IN THE SUPREME COURT OF THE STATE OF NEVADA

WILLIAM JACOB MARTIN, APPELLANT, vs. THE STATE OF NEVADA, RESPONDENT.	SUPREME COURT NO. 83315 DC CASE NO. 19-10DC-0289

Electronically Filed
Sep 03 2021 11:31 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

RECORD ON APPEAL
VOLUME
1

ATTORNEY FOR APPELLANT
WILLIAM JACOB MARTIN, PRO PER
NORTHERN NV CORRECTIONAL CENTER
P.O. BOX 7000
CARSON CITY, NV 89702

ATTORNEY FOR RESPONDENT
LANE MILLS, ESQ.
CHIEF DEPUTY DISTRICT ATTORNEY
165 N. ADA STREET
FALLON, NV 89406

#19-10DC-0289 - STATE OF NEVADA vs. WILLIAM JACOB MARTIN
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RECEIVED MAR 01 2019

19-CDC-0289

CASE ~~18 CR 00045~~

FILED

2019 MAR 6 AM 11:21

SUE SEVON
COURT CLERK

BY J Bennington DEPUTY

IN THE JUSTICE'S COURT OF NEW RIVER TOWNSHIP

COUNTY OF CHURCHILL, STATE OF NEVADA

THE STATE OF NEVADA,
Plaintiff,
VS
WILLIAM JACOB MARTIN,
Defendant,

JUSTICE COURT PROCEEDINGS

January 29, 2018	**Application for Warrant Filed.**
January 29, 2018	**Criminal Complaint Filed.**
January 29, 2018	**Warrant Issued.**
January 30, 2018	**PC & Booking Sheet Filed.**
February 1, 2018	**Arraignment Hearing Held.**
February 1, 2018	**Defendant Information Sheet Filed.**
February 1, 2018	**Order Appointing Counsel & Setting Status Hearing Filed.**
February 9, 2018	**Notice of Status Hearing Filed.**
February 15, 2018	**Notice of Status Hearing Filed.**
February 15, 2018	**Order Reducing Bail Filed.**
February 22, 2018	**Notice of Status Hearing Filed.**
March 10, 2018	**Notice of Status Hearing Filed.**
January 4, 2019	**Motion to Produce Defendant Filed.**
January 4, 2019	**Order to Produce Filed.**
January 9, 2019	**Notice of Entry of Order Filed.**
February 28, 2019	**Status Hearing Held.**
February 28, 2019	**Waiver of Preliminary Hearing Filed.**
March 1, 2019	**Docket Notes/Privacy Envelope.**
March 1, 2019	**Justice Court Proceeding/Paperwork Transf. to District Court.**

I, Benjamin D. Trotter, Judge, Justice Court New River Township, County of Churchill, State of Nevada, do hereby certify that the foregoing is a full, true and correct transcript of the above-noted documents.

Dated this 1st day of March, 2019

Benjamin D. Trotter-Judge
New River Township Justice Court

Judge: TROTTER, BENJAMIN

Case No. 18 CR 00045 3C
Ticket No.
CTN:

STATE OF NEVADA VS By:

-vs-

MARTIN, WILLIAM JACOB DFNDT By: WOODMAN, CHARLES B
4333 RENO HWY #32 321 S ARLINGTON AVENUE
FALLON, NV 89406 RENO, NV 89501
1975 S ALLEN RD
FALLON, NV 89406
Dob: 08/14/1983 Sex: M
Lic: Sid:

Plate#:
Make:
Year: Accident: No
Type:
Venue:
Location: NV

Bond: Set:
CHURCHILL COUNTY DISTRICT ATTORNEY'S OFFICE CPLNT Type: Posted:
LOOP, PAUL PTY_CPLNT

Charges:

Ct.1	205.760.1C	USE CREDIT OR DEBT CARD OR IDENTIFYING INFORMATION ON CARD OR ACCOUNT WITHOUT CONSENT	WAIVED PRELIMINARY HEARING
	Offense Dt: 12/21/2017 Cvr:		
	Arrest Dt:		
	Comments:		
Ct.2	205.760.1C	USE CREDIT OR DEBT CARD OR IDENTIFYING INFORMATION ON CARD OR ACCOUNT WITHOUT CONSENT	WAIVED PRELIMINARY HEARING
	Offense Dt: 12/21/2017 Cvr:		
	Arrest Dt:		
	Comments:		
Ct.3	205.060.2	BURGLARY, FIRST OFFENSE	WAIVED PRELIMINARY HEARING
	Offense Dt: 12/21/2017 Cvr:		
	Arrest Dt:		
	Comments:		
Ct.4	205.060.2	BURGLARY, FIRST OFFENSE	WAIVED PRELIMINARY HEARING
	Offense Dt: 12/21/2017 Cvr:		
	Arrest Dt:		
	Comments:		

Sentencing:

No.	Filed	Action	Operator	Fine/Cost	Due
1	01/29/18	APPLICATION FOR WARRANT FILED	LRIGNEY	0.00	0.00
2	01/29/18	CRIMINAL COMPLAINT FILED	LRIGNEY	0.00	0.00
3	01/29/18	WARRANT ISSUED $30,000 BONDABLE COPY ALL TO DA	LRIGNEY	0.00	0.00
4	01/29/18	ALERT ISSUED: FAXED TO CCSO FOR ENTRY & TO BE BOOKED. CURRENTLY IN CCSO JAIL. ACTIVE WARRANT issued on: 01/29/2018 For: MARTIN, WILLIAM JACOB Bond Amt: $30,000 BONDABLE	LRIGNEY	0.00	0.00
5	01/30/18	PC & BOOKING SHEET FILED	LRIGNEY	0.00	0.00
6	01/30/18	ALERT SERVED: ACTIVE WARRANT served on: 01/29/2018 For: MARTIN, WILLIAM JACOB	LRIGNEY	0.00	0.00
7	01/30/18	ARRAIGNMENT HEARING SCHEDULED Event: ARRAIGNMENTS (NEW RIVER) Date: 02/01/2018 Time: 8:45 am Judge: RICHARDS, MICHAEL Location: NEW RIVER TOWNSHIP JUSTICE COURT Result: ARRAIGNMENT HEARING HELD	LRIGNEY	0.00	0.00

No.	Filed	Action	Operator	Fine/Cost	Due
8	02/01/18	Result: ARRAIGNMENT HEARING HELD CD 773 Judge: RICHARDS, MICHAEL PRESENT. DDA LANE MILLS PRESENT. DEF. PRESENT FROM JAIL WITHOUT COUNSEL. READS, WRITES ENGLISH. DEF. HAS BEEN APPOINTED PD WOODMAN/SMITH ON OTHER CASES. COURT APPOINTS WOODMAN TO THIS CASE ALSO & SET CONT. STATUS 1 WEEK. SET ALL CASES FOR STATUS TOGETHER.	LRIGNEY	0.00	0.00
9	02/01/18	STATUS REVIEW HEARING SCHEDULED Event: STATUS HEARING (NEW RIVER) Date: 02/08/2018 Time: 8:45 am Judge: RICHARDS, MICHAEL Location: NEW RIVER TOWNSHIP JUSTICE COURT Result: CONTINUED	LRIGNEY	0.00	0.00
10	02/01/18	DEFENDANT INFORMATION SHEET FILED	LRIGNEY	0.00	0.00
11	02/01/18	ORDER APPOINTING COUNSEL & SETTING STATUS FILED COPY DA & PD WOODMAN ALONG W/COPY OF CASE.	LRIGNEY	0.00	0.00
12	02/09/18	CONTINUED 1 WEEK PER PETER AND CHELSEA The following event: STATUS HEARING (NEW RIVER) scheduled for 02/08/2018 at 8:45 am has been resulted as follows: Result: CONTINUED Judge: RICHARDS, MICHAEL Location: NEW RIVER TOWNSHIP JUSTICE COURT	SKRAMER	0.00	0.00
13	02/09/18	NOTICE OF STATUS HEARING FILED.	SKRAMER	0.00	0.00
14	02/09/18	STATUS REVIEW HEARING SCHEDULED Event: STATUS HEARING (NEW RIVER) Date: 02/15/2018 Time: 9:15 am Judge: RICHARDS, MICHAEL Location: NEW RIVER TOWNSHIP JUSTICE COURT Result: CONTINUED	SKRAMER	0.00	0.00
15	02/15/18	CONTINUED 1 WEEK PER PETER The following event: STATUS HEARING (NEW RIVER) scheduled for 02/15/2018 at 9:15 am has been resulted as follows: Result: CONTINUED Judge: RICHARDS, MICHAEL Location: NEW RIVER TOWNSHIP JUSTICE COURT	SKRAMER	0.00	0.00
16	02/15/18	NOTICE OF STATUS HEARING FILED.	SKRAMER	0.00	0.00
17	02/15/18	STATUS REVIEW HEARING SCHEDULED Event: STATUS HEARING (NEW RIVER) Date: 02/22/2018 Time: 8:45 am Judge: RICHARDS, MICHAEL Location: NEW RIVER TOWNSHIP JUSTICE COURT	SKRAMER	0.00	0.00

Result: CONTINUED

No.	Filed	Action	Operator	Fine/Cost	Due
18	02/15/18	ORDER REDUCING BAIL FILED FAXED JAIL	LRIGNEY	0.00	0.00
19	02/22/18	CONTINUED TO MARCH 8TH PER WOODMAN AND .D.A The following event: STATUS HEARING (NEW RIVER) scheduled for 02/22/2018 at 8:45 am has been resulted as follows: Result: CONTINUED Judge: RICHARDS, MICHAEL Location: NEW RIVER TOWNSHIP JUSTICE COURT	SKRAMER	0.00	0.00
20	02/22/18	NOTICE OF STATUS HEARING FILED.	SKRAMER	0.00	0.00
21	02/22/18	STATUS REVIEW HEARING SCHEDULED Event: STATUS HEARING (NEW RIVER) Date: 03/08/2018 Time: 9:15 am Judge: RICHARDS, MICHAEL Location: NEW RIVER TOWNSHIP JUSTICE COURT Result: CONTINUED	SKRAMER	0.00	0.00
22	03/08/18	CONTINUED 2 WEEKS @ COUNTER W/WOODMAN & DA The following event: STATUS HEARING (NEW RIVER) scheduled for 03/08/2018 at 9:15 am has been resulted as follows: Result: CONTINUED Judge: RICHARDS, MICHAEL Location: NEW RIVER TOWNSHIP JUSTICE COURT	LRIGNEY	0.00	0.00
23	03/10/18	STATUS REVIEW HEARING SCHEDULED Event: STATUS HEARING (NEW RIVER) Date: 03/22/2018 Time: 10:00 am Judge: RICHARDS, MICHAEL Location: NEW RIVER TOWNSHIP JUSTICE COURT Result: VACATED PROCEEDINGS	LRIGNEY	0.00	0.00
24	03/10/18	NOTICE OF STATUS HEARING FILED COPY DA & PD WOODMAN	LRIGNEY	0.00	0.00
25	08/16/18	HEARING RESULTED: The following event: STATUS HEARING (NEW RIVER) scheduled for 03/22/2018 at 10:00 am has been resulted as follows: Result: VACATED PROCEEDINGS Judge: RICHARDS, MICHAEL Location: NEW RIVER TOWNSHIP JUSTICE COURT	STRACY	0.00	0.00
26	01/04/19	MOTION TO PRODUCE DEFENDANT FILED	LRIGNEY	0.00	0.00
27	01/04/19	ORDER TO PRODUCE FILED	LRIGNEY	0.00	0.00
28	01/05/19	STATUS REVIEW HEARING SCHEDULED Event: STATUS HEARING (NEW RIVER) Date: 02/28/2019 Time: 9:00 am Judge: RICHARDS, MICHAEL Location: NEW RIVER TOWNSHIP JUSTICE COURT	LRIGNEY	0.00	0.00

No.	Filed	Action	Operator	Fine/Cost	Due
29	01/07/19	JUDGE CASELOAD TRANSFER FOR SPECIFIC JUDGE DETAILS, SEE JUDGE DEVIATION DISPLAY SCREEN PATH: SELECT THE CASE DISPOSITION (DISP.) BUTTON> OPEN THE CASE DISPOSITION> SELECT THE JUDGE DEVIATION (JUDGE DEV.) BUTTON	CWORTMAN	0.00	0.00
30	01/09/19	NOTICE OF ENTRY OF ORDER FILED.	LRIGNEY	0.00	0.00
31	02/28/19	Result: STATUS REVIEW HELD Judge: TROTTER, BENJAMIN PRESIDING. DDA LANE MILLS PRESENT. DEF. PRESENT FROM NDOC WITH COUNSEL PD SMITH. STATE ADV HAVE GLOBAL RESOLUTION ON ALL CASES. DEF. WILL WAIVE TO DISTRICT COURT ON 18CR45 & 18CR67 INCLUDING RESTITUTION ON ALL CASES. COURT APTS PD WOODMAN ON ALL CASES & PD SMITH WAIVES FORMAL READING ON ALL. PD SMITH & DDA MILLS WILL PROVIDE WAIVER TO CLERK @ COUNTER.	LRIGNEY	0.00	0.00
32	02/28/19	WAIVER OF PRELIMINARY HEARING FILED COPY DA & PD WOODMAN	LRIGNEY	0.00	0.00
33	03/01/19	PC & BOOKING SHEET FILED	LRIGNEY	0.00	0.00
34	03/01/19	JUSTICE COURT PROCEEDINGS ISSUED/PAPERWORK TRANSFERRED TO DISTRICT COURT	LRIGNEY	0.00	0.00
35	03/01/19	CASE CLOSED	LRIGNEY	0.00	0.00
			Total:	0.00	0.00
		Totals By: INFORMATION *** End of Report ***		0.00	0.00

CASE NO 18 CR 45
14 CR 67

FILED
2019 FEB 28 AM 10: 09
JUSTICE COURT
FALLON, NEVADA

IN THE JUSTICE'S COURT OF NEW RIVER TOWNSHIP
COUNTY OF CHURCHILL, STATE OF NEVADA

THE STATE OF NEVADA,
Plaintiff,
vs.
William Jacob Martin,
Defendant,

UNCONDITIONAL WAIVER OF PRELIMINARY EXAMINATION

I, William Martin, the defendant in the above-entitled action, be fully advised of my right to a preliminary examination before this court, hereby unconditionally waive my right to a preliminary examination upon the charge(s) filed against me in the Criminal Complaint of any Amendments to the Criminal Complaint filed in this matter. I understand and consent that my case shall be transferred to the Tenth Judicial District Court of the State of Nevada, in and for the County of Churchill, to answer to the charge(s).

I further understand that this waiver is not conditioned upon any plea agreement that I may have reached with the State of Nevada. I fully understand that in the event I decide not to enter into such agreement at the District Court, I will not be entitled to a preliminary examination on any charge(s) filed against me upon the Criminal Complaint or Amendments to the Criminal Complaint.

DATED: This 28 day of Feb, 2019.

DEFENDANT

Attest:
This is to certify that the foregoing Unconditional Waiver of Preliminary Examination was knowingly and Voluntarily signed by the above named Defendant, in my presence, on the

28 day of February, 2019.

PW Smith
Witness/Attorney

2x Burglary Free to argue, + Restitution in all cases not previously ordered. All remaining charges dismissed, no new charges pursued arising from these investigations

00006

Churchill County District Attorney
165 North Ada Street
Fallon, Nevada 89406
(775) 423-6561 Fax (775) 423-6528

FILED
2019 JAN -9 AM 10: 30
JUSTICE COURT
FALLON, NEVADA

Case No. 18-CR-00045

The undersigned hereby affirms that this document does not contain the social security number of any person.

IN THE JUSTICE'S COURT OF NEW RIVER TOWNSHIP
COUNTY OF CHURCHILL, STATE OF NEVADA

THE STATE OF NEVADA,

Plaintiff,

vs.

WILLIAM JACOB MARTIN,

Defendant.

NOTICE OF ENTRY OF ORDER

Charles B. Woodman
Attorney at Law
548 West Plumb Lane, Suite B
Reno, NV 89509

NOTICE IS HEREBY GIVEN that the ORDER TO PRODUCE, a copy of which is attached hereto, was duly entered in the above-entitled matter on the 4th day of January, 2019.

DATED: This 8 day of January, 2019.

Chelsea Sanford
Deputy District Attorney

DA#18-133/LRM/SLS

Case No. 18-CR-00045

FILED
2019 JAN -4 PM 5:03
JUSTICE COURT
FALLON, NEVADA

The undersigned hereby affirms that this document does not contain the social security number of any person.

IN THE JUSTICE'S COURT OF NEW RIVER TOWNSHIP

COUNTY OF CHURCHILL, STATE OF NEVADA

THE STATE OF NEVADA,

Plaintiff,

vs.

WILLIAM JACOB MARTIN

Defendant.

ORDER TO PRODUCE

It appearing to the satisfaction of the Court that it is necessary that WILLIAM JACOB MARTIN (Inmate No. 95529), presently incarcerated with the Nevada Department of Corrections, be brought before this Court for proceedings in the above-entitled matter.

NOW, THEREFORE, IT IS HEREBY ORDERED, that pursuant to provisions of NRS 174.325, the Nevada Department of Corrections bring the said WILLIAM JACOB MARTIN before the New River Township Justice Court, on the 28th day of February, 2019 9:00 AM, and from time to time thereafter and at such times and places as may be ordered and directed by the Court for such proceedings as thereafter may be necessary and proper in the premises.

DATED this 4 day of January, 2019.

Judge

DA#18-133/LRM/SLS

CERTIFICATE OF SERVICE

On the 9 day of January, 2019, I was an employee of the District Attorney's Office and that the foregoing **NOTICE OF ENTRY OF ORDER**, was served to the following address(s):

Charles B. Woodman
Attorney at Law
548 West Plumb Lane, Suite B
Reno, NV 89509

By:

__X__ U.S. Mail

_____ Certified Mail

_____ Return Receipt Requested

_____ Hand Delivered

Savannah Sweeney

Savannah Leigh Sweeney
Legal Secretary

Churchill County District Attorney
165 North Ada Street
Fallon, Nevada 89406
(775) 423-6561 Fax (775) 423-6528

FILED

2019 JAN -4 PM 5:04

JUSTICE COURT
FALLON, NEVADA

Case No. 18-CR-00045

The undersigned hereby affirms that this document does not contain the social security number of any person.

IN THE JUSTICE'S COURT OF NEW RIVER TOWNSHIP

COUNTY OF CHURCHILL, STATE OF NEVADA

THE STATE OF NEVADA,

Plaintiff,

vs.

WILLIAM JACOB MARTIN

Defendant.

ORDER TO PRODUCE

It appearing to the satisfaction of the Court that it is necessary that WILLIAM JACOB MARTIN (Inmate No. 95529), presently incarcerated with the Nevada Department of Corrections, be brought before this Court for proceedings in the above-entitled matter.

NOW, THEREFORE, IT IS HEREBY ORDERED, that pursuant to provisions of NRS 174.325, the Nevada Department of Corrections bring the said WILLIAM JACOB MARTIN before the New River Township Justice Court, on the 28th day of February, 2019 9:00 AM, and from time to time thereafter and at such times and places as may be ordered and directed by the Court for such proceedings as thereafter may be necessary and proper in the premises.

DATED this 4 day of January, 2019.

Judge

DA#18-133/LRM/SLS

Churchill County District Attorney
165 North Ada Street
Fallon, Nevada 89406
(775) 423-6561 Fax (775) 423-6528

Case No. 18-CR-00045

FILED
2019 JAN -4 PM 1:44
JUSTICE COURT
FALLON, NEVADA

The undersigned hereby affirms that this document does not contain the social security number of any person.

IN THE JUSTICE'S COURT OF NEW RIVER TOWNSHIP
COUNTY OF CHURCHILL, STATE OF NEVADA

THE STATE OF NEVADA,

Plaintiff,

vs.

WILLIAM JACOB MARTIN,

Defendant.

MOTION TO PRODUCE DEFENDANT

COMES NOW, the State of Nevada, Plaintiff herein, by and through Lane R. Mills, Chief Deputy District Attorney of Churchill County, Nevada, and alleges as follows:

1. That WILLIAM JACOB MARTIN (Inmate No. 95529) is presently incarcerated with the Nevada Department of Corrections at the Ely State Prison.

2. That the above-entitled matter is set for Felony Status Hearing on February 28, 2019 9:00 AM.

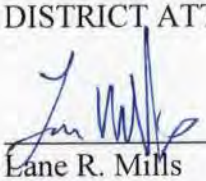
3. That WILLIAM JACOB MARTIN (Inmate No. 95529) is the Defendant in the above-entitled matter.

WHEREFORE, applicant prays that an Order be made pursuant to NRS 174.325 ordering the appearance of the said WILLIAM JACOB MARTIN (Inmate No. 95529) before the New River Township Justice Court, on February 28, 2019 9:00 AM, and from time to time at such times and places as may be ordered and directed by the Court for such proceedings as thereafter

may be necessary and proper in the premises, and directing the execution of said Order by the Nevada Department of Corrections.

DATED: This 4 day of January, 2019.

ARTHUR E. MALLORY
DISTRICT ATTORNEY



Lane R. Mills
Chief Deputy District Attorney
Churchill County
165 North Ada Street
Fallon, NV 89406

Churchill County District Attorney
165 North Ada Street
Fallon, Nevada 89406
(775) 423-6561 Fax (775) 423-6528

CERTIFICATE OF SERVICE

On the 4 day of January, 2019, I was an employee of the District Attorney's Office and that the foregoing **MOTION TO PRODUCE DEFENDANT** was served to the following address(s):

Charles B. Woodman
Attorney at Law
548 West Plumb Lane, Suite B
Reno, NV 89509

X U.S. Mail

_____ Certified Mail

_____ Return Receipt Requested

_____ Hand Delivered

Savannah Sweeney

Savannah Leigh Sweeney
Legal Secretary

Churchill County District Attorney
165 North Ada Street
Fallon, Nevada 89406
(775) 423-6561 Fax (775) 423-6528

DA#18-133/LRM/SLS

CASE NO. 18 CR 00028, 18 CR 00044, 18 CR 00045, 18 CR 00067, 18 CR 00069, 17 CR 00221

FILED

2018 MAR 10 AM 9:53

JUSTICE COURT
FALLON, NEVADA

IN THE JUSTICE'S COURT OF NEW RIVER TOWNSHIP

COUNTY OF CHURCHILL, STATE OF NEVADA

THE STATE OF NEVADA,

Plaintiff,

vs.

WILLIAM MARTIN,

Defendant,

NOTICE OF STATUS HEARING

To: Arthur Mallory
165 N. Ada Street
Fallon, NV 89406

Charlie Woodman
548 W. Plumb Lane, Suite B
Reno, NV 89509

YOU AND EACH OF YOU will please take notice that I, the undersigned Judge before who the above-entitled cause is pending, have set the cause for **status hearing** before me in the Justice's Court, 71 North Maine Street, Fallon, Nevada at the hour of **10:00 A.M. on the 22nd day of March, 2018.**

Dated this 10th day of March, 2018

MICHAEL D. RICHARDS, JUDGE
New River Township Justice Court

By: _____
Justice Court Clerk

CASE NO. 18 CR 00028 / 18 CR 00044 / 18 CR 00045 /18 CR 00067 / 18 CR 00069

IN THE JUSTICE'S COURT OF NEW RIVER TOWNSHIP

COUNTY OF CHURCHILL, STATE OF NEVADA

FILED
2018 FEB 22 P 2:11
JUSTICE COURT
FALLON, NEVADA

THE STATE OF NEVADA,

Plaintiff,

vs.

WILLIAM JACOB MARTIN,

Defendant,

NOTICE OF STATUS HEARING

To: Arthur Mallory
165 N. Ada Street
Fallon, NV 89406

Charlie Woodman
548 W. Plumb Lane, Suite B
Reno, NV 89509

YOU AND EACH OF YOU will please take notice that I, the undersigned Judge before who the above-entitled cause is pending, have set the cause for **status hearing** before me in the Justice's Court, 71 North Maine Street, Fallon, Nevada at the hour of **9:15 A.M. on the 8TH day of MARCH, 2018.**

Dated this 22ND day of FEBRUARY, 2018

MICHAEL D. RICHARDS, JUDGE
New River Township Justice Court

By: _____
Justice Court Clerk

FILED

2018 FEB 15 AM 11:32

JUSTICE COURT
FALLON, NEVADA

CASE NO: 18 CR 00069 / 18 CR 00067 / 18 CR 00045 / 18 CR 00044 / 18 CR 00028

IN THE JUSTICE'S COURT OF NEW RIVER TOWNSHIP

COUNTY OF CHURCHILL, STATE OF NEVADA

THE STATE OF NEVADA,

Plaintiff,

vs.

WILLIAM JACOB MARTIN,

Defendant,

ORDER REDUCING BAIL

A hearing having been held with Judge Pro-Tem, William L. Lawry, presiding, the State of Nevada being present, the defendant being present without counsel and good cause appearing therefore;

IT IS HEREBY ORDERED bail be reduced to **$30,000 bondable.**

IT IS FURTHERED ORDERED that in accordance with Nevada Revised Statue 178.4851 (6): any law enforcement officer is to arrest the above named defendant; if they have probable cause to believe that the defendant has violated a condition of his/her release.

Dated this 15th day of February, 2018

William L. Lawry, Judge Pro-Tem
New River Township Justice Court

00016

CASE NO. 18 CR 00045 / 18 CR 00044 / 18 CR 00028

FILED

2018 FEB 15 AM 10: 26

JUSTICE COURT
FALLON, NEVADA

IN THE JUSTICE'S COURT OF NEW RIVER TOWNSHIP

COUNTY OF CHURCHILL, STATE OF NEVADA

THE STATE OF NEVADA,

Plaintiff,

vs.

WILLIAM MARTIN,

Defendant,

NOTICE OF STATUS HEARING

To: Arthur Mallory
165 N. Ada Street
Fallon, NV 89406

Charlie Woodman
548 W. Plumb Lane, Suite B
Reno, NV 89509

YOU AND EACH OF YOU will please take notice that I, the undersigned Judge before who the above-entitled cause is pending, have set the cause for **status hearing** before me in the Justice's Court, 71 North Maine Street, Fallon, Nevada at the hour of **8:45 A.M. on the 22ND day of FEBRUARY, 2018.**

Dated this 15th day of February, 2018

WILLIAM L. LAWRY, JUDGE
New River Township Justice Court

By: _____
Justice Court Clerk

CASE NO. 18 CR 00028 / 18 CR 00044 / 18 CR 00045

FILED
2018 FEB -9 PM 2:40
JUSTICE COURT
FALLON, NEVADA

IN THE JUSTICE'S COURT OF NEW RIVER TOWNSHIP

COUNTY OF CHURCHILL, STATE OF NEVADA

THE STATE OF NEVADA,

Plaintiff,

vs.

WILLIAM JACOB MARTIN,

Defendant,

NOTICE OF STATUS HEARING

To: Arthur Mallory
165 N. Ada Street
Fallon, NV 89406

Charlie Woodman
548 W. Plumb Lane, Suite B
Reno, NV 89509

YOU AND EACH OF YOU will please take notice that I, the undersigned Judge before who the above-entitled cause is pending, have set the cause for **status hearing** before me in the Justice's Court, 71 North Maine Street, Fallon, Nevada at the hour of **9:15 A.M. on the 15TH day of FEBRUARY, 2018.**

Dated this 9TH day of FEBRUARY, 2018

WILLIAM L. LAWRY, JUDGE
New River Township Justice Court

By: _____
Justice Court Clerk

FILED

2018 FEB -2 AM 11:06

JUSTICE COURT
FALLON, NEVADA

CASE NO 18 CR 00044 & 18 CR 00045

IN THE JUSTICE'S COURT OF NEW RIVER TOWNSHIP

COUNTY OF CHURCHILL, STATE OF NEVADA

THE STATE OF NEVADA,

Plaintiff,

vs.

WILLIAM MARTIN,

Defendant,

ORDER APPOINTING COUNSEL AND SETTING STATUS HEARING

The defendant above-named, having appeared in court and having requested counsel, and the court having appointed the Churchill County Public Defender, and good cause appearing therefore;

IT IS HEREBY ORDERED that **CHARLIE WOODMAN,** Attorney at Law, be, and the same hereby is, appointed as Public Defender, to represent the defendant in the above entitled matter(s).

IT IS FURTHER ORDERED that this matter is set for **STATUS hearing** before me in the Justice's Court, 71 North Maine Street, Fallon, Nevada at the hour of **8:45 A.M**. on the **8TH** day of **FEBRUARY**, **2018**.

DATED this 1st day of February, 2018.

MICHAEL D. RICHARDS, JUDGE
New River Township Justice Court

BY: _____
Justice Court Clerk

DEFENDANT INFORMATION SHEET

MUST BE FILLED OUT COMPLETELY OR TO THE BEST OF YOUR KNOWLEDGE
Please write at neatly as you can

NAME: William Martin **CASE #** 18CR45 - 18CR44

MAILING ADDRESS: 4333 Reno Hwy Spc 32

PHYSICAL ADDRESS:

HOME PHONE 775-423-9819 **CELL PHONE** 775-573-0770

WORK PHONE **ALTERNATE #**

EMPLOYER NAME:

FILED
2018 FEB -2 AM 10:04
JUSTICE COURT
FALLON, NEVADA

HAVE YOU EVER HAD ANY OF THE PUBLIC DEFENDERS LISTED BELOW?

YES / **NO** **IF YES, CIRCLE THE ATTORNEY.**

JACOB SOMMER **CHARLES WOODMAN** **DAVID NEIDERT**

Case No. 18CR00045 Docket:

IN THE JUSTICE'S COURT OF NEW RIVER TOWNSHIP
COUNTY OF CHURCHILL, STATE OF NEVADA

STATE OF NEVADA,

Plaintiff,

vs.

WILLIAM JACOB MARTIN,

Defendant.

WARRANT OF ARREST

The State of Nevada

To any Sheriff, Constable, Marshal, Policeman or Peace Officer in this state:

A COMPLAINT upon oath has been this day laid before me by Investigator Paul Loop that the offenses of **COUNT 1, FRAUDULENT USE OF CREDIT CARD OR DEBIT CARD, OR IDENTIFYING DESCRIPTION OF CREDIT ACCOUNT OR DEBIT CARD; PRESUMPTION OF KNOWLEDGE OF REVOCATION OF CREDIT CARD OR DEBIT CARD, a Category D Felony, in violation of, NRS 205.760(1)(b), COUNT 2, FRAUDULENT USE OF CREDIT CARD OR DEBIT CARD, OR IDENTIFYING DESCRIPTION OF CREDIT ACCOUNT OR DEBIT CARD; PRESUMPTION OF KNOWLEDGE OF REVOCATION OF CREDIT CARD OR DEBIT CARD, a Category D Felony, in violation of, NRS 205.760(1)(b), COUNT 3, BURGLARY, a Category B Felony, in violation of, NRS 205.060(2), and COUNT 4, BURGLARY, a Category B Felony, in violation of, NRS 205.060(2),** has/have been committed, and accusing William Jacob Martin thereof. Defendant is a White Male; DOB: 08/14/83; WGT: 215; HGT: 6' 00"; HAIR: Brown; EYES: Green; Last known address: 1975 South Allen Road, Fallon, Nevada.

YOU ARE THEREFORE COMMANDED forthwith to arrest the above-named defendant **WILLIAM JACOB MARTIN** and bring said Defendant before me in the New River Township Justice Court, County of Churchill, State of Nevada, or in case of my absence or inability to act, before the nearest or most accessible magistrate in this County.

WITNESS, my hand this 29 day of JAN, A.D., 2018, and I direct that this WARRANT may be served at any hour of the day or night.

Justice of the Peace of New River Township
County of Churchill, State of Nevada

DATED: This 29 day of JAN, of 2018.
Bond is hereby set at $30,000.00 Dollars.

Justice of the Peace of New River Township
County of Churchill, State of Nevada

///
///
///
///

CCSO/C17-07611
DA#18-133/LRM/LN

****

I HEREBY CERTIFY that I received the above Warrant on the _____ day of _____, A.D., 2018 , and served the said Warrant by arresting the within named Defendant **WILLIAM JACOB MARTIN**.

_____
County of Churchill, State of Nevada

Churchill County District Attorney
165 North Ada Street
Fallon, Nevada 89406
(775) 423-6561 Fax (775) 423-6528

Case No. 18CR00045

FILED

2018 JAN 26 AM 10: 28

JUSTICE COURT
FALLON, NEVADA

The undersigned hereby affirms that this document does not contain the social security number of any person.

IN THE JUSTICE'S COURT OF NEW RIVER TOWNSHIP

COUNTY OF CHURCHILL, STATE OF NEVADA

STATE OF NEVADA,

Plaintiff,

vs.

WILLIAM JACOB MARTIN,

Defendant.

CRIMINAL COMPLAINT

I, INVESTIGATOR PAUL LOOP, with the Churchill County Sheriff's Office, declaring under penalty of perjury under the laws of the State of Nevada, complains and charges **WILLIAM JACOB MARTIN**, with having committed the following:

COUNT 1
FRAUDULENT USE OF CREDIT CARD OR DEBIT CARD, OR IDENTIFYING DESCRIPTION OF CREDIT ACCOUNT OR DEBIT CARD; PRESUMPTION OF KNOWLEDGE OF REVOCATION OF CREDIT CARD OR DEBIT CARD a Category D Felony, in violation of NRS 205.760(1)(b)

That within declarant's information and belief, **WILLIAM JACOB MARTIN**, on or about the 21st day of December, 2017, and prior to the filing of this CRIMINAL COMPLAINT, at or near 890 West Williams Avenue, Fallon, Churchill County, Nevada, did willfully, unlawfully and with the intent to defraud use the number or other identifying description of a credit account, customarily evidenced by a credit card or the number or other identifying description of a debit card, to obtain money, goods, property, services or anything of value

without the consent of the cardholder, to wit: said Defendant did use a credit card belonging to Vanessa Hammond to purchase goods from Safeway totaling Thirty Dollars and Twenty-One Cents ($30.21).

COUNT 2
FRAUDULENT USE OF CREDIT CARD OR DEBIT CARD, OR IDENTIFYING DESCRIPTION OF CREDIT ACCOUNT OR DEBIT CARD; PRESUMPTION OF KNOWLEDGE OF REVOCATION OF CREDIT CARD OR DEBIT CARD a Category D Felony, in violation of NRS 205.760(1)(b)

That within declarant's information and belief, **WILLIAM JACOB MARTIN**, on or about the 21st day of December, 2017, and prior to the filing of this CRIMINAL COMPLAINT, at or near 2333 West Williams Avenue, Fallon, Churchill County, Nevada, did willfully, unlawfully and with the intent to defraud use the number or other identifying description of a credit account, customarily evidenced by a credit card or the number or other identifying description of a debit card, to obtain money, goods, property, services or anything of value without the consent of the cardholder, to wit: said Defendant did use a credit card belonging to Vanessa Hammond to purchase goods from Walmart totaling Three Hundred Ninety-One Dollars and Ninety-Eight Cents ($391.98).

COUNT 3
BURGLARY a Category B Felony, in violation of NRS 205.060(2)

That within declarant's information and belief, **WILLIAM JACOB MARTIN**, on or about the 21st day of December, 2017, and prior to the filing of this CRIMINAL COMPLAINT, at or near 890 West Williams Avenue, Fallon, Churchill County, Nevada, did, by day or night, enter any house, room, apartment, tenement, shop, warehouse, store, mill, barn, stable, outhouse or other building, tent vessel, vehicle, vehicle trailer, semitrailer or house trailer, airplane, glider, boat or railroad car, with the intent to commit grand or petit larceny, assault or battery on any person or any felony, or to obtain money or property by false pretenses, to wit: said Defendant did enter Safeway located at 890 West Williams Avenue with the intent to commit a felony.

///

Churchill County District Attorney
165 North Ada Street
Fallon, Nevada 89406
(775) 423-6561 Fax (775) 423-6528

Churchill County District Attorney
165 North Ada Street
Fallon, Nevada 89406
(775) 423-6561 Fax (775) 423-6528

COUNT 4
BURGLARY a Category B Felony, in violation of NRS 205.060(2)

That within declarant's information and belief, **WILLIAM JACOB MARTIN**, on or about the 21st day of December, 2017, and prior to the filing of this CRIMINAL COMPLAINT, at or near 2333 West Williams Avenue, Fallon, Churchill County, Nevada, did, by day or night, enter any house, room, apartment, tenement, shop, warehouse, store, mill, barn, stable, outhouse or other building, tent vessel, vehicle, vehicle trailer, semitrailer or house trailer, airplane, glider, boat or railroad car, with the intent to commit grand or petit larceny, assault or battery on any person or any felony, or to obtain money or property by false pretenses, to wit: said Defendant did enter Walmart located at 2333 West Williams Avenue with the intent to commit a felony.

All of which is contrary to the form, force and effect of the statute in such cases made and provided, and against the peace and dignity of the State of Nevada.

I declare under pains and penalties of perjury under the laws of the State of Nevada, that the foregoing is true and correct.

DATED: this 25th day of January, 2018

Paul Anthony Loop

Investigator Paul Loop
Churchill County Sheriff's Office

Churchill County District Attorney
165 North Ada Street
Fallon, Nevada 89406
(775) 423-6561 Fax (775) 423-6528

Case No.: 18CR00045

FILED
2018 JAN 26 AM 10: 28
JUSTICE COURT
FALLON, NEVADA

IN THE JUSTICE'S COURT OF NEW RIVER TOWNSHIP
COUNTY OF CHURCHILL, STATE OF NEVADA

STATE OF NEVADA,
Plaintiff,
vs.
WILLIAM JACOB MARTIN,
Defendant.

APPLICATION FOR ARREST WARRANT

I, INVESTIGATOR PAUL LOOP, declare under pains and penalties of perjury as evidence by my signature affixed hereto:

1. That I am a duly appointed Investigator with the Churchill County Sheriff's Office.
2. That, in that capacity, I obtained facts, information, or observed circumstances relating to the commission of the offenses of **COUNT 1, FRAUDULENT USE OF CREDIT CARD OR DEBIT CARD, OR IDENTIFYING DESCRIPTION OF CREDIT ACCOUNT OR DEBIT CARD; PRESUMPTION OF KNOWLEDGE OF REVOCATION OF CREDIT CARD OR DEBIT CARD, a Category D Felony, in violation of, NRS 205.760(1)(b), COUNT 2, FRAUDULENT USE OF CREDIT CARD OR DEBIT CARD, OR IDENTIFYING DESCRIPTION OF CREDIT ACCOUNT OR DEBIT CARD; PRESUMPTION OF KNOWLEDGE OF REVOCATION OF CREDIT CARD OR DEBIT CARD, a Category D Felony, in violation of, NRS 205.760(1)(b), COUNT 3, BURGLARY, a Category B Felony, in violation of, NRS 205.060(2), and COUNT 4, BURGLARY, a Category B Felony, in violation of, NRS 205.060(2),** committed on or about the

dates listed below, which investigation developed **WILLIAM JACOB MARTIN** as the perpetrator.

a. That within declarant's information and belief, **WILLIAM JACOB MARTIN**, on or about 21st day of December, 2017 and prior to the filing of this criminal complaint, at or near 890 West Williams Avenue, Fallon, Nevada, did willfully, unlawfully and with the intent to defraud use the number or other identifying description of a credit account, customarily evidenced by a credit card or the number or other identifying description of a debit card, to obtain money, goods, property, services or anything of value without the consent of the cardholder, to wit: said Defendant did use a credit card belonging to Vanessa Hammond to purchase goods from Safeway totaling Thirty Dollars and Twenty-One Cents ($30.21).

b. That within declarant's information and belief, **WILLIAM JACOB MARTIN**, on or about 21st day of December, 2017 and prior to the filing of this criminal complaint, at or near 2333 West Williams Avenue, Fallon, Nevada, did willfully, unlawfully and with the intent to defraud use the number or other identifying description of a credit account, customarily evidenced by a credit card or the number or other identifying description of a debit card, to obtain money, goods, property, services or anything of value without the consent of the cardholder, to wit: said Defendant did use a credit card belonging to Vanessa Hammond to purchase goods from Walmart totaling Three Hundred Ninety-One Dollars and Ninety-Eight Cents ($391.98).

c. That within declarant's information and belief, **WILLIAM JACOB MARTIN**, on or about 21st day of December, 2017 and prior to the filing of this criminal complaint, at or near 890 West Williams Avenue, Fallon, Nevada, did, by day or night, enter any house, room, apartment, tenement, shop, warehouse, store, mill, barn, stable, outhouse or other building, tent vessel, vehicle, vehicle trailer, semitrailer or house trailer, airplane, glider, boat or railroad car, with the intent to

Churchill County District Attorney
165 North Ada Street
Fallon, Nevada 89406
(775) 423-6561 Fax (775) 423-6528

commit grand or petit larceny, assault or battery on any person or any felony, or to obtain money or property by false pretenses, to wit: said Defendant did enter Safeway located at 890 West Williams Avenue with the intent to commit a felony.

d. That within declarant's information and belief, **WILLIAM JACOB MARTIN**, on or about 21st day of December, 2017 and prior to the filing of this criminal complaint, at or near 2333 West Williams Avenue, Fallon, Nevada, did, by day or night, enter any house, room, apartment, tenement, shop, warehouse, store, mill, barn, stable, outhouse or other building, tent vessel, vehicle, vehicle trailer, semitrailer or house trailer, airplane, glider, boat or railroad car, with the intent to commit grand or petit larceny, assault or battery on any person or any felony, or to obtain money or property by false pretenses, to wit: said Defendant did enter Walmart located at 2333 West Williams Avenue with the intent to commit a felony.

WILLIAM JACOB MARTIN is described as a White Male; DOB: 08/14/83; WGT: 215; HGT: 6' 00"; HAIR: Brown; EYES: Green; Last known address: 1975 South Allen Road, Fallon, Nevada.

WHEREFORE, declarant prays that an arrest warrant be issued for the arrest of WILLIAM JACOB MARTIN on the above-referenced charge(s).

I declare under pains and penalties of perjury under the laws of the State of Nevada, that the foregoing is true and correct.

DATED: this 25th day of January, 2018

Investigator Paul Loop
Churchill County Sheriff's Office

Churchill County District Attorney
165 North Ada Street
Fallon, Nevada 89406
(775) 423-6561 Fax (775) 423-6528

Case No.: 19-10C-0289

Dept. No.: 1

FILED

2019 MAR -6 AM 11:22

SUE SEVON
COURT CLERK
BY J Bennefield DEPUTY

The undersigned hereby affirms that this document does not contain the social security number of any person.

IN THE TENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF CHURCHILL

THE STATE OF NEVADA,

Plaintiff,

vs.

WILLIAM JACOB MARTIN,

Defendant.

INFORMATION

LANE R. MILLS, Chief Deputy District Attorney of Churchill County, Nevada, informs the above-entitled Court that **WILLIAM JACOB MARTIN,** the Defendant above-named, has committed the offense of **COUNT 1, BURGLARY, a Category B Felony, in violation of NRS 205.060(2)** committed as follows:

COUNT 1
BURGLARY, a Category B Felony, in violation of NRS 205.060(2)

That within declarant's information and belief, **WILLIAM JACOB MARTIN,** on or about the 21st day of December, 2017, and prior to the filing of this INFORMATION, at or near 890 West Williams Avenue, Fallon, Churchill County, Nevada, did, by day or night, enter any house, room, apartment, tenement, shop, warehouse, store, mill, barn, stable, outhouse or other building, tent vessel, vehicle, vehicle trailer, semitrailer or house trailer, airplane, glider, boat or railroad car, with the intent to commit grand or petit larceny, assault or battery on any person or any felony, or to obtain money or property by false pretenses, to wit: said Defendant did enter Walmart located at 2333 West Williams Avenue with the intent to commit a credit card fraud a felony.

Churchill County District Attorney
165 North Ada Street
Fallon Nevada 89406
(775) 423-6561 Fax (775) 423-6528

DA#18-133/LRM/SLS

All of which is contrary to the form, force and effect of the statute in such cases made and provided, and against the peace and dignity of the State of Nevada.

DATED: This 4 day of March, 2019

ARTHUR E. MALLORY,
District Attorney

By: _____
Lane R. Mills
Chief Deputy District Attorney

The following are the names of such witnesses as are known to me at the time of filing the within Information:

Tatum Joe Bell	210 West D Street Fallon, NV 89406
Kim Renay Cecil	180 West A Street Fallon, NV 89406
Breanna Catherine Fain	2215 CHRISTIE CIR; COUNTY FALLON, NV 89406
Dylan Mykel Gray	578 Discovery Drive Fallon, NV 89406
Vanessa Hammond	2335 Hammond Drive Fallon, NV 89406
Nicholas Richard Luesing	180 West A Street Fallon, NV 89406
Steven Randall Richards	689 Keppel Street Fallon, NV 89406
Halsey Lynn Thompson	345 Russell Street Fallon, NV 89406

Churchill County District Attorney
165 North Ada Street
Fallon Nevada 89406
(775) 423-6561 Fax (775) 423-6528

Case No. 19-10DC-00289/290
Dept. No. I

FILED
2019 MAR -6 PM 3:42
SUE SEVON
COURT CLERK
BY [signature] DEPUTY

IN THE TENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF CHURCHILL

THE STATE OF NEVADA,

Plaintiff,

Vs. ORDER OF RECUSAL

WILLIAM JACOB MARTIN,

Defendant.

_____/

The above titled case is currently assigned to District Judge, Thomas L. Stockard. Pursuant to Judicial Code of Conduct, Cannon 2.11(6)(a-b), Judge Stockard recuses himself from deciding or hearing this matter; and good cause appearing therefore;

IT IS HEREBY ORDERED that the Court Administrator in accordance with the Supreme Court of Nevada, Administrative Order, filed May 1, 2017 arrange for Judge Jim Shirley to sit the arraignment hearing currently scheduled for April 9, 2019 at 4:00 p.m. in Courtroom 1; and to handle all further proceedings that may arise that are related to the above-entitled matter.

DATED this 6TH day of March, 2019.

[signature]
THOMAS L. STOCKARD
DISTRICT JUDGE

CERTIFICATE OF SERVICE

The undersigned, an employee of the Tenth Judicial District Court, hereby certifies that I served the foregoing **ORDER OF RECUSAL** on the parties, by depositing a copy thereof in the U.S. Mail at Fallon, Nevada, postage prepaid, addressed as follows:

Lane R. Mills, Esq.
Chief Deputy District Attorney
165 N. Ada Street
Fallon, NV 89406
Placed in District Court Box

Charles Woodman, Esq.
Public Defender
548 W. Plumb Lane, Suite B
Reno, NV 89509
Placed in District Court Box

Parole and Probation
145 Keddie Street
Fallon, NV 89406
Placed in District Court Box

Churchill County Detention Center – *District Court Box*

DATED this 6TH day of March, 2019.

Sue Sevon

Sue Sevon, Court Administrator

Subscribed and sworn to this
6TH day of March, 2019.

Juliet C. Bennington

Deputy Clerk

CASE NO. 19-10DC-0289

DEPT. NO. I

The undersigned hereby affirms that this document does not contain the social security number of any person.

FILED
2019 MAR -7 AM 11:08
SUE SEVON
COURT CLERK
BY Shelly Norton DEPUTY

IN THE TENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF CHURCHILL

THE STATE OF NEVADA,

Plaintiff,

vs.

WILLIAM JACOB MARTIN,

Defendant.

SETTING MEMO

The above-entitled matter is set for: **ARRAIGNMENT**

Date and Time: **APRIL 18, 2019 AT 4:00 P.M.**

Time Allowed: **10 MINUTES**

DATED this 7th day of March, 2019.

/JIM SHIRLEY
JIM SHIRLEY
DISTRICT COURT JUDGE

SLH

CERTIFICATE OF SERVICE

The undersigned, an employee of the Tenth Judicial District Court, hereby certifies that I served the foregoing **SETTING MEMO** on the parties, as noted below:

Charles B. Woodman Esq. ~ *District Court Box*

Lane R. Mills Esq. ~ *District Court Box*

Parole and Probation ~ *District Court Box*

Churchill County Sheriff's Office ~ *District Court Box*

DATED this 7th day of March, 2019.

Shelly Hooten
Court Clerk

Subscribed and Sworn to before me
this 7th day of March, 2019.

Julie C Benninghoff
Court Clerk

SLH

Churchill County District Attorney
165 North Ada Street
Fallon, Nevada 89406
(775) 423-6561 Fax (775) 423-6528

Case No. 19-10DC-0289

Dept. No. 1

The undersigned hereby affirms that this document does not contain the social security number of any person.

FILED
2019 MAR 11 PM 3:23
SUE SEVON
COURT CLERK
BY J Bennington DEPUTY

IN THE TENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF CHURCHILL

THE STATE OF NEVADA,

Plaintiff,

vs.

WILLIAM JACOB MARTIN,

Defendant.

MOTION TO PRODUCE DEFENDANT

COMES NOW, the State of Nevada, Plaintiff herein, by and through Lane R. Mills, Chief Deputy District Attorney of Churchill County, Nevada, and alleges as follows:

1. That WILLIAM JACOB MARTIN (Inmate No. 95529) is presently incarcerated with the Nevada Department of Corrections at the Northern Nevada Correctional Center.

2. That the above-entitled matter is set for Felony Status Hearing on April 18, 2019 4:00 PM.

3. That WILLIAM JACOB MARTIN (Inmate No. 95529) is the Defendant in the above-entitled matter.

WHEREFORE, applicant prays that an Order be made pursuant to NRS 209.274 ordering the appearance of the said WILLIAM JACOB MARTIN (Inmate No. 95529) before the Tenth Judicial District Court, on April 18, 2019 4:00 PM, and from time to time at such times and places as may be ordered and directed by the Court for such proceedings as thereafter may be

DA#18-133/LRM/SLS

necessary and proper in the premises, and directing the execution of said Order by the Nevada Department of Corrections.

DATED: This 11 day of March, 2019.

ARTHUR E. MALLORY
DISTRICT ATTORNEY

Lane R. Mills
Chief Deputy District Attorney
Churchill County
165 North Ada Street
Fallon, NV 89406

Churchill County District Attorney
165 North Ada Street
Fallon, Nevada 89406
(775) 423-6561 Fax (775) 423-6528

CERTIFICATE OF SERVICE

On the 11th day of March, 2019, I was an employee of the District Attorney's Office and that the foregoing **MOTION TO PRODUCE DEFENDANT** was served to the following address(s):

Charles B. Woodman
Attorney at Law
548 West Plumb Lane, Suite B
Reno, NV 89509

X U.S. Mail

_____ Certified Mail

_____ Return Receipt Requested

_____ Hand Delivered

Savannah Leigh Sweeney
Legal Secretary

Churchill County District Attorney
165 North Ada Street
Fallon, Nevada 89406
(775) 423-6561 Fax (775) 423-6528

DA#18-133/LRM/SLS

FILED

2019 MAR 13 PM 2:11

SUE SEVON
COURT CLERK

BY [signature] DEPUTY

Case No. 19-10DC-0289

Dept. No. 1

The undersigned hereby affirms that this document does not contain the social security number of any person.

IN THE TENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,

IN AND FOR THE COUNTY OF CHURCHILL

THE STATE OF NEVADA,

Plaintiff,

vs.

WILLIAM JACOB MARTIN

Defendant.

ORDER TO PRODUCE

It appearing to the satisfaction of the Court that it is necessary that WILLIAM JACOB MARTIN (Inmate No. 95529), presently incarcerated with the Nevada Department of Corrections, be brought before this Court for proceedings in the above-entitled matter.

NOW, THEREFORE, IT IS HEREBY ORDERED, that pursuant to provisions of NRS 209.274, the Nevada Department of Corrections bring the said WILLIAM JACOB MARTIN before the Tenth Judicial District Court, on the 18th day of April, 2019 4:00 PM, and from time to time thereafter and at such times and places as may be ordered and directed by the Court for such proceedings as thereafter may be necessary and proper in the premises.

DATED this 12th day of March, 2019.

[signature]

Judge

DA#18-133/LRM/SLS

JEP

Case No. 19-10DC-0289

Dept. No. 1

FILED

2019 MAR 15 AM 10: 29

SUE SEVON
COURT CLERK

BY J Bennett DEPUTY

The undersigned hereby affirms that this document does not contain the social security number of any person.

IN THE TENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF CHURCHILL

THE STATE OF NEVADA,

Plaintiff,

vs.

WILLIAM JACOB MARTIN,

Defendant.

NOTICE OF ENTRY OF ORDER

Charles B. Woodman
Attorney at Law
548 West Plumb Lane, Suite B
Reno, NV 89509

NOTICE IS HEREBY GIVEN that the ORDER TO PRODUCE, a copy of which is attached hereto, was duly entered in the above-entitled matter on the 13th day of March, 2019.

DATED: This 14 day of March, 2019.

Lane R. Mills
Chief Deputy District Attorney

Churchill County District Attorney
165 North Ada Street
Fallon, Nevada 89406
(775) 423-6561 Fax (775) 423-6528

DA#18-133/LRM/SLS

FILED

2019 MAR 13 PM 2:11

SUE SEVON
COURT CLERK
BY Bennett DEPUTY

Case No. 19-10DC-0289

Dept. No. 1

The undersigned hereby affirms that this document does not contain the social security number of any person.

IN THE TENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,

IN AND FOR THE COUNTY OF CHURCHILL

THE STATE OF NEVADA,

Plaintiff,

vs.

WILLIAM JACOB MARTIN

Defendant.

ORDER TO PRODUCE

It appearing to the satisfaction of the Court that it is necessary that WILLIAM JACOB MARTIN (Inmate No. 95529), presently incarcerated with the Nevada Department of Corrections, be brought before this Court for proceedings in the above-entitled matter.

NOW, THEREFORE, IT IS HEREBY ORDERED, that pursuant to provisions of NRS 209.274, the Nevada Department of Corrections bring the said WILLIAM JACOB MARTIN before the Tenth Judicial District Court, on the 18th day of April, 2019 4:00 PM, and from time to time thereafter and at such times and places as may be ordered and directed by the Court for such proceedings as thereafter may be necessary and proper in the premises.

DATED this 12th day of March, 2019.

Judge

DA#18-133/LRM/SLS

CERTIFICATE OF SERVICE

On the 15th day of March, 2019, I was an employee of the District Attorney's Office and that the foregoing **NOTICE OF ENTRY OF ORDER**, was served to the following address(s):

Charles B. Woodman
Attorney at Law
548 West Plumb Lane, Suite B
Reno, NV 89509

By:

__X__ U.S. Mail

_____ Certified Mail

_____ Return Receipt Requested

_____ Hand Delivered

Savannah Leigh Sweeney
Legal Secretary

Churchill County District Attorney
165 North Ada Street
Fallon, Nevada 89406
(775) 423-6561 Fax (775) 423-6528

DA#18-133/LRM/SLS

FILED
APR 18 2019
SUE SEVON, Clerk
By Shelly Hooten Deputy Clerk

Case No.: 19-10DC-0289

Dept. No.: 1

The undersigned hereby affirms that this document does not contain the social security number of any person.

IN THE TENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF CHURCHILL

THE STATE OF NEVADA,

Plaintiff,

vs.

WILLIAM JACOB MARTIN,
Defendant.

GUILTY PLEA MEMORANDUM

Churchill County District Attorney
165 North Ada Street
Fallon, Nevada 89406
(775) 423-6561 Fax (775) 423-6528

I, **WILLIAM JACOB MARTIN**, hereby agree to plead guilty to the charge of **COUNT 1, BURGLARY, a Category B Felony, in violation of NRS 205.060(2)** as more fully alleged in the Information filed in this matter.

My decision to plead guilty is based upon the plea agreement in this case which is as follows:

The State has agreed that in exchange for my entry of a guilty plea to the charge of **COUNT 1, BURGLARY, a Category B Felony, in violation of NRS 205.060(2)** the State will be free to argue at the time of sentencing. Additionally, I agree to pay restitution in the New River Township Justice Court, Case Number 18-CR-00069, 18-CR-00147, 18-CR-00144, 19-CR-00084, 18-CR-00044, 18-CR-00145, 18-CR-00028, and 18-CR-00128.

I also agree to enter a guilty plea to the charge of **COUNT 1, BURGLARY, a Category B Felony, in violation of NRS 205.060(2)** in District Court Case Number 19-10DC-0290.

I understand that if the State of Nevada has agreed to recommend or stipulate to a particular sentence or has agreed not to present argument regarding the sentence, or agrees not

to oppose a particular sentence, such agreement is contingent upon my appearance in Court on the initial sentencing date (and any subsequent date if the sentencing is continued). I understand that if I fail to appear for the scheduled sentencing date or I commit a new criminal offense prior to sentencing, the State of Nevada would regain the full right to argue for any lawful sentence.

CONSEQUENCES OF THE PLEA

I understand that by pleading guilty I admit the facts which support all the elements of the offenses to which I now plead as set forth in the Information. I fully understand that this admission may be used against me in a trial should I fail to abide by the terms and conditions of this agreement, and knowingly waive any objection thereto.

I understand that as a consequence of my plea of guilty to the charge of **COUNT 1, BURGLARY, a Category B Felony, in violation of NRS 205.060(2)** I may be imprisoned in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, and I may be fined not more than Ten Thousand Dollars ($10,000.00)..

I understand that the law requires me to pay an Administrative Assessment Fee.

I understand that if I am fined or assessed any fees by the Court that any fine or fee constitutes a lien pursuant to NRS 176.275, and that if I do not satisfy and pay the lien that the State of Nevada or their agent may pursue collections efforts in order to collect the fine imposed. I also understand that the State of Nevada or their agent may also charge a fee in order to collect from me any fine imposed.

I understand that, if appropriate, I will be ordered to make restitution to the victim of the offense to which I am pleading guilty and to the victim of any related offense which is being dismissed or not prosecuted pursuant to this agreement. I will also be ordered to reimburse the State of Nevada for any expenses related to my extradition, if any.

I understand that I am eligible for probation for the offense to which I am pleading guilty. I understand that if more than one sentence of imprisonment is imposed and I am eligible to serve the sentences concurrently, the sentencing judge has the discretion to order the sentences be served concurrently or consecutively. I also understand that information regarding

Churchill County District Attorney
165 North Ada Street
Fallon, Nevada 89406
(775) 423-6561 Fax (775) 423-6528

charges not filed, dismissed charges, or charges to be dismissed pursuant to this agreement may be considered by the judge at sentencing.

I understand if I am not a citizen of the United States that any conviction for a crime may cause my deportation from the country.

I have not been promised or guaranteed any particular sentence by anyone. I know that my sentence is to be determined by the Court within the limits prescribed by statute.

I understand that if my attorney or the State of Nevada or both recommend any specific punishment to the Court, the Court is not obligated to accept the recommendation.

I understand that the Division of Parole and Probation will prepare a report for the sentencing judge prior to sentencing. This report will include matters relevant to the issue of sentencing, including my criminal history. This report may contain hearsay information regarding my background and criminal history. My attorney and I will each have the opportunity to comment on the information contained in the report at the time of sentencing. Unless the District Attorney has specifically agreed otherwise, then the District Attorney may also comment on this report.

I understand that any victim(s) in this case will be allowed to submit a statement or personally appear and reasonably express any views concerning the crime, the person responsible, the impact of the crime on the victim and the need for restitution pursuant to NRS 176.015.

WAIVER OF RIGHTS

By entering my plea of guilty, I understand that I have waived the following rights and privileges:

1. The constitutional privilege against self-incrimination, including the right to refuse to testify at trial, in which event the prosecution would not be allowed to comment to the jury about my refusal to testify.

2. The constitutional right to a speedy and public trial by an impartial jury, free of excessive pretrial publicity prejudicial to the defense, at which trial I would be entitled to the

Churchill County District Attorney
165 North Ada Street
Fallon, Nevada 89406
(775) 423-6561 Fax (775) 423-6528

assistance of an attorney, either appointed or retained. At trial the State would bear the burden of proving beyond a reasonable doubt each element of the offenses charged.

3. The constitutional right to confront and cross-examine any witnesses who would testify against me.

4. The constitutional right to subpoena witnesses to testify on my behalf.

5. The constitutional right to testify in my own defense.

6. The right to appeal the conviction with the assistance of an attorney, either appointed or retained, unless the appeal is based upon reasonable constitutional, jurisdictional or other grounds that challenge the legality of the proceedings and except as otherwise provided in subsection 3 of NRS 174.035. I agree that if I desire to appeal my Judgment of Conviction that I will provide written notice of my desire to appeal to both the District Court and my attorney. I understand that I must do so within thirty (30) days of my sentencing.

7. I hereby freely, knowingly and voluntarily waive my right to due process in extradition without any and all of the formalities in law which might otherwise be available to me. I further consent to return to the State of Nevada, when and if the agents, representatives or officers of Churchill County, State of Nevada will transport me. I also agree to reimburse the State of Nevada for any expenses related to said extradition, if any.

VOLUNTARINESS OF PLEA

I have discussed the elements of all of the original charge(s) against me with my attorney and I understand the nature of the charge(s) against me.

I understand that the State would have to prove each element of the charge(s) against me at trial.

I have discussed with my attorney any possible defenses, defense strategies and circumstances which might be in my favor.

All of the foregoing elements, consequences, rights, and waiver of rights have been thoroughly explained to me by my attorney.

I believe that pleading guilty and accepting this plea bargain is in my best interest, and that a trial would be contrary to my best interest.

Churchill County District Attorney
165 North Ada Street
Fallon, Nevada 89406
(775) 423-6561 Fax (775) 423-6528

I am signing this agreement voluntarily, after consultation with my attorney, and I am not acting under duress or coercion or by virtue of any promises of leniency, except for those set forth in this agreement.

I am not now under the influence of any intoxicating liquor, a controlled substance or other drug which would in any manner impair my ability to comprehend or understand this agreement or the proceedings surrounding my entry of this plea.

My attorney has answered all my questions regarding this guilty plea agreement and its consequences to my satisfaction and I am satisfied with the services provided by my attorney.

DATED: This 18 day of ~~March~~ April, 2019.

WILLIAM JACOB MARTIN

AGREED TO BY:

Lane R. Mills
Chief Deputy District Attorney
165 North Ada Street
Fallon, NV 89406

Churchill County District Attorney
165 North Ada Street
Fallon, Nevada 89406
(775) 423-6561 Fax (775) 423-6528

CERTIFICATE OF COUNSEL

I, the undersigned, as the attorney for the Defendant named herein and as an officer of the Court hereby certify that:

1. I have fully explained to the Defendant the allegations contained in the charge(s) to which guilty pleas are being entered.

2. I have advised the Defendant of the penalties for each charge and the restitution that the Defendant may be ordered to pay.

3. All pleas of guilty offered by the Defendant pursuant to this agreement are consistent with the facts known to me and are made with my advice to the Defendant and are in the best interest of the Defendant.

4. To the best of my knowledge, the Defendant:

a. Is competent and understands the charges and the consequences of pleading guilty as provided in this agreement.

b. Executed this agreement and will enter all guilty pleas pursuant hereto voluntarily.

c. Was not under the influence of intoxicating liquor, a controlled substance or other drug at the time of the execution of this agreement.

DATED: This 18 day of April, 2019.

Charles B. Woodman
Attorney at Law
548 West Plumb Lane, Suite B
Reno, NV 89509

Churchill County District Attorney
165 North Ada Street
Fallon, Nevada 89406
(775) 423-6561 Fax (775) 423-6528

CASE NO. 19-10DC-0289

DEPT. NO. I

FILED

2019 APR 19 AM 9:25

SUE SEVON
COURT CLERK
BY _____ DEPUTY

The undersigned hereby affirms that this document does not contain the social security number of any person.

IN THE TENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF CHURCHILL

THE STATE OF NEVADA,

Plaintiff,

vs.

WILLIAM JACOB MARTIN,

Defendant.

SETTING MEMO

The above-entitled matter is set for: **SENTENCING**

Date and Time: **JUNE 20, 2019 AT 4:00 P.M.**

Time Allowed: **10 MINUTES**

DATED this 19 day of April, 2019.

/JIM SHIRLEY
JIM SHIRLEY
DISTRICT COURT JUDGE

SLH

CERTIFICATE OF SERVICE

The undersigned, an employee of the Tenth Judicial District Court, hereby certifies that I served the foregoing **SETTING MEMO** on the parties, as noted below:

Charles B. Woodman Esq. ~ *District Court Box*

Lane R. Mills Esq. ~ *District Court Box*

Parole and Probation ~ *District Court Box*

Churchill County Sheriff's Office ~ *District Court Box*

DATED this 19 day of April, 2019.

Shellie Hoerton
Court Clerk

Subscribed and Sworn to before me
this 19 day of April, 2019.

K Mycuts
Court Clerk

SLH

Churchill County District Attorney
165 North Ada Street
Fallon, Nevada 89406
(775) 423-6561 Fax (775) 423-6528

Case No. 19-10DC-0289 AND 19-10DC-0290

Dept. No. 1

FILED
2019 APR 26 PM 3:32
SUE SEVON
COURT CLERK
BY /Bennie Deputy

The undersigned hereby affirms that this document does not contain the social security number of any person.

IN THE TENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF CHURCHILL

THE STATE OF NEVADA,

Plaintiff,

vs.

WILLIAM JACOB MARTIN,

Defendant.

MOTION TO PRODUCE DEFENDANT

COMES NOW, the State of Nevada, Plaintiff herein, by and through Lane R. Mills, Chief Deputy District Attorney of Churchill County, Nevada, and alleges as follows:

1. That WILLIAM JACOB MARTIN (Inmate No. 95529) is presently incarcerated with the Nevada Department of Corrections at the Northern Nevada Corrections Facility.

2. That the above-entitled matter is set for Sentencing on June 20, 2019 4:00 PM.

3. That WILLIAM JACOB MARTIN (Inmate No. 95529) is the Defendant in the above-entitled matter.

WHEREFORE, applicant prays that an Order be made pursuant to NRS 209.274 ordering the appearance of the said WILLIAM JACOB MARTIN (Inmate No. 95529) before the Tenth Judicial District Court, on June 20, 2019 4:00 PM, and from time to time at such times and places as may be ordered and directed by the Court for such proceedings as thereafter may be necessary and proper in the premises, and directing the execution of said Order by the Nevada Department of Corrections.

DA#18-234 & #18-133/LRM/SLS

DATED: This 26 day of April, 2019.

ARTHUR E. MALLORY
DISTRICT ATTORNEY

Lane R. Mills
Chief Deputy District Attorney
Churchill County
165 North Ada Street
Fallon, NV 89406

Churchill County District Attorney
165 North Ada Street
Fallon, Nevada 89406
(775) 423-6561 Fax (775) 423-6528

CERTIFICATE OF SERVICE

On the 26th day of April, 2019, I was an employee of the District Attorney's Office and that the foregoing **MOTION TO PRODUCE DEFENDANT** was served to the following address(s):

Charles B. Woodman
Attorney at Law
548 West Plumb Lane, Suite B
Reno, NV 89509

X U.S. Mail

_____ Certified Mail

_____ Return Receipt Requested

_____ Hand Delivered

_____ Facsimile

_____ Email

Savannah Sweeney

Savannah Leigh Sweeney
Legal Secretary

Churchill County District Attorney
165 North Ada Street
Fallon, Nevada 89406
(775) 423-6561 Fax (775) 423-6528

JCB

Case No. 19-10DC-0289 AND 19-10DC-0290

Dept. No. 1

FILED

2019 APR 26 PM 3:33

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COURT CLERK
BY J Bennington

The undersigned hereby affirms that this document does not contain the social security number of any person.

IN THE TENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF CHURCHILL

THE STATE OF NEVADA,

Plaintiff,

vs.

WILLIAM JACOB MARTIN

Defendant.

ORDER TO PRODUCE

It appearing to the satisfaction of the Court that it is necessary that WILLIAM JACOB MARTIN (Inmate No. 95529), presently incarcerated with the Nevada Department of Corrections, be brought before this Court for proceedings in the above-entitled matter.

NOW, THEREFORE, IT IS HEREBY ORDERED, that pursuant to provisions of NRS 209.274, the Nevada Department of Corrections bring the said WILLIAM JACOB MARTIN before the Tenth Judicial District Court, on the 20th day of June, 2019 4:00 PM, and from time to time thereafter and at such times and places as may be ordered and directed by the Court for such proceedings as thereafter may be necessary and proper in the premises.

DATED this 26th day of April, 2019.

Judge

DA#18-234 & #18-133/LRM/SLS

Case No. 19-10DC-0289 AND 19-10DC-0290

Dept. No. 1

FILED

2019 MAY -1 PM 3:18

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BY _____ DEPUTY

The undersigned hereby affirms that this document does not contain the social security number of any person.

IN THE TENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF CHURCHILL

THE STATE OF NEVADA,

Plaintiff,

vs.

WILLIAM JACOB MARTIN,

Defendant.

NOTICE OF ENTRY OF ORDER

Charles B. Woodman
Attorney at Law
548 West Plumb Lane, Suite B
Reno, NV 89509

NOTICE IS HEREBY GIVEN that the Order to Produce, a copy of which is attached hereto, was duly entered in the above-entitled matter on the 26th day of April, 2019.

DATED: This 1 day of May, 2019.

Lane R. Mills
Chief Deputy District Attorney

Churchill County District Attorney
165 North Ada Street
Fallon, Nevada 89406
(775) 423-6561 Fax (775) 423-6528

DA#18-234/LRM/SLS

Case No. 19-10DC-0289 AND 19-10DC-0290

Dept. No. 1

FILED

2019 APR 26 PM 3:33

COURT CLERK

BY: [illegible]

The undersigned hereby affirms that this document does not contain the social security number of any person.

IN THE TENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,

IN AND FOR THE COUNTY OF CHURCHILL

THE STATE OF NEVADA,

Plaintiff,

vs.

WILLIAM JACOB MARTIN

Defendant.

ORDER TO PRODUCE

It appearing to the satisfaction of the Court that it is necessary that WILLIAM JACOB MARTIN (Inmate No. 95529), presently incarcerated with the Nevada Department of Corrections, be brought before this Court for proceedings in the above-entitled matter.

NOW, THEREFORE, IT IS HEREBY ORDERED, that pursuant to provisions of NRS 209.274, the Nevada Department of Corrections bring the said WILLIAM JACOB MARTIN before the Tenth Judicial District Court, on the 20th day of June, 2019 4:00 PM, and from time to time thereafter and at such times and places as may be ordered and directed by the Court for such proceedings as thereafter may be necessary and proper in the premises.

DATED this 26th day of April, 2019.

Judge

DA#18-234 & #18-133/LRM/SLS

CERTIFICATE OF SERVICE

On the 1st day of May, 2019, I was an employee of the District Attorney's Office and that the foregoing **NOTICE OF ENTRY OF ORDER**, was served to the following address(s):

Charles B. Woodman
Attorney at Law
548 West Plumb Lane, Suite B
Reno, NV 89509

By:

__X__ U.S. Mail

_____ Certified Mail

_____ Return Receipt Requested

_____ Hand Delivered

_____ Facsimile

_____ Email

Savannah Sweeney

Savannah Leigh Sweeney
Legal Secretary

Churchill County District Attorney
165 North Ada Street
Fallon, Nevada 89406
(775) 423-6561 Fax (775) 423-6528

DA#18-234/LRM/SLS

JAP

FILED

2019 JUN 25 PM 2:54

SUE SEVON
COURT CLERK
BY J Bennudez DEPUTY

Case No. 19-10DC-0289

Dept. No. 1

The undersigned hereby affirms that this document does not contain the social security number of any person.

IN THE TENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF CHURCHILL

THE STATE OF NEVADA,

Plaintiff,

vs.

WILLIAM JACOB MARTIN,

Defendant.

JUDGMENT OF CONVICTION

On the 18th day of April, 2019, the above-named Defendant, WILLIAM JACOB MARTIN, Date of Birth: August 14, 1983, Place of Birth: Jackson, Mississippi, entered a plea of guilty to the crime(s) of : **COUNT 1, Burglary, a Category B Felony, in violation of NRS 205.060(2)**.

Further, that at the time the Defendant entered the plea of guilty, this Court informed the Defendant of the privilege against compulsory self-incrimination, the right to a speedy trial, the right to a trial by jury, the right to compulsory process to compel witnesses to testify on behalf of the Defendant, and the right to confront the accusers. That after being so advised, the Defendant stated that these rights were understood and still desired this Court to accept the plea of guilty.

Further, that at the time the Defendant entered a plea of guilty, and at the time of sentencing, the Defendant was represented by an attorney, CHARLES B. WOODMAN, or the duly appointed representative; also present in Court were the Churchill Court Clerk, or the duly appointed representative, the Sheriff of Churchill County, or the duly appointed representative, the District Attorney of Churchill County, Nevada, or the duly appointed representative,

representing the State of Nevada; and the Operations Supervisor, or the duly appointed representative, representing the Division of Parole and Probation.

The Court having accepted the Defendant's plea of guilty, and having set the date of June 20, 2019, as the date for imposing judgment and sentence and the Defendant having appeared at such time, represented by counsel, and the Defendant having been given the opportunity to exercise the right of allocution, and having shown no legal cause why judgment should not be pronounced at that time.

This Court thereupon pronounced WILLIAM JACOB MARTIN guilty of:

COUNT 1, Burglary, a Category B Felony, in violation of NRS 205.060(2).

In accordance with the applicable statutes of the State of Nevada this Court sentenced the Defendant to:

ON COUNT 1: imprisonment in the Nevada State Prison for a minimum term of 36 months, with a maximum term of 120 months, and a minimum parole eligibility of 36 months, consecutive to Tenth Judicial District Court Case Number 18-10DC-0049 and to Second Judicial District Court Case Number CR18-0761.

In addition, said Defendant shall pay:

1. Restitution in the amount of Three Thousand Fifty-six Dollars and Thirty-five Cents ($3,056.35) to Nevada Division of Parole & Probation.
2. An Administrative Assessment Fee in the amount of Twenty-five Dollars ($25.00) to Tenth Judicial District Court.
3. A Chemical Analysis Fee in the amount of Three Dollars ($3.00) to Tenth Judicial District Court.

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///

Pursuant to NRS 176.0913, Defendant must submit a biological specimen to determine genetic markers and/or secretor status.

Therefore, the Clerk of the above-entitled Court is hereby directed to enter the Judgment of Conviction as a part of the record in the above-entitled matter. The Clerk of the Court is further ordered to provide Defendant's Exhibit #A and #B that were presented at Sentencing and forward them to the Nevada Department of Corrections in a sealed envelope to assist and be considered in the Defendant's rehabilitation.

DATED: This 25th day of June, 2019.

DISTRICT COURT JUDGE

Case No.:19-10DC-0289

Dept. No. 1

FILED
2019 JUN 26 PM 2:47
SUE SEVON
COURT CLERK
BY [signature] DEPUTY

IN THE TENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF CHURCHILL

THE STATE OF NEVADA,
Plaintiff,
vs.
WILLIAM JACOB MARTIN,
Defendant.

RETURN OF SERVICE

SHERIFF'S OFFICE)
COUNTY OF CHURCHILL : ss.
STATE OF NEVADA)

RECEIVED of RICHARD HICKOX, Sheriff of Churchill County, State of Nevada, on this 20th day of June, 2019, one **WILLIAM JACOB MARTIN, to be committed to the Nevada State Prison for the crime(s) of COUNT 1, Burglary, a Category B Felony, in violation of NRS 205.060(2)**. In accordance with the applicable statute(s) of the State of Nevada this Court sentenced the Defendant to:

ON COUNT 1: imprisonment in the Nevada State Prison for a minimum term of 36 months, with a maximum term of 120 months, and a minimum parole eligibility of 36 months, consecutive to Tenth Judicial District Court Case Number 18-10DC-0049 and to Second Judicial District Court Case Number CR18-0761.

JAMES DZURENDA, DIRECTOR
NEVADA DEPARTMENT OF PRISONS

By: _____
DEPT. OF PRISONS TRANSPORTATION

DA#18-133/LRM/SLS

4

Case No. 19-10DC-0289

Dept. No. 1

The undersigned hereby affirms that this document does not contain the social security number of any person.

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2019 JUN 26 PM 3:22

SUE SEVON
COURT CLERK

BY _____ DEPUTY

IN THE TENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF CHURCHILL

THE STATE OF NEVADA,

Plaintiff,

vs.

WILLIAM JACOB MARTIN,

Defendant.

DECLARATION OF SERVICE

The undersigned declares under penalty of perjury:

That declarant enclosed in a sealed envelope upon which first class postage, fully prepaid, was affixed, and deposited same in the United States Mail at Fallon, Churchill County, Nevada, or emailed a copy of: JUDGMENT OF CONVICTION, addressed to:

Churchill County Sheriff's Office 180 West A Street Fallon, NV 89406	Parole and Probation fallonpnpadmin@dps .state.nv.us	Charles B. Woodman 548 West Plumb Lane, Ste. B Reno, NV 89509

I declare under penalty of perjury that the foregoing is true and correct.

DATED: This 26th day of June, 2019.

Savannah Leigh Sweeney
Legal Secretary

Churchill County District Attorney
165 North Ada Street
Fallon, Nevada 89406
(775) 423-6561 Fax (775) 423-6528

DA#18-133/LRM/SLS

IN THE SUPREME COURT OF THE STATE OF NEVADA

WILLIAM JACOB MARTIN, APPELLANT, vs. THE STATE OF NEVADA, RESPONDENT.	))))))	SUPREME COURT NO. 83315 DC CASE NO. 19-10DC-0289

RECORD ON APPEAL
VOLUME
2

ATTORNEY FOR APPELLANT
WILLIAM JACOB MARTIN, PRO PER
NORTHERN NV CORRECTIONAL CENTER
P.O. BOX 7000
CARSON CITY, NV 89702

ATTORNEY FOR RESPONDENT
LANE MILLS, ESQ.
CHIEF DEPUTY DISTRICT ATTORNEY
165 N. ADA STREET
FALLON, NV 89406

Docket 83315 Document 2021-25735

#19-10DC-0289 - STATE OF NEVADA vs. WILLIAM JACOB MARTIN
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RECEIVED SEP 23 2019

William J. Martin
#95529 N.N.C.C
Carson City, NV 89406

FILED
2019 SEP 23 PM 12:41
SUE SEVON
COURT CLERK
BY Sue Sevon DEPUTY

Tenth Judicial District Court
Churchill County

William J. Martin
Plaintiff,

vs.

Charles Woodman
Public Defender
Defendant

Case No.: 19-10DC-0290
19-10DC-0289

MOTION FOR WITHDRAWAL OF ATTORNEY OF RECORD AND TRANSFER OF RECORDS

DATE OF HEARING:

TIME OF HEARING:

NOTICE OF MOTION AND MOTION FOR WITHDRAWAL OF ATTORNEY OF RECORD AND TRANSFER OF RECORDS

COMES NOW, William J. Martin in PRO PER and herein above SUBMIT his Notice of Motion and Motion for withdrawal of Attorney of Record and transfer of records, moving this court to order that Charles Woodman, counsel of record in the above-entitled action, be withdrawn as counsel of record herein, and that said counsel deliver to defendant all documents, pleadings, papers, and tangible personal property in counsel's possession and control to defendant, at counsel's expense, to the above address.

This motion is based upon NRS 7.055, Nevada Supreme Court Rules 46 & 166, and this Courts Local Rule of Practice corresponding to this motion, as well as the attached points and authorities and affidavit supporting same.

MEMORANDUM OF POINTS AND AUTHORITIES

Although an attorney may not withdraw as counsel of record if doing so would adversely affect the client's interest, Madrid v. Gomez, 150 F.3d 1030, 1038-39 (9th Cir. 1998), the client may terminate his counsel's representation at any time, Kashef-Zihagh v. I.N.S., 791 F.2d 708, 711 (9th Cir. 1986). See NRS 7.055.

Upon being discharged by his client,

> [The] attorney who has been discharged by his client shall, upon demand and payment of the fee due from the client, **IMMEDIATELY DELIVER TO THE CLIENT** all papers, documents, pleadings and items of tangible personal property, which belong to or were prepared for that client. NRS 7.055(1) (emphasis added). See also Nevada Supreme Court Rule (SCR) 16; Second Judicial District Court Rule 23(1); and Eighth Judicial District Court Rule 7.40(b) (2) (ii).

As the judgment of conviction has been entered in this case, with appeal, if any, having been perfected, counsel's services are no longer required in this criminal matter. Defendant has, pursuant to the mandates of NRS 7.055 (3), directed counsel to forward to him all documentation generated in this action and to withdraw as counsel of record, but counsel has failed to comply. See Affidavit in support of instant motion.

Counsel's refusal to withdraw himself and forward said documentation to Defendant violates the letter and spirit of SCR 46, which directs a discharged attorney to "protect a client's interest" by "surrendering papers and property to which the client is entitled." Id. This rule governing attorney conduct is a basic one of which the American Bar Association has recognized by requiring of all attorneys within canon 2 of the Code of Professional Responsibility, EC2-32, and Disciplinary Rule 2-110 (a) (2).

Counsel herein has no legal basis for withholding Defendant's papers in this matter. As defendant owes counsel NO fees, which would permit counsel to maintain said papers under a general or retaining lien. Figliuzzi v. District Court, 111 Nev. 338, 340-41, 890 P.2d 798, 800-02 (1995).

///

///

Therefore, this Court is moved to exercise its jurisdiction in this matter and ORDER counsel to be withdrawn as counsel of record and deliver to Defendant the entirety of documentation generated in the instant case, as Defendant has no other remedy at law to compel counsel to do so.

Dated this 18th day of Sept, 2019.

By: William J. Martin

Defendant, in PRO PER

AFFIRMATION
Pursuant to NRS 239b.030

The undersigned does hereby affirm that the preceding document, Motion for Withdrawal of Attorney of Record and Transfer of Records
(Title of Document)
Filed in case number: 19-10DC-0290

☑ Document does not contain the social security number of any person

Or

☐ Document contains the social security number of a person as required by:

☐ A specific state or federal law, to wit

_____

Or

☐ For the administration of a public program

Or

☐ For an application for a federal or state grant

Or

☐ Confidential Family Court Information Sheet
(NRS 125.130, NRS 125.230, and NRS 125b.055)

DATE: 9-18-19

(Signature)

William J. Martin
(Print Name)

Pro Se
(Attorney for)

RECEIVED SEP 23 2019

William J. Martin
95529 N.N.C.C
Carson City, NV 89702

FILED
2019 SEP 23 PM 12:41
SUE SEVON
COURT CLERK
BY _____ DEPUTY

Tenth Judicial District Court
Churchill County

William J. Martin,
Plaintiff,

vs.

Charles Woodman,
Public Defender
Defendant

Case No.: 19-10DC-0290
19-10DC-0289

AFFIDAVIT IN SUPPORT OF MOTION FOR WITHDRAWAL OF ATTORNEY OF RECORD AND TRANSFER OF RECORDS

STATE OF NEVADA)
) ss: William Jacob Martin
COUNTY OF Churchill)

COMES NOW, William J. Martin, in PRO PER who being first duly sworn and under the penalty of perjury, does hereby depose and state the following:

(1) I am the Defendant in the above-entitled action.

(2) I mailed a letter to Charles Woodman on the 13th day of Sept, 20 19, which was at least five (5) days prior to the date indicated below, wherein I gave notice to said counsel of his termination as counsel of record and instructed said counsel to so withdraw himself and forward to me my case files herein pursuant to NRS 7.055.

(3) I have received no response from said counsel, nor his office, as to my said instruction

I am therefore submitting the instant motion in good faith, as I have no other remedy than this Court's power to enforce my statutory rights under NRS 7.055 to cause counsel to be withdrawn and to send me my case files.

Dated this 18th day of Sept, 2019

By: William J. Martin

Defendant, in PRO PER

VERIFICATION UNDER PENALTY OF PERJURY

I do verify under the penalty of perjury that the above affidavit is true and correct and is stated to the best of my knowledge, and is made without benefit of a notary pursuant to NRS 208.165, and 28 USC §1746 as I am an incarcerated person.

Dated this 18th day of Sept, 2019

By: William J. Martin

Defendant, in PRO PER

CERTIFICATE OF SERVICE BY MAIL

Pursuant to NRCP Rule 5 (b), I hereby certify that I am the Petitioner/Defendant named herein and that on this 18th day of Sept, 2019, I mailed a true and correct copy of the foregoing Motion for Withdrawal of Attorney of Record and Transfer of Records to the following:

Tenth Judicial District Court
Fallon, NV

Charles Woodman
Public Defenders Office
Fallon, NV

BY: William J. Martin

RECEIVED SEP 23 2019

William J. Martin
95529 N.N.C.C
Carson City, NV 89702

FILED
2019 OCT 14 AM 10:32
SUE SEVON
COURT CLERK
DEPUTY

Tenth Judicial District Court
Churchill County

William J. Martin
Plaintiff,

vs.

Charles Woodman
Public Defender
Defendant

Case No.: 19-10DC-0290
19-10DC-0289

ORDER

THIS MATTER, having been duly considered by the Court, it is hereby ODERED that the Defendant's proper person Motion for Withdrawal of Attorney of Record and Transfer of records is hereby GRANTED.

Counsel Charles Woodman shall be withdrawn as counsel of record in the above-entitled action, and is directed forthwith to send Defendant, at the Northern Nevada Correctional Center All pleadings, papers, Documents and other Tangible Personal Property in and related to the above-entitled action which are in counsel's possession and control. Such mailing or other form of delivery is to be affected at counsel's expense.

IT IS SO ORDERED.

Dated this 14th day of October, 2019.

DISTRICT COURT JUDGE

FILED

2020 JAN 29 PM 1:54

SUE SEVON
COURT CLERK
BY /Bennett/ DEPUTY

RECEIVED JAN 29 2020

William J. Martin
(Name)
95529
(I.D. No.)
Northern Nevada Correctional Center
Post Office Box 7000
Carson City, NV 89702

Movant, In Proper Person

Tenth Judicial District Court
Churchill County

William J. Martin,
Plaintiff/Movant

vs.

Charles B. Woodman,
Defendant/Respondent

Case No.: 19-10DC-0290
19-10DC-0289

Motion to Compel

COMES NOW, William J. Martin, in proper person and herein above respectfully moves this Honorable Court for a(n) Motion to compel order by this court

The instant motion is made and based upon all papers and pleadings on file herein as well as the following Memorandum of Points and Authorities and attached exhibits (where applicable).

MEMORANDUM OF POINTS AND AUTHORITIES

On October 14th 2019, this court ordered Charles Woodman to withdraw as counsel and to release all documentation relating to Mr. Martin.
Mr. Martin has tried to reach out to Woodman's office since this order but has been unsuccessful. He has also had representatives call his office and have been treated rudely. His office has hung up on these representatives and calls afterwards have gone ignored.
It is apparent that Mr. Woodman, nor his office, wishes to follow the order by this court.
At this time I am asking this Honorable Court to order/compel Mr. Woodman to relinquish all files, documentation, court proceedings, ETC, pertaining to Mr. Martin, forthwith without further delay.

Respectfully Submitted

Dated this 24 day of January 2020

William J Martin

CERTIFICATE OF SERVICE

I, William J. Martin certify that on this date I did serve a true and correct copy of the foregoing Motion upon Respondent(s), via U.S. Mail, by placing same in the United States Postal Service (Prison Mail System), postage being fully prepaid, and addressed to:

Tenth Judicial District Court
75 North Maine St. Suite B
Fallon, NV 89406

AND

Charles B. Woodman
Churchill County Public Defender
507 South Main Street
Fallon, NV 89406

Dated this 24 day of January, 2020.

By: William J. Martin
Movant, In Proper Person

AFFIRMATION PURSUANT TO NRS 239B.030

** I certify that the foregoing document DOES NOT contain the social security number of any Persons.

Jan 24 2020
(Date)

(Signature)

EXHIBIT 1

RECEIVED SEP 23 2019

William J. Martin
95529 N.N.C.C
Carson City, NV 89702

FILED
2019 OCT 14 AM 10: 32
SUE SEVON
COURT CLERK
DEPUTY

Tenth Judicial District Court
Churchill County

William J. Martin
Plaintiff,

vs.

Charles Woodman
Public Defender
Defendant

Case No.: 19-10DC-0290
19-10DC-0289

ORDER

THIS MATTER, having been duly considered by the Court, it is hereby ODERED that the Defendant's proper person Motion for Withdrawal of Attorney of Record and Transfer of records is hereby GRANTED.

Counsel Charles Woodman shall be withdrawn as counsel of record in the above-entitled action, and is directed forthwith to send Defendant, at the Northern Nevada Correctional Center All pleadings, papers, Documents and other Tangible Personal Property in and related to the above-entitled action which are in counsel's possession and control. Such mailing or other form of delivery is to be affected at counsel's expense.

IT IS SO ORDERED.

Dated this 14th day of October, 2019.

DISTRICT COURT JUDGE

Case No. 19-10DC-0290 /19-10DC-0289

Dept. I

FILED

2020 FEB 21 AM 8:20

SUE SEVON
COURT CLERK

BY _____ DEPUTY

IN THE TENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF CHURCHILL

WILLIAM J. MARTIN, Plaintiff, vs. CHARLES B. WOODMAN, Defendant.	**ORDER AFTER MOTION TO COMPEL**

This matter came before the Court on WILLIAM J. MARTIN's (hereinafter "William") Motion to Compel. Through his Motion, William seeks an Order Compelling CHARLES WOODMAN ESQ., (hereinafter "Mr. Woodman") his former counsel, to send all "pleadings, papers, Documents, and other Tangible Personal Property" in and related to this matter to William at the Northern Nevada Correctional Center.

On October 14, 2019 this Court issued an Order granting William's Motion for Withdrawal of Attorney of Record and Transfer of Records. In that Order, this Court ordered Mr. Woodman to send all "pleadings, papers, Documents, and other Tangible Personal Property in and related to the above-entitled action which are in counsel's possession and control" to William at the Northern Nevada Correctional Center. In his Motion, William claims that Mr. Woodman has not complied with the Order and sent William's file to William at the Northern Nevada Correctional Center.

Accordingly, this Court orders that Mr. Woodman shall respond within **30 days** of the date of this Order as to whether he has complied with the October 14, 2019 Order directing him to send William his case file. If Mr. Woodman has not complied with that Order he shall also inform the Court as to why he has not complied with that Order.

GOOD CAUSE APPEARING IT IS HEREBY ORDERED

1. Mr. Charles Woodman, Esq. shall, within 30 days of this Order, inform the Court as to whether he has complied with this Court's October 14, 2019 Order. If not, Mr. Woodman shall also inform the Court as to why he has not complied with the Order.

IT IS SO ORDERED.

Dated this 21st day of February 2020.

THOMAS L. STOCKARD
DISTRICT JUDGE

ACERTIFICATE OF SERVICE

The undersigned, an employee of the Tenth Judicial District Court, hereby certifies that I served the foregoing ORDER AFTER MOTION TO COMPEL on the parties and/or counsel by depositing a copy thereof in the U.S. Mail at Fallon, Nevada, postage prepaid or as indicated below on February 21, 2020.

William J. Martin #95529
NNCC
P.O. Box 7000
Carson City, NV 89702

Charles Woodman, Esq.
Public Defender
548 W. Plumb Lane, Suite B
Reno, NV 89509
Placed in District Court Box

DATED this 21st day of February, 2020.

Court Clerk

Subscribed and Sworn to before me
this 21st day of February, 2020.

Court Clerk

RECEIVED MAY 15 2020

FILED
2020 MAY 15 AM 11:54
SUE SLVON
COURT CLERK
BY [signature] DEPUTY

YOUR NAME: William Martin
INMATE I.D.# 95529
ADDRESS: P.O. Box 7000
CITY, STATE, ZIP: Carson City, NV, 89702
IN PRO PER

Tenth Judicial District Court

COURT NAME

Churchill County

DIVISION, DISTRICT, ETC.

YOUR NAME: William Martin,

Petitioner, Plaintiff,

vs.

WARDEN'S NAME: Perry Russell,

Defendant

Case No.: 19-10DC-0290
19-10DC-0289

MOTION REQUESTING EXTENSION OF TIME BASED ON EXTRAORDINARY CIRCUMSTANCES

TO WHOM IT MAY CONCERN, Petitioner/Plaintiff William Martin, hereby files this request for an extension of time to file and/or respond to any existing deadlines and/or comply with any court imposed deadlines and/or statutory deadlines in the above referenced case or, if no case number is assigned, to any anticipated actions intended to be files in this Court pertaining to the moving party.

Petitioner bases this extraordinary request based upon an unprecedented event which is not only disrupting the entire court system in the United States, but interrupting the lives of billions of human beings on a global basis. This event is known as COVID-19 or as the Coronavirus. It is my understanding that many courts nationwide have either closed temporarily or completely until further notice. I have been unable to contact this Court as I am incarcerated with minimal or no contact with the outside world. Our institution is either on a full lockdown or has severely restricted movement within our institution thereby making it virtually impossible for me to meaningfully litigate my existing or intended case.

Based on these facts Petitioner therefore respectfully prays the Court grant him/her a continuance until and at such time Petitioner is again allowed meaningful access to the Courts.

Respectfully submitted,

Date: May 11th, 2020

Signature

William Martin

Printed Name

DECLARATION OF SERVICE

On the date as indicated below, I, William Martin, located in the following institution: Northern Nevada Corr. Center, located in the State of: Nevada, handed to a corrections officer a copy of my MOTION REQUESTING EXTENSION OF TIME BASED EXTRAORDINRY CIRCUMSTANCES, postage thereupon fully prepaid, for deposit into the United States Mail. Addressed to the following party or parties:

Tenth Judicial District Court
73 N. Maine St., Ste B
Fallon, NV 89406

The facts as stated above are true and correct subject to the penalty for perjury.

Date: May 11th, 2020

Declarants signature

85

Case No. 19-10DC-0289

Dept. No. 1

The undersigned hereby affirms that this document does not contain the social security number of any person.

FILED

2020 MAY 18 PM 3:18

SUE SEVON
COURT CLERK

BY _____ DEPUTY

IN THE TENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,

IN AND FOR THE COUNTY OF CHURCHILL

THE STATE OF NEVADA,

Plaintiff,

vs.

WILLIAM JACOB MARTIN,

Defendant.

OPPOSITION TO THE MOTION FOR EXTENSION OF TIME

Comes now the Churchill County District Attorney's Office and hereby files an opposition to the motion for an extension of time. This opposition is based upon all pleadings and papers herein on file and the attached points and authorities.

DATED: This 18th day of May, 2020.

Lane R. Mills
Chief Deputy District Attorney

Churchill County District Attorney
165 North Ada Street
Fallon, Nevada 89406
(775) 423-6561 Fax (775) 423-6528

DA#18-133/LRM/CS

POINTS AND AUTHORITEIS IN SUPPORT OF OPPOSITION TO THE MOTION FOR EXTENSION OF TIME

The Defendant in this matter filed a motion for an extension of time in the underlying criminal case in which he styles himself Petitioner and Perry Russell, Warden as the Defendant. The State assumes that the Defendant is contemplating filing a post conviction writ pursuant to chapter 34 of the Nevada Revised Statutes.

The motion filed in this case is not cognizable by the court. Pursuant to NRS 34.726 Mr. Martin is required to file his post conviction writ within one year. If he fails to do so he must demonstrate good cause in the writ itself that the delay is not the fault of the prisoner. The statute does not contemplate ancillary filings in other cases for such authority.

Even if the Court had authority to consider the motion it should be denied as it fails to include any affidavit of Mr. Martin supporting said assertions. Clearly Mr. Martin has access to the mail system and writing materials necessary to file the instant motion which belies his assertions in the motion.

As such the State would request that the Court deny the requested relief in case number 19-10DC-0289.

DATED: This 18th day of May, 2020.

Lane R. Mills
Chief Deputy District Attorney

Churchill County District Attorney
165 North Ada Street
Fallon, Nevada 89406
(775) 423-6561 Fax (775) 423-6528

CERTIFICATE OF SERVICE

On the 18 day of May, 2020, I was an employee of the Churchill County District Attorney's Office and that the foregoing **Opposition To The Motion For Extension Of Time**, was served to the following address(s):

Charles B. Woodman
548 West Plumb Lane, Suite B
Reno, NV 89509

Northern Nevada Correctional Center
William Martin Inmate 95529
P.O. Box 7000
Carson City, NV 89702

By:

X U.S. Mail

_____ Certified Mail

_____ Return Receipt Requested

_____ Hand Delivered

_____ Facsimile

_____ Email

Cecilia Sanchez
Legal Secretary

Churchill County District Attorney
165 North Ada Street
Fallon, Nevada 89406
(775) 423-6561 Fax (775) 423-6528

RECEIVED MAY 20 2020

Case No.: 19-10DC-0289

FILED
2020 MAY 21 AM 8:10
SUE SEVON
COURT CLERK
BY DEPUTY

IN THE TENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF CHURCHILL

THE STATE OF NEVADA,

Plaintiff,

vs.

WILLIAM MARTIN,

Defendant.

NOTICE OF COMPLIANCE WITH COURT ORDER AND REQUEST FOR REIMBURSEMENT OF COSTS

Charles B. Woodman, of the Law Office of Charles B. Woodman, Esq., hereby files his notice of compliance of the Court Order. All documents, papers, pleadings, discovery, and any other tangible property in the above-entitled case have been mailed to the Defendant.

Counsel requests this Court's Order authorizing reimbursement of costs for photocopies and postage Attached hereto as Exhibit 1 is a detailed billing of photocopies and postage costs.

Accordingly, Charles B. Woodman, Esq., hereby requests this Court's Order reimbursing costs incurred in the amount of $30.64

Pursuant to NRS 239B.030, the undersigned does hereby affirm that the preceding document does not contain the social security number of any person.

DATED this 20 day of May, 2020.

CHARLES B. WOODMAN, ESQ.
Law Offices of Charles B. Woodman, Esq.

INDEX OF EXHIBITS

1.	Detailed invoice of Costs incurred by the Law Offices of Charles B. Woodman	1 page

EXHIBIT 1

EXHIBIT 1

Law Offices of Charles B. Woodman
Charles B. Woodman, Esq.
548 W. Plumb Lane, Suite B
Reno, Nevada 89509
Ph. (775) 786-9800

10TH Judicial District Court

Matter: State vs. William Martin 19-10DC-0289

Client	Date	Matter	Staff	Description	Hours	Rate	Total
10TH Judicial District Court	5/20/2020	State vs. William Martin 19-10DC-0289	CBW	pleadings of complete case file including: Order appointing counsel and setting status 02/02/18; Criminal Complaints for 18 CR 00044 01/25/18 and 18 CR 00045 01/26/18; Unconditional Waiver of Preliminary Examination 02/28/19; Two Motions to Produce (18-CR-00044 & 18-CR-00045) 01/04/19; 19; Notice of Entry of Order: Order to Produce (18-CR-00044 & 18-CR-00045) 01/04/19; Order of Recusal (19-10DC-00289/290) 03/06/19; Filed Information 03/06/19; Filed Guilty Plea Memo 04/18/19; Motion to Produce 03/11/19; Judgment of Conviction 06/25/19, Discovery Bates 00001-00053; 114 pages		115 @ $0.20	$23.00
				Subtotal: CBW			**$23.00**
10TH Judicial District Court	5/20/2020	State vs. William Martin 19-10DC-0289	CBW	postage fee for service of case file		1 @ $7.64	$7.64
				Amount Due	**0.00**		**$30.64**

Case No.: 19-10DC-0289

FILED

2020 MAY 21 PM 1:02

SUE SEVON
COURT CLERK
BY Shilo Meaton DEPUTY

IN THE TENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF CHURCHILL

THE STATE OF NEVADA,

Plaintiff,

vs.

WILLIAM MARTIN,

Defendant.

ORDER AUTHORIZING REIMBURSEMENT OF COSTS

The Law Offices of Charles B. Woodman, filed a Notice of Compliance with Court Order and Request for Reimbursement of Costs, on the 21st day of May, 2020. Having reviewed the request and with good cause appearing, it is hereby ordered as follows:

1. Charles B. Woodman requested authorization for reimbursement of costs totaling $30.64. He is awarded reimbursement of costs in the sum of $ 30.64.

IT IS SO ORDERED.

DATED: This 21st day of May, 2020.

DISTRICT COURT JUDGE

JAB

RECEIVED MAR 16 2021

William Martin
(Name) 95529
(I.D. Number)
Northern Nevada Correctional Center
Post Office Box 7000
Carson City, NV 89702

FILED
2021 MAR 16 PM 12:52
SUE SEVON
COURT CLERK
BY J Bennington DEPUTY

Petitioner, In Proper Person

IN THE TENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF CHURCHILL

William Martin,
Petitioner,

vs.

Perry Russell, et al.,
Respondent.

Case No.: 19-10DC-0289A

Dept. No.: I

PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION)
(Non Death Penalty)

INSTRUCTIONS:

1. This petition must be legibly handwritten or typewritten, signed by the petitioner and verified.
2. Additional pages are not permitted except where noted or with respect to the facts which you rely upon to support your grounds for relief. No citation of authorities need be furnished. If briefs or arguments are submitted, they should be submitted in the form of a separate memorandum.
3. If you want an attorney appointed, you must complete the Affidavit in Support of Motion for Leave to Proceed In Forma Pauperis. You must have an authorized officer at the prison complete the certificate as to the amount of money and securities on deposit to your credit in any account in the institution.
4. You must name as Respondent the person by whom you are confined or restrained. If you are in a specific institution of the department of corrections, name the warden or head of the

institution. If you are not in a specific institution of the department but within its custody, name the director of the department of corrections.

(5) You must include all grounds or claims for relief which you may have regarding your conviction or sentence. Failure to raise all grounds in this petition may preclude you from filing future petitions challenging your conviction and sentence.

(6) You must allege specific facts supporting the claims in the petition you file seeking relief from any conviction or sentence. Failure to allege specific facts rather than just conclusions may cause your petition to be dismissed. If your petition contains a claim of ineffective assistance of counsel, that claim will operate to waive the attorney-client privilege for the proceeding in which you claim your counsel was ineffective.

(7) When the petition is fully completed, the original and copy must be filed with the clerk of the state district court for the county in which you were convicted. One copy must be mailed to the respondent, one copy to the attorney general's office, and one copy to the district attorney of the county in which you were convicted or to the original prosecutor if you are challenging your original conviction or sentence. Copies must conform in all particulars to the original submitted for filing.

PETITION

1. Name of institution and county in which you are presently imprisoned or where and how you are presently restrained of you liberty: WNCC - Lassen County

2. Name and location of court which entered the judgment of conviction under attack: Tenth Jud. Dist. Ct. - Churchill County.

3. Date of judgment of conviction: June 25, 2019

4. Case Number: 19-10DC-0289

5. (a) Length of sentence: Two consecutive sentences of 3 to 10 years.

6. Are you presently serving a sentence for a conviction other than the conviction under attack in this motion? Yes _____ No V

If "yes", list crime, case number and sentence being served at this time:

N/A

7. Nature of offense involved in conviction being challenged: _____

Burglary - Commercial

8. What was your plea? (check one)

(a) Not guilty _____ (c) Guilty but mentally ill _____

(b) Guilty V (d) Nolo contender _____

9. If you entered a plea of guilty to one count of an indictment or information, and a plea of not guilty to another count of an indictment of information, or if a plea of guilty was negotiated, give details: Per plea negotiations petitioner plead guilty to two counts of Burglary in exchange for the other charges against him be dismissed.

10. If you were found guilty after a plea of not guilty, was the finding made by: (check one)

(a) Jury N/A

(b) Judge without a jury N/A

11. Did you testify at the trial? Yes N/A No N/A

12. Did you appeal from the judgment of conviction?

Yes_____ No V

13. If you did appeal, answer the following:

(a) Name of court: N/A

(b) Case number or citation: N/A

(c) Result: N/A

(d) Date of result: N/A

(Attach copy of order or decision, if available)

14. If you did not appeal, explain briefly why you did not:

Petitioner was deprived of his right to direct appeal by his trial counsel's ineffective assistance of counsel (i.e., counsel failed to advise him of his appeal rights and failed to perfect his appeal for him.

15. Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any petitions, applications or motions with respect to this judgment in any court, state or federal? Yes N/A No N/A

16. If you answer to No. 15 was "yes," give the following information:

(a) (1) Name of court: N/A

(2) Name of proceeding: N/A

(3) Grounds raised: N/A

N/A

N/A

(4) Did you receive an evidentiary hearing on your petition, application or motion? Yes N/A No N/A

(5) Result: N/A

(6) Date of result: N/A

(7) If known, citations of any written opinion or date of orders entered pursuant to such result: N/A

(b) As to any second petition, application or motion, give the same information:

(1) Name of court: N/A

(2) Nature of proceeding: N/A

(3) Grounds raised: N/A

(4) Did you receive an evidentiary hearing on your petition, application or motion? Yes N/A No N/A

(5) Result: N/A

(6) Date of result: N/A

(7) If known, citations of any written opinion or date of orders entered pursuant to such result: N/A

(c) As to any third or subsequent additional applications or motions, give the same information as above, list them on a separate sheet and attach.

(d) Did you appeal to the highest state or federal court having jurisdiction, the result or action taken on any petition, application or motion?

(1) First petition, application or motion?

Yes _____ No ✓

(2) Second petition, application or motion?

Yes _____ No ✓

(3) Third or subsequent petitions, applications or motions?

Yes _____ No ✓

Citation or date of decision. N/A

(e) If you did not appeal from the adverse action on any petition, application or motion, explain briefly why you did not. (You must relate specific facts in response to this question. Your response may be included on paper which is 8 ½ by 11 inches attached to the petition. Your response may not exceed five handwritten or typewritten pages in length)

N/A

N/A

N/A

17. Has any ground being raised in this petition been previously presented to this or any other court by way of petition for habeas corpus, motion, application or any other post-conviction proceeding? If so, identify:

(a) Which of the grounds is the same: N/A

N/A

N/A

(b) The proceedings in which these grounds were raised: N/A

N/A

N/A

(c) Briefly explain why you are again raising these grounds. (You must relate specific facts in response to this question. Your response may be included on paper which is 8 ½ by 11 inches attached to the petition. Your response may not exceed five handwritten or typewritten pages in length.)

N/A

N/A

18. If any of the grounds listed in Nos. 23(a, (b), (c) and (d), or listed on any additional pages you have attached, were not previously presented in any other court, state or federal, list briefly what grounds were not so presented, and give your reasons for not presenting them. (You must relate specific facts in response to this question. Your response may be included on paper which is 8 ½ by 11 inches attached to the petition. Your response may not exceed five handwritten or typewritten pages in length.)

N/A

N/A

19. Are you filing this petition more than 1 year following the filing of the judgment of conviction or the filing of a decision on direct appeal? If so, state briefly the reasons for the delay. (You must relate specific facts in response to this question. Your response may be included on paper which is 8 ½ by 11 inches attached to the petition. Your response may not exceed five handwritten or typewritten pages in length.) See Accompanying Memorandum of Points And Authorities, at pp. 13-14, filed contemporaneously with this petition

20. Do you have any petition or appeal now pending in any court, either state or federal, as to the judgment under attack? Yes N/A No N/A

If yes, state what court and the case number: N/A

21. Give the name of each attorney who represented you in the proceeding resulting in your conviction and on direct appeal: Charles Woodman, Peter Smith, and Sean Meahusan.

22. Do you have any future sentences to serve after you complete the sentence imposed by the judgment under attack:

Yes _____ No ✓

23. State concisely every ground on which you claim that you are being held unlawfully. Summarize briefly the facts supporting each ground. If necessary you may attach pages stating additional grounds and facts supporting same.

(a) Ground One:

Petitioner's Guilty Plea Was Entered Without Effective Assistance of Counsel In Violation Of His Right To Effective Assistance Of Counsel, As Guaranteed By The United States Constitution, And The Fifth And Fourteenth And Sixth Amendments.

Supporting Facts:

1) Petitioner's trial counsel knew of several reports and other information that clearly supported an insanity defense for petitioner.

2) Despite trial counsel's actual knowledge that petitioner was legally insane at the time he offended, trial counsel advised him to plead guilty without first advising him of his statutory right to an insanity defense and without first obtaining a competent psychiatrist to assist petitioner in the evaluation, preparation, and presentation of the insanity defense and/or to assist at sentencing.

3) See accompanying Memorandum of Points and Authorities filed contemporaneously with this petition at pp. 2-8, for more in depth facts concerning this ground.

(b) Ground Two: Martin's Trial Counsel Failed To Investigate Martin's Competency To Enter A Plea Of Guilty In Violation Of His Right To Effective Assistance Of Counsel, As Guaranteed By The United States Constitution, And The Fifth And Fourteen And Sixth Amendments.

Supporting Facts:

1) Martin's trial counsel knew that Martin was suffering from PTSD and depression (psychotic) during his plea hearing; nevertheless, Martin's trial counsel failed to investigate Martin's competency to enter his plea of guilty in this case.

2) Martin's trial counsel knew Martin's mental illness was affecting his ability to consult with counsel and understand the proceedings against him and, still failed to obtain a competent psychiatrist to assess Martin's competency to stand trial.

3) Martin was not mentally competent when he entered his plea of guilty in this case and, therefore, he did not knowingly and intelligently waive his rights at the time of his guilty plea.

4) Martin's guilty plea is invalid and should be withdrawn.

5) See Accompanying Memorandum of Points and Authorities In Support of Petition For Writ of Habeas Corpus (Post-conviction), filed contemporaneously with this petition at pp. 8, 9, for more in depth facts concerning this ground.

(c) Ground Three: Martin's Trial Counsel Failed To Present Mitigating Evidence At Sentencing, With The Assistance Of A Competent Psychiatrist, In Violation Of His Right To Effective Assistance Of Counsel, As Guaranteed By The United States Constitution, And The Fifth And Fourteenth And Sixth Amendments.

Supporting Facts:

1) Martin's Trial Counsel Knew from a report that Martin suffered severe emotional, physical and sexual abuse as a child.

2) Martin's trial counsel knew that Martin suffered from PTSD and depression (with psychotic features); nevertheless, Martin's trial counsel failed to obtain a competent psychiatrist to assist him at sentencing with the above mentioned mitigating evidence.

3) Had Martin's trial counsel presented the mitigating circumstances, with the assistance of a competent psychiatrist, at Martin's sentencing hearing, there is a strong likelihood that Martin would have received concurrent instead of consecutive sentences.

4) See the Accompanying Memorandum of Points and Authorities In Support of Petition for Writ of Habeas Corpus (Post-Conviction), filed contemporaneously with this petition at pp. 9,10, for more in depth facts concerning this ground.

00098

(b) Ground Four

Martin's Trial Counsel Failed To Consult With Him And Failed To Perfect His Right To Direct Appeal In Violation Of His Right To Effective Assistance Of Counsel, As Guaranteed By The United States Constitution, And The Fifth And Fourteenth And Sixth Amendments

Supporting Facts:

1) Petitioner had non-frivolous grounds for direct appeal.
2) Petitioner requested that his trial counsel file his direct appeal for him.
3) Petitioner was denied his right to direct appeal because, his trial counsel failed to consult with him and failed to perfect his direct appeal for him.
4) Petitioner never gave a knowing, intelligent, and/or voluntary waiver of his direct appeal rights.
5) See accompanying Memorandum of Points and Authorities In Support Of Petition For Writ of Habeas Corpus (Post-conviction) filed contemporaneously with this petition at pp. 10-12, for more in depth facts concerning this ground.

(d) Ground Five

Petitioner can Demonstrate Good Cause And Prejudice To Excuse The Untimely Filing Of The Instant Petition.

Supporting Facts:

1) See accompanying Memorandum Of Points and Authorities In Support Of Petition For Writ Of Habeas Corpus (Post-Conviction) at pp. 13, 14, being filed contemporaneously with this petition, for more in depth facts concerning this procedural ground.

(e) Ground Six

Petitioner Is Entitled To An Evidentiary Hearing On The Instant Petition For Writ Of Habeas Corpus (Post-Conviction).

Supporting Facts:

1) See Accompanying Memorandum Of Points and Authorities In Support of Petition for Writ of Habeas Corpus (Post-Conviction) filed contemporaneously with this Petition at p. 14, for more in depth facts concerning this formal request for an evidentiary hearing on the instant petition.

WHEREFORE, petitioner prays that the court grant petitioner Relief to which he may be entitled in this proceeding.

EXECUTED at Carson City, Nevada on the 11th Day of March, 2021.

William Martin #95529

VERIFICATION

Under penalty of perjury, the undersigned declares that he is the petitioner named in the foregoing petition and knows the contents thereof; that the pleading is true of his own knowledge, except as to those matters stated on information and belief, and as to such matters he believes them to be true.

Petitioner

CERTIFICATE OF SERVICE BY MAIL

I do certify that I mailed a true and correct copy of the foregoing PETITION FOR WRIT OF HABEAS CORPUS to the below addresses on this 11th day of March 2021, by placing the same into the hands or prison law library staff for posting in the U.S. Mail, pursuant to N.R.C.P. 5:

Perry Russell
1721 Snyder Ave.
Carson City, NV 89701

Lane Mills, Esq.
Churchill County District Attorney
165 Ada Street
Fallon, NV 89406

Aaron ~~Ean~~ Ford
Attorney General
100 North Carson Street

Carson City, Nevada 89701

Signature of Petitioner In Pro Se

AFFIRMATION
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding document. Petition For Writ Of Habeas Corpus (Post-Conviction)

(Title of Document)

filed in case number: 19-10DC-0289, Tenth Jud. Dist Ct.

☒ Document does not contain the social security number of any person

-OR-

☐ Document contains the social security number of a person as required by:

☐ A specific state or federal law, to wit:

(State specific state or federal law)

-or-

☐ For the administration of a public program

-or-

☐ For an application for a federal or state grant

-or-

☐ Confidential Family Court Information Sheet
(NRS 125.130, NRS 125.230 and NRS125B.055)

Date: 3-11-21

(Signature)

William Martin #95529
(Print Name)

Pro Se
(Attorney for)

IN THE SUPREME COURT OF THE STATE OF NEVADA

WILLIAM JACOB MARTIN, APPELLANT, vs. THE STATE OF NEVADA, RESPONDENT.	))))))	SUPREME COURT NO. 83315 DC CASE NO. 19-10DC-0289

RECORD ON APPEAL
VOLUME
3

ATTORNEY FOR APPELLANT
WILLIAM JACOB MARTIN, PRO PER
NORTHERN NV CORRECTIONAL CENTER
P.O. BOX 7000
CARSON CITY, NV 89702

ATTORNEY FOR RESPONDENT
LANE MILLS, ESQ.
CHIEF DEPUTY DISTRICT ATTORNEY
165 N. ADA STREET
FALLON, NV 89406

Docket 83315 Document 2021-25735

#19-10DC-0289 - STATE OF NEVADA vs. WILLIAM JACOB MARTIN
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JAP

RECEIVED MAR 16 2021

William Martin #95529
NNCC
P.O. BOX 7000
Carson City, NV 89702
Petitioner In Pro Se

FILED
2021 MAR 16 PM 12:53
SUE SEVON
COURT CLERK
BY [signature] DEPUTY

Tenth Judicial District Court
Churchill County

William Martin, Petitioner, vs. Perry Russell, et al., Respondents.	Case No 19-100C-0289A Dept. No. I

Memorandum Of Points And Authorities In Support Of Petition For Writ Of Habeas Corpus (Post-Conviction)

Petitioner William Martin ("Martin") hereby submits his Memorandum of Points and Authorities in Support of Petition For a Writ of Habeas Corpus, post-conviction, filed pursuant to NRS 34.720 et seq.

Points And Authorities

I. Statement Of The Case

From 2017 to 2018 Martin was arrested and

charged with multiple felony offenses (See Exhibit "A," at pp. 4-6, attached hereto.). Martin initially entered a plea of not guilty to all of the abovementioned charges, however, he later entered a plea of guilty to two counts of Burglary pursuant to a plea agreement. Martin was subsequently sentenced to, inter alia, two consecutive terms of 3 to 10 years in the Nevada Department of Corrections ("NDOC") (See Exhibit B, at p. 2, attached hereto.).

On May 15, 2020, Martin filed a Motion For Extension of Time to to litigate the instant case, i.e., to prepare and file his Petition For Writ of Habeas Corpus (See Exhibit "C," attached hereto.). As of the date of filing the instant petition, Martin has still not received a Court ruling on his Motion For Extension Of Time; thereby, establishing good cause for Martin's untimely filing of the instant petition. See Section E, Infra.

As the following arguments demonstrate, state judicial review of Martin's claims is required because, he can show that failure to consider them will result in a fundamental miscarriage of justice.

II. Argument

A. Martin's Guilty Plea Was Entered Without Effective Assistance Of Counsel In Violation Of His Right To Effective Assistance Of Counsel, As Guaranteed By The United States Constitution, And The Fifth And Fourteenth And Sixth Amendments.

Martin asserts that his trial counsel was ineffective for advising him to plead guilty to two counts of Burglary, with two consecutive sentences of 3 to 10 years, without first advising him of his statutory right to an insanity defense, without first obtaining a competent psychiatrist to evaluate his mental state at the time of the alleged crimes, and without first obtaining a psychiatrist to assist him in the evaluation, preparation and presentation of the insanity defense and/or to assist at sentencing.

The Sixth Amendment guarantees the right to effective assistance of counsel in criminal prosecutions. McMann v. Richardson, 397 U.S. 759, 771 n.14 (1970). That right applies to both retained and appointed counsel. Cuyler v. Sullivan, 446 U.S. 335, 344-45 (1980). In Strickland v. Washington, 466 U.S. 668, 687-88 (1984), the United States Supreme Court established a two prong test with which to evaluate ineffective assistance of counsel claims: One, did counsel's performance fall below an objective standard of reasonableness; and two, did counsel's deficient performance prejudice the defendant resulting in an unreliable or fundamentally unfair outcome. The facts in the instant case clearly demonstrate that Martin was denied effective assistance of counsel.

First, Martin's trial counsel knew that Martin suffered from severe mental illness and had be diagnosed with Post Traumatic Stress Disorder (PTSD), depression, anxiety and insomnia. (See Exhibit "A," at p3, attached hereto.). In addition, Martin's trial counsel knew that Martin was also under the influence

of methamphetamine at the time he allegedly offended. Methamphetamine is a known trigger for inducing symptoms of mania and/or exacerbating an existing manic state in people like Martin who already have an Affective Disorder.

Second, Martin's trial counsel also knew that, at the times Martin allegedly offended, his behavior was consistent with his long term mental illness and with the substance he was using (methamphetamine) and included thought disorder (delusions and hallucinations involving persecutory themes) and with direct impact of significant substance ingestion (amnesia, ultimately partial but apparently never recovering to include the acts themselves, in their entirety).

Third, Martin's trial counsel knew that at the times Martin allegedly offended, he had been experiencing significant periods of sleeplessness (four to five days); Poor sleep is known to trigger and/or exacerbate the symptoms of Martin's PTSD and those of his long term Affective Disorder.

Finally, Martin's trial counsel knew that at the time of Martin's arrest, he was experiencing auditory hallucinations, paranoid ideation, psychomotor agitation, and severe instability of mood, and was likely legally insane at the times he allegedly offended.

The record (Exhibit A at p. 3.) demonstrates that Martin's trial counsel knew or should have known that Martin

had a statutory right to the defense of insanity and a constitutional right to be provided with a competent psychiatrist to evaluate his sanity at the time of the alleged crimes and to assist with the insanity defense before, during and after trial (i.e., at sentencing).

In the instant case, there were abundant signs in the record that Martin suffered from severe mental illness and was legally insane at the time of the alleged crimes. Nevertheless, Martin's trial counsel failed to conduct even a minimal investigation, with the assistance of a competent psychiatrist, in order to make an informed decision regarding the possibility of a defense based on Martin's legal insanity at the time of the alleged crimes and, therefore, neglected to pursue a potentially successful defense. In the instant case, Martin's trial counsel's performance was grossly deficient. See e.g., Jennings v. Woodford, 290 F.3d 1006, 1012-20 (9th Cir. 2002)(trial counsel's deficient performance in failing to investigate defendants history of mental illness and drug abuse for purposes of determining possibility of mental defense strategy prejudiced defendant); Seidel v. Merkle, 146 F.3d 750, 756 (9th Cir. 1998)(counsel was ineffective for failing to conduct even a minimal investigation in order to make an informed decision regarding the possibility of a defense based on defendant's mental illness); Dumas v. State, 903 P.2d 816, 817 (Nev. 1995)(counsel's failure to investigate and present defendant's mental condition as defense constituted ineffective assistance of counsel).

The evidence in the record will demonstrate that Martin was legally insane at the time of the alleged crimes, and that, he was unable to form the requisite criminal intent or mens rea to justify a burglary conviction in the instant case. (See Exhibit "E," attached hereto).

Martin's trial counsel advised him to plead guilty to two counts of burglary, with recommended consecutive sentences of 3 to 10 years, without first advising him of his statutory right to an insanity defense, without first obtaining a competent psychiatrist to evaluate his mental state at the time of the alleged crimes, and without first obtaining a psychiatrist to assist him in the evaluation, preparation, and presentation of the insanity defense and/or to assist at sentencing.

Martin clearly meets both prongs of the Strickland test. First, Martin's trial counsel's performance fell far below reasonable. Ake v. Oklahoma, 470 U.S. 68 (1985), provides that Martin has a constitutional right to a competent psychiatrist's assistance; yet, Martin's trial counsel failed to assert that right or obtain a knowing and voluntary waiver from Martin of that constitutional right (See Section B, Infra). Second, Martin suffered a fundamentally unfair outcome - he is serving two consecutive 3 to 10 year sentences. Had Martin known that he could have pleaded not guilty by reason of insanity, he would have insisted on a trial. See Hill v. Lockhart,

474 U.S. 52, 59 (1985); and see e.g., Fry v. Caspary, 173 F.3d 1136, 1142 (8th Cir. 1999)(guilty plea to charge of second degree murder was not knowingly and voluntarily entered, where counsel failed to inform defendant of possible defense of mental illness, and counsel failed to bring to court's attention a psychiatric report indicating mental illness); U.S. v. Kauffman, 109 F.3d 186, 190-91 (3d. Cir. 1997)(counsel's failure to investigate into the insanity defense after having seen letter from psychiatrist stating that defendant was manic and psychotic when he committed the crime, before advising defendant to plead guilty constitutes ineffective assistance of counsel); and Mcloy v. Wainwright, 804 F.2d 1196, 1198-99 (11th Cir. 1986) (trial counsel's failure to investigate possible insanity defense renders guilty plea involuntary, if facts support defense and, constitutes ineffective assistance of counsel).

Finally, Martin contends that, if this Court fails to consider this claim of ineffective assistance of counsel, it will result in a fundamental miscarriage of justice. The existing evidence in the record demonstrates that Martin was legally insane at the time of the alleged crime. Therefore, due to the ineffective assistance of his trial counsel, Martin was unconstitutionally deprived of an acquittal on grounds of insanity and, "it is more likely than not that no reasonable juror would have convicted

[Martin] absent [this] constitutional violation." Pellegrini v. State, 34 P.3d 519, 537 n.123 (Nev. 2001)(citing Schlup v. Delo, 513 U.S. 298, 327, 115 S.Ct. 851, 130 L.Ed. 808 (1995)).

B. Martin's Trial Counsel Failed To Investigate Martin's Competency To Enter A Plea Of Guilty In Violation Of His Right To Effective Assistance Of Counsel, As Guaranteed By The United States Constitution, And The Fifth And Fourteenth And Sixth Amendments.

Martin contends that his trial counsel was ineffective for failing to investigate into his competency to enter a plea of guilty in this case. Martin's trial counsel had notice of Martin's long, diagnosed history of PTSD, depression, and long term, chronic use of methamphetamine. And, Martin's trial counsel personally observed Martin's bizzare behavior on several occassions prior to entering his plea of guilty in this case. (See Exhibits "A," "D," and "E," attached hereto).

A mentally incompetent defendant cannot knowingly and intelligently waive his rights. See Pate v. Robinson, 383 U.S. 375 (1966). Once trial counsel has notice of the defendant's mental illness affecting his ability to consult with counsel and understand the proceedings against him, counsel then has a constitutionally imposed duty to investigate into the defendant's competency to enter a plea. See e.g. Bouchillon v. Collins, 907 F.2d at 593 (counsel was ineffective for failing to

investigate into defendant's competency to enter a plea, after receiving notice that the defendant had a history of hospitalizations for PTSD).

Here, as stated above, Martin's trial counsel was on notice that there were reports in the record showing that Martin suffered from PTSD, depression, and long term, chronic use of methamphetamine. Furthermore, Martin's trial counsel has personally witnessed Martin's bizzare behavior on several occassions during his consultations with him. Nevertheless, despite the abovementioned signs that Martin suffered from severe mental illness, his trial counsel failed to investigate into Martin's competency to enter a plea. Had trial counsel done so, he would have discovered that Martin was, in fact, mentally incompetent at the time he entered his plea of guilty in this case. Therefore, Martin's guilty plea should be withdrawn.

C. Martin's Trial Counsel Failed To Present Mitigating Evidence At Sentencing, With The Assistance Of A Competent Psychiatrist, In Violation Of His Right To Effective Assistance Of Counsel, As Guaranteed By The United States Constitution, And The Fifth And Fourteenth And Sixth Amendments.

All of the facts contained in Sections A and B, supra, are incorporated herein by reference as if fully set forth in support of this claim of

constitutional error.

Martin contends that his trial counsel failed to investigate and present considerable evidence regarding his psychological and family history, that would have provided sufficient mitigating evidence to warrant concurrent sentences, instead of the consecutive sentences that Martin received.

Martin's trial counsel knew that Martin suffered severe emotional, physical and sexual abuse as a child. The record also shows that Martin has a long, diagnosed history of PTSD, depression, and long term, chronic use of methamphetamine. However, Martin's trial counsel failed to obtain a competent psychiatrist to evaluate him for the purpose of presenting mitigating evidence at Martin's sentencing hearing.

Therefore, Martin's trial counsel was ineffective at his sentencing hearing because, it's likely that the outcome of his sentencing would have been different, had his counsel not rendered ineffective assistance and obtained a competent psychiatrist to assist at Martin's sentencing hearing. See Ake v. Oklahoma, 470 U.S. 68 (1985); and Jennings v. Woodford, 290 F.3d at 1012-20.

D. Martin's Trial Counsel Failed To Consult With Him And Failed To Perfect His Right To Direct Appeal In Violation Of His Right To Effective

Assistance Of Counsel, As Guaranteed By The United States Constitution, And The Fifth And Fourteenth And Sixth Amendments.

All of the facts contained in Sections A, B and C, supra, are incorporated herein by reference as if fully set forth in support of this claim of constitutional error.

Under Nevada law, a criminal defendant has the right of direct appeal from a judgment of conviction. NRS 177.015. This right of direct appeal includes the right to appeal from judgments of convictions obtained by guilty pleas. See Franklin v. State, 877 P.2d 1058 (Nev. 1994). Martin was denied this right because his trial counsel failed to consult with him and failed to perfect his direct appeal for him.

In Roe v. Flores-Ortega, 120 S.Ct. 1029 (2000), the United States Supreme Court applied the Strickland ineffective assistance of counsel standard to cases involving counsel's failure to file notice of appeal. Specifically, the United States Supreme Court held as follows:

"We instead hold that counsel has a constitutionally-imposed duty to consult with the defendant about an appeal when there is reason to think either (1) that a rational defendant would want to appeal (for example, because there are nonfrivolous grounds for appeal), or (2) that this particular defendant reasonably demonstrated to counsel that he was interested in appealing."

Roe v. Flores-Ortega, 120 S.Ct. at 1036. Application of Roe v. Flores-Ortega, to the facts of the present case show that Martin was denied his Sixth Amendment right to effective assistance of counsel because his trial counsel failed to consult with him and failed to perfect direct appeal for him.

Martin's trial counsel knew or should have known that Martin had a statutory right to an insanity defense, and that, he also had a constitutional right to have a competent psychiatrist appointed to evaluate him regarding his sanity at the time of the alleged crimes and to assist with the insanity defense before, during, and after trial. After all, this was a serious felony case, and Martin's trial counsel had to have been sufficiently experienced; yet, Martin's trial counsel failed to assert these statutory and constitutional rights or obtain a knowing and voluntary waiver from Martin of these statutory and constitutional rights. (See Section A, supra.).

Thus, advising Martin to enter into a plea agreement that deceptively waived his right to appeal the deprivation of the aforementioned statutory and constitutional rights, that his trial counsel failed to inform him he had, could not possibly constitute a knowing intelligent, and/or voluntary waiver of his right to direct appeal. Martin had non frivolous grounds for appeal and any rational defendant would have wanted to appeal this case. Under Roe v. Flores-Ortega, Martin was denied his Sixth Amendment right to effective assistance of counsel because his trial counsel failed to consult with him and failed to perfect his direct appeal for him.

E. Martin Can Demonstrate Good Cause And Prejudice To Excuse The Untimely Filing Of The Instant Petition.

Martin asserts that he is timely in his filing of the instant petition because, his Motion For Extension Of Time is still pending in this Court (See Exhibit "C," attached hereto.).

However, assuming arguendo, that the instant petition is untimely, Martin can still satisfy the cause and prejudice standard set forth in NRS 34.726 (1)(a)(b).

Martin's habeas petition was due no later than June 25, 2020. However, in March of 2020, due to the coronavirus, Northern Nevada Correctional Center, where Martin is housed, was put on quarantine, and the prison law library was temporarily closed. Because Martin had no adequate access to legal research materials and no adequate access to inmate law clerks, he was unable to prepare and file his habeas petition. Thus, he filed a Motion For Extension Of Time on May 15, 2020, and, has still not received a decision from this Court on the motion.

Martin contends that the coronavirus and the subsequent quarantine-lockdown at the prison, that has deprived him of adequate legal access, and this Court's delay in answering his Motion For Extension Of Time, constitute good cause for the delayed filing of his

habeas petition (Martin contracted the coronavirus himself too.).

As the facts and circumstances are set forth in Sections A-D, supra, it is clear that Martin would be significantly prejudiced if his petition were to be deemed untimely and not heard on the merits.

Accordingly, Martin's habeas petition should be accepted by this Court and heard on it's merits

F. Martin Is Entitled To An Evidentiary Hearing On His Habeas Petition.

All of the facts contained in Sections A-E, supra, are incorporated herein by reference as if fully set forth in support of this request for an evidentiary hearing on the instant petition.

An evidentiary hearing is warranted because: (1) Martin has raised meritorious challenges to the validity of his guilty plea, and (2) Martin has made a colorable showing that he is actually innocent of the crimes that he was unlawfully convicted of in the instant case.

III. Conclusion

For the foregoing reasons, Martin requests that this court grant him the relief requested in his Petition For Writ Of Habeas Corpus.

Respectfully Submitted, this 11th day of March, 2021.

BY: _____

William Martin #95529

Petitioner In Pro Se

Certificate Of Service By Mail

I, William Martin, hereby certify pursuant to N.R.C.P. 5(b), that on this 11th day of the month of ~~February~~ March, 2021, I mailed a true and correct copy of the foregoing Memorandum of Point And Authorities In Support Of Petition For Writ of Habeas Corpus (Post-Conviction), addressed to:

Perry Russell
1721 Synder Ave.
Carson City, NV 89701

Lane Mills
Churchill County, District Attorney
165 Ada Street
Fallon, NV 89406

Erin Ford, Attorney General
100 N. Carson Street
Carson City, NV 89701

Signed By:

William Martin #95529

EXHIBIT A

Presentence Investigation Report

EXHIBIT A

Document Filed Under Seal

Document: Pre-Sentence
Investigation Report

Filed: Not a filed document – received

Bate Stamped Pages: 121 – 129

See Separate Certified Mailing
Confidential Envelope

EXHIBIT B

Judgment Of Conviction

EXHIBIT B

JAP

FILED

2019 JUN 25 PM 2:54

SUE SEVON
COURT CLERK
BY J Bennington DEPUTY

Case No. 19-10DC-0289

Dept. No. 1

The undersigned hereby affirms that this document does not contain the social security number of any person.

IN THE TENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF CHURCHILL

THE STATE OF NEVADA,

Plaintiff,

vs.

WILLIAM JACOB MARTIN,

Defendant.

JUDGMENT OF CONVICTION

On the 18th day of April, 2019, the above-named Defendant, WILLIAM JACOB MARTIN, Date of Birth: August 14, 1983, Place of Birth: Jackson, Mississippi, entered a plea of guilty to the crime(s) of : **COUNT 1, Burglary, a Category B Felony, in violation of NRS 205.060(2)**.

Further, that at the time the Defendant entered the plea of guilty, this Court informed the Defendant of the privilege against compulsory self-incrimination, the right to a speedy trial, the right to a trial by jury, the right to compulsory process to compel witnesses to testify on behalf of the Defendant, and the right to confront the accusers. That after being so advised, the Defendant stated that these rights were understood and still desired this Court to accept the plea of guilty.

Further, that at the time the Defendant entered a plea of guilty, and at the time of sentencing, the Defendant was represented by an attorney, CHARLES B. WOODMAN, or the duly appointed representative; also present in Court were the Churchill Court Clerk, or the duly appointed representative, the Sheriff of Churchill County, or the duly appointed representative, the District Attorney of Churchill County, Nevada, or the duly appointed representative.

representing the State of Nevada; and the Operations Supervisor, or the duly appointed representative, representing the Division of Parole and Probation.

The Court having accepted the Defendant's plea of guilty, and having set the date of June 20, 2019, as the date for imposing judgment and sentence and the Defendant having appeared at such time, represented by counsel, and the Defendant having been given the opportunity to exercise the right of allocution, and having shown no legal cause why judgment should not be pronounced at that time.

This Court thereupon pronounced WILLIAM JACOB MARTIN guilty of:

COUNT 1, Burglary, a Category B Felony, in violation of NRS 205.060(2).

In accordance with the applicable statutes of the State of Nevada this Court sentenced the Defendant to:

ON COUNT 1: imprisonment in the Nevada State Prison for a minimum term of 36 months, with a maximum term of 120 months, and a minimum parole eligibility of 36 months, consecutive to Tenth Judicial District Court Case Number 18-10DC-0049 and to Second Judicial District Court Case Number CR18-0761.

In addition, said Defendant shall pay:

1. Restitution in the amount of Three Thousand Fifty-six Dollars and Thirty-five Cents ($3,056.35) to Nevada Division of Parole & Probation.
2. An Administrative Assessment Fee in the amount of Twenty-five Dollars ($25.00) to Tenth Judicial District Court.
3. A Chemical Analysis Fee in the amount of Three Dollars ($3.00) to Tenth Judicial District Court.

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Pursuant to NRS 176.0913, Defendant must submit a biological specimen to determine genetic markers and/or secretor status.

Therefore, the Clerk of the above-entitled Court is hereby directed to enter the Judgment of Conviction as a part of the record in the above-entitled matter. The Clerk of the Court is further ordered to provide Defendant's Exhibit #A and #B that were presented at Sentencing and forward them to the Nevada Department of Corrections in a sealed envelope to assist and be considered in the Defendant's rehabilitation.

DATED: This 25th day of June, 2019.

DISTRICT COURT JUDGE

EXHIBIT C

Motion Requesting Extension Of Time Based On Extraordinary Circumstances

EXHIBIT C

RECEIVED MAY 15 2020

FILED
2020 MAY 15 AM 11:54
SUE SLAVON
COURT CLERK
BY [signature] DEPUTY

YOUR NAME: William Martin
INMATE I.D.# 95529
ADDRESS: P.O. Box 7000
CITY, STATE, ZIP: Carson City, NV, 89702
IN PRO PER

Tenth Judicial District Court

COURT NAME

Churchill County

DIVISION, DISTRICT, ETC.

YOUR NAME: William Martin,
Petitioner, Plaintiff,

vs.

WARDEN'S NAME: Perry Russell,
Defendant

Case No.: 19-10DC-0290
19-10DC-0289

MOTION REQUESTING EXTENSION OF TIME BASED ON EXTRAORDINARY CIRCUMSTANCES

TO WHOM IT MAY CONCERN, Petitioner/Plaintiff William Martin, hereby files this request for an extension of time to file and/or respond to any existing deadlines and/or comply with any court imposed deadlines and/or statutory deadlines in the above referenced case or, if no case number is assigned, to any anticipated actions intended to be files in this Court pertaining to the moving party.

Petitioner bases this extraordinary request based upon an unprecedented event which is not only disrupting the entire court system in the United States, but interrupting the lives of billions of human beings on a global basis. This event is known as COVID-19 or as the Coronavirus. It is my understanding that many courts nationwide have either closed temporarily or completely until further notice. I have been unable to contact this Court as I am incarcerated with minimal or no contact with the outside world. Our institution is either on a full lockdown or has severely restricted movement within our institution thereby making it virtually impossible for me to meaningfully litigate my existing or intended case.

Based on these facts Petitioner therefore respectfully prays the Court grant him/her a continuance until and at such time Petitioner is again allowed meaningful access to the Courts.

Respectfully submitted,

Date: May 11th, 2020

Signature

William Martin

Printed Name

DECLARATION OF SERVICE

On the date as indicated below, I, William Martin, located in the following institution: Northern Nevada Corr. Center, located in the State of: Nevada, handed to a corrections officer a copy of my MOTION REQUESTING EXTENSION OF TIME BASED EXTRAORDINRY CIRCUMSTANCES, postage thereupon fully prepaid, for deposit into the United States Mail. Addressed to the following party or parties:

Tenth Judicial District Court
73 N. Maine St., Ste B
Fallon, NV 89406

The facts as stated above are true and correct subject to the penalty for perjury.

Date: May 11th, 2020

Declarants signature

EXHIBIT D

Sworn Affidavit Of William Martin

EXHIBIT D

Affidavit In Support Of Petition

STATE OF NEVADA)
) ss:
CARSON COUNTY)

I, William Martin, do hereby swear under penalty of perjury that the assertations of this affidavit are true and correct to the best of my knowledge.

1. That, I am over the age of 18 years old, of sound mind and body, that I have personal knowledge of all matters contained herein and am competent to testify.

2. That, I am the Petitioner in the above-entitled action and Affiant herein and make this affidavit in support of my Petition for Writ Of Habeas Corpus (Post-Conviction).

3. That, I was indigent and I requested that my trial counsel, Peter Smith, obtain a psychiatric expert to assist me with my case and, he ineffectively told me that the Court would not appoint one and I would have to pay for it myself.

4. That, I repeatedly informed my trial counsel that I have a long, documented history of severe mental illness, and he refused to conduct even a minimal investigation into providing me with a psychiatric defense.

5. That, my trial counsel refused to obtain any competent psychiatrist, or, psychiatric reports to assist me at sentencing.

Further Affiant sayeth naught.

That all statements, facts and events within my Petition For Writ Of Habeas Corpus and this affidavit are true and correct of my own knowledge, information and belief, and as to those, I believe them to be true and correct.

Signed under penalty of perjury pursuant to NRS 208.165.

Dated this 11th day of Febuary, 2021.

William Martin #95529
NNCC
P.O. Box 7000
Carson City, NV 89702

EXHIBIT E

Substance Abuse Diagnosis And Report

EXHIBIT E

Document Filed Under Seal

Document: Bailey Counseling Associates – Substance Abuse Diagnosis and Report

Filed: Not a filed document – received

Bate Stamped Pages: 142 – 143

See Separate Certified Mailing
Confidential Envelope

RECEIVED APR 06 2021

William Martin #95529
(Name / Number)
Northern Nevada Correctional Center
Post Office Box 7000
Carson City, NV 89702

Plaintiff/Petitioner, In Proper Person

FILED
2021 APR -6 AM 10:46
SUE SEVON
COURT CLERK
BY DEPUTY

IN THE TENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF CHURCHILL

William Martin,
Plaintiff/Petitioner,

vs.

Perry Russell, et al.,
Defendant/Respondent.

Case No.: 19-10DC-0289A

MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

COMES NOW, William Martin, Plaintiff / Petitioner, in his proper person, and respectfully moves this Honorable Court for leave to proceed in forma pauperis in the above-entitled action, without requiring Plaintiff / Petitioner to pay fees, provide security, or other costs for prosecuting this action, including service of process.

This motion is made pursuant to the provisions of NRS 12.015, the accompanying sworn affidavit of Plaintiff / Petitioner, and accompanying Institutional Financial Certificate indicating funds, if any, in his prison account.

Respectfully submitted this 31 day of March, 2021

(Signature)

AFFIDAVIT OF William Martin

STATE OF NEVADA)
: ss.
CARSON CITY)

I, William Martin, being duly sworn according to law, state the following in support of my accompanying Motion for Leave to Proceed in Forma Pauperis.

1. That I request an attorney be appointed for me in this action.
2. Are you presently employed? Yes _____ No X

   A. If the answer is yes, state the amount of your salary or wages per month, and give name and address of your employer.

   N/A

   B. If the answer is no, state the date of last employment and the amount of salary and wages per month which you received: Unemployed

3. Have you received in the past twelve months any money from any of the following sources?

   A. Business, profession or form of self-employment? Yes _____ No X

   B. Rent payments, interest or dividends? Yes _____ No X

   C. Pensions, annuities or life insurance payments? Yes _____ No X

   D. Gifts or inheritances? Yes _____ No X

   E. Any other sources? Yes X No _____ ← Loans - Personal

4. Do you own case or equivalent prison currency, or do you have money in a checking or savings account? Yes X No _____ (See the accompanying Inmate Financial Certificate) Note: My prison savings account is not accessible to me. It's only given to me upon release.

5. Do you own any real estate, stocks, bonds, notes, automobiles or other valuable property (excluding ordinary household furnishings and clothing)?

   Yes _____ No X

   If your answer is yes, describe the property and state its approximate value: N/A

6. List the persons who are dependent upon you for support, state your relationship to those persons and indicate how much you contribute towards their support: N/A

UNDER THE PENALTY OF PERJURY, Pursuant to NRS 208.165, the above affidavit is true and correct to the best of my personal knowledge.

Dated this 31 day of March, 2021.

(Signature)

William Martin
(Print Name)

95529
(I.D. No.)

Affiant, In Proper Person

AFFIRMATION PURSUANT TO NRS 239B.030

** I certify that the foregoing document DOES NOT contain the social security number of any persons.

March 31, 2021
(DATE)

(SIGNATURE)

FINANCIAL CERTIFICATE

I request that an authorized officer of the institution in which I am confined, or other designated entity, such as Inmate Services for the Nevada Department of Prisons (NDOC), complete the below Financial Certificate.

I understand that:

(1) if I commence a petition for writ of habeas corpus in federal court pursuant to 28 U.S.C. § 2254, the filing fee is $5.00, and that such fee will have to be paid by me if the court denies my *in forma pauperis* application;

(2) if I commence a civil rights action in federal court pursuant to 42 U.S.C. § 1983, the filing fee is $400.00 (which includes the $350 filing fee and a $50 administrative fee), which I must pay in full; and

(a) if my current account balance (line #1 below) is $400.00 or more, I will not qualify for *in forma pauperis* status and I must pay the full filing fee of $400.00 before I will be allowed to proceed with the action;

(b) if I do **NOT** have $400.00 in my account as reflected on line #1 below, before I will be allowed to proceed with an action I will be required to pay 20% of my average monthly balance (line #2 below), or the average monthly deposits to my account (line #3 below), whichever is greater, and thereafter I must pay installments of 20% of the preceding month's deposits to my account in months that my account balance exceeds $10.00 (if I am in the custody of the NDOC, I hereby authorize the NDOC to make such deductions from deposits to my account, and I further understand that if I have a prison job, then the 20% of my paycheck that is guaranteed to me as spendable money will be sent to the court for payment of the filing fee); and

(c) I must continue to make installment payments until the $350.00 filing fee is fully paid, without regard to whether my action is closed or my release from confinement. The $50 administrative fee will be waived only if I am granted permission to proceed *in forma pauperis*.

Type of action (check one): ____civil rights ✓ habeas corpus

William Martin
INMATE NAME (printed)

95529
SIGNATURE & PRISON NUMBER

---

1. CURRENT ACCOUNT BALANCE $ 576.57
2. AVERAGE MONTHLY BALANCE* $ 375.31
3. AVERAGE MONTHLY DEPOSITS* $ 377.88
4. FILING FEE (based on #1, #2 or #3, whichever is greater) $ 5.00

* for the past six (6) months, from all sources, including amount in any savings account that is in excess of minimum amount that must be maintained

---

I hereby certify that as of this date, the above financial information is accurate for the above named inmate.

(Please sign in ink in a)
(color other than black.)

3/25/21
DATE

AUTHORIZED OFFICER

Acct. Tech II
TITLE

Financial Certificates

0095529 - MARTIN, WILLIAM

(9/26/2020 - 3/25/2021)

Trust

Date	Description	Deposit	Withdrawal	Balance
09/26/2020	Opening Balance			$0.94
10/10/2020	Keefe	$16.05		$16.99
10/10/2020	Postage		($8.03)	$8.96
10/10/2020	Savings		($1.61)	$7.35
10/10/2020	Phone Credit		($5.00)	$2.35
10/11/2020	Keefe	$165.05		$167.40
10/11/2020	Postage		($10.27)	$157.13
10/11/2020	Savings		($16.51)	$140.62
10/11/2020	Phone Credit		($10.00)	$130.62
10/11/2020	Phone Credit		($10.00)	$120.62
10/11/2020	Phone Credit		($10.00)	$110.62
10/11/2020	Phone Credit		($10.00)	$100.62
10/11/2020	Phone Credit		($10.00)	$90.62
10/12/2020	Commissary		($8.87)	$81.75
10/16/2020	Keefe	$489.05		$570.80
10/16/2020	Savings		($48.91)	$521.89
10/18/2020	Phone Credit		($10.00)	$511.89
10/18/2020	Phone Credit		($10.00)	$501.89
10/18/2020	Phone Credit		($10.00)	$491.89
10/18/2020	Phone Credit		($10.00)	$481.89
10/18/2020	Phone Credit		($10.00)	$471.89
10/18/2020	Phone Credit		($10.00)	$461.89
10/18/2020	Phone Credit		($10.00)	$451.89
10/18/2020	Phone Credit		($10.00)	$441.89
10/19/2020	Commissary		($138.23)	$303.66
10/22/2020	Commissary Refund	$138.23		$441.89
10/22/2020	Trust 2		($138.23)	$303.66
10/26/2020	Trust 2	$51.24		$354.90
10/26/2020	Commissary		($51.24)	$303.66
10/30/2020	Keefe	$10.00		$313.66
10/30/2020	Savings		($1.00)	$312.66
11/02/2020	Commissary Refund	$0.75		$313.41
11/02/2020	Trust 2		($0.75)	$312.66
11/02/2020	Trust 2	$87.74		$400.40
11/02/2020	Commissary		($106.98)	$293.42
11/04/2020	Phone Credit		($10.00)	$283.42
11/04/2020	Phone Credit		($10.00)	$273.42
11/04/2020	Phone Credit		($10.00)	$263.42
11/09/2020	Commissary		($46.80)	$216.62
11/11/2020	Phone Credit		($10.00)	$206.62
11/15/2020	Phone Credit		($10.00)	$196.62
11/16/2020	Commissary		($70.57)	$126.05
11/18/2020	Phone Credit		($10.00)	$116.05
11/20/2020	Keefe	$489.05		$605.10
11/20/2020	Savings		($48.91)	$556.19
11/22/2020	Phone Credit		($10.00)	$546.19

Financial Certificates

0095529 - MARTIN, WILLIAM

Trust

Date	Description	Deposit	Withdrawal	Balance
11/23/2020	Phone Credit		($10.00)	$536.19
11/26/2020	Phone Credit		($10.00)	$526.19
11/28/2020	Phone Credit		($10.00)	$516.19
11/29/2020	Phone Credit		($10.00)	$506.19
11/30/2020	Commissary		($33.52)	$472.67
11/30/2020	Phone Credit		($10.00)	$462.67
12/01/2020	Commissary Refund	$33.52		$496.19
12/01/2020	Trust 2		($33.52)	$462.67
12/02/2020	Trust 2	$10.00		$472.67
12/02/2020	Phone Credit		($10.00)	$462.67
12/05/2020	Trust 2	$10.00		$472.67
12/05/2020	Phone Credit		($10.00)	$462.67
12/07/2020	Trust 2	$13.52		$476.19
12/07/2020	Commissary		($14.73)	$461.46
12/07/2020	Phone Credit		($10.00)	$451.46
12/09/2020	Keefe	$120.00		$571.46
12/09/2020	Savings		($12.00)	$559.46
12/09/2020	Phone Credit		($10.00)	$549.46
12/11/2020	Phone Credit		($10.00)	$539.46
12/12/2020	Phone Credit		($10.00)	$529.46
12/14/2020	Phone Credit		($10.00)	$519.46
12/15/2020	Check Tops		($139.45)	$380.01
12/16/2020	Phone Credit		($10.00)	$370.01
12/16/2020	Phone Credit		($10.00)	$360.01
12/19/2020	Phone Credit		($10.00)	$350.01
12/20/2020	Phone Credit		($10.00)	$340.01
12/22/2020	Phone Credit		($10.00)	$330.01
12/26/2020	Phone Credit		($10.00)	$320.01
12/30/2020	Commissary		($22.73)	$297.28
12/31/2020	Commissary		($28.34)	$268.94
01/04/2021	Phone Credit		($10.00)	$258.94
01/08/2021	Commissary		($22.40)	$236.54
01/11/2021	Phone Credit		($10.00)	$226.54
01/14/2021	Phone Credit		($10.00)	$216.54
01/15/2021	Commissary		($18.41)	$198.13
01/16/2021	Phone Credit		($10.00)	$188.13
01/18/2021	Phone Credit		($10.00)	$178.13
01/20/2021	Phone Credit		($10.00)	$168.13
01/21/2021	Keefe	$489.05		$657.18
01/21/2021	Savings		($48.91)	$608.27
01/24/2021	Phone Credit		($8.00)	$600.27
01/25/2021	Phone Credit		($10.00)	$590.27
01/27/2021	Phone Credit		($10.00)	$580.27
01/29/2021	Commissary		($49.71)	$530.56
01/31/2021	Phone Credit		($10.00)	$520.56
02/03/2021	Phone Credit		($10.00)	$510.56
02/06/2021	Phone Credit		($10.00)	$500.56
02/08/2021	Phone Credit		($10.00)	$490.56

Financial Certificates

0095529 - MARTIN, WILLIAM

Trust

Date	Description	Deposit	Withdrawal	Balance
02/10/2021	Phone Credit		($10.00)	$480.56
02/11/2021	Phone Credit		($10.00)	$470.56
02/12/2021	Commissary		($50.04)	$420.52
02/13/2021	Phone Credit		($10.00)	$410.52
02/15/2021	Phone Credit		($10.00)	$400.52
02/17/2021	Phone Credit		($10.00)	$390.52
02/20/2021	Phone Credit		($10.00)	$380.52
02/21/2021	Phone Credit		($10.00)	$370.52
02/24/2021	Phone Credit		($10.00)	$360.52
02/25/2021	Phone Credit		($10.00)	$350.52
02/26/2021	Commissary		($50.19)	$300.33
02/28/2021	Phone Credit		($10.00)	$290.33
03/01/2021	Phone Credit		($10.00)	$280.33
03/02/2021	Phone Credit		($10.00)	$270.33
03/03/2021	Keefe	$489.05		$759.38
03/03/2021	Savings		($48.91)	$710.47
03/03/2021	Court Order Fine		($14.67)	$695.80
03/04/2021	Phone Credit		($10.00)	$685.80
03/10/2021	Phone Credit		($10.00)	$675.80
03/12/2021	Commissary		($49.23)	$626.57
03/12/2021	Phone Credit		($10.00)	$616.57
03/14/2021	Phone Credit		($10.00)	$606.57
03/19/2021	Phone Credit		($10.00)	$596.57
03/22/2021	Phone Credit		($10.00)	$586.57
03/24/2021	Phone Credit		($10.00)	$576.57
03/25/2021	Closing Balance			$576.57

Trust2

Date	Description	Deposit	Withdrawal	Balance
09/26/2020	Opening Balance			$0.00
10/22/2020	Trust 2	$138.23		$138.23
10/26/2020	Trust 2		($51.24)	$86.99
11/02/2020	Trust 2	$0.75		$87.74
11/02/2020	Trust 2		($87.74)	$0.00
12/01/2020	Trust 2	$33.52		$33.52
12/02/2020	Trust 2		($10.00)	$23.52
12/05/2020	Trust 2		($10.00)	$13.52
12/07/2020	Trust 2		($13.52)	$0.00
03/25/2021	Closing Balance			$0.00

Trust3

Date	Description	Deposit	Withdrawal	Balance
	No Activity			
09/26/2020	Opening Balance			$0.00
03/25/2021	Closing Balance			$0.00

Savings

Date	Description	Deposit	Withdrawal	Balance

Financial Certificates

0095529 - MARTIN, WILLIAM

Savings

Date	Description	Deposit	Withdrawal	Balance
09/26/2020	Opening Balance			$275.06
10/10/2020	Savings	$1.61		$276.67
10/11/2020	Savings	$16.51		$293.18
10/16/2020	Savings	$48.91		$342.09
10/30/2020	Savings	$1.00		$343.09
11/20/2020	Savings	$48.91		$392.00
12/09/2020	Savings	$12.00		$404.00
01/21/2021	Savings	$48.91		$452.91
03/03/2021	Savings	$48.91		$501.82
03/25/2021	Closing Balance			$501.82

Financial Certificates

0095529 - MARTIN, WILLIAM

Date	Daily Balance	Daily Deposit	Number Of Deposit
09/26/2020	$0.94	$0.00	0
09/27/2020	$0.94	$0.00	0
09/28/2020	$0.94	$0.00	0
09/29/2020	$0.94	$0.00	0
09/30/2020	$0.94	$0.00	0
10/01/2020	$0.94	$0.00	0
10/02/2020	$0.94	$0.00	0
10/03/2020	$0.94	$0.00	0
10/04/2020	$0.94	$0.00	0
10/05/2020	$0.94	$0.00	0
10/06/2020	$0.94	$0.00	0
10/07/2020	$0.94	$0.00	0
10/08/2020	$0.94	$0.00	0
10/09/2020	$0.94	$0.00	0
10/10/2020	$2.35	$16.05	1
10/11/2020	$90.62	$165.05	1
10/12/2020	$81.75	$0.00	0
10/13/2020	$81.75	$0.00	0
10/14/2020	$81.75	$0.00	0
10/15/2020	$81.75	$0.00	0
10/16/2020	$521.89	$489.05	1
10/17/2020	$521.89	$0.00	0
10/18/2020	$441.89	$0.00	0
10/19/2020	$303.66	$0.00	0
10/20/2020	$303.66	$0.00	0
10/21/2020	$303.66	$0.00	0
10/22/2020	$303.66	$0.00	0
10/23/2020	$303.66	$0.00	0
10/24/2020	$303.66	$0.00	0
10/25/2020	$303.66	$0.00	0
10/26/2020	$303.66	$0.00	0
10/27/2020	$303.66	$0.00	0
10/28/2020	$303.66	$0.00	0
10/29/2020	$303.66	$0.00	0
10/30/2020	$312.66	$10.00	1
10/31/2020	$312.66	$0.00	0
11/01/2020	$312.66	$0.00	0
11/02/2020	$293.42	$0.00	0
11/03/2020	$293.42	$0.00	0
11/04/2020	$263.42	$0.00	0
11/05/2020	$263.42	$0.00	0
11/06/2020	$263.42	$0.00	0
11/07/2020	$263.42	$0.00	0
11/08/2020	$263.42	$0.00	0
11/09/2020	$216.62	$0.00	0
11/10/2020	$216.62	$0.00	0
11/11/2020	$206.62	$0.00	0
11/12/2020	$206.62	$0.00	0
11/13/2020	$206.62	$0.00	0

Financial Certificates

0095529 - MARTIN, WILLIAM

Date	Daily Balance	Daily Deposit	Number Of Deposit
11/14/2020	$206.62	$0.00	0
11/15/2020	$196.62	$0.00	0
11/16/2020	$126.05	$0.00	0
11/17/2020	$126.05	$0.00	0
11/18/2020	$116.05	$0.00	0
11/19/2020	$116.05	$0.00	0
11/20/2020	$556.19	$489.05	1
11/21/2020	$556.19	$0.00	0
11/22/2020	$546.19	$0.00	0
11/23/2020	$536.19	$0.00	0
11/24/2020	$536.19	$0.00	0
11/25/2020	$536.19	$0.00	0
11/26/2020	$526.19	$0.00	0
11/27/2020	$526.19	$0.00	0
11/28/2020	$516.19	$0.00	0
11/29/2020	$506.19	$0.00	0
11/30/2020	$462.67	$0.00	0
12/01/2020	$462.67	$0.00	0
12/02/2020	$462.67	$0.00	0
12/03/2020	$462.67	$0.00	0
12/04/2020	$462.67	$0.00	0
12/05/2020	$462.67	$0.00	0
12/06/2020	$462.67	$0.00	0
12/07/2020	$451.46	$0.00	0
12/08/2020	$451.46	$0.00	0
12/09/2020	$549.46	$120.00	1
12/10/2020	$549.46	$0.00	0
12/11/2020	$539.46	$0.00	0
12/12/2020	$529.46	$0.00	0
12/13/2020	$529.46	$0.00	0
12/14/2020	$519.46	$0.00	0
12/15/2020	$380.01	$0.00	0
12/16/2020	$360.01	$0.00	0
12/17/2020	$360.01	$0.00	0
12/18/2020	$360.01	$0.00	0
12/19/2020	$350.01	$0.00	0
12/20/2020	$340.01	$0.00	0
12/21/2020	$340.01	$0.00	0
12/22/2020	$330.01	$0.00	0
12/23/2020	$330.01	$0.00	0
12/24/2020	$330.01	$0.00	0
12/25/2020	$330.01	$0.00	0
12/26/2020	$320.01	$0.00	0
12/27/2020	$320.01	$0.00	0
12/28/2020	$320.01	$0.00	0
12/29/2020	$320.01	$0.00	0
12/30/2020	$297.28	$0.00	0
12/31/2020	$268.94	$0.00	0
01/01/2021	$268.94	$0.00	0

Financial Certificates

0095529 - MARTIN, WILLIAM

Date	Daily Balance	Daily Deposit	Number Of Deposit
01/02/2021	$268.94	$0.00	0
01/03/2021	$268.94	$0.00	0
01/04/2021	$258.94	$0.00	0
01/05/2021	$258.94	$0.00	0
01/06/2021	$258.94	$0.00	0
01/07/2021	$258.94	$0.00	0
01/08/2021	$236.54	$0.00	0
01/09/2021	$236.54	$0.00	0
01/10/2021	$236.54	$0.00	0
01/11/2021	$226.54	$0.00	0
01/12/2021	$226.54	$0.00	0
01/13/2021	$226.54	$0.00	0
01/14/2021	$216.54	$0.00	0
01/15/2021	$198.13	$0.00	0
01/16/2021	$188.13	$0.00	0
01/17/2021	$188.13	$0.00	0
01/18/2021	$178.13	$0.00	0
01/19/2021	$178.13	$0.00	0
01/20/2021	$168.13	$0.00	0
01/21/2021	$608.27	$489.05	1
01/22/2021	$608.27	$0.00	0
01/23/2021	$608.27	$0.00	0
01/24/2021	$600.27	$0.00	0
01/25/2021	$590.27	$0.00	0
01/26/2021	$590.27	$0.00	0
01/27/2021	$580.27	$0.00	0
01/28/2021	$580.27	$0.00	0
01/29/2021	$530.56	$0.00	0
01/30/2021	$530.56	$0.00	0
01/31/2021	$520.56	$0.00	0
02/01/2021	$520.56	$0.00	0
02/02/2021	$520.56	$0.00	0
02/03/2021	$510.56	$0.00	0
02/04/2021	$510.56	$0.00	0
02/05/2021	$510.56	$0.00	0
02/06/2021	$500.56	$0.00	0
02/07/2021	$500.56	$0.00	0
02/08/2021	$490.56	$0.00	0
02/09/2021	$490.56	$0.00	0
02/10/2021	$480.56	$0.00	0
02/11/2021	$470.56	$0.00	0
02/12/2021	$420.52	$0.00	0
02/13/2021	$410.52	$0.00	0
02/14/2021	$410.52	$0.00	0
02/15/2021	$400.52	$0.00	0
02/16/2021	$400.52	$0.00	0
02/17/2021	$390.52	$0.00	0
02/18/2021	$390.52	$0.00	0
02/19/2021	$390.52	$0.00	0

Financial Certificates

0095529 - MARTIN, WILLIAM

Date	Daily Balance	Daily Deposit	Number Of Deposit
02/20/2021	$380.52	$0.00	0
02/21/2021	$370.52	$0.00	0
02/22/2021	$370.52	$0.00	0
02/23/2021	$370.52	$0.00	0
02/24/2021	$360.52	$0.00	0
02/25/2021	$350.52	$0.00	0
02/26/2021	$300.33	$0.00	0
02/27/2021	$300.33	$0.00	0
02/28/2021	$290.33	$0.00	0
03/01/2021	$280.33	$0.00	0
03/02/2021	$270.33	$0.00	0
03/03/2021	$695.80	$489.05	1
03/04/2021	$685.80	$0.00	0
03/05/2021	$685.80	$0.00	0
03/06/2021	$685.80	$0.00	0
03/07/2021	$685.80	$0.00	0
03/08/2021	$685.80	$0.00	0
03/09/2021	$685.80	$0.00	0
03/10/2021	$675.80	$0.00	0
03/11/2021	$675.80	$0.00	0
03/12/2021	$616.57	$0.00	0
03/13/2021	$616.57	$0.00	0
03/14/2021	$606.57	$0.00	0
03/15/2021	$606.57	$0.00	0
03/16/2021	$606.57	$0.00	0
03/17/2021	$606.57	$0.00	0
03/18/2021	$606.57	$0.00	0
03/19/2021	$596.57	$0.00	0
03/20/2021	$596.57	$0.00	0
03/21/2021	$596.57	$0.00	0
03/22/2021	$586.57	$0.00	0
03/23/2021	$586.57	$0.00	0
03/24/2021	$576.57	$0.00	0
03/25/2021	$576.57	$0.00	0

Start Date	End Date	Total Daily Balances	Number Of Days	Average Monthly Balances
09/26/2020	10/25/2020	$4,597.34	30	$153.24
10/26/2020	11/25/2020	$9,873.17	31	$318.49
11/26/2020	12/25/2020	$13,374.36	30	$445.81
12/26/2020	01/25/2021	$9,408.75	31	$303.51
01/26/2021	02/25/2021	$14,255.93	31	$459.87
02/26/2021	03/25/2021	$15,985.83	28	$570.92

Start Date	End Date	Total Deposits	Number Of Deposits	Average Monthly Deposits
09/26/2020	10/25/2020	$670.15	3	$223.38
10/26/2020	11/25/2020	$499.05	2	$249.53
11/26/2020	12/25/2020	$120.00	1	$120.00
12/26/2020	01/25/2021	$489.05	1	$489.05
02/26/2021	03/25/2021	$489.05	1	$489.05

Current Account Balance:	3/25/2021	$576.57
Average Monthly Account Balance:		$375.31
Average Monthly Deposits:		$377.88
Average Total Monthly Deposit:		$261.83

IN THE SUPREME COURT OF THE STATE OF NEVADA

WILLIAM JACOB MARTIN, APPELLANT, vs. THE STATE OF NEVADA, RESPONDENT.	))))))	SUPREME COURT NO. 83315 DC CASE NO. 19-10DC-0289

RECORD ON APPEAL
VOLUME
4

ATTORNEY FOR APPELLANT
WILLIAM JACOB MARTIN, PRO PER
NORTHERN NV CORRECTIONAL CENTER
P.O. BOX 7000
CARSON CITY, NV 89702

ATTORNEY FOR RESPONDENT
LANE MILLS, ESQ.
CHIEF DEPUTY DISTRICT ATTORNEY
165 N. ADA STREET
FALLON, NV 89406

Docket 83315 Document 2021-25735

#19-10DC-0289 - STATE OF NEVADA vs. WILLIAM JACOB MARTIN
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Case No: 19-10DC-0289A

Dept No: 2

FILED

2021 APR -6 AM 10:46

SUE SEVON
COURT CLERK
BY _____ DEPUTY

RECEIVED APR 06 2021

IN THE TENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF CHURCHILL

William Martin, Petitioner

vs

Perry Russell, et al., Respondent

MOTION FOR APPOINTMENT OF COUNSEL PURSUANT TO NRS 34.750

Petitioner, William Martin, pursuant to NRS 34.750 (1) (2) request the Honorable Court to appoint counsel to represent him in this Habeas Corpus petition for the following reasons:

1. Petitioner is not able to afford counsel, see motion to proceed in Forma Pauperis and Affidavit in support filed with the court.

2. The issues involved in this matter are very complex.

3. The issues involved in this case will require investigation which the petitioner cannot do while confined in prison.

4. Petitioner has very limited knowledge of the law and process thereof.

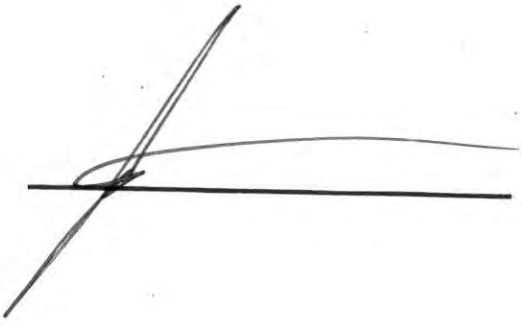
5. The ends of justice would best be served in this case if an attorney was appointed to represent the petitioner.

Dated this 31st day of March, 2021

/s/ _____

CERTIFICATE OF SERVICE BY MAIL

Pursuant to N.R.C.P. Rule 5 (b), I hereby certify that I am the petitioner\Defendant named herein and that on this 31 day of March 2021, I mailed a true a correct copy of the foregoing document to the following:



AFFIRMATION
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding document,

Petition For Writ of Habeas Corpus (Post-Conviction)

(Title of Document)

filed in case number: 19-10DC-0284

☒ Document does not contain the social security number of any person

-OR-

☐ Document contains the social security number of a person as required by:

☐ A specific state or federal law, to wit:

(State specific state or federal law)

-or-

☐ For the administration of a public program

-or-

☐ For an application for a federal or state grant

-or-

☐ Confidential Family Court Information Sheet
(NRS 125.130, NRS 125.230 and NRS 125B.055)

Date: March 31, 2021

(Signature)

William Martin
(Print Name)

Pro Per
(Attorney for)

William Martin #95529
NDCC
P.O. BOX 7000
Carson City, NV 89702
Petitioner In Pro Se

RECEIVED MAY 20 2021

FILED
2021 MAY 20 AM 11:20
SUE SEVON
COURT CLERK
BY Bonnie DEPUTY

Tenth Judicial District Court
Churchill County

William Martin, Petitioner, vs. Perry Russell, et al., Respondents.	Case No. 19-100C-0289A Dept. No. 1 Petitioners Ex Parte Request For Status Check

Petitioner William Martin, hereby requests a Status Check in the above-entitled cause of action. Petitioner filed his Petition For Writ of Habeas Corpus (Post-conviction) on March 16, 2021, and has not heard anything from the Court in this matter yet. Therefore, petitioner is requesting that the Court Clerk inform him as to the status of this case.

Respectfully Submitted:

Dated 5/17/21

William Martin #95529
Petitioner In Pro Se

FILED

2021 MAY 20 AM 11:38

SUE SEVON
COURT CLERK
BY J Bennington DEPUTY

Case No. 19-10DC-0289A

Dept. I

IN THE TENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF CHURCHILL

WILLIAM MARTIN,

Petitioner.

vs.

WARDEN PERRY RUSSELL,

Respondent.

ORDER DIRECTING RESPONSE

This matter comes before the Court on WILLIAM MARTIN's (hereinafter "William") Petition for Writ of Habeas Corpus NRS Chapter 34 et seq. which he filed on March 16, 2021.

On April 18, 2019, William entered a guilty plea to the crime of Burglary, a Category B Felony in Case Number 19-10DC-0290. On the same day, William entered a guilty plea to the same crime in Case Number 19-10DC-0289. This Court issued two Judgment's of Conviction on June 25, 2019. In each case, the Court sentenced William to prison for thirty-six (36) months to one-hundred and twenty (120) months with parole eligibility after thirty-six (36) months. The two sentences were to run consecutively.

NRS 34.750 states, "If a petition challenges the validity of a judgment of conviction or sentence and is the first filed by the petitioner, the judge or justice shall order the district attorney or the Attorney General, whichever is appropriate, to file a response or an answer to the petition . . . within 45 days."

The Court has reviewed the Petition and has determined that a response would assist the Court in determining whether William is illegally imprisoned and restrained of his liberty. Accordingly, pursuant to NRS 34.750, this Court orders the Churchill County District Attorney to file a response to William's Petition within 45 days of this order.

GOOD CAUSE APPEARING IT IS HEREBY ORDERED

1. The Churchill County District Attorney's Office shall file a response to William's Petition within 45 days of the date of this order.

IT IS SO ORDERED.

Dated this 19th day of May 2021.

JIM SHIRLEY
DISTRICT JUDGE

CERTIFICATE OF SERVICE

The undersigned, an employee of the Tenth Judicial District Court, hereby certifies that on the 20TH day of May, 2021, I served the foregoing **ORDER DIRECTING RESPONSE** on the parties, as noted below:

Charles B. Woodman Esq.
548 W. Plumb Lane, Suite B
Reno, NV 89509
Email: hardywoodmanlaw@msn.com
Courtesy Copy

Lane R. Mills Esq.
165 North Ada Street
Fallon, NV 89406
Email: lmills@churchillda.org

William Jacob Martin #95529
N.N.C.C.
P.O. Box 7000
Carson City, NV 89702

DATED this 20TH day of May, 2021.

Sue Sevon

Sue Sevon, Court Administrator

Subscribed and Sworn to before me
this 20TH day of May, 2021.

Julie C Bennington

Deputy Court Clerk

10

FILED

2021 JUN 28 PM 3:45

SUE SEVON
COURT CLERK
BY _____ DEPUTY

Case No. 19-10DC-0289A

Dept. No. 1

The undersigned hereby affirms that this document does not contain the social security number of any person.

IN THE TENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF CHURCHILL

THE STATE OF NEVADA,

Plaintiff,

vs.

WILLIAM JACOB MARTIN,

Defendant.

MOTION TO DISMISS POST CONVICTION WRIT AS UNTIMELY

COMES NOW, the Respondent and files a motion to dismiss this post conviction writ as untimely. This motion is based upon all pleadings and papers herein on file and the attached points and authorities.

DATED: This 28th day of June, 2021.

Lane R. Mills
Chief Deputy District Attorney

Churchill County District Attorney
165 North Ada Street
Fallon, Nevada 89406
(775) 423-6561 Fax (775) 423-6528

Points and Authorities in Support of Motion to Dismiss Post Conviction Writ as Untimely and in violation of NRS 34.726(1).

NRS 34.726 provides that all post-conviction writs must be filed within one year of the judgement of conviction unless there is good cause shown for the delay. These procedural default rules are mandatory for a court to follow. State v. Dist. Ct. (Riker) 121 Nev. 225, 232(2005). Furthermore good cause for delay must be some impediment external to the defense Harris v. Warden, S. Desert Correction Cts., 114 Nev. 956 (1998), Pellegrini v. State, 117 Nev. 860, 886 (2001).

The Nevada Supreme Court has articulated examples to include:

" 'that the factual or legal basis for a claim was not reasonably available . . . or that "some interference by officials" made compliance [with the procedural rule] impracticable.' "[A]ctual prejudice" requires a showing " 'not merely that the errors [complained of] created a possibility of prejudice, but that they worked to [the petitioner's] actual and substantial disadvantage, in affecting the state proceeding with error of constitutional dimensions.' Pellegrini v. State, 117 Nev. 860, 887 (2001)."

Based upon NRS 34.726 this petition was required to be filed on or before Jun 25, 2020 (See Exhibit A Judgement of Conviction). There is no showing within the petition for good cause for delay. Instead, Martin alleges, unsupported by any evidence, affidavit or exhibits that the prison library was temporarily closed in March of 2020 due to the coronavirus and he was quarantined. Martin fails to state what if anything prevented him from filing in the other 11 months of the year. Martin clearly had access to the mail system as he filed a motion in case # 10-10DC-0289. As Martin can file motions in the month of May there was no impediment external to the Defense. Additionally, according to records from NDOC, (See Exhibit B Affidavit) Martin requested case law/legal research materials or forms on 1/30/2020, 2/5/2020, 6/2/2020. He also requested copy work on 4/21/2002 and 5/11/2020.

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Churchill County District Attorney
165 North Ada Street
Fallon, Nevada 89406
(775) 423-6561 Fax (775) 423-6528

As this petition was filed on March 16, 2021 it is untimely and must be dismissed.

DATED: This 28th day of June, 2021.

Lane R. Mills
Chief Deputy District Attorney

Churchill County District Attorney
165 North Ada Street
Fallon, Nevada 89406
(775) 423-6561 Fax (775) 423-6528

Exhibit A

FILED

2019 JUN 25 PM 2:54

SUE SEVON
COURT CLERK
BY J Bennefield DEPUTY

Case No. 19-10DC-0289

Dept. No. 1

The undersigned hereby affirms that this document does not contain the social security number of any person.

IN THE TENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF CHURCHILL

THE STATE OF NEVADA,

Plaintiff,

vs.

WILLIAM JACOB MARTIN,

Defendant.

JUDGMENT OF CONVICTION

On the 18th day of April, 2019, the above-named Defendant, WILLIAM JACOB MARTIN, Date of Birth: August 14, 1983, Place of Birth: Jackson, Mississippi, entered a plea of guilty to the crime(s) of : **COUNT 1, Burglary, a Category B Felony, in violation of NRS 205.060(2)**.

Further, that at the time the Defendant entered the plea of guilty, this Court informed the Defendant of the privilege against compulsory self-incrimination, the right to a speedy trial, the right to a trial by jury, the right to compulsory process to compel witnesses to testify on behalf of the Defendant, and the right to confront the accusers. That after being so advised, the Defendant stated that these rights were understood and still desired this Court to accept the plea of guilty.

Further, that at the time the Defendant entered a plea of guilty, and at the time of sentencing, the Defendant was represented by an attorney, CHARLES B. WOODMAN, or the duly appointed representative; also present in Court were the Churchill Court Clerk, or the duly appointed representative, the Sheriff of Churchill County, or the duly appointed representative, the District Attorney of Churchill County, Nevada, or the duly appointed representative.

DA#18-133/LRM/SLS

representing the State of Nevada; and the Operations Supervisor, or the duly appointed representative, representing the Division of Parole and Probation.

The Court having accepted the Defendant's plea of guilty, and having set the date of June 20, 2019, as the date for imposing judgment and sentence and the Defendant having appeared at such time, represented by counsel, and the Defendant having been given the opportunity to exercise the right of allocution, and having shown no legal cause why judgment should not be pronounced at that time.

This Court thereupon pronounced WILLIAM JACOB MARTIN guilty of:

COUNT 1, Burglary, a Category B Felony, in violation of NRS 205.060(2).

In accordance with the applicable statutes of the State of Nevada this Court sentenced the Defendant to:

ON COUNT 1: imprisonment in the Nevada State Prison for a minimum term of 36 months, with a maximum term of 120 months, and a minimum parole eligibility of 36 months, consecutive to Tenth Judicial District Court Case Number 18-10DC-0049 and to Second Judicial District Court Case Number CR18-0761.

In addition, said Defendant shall pay:

1. Restitution in the amount of Three Thousand Fifty-six Dollars and Thirty-five Cents ($3,056.35) to Nevada Division of Parole & Probation.
2. An Administrative Assessment Fee in the amount of Twenty-five Dollars ($25.00) to Tenth Judicial District Court.
3. A Chemical Analysis Fee in the amount of Three Dollars ($3.00) to Tenth Judicial District Court.

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Pursuant to NRS 176.0913, Defendant must submit a biological specimen to determine genetic markers and/or secretor status.

Therefore, the Clerk of the above-entitled Court is hereby directed to enter the Judgment of Conviction as a part of the record in the above-entitled matter. The Clerk of the Court is further ordered to provide Defendant's Exhibit #A and #B that were presented at Sentencing and forward them to the Nevada Department of Corrections in a sealed envelope to assist and be considered in the Defendant's rehabilitation.

DATED: This 5th day of June, 2019.

DISTRICT COURT JUDGE

Exhibit B

State of Nevada)
) ss
County of Carson City)

AFFIDAVIT

NOW COMES, Jennifer McCain-Dunbar, the Law Library Supervisor at Norther Nevada Correction Center, Stewart Conservation Camp, who after first being duly sworn deposes and says:

1. That the deponent is the Law Library Supervisor for the Northern Nevada Correction Center, Stewart Conservation Camp. I am custodian of records for the law library and said records are kept in the ordinary course of business.
2. I have reviewed I/M Martin, William 95529 law library file and have found the following:
   a. Incoming legal mail:
      i. 02/18/2021 from Washoe County Public Defenders Office.
      ii. 03/17/2021, 04/0/2021, 05/24/2021 from the 10th Judicial District court
   b. Outgoing: legal mail:
      i. 03/12/2021:, NNCC Warden, Office of the Attorney General in Carson City, 10th Judicial District court, Churchill county DA's office.
   c. He requested case law/ legal research materials or forms on 01/30/2020, 02/05/2020, 06/02/2020, 06/26/2021, 03/07/2021, 02/28/2021
   d. He requested copy work on: 01/24/2002, 04/21/2020, 05/11/2020, 03/09/2021.

FURTHER, AFFIANT SAYETH NAUGHT.
Dated: This 22 day of June, 2021.

By: J McCain Dunbar

Subscribed and Sworn to before me,
this 22 day of June, 2021.

Jennifer McComb
Notary Public

JENNIFER MCCOMB
NOTARY PUBLIC
STATE OF NEVADA
No. 20-8526-03 My Appt. Exp. Apr. 10, 2024

Churchill County District Attorney
165 North Ada Street
Fallon, Nevada 89406
(775) 423-6561 Fax (775) 423-6528

DA#21-457/LRM/LO

CERTIFICATE OF SERVICE

On the 28 day of June, 2021, I was an employee of the Churchill County District Attorney's Office and that the foregoing **Motion To Dismiss Post Conviction Writ As Untimely**, was served to the following address(s):

Attorney Generals Office
100 North Carson Street
Carson City, NV 89701

William Martin / Inmate #95529
Northern Nevada Correctional Center
P.O. Box 7000
Carson City, NV 89702

By:

X U.S. Mail

_____ Certified Mail

_____ Return Receipt Requested

_____ Hand Delivered

_____ Facsimile

_____ Email

Leticia Orozco-Padilla
Legal Secretary

Churchill County District Attorney
165 North Ada Street
Fallon, Nevada 89406
(775) 423-6561 Fax (775) 423-6528

Case No.: 19-10DC-0289A

Dept. No.: I

FILED

2021 JUL -6 PM 4:06

SUE SEVON
COURT CLERK

BY [signature] DEPUTY

IN THE TENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF CHURCHILL

WILLIAM MARTIN,

Petitioner,

vs.

PERRY RUSSELL,

Respondent.

ANSWER AND OPPOSITION TO THE POST CONVICTION WRIT OF HABEAS CORPUS

Comes now, the State of Nevada, by and through the Churchill County District Attorney's Office, and hereby files this Answer and Opposition to the Post Conviction Writ of Habeas Corpus pursuant to NRS 34.760. This answer and opposition is based upon all pleadings and papers herein on file and the attached and incorporated points and authorities.

DATED: This 6 day of July 6, 2021

[signature]

Lane R. Mills
Chief Deputy District Attorney
165 North Ada Street
Fallon, NV 89406

Churchill County District Attorney
165 North Ada Street
Fallon, Nevada 89406
(775) 423-6561 Fax (775) 423-6528

Churchill County District Attorney
165 North Ada Street
Fallon, Nevada 89406
(775) 423-6561 Fax (775) 423-6528

POINTS AND AUTHORITIES IN SUPPORT OF ANSWER AND OPPOSITION TO THE POST CONVICTION WRIT OF HABEAS CORPUS

ANSWER PURSUANT TO NRS 34.760

William Martin, the Petitioner herein, was charged and pled guilty to Count 1 Burglary in violation of 205.060. Martin was sentenced on June 20, 2019. No appeal was filed. Thereafter on March 16, 2021, the Petitioner filed the instant post conviction writ. To the undersigned's knowledge, no other writs have been filed in either State or Federal Court.

There are no available transcripts of the Justice Court proceedings and there is a recording of the Justice Court proceedings. The District Court proceedings are available as JAVS recording at the Court house. The State would note that pursuant to NRS 34.760 it is only the Petitioner or the Court, on its own motion, that has the power to order transcripts of the proceedings.

LIMITATIONS ON TIME TO FILE POST CONVICTION WRIT

NRS 34.726 provides that all post-conviction writs must be filed within one year of the judgement of conviction unless there is good cause shown for the delay. Good cause for delay must be some impediment external to the defense Harris v. Warden, S. Desert Correction Cts., 114 Nev. 956 (1998), Pellegrini v. State, 117 Nev. 860, 886 (2001). Based upon NRS 34.726 this petition was required to be filed on or before Jun 20, 2020. There is no showing within the petition or even an assertion as to good cause for delay. Martin clearly had access to the mail system as he filed a motion in case # 10-10DC-0289. As he can file motions there was no impediment external to the Defense.

LAW REGARDING INEFFECTIVE ASSISTANCE OF COUNSEL

Claims of ineffective assistance of counsel are evaluated under the two-prong test set forth in Strickland v. Washington 466 U.S. 668, 687 (1984). To state a claim of ineffective assistance of counsel sufficient to invalidate a judgment of conviction under Strickland, a petitioner must demonstrate (1) that counsel's performance was deficient in that it fell below an

objective standard of reasonableness and (2) prejudice such that counsel's errors were so severe that they rendered the jury's verdict unreliable. A petitioner must demonstrate "the disputed factual allegations underlying his ineffective-assistance claim by a preponderance of the evidence." [1] Furthermore a petitioner is only entitled to an evidentiary claim regarding his claim if it is not belied by the record and , if true, would warrant relief.[2]

ANSWER AND OPPOSITION TO GROUND ONE

Because Martin pled guilty, this Court is required to dismiss a ground if it is not based upon an allegation that the plea was involuntarily or unknowingly entered or that the plea was entered without effective assistance of counsel (see NRS 34.810). Petitioner claims that his guilty plea was without effective assistance of counsel inso far as he makes a bald, unsupported assertion that counsel knew there was an insanity defense and counsel advised him to plead guilty without first obtaining a competent psychiatrist to assist counsel. The filings in this matter are devoid of proof that the Defendant was insane.

Martin's claims are belied by the record and should be dismissed. As an initial matter this court swore in the Defendant during the court canvas such that his answer were given under penalty of perjury. During this court's canvas this Defendant told the court he was totally satisfied by his attorney and that he had done everything he had been ask. (JAVS recording 4.18.19 at 5:22:56). The Court's canvas of the Defendant was text book perfect. While under oath, the Defendant responded appropriately to all questions by the Court. Martin told the Court he completed high school and attended some college (2-2.5 years.) He further stated he understood the legal documents in his case.

In the written guilty plea memorandum which was signed by Martin he asserted that he had discussed any possible defenses, defense strategies and circumstance which might be in his favor (p4 of GPM). As his claims are belied by the record this ground should be dismissed.

[1] Hernandez v. State 124 Nev. 978, 987 (2008).
[2] Moore v. State 134 Nev. Nev. Adv. Op 35 (2018).

Churchill County District Attorney
165 North Ada Street
Fallon, Nevada 89406
(775) 423-6561 Fax (775) 423-6528

ANSWER AND OPPOSITION TO GROUND TWO

In Ground Two Martin alleges, again without proof that he was suffering from PTSD, depression (psychotic) during his plea hearing and that Counsel failed to investigate his competence. He further asserts that he was not competent to enter his plea. Martin claims are merely conclusionary and not supported by any facts. As his claims are belied by the record of the proceedings and the written guilty plea memorandum this ground should be dismissed as well.

ANSWER AND OPPOSITION TO GROUND THREE

Martin next claims counsel failed to present mitigating evidence at sentencing. Again this claim is also belied by the record as counsel for the defendant made extensive agruments at sentencing. This ground should also be dismissed as it is belied by the record and there is no showing of prejudice.

ANSWER AND OPPOSITION TO GROUND FOUR

Martin next claims counsel did not consult with him and inform him of this right to appeal and failed to perfect that right after being instructed to appeal. In the guilty plea agreement he is directly informed of the limits of his right to appeal. Martin does not list with specificity what the appeal issue would be as is his burden. As such this ground should be dismissed as well.

ANSWER AND OPPOSITION TO GROUND FIVE

This ground has been addressed in the State's motion to dismiss and as such will not be addressed here.

CONCLUSION

Based upon the foregoing the State would request that this Writ be dismissed.

Churchill County District Attorney
165 North Ada Street
Fallon, Nevada 89406
(775) 423-6561 Fax (775) 423-6528

DATED: This 6 day of July, 2021.

Lane R. Mills
Chief Deputy District Attorney
165 North Ada Street
Fallon, NV 89406

Churchill County District Attorney
165 North Ada Street
Fallon, Nevada 89406
(775) 423-6561 Fax (775) 423-6528

CERTIFICATE OF SERVICE

On the 6th day of July, 2021, I was an employee of the Churchill County District Attorney's Office and that the foregoing **ANSWER AND OPPOSITION TO THE POST CONVICTION WRIT OF HABEAS CORPUS** was served to the following address(s):

Attorney Generals Office
100 North Carson Street
Carson City, NV 89701

William Martin / Inmate #95529
Northern Nevada Correctional Center
P.O. Box 7000
Carson City, NV 89702

By:

X U.S. Mail

_____ Certified Mail

_____ Return Receipt Requested

_____ Hand Delivered

_____ Facsimile

_____ Email

Samantha Lane

Samantha Lane
Legal Secretary

Churchill County District Attorney
165 North Ada Street
Fallon, Nevada 89406
(775) 423-6561 Fax (775) 423-6528

JAP

Case No. 19-10DC-0289A

Dept. I

FILED
2021 JUL 16 AM 9:32
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COURT CLERK
BY J Bennington DEPUTY

IN THE TENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF CHURCHILL

WILLIAM MARTIN,

Petitioner,

vs.

WARDEN PERRY RUSSEL,

Respondent.

_____/

ORDER DISMISSING PETITION FOR WRIT OF HABEAS CORPUS

This Matter is before the Court on Petitioner WILLIAM JACOB MARTIN's (hereinafter "William") Petition for Writ of Habeas Corpus (Post-Conviction), filed on March 16, 2021. On June 28, 2021 the STATE OF NEVADA (hereinafter "State") filed a Motion to Dismiss Post Conviction Writ as Untimely. On July 6, 2021 the State filed an Answer and Opposition to the Post-Conviction Writ of Habeas Corpus. The Answer filed by the State was in response to the Court's May 20, 2021 Order directing a response from the State within 45 days.

Pursuant to NRS 34.726(1), a Petition for Writ of Habeas Corpus "must be filed within 1 year after entry of the judgment of conviction or, if an appeal has been taken from the judgment,

within 1 year after the appellate court of competent jurisdiction... issues its remittitur." A petitioner may demonstrate good cause for the delay in filing if: 1) the delay is not the fault of the petitioner; and 2) that dismissal of the petition as untimely will unduly prejudice the petitioner. *Id.* "application of the statutory procedural default rules to post-conviction habeas petitions is mandatory." *State v. Eighth Judicial Dist. Court*, 121 Nev. 225, 231 (2005).

Here, William was sentenced for a minimum term of 36 months with a maximum term of 120 months. A Judgment of Conviction was entered on June 25, 2019. William did not appeal. Thus, for William's Petition to be considered, it had to be filed on or before June 25, 2020. William's Petition is untimely as it was filed on March 16, 2021.

Accordingly, William has the burden of showing good cause for his delayed filing. William argues the COVID-19 pandemic hindered his ability to timely file his petition. The Court finds William's argument does not show good cause for the delayed filing. The Court bases this finding on the fact that William's judgment of conviction was entered on June 25, 2019. The COVID-19 pandemic caused country wide shutdowns in March of 2020. That leaves roughly eight months in which William could have filed his petition. While the pandemic may have hindered William's ability to file his petition at the end of his statutory time period, he had ample opportunity to file prior to the beginning of the pandemic.

Accordingly, pursuant to NRS 34.726, William's Petition for Writ of Habeas Corpus (Post-Conviction) is DISMISSED as untimely.

GOOD CAUSE APPEARING, IT IS HEREBY ORDERED

1. The Petition for Writ of Habeas Corpus (Post-Conviction) is DISMISSED.

IT IS SO ORDERED.

Dated this 14th day of July 2021.

JIM SHIRLEY
DISTRICT JUDGE

CERTIFICATE OF SERVICE

The undersigned, an employee of the Tenth Judicial District Court, hereby certifies that on the 16TH day of July, 2021, I served the foregoing **ORDER DISMISSING PETITION FOR WRIT OF HABEAS CORPUS** on the parties, as noted below:

Lane R. Mills Esq.
165 North Ada Street
Fallon, NV 89406
Email: lmills@churchillda.org; lorozco-padilla@churchillda.org

William Jacob Martin #95529
N.N.C.C.
P.O. Box 7000
Carson City, NV 89702

DATED this 16TH day of July, 2021.

Sue Sevon, Court Administrator

Subscribed and Sworn to before me
this 16TH day of July, 2021.

Deputy Court Clerk

JB

CASE NO. 19-10DC-0289A

DEPT. NO. I

The undersigned hereby affirms that this document does not contain the social security number of any person.

FILED
2021 JUL 16 AM 9:52
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COURT CLERK
BY J Benninghove DEPUTY

IN THE TENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF CHURCHILL

WILLIAM MARTIN,

Petitioner,

vs.

WARDEN PERRY RUSSEL,

Respondent.

NOTICE OF ENTRY OF ORDER

Please take notice that on July 16, 2021, this Court entered its Order Dismissing Petition for Writ of Habeas Corpus. A copy is attached hereto.

DATED this 16th day of July, 2021.

Sue Sevon, Clerk of Court

By: Julie C. Benninghove
Julie Benninghove
Deputy Court Clerk

(SEAL)

CERTIFICATE OF MAILING

The undersigned, an employee of the Tenth Judicial District Court, hereby certifies that I served the foregoing **NOTICE OF ENTRY OF ORDER** on the parties by depositing a copy thereof in the U.S. Mail at Fallon, Nevada, postage prepaid, or as noted below:

Lane R. Mills Esq.
Email ~ lmills@churchillda.org

Charles B. Woodman Esq.
Attorney at Law
548 W. Plumb Lane, Suite B
Reno, NV 89501

William Jacob Martin #95529
N.N.C.C.
P.O. Box 7000
Carson City, NV 89702

Office of the Attorney General
100 North Carson Street
Carson City, NV 89701
~ Courtesy Copy ~

DATED this 16th day of July, 2021.

Julie C Bennington
Deputy Court Clerk

Subscribed and Sworn to before me
this 16th day of July, 2021.

Deputy Court Clerk

JB

Case No. 19-10DC-0289A

Dept. I

FILED

2021 JUL 16 AM 9:32

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COURT CLERK

BY _____ DEPUTY

IN THE TENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF CHURCHILL

WILLIAM MARTIN,

Petitioner,

vs.

WARDEN PERRY RUSSEL,

Respondent.

_____/

ORDER DISMISSING PETITION FOR WRIT OF HABEAS CORPUS

This Matter is before the Court on Petitioner WILLIAM JACOB MARTIN's (hereinafter "William") Petition for Writ of Habeas Corpus (Post-Conviction), filed on March 16, 2021. On June 28, 2021 the STATE OF NEVADA (hereinafter "State") filed a Motion to Dismiss Post Conviction Writ as Untimely. On July 6, 2021 the State filed an Answer and Opposition to the Post-Conviction Writ of Habeas Corpus. The Answer filed by the State was in response to the Court's May 20, 2021 Order directing a response from the State within 45 days.

Pursuant to NRS 34.726(1), a Petition for Writ of Habeas Corpus "must be filed within 1 year after entry of the judgment of conviction or, if an appeal has been taken from the judgment,

within 1 year after the appellate court of competent jurisdiction... issues its remittitur." A petitioner may demonstrate good cause for the delay in filing if: 1) the delay is not the fault of the petitioner: and 2) that dismissal of the petition as untimely will unduly prejudice the petitioner. *Id.* "application of the statutory procedural default rules to post-conviction habeas petitions is mandatory." *State v. Eighth Judicial Dist. Court*, 121 Nev. 225, 231 (2005).

Here. William was sentenced for a minimum term of 36 months with a maximum term of 120 months. A Judgment of Conviction was entered on June 25. 2019. William did not appeal. Thus. for William's Petition to be considered. it had to be filed on or before June 25. 2020. William's Petition is untimely as it was filed on March 16. 2021.

Accordingly. William has the burden of showing good cause for his delayed filing. William argues the COVID-19 pandemic hindered his ability to timely file his petition. The Court finds William's argument does not show good cause for the delayed filing. The Court bases this finding on the fact that William's judgment of conviction was entered on June 25. 2019. The COVID-19 pandemic caused country wide shutdowns in March of 2020. That leaves roughly eight months in which William could have filed his petition. While the pandemic may have hindered William's ability to file his petition at the end of his statutory time period. he had ample opportunity to file prior to the beginning of the pandemic.

Accordingly. pursuant to NRS 34.726. William's Petition for Writ of Habeas Corpus (Post-Conviction) is DISMISSED as untimely.

GOOD CAUSE APPEARING, IT IS HEREBY ORDERED

1. The Petition for Writ of Habeas Corpus (Post-Conviction) is DISMISSED.

IT IS SO ORDERED.

Dated this 14th day of July 2021.

JIM SHIRLEY
DISTRICT JUDGE

CERTIFICATE OF SERVICE

The undersigned, an employee of the Tenth Judicial District Court, hereby certifies that on the 16th day of July, 2021, I served the foregoing **ORDER DISMISSING PETITION FOR WRIT OF HABEAS CORPUS** on the parties, as noted below:

Lane R. Mills Esq.
165 North Ada Street
Fallon, NV 89406
Email: lmills@churchillda.org; lorozco-padilla@churchillda.org

William Jacob Martin #95529
N.N.C.C.
P.O. Box 7000
Carson City, NV 89702

DATED this 16th day of July, 2021.

Sue Sevon, Court Administrator

Subscribed and Sworn to before me
this 16th day of July, 2021.

Deputy Court Clerk

10

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William Martin #95529
NNCC
P.O. BOX 7000
Carson City, NV 89702
Petitioner In Pro Se

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Tenth Judicial District Court
Churchill County, Nevada

William Martin, Petitioner, vs. Perry Russell, et al., Respondents.	Case No. 19-10DC-0289A Dept I Petitioner's Opposition To Respondent's Motion To Dismiss

Petitioner William Martin, hereby files his Opposition to the Respondent's Motion to Dismiss his Post-Conviction Writ as Untimely in the above-entitled cause of action.

This Opposition is made and based upon the attached Points And Authorities, and all other papers and pleadings on file in this case.

Points And Authorities

I. Argument

A. Petitioner's Post-Conviction Petition For Writ Of Habeas Corpus Is Timely Under NRS 34.726 (1).

In their Motion to Dismiss petitioner's post-conviction petition for writ of habeas corpus, Respondents argue that Petitioner failed to file his habeas petition in a timely manner pursuant to NRS 34.726(1), and that, Petitioner failed to show cause and prejudice excusing his alleged late filing. This argument is without merit and should be rejected by this Court.

When reviewing Petitioner's post-conviction writ, it appears that Respondents didn't even acknowledge Petitioner's Memorandum of Points and Authorities that he filed contemporaneously with his petition, in support of said petition.

First the Respondent's arguement fails because, the Motion for An Extension Of Time that Petitioner timely filed, due to extraordinary circumstances, i.e., the coronavirus and ~~quarantees~~ quarantees, tolled the 1-year clock from running until the Motion was answered; which it never was. And, the Motion specifically requested relief, i.e., an extension of time, because of the quarantees at the prison due to the corona virus, that Petitioner was also suffering from. Finally, Petitioner filed the Motion in good faith and, it's not his fault the Court failed to answer it.

Second, Petitioner's suffering from the corona virus, and inability to obtain adequate assistance from the NNCC Law Library (due to the quarantine) are clearly adequate cause for his alleged late filing, as both of these impediments were external to the defense. See Pelligrini v. State, 117 Nev. 860, 886 (2001).

And, third, Petitioner would be significantly prejudiced if he were not allowed to file his habeas petition due to the abovementioned impediments external to the defense because, Petitioner has shown that he was denied effective assistance of counsel that ultimately resulted in his unlawful conviction; Petitioner is actually innocent of the underlying offenses in this case.

B. Judicial Review Of Petitioner's Claims For Relief In The Instant Petition Is Required Because Failure To Consider Them Will Result In A Fundamental Miscarriage Of Justice.

Assuming, arguendo, that there is a procedural default in the instant case, it must be excused by this Court because, Petitioner has made a colorable showing that he is actually innocent of the crimes he was

unlawfully convicted of and, failure to consider his claims for relief will result in a fundamental miscarriage of justice. See Pelligrini v. State, 34 P.3d 519, 537 (Nev. 2001); and, Mazzan v. Whitley, 921 P.2d 920, 922 (Nev. 1996).

Furthermore, this Court should take Judicial Notice of the fact that Respondents failed to present any arguements against Petitioner's claim of actual innocence contained in his Memorandum of Points and Authorities, that he filed contemporaneously with the instant habeas petition. Clearly, Respondents have not contested Petitioner's claim of actual innocence, and, Petitioner is entitled to have his petition heard on the merits.

C. The Court Should Order Expansion Of The Record And An Evidentiary Hearing In This Case

Petitioner's claim of actual innocence is highly fact dependent and, Petitioner is entitled to further factual development before this action is dismissed.

At the very least this Court should hold an evidentiary hearing for the limited purpose of allowing Martch to present the testimony

of his expert witness on the issue of his legal insanity at the time of the alleged offenses. Especially, since Martin has made a prima facie showing of actual innocence, by reason of legal insanity.

II. Conclusion

Petitioner respectfully requests that this Court deny Respondent's Motion To Dismiss Post-Conviction Writ As Untimely, and further, grant Petitioner's Petition For Writ of Habeas Corpus (Post-conviction) in this case.

Dated this 13th of July, 2021.

Respectfully Submitted:

William Martin #95529
Petitioner In Pro Se

Certificate Of Service By Mail

I, William Martin, hereby certify pursuant to N.R.C.P. 5(b), that on the 13th day of July, 2021, I mailed a true and correct copy of the foregoing Petitioner's Opposition To Respondent's Motion To Dismiss, addressed to:

Lane R. Mills
Chief Deputy District Attorney
165 North Ada Street
Fallon, Nevada 89406

Attorney General's Office
100 North Carson Street
Carson City, Nevada 89701

Signed By:

William Martin #95529

CASE NO. 19-10DC-0289

DEPT. NO. I

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2021 JUL 16 PM 1:42

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IN THE TENTH JUDICIAL DISTRICT COURT STATE OF NEVADA
IN AND FOR THE COUNTY OF CHURCHILL

WILLIAM MARTIN

Petitioner

v.

PERRY RUSSEL, ET AL.

Respondent

DOCUMENTATION OF COURTESY SERVICE BY CLERK'S OFFICE

The undersigned, an employee of the Tenth Judicial District Court, hereby states that I provided a **COURTESY COPY** of the foregoing PETITIONER'S OPPOSITION TO RESPONDENT'S MOTION TO DISMISS on the party, by depositing a copy thereof as noted below.

William Jacob Martin
N.N.C.C.
P.O. Box 7000
Carson City, NV 89702

[signature]
Clerk of the Court

IN THE SUPREME COURT OF THE STATE OF NEVADA

WILLIAM JACOB MARTIN, APPELLANT, vs. THE STATE OF NEVADA, RESPONDENT.	))))))	SUPREME COURT NO. 83315 DC CASE NO. 19-10DC-0289

RECORD ON APPEAL
VOLUME
5

ATTORNEY FOR APPELLANT
WILLIAM JACOB MARTIN, PRO PER
NORTHERN NV CORRECTIONAL CENTER
P.O. BOX 7000
CARSON CITY, NV 89702

ATTORNEY FOR RESPONDENT
LANE MILLS, ESQ.
CHIEF DEPUTY DISTRICT ATTORNEY
165 N. ADA STREET
FALLON, NV 89406

Docket 83315 Document 2021-25735

#19-10DC-0289 - STATE OF NEVADA vs. WILLIAM JACOB MARTIN
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William Martin #95529
NNCC
P.O. BOX 7000
Carson City, NV 89702
Petitioner In Pro Se

Tenth Judicial District Court
Churchill County, Nevada

William Martin, Petitioner, vs. Perry Russell, et al., Respondents.	Case No. 19-10DC-0289A Dept. No. 2 Petitioner's Reply To Respondents' Answer And Opposition

Petitioner William Martin, hereby submits for filing his Reply to Respondents' Answer And Opposition To The Post Conviction Writ Of Habeas Corpus, filed by Respondents in the above-entitled case on July 6, 2021.

This Reply is made and based upon the attached Points And Authorities, and all other papers, pleadings and documents on file in this case.

Points And Authorities

I. Argument

A. Petitioner's Reply To Respondents' Answer

And Opposition To Ground One.

In their Answer and Opposition to Ground One, Respondents incorrectly argue that Petitioner's claim of ineffective assistance of counsel in Ground One is based on a "bald, unsupported assertion." And that the "filings in this matter are devoid of proof that defendant was insane." See Respondents' Answer and Opposition at p. 3.

These arguments by Respondents are disingenuous at best and should be rejected by this Court.

First, the record demonstrates that Petitioner was diagnosed with PTSD and a severe substance abuse disorder. Petitioner clearly cited to the portions of the record/exhibits that show this, in his Memorandum of Points and Authorities in support of his habeas petition.

Second, a significant aspect of Petitioner's claim in Ground One is that, due to ineffective assistance of counsel, he was denied a psychiatrist expert to assist him in his defense. The fact that there isn't more in the record concerning Petitioner's legal insanity at the time of the offense is because, he was deprived of the very psychiatrist expert he needed to develop the record for his insanity defense. Thus, Respondents are attempting to blame Petitioner, instead of his ineffective trial counsel, for the

lack of more psychiatric evidence in the record.

And, third, Petitioner's claim of ineffective assistance of counsel is not belied by the record in this case. As Petitioner has alleged in his habeas petition, he was mentally incompetent during his plea hearing, and when he signed his guilty plea memorandum. Petitioner will further argue this incompetency issue in Section "B," Infra.

B. Petitioner's Reply To Respondents' Answer And Opposition To Ground Two.

In their Answer and Opposition, Respondents contend that Ground Two should be dismissed because Petitioner's "claims are belied by the record of the proceedings and the written guilty plea memorandum..." Id. at p. 4.

This argument is also without merit and should be rejected by this Court.

Here, Respondent's fact finding is limited to observing Petitioner's demeanor, and, as the Supreme Court indicated in Pate v. Robinson, 383 U.S. 375, 386 (1966), demeanor is not dispositive. "The existence of even a severe psychiatric defect is not always apparent to laymen." Bruce v. Estelle, 536 F.2d 1051, 1059 (5th Cir 1976). "One need not be

catatonic, raving or frothing, to be [legally incompetent]." Lokos v. Capps, 625 F.2d 1258, 1267 (5th Cir. 1980).

Petitioner has alleged that he was suffering from PTSD and Psychotic Depression during his plea hearing and the signing of his guilty plea memorandum. The Respondents have not brought forth any vaild evidence to controvert this claim of Petitioner's. Thus, Respondent's argument must also be rejected by this Court.

C. Petitioner's Reply To Respondent's Answer And Objection To Ground Three.

Respondents' argument in this matter is without merit. The record shows that Petitioner's trial counsel completely failed to raise the issue of Petitioner's incompetency and, counsel did not obtain a psychiatrist expert to assist Petitioner with his defense and to assist him at sentencing. (Emphasis added). Had Petitioner's trial counsel acted effectively, Petitioner would have had an expert psychiatrist's opinion on issues of mitigation at his sentencing hearing. Petitioner was denied fundamental fairness. See Ake v. Oklahoma, 470 U.S. 68, 76, 87 n. 13 (1985).

D. Petitioner's Reply To Respondent's Answer And Opposition To Ground Four.

In their Answer and Opposition, Respondents

incorrectly assert that Petitioner's claim in Ground Four must fail because Petitioner did not list with specificity what his appeal issues would have been. See Answer and Opposition at p. 4. This argument must also fail.

First, Petitioner is not able to adequately set forth all of his grounds for direct appeal in the instant petition because his ineffective trial counsel failed to consult with him, after he specifically requested a direct appeal, and failed to perfect his appeal for him.

Therefore, Petitioner (a mentally ill defendant) could not have possibly known the full extent of the due process issues/violations that were ripe for appeal in this case, such as being convicted while incompetent, without consulting with counsel. Clearly, at the very least, Petitioner would have raised ~~at~~ two substantive due process claims on direct appeal, i.e., being deprived of a psychiatric expert for his defense and his being convicted and sentenced while he was incompetent. Again, Respondents are attempting to blame Petitioner for his trial counsel's ineffective, deficient performance.

E. Petitioner's Reply To Respondent's Answer And Opposition To Ground Five.

This ground has been addressed in Petitioner's Opposition To the State's Motion to Dismiss Post Conviction Writ and as such will not be addressed herein.

II. Conclusion

Based upon the foregoing Petitioner would request that his Petition For Writ of Habeas Corpus (Post-Conviction) be granted.

Dated this 15th day of July, 2021.

Respectfully Submitted:

William Martin #95529
Petitioner In Pro Se

Certificate Of Service By Mail

I, William Martin, hereby certify pursuant to N.R.C.P. 5(b), that on the 15th day of July, 2021, I mailed a true and correct copy of the foregoing Petitioner's Reply To Respondents' Answer And Opposition, in an envelope, first-class postage fully paid, addressed to:

Lane R. Mills
Chief Deputy District Attorney
165 North Ada Street
Fallon, Nevada 89406

Attorney General's Office
100 North Carson Street
Carson City, Nevada 89701

Signed By:

William Martin #95529

CASE NO. 19-10DC-0289

DEPT. NO. I

FILED

2021 JUL 21 PM 2:44

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BY /s/ Bennington

IN THE TENTH JUDICIAL DISTRICT COURT STATE OF NEVADA

IN AND FOR THE COUNTY OF CHURCHILL

WILLIAM MARTIN
Petitioner
v.
PERRY RUSSEL, ET AL.
Respondent

DOCUMENTATION OF COURTESY SERVICE BY CLERK'S OFFICE

The undersigned, an employee of the Tenth Judicial District Court, hereby states that I provided a **COURTESY COPY** of the foregoing Petitioners Reply to Respondent's Answer and Opposition on the party, by depositing a copy thereof as noted below.

William Jacob Martin
N.N.C.C.
P.O. Box 7000
Carson City, NV 89702

Julie C Bennington
Deputy Court Clerk

VEP

William Martin
(Name)
95529
(I.D. No.)
Northern Nevada Correctional Center
Post Office Box 7000
Carson City, Nevada 89702

FILED
2021 JUL 29 PM 12:12
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IN THE TENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF CHURCHILL

William Martin,
Petitioner/Defendant,

vs.

Perry Russell, et al.,
Respondent/Plaintiff

Case No.: 19-10DC-0289A
Dept. No. 1

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN that I, William Martin appeal the Judgment / Order entered on the 16th day of July, 2021 by this court.

Dated this 26 day of July, 2021.

(Signature)

00205

CERTIFICATE OF SERVICE BY MAIL

Pursuant to NRCP Rule 5(b), I hereby certify that I am the Defendant named herein and that on this 26 day of July, 2021, I mailed a true and correct copy of the foregoing NOTICE OF APPEAL to the following:

Lane R. Mills County District Attorney
165 N. Ada Street
Fallon, Nevada 89406

Attorney General's Office
100 N. Carson St
Carson City, NV 89701

(Signature)

AFFIRMATION PURSUANT TO NRS 239B.030

** I certify that the foregoing document DOES NOT contain the social security number of any persons.

7-26-21
(Date)

(Signature)

FILED

2021 JUL 30 AM 8:36

SUE SEVON
COURT CLERK
BY J Bennington DEPUTY

Case No. 19-10DC-0289 A

Dept. No. 1

IN THE TENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF CHURCHILL

WILLIAM JACOB MARTIN,

Appellant,

vs.

WARDEN PERRY RUSSEL et.al,

Respondent.

_____/

CASE APPEAL STATEMENT

1. Name of Appellant filing this Case Appeal Statement:

   Prepared by District Court Clerk on Behalf of:
   William Jacob Martin

2. What Judge Issued Decision, Judgment or Order?

   Judge Jim Shirley
   Tenth Judicial District Court

3. Who is/are the Appellant(s) and Name and Address of Appellant(s) Counsel?

   William Jacob Martin #95529 Pro Per
   N.N.C.C.
   P.O. Box 7000
   Carson City, NV 89702

4. Who is/are Respondent(s) and Name and Address of Respondent(s) Counsel?

Warden Perry Russel

Office of the Attorney General
100 North Carson Street
Carson City, NV 89701

5. Are Counsel not licensed to Practice Law in Nevada? ☐ Yes ☒ No
If the answer is yes, has counsel been granted permission to appear under SCT 42?
☐ Yes ☐ No (Attach copy of District Court Order granting permission)

6. Was Appellant Represented by Appointed or Retained Counsel at District Court?

☐ Appointed Counsel
☐ Retained Counsel
☒ No Counsel

7. Is Appellant Represented by Appointed or Retained Counsel on Appeal?

☐ Appointed Counsel
☐ Retained Counsel
☒ No Counsel

8. Was Appellant Granted leave to Proceed in Forma Pauperis? ☐ Yes ☒ No

Date of Order: N/A

9. When did the Proceedings Commence in the District Court? (i.e., date complaint, indictment, information or petition was filed)

March 16, 2021 Petition for Writ of Habeas Corpus (Post-Conviction)

10. Provide Brief Description of Nature of Action; Result in District Court, Type of Judgment or Order Being Appealed and Relief Granted by District Court: Counsel for Appeal:

03/16/21: Petition for Writ of Habeas Corpus was filed (03/16/21).
05/20/21: The Court issued an Order Directing Response to the Churchill County District Attorney.
06/28/21: Motion to Dismiss Post Conviction Writ as Untimely filed by the Churchill County District Attorney.
07/06/21: Answer and Opposition to the Post Conviction Writ filed by the Churchill County District Attorney.
07/16/21: The Court issued an Order Dismissing Petition for Writ of Habeas Corpus.

11. Has the Case previously been the subject of an Appeal to or Original Writ Proceedings in the Supreme Court? ☐ Yes ☒ No
If yes, provide caption and Supreme Court Docket Number of Prior Proceeding:

12. Does the Appeal Involve Child Custody or Visitation Issues?

☐ Yes ☒ No

13. If this is a Civil Case, Does the Appeal Involve the Possibility of Settlement?

☐ Yes ☒ No

Dated this 30th Day of July, 2021

Sue Sevon, Clerk of Court

Julie C. Bennerghoff

Deputy Court Clerk
Tenth Judicial District Court
73 N. Maine Street
Fallon, NV. 89406
775-423-6088

FILED
2021 AUG 16 PM 12:43
SUE SEVON
COURT CLERK
BY DEPUTY

IN THE SUPREME COURT OF THE STATE OF NEVADA

WILLIAM JACOB MARTIN,
Appellant,
vs.
PERRY RUSSELL, WARDEN,
Respondent.

No. 83315

FILED
AUG 12 2021
ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY DEPUTY CLERK

RECEIVED AUG 16 2021

ORDER DIRECTING TRANSMISSION OF RECORD AND REGARDING BRIEFING

Having reviewed the documents on file in this pro se appeal, this court has concluded that its review of the complete record is warranted. *See* NRAP 10(a)(1). Accordingly, the clerk of the district court shall have 30 days from the date of this order to transmit to the clerk of this court a certified copy of the complete trial court record of this appeal. *See* NRAP 11(a)(2). The record shall include copies of documentary exhibits submitted in the district court proceedings, but shall not include any physical, non-documentary exhibits or the original documentary exhibits. The record shall also include any presentence investigation reports submitted in a sealed envelope identifying the contents and marked confidential. *See* NRS 176.156(5).

Within 120 days, appellant may file either (1) a brief that complies with the requirements in NRAP 28(a) and NRAP 32; or (2) the "Informal Brief Form for Pro Se Parties" provided by the supreme court clerk. NRAP 31(a)(1). If no brief is submitted, the appeal may be decided on the record on appeal. NRAP 34(g). Respondent need not file a response to any brief filed by appellant, unless ordered to do so by this court. NRAP

46A(c). This court generally will not grant relief without providing an opportunity to file a response. *Id.*

It is so ORDERED.

_____, C.J.

cc: William Jacob Martin
Attorney General/Carson City
Churchill County District Attorney/Fallon
Churchill County Clerk

CASE NO. 19-10DC-0289
DEPT. 1

IN THE TENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF CHURCHILL

STATE OF NEVADA,

Plaintiff,

vs.

WILLIAM JACOB MARTIN,

Defendant.

_____/

CERTIFICATE

I, SUE SEVON, Clerk of the District Court for the Tenth Judicial District Court of the State of Nevada, in and for the County of Churchill, do hereby certify that the preceding documents are copies of the original documents on file with the District Court.

DATED: This 3rd day of September, 2021.

SUE SEVON
Clerk of the District Court

Julie C Benninghove

Julie Benninghove
Deputy District Court Clerk