IN THE SUPREME COURT OF THE STATE OF NEVADA

ALAN DEMETRIUS DANIELS Appellant,

VS.

JERRY HOWEU . WARDEN ET AL. Respondent.

Supreme Court No. 75468

District Court No. C262523

SEP 0 5 2018

APPELLANT'S INFORMAL BRIEF

ELIZABETH A. BROWN ERK OF SUPREME COL 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

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

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.

Las Vegas Place brief in the Clerk's Office Drop Box at the Las Nevada Appellate Courts, 408 East Clark Avenue, Lastega, Mayada, 80101. Informa Brief Form October 2017

CLERK OF SUPREME COURT DEPUTY CLERK

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.

<u>CAUTION</u>: 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 |
|------------|--|
| 3.14.18 | CRUER DENYING MOTION TO COLLECT D'ESPROPORTIONALTY OF SENTENCE |
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| Notice | of | Appeal | . Give | the | date | you | filed | your | notice | of | appeal | in | the |
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| district | cou | rt: <u>^</u> | ARCH | 25 | , 2 | 810 | | | | | | | |
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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 |
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| | | |

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.)

EURYCASE, I was CHARGED AND CONVICTED OF COUNTI-BURGLARY WHILE IN POSSESSION OF A FIREMAN, COUNT 2- CONSPIRACY TO COMMIT ROBBERY; AND COUNT 3- ROBBERY WITH USE OF A DEADLY WRAPON; COUNT 4- POSSESSION OF A FIREMAN BY AN EX-FELON.

CONVICTED AND SYNTENCEP UNDER THE HARY TUAL CHUMNAL STATUTE, (NES257,012)
AS WAS CO DEFENDANT ROKETT, ON MAY 10, 2010, NEX207,010.

| AND PRISON TERMS TEAMS MY CERMINAL HISTORY DOES, HOWEVER, ON SEPTEMBER 24, 2010, TREME WAS A SECOND AMENDED TRYMENT OF CONVICTION FILED THAT RESENTENCED PICKETT TO (COURT?) A MAXIMUM OF 25 YEARS WITH A MINIMUM PAROLE EUGHBUTY OF 10 YEARS. PREMOUSH, WE WERE BOTH SENTENCED ON COURT? TO LIFE WITH PAROLE PLYNDRICTY AFTERNOY PRANCE; (SEE JOC), for the SAME EXACT CRIMINAL CONDUCT, ACTS AND INCIDENTS. I HAD NO KNOWLEGGE OF PICKETTO RESENTENCING; VACATING THE LIFE TERM WITH I RECEIVED LEGAL ASSISTANCE FROM A FELLOW IMMATE IN JONARY 2018 WHO HELPED ME OBTAIN THE COURT PECONOS. THE DISPROPRITIONAL OF IN THE SENTENCES OF MYSELF AND PICKETT IS WIRELY PETUMBATAL TO ME AND PROMOBITED BY LAW FOR ANY CORESPONDATION CONVICTED OF THE SAME EXACT CRIMES. MY MOTION TO COURT THIS DESPROPRITIONALTY IN SENTENCING. WAS DEADED BY THE DISTRICT COURT ON MARKIN H 2019 AND ILLUSTRICT MY TRICTIONAL PRIEF IN THIS MATTER. | PICKETT'S CHIMINAL HISTORY CONTAINS MORE PRIOR FELONY CONVICTION |
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| 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 that the District Court was wrong Because of Two Things. First, Nevada (and Clearly States That a Defendant cannot stipulate to a status. The Habitual Cuminal punishment (Treatment is a status, and a crime. See Shaley v. Shate, 7877.2d 396 (1990). |
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| THE CONSTITUTIONAL MALPITY OF PRIOR CONVICTIONS IS A (BYAL |
| TATIK TO WHICH A DEFENDANT MAY NOT STIDULATE, NO MATTER |
| WHAT THE PLEA BARYAIN. SEE MCANULTY V. STATE, 826 P.2d 567 (19) |
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| THE DISTRICT COURT ELREP IN DENYING MY MOTION TO CORNECT |
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| THE DISPHADETIONALLY OF SENTENCES, WHEN IT KNEW OF SHOWS |
| TOAT A OLLENDAN CANNOLLING |
| CITING CLEANLY ESTAPHISHED NEWARA SUPLEME COURT CASE (AN PRECEDENTS. |
| I was sentences indea NRS 207.012 (HARTIAL FELON), WARRAS |
| LWAS SENTENCES (MUEL MOS COTTO) (HARITUAL SUMINAL) |
| MY COPERENDANT WAS SETTENCED WITH EN AIRS 207.010 (HARITUAL STUMINAL) |
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| and availed in The TENTENGIAL TO THE |
| THOUGH BE CORRECTED BY THIS COURT ON APPEAL. |
| Though be constituted |

I BELIEVE TEXT THE DISPROPORTIONALTY OF SENTENCE AND THE DISCRETIONARY ASPECTS OF THE PLAIN EARON DOCTUNE SUPPORTS RESENTENCING FORME IN THIS CASE. THE RECORD IS SCEAR TOAT MY SO DEFENDANT HAD RECEIVED A JENTENCE ON COUNT 3 of TEN TO LIFE ON MAY 10,2010, BUT ON July 27, 2010, DUE TO CLERICAL ENEOR, HIS SINTENCE WAS AMENDED AND THEREAFTER, ON SEPTEMBER 22, 2010, THE SAME SENTENCINY Julye order to Pictuetto Wife sentence VACATED from imposition While LEAVING MY LIFE SENTENCE IN PLACE, FOR THE SAME EXACT cuminal conduct. PICKETTS SECOND AMENDED JUDGMENT OF CONVICTION DEMONSTRATES THE DISPROPORTIONALIES IN TOAT SENTENCE IN RELATION TO THE LIFE SENTENCE I RECEIVED, FROM THE SAME TURYE, FOR THE SAME CRIMES. THIS PUTTUET GOINT EARER IS COMPLETELY DETRIMENTAL TO ME AND HAI NO JUSTIFICATION FOR THOIS DISPANTY IN THE RECORD, THIS IS A CASE WHERE SIMILAR DEFENDANTS WERE JENTENCED DIFFERENTLY FOR THE IDENTICAL CHIME. SER GALLY, UNITED STATES, 1275. CT. (2007); ALSO RITA V. UNITED SHATES, 1275.CT. 2456(20057) A STATE COURT DECISION IS "CONTRARY TO CLEANLY ESTABLISHED PRECEDENT IF THE STATE COURT APPLIES A RULE THAT CONTRADICTS THE governing Law SET FORTH IN OUR CASES OR IF THE STATE COURT CONFRONTS A SET OF FACTS TOAT ARE MATERIALLY INDITINGUISHABLE from a Perision of This COURT AND NEW ACTORIES AMOUVES AT A PESUT DIFFERENT From OUR PRESENT." SER WILLIAMS V. TAYLOR, BZQ U.S. 362, 410-11 (2000). INTHIS CASE, THE DISTRICT COURT APPLIED THE CLEARLY ESTABLISHED STATE AND FERENAL LAWS ERPONEOUSLY AND INCORRECTLY IN TRANS OF DISPADENTIONALTY OF SENTENCES.

| | " ALADIANA SENTENCE |
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| It The | DISTRICT COURT, AS THE HATE ANGUES, (ALC) FIRE PICTION TO MODIFY & SENTENCE |
| SO A D | LENDANT HAS STAKTED STAKING IT. (KASSANISI V. HATE, B)11, COLITION) |
| THAN ON | WHAT BASIS DID TOE DISTRICT COURT MODIFY MY CO-PETENDAND WITE JENIET |
| TO A DEL | I SON TRRU OF 10 TO 25 YEARS WITHOUT GIVING ME THE SAME BENEFIT |
| Γ | law ASK TIOTS COURT TO OLDER A RESENTENCING FOR ME IN 1801, |
| NATTER | TO MAKATE TORE LIFE SENTENCE IMPOSED FOR COUNTS AND THE |
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| Buch | MENT OF CONVICTION TO REFLECT SAID CORRECTIONS. |
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| | RESPECT RULY SUBMITTED |
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| ., | |
| | 2018. |
|] | DATED this 29th day of August, 2018. |
| | |
| | Signature of Appellant |
| | |
| | ALAN DANIELS # 63982 |
| • | 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):
- (1) Supreme COURT of NEVADA
 OFFICE OF THE CLERK
 ZOI SOUTH CARSON St., SUITE ZOI
 CARSON CITY, NV 8 9701
- (2) CHANLES W. THOMAN 200 Lewis AVENUE (A) Vegas, NV 89183-7212

| DATED this 29th | day of | August, 2018. |
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| And the second of the second | | × My |
| | | Signature of Appellant |
| | | * ALAN DANIELS \$ 63982 |
| | | Print Name of Appellant |
| | | × P.o. box 208/SDCC/#63982 Address |
| | | «Indian Sounds NV 89070 |
| | | City/State/Zip |
| | | NA |

Telephone