

FILED

IN THE SUPREME COURT OF THE STATE OF NEVADA

DEC 08 2015

FRANK HARRING JR.
Appellant,

vs.

The State of Nevada
Respondent.

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY [Signature]
DEPUTY CLERK

Supreme Court No. 68968

District Court No. XX

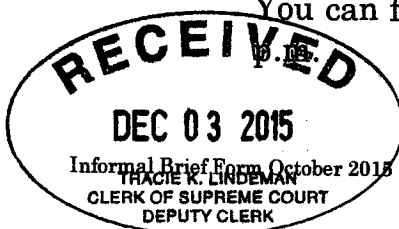
APPELLANT'S INFORMAL BRIEF

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 file your brief in person or by mail.

To file your brief in person: Bring the brief to the Clerk's Office at the Supreme Court of Nevada, 201 South Carson Street, Carson City, Nevada, or at the Regional Justice Center Clerk's Office (Drop Box), 200 Lewis Street, 17th Floor, Las Vegas, Nevada. You can file your brief Monday through Friday, 8:00 a.m. to 4:00 p.m.



15-37308

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 |
|--------------|---------------------------|
| DEC 30, 2014 | Judgment of Conviction |
| | |
| | |

Notice of Appeal. Give the date you filed your notice of appeal in the district court: October 7, 2015 12:18:46pm

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 |
|------------|------------------------|----------------|
| C-291159-1 | Murder (Second Degree) | District Court |
| | | |
| | | |

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.)

It is respectfully requested of this court that it thoroughly and completely exhaust every effort in the reviewing of case # (C-13-291159-1). Since Carl Arnold was appointed counsel on July 2013 myself defendant, Frank Herring Jr. Had been prejudiced and suffered manifest injustice(s) based on counsel's refusal and/or failure to: Investigate as to clients oral/written request,

"any" defense that may have helped to alleviate or reduce my (the defendant's) sentence. Counsel has refused to speak or communicate with myself (the defendant) Frank Herring at any length(s) as to the defendant's feelings of being forced into a plea bargain on December 10, 2013. Counsel also advised myself to request a 60 day speedy trial in an attempt to further coerce myself into accepting plea negotiations, which counsel refused to thoroughly take investigative measures in this case; and subsequently not using "all" available resources to assist in obtaining a (fair) sentence for the defendant (Frank Herring) or attempt at finding factual basis as to defendant's "felonies" claims. Defendant, Frank Herring, asserts I have been denied my right(s) to effective representation due to wholly inadequate actions of my (Retained) court appointed counsel. Furthermore, counsel's inane action comport to nothing more than a violation of my due process rights. Counsel was constantly not listening to my views always telling me to (just wait.) Defendant has an unqualified right to legal assistance that expresses loyalty to said defendant. The right to counsel is the right to effective assistance of counsel, counsel acting in the role of an advocate. Counsel was also improperly motivated due to my inability to pay retained attorney fees(s). Counsel retained by defendant Frank Herring Jr. has done nothing to fairly/ properly represent me since that day of retaining him (Carl Arnold) and/or deal was drafted. Which, I Frank Herring had less than (5) five minutes to make an informed rushed decision. Therefore, defendant contends that although counsel has been appointed in this case, the

actions of counsel, or lack thereof, have created unfair prejudice and obstacles which do not comport the fair procedures owed to the defendant.

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 believe the District Court was wrong because, clearly the evidence supports and/or substantiates my claims of ineffective assistance of counsel as well as prejudice and a manifest and obvious injustice(s). Furthermore, the ethical, professional and constitutional principals which establish counsel's standards are owed to his or her client. So clearly a conflict of interest exist between client and counsel were all faith and trust are completely diminished as a result to counsel's actions or lack thereof. Showing of conflict of interest requires no showing of prejudice however. Funda-

mental fairness requires the abolition of prejudice which myself (defendant) has suffered. This is an actuality that the law must address. Anything short of abdication would further a manifest of injustice. The effectiveness of counsel is an individual's most fundamental right, for without it every other right a defendant has to assert becomes affected. Furthermore, Counsel advised defendant to request a 60 day speedy trial, due to counsel's unethical conduct the defendant was forced to accept plea negotiations unintelligently which creates malice and/or prejudice towards the defendant. Therefore lacking that equality demanded by the fourteenth amendment, where the "rich man" enjoys the benefit of the law being righteously practiced; in that, counsel's examination step by step (into the record of the case), and research of the law, and a marshaling of the facts/arguments in his behalf is done as should befit an advocate of defense; while the indigent, so burdened by a preliminary determination that his case is without merit, is forced to shift for himself."

Lined area for text entry.

DATED this 24 day of November, 2015.

Frank Herring Jr.
Signature of Appellant

Frank Herring Jr.
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:

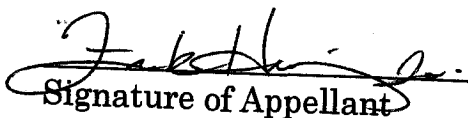
☐ By personally serving it upon him/her; or

☒ By mailing it by first-class mail with sufficient postage prepaid to the following address(es) (list names and address(es) of parties served):

Supreme Court of the State of Nevada
(Clerk of Supreme Court)

Tracie K. Linderman
Clerk of Supreme Court

DATED this 24 day of November, 2015.


Signature of Appellant

Frank Herring Jr.
Print Name of Appellant

Ely State Prison, P.O. Box
Address

1989, Ely, NV 89301
City/State/Zip

(775) 289-8800
Telephone