

**IN THE SUPREME COURT OF THE STATE OF NEVADA**

DAVID ROY ABBOTT,

Appellant,

v.

THE STATE OF NEVADA,

Respondent.

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DAVID ROY ABBOTT,

Appellant,

v.

THE STATE OF NEVADA,

Respondent.

Electronically Filed  
Aug 01 2022 12:07 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

Case No. 84873

**RESPONSE TO COURT ORDER**

The Office of the Attorney General respectfully responds to this Court's Order filed June 20, 2022, to provide "certified copies of the notice of appeal log maintained at the prison indicating the actual date upon which appellant delivered to a prison official his notices of appeal." Order at 2.

Filed simultaneously herewith is the Declaration of Kheila Brice, the Law Library Supervisor for the Southern Desert Correctional Center (SDCC), who maintains the notice of appeal log at SDCC as part of her regular duties. Exhibit 1. Ms. Brice obtained a copy of the notice of appeal log for the months of April and May 2022 in response to a request from the Nevada Attorney General's Office, which reflect that the last time an inmate logged an appeal through the law library

was in March of 2021. A copy of the “Notice of Appeal Log,” redacted to conceal other inmate’s identifying information, is attached to Ms. Brice’s Declaration.

Ms. Brice also coordinated with the mailroom at SDCC to search for any records of incoming/outgoing mail receipts for Mr. Abbott for the months of for April and May 2022. Attached to her declaration is a true and accurate copy of an executed receipt for incoming mail slip signed by inmate David Roy Abbott, NDOC # 81673 on 5/16/22. No other Outgoing and/or Incoming mail receipts were found by the mailroom for this inmate during this time frame.

This response will serve as full compliance with this Court’s June 20, 2022 order.

RESPECTFULLY SUBMITTED this 1st day of August, 2022.

AARON D. FORD  
Attorney General

By: /s/ Sheryl Serreze  
SHERYL SERREZE (Bar No. 12864)  
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## **CERTIFICATE OF SERVICE**

I certify that I am an employee of the Office of the Attorney General and that on this 1st day of August, 2022, I caused to be deposited for mailing a true and correct copy of the foregoing, **RESPONSE TO COURT ORDER**, to the following:

David Abbott #81673  
Southern Desert Correctional Center  
P.O. Box 208  
Indian Springs, NV 89018

/s/ Amanda White

# EXHIBIT 1

# EXHIBIT 1

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

DAVID ROY ABBOTT,  
Appellant,  
v.  
THE STATE OF NEVADA,  
Respondent.

Case No. 84872

DAVID ROY ABBOTT,  
Appellant,  
v.  
THE STATE OF NEVADA,  
Respondent.

Case No. 84873

**DECLARATION OF KHEILA BRICE  
LAW LIBRARY SUPERVISOR**

I, KHEILA BRICE, being first duly sworn, depose and state under penalty of perjury, as follows:

1. I am employed by the Southern Desert Correctional Center (SDCC), and the law library supervisor.
2. As part of my duties, I have knowledge of the log procedures for notices of appeal and legal mail.
3. If an inmate indicates that outgoing mail contains a notice of appeal, I have the inmate enter their information on the "Notice of Appeal Log" on the date that the mail is presented for posting.
4. At the request of the Office of the Attorney General, I examined the SDCC "Notice of Appeal Log" for the months of for April and May 2022.

5. Inmate David Roy Abbott, NDOC # 81673, does not appear on that log, a true and accurate copy of which is attached hereto as Exhibit "A", redacted to remove another inmate's personal information.

6. In fact, no inmate has executed the SDCC Law Library "Notice of Appeal Log" since 3/22/2021.


7. SDCC Law Library does not otherwise maintain Outgoing and/or Incoming Legal Mail Logs.

8. At the request of my supervisors, I also coordinated with the mailroom to search for any records of incoming/outgoing mail receipts for this inmate for the months of for April and May 2022.

9. Attached hereto as Exhibit "B" is a true and accurate copy of an executed receipt for incoming mail slip signed by inmate David Roy Abbott, NDOC # 81673 on 5/16/22. I am informed that no other Outgoing and/or Incoming mail receipts were found by the mailroom.

Pursuant to NRS 53.045, Declarant herein certifies, under penalty of perjury, that the foregoing is true and correct.

Executed this 21 day of July 2022.

  
\_\_\_\_\_  
KHEILA BRICE  
Law Library Supervisor  
Administrative Assistant IV

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This image shows a blank, aged, cream-colored page, likely an endpaper or flyleaf of a book. The paper has a slightly textured appearance with some minor discoloration and faint smudges, characteristic of old paper. The left edge of the page shows the binding of the book, and the overall tone is warm and off-white.