

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

Electronically Filed
02/01/2022

Elizabeth A. Brown
CLERK OF THE COURT

The Eighth Judicial District Court Electronically Filed
CLARK County, Nevada Feb 02 2022 03:46 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

Anthony O. Longstreet, SR.
Plaintiff/Petitioner

vs.

A-21-841927-W
CASE NUMBER

State of Nevada And WARDEN
of Ely State Prison
Respondent/Defendant

Notice of Appeal

Now come Petitioner, Anthony O. Longstreet, SR., In PROPRIA PERSONAL giving Notice of APPEAL FROM the ORDERED ENTERED on December 08, 2021 denying Petition FOR WRIT OF HABEAS CORPUS.

1) Petitioner: Anthony O. Longstreet, SR. #1242017 PRO-SE
Ely State Prison
P.O. Box 1989
Ely, Nevada 89301

2) Respondent: Ely State Prison WARDEN
P.O. Box 1989
Ely, Nevada 89301

KAREN Mishler #013730 Attorney For Respondent
Chief Deputy District Attorney
CLARK County District Attorney OFF.
P.O. Box 552212
LAS VEGAS, NEVADA 89155-2212

RECEIVED

JAN 10 2021

CLERK OF THE COURT

3) DATE HABEAS CORPUS Post-Conviction Petition WAS FILED: September 30, 2021

4) ISSUES Presented in HABEAS CORPUS Post-Conviction Petition:

ISSUE(S) 1) WAS Petitioner Longstreet Denied Effective Assistance of Counsel At sentencing when counsel Argued For Imprisonment when Evidence show that Petitioner MADE A Mistake And Accused the victim of TAKING his money off the counter.

2) Do NRS 194.010 (5) And (6) MANDATE Imprisonment As Punishment when AN Accuse make A Mistake From A delusion And AS A Result commit A CRIMINAL Offense without consciously thinking due to being under the influence OF Alcohol?

3) Is Rule 3.70 used to impede And Abridge Access to the Court in violation of the 14th Amendment of the United States Constitution when A defendant Attempt to File A Motion OR Petition In Propria Persona in AN Effort to Present Evidence in his Defense Pursuant to Title 42 U.S.C. § 1981(A) ???

4) Is Nevada Department of Corrections Prison Personnels using Administrative Rule 285(5)(A) And (5)(C) to impede And Abridge Access to the Law Library And the courts in violation of the 14th Amendment of the United States Constitution when A inmate Attempt to make legal copies of documents OR/And to use the mail Procedures to send out legal mail to the courts, Attornies, And Public And Law Enforcement Officials??

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

5) Petitioner Attempted to File A Reply Pursuant to NRCP, Rule 27(4) And Deputy CLERK ISSUED A Rule 3.70 letter to Petitioner And Refused to File Petitioner Reply And Routed Petitioner Reply And Appendix to the Clark County Public Defenders Office December 07, 2021 And Prevented the District Court Judge Cristina D. SILVA From Reviewing Petitioner Reply, December 08, 2021.
"There is NO Attorney Appointed on this CASE!!"

6) On December 08, 2021 the Petitioner was not allowed to appear at his hearing by "Closed-Circuit Television" and the Judge made a unfavorable ruling on the Habeas Corpus when she denied the petition and an evidentiary hearing.

7) Appeal is taken from the ruling made on December 08, 2021, to Nevada Court of Appeals for further review.

Respectfully Submitted

Anthony D. Longstreet, Sr.
Petitioner/Appellant



Received 12/13/2021.
Day before HEARING
HEARING date is 12/8/2021.

**EIGHTH JUDICIAL DISTRICT COURT
CLERK OF THE COURT**

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

Steven D. Grierson
Clerk of the Court

Anntoinette Naumec-Miller
Court Division Administrator

December 07, 2021

Attorney:	Public Defender Clark County Public Defender Attn: Shannon Phenix 309 S 3rd Street Suite #2 Las Vegas NV 89101 (702) 455-4685	Case Number:	C-20-348182-1
Defendant:	Anthony Odell Longstreet	Department:	Department 9

A-21-841927-W

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

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

...

Rule 3.70. Papers which May Not be Filed

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

Cordially yours,
DC Criminal Desk # 27
Deputy Clerk of the Court

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Writ of Habeas Corpus

COURT MINUTES

December 08, 2021

A-21-841927-W Anthony Longstreet, Plaintiff(s)
vs.
State of Nevada, Defendant(s)

**December 08, 2021 11:00 AM Petition for Writ of Habeas
Corpus**

HEARD BY: Silva, Cristina D. **COURTROOM:** RJC Courtroom 11B

COURT CLERK: Sharyne Suehiro

RECORDER: Gina Villani

PARTIES

PRESENT: Schifalacqua, Barbara Attorney for State

JOURNAL ENTRIES

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

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

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

NDC

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

Certificate of Service by Mail

Pursuant to NRCP, Rule 5(b)(1), I, Anthony O. Longstreet, SR, the Petitioner
and Appellant, hereby certify that I mailed a copy of the Attached
Notice of Appeal to the Following below on December 26, 2021 by
putting a copy in the Mailbox at Ely State Prison:

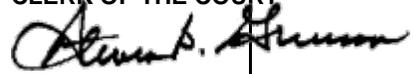
Chief Deputy KAREN Mishler
Clark County District Attorney Office
P.O. Box 552212
LAS VEGAS, NEVADA 89155-2212

To: Elizabeth A. Brown
Supreme Court of Nevada
201 S. Carson Street / Suite 201
Carson City, Nevada 89701-4702

Respectfully Submitted

Anthony O. Longstreet, SR.
PROSE Appellant

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



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7 **IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE**
8 **STATE OF NEVADA IN AND FOR**
9 **THE COUNTY OF CLARK**

10 ANTHONY ODELL LONGSTREET, SR.,

11 Plaintiff(s),

12 vs.

13 STATE OF NEVADA; ELY STATE PRISON
14 WARDEN WILLIAM GITTERE,

15 Defendant(s),

Case No: A-21-841927-W

Dept No: IX

16
17 **CASE APPEAL STATEMENT**
18

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

22 Counsel:

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

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

27 Counsel:

28 Steven B. Wolfson, District Attorney
200 Lewis Ave.

Las Vegas, NV 89155-2212

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**: Yes, October 05, 2021
***Expires 1 year from date filed*
Appellant Filed Application to Proceed in Forma Pauperis: N/A
Date Application(s) filed: N/A
9. Date Commenced in District Court: September 30, 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: Yes
Supreme Court Docket Number(s): N/A
12. Child Custody or Visitation: N/A
13. Possibility of Settlement: Unknown

Dated This 2 day of February 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: Anthony O. Longstreet, Sr.

EIGHTH JUDICIAL DISTRICT COURT

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

Anthony Longstreet, Plaintiff(s)
vs.
State of Nevada, Defendant(s)

§
§
§
§
§

Location: **Department 9**
 Judicial Officer: **Silva, Cristina D.**
 Filed on: **09/30/2021**
 Cross-Reference Case Number: **A841927**

CASE INFORMATION

Related Cases

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

Case Type: **Writ of Habeas Corpus**

Statistical Closures

01/10/2022 Summary Judgment

Case Status: **01/10/2022 Closed**

DATE

CASE ASSIGNMENT

Current Case Assignment

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

PARTY INFORMATION

Plaintiff

Longstreet, Anthony

Lead Attorneys

Pro Se

Defendant

Ely State Prison
State of Nevada

Wolfson, Steven B
Retained
 702-671-2700(W)

Warden William Gittere

DATE

EVENTS & ORDERS OF THE COURT

INDEX

EVENTS

- | | |
|------------|--|
| 09/30/2021 |  Inmate Filed - Petition for Writ of Habeas Corpus
Party: Plaintiff Longstreet, Anthony
<i>[1] Post Conviction</i> |
| 09/30/2021 |  Memorandum
Filed By: Plaintiff Longstreet, Anthony
<i>[2] Memorandum of Law In Support of Petition</i> |
| 09/30/2021 |  Application to Proceed in Forma Pauperis
Filed By: Plaintiff Longstreet, Anthony
<i>[3] Application to Proceed in Forma Pauperis</i> |
| 10/01/2021 |  Order for Petition for Writ of Habeas Corpus
<i>[4] Order For Petition For Writ of Habeas Corpus</i> |
| 10/05/2021 |  Order to Proceed In Forma Pauperis
<i>[5] Order to Proceed in Forma Pauperis</i> |

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

- 11/04/2021  Response
 Filed by: Defendant State of Nevada
[6] State's Response to Petitioner's Petition for Writ of Habeas Corpus (Post- Conviction)

- 01/06/2022  Notice of Appeal
[8] Notice of Appeal

- 01/06/2022  Motion
[9] Motion to Prepare Records for Appellate Court

- 01/10/2022  Order to Statistically Close Case
[7] Civil Order to Statistically Closed

- 01/31/2022  Case Appeal Statement
[10] Case Appeal Statement

- 02/01/2022  Motion
 Filed By: Plaintiff Longstreet, Anthony
[11] Motion to Prepare Records for Appellate Court

- 02/01/2022  Notice of Appeal
 Filed By: Plaintiff Longstreet, Anthony
[12] Notice of Appeal

- 02/02/2022  Case Appeal Statement
Case Appeal Statement

HEARINGS

- 12/08/2021  **Petition for Writ of Habeas Corpus (11:00 AM)** (Judicial Officer: Silva, Cristina D.)
 Denied;
 Journal Entry Details:
Defendant not present and in custody in the Nevada Department of Corrections; Deputy Attorney General Jaimie Stilz present. COURT STATED the Defendant makes a number of allegations in his Post-Conviction filing, as he claims to receive ineffective assistance of counsel, and argues substantive defenses such as involuntary intoxication, and further argues local rule EDCR 3.70. COURT STATED with regards to the ineffective assistance of counsel claim, for the reasons set forth in the State's Opposition, FINDS the Defendant did received effective assistance of counsel, and ORDERED, Petition DENIED IN PART. COURT STATED with regards to the involuntary intoxication and the argument of the local rule, FINDS those are not cognitive allegations and cannot be subject to habeas review, and ORDERED, Petition DENIED. COURT FURTHER STATED the Petitioner is challenging the conditions of their confinement, and this is not the proper mechanism to challenge the conditions of confinement in terms of a traditional habeas. COURT ADVISED if the Defendant wishes to challenge the conditions of his confinement, it must be done through a separate filing and done where the Defendant is currently confined. COURT ORDERED, Petition DENIED, the Court is incorporating the grounds pointed out by the State with regards to their order. Ms. Stilz informed the Court they wanted to make a record regarding the subpoena the Defendant filed, it was not properly filed, not properly served on the Attorney General's Office, adding the AG office is not a party in this case, and they will not be responding to the subpoena. COURT SO NOTED, adding since the Petition was denied today the subpoena is MOOT. COURT DIRECTED Defendant to file the proper mechanism to seeking post conviction relief, and if he is not entitled to post-conviction relief, the Defendant would need to seek leave of the Court in order to seek additional information, which was no done before filing the subpoena or the summons. NDC CLERK'S NOTE: A copy of this Minute Order has been mailed to: Anthony Longstreet #1242017, PO BOX 1989, Ely Nevada 89301; This Minute Order was prepared by listening to the JAVs recording. (12-10-2021 ks).;

DISTRICT COURT CIVIL COVER SHEET

A-21-841927-W

County, Nevada

Dept. 9

Case No. _____
(Assigned by Clerk's Office)

I. Party Information (provide both home and mailing addresses if different)

Plaintiff(s) (name/address/phone): Anthony Longstreet	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

<p>Real Property</p> <p>Landlord/Tenant</p> <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Other Landlord/Tenant <p>Title to Property</p> <input type="checkbox"/> Judicial Foreclosure <input type="checkbox"/> Other Title to Property <p>Other Real Property</p> <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property	<p>Negligence</p> <input type="checkbox"/> Auto <input type="checkbox"/> Premises Liability <input type="checkbox"/> Other Negligence <p>Malpractice</p> <input type="checkbox"/> Medical/Dental <input type="checkbox"/> Legal <input type="checkbox"/> Accounting <input type="checkbox"/> Other Malpractice	<p>Torts</p> <p>Other Torts</p> <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
<p>Probate</p> <p>Probate (select case type and estate value)</p> <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 <p>Estate Value</p> <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	<p>Construction Defect & Contract</p> <p>Construction Defect</p> <input type="checkbox"/> Chapter 40 <input type="checkbox"/> Other Construction Defect <p>Contract Case</p> <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	<p>Judicial Review/Appeal</p> <p>Judicial Review</p> <input type="checkbox"/> Foreclosure Mediation Case <input type="checkbox"/> Petition to Seal Records <input type="checkbox"/> Mental Competency <p>Nevada State Agency Appeal</p> <input type="checkbox"/> Department of Motor Vehicle <input type="checkbox"/> Worker's Compensation <input type="checkbox"/> Other Nevada State Agency <p>Appeal Other</p> <input type="checkbox"/> Appeal from Lower Court <input type="checkbox"/> Other Judicial Review/Appeal
<p>Civil Writ</p> <p>Civil Writ</p> <input checked="" type="checkbox"/> Writ of Habeas Corpus <input type="checkbox"/> Writ of Mandamus <input type="checkbox"/> Writ of Quo Warrant	<p>Civil Writ</p> <input type="checkbox"/> Writ of Prohibition <input type="checkbox"/> Other Civil Writ	<p>Other Civil Filing</p> <p>Other Civil Filing</p> <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.

September 30, 2021

Date

PREPARED BY CLERK

Signature of initiating party or representative

See other side for family-related case filings.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Writ of Habeas Corpus

COURT MINUTES

December 08, 2021

A-21-841927-W Anthony Longstreet, Plaintiff(s)
vs.
State of Nevada, Defendant(s)

**December 08, 2021 11:00 AM Petition for Writ of Habeas
Corpus**

HEARD BY: Silva, Cristina D. **COURTROOM:** RJC Courtroom 11B

COURT CLERK: Sharyne Suehiro

RECORDER: Gina Villani

PARTIES

PRESENT: Schifalacqua, Barbara Attorney for State

JOURNAL ENTRIES

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

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



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

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

DATE: February 2, 2022
CASE: A-21-841927-W

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

NOTICE OF APPEAL FILED: February 1, 2022

YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.

PLEASE NOTE: DOCUMENTS **NOT** TRANSMITTED HAVE BEEN MARKED:

- \$250 – Supreme Court Filing Fee (Make Check Payable to the Supreme Court)**
 - If the \$250 Supreme Court Filing Fee was not submitted along with the original Notice of Appeal, it must be mailed directly to the Supreme Court. The Supreme Court Filing Fee will not be forwarded by this office if submitted after the Notice of Appeal has been filed.
- \$24 – District Court Filing Fee (Make Check Payable to the District Court)**
- \$500 – Cost Bond on Appeal (Make Check Payable to the District Court)**
 - NRAP 7: Bond For Costs On Appeal in Civil Cases
 - *Previously paid Bonds are not transferable between appeals without an order of the District Court.*
- Case Appeal Statement
 - NRAP 3 (a)(1), Form 2
- Order
- Notice of Entry of Order

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

"The district court clerk must file appellant's notice of appeal despite perceived deficiencies in the notice, including the failure to pay the district court or Supreme Court filing fee. **The district court clerk shall apprise appellant of the deficiencies in writing**, and shall transmit the notice of appeal to the Supreme Court in accordance with subdivision (g) of this Rule with a notation to the clerk of the Supreme Court setting forth the deficiencies. Despite any deficiencies in the notice of appeal, the clerk of the Supreme Court shall docket the appeal in accordance with Rule 12."

Please refer to Rule 3 for an explanation of any possible deficiencies.

*****Per District Court Administrative Order 2012-01, in regards to civil litigants, "...all Orders to Appear in Forma Pauperis expire one year from the date of issuance." You must reapply for in Forma Pauperis status.***

Certification of Copy

State of Nevada }
County of Clark } SS:

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

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; DISTRICT COURT MINUTES; NOTICE OF DEFICIENCY

ANTHONY ODELL LONGSTREET, SR.,

Plaintiff(s),

vs.

STATE OF NEVADA; ELY STATE PRISON
WARDEN WILLIAM GITTERE,

Defendant(s),

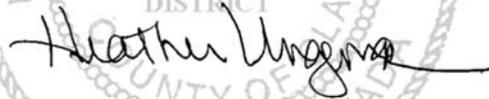
Case No: A-21-841927-W

Dept No: IX

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 2 day of February 2022.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk

