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Elizabeth A. Brown
Clerk of Supreme Court

*Attorneys for Respondent/Cross-Appellants Nevada Department
of Corrections (NDOC), State of Nevada,
Charles Daniels, Tim Garrett, and Carter Potter*

DISTRICT COURT

CLARK COUNTY, NEVADA

BRYAN BONHAM,

Plaintiff,

v.

STATE OF NEVADA *ex rel.* NEVADA
DEPARTMENT OF CORRECTIONS,
CHARLES DANIELS, TIM GARRETT, and
CARTER POTTER

Defendants.

Supreme Court Case No. 86217

Case No. A-20-823142-C

Dept. No. 29

CASE APPEAL STATEMENT

1. Cross-Appellants Nevada Department of Corrections (NDOC), State of Nevada, Charles Daniels, Tim Garrett, and Carter Potter are filing this statement.
2. Honorable Michael Cherry, Senior District Court Judge, Eighth Judicial District, entered the order or judgment on appeal.
3. Cross-Appellants NDOC, State of Nevada, Charles Daniels, Tim Garrett, and Carter Potter are represented by Samuel L. Pezone, Jr., Deputy Attorney General, whose address is: State of Nevada, Office of the Attorney General, 555 E. Washington Ave., Ste. 3900, Las Vegas, Nevada 89101.
4. Cross-Respondent Bryan Bonham, High Desert State Prison, P.O. Box 650, Indian Springs, NV 89070, is appearing *pro se*.

5. Attorney for Cross-Appellants is licensed to practice law in Nevada. Cross-Respondent is not represented by counsel.
6. Cross-Appellant was not represented by appointed or retained counsel in the District Court.
7. Cross-Appellant is not represented by appointed or retained Counsel on Appeal.
8. Cross-Appellant was not granted leave to proceed in forma pauperis.
9. The action commenced in the District Court on October 15, 2020.
10. This action involves federal claims, under 42 U.S.C. §1983, by Bryan Bonham, an inmate lawfully incarcerated, against NDOC and its employees for alleged improper deductions from his inmate account in the amount of \$10-20 to pay outstanding postage debt. Summary Judgment was granted in favor of Cross-Respondents, Bonham appealed, and the Nevada Court of Appeals affirmed in part and remanded only for the District Court to determine whether Bonham had stated any state law claim under the notice pleading standard. The matter was briefed, and the District Court held an evidentiary hearing on February 13, 2023. Cross-Appellants appeal the District Court's subsequent Findings of Fact, Conclusions of Law and Judgement, entered on February 16, 2023, entering judgement in favor of Bonham in the amount of \$16.
11. This case was the was the subject of an appeal to the Nevada Supreme Court as follows: *Bonham v. State, et al.*, Case No. 83458; *Bonham v. State, et al.*, Case No. 83033; *Bonham v. State, et al.*, Case No. 82800; *Bonham v. State, et al.*, Case No. 86114.
12. This appeal does not involve child custody or visitation.

1 13. The possibility of settlement in this civil case is unlikely, but Cross-Respondent
2 would be willing to explore settlement.

3 DATED this 30th day of March, 2023.

4 AARON D. FORD
Attorney General

5 By: /s/ Samuel L. Pezone, Jr.
6 SAMUEL L. PEZONE, JR. (No. 15978)
7 Deputy Attorney General
8 *Attorneys for Defendants*
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CERTIFICATE OF SERVICE

I certify that I am an employee of the State of Nevada, Office of the Attorney General, and that on March 30, 2023, I electronically filed the foregoing **CASE APPEAL STATEMENT** via this Court's electronic filing system. Parties who are registered with this Court's electronic filing system will be served electronically. For those parties not registered, service was made by mailing a copy at Las Vegas, Nevada, addressed to the following:

Bryan Bonham, #60575
High Desert State Prison
P.O. Box 650
Indian Springs, NV 89070
Plaintiff, Pro Se

/s/ Jennifer N. Briones
Jennifer N. Briones, an employee of the
Office of the Nevada Attorney General