

**IN THE SUPREME COURT OF THE STATE OF NEVADA**

Electronically Filed  
Apr 07 2022 11:20 a.m.  
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  
2**

**ATTORNEY FOR APPELLANT**  
BRYAN BONHAM #60575,  
PROPER PERSON  
P.O. BOX 650  
INDIAN SPRINGS, NV 89070

**ATTORNEY FOR RESPONDENT**  
STEVEN B. WOLFSON,  
DISTRICT ATTORNEY  
200 LEWIS AVE.  
LAS VEGAS, NV 89155-2212

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

**INDEX**

<b><u>VOLUME:</u></b>	<b><u>PAGE NUMBER:</u></b>
1	1 - 246
2	247 - 280

I N D E X

<u>VOL</u>	<u>DATE</u>	<u>PLEADING</u>	<u>PAGE NUMBER:</u>
1	1/12/2022	"Hearing Requested" Motion for Discovery & Motion for Order to Show Cause	125 - 134
1	4/2/2022	"Hearing Requested" Defendant's Reply to State's Opposition to His Habeas Corpus, Motion to Correct Illegal Sentence due to Invalid Laws, Fraud Amounting to Lack of Subject Matter Jurisdiction., Motion to Correct Illegal Sentence "Smoking Gun" Strike Against 2014 Legislative Ballot Seeking to Defraud Citizens During Time of Said Election, Supported by Prima Facie Evidence, Errata., Motion for Discovery and Order for Motion to Show Cause. (Continued)	178 - 246
2	4/2/2022	"Hearing Requested" Defendant's Reply to State's Opposition to His Habeas Corpus, Motion to Correct Illegal Sentence due to Invalid Laws, Fraud Amounting to Lack of Subject Matter Jurisdiction., Motion to Correct Illegal Sentence "Smoking Gun" Strike Against 2014 Legislative Ballot Seeking to Defraud Citizens During Time of Said Election, Supported by Prima Facie Evidence, Errata., Motion for Discovery and Order for Motion to Show Cause. (Continuation)	247 - 277
1	12/3/2021	Application to Proceed Informa Pauperis (Confidential)	108 - 119
1	3/8/2022	Case Appeal Statement	154 - 155
2	4/7/2022	Certification of Copy and Transmittal of Record	
1	3/15/2022	Civil Order to Statistically Close Case	177 - 177
2	4/7/2022	District Court Minutes	279 - 280

I N D E X

<u>VOL</u>	<u>DATE</u>	<u>PLEADING</u>	<u>PAGE NUMBER:</u>
1	3/10/2022	Findings of Fact, Conclusions of Law, and Order	156 - 165
1	3/7/2022	Notice of Appeal	145 - 146
1	3/15/2022	Notice of Entry of Findings of Fact, Conclusions of Law and Order	166 - 176
1	1/12/2022	Notice of Hearing	124 - 124
2	4/2/2022	Notice of Hearing	278 - 278
1	12/3/2021	Order for Petition for Writ of Habeas Corpus	120 - 121
1	12/3/2021	Order to Proceed Informa Pauperis (Confidential)	122 - 123
1	12/3/2021	Petition for Writ of Habeas Corpus Pursuant to All Writs Act 28.U.S.C.S. 31651	1 - 107
1	3/7/2022	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	147 - 153
1	2/8/2022	State's Response to Defendant's 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	135 - 144

ASSEMBLY BILL NO. 43—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE DEPARTMENT OF CORRECTIONS)

PREFILED DECEMBER 20, 2012 \_\_\_\_\_

Referred to Committee on Judiciary

SUMMARY—Clarifies provisions governing credits earned by an offender which reduce the offender's term of imprisonment. (BDR 16-318)

FISCAL NOTE: Effect on Local Government: No. Effect on the State: No.

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

AN ACT relating to offenders; clarifying provisions governing credits earned by an offender which reduce the term of imprisonment of the offender; and providing other matters properly relating thereto.

Legislative Counsel's Digest: Under existing law, certain offenders who have been sentenced to a term of 1 imprisonment generally may earn certain amounts of credit for various 2 achievements. Any amount of credit earned is applied to the length of the 3 offender's term of imprisonment and thereby reduces the offender's sentence. (NRS 4 209.432-209.451) This bill: (1) clarifies that an offender may not earn more than 5 the amount of credit required to expire his or her sentence; and (2) specifies that 6 such a provision shall not be construed to reduce retroactively the amount of credit 7 earned by an offender if doing so would constitute a violation under the 8 Constitution of the United States or the Constitution of the State of Nevada. 9

EX!

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 209 of NRS is hereby amended by adding 1 thereto a new section to read as follows: 2 1. Notwithstanding any provision of this section and NRS 3 209.432 to 209.451, inclusive, which entitles an offender to receive 4 credit or which authorizes the Director to allow credit for an 5 .

- 2 -

- \*AB43\*

offender, an offender may not earn more than the amount of 1 credit required to expire his or her sentence. 2 2. Nothing in this section shall be construed to reduce 3 retroactively the amount of credit earned by an offender if doing 4 so would constitute a violation under the

1

EXHIBIT 66 477

92

EXHIBIT 66 11 99

37

EXHIBIT 66 11 99

ASSEMBLY BILL NO. 43—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE DEPARTMENT OF CORRECTIONS)

PREFILED DECEMBER 20, 2012 \_\_\_\_\_

Referred to Committee on Judiciary

SUMMARY—Clarifies provisions governing credits earned by an offender which reduce the offender's term of imprisonment. (BDR 16-318)

FISCAL NOTE: Effect on Local Government: No. Effect on the State: No.

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

AN ACT relating to offenders; clarifying provisions governing credits earned by an offender which reduce the term of imprisonment of the offender; and providing other matters properly relating thereto.

Legislative Counsel's Digest: Under existing law, certain offenders who have been sentenced to a term of 1 imprisonment generally may earn certain amounts of credit for various 2 achievements. Any amount of credit earned is applied to the length of the 3 offender's term of imprisonment and thereby reduces the offender's sentence. (NRS 4 209.432-209.451) This bill: (1) clarifies that an offender may not earn more than 5 the amount of credit required to expire his or her sentence; and (2) specifies that 6 such a provision shall not be construed to reduce retroactively the amount of credit 7 earned by an offender if doing so would constitute a violation under the 8 Constitution of the United States or the Constitution of the State of Nevada. 9

EX!

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 209 of NRS is hereby amended by adding 1 thereto a new section to read as follows: 2 1. Notwithstanding any provision of this section and NRS 3 209.432 to 209.451, inclusive, which entitles an offender to receive 4 credit or which authorizes the Director to allow credit for an 5

- 2 -

- \*AB43\*

offender, an offender may not earn more than the amount of 1 credit required to expire his or her sentence. 2 2. Nothing in this section shall be construed to reduce 3 retroactively the amount of credit earned by an offender if doing 4 so would constitute a violation under the

1

EXHIBIT 66 477

92

Assembly Final  
Passage

(As Introduced) Mar 27, 2013    Yea    Nay    Excused    Not Voting    Absent  
41,    0,    1,    0,    0

**Bill Text**            As Introduced

**Bill History**

Dec 20, 2012

- Prefiled. Referred to Committee on Judiciary. To printer.

Dec 27, 2012

- From printer.

Feb 04, 2013

- Read first time. To committee.

Mar 25, 2013

- From committee: Do pass.

Mar 26, 2013

- Read second time.

Mar 27, 2013

- Read third time. Passed. Title approved. (Yeas: 41, Nays: None, Excused: 1.) To Senate.

Mar 28, 2013

- In Senate.
- Read first time. Referred to Committee on Judiciary. To committee.

66 4 99

**77th (2013) Session**  
**Vote on AB43 (As Introduced) on**  
**Assembly Final Passage**  
**March 27, 2013 at 11:46 AM**

| 41 Yea | 0 Nay | 1 Excused | 0 Not Voting | 0 Absent |

Paul Aizley	Yea
Paul Anderson	Yea
Elliot Anderson	Yea
Teresa Benitez-Thompson	Yea
David Bobzien	Yea
Steven Brooks	Excused
Irene Bustamante Adams	Yea
Maggie Carlton	Yea
Richard Carrillo	Yea
Lesley Cohen	Yea
Skip Daly	Yea
Olivia Diaz	Yea
Marilyn Dondero Loop	Yea
Wesley Duncan	Yea
Andy Eisen	Yea
John Ellison	Yea
Michele Fiore	Yea
Lucy Flores	Yea

1

66 4 99

Jason Frierson	Yea
Tom Grady	Yea
John Hambrick	Yea
Ira Hansen	Yea
Crescent Hardy	Yea
James Healey	Yea
Pat Hickey	Yea
Joseph Hogan	Yea
William Horne	Yea
Marilyn Kirkpatrick	Yea
Randy Kirner	Yea
Peter Livermore	Yea
Andrew Martin	Yea
Harvey Munford	Yea
Dina Neal	Yea
James Ohrenschall	Yea
James Oscarson	Yea
Peggy Pierce	Yea
Ellen Spiegel	Yea
Michael Sprinkle	Yea
Lynn Stewart	Yea
Heidi Swank	Yea
Jim Wheeler	Yea
Melissa Woodbury	Yea

66499

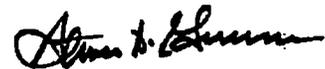
Exhibit 66 11 99

Constitution of the 5 United States or the Constitution of the State of Nevada. 6 Sec. 2. NRS 209.432 is hereby amended to read as follows: 7 209.432 As used in NRS 209.432 to 209.451, inclusive, and 8 section 1 of this act, unless the context otherwise requires: 9 1. "Offender" includes: 10 (a) A person who is convicted of a felony under the laws of this 11 State and sentenced, ordered or otherwise assigned to serve a term 12 of residential confinement. 13 (b) A person who is convicted of a felony under the laws of this 14 State and assigned to the custody of the Division of Parole and 15 Probation of the Department of Public Safety pursuant to NRS 16 209.4886 or 209.4888. 17 2. "Residential confinement" means the confinement of a 18 person convicted of a felony to his or her place of residence under 19 the terms and conditions established pursuant to specific statute. The 20 term does not include any confinement ordered pursuant to NRS 21 176A.530 to 176A.560, inclusive, 176A.660 to 176A.690, inclusive, 22 213.15105, 213.15193 or 213.152 to 213.1528, inclusive. 23 Sec. 3. This act becomes effective upon passage and approval.

66499

exhibit 66499 97 46

EXHIBIT 4a



CLERK OF THE COURT

1 RSPN  
2 STEVEN B. WOLFSON  
3 Clark County District Attorney  
4 Nevada Bar #001565  
5 H. LEON SIMON  
6 Chief Deputy District Attorney  
7 Nevada Bar #00411  
8 200 Lewis Avenue  
9 Las Vegas, Nevada 89155-2212  
10 (702) 671-2500  
11 Attorney for Plaintiff

DISTRICT COURT  
CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,  
10 Plaintiff,

11 -vs-

CASE NO:

DEPT NO:

12  
13 Defendant.

15 RESPONSE TO DEFENDANT'S MOTION TO  
16 DISMISS FOR LACK OF SUBJECT MATTER JURISDICTION  
& OPPOSITION TO DEFENDANT'S MOTION TO APPOINT COUNSEL

17 DATE OF HEARING: MARCH 25, 2013

18 TIME OF HEARING: 8:00 AM

19 COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, Clark County  
20 District Attorney, through H. LEON SIMON, Chief Deputy District Attorney, and hereby  
21 submits the attached Points and Authorities in Response to Defendant's Motion to Dismiss  
22 for Lack of Subject Matter Jurisdiction & Opposition to Defendant's Motion to Appoint  
23 Counsel.

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

27 ///

28 ///

1 Defendant any credit for time served. Judgment of Conviction was filed on July 6, 2007.  
2 Defendant did not file a direct appeal.

3 On August 7, 2009, Defendant filed a Motion to Clarify Sentence. On August 13,  
4 2009, the State filed its Opposition. On August 17, 2009, the court ordered the State to send  
5 a copy of Defendant's Judgment of Conviction, delineating the correct sentence, to  
6 Defendant.

7 On December 15, 2009, Defendant filed a Pro Per Petition for Writ of Habeas Corpus.  
8 On February 10, 2010, the State, through the Attorney General's Office, filed its Answer.  
9 On February 17, 2010, the court denied Defendant's Petition. Findings of Fact, Conclusions  
10 of Law and Order was filed on March 1, 2010. On March 8, 2010, Defendant filed a Notice  
11 of Appeal. On July 15, 2010, the Nevada Supreme Court affirmed the judgment of the  
12 district court. [REDACTED]. Remittitur issued on August 9, 2010.

13 On March 7, 2011, Defendant filed a Motion to Modify Sentence. The State filed its  
14 Opposition on March 16, 2011. On March 21, 2011, the court denied Defendant's motion.  
15 The Findings of Fact Conclusions of Law and Order was filed on April 5, 2011. Defendant  
16 refilled his Motion to Modify Sentence on April 12, 2011, and the court again denied the  
17 motion on April 25, 2011.

18 On February 28, 2013, Defendant filed the instant Motion to Dismiss for Lack of  
19 Subject Jurisdiction and a Motion for Appointment of Counsel. The State's Response to the  
20 Motion to Dismiss and Opposition to the Motion for Appointment of Counsel follows.

21 **ARGUMENT**

22 **I. DEFENDANT'S MOTION TO DISMISS IS WITHOUT MERIT**

23 Defendant claims that the court lacked subject matter jurisdiction over his crimes and  
24 therefore his sentence (and indeed, his crime itself) is an unenforceable fiction. Specifically,  
25 Defendant argues that the statutes under which he was charged and convicted are  
26 unconstitutional, as they each lack the enacting clause mandated by Article 4, Section 23 of  
27 the Nevada Constitution. This argument is without merit.

28 ///

1 The enacting clause of the Nevada Constitution states, "The enacting clause of every  
2 law shall be as follows: 'The people of the State of Nevada represented in Senate and  
3 Assembly, do enact as follows,' and no law shall be enacted except by bill." NEV. CONST. art  
4 4, § 23. This court has interpreted the enacting clause to require that all laws express upon  
5 their face "the authority by which they were enacted." State of Nevada v. Rogers, 10 Nev.  
6 250, 261 (1875). Defendant asserts that the laws under which he was charged and convicted,  
7 as compiled in the Nevada Revised Statutes, lack this enacting clause and are therefore  
8 unconstitutional. <sup>start</sup> It may be argue that The Accused

9 ~~However, Defendant's~~ argument conflates the laws of Nevada with the codified  
10 statutes. The Nevada Revised Statutes "constitute the official codified version of the  
11 Statutes of Nevada and may be cited as prima facie evidence of the law." NRS 220.170(3).  
12 The Nevada Revised Statutes consist of enacted laws which have been classified, codified,  
13 and annotated by the Legislative Counsel. See NRS 220.120. The actual laws of Nevada are  
14 contained in the Statutes of Nevada, which do contain the mandatory enacting clauses.  
15 Moreover, NRS 220.110, which sets forth the required contents of the Nevada Revised  
16 Statutes, does not mandate that the enacting clauses be republished in the Nevada Revised  
17 Statutes. Thus, the fact that the Nevada Revised Statutes do not contain enacting clauses  
18 does not render the statutes unconstitutional. See Ledden v. State, 686 N.W.2d 873, 876-77  
19 (Minn.2004) (holding that, where appellant argued that his convictions were unconstitutional  
20 because statutes under which he was charged did not contain constitutionally required  
21 enacting clauses, appellant's convictions were not unconstitutional as acts creating and  
22 amending laws began with required phrase); State v. Wittine, No. 90747, 2008 WL 4813830,  
23 (Ohio Ct.App. Nov. 6, 2008) (holding that omission of constitutionally required enacting  
24 clauses in Ohio Revised Code "in no way affects the validity of the statutes themselves"  
25 where clauses were contained in senate bill enacting laws). Therefore, Defendant's  
26 convictions are not constitutionally deficient. Defendant's Motion to Dismiss must be  
27 denied.

28 ///

1 **II. DEFENDANT IS NOT ENTITLED TO APPOINTMENT OF COUNSEL**

2 In Coleman v. Thompson, 501 U.S. 722, 111 S.Ct. 2546 (1991), the United States  
3 Supreme Court ruled that the Sixth Amendment provides no right to counsel in post-  
4 conviction proceedings. In McKague v. Warden, 112 Nev. 159, 912 P.2d 255 (1996), the  
5 Nevada Supreme Court similarly observed that “[t]he Nevada Constitution...does not  
6 guarantee a right to counsel in post-conviction proceedings, as we interpret the Nevada  
7 Constitution’s right to counsel provision as being coextensive with the Sixth Amendment to  
8 the United States Constitution.”

9 NRS 34.750 provides, in pertinent part:

10 [a] petition may allege that the Defendant is unable to pay the  
11 costs of the proceedings or employ counsel. If the court is  
12 satisfied that the allegation of indigency is true and the petition is  
13 not dismissed summarily, the court may appoint counsel at the  
14 time the court orders the filing of an answer and a return. In  
15 making its determination, the court may consider whether:

- 13 (a) The issues are difficult;
- 14 (b) The Defendant is unable to comprehend the  
15 proceedings; or
- 16 (c) Counsel is necessary to proceed with discovery.

16 Under NRS 34.750, it is clear that the court has discretion in determining whether to appoint  
17 counsel. McKague specifically held that with the exception of NRS 34.820(1)(a) [entitling  
18 appointed counsel when petition is under a sentence of death], one does not have “[a]ny  
19 constitutional or statutory right to counsel at all” in post-conviction proceedings. 112 Nev.  
20 at 164, 912 P.2d at 258.

21 Here, Defendant fails to state any purpose for which he might need counsel.  
22 Furthermore, Defendant has failed to allege that he is unable to pay the costs of the  
23 proceedings or employ counsel. Defendant also has not provided the Court with the issues  
24 he intends to raise in his petition. Accordingly, the Court cannot determine whether the  
25 issues are meritorious and whether they are so difficult as to necessitate appointment of  
26 counsel, as required under NRS 34.750. Finally, the State would note that Defendant has  
27 filed petitions in the past, which were denied, and Defendant’s Judgment of Conviction was  
28 filed on July 6, 2007, from which Defendant did not file a direct appeal. Thus, any petition

1 Defendant were to file would be procedurally barred under NRS 34.726 and NRS 34.810.  
2 The State therefore submits that it would be a waste of public funds to appoint post-  
3 conviction counsel to represent Defendant. Defendant's motion ought to be denied.

4 **CONCLUSION**

5 Based on the foregoing arguments, the State respectfully requests that Defendant's  
6 Motion to Dismiss for Lack of Subject Matter Jurisdiction and Motion for Appointment of  
7 Counsel be denied.

8 DATED this 18<sup>th</sup> day of March, 2013.

9 Respectfully submitted,

10 STEVEN B. WOLFSON  
11 Clark County District Attorney  
12 Nevada Bar #001565

13 BY /s/ J. Timothy Fattig for  
14 H. LEON SIMON  
15 Chief Deputy District Attorney  
16 Nevada Bar #00411

17 **Certificate of Service**

18 I, Stephanie Johnson, certify that on the 18<sup>th</sup> day of March, 2013, I mailed a copy of  
19 the above and foregoing to [REDACTED]  
20 [REDACTED] for his review.

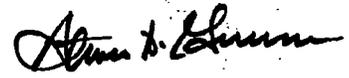
21 BY: /s/ Stephanie Johnson  
22 S. Johnson  
23 Employee of the District Attorney's Office  
24

25  
26  
27  
28 06F24335X/HLS/SJ/L-1

EXHIBIT 4b

STATES RESPONSE TO

GARY W. WALTERS CASE NO 05C217569

  
CLERK OF THE COURT

1 **OPPS**  
2 STEVEN B. WOLFSON  
3 Clark County District Attorney  
4 Nevada Bar #001565  
5 J. TIMOTHY FATTIG  
6 Chief Deputy District Attorney  
7 Nevada Bar #006639  
8 200 Lewis Avenue  
9 Las Vegas, Nevada 89155-2212  
10 (702) 671-2500  
11 Attorney for Plaintiff

DISTRICT COURT  
CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,  
10  
11 Plaintiff,

11 -vs-

12 GARY WALTERS,  
13 #1695384

14 Defendant.

CASE NO: 05C217569

DEPT NO: III

15 STATE'S OPPOSITION TO DEFENDANT'S MOTION TO DISMISS FOR LACK OF  
16 SUBJECT MATTER JURISDICTION, "ERRATA TO ACCUSED MOTION TO DISMISS  
17 FOR LACK OF SUBJECT MATTER JURISDICTION/MOTION FOR SHOW OF  
18 PROOF," "CAVEAT," AND MOTION FOR DISCOVERY/MOTION FOR ORDER TO  
19 SHOW CAUSE

18 DATE OF HEARING: AUGUST 6, 2013

19 TIME OF HEARING: 9:00 AM

20 COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, Clark County  
21 District Attorney, through J. TIMOTHY FATTIG, Chief Deputy District Attorney, and  
22 hereby submits the attached Points and Authorities in Opposition to Defendant's Motion to  
23 Dismiss for Lack of Subject Matter Jurisdiction, "Errata to Accused Motion to Dismiss for  
24 Lack of Subject Matter Jurisdiction/Motion for Show of Proof," "Caveat," and Motion for  
25 Discovery/Motion for Order to Show Cause.

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

1 **POINTS AND AUTHORITIES**

2 **STATEMENT OF THE CASE**

3 On December 7, 2005, a grand jury indicted Gary Wayne Walters ("Defendant") on  
4 the following charges: Counts 1, 4, 9, 15, & 18 – Forgery (Felony – NRS 205.090, 205.110);  
5 Counts 2, 5, 7, 12, 13, & 14 – Theft (Felony – NRS 205.0832, 205.0835); Counts 3, 6, 10,  
6 16, & 19 – Offering False Instrument for Filing or Record (Felony – NRS 239.330); and  
7 Counts 8, 11, & 17 – Attempt Theft (Felony – NRS 205.0832, 205.0835, 193.330).

8 On February 4, 2008, Defendant's trial commenced. On February 7, 2008, the jury  
9 convicted Defendant on all counts except counts 7 (Theft) and 19 (Offering False Instrument  
10 for Filing or Record).

11 On June 3, 2008, Defendant was adjudged guilty of counts 1-6 and 8-18 as charged in  
12 the Indictment and sentenced to imprisonment in the Nevada Department of Corrections as  
13 follows: Count 1 – Maximum forty-eight (48) months with a minimum parole eligibility of  
14 sixteen (16) months; Count 2 – Maximum one hundred twenty (120) months with a  
15 minimum parole eligibility of forty-eight (48) months, sentence to run concurrent with count  
16 1; Count 3 – Maximum forty-eight (48) months with a minimum parole eligibility of sixteen  
17 (16) months, sentence to run concurrent with count 2; Count 4 – Maximum forty-eight (48)  
18 months with a minimum parole eligibility of sixteen (16) months, sentence to run  
19 consecutive to count 2; Count 5 – Maximum one hundred twenty (120) months with a  
20 minimum parole eligibility of forty-eight (48) months, sentence to run concurrent with count  
21 4 and consecutive to count 2; Count 6 – Maximum forty-eight (48) months with a minimum  
22 parole eligibility of sixteen (16) months, sentence to run concurrent with counts 4 and 5 and  
23 consecutive to count 2; Count 8 – Maximum forty-eight (48) months with a minimum parole  
24 eligibility of sixteen (16) months, sentence to run consecutive to count 5; Count 9 –  
25 Maximum forty-eight (48) months with a minimum parole eligibility of sixteen (16) months,  
26 sentence to run concurrent with count 8 and consecutive to count 5; Count 10 – Maximum  
27 forty-eight (48) months with a minimum parole eligibility of sixteen (16) months, sentence  
28 to run concurrent with counts 8 and 9 and consecutive to count 5; Count 11 – Maximum one

1 hundred twenty (120) months with a minimum parole eligibility of forty-eight (48) months,  
2 sentence to run consecutive to count 5; Count 12 – Maximum one hundred twenty (120)  
3 months with a minimum parole eligibility of forty-eight (48) months, sentence to run  
4 consecutive to count 11; Count 13 – Maximum one hundred twenty (120) months with a  
5 minimum parole eligibility of forty-eight (48) months, sentence to run consecutive to count  
6 12; Count 14 – Maximum one hundred twenty (120) months with a minimum parole  
7 eligibility of forty-eight (48) months, sentence to run consecutive to count 13; Count 15 –  
8 Maximum forty-eight (48) months with a minimum parole eligibility of sixteen (16) months,  
9 sentence to run consecutive to count 14; Count 16 – Maximum forty-eight (48) months with  
10 a minimum parole eligibility of sixteen (16) months, sentence to run concurrent with count  
11 15 and consecutive to count 14; Count 17 – Maximum forty-eight (48) months with a  
12 minimum parole eligibility of sixteen (16) months, sentence to run concurrent with count 16;  
13 Count 18: Maximum forty-eight (48) months with a minimum parole eligibility of sixteen  
14 (16) months, sentence to run concurrent with count 15. Defendant was awarded ninety-five  
15 (95) days credit for time served. Additionally, Defendant was ordered to pay restitution in  
16 the amount of \$470,300.00 to Richard & Sandra Larison and \$146,949.00 to Robert Garcia.  
17 A Judgment of Conviction was filed on July 17, 2008.

18 Defendant filed a direct appeal from his conviction on July 23, 2008. The Nevada  
19 Supreme Court issued an Order of Affirmance on February 3, 2010. Remittitur issued on  
20 July 19, 2010.

21 On November 15, 2010, Defendant filed a Petition for Writ of Habeas Corpus.  
22 Defendant filed a Supplemental Petition on December 8, 2010. The State filed a Response on  
23 January 19, 2011. Defendant filed a Reply on February 1, 2011. On February 17, 2011, the  
24 court denied Defendant's Petition. A Findings of Fact, Conclusions of Law and Order was  
25 filed on April 26, 2011. A Notice of Entry of Decision and Order was filed on May 2, 2011.

26 Defendant filed a Notice of Appeal from the denial of his Petition on May 18, 2011.  
27 On July 15, 2011, the Nevada Supreme Court reversed and remanded the case for the  
28 appointment of counsel to assist Defendant with his Petition. Remittitur issued on August 12,

1 2011. On August 16, 2011, Joshua Tomsheck was appointed to assist Defendant with his  
2 Petition. To date, no supplemental petition has been filed.

3 On December 5, 2012, Defendant filed a Pro Per Motion to Reverse his Case,  
4 claiming he suffered from an illegal sentence. The State filed an Opposition on December  
5 11, 2012. On December 18, 2012, the court took the matter off calendar to provide counsel  
6 time to file a Supplement to the Motion.

7 On February 19, 2013, Defendant, through counsel, filed a Motion to Modify or  
8 Vacate Illegal Sentence. On March 20, 2013, Defendant, through counsel, filed an Errata to  
9 Motion to Modify or Vacate Illegal Sentence. The State filed a Response on April 15, 2013.  
10 Defendant filed a Reply on April 24, 2013. The State filed a Response to New Arguments  
11 Raised in Defendant's Reply to the State's Response on May 17, 2013. On May 30, 2013,  
12 the court ruled that it did not believe Defendant's entire sentence needed to be vacated, but  
13 the restitution was erroneous. As such, the court ordered the following changes to  
14 Defendant's Judgment of Conviction: \$146,949.00 restitution is to be reduced by \$50,000.00  
15 to \$96,949.00, Counts 4-6 is to be concurrent with each other and consecutive to Count 2,  
16 Count 11 should be changed to a maximum of thirty (30) months to a minimum of twelve  
17 (12) months in the Nevada Department of Corrections and concurrent with Count 10, and  
18 Count 12 is to be modified to reflect consecutive to Count 8, not Count 11. An Amended  
19 Judgment of Conviction reflecting these changes was filed on June 5, 2013.

20 On July 16, 2013, Defendant filed the instant Motion to Dismiss for Lack of Subject  
21 Matter Jurisdiction, "Errata to Accused Motion to Dismiss for Lack of Subject Matter  
22 Jurisdiction/Motion for Show of Proof," "Caveat," and Motion for Discovery/Motion for  
23 Order to Show Cause. The State's Opposition follows.

#### 24 ARGUMENT

##### 25 **I. FUGITIVE DOCUMENT – EJDCR 7.40(a)**

26 Defendant's instant pro per Motions should be dismissed as a fugitive document.

27 EJDCR 7.40(a) states:

28 ///

1           When a party has appeared by counsel, the party cannot  
2 thereafter appear on the party's own behalf in the case without  
3 the consent of the court. Counsel who has appeared for any party  
4 must represent that party in the case and shall be recognized by  
5 the court and by all parties as having control of the case. The  
6 court in its discretion may hear a party in open court although the  
7 party is represented by counsel.

8           On August 16, 2011, Joshua Tomscheck, Esq., was confirmed as counsel regarding  
9 Defendant's post conviction issues. On December 16, 2012, Jason Landess, Esq., filed a  
10 Notice of Appearance for the limited purpose of representing Defendant in connection with a  
11 Motion to Modify Sentence filed on February 19, 2013. The instant Motion was filed on  
12 July 16, 2013. Either way, Defendant is represented by counsel and did not obtain leave of  
13 court to file the instant Motions. Because Defendant cannot appear on his own behalf after  
14 he had appeared by counsel, the instant Motions should be stricken as fugitive pleadings.

## 15           **II. THIS COURT HAS SUBJECT MATTER JURISDICTION OVER** 16 **DEFENDANT'S CASE**

17           In Defendant's Motion to Dismiss for Lack of Subject Matter Jurisdiction, "Errata to  
18 Accused Motion to Dismiss for Lack of Subject Matter Jurisdiction/Motion for Show of  
19 Proof," and "Caveat," he contends this Court is without subject matter jurisdiction because  
20 the Nevada Revised Statutes version of the statutes under which he pleaded guilty do not  
21 contain the enacting clause. "The enacting clause of every law shall be as follows: 'The  
22 People of the State of Nevada, represented in Senate and Assembly, do enact as follows,'  
23 and no law shall be enacted except by bill." NEV. CONST. art. 4, § 23. The Nevada Supreme  
24 Court has interpreted this Constitutional provision to mean an enacting clause must be  
25 included in every law created by the Legislature and the law must express on its face "the  
26 authority by which they were enacted." State v. Rogers, 10 Nev. 250, 1875 WL 4032, 7  
27 (1875). The Court further found that nothing can be law that is not introduced by the very  
28 words of the enacting clause. Id. at 256.

          However, while it is well established that the laws of Nevada must include an  
enacting clause, the Nevada Revised Statutes do not have the same requirement, as they are  
not laws enacted by the legislature. Instead, the Nevada Revised Statutes consist of

1 *previously enacted laws* which have been classified, codified, and annotated by the  
2 Legislative Counsel. See NRS 220.120. Thus, the reason the Nevada Revised Statutes are  
3 referenced in criminal proceedings is because they “constitute the official codified version of  
4 the Statutes of Nevada and may be cited as *prima facie* evidence of the law.” NRS  
5 220.170(3) (emphasis added). Further, the content requirements for the Nevada Revised  
6 Statutes, as laid out in NRS 220.110, do not require the enacting clause to be republished in  
7 them. See NRS 221.110. Therefore, the lack of an enacting clause in the Nevada Revised  
8 Statutes does not render them unconstitutional.

9 Here, Defendant does not attack the specific statutes under which he was convicted  
10 but instead attacks all of the Nevada Revised Statutes. In accordance with the law as stated  
11 above, the Nevada Revised Statutes were properly cited to and used in referencing the law  
12 Defendant was accused and later convicted of violating. Therefore, Defendant’s argument is  
13 without merit and should be denied.

14 Inasmuch as Defendant contends this Court is without subject matter jurisdiction  
15 because the charging documents did not reference a version of the law he was charged with  
16 violating that contained the enacting clause, such is without merit. Neither a Criminal  
17 Complaint, an Information, nor an Indictment is required to reference a version of the  
18 allegedly violated statute that contains an enacting clause. See NRS 171.102; NRS 173.035;  
19 NRS 173.075. Instead, only the facts of the charge must be included, and reference to the  
20 NRS version of the laws was sufficient to put Defendant on notice of the offenses charged.  
21 See Sanders v. Sheriff, 85 Nev. 179, 181-82, 451 P.2d 718, 720 (1969). Additionally,  
22 Rogers does not support Defendant’s claim and only stands for the proposition that the  
23 enacting clause must be on the face of the law, not the charging document. Rogers, 1875  
24 WL at 7. As Defendant’s claim is without legal support, it must be denied.

### 25 **III. DEFENDANT IS NOT ENTITLED TO DISCOVERY AT THIS TIME**

26 Rules regarding post-conviction discovery are found in NRS 34.780(2). NRS  
27 34.780(2) reads:

28 ///

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

4 Thus, post-conviction discovery is not available until "after the writ has been granted" and  
5 good cause is shown. Id. Neither of these statutory requirements has been fulfilled in this  
6 case. Therefore, Defendant's Motion for Discovery is premature and must be denied.

7 **IV. DEFENDANT'S MOTION FOR ORDER TO SHOW CAUSE SHOULD BE**  
8 **DENIED**

9 Inasmuch as Defendant again burdens this Court with his contention that the statutes  
10 which he was convicted under do not contain the constitutionally required enacting clause,  
11 this claim should be denied. Defendant's claim that this Court is without subject matter  
12 jurisdiction because the enacting clause is not included in the Nevada Revised Statutes  
13 version of the laws he was convicted under has already been considered and rejected by this  
14 Court.

15 **CONCLUSION**

16 Based on the foregoing, the State respectfully requests that Defendant's Motions be  
17 DENIED.

18 DATED this 23rd day of July, 2013.

19 Respectfully submitted,

20 STEVEN B. WOLFSON  
21 Clark County District Attorney  
22 Nevada Bar #001565

23 BY /s/ J. TIMOTHY FATTIG  
24 J. TIMOTHY FATTIG  
25 Chief Deputy District Attorney  
26 Nevada Bar #006639  
27  
28

Exhibit 5

TO: Nevada Supreme Court Law Library  
201 S. Carson St., #100  
Carson City, Nev. 89701

FROM: Justin Odell Langford - 1159546  
LCC, 1200 Prison Rd.  
Lovelock, Nev. 89419

RE: Request For Statute as Printed in Statute Books...

Can You Please send me the following Items as printed in the  
statute books.

- 1) Cr PA 1911, 358
- 2) RL 1912, 36908
- 3) CL 1929, 310705
- 4) 1927, p. 87
- 5) CL 1929, 310707
- 6) Can you please send NRS "171.010" as it is in the statute books, I  
don't know its official location or if there was ever a bill  
for it to become an NRS after "1957"
- 7) Can you please send NRS "171.020" as it is in the statute books, I  
don't know its official location or if there was ever a bill for  
it to become an NRS after "1957"

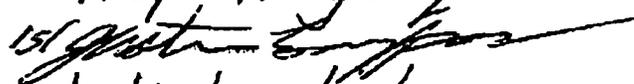
Respectfully Requested  
  
Justin Langford

EXHIBIT 5a



SUPREME COURT OF NEVADA  
 LAW LIBRARY  
 SUPREME COURT BUILDING  
 201 SOUTH CARSON STREET, SUITE 100  
 CARSON CITY, NEVADA 89701-4702

TELEPHONE  
 (775) 684-1640

June 4, 2021

Justin Odell Langford, #1159546  
 Lovelock Correctional Center  
 1200 Prison Rd.  
 Lovelock, NV 89419

Dear Mr. Langford:

Thank you for your correspondence. This information is provided as a courtesy only and is in no way intended to substitute for the advice of a private attorney.

Although we are unable to conduct research for you, we can provide you with materials, if your request is specific enough. We are unable to send books or supplements – only photocopies of materials from the Law Library’s collection, up to 10 cases or statutes (or 100 pages) per request. Only requests related to criminal law will be answered. We fulfill requests in the order in which they are received. If your request is urgent, please place it through your institution’s law library. We usually process requests received via Inmate Banking within 24 hours of receipt. Please do not send multiple requests for the same materials. Do not send cash, stamps or any object of value. After receiving your request, we will notify you of the estimated cost and, when payment is received, we will process your request. The Nevada Supreme Court Library requires prepayment for photocopies (\$0.10 per page for photocopies) plus postage. Payment should be submitted via check or money order made payable to the Nevada Supreme Court Library.

To ensure a prompt response, please follow these guidelines:

1. Write on a full sheet of paper. Include your complete name, address, and DOC number, and sign all requests.
2. We provide cases and statutes and are unable to give legal advice or provide forms to non-attorneys. Only requests related to criminal law will be answered.
3. Responses may take up to four weeks to receive. If your request is urgent, please place it through your institution’s law library. Requests received via NDOC Inmate Banking are usually processed within 24 hours.
4. Make your requests specific and provide citations.

Examples of specific requests	Examples of vague requests
State v. Smith, 1 P.3d 100 (1988)	Cases on sentencing
NRS 200.280 as it was in 1999	Anything you have on the Fourth Amendment

We will use the following checklist when responding to your request:

- We have attached your letter with the items checked off that we are able to provide. The estimated total cost is \$\_\_\_\_\_. This includes \_\_\_\_\_ copies at \$0.10 per page, totaling \$\_\_\_\_\_, plus \$\_\_\_\_\_ for postage. Please submit payment by check or money order made payable to the Nevada Supreme Court Library. Mail payment to Supreme Court of Nevada Law Library, 201 S. Carson Street, Suite 100, Carson City, NV 89701.

X Since your request is for a minimal number of pages, I am sending it to you free of charge this time:

1. The statutes in 1911 were not published in a hard copy. The state did not have the funds to publish in 1911 so all of the statutes were published in the 1912 Revised Laws; there is nothing I can provide for 1911.
2. RL 1912, sec. 6908 - included
3. CL 1929, sec. 10705 and 10707 - included
4. There was nothing published in 1927. do you have a better citation (book title or publisher for this item?)
5. I am sending the language of 171.010 and 171.020 before they were repealed. They were not added to other chapters or sections in the NRS.

- We have received your payment and have attached your letter with the items checked off with the items we were able to provide. This letter will also serve as your receipt for the amount of \$\_\_\_\_\_.
- You have asked for too many cases or statutes. Please submit an updated request that falls within the limit of ten cases/statutes (or 100 pages).
- We are unable to process your request. Please give case name, citation and year when requesting a copy of a case. Please give statute name and citation when asking for a statute.
- The request exceeds "fair use" provisions in copyright law.
- Your request is beyond the scope of services we offer.
- Other: \_\_\_\_\_

We are returning your letter for your records.

*Librarian*

**NOTICE: WARNING CONCERNING COPYRIGHT RESTRICTIONS**

The copyright law of the United States (Title 17, United States Code) governs the making of photocopies or other reproductions of copyrighted material.

Under certain conditions specified in the law, libraries and archives are authorized to furnish a photocopy or other reproduction. One of these specific conditions is that the photocopy or reproduction is not to be "used for any

purpose other than private study, scholarship, or research." If a user makes a request for, or later uses, a photocopy or reproduction for purposes in excess of "fair use," that user may be liable for copyright infringement.

This institution reserves the right to refuse to accept a copying order if, in its judgment, fulfillment of the order would involve violation of copyright law.

LOCAL JURISDICTION OF PUBLIC OFFENSES

**NRS 171.010** Jurisdiction of offense committed in State. Every person, whether an inhabitant of this state, or any other state, or of a territory or district of the United States, is liable to punishment by the laws of this state for a public offense committed therein, except where it is by law cognizable exclusively in the courts of the United States.

[1911 Cr. Prac. § 58; RL § 6908; NCL § 10705]

NEVADA CASES.

Venue is material allegation and must be proved; use of circumstantial evidence. Venue in a criminal case is material allegation and must be proved, and proof may be made by the use of circumstantial evidence. *People v. Gleason*, 1 Nev. 173 (1863)

Statutes considered together show legislative intent that incarceration of convicted murderer upon life sentence does not preclude trial under indictment for another murder. RL § 6908 (cf. NRS 171.010), making every person who commits a crime liable to punishment, RL § 6921 (cf. NRS 171.080), permitting prosecution for a murder to be commenced at any time after the death of the victim, and RL § 7459 (cf. NRS 174.325), authorizing an order directing a person in prison brought before a court of criminal jurisdiction when it is necessary for any purpose, disclose legislative intent that incarceration of the convicted murderer upon a life sentence does not preclude his trial under indictment for another murder. In re *Tranmer*, 35 Nev. 56, 126 Pac. 337 (1912)

Venue may be established by circumstantial evidence. Where, in a prosecution for the attempted grand larceny of a store, the manager of the store where the larceny was attempted testified he lived in the county and managed a store in a city located in the county, employees testified as to the address of the store and the defendant testified that he knew that the incident in which he was involved occurred in a certain store, there was sufficient circumstantial evidence to establish venue in the county of trial although no specific mention of the county was made at trial. (See NRS 171.010.) *Dixon v. State*, 83 Nev. 120, 424 P.2d 100 (1967), cited, *Majarjan v. Sheriff, Clark County*, 87 Nev. 495, at 496, 489 P.2d 405 (1971), *Hylar v. Sheriff, Clark County*, 93 Nev. 561, at 564, 571 P.2d 114 (1977), *James v. State*, 105 Nev. 873, at 875, 784 P.2d 965 (1989)

Statute does not exclude prosecution of foreign national. The fact that NRS 171.010, relating to the jurisdiction of offenses committed in the state, mentioned the inhabitants of the United States but did not specifically refer to the inhabitants of foreign countries would not be construed to exclude prosecution of a foreign national who committed a crime while traveling through Nevada. *Paulette v. State*, 92 Nev. 71, 545 P.2d 205 (1976), cited, *Tberinull v. State*, 92 Nev. 185, at 189, 547 P.2d 668 (1976), *Johnstone v. State*, 92 Nev. 241, at 242, 548 P.2d 1362 (1976), *Johnstone v. State*, 93 Nev. 427, at 428, 566 P.2d 1130 (1977)

Jurisdiction over crimes committed on land owned by Federal Government. Where an incident for which the defendant was accused of felony driving while intoxicated (see former NRS 484.379; cf. NRS 484C.110), occurred on land owned by the Federal Government, the courts of this State had jurisdiction to try the case because NRS 171.010 gives district court jurisdiction over crimes committed in a county except where the United States has exclusive jurisdiction, the Nevada Admission Acts revealed no retention of jurisdiction by the United States over the land in question, there was no affirmative cessation of jurisdiction by Nevada and affirmative acceptance by the United States and NRS 328.110 requires recording in the office of the county recorder to effectuate cessation of jurisdiction. *Pendleton v. State*, 103 Nev. 95, 734 P.2c 693 (1987)

Where dispute concerned which court had jurisdiction over defendant, district court erred in directing dismissal of matter. As a general rule, except for criminal offenses cognizable exclusively in federal court, some court always has jurisdiction over a criminal defendant. (See NRS 171.010.) Thus, where felony charges were awaiting a preliminary examination in justice court and the justice court had rejected the defendant's contention that the juvenile court had jurisdiction, the district court erred in granting a writ of mandamus directing the justice court to dismiss the matter for lack of jurisdiction. (See NRS 34.160.) The issue was not whether any court had jurisdiction over the defendant if he were held to answer for the charges, but which court had jurisdiction. *State v. Barrea*, 128 Nev. 337, 279 P.3d 182 (2012)

ATTORNEY GENERAL'S OPINIONS.

Nevada court not deprived of jurisdiction where arresting officer takes defendant temporarily across state line. A Nevada court was not deprived of criminal jurisdiction where an officer, in making an arrest in Nevada, takes the defendant temporarily across the state line while en route to the nearest Nevada magistrate. AGO 52 (4-28-1955)

**NRS 171.015** Jurisdiction of offense commenced without, but consummated within, this State; consummation through agent. When the commission of a public offense, commenced without the State, is consummated within its boundaries, the defendant is liable to punishment therefor in this State, though the defendant was out of the State at the time of the commission of the

## CHAPTER 7

## OF THE LOCAL JURISDICTION OF PUBLIC OFFENSES.

- § 10705. Offenses committed in state, jurisdiction of.  
 § 10706. Offenses commenced without, but concluded within state, jurisdiction of.  
 § 10707. Intent to commit crime; jurisdiction.  
 § 10708. Death by dueling, jurisdiction.  
 § 10709. Offense partly in one county, partly in another, jurisdiction.  
 § 10710. Offense committed on or near boundary, jurisdiction.  
 § 10711. Offense committed on vessels and cars within state, jurisdiction.  
 § 10712. Offenses concerning animals ranging in two or more counties, jurisdiction.  
 § 10713. Kidnaping and abduction, jurisdiction.  
 § 10714. Bigamy and incest, jurisdiction.  
 § 10715. Property stolen and moved to another county.—Jurisdiction.  
 § 10716. Accessory, jurisdiction of.  
 § 10717. Conviction or acquittal in another state, bar.  
 § 10718. Conviction in another county, bar.

**§ 10705. OFFENSES COMMITTED IN STATE, JURISDICTION OF.**

§ 58. Every person, whether an inhabitant of this state, or any other state, or of a territory or district of the United States, is liable to punishment by the laws of this state for a public offense committed by him therein, except where it is by law cognizable exclusively in the courts of the United States.

California Penal Code, § 777.

A court's jurisdiction in criminal cases extends only to acts which the law declares to be criminal.—*Ex parte Rickey*, 31 Nev. 83, 135 Am. St. Rep. 651, 100 Pac. 134. See *State v. Muck*, 23 Nev. 359, 62 Am. St. Rep. 511, 47 Pac. 763; *State v. Backaroo Jack*, 30 Nev. 325, 96 Pac. 497.

Under this section, and §§ 10710, post, and 11256, post, one sentenced to life imprisonment for murder may be tried pending his incarceration for a murder previously committed, and, in the event of his conviction thereof and sentenced to death, the sentence may be carried into execution, notwith-

standing § 11054, post, providing that, where defendant has been convicted of two or more offenses before judgment on either, the judgment may be that the imprisonment on any one may commence at the expiration of the imprisonment on any other.—*Ex parte Trammor*, 35 Nev. 56, 68, 41 L. R. A. (N.S.) 1095, 126 Pac. 337.

As to mail or telegraph, where offense of obtaining money by fraud through use of, is deemed to be committed, see note, 43 A. L. R. 545.

Cited: *Essex County Bank Habeas Corpus Cases*, 35 Nev. 107, 126 Pac. 655, 129 Pac. 303.

**§ 10706. OFFENSE COMMENCED WITHOUT, BUT CONCLUDED WITHIN STATE, JURISDICTION OF.**

§ 59. When the commission of a public offense, commenced without the state, is consummated within its boundaries, the defendant is liable to punishment therefor in this state, though he was out of the state at the time of the commission of the offense charged. If he consummated it in this state, through the intervention of an innocent or guilty agent, or any other means proceeding directly from himself, in such case the jurisdiction is [in] the county in which the offense is consummated.

California Penal Code, § 773.

**§ 10707. INTENT TO COMMIT CRIME; JURISDICTION.** § 59a.

Whenever a person, with intent to commit a crime, does any act within this state in execution or part execution of such intent, which culminates in the commis-

sion of a crime, either within or without this state, such person is punishable for such crime in this state in the same manner as if the same had been committed entirely within this state. *Added, Stats. 1937, 87.*

California Penal Code, § 778a.

**§ 10708. DEATH BY DUELING, JURISDICTION.** § 60. When an inhabitant or resident of this state, by previous appointment or engagement, fights a duel or is concerned as second therein, out of the jurisdiction of this state, and in the duel a wound is inflicted upon a person, whereof he dies in this state, the jurisdiction of the offense is in the county where the death happens.

California Penal Code, § 779.

**§ 10709. OFFENSE PARTLY IN ONE COUNTY, PARTLY IN ANOTHER, JURISDICTION.** § 61. When a public offense is committed in part in one county and in part in another or the acts or effects thereof constituting or requisite to the consummation of the offense occur in two or more counties, the jurisdiction is in either county.

California Penal Code, § 781.

Stolen goods were purchased, paid for, and received in E. County, and were thereafter shipped by him to C. County. It was held that C. County had no jurisdiction of the offense, since the offense of receiving stolen goods is consummated when the goods are received with the unlawful intent specified in the statute, and the subsequent transportation of the goods into another county to

reap the fruits of the crime is not an act essential to its consummation, and if the effect of the transportation of the goods to C. County constituted the intent to deprive the owner of the property, the act of receiving was not accompanied by the wrongful intent necessary to constitute the crime. —*State v. Pray*, 30 Nev. 207, 223, 224, 84 Pac. 218.

**§ 10710. OFFENSE COMMITTED ON OR NEAR BOUNDARY, JURISDICTION.** § 62. When an offense is committed on the boundary of two or more counties, or within five hundred yards thereof, the jurisdiction is in either county.

California Penal Code, § 782.

**§ 10711. OFFENSE COMMITTED ON VESSELS AND CARS WITHIN STATE, JURISDICTION.** § 63. When an offense is committed in this state, on board a vessel navigating a river, slough, lake, or canal, or lying therein, in the prosecution of her voyage, the jurisdiction is in any county through which the vessel is navigated in the course of her voyage, or in the county where the voyage terminates; and when the offense is committed in this state, on a railroad train, car, stage or other public conveyance, prosecuting its trip, the jurisdiction is in any county through which the train, car, stage or other public conveyance passes in the course of its trip, or in the county where the trip terminates.

California Penal Code, § 783.

**§ 10712. OFFENSES CONCERNING ANIMALS RANGING IN TWO OR MORE COUNTIES, JURISDICTION.** § 64. When a public offense concerns any neat cattle, horse, mule or other animal running at large upon any range

Bryan P Bonham 60595  
PO Box 650 (HDSP)  
Indian Springs, NEV 89070

quadrant PRIORITY MAIL  
03/17/2022  
US POSTAGE \$008.70<sup>02</sup>  
ZIP 89101  
041M12254121

Regional Justice center  
Clerk of Court  
200 Lewis Ave 3rd Floor  
Las Vegas, Nev 89155



3762

Mailed via Brass slip  
# 2521000

RECEIVED  
MAR 21 2022  
CLERK OF THE COURT

252/1000

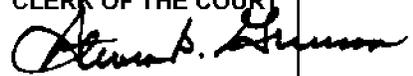
Mailed  
Via Russia 10/7

Mailed Via Russia 10/7 252/1000

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**DISTRICT COURT  
CLARK COUNTY, NEVADA**  
\*\*\*\*

Electronically Filed  
4/2/2022 2:59 PM  
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/Defendant's Reply to State's Opposition to His Habeas Corpus Motion to Correct Illegal Sentence in the above-entitled matter is set for hearing as follows:

**Date:** May 03, 2022  
**Time:** 9:30 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



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. 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). Petitioner's request to conduct discovery is therefore premature.

NDC

CLERK'S NOTE: A copy of this minute order was electronically mailed to: John Afshar, Deputy District Attorney and a copy was mailed to the Petitioner.

# Certification of Copy and Transmittal of Record

State of Nevada }  
County of Clark } SS:

Pursuant to the Supreme Court order dated March 30, 2022, I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, do hereby certify that the foregoing is a true, full and correct copy of the complete trial court record for the case referenced below. The record comprises two volumes with pages numbered 1 through 280.

BRYAN P. BONHAM,

Plaintiff(s),

vs.

CALVIN JOHNSON, WARDEN (HDSP),

Defendant(s),

Case No: A-21-844910-W

Dept. No: VI

now on file and of record in this office.

**IN WITNESS THEREOF**, I have hereunto  
Set my hand and Affixed the seal of the  
Court at my office, Las Vegas, Nevada  
This 7 day of April 2022.

Steven D. Grierson, Clerk of the Court



\_\_\_\_\_  
Amanda Hampton, Deputy Clerk

