

Electronically Filed
05/05/2023

Heather A. Brown
CLERK OF THE COURT

Mack Mason

(Name)

69060

(I.D. No.)

Northern Nevada Correctional Center
Post Office Box 7000
Carson City, Nevada 89702

Electronically Filed
May 12 2023 08:34 AM
Elizabeth A. Brown
Clerk of Supreme Court

IN THE Eighth JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF Clark

Mack Mason

Petitioner/Plaintiff,

vs.

State of Nevada

Respondent/Defendant

Case No.: A-22-862342-W
(99C161426)

Dept. No. XII

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN that I, Mack Mason appeal the
Judgment / Order entered on the 5th day of April, 20 23 by this
court.

Dated this 27th day of April, 20 23.

Mack Mason

(Signature)

RECEIVED

MAY 04 2023

CLERK OF THE COURT

CERTIFICATE OF SERVICE BY MAIL

Pursuant to NRCP Rule 5(b), I hereby certify that I am the Defendant named herein and that on this 27th day of April, 2023 I mailed a true and correct copy of the foregoing NOTICE OF APPEAL to the following:

Clark County District Attorney

200 Lewis Ave

Las Vegas, NV. 89155

Mark Mason

(Signature)

AFFIRMATION PURSUANT TO NRS 239B.030

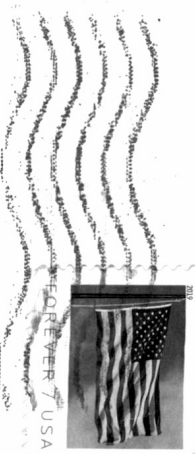
** I certify that the foregoing document DOES NOT contain the social security number of any persons.

April 27, 2023
(Date)

Mark Mason
(Signature)

Mack Mason 69660
P.O. Box 7000
C.C., NV. 89702

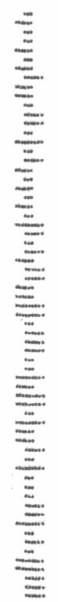
RENO NV 895
02 MAY 2003 PM 2 L



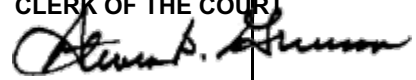
Clerk
Eighth District Ct
200 Lewis Ave
Las Vegas, NV. 89155

LEGAL MAIL
CONFIDENTIAL

891018300



LEGAL MAIL
CONFIDENTIAL



ASTA

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

MACK MASON,

Plaintiff(s),

vs.

WARDEN FRAZIER, NNCC; STATE OF
NEVADA,

Defendant(s),

Case No: A-22-862342-W

Dept No: XII

CASE APPEAL STATEMENT

1. Appellant(s): Mack Mason

2. Judge: Michelle Leavitt

3. Appellant(s): Mack Mason

Counsel:

Mack Mason #69060
P.O. Box 7000
Carson City, NV 89702

4. Respondent (s): Warden Frazier, NNCC; State of Nevada

Counsel:

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**: 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: December 9, 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 10 day of May 2023.

Steven D. Grierson, Clerk of the Court

/s/ Amanda Hampton

Amanda Hampton, Deputy Clerk
200 Lewis Ave
PO Box 551601
Las Vegas, Nevada 89155-1601
(702) 671-0512

cc: Mack Mason

Heather S. Lemin
CLERK OF THE COURT

Mack Mason, 69060
Northern Nevada Correctional Center
P.O. Box 7000
Carson City, Nevada 89702
Appellant, In Proper Person

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

Mack Mason

Appellant,

Vs.

State of Nevada

Respondent.

CASE No. A-22-862342-W

DEPT. No. XII

Dkt. No. _____

DESIGNATION OF RECORD ON APPEAL

Please take notice that Mack Mason, Appellant, and in his proper person, hereby files this Designation of Record on Appeal in the above entitled action, pursuant to NRAP 10(b); and respectfully herein asks this Honorable Court to designate the record on appeal, to be certified by the Clerk of the District Court and transcribed to the Clerk of the Nevada Court of Appeals: All motions, pleadings, judgments and transcripts.

DATED this 27th day of April, 2023

RESPECTFULLY SUBMITTED,

Mack Mason
Appellant, In Propria Persona

Mack Mason 69666
P.O. Box 700
C.C., NV. 89702

RENO NV 895

02 MAY 2023 PM 2 L

FOREVER / USA



Clerk
Eighth District Ct
200 Lewis Ave
Las Vegas, NV. 89155

LEGAL MAIL
CONFIDENTIAL

8910182300



LEGAL MAIL
CONFIDENTIAL

CASE SUMMARY

CASE NO. A-22-862342-W

Mack Mason, Plaintiff(s)
vs.
Warden Frzier, NNCC, Defendant(s)

§
§
§
§
§

Location: **Department 12**
 Judicial Officer: **Leavitt, Michelle**
 Filed on: **12/09/2022**
 Cross-Reference Case Number: **A862342**

CASE INFORMATION

Related Cases

99C161426 (Writ Related Case)

Case Type: **Writ of Habeas Corpus**

Statistical Closures

04/05/2023 Other Manner of Disposition

Case Status: **04/05/2023 Closed**

DATE

CASE ASSIGNMENT

Current Case Assignment

Case Number A-22-862342-W
 Court Department 12
 Date Assigned 12/09/2022
 Judicial Officer Leavitt, Michelle

PARTY INFORMATION

Plaintiff

Mason, Mack

Pro Se

Defendant







State of Nevada
Warden Frzier, NNCC

DATE

EVENTS & ORDERS OF THE COURT

INDEX

EVENTS

| | |
|------------|---|
| 12/09/2022 |  Inmate Filed - Petition for Writ of Habeas Corpus Party: Plaintiff Mason, Mack [1] Post Conviction |
| 04/05/2023 |  Findings of Fact, Conclusions of Law and Order Filed By: Plaintiff Mason, Mack [2] Findings of Fact, Conclusions of Law and Order |
| 04/12/2023 |  Notice of Entry of Findings of Fact, Conclusions of Law [3] Notice of Entry of Findings of Fact, Conclusions of Law and Order |
| 05/05/2023 |  Notice of Appeal Filed By: Plaintiff Mason, Mack [4] Notice of Appeal |
| 05/05/2023 |  Designation of Record on Appeal Filed By: Plaintiff Mason, Mack [5] Designation of Record on Appeal |
| 05/10/2023 |  Case Appeal Statement [6] Case Appeal Statement |

CASE SUMMARY

CASE NO. A-22-862342-W

HEARINGS

03/15/2023



Minute Order (2:14 PM) (Judicial Officer: Leavitt, Michelle)

Minute Order - No Hearing Held; Petition for Writ of Habeas Corpus

Journal Entry Details:

The court having reviewed the Petition filed in this matter has determined a response is not necessary. The instant petition is untimely, having been filed over nineteen years subsequent to the remittitur issued affirming the petitioners judgment of conviction on September 3, 2002. Petitioner failed to establish or even address in the instant petition good cause and prejudice for filing the untimely petition. Further, the instant petition is also a successive petition, as this is the fourth Petition for Writ of Habeas Corpus (Post- Conviction) filed by petitioner. The instant petition contends his PSI prepared in this matter is not based on any standards founded upon objective criteria. Clearly, the instant claim could have been brought in one of petitioner s three previous petitions, and therefore, is an abuse of the writ. Based on the foregoing the petition is denied and Mr. Alex Chen, Esq. is to prepare the Findings of Fact and Conclusions of Law consistent with the court s order. CLERK'S NOTE: A copy of the Minute Order has been distributed to: Alexander.Chen@clarkcountynyda.com MACK MASON ID # 69060 NORTHERN NEVADA CORRECTIONAL CENTER POST OFFICE BOX 7000 CARSON CITY, NEVADA 89702-7000 bi/03/15/2023 ;

DISTRICT COURT CIVIL COVER SHEET

A-22-862342-W

Dept. 12

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): Mack Mason | Defendant(s) (name/address/phone): Warden Frazier, NNCC |
| 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.

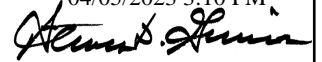
December 9, 2022

PREPARED BY CLERK

Date

Signature of initiating party or representative

See other side for family-related case filings.


CLERK OF THE COURT

FFCO
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
ALEXANDER CHEN
Chief Deputy District Attorney
Nevada Bar #010539
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

MACK MASON,

Petitioner,

-vs-

THE STATE OF NEVADA,

Respondent.

CASE NO: A-22-862342-W
(99C161426)
DEPT NO: XII

**FINDINGS OF FACT, CONCLUSIONS OF
LAW AND ORDER**

DATE OF HEARING: MARCH 15, 2023
TIME OF HEARING: 2:14 PM

THIS CAUSE having been decided before the Honorable Michelle Leavitt, District Judge, pursuant to a Minute Order issued on the 15th of March, 2023, the Petitioner not being present, the Respondent, also not present, being represented by STEVEN B. WOLFSON, Clark County District Attorney, by and through Alexander Chen, Chief Deputy District Attorney, and the Court having considered the procedural history of this matter, the Court makes the following findings of fact and conclusions of law:

FINDINGS OF FACT

The instant petition is untimely, having been filed over nineteen years subsequent to the remittitur issued affirming the petitioner's judgment of conviction on September 3, 2002. Petitioner has failed to establish or even address in the instant petition good cause and prejudice for filing the untimely petition.

1 **CONCLUSIONS OF LAW**

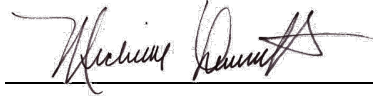
2 The State is not required to respond to this untimely petition because Petitioner has not
3 shown good cause and prejudice as to why this court should entertain his petition over nineteen
4 years after remittitur issued.

5 The instant petition is also a successive petition, as this is the fourth Petition for Writ
6 of Habeas Corpus (Post-Conviction) filed by petitioner. The instant petition contends that his
7 PSI prepared in this matter is not based on any standards founded upon objective criteria.
8 Clearly, the instant claim could have been brought up in one of petitioner's three previous
9 petitions, and therefore, is an abuse of the writ.

10 **ORDER**

11 THEREFORE, IT IS HEREBY ORDERED that the Petition for Post-Conviction Relief
12 shall be, and it is, hereby denied.

13 Dated this 5th day of April, 2023

14 
15 _____

16 STEVEN B. WOLFSON
17 Clark County District Attorney
Nevada Bar #1565

D08 D61 930C 9F01
Michelle Leavitt
District Court Judge

18 BY /s/ ALEXANDER CHEN
19 ALEXANDER CHEN
20 Chief Deputy District Attorney
Nevada Bar #010539

21
22
23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

1 CERTIFICATE OF MAILING

2 I hereby certify that service of the above and foregoing was made this 5th day of April
3 2023, by depositing a copy in the U.S. Mail, postage pre-paid, addressed to:

4 MACK MASON, BAC #69060
5 NORTHERN NEVADA CORRECTIONAL CENTER
6 P. O. BOX 7000
7 CARSON CITY, NEVADA 89702

8 BY /s/ Janet Hayes
9 Secretary for the District Attorney's Office

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28 99F07347X/AC/hb/jh/MVU

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 Mack Mason, Plaintiff(s)

CASE NO: A-22-862342-W

7 vs.

DEPT. NO. Department 12

8 Warden Frzier, NNCC,
9 Defendant(s)

10
11 **AUTOMATED CERTIFICATE OF SERVICE**

12 Electronic service was attempted through the Eighth Judicial District Court's
13 electronic filing system, but there were no registered users on the case. The filer has been
14 notified to serve all parties by traditional means.
15
16
17
18
19
20
21
22
23
24
25
26
27
28



1 NEFF

2 **DISTRICT COURT**
3 **CLARK COUNTY, NEVADA**

4
5 MACK MASON,

6 Petitioner,

Case No: A-22-862342-W

Dept No: XII

7 vs.

8 WARDEN FRZIER, NNCC,

9 Respondent,

**NOTICE OF ENTRY OF FINDINGS OF FACT,
CONCLUSIONS OF LAW AND ORDER**

10
11 **PLEASE TAKE NOTICE** that on April 5, 2023, the court entered a decision or order in this matter, a true
12 and correct copy of which is attached to this notice.

13 You may appeal to the Supreme Court from the decision or order of this court. If you wish to appeal, you
14 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 12, 2023.

15 STEVEN D. GRIERSON, CLERK OF THE COURT

16 /s/ Amanda Hampton

17 Amanda Hampton, Deputy Clerk

18
19 **CERTIFICATE OF E-SERVICE / MAILING**

20 I hereby certify that on this 12 day of April 2023, I served a copy of this Notice of Entry on the following:

21 ☒ By e-mail:

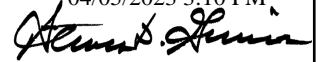
22 Clark County District Attorney's Office
23 Attorney General's Office – Appellate Division-

24 ☒ The United States mail addressed as follows:

25 Mack Mason # 69060
26 P.O. Box 7000
27 Carson City, NV 89702

28 /s/ Amanda Hampton

Amanda Hampton, Deputy Clerk


CLERK OF THE COURT

FFCO
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
ALEXANDER CHEN
Chief Deputy District Attorney
Nevada Bar #010539
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

MACK MASON,

Petitioner,

-vs-

THE STATE OF NEVADA,

Respondent.

CASE NO: A-22-862342-W
(99C161426)
DEPT NO: XII

**FINDINGS OF FACT, CONCLUSIONS OF
LAW AND ORDER**

DATE OF HEARING: MARCH 15, 2023
TIME OF HEARING: 2:14 PM

THIS CAUSE having been decided before the Honorable Michelle Leavitt, District Judge, pursuant to a Minute Order issued on the 15th of March, 2023, the Petitioner not being present, the Respondent, also not present, being represented by STEVEN B. WOLFSON, Clark County District Attorney, by and through Alexander Chen, Chief Deputy District Attorney, and the Court having considered the procedural history of this matter, the Court makes the following findings of fact and conclusions of law:

FINDINGS OF FACT

The instant petition is untimely, having been filed over nineteen years subsequent to the remittitur issued affirming the petitioner's judgment of conviction on September 3, 2002. Petitioner has failed to establish or even address in the instant petition good cause and prejudice for filing the untimely petition.

1 **CONCLUSIONS OF LAW**

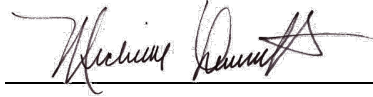
2 The State is not required to respond to this untimely petition because Petitioner has not
3 shown good cause and prejudice as to why this court should entertain his petition over nineteen
4 years after remittitur issued.

5 The instant petition is also a successive petition, as this is the fourth Petition for Writ
6 of Habeas Corpus (Post-Conviction) filed by petitioner. The instant petition contends that his
7 PSI prepared in this matter is not based on any standards founded upon objective criteria.
8 Clearly, the instant claim could have been brought up in one of petitioner's three previous
9 petitions, and therefore, is an abuse of the writ.

10 **ORDER**

11 THEREFORE, IT IS HEREBY ORDERED that the Petition for Post-Conviction Relief
12 shall be, and it is, hereby denied.

13 Dated this 5th day of April, 2023

14 
15 _____

16 STEVEN B. WOLFSON
17 Clark County District Attorney
Nevada Bar #1565

D08 D61 930C 9F01
Michelle Leavitt
District Court Judge

18 BY /s/ ALEXANDER CHEN
19 ALEXANDER CHEN
20 Chief Deputy District Attorney
Nevada Bar #010539

21
22
23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

1 CERTIFICATE OF MAILING

2 I hereby certify that service of the above and foregoing was made this 5th day of April
3 2023, by depositing a copy in the U.S. Mail, postage pre-paid, addressed to:

4 MACK MASON, BAC #69060
5 NORTHERN NEVADA CORRECTIONAL CENTER
6 P. O. BOX 7000
7 CARSON CITY, NEVADA 89702

8 BY /s/ Janet Hayes
9 Secretary for the District Attorney's Office
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

28 99F07347X/AC/hb/jh/MVU

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 Mack Mason, Plaintiff(s)

CASE NO: A-22-862342-W

7 vs.

DEPT. NO. Department 12

8 Warden Frzier, NNCC,
9 Defendant(s)

10
11 **AUTOMATED CERTIFICATE OF SERVICE**

12 Electronic service was attempted through the Eighth Judicial District Court's
13 electronic filing system, but there were no registered users on the case. The filer has been
14 notified to serve all parties by traditional means.
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**DISTRICT COURT
CLARK COUNTY, NEVADA****Writ of Habeas Corpus****COURT MINUTES****March 15, 2023**

A-22-862342-W Mack Mason, Plaintiff(s)
vs.
Warden Frzier, NNCC, Defendant(s)

March 15, 2023 2:14 PM Minute Order Petition for Writ of Habeas Corpus

HEARD BY: Leavitt, Michelle**COURTROOM:** Chambers**COURT CLERK:** Haly Pannullo
Brittini Imaa**RECORDER:****REPORTER:****PARTIES
PRESENT:****JOURNAL ENTRIES**

- The court having reviewed the Petition filed in this matter has determined a response is not necessary. The instant petition is untimely, having been filed over nineteen years subsequent to the remittitur issued affirming the petitioners judgment of conviction on September 3, 2002. Petitioner failed to establish or even address in the instant petition good cause and prejudice for filing the untimely petition.

Further, the instant petition is also a successive petition, as this is the fourth Petition for Writ of Habeas Corpus (Post- Conviction) filed by petitioner. The instant petition contends his PSI prepared in this matter is not based on any standards founded upon objective criteria. Clearly, the instant claim could have been brought in one of petitioner s three previous petitions, and therefore, is an abuse of the writ.

Based on the foregoing the petition is denied and Mr. Alex Chen, Esq. is to prepare the Findings of Fact and Conclusions of Law consistent with the court s order.

CLERK'S NOTE: A copy of the Minute Order has been distributed to:

Alexander.Chen@clarkcountyda.com

MACK MASON ID # 69060
NORTHERN NEVADA CORRECTIONAL CENTER
POST OFFICE BOX 7000
CARSON CITY, NEVADA 89702-7000 bi/03/15/2023

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; DESIGNATION OF RECORD ON APPEAL; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER; NOTICE OF ENTRY OF FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER; DISTRICT COURT MINUTES

MACK MASON,

Plaintiff(s),

vs.

WARDEN FRAZIER, NNCC; STATE OF NEVADA,

Defendant(s),

Case No: A-22-862342-W

Dept No: XII

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 10 day of May 2023.

Steven D. Grierson, Clerk of the Court



Amanda Hampton, Deputy Clerk

