

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

CHRISTOPHER ALEXANDER DILL,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 81013-COA

FILED

JAN 15 2021

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

ORDER OF AFFIRMANCE

Christopher Alexander Dill appeals from an order of the district court denying a motion to correct an illegal sentence filed on January 9, 2020, and a postconviction petition for a writ of habeas corpus filed on January 17, 2020. Eighth Judicial District Court, Clark County; Carolyn Ellsworth, Judge.

In his motion, Dill claimed the district court lacked subject matter jurisdiction because Nevada is subject to the Treaty of Guadalupe Hidalgo, the Nevada Revised Statutes were not properly enacted and their predecessor was repealed, the prosecutor and judge failed to file performance bonds, Dill's "strawman CUSIP bond" was used illegally, and he is being used as chattel or as an artificial entity. Dill did not allege his sentence was facially illegal, and his claims did not implicate the court's subject matter jurisdiction. *See Nev. Const. art. 6, § 6(1); NRS 171.010; Landreth v. Malik, 127 Nev. 175, 183, 251 P.3d 163, 168 (2011)* ("Subject matter jurisdiction is the court's authority to render a judgment in a particular category of case." (internal quotation marks omitted)). We

therefore conclude the district court did not err by denying Dill's motion. See *Edwards v. State*, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996).

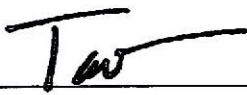
In his petition, Dill claimed defense counsel was ineffective. To demonstrate ineffective assistance of defense counsel sufficient to invalidate a judgment of conviction based on a guilty plea, a petitioner must show counsel's performance was deficient in that it fell below an objective standard of reasonableness and prejudice resulted in that, but for counsel's errors, there is a reasonable probability 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, 987-88, 923 P.2d 1102, 1107 (1996). Both components of the inquiry must be shown. *Strickland v. Washington*, 466 U.S. 668, 687 (1984). We give deference to the court's factual findings if supported by substantial evidence and not clearly erroneous but review the court's application of the law to those facts de novo. *Lader v. Warden*, 121 Nev. 682, 686, 120 P.3d 1164, 1166 (2005).

Dill claimed counsel was ineffective for advising him to enter a guilty plea to burglary when there was insufficient evidence of the crime. Dill claimed the evidence showed only that he entered a bank and tried to cash a \$300 forged check. This constituted sufficient evidence of burglary. See NRS 205.060(1) (2013); cf. *Moore v. State*, 122 Nev. 27, 36, 126 P.3d 508, 513-14 (2006) (concluding sufficient evidence to infer intent where defendant entered store with stolen credit card and attempted to use the card). Dill thus failed to demonstrate counsel was objectively unreasonable. Further, Dill failed to allege that, but for counsel's actions, he would not have pleaded guilty but would have insisted on going to trial. We therefore

conclude the district court did not err by denying Dill's petition.
Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Chief Judge, Eighth Judicial District
Eighth Judicial District, Dept. 5
Christopher Alexander Dill
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk