

PERSONAL
COPY

IN THE SUPREME COURT OF THE STATE OF NEVADA

Oscar Art Stanley
Appellant,

vs.
THE State of Nevada
Respondent.

Supreme Court No. #72075

District Court No. 01C18446

FILED

AUG 07 2017

APPELLANT'S INFORMAL BRIEF

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY J. Hendrick
DEPUTY CLERK

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.

17-21051

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
1-4-2017	ORDER DENYING DEFENDANT'S MOTION TO MODIFY SENTENCE.

Notice of Appeal. Give the date you filed your notice of appeal in the district court: 1-6-2017

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
495 P-2d 602	BURNS vs STATE	
418 P2d 802	HOLLANDER vs STATE	
NRS 207.012		

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.)

ON OCTOBER 25, 2001 APPELLANT WAS ARRESTED AND CHARGED WITH COUNT I ROBBERY COUNT II LARCENY FROM THE PERSON COUNT III GRAND LARCENY AUTO COUNT IV BURGLARY COUNT V ATTEMPT MURDER WITH USE OF A DEADLY WEAPON COUNT VI BATTERY WITH DEADLY WEAPON WITH SUBSTANTIAL BODILY HARM COUNT VII MAYHEM COUNT VIII BURGLARY COUNT IX ROBBERY COUNT X

ATTEMPT Robbery victim 65 years of Age or older. Count XI Attempt GRAND LARCENY Auto ESEE THE AMENDED JUDGMENT OF CONVICTION Page 10F AMENDED JOC

THE DEFENDANT WAS THEREBY ADJUDGED GUILTY OF THE CRIMES AS SET FORTH IN THE JURY VERDICT AND WAS SENTENCED AS A HABITUAL CRIMINAL PURSUANT TO THE PROVISIONS OF NRS 207.012 TO THE NEVADA DEPARTMENT OF CORRECTIONS AS TO COUNT I- LIFE WITHOUT THE POSSIBILITY OF PAROLE COUNT II A MAXIMUM TERM OF FORTY-EIGHT (48) MONTHS WITH A MINIMUM PAROLE ELIGIBILITY OF TWELVE (12) MONTHS AND PAY \$500 RESTITUTION COUNT VI A MAXIMUM TERM OF ONE HUNDRED EIGHTY (180) MONTHS WITH A MINIMUM PAROLE ELIGIBILITY OF SEVENTY TWO (72) MONTHS AND PAY \$60,000 RESTITUTION COUNT VII A MAXIMUM TERM OF ONE HUNDRED TWENTY (120) MONTHS WITH A MINIMUM PAROLE ELIGIBILITY OF FORTY-EIGHT (48) MONTHS COUNT IX LIFE WITHOUT THE POSSIBILITY OF PAROLE AND PAY \$22 RESTITUTION COUNT X A MAXIMUM TERM OF ONE HUNDRED TWENTY (120) MONTHS WITH MINIMUM PAROLE ELIGIBILITY OF FORTY EIGHT (48) MONTHS \$,000 RESTITUTION.

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).

7] I Believe THE 8th Judicial Distict court was wrong when it violated DEFENDANT'S 5th US CONSTITUTIONAL AMENDMENT Right to Due Proces when it did not AdHERE to the sentencing Process, DEFENDANT'S 14th Amended Right to Equal Protection PROTECTION OF THE LAWS were also violated And Denied him. IN ADDITION DEENDANT Respectfully URGE This Honorable Court to Please take Judicial Notice THAT According to The Nevada SUPREME COURT

IN BURNS VS STATE 495 P.2d 602 QUOTE HOLLANDER
VS STATE 148 P.2d 802 THAT THE TRIAL COURT
MUST SENTENCE ON THE SUBSTANTIVE CRIME
CHARGED... AND THEN INVOKE THE RECIDIVIST TO
DETERMINE THE PENALTY... IN THE INSTANT CASE
THE AMEND JUDGMENT OF CONVICTION TRIAL
TRIAL DOES "NOT REFLECT THAT TRIAL COURT
FOLLOWED THE CRITERIA IN BURNS VS STATE
SUPRA. HE WOULD LIKE FOR THIS COURT TO
REMAND THE MATTER FOR RESENTENCING
SOLELY ON THE ROBBERY CHARGE."

- 2) I BELIEVE THE DISTRICT COURT ABUSED ITS
DISCRETION WHEN IT DENIED STANLEY'S "MOTION
TO MODIFY SENTENCE WHEN IT RULED AGAINST
BURNS VS STATE 495 P.2d 601 AND HOLLANDER
VS STATE 148 P.2d 802 AND NRS 207.012."

Respectfully submitted

x

DATED THIS 30th DAY
OF MAY 2017.

OSCAR ART STANLEY
OSCAR ART STANLEY #73085

Lined area for text entry.

DATED this 30th day of MAY, 2017.

X *Alt Stanley*
Signature of Appellant

X ORAL ALT Stanley #73085
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):

STEPHEN C. KIRSON
CLERK OF THE COURT
200 LEWIS AVE 3RD FLR
LAS VEGAS NEVADA 89155-1160

DISTRICT ATTORNEY

STEVEN B. WOLFSON
200 LEWIS AVE
LAS VEGAS NEVADA 89155-2212

DATED this 30th day of MAY, 2017.

Oscar Art Stanley
Signature of Appellant

OSCAR ART STANLEY #73085
Print Name of Appellant

SDCC PO Box 208
Address

Indian Springs, NV 89070
City/State/Zip

NA
Telephone