

FILED

NOV 22 2021

IN THE SUPREME COURT OF THE STATE OF NEVADA

CLYDE BIGGS

Appellant,

vs.

CALVIN JOHNSON, WARDEN

Respondent.

Supreme Court No. 83717

District Court No. A-21-837467-W

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

NOV 22 2021

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
DEPUTY CLERK

21-33600

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
July 7, 2021	Petition for writ of Habeas Corpus

Notice of Appeal. Give the date you filed your notice of appeal in the district court: October 26, 2021

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
A-21-857467-W	Petition for Writ of Habeas Corpus	Eighth Judicial District Court

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.)

The facts in my case are dealing with NRS 209.449 vocational education and training or other programs. For vocational classes completed, 60 days are to be deducted from maximum term and with mental health classes the exact number of mentoring credits is also the number of days to be deducted since one credit represents one day as shown on my response to Respondent's response Example or Exhibit #1 which was filed in on 8/26/2021. On page #2 of this exhibit "Sentence credit examples & forfeitures and their effect", this can be read as NDOC uses

this formula explained in this packet as a way to calculate inmates time, but on page 1, it informs readers that this document has not been approved as policy by the board or the NDOC. So the facts are as follows on 1/5/2017 I entered HOSP with 2244 days credited from serving years + in Clark County Detention Center while being classified, I was given by HOSP an EXD (Projected Expiration Date) of 6/15/2024. This date was pre-calculated by High Desert State Prison (HOSP) assuming that Clyde Briggs would work future months and remain out of trouble, given me an Exit date 6-15-2024. This date will stay the same if I work and stay out of trouble, because of the pre-calculated statutory good time and work time calculated and deducted from my maximum term of 25 years which I also got the 2244 days deducted from as well along with 1,480 days of statutory time earned for serving the 2244 days of flat time in CCDC. All this is seen in Petition for writ of Habeas Corpus. The problem is that NDOC/HOSP already deducted from 25 year max term by their pre-calculations, giving me a date 6-15-2024 that I would leave on if I completed my time working and staying out of trouble which I have done and continue to do. Since receiving this EXD 6-15-2024, I on my own will enter into extra vocational classes and mental health classes which were not pre-calculated into my time given me the EXD 6-15-2024. The incentive for completing vocational and mental health classes which are extra programs done only by the inmates will is for have sentence reduce even further. From August of 2017 until present day I have completed 9 vocational classes including the recent "MC-3" and "Entrepreneur/Economics" classes totaling to 510 days to be deducted from EXD 6-15-2024 and 6 mental health classes including the recent "victim impact" and "inside outside 280's" totaling to 120 days, equalling a total of 630 days that are earned extra from the pre-calculation made by NDOC/HOSP to give me a EXD 6-15-2024. From this date 6-15-2024 should be deducted my extra earned days for completing vocational and mental health classes bringing my Expiration (EXD) from 6-15-24 to 10/29/2022. What NDOC/HOSP

does is takes all the extra vacation and mental health earned days and deducts them from the already deducted 25 year term. They already subtracted from this 25 years with their precalculation giving me the date 6-15-2024 which if I did no classes and worked and stayed out of trouble, I would have ~~been~~ completed my prison sentence on this date and been released. So that being the case the extra classes I've completed on my own ambition to reduce sentence and return to family sooner, those classes completed totaling up to 630 days should be deducted from already given Projected Expiration Date (PEXD) and not re-calculated from already deducted term max term of 25 years. This method they use which is not approved as policy by the Board or the NDOC should not be allowed to hinder the full effect of completing classes by re-calculating cutting the days earned in half forcing inmate to an extensive and prolong prison, of excessive confinement.

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.)

The District Court Error and was wrong by first determining no agreement was needed then by mentioning previous cases A-17-755397-W and A-19-794378-W and A-20-822591-W which clouds the present case A-21-837467-W. Also by once again clouding issue at hand by mentioning work credits that was raised in previous case A-19-794378 which in this present case A-21-837467-W, Petition for writ of Habeas Corpus is dealing ~~specifically~~ specifically with vacation and mental health extra earned days being deducted from PEXD received by inmate Biggs when entering High Desert State Prison, which was 6-15-2024. Then District court continues to mention work credits which has nothing to do with this motion or this present Petition for writ of Habeas Corpus, case no: A-21-837467-W, then the court further

Says that NDOC properly awarded me All meritorious credits for class completed from 2017 to 2020 which is false because first I completed classes in 2021 and NDOC interpretation of NRS 209.4465 and 209.449 is based on their own ANALYSIS or AN incorrect interpretation of 209.449 which is less favorable to Clyde Biggs as well as discriminatory and a violation of due process and discrimination clauses Guaranteed by the 14th amendment to the U.S. Constitution.

I want the Nevada Supreme Court to ORDER (NDOC) Nevada Department of Corrections (HOSP) High Desert State Prison to correctly deduct the 630 days earned by Clyde Biggs from completing the 9 vocational and 6 mental Health classes, from Original (PEXD) Projected Expirational Date 6-15-2024, bring that date to 10/29/2022, and order NDOC/HOSP to further deduct any future classes ~~earned~~ meritorious credit/days from his PEXD and not to use made up formula re-calculating from maximum term that has already been receive from forcing me Biggs to ~~excessive~~ ~~excessive~~ confinement and/or longer stay in prison.

Please make sure that Clyde Biggs responds to responses response motion is received by the Supreme Court Judge so the exhibit can be looked at as well ~~as well~~. When consider All evidence. Thanks

[illegible]

Lined area for text entry.

DATED this 18th day of November, 2021.

Clyde Biggs
Signature of Appellant

Clyde Biggs
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):

Clerk of the Supreme Court of Nevada
201 South Carson Street
Carson City, Nevada 89701

DATED this 18th day of November, 2021.

Clyde Briggs
Signature of Appellant

Clyde Briggs
Print Name of Appellant

P.O. BOX 650
Address

INDIAN SPRINGS, NV 89070
City/State/Zip

Telephone