

Steven D. Grierson

1 Justin Weiss #122 1491
2 In Propria Personam
3 Post Office Box 208, S.D.C.C.
4 Indian Springs, Nevada 89018

Electronically Filed
Sep 02 2021 11:37 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 Justin Weiss
10 Plaintiff,

11 vs.

12 State of Nevada
13 Defendant.

Case No. A 21-835265-W

Dept. No. XXIV

Docket _____

16 **NOTICE OF APPEAL**

17 NOTICE IS HEREBY GIVEN, That the Petitioner/Defendant,
18 Justin Weiss, 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 Notice Entry of order

23 ruled on the 5 day of August, 2021.

25 Dated this 27 day of August, 2021.

26 Respectfully Submitted.

27 *Justin Weiss*

28 **RECEIVED**

AUG 31 2021

CLERK OF THE COURT

Justin Weiss #1221491

SDCL

P.O. Box 208

Indian Spng. Nv

~~84420~~

89020

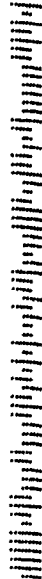
LAS VEGAS NV 890

27 AUG 2021 PM 5 L

FOREVER / USA

Clerk of Courts
200 Lewis Ave
3rd Floor
Lv New 89155~

000003-10168



GOING MAIL

AUG 27 2021

Sierrita Desert
Convention Center



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 JUSTIN WEISS,

11 Plaintiff(s),

12 vs.

13 STATE OF NEVADA; WARDEN,

14 Defendant(s),
15

Case No: A-21-835265-W

Dept No: XXIV

16
17 **CASE APPEAL STATEMENT**
18

19 1. Appellant(s): Justin Weiss

20 2. Judge: Erika Ballou

21 3. Appellant(s): Justin Weiss

22 Counsel:

23 Justin Weiss #1221491
24 P.O. Box 208
Indian Springs, NV 89070

25 4. Respondent (s): State of Nevada; 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
Date Application(s) filed: N/A

10 9. Date Commenced in District Court: May 26, 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

15 12. Child Custody or Visitation: N/A

16 13. Possibility of Settlement: Unknown

17 Dated This 1 day of September 2021.

18 Steven D. Grierson, Clerk of the Court

19
20
21 /s/ Heather Ungermann

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

25 cc: Justin Weiss
26
27
28

Justin Weiss, 1221491
Petitioner/In Propria Persona
Post Office Box 208, SDCC
Indian Springs, Nevada 89070-0208

Electronically Filed
8/31/2021 2:34 PM
Steven D. Grierson
CLERK OF THE COURT

Steven D. Grierson

IN THE Eighth JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF Clark

Justin Weiss
Plaintiff,

vs.

State of Nevada
Defendant.

CASE No. A-21-835265-W

DEPT.No. XXIV

DESIGNATION OF RECORD ON APPEAL

TO: Clerk of the Supreme
Court for State of Nevada
201 S. Carson Street
Carson City Nev
89701

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 27th day of August, 20 21.

RESPECTFULLY SUBMITTED BY:

Justin Weiss
Justin Weiss # 1221491
Plaintiff/In Propria Persona

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 17-21- 835265-4

☒ 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]

Signature

Aug 27, 2021

Date

Justin Lewis

Print Name

Title

CERTIFICATE OF SERVICE BY MAILING

I, Justin Weirs, hereby certify, pursuant to NRCP 5(b), that on this 27
day of August, 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:

Clack of Courts
200 Lewis Ave
3rd Floor
Las Vegas Nev
89155

CC:FILE

DATED: this 27 day of August, 2021

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

CASE SUMMARY

CASE NO. A-21-835265-W

Justin Weiss, Plaintiff(s)
vs.
Nevada State of, Defendant(s)

§
§
§
§
§

Location: **Department 24**
 Judicial Officer: **Ballou, Erika**
 Filed on: **05/26/2021**
 Cross-Reference Case Number: **A835265**

CASE INFORMATION

Case Type: **Writ of Habeas Corpus**
 Subtype: **Time Computation Writ**
 Case Status: **05/26/2021 Open**

DATE

CASE ASSIGNMENT

Current Case Assignment

Case Number: A-21-835265-W
 Court: Department 24
 Date Assigned: 05/26/2021
 Judicial Officer: Ballou, Erika

PARTY INFORMATION







Plaintiff	Weiss, Justin	<i>Lead Attorneys</i>
		Pro Se
Defendant	Nevada State of	Chapman, Trisha <i>Retained</i> 702-254-7775(H)

DATE

EVENTS & ORDERS OF THE COURT

INDEX

EVENTS

05/26/2021	 Inmate Filed - Petition for Writ of Habeas Corpus Party: Plaintiff Weiss, Justin <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-Computation)</i>
06/29/2021	 Response Filed by: Defendant Nevada State of <i>[3] Response to Petition for Writ of Habeas Corpus</i>
07/21/2021	 Notice of Hearing <i>[4] Notice of Hearing Change</i>
08/05/2021	 Decision and Order <i>[5] Decision and Order Denying Petition For Writ of Habeas Corpus</i>
08/11/2021	 Notice of Entry of Order Filed By: Defendant Nevada State of <i>[6] Notice of Entry of Order</i>

CASE SUMMARY
CASE NO. A-21-835265-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 Weiss, Justin
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 Motion for Relief 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.//rh;

08/03/2021

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

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):

Justin Weiss #1221491
 SDC
 PO BOX 208
 Indian Springs NV 89070

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

State of Nevada

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	

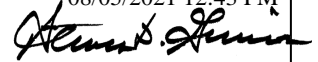
Business Court filings should be filed using the Business Court civil coversheet.

5/26/21
 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
3 **DISTRICT COURT**
4 **CLARK COUNTY, NEVADA**

5 JUSTIN WEISS,

6 Petitioner,

7 vs.

8 STATE OF NEVADA,

9 Respondent.

Case No. A-21-835265-W

Dept. No. XXIV

DECISION AND ORDER DENYING
PETITION FOR WRIT OF HABEAS
CORPUS

10
11 This matter having come before this Court on August 2, 2021, for review of Justin Weiss' Petition
12 for Writ of Habeas Corpus filed on May 26, 2021 and Respondent's response filed on June 29, 2021. The
13 Court having considered all papers and pleadings on file and having determined that no argument is
14 necessary and good cause appearing,

15 THE COURT FINDS that Justin Weiss is currently incarcerated at Southern Desert Correctional
16 Center in Clark County, Nevada giving this Court jurisdiction to adjudicate his time computation
17 challenge pursuant to NRS 34.738.

18 THE COURT FURTHER FINDS that Weiss was convicted of Voluntary Manslaughter with Use
19 of a Deadly Weapon, a category B felony, which he committed on or about February 22, 2015. Weiss is
20 serving an aggregate sentence of 8-20 years.

21 THE COURT FURTHER FINDS that Weiss is seeking application of credits against his
22 minimum sentence pursuant to NRS 209.4465(7).

23 THE COURT FURTHER FINDS that NRS 209.4465 applies to Weiss, whose crimes were
24 committed after July 17, 1997. Under NRS 209.4465(7), credit applies to an inmate's minimum and
25 maximum sentence unless one of the exceptions outlined in NRS 209.4465(8)(a)-(d) applies to prohibit
26 that application. Weiss is prohibited from receiving statutory good time credit toward his minimum
27 sentence pursuant to NRS 209.4465(8)(a) and (d) because he was convicted of voluntary manslaughter

28 ///

1 with use of a deadly weapon which is both a crime that involves the use of force or violence against a
2 victim and a category B felony.

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

7 THE COURT FURTHER FINDS that application of NRS 209.4465(8) to Weiss' sentence does
8 not violate the *ex post facto* clause, or the Equal Protection Clause of the Fourteenth Amendment.

9 THEREFORE,

10 IT IS HEREBY ORDERED that Weiss' Petition for Writ of Habeas Corpus is DENIED.

11 IT IS FURTHER ORDERED that the hearing scheduled for August 3, 2021 is VACATED.

12 DATED this ____ day of August 2021.

Dated this 5th day of August, 2021



DISTRICT COURT JUDGE

A4B 01F 97FE 1557

Erika Ballou

District Court Judge

16 Respectfully Submitted by:
17 AARON D. FORD
Attorney General

18 /s/ Trisha Chapman
19 Trisha Chapman, Bar No.: 12716
20 Deputy Attorney General
21 Office of the Nevada Attorney General
22 555 E. Washington Avenue, Suite 3900
23 Las Vegas, Nevada 89101
Phone: (702) 486-3107
Fax: (702) 486-2377
tchapman@ag.nv.gov
Attorneys for Respondents

1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 Justin Weiss, Plaintiff(s)

CASE NO: A-21-835265-W

7 vs.

DEPT. NO. Department 24

8 Nevada State of, 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 Decision and Order was served via the court's electronic eFile system
13 to all recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 8/5/2021

15 Marsha Landreth

mlandreth@ag.nv.gov

16 Rikki Garate

rgarate@ag.nv.gov

17 Trisha Chapman

TChapman@ag.nv.gov

18 Cheryl Martinez

cjmartinez@ag.nv.gov

19 Lucas Combs

ljcombs@ag.nv.gov

20

21

22

23

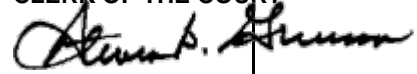
24

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NEOJ

**DISTRICT COURT
CLARK COUNTY, NEVADA**

JUSTIN WEISS,

Petitioner,

Case No: A-21-835265-W

Dept. No: XXIV

vs.

STATE OF NEVADA,

Respondent,

NOTICE OF ENTRY OF ORDER

PLEASE TAKE NOTICE that on August 5, 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 11, 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 11 day of August 2021, I served a copy of this Notice of Entry on the following:

☒ By e-mail:

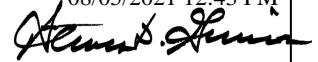
Clark County District Attorney's Office
Attorney General's Office – Appellate Division-

☒ The United States mail addressed as follows:

Justin Weiss # 1221491
P.O. Box 208
Indian Springs, NV 89070

/s/ Amanda Hampton

Amanda Hampton, Deputy Clerk


CLERK OF THE COURT

1 **DAO**

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

5 JUSTIN WEISS,

6 Petitioner,

7 vs.

8 STATE OF NEVADA,

9 Respondent.

Case No. A-21-835265-W

Dept. No. XXIV

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PETITION FOR WRIT OF HABEAS
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7 THE COURT FURTHER FINDS that application of NRS 209.4465(8) to Weiss' sentence does
8 not violate the *ex post facto* clause, or the Equal Protection Clause of the Fourteenth Amendment.

9 THEREFORE,

10 IT IS HEREBY ORDERED that Weiss' Petition for Writ of Habeas Corpus is DENIED.

11 IT IS FURTHER ORDERED that the hearing scheduled for August 3, 2021 is VACATED.

12 DATED this ____ day of August 2021.

Dated this 5th day of August, 2021



DISTRICT COURT JUDGE

A4B 01F 97FE 1557

Erika Ballou

District Court Judge

16 Respectfully Submitted by:
17 AARON D. FORD
Attorney General

18 /s/ Trisha Chapman
19 Trisha Chapman, Bar No.: 12716
20 Deputy Attorney General
21 Office of the Nevada Attorney General
22 555 E. Washington Avenue, Suite 3900
23 Las Vegas, Nevada 89101
Phone: (702) 486-3107
Fax: (702) 486-2377
tchapman@ag.nv.gov
Attorneys for Respondents

1 **CSERV**

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3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
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6 Justin Weiss, Plaintiff(s)

CASE NO: A-21-835265-W

7 vs.

DEPT. NO. Department 24

8 Nevada State of, Defendant(s)
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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Writ of Habeas Corpus

COURT MINUTES

August 02, 2021

A-21-835265-W Justin Weiss, Plaintiff(s)
vs.
Nevada State of, 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 Motion for Relief 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./ /rh

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 DENYING PETITION FOR WRIT OF HABEAS CORPUS; NOTICE OF ENTRY OF ORDER; DISTRICT COURT MINUTES

JUSTIN WEISS,

Plaintiff(s),

vs.

STATE OF NEVADA; WARDEN,

Defendant(s),

Case No: A-21-835265-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