

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

FREDDY MARTINEZ,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 83195-COA

**FILED**

**JAN 28 2022**

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK


**ORDER DENYING MOTIONS**

This is a pro se appeal from a postconviction order denying appellant's motion to modify a sentence. Appellant filed an informal brief for pro se parties in Spanish. This court directed appellant to refile the brief in English pursuant to NRS 1.040 ("Every written proceeding in a court of justice in this State, or before a judicial officer, shall be in the English language"). Appellant has filed a motion for the appointment of counsel and a letter asking for an interpreter to help him translate the brief. Appellant is not entitled to the appointment of counsel at state expense in postconviction proceedings. *See Brown v. McDaniel*, 130 Nev. 565, 569-71, 331 P.3d 867, 870-71 (2014); *see also Coleman v. Thompson*, 501 U.S. 722, 755 (1991). With respect to an interpreter, this court notes that appellant has filed numerous documents in this court over the years and has consistently been able to file documents in English. Further, if appellant is unable or fails to submit a brief in compliance with this court's rules of procedure and Nevada law, the court may properly resolve the appeal without briefing on the record alone. *See* NRAP 34(g). Accordingly, the motions are denied. The clerk shall return, unfiled, the brief attached to the letter filed on January 5, 2022. Appellant shall have 28 days from the

date of this order to file and serve and opening brief or informal brief in English.

Appellant's motion for leave to proceed in forma pauperis is denied as moot. The filing fee has already been waived.

It is so ORDERED.

 C.J.

cc: Freddy Martinez  
Attorney General/Carson City  
Clark County District Attorney