

24-5234  
No. \_\_\_\_\_

ORIGINAL

IN THE  
SUPREME COURT OF THE UNITED STATES

FILED  
MAY 28 2024  
OFFICE OF THE CLERK  
SUPREME COURT, U.S.

IN RE: Nathanael Martin — PETITIONER  
(Your Name)

vs.

The State of Nevada — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

The Court of Appeals of the State of Nevada  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Nathanael T. Martin  
(Your Name)

330 S. Casino Center Blvd.  
(Address)

Las Vegas, NV, 89101  
(City, State, Zip Code)

\_\_\_\_\_  
(Phone Number)

QUESTION(S) PRESENTED

If a violation of your Sixth Amendment speedy trial right occurs and is brought to the attention of the court in the first instances of a proceeding are those same merits valid for the case to be vacated regardless of the judgment resulting in a plea of guilty?

If a Petitioner, in good faith, files a writ of certiorari should he or she be subject to time limitations due to deliberate failure of service or notice to the petitioner as to the date of entry of the judgment?

## LIST OF PARTIES

All parties appear in the caption of the case on the cover page.

All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

## RELATED CASES

1. Nathanael Martin vs. The state of Nevada, No. C-19-344489-1, Eighth Judicial District court Clark County Nevada. Judgment entered February 2001.

2. Nathanael Martin vs. The State of Nevada, No. 84638-COA, Court of Appeals of the State of Nevada. Judgment entered Dec. 15<sup>th</sup> 2002

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## TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
Barker VS. Wingo.Warden 407 U.S. 514;92 S.Ct.2182	4-5
33.Led.Ed.2d. (1978) ecker	5
United States VS. Myers 930 F.3d at 1120	5
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IN THE  
SUPREME COURT OF THE UNITED STATES  
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

**OPINIONS BELOW**

For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix \_\_\_\_\_ to the petition and is

reported at \_\_\_\_\_; or,  
 has been designated for publication but is not yet reported; or,  
 is unpublished.

The opinion of the United States district court appears at Appendix \_\_\_\_\_ to the petition and is

reported at \_\_\_\_\_; or,  
 has been designated for publication but is not yet reported; or,  
 is unpublished.

For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix A to the petition and is

reported at \_\_\_\_\_; or,  
 has been designated for publication but is not yet reported; or,  
 is unpublished.

The opinion of the \_\_\_\_\_ court appears at Appendix \_\_\_\_\_ to the petition and is

reported at \_\_\_\_\_; or,  
 has been designated for publication but is not yet reported; or,  
 is unpublished.

## JURISDICTION

[ ] For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was \_\_\_\_\_.

[ ] No petition for rehearing was timely filed in my case.

[ ] A timely petition for rehearing was denied by the United States Court of Appeals on the following date: \_\_\_\_\_, and a copy of the order denying rehearing appears at Appendix \_\_\_\_\_.

[ ] An extension of time to file the petition for a writ of certiorari was granted to and including \_\_\_\_\_ (date) on \_\_\_\_\_ (date) in Application No. \_\_\_A\_\_\_\_\_.  
S

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

[ ] For cases from **state courts**:

The date on which the highest state court decided my case was Dec. 15<sup>th</sup> 2022. A copy of that decision appears at Appendix A.

[ ] A timely petition for rehearing was thereafter denied on the following date: \_\_\_\_\_, and a copy of the order denying rehearing appears at Appendix \_\_\_\_\_.

[ ] An extension of time to file the petition for a writ of certiorari was granted to and including \_\_\_\_\_ (date) on \_\_\_\_\_ (date) in Application No. \_\_\_A\_\_\_\_\_.  
S

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

## CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial by an impartial jury of the state and district wherein the crime shall have been committed which district shall have been prev. accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor and to have assistance of counsel for his defence.

↑ The Sixth Amendment of the United States Constitution.

## STATEMENT OF THE CASE

The Petitioner initially invoked his right to a speedy trial for criminal case c-19-344489-1 in the District Court of Nevada within the first quarter of the year of 2020 yet was made to languish incarcerated due to violations of his Sixth Amendment. The Petitioner then the defendant dismissed his initial public defender in the last quarter of 2020 and filed a motion to dismiss the case citing Barker vs. Wingo. This was "before" the first instance of the guilty plea agreement challenging the violation of his speedy trial right in the district court contrary to the reasons the court of appeals of The State of Nevada gave affirming the judgment of conviction saying that, "he didn't raise challenges to the validity of his plea in district court and declined to consider the issues because they were not properly raised in the first instance on direct appeal but the Petitioner raised the issues in his Notice of Appeal on direct appeal and district court. After denial of the Petitioners motion to dismiss the case he filed a motion to appoint court appointed counsel. Daniel Hill was appointed January of 2021 and relayed a plea offer to plead to two misdemeanor Domestic violence from an original felony domestic violence charge which was accepted and the Petitioner was released March 1st of 2021. The Petitioner contacted the Hill law firm requesting his Judgment of conviction and help filing an appeal yet Mr. Hill was unwilling to so the Petitioner filed on his own behalf yet Hill firm took over the appeal and failed to practice due diligence.

## REASONS FOR GRANTING THE PETITION

The reasons this honorable Court should grant discretionary review of my case is due to a conflict of the State Courts decision and a United States Court of Appeals decision.

The reasons this honorable Court should grant this petition altogether is for our preservation of not only our Sixth Amendment constitutional right but "All" of our rights. On several occasions I've unknowingly had my rights violated and been, subject to abuse of authority or false imprisonment, as I am now, along with United States citizens similarly situated who either don't have the resources to attain effective representation or can't interpret and or know the law left to languish incarcerated being denied life and liberty until a deal or plea agreement is taken. I've requested court documents and have called the clerk of the courts office regarding this case and am unfortunately in another case where my rights have been violated for the past (a) twenty-one months and continue to fight. This case in question I'm now petitioning for review and granting of the Supreme Court was being heard during the pandemic in the Eighth Judicial District Court where the petitioner initially asserted his speedy trial right through his motion to dismiss the case citing Barker vs Wingo and the four factor balancing test established therein. The district court erred in barring the petitioner from arguing his grounds in the motion to dismiss and the court

## REASONS FOR GRANTING THE PETITION

appeals of the state of Nevada erred in its decision of the order of affirmance by saying, "Martin did not raise these challenges to the validity of his plea in the district court, and we decline to consider these issues because they are not properly raised in the first instance on direct appeal", yet I, the Petitioner, did raise the challenges in district court and in a notice of appeal brief which are, (1) the assertion of rights, (2) The reason for the delay, (3) The length of the delay, and (4) any prejudice to the person. *In re: United States v. Myers* 930 F.3d at 1120, U.S. Court of Appeals Ninth circuit (2019). The decision the court of appeals of the state of Nevada and the district court is in conflict with *United States v. Myers*. Furthermore, the burden is on the court and district attorney to bring cases to trial within the 60 day time period unbiased by unjust delays. The Petitioner asserted his speedy trial right yet due to covid-19, and a backed up court calendar the Petitioner suffered egregious prejudice and was made made to languish incarcerated. The Petitioner filed his notice of appeal out of custody so the court of appeals erred in presuming the petitioner was incarcerated during a conviction being challenged. In reference to the Sixth Amendment of the United States constitution, "In all criminal prosecutions the accused shall enjoy the right to a speedy trial and assistance of counsel". This above all is the reason FOR GRANTING THE PETITION!

## **CONCLUSION**

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Kenneth T. Martin

Date: MONDAY June 24<sup>th</sup> 2024