

Electronically Filed
Feb 02 2018 09:06 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

BRET O. WHIPPLE, ESQ.
Nevada Bar No. 6168
1100 S. Tenth Street
Las Vegas, NV 89104
(702) 731-0000
Attorneys for Defendant

DISTRICT COURT

CLARK COUNTY

* * * * *

GERARDO PEREZ,

PETITIONER,

VS.

BRIAN WILLIAMS,

RESPONDENT.

CASE NO.: A-17-753832-W

DEPARTMENT NO.: VII

NOTICE OF APPEAL

TO: BRIAN WILLIAMS, Respondent.

TO: CLARK COUNTY DISTRICT ATTORNEY, THE NEVADA ATTORNEY
GENERAL and to THE EIGHTH JUDICIAL DISTRICT COURT, COUNTY OF CLARK,
STATE OF NEVADA.

NOTICE IS HEREBY GIVEN that GERARDO PEREZ hereby appeals to the SUPREME
COURT OF NEVADA from the denial of his Petition for Habeas Corpus Relief. GERARDO
PEREZ'S Petition for Habeas Relief was denied by way of Findings of Fact and Conclusions of Law

1 on January 4, 2018 and a Notice of Entry of Order was filed on January 9, 2018. This timely Notice of
2 Appeal follows.

3 DATED on the 25th day of January, 2018.

4 **JUSTICE LAW CENTER**

5 /S/ Bret O. Whipple, Esq.
6 BRET O. WHIPPLE, ESQ.
7 BAR NO. 6168
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CERTIFICATE OF SERVICE

I, TATUM WEHR, an employee of JUSTICE LAW CENTER, hereby declares that the herein described mailing took place, as a citizen of the United States over 21 years of age and not a party to, nor interested in, the within action; that on the 25th day of January, 2018, deposited in the United States Mail at Las Vegas, a copy of the Notice of Appeal in the case of GERARDO PEREZ v. BRIAN WILLIAMS, case number A-17-753832-W, enclosed in a sealed envelope in the US regular mail postage fully prepaid, addressed to:

STEVEN WOLFSON
District Attorney
200 Lewis Avenue
Las Vegas ,NV 89155

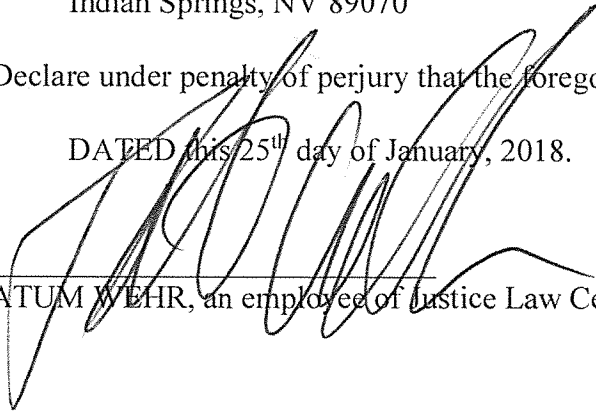
Gerardo Perez
PO Box 650
Inmate Number # 85726
22010 Cold Creek Rd,
Indian Springs, NV 89070

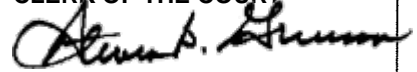
Adam Laxalt
Nevada Attorney General
100 North Carson Street
Carson City, NV 89701

Brian Williams
PO Box 650
22010 Cold Creek Rd,
Indian Springs, NV 89070

I Declare under penalty of perjury that the foregoing is true and correct.

DATED this 25th day of January, 2018.


TATUM WEHR, an employee of Justice Law Center



BRET O. WHIPPLE, ESQ.
Nevada Bar No. 6168
1100 S. Tenth Street
Las Vegas, NV 89104
(702) 731-0000
Attorneys for Defendant

DISTRICT COURT

CLARK COUNTY

* * * * *

GERARDO PEREZ,

PETITIONER,

VS.

BRIAN WILLIAMS,

RESPONDENT.

CASE NO.: A-17-753832-W

DEPARTMENT NO.: VII

CASE APPEAL STATEMENT

1. **Appellant filing this Case Appeal Statement:** GERARDO PEREZ.

2. **Judge issuing the decision, judgment, or order appealed from:** Honorable

Judge Linda Marie Bell

3. **All parties to the proceedings in the district court:** The State of Nevada,

Respondent, Brian Williams, Respondent, Gerardo Perez, Petitioner.

4. **All parties involved in this appeal:** Gerardo, Petitioner; the State of Nevada,

Respondent, Brian Williams, Respondent.

//

1 5. Name, law firm, address, and telephone number of all counsel on appeal
2 and party or parties whom they represent:

3 STEVEN WOLFSON
4 District Attorney
5 200 Lewis Avenue
6 Las Vegas ,NV 89155

7 Gerardo Perez
8 PO Box 650
9 Inmate Number # 85726
10 22010 Cold Creek Rd,
11 Indian Springs, NV 89070

12 Adam Laxalt
13 Nevada Attorney General
14 100 North Carson Street
15 Carson City, NV 89701

16 Brian Williams
17 PO Box 650
18 22010 Cold Creek Rd,
19 Indian Springs, NV 89070

20 6. Whether appellant was represented by appointed or retained counsel in
21 the district court: Retained.

22 7. Whether appellant is represented by appointed or retained counsel on
23 appeal: Retained.

 8. Whether appellant was granted leave to proceed in forma pauperis, and
the date of entry of the district court order granting such leave: N/A

1 9. **Date proceedings commenced in the district court (e.g., date complaint,**
2 **indictment, information, or petition was filed):** April 12, 2017

3 DATED this 25th day of January, 2018.

4 /s/ Bret O. Whipple, Esq.
5 BRET WHIPPLE, ESQ.
6 Nevada Bar #6168
7 JUSTICE LAW CENTER
8 1100 South 10th St.
9 Las Vegas, Nevada 89104
10 (702) 731-0000

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I, TATUM WEHR, an employee of JUSTICE LAW CENTER, hereby declares that the herein described mailing took place, as a citizen of the United States over 21 years of age and not a party to, nor interested in, the within action; that on the 25th day of January, 2018, deposited in the United States Mail at Las Vegas, a copy of the CASE APPEAL STATEMENT in the case of GERARDO PEREZ v. BRIAN WILLIAMS, case number A-17-753832-W, enclosed in a sealed envelope in the US regular mail postage fully prepaid, addressed to:

STEVEN WOLFSON
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100 North Carson Street
Carson City, NV 89701

Brian Williams
PO Box 650
22010 Cold Creek Rd,
Indian Springs, NV 89070

I Declare under penalty of perjury that the foregoing is true and correct.

DATED this 25th day of January, 2018.



TATUM WEHR, an employee of Justice Law Center

DEPARTMENT 7
CASE SUMMARY
CASE NO. A-17-753832-W

Gerardo Perez, Plaintiff(s)
vs.
Brian Williams, Defendant(s)

§
§
§
§
§

Location: **Department 7**
Judicial Officer: **Bell, Linda Marie**
Filed on: **04/12/2017**
Cross-Reference Case Number: **A753832**

CASE INFORMATION

Statistical Closures
01/04/2018 Summary Judgment

Case Type: **Writ of Habeas Corpus**
Case Flags: **Appealed to Supreme Court**

DATE

CASE ASSIGNMENT

Current Case Assignment

Case Number A-17-753832-W
Court Department 7
Date Assigned 04/12/2017
Judicial Officer Bell, Linda Marie

PARTY INFORMATION

Plaintiff **Perez, Gerardo**

Lead Attorneys









Whipple, Bret O
Retained
702-731-0000(W)

Defendant **Williams, Brian**

DATE

EVENTS & ORDERS OF THE COURT

INDEX

04/12/2017	 Inmate Filed - Petition for Writ of Habeas Corpus Party: Plaintiff Perez, Gerardo <i>Time Computation Petition for Writ of Habeas Corpus (PostConviction) Per NRS 34.724</i>	
08/04/2017	 Order for Petition for Writ of Habeas Corpus <i>Order for Petition for Writ of Habeas Corpus - AB510</i>	
09/19/2017	 Notice of Appearance <i>Notice of Appearance</i>	
09/26/2017	 Response Filed by: Defendant Williams, Brian; Respondent Office of the Attorney General <i>Response to Petition for Writ of Habeas Corpus</i>	
09/28/2017	 Petition for Writ of Habeas Corpus (9:00 AM) (Judicial Officer: Bell, Linda Marie)	
01/04/2018	 Decision and Order <i>Decision and Order</i>	
01/09/2018	 Notice of Entry of Order <i>Notice of Entry of Order</i>	
01/25/2018	 Notice of Appeal Filed By: Plaintiff Perez, Gerardo <i>Notice of Appeal</i>	

DEPARTMENT 7
CASE SUMMARY
CASE NO. A-17-753832-W

01/25/2018



Case Appeal Statement
Case Appeal Statement

DATE

FINANCIAL INFORMATION

Plaintiff Perez, Gerardo

Total Charges

31.00

Total Payments and Credits

31.00

Balance Due as of 1/29/2018

0.00

DISTRICT COURT CIVIL COVER SHEET

A-17-753832-W

County, Nevada

Case No.

(Assigned by Clerk's Office)

VII

I. Party Information (provide both home and mailing addresses if different)

Plaintiff(s) (name/address/phone):

Defendant(s) (name/address/phone):

Gerardo Perez #85726
HOSP PO Box 650

Brian Williams

Indian Springs NV 89070

Attorney (name/address/phone):

Attorney (name/address/phone):

60

A-17-753832-W
CCS
Civil Cover Sheet
4640760**II. Nature of Controversy** (please select the one most applicable filing type below)**Civil Case Filing Types**

Real Property	Negligence	Torts
Landlord/Tenant <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Other Landlord/Tenant Title to Property <input type="checkbox"/> Judicial Foreclosure <input type="checkbox"/> Other Title to Property Other Real Property <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property	<input type="checkbox"/> Auto <input type="checkbox"/> Premises Liability <input type="checkbox"/> Other Negligence Malpractice <input type="checkbox"/> Medical/Dental <input type="checkbox"/> Legal <input type="checkbox"/> Accounting <input type="checkbox"/> Other Malpractice	Other Torts <input type="checkbox"/> Product Liability <input type="checkbox"/> Intentional Misconduct <input type="checkbox"/> Employment Tort <input type="checkbox"/> Insurance Tort <input type="checkbox"/> Other Tort
Probate	Construction Defect & Contract	Judicial Review/Appeal
Probate (select case type and estate value) <input type="checkbox"/> Summary Administration <input type="checkbox"/> General Administration <input type="checkbox"/> Special Administration <input type="checkbox"/> Set Aside <input type="checkbox"/> Trust/Conservatorship <input type="checkbox"/> Other Probate Estate Value <input type="checkbox"/> Over \$200,000 <input type="checkbox"/> Between \$100,000 and \$200,000 <input type="checkbox"/> Under \$100,000 or Unknown <input type="checkbox"/> Under \$2,500	Construction Defect <input type="checkbox"/> Chapter 40 <input type="checkbox"/> Other Construction Defect Contract Case <input type="checkbox"/> Uniform Commercial Code <input type="checkbox"/> Building and Construction <input type="checkbox"/> Insurance Carrier <input type="checkbox"/> Commercial Instrument <input type="checkbox"/> Collection of Accounts <input type="checkbox"/> Employment Contract <input type="checkbox"/> Other Contract	Judicial Review <input type="checkbox"/> Foreclosure Mediation Case <input type="checkbox"/> Petition to Seal Records <input type="checkbox"/> Mental Competency Nevada State Agency Appeal <input type="checkbox"/> Department of Motor Vehicle <input type="checkbox"/> Worker's Compensation <input type="checkbox"/> Other Nevada State Agency Appeal Other <input type="checkbox"/> Appeal from Lower Court <input type="checkbox"/> Other Judicial Review/Appeal
Civil Writ		Other Civil Filing
<input checked="" type="checkbox"/> Writ of Habeas Corpus <input type="checkbox"/> Writ of Mandamus <input type="checkbox"/> Writ of Quo Warrant <input type="checkbox"/> Writ of Prohibition <input type="checkbox"/> Other Civil Writ		Other Civil Filing <input type="checkbox"/> Compromise of Minor's Claim <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Other Civil Matters

Business Court filings should be filed using the Business Court civil coversheet.

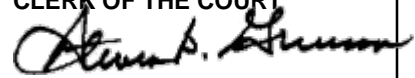
APR 10 2017

Date

PREPARED BY CLERK

Signature of initiating party or representative

See other side for family-related case filings.



1 DAO

2 EIGHTH JUDICIAL DISTRICT COURT

3 CLARK COUNTY, NEVADA

4 GERARDO PEREZ,

5 Petitioner,

6 vs.

7 BRIAN WILLIAMS, WARDEN, et al.,

8 Respondents.

Case No. A-17-753832-W

Dept. No. VII

9 **DECISION AND ORDER**

10 Now before the Court is Petitioner Gerardo Perez's Petition for Writ of Habeas Corpus. The
11 matter came before the Court on September 28, 2017. No parties were present and therefore the
12 Court did not entertain oral arguments and now rules based solely on the pleadings pursuant to NRS
13 34.770(2). The Court denies Mr. Perez's Petition for Writ of Habeas Corpus.

14 **I. Factual and Procedural Background**

15 Gerardo Perez is currently incarcerated in High Desert State Prison. Mr. Perez was
16 adjudicated guilty of Second Degree Murder with Use of a Deadly Weapon, a category A felony.
17 The conduct giving rise to the offense occurred on November 30, 2003. Mr. Perez is serving a
18 maximum sentence of twenty-five years, with a minimum parole eligibility date after ten years, plus
19 an equal and consecutive sentence for the deadly weapon enhancement. Mr. Perez received three
20 hundred ninety-two days credit for time served. Mr. Perez appeared before the parole board on the
21 Murder portion of his sentence, and was paroled to his consecutive sentence on March 10, 2014.
22 Mr. Perez is actively serving the deadly weapon enhancement portion of his sentence.

23 Mr. Perez filed his Petition for Writ of Habeas Corpus on or about April 12, 2017. Mr. Perez
24 alleges the Nevada Department of Corrections and Warden Brian Williams failed to properly apply
25 good time credit to Mr. Perez's minimum parole eligibility. Mr. Perez argues he is entitled to a
26 deduction of 20 days from his parole eligibility date for each month he has served pursuant to NRS
27 209.4465. Also, Mr. Perez argues he is entitled to work credit. Mr. Perez cites an unpublished
28 Nevada Supreme Court decision: Vonseydewitz v. Legrand, No. 66159, 2015 WL 3936827 (Nev.

<input type="checkbox"/> Voluntary Dismissal	<input checked="" type="checkbox"/> Summary Judgment
<input type="checkbox"/> Involuntary Dismissal	<input type="checkbox"/> Stipulated Judgment
<input type="checkbox"/> Stipulated Dismissal	<input type="checkbox"/> Default Judgment
<input type="checkbox"/> Motion to Dismiss by Deft(s)	<input type="checkbox"/> Judgment of Arbitration

LINDA MARIE BELL
DISTRICT JUDGE
DEPARTMENT VII

JAN 04 2018

1 June 24, 2015). The Attorney General's Office responded on September 26, 2017 arguing that Mr.
2 Perez is not entitled to additional good time credit deductions from his parole eligibility date or his
3 minimum sentence, and argued the unpublished Nevada Supreme Court decision Vonseydewitz is
4 inapplicable. Since the hearing date of the Petition, the Nevada Supreme Court has since published
5 Williams v. State, 133 Nev. Adv. Op 75, (Oct. 5, 2017), which affirmed the reasoning cited in
6 Vonseydewitz. Therefore, the Court will not address Vonseydewitz, but uses Williams in its
7 analysis.

8 II. Discussion

9 The Court notes that Vonseydewitz does not apply in the instant case. Vonseydewitz is an
10 unpublished decision. Because it was issued before January 1, 2016, it cannot be cited for any
11 persuasive value. Since then, Williams has held that petitioners with offense dates between 1995
12 and July 1, 2007 are entitled to good time credits under NRS 209.4465(7)(b) if the statute which the
13 petitioner was sentenced under did not specify a parole eligibility date, and if petitioner had not
14 already been before the parole board on that sentence. Mr. Perez's offenses took place in 2003.
15 However, Mr. Perez is active on a sentence which specified a parole eligibility date, and therefore is
16 excluded from receiving good time credits.

17 A. The Court Denies Mr. Perez's Petition Pursuant to Williams.

18 Nevada Revised Statute 209.4465 governs the award of credits for crimes committed on or
19 after July 17, 1997. The Court applies the version of the statute in effect when Mr. Perez committed
20 the offenses in its analysis, because Mr. Perez's offense took place before the 2007 amendment. For
21 offenses committed before July 1, 2007, the Court finds that an inmate that meets certain
22 qualifications "must be allowed. . . a deduction of 10 days from his sentence for each month he
23 serves." NRS 209.4465(1) (2003) (amended 2007). These credits "must be deducted from the
24 maximum term imposed by the sentence," and "[a]pply to eligibility for parole unless the offender
25 was sentenced pursuant to a statute which specifies a minimum sentence that must be served before
26 a person becomes eligible for parole." NRS 209.4465(7) (2003) (amended 2007). For offenses
27 committed after the July 1, 2007 effective date, the petitioner is entitled to "a deduction of 20 days
28 from his sentence for each month he serves." NRS 209.4465(1) (2007). Williams now governs the

1 credits a petitioner may earn under NRS 209.4465, and their application for offenses committed
2 before July 1, 2007.

3 Pursuant to Williams, the Nevada Supreme Court found that a petitioner is entitled to apply
4 credits they would have earned under NRS 209.4465 to the current sentence's minimum if the
5 petitioner was sentenced under a statute that was silent as to a parole eligibility date, and if the
6 petitioner had not already appeared before the parole board. Williams at p.13. The Nevada
7 Supreme Court found that NRS 209.4465(7), section (a) provides the general rule for credits earned
8 towards eligibility for parole, and section (b) sets forth the limitations. Under the rules of
9 construction, the Nevada Supreme Court found that section (b) limitations do not apply to a
10 sentencing statute that is silent on parole eligibility. As such, credits earned should be deducted
11 from a petitioner's minimum sentence. Thus, an inmate is eligible for parole sooner than he or she
12 would have been without the credits. Williams at ps. 4-5.

13 Therefore, as Mr. Perez's offense date was before July 1, 2007, the Court next determines
14 whether Mr. Perez would be entitled to good time credit deductions from his parole eligibility date
15 under NRS 209.4465. As Mr. Perez was sentenced under statutes with specified parole eligibility
16 dates, the Williams decision is inapplicable. Consequently, this Court therefore denies Mr. Perez's
17 Petition for Writ of Habeas Corpus.

18 **B. Mr. Perez is not entitled to work credits.**

19 Mr. Perez also claims that he is entitled to work credits because he is willing to work or
20 attend educational programs. The issuance of work credits is governed by NRS 209.4465(2) which
21 states:

22 2. In addition to the credits allows pursuant to subsection 1, the Director may
23 allow not more than days of credit each month for an offender whose diligence in
24 labor and study merits such credits.

25 The court notes that "Both NRS 209.433(3) and NDOP Administrative Regulation 714 (III)
26 make the granting of Work Time Credit discretionary [,] which merely creates a possibility of early
27 release." Cooper v. Sumner, 672 F. Supp. 1361, 1367 (D. Nev. 1987). Because Mr. Perez only
28 claims that he has been denied the right to earn work credit, this argument fails. Mr. Perez has no

1 constitutionally protected liberty interest in earning work credit, and he is not entitled to any more
2 credit than he does not work to earn. Since Mr. Perez has not submitted proof that he has earned any
3 work credits, Mr. Perez is not entitled to any additional work credits.

4 **C. Mr. Perez Misunderstands Applicable Law.**

5 Lastly, the Court notes there is no due process issue here or equal protection issue as
6 similarly situated inmates are similarly treated and Mr. Perez does not allege discrimination based
7 on a classification.

8 **III. Conclusion**

9 The Court finds Mr. Perez is not entitled to additional credits. Therefore, the Court denies
10 Mr. Perez's Petition for Writ of Habeas Corpus.

11
12 DATED this day of December 28, 2017.

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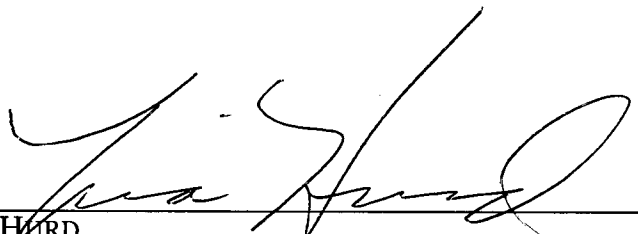
16 LINDA MARIE BELL
17 DISTRICT COURT JUDGE
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LINDA MARIE BELL
DISTRICT JUDGE
DEPARTMENT VII

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the date of filing, a copy of this Order was electronically served through the Eighth Judicial District Court EFP system or, if no e-mail was provided, by facsimile, U.S. Mail and/or placed in the Clerk's Office attorney folder(s) for:

Name	Party
Gerardo Perez c/o High Desert State Prison	Petitioner
Allison Herr, Esq. Deputy Attorney General	Counsel for Respondent

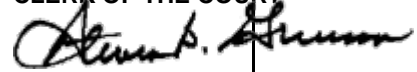

TINA HORD
JUDICIAL EXECUTIVE ASSISTANT, DEPARTMENT VII

AFFIRMATION

Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding Decision and Order filed in District Court case number A753832 **DOES NOT** contain the social security number of any person.

/s/ Linda Marie Bell Date 12/ /2017
District Court Judge



NEOJ

**DISTRICT COURT
CLARK COUNTY, NEVADA**

GERARDO PEREZ,

Petitioner,

Case No: A-17-753832-W

Dept. No: VII

vs.

BRIAN WILLIAMS,

Respondent,

NOTICE OF ENTRY OF ORDER

PLEASE TAKE NOTICE that on January 4, 2018, the court entered a decision or order in this matter, a true and correct copy of which is attached to this notice.

You may appeal to the Supreme Court from the decision or order of this court. If you wish to appeal, you must file a notice of appeal with the clerk of this court within thirty-three (33) days after the date this notice is mailed to you. This notice was mailed on January 9, 2018.

STEVEN D. GRIERSON, CLERK OF THE COURT

/s/ Amanda Hampton

Amanda Hampton, Deputy Clerk

CERTIFICATE OF E-SERVICE / MAILING

I hereby certify that on this 9 day of January 2018, I served a copy of this Notice of Entry on the following:

☒ By e-mail:

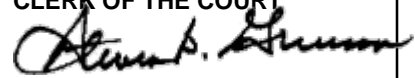
Clark County District Attorney's Office
Attorney General's Office – Appellate Division-

☒ The United States mail addressed as follows:

Gerardo Perez # 85726
P.O. Box 650
Indian Springs, NV 89070

/s/ Amanda Hampton

Amanda Hampton, Deputy Clerk



1 DAO

2 EIGHTH JUDICIAL DISTRICT COURT

3 CLARK COUNTY, NEVADA

4 GERARDO PEREZ,

5 Petitioner,

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LINDA MARIE BELL
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DEPARTMENT VII

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17 Petition for Writ of Habeas Corpus.

18 **B. Mr. Perez is not entitled to work credits.**

19 Mr. Perez also claims that he is entitled to work credits because he is willing to work or
20 attend educational programs. The issuance of work credits is governed by NRS 209.4465(2) which
21 states:

22 2. In addition to the credits allows pursuant to subsection 1, the Director may
23 allow not more than days of credit each month for an offender whose diligence in
24 labor and study merits such credits.

25 The court notes that "Both NRS 209.433(3) and NDOP Administrative Regulation 714 (III)
26 make the granting of Work Time Credit discretionary [,] which merely creates a possibility of early
27 release." Cooper v. Sumner, 672 F. Supp. 1361, 1367 (D. Nev. 1987). Because Mr. Perez only
28 claims that he has been denied the right to earn work credit, this argument fails. Mr. Perez has no

1 constitutionally protected liberty interest in earning work credit, and he is not entitled to any more
2 credit than he does not work to earn. Since Mr. Perez has not submitted proof that he has earned any
3 work credits, Mr. Perez is not entitled to any additional work credits.

4 **C. Mr. Perez Misunderstands Applicable Law.**

5 Lastly, the Court notes there is no due process issue here or equal protection issue as
6 similarly situated inmates are similarly treated and Mr. Perez does not allege discrimination based
7 on a classification.

8 **III. Conclusion**

9 The Court finds Mr. Perez is not entitled to additional credits. Therefore, the Court denies
10 Mr. Perez's Petition for Writ of Habeas Corpus.

11
12 DATED this day of December 28, 2017.

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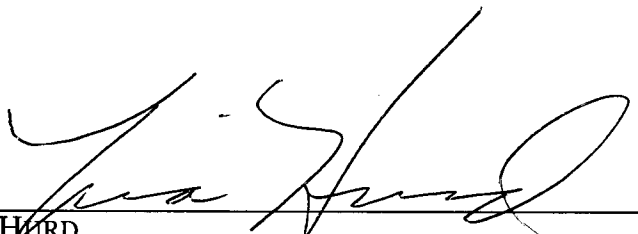
16 LINDA MARIE BELL
17 DISTRICT COURT JUDGE
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LINDA MARIE BELL
DISTRICT JUDGE
DEPARTMENT VII

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the date of filing, a copy of this Order was electronically served through the Eighth Judicial District Court EFP system or, if no e-mail was provided, by facsimile, U.S. Mail and/or placed in the Clerk's Office attorney folder(s) for:

Name	Party
Gerardo Perez c/o High Desert State Prison	Petitioner
Allison Herr, Esq. Deputy Attorney General	Counsel for Respondent


TINA HORD
JUDICIAL EXECUTIVE ASSISTANT, DEPARTMENT VII

AFFIRMATION

Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding Decision and Order filed in District Court case number A753832 **DOES NOT** contain the social security number of any person.

/s/ Linda Marie Bell Date 12/ /2017
District Court Judge

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Writ of Habeas Corpus

COURT MINUTES

September 28, 2017

A-17-753832-W Gerardo Perez, Plaintiff(s)
vs.
Brian Williams, Defendant(s)

September 28, 2017	9:00 AM	Petition for Writ of Habeas Corpus	Petition for Writ of Habeas Corpus
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HEARD BY: Bell, Linda Marie **COURTROOM:** RJC Courtroom 15A

COURT CLERK: Sylvia Perry

RECORDER: Renee Vincent

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- No parties present

Plaintiff is challenging the computation of time by the Nevada Department of Corrections (NDOC). He was convicted of a category A felony with an offense date in 2003 and is not entitled to credits off of his minimum sentence pursuant to NRS 209.4465(7)(b). Additionally, there is no due process or ex-post facto issue as the statute was in place at the time he was convicted and similarly situated inmates are treated the same under the statute. He is not entitled to work credits for work not performed and because he has been before the parole board, there is no additional relief this court may grant. COURT ORDERED, petition DENIED.



EIGHTH JUDICIAL DISTRICT COURT CLERK'S OFFICE
NOTICE OF DEFICIENCY
ON APPEAL TO NEVADA SUPREME COURT

BRET O. WHIPPLE, ESQ.
1100 S. TENTH ST.
LAS VEGAS, NV 89104

DATE: January 29, 2018
CASE: A-17-753832-W

RE CASE: GERARDO PEREZ vs. BRIAN WILLIAMS, WARDEN HDSP

NOTICE OF APPEAL FILED: January 25, 2018

YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.

PLEASE NOTE: DOCUMENTS **NOT** TRANSMITTED HAVE BEEN MARKED:

- ☒ \$250 – Supreme Court Filing Fee (Make Check Payable to the Supreme Court)**
 - If the \$250 Supreme Court Filing Fee was not submitted along with the original Notice of Appeal, it must be mailed directly to the Supreme Court. The Supreme Court Filing Fee will not be forwarded by this office if submitted after the Notice of Appeal has been filed.
- ☐ \$24 – District Court Filing Fee (Make Check Payable to the District Court)**
- ☒ \$500 – Cost Bond on Appeal (Make Check Payable to the District Court)**
 - NRAP 7: Bond For Costs On Appeal in Civil Cases
- ☐ Case Appeal Statement
 - NRAP 3 (a)(1), Form 2
- ☐ Order
- ☐ Notice of Entry of Order

NEVADA RULES OF APPELLATE PROCEDURE 3 (a) (3) states:

"The district court clerk must file appellant's notice of appeal despite perceived deficiencies in the notice, including the failure to pay the district court or Supreme Court filing fee. The district court clerk shall apprise appellant of the deficiencies in writing, and shall transmit the notice of appeal to the Supreme Court in accordance with subdivision (e) of this Rule with a notation to the clerk of the Supreme Court setting forth the deficiencies. Despite any deficiencies in the notice of appeal, the clerk of the Supreme Court shall docket the appeal in accordance with Rule 12."

Please refer to Rule 3 for an explanation of any possible deficiencies.

***Per District Court Administrative Order 2012-01, in regards to civil litigants, "...all Orders to Appear in Forma Pauperis expire one year from the date of issuance." You must reapply for in Forma Pauperis status.*

Certification of Copy

State of Nevada }
County of Clark } SS:

I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full and correct copy of the hereinafter stated original document(s):

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; DECISION AND ORDER; NOTICE OF ENTRY OF ORDER; DISTRICT COURT MINUTES; NOTICE OF DEFICIENCY

GERARDO PEREZ,

Plaintiff(s),

vs.

BRIAN WILLIAMS, WARDEN HDSP,

Defendant(s),

Case No: A-17-753832-W

Dept No: VII

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
This 29 day of January 2018.

Steven D. Grierson, Clerk of the Court



Amanda Hampton, Deputy Clerk