

Original

FILED

FEB 10 2022

IN THE SUPREME COURT OF THE STATE OF NEVADA

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

William Turner
Appellant,

vs.
State of Nevada et al.
Respondent.

Supreme Court No. 84207

District Court No. A-21-841302-W

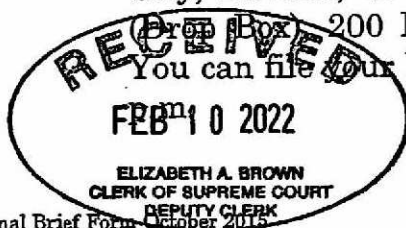
APPELLANT'S INFORMAL BRIEF

INSTRUCTIONS: If you are an appellant proceeding pro se (without an attorney) in the Nevada Supreme Court, you must file either (1) a brief that complies with Nevada Rule of Appellate Procedure (NRAP) 28(a), or (2) a completed copy of this informal brief form, see NRAP 28(k), with the Nevada Supreme Court on or before the due date, see NRAP 31. In civil appeals, if you do not file one of these documents by the due date, the Nevada Supreme Court may dismiss your appeal. In postconviction criminal appeals, if you do not file one of these documents by the due date, the Nevada Supreme Court or Nevada Court of Appeals may decide your appeal on the record without briefing.

HOW TO FILL OUT THIS FORM: This form must be typed, unless you are incarcerated, in which case it must be clearly handwritten. You do not need to refer to legal authority or the district court record. If you are completing your brief on this form, write only in the space allowed on the form. **Additional pages and attachments are not allowed.** If typing an informal brief, you may either use the lined paper contained in this form or an equivalent number of pages of your own paper. Your brief will be stricken if you fail to follow the directions in this form and the Nevada Rules of Appellate Procedure.

WHERE TO FILE THE BRIEF: You may file your brief in person or by mail.

To file your brief in person: Bring the brief to the Clerk's Office at the Supreme Court of Nevada, 201 South Carson Street, Carson City, Nevada, or at the Regional Justice Center Clerk's Office (Drop Box), 200 Lewis Street, 17th Floor, Las Vegas, Nevada. You can file your brief Monday through Friday, 8:00 a.m. to 4:00



22-04576

To file your brief by mail: Mail the brief to the Clerk of the Supreme Court of Nevada, 201 South Carson Street, Carson City, Nevada 89701. **Your brief must be postmarked on or before the due date.**

You must file the original brief and 1 copy with the clerk of the Nevada Supreme Court. If you want the clerk to return a file-stamped copy of your brief, you must file the original form and 2 copies and include a self-addressed, stamped envelope. Documents cannot be faxed or emailed to the Supreme Court Clerk's Office.

Copies of the brief must be mailed or delivered to the other parties to this appeal or to the parties' attorneys, if they have attorneys. You must also include a proper certificate of service or complete the certificate that is attached to the informal brief form.

CAUTION: Pro se parties are prohibited from representing other parties. A pro se party may not complete a brief on behalf of other parties. Pro se parties may collaborate on their briefs, however, provided that if one brief is submitted on behalf of multiple pro se parties, each party must sign and date the brief to confirm that he or she has participated in the preparation of the brief and, by his or her signature, joins in the arguments and representations contained therein.

Judgment or Order You Are Appealing. List the judgment or order that you are appealing from and the date that the judgment or order was filed in the district court.

Filed Date	Name of Judgment or Order
12/19/2021	Order dismissing petition (received 12/19/2021)

Notice of Appeal. Give the date you filed your notice of appeal in the district court: 1/26/2022 (mailed)

Related Cases. List all other court cases related to this case. Provide the case number, title of the case and name of the court where the case was filed.

Case No.	Case Title	Name of Court
C-19-344574	State v William Turner	District/Clerk County

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

☒ Yes ☐ No

NOTE: If the court determines that your case may be appropriate for having pro bono counsel assigned, an appropriate order will be entered. Assignment of pro bono counsel is not automatic.

Statement of Facts. Explain the facts of your case. (Your answer must be provided in the space allowed.)

I was sentenced to a burglary class "B". currently the burglary statute was revised AB 236 I think that since the revision narrows the meaning of a criminal statute via Welch v. U.S. 136 S.Ct. 1252 (2016) also see Montgomery v. Louisiana 136 S.Ct. 918 (2016), where it is established that the supreme court requires state courts to apply this exception in the manner in which they apply it. The only

requirement for determining whether an interpretation of a criminal statute applies retroactively is whether the interpretation narrows the class of individuals who can be convicted of the crime. In petitioner's case, here, Petitioner can no longer be convicted of a class "B" burglary as that class is reserved for residential burglary, etc. In C-19-344594-1 Defendant (now Petitioner) was engaged in the burglary of a business is what the state alleged. This AB 236 narrows my class to a burglary of a business which is a class "C". Therefore, prior to the court was within its power to pass the sentence, but now with other legislation and upon petitioner's request this sentence should be amended as that class has been narrowed so new law should be implemented in this collateral review. "Substantive function test looks at the function of the new rule. It has a 'substantive function' when it alters the range of conduct or class of persons that the law punishes". MRS 269.4465 is a liberty interest created by the state. The class of your crime is a great factor in how this statute is implemented for parole. Giving time off of the front for class "C" and not class "B". And even that law to my understanding changed in the Petitioner favor on Oct, 11 2021 making retroactive changes that favor

release of non violent B offenders. Challenging the guilty verdict was not my intent, as I undertook the habeas corpus (post-conviction) the modification of my class, thereby giving me the correct considerations post conviction for classification and release, since those were my real time eventualities was my goal. The statutes and rules aforementioned decrease the time that my specific crime carries in effect and reduces the prison population and the considerations of severity in the state and peoples minds, that is why they made it less severe.

Statement of District Court Error. Explain why you believe the district court was wrong. Also state what action you want the Nevada Supreme Court to take. (Your answer must be provided in the space allowed).

The courts were wrong in not giving me time and capabilities in research and invocation of the ideals that I am not familiar with. I never had a legal representative even though my forma pauperis was denied, citing that I had counsel. I never got a chance to speak with a judge or had representation in court. As I was not transported, I had no direct access to law library as TLCC only had correspondence that was slow and encumbering, I should have been afforded more liberties. The ruling was not inclusive

of my arguments put forth in my response to the D.A.'s response to my claim. Nor was the information that I scimped to present at evidentiary hearing ever allowed. They have no electronic means of service and I responded in the quickest fashion I could due to 7 day waits for research materials, another 7 day wait for copies, and even not being able to respond to allegation here in the facility of mishandling correspondence and being cut off from 'access to courts' altogether at times. The case C-18-330150-1 was a dispute between me and an acquaintance that is portrayed as a attempted home invasion because I banged on a door and it came open in my angry tirade. I do not burgle houses and have not for a long time. These two incidents are separate. This is a business that the state accused me of shoplifting from and I pled to a burglary 1st. With the resources I had I tried to marshal an appeal to an injustice that was done to me. My original judge Miley, Stephanie in district court 23 whom had knowledge of my case was not even the same judge that heard my post-conviction habeas as it should have been. I've never been in front of Judge Ballen, she signed the denial of a modification of sentence that my public defender never argued and I was not present for, that

is the only time I saw her name on my paperwork. And my public defender never talked to me about that motion. I wrote it up and never had a chance to defend it. My public defender Alexander Henry was inefficient from trial arraignment and did nothing that I asked him, short of requesting a better plea deal and asking for a restitution hearing when I explained to him how they messed up on fiscal calculations. He told me he knew nothing of AB 236 at the time of my court proceedings. I believe it is manifest injustice to know exactly what I am trying to say but having none to say it how it should be said. I've been learning everyday and pray that court intervenes to apply proper rule and statute to my proceeding. As most of my reason for the original court being wrong was in my statement of facts I also refer you to that.

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

DATED this 27 day of January, 2022.


Signature of Appellant

William Turner
Print Name of Appellant

CERTIFICATE OF SERVICE

I certify that on the date indicated below, I served a copy of this completed informal brief form upon all parties to the appeal as follows:

- ☐ By personally serving it upon him/her; or
☒ By mailing it by first-class mail with sufficient postage prepaid to the following address(es) (list names and address(es) of parties served):

200 Lewis Ave
Las Vegas NV 89155 ,

201 South Carson St.
Carson City Nevada 89701

DATED this ____ day of _____, 20__.

Signature of Appellant

Print Name of Appellant

Address

City/State/Zip

Telephone