

FILED

IN THE SUPREME COURT OF THE STATE OF NEVADA AUG 12 2021

Daine Anton Crawley  
Appellant,

vs.  
Brian Williams, Warden High Desert State Prison  
Respondent.

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

Supreme Court No. 83136

District Court No. Clark County C341135/A-20-816041-W

**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 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 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.

21-23460

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   |
|------------|---|
| 7/26/2021  | Supplemental Petition For Habeas Corpus (Denied July 22, 2021)  |
| 7/26/2021  | Supplemental Petition for Habeas Corpus (C341735 and A-20-816041-W)<br>Both petitions were denied on July 22, 2021, as Fugitive Documents |

**Notice of Appeal.** Give the date you filed your notice of appeal in the district court: June 24<sup>th</sup>, 2021

**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               |
|---------------|---|-----------------------------|
| C341735       | State of Nevada vs. Daine Crawley             | Clark County District Court |
| A-20-816041-W | Daine Crawley vs. State of Nevada             | Clark County District Court |
| 83136         | Daine Crawley vs. Brian Williams, Warden HDSF | Supreme Court of Nevada     |

**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.)

This is an appeal of Decision of Post conviction Habeas Corpus in which an illegal sentence, Breach of Plea agreement, and Due process rights violations are the basis of the argument of appeal. There are a number of issues including but not limited to Amendment 6, and valid case law consistent with the case James Albert Carter vs. State 79 Nev. 89, 378 P.2d 876, 1963 Nev. and the use of non-qualifying convictions from The Commonwealth of Virginia under NRS. 207.010.



It should be noted that "several documents" have been provided to substantiate the claim of ineffective assistance of Counsel, violating Amendment 6 and 14. A foreign Conviction must be a felony in The State of Nevada to be used to adjudicate under NRS 207.010 (Case(s) CR10B01924 CR10B01925 CR10B01926, and CR14B02472) do not equal a felony Count under NRS 205.222 or NRS 205.275 for Felony Grandlarceny (\$200 dollar property Value) in The State of Nevada and thus cannot be used to adjudicate under NRS 207.010. Grounds # 1-5 of post conviction habeas Corpus electronically filed on June 24<sup>th</sup>, 2021 at 12:20 pm verify every claim made, please review all documents pertaining to this matter. The conflicting information provided by The Court Clerk in Clark County left Defendant unable to communicate with Attorney from May 2020 to the present. The defendant would be interested in having Counsel appointed for Case No: 83136, if the Counsel is effective in presenting said evidence provided in Post-conviction Habeas Corpus dated June 24, 2021. Counsel has been ineffective throughout Case 1341735 that has intorn led to the erroneous sentence in question of 84 to 240 months under NRS 207.010.

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.)

In petition dated June 24<sup>th</sup>, 2021 I have clearly stated and proven that the sentence is erroneous under NRS 207.010 foreign convictions (James Albert Carter vs. state 79 Nev. 89, 378 P.2d 876, 1963 Nev). I have also clearly proven that ineffective assistance of counsel was a factor in not presenting these claims sooner. The Clark County District Court provided conflicting information as to the identity of my Attorney for the period between May 2020 to the present. The entire Direct Appeal process was tainted due to this error by the Court further violating my 6<sup>th</sup> and 14<sup>th</sup> Amendment rights. The

Administrative matter of Court operations of Criminal matters in response to Covid 19 (20-06) filed on March 18<sup>th</sup>, 2020 was violated by the Court on April 1<sup>st</sup>, 2020. This allowed the District Attorney to Breach the plea agreement that was reached for 18 to 60 months for the underlying conviction NRS 202.350 Category C for a concealed weapon: to wit: Razor Knife (on defendant's belt). The most appropriate form of amelioration, to be fair to both parties would be a reverse and remand for resentencing immediately. Without the erroneous sentence structure of 84-240 months the defendant would be eligible for parole, at this time. Please review grounds #1-5 of petition to further elucidate the matter in its entirety, as "I" the defendant would like to participate in the "184 program" to better prepare myself for a successful return to society.



\* Commonwealth of Virginia Case Number(s)  
CR10B1924-01, CR40B01925-01, 02, CR10B01926-01, CR14B02472-01, 02, would amount to misdemeanor/gross misdemeanor counts under NRS 205.275 or NRS 205.222 of property value of \$200 dollars, less than \$500

\* Commonwealth of Virginia Case Number  
CR14F03523 possession schedule I or II (concentrated cannabis oil) 1<sup>st</sup> offense misdemeanor under NRS 453.336 or NRS 212.160

\* State of California Case Number 16WFO150  
Trace amount of schedule I or II on hypodermic device where intoxicant is involved by pre-trial detainee a Gross misdemeanor under NRS 212.160

All of the above cases were used to increase sentence structure under NRS 207.010, (case law for James Albert Carter vs. State 79 Nev. 89; 378 P.2d 876; 1963 Nev states that a foreign conviction must be a felony under Nevada state law to adjudicate under NRS 207.010. Please refer to Shepard 125 S.Ct at 1263 as this was plain error and sentence imposed should not exceed 60 months by expiration. Violating Amendment(s) 5, 6 and 14.

The following case law(s) should be viewed in consideration by the Nevada Supreme Court in reference to habitual criminal proceedings under NRS 207.010 James Albert Carter vs. State 79 Nev. 89, 378 P.2d 876; 1963 Nev. and Shepard 175 S.Ct at 1263.

Please review grounds # 1-5 of Habeas Corpus filed on June 24<sup>th</sup>, 2021 in Clark County District Court along with all documents provided in addition to Supplemental PST prepared on March 24<sup>th</sup>, 2020 used at April 1<sup>st</sup>, 2020 Sentencing hearing by District Attorney David Stanton.

DATED this 2<sup>nd</sup> day of August, 2021.



Signature of Appellant

Daine Anton Crawley #1167447

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 2<sup>nd</sup> day of August, 2021.

  
Signature of Appellant  
Daine Anton Crawley #1167447  
Print Name of Appellant  
WSCC P.O. BOX 7007  
Address  
Carson City, NV 89702  
City/State/Zip  
N/A  
Telephone