

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

CHARLES CLINTON NEWTON, JR.,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 72068

**FILED**

AUG 16 2017

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Charles Clinton Newton, Jr. appeals from an order of the district court denying several postconviction petitions for a writ of habeas corpus he filed on September 7, 2016, October 4, 2016, October 5, 2016, and November 4, 2016.<sup>1</sup> Eighth Judicial District Court, Clark County; Richard Scotti, Judge.

Newton argues the district court erred by denying his claim he is being held illegally because he did not actually violate the conditions of lifetime supervision.<sup>2</sup> This claim fell outside the scope of claims permitted to be raised in a postconviction petition for a writ of habeas corpus

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<sup>1</sup>This appeal has been submitted for decision without oral argument. NRAP 34(f)(3).

<sup>2</sup>Newton does not argue the district court erred by denying his claims of ineffective assistance of counsel.

challenging a judgment of conviction based on a guilty plea. *See* NRS 34.810(1)(a). Even if the claim was properly raised, the claim lacked merit. Newton is being legally held because he violated conditions enumerated in NRS 213.1243: he did not always live in a residence approved by his parole and probation officer and he did not keep his parole and probation officer informed of his current address. Therefore, the district court did not err by denying this claim.

Newton also claimed the district court lacked subject matter jurisdiction to convict him because the Nevada Revised Statutes were not properly enacted. Newton failed to demonstrate his claim implicated the jurisdiction of the district court. *See* Nev. Const. art. 6, § 6; *United States v. Cotton*, 535 U.S. 625, 630 (2002) (“[T]he term jurisdiction means . . . the court’s statutory or constitutional power to adjudicate the case.” (internal quotation marks omitted)). Newton conflates the laws of Nevada with the codified statutes. The Nevada Revised Statutes merely “constitute the official codified version of the Statutes of Nevada and may be cited as prima facie evidence of the law.” NRS 220.170(3). The Nevada Revised Statutes consist of enacted laws which have been classified, codified, and annotated by the Legislative Counsel. *See* NRS 220.120. The actual laws of Nevada are contained in the Statutes of Nevada. Thus, Newton failed to demonstrate the district court lacked subject matter jurisdiction over him.

Therefore, the district court did not err in denying this claim. Accordingly,  
we

ORDER the judgment of the district court AFFIRMED.<sup>3</sup>

Silver, C.J.  
Silver

Tao, J.  
Tao

Gibbons, J.  
Gibbons

cc: Charles Clinton Newton, Jr.  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk

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<sup>3</sup>We have reviewed all documents Newton has filed in this matter, and we conclude no relief based upon those submissions is warranted. To the extent Newton has attempted to present claims or facts in those submissions which were not previously presented in the proceedings below, we decline to consider them in the first instance.