

IN THE SUPREME COURT OF THE STATE OF NEVADA

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Jan 05 2023 02:04 PM
Elizabeth A. Brown
Clerk of Supreme Court

BRYAN PHILLIP BONHAM,
Appellant(s),

vs.

THE STATE OF NEVADA,
Respondent(s),

Case No: C-15-307298-1

Docket No: 85890

RECORD ON APPEAL VOLUME 1

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

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NUMBERED PAGE(S)
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WILL FOLLOW VIA
U.S. MAIL**

JUSTICE COURT, HENDERSON TOWNSHIP

CLARK COUNTY, NEVADA

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STATE OF NEVADA,

Plaintiff

-vs-

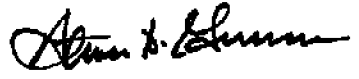
BRYAN PHILLIP BONHAM,
ID #: 0852897

Defendant(s)

C-15-307298-1

Dept. IV

CASE NO. 15CRH000406-0000
15FH0425X


CLERK OF THE COURT

I hereby certify the above and foregoing to be a full, true and correct copy of the
proceedings as the same appear in the above entitled matter.

WITNESS MY HAND this date: June 10, 2015.



**D. S. GIBSON, SR.
JUSTICE OF THE PEACE
HENDERSON TOWNSHIP**

JUSTICE COURT, HENDERSON TOWNSHIP

CLARK COUNTY, NEVADA

CASE NO. 15CRH000406-0000
15FH0425X

STATE OF NEVADA,

Plaintiff

-vs-

BRYAN PHILLIP BONHAM,
ID #: 0852897
Defendant(s)

COMMITMENT

and

ORDER TO APPEAR

An Order having been made this day by me, that BRYAN PHILLIP BONHAM be held to answer upon the charge(s) of:

FIRST DEGREE KIDNAPPING
BATTERY BY WITH INTENT TO COMMIT SEXUAL ASSAULT (2 COUNTS)
SEXUAL ASSAULT (5 COUNTS)

committed in said County, on or about the 20st day of March, 2015.

IT IS FURTHER ORDERED that unless the Defendant(s) have/has been previously released on bail or by order of the Court, that the Sheriff of the County of Clark receive the above named Defendant(s) into custody, and detain such Defendant(s) until such Defendant(s) be legally discharged, and that such Defendant(s) be admitted to bail in the sum of \$140,000 Cash or Surety Bond; and

IT IS FURTHER ORDERED that said Defendant(s) is/are commanded to appear in the Eighth Judicial District Court, Clark County Courthouse, Las Vegas, Nevada at 1:00 pm on the 30th day of June, 2015 for arraignment and further proceedings on the within charge.

Dated: June 10, 2015



D. S. GIBSON, SR.
JUSTICE OF THE PEACE FOR HENDERSON TOWNSHIP

JUSTICE COURT, HENDERSON TOWNSHIP
CLARK COUNTY, NEVADA
DOCKET SHEET...CRIMINAL

CASE #	15CRH000406-0000	15FH0425X	DAVID S GIBSON - DEPT # 3
State	BONHAM, BRYAN PHILLIP		0852897 (SCOPE)
Charge(s)	KIDNAPPING, 1ST DEGREE		WAIVER OF PRELIMINARY HEARING
	SEXUAL ASSAULT (5 counts)		WAIVER OF PRELIMINARY HEARING
	BATTERY BY STRANGULATION WITH INTENT TO COMMIT SEXUAL ASSAULT (2 counts)		WAIVER OF PRELIMINARY HEARING

LINKED CASES FOR: 15CRH000406-0000

CASE #	STATUS	EVENT DATE	EVENT DESCRIPTION
15PCH000351-0000	CRIMINAL COMPLAINT FIL	NO FUTURE EVENTS	72 HOUR HEARING (VIDEO) HND

**DATE, JUDGE, OFFICERS
OF COURT PRESENT**

**PROCEEDINGS
APPEARANCES - HEARING**

EVENTS

June 10, 2015 S. MITCHELL, PRO-TEM FOR D. S. GIBSON SR, JP R. SCOW, DDA D. LOPEZ-NEGRETTE, DPD H. GARCIA, CLK L. BRENSKE, CR	SET FOR COURT APPEARANCE Event: DISTRICT COURT ARRAIGNMENT HND Date: 06/30/2015 Time: 1:00 pm Judge: Location: LOWER LEVEL DISTRICT COURT DEPARTMENT 4 HEARING HELD The following event: PRELIMINARY HEARING HND scheduled for 06/10/2015 at 9:30 am has been resulted as follows: Result: CRIMINAL HEARING HELD Judge: GIBSON SR, DAVID S Location: DEPARTMENT 3 PRELIMINARY HEARING: Defendant PRESENT IN CUSTODY DEFENSE READY. STATE READY Per Negotiations: Defendant UNCONDITIONALLY WAIVED Preliminary Hearing. Thereupon Court ORDERED defendant held to answer to said charge in the Eighth Judicial District Court. BAIL STANDS: \$140,000 TOTAL CASH OR SURETY BOND REMAND TO METRO	DISTRICT COURT ARRAIGNMENT HND Date: June 30, 2015 Time: 1:00 pm Location: DISTRICT COURT DEPARTMENT 4
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JUSTICE COURT. HENDERSON TOWNSHIP
CLARK COUNTY, NEVADA
DOCKET SHEET...CRIMINAL

CASE # 15CRH000406-0000 15FH0425X DAVID S GIBSON - DEPT # 3
 State BONHAM, BRYAN PHILLIP 0852897 (SCOPE)

DATE, JUDGE, OFFICERS OF COURT PRESENT	PROCEEDINGS APPEARANCES - HEARING	EVENTS
April 28, 2015 D. S. GIBSON SR, JP S. BENEDICT, DDA J. SPELLS, DPD H. GARCIA, CLK L. BRENSKE, CR	SET FOR COURT APPEARANCE Event: PRELIMINARY HEARING HND Date: 06/10/2015 Time: 9:30 am Judge: GIBSON SR, DAVID S Location: DEPARTMENT 3 PRELIMINARY HEARING CONTINUED - DEFENSE ESQ REQUEST The following event: PRELIMINARY HEARING HND scheduled for 04/28/2015 at 9:30 am has been resulted as follows: Result: PRELIMINARY HEARING CONTINUED -DEFENSE ESQ REQUEST Judge: GIBSON SR, DAVID S Location: DEPARTMENT 3 PRELIMINARY HEARING DEFENDANT PRESENT IN CUSTODY STATE FILES AN AMENDED CRIMINAL COMPLAINT IN OPEN COURT - DEFENSE RESERVES RIGHT TO ARGUE - COMPLAINT FILED MARCUM NOTICE SERVED MOTION BY DEFENSE TO CONTINUE - OBJECTION BY STATE - MOTION GRANTED PRELIMINARY HEARING DATE RESET RETURN TO METRO	

JUSTICE COURT. HENDERSON TOWNSHIP
CLARK COUNTY, NEVADA
DOCKET SHEET...CRIMINAL

CASE # 15CRH000406-0000 15FH0425X DAVID S GIBSON - DEPT # 3
 State BONHAM, BRYAN PHILLIP 0852897 (SCOPE)

DATE, JUDGE, OFFICERS OF COURT PRESENT	PROCEEDINGS APPEARANCES - HEARING	EVENTS
March 30, 2015 R.T. BURR, JP FOR D.S. GIBSON SR, JP C. CAMPBELL, DDA L. AVANTS, DPD E. VANOSTRAND, CLK L. BRENSKE, CR	SET FOR COURT APPEARANCE Event: PRELIMINARY HEARING HND Date: 04/28/2015 Time: 9:30 am Judge: GIBSON SR, DAVID S Location: DEPARTMENT 3 ARRAIGNMENT HEARING HELD The following event: FELONY ARRAIGNMENT HND scheduled for 03/30/2015 at 9:00 am has been resulted as follows: Result: ARRAIGNMENT HEARING HELD Judge: BURR, RODNEY T Location: DEPARTMENT 1 INITIAL ARRAIGNMENT: CRIMINAL COMPLAINT FILED IN OPEN COURT Defendant PRESENT IN CUSTODY Advised. Requests Public Defender. Defense Counsel APPOINTED & ACKNOWLEDGES, WAIVED reading of the Complaint. By and through his attorney, defendant asked for date certain for hearing. WAIVED 15 day rule. Preliminary Hearing date set. BAIL RE-SET TO REFELCT COMPLAINT: \$140,000 TOTAL CASH OR SURETY BOND REMAND TO METRO SET FOR COURT APPEARANCE Event: FELONY ARRAIGNMENT HND Date: 03/30/2015 Time: 9:00 am Judge: BURR, RODNEY T Location: DEPARTMENT 1 Result: ARRAIGNMENT HEARING HELD ARRAIGNMENT DATE SET	
March 23, 2015	FIRST APPEARANCE HELD BAIL SET: \$110,000 CASH OR SURETY BOND The following event: 72 HOUR HEARING (VIDEO) HND scheduled for 03/23/2015 at 8:30 am has been resulted as follows: Result: FIRST APPEARANCE HELD Judge: GIBSON SR, DAVID S Location: DEPARTMENT 3	
March 22, 2015	PROBABLE CAUSE DETERMINATION	

JUSTICE COURT. HENDERSON TOWNSHIP
CLARK COUNTY, NEVADA
DOCKET SHEET...CRIMINAL

CASE # 15CRH000406-0000 15FH0425X DAVID S GIBSON - DEPT # 3
State BONHAM, BRYAN PHILLIP 0852897 (SCOPE)

DATE, JUDGE, OFFICERS OF COURT PRESENT	PROCEEDINGS APPEARANCES - HEARING	EVENTS
March 21, 2015	SET FOR FIRST APPEARANCE Event: 72 HOUR HEARING (VIDEO) HND Date: 03/23/2015 Time: 8:30 am Judge: GIBSON SR, DAVID S Location: DEPARTMENT 3 Result: FIRST APPEARANCE HELD	

JUSTICE COURT, HENDERSON TOWNSHIP
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

BRYAN PHILLIP BONHAM #0852897,

Defendant.

HENDERSON JUSTICE COURT

4-28-15 HG

FILED IN OPEN COURT

CASE NO: 15FH0425X

DEPT NO: 3

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

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

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

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.

///

FELONY
GROSS MSD.

District Court

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1 COUNT 4 - SEXUAL ASSAULT

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

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

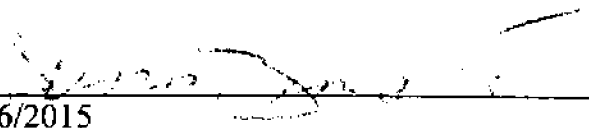
20 did then and there wilfully, unlawfully, and feloniously sexually assault and subject
21 M.W., a female person, to sexual penetration, to-wit: sexual intercourse: by placing his penis
22 into the vaginal opening of the said M.W., against her will, or under conditions in which
23 Defendant knew, or 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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04/16/2015

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(TK)

JUSTICE COURT, HENDERSON TOWNSHIP
CLARK COUNTY, NEVADA

THE STATE OF NEVADA, HENDERSON JUSTICE COURT

Plaintiff,

-vs-

BRYAN PHILLIP BONHAM #0852897,

Defendant.

330-15 HB
FILED IN OPEN COURT

CASE NO: 15CRH000406-0000

DEPT NO: 3

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) 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

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

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 - SEXUAL ASSAULT

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

1 understanding the nature of Defendant's conduct.

2 COUNT 4 - SEXUAL ASSAULT

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

8 COUNT 5 - SEXUAL ASSAULT

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

14 COUNT 6 - SEXUAL ASSAULT

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

20 COUNT 7 - SEXUAL ASSAULT

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

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

223 Lead St. Henderson, NV 89015

Page 1 of 5

Declaration of Arrest

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	200.366.2
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

Henderson Police Department

223 Lead St. Henderson, NV 89015

Page 2 of 5

Declaration of Arrest Continuation Page

DR# 1504801

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 were 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

Henderson Police Department

223 Lead St. Henderson, NV 89015

Page 3 of 5

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

Henderson Police Department

223 Lead St. Henderson, NV 89015

Page 4 of 5

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

Henderson Police Department

223 Lead St. Henderson, NV 89015

Page 5 of 5

Declaration of Arrest Continuation Page

DR# 1504601

FH# 15

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

Henderson Police Department

223 Lead St. Henderson, NV 89015

Booking Custody Record

15PCH000351-0000

1827

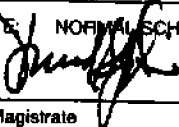
DR NUMBER 1504801		FH NUMBER 15		MNI NUMBER		SUBJECT NAME Bonham, Bryan Phillip		ARREST DATE 03/21/2015		ARREST TIME 1730	
LOCATION OF CRIME College Avenue Henderson Nevada 89015								INTERSECTION ☒ AT LOCATION Desert Area South Of College Ave			
LOCATION OF ARREST 217 Yellow Sky Street Las Vegas Nevada 89145								INTERSECTION ☐ AT LOCATION			
☐ INTERPRETOR NEEDED		☐ SUBJECT COMBATITIVE		☐ SUBJECT SUICIDAL		☐ ASK SUBJECT IF INJURED		INTAKE OFC INITIAL/P#			
☐ MIRANDA GIVEN		☐ MIRANDA WAIVED		☐ MIRANDA INVOKED							
MIRANDA	DATE	TIME	GIVEN BY								
PERSON 1	PERSON NAME (LAST, FIRST, MID., SUFFIX) Bonham, Bryan Phillip						SSN [REDACTED]	D.O.B. [REDACTED]	AGE 42		
PERSON ADDRESS 217 Yellow Sky Street Las Vegas Nevada 891455153						HGT 510	WGT 225	HAIR Brown	EYES Hazel	RACE White	GENDER Male
HOME PHONE		CELL PHONE		BUSINESS PHONE		OTHER PHONE		PLACE OF BIRTH Las Vegas			
ALIAS	ALIAS (LASTNAME/MONIKER, FIRST, MIDDLE)										
VIOLATION 1	STATUTE 200.310.1			CLASS Felony			NOC CODE 50051			COUNTS 1	
DESCRIPTION KIDNAPPING, 1ST DEGREE											
PCN NUMBER				WARRANT NUMBER							
VIOLATION 2	STATUTE 200.366.2			CLASS Felony			NOC CODE 50095			COUNTS 3	
DESCRIPTION SEX ASSLT											
PCN NUMBER				WARRANT NUMBER							
VIOLATION 3	STATUTE 200.400.4			CLASS Felony			NOC CODE 54734			COUNTS 1	
DESCRIPTION BATTERY BY STRANGULATION TO COMMIT SEX ASSAULT											
PCN NUMBER				WARRANT NUMBER							
P AND P	☐ DRINKING VIOLATION ☐ CONTACT WITH VICTIM ☐ IN GAMING ESTABLISHMENT ☐ CONTACT WITH GANG MEMBER ☐ CONTACT WITH CHILDREN ☐ DRIVING VIOLATION ☐ CONTACT WITH CO-OFFENDER										

ARRESTING OFFICER CASTRO, JUNE		P NUMBER HP0825		TRANSPORTING OFFICER Taylor, S		P NUMBER 8718	
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Henderson Police Department

223 Lead St. Henderson, NV 89015

Booking Custody Record

DR NUMBER 1504601	FH NUMBER 15	MINI NUMBER	SUBJECT NAME Bonham, Bryan Phillip	ARREST DATE 03/21/2015	ARREST TIME 1730
PROBABLE CAUSE REVIEW					
The undersigned Magistrate has reviewed the Affidavit and Declaration of Probable Cause for the arrest of the above-named defendant without warrant for the charge(s) shown.					
TIME STAMP AT BOOKING	Finding				
	☒ I find there is sufficient probable cause, for the purpose of continued incarceration, to believe that charged crime(s) have been committed and that said defendant has committed such crime(s). THEREFORE, IT IS ORDERED that the defendant may be held in custody until bail is posted.				
	BAIL: STANDARD ☐ OTHER ☐ \$ _____				
	☐ I find there is NOT sufficient probable cause shown to allow the defendant to be held in custody. THEREFORE, IT IS ORDERED that the defendant be immediately release from custody as to the charge(s). This order is without prejudice to the City or State to proceed with the charge(s) based upon additional evidence sufficient to establish probable cause.				
	DPCH ☐ OR RELEASE ☐ COR RELEASE ☐ IAD RELEASE ☐				
COMMENT: _____					
RETURN DATE: <u> </u> NORMAL SCHEDULE ☐ FIRST AVAILABLE ☐ OTHER DATE <u> </u>					
Signature of Magistrate <u></u> JUSTICE COURT ☒ Date: <u>3-22-15</u> Time: <u>7:07am</u>					
MUNICIPAL COURT ☐					

ARRESTING OFFICER CASTRO, JUNE	P NUMBER HP0825	TRANSPORTING OFFICER Taylor, S	P NUMBER 8718
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C

**HENDERSON JUSTICE COURT
CLARK COUNTY, NEVADA**

Cef
Clerk's Initials

DATE: 6-10-15 DEPT #: 3 JUDGE: DAVID S. GIBSON, SR.

CUSTODY STATUS

NAME: Bonham, Bryan Phillip

CASE #: 15CPH000406 / 15FH0425X DEFENDANT'S ID#: 0852897

COUNT(S)	CHARGE	BAIL RESET	AMENDED TO
5	1st Kidnap (50051)	> \$140,000	Total c/s
2	Sex Ass (50095)		
	Batt Strong (54734)		

Other: BODC

☒ Remand on all Counts ☐ Remand on Counts _____

☐ SENTENCE TO CCDC _____ MONTHS _____ DAYS ☐ Flat Time ☐ No House Arrest

☐ Contempt of Court
____ Days with ____ Days CTS
☐ Concurrent ☐ Consecutive
To Case # _____

☐ Concurrent ☐ Consecutive Case # _____
☐ Specific CTS _____ Days
☐ (1) CTS, this case, this lodging ☐ (2) Total CTS, this case, all lodgings
☐ (3) Any CTS, all cases, this lodging
☐ (4) Maximum CTS, this case - all lodgings; and all cases - this lodging

☐ If no complaint filed, defendant to be released on: _____

☐ FUGITIVES - Court orders Defendant to be released 30 days from this date (IF THERE ARE NO LOCAL CHARGES) OR released 30 days after all local charges have been resolved.

☐ House Arrest (if qualifies) ☐ House Arrest _____ Days ☐ PreTrial to Interview

NEXT COURT DATE: 6-30-15 TIME: 1:00 pm DEPT #: DCA
LL #4

CHANGE OF CUSTODY STATUS

☐ CTS ☐ Dismissed ☐ Found Not Guilty ☐ No Probable Cause Found ☐ Defendant Released
☐ Released on Own Recognizance ☐ O/R Intensive Supervision ☐ Sentenced and/or Fine \$ _____
☐ No Contact with Victim ☐ Defendant Released from ISU ☐ Defendant released from H/A

RETURN DATE: _____ TIME: _____ DEPT #: _____

This form is not to be altered without consent of Clark County Justice Courts and Detention Center's Administrations

**HENDERSON JUSTICE COURT
CLARK COUNTY, NEVADA**


Clerk's Initials

DATE: 4-28-15 DEPT #: 3 JUDGE: DAVID S. GIBSON, SR.

CUSTODY STATUS

NAME: Bonham, Bryan

CASE #: _____ DEFENDANT'S ID#: 852897

COUNT(S)	CHARGE	BAIL RESET	AMENDED TO
2	Batt w/Int Sex Ass (54734)	> \$140,000	+ 1 count added by DA Total cls
	Sex Ass (50095)		
	Kidnap 1st (50051)		

Other: _____

☒ Remand on all Counts ☐ Remand on Counts _____

☐ SENTENCE TO CCDC _____ MONTHS _____ DAYS ☐ Flat Time ☐ No House Arrest

☐ Contempt of Court
_____ Days with _____ Days CTS
☐ Concurrent ☐ Consecutive
To Case # _____

☐ Concurrent ☐ Consecutive Case # _____
☐ Specific CTS _____ Days
☐ (1) CTS, this case, this lodging ☐ (2) Total CTS, this case, all lodgings
☐ (3) Any CTS, all cases, this lodging
☐ (4) Maximum CTS, this case – all lodgings; and all cases – this lodging

☐ If no complaint filed, defendant to be released on: _____

☐ FUGITIVES - Court orders Defendant to be released 30 days from this date (IF THERE ARE NO LOCAL CHARGES) OR released 30 days after all local charges have been resolved.

☐ House Arrest (if qualifies) ☐ House Arrest _____ Days ☐ PreTrial to Interview

NEXT COURT DATE: 6-10-15 TIME: 9:30am DEPT #: 3

CHANGE OF CUSTODY STATUS

☐ CTS ☐ Dismissed ☐ Found Not Guilty ☐ No Probable Cause Found ☐ Defendant Released
☐ Released on Own Recognizance ☐ O/R Intensive Supervision ☐ Sentenced and/or Fine \$ _____
☐ No Contact with Victim ☐ Defendant Released from ISU ☐ Defendant released from H/A

RETURN DATE: _____ TIME: _____ DEPT #: _____

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**HENDERSON JUSTICE COURT
CLARK COUNTY, NEVADA**



Clerk's Initials

DATE: 3-30-15 DEPT #: 1 JUDGE: RODNEY T. BURR

CUSTODY STATUS

NAME: BENHAM, BRYAN PHILLIP

CASE #: 15FC11000351/15CR11000406/15FH0425X DEFENDANT'S ID#: 6652897

COUNT(S)	CHARGE	BAIL RESET	AMENDED TO
1	Kidnap 1st deg. (5005)	\$140,000	
3	Sexual Assault (50095)	110CS	2 cts added
1	Batt. by strang (54734)		

Other: _____

☒ Remand on all Counts ☐ Remand on Counts _____

☐ SENTENCE TO CCDC _____ MONTHS _____ DAYS ☐ Flat Time ☐ No House Arrest

☐ Contempt of Court
 _____ Days with _____ Days CTS
☐ Concurrent ☐ Consecutive
 To Case # _____

- ☐ Concurrent ☐ Consecutive Case # _____
☐ Specific CTS _____ Days
☐ (1) CTS, this case, this lodging ☐ (2) Total CTS, this case, all lodgings
☐ (3) Any CTS, all cases, this lodging
☐ (4) Maximum CTS, this case - all lodgings; and all cases - this lodging

☐ If no complaint filed, defendant to be released on: _____

☐ FUGITIVES - Court orders Defendant to be released 30 days from this date (IF THERE ARE NO LOCAL CHARGES) OR released 30 days after all local charges have been resolved.

☐ House Arrest (if qualifies) ☐ House Arrest _____ Days ☐ PreTrial to Interview

NEXT COURT DATE: 4-28-15 TIME: 9:30am DEPT #: 3

CHANGE OF CUSTODY STATUS

- ☐ CTS ☐ Dismissed ☐ Found Not Guilty ☐ No Probable Cause Found ☐ Defendant Released
☐ Released on Own Recognizance ☐ O/R Intensive Supervision ☐ Sentenced and/or Fine \$ _____
☐ No Contact with Victim ☐ Defendant Released from ISU ☐ Defendant released from H/A

RETURN DATE: _____ TIME: _____ DEPT #: _____

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☐ Courtesy Copy

**JUSTICE COURT, HENDERSON TOWNSHIP
CLARK COUNTY, NEVADA**

Clerk's Initials

DATE: March 23, 2015 DEPT #: 3 JUDGE: DAVID S GIBSON SR

CUSTODY STATUS

NAME: BONHAM, BRYAN PHILLIP

CASE #: 15PCH000351-0000 / 15-04601 DEFENDANT'S ID#: _____

<u>Cnt #</u>	<u>Charge</u>	<u>Bail</u>	<u>Amended To</u>
	50051 KIDNAPPING, 1ST DEGREE	0.00	# 50,000 CTS
2	50095 SEXUAL ASSAULT - 3 CTS.	15,000.00	each CTS.
3	54734 BATTERY BY STRANGULATION WITH INTENT TO COMMIT SEXUAL ASSAULT	15,000.00	

Other: Total \$110,000 CTS

☐ Remand on all Counts ☐ Remand on Counts _____

☐ Remand (NLVDC/HDC Billing Purposes) _____

☐ SENTENCE TO CCDC _____ MONTHS _____ DAYS ☐ Flat Time ☐ No House Arrest

☐ Contempt of Court
____ Days with ____ Days CTS
☐ Concurrent ☐ Consecutive
To Case # _____

☐ Concurrent ☐ Consecutive Case # _____
☐ Specific CTS _____ Days
☐ (1) CTS, this case, this lodging ☐ (2) Total CTS, this case, all lodgings
☐ (3) Any CTS, all cases, this lodging
☐ (4) Maximum CTS, this case - all lodgings; and all cases - this lodging

☐ If no complaint filed, defendant to be released on: _____

☐ FUGITIVES - Court orders Defendant to be released 30 days from this date (IF THERE ARE NO LOCAL CHARGES) OR released 30 days after all local charges have been resolved.

☐ House Arrest (if qualifies) ☐ House Arrest _____ Days ☐ PreTrial to Interview

NEXT COURT DATE: 03/30/2015 TIME: 9:00AM DEPT #: TBD

CHANGE OF CUSTODY STATUS

☐ CTS ☐ Dismissed ☐ Sentenced and/or Fine \$ _____ ☐ Found Not Guilty ☐ No Probable Cause Found ☐ PAD
☐ Court Ordered Release ☐ O/R ☐ O/R with Intensive Supervision ☐ Deft. Released from Intensive Supervision
☐ Deft. Released from House Arrest ☐ No Contact with Victim ☐ Released due to DA Delayed Filing

NEXT COURT DATE: _____ TIME: _____ DEPT #: _____

This form is not to be altered without consent of Clark County Justice Courts and Detention Center's Administrations

JUSTICE COURT, HENDERSON TOWNSHIP

CLARK COUNTY, NEVADA

CASE 15PCH000351-0000/15-04601

NAME BONHAM, BRYAN PHILLIP

DATE March 23, 2015

LOCATION [X] HJC [] OTHER

15FH0425x

CHARGE(S):

50051 KIDNAPPING, 1ST DEGREE

50095 SEXUAL ASSAULT - 3cs.

54734 BATTERY BY STRANGULATION WITH INTENT TO COMMIT SEXUAL ASSAULT \$15,000.00

BAIL - \$50,000

\$.00

\$ 15,000.00 each ct.

TOTAL BAIL AMOUNT \$ #110,000 C/S

DATE OF ARREST 03/21/2015

PC REVIEW

3/22/15

THE COURT INFORMS YOU:

1. You have the right to have an attorney present during any questioning and to represent you concerning these charges;
2. That if you cannot afford to hire an attorney, one will be appointed to you free of charge (unless you are being held as a fugitive from justice);
3. That you have the right to remain silent and that any statement you may make may be used against you;
4. That you have the right to a Preliminary Hearing and one will be ordered for you when you appear in Court on 03/30/2015 at 9:00 a.m. The Court is located at 243 WATER ST HENDERSON, NV 89015.

OR

5. If you are being held as a fugitive from a justice a return date will be set for you when you appear in Court on _____ at 9:00 a.m. The Court is located at 243 WATER ST HENDERSON, NV 89015.

William D. Jensen
JUSTICE OF THE PEACE, HENDERSON TOWNSHIP

DEPUTY DISTRICT ATTORNEY

Initial: CB

Days Requested: 17

CASE NO. C307298

Allen D. Levine
CLERK OF THE COURT

IN THE JUSTICE'S COURT OF HENDERSON TOWNSHIP
COUNTY OF CLARK, STATE OF NEVADA

Plaintiff,

VS.

Defendant.

CASE NO. 15FH0425X

REPORTER'S TRANSCRIPT

OF

WAIVER OF PRELIMINARY HEARING

BEFORE THE HONORABLE SCOTT MITCHELL, PRO TEM

JUSTICE OF THE PEACE

WEDNESDAY, JUNE 10, 2015

APPEARANCES:

For the State:

RICHARD SCOW,
Deputy District Attorney

For the Defendant:

DAVID LOPEZ-NEGRET,
Deputy Public Defender

Reported by: Lisa Brenske, CCR #186

HENDERSON, NEVADA, JUNE 10, 2015

* * * * *

11:19AM THE COURT: Recalling Bryan Phillip
Bonham, 15FH0425X.

MR. LOPEZ-NEGRETTE: Thank you for your
patience, your Honor. This matter is resolved with the
Court's permission. Today Mr. Bonham will be
unconditionally waiving his right to a preliminary
hearing. In District Court he will plead guilty
according to a conditional plea to one count of first
degree kidnapping, parties stipulating to a sentence of
five to 15. So the five to life is off the table. He
will also plead to one count of attempt sex assault.
The State will retain the right to argue for
consecutive or concurrent time as we will as well.

MR. SCOW: That's correct, Judge.

MR. LOPEZ-NEGRETTE: The last part is he
will be pleading pursuant to the Alford decision.

THE COURT: Both counts?

MR. LOPEZ-NEGRETTE: Yes.

THE COURT: Mr. Bonham, you've heard those
negotiations stated by your counsel. Do you understand
them?

11:20AM 1 THE DEFENDANT: Yes.

2 THE COURT: Do you agree with those

3 negotiations?

4 THE DEFENDANT: Yes.

11:20AM 5 THE COURT: You understand that at this

6 time you wish to unconditionally waive your right to a

7 preliminary hearing?

8 THE DEFENDANT: Yes.

9 THE COURT: And you understand that by

11:20AM 10 doing so you are giving up the right to confront the

11 witnesses against you, call witnesses in your own

12 behalf and to testify in your own behalf at that

13 preliminary hearing? Do you understand that?

14 THE DEFENDANT: Yes.

11:20AM 15 THE COURT: You also understand that when

16 you get to District Court if you change your mind and

17 decide you don't want to go through with the

18 negotiations that this matter would proceed directly to

19 trial, it would not come back here for a preliminary

11:20AM 20 hearing? Do you understand that?

21 THE DEFENDANT: Yes.

22 THE COURT: It appearing to me from the

23 complaint on file herein that a crime has been

24 committed, to wit: First degree kidnapping, battery

11:21AM 25 with intent to submit sexual assault, battery with

11:21AM 1 intent to commit sexual assault, sexual assault, sexual
2 assault, sexual assault, sexual assault, sexual assault
3 for a total of eight counts, and the defendant named
4 herein, Bryan Phillip Bonham, having unconditionally
11:21AM 5 waived his right to a preliminary hearing. It is
6 hereby ordered that said defendant be held to answer to
7 said charges in the Eighth Judicial District Court,
8 State of Nevada, County of Clark.

9 You are hereby ordered to appear for your
11:21AM 10 initial arraignment on --

11 THE CLERK: June 30, 1:00 p.m., lower
12 level, this case is tracked to Department 4.

13 MR. LOPEZ-NEGRETTE: Thank you very much.

14 THE COURT: Thank you.

11:22AM 15
16 (The proceedings concluded.)

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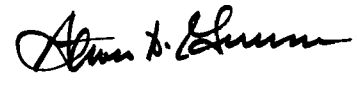
11:22AM 20 ATTEST: Full, true and accurate
21 transcript of proceedings.

22

23 /S/Lisa Brenske

24 LISA BRENSKE, CSR No. 186

25


CLERK OF THE COURT

1 **INFM**
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 RICHARD SCOW
6 Chief Deputy District Attorney
7 Nevada Bar #009182
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

12 I.A. 6/30/15
13 1:00 PM
14 PD - LOPEZ-NEGRETTE

15 THE STATE OF NEVADA,
16 Plaintiff,

CASE NO: C-15-307298-1

17 -vs-

DEPT NO: IV

18 BRYAN PHILLIP BONHAM,
19 #0852897

20 Defendant.

INFORMATION

21 STATE OF NEVADA }
22 COUNTY OF CLARK } ss.

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

25 That BRYAN PHILLIP BONHAM, the Defendant(s) above named, having committed
26 the crimes of FIRST DEGREE KIDNAPPING (Category A Felony - NRS 200.310, 200.320
27 - NOC 50051) and ATTEMPT SEXUAL ASSAULT (Category B Felony - NRS 200.364,
28 200.366, 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

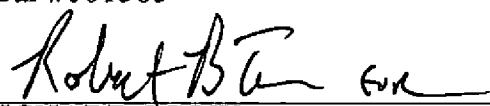
did wilfully, unlawfully, and feloniously, seize, confine, inveigle, entice, decoy,
abduct, conceal, kidnap, or carry away M.W., a human being, with the intent to hold or detain
M.W. against her will, and without her consent, for the purpose of committing sexual assault.

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)

ORIGINAL

1 GPA

2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565

5 RICHARD SCOW
6 Chief Deputy District Attorney

7 Nevada Bar #009182
8 200 Lewis Avenue
9 Las Vegas, NV 89155-2212
10 (702)671-2500
11 Attorney for Plaintiff

FILED IN OPEN COURT
STEVEN D. GRIERSON
CLERK OF THE COURT

JUN 30 2015

BY: *Roshonda Mayfield*
ROSHONDA MAYFIELD, DEPUTY

DISTRICT COURT
CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,
10 Plaintiff,

11 -vs-

12 BRYAN PHILLIP BONHAM,
13 #0852897

14 Defendant.

CASE NO: C-15-307298-1

DEPT NO: IV

15 GUILTY PLEA AGREEMENT

16 I hereby agree to plead guilty, pursuant to North Carolina v. Alford, 400 U.S. 25 (1970),
17 to: COUNT 1 - FIRST DEGREE KIDNAPPING (Category A Felony - NRS 200.310, 200.320
18 - NOC 50051) and COUNT 2 - ATTEMPT SEXUAL ASSAULT (Category B Felony - NRS
19 200.364, 200.366, 193.330 - NOC 50119), as more fully alleged in the charging document
20 attached hereto as Exhibit "1".

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

23 Both Parties retain the right to argue, including for concurrent or consecutive time
24 between counts. Both Parties stipulate to the term of five (5) to fifteen (15) years imprisonment
25 in the Nevada Department of Corrections on Count 1. This plea is conditional on the Court
26 accepting the terms and recommendations of the Parties.

27 I agree to the forfeiture of any and all electronic storage devices, computers, and/or
28 related equipment and/or weapons or any interest in any electronic storage devices, computers

1 and/or related equipment and/or weapons seized and/or impounded in connection with the
2 instant case and/or any other case negotiated in whole or in part in conjunction with this plea
3 agreement.

4 I understand and agree that, if I fail to interview with the Department of Parole and
5 Probation (P&P), fail to appear at any subsequent hearings in this case, or an independent
6 magistrate, by affidavit review, confirms probable cause against me for new criminal charges
7 including reckless driving or DUI, but excluding minor traffic violations, the State will have
8 the unqualified right to argue for any legal sentence and term of confinement allowable for the
9 crime(s) to which I am pleading guilty, including the use of any prior convictions I may have
10 to increase my sentence as an habitual criminal to five (5) to twenty (20) years, Life without
11 the possibility of parole, Life with the possibility of parole after ten (10) years, or a definite
12 twenty-five (25) year term with the possibility of parole after ten (10) years.

13 Otherwise I am entitled to receive the benefits of these negotiations as stated in this
14 plea agreement.

15 CONSEQUENCES OF THE PLEA

16 By pleading guilty pursuant to the Alford decision, it is my desire to avoid the
17 possibility of being convicted of more offenses or of a greater offense if I were to proceed to
18 trial on the original charge(s) and of also receiving a greater penalty. I understand that my
19 decision to plead guilty by way of the Alford decision does not require me to admit guilt, but
20 is based upon my belief that the State would present sufficient evidence at trial that a jury
21 would return a verdict of guilty of a greater offense or of more offenses than that to which I
22 am pleading guilty.

23 I understand that by pleading guilty I admit the facts which support all the elements of
24 the offense(s) to which I now plead as set forth in Exhibit "1".

25 I understand that as a consequence of my plea of guilty by way of the Alford decision
26 as to Count 1 -the Court must sentence me to imprisonment in the Nevada Department of
27 Corrections for a minimum term of not less than FIVE (5) years and a maximum term of not

28 ///

1 more than FIFTEEN (15) years; OR LIFE with the possibility of parole with eligibility for
2 parole beginning at FIVE (5) years.

3 As to Count 2 - the Court must sentence me to imprisonment in the Nevada Department
4 of Corrections for a minimum term of not less than TWO (2) years and a maximum term of
5 not more than TWENTY (20) years.

6 The minimum term of imprisonment may not exceed forty percent (40%) of the
7 maximum term of imprisonment. I understand that the law requires me to pay an
8 Administrative Assessment Fee.

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

13 I understand that if I am pleading guilty to charges of Burglary, Invasion of the Home,
14 Possession of a Controlled Substance with Intent to Sell, Sale of a Controlled Substance, or
15 Gaming Crimes, for which I have prior felony conviction(s), I will not be eligible for probation
16 and may receive a higher sentencing range.

17 As to Count 1 - I understand that I am not eligible for probation for the offense to which
18 I am pleading guilty.

19 As to Count 2 - I understand that pursuant to NRS 176.139 and my plea of guilty to a
20 sexual offense for which the suspension of sentence or the granting of probation is permitted,
21 P&P shall arrange for a psychosexual evaluation as part of the Division's presentence
22 investigation and report (PSI) to the court.

23 I understand that I am not eligible for probation pursuant to NRS 176A.110 unless the
24 psychosexual evaluation certifies that I do not represent a high risk to reoffend based upon a
25 currently accepted standard of assessment. I understand that, except as otherwise provided by
26 statute, the question of whether I receive probation is in the discretion of the sentencing
27 judge.

28 ///

1 I understand that, before I am eligible for parole a panel consisting of the Administrator
2 of the Mental Health and Developmental Services of the Department of Human Resources or
3 his designee; the Director of the Department of Corrections or his designee; and a psychologist
4 licensed to practice in this state or a psychiatrist licensed to practice medicine in this state
5 certifies that I was under observation while confined in an institution of the department of
6 corrections and that I do not represent a high risk to reoffend based upon a currently accepted
7 standard of assessment.

8 I understand that, pursuant to NRS 176.0931, the Court must include as part of my
9 sentence, in addition to any other penalties provided by law, a special sentence of lifetime
10 supervision commencing after any period of probation or any term of imprisonment and period
11 of release upon parole.

12 I understand that the Court will include as part of my sentence, in addition to any other
13 penalties provided by law, pursuant to NRS 179D.441 to 179D.550, inclusive, I must register
14 as a sex offender within forty-eight (48) hours of release from custody onto probation or parole.

15 I understand that I must submit to blood and/or saliva tests under the direction of P&P
16 to determine genetic markers and/or secretor status.

17 I understand that if more than one sentence of imprisonment is imposed and I am
18 eligible to serve the sentences concurrently, the sentencing judge has the discretion to order
19 the sentences served concurrently or consecutively.

20 I understand that information regarding charges not filed, dismissed charges, or charges
21 to be dismissed pursuant to this agreement may be considered by the judge at sentencing.

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

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

26 I understand that if the State of Nevada has agreed to recommend or stipulate a
27 particular sentence or has agreed not to present argument regarding the sentence, or agreed not
28 to oppose a particular sentence, such agreement is contingent upon my appearance in court on

1 the initial sentencing date (and any subsequent dates if the sentencing is continued). I
2 understand that if I fail to appear for the scheduled sentencing date or I commit a new criminal
3 offense prior to sentencing the State of Nevada would regain the full right to argue for any
4 lawful sentence.

5 I understand if the offense(s) to which I am pleading guilty to was committed while I
6 was incarcerated on another charge or while I was on probation or parole that I am not eligible
7 for credit for time served toward the instant offense(s).

8 I understand that if I am not a United States citizen, any criminal conviction will likely
9 result in serious negative immigration consequences including but not limited to:

- 10 1. The removal from the United States through deportation;
- 11 2. An inability to reenter the United States;
- 12 3. The inability to gain United States citizenship or legal residency;
- 13 4. An inability to renew and/or retain any legal residency status; and/or
- 14 5. An indeterminate term of confinement, with the United States Federal
15 Government based on my conviction and immigration status.

16 Regardless of what I have been told by any attorney, no one can promise me that this
17 conviction will not result in negative immigration consequences and/or impact my ability to
18 become a United States citizen and/or a legal resident.

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

25 WAIVER OF RIGHTS

26 By entering my plea of guilty, I understand that I am waiving and forever giving up the
27 following rights and privileges:
28

1. The constitutional privilege against self-incrimination, including the right to refuse to testify at trial, in which event the prosecution would not be allowed to comment to the jury about my refusal to testify.
2. The constitutional right to a speedy and public trial by an impartial jury, free of excessive pretrial publicity prejudicial to the defense, at which trial I would be entitled to the assistance of an attorney, either appointed or retained. At trial the State would bear the burden of proving beyond a reasonable doubt each element of the offense(s) charged.
3. The constitutional right to confront and cross-examine any witnesses who would testify against me.
4. The constitutional right to subpoena witnesses to testify on my behalf.
5. The constitutional right to testify in my own defense.
6. The right to appeal the conviction with the assistance of an attorney, either appointed or retained, unless specifically reserved in writing and agreed upon as provided in NRS 174.035(3). I understand this means I am unconditionally waiving my right to a direct appeal of this conviction, including any challenge based upon reasonable constitutional, jurisdictional or other grounds that challenge the legality of the proceedings as stated in NRS 177.015(4). However, I remain free to challenge my conviction through other post-conviction remedies including a habeas corpus petition pursuant to NRS Chapter 34.

VOLUNTARINESS OF PLEA

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

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

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

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

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

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

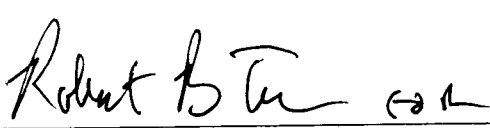
1 I am not now under the influence of any intoxicating liquor, a controlled substance or
2 other drug which would in any manner impair my ability to comprehend or understand this
3 agreement or the proceedings surrounding my entry of this plea.

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

6 DATED this 30th day of June, 2015.

7
8 
9 BRYAN PHILLIP BONHAM
Defendant

10 AGREED TO BY:

11 
12 RICHARD SCOW
13 Chief Deputy District Attorney
14 Nevada Bar #009182
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1 CERTIFICATE OF COUNSEL:

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

- 4 1. I have fully explained to the Defendant the allegations contained in the
5 charge(s) to which guilty pleas are being entered.
6 2. I have advised the Defendant of the penalties for each charge and the restitution
7 that the Defendant may be ordered to pay.
8 3. I have inquired of Defendant facts concerning Defendant's immigration status
9 and explained to Defendant that if Defendant is not a United States citizen any
10 criminal conviction will most likely result in serious negative immigration
11 consequences including but not limited to:
12 a. The removal from the United States through deportation;
13 b. An inability to reenter the United States;
14 c. The inability to gain United States citizenship or legal residency;
15 d. An inability to renew and/or retain any legal residency status; and/or
16 e. An indeterminate term of confinement, by with United States Federal
17 Government based on the conviction and immigration status.

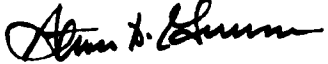
18 Moreover, I have explained that regardless of what Defendant may have been
19 told by any attorney, no one can promise Defendant that this conviction will not
20 result in negative immigration consequences and/or impact Defendant's ability
21 to become a United States citizen and/or legal resident.

- 22 4. All pleas of guilty offered by the Defendant pursuant to this agreement are
23 consistent with the facts known to me and are made with my advice to the
24 Defendant.
25 5. To the best of my knowledge and belief, the Defendant:
26 a. Is competent and understands the charges and the consequences of
27 pleading guilty as provided in this agreement,
28 b. Executed this agreement and will enter all guilty pleas pursuant hereto
voluntarily, and
c. Was not under the influence of intoxicating liquor, a controlled
substance or other drug at the time I consulted with the Defendant as
certified in paragraphs 1 and 2 above.

29 Dated: This 30 day of June, 2015.

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cc/L3


CLERK OF THE COURT

1 INFM
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 RICHARD SCOW
6 Chief Deputy District Attorney
7 Nevada Bar #009182
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

12 I.A. 6/30/15
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16 Plaintiff,

CASE NO: C-15-307298-1

17 -vs-

DEPT NO: IV

18 BRYAN PHILLIP BONHAM,
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INFORMATION

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22 COUNTY OF CLARK } ss.

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

25 That BRYAN PHILLIP BONHAM, the Defendant(s) above named, having committed
26 the crimes of FIRST DEGREE KIDNAPPING (Category A Felony - NRS 200.310, 200.320
27 - NOC 50051) and ATTEMPT SEXUAL ASSAULT (Category B Felony - NRS 200.364,
28 200.366, 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.

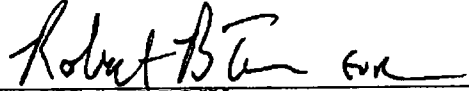
EXHIBIT "1" 10425115FH0425-INFM-(BONHAM_BRYAN)-001.DOCX

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

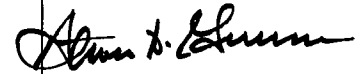
10 BY


11 RICHARD SCOW
12 Chief Deputy District Attorney
Nevada Bar #009182

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27 DA#15FH0425X/cc/L3
28 HPD EV#1504601
(TK)

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65 - 73
WILL FOLLOW VIA
U.S. MAIL**

1 EXPR
2 PHILIP J. KOHN, PUBLIC DEFENDER
3 NEVADA BAR NO. 0556
4 309 South Third Street, Suite 226
5 Las Vegas, Nevada 89155
6 (702) 455-4685
7 Attorney for Defendant


CLERK OF THE COURT

8 **DISTRICT COURT**
9 **CLARK COUNTY, NEVADA**

10 THE STATE OF NEVADA,

11 Plaintiff,

CASE NO. C-15-307298-1

DEPT. NO. IV

12 BRYAN PHILLIP BONHAM,

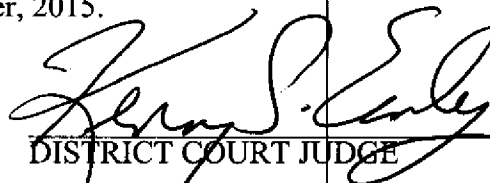
13 Defendant.

14 **EX PARTE ORDER FOR TRANSCRIPT**

15 Upon the ex parte application of the above-named Defendant, BRYAN PHILLIP
16 BONHAM, by and through, DAVID E. LOPEZ-NEGRETE, Deputy Public Defender, and good
17 cause appearing therefor,

18 IT IS HEREBY ORDERED that the certified court reporter/recorder prepare at
19 State expense, a transcript of the proceedings for case C-15-307298-1 heard on October 13, 2015
20 in District Court Department IV.

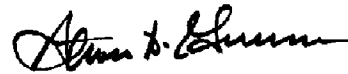
21 DATED this 15th day of October, 2015.

22 
23 DISTRICT COURT JUDGE ACTS

24 Submitted by:
25 PHILIP J. KOHN
26 CLARK COUNTY PUBLIC DEFENDER

27 By 
28 DAVID E. LOPEZ-NEGRETE, #12027
Deputy Public Defender

COSCC



CLERK OF THE COURT

**DISTRICT COURT
CLARK COUNTY, NEVADA**

STATE OF NEVADA

CASE NO.: C-15-307298-1

VS

DEPARTMENT 4

BRYAN BONHAM

CRIMINAL ORDER TO STATISTICALLY CLOSE CASE

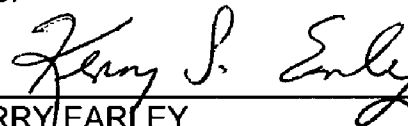
Upon review of this matter and good cause appearing,

IT IS HEREBY ORDERED that the Clerk of the Court is hereby directed to
statistically close this case for the following reason:

DISPOSITIONS:

- ☐ Nolle Prosequi (before trial)
- ☐ Dismissed (after diversion)
- ☐ Dismissed (before trial)
- ☒ Guilty Plea with Sentence (before trial)
- ☐ Transferred (before/during trial)
- ☐ Bench (Non-Jury) Trial
- ☐ Dismissed (during trial)
- ☐ Acquittal
- ☐ Guilty Plea with Sentence (during trial)
- ☐ Conviction
- ☐ Jury Trial
- ☐ Dismissed (during trial)
- ☐ Acquittal
- ☐ Guilty Plea with Sentence (during trial)
- ☐ Conviction
- ☐ Other Manner of Disposition

DATED this 13th day of October, 2015.

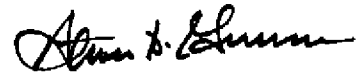


KERRY EARLEY
DISTRICT COURT JUDGE

CLERK OF THE COURT

OCT 20 2015

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CLERK OF THE COURT

JOCP

DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

CASE NO. C307298-1

BRYAN PHILLIP BONHAM
#0852897

DEPT. NO. IV

Defendant.

JUDGMENT OF CONVICTION

(PLEA OF GUILTY - ALFORD)

The Defendant previously appeared before the Court with counsel and entered a plea of guilty pursuant to Alford Decision to the crimes of COUNT 1 – FIRST DEGREE KIDNAPPING (Category A Felony) in violation of NRS 200.310, 200.320, and COUNT 2 – ATTEMPT SEXUAL ASSAULT (Category B Felony) in violation of NRS 200.364, 200.366, 193.330; thereafter, on the 13th day of October, 2015, the Defendant was present in court for sentencing with his counsel DAVID LOPEZ-NEGRETE, Deputy Public Defender, and good cause appearing,

THE DEFENDANT IS HEREBY ADJUDGED guilty of said offenses and, in addition to the \$25.00 Administrative Assessment Fee, \$150.00 DNA Analysis Fee including testing to include genetic markers, plus a \$3.00 DNA Collection Fee, the Defendant is sentenced to the Nevada Department of Corrections (NDC) as follows:
As to COUNT 1 - TO A MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS with a

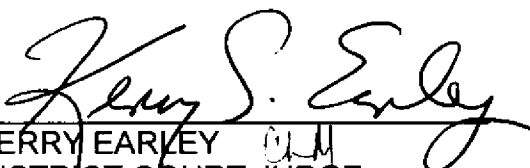
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1 MINIMUM parole eligibility of SIXTY (60) MONTHS, and as to COUNT 2 - TO A
2 MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS with a MINIMUM parole
3 eligibility of SIXTY (60) MONTHS, Count 2 to run CONSECUTIVE to Count 1; with
4 TWO HUNDRED SEVEN (207) days Credit for Time Served. Defendant's
5 AGGREGATE TOTAL SENTENCE is THREE HUNDRED SIXTY (360) MONTHS
6 MAXIMUM with a MINIMUM of ONE HUNDRED TWENTY (120) MONTHS.
7

8 FURTHER ORDERED, a SPECIAL SENTENCE of LIFETIME SUPERVISION
9 is imposed to commence upon release from any term of imprisonment, probation or
10 parole. In addition, before the Defendant is eligible for parole, a panel consisting of
11 the Administrator of the Mental Health and Development Services of the Department
12 of Human Resources or his designee; the Director of the Department of Corrections or
13 his designee; and a psychologist licensed to practice in this state; or a psychiatrist
14 licensed to practice medicine in Nevada must certify that the Defendant does not
15 represent a high risk to re-offend based on current accepted standards of assessment.
16
17

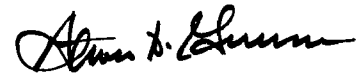
18 ADDITIONALLY, the Defendant is ORDERED to REGISTER as a sex offender
19 in accordance with NRS 179D.460 within FORTY-EIGHT (48) HOURS after any
20 release from custody.
21

22
23 DATED this 15th day of October, 2015.

24
25
26 
27 KERRY EARLEY
28 DISTRICT COURT JUDGE

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DISTRICT COURT
CLARK COUNTY, NEVADA



CLERK OF THE COURT

THE STATE OF NEVADA,)
)
Plaintiff,)
)
vs.) CASE NO. C-15-307298-1
) DEPT. NO. IV
BRYAN PHILLIP BONHAM,)
)
Defendant.)
_____)

REPORTER'S TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE KERRY L. EARLEY
DISTRICT COURT JUDGE

ON TUESDAY, OCTOBER 13, 2015

AT 9:30 A.M.

APPEARANCES:

For the State: JACOB J. VILLANI, ESQ.

For the Defendant: DAVID E. LOPEZ-NEGRETE, ESQ.

Reported by: Jennifer D. Church, RPR, CCR No. 568

1 TUESDAY, OCTOBER 13, 2015, 9:30 A.M.

2 LAS VEGAS, NEVADA

3 -oOo-

4 THE COURT: I'm going to call page 11,
5 Case C-307298, the State of Nevada versus Bryan Phillip
6 Bonham.

7 This is the time set for sentencing. Is there
8 any legal reason why we should not proceed today?

9 MR. LOPEZ-NEGRETTE: No, Your Honor.

10 MR. VILLANI: No, Your Honor.

11 THE COURT: My notes say -- do we have a victim
12 here to speak? We do. Okay.

13 MR. VILLANI: We do, yes.

14 THE COURT: I want to make sure you are here.
15 Ms. Wilkes?

16 MR. VILLANI: That's correct, Your Honor.

17 THE COURT: So, State, I know you retain the
18 right to argue. Let's go. You're up.

19 MR. VILLANI: Thank you, Your Honor.

20 THE COURT: You're welcome.

21 MR. VILLANI: Usually we adjudicate him guilty
22 first. Did you --

23 THE COURT: Oh, I didn't. I hereby adjudge you
24 guilty of first -- I hereby adjudge you guilty of
25 Count 1, first degree kidnapping, which is a felony;

1 Count 2, attempt sexual assault, which is a felony.

2 MR. LOPEZ-NEGRETTE: And, Your Honor, just so
3 it's clear, the plea on this case was to stipulate to
4 five to 15 years on the kidnapping in the first degree.

5 THE COURT: Hold on. First count to -- let me
6 make sure I have it down here.

7 MR. LOPEZ-NEGRETTE: Sure.

8 THE COURT: What did you say? 60 to 180
9 months?

10 MR. LOPEZ-NEGRETTE: Exactly, five to 15 --

11 THE COURT: Okay. I do have that, Counsel.

12 What I have here, so I make sure, Count 1,
13 there was a stipulation of 60 to 180 months in the
14 Nevada Department of Corrections, and there's a
15 restitution figure here, which we got from Social
16 Services. Correct?

17 MR. VILLANI: Correct. That would be the --

18 THE COURT: For 5,579.15. I don't know if it's
19 been updated since we originally did this, but in the
20 PSI report, that's the amount. Correct?

21 MR. VILLANI: That's what the State has, as
22 well, yes.

23 THE COURT: Then Count 2, any -- it can be
24 argued the amount and whether it's concurrent or
25 consecutive to Count 1.

1 MR. LOPEZ-NEGRETTE: Right. The only thing I
2 wanted to point out was --

3 THE COURT: Okay.

4 MR. LOPEZ-NEGRETTE: -- on the first degree
5 kidnapping, typically that's either five to 15 or five
6 to life, and we negotiated the case to have a condition
7 that it would be a five to 15. And if the Court is not
8 willing to go with --

9 THE COURT: No. I am. I did. Okay. I looked
10 at the penalty, and the real issue I'm interested in is
11 consecutive and concurrent.

12 MR. LOPEZ-NEGRETTE: Sure. We are too.

13 THE COURT: All right. We all have the same
14 issue that's important to both the Court and the State.
15 All right. I do understand that. Thank you, though, to
16 make sure that -- I appreciate you making sure I
17 understand the spirit of your negotiations. That's why
18 I ask because, you know, everybody does it different.
19 Okay. So I do understand that.

20 So, now, knowing where we're at, the sentence
21 for Count 2 and also the issue of concurrent or
22 consecutive. Correct, Counsel?

23 MR. VILLANI: That's correct, Your Honor.

24 THE COURT: All right. I'm with you.

25 MR. VILLANI: Okay. I'm confident that

1 Your Honor has read the presentence investigation report
2 and is familiar --

3 THE COURT: I have.

4 MR. VILLANI: -- with the facts of the instant
5 case. It's a terrible rape. This defendant took the
6 victim to the middle of the desert and violently raped
7 her. He's pled Alford. Basically he's not disputing
8 the fact that the State could provide these facts to the
9 Court, should we go to trial, the State could prove
10 these facts beyond a reasonable doubt.

11 This is an oral, anal, vaginal rape. He choked
12 her, he hit her, as detailed in the PSI. What's not in
13 the PSI are the details on the prior acts. As you may
14 have noted --

15 THE COURT: I did.

16 MR. VILLANI: -- this is the third time he's
17 been arrested for these exact charges. The prior cases,
18 the first case, C142406, he --

19 THE COURT: Hold on because I marked them. Do
20 you mind if I just follow it?

21 MR. VILLANI: Not at all.

22 THE COURT: This is important.

23 MR. VILLANI: Sure. And I apologize for what's
24 going to be a bit of a lengthy sentencing argument here.
25 I usually try to keep them brief.

1 THE COURT: No. Listen, I consider this so
2 important for everybody. Never apologize to this Court
3 for anything lengthy. My -- I have to make the best
4 decision under the totality of the circumstances, and if
5 you give me more than that, you're doing your duty. So
6 please don't ever apologize to this Court.

7 I actually like to follow, so that's why I'm --

8 MR. VILLANI: Sure.

9 THE COURT: -- holding you back on the other
10 cases because I did mark them myself, but I did. Okay.
11 Just give me the case again.

12 MR. VILLANI: C142406.

13 THE COURT: Okay. I've got it. Thank you.

14 MR. VILLANI: In that case he also pled guilty
15 pursuant to the Alford decision. He was ultimately
16 sentenced to 24 to 72 months across the two counts to
17 run concurrent. I took the liberty of actually pulling
18 the PSI from that case, Your Honor, and I'm going to
19 read into the record, instead of having you read this,
20 the actual facts of that case.

21 THE COURT: Okay. I've got it.

22 MR. VILLANI: So on January --

23 And I apologize, Madam Reporter, I have copies
24 of these, and I will provide them to you afterwards if
25 it will make it easier.

1 On January 23, 1997, officers of the Las Vegas
2 Metropolitan Police Department's Sexual Assault Unit
3 were dispatched to the University Medical Center in
4 reference to a victim alleging that she had been
5 sexually assaulted earlier that day. Upon arrival, the
6 investigating officers interviewed the victim and began
7 to investigate, which developed the following facts:

8 On January 23, 1997, the victim was working as
9 a prostitute in the downtown area of Las Vegas, Nevada.
10 While working as a prostitute, the victim was approached
11 by a suspect who pulled alongside of her in a pickup
12 truck. Suspect was later identified as the defendant
13 Bonham.

14 The victim observed that Bonham was alone in
15 the truck, and she ultimately got into the truck with
16 him and they drove off together. The victim said that
17 she got into Bonham's truck believing that she and
18 Bonham were going to engage in prostitution activity.
19 The victim stated that she would not have gotten in the
20 truck had she known that Bonham was going to do what he
21 ultimately did, that being sexually assault her as
22 opposed to engaging in sex for money.

23 While driving with Bonham in his pickup truck,
24 Bonham solicited sex from the victim, and she agreed to
25 perform oral sex on Bonham for \$60 in U.S. currency.

1 The victim later testified, however, that Bonham did not
2 at any time give her any money during or after the
3 sexual assault.

4 The victim said that she told Bonham that they
5 could go to a place where she usually took clients, but
6 that Bonham told her he wanted to take her to a house he
7 was working on. The victim said that Bonham appeared to
8 be a carpenter or construction worker of some kind. She
9 said that Bonham was wearing jeans and work boots. The
10 victim said that Bonham's truck contained leather tool
11 belts and various tools on the floorboard. She also
12 stated that Bonham was wearing ski-type sunglasses the
13 entire time that he was with her.

14 The victim said that Bonham drove her to the
15 house in a residential area of Las Vegas, Nevada, and
16 parked in an alley behind the residence. She said that
17 she followed Bonham in the back door of the residence.
18 The victim said that Bonham then stopped and pointed for
19 her to continue on past him. The victim said that after
20 she passed him, Bonham grabbed her around the neck from
21 behind with both arms and began to choke her. She said
22 that Bonham then picked her completely off the ground
23 and carried her to a mattress where he dropped her. The
24 victim said that Bonham choked her to the brink of
25 losing consciousness.

1 The victim related that Bonham told her "Shut
2 up" because she was crying and he then began to tear her
3 clothes off. The victim said that she did not scream or
4 try to run away because she was afraid that Bonham would
5 kill her. After Bonham was able to take all the
6 victim's clothes from her and she was completely naked,
7 he removed his penis and forced her to perform oral sex.
8 After doing this, Bonham picked up a condom and placed
9 it on his penis. The condom was one of several that the
10 victim had in her bra which had fallen to the floor when
11 her clothes were ripped from her body.

12 The victim said that Bonham then forced her to
13 roll over onto her hands and knees and he performed anal
14 sex on her. Bonham then forced the victim to roll back
15 over onto her back, discarded the first condom, placed a
16 second condom on his penis and performed vaginal sex on
17 her. After doing that, Bonham forced her to roll over
18 yet again onto her hands and knees and performed anal
19 sex on her again. The victim said that during this
20 attack she was crying and that Bonham hit her and bit
21 her on the neck and told her she would not be hurt if
22 she was a good girl.

23 The victim said that Bonham finally stopped his
24 attack and told her to remain lying on the floor and not
25 to look up. The victim said that she was still very

1 afraid at that point and thought that she would be
2 killed, especially since Bonham told her not to look up.
3 The victim said that she then heard Bonham zip up his
4 pants and heard the door slam as he left.

5 The victim related that after Bonham left, she
6 gathered up most of her clothing and fled through the
7 front door of the residence, ran to a convenience store
8 and called the police. The victim also stated that she
9 called her pimp who met her at the convenience store and
10 took her to University Medical Center.

11 Investigating detectives went to the house
12 where the victim said she was assaulted and found
13 evidence including used condoms, used condom wrappers,
14 and the victim's bra, which she said she had left
15 behind.

16 On January 31, 1997, Bonham was located by
17 investigating officers driving his pickup truck on a
18 Las Vegas, Nevada downtown street at approximately the
19 same time of day that the victim was picked up by him.
20 The officers conducted a traffic stop and noted that he
21 was wearing ski-type sunglasses.

22 Bonham admitted to the officers that he was a
23 construction worker. Bonham also consented to have
24 photos taken of himself and his truck and to give a
25 buccal swab.

1 The victim later positively identified Bonham
2 without hesitation in a photo lineup and identified his
3 truck, as well. Bonham's buccal swab was tested against
4 semen located inside the used condoms located at the
5 crime scene. Bonham's DNA was found to be a match for
6 the DNA located in the semen inside every one of the
7 used condoms. Additionally, the DNA found in the bodily
8 fluids located on the outside of two of the condoms were
9 found to be a match to the victim's DNA. As a result, a
10 warrant for the arrest of the defendant was issued in
11 that case.

12 The supplemental information in the PSI is also
13 interesting, Your Honor.

14 THE COURT: Okay.

15 MR. VILLANI: In addition to that offense,
16 there's considerable evidence the defendant has
17 committed offenses very similar to the instant offense
18 with other prostitute victims. One such incident
19 occurred on December 16, 1996 and involved a prostitute
20 victim being taken to the same location as the crime
21 scene of the instant offense, this previous offense,
22 where she was sexually assaulted and brutalized in a
23 manner very similar to what occurred in this prior
24 offense.

25 The victim of this offense identified the

1 defendant as her assailant and also identified his
2 vehicle. So strong is the likelihood that the defendant
3 perpetrated this crime that the District Attorney's
4 office offered not to prosecute the defendant for it as
5 an enticement for him to accept the plea bargain in lieu
6 of trial on the instant offense.

7 There is also considerable evidence that the
8 crime scene of the instant offense has been the scene of
9 numerous sexual assaults involving prostitute victims
10 during 1996 and 1997. The PSI then goes into the
11 neighbors who have reported naked women running from
12 that house back in the late '90s. That's the case for
13 which he received 24 to 72 concurrent.

14 Now fast-forward to August of 2004. This is
15 the beginning of Case No. 244974. This is the case for
16 which he ultimately pled guilty to coercion, sexually
17 motivated, and was sentenced again to 24 to 72 months in
18 the Nevada Department of Corrections, which was the
19 maximum sentence allowable for that plea.

20 That case started, although the arrest happened
21 in 2008, it started back August 5th of 2004, and this is
22 interesting because it almost directly tracks with the
23 case we're here on today.

24 So back on August 5, 2004, a crime report was
25 filed with Metro on behalf of the victim, Kristen

1 Wilson. What she reported is that she was waiting for a
2 taxi at a Mobil gas station on Boulder Highway and
3 Indios, which is now a Sinclair station, back in 2008,
4 when a white male, 35 years of age, 180 pounds, short
5 straight hair, goatee, wearing sunglasses, with a tattoo
6 on the upper left arm drove up in a blue Chevrolet crew
7 cab and said out of his window, What are you waiting
8 for? Wilson said she wants to go to the Strip, which
9 means Las Vegas Boulevard, and the suspect offered her a
10 ride, which she agreed to.

11 When the suspect did not go towards the Strip,
12 Wilson said that this is not the right way to him. The
13 suspect then pulled a handgun, not one with a cylinder,
14 from the center console, and told Wilson to put her head
15 between her legs. She is afraid for her life and does
16 what he says.

17 Wilson believes they finally stop in the area
18 of College Drive and US 95 in Henderson, Nevada.
19 Suspect pulls out his penis and tells her to "suck my
20 cock you nigger bitch." Wilson tries to grab a condom
21 and put it on, but he grabs her purse and throws it on
22 the dash area. Wilson can see his penis and it is
23 circumcised and makes her masturbate him. The suspect
24 is holding the handgun in his left hand and trying to
25 take off her shirt with his right hand.

1 Suspect takes the condom and puts it on. He
2 then tells Wilson to get on her knees and face the rear
3 of the vehicle. He threatens to have anal intercourse
4 with her, but starts to put his penis in her vagina and
5 continually moves back and forth. Wilson is still
6 afraid for her life and asking to be let go. Suspect
7 says that this is what he likes, for her to beg. While
8 suspect is having intercourse with her, he sticks his
9 fingers in her rectum.

10 Wilson sees a hammer with a claw for removing
11 nails in the back seat, amongst other tools, and grabs
12 the hammer, spins around and hits the suspect in the
13 head. His head begins to bleed. He grabs the hammer
14 and Wilson bites him on the left forearm. Wilson hits
15 the suspect at least one more time, believing in the
16 head.

17 Suspect then gets in the driver's seat and
18 starts to drive off. Wilson then opens the passenger
19 door, and the suspect shoves her out of the truck. The
20 victim had blood spatter on the person and clothing from
21 the suspect from the hit to his head.

22 The victim was able to go for help and called
23 police and the Henderson Police Department arrived.
24 Metro was requested. The victim was taken to UMC where
25 she met with a SANE nurse. The sexual assault kit was

1 completed. Blood stains were collected, believed to be
2 from the suspect when he was hit in the head with a
3 hammer by the victim, along with the normal examination
4 collection. Sexual assault kit and other items were
5 impounded on August 6, 2004.

6 Now, fast-forward to February 13, 2008. There
7 was an LVMPD interoffice memorandum sent by Kathy
8 Guenther, the DNA database, that there was a positive
9 match from the local DNA index system, CODIS. The match
10 occurred between a Nevada registered sex offender and
11 the DNA profile of the event number under which the
12 original report was filed under.

13 DNA profiles came back from the blood on the
14 victim's leg and bra. The offender's sample has been
15 retested and the match was confirmed to the defendant
16 you have before you today.

17 Now, from 2008, when he was sentenced to 28 to
18 72 months, we fast-forward to March of this year, where
19 this defendant, who has not once, but twice been
20 convicted of this type of behavior, and who knows how
21 many more times has actually participated in this kind
22 of behavior comes before Your Honor.

23 MR. LOPEZ-NEGRETE: I'll object to that,
24 Your Honor.

25 MR. VILLANI: You can object all you want.

1 It's my sentencing argument.

2 THE COURT: I'm not going to base my sentencing
3 on any speculation. I will put that on the record. I'm
4 doing the totality of the circumstances, but I
5 understand.

6 Okay. So we're at this case.

7 MR. VILLANI: Now we're here.

8 THE COURT: Here in 2015.

9 MR. VILLANI: And as I said, I'm confident
10 you've read the PSI.

11 THE COURT: I have.

12 MR. VILLANI: You read the facts here. You
13 recognize the parallels that we're now drawing here.
14 And, Your Honor, at this point, it's completely up to
15 you. It's completely up to you, and it's up to you to
16 decide whether this guy deserves one day less than the
17 maximum absolute possible sentence, and that's what I'm
18 asking for. I'm asking for you to sentence him to eight
19 to 20 years on the second count.

20 THE COURT: On Count 2, okay.

21 MR. VILLANI: Yes, on the second count. And
22 I'm asking you to run that count consecutive with the
23 five to 15 years, because this man will not be stopped.
24 This is what he does.

25 And, Your Honor, it's very clear from his

1 priors, he's been given break after break, and it's our
2 office's fault as much as it is the Court's fault for
3 following our negotiations, quite frankly. It starts
4 with us and it ends with the Court, and the community
5 has been failed here. The community has not been
6 protected from this man.

7 Now, I was provided a few documents by the
8 defense here. So I want to bring up just a couple
9 things.

10 THE COURT: I did read -- I got it this morning
11 and did review it.

12 MR. LOPEZ-NEGRETE: Thank you.

13 THE COURT: Statements and the registry thing
14 and the photo.

15 MR. VILLANI: Right. And there's a couple
16 letters there. I'm not even going to address those,
17 Your Honor. You can take those into context with who
18 you know this man to be.

19 What I do want to address is I seem to have
20 been handed here a --

21 THE COURT: Register of Actions.

22 MR. VILLANI: Correct, a Register of Actions.
23 And I'll start with the JC case in Department 7. This
24 would be Case No. 09N20627X. This is a 2009 case where
25 it appears our victim was convicted of soliciting

1 prostitution. Okay. There's nothing to indicate in
2 this file that this was a prostitution act. But whether
3 or not it was, does it really have anything to do with
4 the sentence this man should now be given? I would
5 submit to the Court, no, it doesn't.

6 The other thing I've been handed is a 1998 case
7 where our victim was convicted of conspiracy to commit
8 robbery. We're not hiding from that either. But, once
9 again, what does this have to do with the defendant in
10 this case?

11 And the only other thing I want to point out,
12 Your Honor, is we were here before ready to go for
13 sentencing, and you watched the defense sit back there
14 and wait until the end of the calendar until he told us,
15 "Okay, I need a continuance. I sent an e-mail
16 yesterday."

17 I went back and pulled that e-mail. That
18 e-mail came in at after 6:00 p.m. at night. So it was
19 an absolute purposeful act. Quite frankly, it's
20 shameful and I'm offended by it. And our victim,
21 luckily, has come back. And so I'd like you to hear
22 from her last, Your Honor, pursuant to statute.

23 And I will submit on my recommendation, once
24 again, eight to 20 to run consecutive, not a day less.
25 Thank you.

1 THE COURT: On Count 2?

2 MR. VILLANI: On Count 2.

3 THE COURT: I want to make sure I'm very
4 specific.

5 MR. VILLANI: Count 1 is stipulated.

6 THE COURT: Okay. So there's not an issue.
7 Okay. Counsel?

8 MR. LOPEZ-NEGRETE: Thank you, Your Honor.

9 Just regarding the continuance from our last
10 sentencing date, I did send the e-mail late, and I
11 acknowledged that I was sending it late. It didn't make
12 its way to Mr. Villani, obviously.

13 But when I appeared in court, I didn't
14 purposely wait until the end of the calendar to simply
15 inconvenience the victim. I was ready to go and could
16 have had the case called at any point because I was
17 simply going to ask for a continuance. That was the
18 only thing I wanted to say about that.

19 Mr. Bonham --

20 THE COURT: I'm glad she could come back today.

21 MR. LOPEZ-NEGRETE: Right. And, of course --

22 THE COURT: In fairness to everybody.

23 MR. LOPEZ-NEGRETE: -- obviously, we
24 accommodated her availability. So it wasn't anything in
25 terms of trying to see if she wouldn't show up or

1 anything like that. Obviously, she has a right to be
2 here. We expected her to be here because she was
3 present at the preliminary hearing, as well, and we have
4 no issue with her being here.

5 This type of case is obviously extremely,
6 extremely difficult from Mr. Bonham's perspective
7 because, of course, he's facing extremely serious
8 charges. On their own they're extremely serious.
9 Combined with his history, they're basically
10 life-ending.

11 The charges that he was originally facing,
12 Your Honor, included multiple life sentences, multiple
13 counts of sexual assault, multiple counts of battery
14 with intent to commit sexual assault, which all carried
15 life sentences, including the first degree kidnapping.
16 One count of battery with intent to commit sexual
17 assault by strangulation carries a potential sentence of
18 not only ten to life, but a judge could sentence
19 Mr. Bonham to simply life without the possibility of
20 parole.

21 So he was looking at dying in prison when he
22 got charged with this case; extremely, extremely
23 difficult risk that he had to take in answering these
24 charges. And in evaluating his options, Mr. Bonham
25 decided to resolve the case and negotiate it to avoid

1 the risk of potentially going to prison and never
2 getting out. That's what he was looking at.

3 The negotiation takes into consideration that
4 he has a very bad history. There's no question about
5 it. The sentences that he got before, two to five, two
6 to six years, he's already agreeing five to 15 years on
7 this one count alone. And if he got both counts run
8 consecutive, then he would be looking at, I think, 13 to
9 35 years. That's still a huge amount of time for him.

10 But he had to decide whether he wanted to risk
11 taking this case all the way to trial and gambling with
12 his life or gambling with a huge part of the rest of his
13 years instead of just the entirety. He decided to take
14 the more conservative approach and resolve the case.

15 When he looks at this case, Your Honor, and he
16 knows what happened in this case and he has to decide,
17 Am I really going to put this and my life in the fate of
18 12 strangers or am I going to try to take at least some
19 degree of control for this, understand that I'm going to
20 get punished severely for this, but hopefully try to get
21 the minimal amount of punishment possible because of his
22 history.

23 We uncovered some investigation in this case,
24 Your Honor, based on what Mr. Bonham told me about this
25 case. This case rises and falls on credibility, on what

1 people say happened to them. And make no mistake, the
2 complaining witness's credibility is the one that is
3 necessary in order to find Mr. Bonham guilty of these
4 charges or to sentence him to the maximum amount of time
5 possible. Her credibility is at stake, just like his --

6 THE COURT: His credibility also.

7 MR. LOPEZ-NEGRETTE: -- credibility is always at
8 stake.

9 THE COURT: Right.

10 MR. LOPEZ-NEGRETTE: But she's the one that
11 makes the allegation. Her credibility is the impetus
12 for charging him with these crimes to begin with.

13 The fact that he has these priors, the first
14 thing that I'll say, Your Honor, is obviously they're
15 extremely troubling. Mr. Bonham was punished for those.
16 Obviously, they have very disturbing allegations in
17 them. As a result of the negotiations or whatever
18 considerations both parties took into account, including
19 the Court, he got sentenced to two to six years on the
20 case from 1999. That's when he was looking at, again,
21 life sentence charges.

22 The PSI shows that he had one count of first
23 degree kidnapping, another count of battery with intent
24 to commit sex assault, and three counts of sexual
25 assault in that case. The fact that a case with those

1 types of initial charges ends up with a sentence of two
2 to six years should say something to the Court about the
3 provability or other considerations about actually
4 taking that case all the way to trial.

5 If it's a slam dunk winning case, sometimes the
6 DAs don't make offers, and they can take them all the
7 way to trial because it's extremely disturbing and they
8 feel that they have a strong case. Other times cases
9 resolve. They don't resolve completely in a vacuum.
10 And so they resolve and the ultimate resolution reflects
11 both parties coming together. That's what due process
12 means. As a result of a case getting through the
13 system, it ends up where it's supposed to. He got a two
14 to six on this case when he had life sentence charges.

15 Same thing, again, in the 2010 case, life
16 sentence charges, first degree kidnapping, two counts of
17 sexual assault with a deadly weapon, deadly weapon
18 enhancements. Again, that ends up with a two to six.

19 And the fact that these charges, that the prior
20 charges emanate from a type of prostitution situation,
21 that also should say something to the Court. In these
22 types of situations, unfortunately, in the case of
23 soliciting, rape allegations aren't uncommon. They
24 happen. It's a very common occurrence that two people
25 come together, engage in illegal activity, and then they

1 don't come out of it the way they wanted to, and then
2 the other can accuse the person of something wrong,
3 something worse than what's actually happening. That
4 happens. It's not completely uncommon.

5 So I would ask the Court to take into
6 consideration, as well. The fact that he got those
7 sentences over there and the fact that they were in the
8 type of soliciting situation shouldn't tell the Court
9 that this case is completely open and shut, because it's
10 not.

11 In this case the fact that the complaining
12 witness has a soliciting prior is relevant because, if
13 you take a look at her account of what she said
14 happened, it helps to explain and it helps to look
15 through what she's actually claiming.

16 According to her account, she was walking along
17 Boulder Highway, a place that has a lot of soliciting
18 activity, and has an encounter with Mr. Bonham outside
19 of the 4 Mile Bar and they strike up a conversation.
20 They strike up a conversation. They start talking.
21 They get to know one another.

22 And then, according to her account, I guess out
23 of the goodness of his heart, he offers to help her move
24 later on that night, gives her his business card,
25 doesn't obviously conceal his identity, nothing like

1 that, and then later, even though they're complete
2 strangers follows up on his offer. She calls him with a
3 phone number that he gave her, and says, Hey, I'm ready
4 for you to come help me move my stuff, and then
5 Mr. Bonham goes.

6 I guess if you take it at face value, somebody
7 could offer to help somebody move their stuff even
8 though they've never met each other before, even though
9 they're in an area that's frequently engaging in
10 soliciting activity, even though the complaining witness
11 has a soliciting prior that actually is on her record.
12 We can look through and see that there's more to this
13 story than what she's saying just based on that alone.
14 It's completely relevant.

15 Add to the fact that not only is her
16 credibility automatically diminished by the fact that
17 she is a convicted felon. That's something that my
18 clients go through day in and day out. As soon as they
19 have a felony on their record, they're completely set
20 apart. They belong to a different class of citizens.
21 And, unfortunately, that's true for the complaining
22 witness, as well.

23 MR. VILLANI: Your Honor, I mean, this is
24 supposed to be mitigation argument. It's one thing to
25 argue a defendant's priors. It's quite another to go in

1 and speculate about something a defendant has already
2 pled guilty to. The issue of guilt or innocence is over
3 here. He's pled guilty to this, and by pleading guilty
4 pursuant to Alford, as he's done before, does not
5 suddenly open the door to give a closing argument to
6 Your Honor.

7 THE COURT: I think -- my understanding, you're
8 trying -- I understand he can't do that.

9 My understanding, you are circling around to
10 say that credibility with the victim who is going to
11 speak. Is that how you're kind of putting it all
12 together?

13 MR. LOPEZ-NEGRETTE: Your Honor, it all fits
14 together because --

15 THE COURT: That's how I'm -- I totally
16 agree --

17 MR. VILLANI: If that's the route he's going --

18 THE COURT: -- because I have been thinking.
19 But am I right? That's the route you are
20 going?

21 MR. LOPEZ-NEGRETTE: Your Honor, I'm saying that
22 her credibility is an issue.

23 THE COURT: No, you --

24 MR. LOPEZ-NEGRETTE: And her credibility --

25 THE COURT: You've said it to me. You've done

1 some investigation and her credibility is at stake.

2 MR. LOPEZ-NEGRETTE: Correct.

3 THE COURT: So I take it that way. I
4 understand what you are saying, Mr. Villani.

5 MR. VILLANI: And he also has an opportunity to
6 question her after she speaks. So there's that
7 opportunity to address her credibility if he so wishes.

8 MR. LOPEZ-NEGRETTE: Your Honor, obviously this
9 was an Alford plea because we needed to be able to
10 explain the reasons why Mr. Bonham decided to plead.

11 THE COURT: And you have done that at
12 sentencing. I understand that.

13 MR. LOPEZ-NEGRETTE: He's still maintaining his
14 innocence, and that's why I'm explaining what he could
15 have relied on if he actually had gone to trial, but he
16 didn't want to take that risk. That's all I'm saying.

17 THE COURT: I understand that.

18 MR. LOPEZ-NEGRETTE: And I think we have to
19 consider the fact that the complaining witness is a
20 convicted felon. Already that diminishes someone's
21 credibility. As a matter of law, people get on the
22 stand, and if they're a convicted felon within a certain
23 parameter of years, they can say you are a convicted
24 felon to the effect of telling the jury that their
25 credibility is diminished.

1 THE COURT: I understand that.

2 MR. LOPEZ-NEGRETTE: Okay. Taking that into
3 account with the complaining witness in this case, as
4 well. So these are all reasons to doubt her
5 credibility, Your Honor.

6 Mr. Bonham says to me, when we get this case,
7 "We had sex. I gave her money." It sounds like
8 prostitution to me. He gave her his business card. He
9 started talking to her about his past, because in his
10 mind he wants to be up-front and tell someone that he's
11 going to be involved with, "Hey, I have this in my past.
12 If you don't want to be with me, that's fine, but this
13 is what happened to me, and I don't want there to be any
14 misunderstanding."

15 Obviously, that was a huge mistake because it
16 makes him a lot more vulnerable to somebody saying,
17 Yeah, that happened to me too and he did the same thing
18 to me. That's how that explains the complaining
19 witness's allegations in this case.

20 But, again, at this point we're only talking
21 about her word, which is the most important part for the
22 case. She says that later when he comes back and
23 follows up on his very generous offer to help her, even
24 though he had never met her before, that instead of
25 simply taking her to the apartment where she's going,

1 that he turns around and he starts driving in the
2 opposite direction.

3 And, Your Honor, I printed out -- the PSI
4 doesn't actually list the addresses that are in question
5 here. So I just printed them out on Google maps. I
6 gave a copy to the DA. If I may approach.

7 THE COURT: Okay.

8 MR. LOPEZ-NEGRETE: And all that information is
9 in the police reports and other discovery in the case.
10 She was at Boulder Palms Senior Apartments off Boulder
11 Highway. She says that after Mr. Bonham came back that
12 evening to pick her up, instead of traveling northward
13 towards 521 North Lamb, which is where she called police
14 later, that he goes south and takes the freeway,
15 basically.

16 And he goes all the way down to the edge of the
17 map to College Drive, and not even where that point on
18 the map. She said that he drove all the way down to the
19 end of College Drive where it's basically desert and
20 dirt. So he takes that route all the way down there. I
21 mapped it and I think it's about 14 miles one way, 14
22 miles one way from Boulder Palms Senior Apartments to
23 the end of College Drive.

24 Then she says that he brings her back, drops
25 her off, and then she calls the police. The dispatch

1 records show that she called at 9:54 p.m.

2 Mr. Bonham told me that he actually met up with
3 the victim later that evening and picks her up, no
4 violence, no raping, and on the way to dropping her off
5 at the apartment, stops at a 7-Eleven on 225 North Lamb
6 Boulevard, and this is around 8:30, more or less, is
7 what he tells me.

8 So he tell my investigator, Hey, can you go
9 take a look. Sometimes there's video. Sometimes
10 there's not. We're looking for an African-American
11 woman around this time. So my investigator did that,
12 and he subpoenaed the video from 7-Eleven at
13 225 North Lamb Street, Lamb Boulevard, and he finds the
14 only African-American lady walking in at 8:34 and 22
15 seconds. And I view the picture and compare it to the
16 pictures taken of the complaining witness at UMC.

17 And I'm not sure if the Court has seen a
18 picture of the complaining witness at UMC.

19 THE COURT: No, I have not.

20 MR. LOPEZ-NEGRETE: This is obviously in the
21 discovery. May I approach?

22 THE COURT: Yes.

23 MR. LOPEZ-NEGRETE: And, Your Honor, this is
24 the print off of the still from 7-Eleven, which the DA
25 also has.

1 Now, the quality of the 7-Eleven picture is not
2 crystal clear. It's not so clear that you can say
3 without a doubt for sure that is the complaining
4 witness. You have to concede that because it's not that
5 clear. But my investigator went through the
6 surveillance, said it's the only African-American woman
7 that walks in around the same time frame that Mr. Bonham
8 noted. And then you look at the clothing and it's
9 basically the same, the blue shirt, light colored blue
10 shirt, dark pants.

11 So this type of evidence, obviously, is
12 something that Mr. Bonham could have said, "You know
13 what, I want to go to trial. I want to show the jury
14 what we found, and I want them to make up their own
15 minds about her credibility and what she said happened
16 to her." That's a huge gamble, like we said before. Is
17 it enough to raise a reasonable doubt to a jury? Maybe.
18 Maybe not. And that's why ultimately the case resolves.

19 But, Your Honor, I think it is enough to
20 consider that Mr. Bonham's acceptance of the situation
21 that he's in, given his priors, of course, and that he
22 is going to give up at least five to 15 years more of
23 his life when he has this type of case that he could
24 have put before a jury, I think that is enough, that is
25 enough for this Court to think that is a huge punishment

1 for somebody, somebody who's only gotten two to five
2 before, two to six.

3 Five to 15 years, with his type of record, he's
4 not going to make parole on the first, maybe even the
5 second. He might even have to expire the full term of
6 years that he has on this case. Five to 15 is a long
7 time.

8 P&P takes a look at this case without the
9 benefit of any of this information. I don't think that
10 they looked up the complaining witness's record.
11 Obviously, they didn't have the information that we were
12 able to uncover. And they say they recommend that
13 Your Honor impose a five to 15 on the attempt sex
14 assault running concurrent. Maybe they were able to see
15 the different indications that maybe these types of
16 allegations are not exactly what they're purporting to
17 be, five to 15 concurrent.

18 I would ask the Court to take that into
19 consideration. Even if the Court doesn't want to simply
20 give him a five to 15 on both counts, Your Honor could
21 still give him eight to 20 on the attempt sex assault
22 alone and run that concurrent. Eight to 20 years is
23 still a very hefty sentence.

24 And, like I said, he's not going to be the
25 person that's going to get out on their first parole.

1 He's going to have to do a lot of time, if not all of
2 it. When he's released ultimately, ultimately, he'll
3 still be subject to lifetime supervision. He's still
4 going to be supervised.

5 THE COURT: I thought he had that in the other
6 case.

7 MR. LOPEZ-NEGRETTE: He has it in the other
8 case, as well.

9 THE COURT: I thought he already registered.

10 MR. LOPEZ-NEGRETTE: Correct.

11 THE COURT: Registered as a sex offender --

12 MR. LOPEZ-NEGRETTE: He had to register.

13 THE COURT: -- from the 2008.

14 MR. LOPEZ-NEGRETTE: Correct. And he's subject
15 to lifetime supervision. He's not somebody who is going
16 to be walking around without anybody looking at him.
17 He's not someone that's going to be free anymore.
18 That's what happens when you get yourself in these types
19 of situations and he's paying for it. He's paying for
20 it over and over.

21 But, Your Honor, in this case when you have
22 this type of background information on the complaining
23 witness, when you have this type of evidence that calls
24 into even further doubt the accuracy of her
25 representations, he's not deserving of the absolute

1 maximum punishment possible.

2 That's what's weighing the, not the
3 consequences, but weighing the situation and seeing what
4 is fair, ultimately. Because of this, if he had just
5 completely done this and there was absolutely nothing to
6 say about it except that he, again, brutally victimized
7 another person, then why would he get any benefit? Of
8 course not. He should get the full possible maximum
9 punishment if that was the situation, but it's not.
10 It's not.

11 We have someone with a diminished credibility.
12 We have someone who is on record engaging in this type
13 of activity, which you can read even without knowing
14 that she had that on her record, and you have
15 information, you have evidence, hard evidence, that
16 calls into question whether she even was in the same
17 place where she's saying she was.

18 There was no way that Mr. Bonham could have
19 taken her from Boulder Palms Senior Apartments all the
20 way to the edge of College Drive and then back to make
21 the 8:34 stamp on the 7-Eleven.

22 MR. VILLANI: Your Honor, this is where we run
23 into problems with this type of argument. Because if
24 he's making a claim of actual innocence, I mean, we need
25 to have a talk about --

1 THE COURT: It's really bordering -- I have to
2 agree with you. And I understand what an Alford plea
3 is. I've done all my research on it, but I do -- I'm
4 going to -- I don't know if that's an objection, but I'm
5 sustaining it.

6 You know, I let this go so far, but I know you
7 can't keep housing it in terms of her credibility. So
8 I'm going to sustain that part. And I can see for
9 myself. I understand. I've listened. And he didn't
10 object. I've listened to your argument. I looked at
11 your Google map. So I see where you're going.

12 MR. LOPEZ-NEGRETE: I understand. I understand
13 that --

14 THE COURT: I'm not trying to cut you off, but
15 I am going to sustain that.

16 MR. LOPEZ-NEGRETE: Mr. Bonham's credibility
17 also, would a jury really believe his story? You don't
18 know. But that's ultimately why a case resolves this
19 way. Because you have enough to be convicted, but you
20 also have enough where maybe you don't want to plead
21 guilty or you plead guilty. Right? And that's what
22 happens.

23 And in this case, Your Honor, just in terms of
24 pure mitigation, there were some letters, obviously,
25 from his family talking about a different side of him,

1 not the side that obviously P&P and the State talked
2 about this morning. Okay. And, obviously, you can't
3 separate the two. It's one person. But you also can't
4 ignore the other side, which is that he has been a
5 positive influence to his family.

6 His mother is present. She was present. She's
7 here in court. She's obviously asking the Court to run
8 the counts concurrent. We had a letter from his sister
9 that talked about his influence on her -- on their
10 mother, and also a role in Mr. Bonham's children,
11 positive, teaching them martial arts. One of his sons
12 actually was able to graduate high school and is now in
13 college.

14 Mr. Bonham, he has been trying to help provide
15 for his family with this job that he actually was able
16 to -- in the discovery there's a Secretary of State
17 certification that he has his sole proprietorship, this
18 landscaping business since January of 2013. This is
19 what he was up to. This is what he was doing. He was
20 working. He was being productive. He was caring for
21 his family.

22 Your Honor, based on all of this information, I
23 think that eight to 20 on the attempt sex assault
24 running concurrent is more than enough punishment for
25 this type of situation, for the behavior that has landed

1 him in this place at this point. Like I said, the
2 maximum punishment I don't think is appropriate given
3 the facts of this case and given the background of the
4 complaining witness. He has 207 days' credit.

5 MR. VILLANI: And, Your Honor, just --

6 THE COURT: I wrote down 207 credit time
7 served.

8 MR. VILLANI: Pursuant to our right to correct
9 the record, I just want to point out he did mention the
10 sentencing on that first case. The negotiation going
11 into that was a right to argue. It was the honorable --
12 well, I'm sorry, call him "the honorable." Douglas
13 Herndon actually prosecuted that case in front of Joe
14 Bonaventure. The argument going in was the State
15 retained the right to argue, would make recommendations
16 to concurrent versus consecutive. So I just didn't want
17 it to sound like we --

18 THE COURT: -- you had agreed to things you
19 didn't.

20 MR. VILLANI: Correct.

21 THE COURT: That is the first case; right?

22 MR. VILLANI: Correct, Your Honor.

23 THE COURT: The C142 -- okay -- 406.

24 MR. VILLANI: And, Your Honor, now I'd like to
25 give our victim -- the State would call Mounita Wilkes

1 to the stand.

2 THE COURT: Please come up, Mounita Wilkes.

3 MR. VILLANI: Where would like her?

4 Whatever. She can stand next to you. I just
5 need to swear her in, if that's okay.

6 MR. LOPEZ-NEGRETTE: I'm sorry, Your Honor. I
7 think my client does have the right to say something.

8 THE COURT: Well, I was going to do him after,
9 but that's fine. She's last.

10 MR. VILLANI: She speaks last.

11 THE COURT: You're right. She's last. Never
12 mind. You are right.

13 THE DEFENDANT: She can go ahead.

14 MR. LOPEZ-NEGRETTE: She'll go last.

15 THE COURT: Under state law, she has to go
16 last.

17 UNIDENTIFIED FEMALE SPEAKER: Your Honor --

18 THE COURT: No. Hold on.

19 Mr. Bonham, would you like to say something?

20 THE DEFENDANT: I have a feeling that I'm going
21 to get the max from you and, you know, I gotta stand up
22 and be a man about it and take it. I'm not proud of my
23 past, and there's circumstances that never came up,
24 basically the truth about those incidences.

25 I was with that girl in '97, and there was

1 another girl. They tried to do a trick roll on me and I
2 wasn't having it. So I left. One of them called the
3 police. One of them didn't. The case happened. I did
4 my time. I went to prison. They made me expire it. I
5 got out.

6 In 2004, I was there. There were other people
7 there. I was hit from behind with a concrete stake. I
8 don't know if you know what those are. It's a piece of
9 iron that's about three feet long, in the back of my
10 skull. If I hadn't known how to fight and defend
11 myself, I would have been buried out there. I already
12 know it. I was even told that.

13 Four years later, they come and arrest me for
14 the charges that I was facing. I never had a gun. She
15 was never in my truck. The girl in that case first
16 claims that the gun was chrome and that the truck was a
17 blue Chevy. Then in 2008, the gun is black and the
18 truck is a white F-250. I drove a gray Dodge Dakota.

19 And, I'm sorry, but there isn't a person in the
20 world, if you were to stick a gun in their face, that
21 they're ever gonna forget it. The first time I ever had
22 a gun pointed at me, I was 12 years old. I can describe
23 it clear as day, as clear as I am standing here before
24 you.

25 And in this case, she was in the 7-Eleven. I

1 was out in my truck. I picked her up at about
2 8:00 o'clock. She went in. I gave her the money to get
3 the two Dr Peppers, the two Reese's peanut butter cups,
4 and I think she got herself a grape soda or grape water
5 or something. She came out and got back into my truck,
6 and I dropped her off at her friend's. End of story.

7 I took this deal because I can't risk dying in
8 prison. But right now, I'm looking at a five to 15 for
9 kidnapping and an eight to 20. Okay.

10 In June of 2014, my oldest son, on his 18th
11 birthday, his mother decides "I've had enough," after I
12 saved her life. It's a long story. While I was in
13 prison the last time, her boyfriend that she met while I
14 was locked up got her hooked on meth again, and she
15 ended up getting Addison's disease.

16 And a friend of mine, who I've known since I
17 was 14 years old, who is a big name in town with the
18 martial arts community, has a doctor friend of his who
19 had me bring her in and diagnosed her through blood work
20 and checking her out. She had her medical problems and
21 whatnot, and I was doing the best I could to provide for
22 her, to help my mother, to help my uncle.

23 On my son's 18th birthday, she tells me, "F
24 you, I'm leaving," and packs up.

25 So I look at my uncle and I go, "I don't know

1 what I'm gonna do?" I couldn't afford the house that we
2 were staying in.

3 So I called my dad. He says, "Come on." So we
4 move into his house. Two months later my dad -- my dad
5 goes to Utah to our old cabin on August 10th to help a
6 friend of his, who is an officer here with the county
7 jail, add a room onto it because he sold him the cabin
8 back in 2009. And that was on a Sunday.

9 On Monday morning, I'm out working and doing my
10 accounts, and I get a call from my live-in girlfriend
11 Nancy that while they were up at the cabin, my dad died
12 of a massive heart attack.

13 So I did everything I could since then to build
14 up my accounts, which it wasn't easy with my background,
15 you know, and that's my own fault, you know, for putting
16 myself in situations that I shouldn't have. I gave up
17 on my relationship with my son's mother back in the late
18 '90s, and to be honest, you know, I slept around, and
19 I'm not proud of it, with basically anything that had a
20 heartbeat. I gave up on life because of how bad our
21 relationship was.

22 I was drinking. I was doing drugs. You know,
23 I treated women like they were just a piece of meat, and
24 I'm not proud of it. It's something that every time I
25 look into a mirror, I have to deal with. Every time I

1 go to sleep, it's what I'm thinking about. Every day
2 when I wake up, it's on my mind.

3 I busted my butt from the time my dad passed to
4 about a week before, maybe a week and a half before I
5 got arrested, when I signed the papers to refinance his
6 house, because I gave him my word that when something
7 happened to him, I would save his house and do what he
8 wanted me to do and give it to my son when my son
9 reached a certain age. My uncle and I both put the
10 house in our names. We signed on them. Less than two
11 weeks later, I'm in cuffs going to jail.

12 My house is gone. My company, gone. 25, 30
13 thousand dollars in equipment in my trailer, gone. When
14 I get out, if my son can't put me up or my niece can't
15 put me up, I'm going to be homeless. So not to sound
16 like I don't care what you give me, because I do, but
17 any way you go, when I get out, I've got nothing. Just
18 me. Best case scenario, if you give me what P&P is
19 recommending, I'll get out when I'm 53 or 54, I think.
20 Worst case, I'll be in my early 60s.

21 All I can say, Your Honor, is if you can find
22 it in your heart to give me concurrent, please do that.

23 THE COURT: Thank you, Mr. Bonham.

24 Okay, Ms. Wilkes.

25 MR. VILLANI: She should be sworn in.

1 THE COURT: Yes.

2 (Whereupon, MOUNITA WILKES was duly sworn.)

3 THE CLERK: For the record, please state your
4 first and last name.

5 THE WITNESS: My name is Mounita Wilkes.

6 MR. VILLANI: Your Honor, may she sit while she
7 gives her statement?

8 THE COURT: Yes, you absolutely can.

9 Just move the seat a little bit over so I
10 can -- that's perfect. I just want to see her face,
11 because that monitor is right in the way.

12 All right. Ms. Wilkes, thank you for coming
13 back. We all appreciate it. We know you had to go
14 through this. Thank you for that.

15 THE WITNESS: Thank you, Your Honor, for having
16 me here so I can speak on my behalf.

17 THE COURT: Yes, you can. That's -- you are
18 here and that is your right, and I would like to hear
19 from you.

20 THE WITNESS: On March the 20th of this year,
21 2015, I was in the hands of Mr. Bonham. That night I
22 saw my life flash before me. He took me somewhere I
23 have no idea and I been living in Vegas for 16 years.
24 We was no friends. We was nothing. He was a nice man
25 when I met him, but he was an evil demon that night.

1 He beat me. He spit on me like I was a dog.
2 He raped me back and front, back and forth on my knees.
3 I'm out in the desert. He put his fingers in my mouth.
4 He spit on me. He tried to beat me. He tried to break
5 my jaw. He bit me. He did all kinds of things. And I
6 prayed to God to stay alive, and he kept me alive just
7 for this day and I do believe that.

8 It has affect me so tremendously that I can't
9 even socialize in society. My family is destroyed. I'm
10 a grandmother. They don't even know what to expect.
11 You know what I mean? I'm seeking psychiatric care.
12 I've been hospitalized three times. I'm seeing a
13 psycho-mental doctor, you know. I'm on meds, you know.
14 And I just want this to end so I don't have to see him
15 anymore, so I don't have to do this anymore, so I can go
16 on with my life and heal.

17 And I had to forgive him for my religious sake
18 in the name of Jesus, but I will never forget. And
19 that's all I have to say, Your Honor. My past is my
20 past, but it didn't come to part that night for me to be
21 abused and beat up and almost left for dead, you know.
22 No woman should have to go through this, and I hope that
23 I am speaking for the rest of the women that he have
24 hurt like this.

25 THE COURT: Thank you very much. I know it's

1 difficult.

2 THE WITNESS: I hate him. I promise you. I
3 don't know if he gonna be against me, but he has ruined
4 my life. I have to go to the doctors to make sure I
5 don't have AIDS and things like this, because I'm aware
6 that he was encountering other women, you know.

7 I was 55 when that happened to me. Now I'm 56,
8 you know, and my family, they worry about how this
9 affect me. It has affect them. I have one son. I
10 never would raise him like this. His mother wanted to
11 talk to me. I told her, No, I have nothing to say to
12 you. You know, I wait until I get in here. I'm so --

13 THE COURT: It's okay. Take your time.

14 THE WITNESS: I will never forget it. He's a
15 monster. I promise you.

16 MR. VILLANI: Your Honor, we'll submit with
17 that statement. I realize the defense has the right to
18 ask questions if they'd like.

19 THE COURT: Do you have any questions of
20 Ms. Wilkes?

21 MR. LOPEZ-NEGRETTE: Ms. Wilkes, I do have some
22 questions for you. Ms. Wilkes?

23 THE WITNESS: Yes.

24 MR. LOPEZ-NEGRETTE: You said he tried to break
25 your jaw. What do you mean by that? How did that

1 happen?

2 THE WITNESS: He told me to open my mouth, and
3 he took his two fingers and he put them down to break my
4 jaw.

5 MR. LOPEZ-NEGRETE: And you said that you felt
6 you were left for dead. Is that right?

7 THE WITNESS: Yes.

8 MR. LOPEZ-NEGRETE: Like on the side of the
9 street or what do you mean?

10 THE WITNESS: I don't understand what you're
11 saying.

12 MR. LOPEZ-NEGRETE: What do you mean when you
13 said that you were left for dead?

14 MR. VILLANI: Your Honor, once again, this
15 isn't a chance for cross-examination of a witness.

16 THE WITNESS: No, no.

17 THE COURT: I thought the idea was to ask
18 questions a little bit about her statement. And I know
19 she did ask about the jaw. I did that.

20 MR. LOPEZ-NEGRETE: She said something about
21 being left for dead.

22 THE WITNESS: No matter what you say, that man
23 is a monster. I'm trying to heal. I'm -- you can't
24 make this my problem. You can't do that.

25 THE COURT: I think what she meant by left --

1 in her mind, I don't think -- at least that's how I took
2 it, to be honest.

3 THE WITNESS: I thought I would be left for
4 dead. Don't twist it up.

5 MR. LOPEZ-NEGRETE: Nothing further.

6 THE WITNESS: Do I have to go through any more?
7 He took me through enough. He has took me through
8 enough in the name of Jesus. I just want my life back.
9 I just want my life back. He ruined me.

10 THE COURT: Just for the record, this started
11 so much. Did I adjudge him guilty? I want to make sure
12 so I don't -- I think, Mr. Villani, you asked me.
13 Usually I wait until everything, but I think I did.
14 Correct?

15 MR. VILLANI: I believe that's correct. We
16 were interrupted, once again, when you started adjudging
17 him guilty, with the negotiations.

18 THE COURT: Okay. So let me do it because I
19 want to -- everybody has worked so hard. I don't want
20 any questions. Just so the Court makes sure she's -- I
21 hereby adjudge you guilty of Count 1, first degree
22 kidnapping, which is a felony; Count 2, attempt sexual
23 assault, which is a felony.

24 Okay. In accordance with the laws of the State
25 of Nevada I assess a \$25 administrative assessment fee,

1 a \$3 DNA administration assessment fee, a \$150 DNA
2 analysis fee, and require you to submit for the testing
3 for the determination of genetic markers.

4 I had that down. So I assume, I don't know if
5 he had it in the other cases, but what I always say is
6 if for some reason they can prove it has, then it would
7 be waived. We're not trying to get two fees out of him.
8 Sometimes PSI has it. Sometimes they don't. All right.
9 So I just want to be clear on that because I actually
10 had something come up on that.

11 As to Count 1, you are hereby sentenced to a
12 minimum of 60 months to a maximum of 180 months in the
13 Nevada Department of Corrections.

14 As to Count 2, you are hereby sentenced to 60
15 months, minimum of 60 months to a maximum of 180 months
16 in the Nevada Department of Corrections. And I am
17 running Count 1 -- Count 2 consecutive with Count 1.

18 UNIDENTIFIED FEMALE SPEAKER: What does that
19 mean, Your Honor?

20 THE COURT: And credit for time served, did I
21 write 207 correctly or not?

22 MR. VILLANI: Yes. I have 207.

23 THE COURT: Thank you, Counsel, for --
24 everybody, thank you for --

25 MR. LOPEZ-NEGRETE: Thank you, Your Honor.

1 THE COURT: -- everything. I appreciate it.

2 -oOo-

3 ATTEST: FULL, TRUE AND ACCURATE TRANSCRIPT OF
4 PROCEEDINGS.

5 */s/Jennifer D. Church*

6 _____
7 JENNIFER D. CHURCH, CCR. No. 568, RPR

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Jennifer D. Church, CCR No. 568
District Court, Dept. IV

Bryan p Bonham 60575
1200 prison Road
LCC
LoveLock, Nevada 89419

FILED
NOV 12 2019
Ann L. Blum
CLERK OF COURT

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA

plaintiff

CASE NO. C-15-307298-1

-VS-

Bryan p Bonham
Defendant

NOTICE AND DEMAND

The people of the Republic of NEVADA

Brian Sandoval / Governor

Steve Sisolak / Governor

Adam Laxalt / Attorney General

Aaron Ford / Attorney General

Kerry Earley / Judge DIST COURT

Susan Benedict / Justice Court

Steve Wolfson / District Attorney

Richard Scow / Deputy District Attorney

David E Lopez-Negrete / public Defender.

Barbara K. Cegauske / secretary of state

Doug Herndon / District Court Judge

(1)

RECEIVED

NOV 12 2019

CLERK OF THE COURT

James Sweetin Deputy Dist Attorney

Pursuant to 18 U.S.C.S. 1001, 241, 1201, 242, 4, 2382, 1621; 28 U.S.C.S. 1391(c)(1); 18 U.S.C.S. 113B;

YOU AND EACH OF you, acting under wrongfully assumed powers and Authority and under pretense and colors of office, Laws and title, are hereby given notice that you have violated Defendants Constitutional Rights (18 U.S.C.S. 4) and as each have participated knowingly failed to intervene have entered into a conspiracy to violate Defendants Constitutional rights (18 U.S.C.S. § 242) when you kidnapped the Defendant (18 U.S.C.S. 1201) Then you committed misprison (18 U.S.C.S. 2382) when you failed to intervene in the above felonies and Report them. The Kidnapping comes to being in custody and prosecuted under false Laws. (NRS's) All the above entitled people have violated (18 U.S.C.S. 241) Conspiracy against Civil rights, All the above violations combined equals a violation of (18 U.S.C.S. 113B terrorism

28 U.S.C.S. 1391(c)(1).... when a state officer acts under state Law in a manner violative of The Federal Constitution, she comes into conflict with The Superior authority of The Constitution, and she is in That case stripped of Her official or representative character and is subjected in Her person to The consequences of Her individual conduct. The state has no power to impart Her any immunity from responsibility to The supreme authority of The united states your acts and/or authorization of acts committed by said officers, employees, Delegates, Associates, Representatives,

(2)

Deputies, Receivers and/or agents, et cetera, are administrative acts, done under color of a Judge See U.S. v. Ferreira, 13 How 54 U.S. 40, 14 L. Ed 412; Murray's Lessee et al v. Hoboken Land & Improvement Co., 18 How (59 U.S.) 272, 15 L. Ed 372 and under letters of marque issued on behalf of your foreign principal and its artificial organizations and clearly in excess of the express and conditional, delegated and vest powers and Authority, as established by the ordained constitution for the union of several states of the United States of America.

I Bryan P Bonham, RIGHTFULLY DEMAND immediate Release from the FALSE IMPRISONMENT under FALSE LAWS (NRS's) as proven invalid by GARY WAYNE WAITERS in the STATE OF NEVADA VS. GARY WAITERS case NO. 05C217569, further proof of his videos on YouTube discussing the matter (3 videos 45 minutes each) you are in violation of the Declaration of Independence; the ordained constitution for the United States of America Article 6 Sec 2, Article I Sec 10 5th Amendment, 6th Amendment, 14 Amendment.

I Bryan P Bonham RIGHTFULLY DEMAND immediate payment of \$2,000,000⁰⁰ per person for damages sustained, including mental anguish, lost wages, depression, false imprisonment.

I Bryan P Bonham RIGHTFULLY DEMAND THE IMMEDIATE expungement of all my criminal history. whether it be a felony or misdemeanor or gross misdemeanor as any conviction pursuant to an NRS is a fraudulent conviction as proven invalid by GARY WAITERS in STATE OF NEVADA - VS - GARY WAITERS CASE NO. 05217569 you have 45 days to respond from day of service, you are all considered served as of the date it is electronically filed with the court.

(3)

..The universal maxim of Law of agent and principle where as service upon
..one is service upon both applies herein and is in full and effect
..I Bryan p Bonham, certify that I have attached the foregoing
..document, with special instructions to the clerk of the court for e-file
..& service to all of my opponents pursuant to N.E.R.C.R S.(k) 9 et. Seq
..(A-E) etc, to all of the following people.

..Brian Sandaul Governor Steve Wolfson District Attorney
..Steve Sisolak Governor Richard Scow Deputy District Attorney
..Adam Laxalt Attorney general David E. Lopez-Negrete public defender
..Auron Ford Attorney general Barbara K. Cegauske Secretary of state.
..Kerry Earley Dist court Judge Doug Herndon District court Judge
..Susan Benedict Justice court Judge. James Sweetin Deputy District Attorney.

..That I Bryan p Bonham the undersigned Affiant depose and certify
..that I have written the foregoing with intent and understanding of purpose
..and believe the statements, allegations, demands and contents herein
..to be true, correct and complete, commercially reasonable, and just, to
..the best of my knowledge and belief.

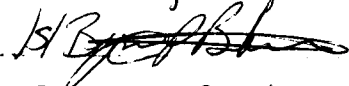
..Exodus 20:15, 16

..Further Affiant saith not

..dated Nov, 3rd, 2019

..Bryan p. Bonham

..witness my hand this 3rd day of November, 2019

..

..Bryan p Bonham SUI JURIS

(4)

1. Bryan p Benham 60575

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

CASE NO C-15-307298-1

9.

PLAINTIFF

DEPT NO 10

10. -VS-

ERRATA TO DEFENDANTS MOTION TO

11. Bryan p Benham

CORRECT ILLEGAL SENTENCE

12. Defendant/Accused.

DATE OF HEARING _____

13.

TIME OF HEARING _____

14.

15. Comes now Defendant, Bryan p Benham, through his proper person, and here by

16. submits the foregoing Errata to Defendants motion to correct illegal sentence

17. This Errata is made and based upon all documents, papers, pleadings on file

18. here in, and is submitted as concerns the motion to correct illegal sentence

19.

20. This Errata is further made and based upon the ~~petition~~ Defendants rights

21. under the United States Constitution Fourteenth Amendment, (14th) The right

22. to due process and equal protection of the Law, and the Nevada constitution

23. ARTICLE 188 as well as the attached points and Authorities/memorandum

in support of same that, The

FILED

DEC 02 2021

CLERK OF COURT

CLERK OF THE COURT

NOV 30 2021

RECEIVED

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28

1 petitioner/ACCUSED does specifically request oral argument before this court.
2 to address the show of proof, relative to the proceeding for this court to address.

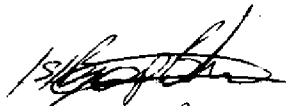
3
4 NOTICE OF MOTION

5 TO:

6 the STATE OF NEVADA and the OFFICE OF THE DISTRICT ATTORNEY, Counsel for
7 the plaintiff, you and each of you will please take notice, that the
8 Accused Errata to Accused motion to Dismiss for Lack of subject matter
9 Jurisdiction / motion for show of proof, will come on for hearing before the
10 above-entitled court on the day of 2021, at the hour of
11 o'clock __ AM in Department __, of said court.

12
13
14 Respectfully submitted

15 Dated this 23rd day of November 2021

16
17 

18 Bryan Bonham 60525

19 The Accused pro se
20
21
22
23

24 AS to any Exhibits referenced to in the foregoing Errata, other Exhibit "6, 7"

25 See Accused motion to Dismiss for Lack of ...
26
27
28

OVERVIEW

1
2 the petitioner/ACCUSED in continuing to do research relative to this matter,
3 the undersigned has discovered another document and fact, That is
4 of importance relative to the proceeding that this court is to address.
5 The petitioner/ACCUSED has learned as did Gary W. Walters, Bryan Bonham
6 in seeking to obtain from the office of the secretary of state, public
7 records pursuant to NRS 239, the information regarding Assembly
8 history from the 1957 and 1969, legislature sessions was informed
9 by the office of the Secretary of state that the documents sought were no
10 longer in legal custody or control of said office see exhibit "6.2"
11 Response by office of Secretary of state dated. 02/27/2019

POINTS AND AUTHORITIES

MEMORANDUM OF LAW

14 The due process clause of the fourteenth (14th), Amendment to the United
15 States Constitution, contains a substantive component, sometimes
16 referred to as "SUBSTANTIVE DUE PROCESS" which bars certain arbitrary
17 government actions "regardless of the fairness of the procedures used to
18 implement them" It is also a guarantee of fair procedure, sometimes
19 referred to as "PROCEDURAL DUE PROCESS" see Daniels v. Williams, 474
20 U.S. 327, 337 (1986) see also Cleburne v. Cleburne Living Center Inc. 473,
21 U.S. 432, 439 (1985); Carey v. Piphus 435 U.S. 247, 259 (1978);
22 Rochin v. California, 342 U.S. 165, 208 (1952)

23
24 AS concerns the proceedings before this court the petitioner/ACCUSED
25 respectfully request that, this court protect the ACCUSED 14th Amendment
26 right to the United States Constitution and the petitioner/ACCUSED
27 right to the Nevada Constitution

1 NEV CONST ART 1 § 8, and to guard against any stealth encroachments
2 there on. Coolidge v New Hampshire, 403 U.S. 443, 454 (1971)

3 The petitioner/Accused by way of the foregoing Errata respectfully
4 moves this court for a hearing, on a show of proof as to the following:

5 (1) Is the Nevada Revised Statutes (NRS), supreme to the Nev Const?

6 I. e. does NRS 220.110 set forth whether the NRS is to contain an
7 enacting clause, or does the NEV CONST ART 4 § 23 which mandates
8 that "All LAWS" are to contain an enacting clause rule?

9 (2) Did "stealth fraud" occur in the creation of the Nevada Revised
10 Statutes" by the statute Revision Commission (Stat Rev Com.)
11 and/or the legislature of Nevada (legis of Nev.)?

12 (3) Does a "stealth fraud" still exist today as concerns the
13 NRS PUBLICATION as promulgated?

14 The petitioner/Accused contends that prior to the establishment
15 of the stat. Rev. com., that Russell W. McDonald (McDonald), and
16 three (3) Justices of the Nevada Supreme Court (Nev Sup Crt) Justices
17 Milton B Burt (Burt); Edgar Eather (Eather); and Charles M Merrill
18 conspired with other unknown does of the Legislature of Nevada, to
19 create an illegal, unlawful, unconstitutional entity to be known
20 as the stat. Rev. com. comprised of the four (4) above named individuals.

21 The Legis. of Nev. solidified the creation of the stat Rev. com. in
22 1955, further entrenching the violation of the NEV CONST ART 3 § 1,
23 separation of powers, the 3 sitting Justices of the Nevada Supreme
24 Court (Nev Sup CRT), Burt, Eather, and Merrill were not removed
25 from the stat. Rev. com.

26 For seven (7) years the Lawyer McDonald and the 3 Justices.
27 Burt, Eather, and Merrill, co conspired to develop a comprehensive
28 revision of the Statute Laws of Nevada, and the general application

1 Thus, creating an artificial and illegal constitution of Nevada, because their
2 acts would nullify the "MANDATORY PROVISION" of the NEVCONST ART 4 § 23
3 as well as other constitutional provisions.

4 That their (the stat. Rev. com.), stealth fraud, deceptive practice
5 resulted in the stat. Rev. com. Removing from the last compilation
6 the sections that have been specifically repealed since its publication;
7 substituting the amended text for the original text in the case of
8 amended sections; inserting newly enacted sections; rearranging,
9 to a limited extent, the order of sections; and bringing the index
10 up to date, from the last 7 years, as their claims.

11 In 1956, the stat. Rev. com recognized that they had a vital problem
12 to wit: upon completion of the revision of the text of the statutes
13 in December 1956, the Commission turned to the "SOLUTION OF A VITAL
14 PROBLEM" would it recommend the enactment of the revised statutes
15 or would it request the legislature merely to adopt the revised statutes
16 as evidence of the laws?

17 The "Commission" concluded that the enactment of the revised statutes
18 as law, rather than the mere adoption thereof as evidence of the law,
19 would be more desirable course of action. Accordingly, Nevada Revised
20 Statutes in type written form was submitted to the 48th session of
21 the legislature in the form of a Bill providing for its enactment as laws
22 of the state of Nevada, this Bill, senate Bill no 2 (hereinafter referred
23 to in this preface as "THE REVISION BILL"), was passed without
24 amendment or dissenting vote, and on January 25, 1957 was ~~adopted~~
25 approved by Governor Charles H. Russell (Russell)

26 The provision of the NEVCONST ART 4 § 23, requiring an
27 enacting clause and ART 4 § 17 requiring one subject titles were
28 adhered to with the publication known as the "SESSION LAW"

1. and "GENERAL LAWS" for the state of Nevada.

2. However, because certain people in government thought that they
3. could devise a more "convenient way of doing things without regard
4. for mandated provisions of the state constitution";

5. They devised the contrivance known as the "NRS" and then held
6. out the NRS to the public, people of the state of Nevada; as being "LAWS"
7. of the state of Nevada.

8. This of course was fraud/stealth fraud, subversion, and a truly great
9. deception upon the people of the state of Nevada "which fraud subversion,
10. deception is now revealed and exposed"

11. The Petitioner/Accused contends that there is "No Justification for
12. reckless disregard of official oath and public duty, or for deviating
13. from, or violating a 'written constitution' by the stat. Rev. com and
14. the 48TH SESSION OF THE 1957, LEGISLATURE" This was/is an act
15. of TYRANNY

16. This all occurred under an act of stealth fraud; The petitioner/Accused
17. contends that the statutes of Nevada were illegally; unjustifiably,
18. annotated; classified; codified; Revised; as the NRS publication
19. and promulgated as such.

20. The stat. Rev. com. of 1955, was illegally created, of which said
21. parties of Governor; Justices; lawyer(s); legislatures and otherwise
22. private persons knew or should have known that they were committing,
23. engaging in unlawful, unconstitutional acts of fraud; treason;
24. tyranny, abuse of power; usurpation; ect. As concerns the NRS
25. of 1957. Because the evidentiary nature of the enacting clause
26. Language obviously directs the enacting clause to "EVERY LAW"
27. and since "NO LAW SHALL BE ENACTED EXCEPT BY BILL" The enacting
28. clause must be on every bill as well. This fact is witnessed by

1 examining the law established by STATE V ROGERS where in: "All LAWS...
2 SHALL, UPON THEIR FACE, express the authority by which they WERE
3 enacted...." STATE V ROGERS, 10 NEV 250, 261 (1875) (emphasis added)...

4 This court is again reminded that by Law, as set by STATE V ROGERS
5 and the NEV CONST ART 4 § 23, in order for a valid constitutional Law to
6 exist, the enacting clause must be ~~included~~ inclusive, and intact, in each
7 and every instance outside of the legislative process as well as on
8 the Bill as introduced. Daniels 474 U.S. at 337; Cleburne 473 U.S.
9 at 439; Carey 435 U.S. at 259; and Rochin 342 U.S. at 208

10 The NEV SUP CRT'S historical holding in the matter of STATE V
11 ROGERS, as it pertains to NEV CONST ART 4 § 23, the enacting clause,
12 can best be described as a "JUDICIAL ACT" PERMANENT IN NATURE, and
13 OF PARAMOUNT IMPORTANCE, upon a "LEGISLATIVE ACT"

14 "The distinction between a judicial and legislative act
15 is well defined. The one determines what the law is,
16 and what the parties are, with prescribes what the
17 Law shall be in future cases arising under it."

18 Union Pacific R.R v United States, 94 U.S. 700, 721 (1878)

19 The examination of the Revision Bill, of the 48TH legislative Session
20 of January 25, 1957 see exhibit "63" chapter 2, Statutes of Nevada
21 1957, page 2), by The Accused, shows, demonstrates, that the STAT
22 REV com and the LEGISLATURE inserted the enacting clause: "The
23 people of the state of Nevada, represented in senate and Assembly do enact as
24 follows: On the face of the Revision Bill to cover their stealth fraud. However,
25 the manner in which the statutes were commingled under one Bill, one
26 enacting clause, one title is illegal, unconstitutional and unjustifiable
27 act by the legislature and the non judicial group whom wrote it, i.e
28 the stat. Rev. com. due to the fact that Paramount Law, The

1 NEV CONST mandates an enacting clause on all laws, not in this commingled

2 style, manner of the 48TH SESSION by the LEGISLATURE

3 The revision Bill was structured and fashioned more along the lines

4 of talking points, rather than the mode and style by which a Bill is

5 designed to be, and is presented by the legislature, compare exhibit "4"

6 the 77TH (2013) Session Assembly Bill 413), which conforms to the

7 mode, style and title as to the prerequisite of the NEV CONST., to the

8 48TH SESSION

9 throughout the Revision Bill the Stat Rev. Com. (the lawyer, and the

10 named justices), knowingly knew by inferred references and statements,

11 more specifically as outlined in section 4 Construction of act § 1 the

12 Stat. Rev. Com knew their unlawful acts would cause conflict, and

13 designed it to go unchecked until now.

14 § 2 A "REPEALED" Law we to have substituting power in a

15 continuing way, even though repealed.

16 § 3 That the NRS are simply mechanical. ie the least parts that

17 the NRS have, the easier the maintenance. must have been the

18 Stat. Rev. Com.'s Thoughts, mind set.

19 § 4 most glaringly is this statement. All derivation and other

20 notes set out in NEVADA REVISED STATUTES are given for the purpose

21 of convenient reference, and do not constitute part of the Law.

22 (this allows for titles to be omitted, contrary to the NEV CONST ART

23 4 § 17

24 Additionally Sec 5 Effect of enactment of NRS and repealing clause.

25 § 9 Any Amended or repealed or pre-existing statute, held unconstitutional,

26 by section 3 is repealed. However, section 3 cites section 5 which

27 adoption and enactment of Nevada Revised Statutes shall not be construed

28 to repeal or in any way affect or

1 ... basic is no longer repealed, or reverts back to the previous
2 statute should it be the intent to be a Law. This is a direct violation
3 of basic Law 101 ex post facto Law, and cannot be retroactive.

4 There are additional discrepancies within "THE REVISION BILL"
5 that are too numerous to set forth in this Errata. However, this last
6 ~~discrepancy~~ discrepancy must be set forth.

7 The Accused/petitioners Examination of The 1957 NRS has been solely
8 for NRS 1,010 TO 710,590 inclusive. However, it appears that due to the
9 contamination as argued affecting NRS 1,010 TO 710,590, inclusive,
10 and, their passage under the revision Bill, sec 9 contents of Nevada
11 Revised statutes, it is believed that further enacted NRS are also
12 contaminated for similar reasons. (see exhibit "3")

13 Additionally by bundling NRS 1,010 TO 710,590, inclusive under
14 one section and title makes NRS 1,010 TO 710,590 inclusive invalid, in
15 direct conflict, violation of the NEV CONSTAT 4 § 17.

16 In furtherance of the acts of fraud; treason; tyranny, usurpation;
17 etc. The Stat. Rev. com. was abolished on July 1, 1963, for undisclosed
18 reasons to the public, and its powers, duties, and functions were
19 transferred to the Legislative Counsel of the State of Nevada, another
20 illegally created entity on July 1, 1963, pursuant to their self dealing's
21 in pursuite of creating chapter 403, and other similar chapters designed
22 to conceal their fraud (stealth fraud), deceptive practices, and self
23 dealing ~~these~~ deals.

24 The petitioner/Accused contends that the private non-Judicial Group
25 has illegally copyrighted of government public documents, and has
26 illegally sold them in private publication books without legal
27 authority to do so (known as The NRS publication books)

28 The ~~legislative~~ legislative Counsel/Bureau of Nevada in 2001,

1 illegally copyrighted the NRS, as well as did their predecessor.
2 public documents are in the public domain. A copyright infers a
3 "private right over the contents of a Book suggesting that the
4 Laws in the NRS are derived from a private source and thus are
5 not true public Laws"

6 "All rights reserved. no part of this work covered by the copy
7 rights hereon may be reproduced or copied in any form or by
8 any means graphic, electronic, or mechanical, including photo
9 copying, recording, taping, or information storage and retrieval
10 systems - without written permission of the publisher"
11 The insignia to copyrighted publications.

12 The petitioner/accused contends that the purported statutes
13 in the NRS do not make it clear by what authority they exist
14 In fact there isn't a hint the legislature of Nevada had anything
15 at all to do with those so called NRS publication books.

16 It may be argued that the petitioner/accused conflates the Laws
17 of Nevada with the codified statutes, And argued that the Nevada
18 Revised statutes "constitute the official codified version of the
19 statutes of Nevada and may be cited as prima facie evidence of the
20 Law." NRS 220.170(3) And argued that the Nevada Revised statutes
21 consist of enacted Laws which have been classified, codified, and
22 annotated by the legislative counsel. Relying upon NRS 220.120
23 Additionally argued, the actual Laws of Nevada ~~are~~ are contained in
24 the STATUTES OF NEVADA, which do contain the mandatory enacting
25 clauses, moreover NRS 220.110 which set forth the required contents
26 of the Nevada Revised statutes, does not mandate that the
27 enacting clauses be republished in the Nevada Revised statutes.
28 Thus, the fact that the Nevada Revised statutes do not contain

1 enacting clauses does not render the statutes unconstitutional citing

2 Ledden v State 636 N.W. 2d 873, 876-77 (Minn 2001), and State v

3 Wittine, NO 90747, 2008 WL 4813830 Ohio Ct App (Nov 6, 2008)

4 The above arguments have no merit and must fail for the

5 following reasons.

6 (1) It is not set forth that the Minnesota constitution, nor the

7 Ohio constitution, contain the mandatory language that the

8 Nevada constitution does. It's like comparing various fruits as

9 being the same.

10 The NEV CONST ART 4 § 23 reads as follows:

11 Enacting clauses; Law to be enacted by Bill, the enacting clause of

12 every law shall be as follows: ~~the enacting clause of~~ "The people of

13 The state of Nevada represented in senate and Assembly, do enact as

14 follows." and no law shall be enacted except by Bill.

15 The NEV CONST mandates, commands, requires that "EVERY LAW"

16 shall have the enacting clause NEV CONST ART 4 § 23 EVERY LAW means

17 "EVERY LAW" inside the LEGISLATIVE PROCESS and OUTSIDE the

18 LEGISLATIVE PROCESS lets not forget the HISTORICAL holding of the

19 NEV. SUP. CRT. in the matter of State v Rogers, as it pertains to

20 the NEV CONST ART 4 § 23, the enacting clause as iterated supra, at

21 page 7, also iterating/citing Union Pacific R.R. v United States,

22 99 U.S. at 721 Thus, the enacting clause is to upon the face of

23 "EVERY LAW" in the state of Nevada, which includes the NRS

24 (LAWS), regardless of the contents of NRS 220.110

25 NRS 220.110, cannot circumvent the mandatory language

26 of the paramount Law of the state of Nevada, the NEV CONST,

27 which the people enacted NEV CONST ART 1 § 2 see also Preface

28 of the formation of the NEV CONST 1864, which states in part!

1. [The NEVADA CONSTITUTION was framed by a convention of Delegates
2. chosen by the people., ... the constitution was approved by the vote
3. of the people of the territory of Nevada, STATE V ROGERS, 10
4. NEU at 260

5. To allow NRS 220.110 5 way "over the NEU CONST" is to
6. make NRS 220.110 paramount Law over the NEU CONST ART 4 § 23
7. Clearly NRS 220.110 is not paramount over the NEU CONST and
8. Since the NEU CONST ART 4 § 23 is plain and unambiguous, the
9. Court is not permitted to indulge in speculation concerning its
10. meaning. see BUSKIN V STATE 232 Pac 388, 389, 107 ckl
11. 272 (1925) see also POSADUS V WARNER B & CO., 279 U.S. 340, 344
12. (1928); INTERNATE SHOE CO. V SHARTEL 279 U.S. 429, 434 (1928);
13. 73 Am Jur 2d "STATUTES", cases cited that, when a conflict
14. is clearly presented, to the Judicial mind, the constitution must
15. prevail. STATE V ROGERS, 10 NEU at 255 and 256

16. (2) The petitioner/Accused has challenged the entire enactment
17. of the NRS by the 48TH SESSION OF the Nevada legislature.
18. JANUARY 25TH, 1957, as well as any and/or similar "BILLS"
19. or "RESOLUTIONS"

20. (3) The Accused has challenged the constitutionality of the formation,
21. creation of the statute revision commission in 1955.

22. (4) The Appellant/Accused has challenged any and all acts, duties
23. functions, etc of the statute Revision commission.

24. (5) The petitioner/Accused has challenged that the acts, of the
25. legislature, and the statute Revision commission, were acts of
26. Usurpation; treason; tyranny; illegal; unlawful; and
27. unconstitutional.

28. (6) The Appellant/Accused has challenged a lack of subject matter

1 Jurisdiction; Abuse of power; Authority; Authority; exceeding Authority.
2 (7) The Appellant/Accused has set forth that will full, unlawful and
3 deliberate acts of stealth fraud have occurred since 1957, and are
4 still occurring.

5 Thus, The Appellant/Accused contends that the Act of the 48TH
6 session of the Nevada Legislature Adopting and enacting Nevada
7 Revised statutes, is/was illegal, unconstitutional, unlawful, and
8 violates the paramount Law of The "NEVCONST" And as a ~~cont~~
9 continuation of contaminating the laws of Nevada, the legislature
10 has aided and abetted this non-Judicial, commingled group, in
11 their stealth fraud; and deception of the people/citizens of the
12 State of Nevada.

13 that, The Appellant/Accused has reviewed and examined
14 chapter 2, statutes of Nevada 1957, page 2 (THE REVISION BILL)
15 and it appears apparent that the same non-Judicial group
16 consisting of a Lawyer and 3 Justices of the NEU SUP CRT.,
17 structured the contents of its passage to, and through the legislature
18 for the deliberate blind Authority of approval.

19 The Appellant/Accused obtained information from a computer
20 program source dubbed NU CODE, and in furtherance of the
21 petitioner/Accused research, it is important to note the following:
22 © 2012 Matthew Bender & Company, Inc., a member of the Lexis Nexis
23 Group. All rights reserved. Use of this product is subject to the
24 restrictions and terms and conditions of the Matthew Bender master
25 agreement, is affixed to the NRS publication on the computer
26 program.

27 that, each and every section as set forth in "THE REVISION BILL"
28 chapter 2, statutes of Nevada 1957, are susceptible to collateral

1 attack, as well as could be viewed as multiple counts of fraud
2 that, as two (2) examples the Appellant/Accused sets forth the
3 following:

4 The previous legislative of 2013, appears to be adhering to
5 the paramount law of the STATE OF NEVADA, THE NEU CONST

6 (1) The legis of Nev. has set forth that the issue of "Gay marriages
7 will have to be put, or has been, put forth for vote by the people/
8 citizens of Nevada, because it will or did require amending the NEU
9 CONST even though the Bill was passed in the senate and Assembly

10 (2) LEGIS OF NEV had also set forth that the taxation of mining
11 companies of NEV would also have to be put forth by ballot to
12 the people for approval, even though the Bill was under consideration
13 for passage. The same appears to be set for passing. (the Bill was
14 passed) (see exhibit "62")

15 This mode of enacting, approving Laws is exactly what should have
16 occurred prior to and/or in the 48TH session of the Legis of Nev.

17 January 25th, 1957

18 Thus the Appellant/Accused contends that the Laws for the years(s)
19 of 2004; and the year 2008; and 2010 the years his alleged crime
20 took place, year He was Arrested, year He was convicted by way
21 of Complaint, indictment and/or information pursuant to Laws
22 of the NRS publication cited there in, fail to meet the "unalterable"
23 required, mandate of the paramount law of the State of Nevada,
24 the NEU CONST ART 4 § 17 and ART 4 § 23, as well as the other
25 allegations as set forth above.

26 wherefore, the Appellant/Accused respectfully request's a SHOW
27 OF PROOF, A SHOWING OF THE RECORDS, that, the allegations,
28 issues, contentions, of the Appellant/Accused are not valid? That,

1 by way of documentation that the District Attorney's and/or the
2 Attorney General's office produce the ballot's from or for the approval
3 by the people/citizen's of Nevada NRS to be enacted, promulgated
4 without the enacting clause etc.

5 demonstrate that the 3 Justices (sitting Justices of the NEV SUP
6 CRT, whom where then Justices acting in the duties and functions of
7 the legislature when, acting on the STATUTE REVISION COMMISSION, was
8 not a violation of the NEV CONST ART 3 § 1 the separation of powers?

9 And demonstrate that NRS 220.110, and its contents has paramount
10 power over the NEV CONST ART 4 § 23, which states in part that "EVERY
11 LAW" SHALL BE AS FOLLOWS: (Even though the district Attorney believes
12 that NRS 220.110, renews the NRS of the paramount Law mandatory
13 requirement STATE v ROGERS, 10 NEV. at 254, 257; POSADOS 279 U.S.
14 at 544; INTERNET SHOE CO, 279 U.S. at 434, BUSKIN 232 Pac at
15 339

16 what is MOST "SHAMEFUL" is the fact that JUSTICE
17 Badt, in KING v Board of Regents, 65 NEV SS3, 557, 200 p 2d
18 221, 232 (1948), iterated that the constitution is paramount
19 Law of a state, designed to separate the powers of Government
20 ... no other instrument is of equal significance. It has been
21 very properly defined to be a legislative act of the people
22 themselves in their sovereign capacity, and when the people
23 have declared by it that certain powers shall be possessed and
24 duties performed by a particular officer or Department their
25 exercised and discharged by any other officer or Department
26 are forbidden.

27 However, Justice Badt, did not adhere to the soundness
28 of his own ruling, when Justice Badt, allowed Himself to become

1 a part of the statute revision commission. (truly a man with many
2 cloaks, seemingly Justice Badt put money over sound judicial
3 reasoning.) see king 65 Nev at 557, 200 p2d at 232

4 THAT NOT ALL JUDICIAL OFFICERS ARE BEING FORTH RIGHT, HOWEVER
5 WITH THE COURT UNDER OATH OF OFFICE AS TO THE ENACTING CLAUSES)
6 OF THE NEVADA CONSTITUTION ARTICLE IV § XXIII

7 pursuant to the NEU CONST ART 15 § 2, Judges, lawyers,
8 court officers, etc take an oath of office that requires protecting the
9 federal and state constitution's, honoring and sustaining the same.
10 Also, exercising honesty and integrity etc.

11 The petitioner/accusee has obtained documentation that tends
12 to demonstrate that, officers of the District Attorney's office, will
13 stop at nothing to deny relief that is do the issue, fact that "EVERY
14 LAW¹¹" is to have an ENACTING CLAUSE NEU CONST ART 4 § 23

15 The following has been argued, held by the District Attorney's office
16 of Las Vegas Nevada¹⁰: "However, while it is well established that the
17 Laws of Nevada must include an enacting clause, The Nevada Revised
18 Statutes do not have the same requirement, as 'they are not Laws
19 enacted (1) The exhibit number three (3) has been redacted, omitting
20 the defendants name and the removal of unnecessary pages to afford
21 judicial economy, by the legislature¹¹ states response and motion
22 to dismiss defendant's petition for writ of Habeas corpus (post
23 conviction) page 7 lines 3-5)

24 It should be apparent and clear that the above argument is not
25 factual, yet was a deliberate, willful, unlawful act of dishonesty,
26 deception committed continued stealth fraud; which amounts
27 to conspiracy after the fact. Due to the fact that the author of
28 Exhibit 3^{66 11} has obviously made¹⁴⁷ an attempt to interfere with
16

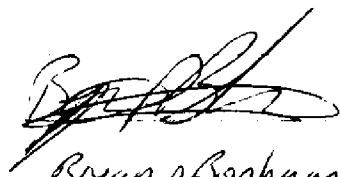
1 The regular working of the agencies of Government in a mode other than
2 allowed by existing Law, the NEVCONST ART 4 § 23 which is
3 revolutionary in character; and must be resisted and repressed by
4 those "officers who, for the time being, represent 'legitimate
5 government'" STATE EX REL STEVENSON V TOFLY, 14 NEV 391, 395, 12
6 p 835, 838 (1887). (see special exhibit attached to the caveat)

7
8 CONCLUSION

9 wherefore, The Appellant/Accused Respectfully requests that this
10 court will GRANT the Appellant/Accused a hearing that, The
11 District Attorney, The Attorney General, and the Secretary of State
12 shall "SHOW ME YOUR RECORDS" to refute the allegations;
13 arguments; claims; issues, put forth by the Appellant/Accused, in this
14 Errata, as well as the motion to Dismiss for lack of subject matter
15 Jurisdiction; motion to Dismiss due to invalid Laws; Fraud
16 Amounting to Lack of subject matter Jurisdiction

17 Respectfully Submitted:

18 Dated this day of 20

19
20
21 

22 Bryan Bonham 60575

23 The Appellant/Accused pro se
24
25
26
27
28

1
2 VERIFICATION

3 I Bryan p Bonham declare and verify that I have read the foregoing
4 motion, Errata to defendants motion to correct illegal sentence, and
5 to the best of my belief & knowledge that the foregoing is true &
6 correct under the pains & penalties of perjury pursuant to 28 USC A § 1746
7 & 18 U.S.C.A. § 1621

8
9 CERTIFICATE OF SERVICE

10 I Bryan p Bonham certify that I have read the foregoing Errata to
11 defendants motion to correct illegal sentence; have attached special
12 instructions for electronic filing & service to the clerk of the court
13 to serve all of my opponents pursuant to N.E.R.C.R. 5(c) 9 et seq
14 (A-E) etc to the following.

15
16 District Attorney
17 Steve Wolfson
18 200 Lewis Ave 3rd floor
19 LV. NV 89155

20
21 Dated this 22nd day of November 2021.

22 
23 Bryan p Bonham 60575

24 PO Box 650 HDSF

25 Indian Springs, NEV 89070

EXHIBIT 1

EXHIBIT 1

BARBARA K. CEGAVSKE
Secretary of State

STATE OF NEVADA



OFFICE OF THE
SECRETARY OF STATE

SCOTT ANDERSON
Chief Deputy Secretary of State

who was Atty 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

NYSOS.NV

exhibit 6619

EXHIBIT "2"

NEWS PAPER ARTICLE Las Vegas Review-Journal
Mining tax OK'd now up to voters

EXHIBIT

May 24, 2013

Mining tax OK'd, now up to voters

By SEAN WHALEY

LAS VEGAS REVIEW-JOURNAL CAPITAL BUREAU

CARSON CITY — With Assembly approval on Thursday, Nevada voters next year will be asked if the mining industry's constitutional limit on the taxes they pay for extracting gold and other precious metals should be repealed.

The vote on Senate Joint Resolution 15 was 26-15, the final step needed to put it on the 2014 general election ballot. It was a party-line vote with all Republicans opposed.

Gov. Brian Sandoval's signature is not required to send the measure to the ballot.

If approved by voters, the repeal would allow the 2015 Legislature to consider raising the 5 percent tax on the net proceeds of the gold and other minerals it sells. The cap is currently in the state constitution and needs voter approval to be removed.

Assemblywoman Irene Bustamante Adams,

► SEE TAX PAGE 6A

Mining lobbyists warn resolution could backfire

HOW THE NEVADA CONSTITUTION
CAN BE PROPERLY SOUGHT TO BE
AMENDED

NOT IN THE MANNER THAT THE
48TH SESSION ADOPTED ETC.
THE NEVADA REVISED STATUTES,
AND EXCLUDING THE MANDATORY
ENACTING CLAUSE (ART 4 § 23),
FROM SAID LAWS, STATUTES,
WHICH NEVADA REVISED
STATUTES, LAWS, PUBLICATIONS,
ARE HELD OUT TO THE PUBLIC AS
THE STATUTES, LAWS OF THE STATE
OF NEVADA

May 24, 2013

Las Vegas Review-Journal

► TAX: Mining lobbyists warn resolution could backfire

CONTINUED FROM PAGE 1A

D-Las Vegas, spoke in support of the measure, saying voters should have the chance to determine whether to remove the provision from the constitution.

But Assemblyman John Ellison, R-Elko, said Nevada has focused so much on bringing new business to the state it has forgotten that mining helped build the state. Mining salaries at \$88,000 on average are more than twice that of other jobs, he said.

"Just this one bill has the power to close many of the small ore mines around Nevada and can adversely change the way mining is done forever," he said.

Assemblyman Jim Wheeler, R-Gardnerville, also opposed the measure, saying it will introduce an unstable element into the state economy.

"Passing SJR15 and creating this instability in our marketplace will not create one job in Nevada," he said. "It will not encourage any businesses to come here. It will not reduce one class size in Clark County."

Assemblyman Skip Daly, D-Sparks, said the mining industry has modernized and the state constitution has not kept up.

The state won't lose mining jobs because the minerals are here," he said.

Constitutional amendments have to be approved by the Legislature twice before they can be put to the voters on the ballot. It previously passed the Legislature in the 2011 session.

The Nevada Mining Association has vigorously opposed the measure this session.

Nevada Mining Association lobbyists Tim Crowley and Jim Wadhams have told legislators that passage of the resolution could backfire and lead to mining paying less in taxes than it now pays.

Crowley said the association is disappointed with the vote.

"Passage of SJR15 will lead to significantly less state revenue to fund essential services and potentially disrupt revenue streams in rural mining counties as well. There's no certainty if, how or when these revenues will be restored."

The debate ahead of the 2014 vote is destined to be intense because passage could lead to additional mining taxes at a time when the economy is emerging from a recession that has cut into state revenues.

EXHIBIT
66277

123

EXHIBIT "3"

STATE'S RESPONSE AND MOTION TO DISMISS DEFENDANT'S PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION)

See page seven (7), lines 3-5 concerning district attorney state that the Nevada Revised Statutes are not law. Please review/compare Exhibit "2" of the Motion To Dismiss For Lack of Subject Matter Jurisdiction pages XIV (4); and XV (5) that the NRS are laws of the State of Nevada.

1 RSPN
2 DAVID ROGER
3 Clark County District Attorney
4 Nevada Bar #002781
5 H. LEON SIMON
6 Chief Deputy District Attorney
7 Nevada Bar #000411
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

8 DISTRICT COURT
9 CLARK COUNTY, NEVADA

10 THE STATE OF NEVADA,

11 Plaintiff,

12 -vs-

13 [REDACTED]
14 #1199274

15 Defendant.

CASE NO: C198957

DEPT NO: XX

16 STATE'S RESPONSE AND MOTION TO DISMISS DEFENDANT'S PETITION FOR
17 WRIT OF HABEAS CORPUS (POST-CONVICTION)

18 DATE OF HEARING: 3-24-10
19 TIME OF HEARING: 8:30 A.M.

20 COMES NOW, the State of Nevada, by DAVID ROGER, District Attorney, through
21 H. LEON SIMON, Chief Deputy District Attorney, and hereby submits the attached Points
22 and Authorities in Opposition to Defendant's Petition for Writ of Habeas Corpus (Post-
23 Conviction).

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 ///

EXHIBIT 437
125

1 Crump v. Warden, 113 Nev. 293, 295, 934 P.2d 247, 252 (1997); Phelps v. Director, 104
2 Nev. 656, 764 P.2d 1303 (1988). Such an external impediment could be "that the factual or
3 legal basis for a claim was not reasonably available to counsel, or that 'some interference by
4 officials' made compliance impracticable." Hathaway, 71 P.3d at 506; quoting Murray v.
5 Carrier, 477 U.S. 478, 488, 106 S.Ct. 2639, 2645 (1986); see also Gonzales, 118 Nev. at 595,
6 53 P.3d at 904; citing Harris v. Warden, 114 Nev. 956, 959-60 n. 4, 964 P.2d 785 n. 4
7 (1998). Clearly, any delay in filing of the petition must not be the fault of the petitioner.
8 NRS 34.726(1)(a).

9 To find good cause there must be a "substantial reason; one that affords a legal
10 excuse." Hathaway, 71 P.3d at 506; quoting Colley v. State, 105 Nev. 235, 236, 773 P.2d
11 1229, 1230 (1989), quoting State v. Estencion, 625 P.2d 1040, 1042 (Haw. 1981). The lack
12 of the assistance of counsel when preparing a petition, and even the failure of trial counsel to
13 forward a copy of the file to a petitioner, have been found to be non-substantial, and not
14 constituting good cause. See Phelps, 104 Nev. at 660; Hood v. State, 111 Nev. 335, 890
15 P.2d 797 (1995).

16 Here, Defendant has offered no reason to explain the delay. In so much as Defendant
17 claims his convictions are unlawful because the statutes he was convicted under do not
18 contain enacting clauses, the State respectfully directs this court's attention to Argument IV,
19 infra. Defendant's arguments, therefore, do not constitute good cause to overcome the
20 procedural bars. His petition must therefore be dismissed.

21 **IV. DEFENDANT'S CONVICTION AND SENTENCE ARE CONSTITUTIONAL**
22 **BECAUSE THE NEVADA REVISED STATUTES DO NOT REQUIRE ENACTING**
23 **CLAUSES**

24 "The enacting clause of every law shall be as follows: 'The People of the State of
25 Nevada, represented in Senate and Assembly, do enact as follows,' and no law shall be
26 enacted except by bill." Nev. Const. art. 4, § 23. The Nevada Supreme Court has interpreted
27 this to mean an enacting clause must be included in every law created by the Legislature and
28 law must express on their face "the authority by which they were enacted." State v. Rogers,

437 126

1 10 Nev. 250, 261 (1875). The Court further found that nothing can be law that is not
2 introduced by the very words of the enacting clause. Id. at 256.

3 However, while it is well established that the laws of Nevada must include an
4 enacting clause, the Nevada Revised Statutes do not have the same requirement, as they are
5 not laws enacted by the legislature. Instead, the Nevada Revised Statutes consisted of
6 previously enacted laws which have been classified, codified, and annotated by the
7 Legislative Counsel. See NRS 220.120. Thus, the reason the Nevada Revised Statutes are
8 referenced in criminal proceedings is because they "~~constitute the official codified version of~~
9 ~~the Statutes of Nevada and may be cited as prima facie evidence of the law.~~" NRS
10 220.170(3). Further, the content requirements for the Nevada Revised Statutes, as laid out in
11 NRS 220.110, do not require the enacting clause to be republished in them. See NRS
12 221.110. Therefore, the lack of an enacting clause in the Nevada Revised Statutes does not
13 render them unconstitutional.

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

19 **V. DEFENDANT'S OTHER CLAIMS REGARDING NRS 193.165 ARE**
20 **EQUALLY WITHOUT MERIT, AS THE NEVADA SUPREME COURT HAS LONG**
21 **HELD THAT STATUTE TO BE CONSTITUTIONAL**

22 To the extent Defendant makes various claims that NRS 193.165 – the deadly weapon
23 enhancement statute – is unconstitutional and violates his constitutional rights, it is contrary
24 to well established law. The Nevada Supreme Court ruled that NRS 193.165 was
25 constitutional long ago in Woofert v. O'Donnell, 91 Nev. 756, 542 P.2d 1396 (1975).
26 Specifically, after reviewing the legislative history of NRS 193.165, the Court upheld the
27 sentencing structure of the statute as well as the State pleading the use of the deadly weapon
28 and the underlying crime together. Id. at 761-762, 1399-1400. The Court also held the

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CONCLUSION

Based on the foregoing, Defendant's latest (second) Petition for Writ of Habeas Corpus (Post-Conviction) should be DISMISSED.

DATED this 1st day of March, 2010.

Respectfully submitted,

DAVID ROGER
Clark County District Attorney
Nevada Bar #002781

BY /s/H. LEON SIMON
H. LEON SIMON
Chief Deputy District Attorney
Nevada Bar #000411

CERTIFICATE OF MAILING

I hereby certify that service of the above and foregoing, was made this 1st day of March, 2010, by depositing a copy in the U.S. Mail, postage pre-paid, addressed to:


PO BOX 208
INDIAN SPRINGS, NV 89070

/s/A. FLETCHER
Secretary for the District Attorney's
Office

04F01559A/GCU:abf

66377 128

Bryan P Bonham 60575
Po Box 650 (HOSP)
Indian Springs, ne 89070

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Clerk of the Court
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Lynchburg 89155

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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.

C-15-307298-1

Dept. 6

8 STATE OF NEVADA

CASE NO C-15-307298-1

9

PLAINTIFF

DEPT. NO. 10

10 -VS-

11 Bryan p Bonham

DEFENDANTS MOTION TO CORRECT

12

DEFENDANT

ILLEGAL SENTENCE DUE TO INVALID

13

LAWS; FRAUD AMOUNTING TO LACK

14

OF SUBJECT MATTER JURISDICTION

15

" HEARING REQUESTED "

16

DATE OF HEARING.

17

TIME OF HEARING

December 28, 2021

18

11:00 AM

19 comes now Defendant Bryan p Bonham in proper person & for his cause to

20 Respectfully move this Honorable Court to enter an order granting this motion.

21

22 The above motion is further made & based upon all papers, pleadings, files,

23 documents on file herein, along with the attached points & Authorities

24

RECEIVED

28

CLERK OF THE COURT

NOV 30 2021

1. Bryan P Bonham 60525

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

CASE NO. _____

9. Plaintiff

DEPT NO. _____

10. -VS-

NOTICE OF MOTION

11. Bryan P Bonham

12. APPELLANT/ACCUSED

13.

14. TO:

15. DISTRICT ATTORNEY

16. Steve Wolfson

17. 200 Lewis Ave

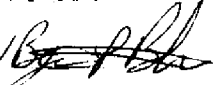
18. LV, NV 89155

19.

20. please take notice that the undersigned will bring the above motion for

21. a hearing based on the courts docket & availability for a decision

22. Dated this 22nd day of November 2021

23. 

24. Bryan P Bonham 60525

25. PO Box 650 HOSP

26. Indian Springs, NEV 89070

27.

28.

1. NO LAW IN NEVADA IN VIOLATION OF
2. U.S. CONST. AMEND ~~IX~~ X ~~VIII~~ XIV
3. The procedural process for the passage of a state law generally consist
4. 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
7. sign it;
8. (3) IF the Governor signs the Bill, then it goes to the Secretary of
9. State;
10. (4) In Nevada, the secretary is the constitutional keeper of all legislative
11. records;
12. (5) The Secretary of State also possesses the official state seal and affixes
13. them to laws that have been passed to certify that it is a true and
14. valid document.
15. The laws that are passed by the state legislature are prima facie
16. evidence that it has been passed, but the laws that are issued
17. and published by the secretary of state are inefutable proof that the
18. Law exists. Statutes are presumed to be valid, and the challenger
19. bears the burden of showing that a statute is unconstitutional.
20. Halverson v Secretary of State 124 Nev 484, 487, 186 p. 3d at
21. 846 (2008). Therefor this defendant/accused proceeds with his
22. challenge to the constitutionality of the passage of the
23. Nevada Revised Statutes (NRS) which are alleged to have been
24. Legislatively passed en mass by Senate Bill No 2. 1957
25. The mode of a statute depends on constitutional Neard v Arnell
26. 791 p2d 410, 117 Idaho 466 (1990), and Statutory requirements.
27. Harris v Shuman 387 p. 2d 771 192 Kan 183 (1963) The
28. Nevada Revised Statutes are alleged to have been passed into

1. Law on May 1, 1951 in the form of a copy of an "ENGROSSED BILL"
 2. commonly known as Senate Bill no. 2 [herein SB-2] this Bill
 3. was, in fact not a Bill at all. Further, there were so many
 4. Constitutional and other mandatory protocols that were
 5. violated as to the manner and method of the passage of
 6. SB-2, which voided the entire act. The passage of any Law
 7. in Nevada must meet certain criteria for it's "Lawful" passage
 8. The first set of issues are related to "mode, style and
 9. Identification" of a Bill. The purpose of prescribing an enacting
 10. clause. "the style of the acts" - is to establish it; to give it
 11. permanence, uniformity, and certainty; to identify that act
 12. of legislation of the general assembly; to afford evidence of
 13. its legislative; statutory nature; and to secure uniformity of
 14. identification, and thus prevent inadvertence, possibly mistake,
 15. and fraud State v. Patterson 4 S.E. 350, 352, 98 N.C. 600 (1887),
 16. 82 C.J.S. "STATUTE", § 65 p. 104 Jordan v. State 15 S.E. 2d 8,
 17. 233 GA. 367 (1967)
 18. The mode, style and identification issues are as follows; the
 19. Nevada Law mandates that each Bill that is passed
 20. contains the following language "THE PEOPLE OF THE STATE OF
 21. NEVADA, REPRESENTED IN SENATE AND ASSEMBLY DO ENACT AS FOLLOWS."
 22. The Joint Resolution used as a Band aid to pass SB-2 into Law
 23. does not contain the enactment clause. Nevada Constitution
 24. Article 4 § 17 requires that each act embrace only one subject;
 25. title; amendment; to wit; "EACH LAW ENACTED BY THE
 26. LEGISLATURE SHALL EMBRACE BUT ONE SUBJECT, AND MATTER PROPERLY
 27. CONNECTED THEREWITH, WHICH SUBJECT SHALL BE BRIEFLY EXPRESSED
 28. IN THE TITLE AND NO LAW SHALL BE REVISED OR AMENDED BY REFERENCE

1. TO ITS TITLE ONLY BUT IN SUCH CASE THE ACT AS REVISED OR SECTION
2. AS AMENDED, SHALL BE RE-ENACTED AND PUBLISHED AT LENGTH"
3. SB-2, which embraced the passage of the NRS, embraced
4. every subject in Nevada Law. SB-2 violated the Nevada
5. Constitution, placing all subjects of the Laws of Nevada
6. under the penumbra of the NRS does not meet the requirements
7. that the Bill embrace only one subject. This constitutional
8. provision is mandatory. State, ex rel. Chase v Rogers
9. 10 Nev 250 (1875); State v Ahsum 15 Nev 27 (1880)
10. compliance with this section is essential to the validity
11. of every law enacted by the legislature. State, ex rel.
12. Wilson v Stone 24 Nev 308 53 p 447 (1898); Bell v First
13. Judicial Dist Ct 28 Nev 280, 81 p 875 (1905) Any act passed in
14. disregard of the letter and spirit of this provision is pro tanto
15. void. State v Ahsum 15 Nev 27 (1880) Authentication procedures,
16. Senate Bill No 104, sponsored by Whitacre, Brown and Seavers.
17. in Chapters 385 and again referenced in the Joint Resolution
18. which states in §2 All Bills or Resolutions shall be introduced
19. in triplicate, and one copy of each Bill or resolution shall be
20. marked "ORIGINAL" one shall be marked "DUPLICATE" one shall
21. be marked "TRIPPLICATE" the copy marked "DUPLICATE" shall be
22. sent to the State printer for the purpose of printing and the
23. copy marked "TRIPPLICATE" shall be referred to the amendment
24. clerk. NV § 3 It states that the printer shall immediately after
25. receipt of the copy of any Bill or Resolution print, in addition to
26. the regular number herein before authorized, one copy thereof
27. upon heavy buff paper, which copy shall be delivered to the
28. Secretary of the State or chief clerk of the Assembly. The

1. Amendment clerk shall then certify to the correctness of the bound copy.
2. IN § 4 it states, that the official and engrossed copy may by
3. resolution be used the enrolled Bill. SB-2 was passed using
4. a Joint Resolution. the severity of the problem with the Joint
5. Resolution used in connection with the copy of the Engrossed Bill
6. [SB-2] is that it does not contain the mandatory enacting ~~language~~
7. Language. The State Senates Committee on Judiciary File
8. NO 1 passed Senate concurrent Resolution No. 1 Attached as
9. EXHIBIT 1, 1(a) which provides that the official engrossed
10. copy of [SB-2] may be used as an enrolled Bill. the enacting
11. clause is mandatory and cannot be cured by a Joint Resolution. The
12. Joint Resolution adopted by both Houses cannot become a valid
13. Law if it does not contain the enacting clause required by this
14. Section ASO 85 (67/25/1951). This constitutional provision is
15. mandatory and an act not in proper form is VOID and unenforceable.
16. State, ex, rel Chase v Rogers, 10 Nev 250 (1875) the "represented
17. in Senate and Assembly" expressive of the authority which passed the
18. Law, are as necessary as the words "THE PEOPLE" or any of the
19. other words of the enacting clause. State ex, rel Chase v. Rogers
20. 10 Nev 250 (1875) see also Nevada Highway Patrol Ass'n v State
21. 107 Nev 547, 815 P.2d 503 (1991) In state, ex, rel. Chase v
22. Rogers, 10 Nev 250 (1875), the court held that where the
23. enacting words were prescribed, it was mandatory they be
24. included in the act. without the words required by the
25. constitution, and without the concurrence of the senate,
26. the people had no power to enact any Law. The County
27. recorder contended that when the Bill was presented to the
28. legislature the words were in the enacting clause. The

1. Court ruled that it could only look at the enrolled Bill in the
2. Office of the ^{Secretary} ~~Secretary~~ of State in order to ascertain the
3. terms of the Law. pursuant to rule 7 of the Joint Rules
4. of the Nevada Senate and Assembly. A Joint Resolution can
5. only be used for the purpose set forth therein, as follows:
6. (1) propose an amendment to Nevada Constitution;
7. (2) Ratify a proposed amendment to the United States Constitution;
8. (3) Address the president of the United States, Congress, either
9. House or Committee or member of Congress, any department or
10. agency of the Federal government, or any state of the Union.
11. A Concurrent Resolution must be used for:
12. (1) Amendment of these Joint standing rules, which require a
13. majority vote of each House for adoption;
14. (2) Request the return from the Governor of an enrolled Bill for
15. further consideration;
16. (3) Request the return from the Secretary of State and enrolled
17. Joint or concurrent Resolution for further consideration;
18. (4) Resolve the return of a Bill from one House to the other
19. House if necessary and appropriate;
20. (5) Express facts, principles, opinions and purposes of the
21. Senate and Assembly;
22. (6) Establish a Joint committee of the two Houses;
23. (7) Direct the legislature commission to conduct an
24. interim study.
25. A concurrent Resolution or a Resolution of one House
26. may be used to memorialize a former member of
27. the legislature or other notable or distinguished
28. person upon his or her death. A Resolution of

1. one House may be used to request the return from the Secretary
2. of state of an enrolled resolution of the same House for
3. further consideration. See Nevada Highway Patrol Ass'n v. State
4. 107 NEV 547 815 p. 2d 608 (1991) which states as follows:
5. First, by its nature, an assembly concurrent Resolution is not
6. intended to have the force and effect of Law, pursuant to
7. Rule 7 of The Joint Rules of the Nevada Senate and Assembly,
8. the purpose of a Concurrent Resolution is to direct the legislative
9. commission to conduct interm studies, to request the return
10. of a Bill from the other House, and to request an enrolled Bill
11. from the Governor. on occasion a concurrent Resolution is also
12. used to memorialize a former member of the legislature or other
13. distinguished person upon death, or to congratulate or to
14. commend any person or organization for a significant and
15. meritorious accomplishment.
16. Second [e]very Bill which may have passed the legislature
17. shall, before it becomes a Law, be presented to the Governor...
18. NEV CONST ART IV § 35 A review of The legislative History of the
19. of the aforementioned Assembly concurrent Resolution No. 29,
20. indicates that this resolution, like other concurrent Resolutions
21. passed by the legislature during the same time period, was
22. never presented to the Governor for approval or disapproval.
23. See generally FINAL VOLUME ASSEMBLY HISTORY 1969 WT.
24. 218-258 Accordingly this assembly concurrent Resolution
25. cannot be construed as the law of this state.
26. finally [t]he enacting clause of every Law shall be as
27. follows: THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
28. SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS: and no law shall

1. be enacted except by Bill. NEV CONST ART IV § 23 (emphasis added)
2. we have previously ruled that this enacting clause is
3. mandatory and must be included in every Law created by the
4. legislative See. State v Rogers 10 Nev 250 (1875). Since
5. Concurrent Resolution No. 29 and other similar resolutions
6. do not contain the requisite enacting language, they cannot
7. represent the Law of this State.
8. The illegally operated legislative commission, according to
9. the legislative counsel Bureau (LCB) the Nevada Revised
10. Statutes were created in 1951 by an enigmatic member
11. of the statute Revision commission. currently, the LCB
12. illegally maintains the History of all Nevada legislation. It is
13. unknown as to whether or not the LCB is a state agency or
14. department. The LCB appears as a common thread that
15. is ever present as we wind down this rabbit hole to
16. legislative fraud and lawlessness. It appears that the
17. LCB has been slowly and illegally absorbing state government
18. functions, some of which are constitutionally mandated.
19. This has been surprisingly accomplished in part, by
20. amending the state constitution through the use of
21. newly created state statute, which have been used to
22. illegally transfer the power from an elected office with
23. constitutional duties, to the LCB
24. According to the LCB their predecessor, the statute
25. revision commission, was originally created by the
26. Nevada Supreme court in 1951. However senate Bill
27. No. 182 attached as exhibit 2,2(a) approved March 9,
28. 1951, created the statute Revision Commission. This

1. Commission consisted of three Nevada Supreme Court Justices:

2. (1) Milton Budt

3. (2) Edgar Eather

4. (3) Charles Merrill

5. Later a rather mysterious man named Russell West McDonald.

6. would be appointed by these Justices as "THE DIRECTOR"

7. This Commission became increasingly involved in Bill

8. drafting as an adjunct to its Statute Revision work.

9. The origin of the statute revision commission is some

10. what of a mystery as well, providing conflicting and

11. multiple representations from various sources making it

12. unclear as to its actual origin. The legislative counsel ~~states~~

13. Bureau states in their literature that the Supreme

14. Court formed this commission. Regardless of its origin,

15. the entire commission was constitutionally compromised

16. from the start. The commission was unlawful for several

17. reasons, the most obvious being its very operation,

18. the Justices who served on it did so in violation of the

19. Nevada Constitution and the separation of powers doctrine.

20. which is discussed as follows; Constitutional violations:

21. The placement of the three Nevada Court Justices

22. on the Statute Revision Commission violated Nevada

23. Constitution Article VI §11, which states in pertinent

24. part, the Justices of the Supreme Court and the District

25. Judges shall be ineligible to any office, other than a

26. judicial office, during the term for which they shall

27. have ~~been~~ been elected or appointed and all elections or

28. appointments of any such Judges by the people, legislature, or

1. otherwise, during said period, to any office other than
2. Judicial shall be void.
3. The Statute Review Commission inherently involved
4. legislative functions and generated other income for the Se
5. Justices. for instance Justice Burt was paid an additional
6. \$6,500 more a year to sit on the Commission. therefore,
7. the placement of three members of the Nevada Supreme Court
8. on the Statute Review Commission clearly violated ARTICLE
9. VI, § 11 OF THE NEVADA CONSTITUTION. This also violated
10. NEVADA CONSTITUTION'S SEPARATION OF POWERS PROHIBITION
11. IN ARTICLE VII § 1, which states in pertinent part, three
12. Separate departments; Legislative review of Administrative
13. Regulations, the power of the Government of the State of
14. Nevada shall be divided into three separate departments.
15. the legislative, the executive and the judicial: no
16. PERSON CHARGED WITH THE EXERCISE OF POWERS
17. PROPERLY BELONGING TO ONE OF THESE DEPARTMENTS SHALL
18. EXERCISE ANY FUNCTIONS, APPERTAINING TO EITHER OF THE
19. OTHERS except in cases expressly directed or permitted
20. in this constitution.
21. Thus the separation of powers doctrine was violated as
22. three (3) Justices were involved in the drafting of
23. legislation and the passage of Bills in the Legislature, a
24. purely legislative function. further, the Statute Revision
25. Commission was completely responsible for the generation
26. of the Nevada Revised Statutes (NRS). The generation of
27. these Revised Statutes specifically state that there were
28. actual changes in the statement of the law as they were

1. compiled into the NRS. changes were made to existing
2. statutes, entire words were deleted as being redundant,
3. grammar was changed, sentence structures were altered. All
4. in the name of progress. changing even one (1) dot or
5. title was a legislative act and the statute Revision
6. Commission's members were constitutionally prohibited from
7. this conduct. It is important to note here that the
8. Statute Revision Commission was not legally created until
9. 1955. on April 26, 1963, the legislature committed an
10. illegal act by back dating the appointment of the
11. statute Revision Commission and revisor of statutes
12. to 1951 to cover up their pre-existing criminal
13. fraud. See April 26, 1963. Act Bill No. 24, chapter
14. 403, reading the forward providing by the statute
15. Revision Commission reveals some interesting facts (if true),
16. to wit: as exhibit 3

17. FORWARD

18. By the provisions of chapter 304, statutes of Nevada 1951,
19. amended by chapter 280 statutes of Nevada 1953, and
20. chapter 248, statutes of Nevada 1955 THE LEGISLATURE OF THE
21. STATE OF NEVADA CREATED THE STATUTE REVISION COMMISSION
22. comprised of three Justices of the Supreme Court, authorized
23. such Commission to appoint a revisor of the statutes to be
24. known as the Director of the Statute Revision Commission, and
25. charged the Commission to commence the preparation of a
26. complete revision and compilation of the Laws of the State
27. of Nevada to be known as Nevada Revised Statutes for further
28. clarity and authority of the Statute Revision Commission relating.

1. TO the preparation of Nevada Revised Statutes, the numbering
2. of sections, Bindings, printing, classification, revision
3. and Sale There of Attached as exhibit 7, 7(a)
4.
5. The commission employed as Director Russell W. McDonald,
6. a member of the state bar of Nevada, who, with his staff,
7. undertook and performed this monumental task, with such
8. method, care, precision, completeness, accuracy and safe
9. guarded against error as to evoke the highest praise of
10. the commission and the commendation of the Bench and
11. bar of the state.
12. AS the work progressed, MR McDonald submitted drafts of
13. chapter after chapter as recompiled and revised, and the
14. members of the commission individually and in conference
15. meticulously checked all revisions. In the vast majority
16. of cases these revisions were promptly approved, many
17. required further conference with the Director. Some
18. were modified and redrafted. As the several chapters
19. were returned with approval to the Director, they were
20. in turn delivered to the Superintendent of State Printing
21. for printing, to the end that upon the ~~convening~~ convening of
22. the 1957 legislature NEVADA REVISED STATUTES were
23. ready to present for approval, By the provisions of
24. chapter 2, statutes of Nevada 1957 NEVADA REVISED
25. STATUTES consisting of NRS 1.010 TO 710.540, inclusive,
26. was "adopted and enacted as law of the state of Nevada"
27.
28.

STATUTE REVISION COMMISSION

- 1.
2. Milton B Badt
3. Edgar ether
4. Charles M Merrill
- 5.
6. The supreme court says that the statute Revision commission
7. was created by the legislature, but the LCB states the
8. statute Revision commission was originally created by
9. the Nevada supreme court in 1951 and became involved in
10. Bill drafting as an adjunct to its statute Revision work,
11. and further the 1945 Law establishing the Bureau
12. [LCB] charged it with assisting the legislature to find
13. Facts concerning Government, ~~proposed~~ proposal legislation, and
14. various other public matters. The LCB goes on further
15. to state that, During the next several years, the duties
16. of the Bureau and its staff were modified and expanded.
17. In 1963, the Nevada Legislature Recognized the
18. Legislative Counsel Bureau, giving it structure and
19. Responsibilities similar to those it has today. One
20. part of this change was the incorporation of the statute
21. Revision Commission [via legislative counsel, Russell
22. W. McDonald] into the legislative Counsel Bureau as the
23. legal Division ... The 1963 legislation also added a
24. Fiscal and Auditing Division and a Research Division
25. In 1956-57 The committee on Judiciary in the ~~state~~ senate
26. passed concurrent Resolution No 2 attached as exhibit
27. 1. The legislation was an attempt to bootstrap the
28. illegal passage of the NRS by SB-2. The senate attempted

1. to do so by using a Joint Resolution to provide that the
2. "OFFICIAL" engrossed copy of SB-2 may be used as the
3. ENROLLED BILL. As set forth above Resolutions cannot
4. be used to pass any Bill into Law. Rendering any Law
5. using this legislative vehicle as void.
6. even the LCB's Preface to the NRS describing the
7. work done by the Statute Revision Commission as a
8. delegation of the legislature's own duties, RUSSELL W
9. McDonald was engaged in "REVISING" which the LCB
10. states in their preface as follows.
11. "REVISING" The statutes, on the other hand involves these
12. additional and distinguishing operations: (1) The collection
13. into chapters of all sections and part of sections that
14. relate to the same subject and the orderly arrangement into
15. sections of the material assembled in each chapter. (2) The
16. elimination of operative or obsolete, duplicated, impliedly
17. repealed and unconstitutional (as declared by the Supreme
18. Court of the State of Nevada) sections and parts of
19. sections. (3) The elimination of unnecessary words and
20. the improvement of the grammatical structure and physical
21. form of sections. see exhibit 4
22. The revision, instead of the compilation, of the statutes was
23. undertaken, therefore, first, to eliminate sections or parts of
24. sections which though not specifically repealed, were
25. never the less ineffective and second to clarify, simplify,
26. classify and generally make more accessible, understandable
27. and usable the remaining effective sections or part of
28. sections.

1. the changing of any word, whether it is redundant, unnecessary,
2. ineffective, simply clarifying or just simply an improvement
3. of the grammatical structure is a legislative function. not
4. a judicial function. Lest we forget these corrections were
5. being approved first by three (3) state supreme court justices
6. this is a blatant violation of the separation of powers
7. doctrine, but we don't really know whether any of the
8. records that can be retrieved from the LCB or the Nevada
9. archives are copies of the original Bill or records, but both
10. produce what they say are copies but don't match what
11. the other has. we will never know which one is a true
12. copy of the original because of the fact the records are
13. not in their constitutional repository and, therefore, legally
14. do not exist. literally, the statute review commission was
15. passing (or attempting to pass) laws in complete derogation of
16. the three justices oath of office and blatant violation of
17. constitutional prohibited practices. effectively the predecessor
18. to the LCB and then later the LCB took over the official
19. duties of the Nevada's elected officials and ran the entire
20. state legislative system through one guy. RUSSELL WEST
21. McDonald - a character who the legislature was told was an
22. attorney who graduated from Stanford Law School, was
23. a Rhodes scholar, was educated in Nevada's public schools and
24. was a native born Nevadan. none of it verifiable RUSSELL
25. West McDonald was a mysterious man, who obtained almost
26. unlimited and certainly unchecked power. see exhibit 5
27. the harsh reality of both of the amorously hallow
28. resolutions that are alleged to have caused the passage of SB-2

1. while at the same time revoking Nevada's existing statutes and
2. replacing them with the NRS, is that the entire program is
3. legally and legislatively bankrupt. That means that the
4. entire process was/is void by the plethora of constitutional
5. violations, but included acts of a criminal nature, not to
6. mention the passage of SB-2 violated the legislature's own rules.
7. the passing of legislation is not like Horseshoes and Hand-
8. -granules. Close does not count, the NEVADA CONSTITUTION
9. PROHIBITS the passage of Bills in the manner that was
10. done for the entire NRS the NRS IS VOID AB INITIO, MEANING
11. FROM ITS INCEPTION
12. The Joint House Rules of the Nevada legislature were clearly
13. violated on the method of the passage of Bills into Law
14. which also prevented the NRS alleged ~~en~~ mass passage through
15. these violations as well. How many constitutional provisions
16. or legislative rules need to be violated in order to negate its
17. passage? The answer should be only one! There are other
18. revealing constitutional violations as well as the violation of
19. the legislature's own rules which are egregious, for instance, the
20. NRS's very passage violates Senate Bill 104, Sec 4, Section 8
21. being chapter 3, statute of Nevada 1944 at page 4 Literally
22. the term "enrolled" Bill means a "Printed and signed" Bill.
23. An examination of the engrossed Bill referred to or, more succinctly
24. SB-2; which was used to pass the NRS en mass shows that
25. it was type-written - not printed the LCB even admits this
26. other errors were committed, for instance the requirement
27. for the passage of a Bill is that it be read three times
28. over three separate days as required by the Nevada

1. CONSTITUTION; ARTICLE 4 § 17 there is no evidence that this
2. was ever ~~was~~ accomplished and this information cannot be obtained
3. from the constitutional record keeper - that being the secretary
4. of state. see NEVADA CONSTITUTION; ARTICLE 5 § 20 which
5. requires the Legislative Records to be maintained by the
6. secretary of state. the nevada constitution requires that
7. the procedures set forth in ARTICLE 16 § 1 and or ~~ARTICLE 16 § 2~~ be
8. followed to amend the constitution. these do not include
9. amendment by statute, or amendment by subterfuge and
10. guise. Holding that a statute can amend the state
11. constitution violates every citizen's constitutional Right
12. to procedural and substantive due process under the NEVADA
13. CONSTITUTION ART 13 § 15 and under the UNITED STATES
14. CONSTITUTION I & XIV Amendments. However the LCB
15. has once again taken action to cover their fraud by
16. getting the nevada legislature to become co-conspirators
17. in their criminal enterprise, this was accomplished by
18. the nevada legislature amending the constitution through
19. passage of statute. this was done through NRS 225.070,
20. which transferred all authority of record keeping from the
21. Secretary of state to the LCB. yet a search of the NRS
22. shows that NRS 225.070 does no longer exist. Holding
23. that a statute can diminish or negate the constitutional
24. Authority mandated in the constitution violates the
25. separation of powers doctrine (amending the constitution
26. must be effectuated by the Body politic. not legislating
27. from the bench, nor amended by the passage of a statute.)
28. ⁶⁶ A statute cannot amend the constitution seminole

1. Tribe of Florida v Florida 517 U.S. 44, 116 S.Ct 1114 (U.S. Fla 1996);
2. Pennsylvania v Union Gas Co. 491 U.S. 1, 24, 109 S.Ct 1273, 2286,
3. 105 L.Ed 2d (1989); Counselman v Hitchcock 142 U.S. 547, 11
4. S.Ct 195 (1982); "Each unconstitutional statute is to be
5. regarded as non-existent and no defence to state officers
6. acting under it..." Rockaway Pacific Corporation v
7. Statesbury 255 F. 345 D.C.N.Y. (1917) see also Compt. v Aron
8. 385 U.S. 1, 18, 78 S.Ct 1401, 1409-1410, 3 L.Ed 2d 5 (1958)
9. Holding that an oath to support the constitution is an oath
10. to support its interpretation by the United States Supreme
11. Court. see also Baker v Carr 396 U.S. 189 215 82 S.Ct. 692
12. 704 7 L.Ed 2d 663 (1962) which the United States Bankruptcy
13. Court relied upon in In re Tessier 190 B.R. 396 (1995) to
14. make the following conclusion: Finally, in attempting
15. to deny the Supreme Court's determining of its own
16. capacity to adjudicate. The Congress invades a province
17. properly left to a coordinate branch, and in so doing
18. impermissibly exceeds its legislative authority.
19. Nevada's sister state, California has had something to
20. say about similar circumstances in their state "the
21. constitutional provision was a law made directly by the
22. people instead of the legislature, and such laws are to
23. be construed and enforced in all respects as though they
24. were statutes. Winchester v Mabury 122 Cal 552, 55 p 393
25. "in effect these constitutional provision are but statutes.
26. which the legislature cannot repeal or amend"
27. Winchester v Howard 136 Cal 432, 439, 64 p. 692, 69
28. p. 77, 79, 39 Am St Rep 153

1. The LCB has and allegedly maintains all of the legislative
2. records in clear violation of the Nevada constitution. Bill
3. Resolution Journals and all other records were allegedly
4. taken away from the Secretary of State and transferred
5. to the LCB through the passage of NRS 225.070 A
6. statute that was Repealed effective March 24th,
7. 1999
8. Even if the legislature did everything Lawfully by following
9. the correct rules and guidelines, we still will never know if
10. the NRS were passed into Law because there are no records at
11. the Secretary of State's office see letter from Secretary of State
12. stating that they do not have these records. see exhibit
13. 6 (As the Nevada constitution; ~~Article~~ Article 5 § 20, commands
14. the Secretary of State to maintain and protect) Even the
15. proofs of the unconstitutional NRS passed off as law, has
16. been unconstitutionally hidden by an entity that may deny
17. access to the information to anyone.
18. There exists even more disturbing issues regarding the legality
19. of the NRS in that there are no records even showing that
20. the Governor signed SB-2 into Law. Interestingly although
21. The Secretary of State is constitutionally mandated to maintain
22. the legal custody and control of this information and provide
23. it to any party seeking the information the Secretary of
24. State overs that it does not have legal custody and control
25. of it. The Secretary of State tells you to either ask the
26. LCB for it, or sends you a copy they claim they got from
27. the LCB, this is absurd. The Attorney General's office
28. has addressed a similar issue before and stated that a

1. Joint Resolution appropriating money from the Highway fund,
2. adopted by both, but never presented to the Governor for His
3. Signature, does not become Law: Thus an appropriation
4. is invalid under this section. Attorney General opinion
5. 85. [AGO (7-25-1950)]
- 6.
7. Currently the Secretary of State states that their office does
8. not have the files that will prove the Accused argument.
9. this poses a serious problem for ~~two~~ reasons: (1) the loss or
10. hiding of these records prevents the ~~appellant's~~ Accused story from
11. being Proven conclusively; and (2) Losing, or destroying or hiding
12. these records constitutes a crime see NRS 239.320 which
13. discusses the crime of any public officer causing INJURY
14. TO, CONCEALMENT OR FALSEIFICATION OF RECORDS OR PAPERS
15. to wit:
16. An officer who mutilates, destroys, conceals, erases,
17. obliterates or falsifies any record or paper appertaining
18. to His office, is guilty of a category C felony and shall
19. be punished as provided in NRS 143.135
20. further, the documents which were submitted for the passage
21. of SB-2 do not conform to the constitutional requirements or
22. the Joint Rules of the Senate and Assembly. Since this
23. document was submitted by the LCB, the Senate and the
24. Assembly. this unqualified document was not a true
25. Bill. since it was not a true Bill it was a false or fraudulent
26. Bill NRS 239.330 discusses the penalties for submitting
27. or offering false information for filing or for Recording
28. the statute reads in pertinent part as follows:

1. A person who knowingly procures or ~~offers~~ offers any false or forged
2. instrument to be filed, registered or recorded in any public
3. office, which instrument, if genuine, might be filed, registered
4. or recorded in a public office, under a Law of this state or of
5. the United States, is guilty of a category C felony and shall
6. be punished as provided in NRS 193.130
7.
8. There is no question that SB-2, was passed off as a legitimate
9. document, when it was not. therefore, this constituted the
10. offering of a false instrument and caused it to be filed, registered
11. or recorded in a public office. currently the Secretary of state,
12. who is the Constitutionally mandated office, does not have
13. the documents or at least not willing to admit they do,
14. But since the Secretary of state is required to maintain
15. these Legislative and Executive Records, but tells you to request
16. them from the LCB, it is assumed, that this office will
17. continue to maintain this position because it has been
18. ordered to do so. the probable explanation is that if
19. we don't maintain that the NRS is the Law in Nevada
20. it could cause complete and total chaos, even anarchy,
21. however, the UNITED STATES CONSTITUTION IN ARTICLE
22. 4 § 4 states that the UNITED STATES GOVERNMENT shall
23. guarantee to every state in this union a Republican
24. form of government. Everybody these days is being told
25. that our soldiers are fighting for Democracy, but this is
26. not true. they are fighting to maintain the rule of law
27. which is what a Republic is based upon. so even our
28. politicians and educators don't know what kind of

1 Government we have. It is rather interesting that the Constitution
2 does not guarantee every state a "DEMOCRATIC FORM OF GOVERNMENT"
3 But it does guarantee each state a Republican form of Government.
4
5 So what is the answer to all of these problems? The
6 Accused assessment is that what is good for the goose
7 should be good for the gander. In other words, we need
8 to follow the same protocols that the gaming industry
9 does when it enforces gaming rules on the citizens of
10 the state, and that is ZERO tolerance for any kind
11 of non-conformance with the rules. the gaming industry
12 calls any non-conformance with the gaming rules
13 CHEATING! cheating is a criminal act.
14 So why does the Government think they can get away
15 with something that is much, much more egregious than
16 cheating at gaming. the state is putting the citizens
17 of the state of Nevada in Jail or prison and even putting
18 them to death, based upon [Laws that are completely void]
19 This must be seen for what it is. ~ a criminal act.
20 Arresting and incarcerating someone pursuant to a void Law
21 is "KIDNAPPING" and "FALSE IMPRISONMENT" putting
22 someone to death, even if they deserve it, for a Law that
23 doesn't exist is "MURDER" SB-2 is literally a Bill of
24 Attainder by the UNITED STATES CONSTITUTION ARTICLE
25 1 § 10 and it has been executed against the entire
26 populace of the state of Nevada.
27 What will the Government have to say about all of this?
28 The answer is nothing, because they have already brought

1. The Secretary of state into the fold and instructed Him/Her not
2. to release any documents, in fact, the office is denying
3. that the office even has or maintains them. what would
4. happen if the Secretary of state produced these documents,
5. as the office is required to do, and it show that every
6. single thing the Appellant/Accused is saying is true? well most certainly
7. they will say we can't set aside the NRS because when they
8. passed the NRS they voided all the general statutes, so
9. they are gone too. which would be untrue because within
10. SB-2 it says in the case that this is found to be unconstitutional
11. then all Laws revert back to all the original statutes, ~~the~~
12. absurdity of the Legal view point is that if we have laws
13. that were never properly passed and they are null and void,
14. don't we already have no Law? In fact isn't what we have
15. even worse than no law? the UNITED STATES SUPREME COURT
16. has addressed this issue in Merritt v Welsh 104 U.S. 644, 702
17. (1881) stating "it has been said, with much truth, where
18. the law ends, tyranny begins." so lets call it what it is;

19. TYRANNY

20. The vastness of this conspiracy goes all the way to the
21. top. After all, Governor Sundvold signed into Law a Bill
22. that prohibits inmates from having access to public records.
23. this can't be just a coincidence, can it? Sundvold is a
24. former Federal Judge. prior to signing this Bill of
25. Attainder into Law. He received a package from Gary W Walters
26. outlining the illegality of the NRS. The prosecutors
27. have gone as far as saying that one NRS backs this NRS
28. as prima facie evidence, but prima facie means from the

1. Latin: at first view, on its face; not requiring further support to establish
2. existence, validity, credibility, etc.
3. you can't use one unconstitutional law to support another unconstitutional
4. Law. Two wrongs don't make it right.
5. prosecuted have admitted in Appellant/Accused motion to correct
6. an illegal sentence in case no. C142406 that the NRS are not law, if
7. there not Law there unenforceable.
8. If words mean nothing, then our constitution means nothing. If we
9. have no rights, then we only have privileges and immunities that
10. are granted by Government. we are then but subjects of a tyrannical
11. Government, it is a maxim of Law: "that which creates, has the power
12. to destroy"
13. Therefore, privileges are worthless because they can be legislated
14. away for any reason, where as constitutional rights cannot
15. be legislated away without the consent of the Body politic,
16. our state Law has been morphed into a form of territorial federal
17. Law. This destroys the sovereignty of the state and its citizens.
18. The legislature has taken upon themselves to take total power away
19. from the state constitution - the law of the Body politic - the citizens
20. of the state, However, "A state constitution is binding on the courts
21. of the state and on every officer and every citizen, Any attempt to do
22. that which is prescribed in any manner than that prescribed or to do that
23. which is prohibited is repugnant to the supreme and paramount Law
24. and is valid"
25. Porch v. Patterson 391 New 251, 268 156 P 439, 445 (1916)
26. The constitution nullifies sophisticated as well as simple -
27. - minded modes of infringing on constitutional protections.
- 28.

1. Lane v. Wilson 307 U.S. 268, 175, 59 S.Ct. 872, 876 L.Ed. 1281
 2. (1939); Harmon v. Forrester 380 U.S. at 540-541 85 S.Ct. at
 3. 1185 cited in U.S. Term Limits, Inc. v. Thornton 514 U.S.
 4. 779, 824 115 S.Ct. 1842 (1995) like its counterpart in the
 5. Fifth Amendment, the due process clause of the fourteenth
 6. Amendment was intended to prevent the Government "from
 7. abusing [its] power or employing it as an instrument of
 8. oppression" Dawidson v. Carneg 474 U.S. 344, 348 (1986)
 9. The constitution of the United States guarantees each
 10. State a Republican form of Government. A Republican form
 11. of Government means that we have the rule of Law.
 12. Currently we have no rule of law in Nevada. In fact we
 13. have nothing but lawlessness. we have an oligarchy, a
 14. nation-state where our representatives have become **ruleRS**
 15. who are a law unto them selves and our rulers are lying to
 16. US in order to maintain the facade that we are in an
 17. orderly, free society ~ when the truth is we are living
 18. under an oppressive and tyrannical Government. "no state
 19. legislation or executive or judicial officer can war against the
 20. constitution without violating His undertaking to support it"
 21. Cooper v. Aaron 385 U.S. 1, 78 S.Ct. 1401 (1966) The United States
 22. Supreme Court has spoken "we [Judges] have no more right to
 23. decline the exercise of jurisdiction which is given, than to
 24. usurp which is not given. The one or the other would be treason
 25. to the constitution" U.S. v. Will 444 U.S. 200, 216 101 S.Ct. 471, 66
 26. L.Ed. 2d 392, 406 (1980); Cohens v. Virginia 19 U.S. (6 Wheat) 264
 27. 404, 5 L.Ed. 257 (1821) The [illegality] of the [NRS] denies the
 28. courts their jurisdiction to act,

1. The Legislative Counsel Bureau [LCB] is an illegally created private
2. corporate entity, which maintains all of the public records in
3. violation of the Nevada constitution. this corporation has obtained
4. untold powers over the years and controls many aspects of the
5. state Government including the writing and drafting of all Bills
6. in the legislature. the state mail room. the senate printing office
7. and the ownership of the copyrights on the Nevada Revised Statutes
8. [NRS], which have brought millions of dollars of profit to the private
9. Corporation.
10. A "DEMOCRACY" is mob rule, directed and controlled by an
11. oligarchy. Currently in this country we have a nation state type of
12. Government that operates as a democratic welfare state, where Laws are
13. not obeyed or enforced because they might offend someone. where as a
14. Republican form of Government is a Government of Law, where laws
15. are enforced regardless of whether we will offend somebody or not.
16. simply because it is the Law.
17. "[The courts statutory ... power to adjudicate]" is defined
18. as subject matter Jurisdiction. Cotton v United States 535 U.S.
19. 625, 630 (2005) It logically follows that an unconstitutional Law
20. deprives a court of subject matter Jurisdiction rendering Judgment
21. void. see Wright v West 505 U.S. 277 285 (1992) "A court without
22. Jurisdiction to impose sentences under unconstitutional statute"
23. citing ex parte Siebold 100 U.S. 371, 377 1880; ex parte Smith,
24. 126 p 655, 649 Nev (1912) An unconstitutional Law "is a jurisdictional
25. defect" ex parte Rosenblatt 14 p 298, 299 (Nev 1887)
26. (holding that an unconstitutional Law is void and insufficient to
27. give Jurisdiction to the court) citing ex parte Siebold Supra
- 28.

1. A sentence/Ruling based upon an unconstitutional Law not only deprives
2. a court of Jurisdiction to impose the sentence or ruling at all, the
3. sentence or Ruling would also be illegal. see Edwards v State 918 P.2d
4. 321, 324 (New 1996) (holding that a sentence is illegal if the court goes
5. beyond its authority by acting without Jurisdictional sentencing like
6. other Laws are enacted by the legislature, through statutes and
7. confer the court with Jurisdiction to adjudicate within the scope of the
8. statute's provision. "A court does not have the power, by Judicial Fiat to
9. extend its Jurisdiction over matters beyond the scope of the authority
10. granted to it by its creator" Stoll v Gattlieb 305 U.S. 165, 171 (1933);
11. ex parte Smith 126 P.2d 671. An unconstitutional Law is no Law at all
12. and cannot legitimately confer a court with Jurisdiction, such Laws
13. are without force and effect there is nothing anyone can provide to
14. rebut the facts of this argument ~~For~~ The NRS being unconstitutional,
15. anyone who attempts to argue against the cold hard facts does not care
16. about Justice and is against this states constitution. Chapman v
17. California 386 U.S. 18, 22-24, 17 L. Ed. 2d 705, 81 S. Ct 824 (1967)
18. (1) Harmless Beyond Reasonable doubt standard presumes prejudice and
19. burden and beneficiary of errors to prove beyond reasonable
20. doubt that errors did not contribute to verdict; (2) Harmless
21. plain error does not exist, all plain errors are harmful; (3) Harmless
22. constitutional error test is stringently applied, resolving all reasonable
23. doubts against Government "where court is in grave doubt as to
24. harmlessness of state court error, Appellant/Accused must win"
25. Crespin v State of N.M. 144 F.3d 641 (10th Cir 1998) There is no
26. way for the state to prove the use of unconstitutional Laws were not
27. harmful to the Appellant/Accused.
28. The subject matter embodied in a legislative act must be expressed

1. in the title AGO 17(2-17-1923), all Legislative power is vested in the
2. legislature by the constitution, and the legislature can not delegate this
3. power to any officer or board. AGO 257(5-26-1938).
4. This section requires that each law enacted by the legislature
5. embrace only one subject and that the subject matter of a Bill appear
6. in the title. That part of a statute which provided for the payment
7. of salary to an official reporter of the Supreme Court was void
8. because not embraced in the title AGO(3-30-1924) state ex rel
9. Stevenson v Tuely 19 Nev 391, 12 p835, 1887 Nev lexis 4 (Nev 1887)
10. ⁶⁶According Amendments to the constitution can be made only in the
11. mode provided by the constitution itself.
12. The provisions providing the mode of amending the constitution were
13. intended to secure care and deliberation on the part of the legislature
14. and people, and are exclusive and controlling state ex rel NORCROSS v
15. Board of Comm'r 22 Nev. 399 41 p145 1895 Nev lexis 20 (Nev
16. 1895) ⁶⁶ If the title is restricted to a certain purpose, the purview
17. or body of the act must also be restricted to that subject: The
18. act can be no broader than its title is valid, while the parts
19. not indicated there by are void ⁹⁹ Pacific Live Stock Co v Ellison Revue
20. Co. 46 Nev 351 213 p. 700 1923 Nev lexis 14 ~~142~~ (1923). "A district
21. court has authority to declare an act of the legislature unconstitutional"
22. The state can say they were repealed and don't exist, but if you
23. read SB-2 in its entirety you'll notice the section that
24. says "if found to be unconstitutional the laws shall revert
25. back to the old statutes"
26. So there is no excuse. The courts are bound to enforce the
27. constitution.

1. The challenge to the NRS is a challenge to the jurisdiction of
2. the lower courts, a jurisdictional challenge cannot be waived at
3. any time. A jurisdictional challenge is the same as a challenge
4. to an illegal sentence which can be challenged years down the
5. road. see Edwards v State 918 p.2d 321, 324 (New 1996), passeris
6. v state, Also a Judge is a Judge, They are Judicial officials
7. which means they can only perform judicial duties nothing else.
8. The LCB was a quasi-legislative office.
9. Judges are elected to be a Judicial official. The LCB did
10. legislative work which is forbidden for a Judicial official to do,
11. you can't change the definition of something as a Judicial
12. official by statute. A Judge will always be a Judicial officer,
13. and a senator or congress man will always be a legislator and
14. neither can perform the duties of another under the
15. separation of powers doctrine. see also King v Board of Regents,
16. 65 New 553, 557, 200 p.2d 221, 232 (1948); The court held:
17. "A constitution being paramount law of a state, designed to separate
18. the powers of government to define their extent and limit their exercise
19. by the several departments as well as to secure and protect private rights,
20. no other instrument is of equal significance. It has been very properly
21. defined to be a legislative act of the people themselves in their sovereign
22. capacity, and when the people have declared by it that certain powers
23. shall be possessed and duties performed by a particular officer
24. or department, their exercise and discharge by any other officer
25. or department are forbidden by a necessary and unavoidable"
26. And yet, seven (7) years later in 1955 Justice Badt failed
27. to adhere to not only his own opinion in KING, 65 New at 557,
28. 200 p.2d at 232 He along with Justices Eather, ~~and~~ Merrill

1. Violated NEU CONST ART 3 §1, ART 6 §4, ART 6 §11, ART 4 §17, ART 4 §23

2

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4. CONCLUSION

5. AS set forth here in; and in other related documents this defendant
6. has set forth some very interesting facts fact of which the state
7. is unable to; cannot disprove any of the allegations that Defendant
8. has brought to this courts attention. these facts show that HIS
9. conviction should be overturned, expunged, Dismissed, & That He should
10. be immediately Released from incarceration.

11.

12. VERIFICATION

13. I Bryan p Bonham declare and verify that I have read the foregoing motion to
14. correct illegal sentence due to invalid Laws; Fraud Amounting to Lack of
15. Subject matter Jurisdiction; And to the best of my belief and knowledge that
16. the foregoing is true & correct under the pains & penalties of Perjury
17. pursuant to 28 U.S.C.A § 1746 & 18 U.S.C.A § 1621

18.

19. CERTIFICATE OF SERVICE

20. I Bryan p Bonham certify that I have read the foregoing motion to correct
21. illegal sentence due to invalid Laws; Fraud amounting to Lack of Subject
22. matter Jurisdiction & with special instructions for Electronic filing &
23. service to the clerk of the court to serve all of my opponents pursuant
24. to N.E.P.C.R. 5(k) 9 et seq (A-E) etc, to the following,

25

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27

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4. DISTRICT Attorney

5. Steve Wolfson

6. 200 Lewis Ave

7. Lu. NEU 84070

8

9

10

11 Dated this 22nd day of November, 2021

12 

13. Bryan P Bonham 60575

14. PO Box 650/HOSP)

15. Indian Springs, NEU 84070

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1; § 1(u)

TWO VERSIONS OF SAME ACT which is provided as
True & correct, which is fraudulent
both provided by L & B OF NEVADA
Archives

1; § 1(u)

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.

Resolutions and Memorials

STATUTES OF NEVADA 1956-57

Senate Concurrent Resolution No. 1—Committee on Judiciary

FILE NO. 1

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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

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.

282(a)

Two different copies produced by
LCB for Nevada Archives, which
is true & correct?

282(a)

Version 1

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.

11

V.2(a)

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.

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.

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.

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 constitution and the laws of the State of Nevada for 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 first publication shall be filled in the blank space of such title with such title may be cited as "Rev. Laws."

SECTION 3. In preparing such compilation the commission is hereby authorized to adopt such system of numbering as it deems practical. The said compilation to be published in such number of volumes, and such 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 Statutes of Nevada, except that if necessary for marginal notes,

1 the same may be of greater width, and roman-style type only
 2 be used. In general, it is recommended, but not required, that
 3 compilation should follow the plan of organization used in the
 4 compilation heretofore made and known as the "Revised Laws of Nevada,
 5 1912," as authorized by chapter CXXXVI, Statutes of 1909.
 6 Sec. 4. Upon completion of each portion of said "Revised Laws,"
 7 the commission is authorized and directed to have the same printed
 8 at the state printing office, and upon completion of the same
 9 printing the separate volumes shall be bound as heretofore required
 10 and forwarded to the secretary of state for safekeeping and distribution
 11 as set forth hereinafter. Sufficient copies of each page shall be printed
 12 so that there shall be bound 2,500 copies of each volume of the
 13 "Revised Laws." A master copy of said "Revised Laws" shall be kept
 14 in the office of the commission, and such copy shall not be removed
 15 from said office except in the custody of a member of the commission.
 16 Sec. 5. In complying with the provisions of this act, and within
 17 the limitation of available appropriations, the commission is authorized
 18 to employ such clerical assistance as it deems necessary, and such
 19 assistants shall be compensated at the same rate as other state employees
 20 of similar position, and shall be familiar with methods of compilation and
 21 of laws. The terms of the employment and compensation of such
 22 assistants shall be fixed by the commission.
 23 Sec. 6. The commission shall reimburse the state printing office
 24 for the cost of printing and binding of the same, and the delivery
 25 of the same to the secretary of state.
 26 Sec. 7. From and after the completion of "Revised Laws," and the
 27 delivery of the same to the secretary of state, one set of the same
 28 shall be forwarded to each elected or appointed state officer, and take the
 29 office thereof; thirty sets shall be reserved for the exclusive use
 30 of the legislature, one set shall be furnished to each county of the
 31 state for the use of the district judge and clerk of that county, one
 32 set shall be furnished to each state maintained by public funds, and
 33 such number of sets as may be necessary, not to exceed 50 sets, shall
 34 be made available for reciprocal trading with state libraries of
 35 federal territories. The remaining sets shall be sold by the state
 36 at a price of \$10 per volume, and all proceeds shall be deposited
 37 in the general fund.
 38 Sec. 8. The compilation herein authorized to be made shall be
 39 accompanied by a complete index as it shall be printed and bound in
 40 parts, which index shall be printed and bound in the same style
 41 and style as the "Revised Laws."
 42 Sec. 9. The secretary of state shall make available to all records
 43 of his office which are or may be of value, and any books or statutes
 44 in the custody of the state, and shall likewise be made available
 45 to said commission.
 46 Sec. 10. Upon request of the commission, the secretary of state

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
 such replacement and supplementary pages made necessary by the
 actions 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," 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 recom-
 mendations for clarification of specific statutes, for elimination of
 obsolete statutes, and calling the attention of the legislature to con-
 sidering statutes, and such other matter as it deems necessary.

Sec. 15. The members of the commission shall each receive a sal-
 ary of two hundred dollars (\$200) per month, paid as are the salaries
 of other state officers, and out of the appropriation hereby made, for
 salaries 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.

Sec. 18. The commission shall, from time to time, make recom-
 mendations for clarification of specific statutes, for elimination of
 obsolete statutes, and calling the attention of the legislature to con-
 sidering statutes, and such other matter as it deems necessary.

Sec. 19. The members of the commission shall each receive a sal-
 ary of two hundred dollars (\$200) per month, paid as are the salaries
 of other state officers, and out of the appropriation hereby made, for
 salaries commencing on the effective date hereof, and expiring June
 30, 1953.

Sec. 20. 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. 21. This act shall be effective from and after May 1, 1951.

Sec. 22. The commission shall, from time to time, make recom-
 mendations for clarification of specific statutes, for elimination of
 obsolete statutes, and calling the attention of the legislature to con-
 sidering statutes, and such other matter as it deems necessary.

Sec. 23. The members of the commission shall each receive a sal-
 ary of two hundred dollars (\$200) per month, paid as are the salaries
 of other state officers, and out of the appropriation hereby made, for
 salaries commencing on the effective date hereof, and expiring June
 30, 1953.

Sec. 24. 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. 25. This act shall be effective from and after May 1, 1951.

Sec. 26. The commission shall, from time to time, make recom-
 mendations for clarification of specific statutes, for elimination of
 obsolete statutes, and calling the attention of the legislature to con-
 sidering statutes, and such other matter as it deems necessary.

Sec. 27. The members of the commission shall each receive a sal-
 ary of two hundred dollars (\$200) per month, paid as are the salaries
 of other state officers, and out of the appropriation hereby made, for
 salaries commencing on the effective date hereof, and expiring June
 30, 1953.

Sec. 28. 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. 29. This act shall be effective from and after May 1, 1951.

Sec. 30. The commission shall, from time to time, make recom-
 mendations for clarification of specific statutes, for elimination of
 obsolete statutes, and calling the attention of the legislature to con-
 sidering statutes, and such other matter as it deems necessary.

Sec. 31. The members of the commission shall each receive a sal-
 ary of two hundred dollars (\$200) per month, paid as are the salaries
 of other state officers, and out of the appropriation hereby made, for
 salaries commencing on the effective date hereof, and expiring June
 30, 1953.

Sec. 32. 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. 33. This act shall be effective from and after May 1, 1951.

Sec. 34. The commission shall, from time to time, make recom-
 mendations for clarification of specific statutes, for elimination of
 obsolete statutes, and calling the attention of the legislature to con-
 sidering statutes, and such other matter as it deems necessary.

Sec. 35. The members of the commission shall each receive a sal-
 ary of two hundred dollars (\$200) per month, paid as are the salaries
 of other state officers, and out of the appropriation hereby made, for
 salaries commencing on the effective date hereof, and expiring June
 30, 1953.

Sec. 36. 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.

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:

(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 4

LCB PREFACE

EXHIBIT 4

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

66479

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:

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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

66 4 77

(2001)



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 repeal 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

661273



EXHIBIT 5

ARTICLE ON RUSSELL W. McDonald

EXHIBIT 5

9-17-76

This Exhibit Shows that Russell W. McDonald was not a Native Nevada Born citizen, but was Born in Prosser Creek California. The Joint Concurrent Resolution No. 2 contains the false information...

Russ McDonald celebrates 30 years of public service

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



RUSS McDONALD

McDonald's a jolly good fellow in legislation. 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 all will take place at Harrah's Convention Center in Reno Saturday, June 24.

McDonald started his career as a post-a-month Reno deputy city attorney. He spent another 11 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 1976.

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

"It 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 line, 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 pull to financial wealth, McDonald 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."

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

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

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

EXHIBIT 6

Letter from Secretary of State

EXHIBIT 6

STATE OF NEVADA

BARBARA K. CEGAVSKE
Secretary of State



SCOTT ANDERSON
Chief Deputy Secretary of State

**OFFICE OF THE
SECRETARY OF STATE**

who was AG 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 Cathérine 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

NYSOS.GOV

62219

EXHIBIT 7

EXHIBIT 7

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;*

EXHIBIT 7A

EXHIBIT 7A

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

Mailed
via Bass slip #241790

Bryan P Bonhauw 60575
PO Box 65064 DSP)
Indian Springs, NEU 89070

Regional Justice Center
Clerk of the Court
200 Lewis Ave 3rd Floor
LU. NV 89155

Mailed via Brass slip #2411790

3702

3702

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US POSTAGE \$002.96
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041M1204101



1. Bryan Bonham 605 75

2. po Box 650 HDSP

3. Indian Springs, Nev. 891070

4.

5.

EIGHTH JUDICIAL DISTRICT COURT

6.

CLARK COUNTY, NEVADA

7.

8. STATE OF NEVADA

CASE NO C-15-3072981

9.

PLAINTIFF

DEPT NO IV

10. -VS-

11.

Bryan Bonham

CAVEAT

12.

DEFENDANT

HEARING REQUESTED

13.

DATE OF HEARING

14.

TIME OF HEARING

December 28, 2021
11:00 AM

15.

16. comes now, the Defendant Bryan Bonham by and through his proper person
17. and hereby submits the foregoing CAVEAT for this court's review
18. and complete attention and full consideration.

19.

20. the foregoing caveat is submitted as precursor to the defendant's motion
21. to correct illegal sentence and errata to motion to correct illegal sentence

22.

RECEIVED

NOV 29 2021

CLERK OF THE COURT

27.

28.

FILED

DEC 02 2021

CLERK OF 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. C-15-3072981

10. vs

DEPT NO.

11. Bryan P Bonham

12. Appellant/Accused

NOTICE OF MOTION

13.

14. TO:

15. DISTRICT Attorney

16. Steve Wolfson

17. 200 Lewis Ave 3rd Floor

18. Las Vegas, NEV 89155

19.

20. Please take notice, that the undersigned will bring the above caveat

21. for hearing as soon as possible for a decision based on the court

22. Docket availability.

23. Dated this 2nd day of November: 2021

24. ~~1st/2nd/3rd/4th/5th/6th/7th/8th/9th/10th/11th/12th/13th/14th/15th/16th/17th/18th/19th/20th/21st/22nd/23rd/24th/25th/26th/27th/28th/29th/30th/31st~~

25. Bryan P Bonham 60575

26. PO Box 650 (HDSP)

27. Indian Springs, NEV 89070

28.

CLERK OF THE COURT

NOV 29 2021

RECEIVED

1. The Appellant/Accused here by respectfully request that all participants
2. to the case NO. cited above, will be ⁹⁹"WATCHFUL" for the Appellant/
3. Accused Federal Constitutional Rights, to the United States Constitution
4. be protected as well as those rights to the Nevada Constitution,
5. those procedural rules governing motions, opposition, Reply

6. The Appellant/Accused, regards it as just and necessary to
7. give ⁹⁹"FAIR WARNING" to this Court of the consequences of
8. its failure to follow the plain and unambiguous language of the
9. NEVADA CONSTITUTION (NEV CONST) and to uphold the NEV. CONST.
10. pursuant to and in accordance with the ⁹⁹"CATHED OFFICE" taken by
11. your Honor; District Attorney, and Deputy District Attorney's etc.,
12. pursuant to the NEV. CONST. ARTICLE 3.2; and this Court's duties in the
13. matter of the motion to dismiss..., and the errata..., being
14. that it can result in this court (participants), committing acts
15. of TREASON, USURPATION, and TYRANNY. Such trespasses
16. would be clearly evident to the public. especially in light of the
17. clear and unambiguous provisions of the NEV. CONST. that are
18. involved here which ⁹⁹"LEAVE NO ROOM FOR CONSTRUCTION" and
19. in light of the numerous adjudications upon them as here in stated.

20. The possible breaches of law that may result by denying The Appellant/
21. Accused motion are enumerated as follows:

22. (1) The failure to uphold these clear, plain, and unambiguous
23. provisions of the NEV. CONST., cannot be regarded as mere error in
24. Judgment, yet deliberate USURPATION

25. "usurpation is defined as unauthorized arbitrary assumption
26. and exercise of power." STATE EXEL DANIELSON v Village of
27. MOUND, 237 N.W.2d 51, 573, 418 N.W.2d 730, 732 (1951) while
28. error is only voidable, such usurpation is void.

1. the boundary between an error in judgment and the
2. usurpation of judicial power is this: The former is
3. reversible by an appellate court and is, therefore,
4. only voidable, which the latter is a nullity.

5. State v. Winkler, 204 N.W. 750, 752 (Minn. 1924)

6. to take jurisdiction where it clearly does not exist is usurpation,
7. and no one is bound to follow acts of usurpation, and in fact it is a
8. duty of citizens to disregard and disobey them since they are void
9. and unenforceable.

10. Ent authority need be cited for the proposition that, when
11. a court lacks jurisdiction, any judgment rendered by it is void
12. and unenfor^{ceable}~~able~~. Hockett v. Boles, 346 F.2d 285, 286 (1965);
13. see also Gschwind v. Cossina Aircraft Co., 232 F.2d 1542, 1544 (10th
14. Cir. 2000); Schnier v. District Court in and for City and County of
15. Denver 644 P.2d 261, 266 (Colo. 1982); Valley v. Northern Fire Marine
16. Ins. Co., 254 U.S. 348, 353-54 (1920)

17. [A] court or legislature which should allow a "change in public
18. sentiment to influence it in giving to a written constitution a
19. construction not warranted by the intention of its founders, would
20. be justly chargeable with reckless disregard of official oath and
21. public duty; and if its course could become a precedent, these
22. instruments would be of little avail. *** what a court is to do, there
23. fore, is to declare the law as written. Tim Cooley, A treatise on
24. the constitutional limitations, 5th edition, pp. 54, 55. Also review
25. State v. Rogers, 10 N.W. 256, 254-257 (1875); Came v. Rohlfus, 61
26. N.W. 416, 131 P.2d 516, 518 (Neb. 1942); Also Nevada Highway Patrol
27. Ass'n v. State, 101 N.W. 547, 549, 515 P.2d 605, 610 (Neb. 1941)

28. The Appellant/accused states ~~229~~ this is a rather simple matter.

1. and need not, to seem that it contains unresolvable complexities, on
 2. the issues raised, facts presented in the motion or the Errata.
 3. (1) The NEV CONST. is unquestionably the supreme, paramount law
 4. in the and for the STATE OF NEVADA, next only to the UNITED STATES
 5. CONSTITUTION.
 6. (2) The NEV CONST unambiguously, is very clear and plain in
 7. its language that "THE ENACTING CLAUSE OF EVERY LAW SHALL BE
 8. AS FOLLOWS:" "... NEV CONST ART 4 § 23; SHILL V ROGERS, 10 N.P. 101
 9. 261
 10. what appears to be problematical is relative to NRS PUBLICATIONS
 11. 220.110 CONTENTS OF NRS, which sets forth the required contents of
 12. the Nevada Revised Statutes publication; and does not mandate that
 13. the enacting clause to be "republished in the Nevada Revised Statutes
 14. publication Books".
 15. what do the words "every law shall be as follows?" mean?
 16. As read in the NEV CONST ART 4 § 23.
 17. It doesn't state every bill shall be as follows. yet, again it
 18. reads "EVERY LAW SHALL BE AS FOLLOWS:" The NRS PUBLICATIONS
 19. are held out to the public of the STATE OF NEVADA as "LAW'S" and the
 20. NRS PUBLICATIONS simply are not, due to the fact that the NRS PUBLICATIONS
 21. "LAW'S" do not contain the mandatory enacting clause.
 22. Further, this court knows, or should know that the NEV CONST
 23. is the supreme, paramount Law of the STATE OF NEVADA.
 24. That the NEV CONST is the vote, and will of the people/citizen is
 25. of the state of Nevada.
 26. Thus, only the people can change the NEV CONST., and that's by
 27. the vote of the people of Nevada. And the people of Nevada have "not"
 28. voted to change the clear, plain, 230 unambiguous language, and

1. meaning of ART 4 § 23 of the NEVCONST. that "the enacting clause of

2. "EVERY Law" shall be as follows: "...

3. should the NRS publications not be "LAW⁹⁹" then ART 4 § 23

4. of the NEVCONST is of little importance. However, since the Appellant/

5. Accused has been charged etc., pursuant to the NRS publications, the

6. NRS publication are held out to be "LAW⁹⁹" of the STATE OF NEVADA

7. NRS publication 220,170(3); therefore ART 4 § 23 is absolutely

8. applicable, and of paramount importance.

9. The fact that the "NRS" publications been in use for over fifty

10. years cannot be the justification to continue to be held out that

11. the NRS publications are "LAW⁹⁹" of the STATE OF NEVADA, to continue

12. to usurp power, and set aside the applicable constitutional provision;

13. which are contrary to such usurpation, as Judge Cooley stated:

14. Acquiescence for no length of time can legalize a clear usurpation

15. of power, where the people have plainly expressed their will in

16. the constitution. Cooley, Constitutional Limitations, p. 71

17. B) to assume Jurisdiction in this case would result in TREASON.

18. Chief Justice John Marshall once stated:

19. "we [Judges] have no more right to decline the

20. exercise of Jurisdiction which is given, than to

21. usurp that which is not given. The one or the

22. other would be treason to the constitution.

23. Cohens v Virginia, 19 Wheat (1823) 264, 404 (1821)

24. The NRS publication "LAW⁹⁹" do not contain the mandatory

25. enacting clause, as mandated by the NEVCONST-ART 4 § 23 therefore,

26. they are not "LAW⁹⁹" and thus this court did not have

27. subject matter Jurisdiction as to case no C-15-3072981 due to

28. the invalid, unlawful, unconstitutional ~~2391~~ Laws contained in the NRS

1. publication.

2. your Honor of this court under ART. 32 of the NEV. CONST.
3. took an oath of office to uphold the Nevada constitution, and
4. your blatant disregard of that obligation and allegiance can
5. only result in an act of TREASON and/or ~~REBELLION~~ TYRANNY.

6. Should this court depart from the clear, plain, unambiguous meaning of
7. the NEV. CONST., as argued etc. it will be regarded as a blatant act of
8. TYRANNY. Any exercise of power which is done without support of law
9. or beyond what the Law allows is tyranny.

10. It has been said, with much truth "where the law ends, tyranny
11. begins" Merritt v. U.S., 104 U.S. 644, 702 (1881).

12. The Appellant/Accused has ~~been~~ presented to this court documentation,
13. facts supporting the facts and issues raised regarding subject matter
14. Jurisdiction, the need for "EVERY LAW" to contain an enacting
15. clause and the title, the stealth fraud committed against the people/
16. Citizens of the STATE OF NEVADA, and other illegal acts.

17. while the pleadings may be voluminous, it lays out in plain,
18. detailed form, the issues raised by the Appellant/Accused, and
19. arguments to support this court in upholding, GRANTING the
20. APPELLANT/ACCUSED WRIT OF HABEAS, MOTION TO DISMISS... and
21. other relief requested therein.

22. Remember that [A] CONSTITUTION being paramount law of a
23. state, designed to separate the powers of government and to define
24. their extent and limit their exercise by the several departments, as
25. well as to secure and protect private rights, no other instrument(s) is
26. of equal significance. It has been very properly defined to be a legislative
27. act of the people themselves in their sovereign capacity,....

28. wherefore, the people of the STATE OF NEVADA have limited the

1. Several departments concerning the use of titles NEV CONST ART 4317;
2. and "THE ENACTING CLAUSE OF 'EVERY LAW' SHALL BE AS FOLLOWS:..."
3. NEV CONST ART 4323. It is plain, it is clear; and it is unambiguous;
4. and therefore must be followed

5. The Law, the NEV CONST. does not allow laws to exist without
6. titles or enacting clause(s). To go beyond that and allow the
7. UNCONSTITUTIONAL, illegal, unlawful "NRS" publication to exist
8. as "LAW" is nothing but TYRANNY. Tyranny and despotism
9. exists where the will and pleasure of those in government is
10. followed rather than established Law.

11. It has been repeatedly said and affirmed as a most basic principle
12. of our government that "this is a government of laws and not of men;
13. and there is no arbitrary power located in any individual or body of
14. individuals." Cottiny v Kansas City Stockyards Co. 183 U.S. 79, 84
15. (1901)

16. The NEV CONST. ART 4317 requires titles, ART 4323 requires
17. that "EVERY LAW" to have enacting clause(s). Should these "clear
18. and unambiguous provisions of the NEV CONST. can be disregarded, then we
19. the people of the STATE OF NEVADA "NO LONGER HAVE A CONSTITUTION"
20. IN THE STATE OF NEVADA," and we no longer live under a government
21. of laws, yet a questionable government of men, i.e. a system that is
22. governed by the arbitrary will of those in office.

23. The creation of the "NRS" publications is a typical example
24. of the arbitrary acts of government which have become all too
25. prevalent in this century. Its use as laws is a nullity under the
26. NEV. CONST.

27. Your Honor, and participants to this matter, don't allow the
28. wool to be pulled over your eyes, **233** wolves in sheep clothing

1. have been revealed and exposed. Remember that Judges are not
2. to consider the political or economic impact that might ensue
3. from upholding the NEW CONSTITUTION as written. They are to uphold it no
4. matter what may result, as ~~that~~ that ancient maxim of law states:
5. "THOUGH THE HEAVENS MAY FALL, LET JUSTICE BE DONE."
6. ... , Judge Cooley says: "Although, by their constitutions, the
7. people have delegated the exercise of sovereign powers to the several
8. departments, they have not thereby divested themselves of the sovereignty.
9. They retain in their own hands, so far as they have thought it needful to
10. do so, a power to control the governments they create, and the three
11. departments are responsible to, and subject to be ordered, directed,
12. changed, changed, or abolished by them. BUT this control and direction
13. must be exercised in the legitimate mode previously agreed upon.
14. The voice of the people, in their sovereign capacity, can only be
15. of legal force when expressed ~~at~~ the times and under the conditions
16. which they themselves have prescribed and pointed out by the
17. constitution, or which, consistently with the constitution, have
18. been prescribed and pointed out for them by statute; and if any
19. portion of the people, however, large, an attempt should be made
20. to interfere with the regular working of the agencies of governm
21. ent at any other time or in any other mode than as allowed
22. by existing law, either constitutional or statutory, it would be
23. revolutionary in character, and "must be resisted and repressed
24. by the 'OFFICERS' who for the time being 'REPRESENT LEGITIMATE
25. GOVERNMENT,'" (Cooley, Const. Lim 751.); see also STATE EX REL
26. STEVENSON V. KELLY, 19 N.E. 391, 393, 394-95, 12 P. 835, 837, 838 (1887).
27. (See attached special exhibit). It is respectfully requested that this
28. court would also review NEAL V. KELLY, 10 N.E. 182, 183 (1875)

CONCLUSION

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therefore, in the interest of Justice; fairness; and for representing
"LEGITIMATE GOVERNMENT" as well as your Honor's administration,
Judicial duty, based upon the facts, Law, and documents submitted it is
respectfully requested that the motion of the defendant petition for writ
of Habeas corpus, motion to correct illegal sentence, motion to correct illegal
sentence over to invalid Laws; fraud amounting to lack of subject matter
Jurisdiction all be GRANTED, and any and all other relief requested

Respectfully submitted:



Bryan P Bonham 60575

Defendant prose.

VERIFICATION

1
2 I Bryan P Borham declare and verify that I have read the foregoing caveat
3 and to the best of my belief & knowledge that the foregoing caveat is
4 true & correct under the pains & penalties of perjury pursuant to 28 U.S.C.A.
5 § 1746 & 18 U.S.C.A. § 1621

CERTIFICATE OF SERVICE

6
7
8 I Bryan P Borham certify that I have read the foregoing ~~motion~~
9 caveat and am attaching special instructions for electronic filing & service
10 to the clerk of the court to serve all of my opponents pursuant to N.E.
11 P.C.R. 506, 9 et seq (A-E) etc, to the following.

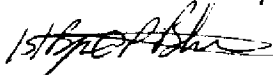
12
13 DISTRICT ATTORNEY

14 STEVE WOLFFSON

15 200 LEWIS AVE

16 Las Vegas, NEV 89155

17
18 Dated this 22nd day of November 2021

19 

20 Bryan P Borham 60575

21 PO Box 650 (HOSP)

22 Indian Springs, NEV 89070

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