

1 IN THE SUPREME COURT OF THE STATE OF NEVADA

2 SHAWN TOSH HARTZELL,

Supreme Court No.: 84820

3 Appellant,

District Court No.: 21-10DC-0944

4 v.

Electronically Filed
Sep 01 2022 11:51 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

5 THE STATE OF NEVADA,

**RESPONSE TO ORDER TO
OBTAIN AND TRANSMIT
CERTIFIED COPY OF NOTICE
OF APPEAL LOG OR OTHER
LOG**

6 Respondents.
7

8
9 Pursuant to this Court's July 19, 2022 Order, Respondents have attempted to obtain
10 a certified copy of High Desert State Prison's Notice of Appeal Log. Upon investigation,
11 Respondents have determined a Notice of Appeal log was not maintained between July
12 2021 to July 2022. Therefore, there are no specific records to support or refute any
13 assertions regarding the date upon which Appellant delivered his notice of appeal for
14 mailing.

15 High Desert State Prison did maintain a Brass Slips log and mailing logs. *See*
16 Exhibit 1, *Custodian of Records Declaration*. However, Appellant's name does not appear
17 on these logs for the time period of May 2022 – June 2, 2022. *See id.* As such, Respondents

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1 are unable to verify what day Appellant submitted his notice of appeal.

2 DATED this 1st day of September, 2022.

3 AARON D. FORD
4 Attorney General

5 By: /s/ Jaimie Stilz
6 JAIMIE STILZ
7 Bar No. 13772
8 Deputy Attorney General
9 Office of the Nevada Attorney General
10 555 E. Washington Ave., Ste. 3900
11 Las Vegas, Nevada 89101
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Participants in the case who are registered with this Court's electronic filing system will receive notice that the document has been filed and is available on the court's electronic filing system.

Shawn Hartzell, #1255705
High Desert State Prison
P.O. Box 650
Indian Springs, NV 89070

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EXHIBIT 1

EXHIBIT 1

1 CUSTODIAN OF RECORDS DECLARATION

2

3 I, Dawn Bequette, being first duly sworn, declare as follows:

4 1. That I am the Law Librarian and custodian of records for the Law Library at Lovelock

5 Correctional Center.

6 2. That I received a request for a copy of the Notice of Appeal log and any other mailing

7 records pertaining to inmate Shawn Hartzell, NDOC #1255705.

8 3. That I examined the original of the Notice of Appeal log, Brass Slip log, and the incoming

9 and outgoing mail logs for the time period May 2022 through June 2, 2022 and did not find any entries

10 for this inmate on any of those logs.

11 I declare under penalty of perjury under the laws of the State of Nevada (NRS 53.045),¹ that the

12 foregoing is true and correct.

13 Dated this 31st day of August, 2022.

14 /s/ 

15 Dawn Bequette, Declarant

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27 ¹ NRS 53.045 Use of unsworn declaration in lieu of affidavit or other sworn declaration. Any matter

28 whose existence or truth may be established by an affidavit or other sworn declaration may be established with the same effect by an unsworn declaration of its existence or truth signed by the declarant under penalty of perjury, and dated, in substantially the following form.