

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

SAUL WILLIAMS, JR.,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 70695

FILED

DEC 14 2016

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

ORDER OF AFFIRMANCE

Appellant Saul Williams, Jr. appeals from an order of the district court denying his March 23, 2016, postconviction petition for a writ of habeas corpus.¹ Eighth Judicial District Court, Clark County; Jessie Elizabeth Walsh, Judge.

Williams claims the district court erred by denying his ineffective-assistance-of-counsel claims.² To prove ineffective assistance of counsel sufficient to invalidate a judgment of conviction based on a guilty plea, a petitioner must demonstrate that his counsel's performance was deficient in that it fell below an objective standard of reasonableness, and

¹This appeal has been submitted for decision without oral argument and we conclude the record is sufficient for our review and briefing is unwarranted. NRAP 34(f)(3), (g).

²To the extent Williams argues the district court erred by denying his petition as procedurally barred, we note the district court did not deny the petition as procedurally barred. The district court properly reached the merits of Williams' ineffective-assistance-of-counsel claims.

resulting prejudice such that there is a reasonable probability that, but for counsel's errors, petitioner would not have pleaded guilty and would have insisted on going to trial. *Hill v. Lockhart*, 474 U.S. 52, 58-59 (1985); *Kirksey v. State*, 112 Nev. 980, 988, 923 P.2d 1102, 1107 (1996). Both components of the inquiry must be shown. *Strickland v. Washington*, 466 U.S. 668, 697 (1984).

Williams claimed that his trial counsel was ineffective for failing to discover and challenge the fact the judicial branch violated the separation of powers doctrine when it participated in a commission to create the Nevada Revised Statutes, there is no proof that a bill was properly read, voted upon, and signed in order to enact the Nevada Revised Statutes as laws, the Nevada Revised Statutes are held out as laws of the state based upon fraudulent acts of prior justices and legislators, and the Office of the Secretary of State no longer has custody or control of the legislative history for the period during which the Nevada Revised Statutes were enacted.

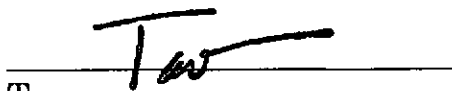
Williams failed to demonstrate counsel was objectively unreasonable for not challenging the abovementioned grounds.³ Furthermore, Williams failed to demonstrate a reasonable probability that he would not have pleaded guilty and would have insisted on going to trial had counsel challenged the charges on the abovementioned grounds.

³We note that the Statutes of Nevada contain the law with the enacting clauses required by the constitution. The Nevada Revised Statutes simply reproduce those laws as classified, codified, and annotated by the Legislative Counsel. See NRS 220.120.

Therefore, the district court did not err in denying this claim without conducting an evidentiary hearing. Accordingly, we

ORDER the judgment of the district court AFFIRMED.⁴


Gibbons C.J.


Tao J.


Silver J.

cc: Hon. Jessie Elizabeth Walsh, District Judge
Saul Williams, Jr.
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

⁴We conclude the district court did not abuse its discretion by declining to appoint counsel to represent Williams in this proceeding, *see* NRS 34.750(1), or for declining to hold an evidentiary hearing, *see Hargrove v. State*, 100 Nev. 498, 503, 686 P.2d 222, 225 (1984) (an evidentiary hearing is warranted when a petitioner alleges specific facts that, if true, would entitle him to relief).