

Case No. 27CV-WR1-2018-0025/PI 18-1258

Dept. No. 1

Electronically Filed  
Dec 08 2020 10:40 a.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

IN THE 11<sup>th</sup> JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
IN AND FOR THE COUNTY OF PERSHING

\* \* \* \* \*

Milton D. Plummer, )

Plaintiff, )

-vs-

NOTICE OF APPEAL

State of Nevada, )

Defendant\_\_ )

NOTICE IS GIVEN that Plaintiff, Milton D. Plummer,

in pro se, hereby appeals to the Nevada Supreme Court the

order Denying Article For Relief,

as filed/entered on the 26 day of October, 2020,

(complete if applicable) and the \_\_\_\_\_

\_\_\_\_\_, as filed/entered on the \_\_\_\_\_ day of

\_\_\_\_\_, 20\_\_\_\_, in the above-entitled Court.

Dated this 5 day of November, 2020.

Milton D. Plummer  
Milton D. Plummer #73858  
Lovelock Correctional Center  
1200 Prison Road  
Lovelock, Nevada 89419

Plaintiff In Pro Se

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CERTIFICATE OF SERVICE

I do certify that I mailed a true and correct copy of the foregoing NOTICE OF APPEAL to the below address(es) on this 5 day of November, 2020, by placing same in the U.S. Mail via prison law library staff:

Sheryl Serreze  
100 N. Carson St  
Carson City, NV. 89701

Milton Plummer  
Milton Plummer # 73858  
Lovelock Correctional Center  
1200 Prison Road  
Lovelock, Nevada 89419

Plaintiff In Pro Se

AFFIRMATION PURSUANT TO NRS 239B.030

The undersigned does hereby affirm that the preceding NOTICE OF APPEAL filed in District Court Case No. 27CV-WRI-2018-0025 does not contain the social security number of any person.

Dated this 5 day of November, 2020.

Milton Plummer  
Milton Plummer

Plaintiff In Pro Se

1 Case No. 27CV-WR1-2018-0025

2 *Pursuant to NRS 239B.030, the undersigned affirms that this*  
3 *Document does not contain the social security numbers.*

4  
5  
6 IN THE ELEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
7 IN AND FOR THE COUNTY OF PERSHING  
8

9 Milton D. Plummer,

10 Petitioner,

11 vs.

12 State of Nevada,

13 Respondent.  
14

15 **CASE APPEAL STATEMENT**

16 1. Name of appellant filing this case appeal statement:

17 Milton David Plummer

18 2. Identify the judge issuing the decision, judgment or order appealed from:

19 Honorable Jim C. Shirley

20 3. Identify each appellant and the name and address of counsel for each  
21 appellant:

22 Milton David Plummer #73858

23 Pro Per  
1200 Prison Road  
Lovelock Correctional Center  
24 Lovelock, NV. 89419

- 1
- 2
- 3
4. Identify each respondent and the name and address of appellate counsel, if known, for each respondent (if the name of a respondent's appellate counsel is unknown, indicate as much and provide the name and address of that respondent's trial counsel):

4 State of Nevada

5 Office of the Attorney General  
6 100 North Carson Street  
7 Carson City, NV. 89701-4717

- 7
- 8
- 9
5. Indicate whether any attorney identified above in response to question 3 or 4 is not licensed to practice law in Nevada and, if so whether the district court granted that attorney permission to appear under SCR 42 (attach a copy of any district court order granting such permission):

10 N/A

- 11
- 12
6. Indicate whether appellant was represented by appointed or retained counsel in the district court:

13 No, Pro Per

- 14
- 15
7. Indicate whether appellant is represented by appointed or retained counsel on appeal:

16 No

- 17
- 18
8. Indicate whether appellant was granted leave to proceed in forma pauperis, and the date of entry of the district court order granting such leave:

19 There is no Order to Proceed in Forma Pauperis.

- 20
- 21
9. Indicate the date the proceedings commenced in the district court (e.g., date complaint, indictment, information, or petition was filed):

22 A Petition for Writ of Habeas Corpus (Computation of Time) was filed on  
23 09/27/18.

- 24
10. Provide a brief description of the nature of the action and result in the district court, including the type of judgment or order being appealed and the relief granted by the district court:

Petitioner filed a Petition for Writ of Habeas Corpus (Computation of Time). An Order Denying Writ of Habeas Corpus was filed on 08/14/19.

Petitioner filed an Article for Relief Pursuant to a Violation of the Ex Post Facto Clause of the U.S. Constitution (U.S. Const., Art. 1.9.C1.3. and 10.CL.1.) on 09/22/20. An Order Denying Article for Relief was filed on 10/26/20 which resulted in this instant appeal.

11. Indicate whether the case has previously been the subject of an appeal to or original writ proceeding in the Supreme Court and, if so, the caption and Supreme Court docket number of the prior proceeding:

This case has not previously been appealed to the Supreme Court.

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

13. If this is a civil case, indicate whether this appeal involves the possibility of settlement: No, an Order Denying Writ of Habeas Corpus was filed.

Dated this 2<sup>nd</sup> day of December 2020.

/s/ Carol Elerick  
Carol Elerick  
Senior Court Clerk  
P.O. Box H  
Lovelock, NV. 89419  
(775) 273-2410

## **Case Snapshot: Wed Dec 02 15:09:58 PST 2020**

**Case Number:** 27CV-WR1-2018-0025

**Case Name:** MILTON DAVID PLUMMER VS. STATE OF NEVADA

**Date Filed:** 09-27-2018

**Disposition:** Closed

### **Parties:**

**RESP:** STATE OF NEVADA

**Atty:** Sheryl Serreze

NEVADA ATTORNEY GENERAL'S OFFICE

**PL:** MILTON DAVID PLUMMER

**Address:** 1200 PRISON ROAD, LOVELOCK NV 89419

**J:** Hon. Jim Shirley

### **Hearings:**

### **Dockets:**

12-02-2020Case Appeal Statement

12-02-2020 23.1 Case Appeal Statement

11-09-2020Notice of Appeal

11-09-2020 22.1 Notice of Appeal

10-28-2020Notice of Entry Of Order Re: Order Denying Article for Relief

10-28-2020 20.1 Notice of Entry Of Order Re: Order Denying Article for Relief

10-26-2020Order Denying Article for Relief

10-26-2020 19.1 Order Denying Article for Relief

09-22-2020Other Filing Article for Relief Pursuant to A Violation of the Ex Post Facto Clause of the U.S. Constitution (U.S. Const., Art. 1,9,C1.3, and 10,CL.1.)

09-22-2020 16.1 Other Filing Article for Relief Pursuant to A Violation of the Ex Post Facto Clause of the U.S. Constitution (U.S. Const., Art. 1,9,C1.3, and 10,CL.1.)

09-22-2020Request for Submission

09-22-2020 15.1 Request for Submission

08-14-2019Order - Dismissal

08-14-2019 14.1 Order - Dismissal

04-02-2019Other Filing Proposed Remedy

04-02-2019 13.1 Other Filing Proposed Remedy

03-18-2019Memorandum of Points and Authorities  
03-18-2019 12.1 Memorandum of Points and Authorities

02-21-2019Notice of Substitution of Counsel Notice of Change of Attorney for Respondents  
02-21-2019 11.1 Notice of Substitution of Counsel Notice of Change of Attorney for Respondents

12-04-2018Opposition to Answer to Petition For Writ of Habeas Corpus  
12-04-2018 10.1 Opposition to Answer to Petition For Writ of Habeas Corpus

12-04-2018Motion to Strike, Findings of Fact, Conclusions of Law and Order  
12-04-2018 9.1 Motion to Strike, Findings of Fact, Conclusions of Law and Order

11-20-2018Exhibits Exhibit 1  
11-20-2018 8.1 Exhibits Exhibit 1

11-20-2018Request for Submission Request for Submission  
11-20-2018 7.1 Request for Submission Request for Submission

11-20-2018Exhibits Exhibits 1-6  
11-20-2018 6.1 Exhibits Exhibits 1-6

11-20-2018Answer/Response - Civil Answer to Petition for Writ of Habeas Corpus  
11-20-2018 5.1 Answer/Response - Civil Answer to Petition for Writ of Habeas Corpus

10-19-2018Notice of Appearance Notice of Appearance for Respondents  
10-19-2018 4.1 Notice of Appearance Notice of Appearance for Respondents

10-15-2018Notice of Entry Notice of Entry of Order  
10-15-2018 3.1 Notice of Entry Notice of Entry of Order

10-12-2018Order  
10-12-2018 2.1 Order

09-27-2018Petition Petition for a Writ of Habeas Corpus (Computation of Time)  
09-27-2018 1.1 Petition Petition for a Writ of Habeas Corpus (Computation of Time)

Case No. 27CV-WR1-2018-0025  
Dept. No. 1

Pursuant to NRS 239B.030,  
this document does not contain the  
social security number of any person.

**IN THE ELEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**

**IN AND FOR THE COUNTY OF PERSHING**

IN THE MATTER OF THE CUSTODY OF, )

**MILTON D. PLUMMER,** )

Petitioner, )

**Vs.** )

**STATE OF NEVADA,** )

Respondent. )

**ORDER DENYING ARTICLE  
FOR RELIEF**

Whereas the Petitioner submitted an Article for Relief Pursuant to a Violation of the Ex Post Facto Clause of the U.S. Constitution, requesting relief from this court. The original complaint was filed on September 9, 2018. An answer was filed by the Respondent in this claim on November 20, 2018. There was an order issued by the court on August 14, 2019 dismissing the current cause of action.

IT IS HEREBY ORDERED that request is denied because the claim has already been adjudged and dismissed through an order from this court. In its order, the court found that the Petitioner's claim arises from similar facts and conclusions of law that have already been adjudged and adjudicated. Furthermore, the decision was affirmed by the Supreme Court of Nevada. Therefore, the court denies the current relief requested as a claim that has already been decided.

///



**ELEVENTH JUDICIAL  
DISTRICT COURT**



**Eleventh Judicial District Court**

**Case Title:** MILTON DAVID PLUMMER VS. STATE OF NEVADA

**Case Number:** 27CV-WR1-2018-0025

**Type:** Order

It is so Ordered.

Judge Shirley

1 CASE NO. 27CV-WR1-2018-0025

2 DEPT. NO. 1

3  
4  
5  
6 IN THE ELEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
7 IN AND FOR THE COUNTY OF PERSHING  
8

9 Milton D. Plummer

10 Plaintiff,

**NOTICE OF ENTRY**  
**OF ORDER**

11 Vs

12 State of Nevada,

13 Defendant.

14 PLEASE TAKE NOTICE that the Court entered the following: ORDER  
15 DENYING ARTICLE FOR RELIEF on October 26, 2020. a true and correct copy of  
16 which is attached to this notice.

17 If this is a final order and if you wish to appeal to the Nevada Supreme Court, you  
18 must file a Notice of Appeal with the Clerk of this Court within 33 days after the date this  
19 notice is mailed/electronically served to you.

20 DATED this 28 day of October 2020.

21  
22 KATRENA M. MARTIN  
CLERK OF THE COURT

23  
24 By   
Deputy

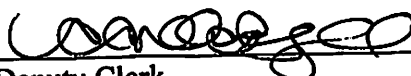
**CERTIFICATE OF SERVICE**

Pursuant to NRCP 5(b), I certify that I am an employee of the Eleventh Judicial District Court, and that on the date below, I caused to be served through the United States Postal Service, hand delivery and/or by electronic mail, a true and correct copy ORDER DENYING ARTICLE FOR RELIEF on the following:

Milton D. Plummer #73858  
1200 Prison Road /LLC  
Lovelock, NV 89419

Sheryl Serreze  
Deputy Attorney General  
100 N. Carson St.  
Carson City, NV 89701  
SSerreze@ag.nv.gov

DATED this 28 day of October 2020.

  
Deputy Clerk

Case No. 27CV-WR1-2018-0025  
Dept. No. 1

Pursuant to NRS 239B.030,  
this document does not contain the  
social security number of any person.

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

IN THE MATTER OF THE CUSTODY OF, )

**MILTON D. PLUMMER,** )

Petitioner, )

**Vs.** )

**STATE OF NEVADA,** )

Respondent. )

**ORDER DENYING ARTICLE  
FOR RELIEF**

Whereas the Petitioner submitted an Article for Relief Pursuant to a Violation of the Ex Post Facto Clause of the U.S. Constitution, requesting relief from this court. The original complaint was filed on September 9, 2018. An answer was filed by the Respondent in this claim on November 20, 2018. There was an order issued by the court on August 14, 2019 dismissing the current cause of action.

IT IS HEREBY ORDERED that request is denied because the claim has already been adjudged and dismissed through an order from this court. In its order, the court found that the Petitioner's claim arises from similar facts and conclusions of law that have already been adjudged and adjudicated. Furthermore, the decision was affirmed by the Supreme Court of Nevada. Therefore, the court denies the current relief requested as a claim that has already been decided.

///

**ELEVENTH JUDICIAL  
DISTRICT COURT**



**Eleventh Judicial District Court**

**Case Title:** MILTON DAVID PLUMMER VS. STATE OF NEVADA

**Case Number:** 27CV-WR1-2018-0025

**Type:** Order

It is so Ordered.

**Judge Shirley**

Case No. 27CV-WR1-2018-0025

*Pursuant to NRS 239B.030, the undersigned affirms that this Document does not contain the social security numbers.*

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

Milton David Plummer,  
Petitioner,

vs.

State of Nevada,  
Respondent.

**CERTIFICATE**

State of Nevada                   )  
  : ss.  
County of Pershing               )

I, Carol Elerick, Deputy Court Clerk, do hereby certify that the following are true and correct copies of the original documents in the above-entitled case, which was appealed to the Supreme Court.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said Court, at Lovelock, Nevada, this 2<sup>nd</sup> day of December 2020.

Kate Martin  
Eleventh Judicial District Court Clerk

By:   
Deputy Clerk

# ELEVENTH JUDICIAL DISTRICT COURT

Jim C. Shirley  
District Judge



Judge's Chambers  
P.O. Box H  
Lovelock, NV 89419  
Tel. (775) 273-2105  
Fax: (775) 273-4921

December 2, 2020

Elizabeth Brown  
Supreme Court Clerk  
201 South Carson Street  
Carson City, NV 89701-4702

Re: Eleventh Judicial District – Pershing County  
Case No. 27CV-WR1-2018-0025  
Milton David Plummer vs. State of Nevada

Enclosed, please find the following documents as it relates to an Appeal filed on

November 9, 2020:

- Certification
- Exhibit List (if applicable)
- Minutes (if applicable)
- Notice of Entry of Order (with Order)
- Judgment / Order
- District Court Docket
- Case Appeal Statement
- Notice of Appeal

Should you have any questions or require additional information, please do not  
hesitate to contact the Court.

Kate Martin  
Eleventh Judicial District Court Clerk

By:   
Deputy Clerk

/ce  
Encl.

☐ **Pershing County**  
P.O. Box H  
Lovelock, NV 89419  
Tel. (775) 273-2410  
Fax: (775) 273-2434

☐ **Lander County**  
50 State Route 305  
Battle Mountain, NV 89820  
Tel. (775) 635-1332  
Fax: (775) 635-0394

☐ **Mineral County**  
P.O. Box 1450  
Hawthorne, NV 89415-0400  
Tel. (775) 945-0738  
Fax: (775) 945-0706