

FILED

SEP 03 2021

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ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY: *D. A. Chardo*
DEPUTY CLERK

APPELLANT IN PRO SE

IN THE SUPREME COURT OF THE STATE OF NEVADA

TONEY A. WHITE,

APPELLANT,

VS.

THE STATE OF NEVADA,

RESPONDENT.

NSC NO. 82889

APPELLANTS RENEWED MOTION
FOR ADDITIONAL COPY CREDITS
FOR ORDER TO SHOW CAUSE
AND FOR FURTHER COURT OR-
DERS.

APPELLANT PROCEEDS PRO SE WITH THIS APPEAL FROM THE 8TH JUDICIAL DISTRICT COURT'S HONORABLE DISTRICT JUDGE MICHELLE LEAVITT'S FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER FILED APRIL 08, 2021 DENYING PETITIONERS PCR HABEAS CORPUS FILED NOVEMBER 05, 2020 WHICH CHALLENGED HIS CONVICTION AND SENTENCE IN CASE NO. C-16-313216-2 IN WHICH HE RECEIVED A SENTENCE OF 20 YEARS TO LIFE. A NOTICE OF APPEAL WAS FILED TIMELY ON MAY 06, 2021. 10 DAYS FOLLOWING HIS NOTICE OF APPEAL AND ON MAY 16, 2021 HE COMPLETED AND SUBMITTED FOR COPYING PREPARATORY TO FILING HIS 2ND BULKY PCR TO HDSP LAW LIBRARY SUPERVISOR JACQUES GRAHAM.

BY MAY 19, 2021 THIS COURT ISSUED BRIEFING DEADLINES IN THIS APPEAL (21-14438) SLATING THE BRIEFING DEADLINE FOR APPELLANTS OPENING BRIEF AS BEING 120 DAYS DAY OUT AND BY SEPTEMBER 17, 2021.

1
EXPERIENCING HARSHNESS ACCESSING FACILITY LEGAL COPY RESOURCES, ON MAY 25, 2021 APPELLANT MOTIONED THIS COURT FOR AN ORDER GRANTING HIM ADDITIONAL COPY CREDITS TO APPEASE HDSP LAW LIBRARY SUPERVISOR GRAHAM WHO CONTINUED HIS MALICIOUS OBSTRUCTIONS OF APPELLANTS ACCESS TO COPY RESOURCES UNDER FALSE PRETEXT AND PUSE THAT APPELLANT HAD ACCRUED A ENORMOUS NEGATIVE COPY BALANCE IN EXCESS OF \$100.00 COPY FEE IMPPOSED BY AR 722.

21-25707
21-0036

ON JUNE 10, 2021 THE COURT DENIED THE MOTION (21-16723) ADVISING THAT THE APPEAL WILL BE DECIDED ON THE RECORD TRANSMITTED TO THE COURT BY THE DISTRICT COURT CLERK. IN A FOOTNOTE, HOWEVER, THE COURT NOTED THAT APPELLANT DID INCLUDE A CERTIFICATE OF SERVICE AS REQUIRED BY NRAP 25(D) BUT PURSUANT TO NRAP 2 WAIVED SAID REQUIREMENT.

BY AUGUST 26, 2021 APPELLANT, AFTER EXERTING PAIN-STAKING, TEDIOUS AND EXHAUSTIVE LABOR CANVASSING THE ENTIRE DIRECT APPEAL RECORD, TRIAL AND PRETRIAL RECORDS AS WELL AS THE RECORD ON THIS APPEAL AND WITHOUT THE BENEFIT OF PHYSICAL LAW LIBRARY ACCESS, ASSEMBLED A COSENT OPENING BRIEF IN THIS MATTER REFERENCING ALL RELEVANT PORTIONS OF THE RECORD WHICH TOOK CONSIDERABLE TIME AND EFFORT. IN GOOD FAITH EFFORTS TO COMPLY WITH NRAP 25 AND OBTAIN HIS OWN FILE COPY OF SUCH¹¹. ACCOMPANIED BY A INMATE REQUEST FORM HE SUBMITTED THE COMPLETED DOCUMENT TO LAW LIBRARY SUPERVISOR MR. GRAHAM EXPRESSLY ALERTING MR. GRAHAM OF THE IMMINENT DEADLINE AND TIME-SENSITIVITY OF THE DOCUMENT.

THE FOLLOWING DAY, AUGUST 27, 2021, WITHOUT COMMENT MR. GRAHAM, ADHERING TO HIS MALICIOUS AND UNJUSTIFIED EGREGIOUS PRACTICES, REJECTED APPELLANTS COPY REQUEST ALONG WITH OTHER DOCUMENTS APPELLANT SOUGHT FOR COPYING IN 8TH JUD. DIST. CRT. NO. A-21-838841-C NOT RETURNING APPELLANTS OPENING BRIEF JUST AS HE NEVER RETURNED APPELLANTS MAY 16, 2021 BULKY 2ND PCR TO PURPOSEFULLY OBSTRUCT APPELLANTS PURSUIT THEREOF. THE MISSING PORTION OF THE REJECTED COPIES WAS WITNESSED ON CAMERA BY DELIVERING OFFICER G. RESTO WHO WHEN CALLED UPON TO SIGN NOTING HIS DELIVERY AND THE CONTENTS REFUSED TO DO SO.

THIS OFFICIAL (MR. GRAHAM) HAS RELENTLESSLY AND CONTINUOUSLY REJECTED ALL OF APPELLANTS LEGITIMATE COPY REQUESTS SINCE LATE APRIL 2021 BASED ON UNJUSTIFIED REASONS TO CONCEAL THE RETALIATORY, MALICIOUS AND EGREGIOUS NATURE AND MOTIVES OF HIS CONTINUOUS REJECTIONS AND ALL OF WHICH PURPORTED BASIS ARE CLEARLY BELIED BY THE CORRECTIONAL RECORD.

SINCE HIS ONSLAUGHT OF RELENTLESS LEGAL COPY REQUEST REJECTIONS, MR. GRAHAM PURPORTS TO JUSTIFY HIS PURPORTED BASIS AND AUTHORITY OF ARBITRARY LEGAL COPY WORK REQUEST REJECTIONS ON AUTHORITY HE CONTENTS TO BE CONFERRED UPON HIM BY AR 722.01 F A-E WHICH SETS FORTH:

1: SEE EG, GLUTH V. KANSAS, 951 F.2D 1504, 1510 (9TH CIR. 1991).

"7. COPIES OF LEGAL DOCUMENTS REQUESTED BY INMATES MAY BE MADE FOR A NOMINAL FEE.

A. INMATES ARE NOT CONSTITUTIONALLY ENTITLED TO FREE COPY WORK.

B. THE DEPARTMENT WILL CHARGE A FEE FOR COPY WORK.

C. INMATES MUST SUBMIT A BRASS SLIP WHEN SUBMITTING THEIR LEGAL COPY REQUEST.

D. INDIGENT INMATES MAY REQUEST LIMITED COPIES THAT WILL BE CHARGED TO THE INMATES DEPARTMENT CHARGE 2 ACCOUNT TO BE REIMBURSED TO THE DEPARTMENT WHEN FUNDS ARE RECEIVED OR ACCRUED IN THE INMATES PPF.

E. INMATES CAN ONLY ACCRUE A MAXIMUM OF \$100.00 DEBT FOR COPY WORK EXPENSES FOR ALL CASES NOT PER CASE."

SINCE APRIL 29, 2021 APPELLANT HAS UNEQUIVOCALLY ADVISED MR. GRAHAM IN EXCESS OF 38 INDEPENDENT TIMES THROUGH INMATE KITES THAT HE IS NOT INDIGENT AND IN FACT HAD AN ACTIVE ACCOUNT BALANCE IN EXCESS OF \$5,400.00 AT ONE POINT. MR. GRAHAM REFUSED TO RESPOND TO SAID CONCERNS NOR DID HE PROVIDE APPELLANT A SINGLE REQUESTED LEGAL COPY. THESE VERY MALICIOUS AND RETALIATORY CONDUCTS ARE ATTRIBUTED TO A HISTORICALLY QUARRELSOME, TOXIC AND TOUSLE RELATIONSHIP BETWEEN APPELLANT AND THIS OFFICIAL WHICH IS SUFFICIENTLY ARTICULATED AND DETAILED IN THE COMPLAINTS IN WHITE V. DANIELS, ET AL., 8TH JUD. DIST. CRT. CASE NO. A-20-813136-C (REMOVED TO FED. CRT. 7/2/21 IN WHITE V. BEAN, ET AL., USDC (D.NEV.) CASE NO. 2:21-CV-01259 RFB VCF; AND WHITE V. LAUB, ET AL., 8TH JUD. DIST. CRT. CASE NO. A-21-838841 FILED 8/2/21). DESPITE APPELLANT'S ACTIVE ACCOUNT BALANCE, MR. GRAHAM PERSISTS IN REFUSING COPY ACCESS AND SEIZING SUBMITTED LEGAL DOCUMENTS FOR NO OTHER JUSTIFIABLE REASON OTHER THAN TO PURPOSEFULLY FRUSTRATE AND OBSTRUCT APPELLANT'S ABILITY TO PROTECT HIS LEGAL INTERESTS AND FEND FOR HIS LIBERTY. IN ADDITIONAL GOOD FAITH EFFORTS TO GAIN THIS ROGUE OFFICIALS COMPLIANCE WITH APPELLANT'S CONSTITUTIONAL DEMANDS AND ENTITLEMENTS, APPELLANT MOTIONED VARIOUS COURTS FOR ORDERS EXTENDING HIS COPY LIMIT TO APPEASE THIS ROGUE STAFF.

ON MARCH 30TH AND JUNE 22ND, 2021 THE HONORABLE CRYSTAL ELLER OF THE 8TH JUD. DIST. CRT. ENTERED ORDERS DIRECTING THAT HDSP SHOULD NOT UNREASONABLY DENY APPELLANT ACCESS TO LEGAL RESOURCES AND COPIES. ON JULY 30, 2021 HONORABLE U.S. MAGISTRATE JUDGE BRENDA WEKSLER OF THE U.S. DIST. CRT. (D. NEV.) IN WHITE V. LEAVITT, ET. AL., CASE NO. 2:18-CV-00008 JAD BNW ISSUED ORDERS EXTENDING APPELLANTS COPY WORK LIMIT BY \$ 50.00 (SEE ECF NO. 53 THEREOF).

IN GOOD FAITH APPELLANT PLACED MR. GRAHAM ON EXPRESS NOTICE OF THESE STANDING ORDERS IN AT LEAST 11 KITES DATED RESPECTIVELY JUNE 29TH; JULY 04TH; 06TH; 08TH AND 12TH; AND AUGUST 01ST, 04TH, 08TH, 12TH, 17TH AND 19TH, 2021 TO NO AVAIL AS MR. GRAHAM REFUSES TO OBSERVE THE AUTHORITY OF ANY COURTS AND RESPECT THE RULE OF LAW BUT INSTEAD HAS A FOCUSED CALCULATED INTEREST IN PURPOSEFULLY SABOTAGING APPELLANTS LITIGATIONS THROUGH SEIZING LEGAL DOCUMENTS AND PURPOSEFULLY DENYING HIM ACCESS TO LEGAL RESOURCES ESSENTIAL TO PROSECUTING HIS ACTIONS AND THIS APPEAL.

AS THESE MALICIOUS AND CALCULATED OBSTRUCTIONS PERSIST TODATE WITHOUT THIS COURTS INTERVENTION APPELLANT IS RENDERED INVOLUNTARILY INCAPABLE OF PROSECUTING THIS APPEAL WHICH FEEDS FOR HIS LIBERTY.

ACCORDINGLY, APPELLANT SEEKS BY THE INSTANT MOTION THAT THIS COURT ORDERS AS FOLLOWS:

1). DIRECTING THE CLERK TO PROVIDE APPELLANT A COURTESY COPY OF THE INSTANT MOTION DUE TO EXTEMUATING CIRCUMSTANCES WHICH ARE ACTIVELY PREVENTING HIS ABILITY TO OBTAIN SAID COPIES ON HIS OWN;

2). DIRECTING HDSP LAW LIBRARIAN JACQUES GRAHAM TO IMMEDIATELY COPY AND RETURN APPELLANT'S MAY 16, 2021 2ND BULKY PCR AND AUGUST 26, 2021 OPENING BRIEF MAKING THE NUMBER OF REQUESTED COPIES SOUGHT BY APPELLANT;

3). DIRECTING MR. GRAHAM TO IMMEDIATELY COMPLY WITH HON. ELLER AND WEKSLER'S STANDING ORDERS AND SHOW CAUSE TO THIS COURT FOR HIS OPEN DEFTANCE TO SAID ORDERS;

4). PRECLUDING MR. GRAHAM FROM ANY FURTHER AUTHORITY OF HANDLING ANY OF APPELLANTS LEGAL DOCUMENTS DUE TO SAID ONGOING CONFLICT OF INTEREST AND HIS GRATUITOUS ABUSES OF AUTHORITY AND IN LIGHT OF THE PENDENCY OF THE 2 CIVIL ACTIONS WHICH CHALLENGE THE SUBJECT OF HIS ARBITRARY AND EGREGIOUS ABUSES OF POWER AND AUTHORITY.

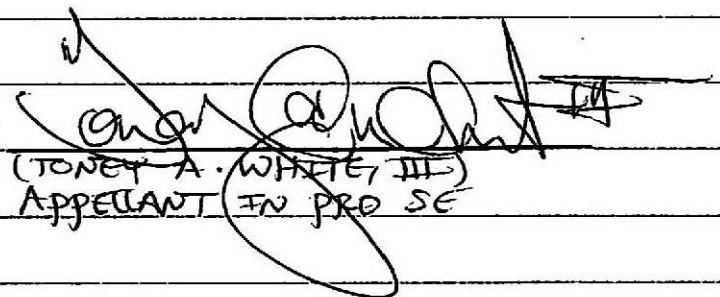
5). GRANTING APPELLANT AN INDEFINITE EXTENSION DUE DATE FOR THE OPENING BRIEF PENDING RESOLUTION OF THESE CONTINUING OBSTRUCTIONS.

IN ACCORDANCE THIS MOTION IS RESPECTFULLY SUBMITTED.

RESPECTFULLY SUBMITTED,

DATED: AUGUST 30, 2021

BY:


(TONEY A. WHITE, III)
APPELLANT IN PRO SE