

Steven D. Grierson

1 GARY D. FAIR #90314

2 In Proper Person

3 P.O. Box 650 H.D.S.P.

4 Indian Springs, Nevada ~~89018~~

89070

5 EIGHTH

6 JUDICIAL DISTRICT COURT

7 CLARK COUNTY NEVADA

Electronically Filed
Apr 03 2018 11:31 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

8 STATE OF NEVADA,

9 Plaintiff,

10 -v-

11 GARY FAIR,

12 Defendant,

Case No. A-17-764995-W

Dept.No. 7

Docket _____

13
14 NOTICE OF APPEAL

15 Notice is hereby given that the NAMED Defendant, Gary

16 Fair,

17 by and through himself in proper person, does now appeal

18 to the Supreme Court of the State of Nevada, the decision of the District

19 Court In dispute of The Computation of Statutory "flood Time"

20 according to NRS 209.4465. N.D.O.C. IS DENYING ME

21 MY DUE PROCESS RIGHTS OF CORRECTING MY P.E.D.

22 Dated this date, MARCH 21, 2018.

23 Respectfully Submitted,

24 *Gary Fair*

25 In Proper Person

26 RECEIVED

27 MAR 26 2018

28 CLERK OF THE COURT

→ Headline —

By the application of the exclusionary provisions of section (8) of NRS 209.4465 (2007) to deny me 20 days of statutory "Good Time" per month being deducted from the minimum term of my sentence. I incorporated all the facts contained in ground one. The NEVADA Department of Corrections appears to be denying ~~me~~ me the 20 days a month of statutory "Good Time" deducted from the minimum (and maximum) term of my sentence. I rely upon the decision in the following cases to support my position in this ground for relief. *WEAVER v. Graham* 450 U.S. 24 (1981) *STEVENS v. NEVADA STATE PRISON*, 969 P. 2d 945 NV(1991) and *Goldworthy v. Hannifin*, 468 P. 2d, 350 (1970)

GARY D. FAIR #90314
P.O. BOX 650
Indian Springs, NV.
89070

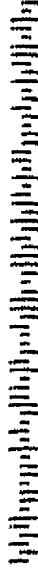
LAS VEGAS NV 890

22 MAR 2018 PM 5:1

STEVEN D. GIRIERSON
CLERK OF THE COURT
200 LEWIS AVENUE, 3RD FLOOR
LAS VEGAS, NV.

89155-1160

89101-630000



MAR 21



1 ASTA

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3
4
5
6 **IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE**
7 **STATE OF NEVADA IN AND FOR**
8 **THE COUNTY OF CLARK**
9

10 GARY DERRICK FAIR,

11 Plaintiff(s),

12 vs.

13 BRIAN WILLIAMS {WARDEN},

14 Defendant(s),

Case No: A-17-764995-W

Dept No: VII

15
16
17 **CASE APPEAL STATEMENT**

18 1. Appellant(s): Gary Fair

19 2. Judge: Linda Marie Bell

20 3. Appellant(s): Gary Fair

21 Counsel:

22 Gary Fair #90314
23 P.O. Box 650
24 Indian Springs, NV 89070

25 4. Respondent (s): Brian Williams {Warden}

26 Counsel:

27 Adam Paul Laxalt, Attorney General
28 555 E. Washington Ave., Ste. 3900
Las Vegas, NV 89101

1 5. Appellant(s)'s Attorney Licensed in Nevada: N/A
2 Permission Granted: N/A

3 Respondent(s)'s Attorney Licensed in Nevada: Yes
4 Permission Granted: N/A

5 6. Appellant Represented by Appointed Counsel In District Court: No

6 7. Appellant Represented by Appointed Counsel On Appeal: N/A

7 8. Appellant Granted Leave to Proceed in Forma Pauperis**: N/A

8 **Expires 1 year from date filed

9 Appellant Filed Application to Proceed in Forma Pauperis: No
10 Date Application(s) filed: N/A

11 9. Date Commenced in District Court: November 21, 2017

12 10. Brief Description of the Nature of the Action: Civil Writ

13 Type of Judgment or Order Being Appealed: Civil Writ of Habeas Corpus

14 11. Previous Appeal: No

15 Supreme Court Docket Number(s): N/A

16 12. Child Custody or Visitation: N/A

17 13. Possibility of Settlement: Unknown

18 Dated This 28 day of March 2018.

19 Steven D. Grierson, Clerk of the Court

20 /s/ Heather Ungermann

21 Heather Ungermann, Deputy Clerk
22 200 Lewis Ave
23 PO Box 551601
24 Las Vegas, Nevada 89155-1601
25 (702) 671-0512

26 cc: Gary Fair
27
28

DEPARTMENT 7
CASE SUMMARY
CASE NO. A-17-764995-W

Gary Fair, Plaintiff(s)
vs.
Brian Williams, Defendant(s)

§
§
§
§
§

Location: **Department 7**
Judicial Officer: **Bell, Linda Marie**
Filed on: **11/21/2017**
Cross-Reference Case Number: **A764995**

CASE INFORMATION

Case Type: **Writ of Habeas Corpus**

Case Flags: **Appealed to Supreme Court**

DATE

CASE ASSIGNMENT

Current Case Assignment

Case Number	A-17-764995-W
Court	Department 7
Date Assigned	11/21/2017
Judicial Officer	Bell, Linda Marie

PARTY INFORMATION

Plaintiff **Fair, Gary Derrick**

Lead Attorneys

Pro Se







Defendant **Williams, Brian**

Balducci, Ashley, ESQ
Retained
702-486-3086(W)

DATE

EVENTS & ORDERS OF THE COURT

INDEX

11/21/2017	 Inmate Filed - Petition for Writ of Habeas Corpus <i>Inmate Filed - Petition for Writ of Habeas Corpus</i>	
01/16/2018	 Order for Petition for Writ of Habeas Corpus <i>Order for Petition for Writ of Habeas Corpus</i>	
02/23/2018	 Response Filed by: Defendant Williams, Brian <i>Response to Petition for Writ of Habeas Corpus</i>	
02/27/2018	 Petition for Writ of Habeas Corpus (9:00 AM) (Judicial Officer: Bell, Linda Marie) 02/27/2018, 03/01/2018	
03/26/2018	 Notice of Appeal <i>Notice of Appeal</i>	
03/28/2018	 Case Appeal Statement <i>Case Appeal Statement</i>	

A-17-764995-W

54

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

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

Gary Derrick Faye

#90314

PO Box 60

Indian Springs NV 89070

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

Brian W. Haines
warden

Attorney (name/address/phone):

Attorney (name/address/phone):

II. Nature of Controversy (please select the one most applicable filing type below)**Civil Case Filing Types****Real Property****Landlord/Tenant**

- ☐ Unlawful Detainer
☐ Other Landlord/Tenant

Title to Property

- ☐ Judicial Foreclosure
☐ Other Title to Property

Other Real Property

- ☐ Condemnation/Eminent Domain
☐ Other Real Property

Probate**Probate** (select case type and estate value)

- ☐ Summary Administration
☐ General Administration
☐ Special Administration
☐ Set Aside
☐ Trust/Conservatorship
☐ Other Probate

Estate Value

- ☐ Over \$200,000
☐ Between \$100,000 and \$200,000
☐ Under \$100,000 or Unknown
☐ Under \$2,500

Negligence

- ☐ Auto
☐ Premises Liability
☐ Other Negligence

Malpractice

- ☐ Medical/Dental
☐ Legal
☐ Accounting
☐ Other Malpractice

Construction Defect & Contract**Construction Defect**

- ☐ Chapter 40
☐ Other Construction Defect

Contract Case

- ☐ Uniform Commercial Code
☐ Building and Construction
☐ Insurance Carrier
☐ Commercial Instrument
☐ Collection of Accounts
☐ Employment Contract
☐ Other Contract

Torts**Other Torts**

- ☐ Product Liability
☐ Intentional Misconduct
☐ Employment Tort
☐ Insurance Tort
☐ Other Tort

Judicial Review/Appeal**Judicial Review**

- ☐ Foreclosure Mediation Case
☐ Petition to Seal Records
☐ Mental Competency

Nevada State Agency Appeal

- ☐ Department of Motor Vehicle
☐ Worker's Compensation
☐ Other Nevada State Agency

Appeal Other

- ☐ Appeal from Lower Court
☐ Other Judicial Review/Appeal

Civil Writ**Civil Writ**

- ☒ Writ of Habeas Corpus
☐ Writ of Mandamus
☐ Writ of Quo Warrant

- ☐ Writ of Prohibition
☐ Other Civil Writ

Other Civil Filing**Other Civil Filing**

- ☐ Compromise of Minor's Claim
☐ Foreign Judgment
☐ Other Civil Matters

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

PREPARED BY CLERK

Date

NOV 20 2017

Signature of initiating party or representative

See other side for family-related case filings.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Writ of Habeas Corpus

COURT MINUTES

February 27, 2018

A-17-764995-W Gary Fair, Plaintiff(s)
vs.
Brian Williams, Defendant(s)

**February 27, 2018 9:00 AM Petition for Writ of Habeas
Corpus**

HEARD BY: Bell, Linda Marie

COURTROOM: RJC Courtroom 15A

COURT CLERK: Phyllis Irby

RECORDER: Renee Vincent

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- No parties present. COURT ORDERED, MATTER CONTINUED.

3-01-18 9:00 AM PETITION FOR WRIT OF HABEAS CORPUS

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Writ of Habeas Corpus

COURT MINUTES

March 01, 2018

A-17-764995-W Gary Fair, Plaintiff(s)
vs.
Brian Williams, Defendant(s)

**March 01, 2018 9:00 AM Petition for Writ of Habeas
Corpus**

HEARD BY: Bell, Linda Marie

COURTROOM: RJC Courtroom 15A

COURT CLERK: Sylvia Perry

RECORDER: Renee Vincent

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- Court noted Defendant convicted of category B felony habitual criminal with an offense date of 2016; Defendant seeking good time credit under NRS 209.4465; however, as Defendant was convicted of a category B felony he is excluded from good time credit off his minimum sentence pursuant to NRS 209.4465(8) and COURT ORDERED, Petition DENIED.



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

GARY FAIR #90314
P.O. BOX 650
INDIAN SPRINGS, NV 89070

DATE: March 28, 2018
CASE: A-17-764995-W

RE CASE: GARY DERRICK FAIR vs. BRIAN WILLIAMS {WARDEN}

NOTICE OF APPEAL FILED: March 26, 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; DISTRICT COURT MINUTES; NOTICE OF
DEFICIENCY

GARY DERRICK FAIR,

Plaintiff(s),

vs.

BRIAN WILLIAMS {WARDEN},

Defendant(s),

Case No: A-17-764995-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 28 day of March 2018.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk