

IN THE SUPREME COURT OF THE STATE OF NEVADA

DUSTIN BARRAL,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent

Case No. 85706

FILED

JUL 11 2023

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *Elizabeth A. Brown*
DEPUTY CLERK

PETITION FOR REVIEW BY THE SUPREME COURT

COMES NOW, Appellant, Dustin Barral, in prose requesting that this honorable Court grant his Petition for Review by the Supreme Court. This petition is made and based on all papers and pleadings filed in this case as well as the argument made in this petition. On May 8, 2023 the Court of Appeals issued an Order of Affirmance denying the Appellant's appeal and affirming the District Court's decision. The Appellant filed a Petition for Rehearing in the Court of Appeals which was denied on June 28, 2023. This petition is made pursuant to NRS 40B.

ARGUMENT

1. The Court of Appeals of the State of Nevada has failed to uphold the standard of what a Motion to Correct Illegal Sentence is which is found in *Edwards v. State*, 112 Nev. 704 (1996). The questions here to present for review is what exactly qualifies as a Motion to Correct Illegal Sentence? and secondly, Does the Appellant's Motion qualify as a Motion to Correct Illegal Sentence? The reason review is warranted is because the Court of Appeals in its decision has failed to uphold case law and go its own way. The Court of Appeals can be quoted as saying that the Appellant's claims fall out of the narrow scope found in *Edwards v. State*, 112 Nev. 704 (1996) by not implicating the jurisdiction of the district court. Jurisdiction is a key argument made by the Appellant. The Appellant has over 270 lines of argument about the jurisdiction of the district court in his Motion, Memorandum, and all filings in this Court. To claim that the Appellant's Motion does not conform

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1 to the rules found in Edwards is absurd and even more so very concerning. If
2 the Court of Appeals is allowed to continue with this, no law in the State of
3 Nevada or case law can be relied on. The Court of Appeals has chosen to step
4 outside of the lines to shut down the Appellant's argument. This Court must
5 correct this error and review this decision.

6 2. The next question that this Court should review involves a fundamental
7 issue of statewide public importance. The question here is whether NRS 171.010
8 gives the district courts subject matter jurisdiction or is NRS 171.010 repealed by
9 Statutes of Nevada 1957 Senate Bill 2 Ch 2 Sec 3? This is the crux of the Appellant's
10 argument made before the District Court and the Court of Appeals. NRS 171.010 in
11 its Historical Section shows 1911, 1912 and 1929. Senate Bill 2 Ch 2 Sec 3 states that
12 all laws prior to Jan 1957 were repealed. This includes NRS 171.010. Sec 8 and
13 9 of SB 2 do not apply to NRS 171.010 because it has no 1957 date in its
14 historical section and has not been amended or touched since 1929. The fact that
15 it is repealed means that since Jan 1957 the District Courts have had no
16 jurisdiction over the subject matter to sentence defendants. This issue plainly
17 affects every person living in or to step foot in the State of Nevada and must be
18 reviewed by this Court.

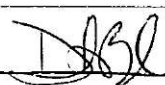
19 3. The last question presented to this Court involves an issue of general
20 statewide significance and involves a fundamental issue of statewide public
21 importance. The question here is What is the Law of the State of Nevada? This
22 Court has repeatedly said that the Statutes of Nevada not the Nevada Revised
23 Statutes are law. Yet the Appellant has brought this Court proof that this
24 was not meant to be. Looking at the Appellant's Opening Brief it will see an
25 Exhibit. This is from the Legislative Counsel Bureau stating it did not want to
26 make the Nevada Revised Statutes prima facie evidence of the Statutes of Nevada.
27 Instead the Nevada Revised Statutes are to be the Law of the State of
28 Nevada. In fact, Statutes of Nevada 1957 Senate Bill 2 Chapter 1 clearly

1 states the legislative intent for the Nevada Revised Statutes to be the paramount
2 law of the State of Nevada. The only issue that presents the NRS's as
3 prima facie evidence is NRS 220.170(3). Yet there is an issue with this
4 as well. NRS 220.170(1) states that the NRS are adopted and enacted yet
5 NRS 220.170(3) states its prima facie evidence. It can't be both. This issue
6 can and must be brought in a Motion to Correct Illegal Sentence because if
7 what I claim is true then the Nevada Revised Statutes are the law of the
8 State of Nevada but fail to have the required enactment clause on its face and
9 thus are void. Being void then the Appellant's sentence is at variance with
10 the controlling sentencing statutes because there are no controlling sentencing
11 statutes. This is a fundamental issue of a Motion to Correct Illegal Sentence that
12 the Court of Appeals refused to review or hear.

13 CONCLUSION

14 It is clear that the Court of Appeals failed to see the significance of the
15 argument presented to this Court. The Appellant has brought adequate proof
16 before this Court for this Court to review this Petition. For the above reasons
17 this court must grant this Petition for Review by the Supreme Court.

18
19 Dated this 16th day of July, 2023

20
21 
22 Dustin Barral #1108615
23 LCC
24 1200 Prison Rd
25 Lovelock, NV 89419
26 Appellant in Pro Se

27

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CERTIFICATE OF COMPLIANCE

1. I hereby certify that this Petition for Review by the Supreme Court complies with the formatting requirements of NRAP 32(2)(4), minus 1 inch margins on all sides due to it being handwritten. Additionally the requirements of NRAP 32(2)(5)(6) and (2)(7)(c) do not apply due to this being handwritten as the Appellant is in pro se.

2. I further certify that I have read this Petition for Review by the Supreme Court, and to the best of my knowledge, information, and belief, it is not frivolous or imposed for any improper purpose.

Dated this 6th day of July, 2023


Dushin Barro #1108615
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CERTIFICATE OF SERVICE

I do hereby certify that I mailed a true and correct copy of the foregoing
PETITION FOR REVIEW BY THE SUPREME COURT to the following address(es)
on this 16th day of July, 2023, by placing same in the US
Mail via prison law library staff:

Clark County DA	Nevada Attorney General
200 Lewis Ave	100 N. Carson St
LV, NV 89155	Carson City, NV 89701

Dated this 16th day of July, 2023

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