

IN THE SUPREME COURT OF THE STATE OF NEVADA

GARY DERRICK FAIR

Appellant,

vs.

Brian Williams, WARDEN

Respondent.

Supreme Court No. 75487

District Court No. A-17-764995-W

FILED

MAY 22 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT

BY [Signature]
DEPUTY CLERK

APPELLANT'S INFORMAL BRIEF

INSTRUCTIONS: If you are an appellant proceeding pro se (without an attorney) in the Nevada Supreme Court, you must file either (1) a brief that complies with Nevada Rule of Appellate Procedure (NRAP) 28(a), or (2) a completed copy of this informal brief form, see NRAP 28(k), with the Nevada Supreme Court on or before the due date, see NRAP 31. In civil appeals, if you do not file one of these documents by the due date, the Nevada Supreme Court may dismiss your appeal. In postconviction criminal appeals, if you do not file one of these documents by the due date, the Nevada Supreme Court or Nevada Court of Appeals may decide your appeal on the record without briefing.

HOW TO FILL OUT THIS FORM: This form must be typed, unless you are incarcerated, in which case it must be clearly handwritten. You do not need to refer to legal authority or the district court record. If you are completing your brief on this form, write only in the space allowed on the form. **Additional pages and attachments are not allowed.** If typing an informal brief, you may either use the lined paper contained in this form or an equivalent number of pages of your own paper. Your brief will be stricken if you fail to follow the directions in this form and the Nevada Rules of Appellate Procedure.

WHERE TO FILE THE BRIEF: You may submit your brief for filing in person or by mail.

To file your brief in person: Briefs may be submitted for filing Monday through Friday, 8:00 a.m. to 4:00 p.m.

Carson City: Bring the brief to the Clerk's Office at the Supreme Court of Nevada, 201 South Carson Street, Carson City, Nevada, 89701.

Las Vegas: Place your brief in the Clerk's Office Drop Box at the Las Vegas courthouse for the Nevada Appellate Courts, 408 East Clark Avenue, Las Vegas, Nevada, 89101.

Informal Brief Form October 2017

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
DEPUTY CLERK

18-19484

To file your brief by mail: Mail the brief to the Clerk of the Supreme Court of Nevada, 201 South Carson Street, Carson City, Nevada 89701. **Your brief must be postmarked on or before the due date.**

You must file the original brief and 1 copy with the clerk of the Nevada Supreme Court. If you want the clerk to return a file-stamped copy of your brief, you must file the original form and 2 copies and include a self-addressed, stamped envelope. Documents cannot be faxed or emailed to the Supreme Court Clerk's Office.

Copies of the brief must be mailed or delivered to the other parties to this appeal or to the parties' attorneys, if they have attorneys. You must also include a proper certificate of service or complete the certificate that is attached to the informal brief form.

CAUTION: Pro se parties are prohibited from representing other parties. A pro se party may not complete a brief on behalf of other parties. Pro se parties may collaborate on their briefs, however, provided that if one brief is submitted on behalf of multiple pro se parties, each party must sign and date the brief to confirm that he or she has participated in the preparation of the brief and, by his or her signature, joins in the arguments and representations contained therein.

Judgment or Order You Are Appealing. List the judgment or order that you are appealing from and the date that the judgment or order was filed in the district court.

Filed Date	Name of Judgment or Order
NOV 21, 2017	Petition for WRIT of HABEAS CORPUS

Notice of Appeal. Give the date you filed your notice of appeal in the district court: May 11th, 2018

Related Cases. List all other court cases related to this case. Provide the case number, title of the case and name of the court where the case was filed.

Case No.	Case Title	Name of Court
N/A	N/A	N/A

Pro Bono Counsel. Would you be interested in having pro bono counsel assigned to represent you in this appeal?

☐ Yes ☒ No

NOTE: If the court determines that your case may be appropriate for having pro bono counsel assigned, an appropriate order will be entered. Assignment of pro bono counsel is not automatic.

Statement of Facts. Explain the facts of your case. (Your answer must be provided in the space allowed.)

THE LEGISLATIVE history of NRS 209.4465 is silent as to its intent REGARDING parole. HOWEVER a person becomes eligible for parole once they have served the minimum term of imprisonment. And since NRS 209.4465 (1)(b) allows for the application of statutory time credits to parole eligibility the plain language of the Statute clearly contemplates the deduction of statutory...

.... credits from the minimum term of imprisonment. Thus there is an existing statute that prohibits deducting NRS chapter 209 credits from the minimum term of imprisonment co-existing with a new statute that allowed such deductions except in certain circumstances when two statutes cannot be interpreted in a way that renders them not compatible, not contradictory. Antonin Scalia and Bryan A. Garner Reading in the Interpretation of Legal Text 180 (2012). The newer and/or more specific statute and its specific provisions should generally take precedence. Ader vs. Warden, 121 Nev 682, 687, 120 p. 3d 1164, 1167, 2005. Scalia and former Supra at 183, 185. NRS 209.4465(7)(b) is the more recently enacted statute and its specific provision allowing the deduction of statutory credits from the eligibility of parole should take precedence over the more general prohibition in NRS 213.120(2). Accordingly, for determining the deduction of statutory credits from Gary DERRICK Fair⁺ 90314 minimum term of imprisonment.

Statement of District Court Error. Explain why you believe the district court was wrong. Also state what action you want the Nevada Supreme Court to take. (Your answer must be provided in the space allowed.)

The District Court is wrong for Ruling in the Respondents favor. I feel the District Court is unaware of the Legislative history of NRS 209.4465, the complete statute as a whole.

I Request this Honorable Nevada Supreme Court to order Warden Brian Williams to deduct statutory credits from my, (Gary DERRICK FAIR 90314) minimum term of imprisonment.

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Lined area for text entry.

DATED this 17th day of May, 2018.

Gary Fair
Signature of Appellant

Gary Fair
Print Name of Appellant

CERTIFICATE OF SERVICE

I certify that on the date indicated below, I served a copy of this completed informal brief form upon all parties to the appeal as follows:

- ☐ By personally serving it upon him/her; or
☒ By mailing it by first-class mail with sufficient postage prepaid to the following address(es) (list names and address(es) of parties served):

Ashley Alexandria Balducci
STATE OF NEVADA
OFFICE OF THE ATTORNEY General
555 E. WASHINGTON AVE. Suite 3900
LAS Vegas, Nevada 89101-1068

DATED this 17th day of May, 2018.

Gary Fair
Signature of Appellant

GARY FAIR
Print Name of Appellant

c/o H.D.S.P.
P.O. BOX 650
Address

Indian Springs, NV. 89070 - 0650
City/State/Zip

Telephone