

80630

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

Filed Date	Name of Judgment or Order
1/13/20	State's Motion to dismiss

APR 22 2020

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

Notice of Appeal. Give the date you filed your notice of appeal in the district court: 10/29/19

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

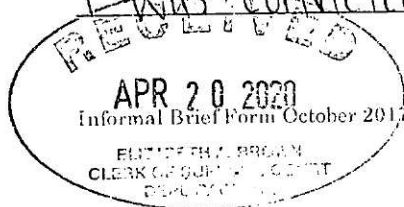
Pro Bono Counsel. Would you be interested in having pro bono counsel assigned to represent you in this appeal?

☒ 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.)

Based on the plain language of NRS 193.165(4) I was illegally sentenced because the weapons enhancement was improperly applied to my sentence. NRS 193.165(4) states: 4. The provisions of subsections 1, 2, and 3 do not apply where the use of a firearm, other deadly weapon or tear gas is a necessary element of such crime. I was convicted of Robbery w/ use of a deadly weapon



20-15250

NRS 200.380, & Attempted Murder NRS 200.010. Both crimes are crimes in which a deadly weapon is a necessary element to even commit, thus a deadly weapons enhancement cannot be applied to either crime. To attempt to murder - a weapon is a necessary element, likewise Robbery w/ use of a deadly weapon is another crime in which a necessary element is a weapon. The language of NRS 193.165(4) clearly prohibits the application of a weapons enhancement where a weapon is a necessary element in a crime. Based on my sentence structure having an enhancement applied to it unjustly, my rites are being violated because I have been harshly punished in a fashion that is simply not in accordance with the plain language of NRS 193.165(4).

At no point was I given adequate counsel from those appointed to represent me (ie Anthony Goldstein) to inform of the fact I was illegally sentenced under Nevada Law. Because of this, newfound evidence recently discovered, I elected to file a post conviction habeas corpus to remedy the situation. The court erroneously applied the weapons enhancement to my sentence in order to apply a harsh penalty that is beyond the letter of the law. The plain language of NRS 193.165(4) is easy to interpret, and it is easy to see I was

unjustly sentenced and subjected to a penalty that is too harsh for the crime, especially considering the plain language of NRS 193.165(4)

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.)

the district court was wrong first for not seeing i.e. my PSI that I am not incarcerated for a generic robbery thus I cant be sentenced to a weapons enhancement. Also the district court should have reviewed NRS 193.165(4) so they could of interpreted the nuances of the statute and correct the fact that I was illegally sentenced as the weapons enhancement was illegally/erroneously applied to my sentence. Furthermore, the time bar for me filing a Habeas Corpus should be void

because of new found evidence regarding my cases
i.e. NRS193.165(4). At no point was I informed
or notified by my counsel (Att Anthony Goldstein)
that I was being illegally sentenced. No time bar
can be instituted when an illegal sentence is
present.

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There is no text or other markings on the paper.

Lined area for text entry.

DATED this 15th day of April, 2020.

Willie Carter
Signature of Appellant

Willie Carter
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 15 day of April, 2020.

Willie Carter
Signature of Appellant

Willie Carter
Print Name of Appellant

PO Box 208
Address

Indian Springs, NV 89070
City/State/Zip

N/A
Telephone