

RECALLED 3/18/22

IN THE SUPREME COURT OF THE STATE OF NEVADA

GENARO RICHARD PERRY,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

Supreme Court No. 82931
District Court Case No. C298879

FILED

MAR 22 2022

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

REMITTITUR

TO: Steven D. Grierson, Eighth District Court Clerk

Pursuant to the rules of this court, enclosed are the following:

Certified copy of Judgment and Opinion/Order.
Receipt for Remittitur.

DATE: March 15, 2022

Elizabeth A. Brown, Clerk of Court

By: Andrew Lococo
Deputy Clerk

cc (without enclosures):

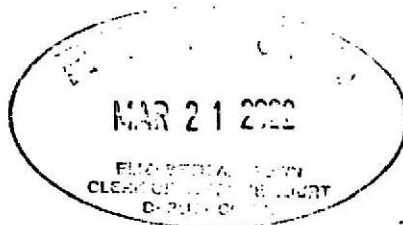
Jean J. Schwartz
Clark County District Attorney \ John T. Afshar, Alexander G. Chen
Hon. Jacqueline M. Bluth, District Judge

RECEIPT FOR REMITTITUR

Received of Elizabeth A. Brown, Clerk of the Supreme Court of the State of Nevada, the
REMITTITUR issued in the above-entitled cause, on MAR 16 2022

[Signature]
Deputy District Court Clerk

RECEIVED
APPEALS
MAR 16 2022



CLERK OF THE COURT

IN THE SUPREME COURT OF THE STATE OF NEVADA

GENARO RICHARD PERRY,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

Supreme Court No. 82931
District Court Case No. C298879

CLERK'S CERTIFICATE

STATE OF NEVADA, ss.

I, Elizabeth A. Brown, the duly appointed and qualified Clerk of the Supreme Court of the State of Nevada, do hereby certify that the following is a full, true and correct copy of the Judgment in this matter.

JUDGMENT

The court being fully advised in the premises and the law, it is now ordered, adjudged and decreed, as follows:

"ORDER the judgment of the district court AFFIRMED."

Judgment, as quoted above, entered this 18th day of February, 2022.

IN WITNESS WHEREOF, I have subscribed
my name and affixed the seal of the Supreme
Court at my Office in Carson City, Nevada this
March 15, 2022.

Elizabeth A. Brown, Supreme Court Clerk

By: Andrew Lococo
Deputy Clerk

Docket Number - 84212



Document Year - 2022



Document Number - 8942



Document Type - 10017



FILED

MAR 22 2022

IN THE SUPREME COURT OF THE STATE OF NEVADA

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY: *[Signature]*
DEPUTY CLERK

MICHAEL JOSEPH GEIGER
Appellant,
vs.
STATE OF NEVADA: EX. REL. NDOC
Respondent.

Supreme Court No. 84212

District Court No. 210C0006818

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

RECEIVED
MAR 24 2022
ELIZABETH A. BROWN
CLERK OF SUPREME COURT
DEPUTY CLERK

22-08942

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
JAN 6 TH , 2022	DISMISS WRIT OF MANDAMUS

Notice of Appeal. Give the date you filed your notice of appeal in the district court: 3RD DAY OF FEBRUARY, 2022.

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	

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.)

ON AUGUST 16 2021 APPELLANT FILED A WRIT OF MANDAMUS, WRIT OF PROHIBITION, WITH A WRIT OF EXECUTION. THE WRIT OF MANDAMUS WAS AMENDED DUE TO ADDING SB-22 NOT BEING COMPLETELY COMPLIED TO. THE MANDAMUS FOCUSED AROUND A VIOLATION OF NRS 21.105(1); SUBSECTION (N). THE WRIT STATED THAT NRS 21.105(1); SUBSECTION (N) WAS VIOLATED BECAUSE:

1. THE STIMULUS MONEY THAT WAS A DEPOSIT OF THE U.S. DEPARTMENT OF THE TREASURY, WAS EXEMPT FROM EXECUTION AGAINST THE ACCOUNT. TO GARNISH LEVY,

AND TO MAKE DEDUCTIONS; FROM TO NOT TAKE ANYWAY BECAUSE THE LAW STATES THAT THE MONEY MUST REMAIN ACCESSIBLE TO THE JUDGMENT/DEBTOR. WHEN THE LAW OF SB-22 WAS PASSED THE LAW STATES THAT IT WOULD BE IMPLEMENTED ON JULY 1, 2022. THEN THE NEVADA DEPARTMENT OF CORRECTIONS PUT OUT A MEMO STATING THAT DUE TO SB-22. ALL THE DEDUCTIONS THAT WERE MADE BEFORE JULY 1, 2021 WOULD RECEIVE A REVERSAL. A REQUIRED REVERSAL DUE TO SB-22. ONLY SOME REVERSALS WERE GIVEN AND NOT TO ALL. THIS MEMO WAS SENT AS AN EXHIBIT TO THE COURT.

AFTER FILING THE MANDAMUS APPELLANT PUT IN A MOTION REQUESTING FOR INMATE BANKING TO BE AUDITED AND FOR 6 MONTHS OF ACCOUNT STATEMENTS. THE MOTION WAS OPPOSED BUT THE STATE APPLIED A EXHIBIT WITH 6 MONTHS OF ACCOUNT STATEMENTS. YET, NEVER IN THEIR PROPOSED ORDER IS THE AUDIT MENTIONED FOR DISMISSING THE NEED OF IT, OR THAT THERE WAS MERIT FOR IT TO BE GRANTED.

THERE WAS A JUDGE ASSIGNED TO THE CASE AND THE A.G.O. GOT ANOTHER JUDGE, NOT ASSIGNED TO THE CASE, TO SIGN THEIR PROPOSED ORDER. THIS WAS MENTIONED IN PETITIONER'S OPPOSITION TO COURT ORDER BEING IMPLEMENTED AGAINST PETITIONER IN VIOLATION OF PROPER PROCEDURAL CONSIDERATION UNDER WRIT OF MANDAMUS. WHEN THE STATE'S ANSWER CAME APPELLANT DID NOT HAVE ANY TIME TO REPLY AND GET A RULING ON THE MERITS OF THIS MOTION. ALONG WITH OTHER OUTSTANDING MOTIONS.

THE A.G.O. STATED THAT THE MANDAMUS WAS INCORRECT BECAUSE PETITIONER WAS CLAIMING A CONSTITUTIONAL VIOLATION AND A MANDAMUS WILL NOT BE UPHOLD THAT IS BASED UPON THIS PREMISE. APPELLANT NEVER MENTIONED ANY OF THOSE THINGS IN HIS WRIT. THE COURT ALSO STATED THAT A WRIT OF MANDAMUS IS DISCRETIONARY AND NOT AN ACTION THAT REQUIRES THE COURT TO ACT, UNLESS IT HAS USED ITS DISCRETIONARY POWER THAT DEEMS IT NECESSARY TO DO SO FIRST. WHICH IS TRUE BUT WHEN THERE IS A VIOLATION TO LAW BY A STATE ENTITY IT IS SUPPOSED TO ACT ACCORDING TO NRS 34.107

THE COURT DECIDED TO DISMISS THE WRIT BASED ON THE PROPOSED ORDER BY THE AGO THAT INMATES DO NOT HAVE PERSONAL BANK ACCOUNTS. THAT INMATE BANKING DOES NOT MAKE DETERMINABLE EXEMPTIONS TO CERTAIN KINDS OF DEPOSITS. IT IS BECAUSE A SEPERATE FINANCIAL INSTITUTION IS NOT ATTACHED TO THIS BANKING SYSTEM IN ORDER TO DO SO. THAT SB-22 DOES NOT HAVE IN THE BILL THE LANGUAGE THAT IT IS RETROACTIVE TO GO BACK TO THE DATE OF ITS PASSING. THEREFORE, ONLY THE DATE OF THE IMPLEMENTATION OF JULY 1, 2021 IS THE DATE THIS BILL BECOMES ACTIVE (NO CASE WAS CLAIMED TO VALIDATED THIS ARGUMENT). AN EXHIBIT WAS PLACED BEFORE THE COURT, PUT OUT BY NDDC, WHICH STATES THEY WERE GOING BACK BEFORE JULY 1, 2021, UNDER REQUIRED REVERSALS TO RETURN MONEY TO INMATES. WHICH GOES TO SHOW THAT NDDC KNEW THAT THE IMPLEMENTATION DATE IS ONLY PART OF COMING INTO COMPLIANCE TO THE LAW.

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.)

1. BY NOT INTERVENING AND FORCE COMPLIANCE TO THE LAW AS A MANDAMUS IS TO ACT.
2. DISMISSING CLAIMS BASED ON THE INTERPRETATION OF THE STATES ATTORNEY GENERAL'S OFFICE. WHICH IS FALSE REPRESENTATION OF THE LAW.
3. EVEN WHEN EXHIBITS WERE GIVEN AS EVIDENCE THE COURT DISREGARDED THEM AND NEVER RULED ON THE MERITS OF THE MANDAMUS. INSTEAD WENT WITH THE MIS-REPRESENTATIONS OF THE LAW BY THE ATTORNEY GENERAL'S OFFICE TO DISMISS THE WRIT.
4. THE COURT NEVER GAVE ITS OWN CONCLUSION TO THE FACTS AND LAW.
5. THE COURT RULED THAT THERE WAS AN ORDINARY COURSE OF ACTION OUTSIDE OF THE MANDAMUS PROCESS, DISREGARDING WHAT THE MANDAMUS PROCESS IS TO AVOID UNNECESSARY LITIGATION. THAT THIS WRIT IS FOR FORCING COMPLIANCE OF LAW.

6. THE COURT RULED THAT APPELLANT WAS CLAIMING A CONSTITUTIONAL RIGHTS VIOLATION, THIS CLAIM WAS BEING MADE WHEN NO WHERE IN THE MANDAMUS IS THE CLAIM BEING MADE, WITHIN THE MANDAMUS, OR IS THIS THE THRUST OF THE WRIT. THEREFORE RULING IS COMPLETELY UNJUSTIFIED FOR THE DISMISSAL TO OCCUR.

7. THE COURT DISMISSED THE WRIT BASED UPON THE IDEA THAT NRS 21.105(1), SUBSECTION (N) DOES NOT APPLY. FOR THE FOLLOWING: (APPELLANT WILL SHOW THIS IS INCORRECT)

A. INMATES DO NOT MAINTAIN PERSONAL BANK ACCOUNTS: NOT TRUE.

KANSAS INMATES TRUST ACCOUNT IS A PERSONAL ACCOUNT, ONLY ATTACHED TO THAT INMATE, WHERE MONIES ARE DISPERSED FOR AVAILABILITY/USE.

B. THE WRIT OF EXECUTION, OR GARNISHMENT WAS NOT PLACED AGAINST THE ACCOUNT IN ORDER FOR THE EXEMPTION TO COME ABOUT. ANY TIME A COURT ORDER IS GIVEN TO MAKE DEDUCTIONS FROM AN INMATES ACCOUNT THIS IS A FORM OF AN ACCOUNT BEING GARNISHED, EXECUTED AGAINST IN ORDER TO PAY OFF DEBTS AND OBLIGATIONS FOR IT.

WHICH INCLUDES COURT FEES OF ANY KIND, RESTITUTION, NDOC DEPARTMENT CHARGES, ANY KIND OF OBLIGATIONS. IT IS A FORM OF A LEGAL OR EQUITABLE PROCESS TO REMOVE MONIES OWED FROM THIS ACCOUNT AND CANNOT BE DONE ACCORDING TO NRS 21.105(1), SUBSECTION (N) AND WAS DONE.

8. SB-22 IS NOT RETROACTIVE. "ALTHOUGH APPELLANT USES THIS WORD. HE DID CORRECT HIS MEANING OF THIS WORD." IT WAS NOT TO BE CONFUSED WITH SOMETHING THAT "GOES BACK" PRIOR TO THE DATE OF ITS PASSING. THE IMPLEMENTATION DATE IS ONLY WHEN THE LAW IS TO BE IMPLEMENTED, GO INTO EFFECT. THIS LANGUAGE DOES NOT EXCLUDE THAT ISSUES BEFORE THIS DATE ARE NOT TO BE EFFECTED BY THE IMPLEMENTATION DATE. APPELLANT EXPLAINED THIS BUT WAS REJECTED BY THE AGO AND THE COURT. YET, THIS WAS FOLLOWED THAT MONEY WAS RETURNED PRIOR TO JULY 1, 2021. SINCE NDOC TOOK

100% CONFISCATED MONEY / DEDUCTED IN MARCH, 2021. THEN RETURNED SAID MONEY AFTER JULY 1ST, 2021 AND REJECTED 75% OF THIS MONEY. IF THIS MONEY WAS NOT TO BE APPLIED BACK TO MARCH, THEN WHY DID NDOC PUT OUT A MEMO STATING REVERSALS WOULD OCCUR AT A CERTAIN POINT IN TIME (AUGUST 31, 2021) FOR ALL MONEY UNDER REQUIRED REVERSAL THAT CAME BEFORE JULY 1ST, 2021. THIS WAS DUE TO SB-22! THAT MEANS THE DISMISSAL OF THE WRIT WAS UNWARRANTED. BECAUSE NDOC RECOGNIZED THIS LAW TO BE EFFECTUATED BACK TO THE DATE OF ITS PASSING. THE AGO, AND JUDGE DECIDED TO DISMISS THE FACT THAT THIS OCCURRED AND NEEDED TO APPLY THIS TO ALL OUTSIDE SOURCE MONEY. NDOC DID NOT OBEY THE LAW IN THIS REGARD OR ABIDE BY ITS OWN MEMO.

9. THE COURT NEVER LOOKS INTO THE COMPLETE COMPLIANCE OF SB-22. WHETHER OR NOT THERE WAS A COMPLETE COMPLIANCE. BY AUDITING INMATE BANKING THAT PROVES THEY DID NOT COMPLY. THEREFORE, THIS DISMISSAL OF THE CLAIM NEVER RECEIVED A FAIR AND EQUITABLE HEARING.

RELIEF SOUGHT ON THIS APPEAL.

1. WHAT IS NRS 21.105(1); SUBSECTION (N) DEALING WITH?

A. IS NRS 21.105(1); SUBSECTION (N) (DOES A PRISONER HAVE A PERSONAL ACCOUNT?) DEALING WITH ANY AND EVERY PERSON IN NEVADA, REGARDLESS OF BEING IN PRISON OR NOT.

B. JUST BECAUSE THERE IS AN OUTSIDE BANK ACCOUNT OF A FREE PERSON (NOT A PRISONER) THAT AN WRIT OF EXECUTION, GARNISHMENT CAN ONLY FORCE SOMEONE TO PAY OFF A DEBT. DOES THAT MEAN THAT AN INMATE BANKING SYSTEM CAN DEDUCT MONEY WITHOUT ONE? IF A PERSON OWES MONEY? IF A U.S. DEPARTMENT OF TREASURY CHECK IS DEPOSITED WHY IS IT EXEMPT FROM SUCH LEGAL OR EQUITABLE PROCESS? WHAT NRS 21.105(1); SUBSECTION (N) IS REFERRING TO IN THIS REGARD.

DOES A PRIVATE FINANCIAL INSTITUTION HAVE TO BE ATTACHED TO INMATE BANKING BEFORE THE EXEMPTION CAN BE DETERMINED?

C. WHEN A LAW IS IMPLEMENTED, SUCH AS SB-22, DOES IT GET APPLIED BACK TO ITS PASSING DATE? IS THIS LAW TO BE APPLIED IN THIS MANNER REGARDLESS OF THE LANGUAGE IS FOUND IN THE LAW OR NOT? IS IT AUTOMATICALLY ASSUMED TO BE SO?

D. APPELLANT WANTS A COMPLETE REVIEW OF THE RECORD. EVEN FILED MOTIONS PRESENTED TO THE COURT FOR REVIEW THAT WERE NEVER GIVEN A REVIEW.

APPELLANT NEEDS TO BE GIVEN A COMPLETE UNIFORMED DESCRIPTION OF NRS 21.105(1), SUBSECTION (N). HOW SB-22 IS TO BE APPLIED WHEN IT IS IMPLEMENTED.

E. IS A WRIT OF MANDAMUS TO ACT AS A MANDATE TO COMPEL A STATE ENTITY TO COMPLY WITH THE LAW? IS A MANDAMUS A CIVIL MATTER THAT CAN BE APPLIED TO THE NEVADA RULES OF CIVIL PROCEDURE. CAN THE COURT NOT GIVE A PETITIONER NOTICE TO AMEND HIS FILINGS, BY CHANGING HIS PLEADINGS BEFORE HE CAN DO SO. THE COURT DID ALL OF THIS.

DATED this 17th day of MARCH, 2022.



Signature of Appellant

MICHAEL JOSEPH GEIGER
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):

AARON D. FORD
ATTORNEY GENERAL
JOHN C. DORAME
100 N. CARSON ST.
CARSON CITY, NV 89701-4717

DATED this 17th day of MARCH, 2022.



Signature of Appellant

MICHAEL JOSEPH GEIGER

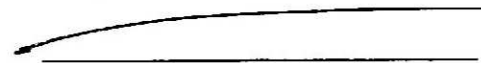
Print Name of Appellant

1200 PRISON ROAD L.C.C.

Address

BOVELOCK, NV 89419

City/State/Zip



Telephone