

Case No. A-22-847754-W

Dept. No. 19

Steven D. Grierson

IN THE 8th JUDICIAL DISTRICT COURT OF THE
STATE OF NEVADA IN AND FOR THE COUNTY OF Clark

Electronically Filed
May 06 2022 03:09 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

ANTONIO L. MIXON Petitioner/Plaintiff,
vs.

NOTICE OF APPEAL

STATE OF NEVADA, Respondent/Defendant.
William Gittere

Notice is hereby given that Antonio L. Mixon, Petitioner/Defendant
above named, hereby appeals to the Court of Appeals for the State of Nevada from the final
judgment / order (Decision And Order From The Hearing Of
March, 2022)

Entered in this action on the 25th day of Apr, 2022.

Dated this 25th day of Apr, 2022.

a. l. m. Jr.

NDOC # 1019828

Appellant - Pro Per
Ely State Prison
P.O. Box 1989
Ely, Nevada 89301-1989

RECEIVED

I Antonio L. Mixon Declare Under penalty
and perjury that to the best of my knowledge
the contents of this document is true and correct. 04/25/22 a.l.m. Jr.

CERTIFICATE OF SERVICE BY MAIL

I, Mixon, Antonio, hereby certify pursuant to Rule 5(b) of the NRCP, that on this 25th day of Apr, 2022 I served a true and correct copy of the above-entitled Notice of Appeal postage prepaid and addressed as follows:

Geordan Goebel
Deputy Attorney General
State of Nevada
Office of Attorney General
100 N. Carson St., Carson -

City, NV 89701.
STEVEN D. Grierson,
Clerk of the Court, 200
Lewis Ave. 3rd Floor, LV, NV
89155-1160

Signature A. Z. [Signature]

Print Name MIXON, Antonio
Ely State Prison
P.O. Box 1989
Ely, Nevada 89301-1989

AFFIRMATION PURSUANT TO NRS 239B.030

I, ANTONIO MIXON, NDOC# 1019828,

CERTIFY THAT I AM THE UNDERSIGNED INDIVIDUAL AND THAT THE
ATTACHED DOCUMENT ENTITLED Notice of Appeal

DOES NOT CONTAIN THE SOCIAL SECURITY NUMBER OF ANY
PERSONS, UNDER THE PAINS AND PENALTIES OF PERJURY.

DATED THIS 25th DAY OF APR, 2022.

SIGNATURE: A. Z. [Signature]

INMATE PRINTED NAME: Mixon, Antonio

INMATE NDOC # 1019828

INMATE ADDRESS: ELY STATE PRISON
P. O. BOX 1989
ELY, NV 89301

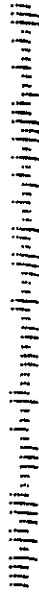
Antonia L. Mixon
Esp -1019828
P.O. Box 1989
ELY, NV 89301

LAS VEGAS NV 8910

27 APR 2022 PM 4 L

Steven D. Grierson
Clerk of the Court
200 Lewis Ave. 3rd Floor
LV, NV 89155-1160

000000-10158





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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 ANTONIO MIXON,

11 Plaintiff(s),

12 vs.

13 STATE OF NEVADA,

14 Defendant(s),
15

Case No: A-22-847754-W

Dept No: XIX

16
17 **CASE APPEAL STATEMENT**
18

19 1. Appellant(s): Antonio L. Mixon

20 2. Judge: Crystall Eller

21 3. Appellant(s): Antonio L. Mixon

22 Counsel:

23 Antonio L. Mixon #1019828
24 P.O. Box 1989
Ely, NV 89301-1989

25 4. Respondent (s): State of Nevada

26 Counsel:

27 Aaron D. Ford, Attorney General
28 555 E. Washington Ave., Ste. 3900
Las Vegas, NV 89101-1068

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: February 3, 2022

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 3 day of May 2022.

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: Antonio L. Mixon

CASE SUMMARY

CASE NO. A-22-847754-W

Antonio Mixon, Plaintiff(s)
vs.
State of Nevada, Defendant(s)

§
§
§
§
§

Location: Department 19
Judicial Officer: Eller, Crystal
Filed on: 02/03/2022
Cross-Reference Case Number: A847754

CASE INFORMATION

Related Cases

C-17-327439-1 (Writ Related Case)

Case Type: Writ of Habeas Corpus

Statistical Closures

04/06/2022 Involuntary Dismissal

Case Status: 04/06/2022 Dismissed

DATE

CASE ASSIGNMENT

Current Case Assignment

Case Number A-22-847754-W
Court Department 19
Date Assigned 02/03/2022
Judicial Officer Eller, Crystal

PARTY INFORMATION

Plaintiff **Mixon, Antonio**

Lead Attorneys

Pro Se

Defendant **State of Nevada**


Herr, Allison L.
Retained
702-486-3799(W)


DATE


EVENTS & ORDERS OF THE COURT


INDEX


EVENTS


02/03/2022  Inmate Filed - Petition for Writ of Habeas Corpus
Party: Plaintiff Mixon, Antonio
[1] Post Conviction

02/04/2022  Order for Petition for Writ of Habeas Corpus
[2] Order for Petition for Writ of Habeas Corpus

02/25/2022  Notice of Appearance
Party: Defendant State of Nevada
[3] Notice of Appearance for Respondent

02/25/2022  Notice of Association of Counsel
Filed By: Defendant State of Nevada
[4] Notice of Association of Counsel, for Respondent

02/28/2022  Order for Production of Inmate
[5] Order to Produce Inmate

03/21/2022  Notice of Appearance
Party: Defendant State of Nevada
[6] Notice of Association of Counsel for Respondents

CASE SUMMARY
CASE NO. A-22-847754-W

03/21/2022



Response

Filed by: Defendant State of Nevada; Respondent Office of the Attorney General
[7] Response to Habeas Corpus

04/06/2022



Decision and Order

[8] Decision and Order From the Hearing on March 24 222

04/11/2022



Notice of Entry of Order

[9] Notice of Entry of Order

05/03/2022



Notice of Appeal

[10] Notice of Appeal

05/03/2022



Case Appeal Statement

Case Appeal Statement

HEARINGS

03/24/2022



Petition for Writ of Habeas Corpus (11:00 AM) (Judicial Officer: Eller, Crystal)

Denied;

Journal Entry Details:

Parties appeared via BlueJeans. Arguments by Plaintiff Mixon. Mr. Goebel submitted. COURT stated its findings and ORDERED, Petition DENIED. Mr. Goebel to prepare the order.;

DISTRICT COURT CIVIL COVER SHEET

A-22-847754-W

Dept. 19

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): Antonio Mixon	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 Civil Writ <input checked="" type="checkbox"/> Writ of Habeas Corpus <input type="checkbox"/> Writ of Mandamus <input type="checkbox"/> Writ of Quo Warrant <input type="checkbox"/> Writ of Prohibition <input type="checkbox"/> Other Civil Writ		Other Civil Filing Other Civil Filing <input type="checkbox"/> Compromise of Minor's Claim <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Other Civil Matters

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

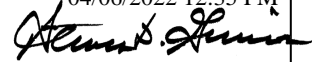
February 3, 2022

Date

PREPARED BY CLERK

Signature of initiating party or representative

See other side for family-related case filings.


CLERK OF THE COURT

1 **DAO**

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6 **DISTRICT COURT**
7 **CLARK COUNTY, NEVADA**

8 ANTONIO MIXON,

Case No. A-22-847754-W

9 Petitioner,

Dept. No. XIX

10 vs.

11 STATE OF NEVADA,

12 Respondent.

13 **DECISION AND ORDER FROM THE HEARING OF MARCH 24, 2022**

14 This matter having come before the Court on the 24th day of March, 2022; the Court having
15 reviewed Antonio Mixon's *Petition for Writ of Habeas* filed on February 3, 2022, and the response
16 thereto, both parties were present and the Court entertained oral argument, and makes its decision as
17 follows:

18 THE COURT FINDS that Antonio Mixon is currently incarcerated with the Nevada Department
19 of Corrections.

20 THE COURT FURTHER FINDS that Mixon is serving an aggregated sentence of 8 to 20 years
21 for voluntary manslaughter with use of a deadly weapon.

22 THE COURT FURTHER FINDS that in Case No. C-17-327439-1, pursuant to Mixon's guilty
23 plea agreement, the Eighth Judicial District Court adjudicated Mixon guilty of Attempt Possession Or
24 Control Of Dangerous Weapon Or Facsimile By An Incarcerated Person. The Court sentenced Mixon
25 to 12 months to 30 months.

26 THE COURT FURTHER FINDS that Mixon is alleging ineffective assistance of counsel
27 regarding his guilty plea.

28 ///

1 THE COURT FURTHER FINDS that Mixon filed his habeas petition on February 3, 2022. The
2 Nevada Supreme Court issued its remittitur on the Nevada Court of Appeals' affirmance of Mixon's
3 conviction on April 13, 2020. Mixon's current petition is untimely pursuant to NRS 34.726(1), having
4 been filed more than one year after the remittitur was issued on the Nevada Court of Appeals' affirmation
5 of his conviction. The Court denies Mixon's petition on this ground.

6 THE COURT FURTHER FINDS that even if Mixon's petition were considered on the merits,
7 his ineffective assistance of counsel claims does not substantiate a claim under the requirements of
8 *Strickland v. Washington*, 466 U.S. 668, 687 (1984).

9 THEREFORE, GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that Antonio Mixon'
10 petition for writ of habeas corpus is DENIED.

11 IT IS SO ORDERED this _____ day of _____, 2022.

12 Dated this 6th day of April, 2022

13 District Court Judge



14 Submitted by:

15 /s/ Geordan Goebel _____

16 Geordan Goebel

17 Deputy Attorney General

2BB 5C8 9949 0115

Crystal Eller

District Court Judge

1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 Antonio Mixon, Plaintiff(s)

CASE NO: A-22-847754-W

7 vs.

DEPT. NO. Department 19

8 State of Nevada, 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: 4/6/2022

15 Allison Herr

aherr@ag.nv.gov

16 Robert Whitney

rwhitney@ag.nv.gov

17 Marsha Landreth

mlandreth@ag.nv.gov

18 Rikki Garate

rgarate@ag.nv.gov

19 Cheryl Martinez

cjmartinez@ag.nv.gov

20 Geordan Goebel

ggoebel@ag.nv.gov

21 Amanda White

awhite@ag.nv.gov

22 Tiffany DiBari

tdibari@ag.nv.gov

23 Deanna Allegra

dallegra@ag.nv.gov

25

26

27

28



NEOJ

**DISTRICT COURT
CLARK COUNTY, NEVADA**

ANTONIO MIXON,

Petitioner,

Case No: A-22-847754-W

Dept. No: XIX

vs.

STATE OF NEVADA,

Respondent,

NOTICE OF ENTRY OF ORDER

PLEASE TAKE NOTICE that on April 6, 2022, 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 April 11, 2022.

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 April 2022, I served a copy of this Notice of Entry on the following:

☒ By e-mail:

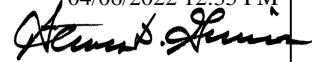
Clark County District Attorney's Office
Attorney General's Office – Appellate Division-

☒ The United States mail addressed as follows:

Antonio Mixon # 1019828
P.O. Box 1989
Ely, NV 89301

/s/ Amanda Hampton

Amanda Hampton, Deputy Clerk


CLERK OF THE COURT

1 **DAO**

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6 **DISTRICT COURT**
7 **CLARK COUNTY, NEVADA**

8 ANTONIO MIXON,

Case No. A-22-847754-W

9 Petitioner,

Dept. No. XIX

10 vs.

11 STATE OF NEVADA,

12 Respondent.

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9 THEREFORE, GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that Antonio Mixon'
10 petition for writ of habeas corpus is DENIED.

11 IT IS SO ORDERED this _____ day of _____, 2022.

12 Dated this 6th day of April, 2022

13 District Court Judge



14 Submitted by:

15 /s/ Geordan Goebel _____

16 Geordan Goebel

17 Deputy Attorney General

2BB 5C8 9949 0115

Crystal Eller

District Court Judge

1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 Antonio Mixon, Plaintiff(s)

CASE NO: A-22-847754-W

7 vs.

DEPT. NO. Department 19

8 State of Nevada, Defendant(s)

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23 Deanna Allegra

dallegra@ag.nv.gov

24
25
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27
28

A-22-847754-W Antonio Mixon, Plaintiff(s)
vs.
State of Nevada, Defendant(s)

March 24, 2022 11:00 AM Petition for Writ of Habeas Corpus

HEARD BY: Eller, Crystal **COURTROOM:** RJC Courtroom 05A

COURT CLERK: Moleres, Cynthia

RECORDER: Amoroso, Brittany

REPORTER:

PARTIES PRESENT:

Antonio Mixon Plaintiff

Geordan M Goebel Attorney for Respondent

JOURNAL ENTRIES

Parties appeared via BlueJeans.

Arguments by Plaintiff Mixon. Mr. Goebel submitted. COURT stated its findings and ORDERED, Petition DENIED. Mr. Goebel to prepare the order.

Certification of Copy

State of Nevada }
County of Clark } SS:

I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full and correct copy of the hereinafter stated original document(s):

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT
DOCKET ENTRIES; CIVIL COVER SHEET; DECISION AND ORDER FROM THE HEARING OF
MARCH 24, 2022; NOTICE OF ENTRY OF ORDER; DISTRICT COURT MINUTES

ANTONIO MIXON,

Plaintiff(s),

vs.

STATE OF NEVADA,

Defendant(s),

Case No: A-22-847754-W

Dept No: XIX

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 3 day of May 2022.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk