

IN THE SUPREME COURT OF THE STATE OF NEVADA

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Elizabeth A. Brown
Clerk of Supreme Court

BRYAN PHILLIP BONHAM,
Appellant(s),

vs.

CALVIN JOHNSON, WARDEN (HDSP),
Respondent(s),

Case No: A-21-844910-W

Docket No: 843161

RECORD ON APPEAL VOLUME 1

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A-21-844910-W Bryan Bonham, Plaintiff(s) vs. Calvin Johnson, Warden (HDSP),
Defendant(s)

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5 EIGHTH JUDICIAL DISTRICT COURT
6 CLARK COUNTY, NEVADA

8 Bryan p Bonham
9 petitioner/accused

case NO A-21-844910-W
dept NO Dept. 6

10 -VS-

11 CALVIN Johnson warden (HOSP) PETITION FOR WRIT OF HABEAS
12 Respondent CORPUS PURSUANT TO ALL WRITS
13 ACT 28 U.S.C.S. § 1651

14
15 comes now petitioner/accused Bryan p Bonham, in prose to file his
16 petition for writ of Habeas corpus pursuant to all writs act 28
17 U.S.C.S. § 1651; and moves this Honorable court to enter an order
18 granting petitioners writ in the interest of justice.

19
20
21 this petition is made and based upon all papers, pleadings, documents
on file with this court and any oral arguments that may be needed
at time of the hearing.

CLERK OF THE COURT

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1	<u>U.S. CONST Amend VI VII VIII XIV ART 1 § 10, cl 1, 6; cl. 2.</u>	
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OPENING STATEMENT

PROSE POST CONVICTION RELIEF

A petitioners pleadings should be liberally construed to do substantial Justice U.S. v Garth 188 F.3d 44 (3rd Cir 1999), see also Berry v Mc Donnell 454 U.S. 364 70 LEd 2d 551 102 S.Ct 790 (1981) EFFECT OF A writ of Habeas corpus is to vacate a conviction and release petitioner from custody Capps v Sullivan 13 F.3d 350 (10th Cir 1993)

This petition is a challenge to the subject matter Jurisdiction of both the Justice court & District court. A Jurisdictional challenge cant be waived. A Jurisdictional challenge can be raised at any time, even 10, 20, or 30 years from now or the time of conviction. Lamareth v Malik 221 P.3d 1265, 2009 WL 78, 2009 WL 251 P.3d 163 (2011), Galloway v Trusdel 83 N.W.3d 422 P.2d 237 (1967); Pretay v Comm'r 501 U.S. 368 111 S.Ct 2631 2648 (1991); see also Philbrook v Glabbe 95 S.Ct 1893 1902, 421 U.S. 707 (1975)

THE PINLH

The entire crux of this case is subject matter Jurisdiction "A court cannot acquire Jurisdiction to try a person for an act made criminal only by an unconstitutional Law, and thus, an offense created by an unconstitutional statute, is no longer a crime and a conviction under such statute cannot be a legal cause for imprisonment."

State v Benzel 583 N.W.2d 434, 220 W.2d 588 (1998)

THE STEALTH FRAUD ACT OF THE 48TH SESSION OF THE NEVADA LEGISLATURE ADOPTING AND ENACTING NEVADA REVISED STATUTES AND PUBLISHING THEM WITHOUT THE MANDATED ENACTING CLAUSE REVELED AND EXPOSED HERE IN.

NO GRAND JURY INDICTMENT U.S. CONST. AMENDMENTS.

IV V VI VIII XIV

COUNT ONE

The Fifth amendment provides in relevant part:

"No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury" U.S.

CONST. AMEND V; see also Ex parte Barr 121 U.S. 1, 12-13 (1887) the Accused can be tried for infamous crime only after Grand Jury indictment.

The Supreme Court has defined "infamous crimes" as those crimes

"punishable by imprisonment in the penitentiary" Mackin v U.S. 117

U.S. 348, 354 (1886) or by "imprisonment for a term of years at hard

Labor" Ex parte Wilson, 114 U.S. 417, 424 (1885) the sentence that

the law may impose, not the sentence actually imposed, determines

whether grand jury indictment is required. see U.S. v. Moreland 258

U.S. 433, 441 (1922) Because persons convicted of offences punishable by

imprisonment for more than one year may be confined in a penitentiary,

18 U.S.C. § 4083 any crime punishable in this manner is infamous. Rule

7(a) of The Federal Rules of criminal procedure codifies the Supreme Court's

interpretation of The Constitutional requirement of an indictment for

infamous crimes. "An offense (other than criminal contempt) must be

prosecuted by an indictment if it is punishable; (A) by death, or (B)

by imprisonment for more than 1 year" FED. R. CRIM. P. 7(a)(1) see

e.g. U.S. v. Couchman 752 F.2d 685, 681 N.2d (D.C. Cir. 1985) most

of petitioners charges at Arrest was 10 years minimum, the max was

Life, or life without, so petitioner now poses this question to

the court. where is the indictment?

The state cannot argue this does not apply to them, when it does

1 apply to them Through clause 2 of the U.S. CONST Amend 6 That is the
2 Supremacy clause which is applied to the states Through the 14th Amend
3 of the U.S. CONST The Supremacy clause states That federal law and
4 the U.S. CONST are Law of the Land, That any State Law in conflict
5 with them MUST YIELD Broad v Sealaska Corp 85 F 3d 422
6 (9th Cir 1996)

7 when it comes to petitioner He was not indicted, therefore
8 is/was wrongly charged and imprisoned, in violation of HIS
9 Civil Rights; Federal Law.

1. NO ENACTMENT CLAUSE ON FACE OF ACT

2. COUNT TWO

3 The procedural process for the passage of a state Law Generally
4 consist of the following flow chart:

5 (1) The law is passed by both houses;

6 (2) The Bill is sent to The Governor, who then signs or doesn't sign it;

7 (3) If the Governor signs The Bill, then it goes to The Secretary of state;

8 (4) in Nevada, The Secretary of state is The constitutional keeper of all
9 legislative records;

10 (5) The Secretary of state also possesses The official state seal and
11 affixes them to laws that have been passed to certify that it is a
12 true and valid document.

13 The laws that are passed by The state legislature are prima facie
14 evidence that it has been passed, but the laws that are issued
15 and published by The Secretary of state are irrefutable proof that
16 the law exists. statutes are presumed to be valid, and The challenger
17 bears The burden of showing that a statute is unconstitutional
18 Hulverson v Secretary of State, 124 Nev 484, 487, 186 p. 3d at
19 896 (2008) Therefore this ~~petitioner~~ proceeds with His challenge
20 the passage of The NRS which are alleged to have been passed
21 legislatively en mass through senate Bill NO 2 (1957).

22 UNITED STATES CONSTITUTION

23 FOURTEENTH AMENDMENT

24 in pertinent part:

25 NO STATE SHALL MAKE OR ENFORCE ANY LAW WHICH SHALL ABROUSE THE

26 PRIVILEGES OR IMMUNITIES OF CITIZENS OF THE UNITED STATES; NOR SHALL

27 ANY STATE DEPRIVE ANY PERSON OF LIFE, LIBERTY, OR PROPERTY, WITH

28 OUT DUE PROCESS OF LAW; NOR DENY TO ANY PERSON WITH IN ITS

1 JURISDICTION THE EQUAL PROTECTION OF THE LAWS.

2

3 therefore THIS petitioner proceeds with HIS challenge to the
4 constitutionality of the passage of the NRS. which are alleged to have
5 been legislatively passed en mass by Senate Bill No 2.

6 The mode of a statute depends on constitutional Meacham v. Hell 1791

7 p. 2d 410, 117 Idaho 960 (1940) and statutory requirements Harris v

8 Shanahan 387 p. 2d 771 192 Kan 183 (1963): The Nevada Revised

9 statutes are alleged to have been passed into law on May 1, 1951 in the

10 form of a copy of an "ENGROSSED BILL" - commonly known as Senate

11 Bill No. 2 [herein SB-2] THIS Bill was, in fact, not a Bill at all.

12 Further, there were so many constitutional and other mandatory

13 protocols that were violated as to the manner and method of the passage

14 of SB-2, which VOIDED the entire act. The passage of any law in Nevada

15 must meet certain criteria for its "LAWFUL" passage.

16 The first set of issues are related to "mode, style and identification"

17 of a Bill.

18 NEVADA CONSTITUTION

19 ARTICLE 4 § 23

20 requires that each bill enacted shall contain the following language.

21 "THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE

22 AND ASSEMBLY DO ENACT AS FOLLOWS"

23 The Senate Concurrent Resolution used, providing that the

24 official engrossed copy of Senate Bill No 2 may be used as the enrolled

25 Bill. Fails to contain the constitutionally mandated enacting clause.

26 see Exhibit 1, 1(a), 1(b), 1(c) The enacting clause is mandatory and

27 cannot be cured by a Joint Resolution. A Joint Resolution adopted

28 by both houses cannot become applied Law if it does not contain

1 the enacting clause required by this section, AGO 85 (07/25/1951)
2 this constitutional provision is mandatory and an act not in proper
3 form is void and unenforceable.
4 State ex rel Chase v Rogers 10 Nev 250 (1875) The words "REPRESENT
5 ED IN SENATE AND ASSEMBLY" expressive of the authority which passed the
6 Law, are as necessary as the words "THE PEOPLE" or any of the other
7 words of the enacting clause. see also Nevada Highway Patrol Ass'n v State
8 107 Nev 547, 815 P.2d 508 (1991) in state ex rel Chase v Rogers, 10 Nev
9 250 (1875), the court held that where the enacting words were prescribed,
10 it was mandatory they be included in the act, without the words
11 required by the constitution, and without the concurrence of the senate,
12 the people had no power to enact any law.
13 the county recorder contended that when the Bill was presented to the
14 legislature the words were in the enacting clause. The court ruled that
15 it could only look at the enrolled Bill in the office of the secretary of
16 state in order to ascertain the terms of the law. The problem with
17 this is that the secretary of state cannot produce a copy of the enrolled
18 Bill as the office is not in physical possession of any legislative act
19 passed in Nevada AGO 85 (07/25/1951) citing Chase v Rogers 10 Nev
20 250 (1875) held that the omission of the words "SENATE AND" from
21 the enacting clause of an act of the legislature rendered the act unconstitutional
22 and void. The court in passing upon the matter said:
23 Our constitution expressly provides that the enacting clause of every law
24 shall be "THE PEOPLE OF THE STATE OF NEVADA REPRESENTED IN SENATE AND
25 ASSEMBLY, DO ENACT AS FOLLOWS" this language is susceptible of but one
26 interpretation. there is no doubtful meaning as to the intention. it is in
27 our judgment, an imperative mandate of the people in their sovereign
28 capacity to the legislature, requiring that all laws to be binding upon

1. them shall, upon their face, express the Authority by which they were
2. enacted, and as this act comes to us without such authority appearing
3. upon its face, it is not a Law.

4. pursuant to RULE 7 OF THE JOINT RULES OF THE NEVADA SENATE
5. and Assembly. A Joint Resolution can only be used for the purpose
6. set forth therein, as follows:

7. (1) propose an amendment to the Nevada constitution;
8. (2) Ratify a proposed amendment to the United States constitution;
9. (3) Address the president of the United States, Congress, either house
10. or committee or member of Congress, any department or agency of
11. the Federal Government, or any State of the Union.

12. A Concurrent Resolution must be used for:

13. (1) Amendment of these Joint standing rules, which require a majority
14. vote of each House for adoption;
15. (2) Request the return from the Governor of an enrolled Bill for further
16. consideration;
17. (3) Request the return from the Secretary of State an enrolled Joint or
18. Concurrent Resolution for further consideration;
19. (4) Resolve the return of a Bill from one House to the other House if
20. necessary and appropriate;
21. (5) Express facts, principles, opinions and purposes of the Senate and
22. Assembly;
23. (6) Establish a Joint Committee of the two Houses;
24. (7) Direct the legislature commission to conduct an interim study.

25. A Concurrent Resolution or a Resolution of one House may
26. be used to memorialize a former member of the legislature or other
27. notable or distinguished person upon his or her death.

28. A Resolution of one House may be used to request the return

1 From the Secretary of state of an enrolled resolution of the same House
2 for further consideration. see Nevada Highway Patrol Ass'n v State
3 107 Nev 547 815 p 2d 608 (1991) which states as follows:

4 First, by its nature, an assembly concurrent resolution is not
5 intended to have the force and effect of law.
6 along with the request or direction of the legislative commission to
7 conduct interim studies, on occasion a concurrent resolution is
8 also used to memorialize a former member of the legislature or
9 other distinguished person upon death, or to congratulate or to
10 commend any person or organization for a significant and
11 meritorious accomplishment.

12 NEVADA CONSTITUTION

13 ARTICLE IV § 35

14 Second Every Bill which may have passed the legislature shall,
15 before it becomes a law, be presented to the Governor...

16 A review of the legislative history of the aforementioned Assembly
17 concurrent Resolution no 29, indicates that this resolution, like other
18 concurrent resolutions passed by the legislature during the same time
19 period, was never presented to the Governor for approval or disapproval.

20 See generally FINAL VOLUME ASSEMBLY HISTORY 1969 AT 218-288

21 Accordingly this Assembly concurrent Resolution attached as exhibit 1,
22 1(a), 1(b), 1(c) cannot be construed as the Law of this State.

23 FINALLY the enacting clause of every law shall be as follows:

24 THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND

25 ASSEMBLY, DO ENACT AS FOLLOWS: And no Law shall be enacted except
26 by Bill. NEV CONST ART IV § 23 (emphasis added).

27 By this provision a title is required to be on all Laws. The title is

28 another one of the forms of a law required by the constitution. this type

1 of constitutional provision "MAKES THE TITLE AN ESSENTIAL PART OF EVERY LAW"

2 Thus the title "IS AS MUCH A PART OF THE ACT AS THE BODY ITSELF"

3 Leininger v Alger 26 N.W. 2d 348, 351, 316 Mich. 644 (1947).

4 The title to a legislative act is a part thereof, and
5 must clearly express the object of legislation.

6 State v. Burlington & M. R.R. Co., 60 Neb. 741, 84 N.W. 254 (1900).

7 "A state constitution is binding on the courts of the state and on every
8 officer and every citizen, any attempt to do that which is prescribed in
9 any manner than that prescribed or to do that which is prohibited is
10 repugnant to the supreme and paramount law, and void." Porch v. Patterson

11 39 Nev. 251, 268, 156 P. 439, 445 (1916)

12 "where rights secured by the constitution are involved there can be
13 no rule making or legislation which would abrogate them" Davis v.
14 Wechsler 263 U.S. 22, 24.

15 ACT MUST EMBRACE BUT ONE SUBJECT AND TITLE

16 COUNT THREE

17 NEVADA CONSTITUTION ARTICLE 4 § 17: EACH LAW ENACTED BY THE LEGISLATURE
18 SHALL EMBRACE BUT ONE SUBJECT AND MATTER.

19 SB-2, which embraced the passage of the NRS, embraced every subject
20 in Nevada law. SB-2 violated the Nevada constitution, placing all the
21 subjects of the laws of Nevada under the penumbra of the NRS, does not
22 meet the requirements that the bill embrace only one subject. This constitu-
23 tional provision is mandatory. State ex. rel. Chase v. Rogers 10 Nev. 250
24 (1875); State v. Ahsum 15 Nev. 27 (1880) compliance with this section is
25 essential to the validity of every law enacted by the legislature.

26 State ex. rel. Wilson v. Stone 24 Nev. 308 53 P. 497 (1898); Bell v. First

27 Judicial Dist. Ct. 28 Nev. 280, 51 P. 875 (1905) Any act passed in

28 disregard of the letter and spirit of this provision is pro tanto void State

1 V. Ah Sam, 15 Nev. 27 (1880)

2 the title to a legislative act is a part thereof, and

3 must clearly express the subject of legislation.

4 State v Burlington & M.R.R. Co., 60 Neb. 741, 84 N.W. 254 (1900)

5 nearly all legal authorities have held that the title is part of the

6 act, especially when a constitutional provision for a title exists.

7 37 ALR Annotated, pp. 948, 949. What then can be said of a law

8 in which an essential part of it is missing, except that it is not a

9 law under the State Constitution.

10 This provision of the State Constitution, providing that every

11 law is to have a title expressing one subject, is mandatory and is

12 to be followed in all laws, as stated by the NEV. SUP. CT.: see

13 State v Rogers, 10 Nev. at 254-257; compare Boll v King 286 N.W.

14 311, 313 (Minn 1939).

15 The constitutional provisions for a title have been held in many

16 other states to be mandatory in the highest sense. State v

17 Beckman, 185 S.W. 2d 810, 816 (Mo 1945); Leidinger, 26 N.W. 2d at

18 351, 82 C.I.S. Statutes¹⁹ § 64, p. 102. The provision for a title in the

19 CONSTITUTION⁶⁶ "RENDERS A TITLE INDISPENSABLE"⁷³ AM. JUR. 2d.

20 "Statutes"⁷¹ § 99, p. 325, citing People v Monroe 344 Ill. 270, 182

21 N.E. 439

22 Since such provisions regarding a title are "MANDATORY AND

23 INDISPENSABLE"⁷¹, the existence of a title is necessary to the validity

24 of the act. Should a title not exist, then it is not a law pursuant

25 to the paramount NEV. CONST. ART. 4 § 17 (1864). In speaking of

26 the constitutional provision requiring one subject to be embraced

27 in the title of each law, the Supreme Court of Tennessee iterated:

28 that requirement of the organic law is mandatory

1 and unless obeyed in every instance, the legislation
2 attempted is invalid and of no effect whatever
3 State v. yardley 32 S.W 481, 482, 95. Tenn 546 (1895)

4 COMPLAINT AND/OR INFORMATION OR INDICTMENT

5 MUST CONTAIN ENACTING CLAUSE ON ITS FACE

6 COUNT FOUR

7 DEFINITION OF FACE IN THIS INSTANCE IS AS FOLLOWS:

8 The surface of anything, especially the front, upper, or outer part of
9 surface. That which particularly offers itself to the view of a spectator.
10 That which is shown by the language employed, without any explanation,
11 modification, or addition from extrinsic facts or evidence.
12 BLACKS LAW DICTIONARY, 5TH ED., P. 530.

13 A complaint and/or information or indictment in a criminal case is the
14 main means by which a court obtains subject matter jurisdiction, and
15 is the "JURISDICTIONAL INSTRUMENT UPON WHICH THE ACCUSED STANDS TRIAL."

16 State v. chutman 671 p 2d 531, 538 (Kan 1983)

17 The complaint and/or the information in question alleged that the accused
18 Appellant has/had committed ~~several~~ crimes by the violation of
19 certain laws/statutes, which are listed in said complaint and/or
20 information. to wit: Attached as exhibit 2, 2a

21 PURPOSE OF THE CONSTITUTIONAL

22 PROVISION OF AN ENACTING CLAUSE

23 to determine the validity of using laws without an enacting
24 clause against citizens, we need to determine the purpose and
25 function of an enacting clause; also to see what problems or evils
26 were intended to be avoided by including such provisions in our
27 state constitution.

28 one object of the constitutional mandate for an enacting clause is to

1 show that the law is one enacted "by the legislative body which has
2 been given the law making authority under the constitution"

3 Thus the purpose of prescribing an enacting clause "THE
4 STYLE OF THE ACTS" ~ is to establish it; to give it permanence,
5 uniformity and certainty, to identify the act of legislation as of
6 the assembly, to afford evidence of its legislative statutory nature
7 and to secure uniformity of identification, and thus prevent
8 inadvertence, possibly mistake and fraud. State v. Patterson 4 S.E.
9 350, 352, 98 N.C. 600 (1887); 82 C.J.S. "STATUTES" § 65, p. 104;
10 Jeiner v. State, 155 S. 2d 8, 10, 223 Ga 367 (1967)

11 WHAT IS THE OBJECT OF A BILL OR ENACTING CLAUSE

12 To show the Authority by which the Bill is enacted into Law; to
13 show that the act comes from a place POINTED out by the constitution
14 as the source of legislation. Ferrill v. Keel, 151 S.W 269, 272, 105
15 Ark 380 (1912)

16 The Appellant/Accused has learned that these Laws or statutes used
17 in the complaint and/or information against him are located in
18 and derived from a collection of books entitled "NEVADA REVISED
19 STATUTES (NRS)" upon looking up said laws in this "copyrighted"
20 publication, The Appellant/Accused realized they do not adhere to
21 "SEVERAL CONSTITUTIONAL PROVISIONS" of the Nevada constitution.
22 (NEV CONST.) The Nev Const affords the citizens of Nevada more
23 protection than the Federal constitution. see Wilson v. State 123
24 Nev 587, 595 (Nev 2007) citing Miranda v. State 114 Nev 385, 387
25 (1998). The purpose of an enacting clause of a statute is to identify
26 it as an act of legislation by expressing on its face the authority
27 behind the act. 73 Am Jur 2d "STATUTES" § 93, p. 314, 320;
28 Preckel v. Byrne 243 N.W 823, 824, 62 N.D 356 (1932)

1 The complaint/information is the foundation of the jurisdiction
2 of the magistrate or court, thus, should these charging instruments be
3 invalid, there is a lack of subject matter jurisdiction.

4 "Without a formal and sufficient information, a
5 court does not acquire subject matter jurisdiction
6 and thus an accused may not be punished for a crime."

7 Honomichi v State, 333 N.W. 2d 797, 798 (S.D. 1983)

8
9 A formal accusation is essential for every trial of a crime, without
10 it the court acquires no jurisdiction to proceed, even with the consent
11 of the parties, and where the indictment and/or information or
12 complaint is invalid the court is without jurisdiction ex parte
13 Carlson 186 N.W. 722, 725, 176 Wis. 538 (1922).

14 "Without a valid complaint (or information) any
15 judgment or sentence rendered is 'void ab initio'."

16 Ralph v Police Court of El Centro, 140 P. 2d 632, 634, 84 Cal. App. 2d 257
17 (1948).

18 The charging instrument must not only be in the particular mode
19 or form prescribed by the constitution to be valid, yet it also must contain
20 reference to valid laws, without a valid law, the charging instrument is
21 insufficient and no subject matter jurisdiction exists for the matter to
22 be tried.

23 Jurisdiction to try and punish for a crime cannot be acquired by the
24 mere assertion of it, or invoked otherwise than in the mode prescribed
25 by law, and if it is not so acquired or invoked any judgment is a
26 nullity. 22 C.J.S. "Criminal Law" § 167, p. 202.

where an information charges no crime, the court lacks jurisdiction to try the accused. people v Hardiman 347 N.W 2d 460, 462, 132 Mich App 382 (1984); see also Kelly v Myers 263 Pac 403, 905 Ore 1928)

THE LAWS REFERENCED TO IN THE COMPLAINT AND/OR

INFORMATION CONTAIN NO TITLES

The laws listed in the complaint(s) and/or information in question, as cited from the "NRS" contain no titles. All laws are to have titles indicating the subject matter of the law, as required by the Nev Const.

ART 4 § 17 Each law enacted by the legislature shall embrace but one subject and matter, properly connected therewith, which subject shall be briefly expressed in the title; and no law shall be revised or amended by reference to its title only; but in such case, the act, as revised or sections as amended, shall be re-enacted and published at length.

The purported laws in the complaint and/or information, which the Accused/Appellant is said to have violated, are referenced to various laws found printed in the NRS. The accused/Appellant has looked up the laws/statutes charged against him in the NRS book and found NO ENACTING CLAUSE for any of these laws. A citizen is not expected or required to search through other records or books for enacting authority, should such enacting authority not be "ON THE FACE" of the laws which are referenced in a complaint and/or information, then "THEY ARE NOT LAWS OF THIS STATE" and thus are not laws to which the Accused/Appellant is subject. Caine 131 p. 2d at 518, State v Rogers 10 Nev 2d 261. Since they are not laws of this state, the above-named court has/had no subject matter jurisdiction, as there can be no crime which can exist from failing to follow laws which do not constitutionally exist.

1 NRS/STATUTES MUST CONTAIN AN ENACTING CLAUSE

2 ON ITS FACE

3 COUNT FIVE

4
5 By constitutional mandate "All" Laws must have an enacting clause:

6 one of the forms that all laws are required to follow by the constitution
7 of Nevada (1864), is that they contain an enacting style or clause.

8 This provision is stated as follows:

9 ARTICLE 4 § 23 "The people of the State of Nevada represented in senate and
10 Assembly, do enact as follows"...

11 none of the Laws cited in the complaint or information against the
12 accused/petitioner, as found in the NRS for the year of 2015
13 contain any enacting clauses.

14 the constitutional provision which prescribes an enacting clause for

15 "All Laws" is not directory, yet is mandatory. This includes and

16 encompasses laws which have been classified, ~~codified~~ and annotated

17 because the Nevada constitution is "PARAMOUNT". This provision is to
18 be strictly adhered to as asserted by the Supreme Court of Nevada. see:

19 State of Nevada v. Rogers 10 Nev. 250, 255, 256 (1875); Caine v. Robbins,

20 61 Nev. 416 (31 p. 2d 516, 518 (Nev. 1942)) citing Sjoberg v. Security Savings

21 & Loan Association, 73 Minn. 203, 75 N.W. 1116, 72 Am. St. Rep. 616 (1898),

22 see also Nevada Highway Patrol Ass'n v. State Dept. of Motor Vehicle S

23 and Public Safety, Nevada Highway Patrol Div, 107 Nev. 547, 549,

24 815 p. 2d 608, 610 (Nev. 1991)

25 the almost unbroken custom of centuries has been to preface laws with

26 a statement in some form declaring the enacting authority. The purpose of

27 an enacting clause of a statute is to identify it as an act of legislation by

28 expressing on its face the authority behind the act. 73 Am. Jur. 2d

1 "STATUTES" § 43, p. 314, 320; Preckel v Byrne, 243 N.W. 823, 826, 62 N.D.
2 356 (1932)

3 The Court of Appeals of Kentucky held that the constitutional provision
4 requiring an enacting clause is a basic concept which has a direct affect
5 upon the validity of a law. (Emphasis added to original the Accused down)

6 The court in dealing with a law that had contained no enacting
7 clause, stated:

8 the illegal act or law in question is UNNAMED; it shows
9 no sign of authority; it carries with it no evidence
10 that the general Assembly or any other law making power
11 is responsible or answerable for it *** By an enacting
12 clause, the makers of the constitution intended that the
13 General Assembly should make its impress or seal, as it
14 were, upon each enactment for the sake of identity,
15 and to assume and show responsibility. *** while
16 the constitution makes this a necessity, it did not
17 originate it. The custom is in use practically every
18 where and is as old as parliamentary government, as
19 old as king's decrees and even they borrowed it. The
20 decrees of cyrus, king of persia, which Holy writ
21 records, were not the first to be prefaced with a
22 statement of authority. The Law was delivered to
23 moyses in the name of the Great I Am, and the prologue
24 to the great commandments is no less majestic and
25 impelling. But, whether these edicts and commands
26 be promulgated by the Supreme Ruler or petty kings,
27 or by the sovereign people themselves they have
28 always begun with some such form as evidence of

power and authority

Commonwealth v. Illinois Cent. R. Co. 170 S.W. 171, 172, 175, 160 Ky.

745 (1914)

LAWS MUST BE PUBLISHED AND RECORDED WITH THE ENACTING CLAUSES.

ART 132 purpose of government: paramount allegiance to united

states. All political power is inherent in the people (emphasis added

to original), Government is instituted for the protection, security and

benefit of the people; and they have the right to alter or reform the

same whenever the public good may require it. Gibson v. Mason 5 Nev.

283 (1869); cited County of Pershing v. Sixth Judicial Dist. Court 43

Nev. 78, 43, 181 Pac. 460 (1919); Moore v. Humboldt County 48 Nev. 347,

405, 232 Pac. 1078 (1925); Matthews v. State ex rel. Nevada Tax Comm'n

83 Nev. 266, 268, 428 P.2d 371 (1967).

SEPERATION OF POWERS

COUNT SIX

According to the LCB their predecessor, the statute revision

commission, was originally created by the Nevada Supreme Court

in 1951. However Senate Bill No. 182, attached as Exhibit 3, approved

March 9, 1951 created the statute revision commission. This

commission consisted of three NEVADA SUPREME COURT JUSTICES:

(1) Milton Budt

(2) Edgar Eather

(3) Charles Merrill

Later a rather mysterious man named Russell West McDonald would

be appointed by these justices as "the director" this commission

became increasingly involved in Bill drafting as an adjunct to its

statute revision work.

The origin of the statute revision commission is some

1 what of a mystery as well, providing conflicting and
2 multiple representations from various sources making it
3 unclear as to its actual origin. The Legislative Counsel Bureau
4 states in their literature that the Supreme Court formed this
5 commission. Regardless of its origin, the entire commission
6 was constitutionally compromised from the start. The commission
7 was unlawful for several reasons, the most obvious being its
8 very operation, the justices who served on it did so in violation
9 of the NEVADA CONSTITUTION and the SEPERATION OF POWERS
10 DOCTRINE, which is discussed as follows, CONSTITUTIONAL

11 VIOLATIONS: The placement of the three Nevada Supreme Court
12 justices on the statute revision commission violated the
13 NEVADA CONSTITUTION ARTICLE VI § 11, which states in
14 pertinent part, the justices of the Supreme Court and the District
15 Judges shall be ineligible to any office, other than a judicial
16 office, during the term for which they shall have been elected or
17 appointed and all elections or appointments of any such judges
18 by the people, legislature, or otherwise, during said period,
19 to any office other than judicial shall be void.

20 the NRS has been the illegal creation of an unconstitutional
21 commission, due to the fact that, sitting justices of the NEV.
22 SUP. CRT whom were a part of the "JUDICIAL BRANCH" and no
23 persons charged with the exercise of powers properly belonging
24 to one of these departments shall exercise any functions,
25 appertaining to either of the others. see Swayer v Dooley, 21
26 Nev. 390, 32 puc. 437 (1893); citing Ormsby County v Kearney
27 37 Nev. 314, 341, 142 puc 803 (1914); Galloway v Trueblood 83
28 Nev. 13, 422 p. 2d 237 (1967); citing Dunphy v Sheehan, 92 Nev.

1 259, 265, 544 p.2d 332 (1976); CITY OF N. LAS VEGAS ex rel Arndt
2 V Daines, 92 nev 292, 294, 550 p.2d 399 (1976); O'Bryan v Eighth
3 Judicial Dist Court 95, nev 386, 388, 544 p.2d 739 (1976); NEVADA
4 CONSTITUTION ARTICLE 3 §1

5
6 Justice Badt OF THE NEVADA SUPREME COURT in rendering the
7 opinion OF THE COURT, acknowledged the "SEPERATION OF POWERS"¹⁹
8 under ARTICLE 3 §1 as iterated in KING v Board of Regents, 65 nev
9 553, 557, 200 p.2d 221, 232 (1948) The court held:

10 A constitution being paramount Law of a state,
11 designed to separate the powers of government and
12 to define their extent and limit their exercise by
13 the several departments as well as to secure and
14 protect private rights no other instruments of
15 equal significance it has been very properly ~~defined~~
16 defined to be a legislative act of the people
17 themselves in their sovereign capacity, and
18 when the people have declared by it that
19 certain powers shall be possessed and
20 duties performed by a particular officer
21 or department, their exercise and discharge
22 by any other officer or department are
23 forbidden by a necessary and unavoidable.

24 However, seven (7) years later in 1955, Justice Badt failed
25 to adhere to his own opinion in KING, 65 nev at 557, 200 p.2d
26 at 232, that a CONSTITUTION BEING PARAMOUNT LAW OF A STATE,
27 DESIGNED TO SEPARATE THE POWERS OF GOVERNMENT

1 By the provisions of chapter 304 statutes of Nevada 1951 attached
2 as exhibit 4 Amended by chapter 280 statutes of Nevada 1953,
3 attached as exhibit 5 again amended by chapter 248 statutes
4 of Nevada 1955 attached as exhibit 6 The legislature of the
5 STATE OF NEVADA created the statute Revision Commission. (notice
6 Required enacting clauses). comprised of three Justices of the supreme
7 court, authorized such commission to appoint a revisor of the
8 statutes to be known as the Director of the statute Revision
9 Commission, and charging this Commission to commence
10 the preparation of a complete revision and compilation of the
11 Laws of the State of Nevada to be known as NEVADA REVISED
12 STATUTES for further duties and authority of the statute Revision
13 Commission relating to the preparation of Nevada Revised Statutes,
14 the numbering of sections, bindings, printing, classification, revision
15 and sale thereof
16 As iterated in this court the true origin of this commission is a
17 true mystery, with various, conflicting representations on how
18 it was created, by who.

19 Thus the Separation of powers Doctrine was violated as three (3)
20 Justices were involved in the drafting of legislation and the passage
21 of Bills in the legislature, a purely legislative function.

22 It is important to note here that the statute Revision Commission was
23 not legally created until 1955. on APRIL 26, 1963, the legislature
24 committed an illegal act by backdating the appointment of the
25 statute Revision Commission and revisor of statutes to 1951 to
26 cover up their pre-existing criminal fraud. see attached exhibit 7
27 SENATE BILL No 24 STATUTES OF NEVADA 1963 which if true reveals
28 some interesting facts. iterated in FORWARD

1 It is clear that the STAT. REV. COM. undertook a legislative duty and/or
2 function, being charged to commence the preparation of a complete
3 "REVISION and COMPILATION OF THE 'LAWS' OF THE STATE OF NEVADA" to
4 be known as NEVADA REVISED STATUTES see exhibit 2 pg XI of Accused
5 motion to dismiss for lack of subject matter jurisdiction.

6 the revision, compilation etc is a duty that the "JUDICIAL BRANCH"
7 of the government is prohibited from doing NEV. CONST ART 6 31; ART 6 32
8 and ART 6 3 11

9 At no time are sitting, current Justice's of the NEV. SUP. CRT.
10 allowed to act as / on a commission, to perform acts, duties, or
11 functions of the legis. of Nev. NO PERSON CHARGED with the
12 EXERCISE OF POWERS PROPERLY BELONGING TO ONE OF THESE
13 DEPARTMENTS SHALL EXERCISE "ANY" FUNCTION, APPERTAINING TO
14 EITHER OF THE OTHERS. ART 3 31 OF THE NEVADA CONSTITUTION

15 "A STATE CONSTITUTION IS Binding on the courts of
16 STATE, and on every officer and on every citizen.
17 Any attempt to do that which is prescribed in any
18 manner than that prescribed or to do that which
19 is prohibited, is repugnant to that supreme and
20 paramount Law and is invalid. (6. R. C. L. p. 410)"

21 porch v patterson, 34 Nev. 251, 268, 156 p. 439, 445 (1916)

22 In 1956-57 the Committee on Judiciary in the senate passed
23 Concurrent Resolution No 1 Attached as exhibit 1(b) this legislation
24 was an attempt to boot strap the illegal passage of the (NRS) by SB-2
25 this was done by the usage of a Joint Resolution that provided that
26 the "official engrossed copy of SB-2 may be used as the Enrolled Bill."
27 AS Appellant stated above Resolutions cannot be used to pass
28 any Bill into Law, rendering any Law using this legislative vehicle

1 VOID

2 Even the LCB's preface which is attached to Accused motion
3 to Dismiss for Lack of Subject matter Jurisdiction as exhibit—
4 which describes work done by the Statute Revision Commission
5 as a delegation of the legislature's own duties, RUSSELL WEST
6 McDonald was engaged in "REVISING"¹⁹ which the LCB states in
7 their preface as follows

8 "REVISING"¹⁹ The statutes, on the other hand, involves these
9 additional and distinguishing operations: (1) The collection into
10 chapters of all sections and part of sections that relate to the
11 same subject and the orderly arrangement into sections of the
12 material assembled in each chapter. (2) The elimination of
13 inoperative or obsolete, duplicated, impliedly repealed and
14 unconstitutional (as declared by the Supreme Court of the State of
15 Nevada) sections and parts of sections. (3) The elimination of
16 unnecessary words and the improvement of the grammatical
17 structure and physical form of sections.

18 The revision, instead of the recompilation, of the statutes was
19 undertaken, therefore, first, to eliminate sections or parts of
20 sections which, though not specifically repealed, were never
21theless ineffective and, second to clarify, simplify, classify and
22 generally make more accessible, understandable and usable the
23 remaining effective sections or part of sections.

24 The changing of any word, whether it is redundant, or
25 unnecessary, ineffective, simply, clarifying, or just simply an
26 improvement of the grammatical structure is a legislative function,
27 and not a judicial function.

28 Lest we forget these corrections were being approved FIRST

1 by these (3) three JUSTICES OF THE NEVADA SUPREME COURT IN
2 blatant violation of the SEPERATIONS OF POWERS DOCTRINE NEV.
3 CONST ART 3 §1

4 The harsh reality of both of the amorphously hollow
5 Resolutions that are alleged to have caused the passage of SB-2
6 while at the same time revoking Nevada's existing statutes
7 and Replacing them with the NRS, is that the entire program
8 is legally and legislatively Bankrupt. This means that the entire
9 process is void.

10 "If words mean nothing, then our constitution means
11 nothing. mattox v U.S. 156 U.S. 237, 243 (1895); S. carolina v.
12 U.S. 144 U.S. 437, 448 (1905) "we are bound to interpret the
13 constitution in the light of the law as it existed at the time
14 it was written." or "The constitution is a written instrument, as
15 such its meaning does not alter, that which it meant when it
16 was adopted, it means now. If our constitution means nothing
17 then we have no rights. If we have no rights, then we only have
18 privileges and immunities that are granted by the government. we
19 are then but subjects of a tyrannical government, it is a
20 maxim of law. "that which creates, has the power to destroy."
21 Therefore privileges are worthless because they can be legislated
22 away for any reason, where as Constitutional Rights cannot be
23 legislated away without the consent of the Body politic. our
24 state law has been morphed into a form of territorial federal
25 Law. This destroys the sovereignty of the state and its
26 citizens.

27 the constitution of the UNITED STATES guarantees each state
28 a REPUBLICAN FORM OF GOVERNMENT. A Republican form of Government

1 means that we have the rule of law. Currently we have no rule of
2 law in Nevada, in fact we have nothing but lawlessness. we have
3 an oligarchy, a nation ~ state where our Representatives have
4 become rulers who are a law unto themselves and our rules are lying
5 to us in order to maintain the facade that we are in an orderly, free
6 society ~ when the truth is we are living under an oppressive and
7 tyrannical government.

8 There are multiple errors that were committed, for instance the
9 requirement for the passage of a Bill is that it be read three times
10 over (3) three separate days as required by NEVADA CONSTITUTION;
11 ARTICLE 4 § 17 There is no evidence that this was ever accomplished
12 and this information cannot be obtained from the constitutional
13 Record keeper ~ that being the SECRETARY OF STATE see NEVADA
14 CONSTITUTION ARTICLE 5 § 20 which requires that legislative records
15 to be maintained by the SECRETARY OF STATE see attached Exhibit 9
16 In Bryan P. Burham v Barbara K. Legawaska case NO 27-cv-wr32019
17 2039 defence counsel argues in OPPOSITION TO MOTION FOR SUMMARY
18 JUDGMENT They argue that the letter from Secretary of State
19 stating she is not in possession of legislative acts attached here
20 as Exhibit 8 does not prove that defendant violated Her
21 Out of Office (Fraud upon court) they also argue NRS 375.355

22 As argued above the constitution means now what it meant
23 when it was adopted/written.

24 Therefore should state attempt to argue that an NRS OR STATUTE
25 can amend what petitioner/Accused has argued that NEVADA
26 CONSTITUTION Requires specific functions be followed. "A statute
27 cannot amend the constitution" see Seminole Tribe of Florida v
28 Florida, 517 U.S. 44, 116 S. CT 1114 (U.S. Fla 1996), Pennsylvania v

1 Union Gas Co., 441 U.S. 1, 24, 109 S. Ct 1273, 2286, 105 LEd 2d. 1 (1989);
2 Couselman v Hitchcock 142 U.S. 547, 12 S.Ct 195 (1982);
3 "6... [A]n unconstitutional statute is to be regarded as non-existent
4 and no defence to state officers acting under it..." Rockaway
5 Pacific Corporation v. Stutesbury, 255 F. 345 D.C. N.Y. (1917); see
6 also Cooper v Aaron, 385 U.S. 1, 18, 78 S.Ct 1401, 1409-1410, 3 LEd
7 2d 5 (1958) (holding that an oath to support the Constitution is
8 an oath to support its interpretation by the UNITED STATES SUPREME
9 COURT See also Baker v Carr 369 U.S. 189, 215, 82 S.Ct 641 709, 7 L
10 Ed 2d 663 (1962) which the United States Bankruptcy Court relied
11 upon in IN RE TESSIER 140 B.R. 396 (1995). To make the following
12 conclusions:

13 Finally, in attempting to deny the supreme courts
14 determination of its own capacity to adjudicate,
15 the congress invades a province properly left
16 to a coordinate Branch, and in so doing impermi
17 ssibly exceeds its legislative authority.

18 Nevada's sister state, California, has had something to say about
19 similar circumstances in their state. "66 The constitutional provision
20 was a law made directly by the people instead of the legislature,
21 and such laws are to be construed and enforced in all respects as
22 though they were statutes" Winchester v Mabury 122 Cal 552, 55
23 e 393, "66 in effect. These constitutional provisions are but statutes,
24 which the legislature cannot repeal or amend." Winchester v Howard
25 136 Cal. 432, 439, 64 P. 642, 64 P. 27, 74, 84 Am St. Rep 153
26 "66 [T]he courts statutory... power to adjudicate" is defined
27 as subject matter Jurisdiction Cotton v United States 535 U.S
28 625, 630 (2005)

1 It logically follows that an unconstitutional law deprives a court
2 of subject matter jurisdiction rendering judgments void, see
3 WRIGHT V WEST 505 U.S. 277, 285 (1992) "court is without
4 jurisdiction to impose sentence under unconstitutional statute"
5 citing Ex parte Siebold 100 U.S. 371, 377 (1880); Ex parte Smith
6 126 P. 655, 664 (Nev 1912) an unconstitutional law "is a jurisdiction
7 al defect"; Ex parte Rosenblatt, 14 p 248, 249 (Nev 1887) holding
8 that an unconstitutional law is void and insufficient to give
9 jurisdiction to the court, (citing Ex parte Siebold, supra.)

10 THE NEVADA CONSTITUTION did not nor does not permit
11 the Nevada legislature of Nevada to appoint sitting Justices of the
12 SUPREME COURT, to a legislative commission, to perform acts, duties,
13 and functions of the Legislature of Nevada, furthermore, especially
14 without the approval or consent, will or vote of the people/citizens
15 of the State of Nevada, especially where the NRS publication would
16 omit the mandated enacting clause of the NEVADA CONSTITUTION
17 ARTICLE 4 § 23

18 That is that this court must follow the construction of the
19 constitution of this state (the will of the people), and adhere to
20 those sound decisions of the state Appellate Court relative
21 to the issues, arguments and case law cited herein, due to
22 the fact that there is not any conflict with those decisions;
23 holdings; opinions; or rulings etc. cited by the petitioner/
24 accused herein, relative to the mandate of the Articles of the
25 NEVADA CONSTITUTION specifically ARTICLE 4 § 17 & ARTICLE 4 § 23

26 That, the act of the Nevada legislature in creating the
27 commission, later known as the STATUTE REVISION COMMISSION,
28 then the LEGISLATIVE COUNSEL OF THE STATE OF NEVADA, now believed

1 to be the LEGISLATIVE COUNSEL BUREAU was not acting to protect
2 the people/citizens of the STATE OF NEVADA, nor for the security
3 and benefit of the people/citizens of the STATE OF NEVADA, and
4 obviously not for the public good. NEVADA CONSTITUTION ARTICLE
5 1 § 2. Especially, in allowing the NRS publication to be held out
6 to be "LAWS" of the STATE OF NEVADA, when the NRS
7 publications do not contain the mandatory enacting clause
8 as delineated in the NEVADA CONSTITUTION ARTICLE 4 § 23
9 the act of the Nevada Legislature in utilizing said commission,
10 was to simplify the statutes of Nevada publication, for the
11 purpose of "convenience". However, the commission
12 convoluted the process when the commission sought enactment
13 of the NRS publication, to be published/republished without
14 the required enacting clause(s), and/or other prerequisites of the
15 people/citizens, as more fully prescribed, mandated, and
16 commanded in the paramount Law of the STATE OF NEVADA,
17 THE NEVADA CONSTITUTION

18 This court has jurisdiction to determine whether the
19 NEV. CONST., the will of the people/citizens mandated that
20 "EVERY LAW" published, republished in the STATE OF NEVADA
21 must contain the enacting clause, as iterated in the NEV. CONST.
22 ART 4 § 23 the NEV. CONST. ART 4 § 23, and the clearly delineated,
23 well established cases cited herein, & especially those of the NEV
24 SUP. CT. indicated that this court must answer in the affirmative
25 There may be issues, questions which this court would
26 gladly avoid, yet the issues, questions herein this court should,
27 must not avoid them.

28 This court ~~can~~ must exercise and perform its duty,

1 because of whatever difficulties the issues herein present, Judges
2 we not to consider the political or economic impact that might
3 ensue from upholding the Constitution of Nevada as written
4 NEV CONST ART 4 § 23; see also Mattox v. U.S. 156 U.S. 237, 243
5 (1895) "we are bound to interpret the constitution in the light of the
6 Law as it existed at the time it was adopted" also S. Carolina v. U.S.
7 149 U.S. 437, 448 (1905) "The constitution is a written instrument,
8 as such its meaning does not alter, that which it meant when
9 it was adopted, it means now."

10 They are to uphold it no matter what may result, as that ancient
11 maxim of law states: "Though the heavens may fall, let 'Justice'
12 be done" "Justice delayed is Justice Denied" Dougan v. Gustafson
13 108 Nev 517, 835 p 2d 797, 794 (1992)

14 IT IS THE DUTY OF THE COURTS TO BE WATCHFUL FOR THE
15 CONSTITUTIONAL RIGHTS OF THE CITIZEN, AND TO GUARD
16 AGAINST ANY STEALTHY ENCROACHMENTS THEREON

17 Coolidge v. New Hampshire, 403 U.S. 443, 454 (1971)

18 The petitioner/Accused respectfully request that this
19 court be watchful for the Accused/petitioner's state and federal
20 constitutional rights. It should be relatively easy to determine
21 that (1) the statutes of NEVADA for the year of 2015, do not
22 contain the constitutionally mandated enacting clause upon
23 their face, NEVADA CONSTITUTION ARTICLE 4 § 23; that the NRS
24 publications listed on the complaint, or information and/or
25 indictment do not contain the constitutionally mandated
26 enacting clause(s); (2) that the NEVADA CONSTITUTION ARTICLE
27 4 § 23 mandates enacting clauses on "EVERY LAW"
28 that, the NRS publications are laws of the STATE OF NEVADA

1 there for are required, mandated to contain the enacting clause(s)
2 NEVADA CONSTITUTION ARTICLE 4 § 23; STATE V ROGERS 10 NEV 261
3 (3) NEVADA CONSTITUTION ARTICLE 21 § 4 THE SEPERATION OF POWERS
4 were violated by the STATUTE REVISION COMMISSION

5 FRAUD UPON THE COURT
6 IN VIOLATION OF U.S. CONSTITUTION
7 V. VI VIII XIV; U.S. CONST ART I
8 § 10, CL 1, 6 CL 2

9 "A case of fraud upon the court calls into question the very
10 legitimacy of the judgment. put another way, when a judgment
11 is shown to have been procured by fraud upon the court, no worth
12 while interest is served in protecting the judgment."

13 "there is no time limit on setting aside a judgment on
14 the basis of fraud upon the court, nor can laches bar consideration
15 of the matter, other authority suggests due diligence is required,
16 at least in discovery of the underlying facts" NC-ASH V GARNER 125
17 NEV 647, 648-49; 218 P 3d 853; 2009 NEV lexis 55; 125 NEV Adv
18 Rep 50 (NEV 2001)

19
20 Before the counsel for Respondent gets to making perjurious or
21 false statements regarding the issue put before this Honorable
22 Court petitioner/accused will point out that this issue has been
23 put before this court in Department (3) Three in STATE OF NEVADA
24 V Gary W. Walters case no. C 217564 through his (Walters) writ
25 of Habeas corpus, supported by MOTION TO DISMISS FOR LACK OF
26 SUBJECT MATTER JURISDICTION filed by Walters on 07/16/2013
27 further supported by "THE SMOKING GUN" the accused motion to
28 Dismiss, Request for IMMEDIATE RELEASE FROM INCARCERATION and

1 preemptive strike AGAINST 2014 legislative Ballot seeking to defraud all
2 NEVADA CITIZENS during time of said election supported by prema
3 facie evidence. Filed on 10/11/2013 both of which may or will
4 be filed by this petitioner/accused in this case. Further more
5 exhibit 10 Article entitled GREATEST LEGAL DISCOVERY IN THE
6 HISTORY OF THE STATE OF NEVADA.
7 exhibit 11 FACE BOOK POST BY GARY WALTERS Face book.com
8 gary.walters.3363334/posts/154595004984923
9 exhibit 12 weblinks <https://www.youtube.com>
10
11

12 CONCLUSION

13 therefore petitioner/accused respectfully Request that His petition
14 be granted by this Honorable court, that this order would be in
15 the interest of Justice, that based on facts brought before this
16 court by petitioner/accused petitioner should therefore be
17 "immediately Released" from His UNCONSTITUTIONAL incarceration
18 and have His complete criminal history completely expunged

19 VERIFICATION

20 I, Bryan P Borham declare and verify that I have read the foregoing
21 petition for writ of Habeas corpus pursuant to ALL WRITS ACT 28 U.S.C.
22 31651 and to the best of my belief & knowledge that the foregoing
23 is true & correct under the pains & penalties of perjury pursuant
24 to 28 U.S.C. A. § 1746 & 18 U.S.C.A. § 1621
25
26
27
28

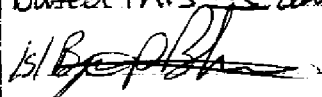
CERTIFICATE OF SERVICE

I, Bryan P Bonham certify that I have read the foregoing writ of Habeas Corpus pursuant to All Writs act 28 U.S.C. § 1651 with special instructions for electronic filing & service to the clerk of the court to serve all of my opponents pursuant to N.E.F.C.R. 5(k) a et seq (A-E) etc to the following

District Attorney
Clark County, Nev.
Steve Wolfson.

200 Lewis Ave
PO Box 552212
LV NV 89155-2212

Dated this 23rd day of November 2021



Bryan P Bonham 60575
PO Box 650 (HOSP)
Indian Springs, Nev 89070

EXHIBIT 1

VERSION ONE ¹¹ SENATE CONCURRENT RESOLUTION

EXHIBIT 1

Real copy found version 1

SUMMARY--Provides that official engrossed copy of Senate Bill No. 2 be used as the enrolled bill.

SENATE CONCURRENT RESOLUTION--Providing that the official engrossed copy of Senate Bill No. 2 may be used as the enrolled bill.

WHEREAS, The provisions of sec. 8 of chapter 3, Statutes of Nevada 1949, as amended by chapter 385, Statutes of Nevada 1955, provide that the official engrossed copy of a bill may by resolution be used as the enrolled bill; now, therefore, be it

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE ASSEMBLY CONCURRING, That the official engrossed copy of Senate Bill No. 2 shall be used as the enrolled bill as provided by law.

EXHIBIT 1(a)

VERSION TWO

SENATE CONCURRENT RESOLUTION

EXHIBIT 1(a)

SENATE CONCURRENT RESOLUTION--Providing that the official engrossed copy of Senate Bill No. 2 may be used as the enrolled bill.

WHEREAS, The provisions of sec. 8 of chapter 3, Statutes of Nevada 1949, as amended by chapter 385, Statutes of Nevada 1955, provide that the official engrossed copy of a bill may by resolution be used as the enrolled bill; now, therefore, be it

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE ASSEMBLY CONCURRING, That the official engrossed copy of Senate Bill No. 2 shall be used as the enrolled bill as provided by law.

Real copy found version #2

EXHIBIT 1 (b)

VERSION 3.
SENATE CONCURRENT RESOLUTION NO 1

EXHIBIT 1 (b)

Version 3

Resolutions and Memorials

Senate Concurrent Resolution No. 1—Committee on Judiciary

FILE NO. 1

SENATE CONCURRENT RESOLUTION—Providing that the official engrossed copy of Senate Bill No. 2 may be used as the enrolled bill.

WHEREAS, The provisions of sec. 8 of chapter 3, Statutes of Nevada 1949, as amended by chapter 385, Statutes of Nevada 1955, provide that the official engrossed copy of a bill may by resolution be used as the enrolled bill; now, therefore, be it

Resolved by the Senate of the State of Nevada, the Assembly concurring, That the official engrossed copy of Senate Bill No. 2 shall be used as the enrolled bill as provided by law.

EXHIBIT 1(c)

VERSION FOUR

SENATE CONCURRENT RESOLUTION NO. 1

EXHIBIT 1(c)

Resolutions and Memorials

Senate Concurrent Resolution No. 1—Committee on Judiciary

FILE NO. 1

SENATE CONCURRENT RESOLUTION—Providing that the official engrossed copy of Senate Bill No. 2 may be used as the enrolled bill.

WHEREAS, The provisions of sec. 8 of chapter 3, Statutes of Nevada 1949, as amended by chapter 385, Statutes of Nevada 1955, provide that the official engrossed copy of a bill may by resolution be used as the enrolled bill; now, therefore, be it

Resolved by the Senate of the State of Nevada, the Assembly concurring, That the official engrossed copy of Senate Bill No. 2 shall be used as the enrolled bill as provided by law.

Assembly Concurrent Resolution No. 1—Committee on Judiciary

FILE NO. 2

ASSEMBLY CONCURRENT RESOLUTION—Expressing congratulations and gratitude to Russell West McDonald upon completion and enactment of Nevada Revised Statutes.

WHEREAS, The 48th session of the legislature of the State of Nevada, by unanimous vote of the members thereof, has enacted into law the Nevada Revised Statutes as the law of the State of Nevada to supersede all prior laws of a general, public and permanent nature; and

WHEREAS, Nevada Revised Statutes constitutes a complete revision and reorganization of all general statutes enacted during the 95 years that Nevada has existed as a state and territory, and is the first such revision in the history of our state; and

WHEREAS, The preparation of Nevada Revised Statutes was a monumental undertaking requiring a degree of intelligence, knowledge, technical ability and dedication possessed by few men; and

WHEREAS, The State of Nevada was fortunate that the Justices of the Supreme Court of the State of Nevada, in their capacity as the Statute Revision Commission, were able to secure as director of the commission Russell West McDonald, a native-born Nevadan, educated in the public schools of our state, a Rhodes scholar and a graduate of Stanford Law School, who was eminently qualified in all respects to perform the tremendous task imposed upon him; and

WHEREAS, The enactment of Nevada Revised Statutes marks the culmination of nearly 6 years of exceptionally devoted public service on the part of Russell West McDonald as statute reviser and legislative bill drafter; now, therefore, be it

Resolved by the Assembly of the State of Nevada, the Senate concurring, That the legislature of the State of Nevada hereby extends

STATUTES OF NEVADA 1956-57

to Russell West McDonald its most hearty congratulations upon the completion and enactment of Nevada Revised Statutes and expresses to him its gratitude and that of the people of the State of Nevada for the years of selfless, dedicated and devoted effort which he has contributed in the public service to the preparation of Nevada Revised Statutes; and be it further

Resolved, That a copy of this resolution, signed by all of the members of the 48th session of the Nevada legislature, be duly certified by the secretary of state of the State of Nevada and be transmitted forthwith to Russell West McDonald.

Assembly Concurrent Resolution No. 2—Committee on Legislative Functions

FILE NO. 3

ASSEMBLY CONCURRENT RESOLUTION—Memorializing the late United States Senator and governor, Edward P. Carville.

WHEREAS, The people of our state suffered a tremendous loss on the 27th day of June, 1956, by the passing of the beloved and esteemed Edward P. Carville; and

WHEREAS, Edward P. Carville, affectionately known as "Ted," was a native of Mound Valley, the son of a pioneer Nevada family, was educated in the schools of this state, and was a graduate of Notre Dame University; and

WHEREAS, Few persons have ever held so many high offices of honor and trust as the late "Ted" Carville, who, in addition to his role as a civic leader and outstanding attorney, served with distinction as district attorney, district judge, United States District Attorney, and finally as our governor and United States Senator, and his industriousness, selfless dedication and integrity were the keys to his success as a lawyer and public servant and will forever remain as a radiant example for our future statesmen; now, therefore, be it

Resolved by the Assembly of the State of Nevada, the Senate concurring, That we express this day our profound sorrow and condolences to the family of the late Senator Carville and tender them our deepest sympathy, and that we further acknowledge to them the irreparable loss which the calling of the late Senator Carville means to this state and nation; and be it further

Resolved, That the written form of this resolution be given such permanency as is possible for us to give by spreading it upon a memorial page of the journals of the assembly and the senate of this day in memory of and as a solemn tribute to Edward P. Carville; and be it further

Resolved, That a duly certified copy of this resolution be prepared by the secretary of state of the State of Nevada and be transmitted forthwith to the bereaved family of the deceased.

EXHIBIT 2

AMENDED CRIMINAL COMPLAINT

EXHIBIT 2

JUSTICE COURT, HENDERSON TOWNSHIP
CLARK COUNTY, NEVADA

THE STATE OF NEVADA, HENDERSON JUSTICE COURT

Plaintiff,

4-28-15 Ha
FILED IN OPEN COURT

CASE NO: 15FH0425X

-vs-

DEPT NO:

BRYAN PHILLIP BONHAM #0852897,

Defendant.

AMENDED
CRIMINAL COMPLAINT

The Defendant above named having committed the crimes of FIRST DEGREE KIDNAPPING (Category A Felony - NRS 200.310, 200.320 - NOC 50051); BATTERY WITH INTENT TO COMMIT SEXUAL ASSAULT (Category A Felony - NRS 200.400.4 - NOC 54734); BATTERY WITH INTENT TO COMMIT SEXUAL ASSAULT (Category A Felony - NRS 200.400.4 - NOC 50157) and SEXUAL ASSAULT (Category A Felony - NRS 200.364, 200.366 - NOC 50095), in the manner following, to-wit: That the said Defendant, on or about the 20th day of March, 2015, at and within the County of Clark, State of Nevada,
COUNT 1 - FIRST DEGREE KIDNAPPING 5-life 5-15

did wilfully, unlawfully, and feloniously, seize, confine, inveigle, entice, decoy, abduct, conceal, kidnap, or carry away M.W., a human being, with the intent to hold or detain M.W. against her will, and without her consent, for the purpose of committing sexual assault.

COUNT 2 - BATTERY WITH INTENT TO COMMIT SEXUAL ASSAULT 10-life
1-life w/o
did then and there wilfully, unlawfully and feloniously use force or violence upon the person of another, to-wit: M.W., with the intent to commit sexual assault by strangulation.

COUNT 3 - BATTERY WITH INTENT TO COMMIT SEXUAL ASSAULT 2-15F
did then and there wilfully, unlawfully, and feloniously use force or violence upon the person of another, to-wit: M.W., with intent to commit sexual assault by slapping the said M.W. and/or squeezing her breast.

///

1 COUNT 4 - SEXUAL ASSAULT 12-15e

2 did then and there wilfully, unlawfully, and feloniously sexually assault and subject
3 M.W., a female person, to sexual penetration, to-wit: fellatio: by placing his penis on or in the
4 mouth of the said M.W., against her will, or under conditions in which Defendant knew, or
5 should have known, that M.W. was mentally or physically incapable of resisting or
6 understanding the nature of Defendant's conduct.

7 COUNT 5 - SEXUAL ASSAULT h

8 did then and there wilfully, unlawfully, and feloniously sexually assault and subject
9 M.W., a female person, to sexual penetration, to-wit: fellatio: by placing his penis on or in the
10 mouth of the said M.W., against her will, or under conditions in which Defendant knew, or
11 should have known, that M.W. was mentally or physically incapable of resisting or
12 understanding the nature of Defendant's conduct.

13 COUNT 6 - SEXUAL ASSAULT //

14 did then and there wilfully, unlawfully, and feloniously sexually assault and subject
15 M.W., a female person, to sexual penetration, to-wit: fellatio: by placing his penis on or in the
16 mouth of the said M.W., against her will, or under conditions in which Defendant knew, or
17 should have known, that M.W. was mentally or physically incapable of resisting or
18 understanding the nature of Defendant's conduct.

19 COUNT 7 - SEXUAL ASSAULT //

20 did then and there wilfully, unlawfully, and feloniously sexually assault and subject
21 M.W., a female person, to sexual penetration, to-wit: sexual intercourse: by placing his penis
22 into the vaginal opening of the said M.W., against her will, or under conditions in which
23 Defendant knew, or should have known, that M.W. was mentally or physically incapable of
24 resisting or understanding the nature of Defendant's conduct.

25 COUNT 8 - SEXUAL ASSAULT //

26 did then and there wilfully, unlawfully, and feloniously sexually assault and subject
27 M.W., a female person, to sexual penetration, to-wit: sexual intercourse: by placing his penis
28 into the anal opening of the said M.W., against her will, or under conditions in which

1 Defendant knew, or should have known, that M.W. was mentally or physically incapable of
2 resisting or understanding the nature of Defendant's conduct.

3 All of which is contrary to the form, force and effect of Statutes in such cases made and
4 provided and against the peace and dignity of the State of Nevada. Said Complainant makes
5 this declaration subject to the penalty of perjury.

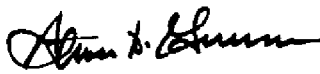
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8 Susan T. Benedict
04/16/2015
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27 15FH0425X/djj
28 HPD EV# 1504601
(TK)

EXHIBIT 2(a)

INFORMATION

EXHIBIT 2(a)


CLERK OF THE COURT

INFM
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
RICHARD SCOW
Chief Deputy District Attorney
Nevada Bar #009182
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

I.A. 6/30/15
1:00 PM
PD - LOPEZ-NEGRETTE

THE STATE OF NEVADA,

Plaintiff,

CASE NO: C-15-307298-1

-vs-

DEPT NO: IV

BRYAN PHILLIP BONHAM,
#0852897

Defendant.

INFORMATION

STATE OF NEVADA }
COUNTY OF CLARK } ss.

STEVEN B. WOLFSON, District Attorney within and for the County of Clark, State of Nevada, in the name and by the authority of the State of Nevada, informs the Court:

That BRYAN PHILLIP BONHAM, the Defendant(s) above named, having committed the crimes of FIRST DEGREE KIDNAPPING (Category A Felony - NRS 200.310, 200.320 - NOC 50051) and ATTEMPT SEXUAL ASSAULT (Category B Felony - NRS 200.364, 200.366, 193.330 - NOC 50119), on or about the 20th day of March, 2015, within the County of Clark, State of Nevada, contrary to the form, force and effect of statutes in such cases made and provided, and against the peace and dignity of the State of Nevada,

COUNT 1 - FIRST DEGREE KIDNAPPING

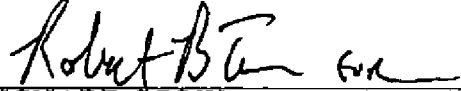
did wilfully, unlawfully, and feloniously, seize, confine, inveigle, entice, decoy, abduct, conceal, kidnap, or carry away M.W., a human being, with the intent to hold or detain M.W. against her will, and without her consent, for the purpose of committing sexual assault.

1 COUNT 2 - ATTEMPT SEXUAL ASSAULT

2 did then and there wilfully, unlawfully, and feloniously attempted to sexually assault
3 and subject M.W., a female person, to sexual penetration, to-wit: fellatio and/or sexual
4 intercourse: by placing his penis on or in the mouth and/or by placing his penis into the vaginal
5 opening and/or anal opening of the said M.W., against her will, or under conditions in which
6 Defendant knew, or should have known, that M.W. was mentally or physically incapable of
7 resisting or understanding the nature of Defendant's conduct.

8 STEVEN B. WOLFSON
9 Clark County District Attorney
Nevada Bar #001565

10 BY


11 RICHARD SCOW
12 Chief Deputy District Attorney
13 Nevada Bar #009182
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27 DA#15FH0425X/cc/L3
28 HPD EV#1504601
(TK)

EXHIBIT 3

SENATE Bill 182

Approved 3/9/1951

EXHIBIT 3

11

S. B. 182

SENATE BILL NO. 182—COMMITTEE ON FINANCE

MARCH 9, 1951

Referred to Committee on Finance

Summary—Establishes permanent commission on compilation of laws.

EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

ACT establishing a permanent commission for the revision, compilation, annotation, and publishing of the laws of the State of Nevada and certain laws of the United States; prescribing certain duties of a temporary nature; prescribing certain duties of a permanent nature; making an appropriation therefor, and other matters properly connected therewith.

People of the State of Nevada, represented in Senate and Assembly,
do enact as follows:

Section 1. There is hereby created a commission of the State of Nevada, to be known as the "commission for revision and compilation of Nevada laws," hereinafter referred to as the commission. Such commission shall be composed of three members, and said members shall be the three justices of the supreme court. The members of such commission shall have the powers and duties prescribed by this act. Each shall receive such salary for their services as shall be prescribed by this act, and subsequent enactments.

As soon as practicable after the effective date hereof the commission shall commence the preparation of a complete revision and compilation of the constitution and the laws of the State of Nevada, together with brief annotations and marginal sections thereof. Such compilation when completed shall be known as "Revised Laws of Nevada," and the first publication shall be filled in the blank space of such title.

Any such title may be cited as "Rev. Laws."

In preparing such compilation the commission is hereby authorized to adopt such system of numbering as it deems practical. Such compilation to be published in such number of volumes, and volumes shall not exceed 750 pages, as shall be deemed convenient, and to cause such volumes to be bound in loose-leaf binders, and so far as possible, permanent quality. The pages of such compilation shall conform in size and printing style to the pages of the laws of Nevada, except that if necessary for marginal notes,

the same may be of greater width, and roman style type only be used. In general, it is recommended, but not required, that compilation should follow the plan of organization used in the compilation heretofore made and known as the "Revised Laws of Nevada, 1912," as authorized by chapter CXXXVI, Statutes of 1909.

Sec. 4. Upon completion of each portion of said "Revised Laws," the commission is authorized and directed to have the same printed at the state printing office, and upon completion of the printing the separate volumes shall be bound as heretofore and forwarded to the secretary of state for safekeeping and distribution as set forth hereinafter. Sufficient copies of each page shall be so that there shall be bound 2,500 copies of each volume of "Revised Laws." A master copy of said "Revised Laws" shall be kept in the office of the commission, and no copy shall not be removed from said office except in the hands of a member of the commission.

Sec. 5. In complying with the provisions of this act, the limitation of available appropriations, the commission is authorized to employ such clerical assistance as it deems necessary, compensated at the same rate as other state employees of similar position, and such assistants in drafting and research as may be necessary, and shall be familiar with methods of compilation of laws. The terms of the employment and compensation of assistants shall be fixed by the commission.

Sec. 6. The commission shall reimburse the state printing appropriation hereby made for the cost of printing required by this act.

Sec. 7. From and after the completion of "Revised Laws," and the delivery of the same to the secretary of state, said secretary of state shall forward one set of the same to each elected or appointed state officer, and take the same into his exclusive use of the legislature, one set shall be for the county of the state for the use of the district judge and may of that county, one set shall be furnished to each state maintained by public funds, and such number as may be necessary, not to exceed 50 sets, shall be made available to the librarian for reciprocal trading with state libraries of federal territories. The remaining sets shall be sold to the state at a price of \$10 per volume, and all proceeds shall be deposited in the general fund.

Sec. 8. The compilation herein authorized to be made shall be accompanied by as complete an index as it shall be possible to prepare, which index shall be printed and bound in the same form and style as the "Revised Laws."

Sec. 9. The secretary of state shall make available to all records of his office which are or may be in his possession, and any books or statutes in the custody of the state, and shall likewise be made available to said commission.

Sec. 10. Upon request of the commission,

buildings and grounds shall assign and make available to the commission suitable and convenient rooms or space for the use of the commission and its employees.

Sec. 11. The commission is authorized to purchase or otherwise acquire necessary supplies and equipment.

Sec. 12. Upon the completion of "Revised Laws of Nevada," the commission is authorized and directed to prepare and have printed replacement and supplementary pages for such laws, as may from time to time be necessary. In any event, said commission shall prepare replacement and supplementary pages made necessary by the actions of the legislature, as soon as possible after each session. The intent of this section is that such "Revised Laws" shall be kept current insofar as may be possible. Distribution of the same is to be made as for the original volumes, and prices shall be set by the commission as near as possible to the cost of preparing and printing, provided, that where distribution of the original volumes was without charge no charge shall be made for replacement.

Sec. 13. Upon completion, "Revised Laws of Nevada," shall be cited as prima facie evidence of the law in all of the courts of this state. Such evidence may be rebutted by proof that the same differs from the official Statutes of Nevada.

Sec. 14. The commission shall, from time to time, make recommendations for clarification of specific statutes, for elimination of obsolete statutes, and calling the attention of the legislature to conflicting statutes, and such other matter as it deems necessary.

Sec. 15. The members of the commission shall each receive a salary of two hundred dollars (\$200) per month, paid as are the salaries of state officers, and out of the appropriation hereby made, for the period commencing on the effective date hereof, and expiring June 30, 1951.

Sec. 16. There is hereby appropriated from the general fund, for the purposes of this act, the sum of seventy-five thousand dollars (\$75,000). Claims against this appropriation shall be allowed and paid in the same manner as are other claims against the state.

Sec. 17. This act shall be effective from and after May 1, 1951.

Statutes of Nevada 1951
Senate Bill No 182
chapter 304

EXHIBIT 4

EXHIBIT 4

Senate Bill No. 182—Committee on Finance

CHAPTER 304

AN ACT establishing a permanent commission for the revision, compilation, annotation, and publishing of the laws of the State of Nevada and certain laws of the United States; prescribing certain duties of a temporary nature; prescribing certain duties of a permanent nature; making an appropriation therefor, and other matters properly connected therewith.

[Approved March 22, 1951]

*The People of the State of Nevada, represented in Senate and Assembly,
do enact as follows:*

SECTION 1. There is hereby created a commission of the State of Nevada, to be known as the "commission for revision and compilation of Nevada laws," hereinafter referred to as the commission. Such commission shall be composed of three members, and said members shall be the three justices of the supreme court. The members of such commission shall have the powers and duties prescribed by this act, and shall each receive such salary for their services as shall be prescribed by this act, and subsequent enactments.

SEC. 2. As soon as practicable after the effective date hereof the commission shall commence the preparation of a complete revision and compilation of the constitution and the laws of the State of Nevada of general application, together with brief annotations and marginal notes to sections thereof. Such compilation when completed shall be known as "Revised Laws of Nevada," and the year of first publication shall be filled in the blank space of such title, for brevity such title may be cited as "Rev. Laws."

SEC. 3. In preparing such compilation the commission is hereby authorized to adopt such system of numbering as it deems practical, to cause said compilation to be published in such number of volumes, but such volumes shall not exceed 750 pages, as shall be deemed convenient, and to cause such volumes to be bound in loose-leaf binders of good, and so far as possible, permanent quality. The pages of such compilation shall conform in size and printing style to the pages of the Statutes of Nevada, except that if necessary for marginal notes, the same may be of greater width, and roman style type only, shall

buildings and grounds shall assign and make available to the commission suitable and convenient rooms or space for the use of the commission and its employees.

SEC. 11. The commission is authorized to purchase or otherwise secure, necessary supplies and equipment.

SEC. 12. Upon the completion of "Revised Laws of Nevada,", the commission is authorized and directed to prepare and have printed such replacement and supplementary pages for such laws, as may from time to time be necessary. In any event, said commission shall prepare the replacement and supplementary pages made necessary by the sessions of the legislature, as soon as possible after each such session. The intent of this section is that such "Revised Laws" shall be kept current insofar as may be possible. Distribution of the same is to be made as for the original volumes, and prices shall be set by the commission as near as possible to the cost of preparing and printing, provided, that where distribution of the original volumes was without charge, no charge shall be made for replacement.

SEC. 13. Upon completion, "Revised Laws of Nevada,", may be cited as prima-facie evidence of the law in all of the courts of this state. Such evidence may be rebutted by proof that the same differ from the official Statutes of Nevada.

SEC. 14. The commission shall, from time to time, make recommendations for clarification of specific statutes, for elimination of obsolete statutes, and calling the attention of the legislature to conflicting statutes, and such other matter as it deems necessary.

SEC. 15. The members of the commission shall each receive a salary of one hundred twenty-five dollars (\$125) per month, paid as are the salaries of other state officers, and out of the appropriation hereby made, for the period commencing on the effective date hereof, and expiring June 30, 1953.

SEC. 16. There is hereby appropriated from the general fund, for the purposes of this act, the sum of seventy-five thousand dollars (\$75,000). Claims against this appropriation shall be allowed and paid in the same manner as are other claims against the state.

SEC. 17. This act shall be effective from and after May 1, 1951.

EXHIBIT 5

STATUTES
OF
NEVADA
1953
Senate Bill No 188
Chapter 280

EXHIBIT 5

Statutes of Nevada 1953

Senate Bill No. 188—Committee on Judiciary.

CHAPTER 280

AN ACT to amend the title of and to amend an act entitled, "An act establishing a permanent commission for the revision, compilation, annotation, and publishing of the laws of the State of Nevada and certain laws of the United States; prescribing certain duties of a temporary nature; prescribing certain duties of a permanent nature; making an appropriation therefor, and other matters properly connected therewith," approved March 22, 1951.

[Approved March 27, 1953]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. The title of the above-entitled act, being chapter 304, Statutes of Nevada 1951, is hereby amended to read as follows:

An act establishing a permanent commission for the revision, compilation, annotation and *publication* of the laws of the State of Nevada; prescribing certain duties of a temporary *and permanent* nature; making an appropriation therefor, and other matters properly connected therewith.

SEC. 2. Section 1 of the above-entitled act, being chapter 304, Statutes of Nevada 1951, is hereby amended to read as follows:

Section 1. There is hereby created a commission of the State of Nevada, to be known as the "*statute revision commission*," hereinafter referred to as the commission. Such commission shall be composed of three members, and said members shall be the three justices of the supreme court. The members of such commission shall have the powers and duties prescribed by this act, and shall each receive such salary for their services as shall be prescribed by this act, and subsequent enactments.

SEC. 3. Section 2 of the above-entitled act, being chapter 304, Statutes of Nevada 1951, is hereby amended to read as follows:

Section 2. As soon as practicable after the effective date hereof the commission shall commence the preparation of a complete revision and compilation of the laws of the State of Nevada of general application, *and a compilation of the constitution of the State of Nevada*, together with brief annotations to sections thereof. Such *revision* when completed shall be known as *Nevada Revised Statutes*,....., and the year of first publication shall be filled in the blank space of such title. *For brevity such title may be cited as NRS*.....

The revision shall contain:

1. *The constitution of the United States;*

STATUTES OF NEVADA
1955

exhibit 6

Senate Bill 218
chapter 248

exhibit 6

Senate Bill No. 218—Committee on Finance

CHAPTER 248

AN ACT to amend an act entitled "An Act establishing a permanent commission for the revision, compilation, annotation and publication of the laws of the State of Nevada; prescribing certain duties of a temporary and permanent nature; making an appropriation therefor, and other matters properly connected therewith," approved March 22, 1951.

[Approved March 26, 1955]

*The People of the State of Nevada, represented in Senate and Assembly,
do enact as follows:*

SECTION 1. The above-entitled act, being chapter 304, Statutes of Nevada 1951, at page 470, is hereby amended by adding thereto a new section to be designated as section 4.5, which shall immediately follow section 4 and shall read as follows:

Section 4.5. Notwithstanding any of the provisions of chapter 294, Statutes of Nevada 1953, at page 460, any unexpended balance of the appropriation made to the statute revision commission by section 41 of chapter 294, Statutes of Nevada 1953, at page 463, shall not revert to the general fund on July 1, 1955, but shall be placed to the credit of the statute revision commission in the state treasury in a fund hereby created and designated as the statute revision commission printing and binding fund, which fund shall be used only for the

EXHIBIT 7

STATUTES OF NEVADA
1963

Senate Bill No 24

EXHIBIT 7

Senate Bill No. 24—Senators Berrum, Blissett, Brown, Dodge, Fransway,
Lamb, McGowan, Monroe and Parks

CHAPTER 403

AN ACT to amend NRS sections 218.085, 218.185, 218.190, 218.240 to 218.280, inclusive, 218.480, 218.500, 218.510, 218.620 to 218.640, inclusive, 218.660, 218.670, 218.690, 218.700, 218.720, 218.740, 218.770 to 218.890, inclusive, 220.040, 220.080 to 220.170, inclusive, 233.090, 331.105, 353.060 to 353.080, inclusive, 353.210, 353.263, 354.380, 412.235, 458.080 and 482.200, relating to bill, resolution, journal and history books, the amendment clerk, the preparation of legislative measures and the Statutes of Nevada, the legislative counsel bureau, the legislative counsel, the legislative auditor and their powers and duties, the director, employees and powers and duties of the statute revision commission, the preparation, contents, printing and sale of Nevada Revised Statutes, the central mailing room, counts of money in the state treasury, estimates of expenditures by state agencies, the state board of examiners emergency fund, the state alcoholism agency, inventories of federal military property, and destruction of unused motor vehicle license plates, the legislative fund, the compilation of legislative journal indices, the legislative commission, its meetings and secretary, the availability of information and records concerning public funds with respect to the legislative counsel, and the Nevada commission on equal rights of citizens, by creating the office of the director of the legislative counsel bureau and three divisions within the legislative counsel bureau; providing for the appointment, compensation and qualifications of the legislative counsel, the research director and the fiscal analyst and their powers and duties; and by abolishing the statute revision commission and the position of legislative auditor; to amend chapter 218 of NRS, relating to the state legislature, by adding new sections prescribing the duties of the heads of the divisions of the legislative counsel bureau; transferring funds; to repeal NRS sections 218.710, 218.730, 218.760, 220.010 to 220.030, inclusive, and 220.050 to 220.070, inclusive, relating to the legislative counsel, the legislative auditor, his appointment and salary, and to the statute revision commission; and providing other matters properly relating thereto.

[Approved April 28, 1963]

*The People of the State of Nevada, represented in Senate and Assembly,
do enact as follows:*

SECTION 1. NRS 218.185 is hereby amended to read as follows:

218.185. 1. During each session of the legislature, employees of the senate and assembly shall compile and prepare sets of bill, resolution, journal and history books for:

(a) The officers and members of the senate and assembly without cost to such persons.

(b) Selected staff members of the [statute revision commission and of the] legislative counsel bureau without cost to such persons.

(c) The press room in the capitol building for use of accredited press representatives, but not more than four such sets of books shall be compiled and prepared without cost.

(d) Persons other than those enumerated in paragraphs (a), (b) and (c) upon application to the legislative counsel bureau and the payment of a fee of \$35.

2. All fees collected under the provisions of this section shall be deposited in the legislative fund in accordance with the provisions of NRS 353.250.

SEC. 2. NRS 218.190 is hereby amended to read as follows:

particular wherein the bill does not comply in form with law or rule of the houses.

2. If, in the opinion of the [director,] *legislative counsel*, any correction made by him or the [commission employees] *legal division of the legislative counsel bureau* under the authority of this section should in any manner be construed to be a change in the bill other than a change in form, the [director] *legislative counsel* shall obtain the consent of the author of the bill before making such change.

[3. The commission shall be deemed to be acting in an administrative capacity in the performance of the duties imposed by NRS 218.240 to 218.260, inclusive.]

Sec. 5. NRS 218.260 is hereby amended to read as follows:

218.260 1. The [commission] *legislative counsel* is authorized to employ legislative bill drafters and stenographers, at a compensation to be set by [it,] *him*, to aid and assist [the director] *him* in carrying out the duties prescribed by NRS 218.240 to 218.260, inclusive, and such legislative bill drafters and stenographers shall be employed for such length of time as the [commission] *legislative counsel* may deem to be necessary for the effective conduct of the legislative work prescribed by NRS 218.240 to 218.260, inclusive.

2. The [director,] *legislative counsel*, during the time the legislature is in session, shall assign at least one legislative bill drafter and one or more stenographers for each house of the legislature, and they shall be located in the capitol building.

Sec. 6. NRS 218.500 is hereby amended to read as follows:

218.500 1. The secretary of state shall furnish to the superintendent of state printing, within 3 days from the time he receives the same from the governor, after approval, a copy of all acts, joint and concurrent resolutions, and memorials passed at each session.

2. The superintendent of state printing shall:

(a) Print the number of copies as provided by NRS 218.510.

(b) Furnish printed sheets thereof to the [statute revision commission,] *legislative counsel bureau*, which shall, immediately upon the adjournment of the session, make out and deliver to the superintendent of state printing an index of the same.

(c) Immediately upon the adjournment of the session, print the index prepared by the [statute revision commission] *legislative counsel bureau* and bind it in connection with the Statutes of Nevada.

(d) Furnish to each senator and assemblyman, for distribution among their constituents, 15 copies of the printed sheets of each act as printed, or if more than one act is printed at one time, then copies of the printed sheets of such series of acts.

(e) Distribute one copy of the act or acts to each county clerk, county auditor, district judge, district attorney and justice of the peace in the state.

Sec. 7. NRS 218.510 is hereby amended to read as follows:

218.510 1. Eight hundred copies of the statutes of each legislature shall be printed and bound in buckram or law sheep.

2. The bound volumes shall contain:

and committees shall be designated by the members of the legislative commission and may consist of legislators and employees of the state other than members of the commission. Members of such delegations and committees shall serve without salary, but they shall receive out of the fund of the legislative counsel bureau the per diem expense allowance and travel expenses as provided by law.

4. Endeavor to advance cooperation between this state and other units of government whenever it seems advisable to do so by formulating proposals for interstate compacts and reciprocal or uniform legislation, and by facilitating the adoption of uniform or reciprocal administrative rules and regulations, informal cooperation of governmental offices, personal cooperation among governmental officials and employees, interchange and clearance of research and information, and any other suitable process. In order to facilitate such cooperation the Council of State Governments and the National Conference of State Legislative Leaders are hereby declared to be joint governmental agencies of this state and of the other states which cooperate through them.

5. Establish such interim or special committees as official agencies of the legislative counsel bureau as may be deemed advisable to deal with governmental problems, important issues of public policy and questions of statewide interest. The membership of such interim or special committees shall be designated by the members of the legislative commission and may consist of legislators other than members of the commission, employees of the State of Nevada or citizens of the State of Nevada. Members of such interim or special committees shall serve without salary, but they shall receive out of the fund of the legislative counsel bureau the per diem expense allowances and travel expenses as provided by law.

6. Carry out the functions assigned to the divisions of the bureau in this chapter.

Sec. 10. NRS 218.640 is hereby amended to read as follows:

218.640 Funds to carry out the [provisions of NRS 218.610 to 218.890, inclusive.] functions of the legislative counsel bureau shall be provided by legislative appropriation from the general fund, and shall be paid out on claims as other claims against the state are paid. All claims shall be approved by the [legislative counsel] director of the legislative counsel bureau before they are paid.

Sec. 11. NRS 218.690 is hereby amended to read as follows:

218.690 [1. The legislative commission shall appoint a person of skill and training in the art of government and government finance as legislative counsel, and he shall be responsible to the commission.

2. The legislative counsel shall receive an annual salary which shall be fixed by the legislative commission, and when so fixed shall be deemed to be fixed by law.

3. The legislative counsel shall receive the per diem expense allowance and travel expenses as provided by law.] The legislative counsel shall:

1. Be an attorney licensed to practice law in the State of Nevada and shall be versed in some or all of the following: Political science,

(d) The ability to maintain effective working relationships with state officials.

(e) The ability to organize and present clearly oral and written reports of findings and recommendations.] *The fiscal analyst shall:*

1. *Be a certified public accountant or public accountant qualified to practice public accounting under the provisions of chapter 628 of NRS.*

2. *Have 5 years of progressively responsible experience in general accounting.*

3. *Have a comprehensive knowledge of the principles and practices of public budgeting, governmental accounting, and the projection of future public revenues.*

4. *Have a working knowledge of statistical methods.*

SEC. 15. NRS 218.770 is hereby amended to read as follows:

218.770 The powers and duties of the [legislative auditor] *fiscal analyst* shall be:

1. To perform a postaudit of all accounts, books and other financial records of all state departments that are charged with the collection, custody or expenditure of public funds, and to prepare a written report or reports of such audit or audits to the legislative counsel bureau and to such other person or persons designated in this chapter.

2. To personally, or by his duly authorized assistants, examine and audit at least once a year all fiscal books, records and accounts of all officers, personnel, custodians of public funds, disbursing officers, property custodians and purchasing agents, and to make independent verifications of all assets, liabilities, revenues and expenditures of the state, and its officers and departments, now in existence or hereafter created.

3. To require such changes in the accounting system or systems and record or records of the state departments as in his opinion will augment or provide a uniform, adequate and efficient system of records and accounting.

4. To determine whether the handling of the public money is protected by adequate accounting controls.

5. To determine whether all revenues or accounts due have been collected or properly accounted for and whether expenditures have been made in conformance with law and good business practice.

6. To determine whether the fiscal controls established by law and by administrative regulation are being properly applied.

7. To determine whether fraud or dishonesty has occurred in the handling of funds or property.

8. To determine whether property and equipment are properly accounted for and that none is improperly used or disposed of.

9. To determine whether the accounting reports and statements issued by the agency under examination are an accurate reflection of the operations and financial condition.

10. To work with the executive officers of any and all state departments in outlining and installing a uniform, adequate and efficient system of records and accounting.

11. To require the aid and assistance of executives and officials,

(d) All receipts, vouchers and other documents kept, or that may be required to be kept, necessary to prove the validity of each transaction.

(e) All statements and reports made and required to be made for the internal administration of the office to which they pertain.

(f) All statements and reports regarding any and all details of the financial administration of public affairs.

3. The [legislative auditor] *fiscal analyst* shall, from time to time, make such changes in and additions to such system as may to him seem necessary or in the public interest.

Sec. 19. NRS 218.810 is hereby amended to read as follows:

218.810 1. In addition to the other duties provided for the [legislative auditor,] *fiscal analyst*, he shall thoroughly examine all departments of the state government with special regard to their activities and the duplication of efforts between departments and the quality of service being rendered by subordinate employees in each of the several departments.

2. Upon completing the examination of any state department, he shall furnish the head thereof with a report of, among other things:

(a) The efficiency of the subordinate employees.

(b) The status and condition of all public funds in charge of such department.

(c) The amount of duplication between work done by the department so examined and other departments of the state government.

(d) The expense of operating the department.

(e) Breaches of trust and duty, if any, by an officer, property custodian, purchasing agent, or other custodian or disbursement officer of public funds.

(f) Any suggested changes looking toward economy and reduction of number of clerical and other employees and the elimination of duplication and inefficiency.

3. Copies of each report shall be filed with the governor, the lieutenant governor, the secretary of state, and each member of the legislature.

Sec. 20. NRS 218.820 is hereby amended to read as follows:

218.820 Upon the request of the [legislative auditor,] *fiscal analyst*, every elective state officer in the state, every board or commission provided for by the laws of the state, every head of each and every department in the state, and every employee or agent thereof, acting by, for or on account of any such office, board, commission or officer receiving, paying or otherwise controlling any public funds in the State of Nevada, in whole or in part, whether the same may be funds provided by the State of Nevada, funds received from the Federal Government of the United States or any branch, bureau or agency thereof, or funds received from private or other source, shall submit to the [legislative auditor] *fiscal analyst* a complete financial statement of each and every receipt of funds received by the office, officer, board, commission, person or agent, and of every expenditure of such receipts or any portion thereof for the period designated by the [legislative auditor.] *fiscal analyst*.

2. All reports of the [legislative auditor] *fiscal analyst* filed by the secretary of state shall be open to public inspection.

Sec. 25. NRS 218.870 is hereby amended to read as follows:

218.870 The [legislative auditor] *fiscal analyst* shall keep or cause to be kept:

1. A complete, accurate and adequate set of fiscal transactions of the office of the legislative counsel bureau.

2. A complete file of copies of all audit reports, examinations, investigations and any and all other reports or releases issued by him.

3. A complete file of audit work papers and other evidences pertaining to work of the [legislative auditor] *fiscal analyst*.

Sec. 26. NRS 218.880 is hereby amended to read as follows:

218.880 1. If the [legislative auditor] *fiscal analyst* finds, in the course of his audit, evidence of improper practices of financial administration or of any general incompetency of personnel or inadequacy of fiscal records, he shall report the same immediately to the governor, the legislative counsel bureau, and the department head or heads affected.

2. If the [legislative auditor] *fiscal analyst* shall find evidence of illegal transactions, he shall forthwith report such transactions to the governor, the legislative counsel bureau, and the attorney general.

Sec. 27. NRS 218.890 is hereby amended to read as follows:

218.890 Immediately upon receipt of a report from the [legislative auditor] *fiscal analyst* of incompetency of personnel and inadequacy of fiscal records, the legislative counsel bureau shall review the [legislative auditor's] *fiscal analyst's* report and hold hearings with the department head or heads concerning such incompetency and inadequacy of fiscal records. The legislative counsel bureau, after holding such hearings, shall make a report to the department head or heads requesting the removal or replacement of the incompetent personnel or the installation of the necessary fiscal records. The legislative counsel bureau shall report to the legislature any refusal of the department officials to remedy such incompetency or the installation of proper fiscal records.

Sec. 28. NRS 220.040 is hereby amended to read as follows:

220.040 [1. In complying with the provisions of this chapter, and within the limits of available appropriations, the commission is authorized to appoint a reviser of statutes who shall be known as the director of the statute revision commission.

2. The commission shall fix the compensation of the director and he shall serve at the pleasure of the commission.

3. The director shall perform such duties as may be required by the commission in connection with its duties under this chapter.] *The legislative counsel and the legal division of the legislative counsel bureau shall have the powers and duties prescribed in this chapter.*

Sec. 29. NRS 220.080 is hereby amended to read as follows:

220.080 The [commission] *legislative counsel* shall, from time to time:

1. Make recommendations to the legislature for clarification of specific statutes.

to be placed under one general head, with necessary cross-references.

4. Notes of decisions of the supreme court, historical references and other material shall be arranged in such manner as the [commission] *legislative counsel* finds will promote the usefulness thereof.

5. The [commission in preparing the revisions] *legislative counsel* in keeping *Nevada Revised Statutes* current shall not alter the sense, meaning or effect of any legislative act, but may renumber sections and parts of sections thereof, change the wording of headnotes, rearrange sections, change reference numbers or words to agree with renumbered chapters or sections, substitute the word "chapter" for "article" and the like, substitute figures for written words and vice versa, change capitalization for the purpose of uniformity and correct manifest clerical or typographical errors.

Sec. 34. NRS 220.130 is hereby amended to read as follows:

220.130 1. Upon completion of Nevada Revised Statutes, the [commission] *legislative counsel* is authorized and directed to have the same printed, lithoprinted or reproduced by any other process at the state printing office. Sufficient copies of each page shall be printed or reproduced so that there shall be bound 2,500 copies of each volume of Nevada Revised Statutes, and 1,000 copies of each volume of citations to and annotations of decisions of the Nevada supreme court and federal courts construing each statute and constitutional provision and the digest of cases decided by the Nevada supreme court.

2. Upon completion of the final printing or other reproduction the separate volumes shall be bound as required in this chapter and retained by the [director] *legislative counsel* for safekeeping and disposition. The secretary of state shall sell each set, and may sell individual volumes, parts or pages when available, at a price to be set by the [commission] *legislative counsel* as near as possible to the cost of preparing, printing and binding, and all proceeds of sales shall be deposited in the general fund.

3. A master copy of Nevada Revised Statutes shall be kept in the office of the [commission,] *legislative counsel*, and the master copy shall not be removed from the office except in the custody of [a member of the commission or the director thereof.] *the legislative counsel*.

Sec. 35. NRS 220.140 is hereby amended to read as follows:

220.140 The [commission] *legislative counsel bureau* shall reimburse the superintendent of state printing from the appropriations heretofore or hereafter made for the cost of printing or reproduction required by this chapter.

Sec. 36. NRS 220.150 is hereby amended to read as follows:

220.150 Notwithstanding any other provision of law, any unexpended balances of the appropriations made [to the commission] *for the support of the legal division of the legislative counsel bureau* shall not revert to the general fund at the end of any fiscal year, but shall be placed to the credit of the [commission] *legislative counsel bureau* in the state treasury in a fund hereby created and designated as the [statute revision commission] *legislative counsel bureau* printing and binding fund, which fund shall be used only for the payment of the costs of printing and binding of the Nevada Revised Statutes,

at Carson City, Nevada, and supported in whole or in part by legislative appropriation from the general fund in the state treasury.

2. Any state officer, department or agency not supported in whole or in part by legislative appropriation from the general fund in the state treasury may use the central mailing room facilities if such state officer, department or agency pays the cost of such use as determined by the superintendent. Moneys collected from such state officers, departments or agencies for use in the central mailing room facilities shall be deposited in the mail service working capital fund in the state treasury.

3. The staff of the central mailing room shall deliver incoming mail and pick up and process outgoing mail, except outgoing parcel post from the [statute revision commission,] *legal division of the legislative counsel bureau*, other than interoffice mail, of all state officers, departments and agencies using the central mailing room facilities.

4. Funds to carry out the provisions of this section shall be provided by direct legislative appropriation from the general fund in the state treasury.

Sec. 40. NRS 353.060 is hereby amended to read as follows:

353.060 1. At least once every 3 months and as often as he may deem proper, the [legislative auditor] *fiscal analyst* shall count the money in the state treasury. The [legislative auditor] *fiscal analyst* shall not give the state treasurer any previous notice of the hour or day of the counting.

2. The state treasurer shall permit the money in the state treasury to be counted whenever the [legislative auditor] *fiscal analyst* may wish to make the counting, without delaying the counting on any pretense whatever.

Sec. 41. NRS 353.065 is hereby amended to read as follows:

353.065 1. The [legislative auditor] *fiscal analyst* shall count all moneys and securities in the state treasury belonging to the state, or to any department thereof, and all moneys and securities of the Nevada industrial commission, and all other moneys and securities of which the state treasurer is custodian.

2. The [legislative auditor] *fiscal analyst* shall execute a surety bond, payable to the state, in the sum of \$2,500, conditioned for the faithful performance of all duties which may be required of him by law.

Sec. 42. NRS 353.070 is hereby amended to read as follows:

353.070 It shall be unlawful for the [legislative auditor] *fiscal analyst* to count as cash or moneys in the state treasury anything but actual money and cash in the state treasury, or moneys on deposit in depository banks secured as provided by law.

Sec. 43. NRS 353.075 is hereby amended to read as follows:

353.075 1. When the count of state moneys, funds and securities is completed, the [legislative auditor] *fiscal analyst* shall make an affidavit and file the same in the office of the secretary of state. When filed with the secretary of state, the affidavit shall be and become a public record.

4. On or before October 1 of each even-numbered year, the director shall deliver copies of the expenditure estimates to the [legislative auditor,] *fiscal analyst*, together with such other information as required by subsection 1.

Sec. 46. NRS 354.380 is hereby amended to read as follows:

354.380 1. Upon the completion of the budget, it shall be signed by the governing board of the political subdivision.

2. Budgets for cities and municipalities shall be filed with the city clerk. Budgets for towns shall be filed with the county auditor and county recorder of the county wherein such town is situated.

3. Budgets for school districts shall be approved by the state department of education. A budget for a county school district shall be filed with the county auditor and county recorder of the county whose boundaries are coterminous with the boundaries of the county school district. A budget for a joint school district shall be filed with the county auditors and county recorders of the counties the areas of which are within the joint school district. A copy of the budget for each school district shall be filed forthwith with the [legislative auditor,] *fiscal analyst*.

Sec. 47. NRS 412.235 is hereby amended to read as follows:

412.235 1. Semiannually and at such other times as may be directed by the commander in chief, the [legislative auditor,] *fiscal analyst* shall cause to be made a careful physical inventory and list of all classes of federal military property, noting:

(a) The quantity on hand.

(b) The amounts received and expended during the previous 6 months.

(c) The quantities and classes held on memorandum receipts by any unit or officer of the National Guard.

2. The inventory shall be made up in quadruplicate. The original and first copy shall be transmitted to the adjutant general and the United States property and fiscal officer. The second copy shall be transmitted to the unit or officer, and the last copy shall be retained by the [legislative auditor,] *fiscal analyst*.

3. The inventory shall be known as the List of Balances, and the copies sent to the United States property and fiscal officer and the adjutant general shall be preserved and remain on file in their offices.

Sec. 48. NRS 482.200 is hereby amended to read as follows:

482.200 All unused, unsold and confiscated motor vehicle license plates of the previous issue shall be destroyed or disposed of by the department after the [legislative auditor,] *fiscal analyst* shall have caused a count of such plates.

Sec. 49. Chapter 218 of NRS is hereby amended by adding thereto a new section which shall read as follows:

Between sessions of the legislature no study or investigation shall be initiated or continued by the fiscal analyst, the legislative counsel or the research director and their staffs except such studies and investigations which have been specifically authorized by a senate or assembly resolution or by an order of the legislative commission. No study or

fiscal year commencing on July 1, 1962, shall be used for the support of the legislative counsel and the legal division of the legislative counsel bureau, and any such moneys remaining at the end of such fiscal year shall be deposited in the legislative counsel bureau printing and binding fund.

2. All moneys in the statute revision commission printing and binding fund on the effective date of this act shall be transferred to the legislative counsel bureau printing and binding fund.

Sec. 55. NRS 218.480 is hereby amended to read as follows:

218.480 1. Whenever any message, report or other document in pamphlet form is ordered printed by the legislature, 125 copies, supplemental to the number ordered, shall be printed and retained by the superintendent of state printing for binding with the journals of the senate and assembly.

2. At the end of each session of the legislature, 125 copies of the journals shall be printed, indexed and bound in book form in the same style as those of the 1927 session of the legislature. The journal of each house shall be bound separately.

3. At the end of each session of the legislature, 50 copies of the appendices shall be printed and bound in book form in the same style as those of the 1927 session of the legislature.

4. The [legislative counsel] *research director* shall direct the compilation of the journal indices, and shall deliver the completed journal indices to the superintendent of state printing.

5. The bound volumes shall be delivered to the secretary of state and shall constitute the journals of the senate and the assembly.

6. Each member of the legislature of which such journals are the record shall be entitled to one copy of the senate journal and one copy of the assembly journal.

Sec. 56. NRS 218.085 is hereby amended to read as follows:

218.085 1. The legislative fund is hereby created as a continuing fund in the state treasury for the use of the legislature.

2. Support for the legislative fund shall be provided by legislative appropriation from the general fund.

3. Except as provided in subsection 4, expenditures from the legislative fund shall be made only for the purpose of carrying out the provisions of NRS 218.090 to 218.230, inclusive, NRS 218.280 to 218.520, inclusive, and section 33 of article 4 of the constitution of the State of Nevada, for the purchase of necessary supplies and equipment, and for the payment of routine operating expenses.

4. Expenditures from the legislative fund for purposes other than those specified in subsection 3 of this section shall be made only upon the authority of a concurrent resolution regularly adopted by the senate and assembly.

5. All moneys in the legislative fund shall be paid out on claims approved by the [legislative counsel] *director of the legislative counsel bureau* as other claims against the state are paid.

Sec. 57. NRS 218.660 is hereby amended to read as follows:

218.660 1. There is hereby created in the legislative counsel bureau a legislative commission consisting of eight members.

2. At each regular session of the legislature held in odd-numbered

whether the same may be funds provided by the State of Nevada, funds received from the Federal Government of the United States or any branch, bureau, or agency thereof, or funds received from private or other source, shall make available to the [legislative counsel] director of the legislative counsel bureau all books, papers, information and records of a public nature under their control necessary or convenient to the proper discharge of the [legislative counsel's] duties of the director of the legislative counsel bureau under this chapter.

Sec. 60. NRS 233.080 is hereby amended to read as follows:

233.080 The commission shall, on or before January 15, 1963, and every January 15 of each odd-numbered year thereafter, prepare and submit a report concerning its activities to the governor and the [legislative counsel.] director of the legislative counsel bureau. The [legislative counsel] director of the legislative counsel bureau shall cause such report to be made available to each senator and assemblyman.

Sec. 61. Chapter 218 of NRS is hereby amended by adding thereto a new section which shall read as follows:

The legislative commission may fix reasonable fees for the sale of studies, audit reports, bulletins and miscellaneous materials of the legislative counsel bureau, and such fees shall be deposited in the general fund in the state treasury.

Sec. 62. In preparing the 1963 supplement to Nevada Revised Statutes, the director of the statute revision commission, or any officer who is required by law after June 30, 1963, to perform the duties performed by the director of the statute revision commission prior to July 1, 1963; shall make all nonsubstantive changes in all statutes enacted by the 1963 session of the legislature relating to organization or reorganization of the legislative agencies of the state government necessary to resolve any nonsubstantive conflicts in such statutes.

Exhibit 8

Letter From current
SECRETARY OF STATE

Exhibit 8

BARBARA K. CEGAVSKE
Secretary of State

STATE OF NEVADA



OFFICE OF THE
SECRETARY OF STATE

SCOTT ANDERSON
Chief Deputy Secretary of State

who was At Gen 1997

February 27, 2019

Bryan Bonham # 60575
Lovelock Correctional Center
1200 Prison Road
Lovelock, NV 89419

Mr. Bonham:

We are enclosing the following documents responsive to your records request: Certificate of Election for- Secretary of State Barbara Cegavske (2014) (2018), Attorney General Catherine Cortez Masto (2001) (2010), Attorney General Adam Laxalt (2014); Governor Kenny Guinn (1998) (2002); Governor Jim Gibbons (2006) Governor Brian Sandoval (2010) (2014). You are going to have to be more specific with regards to the various Judges and District Attorneys as we need to know jurisdiction and district and may not have these documents. We do not have Certificates of Election for Sheriff. You will need to provide the names of the Attorneys General from 1997-2002 as we may have already archived their Certificates of Election.

The Secretary of State is not in possession of Senate Bill 109 from 1949 nor Senate Bill 2 from 1957 – those records have been transferred to the Nevada State Library and Archives.

Thank you for contacting our office.

Sincerely,

The Office of the Nevada Secretary of State

NEVADA STATE CAPITOL
101 N. Carson Street, Suite 3
Carson City, Nevada 89701-3714

MEYERS ANNEX
COMMERCIAL RECORDINGS
202 N. Carson Street
Carson City, Nevada 89701-4201

LAS VEGAS OFFICE
555 E. Washington Avenue, Suite 5200
Las Vegas, Nevada 89101-1090

nvsos.roy

NEU CONST
ARTS § 20

exhibit 9

Secretary of State
Duties

exhibit 9

20. Secretary of state: Duties.

The Secretary of State shall keep a true record of the Official Acts of the Legislative and Executive Departments of the Government, and shall when required, lay the same and all matters relative thereto, before either branch of the Legislature.

Research References and Practice Aids

Cross references.

As to custody and care of archives and records, see NRS 225.070.

exhibit 10

GREATEST LEGAL DISCOVERY
IN THE HISTORY OF THE
STATE OF NEVADA

exhibit 10

CLERK, U.S. DISTRICT COURT
DISTRICT OF NEVADA
400 SOUTH VIRGINIA ST., ROOM 301
RENO, NEVADA 89501
OFFICIAL BUSINESS

**Greatest Legal Discovery
in the History of the State of Nevada**

CONDENSED VERSION WITHOUT EXHIBITS ATTACHED

Preliminary Statement

Gary Walters, once had a personal bank account containing over one hundred million dollars and had exclusive control of over one billion dollars in investment funds. Mr. Walters was arrested and prosecuted for the forgeries committed by **Robert Earl Ford** and **Effraim Mizrahi** (In another court case Effraim Mizrahi testified that he and Robert Earl Ford forged the documents that put Mr. Walters in prison). This recorded testimony was not permitted to be used in Mr. Walter's defense by Judge Michael P. Villani in Eighth Judicial District Court No. 17. While Mr. Walters was in custody, with no bail, he was systematically robbed and stripped of hundred's of millions of dollars by the surviving and un-prosecuted members of Nevada's notorious HOA scandal.¹²³⁴ Mr. Walters was prosecuted by the surviving spouse of HOA conspiracy member, David Amesbury.⁵ Mr. Walters has come forward and released this phenomenal historical and legal research effort which was completed after spending over eight years in prison. Mr. Walter's conviction was reversed on a Post-Conviction Writ. This puts his case in the one-half of one percentile that are granted in Nevada State Courts. In other words, Mr. Walters Writ was one of the only 0.05 which are granted relief. Many of the documents obtained by Mr. Walters within the walls of Nevada's Department of Correction are no longer available to the public.⁶ Once Mr. Walters made this information generally available, Nevada's Governor Brian Sandoval quickly signed a Bill into law denying all Prisoner's access to public records.⁷ Mr. Walter's discovery follows:

Preface to Mr. Walters' discovery:

To understand the nature and validity of codification and revision of statutes at large, there needs to be an understanding that there are rules that direct the execution and making of them. These are generally found in every States' Constitution. These Constitutional directives are mandated, in other words, they must be followed or the codification or revision is a nullity. There are two levels that control this process. They are procedural and substantive in nature. By comparison, somewhat like a obtaining a driver's license: First you have a written test (substantive), eye test (substantive), and then you take a driving test (procedural).

The procedural process for the passage of a State Law *generally* consists of the following flow chart:

1. The Law is passed by both houses;
2. The bill is sent to the Governor, who then signs or doesn't sign it;
3. If the Governor signs the bill, then it goes to the Secretary of State;
4. In Nevada, the Secretary of State is the Constitutional keeper of ALL legislative records;
5. The Secretary of State also possesses the official state seal and affixes them to laws that have been passed to certify that it is a true and valid document.

The laws that are passed by the State Legislature are prima facie evidence that it has been passed, but the laws that are issued and published by the Secretary of State are irrefutable proof that the law exists. Statutes are presumed to be valid, and the challenger bears the burden of showing that a statute is unconstitutional. *Halverson v. Secretary of State*, 124 Nev. 484, 487, 186 P.3d at 896 (2008). Therefore, Mr. Walters proceeds with his challenge to the Constitutionality of the passage of the Nevada Revised Statutes [NRS] which are alleged to have been Legislatively passed *en mass* by Senate Bill No. 2.

I.

THE ENTIRE NEVADA REVISED STATUTES SCHEME IS NULL & VOID, AS THEY PERTAIN TO THIS INSTANT CASE AT BAR

- A. The mode of a statute depends on constitutional, *Mead v. Arnell*, 791 P.2d 410, 117 Idaho 660 (1990); and statutory requirements. *Harris v. Shanahan*, 387 P.2d 771, 192 Kan. 183 (1963). The Nevada Revised Statutes are alleged to have been passed into law on May 1, 1951 in the form of a copy of an "engrossed Bill" - commonly known as Senate Bill No. 2 [hereinafter SB-2]. Mr. Walters discovered that this Bill was, in fact, not a Bill at all. Further, there were so many Constitutional and other mandatory protocols that were violated, as to the manner and method of the passage of SB No. 2, which voided the entire act. The passage of any law in Nevada must meet certain criteria for its "lawful" passage.

The first set of issues are related to "Mode, Style and Identification" of a Bill. The purpose of prescribing an enacting clause -- "the style of the acts" -- is to establish it; to give it permanence, uniformity, and certainty; to identify the act of legislation as of the general assembly; to afford evidence of its legislative statutory nature; and to secure uniformity of identification, and thus prevent inadvertence, possibly mistake, and fraud. *State v. Patterson*, 4 S.E. 350, 352, 98 N.C. 660 (1887); 82 C.J.S. "Statute," §65, p. 104; *Joiner v. State*, 15 S.E.2d 8, 233 Ga. 367 (1967). The object of the style of a bill or enacting clause is to show the authority by which the bill is enacted into law, to show that the act comes from a place pointed out by the Constitution as the source of legislation. *Ferrill v. Keel*, 151 S.W. 269, 272, 105 Ark. 380 (1912). In sum and substance, the enacting clause is that portion of a statute that gives it jurisdictional identity and constitutional authenticity. *Joiner v. State*, 155 S.E.2d 8, 10 (Ga. 1967). State

The *mode, style and identification* issues are as follows:

- a. The Nevada law mandates that each Bill that is passed contain the following language:

"The people of the State of Nevada, represented in Senate and Assembly do enact as follows:"

- SB No. 2 does not contain this language.
- Nor is a Joint Resolution used as a band aid to pass it into law.

- b. Nevada Constitution Article 4, §17, requires that each Act embrace only one subject; to wit:

"Each law enacted by the Legislature shall embrace but one subject, and matter properly connected therewith, which subject shall be briefly expressed in the title; and no law shall be revised or amended by reference to its title only; but, in such case, the act as revised or section as amended, shall be re-enacted and published at length."

SB-2, which embraced the passage of the NRS embraced every subject in Nevada Law. SB-2 violated the Nevada Constitution. Placing all the subjects of the laws of Nevada under the penumbra of the NRS does not meet the requirements that the Bill embrace only one subject. This Constitutional provision is mandatory. *State, ex rel. Chase v. Rogers*, 10 Nev. 250 (1875); *State v. Ah Sam*, 15 Nev. 27 (1880). Compliance with this section is essential to the validity of every law enacted by the Legislature. *State, ex rel. Wislon v. Stone*, 24 Nev. 308, 53 P. 497 (1898); *Bell v. First Judicial Dist. Ct.*, 28 Nev. 280, 81 P. 875 (1905). Any act passed in disregard of the letter and spirit of this provision is pro tanto void. *State v. Ah Sam*, 15 Nev. 27 (1880).

- c. Authentication Procedures:

SENATE BILL NO. 109, sponsored by Whitacre, Brown and Seevers, in Chapters 385 and again as referenced in the JOINT RESOLUTION, which states in §2,

"All Bills or Resolutions shall be introduced in triplicate, and one copy of each Bill or Resolution shall be marked "*Original*," one shall be marked "*Duplicate*," and one shall be marked "*Triplicate*." The copy marked "duplicate" shall be sent to the State printer for the purpose of printing and the copy marked "triplicate" shall be referred to the Amendment Clerk."

In §3 it states that,

"The printer shall immediately after receipt of the copy of any Bill or Resolution print, in addition to the regular number herein before authorized, one copy thereof upon heavy buff paper, which copy shall be delivered to the Secretary of the Senate or Chief Clerk of the Assembly. The Amendment Clerk shall then certify to the correctness of the bound copy.

In §4 it states that,

The official and engrossed copy may by Resolution be used as the enrolled Bill.

SB-2 was passed using a Joint Resolution. The severity of the problem with the Joint

Resolution used in connection with the copy of the Engrossed Bill [SB-2] is that it does not contain mandatory enactment language. The State Senate's Committee on Judiciary, File No. 1, passed Senate Concurrent Resolution No. 1, which provides that the official engrossed copy of SB-2, may be used as an enrolled Bill.

- d. The enacting clause is mandatory and cannot be cured by a Joint Resolution.

^e
"A joint resolution adopted by both houses cannot become a valid law if it does not contain the enacting clause required by this section. ATTORNEY GENERAL OPINION 85 (07-25-1951). This constitutional provision is mandatory and an act not in the proper form is void and unenforceable. *State, ex rel. Chase v. Rogers*, 10 Nev. 250 (1875). The words "represented in Senate and Assembly" expressive of the authority which passed the law, are as necessary as the words "the people" or any of the other words of the enacting clause. *State, ex rel. Chase v. Rogers*, 10 Nev. 250 (1875). *See also, Nevada Highway Patrol Assoc. v. Nevada DMVPS*, 107 Nev. 547, 815 P.2d 503 (1991).

§ → In *State, ex rel. Chase v. Rogers*, 10 Nev. 250 (1875), the court held that

The court held that where the enacting words were prescribed, it was mandatory they be included in the act. Without the words required by the constitution, and without the concurrence of the senate, the people had no power to enact any law. The county recorder contended that when the bill was presented to the legislature the words were in the enacting clause. The court ruled that it could only look at the enrolled bill in the office of the secretary of state in order to ascertain the terms of the law.

- e. Pursuant to Rule 7 of the Joint Rules of the Nevada Senate and Assembly, a Joint Resolution can only be used for the purposes set forth therein, as follows:

1. A Joint Resolution may be used to:
 - (a) Propose an amendment to Nevada Constitution;
 - (b) Ratify a proposed amendment to the United States Constitution;
 - (c) Address the President of the United States, Congress, either House or any Committee or member of Congress, any department or agency of the Federal Government, or any other State of the Union.
2. A Concurrent Resolution must be used for:
 - (a) Amendment of these Joint Standing Rules, which required a Majority Vote of each House for Adoption;
 - (b) Request the return from the Governor of an enrolled Bill for further consideration;
 - (c) Request the return from the Secretary of State an enrolled Joint or

- Concurrent Resolution for further consideration;
- (d) Resolve the return of a Bill from one House to the other House if necessary and appropriate;
- (e) Express facts, principles, opinion and purposes of the Senate and Assembly;
- (f) Establish a Joint Committee of the two Houses;
- (g) Direct the Legislative Commission to conduct an interim study;
- 3. A ~~Concurrent Resolution~~ or a ~~Resolution of one House~~ may be used to memorialize a former member of the Legislature or other notable or distinguished person upon his or her death.
- 4. A ~~Resolution of one House~~ may be used to request the return from the Secretary of State of an Enrolled Resolution of the same House for further consideration.

See *Nevada Highway Patrol Association v. The State of Nevada, DMV&PS*, 107 Nev. 547, 815 P.2d 608 (1991), which states as follows:

"First, by its nature, an assembly concurrent resolution is not intended to have the force and effect of law. Pursuant to Rule 7 of the Joint Rules of the Nevada Senate and Assembly, the purpose of a concurrent resolution is to direct the Legislative Commission to conduct interim studies, to request the return of a bill from the other House, and to request an enrolled bill from the Governor. On occasion, a concurrent resolution is also used to memorialize a former member of the Legislature or other distinguished person upon death, or to congratulate or commend any person or organization for a significant and meritorious accomplishment.

Second, "[e]very bill which may have passed the legislature shall, before it becomes a law, be presented to the governor . . . Nev. Const. Art. IV, §35. A review of the legislative history of the aforementioned Assembly Concurrent Resolution, No. 29, indicates that this resolution, like other concurrent resolutions passed by the legislature during the same time period, was never presented to the Governor for approval or disapproval. See generally FINAL VOLUME ASSEMBLY HISTORY, 1969 at 218-288. Accordingly, this assembly concurrent resolution cannot be construed as the law of this State.

Finally, "[t]he enacting clause of every law shall be as follows: 'The People of the State of Nevada, represented in Senate and Assembly, do enact as follows; and no law shall be enacted except by bill. Nev. Const. Art. IV, §23. (Emphasis added.) We have previously ruled that this enacting clause is mandatory and must be included in every law created by the Legislature. See *State v. Rogers*, 10 Nev. 250

(1875). Since Concurrent Resolution, NO. 29 and other similar resolutions do not contain the requisite enactment language, they cannot represent the law of this State.

The Illegally Operated Legislative Commission:

According to the Legislative Counsel Bureau [LCB] the Nevada Revised Statutes were created in 1951 by a enigmatic member of the Statute Revision Commission. Currently, the LCB illegally maintains the history of all Nevada Legislation. It is unknown as to whether or not the LCB is a State agency or department. The LCB appears as a common thread that is ever present as we wind down this rabbit hole to legislative fraud and lawlessness. It appears that the LCB has been slowly and illegally absorbing State government functions, some of which are Constitutionally mandated. This has been surprisingly accomplished, in part, by amending the State Constitution through the use of newly created State statutes, which have been used to illegally transfer the power from an elected office with Constitutional duties, to the LCB.

According to the LCB, their predecessor, the Statute Revision Commission, was originally created by the Nevada Supreme Court in 1951. However, Senate Bill No. 182, approved March 2, 1951, created the Statute Revision Commission.⁸ This Commission consisted of three Nevada Supreme Court justices: (1) Milton Badt; (2) Edgar Eather, and (3) Charles Merrill. Later a rather mysterious man named Russell West McDonald would be appointed by these Justices as "the Director."

This Commission became increasingly involved in bill drafting as an adjunct to its statute revision work. These same three Supreme Court Justices appointed a man named Russell W. McDonald to their committee as the Director. Russell McDonald was allegedly hired in 1951 to begin work on the Nevada Revised Statutes, but it appears that he had been working on it long before he was hired to do so. McDonald was alleged by the Statute Review Commission to: (1) be a native Nevadan (born in Nevada), (2) have gone through and graduated from Nevada's public education system, (3) be a Rhodes Scholar, (4) have graduated from Stanford School of Law. Mr. McDonald's biography is contradictory and varies widely depending on the source. His personal history cannot be verified. Russell West McDonald is a ghost. Even a Google search of McDonald reveals surprisingly little. A check of these credentials reveals that many of the statements made about Russell McDonald's qualifications are false. Oxford University denies that Russell McDonald was a Rhodes Scholar; Stanford University's school of law denies that he was a graduate therefrom; Even the statement that he was a native-born Nevadan is contradicted by a newspaper article stating that was born in California. Whether he attended any of Nevada's public schools could not be confirmed. Mr. Russell has been revered and exalted by the members of the Legislature and newspapers as a pillar of the community and yet, his background appears to be a total fraud. Just who was Russell West McDonald? That question, to this day, has still never been answered completely.

The origin of the Statute Revision Commission is somewhat of a mystery as well, providing conflicting and multiple representations from various sources making it unclear as to its actual origin. The Legislative Counsel Bureau states in their literature that the Supreme Court formed this Commission. While other sources state that the Legislature formed this Commission. Regardless of its origin, the entire Commission was Constitutionally compromised from the start. The

Commission was unlawful for several reasons, the most obvious being its very operation. The Justices who served on it did so in violation of the Nevada Constitution and the separation of powers doctrine. Which is discussed as follows,

Constitutional Violations:

The placement of three Nevada Supreme Court justices on the Statute Revision Commission violated Nevada Constitution Article 6, §11, which states in pertinent part,

The justices of the Supreme Court and the district judges shall be ineligible to any office, other than a judicial office, during the term for which they shall have been elected or appointed and all elections or appointments of any such judges by the people, Legislature, or otherwise, during said period, to any office other than judicial shall be void.

The Statute Revision Commission inherently involved legislative functions and generated other income for these Justices. For instance Justice Bandt was paid an additional \$6,500 more a year to sit on the Commission. Therefore, the placement of three members of the Nevada Supreme Court on the Statute Review Commission clearly violated Article 6, §11 of the Nevada Constitution. This also violated Nevada Constitution's Separation of Powers prohibition in Article 3, §1, which states in pertinent part,

Three separate departments; separation of powers; legislative review of administrative regulations.

1. The power of the Government of the State of Nevada shall be divided into three separate departments, - the Legislative, - the Executive and the Judicial; and no persons charged with the exercise of powers properly belonging to one of these departments shall exercise any functions, appertaining to either of the others, except in the cases expressly directed or permitted in this constitution.

Thus, the separation of powers doctrine was violated as the three Justices were involved in the drafting of legislation and the passage of Bills in the Legislature, a purely legislative function. Further, the Statute Revision Commission was completely responsible for the generation of the Nevada Revised Statutes [NRS]. The generation of these Revised Statutes specifically state that there were actual changes in the statement of the law as they were compiled into the NRS. Changes were made to existing statutes, entire words were deleted as being redundant, grammar was changed, sentence structures were altered. All in the name of progress. Changing even one jot or tittle' was a legislative act and the Statute Revision Commission's members were Constitutionally prohibited from participating in this conduct. It is important to note here that the Statute Revision Commission was not legally created until 1955. On April 26, 1963, the Legislature committed an illegal act by back dating the appointment of the Statute Revision Commission and revisor of statutes to 1951 to cover up their pre-existing criminal fraud. See April 26, 1963 Act Bill No. 24, Chapter 403. Reading the Forward provided by the Statute Revision Commission reveals some interesting facts (if true), to wit:

FOREWORD

By the provisions of chapter 304, Statutes of Nevada 1951, amended by chapter 280, statutes of Nevada 1953, and chapter 248, Statutes of Nevada 1955, the legislature of the State of Nevada created the statute revision commission comprised of the three justices of the supreme court, authorized such commission to appoint a revisor of the statutes to be known as the director of the statute revision commission, and charged the commission to commence the preparation of a complete revision and compilation of the laws of the state of Nevada to be known as Nevada Revised Statutes for further duties and authority of the statute revision commission relating to the preparation of Nevada Revised Statutes, the numbering of sections, binding, printing, classification, revision and sale thereof.

The commission employed as director Russell W. McDonald, a member of the State bar of Nevada, who, with his staff, undertook and performed this monumental task, with such methods, care, precision, completeness, accuracy and safeguarded against error as to evoke the highest praise of the commission and the commendation of the bench and bar of the state.

As the work progressed, Mr. McDonald submitted drafts of chapter after chapter as recompiled and revised, and the members of the commission individually and in conference meticulously checked all revision. In the vast majority of cases these revisions were promptly approved. Many required further conferences with the director. Some were modified and redrafted. As the several chapters were returned with approval to the director, they were in turn delivered to the superintendent of state printing for printing, to the end that upon the convening of the 1957 legislature Nevada Revised statutes were ready to present for approval. By the provisions of chapter 2, statutes of Nevada 1957, Nevada Revised Statutes, consisting of NRS 1.010 to 710.590, inclusive, was "adopted and enacted as law of the State of Nevada."

STATUTE REVISION COMMISSION

Milton B. Badt

Edgar Ether

Charles M. Merrill

This foreword sets forth that the Statute Revision Commission is a Legislatively created State entity. The Statute Revision Commission has now been absorbed by the Legislative Counsel, *i.e.*, Russell W. McDonald, who then made the Legislative Counsel a division of the LCB. After which Russell W. McDonald then took the LCB director's position. Why and how did the LCB obtain the copyright and the rights to sell the NRS (and keep the money)? The LCB makes it appear through innuendo and subliminal word play by speaking or writing about them simultaneously, making people think that they are one and the same, when in fact the copyrights are under LCB control. Why and how did the Statute Revision Commission obtain the copyright and the rights to sell the NRS (and keep the money)? Why doesn't the State of Nevada own the copyright? Who gets the money from the sale of the NRS? Perhaps the intended purpose was to create a slush fund which could then be raided by a number of individuals for their illegal and nefarious means.

The Supreme Court says that the Statute Revision Commission was created by the Legislature, but the LCB states that the Statute Revision Commission was created by the Nevada Supreme Court,

The Statute Revision Commission was originally created by the Nevada Supreme Court in 1951 and became involved in bill drafting as an adjunct to its statute revision work.

And, further

The 1945 law establishing the bureau [LCB] charged it with assisting the Legislature to find facts concerning government, proposed legislation, and various other public matters.

The LCB goes on further to state that,

During the next several years, the duties of the bureau and its staff were modified and expanded. In 1963, the Nevada Legislature reorganized the Legislative Counsel Bureau, giving it structure and responsibilities similar to those it has today. One part of this change was the incorporation of the Statute Revision Commission [via legislative counsel, Russell W. McDonald] into the Legislative Counsel Bureau as the Legal Division. . . . The 1963 legislation also added a Fiscal and Auditing Division and a Research Division.

Who actually created the Statute Revision Commission? How did the LCB end up with the copyrights to the NRS? Is the LCB even a State entity? Why doesn't the State own the copyright? How much money does the LCB make off of the NRS copyright? We will revisit these issues later.

In 1956-57 the Committee on Judiciary in the Senate passed **Concurrent Resolution No. 1**. This legislation was an attempt to *bootstrap* the illegal passage of the NRS by SB-2. The Senate attempted to do so by using a Joint Resolution to provide that the "official engrossed copy of SB-2 may be used as the enrolled bill." As set forth above Resolutions cannot be used to pass any Bill into law, rendering any law using this legislative vehicle as void.

In that same year, not to be out done by the Senate, the Committee on Judiciary of the Assembly passed **Concurrent Resolutions No. 1 and 2**, which extolled the virtues of Russell West McDonald and his involvement with the creation of the NRS stating as following:

- Expressing congratulations and gratitude to Russell West McDonald upon completion and enactment of the Nevada Revised Statutes;
- Stating that the preparation of Nevada Revised Statutes was a monumental undertaking requiring a degree of intelligence, knowledge, technical ability and dedication possessed by few men;
- That the Justices of the Supreme Court, in their capacity as the Statute Revision Commission, secured the employ of Russell West McDonald as its director;
- The Assembly extolled Russell West McDonald's false *curriculum vitae*;

An offense created by an unconstitutional statute is no longer a crime and a conviction under such statute cannot be a legal cause for imprisonment, even if the conviction was based on a plea agreement; the conviction must be vacated. [See]

- Explicated that the Nevada Revised Statutes marked the culmination of 6 years of exceptionally devoted public service by Russell West McDonald as a statute reviser and legislative bill drafter;

Even the LCB's Preface to the NRS describes the work done by the Statute Revision Commission as a delegation of the Legislature's own duties. Russell McDonald was engaged in "revising" which the LCB states in their preface as follows:

"Revising" the statutes, on the other hand, involves these additional and distinguishing operations: (1) the collection into chapters of all the sections and part of sections that relate to the same subject and the orderly arrangement into section of the material assembled in each chapter. (2) the elimination of inoperative or obsolete, duplicated, impliedly repealed and unconstitutional (as declared by the Supreme Court of the state of Nevada) sections and parts of sections. (3) The elimination of unnecessary words and the improvement of the grammatical structure and physical form of sections.

The revision, instead of the recompilation, of the statutes was undertaken, therefore, first, to eliminate sections or parts of sections which, though not specifically repealed, were nevertheless ineffective and, second to clarify, simplify, classify and generally make more accessible, understandable and usable the remaining effective sections or part of sections.

Doesn't this sound remarkably like *legislating*? Changing any word, whether it is redundant, unnecessary, ineffective, simplifying, clarifying or just simply an improvement of the grammatical structure is a legislative function, not a judicial function. Lest we forget these corrections were being approved *first* by three State Supreme Court Justices. This is a blatant violation of the separation powers doctrine. Literally, the Nevada State Legislature abdicated their Legislative powers to the judiciary. They were then told by the Statute Review Commission that every thing was already checked out and was fine. The Legislature then supposedly passed it, even though we don't know this for sure because the record of their voting on it is either missing or is being hidden from public view. We don't even know if the Legislature even read it, because there is no record that it was read three times as required before its passage. It is alleged to have been voted on, but we don't really know this for a fact because the records are not in their Constitutional repository and, therefore, legally do not exist. Literally, the Statute Review Commission was passing (or attempting to pass) laws in complete derogation of the three Justices oath of office and in blatant violation of Constitutionally prohibited practices. Effectively the predecessor to the LCB and then later the LCB took over the official duties of Nevada's elected officials and ran the entire State legislative system through one guy - Russell West McDonald - a character who the Legislature was told was an attorney who graduated from Stanford's Law School, was a Rhodes Scholar, was educated in Nevada's public schools, and was a native-born Nevadan.¹⁰ None of it verifiable. Russell West McDonald was a mystery man, who obtained almost unlimited and certainly unchecked power.

The harsh reality of both of the amorously hollow Resolutions that are alleged to have caused the passage of SB-2, while at the same time revoking Nevada's existing Statutes and

21 AM, JUR 20 Criminal Law § 535 at 885 (1981); STATE V. WILLIAMS, 146 N.C. 618, 61 S.E. 19 (1908); 75 S.D. 460, 67 N.W. 2d 917 (1955);

replacing them with the NRS, is that the entire program is legally and legislatively bankrupt. That means that the entire process was voided by the plethora of Constitutional violations, but included acts of a criminal nature, not to mention the passage of SB-2 violated the Legislature's own Rules. The passing of legislation is not like Horseshoes and Hand Grenades. Close does not count. If it did then why would they even make rules for the passage of a Bill? The passing of legislation is more like flying a plane. All aircraft have a checklist that must be completed before take off and before landing as well. Suppose that a pilot did everything that he was supposed to do to prepare to land, but he forgot one simple thing - he forgot to put the landing gear down. Is the Horseshoes and Hand Grenades theory going to win the day for that pilot when he kills everyone on board including himself? This writer thinks not. The Nevada Constitution prohibits the passage of Bills in the manner that was done for the entire NRS. The NRS is *void ab initio*, meaning from its inception.

The Joint House Rules of the Nevada Legislature were clearly violated on the method of the passage of Bills into law which also prevented the NRS' alleged *en mass* passage through these violations as well. How many Constitutional provisions or legislative rules need to be violated in order to negate its passage? The answer should be only one. Here there are so many errors of constitutional dimensions that it literally boggles the mind. The Bible states that it is easier for a camel to pass through the eye of a needle than it is for a rich man to gain the kingdom of heaven. By way of analogy, SB-2, is a camel and the method by which the Legislature attempted to pass it into law is as remarkable as passing a camel through the eye of a needle. In other words it DID NOT HAPPEN, it constitutes a literal impossibility. There are other revealing Constitutional violations as well as the violations of the Legislature's own rules which are just as egregious, which are yet to be discussed.

For instance, the NRS's very passage violates Senate Bill No. 109, which states as follows:

Sec. 4. Section 8 of the above entitled act, being chapter 3, Statute of Nevada 1949, at page 4, is hereby amended to read as follows:

Section 8. The *amendment clerk* shall transmit copies of passed bills or resolutions without delay, in the order of their receipt, to the state printer, taking his receipt therefor. Such receipt shall bear the date of delivery, and given the bill or resolution number. The state printer shall without delay enroll (print) the bills or resolution in the order of the receipt by him, and they shall be printed in enrolled form, retaining symbols indicating amendments to existing law only. In printing enrolled bills amending existing law, the state printer in cooperation with the *amendment clerk* shall cause to be printed between brackets, the words, phrases, or provisions of the existing law, if any, which have been stricken out or eliminated by the adoption of the amendment, and they shall cause to be printed in italics all new words, phrases or provisions, if any, which have been inserted into or added to the law by the passage of such amendment. In ascertaining the correct reading, status, and interpretation of an enrolled bill amending existing law, the matter inserted within brackets shall be omitted, and the matter in italics shall be read and interpreted as part of the enrolled bill. At least one enrolled copy, with proper blanks for the signatures of the officers whose duty it is to sign enrolled bills and resolutions, shall be printed on bond paper, and the state printer shall deliver the enrolled copy of the bill or resolution to the *amendment clerk*. The *amendment clerk* shall then carefully compare the enrolled

copy with the official engrossed copy, and if the enrolled copy is found to be correct the amendment clerk shall present it to the proper officers for their signatures. When the officers sign their names thereon, as required by law, it is enrolled. The official engrossed copy may by resolution be used as the enrolled bill.

Literally, the term "enrolled" Bill means a "printed and signed" Bill. An examination of the engrossed bill referred to or, more succinctly, SB-2, which was used to pass the NRS's *en masse*

→ shows that it was type written - not printed. The LCB even admits this.

Other errors were committed. For instance the requirement for the passage of a Bill is that it be read three times over three separate days as required by Nevada Constitution; Article 4, §17. There is no evidence that this was ever accomplished and this information cannot be obtained from the Constitutional Record Keeper - that being the Secretary of State. See Nevada Constitution; Art. 5, §20, which requires the legislative records are to be maintained by the Secretary of State, to wit:

20. Secretary of State: Duties. The Secretary of State shall keep a true record of the Official Acts of the Legislative and Executive Departments of the Government, and shall when required, lay the same and all matters relative thereto, before, either branch of the Legislature

The Constitution's language is very clear. Further, NRS 225.100, provides that the Secretary of State has a...

"Duty to furnish certified copies of laws, records and instruments. The Secretary of State shall furnish, on request, to any person who has paid the proper fee for it, a certified copy of all or any part of any law, act, record or other instrument of writing on file or deposited with the Office of the Secretary of State of which a copy may properly be given."

However, the LCB has once again taken action to cover their fraud by getting the Nevada Legislature to become co-conspirators in their criminal enterprise. This was accomplished by the Nevada Legislature amending the Constitution through the passage of Statute.¹¹ This was done through NRS 225.070, which transfers all authority of record keeping from the Secretary of State to the LCB. Yet, a search of the NRS shows that NRS 225.070 does not exist. Curiously, the Secretary of State directs all inquiries into the records of the Senate and Assembly to the State Archives. Who controls the State Archives? Inquiring parties will discover that the State Archives is a very unassuming small block building located in Carson City with no frontage name. Inquiring parties who grace this building with questions of the history of the Legislature are then directed to the LCB for the information. How is it possible that the Nevada Constitution can be amended without a Constitutional Amendment [or by a Statute?]. The Nevada Constitution requires that the procedures set forth in Article 16, §1 and/or §2 be followed to amend the Constitution. These do not include amendment by statute or amendment by subterfuge and guise. Holding that a Statute can amend the State Constitution violates every citizen's constitutional right to procedural and substantive due process under the Nevada Constitution [Art. 1, §8(5)] and under the United States Constitution's, 1st, 5th and 14th Amendments. Holding that a Statute can diminish or negate the constitutional

authority mandated in the Constitution violates the separation of powers doctrine (Amending the Constitution must be effectuated by the Body Politic. Not legislating from the bench; nor amended by the passage of a statute). "A statute cannot amend the constitution." *Seminole Tribe of Florida v. Florida*, 517 U.S. 44, 116 S.Ct. 1114 (U.S. Fla. 1996) *Pennsylvania v. Union Gas Co.*, 491 U.S. 1, 24, 109 S.Ct. 2273, 2286, 105 L.Ed.2d 1 (1989); *Counselman v. Hitchcock*, 142 U.S. 547, 12 S.Ct. 195 (1892); "... [A]n unconstitutional statute is to be regarded as nonexistent and no defense to state officers acting under it. ..." *Rockaway Pacific Corporation v. Statesbury*, 255 F. 345 (D.C.N.Y. 1917). See also, *Cooper v. Aaron*, 358 U.S. 1, 18, 78 S.Ct. 1401, 1409-1410, 3 L.Ed.2d 5 (1958) (holding that an oath to support the Constitution is an oath to support its interpretation by the United States Supreme Court). See also, *Baker v. Carr*, 369 U.S. 186, 215, 82 S.Ct. 691, 709, 7 L.Ed.2d 663 (1962), which the United States Bankruptcy Court relied upon in *In Re Tessier*, 190 B.R. 396 (1995) to make the following conclusion:

Finally, in attempting to deny the Supreme Court's determination of its own capacity to adjudicate, the Congress invades a province properly left to a coordinate Branch, and in so doing, impermissibly exceeds its legislative authority.

Nevada's sister State, California, has had some things to say about similar circumstances in their State: "The constitutional provision was a law made directly by the people instead of the Legislature, and such laws are to be construed and enforced in all respects as though they were statutes." *Winchester v. Mabury*, 122 Cal. 522, 55 P.393. "In effect, these constitutional provisions are but statutes, which the legislature cannot repeal or amend." *Winchester v. Howard*, 136 Cal. 432, 439, 64 P. 692, 69 P. 77, 79, 89 Am. St. Rep. 153.

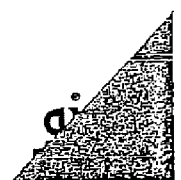
The LCB has and allegedly maintains all of the legislative records in clear violation of the Nevada Constitution. Bill Resolution Journals and all other records were allegedly taken away from the secretary of state and transferred to the LCB through the passage of NRS 225.070. A statute that does not exist.

Even if the Legislature did everything lawfully by following the correct rules and guidelines, we still will never know if the NRS were passed into law because there are no records at the Secretary of State's Office. See Letter from Secretary of State stating that they do not have these records (as the Nevada Constitution; Art. 5, §20, commands the Secretary of State to maintain and protect). Even the proofs of the unconstitutional NRS, passed off as law, has been unconstitutionally hidden by an entity that may deny access to the information to anyone.

There exists even more disturbing issues regarding the legality of the NRS in that there are no records even showing that the Governor signed SB-2 into law. On February 4, 2014, the Secretary of State was asked to produce several documents, this being one of them and their office related the following;

We received your request, via mail, for the following information:

- * The bill from the 48th session of the Nevada Assembly, passed January 25, 1957;
- * The governor as of January 25, 1957;
- * Proof that the bill was signed into law by the governor during the 48th Session.



Our office reviewed your request and determined that we do not have legal custody and control of the information. You may contact Nevada State Archives to determine if they have documents related to your request. The contact information for the Nevada Archives is: 100 N. Stewart Street, Carson City, Nevada, 89701.

Interestingly, although the Secretary of State is Constitutionally mandated to maintain the legal custody and control of this information and provide it to any party seeking the information, the Secretary of State avers that it does not have *legal custody and control* of it.

The Secretary of State alleges that it doesn't even know where it is. This is absurd! The Attorney General's office has addressed a similar issue before and stated that, A joint resolution appropriating money from the highway fund, adopted by both houses but never presented to the Governor for his signature, does not become law; thus, an appropriation is invalid under this section. Attorney General Opinion 85 [AGO 85 (7-25-1951)].

Currently the Secretary of State states that their office does not have the files that will prove Mr. Walters' argument. This poses a serious problem for two reasons: (1) the loss or hiding of these records prevents Mr. Walters' story from being proven conclusively; and (2) losing, destroying or hiding these records constitutes a crime. See NRS 239.320, which discusses the crime of any public officer causing INJURY TO, CONCEALMENT OR FALSIFICATION OF RECORDS OR PAPERS, to wit:

An officer who mutilates, *destroys*, *conceals*, erases, obliterates, or *falsifies* any record or paper appertaining to his office, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

Further, the documents which were submitted for the passage of SB-2 do not conform to the Constitutional requirements or the Joint Rules of the Senate and Assembly. Since this document was submitted by the LCB, the Senate and the Assembly, this unqualified document was not a true Bill. Since it was not a true bill it was a false or fraudulent bill. NRS 239.330, discusses the penalties for submitting or offering false instrument for filing or for recording. The statute reads in pertinent part as follows;

A person who knowingly procures or offers any false or forged instrument to be filed, registered or recorded in any public office, which instrument, if genuine, might be filed, registered or recorded in a public office under an law of this state or of the United States, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

See: STATE V. BRIGGS, 218 W.S. 2d 61, 579 N.W.2d 783 (Ct. App. 1998)

There is no question that SB-2, was passed off as a legitimate document, when it was not. Therefore, this constituted the *offering of a false instrument* and caused it be *filed, registered or recorded* in a public office. Currently the Secretary of State, who is the Constitutionally mandated office, does not have the documents or at least is not willing to admit that they do. But, since the Secretary of State is Required to maintain these Legislative and Executive Records, you would think that at least the Secretary of State would at least know where they are. They state they don't. Currently, the Secretary of State is feigning any knowledge of their location and, it is assumed, that this office will continue to maintain this position because it has been ordered to do so. The probable explanation

See: STATE V. BENZEL, 220 W.S. 2d 588 (1988)

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A court cannot acquire jurisdiction to try a person for an act made criminal only by an unconstitutional law. see also: KELLEY V. MEYERS, 124 Or. 322, 263 P. 903 (1928)

is that if we don't maintain that the NRS is the law in Nevada it could cause complete and total chaos, even anarchy. However, the United States Constitution in Article 4, §4, states that the United States government shall guarantee to every State in this Union a Republican form of government. Everybody these days is being told that our soldiers are fighting for Democracy, but this is not true. They are fighting to maintain the Rule of Law, which is what a Republic is based upon. So, even our politicians and educators don't know what kind of government we have. It is rather interesting that the Constitution does not guarantee every state a "Democratic form of government."¹² But it does guarantee each State a Republican form of government.

CONCLUSION

So what is the answer to all of these problems? Mr. Walters' assessment is that what is good for the goose should be good for the gander. In other words, we need to follow the same protocols that the gaming industry does when it enforces gaming rules on the citizens of the State and that is: ZERO tolerance for any kind of non-conformance with the rules. The gaming industry calls any non-conformance with the gaming rules CHEATING! Cheating is a criminal act.

So why does the government think they can get away with something that is much, much more egregious than cheating at gaming. The State is putting the citizens of the State of Nevada in jail or prison and even putting them to death, based upon laws that are completely void. This must be seen for what it is - a criminal act. Arresting and incarcerating someone on a bogus law is "Kidnaping" and "False Imprisonment." Putting someone to death, even if they deserve it, for a law that doesn't exist is "Murder." SB-2 is literally a Bill of attainder and/or a Bill of Pains and Penalties, which are prohibited by the United States Constitution, Article 1, §10 and it has been executed against the entire populace of the State.

What will the government have to say about all of this? The answer is nothing, because they have already brought the Secretary of State into the fold and instructed her not to release any documents, in fact, the office is denying that the office even has or maintains them. What would happen if the Secretary of State produced these documents, as the office is required to do, and it shows that every single thing that Mr. Walters has been saying is true? Well, most certainly they will say that we can't just set aside the NRS because when they passed the NRS they voided all of the old general statutes, so they are gone too. We'll be left with nothing - no law at all. They'll say that we will have no law and no law means anarchy. The absurdity of this legal viewpoint is that if we have laws that were never properly passed and they are null and void - don't we already have no law? In fact, isn't what we have even worse than no law? The United States Supreme Court has addressed this issue in *Merriitt v. Welsh*, 104 U.S. 694, 702 (1881), stating, "It has been said, with much truth, 'where the law ends, tyranny begins.'" So, let's call it what it is: Tyranny.

The vastness of this conspiracy goes all the way to the top. After all, Governor Sandoval just signed into law a Bill that prohibits inmates from having access to public records. This can't be just a coincidence, can it? Sandoval is a former Federal Judge, prior to signing this Bill of Attainder into law he received one of Mr. Walters packages outlining the illegality of the NRS. He was duly noticed and is therefore fully informed. Prisoners don't lose all of their civil rights just because they are in prison, they only lose their freedom. They still have the same civil rights as everyone else does outside, the only difference is that those rights may be conformed to a standard that will not compromise the security of the prison. Mr. Walters has also made other allegations regarding his stay in Nevada's Department of Corrections such as: (1) the prison collects absentee ballots for

prisoners and votes for them in order to stuff ballot boxes; (2) the prison is serving food to the prisoners that is visibly marked "Not Fit For Human Consumption;" (3) theft of prison resources by its own management for their own personal gains; (4) the use of nepotism in key positions to prevent prisoners from timely filing their legal documents.

Long before 1984 gave us the adjective "Orwellian" to describe the political corruption of language and thought, Thucydides observed how factional struggles for power make words their first victims. Describing the horrors of civil war on the island of Corcyra during the Peloponnesian War, Thucydides wrote,

"Words had to change their ordinary meaning and to take that which was now given them."

Orwell explains the reason for such degradation of language in his essay "Politics and the English Language": "Political speech and writing are largely the defense of the indefensible." Tyrannical power and its abuses comprise the "indefensible" that must be verbally disguised. The gulags, engineered famines, show trials, and mass murder that occurred in the Soviet Union required that it become a "regime of lies," as the disillusioned admirer of Soviet communism Pierre Pascal put it in 1927. And so we already know that the State will respond accordingly. Is this really what we have become? Mr. Walters is sad to say that it is.

If words mean nothing, then our Constitution means nothing. If our Constitution means nothing then we have no rights. If we have no rights, then we only have privileges and immunities that are granted by government. We are then but subjects of a tyrannical government. It is a maxim of law, "That which creates, has the power to destroy." Therefore, privileges are worthless because they can be legislated away for any reason, whereas Constitutional Rights cannot be legislated away without the consent of the body politic. What has happened, quit literally is that the Judicial courts of Nevada have been illegally legislatively morphed into Legislative/administrative courts where Statutes are more like administrative regulations, which are subject to agency interpretation. This is very disconcerting because the down side is that the Bill of Rights do not exist and have no province in legislative Courts. The United States Supreme Court has stated that claims of Constitutional rights can [only] be adjudicated in Article I [legislative/administrative] courts established for geographical enclaves such as federal territories or the District of Columbia, *see, e.g., Palmore v. United States*, 411 U.S. 389 (1973), and in military courts, *see, e.g., United States ex rel. Toth v. Quarles*, 350 U.S. 11, 17 (1955). This means that within the 50 States only a Judicial Court (not a legislative/administrative court) may hear a case or controversy concerning Constitutional rights. The States have attempted to mimic the administrative agencies of the Federal Government, whose only authority lies in a territorial jurisdiction. Territorial jurisdictions do not enjoy the full protection of the United States Constitution because Congress has absolute authority over all territories and possessions¹³ of the United States. Federal citizens who live in these federal enclaves are subject to the complete and total control of Congress under United States Constitution; Article 4, §3, Cl. 2, which states in pertinent part,

The Congress shall have Power to dispose of and make all needed Rules and Regulations respecting the Territory or other Property belonging to the United States;

Our state law has been morphed into a form of territorial federal law. This destroys the sovereignty of the State and its citizens. The Legislature has taken it upon themselves to take total power away from the State Constitution - the law of the body politic - the citizens of the State. However, "A state constitution is binding on the courts of the State, and on every officer and every citizen. Any attempt to do that which is prescribed in any manner than that *prescribed* or to do that which is prohibited, is repugnant to the supreme and paramount law, and invalid." *Porch v. Patterson*, 39 Nev. 251, 268, 156 P. 439, 445 (1916). The Constitution nullifies sophisticated as well as simple-minded modes of infringing on Constitutional protections. *Lane v. Wilson*, 307 U.S. 268, 275, 59 S.Ct. 872, 876, 83 L.Ed. 1281 (1939); *Harman v. Forseus*, 380 U.S. at 540-541, 85 S.Ct. at 1185. *Cited in U.S. Term Limits, Inc. v. Thornton*, 514 U.S. 779, 829, 115 S.Ct. 1842 (1995). Like its counterpart in the Fifth Amendment, the Due Process Clause of the Fourteenth Amendment was intended to prevent government "from abusing [its] power, or employing it as an instrument of oppression," *Davidson v. Cannon*, 474 U.S. 344, 348 (1986).

The Constitution of the United States guarantees each State a Republican form of government. A Republican form of government means that we have the rule of law. Currently we have no rule of law in Nevada, in fact we have nothing but lawlessness. We have an oligarchy, a Nation-State where our representative has become rulers who are a law unto themselves and our rulers are lying to us in order to maintain the facade that we are living in an orderly, free society - when the truth is we are living under an oppressive and tyrannical government. "No state legislator or executive or judicial officer can war against the Constitution without violating his undertaking to support it." *Copper v. Aaron*, 385 U.S. 1, 78 S.Ct. 1401 (1958). The United States Supreme Court has spoken, "We [judges] have no more right to decline the exercise of jurisdiction which is given, than to usurp that which is not given. The one or the other would be treason to the Constitution." *U.S. v. Will*, 449 U.S. 200, 216, 101 S.Ct. 471, 66 L.Ed.2d 392, 406 (1980); *Cohens v. Virginia*, 19 U.S. (6 Wheat.) 264, 404, 5 L.Ed. 257 (1821). The illegally passed NRS denies the Courts their jurisdiction to act. The legislative branch, the judicial branch, and the members of the executive branch (police & prosecutors), have all made war against the Nevada Constitution and ~~is~~ doing so have declared war on its citizens and have committed high treason in doing so.

1.

http://content.usatoday.com/communities/ondeadline/post/2012/06/26-now-guilty-in-las-vegas-hoa-corruption-fraud-scandal/1#.V_J1JmrvIU

2. <http://vegasinc.com/business/tourism/2012/jun/03/hoa-scandal-involving-millions-dollars-and-thousan/>

3. <http://www.dailymail.co.uk/news/article-2121625/HOA-scandal-FOUR-commit-suicide-probe-Nevada-homeowners-association-fraud.html>

4. <http://lasvegassun.com/news/hoa/>

5.

David Amesbury, a Deputy District Attorney, found suicided at his brother's cabin in California,

was found hanged, after other members of the conspiracy attempted to silence him by breaking both of his legs. Which proves the old Las Vegas saying, "Three men can keep a secret, if two of them are dead." Dead men tell no tales. The death of David Amesbury and three other key members of the conspiracy insulated the members who were higher up on the conspiracy pyramid. In order for conspiracies to be successful, they are required to be compartmentalized so that if one rung on the ladder is taken out this eliminates the connection to the next rung. The fact that District Attorney David Roger resigned from his position before his term was up and went into private practice is rather curious.

6.

The Legislative Counsel Bureau [LCB] is an illegally created private corporate entity, which maintains all of the public records in violation of the Nevada Constitution. This Corporation has obtain untold powers over the years and controls many aspects of the State Government including the writing and drafting of all Bills in the Legislature, the State Mail room, the State printing office and the ownership of the copyrights on the Nevada Revised Statutes, which have brought millions of dollars of profit to the private corporation.

7.

This law violates the Federal Constitution and is a lesser version of the Bill of Attainder, commonly called a Bill of Pains and Penalties. The difference is a Bill of Attainder would apply to a death sentence and the Bill of Pains and Penalties has no threat of death attached to its illegality.

8.

This Senate Bill [No. 182] also sets forth that, "as soon as practicable after the effective date hereof the commission shall commence the preparation of a complete revision and compilation of the Constitution and the laws of the State of Nevada of general application, together with brief annotations and marginal notes to sections thereof. Such compilation when completed shall be known as "revised Laws of Nevada. . . ." and the year of first publication shall be filled in the blank space of such title, for brevity such title maybe cited as "Rev. Laws. . . ."

9.

The phrase 'jot or tittle' is somewhat tautological, as both *jot* and *tittle* refer to tiny quantities. A *jot* is the name of the least letter of an alphabet or the smallest part of a piece of writing. It is the Anglicized version of the Greek *iota* - the smallest letter of the Greek alphabet, which corresponds to the Roman 'I'. This, in turn, was derived from the Hebrew word *jod*, or *yodr*, which is the smallest letter of the square Hebrew alphabet. Apart from its specialist typographical meaning, we still use the word *jot* more generally to mean 'a tiny amount'. Hence, when we have a brief note to make, we 'jot it down'. A *tittle*, rather appropriately for a word which sounds like a combination of *tiny* and *little*, is smaller still. It refers to a small stroke or point in writing or printing. In classical Latin this applied to any accent over a letter, but is now most commonly used as the name for the dot over the letter 'I'.

10.

A newspaper article titled "Russ McDonald Celebrates 30 years of Public Service," states that

44 2.01 P 29

Russell W. McDonald was born in Prosser Creek, California. What happened to his native born Nevadan status that was pontificated about by the State Legislature in SB-1?

11.

The Nevada Supreme Court ruled in *State, ex rel., Chase v. Rogers*, 10 Nev. 250 (1875), which states in pertinent part, "The court ruled that it could only look at the enrolled bill in the office of the secretary of State in order to ascertain the terms of the law."

12.

A "Democracy" is mob rule, directed and controlled by an oligarchy. Currently in this Country we have a Nation-State type of government that operates as a democratic-welfare state, where laws are not obeyed or enforced because they might offend someone. Whereas a Republican form of Government is a government of laws, where laws are enforced regardless of whether we will offend somebody or not - simply because it is the law.

13.

These territorial jurisdictions include Washington, D.C., Puerto Rico, the American Virgin Islands, Somoa and Guam. Those citizens literally have NO RIGHTS only privileges granted by Congress. These US citizens have no rights - except what Congress says they have. Any decision made by the United States Supreme Court which originated in one of these territorial jurisdictions has no application in the 50 States because these people exist under a diminished capacity that is not shared by State Citizens. Yet, these decisions are illegally applied across the board. These territorial citizens are all "subjects," just like the inhabitants of the original 13 colonies and that is the mission of our State governments, to render us all as mere subjects of the State to be trifled with as though we were the same. This is why the Bush administration stuck all of these combatants in Guantanamo Bay, being a military installation, in a territory or possession of the United States the right to the Writ of Habeas Corpus does not exist and the combatants were not availed of the Bill of Rights. The only reason why Boumediene was permitted access to the Writ of Habeas Corpus by the United States Supreme Court is that he was taken from his residence within a State and involuntarily taken to this facility. Once these combatants are moved into the United States, as Obama has planned, then the entire Bill of Rights will apply to them and they will have to be tried or released.

Russ McDonald celebrates 30 years of public service

"I wasn't for the money," Russ McDonald explained, in the wake of a standing ovation Tuesday.

The Washoe County commissioners had just taken a break in their regular meeting to celebrate a special anniversary.

McDonald, 60, is celebrating 30 years of public service. His last full-time post was as Washoe County manager, but along the time, he's worn a large share of the other hats that government in all its forms has to offer.

While public service may not have the path to financial wealth, McDermid said, it has its own treasures to offer.

He told the overflow crowd of county employees and friends in the commission chambers Tuesday that one of his greatest delights in working in government is "the ability to always know what's going to happen next."

Casting a grin and an eye toward the scattered reporters in the chambers, he added, "...even before the press knew."

County employees treated McDorrid to an anniversary cake-cutting in February. The commissioners and their staff Tuesday, adopting a resolution which started out conventionally enough, with five "whereases."

But the "thereabouts be it resolved" had a brand new twist. It did not say

McDonald's a jolly good fellow in legalese. Instead, the commissioners resolved to throw a party.

"The official object of the county party, according to the resolution is to provide "an opportunity for his countless friends and admirers to spend an evening of remembering and congratulation."

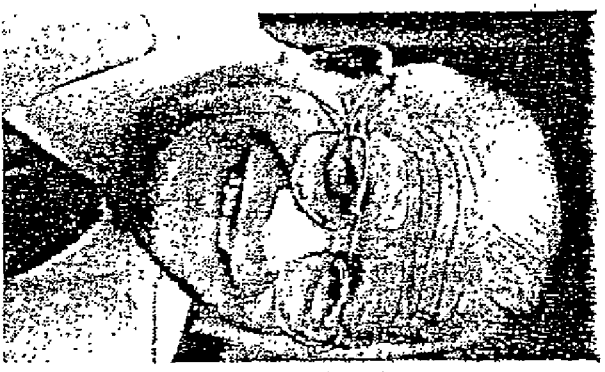
It will take place at Harrah's Convention Center in Reno Saturday, June 24.

McDonough, writing yesterday in *Business Week*, said that although there is one of Nevada's great living legends, "it has been lamented in the past for accomplishing on his own what entire legislatures couldn't do in 100 years."

McDonald started his career as a state-employee deputy attorney. He spent another 12 years as director of the state's Statute Revision Commission and then as director of the state's Legislative Counsel Bureau. In 1971, he was appointed Washoe County manager, a post he held until his retirement in 1978.

Since that time, McDonald has been working for the county as a consultant and lobbyist.

McDonald's writing of the complete Nevada Revised Statutes often is cited as his greatest accomplishment in government. He also worked in the preparation of the municipal



RUSS McDONALD

government codes for Reno, Sparks,
Winnemucca, Lovelock and Washoe
County.

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7-17-61

exhibit 11

FACEBOOK POST
by
Gary Walters

exhibit 11

Search



Roger

Home

Create

36

**Gary Walters**

September 4, 2016 ·

Sent: Sun, Sep 4, 2016 1:40 pm

Subject: Fwd: Biggest legal find in Ne
CLUELESS UNLAWFUL AND UNCO
FAILED NRS STATUTES**FROM: GARY W. WALTERS****RE: "THE BIGGEST LEGAL FIND IN**

I am finally got released, my offenses and pre -2007, I have 8.5 years of flat 6.5 years of stal time , 58 percent of 2 sentence is 11.6 years, I am owed gal forced by NDOC / Warden Williams to go to a parole hearing even though I fought it in court, Judge Linda Bell automatically denied my writ forcing me to go to the Supreme Court, and being placed on an illegal and unlawful Parole,

All Parole is in Nevada is just a bed move, and a person can be violated for just doing nothing, only to have a police officer call you over and question you , then find out your on parole and brings you into jail, and you are violated for what they call an altercation with Metro Police, most shameful designed failures...

I was sent to prison deprived of a fair and impartial hearing by Judge Michael P. Vallani, whom should resign and for crimes of real estate forgeries and filings of false instruments with the Clark County Recorders office by which I have never been to the Recorders office and could not even tell anyone on how to get there...

After the filings of my Ex- Parte Memorandums etc, The Nevada Supreme Court on July 15th, 2011, Reversed and Remanded my case back to District Court and a New Judge Douglas Herndon was appointed and a Court order for appointment of counsel and evidentiary hearing by the Nevada Supreme Court was made, only after Judge Herndon's denial of my Writ of Habeas Corpus, and I had the filed a notice of Appeal..

Judge Micheal P. Vallani was sued by me in federal Court and an Ethics Violation Complaint caused this Judge to recuse himself from the conflict generated against him, this is how Judge Douglas Herndon received the case c-217569 DC 3...

On Feb 9th, 2016, I finally had an evidentiary hearing, after being on a reversal and remand from the Nevada Supreme Court on July 15th, 2011, it took over 5 years for my hearing, finally it was ruled ineffective counsel and other issues.

I raised the unlawful and unconstitutional issues in the Writ of Habeas Corpus on the NRS STATUTES, and Judge Herndon did all he could to not allow it in to expand the record.

The Judicial Branch of Nevada Government will never ever allow any fier to expand the record, it would mean the release of thousands and thousands of unlawfully and unconstitutionally withheld pioneers.

Under Gidden vs. Wainwright , Clearance Gidden an illiterate frail and humble man that was incarcerated in a Florida prison was able to free or get new trials for 4,300 inmates in Florida Prisons, and as a result of his work taught to him by his cell mate a lawyer doing life, the result of Gidden's work and research he single handedly changed the Judicial system in Florida.

I plan to free up or get new trials for 8,000 inmates in Nevada none violent and others evaluated as none threats to public safety.

Through the pursuit of my actual innocence I have discovered years of gathered research the "irrefutable evidence" and "factual proof" that the NRS STATUTES failed from their "Creation and Inception" and are illegal, unlawful, unconstitutional, invalid and "void ab initio"....

SEPTEMBER 5th, 2016,<gwwgreat@aol.com> wrote

OJ Simpson is clueless that he is unlawfully and unconstitutionally imprisoned in Nevada by Failed NRS Statute laws that were hidden by decades of stealth fraud

Save post

Add this to your saved items

Snooze Gary for 30 days

Temporarily stop seeing posts.

Hide all from Gary

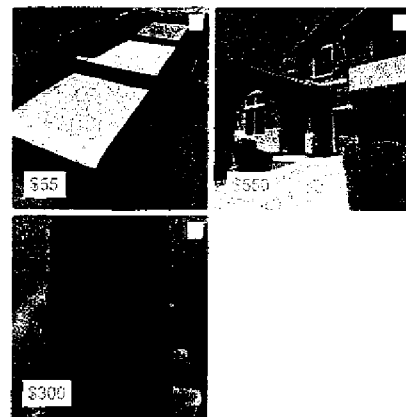
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with the irrefutable evidence and factual proof , of documents, shepherded case laws, AGO opinion 85, and 9th Cir. Court of Appeals Justices Opinions , a law historian book author Charles Weisman , "The Authority of Law, exposes Nevada and many officials from the decades past to the present day Governor Sandoval, former Attorney General, Cathleen Cortez Masto, Senator Harry Reed and others to being tyrants of Tyranny, Usurpation, perjury of their own oaths of office , including the Clark County District Attorney Steve Wolfson, former judge Jackie Glass, many Eighth District court judges , like Judge Kathleen Delaney , Judge Micheal P Vallani has committed perjury of their oath and swear , signed by these officials under their signatures of pains of penalties , a class C Felony and a 5,000.00 dollar fine for such breach , and Now those mentioned herein could even face up to 4 years in jail for such known and proven violations that is documented and can now be disclosed to this media ,

There are literally thousands of foreigners , blacks, Mexican Americans , Russian , Asian, Islanders etc, and including OJ Simpson, being held against their will , unlawfully and unconstitutionally , by the NRS Statutes , that was illegal, unlawful, invalid and void from the creation and inception of those Nevada Revised Statutes ranging from 1.010 to 7.510 all these statutes including those that fall within the 1 to 7 range all fail to be the laws of Nevada,

This was done in May of 1951, and continued on until January 1957.....

The citizens of the state of Nevada are clueless that , there exists a fourth level of government , that has absolutely no relationship directly with any connection to any of the three branches of state government , it is the so called LCB , legislative Counsel Bureau illegally established on July 1st, 1963 , and the Statute Revision Commission was abolished and all legislative power and authority was transferred illegally to the Lawyer Russell W McDonald of whom also got himself not only to be the Director of the Statute Revision Commission but also continued to wear multiple hats and became the legislative Counsel, taking all the power and authority away from the pretenders of being state senators and legislators ,,,,

This was also done by three corrupted Justices of the Nevada Supreme Court, Justice Milton B Badt ,Justice Edgar Eather, and Justice Charles Merrill, had disregarded the Nev.Const. Art. 3, section 1 separation of powers , and Nev. Const. Art6 , section 11 , that no justice shall perform "ANY Function " other than that appertaining to their own elected judicial office,

These three Justices had absolutely no right to even performing any Quasi Function, it violated their oath of office, and the Paramount laws of State Of Nevada I.e. Nevada State Constitution,

The Joint Concurrent Resolution no. 1 and no.2 used to repeal all the Statutes of Nevada and create the NRS Statute Laws, as well as commingle such Joint Concurrent Resolution with memorials and congratulations , and also used in conjunction with a COPY of an Engrossed Bill, dubbed Senate Bill No. 2. Was used to create from it's inception "The Nevada Revised Statutes"

The Joint Concurrent Resolution violates the Nev. Const. Art 4, section 17 and section 23' section 17, deals with the Single Subject rule, the Resolution has multiple commingled subject matters etc,

The violation of section 23, totally voids the Joint Concurrent Resolution No.1 and No. 2 by not containing the enactment language upon it's face as follows

" We the people in the state of Nevada , in Senate and assembly do hereby enact as follows"

Nothing can even be considered laws if it does not contain such enactment language upon it's face,

The Joint Concurrent Resolution does not contain such language and thus constitutionally fails,

The Joint Concurrent Resolution also fails to comply with Joint house rule No. 7, and by which a Joint Concurrent Resolution can be used.

The Joint Concurrent Resolution No1 and No. 2 fails to comply with Chapter 385, section 2, on page 733, and section 4 on page 734, the Resolution does not conform to the Statute laws of Nevada , in identifying the Copy of the engrossed bill SB No.2 as original, duplicate , or triplicate etc, same for

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three branches of state government have all operated on the "PRESUMPTION" of law, that the NRS Statutes were lawfully and Constitutionally created and were the valid laws of the of Nevada, this is simply not true.

The PRESUMPTION of law is now displacement with the "KNOWLEDGE " of law, and that for all the reasons disclosed herein, that ,when you now have the irrefutable evidence and factual proof, when laws fail and are unlawful, unconstitutional, invalid, the courts Lack Subject Matter to proceed to try the case,

This means persons like OJ Simpson crimes vanished, and the Court, judge Jackie Glass and former DA David Roger , and DA Steve Wolfson and Judge Linda Marie Bell had absolutely no legal lawful and constitutional rights to pursue or prosecute or try the case of OJ Simpson and 12, 875 other incarcerated persons in Nevada,

Those that ore held on death row all 82 of them now are held there, illegally, unlawfully and unconstitutionally.

There has been 12 persons that have been put to death since the reinstatement of the Nevada Death penalty , Now this so called great governor Sandoval , has approved the revamping of the death chamber, and no doubt plans to use it soon,

The Governor, and other top officials are all aware of this, and it now makes them accessories to the not only decades of stealth fraud , and the ongoing long arm fraud, for what these very corrupted politicians did in 1951,1957,1963, 1972, by Harry Reid as well when he was the president of the State Senate is most shameful and they are very liable for such unlawful and multiple unconstitutional acts they have done against the ignorant and less fortunate society , and the undesirables , uneducated and mental illness, and drug addicts, all by which Harry Reid, Cathleen Cortez Masto, Governor Brian Sandoval, Attorney General Adam Laxalt, NDOC officials, and Wardens and by their authority, everyone involved in the false imprisonment , unlawfully imprisonment, restraint of the incarcerated Liberty interests, and are being held now against their will , these officials needs to be prosecuted for their own attempts to disobey and in their participation in destroying the Nevada Constitution , and crimes against humanity and human rights violations.

"No WHERE" can any of these corrupted politicians and or officials, administrators can refute the facts and evidence now obtained,

For any of their false hoods now such as these state judges to dismiss any filers Petition for Writ of Habeas Corpus, or Writ for extra ordinary Relief and demand for their immediate release , not only violates the Nevada State Constitution , but it breaches the oath and swear upon gods oath, they took In order to take their oath of offices and seated upon the bench in their respective courts they represent.

Anything short of not granting relief sought filed by an incarcerated person in Nevada, prisons or jails, those officials opposing or covering up the facts and truth, have therefore engaged in Treason, Tyranny, Usurpation, and perjury of their oath of office, and has further engaged as tyrants and ministers of their own injustices and are liable to have True Bills issued against them , they would have no right to seek or claim absolute immunity.

I affirm under penalties of perjury of law that , this is the truth, and the information provided herein is truthful and factual, that the NRS Laws fail to be Nevada laws of the State of Nevada,

This I affirm this 5th day of September , 2016

By: GARY W WALTERS gwwgreat@aol.com

I CAN BE REACHED FOR IMMEDIATE INTERVIEWS AT 702-955-2058 / Las Vegas NV,

3

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Jeremy Chedda Bob Brucklacher Dam u are a genius we need to talk again Gary

Chat (82)

exhibit 12

youtube videos on issue
by
Gary W. Walters

exhibit 12

<https://www.youtube.com/watch?v=Buj0O24klnU&t=724s>

Part One

<https://www.youtube.com/watch?v=36NE-eGCHlo>

Part Two

<https://www.youtube.com/watch?v=n56oc5wH2yo&t=359s>

Part Three

https://www.youtube.com/watch?v=YSn_pAbC1Dw&t=1s

Part Four

Bryan P Bonham 60575
PO Box 650 (HdSP)
Indian Springs, NE 68907

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CLERK OF THE COURT
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LV NV 89105

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CLERK OF THE COURT

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Bryan Bonham,

Petitioner,

vs.

Calvin Johnson, Warden (HDSP),

Respondent,

Case No: A-21-844910-W
Department 6

**ORDER FOR PETITION FOR
WRIT OF HABEAS CORPUS**

Petitioner filed a Petition for Writ of Habeas Corpus (Post-Conviction Relief) on December 03, 2021. The Court has reviewed the Petition and has determined that a response would assist the Court in determining whether Petitioner is illegally imprisoned and restrained of his/her liberty, and good cause appearing therefore,

IT IS HEREBY ORDERED that Respondent shall, within 45 days after the date of this Order, answer or otherwise respond to the Petition and file a return in accordance with the provisions of NRS 34.360 to 34.830, inclusive.

IT IS HEREBY FURTHER ORDERED that this matter shall be placed on this Court's

Calendar on the 17th day of February, 2022, 20 , at the hour of

11:00 am o'clock for further proceedings.

Dated this 3rd day of December, 2021

J. Bluth

District Court Judge
09B 842 EC0839F3
Jacqueline M. Bluth
District Court Judge

kj

1 **CSERV**

2
3 **DISTRICT COURT**
4 **CLARK COUNTY, NEVADA**

5
6 **Bryan Bonham, Plaintiff(s)**

CASE NO: A-21-844910-W

7 **vs.**

DEPT. NO. Department 6

8 **Calvin Johnson, Warden (HDSP),**
9 **Defendant(s)**

10
11 **AUTOMATED CERTIFICATE OF SERVICE**

12 Electronic service was attempted through the Eighth Judicial District Court's
13 electronic filing system, but there were no registered users on the case.

14 If indicated below, a copy of the above mentioned filings were also served by mail
15 via United States Postal Service, postage prepaid, to the parties listed below at their last
16 known addresses on 12/6/2021

17 **Bryan Bonham**

#60575

HDSP

P.O. Box 650

Indian Springs, NV, 89070

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CLARK COUNTY, NEVADA

Electronically Filed
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Steven D. Grierson
CLERK OF THE COURT



Bryan Bonham, Plaintiff(s)
vs.
Calvin Johnson, Warden (HDSP),
Defendant(s)

Case No.: A-21-844910-W
Department 6

NOTICE OF HEARING

Please be advised that the Plaintiff's Motion for Discovery and Motion for Order to Show Cause in the above-entitled matter is set for hearing as follows:

Date: February 17, 2022
Time: 11:00 AM
Location: RJC Courtroom 10C
Regional Justice Center
200 Lewis Ave.
Las Vegas, NV 89101

NOTE: Under NEFCR 9(d), if a party is not receiving electronic service through the Eighth Judicial District Court Electronic Filing System, the movant requesting a hearing must serve this notice on the party by traditional means.

STEVEN D. GRIERSON, CEO/Clerk of the Court

By: /s/ Michelle McCarthy
Deputy Clerk of the Court

CERTIFICATE OF SERVICE

I hereby certify that pursuant to Rule 9(b) of the Nevada Electronic Filing and Conversion Rules a copy of this Notice of Hearing was electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.

By: /s/ Michelle McCarthy
Deputy Clerk of the Court

Heather S. Shuman
CLERK OF THE COURT

1 Bryan p Bonham 60575

2 po Box 650 HOSP

3 Indian Springs, NV 89070

4

5

EIGHTH JUDICIAL DISTRICT COURT

6

CLARK COUNTY, NEVADA

7

8 STATE OF NEVADA

CASE NO. A-21-844910-W

9

Respondant

DEPT NO VI

10

-VS-

DATE OF HEARING 02/17/2021

11

Bryan p Bonham

TIME OF HEARING 11:00 AM

12

Petitioner
Defendant/Accused.

13

"
HEARING REQUESTED
"

14

MOTION FOR DISCOVERY

15

§

16

MOTION FOR ORDER TO SHOW CAUSE

17

18 Comes now Defendant/Accused Bryan p Bonham The Accused, by and

19 through HIS proper person, and hereby submits for Filing the

20 foregoing motion for Discovery / motion for order to show cause

21 (motion), for this court's review and consideration.

22 This motion is made and based upon all documents, papers, and

23 pleadings on file here in, as well as the attached points and

24 authorities, argument made in support of the foregoing motion,

25 and those previous pleadings submitted by the Accused relative to

26 the motion to dismiss for lack of subject matter jurisdiction.

27

28

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CLERK OF THE COURT

1 Bryan P Bonham 60575

2 PO Box 650 HDSP

3 Indian Springs, NEV 89070

4

5

EIGHTH JUDICIAL DISTRICT COURT

6

CLARK COUNTY, NEVADA

7

8 STATE OF NEVADA

9

PLAINTIFF

CASE NO A-21-844910-W

10

-VS-

DEPT NO VI

11

Bryan P Bonham

Petitioner

12

~~DEFENDANT~~/ACCUSED

NOTICE OF MOTION

13

14 TO :

15 DISTRICT ATTORNEY

16 Steve Wolfson

17 200 Lewis Ave

18 Las Vegas, NEV 89155

19

20

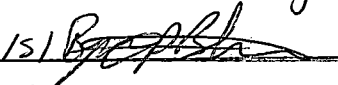
21 please take notice that the undersigned will bring the above motion

22 for hearing as soon as possible for a decision based on the court docket

23 Availability.

24 Dated this 13th day of December 2021

25

151 

26

Bryan P Bonham

27

PO Box 650 HDSP

28

Indian Springs, NEV 89070

POINTS & AUTHORITIES

ARGUMENT

The defendant/accused does hereby request that this court will grant oral argument, an issue an order to show cause, to show why this court should not issue an order for the defendant/accused

IMMEDIATE RELEASE FROM INCARCERATION⁹⁹

Furthermore; & Additionally, this court should determine whether the states opposition refutes the defendant/accused motion to correct illegal sentence.

motion for show of proof on the merits, against each and every allegation; claim and issue; rather than on such meritless arguments like:

THE NEVADA SUPREME COURT HAS INTERPRETED THIS TO MEAN AN ENACTING CLAUSE MUST BE INCLUDED IN EVERY LAW CREATED BY THE LEGISLATURE AND MUST EXPRESS ON THE FACE THE AUTHORITY BY WHICH THEY WERE ENACTED⁹⁹ citing STATE V. ROGERS, 10 NEV 250 261 (1875)

The argument completely misinterprets the Nevada Supreme Court in STATE V. ROGERS 10 NEV at 261 The Nevada Supreme Court opined as follows:

"Our constitution expressly provides that the enacting clause of every law shall be 'the people of the state of Nevada, represented in senate and assembly, do enact as follows'. This language is susceptible of but one interpretation. There is no doubtful meaning as to the intention. It is, in our judgment, an imperative mandate of the people in their sovereign capacity to the legislature, requiring that all laws to be binding upon them shall, upon their face, express the authority by which they were enacted," (emphasis added)

1 Discovery and an order to show cause should be granted, The Accused
2 seeks an order from this court directing the plaintiff to show cause as
3 to why, the accused incarceration for the Alleged crimes the Accused
4 was Arrested, and or convicted for should continue, be upheld etc.

5 The Accused seeks an order from this court directing the plaintiff
6 to produce "CERTIFIED COPIES" of Senate Bill (S.B.) NO 2 from the 1957,
7 48TH SESSION of the Nevada legislature (NEV LEGIS) as well as the
8 records of the reading of S.B. NO. 2 three (3) times on three (3) separate
9 days. NEVADA CONSTITUTION NEV CONST ART 4 § 18

10
11 The Accused further requests discovery as to the Assembly History from
12 1957 to 1969, these requested documents must come from the Secretary of
13 States Office, pursuant to the NEV CONST ART 5 § 20, to be utilized that
14 this court did in fact have "SUBJECT MATTER JURISDICTION" (this court's
15 power to decide a case, to issue a decree or judgment) as concerns
16 the alleged crimes that the Accused was Arrested and/or convicted of.

17 The Accused/Defendant informs this court that the production of the
18 48TH SESSION legislative History has been sought, from the Secretary of State
19 Office, to only learn that the Secretary of States Office no longer has custody,
20 care and control of said documents.

21 Like wise the Defendant/Accused has sought to discover the following:

22 (1) who is the Nevada Archives?

23 (2) How was the Nevada Archives established?

24 (3) When was the Nevada Archives established?

25 (4) Where was the Nevada Archives established?

26 (5) Whom is appointed to head the Nevada Archives?

27 (6) Whom appointed said person to head the Nevada Archives?; when?

28 (7) How was the Nevada Archives founded?

- 1 (8) How does the Nevada Archives derive their income?
- 2 (9) who at the Nevada Archives is paid and for what services?
- 3 (10) Are there "any costs, fee's etc.," charged to the citizens of Nevada?
- 4 (11) where are the complete Assembly Histories for the following years?
- 5 1951; 1955; 1957; 1961; and 1969? including all session Laws; Bills;
- 6 Statutes at Large passed and their rosters.
- 7 (12) where are the ballots of the citizens of Nevada Authorizing the
- 8 change to the NEV CONST ART 4 § 23 allowing for the omission of the
- 9 enacting clause from "EVERY LAW" that, the Nevada Revised Statutes
- 10 would "constitute the official/codified version of the statutes of
- 11 Nevada and may be cited as prima facie evidence of the Law" as cited
- 12 in NRS 220.170(3)
- 13 (13) How much are the NRS sold for?
- 14 (14) That, by vote of the citizens of Nevada, the new legis. was authorized
- 15 to establish the non judicial group i.e. the statute Revision Commission
- 16 formed in 1955; and the new legis transferring power, and authority
- 17 of the new legis to the quasi statute revision commission, to undertake
- 18 comprehensive revision of the Laws; compiling; restating etc.?
- 19 (15) Authoring the new legis. to extend survivorship of the abolished
- 20 statute revision commission, to the legislative counsel Bureau?
- 21 (16) By what authority are the NRS copy righted?; and the sale of
- 22 these NRS as codified; annotated and indigena into NRS publication
- 23 books; again further allowing the NRS to be published without the
- 24 constitutionally mandated enacting clause upon their face?
- 25 (17) By what authority did the secretary of state lose custody; care
- 26 and control of the Assembly History commencing from 1951; 1955;
- 27 1957 through 1969, to the present? NEV CONST ART 5 § 20
- 28 (18) Is there a price difference for the public than for any cost, price, for other

1 branch of government for the NRS?

2 (19) Should there be a cost, price difference, by what authority is the

3 cost, price difference allowed?

4 (20) Who is the person in charge of the legislative counsel Bureau?

5 (21) What other position do the non-judicial legislative counsel

6 Bureau group hold in Government or private?

7 (22) How did the person in charge of the legislative counsel Bureau

8 achieve this position?

9 (23) How many person's work for the Legislative counsel Bureau?

10 (24) Has any Deputy District Attorney cited an unpublished opinion

11 of the Nevada Supreme Court (NEV SUP CT.), in their opposition to a

12 motion to dismiss, or motion to correct an illegal sentence, and yet

13 argued that "the Nevada Revised Statutes do not have the same

14 requirement, as they are not Laws enacted by the legislature?" and has

15 failed to include the following:

16 The Nevada Revised Statutes consist of enacted Laws?

17 The above requested discovery/information is vital to the

18 Defendant/Accused to "FURTHER" establish unconstitutional acts that

19 violate the NEV CONST., its Articles, and the United States Constitution

20 and its Amendments; which will tend to further establish the lack of

21 subject matter jurisdiction, for the Accused to have been arrested

22 pursuant to the NRS for the year of _____, as the NRS 1957, are

23 "NOT" LAW! The NRS adopted and enacted during the 48th

24 Session of the NEV. Legis. are nothing more than a resolution!,

25 and Resolutions are not Laws. See NEVADA Highway patrol ASS'n v

26 STATE, 107 Nev 547, 549, 815 p.2d 608, 610 (NEV 1991)

27 Thus, the requested discovery/information is vital to this court,

28 to determine the issues/facts pertinent to the Defendant/Accused

Petition for writ of Habeas corpus

1 ~~motion to correct an illegal sentence~~ Filed on third day of
2 December 2021 This court must determine that it had subject
3 matter standing to issue the Judgment of conviction (JOC), to lawfully
4 incarcerate the defendant/accused under unconstitutional; unlawful,
5 Repugnant NRS adopted and enacted in 1957, by the 48TH session
6 of the Nev. Legis.
7 That, Attempts to obtain the documents, information etc.
8 as listed on pages 4-6, have not been inadequate, due diligence has
9 been utilized; From within the confines of the prison gates to
10 obtain documents, information and records, seeking to accomplish
11 this goal, despite the ~~the~~ High Desert State Prison (HDSp) Law library
12 supervisor's efforts to delay the defendant/accused; by refusing to
13 allow the Accused case Law, He requests to not only further his case,
14 but in his attempting to help others with their pleadings, by bringing
15 vital information to the courts attention.

16 The defendant contends that the NEV CONST being the PARAMOUNT
17 LAW King v Board of Regents, 65 Nev 553, 200 p.2d 221 (1948)
18 and setting forth via the NEV CONST structure of the NRS via ART 4 §
19 17 and ART 4 § 23, where the legislative records are to be kept ART 5 §
20 20, plaintiff should produce any and all documents, information,
21 and records as listed on pages 4-6, which will aid this court in
22 determining whether this court ever lawfully had subject
23 matter jurisdiction.

24 That, the defendant/accused has alleged and pled that the court
25 did not, as more fully set forth in the defendant/accused motion to
26 correct illegal sentence.

27 That, with the Accused alleging and supporting the Allegations,
28 issues via exhibits and arguments that, subject matter

1 Jurisdiction was/is lacking, there is just cause for this court to
2 err on the side of caution, being for legitimate government.

3 Stevenson v Tufly, 19 Nev 391, 393, 394-95, 12 P 835, 837-38
4 (1887); and Nevada v Swift, 10 Nev 182, 183 (1875)

5 To Grant Discovery, and issue an order to show cause, to the state
6 of Nevada as to why the defendant/accused conviction should not
7 be expunged immediately

8 This, to substantiate the alleged lawfulness of NRS as ⁶⁶PRIMA
9 FACIE EVIDENCE OF THE LAW,⁹⁹ as alleged under NRS 220.170(3)

10
11 the plaintiff needs to present to this court, and the accused, the
12 History of SB. NO 2 ie the revision bill. The defendant/accused has
13 only been able to obtain the act of the 48TH session of the Nevada
14 legislature adopting and enacting The Nevada Revised Statutes in
15 1957 (see exhibit ⁶⁶4⁹⁹ attached to defendant/accused motion to
16 correct illegal sentence.)

18 CONCLUSION

19 wherefore, based upon the above and foregoing, the defendant/accused
20 does respectfully request that this court will grant the request for
21 discovery, and issue an order to show cause as to why the defendant/
22 accused motion to correct illegal sentence should not be granted, and
23 the accused immediately have his conviction expunged, as it is the
24 plaintiff's burden to provide the records, documents etc. refuting
25 the defendant/accused claims, and establishing lawful subject
26 matter jurisdiction. That any option to the defendant/accused
27 pleadings negates the defendant/accused agreement as more fully
28 set forth in the defendant/accused motion to correct illegal sentence.

VERIFICATION

1
2
3 ~~T. Bryan P. Bonham~~ the defendant/accused declare & verify that I
4 have read the foregoing motion for discovery & motion for order to show
5 cause and to the best of my belief & knowledge that the foregoing is
6 true & correct pursuant to the pains & penalties of perjury pursuant
7 to 28 U.S.C.A. § 1746 & 18 U.S.C.A. § 1621.

CERTIFICATE OF SERVICE

8
9 I, Bryan P. Bonham, the defendant/accused certify that I have read
10 the foregoing motion for discovery & motion for an order to show cause,
11 & am attaching special instructions for electronic filing & service to
12 the clerk of the court to serve all my opponents pursuant to N.E.R.C.
13 R. 5(1e), a et Seq. (A-Z) etc., to the following

14
15 DISTRICT ATTORNEY

16 Steve Wolfson

17 200 Lewis Ave 3rd Floor

18 L.V. NU 89155

19
20 Dated this 13th day of December 2021

21 ~~151 Bryan P. Bonham~~

22 Bryan P. Bonham

23 PO Box 650 HRSO

24 Indian Springs, Nev 89070

Bryan P. Benham 60575
PO Box 650 ASD
Indian Springs, Nev 89020

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1 **RSPN**
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 JOHN AFSHAR
6 Deputy District Attorney
7 Nevada Bar #14408
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Respondent

DISTRICT COURT
CLARK COUNTY, NEVADA

9 BRYAN BONHAM,
10 #0852897

Petitioner,

-vs-

THE STATE OF NEVADA,

Respondent.

CASE NO: C-15-307298-1
A-21-844910-W
DEPT NO: VI

15 **STATE'S RESPONSE TO DEFENDANT'S PETITION FOR WRIT OF HABEAS**
16 **CORPUS, MOTION FOR DISCOVERY AND MOTION FOR ORDER TO SHOW**
17 **CAUSE, AND MOTION FOR APPOINTMENT OF COUNSEL AND REQUEST FOR**
18 **AN EVIDENTIARY HEARING**

18 DATE OF HEARING: February 17, 2022
19 TIME OF HEARING: 11:00 AM

20 COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, Clark County
21 District Attorney, through JOHN AFSHAR, Deputy District Attorney, and hereby submits
22 the attached Points and Authorities in Response to Petitioner's Petition for Writ of Habeas
23 Corpus, Motion for Discovery and Motion for Order to Show Cause, and Motion for
24 Appointment of Counsel and Request for an Evidentiary Hearing.

25 This Response is made and based upon all the papers and pleadings on file herein, the
26 attached points and authorities in support hereof, and oral argument at the time of hearing, if
27 deemed necessary by this Honorable Court.
28

1 **POINTS AND AUTHORITIES**

2 **STATEMENT OF THE CASE**

3 On June 22, 2015, Petitioner was charged by way of information with Count 1 – First
4 Degree Kidnapping (Category A Felony – NRS 200.310, 200.320) and Count 2 – Attempt
5 Sexual Assault (Category B Felony – 200.364, 200.366, 193.330). On June 30, 2015, Petitioner
6 appeared for Initial Arraignment and pleaded guilty to both counts pursuant to North Carolina
7 v. Alford. 400 U.S. 25, 91 S. Ct. 160 (1970).

8 On October 13, 2015, Petitioner was sentenced as follows: as to Count 1, sixty (60) to
9 one hundred eighty (180) months in the Nevada Department of Corrections and as to Count 2,
10 sixty (60) to one hundred eighty (180) months in the Nevada Department of Corrections, with
11 Count 2 to run consecutive to Count 1, for a total aggregate sentence of one hundred twenty
12 (120) months to three hundred sixty (360) months. Petitioner was credited with 207 days for
13 time served.

14 On December 3, 2021, Petitioner filed the present Petition for Writ of Habeas Corpus.
15 On February 17, 2022, Petitioner filed the instant Motion for Discovery and Motion for Order
16 to Show Cause. On January 6, 2022, Petitioner filed the present Motion for Discovery and
17 Motion for Order to Show Cause in Case No. C-15-307298-1. The State responds as follows.

18 **ARGUMENT**

19
20 **I. THE PETITION IS TIME-BARRED**

21 The Petition is time-barred pursuant to NRS 34.726(1):

22 Unless there is good cause shown for delay, a petition that
23 challenges the validity of a judgment or sentence must be filed
24 within 1 year of the entry of the judgment of conviction or, if an
25 appeal has been taken from the judgment, within 1 year after the
26 Supreme Court issues its remittitur. For the purposes of this
27 subsection, good cause for delay exists if the petitioner
28 demonstrates to the satisfaction of the court:

- (a) That the delay is not the fault of the petitioner; and
- (b) That dismissal of the petition as untimely will unduly prejudice the petitioner.

1 The Nevada Supreme Court has held that NRS 34.726 should be construed by its plain
2 meaning. Pellegrini v. State, 117 Nev. 860, 873–74, 34 P.3d 519, 528 (2001). As per the
3 language of the statute, the one-year time bar proscribed by NRS 34.726 begins to run from
4 the date the judgment of conviction is filed or a remittitur from a timely direct appeal is filed.
5 Dickerson v. State, 114 Nev. 1084, 1087, 967 P.2d 1132, 1133–34 (1998).

6 The one-year time limit for preparing petitions for post-conviction relief under NRS
7 34.726 is strictly applied. In Gonzales v. State, 118 Nev. 590, 596, 53 P.3d 901, 904 (2002),
8 the Nevada Supreme Court rejected a habeas petition that was filed two (2) days late despite
9 evidence presented by the defendant that he purchased postage through the prison and mailed
10 the petition within the one-year time limit.

11 Furthermore, the Nevada Supreme Court has held that the district court has a *duty* to
12 consider whether a defendant's post-conviction petition claims are procedurally barred. State
13 v. Eighth Judicial Dist. Court (Riker), 121 Nev. 225, 231, 112 P.3d 1070, 1074 (2005). The
14 Riker Court found that “[a]pplication of the statutory procedural default rules to post-
15 conviction habeas petitions is mandatory,” noting:

16 Habeas corpus petitions that are filed many years after conviction
17 are an unreasonable burden on the criminal justice system. The
18 necessity for a workable system dictates that there must exist a
time when a criminal conviction is final.

19 Id. Additionally, the Court noted that procedural bars “cannot be ignored [by the district court]
20 when properly raised by the State.” Id. at 233, 112 P.3d at 1075. The Nevada Supreme Court
21 has granted no discretion to the district courts regarding whether to apply the statutory
22 procedural bars; the rules must be applied.

23 This position was reaffirmed in State v. Greene, 129 Nev. 559, 307 P.3d 322 (2013).
24 There the Court ruled that the defendant’s petition was “untimely, successive, and an abuse of
25 the writ” and that the defendant failed to show good cause and actual prejudice. Id. at 324, 307
26 P.3d at 326. Accordingly, the Court reversed the district court and ordered the defendant’s
27 petition dismissed pursuant to the procedural bars. Id. at 324, 307 P.3d at 322–23. The
28 procedural bars are so fundamental to the post-conviction process that they must be applied
by this Court even if not raised by the State. See Riker, 121 Nev. at 231, 112 P.3d at 1074.

1 Here, Petitioner's Judgment of Conviction was filed on October 15, 2015. Thus, the
2 present petition is untimely by more than five years. Barring a showing of good cause and
3 prejudice, the instant Petition must be denied.

4 **II. PETITIONER'S CLAIMS ARE WAIVED PURSUANT TO NRS 34.810**

5 NRS 34.810(1) reads:

6 The court shall dismiss a petition if the court determines that:

7 (a) The petitioner's conviction was upon a plea of guilty or guilty
8 but mentally ill and the petition is not based upon an allegation
9 that the plea was involuntarily or unknowingly entered or that the
10 plea was entered without effective assistance of counsel.

11 (b) The petitioner's conviction was the result of a trial and the
12 grounds for the petition could have been:

13 . . .

14 (2) Raised in a direct appeal or a prior petition for a writ of habeas
15 corpus or postconviction relief.

16 The Nevada Supreme Court has held that "challenges to the validity of a guilty plea and
17 claims of ineffective assistance of trial and appellate counsel must first be pursued in post-
18 conviction proceedings . . . [A]ll other claims that are appropriate for a direct appeal must be
19 pursued on direct appeal, or they *will be considered waived in subsequent proceedings.*"
20 Franklin v. State, 110 Nev. 750, 752, 877 P.2d 1058, 1059 (1994) (emphasis added)
21 (disapproved on other grounds by Thomas v. State, 115 Nev. 148, 979 P.2d 222 (1999)). "A
22 court must dismiss a habeas petition if it presents claims that either were or could have been
23 presented in an earlier proceeding, unless the court finds both cause for failing to present the
24 claims earlier or for raising them again and actual prejudice to the petitioner." Evans v. State,
117 Nev. 609, 646-47, 29 P.3d 498, 523 (2001).

25 Here, Petitioner pleaded guilty pursuant to Alford and none of Petitioner's claims are
26 based on an allegation that the plea was entered involuntarily or unknowingly or that the plea
27 was entered without effective assistance of counsel. Thus, Petitioner's claims are outside the
28 scope of a habeas Petition and the Petition should be denied.

III. PETITIONER HAS NOT SHOWN GOOD CAUSE OR PREJUDICE SUFFICIENT TO OVERCOME HIS PROCEDURAL BARS

To avoid procedural default, under NRS 34.726, a defendant has the burden of pleading and proving specific facts that demonstrate good cause for his failure to present his claim in earlier proceedings or to otherwise comply with the statutory requirements, *and* that he will be unduly prejudiced if the petition is dismissed. NRS 34.726(1)(a) (emphasis added); see Hogan v. Warden, 109 Nev. 952, 959–60, 860 P.2d 710, 715–16 (1993); Phelps v. Nevada Dep’t of Prisons, 104 Nev. 656, 659, 764 P.2d 1303, 1305 (1988). “A court *must* dismiss a habeas petition if it presents claims that either were or could have been presented in an earlier proceeding, unless the court finds both cause for failing to present the claims earlier or for raising them again and actual prejudice to the petitioner.” Evans v. State, 117 Nev. 609, 646–47, 29 P.3d 498, 523 (2001) (emphasis added).

To show good cause for delay under NRS 34.726(1), a petitioner must demonstrate the following: (1) “[t]hat the delay is not the fault of the petitioner” and (2) that the petitioner will be “unduly prejudice[d]” if the petition is dismissed as untimely. NRS 34.726. To meet the first requirement, “a petitioner *must* show that an impediment external to the defense prevented him or her from complying with the state procedural default rules.” Hathaway v. State, 119 Nev. 248, 252, 71 P.3d 503, 506 (2003) (emphasis added). “A qualifying impediment might be shown where the factual or legal basis for a claim was not reasonably available *at the time of default*.” Clem v. State, 119 Nev. 615, 621, 81 P.3d 521, 525 (2003) (emphasis added). The Court continued, “appellants cannot attempt to manufacture good cause[.]” Id. at 621, 81 P.3d at 526. To find good cause there must be a “substantial reason; one that affords a legal excuse.” Hathaway v. State, 119 Nev. 248, 252, 71 P.3d 503, 506 (2003) (quoting Colley v. State, 105 Nev. 235, 236, 773 P.2d 1229, 1230 (1989)). Examples of good cause include interference by State officials and the previous unavailability of a legal or factual basis. See State v. Huebler, 128 Nev. Adv. Op. 19, 275 P.3d 91, 95 (2012). Clearly, any delay in the filing of the petition must not be the fault of the petitioner. NRS 34.726(1)(a).

1 Further, a petitioner raising good cause to excuse procedural bars must do so within a
2 reasonable time after the alleged good cause arises. See Pellegrini, 117 Nev. at 869–70, 34
3 P.3d at 525–26 (holding that the time bar in NRS 34.726 applies to successive petitions); see
4 generally Hathaway, 119 Nev. at 252–53, 71 P.3d at 506–07 (stating that a claim reasonably
5 available to the petitioner during the statutory time period did not constitute good cause to
6 excuse a delay in filing). A claim that is itself procedurally barred cannot constitute good
7 cause. Riker, 121 Nev. at 235, 112 P.3d at 1077; see also Edwards v. Carpenter, 529 U.S. 446,
8 453 120 S. Ct. 1587, 1592 (2000).

9 In order to establish prejudice, the defendant must show “‘not merely that the errors of
10 [the proceedings] created possibility of prejudice, but that they worked to his actual and
11 substantial disadvantage, in affecting the state proceedings with error of constitutional
12 dimensions.’” Hogan v. Warden, 109 Nev. 952, 960, 860 P.2d 710, 716 (1993) (quoting United
13 States v. Frady, 456 U.S. 152, 170, 102 S. Ct. 1584, 1596 (1982)).

14 Here, Petitioner does not even allege, much less demonstrate, good cause or prejudice.
15 Petitioner has not shown that impediment external to his defense prevented him from filing
16 his Petition in a timely manner or that his claims were not available at the time of default.
17 Accordingly, as Petitioner has not shown good cause or prejudice sufficient to overcome his
18 procedural bars, the Petition should be denied.

19 **IV. PETITIONER WAS NOT REQUIRED TO BE CHARGED BY** 20 **INDICTMENT**

21 Petitioner’s first claim is that he was not indicted in the present case. Petition at 9.
22 However, Petitioner was charged by way of information on June 22, 2015. It does not violate
23 due process to initiate a prosecution by an information rather than an indictment. Cairns v.
24 Sheriff, Clark Cty., 89 Nev. 113, 116, 508 P.2d 1015, 1017 (1973). Thus, because there was
25 nothing inappropriate about the State charging Petitioner by way of information rather than
26 indictment, this claim should be denied.

27 //
28

1 **V. PETITIONER IS NOT ENTITLED TO AN EVIDENTIARY HEARING**

2 NRS 34.770 determines when a defendant is entitled to an evidentiary hearing. It reads:

- 3 1. The judge or justice, upon review of the return, answer and all
4 supporting documents which are filed, shall determine whether an
5 evidentiary hearing is required. A petitioner must not be
6 discharged or committed to the custody of a person other than the
7 respondent *unless an evidentiary hearing is held*.
8 2. If the judge or justice determines that the petitioner is not
9 entitled to relief and an evidentiary hearing is not required, he shall
10 dismiss the petition without a hearing.
11 3. If the judge or justice determines that an evidentiary hearing is
12 required, he shall grant the writ and shall set a date for the hearing.

13 The Nevada Supreme Court has held that if a petition can be resolved without
14 expanding the record, then no evidentiary hearing is necessary. Marshall v. State, 110 Nev.
15 1328, 885 P.2d 603 (1994); Mann v. State, 118 Nev. 351, 356, 46 P.3d 1228, 1231 (2002). A
16 defendant is entitled to an evidentiary hearing if his petition is supported by specific factual
17 allegations, which, if true, would entitle him to relief unless the factual allegations are repelled
18 by the record. Marshall, 110 Nev. at 1331, 885 P.2d at 605; see also Hargrove v. State, 100
19 Nev. 498, 503, 686 P.2d 222, 225 (1984) (holding that “[a] defendant seeking post-conviction
20 relief is not entitled to an evidentiary hearing on factual allegations belied or repelled by the
21 record”). “A claim is ‘belied’ when it is contradicted or proven to be false by the record as it
22 existed at the time the claim was made.” Mann, 118 Nev. at 354, 46 P.3d at 1230 (2002).

23 Here, all of Petitioner’s claims are either time-barred or waived and are thus subject to
24 summary denial. Riker, 121 Nev. at 231, 112 P.3d at 1074. Because all of Petitioner’s claims
25 are procedurally barred, his claims may be resolved without expanding the record and no
26 evidentiary hearing is necessary. Accordingly, Petitioner’s request for an evidentiary hearing
27 should be denied.

28 **VI. PETITIONER IS NOT ENTITLED TO COUNSEL**

 Under the U.S. Constitution, the Sixth Amendment provides no right to counsel in post-
conviction proceedings. Coleman v. Thompson, 501 U.S. 722, 752, 111 S. Ct. 2546, 2566
(1991). In McKague v. Warden, 112 Nev. 159, 163, 912 P.2d 255, 258 (1996), the Nevada

1 Supreme Court similarly observed that “[t]he Nevada Constitution...does not guarantee a right
2 to counsel in post-conviction proceedings, as we interpret the Nevada Constitution’s right to
3 counsel provision as being coextensive with the Sixth Amendment to the United States
4 Constitution.” McKague specifically held that with the exception of NRS 34.820(1)(a)
5 (entitling appointed counsel when petitioner is under a sentence of death), one does not have
6 “any constitutional or statutory right to counsel at all” in post-conviction proceedings. Id. at
7 164, 912 P.2d at 258.

8 The Nevada Legislature has, however, given courts the discretion to appoint post-
9 conviction counsel so long as “the court is satisfied that the allegation of indigency is true and
10 the petition is not dismissed summarily.” NRS 34.750. “The statute sets forth a non-exhaustive
11 list of factors that the district court ‘may consider’ in deciding whether to appoint
12 postconviction counsel: the severity of the consequences that the petitioner faces, the difficulty
13 of the issues presented, the petitioner’s ability to comprehend the proceedings, and the
14 necessity of counsel to proceed with discovery.” Renteria-Novoa v. State, 133 Nev. 75, 76,
15 391 P.3d 760, 761 (2017). Accordingly, under NRS 34.750, it is clear that the Court has
16 discretion in determining whether to appoint counsel.

17 In Renteria-Novoa, the Nevada Supreme Court examined whether a district court
18 appropriately denied a defendant’s request for appointment of counsel based upon the factors
19 listed in NRS 34.750. Id. at 75. The petitioner had been serving a prison term of eighty-five
20 (85) years to life. Id. at 75. After his judgment of conviction was affirmed on direct appeal,
21 the defendant filed a pro se postconviction petition for writ of habeas corpus and requested
22 counsel be appointed. Id. The district court ultimately denied the petitioner’s petition and his
23 appointment of counsel request. Id. In reviewing the district court’s decision, the Nevada
24 Supreme Court examined the statutory factors listed under NRS 34.750 and concluded that the
25 district court’s decision should be reversed and remanded. Id. The Court explained that the
26 petitioner was indigent, his petition could not be summarily dismissed, and he had in fact
27 satisfied the statutory factors. Id. at 76, 391 P.3d 760-61. As for the first factor, the Court
28 concluded that because petitioner had represented he had issues with understanding the

English language which was corroborated by his use of an interpreter at his trial, that was enough to indicate that the petitioner could not comprehend the proceedings. Id. Moreover, the petitioner had demonstrated that the consequences he faced—a minimum eighty-five (85) year sentence—were severe and his petition may have been the only vehicle for which he could raise his claims. Id. at 76-77, 391 P.3d at 761-62. Finally, his ineffective assistance of counsel claims may have required additional discovery and investigation beyond the record. Id.

Pursuant to NRS 34.750, Petitioner has not demonstrated that counsel should be appointed. First, the issues are not difficult as all of Petitioner’s claims are procedurally barred. Second, there has been no indication that Petitioner is unable to comprehend the proceedings. Unlike the petitioner in Renteria-Novoa who faced difficulties understanding the English language, here Petitioner has failed to demonstrate any inability to understand these proceedings. Finally, counsel is not necessary to proceed with further discovery in this case. Petitioner has failed to demonstrate that there is a need for additional discovery, let alone counsel’s assistance to conduct such investigation.

VII. PETITIONER’S REQUEST FOR DISCOVERY AND MOTION TO SHOW CAUSE IS PREMATURE

Petitioner’s request to conduct discovery is suitable only for denial as it is premature and unsupported by a showing of good cause.

NRS 34.780(2) reads:

After the writ has been granted and a date set for the hearing, a party may invoke any method of discovery available under the Nevada Rules of Civil Procedure if, and to the extent that, the judge or justice for good cause shown grants leave to do so.

(Emphasis added). A writ is not “granted” for discovery purposes until this Court determines that there is a need for an evidentiary hearing. NRS 34.770(3).

This Court has yet to grant any petition or set an evidentiary hearing in this matter. As such, any request to conduct discovery is premature. Moreover, this Court lacks the authority to order discovery unless an evidentiary hearing is required. This Court has no choice but to deny Petitioner’s untimely demand for the privilege of discovery. Petitioner requests that the

1 State provide discovery regarding “The Assembly History” from 1957-1969 from “the
2 Secretary of State’s Office” as well as a number of certified copies of senate bills. Motion for
3 Discovery and Motion For Order to Show Cause at 4. The Clark County District Attorney’s
4 Office does not have the requested documents in its possession, and explained *supra*, Petitioner
5 would not be entitled to them even if it did. Accordingly, Petitioner’s Motion for Discovery
6 and Motion for Order to Show Cause should be denied.

7 **CONCLUSION**

8 Based on the foregoing arguments, Petitioner’s Petition for Writ of Habeas Corpus,
9 Motion for Discovery and Motion for Order to Show Cause, and Motion for Appointment of
10 Counsel and Request for an Evidentiary Hearing should be DENIED.

11 DATED this 8th day of February, 2022.

12 Respectfully submitted,

13 STEVEN B. WOLFSON
14 Clark County District Attorney
Nevada Bar #001565

15
16 BY /s/ John Afshar

17 JOHN AFSHAR
18 Deputy District Attorney
Nevada Bar #14408

19 **CERTIFICATE OF MAILING**

20 I hereby certify that service of the above and foregoing was made this 8th day of February,
21 2022, by depositing a copy in the U.S. Mail, postage pre-paid, addressed to:

22 BRYAN BONHAM #60575
23 PO BOX 650
24 HIGH DESERT STATE PRISON
INDIAN SPRINGS, NV 89070

25
26 BY /s/ Corelle Bellamy

27 CORELLE BELLAMY
28 Secretary for the District Attorney’s Office

1 Bryan P Bonham 60575
2 po Box 650 (HOSP)
3 Indian Springs, NEV 89070

FILED

MAR - 7 2022

Sharon A. Hoffman
CLERK OF COURT

4

5

EIGHTH JUDICIAL DISTRICT COURT

6

CLARK COUNTY, NEVADA

7

8. STATE OF NEVADA

9

RESPONDANT

CASE NO. A-21-844910-W

10 -VS-

NOTICE OF APPEAL

11 Bryan P Bonham

12. Appellant

13.

14. TO

15 STEVE WOLFSON

16. 200 LEWIS AVE.

17 LUNO 89155

18.

19. please take notice that the undersigned in the above action gives his

20 notice of Appeal of order given on 02/17/2022 dismissing Appellants

21 petition for writ of Habeas Corpus.

22.

23 dated this 24th day of February 2022

24 *[Signature]*

25 Bryan P Bonham 60575

26. po Box 650 HOSP

27 Indian Springs, NEV 89070

28

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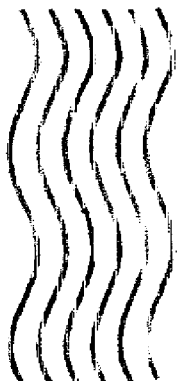
MAR 07 2022

CLERK OF THE COURT

Bryan Richardson 60575
PO Box 630 HOSP
Indian Springs, NV 89410

3762

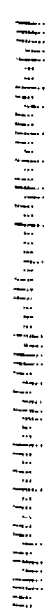
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200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Respondent

DISTRICT COURT
CLARK COUNTY, NEVADA

BRYAN BONHAM,
#0852897

Petitioner,

-vs-

THE STATE OF NEVADA,

Respondent.

CASE NO: A-21-844910-W
C-15-307298-1

DEPT NO: VI

**STATE'S RESPONSE TO DEFENDANT'S MOTION FOR DISCOVERY &
MOTION FOR ORDER TO SHOW CAUSE, EX PARTE MOTION FOR
APPOINTMENT OF COUNSEL AND REQUEST FOR AN EVIDENTIARY
HEARING, MOTION TO ENJOIN CASE NUMBERS & REQUEST FOR JUDICIAL
ORDER FOR JUDICIAL ECONOMY, AND MOTION TO DISMISS**

DATE OF HEARING: March 17, 2022

TIME OF HEARING: 11:00 AM

COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, Clark County District Attorney, through JOHN AFSHAR, Deputy District Attorney, and hereby submits the attached Points and Authorities in Response to Defendant's Motion for Discovery & Motion for Order to Show Cause, Ex Parte Motion for Appointment of Counsel and Request for an Evidentiary Hearing, Motion to Enjoin Case Numbers & Request for Judicial Order for Judicial Economy, and Motion to Dismiss.

1 This Response is made and based upon all the papers and pleadings on file herein, the
2 attached points and authorities in support hereof, and oral argument at the time of hearing, if
3 deemed necessary by this Honorable Court.

4 **POINTS AND AUTHORITIES**

5 **STATEMENT OF THE CASE**

6 On June 22, 2015, Defendant was charged by way of information with Count 1 – First
7 Degree Kidnapping (Category A Felony – NRS 200.310, 200.320) and Count 2 – Attempt
8 Sexual Assault (Category B Felony – 200.364, 200.366, 193.330). On June 30, 2015,
9 Defendant appeared for Initial Arraignment and pleaded guilty to both counts pursuant to
10 North Carolina v. Alford, 400 U.S. 25, 91 S. Ct. 160 (1970).

11 On October 13, 2015, Defendant was sentenced as follows: as to Count 1, sixty (60) to
12 one hundred eighty (180) months in the Nevada Department of Corrections and as to Count 2,
13 sixty (60) to one hundred eighty (180) months in the Nevada Department of Corrections, with
14 Count 2 to run consecutive to Count 1, for a total aggregate sentence of one hundred twenty
15 (120) months to three hundred sixty (360) months. Defendant was credited with 207 days for
16 time served.

17 On December 2, 2021, Defendant filed a Motion to Correct Illegal Sentence, Errata to
18 Defendant's Motion to Correct Illegal Sentence, and Caveat. On December 23, 2021, the State
19 filed its Opposition to Defendant's Motion to Correct Illegal Sentence, Errata to Defendant's
20 Motion to Correct Illegal Sentence, and Caveat. On December 27, 2021, the Court filed a
21 Minute Order denying Defendant's Motion to Correct Illegal Sentence. The Court filed its
22 written Order on February 11, 2022.

23 On December 3, 2021, Defendant filed a Petition for Writ of Habeas Corpus in Case
24 No. A-21-844910-W. On January 12, 2022, Defendant also filed a Motion for Discovery and
25 Motion for Order to Show Cause. On February 8, 2022, the State filed its Response. On
26 February 17, 2021, the Court denied Defendant's Petition for Writ of Habeas Corpus, Motion
27 for Discovery and Motion for Order to Show Cause in Case No. A-21-844910-W.

28 //

1 On January 6, 2022, Defendant filed the instant Motion for Discovery and Motion for
2 Order to Show Cause, Ex Parte Motion for Appointment of Counsel and Request for an
3 Evidentiary Hearing, and Motion to Enjoin Case Numbers and Request for Judicial Order for
4 Judicial Economy. On January 7, 2022, Defendant filed the motion entitled “‘The Smoking
5 Gun’ Appellant/Accused Motion to Dismiss, Request for Immediate Release From
6 Incarceration & Strike Against 2014 Legislative Ballot Seeking to Defraud All Nevada
7 Citizens During Time of Said Election Supported by Prima Facie Evidence” (hereinafter
8 “Motion to Dismiss”).

9 On January 27, 2022, the Motion for Discovery and Motion for Order to Show Cause,
10 Ex Parte Motion for Appointment of Counsel and Request for an Evidentiary Hearing, and
11 Motion to Enjoin Case Numbers and Request for Judicial Order for Judicial Economy, were
12 set for hearing. The State requested more time to respond as Defendant had been filing motions
13 in both his A and C cases. The Court continued the hearing to March 17, 2022.

14 The State responds as follows.

15 **ARGUMENT**

16 **I. A MOTION TO DISMISS IS THE INCORRECT VESSEL FOR** 17 **DEFENDANT’S CLAIMS**

18 The Nevada Supreme Court has held that “challenges to the validity of a guilty plea and
19 claims of ineffective assistance of trial and appellate counsel must first be pursued in post-
20 conviction proceedings . . . [A]ll other claims that are appropriate for a direct appeal must be
21 pursued on direct appeal, or they *will be considered waived in subsequent proceedings.*”
22 Franklin v. State, 110 Nev. 750, 752, 877 P.2d 1058, 1059 (1994) (emphasis added)
23 (disapproved on other grounds by Thomas v. State, 115 Nev. 148, 979 P.2d 222 (1999)).

24 There is no legal basis for Defendant to bring a post-conviction “Motion to Dismiss,”
25 in order to challenge his judgment of conviction. To the extent that Defendant is challenging
26 his judgment of conviction, this motion should have been brought in a petition for writ of
27 habeas corpus. However, the present motion to dismiss should not be construed as such
28 because Defendant has already filed a Petition for Writ of Habeas Corpus in Case No. A-21-

1 844910-W, where he alleged substantially the same claims, which the court denied.
2 Accordingly, the instant motion should be denied as it is the incorrect pleading for Defendant's
3 claims.

4 In addition, Defendant's sole claim that the sentencing court lacked subject matter
5 jurisdiction over his sentence was already heard and decided on its merits when Defendant
6 filed a Motion to Correct Illegal Sentence. See 12/27/21 Minute Order. Thus, Defendant's
7 Motion to Dismiss should be denied.

8 **II. DEFENDANT IS NOT ENTITLED TO AN EVIDENTIARY HEARING**

9 NRS 34.770 determines when a defendant is entitled to an evidentiary hearing. It reads:

- 10 1. The judge or justice, upon review of the return, answer and all
11 supporting documents which are filed, shall determine whether an
12 evidentiary hearing is required. A petitioner must not be
13 discharged or committed to the custody of a person other than the
14 respondent *unless an evidentiary hearing is held*.
- 15 2. If the judge or justice determines that the petitioner is not
16 entitled to relief and an evidentiary hearing is not required, he shall
dismiss the petition without a hearing.
- 17 3. If the judge or justice determines that an evidentiary hearing is
18 required, he shall grant the writ and shall set a date for the hearing.

19 The Nevada Supreme Court has held that if a petition can be resolved without
20 expanding the record, then no evidentiary hearing is necessary. Marshall v. State, 110 Nev.
21 1328, 885 P.2d 603 (1994); Mann v. State, 118 Nev. 351, 356, 46 P.3d 1228, 1231 (2002). A
22 defendant is entitled to an evidentiary hearing if his petition is supported by specific factual
23 allegations, which, if true, would entitle him to relief unless the factual allegations are repelled
24 by the record. Marshall, 110 Nev. at 1331, 885 P.2d at 605; see also Hargrove v. State, 100
25 Nev. 498, 503, 686 P.2d 222, 225 (1984) (holding that "[a] defendant seeking post-conviction
26 relief is not entitled to an evidentiary hearing on factual allegations belied or repelled by the
record"). "A claim is 'belied' when it is contradicted or proven to be false by the record as it
27 existed at the time the claim was made." Mann, 118 Nev. at 354, 46 P.3d at 1230 (2002).

28 NRS 34.770 only applies to Petitions for Writ of Habeas Corpus. Because this is not a
habeas petition, and should not be construed as such, Defendant's request for an evidentiary

1 hearing should be denied. To the extent Defendant is requesting an evidentiary hearing in
2 conjunction with the Petition he filed in case A-21-844910-W, the State already responded to
3 his request in that case.

4 **III. DEFENDANT IS NOT ENTITLED TO COUNSEL**

5 NRS 34.750 states:

6 1. A petition may allege that the petitioner is unable to pay
7 the costs of the proceedings or to employ counsel. If the court is
8 satisfied that the allegation of indigency is true and the petition is
9 not dismissed summarily, the court may appoint counsel to
represent the petitioner. In making its determination, the court may
consider, among other things, the severity of the consequences
facing the petitioner and whether:

10 (a) The issues presented are difficult;

11 (b) The petitioner is unable to comprehend the proceedings;
or

12 (c) Counsel is necessary to proceed with discovery.

13 Again, Defendant's reference to 34.750 only applies to Petitions for Writ of Habeas
14 Corpus. Ex Parte Motion for Appointment of Counsel and Request for an Evidentiary Hearing
15 at 1. The State responded to his request for counsel in that context in Defendant's A case.
16 Defendant has no constitutional or statutory right to counsel for a motion to dismiss. Thus, his
17 request should be denied.

18 **IV. DEFENDANT'S REQUEST FOR DISCOVERY AND MOTION TO SHOW** 19 **CAUSE IS PREMATURE**

20 Defendant's request to conduct discovery is suitable only for denial as it is premature
21 and unsupported by a showing of good cause.

22 NRS 34.780(2) reads:

23 *After the writ has been granted and a date set for the hearing, a party may invoke*
24 *any method of discovery available under the Nevada Rules of Civil Procedure*
if, and to the extent that, the judge or justice for good cause shown grants leave
25 *to do so.*

26 (Emphasis added). A writ is not "granted" for discovery purposes until this Court determines
27 that there is a need for an evidentiary hearing. NRS 34.770(3).

28 //

1 This Court has yet to grant any petition or set an evidentiary hearing in this matter. The
2 State notes that Defendant's Petition for Habeas Corpus filed in Case No. A-21-844910-W,
3 was denied on February 17, 2021. As such, any request to conduct discovery is premature.
4 Moreover, this Court lacks the authority to order discovery unless an evidentiary hearing is
5 required. This Court has no choice but to deny Defendant's untimely demand for the privilege
6 of discovery. Defendant requests that the State provide discovery regarding "The Assembly
7 History" from 1957-1969 from "the Secretary of State's Office" as well as a number of
8 certified copies of senate bills. Motion for Discovery and Motion For Order to Show Cause at
9 4. The Clark County District Attorney's Office does not have the requested documents in its
10 possession, and explained *supra*, Defendant would not be entitled to them even if it did.
11 Accordingly, Defendant's Motion for Discovery and Motion for Order to Show Cause should
12 be denied.

13 **V. MOTION TO ENJOIN CASE NUMBERS AND REQUEST FOR JUDICIAL**
14 **ORDER FOR JUDICIAL ECONOMY**

15 The instant pleadings are already filed under Defendant's criminal case number, and do
16 not affect his Petition for Writ of Habeas Corpus filed in A-21-844910-W. There is no need to
17 "enjoin" these motions into the criminal case number because they are already filed there.

18 //

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28 //

1 CONCLUSION

2 Based on the foregoing arguments, Defendant's Motion for Discovery & Motion for
3 Order to Show Cause, Ex Parte Motion for Appointment of Counsel and Request for an
4 Evidentiary Hearing, Motion to Enjoin Case Numbers & Request for Judicial Order for
5 Judicial Economy, and Motion to Dismiss should be DENIED.

6 DATED this 7th day of March, 2022.

7
8 Respectfully submitted,
9 STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565

10
11 BY /s/ John Afshar
12 JOHN AFSHAR
13 Deputy District Attorney
14 Nevada Bar #14408

15 CERTIFICATE OF MAILING

16 I hereby certify that service of the above and foregoing was made this 7th day of March,
17 2022, by depositing a copy in the U.S. Mail, postage pre-paid, addressed to:

18 BRYAN BONHAM #60575
19 PO BOX 650
20 HIGH DESERT STATE PRISON
21 INDIAN SPRINGS, NV 89070

22 BY /s/ Corelle Bellamy
23 CORELLE BELLAMY
24 Secretary for the District Attorney's Office
25
26
27
28



1 ASTA

2
3
4
5
6 **IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE**
7 **STATE OF NEVADA IN AND FOR**
8 **THE COUNTY OF CLARK**
9

10 BRYAN P. BONHAM,

11 Plaintiff(s),

12 vs.

13 CALVIN JOHNSON, WARDEN (HDSP),

14 Defendant(s),
15

Case No: A-21-844910-W

Dept No: VI

16
17 **CASE APPEAL STATEMENT**
18

19 1. Appellant(s): Bryan P. Bonham

20 2. Judge: Jacqueline M. Bluth

21 3. Appellant(s): Bryan P. Bonham

22 Counsel:

23 Bryan P. Bonham #60575
24 P.O. Box 650
Indian Springs, NV 89070

25 4. Respondent (s): Calvin Johnson, Warden (HDSP)

26 Counsel:

27 Steven B. Wolfson, District Attorney
28 200 Lewis Ave.
Las Vegas, NV 89155-2212

5. Appellant(s)'s Attorney Licensed in Nevada: N/A
Permission Granted: N/A

Respondent(s)'s Attorney Licensed in Nevada: Yes
Permission Granted: N/A

6. Has Appellant Ever Been Represented by Appointed Counsel In District Court: No

7. Appellant Represented by Appointed Counsel On Appeal: N/A

8. Appellant Granted Leave to Proceed in Forma Pauperis**: Yes, December 3, 2021

***Expires 1 year from date filed*

Appellant Filed Application to Proceed in Forma Pauperis: N/A

Date Application(s) filed: N/A

9. Date Commenced in District Court: December 3, 2021

10. Brief Description of the Nature of the Action: Civil Writ

Type of Judgment or Order Being Appealed: Civil Writ of Habeas Corpus

11. Previous Appeal: No

Supreme Court Docket Number(s): N/A

12. Child Custody or Visitation: N/A

13. Possibility of Settlement: Unknown

Dated This 8 day of March 2022.

Steven D. Grierson, Clerk of the Court

/s/ Heather Ungermann

Heather Ungermann, Deputy Clerk

200 Lewis Ave

PO Box 551601

Las Vegas, Nevada 89155-1601

(702) 671-0512

cc: Bryan P. Bonham

Heather S. Hume

CLERK OF THE COURT

FFCO

STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
JOHN AFSHAR
Deputy District Attorney
Nevada Bar #14408
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Respondent

DISTRICT COURT
CLARK COUNTY, NEVADA

BRYAN BONHAM,
#0852897

Petitioner,

CASE NO: A-21-844910-W

-vs-

THE STATE OF NEVADA,

DEPT NO: VI

Respondent.

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

DATE OF HEARING: FEBRUARY 17, 2022

TIME OF HEARING: 11:00 AM

THIS MATTER having come on for hearing before the above-entitled Court on the 17th day of February 2022, neither party being present, and the Court having considered the matter, including briefs, transcripts, and documents on file herein, now therefore, the Court makes the following findings of fact and conclusions of law:

STATEMENT OF THE CASE

On June 22, 2015, Petitioner was charged by way of information with Count 1 – First Degree Kidnapping (Category A Felony – NRS 200.310, 200.320) and Count 2 – Attempt Sexual Assault (Category B Felony – 200.364, 200.366, 193.330). On June 30, 2015, Petitioner appeared for Initial Arraignment and pleaded guilty to both counts pursuant to North Carolina v. Alford. 400 U.S. 25, 91 S. Ct. 160 (1970).

1 On October 13, 2015, Petitioner was sentenced as follows: as to Count 1, sixty (60) to
2 one hundred eighty (180) months in the Nevada Department of Corrections and as to Count 2,
3 sixty (60) to one hundred eighty (180) months in the Nevada Department of Corrections, with
4 Count 2 to run consecutive to Count 1, for a total aggregate sentence of one hundred twenty
5 (120) months to three hundred sixty (360) months. Petitioner was credited with 207 days for
6 time served.

7 On December 3, 2021, Petitioner filed the present Petition for Writ of Habeas Corpus.
8 On January 12, 2022, Petitioner filed the instant Motion for Discovery and Motion for Order
9 to Show Cause. The State filed its Response to Petitioner's Petition for Writ of Habeas Corpus,
10 Motion for Discovery and Motion for Order to Show Cause, and Motion for Appointment of
11 Counsel and Request for an Evidentiary Hearing on February 8, 2022. This matter came before
12 this Court on February 17, 2022, and the Court rules as follows:

13 ANALYSIS

14 **I. THE PETITION IS TIME-BARRED**

15 The Petition is time-barred pursuant to NRS 34.726(1):

16 Unless there is good cause shown for delay, a petition that
17 challenges the validity of a judgment or sentence must be filed
18 within 1 year of the entry of the judgment of conviction or, if an
19 appeal has been taken from the judgment, within 1 year after the
20 Supreme Court issues its remittitur. For the purposes of this
21 subsection, good cause for delay exists if the petitioner
22 demonstrates to the satisfaction of the court:

- 23 (a) That the delay is not the fault of the petitioner; and
- 24 (b) That dismissal of the petition as untimely will
25 unduly prejudice the petitioner.

26 The Nevada Supreme Court has held that NRS 34.726 should be construed by its plain
27 meaning. Pellegrini v. State, 117 Nev. 860, 873–74, 34 P.3d 519, 528 (2001). As per the
28 language of the statute, the one-year time bar proscribed by NRS 34.726 begins to run from
the date the judgment of conviction is filed or a remittitur from a timely direct appeal is filed.
Dickerson v. State, 114 Nev. 1084, 1087, 967 P.2d 1132, 1133–34 (1998).

The one-year time limit for preparing petitions for post-conviction relief under NRS
34.726 is strictly applied. In Gonzales v. State, 118 Nev. 590, 596, 53 P.3d 901, 904 (2002),

1 the Nevada Supreme Court rejected a habeas petition that was filed two (2) days late despite
2 evidence presented by the defendant that he purchased postage through the prison and mailed
3 the petition within the one-year time limit.

4 Furthermore, the Nevada Supreme Court has held that the district court has a *duty* to
5 consider whether a defendant's post-conviction petition claims are procedurally barred. State
6 v. Eighth Judicial Dist. Court (Riker), 121 Nev. 225, 231, 112 P.3d 1070, 1074 (2005). The
7 Riker Court found that “[a]pplication of the statutory procedural default rules to post-
8 conviction habeas petitions is mandatory,” noting:

9 Habeas corpus petitions that are filed many years after conviction
10 are an unreasonable burden on the criminal justice system. The
11 necessity for a workable system dictates that there must exist a
time when a criminal conviction is final.

12 Id. Additionally, the Court noted that procedural bars “cannot be ignored [by the district court]
13 when properly raised by the State.” Id. at 233, 112 P.3d at 1075. The Nevada Supreme Court
14 has granted no discretion to the district courts regarding whether to apply the statutory
15 procedural bars; the rules must be applied.

16 This position was reaffirmed in State v. Greene, 129 Nev. 559, 307 P.3d 322 (2013).
17 There the Court ruled that the defendant’s petition was “untimely, successive, and an abuse of
18 the writ” and that the defendant failed to show good cause and actual prejudice. Id. at 324, 307
19 P.3d at 326. Accordingly, the Court reversed the district court and ordered the defendant’s
20 petition dismissed pursuant to the procedural bars. Id. at 324, 307 P.3d at 322–23. The
21 procedural bars are so fundamental to the post-conviction process that they must be applied
22 by this Court even if not raised by the State. See Riker, 121 Nev. at 231, 112 P.3d at 1074.

23 Here, Petitioner’s Judgment of Conviction was filed on October 15, 2015. Thus, the
24 present petition is untimely by more than five years. Barring a showing of good cause and
25 prejudice, which the Court addresses below, the instant Petition must be denied.

1 **II. PETITIONER’S CLAIMS ARE WAIVED PURSUANT TO NRS 34.810**

2 NRS 34.810(1) reads:

3 The court shall dismiss a petition if the court determines that:

4 (a) The petitioner’s conviction was upon a plea of guilty or guilty
5 but mentally ill and the petition is not based upon an allegation
6 that the plea was involuntarily or unknowingly entered or that the
7 plea was entered without effective assistance of counsel.

8 (b) The petitioner’s conviction was the result of a trial and the
9 grounds for the petition could have been:

10 . . .

11 (2) Raised in a direct appeal or a prior petition for a writ of habeas
12 corpus or postconviction relief.

13 The Nevada Supreme Court has held that “challenges to the validity of a guilty plea and
14 claims of ineffective assistance of trial and appellate counsel must first be pursued in post-
15 conviction proceedings . . . [A]ll other claims that are appropriate for a direct appeal must be
16 pursued on direct appeal, or they *will be considered waived in subsequent proceedings.*”
17 Franklin v. State, 110 Nev. 750, 752, 877 P.2d 1058, 1059 (1994) (emphasis added)
18 (disapproved on other grounds by Thomas v. State, 115 Nev. 148, 979 P.2d 222 (1999)). “A
19 court must dismiss a habeas petition if it presents claims that either were or could have been
20 presented in an earlier proceeding, unless the court finds both cause for failing to present the
21 claims earlier or for raising them again and actual prejudice to the petitioner.” Evans v. State,
22 117 Nev. 609, 646-47, 29 P.3d 498, 523 (2001).

23 Here, Petitioner pleaded guilty pursuant to Alford and none of Petitioner’s claims are
24 based on an allegation that the plea was entered involuntarily or unknowingly or that the plea
25 was entered without effective assistance of counsel. Thus, Petitioner’s claims are outside of
26 the scope of a habeas Petition.
27
28

III. PETITIONER HAS NOT SHOWN GOOD CAUSE OR PREJUDICE SUFFICIENT TO OVERCOME HIS PROCEDURAL BARS

To avoid procedural default, under NRS 34.726, a defendant has the burden of pleading and proving specific facts that demonstrate good cause for his failure to present his claim in earlier proceedings or to otherwise comply with the statutory requirements, *and* that he will be unduly prejudiced if the petition is dismissed. NRS 34.726(1)(a) (emphasis added); see Hogan v. Warden, 109 Nev. 952, 959–60, 860 P.2d 710, 715–16 (1993); Phelps v. Nevada Dep’t of Prisons, 104 Nev. 656, 659, 764 P.2d 1303, 1305 (1988). “A court *must* dismiss a habeas petition if it presents claims that either were or could have been presented in an earlier proceeding, unless the court finds both cause for failing to present the claims earlier or for raising them again and actual prejudice to the petitioner.” Evans v. State, 117 Nev. 609, 646–47, 29 P.3d 498, 523 (2001) (emphasis added).

To show good cause for delay under NRS 34.726(1), a petitioner must demonstrate the following: (1) “[t]hat the delay is not the fault of the petitioner” and (2) that the petitioner will be “unduly prejudice[d]” if the petition is dismissed as untimely. NRS 34.726. To meet the first requirement, “a petitioner *must* show that an impediment external to the defense prevented him or her from complying with the state procedural default rules.” Hathaway v. State, 119 Nev. 248, 252, 71 P.3d 503, 506 (2003) (emphasis added). “A qualifying impediment might be shown where the factual or legal basis for a claim was not reasonably available *at the time of default*.” Clem v. State, 119 Nev. 615, 621, 81 P.3d 521, 525 (2003) (emphasis added). The Court continued, “appellants cannot attempt to manufacture good cause[.]” Id. at 621, 81 P.3d at 526. To find good cause there must be a “substantial reason; one that affords a legal excuse.” Hathaway v. State, 119 Nev. 248, 252, 71 P.3d 503, 506 (2003) (quoting Colley v. State, 105 Nev. 235, 236, 773 P.2d 1229, 1230 (1989)). Examples of good cause include interference by State officials and the previous unavailability of a legal or factual basis. See State v. Huebler, 128 Nev. Adv. Op. 19, 275 P.3d 91, 95 (2012). Clearly, any delay in the filing of the petition must not be the fault of the petitioner. NRS 34.726(1)(a).

1 Further, a petitioner raising good cause to excuse procedural bars must do so within a
2 reasonable time after the alleged good cause arises. See Pellegrini, 117 Nev. at 869–70, 34
3 P.3d at 525–26 (holding that the time bar in NRS 34.726 applies to successive petitions); see
4 generally Hathaway, 119 Nev. at 252–53, 71 P.3d at 506–07 (stating that a claim reasonably
5 available to the petitioner during the statutory time period did not constitute good cause to
6 excuse a delay in filing). A claim that is itself procedurally barred cannot constitute good
7 cause. Riker, 121 Nev. at 235, 112 P.3d at 1077; see also Edwards v. Carpenter, 529 U.S. 446,
8 453 120 S. Ct. 1587, 1592 (2000).

9 In order to establish prejudice, the defendant must show “‘not merely that the errors of
10 [the proceedings] created possibility of prejudice, but that they worked to his actual and
11 substantial disadvantage, in affecting the state proceedings with error of constitutional
12 dimensions.’” Hogan v. Warden, 109 Nev. 952, 960, 860 P.2d 710, 716 (1993) (quoting United
13 States v. Frady, 456 U.S. 152, 170, 102 S. Ct. 1584, 1596 (1982)).

14 Here, Petitioner does not even allege, much less demonstrate, good cause or prejudice.
15 Petitioner has not shown that impediment external to his defense prevented him from filing
16 his Petition in a timely manner or that his claims were not available at the time of default.
17 Accordingly, Petitioner has not shown good cause or prejudice sufficient to overcome his
18 procedural bars, and the Petition is denied.

19 **IV. PETITIONER IS NOT ENTITLED TO AN EVIDENTIARY HEARING**

20 NRS 34.770 determines when a defendant is entitled to an evidentiary hearing. It reads:

- 21 1. The judge or justice, upon review of the return, answer and all
22 supporting documents which are filed, shall determine whether an
23 evidentiary hearing is required. A petitioner must not be
24 discharged or committed to the custody of a person other than the
25 respondent *unless an evidentiary hearing is held*.
- 26 2. If the judge or justice determines that the petitioner is not
27 entitled to relief and an evidentiary hearing is not required, he shall
28 dismiss the petition without a hearing.
3. If the judge or justice determines that an evidentiary hearing is
required, he shall grant the writ and shall set a date for the hearing.

1 The Nevada Supreme Court has held that if a petition can be resolved without
2 expanding the record, then no evidentiary hearing is necessary. Marshall v. State, 110 Nev.
3 1328, 885 P.2d 603 (1994); Mann v. State, 118 Nev. 351, 356, 46 P.3d 1228, 1231 (2002). A
4 defendant is entitled to an evidentiary hearing if his petition is supported by specific factual
5 allegations, which, if true, would entitle him to relief unless the factual allegations are repelled
6 by the record. Marshall, 110 Nev. at 1331, 885 P.2d at 605; see also Hargrove v. State, 100
7 Nev. 498, 503, 686 P.2d 222, 225 (1984) (holding that “[a] defendant seeking post-conviction
8 relief is not entitled to an evidentiary hearing on factual allegations belied or repelled by the
9 record”). “A claim is ‘belied’ when it is contradicted or proven to be false by the record as it
10 existed at the time the claim was made.” Mann, 118 Nev. at 354, 46 P.3d at 1230 (2002).

11 Here, all of Petitioner’s claims are either time-barred or waived and are thus subject to
12 summary denial. Riker, 121 Nev. at 231, 112 P.3d at 1074. Because all of Petitioner’s claims
13 are procedurally barred, his claims may be resolved without expanding the record and no
14 evidentiary hearing is necessary. Therefore, Petitioner’s request for an evidentiary hearing is
15 denied.

16 **V. PETITIONER IS NOT ENTITLED TO COUNSEL**

17 Under the U.S. Constitution, the Sixth Amendment provides no right to counsel in post-
18 conviction proceedings. Coleman v. Thompson, 501 U.S. 722, 752, 111 S. Ct. 2546, 2566
19 (1991). In McKague v. Warden, 112 Nev. 159, 163, 912 P.2d 255, 258 (1996), the Nevada
20 Supreme Court similarly observed that “[t]he Nevada Constitution...does not guarantee a right
21 to counsel in post-conviction proceedings, as we interpret the Nevada Constitution’s right to
22 counsel provision as being coextensive with the Sixth Amendment to the United States
23 Constitution.” McKague specifically held that with the exception of NRS 34.820(1)(a)
24 (entitling appointed counsel when petitioner is under a sentence of death), one does not have
25 “any constitutional or statutory right to counsel at all” in post-conviction proceedings. Id. at
26 164, 912 P.2d at 258.

27 The Nevada Legislature has, however, given courts the discretion to appoint post-
28 conviction counsel so long as “the court is satisfied that the allegation of indigency is true and

1 the petition is not dismissed summarily.” NRS 34.750. “The statute sets forth a non-exhaustive
2 list of factors that the district court ‘may consider’ in deciding whether to appoint
3 postconviction counsel: the severity of the consequences that the petitioner faces, the difficulty
4 of the issues presented, the petitioner’s ability to comprehend the proceedings, and the
5 necessity of counsel to proceed with discovery.” Renteria-Novoa v. State, 133 Nev. 75, 76,
6 391 P.3d 760, 761 (2017). Accordingly, under NRS 34.750, it is clear that the Court has
7 discretion in determining whether to appoint counsel.

8 Pursuant to NRS 34.750, Petitioner has not demonstrated that counsel should be
9 appointed. First, the issues are not difficult as all of Petitioner’s claims are procedurally barred.
10 Second, there has been no indication that Petitioner is unable to comprehend the proceedings.
11 Unlike the petitioner in Renteria-Novoa who faced difficulties understanding the English
12 language, here Petitioner has failed to demonstrate any inability to understand these
13 proceedings. Finally, counsel is not necessary to proceed with further discovery in this case.
14 Petitioner has failed to demonstrate that there is a need for additional discovery, let alone
15 counsel’s assistance to conduct such investigation.

16 **VI. PETITIONER’S REQUEST FOR DISCOVERY AND MOTION TO SHOW**
17 **CAUSE IS PREMATURE**

18 Petitioner’s request to conduct discovery is suitable only for denial as it is premature
19 and unsupported by a showing of good cause.

20 NRS 34.780(2) reads:

21 *After the writ has been granted and a date set for the hearing, a party may invoke*
22 *any method of discovery available under the Nevada Rules of Civil Procedure*
23 *if, and to the extent that, the judge or justice for good cause shown grants leave*
to do so.

24 (Emphasis added). A writ is not “granted” for discovery purposes until this
25 Court determines that there is a need for an evidentiary hearing. NRS 34.770(3).

26 This Court has yet to grant any petition or set an evidentiary hearing in this matter. As
27 such, any request to conduct discovery is premature. Moreover, this Court lacks the authority
28 to order discovery unless an evidentiary hearing is required. Because the petition is summarily

1 denied, and no evidentiary hearing is necessary, there is no need for discovery and the motion
2 was prematurely filed. Accordingly, Petitioner's Motion for Discovery and Motion for Order
3 to Show Cause is denied.

4 **ORDER**

5 THEREFORE, IT IS HEREBY ORDERED that the Petition for Writ of Habeas Corpus,
6 Motion for Discovery and Motion for Order to Show Cause, and Motion for Appointment of
7 Counsel and Request for an Evidentiary Hearing shall be, and it is, hereby DENIED.

8 ~~DATED this ____ day of March, 2022.~~

Dated this 10th day of March, 2022

9 
10 DISTRICT JUDGE

NH
kj

11 STEVEN B. WOLFSON
12 Clark County District Attorney
Nevada Bar #001565

CEB 7B6 AEEE 4595
Jacqueline M. Bluth
District Court Judge

13 BY /s/ John Afshar

14 JOHN AFSHAR
15 Deputy District Attorney
Nevada Bar #14408

16
17 **CERTIFICATE OF SERVICE**

18 I certify that on the 8th day of March, 2022, I mailed a copy of the foregoing proposed
19 Findings of Fact, Conclusions of Law, and Order to:

20 BRIAN BONHAM
21 HIGH DESERT STATE PRISON
22 PO BOX 650
INDIAN SPRINGS, NV 89070

23
24 BY /s/ Corelle Bellamy

25 CORELLE BELLAMY
26 Secretary for the District Attorney's Office

27
28 ao/appellate

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 Bryan Bonham, Plaintiff(s)

CASE NO: A-21-844910-W

7 vs.

DEPT. NO. Department 6

8 Calvin Johnson, Warden (HDSP),
9 Defendant(s)

10
11 **AUTOMATED CERTIFICATE OF SERVICE**

12 Electronic service was attempted through the Eighth Judicial District Court's
13 electronic filing system, but there were no registered users on the case. The filer has been
14 notified to serve all parties by traditional means.
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1 NEFF

2 **DISTRICT COURT**
3 **CLARK COUNTY, NEVADA**

4
5 BRYAN BONHAM,

6 Petitioner,

Case No: A-21-844910-W

Dept No: VI

7 vs.

8 CALVIN JOHNSON, WARDEN (HDSP),

9 Respondent,

**NOTICE OF ENTRY OF FINDINGS OF FACT,
CONCLUSIONS OF LAW AND ORDER**

10
11 **PLEASE TAKE NOTICE** that on March 10, 2022, the court entered a decision or order in this matter, a
12 true and correct copy of which is attached to this notice.

13 You may appeal to the Supreme Court from the decision or order of this court. If you wish to appeal, you
14 must file a notice of appeal with the clerk of this court within thirty-three (33) days after the date this notice is mailed
to you. This notice was mailed on March 15, 2022.

15 STEVEN D. GRIERSON, CLERK OF THE COURT

16 /s/ Amanda Hampton

Amanda Hampton, Deputy Clerk

17
18
19 **CERTIFICATE OF E-SERVICE / MAILING**

20 I hereby certify that on this 15 day of March 2022, I served a copy of this Notice of Entry on the
21 following:

22 ☒ By e-mail:

Clark County District Attorney's Office
Attorney General's Office – Appellate Division-

23
24 ☒ The United States mail addressed as follows:

25 Bryan Bonham # 60575
P.O. Box 650
26 Indian Springs, NV 89070

27 /s/ Amanda Hampton

28 Amanda Hampton, Deputy Clerk

Heather S. Hume

CLERK OF THE COURT

FFCO

STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
JOHN AFSHAR
Deputy District Attorney
Nevada Bar #14408
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Respondent

DISTRICT COURT
CLARK COUNTY, NEVADA

BRYAN BONHAM,
#0852897

Petitioner,

CASE NO: A-21-844910-W

-vs-

THE STATE OF NEVADA,

DEPT NO: VI

Respondent.

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

DATE OF HEARING: FEBRUARY 17, 2022

TIME OF HEARING: 11:00 AM

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Dickerson v. State, 114 Nev. 1084, 1087, 967 P.2d 1132, 1133–34 (1998).

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18 the writ” and that the defendant failed to show good cause and actual prejudice. Id. at 324, 307
19 P.3d at 326. Accordingly, the Court reversed the district court and ordered the defendant’s
20 petition dismissed pursuant to the procedural bars. Id. at 324, 307 P.3d at 322–23. The
21 procedural bars are so fundamental to the post-conviction process that they must be applied
22 by this Court even if not raised by the State. See Riker, 121 Nev. at 231, 112 P.3d at 1074.

23 Here, Petitioner’s Judgment of Conviction was filed on October 15, 2015. Thus, the
24 present petition is untimely by more than five years. Barring a showing of good cause and
25 prejudice, which the Court addresses below, the instant Petition must be denied.

1 **II. PETITIONER’S CLAIMS ARE WAIVED PURSUANT TO NRS 34.810**

2 NRS 34.810(1) reads:

3 The court shall dismiss a petition if the court determines that:

4 (a) The petitioner’s conviction was upon a plea of guilty or guilty
5 but mentally ill and the petition is not based upon an allegation
6 that the plea was involuntarily or unknowingly entered or that the
7 plea was entered without effective assistance of counsel.

8 (b) The petitioner’s conviction was the result of a trial and the
9 grounds for the petition could have been:

10 . . .

11 (2) Raised in a direct appeal or a prior petition for a writ of habeas
12 corpus or postconviction relief.

13 The Nevada Supreme Court has held that “challenges to the validity of a guilty plea and
14 claims of ineffective assistance of trial and appellate counsel must first be pursued in post-
15 conviction proceedings . . . [A]ll other claims that are appropriate for a direct appeal must be
16 pursued on direct appeal, or they *will be considered waived in subsequent proceedings.*”
17 Franklin v. State, 110 Nev. 750, 752, 877 P.2d 1058, 1059 (1994) (emphasis added)
18 (disapproved on other grounds by Thomas v. State, 115 Nev. 148, 979 P.2d 222 (1999)). “A
19 court must dismiss a habeas petition if it presents claims that either were or could have been
20 presented in an earlier proceeding, unless the court finds both cause for failing to present the
21 claims earlier or for raising them again and actual prejudice to the petitioner.” Evans v. State,
22 117 Nev. 609, 646-47, 29 P.3d 498, 523 (2001).

23 Here, Petitioner pleaded guilty pursuant to Alford and none of Petitioner’s claims are
24 based on an allegation that the plea was entered involuntarily or unknowingly or that the plea
25 was entered without effective assistance of counsel. Thus, Petitioner’s claims are outside of
26 the scope of a habeas Petition.
27
28

III. PETITIONER HAS NOT SHOWN GOOD CAUSE OR PREJUDICE SUFFICIENT TO OVERCOME HIS PROCEDURAL BARS

To avoid procedural default, under NRS 34.726, a defendant has the burden of pleading and proving specific facts that demonstrate good cause for his failure to present his claim in earlier proceedings or to otherwise comply with the statutory requirements, *and* that he will be unduly prejudiced if the petition is dismissed. NRS 34.726(1)(a) (emphasis added); see Hogan v. Warden, 109 Nev. 952, 959–60, 860 P.2d 710, 715–16 (1993); Phelps v. Nevada Dep’t of Prisons, 104 Nev. 656, 659, 764 P.2d 1303, 1305 (1988). “A court *must* dismiss a habeas petition if it presents claims that either were or could have been presented in an earlier proceeding, unless the court finds both cause for failing to present the claims earlier or for raising them again and actual prejudice to the petitioner.” Evans v. State, 117 Nev. 609, 646–47, 29 P.3d 498, 523 (2001) (emphasis added).

To show good cause for delay under NRS 34.726(1), a petitioner must demonstrate the following: (1) “[t]hat the delay is not the fault of the petitioner” and (2) that the petitioner will be “unduly prejudice[d]” if the petition is dismissed as untimely. NRS 34.726. To meet the first requirement, “a petitioner *must* show that an impediment external to the defense prevented him or her from complying with the state procedural default rules.” Hathaway v. State, 119 Nev. 248, 252, 71 P.3d 503, 506 (2003) (emphasis added). “A qualifying impediment might be shown where the factual or legal basis for a claim was not reasonably available *at the time of default*.” Clem v. State, 119 Nev. 615, 621, 81 P.3d 521, 525 (2003) (emphasis added). The Court continued, “appellants cannot attempt to manufacture good cause[.]” Id. at 621, 81 P.3d at 526. To find good cause there must be a “substantial reason; one that affords a legal excuse.” Hathaway v. State, 119 Nev. 248, 252, 71 P.3d 503, 506 (2003) (quoting Colley v. State, 105 Nev. 235, 236, 773 P.2d 1229, 1230 (1989)). Examples of good cause include interference by State officials and the previous unavailability of a legal or factual basis. See State v. Huebler, 128 Nev. Adv. Op. 19, 275 P.3d 91, 95 (2012). Clearly, any delay in the filing of the petition must not be the fault of the petitioner. NRS 34.726(1)(a).

1 Further, a petitioner raising good cause to excuse procedural bars must do so within a
2 reasonable time after the alleged good cause arises. See Pellegrini, 117 Nev. at 869–70, 34
3 P.3d at 525–26 (holding that the time bar in NRS 34.726 applies to successive petitions); see
4 generally Hathaway, 119 Nev. at 252–53, 71 P.3d at 506–07 (stating that a claim reasonably
5 available to the petitioner during the statutory time period did not constitute good cause to
6 excuse a delay in filing). A claim that is itself procedurally barred cannot constitute good
7 cause. Riker, 121 Nev. at 235, 112 P.3d at 1077; see also Edwards v. Carpenter, 529 U.S. 446,
8 453 120 S. Ct. 1587, 1592 (2000).

9 In order to establish prejudice, the defendant must show “‘not merely that the errors of
10 [the proceedings] created possibility of prejudice, but that they worked to his actual and
11 substantial disadvantage, in affecting the state proceedings with error of constitutional
12 dimensions.’” Hogan v. Warden, 109 Nev. 952, 960, 860 P.2d 710, 716 (1993) (quoting United
13 States v. Frady, 456 U.S. 152, 170, 102 S. Ct. 1584, 1596 (1982)).

14 Here, Petitioner does not even allege, much less demonstrate, good cause or prejudice.
15 Petitioner has not shown that impediment external to his defense prevented him from filing
16 his Petition in a timely manner or that his claims were not available at the time of default.
17 Accordingly, Petitioner has not shown good cause or prejudice sufficient to overcome his
18 procedural bars, and the Petition is denied.

19 **IV. PETITIONER IS NOT ENTITLED TO AN EVIDENTIARY HEARING**

20 NRS 34.770 determines when a defendant is entitled to an evidentiary hearing. It reads:

- 21 1. The judge or justice, upon review of the return, answer and all
22 supporting documents which are filed, shall determine whether an
23 evidentiary hearing is required. A petitioner must not be
24 discharged or committed to the custody of a person other than the
25 respondent *unless an evidentiary hearing is held*.
- 26 2. If the judge or justice determines that the petitioner is not
27 entitled to relief and an evidentiary hearing is not required, he shall
28 dismiss the petition without a hearing.
3. If the judge or justice determines that an evidentiary hearing is
required, he shall grant the writ and shall set a date for the hearing.

1 The Nevada Supreme Court has held that if a petition can be resolved without
2 expanding the record, then no evidentiary hearing is necessary. Marshall v. State, 110 Nev.
3 1328, 885 P.2d 603 (1994); Mann v. State, 118 Nev. 351, 356, 46 P.3d 1228, 1231 (2002). A
4 defendant is entitled to an evidentiary hearing if his petition is supported by specific factual
5 allegations, which, if true, would entitle him to relief unless the factual allegations are repelled
6 by the record. Marshall, 110 Nev. at 1331, 885 P.2d at 605; see also Hargrove v. State, 100
7 Nev. 498, 503, 686 P.2d 222, 225 (1984) (holding that “[a] defendant seeking post-conviction
8 relief is not entitled to an evidentiary hearing on factual allegations belied or repelled by the
9 record”). “A claim is ‘belied’ when it is contradicted or proven to be false by the record as it
10 existed at the time the claim was made.” Mann, 118 Nev. at 354, 46 P.3d at 1230 (2002).

11 Here, all of Petitioner’s claims are either time-barred or waived and are thus subject to
12 summary denial. Riker, 121 Nev. at 231, 112 P.3d at 1074. Because all of Petitioner’s claims
13 are procedurally barred, his claims may be resolved without expanding the record and no
14 evidentiary hearing is necessary. Therefore, Petitioner’s request for an evidentiary hearing is
15 denied.

16 **V. PETITIONER IS NOT ENTITLED TO COUNSEL**

17 Under the U.S. Constitution, the Sixth Amendment provides no right to counsel in post-
18 conviction proceedings. Coleman v. Thompson, 501 U.S. 722, 752, 111 S. Ct. 2546, 2566
19 (1991). In McKague v. Warden, 112 Nev. 159, 163, 912 P.2d 255, 258 (1996), the Nevada
20 Supreme Court similarly observed that “[t]he Nevada Constitution...does not guarantee a right
21 to counsel in post-conviction proceedings, as we interpret the Nevada Constitution’s right to
22 counsel provision as being coextensive with the Sixth Amendment to the United States
23 Constitution.” McKague specifically held that with the exception of NRS 34.820(1)(a)
24 (entitling appointed counsel when petitioner is under a sentence of death), one does not have
25 “any constitutional or statutory right to counsel at all” in post-conviction proceedings. Id. at
26 164, 912 P.2d at 258.

27 The Nevada Legislature has, however, given courts the discretion to appoint post-
28 conviction counsel so long as “the court is satisfied that the allegation of indigency is true and

1 the petition is not dismissed summarily.” NRS 34.750. “The statute sets forth a non-exhaustive
2 list of factors that the district court ‘may consider’ in deciding whether to appoint
3 postconviction counsel: the severity of the consequences that the petitioner faces, the difficulty
4 of the issues presented, the petitioner’s ability to comprehend the proceedings, and the
5 necessity of counsel to proceed with discovery.” Renteria-Novoa v. State, 133 Nev. 75, 76,
6 391 P.3d 760, 761 (2017). Accordingly, under NRS 34.750, it is clear that the Court has
7 discretion in determining whether to appoint counsel.

8 Pursuant to NRS 34.750, Petitioner has not demonstrated that counsel should be
9 appointed. First, the issues are not difficult as all of Petitioner’s claims are procedurally barred.
10 Second, there has been no indication that Petitioner is unable to comprehend the proceedings.
11 Unlike the petitioner in Renteria-Novoa who faced difficulties understanding the English
12 language, here Petitioner has failed to demonstrate any inability to understand these
13 proceedings. Finally, counsel is not necessary to proceed with further discovery in this case.
14 Petitioner has failed to demonstrate that there is a need for additional discovery, let alone
15 counsel’s assistance to conduct such investigation.

16 **VI. PETITIONER’S REQUEST FOR DISCOVERY AND MOTION TO SHOW**
17 **CAUSE IS PREMATURE**

18 Petitioner’s request to conduct discovery is suitable only for denial as it is premature
19 and unsupported by a showing of good cause.

20 NRS 34.780(2) reads:

21 *After the writ has been granted and a date set for the hearing, a party may invoke*
22 *any method of discovery available under the Nevada Rules of Civil Procedure*
23 *if, and to the extent that, the judge or justice for good cause shown grants leave*
to do so.

24 (Emphasis added). A writ is not “granted” for discovery purposes until this
25 Court determines that there is a need for an evidentiary hearing. NRS 34.770(3).

26 This Court has yet to grant any petition or set an evidentiary hearing in this matter. As
27 such, any request to conduct discovery is premature. Moreover, this Court lacks the authority
28 to order discovery unless an evidentiary hearing is required. Because the petition is summarily

denied, and no evidentiary hearing is necessary, there is no need for discovery and the motion was prematurely filed. Accordingly, Petitioner's Motion for Discovery and Motion for Order to Show Cause is denied.

ORDER

THEREFORE, IT IS HEREBY ORDERED that the Petition for Writ of Habeas Corpus, Motion for Discovery and Motion for Order to Show Cause, and Motion for Appointment of Counsel and Request for an Evidentiary Hearing shall be, and it is, hereby DENIED.

~~DATED this ____ day of March, 2022.~~

Dated this 10th day of March, 2022


DISTRICT JUDGE

NH
kj

STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565

CEB 7B6 AEEE 4595
Jacqueline M. Bluth
District Court Judge

BY /s/ John Afshar
JOHN AFSHAR
Deputy District Attorney
Nevada Bar #14408

CERTIFICATE OF SERVICE

I certify that on the 8th day of March, 2022, I mailed a copy of the foregoing proposed Findings of Fact, Conclusions of Law, and Order to:

BRIAN BONHAM
HIGH DESERT STATE PRISON
PO BOX 650
INDIAN SPRINGS, NV 89070

BY /s/ Corelle Bellamy
CORELLE BELLAMY
Secretary for the District Attorney's Office

ao/appellate

1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 Bryan Bonham, Plaintiff(s)

CASE NO: A-21-844910-W

7 vs.

DEPT. NO. Department 6

8 Calvin Johnson, Warden (HDSP),
9 Defendant(s)

10
11 **AUTOMATED CERTIFICATE OF SERVICE**

12 Electronic service was attempted through the Eighth Judicial District Court's
13 electronic filing system, but there were no registered users on the case. The filer has been
14 notified to serve all parties by traditional means.
15
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28

Steven D. Grierson

OSCC

DISTRICT COURT
CLARK COUNTY, NEVADA
* * * *

BRYAN BONHAM, PLAINTIFF(S)
VS.
CALVIN JOHNSON, WARDEN
(HDSP), DEFENDANT(S)

CASE NO.: A-21-844910-W

DEPARTMENT 6

CIVIL ORDER TO STATISTICALLY CLOSE CASE

Upon review of this matter and good cause appearing,
IT IS HEREBY ORDERED that the Clerk of the Court is hereby directed to
statistically close this case for the following reason:

DISPOSITIONS:

- ☐ Default Judgment
- ☐ Judgment on Arbitration
- ☐ Stipulated Judgment
- ☒ Summary Judgment
- ☐ Involuntary Dismissal
- ☐ Motion to Dismiss by Defendant(s)
- ☐ Stipulated Dismissal
- ☐ Voluntary Dismissal
- ☐ Transferred (before trial)
- ☐ Non-Jury – Disposed After Trial Starts
- ☐ Non-Jury – Judgment Reached
- ☐ Jury – Disposed After Trial Starts
- ☐ Jury – Verdict Reached
- ☐ Other Manner of Disposition

DATED this 11th day of March, 2022.

J. Bluth

JACQUELINE M. BLUTH
DISTRICT COURT JUDGE

Jf

Heather J. Smith
CLERK OF THE COURT

1 Bryan p Bonham 6575

2 po Box 650 (Hosp)

3 Indian Springs, Nev 89070

4

5 EIGHTH JUDICIAL DISTRICT COURT

6 CLARK COUNTY, NEVADA

7

8 STATE OF NEVADA

A-21844910-LW
CASE NO. C-15-30-7298-1

9 PLAINTIFF

DEPT NO 6

10 -VS-

11 Bryan p Bonham

" HEARING REQUESTED "

12 Defendant

DATE OF HEARING 12/28/2021

13

TIME OF HEARING 11:00 AM

14

15 Defendants Reply to states opposition to HIS Habeas corpus, motion to correct

16 illegal sentence due to invalid laws, fraud amounting to lack of subject matter

17 Jurisdiction, motion to correct illegal sentence "Smoking Gun" strike against 2014

18 Legislative Ballot seeking to defraud citizens during time of said election, supported

19 by prima facie evidence, Errata, motion for discovery and order for motion

20 to show cause.

21 Comes now Defendant Bryan p Bonham in proper person, hereby submits

22 the foregoing Reply.

RECEIVED
MAR 21 2022
CLERK OF THE COURT

23 This Reply is further made & based upon all papers, pleadings, files and

24 documents before this court, all attached points and Authorities and

25 argument in support of foregoing pleadings request of/or for oral argument,

26 and "show cause hearing"

27

28 wherefore, based upon the above and foregoing, the Defendant

POINTS AND AUTHORITIES

ARGUMENT

STATEMENT OF THE CASE:

"INVALID LAWS"

That due to the very specific nature of the pleadings now before this court. "INVALID LAWS"; "LACK OF SUBJECT MATTER JURISDICTION" the statement of the case is "BOVINE SCATOLOGY; SAMANTIC PRESIDITATION" However, moving forward the Appellant/Accused does hereby adopt the states statement of the case as iterated in their states opposition to Appellant/Accused pro per motions to dismiss for lack of subject matter jurisdiction, Errata to Appellant/Accused motion to dismiss for Lack of Subject matter Jurisdiction/ motion for show of proof; motion to dismiss due to invalid laws; Fraud amounting to lack of subject matter jurisdiction, motion for discovery/motion for an order to show cause, Habeas corpus petition.

(I) ARGUMENT.

As iterated in Appellants writ of Habeas corpus post conv. A conviction based on lack of subject matter jurisdiction a petitioner can challenge said conviction years down the road. This court should not only allow this issue to move forward, this Appellant Humbly Requests this court to also appoint counsel.

THIS COURT MUST CONDUCT A HEARING TO DETERMINE WHEATHER SUBJECT MATTER JURISDICTION IS/OR WAS LAWFULLY HAD BY THIS COURT As iterated in both "motions to dismiss," The "Errata," "Smoking GUN" "caveat"

1 The Appellant/ACCUSED has submitted several claims, issues by which it
2 is alleged that this court was/is deprived of, divested of subject matter
3 Jurisdiction.

4 This Appellant/Accused has made/or put forth a "PRIMA FACIESHOWING,"
5 which should be understood to simply be, a sufficient showing of possible
6 merit to "warrant a full exploration by the district court" That, in light
7 of the documents submitted with the pleadings, should appear, demonstrate
8 reasonable likelihood that the pleadings satisfies any stringent
9 requirements for filing the foregoing pleadings. See THE CONSTITUTION OF
10 NEVADA (CONST OF NEV) ARTICLE (ART) 1 § 8

11 wherefore, due process demands that this District court conduct
12 such a hearing, to allow the Appellant/Accused to "establish 'any' 'fact',
13 which protects the Appellant/Accused. See Cleburne v Cleburne Living Center
14 Inc, 473 U.S. 432, 439 (1989); Rochin v. California 342 U.S. 165, 169 (1952),
15 CONST OF NEV ART 1 § 8

16 Additionally, the Appellant/Accused specifically articulates that, where
17 the CONST OF NEV, provides a greater protection of the Appellant/Accused
18 rights as to the United States Constitution, and its Amendments;
19 the Appellant/Accused does seek, and respectfully request that He be so
20 protected. See/compare. Wilson v State, 123 Nev 587, 595 (Nev 2007)

21 The Appellant/Accused's pleadings and Exhibits submitted and filed
22 with this court, require that a "Fact Finding" hearing be conducted, as the
23 Supreme Court of Nevada (Sup CrT of Nev), is not a fact finding tribunal.
24 See. Zugel v Miller, 99 Nev. 100, —, 659 p.2d 296, 297 (Nev. 1983); and
25 Zobrist v Sheriff, 96 Nev. 625, 614 p.2d 538 (1980)

26 That, without adequate, full, and fair presentation of the "FACTS,"
27 it is wholly impossible for the Sup CrT of Nev to be in a position, to
28 render a full, fair, and adequate ~~180~~ appellant review as to "FACTS" not

1 fully developed in the district court, due to the Appellate court not being
2 a "FACT FINDING TRIBUNAL" Zugel, 99 NEV 2d at 659 p.2d at 297

3 Additionally, the sup crt. of NEV cannot review, or presume facts
4 etc from a silent record compare: Boyle v Alabama, 395 U.S. 238, 242
5 (1969).

6 Further, this Appellant/Accused has cited to decisions of the UNITED
7 STATES SUPREME COURT (U.S. SUP CRT), that this court should be
8 mindful of the submitted pleadings, and should be mindful of making
9 a decision that is contrary to, or involves an unreasonable application
10 of, clearly established federal law, as determined by the Supreme Court, or
11 based on an unreasonable determination of the "FACTS" see:

12 Williams v Taylor 529 U.S. 362, 405 (2000)

13 Again, the Appellant/Accused has submitted "PRIMA FACIE EVIDENCE,"
14 exhibits that "does present claims, issues, Allegations," that the NRS
15 are invalid, unconstitutional, and/or are unlawful. To which this Appellant/
16 Accused must be permitted to establish as a fact. that, the plaintiff/state
17 /Respondant has not in any manner presented contradictory evidence thereto.

18 CONST OF NEV ART 1 § 8

19 wherefore, this Appellant/Accused is entitled to relief Rubio v STATE
20 194 p.3d 1224, 1233 (NEV 2008)

21 (II) THE DUE PROCESS CLAUSE OF THE CONSTITUTION OF THE STATE OF NEVADA
22 ARTICLE 1 § 8, MANDATES THAT THIS COURT CONDUCT A HEARING THAT
23 ALLOW THE APPELLANT/ACCUSED TO ESTABLISH "ANY FACT" THAT
24 PROTECTS HIM.

25 The due process clause requires that a person have the
26 opportunity to "ESTABLISH 'ANY FACT'" which would be "protection to Him"
27 or HIS property. Due process clause of the CONST OF NEV ART 1 § 8, not
28 only requires that persons shall be properly brought into court.

1 (Subject matter Jurisdiction), yet that he shall have opportunity to
2 "ESTABLISH 'ANY FACT'" which according to usages of common law or
3 provisions of the constitution would be protection to him or his property.
4 (Emphasis added) see: Wright v Cradlebaugh, 3 Nev 341 (1867);
5 cited ~~persing~~ persing v Reno Stock Brokerage Co, 30 Nev 342, 349,
6 96 Pac 1054 (1908); State v Fouquette, 67 Nev 505, 514, 221 p2d
7 404 (1950), see also Ulpperman v State, 96 Nev 592, 614 p.2d 532
8 (1980), Casio v State, 106 Nev 327, 793 p2d 836 (1990)

9 The Appellant/Accused by virtue of the "PROVISIONS" of the CONST OF NEV
10 ART 3 § 1, has articulated that the Nevada Revised Statutes (NRS) were/are
11 derived from an UNCONSTITUTIONAL body, entity, commission, group, etc.
12 which violated the separation of departments; separation of powers. In
13 that Justices of the Supreme Court charged under ART 6 § 4 of the CONST OF NEV,
14 were performing duties, functions, powers of the legislature (LEGIS OF NEV),
15 ART 4 § 1 of the CONST OF NEV, to create the "NEVADA REVISED STATUTES".
16 Galloway v Truesdell, 83 Nev 13, 422 p.2d 237 (1967); cited Dunphy v
17 Sheehan, 92 Nev 259, 265, 549 p.2d 332 (1976); Sawyer v Doolay, 21
18 Nev 390, 32 Pac 437 (1893); cited Ormsby County v Kearney, 37 Nev 314
19 at 341, 142 Pac. 803 (1914)

20 The Appellant/Accused by virtue of the "PROVISIONS" of the CONST OF NEV ART
21 4 § 18, has alleged that the 48TH session of the LEGIS OF NEV 1957, in
22 "ALLEGEDLY" passing Senate Bill No. 2 "THE REVISION BILL" TO "ENACT"
23 the NRS, failed to comply with the mandate's, requirements in ART
24 4 § 18 of the CONST OF NEV.

25 That, there's no proof (evidence), that Senate Bill (S.B.) No. 2
26 "THE REVISION BILL", was read by sections on three separate days, in
27 each House, ... there's no evidence as to yeas and nays entered on
28 the or in the Journals of each ~~1882~~; etc see: STATE ex rel. Cardwell v.

1 Glenn, 18 neu 34, 1 pac. 186 (1883); cited STATE ex rel. Sutherland v NYE,
2 23 neu. 99 101, 42 pac. 866 (1895), STATE ex rel Osburn v Beck, 25 neu
3 68, 80, 56 pac. 1008 (1899), cited STATE ex rel Coffin v Howell, 26 neu
4 93, 100, 64 pac. 466 (1901). (For an in depth history of the alleged
5 constitutional violations, fraud (stealth fraud), criminal enterprise; mal
6 feasant, non feasant, and/or MISFEASANCE IN PUBLIC OFFICE, please
7 review the attached DISCOVERY "BIGGEST LEGAL FIND" IN NEVADA
8 HISTORY By GARY W. WALTERS & CURTIS L. Downing, July 4th, 2013
9 and the attached exhibits.) ~~attached as exhibit + see all attached exhibits~~
10 The STATE "CANNOT" produce from the Secretary of state's office,
11 S.B. NO. 2 "THE REVISION BILL", to validate that the mandates of the
12 CONST OF NEV as set forth herein above have been met to enact,
13 approve the NRS as Law of the STATE OF NEVADA.
14 The CONSTITUTION SUPREME LAW OF STATE. provisions of constitution
15 are Supreme Law of state and must be enforced by courts in letter
16 and spirit whether or not courts consider policy of such provisions
17 wise. State v DUFFY, 6 neu 138 (1870) cited Goldman v Bryan, 106
18 neu. 30, 37, 787 p.2d 372 (1990)
19 The Appellant/Accused by constitutional provision ART 1 § 8 of the
20 CONST OF NEV "MUST BE ALLOWED TO ESTABLISH THESE FACTS", by this
21 court conducting a hearing "SHOW CAUSE HEARING", a hearing evidentiary
22 in nature where by the Appellant/Accused, being present in court is
23 given the opportunity to establish "ANY FACT" that would be protection
24 to him, this court lacked subject matter Jurisdiction ab initio. STATE v
25 Fouquette, 67 neu at 514
26 The fact that "subject matter Jurisdiction" can be "raised at any
27 time", Landreth v Malik, 127 neu Adv. Rep 16, 251 p.3d 163 166 (2011)
28 means that, The Appellant/Accused ~~must~~ be provided the forum, opportunity

1, before, in the presence of this court, to establish "ANY FACT" according to
2 usages of Common Law or provisions of the NEV CONST, would be
3 protection to him... STATE V Fouquette, 67 NEV. at 514 (the Appellant/
4 Accused states that this allegation of Lack of Subject matter jurisdiction
5 protects him, and requests to come before this court for the opportunity
6 to establish any fact there to).

7 The Appellant/Accused has succinctly set forth "CONSTITUTIONAL
8 PROVISIONS" that would be protection to him, that, it will be a
9 violation of the Appellant/Accused right to the CONST OF NEV ART 1 § 8,
10 Due Process, and the UNITED STATES CONSTITUTION the FIFTH (5TH)
11 AMENDMENT DUE PROCESS, and the FOURTEENTH (14TH) AMENDMENT DUE
12 PROCESS and EQUAL PROTECTION see: Daniels v Williams, 474 U.S. 327,
13 337 (1986); Cleburne v Cleburne Living Center, Inc., 473 U.S. 432, 439
14 (1985); and Rochin v California, 342 U.S. 165, 169 (1952), to not
15 allow the Appellant/Accused the ⁶⁶OPPORTUNITY TO ⁶ESTABLISH ⁶ANY FACT⁹⁹
16 That would protect him".

17 (A). There are additional "FACTS" that the Appellant/Accused can "FACTUALLY
18 ESTABLISH", that would be protection to him also STATE V Fouquette,
19 67 NEV. at 514, i.e. establishing the disingenuousness of the states
20 skulduggeryish argument as concerns the HISTORIC decision, opinion
21 of the court - by Howley, C.J. in State V Rogers, 10 NEV 250, 261
22 (1875)

23 The argument is inextricable, and has become simply a cookie
24 cutter argument, that apparently all chief deputy district attorneys
25 are aptly cutting from, which BOVINE SCATOLOGY argument is a
26 use of SAMANTIC PRESIDITYTATION equaling B.S. & word magic
27 that completely mistakes the LAW; the CONST OF NEV., again
28 STATE V Rogers, 10 NEV. at 261 184

1 The STATE/plaintiffs opposition reads in part: The "Enacting clause must
2 be included in every Law created by the 'LEGISLATURE' and the Law must express
3 on its Face 'the authority by which they were enacted' STATE V. ROGERS, 10 NEV
4 250 1875 WL 4031, 7 (1875)

5 opposition at page Lines 1

6 This spurious argument only begs but one question to be asked,
7 Whom els in the STATE OF NEVADA creates Law, other than the LEGIS
8 OF NEV, CONST OF NEV ART 4 §1, under NEVADA'S three!! (3) separate
9 departments of Government, CONST OF NEV ART 3 §1

10 The Accused/Appellant strongly believes it to be utterly!! preposterous
11 that, a scholarly person such as your honor, can not see, discern the
12 fallacy in the BOVINE SCATOLOGY supposition argued by the state at
13 page Line , "The NEVADA Revised statutes do not have the
14 same Requirements, 'AS they are not Laws enacted by the legislature'"
15 once again, The Accused/Appellant asks what body of Government under
16 Nevada's (3) three separate departments of Government, enacted the NRS
17 as Law of the STATE OF NEVADA? CONST OF NEV ART 3 §1 and ART 4 §1
18 Galloway, supra

19 (III) EDUCATION OF THE COURT

20 The Accused/Appellant has provided this court with the Authority of Law,
21 written by Charles A. Weisman, case law index, in an effort to apprise
22 the court of the source of the Accused/Appellant information, and case
23 Law, that the Accused/Appellant pleadings are not spurious, nor random
24 words of a legal dictionary, or a smattering of random court cases.
25 it is highly intelligible and completely cognizable before this court.

26

27

28 wherefore, based upon the above and foregoing, The Defendant hereby

- 1 prays, and respectfully requests that this court will:
- 2 (1) Deny the States Opposition;
- 3 (2) Allow time for additional discovery;
- 4 (3) Hold a "SHOW CAUSE HEARING"
- 5 (4) Determine whether this court has or had Lawful subject matter
- 6 Jurisdiction?;
- 7 (5) Determine whether the NRS are "CONSTITUTIONALLY valid pursuant to
- 8 the paramount Law the CONST OF NEV?"
- 9 (6) Was the CONST OF NEV violated by the formation/creation of the
- 10 STATUTE REVISION COMMISSION, with the three sitting Justices of the
- 11 SUPREME COURT OF NEVADA being on the commission, performing legislative
- 12 duties and functions;
- 13 (7) Has fraud, usurpation, tyranny, malfeasance, nonfeasance and/or
- 14 MISFEASANCE IN PUBLIC OFFICE been committed by past or present members
- 15 of the LEGIS OF NEVADA?...;
- 16 (8) Does the CONST OF NEV mandate that "EVERY LAW", "ALL LAWS", in and
- 17 out of the LEGIS OF NEV have to have, the ENACTING CLAUSE upon their
- 18 face?;
- 19 (a) What body of Government in Nevada along with the LEGIS OF NEV
- 20 "CREATES" and "ENACTS" Laws?
- 21 (10) Determine whether this court stands for legitimate Government?
- 22 Steverson v. Tufly, 19 Nev 391, 393, 394-95 72 p 835, 837-38 (1887)
- 23 (11) render excellent review, and provide relief to the Appellant/Accused
- 24 should relief be warranted.
- 25 The Appellant/Accused ASKS this court please consider: "Judges are
- 26 not to consider the political or economic impact that might ensue
- 27 from upholding the constitution as written "They are to uphold it no
- 28

1 matter what may result,⁹ as that ancient maxim of law states "though the
2 heavens may fall, let Justice be done".⁹
3 Defendant would like to point out two (2) contradictions:
4 (1) chief Deputy DA's, ODA's & even Deputy AG's and chief Deputy AG's
5 always argue that NRS are not the laws of Nevada, yet are only prima
6 facie evidence of pre-existing laws. The pre-existing laws referred to were in fact
7 repealed on January 21, 1957. See exhibit "6's"⁹ of motion to correct illegal sentence.
8 page 2 see 3. Repeal of prior laws,
9 Bryan P Bonham v Barbara K Reguste, case no. 27-cv-wr3-2019-0039
10 opposition to plaintiffs (Bonham) motion for summary judgment.
11 Counsel argues NRS 378.255(3) which states:
12 management and retention of records; provision of micro filming and digital
13 imaging services, inspection of confidential or privileged governmental
14 records, recovery of records. The state Library, Archives and public records
15 Administrator may:
16 (3) Establish standards for the preparation of schedules providing for the retention
17 of state records of continuing value and prompt and orderly disposition of
18 state records which no longer possess sufficient administrative, fiscal,
19 LEGAL OR RESEARCH VALUE TO WARRANT THEIR FURTHER RETENTION.
20 one of the biggest questions in this case is where is the original true/correct
21 S.B. no 2, 1957. "THE REVISION BILL"? The CONSTITUTIONALLY mandated officer/
22 person is not in possession of any acts passed in Nevada. which is secretary of
23 state. NRS 378.255(3) indicates that S.B. no 2 1957 is of NO LEGAL VALUE so
24 therefore NRS 378.255 as well as NRS's challenged by defendant are of NO LEGAL
25 VALUE you cannot have it both ways. see CONSTITUTIONAL ARTS 20
26 (2) claiming that the NRS are not the laws. defendant respectfully requests
27 this court to look at STATE OF NEVADA v JUSTIN Langford case no.
28 C-14-296556-1 where on approx 187 JUST 24th, 2021 state responded

1 to Langford's motion to correct illegal sentence. "NRS is the Law and all the
2 original statutes were attached to S.B. 2 "THE REVISION BILL" so defendant
3 asks again. where ARE the original statutes; ORIGINAL S.B. NO 2. "THE
4 REVISION BILL" This can be verified by court via www.clarkcountycourts.
5 us/departments/clerk/records-research-and-viewing. See also Response
6 attached here in as exhibit page (3) ^{three} ~~four~~ Lines (10-18) ten through eighteen.
7 Defendant would like to address question (7) in this motion. see page 10 line
8 13-15. the response should be no, yet that would be an untrue statement.
9 Fact is CONST OR NEV ART 3 § 1 IS PARAMOUNT LAW, the proper response to
10 this question is YES see STATE OF NEVADA v. Edward Beelrosian case no
11 C-17-324176-1 prosecuted by senator Nicole Cannazzo this ^{is} a clear
12 violation of SEPARATION OF POWERS. Further more defendant would respectfully
13 ask your honor to review RES GESTAE ^{NOVUM} ~~(NEW)~~ A case in front of Richard
14 Scotti esq. STATE OF NEVADA VS Plumlee. where where Mrs Plumlee was
15 prosecuted; convicted of a DUI, Her prosecutor was a member of Judiciary
16 Committee in the NEVADA STATE SENATE this is a clear violation of ART 3 § 1
17 of CONST OR NEV. A ODA as well as CODA work for, represent the STATE OF NEVADA.
18 Article 15 in September 2021 issue, by Judge Scotti, esq. ODA
19 has committed Fraud upon this court & has violated His oath of office and
20 Duty as an Attorney.

21 CONSTITUTION OF NEVADA

22 ARTICLE 15 § 2

23 "knowingly giving false testimony on material factual issue is a serious
24 breach of basic standards of Honesty as well as a violation of an attorneys
25 oath of office and His duties as an attorney. Affirmative Representations
26 made with intent to deceive, even though no harm results, are grounds
27 for Disapline. The purpose of state bar disciplinary proceedings are not
28 punitive, but are to protect the public, maintain the integrity and the High

1 profession, and preserve public confidence in the legal profession" Burreiro
2 V. STATE BAR (1970) 2 cal 31 912 88 cal RPT 192, 471 p2d 992
3 "we cannot ignore the central fact that STATE'S counsel here not only
4 signed documents for state under penalty of perjury [opposition to defendants
5 writ of Habeas corpus, motions to correct illegal sentence, errata, caveat]
6 & asserting the validity of the NRS with no evidence to support the argument,
7 while he asserted their genuineness before this court and argued his claim
8 and gave false testimony, filed false documents, these acts are most
9 serious violations and cannot be condoned."
10 It is the duty of an attorney to employ only such means as are consistent
11 with the truth, and to refrain from misleading any judge or any judicial
12 officer by artifice or false statement of law. "Fraud destroys the
13 validity of every thing into which it enters. 70 AM JUR 2d sec 50 v11
14 civil liability

15 FREEDOM OF INFORMATION ACT

16 statutory exceptions to the freedom of information act [FOIA] requirement
17 that a government agency may not withhold or limit the availability of any
18 record or to be narrowly construed, and burden is on the agency to
19 justify its actions.
20 The true & correct documents cannot be produced as the office of the
21 secretary of state is not in control of said documents that would prove
22 or disprove whether defendant/accused sentence is illegal/unconstitutional
23 or not. mere conjecture, & reference is not enough.

1 REITERATE SECOND 2nd CONTRADICTION

2 The Defendant/ACCUSED would point out the following argument, §
3 supported by Evidence. See attached Exhibit 2 herein.

4
5 AS previous iterated state argues that NRS 171.106 NRS 53 amended
6 07/13/1993 is by which this Declaration of Warrant/Summons is made.

7
8 A sworn document by a peace officer pursuant to a statute/Law
9 that is an illegal, unlawfull, unconstitutional statute/Law.

10 This Defendant/ACCUSED argues that swearing a Declaration
11 under the pains & penalties of perjury, that to be true pursuant
12 to a Law that is illegal, unlawfull, unconstitutionally void, of
13 ^{any} ~~no~~ authority is in fact an act of fraud upon this court. in violation
14 of 28 U.S.C.A. § 1746. & 18 U.S.C.A. § 1621.

15

16

~~REITERATE SECOND 2nd CONTRADICTION~~
17 Defendant/ACCUSED contends that state has failed to produce any
18 significant evidence to support their position, or to disprove the
19 Defendant/ACCUSED position; thus this Defendant/ACCUSED respectfully
20 request this court to follow the PARAMOUNT LAW CONST OF NEV (1864)
21 as when a statute comes into conflict with the CONSTITUTION the
22 statute must yield.

23 Appellant/Defendant further points court to attached exhibit 3:

24 pag 4 Lines 10 through 18. Counsel for state admits NRS 171.106 & NRS

25 171.020 were enacted by the 48th session of the Nevada Legislature which

26 enacted into Law the Nevada Revised Statutes. through Senate Bill no 2

27 1957. you can not "Pork Belly" Laws one Act i.e. Bill for one Law. in

28 exhibit 3 Counsel admits (2) two NRS's were enacted as law under one Bill/

1 act.

2 further more each law is to have the enacting clause upon its face. As well as
3 Justices of the new sup crt being part of the statute revision commission.
4 was/is a violation of separation of powers.

5 THIS COURT HAS INHERENT AUTHORITY TO
6 MODIFY, SUSPEND OR OTHERWISE CORRECT ITS
7 OWN SENTENCE.

8 The inherent power to correct an illegal sentence, like the inherent power to
9 modify sentences based on mistakes about a defendants' record, must
10 necessarily include the power to entertain a motion to correct an illegal
11 sentence.

12 STATUTORY AUTHORITY

13 This court may correct an illegal sentence at any time. NRS 176.555

14
15 THIS COURT WAS WITHOUT JURISDICTION TO IMPOSE SENTENCE/PUNISHMENT
16 IN VIOLATION OF U.S. CONST AMEND 1; 5; 6; 8; 14 U.S. CONST ARTS 136 cl. 2;
17 1.39, cl. 3; 633 2 & 3 NEW CONST ART 138, cl. 5; 331; 4317; 636; 6311; 1532;
18 1633 1/2 4323

19
20 This court Allegedly gets its Authority to impose a punishment/sentence on a
21 criminal Defendant That Allegedly committed a crime within its county, And
22 that Allegedly comes from NRS 171.010, However if you look at NRS 171.010
23 its no more than a bunch of words without any meaning or Authority behind it.
24 Edwards v State, 112 Nev 704, 708, 918 p 2d 321, 324 (1996); STATE ex
25 re/ Chase v Rogers 10, Nev 250, 1875 NEXIS/LEXIS 24 (NEV 1875)

26 Appellant/Accused Respectfull point out The following two exhibits
27 5 & 5a Five being a Request letter to new sup crt library. 5a being
28 Librarian's Response, what was sent, letter From Justin odell langford

1 v. Justin Odell Langford case no C-14-296556-1
2 where all previous versions of NRS 171.010 & 171.020 and bills that created
3 both statutes. Response showing the statutes were repealed and never
4 added to other chapters or sections in the NRS. This court will also
5 find CL 1929 §§ 10705 & 10707; RL 1912, § 6908 the versions of NRS 171.010
6 & 171.020 prior to the repeal done by Senate Bill no 2 (1957), which is
7 the Senate Bill that created the NRS. What this court will not find
8 attached is a Senate or Assembly Bill creating NRS 171.010 & 171.020 during 1957 or
9 afterwards in proper manner.
10 Therefore NRS 171.010, NRS 171.020 are invalid as they were never passed
11 into Law properly & by a proper Bill, as required by CONST OF NEV ART
12 4 § 23 NRS 171.010's legislative history was last listed as CL 1929, § 10705
13 which was repealed by Senate bill no 2 1957 see motion to correct illegal
14 sentence Exhibit "3" for more evidence of statutes prior to 1957 being
15 repealed, therefore NRS 171.010 & NRS 171.020 are invalid and deprive this
16 court of Authority/Jurisdiction to impose punishment.
17 As demonstrated above, The sentence imposed is/was an "illegal sentence"
18 and as such, The Appellant/Accused requests this court to issue an order for the
19 immediate release from custody and all aspects of punishment removed
20 from the defendant. As court Lacked Jurisdiction to impose any kind
21 of punishment on the Appellant/Accused.

22 DENIAL OF DUE PROCESS

23 on December 27, 2021 court gave an order denying Defendant/Accused of HIS due
24 process rights, by denying HIS motion to correct an illegal sentence without
25 an opposition by the State. "It is not the job of Judges to make up arguments and
26 then to purport to rule on them... our appearance of neutrality is damaged when
27 we step outside our role and give a helping hand to one of the parties see Buldras v
28 Countrywide Bank 2011 DLR 18623, 18625

1 "The supremacy clause requires state courts to fairly apply federal Law; fairly adjudicate
2 federal claims presented to them" CITY OF AUBURN V QUEST CORP, 260 F.3d 1160 (9th Cir
3 2001)
4 The court stated the following:
5 Nevada Revised Statutes do not have the same requirements as laws of Nevada because they
6 are not Laws enacted by the Legislature. instead, The Nevada Revised statutes are
7 previously enacted Laws which have been classified, codified, and annotated by the
8 legislative Counsel see NRS 220.120. further, the content requirements for the Nevada
9 Revised statutes, as laid out in NRS 220.110, do not require the enacting clause to be
10 republished in them. Therefore Defendant's argument is without merit. Furthermore, this
11 court had subject matter jurisdiction over Defendant's sentence because there is no
12 requirement that the enacting clause must be on the charging documents. STATE V ROGERS, 10
13 NEV.250 1875 WL 4032, 7 (1875)
14 This court is wrong and has erred in the following way:
15 (1) See Attached exhibit 2a ACT OF THE 48TH SESSION OF THE NEVADA LEGISLATURE
16 AN ACT TO REVISE THE LAWS AND STATUTES OF THE STATE OF NEVADA OF A GENERAL OR PUBLIC
17 NATURE; TO ADOPT AND ENACT SUCH REVISED LAWS AND STATUTES, TO BE KNOWN AS THE NEVADA
18 ~~REV~~ REVISED STATUTES, AS THE LAW OF THE STATE OF NEVADA; TO REPEAL ALL PRIOR LAWS
19 AND STATUTES OF A GENERAL, PUBLIC AND PERMANENT NATURE; PROVIDING PENALTIES; AND
20 OTHER MATTERS RELATING THERETO.
21 (2) three Justices (3) violated ART 3 § 1 OF THE NEV CONST by being the ones who revised
22 and created the NEVADA REVISED STATUTES (NRS); The legislature violated ART 4 § 1
23 ~~ART~~ (3) NRS 220.120 & 220.110 are in conflict with the NEVADA CONSTITUTION (1864)
24 The constitution is the paramount Law. Where there is conflict between an act
25 of the legislature and the constitution of the state. the statute must yield to the
26 extent of the repugnancy. STATE EXREL MOON V STATE Bd of EXAMINERS 104 Idaho
27 640, 648, 662 p.2d 221, 229 (Idaho 1983); STATE V ROGERS, 10 NEV at 255, quoting
28 walker, cv. see also Weaver v Lapsley, 439 A 224 (emphasis added)

1 (14) under our federal system of dual sovereignty, subject matter jurisdiction
2 of state courts is governed in the first instance by state laws. Chivas
3 Products Ltd v Owen, 864 F.2d 1280 (6th Cir 1988) moreover, subject matter
4 jurisdiction cannot be "cured" and should the court not have jurisdiction, it
5 does not have power to preside over the case. Baker v Simpson Energy and
6 Automation, Inc, 820 F.Supp 1058, 1059 (D. Ohio 1993).
7 ARTICLE 6 SECTION 1, OF THE NEVADA CONSTITUTION (NEV CONST) vests the judicial
8 power in the state district and justice courts. SECTION 6 gives the district courts
9 original jurisdiction in all criminal cases. Morse v Orr, 30 NEW 458, 98 p. 328 (1908)
10 as such, when a court lacks jurisdiction, an ensuing judgment is void, and
11 "thus vulnerable to direct or collateral attack at any time" Burgis v
12 merchants collection Association, 7 Cal 3d 94, 119, 101 Cal Rptr 745,
13 496 p.2d 817 (1972)
14 An indictment or information/complaint in a criminal case is the main means by
15 which a court obtains subject matter jurisdiction, and is the "jurisdictional
16 instrument upon which the accused stands trial."
17 State v Chatman, 671 p.2d 531, 538 (Kan 1983). The complaint/information
18 is the foundation of the jurisdiction of the magistrate or court. Thus, should these
19 charging instruments be invalid, there is a lack of subject matter jurisdiction.
20 "without a formal and sufficient information a court does not acquire subject
21 matter jurisdiction and thus an accused may not be punished for a crime."
22 Hornomichi v State, 333 N.W 2d 797, 798 (S.D 1983)
23 STATE OF NEVADA vs JUSTIN LANGFORD.
24 case no C-14-296556-1
25 Filed 08/24/2021 & attached as exhibit 3
26 page 4 Lines 10 to 18. First this deputy district attorney omits NRS 171.010
27 and NRS 171.020 fall within range of NRS SECTIONS 1.010 to NRS SECTION
28 710.590 and were properly enacted into law by this bill.

1 CONCLUSION

2 This is filed to show this court's attempt to deny defendant/appellant due process.

3 and he asks the following questions:

4 (1) Where is seal of state on Act of 48th Session of Nev. Legis.

5 (2) Where is History or Yeas or Nays vote on this Bill.

6 (3) Where is by ballot vote of people/citizens of state to enact the NRS.

7

8 based on the facts ~~presented~~ presented in the motions filed by defendant, the lack

9 of support by this court's clear error, no opposition filed by state as they

10 have none to give that is supported by case law or the constitution.

11 The dismissal should be reversed, an evidentiary hearing should be granted

12 & Held,

13 since the information/complaint is where court receives S.M. & if the law is

14 illegal, invalid, unconstitutional i.e. NRS defendant was convicted pursuant to.

15 further if judges wrote the laws NRS. They are void.

16

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VERIFICATION

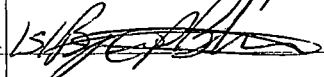
I Bryan P Bonham declare and verify that I have read the foregoing Reply to states Opposition to the Appellant/ Accused writ of Habeas corpus, motions to Dismiss, Errata, Smoking Gun strike against 2014 legislative Ballot seeking to defraud citizens during time of said election, supported by prima facie evidence, motion for discovery order to show cause, & to best of my belief and knowledge that the foregoing is true & correct under the pains and penalties of perjury pursuant to 28 U.S.C.A. § 1746 & 18 U.S.C.A. § 1621

CERTIFICATE OF SERVICE

I Bryan P Bonham certify that I am attaching & have read the foregoing Reply to states opposition with special instructions for electronic filing & service to the clerk of the court to serve all of my opponents pursuant to NEFCR 5(k), a et seq (A-E) etc to the following.

Deputy District Attorney
Steve Wolfson
200 Lewis Ave
Las Vegas, Nev 89155

Dated this 9th day of March 2022



Bryan P Bonham 60575

PO Box 650 (HOSP)

Indian Springs, Nev 89470

EXHIBIT 1

DISCOVERY OF BIGGEST LEGAL
FIND IN NEVADA HISTORY.

Attachment to;
Accused Reply to States
Opposition - Case NO C-217569

Attached to current case
Reply to States opposition
Case NO. C-15-307298-1
As Exhibit 66,99

DISCOVERY
OF
("BIGGEST LEGAL FIND")
IN
NEVADA HISTORY
BY
GARY W. WALTERS
CURTIS L. DOWNING
JULY 4th / 2013

Written By:

Gary W. Walters #1022269
Curtis L. Downing
I.D. #18675

Cover
198*

Exhibit 66,99

1 From GARY W. WALTERS

2 1022269

3 SDCC P.O. Box 208

4 Indian Springs NV 89070-0208

July 26th/2013

5 Accused / Pro Se,

6 To: CLERK of the District Court

7 200 Lewis Ave 3rd floor

8 Las Vegas NV 89155-1160

9 C-217569

10 Re: Accused / Prose Reply to States opposition

11 Motion to Dismiss Lack of Subject matter jurisdiction

12 ERRTA - Motion to Dismiss - CAVENT, Motion for

13 Self and Prose Representation (Discovery)

14
15 Dear clerk of the District Court

16 Please find the Original Reply to States
17 opposition.

18 Please file Stamp and forward the Copy
19 Cover page Back to me at the address
20 above,

21 Thank You

22 Respectfully Submitted

23 Gary W. Walters

24 Accused / Prose

RECEIVED

AUG 05 2013

CLERK OF THE COURT

NARRATIVE

This Narrative is based upon 4 1/2 years plus legal work, research, due diligence and facts gathering by two inmates incarcerated in the Nevada Dept. of Corrections at Southern Desert Correctional Center at Indian Springs Nevada.

"THE DISCOVERY OF THE BIGGEST LEGAL FIND IN NEVADA HISTORY", was made by Curtis L. Downing an Inmate paralegal/Assistant and Gary W. Walters an Inmate Advocate in their Quest to pursue their "ACTUAL Innocence".

The writers herein in reading and reviewing over 200 plus Case laws that were Shepardized, and reading a Mentored book, "THE AUTHORITY OF LAW" written by Charles Weisman, a legal Scholar from Minnesota.

The writers of this Factual narrative, then pursued reviewing and reading and understanding "THE NEVADA STATE CONSTITUTION", After reading, reviewing collecting information, the Constitution it's Articles and Remourous Sections were violated, than looking into all the (NRS) Statutes, and documents referencing to them it became very obvious, something was "VERY WRONG".

The writers, turned their full attention to the commencement of their Fact Finding mission.

The writers realized they had a huge discovery.

"A CRIMINAL ENTERPRISE" After 56 years had passed, these two writers has made this hidden "STEALTH FRAUD" designed to cover up multiple Jon and/or Jane Does Corruption, thus this all set the stage for the establishment of the Rogue State of Nevada's KANGAROO COURTS."

The writers are "Reformers" Curtis L. Downing and Gary W. Walters and stands for legitimate Government.

The writers herein, shall now make herein this narrative the presentment of their factual findings and the cited statements and tracking of the "STEALTH FRAUD", "USURPATTON", "TYRANNY", "CRIMINAL ENTERPRISE", "ABUSE OF POWER", "MALFEASANCE", "MISSFEASANCE" and "NONFEASANCE OF Public Duty and office".

The writers shall give in depth details in this narrative, the accumulation of documents and exhibits, that were derived from an invoking and use of the "FREEDOM INFORMATION Act" facts gathering to make a "Full Proof" and "show of Proof" herein with the document attachments.

The writers took the "ETHICAL and LOGICAL APPROACH", to their fact finding and in the attached exhibit 1A herein, the commencement of the Stealth Fraud will be shown, starting with the Nev. Legis. 1951, 1953, 1955, 1957,

A non-Judicial officer, an Attorney named Russell W. McDonald a member than of the State bar.

There is no Doubt, that the Comingling that the Constitutional violations Commenced From the mandated Separation of Powers, i.e., "The Legislative Branch", The Executive Branch" and the Judicial Branch. Now, "ETHICALLY" you cannot have (3) Sitting Judges (1) Milton Badt, (2) Edgar Eather, (3) Charles M. Merrill, they deliberately and willfully Comingled their Judicial Separation of Powers, and became involved in Law making, Law writing, publication, Sales and distribution of the unlawful "Invalid Laws" the NRS Statute Books.

A Lawyer and (3) three sitting Judges, an officer of the Courts, all (4) Four of them writing and making laws that no doubt, they are also triers or taking Power, authority, Jurisdiction over deciding Judgements or trial outcome of Cases in their administering of the Laws that they participated and/or wrote.

The two writers "DISCOVERED" the apparent stealth Fraud and other very serious violations that was done by these known "GRIFFERS" group that deliberately perpetrated Fraud upon the Citizens

Now they were given this power and Authority and duties two years before 1955, and prior to 1957; of the actual tracking of the Acts of the 47th Session of the Assembly and 48th Session of the Assembly of the Legislature Adopting and enacting the illegal Nevada Revised Statutes;

This premeditated "Stealth Fraud" is the begining of the established "The Criminal Enterprise"

monies from the Sale of these published NRS Statute Books were going directly into the hands and Controll of the (3) three Sitting Judges, Badt, Eather, Merrill, and the Lawyer Russell McDonald.

To further Controll their "Criminal Enterprise", the (4) four of them "illegally Copyrighted Public Government Documents"

"A Copyright most generally refers to a private right", the exhibit 1B, The Nevada Revised Statutes is a result of the enactment, by the 45th Session of the Legislature of the State of Nevada, under Chapter 248, Statutes of Nevada 1951; and Charged the Statute Revision Commission and authorized the Commission i.e. (3) three Sitting Judges that were Corrupt, and the Lawyer to make a Comprehensive revision in "All Laws" of the State of Nevada.

These (3) Sitting Judges and the Lawyer
at their own will they chose not the will
of the people / citizens;

they did what "changes," deletions"
re-writes, add ons; take aways etc, knowing
for well that the people, Citizens of the State
knew absoutly nothing of all the Stealth
Fraud that had Commenced; a// Contrary
to and Contravening the provisions that
were mandatory and Commanded of the
"Paramont Law i.e. The Nevada Constitution.

The writers then reviewed exhibit 1c,
titled "Legislative Counsel's Preface";

In that document it States that;

Accordingly Nevada Revised Statutes
in type written form, was Submitted
to the 48th Session of the Legislature
in the form of a Bill, providing for
its enactment "as Laws" of the State
of Nevada;

This Bill, Senate Bill No; 2 (hereinafter
referred to as in the Preface in the
attached document exhibit 1c as the
("Revision Bill") was passed without amend-
ment or decenting vote, and on January
25th / 1957, was approved by the Corrupted
Governor Charles H. Russell.

On July 1st /1963, The Statute Revision Commission was "ABOLISHED", and its powers, duties and functions were than transferred to the Newly established Legislative Counsel of the State of Nevada.

The writers figured out that this was all done to Conceal the Stealth Fraud and protect the ongoing suspected "Criminal Enterprise", that the Lawyer and (3) Sitting Judges and other Jon and/or Jane Does etc "others" were engaged in, and their illegal Cover up of their Self dealings, Money Laundering Scheme derived from the illegal Copy rights, Publications and their Sales of Public Government documents in Books printed, they had illegally written known as (NRS) Nevada Revised Statute Books.

They the Statute Books contain misrepresented unconstitutional "Invalid Laws" that contained no mandated and Commanded Constitutional prerequisites or provisions of the enacting Clause upon their face, that "ALL LAWS" shall or must have upon their face or they are "not valid or void".

To Continue their "Stealth Fraud", these (3)-three Sitting Judges and the Lawyer wrote (NRS) 220.110, 220.120, 220.170(3) etc, etc, to Cover up their Self dealings, Stealth Fraud "Criminal Enterprise".

The writers noticed that in exhibit 1c titled "Scope And Effect of Nevada Revised Statutes", which states that, the Nevada Revised Statutes, including the Supplementary and replacement pages, Constitutes all of the Statute Laws of Nevada of a general nature enacted by the legislature, "ALL STATUTES" of a General nature enacted before the regular legislative Session of 1957, have been repealed.

If the writers are led to believe that "ALL STATUTES" of a General nature enacted before the regular Session of 1957, were repealed, than Chapter 248 Statutes of Nevada 1955, was repealed; than does that not mean that the Statute Revision Commission was conducting and doing illegal acts and business long after 1955 and 1957?

Chapter 220 Statutes appear to have been repealed also prior to 1957.

All of the Statutes appeared now to have been repealed, then would it not bring into Conflict all the Commencements and derivities of the Nevada Revised Statutes?

The questions than present itself, to the legal mind, if all previous Statutes were repealed, than where is the ties between the (NRS) Statutes to "ALL PREVIOUS STATUTES"? This then becomes a Very Simple Question than Answered.

The (NRS) held out to be valid Laws, are "Invalid and VOID" with a break in the chain or of the transfer of Laws;

The Enacting Clause, was deliberately left out for it would draw immediate attention to the perpetrated "Stealth Fraud" and it would clearly show that the people/citizens never voted or allowed or had such knowledge of how the (NRS) came into existence, and therefore, this group of elaborate "GRIFTERS" i.e. Judges, Lawyer, Governor Jon and Jane Doe's, legislatures, and even Corrupt Senators, allowed "Invalid Laws" and a "Criminal Enterprise" to be created, all "Contravening" the Paramount Laws of the Nevada State Constitution, that (NRS) 220.110 / 220.120 / 220.170(3) denounces the very truth, stating, that the (NRS) 1.010 to 7.035 are all Codified, Classified and annotated are prima facie evidence, not required to have an Enacting Clause.

The statement made in (NRS) 220.110 that the enacting clause is not required to have or be placed upon the (NRS) Statute laws and be placed upon their face, is a "Contravening" law that is in direct conflict with the Paramount Law, The Nevada State Constitution.

The writers, reviewing these faulty, illegal (NRS) "Invalid LAWS" again turned their attention to the Nevada State Constitution that clearly states,

The provisions of the Nevada State Constitution are imphatic and explicit, that "ALL Laws" no exceptions, shall have upon their face "the enacting Clause" or they are "not Valid Laws", without "Valid Laws", the Courts "Lack Subject Matter Jurisdiction" and Cannot Proceed to try the Case. See (Nev. Const. Article 4 § Sections 17, and 23;

The writers of this narrative Continue their research, and by observing the attached exhibit 10 titled "Legislative Counsel's Preface" that clearly States; "NEVADA REVISED STATUTES IS THE LAW".

The Revised Statutes (Book) Speak for themselves.

The writers herein State, that just because (3) Three Justices, a Lawyer and the Legislature in Conflict / Violation of the Constitution, they adopted a Quote;

A Sound System of Classification, proper Classification, by which laws or parts of the laws are brought together in a logical Consecutive Units, while there may be vital reasons to make laws more acessable, making laws they claim are more Understandable.

The writers ask another Question, to whom? them? it still does not make the (NRS) "VALID LAWS"

The writers state that, the pioneer of Codes, to Codify, or the Codification of these (NRS),

David Dudley Field, the pioneer of codes, in the late 1800's, in California simply made codes a very convenient way to find certain laws; Judges, Lawyers, D's, etc misconstrued this often as Codes, Codify or Codification is the law, when it absolutely is not.

The writers realized that, it was not the "FRAMERS OF THE NEVADA CONSTITUTION" had nothing to do with classification, Codification, Annotated, or making of a "Hybrid (NRS)" Invalid Laws such as that of the Nevada Revised Statutes.

This undetected "Stealth Fraud", has gone on totally undetected for over 56 plus years, and to that extent a much fuller in depth investigation is required, and needed to determine if and when, ever has the "Criminal Enterprise" "Stopped or is still ongoing."

The writers again state that "no VALID LAWS can be made without those savior and in specified manner, mandated and Commanded by the (Nev. Const.), there are absolutely no exceptions to the Paramount Law, i.e. the Nevada State Constitution.

The writers herein, present exhibit 1E, titled "NEVADA REVISED STATUTES", it lists (NRS) thus; NRS 19.010 bearing the legislative Counsel Bureau, located in Carson City, Nevada, and has an ordering Information, Publication, telephone number, website etc, and Indexing Questions, or Suggestions, telephone number, web site, and then it eludes to a copy right © 2001, by the State of Nevada, all rights reserved.

Again how can a state or affiliate Intity Copy right Public Government Documents unless their claim to or a private right, lurking somewhere in the mist;.

What appropriation or state allocation of money are going to this Intity/Commission Bureau; ?

Whom really is in controll of the illegal Copy rights ?

Where is all the money going, from the illegal (NRS) Statute Books sales and distribution? and whom is being paid for what?, and how much? there needs to be full disclosure and transparency?, and how much knowledge does the Quasi members of the legislative Counsel Bureau, know of or knowledge of their former predessor "Criminal Enterprise" that was supposedly Abolished July 1st/1963, and its powers and duties transferred to legis Counsel Nevada.

The writers are curious as to how the survivorship of the Statute Revision Commission and Statutes that Created it, which was all repealed prior to 1957, and was allowed to continue and legally operate, that too appears to be all illegal in their coverup of all their dirty laundry!

These as well as many multiple questions and issues are for the Courts, that are bound to know or request for Legitimate Government to be fully disclosed and answered.

The writers state again herein, this narrative that the illegal copy rights, the tracking of money from sales of "Invalid laws" (NRS) Statute Book publications, appears to have all the bells and whistles of Continued "Stealth Fraud", Usurpation, TYRANNY, and ongoing operations of a former or similar "Criminal Enterprise"

This all needs to be Abolished/Repealed and Court Ordered to Comply with the Nevada Constitution, and restore the true Power and Authority, Custody and Control of the Legislative Histories etc to the duties of the Secretary of State and be back in compliance with the Nevada Const. Article 5 Section 20.

The writers provides information that the Secretary of State / Ross Miller has failed this fiduciary responsibility, as documented. The writers herein their obtained documents, see exhibit 2A thru 2E has actual proof that the "48th Session of the Nevada Legislature adopting and Enacting Nevada Revised Statutes" was a resolution "AND NOT A BILL", as a resolution it cannot be considered laws, According to a case precedence "Nevada Highway Patrol Assn. vs State (1991) the 9th Cir.) ruled that Resolution No. 29, and similar or Concurrent resolutions are not laws;

A "Bill" must contain the AB title, and number that identifies it as a Bill, it must contain the reading on (3) times, (3) separate days, and the recordation of the yeas and nays of the Assembly members present or absent and their Signatures votes,

The writers presents the exhibits 2A thru 2E and "shows Proof" that the 48th Session was a Resolution "Not a Bill" even though it contained an enacting clause within it, therefore the evidence attached herein, clearly shows prima facie evidence that the (NRS) are "not valid laws"

Again the Nevada State Constitution does not give the Secretary of State Any Authority to delegate, transfer or loose Custody or Control over all assembly Histories, Session Laws, Statutes at Large, etc. see exhibit _____ attached a Constitutional Violation.

One of the writers contacted the Nevada Archives under the Freedom Information Act, he was told that they (1) do not have a budget to provide that information (2) that they do not provide that information to an inmate, no where does a law, state that they are not suppose to provide this information requested.

The writers truly believe that this information is incomplete and simply does not exist.

Lastly, these writers provides herein a State/Clark County DA's Cookie Cutter opposition, that is so mis-stated earmarked herein as exhibit 4A thru 4F;

The oppositions that the state/clark County DA's office is Hodge Podge is so mis-characterized and full of fraudulent statements and inaccuracies, and shameful, almost certainly they do not stand for legitimate government.

In exhibit D page 4, paragraph 1, through paragraph (18) are statements made in writing that makes the State/Clark County DA's

"MINISTERS OF THEIR OWN INJUSTICES"
"USURPATION" "TYRANNY" "PERJURY" "MALFEASANCE"
"NONFEASANCE" and "MISFEASANCE" of their duty and public office.

CONCLUSION

The writers herein, makes this Conclusion that this "DISCOVERY" is the "BIGGEST LEGAL FIND" in "NEVADA HISTORY", and that all incarcerated and or Convicted persons are held by "Invalid LAWS;

Therefore, the Courts do "Lack Subject matter Jurisdiction" to proceed, and upon a person calling and directing the Courts trier Judges, attention via their Accused legal filings, of the "CAVEAT" "Motion to Dismiss", Supported, by the truth and factual Submitted evidence, documents etc. and Sheporized Case law, and Book references, and the filed "ERRATA Motion to Dismiss", must in the interest of "fairness administration" and "JUSTICE" grant the Accused relief Sought!

"Though the heavens may fall"

"Let Justice be done."

The writers herein, bottom line to the Judicial Courts and System of Justice, is a very Simple Question

Do they Stand for Legitimate Government or not?

The writers affirm herein, their facts Findings and truth this 4th day of July, 2013

The Narrative Writers

~~Gay A. Watter~~
Curtis Downing

EXHIBIT 1a

Forward.

FOREWORD

By the provisions of chapter 304, Statutes of Nevada 1951, amended by chapter 280, Statutes of Nevada 1953, and chapter 248, Statutes of Nevada 1955, the legislature of the State of Nevada created the statute revision commission comprised of the three justices of the supreme court, authorized such commission to appoint a reviser of statutes to be known as the director of the statute revision commission, and charged the commission to commence the preparation of a complete revision and compilation of the laws of the State of Nevada to be known as Nevada Revised Statutes. Reference is made to chapter 220 of Nevada Revised Statutes for the further duties and authority of the statute revision commission relating to the preparation of Nevada Revised Statutes, the numbering of sections, binding, printing, classification, revision and sale thereof.

The commission employed as director Russell W. McDonald, a member of the State Bar of Nevada, who, with his staff, undertook and performed this monumental task with such methods, care, precision, completeness, accuracy and safeguards against error as to evoke the highest praise of the commission and the commendation of the bench and bar of the state.

As the work progressed, Mr. McDonald submitted drafts of chapter after chapter as recompiled and revised, and the members of the commission individually and in conference meticulously checked all revisions. In the vast majority of cases these revisions were promptly approved. Many required further conferences with the director. Some were modified and redrafted. As the several chapters were returned with approval to the director, they were in turn delivered to the superintendent of state printing for printing, to the end that upon the convening of the 1957 legislature Nevada Revised Statutes was ready to present for approval. By the provisions of chapter 2, Statutes of Nevada 1957, Nevada Revised Statutes consisting of NRS 1.010 to 710.590, inclusive, was "adopted and enacted as law of the State of Nevada."

STATUTE REVISION COMMISSION

MILTON B. BADT

EDGAR EATHER

CHARLES M. MERRILL

LEGISLATIVE COUNSEL
PREFACE PAGE XIII

EXHIBIT 1b

LEGISLATIVE COUNSEL'S PREFACE

History and Objectives of the Revision

Nevada Revised Statutes is the result of the enactment, by the 45th session of the legislature of the State of Nevada, of chapter 304, Statutes of Nevada 1951 (subsequently amended by chapter 280, Statutes of Nevada 1953, and chapter 248, Statutes of Nevada 1955), which created the statute revision commission and authorized the commission to undertake, for the first time in the state's history, a comprehensive revision of the laws of the State of Nevada of general application. Although revision was not commenced until 1951, the need for statutory revision had been recognized as early as 1865 when an editorial published in the Douglas County Banner stated:

One subject which ought to engage the early, and serious consideration of the Legislature, about to convene, and one which should be acted upon without delay, is the revision and codification of the laws of Nevada. Amendment has been added to amendment, in such manner as to leave, in many instances, the meaning of the Legislature, that last resort of the jurist, in determining the application of the law, more than doubtful * * *. The most serviceable members of the Legislature will be those gentlemen who will do something toward reducing to order our amendment-ridden, imperfectly framed and jumbled up statutes at large.

From 1861 to 1951 the legislature made no provisions for statutory revision, although during that period 8,423 acts were passed by the legislature and approved by the governor. During the period from 1873 to 1949 eight compilations of Nevada statutes were published. "Compiling" must be distinguished from "revising." Ordinarily, the "compiling" of statutes involves the following steps: Removing from the last compilation the sections that have been specifically repealed since its publication; substituting the amended text for the original text in the case of amended sections; inserting newly enacted sections; rearranging, to a limited extent, the order of sections; and bringing the index up to date.

"Revising" the statutes, on the other hand, involves these additional and distinguishing operations: (1) The collection into chapters of all the sections and parts of sections that relate to the same subject and the orderly arrangement into sections of the material assembled in each chapter. (2) The elimination of inoperative or obsolete, duplicated, impliedly repealed and unconstitutional (as declared by the Supreme Court of the State of Nevada) sections and parts of sections. (3) The elimination of unnecessary words and the improvement of the grammatical structure and physical form of sections.

The revision, instead of the recompilation, of the statutes was undertaken, therefore, first, to eliminate sections or parts of sections which, though not specifically repealed, were nevertheless ineffective and, second, to clarify, simplify, classify and generally make more accessible, understandable and usable the remaining effective sections or parts of sections.

With respect to the accomplishment of the second purpose of revision specified above, the following revisions, in addition to those mentioned elsewhere in this preface, were made:

EXHIBIT 1C

LEGISLATIVE COUNSEL'S PREFACE

PAGE XIV

LEGISLATIVE COUNSEL'S PREFACE

1. Long sections were divided into shorter sections. The division of long sections facilitates indexing and reduces the complications and expense incident to future amendment of the statutes.

2. Whole sections or parts of sections relating to the same subject were sometimes combined.

3. Sentences within a section, and words within a sentence, were rearranged, and tabulations were employed where indicated.

4. Such words and phrases as "on and after the effective date of this act," "heretofore," "hereinafter," "now," and "this act" were replaced by more explicit words when possible.

5. The correct names of officers, agencies or funds were substituted for incorrect designations.

The general types of revisions to be made by the reviser, as well as the broad policies governing the work of revision, were determined by the statute revision commission at frequent meetings. Precautions were taken to ensure the accomplishment of the objectives of the program without changing the meaning or substance of the statutes.

Upon completion of the revision of the text of the statutes in December 1956, the commission turned to the solution of a vital problem: Would it recommend the enactment of the revised statutes or would it request the legislature merely to adopt the revised statutes as evidence of the law? The commission concluded that the enactment of the revised statutes as law, rather than the mere adoption thereof as evidence of the law, would be the more desirable course of action. Accordingly, Nevada Revised Statutes in typewritten form was submitted to the 48th session of the legislature in the form of a bill providing for its enactment as law of the State of Nevada. This bill, Senate Bill No. 2 (hereafter referred to in this preface as "the revision bill"); was passed without amendment or dissenting vote, and on January 25, 1957, was approved by Governor Charles H. Russell.

On July 1, 1963, pursuant to the provisions of chapter 403, Statutes of Nevada 1963, the statute revision commission was abolished, and its powers, duties and functions were transferred to the legislative counsel of the State of Nevada.

SCOPE AND EFFECT OF NEVADA REVISED STATUTES

Nevada Revised Statutes, including the supplementary and replacement pages, constitutes all of the statute laws of Nevada of a general nature enacted by the legislature. All statutes of a general nature enacted before the regular legislative session of 1957 have been repealed. See section 3 of chapter 2, Statutes of Nevada 1957, immediately following this preface.

The revised statutes were the result of 7 years of labor by the statute revision commission and its editorial staff addressed to the problem of eliminating from the accumulation of 95 years of legislation those provisions no longer in force and restating and compiling the remainder in an understandable form. This involved elimination of duplicating, conflicting, obsolete and unconstitutional provisions, and those provisions that had been repealed by implication. It involved a complete reclassification, bringing together those laws and parts of laws which, because of similarity of subject matter, properly belonged together, and an arrangement of the laws within each class in a logical order. It involved the elimination of thousands of needless words and redundant expressions. It was a labor involving almost infinite detail, as well as the problems of classification and the general plan of arrangement.

XIV

(2001)

EXHIBIT 1 D
LEGISLATIVE COUNSELS PREFACE
PAGE XV

LEGISLATIVE COUNSEL'S PREFACE

Nevada Revised Statutes is the law of Nevada. The revised statutes speak for themselves; and all sections of the Nevada Revised Statutes are considered to speak as of the same date, except that in cases of conflict between two or more sections or of any ambiguity in a section, reference may be had to the acts from which the sections are derived, for the purpose of applying the rules of construction relating to repeat or amendment by implication or for the purpose of resolving the ambiguity. See sections 4 and 5 of chapter 2, Statutes of Nevada 1957.

METHOD AND FORM OF PUBLICATION

As required by NRS 220.120, all volumes are "bound in loose-leaf binders of good, and so far as possible, permanent quality." The use of the loose-leaf method makes it possible to keep *Nevada Revised Statutes* up to date, without using pocket parts or supplements or completely reprinting and rebinding each volume, simply by the insertion of new pages. As required by NRS 220.160, replacement and supplementary pages to the statute text made necessary by the session of the legislature are prepared as soon as possible after each session. Complete reprintings of *Nevada Revised Statutes* were made in 1967, 1973 and 1979, and after each regular session beginning in 1985.

Replacement pages are additionally provided periodically between legislative sessions as necessary to update the annotations to NRS, including federal and state case law. Occasionally these replacement pages will contain material inadvertently omitted in the codification of NRS and the correction of manifest clerical errors, as well as sections or chapters of NRS which have been recodified pursuant to chapter 220 of NRS for clarification or to alleviate overcrowding.

The outside bottom corner of each page of NRS contains a designation which indicates the reprint or group of replacement pages with which the page was issued. A designation consisting of four numerals contained in parentheses means that the page was issued as part of a reprint of NRS immediately following the legislative session held in the year indicated by the four numerals. For example, the designation "(1999)" means that the page was issued as part of the reprint of NRS immediately following the 70th legislative session which was held in 1999. A designation consisting of four numerals contained in parentheses immediately followed by the capitalized letter "R" and a numeral means that the page was issued as part of a group of replacement pages in the year indicated by the four numerals in parentheses. The numeral following the "R" indicates the number of the group of replacement pages. The groups begin with the number one and increase sequentially by one number so that the later group will always have a higher number. For example, the designation "(2000) R1" means that the page was part of the first group of replacement pages issued in 2000. Similarly, the designation "(2000) R4" means that the page was part of the fourth group of replacement pages issued in 2000.

Each user of *Nevada Revised Statutes* is urged to make arrangements for the retention of obsolete pages for reference.

CLASSIFICATION AND ARRANGEMENT

One of the first and most fundamental tasks in the revision was the adoption of a sound system of classification. Proper classification, by which the laws or parts of laws are brought together in logical consecutive units, is vital for a number of reasons: It makes the law more accessible and understandable; only through it can all

EXHIBIT 1c

NRS 19.010

Proof of illegal copyright.

NEVADA REVISED STATUTES

Should be cited as:

NRS

Thus: NRS 19.010

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EXHIBIT 2
Declaration of
Arrest.

Henderson Police Department

223 Lead St. Henderson, NV 89015

Declaration of Arrest

Page 1 of 5

DR# 1504601

FH# 15

Arrestee's Name: Bonham, Bryan Phillip

Date of Arrest: 03/21/2015

Time of Arrest: 1730

Charge	Degree	NRS/HMC
KIDNAPPING, 1ST DEGREE	Felony	200.310.1
SEX ASSLT	Felony	200.358.2
BATTERY BY STRANGULATION TO COMMIT SEX ASSAULT	Felony	200.400.4

THE UNDERSIGNED MAKE THE FOLLOWING DECLARATIONS SUBJECT TO THE PENALTY FOR PERJURY AND SAYS: That I, JUNE CASTRO am a peace officer with the Henderson PD, Clark County, Nevada, being so employed since 03/03/1997. That I learned the following facts and circumstances which led me to believe that the above named subject committed (or was committing) the above offense/offenses at the location of College Avenue Henderson Nevada 89015, and that the offense occurred at approximately 1900 hours on 03/20/2015.

Details of Probable Cause

On 03/20/15 at 2154 hours Henderson Dispatch received a call from Yvonne Detert in Las Vegas. Yvonne advised that her friend, later identified as Mounita Wilkes DOB [REDACTED] had been sexually assaulted by a male who had been helping her move.

Medical responded to Yvonne's address, located and transported Mounita Wilkes to University Medical Center Hospital. Henderson Officer O'Steen #2148 and Officer Landis responded to the hospital and made contact with Wilkes, who advised that she had met a male who identified himself as "Daniel". The male had given Wilkes his card for "Go Big Landscape Services", with his name on the back which was "Bryan". On the card was also a phone number which Wilkes later contacted him at. The male took Wilkes to the desert area south of College Avenue in Henderson, NV and sexually assaulted her. Wilkes agreed to a sexual assault exam and advised she wished to prosecute.

That I, Det. J. Castro #825, was called out to respond to UMC hospital to conduct an investigation. Upon arrival I learned that Wilkes was undergoing a SANE exam regarding the sexual assault. Upon completion of the SANE exam, Wilkes was placed in a patient room for further medical treatment for injuries obtained during the assault. I spoke with SANE nurse T. Ravish, who, in summary, advised that Wilkes had disclosed multiple sexual assaults by the suspect, to include oral, anal and vaginal penetration. Wilkes presented with redness and abrasions to the hands and knees. Wilkes had an abrasion at the 1:00 o'clock position at the urethra, an abrasion at the vaginal opening at the 4:00 o'clock position and an abrasion to the anus at the 5:00 o'clock position. Wilkes also disclosed that the suspect "choked" her by placing wrapping his hand around her throat and pulling back as he sexually assaulted her from behind. RN Ravish had noted marks on the front of the throat. The suspect had also thrust two fingers deep into the victim's mouth, to the back of the throat. Wilkes had petechiae to the uvula at the back of the mouth/top of the throat.

That I met with Mounita Wilkes in a patient room while she awaited and received treatment. The following is a summary as it pertains to this case. The interview was recorded and later downloaded to the evidence storage system. It is noted that the recording started and stopped several times as nurses and staff entered the room to conduct medical treatment, such as remove Wilkes briefly for an xray. Twice a male was the person sent to conduct the medical treatment and both times Wilkes reacted to the male coming into the room by becoming upset and pulling the blanket over her face and refusing to go with the male.

Wilkes advised that on 03/20/15 she had visited a friend at Boulder Palm Senior apartments on Boulder Highway in Las

JUNE CASTRO

Declarant's Name

exhibit "2"

Henderson Police Department

223 Lead St. Henderson, NV 89015

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Declaration of Arrest Continuation Page

DR# 1504601

FH# 15

Arrestee's Name: Bonham, Bryan Phillip

Details of Probable Cause (Continued)

Vegas. At approximately 12:00-1:00 pm she was walking and entering the parking lot to the 4 Mile Bar on Boulder Highway when a male driving a red or burgundy pick up truck with a utility trailer attached pulled up to her and asked if she needed a ride. Wilkes informed him she was going into the bar. A conversation began and Wilkes believed the male identified himself as "Daniel". He stated he lived over by Rainbow on the other side of town.

Wilkes was planning to move her property to stay with a friend at Bonanza and Lamb later and asked what the male was doing. The male told Wilkes to call him about 7:00 pm and gave Wilkes a business card. The front of the card stated "Go Big Landscape Services" and the back of the card had a phone number and the name "Bryan" printed on it.

Wilkes went into the bar, later walked to the Shell station and to visit another friend. Wilkes later went back to the Boulder Palm Senior apartments and was talking with friends. She noticed the time and called the male, using the phone number on the back of the business card. Wilkes asked for a ride to her friends' home. The male stated he needed to stop at Home Depot. He arrived approximately 20-30 minutes later in a silver pick up truck. There were burlap bags in the bed of the truck containing trash and lawn clipping and sticks. Around the bed of the truck was a type of flexible fencing to keep items inside the bed. I asked if it was wrought iron fencing, as often seen on trucks and Wilkes stated it was not solid like that.

Wilkes later described the male as a white male with brown hair that was starting to go gray in the front and sides but appeared a little darker at the back of the neck. He had shorter hair and top and sides were combed back from his face. He had lighter eyes she believed were blue and a mustache and goatee. He had on a darker blue t-shirt, blue jean shorts and sandals. The male had tattoos on the forearms and upper arms.

Wilkes put her bags in the truck and told him that her girlfriend lives by Lamb and Bonanza. The male got onto Boulder Highway and instead of turning the truck to head in the correct direction, he continued down the roadway, telling Wilkes he had to go dump the bags in the back of the truck first. Wilkes advised the male got on beltway. Wilkes advised she began to worry that something was going to happen to her.

While driving on the highway, the male opened his shorts, exposed his penis and told Wilkes "Suck this dick bitch". The male grabbed her to pull her and Wilkes did as she was told. Wilkes stated the male placed his forearms on the back of her head to control her and keep her head to his penis while telling her "deeper bitch".

At one point Wilkes jerked up and observed that they were exited the highway at "College" and that they were in Henderson. They drove on College Drive past large, expensive house with property. They past a large house on a big hill and the male stated he had worked on the house. It is noted that at the end of College Drive there is a notable expansive property and home on a high hill owned by a known celebrity figure.

Wilkes advised the pavement ended and the male went around some metal signs and a barrier and started driving into the desert area. Wilkes began to fear that the male was going to kill her. They traveled out into the desert to an area where there where hills and they could not longer see any of the houses.

The male told her to stay in the truck and got out. He went into the bed of the truck and removed the burlap bags and she could hear him emptying the bags. She advised it had gotten dark. Wilkes then could not see the male when he suddenly opened her passenger door and told her "Get out of the truck bitch" and Wilkes obeyed. His penis was still exposed. Wilkes was instructed to get on her knees and "Suck my dick black bitch". Wilkes began to cry and he slapped on one side of her face and then the other. Wilkes got on her knees and did as she was instructed.

JUNE CASTRO

Declarant's Name

Exhibit "2"

Henderson Police Department

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Declaration of Arrest Continuation Page

DR# 1504601

FH# 15

Arrestee's Name: Bonham, Bryan Phillip

Details of Probable Cause (Continued)

The male told Wilkes to stop and instructed her to take off her clothes. Wilkes advised she was wearing a black blouse that tied in back, black bra, blue jeans pants, she was not wearing underwear and was wearing black shoes. Wilkes hesitated and was told "Don't make me hurt you out here". Wilkes again thought he might kill her and took off all her clothes and shoes as instructed.

Once she was naked, she was placed on her knees again and forced to perform fellatio again. Wilkes was told to stand up. The male went to the back of the truck and came back with a bottle of baby oil. The male placed baby oil on her face, his penis and on her breasts. Wilkes was again forced to perform fellatio. The male had her stop and told her to open her mouth. The male forced two finger into her open mouth, far back and with a lot of pressure. Wilkes stated she thought he was trying to pull her teeth out. The male told her to gag and when she did and some spittle came out, he caught it in his hand and then rubbed it on her face.

The male told her to stand and turn around. Wilkes stated she participated just to stay alive. The male poured baby oil on her back and down to her buttocks. Wilkes was bent over at the passenger door of the vehicle so her hands were on the passenger seat. Wilkes legs were kicked out to the sides and the male penetrated her vagina with his penis. He began slapping her buttocks and asking her "Whose your Daddy" and making Wilkes answer by saying "You're my Daddy".

At one point, while in this position, the male reached his hand, unknown which hand, forward so it was wrapped around the front of her throat and pulled her head and throat back, inhibiting her breathing, while he continued to penetrate her. Her neck was released and the male grabbed her by the arms and pulled them behind her back hard, continuing to pull them backwards while he continued to penetrate her.

Wilkes advised that her arms and shoulders hurt a lot and that her buttock area hurt a lot and she had difficulty sitting up and down as requested by the medical staff as well as remaining in a sitting position. Wilkes also complained of jaw pain and her face hurt from where he struck her.

The male stopped and had Wilkes perform fellatio again asking her "How's it taste" since he had previously placed baby oil on his penis and had also penetrated her vagina.

Wilkes was then made to stand up, turn around and the male put baby oil on his penis, his hands and then rubbed his hands between her buttocks. She was told to spread her legs apart and the male penetrated her anus. He then got rougher and penetrating her with a lot of force. He then pulled her arms behind her back and bent her over further while penetrating her.

The male stopped and got into the driver seat of the vehicle and told Wilkes to get in the passenger side on her knees. Wilkes was instructed to manually manipulate his penis while performing fellatio. The male stopped her, tried to kiss her, told her to open her mouth and spit in her mouth. Wilkes was instructed to give him her breast and he squeezed her breasts very hard, Wilkes stated it felt worse than a mammogram. He then bit her nipple hard enough to feel pain.

The male began masturbating himself and had Wilkes perform fellatio again and told her "You better not spit it out". Wilkes understood that he was going to ejaculate and she stated it had all lasted so long and thought he would never stop. The male ejaculated in her mouth and she swallowed as he instructed her to do.

At no time during this incident was a condom used.

JUNE CASTRO

Declarant's Name

exhibit 29

Henderson Police Department

223 Lead St. Henderson, NV 89015

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Declaration of Arrest Continuation Page

DR# 1504601

FH# 15

Arrestee's Name: Bonham, Bryan Phillip

Details of Probable Cause (Continued)

The male zipped up his pants and began driving the vehicle out of the desert. As the houses came into view, Wilkes picked up her clothes that were in the truck and got dressed. Wilkes was warned not to go to the police or he would find her. He then began telling her she was going to be his bitch and make him some money. Wilkes was told that if she did good, he would move her into her home with him and his uncle where she would clean and cook for them, as well as work as a prostitute, though no one but he was allowed to anally penetrate her.

They exited the desert onto the pavement at the same location where they had entered the desert area. They drove away and the male had her smoke a cigarette. She saw that they crossed onto Boulder Highway and the male told her to put her head down, telling her not to talk until he told her to talk. Wilkes kept her head down by from the corner of her eye she could see that he stayed on Boulder Highway all the way up to the area of Lamb. He then asked for direction and Wilkes had him drop her at the parking lot on the street of where her friend Yvonne lived. She did not tell him what apartment. She got out and got her bags that she had put in earlier.

He drove away slowly and Wilkes slowly moved her bags around and then picked them up, stalling for time. When he was out of sight she dropped the bags and ran to her friends' house.

Wilkes had become more upset towards the end of the interview and did not want to talk anymore, stating she wanted to forget what had happened to her. I completed my interview and left Wilkes in the care of hospital staff. Wilkes stated she would attempt to find a different place to stay other than her friend Yvonne's home as the suspect had dropped her off in that location and she was afraid to go back right away.

That a records and internet search revealed a Bryan Bonham as owner of Go Big Landscaping. He returned with an address on the northwest side of Las Vegas. A registration check revealed he was the owner of a pick up truck with the personalized license plate of "GOBIG". Bonham is a white male with hazel eyes. A check of her DMV photograph showed eyes that appeared blue, brown hair going gray and combed back in the manner as described by Wilkes as well as a mustache and goatee. A records check showed multiple tattoos on Bonham's arms. Bonham was noted to have a prior criminal history of similar arrests.

Las Vegas Metropolitan Police responded to Bonham's residence and located a silver pickup in the driveway of Bonham's residence. The vehicle had piping or PVC around the perimeter of the truck bed with a flexible mesh or fencing around that, matching what Wilkes had described.

It is also noted that on paperwork filled out at the jail by Bonham, he listed his "Uncle" Clay Whitaker as his emergency contact. Bonham further advised jail staff that he was self employed in landscaping.

Due to the fact that Wilkes was in possession of Bonham's business card which was provided by the suspect, that the vehicle in Bonham's driveway matches the suspect vehicle, that Bonham himself matches the suspect description in this case, to include skin color, hair/eye color and tattoos and that Bonham has a documented criminal history of sexual assault, I determined that Bryan Bonham committed the offenses against Mounita Wilkes.

Wilkes was contacted by LVMPD officers, taken into custody and transported to the Henderson Detention Center. That I, Det. J. Castro, responded to the Henderson Detention Center and made contact with Bonham in a cell. I advised him of who I was and that I was investigating an incident of abuse. I asked Bonham if he would be willing to speak to me. Bonham advised he wanted a lawyer and the contact was ended.

JUNE CASTRO

Declarant's Name

Exhibit "2"

Henderson Police Department

223 Lead St. Henderson, NV 89015

Page 5 of 5

Declaration of Arrest Continuation Page

DR# 1504601

FH# 16

Arrestee's Name: Bonham, Bryan Phillip

Details of Probable Cause (Continued)

Due to the fact that Bryan Bonham did seize and transport Mounita Wilkes to a deserted area to hold and detain her for the purpose of sexually assaulting her, I determined that he has committed the crime of Kidnapping 1st degree, a felony.

Due to the fact that Bryan Bonham did place his hand across the throat of Mounita Wilkes and apply pressure by pulling back as he sexually assaulted her from a rear position, causing Wilkes to have difficulty breathing and leaving marks on her throat, I determined that he has committed the crime of Battery by Strangulation to Commit Sexual Assault-a felony.

Due to the fact that Bryan Bonham did sexually assault Mounita Wilkes against her will by penetrating her orally, vaginally and anally with his penis, I determined that he has committed the crime of Sexual Assault-3 counts, a felony.

That these crimes were committed within the County of Clark, Nevada.

Bryan Bonham was booked on the aforementioned charges.

Wherefore, Declarant prays that a finding be made by a magistrate that probable cause exists to hold said person for preliminary hearing (if charges are a felony or gross misdemeanor) or for trial (if charges are a misdemeanor).

JUNE CASTRO

Declarant's Name

Exhibit "2"

EXHIBIT 2 a

ACT OF 48TH SESSION OF THE
NEVADA LEGISLATURE ADOPTING
AND ENACTING NEVADA REVISED
STATUTES.

ACT OF THE 48TH SESSION OF THE NEVADA LEGISLATURE ADOPTING AND ENACTING NEVADA REVISED STATUTES

Chapter 2, Statutes of Nevada 1957, page 2

- Section 1. Enactment of Nevada Revised Statutes.
Sec. 2. Designation and citation.
Sec. 3. Repeal of prior laws.
Sec. 4. Construction of act.
Sec. 5. Effect of enactment of NRS and repealing clause.
Sec. 6. Severability of provisions.
Sec. 7. Effective date.
Sec. 8. Omission from session laws.
Sec. 9. Content of Nevada Revised Statutes.

AN ACT to revise the laws and statutes of the State of Nevada of a general or public nature; to adopt and enact such revised laws and statutes, to be known as the Nevada Revised Statutes, as the law of the State of Nevada; to repeal all prior laws and statutes of a general, public and permanent nature; providing penalties; and other matters relating thereto.

[Approved January 25, 1957] *The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:*

Section 1. Enactment of Nevada Revised Statutes.

The Nevada Revised Statutes, being the statute laws set forth after section 9 of this act, are hereby adopted and enacted as law of the State of Nevada.

NV CODE

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Sec. 2. Designation and citation.

The Nevada Revised Statutes adopted and enacted into law by this act, and as hereafter amended and supplemented and printed and published pursuant to law, shall be known as Nevada Revised Statutes and may be cited as "NRS" followed by the number of the Title, chapter or section, as appropriate.

Sec. 3. Repeal of prior laws.

Except as provided in section 5 of this act and unless expressly continued by specific provisions of Nevada Revised Statutes, all laws and statutes of the State of Nevada of a general, public and permanent nature enacted prior to January 21, 1957, hereby are repealed.

Sec. 4. Construction of act.

1. The Nevada Revised Statutes, as enacted by this act, are intended to speak for themselves; and all sections of the Nevada Revised Statutes as so enacted shall be considered to speak as of the same date, except that in cases of conflict between two or more sections or of any ambiguity in a section, reference may be had to the acts from which the sections are derived, for the purpose of applying the rules of construction relating to repeal or amendment by implication or for the purpose of resolving the ambiguity.

2. The provisions of Nevada Revised Statutes as enacted by this act shall be considered as substituted in a continuing way for the provisions of the prior laws and statutes repealed by section 3 of this act.

3. The incorporation of initiated and referred measures is not to be deemed a legislative reenactment or amendment thereof, but only a mechanical inclusion thereof into the Nevada Revised Statutes.

4. The various analyses set out in Nevada Revised Statutes, constituting enumerations or lists of the Titles, chapters and sections of Nevada Revised Statutes, and the descriptive headings or catchlines immediately preceding or within the texts of individual sections, except the section numbers included in the headings or catchlines immediately preceding the texts of such sections, do not constitute part of the law. All derivation and other notes set out in Nevada Revised Statutes are given for the purpose of convenient reference, and do not constitute part of the law.

5. Whenever any reference is made to any portion of Nevada Revised Statutes or of any other

NVCODE

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law of this state or of the United States, such reference shall apply to all amendments and additions thereto now or hereafter made.

Sec. 5. Effect of enactment of NRS and repealing clause.

1. The adoption and **enactment** of Nevada Revised Statutes shall not be construed to repeal or in any way affect or modify:

- (a) Any special, local or temporary laws.
- (b) Any law making an appropriation.
- (c) Any law affecting any bond issue or by which any bond issue may have been authorized.
- (d) The running of the statutes of limitations in force at the time this act becomes effective.
- (e) The continued existence and operation of any department, agency or office heretofore legally established or held.
- (f) Any bond of any public officer.
- (g) Any taxes, fees, assessments or other charges incurred or imposed.
- (h) Any statutes authorizing, ratifying, confirming, approving or accepting any compact or contract with any other state or with the United States or any agency or instrumentality thereof.

2. All laws, rights and obligations set forth in subsection 1 of this section shall continue and exist in all respects as if Nevada Revised Statutes had not been adopted and enacted.

3. The repeal of prior laws and statutes provided in section 3 of this act shall not affect any act done, or any cause of action accrued or established, nor any plea, defense, bar or matter subsisting before the time when such repeal shall take effect; but the proceedings in every case shall conform with the provisions of Nevada Revised Statutes.

4. All the provisions of laws and statutes repealed by section 3 of this act shall be deemed to have remained in force from the time when they began to take effect, so far as they may apply to any department, agency, office, or trust, or any transaction, or event, or any limitation, or any right, or obligation, or the construction of any contract already affected by such laws, notwithstanding the repeal of such provisions.

NV CODE

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5. No fine, forfeiture or penalty incurred under laws or statutes existing prior to the time Nevada Revised Statutes take effect shall be affected by repeal of such existing laws or statutes, but the recovery of such fines and forfeitures and the enforcement of such penalties shall be effected as if the law or statute repealed had still remained in effect.

6. When an offense is committed prior to the time Nevada Revised Statutes take effect, the offender shall be punished under the law or statute in effect when the offense was committed.

7. No law or statute which heretofore has been repealed shall be revived by the repeal provided in section 3 of this act.

8. The repeal by section 3 of this act of a law or statute validating previous acts, contracts or transactions shall not affect the validity of such acts, contracts or transactions, but the same shall remain as valid as if there had been no such repeal.

9. If any provision of the Nevada Revised Statutes as enacted by this act, derived from an act that amended or repealed a preexisting statute, is held unconstitutional, the provisions of section 3 of this act shall not prevent the preexisting statute from being law if that appears to have been the intent of the legislature or the people.

Sec. 6. Severability of provisions.

If any provision of the Nevada Revised Statutes or amendments thereto, or the application thereof to any person, thing or circumstance is held invalid, such invalidity shall not affect the provisions or application of the Nevada Revised Statutes or such amendments that can be given effect without the invalid provision or application, and to this end the provisions of Nevada Revised Statutes and such amendments are declared to be severable.

Sec. 7. Effective date.

This act, and each and all of the laws and statutes herein contained and hereby enacted as the Nevada Revised Statutes, shall take effect upon passage and approval.

Sec. 8. Omission from session laws.

The provisions of NRS 1.010 to 710.590, inclusive, appearing following section 9 of this act shall not be printed or included in the Statutes of Nevada as provided by NRS 218.500 and NRS 218.510; but there shall be inserted immediately following section 9 of this act the words: "(Here followed NRS 1.010 to 710.590, inclusive.)"

NVCODE

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Sec. 9. Content of Nevada Revised Statutes.

The following laws and statutes attached hereto, consisting of NRS sections 1.010 to 710.590, inclusive, constitute the Nevada Revised Statutes:

(Here followed NRS 1.010 to 710.590, inclusive.)

NV CODE

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Exhibit 3

STATES RESPONSE TO
MTCIS STATE U Langford.
Case NO. C-14-296556-1



1 **OPPS**
2 **STEVEN B. WOLFSON**
3 **Clark County District Attorney**
4 **Nevada Bar #001565**
5 **ALEXANDER CHEN**
6 **Deputy District Attorney**
7 **Nevada Bar #10539**
8 **200 Lewis Avenue**
9 **Las Vegas, Nevada 89155-2212**
10 **(702) 671-2500**
11 **Attorney for Plaintiff**

7 **DISTRICT COURT**
8 **CLARK COUNTY, NEVADA**

9 **THE STATE OF NEVADA,**
10 **Plaintiff,**

11 **-vs-**

12 **JUSTIN LANGFORD,**
13 **#2748452**

14 **Defendant.**

CASE NO: C-14-296556-1

DEPT NO: XXIII

15 **STATE'S OPPOSITION TO DEFENDANT'S MOTION TO CORRECT ILLEGAL**
16 **SENTENCE**

17 **DATE OF HEARING: SEPTEMBER 13, 2021**
18 **TIME OF HEARING: 11:00 AM**

19 **COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, Clark County**
20 **District Attorney, through ALEXANDER CHEN, Deputy District Attorney, and hereby**
21 **submits the attached Points and Authorities in Opposition to Defendant's Motion to Correct**
22 **Illegal Sentence.**

23 **This opposition is made and based upon all the papers and pleadings on file herein, the**
24 **attached points and authorities in support hereof, and oral argument at the time of hearing, if**
25 **deemed necessary by this Honorable Court.**

26 **//**

27 **//**

28 **//**

\\CLARKCOUNTYDA.NET\CRM\CASE\2014\032167201403262C-RSPN-(JUSTIN ODELL LANGFORD)-001.DOCX

1 **POINTS AND AUTHORITIES**

2 **STATEMENT OF THE CASE**

3 On March 14, 2014, JUSTIN ODELL LANGFORD (hereinafter "Defendant") was
4 charged by way of Information with the following: COUNTS 1, 2, 6, 7, 8, 10, 11, and 12 –
5 Lewdness With A Child Under The Age Of 14 (Category A Felony - NRS 201.230); COUNTS
6 3, 4, and 5 – Sexual Assault With A Minor Under Fourteen Years Of Age (Category A Felony
7 - NRS 200.364, 200.366); and COUNT 9 – Child Abuse, Neglect, or Endangerment (Category
8 B Felony - NRS 200.508(1)).

9 On March 7, 2016, a jury trial convened and lasted nine days. On March 17, 2016, the
10 jury returned a guilty verdict as to COUNT 2, and not guilty as to all other Counts.

11 On May 10, 2016, Defendant was sentenced to Life with a possibility of parole after a
12 term of 10 years have been served in the Nevada Department of Corrections ("NDOC").
13 Defendant received eight hundred forty-one (841) days credit for time served. The Judgment
14 of Conviction was filed on May 17, 2016.

15 On June 1, 2016, Defendant filed a Notice of Appeal from his conviction. On June 27,
16 2017, the Nevada Supreme Court affirmed the Judgment of Conviction. Remittitur issued July
17 28, 2017.

18 Following the affirmance, Defendant filed various motions including but not limited to,
19 a Motion to Claim and Exercise Rights Guaranteed by the Constitution for the United States
20 of America (October 10, 2017), a Motion to Reconsider (October 10, 2017), A Motion for
21 Ancillary Services Pursuant to 18 U.S.C. sec 3006A (November 27, 2017), a Petition for Writ
22 of Habeas Corpus (December 29, 2017), a Request for Judicial Notice of Lack of Jurisdiction
23 (March 30, 2018), a Motion to Amend Judgment of Conviction (September 19, 2019), a
24 Motion to Correct Illegal Sentence (February 25, 2020), and an additional Motion to Correct
25 Illegal Sentence (June 9, 2021). The Court denied the above motions.

26 On August 19, 2021, Defendant filed a Motion to Correct Illegal Sentence. The State
27 responds as follows.

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1 overruled on other grounds by Harris v. State, 130 Nev. 435, 329 P.3d 619 (2014). However,
2 a district court possesses inherent authority to correct, vacate or modify a sentence where the
3 defendant can demonstrate the sentence violates due process because it is based on a materially
4 untrue assumption or mistake of fact that has worked to the defendant's extreme detriment.
5 Edwards v. State, 112 Nev. 704, 707, 918 P.2d 321, 324 (1996); NRS 176.555; see also
6 Passanisi, 108 Nev. at 322, 831 P.2d at 1373. A motion to correct an illegal sentence may only
7 challenge the facial legality of the sentence; either the district court was without jurisdiction
8 to impose a sentence or the sentence was imposed in excess of the statutory
9 maximum. Edwards v. State, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996).

10 Defendant's motion fails to substantiate that the District Court lacked jurisdiction.
11 Defendant mistakenly claims that both NRS 171.010 and NRS 171.020 are invalid. The 48th
12 Session of the Nevada Legislature enacted into law the Nevada Revised Statutes. 1957 Nev.
13 Stat. 2. At this point, the Nevada Revised Statutes were comprised of the laws set out in section
14 9 of the same bill. Id. Section 9 states that "the following laws and statutes attached hereto,
15 consisting of NRS sections 1.010 to 710.590, inclusive, constitute the Nevada Revised
16 Statutes." Id. at 3. Both NRS 171.010 and NRS 171.020 fall within this range and were
17 properly enacted into law by this bill. Thus, Defendant fails to make any proper challenge to
18 the facial legality of his sentence.

19 Defendant fails to set forth any additional claims that the district court lacked
20 jurisdiction, the sentence exceeded the statutory maximum, or the Court sentenced him based
21 on a materially untrue assumption or mistake of fact. Accordingly, this Court should deny his
22 motion.

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CONCLUSION

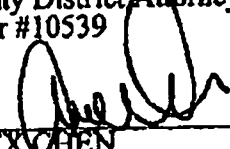
Based on the foregoing reasons, Defendant's Motion to Correct Illegal Sentence should be DENIED.

DATED this 24th day of August, 2021.

Respectfully submitted,

STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #10539

BY

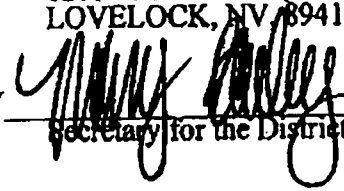

ALEX CHEN
Deputy District Attorney
Nevada Bar #10539

CERTIFICATE OF MAILING

I hereby certify that service of the above and foregoing was made this 24th day of August, 2021, by depositing a copy in the U.S. Mail, postage pre-paid, addressed to:

JUSTIN ODELL LANGFORD
BAC#1159546
1200 PRISON RD (LLCC)
LOVELOCK, NV 89419

BY


Secretary for the District Attorney's Office

14FS0001X/AC/ec/mlb/SVU

EXHIBIT 3a
Responses by Secretary
of State.

ROSS MILLER
Secretary of State

NICOLE J. LAMBOLEY
Chief Deputy Secretary of State

ROBERT E. WALSH
*Deputy Secretary
for Southern Nevada*

STATE OF NEVADA



**OFFICE OF THE
SECRETARY OF STATE**

SCOTT W. ANDERSON
*Deputy Secretary
for Commercial Recordings*

SCOTT F. GILLES
Deputy Secretary for Elections

RYAN M. HIGH
*Deputy Secretary
for Operations*

February 20, 2013

Dear Mr. Walters:

In response to your public records request pursuant to NRS 239, the information you requested regarding Assembly history from the 1957 and 1969 Legislative sessions pertains to documents for which this office no longer has legal custody or control. These records are now in the custody and control of the Nevada State Archives. You may contact them for release of the documents related to the subject matter you request.

The contact information for the Nevada State Archives is:
100 N. Stewart Street, Carson City, NV 89701
Phone: 775.684.3360
Fax : 775.684.3330

Thank you.

Sincerely,

ROSS MILLER
Secretary of State

By: Catherine Lu
Catherine Lu
Public Information Officer

NEVADA STATE CAPITOL
101 N. Carson Street, SUITE 3
Carson City, Nevada 89701-4786
Telephone: (775) 684-5708
Fax: (775) 684-5725

**COMMERCIAL RECORDINGS
MEYER'S ANNEX OFFICE**
202 N. Carson Street
Carson City, Nevada 89701-4201
Telephone: (775) 684-5708
Fax: (775) 684-5725

LAS VEGAS OFFICE
555 E. Washington Avenue Ste. 5200
Las Vegas, Nevada 89101-1090
SECURITIES
Telephone: (702) 486-2440
Fax: (702) 486-2452
CORPORATIONS
Telephone: (702) 486-2880
Fax: (702) 486-2888

RENO OFFICE
500 Damonte Ranch Pkwy, Suite 650-A
Reno, Nevada 89521
Telephone: (775) 687-9950
Fax: (775) 853-7961

BARBARA K. CEGAVSKE
Secretary of State

STATE OF NEVADA



OFFICE OF THE
SECRETARY OF STATE

SCOTT ANDERSON
Chief Deputy Secretary of State

who was At Gen 1997

February 27, 2019

Bryan Bonham # 60575
Lovelock Correctional Center
1200 Prison Road
Lovelock, NV 89419

Mr. Bonham:

We are enclosing the following documents responsive to your records request: Certificate of Election for- Secretary of State Barbara Cegavske (2014) (2018), Attorney General Catherine Cortez Masto (2001) (2010), Attorney General Adam Laxalt (2014); Governor Kenny Guinn (1998) (2002); Governor Jim Gibbons (2006) Governor Brian Sandoval (2010) (2014). You are going to have to be more specific with regards to the various Judges and District Attorneys as we need to know jurisdiction and district and may not have these documents. We do not have Certificates of Election for Sheriff. You will need to provide the names of the Attorneys General from 1997-2002 as we may have already archived their Certificates of Election.

The Secretary of State is not in possession of Senate Bill 109 from 1949 nor Senate Bill 2 from 1957 – those records have been transferred to the Nevada State Library and Archives.

Thank you for contacting our office.

Sincerely,

The Office of the Nevada Secretary of State

NEVADA STATE CAPITOL
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EXHIBIT 3A

Assembly Bill No. 43.

EXHIBIT 4