

IN THE SUPREME COURT OF THE STATE OF NEVADA

LARRY HARDNETT,
Appellant(s),

vs.

BRIAN WILLIAMS, WARDEN; AND
WILLIAM HUTCHINGS, WARDEN,
Respondent(s),

Electronically Filed
Sep 30 2021 05:22 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

Case No: A-21-835317-W

Docket No: 83461
Consolidated with 83460

RECORD ON APPEAL

ATTORNEY FOR APPELLANT
LARRY HARDNETT #1146775,
PROPER PERSON
P.O. BOX 208
INDIAN SPRINGS, NV 89070

ATTORNEY FOR RESPONDENT
AARON D. FORD,
ATTORNEY GENERAL
555 E. WASHINGTON AVE., STE. 3900
LAS VEGAS, NV 89101-1068

A-21-835317-W

Larry Hardnett, Plaintiff(s)

vs.

Brian Williams, Defendant(s)

I N D E X

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Electronically Filed
05/27/2021

Steven S. Levin
CLERK OF THE COURT

1 Larry Hardnett # 1146775

2 Indian Springs, NV 89070

3 P.O. Box-208

4 S.D.C.G.

5
6 District Court
7 Clark County, Nevada

A-21-835317-W

8 XXIV

9 Larry Hardnett

10 Petitioner/Plaintiff

Case # C-15-309793-2

11 VS.

Dept No. - XVII

12 Brian Williams/Hutchins

13 (Warden) Respondent/Defendant

14
15 petition for writ of Habeas Corpus post
16 conviction Challenge of computation of time

17
18 comes now, petitioner Larry Hardnett, proper and respectfully moves this
19 honorable court to issue a petition for writ of Habeas Corpus being filed contemporaneously here directing Warden, Hutchins of S.D.C.G. to award statutory good
20 time credits to his minimum sentence.

21
22
23 This motion is made based pursuant to the supporting points and authorities
24 attached here to as well as all papers, pleading, documentation on file in this case
25 as well as oral arguments deemed necessary by honorable court.

26
27 **RECEIVED**

28 **MAY 17 2021**

CLERK OF THE COURT

Statement of Facts

The petitioner (Larry Hardnett)
The Crime of (First Degree Kidnapping and Robbery⁽²⁾ w/ deadly Weapon⁽²⁾)

To Maximum term of 324 Months with a parole minimum eligibility of 116 months, the imposed sentence is to be served in the Nevada Department of Corrections since his confinement to the Department of Corrections, the petitioner has earned statutory credits. However those credits have not been deducted from the minimum sentence imposed.

Points And Authorities

Nevada Department of Corrections is not deducting statutory credits earned pursuant to NRS. 209.4465 from minimum sentences in violation of NRS. 209.4465(1)(b)

petitioner, Larry Hardnett) claims that Nevada Department of Corrections has misapplied "AB 510" to restrict him from earning statutory good time credits allowed under that statute, his sentence. NRS. 209.4465 provides that it is relevant that statutory credits allowed under that statute apply to eligibility for parole unless the offender was sentenced pursuant to statute which specifies a minimum that must be served before a person becomes eligible for parole. NRS. 209.4465(1)(b) does not preclude credit applications to the minimum sentence term. However Nevada Department of Corrections systematically restricts all inmates, including the plaintiff "Mr. Hardnett", from statutory credits earned from this minimum sentence applying NRS. 209.4465(8) in violation of the ex post facto clauses of a statute. violates the ex post facto clauses when it imposes punishment for an offense than was allowed at the time it was committed. Weaver 450 U.S. 428 holds worthy. 450 U.S. 428 P. 2d at 352. There are two elements to inquiry into whether a law is "ex post facto" it must be retrospective that is, it must disadvantage.

1 with a new statute that allowed such deductions except in certain circum-
2 stances when two statutes cannot be interpreted in a way that renders them
3 compatible, not contradictory." Antonin Scalia and Bryan A. Garner reading (and)
4 the interpretation of legal text 180(2012). The newer and more specific statute
5 and its specific provision should generally take precedence. Lodder v. Harden,
6 (14) Tex. L. 82, 683.120 P.3d, 1144, 1147, 2005 Scalia and Garner Supra at 183, 185
7 Nrs. 209.4465 (3)(b) is the more recently enacted statute, and its specific
8 provisions allowing the deductions of statutory credits from the eligibility
9 for parole should take precedence over the more general population in Nrs.
10 213.120(2). Accordingly, Nrs. 209.4465 (3)(b) would be the controlling sentence/statute
11 for determining the deduction of statute credit from (Larry Hardnett's
12 minimum term of imprisonment.

1 The offender affected by it" Weaver 450 U.S. At 29 (foot notes omitted) Nrs.
2 200.4465(8) disadvantages the plaintiff in the fact that the language in the
3 statute clearly satisfies the second prong. Changes to the applications of credits
4 effectively after the amount of time a prisoner must serve so any reduction
5 in the amount of (time) / credits applied disadvantages the prisoner Weaver 450
6 U.S. At 32-34 When Nrs. 200.4465 was enacted only the statutes for certain
7 category A felonies specified a minimum sentence that had to be served before
8 a convicted offense would become eligible for parole See eg (Nrs. 200-3200) thus
9 offenders convicted of felonies that were not category A felonies were entitled
10 to have statutory credits deducted from the minimum term imposed the
11 petitioner is not convicted of a category A felony Alternatively the plain
12 language of Nrs. 213.120(2) And Nrs. 200.4465(7) appears to be in conflict. The
13 plain language of Nrs. 213.120(2) provided that credits could apply to parole
14 eligibility unless the sentencing statutes specifies a minimum sentence that
15 must be served before a person becomes eligible for parole. Words in a
16 statute should be given their plain meaning unless this violates the spirit
17 of the Act "McKay v. Bd Suprs of Carson City 102 Nev. 144, 148, 230 p2d 938,
18 441 (1994) both the plain language the legislative history or Nrs. 213.120(2)
19 are clear that the intent was to ensure that convicted felons served
20 a minimum of time and could not be paroled before that minimum period
21 of time have been served. Hearing on S.B. 4116 Before the Senate Sub-
22 committee on Judiciary 1994 (leg) the legislative history of Nrs. 200.4465 is
23 silent as to its intent regarding parole. However, A person becomes eligible
24 for parole once they have been served the minimum term of imprisonment
25 and since Nrs. 200.4465(7)(b) allows for the application of statutory credits to
26 parole eligibility. The plain language of statute clearly contemplates the deduction
27 of statutory credits from the minimum term of imprisonment to existing

ADDITIONAL FACTS OF THE CASE:

II. Conclusion

Wherefore, All of the above stated reasons, petitioner/plaintiff
Respectfully request this honorable court to order Warden Hutchins to
deduct statutory credits from petitioner's minimum term of imprisonment

Date - 3rd day of May, 2021

Respectfully Submitted
Larry Handrich
plaintiff/petitioner

Larry Hardnett # 114675
S.D.C.C.

Indian Springs, Nevada 89070
P.O. Box-208

LAS VEGAS NV 890

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Clerk of Court

200 Lewis Ave

3rd Fl.

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1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities related to the project. It emphasizes the need for transparency and accountability in financial management.

2. The second part outlines the specific steps involved in setting up a budgeting system. This includes identifying all potential costs, estimating their values, and allocating funds accordingly. It also mentions the importance of regular monitoring and adjustment of the budget as the project progresses.

3. The third part focuses on the role of communication in successful project management. It highlights the necessity of clear and frequent communication between team members, stakeholders, and sponsors to ensure everyone is aligned and informed.

4. The fourth part addresses the challenges often encountered during project execution. These include scope creep, resource constraints, and changing requirements. It provides strategies to mitigate these risks and keep the project on track.

5. Finally, the fifth part discusses the importance of documentation throughout the project lifecycle. Proper documentation ensures that all decisions, actions, and outcomes are recorded, providing a valuable reference for future projects and audits.

1 OPWH

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

5 Larry Hardnett, Plaintiff(s)
6 vs.

6 Brian Williams, Defendant(s)

Case No.: A-21-835317-W
Department XXIV

7
8 **ORDER FOR PETITION FOR WRIT OF HABEAS CORPUS**
9 **(TIME COMPUTATION)**

10 Petitioner filed a Petition for Writ of Habeas Corpus on **May 27, 2021**. The Court
11 has reviewed the Petition and has determined a response would assist the Court in
12 determining whether Petitioner has been awarded all appropriate good-time credits as
13 provided in NRS 34.724 and, good cause appearing therefore,

14 **IT IS HEREBY ORDERED**, Respondent shall, within 30 days after the date of
15 this Order, to file any motion it deems necessary.

16 If no motion is filed, **IT IS HEREBY FURTHER ORDERED**, Respondent shall, 45
17 days after the date of this Order, file an answer or otherwise respond to the Petition.

18
19 **IT IS FURTHER ORDERED**, this matter is placed on calendar for hearing on **July 27,**
20 **2021**, in chambers in District Court Department XXIV.

21 Dated this 28th day of May, 2021

22 

23
24 **1D8 60A ED8F A962**
25 **Erika Ballou**
26 **District Court Judge**

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CERTIFICATE OF SERVICE

The Undersigned hereby certifies that on the date of the filing, a copy of this Order was electronically served through the Eighth Judicial District Court EFP system or, if no e-mail was provided, by facsimile, U.S. Mail and/or placed in the Clerk's Office attorney folder(s) for:

Clark county District Attorney's Office Motions@clarkcountyda.com

Office of The Attorney General wiznetfilings@ag.nv.gov

Chapri Wright
Chapri Wright
Judicial Executive Assistant

1 CSERV

2 DISTRICT COURT
3 CLARK COUNTY, NEVADA
4

5	
6 Larry Hardnett, Plaintiff(s)	CASE NO: A-21-835317-W
7 vs.	DEPT. NO. Department 24
8 Brian Williams, Defendant(s)	
9	

10 **AUTOMATED CERTIFICATE OF SERVICE**

11 Electronic service was attempted through the Eighth Judicial District Court's
12 electronic filing system, but there were no registered users on the case.

13 If indicated below, a copy of the above mentioned filings were also served by mail
14 via United States Postal Service, postage prepaid, to the parties listed below at their last
15 known addresses on 6/1/2021

16 Larry Hardnett	#1146775
	Po Box 208
	Indian Springs, NV, 89070
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1 **RSPN**
2 AARON D. FORD
3 Attorney General
4 Allison L. Herr (Bar No. 5383)
5 Senior Deputy Attorney General
6 State of Nevada
7 Office of the Nevada Attorney General
8 555 E. Washington Ave., Ste. 3900
9 Las Vegas, Nevada 89101-1068
10 (702) 498-3277 (phone)
11 (702) 486-2377 (fax)
12 AHerr@ag.nv.gov
13 Attorneys for Respondents

9 **DISTRICT COURT**
10 **CLARK COUNTY, NEVADA**

11 LARRY HARDNETT,

12 Petitioner,

13 vs.

14 BRIAN WILLIAMS/HUTCHINS WARDEN,

15 Respondents.
16

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

17 **RESPONSE TO PETITION FOR WRIT OF HABEAS CORPUS**

18
19 Respondents oppose Petitioner Larry Hardnett's *Petitions for Writ of Habeas Corpus* filed in case
20 A834858 on May 19, 2021; and case A835317 on May 27, 2021, because the Nevada Department of
21 Corrections (NDOC) has properly awarded Hardnett credit against his sentence in conformity with NRS
22 209.4465, and Hardnett fails to demonstrate that he is exempt from the application of NRS 209.4465(8).
23 Respondents base this response upon the papers and pleadings on file herein and the following points and
24 authorities.

25 DATED June 21, 2021.

26 AARON D. FORD
Attorney General

27 By: /s/ Allison L. Herr
Allison L. Herr
28 Senior Deputy Attorney General

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **BACKGROUND**

3 Petitioner Larry Hardnett is currently incarcerated at Southern Desert Correctional Center
4 (Exhibit 1, *Inmate Search*). He is serving time for criminal acts he committed in 2015 (Exhibit 2,
5 *Amended Indictment C308796 and Amended Information C309793*). The Eighth Judicial District Court
6 adjudicated Hardnett guilty of two category B felonies in case C308795 (Exhibit 3, Judgment of
7 Conviction C308796); and three category B felonies and two category A felonies in case C309793
8 (Exhibit 4, Judgment of Conviction C309793).

9 Hardnett is currently serving an aggregated sentence of nine years eight months minimum,
10 twenty-seven years maximum. of Count I, Robbery with Use of a Deadly Weapon and Count II, Battery
11 with Intent to Commit a Crime, both category B felonies (Exhibit 3, *Judgment of Conviction*). Hardnett
12 was sentenced to an aggregate total of twenty-six years incarceration with minimum parole eligibility
13 after ten years. See Exhibit 4. Thereafter he will begin serving the terms associated with his sentence
14 from C308796. See Exhibit 3.

15 **ARGUMENT**

16 **A. Application of Credit Against Hardnett's Minimum Sentence is Prohibited by**
17 **NRS 209.4465(8).**

18 NRS 209.4465 applies to Hardnett, whose crimes were committed after July 17, 1997.¹ Under
19 NRS 209.4465(7), credit applies against an inmate's minimum and maximum sentence unless one of the
20 exceptions outlined in NRS 209.4465(8) applies to prohibit the application. The four exceptions include:

- 21 (a) Any crime that is punishable as a felony involving the use or threatened use
22 of force or violence against the victim;
23 (b) A sexual offense that is punishable as a felony;
24 (c) A violation of NRS 484C.110, 484C.120, 484C.130 or 484C.430 that is
punishable as a felony; or
(d) A category A or B felony.

25 ///

26
27 ¹ NRS 209.432 to 209.451, inclusive, provides the statutory framework for the application of
28 credit to an inmate's sentence. The appropriate statute is determined by the date that the crime was
committed.

1 In this particular case, Hardnett was convicted of category A and B felonies. Some of which
2 involve the use of force or violence against the victim. *See* Exhibit 2. Application of credit to the
3 minimum sentence of a category A and B felonies, or any level felony offense involving the use of force
4 or violence is prohibited by NRS 209.4465(8)(a) and (d), because of the level and nature of the offense.
5 As such, all statutory or good time credit that Hardnett has earned can only be applied to his maximum
6 sentence.

7 **B. The *Williams* Decision Does Not Apply, as Hardnett Committed His Offenses After
the 2007 Amendment of NRS 209.4465.**

8 Hardnett raises arguments similar to those addressed in the case of *Williams v. State of Nevada*
9 *Dep't of Corr.*, 402 P.3d 1260 (Nev. 2017) to support his claim that he is entitled to credit against his
10 minimum sentence. However, the *Williams* decision does not apply to Hardnett, as the law that governed
11 the application of credit in that case is different from that to be applied here. Crucially, the respective
12 crimes were committed during different years. The Nevada Supreme Court has made clear that the
13 *Williams* decision does not affect crimes committed after July 1, 2007.² This is because the language of
14 the applicable statutes — NRS 209.4465 and NRS 213.120 — was amended in 2007 and negates the
15 analysis applied in the *Williams* case. Here, Hardnett's offenses took place *after* the effective date of the
16 2007 amendment. Thus, even viewing *Williams* in the light most favorable to Hardnett, the logic does
17 not apply to his crimes, he is not entitled to additional credits against his minimum sentence, and his
18 reliance upon NRS 209.4465(7) is erroneous.

19 ///

20 ///

21 ///

22 ² The Nevada Supreme Court stated in footnote 7 of their opinion,

23 Our interpretation of NRS 209.4465(7)(b) applies only to crimes
24 committed on or between July 17, 1997 (the effective date of NRS
25 209.4465) and June 30, 2007 (the effective date of NRS 209.4465(8)).
26 Because the application of credits under NRS 209.4465(7)(b) only serves
27 to make an offender eligible for parole earlier, no relief can be afforded
where the offender has already expired the sentence, . . . , or appeared
before the parole board on the sentence, *see Niergarth v. Warden*, 105 Nev.
26, 29, 768 P.2d 882, 883–84 (1989) (recognizing no statutory authority or
caselaw allowing for retroactive grant of parole).

28 *Williams v. State of Nevada Dep't of Corr.*, 402 P.3d 1260, 1265 (Nev. 2017).

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AFFIRMATION
(Pursuant to NRS 239B.030)

The undersigned does hereby affirm that the foregoing document does not contain the social security number of any person.

Dated: June 21, 2021.

AARON D. FORD
Attorney General

By: /s/ Allison L. Herr
Allison L. Herr
Senior Deputy Attorney General

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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing *Response to Petitions for Writ of Habeas Corpus* with the Clerk of the Court by using the electronic filing system on June 21, 2021.

I certify that some of the participants in the case are not registered electronic filing system users. I have mailed the foregoing document by First-Class Mail, postage prepaid, or have dispatched it to a third-party commercial carrier for delivery within 3 calendar days to the following unregistered participant(s) at his last known address:

Larry Hardnett, #1146775
c/o Southern Desert Correctional Center
P.O. Box 208
Indian Springs, NV 89070-0208

/s/ L. Combs
An employee of the Office of the Attorney General

EXHIBIT 1

Inmate Search Results

Search By Offender ID
 Offender ID:
 -or-
Search By Demographics
 First Name: Wildcard %
 Last Name: Wildcard %

NOTICE:

The information provided here represents raw data. As such, the Nevada Department of Corrections makes no warranty or guarantee that the data is error free. The information should not be used as an official record by any law enforcement agency or any other entity.

Any questions regarding an inmate, please call Family Services at (775) 887-3367. Victims looking for inmate information please contact Victim Services at (775) 887-3393. Any questions regarding the web portal for law enforcement access to inmate information should be referred to PIO Scott Kelley. email: skelley@doc.nv.gov or (775) 887-3309

Currently the following web browsers are supported for the Inmate Search: Internet Explorer 11, Chrome, Firefox and Opera. If you are unable to view inmate photos, please use a supported browser.

Download Offender Data

[Demographic](#), [Alias](#), [Booking](#), [Parole](#), [Release](#)

Up to date as of 2021-05-27

Identification and Demographics

Name	Offender ID	Gender	Ethnic	Age	Height	Weight	Build	Complexion	Hair	Eyes	Institution	Custody Level	Aliases	Prior Felonies
LARRY HARDNETT	1146775	Male	BLACK	26	6'1"	145lb		DARK	BLACK	BROWN	SOUTHERN DESERT CORRECTIONAL CENTER	MEDIUM	AOB (ALL ON THE BITCH)	NO

Booking Information

Offense Code	Offense Description	Sent. Status	Sent. Min	Sent. Max	Sent. PED	Sent. MPR	Sent. County	Sent. PEXD	Sent. Type	Sent. RRD	Sent. Start Date
3521	ATF POSSESSION STOLEN VEHICLE	Discharged	0 yr. 19 mo. 0 days	0 yr. 48 mo. 0 days	2016-01-17		CLARK COUNTY COURTHOUSE	2017-06-08	DETERMINE		2015-02-03
2338	CONSPIRACY, VIOLENT CRIME	Aggregated	0 yr. 18 mo. 0 days	0 yr. 48 mo. 0 days			CLARK COUNTY COURTHOUSE		DETERMINE		2016-01-28
107	KIDNAPPING I	Aggregated	0 yr. 60 mo. 0 days	0 yr. 180 mo. 0 days			CLARK COUNTY COURTHOUSE		DETERMINE		2016-01-28
120	ROBBERY	Aggregated	0 yr. 28 mo. 0 days	0 yr. 72 mo. 0 days			CLARK COUNTY COURTHOUSE		DETERMINE		2016-01-28
A007	Aggregate	Active	9 yr. 8 mo. 0 days	27 yr. 0 mo. 0 days	2025-09-27		AGGREGATE SENTENCING	2030-03-16	DETERMINE		2016-01-28
107	KIDNAPPING I	Aggregated	0 yr. 60 mo. 0 days	0 yr. 180 mo. 0 days			CLARK COUNTY COURTHOUSE		DETERMINE		2016-01-28
3458	USE OF DEADLY WEAPON ENHANCEMENT	Aggregated	0 yr. 28 mo. 0 days	0 yr. 72 mo. 0 days			CLARK COUNTY COURTHOUSE		DETERMINE		2019-02-11
120	ROBBERY	Aggregated	0 yr. 28 mo. 0 days	0 yr. 72 mo. 0 days			CLARK COUNTY COURTHOUSE		DETERMINE		2023-08-24
3458	USE OF DEADLY WEAPON ENHANCEMENT	Aggregated	0 yr. 28 mo. 0 days	0 yr. 72 mo. 0 days			CLARK COUNTY COURTHOUSE		DETERMINE		2026-09-01
120	ROBBERY	Pending	0 yr. 36 mo. 0 days	0 yr. 120 mo. 0 days	2033-03-16		CLARK COUNTY COURTHOUSE	2035-03-30	DETERMINE		2030-03-17
145	BATTERY	Pending	0 yr. 48 mo. 0 days	0 yr. 120 mo. 0 days	2034-03-16		CLARK COUNTY COURTHOUSE	2035-03-30	DETERMINE		2030-03-17
3458	USE OF DEADLY WEAPON ENHANCEMENT	Pending	0 yr. 24 mo. 0 days	0 yr. 60 mo. 0 days	2037-03-30	2037-04-04	CLARK COUNTY COURTHOUSE	2037-10-06	DETERMINE		2035-03-31
3458	USE OF DEADLY WEAPON ENHANCEMENT	Pending	0 yr. 24 mo. 0 days	0 yr. 60 mo. 0 days	2037-03-30		CLARK COUNTY COURTHOUSE	2037-10-06	DETERMINE		2035-03-31

Inmate Photo**Parole Hearing Details**

Offender Book ID	Parole Hearing Date	Parole Hearing Location
169521	2016-04-27	PAROLE BOARD ROOM 301

EXHIBIT 2

Indictment and Information

ORIGINAL

FILED IN OPEN COURT
STEVEN D. GRIERSON
CLERK OF THE COURT

NOV 14 2017

BY *Olivia Black*
OLIVIA BLACK, DEPUTY

1 **AIND**
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 BINU G. PALAL
6 Chief Deputy District Attorney
7 Nevada Bar #010178
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,
10 Plaintiff,

CASE NO: C-15-308796-2

11 -vs-

DEPT NO: XVII

12 ROBERT HAYES,
13 aka Robert Laquin Hayes,
14 aka Ra Ra, #2721356
15 **LARRY HARDNETT,**
16 aka Larry Hardnetty,
17 aka Larry AOB,
18 aka Larry All on Bitches, #2865846

**AMENDED
INDICTMENT**

16 Defendant(s).

17 STATE OF NEVADA }
18 COUNTY OF CLARK } ss.

19 The Defendant(s) above named, ROBERT HAYES, aka Robert Laquin Hayes, aka Ra
20 Ra, and LARRY HARDNETT, aka Larry Hardnetty, aka Larry AOB, aka Larry All on
21 Bitches, accused by the Clark County Grand Jury of the crime(s) of **ROBBERY WITH USE**
22 **OF A DEADLY WEAPON (Category B Felony - NRS 200.380, 193.165 - NOC 50138)**
23 **and BATTERY WITH USE OF A DEADLY WEAPON (Category B Felony - NRS**
24 **200.481 - NOC 50223),** committed at and within the County of Clark, State of Nevada, on or
25 about the 9th day of June, 2015, as follows:

26 COUNT 1 - ROBBERY WITH USE OF A DEADLY WEAPON

27 did willfully, unlawfully, and feloniously take personal property, to wit: U.S. Currency
28 and/or miscellaneous personal property, from the person of MOHAMMAD HAMZEH, or in

C-15-308796-2
AIND
Amended Indictment
4697914



1 his presence, by means of force or violence, or fear of injury to, and without the consent and
2 against the will of MOHAMMAD HAMZEH, with use of a deadly weapon, to wit: a firearm,
3 Defendant using force or fear to obtain or retain possession of the property, to prevent or
4 overcome resistance to the taking of the property, and/or to facilitate escape; the Defendants
5 being criminally liable under one or more of the following principles of criminal liability, to-
6 wit: (1) by directly committing this crime; and/or (2) by aiding or abetting in the commission
7 of this crime, with the intent that this crime be committed, by counseling, encouraging, hiring,
8 commanding, inducing and/or otherwise procuring the other to commit the crime; and/or (3)
9 pursuant to a conspiracy to commit this crime, with the intent that this crime be committed;
10 the Defendants committing this crime in the following manner, to-wit: by Defendants and
11 another unknown person luring MOHAMMAD HAMZEH to an apartment under the false
12 pretense of selling a watch to him for cash, and thereafter accompanying one another to the
13 apartment, and once at the apartment, each pointing a firearm at MOHAMMAD HAMZEH in
14 order to force him to turn over U.S. Currency and/or miscellaneous personal property to them,
15 the Defendants then shooting at or into the body of MOHAMMAD HAMZEH when
16 MOHAMMAD HAMZEH resisted the taking of his property, the Defendants and the other
17 unknown person acting in concert throughout, and fleeing the crime scene together.

18 COUNT 2 - BATTERY WITH USE OF A DEADLY WEAPON

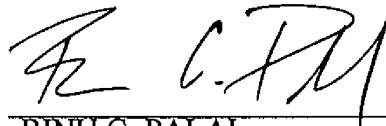
19 did willfully, unlawfully, and feloniously use force or violence upon the person of
20 another, to-wit: MOHAMMAD HAMZEH, with use of a deadly weapon, to-wit: a firearm, by
21 shooting at and into the body of MOHAMMAD HAMZEH; the Defendants being criminally
22 liable under one or more of the following principles of criminal liability, to-wit: (1) by directly
23 committing this crime; and/or (2) by aiding or abetting in the commission of this crime, with
24 the intent that this crime be committed, by counseling, encouraging, hiring, commanding,
25 inducing and/or otherwise procuring the other to commit the crime; and/or (3) pursuant to a
26 conspiracy to commit this crime, with the intent that this crime be committed; the Defendants
27 committing this crime in the following manner, to-wit: by Defendants and another unknown
28 person luring MOHAMMAD HAMZEH to an apartment under the false pretense of selling a

1 watch to him for cash, and thereafter accompanying one another to the apartment, and once at
2 the apartment, each pointing a firearm at MOHAMMAD HAMZEH in order to force him to
3 turn over U.S. Currency and/or miscellaneous personal property to them, the Defendants then
4 shooting at or into the body of MOHAMMAD HAMZEH when MOHAMMAD HAMZEH
5 resisted the taking of his property, the Defendants and the other unknown person acting in
6 concert throughout, and fleeing the crime scene together.

7 DATED this 21st day of October, 2017.

8 STEVEN B. WOLFSON
9 Clark County District Attorney
Nevada Bar #001565

10
11 BY


12 BINU G. PALAL
13 Chief Deputy District Attorney
14 Nevada Bar #010178
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27 15AGJ049A-B/15FN0971X/15FN1361X/llm/GANG
28 NLVPD EV# 1509413
(TK)

ORIGINAL

1 AINF
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 JEFFREY S. ROGAN
6 Chief Deputy District Attorney
7 Nevada Bar #010734
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

FILED IN OPEN COURT
STEVEN D. GRIERSON
CLERK OF THE COURT

NOV 09 2015

BY Carol Donahoo
CAROL DONAHOO, DEPUTY

DISTRICT COURT
CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,
10 Plaintiff,

CASE NO: C-15-309793-2

11 -vs-

DEPT NO: XVII

12 MARCUS BURRELL,
13 aka Marcus Lavell Burrell,
14 aka Marcus N Da Cut, #2809000

AMENDED
INFORMATION

14 LARRY HARDNETT,
15 aka Larry Hardnetty,
16 aka Larry AOB, #2865846

Defendants.

17 STATE OF NEVADA }
18 COUNTY OF CLARK } ss.

19 STEVEN B. WOLFSON, District Attorney within and for the County of Clark, State
20 of Nevada, in the name and by the authority of the State of Nevada, informs the Court:

21 That MARCUS BURRELL, aka Marcus Lavell Burrell, aka Marcus N Da Cut, and
22 LARRY HARDNETT, aka Larry Hardnetty, aka Larry AOB, the Defendant(s) above named,
23 having committed the crimes of **CONSPIRACY TO COMMIT ROBBERY (Category B**
24 **Felony - NRS 200.380, 199.480 - NOC 50147); FIRST DEGREE KIDNAPPING**
25 **(Category A Felony - NRS 200.310, 200.320 - NOC 50051); and ROBBERY WITH USE**
26 **OF A DEADLY WEAPON (Category B Felony - NRS 200.380, 193.165 - NOC 50138),**
27 on or about the 12th day of April, 2015, within the County of Clark, State of Nevada, contrary

28 // C-15-309793-2
AINF
Amended Information
4501952



W:\2015\F073\64\15F07364-AINF-(HARDNETT_LARRY)-001.DOCX

1 to the form, force and effect of statutes in such cases made and provided, and against the peace
2 and dignity of the State of Nevada,

3 COUNT 1 - CONSPIRACY TO COMMIT ROBBERY

4 did willfully, unlawfully, and feloniously conspire with each other to commit a robbery,
5 by the defendants committing the acts as set forth in Counts 2 through 5, said acts being
6 incorporated by this reference as though fully set forth herein.

7 COUNT 2 - FIRST DEGREE KIDNAPPING

8 did then and there willfully, unlawfully, and feloniously, seize, confine, inveigle, entice,
9 decoy, abduct, conceal, kidnap, or carry away TROY HASHIMOTO, a human being, with the
10 intent to hold or detain the said TROY HASHIMOTO against his will, and without his consent,
11 for the purpose of committing a robbery, the defendants being criminally liable under one or
12 more of the following principles of criminal liability, to-wit: (1) by directly committing this
13 crime; and/or (2) by aiding or abetting in the commission of this crime, with the intent that this
14 crime be committed, by counseling, encouraging, hiring, commanding, inducing and/or
15 otherwise procuring the other to commit the crime; and/or (3) pursuant to a conspiracy to
16 commit this crime, with the intent that this crime be committed; the defendants committing
17 this crime in the following manner, to-wit: by defendants luring TROY HASHIMOTO to the
18 crime scene under the false pretense of purchasing shoes, and thereafter accompanying one
19 another to the crime scene where, acting in concert throughout, they committed the crime of
20 robbery, then fled the crime scene together.

21 COUNT 3 - FIRST DEGREE KIDNAPPING

22 did then and there willfully, unlawfully, and feloniously, seize, confine, inveigle, entice,
23 decoy, abduct, conceal, kidnap, or carry away ALYSSA DELA CRUZ-CUIZON, a human
24 being, with the intent to hold or detain the said ALYSSA DELA CRUZ-CUIZON against her
25 will, and without her consent, for the purpose of committing a robbery, the defendants being
26 criminally liable under one or more of the following principles of criminal liability, to-wit: (1)
27 by directly committing this crime; and/or (2) by aiding or abetting in the commission of this
28 crime, with the intent that this crime be committed, by counseling, encouraging, hiring,

1 commanding, inducing and/or otherwise procuring the other to commit the crime; and/or (3)
2 pursuant to a conspiracy to commit this crime, with the intent that this crime be committed;
3 the defendants committing this crime in the following manner, to-wit: by defendants luring
4 ALYSSA DELA CRUZ-CUIZON to the crime scene under the false pretense of purchasing
5 shoes, and thereafter accompanying one another to the crime scene where, acting in concert
6 throughout, they committed the crime of robbery, then fled the crime scene together.

7 COUNT 4 - ROBBERY WITH USE OF A DEADLY WEAPON

8 did then and there willfully, unlawfully, and feloniously take personal property, to-wit:
9 shoes, a wallet, and a cell phone, from the person of TROY HASHIMOTO, or in his presence,
10 by means of force or violence, or fear of injury to, and without the consent and against the will
11 of TROY HASHIMOTO, with use of a deadly weapon, to-wit: a firearm, the defendants being
12 criminally liable under one or more of the following principles of criminal liability, to-wit: (1)
13 by directly committing this crime; and/or (2) by aiding or abetting in the commission of this
14 crime, with the intent that this crime be committed, by counseling, encouraging, hiring,
15 commanding, inducing and/or otherwise procuring the other to commit the crime; and/or (3)
16 pursuant to a conspiracy to commit this crime, with the intent that this crime be committed;
17 the defendants committing this crime in the following manner, to-wit: by defendants luring
18 TROY HASHIMOTO to the crime scene under the false pretense of purchasing shoes, and
19 thereafter accompanying one another to the crime scene, and, once there, Defendant MARCUS
20 BURRELL and/or Defendant LARRY HARDNETT pointed a firearm at TROY
21 HASHIMOTO and demanded that he turn over his wallet, shoes, and cell phone to them, the
22 defendants then fleeing the scene together after taking the property, the defendants acting in
23 concert throughout.


24 COUNT 5 - ROBBERY WITH USE OF A DEADLY WEAPON

25 did then and there willfully, unlawfully, and feloniously take personal property, to-wit:
26 cell phone, from the person of ALYSSA DELA CRUZ-CUIZON, or in her presence, by means
27 of force or violence, or fear of injury to, and without the consent and against the will of
28 ALYSSA DELA CRUZ-CUIZON, with use of a deadly weapon, to-wit: a firearm, the

1 defendants being criminally liable under one or more of the following principles of criminal
2 liability, to-wit: (1) by directly committing this crime; and/or (2) by aiding or abetting in the
3 commission of this crime, with the intent that this crime be committed, by counseling,
4 encouraging, hiring, commanding, inducing and/or otherwise procuring the other to commit
5 the crime; and/or (3) pursuant to a conspiracy to commit this crime, with the intent that this
6 crime be committed; the defendants committing this crime in the following manner, to-wit: by
7 defendants luring ALYSSA DELA CRUZ-CUIZON to the crime scene under the false
8 pretense of purchasing shoes, and thereafter accompanying one another to the crime scene,
9 and, once there, Defendant MARCUS BURRELL and/or Defendant LARRY HARDNETT
10 pointed a firearm at ALYSSA DELA CRUZ-CUIZON and demanded that she turn over her
11 cell phone to them, the defendants then fleeing the scene together after taking the property, the
12 defendants acting in concert throughout.

13 STEVEN B. WOLFSON
14 Clark County District Attorney
Nevada Bar #001565

15 BY

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17 JEFFREY S. ROGAN
Chief Deputy District Attorney
Nevada Bar #010734

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(TK14)

EXHIBIT 3

Judgment of Conviction



1 JOCP

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

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6 THE STATE OF NEVADA,

7 Plaintiff,

CASE NO. C-15- 308796-2

8 -vs-

DEPT. NO. XVII

9 LARRY HARDNETT aka
10 Larry Hardnetty aka
11 Larry AOB aka
12 Larry All on Bitches
#2865846

13 Defendant.

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15 JUDGMENT OF CONVICTION
16 (PLEA OF GUILTY)

17
18 The Defendant previously appeared before the Court with counsel and entered a plea of guilty to
19 the crimes of COUNT 1 – ROBBERY WITH USE OF A DEADLY WEAPON (Category B
20 Felony) in violation of NRS 200.380, 193.165; and COUNT 2 – BATTERY WITH USE OF A
21 DEADLY WEAPON (Category B Felony) in violation of NRS 200.481; thereafter, on the 25th
22 day of January, 2018, the Defendant was present in court for sentencing with counsel CARL
23 ARNOLD, ESQ., and good cause appearing,

24
25 THE DEFENDANT IS HEREBY ADJUDGED guilty of said offense and, in addition to
26 the \$25.00 Administrative Assessment Fee and \$250.00 Indigent Defense Civil Assessment Fee
27 plus \$3.00 DNA Collection Fee, the Defendant is sentenced to the Nevada Department of
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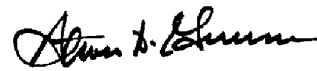
1 Corrections (NDC) as follows: COUNT 1 - a MAXIMUM of ONE HUNDRED TWENTY
2 (120) MONTHS with a MINIMUM Parole Eligibility of THIRTY-SIX (36) MONTHS plus a
3 CONSECUTIVE term of a MAXIMUM of SIXTY (60) MONTHS with a MINIMUM Parole
4 Eligibility of TWENTY-FOUR (24) MONTHS for the Use of a Deadly Weapon; and COUNT 2
5 -- a MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS with a MINIMUM Parole
6 Eligibility of FORTY-EIGHT (48) MONTHS, CONCURRENT with COUNT 1; SENTENCE
7 to run CONSECUTIVE to C309793; with ZERO (0) DAYS credit for time served. As the
8 \$150.00 DNA Analysis Fee and Genetic Testing have been previously imposed, the Fee and
9 Testing in the current case are WAIVED.
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12 DATED this 21 day of January, 2018

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15 MICHAEL VILLANI
16 DISTRICT COURT JUDGE
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EXHIBIT 4

Judgment of Conviction



CLERK OF THE COURT

JOCP

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

CASE NO. C309793-2

DEPT. NO. XVII

LARRY HARDNETT
aka Larry Hardnetty
aka Larry AOB
#2865846

Defendant.

JUDGMENT OF CONVICTION
(JURY TRIAL)

The Defendant previously entered a plea of not guilty to the crimes of
COUNT 1 – CONSPIRACY TO COMMIT ROBBERY (Category B Felony) in violation
of NRS 200.380, 199.480; COUNTS 2 & 3 – FIRST DEGREE KIDNAPPING
(Category A Felony) in violation of NRS 200.310, 200.320; and COUNTS 4 & 5 –
ROBBERY WITH USE OF A DEADLY WEAPON (Category B Felony) in violation of
NRS 200.380, 193.165; and the matter having been tried before a jury and the
Defendant having been found guilty of said crimes; thereafter, on the 28th day of

//

1 January, 2016, the Defendant was present in court for sentencing with his counsel
2 CARL ARNOLD, ESQ., and good cause appearing,

3 THE DEFENDANT IS HEREBY ADJUDGED guilty of said offenses and, in
4 addition to the \$25.00 Administrative Assessment Fee, \$250.00 Indigent Defense Civil
5 Assessment Fee, Restitution in the amount of \$1,436.27 to be paid jointly and
6 severally, and a \$150.00 DNA Analysis Fee including testing to determine genetic
7 markers, plus a \$3.00 DNA Collection Fee, the Defendant is sentenced to the Nevada
8 Department of Corrections as follows: As to **COUNT 1** – to a MAXIMUM of FORTY-
9 EIGHT (48) MONTHS with a MINIMUM parole eligibility of EIGHTEEN (18) MONTHS;
10 as to **COUNT 2** - to a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS with a
11 MINIMUM parole eligibility of SIXTY (60) MONTHS, Count 2 to run CONCURRENT
12 with Count 1; as to **COUNT 3** - to a MAXIMUM of ONE HUNDRED EIGHTY (180)
13 MONTHS with a MINIMUM parole eligibility of SIXTY (60) MONTHS, Count 3 to run
14 CONCURRENT with Count 1; as to **COUNT 4** - to a MAXIMUM of SEVENTY-TWO
15 (72) MONTHS with a MINIMUM parole eligibility of TWENTY-EIGHT (28) MONTHS,
16 plus a CONSECUTIVE term of SEVENTY-TWO (72) MONTHS with a MINIMUM
17 parole eligibility of TWENTY-EIGHT (28) MONTHS for the Use of a Deadly Weapon,
18 Count 4 to run CONSECUTIVE to Count 2; and as to **COUNT 5** - to a MAXIMUM of
19 SEVENTY-TWO (72) MONTHS with a MINIMUM parole eligibility of TWENTY-EIGHT
20 (28) MONTHS, plus a CONSECUTIVE term of SEVENTY-TWO (72) MONTHS with a
21 MINIMUM parole eligibility of TWENTY-EIGHT (28) MONTHS for the Use of a Deadly
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1 Weapon, Count 5 to run CONCURRENT with Count 3; with ZERO (0) days credit for
2 time served. Defendant's AGGREGATE TOTAL SENTENCE is THREE HUNDRED
3 TWENTY-FOUR (324) MONTHS MAXIMUM with a MINIMUM of ONE HUNDRED
4 SIXTEEN (116) MONTHS.
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8 DATED this 9 day of February, 2016.
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11 MICHAEL VILLANI
12 DISTRICT COURT JUDGE
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EXHIBIT 5

Decision and Order



1 DAO

2 EIGHTH JUDICIAL DISTRICT COURT

3 CLARK COUNTY, NEVADA

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5 LARRY HARDNETT,

6 Petitioner,

7 vs.

8 BRIAN WILLIAMS, WARDEN, et al.,

9 Respondents.

Case No. A-16-748602-W

Dep't No. VII

10 **DECISION AND ORDER**

11
12 Now before the Court is Petitioner Larry Hardnett's Petition for Writ of Habeas Corpus. The
13 matter came before the Court on August 15, 2017. No parties were present as the Court did not
14 entertain oral arguments, and now rules based solely on the pleadings pursuant to NRS 34.770(2).
15 The Court denies Mr. Hardnett's Petition for Writ of Habeas Corpus.

16 **I. Factual and Procedural Background**

17 Larry Hardnett is currently serving an aggregated sentence for Conspiracy to Commit
18 Robbery, a category B felony; two counts of First Degree Kidnapping, both category A felonies; and
19 two counts of Robbery with Use of a Deadly Weapon, both category B felonies. The conduct giving
20 rise to the offenses took place in 2015. Mr. Hardnett is serving a maximum sentence of twenty-
21 seven years in the Nevada Department of Corrections (NDOC) with minimum parole eligibility in
22 nine years and eight months.

23 Mr. Hardnett filed his Petition for Writ of Habeas Corpus on December 23, 2016. Mr.
24 Hardnett alleges the Nevada Department of Corrections and Warden Brian Williams have failed to
25 properly apply good time credit to Mr. Hardnett's minimum parole eligibility. Mr. Hardnett argues
26 he is entitled to a deduction of 20 days from his parole eligibility date for each month he has served
27 pursuant to NRS 209.4465. Mr. Hardnett cites an unpublished Nevada Supreme Court decision:

<input type="checkbox"/> Voluntary Dismissal	<input checked="" type="checkbox"/> Summary Judgment
<input type="checkbox"/> Involuntary Dismissal	<input type="checkbox"/> Stipulated Judgment
<input type="checkbox"/> Stipulated Dismissal	<input type="checkbox"/> Default Judgment
<input type="checkbox"/> Motion to Dismiss by Deft(s)	<input type="checkbox"/> Judgment of Arbitration

1

LINDA MARIE BELL
DISTRICT JUDGE
DEPARTMENT VII

NOV 09 2017

1 Vonseydewitz v. Legrand, No. 66159, 2015 WL 3936827 (Nev. June 24, 2015). The Attorney
2 General's Office filed a response on ~~March 17~~^{AUGUST 14}, 2017. The Attorney General's Office argues Mr.
3 Hardnett is not entitled to good time credit deductions from his parole eligibility date under NRS
4 209.4465.

5 II. Discussion

6 The Court first notes that Vonseydewitz does not apply in the instant case. Vonseydewitz is
7 an unpublished decision. Because it was issued before January 1, 2016, it cannot be cited for any
8 persuasive value. In addition, Vonseydewitz interpreted NRS 209.4465 as it existed prior to 2007,
9 before NRS 209.4465 was amended to include several key provisions. Mr. Hardnett's offense took
10 place in 2015, after NRS 209.4465 was amended. Therefore, the Court will be applying the current
11 format of NRS 209.4465.

12 Nevada Revised Statute 209.4465 governs the award of credits for crimes committed on or
13 after July 17, 1997. An inmate that meets certain qualifications "must be allowed. . . a deduction of
14 20 days from his or her sentence for each month the offender serves." NRS 209.4465(1). These
15 credits "[a]pply to eligibility for parole" unless "otherwise provided in subsections 8 and 9." NRS
16 209.4465(7). Under subsection 8, the credits apply to eligibility for parole for:

17 an offender who has not been convicted of:

18 (a) Any crime that is punishable as a felony involving the use or threatened
19 use of force or violence against the victim;

20 (b) A sexual offense that is punishable as a felony;

21 (c) A violation of NRS 484C.110, 484C.120, 484C.130 or 484C.430 that is
22 punishable as a felony; or

23 (d) A category A or B felony.

24 NRS 209.4465(8).

25 The Court finds Mr. Hardnett is not entitled to good time credit deductions from his parole
26 eligibility date under NRS 209.4465. Mr. Hardnett is serving a sentence based on a category A and
27 B felony. NRS 209.4465(8) specifically exempts these types of offenses from NRS 209.4465(1)'s
28

1 award for good time credit deductions from an inmate's parole eligibility date. Furthermore, Mr.
2 Hardnett's current sentence is for a category A and B felonies committed in 2015, after the effective
3 date of the 2007 amendment of NRS 209.4465, NRS 209. 4465(7) does not apply.

4 **III. Conclusion**

5 The Court finds Mr. Hardnett is not entitled to any additional credits. Therefore, the Court
6 denies Mr. Hardnett's Petition for Writ of Habeas Corpus.

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9 DATED this day of October 3, 2017.

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LINDA MARIE BELL
DISTRICT COURT JUDGE

LINDA MARIE BELL
DISTRICT JUDGE
DEPARTMENT VII

LINDA MARIE BELL
DISTRICT JUDGE
DEPARTMENT VII

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the date of filing, a copy of this Order was electronically served through the Eighth Judicial District Court EFP system or, if no e-mail was provided, by facsimile, U.S. Mail and/or placed in the Clerk's Office attorney folder(s) for:

Name	Party
Larry Hardnett c/o High Desert State Prison	Petitioner
Allison Herr, Esq. Deputy Attorney General	Counsel for Respondent


TINA HURD
JUDICIAL EXECUTIVE ASSISTANT, DEPARTMENT VII

AFFIRMATION

Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding Decision and Order filed in District Court case number A748602 DOES NOT contain the social security number of any person.

/s/ Linda Marie Bell Date 10/3/2017
District Court Judge

EXHIBIT 6

Order Dismissing Appeal

IN THE SUPREME COURT OF THE STATE OF NEVADA

LARRY HARDNETT,
Appellant,
vs.
BRIAN WILLIAMS, WARDEN,
Respondent.

No. 74799

FILED

APR 16 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *S. Young*
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from a district court order denying a postconviction petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; Linda Marie Bell, Judge.

Our initial review of this appeal indicated that the notice of appeal may have been untimely filed. Notice of entry of the district court's order denying appellant's postconviction petition for a writ of habeas corpus was served by mail on November 15, 2017. Thus, the notice of appeal was required to be filed by December 18, 2017. *See* NRS 34.575(1); NRAP 26(c). Appellant's notice of appeal was not filed in the district court until December 21, 2017, three days beyond the appeal period. Under NRAP 4(d) the notice of appeal is deemed timely "if it is delivered to a prison official for mailing on or before the last day for filing." When the prison has a notice of appeal log or another system designed for legal mail, the prisoner must use the logs to receive the benefit of this rule. Because appellant signed his notice of appeal on December 12, 2017, this court directed the attorney general to obtain and transmit a copy of the notice of appeal log. If appellant used any other log maintained by the prison during the relevant time period, the attorney general was to inform this court of that fact and provide a copy of the log used by appellant.

The attorney general has now submitted a response indicating that the prison where appellant is incarcerated maintains a notice of appeal log, but there is no evidence that appellant utilized the log. The attorney general does not indicate that appellant used any other log. Attached to the response is a copy of the notice of appeal log from the relevant time period. The notice of appeal log does not contain any entries from appellant.

Because appellant's notice of appeal was untimely filed and there is no indication that it was delivered to prison officials on or before the last day for filing, we conclude that we lack jurisdiction, see *Lozada v. State*, 110 Nev. 349, 352, 871 P.2d 944, 946 (1994), and we

ORDER this appeal DISMISSED.

Cherry, J.
Cherry

Parraguirre, J.
Parraguirre

Stiglich, J.
Stiglich

cc: Hon. Linda Marie Bell, District Judge
Larry Hardnett
Attorney General/Carson City
Attorney General/Las Vegas
Eighth District Court Clerk

1 NOH

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

5 Larry Hardnett,
6 Plaintiff(s)
7 vs.
8 Brian Williams,
9 Defendant(s)

Case No.: A-21-835317-W

Dept. No.: XXIV

10 **NOTICE OF HEARING CHANGE**

11 PLEASE TAKE NOTICE that this matter is set for Petition for Writ of Habeas Corpus, on
12 August 3, 2021 at the hour of 9 am, in District Court Department XXIV in the Regional
13 Justice Center, 200 Lewis Avenue, 12th Floor, Courtroom 12C, Las Vegas, Nevada before the
14 Honorable Judge Erika Ballou.

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16 Dated this 21st day of July, 2021

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19 **0FB 3C4 994F DE19**
20 **Erika Ballou**
21 **District Court Judge**
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CERTIFICATE OF SERVICE

I hereby certify that on or about the date e-filed, this document was electronically served to all registered users, copied through e-mail, placed in the attorney's folder in the Regional Justice Center or mailed to the proper person as follows:

Chapri Wright
Chapri Wright
Judicial Executive Assistant
Department 24

1 CSERV

2 DISTRICT COURT
3 CLARK COUNTY, NEVADA
4

5	
6 Larry Hardnett, Plaintiff(s)	CASE NO: A-21-835317-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 Notice of Hearing was served via the court's electronic eFile system to
13 all recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 7/21/2021

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 If indicated below, a copy of the above mentioned filings were also served by mail
22 via United States Postal Service, postage prepaid, to the parties listed below at their last
23 known addresses on 7/22/2021

24 Larry Hardnett	#1146775
	Po Box 208
	Indian Springs, NV, 89070
25	
26	
27	
28	

1 **DAO**

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

4 LARRY HARDNETT,

5 Petitioner,

6 vs.

7 BRIAN WILLIAMS/HUTCHINS WARDEN,

8 Respondents.
9

Case No. A-21-834858-W

A-21-835317-W

Dept. No. 24

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

Allison Herr

21 Senior Deputy Attorney General

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	



1 NEOJ

2 DISTRICT COURT
3 CLARK COUNTY, NEVADA

4
5 LARRY HARDNETT,

6 Petitioner,

Case No: A-21-835317-W

Dept. No: XXIV

7 vs.

8 BRIAN WILLIAMS; ET,AL.,

9 Respondent,

10 NOTICE OF ENTRY OF ORDER

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

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

16 STEVEN D. GRIERSON, CLERK OF THE COURT

17 /s/ Amanda Hampton

18 Amanda Hampton, Deputy Clerk

19 CERTIFICATE OF E-SERVICE / MAILING

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

22 ☒ By e-mail:

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

24 ☒ The United States mail addressed as follows:

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

27 /s/ Amanda Hampton

28 Amanda Hampton, Deputy Clerk

1 **DAO**

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

4 LARRY HARDNETT,

5 Petitioner,

6 vs.

7 BRIAN WILLIAMS/HUTCHINS WARDEN,

8 Respondents.
9

Case No. A-21-834858-W

A-21-835317-W

Dept. No. 24

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

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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.

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18 2015.

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20 guilty of two category B felonies in case C308795, and three category B felonies and two category A
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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.

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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

Allison Herr

21 Senior Deputy Attorney General

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	

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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	

Steven D. Grierson

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

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

Larry Hardnett # 1146775
Plaintiff,
vs.
Brian Williams, et, AL.
Harden
Defendant.

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

NOTICE OF APPEAL

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

Petition for Writ of Habeas Corpus

ruled on the 20th day of Aug, 20 21.

Dated this 19th day of Aug, 20 21.

RECEIVED
AUG 31 2021
CLERK OF THE COURT

Respectfully Submitted,

Larry Hardnett
1146775

Alvin L. Smith
CLERK OF THE COURT

1 PPOW

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

5 Larry Hardnett,

6 Petitioner,

7 vs.

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

9 Respondent.

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

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

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

15 **IT IS HEREBY ORDERED** that Respondent shall, within 45 days after the date of this Order,
16 answer or otherwise respond to the Petition and file a return in accordance with the provisions of NRS
17 34.360 to 34.830, inclusive.

18 **IT IS HEREBY FURTHER ORDERED** that this matter shall be placed on this Court's

19 Calendar on the 12 day of August, 20 21, at the hour of

21 8:30 o'clock for further proceedings.
22 AM

23 Dated this 14th day of June, 2021

24 *Michael Villani*

25 District Court Judge **DF9 CDA 67DF A630**
26 **Michael Villani**
27 **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 #114675
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)

* 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

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		(\$81.56)	\$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	\$800.10	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

Las Vegas
S.D.C.C.
Indian Springs, NV 89070
P.O. Box 208

5400 000381078

CONFIDENTIAL

CONFIDENTIAL

B15#
26097410

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

Southern Desert
Correctional Center
AUG 26 2021
OUTGOING MAIL

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

Electronically Filed
8/31/2021 2:59 PM
Steven D. Grierson
CLERK OF THE COURT

Steven D. Grierson

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-21-834958-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, 2021.

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
2nd Floor
Las Vegas, Nevada 89155

CC:FILE

DATED: this 19th day of Aug, 2021.

Larry Hardnett
114675
/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-21-034058-W
A-21-034317-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

~~XXXXXXXXXX~~ plaintiff
Title



1 ASTA

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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

A-21-835317-W

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5. Appellant(s)'s Attorney Licensed in Nevada: N/A
Permission Granted: N/A
- Respondent(s)'s Attorney Licensed in Nevada: Yes
Permission Granted: N/A
6. Has Appellant Ever Been Represented by Appointed Counsel In District Court: No
7. Appellant Represented by Appointed Counsel On Appeal: N/A
8. Appellant Granted Leave to Proceed in Forma Pauperis**: N/A
***Expires 1 year from date filed*
Appellant Filed Application to Proceed in Forma Pauperis: No
Date Application(s) filed: N/A
9. Date Commenced in District Court: May 27, 2021
10. Brief Description of the Nature of the Action: Civil Writ
- Type of Judgment or Order Being Appealed: Civil Writ of Habeas Corpus
11. Previous Appeal: No
- Supreme Court Docket Number(s): N/A
12. Child Custody or Visitation: N/A
13. Possibility of Settlement: Unknown

Dated This 1 day of September 2021.

Steven D. Grierson, Clerk of the Court

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

cc: Larry Hardnett

**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 and Transmittal of Record

State of Nevada }
County of Clark } SS:

Pursuant to the Supreme Court order dated September 21, 2021, I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, do hereby certify that the foregoing is a true, full and correct copy of the complete trial court record for the case referenced below. The record comprises one volume with pages numbered 1 through 68.

LARRY HARDNETT,

Plaintiff(s),

vs.

BRIAN WILLIAMS/HUTCHINS (WARDEN),

Defendant(s),

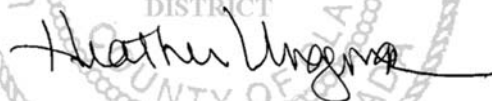
Case No: A-21-835317-W

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 30 day of September 2021.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk

