

IN THE SUPREME COURT OF THE STATE OF NEVADA

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Elizabeth A. Brown
Clerk of Supreme Court

BRYAN PHILLIP BONHAM,
Appellant(s),

vs.

THE STATE OF NEVADA,
Respondent(s),

Case No: C-15-307298-1

Docket No: 85890

RECORD ON APPEAL VOLUME 3

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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1. Bryan p Borham 60575
2. po Box 650 HOSP
3. Indian springs, NEV 89070

FILED
SEP 27 2022

CLERK OF COURT

EIGHTH JUDICIAL DISTRICT COURT
CLARK COUNTY, NEVADA.

October 18, 2022
9:30 AM

8. STATE OF NEVADA

CASE NO C-15-3072981

9. PLAINTIFF

DEPT NO VI

10. V

11. Bryan p Borham

MOTION TO CORRECT AN

12. ACCUSED

ILLEGAL SENTENCE DUE

13.

TO INVALID LAWS, FRAUD

14.

AMOUNTING TO LACK OF SUBJECT

15.

MATTER JURISDICTION.

16.

17. comes now Defendant, Bryan p Borham by and Through his proper personal and here by
18. submits the foregoing motion to correct an illegal sentence, for this courts review and
19. consideration, ruling & Resolving said issues.

20. The Accused/Defendant hereby denies & challenges the Jurisdiction of the above named

21. court to the "SUBJECT MATTER" in the above - entitled cause, for the reasons

22. explained in the attached memorandum of Law, made in support of His motion

23. to correct an illegal sentence, in the above entitled cause. A motion to correct an

24. illegal sentence may challenge the facial legality of the sentence because either "The

25. District Court was without Jurisdiction to impose a sentence or the sentence was

26. imposed in excess of statutory maximums." Edwards v STATE 112 NEV 704, 708

27. 418 p.2d 321, 324 (1996) Accused requests in person, oral argument before court

28. as pertains to pleadings, exhibits pursuant to NRS 176.555

CLERK OF THE COURT

SEP 19 2022

RECEIVED

1. Bryan p Bonham 60575

2. po Box 650 HDSP

3. Indian Springs, Nevada 89070

4.

5.

EIGHTH JUDICIAL DISTRICT COURT

6.

CLARK COUNTY, NEVADA

7.

8. STATE OF NEVADA

9.

PLAINTIFF

CASE NO C-15-3072981

10. v

DEPT NO VI

11. Bryan p Bonham

12.

ACCUSED

NOTICE OF MOTION

13.

14. TO:

15. DISTRICT ATTORNEY

16. STEVE WOLFSON

17. 200 Lewis Ave

18. Las Vegas, Nev 89155

19.

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

21. as soon as possible for a decision based on courts docket availability.

22.

23. Dated this day of

24. 1st ~~of~~ ~~the~~ ~~month~~

25. Bryan p Bonham 60575

26. po Box 650 HDSP

27. Indian Springs, Nev 89070

28.

1. (1)

THE PINCH

2. The entire crux of this case is Subject matter Jurisdiction
3. "A court cannot acquire Jurisdiction to try a person for an act
4. made criminal only by an unconstitutional Law, and thus, an offence
5. created by an unconstitutional statute, is no longer a crime and a
6. conviction under such a statute cannot be a Legal cause for imprisonment"
7. STATE V. Benzel 583 N.W. 2d 434, 220 Wis 2d 588 (1998)
8. The stealth fraud act of the 48th session of the Nevada Legislature adopting
9. and enacting NEVADA REVISED STATUTES and publishing them without
10. the MANDATE, MANDATORY, REQUIRED Enacting clause, Reviewed and
11. exposed Here in.

12. (2)

OVERVIEW

13. The Accused/Defendant herein, continuing His research in to this issue, has
14. discovered new information, now brings it to this Honorable courts attention as
15. it is relative to the this issue, requests this court to take further steps for the
16. courts review in proper proceedings before this court.

17.

POINTS & AUTHORITIES

18. (3)

MEMORANDUM OF LAW

19. The Due process clause of the Fourteenth (14th) Amendment to the UNITED
20. STATES CONSTITUTION, contains a substantive component, sometimes referred
21. to as "SUBSTANTIVE DUE PROCESS," which bars certain arbitrary government
22. actions. "REGARDLESS OF THE FAIRNESS OF THE PROCEDURES USED TO IMPIEMENT
23. THEM" ~~It is also~~ It is also a guarantee of fair procedure, sometimes referred
24. to as "PROCEDURAL DUE PROCESS," see Daniel v Williams, 474 U.S. 327, 337
25. (1986), see also Lieburne v Lieburne, Living Center, Inc. 473 U.S. 432, 439
26. (1985); Carey v Piphus, 435 U.S. 247, 259 (1978) and Rochin v California,
27. 342 U.S. 165, 208 (1952)

28. (4) As it pertains to the proceedings before this court the Accusal hereby

1 respectfully requests that, this Honorable Court protect the Accused 14th
2 Amendment right to the UNITED STATES CONSTITUTION, and the Accused
3 right to the NEVADA CONSTITUTION (NEV CONST.) ART 138, and to guard
4 against any stealthy encroachments there on. Coolidge v New Hampshire,
5 403 U.S. 443, 454 (1971)
6 (5) Due process is not a rigid concept. Due Process is flexible and calls for
7 such procedural protections as particular situation may demand. Watson v
8 Housing Authority, 97 NEV 240, 242, 627 p.2d 405, 407 1981 cited in McInnis
9 v STATE Bd. of Medical Examiners, 105 NEV 213, 216, 773 p.2d 726, 727 (1989)
10 (6) This court should factually determine that, for the reasons set forth in the
11 Accused "MOTION TO CORRECT AN ILLEGAL SENTENCE" & for the reasons as argued
12 by the Accused here in that NEVADA CONSTITUTION ARTICLE 33; ARTICLE 43;
13 ARTICLE 63; ARTICLE 4323 and ARTICLE 5320 have been violated.
14 (7) This particular situation requires this court to not turn a blind eye
15 to the pleadings herein, to not be so rigid as to not grant a hearing
16 for the Accused to have the opportunity to develop the facts at a
17 hearing evidentiary in nature.
18 (8) Accused will clearly set forth facts (prima facie evidence in support of) which
19 obviously does infer fact that should protect the Accused. STATE v Fouquette,
20 67 NEV. 505, 514, 221 p.2d 404 (1950) that the Due process clause of the
21 NEV CONST ART 138 should provide the ~~Accused~~ Accused the opportunity to
22 "ESTABLISH ANY FACT", which according to usages of common Law or provisions
23 of the constitution; would would be protection to the Accused. Wright v
24 Cradlebaugh, 3 NEV 341 1867 cited in Persing v Reno Stock Brokerage CO, 30
25 NEV 342, 349, 96 PAC. 1054 (1908) based on the facts, pleadings, allegations
26 etc. further exploration into this matter is in fact warranted by this court.
27 see RUBIO v STATE, 124 NEV 1032, 1046, 144 P. 3d 1224, 1234 (2008); Hargrove
28 v STATE, 100 NEV 498, 502, 686 P.2d 222, 225 (1984)

1. (9)

VALIDITY OF A VALID

2.

COMPLAINT/INFORMATION

3. Accused was charged with First Degree kidnapping, pursuant to NRS 200.310,

4. NRS 200.320

5. Battery with intent to commit Sexual Assault pursuant to NRS 200.400.41

6. Sexual assault pursuant to NRS 200.364, NRS 200.366 see exhibit "1" here in.

7. Accused was ultimately convicted pursuant to NRS 200.310, NRS 200.320 and

8. NRS 200.364, NRS 200.366, NRS 193.330. First Degree kidnapping & Attempt

9. Sexual Assault. See exhibit 1(n)

10.

11. (10) An indictment, complaint or information in a criminal case is the main means

12. by which a court obtains subject matter jurisdiction, and is the "jurisdictional

13. instrument upon which the accused stands trial"

14. STATE v. CHATMAN, 631 P.2d 531, 533 (Kan. 1983)

15. The complaint/information is the foundation of the jurisdiction of the

16. magistrate or court. thus, should these charging instruments be invalid, there

17. is a lack of subject matter jurisdiction.

18.

"without a formal and sufficient information.

19.

a court does not acquire subject matter

20.

jurisdiction and thus an accused may not

21.

be punished for a crime."

22. HOTOMICHI v. STATE, 333 N.W. 2d 747, 748 (SD 1983)

23. A formal accusation is essential for every trial of a crime. without it the

24. court acquires no jurisdiction to proceed, even with the consent of the

25. parties, and where the indictment or information is invalid the court

26. is without jurisdiction.

27. Ex parte Carlson 186 N.W. 722, 725, 176 Wis 538 (1922)

28.

"without a valid complaint (or
information) any judgment or
sentence rendered is 'void ab
initio'"

5. Ralph v. Police Court of El Cerrito, 190 p.2d 632, 634, 84 Cal App. 2d 257
6. (1948)

7. Jurisdiction to try and punish for a crime cannot be acquired by the mere
8. assertion of it, or invoked otherwise than in the mode prescribed by law,
9. and if it is not so acquired or invoked any judgment is a nullity
10. 22 C.J.S. "CRIMINAL LAW" §167, p. 202

11. The charging instrument must not only be in the particular mode or form
12. prescribed by the constitution to be valid, yet it also must contain ~~reference~~
13. reference to valid laws. without a valid law, the charging instrument
14. is insufficient and no subject matter jurisdiction exists for the matter
15. to be tried

16. (ii) where an information charged no crime, the court lacks jurisdiction to
17. try the accused.

18. people v. Hardiman, 347 N.W. 2d 460, 462, 132 Mich App 382 (1984); Kelly
19. v. Myers, 263 Pac 903, 905 Ore 1928

20. Holmes v. Mason, 115 N.W. 770, 80 Neb. 454 citing BLACKS LAW DICTIONARY

21. An invalid law charged against one in a criminal matter also negates
22. subject matter jurisdiction by the sheer fact that it fails to create a
23. cause of action "subject matter ~~jurisdiction~~ is the thing in controversy"

24. without a valid law, there is no issue or controversy for a court to decide upon.

25. thus, where a law does not exist or does not constitutionally exist, or
26. where the law is invalid, void or unconstitutional, there is no subject
27. matter jurisdiction to try one for an offence alleged under such a law.

28. 22 C.J.S. "CRIMINAL LAW" §157, p. 189 citing people v. Katrinak, 185 Cal Rptr

1. 864, 136 Cal. App 3d 145 (1982)

2.

3. (12)

NEVADA CONSTITUTION

4.

ARTICLE 4 § 23 (1864)

5. This constitutional provision which prescribes an enacting clause for

6. "ALL LAWS" is not directory, yet is MANDATORY. This includes and

7. encompasses Laws which have been classified, codified, and

8. annotated because the NEV CONST IS "SUPREME and PARAMOUNT LAW"

9. this provision is to be strictly adhered to as asserted by the SUP CRT OF NEV

10. IN STATE V ROGERS, 10 NEV 250, 255, 256 (1875) see also Caine v Robbins, 61

11. NEV 416, 131 p.2d 516, 518 (NEV 1942) citing Sjoberg v Security Savings &

12. Louis Association, 73 MINN 203, 75 N.W 1116, 73 AM ST REP 616 1898

13. See also NEVADA Highway Patrol Ass'n v State Dept of Motor Vehicle and Public

14. Safety, NEVADA Highway Patrol Div 107 NEV 547, 549, 815 P.2d 608, 610 (NEV 1991)

15.

16. (13)

PURPOSE OF THE

17.

ENACTING CLAUSE

18. To determine the validity of using Laws without an enacting clause

19. against citizens, we first must determine the purpose and function of an

20. enacting clause; and also to see what problems or evils were intended to be

21. avoided by including such provisions in our STATE CONSTITUTION.

22. one object of the constitutional mandate for an enacting clause is to show that the

23. Law is one enacted "by the Legislative body which has been given the

24. Law making authority under the Constitution."

25. (14) The purpose thus for prescribing an enacting clause - "the style

26. of the acts" - is to establish it; to give it permanence, uniformity and

27. certainty; to identify the act of Legislation as of the assembly; to

28. afford evidence of its legislative statutory nature and secure uniformity

1. of identification, and thus prevent inadvertence, possible mistake and fraud.

2. STATE v PATTERSON, 4 S.E. 350, 352, 48 N.E. 660 (1887); 82 C.J.S.

3. "STATUTES" § 65, p. 104; JOHNER v STATE, 155 S.E. 2d. 8, 10, 223 Ga

4. 367 (1967)

5

6 (15)

NEVADA CONSTITUTION

7

ARTICLE 4 § 17 (1864)

8. The Laws listed, contained in the Amended complaint, Information in question

9. as well as NRS 171.010 & NRS 171.020 as cited from the "NRS" contain

10. no titles. All Laws are to have Titles indicating the subject matter of the

11. Law, as required by the NEV CONST.

12.

ART 4 § 17 Each Law enacted by the Legislature

13

shall embrace but one subject and matter, properly

14

connected therewith, which subject shall be

15

briefly expressed in the title; and no Law shall

16

be revised or amended by reference to its title

17

only; but in such case, the act as revised or

18

section as amended, shall be re-enacted and

19

published at length.

20

21. (16) By this provision a title is required to be on all laws. The title is

22. another one of the forms of a Law required by the constitution. This type

23. of constitutional provision "makes the title an essential part of every Law"

24. Thus the title "is as much a part of the act as the body itself." Leininger

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

26

The title to a legislative act is a part thereof

27

and must clearly express the subject of legislation.

28

STATE v Burlington & M.R.R. Co., 60 Neb. 495, 84 N.W. 254 (1900)

1. (17) this provision of the NEVADA CONSTITUTION, providing that every
2. Law is to have a title expressing one subject, is MANDATORY and is to
3. be followed in all Laws as stated by the NEVADA SUPREME COURT, see
4. STATE V ROGERS, 10 NEV @ 254-257; compare Bull v King, 286 N.W. 311,
5. 313 (MINN 1939)
6. (18) Nearly all Legal Authorities have held that the Title is part of the Act,
7. especially when a constitutional provision for a title exists. 37 A.L.R.
8. ANNOTATED, pp. 948, 949 what then can be said of a Law in which an
9. essential part of it is missing, except that it is not a Law under the
10. STATE CONSTITUTION
11. (19) The constitutional provision(s) for a title have been held in many
12. other states to be MANDATORY in the highest sense. STATE V BECKMAN, 185
13. S.W. 2d 810, 816 (MO 1945); Leininger, 26 N.W. 2d @ 351; 82 C.J.S. "STATUTES",
14. § 64, p. 102 the provision for a title in the CONSTITUTION "renders a title
15. indispensable" 73 AM. JUR. 2d, "STATUTES", § 44, p. 325, citing people v
16. MONROE, 349 Ill. 270, 182 N.E. 439.
17. (20) Since such provisions regarding a title are "mandatory and indispensable"
18. the ~~existing~~ existence of a title is necessary to the validity of the act.
19. Should a title not exist, then it is not a Law pursuant to the PARAMOUNT
20. NEVADA CONSTITUTION ARTICLE 4 § 17 (1864)

21

22. (21)

CREATION OF THE NRS

23

NEVADA REVISED STATUTES

24. The Stealth Fraud act of the 48TH SESSION OF THE NEVADA LEGISLATURE adopting
25. and enacting the NEVADA REVISED STATUTES and publishing them without the
26. CONSTITUTIONALLY MANDATED enacting clause, and created by a non LEGISLATIVE
27. Group is exposed and Revealed here in.
28. The accused above and further below will set forth multiple glaring issues

1. That, constitute unambiguous violations of the SUPREME, PARAMOUNT
2. LAW OF THE STATE OF NEVADA, the NEV CONST: These constitutional violations
3. must be viewed as plain error.
4. (22) It must always be remembered that "ALL 'POLITICAL' 'POWER' IS
5. 'INHERENT IN THE PEOPLE'." IT IS "THE PEOPLE" that enact all Laws.
6. STATE V ROGERS, 10 NEV@ 260 ART 1 § 2 NEV CONST. (1864)

8. (23)

CREATION OF THE ILLEGAL

9.

STATUTE REVISION COMMISSION

10. In 1951 the Legislature of Nevada/Nevada Legislature (Legis of Nev) created the
11. STATUTE REVISION COMMISSION (STAT. REV. COM.), without the knowledge, consent,
12. vote, or the will of the people/citizens of the STATE OF NEVADA. The people/citizens
13. of the state of Nevada did not vest any authority in the Legislature of Nevada,
14. to create the statute Revision Commission, nor did the people/citizens of
15. the state of Nevada vest any authority in the Legislature of Nevada to create
16. the Legislative Counsel of the state of Nevada. Additionally, the people/
17. citizens of the state of Nevada did not vest any authority in the legislature
18. of Nevada to create the Legislative Counsel Bureau. which will be discussed
19. further in (24), (25),

20. (24)

ILLEGAL, VOID ACT BY THE

21.

LEGISLATURE OF NEVADA

22. It is alleged, shown here via prima facie evidence here in as exhibit 2, 2(a),
23. 2(b) that the NRS STATUTES for which Accused is/was convicted of violating
24. is/was the result of the ENACTMENT, by the "45TH" session of the Legis
25. lation of Nevada of CHAPTER 304, STATUTES OF NEVADA (1951) subsequently
26. amended by CHAPTER 280, STATUTES OF NEVADA (1953), CHAPTER 243,
27. STATUTES OF NEVADA (1955).

28.

1. (25)

CONSTITUTION OF NEVADA

2.

ARTICLE 3 § 1 (1864)

3. In creating the STAT. REV. COM. the LEGIS. OF NEV. violated the NEV CONST
4. ART 3 § 1 (1864) which in turn caused multiple, further conflicts to occur, due
5. to the created STAT. REV. COM. This repugnant, skulduggery, conflict
6. comprised of the appointment of the three (3), sitting Justices of the NEVADA
7. SUPREME COURT., to the STATUTE REVISION COMMISSION Justice Milton B.
8. Badt, Justice, Edgar Eather, Justice, Charles M. Merrill, by the Legis. of Nev.
9. The creation of this commission was, & still is a clear, blatant violation of
10. ART 3 § 1 of the NEV CONST SEPARATION OF POWERS see attached exhibit "3"
11. No person charged with the exercise of powers properly belonging to one of these
12. departments shall exercise "any" function, appertaining to either of the
13. others. CONST OF NEV ART 3 § 1

14.

15. (26) The three (3) Justices, now a part of the STAT. REV. COM., employed as
16. Director, Russell W. McDonald a member of the State Bar of Nevada, whom
17. with his staff an unconstitutional non Legislative Group/Body, to prepare
18. the Nevada Revised Statutes, the numbering of sections, binding, printing,
19. classification, revision, and "SALE" thereof. See attached exhibit "4"

20.

21. (27)

FOURTYEIGHTH SESSION OF THE

22.

LEGISLATURE OF NEVADA

23.

ENACTMENT OF NRS AT ISSUE

24.

HEREIN.

25. subsequently, upon completion of the revision of the text of the
26. statutes in December, (1956), the commission turned to the solution of a
27. "VITAL PROBLEM" would it recommend the enactment of the revised statutes
28. or would it request the legislature merely to adopt the revised statutes as

1. evidence of the Law? The "COMMISSION CONCLUDED" that the enactment
2. of the revised statutes as Law, rather than the mere adoption thereof as
3. evidence of the Law, would be the more "DESIRABLE COURSE OF ACTION?"
4. Accordingly, NEVADA REVISED STATUTES in type written form was submitted
5. to the 48TH SESSION OF THE NEVADA LEGISLATURE in the form of a Bill
6. providing for its enactment as Law of the STATE OF NEVADA (From the
7. wording here in above iterated, its apparent that the Commission submitted
8. the type written NRS to the legislature in the the form of a Bill. This was
9. not derived from the SENATE OR ASSEMBLY, yet again the commission).
10. This bill, SENATE BILL NO 2 (was done, written by this non Legislative
11. Group, and is an illegal and unconstitutional act), (hereafter referred to
12. in this preface as "THE REVISION BILL", was passed without amendment
13. or dissenting vote, and on JANUARY 25, (1957), and was approved by
14. Governor Charles H Russell see attached exhibit "5"

15.

16. (28)

NEVADA CONSTITUTION

17.

ARTICLE 4 § 18 (1864)

18. Additionally, the revision bill is suspect / defective to have not complied
19. with the mandate of ART 4 § 18 Reading of Bill, which requires ..., shall
20. be read by sections on three separate days, in each House, ... which
21. will be further explored in (148) compare "THE REVISION BILL" exhibit "5"
22. herein to the 77th 2013 session vote on AB 43 (Assembly Bill No 43
23. Committee on Judiciary attached herein as exhibit "6" pre filed December
24. 20, 2012

25. (29)

SENATE CONCURRENT RESOLUTION NO 1

26.

(1957) HAS NO ENACTING CLAUSE AND

27.

FURTHER VIOLATES JOINT RULES OF

28.

THE NEVADA SENATE AND ASSEMBLY

1 All written constitutions prescribe the mode and process of making laws. This
2 also includes the reading of the bill on three different days in each house, that
3 if passed it is to be signed by the speaker of the house and by the president of
4 the senate, the recording of the votes upon the Journal, being signed by the
5 governor, and other such procedures.

6 The constitution also regulate the form and style in which laws are to be
7 enacted to make them laws of the state. The form and style are regarded as
8 essential parts of the Law and thus must be included at all times with the
9 Law to make it a valid Law. Laws or statutes traditionally have three
10 main parts:

11 The three (3) essential parts of every bill or Law are

12 (1) The Title, (2) The enacting clause, and

13 (3) The Body.

14

15 (30) we will first examine clause as this is the main item that directly
16 relates to authority of Law. An enacting clause, sometimes called an enacting
17 style or enacting authority, is that part of a Law which usually comes
18 after the title and before the body of the Law. The following shows the manner
19 in which this provision is prescribed in NEV CONST ART 4 § 23: (1864)

20 The enacting clause of every Law shall be as follows:

21 "The people of the state of Nevada represented in senate
22 and Assembly, do enact as follows" and no Law shall
23 be enacted except by bill.

24 (31).

25 The Supreme Court of Georgia in 1967, said that "the constitutions of
26 46 states specify the form of the enacting clause. Only the constitutions
27 of Delaware, Georgia, Pennsylvania and Virginia, as well as the constitution
28 of the United States, are silent on the point." The court also stated the

1. (33) In a case here in Nevada a Law was passed through the legislature without a
2. proper enacting clause, raising the question of whether the constitutional enacting
3. clause was a requisite to a valid Law. The court said it was because the provision was
4. mandatory.

5. [T]he said section of the constitution is
6. imperative and mandatory, and a Law
7. contravening its provisions is null and void.
8. IF one or more of the positive provisions of the
9. constitution may be disregarded as being
10. directory, why not at all? And if all, it
11. certainly requires no argument to show
12. what the result would be. The constitution,
13. which is the paramount Law, would soon
14. be looked upon and treated by the legislature
15. as devoid of all moral obligations; without
16. any binding force and effect; a mere "rope
17. of sand" to be held together or pulled to pieces
18. at its will and pleasure. we think the provision
19. under consideration must be treated as mandatory.

20. NEVADA v. ROYERS, 10 NEV 250, 255, 256 (1875) approved in CAINE v. ROBBINS, 131

21. P 2nd 516, 518, 61 NEV 416 (1942).

22. The Supreme Court of Michigan stated as follows.

23. It will be an unfortunate day for constitutional rights when
24. courts begin the insidious process of undermining constitutions
25. by holding unambiguous provisions and limitations to be
26. director merely, to be disregarded at pleasure.

27. people v. Dettenthaler, 77 N.W. 450, 453, 118 Mich 595 (1898)

28.

1 (34)

2 A Bill is a form or Draft of a Law presented to a legislature. "A Bill does
3 not become a Law until the constitutional prerequisites have been met. Thus a bill
4 is something that becomes a Law. Laws do not exist in the Legislature, rather only
5 bills do. Laws exist only when the legislative process is followed and completed as
6 prescribed in the constitution.

7 clearly, the legislature cannot enact a Law
8 it merely has the power to pass bills which
9 may become laws when signed by the
10 presiding officer of each house and are
11 approved and signed by the Governor.

12 Vaughn & Rugsdale Co. v. State Bd of Ed., 96 P. 2d 420, 423 (1939)

13 STATE v. Naftulin, 74 N.W. 2d 249, 261, 246 Minn. 181 (1956)

14 (35) Face has been defined as the surface of anything;
15 especially the front, upper, or outer part or surface;
16 that which particularly offers itself to the
17 view of a spectator.

18 Cunningham v. Great Southern Life Ins. Co., 66 S.W. 2d 765, 773 (Tex. Civ. App.)

19
20 The face of an instrument is that which is
21 shown by the language employed without
22 any explanation, modification or addition
23 from extrinsic facts or evidence.

24 In re Storer, 146 N.Y.S. 172, 174.

25

26

27

28

1. For the enacting clause to be of any use it must appear with a Law, that is,
2. on its face, so that all who look at the Law know that it came from the
3. Legislative authority designated by the constitution. The enacting clause
4. would not serve its intended purpose if not printed in the statute book on
5. the face of the Law.

6. the purpose of an enacting clause in legislation
7. is to express on the face of the legislation itself
8. the authority behind the act and identify it
9. as an act of legislation.

10. Pickett v Byrne, 243 N.W. 823, 826, 62 N.D. 356 (1932)

11.

12. (36)

CONSTITUTION OF NEVADA

13.

ARTICLE 4 § 1 (1864)

14. PURSUANT TO ART 4 § 1 the people/citizens of Nevada vested the members
15. of the (Legis of Nev) Nevada Legislature with the authority to write Laws,
16. codify Laws, Annotate Laws, modify Laws, etc.

17. we are not bound to the Legislature by its terms, but by our own terms, as
18. Justice Wilson of the U.S. Supreme Court stated:

19. The only reason, I believe, why a freeman
20. is bound by human laws, is that he binds
21. himself.

22. Chisholm v Georgia, 2 Dallas (2 U.S.) 414, 456 (1793)

23.

24. (37) Thus the legislative bodies are given certain powers to enact certain laws
25. within the confines of certain limitations which the people have agreed to be
26. bound by. The fact remains that this is the way things are. The state
27. Legislature or Congress can make laws that we the people are subject to, as
28. there is a legal relationship between them.

1. (38) many debates have existed regarding the legality of such codes. An Alabama
2. court stated that the criminal code enacted in its state was "not within the
3. letter or spirit of the mandate of the Constitution *** nor can it be supposed
4. that it was within the contemplation of the framers of the constitution
5. Ex parte Thomas, 21 S.C. 364, 370. Ala 1887
6. The court further stated that the code was done for the sake of "convenience"
7. These works are a revision of all the statutes of the state, and thus embrace
8. every subject in a multi-volume publication.
9. (39) To understand the nature and validity of today's modern codes and
10. revisions, we need to understand the established or constitutional method
11. of enacting and publishing laws.
12. (40) when laws are passed by both houses of a Legislative Body, the Bill is
13. sent to the Governor to sign, if it is signed the enacted Bill i.e. "ENROLLED
14. Bill" goes to the office of the Secretary of State, who is the keeper of all
15. official Government documents and Records see NEVCONST ART 5 § 20 &
16. NRS 225, 080, 225, 100 The secretary of state is the official who possesses the
17. State seal, and affixes that seal to the true and valid documents and records
18. that come to this office ART 5 § 20 here in us exhibit "7"
19. (41) most state constitutions prescribe those facts, Thus the laws passed by the
20. Legislature which are generally recognized as such are those that are
21. issued or published by the secretary of state:
22. "we consider that the Secretary of State
23. has an indisputable legal duty to publish
24. validly enacted laws; a duty imposed
25. upon him ARTICLE IV, SECTION 4(b) of
26. the Florida constitution, requiring him to
27. "keep the records of the official acts of the
28. Legislature and executive departments.

1. Florida Optometric Ass'n v Firestone, 46 S So. 2d 1314, 1321 (1985)

2. (42) As to whether a Bill has become a Law or not, the fact that the publication
3. was verified by the secretary of state is proof that it has.

4. "The publication of an act in the volume of session
5. laws of the year in which it purports to have been
6. approved and verified by the secretary of state,
7. creates a presumption that it became a Law
8. pursuant to the requirement of the Constitution"

9. Bowel v The Wisconsin Cent Ry Co., 45 Wis 543 (1878)

10. (43) As more Laws became enacted, the usual or traditional mode of recording
11. and publishing them gradually underwent a change:

12. "The acts passed by each legislative session of Congress
13. or of a state legislature are compiled at the end of
14. the session in what is known as the "STATUTES AT
15. LARGE" in the national government, or as "SESSION
16. LAWS" in the states. After a few years it becomes
17. very difficult for Judges, Attorneys and the general
18. public to know what the Law is. Amendments have
19. been made, many sections have been repealed, and
20. even the legislators are often at a loss. At such
21. time a compilation may be ~~done~~ made. This is simply
22. a gathering together, usually into a single volume,
23. of all the Laws in effect in a given jurisdiction.
24. changes in punctuation and spelling may be made,
25. and repealed and unconstitutional Laws eliminated.
26. but little more. If a more constructive result is desired,
27. a revision or codification may be ordered.

28. Harvey Walker, Law Making in the United States, N.Y., 1934, p: 268

1 (1944) which is what was done in 1951 by SENATE BILL NO. 182 senate Bill no.
2, 182. created a 'permanent' "COMMISSION" for the revision, and compilation of
3. the laws in the state of Nevada. which was later amended by SENATE BILL NO. 188
4. 1953 which changed the Title to "An act establishing a permanent commission for
5. the revision, compilation, annotation, and publishing of the laws of the state of
6. Nevada..." The statutes at large and session laws are themselves a compilation
7. of laws. However a "REVISION" or "CODIFICATION" is very different from a mere
8. compilation. They are different because they are written or drafted by a
9. commission or committee or some non-legislative source. Furthermore, the laws
10. are not just compiled together, they are altered and modified along with
11. additions or deletions made to the contents, which is what SENATE BILL NO. 2
12. (1957) ~~THE~~ "THE REVISION BILL" was. "an act to revise the laws and statutes of
13. the state of Nevada..." They were then passed off as the laws of the
14. Legislature.

15 (1952) within SENATE BILL NO'S 182, 188, 2 the Legislature called for a "definite
16. plan for revision and publication of the statutes"

17. Thus, the Legislature was getting away from the
18. idea of a mere compilation. It empowered the
19. committee to prepare and submit a complete
20. revision, broader in its scope and more
21. comprehensive in its purpose.

22. Fidelity & Columbia Trust Co. v. Meek, 171 S.W. 2nd 41, 43, 44 (1943).

23.
24. (1946) The Legislature was giving more power and authority to this
25. committee it had commissioned to "REVISE" the Laws of the State.
26. This ~~was~~ change was noted by the Kentucky Supreme Court:

27. The Kentucky Revised Statutes were, therefore, enacted as the Law of
28. the commonwealth and not adopted as a compilation. This

1. distinction is important. A compilation is merely an arrangement and
2. classification of the legislation of a state in the exact form in
3. which it was enacted, with no change in language. It is
4. merely a bringing together in a convenient form of the various
5. acts of legislation enacted over a period of time. It does not
6. purport to restate the law or to be a substitute for prior laws.
7. It does not require any legislative action in order to have the
8. effect it is intended to have. *** A revision, on the other hand,
9. contemplates a redrafting and simplification of the entire
10. body of statute law. *** A revision is a complete restatement
11. of the law. It requires enactment by the legislature in order
12. to be effective and upon enactment it becomes the law
13. itself, replacing all former statutes.

14. Ibid., p. 44

15. (47) The laws which this entity writes cannot be deemed the lawful statutes
16. of the state. This is especially so since the various constitutions of the
17. land specify how each law is to come into being. It was never the
18. intent that such a comprehensive mass of legislation containing every
19. law of the state, and passed in one act, would be the mode for making
20. laws. There are inherent problems associated with this method, as explained
21. by one legal writer.

22. The usual practice is to introduce the revision [of statutes] as
23. a single bill, sending it through the same process as any other
24. bill. Obviously, however, the members of the legislature cannot
25. give such a comprehensive measure adequate consideration. It
26. is almost as difficult for a committee to do so.

27. Walker, Lawmaking in the United States, p. 272

1. (48) When the mass of Laws from the committee is complete, the
2. Legislature is to approve it as a single statute, However, because it is such
3. a massive Act to be enacted not one (i) single legislature will read the new
4. body of Law.

5. There are no discussions in the Legislature on any of the hundreds of new
6. or revised Laws of the committee. Further, it is required by fundamental
7. Law and constitutional mandates that a bill read on three separate days
8. in the legislature. see exhibit "6" here in (log from the senate Bill no. 2 (1957))
9. The court will see it was read on day one "JAN 22nd, (1957)" on day one
10. it was "declared an emergency measure under the constitution; placed on
11. Third reading and Final passage" what court will also see ~~this~~ that it
12. was read on same day for third reading, further court will notice the
13. section Labeled "PASSED" and "TITLE APPROVED" are not filled out further more
14. in exhibit "6" court will notice the spot labeled "ENROLLED and DELIVERED TO
15. SECRETARY OF STATE" is not stamped with a date, meaning it was never
16. done, and the same goes for the sections Labeled "PASSED" and "TITLE
17. APPROVED". The three day requirement is impossible to have been met with
18. the comprehensive codes that have been adopted in modern times.

19. (49) According to the constitution, enacting and changing Laws for a
20. state falls upon the Legislative branch of Government, and that branch
21. cannot delegate the power to any other. The "STATUTE REVISION
22. COMMISSION" may be composed of some members of the Legislature, but it
23. is also composed of Lawyers, Judges and private persons. It thus has
24. been noted that "REVISERS HAVE NO LEGISLATIVE AUTHORITY AND
25. ARE THEREFORE POWERLESS TO LESSEN OR EXPAND THE LETTER OR
26. MEANING OF THE LAW."

27. (50) Therefore the work of these committees cannot be regarded as Law
28. pursuant to the constitution.

1. The Law they produce is another manner of Law coming from a source
2. other than the constitutionally authorized source. These comprehensive
3. revisions or codifications are like a prime Law approved by the legislature.
4. (51) The separation of powers doctrine was violated as three (3) justices
5. were involved in the drafting of legislation and the passage of bills in
6. the Legislature, a "PURELY LEGISLATIVE FUNCTION", the "STATUTE
7. REVISION COMMISSION" was completely responsible for the generation of
8. the "NEVADA REVISED STATUTES". The generation of the Nevada Revised
9. Statutes specifically state that there were actual changes in the statement
10. of Law as they were compiled into the Nevada Revised Statutes, changes
11. were made to existing statutes (i.e. STATUTES OF NEVADA / SESSION LAWS), entire
12. words were deleted as being redundant, grammar was changed, sentence
13. structures were altered, as discussed supra this can only be done by the
14. Legislature, meaning a duly appointed/elected to the assembly or senate.
15. (52) so this issue of the "STATUTE REVISION COMMISSION" revising all the
16. statutes and drafting the senate bill to pass them into Law was a completely
17. unlawful, & unconstitutional act in and of itself.
18. (53) Furthermore the Legislature of NEV (Legis of NEV) of the 45th session
19. passing and enactment of SENATE BILL NO. 182 (1951) & SENATE BILL NO. 188
20. (1953) an unconstitutional, unlawful act(s) in and of themselves, as it
21. was the Legislature delegating Legislative authority away to others
22. in which cannot be done, thus making everything the "STATUTE REVISION
23. COMMISSION / LEGISLATIVE COUNSEL BUREAU" did as "VOID" as they
24. were the product of unconstitutional Acts. This also renders SENATE
25. BILL NO. 2 (1957) "THE REVISION BILL" as unconstitutional, unlawful, and
26. VOID.
27. (54) Now let's get back to SENATE CONCURRENT RESOLUTION NO. 1 (1957)
28. shall we!? Attached here in as exhibit "8", 8(a), 8(b), 8(c)"

1. senate concurrent Resolution No 1 (1957) allowed for the "official engrossed
2. copy of senate Bill No 2" to be used as the enrolled bill, IS missing the
3. constitutionally mandated enacting clause on its face, without this
4. enacting clause on it senate concurrent Resolution No 2 (1957) is a void act, and
5. with the act being void it further renders the enrolled copy of senate Bill No 2
6. (1957) as non-existent; without the enrolled copy of senate Bill No. 2
7. (1957) the existence of the NRS STATUTES accused is convicted of violating
8. are non-existence.

9. (55) The enacting clause must be readily visible on the face of the statute or
10. act, so that citizens don't have to search through the legislative journals or
11. other records or books to see if one exists. Thus a statute book without
12. the enacting clause is not a valid publication of laws. In regards to the
13. validity of a law that was found in their statute books without an enacting
14. clause, the supreme court of Nevada held:

15. Our Constitution expressly provided that the enacting clause
16. of every law shall be, "The people of the state of Nevada,
17. represented in senate and assembly, do enact as follows."

18. This language is susceptible of but one interpretation, there
19. is no doubtful meaning as to the intention. It is, in our
20. judgment, an imperative mandate of the people, in their
21. sovereign capacity, to the legislature, requiring that all
22. laws, to be binding upon them, shall, upon their face,
23. express the authority by which they were enacted; and
24. since this act comes to us without such authority
25. appearing upon its face, "it is not a law."

26. STATE OF NEVADA v ROGERS, 10 nev. 120, 261 (1875)

1. in regards to Senate Concurrent Resolution No 2 (1957)

2. The Nevada Supreme Court has held in the past as follows:

3. First, by its nature, an assembly concurrent resolution is

4. not intended to have the force and effect of Law. pursuant

5. to RULE 7 OF THE JOINT RULES OF THE NEVADA SENATE and

6. ASSEMBLY, the purpose of a concurrent resolution is to

7. direct the legislative commission to conduct interim

8. studies, to request the return of a Bill from the other

9. House, and to request an enrolled bill from the Governor.

10. on occasion a concurrent resolution is also used to

11. memorialize a former member of the Legislature or other

12. distinguished person upon death, or to congratulate

13. or to commend any person or organization for a significant

14. and meritorious accomplishment.

15. Second, [E]very bill which may have passed the Legislature

16. shall, before it becomes a Law, be presented to the Governor...

17. NEV. CONST. ART. IV § 35 A review of the legislative history

18. of the aforementioned Assembly Concurrent Resolution

19. No. 29 indicates that this Resolution, like other concurrent

20. Resolutions passed by the Legislature during the same

21. time period, was never presented to the Governor for

22. approval or disapproval. see generally FWA Volume

23. ASSEMBLY HISTORY (1960) at 218-258. Accordingly,

24. this assembly concurrent Resolution cannot be

25. construed as the Law of this state.

26. Finally, [E]he enacting clause of every Law shall

27. be as follows: The people of the state of Nevada,

28. represented in senate and Assembly, do enact

1. as follows; and no law shall be enacted except by bill or
2. const. ART. IV § 23 (emphasis added). we have previously
3. ruled that this enacting clause is mandatory and must
4. be included in every law created by the Legislature.
5. see STATE v. ROGERS, 10 Nev. 250 (1875) since concurrent
6. Resolution no. 24 and other similar resolutions do not
7. contain the requisite enacting language, they cannot
8. represent the law of this state.

9. Nevada Highway Patrol Association v. The State of Nevada, 107 Nev. 547, 815 P.2d
10. 608 (1991)

11. § 56) RULE NO. 7 TYPES, USAGE and APPROVAL

12. 1. A Joint resolution must be used to:

13. (a) Propose an amendment to the Nevada constitution.

14. (b) ratify a proposed amendment to the United States constitution.

15. (c) Address the President of the United States, Congress, either House or any committee

16. member of Congress, any department or agency of the Federal Government, or any

17. other state of the Union.

18. 2. A Concurrent Resolution must be used to:

19. (a) Amend these Joint rules,

20. (b). Request the Return from the Governor of an enrolled bill for further consideration.

21. (c) Resolve that the return of a bill from one House to the other House is necessary

22. (d) express facts, principles, opinions and purposes of the Senate and Assembly.

23. (e) Establish a Joint Committee of the two Houses.

24. (f) direct the Legislative Commission to conduct an interim study.

25. 3. A concurrent resolution or a resolution of one House may be used to:

26. (a) memorialize a former member of the legislature or other notable or distinguished
27. person upon his death.

28. (b) congratulate or commend any person or organization for a significant

1. and meritorious accomplishment, but any request for drafting the resolution.
2. must be approved by the Senate Committee on Legislative Operations and
3. Elections or the Assembly Committee on Elections, Procedures, Ethics, and
4. Constitutional Amendments before submission to the Legislative Counsel.
5. (57)

6. Now as court as well as state's counsel can see as iterated, explained in
7. (48) page 22 Line 1 through 18 are/is a clear indication further supported by
8. exhibit "6" prima facie evidence that the Legislative process was Left unfinished,
9. further more, you can see in regards to exhibit "8, 8(a), 8(b), 8(c)" iterated to
10. in (54) page 23 Line 27 through (56) page 27 line 4 All four (4) versions
11. of senate concurrent Resolution No 1 (1957) have multiple issues within them,
12. you can see they are as follows:

13. (1) There is no enacting clause upon its face (on either copy/version) NRS 323
14. (2) there is NO state seal affixed by Secretary of state on either copy/version.
15. (3) there is NO signature of the Governor on either copy/version.
16. (4) All four (4) copies/versions show that this concurrent Resolution was used
17. for something it is not permitted/allowed to be used for.
18. as court can see this prima facie evidence referenced to here in (57)
19. renders Accused conviction as unlawful, illegal, unconstitutional, and void
20. as a matter of Law. see UNITED STATES exel ALVINDI V SHANGHNESSY, 347 U.S. 260, 266-68
21. 1954 Church of Scientology of Cal. v U.S., 920 F.2d 1481, 1487 (9th Cir 1990)

MOST LIKELY RESPONSE BY

STATE OR BY COURT AS

IN PREVIOUS RESPONSE

25 (58) the court on December 27, 2021 stated the following:

- 26 A court may correct an ILLEGAL sentence at any time NRS 176.555. A
- 27 sentence is illegal if it is "at variance with the controlling statute, or illegal
- 28 in the sense that the court goes beyond its authority by acting without

1. Jurisdiction, or imposing a sentence in excess of the statutory maximum provided."
2. EDWARDS v. STATE, 112 Nev. 704, 708, 918 p. 2d 321, 324 (1996)
3. The court went further to state the following.
4. However, the Nevada Revised Statutes do not have the same requirements as
5. Laws of Nevada because they are not Laws enacted by the Legislature. Instead,
6. the Nevada Revised Statutes are previously enacted Laws which have been
7. classified, codified, and annotated by the Legislative Counsel. see NRS 220.120
8. Further, the content requirements for the Nevada Revised Statutes, as laid out in
9. NRS 220.110, do not require the enacting clause to be republished in them. Therefore,
10. Defendants argument is without merit. see order/ Journal entries attached as
11. exhibit "9"
12. Error NO 2 The above argument should only have come from State. District attorney's
13. office or Attorney General's office, not the presiding Judicial officer/Judge.
14. (59) ... It is not the job of Judges to make up arguments and then purport to
15. rule on them... our appearance of neutrality is damaged when we step
16. outside our role and give helping hand to one of the parties. Balderas v. Country
17. Wide Banta 2011 D1 Dkt 18623, 18625
18. Error NO 2. Accused has submitted prima facie evidence that the NRS he was
19. charged with, convicted of violating were enacted by the NEVADA LEGISLATURE
20. see exhibit "5" See also exhibit "3" page xv first two sentences as underlined
21. herein. moreover Accused submits attached exhibit "10" where in STATE v.
22. Justin Longford case NO C-14-296 SS6-1 STATES OPPOSITION TO DEFENDANTS
23. MOTION TO CORRECT ILLEGAL SENTENCE submitted by Alex chen Deputy District
24. Attorney. Bur no 10539 where on page four (4) Line 10 through 18 counsel
25. argues, and omits the following:
26. (60) Defendants motion fails to substantiate that the District court Lacked
27. Jurisdiction. Defendant mistakenly claims that both NRS 171.010 and NRS 171.
28. 020 are invalid. The 48TH SESSION OF THE NEVADA LEGISLATURE ENACTED

1 into Law the NEVADA REVISED STATUTES (1957), NEV STAT. 2. At this point, the
2 Nevada Revised Statutes were comprised of the Laws set out in section 9 of the
3 same bill. Id section 9 states that "the following laws and statutes attached hereto,
4 consisting of NRS SECTIONS 1.010 to 710.590 inclusive, constitute the Nevada Revised
5 Statutes." Id at 3 Both NRS 171.010 and NRS 171.020 fall within this range and
6 were properly enacted into Law by this bill. Thus, defendant fails to make any proper
7 challenge to the facial Legality of his sentence.

8 (6) It must be understood, and recognized that the SUPREME and PARAMOUNT LAW
9 is the NEV CONST (1865)

10 Therefore the argument in (58) page 28 Line 4 through 11 must fail for the
11 following Reasons:

12 (1) It is prohibited to exercise the powers of a branch of government, when charged
13 with the powers of another branch of government. I.e. charged with duties of the state
14 appellate court; then during that same time period, performing, acts, duties, or
15 functions of the legislative branch. see NEV CONST ART 33

16 (2) The three (3) justices acting on the Commission was/is prohibited, repugnant
17 and invalid.

18 (3) It is prohibited, repugnant, to hold out to the people/citizens of the state of
19 Nevada, the publication NRS as the Laws of this state, which is to be binding
20 upon the Accused, people/citizens of this state; yet are not because the NRS
21 publication fail to contain the required/mandated enacting clauses) of the
22 NEV CONST ART 43 23

23 (4) It is prohibited, repugnant as to the manner, and mode in which the
24 Commission of 1951, 1953, 1955, known as the STATUTE REVISION COMMISSION was
25 created, then titled the LEGISLATIVE COUNSEL of the STATE OF NEVADA, to Later
26 become the LEGISLATIVE COUNSEL BUREAU.

27 (5) It is prohibited, repugnant to hold the acts, duties, and functions of
28 this illegal commission, unconstitutional commission, Group, Body, as "LAWFUL"

1. acts, duties, or functions of the LEGIS. OF NEV. to be lawful and binding upon
2. the people/citizens/accused of the STATE OF NEVADA
3. (6) It is prohibited, repugnant, unlawful to allow the Legislative Counsel Bureau,
4. or Nevada archives, to perform acts, duties, or functions that lawfully and
5. constitutionally belong to the SECRETARY OF STATE see NEV. CONST. ART.

6. § 320

7. (62) The Constitution is the SUPREME and PARAMOUNT LAW, the mode by
8. which Amendments etc. are to be made under it, is clearly defined see attached
9. exhibit "11, 11(a)" NEV. CONST. ART. 16 § 1 and/or § 2 which requires the procedures
10. set forth in ART. 16 § 1, 32 be followed to amend the CONSTITUTION these do not
11. include Amendment by statute or Amendment by subterfuge and guise.

12. Holding that a statute can amend the STATE CONSTITUTION violates

13. Accused CONSTITUTIONAL RIGHT TO PROCEDURAL and SUBSTANTIVE DUE PROCESS

14. under the NEVADA CONSTITUTION ART. 1 § 8 (5) and under UNITED STATES

15. CONSTITUTION AMENDMENTS 1, 5, 14

16. It has been said that certain acts to be done, certain questions are to be
17. observed, before a change can be effected.

18. STATE ex rel STEVENSON v TUFFY, 14 Nev. 311, 3:13-94, 95, 12 P. 835, 837

19. ____, (1887)

20. (63) Where there is conflict between an act of the Legislature, and the
21. CONSTITUTION OF the State, the STATUTE MUST YIELD to the extent of the
22. repugnancy.

23. STATE ex rel MOON v STATE Bd. of EXAMINERS, 104 Idaho 640, 648, 662

24. p. 221, 224 (Idaho 1983)

25. "when the constitution says no law shall

26. be amended, save in a specified manner,

27. can the legislature say a law may be and

28. shall be amended in a different manner?

the case is to our minds, a plain one of
irreconcilable conflict between the
paramount law of the constitution
and the enactment of the legislature.
When such a conflict is clearly presented
to the judicial mind, the constitution
must prevail."

8. STATE v. ROGERS, 10 Nev. @ 255 quoting Walker, CJ see also Weaver v. Lapsley,

9. 43 Ala 224 (emphasis added)

11. (64)

WHAT CANNOT BE DONE

12. The state CANNOT produce from the OFFICE OF THE SECRETARY OF STATE (see
13. attached exhibit "12, 12(a); 12(b)

14. AS there is no evidence that SENATE Bill No 2 "THE REVISION Bill" was read by
15. sections on three (3) consecutive days in each House, ... There is no evidence
16. as to yeas and nays entered on the Journals of each House; etc see STATE ex rel.
17. Cardwell v. Glenn, 18 Nev. 34, 1 Pac 186 (1883), cited in STATE ex rel. Sutherland v. Vye,
18. 23 Nev, 99, 101, 42 Pac 806 (1895), STATE ex rel. Osborn v. Beck, 25 Nev 68, 80, 56
19. Pac 1008 (1894), cited in STATE ex rel. Coffin v. Howell, 26 Nev. 43, 100 64 Pac 466
20. (1901).

21. (65) For a further in depth Review of the History of the alleged constitutional
22. violations of Fraud, (Stealth Fraud), Criminal enterprise, malfeasance, nonfeasance
23. and/or misfeasance in public office, please review the attached exhibit "13"
24. "BIGGEST LEGAL LIE" IN NEVADA HISTORY By Gary W Walters & Curtis L
25. Downing, July 4th, 2013 also court can see exhibit "13(a)" and "13(b)"
26. where Gary W. Walters talks in '13(a)' where Judge Douglas Herndon
27. Did all he could to not allow this issue to not be expanded upon on the
28. record.

1. "The Supremacy clause requires state courts to fairly apply Federal Law, fairly
2. adjudicate federal claims presented to them" CITY OF AUBURN V QUEST CORP
3. 260 F.3d 1160 (9th Cir 2001)

4.

5.

DUTY OF THE COURT

6. (66) IT IS the duty OF COURTS to be watchful for the constitutional rights
7. of the citizen, and to guard against any stealthy encroachments thereon.

8. COOLIDGE V NEW HAMPSHIRE, 403 U.S. 443, 454 (1971)

9. "This court must recognize that the NRS PUBLICATION 220.110, MUST YIELD
10. to the NEVCONST ART 4 § 23, which mandates an enacting clause to be on EVERY
11. LAW" and thus conclude that "In onetheless, as ... (JUDGES), we cannot
12. ignore our obligation to protect and defend the paramount Law of the nation
13. and of this state."

14. STUMPF V LAW, 108 Nev 826, 844, 839 p.2d 120, 131 Nev (1992)

15. Additionally This court should acknowledge that NRS 220.120(5) states
16. as follows:

17. "The Legislative counsel in keeping
18. Nevada Revised Statutes current
19. shall not alter the sense, meaning
20. or effect of any legislative act,..."

21. Both NRS 220.110 & NRS 220.120 are attached herein as exhibit "14, 15"

22.

23. (67)

HOW AMENDING CONSTITUTION

24.

IS TO BE ACCOMPLISHED

25. The (Legis of Nev) Legislature of Nevada has set forth that the taxation of mining
26. companies of Nevada, had to also be put before the people/citizens for approval by
27. ballot vote even though the bill is or was under consideration for passage, the
28. same goes for it passing.

1. This mode of enacting, approving Laws is exactly How it should have been done
2. prior to and during the 48TH Session OF The Legis. of Nev. January 25th, (1957)
3. See exhibit "16"

4. REPEAL OF PRIOR LAWS.

5. (68) DEFINITION OF Repeal:

6. REPEAL abolish, rescind, annul by legislative act; "the abrogation or annulling
7. of a previously existing Law by the enactment of a subsequent statute, which
8. either declares the former Law shall be revoked and abrogated, or which contains
9. provisions so contrary to or irreconcilable with those of the earlier Law that
10. the only one of the two can stand in force; the latter is the 'implied' repeal...
11. the former, the 'express' repeal" 139 S.W 443, 445 Compare amendment (Burton's
12. Law Dictionary, 7th Ed. page 464.

13. See attached exhibit "S" sec 3 'Repeal of prior Laws.

14. all prior Laws were repealed. AS THIS COURT can see SENATE BILL NO 2 (1957)

15. "THE REVISION BILL" which created the "NEVADA REVISED STATUTES", also known as

16. the Law, and not as previously enacted Laws or "PRIMA FACIE EVIDENCE OF THE

17. LAW" what Laws are they evidence of, when all prior Laws were repealed by

18. SENATE BILL NO 2 (1957) meaning all the old Laws had, have no effect as of

19. the passing of "THE REVISION BILL S.B. NO 2 (1957)"

20. See wherein it states:

21. "An act to revise the Laws and statutes of Nevada

22. of a general or public nature; to adopt and enact

23. such revised Laws and statutes, to be known as

24. the Nevada Revised Statutes, as the Law of the

25. state of Nevada; to repeal all prior Laws and statutes

26. of a general, public and permanent nature; providing

27. penalties, and other matters relating thereto"

28. There fore, befor state or the court goes further to argue NRS 220.170(3)

1. where it says "constitute the official codified version of the statutes of Nevada
2. and may be cited as prima facie evidence of the law", this lacks merit in and of
3. itself as "THE REVISION BILL" S.B. NO. 2 (1957) enacted & created every statute
4. from NRS 1.010 to NRS 710.590 and it states they are the law, so this
5. court will notice that like counsel stated in exhibit "10" herein, NRS 171.010 & NRS 171.
6. 020 both fall within range of NRS 1.010 to NRS 710.590 thus court will also
7. recognize NRS 220.110, NRS 220.120, NRS 220.170, NRS 200.310, NRS 200.320
8. NRS 200.400.4, & NRS 200.364, NRS 200.366 which means they are all "THE
9. LAW OF NEVADA" as well as NRS 143.330 and none of them have the
10. constitutionally mandated ENACTMENT CLAUSE which renders all nine (9) of
11. these statutes listed on exhibit 1, 160 as well as NRS 171.010, NRS 171.020 are
12. unlawful, invalid, unconstitutional & void.

13.

14. (69)

RELIEF SOUGHT

15. The fact that "SUBJECT MATTER JURISDICTION" can be "RAISED AT ANY TIME" see
16. Landreth v. Malik, 127 Nev. Adv. Rep. 16, 251 P.3d 163, 166 (2011), which
17. means, The accused must be provided the forum, opportunity, before, in the
18. presence of this court, to establish "ANY FACT" according to usages of common
19. law or provisions of the constitution, would be protection to him... STATE
20. v. Fauquette 67 Nev @ 514 The accused states this his allegation of the lack of
21. subject matter jurisdiction protects him, and requests to come before this
22. court for the opportunity to establish any fact there to.
23. Furthermore, that without an adequate, full and fair presentation of the
24. "FACTS", it is wholly impossible for the NEV. SUP. CRT. to be in a position, to
25. render a full, fair, and adequate appellate review as to "FACTS" not fully
26. developed in the district court, due to the appellate court not being a "FACT
27. FINDING TRIBUNAL. Zugel, 94 Nev @ , 654 p.2d @ 297
28. where (1) when state cannot produce any valid documents to contradict

1. The Accused allegations, He requests this court enter an order to expunge His
2. conviction & order His immediate Release from incarceration.

3.

4.

VERIFICATION

5. I Bryan p Bonham declare and verify that I have read the foregoing motion to
6. correct an illegal sentence and to the best of my belief & knowledge that the foregoing
7. is true & correct under the pains and penalties of perjury pursuant to 28 U.S.C.A. § 1746
8. & 18 U.S.C.A. § 1621

9.

10.

CERTIFICATE OF SERVICE

11. I Bryan p Bonham certify that I have read the foregoing motion to correct an illegal sentence, I am
12. sending it with special instructions for electronic filing and service to the clerk of the
13. court to serve all of my opponents pursuant to N.E.R.C.R. 5(K) 9 et seq (A.C) etc
14. to the following.

15.

16. DISTRICT ATTORNEY

17. Steve Wolfson

18. 200 Lewis Ave

19. LV. NV. 89155

20.

21. Dated This day of 202

22. /s/ ~~Bryan p Bonham~~

23. Bryan p Bonham 60575

24. PO Box 650 HDSF

25. Indian Springs, NEV 89070

26.

27.

28.

Exhibit 1

Amended

criminal complaint

Exhibit 1

JUSTICE COURT, HENDERSON TOWNSHIP
CLARK COUNTY, NEVADA

THE STATE OF NEVADA, HENDERSON JUSTICE COURT

Plaintiff,

FILED IN OPEN COURT

CASE NO: 15FH0425X

DEPT NO:

BRYAN PHILLIP BONHAM #0852897,

Defendant.

AMENDED
CRIMINAL COMPLAINT

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

COUNT 1 - FIRST DEGREE KIDNAPPING

5-life 5-15

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

COUNT 2 - BATTERY WITH INTENT TO COMMIT SEXUAL ASSAULT

10-life
life w/o

did then and there wilfully, unlawfully and feloniously use force or violence upon the person of another, to-wit: M.W., with the intent to commit sexual assault by strangulation.

COUNT 3 - BATTERY WITH INTENT TO COMMIT SEXUAL ASSAULT

2-15

did then and there wilfully, unlawfully, and feloniously use force or violence upon the person of another, to-wit: M.W., with intent to commit sexual assault by slapping the said M.W. and/or squeezing her breast.

///

1 COUNT 4 - SEXUAL ASSAULT 12-18e

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

7 COUNT 5 - SEXUAL ASSAULT h

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

13 COUNT 6 - SEXUAL ASSAULT //

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

19 COUNT 7 - SEXUAL ASSAULT //

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

25 COUNT 8 - SEXUAL ASSAULT //

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

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

3 All of which is contrary to the form, force and effect of Statutes in such cases made and
4 provided and against the peace and dignity of the State of Nevada. Said Complainant makes
5 this declaration subject to the penalty of perjury.
6

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

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Exhibit 1(a)

Information

Exhibit 1(a)


CLERK OF THE COURT

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

DISTRICT COURT
CLARK COUNTY, NEVADA

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

THE STATE OF NEVADA,
Plaintiff,

CASE NO: C-15-307298-1

-vs-

DEPT NO: IV

BRYAN PHILLIP BONHAM,
#0852897

Defendant.

INFORMATION

STATE OF NEVADA }
COUNTY OF CLARK } ss.

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

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

COUNT 1 - FIRST DEGREE KIDNAPPING

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

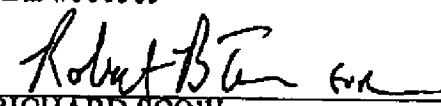
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1 COUNT 2 - ATTEMPT SEXUAL ASSAULT

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

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

10 BY


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

Exhibit 2

VERSION ONE & TWO OF SAME BILL
CHAPTER 182

Exhibit 2

U.1

11

S. B. 182

SENATE BILL NO. 182—COMMITTEE ON FINANCE

MARCH 9, 1951

Referred to Committee on Finance

Summary—Establishes permanent commission on compilation of laws.

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

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

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.

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 in 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 filed in the blank space of such title as such title may be cited as "Rev. Laws."

3. In preparing such compilation the commission is hereby authorized to adopt such system of numbering as it deems practical, and 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 laws 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 edition heretofore made and known as the "Revised Laws of Nevada,
5 1912" as authorized by chapter CCCCXXVI, Statutes of 1908.
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
9 printing the separate volumes shall be bound as heretofore
10 and forwarded to the secretary of state for safekeeping and dispo-
11 as set forth hereinafter. Sufficient copies of each page shall be
12 so that there shall be bound 2,500 copies of each volume of
13 "Revised Laws." A master copy of said "Revised Laws of Nevada,"
14 shall be kept in the office of the commission, and such
15 copy shall not be removed from said office except in the custody
16 of a member of the commission.
17 Sec. 5. In complying with the provisions of this act, and
18 the limitation of available appropriations, the commission is
19 authorized to employ such clerical assistance as it deems necessary,
20 compensated at the same rate as other state employees of com-
21 position, and such assistants in drafting and research as may be
22 necessary, and shall be familiar with methods of compilation and
23 of laws. The terms of the employment and compensation of such
24 assistants shall be fixed by the commission.
25 Sec. 6. The commission shall reimburse the state printer for the
26 appropriation hereby made for the cost of printing and binding
27 required by this act.
28 Sec. 7. From and after the completion of "Revised Laws of Nevada,"
29 and the delivery of the same to the secretary of state,
30 said secretary of state shall forward one set of the same to each
31 of each elected or appointed state officer, and take the official
32 said officer therefor; thirty sets shall be reserved at all times for
33 exclusive use of the legislature, one set shall be furnished to each
34 county of the state for the use of the district judge and the
35 may of that county, one set shall be furnished to each library
36 state maintained by public funds, and such number of sets as may be
37 necessary, not to exceed 60 sets, shall be made available to the
38 librarian for reciprocal trading with state libraries of other
39 federal territories. The remaining sets shall be sold to the
40 of state at a price of \$10 per volume, and all proceeds shall
41 shall be deposited in the general fund.
42 Sec. 8. The compilation herein authorized to be made shall be
43 accompanied by as complete an index as it shall be possible to
44 pare, which index shall be printed and bound in the same
45 and style as the "Revised Laws."
46 Sec. 9. The secretary of state shall make available to the
47 sion all records of his office which are or may be of value to the
48 sion, and any books or statutes in the custody of the secretary
49 shall likewise be made available to said commission.
50 Sec. 10. Upon request of the commission, the secretary of state

buildings and grounds shall assign and make available to the commis-
sion suitable and convenient rooms or space for the use of the commis-
sion and its employees.
Sec. 11. The commission is authorized to purchase or otherwise
procure 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
high 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
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-
flicting 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
the purpose 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.

Senate Bill No. 182—Committee on Finance

CHAPTER 304

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

[Approved March 22, 1951]

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

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

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

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

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

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

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

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

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

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

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

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

Exhibit 2(a)

Senate Bill No. 188 chapter 280

Exhibit 2(a)

~ 48-

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 2 (b)

SENATE Bill 218
chapter 248

Exhibit 2 (b)

- 50 -

Senate Bill No. 218—Committee on Finance

CHAPTER 248

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

[Approved March 26, 1955]

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

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

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

Exhibit 3

FOREWORD pg. XI

LEGIS COUNSEL PREFACE pg XIII, XIV, XV

Exhibit 3

~ 52 -

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

XI

(2001)

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[REDACTED]

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:

663⁹⁹

-54-

exhibit 7⁹⁹

(3) 82

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

SS -

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

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⑤ 84

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Exhibit 4

ARTICLE ON
RUSSELL W McDONALD

Exhibit 4

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Russ McDonald celebrates 30 years of public service

"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 pave the path 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."

Casting 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

McDonald's a jolly good fellow in legislature. 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, who was born in Prosser, Calif., in 1917, is one of Nevada's great living legends. He's been lauded in the past for accomplishing on his own what entire legislatures couldn't do on a mass.

McDonald started his career as a two-a-month Reno deputy city attorney. He spent another 21 years as director of the state's State Revision Commission and then as attorney 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 record of the complete Nevada Revised Statutes often is cited as his greatest accomplishment in government. He also worked in the preparation of the municipal



RUSS McDONALD

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

- Exhibit K -

This Exhibit Shows that Russell W. McDonald was not a Native Nevadan Born Citizen, but was Born in Prosser Creek California
The Joint Concurrent Resolution no. 2 Contains the false information...

Page 20 of 20

Exhibit 5

ACT OF 48TH SESSION
OF NEVADA LEGISLATION

Exhibit 5

32 PAGES

copy

ACT OF THE 48TH SESSION OF THE NEVADA LEGISLATURE ADOPTING AND ENACTING NEVADA REVISED STATUTES

Chapter 2, Statutes of Nevada 1957, page 2

- Section 1. Enactment of Nevada Revised Statutes.
- Sec. 2. Designation and citation.
- Sec. 3. Repeal of prior laws.
- Sec. 4. Construction of act.
- Sec. 5. Effect of enactment of NRS and repealing clause.
- Sec. 6. Severability of provisions.
- Sec. 7. Effective date.
- Sec. 8. Omission from session laws.
- Sec. 9. Content of Nevada Revised Statutes.

AN ACT to revise the laws and statutes of the State of Nevada of a general or public nature; to adopt and enact such revised laws and statutes, to be known as the Nevada Revised Statutes, as the law of the State of Nevada; to repeal all prior laws and statutes of a general, public and permanent nature; providing penalties; and other matters relating thereto.

[Approved January 25, 1957] *The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:*

Section 1. Enactment of Nevada Revised Statutes.

The Nevada Revised Statutes, being the statute laws set forth after section 9 of this act, are hereby adopted and enacted as law of the State of Nevada.

NVCODE

1

Sec. 2. Designation and citation.

The Nevada Revised Statutes adopted and enacted into law by this act, and as hereafter amended and supplemented and printed and published pursuant to law, shall be known as Nevada Revised Statutes and may be cited as "NRS" followed by the number of the Title, chapter or section, as appropriate.

Sec. 3. Repeal of prior laws.

Except as provided in section 5 of this act and unless expressly continued by specific provisions of Nevada Revised Statutes, all laws and statutes of the State of Nevada of a general, public and permanent nature enacted prior to January 21, 1957, hereby are repealed.

Sec. 4. Construction of act.

1. The Nevada Revised Statutes, as enacted by this act, are intended to speak for themselves; and all sections of the Nevada Revised Statutes as so enacted shall be considered to speak as of the same date, except that in cases of conflict between two or more sections or of any ambiguity in a section, reference may be had to the acts from which the sections are derived, for the purpose of applying the rules of construction relating to repeal or amendment by implication or for the purpose of resolving the ambiguity.

2. The provisions of Nevada Revised Statutes as enacted by this act shall be considered as substituted in a continuing way for the provisions of the prior laws and statutes repealed by section 3 of this act.

3. The incorporation of initiated and referred measures is not to be deemed a legislative reenactment or amendment thereof, but only a mechanical inclusion thereof into the Nevada Revised Statutes.

4. The various analyses set out in Nevada Revised Statutes, constituting enumerations or lists of the Titles, chapters and sections of Nevada Revised Statutes, and the descriptive headings or catchlines immediately preceding or within the texts of individual sections, except the section numbers included in the headings or catchlines immediately preceding the texts of such sections, do not constitute part of the law. All derivation and other notes set out in Nevada Revised Statutes are given for the purpose of convenient reference, and do not constitute part of the law.

5. Whenever any reference is made to any portion of Nevada Revised Statutes or of any other

law of this state or of the United States, such reference shall apply to all amendments and additions thereto now or hereafter made.

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

1. The adoption and **enactment** of Nevada Revised Statutes shall not be construed to repeal or in any way affect or modify:

- (a) Any special, local or temporary laws.
- (b) Any law making an appropriation.
- (c) Any law affecting any bond issue or by which any bond issue may have been authorized.
- (d) The running of the statutes of limitations in force at the time this act becomes effective.
- (e) The continued existence and operation of any department, agency or office heretofore legally established or held.
- (f) Any bond of any public officer.
- (g) Any taxes, fees, assessments or other charges incurred or imposed.
- (h) Any statutes authorizing, ratifying, confirming, approving or accepting any compact or contract with any other state or with the United States or any agency or instrumentality thereof.

2. All laws, rights and obligations set forth in subsection 1 of this section shall continue and exist in all respects as if Nevada Revised Statutes had not been adopted and enacted.

3. The repeal of prior laws and statutes provided in section 3 of this act shall not affect any act done, or any cause of action accrued or established, nor any plea, defense, bar or matter subsisting before the time when such repeal shall take effect; but the proceedings in every case shall conform with the provisions of Nevada Revised Statutes.

4. All the provisions of laws and statutes repealed by section 3 of this act shall be deemed to have remained in force from the time when they began to take effect, so far as they may apply to any department, agency, office, or trust, or any transaction, or event, or any limitation, or any right, or obligation, or the construction of any contract already affected by such laws, notwithstanding the repeal of such provisions.

5. No fine, forfeiture or penalty incurred under laws or statutes existing prior to the time Nevada Revised Statutes take effect shall be affected by repeal of such existing laws or statutes, but the recovery of such fines and forfeitures and the enforcement of such penalties shall be effected as if the law or statute repealed had still remained in effect.

6. When an offense is committed prior to the time Nevada Revised Statutes take effect, the offender shall be punished under the law or statute in effect when the offense was committed.

7. No law or statute which heretofore has been repealed shall be revived by the repeal provided in section 3 of this act.

8. The repeal by section 3 of this act of a law or statute validating previous acts, contracts or transactions shall not affect the validity of such acts, contracts or transactions, but the same shall remain as valid as if there had been no such repeal.

9. If any provision of the Nevada Revised Statutes as enacted by this act, derived from an act that amended or repealed a preexisting statute, is held unconstitutional, the provisions of section 3 of this act shall not prevent the preexisting statute from being law if that appears to have been the intent of the legislature or the people.

Sec. 6. Severability of provisions.

If any provision of the Nevada Revised Statutes or amendments thereto, or the application thereof to any person, thing or circumstance is held invalid, such invalidity shall not affect the provisions or application of the Nevada Revised Statutes or such amendments that can be given effect without the invalid provision or application, and to this end the provisions of Nevada Revised Statutes and such amendments are declared to be severable.

Sec. 7. Effective date.

This act, and each and all of the laws and statutes herein contained and hereby enacted as the Nevada Revised Statutes, shall take effect upon passage and approval.

Sec. 8. Omission from session laws.

The provisions of NRS 1.010 to 710.590, inclusive, appearing following section 9 of this act shall not be printed or included in the Statutes of Nevada as provided by NRS 218.500 and NRS 218.510; but there shall be inserted immediately following section 9 of this act the words: "(Here followed NRS 1.010 to 710.590, inclusive.)"

NVCODE

4

Sec. 9. Content of Nevada Revised Statutes.

The following laws and statutes attached hereto, consisting of NRS sections 1.010 to 710.590, inclusive, constitute the Nevada Revised Statutes:

(Here followed NRS 1.010 to 710.590, inclusive.)

Exhibit 6

SENATE JOURNAL

Exhibit 6

- 65 -

STATE OF NEVADA
EXECUTIVE DEPARTMENT

RECEIVED

Date Jan 23, 1957

Hour 10:47 AM

No. of Sheets One

Time Limit for Action by Governor

Expires on Jan 28, 1957

Charles T. Hall
Secretary to Governor

STATE OF NEVADA
OFFICE OF SECRETARY OF STATE

RECEIVED AND FILED

Date Jan 23 1957

Hour 1:10 PM

John D. Hall
Secretary of State

Bernard S. Hall
Deputy Secretary

CHARTER 2

SENATE BILL NO. 2

W. C. D. Foster
President of the Senate

J. C. D. Foster
Secretary of the Senate

W. C. D. Foster
Speaker of the Assembly

W. C. D. Foster
Chief Clerk of the Assembly

STATE OF NEVADA
EXECUTIVE DEPARTMENT

APPROVED

Date January 25, 1957

Hour 10:25 a.m.

Charles M. Foster
Governor

8 When it (printed bill cover)

200

Read third time. Amended. To printer.

From printer. To re-engrossment.

~~Re-engrossed~~ Re-engrossed.

Re-referred to Committee on _____

From committee: _____

JAN 22 1957

All rules suspended. Bill considered engrossed, declared an emergency measure under the Constitution, and placed on third reading and final passage.

Read third time. Amended. Reprinting dispensed with. Passed, as amended. Title approved. To re-engrossment.

JAN 22 1957

~~Re-engrossed~~ Re-engrossed. To Assembly.

Read third time. Passed.

Title approved. To Assembly.

Leola H. Johnson

Assistant Secretary

☐ Check here if amendments are stapled to back of bill.

IN ASSEMBLY

JAN 23 1957

Read first time. Referred to Committee on/of _____

To committee _____

From committee: Do _____ pass.

Read second time.

From committee: Amend, and do pass as amended.

Read second time. Amended. Reprinting dispensed with. To re-engrossment.

Read second time. Amended. To printer.

Read third time. Amended. To printer.

From printer. To re-engrossment.

~~Re-engrossed~~ Re-engrossed.

JAN 23 1957

All rules suspended. Bill considered engrossed, declared an emergency measure under the Constitution, and placed on third reading and final passage.

Read third time. Amended. Reprinting dispensed with. Passed, as amended. Title approved. To re-engrossment.

~~Re-engrossed~~ Re-engrossed. To Senate.

Read third time. Passed.

Title approved. To Senate.

J. H. Johnson

Assistant Secretary

☐ Check here if amendments are stapled to back of bill.

Exhibit 7

NEU CONST ARTS 820

Exhibit 7

The Constitution of the State of Nevada

Article 5 Executive Department

20. Secretary of state: Duties.

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

Research References and Practice Aids

Cross references.

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

Exhibit 8

Senate Concurrent
Resolution No 1
version one

Exhibit 8

Real copy found version 1

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

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

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

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

Exhibit 8(a)

Senate Concurrent
Resolution No 1
Version Two

Exhibit 8(a)

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

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

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

Real copy found version #2

Exhibit 8(b)

senate concurrent
Resolution no 1
version three

Exhibit 8(b)

- 75 -

Version 3

Resolutions and Memorials

Senate Concurrent Resolution No. 1—Committee on Judiciary

FILE NO. 1

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

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

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

Exhibit 8(c)

SENATE CONCURRENT
RESOLUTION NO 1
VERSION FOUR

Exhibit 8(c)

Resolutions and Memorials

STATUTES OF NEVADA 1956-57

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 395, Statutes of Nevada 1955, provide that the official engrossed copy of a bill may by resolution be used as the enrolled bill; now, therefore, be it

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

Assembly Concurrent Resolution No. 1—Committee on Judiciary

FILE NO. 2

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

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

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

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

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

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

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

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 45th session of the Nevada legislature, be duly certified by the secretary of state of the State of Nevada and be transmitted forthwith to Russell West McDonald.

Assembly Concurrent Resolution No. 2—Committee on Legislative Functions

FILE NO. 3

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

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

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

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

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

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

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

Exhibit 9

Court minutes.

Exhibit 9

80-

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****December 27, 2021**

C-15-307298-1 State of Nevada
 vs
 Bryan Bonham

December 27, 2021 3:00 AM Motion to Correct Sentence

HEARD BY: Bluth, Jacqueline M.**COURTROOM:** RJC Courtroom 10C**COURT CLERK:** Michaela Tapia

JOURNAL ENTRIES

- IT IS HEREBY ORDERED that Defendant's Motion to Correct Illegal Sentence is DENIED. A court may correct an illegal sentence at any time. NRS 176.555. A sentence is illegal if it is "at variance with the controlling statute, or illegal in the sense that the court goes beyond its authority by acting without jurisdiction or imposing a sentence in excess of the statutory maximum provided." Edwards v. State, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996). Here, Defendant alleges that the Nevada Revised Statutes version of the statutes under which he pleaded guilty are invalid because they do not contain the enacting clause required by the NV Constitution. However, the Nevada Revised Statutes do not have the same requirements as laws of Nevada because they are not laws enacted by the legislature. Instead, the Nevada Revised Statutes are previously enacted laws which have been classified, codified, and annotated by the Legislative Counsel. See NRS 220.120. Further, the content requirements for the Nevada Revised Statutes, as laid out in NRS 220.110, do not require the enacting clause to be republished in them. Therefore, Defendant's argument is without merit. Furthermore, this Court had subject matter jurisdiction over Defendant's sentence because there is no requirement that the enacting clause must be on the charging documents. State v. Rogers, 10 Nev. 250, 1875 WL 4032, 7 (1875).

CLERK'S NOTE: This minute order has been distributed to counsel via email and mailed to the address below. /mt

Bryan Bonham #60575
High Desert State Prison
P.O. Box 650
Indian Springs, NV 89070-0650

PRINT DATE: 12/27/2021

Page 1 of 1

Minutes Date: December 27, 2021

~~APPENDIX J~~

Exhibit 10

STATE V. JUSTIN Langford

CASE NO C-14-2465561

STATE'S COMPOSITION TO MTC IS

OMISSION THAT NRS ARE LAWS
OF NEV ENACTED BY 418TH SESSION
OF NEV LEGISLATURE.

Exhibit 10

- 82 -

Steven D. Grierson

1 **OPPS**
2 **STEVEN B. WOLFSON**
3 **Clark County District Attorney**
4 **Nevada Bar #001565**
5 **ALEXANDER CHEN**
6 **Deputy District Attorney**
7 **Nevada Bar #10539**
8 **200 Lewis Avenue**
9 **Las Vegas, Nevada 89155-2212**
10 **(702) 671-2500**
11 **Attorney for Plaintiff**

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

9 **THE STATE OF NEVADA,**
10 **Plaintiff,**

11 **-VS-**

12 **JUSTIN LANGFORD,**
13 **#2748452**

14 **Defendant.**

CASE NO: C-14-296556-1

DEPT NO: XXIII

15 **STATE'S OPPOSITION TO DEFENDANT'S MOTION TO CORRECT ILLEGAL**
16 **SENTENCE**

17 **DATE OF HEARING: SEPTEMBER 13, 2021**
18 **TIME OF HEARING: 11:00 AM**

19 **COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, Clark County**
20 **District Attorney, through ALEXANDER CHEN, Deputy District Attorney, and hereby**
21 **submits the attached Points and Authorities in Opposition to Defendant's Motion to Correct**
22 **Illegal Sentence.**

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

26 **//**

27 **//**

28 **//**

1 **POINTS AND AUTHORITIES**

2 **STATEMENT OF THE CASE**

3 On March 14, 2014, JUSTIN ODELL LANGFORD (hereinafter "Defendant") was
4 charged by way of Information with the following: COUNTS 1, 2, 6, 7, 8, 10, 11, and 12 –
5 Lewdness With A Child Under The Age Of 14 (Category A Felony - NRS 201.230); COUNTS
6 3, 4, and 5 – Sexual Assault With A Minor Under Fourteen Years Of Age (Category A Felony
7 - NRS 200.364, 200.366); and COUNT 9 – Child Abuse, Neglect, or Endangerment (Category
8 B Felony - NRS 200.508(1)).

9 On March 7, 2016, a jury trial convened and lasted nine days. On March 17, 2016, the
10 jury returned a guilty verdict as to COUNT 2, and not guilty as to all other Counts.

11 On May 10, 2016, Defendant was sentenced to Life with a possibility of parole after a
12 term of 10 years have been served in the Nevada Department of Corrections ("NDOC").
13 Defendant received eight hundred forty-one (841) days credit for time served. The Judgment
14 of Conviction was filed on May 17, 2016.

15 On June 1, 2016, Defendant filed a Notice of Appeal from his conviction. On June 27,
16 2017, the Nevada Supreme Court affirmed the Judgment of Conviction. Remittitur issued July
17 28, 2017.

18 Following the affirmance, Defendant filed various motions including but not limited to,
19 a Motion to Claim and Exercise Rights Guaranteed by the Constitution for the United States
20 of America (October 10, 2017), a Motion to Reconsider (October 10, 2017), A Motion for
21 Ancillary Services Pursuant to 18 U.S.C. sec 3006A (November 27, 2017), a Petition for Writ
22 of Habeas Corpus (December 29, 2017), a Request for Judicial Notice of Lack of Jurisdiction
23 (March 30, 2018), a Motion to Amend Judgment of Conviction (September 19, 2019), a
24 Motion to Correct Illegal Sentence (February 25, 2020), and an additional Motion to Correct
25 Illegal Sentence (June 9, 2021). The Court denied the above motions.

26 On August 19, 2021, Defendant filed a Motion to Correct Illegal Sentence. The State
27 responds as follows.

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1 overruled on other grounds by Harris v. State, 130 Nev. 435, 329 P.3d 619 (2014). However,
2 a district court possesses inherent authority to correct, vacate or modify a sentence where the
3 defendant can demonstrate the sentence violates due process because it is based on a materially
4 untrue assumption or mistake of fact that has worked to the defendant's extreme detriment.
5 Edwards v. State, 112 Nev. 704, 707, 918 P.2d 321, 324 (1996); NRS 176.555; see also
6 Passanisi, 108 Nev. at 322, 831 P.2d at 1373. A motion to correct an illegal sentence may only
7 challenge the facial legality of the sentence; either the district court was without jurisdiction
8 to impose a sentence or the sentence was imposed in excess of the statutory
9 maximum. Edwards v. State, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996).

10 Defendant's motion fails to substantiate that the District Court lacked jurisdiction.
11 Defendant mistakenly claims that both NRS 171.010 and NRS 171.020 are invalid. The 48th
12 Session of the Nevada Legislature enacted into law the Nevada Revised Statutes. 1957 Nev.
13 Stat. 2. At this point, the Nevada Revised Statutes were comprised of the laws set out in section
14 9 of the same bill. Id. Section 9 states that "the following laws and statutes attached hereto,
15 consisting of NRS sections 1.010 to 710.590, inclusive, constitute the Nevada Revised
16 Statutes." Id. at 3. Both NRS 171.010 and NRS 171.020 fall within this range and were
17 properly enacted into law by this bill. Thus, Defendant fails to make any proper challenge to
18 the facial legality of his sentence.

19 Defendant fails to set forth any additional claims that the district court lacked
20 jurisdiction, the sentence exceeded the statutory maximum, or the Court sentenced him based
21 on a materially untrue assumption or mistake of fact. Accordingly, this Court should deny his
22 motion.

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CONCLUSION

Based on the foregoing reasons, Defendant's Motion to Correct Illegal Sentence should be DENIED.

DATED this 24th day of August, 2021.

Respectfully submitted,

STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #10539

BY


ALEX CHEN
Deputy District Attorney
Nevada Bar #10539

CERTIFICATE OF MAILING

I hereby certify that service of the above and foregoing was made this 24th day of August, 2021, by depositing a copy in the U.S. Mail, postage pre-paid, addressed to:

JUSTIN ODELL LANGFORD
BAC#1159546
1200 PRISON RD (LLCC)
LOVELOCK, NV 89419

BY


Secretary for the District Attorney's Office

14FS0001X/AC/ee/mlb/SVU

Exhibit 11

NEU CONST ART 1631

Exhibit 11

88-

The Constitution of the State of Nevada

Article 16 Amendments

1. Constitutional amendments: Procedure; concurrent and consecutive amendments.

1. Any amendment or amendments to this Constitution may be proposed in the Senate or Assembly; and if the same shall be agreed to by a Majority of all the members elected to each of the two houses, such proposed amendment or amendments shall be entered on their respective journals, with the Yeas and Nays taken thereon, and referred to the Legislature then next to be chosen, and shall be published for three months next preceding the time of making such choice. And if in the Legislature next chosen as aforesaid, such proposed amendment or amendments shall be agreed to by a majority of all the members elected to each house, then it shall be the duty of the Legislature to submit such proposed amendment or amendments to the people, in such manner and at such time as the Legislature shall prescribe; and if the people shall approve and ratify such amendment or amendments by a majority of the electors qualified to vote for members of the Legislature voting thereon, such amendment or amendments shall, unless precluded by subsection 2 or section 2 of article 19 of this constitution, become a part of the Constitution.

2. If two or more amendments which affect the same section of the constitution are ratified by the people at the same election:

(a) If all can be given effect without contradiction in substance, each shall become a part of the constitution.

(b) If one or more contradict in substance the other or others, that amendment which received the largest favorable vote, and any other amendment or amendments compatible with it, shall become a part of the constitution.

3. If after the proposal of an amendment, another amendment is ratified which affects the same section of the constitution but is compatible with the proposed amendment, the next legislature if it agrees to the proposed amendment shall submit such proposal to the people as a further amendment to the amended section. If, after the proposal of an amendment, another amendment is ratified which contradicts in substance the proposed amendment, such proposed amendment shall not be submitted to the people.

Exhibit 11(a)

NEU CONST
ART 16 § 2

Exhibit 11(a)

NEVADA STATUTES

The Constitution of the State of Nevada

Article 16 Amendments

2. Convention for revision of constitution: Procedure.

If at any time the Legislature by a vote of two thirds of the Members elected to each house, shall determine that it is necessary to cause a revision of this entire Constitution they shall recommend to the electors at the next election for Members of the Legislature, to vote for or against a convention, and if it shall appear that a majority of the electors voting at such election, shall have voted in favor of calling a Convention, the Legislature shall, at its next session provide by law for calling a Convention to be holden within six months after the passage of such law, and such Convention shall consist of a number of Members not less than that of both branches of the Legislature. In determining what is a majority of the electors voting at such election, reference shall be had to the highest number of votes cast at such election for the candidates for any office or on any question.

Exhibit 12

Sec of State
Letter admitting
to not having documents

Exhibit 12

BARBARA K. CEGAVSKE
Secretary of State

STATE OF NEVADA



OFFICE OF THE
SECRETARY OF STATE

SCOTT ANDERSON
Chief Deputy Secretary of State

who was AH 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

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EXHIBIT 3A

Exhibit 12(a)

2nd Letter from
Sec of State

Exhibit 12(a)

- 94 -

STATE OF NEVADA

BARBARA K. CEGAVSKE

Secretary of State



SCOTT ANDERSON

Chief Deputy Secretary of State

OFFICE OF THE
SECRETARY OF STATE

February 1, 2018

Justin Odell Langford - 1159546
High Desert State Prison
P.O. Box 650
Indian Springs, NV 89070

Re: Information Request

Mr. Langford:

In response to your request for information on all of Nevada's statutes. This request is beyond the scope of what our office can provide. Please contact the Constituent Services Unit of the Legislative Counsel Bureau - Research Division:

Constituent Services Unit

Legislative Counsel Bureau--Research Division
401 South Carson Street
Carson City, Nevada 89701-4747

Phone: 775-684-6740

Toll Free from Las Vegas area: 702-486-3883

Toll Free from other Nevada areas: 800-992-0973

Please note that there may be fees associated with providing a large volume of documents and that a deposit may be required prior to responding to your request.

Sincerely,

Barbara K. Cegavske
Secretary of State

By: 

Jennifer A. Russell
Public Information Officer

- 95 -

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

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Exhibit 12 (b)

Sec of State
Letter

Exhibit 12 (b)

-96-

ROSS MILLER
Secretary of State

NICOLE J. LAMBOLEY
Chief Deputy Secretary of State

ROBERT E. WALSH
*Deputy Secretary
for Southern Nevada*

STATE OF NEVADA



OFFICE OF THE
SECRETARY OF STATE

SCOTT W. ANDERSON
*Deputy Secretary
for Commercial Recordings*

SCOTT F. GILLES
Deputy Secretary for Elections

RYAN M. HIGH
*Deputy Secretary
for Operations*

February 20, 2013

Dear Mr. Walters:

In response to your public records request pursuant to NRS 239, the information you requested regarding Assembly history from the 1957 and 1969 Legislative sessions pertains to documents for which this office no longer has legal custody or control. These records are now in the custody and control of the Nevada State Archives. You may contact them for release of the documents related to the subject matter you request.

The contact information for the Nevada State Archives is:
100 N. Stewart Street, Carson City, NV 89701
Phone: 775.684.3360
Fax : 775.684.3330

Thank you.

Sincerely,

ROSS MILLER
Secretary of State

By: Catherine Lu
Catherine Lu
Public Information Officer

NEVADA STATE CAPITOL
101 N. Carson Street, SUITE 3
Carson City, Nevada 89701-4786
Telephone: (775) 684-5708
Fax: (775) 684-5725

COMMERCIAL RECORDINGS
MEYER'S ANNEX OFFICE
202 N. Carson Street
Carson City, Nevada 89701-4201
Telephone: (775) 684-5708
Fax: (775) 684-5725

LAS VEGAS OFFICE
355 E. Washington Avenue Ste. 5200
Las Vegas, Nevada 89101-1090
SECURITIES
Telephone: (702) 486-2440
Fax: (702) 486-2452
CORPORATIONS
Telephone: (702) 486-2880
Fax: (702) 486-2888

RENO OFFICE
500 Damonte Ranch Pkwy, Suite 657-A
Reno, Nevada 89521
Telephone: (775) 687-9950
Fax: (775) 853-7961

Exhibit 13

Discovery of Biggest
Legal ~~Discovery~~ ^{Find} in Nevada History

By Gary W. Walters
Curtis L. Downing
July 4th, 2013

Exhibit 13

Attachment to;
Accused Reply to States
Opposition - Case NO C-217569

Attached to current case
Reply to States opposition
Case NO. C-15-307298-1
As exhibit 66 137

DISCOVERY
OF
("BIGGEST LEGAL FIND")
IN

NEVADA HISTORY
BY

GARY W. WALTERS
CURTIS L. DAWNING
JULY 4th / 2013

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Written By:

Gary W. Walters #1022269
Curtis L. Dawning
I.D. #18675

H

1 From GARY W. WALTERS

2 1022269

3 S.D.C. P.O. Box 208

4 Indian Springs NV 89070-0208

July 26th/2013

5 Accused / Pro Se

6 To: CLERK of the District Court

7 200 Lewis Ave 3rd floor

8 Las Vegas NV 89155-1160

9 C-217569

10 Re: Accused / Pro Se Reply to States opposition

11 Motion to Dismiss Lack of Subject matter jurisdiction

12 ERROTA - Motion to Dismiss - CAVENT, Motion for
13 Self and Pro Se Representation (Discovery)

14
15 Dear clerk of the District Court

16 Please find the Original Reply to States
17 opposition.

18 Please file Stamp and forward the copy
19 cover page back to me at the address
20 above,

21 Thank you

22 Respectfully Submitted

23 Gary W. Walters

24 Accused / Pro Se

RECEIVED

AUG 05 2013

CLERK OF THE COURT

NARRATIVE

This Narrative is based upon 4 1/2 years plus legal work, research, due diligence and facts gathering by two inmates incarcerated in the Nevada Dept. of Corrections at Southern Desert Correctional Center at Indian Springs Nevada.

"THE DISCOVERY OF THE BIGGEST LEGAL FIND IN NEVADA HISTORY", was made by Curtis L. Downing an Inmate paralegal/Assistant and Gary W. Walters an Inmate Advocate in their Quest to pursue their "ACTUAL Innocense".

The writers herein in reading and reviewing over 200 plus Case laws that were Shepardized, and reading a Mentored book, "THE AUTHORITY OF LAW" written by Charles Weisman, a legal Scholar from Minnesota.

The writers of this Factual narrative, then pursued reviewing and reading and understanding "THE NEVADA STATE CONSTITUTION", After reading, reviewing Collecting information, the Constitution it's Articles and Remourous Sections were violated, than looking into all the (NRS) Statutes, and documents referencing to them it became very obvious, something was "VERY WRONG".

The writers, turned their Full attention to the Commencement of their Fact Finding mission.

The writers realized they had a hugh discovery.

"A CRIMINAL ENTERPRISE", After 56 years had passed, these two writers has made this hidden "STEALTH FRAUD" designed to cover up multiple Jon and/or Jane Does Corruption, thus this all set the stage for the establishment of the Rogue State of Nevada's KANGAROO COURTS."

The writers are "Reformers" Curtis L. Downing and Gary W. Walters and stands for Legitimate Government.

The writers herein, shall now make herein this narrative the presentment of their factual findings and the cited statements and tracking of the "STEALTH FRAUD", "USURPATION", "TYRANNY", "CRIMINAL ENTERPRISE", "ABUSE OF POWER", "MALFEASANCE", "MISSFEASANCE" and "NONFEASANCE OF Public Duty and office".

The writers shall give in depth details in this narrative, the accumulation of documents and exhibits, that were derived from an invoking and use of the "FREEDOM INFORMATION Act" facts gathering to make a "Full Proof" and "Show of Proof" herein with the document attachments.

The writers took the "ETHICAL and LOGICAL APPROACH", to their fact finding and in the attached exhibit 1A herein, the Commencement of the Stealth Fraud will be shown, starting with the Nev. Legis, 1951, 1953, 1955, 1957,

A non-Judicial officer, an Attorney named Russell W. McDonald a member than of the State bar.

There is no Doubt, that the Comingling that the Constitutional violations commenced from the mandated Separation of Powers, i.e., "The Legislative Branch", "The Executive Branch" and the Judicial Branch. Now, "ETHICALLY" you cannot have (3) Sitting Judges (1) Milton Badt, (2) Edgar Eather, (3) Charles M. Merrill, they deliberately and willfully Comingled their Judicial Separation of Powers, and became involved in Law making, Law writing, publication, sales and distribution of the unlawful "Invalid Laws" the NRS Statute Books.

A Lawyer and (3) three sitting Judges, an officer of the Courts, all (4) Four of them writing and making laws that no doubt, they are also triers or taking Power, authority, Jurisdiction over deciding Judgements or trial outcome of Cases in their administering of the Laws that they participated and/or wrote.

The two writers "DISCOVERED" the apparent stealth Fraud and other very serious violations that was done by these known "GRIFFERS" group that deliberately perpetrated Fraud upon the Citizens.

Now they were given this power and Authority and duties two years before 1955, and prior to 1957; of the actual tracking of the Acts of the 47th Session of the Assembly and 48th Session of the Assembly of the Legislature Adopting and enacting the illegal Nevada Revised Statutes;

This premeditated "Stealth Fraud" is the begining of the established "The Criminal Enterprise"

monies from the Sale of these published NRS Statute Books were going directly into the hands and Controll of the (3) three Sitting Judges, Badt, Eather, Merrill, and the Lawyer Russell McDonald.

To further Controll their "Criminal Enterprise", the (4) four of them "illegally Copyrighted Public Government Documents"

"A Copy right most generally refers to a private right", the exhibit 1B, The Nevada Revised Statutes is a result of the enactment, by the 45th Session of the Legislature of the State of Nevada, under Chapter 248, Statutes of Nevada 1951; and Charged the Statute Revision Commission and authorized the Commission i.e. (3) three Sitting Judges that were Corrupt, and the Lawyer to make a Comprehensive revision in "All Laws" of the State of Nevada.

These (3) Sitting Judges and the Lawyer
at their own will they chose not the will
of the People / Citizens;

They did what "changes," deletions"
re-writes, add ons; take aways etc, knowing
far well that the people, Citizens of the State
knew absolutely nothing of all the Stealth
Fraud that had commenced; all Contrary
to and Contravening the provisions that
were mandatory and Commanded of the
"Paramount Law i.e. The Nevada Constitution.

The writers then reviewed exhibit 1c,
titled "Legislative Counsel's Preface";

In that document it states that;
Accordingly Nevada Revised Statutes
in type written form, was Submitted
to the 48th Session of the Legislature
in the form of a Bill, providing for
it's enactment "as Laws" of the State
of Nevada;

This Bill, Senate Bill No; 2 (herein after
referred to as in the Preface in the
attached document exhibit 1c as the
"Revision Bill") was passed without amend-
ment or dissenting vote, and on January
25th / 1957, was approved by the Corrupted
Governor Charles H. Russell.

On July 1st /1963, The Statute Revision Commission was "ABOLISHED", and it's powers, duties and functions were than transferred to the Newly established Legislative Counsel of the State of Nevada.

The writers figured out that this was all done to Conceal the Stealth Fraud and protect the ongoing Suspected "Criminal Enterprise", that the Lawyer and (3) Sitting Judges and other Jon and/or Jane Doe's etc "others" were engaged in, and their illegal Cover up of their Self dealings, Money Laundering Scheme derived from the illegal Copy rights, Publications and their Sales of Public Government documents in Books printed, they had illegally written known as (NRS) Nevada Revised Statute Books.

They the Statute Books contain misrepresented unconstitutional "Invalid Laws" that contained no mandated and Commanded Constitutional prerequisites or provisions of the enacting Clause upon their face, that "ALL LAWS" shall or must have upon their face or they are "not valid or void".

To Continue their "Stealth Fraud", these (3) three Sitting Judges and the Lawyer wrote (NRS) 220.110, 220.120, 220.170(3) etc, etc, to Cover up their Self dealings, Stealth Fraud "Criminal Enterprise".

The writers noticed that in exhibit 1c titled "Scope And Effect of Nevada Revised Statutes," which states that, the Nevada Revised Statutes, including the Supplementary and replacement pages, Constitutes all of the Statute Laws of Nevada of a general nature enacted by the legislature, "ALL STATUTES" of a General nature enacted before the regular legislative Session of 1957, have been repealed.

If the writers are led to believe that "ALL STATUTES" of a General nature enacted before the regular Session of 1957, were repealed, than Chapter 248 Statutes of Nevada 1955, was repealed; than does that not mean that the Statute Revision Commission was conducting and doing illegal acts and business long after 1955 and 1957?

Chapter 220 Statutes appear to have been repealed also prior to 1957.

All of the Statutes appeared now to have been repealed, then would it not bring into Conflict all the Commencements and derivities of the Nevada Revised Statutes?

The questions than present itself, to the legal mind, if all previous Statutes were repealed, than where is the ties between the (NRS) Statutes to "ALL PREVIOUS STATUTES"? This then becomes a Very Simple Question than Answered.

The (NRS) held out to be valid Laws, are "Invalid and void" with a break in the chain of the transfer of Laws;

The Enacting Clause, was deliberately left out for it would draw immediate attention to the perpetrated "Stealth Fraud" and it would clearly show that the people/citizens never voted or allowed or had such knowledge of how the (NRS) came into existence, and therefore, this group of elaborate "GRIEFERS" i.e. Judges, Lawyer, Governor Jon and Jane Doe's, legislators, and even corrupt Senators, allowed "Invalid Laws" and a "Criminal Enterprise" to be created, all "Contravening" the Paramount Laws of the Nevada State Constitution, that (NRS) 220.110 / 220.120 / 220.170(3) denounces the very truth, stating, that the (NRS) 1.010 to 7.035 are all Codified, Classified and annotated are prima facie evidence, not required to have an Enacting Clause.

The statement made in (NRS) 220.110 that the enacting clause is not required to have or be placed upon the (NRS) Statute laws and be placed upon their face, is a "Contravening" law that is in direct conflict with the Paramount Law, The Nevada State Constitution.

The writers, reviewing these faulty, illegal (NRS) "Invalid LAWS" again turned their attention to the Nevada State Constitution that clearly states,

The provisions of the Nevada State Constitution are imphatic and explicit, that "ALL LAWS" no exceptions, shall have upon their face "the enacting clause" or they are "not valid laws", without "valid laws", the Courts "Lack Subject Matter Jurisdiction" and Cannot Proceed to try the Case. See (Nev. Const. Article 4th Sections 17, and 23;

The writers of this narrative Continue their research, and by observing the attached exhibit 10 titled "Legislative Counsel's Preface" that clearly states; "NEVADA REVISED STATUTES IS THE LAW".

The Revised Statutes (Book) Speak for themselves.

The writers herein state, that just because (3) Three Justices, a Lawyer and the Legislature in Conflict / Violation of the Constitution, they adopted a Quote;

A Sound System of Classification, proper Classification, by which laws or parts of the laws are brought together in a logical Consecutive Units, while there may be vital reasons to make laws more acessable, making laws they claim are more under standable.

The writers ask another question, to whom? them? it still "does not" make the (NRS) "VALID LAWS"

The writers state that, the pioneer of Codes, to Codify, or the Codification of these (NRS),

David Dudley Field, the pioneer of codes, in the late 1800's, in California simply made codes a very convenient way to find certain laws; Judges, Lawyers, Drs, etc misconstrued this often as Codes, Codify or Codification is the law, when it absolutely is not.

The writers realized that, it was not the "FRAMERS OF THE NEVADA CONSTITUTION" had nothing to do with classification, Codification, Annotated, or making of a "Hybrid (NRS)" Invalid Laws such as that of the Nevada Revised Statutes.

This undetected "Stealth Fraud", has gone on totally undetected for over 56 plus years, and to that extent a much fuller in depth investigation is required, and needed to determine if and when, ever has the "Criminal Enterprise" "Stopped or is still ongoing".

The writers again state that "NO VALID LAWS" can be made without those savored and in specified manner, mandated and commanded by the (Nev. Const.), there are absolutely no exceptions to the Paramount Law, i.e. the Nevada State Constitution.

The writers herein, present exhibit 1E, titled "NEVADA REVISED STATUTES", it lists (NRS) thus; NRS 19.010 bearing the legislative Counsel Bureau, located in Carson City, Nevada, and has an ordering Information, Publication, telephone number, website etc, and Indexing Questions or Suggestions, telephone Number, web Site, and then it eludes to a copy right © 2001, by the State of Nevada, all rights reserved.

Again how can a state or affiliate Intity Copy right Public Government Documents unless their claim to or a private right, lurking somewhere in the mist,.

What appropriation or State allocation of money are going to this Intity/Commission Bureau; ?

Whom really is in Controll of the illegal Copy rights ?

Where is all the money going, from the illegal (NRS) Statute Books sales and distributions and whom is being Paid for what?, and how much? there needs to be full disclosure and transparency?, and how much knowledge does the Quasi members of the legislative Counsel Bureau, know of or knowledge of their former predessor "Criminal Enterprise" that was Supposedly Abolished July 1st/1963, and its powers and duties transferred to legis Counsel Nevada.

The writers are curious as to how the Survivorship of the Statute Revision Commission and Statutes that Created it, which was all repealed Prior to 1957, and was allowed to Continue and legally operate, that too Appears to be all illegal in their Coverup of all their dirty Laundry!

These as well as many Multiple questions and issues are for the Courts, that are bound to know or request for Legitimate Government to be fully disclosed and answered.

The writers State again herein, this Narrative that the illegal Copy rights, the tracking of money from Sales of "Invalid Laws" (NRS) Statute Book publications, appears to have all the Bells and Whistles of Continued "Stealth Fraud", Usurpation, TYRANNY, and Ongoing operations of a former/or similar "Criminal Enterprise"

This all needs to be Abolished / Repealed and Court Ordered to Comply with the Nevada Constitution, and restore the true Power and Authority, Custody and Control of the Legislative Histories etc to the duties of the Secretary of State and be back in Compliance with the Nevada Const. Article 5 Section 20.

The writers provides information that the Secretary of State / Ross Miller has failed this fiduciary responsibility, as documented. The writers herein their obtained documents see exhibit 2A thru 2F has actual proof that the "48th Session of the Nevada Legislature adopting and Enacting Nevada Revised Statutes" was a resolution "AND NOT A BILL", as a resolution it cannot be considered laws, According to a case precedence "Nevada Highway Patrol Assn. vs State" (1991) the 9th Cir. ruled that Resolution no. 29, and similar or Concurrent resolutions are not laws;

A "Bill" must contain the AB title, and number that identify's it as a Bill, it must contain the reading on (3) times, (3) Seperate day's, and the recordation of the yeas and nays of the Assembly members present or absent and their Signatures votes,

The writers presents the exhibits 2A thru 2F and "shows Proof" that the 48th Session was a Resolution "Not a Bill" even though it contained a enacting clause within it, therefore the evidence attached herein, clearly shows prima facie evidence that the (NRS) are "not valid laws"

Again the Nevada State Constitution does not give the Secretary of State Any Authority to deligate, transfer or loose Custody or Control over all assembly Histories, Session Laws, Statutes at Large, et. see exhibit _____ attached a Constitutional Violation.

One of the writers contacted the Nevada Archives under the Freedom Information Act, he was told that they (1) do not have a budget to provide that information (2) that they do not provide that information to an inmate, nowhere does a law state that they are not suppose to provide this information requested.

The writers truly believe that this information is incomplete and simply does not exist.

Lastly, these writers provides herein a State/Clark County D.A's Cookie Cutter opposition, that is so mis-stated earmarked herein as exhibit 4A thru 4F;

The oppositions that the state/clark County
Dn's office is Hodge Podge is so mis-Charterized
and full of fraudulent statements and in-
accuracies, and shameful, almost certainly
they do not stand for legitimate government.

In exhibit D page 4, Paragraph 1, through Paragraph (18) are Statements made in Writing that makes the State/Clark County DA's

"MINISTERS OF THEIR OWN INJUSTICES"
 "USURPATION" "TYRANNY" "PERJURY" "MALFEASANCE"
 "NON FEASANCE" and "MISFEASANCE" of their
 duty and public office.

CONCLUSION

The writers herein, makes this Conclusion that this "DISCOVERY" is the "BIGGEST LEGAL FIND" in "NEVADA HISTORY", and that all incarcerated and or Convicted persons are held by "Invalid LAWS;

Therefore, the Courts do "Lack Subject matter Jurisdiction" to proceed, and upon a person Calling and directing the Courts trier Judges, Attention via their Accused legal filings, of the "CAVEAT" "Motion to Dismiss", Supported, by the truth and factual Submitted evidence, documents etc. and Shepardized Case law, and Book references, and the filed "ERRATA Motion to Dismiss", must in the interest of "Fairness administration" and "Justice" grant the Accused relief Sought!

"Though the heavens may fall"

"Let Justice be done."

The writers herein, bottom line to the Judicial Courts and System of Justice, is a very Simple Question

Do they Stand for Legitimate Government or not?

The writers affirm herein, their facts Findings and truth this 4th day of July, 2013

The Narrative Writers

~~Gayle A. Watters~~
Curtis L. Downing

Exhibit 13(4)

Gary W. Walters
FACE BOOK POST

Exhibit 13(A)

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**Gary Walters**

September 4, 2016 ·

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

Subject: Fwd: Biggest legal find in Ne
CLUELESS UNLAWFUL AND UNCO
FAILED NRS STATUTESFROM: GARY W. WALTERSRE: " THE BIGGEST LEGAL FIND IN

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

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

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

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

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

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

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

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

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

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

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

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

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

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Hide all from Gary

Stop seeing posts from this person

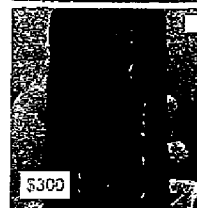
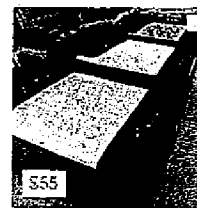
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with the irrefutable evidence and factual proof , of documents, shepherded case laws, AGO opinion 85, and 9th Cir. Court of Appeals Justices Opinions , a law historian book author Charles Weisman , "The Authority of Law, exposes Nevada and many officials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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

There has been 12 persons that have been put to death since the reinstatement of the Nevada Death penalty,

Now this so called great governor Sandoval, has approved the revamping of the death chamber, and no doubt plans to use it soon,

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

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

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

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

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

This I affirm this 5th day of September, 2016

By: GARY W WALTERS gwwgreat@aol.com

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

3

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

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GOF

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Exhibit 13(b)

youtube links
By
Gary w walters

Exhibit 13(b)

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

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

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

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

([REDACTED])

Exhibit 14

NRS 220.110

Exhibit 14

220.110. Contents of NRS.

Nevada Revised Statutes shall contain:

1. The Constitution of the United States.
 2. The Constitution of the State of Nevada.
 3. The laws of this State of general application.
 4. A full and accurate index of the statute laws.
 5. Such annotations, historical notes, Supreme Court and district court rules and other information as the Legislative Counsel deems appropriate to include.
- 1951, p. 470; 1953, p. 388; 1963, p. 1022; 1969, p. 12.

Exhibit 15

NRS 220.120

Exhibit 15

220.120. Compilation, organization, revision and publication of NRS: Form and style; numbering and arrangement; inclusion of notes and reference materials; changes and corrections; legal effect of renumbering; resolution of nonsubstantive conflicts between multiple laws.

1. In preparing the annotations and keeping Nevada Revised Statutes current, the Legislative Counsel is authorized:

(a) To adopt such system of numbering as the Legislative Counsel deems practical.

(b) To cause the revision to be published in a number of volumes deemed convenient.

(c) To cause the volumes to be bound in loose-leaf binders of good, and so far as possible, permanent quality.

2. The pages of Nevada Revised Statutes must conform in size and printing style to the pages of the Statutes of Nevada, and roman style type must be used.

3. The Legislative Counsel shall classify and arrange the entire body of statute laws in logical order throughout the volumes, the arrangement to be such as will enable subjects of a kindred nature to be placed under one general head, with necessary cross references.

4. Notes of decisions of the Supreme Court, historical references and other material must be printed and arranged in such manner as the Legislative Counsel finds will promote the usefulness thereof.

5. The 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, correct inaccurate references to the titles of officers, the names of departments or other agencies of the State, local governments, or the Federal Government, and such other name changes as are necessary to be consistent with the laws of this state and correct manifest clerical or typographical errors.

6. The Legislative Counsel may:

(a) Create new titles, chapters and sections of Nevada Revised Statutes, or otherwise revise the title, chapter and sectional organization of Nevada Revised Statutes, all as may be

NVCODE

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EXHIBIT

Exhibit 16

ARTicle on
Mining Tax & How
CONST IS to be Amended

Exhibit 16

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

Bryan Bonham 60515
PO Box 650 HDSP
Indian Springs, NEV 89070

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Attorney for Respondent

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

BRYAN PHILLIP BONHAM,
#0852897,

Defendant.

CASE NO: C-15-307298-1

DEPT NO: VI

**STATE'S OPPOSITION TO DEFENDANT'S MOTION TO CORRECT ILLEGAL
SENTENCE**

DATE OF HEARING: October 18, 2022

TIME OF HEARING: 9:30 AM

COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, Clark County District Attorney, through JOHN AFSHAR, Chief Deputy District Attorney, and hereby submits the attached Points and Authorities in State's Opposition to Petitioner's Motion to Correct Illegal Sentence.

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

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1 **POINTS AND AUTHORITIES**

2 **STATEMENT OF THE CASE**

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

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

14 On December 2, 2021, Bonham filed a Motion to Correct Illegal Sentence, Errata to
15 Defendant’s Motion to Correct Illegal Sentence, and Caveat (hereinafter “the first MCIS”). On
16 December 23, 2021, the State filed its Opposition to the first MCIS. The Court filed a Minute
17 Order denying the first MCIS on December 27, 2021 and its written Order on February 11,
18 2022.

19 On December 3, 2021, Bonham filed a Petition for Writ of Habeas Corpus which
20 initiated Case No. A-21-844910-W. On January 12, 2022, Bonham also filed a Motion for
21 Discovery and Motion for Order to Show Cause into that case. On February 8, 2022, the State
22 filed its Response. On February 17, 2021, the Court denied Bonham’s Petition for Writ of
23 Habeas Corpus, Motion for Discovery and Motion for Order to Show Cause in Case No. A-
24 21-844910-W

25 On January 6, 2022, Bonham filed a Motion for Discovery and Motion for Order to
26 Show Cause, Ex Parte Motion for Appointment of Counsel and Request for an Evidentiary
27 Hearing, and Motion to Enjoin Case Numbers and Request for Judicial Order for Judicial
28 Economy. On January 7, 2022, Bonham filed the motion entitled “‘The Smoking Gun’

1 Appellant/Accused Motion to Dismiss, Request for Immediate Release From Incarceration &
2 Strike Against 2014 Legislative Ballot Seeking to Defraud All Nevada Citizens During Time
3 of Said Election Supported by Prima Facie Evidence”. The State filed its Response to these
4 motions on March 7, 2022. The Court filed a Minute Order denying these motions March 17,
5 2022 and its written Order on March 31, 2022.

6 Bonham also filed a Notice of Appeal from the denial of the first MCIS on January 13,
7 2022. The Nevada Court of Appeals affirmed the district court’s denial of the above-mentioned
8 motions and Remittitur issued on June 28, 2022.

9 On September 27, 2022, Bonham filed the instant, his second, Motion to Correct an
10 Illegal Sentence Due to Invalid Laws, Fraud Amounting to Lack of Subject Matter Jurisdiction
11 (herein after “the Motion”). The following is the State’s opposition.

12 **ARGUMENT**

13 14 **I. THE MOTION SHOULD BE DENIED PURSUANT TO THE DOCTRINES OF** 15 **RES JUDICATA AND LAW OF THE CASE.**

16 As an initial matter, Bonham’s claims have been repeatedly rejected by both the district
17 court and the Court of Appeals. Based on the doctrines of res judicata and law of the case, the
18 court should deny the Motion.

19 The Nevada Supreme Court has explained that res judicata precludes consideration of
20 arguments that have been previously raised and addressed on the merits or found to be
21 procedurally defaulted. Hall v. State, 91 Nev. 314, 315-16, 535 P.2d 797, 798-99 (1975); see
22 also Mason v. State, 206 S.W.3d 869, 875 (Ark. 2005) (recognizing the doctrine’s applicability
23 in the criminal context). Further, “[t]he law of a first appeal is law of the case on all subsequent
24 appeals in which the facts are substantially the same.” Id. at 315, 535 P.2d at 798 (quoting
25 Walker v. State, 85 Nev. 337, 343, 455 P.2d 34, 38 (1969)). “The doctrine of the law of the
26 case cannot be avoided by a more detailed and precisely focused argument subsequently made
27 after reflection upon the previous proceedings.” Id. at 316, 535 P.2d at 799. Accordingly, by
28

1 simply continuing to file motions with the same arguments, the Motion is barred by the
2 doctrines of the law of the case and res judicata. Id.

3 In denying the first MCIS, the district court stated:

4 Here, Defendant alleges that the Nevada Revised Statutes version of the statutes
5 under which he pleaded guilty are invalid because they do not contain the
6 enacting clause required by the NV Constitution. However, the Nevada Revised
7 Statutes do not have the same requirements as laws of Nevada because they are
8 not laws enacted by the legislature. Instead, the Nevada Revised Statutes are
9 previously enacted laws which have been classified, codified, and annotated by
10 the Legislative Counsel. See NRS 220.120. Further, the content requirements for
the Nevada Revised Statutes, as laid out in NRS 220.110, do not require the
enacting clause to be republished in them. Therefore, Defendant's argument is
without merit. Furthermore, this Court had subject matter jurisdiction over
Defendant's sentence because there is no requirement that the enacting clause
must be on the charging documents. State v. Rogers, 10 Nev. 250, 1875 WL
4032, 7 (1875).

11 Order Denying Defendant's Motion to Correct Illegal Sentence, filed February 11, 2022 at 2.

12 Then, the Court of Appeals affirmed the district court's decision. See Bonham v. State, 510
13 P.3d 816 (Nev. App. 2022). In its Order, the Court of Appeals stated:

14 Bonham failed to demonstrate that his sentence was facially illegal. He did not
15 allege his sentence was at variance with the controlling statute or that the court
imposed a maximum sentence in excess of that allowed by the statute. Moreover,
16 his claims did not implicate the district court's subject matter
jurisdiction. *See Nev. Const. art. 6, § 6(1); NRS 171.010; Landreth v. Malik*,
17 127 Nev. 175, 183, 251 P.3d 163, 168 (2011) ("Subject matter jurisdiction is the
court's authority to render a judgment in a particular category of case." (internal
18 quotation marks omitted)). Therefore, we conclude the district court did not err
by denying Bonham's motion.

19 Id.

20 The instant Motion largely consists of the same claims that both the district court and the
21 Court of Appeals have rejected. In the first MCIS, Bonham challenged the district court's
22 subject matter jurisdiction by arguing that the Nevada Revised Statutes are invalid for their
23 failure to include the enactment clause. See Generally, the first MCIS. In the instant Motion,
24 Bonham challenges the district court's subject matter jurisdiction by arguing that the Nevada
25 Revised Statutes are invalid because the enactment process violated the Nevada Constitution.
26 See Generally, the Motion. In essence, Bonham reframed his previous claims in the instant
27 Motion to launch a similar challenge to the district court's subject matter jurisdiction.
28

1 Therefore, to the extent that the Motion reasserts the same claims, the court should deny the
2 Motion pursuant to the doctrines of res judicata and the law of the case.

3
4 **II. THE CLAIMS ASSERTED ARE BEYOND THE SCOPE OF A MOTION TO**
5 **CORRECT AN ILLEGAL SENTENCE.**

6 To the extent that the Motion asserts novel claims, or should the court be inclined to
7 reconsider the merits of Bonham's previous claims, the court should still deny the Motion
8 because the claims asserted therein are beyond the scope of a motion to correct an illegal
9 sentence.

10 NRS 176.555 states that "[t]he court may correct an illegal sentence at anytime." See
11 also Passanisi v. State, 108 Nev. 318, 321, 831 P.2d 1371, 1372 (1992). However, the grounds
12 to correct an illegal sentence are interpreted narrowly under a limited scope. See Edwards v.
13 State, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996); See also Haney v. State, 124 Nev. 408,
14 411, 185 P.3d 350, 352 (2008). "A motion to correct an illegal sentence is an appropriate
15 vehicle for raising the claim that a sentence is facially illegal at any time; such a motion cannot
16 be used as a vehicle for challenging the validity of a judgment of conviction or sentence based
17 on alleged errors occurring at trial or sentencing." Edwards, 112 Nev. at 708, 918 P.2d at 324.

18 "Motions to correct illegal sentences address only the facial legality of a sentence." Id.
19 Motions to correct illegal sentences evaluate whether the sentence imposed on the defendant
20 is "at variance with the controlling statute, or illegal in the sense that the court goes beyond
21 its authority by acting without jurisdiction or imposing a sentence in excess of the statutory
22 maximum provided." Id. (quoting Allen v. United States, 495 A.2d 1145, 1149 (D.C. 1985)).
23 Other claims attacking the conviction or sentence must be raised by a timely filed direct appeal
24 or a timely filed Petition for a Post-Conviction Writ of Habeas Corpus per NRS 34.720-34.830,
25 or other appropriate motion. See Id.

26 In other words, as the Court of Appeals stated in Bonham's previous appeal, "[a] motion
27 to correct an illegal sentence may only challenge the facial legality of the sentence: either the
28 district court was without jurisdiction to impose a sentence or the sentence was imposed in

1 excess of the statutory maximum.” Bonham, 510 P.3d 816 (Nev. App. 2022) (citing Edwards,
2 112 Nev. at 708, 918 P.2d at 324). “Subject matter jurisdiction is the court's authority to render
3 a judgment in a particular category of case.” See Nev. Const. art. 6, § 6(1); NRS 171.010;
4 Landreth v. Malik, 127 Nev. 175, 183, 251 P.3d 163, 168 (2011). The State of Nevada has
5 jurisdiction to punish “[e]very person, whether an inhabitant of this state, or any other state,
6 or of a territory or district of the United States... for a public offense committed [in Nevada],
7 except where it is by law cognizable exclusively in the courts of the United States. NRS
8 171.010. The district courts “have original jurisdiction in all cases excluded by law from the
9 original jurisdiction of justices' courts.” Nev. Const. art. 6, § 6(1).

10 Here, Bonham does not claim that the imposed sentence was in excess of the statutory
11 maximum. See Generally the Motion. Rather, Bonham reframes his prior claims regarding the
12 validity of the Nevada Revised Statutes as a basis of challenging the district court’s subject
13 matter jurisdiction. *Id.* Without addressing the validity of the Nevada Revised Statutes, which
14 is discussed in Section III., such a claim remains beyond the scope of a motion to correct an
15 illegal sentence. Bonham’s argument that the district court lacks subject matter jurisdiction
16 because the Nevada Revised Statutes are invalid is not a challenge to the facial legality of his
17 sentence. Rather, it is a challenge to the validity of his conviction. Therefore, a motion to
18 correct an illegal sentence is an improper vehicle to raise such a claim. Thus, the court should
19 deny the Motion.

20 **III. THE NEVADA REVISED STATUTES ARE VALID.**

21 Notwithstanding the fact that both the district court and the Court of Appeals previously
22 denied Bonham’s challenges to the Nevada Revised Statutes and that it is beyond the scope of
23 a motion to correct an illegal sentence, Bonham fails to demonstrate that the Nevada Revised
24 Statutes are invalid. Therefore, the court should deny the Motion.

25 Bonham contends that the district court lacked subject matter jurisdiction because the
26 legislative process through which the Nevada Revised Statutes were enacted as law was
27 improper. See Generally, the Motion. This claim is meritless.

28 ///

1 First, Bonham claims that the “commission” established “for the revision, compilation,
2 annotation, and publication of the laws of the State of Nevada” was an impermissible
3 delegation of legislative power and, therefore, the creation of the Nevada Revised Statutes
4 violates Art. 4 § 1 of the Nevada Constitution, rendering the Nevada Revised Statutes invalid.
5 See Generally, the Motion. This claim fails because the Nevada Revised Statutes are not laws
6 enacted by the legislature. Rather, they are previously enacted laws which have been classified,
7 codified, and annotated by the Legislative Counsel. See NRS 220.120. Therefore, the
8 “commission” is not a legislative body, but a clerical entity charged with compiling and
9 organizing already enacted statutes. As such, the creation of the Nevada Revised Statutes was
10 not unconstitutional and Bonham’s claim is meritless.

11 Further, Bonham claims that the Nevada Revised Statutes, as a whole, are invalid
12 because “All four (4) versions of the senate concurrent resolution No 1 (1957) have multiple
13 issues within them, you can see they are as follows: 1) there is no enacting clause upon its face
14 (on either copy/version); 2) there is no state seal affixed by secretary of state on either
15 copy/version; 3) there is no signature of the governor on either copy/version; 4) all four (4)
16 copies/versions show that this concurrent resolution was used for something it is not
17 permitted/allowed to be used for.” Motion at 27.

18 Bonham’s entire argument is predicated on the incorrect assertion that “Senate
19 Concurrent Resolution No. 1” was the enacting document of the Nevada Revised Statutes. Id.
20 However, “Senate Bill No. 2 of the Laws of The State of Nevada passed at the 48th session of
21 the legislature” (hereinafter “Senate Bill No. 2”) was the enacting document of the Nevada
22 Revised Statutes. See 1957 Nev. Stat. 2. Therefore, Bonham’s fourth “issue” is meritless
23 because Concurrent Resolution No. 1 was not used to enact the law. Further Senate Bill No.
24 2, which is available on the Nevada Legislature’s website, contains the enactment clause and
25 is notated as “Approved January 23, 1957”. 1957 Nev. Stat. 2, available at
26 <https://www.leg.state.nv.us/Statutes/48th1957/Stats195701.html#Stats195701page1>.
27 The Nevada Legislature’s website bears the state seal. See *Nevada Law Library*, Nevada
28 Legislature: The People’s Branch of Government (2022),

1 <https://www.leg.state.nv.us/law1.html>.

2 Therefore, Bonham's "issues" regarding the enactment process of the Nevada Revised Statutes
3 are meritless.

4 To the extent that Bonham is reasserting his prior claim that the Nevada Revised
5 Statutes are invalid because they do not contain an enactment clause, that argument is also
6 meritless. While it is well established that the laws of Nevada must include an enacting clause,
7 the Nevada Revised Statutes do not have the same requirement, as they are not laws enacted
8 by the legislature. Instead, the Nevada Revised Statutes consist of *previously enacted laws*
9 which have been classified, codified, and annotated by the Legislative Counsel. See NRS
10 220.120. Thus, the reason the Nevada Revised Statutes are referenced in criminal proceedings
11 is because they "constitute the official codified version of the Statutes of Nevada and may be
12 cited as *prima facie* evidence of the law." NRS 220.170(3) (emphasis added). Further, the
13 content requirements for the Nevada Revised Statutes, as laid out in NRS 220.110, do not
14 require the enacting clause to be republished in them. See NRS 221.110. Therefore, the lack
15 of an enacting clause in the Nevada Revised Statutes does not render them unconstitutional.

16 In accordance with the law as stated above, the Nevada Revised Statutes were properly
17 enacted, cited to, and used in referencing the law Bonham was accused of and later pled guilty
18 to violating. Therefore, Bonham's argument is without merit and should be denied.

19 CONCLUSION

20 Based on the foregoing arguments, Petitioner's Motion to Correct Illegal Sentence,
21 should be DENIED.

22 DATED this 4th day of October, 2022.

23 Respectfully submitted,
24 STEVEN B. WOLFSON
25 Clark County District Attorney
Nevada Bar #001565

26 BY /s/ JOHN AFSHAR
27 Chief Deputy District Attorney
28 Nevada Bar #14408

///

1 CERTIFICATE OF MAILING

2 I hereby certify that service of the above and foregoing was made this 4th day of
3 October, 2022, by depositing a copy in the U.S. Mail, postage pre-paid, addressed to:

4 BRYAN BONHAM, BAC #60575
5 H.D.S.P.
6 P.O. BOX 650
 INDIAN SPRINGS, NV, 89070

7
8 BY /s/ J. MOSLEY
 Secretary for the District Attorney's Office

1 Bryan P Bonham
2 60575 / In Propria Personam
3 Post Office Box 650 [HDSP]
4 Indian Springs, Nevada 89018

FILED
OCT 19 2022

[Signature]
CLERK OF COURT

DISTRICT COURT
CLARK COUNTY, NEVADA

8 STATE OF NEVADA

9 Plaintiff

10 vs.

11 Bryan P Bonham

12 ACCUSED

Case No. C-15-3072981

Dept No. VI

Docket _____

NOTICE OF MOTION

15 **YOU WILL PLEASE TAKE NOTICE, that** the accused Bryan P Bonham

17 will come on for hearing before the above-entitled Court on the 18th day of October, 20 22,
18 at the hour of 9:30 o'clock A. M. In Department IV, of said Court.

20 CC:FILE

22 **DATED:** this 4th day of October, 20 22.

24 **CLERK OF THE COURT**

OCT 17 2022

RECEIVED

BY: *[Signature]*

Bryan P Bonham

#60575

/In Propria Personam

1 Bryan P Benham

2 NDOC No. 60575

4 In proper person

FILED

OCT 19 2022

[Signature]
CLERK OF COURT

5
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7
8 IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE
STATE OF NEVADA IN AND FOR THE
COUNTY OF clark

9
10 Bryan P Benham)

11)
12 Petitioner,)

13 v.)

14) Case No. C-15-3072981

15)
16 STATE OF NEVADA)

Dept. No. VI

17 Respondent.)

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CLERK OF THE COURT

RECEIVED
OCT 17 2022

MOTION AND ORDER FOR TRANSPORTATION
OF INMATE FOR COURT APPEARANCE
OR, IN THE ALTERNATIVE,
FOR APPEARANCE BY TELEPHONE OR VIDEO CONFERENCE

Petitioner, Bryan P Benham, proceeding pro se, requests
that this Honorable Court order transportation for his personal appearance or, in the
alternative, that he be made available to appear by telephone or by video conference
at the hearing in the instant case that is scheduled for october 18th, 2022
at 9:30 AM.

1 In support of this Motion, I allege the following:

2 1. I am an inmate incarcerated at High Desert State Prison.

3 My mandatory release date is roughly 10/27/30.

4
5 2. The Department of Corrections is required to transport offenders to and
6
7 from Court if an inmate is required or requests to appear before a Court in this state.

8
9 NRS 209.274 Transportation of Offender to Appear Before Court states:

10 "1. Except as otherwise provided in this section, when an offender is
11 required or requested to appear before a Court in this state, the
12 Department shall transport the offender to and from Court on the day
13 scheduled for his appearance.

14 2. If notice is not provided within the time set forth in NRS 50.215, the
15 Department shall transport the offender to Court on the date scheduled
16 for his appearance if it is possible to transport the offender in the usual
17 manner for the transportation of offenders by the Department. If it is
18 not possible for the Department to transport the offender in the usual
19 manner:

20 (a) The Department shall make the offender available on the date scheduled
21 for his appearance to provide testimony by telephone or by video conference,
22 if so requested by the Court.

23 (b) The Department shall provide for special transportation of the offender to
24 and from the Court, if the Court so orders. If the Court orders special
25 transportation, it shall order the county in which the Court is located to
26 reimburse the Department for any cost incurred for the special transportation.

27 (c) The Court may order the county sheriff to transport the offender to and
28 from the Court at the expense of the county."

29 3. My presence is required at the hearing because:

1 ☐ I AM NEEDED AS A WITNESS.

2 My petition raises substantial issues of fact concerning events in which I
3 participated and about which only I can testify. *See U.S. v. Hayman*, 342 U.S.
4 205 (1952) (District Court erred when it made findings of fact concerning
5 Hayman's knowledge and consent to his counsel's representation of a witness
6 against Hayman without notice to Hayman or Hayman's presence at the
7 evidentiary hearing).

8 ☒ THE HEARING WILL BE AN EVIDENTIARY HEARING.

9 My petition raises material issues of fact that can be determined only in my
10 presence. *See Walker v. Johnston*, 312 U.S. 275 (1941) (government's contention
11 that allegations are improbable and unbelievable cannot serve to deny the
12 petitioner an opportunity to support them by evidence). The Nevada
13 Supreme Court has held that the presence of the petitioner for habeas corpus
14 relief is required at any evidentiary hearing conducted on the merits of the
15 claim asserted in the petition. *See Gebers v. Nevada*, 118 Nev. 500 (2002).

16 4. The prohibition against ex parte communication requires that I be present
17 at any hearing at which the state is present and at which issues concerning the claims
18 raised in my petition are addressed. U.S. Const. amends. V, VI.

19 5. If a person incarcerated in a state prison is required or is requested to
20 appear as a witness in any action, the Department of Corrections must be notified in
21 writing not less than 7 business days before the date scheduled for his appearance in
22 Court if the inmate is incarcerated in a prison located not more than 40 miles from
23 Las Vegas. NRS 50.215(4). If a person is incarcerated in a prison located 41 miles or
24 more from Las Vegas, the Department of Corrections must be notified in writing not
25 less than 14 business days before the date scheduled for the person's appearance in
26 Court.

27 6. (HOSP) High Desert State Prison is located approximately

28 50 miles from Las Vegas, Nevada.

1 7. If there is insufficient time to provide the required notice to the Department
2 of Corrections for me to be transported to the hearing, I respectfully request that this
3 Honorable Court order the Warden to make me available on the date of the
4 scheduled appearance, by telephone, or video conference, pursuant to NRS
5 209.274(2)(a), so that I may provide relevant testimony and/or be present for the
6 evidentiary hearing.

7 8. The rules of the institution prohibit me from placing telephone calls from
8 the institution, except for collect calls, unless special arrangements are made with
9 prison staff. Nev. Admin. Code DOC 718.01. However, arrangements for my
10 telephone appearance can be made by contacting the following staff member at my
11 institution: Jeremy Bear ~~Acting~~ warden, HOSP
12 whose telephone number is 775-887-6600

13
14 Dated this 4th day of October, 2022

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19 Bryan P Benham 60575
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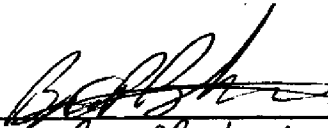
CERTIFICATE OF SERVICE BY MAILING

I, Bryan P Bonham, hereby certify, pursuant to NRCP 5(b), that on this 10th
day of October, 2022, I mailed a true and correct copy of the foregoing, "motion for
transport"
by depositing it in the High Desert State Prison, Legal Library, First-Class Postage, fully prepaid,
addressed as follows:

clerk of court
200 Lewis Ave 3rd floor
LWNJ 89185

CC: FILE

DATED: this 4th day of October, 2022.


Bryan P Bonham #60575
/In Propria Personam
Post Office box 650 [HDSP]
Indian Springs, Nevada 89018
IN FORMA PAUPERIS.

AFFIRMATION
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding Motion

For order of transport
(Title of Document)

filed in District Court Case number C-15-3072981

☒ Does not contain the social security number of any person.

-OR-


☐ Contains the social security number of a person as required by:

A. A specific state or federal law, to wit:

(State specific law)

-or-

B. For the administration of a public program or for an application
for a federal or state grant.


Signature

10/4/2022
Date

Bryan P Bonham
Print Name

Title

Byron P Bonham 60575
PO Box 650 HDSP
Indian Springs, WV 89070

CONFIDENTIAL
Legal mail.

Regional Justice Center
8th Judicial District
Clerk of the Court
200 Lewis Ave. 3rd Floor
L.V. WV 89155

**NON MACHINABLE
PLEASE HAND CANCEL**

MAILED NO 2500360

MAILED
via GWS slip no
2500360

FILED

OCT 24 2022

John L. Williams
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

CASE NO. C-15-3072981

9

PLAINTIFF

DEPT. NO. VI

10 VS

11 Bryan P Bonham

NOTICE OF MOTION

12

ACCUSED

13

14 TO:

15 DISTRICT ATTORNEY

16 STEVE WOLFSON

17 200 LEWIS AVE.

18 LUNN 89155

19

20 Please take notice the undersigned will bring the above motion for a hearing based on

21 court's Docket Availability

22

23 Dated This 5th day of October 2022

24 *Bryan P Bonham*

25 Bryan P Bonham 60575

26 PO Box 650 (HDSP)

27 Indian Springs, NEV 89070

28

1 Bryan p Bonham
2 po Box 650 (Hosp)
3 Indian Springs, nev 89070

FILED
OCT 24 2022
Clerk of Court
7

4
5 EIGHTH JUDICIAL DISTRICT COURT

6 CLARK COUNTY, NEVADA

November 15, 2022
9:30 AM

7
8 STATE OF NEVADA

CASE NO L-15-3072981

9 PLAINTIFF

DEPT NO VI

10 vs

"HEARING REQUIRED"

11 Bryan p Bonham

MOTION FOR COPY OF ORDER FROM

12 ACCUSED

HEARING ON OCTOBER 18, 2022 & REQUEST

13

FOR MISSING PAGES OF MTC 15.

14

15 Comes now Accused Bryan p Bonham in his proper person, Respectfully moves this
16 Honorable court to enter an order granting this motion

17

18 This motion is further made, based upon the Attached points & Authorities.

19

20

21

RECEIVED
OCT 17 2022

CLERK OF THE COURT

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MEMORANDUM OF LAW

POINTS AND AUTHORITY

The Accused brings this request for a copy of this court's order denying his motion to correct an illegal sentence pursuant to NRS 19.013(6).

In Bryan P. Bonham v. State of Nevada, and Steven Grierson NO 82710-COA.

The Nevada court of Appeals cited in part as follows:

In concluding that the copy fee was required, the District court relied on NRS 19.013(1), which sets forth a schedule of fees that district court clerk "shall charge and collect" including a fee of \$0.50 per page "[f]or preparing any copy of any record, proceeding or paper... unless such fee is waived by the... clerk of the court." However, the statute appears in Title 2 of the NRS, which governs civil proceedings, and Subsection 6 of the statute expressly states that "No fee may be charged for any services rendered to a defendant or the defendant's attorney in any criminal case or in habeas corpus proceedings" NRS 19.013(6). Thus, when Bonham

submitted a request to Grierson in connection with his criminal case seeking a copy of an order entered in the case, he could not properly be charged a copy fee.

See id. Benson v. Eighth Judicial District Court Docket NO 74498, 2018 WL 1447728 at 1 (New March 15, 2018) (order granting petition) (stating that a criminal defendant could not be required to pay a copy fee for a copy of his presentence investigation report, and citing NRS 19.013(6) as previously numbered, for support);

see also NRAP 36(c)(3) providing that post-2015 unpublished Nevada Supreme court orders are citable for their persuasive value. The court goes on to find that the District court erred see Buzz Stewart 124 Nev. @ 227-28 181 P.3d @ 672.

Accordingly, we reverse the order dismissing Bonham's Amended Complaint in so far as the District court failed to consider Bonham's claim for injunctive relief, and remand for further proceedings consistent with this order. ^{Accused} Plaintiff also / further request the exhibits he filed with MTCIS be sent back to him as the clerk of court did not send the exhibits.

VERIFICATION

2 I Bryan P Bonham declare and verify that I have read the foregoing
3 motion to ~~appoint~~ Request order given by court & exhibit pages that should
4 be attached to MTC IS. That the foregoing is true & correct.

CERTIFICATE OF SERVICE

7 I Bryan P Bonham certify that I have read the foregoing motion and to
8 the best of my belief and knowledge that the foregoing is true and correct under
9 the pains & penalties of perjury pursuant to 28 U.S.C.A. § 1746 & 18 U.S.C.A. § 1621
10 along with special instructions to clerk of the court for filing, & service
11 to serve all my ~~defendants~~ opponents pursuant to N.E.F.C.R. 5(k), 9 et seq (A-E)
12 etc to the following

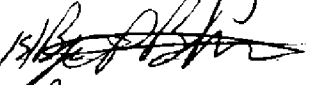
14 DISTRICT ATTORNEY

15 STEVE WOLFSON

16 200 LEWIS AVE

17 LV, NV 89155

19 Dated this 5th day of October, 2022

20 

21 Bryan P Bonham 60575

22 PO Box 650 HQSP

23 Indian Spring, NV 89070

Bryan P Benham 60575
P.O. Box 650 HADSP
Indian Springs, NEV 89070

CONFIDENTIAL
Legal mail

~~CONFIDENTIAL~~

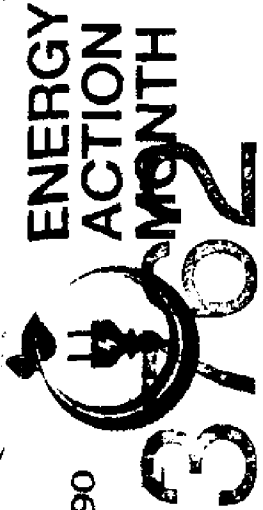
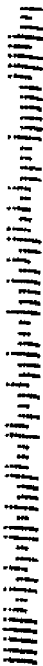
LAS VEGAS NV 890

13 OCT 2022 PM 5

Reginal Justice center
Clerk of The Court
200 Lewis Ave 3rd Floor
LU, NV ~~89155~~ 89155

Mailed via Brass slip NO 2520810

000009 101E8



ORDR

STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
PETER THUNELL
Chief Deputy District Attorney
Nevada Bar #10779
200 Lewis Avenue
Las Vegas, NV 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

BRYAN PHILLIP BONHAM,
#0852897

Defendant.

CASE NO: C-15-307298-1

DEPT NO: VI

**ORDER DENYING DEFENDANT'S MOTION TO CORRECT AN ILLEGAL
SENTENCE DUE TO INVALID LAWS, FRAUD AMOUNTING TO LACK OF
SUBJECT MATTER JURISDICTION**

DATE OF HEARING: October 17, 2022
(In Chambers)

THIS MATTER having come on for hearing before the above entitled Court on the 17th day of October, 2022, the Defendant not being present, represented in PROPER PERSON, the Plaintiff being represented by STEVEN B. WOLFSON, District Attorney, through PETER THUNELL, Chief Deputy District Attorney, and the Court having heard without argument, based on the pleadings and good cause appearing therefor,

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1 COURT ORDERED, Defendant's Motion to Correct an Illegal Sentence Due to Invalid
2 Laws, Fraud Amounting to Lack of Subject Matter Jurisdiction is DENIED. A review of
3 Defendant's instant Motion reveals that he is attempting to re-argue his Motion to Correct
4 Illegal Sentence filed on December 2, 2021. As such, the Court directs Defendant's attention
5 to its previous Order Denying Defendant's Motion to Correct Illegal Sentence filed on
6 February 11, 2022, as well as the Nevada Court of Appeal's Order of Affirmance, remittitur
7 issued June 28, 2022. Under the doctrine of the law of the case, subsequent claims in which
8 the facts are substantially the same are prohibited. Hall v. State, 91 Nev. 314, 315-16, 535
9 P.2d 797, 798-99 (1975) (internal citations omitted).

10 The doctrine of the law of the case cannot be avoided by more detailed and precisely
11 focused arguments made upon reflection of the previous proceedings. Id. Defendant himself
12 recognizes that this is a continued effort to argue an already decided matter by stating in the
13 instant Motion that "[t]he Accused/Defendant herein, continuing his research into this issue,
14 has discovered new information, now brings it to this Honorable courts attention as it is
15 relative to the this issue " Motion at 3. As this issue has already been decided and Defendant
16 does not provide new facts to distinguish the instant Motion, Defendant's attempt to provide
17 a more detailed and precisely focused argument upon reflection of the denial of his previous
18 Motion to Correct Illegal Sentence is unmeritorious.

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1 Therefore, COURT ORDERED, as Defendant is attempting to re-argue his previous
2 Motion to Correct Illegal Sentence, the instant Motion to Correct Illegal Sentence is DENIED
3 under the doctrine of the law of the case.

4 ~~DATED this _____ day of November, 2022.~~ Dated this 22nd day of November, 2022

5
6 
DISTRICT JUDGE

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

F38 057 13BD E860 kj
Jacqueline M. Bluth
District Court Judge

9
10 BY 
11 PETER THUNELL
12 Chief Deputy District Attorney
13 Nevada Bar #10779

14
15 CERTIFICATE OF SERVICE

16 I certify that on the 29th day of November, 2022, I mailed a copy of the foregoing
17 Order to:

18 BRYAN BONHAM, BAC #60575
19 P.O. BOX 650
20 INDIAN SPRINGS, NV 89070

21
22 BY 
23 Secretary for the District Attorney's Office
24
25
26
27
28

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 State of Nevada

CASE NO: C-15-307298-1

7 vs

DEPT. NO. Department 6

8 Bryan Bonham
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

11 This automated certificate of service was generated by the Eighth Judicial District
12 Court. The foregoing Order Denying Motion was served via the court's electronic eFile
13 system to all recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 11/22/2022

15 ANITA Harrold .

harrolah@ClarkCountyNV.gov

16 Law Clerk DC 4 .

Dept4LC@clarkcountycourts.us

ORDR

STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
PETER THUNELL
Chief Deputy District Attorney
Nevada Bar #10779
200 Lewis Avenue
Las Vegas, NV 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

BRYAN PHILLIP BONHAM,
#0852897

Defendant.

CASE NO: C-15-307298-1

DEPT NO: VI

**ORDER DENYING DEFENDANT'S MOTION AND ORDER FOR
TRANSPORTATION OF INMATE FOR COURT APPEARANCE OR IN THE
ALTERNATIVE BY TELEPHONE OR VIDEO CONFERENCE**

DATE OF HEARING: November 9, 2022
(In Chambers)

THIS MATTER having come on for hearing before the above entitled Court on the 9th day of November, 2022, the Defendant not being present, represented in PROPER PERSON, the Plaintiff being represented by STEVEN B. WOLFSON, District Attorney, through PETER THUNELL, Chief Deputy District Attorney, and the Court having heard without argument, based on the pleadings and good cause appearing therefor,

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///

1 COURT ORDERED, Defendant's Motion and Order for Transportation of Inmate for
2 Court Appearance or in the Alternative by Telephone or Video Conference is DENIED as it
3 is MOOT. Defendant's Motion requests that he be present for court on October 18, 2022.
4 However, Defendant's Motion was not filed until October 19, 2022, and Defendant's Motion
5 to Correct Illegal Sentence Due to Invalid Laws, Fraud Amounting to Lack of Subject Matter
6 Jurisdiction, set for October 18, 2022, was denied by minute order on October 17, 2022.

7 Additionally, the Court notes that Defendant indicated October 18, 2022, was an
8 evidentiary hearing. October 18, 2022, was not an evidentiary hearing and Defendant has no
9 Petition before this Court to support an evidentiary hearing. The Court now reminds
10 Defendant his Petition for Writ of Habeas Corpus was denied on February 17, 2022, and this
11 denial was affirmed by the Nevada Court of Appeals, remittitur issued September 13, 2022,
12 in case number A-21-844910-W. Therefore, COURT ORDERED, Defendant's Motion and
13 Order for Transportation of Inmate for Court Appearance or in the Alternative by Telephone
14 or Video Conference is DENIED as it is MOOT.

15 ~~DATED this _____ day of November, 2022.~~ Dated this 22nd day of November, 2022

16 
17 DISTRICT JUDGE

18 STEVEN B. WOLFSON
19 Clark County District Attorney
Nevada Bar #001565

D69 007 81F2 D403
Jacqueline M. Bluth kj
District Court Judge

20
21 BY 
22 PETER THUNELL
23 Chief Deputy District Attorney
Nevada Bar #10779

24 ///

25 ///

26 ///

27 ///

28 ///

1 CERTIFICATE OF SERVICE

2 I certify that on the 29th day of November, 2022, I mailed a copy of the foregoing
3 Order to:

4 BRYAN BONHAM, BAC #60575
5 P.O. BOX 650
6 INDIAN SPRINGS, NV 89070

7
8 BY


Secretary for the District Attorney's Office

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 State of Nevada

CASE NO: C-15-307298-1

7 vs

DEPT. NO. Department 6

8 Bryan Bonham
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

11 This automated certificate of service was generated by the Eighth Judicial District
12 Court. The foregoing Order Denying Motion was served via the court's electronic eFile
13 system to all recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 11/22/2022

15 ANITA Harrold .

harrolah@ClarkCountyNV.gov

16 Law Clerk DC 4 .

Dept4LC@clarkcountycourts.us

Heather S. Hume

CLERK OF THE COURT

ORDR

STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
PETER THUNELL
Chief Deputy District Attorney
Nevada Bar #10779
200 Lewis Avenue
Las Vegas, NV 89155-2212
(702) 671-2500
Attorney for Plaintiff

**DISTRICT COURT
CLARK COUNTY, NEVADA**

THE STATE OF NEVADA,

Plaintiff,

-vs-

BRYAN PHILLIP BONHAM,
#0852897

Defendant.

CASE NO: C-15-307298-1

DEPT NO: VI

**ORDER DENYING DEFENDANT'S MOTION FOR A COPY OF ORDER FROM
HEARING ON OCTOBER 18, 2022 AND REQUEST FOR MISSING PAGES OF
MTCIS**

DATE OF HEARING: November 14, 2022
(In Chambers)

THIS MATTER having come on for hearing before the above entitled Court on the 14th day of November, 2022, the Defendant not being present, represented in PROPER PERSON, the Plaintiff being represented by STEVEN B. WOLFSON, District Attorney, through PETER THUNELL, Chief Deputy District Attorney, and the Court having heard without argument, based on the pleadings and good cause appearing therefor,

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///

1 COURT ORDERED, Defendant's Motion for a Copy of Order from Hearing on
2 October 18, 2022 and Request for Missing Pages of MTCIS is DENIED for failing to state a
3 cognizable claim. See generally NRCP Rule 12(b)(5); Morris v. Bank of Am. Nev., 110 Nev.
4 1274, 886 P.2d 454, (1994). Defendant filed his Motion on October 24, 2022, and after review
5 of the papers therein, the Court cannot identify a single cognizable claim for it to rule upon
6 as Defendant raises no issues upon which the Court can grant relief. Defendant's requests are
7 for the Clerk of the Court, not this Court. See generally NRS 19.013. Therefore, Defendant's
8 Motion is DENIED and its setting for November 15, 2022 is VACATED.

9 ~~DATED this _____ day of November, 2022.~~ Dated this 22nd day of November, 2022

10 
11 DISTRICT JUDGE

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

D38 0D9 5A32 4514
Jacqueline M. Bluth kj
District Court Judge

14
15 BY


16 PETER THUNELL
17 Chief Deputy District Attorney
18 Nevada Bar #10779
19

20 CERTIFICATE OF SERVICE

21 I certify that on the 29th day of November, 2022, I mailed a copy of the foregoing
22 Order to:

23 BRYAN BONHAM, BAC #60575
24 P.O. BOX 650
INDIAN SPRINGS, NV 89070

25
26 BY


27 Secretary for the District Attorney's Office
28

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 State of Nevada

CASE NO: C-15-307298-1

7 vs

DEPT. NO. Department 6

8 Bryan Bonham
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

11 This automated certificate of service was generated by the Eighth Judicial District
12 Court. The foregoing Order Denying Motion was served via the court's electronic eFile
13 system to all recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 11/22/2022

15 ANITA Harrold .

harrolah@ClarkCountyNV.gov

16 Law Clerk DC 4 .

Dept4LC@clarkcountycourts.us

Steven D. Grierson

1. Bryan p Bonham 60575
2. PO Box 650 (HOSP)
3. Indian Springs, NEV 89070
- 4.

5. EIGHTH JUDICIAL DISTRICT COURT
6. CLARK COUNTY, NEVADA

8 STATE OF NEVADA

~~CASE NO~~

9 PLAINTIFF

CASE NO C-15-307298

10 VS

11 Bryan p Bonham

NOTICE OF APPEAL.

12 ACCUSED

13

14 TO:

15 DISTRICT ATTORNEY

16 Steve Wolfson

17 200 Lewis Ave ^{3rd floor}

18 Las Vegas, NV 89155

19

20 Please take notice that the undersigned in the above action gives HIS notice of
21 Appeal of order given on 10/18/22 dismissing/denying Accused motion to
22 correct an illegal sentence.

23 Dated This 24th day of November 2022

24 *[Signature]*

25 Bryan p Bonham 60575

26 PO Box 650 HOSP

27 Indian Springs, NEV 89070

28

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1 ASTA

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6 **IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE**
7 **STATE OF NEVADA IN AND FOR**
8 **THE COUNTY OF CLARK**
9

10 STATE OF NEVADA,

11 Plaintiff(s),

12 vs.

13 BRYAN PHILLIP BONHAM,

14 Defendant(s),
15

Case No: C-15-307298-1

Dept No: VI

16
17 **CASE APPEAL STATEMENT**
18

19 1. Appellant(s): Bryan P. Bonham

20 2. Judge: Jacqueline M. Bluth

21 3. Appellant(s): Bryan P. Bonham

22 Counsel:

23 Bryan P. Bonham #60575
24 P.O. Box 650
Indian Springs, NV 89070

25 4. Respondent: The State of Nevada

26 Counsel:

27 Steven B. Wolfson, District Attorney
28 200 Lewis Ave.
Las Vegas, NV 89101

(702) 671-2700

5. Appellant(s)'s Attorney Licensed in Nevada: N/A
Permission Granted: N/A

Respondent(s)'s Attorney Licensed in Nevada: Yes
Permission Granted: N/A

6. Has Appellant Ever Been Represented by Appointed Counsel In District Court: No

7. Appellant Represented by Appointed Counsel On Appeal: N/A

8. Appellant Granted Leave to Proceed in Forma Pauperis: N/A

9. Date Commenced in District Court: June 13, 2015

10. Brief Description of the Nature of the Action: Criminal

Type of Judgment or Order Being Appealed: Misc. Order

11. Previous Appeal: Yes

Supreme Court Docket Number(s): 84105

12. Child Custody or Visitation: N/A

Dated This 23 day of December 2022.

Steven D. Grierson, Clerk of the Court

/s/ Heather Ungermann

Heather Ungermann, Deputy Clerk
200 Lewis Ave
PO Box 551601
Las Vegas, Nevada 89155-1601
(702) 671-0512

cc: Bryan P. Bonham

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****June 30, 2015**

C-15-307298-1 State of Nevada
vs
Bryan Bonham

June 30, 2015 1:00 PM Initial Arraignment

HEARD BY: De La Garza, Melisa **COURTROOM:** RJC Lower Level Arraignment

COURT CLERK: Roshonda Mayfield

RECORDER: Kiara Schmidt

REPORTER:

PARTIES

PRESENT: Bonham, Bryan Phillip Defendant
Lopez-Negrete, David E. Attorney

JOURNAL ENTRIES

- NEGOTIATIONS are as contained in the Guilty Plea Agreement FILED IN OPEN COURT. DEFT. BONHAM ARRAIGNED AND PLED GUILTY PER ALFORD to COUNT - 1 FIRST DEGREE KIDNAPPING (F) and COUNT - 2 ATTEMPT SEXUAL ASSAULT (F). Deputized law clerk Genevieve Craggs Bar #13469 placed a factual basis on the record. Court ACCEPTED plea and ORDERED, matter referred to the Division of Parole and Probation (P & P) and set for sentencing. Court advised defense counsel that a stipulation can be submitted to the sentencing judge if both parties agree to waive the psycho sexual evaluation in this matter.

CUSTODY

9/29/15 9:00 A.M. SENTENCING (DEPT. 4)

PRINT DATE: 01/05/2023

Page 1 of 17

Minutes Date: June 30, 2015

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

September 29, 2015

C-15-307298-1 State of Nevada
 vs
 Bryan Bonham

September 29, 2015 9:30 AM Sentencing

HEARD BY: Earley, Kerry **COURTROOM:** RJC Courtroom 16B

COURT CLERK: Kristin Duncan
 Cynthia Moleres

RECORDER:

REPORTER: Loree Murray

PARTIES

PRESENT:	Bonham, Bryan Phillip	Defendant
	Lopez-Negrete, David E.	Attorney
	State of Nevada	Plaintiff
	Villani, Jacob J.	Attorney

JOURNAL ENTRIES

- Mr. Lopez-Negrete requested a continuance, advising Deft. had not received a copy of the Pre-Sentence Investigation Report (PSI). Further, Mr. Lopez-Negrete stated he had not reviewed the PSI with Deft. Mr. Villani stated the victim had been waiting for hours in the courtroom. Further, Mr. Villani suggested Court could trail the matter for Mr. Lopez-Negrete to review the PSI with Deft. and move forward today. Mr. Lopez-Negrete opposed going forward today. After Mr. Villani spoke with the victim, he requested two weeks. COURT ORDERED, matter CONTINUED.

CUSTODY

CONTINUED TO: 10-13-15 9:30 A.M.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****October 13, 2015**

C-15-307298-1 State of Nevada
 vs
 Bryan Bonham

October 13, 2015 9:30 AM Sentencing

HEARD BY: Earley, Kerry**COURTROOM:** RJC Courtroom 16B

COURT CLERK: Kristin Duncan
 Cynthia Moleres

RECORDER: Kelly Tibbs**REPORTER:** Jennifer Church**PARTIES**

PRESENT:	Bonham, Bryan Phillip	Defendant
	Lopez-Negrete, David E.	Attorney
	State of Nevada	Plaintiff
	Villani, Jacob J.	Attorney

JOURNAL ENTRIES

- Mr. Lopez-Negrete advised Count 1 was a stipulated sentence of 5 - 15 years. State argued for Count 2's sentence to be 8 - 20 years, consecutive to Count 1. Mr. Lopez-Negrete argued for Count 2's sentence to be 5 - 15 years, concurrent to Count 1. Google map, picture of victim, and printed picture from 7 - Eleven submitted to the Court. Statement by Deft. Mounita Wilkes SWORN and Victim Impact Statement provided. DEFT. BONHAM ADJUDGED GUILTY, pursuant to the ALFORD DECISION of COUNT 1 - FIRST DEGREE KIDNAPPING (F) and COUNT 2 - ATTEMPT SEXUAL ASSAULT (F). COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee, a \$150.00 DNA Analysis fee including testing to determine genetic markers,(WAIVED if previously taken) and \$3.00 DNA Collection fee, Deft. SENTENCED on COUNT 1 - to a MINIMUM of SIXTY (60) MONTHS and a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS in the Nevada Department of Corrections (NDC), on COUNT 2- to a MINIMUM of SIXTY (60) MONTHS and a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS in the Nevada Department of Corrections

PRINT DATE: 01/05/2023

Page 3 of 17

Minutes Date: June 30, 2015

(NDC), CONSECUTIVE TO COUNT 1, for an AGGREGATE TOTAL of a MINIMUM of ONE HUNDRED TWENTY (120) MONTHS to a MAXIMUM of THREE HUNDRED SIXTY (360) MONTHS in the Nevada Department of Corrections, with TWO HUNDRED SEVEN (207) DAYS credit for time served.

BOND, if any, EXONERATED.

NDC

CLERK'S NOTE: The COURT, having reviewed the sentence imposed on October 13, 2015, ORDERED the Deft. Register as a sex offender in accordance with NRS 179D.460 within 48 hours after release from imprisonment. COURT FURTHER ORDERED, a special SENTENCE OF LIFETIME SUPERVISION is imposed to commence upon release from any term of probation, parole or imprisonment. Copy of the Minute Order placed in Clerk's Office Attorney folder of Public Defender's and District Attorney's. clm 10-15-15

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****December 27, 2021**

C-15-307298-1 State of Nevada
 vs
 Bryan Bonham

December 27, 2021 3:00 AM Motion to Correct Sentence

HEARD BY: Bluth, Jacqueline M. **COURTROOM:** RJC Courtroom 10C

COURT CLERK:

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- IT IS HEREBY ORDERED that Defendant's Motion to Correct Illegal Sentence is DENIED. A court may correct an illegal sentence at any time. NRS 176.555. A sentence is illegal if it is "at variance with the controlling statute, or illegal in the sense that the court goes beyond its authority by acting without jurisdiction or imposing a sentence in excess of the statutory maximum provided." *Edwards v. State*, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996). Here, Defendant alleges that the Nevada Revised Statutes version of the statutes under which he pleaded guilty are invalid because they do not contain the enacting clause required by the NV Constitution. However, the Nevada Revised Statutes do not have the same requirements as laws of Nevada because they are not laws enacted by the legislature. Instead, the Nevada Revised Statutes are previously enacted laws which have been classified, codified, and annotated by the Legislative Counsel. See NRS 220.120. Further, the content requirements for the Nevada Revised Statutes, as laid out in NRS 220.110, do not require the enacting clause to be republished in them. Therefore, Defendant's argument is without merit. Furthermore, this Court had subject matter jurisdiction over Defendant's sentence because there is no requirement that the enacting clause must be on the charging documents. *State v. Rogers*, 10 Nev. 250, 1875 WL 4032, 7 (1875).

PRINT DATE: 01/05/2023

Page 5 of 17

Minutes Date: June 30, 2015

CLERK'S NOTE: This minute order has been distributed to counsel via email and mailed to the address below. /mt

Bryan Bonham #60575
High Desert State Prison
P.O. Box 650
Indian Springs, NV 89070-0650

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 27, 2022

C-15-307298-1 State of Nevada
 vs
 Bryan Bonham

January 27, 2022 11:00 AM All Pending Motions

HEARD BY: Barker, David **COURTROOM:** RJC Courtroom 11C

COURT CLERK: Kory Schlitz

RECORDER: Deloris Scott

REPORTER:

PARTIES

PRESENT: State of Nevada Plaintiff
 Villegas, Victoria A. Attorney

JOURNAL ENTRIES

- MOTION FOR APPOINTMENT OF ATTORNEY AND REQUEST FOR EVIDENTIARY HEARING... MOTION FOR DISCOVERY AND MOTION FOR ORDER TO SHOW CAUSE... MOTION TO ENJOIN CASE NUMBERS AND REQUEST FOR JUDICIAL /ORDER FOR JUDICIAL ECONOMY...

Defendant not present and in custody in the Nevada Department of Corrections.

Ms. Villegas stated the Defendant is filing Motions in both his A and C case, and the State is requesting time to respond. COURT ORDERED, matters CONTINUED.

NDC

CONTINUED TO: 3/17/2022 11:00 A.M.

CLERK'S NOTE: A copy of this Minute Order has been mailed to: Bryan Bonham #60575, PO BOX

PRINT DATE: 01/05/2023

Page 7 of 17

Minutes Date: June 30, 2015

650, Indian Springs, Nevada 89070. (1-31-2022 ks)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 01, 2022

C-15-307298-1 State of Nevada
 vs
 Bryan Bonham

February 01, 2022 11:00 AM Motion

HEARD BY: Bluth, Jacqueline M. **COURTROOM:** RJC Courtroom 10C

COURT CLERK: Kristen Brown

RECORDER: Deloris Scott

REPORTER:

PARTIES

PRESENT:	Demonte, Noreen C.	Attorney
	Keane, Deanna M.	Attorney
	Public Defender	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Court stated this motion is a fugitive document as the Deft. is represented by the Public Defender's office, therefore, ORDERED, Motion DENIED and OFF CALENDAR.

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****March 17, 2022**

C-15-307298-1 State of Nevada
 vs
 Bryan Bonham

March 17, 2022 11:00 AM All Pending Motions

HEARD BY: Holthus, Mary Kay **COURTROOM:** RJC Courtroom 03F

COURT CLERK: Dara Yorke

RECORDER: Yvette G. Sison

REPORTER:

PARTIES

PRESENT: Schwartz, Jennifer L. Attorney
 State of Nevada Plaintiff
 Villegas, Victoria A. Attorney

JOURNAL ENTRIES

- MOTION FOR APPOINTMENT OF ATTORNEY AND REQUEST FOR EVIDENTIARY HEARING... MOTION FOR DISCOVERY...MOTION TO ENJOIN CASE NUMBERS AND REQUEST FOR JUDICIAL/ ORDER FOR JUDICIAL ECONOMY

Deft. not present. Ms. Villegas indicated the instant Motions were Pro Per Motions. Colloquy between parties as to if the Public Defender's office was still attorney of record. Following colloquy, and after further research, Ms. Schwartz indicated it appeared as though there had been some PCR work and the Public Defender's Office should be taken off. COURT ORDERED, the Public Defender's Office not representing Deft. was hereby AFFIRMED. Further, Court indicated the instant Motions would be addressed without argument as set for in the State's Opposition. COURT FURTHER ORDERED, Motion for Appointment of Attorney and Request for Evidentiary Hearing, Motion for Discovery and Motion to Enjoin Case Numbers and Request for Judicial/ Order for Judicial Economy was hereby DENIED. State to prepare the Order.

PRINT DATE: 01/05/2023

Page 10 of 17

Minutes Date: June 30, 2015

NDC

CLERK'S NOTE: Copy of minutes mailed to: Bryan Bonham #60575 -P.O. Box 650 High Desert State Prison- Indian Springs, NV 89070. //3-18-22/ dy

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****June 16, 2022**

C-15-307298-1 State of Nevada
 vs
 Bryan Bonham

June 16, 2022 9:30 AM Motion for Order

HEARD BY: Bluth, Jacqueline M.**COURTROOM:** RJC Courtroom 10C

COURT CLERK: Kristen Brown
 LaCarol Kelley

RECORDER: De'Awna Takas**REPORTER:****PARTIES**

PRESENT:	Bonham, Bryan Phillip	Defendant
	Schifalacqua, Barbara	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Court stated there is a lack of clarity in the motion, however, the Deft. is free to file the motion again if he can make it clear with his handwriting and what he is requesting. Ms. Schifalacqua stated the Appeals Department believes the Deft. is requesting a copy of the order filed in February, 2022, however, upon her review, the motion wasn't clear. COURT ORDERED, Motion OFF CALENDAR. Ms. Leven noted that the Public Defender's office is no longer representing the Deft. in the case and the Deft. is representing himself, COURT SO NOTED.

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****October 17, 2022**

C-15-307298-1 State of Nevada
 vs
 Bryan Bonham

October 17, 2022 3:00 AM Minute Order

HEARD BY: Bluth, Jacqueline M.**COURTROOM:** Chambers**COURT CLERK:** Kristen Brown**RECORDER:****REPORTER:**

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- COURT ORDERED, Defendant's Motion to Correct an Illegal Sentence Due to Invalid Laws, Fraud Amounting to Lack of Subject Matter Jurisdiction is DENIED. A review of Defendant's instant Motion reveals that he is attempting to re-argue his Motion to Correct Illegal Sentence filed on December 2, 2021. As such, the Court directs Defendant's attention to its previous Order Denying Defendant's Motion to Correct Illegal Sentence filed on February 11, 2022, as well as the Nevada Court of Appeal's Order of Affirmance, remittitur issued June 28, 2022. Under the doctrine of the law of the case, subsequent claims in which the facts are substantially the same are prohibited. *Hall v. State*, 91 Nev. 314, 315-16, 535 P.2d 797, 798-99 (1975) (internal citations omitted). The doctrine of the law of the case cannot be avoided by more detailed and precisely focused arguments made upon reflection of the previous proceedings. *Id.* Defendant himself recognizes that this is a continued effort to argue an already decided matter by stating in the instant Motion that "[t]he Accused/Defendant herein, continuing his research into this issue, has discovered new information, now brings it to this Honorable courts attention as it is relative to the this issue " Motion at 3. As this issue has already been decided and Defendant does not provide new facts to distinguish the instant Motion, Defendant's attempt to provide a more detailed and precisely focused argument upon reflection of

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the denial of his previous Motion to Correct Illegal Sentence is unmeritorious. Therefore, COURT ORDERED, as Defendant is attempting to re-argue his previous Motion to Correct Illegal Sentence, the instant Motion to Correct Illegal Sentence is DENIED under the doctrine of the law of the case.

NDC

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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 09, 2022

C-15-307298-1 State of Nevada
 vs
 Bryan Bonham

November 09, 2022 3:00 AM Minute Order

HEARD BY: Bluth, Jacqueline M.

COURTROOM: Chambers

COURT CLERK: Kristen Brown

RECORDER:

REPORTER:

PARTIES
PRESENT:

JOURNAL ENTRIES

- COURT ORDERED, Defendant's Motion and Order for Transportation of Inmate for Court Appearance or in the Alternative by Telephone or Video Conference is DENIED as it is MOOT. Defendant's Motion requests that he be present for court on October 18, 2022. However, Defendant's Motion was not filed until October 19, 2022, and Defendant's Motion to Correct Illegal Sentence Due to Invalid Laws, Fraud Amounting to Lack of Subject Matter Jurisdiction, set for October 18, 2022, was denied by minute order on October 17, 2022. Additionally, the Court notes that Defendant indicated October 18, 2022, was an evidentiary hearing. October 18, 2022, was not an evidentiary hearing and Defendant has no Petition before this Court to support an evidentiary hearing. The Court now reminds Defendant his Petition for Writ of Habeas Corpus was denied on February 17, 2022, and this denial was affirmed by the Nevada Court of Appeals, remittitur issued September 13, 2022, in case number A-21-844910-W. Therefore, COURT ORDERED, Defendant's Motion and Order for Transportation of Inmate for Court Appearance or in the Alternative by Telephone or Video Conference is DENIED as it is MOOT. COURT FURTHER ORDER, the setting for this Motion on November 10, 2022, is VACATED. State to prepare an order consistent with the Court's ruling.

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NDC

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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 14, 2022

C-15-307298-1 State of Nevada
 vs
 Bryan Bonham

November 14, 2022 3:00 AM Minute Order

HEARD BY: Bluth, Jacqueline M. **COURTROOM:** Chambers

COURT CLERK: Kristen Brown

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- COURT ORDERED, Defendant's Motion for a Copy of Order from Hearing on October 18, 2022 and Request for Missing Pages of MTCIS is DENIED for failing to state a cognizable claim. See generally NRCP Rule 12(b)(5); Morris v. Bank of Am. Nev., 110 Nev. 1274, 886 P.2d 454, (1994). Defendant filed his Motion on October 24, 2022, and after review of the papers therein, the Court cannot identify a single cognizable claim for it to rule upon as Defendant raises no issues upon which the Court can grant relief. Defendant's requests are for the Clerk of the Court, not this Court. See generally NRS 19.013. Therefore, Defendant's Motion is DENIED and its setting for November 15, 2022 is VACATED. State to prepare an Order consistent with the Court's ruling.

NDC

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

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Certification of Copy and Transmittal of Record

State of Nevada }
County of Clark } SS:

Pursuant to the Supreme Court order dated January 4, 2023, I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, do hereby certify that the foregoing is a true, full and correct copy of the complete trial court record for the case referenced below. The record comprises three volumes with pages numbered 1 through 668.

STATE OF NEVADA,

Plaintiff(s),

vs.

BRYAN PHILLIP BONHAM,

Defendant(s),

Case No: C-15-307298-1

Dept. No: III

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
This 5 day of January 2023.

Steven D. Grierson, Clerk of the Court



Amanda Hampton, Deputy Clerk