

ORIGINAL

FILED

IN THE SUPREME COURT OF THE STATE OF NEVADA

MAR 01 2024

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY [Signature]
DEPUTY CLERK

William Jacob Martin

Appellant,

vs.

The State of Nevada

Respondent.

Supreme Court No. 37437

District Court No. 19-10DC-0289;

19-10DC-0290

APPELLANT'S INFORMAL BRIEF

INSTRUCTIONS: If you are an appellant proceeding pro se (without an attorney) in the Nevada Supreme Court, you must file either (1) a brief that complies with Nevada Rule of Appellate Procedure (NRAP) 28(a), or (2) a completed copy of this informal brief form, see NRAP 28(k), with the Nevada Supreme Court on or before the due date, see NRAP 31. In civil appeals, if you do not file one of these documents by the due date, the Nevada Supreme Court may dismiss your appeal. In postconviction criminal appeals, if you do not file one of these documents by the due date, the Nevada Supreme Court or Nevada Court of Appeals may decide your appeal on the record without briefing.

HOW TO FILL OUT THIS FORM: This form must be typed, unless you are incarcerated, in which case it must be clearly handwritten. You do not need to refer to legal authority or the district court record. If you are completing your brief on this form, write only in the space allowed on the form. **Additional pages and attachments are not allowed.** If typing an informal brief, you may either use the lined paper contained in this form or an equivalent number of pages of your own paper. Your brief will be stricken if you fail to follow the directions in this form and the Nevada Rules of Appellate Procedure.

WHERE TO FILE THE BRIEF: You may submit your brief for filing in person or by mail.

To file your brief in person: Briefs may be submitted for filing Monday through Friday, 8:00 a.m. to 4:00 p.m.

Carson City: Bring the brief to the Clerk's Office at the Supreme Court of Nevada, 201 South Carson Street, Carson City, Nevada, 89701.

Vegas: Place your brief in the Clerk's Office Drop Box at the Las Vegas Courthouse for the Nevada Appellate Courts, 408 East Clark Avenue, Las Vegas, Nevada, 89101.

Informal Brief Form October 2017

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ELIZABETH A. BROWN
CLERK OF SUPREME COURT
DEPUTY CLERK

24. 071054

To file your brief by mail: Mail the brief to the Clerk of the Supreme Court of Nevada, 201 South Carson Street, Carson City, Nevada 89701. **Your brief must be postmarked on or before the due date.**

You must file the original brief and 1 copy with the clerk of the Nevada Supreme Court. If you want the clerk to return a file-stamped copy of your brief, you must file the original form and 2 copies and include a self-addressed, stamped envelope. Documents cannot be faxed or emailed to the Supreme Court Clerk's Office.

Copies of the brief must be mailed or delivered to the other parties to this appeal or to the parties' attorneys, if they have attorneys. You must also include a proper certificate of service or complete the certificate that is attached to the informal brief form.

CAUTION: Pro se parties are prohibited from representing other parties. A pro se party may not complete a brief on behalf of other parties. Pro se parties may collaborate on their briefs, however, provided that if one brief is submitted on behalf of multiple pro se parties, each party must sign and date the brief to confirm that he or she has participated in the preparation of the brief and, by his or her signature, joins in the arguments and representations contained therein.

Judgment or Order You Are Appealing. List the judgment or order that you are appealing from and the date that the judgment or order was filed in the district court.

Filed Date	Name of Judgment or Order
9/27/23	Order Denying Motion to Correct Illegal Sentence
10/20/23	Order Denying Motion for Appointment of Counsel

Notice of Appeal. Give the date you filed your notice of appeal in the district court: 10/11/23

Related Cases. List all other court cases related to this case. Provide the case number, title of the case and name of the court where the case was filed.

Case No.	Case Title	Name of Court
19-10DC-0289	State v. Martin	10 JDC
19-10DC-0290	State v. Martin	10 JDC

Pro Bono Counsel. Would you be interested in having pro bono counsel assigned to represent you in this appeal?

Yes No

NOTE: If the court determines that your case may be appropriate for having pro bono counsel assigned, an appropriate order will be entered. Assignment of pro bono counsel is not automatic.

Statement of Facts. Explain the facts of your case. (Your answer must be provided in the space allowed.)

1. Appellant filed a motion to correct illegal sentence in both district court case numbers referenced above.

2. Appellant also filed a motion for modification of sentence in both district court cases referenced above.

3. Appellant also filed a motion for appointment of

counsel in the district court regarding both the motion to correct and the motion for modification.

4. The district court held a hearing at which Appellant appeared in proper person.

5. At that hearing, the district court orally denied the motion for modification of sentence and the motion for appointment of counsel; the district court stated it would issue a written order on the motion to correct illegal sentence.

6. Later the district court did issue an order denying motion to correct illegal sentence.

7. Later still, the district court issued an order denying motion for appointment of counsel. That order touches on Appellant's argument pertaining to his motion for modification of sentence.

8. However, the district court never issued a written order denying the motion for modification of sentence. Nonetheless, it is Appellant's intention to appeal the oral denial of that motion to this Court and, *inter alia*, he does so now.

9. It must also be noted that Appellant filed a lengthy "Memorandum In Support of Motion To Correct Illegal Sentence" that contained a detailed set of historical facts and a couple dozen exhibits.

10. In the interests of judicial economy, Appellant does not repeat the factual assertions articulated

in the various district court proceedings referenced above in the instant Informal Brief. Rather, Appellant acknowledges that this Court will review the entire district court record as transmitted by the Clerk of the district court, as is routine in pro se appeals - especially those stemming from felony criminal cases.

11. Alas, Appellant does request that this Court appoint him counsel to represent him in this instant appeal. In the alternative, Appellant requests this Court remand this case to the lower court for the limited purposes of appointing counsel to the Appellant for the purpose of prosecuting this appeal.

Statement of District Court Error. Explain why you believe the district court was wrong. Also state what action you want the Nevada Supreme Court to take. (Your answer must be provided in the space allowed.)

I. The district court erred by denying Appellant's motion to correct illegal sentence.

The district court wrongly held that the requirement of the enacting clause does not apply to the Nevada Revised Statutes (NRS), because the law as shown in the NRS has already been enacted; that when the statutes in question were proposed by bill to either the Senate or the House, each proposed law included an enacting clause as required by the Nevada Constitution; that the statutes of Nevada contain

the laws with the enacting clauses required by the constitution; that the NRS reproduce those laws as classified, codified, and annotated by the Legislative Counsel; and that the laws that were enacted as NRS 171.010 and 205.060 or were re-enacted or amended, which were in effect in 2017, included the required enacting clauses.

Argument

Appellant was illegally sentenced pursuant to the Nevada Revised Statutes, not the statutes of Nevada or extracanonical material produced by the Legislative Counsel Bureau. This is evident in both the criminal complaints, guilty plea agreements and judgments of conviction.

To hold that Appellant was actually convicted under another code of law, and that the NRS is merely a reflection or recreation of the actual law, means that Appellant was never given notice of the actual charges against him. Rather, he was only given notice of a reflection or recreation of those laws — one that was never properly enacted.

By the same logic, it is NRS 171.010 that supposedly grants the district court the authority and statutory jurisdiction to sentence Appellant. The lower court did not offer a separate authority by which to do so in its order deny-

ing Appellant's motion to correct illegal sentence.
Furthermore, as argued in the motion and supported
by the numerous, and supported underlying legal
statutory authority pre-dates 1957. However,
those statutes were repealed by the legislature
in 1957 pursuant to Senate Bill 2, section 3,
of the 48th session of the Nevada Legislature.
(The necessary exhibits and supporting legal
authority are contained in the motion, the
memorandum and the exhibits thereto, all
of which are part of the lower court record that
is now before this court.) This analysis applies
to NRS 205.060 in equal measure.

II. The district court erred in denying Appellant's motion
for modification of sentence.

Specifically, the lower court failed to recognize
that Appellant was asking for relief under equity, not
under a strict interpretation of law. (See Reply to
Opposition to Motion to Modify Sentence at 3:13-20.)

Argument

Appellant trusts that this Court will read the entirety
of the district court record before it, and therefore will
not reprint the entirety of the argument for a modification
of sentence in the instant Informal Brief.

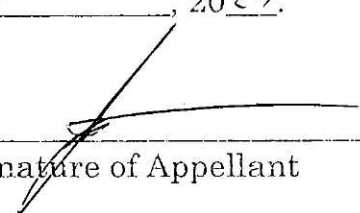
However, the lower court failed to acknowledge its
own equity jurisdiction whatsoever, merely concluding that

Appellant was not entitled to relief as a matter of law. While that may be true in and of itself, Appellant was and is entitled to have his request in equity fully considered, which the lower court simply did not do. This Court should remand the motion for modification with instruction it be placed before a new judge.

Conclusion

This Court should release Appellant from incarceration immediately. In the alternative, this Court should reverse and remand both the motion to correct and the motion for modification to the district court with instructions to appoint counsel for both, and that both motions be placed in front of a new district court judge; and any other appropriate relief.

DATED this 22nd day of February, 2024.


Signature of Appellant

William Jacob Martin
Print Name of Appellant

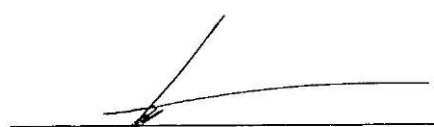
CERTIFICATE OF SERVICE

I certify that on the date indicated below, I served a copy of this completed informal brief form upon all parties to the appeal as follows:

- By personally serving it upon him/her; or
- By mailing it by first-class mail with sufficient postage prepaid to the following address(es) (list names and address(es) of parties served):

Churchill County D.A.
165 North Ada Street
Fallon, NV 89406

DATED this 22nd day of February, 2024.



Signature of Appellant

William Jacob Martin
Print Name of Appellant

1200 Prison Rd.
Address

Lovelock, NV 89419
City/State/Zip

n/a
Telephone