



SUPREME COURT OF NEVADA

OFFICE OF THE CLERK

ELIZABETH A. BROWN, CLERK

201 SOUTH CARSON STREET, SUITE 201
CARSON CITY, NEVADA 89701-4702

Telephone
(775) 684-1600

May 31, 2018

Christopher Edward Pigeon
Inmate ID:90582
H.D.S.P. – Unit 3A/33A
Indian Springs, NV 89070

Re: PIGEON (CHRISTOPHER) VS. STATE, Supreme Court Case No. 67083

Dear Mr. Pigeon:

We are returning, unfiled, the letter received in this office on May 31, 2018 in the above titled matter. A decision was filed in this case on December 1, 2017 and the remittitur issued on December 29, 2018. Therefore, this court no longer has jurisdiction over this matter. You were represented by counsel in this appeal. Please contact your attorney with any further questions or concerns you may have regarding your appeal.

Sincerely,

J. Hendricks
Deputy Clerk

18-20783

OVERALL P. 2 of 7

PRO PER CASE

LETTER - P. 2 of 2

#67083 (ALSO: DISMISSED #14031)

NOTE: PAGES ③, ④, ⑤, ⑥, ⑦ ARE NOT NUMBERED, BUT FILED WITH THE GUNTI WORK 8/1/18

RETURNED
UNFILED

MAY 31 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT

DEPUTY CLERK

05/14/18 - PIGEON - 90582 - WAS NOT ALLOWED TO ATTEND HIS COURT HEARING. MOTION TO READ HIS APPEAL ORDER OF JUDGEMENT - 67083 - IN A SECOND JUSTICE/DISTRICT COURT, ALLEGING NEGLIGENCE AGAINST DISTRICT COURT, DEPARTMENT #3, JUDGE DOUGLAS E. SMITH, AND DISTRICT ATTORNEY MARC SCHIFALARUA AND ELIZABETH MERCER.

05/15/18 - PIGEON - 90582 - PRO PER, MAILED HIS "MOTION TO RE-SENTENCE NEGLIGENCE, BIAS, AND AN EXTREMELY CRUEL PUNISHMENT ISSUED FOR LESSER CLASS "D" FELONY," TO THE CLERK, R.J.C., MR. GRIERSON, (5-PAGE MOTION ATTACHED).

THEREFORE, PIGEON, CHRISTOPHER EDWARD - 90582 - #67083 - IS FORMALLY ALLEGING THAT THE ORIGINAL COURT AND STATE ARE NEGLIGENT, BEFORE AND AFTER HIS APPEAL ORDER OF JUDGEMENT #67083, WHICH REVERSED 2 of HIS 1 FELONIES IN CASE C290261, (I.D.# 164812).

AFTER SUCH A FAVORABLE APPEAL RESULT, THE ORIGINAL COURT SHOULD NOT BE ALLOWED TO BE THE SENTENCING COURT, AND THE SAME DISTRICT ATTORNEYS AND THE STATE IN GENERAL SHOULD NOT BE ALLOWED TO MOTION FOR HABITUAL PUNISHMENT, NOR ANY ENHANCEMENT AT ALL, AGAINST PIGEON - 90582. IN THE APPEAL ORDER, THE HIGH COURT OF NEVADA ESSAYS:

"... WE ARE CONCERNED THAT THE DISTRICT COURT, IN IMPOSING THE MOST SEVERE SENTENCE AVAILABLE IN THIS CASE UNDER NEVADA LAW, MAY HAVE ASCRIBED GREATER CRIMINAL INTENT TO PIGEON THAN WAS ACTUALLY DEMONSTRATED AT TRIAL," AND, "BECAUSE THE CONVICTIONS THAT WE ARE REVERSING MAY HAVE ADVERSELY INFLUENCED THE SENTENCES IMPOSED ON THE REMAINING CONVICTIONS, WE REMAND FOR THE DISTRICT COURT TO RECONSIDER THE SENTENCES IMPOSED ON THE TWO REMAINING CONVICTIONS..."

THIS IS A POSITIVE STATEMENT WHICH EXONERATES PIGEON AND SEEMS TO EXCLUDE HABITUAL SENTENCING, DESPITE THE FACT THAT THE SUPREME COURT ELECTED NOT TO FORMALLY ADDRESS THE ISSUE OF HABITUAL PUNISHMENT. DID THE HIGH COURT NEED TO? APPARENTLY MAYBE.

FROM MARTINEZ V. STATE; 114 NEV. 799; 961 P.2D 443; (1998), IT STATES:

"IN RENDERING ITS SENTENCE, THE DISTRICT COURT MAY... CONSIDER... PRIOR FELONY CONVICTIONS AND ANY UNDERLYING CHARGES THAT WERE ULTIMATELY DISMISSED IN THE CASE IN QUESTION." THIS REQUIRES THE SENTENCING JUDGE TO CONSIDER ONLY PAST FELONY CONVICTIONS, AND ONLY DISMISSALS RELATED TO THE RECENT CASE, SINCE ALL OF PIGEON'S UNSUPPORTED FELONIES AND SEX OFFENSES WERE OVERTURNED HERE, THEY CAN NOT BE CONSIDERED. IT IS ALSO ILLEGAL TO INCLUDE PAST DISMISSALS - EVEN PAST MISDEMEANORS SHOULD NOT BE COUNTED ESPECIALLY WHEN HABITUAL SENTENCING IS ASKED FOR.

HENCE, THE STATE'S HABITUAL INTENT IS HARSH AND ITS SENTENCING MEMORANDUM ILLEGAL BECAUSE OF ITS FOCUS ON PAST DISMISSALS - WHICH IS NOT LEGAL. PIGEON - 90582 HAS NO PRIORS WITH CHILDREN. THE NEGLIGENT JUDGE, COURT AND D.A.'S SHOULD BE FORBIDDEN TO ENHANCE PIGEON'S LESSER FELONY SENTENCE:

"... THE BARE FACT THAT A SENTENCE IS WITHIN THE MAXIMUM PRESCRIBED BY THE LEGISLATURE DOES NOT PREVENT IT FROM VIOLATING THE CONSTITUTIONAL BAN AGAINST CRUEL AND UNUSUAL PUNISHMENT." (FROM FAULKNER VS. STATE; 445 P. 2D 515; (ALASKA - 1968).

PERHAPS PIGEON'S SENTENCE FOR HIS LEFT-OVER "P.A.S.O." FELONY SHOULD BE RECONSIDERED A THIRD TIME - AND ANY ENHANCEMENT BARRIED.

NOTE: PIGEON WAS SENTENCED ILLEGALLY ON 05/09/18, (BOTH THE HEARING AND HABITUAL). THIS LETTER AND COPY OF MOTION ATTACHED - 1 PAGES TOTAL - MUST BE ENTERED INTO HIGH COURT RECORD FOR FURTHER REQUIRED ACTION. THANKS;

RESPECTFULLY BY:
CHRISTOPHER EDWARD PIGEON - 90582
APPENDANT/DEFENDANT #67083 - 164812
HIGH DESERT STATE PRISON - H.D.S.P. - UNIT 3A/33A
INDIAN SPRINGS, NV 89010 - 0600/0690

CHRISTOPHER EDWARD PIGEON - 90582 - C290261 - 67083
H.D.S.P. - UNIT 3A/33A - INDIAN SPRINGS NV 89010 - 0600/0690
LETTER - AND MOTION COPY - FOR SUPREME COURT OF NEVADA

RECEIVED
MAY 31 2018
CL. OF NEV. -
CLERK OF THE COURT
ELIZABETH A. BROWN
CLERK OF SUPREME COURT
DEPUTY CLERK

- HANDWRITTEN COPY -

#67083 (ALSO: DENIED #74831)

05/27/18

SUPREME COURT OF NEVADA - CLERK OF THE COURT

MS. ELIZABETH A. BROWN - JUSTICES OF THE COURT, ESPECIALLY
201 S. CARSON STREET, SUITE 201 - CARSON CITY, NV 89101-4702

HONORABLE CLERK:

NOTE: PAGES 3, 4, 5, 6, 7 ARE NOT INCLUDED, BUT
FILED WITH THE COUNTY CLERK, R.I.C.

I WRITE TO YOUR COURT TO UPDATE YOU ON CERTAIN RECENT EVENTS IN MY
CASE # 67083/C2A0261 - CHRISTOPHER EDWARD PIGEON - 90582 - WHICH ARE
PROFOUNDLY SHOCKING AND SEVERE. AFTER "WINNING" A VERY FAVORABLE APPEAL FROM
YOUR COURT, WHICH I WAS HAPPY WITH, MY TRANSFER FROM ELY STATE PRISON TOOK
ABOUT 120 DAYS AND THE PRISON SYSTEM AND A NEGLIGENT COURT HAVE NEGLECTED
TO COOPERATE WITH AN EXPECTED TIME-SERVED RELEASE. ON 05/09/18, I WAS
SUBJECTED TO AN UNSCHEDULED SENTENCING HEARING WITHOUT HAVING ENOUGH
TIME TO CHALLENGE THE STATE'S INTENTION TO SEEK HABITUAL PUNISHMENT FOR
MY SOLE REMAINING CLASS "D" FELONY, A LESSER INSTANCE INDEED, AND, I WAS
NOT ALLOWED TO SPEAK ON MY BEHALF AT THIS SENTENCING. I RECEIVED A LIFE
SENTENCE WITHOUT PAROLE FROM WHAT IS AN EXTREMELY NEGLIGENT COURT AND STATE.

TIME-LINE OF RECENT EVENTS:

- 12/01/17 - SUPREME COURT ORDER #17-41311, CASE #67083, DEP. CLERK S. YOUNG, ENTITLED
"ORDER AFFIRMING IN PART, REVERSING IN PART AND REMANDING."
- 12/12/17 - SUPREME COURT ORDER ABOVE RECEIVED BY PIGEON - 90582 AT E.S.P., UNIT 3B/10A.
- 1/14/18 - NOTICE OF SECONDARY APPEAL, FOR LIMITATION OF SENTENCE, FILED - #74831.
- 1/16/18 - DOCKETING STATEMENT FORWARDED BY PRO PER PIGEON - #74831.
- 02/02/18 - PIGEON MOTIONS FOR COURT HEARING TO READ ORDER AND RECEIVE A SENTENCING
HEARING.
- 02/21/18 - INJUNCTIVE MOTION FILED BY PIGEON - 90582 - #74831 - LIMITING HIS SENTENCE
AND BARRING HABITUAL PUNISHMENT.
- 03/06/18 - DISMISSAL OF SECONDARY APPEAL - #74831 - FOR ORIGINAL ORDER TO OVERRIDE.
- 03/12/18 - COURT HEARING HELD ASKING FOR PIGEON - 90582 - AFTER APPEAL "ORDER OF
JUDGEMENT" REMANDS HIM FOR "NEW SENTENCING HEARING," CASE #67083/C2A0261.
- 03/16/18 - DISTRICT ATTORNEY'S OFFICE ISSUES AN ORDER TO TRANSFER PIGEON - 90582 -
TO H.D.S.P. OR C.I.C.D.C. FOR COURT AND SENTENCING.
- 03/28/18 - PIGEON - 90582 - TRANSFERRED FROM ELY STATE PRISON, UNIT 4A/35A TO
HIGH DESERT STATE PRISON, UNIT 3A/21A.
- 04/09/18 - COURT HEARING HELD - PRO PER PIGEON - 90582 - READS THE FIRST PAGE OF THE
16-PAGE ORDER OF JUDGEMENT #67083 - 12/01/17 - AND MENTIONS THAT THE
REMAINING FELONY IS A LESSER CLASS "D" FELONY, FOR A "P.A.B.S.O." CONVICTION
FOR FAILURE TO UPDATE HIS ADDRESS, WHICH USUALLY RECEIVES ONLY A ONE
WEEK SENTENCE. PIGEON IS ISSUED THE STATE'S SENTENCING MEMORANDUM.
- 04/10/18 - PIGEON - 90582 - AFTER A COURT HEARING IS MOVED FINALLY TO H.D.S.P., UNIT 3A/35A.
- 04/11/18 - COURT HEARING HELD - PIGEON ASKS FOR A CONTINUANCE IN ORDER TO CHALLENGE
THE STATE'S "NOTICE OF INTENT TO SEEK PUNISHMENT AS A HABITUAL CRIMINAL"
01/31/14, AND ITS 03/29/18 "SENTENCING MEMORANDUM." PIGEON WAS NOT ALLOWED
TO CONTINUE WITH OTHER ISSUES.
- 05/02/18 - PIGEON - 90582 - WAS NOT ALLOWED TO ATTEND HIS COURT MOTION HEARING.
- 05/09/18 - COURT HEARING HELD - PIGEON, REMAINING PRO PER, ASKS FOR A SECOND CONTINUANCE
FOR THE CHALLENGE TO HABITUAL INTENT, DUE TO THE FACT THAT HIS MOTION TO BAR
HABITUAL PUNISHMENT, THOUGH COMPLETE, NEEDED TO BE FORMALLY FILED WITH THE
CLERK'S OFFICE BEFORE IT IS PART OF THE FORMAL RECORD. HOWEVER, THE JUDGE
BEGAN TO CONDUCT HIS ACTUAL SENTENCING HEARING INSTEAD, DESPITE PIGEON'S
SUBSTANTIAL OBJECTION FOR CAUSE, HE WAS SENTENCED TO AN HABITUAL
SENTENCE OF LIFE WITHOUT THE POSSIBILITY OF PAROLE FOR HIS LESSER "PROHIBITED
ACTS BY..." ("P.A.B.S.O."), FELONY, (WITH THREE LESSER CLASS "D" FELONY PRIORS
CONSIDERED). PIGEON WAS NOT ALLOWED TO SPEAK ON HIS BEHALF.

(CONTINUED)