

Steven D. Grierson

1 Larry Hardnett # 1146775
2 In Propria Personam
3 Post Office Box 208, S.D.C.C.
4 Indian Springs, Nevada 89018

Electronically Filed
Sep 07 2021 08:50 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

5 IN THE Eighth JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
6 IN AND FOR THE COUNTY OF CLARK

9 Larry Hardnett # 1146775
10 Plaintiff,
11 vs.
12 Brian Williams, et, AL.
13 Warden Defendant.

A-21-834858-W
A-21-835317-W
Case No. _____
Dept. No. XXIV
Docket _____

16 **NOTICE OF APPEAL**

17 NOTICE IS HEREBY GIVEN, That the Petitioner/Defendant,
18 Larry Hardnett, in and through his proper person, hereby
19 appeals to the Supreme Court of Nevada from the ORDER denying and/or
20 dismissing the

21 Petition for Writ of Habeas Corpus

22 _____
23 ruled on the 20th day of Aug, 20 21.

25 Dated this 19th day of Aug, 20 21.

26 Respectfully Submitted,

27 **RECEIVED**

28 **AUG 31 2021**

CLERK OF THE COURT

Larry Hardnett
1146775

Henry S. Smith
CLERK OF THE COURT

PPOW

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Larry Hardnett,

Petitioner,

vs.

State of Nevada; Nevada Department of
Corrections; Warden William Hutching.

Respondent,

Case No: A-21-836093-W
Department 17

**ORDER FOR PETITION FOR
WRIT OF HABEAS CORPUS**

Petitioner filed a Petition for Writ of Habeas Corpus (Post-Conviction Relief) on June 10, 2021. The Court has reviewed the Petition and has determined that a response would assist the Court in determining whether Petitioner is illegally imprisoned and restrained of his/her liberty, and good cause appearing therefore.

IT IS HEREBY ORDERED that Respondent shall, within 45 days after the date of this Order, answer or otherwise respond to the Petition and file a return in accordance with the provisions of NRS 34.360 to 34.830, inclusive.

IT IS HEREBY FURTHER ORDERED that this matter shall be placed on this Court's Calendar on the 12 day of August, 2021, at the hour of

8:30 o'clock for further proceedings.
AM

Dated this 14th day of June, 2021

Michael Villani

District Court Judge **DF9 CDA 67DF A630**
Michael Villani
District Court Judge

FINANCIAL CERTIFICATE

I request that an authorized officer of the institution in which I am confined, or other designated entity, such as Inmate Services for the Nevada Department of Prisons (NDOC), complete the below Financial Certificate.

I understand that:

(1) if I commence a petition for writ of habeas corpus in federal court pursuant to 28 U.S.C. § 2254, the filing fee is \$5.00, and that such fee will have to be paid by me if the court denies my *in forma pauperis* application;

(2) if I commence a civil rights action in federal court pursuant to 42 U.S.C. § 1983, the filing fee is \$402.00 (which includes the \$350 filing fee and a \$52 administrative fee), which I must pay in full; and

(a) if my current account balance (line #1 below) is \$402.00 or more, I will not qualify for *in forma pauperis* status and I must pay the full filing fee of \$402.00 before I will be allowed to proceed with the action;

(b) if I do **NOT** have \$402.00 in my account as reflected on line #1 below, before I will be allowed to proceed with an action I will be required to pay 20% of my average monthly balance (line #2 below), or the average monthly deposits to my account (line #3 below), whichever is greater, and thereafter I must pay installments of 20% of the preceding month's deposits to my account in months that my account balance exceeds \$10.00 (if I am in the custody of the NDOC, I hereby authorize the NDOC to make such deductions from deposits to my account, and I further understand that if I have a prison job, then the 20% of my paycheck that is guaranteed to me as spendable money will be sent to the court for payment of the filing fee); and

(c) I must continue to make installment payments until the \$350.00 filing fee is fully paid, without regard to whether my action is closed or my release from confinement. The \$52 administrative fee will be waived only if I am granted permission to proceed *in forma pauperis*.

Type of action (check one): ☐ civil rights

☒ habeas corpus

Larry Hardnett
INMATE NAME (printed)

Larry Hardnett #111175
SIGNATURE & PRISON NUMBER

1. CURRENT ACCOUNT BALANCE

2. AVERAGE MONTHLY BALANCE*

3. AVERAGE MONTHLY DEPOSITS*

4. FILING FEE (based on #1, #2 or #3, whichever is greater)

(1) \$10.40
(2) \$659.70
(3) \$212.50
(4) \$5.00

* for the past six (6) months, from all sources, including amount in any savings account that is in excess of minimum amount that must be maintained

I hereby certify that as of this date, the above financial information is accurate for the above named inmate.

(Please sign in ink in a
color other than black.)

5/17/21
DATE

[Signature]
AUTHORIZED OFFICER

AAT

TITLE
RECEIVED

JUN 14 2021

CLERK OF THE COURT

Financial Certificates
1146775 - HARDNETT, LARRY
(11/18/2020 - 5/17/2021)

Date	Description	Deposit	Withdrawal	Balance
11/18/2020	Opening Balance			\$15.69
11/25/2020	Commissary		(\$4.80)	\$10.89
11/29/2020	Keefe	\$60.00		\$70.89
11/29/2020	Savings		(\$6.00)	\$64.89
12/02/2020	Exception	\$1,200.00		\$1,264.89
12/10/2020	Commissary		(\$61.56)	\$1,203.33
12/16/2020	Savings		(\$120.00)	\$1,083.33
12/20/2020	Phone Credit		(\$10.00)	\$1,073.33
12/24/2020	Commissary		(\$90.24)	\$983.09
12/26/2020	Phone Credit		(\$10.00)	\$973.09
12/31/2020	Commissary		(\$107.90)	\$865.19
01/01/2021	Phone Credit		(\$10.00)	\$855.19
01/03/2021	Phone Credit		(\$10.00)	\$845.19
01/03/2021	Phone Credit		(\$10.00)	\$835.19
01/05/2021	Phone Credit		(\$10.00)	\$825.19
01/06/2021	Commissary		(\$11.48)	\$813.71
01/07/2021	Phone Credit		(\$10.00)	\$803.71
01/08/2021	Phone Credit		(\$10.00)	\$793.71
01/08/2021	Commissary		(\$49.98)	\$743.73
01/08/2021	Commissary		(\$60.00)	\$683.73
01/08/2021	Commissary		(\$4.58)	\$679.15
01/08/2021	Commissary		(\$29.17)	\$649.98
01/09/2021	Phone Credit		(\$10.00)	\$639.98
01/11/2021	Phone Credit		(\$9.00)	\$630.98
01/13/2021	Phone Credit		(\$10.00)	\$620.98
01/14/2021	Commissary		(\$160.28)	\$460.70
01/14/2021	Phone Credit		(\$10.00)	\$450.70
01/16/2021	Phone Credit		(\$10.00)	\$440.70
01/17/2021	Phone Credit		(\$10.00)	\$430.70
01/17/2021	Phone Credit		(\$10.00)	\$420.70
01/18/2021	Phone Credit		(\$10.00)	\$410.70
01/19/2021	Check Tops		(\$400.00)	\$10.70
01/22/2021	Phone Credit		(\$10.00)	\$0.70
01/28/2021	Keefe	\$99.99		\$100.69
01/28/2021	Savings		(\$10.00)	\$90.69
01/28/2021	Phone Credit		(\$10.00)	\$80.69
01/28/2021	Commissary		(\$57.39)	\$23.30
02/03/2021	Phone Credit		(\$10.00)	\$13.30
02/04/2021	Savings	\$11.70		\$25.00
02/04/2021	Check Tops		(\$25.00)	\$0.00
02/26/2021	Keefe	\$95.00		\$95.00
02/26/2021	Savings		(\$9.50)	\$85.50
02/26/2021	Phone Credit		(\$10.00)	\$75.50
03/01/2021	Phone Credit		(\$5.00)	\$70.50
03/03/2021	Phone Credit		(\$10.00)	\$60.50
03/11/2021	Commissary		(\$57.62)	\$2.88

Financial Certificates

1146775 - HARDNETT, LARRY

Date	Description	Deposit	Withdrawal	Balance
03/12/2021	Keefe	\$100.00		\$102.88
03/12/2021	Victim Specific		(\$50.00)	\$52.88
03/12/2021	Savings		(\$10.00)	\$42.88
03/12/2021	Court Order Fine		(\$0.74)	\$42.14
03/12/2021	Court Order Fine		(\$1.13)	\$41.01
03/12/2021	Court Order Fine		(\$1.13)	\$39.88
03/13/2021	Phone Credit		(\$9.00)	\$30.88
03/15/2021	Phone Credit		(\$5.00)	\$25.88
03/17/2021	Phone Credit		(\$10.00)	\$15.88
03/19/2021	Keefe	\$200.00		\$215.88
03/19/2021	Victim Specific		(\$100.00)	\$115.88
03/19/2021	Savings		(\$20.00)	\$95.88
03/19/2021	Court Order Fine		(\$1.48)	\$94.40
03/19/2021	Court Order Fine		(\$2.25)	\$92.15
03/19/2021	Court Order Fine		(\$2.27)	\$89.88
03/21/2021	Phone Credit		(\$10.00)	\$79.88
03/24/2021	Phone Credit		(\$5.00)	\$74.88
03/25/2021	Commissary		(\$69.48)	\$5.40
03/26/2021	Phone Credit		(\$5.00)	\$0.40
05/17/2021	Closing Balance			\$0.40

Date	Description	Deposit	Withdrawal	Balance
No Activity				
11/18/2020	Opening Balance			\$0.00
05/17/2021	Closing Balance			\$0.00

Date	Description	Deposit	Withdrawal	Balance
No Activity				
11/18/2020	Opening Balance			\$0.00
05/17/2021	Closing Balance			\$0.00

Date	Description	Deposit	Withdrawal	Balance
11/18/2020	Opening Balance			\$295.13
11/29/2020	Savings	\$6.00		\$301.13
12/16/2020	Savings	\$120.00		\$421.13
01/28/2021	Savings	\$10.00		\$431.13
02/04/2021	Savings		(\$11.70)	\$419.43
02/26/2021	Savings	\$9.50		\$428.93
03/12/2021	Savings	\$10.00		\$438.93
03/19/2021	Savings	\$20.00		\$458.93
05/17/2021	Closing Balance			\$458.93

Financial Certificates

1146775 - HARDNETT, LARRY

Date	Daily Balance	Daily Deposit	Number Of Deposit
11/18/2020	\$15.69	\$0.00	0
11/19/2020	\$15.69	\$0.00	0
11/20/2020	\$15.69	\$0.00	0
11/21/2020	\$15.69	\$0.00	0
11/22/2020	\$15.69	\$0.00	0
11/23/2020	\$15.69	\$0.00	0
11/24/2020	\$15.69	\$0.00	0
11/25/2020	\$10.89	\$0.00	0
11/26/2020	\$10.89	\$0.00	0
11/27/2020	\$10.89	\$0.00	0
11/28/2020	\$10.89	\$0.00	0
11/29/2020	\$64.89	\$60.00	1
11/30/2020	\$64.89	\$0.00	0
12/01/2020	\$64.89	\$0.00	0
12/02/2020	\$1,264.89	\$1,200.00	1
12/03/2020	\$1,264.89	\$0.00	0
12/04/2020	\$1,264.89	\$0.00	0
12/05/2020	\$1,264.89	\$0.00	0
12/06/2020	\$1,264.89	\$0.00	0
12/07/2020	\$1,264.89	\$0.00	0
12/08/2020	\$1,264.89	\$0.00	0
12/09/2020	\$1,264.89	\$0.00	0
12/10/2020	\$1,203.33	\$0.00	0
12/11/2020	\$1,203.33	\$0.00	0
12/12/2020	\$1,203.33	\$0.00	0
12/13/2020	\$1,203.33	\$0.00	0
12/14/2020	\$1,203.33	\$0.00	0
12/15/2020	\$1,203.33	\$0.00	0
12/16/2020	\$1,083.33	\$0.00	0
12/17/2020	\$1,083.33	\$0.00	0
12/18/2020	\$1,083.33	\$0.00	0
12/19/2020	\$1,083.33	\$0.00	0
12/20/2020	\$1,073.33	\$0.00	0
12/21/2020	\$1,073.33	\$0.00	0
12/22/2020	\$1,073.33	\$0.00	0
12/23/2020	\$1,073.33	\$0.00	0
12/24/2020	\$983.09	\$0.00	0
12/25/2020	\$983.09	\$0.00	0
12/26/2020	\$973.09	\$0.00	0
12/27/2020	\$973.09	\$0.00	0
12/28/2020	\$973.09	\$0.00	0
12/29/2020	\$973.09	\$0.00	0
12/30/2020	\$973.09	\$0.00	0
12/31/2020	\$865.19	\$0.00	0
01/01/2021	\$855.19	\$0.00	0
01/02/2021	\$855.19	\$0.00	0
01/03/2021	\$835.19	\$0.00	0
01/04/2021	\$835.19	\$0.00	0
01/05/2021	\$825.19	\$0.00	0

Financial Certificates

1146775 - HARDNETT, LARRY

Date	Daily Balance	Daily Deposit	Number Of Deposit
01/06/2021	\$813.71	\$0.00	0
01/07/2021	\$803.71	\$0.00	0
01/08/2021	\$649.98	\$0.00	0
01/09/2021	\$639.98	\$0.00	0
01/10/2021	\$639.98	\$0.00	0
01/11/2021	\$630.98	\$0.00	0
01/12/2021	\$630.98	\$0.00	0
01/13/2021	\$620.98	\$0.00	0
01/14/2021	\$450.70	\$0.00	0
01/15/2021	\$450.70	\$0.00	0
01/16/2021	\$440.70	\$0.00	0
01/17/2021	\$420.70	\$0.00	0
01/18/2021	\$410.70	\$0.00	0
01/19/2021	\$10.70	\$0.00	0
01/20/2021	\$10.70	\$0.00	0
01/21/2021	\$10.70	\$0.00	0
01/22/2021	\$0.70	\$0.00	0
01/23/2021	\$0.70	\$0.00	0
01/24/2021	\$0.70	\$0.00	0
01/25/2021	\$0.70	\$0.00	0
01/26/2021	\$0.70	\$0.00	0
01/27/2021	\$0.70	\$0.00	0
01/28/2021	\$23.30	\$99.99	1
01/29/2021	\$23.30	\$0.00	0
01/30/2021	\$23.30	\$0.00	0
01/31/2021	\$23.30	\$0.00	0
02/01/2021	\$23.30	\$0.00	0
02/02/2021	\$23.30	\$0.00	0
02/03/2021	\$13.30	\$0.00	0
02/04/2021	\$0.00	\$0.00	0
02/05/2021	\$0.00	\$0.00	0
02/06/2021	\$0.00	\$0.00	0
02/07/2021	\$0.00	\$0.00	0
02/08/2021	\$0.00	\$0.00	0
02/09/2021	\$0.00	\$0.00	0
02/10/2021	\$0.00	\$0.00	0
02/11/2021	\$0.00	\$0.00	0
02/12/2021	\$0.00	\$0.00	0
02/13/2021	\$0.00	\$0.00	0
02/14/2021	\$0.00	\$0.00	0
02/15/2021	\$0.00	\$0.00	0
02/16/2021	\$0.00	\$0.00	0
02/17/2021	\$0.00	\$0.00	0
02/18/2021	\$0.00	\$0.00	0
02/19/2021	\$0.00	\$0.00	0
02/20/2021	\$0.00	\$0.00	0
02/21/2021	\$0.00	\$0.00	0
02/22/2021	\$0.00	\$0.00	0
02/23/2021	\$0.00	\$0.00	0

Financial Certificates

1146775 - HARDNETT, LARRY

Date	Daily Balance	Daily Deposit	Number Of Deposit
02/24/2021	\$0.00	\$0.00	0
02/25/2021	\$0.00	\$0.00	0
02/26/2021	\$75.50	\$95.00	1
02/27/2021	\$75.50	\$0.00	0
02/28/2021	\$75.50	\$0.00	0
03/01/2021	\$70.50	\$0.00	0
03/02/2021	\$70.50	\$0.00	0
03/03/2021	\$60.50	\$0.00	0
03/04/2021	\$60.50	\$0.00	0
03/05/2021	\$60.50	\$0.00	0
03/06/2021	\$60.50	\$0.00	0
03/07/2021	\$60.50	\$0.00	0
03/08/2021	\$60.50	\$0.00	0
03/09/2021	\$60.50	\$0.00	0
03/10/2021	\$60.50	\$0.00	0
03/11/2021	\$2.88	\$0.00	0
03/12/2021	\$39.88	\$100.00	1
03/13/2021	\$30.88	\$0.00	0
03/14/2021	\$30.88	\$0.00	0
03/15/2021	\$25.88	\$0.00	0
03/16/2021	\$25.88	\$0.00	0
03/17/2021	\$15.88	\$0.00	0
03/18/2021	\$15.88	\$0.00	0
03/19/2021	\$89.88	\$200.00	1
03/20/2021	\$89.88	\$0.00	0
03/21/2021	\$79.88	\$0.00	0
03/22/2021	\$79.88	\$0.00	0
03/23/2021	\$79.88	\$0.00	0
03/24/2021	\$74.88	\$0.00	0
03/25/2021	\$5.40	\$0.00	0
03/26/2021	\$0.40	\$0.00	0
03/27/2021	\$0.40	\$0.00	0
03/28/2021	\$0.40	\$0.00	0
03/29/2021	\$0.40	\$0.00	0
03/30/2021	\$0.40	\$0.00	0
03/31/2021	\$0.40	\$0.00	0
04/01/2021	\$0.40	\$0.00	0
04/02/2021	\$0.40	\$0.00	0
04/03/2021	\$0.40	\$0.00	0
04/04/2021	\$0.40	\$0.00	0
04/05/2021	\$0.40	\$0.00	0
04/06/2021	\$0.40	\$0.00	0
04/07/2021	\$0.40	\$0.00	0
04/08/2021	\$0.40	\$0.00	0
04/09/2021	\$0.40	\$0.00	0
04/10/2021	\$0.40	\$0.00	0
04/11/2021	\$0.40	\$0.00	0
04/12/2021	\$0.40	\$0.00	0
04/13/2021	\$0.40	\$0.00	0

Financial Certificates

1146775 - HARDNETT, LARRY

Date	Daily Balance	Daily Deposit	Number Of Deposit
04/14/2021	\$0.40	\$0.00	0
04/15/2021	\$0.40	\$0.00	0
04/16/2021	\$0.40	\$0.00	0
04/17/2021	\$0.40	\$0.00	0
04/18/2021	\$0.40	\$0.00	0
04/19/2021	\$0.40	\$0.00	0
04/20/2021	\$0.40	\$0.00	0
04/21/2021	\$0.40	\$0.00	0
04/22/2021	\$0.40	\$0.00	0
04/23/2021	\$0.40	\$0.00	0
04/24/2021	\$0.40	\$0.00	0
04/25/2021	\$0.40	\$0.00	0
04/26/2021	\$0.40	\$0.00	0
04/27/2021	\$0.40	\$0.00	0
04/28/2021	\$0.40	\$0.00	0
04/29/2021	\$0.40	\$0.00	0
04/30/2021	\$0.40	\$0.00	0
05/01/2021	\$0.40	\$0.00	0
05/02/2021	\$0.40	\$0.00	0
05/03/2021	\$0.40	\$0.00	0
05/04/2021	\$0.40	\$0.00	0
05/05/2021	\$0.40	\$0.00	0
05/06/2021	\$0.40	\$0.00	0
05/07/2021	\$0.40	\$0.00	0
05/08/2021	\$0.40	\$0.00	0
05/09/2021	\$0.40	\$0.00	0
05/10/2021	\$0.40	\$0.00	0
05/11/2021	\$0.40	\$0.00	0
05/12/2021	\$0.40	\$0.00	0
05/13/2021	\$0.40	\$0.00	0
05/14/2021	\$0.40	\$0.00	0
05/15/2021	\$0.40	\$0.00	0
05/16/2021	\$0.40	\$0.00	0
05/17/2021	\$0.40	\$0.00	0

Start Date	End Date	Total Daily Balances	Number Of Days	Average Monthly Balances
11/18/2020	12/17/2020	\$19,853.82	30	\$661.79
12/18/2020	01/17/2021	\$25,555.85	31	\$824.38
01/18/2021	02/17/2021	\$600.10	31	\$19.36
02/18/2021	03/17/2021	\$1,023.66	28	\$36.56
03/18/2021	04/17/2021	\$524.76	31	\$16.93
04/18/2021	05/17/2021	\$12.00	30	\$0.40

Start Date	End Date	Total Deposits	Number Of Deposits	Average Monthly Deposits
11/18/2020	12/17/2020	\$1,260.00	2	\$630.00
01/18/2021	02/17/2021	\$99.99	1	\$99.99
02/18/2021	03/17/2021	\$195.00	2	\$97.50
03/18/2021	04/17/2021	\$200.00	1	\$200.00

Current Account Balance:	5/17/2021	\$0.40
Average Monthly Account Balance:		\$259.90
Average Monthly Deposits:		\$292.50
Average Total Monthly Deposit:		\$171.25

5400 0063610159

LOS ANGELES
S.D.C.
Indian Springs, NV 89070
P.O. Box-208

BLS#
26097410

Clerk of Courts
200 Lewis Ave
3rd Fl
Las Vegas, Nevada 89155

CONFIDENTIAL

CONFIDENTIAL

OUTGOING MAIL
AUG 26 2021
Southern Desert
Correctional Center



1 ASTA

2
3
4
5
6 **IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE**
7 **STATE OF NEVADA IN AND FOR**
8 **THE COUNTY OF CLARK**
9

10 LARRY HARDNETT,

11 Plaintiff(s),

12 vs.

13 BRIAN WILLIAMS/HUTCHINS (WARDEN),

14 Defendant(s),
15

Case No: A-21-835317-W

Dept No: XXIV

16
17 **CASE APPEAL STATEMENT**
18

19 1. Appellant(s): Larry Hardnett

20 2. Judge: Erika Ballou

21 3. Appellant(s): Larry Hardnett

22 Counsel:

23 Larry Hardnett #1146775
24 P.O. Box 208
Indian Springs, NV 89070

25 4. Respondent (s): Brian Williams/Hutchins (Warden)

26 Counsel:

27 Aaron D. Ford, Attorney General
28 555 E. Washington Ave., Ste. 3900
Las Vegas, NV 89101-1068

1 5. Appellant(s)'s Attorney Licensed in Nevada: N/A
2 Permission Granted: N/A

3 Respondent(s)'s Attorney Licensed in Nevada: Yes
4 Permission Granted: N/A

5 6. Has Appellant Ever Been Represented by Appointed Counsel In District Court: No

6 7. Appellant Represented by Appointed Counsel On Appeal: N/A

7 8. Appellant Granted Leave to Proceed in Forma Pauperis**: N/A
8 ***Expires 1 year from date filed*
9 Appellant Filed Application to Proceed in Forma Pauperis: No
10 Date Application(s) filed: N/A

11 9. Date Commenced in District Court: May 27, 2021

12 10. Brief Description of the Nature of the Action: Civil Writ

13 Type of Judgment or Order Being Appealed: Civil Writ of Habeas Corpus

14 11. Previous Appeal: No

15 Supreme Court Docket Number(s): N/A

16 12. Child Custody or Visitation: N/A

17 13. Possibility of Settlement: Unknown

18 Dated This 1 day of September 2021.

19 Steven D. Grierson, Clerk of the Court

20
21 /s/ Heather Ungermann

22 Heather Ungermann, Deputy Clerk
23 200 Lewis Ave
24 PO Box 551601
25 Las Vegas, Nevada 89155-1601
26 (702) 671-0512

27 cc: Larry Hardnett
28

Steven D. Grierson

Larry Hardnett # 1146775
Petitioner/In Propria Persona
Post Office Box 208, SDCC
Indian Springs, Nevada 89070-0208

IN THE 8th JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF CLARK

Larry Hardnett # 1146775,
Plaintiff,
vs.
Brian Williams, Warden,
Defendant.

A-21-834858-W
CASE No. 4-21-835317-W
DEPT. No. 24

DESIGNATION OF RECORD ON APPEAL

TO: Nevada Clerk of Courts
2015.C

The above-named Plaintiff hereby designates the entire record of the above-entitled case, to include all the papers, documents, pleadings, and transcripts thereof, as and for the Record on Appeal.

DATED this 19th day of Aug, 20 21.

RESPECTFULLY SUBMITTED BY:

Larry Hardnett
1146775
Plaintiff/In Propria Persona

CERTIFICATE OF SERVICE BY MAILING

I, Larry Hardnett, hereby certify, pursuant to NRCP 5(b), that on this 19th
day of Aug, 2021, I mailed a true and correct copy of the foregoing, "Notice of
Appeal"

by placing document in a sealed pre-postage paid envelope and deposited said envelope in the
United State Mail addressed to the following:

Clerk of Courts
200 Lewis Ave
3rd Floor
Las Vegas, Nevada 89155

CC:FILE

DATED: this 19th day of Aug, 2021.

Larry Hardnett
1146775
/In Propria Personam
Post Office Box 208, S.D.C.C.
Indian Springs, Nevada 89018
IN FORMA PAUPERIS:

AFFIRMATION
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding Notice

of Appeal
(Title of Document)

filed in District Court Case number A-21-834858-W
A-21-834317-W

☒ Does not contain the social security number of any person.

-OR-

☐ Contains the social security number of a person as required by:

A. A specific state or federal law, to wit:

(State specific law)

-or-

B. For the administration of a public program or for an application
for a federal or state grant.

Larry Hardnett
Signature

8-19-21
Date

Larry Hardnett
Print Name

~~Plaintiff~~ plaintiff
Title

CASE SUMMARY

CASE NO. A-21-835317-W

Larry Hardnett, Plaintiff(s)
vs.
Brian Williams, Defendant(s)

§
§
§
§
§

Location: **Department 24**
 Judicial Officer: **Ballou, Erika**
 Filed on: **05/27/2021**
 Cross-Reference Case Number: **A835317**

CASE INFORMATION

Case Type: **Writ of Habeas Corpus**
 Subtype: **Time Computation Writ**
 Case Status: **05/27/2021 Open**

DATE

CASE ASSIGNMENT

Current Case Assignment

Case Number: A-21-835317-W
 Court: Department 24
 Date Assigned: 05/27/2021
 Judicial Officer: Ballou, Erika

PARTY INFORMATION

Plaintiff **Hardnett, Larry**

Pro Se







Defendant **Hutchins**
 Williams, Brian

DATE

EVENTS & ORDERS OF THE COURT

INDEX

EVENTS

05/27/2021	 Inmate Filed - Petition for Writ of Habeas Corpus Party: Plaintiff Hardnett, Larry <i>[1] Petition for Writ of Habeas Corpus</i>
05/28/2021	 Order for Petition for Writ of Habeas Corpus <i>[2] Order For Petition For Writ Of Habeas Corpus-Time-Comp</i>
06/21/2021	 Response Filed by: Defendant Williams, Brian; Defendant Hutchins <i>[3] Response to Petition for Writ of Habeas Corpus</i>
07/21/2021	 Notice of Hearing <i>[4] Notice of Hearing</i>
08/02/2021	 Decision and Order <i>[5] Decision and Order from the Hearing of July 20, 2021</i>
08/06/2021	 Notice of Entry of Order Filed By: Defendant Williams, Brian <i>[6] Notice of Entry of Order</i>

CASE SUMMARY
CASE NO. A-21-835317-W

08/31/2021



Notice of Appeal
[7] Notice of Appeal

08/31/2021



Designation of Record on Appeal
[8] Designation of Record on Appeal

09/01/2021



Case Appeal Statement
Filed By: Plaintiff Hardnett, Larry
Case Appeal Statement

HEARINGS

08/02/2021



Minute Order (7:00 AM) (Judicial Officer: Ballou, Erika)

Minute Order - No Hearing Held;

Journal Entry Details:

The Court having considered all papers and pleadings on file and having determined that no argument is necessary hereby DENIES Plaintiff's Petition for Writ of Habeas Corpus as he has been properly awarded credit against his sentence in compliance with NRS 209.4465(8) as set forth in the Response prepared by the State. The hearing scheduled for August 3, 2021, is hereby VACATED. The State is to promptly prepare an order. CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Ro'Shell Hurtado, to all registered parties for Odyssey File & Serve: Mailed to: Larry Hardnett, #1146775, P.O.Box 208, Indian Springs, NV, 89070/rh08.02.2021;

08/03/2021

CANCELED Petition for Writ of Habeas Corpus (9:00 AM) (Judicial Officer: Ballou, Erika)
Vacated - per Judge

DISTRICT COURT CIVIL COVER SHEET

XXIV

County, Nevada

Case No. _____
(Assigned by Clerk's Office)**I. Party Information** (provide both home and mailing addresses if different)

Plaintiff(s) (name/address/phone):

LARRY Hardnett #146775
PO BOX 208
Indian Springs NV 89070

Defendant(s) (name/address/phone):

Brian Williams
Hutchins

Attorney (name/address/phone):

Attorney (name/address/phone):

II. Nature of Controversy (please select the one most applicable filing type below)**Civil Case Filing Types**

Real Property Landlord/Tenant <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Other Landlord/Tenant Title to Property <input type="checkbox"/> Judicial Foreclosure <input type="checkbox"/> Other Title to Property Other Real Property <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property	Negligence <input type="checkbox"/> Auto <input type="checkbox"/> Premises Liability <input type="checkbox"/> Other Negligence Malpractice <input type="checkbox"/> Medical/Dental <input type="checkbox"/> Legal <input type="checkbox"/> Accounting <input type="checkbox"/> Other Malpractice	Torts Other Torts <input type="checkbox"/> Product Liability <input type="checkbox"/> Intentional Misconduct <input type="checkbox"/> Employment Tort <input type="checkbox"/> Insurance Tort <input type="checkbox"/> Other Tort
Probate Probate (select case type and estate value) <input type="checkbox"/> Summary Administration <input type="checkbox"/> General Administration <input type="checkbox"/> Special Administration <input type="checkbox"/> Set Aside <input type="checkbox"/> Trust/Conservatorship <input type="checkbox"/> Other Probate Estate Value <input type="checkbox"/> Over \$200,000 <input type="checkbox"/> Between \$100,000 and \$200,000 <input type="checkbox"/> Under \$100,000 or Unknown <input type="checkbox"/> Under \$2,500	Construction Defect & Contract Construction Defect <input type="checkbox"/> Chapter 40 <input type="checkbox"/> Other Construction Defect Contract Case <input type="checkbox"/> Uniform Commercial Code <input type="checkbox"/> Building and Construction <input type="checkbox"/> Insurance Carrier <input type="checkbox"/> Commercial Instrument <input type="checkbox"/> Collection of Accounts <input type="checkbox"/> Employment Contract <input type="checkbox"/> Other Contract	Judicial Review/Appeal Judicial Review <input type="checkbox"/> Foreclosure Mediation Case <input type="checkbox"/> Petition to Seal Records <input type="checkbox"/> Mental Competency Nevada State Agency Appeal <input type="checkbox"/> Department of Motor Vehicle <input type="checkbox"/> Worker's Compensation <input type="checkbox"/> Other Nevada State Agency Appeal Other <input type="checkbox"/> Appeal from Lower Court <input type="checkbox"/> Other Judicial Review/Appeal
Civil Writ <input checked="" type="checkbox"/> Writ of Habeas Corpus <input type="checkbox"/> Writ of Mandamus <input type="checkbox"/> Writ of Quo Warrant <input type="checkbox"/> Writ of Prohibition <input type="checkbox"/> Other Civil Writ		Other Civil Filing <input type="checkbox"/> Compromise of Minor's Claim <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Other Civil Matters

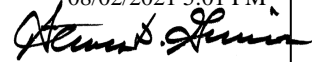
Business Court filings should be filed using the Business Court civil coversheet.

5/27/21
Date

Prepared by the Clerk

Signature of initiating party or representative

See other side for family-related case filings.


CLERK OF THE COURT

1 **DAO**

2 **DISTRICT COURT**
3 **CLARK COUNTY, NEVADA**

4 LARRY HARDNETT,
5
6 Petitioner,

Case No. A-21-834858-W
A-21-835317-W
Dept. No. 24

7 vs.

8 BRIAN WILLIAMS/HUTCHINS WARDEN,
9 Respondents.

10 **DECISION AND ORDER FROM THE HEARING OF JULY 20, 2021**

11 This matter having come on for hearing this 20th day of July 2021 upon Petitioner Larry Hardnett's
12 *Petitions for Writ of Habeas Corpus* filed in case A834858 on May 19, 2021; and case A835317 on May
13 27, 2021, and the responses thereto. Neither party was present, and the Court made its decision based
14 solely on the pleadings without the need of an evidentiary hearing.

15 THE COURT FINDS that Petitioner Larry Hardnett is currently incarcerated at Southern Desert
16 Correctional Center.

17 THE COURT FURTHER FINDS that Hardnett is serving time for criminal acts committed in
18 2015.

19 THE COURT FURTHER FINDS that the Eighth Judicial District Court adjudicated Hardnett
20 guilty of two category B felonies in case C308795, and three category B felonies and two category A
21 felonies in case C309793.

22 WHEREFORE THE COURT CONCLUDES that NRS 209.4465 applies to Hardnett.

23 THE COURT FURTHER CONCLUDES that under NRS 209.4465(7), credit applies against an
24 inmate's minimum and maximum sentences unless one of the exceptions outlined in NRS 209.4465(8)
25 applies to prohibit the application. Petitioner Hardness is in prison for A and B felonies. Application of
26 credit to Hardnett's minimum sentence is excluded by NRS 209.4465(8)(d) which prohibits the
27 application of credit to the minimum sentence of an inmate convicted of either an A or B felony.

28 . . .

1 THE COURT FURTHER CONCLUDES that the Nevada Department of Corrections acted
2 properly as it is prohibited by statute from applying credit to Hardnett's minimum sentence.

3 THE COURT FURTHER CONCLUDES that the case of *Williams v. State of Nevada Dep't of*
4 *Corrections*, 402 P.3d 1260 (Nev. 2017) does not apply because the date when Hardnett committed his
5 crime was after the date of the 2007 amendment of NRS 209.4465. The Nevada Supreme Court has ruled
6 that the *Williams* decision does not affect crimes committed after July 1, 2007, and Hardnett's offenses
7 took place in 2015.

8 THE COURT FURTHER CONCLUDES that application of NRS 209.4465(8) to Hardnett is not
9 an ex-post facto violation as the statute was passed and in effect prior to the date on which Hardnett
10 committed his offenses.

11 THE COURT FURTHER CONCLUDES that this is a second or successive petition and subject
12 to dismissal under NRS 34.810.

13 THEREFORE, GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that Larry Hardnett's
14 petition for writ of habeas corpus is DENIED.

15 IT IS SO ORDERED this _____ day of _____, 2021.

16 Dated this 2nd day of August, 2021

17 

18 The Honorable Erika Ballou
District Court Judge
C18 DCB 9559 65D7
Erika Ballou
District Court Judge

19 Submitted by:

20 /s/ Allison Herr
Allison Herr
21 Senior Deputy Attorney General
22
23
24
25
26
27
28

1 CSERV

2 DISTRICT COURT
3 CLARK COUNTY, NEVADA
4

5
6 Larry Hardnett, Plaintiff(s)

CASE NO: A-21-834858-W

7 vs.

DEPT. NO. Department 24

8 Brian Williams, Defendant(s)
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

11 This automated certificate of service was generated by the Eighth Judicial District
12 Court. The foregoing Order was served via the court's electronic eFile system to all
13 recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 8/2/2021

15 Allison Herr

aherr@ag.nv.gov

16 Marsha Landreth

mlandreth@ag.nv.gov

17 Rikki Garate

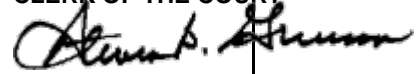
rgarate@ag.nv.gov

18 Cheryl Martinez

cjmartinez@ag.nv.gov

19 Lucas Combs

ljcombs@ag.nv.gov
20
21
22
23
24
25
26
27
28



NEOJ

**DISTRICT COURT
CLARK COUNTY, NEVADA**

LARRY HARDNETT,

Petitioner,

Case No: A-21-835317-W

Dept. No: XXIV

vs.

BRIAN WILLIAMS; ET,AL.,

Respondent,

NOTICE OF ENTRY OF ORDER

PLEASE TAKE NOTICE that on August 2, 2021, the court entered a decision or order in this matter, a true and correct copy of which is attached to this notice.

You may appeal to the Supreme Court from the decision or order of this court. If you wish to appeal, you must file a notice of appeal with the clerk of this court within thirty-three (33) days after the date this notice is mailed to you. This notice was mailed on August 6, 2021.

STEVEN D. GRIERSON, CLERK OF THE COURT

/s/ Amanda Hampton

Amanda Hampton, Deputy Clerk

CERTIFICATE OF E-SERVICE / MAILING

I hereby certify that on this 6 day of August 2021, I served a copy of this Notice of Entry on the following:

☒ By e-mail:

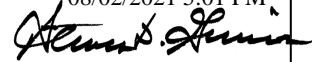
Clark County District Attorney's Office
Attorney General's Office – Appellate Division-

☒ The United States mail addressed as follows:

Larry Hardnett # 1146775
P.O. Box 208
Indian Springs, NV 89070

/s/ Amanda Hampton

Amanda Hampton, Deputy Clerk


CLERK OF THE COURT

1 **DAO**

2 **DISTRICT COURT**
3 **CLARK COUNTY, NEVADA**

4 LARRY HARDNETT,
5
6 Petitioner,

Case No. A-21-834858-W
A-21-835317-W
Dept. No. 24

7 vs.

8 BRIAN WILLIAMS/HUTCHINS WARDEN,
9 Respondents.

10 **DECISION AND ORDER FROM THE HEARING OF JULY 20, 2021**

11 This matter having come on for hearing this 20th day of July 2021 upon Petitioner Larry Hardnett's
12 *Petitions for Writ of Habeas Corpus* filed in case A834858 on May 19, 2021; and case A835317 on May
13 27, 2021, and the responses thereto. Neither party was present, and the Court made its decision based
14 solely on the pleadings without the need of an evidentiary hearing.

15 THE COURT FINDS that Petitioner Larry Hardnett is currently incarcerated at Southern Desert
16 Correctional Center.

17 THE COURT FURTHER FINDS that Hardnett is serving time for criminal acts committed in
18 2015.

19 THE COURT FURTHER FINDS that the Eighth Judicial District Court adjudicated Hardnett
20 guilty of two category B felonies in case C308795, and three category B felonies and two category A
21 felonies in case C309793.

22 WHEREFORE THE COURT CONCLUDES that NRS 209.4465 applies to Hardnett.

23 THE COURT FURTHER CONCLUDES that under NRS 209.4465(7), credit applies against an
24 inmate's minimum and maximum sentences unless one of the exceptions outlined in NRS 209.4465(8)
25 applies to prohibit the application. Petitioner Hardness is in prison for A and B felonies. Application of
26 credit to Hardnett's minimum sentence is excluded by NRS 209.4465(8)(d) which prohibits the
27 application of credit to the minimum sentence of an inmate convicted of either an A or B felony.

28 . . .

1 THE COURT FURTHER CONCLUDES that the Nevada Department of Corrections acted
2 properly as it is prohibited by statute from applying credit to Hardnett's minimum sentence.

3 THE COURT FURTHER CONCLUDES that the case of *Williams v. State of Nevada Dep't of*
4 *Corrections*, 402 P.3d 1260 (Nev. 2017) does not apply because the date when Hardnett committed his
5 crime was after the date of the 2007 amendment of NRS 209.4465. The Nevada Supreme Court has ruled
6 that the *Williams* decision does not affect crimes committed after July 1, 2007, and Hardnett's offenses
7 took place in 2015.

8 THE COURT FURTHER CONCLUDES that application of NRS 209.4465(8) to Hardnett is not
9 an ex-post facto violation as the statute was passed and in effect prior to the date on which Hardnett
10 committed his offenses.

11 THE COURT FURTHER CONCLUDES that this is a second or successive petition and subject
12 to dismissal under NRS 34.810.

13 THEREFORE, GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that Larry Hardnett's
14 petition for writ of habeas corpus is DENIED.

15 IT IS SO ORDERED this _____ day of _____, 2021.

Dated this 2nd day of August, 2021



The Honorable Erika Ballou
District Court Judge
C18 DCB 9559 65D7
Erika Ballou
District Court Judge

Submitted by:

20 /s/ Allison Herr
21 Allison Herr
22 Senior Deputy Attorney General
23
24
25
26
27
28

1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 Larry Hardnett, Plaintiff(s)

CASE NO: A-21-834858-W

7 vs.

DEPT. NO. Department 24

8 Brian Williams, Defendant(s)

9
10 **AUTOMATED CERTIFICATE OF SERVICE**

11 This automated certificate of service was generated by the Eighth Judicial District
12 Court. The foregoing Order was served via the court's electronic eFile system to all
13 recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 8/2/2021

15 Allison Herr

aherr@ag.nv.gov

16 Marsha Landreth

mlandreth@ag.nv.gov

17 Rikki Garate

rgarate@ag.nv.gov

18 Cheryl Martinez

cjmartinez@ag.nv.gov

19 Lucas Combs

ljcombs@ag.nv.gov

20

21

22

23

24

25

26

27

28

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Writ of Habeas Corpus

COURT MINUTES

August 02, 2021

A-21-835317-W Larry Hardnett, Plaintiff(s)
vs.
Brian Williams, Defendant(s)

August 02, 2021 7:00 AM Minute Order

HEARD BY: Ballou, Erika

COURTROOM: Chambers

COURT CLERK:
Ro'Shell Hurtado

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- The Court having considered all papers and pleadings on file and having determined that no argument is necessary hereby DENIES Plaintiff s Pettition for Writ of Habeas Corpus as he has been properly awarded credit against his sentence in compliance with NRS 209.4465(8) as set forth in the Response prepared by the State. The hearing scheduled for August 3, 2021, is hereby VACATED.

The State is to promptly prepare an order.

CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Ro'Shell Hurtado, to all registered parties for Odyssey File & Serve: Mailed to: Larry Hardnett, #1146775, P.O.Box 208, Indian Springs, NV, 89070//rh08.02.2021

Certification of Copy

State of Nevada }
County of Clark } SS:

I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full and correct copy of the hereinafter stated original document(s):

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DESIGNATION OF RECORD ON APPEAL; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; DECISION AND ORDER FROM THE HEARING OF JULY 20, 2021; NOTICE OF DEFICIENCY; DISTRICT COURT MINUTES

LARRY HARDNETT,

Plaintiff(s),

vs.

BRIAN WILLIAMS/HUTCHINS (WARDEN),

Defendant(s),

Case No: A-21-835317-W

Dept No: XXIV

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
This 1 day of September 2021.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk