

JAMES TYRONE MYRTIS, A/K/A MYRTIS
TYRONE JAMES,
APPELLANT,
VS.
THE STATE OF NEVADA,
RESPONDENT.

CASE APPEAL STATEMENT

1. Name of appellant filing this case appeal statement: Myrtis Tyrone James, this person has never been known as James Tyrone Myrtis; the name James Tyrone Myrtis was used in error by the prosecution in this action, presumably because everyone believes James is only a first name, not a last name, and no one ever heard the name Myrtis before.

2. Identify the judge issuing the decision, judgment, or order appealed from: Hon. Gary D. Fairman

3. Identify each appellant and the name and address of counsel for each appellant: Myrtis Tyrone James, Richard W. Sears, 5489, 457 Fifth Street, Ely, Nevada 89301.

4. Identify each respondent and the name and address of appellate counsel, if known, for each respondent (if the name of a respondent's appellate counsel is unknown, indicate as much and provide the name and address of that respondent's trial counsel): State of Nevada, Hon. James Beecher, White Pine County District Attorney, 801 Clark Street, Ely, Nevada 89301.

5. Indicate whether any attorney identified above in response to question 3 or 4 is not licensed to practice law in Nevada and, if so, whether the district court granted that attorney permission to appear under SCR 42 (attach a copy of any district court order granting such permission): None.

6. Indicate whether appellant was represented by appointed or retained counsel in the district court: Appointed Counsel at trial.

7. Indicate whether appellant is represented by appointed or retained counsel on appeal: Appointed Counsel on appeal.

8. Indicate whether appellant was granted leave to proceed in forma pauperis, and the date of entry of the district court order granting such leave: No leave sought or granted.

9. Indicate the date the proceedings commenced in the district court (e.g., date complaint, indictment, information, or petition was filed): Information was filed on March 7, 2019.

10. Provide a brief description of the nature of the action and result in the district court, including the type of judgment or order being appealed and the relief granted by the district court: Criminal action alleging felony driving under the influence of alcohol, convicted at trial, sentenced to 84 months to the custody of the Nevada Department of Corrections with minimum parole eligibility set at 32 months.

11. Indicate whether the case has previously been the subject of an appeal to or original writ proceeding in the Supreme Court and, if so, the caption and Supreme Court docket number of the prior proceeding: This case was not the subject of a prior appeal or writ proceeding.

12. Indicate whether this appeal involves child custody or visitation: This appeal does NOT involve child custody or visitation.

13. If this is a civil case, indicate whether this appeal involves the possibility of settlement: Not applicable.

Date: Friday, September 10, 2021.



Richard W. Sears, 5489
457 Fifth Street,

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Ely, Nevada 89301
(775) 289-3366

CERTIFICATE OF MAILING

I hereby certify that I am an employee of Richard W. Sears Law Firm and that on the date below written, I deposited in the United State Post Office, as Ely, Nevada, in a sealed envelope with first class postage fully paid, a true and correct copy of the above and foregoing Case Appeal Statement, dated and addressed as follows:

☐ By placing same to be deposited for mailing in the United States Mail, in a sealed envelope upon which first class postage was prepaid in Ely, Nevada: and/or

☐ Via Facsimile; and/or email

☐ To be hand-delivered to the attorney listed below at the address indicated below:

Mr. James Beecher
White Pine County District Attorney
801 Clark Street
Ely, Nevada 89301

Date: Friday, September 10, 2021



An employee of
Richard W. Sears Law Firm

Case No. CR-1903028CR-1903028

Dept. No.: 2

IN THE SEVENTH JUDICIAL DISTRICT COURT

STATE OF NEVADA, COUNTY OF WHITE PINEIN THE SEVENTH JUDICIAL DISTRICT
COURT

STATE OF NEVADA, COUNTY OF WHITE PINE

Date: _____.

District Judge