

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

NATHANIEL TRAVON MARTIN,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 84638-COA

FILED

DEC 15 2022

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


ORDER OF AFFIRMANCE


Nathaniel Travon Martin appeals from a judgment of conviction entered pursuant to a guilty plea of two counts of battery constituting domestic violence. Eighth Judicial District Court, Clark County; Kathleen E. Delaney, Judge.


Martin asserts that he should be permitted to withdraw his guilty plea because ^{His 6th Amendment rights were violated} it was entered under duress due to his incarceration and because of trial continuances caused by the COVID-19 pandemic. "[A] defendant must raise a challenge to the validity of his or her guilty plea in the district court in the first instance." *Bryant v. State*, 102 Nev. 268, 272, 721 P.2d 364, 368 (1986), as limited by *Smith v. State*, 110 Nev. 1009, 1010-11 n.1, 879 P.2d 60, 61 n.1 (1994). 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. See *Harris v. State*, 130 Nev. 435, 448, 329 P.3d 619, 628 (2014) ("[A] post-conviction petition for a writ of habeas corpus provides the exclusive remedy for a challenge to the validity of the guilty plea made after

sentencing for persons in custody on the conviction being challenged.”).
Accordingly, we

ORDER the judgment of conviction AFFIRMED.¹


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

¹The State argues that Martin should not be permitted to appeal from a judgment of conviction stemming from a misdemeanor offense. Martin was initially charged with one felony offense and one misdemeanor offense. See NRS 173.115(3) (providing for when a misdemeanor may be charged with a felony). The felony charge was ultimately reduced to a misdemeanor, and Martin entered a guilty plea to two misdemeanor offenses. NRS 177.015(3) permits an appeal from a final judgment of the district court in a criminal case, and the district court’s judgment of conviction in this matter constitutes a final, appealable order, see *Sandstrom v. Second Judicial Dist. Court*, 121 Nev. 657, 659, 119 P.3d 1250, 1252 (2005) (“[A] final order [is] one that disposes of all issues and leaves nothing for future consideration.”). Thus, this argument lacks merit.

cc: Hon. Kathleen E. Delaney, District Judge
Hill Firm
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

IN THE SUPREME COURT OF THE STATE OF NEVADA

NATHANIEL TRAVON MARTIN,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

Supreme Court No. 84638
District Court Case No. C344489

CLERK'S CERTIFICATE

STATE OF NEVADA, ss.

I, Elizabeth A. Brown, the duly appointed and qualified Clerk of the Supreme Court of the State of Nevada, do hereby certify that the following is a full, true and correct copy of the Judgment in this matter.

JUDGMENT

The court being fully advised in the premises and the law, it is now ordered, adjudged and decreed, as follows:

""ORDER the judgment of conviction AFFIRMED.""

Judgment, as quoted above, entered this 15th day of December, 2022.

IN WITNESS WHEREOF, I have subscribed
my name and affixed the seal of the Supreme
Court at my Office in Carson City, Nevada this
January 10, 2023.

Elizabeth A. Brown, Supreme Court Clerk

By: Melissa Fuller
Administrative Assistant

**IN THE SUPREME COURT OF THE STATE OF NEVADA
OFFICE OF THE CLERK**

NATHANIEL TRAVON MARTIN,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

Supreme Court No. 84638
District Court Case No. C344489

NOTICE OF TRANSFER TO COURT OF APPEALS

Pursuant to NRAP 17(b), the Supreme Court has decided to transfer this matter to the Court of Appeals. Accordingly, any filings in this matter from this date forward shall be entitled "In the Court of Appeals of the State of Nevada." NRAP 17(e).

DATE: November 15, 2022

Elizabeth A. Brown, Clerk of Court

By: Rory Wunsch
Deputy Clerk

Notification List

Electronic

Clark County District Attorney \ Alexander G. Chen\ Taleen R. Pandukht
Hill Firm \ Daniel J. Hill

Paper

Hon. Kathleen E. Delaney, District Court Judge
Steven D. Grierson, Eighth District Court Clerk

IN THE SUPREME COURT OF THE STATE OF NEVADA

NATHANIEL TRAVON MARTIN,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

Supreme Court No. 84638
District Court Case No. C344489

FILED

JAN 27 2023

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY D. Smith
DEPUTY CLERK

REMITTITUR

TO: Steven D. Grierson, Eighth District Court Clerk

Pursuant to the rules of this court, enclosed are the following:

Certified copy of Judgment and Opinion/Order.
Receipt for Remittitur.

DATE: January 10, 2023

Elizabeth A. Brown, Clerk of Court

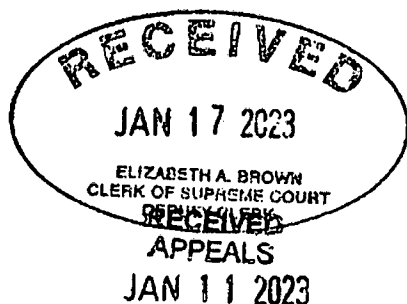
By: Melissa Fuller
Administrative Assistant

cc (without enclosures):
Hon. Kathleen E. Delaney, District Judge
Clark County District Attorney
Hill Firm

RECEIPT FOR REMITTITUR

Received of Elizabeth A. Brown, Clerk of the Supreme Court of the State of Nevada, the
REMITTITUR issued in the above-entitled cause, on JAN 11 2023

Nathan Grierson
Deputy District Court Clerk



CLERK OF THE COURT

Nevada Supreme Court Docket Sheet

Docket: 84638**MARTIN (NATHANIEL) VS. STATE****Page 1**

NATHANIEL TRAVON MARTIN,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

Case No. 84638

Consolidated with:

Counsel

Hill Firm, Las Vegas, NV \ Daniel J. Hill, as counsel for Appellant, Nathaniel Travon Martin
Attorney General/Carson City, Carson City, NV \ Aaron D. Ford, as counsel for Respondent, The State of Nevada
Clark County District Attorney, Las Vegas, NV \ Alexander G. Chen, Taleen R. Pandukht, as counsel for
Respondent, The State of Nevada

Case Information

Panel: Panel**Panel Members:** Unassigned**Disqualifications:****Case Status:** Remittitur Issued/Case Closed**Category:** Criminal Appeal **Type:** Fast Track**Subtype:** Direct**Submitted:****Date Submitted:****Oral Argument:****Sett. Notice Issued:****Sett. Judge:****Sett. Status:****Related Court Cases:**

84638-COA

District Court Case Information

Case Number: C344489**Case Title:** STATE VS. NATHANIEL TRAVON MARTIN**Judicial District:** Eighth**Division:****County:** Clark Co.**Sitting Judge:** Kathleen E. Delaney**Replaced By:****Notice of Appeal Filed:** 04/25/22 Appeal**Judgment Appealed From Filed:** 05/13/22

Docket Entries

Date	Docket Entries	
X 04/29/22	Appeal Filing Fee Waived. Criminal. (SC)	<i>paid</i>
04/29/22	Filed Notice of Appeal/Proper Person. Appeal docketed in the Supreme Court this day. (SC)	22-013678
05/10/22	Filed Order Directing Entry and Transmission of Written Judgement of Conviction. District court's written judgement due: 30 days. (SC)	22-014872
05/17/22	Filed District court order. Certified copy of Judgment of Conviction (Plea of Guilty) filed in district court on May 13, 2022. (SC)	22-015582
05/20/22	Filed Order. Attorney Daniel Hill is hereby ordered to comply with NRAP 3C and, within 14 days from the date of this order, file on behalf of this appellant a transcript request form. Hill shall file a fast track statement within 40 days of this order. (SC)	22-016030

Friday, August 04, 2023 09:20 AM

Nevada Supreme Court Docket Sheet

Docket: 84638

MARTIN (NATHANIEL) VS. STATE

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06/03/22	Filed Request for Transcript of Proceedings. Transcripts requested: 3/1/21. To Court Reporter: Department 25. (SC)	22-017799
07/08/22	Filed Order Directing the Filing of Fast Track Statement and Appendix. Due: 7 days. (SC)	22-021547
07/18/22	Filed Appellant's Motion to Extend Time to File Fast Track Statement and Appendix. (SC)	22-022548
07/29/22	Filed Appellant's Fast Track Statement. (STRICKEN PER 8/15/2022 ORDER). (SC)	
08/02/22	Filed Respondent's Notice of Appearance for Taleen Pandukht. (SC)	22-024172
08/02/22	Filed Respondent's Motion to Strike Fast Track Statement. (SC)	22-024173
08/15/22	Filed Order. Appellant has filed an untimely motion for an extension of time, until August 31, 2022, to file the fast track statement and appendix. Appellant filed the fast track statement on July 29, 2022. Respondent moves to strike the fast track statement due to the lack of citations. The unopposed motion to strike is granted. The clerk of this court shall strike the fast track statement filed on July 29, 2022. The motion for an extension of time is granted to the following extent. Appellant's rough draft transcript request form due: 7 days. Amended fast track statement and appendix due: 30 days. (SC)	22-025476
09/12/22	Filed Order to File Transcript Request Form. Rough draft transcript request due: 7 days. Appellant's amended fast track statement and appendix due: September 14, 2022. (SC)	22-028448
09/14/22	Filed Appellant's Fast Track Statement. (SC)	22-028861
09/14/22	Filed Appellant's Appendix to Fast Track Statement. Vol. 1. (SC)	22-028862
10/04/22	Filed Respondent's Notice of Appearance for Taleen Pandukht. (SC) <i>Never Received</i>	22-031289
10/04/22	Filed Respondent's Fast Track Response. (SC)	22-031290
10/04/22	Filed Respondent's Appendix to Fast Track Response. Vol. 1. (SC)	22-031291
10/26/22	Fast Track Briefing Completed. No Reply filed. (SC)	
11/15/22	Issued Notice of Transfer Case to Court of Appeals. (SC).	22-035941
11/15/22	Transferred to Court of Appeals. (SC).	
12/15/22	Filed Order of Affirmance. "ORDER the judgment of conviction AFFIRMED." COA-MG/JT/BB. (SC)	
01/10/23	Transferred from Court of Appeals	
01/10/23	Remittitur Issued/Case Closed. (SC)	
01/10/23	Issued Remittitur. (SC)	23-000775
X 01/27/23	Filed Remittitur. Received by District Court County Clerk on January 11, 2022. (SC)	23-000775

Didn't file until April 2022