

1 William J. Martin #95529

2 NNCC

3 PO Box 7000

4 Carson City, NV 89701

5 Defendant in pro se

6 Pursuant to NRS 239B.030, the undersigned affirms that this document does not contain social security numbers.

7
8 IN THE TENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
9 IN AND FOR THE COUNTY OF CHURCHILL

10
11 THE STATE OF NEVADA,

12 Plaintiff,

13 vs

14 WILLIAM MARTIN,

15 Defendant.

Case Nos 19-10DC-0289
19-10DC-0290

16
17 **NOTICE OF APPEAL**

18 Notice is given that Defendant William Martin, in pro se, appeals to the Nevada Supreme Court THE
19 ORDER DENYING MOTION TO CORRECT ILLEGAL SENTENCE as filed on September 27, 2023.

20 Dated this 12th day of October, 2023

21
22 
23 William Martin

24 Defendant pro se

FILED
ORIGINAL

2023 OCT 16 PM 1:25

TIFFANY JOSEPHS

Electronically Filed
Oct 24 2023 11:10 AM
BY Elizabeth A. Brown
Clerk of Supreme Court

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First Class pre-paid to the following:

Dated this 12th day of October, 2023.

Debby Styles

Case No. 19-10DC-0290

Dept. No. 1

FILED

2023 OCT 18 AM 11:56

TIFFANY JOSEPHS
COURT CLERK

BY Shelly Hester DEPUTY

IN THE TENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF CHURCHILL

WILLIAM JACOB MARTIN,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

CASE APPEAL STATEMENT

1. Name of Appellant filing this Case Appeal Statement:

Prepared by District Court Clerk on Behalf of:
William Jacob Martin

2. What Judge Issued Decision, Judgment or Order?

Judge Jim Shirley
Tenth Judicial District Court

3. Who is/are the Appellant(s) and Name and Address of Appellant(s) Counsel?

William Jacob Martin
NNCC
P.O. Box 7000
Carson City, NV 89701

Pro Per

4. Who is/are Respondent(s) and Name and Address of Respondent(s) Counsel?

State of Nevada

Churchill County District Attorney
165 N. Ada Street
Fallon, NV 89406

5. Are Counsel not licensed to Practice Law in Nevada? ☐ Yes ☒ No
If the answer is yes, has counsel been granted permission to appear under SCT 42?
☐ Yes ☐ No (Attach copy of District Court Order granting permission)

6. Was Appellant Represented by Appointed or Retained Counsel at District Court?

☒ Appointed Counsel
☐ Retained Counsel
☐ No Counsel

7. Is Appellant Represented by Appointed or Retained Counsel on Appeal?

☐ Appointed Counsel
☐ Retained Counsel
☒ No Counsel

8. Was Appellant Granted leave to Proceed in Forma Pauperis? ☐ Yes ☒ No

Date of Order:

9. When did the Proceedings Commence in the District Court? (i.e., date complaint, indictment, information or petition was filed)

October 16, 2023

10. Provide Brief Description of Nature of Action; Result in District Court, Type of Judgment or Order Being Appealed and Relief Granted by District Court: Counsel for Appeal:

October 16, 2023 – Notice of Appeal on Order Denying Motion to Correct Illegal Sentence filed September 27, 2023.

11. Has the Case previously been the subject of an Appeal to or Original Writ Proceedings in the Supreme Court? ☐ Yes ☒ No
If yes, provide caption and Supreme Court Docket Number of Prior Proceeding:

1 12. Does the Appeal Involve Child Custody or Visitation Issues?


2 ☐ Yes ☒ No

3 13. If this is a Civil Case, Does the Appeal Involve the Possibility of Settlement?

4 ☐ Yes ☒ No

5
6 Dated this 18th Day of October, 2023

7
8 Tiffany Josepfs, Clerk of Court

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10 
11 Deputy Court Clerk
12 Tenth Judicial District Court
13 73 N. Maine Street
14 Fallon, NV. 89406
15 775-423-6088
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Churchill Case Summary

State of Nevada, Plaintiff, vs. William Jacob Martin, Defendant.

Court Case Number: 19-10DC-0290
Court: 10th Judicial District Court - Department 1
Case Type: Felony
Status Date: 6/5/2023
Case Status: Reopened
Received Date: 3/6/2019
Active Age: 246 days

Attorneys

Lane Mills District Attorney

Charges

1. 205.060(2) - Burglary Occurred: 1/17/2018

Felony Category B

Attribute

Crimes Against Property

Martin, William Jacob Defendant

Plea: Guilty Plea Date: 4/18/2019 Disposition: Guilty Dispo Date: 6/20/2019

Sentence: 6/20/2019 Incarcerated from 36 months to 120 months Nevada State Prison

Notes: Sentencing to run consecutive to 19-10DC-0289, Washoe CR18-0761, and Churchill 18-10DC-0049

Case Docket

Docket Summary

3/6/2019 11:20:00 AM | Filed | Title: Justice Court Proceedings
3/6/2019 11:21:00 AM | Filed | Title: Information
3/6/2019 3:42:00 PM | Filed | Title: Order of Recusal
3/7/2019 11:07:00 AM | Filed | Title: Setting Memo
3/11/2019 3:23:00 PM | Filed | Title: Motion to Produce Defendant
3/13/2019 2:11:00 PM | Filed | Title: Order to Produce Defendant
3/15/2019 10:30:00 AM | Filed | Title: Notice of Entry of Order
4/18/2019 4:30:00 PM | Filed | Title: Guilty Plea Memorandum
4/19/2019 9:41:00 AM | Filed | Title: Setting Memo
4/26/2019 3:32:00 PM | Filed | Title: Motion to Produce Defendant
4/26/2019 3:33:00 PM | Filed | Title: Order to Produce
5/1/2019 3:18:00 PM | Filed | Title: Notice of Entry of Order
6/25/2019 2:54:00 PM | Filed | Title: Judgment of Conviction
6/26/2019 2:47:00 PM | Filed | Title: Return of Service
6/28/2019 10:22:00 AM | Filed | Title: Declaration of Service
9/23/2019 12:41:00 PM | Filed | Title: Motion for Withdrawal of Attorney of Record and Transfer of Records
9/23/2019 12:42:00 PM | Filed | Title: Affidavit in Support of Motion for Withdrawal of Attorney of Record and Transfer of Records
10/14/2019 10:32:00 AM | Filed | Title: Order
1/29/2020 1:54:00 PM | Filed | Title: Motion to Compel
2/21/2020 8:20:00 AM | Filed | Title: Order After Motion to Compel
5/15/2020 11:54:00 AM | Filed | Title: Motion Requesting Extension of Time Based on Extraordinary Circumstances
5/18/2020 3:18:00 PM | Filed | Title: Opposition to the Motion for Extension of Time
5/21/2020 8:10:00 AM | Filed | Title: Notice of Compliance with Court Order and Request for Reimbursement of Costs
5/21/2020 1:03:00 PM | Filed | Title: Order Authorizing Reimbursement of Costs
6/5/2023 2:03:00 PM | Filed | Title: Motion to Correct Illegal Sentence
6/5/2023 2:04:00 PM | Filed | Title: Memorandum in Support of Motion to Correct Illegal Sentence

Churchill Case Summary

6/14/2023 11:22:00 AM | Filed | Title: Opposition to Motion to Correct Illegal Sentence
7/3/2023 10:45:00 AM | Filed | Title: Reply to Opposition to Motion to Correct Illegal Sentence
7/10/2023 8:11:00 AM | Filed | Title: Setting Memo
7/18/2023 10:25:00 AM | Filed | Title: Request for Submission (Motion to Correct Illegal Sentence)
7/18/2023 10:26:00 AM | Filed | Title: Motion to Produce Defendant
7/21/2023 11:25:00 AM | Filed | Title: Motion for Modification of Sentence
7/24/2023 11:39:00 AM | Filed | Title: Order to Produce
7/27/2023 10:15:00 AM | Filed | Title: Notice of Entry of Order (Order to Produce)
7/28/2023 12:10:00 PM | Filed | Title: Opposition to Motion to Modify Sentence
7/31/2023 3:00:00 PM | Filed | Title: Motion for Appointment of Counsel
7/31/2023 3:02:00 PM | Filed | Title: Motion to Strike Plaintiff's Request for Submission and Proposed Order
7/31/2023 3:02:00 PM | Filed | Title: Opposition to State's Motion to Produce Defendant
8/9/2023 10:26:00 AM | Filed | Title: Response to Motion to Appointment of Counsel
8/9/2023 10:26:00 AM | Filed | Title: Opposition to Motion to Strike
8/15/2023 10:28:00 AM | Filed | Title: Reply to Opposition to Motion to Modify Sentence
9/27/2023 11:22:00 AM | Filed | Title: Order Denying Motion to Correct Illegal Sentence
10/16/2023 1:25:00 PM | Filed | Title: Notice of Appeal
10/18/2023 11:56:00 AM | Filed | Title: Case Appeal Statement

Case No. 19-10DC-0289 and 19-10DC-0290

FILED

Dept. No. 1

2023 SEP 27 AM 11:22

The undersigned hereby affirms that
this document does not contain the
social security number of any person.

TIFFANY JOSEPHS
COURT CLERK

BY Kat Gell DEPUTY

IN THE TENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA, IN AND FOR
THE COUNTY OF CHURCHILL

THE STATE OF NEVADA,

Plaintiff,

vs.

**ORDER DENYING MOTION TO
CORRECT ILLEGAL SENTENCE**

WILLIAM JACOB MARTIN,,

Defendant

The Defendant in this matter filed a Motion to Correct Illegal Sentence on June 5, 2023, the State filed an opposition on June 14, 2023, and the Defendant filed a reply on July 3, 2023. The Defendant claims NRS 171.010 and NRS 205.060 were not enacted properly as the basis for his claim that he is subject to an illegal sentence.

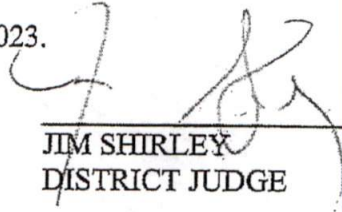
Under Haney v. State 124 Nev. 408 (2008) a motion to correct an illegal sentence may only be granted when the sentence is at variance with the controlling sentencing statute or illegal in the sense that a court had gone beyond its authority in acting without jurisdiction or imposes a sentence in excess of the statutory maximum.

The requirement of the enacting clause does not apply to the Nevada Revised Statutes (NRS), because the law as shown in the NRS has already been enacted. When the statutes in question were proposed by bill to either the Senate or the House, each proposed law included an enacting clause as required by the Nevada Constitution. The Statutes of Nevada contain the laws with the enacting clauses required by the constitution. The NRS reproduce those laws as

1 classified, codified, and annotated by the Legislative Counsel, pursuant NRS 220.110 (listing
2 what the NRS shall contain); NRS 220.120 (authorizing the Legislative Counsel to keep NRS
3 current by "(a) adopt[ing] such system of numbering as the Legislative Counsel deems practical;
4 (b); caus[ing] the revision to be published in a number of volumes deemed convenient; and (c)
5 caus[ing] the volumes to be bound in loose-leaf binders of good, and so far as possible,
6 permanent quality"). The law that was enacted as NRS 171.010 or re-enacted or amended, which
7 was in effect in 2017 (time of these offenses), included the required enacting clause. This same
8 analysis also applies to Martin's claims with respect to NRS 205.060. As such Martin's claims are
9 without merit.
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11
12 Furthermore, Martin does not claim that his sentence is in excess of the statutory
13 maximum. Accordingly, the Defendant's Motion to Correct Illegal Sentence is hereby DENIED.
14

15 Dated this 22nd day of September 2023.

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18 JIM SHIRLEY
19 DISTRICT JUDGE
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CERTIFICATE OF SERVICE

The undersigned, an employee of the Tenth Judicial District Court, hereby certifies that on the 17th day of September, 2023, I served the foregoing **ORDER DENYING MOTION TO CORRECT ILLEGAL SENTENCE** on the parties, as noted below:

Lane R. Mills Esq.
Chief Deputy District Attorney
165 North Ada Street
Fallon, NV 89406

William Jacob Martin #95529
Lovelock Correctional Center
1200 Prison Road
Lovelock, NV 89419

DATED this 17th day of September, 2023.

Kent Felt
Deputy Court Clerk

Subscribed and Sworn to before me
this 17th day of September, 2023.

Shelli Hooten
Deputy Court Clerk

1 CASE NO. 19-10DC-0290
2 DEPT. I
3
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5 **IN THE TENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
6
7 **IN AND FOR THE COUNTY OF CHURCHILL**
8

9 WILLIAM JACOB MARTIN,
10 Appellant,
11

12 vs.

13 THE STATE OF NEVADA,
14 Respondent.
15

16 C E R T I F I C A T E
17

18 I, TIFFANY JOSEPHS, Clerk of the Court for the Tenth Judicial District Court of the
19 State of Nevada, in and for the County of Churchill, do hereby certify that the following
20 documents are copies of the original documents on file with the District Court and which are
21 contained in the Appeal.
22

23 DATED: This 18th day of October, 2023.
24

25 TIFFANY JOSEPHS, Clerk of the Court
26

27 By: Shellie Hooten
28 Shellie Hooten, Deputy Court Clerk

TRANSMISSION OF DOCUMENTS UPON FILING OF A NOTICE OF APPEAL

DOCUMENT TITLE

ENCLOSED

NOTICE OF APPEAL

YES

NO

CASE APPEAL STATEMENT

YES

NO

DISTRICT COURT DOCKET ENTRIES

YES

NO

JUDGMENT (S) or ORDER (S) APPEALED FROM

YES

NO

NOTICE OF ENTRY OF JUDGMENT (S) or
ORDER(S) APPEALED FROM

YES

NO

CERTIFICATION OF ORDER DIRECTING
ENTRY OF JUDGMENT PURSUANT TO
NRCP 54(b)

YES

NO

DISTRICT COURT MINUTES

YES

NO

EXHIBIT LIST

YES

NO

CERTIFICATE OF ORIGINAL DOCUMENTS

YES

NO

FEES

NOTICE OF APPEAL FILING FEE - \$24.00

YES

NO

APPEAL BOND - \$500.00

YES

NO

SUPREME COURT FILING FEE - \$250.00

YES

NO