C	NOTICE OF ENTRY OF ORDER	FILED
10/16/15	C	RECEIPT FOR DOCUMENTS (SUPREME COURT)	FILED
11/16/15	D	ANSWER TO PETITION FOR LEGAL CHANGE OF NAME	FILED
11/19/15	C	COPY OF ORDER DENYING PETITION FOR WRIT OF MANDAMUS	
	C	(SUPREME COURT)	FILED
11/23/15	P	MOTION TO REQUEST COURTS AND ATTORNEY GENERALS OFFICE	
	P	TO ADDRESS PLAINTIFF AS "HER" OR "SHE"	FILED
11/23/15	P	MOTION TO RESPOND TO ATTORNEY GENERALS ANSWER TO	
	P	PETITION FOR DENIAL OF LEGAL CHANGE OF NAME	FILED
12/07/15	R	OPPOSITION TO PETITIONER'S MOTION TO USE FEMININE	
	R	PRONOUNS	FILED
12/07/15	R	OPPOSITION TO MOTION TO RESPOND	FILED
12/15/15	P	MOTION FOR APPOINTMENT OF COUNSEL PURSUANT TO NRS	
	P	34.750	FILED
12/15/15	P	OPPOSITION TO AG'S OPPOSITION TO MOTION TO RESPOND	FILED
12/15/15	P	MOTION FOR GRANTING PETITIONER'S REQUEST FOR LEGAL	
	P	CHANGE OF NAME	FILED
12/15/15	P	MOTION TO PROVIDE ADDITIONAL INFORMATION RELAVANT TO	
	P	MY CASE	FILED
12/15/15	P	MOTION TO COPY PSYCH MENTAL HEALTH AND MEDICAL RECORDS	
	P	AT STATES EXPENSE	FILED
12/15/15	P	MOTION TO REVIEW PSYCH MENTAL HEALTH RECORDS MEDICAL	
	P	RECORDS	FILED
12/23/15	P	MOTION TO FOLLOW US DIST COURTS DISTRICT OF NEVADA	

	P	RULING TO USE FEMININE PRONOUNS	FILED
1/13/16	C	NOTICE IN LIEU OF REMITTITUR (SUPREME COURT)	FILED
4/11/16	P	MOTION REQUESTING ANSWER TO NAME CHANGE PETITION,	
	P	MOTION TO ADD EVIDENCE OF PETITIONER SEEKING GENDER	
	P	CHANGE ON HER BIRTH CERTIFICATE	FILED
7/01/16	P	NOTICE OF CHANGE OF ADDRESS	FILED
7/14/16	P	MOTION REQUESTING JUDGMENT ON PETITIONER'S REQUEST FOR	
	P	NAME CHANGE	FILED
8/29/16	P	MOTION TO AMEND APPEAL	FILED
11/07/16	P	2ND MOTION REQUESTING JUDGES RESPONSE AND JUDGMENT	
	P	ON/FOR PETITIONER'S REQUEST FOR LEGAL CHANGE OF	
	P	NAME	FILED
11/07/16	P	MOTION TO NOTIFY THE COURT OF US DIST COURT DENIENG OF	
	P	MOTION TO AMEND REQUEST TO PROCEED IN THIS COURT	FILED
12/19/16	P	MOTION NOTICE OF CHANGE OF ADDRESS	FILED
1/23/17	P	NOTICE OF CHANGE OF ADDRESS	FILED
2/16/17	C	ORDER ON NAME CHANGE	FILED
2/21/17	C	NOTICE OF ENTRY OF ORDER	FILED
2/21/17	P	MOTION TO COMPELL REQUESTING JUDGMENT FOR PLAINTIFF TO	
	P	GRANT HER REQUEST FOR LEGAL CHANGE OF NAME	FILED
2/21/17	P	MOTION REQUESTING APPOINTMENT OF COUNSEL OR DIRECTION	
	P	FOR THE COURT	FILED
2/21/17	P	MOTION FOR THE COURT REQUESTING THAT THE COURT USE FEMALE	
	P	PRONOUN WHEN ADDRESSING PLAINTIFF	FILED
3/08/17	P	NOTICE OF APPEAL	FILED
3/09/17	C	CASE APPEAL STATEMENT	FILED

FILED

CASE NO. PI 14-0920

DEPT. NO. 1

2017 FEB 16 PM 2:20

This document does not contain any
social security numbers.

MACKENZIE HODGES
DISTRICT COURT CLERK

BY: 

**IN THE ELEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF PERSHING**

In the Matter of the Application of
ROY JAMES TROST, #1027585,
PETITIONER,
For Change of Name.

ORDER ON NAME CHANGE

WHEREAS the Petitioner, Roy James Trost, representing himself as a pro se litigant, having filed a Petition for Change of Name before this Court on May 16, 2014, and as the Petitioner is currently an inmate at the Lovelock Correctional Center, and the Petitioner and Respondents, the State of Nevada, having submitted motions, the Court finds as follows;

THE COURT FINDS that the Petitioner is an inmate at the Ely State Prison. As an inmate convicted of a felony in the State of Nevada, the Petitioner has been placed in prison. According to the Legislative History for Assembly Bill 467, which was before the Senate Judiciary Committee on May 10, 1989, testimony was given concerning the proposed name change statute before the Legislature at that time. Hearing on A.B. 467 Before the Senate Judiciary Comm., 65th Leg. Eighth Judicial District Court Judge Mendoza testified that the courts need to know whether a person requesting a name change has a Felony. *Id.* "The purpose of the bill is to prevent felons from using the courts to conceal their identity." *Id.* Under NRS 179.245(1)(a) a person who has been convicted of a category A or B felony is required to wait fifteen (15) years after they are released from actual custody or from parole and probation,

1 whichever occurs later, to request their records be sealed. A person convicted of a category C or
2 D felony is required to wait twelve (12) years after they are released from actual custody or from
3 parole and probation, whichever occurs later, to request their records be sealed. A person
4 convicted of a category E felony is required to wait seven (7) years after they are released from
5 actual custody or from parole and probation, whichever occurs later, to request their records be
6 sealed.

7 Until a person who has committed a felony can have their records sealed, it would be
8 inappropriate to change their name, because changing that person's name would be akin to
9 sealing their records. In the Legislative History of AB 467 Assemblyman Gaston relayed that the
10 main thrust of the bill had to do with the person convicted of a heinous crime, loosed on society
11 with a legally changed name. *Id.* It is not the Court's job to determine the original charges
12 against the Petitioner nor how the Petitioner's original case was decided. A conviction of a
13 felony may denote a heinous crime. Regardless of whether the crime was heinous, the crime was
14 a felony and the person convicted of a felony may not seal their records for years after being
15 released from actual custody whether heinous or not, therefore their name should not be changed
16 since that is tantamount to sealing that person's records. Granting Petitioner a name change
17 would effectively circumvent the 15 year waiting period required under NRS 179.245(1)(a). AB
18 467 reflects a public policy to not allow name changes for individuals with this kind of
19 conviction, in an effort to monitor such individuals after their release back into society.

20 THE COURT FURTHER FINDS THAT the Petitioner has been convicted of many
21 felonies at his own admission in his Petition for Legal Change of Name. Changing a felon's
22 name makes logistical issues for the system. For purposes of protecting the public, changing a
23 convicted felon's name would be inappropriate, because changing a felon's name would create
24 confusion as to the convicted felon's true identity.

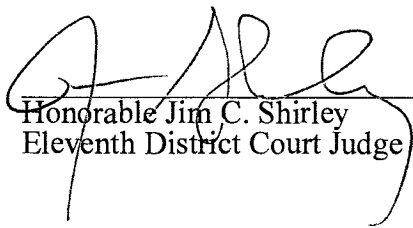
25 The Court does appreciate the reasons offered for change of name, however, due to the
26 public policy reasons discussed above, it would be against the interests of society as a whole to
27 make the name change. Gender confusion is certainly a difficult issue to deal with, but the
28 statutes have requirements the Court is not at liberty to change. The requirement for felons to

1 keep their names is clear in NRS 179.245, and the Court is not in a position to alter the
2 Legislature's determinations in creating statutes.

3 THE COURT THEREFORE ORDERS:

4 In accordance with NRS 41.290 and NRS 179.245, the Petitioner's Petition for Name
5 Change is properly before the Court and the Court ORDERS that Robert Lawver's petition for
6 name change is hereby DENIED.

7
8 IT IS SO ORDERED, this 16th day of February, 2017.

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11 
12 Honorable Jim C. Shirley
13 Eleventh District Court Judge
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FILED

2017 FEB 21 AM 9:02

MACKENZIE HODGES
DISTRICT COURT CLERK

BY: 

1
2 FILE NO. PI 14-0920

3 DEPT. NO. I
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6 IN THE ELEVENTH JUDICIAL DISTRICT COURT OF THE
7 STATE OF NEVADA, IN AND FOR THE COUNTY OF PERSHING
8

9 In the Matter of the Application,
10 Of ROY JAMES TROST,
11 Petitioner,
12 For change of Name.
13 _____/

NOTICE OF ENTRY
OF ORDER

14 PLEASE TAKE NOTICE that on February 16, 2017, the Court
15 entered an order in this matter, a true and correct copy of which is
16 attached to this notice.
17

18 You may appeal to the Supreme Court from the Order of this Court.
19 If you wish to appeal, you must file a Notice of Appeal with the Clerk of this
20 Court within 33 days after the date this notice is mailed to you. This notice
21 was mailed on February 16, 2017.

22 DATED: February 21, 2017
23

24 (Seal)

Mackenzie Hodges

Clerk of Court

25 By  Deputy
26

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CERTIFICATE OF MAILING

Pursuant to NRCP 5(b), I certify that I am an employee of the Pershing County District Clerk's Office, and that on the 21st day of February, 2017, I caused to be served through the United States Postal Service, a true and correct copy of the ORDER ON NAME CHANGE and NOTICE OF ENTRY OF ORDER, first class postage prepaid to the following:

Office of the Attorney General
100 North Carson St.
Carson City, NV 89701

Roy James Trost #1027585
PO Box 7000/NNCC
Carson City, NV 89702

DATED this 21st day of February, 2017.



Deputy Clerk

FILED

CASE NO. PI 14-0920

2017 FEB 16 PM 2: 20

DEPT. NO. 1

MACKENZIE HODGES
DISTRICT COURT CLERK

This document does not contain any
social security numbers.

BY: D. BEQUETTE

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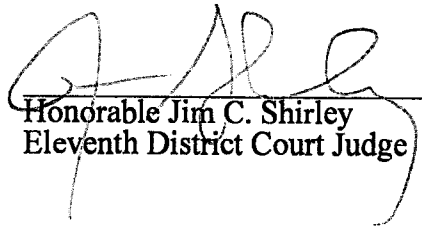
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12 Honorable Jim C. Shirley
13 Eleventh District Court Judge
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1 Case No. PI 14-0920

2 Dept No. 1

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4 IN THE ELEVENTH JUDICIAL DISTRICT OF THE STATE OF NEVADA
5 IN AND FOR THE COUNTY OF PERSHING
6

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8 IN THE MATTER OF THE APPLICATION)
9 OF ROY JAMES TROST,)
10 PETITIONER FOR CHANGE OF NAME)
11 _____/

12 **CERTIFICATE**

13 State of Nevada)
14 : ss.
15 County of Pershing)

16 I, Mackenzie Hodges, County Clerk, do hereby certify that the following are true
17 and correct copies of the original documents in the above-entitled case, which was
18 appealed to the Supreme Court.

19 IN TESTIMONY WHEREOF, I have hereunto set my hand and
20 affixed the seal of said Court, at Lovelock, Nevada, this 8th day of March, 2017

21
22 Mackenzie Hodges
County Clerk

23
24 By 
Deputy Clerk

25 RECEIVED

26 MAR 14 2017

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
DEPUTY CLERK