

Steven D. Grierson

1 Barry Harris #95363

2 H.D.S.P

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DISTRICT COURT

CLARK COUNTY, NEVADA

Electronically Filed
Oct 09 2023 08:52 AM
Elizabeth A. Brown
Clerk of Supreme Court

BARRY HARRIS,

petitioner

CASE NO: A-23-872052-W

VS.

STATE OF NEVADA

Respondent

Dept No. 32

"MOTION FOR NOTICE OF APPEAL"

Comes now Petitioner, Barry Harris moves

This honorable court today on a motion

for notice of an appeal. This motion is

made on and base on fundamental fairness

and the interest of justice and all papers,

documents herein on file. IN THIS case.

Dated 26, Day of September, 2023

by Barry Harris #95363

P.O. BOX 650

INDIAN SPRINGS, NV 89400

Docket 87406 Document 2023-32854

BARRY HARRIS # 85363
P.O. BOX 650
INDIAN SPRINGS, NV 89070

RECEIVED

OCT 02 2023

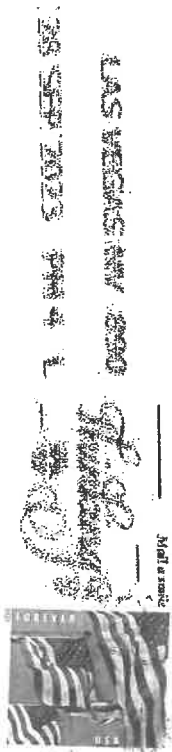
CLERK OF THE COURT

LEGAL
MAIL

89101-630000



STEVEN D. GRIERSON
200 LEWIS AVENUE, 3RD. FLOOR
LAS VEGAS, NEVADA 89155





ASTA

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

BARRY HARRIS,

Plaintiff(s),

vs.

STATE OF NEVADA,

Defendant(s),

Case No: A-23-872052-W

Dept No: XXXII

CASE APPEAL STATEMENT

1. Appellant(s): Barry Harris

2. Judge: Christy Craig

3. Appellant(s): Barry Harris

Counsel:

Barry Harris #95363
P.O. Box 650
Indian Springs, NV 89070

4. Respondent (s): State of Nevada

Counsel:

Aaron D. Ford, Attorney General
555 E. Washington Ave., Ste. 3900
Las Vegas, NV 89101-1068

1 5. Appellant(s)'s Attorney Licensed in Nevada: N/A
2 Permission Granted: N/A

3 Respondent(s)'s Attorney Licensed in Nevada: Yes
4 Permission Granted: N/A

5 6. Has Appellant Ever Been Represented by Appointed Counsel In District Court: No

6 7. Appellant Represented by Appointed Counsel On Appeal: N/A

7 8. Appellant Granted Leave to Proceed in Forma Pauperis**: N/A
8 **Expires 1 year from date filed
9 Appellant Filed Application to Proceed in Forma Pauperis: No
10 Date Application(s) filed: N/A

11 9. Date Commenced in District Court: June 8, 2023

12 10. Brief Description of the Nature of the Action: Civil Writ

13 Type of Judgment or Order Being Appealed: Unknown

14 11. Previous Appeal: No

15 Supreme Court Docket Number(s): N/A

16 12. Child Custody or Visitation: N/A

17 13. Possibility of Settlement: Unknown

18 Dated This 5 day of October 2023.

19 Steven D. Grierson, Clerk of the Court

20
21 /s/ Cierra Borum

22 Cierra Borum, Deputy Clerk
23 200 Lewis Ave
24 PO Box 551601
25 Las Vegas, Nevada 89155-1601
26 (702) 671-0512

27 cc: Barry Harris
28

CASE SUMMARY

CASE NO. A-23-872052-W

Barry Harris, Plaintiff(s)
vs.
State of Nevada, Defendant(s)

§
§
§
§
§
§

Location: **Department 32**
Judicial Officer: **Craig, Christy**
Filed on: **06/08/2023**
Cross-Reference Case Number: **A872052**
Defendant's Scope ID #: **1946231**

CASE INFORMATION

Related Cases
C-22-365580-1 (Writ Related Case)

Case Type: **Writ of Habeas Corpus**

Statistical Closures
09/19/2023 Involuntary Dismissal

Case Status: **09/19/2023 Dismissed**

DATE

CASE ASSIGNMENT

Current Case Assignment

Case Number A-23-872052-W
Court Department 32
Date Assigned 06/08/2023
Judicial Officer Craig, Christy

PARTY INFORMATION

Plaintiff **Harris, Barry**

Lead Attorneys

Pro Se

Defendant **State of Nevada**







Gold, Erica
Retained
7023839901(W)

DATE

EVENTS & ORDERS OF THE COURT

INDEX

EVENTS

06/08/2023	 Inmate Filed - Petition for Writ of Habeas Corpus Party: Plaintiff Harris, Barry [1] Post Conviction
06/08/2023	 Application to Proceed in Forma Pauperis Filed By: Plaintiff Harris, Barry [2] Application to Proceed in Forma Pauperis
06/09/2023	 Order for Petition for Writ of Habeas Corpus [3] Order for Petition for Writ of Habeas Corpus
06/28/2023	 Order for Production of Inmate [4] Transport Order
07/13/2023	 Order for Production of Inmate [5] Order For Transportation Of Inmate For Court Appearance Or, In The ALternative, For Appearance By Telephone Or Video Conference
07/20/2023	 Motion to Dismiss Filed By: Defendant State of Nevada

CASE SUMMARY

CASE NO. A-23-872052-W

[6] Motion to Dismiss Petition for Writ of Habeas Corpus

07/24/2023



Clerk's Notice of Hearing

[7] Notice of Hearing

08/09/2023



Opposition

[8] Petitioner Opposition to Respondent Motion to Dismiss Petition for Writ of Habeas Corpus

09/15/2023



Court Recorders Invoice for Transcript

[9] Hearings Held on 07/15/2022 and 08/22/2023 in Cases C365580 and A875052

09/19/2023



Order Denying

Filed By: Defendant State of Nevada

[10] Order Denying Petition for Writ of Habeas Corpus

09/20/2023



Notice of Entry of Order

[11] Notice of Entry of Order

09/21/2023



Recorders Transcript of Hearing

[12] Recorders Transcript of Hearing Re: Petition for Writ of Habeas Corpus; Defendant's Motion to Dismiss Petition for Writ of Habeas Corpus, August 22, 2023

10/03/2023



Notice of Appeal

[13] Motion for Notice of Appeal

10/03/2023



Notice of Appeal

[14] Motion for a Notice of Appeal

10/05/2023



Case Appeal Statement

Case Appeal Statement

HEARINGS

06/20/2023



Minute Order (3:00 AM) (Judicial Officer: Craig, Christy)

Minute Order - No Hearing Held;

Journal Entry Details:

COURT ORDERED, the Petition for Writ of Habeas Corpus hearing VACATED and RESET to be heard 8/22/23 at 8:30 AM. 8/22/23 - 8:30 AM - PETITION FOR WRIT OF HABEAS CORPUS CLERK'S NOTE: The foregoing minutes were distributed via general mail to the following party: Barry Harris #95363 HDSP P.O. Box 650 Indian Springs, NV, 89070 (6/20/23 amn). ;

08/22/2023

Petition for Writ of Habeas Corpus (8:30 AM) (Judicial Officer: Craig, Christy)

Denied;

08/22/2023

Motion to Dismiss (8:30 AM) (Judicial Officer: Craig, Christy)

Events: 07/20/2023 Motion to Dismiss

Defendant's Motion to Dismiss Petition for Writ of Habeas Corpus

Granted;

08/22/2023



All Pending Motions (8:30 AM) (Judicial Officer: Craig, Christy)

Matter Heard;

Journal Entry Details:

MATTER TRAILED. MATTER RECALLED. Arguments by Mr. Harris. Arguments by Ms. Gold. COURT ORDERED, Petition, DENIED, as it is premature. COURT FURTHER ORDERED, Defendant's Motion to Dismiss, GRANTED. ;

CASE SUMMARY**CASE NO. A-23-872052-W**

FINANCIAL INFORMATION

DATE

Attorney Gold, Erica	
Total Charges	95.00
Total Payments and Credits	95.00
Balance Due as of 10/5/2023	0.00
Plaintiff Harris, Barry	
Total Charges	24.00
Total Payments and Credits	24.00
Balance Due as of 10/5/2023	0.00

DISTRICT COURT CIVIL COVER SHEET

A-23-872052-W
Dept. 32

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): Berry Harris	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**

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.

June 8, 2023

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

June 20, 2023

A-23-872052-W Barry Harris, Plaintiff(s)
vs.
State of Nevada, Defendant(s)

June 20, 2023 3:00 AM Minute Order

HEARD BY: Craig, Christy **COURTROOM:** Chambers

COURT CLERK: Andrea Natali

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- COURT ORDERED, the Petition for Writ of Habeas Corpus hearing VACATED and RESET to be heard 8/22/23 at 8:30 AM.

8/22/23 - 8:30 AM - PETITION FOR WRIT OF HABEAS CORPUS

CLERK'S NOTE: The foregoing minutes were distributed via general mail to the following party:
Barry Harris #95363
HDSP
P.O. Box 650
Indian Springs, NV, 89070
(6/20/23 amn).

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Writ of Habeas Corpus

COURT MINUTES

August 22, 2023

A-23-872052-W Barry Harris, Plaintiff(s)
vs.
State of Nevada, Defendant(s)

August 22, 2023 8:30 AM All Pending Motions

HEARD BY: Craig, Christy **COURTROOM:** RJC Courtroom 05D

COURT CLERK: Nancy Maldonado

RECORDER: Kaihla Berndt

REPORTER:

PARTIES

PRESENT: Gold, Erica Attorney
Harris, Barry Plaintiff

JOURNAL ENTRIES

- MATTER TRAILED.

MATTER RECALLED. Arguments by Mr. Harris. Arguments by Ms. Gold. COURT ORDERED, Petition, DENIED, as it is premature. COURT FURTHER ORDERED, Defendant's Motion to Dismiss, GRANTED.



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

BARRY HARRIS #95363
P.O. BOX 650
INDIAN SPRINGS, NV 89070

DATE: October 5, 2023
CASE: A-23-872052-W

RE CASE: BARRY HARRIS vs. STATE OF NEVADA

NOTICE OF APPEAL FILED: October 3, 2023 4:19 pm

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):

“MOTION FOR NOTICE OF APPEAL”; CASE APPEAL STATEMENT;
DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; DISTRICT COURT MINUTES;
NOTICE OF DEFICIENCY
BARRY HARRIS,

Plaintiff(s),

vs.

STATE OF NEVADA,

Defendant(s),

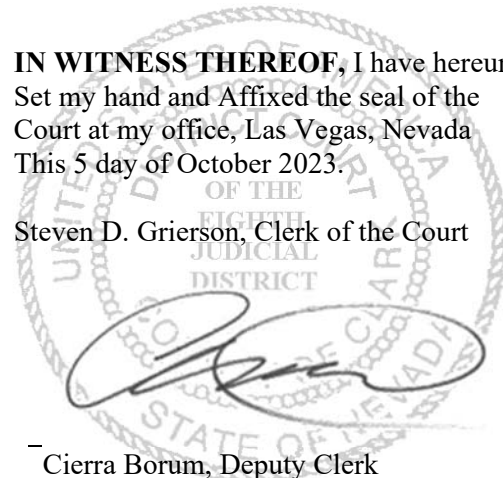
Case No: A-23-872052-W

Dept No: XXXII

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 5 day of October 2023.

Steven D. Grierson, Clerk of the Court



— Cierra Borum, Deputy Clerk —