

IN THE SUPREME COURT OF THE STATE OF NEVADA

MARCUS CAMPBELL,

Appellant,

v.

THE STATE OF NEVADA,

Respondent.

Electronically Filed
Jun 24 2019 03:32 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

Case No. 78726

**RESPONSE TO ORDER DIRECTING ATTORNEY GENERAL TO
OBTAIN AND TRANSMIT CERTIFIED COPY OF NOTICE OF APPEAL
LOG OR OTHER LOG MAINTAINED BY THE PRISON**

AARON D. FORD
Attorney General
Katrina A. Samuels (Bar No. 13394)
Deputy Attorney General
State of Nevada
Office of the Attorney General
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Las Vegas, Nevada 89101
(702) 486-3770
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Attorneys for Respondent

Appellant Marcus Campbell is currently an inmate at High Desert State Prison. Appellant filed a pro se appeal from an order of the Eighth Judicial District Court denying his motion to correct/modify an illegal sentence. The district court entered the order denying Appellant's motion on March 21, 2019, and notice of appeal was due on April 22, 2019. Appellant's notice of appeal was not filed until May 1, 2019.

A notice of appeal must be filed with the district court clerk within thirty days after the entry of the judgment or order being appealed. NRAP 4(b)(1)(a). An inmate's deadline for filing is met if evidence can be produced showing that the appellant delivered his notice of appeal to a prison official for mailing within the thirty days period of time for filing a notice of appeal. *Kellogg v. Journal Communications*, 108 Nev. 474, 477, 835 P.2d 12, 13 (1992). However, in this case no such evidence exists.

In compliance with this Court's *Order Directing Attorney General to Obtain and Transmit Certified Copy of Notice of Appeal Log or Other Log Maintained by the Prison*, the foregoing evidence, that the notice of appeal was untimely, is presented:

Identification of Inmate

Exhibit 1 reflects that Appellant's name and prison identification number, as well as his current assigned place of incarceration at High Desert State Prison.

Exhibit 2 shows that Appellant was housed at High Desert State Prison during the entirety of the relevant period in which notice of the entry of the district court order was served upon the Appellant, and date the Appellant's notice of appeal was filed with the clerk of the Eighth Judicial District Court.

Notice of Appeal Logs

Exhibit 3 is a copy of the High Desert State Prison “Inmate Notice of Appeal Log” maintained by the prison in accordance with Nevada Department of Corrections Administrative Regulation 722.07. No entry is reflected for the Appellant’s notice of appeal under the inmate’s name or identification number.

Other Evidence

Exhibit 4 is a copy of the Appellant’s daily transaction account summary for the dates between March 21, 2019 and June 12, 2019. There are no transactions for postage listed.

NRAP 4(d) provides:

Appeal by an Inmate Confined in an Institution. If an inmate confined in an institution files a notice of appeal in either a civil or a criminal case, the notice is timely if it is delivered to a prison official for mailing on or before the last day for filing. If the institution has a notice-of-appeal log or another system designed for legal mail, the inmate must use that log or system to receive the benefit of this Rule.

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Respondent has made a diligent effort to locate evidence of the Appellant's efforts to serve his notice of appeal but have found no relevant information that is dispositive of the timeliness of Appellant's notice of appeal. As the Appellant failed to avail himself of the prison's inmate notice of appeal log, his notice should be deemed untimely.

Respectfully submitted this 24th day of June 2019.

AARON D. FORD
Attorney General

By: /s/ Katrina A. Samuels
Katrina A. Samuels (Bar No. 13394)
Deputy Attorney General

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the *Response To Order Directing Attorney General to Obtain and Transmit Certified Copy of Notice of Appeal Log or Other Log Maintained by the Prison* with this Court's electronic filing system and consistent with NEFCR 9 on June 24, 2019.

Participants in the case who are registered with this Court's electronic filing system will receive notice that the document has been filed and is available on the court's electronic filing system.

I further certify that as some of the participants in the case are not registered as electronic users. I have mailed the foregoing document by First-Class Mail, postage prepaid, to the following:

Marcus Campbell, #1014221
c/o High Desert State Prison
P.O. Box 650
Indian Springs, NV 89070-0650

/s/ M. Landreth
An employee of the Office of the Attorney General

Exhibit 1


NAME SEARCH - (OIIINAMES)

Name Search _____

[illegible]

Exhibit 2

EXTERNAL MOVEMENT INQUIRY - (OHEMOVE)

ID#	Last Name	Given Name 1 (First)	Given Name 2	Suffix	DOB	Alerts	
0001014221	CAMPBELL	MARCUS			03/11/1989	S	
BKG#	Facility	Status	Classification				
2008-027689	HDSP-U7-A-29-B, NC	ACTIVE-IN	Medium				

Offender's External Movements

Date	Time	Type	Reason	Comment	Dir	From	To	Invalid
11/16/2011	15 04	ADM	INT		IN	ESP	HDSP	<input type="checkbox"/>
11/16/2011	09 18	TRN	MAYMV	GP// GPK	OUT	ESP	HDSP	<input type="checkbox"/>
04/09/2008	17 45	ADM	INT	20-LIFE, MULTI CS	IN	HDSP	ESP	<input type="checkbox"/>
04/09/2008	08 41	TRN	MAYMV	20-LIFE, MULTI CS	OUT	HDSP	ESP	<input type="checkbox"/>
02/14/2008	14 11	CRT	HR		IN	CLCCRT	HDSP	<input type="checkbox"/>
02/14/2008	05 44	CRT	HR		OUT	HDSP	CLCCRT	<input type="checkbox"/>
01/28/2008	11 13	ADM	ADMN		IN	CCDC	HDSP	<input type="checkbox"/>
								<input type="checkbox"/>
								<input type="checkbox"/>

Actual Movement Details

Actual Date Actual Time Movement Comment

☐ Exclude TAP/CRT

☐ All Bookings



My Offenders



My Work



My Calendar



Offender Updates



Offender Detail

Exhibit 3

NOTICE OF APPEAL LOG

	INMATE'S NAME	NUMBER	DATE OF RECEIPT	TIME OF RECEIPT	CASE NUMBER	COURT	SIGNATURE STAFF MEMBER	SIGNATURE INMATE	
1 AG	Woods, Donal	1160005	08/23/18	10:47 AM	C10317345	8th Judicial District Court	<i>[Signature]</i>	<i>[Signature]</i>	NOA
			08/23/18	4:05 PM					
	Jackson, Robert	86232	8/31/18	10:44 AM	274436-1	Steven Grierson - Clerk 200 Lewis Ave 3rd Fl Las Vegas, NV 89155	<i>[Signature]</i>	<i>[Signature]</i>	
			8/31/18	3:55 PM					
2 AG	Reck, Frank	57100	10/22/18	1:51 PM	A18773718P	Nevada Supreme Ct	<i>[Signature]</i>	<i>[Signature]</i>	NOA
			10/22/18	4:00 PM		201 S. Carson St Carson City, NV 89201			
3 AG	Reck, Frank	57100	10/22/18	1:51 PM	A18773718P	DAG Randall Gillmer 555 E Washington Ave W, NV 89101	<i>[Signature]</i>	<i>[Signature]</i>	
			10/22/18	4:00 PM					
4 AG	Cross, Terry	1129407	11/16/18	1:45 PM	7440	Supreme Court 200 Lewis Ave 17th Fl Las Vegas, NV 89101	<i>[Signature]</i>	<i>[Signature]</i>	NOA
			11/16/18	4:00 PM					
5 AG	Brown, Jason	1189477	11/19/18	3:48 PM	C173262 70-1	Clerk of Court 200 Lewis Ave 3rd Fl Las Vegas, NV 89155	<i>[Signature]</i>	<i>[Signature]</i>	NOA
			11/19/18	4:00 PM					
6 AG	Helfrich, Peter	111875	12/5/18	3:20 PM	A-18-179311	Supreme Court of NV 201 S Carson Street Carson City, NV 89201	<i>[Signature]</i>	Peter Helfrich	NOA
			12/6/18	0600 am					
7 AG	Reberger, Lance	39494	12/24/18	3:51 PM	3:55 CV-00008 408-MMD CBC	US District Court 400 S Virginia St Reno, NV 89501	<i>[Signature]</i>	Lance Reberger	NOA
8 AG	Mamer, William	1194849	1/4/19	10:43 am	C-17-326488-1	Steve Grierson Clerk of Court 200 Lewis Ave 3rd Fl Las Vegas, NV 89155	<i>[Signature]</i>	<i>[Signature]</i>	
			1/4/19	4:00 PM					
9 AG	Mamer, William	1194849	1/4/19	10:45 am	C-17-326488-1	Nevada Supreme Court Supreme Court Building 201 South Carson St #201 Carson City, NV 89201	<i>[Signature]</i>	<i>[Signature]</i>	
			1/4/19	4:00 PM					
10 AG	Centofanti, Alfred	85237	2/14/19	8:22 AM	01C17258	Clerk - 8th Judicial 200 Lewis Ave LV NV 89155	<i>[Signature]</i>	<i>[Signature]</i>	NOA
			2/14/19	4:15 PM					
11 AG	Reberger, Lance	39494	03/28/19	3:31 PM	3:55 CV-00008 MMD CBC	Clerk 400 S Virginia St Reno, NV 89501	<i>[Signature]</i>	Lance Reberger	NOA
			3/28/19	4:21 PM					
12 AG	Reberger, Lance	39494	03/28/19	3:31 PM	3:55 CV-00008 MMD CBC	AG - 100 N. Carson St Carson City, NV 89201	<i>[Signature]</i>	Lance Reberger	NOA
			3/28/19	4:21 PM					
13 AG	Ramirez, Miguel	23495	4/10/19	8:14 AM	A19789157C	200 Lewis Ave W NV 89155	<i>[Signature]</i>	Miguel Ramirez	NOA
			4/10/19	4:01 PM					

NOTICE OF APPEAL LOG

NO AG
NO AG
NO AG
NO AG

1 STATE OF NEVADA)
)ss.
2 COUNTY OF CLARK)

3
4
5 **CERTIFICATE OF CUSTODIAN OF RECORDS**

6 I, Sia Asimidakis, hereby certify:

- 7 1. That I am employed by the State of Nevada, Department of Corrections, as
8 Law Library Supervisor for the High Desert State Prison (HDSP) and in such capacity I am
9 a custodian of the attached records.
10
11 2. That the State of Nevada Department of Corrections is a State of Nevada agency.
12 3. That on the 22nd day of May, I was requested to provide a copy of the Notice of Appeal
13 Log for the months of March and April, 2019.
14 4. That I have examined the original of that record and a true and exact copy of it has been
15 reproduced and delivered to the Office of the Nevada Attorney General and said copy is
16 true and accurate.
17 5. That the original of that record was made at or near the time of the act, event, condition,
18 opinion or diagnosis recited therein by or from information transmitted by a person with
19 knowledge, in the course of my or my employer's regularly conducted activity.

20 I declare under penalty of perjury under the laws of the State of Nevada the foregoing statements
21 are true and correct. This certificate is made for use as court evidence and in compliance with Nevada
22 Revised Statutes (NRS 52.260).

23 Executed this 23 day of May, 2019

24 Signed: _____

25 Printed: _____

26 Title: _____

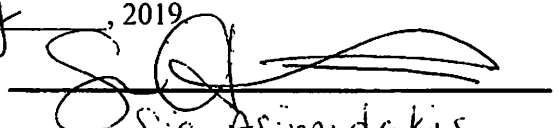

Sia Asimidakis
Law Library Supervisor

Exhibit 4

Offender Information

Offender Number 1014221
 Offender Name: CAMPBELL, MARCUS
 Account Status: Open

Institution: HDSP
 Housing Facility: U7

Living Unit: A
 Cell: 29
 Bed: B

Primary Trust Transactions

Date	Transaction Type	Payer / Paid To	Reference Number	Deposit# / Check#	Amount	Balance	Loc Code
03/21/2019						\$157.83	
03/22/2019 05:48:30 AM	Commissary		6209;102123003		(\$118.43)	\$39.40	HDSP
03/22/2019 12:42:07 PM	Prison Industries Payroll	7194 - Prison Industries Payroll	03/07/2019	9900013170	\$104.95	\$144.35	HDSP
03/22/2019 12:42:07 PM	Victim of Crime Fund	Victim of Crime Fund	03/07/2019	9900026155	(\$5.25)	\$139.10	HDSP
03/22/2019 12:42:07 PM	Room and Board	Room and Board	03/07/2019	9900026154	(\$25.71)	\$113.39	HDSP
03/22/2019 12:42:07 PM	PI Capital Improvement	Capital Improvement	03/07/2019	9900026153	(\$5.25)	\$108.14	HDSP
03/25/2019 12:22:17 PM	Prison Industries Payroll	7194 - Prison Industries Payroll	03/21/2019	9900013201	\$186.65	\$294.79	HDSP
03/25/2019 12:22:17 PM	Victim of Crime Fund	Victim of Crime Fund	03/21/2019	9900026155	(\$9.33)	\$285.46	HDSP
03/25/2019 12:22:17 PM	Room and Board	Room and Board	03/21/2019	9900026154	(\$45.73)	\$239.73	HDSP
03/25/2019 12:22:17 PM	PI Capital Improvement	Capital Improvement	03/21/2019	9900026153	(\$9.33)	\$230.40	HDSP
03/29/2019 06:15:00 AM	Commissary		6209;102132474		(\$99.53)	\$130.87	HDSP
04/05/2019 06:18:41 AM	Commissary		6209;102141314		(\$58.47)	\$72.40	HDSP
04/11/2019 03:07:56 PM	Prison Industries Payroll	7194 - Prison Industries Payroll	04/04/2019	9900013366	\$76.60	\$149.00	HDSP
04/11/2019 03:07:56 PM	Victim of Crime Fund	Victim of Crime Fund	04/04/2019	9900026478	(\$3.83)	\$145.17	HDSP
04/11/2019 03:07:56 PM	Room and Board	Room and Board	04/04/2019	9900026477	(\$18.77)	\$126.40	HDSP
04/11/2019 03:07:56 PM	PI Capital Improvement	Capital Improvement	04/04/2019	9900026472	(\$3.83)	\$122.57	HDSP
04/12/2019 06:24:27 AM	Commissary		6209;102150733		(\$20.00)	\$102.57	HDSP
04/19/2019 06:15:40 AM	Commissary		6209;102159577		(\$51.06)	\$51.51	HDSP
04/26/2019 06:18:09 AM	Commissary		6209;102169271		(\$40.25)	\$11.26	HDSP
04/29/2019 07:00:14 AM	Keefe	pamela jackson		9900013498	\$50.00	\$61.26	HDSP
05/03/2019 06:10:41 AM	Commissary		6209;102178267		(\$61.04)	\$0.22	HDSP
05/06/2019 07:00:19 AM	Keefe	Todd Johnson		9900013533	\$25.00	\$25.22	HDSP
05/09/2019 04:21:47 PM	Prison Industries Payroll	7194 - Prison Industries Payroll	05/02/2019	9900013547	\$234.75	\$259.97	HDSP
05/09/2019 04:21:47 PM	Victim of Crime Fund	Victim of Crime Fund	05/02/2019	9900026875	(\$11.74)	\$248.23	HDSP
05/09/2019 04:21:47 PM	Room and Board	Room and Board	05/02/2019	9900026873	(\$57.51)	\$190.72	HDSP
05/09/2019 04:21:47 PM	PI Capital Improvement	Capital Improvement	05/02/2019	9900026874	(\$11.74)	\$178.98	HDSP
05/10/2019 06:01:36 AM	Commissary		6209;102187317		(\$102.14)	\$76.84	HDSP
05/17/2019 06:21:50 AM	Commissary		6209;102196760		(\$49.13)	\$27.71	HDSP
05/24/2019 06:22:31 AM	Commissary		6209;102206635		(\$17.48)	\$10.23	HDSP
05/29/2019 08:05:41 AM	Prison Industries Payroll	7194 - Prison Industries Payroll	05/16/2019	9900013760	\$106.40	\$116.63	HDSP
05/29/2019 08:05:41 AM	Victim of Crime Fund	Victim of Crime Fund	05/16/2019	9900026875	(\$5.32)	\$111.31	HDSP

Primary Trust Transactions

Date	Transaction Type	Payer / Paid To	Reference Number	Deposit# / Check#	Amount	Balance	Loc Code
05/29/2019 08:05:41 AM	Room and Board	Room and Board	05/16/2019	9900026873	(\$26.07)	\$85.24	HDSP
05/29/2019 08:05:41 AM	PI Capital Improvement	Capital Improvement	05/16/2019	9900026874	(\$5.32)	\$79.92	HDSP
06/03/2019 05:43:48 AM	Commissary		6209;102217100		(\$52.72)	\$27.20	HDSP
06/06/2019 10:46:50 AM	Prison Industries Payroll	7194 - Prison Industries Payroll	05/30/2019	9900013856	\$107.45	\$134.65	HDSP
06/06/2019 10:46:50 AM	Victim of Crime Fund	Victim of Crime Fund	05/30/2019		(\$5.37)	\$129.28	HDSP
06/06/2019 10:46:50 AM	Room and Board	Room and Board	05/30/2019		(\$26.33)	\$102.95	HDSP
06/06/2019 10:46:50 AM	PI Capital Improvement	Capital Improvement	05/30/2019		(\$5.37)	\$97.58	HDSP
06/07/2019 06:43:42 AM	Commissary		6209;102224741		(\$18.77)	\$78.81	HDSP
06/12/2019						\$78.81	

Trust2

Date	Reference Number	Amount	Balance	Loc Code
03/21/2019			\$0.00	
No Activity				
06/12/2019			\$0.00	

Trust3

Date	Reference Number	Amount	Balance	Loc Code
03/21/2019			\$0.00	
No Activity				
06/12/2019			\$0.00	

Savings

Date	Reference Number	Amount	Balance	Loc Code
03/21/2019			\$400.00	
No Activity				
06/12/2019			\$400.00	

Holds - Current as of Date and Time of Report

Date Held	Hold Type	Notes	Amount
No Activity			

Remaining Obligations - Current as of Date and Time of Report

Description	Paid To	Period To Curr	Max Per Period	Ordered	Initial Payment	Paid To Curr	Outside Source	Total Paid	Total Remaining
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Remaining Obligations - Current as of Date and Time of Report

Description	Paid To	Period To Curr	Max Per Period	Ordered	Initial Payment	Paid To Curr	Outside Source	Total Paid	Total Remaining
Restitution - C232549	Clark County CH	\$0.00	N/A	\$235.00	N	\$0.00	\$0.00	\$0.00	\$235.00
Restitution - C232549	Parole and Probation	\$0.00	N/A	\$17,450.00	N	\$0.00	\$0.00	\$0.00	\$17,450.00
Total:									\$17,685.00