

EIGHTH JUDICIAL DISTRICT COURT CLERK OF THE COURT

REGIONAL JUSTICE CENTER 200 LEWIS AVENUE, 3rd FI. LAS VEGAS, NEVADA 89155-1160 (702) 671-4554 Electronically Filed Sep 15 2021 07:06 a.m. Elizabeth A. Brown Clerk of Supreme Court

Anntoinette Naumec-Miller Court Division Administrator

Steven D. Grierson Clerk of the Court

September 15, 2021

Elizabeth A. Brown Clerk of the Court 201 South Carson Street, Suite 201 Carson City, Nevada 89701-4702

> RE: STATE OF NEVADA vs. DAMON LAMAR CAMPBELL S.C. CASE: 83188 D.C. CASE: 00C169550

Dear Ms. Brown:

Pursuant to your Order Regarding Written Judgment or Order, dated August 31, 2021, enclosed is a certified copy of the Order Denying Defendant's Writ of Prohibition filed September 14, 2021 in the above referenced case. If you have any questions regarding this matter, please do not hesitate to contact me at (702) 671-0512.

Sincerely, STEVEN D. GRIERSON, CLERK OF THE COURT

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Heather Ungermann, Deputy Clerk

		Electronically Filed 09/14/2021 3:50 PM	
	ORDR	CLERK OF THE COURT	
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2	DISTRIC	CT COURT	
3	CLARK COUNTY, NEVADA		
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7	THE STATE OF NEVADA,	Case No.: C169550 Dept. No. XXIV	
8	Plaintiff(s),	Dept. No. AATV	
9	vs.		
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11	DAMON CAMPBELL,		
12	Defendant(s),		
13			
14	ODDED DENVINC DEEENDA	NT'S WDIT OF DDOUIDITION	
15	ORDER DENYING DEFENDANT'S WRIT OF PROHIBITION DATE OF HEARING: 07/20/2021		
16	TIME OF HEARING: 10:30 A.M.		
17	THIS MATTER having come on for hearing before the above entitled Court on the		
18	20 th day of July, 2021, the defendant not being present, IN PROPER PERSON, the Plaintiff		
19	being represented by STEVEN B. WOLFSON, District Attorney, Through KAREN		
20	MISHLER, Chief Deputy District Attorney, without argument, based on the pleadings and		
21	therefor,		
22	This Court entered an Order Denying Defendant's Writ of Probhibition on August 5,		
23	2021, as a Writ of Prohibition is the incorrect remedy for Defendant's request of the Court to		
24	order Nevada Department of Corrections to cease and desist from removing funds from his		
25	inmate account to pay restitution. A writ of prohibition may only issue where there is not a		
26	plain, speedy and adequate remedy in the ordinary course of law. NRS 34.330. See also		
27	Sonia F. v. Eighth Jud. Dist. Ct., 125 Nev. 495, 498, 215 P.3d 705, 707 (2009). Because		
28	Defendant has other administrative remedies	available to him to obtain the remedy in which	
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Erika Ballou District Judge Department XXIV Las Vegas, NV 89155

he is seeking, Prohibition was improper. This Court further found that defendant was not
entitled to the appointment of post-conviction counsel. <u>Coleman v. Thompson</u>, 501 U.S.
722, 752, 111 S. Ct. 2546, 2566 (1991).

However, pursuant to the August 5, 2021, Order, this Court gave the Attorney General's Office time to file its response to Defendant's challenges to the condition of its confinement. The Attorney General was to file a response no later than July 29, 2021. The Attorney General's office failed to file a timely reply, therefore, this Court rules solely based on the pleadings filed by Defendant. Defendant's challenge to the conditions of his confinement is also DENIED as there is not enough information on which to base a ruling.

Dated this 14th day of September, 2021 ila UD

08A 298 61F6 2367 Erika Ballou District Court Judge

CERTIFICATE OF SERVICE

I hereby certify that on the date e-filed, a copy of the foregoing was electronically served, pursuant to N.E.F.C.R. Rule 9, to all registered parties in the Eighth Judicial District Court Electronic Filing Program.

If indicated below, a copy of the foregoing was also

□ Mailed by the U.S. Postal Service, postage prepaid, to the proper parties listed below at their last known address(es):

September 15, 2021

<u>Chapri Wright</u>

Chapri Wright Judicial Executive Assistant

Erika Ballou District Judge Department XXIV Las Vegas, NV 89155

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CERTIFIED COPY ELECTRONIC SEAL (NRS 1.190(3)) 2

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