

Appendix A

IN THE SUPREME COURT OF THE STATE OF NEVADA

MARTIN AKERMAN,
Petitioner,
vs.
NEVADA NATIONAL GUARD,
Respondent.

No. 86458

FILED

JUN 02 2023

ORDER DENYING PETITION

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
J. J. J. J. J.
DEPUTY CLERK

This pro se original petition for a writ asserts purported claims for false imprisonment, among other things, and seeks declaratory and other relief. Having considered the petition, we are not convinced that our extraordinary and discretionary intervention is warranted. See NRS 34.170; NRS 34.330; *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 224, 228, 88 P.3d 840, 841, 844 (2004) (explaining that writ relief is proper only when there is not a plain, speedy, and adequate remedy at law and the petitioner bears the burden to demonstrate that extraordinary relief is warranted).

Even assuming the relief sought here could be properly obtained through a writ petition, any application for such relief should be directed to and resolved by the district court in the first instance so that the factual and legal issues can be fully developed, providing an adequate record to review.¹ See *Round Hill Gen. Improvement Dist. v. Newman*, 97 Nev. 601, 604, 637 P.2d 534, 536 (1981) (recognizing that an appellate court is not the appropriate forum to resolve questions of fact and noting that

¹This includes a postconviction petition for a writ of habeas corpus, to the extent petitioner has styled his petition as such. See NRAP 22 ("An application for an original writ of habeas corpus should be made to the appropriate district court.").

when there are factual issues presented, appellate courts will not exercise their discretion to entertain a petition for extraordinary relief even if “important public interests are involved”); *State v. Cty. of Douglas*, 90 Nev. 272, 276-77, 524 P.2d 1271, 1274 (1974) (noting that “this court prefers that such an application [for writ relief] be addressed to the discretion of the appropriate district court” in the first instance), *abrogated on other grounds by Att’y Gen. v. Gypsum Res.*, 129 Nev. 23, 33-34, 294 P.3d 404, 410-11 (2013); *see also Walker v. Second Judicial Dist. Court*, 136 Nev. 678, 684, 476 P.3d 1194, 1199 (2020) (noting that this court typically will not entertain petitions for extraordinary relief that implicate factual disputes). Accordingly, we

ORDER the petition DENIED.²

Stiglich, C.J.
Stiglich

Cadish, J.
Cadish

Herndon, J.
Herndon

cc: Martin Akerman
Nevada National Guard

²Petitioner’s “motion for an emergency writ of replevin” and “motion to certify the order for interlocutory appeal and rebuttal to allegations of frivolous and me” are denied as moot.

Appendix B

IN THE SUPREME COURT OF THE STATE OF NEVADA

MARTIN AKERMAN,
Petitioner,
vs.
NEVADA NATIONAL GUARD,
Respondent.

No. 86458

FILED

JUL 12 2023

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER DENYING MOTION

Appellant has filed a pro se "Request for Specification in Remittitur." Appellant requests that the remittitur resolve whether a general was acting under the authority of another person, persons or entity. He also asks that the remittitur provide a rationale for the court's decision "not to hear" his petition for writ of habeas corpus and replevin.

The motion is denied. However, should appellant wish to seek en banc reconsideration of this court's dispositional order, he shall have 14 days from the date of this order to file and serve any petition for en banc reconsideration. See NRAP 40A. If no petition for en banc reconsideration is filed within that time, the clerk shall issue the remittitur.

It is so ORDERED.

Shiglin, C.J.

cc: Martin Akerman
Nevada National Guard

Appendix C



DEPARTMENT OF THE AIR FORCE
OFFICE OF THE JUDGE ADVOCATE GENERAL
MILITARY JUSTICE AND DISCIPLINE DIRECTORATE

24 August 2023

Colonel Willie J. Babor
Deputy Director, Military Justice and Discipline
1500 West Perimeter Road, Suite 1330
Joint Base Andrews Naval Air Facility Washington, Maryland 20762

Mr. Martin Akerman
2001 North Adams Street, Unit 440
Arlington, VA 22201

Dear Mr. Akerman

The Judge Advocate General asked me to respond to your letter, dated 28 June 2023, in which you requested the appointment of military appellate defense counsel under Article 70, Uniform Code of Military Justice (UCMJ).

In accordance with Article 70, UCMJ, military appellate defense counsel are appointed to cases before a service Court of Criminal Appeals, such as the Air Force Court of Criminal Appeals, the Court of Appeals for the Armed Forces, or the Supreme Court of the United States. The right to military appellate defense counsel is limited to members subject to the UCMJ with cases before these three courts.

Although your legal issue relates to your time with the Air National Guard, it appears that you are a civilian who is not subject to the UCMJ. Additionally, your legal issue does not appear to be the result of a court-martial. Finally, it does not appear as though you have a case pending before any of the three appellate courts referenced above. As such, your request is denied.

This constitutes final action on your request.

Sincerely

A handwritten signature in black ink, appearing to be "WJ Babor", written over a horizontal line.

WILLIE J. BABOR, Colonel, USAF
Deputy Director

Appendix D

**Supreme Court of the United States
Office of the Clerk
Washington, DC 20543-0001**

Scott S. Harris
Clerk of the Court
(202) 479-3011

October 24, 2023

Mr. Martin Akerman
2001 North Adams Street
Unit 440
Arlington, VA 22201

Re: Martin Akerman
v. Nevada National Guard
Application No. 23A355

Dear Mr. Akerman:

The application for an extension of time within which to file a petition for a writ of certiorari in the above-entitled case has been presented to Justice Kagan, who on October 24, 2023, extended the time to and including November 23, 2023.

This letter has been sent to those designated on the attached notification list.

Sincerely,

Scott S. Harris, Clerk

by


Angela Jimenez
Case Analyst