

IN THE SUPREME COURT OF THE STATE OF NEVADA

RALPH KEVIN CLARK AKA KEVIN

Appellant, BROOKS

vs.

THE STATE OF NEVADA

Respondent.

Supreme Court No. 77883

District Court No. C-93713-2

FILED

MAY 31 2019

APPELLANT'S INFORMAL BRIEF

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY D. Richards
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 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.

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

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.

19-23768

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
1-9-2019	ORDER DENYING DEFENDANT'S MOTION FOR MODIFICATION OF SENTENCE.

Notice of Appeal. Give the date you filed your notice of appeal in the district court: _____

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

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 August 3, 1980, The STATE Filed A "memorandum and exhibits in support of Habitual Criminal Sentence" In the memorandum, The STATE Points out A Prior conviction, case No. OCR6735, For The crime of Burglary, convicted on May 14, 1980.

On June 14, 2018, The STATE of California, contacted and informed me that case No. OCR6735, was not

A valid case number.

On November 10, 2018, Brooks Filed A motion For
Modification of Sentence.

On January 9, 2019, The Court Filed its order
Denying Brooks' motion For modification of
Sentence.

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.)

KEVIN BROOKS, Plaintiff, Does Hereby adopt The Argument AS iterated And set forth in Plaintiff's motion For Modification of Sentence.

The District Court Errored By Refusing To modify Brooks' sentence, Based upon The contents of His motion For modification of Sentence.

In Plaintiff's motion For modification of Sentence, Plaintiff informed the court That case No. OCR 6735, Used As A Prior conviction To make Plaintiff A Habitual Criminal, was in FACT, NOT A valid case number.

Most Alarming About The memorandum in Support of Habitual Criminal Sentence was The Statement made By The State, on Page # 7, which States,

"CONTAINS SIX ABSTRACT OF JUDGMENT OF conviction AS PRIMA FACIE evidence of The Six convictions alleged in The amended information Against The Defendant." Id.

However, This is important Because The Judgment of conviction with case No. OCR 6735 is invalid. IT'S invalid Because That case number is not a valid California case number, and Therefore, should not Have Been on a Judgment of conviction From California.

Also, in The memorandum in support of Habitual Criminal Sentence, The State, stated,

"The Attached Document is not The Actual certified Record Because That Record is Presently in The Hands OF MARY FRANK OF Las Vegas Metropolitan Police Department For Purposes of Analysing The Print on Each Judgment of conviction To Determine if The Defendant is The Person who Left That Print on The Judgment of conviction." Id. at Page # 8.

Therefore, The Judge, At Sentencing, Did not Have The certified copies of The Judgment of convictions, Making The sentence illegal. Further, it Doesn't matter That This, case No. OCR 6735, is only one of Six Alleged

Priors Because Brooks was sentenced to the most severe sentence available for a non-death penalty case, and only the sentencing judge can say whether the fact that he was told that case no. OCR 6735 was a valid prior among six — played a persuasive role in the court's decision to sentence Brooks to the most severe sentence available, "life without the possibility of parole."

Lined area for text entry.

DATED this _____ day of _____, 20____.

Ralph Kevin Clark

Signature of Appellant

RALPH KEVIN CLARK AKA

KEVIN BROOKS

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):

DATED this _____ day of _____, 20____.

Ralph Kevin Clark

Signature of Appellant

RALPH KEVIN CLARK AKA
KEVIN BROOKS

Print Name of Appellant

P.O. Box 650

Address

Indian Springs, NV. 89070

City/State/Zip

Telephone