FLU State Prison P.O. Box 1989			FILED JAN - 6 2022
Ely, Nevada	84301		CLERK OF COURT
Inthony O.L	The Eighth Judicial Clark County, I ongstreet SR Plaintiff / Petitioner	NouAda Fi	lectronically Filed bb 02 2022 03:29 p.m. lizabeth A. Brown lerk of Supreme Court
State of Ne	vada and Warden Son		<u>A-21-841927-W</u> 'ASE Number
F	Respondent Defendant		
	Notice o	FAPPFAL	
Now come led Notice of Appeal Fr Petition For Write	hitioner, Anthony O. Longstr Com the ordered Entered of Of HABEAS CORPUS.	eet,sr., In Proprie on <u>December</u> 08,	A Personal giving 2021 denying
1) Petitioner: A	nthony O.Longstreet, sr. +124201	7 Pro-SE	
El	y State Prison	_	
	j. Box 1989 y Nevada 89301		
2) Respondent	: Ely State Prison Warder	1	A – 21 – 841927 – W
,	P.O.BOX 1989 Elv. Nevada 89301		NOAS Notice of Appeal 4980654

RECEIVED	KAREN Mishler#013731 Chief Deputy District-Atto	Rneu	For Respondent
APPEALS JAN 3 1 2022	Clark County District Attorn P.O. Box 552212	ney OH.	
	LAC VERAS NOVALA QUET	-2212	
CLERK OF THE COURTE			
(JAN 06	L L	4	
ELIZABETHA	ERCYA / IG. I DI	t	_

CLERK OF SUPPLE THE COURT

- 3) Date Habeas Corpus Post-conviction Petition was Filed: September 30, 2021
 - 4) Issues Presented in Habeas Corpus Post Conviction Petition:
- Issue(s) 4) Was Petitioner Longstreet Denied Effective Assistance of Counsel at sentencing when counsel argued For Imprisonment when Evidence show that Petitionel Made a Mistake and accused the victim of taking his money off the counter,
 - 2) Do NRS 194.010 (5) And (6) MANDATE Imprisonment
 As Punishment when AN Accuse make A Mistake
 From A delusion And AS A Result commit A criminal
 Offense without consciously thinking due to being
 under the influence of Alcohol?
 - TS Rule 3.70 used to impede and Abridge Access
 to the Court in Violation of the 14th Amendment of
 the United States Constitution when A defendant
 Attempt to File A Motion or Petition In Propria
 Persona in an effort to Present Evidence in his
 Defense Pursuant to Title 42 U.S.C. \$ 1981(A)???
 - Is Nevada Department of Corrections Prison Personnels using Administrative Rule 285(5)(1) and (5)(2) to impede and Abridge Access to the Law Library and the courts in Violation of the 14th Amendment of the United States Constitution when a immate Attempt to make iegal copies of documents or and to use the mail Procedures to send out legal mail to the Courts, Attornies, and Rublic and Law Enforcement Officials?

4.) State Filed A Reply to Petitioner Post-Conviction Habras Corpus on November 04, 2021.

5) Petitioner Attempted to File A Reply Pursuant to NRCP, Rule 27(4) And Deputy Clerk issued a Rule 3.70 letter to Petitioner and Refused to File Petitioner Reply and Appendix to the Clark County Public Defenders Office December 07, 2021 and Prevented the District Court Judge <u>Cristina D. Silva</u> From Reviewing Petitioner Reply, <u>December 08, 2021</u>. There is No Attorney Appointed on this CASE!!"

6) On December 08, 2021 the Petitioner was not allowed to Appear At his HEARing by "Closed-Circuit Television" And the Judge Made a un-Favorable Ruling on the Habeas Corpus When she denied the Petition and An Evidentiary Hearing.

7) Appeal is taken From the Ruling Made on <u>December</u> 08,2021, to <u>Nevada Court of Appeals</u> For Further Review.

Respectfully Submitted

anthony O. Longstred SR. Petitioner Appellant



Received 12/13/2021.
Day before HEARing,
HEARing date is 12/18/2021.

EIGHTH JUDICIAL DISTRICT COURT CLERK OF THE COURT

REGIONAL JUSTICE CENTER 200 LEWIS AVENUE, 3rd FI. LAS VEGAS, NEVADA 89155-1160 (702) 671-4554

Steven D. Grierson Clerk of the Court

Anntoinette Naumec-Miller Court Division Administrator

A-21-841927-W

C-20-348182-1

Department 9

December 07, 2021

Case Number:

Department:

Attorney:

Public Defender

Clark County Public Defender

Attn: Shannon Phenix 309 S 3rd Street Suite #2 Las Vegas NV 89101 (702) 455 - 4685

Defendant:

Anthony Odell Longstreet

Attached are pleadings received by the Office of the District Court Clerk which are being forwarded to your office pursuant to Rule 3.70.

Pleadings: 1) Notice Of Filing 2) Petitioner's Written Objection To The States Response

Rule 3.70. Papers which May Not be Filed

Except as may be required by the provisions of NRS 34.730 to 34.830, inclusive, all motions, petitions, pleadings or other papers delivered to the clerk of the court by a defendant who has counsel of record will not be filed but must be marked with the date received and a copy forwarded to the attorney for such consideration as counsel deems appropriate. This rule does not apply to applications made pursuant to Rule 7.40(b)(2)(ii).

Cordially yours,

DC Criminal Desk # 27

Deputy Clerk of the Court

DISTRICT COURT CLARK COUNTY, NEVADA

Writ of Habeas Corpus

COURT MINUTES

December 08, 2021

A-21-841927-W

Anthony Longstreet, Plaintiff(s)

VS.

State of Nevada, Defendant(s)

December 08, 2021

11:00 AM

Petition for Writ of Habeas

Corpus

HEARD BY: Silva, Cristina D.

COURTROOM: RJC Courtroom 11B

COURT CLERK: Sharyne Suehiro

RECORDER: Gina Villani

PARTIES

PRESENT:

Schifalacqua, Barbara

Attorney for State

JOURNAL ENTRIES

- Defendant not present and in custody in the Nevada Department of Corrections; Deputy Attorney General Jaimie Stilz present.

COURT STATED the Defendant makes a number of allegations in his Post-Conviction filing, as he claims to receive ineffective assistance of counsel, and argues substantive defenses such as involuntary intoxication, and further argues local rule EDCR 3.70. COURT STATED with regards to the ineffective assistance of counsel claim, for the reasons set forth in the State's Opposition, FINDS the Defendant did received effective assistance of counsel, and ORDERED, Petition DENIED IN PART. COURT STATED with regards to the involuntary intoxication and the argument of the local rule, FINDS those are not cognitive allegations and cannot be subject to habeas review, and ORDERED, Petition DENIED. COURT FURTHER STATED the Petitioner is challenging the conditions of their confinement, and this is not the proper mechanism to challenge the conditions of confinement in terms of a traditional habeas. COURT ADVISED if the Defendant wishes to challenge the conditions of his confinement, it must be done through a separate filing and done where the Defendant is currently confined. COURT ORDERED, Petition DENIED, the Court is incorporating the grounds pointed out by the State with regards to their order. Ms. Stilz informed the Court they wanted to make a record regarding the subpoena the Defendant filed, it was not properly filed, not properly served on the Attorney General's Office, adding the AG office is not a party in this case, and

PRINT DATE:

12/10/2021

Page 1 of 2

Minutes Date:

December 08, 2021

A-21-841927-W

they will not be responding to the subpoena. COURT SO NOTED, adding since the Petition was denied today the subpoena is MOOT. COURT DIRECTED Defendant to file the proper mechanism to seeking post-conviction relief, and if he is not entitled to post-conviction relief, the Defendant would need to seek leave of the Court in order to seek additional information, which was no done before filing the subpoena or the summons.

NDC

CLERK'S NOTE: A copy of this Minute Order has been mailed to: Anthony Longstreet #1242017, PO BOX 1989, Ely Nevada 89301; This Minute Order was prepared by listening to the JAVs recording. (12-10-2021 ks).

PRINT DATE: 12/10/2021 Page 2 of 2 Minutes Date: December 08, 2021

Certificate of Service by Mail

Rursuant to NRCP, Rule 5(b)(1), I, Anthony O. Longstreet, SR, the Petitioner And Appellant, hereby Certify that I mailed A copy of the Attached Notice of Appeal to the Following below on December 26 2021 by Putting A copy in the MAIL box At Ely State Prison:

Chief Deputy Karen Mishler Clark County District Attorney Office P.O.Box 558212 LAS VEGAS, NEVADA 29155-2218

To. Elizabeth A. Brown

Supreme Court of NevAda

201 S. Carson Street/Suite 201

Carson City, NevAda 89701-4702

Respectfully Submitted Anthony O. Longstreet, SR. PRO-SE Appellant

Anthony O. Longstreet, SR. # 1242017 Ely State Prison P.O.BOX 1989 Ely, Nevada 89301

Anthony O. Longstreet, SR. # 1242017 Bly State Prison P.O. Box 1989 Ely, Neuada 89301

To Elizabeth A Brown
Supreme Court of Nevada
Rol S. CARSON Street
CARSON City, Nevada 89701-4202
(Suite 201)

89701\$4791 C003

Սվիկիկիկիկիկիկիկիկիկիութեֆեփիկիկիկիկի

ELY 8- E PRISON

Electronically Filed 1/31/2022 10:31 AM Steven D. Grierson CLERK OF THE COURT

1 ASTA

2

4

5

67

8

9

10

11

12

13

14 15

16

17

18

19

2021

22

23

2425

26

27

28

IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA IN AND FOR THE COUNTY OF CLARK

ANTHONY ODELL LONGSTREET, SR.,

Plaintiff(s),

VS.

STATE OF NEVADA; ELY STATE PRISON WARDEN WILLIAM GITTERE,

Defendant(s),

Case No: A-21-841927-W

Dept No: IX

CASE APPEAL STATEMENT

- 1. Appellant(s): Anthony O. Longstreet, Sr.
- 2. Judge: Cristina D. Silva
- 3. Appellant(s): Anthony O. Longstreet, Sr.

Counsel:

Anthony O. Longstreet, Sr. #1242017 P.O. Box 1989 Ely, NV 89301

4. Respondent (s): State of Nevada; Ely State Prison Warden William Gittere

Counsel:

Steven B. Wolfson, District Attorney 200 Lewis Ave.

A-21-841927-W

-1-

Case Number: A-21-841927-W

1	Las Vegas, NV 89155-2212
2 3	5. Appellant(s)'s Attorney Licensed in Nevada: N/A Permission Granted: N/A
4	Respondent(s)'s Attorney Licensed in Nevada: Yes Permission Granted: N/A
5	6. Has Appellant Ever Been Represented by Appointed Counsel In District Court: No
6 7	7. Appellant Represented by Appointed Counsel On Appeal: N/A
8	8. Appellant Granted Leave to Proceed in Forma Pauperis**: Yes, Ocrober 05, 2021 **Expires 1 year from date filed
9	Appellant Filed Application to Proceed in Forma Pauperis: N/A Date Application(s) filed: N/A
10	9. Date Commenced in District Court: September 30, 2021
11	10. Brief Description of the Nature of the Action: Civil Writ
12	Type of Judgment or Order Being Appealed: Civil Writ of Habeas Corpus
13	11. Previous Appeal: No
14	Supreme Court Docket Number(s): N/A
16	12. Child Custody or Visitation: N/A
17	13. Possibility of Settlement: Unknown
18	Dated This 31 day of January 2022.
19	
20	Steven D. Grierson, Clerk of the Court
21	/s/ Heather Ungermann
22	Heather Ungermann, Deputy Clerk
23	200 Lewis Ave PO Box 551601
24	Las Vegas, Nevada 89155-1601 (702) 671-0512
25	
26	cc: Anthony O. Longstreet, Sr.
27	

28

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY CASE No. A-21-841927-W

Anthony Longstreet, Plaintiff(s) vs. State of Nevada, Defendant(s) Location: Department 9
Judicial Officer: Silva, Cristina D.
Filed on: 09/30/2021
Cross-Reference Case Number:

CASE INFORMATION

Related Cases

C-20-348182-1 (Writ Related Case)

Statistical Closures

01/10/2022 Summary Judgment

Case Type: Writ of Habeas Corpus

Case 01

Status:

01/10/2022 Closed

DATE CASE ASSIGNMENT

Current Case Assignment

Case Number A-21-841927-W
Court Department 9
Date Assigned 09/30/2021
Judicial Officer Silva, Cristina D.

PARTY INFORMATION

Plaintiff Longstreet, Anthony Lead Attorneys

Pro Se

Defendant Ely State Prison

State of Nevada Wolfson, Steven B

Retained

702-671-2700(W)

Warden William Gittere

DATE EVENTS & ORDERS OF THE COURT INDEX

EVENTS

09/30/2021 Inmate Filed - Petition for Writ of Habeas Corpus

Party: Plaintiff Longstreet, Anthony

[1] Post Conviction

Filed By: Plaintiff Longstreet, Anthony
[2] Memorandum of Law In Support of Petition

09/30/2021 Application to Proceed in Forma Pauperis
Filed By: Plaintiff Longstreet, Anthony

[3] Application to Proceed in Forma Pauperis

10/01/2021 Order for Petition for Writ of Habeas Corpus

[4] Order For Petition For Writ of Habeas Corpus

10/05/2021 Order to Proceed In Forma Pauperis

[5] Order to Proceed in Forma Pauperis

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY CASE NO. A-21-841927-W

Response 11/04/2021 Filed by: Defendant State of Nevada [6] State's Response to Petitioner's Petition for Writ of Habeas Corpus (Post- Conviction) 01/06/2022 Notice of Appeal [8] Notice of Appeal 01/06/2022 Motion [9] Motion to Prepare Records for Appellate Court 01/10/2022 Order to Statistically Close Case [7] Civil Order to Statistically Closed 01/31/2022 Case Appeal Statement Case Appeal Statement **HEARINGS**

12/08/2021 Petition for Writ of Habeas Corpus (11:00 AM) (Judicial Officer: Silva, Cristina D.)
Denied;

Journal Entry Details:

Defendant not present and in custody in the Nevada Department of Corrections; Deputy Attorney General Jaimie Stilz present. COURT STATED the Defendant makes a number of allegations in his Post-Conviction filing, as he claims to receive ineffective assistance of counsel, and argues substantive defenses such as involuntary intoxication, and further argues local rule EDCR 3.70. COURT STATED with regards to the ineffective assistance of counsel claim, for the reasons set forth in the State's Opposition, FINDS the Defendant did received effective assistance of counsel, and ORDERED, Petition DENIED IN PART. COURT STATED with regards to the involuntary intoxication and the argument of the local rule, FINDS those are not congnitive allegations and cannot be subject to habeas review, and ORDERED, Petition DENIED. COURT FURTHER STATED the Petitioner is challenging the conditions of their confinement, and this is not the proper mechanism to challenge the conditions of confinement in terms of a traditional habeas. COURT ADVISED if the Defendant wishes to challenge the conditions of his confinement, it must be done through a separate filing and done where the Defendant is currently confined. COURT ORDERED, Petition DENIED, the Court is incorporating the grounds pointed out by the State with regards to their order. Ms. Stilz informed the Court they wanted to make a record regarding the subpoena the Defendant filed, it was not properly filed, not properly served on the Attorney General's Office, adding the AG office is not a party in this case, and they will not be responding to the subpoena. COURT SO NOTED, adding since the Petition was denied today the subpoena is MOOT. COURT DIRECTED Defendant to file the proper mechanism to seeking post conviction relief, and if he is not entitled to post-conviction relief, the Defendant would need to seek leave of the Court in order to seek additional information, which was no done before filing the subpoena or the summons. NDC CLERK'S NOTE: A copy of this Minute Order has been mailed to: Anthony Longstreet #1242017, PO BOX 1989, Ely Nevada 89301; This Minute Order was prepared by listening to the JAVs recording. (12-10-2021 ks).;

DISTRICT COURT CIVIL COVER SHEET

County, Nevada

A-21-841927-W Dept. 9

	Case No. (Assigned by Clerk's Control of the Contr	Office)		
I. Party Information (provide both hol	me and mailing addresses if different)			
Plaintiff(s) (name/address/phone):		Defendant	t(s) (name/address/phone):	
Anthony Long	gstreet		State of Nevada	
Attorney (name/address/phone):		Attorney (name/address/phone):		
II. Nature of Controversy (please se Civil Case Filing Types	elect the one most applicable filing type	below)		
Real Property			Torts	
Landlord/Tenant	Negligence		Other Torts	
Unlawful Detainer	Auto		Product Liability	
Other Landlord/Tenant	Premises Liability		Intentional Misconduct	
Title to Property	Other Negligence		Employment Tort	
Judicial Foreclosure	Malpractice		Insurance Tort	
Other Title to Property	Medical/Dental		Other Tort	
Other Real Property	Legal			
Condemnation/Eminent Domain	Accounting			
Other Real Property	Other Malpractice			
Probate	Construction Defect & Contr	act	Judicial Review/Appeal	
Probate (select case type and estate value)	Construction Defect		Judicial Review	
Summary Administration	Chapter 40		Foreclosure Mediation Case	
General Administration	Other Construction Defect		Petition to Seal Records	
Special Administration	Contract Case		Mental Competency	
Set Aside	Uniform Commercial Code	1	Nevada State Agency Appeal	
Trust/Conservatorship	Building and Construction	1	Department of Motor Vehicle	
Other Probate	Insurance Carrier		Worker's Compensation	
Estate Value	Commercial Instrument		Other Nevada State Agency	
Over \$200,000	Collection of Accounts		Appeal Other	
Between \$100,000 and \$200,000	Employment Contract		Appeal from Lower Court	
Under \$100,000 or Unknown	Other Contract		Other Judicial Review/Appeal	
Under \$2,500				
	il Writ		Other Civil Filing	
	n vv iit		Other Civil Filing	
Civil Writ	Whit of Duckikition		Compromise of Minor's Claim	
Writ of Habeas Corpus	Writ of Prohibition	ļ	Foreign Judgment	
Writ of Mandamus	Other Civil Writ	Ì	Other Civil Matters	
Writ of Quo Warrant			_ 	
Business C	Court filings should be filed using the	e Business	Court civil coversneet.	
September 30, 202	1		PREPARED BY CLERK	

See other side for family-related case filings.

Signature of initiating party or representative

Date

DISTRICT COURT **CLARK COUNTY, NEVADA**

Writ of Habeas Corpus

COURT MINUTES

December 08, 2021

A-21-841927-W

Anthony Longstreet, Plaintiff(s)

State of Nevada, Defendant(s)

December 08, 2021

11:00 AM

Petition for Writ of Habeas

Corpus

HEARD BY: Silva, Cristina D.

COURTROOM: RJC Courtroom 11B

COURT CLERK: Sharyne Suehiro

RECORDER:

Gina Villani

PARTIES

PRESENT: Schifalacqua, Barbara Attorney for State

JOURNAL ENTRIES

- Defendant not present and in custody in the Nevada Department of Corrections; Deputy Attorney General Jaimie Stilz present.

COURT STATED the Defendant makes a number of allegations in his Post-Conviction filing, as he claims to receive ineffective assistance of counsel, and argues substantive defenses such as involuntary intoxication, and further argues local rule EDCR 3.70. COURT STATED with regards to the ineffective assistance of counsel claim, for the reasons set forth in the State's Opposition, FINDS the Defendant did received effective assistance of counsel, and ORDERED, Petition DENIED IN PART. COURT STATED with regards to the involuntary intoxication and the argument of the local rule, FINDS those are not cognitive allegations and cannot be subject to habeas review, and ORDERED, Petition DENIED. COURT FURTHER STATED the Petitioner is challenging the conditions of their confinement, and this is not the proper mechanism to challenge the conditions of confinement in terms of a traditional habeas. COURT ADVISED if the Defendant wishes to challenge the conditions of his confinement, it must be done through a separate filing and done where the Defendant is currently confined. COURT ORDERED, Petition DENIED, the Court is incorporating the grounds pointed out by the State with regards to their order. Ms. Stilz informed the Court they wanted to make a record regarding the subpoena the Defendant filed, it was not properly filed, not properly served on the Attorney General's Office, adding the AG office is not a party in this case, and

PRINT DATE: 12/10/2021 Page 1 of 2 Minutes Date: December 08, 2021

A-21-841927-W

they will not be responding to the subpoena. COURT SO NOTED, adding since the Petition was denied today the subpoena is MOOT. COURT DIRECTED Defendant to file the proper mechanism to seeking post-conviction relief, and if he is not entitled to post-conviction relief, the Defendant would need to seek leave of the Court in order to seek additional information, which was no done before filing the subpoena or the summons.

NDC

CLERK'S NOTE: A copy of this Minute Order has been mailed to: Anthony Longstreet #1242017, PO BOX 1989, Ely Nevada 89301; This Minute Order was prepared by listening to the JAVs recording. (12-10-2021 ks).

PRINT DATE: 12/10/2021 Page 2 of 2 Minutes Date: December 08, 2021



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

ANTHONY O. LONGSTREET. SR. #1242017 P.O. BOX 1989 ELY, NV 89301

DATE: January 31, 2022 CASE: A-21-841927-W

RE CASE: ANTHONY ODELL LONGSTREET, SR. vs. STATE OF NEVADA; ELY STATE PRISON WARDEN

WILLIAM GITTERE

NOTICE OF APPEAL FILED: January 6, 2022

YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.

_								· · · · · · · — — — — — — — — — — — — —	
PI	F	18E	$NOTE_{\cdot}$	DOCH	MENTS	NOT TR	ANSMITTED	HAVE REF	N 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.
	submitted after the Notice of Appear 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
\boxtimes	Order

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

Notice of Entry of Order

 \boxtimes

"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

ANTHONY ODELL LONGSTREET, SR.,

Plaintiff(s),

VS.

STATE OF NEVADA; ELY STATE PRISON WARDEN WILLIAM GITTERE,

Defendant(s),

now on file and of record in this office.

Case No: A-21-841927-W

Dept No: IX

IN WITNESS THEREOF, I have hereunto Set my hand and Affixed the seal of the Court at my office, Las Vegas, Nevada This 31 day of January 2022.

Steven D. Grierson, Clerk of the Court

Heather Ungermann, Deputy Clerk