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CERTIFICATE OF SERVICE

I hereby certify I mailed a true and correct copy of the foregoing **NOTICE OF APPEAL** via U.S. Mail

First Class pre-paid to the following:

Churchill County DA
165 N. Ada Street
Fallon, NV 89406
(atty for Plaintiff)

Dated this 7th day of October, 2023.



Debby Styles

1 Case No. 19-10DC-0289

2 Dept. No. 1

FILED

2023 OCT 12 AM 9:41

TIFFANY JOSEPHS
COURT CLERK
Shelley Hopton
BY _____ DEPUTY

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5
6 IN THE TENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7 IN AND FOR THE COUNTY OF CHURCHILL

8 WILLIAM JACOB MARTIN,

9 Appellant,

10 vs.

11 THE STATE OF NEVADA,

12 Respondent.
13 _____ /

14
15 **CASE APPEAL STATEMENT**

16
17 1. Name of Appellant filing this Case Appeal Statement:

18 Prepared by District Court Clerk on Behalf of:
19 William Jacob Martin

20 2. What Judge Issued Decision, Judgment or Order?

21 Judge Jim Shirley
22 Tenth Judicial District Court

23 3. Who is/are the Appellant(s) and Name and Address of Appellant(s) Counsel?

24 William Jacob Martin Pro Per
25 NNCC
26 P.O. Box 7000
27 Carson City, NV 89701
28

1 4. Who is/are Respondent(s) and Name and Address of Respondent(s) Counsel?

2 State of Nevada

Churchill County District Attorney
165 N. Ada Street
Fallon, NV 89406

3
4
5 5. Are Counsel not licensed to Practice Law in Nevada? Yes No
6 If the answer is yes, has counsel been granted permission to appear under SCT 42?
7 Yes No (Attach copy of District Court Order granting permission)

8 6. Was Appellant Represented by Appointed or Retained Counsel at District Court?

- 9 Appointed Counsel
10 Retained Counsel
11 No Counsel

12 7. Is Appellant Represented by Appointed or Retained Counsel on Appeal?

- 13 Appointed Counsel
14 Retained Counsel
15 No Counsel

16 8. Was Appellant Granted leave to Proceed in Forma Pauperis? Yes No

17 Date of Order:

18 9. When did the Proceedings Commence in the District Court? (i.e., date complaint,
19 indictment, information or petition was filed)

20 October 11, 2023

21 10. Provide Brief Description of Nature of Action; Result in District Court, Type of
22 Judgment or Order Being Appealed and Relief Granted by District Court: Counsel for
23 Appeal:

24 03/16/21: Petition for Writ of Habeas Corpus was filed (03/16/21).

25 05/20/21: The Court issued an Order Directing Response to the Churchill
26 County District Attorney.

27 06/28/21: Motion to Dismiss Post Conviction Writ as Untimely filed by
28 the Churchill County District Attorney.

07/06/21: Answer and Opposition to the Post Conviction Writ filed by the
Churchill County District Attorney.

07/16/21: The Court issued an Order Dismissing Petition for Writ of
Habeas Corpus.

9-27-23 Order Denying Motion to Correct Illegal Sentence

1 10-11-23 Notice of Appeal filed on Order Denying Motion to Correct
2 Illegal Sentence.

3 11. Has the Case previously been the subject of an Appeal to or Original Writ Proceedings in
4 the Supreme Court? Yes No

5 If yes, provide caption and Supreme Court Docket Number of Prior Proceeding:

6 William Jacob Martin v. Perry Russell, 83315
7 Warden

8 12. Does the Appeal Involve Child Custody or Visitation Issues?

9 Yes No

10 13. If this is a Civil Case, Does the Appeal Involve the Possibility of Settlement?

11 Yes No

12 Dated this _____ Day of _____, 20____

13 Tiffany Josephs, Clerk of Court

14
15 _____
16 Deputy Court Clerk
17 Tenth Judicial District Court
18 73 N. Maine Street
19 Fallon, NV. 89406
20 775-423-6088
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Churchill Case Summary

State of Nevada, Plaintiff, vs. William Jacob Martin, Defendant.

Court Case Number: 19-10DC-0289
Court: 10th Judicial District Court - Department 1
Case Type: Felony
Status Date: 6/5/2023
Case Status: Reopened
Received Date: 3/6/2019
Active Age: 362 days

Attorneys

Lane Mills District Attorney

Charges

1. 205.060(2) - Burglary Occurred: 12/21/2017

Felony Category B

Attribute

Crimes Against Property

Martin, William Jacob Defendant

Plea: Guilty Plea Date: 4/18/2019 Disposition: Guilty Dispo Date: 6/20/2019

Sentence: 6/20/2019 Incarcerated from 36 months to 120 months Nevada State Prison

Notes: consecutive to Washoe CR18-0761 and Churchill 18-10DC-0049

Case Docket

Docket Summary

3/6/2019 11:21:00 AM | Filed | Title: Justice Court Proceedings
3/6/2019 11:22:00 AM | Filed | Title: Information
3/6/2019 3:42:00 PM | Filed | Title: Order of Recusal
3/7/2019 11:08:00 AM | Filed | Title: Setting Memo (Arrestment)
3/11/2019 3:23:00 PM | Filed | Title: Motion to Produce Defendant
3/13/2019 2:11:00 PM | Filed | Title: Order to Produce Defendant
3/15/2019 10:29:00 AM | Filed | Title: Notice of Entry of Order
4/18/2019 4:30:00 PM | Filed | Title: Guilty Plea Memorandum
4/19/2019 9:25:00 AM | Filed | Title: Setting Memo (Sentencing)
4/26/2019 3:32:00 PM | Filed | Title: Motion to Produce Defendant
4/26/2019 3:33:00 PM | Filed | Title: Order to Produce
5/1/2019 3:18:00 PM | Filed | Title: Notice of Entry of Order
6/25/2019 2:54:00 PM | Filed | Title: Judgment of Conviction
6/26/2019 2:47:00 PM | Filed | Title: Return of Service
6/26/2019 3:22:00 PM | Filed | Title: Declaration of Service
9/23/2019 12:41:00 PM | Filed | Title: Motion for Withdrawal of Attorney of Record and Transfer of Records
9/23/2019 12:42:00 PM | Filed | Title: Affidavit in Support of Motion for Withdrawal of Attorney of Record and Transfer of Records
10/14/2019 10:32:00 AM | Filed | Title: Order
1/29/2020 1:54:00 PM | Filed | Title: Motion to Compel
2/21/2020 8:20:00 AM | Filed | Title: Order After Motion to Compel
5/15/2020 11:54:00 AM | Filed | Title: Motion Requesting Extension of Time Based on Extraordinary Circumstances
5/18/2020 3:18:00 PM | Filed | Title: Opposition to Motion for Extension of Time
5/21/2020 8:10:00 AM | Filed | Title: Notice of Compliance with Court Order and Request for Reimbursement of Costs
5/21/2020 1:02:00 PM | Filed | Title: Order Authorizing Reimbursement of Costs
1/6/2022 11:23:00 AM | Filed | Title: Notice of Transfer to Court of Appeals ***
3/1/2022 12:17:00 PM | Filed | Title: Remittitur, Clerk's Certificate, Order of Affirmance

Churchill Case Summary

6/5/2023 2:03:00 PM | Filed | Title: Motion to Correct Illegal Sentence
6/14/2023 11:22:00 AM | Filed | Title: Opposition to Motion to Correct Illegal Sentence
7/3/2023 10:45:00 AM | Filed | Title: Reply to Opposition to Motion to Correct Illegal Sentence
7/10/2023 8:11:00 AM | Filed | Title: Setting Memo
7/18/2023 10:25:00 AM | Filed | Title: Request for Submission (Motion to Correct Illegal Sentence)
7/18/2023 10:26:00 AM | Filed | Title: Motion to Produce Defendant
7/21/2023 11:25:00 AM | Filed | Title: Motion for Modification of Sentence
7/24/2023 11:39:00 AM | Filed | Title: Order to Produce
7/27/2023 10:15:00 AM | Filed | Title: Notice of Entry of Order (Order to Produce)
7/28/2023 12:10:00 PM | Filed | Title: Opposition to Motion to Modify Sentence
7/31/2023 3:00:00 PM | Filed | Title: Motion for Appointment of Counsel
7/31/2023 3:02:00 PM | Filed | Title: Motion to Strike Plaintiff's Request for Submission and Proposed Order
7/31/2023 3:02:00 PM | Filed | Title: Opposition to State's Motion to Produce Defendant
8/9/2023 10:26:00 AM | Filed | Title: Response to Motion for Appointment of Counsel
8/9/2023 10:27:00 AM | Filed | Title: Opposition to Motion to Strike
8/15/2023 10:28:00 AM | Filed | Title: Reply to Opposition to Motion to Modify Sentence
9/27/2023 11:22:00 AM | Filed | Title: Order Denying Motion to Correct Illegal Sentence
10/11/2023 11:25:00 AM | Filed | Title: Notice of Appeal
10/12/2023 9:41:00 AM | Filed | Title: Case Appeal Statement

Post Writ Filings

3/16/2021 12:52:00 PM | Filed | Title: Petition for Writ of Habeas Corpus (Post-Conviction) #19-10DC-0289A
3/16/2021 12:53:00 PM | Filed | Title: Memorandum of Points and Authorities In Support of Petition for Writ of Habeas Corpus (Post Conviction) #19-10DC-0289A
4/6/2021 10:46:00 AM | Filed | Title: Motion for Leave to Proceed in Forma Pauperis (#19-10DC-0289A)
4/6/2021 10:46:00 AM | Filed | Title: Motion for Appointment of Counsel Pursuant to NRS 34.750
5/20/2021 11:20:00 AM | Filed | Title: Petitioners Ex Parte Request for Status Check
5/20/2021 11:38:00 AM | Filed | Title: Order Directing Response
6/28/2021 3:45:00 PM | Filed | Title: Motion to Dismiss Post Conviction Writ as Untimely
7/6/2021 4:06:00 PM | Filed | Title: Answer and Opposition to The Post Conviction Writ of Habeas Corpus
7/16/2021 9:32:00 AM | Filed | Title: Order Dismissing Petition for Writ of Habeas Corpus
7/16/2021 9:52:00 AM | Filed | Title: Notice of Entry of Order (Order Dismissing....)
7/16/2021 1:07:00 PM | Filed | Title: Petitioner's Opposition to Respondent's Motion to Dismiss
7/16/2021 1:42:00 PM | Filed | Title: Documentation of Courtesy Service (Petitioner's Opposition....)
7/21/2021 2:43:00 PM | Filed | Title: Petitioner's Reply to Respondent's Answer and Opposition
7/21/2021 2:44:00 PM | Filed | Title: Documentation of Courtesy Service by Clerk's Office (Reply to Respondent's...)
7/29/2021 12:12:00 PM | Filed | Title: Notice of Appeal
7/30/2021 8:36:00 AM | Filed | Title: Case Appeal Statement
8/16/2021 12:43:00 PM | Filed | Title: Order Directing Transmission of Record and Regarding Briefing (Supreme Court 83315)

1 Case No. 19-10DC-0289 and 19-10DC-0290

FILED

2 Dept. No. 1

2023 SEP 27 AM 11:22

3 The undersigned hereby affirms that
4 this document does not contain the
5 social security number of any person.

TIFFANY JOSEPHS
COURT CLERK

BY [Signature] DEPUTY

6 IN THE TENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA, IN AND FOR
7 THE COUNTY OF CHURCHILL

8 THE STATE OF NEVADA,

9 Plaintiff,

10 vs.

**ORDER DENYING MOTION TO
CORRECT ILLEGAL SENTENCE**

11 WILLIAM JACOB MARTIN,,

12 Defendant

13 The Defendant in this matter filed a Motion to Correct Illegal Sentence on June 5, 2023,
14 the State filed an opposition on June 14, 2023, and the Defendant filed a reply on July 3, 2023.

15 The Defendant claims NRS 171.010 and NRS 205.060 were not enacted properly as the basis for
16 his claim that he is subject to an illegal sentence.

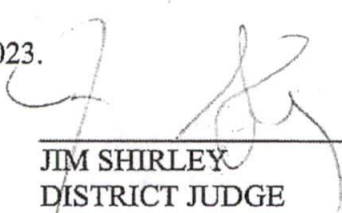
17 Under Haney v. State 124 Nev. 408 (2008) a motion to correct an illegal sentence may
18 only be granted when the sentence is at variance with the controlling sentencing statute or illegal
19 in the sense that a court had gone beyond its authority in acting without jurisdiction or imposes a
20 sentence in excess of the statutory maximum.

21 The requirement of the enacting clause does not apply to the Nevada Revised Statutes
22 (NRS), because the law as shown in the NRS has already been enacted. When the statutes in
23 question were proposed by bill to either the Senate or the House, each proposed law included an
24 enacting clause as required by the Nevada Constitution. The Statutes of Nevada contain the laws
25 with the enacting clauses required by the constitution. The NRS reproduce those laws as
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1 classified, codified, and annotated by the Legislative Counsel, pursuant NRS 220.110 (listing
2 what the NRS shall contain); NRS 220.120 (authorizing the Legislative Counsel to keep NRS
3 current by "(a) adopt[ing] such system of numbering as the Legislative Counsel deems practical;
4 (b); caus[ing] the revision to be published in a number of volumes deemed convenient; and (c)
5 caus[ing] the volumes to be bound in loose-leaf binders of good, and so far as possible,
6 permanent quality"). The law that was enacted as NRS 171.010 or re-enacted or amended, which
7 was in effect in 2017 (time of these offenses), included the required enacting clause. This same
8 analysis also applies to Martin's claims with respect to NRS 205.060. As such Martin's claims are
9 without merit.
10

11
12 Furthermore, Martin does not claim that his sentence is in excess of the statutory
13 maximum. Accordingly, the Defendant's Motion to Correct Illegal Sentence is hereby DENIED.
14

15 Dated this 20th day of September 2023.

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18 _____
19 JIM SHIRLEY
20 DISTRICT JUDGE
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CERTIFICATE OF SERVICE

The undersigned, an employee of the Tenth Judicial District Court, hereby certifies that on the 17th day of September, 2023, I served the foregoing **ORDER DENYING MOTION TO CORRECT ILLEGAL SENTENCE** on the parties, as noted below:

Lane R. Mills Esq.
Chief Deputy District Attorney
165 North Ada Street
Fallon, NV 89406

William Jacob Martin #95529
Lovelock Correctional Center
1200 Prison Road
Lovelock, NV 89419

DATED this 17th day of September, 2023.

Kat Felt
Deputy Court Clerk

Subscribed and Sworn to before me
this 17th day of September, 2023.

Shelley Hester
Deputy Court Clerk

1 CASE NO. 19-10DC-0289

2 DEPT. NO. I

3 The undersigned hereby affirms that this document
4 does not contain the social security number of any person.

5

6 IN THE TENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

7 IN AND FOR THE COUNTY OF CHURCHILL

8

THE STATE OF NEVADA,

9

Plaintiff,

10

vs.

11

WILLIAM JACOB MARTIN,

12

Defendant.

13

14

C E R T I F I C A T E

15

I, TIFFANY JOSEPHS, Clerk of the Court for the Tenth Judicial District Court of the
16 State of Nevada, in and for the County of Churchill, do hereby certify that the following
17 documents are copies of the original documents on file with the District Court and which are
18 contained in the Notice of Appeal.

19

DATED: This 12th day of October, 2023.

20

TIFFANY JOSEPHS, Clerk of the Court

21

By: 
SHELLIE L. HOOTEN

22

Deputy Court Clerk

23

24

TRANSMISSION OF DOCUMENTS UPON FILING OF A NOTICE OF APPEAL

DOCUMENT TITLE

ENCLOSED

NOTICE OF APPEAL

YES

NO

CASE APPEAL STATEMENT

YES

NO

DISTRICT COURT DOCKET ENTRIES

YES

NO

JUDGMENT (S) or ORDER (S) APPEALED FROM

YES

NO

NOTICE OF ENTRY OF JUDGMENT (S) or
ORDER(S) APPEALED FROM

YES

NO

CERTIFICATION OF ORDER DIRECTING
ENTRY OF JUDGMENT PURSUANT TO
NRCP 54(b)

YES

NO

DISTRICT COURT MINUTES

YES

NO

EXHIBIT LIST

YES

NO

CERTIFICATE OF ORIGINAL DOCUMENTS

YES

NO

FEES

NOTICE OF APPEAL FILING FEE - \$24.00

YES

NO

APPEAL BOND - \$500.00

YES

NO

SUPREME COURT FILING FEE - \$250.00

YES

NO

**Criminal*