

ST 10

Electronically Filed
1/13/2022 2:50 PM
Steven D. Grierson
CLERK OF THE COURT

Steven D. Grierson

Electronically Filed
Jan 21 2022 03:39 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

DAMIAN A. PHILLIPS #1212760

In Proper Person
P.O. Box 650 H.D.S.P.
Indian Springs, Nevada 89018

EIGHTH DISTRICT COURT
CLARK COUNTY NEVADA

DAMIAN PHILLIPS #1212760,

APPELLANT,

-v-

THE WARDEN, HDSP,

RESPONDENT,

Case No. A-21-831976-W
Dept. No. 9
Docket _____

NOTICE OF APPEAL

Notice is hereby given that the APPELLANT, DAMIAN
PHILLIPS, by and through himself in proper person, does now appeal
to the Supreme Court of the State of Nevada, the decision of the District
Court DENIAL OF PETITION OF HABEAS CORPUS
(POST CONVICTION).

Dated this date, 12-6-2021.

Respectfully Submitted,

[Signature]
In Proper Person

27 RECEIVED
JAN 10 2022
CLERK OF THE COURT

CERTIFICATE OF SERVICE BY MAILING

I, DAMIEN PHILLIPS, hereby certify, pursuant to NRCP 5(b), that on this 6
day of DECEMBER, 2021, I mailed a true and correct copy of the foregoing, "

NOTICE OF APPEAL

by depositing it in the High Desert State Prison, Legal Library, First-Class Postage, fully prepaid,
addressed as follows:


CLERK OF THE COURT

200 LEWIS AVE

3RD FLOOR

LAS VEGAS, NV. 89155

DATED: this 6 day of DECEMBER, 2021


DAMIEN A. PHILLIPS # 212460
/In Propria Persona
Post Office box 650 [HDSP]
Indian Springs Nevada 89018

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-21-831976-W

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

-OR-

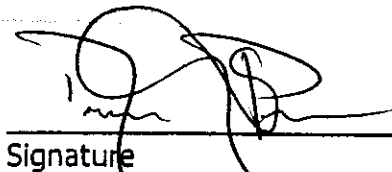
☐ Contains the social security number of a person as required by:

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.



Signature

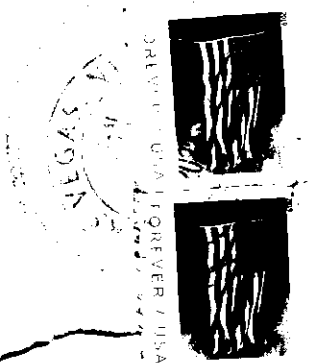
12-6-21
Date

DAMIEN PHILLIPS
Print Name

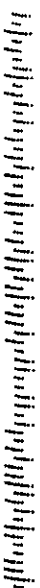
PRO-SE
Title

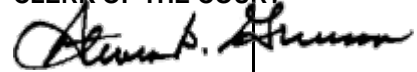
DAMIAN PHILIPS
ADSP
P.O. Box 660
INDIAN SPRINGS, NV. 89470

CLERK OF THE COURT
200 LEWIS AVE
3RD FLOOR
LAS VEGAS, NV. 89145



89101\$6300





1 ASTA

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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 DAMIEN A. PHILLIPS,

11 Plaintiff(s),

12 vs.

13 NEV. DEPT. OF CORRECTIONS,

14 Defendant(s),
15

Case No: A-21-831976-W

Dept No: IX

16
17 **CASE APPEAL STATEMENT**
18

19 1. Appellant(s): Damien Phillips

20 2. Judge: Cristina D. Silva

21 3. Appellant(s): Damien Phillips

22 Counsel:

23 Damien Phillips #1212760
24 P.O. Box 650
Indian Springs, NV 89070

25 4. Respondent (s): Nev. Dept. of Corrections

26 Counsel:

27 Steven B. Wolfson, District Attorney
28 200 Lewis Ave.
Las Vegas, NV 89155-2212

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**: Yes, April 1, 2021

8 **Expires 1 year from date filed

9 Appellant Filed Application to Proceed in Forma Pauperis: N/A

10 Date Application(s) filed: N/A

11 9. Date Commenced in District Court: March 30, 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 18 day of January 2022.

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: Damien Phillips

CASE SUMMARY

CASE NO. A-21-831976-W

Damien Phillips, Plaintiff(s)
vs.
Nevada Department of Correction, Defendant(s)

§
§
§
§
§

Location: **Department 9**
 Judicial Officer: **Silva, Cristina D.**
 Filed on: **03/30/2021**
 Case Number History:
 Cross-Reference Case Number: **A831976**

CASE INFORMATION

Related Cases
 C-18-335500-1 (Writ Related Case)
Statistical Closures
 08/21/2021 Other Manner of Disposition

Case Type: **Writ of Habeas Corpus**
 Case Status: **08/21/2021 Closed**

DATE

CASE ASSIGNMENT

Current Case Assignment

Case Number A-21-831976-W
 Court Department 9
 Date Assigned 09/07/2021
 Judicial Officer Silva, Cristina D.

PARTY INFORMATION

Plaintiff Phillips, Damien

Lead Attorneys

Pro Se

Defendant Nevada Department of Correction


Wolfson, Steven B
Retained
 702-671-2700(W)


DATE


EVENTS & ORDERS OF THE COURT


INDEX


EVENTS

03/30/2021  Inmate Filed - Petition for Writ of Habeas Corpus
 Party: Plaintiff Phillips, Damien
[1] Post Conviction

03/30/2021  Motion
 Filed By: Plaintiff Phillips, Damien
[2] Motion to Preserve All Evidence on Case #C-18-335500-1

03/30/2021  Motion for Appointment of Attorney
 Filed By: Plaintiff Phillips, Damien
[3]









03/30/2021  Application to Proceed in Forma Pauperis
 Filed By: Plaintiff Phillips, Damien
[4]

03/30/2021  Notice of Motion
 Filed By: Plaintiff Phillips, Damien
[5]

CASE SUMMARY
CASE NO. A-21-831976-W

03/30/2021	 Notice of Motion Filed By: Plaintiff Phillips, Damien <i>[6]</i>
04/01/2021	 Order for Petition for Writ of Habeas Corpus <i>[7] Order for Petition for Writ of Habeas Corpus</i>
04/01/2021	 Order to Proceed In Forma Pauperis Granted for: Plaintiff Phillips, Damien <i>[8] Order to Proceed In Forma Pauperis</i>
04/07/2021	 Clerk's Notice of Hearing <i>[9] Notice of Hearing</i>
04/28/2021	 Order for Production of Inmate <i>[10] Order for Production of Inmate Alexander Phillips, aka, Travis Alexander Phillips, BAC #1212760</i>
05/25/2021	 Response Filed by: Defendant Nevada Department of Correction <i>[11] State's Response to Petition For Writ of Habeas Corpus; Motion to Preserve Evidence; Motion to Appoint Counsel</i>
05/25/2021	 Motion Filed By: Plaintiff Phillips, Damien <i>[12] Motion and Order for Transportation of Inmate for Court Appearance or in the Alternative for Appearing by Telephonic or Video Conference</i>
05/25/2021	 Notice of Motion Filed By: Plaintiff Phillips, Damien <i>[13] Notice of Motion</i>
07/08/2021	 Notice of Motion Filed By: Plaintiff Phillips, Damien <i>[14] Notice of Motion</i>
08/04/2021	 Motion Filed By: Plaintiff Phillips, Damien <i>[15] Motion for Amended Habeas Corpus (Post Conviction)</i>
08/04/2021	 Notice of Motion Filed By: Plaintiff Phillips, Damien <i>[16] Notice of Motion</i>
08/21/2021	 Findings of Fact, Conclusions of Law and Order <i>[17] Findings of Fact, Conclusions of Law and Order</i>
08/24/2021	 Notice of Entry of Findings of Fact, Conclusions of Law Filed By: Defendant Nevada Department of Correction <i>[18] Notice of Entry of Findings of Fact, Conclusions of Law and Order</i>
09/07/2021	Case Reassigned to Department 9 <i>From Judge Jasmin Lilly-Spells to Judge Cristina Silva</i>

CASE SUMMARY
CASE NO. A-21-831976-W

10/13/2021	 Inmate Filed - Petition for Writ of Habeas Corpus Party: Plaintiff Phillips, Damien <i>[19] Post Conviction</i>
10/13/2021	 Motion for Appointment of Attorney Filed By: Plaintiff Phillips, Damien <i>[20] Motion for Appointment of Attorney; Request for Evidentiary Hearing</i>
10/13/2021	 Notice of Motion Filed By: Plaintiff Phillips, Damien <i>[21]</i>
10/13/2021	 Application to Proceed in Forma Pauperis Filed By: Plaintiff Phillips, Damien <i>[22] Application to Proceed in Forma Pauperis</i>
01/13/2022	 Notice of Appeal <i>[23] Notice of Appeal</i>
01/18/2022	 Case Appeal Statement <i>Case Appeal Statement</i>
	<u>HEARINGS</u>
06/07/2021	Petition for Writ of Habeas Corpus (11:00 AM) (Judicial Officer: Lilly-Spells, Jasmin) 06/07/2021, 06/09/2021 <i>Transport Order requested from DA</i> Matter Continued; Denied; Matter Continued; Denied;
06/07/2021	Motion for Appointment of Attorney (11:00 AM) (Judicial Officer: Lilly-Spells, Jasmin) 06/07/2021, 06/09/2021 <i>Plaintiff's Motion to Appoint Counsel</i> Matter Continued; Denied; Matter Continued; Denied;
06/07/2021	Motion (11:00 AM) (Judicial Officer: Lilly-Spells, Jasmin) 06/07/2021, 06/09/2021 <i>Motion to Preserve Evidence</i> Matter Continued; Granted; Matter Continued; Granted;
06/07/2021	 All Pending Motions (11:00 AM) (Judicial Officer: Lilly-Spells, Jasmin) Matter Continued; Journal Entry Details: <i>TRANSPORT REQUEST FROM DA... PLAINTIFF'S MOTION TO APPOINT COUNSEL... MOTION TO PRESERVE EVIDENCE COURT ORDERED, matter CONTINUED to 6/9/21 at 11:00 am. NDC;</i>
06/09/2021	 All Pending Motions (11:00 AM) (Judicial Officer: Lilly-Spells, Jasmin) Matter Heard; Journal Entry Details:

CASE SUMMARY

CASE NO. A-21-831976-W

Matter submitted on the briefs. COURT ORDERED as followed: Petition for Writ of Habeas Corpus, DENIED. Attorney General was not given notice. Law Library issues, RULING DEFERRED. Motion to Preserve Evidence, GRANTED as unopposed. Motion to Appoint Counsel, DENIED. Request for transport, DENIED. State to prepare the order with Findings of Facts and Conclusions of Law.;

11/18/2021



Minute Order (3:00 AM) (Judicial Officer: Silva, Cristina D.)

Minute Order - No Hearing Held;

Journal Entry Details:

Damien Phillips submitted Proposed Order For Petition For Writ of Habeas Corpus on October 13, 2021. The Court has reviewed the Petition and has determined that a response would not assist the Court in determining whether Petitioner is illegally imprisoned and restrained of his liberty. Petitioner previously filed a Petition For Writ of Habeas Corpus on March 3, 2021 which was denied on June 9, 2021. Mr. Phillips does not raise any new issues in the instant petition, therefore this Court DENIES the Petition For Writ of Habeas Corpus without prejudice for the same reasons set forth in the Findings of Fact and Conclusions of Law signed on August 24, 2021. CLERK'S NOTE: A copy of this Minute Order has been mailed to Damien Phillips #1212760, PO BOX 650, Indian Springs, Nevada 89070.(11-18-2021 ks);

DISTRICT COURT CIVIL COVER SHEET

A-21-831976-W

Dept. 23

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):

Damien Phillips

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

Nevada Department of Correction

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 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 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.

March 30, 2021

Date

PREPARED BY CLERK

Signature of initiating party or representative

See other side for family-related case filings.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Writ of Habeas Corpus

COURT MINUTES

June 07, 2021

A-21-831976-W Damien Phillips, Plaintiff(s)
vs.
Nevada Department of Correction, Defendant(s)

June 07, 2021 11:00 AM All Pending Motions

HEARD BY: Lilly-Spells, Jasmin **COURTROOM:** RJC Courtroom 12D

COURT CLERK:
Rem Lord

RECORDER: Maria Garibay

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- TRANSPORT REQUEST FROM DA... PLAINTIFF'S MOTION TO APPOINT COUNSEL... MOTION
TO PRESERVE EVIDENCE

COURT ORDERED, matter CONTINUED to 6/9/21 at 11:00 am.

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Writ of Habeas Corpus

COURT MINUTES

June 09, 2021

A-21-831976-W Damien Phillips, Plaintiff(s)
vs.
Nevada Department of Correction, Defendant(s)

June 09, 2021 11:00 AM All Pending Motions

HEARD BY: Lilly-Spells, Jasmin **COURTROOM:** RJC Courtroom 12D

COURT CLERK: Alice Jacobson

RECORDER: Maria Garibay

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Matter submitted on the briefs. COURT ORDERED as followed:

Petition for Writ of Habeas Corpus, DENIED. Attorney General was not given notice.

Law Library issues, RULING DEFERRED.

Motion to Preserve Evidence, GRANTED as unopposed.

Motion to Appoint Counsel, DENIED.

Request for transport, DENIED.

State to prepare the order with Findings of Facts and Conclusions of Law.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Writ of Habeas Corpus

COURT MINUTES

November 18, 2021

A-21-831976-W Damien Phillips, Plaintiff(s)
vs.
Nevada Department of Correction, Defendant(s)

November 18, 2021 3:00 AM Minute Order

HEARD BY: Silva, Cristina D.

COURTROOM: Chambers

COURT CLERK: Kory Schlitz

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Damien Phillips submitted Proposed Order For Petition For Writ of Habeas Corpus on October 13, 2021. The Court has reviewed the Petition and has determined that a response would not assist the Court in determining whether Petitioner is illegally imprisoned and restrained of his liberty. Petitioner previously filed a Petition For Writ of Habeas Corpus on March 3, 2021 which was denied on June 9, 2021. Mr. Phillips does not raise any new issues in the instant petition, therefore this Court DENIES the Petition For Writ of Habeas Corpus without prejudice for the same reasons set forth in the Findings of Fact and Conclusions of Law signed on August 24, 2021.

CLERK'S NOTE: A copy of this Minute Order has been mailed to Damien Phillips #1212760, PO BOX 650, Indian Springs, Nevada 89070.(11-18-2021 ks)



EIGHTH JUDICIAL DISTRICT COURT CLERK'S OFFICE
NOTICE OF DEFICIENCY
ON APPEAL TO NEVADA SUPREME COURT

DAMIEN PHILLIPS #1212760
P.O. BOX 650
INDIAN SPRINGS, NV 89070

DATE: January 18, 2022
CASE: A-21-831976-W

RE CASE: DAMIEN A. PHILLIPS vs. NEV. DEPT. OF CORRECTIONS

NOTICE OF APPEAL FILED: January 13, 2022

YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.

PLEASE NOTE: DOCUMENTS **NOT** TRANSMITTED HAVE BEEN MARKED:

- ☐ \$250 – Supreme Court Filing Fee (Make Check Payable to the Supreme Court)**
 - If the \$250 Supreme Court Filing Fee was not submitted along with the original Notice of Appeal, it must be mailed directly to the Supreme Court. The Supreme Court Filing Fee will not be forwarded by this office if submitted after the Notice of Appeal has been filed.
- ☐ \$24 – District Court Filing Fee (Make Check Payable to the District Court)**
- ☐ \$500 – Cost Bond on Appeal (Make Check Payable to the District Court)**
 - NRAP 7: Bond For Costs On Appeal in Civil Cases
 - *Previously paid Bonds are not transferable between appeals without an order of the District Court.*
- ☐ Case Appeal Statement
 - NRAP 3 (a)(1), Form 2
- ☒ Order
- ☒ Notice of Entry of Order

NEVADA RULES OF APPELLATE PROCEDURE 3 (a) (3) states:

"The district court clerk must file appellant's notice of appeal despite perceived deficiencies in the notice, including the failure to pay the district court or Supreme Court filing fee. The district court clerk shall apprise appellant of the deficiencies in writing, and shall transmit the notice of appeal to the Supreme Court in accordance with subdivision (g) of this Rule with a notation to the clerk of the Supreme Court setting forth the deficiencies. Despite any deficiencies in the notice of appeal, the clerk of the Supreme Court shall docket the appeal in accordance with Rule 12."

Please refer to Rule 3 for an explanation of any possible deficiencies.

***Per District Court Administrative Order 2012-01, in regards to civil litigants, "...all Orders to Appear in Forma Pauperis expire one year from the date of issuance." You must reapply for in Forma Pauperis status.*

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; DISTRICT COURT
DOCKET ENTRIES; CIVIL COVER SHEET; DISTRICT COURT MINUTES; NOTICE OF
DEFICIENCY

DAMIEN A. PHILLIPS,

Plaintiff(s),

vs.

NEV. DEPT. OF CORRECTIONS,

Defendant(s),

Case No: A-21-831976-W

Dept No: IX

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 18 day of January 2022.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk