

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

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JUSTIN ODELL LANGFORD,  
Appellant(s),

vs.

THE STATE OF NEVADA,  
Respondent(s),

Case No: A-18-784811-W  
*Related Case C-14-296556-1*  
Docket No: 86942

**RECORD ON APPEAL  
VOLUME  
2**

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A-18-784811-W Justin Langford, Plaintiff(s) vs. Warden Renee Baker,  
Defendant(s)

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1 the legislature, requiring that all laws, to be binding upon them,  
2 shall, upon their face, express the authority by which  
3 they were enacted; and, since this act comes to us  
4 without such authority appearing upon its face, it is not a law. <sup>"31</sup>

6 The manner in which the law came to the court was by the way it  
7 was found in the statute book, cited by the Court as "Stat. 1875,  
8 66," and that is how they judge the validity of the law. Since they  
9 saw that the act, as it ~~is~~ was printed in the statute book, had an  
10 insufficient enacting clause on its face, it was deemed to be "not  
11 a law." It is only by inspecting the publicly printed statute book  
12 that the people can determine the source, authority & authenticity of  
13 the law they are expected to follow.

14 The common mode by which a law is "promulgated" is by it  
15 being printed and published in some authorized public statute book.  
16 Thus that mode of promulgation must show the enacting clause of  
17 each law therein on its face, that is, on the face of the law as  
18 it is printed in the statute book. This is the only way that the  
19 "Courts of justice and the public are to judge of its  
20 authenticity and validity." Thus whatever is published without an  
21 enacting clause is void, as it lacks the required evidence or  
22 statement of authority.

23 Now on to Senate Concurrent Resolution No. 1 (1957), Exhibit 2,  
24 ~~that~~ allowed for the "official engrossed copy of Senate Bill No.  
25 2" to be used as the enrolled bill. It is missing the  
26 Constitutionally mandated enacting clause on it, without this

28 31) State of Nevada v. Rogers, 10 Nev. 120, 261 (1875)

1 • enacting clause on it Senate Concurrent Resolution No. 1  
2 (1957) is a void act, and with the act being void it also  
3 renders the enrolled copy of senate bill No. 2 (1957) as  
4 non-existent. Without the enrolled copy of Senate Bill No. 2  
5 (1957) there is No Nevada Revised Statutes as Senate  
6 Bill No. 2 created the Nevada Revised Statutes, This would  
7 also ~~Render~~ Render Petitioners Conviction as void as the  
8 petitioner was convicted by a statute created by Senate  
9 Bill No. 2 (1957). The Supreme Court of Nevada has held:

10 First, by its nature, an assembly concurrent resolution  
is not intended to have the force and effect of law.

11 Pursuant to Rule 7 of the Joint rules of the Nevada  
Senate and Assembly, the purpose of a concurrent  
12 resolution is to direct the legislative Commission to  
conduct interim studies, to request the return of a Bill  
13 from the other House, and to request an enrolled Bill from  
the Governor. On occasion a Concurrent Resolution is also  
14 used to memorialize a former member of the Legislature  
or other distinguished person upon death, or to congratulate  
15 or to commend any person or organization for a significant  
and meritorious accomplishment.

16 Second, every bill which may have passed the legislature shall,  
before it becomes a law, be presented to the Governor...

17 Nev. Const. Art. IV §35. A review of the legislative history  
of the aforementioned Assembly Concurrent Resolution, No. 29,  
18 indicates that this Resolution, like other concurrent  
Resolutions passed by the Legislature during the same time  
19 period, was never presented to the Governor for approval or  
disapproval. See generally FINAL VOLUME ASSEMBLY HISTORY,  
20 1969 at 218-288. Accordingly, this assembly Concurrent  
Resolution cannot be construed as the law of this  
State.

21 Finally, the enacting clause of every law shall be as follows:

22 The People of the State of Nevada, represented in Senate  
and Assembly, do enact as follows; and no law shall be  
23 enacted except by bill. Nev. Const. Art. IV, §23 (emphasis added).  
We have previously ruled that this enacting clause is mandatory  
24 and must include be included in every law created by the  
Legislature. See State v. Rogers, 10 Nev. 250 (1875). Since Concurrent  
25 Resolution No. 29 and other similar resolutions do not contain  
the requisite enactment language, they cannot be represent  
26 the law of this State.<sup>32</sup>

27  
28  
29 32) Nevada Highway Patrol Association v. The State of Nevada, DMV & PS, 107 Nev. 547, 815 P2<sup>nd</sup> 608 (1991)

1 The Petitioner has a right to expect an administrative agency  
2 will follow its rules and regulation under the Accardi Doctrine.<sup>33</sup> And  
3 in this matter The Senate failed to follow its rules and regulations,  
4 which renders any act not in accordance with its rules and  
5 regulations void also.<sup>54</sup> This also invalidates Senate Concurrent  
6 Resolution No. 1 (1957) as they didn't comply with rule 7 of the Joint  
7 Rules of the Nevada Senate and Assembly, see Exhibit 3, wherein it  
8 states:

9 Rule No. 7, Types, Usage and Approval

10 1. A joint resolution must be used to:

11 (a) Propose an amendment to the Nevada Constitution,

12 (b) Ratify a proposed amendment the United States  
13 Constitution.

14 (c) Address the President of the United States, Congress,  
15 either House or any committee member of Congress, any  
16 department or agency of the Federal Government, or  
17 any other state of the Union.

18 2. A concurrent resolution must be used to:

19 (a) Amend these Joint Rules.

20 (b) Request ~~that~~ the Return from the Governor of an  
21 enrolled bill for further consideration.

22 (c) Resolve that the return of a bill from one House to the  
23 other House is necessary.

24 (d) Express facts, principles, opinions and purposes of the  
25 Senate and Assembly.

26  
27 33) United States ex rel. Accardi v. Shaughnessy, 347 U.S. 260, 266-68 (1954)

28 34) Church of Scientology of Cal. v. U.S., 920 F.2d 1481, 1487 (9th Cir. 1990).

1 (E) Establish a joint committee of the two Houses.

2 (F) Direct the Legislative Commission to conduct an  
3 interim study.

4 3. A Concurrent resolution or a resolution of one House  
5 may be used to:

6 (a) Memorialize a former member of the Legislature or  
7 other notable or distinguished person upon his death.

8 (b) Congratulate or commend any person or organization  
9 for a significant and meritorious accomplishment,  
10 but any request for drafting the resolution must be  
11 approved by the Senate Committee on Legislative  
12 Operations and Elections or the Assembly Committee  
13 on Elections, Procedures, Ethics, and Constitutional  
14 Amendments before submission to the Legislative  
15 Counsel.

16  
17 So as this Honorable Court can see Senate Concurrent  
18 Resolution No. 1 (1957), Exhibit 2, all four versions of it have  
19 two (2) issues with them all. The first issue with them all is that  
20 none of them have the mandatory enactment clause of Nev.  
21 Const. Art. 4, § 23. Which renders it Unconstitutional and the  
22 act void, leaving the legislative process for Senate Bill No.  
23 2 (1957) unfinished and the Nev. Rev. Stat's invalid. The second  
24 issue with this resolution is that it's not used for any of  
25 the things that it is allowed to be used for, further  
26 invalidating the act within the resolution. So this further  
27 renders Senate Bill No. 2 (1957) void due to the Legislative  
28

1 Process being unfinished. Leaving all the Nev. Rev. Stat's  
2 Void Ab inito.

3  
4 RELIEF REQUESTED FOR THIS COUNT  
5

6 Render all Nevada Revised Statutes as Void Ab inito  
7 as the Legislative Process is unfinished as there is  
8 no Enrolled Bill, and with the Nev. Rev. Stat's being Void  
9 Ab inito, the Petitioner's Conviction should be vacated  
10 and his case "C-14-296556-1" Dismissed with Prejudice  
11 as all knowledge gained in that case was pursuant to the  
12 Nev. Rev. Stat's making all that knowledge ill gotten  
13 on the States part and can't be used under the old  
14 laws for Prosecution.



- 1.. THE COURT HAD NO SUBJECT-MATTER JURISDICTION IN
- 2.. VIOLATION OF UNITED STATES CONSTITUTION
- 3.. AMENDMENTS I ; ~~V~~ ; ~~VI~~ ; ~~VIII~~ ; ~~XIV~~ , UNITED STATES
- 4.. CONSTITUTION ARTICLES 1, §6, cl. 2 ; 1, §9, cl. 3 ; 6, §§ 2 & 3 ,
- 5.. NEVADA CONSTITUTION ARTICLES 1, §8, cl. 5 ; 3, §1 ;
- 6.. 4, §17 ; 5, §20 ; 6, §6 ; 6, §11 ; 15, §2 ; 16, §§ 1 and/or 2 ; 4, §23
- 7.. (COUNT 3)

9.. A) NRS 201.230 IS UNCONSTITUTIONAL ON ITS  
10.. FACE AS IT IS MISSING THE ENACTING  
11.. CLAUSE

14.. All written constitutions prescribe the mode and process of making laws. This  
15.. includes the reading of the Bill on three (3) different days in each house, that if  
16.. passed it is to be signed by the speaker of the house and by the president of  
17.. the senate, the recording of the votes upon the journal, being signed by the  
18.. governor, and other such procedures.

19.. But the constitutions also regulate the form and style in which laws are to  
20.. be enacted to make them laws of the State. The form and style are  
21.. regarded as essential parts of the law and thus must be included at all  
22.. times with the law to make it a valid law, laws or statutes  
23.. traditionally have three main parts:

24.. The three essential parts of every bill or law  
25.. are: (1) the title, (2) the enacting clause,  
26.. and (3) the body<sup>35</sup>

28.. <sup>35</sup> H. Walker, Law Making in the United States, p. 116. Some laws also have an optional "preamble".

1 We will first examine the enacting clause as this is the main item that  
2 directly relates to authority of law. An enacting clause, sometimes called an  
3 enacting style or enacting authority, is that part of a law which usually comes  
4 after the title and before the body of the law. The following shows the  
5 manner in which this provision is prescribed in Nev. Const. Art. 4, §23:

6 The enacting clause of every law shall be as follows:

7 "The people of the state of Nevada represented in Senate  
8 and Assembly, do enact as follows," and no law shall be enacted  
9 except by bill.

10  
11 The Supreme Court of Georgia in 1967, said that "the constitutions of 46 states  
12 specify the form of the enacting clause. Only the constitutions of Delaware,  
13 Georgia, Pennsylvania and Virginia, as well as the Constitution of the United  
14 States, are silent on the point." The Court also stated the function and  
15 purpose of such a provision:

16 The enacting clause is that portion of a statute which gives it  
17 jurisdictional identity and constitutional authenticity.\*\*\*  
18 The purpose of an enacting clause is to establish the act; to  
19 give it permanence, uniformity and certainty; to afford evidence  
20 of its legislative, statutory nature, and thus prevent  
21 inadvertance, possible mistake, and fraud.<sup>36</sup>

22 The enacting clause gives a statute its "constitutional authenticity," which  
23 makes its use essential since the constitution is the source of the  
24 legislature's authority for enacting laws. A law cannot be regarded as coming from  
25 a constitutionally authorized source if it does not have an enacting clause. The  
26 enacting clause provides evidence that the law which follows is of the proper  
27 legislative source or jurisdiction. This function and purpose of such a  
28 constitutional provision has often been expressly stated:

29 <sup>36</sup> Joiner v. State, 155 S.E. 2<sup>nd</sup> 8, 10, 223 Ga. 367 (1967)

1.. What is the object of the style of a bill or enacting clause  
2.. anyway? To show the authority by which the bill is enacted  
into law; to show that the act comes from a place pointed out  
by the Constitution as the source of legislation.<sup>37</sup>

3.. The enacting clause is a short formal statement, appearing after  
4.. the title, indicating that all which follows is to become law,  
and giving the authority by which the law is made. There is  
5.. no excuse for not using it.<sup>38</sup>

6.. The enacting clause is the section of a bill or statute which  
establishes the whole document as a law.<sup>39</sup>

7.. The enacting part of a statute is that which declares its  
8.. enactment and identifies it as an act of legislation.<sup>40</sup>

9..  
10.. Since the Legislature, and not any other body or agency, is given certain law  
11.. making authority, an enacting clause is necessary to show that the law in question  
12.. comes from that duly assembled Legislature. If any law is to have  
13.. authority behind it, it must have an enacting clause preceding it, as is  
14.. required by the constitution and fundamental law.

15.. The question has often been raised as to whether constitutional provisions  
16.. that call for a particular form and style of laws, or procedure for their  
17.. enactment, are to be regarded as directory or mandatory. The question is  
18.. critical since its use will have an affect on the validity of a statute or law.  
19.. If such provisions are directory, then they are treated as legal advice  
20.. which those in government can decide whether or not to follow. But if  
21.. mandatory such provisions must be strictly followed or else the resulting  
22.. act or law is unconstitutional and invalid.

23.. While a few courts at an early period held that such provisions were  
24.. merely directory, the great weight of authority has deemed them to be  
25.. mandatory. In speaking on the mandatory character of enacting clause

26  
27 37) Ferrill v. Keel, 161 S.W. 269, 272, 105 Ark. 380 (1912)

38) Harvey Walker, The Legislative Process, N.Y., Ronald Press Co. (1948), p. 346

39) Pearce v. Vittum, 61 N.E. 1116, 1117, 193 Ill. 192 (1901)

28 40) State v. Reilly, 95 AH 1005, 1006, 88 N.J. Law 104 (1915)

1 provisions, one legal textbook states.  
2 [The view that this provision is merely directory seems  
3 to conflict with the fundamental principle of  
4 constitutional construction that whatever is prohibited  
5 by the constitution, if in fact done, is ineffectual.  
6 And the vast preponderance of authority holds such  
7 provisions to be mandatory and that a failure to  
8 comply with them renders a statute void."

9 when something is "directory" its usage is only an advisable guide, and can  
10 be ignored. But the requirement of an enacting clause is based upon its

11 ancient usage in legislative acts.  
12 A declaration of the enacting authority in laws is a usage  
13 and custom of great antiquity, \*\*\* and a compulsory  
14 observance of it is founded in sound reason."

15 The Supreme Court of Illinois had under consideration an ordinance  
16 with no enacting clause. The Court expounded upon why the lack of  
17 the clause invalidated the law:

18 upon looking into the constitution, it will be observed that "the  
19 style of the laws of this state shall be: 'Be it enacted by the  
20 People of the State of Illinois, represented in the General  
21 Assembly.'" (Art. 4 § 11). \*\*\* The foregoing sections of  
22 Articles 3, 4, and 5, of the Constitution, are the only ones in  
23 that instrument proscribing the mode in which the will of  
24 the people, acting through the legislative and executive  
25 departments of the government, can become law. \*\*\* That  
26 these provisions, giving the form and mode by which, \*\*\*  
27 valid and binding laws are enacted, are, in the highest sense  
28 mandatory, and cannot be denied doubted, \*\*\* Then it  
29 follows that this resolution cannot be held to  
30 be a law. It is not the will of the people, constitutionally  
31 expressed, in the only mode and manner by which that will  
32 can acquire the force and validity, under the constitution,  
33 of law, for this legislative act is without a title, has no  
34 enacting clause, \*\*\* and is sufficient to deprive this expression  
35 of the legislative will of the force and effect of law, and  
36 the same did not become, therefore, and is not, legally binding  
37 and obligatory upon the respondents.<sup>45</sup>

38 41) Ruling Case Law, vol. 25 "Statutes," § 84, p. 836

39 42) Caine v. Robbins, 131 P.2d 516, 517, 61 Nev. 416 (1942)

40 43) City of Carlyle v. Nicolay, 165 N.E. 211, 215-16 (Ill.), affirmed, Liberty Nat Bank of

41 44) Chicago v. Metrick, 102 N.E. 2d 308, 310, 410 Ill. 429 (1951).

1 The court concluded that the constitutional provisions regulating the  
2 form and mode of laws, such as the enacting clause and title, are "essential  
3 and indispensable parts" of the process of making laws.

4 In a case in Nevada a law passed the legislature without a proper enacting  
5 clause, raising the question of whether the constitutional enacting clause was  
6 a requisite to a valid law. The Court said it was because the provision was  
7 mandatory:

8 [T]he said section of the Constitution is imperative and mandatory,  
9 and a law contravening its provisions is null and void. If one or  
10 more of the positive provisions of the Constitution may be  
11 disregarded as being directory, why not at all? And if all, it  
12 certainly requires no argument to show what the result would  
13 be. The Constitution, which is the paramount law, would soon  
14 be looked upon and treated by the legislature as devoid of all  
15 moral obligations: without any binding force and effect; a  
16 mere "rope of sand," to be held together or pulled to pieces at  
17 its will and pleasure. We think the provisions under consideration  
18 must be treated as mandatory.

19 Every person at all familiar with practice of legislative bodies is aware  
20 that one of the most common methods adopted to kill a bill and  
21 prevent its becoming a law, is for a member to move to strike out  
22 the enacting clause. If such a motion is carried, the bill is lost. Can  
23 it be seriously contended that such a bill, with its head cut off,  
24 could thereafter by any legislative action become a law?  
25 Certainly not.<sup>44</sup>

26 This case was cited and approved by the Supreme Court of Michigan, which also  
27 stated:

28 It will be an unfortunate day for constitutional rights when courts  
29 begin the insidious process of undermining constitutions by holding  
30 unambiguous provisions and limitations to be directory merely, to  
31 be disregarded at pleasure.<sup>45</sup>

32 In Montana a case arose that involved a statute with a "defective  
33 enacting clause." The Supreme Court of Montana, after quoting the  
34 constitutional section relating to the enacting clause, held that-

35 <sup>44</sup>) Nevada v. Rogers, 10 Nev. 250, 255, 256 (1875); approved in Cain v. Robbins, 131 P.2d 516, 518,  
36 61 Nev. 416 (1942).

37 <sup>45</sup>) People v. Detbenthaler, 77 N.W. 450, 453, 118 Mich. 595 (1898).

1 These provisions are to be construed as mandatory and prohibitory,  
2 because there is no exception to their requirements expressed  
3 anywhere in the Constitution.\*\*\* We think the provisions of  
4 the Constitution are so plainly and clearly expressed and  
5 are so entirely free from ambiguity that there can be no  
6 substantial ground for any other conclusion than that  
7 Chapter 199 was not enacted in accordance with the  
8 mandatory provisions of that instrument, and that  
9 the act must be declared invalid.<sup>46</sup>

10 These provisions relating to the mode of enacting laws "have  
11 been repeatedly held to be mandatory, and that any legislation  
12 in disregard thereof is unconstitutional and void."<sup>47</sup>

13 While it has been well decided that the passage of a bill in the  
14 legislature without an enacting clause on the bill renders it void as  
15 a law, we need to consider the result of not using an enacting clause  
16 after it leaves the legislature. This is the important question  
17 today in light of the fact that the state "Codes" and "Revised  
18 Statutes" and the "U.S. Code" are publications which purport to be  
19 law, but which no enacting clauses. Is a publication of a law  
20 without an enacting clause a valid and lawful law?

21 If laws are only required to have an enacting clause while in the  
22 legislative system, only to be thereafter removed, then what is their  
23 value and purpose to the public? If they are to serve as evidence  
24 of law's legislative nature, and as identification of its source and  
25 authority as a law, what good does that function do only for the  
26 legislators? The vast majority of the public never sees the bill  
27 under consideration until it passes and is printed in public records  
28 or statute books. They generally only see the finished "law".

When we read the provisions which require an enacting

46) Vaughn & Ragsdale Co. v. State Bd of Equalization, 96 D.2d 420, 423, 424, 109 Mont. 52 (1939)  
47) State v. Burlington & M.R.R. Co., 84 N.W. 254, 255, 60 Neb. 741 (1900)

1 clause, they say that "all laws shall...", or "the laws of this State shall..."  
2 They do not say "all bills shall..." The terms "bill" and "law" are  
3 clearly distinguished from one another in most constitutions in prescribing  
4 the procedure of legislative process, such as:

5 "No law shall be passed except by bill"

6 "No bill shall become a law except by a  
7 vote of a majority."

8 "Every bill which shall pass both houses shall  
9 be presented to the governor of the State;  
10 and every bill he approves shall become  
11 a law".

12  
13 A bill is a form or draft of a law presented to a legislature. "A bill  
14 does not become a law until the constitutional prerequisites have been met."<sup>48</sup>

15 Thus a bill is something that becomes a law. Laws do not exist in the  
16 legislature, rather only bills do. Laws exist only when the legislative process is

17 followed and completed as prescribed in the constitution.  
18 Clearly, the legislature cannot enact a law. It merely has  
19 the power to pass bills which may become laws when  
20 signed by the presiding officer of each house and are approved  
21 and signed by the Governor.<sup>49</sup>

22 since all constitutional provisions place the requirement of an enacting  
23 clause on "laws" it includes the statutes as it exists outside the  
24 legislative process, that is, as it is published in statute books. We have to  
25 also regard the fundamental maxim which states: "A law is not obligatory unless  
26 it be promulgated."<sup>50</sup> An act is not even regarded as a law, or enforceable

48) State v. Naftalin, 74 N.W. 2<sup>nd</sup> 249, 261, 246 Minn. 181 (1956)

49) Vaughn & Ragsdale Co. v. State Bd. of Eq., 16 P.2<sup>nd</sup> 420, 423 (1939)

50) Black's Law Dictionary, 2<sup>nd</sup> edition, p. 826

1 as a law, unless it be made publicly known. This is usually done  
2 through a publication by the proper public authority such as the Secretary  
3 of State. But a law is not properly or lawfully promulgated without an  
4 enacting clause or title published with the law.

5 Since the constitution requires "all laws" to have an enacting clause,  
6 it makes it a requirement on published laws as well as on bills in the  
7 legislature. "If" the constitution said "all bills" shall have an enacting  
8 clause, then their use in publication would not be required.

9 That published laws are to have an enacting clause is made clear by  
10 the statement commonly used by legal authorities that an enacting clause  
11 of a law is to be "On the Face". To be on its face means to be in the same  
12 plain of view.

13 Face has been defined as the surface of anything; especially the  
14 front, upper, or outer part or surface; that which particularly  
15 offers itself to the view of a spectator.<sup>51</sup>

16 The face of an instrument is that which is shown by the language  
17 employed without any explanation, modification or addition  
18 from extrinsic facts or evidence.<sup>52</sup>

19 For the enacting clause to be of any use it must appear with a law,  
20 that is, on its face, so that all who look at the law know that it came  
21 from the legislative authority designated by the Constitution. The enacting  
22 clause would not serve its intended purpose if not printed in the  
23 statute books on the face of the law.

24 The purpose of an enacting clause in legislation  
25 is to express on the face of the legislation itself the  
26 authority behind the act and identify it as an act of  
27 legislation.<sup>53</sup>

28 <sup>51</sup>) *Cunningham v. Great Southern Life Ins. Co.*, 66 S.W. 2<sup>nd</sup> 765, 773 (Tex. Civ. App.)

<sup>52</sup>) *In re Stowman*, 146 N.Y.S. 172, 174.

<sup>53</sup>) *Preckel v. Byrne*, 243 N.W. 823, 826, 62 N.D. 356 (1932).



1 The purpose of provisions of this character [enacting  
2 clauses] is that all statutes may bear upon their  
3 faces a declaration of the sovereign authority by which  
4 they are enacted and declared to be the law, and to  
5 promote and preserve uniformity in legislation. Such  
6 clauses also impart a command and obedience  
7 and clothe the statute with a certain dignity,  
8 believed in all times to command respect and aid  
9 in the enforcement of laws<sup>54</sup>

10 It is necessary that every law should show on its face the  
11 authority by which it is adopted and promulgated, and that it  
12 should clearly appear that it is intended by the legislative  
13 power that enacts it that it should take effect as a law<sup>55</sup>

14 The enacting clause, sometimes referred to as the commencement  
15 or style of the act, is used to indicate the authority from  
16 which the statute emanates. Indeed, it is a custom of long  
17 standing to cause legislative enactments to express on their  
18 face the authority by which they were enacted or promulgated.<sup>56</sup>

19 A law is "promulgated" by its being printed and published and made  
20 available or accessible by a public document such as an official statute  
21 book. When this promulgation occurs, the enacting clause is to  
22 appear "on the face" of that law, thus being printed in that  
23 statute book along with the law.

24 The enacting clause must be readily visible on the face of the  
25 statute so that citizens don't have to search through the legislative  
26 journals or other records or books to see if one exists. Thus a statute  
27 book without the enacting clause is not a valid publication of laws. In  
28 regards to the validity of a law that was found in their statute  
29 books without an enacting clause, the Supreme Court of Nevada  
30 held:

our constitution expressly provided that the enacting

31 <sup>54</sup>) State v. Burrow, 104 S.W. 526, 529, 119 Tenn. 376 (1907)

32 <sup>55</sup>) People v. Detten Thaler, 77 N.W. 450, 451, 118 Mich. 596 (1898); citing Swan v.  
33 Buck, 40 Miss. 268 (1866)

34 <sup>56</sup>) Earl T. Crawford, The Construction of Statutes, St. Louis, 1940, § 89, p. 125

1 clause of every law shall be, "The people of the state  
2 of Nevada, represented in senate and assembly, do enact  
3 as follows:" This language is susceptible of but one  
4 interpretation. There is no doubtfull meaning as to the  
5 intention. It is, in our judgement, an imperative  
6 mandate of the people, in their sovereign capacity, to  
7 the legislature, requiring that all laws, to be binding upon them,  
8 shall, upon their face, express the authority by which  
9 they were enacted, and, since this act comes to us without  
10 such authority appearing upon its face, "it is not a law".<sup>57</sup>

11  
12 The manner in which the law came to the court was by the way it was  
13 found in the statute book, cited by the court as "Stat. 1875, 66," and that is  
14 how they judge the validity of the law. Since they saw that the act, as it  
15 was printed in the statute book, had ~~an~~ insufficient enacting clause  
16 on its face, it was deemed to be "not a law". It is only by inspecting the  
17 publicly printed statute book that the people can determine the source,  
18 authority & authenticity of the law they are expected to follow.

19 The common mode by which a law is "promulgated" is by it being printed and  
20 published in some authorized public statute book. Thus that mode of  
21 promulgation must show the enacting clause of each law therein on its  
22 face, that is, on the face of the law as it is printed in the statute book.  
23 This is the only way that the "Courts of justice and the public are to judge of  
24 its authenticity and validity." Thus whatever is published without an enacting  
25 clause is void, as it lacks the required evidence or statement of  
26 authority.

27  
28 <sup>57</sup> State of Nevada v. Rogers, 10 Nev. 120, 261 (1875).

1 The First thing the Respondents are going to quote as a  
2 defense to this is NRS 220.110, this statute in of itself does not  
3 help them in anyway.

4  
5 NRS 220.110 (Contents of Nevada Revised Statutes), which states:

6 Nevada Revised Statutes shall contain:

7 1) The Constitution of the United States.

8 2) The constitution of the State of Nevada

9 3) The laws of this state of general application.

10 4) A full and accurate index of the statute laws

11 5) Such annotations, historical notes, supreme court and  
12 district court rules and other information as the legislative  
13 counsel deems appropriate to include.

14  
15 The Respondent will state this statute relieves the NRS of  
16 the requirement of an enactment clause. What this statute  
17 actually ~~means~~ means if you read it in plain language standards,  
18 is that some statutes will have the U.S. Const., some will have  
19 the Nev. Const., some will have "the laws" of general application,  
20 some will have an index of the "statute laws", then ~~they~~ the  
21 rest will have what is listed as in number 5. But if you go by  
22 what the respondents interpretation is of this statute, it in of  
23 itself is an unconstitutional statute as it is an illegal  
24 admendment to the Constitution of Nevada, The Nevada  
25 Constitution cannot be amended by statute. See Nev. Const.  
26 Art. 16, 35 1 and/or 2, sets forth the requirements to amend the  
27 Nev. Const. and by statute not one of them.

28 Then Respondent will go on to argue NRS 220.120 in its

1 defense wherein they will state "While it is well-established  
2 that the laws of Nevada must include an enacting clause, the  
3 Nevada Revised Statutes do not have the same requirement, as  
4 they are not the laws enacted by the legislature. Instead, the  
5 Nevada Revised Statutes consist of previously enacted laws,  
6 which have been classified, codified, and annotated by the  
7 Legislative Counsel. See NRS 220.120." I now point this  
8 Honorable Court to Exhibit 7, wherein it will see "no where" in  
9 NRS 220.120 does it say ~~they~~ that.

10 Also for the Courts Consideration, the Legislative Counsel's  
11 Preface to the Nevada Revised Statutes is available at  
12 [https://www.leg.state.nv.us/Division/Research/Library/Documents/  
13 HistDocs/Preface.Pdf](https://www.leg.state.nv.us/Division/Research/Library/Documents/HistDocs/Preface.Pdf), this committee was charged with compiling and  
14 revising the existing statutes of Nevada.

15 [To the end that upon the convening of the 1957 legislature  
16 Nevada Revised Statutes was ready to present for approval. By  
17 the provisions of chapter 2, Statutes of Nevada 1957, Nevada  
18 Revised Statutes, consisting of NRS 1.010 to 710.590, inclusive,  
19 was "adopted and enacted as the law of the state of  
20 Nevada".

21  
22 And that is part of Senate Bill No. 2 (1957) which created the  
23 Nevada Revised Statutes, Also known as the law. Not as  
24 previously enacted laws or "prima facie evidence of the law", what  
25 law are they evidence of when all prior laws were repealed by  
26 Senate Bill No. 2 (1957), meaning all the old laws had no effect as of  
27 the passing Senate Bill No. 2 (1957), see Senate Bill No. 2 (1957)  
28 title wherein it states:

1 An act to revise the laws and statutes of Nevada of a  
2 general or public nature; to adopt and enact such revised  
3 laws and statutes, to be known as the Nevada Revised  
4 Statutes, as the law of the State of Nevada; to repeal  
5 all prior laws and statutes of a general, public and  
6 permanent nature; providing penalties; and other  
7 matters relating thereto."

8  
9 See Senate Bill No. 2 (1957), Exhibit 12. Which clearly  
10 Contradicts any argument the respondents can put forth. "REPEAL"  
11 means the following:

12 ~~REPEAL~~ REPEAL abolish, rescind, annul by legislative act;

13 "the abrogation or annulling of a previously  
14 existing law by the enactment of a subsequent  
15 statute, which either declares the former law shall  
16 be revoked and abrogated, or which contains  
17 provisions so contrary to or irreconcilable  
18 with those of the earlier law that the only one of  
19 the two can stand in force; the latter is the 'implied'  
20 repeal... the former, the 'express' repeal." 139 S.W.  
21 443, 445 Compare amend (Barron's Law Dictionary  
22 7<sup>th</sup> Ed. page 469).

23  
24 So before the Respondent goes and argues NRS 220.170(3)  
25 wherein it says "constituted the official codified version of the  
26 Statutes of Nevada and may be cited as prima facie evidence  
27 of the law.", this lacks merit in of itself as Senate Bill No. 2 (1957)  
28 created Every statute From NRS 1.010 to 710.590 and it says

1 those are the law. So for the Courts Notice NRS 220.110;  
2 220.120; 220.170 ; 201.230 all fall between the Range of  
3 NRS 1.010 to NRS 710.590, which means they are the Law of  
4 Nevada and none of them have the Constitutionally Mandated  
5 Enactment Clause. Which means all four of those statutes are  
6 VOID.

### RELIEF FOR THIS COUNT

7  
8  
9  
10 With NRS 201.230 being VOID, Petitioner moves this  
11 Honorable Court to VACATE PETITIONERS conviction  
12 with an order for Immediate release and for Local  
13 Authorities to transport petitioner home to Searchlight  
14 Nev.

1 THE COURT LOSES JURISDICTION BY EXCEEDING  
2 STATUTORY AUTHORITY IN VIOLATION OF  
3 UNITED STATES CONSTITUTION AMENOMENTS V;  
4 VI ; VIII ; XIV, UNITED STATES CONSTITUTION  
5 ARTICLE'S 1, §6, cl. 2 ; 1, §9, cl. 3 ; 6, §2 §3, NEVADA  
6 CONSTITUTION ARTICLE'S 1, §8, cl. 5 ; 3, §1 ; 6, §56  
7 and/or 80

8 (COUNT 4)

9  
10 Oath of Jurors was not properly done! Not only is this a  
11 structural Error, it is a jurisdictional defect. As a straight  
12 forward issue the court had no jurisdiction from the trial court  
13 to the Nev. Sup. Ct to affirm the judgement district court  
14 Judge Susan H. Johnson had ~~as~~ entered on May 10<sup>TH</sup> 2016 in the  
15 8<sup>TH</sup> Judicial District Court after she exceeded her statutory  
16 Authority during trial by having the Court Clerk swear in the  
17 Jury.

18 Because the state Deputy D.A. Michelle Lobe and  
19 Defendants counsel Manique A. McNeill had a duty to bring  
20 mootness to the courts attention, there was an obvious  
21 conspiracy between the courts officers.<sup>58</sup>

22 Further, here there is an obvious error that should have been  
23 raised on direct appeal. This error comports with Barral (if not<sup>59</sup>  
24 directly than a species of common origin) Barral relied on NRS  
25 16.030(S) and 17S.021 as a *voir dire* issue where the jury was

26  
27 <sup>58</sup>) *Brid of license Comm'r v. Pastore*, 469 U.S. 238, 240 (1985); *Arizonans For Official English v. Arizona*, 520 U.S. 43, 68 (N23) (1997)

28 <sup>59</sup>) *Barral v. State*, 353 P.3d 117, 120a (2015)

1 required to receive from the judge or court clerk "shall"  
2 administer an oath or affirmation to the jurors substantially in  
3 the following form:

4 Do you and each of you solemnly swear or affirm  
5 under pains and penalties of perjury that you will  
6 well and truly answer all questions put to you  
7 touching upon your qualifications to serve as  
8 jurors in the case now pending before this court  
9 "So help you God?" "Next".

8 NRS 16.070(1) reads as follows:

9 As soon as the jury is completed the judge or the  
10 judges clerk shall administer an oath or affirmation,  
11 to the jurors in substantially the following form:

12 Do you and each of you solemnly swear that you will well  
13 and truly try this case, now pending before this court,  
14 and a true verdict render according to the evidence  
15 given, so help you God,

14 NRS 175.111 (Oath of Jurors) reads as follows:

15 When the jury has been impaneled the court shall  
16 administer the following oath:

17 Do you and each of you solemnly swear that you will well and  
18 truly try this case, now pending before this court, and a  
19 true verdict render according to the evidence given, so  
20 help you God.

19 NRS 0.025(1)(d) reads as follows

20 "shall" imposes a duty to act.

22 NRS 16.070(1) allows for the oath to be administered by the judge  
23 clerk or the judge, but when you look at "NRS 175.111" which is the  
24 oath of the jurors for a criminal matter under title 14 it says  
25 the court 'shall' administer the oath. NRS 175.111 is the  
26 controlling statute in this matter. Express mention of one is an  
27 exclusion of another *Leake v. Blasdell*, 6 Nev 40 (1870); *Galloway v.*  
28 *Trusdell*, 83 NV 13, 26, 422 P2d 13, 26 (1976). In this matter, it clearly



1 shows that it is mandatory for the Court to administer  
2 the above Oath.

3 "The Court" is interpreted as the Judge. (See generally NRS  
4 174.035, only the court can accept a plea of guilty). With the "Court"  
5 never administering the Oath. See Day Two TT pg 147 Line 13,  
6 which clearly states:

7 [The Court Clerk administers the Oath to the Jury]

8 This clearly shows the Court exceeding its jurisdiction. There was  
9 never a lawful jury that existed in this matter, which also  
10 means they could not have found the essential elements of the  
11 crime beyond a reasonable doubt. Jackson v. Virginia, 443 U.S. 307, 319,  
12 99 S.Ct. 2781 (1974) "emphasis in original". McNair v. State, 108 Nev. 53, 53,  
13 825 P.2d 571, 573 (1992). Also prosecutor deputy, and the defense  
14 attorney Monique A. McNeill, Esq. violated the rules of candor in  
15 Nevada, RPC 1.4 & RPC 8.4(a)(c)(d), when they argued a moot  
16 case,

17 This also bars the next step under NRS 175.141 because the  
18 jury was never given the Oath properly under statute. This is now  
19 not only a Jurisdictional issue but a Fraud upon the Court  
20 issue NRCIVP 60(6), FRCIVP 60(6)(3-6) as stated in Martinez v.  
21 Illinois "Jeopardy doesn't attach until jury is sworn" 134 S.Ct. 2070  
22 (2014)

23 Jurisdiction and illegality of judgement are never waived,  
24 see Kanareth v. Malik, 221 P.3d 1265, 2009 NV LX 78; Recon 261 P.3d 163 (2010);  
25 See also Baldonado v. Wynn Las Vegas, LLC, 124 Nev. 951, 964-65, 194  
26 P.3d 96, 105 (2005); Vaile v. Eighth Judicial Dist. Court, 118 Nev. 262, 276,  
27 44 P.3d 506, 515, 516 (2002). And cannot be waived, ~~by the part~~ even  
28 by, or conferred by consent of parties. U.S. v. Mayer, 235 U.S.

1 255 (Nov. 16, 1914) nor can Jurisdiction be procedurally defaulted.  
2 Philbrook v. Globgett, 95 S.Ct. 1893, 1902, 421 U.S. 707 (1975); See also  
3 Swan v. Swan 106 Nev. 464, 469, 796 P2d 221, 224 (1990); Major v.  
4 Nault, 120 Nev. 750, 761 n.9, 101 P3d 308, 315 n.9 (2004).

5 By law, a judge is a state officer. The judge then acts  
6 not as a judge, but as a private individual (in his person).

7 When a judge acts as a trespasser of the law, when a  
8 judge does not follow the law, the judge loses subject-  
9 matter jurisdiction and the judges' orders are not  
10 voidable but VOID, and of no legal force or effect.

11

## 12 RELIEF FOR THIS COUNT REQUESTED

13

14 Reverse/vacate Petitioner's Conviction and give the State  
15 60 days to decide whether to retry Petitioner on the  
16 1 count of Lewdness he was convicted and any other  
17 relief deemed necessary.

18

19

20

21

22

23

24

25

26

27

28

1. FRAUD UPON THE COURT IN VIOLATION OF
2. U.S. CONST. AMEND'S I, V, VI, VIII, XIV;
3. U.S. CONST. ART. VI, 3 2/3; NEV. CONST.
4. ART'S I, 38, cl. 5; 6, 36
5. (COUNT 5)
- 6.

7. A case of Fraud upon the court calls into question the very  
8. legitimacy of the judgement. Put another way, when a judgement is  
9. shown to have been procured by fraud upon the court, no  
10. worthwhile interest is served in protecting the judgement. There  
11. is no time limit on setting aside a judgement on the basis of  
12. fraud on the court, nor can laches bar consideration of  
13. the matter.<sup>60</sup> This is also a prosecutorial misconduct  
14. issue as this was intentionally and maliciously done by  
15. the prosecution, This claim was only just noticed as I  
16. only got a complete case file on 5/21/20 when the  
17. Attorney General sent it to me and with the case file  
18. being well ~~700~~ over 1,700 pgs I just finished going  
19. through it and found this claim.

20. This Claim is on the fact that the "State of Nev."  
21. took the Petitioner to trial on a fraudulent Charging  
22. document. The Petitioner was originally arraigned on 9 counts  
23. on Jan. 22, 2014 which were: 1) lewdness with a minor under 14  
24. date range of June 22, 2007 to June 21, 2010; 2) lewdness with a minor  
25. under 14 date range of June 22, 2007 to January 21, 2014;

26. \_\_\_\_\_  
27. 60) NC-DSH v. Garner 125 Nev. 647, 648, 218 P3d 853; 2009 Nev. Lexis 55  
28. 61) NC-DSH v. Garner 125 Nev. 647, 649, 218 P3d 853; 2009 Nev. Lexis 55

1. 3) Sexual Assault with a minor under 14 years of age date range of  
2. June 22, 2007 to January 21, 2014; 4) Sexual assault with a minor  
3. under 14 years of age date range of June 22, 2007 to January  
4. 21, 2014; 5) Sexual assault with a minor under 14 years of age date  
5. range of June 22, 2008 to June 21, 2010; 6) Sexual assault with a  
6. minor under 14 years of age date range of June 22, 2008 to  
7. June 21, 2010; 7) Lewdness with a child under the Age of 14 date  
8. range of June 22, 2005 to June 21, 2010; 8) Lewdness with a  
9. child under the age of 14 date range of January 1, 2014 to  
10. January 21, 2014; 9) Lewdness with a child under the age of 14  
11. date range of January 1, 2011 to January 21, 2014. See Exhibit  
12. 16 (Criminal Complaint 1/22/2014).

13. On March 11<sup>TH</sup>, 2014 the Petitioner had his Preliminary  
14. hearing wherein the following changes were made: Count 4  
15. is struck from complaint; Count 5 & 6 To Amend Dates to  
16. reflect June 21, 2010 to June 21, 2013; Count 7 To Reflect  
17. Dates of June 22, 2008 to June 21, 2013; Count 8 To  
18. Reflect Dates of June 22, 2013 to January 21, 2014;  
19. Count 9 To Be Amended to the Charge of Child Abuse  
20. and neglect; Count 10 To Be Added to Complaint with  
21. Charge of Child Abuse And Neglect; COUNT 11 And 12  
22. To Be Added to the Complaint Lewdness with a minor  
23. To Reflect Dates of June 22, 2008 to January 21, 2014;  
24. Count 13 To Be Added to complaint Charge of  
25. Lewdness with a minor date of January 21, 2014 to be  
26. Reflected. See Exhibit 17 (Justice Court Docket  
27. Sheet) this is what should have been Count 4-12 of  
28.

1. Petitioners "Information" Filed on March 27, 2014
2. in open court but that's not what Count 4-12
3. reflect. See Exhibit 18 (Information 3/27/14)
4. Ultimately the Complaint should say the following:
5. Count 1 Lewdness with a minor 6/22/07 to 6/21/10
6. Count 2 Lewdness with a minor 6/22/07 to 1/21/14
7. Count 3 Sexual Assault 6/22/07 to 1/21/14
8. Count 4 Sexual Assault 6/21/10 to 6/21/13
9. Count 5 Sexual Assault 6/21/10 to 6/21/13
10. Count 6 Lewdness with a minor 6/22/08 to 6/21/13
11. Count 7 Lewdness with a minor 6/22/13 to 1/21/14
12. Count 8 Child Abuse & Neglect 6/22/08 to 1/21/14
13. Count 9 Child Abuse & Neglect 6/22/08 to 1/21/14
14. Count 10 Lewdness with a minor 6/22/08 to 1/21/14
15. Count 11 Lewdness with a minor 6/22/08 to 1/21/14
16. Count 12 Lewdness with a minor 1/21/14
- 17.
18. That should be what Petitioner was taken to trial
19. on as it was what the Petitioner was bound over to
20. District Court for at preliminary. Ultimately at trial
21. the Petitioner Defended 8 Lewdness, 1 Child Abuse &
22. neglect, 2 Sexual Assaults instead of 3 Sexual
23. assaults 7 Lewdness and 2 child abuse and Neglects.
24. See Exhibit 19 (Information filed 3/14/14) wherein its
25. almost identical to Exhibit 18 but some date wrong so
26. Exhibit 19 got filed. and Exhibit 19 was file # 3 days
27. after Petitioner Preliminary, So what's the States issue
28. with filing the illegal complaint that was not

1. Authorized by any court. This also falls into the category of  
2. ineffective assistance of counsel, as for the fact that  
3. Petitioners Counsel could have developed a whole different  
4. defense as some of the proper charges had alot less  
5. of a time frame to explain away / defend against which  
6. would have allowed counsel to focus on other charges  
7. more. All Counsel had to do was read the entire case file  
8. and they would have caught this fraudulent document in  
9. the Court records, which means counsel didn't even read all the  
10. Pleadings and court records. See Strickland v. Washington, 466 U.S.  
11. 668, 80 L.Ed.2d 674, 104 S.Ct. 2052 (1984)

12. The Prejudice suffered was the fact counsel allowed the  
13. Petitioner to be tried on fraudulent documents, and made  
14. Counsel ineffective at defending Petitioners case as  
15. Counsel's focus was on numerous other charges that took  
16. attention away from others.

17.  
18. Relief Requested For This Court

19.  
20. Dismissal with prejudice do to the fact that  
21. "The State of Nevada" / "Prosecution" willfully,  
22. wantonly, recklessly, ~~and~~ and maliciously filed  
23. an "Information" They knew not to be proper and  
24. for Counsel allowing it to happen shows that Counsel  
25. operated under a conflict of interest.

26.

27.

28.

# CONCLUSION

TO further support his arguments in Counts one(1) - three(3) Petitioners also attached 3 more exhibits, Exhibit 13 is Gary Walters Facebook Post on it, Exhibit 14 is the Youtube links to Gary Walters Videos on it and Exhibit 15 is S.B. 182 (1951) the first bill where the legislature illegally delegated their Legislative Authority to the Legislative Commission. Either all Laws are invalid due to the Enactment Clause Missing on all of the Nev. Rev. stat. as they are the law per Senate Bill 2 (1957) or all laws are invalid due to the reasons in counts 1 and 2. Any one of Counts 1-4 invalidate the Petitioners Conviction. Petitioner ask this Honorable Court to Grant all Four Counts.

# VERIFICATION

I, Justin Odell Langford<sup>©</sup>, declare and verify that I have read the foregoing Petition for Writ of Habeas Corpus Pursuant to the All Writs Act and that it is true and Correct to the Best of My Knowledge and belief under the pains and penalties of perjury pursuant to 28 U.S.C. § 1746 and 18 U.S.C. § 1621,

DATED: 1/5/21



Petitioner

Sui juris

1 CERTIFICATE OF SERVICE

2  
3 I, Justin Odell Langford,<sup>©</sup> certify, that I have attached a true and  
4 correct copy of the foregoing Petition For Writ of Habeas  
5 Corpus Pursuant to the All Writs Act, with special instructions  
6 to the Clerk of the Court for E-file & E-Service to All of my  
7 Opponents pursuant to N.E.F.C.R. 5(K), 9 Et seq. (A-E) Etc., to the  
8 following:

9  
10 Aaron Ford, Nevada Atty. Gen.

11  
12 Steven Wolfson, Clark County District Atty.

13  
14 Monique A. McNeill, Esq.

15  
16 Warden Tim Garrett

17  
18  
19  
20 DATED: 1/5/21

21 

22 Petitioner

23 Sui Juris



# EXHIBIT

1

Logs From the Senate For

Senate Bill No. 2 (1957)

# EXHIBIT

1

#001

LCC

Read third time. Amended. To printer.  
From printer. To re-engrossment.  
~~Re-referred to Committee on~~  
Re-referred to Committee on

From committee:

JAN 22 1957

All rules suspended. Bill considered engrossed, declared an emergency measure under the Constitution, and placed on third reading and final passage.

Read third time. Amended. Reprinting dispensed with. Passed, as amended. Title approved. To re-engrossment.

~~Re-referred to~~ Re-engrossed. To Assembly.

JAN 22 1957

Read third time. Passed.

Title approved. To Assembly.

*Leola H. Wohlfiel*  
Assistant Secretary

Check here if amendments are stapled to back of bill.

IN ASSEMBLY

JAN 23 1957  
Read first time. Referred to Committee on/of  
To committee.

From committee: Do pass.

Read second time.

From committee: Amend, and do pass as amended.

Read second time. Amended. Reprinting dispensed with. To re-engrossment.

Read second time. Amended. To printer.

Read third time. Amended. To printer.

From printer. To re-engrossment.

~~Re-referred to~~ Re-engrossed.

JAN 23 1957

All rules suspended. Bill considered engrossed, declared an emergency measure under the Constitution, and placed on third reading and final passage.

Read third time. Amended. Reprinting dispensed with. Passed, as amended. Title approved. To re-engrossment.

~~Re-referred to~~ Re-engrossed. To Senate.

JAN 23 1957

Read third time. Passed.

Title approved. To Senate.

*[Signature]*  
Assistant Secretary

Check here if amendments are stapled to back of bill.



<p>IN SENATE</p> <p>Assembly amendment acquired in</p>	<p>JAN 24 1957</p> <p>To enrollment IN ACCORDANCE WITH THE PROVISIONS OF SENATE CONCURRENT RESOLUTION No. 10</p> <p><i>[Signature]</i></p>	<p>JAN 25 1957</p> <p>Enrolled and delivered to Governor</p> <p>Enrolled and delivered to Secretary of State</p> <p><i>May 1957</i></p> <p><i>[Signature]</i></p>
--	--	---

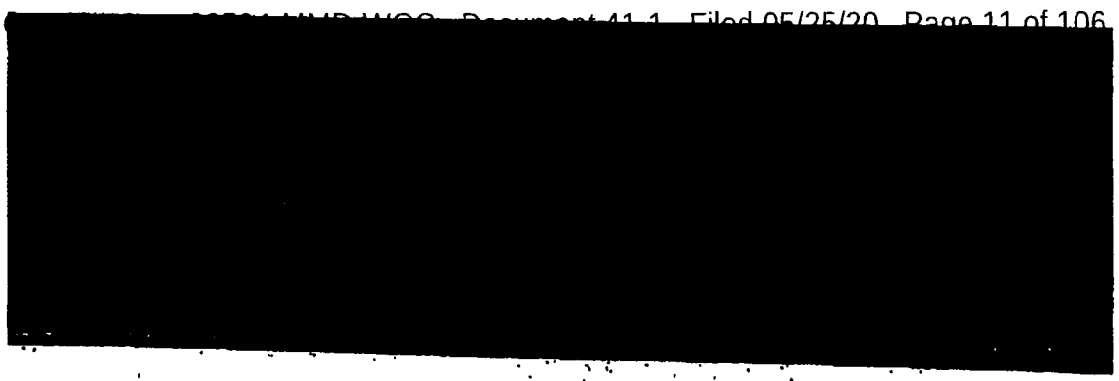
3. The repeal of section 3 of this act of a law or statute which...  
 and previous acts, contracts or transactions shall not affect the  
 validity of such acts, contracts or transactions, but the same shall  
 remain as valid as if there had been no such repeal.  
 4. If any provision of the Nevada Revised Statutes as enacted by  
 this act, derived from an act that amended or repealed a preexisting  
 statute, is held unconstitutional, the provisions of section 3 of this  
 act shall not prevent the preexisting statute from being law if that

Sec. 2. Destination and delivery

Place top of amendment blank on this line, staple as indicated, then fold once.

Date	Hour	M	Clear. No.
SENATE		BILL	No. <u>2</u>
Introduced by		REVISION	
Committee on		Judiciary	
JAN 22 1957			
Read first time. Referred to _____ Committee on/of _____ To printer.			
From printer. To committee.			
Withdrawn from committee. Re-referred to Committee on _____			
From committee: Amend, and do pass as amended.			
From committee: Re-refer to Committee on _____			
From committee: Without recommendation.			
From committee: Do _____ pass.			
Re-referred to Committee on _____			
From committee: _____			
From majority committee: _____			
From minority committee: _____			
Read second time. To engrossment.			
Read second time. Amended. Reprinting dispensed with To engrossment.			
Read second time. Amended. To printer.			
From printer. To engrossment.			
<del>Reprinted</del> Engrossed.			

(Form 144 (Full Cover))



STATE OF NEVADA  
EXECUTIVE DEPARTMENT

RECEIVED

Date Jan 23, 1957

Hour 10:47 AM

No. of Sheets One

Time Limit for Action by Governor

Expires on Jan 28, 1957

Carson T. Haddock  
Secretary to Governor

STATE OF NEVADA  
OFFICE OF SECRETARY OF STATE

RECEIVED AND FILED

Date Jan 23, 1957

Hour 1:10 pm

John R. ...  
Secretary of State

By Muriel Stiles ...  
Deputy Secretary

Delivered 24

SENATE BILL NO. 2

W. Lee Bell  
President of the Senate

J. C. ...  
Secretary of the Senate

Walter ...  
Speaker of the Assembly

Carl ...  
Chief Clerk of the Assembly

STATE OF NEVADA  
EXECUTIVE DEPARTMENT

APPROVED

Date January 25, 1957

Hour 10:25 am

Charles W. ...  
Governor

8 Form 64 (revised 10-1-55)

**EXHIBIT** 2

Senate Concurrent Resolution No. 1  
(1957)

Exhibit 2.1 ver. 1 of Resolution

Exhibit 2.2 ver. 2 of Resolution

Exhibit 2.3 ver. 3 of Resolution

Exhibit 2.4 ver. 4 of Resolution

**EXHIBIT** 2

#007

LCC

**EXHIBIT**

2.1

**EXHIBIT**

2.1

LCC #001

SUMMARY--Provides that official engrossed copy of Senate Bill No. 2 be used as the enrolled bill.

SENATE CONCURRENT RESOLUTION--Providing that the official engrossed copy of Senate Bill No. 2 may be used as the enrolled bill.

WHEREAS, The provisions of sec. 8 of chapter 3, Statutes of Nevada 1949, as amended by chapter 385, Statutes of Nevada 1955, provide that the official engrossed copy of a bill may by resolution be used as the enrolled bill; now, therefore, be it

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE ASSEMBLY CONCURRING, That the official engrossed copy of Senate Bill No. 2 shall be used as the enrolled bill as provided by law.



**EXHIBIT**

22

**EXHIBIT**

22

LCC #001

*Real copy found version 2*

**SUMMARY--**Provides that official engrossed copy of Senate Bill No. 2 be used as the enrolled bill.

**SENATE CONCURRENT RESOLUTION--**Providing that the official engrossed copy of Senate Bill No. 2 may be used as the enrolled bill.

**WHEREAS,** The provisions of sec. 8 of chapter 3, Statutes of Nevada 1949, as amended by chapter 385, Statutes of Nevada 1955, provide that the official engrossed copy of a bill may by resolution be used as the enrolled bill; now, therefore, be it

**RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE ASSEMBLY CONCURRING,** That the official engrossed copy of Senate Bill No. 2 shall be used as the enrolled bill as provided by law.

# EXHIBIT

2.3

# EXHIBIT

2.3

LCC #001

**SENATE CONCURRENT RESOLUTION--Providing that the official engrossed copy of Senate Bill No. 2 may be used as the enrolled bill.**

WHEREAS, The provisions of sec. 8 of chapter 3, Statutes of Nevada 1949, as amended by chapter 385, Statutes of Nevada 1955, provide that the official engrossed copy of a bill may by resolution be used as the enrolled bill; now, therefore, be it

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE ASSEMBLY CONCURRING, That the official engrossed copy of Senate Bill No. 2 shall be used as the enrolled bill as provided by law.

*Real copy found version 3*

**EXHIBIT**

2.4

**EXHIBIT**

2.4

LCC #007

## Resolutions and Memorials

---

Senate Concurrent Resolution No. 1—Committee on Judiciary

### FILE NO. 1

**SENATE CONCURRENT RESOLUTION**—Providing that the official engrossed copy of Senate Bill No. 2 may be used as the enrolled bill.

**WHEREAS**, The provisions of sec. 8 of chapter 3, Statutes of Nevada 1949, as amended by chapter 385, Statutes of Nevada 1955, provide that the official engrossed copy of a bill may by resolution be used as the enrolled bill; now, therefore, be it

*Resolved by the Senate of the State of Nevada, the Assembly concurring*, That the official engrossed copy of Senate Bill No. 2 shall be used as the enrolled bill as provided by law.

**EXHIBIT** 3

Rule 7 of the Joint Rules of  
The Nevada Senate and Assembly

**EXHIBIT** 3

#001  
LCC

6. An amendment that proposes to add or remove a primary joint sponsor or non-primary joint sponsor may include additional proposals to change the substantive provisions of the bill or resolution or may be limited only to the proposal to add or remove a primary joint sponsor or non-primary joint sponsor.

[Statutes of Nevada R 1979, 1964; A 1999, 3849; Assembly Concurrent Resolution No. 1 of the 2005 Session (File No. 7)]

## PRINTING

### Rule No. 6. Ordering and Distribution.

Each House may order the printing of bills introduced, reports of its own committees, and other matter pertaining to that House only; but no other printing may be ordered except by a concurrent resolution passed by both Houses. Each Senator is entitled to the free distribution of four copies of each bill introduced in each House, and each Assemblyman to such a distribution of two copies. Additional copies of such bills may be distributed at a charge to the person to whom they are addressed. The amount charged for distribution of the additional copies must be determined by the Director of the Legislative Counsel Bureau to approximate the cost of handling and postage for the entire session.

[Statutes of Nevada 1920-21, 410; A 1977, 1657; 1979, 1964; 1983, 2108; 1991, 2476]

## RESOLUTIONS

### Rule No. 7. Types, Usage and Approval.

1. A joint resolution must be used to:
  - (a) Propose an amendment to the Nevada Constitution.
  - (b) Ratify a proposed amendment to the United States Constitution.
  - (c) Address the President of the United States, Congress, either House or any committee member of Congress, any department or agency of the Federal Government, or any other state of the Union.
2. A concurrent resolution must be used to:
  - (a) Amend these Joint Rules.
  - (b) Request the return from the Governor of an enrolled bill for further consideration.
  - (c) Resolve that the return of a bill from one House to the other House is necessary and
  - (d) Express facts, principles, opinion and purposes of the Senate and Assembly.
  - (e) Establish a joint committee of the two Houses.
  - (f) Direct the Legislative Commission to conduct an interim study.
3. A concurrent resolution or a resolution of one House may be used to:
  - (a) Memorialize a former member of the Legislature or other notable or distinguished person upon his death.
  - (b) Congratulate or commend any person or organization for a significant and meritorious accomplishment, but any request for drafting the resolution must be approved by the Senate Committee on Legislative Operations and Elections or the Assembly Committee on Elections, Procedures, Ethics, and Constitutional Amendments before submission to the Legislative Counsel.

[Statutes of Nevada 1963, 1452; A 1977, 1657; 1979, 2036; 1989, 2201; 1993, 2903; 1999,

## VETOES

### Rule No. 8. Special Order.

Bills which have passed the Legislature, and which are accompanied by a message or statement of the Governor's disapproval, or veto of the same, shall become the subject of a special order; and when the special order for their consideration is reached and called, the said



# EXHIBIT

4

NRS 220.170

4.1 (1957) version

4.2 (~~1989~~ 1989) version

4.3 (1967) version

4.4 (2003) version

# EXHIBIT

4

**EXHIBIT**

4.1

**EXHIBIT**

4.1

**220.140 Superintendent of state printing to be reimbursed for printing.** The commission shall reimburse the superintendent of state printing from the appropriations heretofore or hereafter made for the cost of printing or reproduction required by this chapter. [6:304:1951; A 1953, 388]

**220.150 Printing and binding fund.** Notwithstanding any of the provisions of chapter 294, Statutes of Nevada 1953, at page 460, chapter 324, Statutes of Nevada 1955, at page 536, chapter 9, Statutes of Nevada 1956, at page 11, and chapter 66, Statutes of Nevada 1957, any unexpended balances of the appropriations made to the commission by section 41 of chapter 294, Statutes of Nevada 1953, at page 463, section 40 of chapter 324, Statutes of Nevada 1955, at page 538, chapter 9, Statutes of Nevada 1956, at page 11, and chapter 66, Statutes of Nevada 1957, shall not revert to the general fund on July 1, 1957, but shall be placed to the credit of the commission in the state treasury in a fund hereby created and designated as the statute revision commission printing and binding fund, which fund shall be used only for the payment of the costs of printing and binding of the Nevada Revised Statutes, supplements thereto, annotations and digest and supplements thereto, together with necessary equipment and services directly connected therewith, in the manner provided by this chapter.

[4.5:304:1951; added 1955, 405]—(NRS A 1957, 543)

**220.160 Replacement and supplementary pages: Preparation, printing and prices.**

1. Upon the completion of Nevada Revised Statutes the commission is authorized and directed to prepare and have printed or reproduced such replacement and supplementary pages for such laws as may, from time to time, be necessary. In any event, the commission shall prepare replacement and supplementary pages made necessary by the sessions of the legislature as soon as possible after each session.

2. The intent of this section is that Nevada Revised Statutes shall be kept current insofar as may be possible. To that end, the provisions of this chapter and, in particular, NRS 220.120 shall be applicable to the preparation and printing or reproduction of such replacement and supplementary pages.

3. Prices shall be set by the commission as near as possible to the cost of preparing, printing and reproduction.

[12:304:1951; A 1953, 388]—(NRS A 1957, 4)

**220.170 Certification by director; NRS as prima facie evidence.**

1. The master copy of Nevada Revised Statutes, as printed and bound in accordance with NRS 220.130, shall contain a certificate of the director that he has compared each section thereof with the original section of the enrolled bill by which Nevada Revised Statutes was adopted and enacted, and that the sections in the published edition are correctly copied. All other printed and bound copies of Nevada Revised Statutes shall contain a copy of the certificate.

2. Each set of replacement or supplementary pages, prepared in accordance with NRS 220.160 and provided for inclusion in the

(1957)

master copy of Nevada Revised Statutes, shall be accompanied by a certificate of the director that he has compared each section thereof with the original section of the enrolled bill, and that, with the exception of the changes authorized by law, the sections set forth in the replacement or supplementary pages are correctly copied. All other sets of replacement or supplementary pages shall be accompanied by a copy of the certificate. All such certificates shall be inserted in the bound copies of Nevada Revised Statutes in chronological order immediately following the initial certificate of the director.

3. Copies of Nevada Revised Statutes, as printed, published, revised, supplemented and certified in accordance with this chapter, may be cited as prima facie evidence of the law in all of the courts of this state. Such evidence may be rebutted by proof that the same differ from the official statutes of Nevada.

[13:304:1951 ; A 1953, 388]—(NRS A 1957, 4)

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(1957)

**EXHIBIT**

4.2

**EXHIBIT**

4.2

thereof and each justice's court or department thereof regularly established in the county, and shall provide corresponding sets of replacement or supplementary pages as issued.

2. The governing body of each city shall similarly provide for each department of its municipal court.

3. If a justice of the peace is ex officio municipal judge, the county and city shall share equally the cost for his court.

(Added to NRS by 1977, 484; A 1979, 508; 1989, 250, 592, 604)

**220.170 Certification; NRS as official codified version of Statutes of Nevada and prima facie evidence of law; citation.**

1. The master copy of Nevada Revised Statutes, as printed and bound in accordance with NRS 220.130, must contain a certificate of the director of the statute revision commission that he has compared each section thereof with the original section of the enrolled bill by which Nevada Revised Statutes was adopted and enacted, and that the sections in the published edition are correctly copied. All other printed and bound copies of Nevada Revised Statutes must contain a copy of the certificate.

2. Each set of replacement or supplementary pages, prepared in accordance with NRS 220.160 and published before January 1, 1963, for inclusion in the master copy of Nevada Revised Statutes, must be accompanied by a certificate of the director of the statute revision commission, and each set published after January 1, 1963, by a certificate of the legislative counsel, that he has compared each section thereof with the original section of the enrolled bill, and that, with the exception of the changes authorized by law, the sections set forth in the replacement or supplementary pages are correctly copied. All other sets of replacement or supplementary pages must be accompanied by a copy of the certificate. All such certificates must be inserted in the bound copies of Nevada Revised Statutes in chronological order immediately following the initial certificate of the director.

3. Copies of Nevada Revised Statutes, as printed, published, revised, supplemented and certified in accordance with this chapter, constitute the official codified version of Statutes of Nevada and may be cited as prima facie evidence of the law in all of the courts of this state. That evidence may be rebutted by proof that the statutes cited differ from the official statutes of Nevada.

4. Nevada Revised Statutes and its component parts may be cited as follows:

(a) Nevada Revised Statutes: NRS

(b) A Title: Title 00 of NRS

(c) A chapter: chapter 000 of NRS

(d) A section: NRS 000.000

[13:304:1951; A 1953, 388]—(NRS A 1957, 5; 1963, 1024; 1967, 35; 1989, 1167)

**EXHIBIT**

4.3

**EXHIBIT**

4.3

LCC #007

2. The intent of this section is that Nevada Revised Statutes shall be kept current insofar as may be possible. To that end, the provisions of this chapter and, in particular, NRS 220.120 shall be applicable to the preparation and printing or reproduction of such replacement and supplementary pages.

3. Prices shall be set by the legislative commission as near as possible to the cost of preparing, printing and reproduction.

[12:304:1951; A 1953, 388]—(NRS A 1957, 5; 1963, 1024; 1965, 1461)

**220.163 Disposition of obsolete sets of NRS.** If Nevada Revised Statutes is reprinted and bound in binders different from those in use on July 1, 1967, the legislative commission may, upon such conditions as it may prescribe, distribute copies of Nevada Revised Statutes in its present binding to legislators, public schools and libraries and other public bodies or officials.

(Added to NRS by 1967, 1257)

**220.165 Legislators to be provided sets of NRS; replacement or supplementary pages; price.** The legislative counsel shall provide:

1. A complete set of Nevada Revised Statutes (excluding the annotations thereto and the digest of cases) to each person who is on July 1, 1967, or who becomes after such date a member of the legislature upon payment by the member of the legislature to the secretary of state of the sum of \$50; and

2. Sets of replacement or supplementary pages, as issued, without charge, to each legislator during his term or terms of office if the legislator has acquired a set of Nevada Revised Statutes pursuant to subsection 1.

(Added to NRS by 1967, 1256)

**220.170 Certification; NRS as prima facie evidence; citation of NRS.**

1. The master copy of Nevada Revised Statutes, as printed and bound in accordance with NRS 220.130, shall contain a certificate of the director of the statute revision commission that he has compared each section thereof with the original section of the enrolled bill by which Nevada Revised Statutes was adopted and enacted, and that the sections in the published edition are correctly copied. All other printed and bound copies of Nevada Revised Statutes shall contain a copy of the certificate.

2. Each set of replacement or supplementary pages, prepared in accordance with NRS 220.160 and published prior to January 1, 1963, for inclusion in the master copy of Nevada Revised Statutes, shall be accompanied by a certificate of the director of the statute revision commission, and each set published after January 1, 1963, by a certificate of

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(1967)

6127



the legislative counsel, that he has compared each section thereof with the original section of the enrolled bill, and that, with the exception of the changes authorized by law, the sections set forth in the replacement or supplementary pages are correctly copied. All other sets of replacement or supplementary pages shall be accompanied by a copy of the certificate. All such certificates shall be inserted in the bound copies of Nevada Revised Statutes in chronological order immediately following the initial certificate of the director.

3. Copies of Nevada Revised Statutes, as printed, published, revised, supplemented and certified in accordance with this chapter, may be cited as prima facie evidence of the law in all of the courts of this state. Such evidence may be rebutted by proof that the same differ from the official statutes of Nevada.

4. Nevada Revised Statutes and its component parts may be cited as follows:

(a) Nevada Revised Statutes: NRS

(b) A Title: Title 00 of NRS

(c) A chapter: chapter 000 of NRS

(d) A section: NRS 000.000

[13:304:1951; A 1953, 388]—(NRS A 1957, 5; 1963, 1024; 1967, 35)

**The next page is 6239**

**EXHIBIT**

4.4

**EXHIBIT**

4.4

LCC #007

**NRS 220.167 Sets of NRS to be provided to district, justices' and municipal courts.**

1. Each board of county commissioners shall provide a complete set of Nevada Revised Statutes with annotations to each district court or department thereof and each justice's court or department thereof regularly established in the county, and shall provide corresponding sets of replacement or supplementary pages as issued.

2. The governing body of each city shall similarly provide for each department of its municipal court.

3. If a justice of the peace is ex officio municipal judge, the county and city shall share equally the cost for his court.

(Added to NRS by 1977, 484; A 1979, 508; 1989, 250, 592, 604)

**NRS 220.170 Certification; NRS as official codified version of Statutes of Nevada and prima facie evidence of law; citation.**

1. The master copy of Nevada Revised Statutes, as printed and bound in accordance with NRS 220.130, must contain a certificate of the Director of the Statute Revision Commission that he has compared each section thereof with the original section of the enrolled bill by which Nevada Revised Statutes was adopted and enacted, and that the sections in the published edition are correctly copied. All other printed and bound copies of Nevada Revised Statutes must contain a copy of the certificate.

2. Each set of replacement or supplementary pages, prepared in accordance with NRS 220.160 and published before January 1, 1963, for inclusion in the master copy of Nevada Revised Statutes, must be accompanied by a certificate of the Director of the Statute Revision Commission, and each set published after January 1, 1963, by a certificate of the Legislative Counsel, that he has compared each section thereof with the original section of the enrolled bill, and that, with the exception of the changes authorized by law, the sections set forth in the replacement or supplementary pages are correctly copied. All other sets of replacement or supplementary pages must be accompanied by a copy of the certificate. All such certificates must be inserted in the bound copies of Nevada Revised Statutes in chronological order immediately following the initial certificate of the Director.

3. Copies of Nevada Revised Statutes, as printed, published, revised, supplemented and certified in accordance with this chapter, constitute the official codified version of Statutes of Nevada and may be cited as prima facie evidence of the law in all of the courts of this state. Except as otherwise provided in this subsection, that evidence may be rebutted by proof that the statutes cited differ from the official Statutes of Nevada. That evidence may not be rebutted by proof that the statutes differ from the official Statutes of Nevada in a manner authorized pursuant to NRS 220.120.

4. Nevada Revised Statutes and its component parts may be cited as follows:

(a) Nevada Revised Statutes: NRS

(b) A title: title 00 of NRS

(c) A chapter: chapter 000 of NRS

(d) A section: NRS 000.000

[13:304:1951; A 1953, 388]—(NRS A 1957, 5; 1963, 1024; 1967, 35; 1989, 1167; 2003, 328)

WEST PUBLISHING CO.  
Statutes ⇌ 282.

WESTLAW Topic No. 361.  
C.J.S. Statutes § 441.

# EXHIBIT

5

NRS 201, 230

- 5.1 (2005) version
- 5.2 (2003) version
- 5.3 (1999) version
- 5.4 (1997) version's
- 5.5 (1995) version
- 5.6 (1991) version
- 5.7 (1983) version
- 5.8 (1977) version
- 5.9 (1973) version
- 5.10 (1967) version

# EXHIBIT

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#007

LCC

**EXHIBIT** 5.1

**EXHIBIT** 5.1

LCC #001

**2005 Statutes of Nevada, Page 2877 (CHAPTER 507, SB 341)↓**

has been served, and shall be further punished by a fine of not more than \$100,000.

**Sec. 31.** NRS 201.180 is hereby amended to read as follows:

201.180 Persons being within the degree of consanguinity within which marriages are declared by law to be incestuous and void, who intermarry with each other or who commit fornication or adultery with each other shall be punished for a category A felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of ~~not more than 10 years.~~ *life with the possibility of parole*, and may be further punished by a fine of not more than \$10,000.

**Sec. 32.** NRS 201.195 is hereby amended to read as follows:

201.195 1. A person who incites, entices or solicits a minor to engage in acts which constitute the infamous crime against nature:

(a) If the minor actually engaged in such acts as a result and:

(1) The minor was less than 14 years of age, is guilty of a category A felony and shall be punished by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served.

(2) The minor was 14 years of age or older, is guilty of a category ~~A~~ felony and shall be punished ~~as provided in NRS 193.130.~~ *by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 5 years has been served.*

(b) If the minor did not engage in such acts:

(1) For the first offense, is guilty of a gross misdemeanor.

(2) For any subsequent offense, is guilty of a category ~~A~~ felony and shall be punished ~~as provided in NRS 193.130.~~ *by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 5 years has been served.*

2. As used in this section, the "infamous crime against nature" means anal intercourse, cunnilingus or fellatio between natural persons of the same sex. Any sexual penetration, however slight, is sufficient to complete the infamous crime against nature.

**Sec. 33.** NRS 201.230 is hereby amended to read as follows:

201.230 1. A person who willfully and lewdly commits any lewd or lascivious act, other than acts constituting the crime of sexual assault, upon or with the body, or any part or member thereof, of a child under the age of 14 years, with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of that person or of that child, is guilty of lewdness with a child.

2. Except as otherwise provided in subsection 3, a person who commits lewdness with a child is guilty of a category A felony and shall be punished by imprisonment in the state prison for ~~life~~

~~(a) Life~~ *life* with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served, and may be further punished by a fine of not more than \$10,000. ~~or~~

~~(b) A definite term of 20 years, with eligibility for parole after a minimum of 2 years has been served, and may further be punished by a fine of not more than \$10,000.~~

3. A person who commits lewdness with a child and who has been previously convicted of:

**EXHIBIT** 5.2

**EXHIBIT** 5.2

LCC #001

**2003 Statutes of Nevada, Page 2826 (CHAPTER 461, AB 78)↓**

(1) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 20 years has been served;

or

(2) For a definite term of ~~40~~ 40 years, with eligibility for parole beginning when a minimum of ~~15~~ 15 years has been served.

(c) If the crime is committed against a child under the age of 14 years and does not result in substantial bodily harm to the child, by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 20 years has been served.

4. *A person who commits a sexual assault against a child under the age of 16 years and who has been previously convicted of:*

(a) *A sexual assault pursuant to this section or any other sexual offense against a child; or*

(b) *An offense committed in another jurisdiction that, if committed in this state, would constitute a sexual assault pursuant to this section or any other sexual offense against a child,*

*is guilty of a category A felony and shall be punished by imprisonment in the state prison for life without the possibility of parole.*

5. *For the purpose of this section, "other sexual offense against a child" means any act committed by an adult upon a child constituting:*

(a) *Incest pursuant to NRS 201.180;*

(b) *Lewdness with a child pursuant to NRS 201.230;*

(c) *Sado-masochistic abuse pursuant to NRS 201.262; or*

(d) *Luring a child using a computer, system or network pursuant to NRS 201.560, if punished as a felony.*

Sec. 2. NRS 201.230 is hereby amended to read as follows:

201.230 1. A person who willfully and lewdly commits any lewd or lascivious act, other than acts constituting the crime of sexual assault, upon or with the body, or any part or member thereof, of a child under the age of 14 years, with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of that person or of that child, is guilty of *lewdness with a child*.

2. *Except as otherwise provided in subsection 3, a person who commits lewdness with a child is guilty of a category A felony and shall be punished by imprisonment in the state prison for ~~life~~ :*

(a) *Life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served, and may be further punished by a fine of not more than \$10,000 ~~+~~ ; or*

(b) *A definite term of 20 years, with eligibility for parole after a minimum of 2 years has been served, and may further be punished by a fine of not more than \$10,000.*

3. *A person who commits lewdness with a child and who has been previously convicted of:*

(a) *Lewdness with a child pursuant to this section or any other sexual offense against a child; or*

(b) *An offense committed in another jurisdiction that, if committed in this state, would constitute lewdness with a child pursuant to this section or any other sexual offense against a child,*

*is guilty of a category A felony and shall be punished by imprisonment in the state prison for life without the possibility of parole.*

4. *For the purpose of this section, "other sexual offense against a child" has the meaning ascribed to it in subsection 5 of NRS 200.366.*



**EXHIBIT** 5.3

**EXHIBIT** 5.3

LCC #001



November 5, 2020

In response to your request we have provided:

The 1997 and 1999 versions of NRS 201.230.

1997:

**NRS 201.230 Lewdness with child under 14 years; penalty.** A person who willfully and lewdly commits any lewd or lascivious act, other than acts constituting the crime of sexual assault, upon or with the body, or any part or member thereof, of a child under the age of 14 years, with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of that person or of that child, is guilty of a category A felony and shall be punished by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served, and may be further punished by a fine of not more than \$10,000.

[1911 C&P § 195 1/2; added 1925, 17; A 1947, 24; 1943 NCL § 10143]—(NRS A 1961, 92; 1967, 477; 1973, 96, 255, 1406; 1977, 867, 1632; 1979, 1430; 1983, 207; 1991, 1009; 1995, 1200; 1997, 1722, 2502, 3190)

1999:

**NRS 201.230 Lewdness with child under 14 years; penalty.** A person who willfully and lewdly commits any lewd or lascivious act, other than acts constituting the crime of sexual assault, upon or with the body, or any part or member thereof, of a child under the age of 14 years, with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of that person or of that child, is guilty of a category A felony and shall be punished by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served, and may be further punished by a fine of not more than \$10,000.

[1911 C&P § 195 1/2; added 1925, 17; A 1947, 24; 1943 NCL § 10143]—(NRS A 1961, 92; 1967, 477; 1973, 96, 255, 1406; 1977, 867, 1632; 1979, 1430; 1983, 207; 1991, 1009; 1995, 1200; 1997, 1722, 2502, 3190; 1999, 470, 472)

The other item, Chapter 2, *Statutes of Nevada 1957*, is Senate Bill (S.B.) 2 from 1957. The legislative history for S.B. 2 (which includes Ch. 2, *Statutes of Nevada 1957*) is already available from your law library via LexisNexis.

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**EXHIBIT** 5.4

**EXHIBIT** 5.4

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**1997 Statutes of Nevada, Page 1722 (CHAPTER 455, AB 280)↓**

certifies that the person so convicted was under observation while confined in an institution of the department of prisons and is not a menace to the health, safety or morals of others.

(b) Released on probation unless a psychologist licensed to practice in Nevada or a psychiatrist licensed to practice medicine in Nevada certifies that the person so convicted is not a menace to the health, safety or morals of others.

3. As used in this section, the "infamous crime against nature" means anal intercourse, cunnilingus or fellatio between natural persons of the same sex. Any sexual penetration, however slight, is sufficient to complete the infamous crime against nature.

**Sec. 5. NRS 201.230** is hereby amended to read as follows:

201.230 1. A person who willfully and lewdly commits any lewd or lascivious act, other than acts constituting the crime of sexual assault, upon or with the body, or any part or member thereof, of a child under the age of 14 years, with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of that person or of that child, is guilty of a category [B] A felony and shall be punished by imprisonment in the state prison for [a minimum term of not less than 2 years and a maximum term of not more than] *life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years [.] has been served*, and may be further punished by a fine of not more than \$10,000.

2. A person convicted of violating any of the provisions of subsection 1 must not be:

(a) Paroled unless a board consisting of:

- (1) The administrator of the mental hygiene and mental retardation division of the department of human resources;
- (2) The director of the department of prisons; and
- (3) A psychologist licensed to practice in Nevada or a psychiatrist licensed to practice medicine in Nevada,

certifies that the person so convicted was under observation while confined in an institution of the department of prisons and is not a menace to the health, safety or morals of others. For the purposes of this paragraph, the administrator and the director may each designate a person to represent him on the board.

(b) Released on probation unless a psychologist licensed to practice in Nevada or a psychiatrist licensed to practice medicine in Nevada certifies that the person so convicted is not a menace to the health, safety or morals of others.

**Sec. 6. Chapter 213 of NRS** is hereby amended by adding thereto a new section to read as follows:

1. *As a condition of releasing on parole a prisoner who was convicted of committing an offense listed in subsection 2 against a child under the age of 14 years, the board shall, when appropriate:*

(a) *Require the parolee to participate in psychological counseling;*

(b) *Prohibit the parolee from being alone with a child unless another adult who has never been convicted of a sexual offense is present; and*

(c) *Prohibit the parolee from being on or near the grounds of any place that is primarily designed for use by or for children, including, without*

**1997 Statutes of Nevada, Page 2502 (CHAPTER 524, SB 5)↓**

- (a) The administrator of the mental hygiene and mental retardation division of the department of human resources;
  - (b) The director of the department of prisons; and
  - (c) A psychologist licensed to practice in the State of Nevada or a psychiatrist licensed to practice medicine in the State of Nevada, certifies that the person so convicted was under observation while confined in an institution of the department of prisons and is not a menace to the health, safety or morals of others. For the purposes of this subsection, the administrator and the director may each designate a person to represent him on the board.
3. A person who has been certified pursuant to subsection 2 who returns for any reason to the custody of the department of prisons may not be paroled unless a board recertifies him in the manner set forth in subsection 2.
4. The board may revoke the certification of an offender certified pursuant to subsection 2 at any time.
5. This section does not create a right in any person to be certified or continue to be certified and no person may bring a cause of action against the state, its political subdivisions, agencies, boards, commissions, departments, officers or employees for not certifying or refusing to place a person before a board for certification pursuant to this section.
6. A person convicted of violating any of the provisions of subsection 1 must not be released on probation unless a psychologist licensed to practice in the State of Nevada or a psychiatrist licensed to practice medicine in the State of Nevada certifies that the person so convicted is not a menace to the health, safety or morals of others.
- 7.] For the purposes of this section, the breast feeding of a child by the mother of the child does not constitute an act of open and indecent or obscene exposure of her body.

**Sec. 4. NRS 201.230 is hereby amended to read as follows:**

201.230 [1.] A person who willfully and lewdly commits any lewd or lascivious act, other than acts constituting the crime of sexual assault, upon or with the body, or any part or member thereof, of a child under the age of 14 years, with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of that person or of that child, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, and may be further punished by a fine of not more than \$10,000.

- [2. A person convicted of violating any of the provisions of subsection 1 must not be paroled unless a board consisting of:
- (a) The administrator of the mental hygiene and mental retardation division of the department of human resources;
  - (b) The director of the department of prisons; and
  - (c) A psychologist licensed to practice in the State of Nevada or a psychiatrist licensed to practice medicine in the State of Nevada, certifies that the person so convicted was under observation while confined in an institution of the department of prisons and is not a menace to the health, safety or morals of others. For the purposes of this subsection, the administrator and the director may each designate a person to represent him on the board.

**1997 Statutes of Nevada, Page 3190 (CHAPTER 641, SB 328)↓**

**Sec. 19. NRS 201.230** is hereby amended to read as follows:

201.230 1. A person who willfully and lewdly commits any lewd or lascivious act, other than acts constituting the crime of sexual assault, upon or with the body, or any part or member thereof, of a child under the age of 14 years, with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of that person or of that child, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, and may be further punished by a fine of not more than \$10,000.

2. A person convicted of violating any of the provisions of subsection 1 must not [be:

(a) Paroled] *be paroled* unless a board consisting of:

[(1)] (a) The administrator of the mental hygiene and mental retardation division of the department of human resources;

[(2)] (b) The director of the department of prisons; and

[(3)] (c) A psychologist licensed to practice in *the State of Nevada* or a psychiatrist licensed to practice medicine in *the State of Nevada*,

certifies that the person so convicted was under observation while confined in an institution of the department of prisons and is not a menace to the health, safety or morals of others. For the purposes of this [paragraph.] *subsection*, the administrator and the director may each designate a person to represent him on the board.

[(b) Released]

3. *A person who has been certified pursuant to subsection 2 who returns for any reason to the custody of the department of prisons may not be paroled unless a board recertifies him in the manner set forth in subsection 2.*

4. *The board may revoke the certification of an offender certified pursuant to subsection 2 at any time.*

5. *This section does not create a right in any person to be certified or continue to be certified and no person may bring a cause of action against the state, its political subdivisions, agencies, boards, commissions, departments, officers or employees for not certifying or refusing to place a person before a board for certification pursuant to this section.*

6. *A person convicted of violating any of the provisions of subsection 1 must not be released on probation unless a psychologist licensed to practice in the State of Nevada or a psychiatrist licensed to practice medicine in the State of Nevada certifies that the person so convicted is not a menace to the health, safety or morals of others.*

**Sec. 20. NRS 201.450** is hereby amended to read as follows:

201.450 1. A person who commits a sexual penetration on the dead body of a human being is guilty of a category A felony and shall be punished by imprisonment in the state prison:

(a) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 5 years has been served;

(b) For a definite term of 15 years, with eligibility for parole beginning when a minimum of 5 years has been served;

(c) By a fine of not more than \$20,000; or

**EXHIBIT** 5.5

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**995 Statutes of Nevada, Page 1200 (CHAPTER 443, SB 416)↓**

safety or morals of others. For the purposes of this paragraph, the administrator and the director may each designate a person to represent him on the board.

(b) Released on probation unless a psychologist licensed to practice in Nevada or a psychiatrist licensed to practice medicine in Nevada certifies that the person so convicted is not a menace to the health, safety or morals of others.

**Sec. 88. NRS 201.220** is hereby amended to read as follows:

201.220 1. [Every] A person who makes any open and indecent or obscene exposure of his person, or of the person of another, is guilty:

(a) For the first offense, of a gross misdemeanor.

(b) For any subsequent offense, of a *category D* felony [, and upon conviction] **and shall be punished** [by imprisonment in the state prison for not less than 1 year nor more than 6 years, and may be further punished by a fine of not more than \$5,000.

2. No] *as provided in NRS 193.130.*

2. A person convicted of violating any of the provisions of subsection 1 [of this section may] **must not be:**

(a) Paroled unless a board consisting of:

(1) The administrator of the mental hygiene and mental retardation division of the department of human resources;

(2) The director of the department of prisons; and

(3) A psychologist licensed to practice in Nevada or a psychiatrist licensed to practice medicine in Nevada, certifies that the person so convicted was under observation while confined in an institution of the department of prisons and is not a menace to the health, safety or morals of others. For the purposes of this paragraph, the administrator and the director may each designate a person to represent him on the board.

(b) Released on probation unless a psychologist licensed to practice in Nevada or a psychiatrist licensed to practice medicine in Nevada certifies that the person so convicted is not a menace to the health, safety or morals of others.

**Sec. 89. NRS 201.230** is hereby amended to read as follows:

201.230 1. [Any] A person who willfully and lewdly commits any lewd or lascivious act, other than acts constituting the crime of sexual assault, upon or with the body, or any part or member thereof, of a child under the age of 14 years, with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of that person or of that child, *is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than [1 year nor] 2 years and a maximum term of not more than 10 years, and may be further punished by a fine of not more than \$10,000.*

2. [No] A person convicted of violating any of the provisions of subsection 1 [of this section may] **must not be:**

(a) Paroled unless a board consisting of:

(1) The administrator of the mental hygiene and mental retardation division of the department of human resources;

(2) The director of the department of prisons; and



**EXHIBIT**

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**1991 Statutes of Nevada, Page 1009 (CHAPTER 389, AB 429)↓**

(b) For any subsequent offense, of a felony, and upon conviction shall be punished by imprisonment in the state prison for not less than 1 year nor more than 6 years, and may be further punished by a fine of not more than \$5,000.

2. No person convicted of violating any of the provisions of subsection 1 of this section may be:

(a) Paroled unless a board consisting of:

(1) The administrator of the mental hygiene and mental retardation division of the department of human resources;

(2) The director of the department of prisons; and

(3) A [physician authorized] *psychologist licensed to practice in Nevada or a psychiatrist licensed to practice medicine in Nevada*, [who is also a qualified psychiatrist,]

certifies that the person so convicted was under observation while confined in an institution of the department of prisons and is not a menace to the health, safety or morals of others. For the purposes of this paragraph, the administrator and the director may each designate a person to represent him on the board.

(b) Released on probation unless a *psychologist licensed to practice in Nevada or a psychiatrist licensed to practice medicine in [the State of] Nevada* certifies that the person so convicted is not a menace to the health, safety or morals of others.

**Sec. 18. NRS 201.230** is hereby amended to read as follows:

201.230 1. Any person who willfully and lewdly commits any lewd or lascivious act, other than acts constituting the crime of sexual assault, upon or with the body, or any part or member thereof, of a child under the age of 14 years, with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of that person or of that child, shall be punished by imprisonment in the state prison for not less than 1 year nor more than 10 years, and may be further punished by a fine of not more than \$10,000.

2. No person convicted of violating any of the provisions of subsection 1 of this section may be:

(a) Paroled unless a board consisting of:

(1) The administrator of the mental hygiene and mental retardation division of the department of human resources;

(2) The director of the department of prisons; and

(3) A [physician authorized] *psychologist licensed to practice in Nevada or a psychiatrist licensed to practice medicine in Nevada*, [who is also a qualified psychiatrist,]

certifies that the person so convicted was under observation while confined in an institution of the department of prisons and is not a menace to the health, safety or morals of others. For the purposes of this paragraph, the administrator and the director may each designate a person to represent him on the board.

(b) Released on probation unless a *psychologist licensed to practice in Nevada or a psychiatrist licensed to practice medicine in [the State of] Nevada* certifies that the person so convicted is not a menace to the health, safety or morals of others.

**EXHIBIT**

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**EXHIBIT**

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**983 Statutes of Nevada, Page 207 (CHAPTER 55, SB 113)↓**

certifies that [such person] *the person so convicted* was under observation while confined in an institution of the department of prisons and is not a menace to the health, safety or morals of others. *For the purposes of this paragraph, the administrator and the director may each designate a person to represent him on the board.*

(b) Released on probation unless a psychiatrist licensed to practice medicine in the State of Nevada certifies that [such person] *the person so convicted* is not a menace to the health, safety or morals of others.

**Sec. 4.** NRS 201.230 is hereby amended to read as follows:

201.230 1. Any person who willfully and lewdly commits any lewd or lascivious act, other than acts constituting the crime of sexual assault, upon or with the body, or any part or member thereof, of a child under the age of 14 years, with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of that person or of that child, shall be punished by imprisonment in the state prison for not less than 1 year nor more than 10 years, and may be further punished by a fine of not more than \$10,000.

2. No person convicted of violating any of the provisions of subsection 1 of this section may be:

(a) Paroled unless a board consisting of [the administrator of the mental hygiene and mental retardation division of the department of human resources or his designee, the director of the department of prisons and a physician authorized to practice medicine in Nevada who is also a qualified psychiatrist] :

(1) *The administrator of the mental hygiene and mental retardation division of the department of human resources;*

(2) *The director of the department of prisons; and*

(3) *A physician authorized to practice medicine in Nevada who is also a qualified psychiatrist,*

certifies that [such person] *the person so convicted* was under observation while confined in an institution of the department of prisons and is not a menace to the health, safety or morals of others. *For the purposes of this paragraph, the administrator and the director may each designate a person to represent him on the board.*

(b) Released on probation unless a psychiatrist licensed to practice medicine in the State of Nevada certifies that [such person] *the person so convicted* is not a menace to the health, safety or morals of others.

**Sec. 5.** This act shall become effective upon passage and approval.

**EXHIBIT** 5.8

**EXHIBIT** 5.8

**1977 Statutes of Nevada, Page 867 (CHAPTER 430, SB 116)↓**

person was under observation while confined in [the state prison] *an institution of the department of prisons* and is not a menace to the health, safety or morals of others.

(b) Released on probation unless a psychiatrist licensed to practice medicine in the State of Nevada certifies that such person is not a menace to the health, safety or morals of others.

SEC. 86. NRS 201.220 is hereby amended to read as follows:

201.220 1. Every person who makes any open and indecent or obscene exposure of his person, or of the person of another, is guilty:

(a) For the first offense, of a gross misdemeanor.

(b) For any subsequent offense, of a felony, and upon conviction shall be punished by imprisonment in the state prison for not less than 1 year nor more than 6 years.

2. No person convicted of violating any of the provisions of subsection 1 of this section may be:

(a) Paroled unless a board consisting of the administrator of the mental hygiene and mental retardation division of the department of human resources or his designee, the [warden of the Nevada state prison] *director of the department of prisons* and a physician authorized to practice medicine in Nevada who is also a qualified psychiatrist certifies that such person was under observation while confined in [the state prison] *an institution of the department of prisons* and is not a menace to the health, safety or morals of others.

(b) Released on probation unless a psychiatrist licensed to practice medicine in the State of Nevada certifies that such person is not a menace to the health, safety or morals of others.

SEC. 87. NRS 201.230 is hereby amended to read as follows:

201.230 1. Any person who [shall] willfully and lewdly [commit] *commits* any lewd or lascivious act, other than acts constituting the crime of rape and the infamous crime against nature, upon or with the body, or any part or member thereof, of a child under the age of 14 years, with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of such person or of such child, shall be punished by imprisonment in the state prison for not less than 1 year nor more than 10 years.

2. No person convicted of violating any of the provisions of subsection 1 of this section may be:

(a) Paroled unless a board consisting of the administrator of the mental hygiene and mental retardation division of the department of human resources or his designee, the [warden of the Nevada state prison] *director of the department of prisons* and a physician authorized to practice medicine in Nevada who is also a qualified psychiatrist certifies that such person was under observation while confined in [the state prison] *an institution of the department of prisons* and is not a menace to the health, safety or morals of others.

(b) Released on probation unless a psychiatrist licensed to practice medicine in the State of Nevada certifies that such person is not a menace to the health, safety or morals of others.

SEC. 88. NRS 202.380 is hereby amended to read as follows:

202.380 1. Every person, firm or corporation who within the State of Nevada knowingly sells or offers for sale, possesses or transports any ~~form of sheet, curtain, or bedspread, or any article of wearing apparel, or any material designed for the use of such articles, or any other article or material, or any provision of any~~ *form of sheet, curtain, or bedspread, or any article of wearing apparel, or any material designed for the use of such articles, or any other article or material, or any provision of any*

**EXHIBIT** 5.9

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**1973 Statutes of Nevada, Page 96 (CHAPTER 69, SB 189)↓**

shall be punished by imprisonment in the state prison for not less than 1 year nor more than 6 years.

2. No person convicted of violating the provisions of subsection 1 of this section may be:

(a) Paroled unless a board consisting of the superintendent of the Nevada [state hospital,] *mental health institute*, the warden of the Nevada state prison and a physician authorized to practice medicine in Nevada who is also a qualified psychiatrist certify that such person was under observation while confined in the state prison and is not a menace to the health, safety or morals of others.

(b) Released on probation unless a psychiatrist licensed to practice medicine in the State of Nevada certifies that such person is not a menace to the health, safety or morals of others.

SEC. 14. NRS 201.220 is hereby amended to read as follows:

201.220 1. Every person who makes any open and indecent or obscene exposure of his person, or of the person of another, is guilty:

(a) For the first offense, of a gross misdemeanor.

(b) For any subsequent offense, of a felony, and upon conviction shall be punished by imprisonment in the state prison for not less than 1 year nor more than 6 years.

2. No person convicted of violating any of the provisions of subsection 1 of this section may be:

(a) Paroled unless a board consisting of the superintendent of the Nevada [state hospital,] *mental health institute*, the warden of the Nevada state prison and a physician authorized to practice medicine in Nevada who is also a qualified psychiatrist certify that such person was under observation while confined in the state prison and is not a menace to the health, safety or morals of others.

(b) Released on probation unless a psychiatrist licensed to practice medicine in the State of Nevada certifies that such person is not a menace to the health, safety or morals of others.

SEC. 15. NRS 201.230 is hereby amended to read as follows:

201.230 1. Any person who shall willfully and lewdly commit any lewd or lascivious act, other than acts constituting the crime of rape and the infamous crime against nature, upon or with the body, or any part or member thereof, of a child under the age of 14 years, with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of such person or of such child, shall be punished by imprisonment in the state prison for not less than 1 year nor more than 10 years.

2. No person convicted of violating any of the provisions of subsection 1 of this section may be:

(a) Paroled unless a board consisting of the superintendent of the Nevada [state hospital,] *mental health institute*, the warden of the Nevada state prison and a physician authorized to practice medicine in Nevada who is also a qualified psychiatrist certify that such person was under observation while confined in the state prison and is not a menace to the health, safety or morals of others.

(b) Released on probation unless a psychiatrist licensed to practice medicine in the State of Nevada certifies that such person is not a menace to the health, safety or morals of others.

SEC. 16. NRS 209.145 is hereby amended to read as follows:



**EXHIBIT** 5.10

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**1967 Statutes of Nevada, Page 477 (CHAPTER 211, AB 71)↓**

2. No person convicted of violating any of the provisions of subsection 1 of this section may be:

(a) Paroled unless a board consisting of the superintendent of the Nevada state hospital, the warden of the Nevada state prison and a physician authorized to practice medicine in Nevada who is also a qualified psychiatrist certify that such person was under observation while confined in the state prison and is not a menace to the health, safety or morals of others.

(b) Released on probation unless a psychiatrist licensed to practice medicine in the State of Nevada certifies that such person is not a menace to the health, safety or morals of others.

SEC. 81. NRS 201.230 is hereby amended to read as follows:

201.230 1. Any person who shall willfully and lewdly commit any lewd or lascivious act, other than acts constituting the crime of rape and the infamous crime against nature, upon or with the body, or any part or member thereof, of a child under the age of 14 years, with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of such person or of such child, shall be [guilty of a felony.

2. For the violation of any of the provisions of this section, the trial judge shall fix, specifically, a determinate sentence of the person convicted, which shall, in each case, consist of imprisonment in the state prison for not less than 5 years nor more than 10 years;

3.] *punished by imprisonment in the state prison for not less than 1 year nor more than 10 years.*

2. No person convicted of violating any of the provisions of subsection 1 of this section may be:

(a) Paroled unless a board consisting of the superintendent of the Nevada state hospital, the warden of the Nevada state prison and a physician authorized to practice medicine in Nevada who is also a qualified psychiatrist certify that such person was under observation while confined in the state prison and is not a menace to the health, safety or morals of others.

(b) Released on probation unless a psychiatrist licensed to practice medicine in the State of Nevada certifies that such person is not a menace to the health, safety or morals of others.

SEC. 82. (There is no section 82.)

SEC. 83. NRS 201.280 is hereby amended to read as follows:

201.280 Every person who shall erect or keep a booth, tent, stall or other contrivance for the purpose of selling or otherwise disposing of any wine, or spirituous or fermented liquors, or any drink of which wine, spirituous or fermented liquors form a part, within 1 mile of any camp or field meeting for religious worship, during the time of holding such meeting, [shall be deemed] *is guilty of a misdemeanor. [ and punished by a fine not exceeding \$500.]*

SEC. 84. NRS 201.300 is hereby amended to read as follows:

201.300 1. Any person who:

[1.] (a) Shall induce, persuade, encourage, inveigle or entice a female person to become a prostitute; or

[2.] (b) By threats, violence or by any device or scheme, shall cause, induce, persuade, encourage, take, place, harbor, inveigle or entice a

**EXHIBIT**

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NBS 220.110

**EXHIBIT**

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**220.090 Secretary of state to make records, statutes available for inspection.** The secretary of state shall make available for inspection to the legislative counsel:

1. All records of his office which are or may be of use to the legislative counsel.
2. Any books or statutes in his custody.  
[9:304:1951]—(NRS A 1963, 1022; 1965, 952)

**220.100 Legislative counsel to prepare annotations to Nevada Revised Statutes, digests of judicial opinions.** The legislative counsel shall:

1. Prepare annotations to Nevada Revised Statutes adopted by chapter 2, Statutes of Nevada 1957, and digests of judicial opinions construing or concerning the law of the State of Nevada.
2. Keep the material in Nevada Revised Statutes and the annotations and digests current as provided in NRS 220.160.  
[Part 2:304:1951; A 1953, 388]—(NRS A 1957, 4; 1963, 1022)

**220.110 Contents of Nevada Revised Statutes.** Nevada Revised Statutes shall contain:

1. The Constitution of the United States.
2. The constitution of the State of Nevada.
3. The laws of this state of general application.
4. A full and accurate index of the statute laws.
5. Such annotations, historical notes, supreme court and district court rules and other information as the legislative counsel deems appropriate to include.  
[Part 2:304:1951; A 1953, 388]—(NRS A 1963, 1022; 1969, 12)

**220.120 Supplements to Nevada Revised Statutes, annotations and digests: Numbering of sections; binding; printing; classification and revision.**

1. In preparing the annotations and digests and keeping Nevada Revised Statutes current, the legislative counsel is authorized:
  - (a) To adopt such system of numbering as he deems practical.
  - (b) To cause the revision to be published in a number of volumes deemed convenient.
  - (c) To cause the volumes to be bound in looseleaf binders of good, and so far as possible, permanent quality.
2. The pages of Nevada Revised Statutes shall conform in size and printing style to the pages of the Statutes of Nevada, and roman style type only shall be used.
3. The legislative counsel shall classify and arrange the entire body of statute laws in logical order throughout the volumes, the arrangement

**EXHIBIT**

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**NRS 220.120 Annotations and supplements to Nevada Revised Statutes: Publication; numbering of sections; classification, arrangement and revision; resolution of nonsubstantive conflicts between multiple laws.**

1. In preparing the annotations and keeping Nevada Revised Statutes current, the Legislative Counsel is authorized:
    - (a) To adopt such system of numbering as he deems practical.
    - (b) To cause the revision to be published in a number of volumes deemed convenient.
    - (c) To cause the volumes to be bound in loose-leaf binders of good, and so far as possible, permanent quality.
  2. The pages of Nevada Revised Statutes must conform in size and printing style to the pages of the Statutes of Nevada, and roman style type must be used.
  3. The Legislative Counsel shall classify and arrange the entire body of statute laws in logical order throughout the volumes, the arrangement to be such as will enable subjects of a kindred nature to be placed under one general head, with necessary cross references.
  4. Notes of decisions of the Supreme Court, historical references and other material must be printed and arranged in such manner as the Legislative Counsel finds will promote the usefulness thereof.
  5. The Legislative Counsel in keeping Nevada Revised Statutes current shall not alter the sense, meaning or effect of any legislative act, but may renumber sections and parts of sections thereof, change the wording of headnotes, rearrange sections, change reference numbers or words to agree with renumbered chapters or sections, substitute the word "chapter" for "article" and the like, substitute figures for written words and vice versa, change capitalization for the purpose of uniformity, correct inaccurate references to the titles of officers, the names of departments or other agencies of the State, local governments, or the Federal Government, and such other name changes as are necessary to be consistent with the laws of this state and correct manifest clerical or typographical errors.
  6. The Legislative Counsel may create new titles, chapters and sections of Nevada Revised Statutes, or otherwise revise the title, chapter and sectional organization of Nevada Revised Statutes, all as may be required from time to time, to effectuate the orderly and logical arrangement of the statutes. Any new titles, chapters, sections and organizational revisions have the same force and effect as the 58 titles originally enacted and designated as the Nevada Revised Statutes pursuant to chapter 2, Statutes of Nevada 1957.
  7. The Legislative Counsel shall assign NRS numbers to such new permanent and general laws enacted at any legislative session.
  8. The Legislative Counsel shall resolve all nonsubstantive conflicts between multiple laws enacted at any legislative session as if made by a single enactment. If multiple amendments to a single section of NRS are made during a legislative session, such amendments are all effective and must be compiled in a manner that is consistent with the intent of the Legislature as determined by the Legislative Counsel.
  9. The Legislative Counsel shall substitute the name of any agency, officer or instrumentality of the State or of a political subdivision whose name is changed by law or to which powers, duties and responsibilities have been transferred by law, for the name which the agency, officer or instrumentality previously used or which was previously vested with the same powers and charged with the same duties and responsibilities.
- [3:304:1951; A 1953, 388]—(NRS A 1963, 1022; 1965, 1459; 1989, 248; 2003, 327, 2093)

# EXHIBIT

8

- 8.1 NRS 281A.160 (2013)
- 8.2 NRS 281A.160 (2010)

# EXHIBIT

8

Exhibit 8.1

NRS 281A, 160 (2013)

Exhibit 8.1



**Officers appointed by city manager are not "public officers."** Officers appointed by a city manager are not public officers within the meaning of former NRS 281.4365 (cf. NRS 281A.160) because their duties are delegated to them by higher authorities. Such officers, therefore, are not required to file statements of financial disclosure pursuant to NRS 281.561. AGO 96-33 (11-8-1996)

**COMMISSION ON ETHICS OPINIONS.**

**Members of steering committee appointed by redevelopment agency are not public officers.** Where a public officer who is a member of a city council and a redevelopment agency was also a member of a steering committee, which consisted of public officers and private citizens and was created by a special act to assist the redevelopment agency in its endeavor to redevelop the city's downtown gaming and tourism enterprises through a public/private partnership, the Commission on Ethics opined that members of the steering committee were not "public officers" pursuant to former NRS 281.4365 (cf. NRS 281A.160) when acting in the capacity of members of the steering committee because the committee appeared to function in an advisory capacity to the redevelopment agency and the local convention and visitor's authority and a member of a board, commission or other body whose function is advisory is excluded from the definition of "public officer" in former NRS 281.4365 (cf. NRS 281A.160). Abstract, CEO 00-35 (10-19-2000)

**Members of Laughlin Town Advisory Board and its standing committees are not public officers.** For the purposes of NRS ch. 281 (cf. NRS ch. 281A), the Commission on Ethics opined that members of the Laughlin Town Advisory Board, who are appointed by the Clark County Board of Commissioners, and members of the Advisory Board's standing committees, who are interested citizens appointed by the Advisory Board, are not "public officers" because: (1) a member of a board, commission or other body whose function is advisory is excluded from the definition of "public officer" in former NRS 281.4365 (cf. NRS 281A.160); and (2) the Laughlin Town Advisory Board is advisory to the Clark County Board of Commissioners and the standing committees of the Laughlin Town Advisory Board are advisory to that Advisory Board. (See NRS 281.005 and 281.4365.) In re Haldeman, CEO 00-46 (1-4-2001)

**NRS 281A.160 "Public officer" defined. [Effective January 1, 2014.]**

1. "Public officer" means a person who is:
  - (a) Elected or appointed to a position which:
    - (1) Is established by the Constitution of the State of Nevada, a statute of this State or a charter or ordinance of any county, city or other political subdivision; and
    - (2) Involves the exercise of a public power, trust or duty; or
  - (b) Designated as a public officer for the purposes of this chapter pursuant to NRS 281A.182.
2. As used in this section, "the exercise of a public power, trust or duty" means:
  - (a) Actions taken in an official capacity which involve a substantial and material exercise of administrative discretion in the formulation of public policy;
  - (b) The expenditure of public money; and
  - (c) The administration of laws and rules of the State or any county, city or other political subdivision.
3. "Public officer" does not include:
  - (a) Any justice, judge or other officer of the court system;
  - (b) Any member of a board, commission or other body whose function is advisory;
  - (c) Any member of a special district whose official duties do not include the formulation of a budget for the district or the authorization of the expenditure of the district's money; or
  - (d) A county health officer appointed pursuant to NRS 439.290.
4. "Public office" does not include an office held by:

- (a) Any justice, judge or other officer of the court system;
  - (b) Any member of a board, commission or other body whose function is advisory;
  - (c) Any member of a special district whose official duties do not include the formulation of a budget for the district or the authorization of the expenditure of the district's money; or
  - (d) A county health officer appointed pursuant to NRS 439.290.
- (Added to NRS by 1985, 2121; A 1987, 2093; 1999, 883; 2001, 658, 1955, 2288; 2003, 116; 2005, 2302; 2009, 1047; 2013, 3765, effective January 1, 2014)—  
(Substituted in revision for NRS 281.4365)

**NRS 281A.163 "State agency" defined.** "State agency" means any agency, bureau, board, commission, department, division, office or other unit of the Executive Department of the State Government.  
(Added to NRS by 2013, 3764)

**NRS 281A.165 "State Legislator" or "Legislator" defined.** "State Legislator" or "Legislator" means a member of the Senate or Assembly of the State of Nevada.  
(Added to NRS by 2009, 1043)

**NEVADA CASES.**

The term "public officer" in the ethics laws includes State Legislators. Pursuant to NRS 281A.160, the term "public officer" is defined for the purposes of the ethics laws to include persons elected or appointed to a position which is established by the Nevada Constitution and which involves the exercise of a public power, trust or duty. (See also NRS 281.005.) Based on this definition, the term "public officer" in the ethics laws includes State Legislators. (See also NRS ch. 218A, NRS 281A.165 and Nev. Art. 4, §§ 3, 4.) *Comm'n on Ethics v. Hardy*, 125 Nev. 285, 212 P.3d 1098 (2009)

**NRS 281A.170 "Willful violation" defined.** "Willful violation" means a violation where:

1. The public officer or employee:
  - (a) Acted intentionally and knowingly; or
  - (b) Was in a situation where this chapter imposed a duty to act and the public officer or employee intentionally and knowingly failed to act in the manner required by this chapter; and
2. The Commission determines, after applying the factors set forth in NRS 281A.475, that the public officer's or employee's act or failure to act resulted in a sanctionable violation of this chapter.

(Added to NRS by 1999, 2728; A 2009, 1048; 2013, 3766)—(Substituted in revision for NRS 281.4375)

**NRS 281A.180 Terms "public officer" and "public employee" include former public officer or employee; exceptions.** In applying the provisions of this chapter to an alleged violation by a former public officer or employee, the use of the term "public officer" or "public employee" in this chapter must be interpreted to include the former public officer or employee, unless the commencement of proceedings against the former public officer or employee concerning the alleged violation is time-barred by the statute of limitations pursuant to NRS 281A.280.  
(Added to NRS by 2009, 1044)

Exhibit

8.2

NRS 281A.160 (2010)

Exhibit

8.2

knowledge of the prohibition against the act or omission. Knowledge of any particular fact may be inferred from the knowledge of such other facts as should put an ordinarily prudent person upon inquiry.

(Added to NRS by 2009, 1043)

**NRS 281A.120 “Member of the executive branch” defined.** Repealed.  
(See chapter 257, Statutes of Nevada 2009, at page 1074.)

**NRS 281A.125 “Member of a local legislative body” defined.** “Member of a local legislative body” means a member of a board of county commissioners, a governing body of a city or a governing body of any other political subdivision who performs any function that involves introducing, voting upon or otherwise acting upon any matter of a permanent or general character which may reflect public policy and which is not typically restricted to identifiable persons or groups.

(Added to NRS by 2009, 1043)

**NRS 281A.130 “Member of the legislative branch” defined.** Repealed.  
(See chapter 257, Statutes of Nevada 2009, at page 1074.)

**NRS 281A.135 “Opinion” defined.** “Opinion” includes, without limitation, the disposition of a request for an opinion by stipulation, agreed settlement, consent order or default as authorized by NRS 233B.121.

(Added to NRS by 2009, 1043)

**NRS 281A.140 “Panel” defined.** [Replaced in revision by NRS 281A.108.]

**NRS 281A.145 “Political subdivision” defined.** “Political subdivision” means any county, city or other local government as defined in NRS 354.474.

(Added to NRS by 2009, 1043)

**NRS 281A.150 “Public employee” defined.** “Public employee” means any person who performs public duties under the direction and control of a public officer for compensation paid by the State or any county, city or other political subdivision.

(Added to NRS by 1985, 2121; A 2009, 1047)—(Substituted in revision for NRS 281.436)

**NRS 281A.160 “Public officer” defined.**

1. “Public officer” means a person elected or appointed to a position which:

(a) Is established by the Constitution of the State of Nevada, a statute of this State or a charter or ordinance of any county, city or other political subdivision; and

(b) Involves the exercise of a public power, trust or duty. As used in this section, “the exercise of a public power, trust or duty” means:

(1) Actions taken in an official capacity which involve a substantial and material exercise of administrative discretion in the formulation of public policy;

(2) The expenditure of public money; and

(3) The administration of laws and rules of the State or any county, city or other political subdivision.

2. “Public officer” does not include:

(a) Any justice, judge or other officer of the court system;

(b) Any member of a board, commission or other body whose function is advisory;

(c) Any member of a special district whose official duties do not include the formulation of a budget for the district or the authorization of the expenditure of the district's money; or

(d) A county health officer appointed pursuant to NRS 439.290.

3. "Public officer" does not include an office held by:

(a) Any justice, judge or other officer of the court system;

(b) Any member of a board, commission or other body whose function is advisory;

(c) Any member of a special district whose official duties do not include the formulation of a budget for the district or the authorization of the expenditure of the district's money; or

(d) A county health officer appointed pursuant to NRS 439.290.

(Added to NRS by 1985, 2121; A 1987, 2093; 1999, 883; 2001, 658, 1955, 2288; 2003, 116; 2005, 2302; 2009, 1047)—(Substituted in revision for NRS 281.4365)

#### WEST PUBLISHING CO.

Officers and Public Employees ⇐ 1.

WESTLAW Topic No. 283.

C.J.S. Officers and Public Employees §§ 1-9, 12-17, 21.

#### NEVADA CASES.

The term "public officer" in the ethics laws includes State Legislators. Pursuant to NRS 281A.160, the term "public officer" is defined for the purposes of the ethics laws to include persons elected or appointed to a position which is established by the Nevada Constitution and which involves the exercise of a public power, trust or duty. (See also NRS 281.005.) Based on this definition, the term "public officer" in the ethics laws includes State Legislators. (See also NRS ch. 218A, NRS 281A.165 and Nev. Art. 4, §§ 3, 4.) Comm'n on Ethics v. Hardy, 125 Nev. \_\_\_, \_\_\_ P.3d \_\_\_ (2009)—(Adv. Op. No. 27)

#### ATTORNEY GENERAL'S OPINIONS.

**County library trustee required to file statement of financial disclosure.** A county library trustee is a public officer within the meaning of former NRS 281.4365 (cf. NRS 281A.160) and is, therefore, required to file a statement of financial disclosure pursuant to former NRS 281.561 (cf. NRS 281A.610). AGO 86-6 (5-12-1986)

**County engineer is "public officer."** A county engineer is a public officer within the meaning of former NRS 281.4365 (cf. NRS 281A.160). AGO 89-14 (9-26-1989)

**County employee designated by county manager as head of department or staff director is not "public officer."** Because a county employee designated by the county manager as head of a department or staff director serves at the will of the county manager and the board of county commissioners such employee is not a public officer within the meaning of former NRS 281.4365 (cf. NRS 281A.160) and, therefore, is not required to file a statement of financial disclosure pursuant to former NRS 281.561 (cf. NRS 281A.610). AGO 96-15 (5-28-1996), cited, AGO 96-33 (11-8-1996)

**City manager is "public officer."** A city manager is a public officer within the meaning of former NRS 281.4365 (cf. NRS 281A.160) because the office is established by an ordinance of a political subdivision of the State and involves continuous exercise of public power, trust or duty. A city manager, therefore, is required to file a statement of financial disclosure pursuant to former NRS 281.561 (cf. NRS 281A.610). AGO 96-33 (11-8-1996)

**Officers appointed by city manager are not "public officers."** Officers appointed by a city manager are not public officers within the meaning of former NRS 281.4365 (cf. NRS 281A.160) because their duties are delegated to them by higher authorities. Such officers, therefore, are not required to file statements of financial disclosure pursuant to former NRS 281.561 (cf. NRS 281A.610). AGO 96-33 (11-8-1996)

#### COMMISSION ON ETHICS OPINIONS.

**Members of steering committee appointed by redevelopment agency are not public officers.** Where a public officer who is a member of a city council and a redevelopment agency was also a member of a steering committee, which consisted of public officers and private citizens and was created by a special act to assist the redevelopment agency in its endeavor to redevelop the city's downtown gaming and tourism enterprises through a public/private partnership, the Commission on Ethics opined that members of the steering

# EXHIBIT

9

Copy of letter  
sent to  
get Records

# EXHIBIT

9

#007

LOC:

TO: Legislative Counsel Bureau-Constituent Services Unit

10/11/20

401 S. Carson St.

Carson City, Nev 89701-4747

From: Justin Odell Langford, 1159546

LCC, 1200 Prison Rd.

Lovelock, Nev 89419

RE: Request for Copies of older version of statutes from the statute books.

Can you please provide me the older versions of the following statute as it was published in the statute books, my Law Library does not contain the older versions. "No Bills"

1) NRS 201.230 (2005, 1999, 1997, 1995, 1991, 1979, 1983, 1977, 1973, 1967)

I need both versions from 1997

I need all 3 versions from 1997

2) Chap. 2, Statutes of Nevada 1957

Respectfully Requested  
Justin Odell Langford

cc: My file

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10

Copy of letter  
To Get Records  
From Nev. Sup. Ct.

# EXHIBIT

10



To: Nev. Sup. Ct. Law Library  
201 S. Carson St., #100  
Carson City, Nev 89701

10/11/20

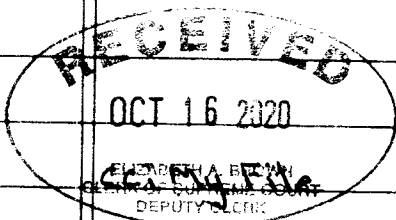
From: Justin Odell Langford, 1159546  
LCC, 1200 Prison Rd.  
Lovelock, Nev 89419

RE: Can You Please Send Me The Following

Can you please send me a copy of the following statutes,  
the way ~~as~~ they were published in the statute books. I don't  
want the bills that created them

- 1) NRS 201.230 (2005, 1999, 1961)
- 2) NRS 220.170 (2003, 1989, 1967, 1957)
- 3) Chap. 2, Statutes of Nevada 1957

Respectfully Requested  
Justin Odell Langford



We will use the following checklist when responding to your request:

- We have attached your letter with the items checked off that we are able to provide. The estimated total cost is \$ \_\_\_\_\_. This includes \_\_\_\_ copies at \$0.10 per page, totaling \$ \_\_\_\_\_, plus \$ \_\_\_\_\_ for postage. Please submit payment by check or money order made payable to the Nevada Supreme Court Library. Mail payment to Supreme Court of Nevada Law Library, 201 S. Carson Street, Suite 100, Carson City, NV 89701.

X Since your request is for a minimal number of pages, I am sending it to you free of charge this time:

- Chapter 2, Statutes of Nevada 1957
  - NRS 201.230 language in effect in 2005, 1999, 1965 (this language was in effect in 1961).
  - NRs 220.170 language in effect in 2003, 1989, 1967, and 1957
- We have received your payment and have attached your letter with the items checked off with the items we were able to provide. This letter will also serve as your receipt for the amount of \$ \_\_\_\_\_.
  - You have asked for too many cases/statutes. Please submit an updated request that falls within the limit of ten cases/statutes (or 100 pages).
  - We are unable to process your request. Please give case name, citation and year when requesting a copy of a case. Please give statute name and cite when asking for a statute.
  - The request exceeds "fair use" provisions in copyright law.
  - Your request is beyond the scope of services we offer.
  - √ Other: \_\_\_\_\_.

We are returning your letter for your records.

*Librarian*

**NOTICE: WARNING CONCERNING COPYRIGHT RESTRICTIONS**

The copyright law of the United States (Title 17, United States Code) governs the making of photocopies or other reproductions of copyrighted material.

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This institution reserves the right to refuse to accept a copying order if, in its judgment, fulfillment of the order would involve violation of copyright law.

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11

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on what  
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11

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TELEPHONE  
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November 19, 2020

Justin Langford - #1159546  
 Lovelock Correctional Center  
 1200 Prison rd.  
 Lovelock, NV 89419

Dear Mr. Langford:

Thank you for your correspondence dated October 11, 2020. This information is provided as a courtesy only and is in no way intended to substitute for the advice of a private attorney.

Although we are unable to conduct research for you, we can provide you with materials, if your request is specific enough. We are unable to send books or supplements – only photocopies of materials from the Law Library’s collection, up to 10 cases/statutes (or 100 pages) per request. Only requests related to criminal law will be answered. We fulfill requests in the order in which they are received. **If your request is urgent, please place it through your institution’s law library.** We usually process requests received via Inmate Banking within 24 hours of receipt. Please do not send multiple requests for the same materials. Do not send cash, stamps or any object of value. After receiving your request, we will notify you of the estimated cost and, when payment is received, we will process your request. The Supreme Court library requires prepayment for photocopies (\$0.10 per page for photocopies) plus postage. Payment should be submitted via check or money order made payable to the Supreme Court Library.

To ensure a prompt response, please follow these guidelines:

1. Write on a full sheet of paper. Include your complete name, address, and DOC number, and sign all requests.
2. **We provide cases and statutes and are unable to give legal advice or provide forms to non-attorneys. Only requests related to criminal law will be answered.**
3. Responses may take up to four weeks to receive. **If your request is urgent, please place it through your institution’s law library.** Requests received via NDOC Inmate Banking are usually processed within 24 hours.
4. Make your requests specific and provide citations.

Examples of specific requests	Examples of vague requests
State v. Smith, 1 P.3d 100 (1988)	Cases on sentencing
NRS 200.280 as it was in 1999	Anything you have on the Fourth Amendment

**EXHIBIT**

12

Senate Bill No.2

**EXHIBIT**

12

# LAWS OF THE STATE OF NEVADA

Passed at the

FORTY-EIGHTH SESSION OF THE LEGISLATURE

1957

Senate Bill No. 1—Senator Johnson

## CHAPTER 1

AN ACT creating a legislative fund.

[Approved January 23, 1957]

*The People of the State of Nevada, represented in Senate and Assembly,  
do enact as follows:*

SECTION 1. For the purpose of paying the salaries, mileage, and the postage and stationery allowances of members of the 1957 Nevada legislature, the salaries of the attachés, and the incidental expenses of the respective houses thereof, and the unpaid expenses incurred by the 1956 special session of the Nevada legislature, the state treasurer is hereby authorized and required to set apart, from any money now in the general fund not otherwise appropriated, the sum of \$150,000, which shall constitute the legislative fund.

SEC. 2. The state controller is hereby authorized and required to draw his warrants on the legislative fund in favor of the members and employees of the senate and assembly for per diem, mileage, stationery allowances, compensation, and incidental expenses of the respective houses, when properly certified in accordance with law, and the state treasurer is hereby authorized and required to pay the same.

SEC. 3. Any unexpended portion of the legislative fund shall revert to the general fund on December 31, 1959.

SEC. 4. This act shall become effective upon passage and approval.

Senate Bill No. 2—Committee on Judiciary

## CHAPTER 2

AN ACT to revise the laws and statutes of the State of Nevada of a general or public nature; to adopt and enact such revised laws and statutes, to be known as the Nevada Revised Statutes, as the law of the State of Nevada; to repeal all prior laws and statutes of a general, public and permanent nature; providing penalties; and other matters relating thereto.

[Approved January 25, 1957]

*The People of the State of Nevada, represented in Senate and Assembly,  
do enact as follows:*

SECTION 1. Enactment of Nevada Revised Statutes. The Nevada Revised Statutes, being the statute laws set forth after section 9 of this act, are hereby adopted and enacted as law of the State of Nevada.

SEC. 2. Designation and Citation. The Nevada Revised Statutes adopted and enacted into law by this act, and as hereafter amended and supplemented and printed and published pursuant to law, shall be known as Nevada Revised Statutes and may be cited as "NRS" followed by the number of the Title, chapter or section, as appropriate.

SEC. 3. Repeal of Prior Laws. Except as provided in section 5 of this act and unless expressly continued by specific provisions of Nevada Revised Statutes, all laws and statutes of the State of Nevada of a general, public and permanent nature enacted prior to January 21, 1957, hereby are repealed.

SEC. 4. Construction of Act.

1. The Nevada Revised Statutes, as enacted by this act, are intended to speak for themselves; and all sections of the Nevada Revised Statutes as so enacted shall be considered to speak as of the same date, except that in cases of conflict between two or more sections or of any ambiguity in a section, reference may be had to the acts from which the sections are derived, for the purpose of applying the rules of construction relating to repeal or amendment by implication or for the purpose of resolving the ambiguity.

2. The provisions of Nevada Revised Statutes as enacted by this act shall be considered as substituted in a continuing way for the provisions of the prior laws and statutes repealed by section 3 of this act.

3. The incorporation of initiated and referred measures is not to be deemed a legislative reenactment or amendment thereof, but only a mechanical inclusion thereof into the Nevada Revised Statutes.

4. The various analyses set out in Nevada Revised Statutes, constituting enumerations or lists of the Titles, chapters and sections of Nevada Revised Statutes, and the descriptive headings or catchlines immediately preceding or within the texts of individual sections, except the section numbers included in the headings or catchlines immediately preceding the texts of such sections, do not constitute part of the law. All derivation and other notes set out in Nevada Revised Statutes are given for the purpose of convenient reference, and do not constitute part of the law.

5. Whenever any reference is made to any portion of Nevada Revised Statutes or of any other law of this state or of the United States, such reference shall apply to all amendments and additions thereto now or hereafter made.

SEC. 5. Effect of Enactment of NRS and Repealing Clause.

1. The adoption and enactment of Nevada Revised Statutes shall not be construed to repeal or in any way affect or modify:

- (a) Any special, local or temporary laws.
- (b) Any law making an appropriation.
- (c) Any law affecting any bond issue or by which any bond issue may have been authorized.
- (d) The running of the statutes of limitations in force at the time this act becomes effective.
- (e) The continued existence and operation of any department, agency or office heretofore legally established or held.
- (f) Any bond of any public officer.

(g) Any taxes, fees, assessments or other charges incurred or imposed.

(h) Any statutes authorizing, ratifying, confirming, approving or accepting any compact or contract with any other state or with the United States or any agency or instrumentality thereof.

2. All laws, rights and obligations set forth in subsection 1 of this section shall continue and exist in all respects as if Nevada Revised Statutes had not been adopted and enacted.

3. The repeal of prior laws and statutes provided in section 3 of this act shall not affect any act done, or any cause of action accrued or established, nor any plea, defense, bar or matter subsisting before the time when such repeal shall take effect; but the proceedings in every case shall conform with the provisions of Nevada Revised Statutes.

4. All the provisions of laws and statutes repealed by section 3 of this act shall be deemed to have remained in force from the time when they began to take effect, so far as they may apply to any department, agency, office, or trust, or any transaction, or event, or any limitation, or any right, or obligation, or the construction of any contract already affected by such laws, notwithstanding the repeal of such provisions.

5. No fine, forfeiture or penalty incurred under laws or statutes existing prior to the time Nevada Revised Statutes take effect shall be affected by repeal of such existing laws or statutes, but the recovery of such fines and forfeitures and the enforcement of such penalties shall be effected as if the law or statute repealed had still remained in effect.

6. When an offense is committed prior to the time Nevada Revised Statutes take effect, the offender shall be punished under the law or statute in effect when the offense was committed.

7. No law or statute which heretofore has been repealed shall be revived by the repeal provided in section 3 of this act.

8. The repeal by section 3 of this act of a law or statute validating previous acts, contracts or transactions shall not affect the validity of such acts, contracts or transactions, but the same shall remain as valid as if there had been no such repeal.

9. If any provision of the Nevada Revised Statutes as enacted by this act, derived from an act that amended or repealed a preexisting statute, is held unconstitutional, the provisions of section 3 of this act shall not prevent the preexisting statute from being law if that appears to have been the intent of the legislature or the people.

SEC. 6. Severability of Provisions. If any provision of the Nevada Revised Statutes or amendments thereto, or the application thereof to any person, thing or circumstance is held invalid, such invalidity shall not affect the provisions or application of the Nevada Revised Statutes or such amendments that can be given effect without the invalid provision or application, and to this end the provisions of Nevada Revised Statutes and such amendments are declared to be severable.

SEC. 7. Effective Date. This act, and each and all of the laws and



statutes herein contained and hereby enacted as the Nevada Revised Statutes, shall take effect upon passage and approval.

SEC. 8. Omission From Session Laws. The provisions of NRS 1.010 to 710.590, inclusive, appearing following section 9 of this act shall not be printed or included in the Statutes of Nevada as provided by NRS 218.500 and NRS 218.510; but there shall be inserted immediately following section 9 of this act the words: "(Here followed NRS 1.010 to 710.590, inclusive.)"

SEC. 9. Content of Nevada Revised Statutes. The following laws and statutes attached hereto, consisting of NRS sections 1.010 to 710.590, inclusive, constitute the Nevada Revised Statutes:

(Here followed NRS 1.010 to 710.590, inclusive.)

Senate Bill No. 3—Committee on Judiciary

### CHAPTER 3

AN ACT to amend NRS section 218.310 relating to drafting of bills, and to amend NRS sections 220.100, 220.130, 220.160 and 220.170 relating to the duties of the statute revision commission.

[Approved January 25, 1957]

*The People of the State of Nevada, represented in Senate and Assembly,  
do enact as follows:*

SECTION 1. NRS 218.310 is hereby amended to read as follows:

218.310 1. Bills to amend existing general statutes *and all bills to enact new statutes of a general, public and permanent nature shall be deemed amendments to NRS and shall contain reference to [sections of] NRS. [in the body of the bill rather than in the title.]*

2. New matter shall be indicated by underscoring in the typewritten copy and italics in the printed copy [.] *except in bills to add new chapters or Titles to NRS and which do not amend existing sections of NRS.*

3. Matter to be omitted shall be indicated by brackets in the typewritten copy and brackets or strike-out type in the printed copy.

4. In the drafting and printing of bills all matter appearing as omitted and bracketed in previously enacted and printed statutes shall be omitted entirely.

SEC. 2. NRS 220.100 is hereby amended to read as follows:

220.100 1. As soon as practicable after May 1, 1951, the commission shall commence the preparation of a complete revision and compilation of the laws of the State of Nevada of general application, and a compilation of the constitution of the State of Nevada, together with brief annotations to sections thereof.

2. The revision when completed shall be known as Nevada Revised Statutes [ , ----- ], and the year of first publication shall be filled in in the blank space of the title. For brevity the title may be cited as NRS [ ----- ] *and may be cited as NRS followed by the number of the Title, chapter or section, as appropriate.*

**EXHIBIT** 13

Gary Walters  
Facebook Post

**EXHIBIT** 13

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**Gary Walters**  
September 4, 2016 ·

Sent: Sun, Sep 4, 2016 1:40 pm  
Subject: Fwd: Biggest legal find in NE  
CLUELESS UNLAWFUL AND UNCONSTITUTIONAL  
FAILED NRS STATUTES

FROM: GARY W. WALTERS

RE: "THE BIGGEST LEGAL FIND IN

I am finally got released, my offenses and pre -2007, I have 8.5 years of flat 6.5 years of stat time , 58 percent of 2 sentence is 11.6 years, I am owed gat forced by NDOC / Warden Williams to go to a parole hearing even though I fought it in court, Judge Linda Bell automatically denied my writ forcing me to go to the Supreme Court, and being placed on an illegal and unlawful Parole,

All Parole is in Nevada is just a bed move, and a person can be violated for just doing nothing, only to have a police officer call you over and question you , then find out your on parole and brings you into jail, and you are violated for what they call an altercation with Metro Police, most shameful designed failures...

I was sent to prison deprived of a fair and impartial hearing by Judge Michael P. Vallani, whom should resign and for crimes of real estate forgeries and filings of false instruments with the Clark County Recorders office by which I have never been to the Recorders office and could not even tell anyone on how to get there...

After the filings of my Ex- Parte Memorandums etc, The Nevada Supreme Court on July 15th, 2011, Reversed and Remanded my case back to District Court and a New Judge Douglas Herndon was appointed and a Court order for appointment of counsel and evidentiary hearing by the Nevada Supreme Court was made, only after Judge Herndon's denial of my Writ of Habeas Corpus, and I had the filed a notice of Appeal..

Judge Micheal P. Vallani was sued by me in federal Court and an Ethics Violation Complaint caused this Judge to recuse himself from the conflict generated against him, this is how Judge Douglas Herndon received the case c-217569 DC 3...

On Feb 9th, 2016, I finally had an evidentiary hearing, after being on a reversal and remand from the Nevada Supreme Court on July 15th, 2011, it took over 5 years for my hearing, finally it was ruled ineffective counsel and other issues.

I raised the unlawful and unconstitutional issues in the Writ of Habeas Corpus on the NRS STATUTES, and Judge Herndon did all he could to not allow it in to expand the record.

The Judicial Branch of Nevada Government will never ever allow any filer to expand the record, it would mean the release of thousands and thousands of unlawfully and unconstitutionally withheld pioneers.

Under Gidden vs. Wainwright , Clearance Gidden an illiterate frail and humble man that was incarcerated in a Florida prison was able to free or get new trials for 4,300 inmates in Florida Prisons, and as a result of his work taught to him by his cell mate a lawyer doing life, the result of Gidden's work and research he single handedly changed the Judicial system in Florida.

I plan to free up or get new trials for 8,000 inmates in Nevada none violent and others evaluated as none threats to public safety.

Through the pursuit of my actual innocence I have discovered years of gathered research the "irrefutable evidence" and "factual proof" that the NRS STATUTES failed from their "Creation and Inception" and are illegal, unlawful, unconstitutional, invalid and "void ab initio"....

SEPTEMBER 5th, 2016, <gwwgreat@aol.com> wrote

OJ Simpson is clueless that he is unlawfully and unconstitutionally imprisoned in Nevada by Failed NRS Statute laws that were hidden by decades of stealth fraud

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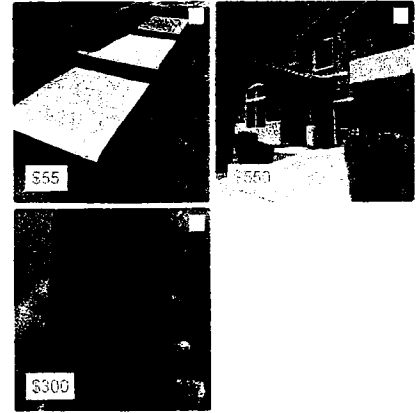
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Roger

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with the irrefutable evidence and factual proof , of documents, shepherized case laws, AGO opinion 85, and 9th Cir. Court of Appeals Justices Opinions , a law historian book author Charles Weisman , "The Authority of Law, exposes Nevada and many officials from the decades past to the present day Governor Sandoval, former Attorney General, Cathleen Cortez Masto, Senator Harry Reed and others to being tyrants of Tyranny , Usurpation, perjury of their own oaths of office , including the Clark County District Attorney Steve Wolfson, former judge Jackie Glass, many Eighth District court judges , like Judge Kathleen Delaney , Judge Micheal P Vallani has committed perjury of their oath and swear , signed by these officials under their signatures of pains of penalties , a class C Felony and a 5,000.00 dollar fine for such breach , and Now those mentioned herein could even face up to 4 years in jail for such known and proven violations that is documented and can now be disclosed to this media ,

There are literally thousands of foreigners , blacks, Mexican Americans , Russian , Asian, Islanders etc, and including OJ Simpson, being held against their will , unlawfully and unconstitutionally , by the NRS Statutes , that was illegal, unlawful, invalid and void from the creation and inception of those Nevada Revised Statutes ranging from 1.010 to 7.510 all these statutes including those that fall within the 1 to 7 range all fail to be the laws of Nevada,

This was done in May of 1951, and continued on until January 1957.....

The citizens of the state of Nevada are clueless that , there exists a fourth level of government , that has absolutely no relationship directly with any connection to any of the three branches of state government , it is the so called LCB , legislative Counsel Bureau illegally established on July 1st, 1963 , and the Statute Revision Commission was abolished and all legislative power and authority was transferred illegally to the Lawyer Russell W McDonald of whom also got himself not only to be the Director of the Statute Revision Commission but also continued to wear multiple hats and became the legislative Counsel, taking all the power and authority away from the pretenders of being state senators and legislators ,,,

This was also done by three corrupted Justices of the Nevada Supreme Court, Justice Milton B Badt ,Justice Edgar Eather, and Justice Charles Merrill, had disregarded the Nev.Const. Art. 3, section 1 separation of powers , and Nev. Const. Art6 , section 11 , that no justice shall perform "ANY Function " other than that appertaining to their own elected judicial office,

These three Justices had absolutely no right to even performing any Quasai Function, it violated their oath of office, and the Paramount laws of State Of Nevada i.e. Nevada State Constitution,

The Joint Concurrent Resolution no. 1 and no.2 used to repeal all the Statutes of Nevada and create the NRS Statute Laws, as well as commingle such Joint Concurrent Resolution with memorials and congratulations , and also used in conjunction with a COPY of an Engrossed Bill, dubbed Senate Bill No. 2. Was used to create from it's inception "The Nevada Revised Statutes"

The Joint Concurrent Resolution violates the Nev. Const. Art 4, section 17 and section 23' section 17, deals with the Single Subject rule, the Resolution has multiple commingled subject matters etc,

The violation of section 23, totally voids the Joint Concurrent Resolution No.1 and No. 2 by not containing the enactment language upon it's face as follows

" We the people in the state of Nevada , in Senate and assembly do hereby enact as follows"

Nothing can even be considered laws if it does not contain such enactment language upon it's face,

The Joint Concurrent Resolution does not contain such language and thus constitutionally fails,

The Joint Concurrent Resolution also fails to comply with Joint house rule No. 7, and by which a Joint Concurrent Resolution can be used.

The Joint Concurrent Resolution No1 and No. 2 fails to comply with Chapter 385, section 2, on page 733, and section 4 on page 734, the Resolution does not conform to the Statute laws of Nevada , in identifying the Copy of the engrossed bill SB No.2 as original, duplicate , or triplicate etc, same for

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three branches of state government have all operated on the "PRESUMPTION" of law, that the NRS Statutes were lawfully and Constitutionally created and were the valid laws of the of of Nevada, this is simply not true.

The PRESUMPTION of law is now displacement with the "KNOWLEDGE " of law, and that for all the reasons disclosed herein, that ,when you now have the irrefutable evidence and factual proof, when laws fail and are unlawful, unconstitutional, invalid, the courts Lack Subject Matter to proceed to try the case,

This means persons like OJ Simpson crimes vanished, and the Court, judge Jackie Glass and former DA David Roger , and DA Steve Wolfson and Judge Linda Marie Bell had absolutely no legal lawful and constitutional rights to pursue or prosecute or try the case of OJ Simpson and 12, 875 other incarcerated persons in Nevada,

Those that ore held on death row all 82 of them now are held there, illegally, unlawfully and unconstitutionally.

There has been 12 persons that have been put to death since the reinstatement of the Nevada Death penalty , Now this so called great governor Sandoval , has approved the revamping of the death chamber, and no doubt plans to use it soon,

The Governor, and other top officials are all aware of this, and it now makes them accessories to the not only decades of stealth fraud , and the ongoing long arm fraud, for what these very corrupted politicians did in 1951,1957,1963, 1972, by Harry Reed as well when he was the president of the State Senate is most shameful and they are very liable for such unlawful and multiple unconstitutional acts they have done against the ignorant and less fortunate society , and the undesirables , uneducated and mental illness, and drug addicts, all by which Harry Reid, Cathleen Cortez Masto, Governor Brian Sandoval, Attorney General Adam Laxalt, NDOC officials, and Wardens and by their authority, everyone involved in the false imprisonment , unlawfully imprisonment, restraint of the incarcerated Liberty interests, and are being held now against their will , these officials needs to be prosecuted for their own attempts to disobey and in their participation in destroying the Nevada Constitution , and crimes against humanity and human rights violations.

"No WHERE" can any of these corrupted politicians and or officials, administrators can refute the facts and evidence now obtained,

For any of their false hoods now such as these state judges to dismiss any filers Petition for Writ of Habeas Corpus, or Writ for extra ordinary Relief and demand for their immediate release , not only violates the Nevada State Constitution , but it breaches the oath and swear upon gods oath, they took In order to take their oath of offices and seated upon the bench in their respective courts they represent.

Anything short of not granting relief sought filed by an incarcerated person in Nevada, prisons or jails, those officials opposing or covering up the facts and truth, have therefore engaged in Treason, Tyranny, Usurpation, and perjury of their oath of office, and has further engaged as tyrants and ministers of their own injustices and are liable to have True Bills issued against them , they would have no right to seek or claim absolute immunity.

I affirm under penalties of perjury of law that , this is the truth, and the information provided herein is truthful and factual, that the NRS Laws fail to be Nevada laws of the State of Nevada,

This I affirm this 5th day of September , 2016

By; GARY W WALTERS gwwgreat@aol.com

I CAN BE REACHED FOR IMMEDIATE INTERVIEWS AT 702-955-2058 / Las Vegas NV,

3

1 Comment 7 Shares

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Jeremy Chedda Bob Brucklacher Dam u are a genius we need to talk again Gary

Chat (82)

**EXHIBIT 14**

Gary Walters  
YouTube Videos  
on Counts 1-3

**EXHIBIT 14**

LCC #001

- <https://www.youtube.com/watch?v=Buj0O24klnU&t=724s> Part One
- <https://www.youtube.com/watch?v=36NE-eGCHlo> Part Two
- <https://www.youtube.com/watch?v=n56oc5wH2yo&t=359s> Part Three
- [https://www.youtube.com/watch?v=YSn\\_pAbC1Dw&t=1s](https://www.youtube.com/watch?v=YSn_pAbC1Dw&t=1s) Part Four

# EXHIBIT 15

S.B. 182 (1951)

Showing Legislature  
Exercising Authority  
They don't Have

i.e. giving Legislative Authority  
Away to someone who  
can't Exercise those duties'

# EXHIBIT 15



Senate Bill No. 182—Committee on Finance

CHAPTER 304

AN ACT establishing a permanent commission for the revision, compilation, annotation, and publishing of the laws of the State of Nevada and certain laws of the United States; prescribing certain duties of a temporary nature; prescribing certain duties of a permanent nature; making an appropriation therefor, and other matters properly connected therewith.

[Approved March 22, 1951]

*The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:*

SECTION 1. There is hereby created a commission of the State of Nevada, to be known as the "commission for revision and compilation of Nevada laws," hereinafter referred to as the commission. Such commission shall be composed of three members, and said members shall be the three justices of the supreme court. The members of such commission shall have the powers and duties prescribed by this act, and shall each receive such salary for their services as shall be prescribed by this act, and subsequent enactments.

SEC. 2. As soon as practicable after the effective date hereof the commission shall commence the preparation of a complete revision and compilation of the constitution and the laws of the State of Nevada of general application, together with brief annotations and marginal notes to sections thereof. Such compilation when completed shall be known as "Revised Laws of Nevada,.....," and the year of first publication shall be filled in the blank space of such title, for brevity such title may be cited as "Rev. Laws....."

SEC. 3. In preparing such compilation the commission is hereby authorized to adopt such system of numbering as it deems practical, to cause said compilation to be published in such number of volumes, but such volumes shall not exceed 750 pages, as shall be deemed convenient, and to cause such volumes to be bound in loose-leaf binders of good, and so far as possible, permanent quality. The pages of such compilation shall conform in size and printing style to the pages of the Statutes of Nevada, except that if necessary for marginal notes, the same may be of greater width, and roman style type only, shall

**EXHIBIT** 16

**EXHIBIT** 16

LCC #001

JUSTICE COURT, SEARCHLIGHT TOWNSHIP  
CLARK COUNTY, NEVADA

1  
2  
3 THE STATE OF NEVADA,

4 Plaintiff,

CASE NO: 14FS0001X

5 -vs-

6 JUSTIN ODELL LANGFORD #2748452,

7 Defendant.

CRIMINAL COMPLAINT

8  
9 The Defendant above named having committed the crimes of SEXUAL ASSAULT  
10 WITH A MINOR UNDER FOURTEEN YEARS OF AGE (Category A Felony - NRS  
11 200.364, 200.366) and LEWDNESS WITH A CHILD UNDER THE AGE OF 14 (Category  
12 A Felony - NRS 201.230), in the manner following, to-wit: That the said Defendant, on or  
13 between June 22, 2007 and January 21, 2014, at and within the County of Clark, State of  
14 Nevada,

15 COUNT 1 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14

16 did on or between June 22, 2007 and June 21, 2010 then and there wilfully, lewdly,  
17 unlawfully, and feloniously commit a lewd or lascivious act upon or with the body, or any  
18 part or member thereof, a child, to-wit: HH, said child being under the age of fourteen years,  
19 by touching and/or rubbing and/or fondling the said HH'S genital area with his hand, with  
20 the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of said  
21 Defendant, or said child.

22 COUNT 2 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14

23 did on or between June 22, 2007 and January 21, 2014 then and there wilfully,  
24 lewdly, unlawfully, and feloniously commit a lewd or lascivious act upon or with the body,  
25 or any part or member thereof, a child, to-wit: HH, said child being under the age of  
26 fourteen years, by rubbing and/or placing ejaculate on the said HH'S face, with the intent of  
27 arousing, appealing to, or gratifying the lust, passions, or sexual desires of said Defendant, or  
28 said child.

1 **COUNT 3 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF**  
2 **AGE**

3 did on or between June 22, 2007 and January 21, 2014 then and there wilfully,  
4 unlawfully, and feloniously sexually assault and subject HH, a female child under fourteen  
5 years of age, to sexual penetration, to-wit: anal intercourse, by placing his penis into the  
6 anal opening of the said HH, against her will, or under conditions in which Defendant knew,  
7 or should have known, that the said HH was mentally or physically incapable of resisting or  
8 understanding the nature of Defendant's conduct.

9 **COUNT 4 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF**  
10 **AGE**

11 did on or between June 22, 2007 and January 21, 2014 then and there wilfully,  
12 unlawfully, and feloniously sexually assault and subject HH, a female child under fourteen  
13 years of age, to sexual penetration, to-wit: anal intercourse, by placing his penis into the  
14 anal opening of the said HH, against her will, or under conditions in which Defendant knew,  
15 or should have known, that the said HH was mentally or physically incapable of resisting or  
16 understanding the nature of Defendant's conduct.

17 **COUNT 5 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF**  
18 **AGE**

19 did on or between June 22, 2008 and June 21, 2010 then and there wilfully,  
20 unlawfully, and feloniously sexually assault and subject HH, a female child under fourteen  
21 years of age, to sexual penetration, to-wit: fellatio, by placing his penis on or in the mouth  
22 of the said HH, against her will, or under conditions in which Defendant knew, or should  
23 have known, that the said HH was mentally or physically incapable of resisting or  
24 understanding the nature of Defendant's conduct.

25 **COUNT 6 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF**  
26 **AGE**

27 did on or between June 22, 2008 and June 21, 2010 then and there wilfully,  
28 unlawfully, and feloniously sexually assault and subject HH, a female child under fourteen

1 years of age, to sexual penetration, to-wit: fellatio, by placing his penis on or in the mouth  
 2 of the said HH, against her will, or under conditions in which Defendant knew, or should  
 3 have known, that the said HH was mentally or physically incapable of resisting or  
 4 understanding the nature of Defendant's conduct.

5 COUNT 7 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14

6 did on or between June 22, 2008 and June 21, 2010 then and there wilfully, lewdly,  
 7 unlawfully, and feloniously commit a lewd or lascivious act upon or with the body, or any  
 8 part or member thereof, a child, to-wit: HH, said child being under the age of fourteen years,  
 9 by touching and/or rubbing and/or fondling the said HH'S genitals with his penis, with the  
 10 intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of said  
 11 Defendant, or said child.

12 COUNT 8 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14

13 did on or between January 1, 2014 and January 21, 2014 then and there wilfully,  
 14 lewdly, unlawfully, and feloniously commit a lewd or lascivious act upon or with the body,  
 15 or any part or member thereof, a child, to-wit: HH, said child being under the age of  
 16 fourteen years, by touching and/or rubbing and/or fondling the said HH'S genital area with  
 17 his penis, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual  
 18 desires of said Defendant, or said child.

19 COUNT 9 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14

20 did on or between January 1, 2014 and January 21, 2014 then and there wilfully,  
 21 lewdly, unlawfully, and feloniously commit a lewd or lascivious act upon or with the body,  
 22 or any part or member thereof, a child, to-wit: HH, said child being under the age of  
 23 fourteen years, by touching and/or rubbing and/or fondling the said HH's genital area with  
 24 his penis, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual  
 25 desires of said Defendant, or said child.

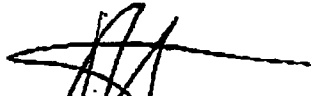
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All of which is contrary to the form, force and effect of Statutes in such cases made and provided and against the peace and dignity of the State of Nevada. Said Complainant makes this declaration subject to the penalty of perjury.

  
1/22/2014

14FS0001X/md  
LVMPD EV# 1401211194  
(TK3)

**EXHIBIT**

17

**EXHIBIT**

17

LCC #001

**JUSTICE COURT, BOULDER CITY TOWNSHIP  
CLARK COUNTY, NEVADA  
DOCKET SHEET...CRIMINAL**

CASE # 14CRB000013-0000 14FS00001X  
 State LANGFORD, JUSTIN ODELL 2748452 (SCOPE)

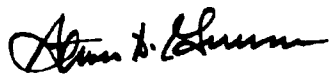
DATE, JUDGE, OFFICERS OF COURT PRESENT	PROCEEDINGS APPEARANCES - HEARING	EVENTS
<p>March 11, 2014                      V. MILLER, JP                      P. THUNELL, DDA                      A. LOBO, DPD                      N. SPILKER, CLK                      J. DAVID, CR</p>	<p>TIME SET FOR P/H                      DEFT PRESENT IN COURT IN CUSTODY                      MOTION BY STATE TO EXCLUDE WITNESSES                      MOTION GRANTED                      STATE CALLS WITNESS#1 [REDACTED]                      [REDACTED] WITNESS ID'S DEFT                      STATE RESTS                      MAGISTRATE ADVISES DEFT TO HIS RIGHT TO                      MAKE SWORN OR UNSWORN STATEMENT,                      WAIVE MAKING STATMENT AND OR HIS RIGHT TO                      CALL WITNESSES                      DEFT WAIVES RIGHT TO MAKE STATMENT AND                      CALL WITNESSES                      DEFENSE RESTS                      STATE SUBMIT'S WITHOUT ARGUMENT                      STATE MAKE MOTION TO AMEND COMPLAINT TO                      REFLECT THE FOLLOWING:                      CT 4 IS STRIKED FROM COMPLAINT                      CT 5 &amp; 6 TO AMEND DATES TO REFLECT JUNE 21,                      2010 TO JUNE 21, 2013;                      CT 7 TO REFLECT DATES OF JUNE 22, 2008 TO                      JUNE 21, 2013;                      CT 8 TO REFLECT DATES OF JUNE 22, 2013 TO                      JANUARY 21, 2014;                      CT 9 TO BE AMENDED TO THE CHARGE OF CHILD                      ABUSE AND NEGLECT                      CT 10 TO BE ADDED TO COMPLAINT WITH                      CHARGE OF CHILD ABUSE AND NEGLECT                      CT 11 AND 12 TO BE ADDED TO THE COMPLAINT                      LEWDNESS WITH MINOR                      TO REFLECT DATES OF JUNE 22, 2008 TO                      JANUARY 21, 2014;                      CT 13 TO BE ADDED TO COMPLAINT CHARGE OF                      LEWDNESS WITH MINOR                      DATE OF JANUARY 21, 2014 TO BE REFLECT;                      ARGUMENT BY PUBLIC DEFENDER AGAINST                      ADDED CHARGES                      JUDGE MILLER GRANTES MOTION TO AMEND THE                      COMPLAINT                      DEFT IS BOUND OVER TO DISTRICT COURT AS                      CHARGED                      DEFT TO APPEAR IN THE EIGHTH JUDICAL                      DISTRICT COURT                      APPERANCE DATE SET                      DEFT REMANDED TO THE CUSTODY OF THE                      SHERIFF</p>	<p>DISTRICT COURT                      ARRAIGNMENT BOC                      Date: March 27, 2014                      Time: 1:00 pm                      Location: DISTRICT COURT                      DEPARTMENT 1</p>



**EXHIBIT** 18

**EXHIBIT** 18

LCC #001

  
CLERK OF THE COURT

1 **INFM**  
2 **STEVEN B. WOLFSON**  
3 **Clark County District Attorney**  
4 **Nevada Bar #001565**  
5 **PETER THUNELL**  
6 **Chief Deputy District Attorney**  
7 **Nevada Bar #10779**  
8 **200 Lewis Avenue**  
9 **Las Vegas, Nevada 89155-2212**  
10 **(702) 671-2500**  
11 **Attorney for Plaintiff**

DISTRICT COURT  
CLARK COUNTY, NEVADA

7 I.A. 3/27/14  
8 1:00 PM  
9 PD

9 THE STATE OF NEVADA,  
10 Plaintiff,  
11 -vs-  
12 JUSTIN ODELL LANGFORD,  
13 #2748452  
14 Defendant.

CASE NO: C-14-296556-1  
DEPT NO: I

INFORMATION

15 STATE OF NEVADA }  
16 COUNTY OF CLARK } ss.

17 STEVEN B. WOLFSON, District Attorney within and for the County of Clark, State  
18 of Nevada, in the name and by the authority of the State of Nevada, informs the Court:

19 That JUSTIN ODELL LANGFORD, the Defendant(s) above named, having committed  
20 the crimes of **SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF**  
21 **AGE (Category A Felony - NRS 200.364, 200.366); LEWDNESS WITH A CHILD**  
22 **UNDER THE AGE OF 14 (Category A Felony - NRS 201.230) and CHILD ABUSE,**  
23 **NEGLECT, OR ENDANGERMENT (Category B Felony - NRS 200.508(1) - 55226),** on  
24 or between June 22, 2007 and January 21, 2014, within the County of Clark, State of Nevada,  
25 contrary to the form, force and effect of statutes in such cases made and provided, and against  
26 the peace and dignity of the State of Nevada,

27 ///  
28 ///

1 COUNT 1 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14

2 did on or between June 22, 2007 and June 21, 2010 then and there wilfully, lewdly,  
3 unlawfully, and feloniously commit a lewd or lascivious act upon or with the body, or any part  
4 or member thereof, a child, to-wit: HH, said child being under the age of fourteen years, by  
5 touching and/or rubbing and/or fondling the said HH'S genital area with his hand, with the  
6 intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of said  
7 Defendant, or said child.

8 COUNT 2 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14

9 did on or between June 22, 2007 and January 21, 2014 then and there wilfully, lewdly,  
10 unlawfully, and feloniously commit a lewd or lascivious act upon or with the body, or any part  
11 or member thereof, a child, to-wit: HH, said child being under the age of fourteen years, by  
12 rubbing and/or placing ejaculate on the said HH'S face, with the intent of arousing, appealing  
13 to, or gratifying the lust, passions, or sexual desires of said Defendant, or said child.

14 COUNT 3 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE

15 did on or between June 22, 2007 and January 21, 2014 then and there wilfully,  
16 unlawfully, and feloniously sexually assault and subject HH, a female child under fourteen  
17 years of age, to sexual penetration, to-wit: anal intercourse, by placing his penis into the anal  
18 opening of the said HH, against her will, or under conditions in which Defendant knew, or  
19 should have known, that the said HH was mentally or physically incapable of resisting or  
20 understanding the nature of Defendant's conduct.

21 COUNT 4 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE

22 did on or between June 22, 2008 and June 21, 2013 then and there wilfully, unlawfully,  
23 and feloniously sexually assault and subject HH, a female child under fourteen years of age,  
24 to sexual penetration, to-wit: fellatio, by placing his penis on or in the mouth of the said HH,  
25 against her will, or under conditions in which Defendant knew, or should have known, that the  
26 said HH was mentally or physically incapable of resisting or understanding the nature of  
27 Defendant's conduct.

28 ///

1 COUNT 5 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE

2 did on or between June 22, 2008 and June 21, 2013 then and there wilfully, unlawfully,  
3 and feloniously sexually assault and subject HH, a female child under fourteen years of age,  
4 to sexual penetration, to-wit: fellatio, by placing his penis on or in the mouth of the said HH,  
5 against her will, or under conditions in which Defendant knew, or should have known, that the  
6 said HH was mentally or physically incapable of resisting or understanding the nature of  
7 Defendant's conduct.

8 COUNT 6 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14

9 did on or between June 22, 2008 and June 21, 2013 then and there wilfully, lewdly,  
10 unlawfully, and feloniously commit a lewd or lascivious act upon or with the body, or any part  
11 or member thereof, a child, to-wit: HH, said child being under the age of fourteen years, by  
12 touching and/or rubbing and/or fondling the said HH'S genitals with his penis, with the intent  
13 of arousing, appealing to, or gratifying the lust, passions, or sexual desires of said Defendant,  
14 or said child.

15 COUNT 7 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14

16 did on or between June 22, 2013 and January 21, 2014 then and there wilfully, lewdly,  
17 unlawfully, and feloniously commit a lewd or lascivious act upon or with the body, or any part  
18 or member thereof, a child, to-wit: HH, said child being under the age of fourteen years, by  
19 touching and/or rubbing and/or fondling the said HH'S genital area with his penis, with the  
20 intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of said  
21 Defendant, or said child.

22 COUNT 8 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14

23 did on or between January 1, 2014 and January 21, 2014 then and there wilfully,  
24 lewdly, unlawfully, and feloniously commit a lewd or lascivious act upon or with the body, or  
25 any part or member thereof, a child, to-wit: HH, said child being under the age of fourteen  
26 years, by touching and/or rubbing and/or fondling the said HH's genital area with his penis,  
27 with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of  
28 said Defendant, or said child.

1 COUNT 9 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT

2 did on or between June 22, 2007 and January 21, 2014 wilfully, unlawfully, and  
3 feloniously cause a child under the age of 18 years, to-wit: HH, being approximately 6-12  
4 year(s) of age, to suffer unjustifiable physical pain or mental suffering as a result of abuse or  
5 neglect, and/or cause the said HH to be placed in a situation where she might have suffered  
6 unjustifiable physical pain or mental suffering as a result of abuse or neglect, by placing his  
7 penis into the anal opening of the said HH.

8 COUNT 10 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14

9 did on or between June 22, 2007 and June 21, 2010 then and there wilfully, lewdly,  
10 unlawfully, and feloniously commit a lewd or lascivious act upon or with the body, or any part  
11 or member thereof, a child, to-wit: HH, said child being under the age of fourteen years, by  
12 touching and/or rubbing and/or fondling the said HH'S genital area with his hand, with the  
13 intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of said  
14 Defendant, or said child.

15 COUNT 11 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14

16 did on or between June 22, 2007 and January 21, 2014 then and there wilfully, lewdly,  
17 unlawfully, and feloniously commit a lewd or lascivious act upon or with the body, or any part  
18 or member thereof, a child, to-wit: HH, said child being under the age of fourteen years, by  
19 touching and/or licking and/or kissing the breast(s) of the said HH's, with the intent of  
20 arousing, appealing to, or gratifying the lust, passions, or sexual desires of said Defendant, or  
21 said child.

22 COUNT 12 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14

23 did on or between June 22, 2007 and January 21, 2014 then and there wilfully, lewdly,  
24 unlawfully, and feloniously commit a lewd or lascivious act upon or with the body, or any part  
25 or member thereof, a child, to-wit: HH, said child being under the age of fourteen years, by  
26 touching and/or rubbing and/or fondling of the said HH's buttock(s) and/or anal area with his

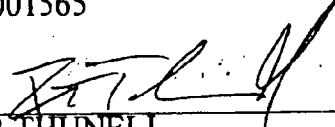
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1 penis, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual  
2 desires of said Defendant, or said child.

3  
4 STEVEN B. WOLFSON  
Clark County District Attorney  
Nevada Bar #001565

5  
6 BY

  
7 PETER THUNELL  
Chief Deputy District Attorney  
8 Nevada Bar #10779  
9  
10

11 Names of witnesses known to the District Attorney's Office at the time of filing this  
12 Information are as follows:

<u>NAME</u>	<u>ADDRESS</u>
CUSTODIAN OF RECORDS	LVMPD RECORDS
CUSTODIAN OF RECORDS	LVMPD DISPATCH
CUSTODIAN OF RECORDS	LVMPD COMMUNICATIONS
DICARO, IGOR	LVMPD #9005.
H [REDACTED] H [REDACTED]	Address Unknown
KEITH, TIFFANY	CPS
KURAU, WILLIAM	LVMPD #7047
J [REDACTED], M [REDACTED]	Garret Jr H
SCHUSTER, CHELSEA	CPS
THUNSTRON, CHRISTY	CCSD

23  
24  
25  
26 DA#14FS00001/jm/SVU  
27 LVMPD EV#140211194  
28 (TK3)

**EXHIBIT** 19

**EXHIBIT** 19

LCC #001





1 COUNT 1 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14

2 did on or between June 22, 2007 and June 21, 2010 then and there wilfully, lewdly,  
3 unlawfully, and feloniously commit a lewd or lascivious act upon or with the body, or any part  
4 or member thereof, a child, to-wit: HH, said child being under the age of fourteen years, by  
5 touching and/or rubbing and/or fondling the said HH'S genital area with his hand, with the  
6 intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of said  
7 Defendant, or said child.

8 COUNT 2 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14

9 did on or between June 22, 2007 and January 21, 2014 then and there wilfully, lewdly,  
10 unlawfully, and feloniously commit a lewd or lascivious act upon or with the body, or any part  
11 or member thereof, a child, to-wit: HH, said child being under the age of fourteen years, by  
12 rubbing and/or placing ejaculate on the said HH'S face, with the intent of arousing, appealing  
13 to, or gratifying the lust, passions, or sexual desires of said Defendant, or said child.

14 COUNT 3 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE

15 did on or between June 22, 2007 and January 21, 2014 then and there wilfully,  
16 unlawfully, and feloniously sexually assault and subject HH, a female child under fourteen  
17 years of age, to sexual penetration, to-wit: anal intercourse, by placing his penis into the anal  
18 opening of the said HH, against her will, or under conditions in which Defendant knew, or  
19 should have known, that the said HH was mentally or physically incapable of resisting or  
20 understanding the nature of Defendant's conduct.

21 COUNT 4 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE

22 did on or between June 22, 2008 and June 21, 2013 then and there wilfully, unlawfully,  
23 and feloniously sexually assault and subject HH, a female child under fourteen years of age,  
24 to sexual penetration, to-wit: fellatio, by placing his penis on or in the mouth of the said HH,  
25 against her will, or under conditions in which Defendant knew, or should have known, that the  
26 said HH was mentally or physically incapable of resisting or understanding the nature of  
27 Defendant's conduct.

28 ///

1 COUNT 5 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE

2 did on or between June 22, 2008 and June 21, 2013 then and there wilfully, unlawfully,  
3 and feloniously sexually assault and subject HH, a female child under fourteen years of age,  
4 to sexual penetration, to-wit: fellatio, by placing his penis on or in the mouth of the said HH,  
5 against her will, or under conditions in which Defendant knew, or should have known, that the  
6 said HH was mentally or physically incapable of resisting or understanding the nature of  
7 Defendant's conduct.

8 COUNT 6 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14

9 did on or between June 22, 2008 and June 21, 2013 then and there wilfully, lewdly,  
10 unlawfully, and feloniously commit a lewd or lascivious act upon or with the body, or any part  
11 or member thereof, a child, to-wit: HH, said child being under the age of fourteen years, by  
12 touching and/or rubbing and/or fondling the said HH'S genitals with his penis, with the intent  
13 of arousing, appealing to, or gratifying the lust, passions, or sexual desires of said Defendant,  
14 or said child.

15 COUNT 7 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14

16 did on or between June 22, 2013 and January 21, 2014 then and there wilfully, lewdly,  
17 unlawfully, and feloniously commit a lewd or lascivious act upon or with the body, or any part  
18 or member thereof, a child, to-wit: HH, said child being under the age of fourteen years, by  
19 touching and/or rubbing and/or fondling the said HH'S genital area with his penis, with the  
20 intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of said  
21 Defendant, or said child.

22 COUNT 8 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14

23 did on or between January 1, 2014 and January 21, 2014 then and there wilfully,  
24 lewdly, unlawfully, and feloniously commit a lewd or lascivious act upon or with the body, or  
25 any part or member thereof, a child, to-wit: HH, said child being under the age of fourteen  
26 years, by touching and/or rubbing and/or fondling the said HH's genital area with his penis,  
27 with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of  
28 said Defendant, or said child.

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2 did on or between June 22, 2007 and January 21, 2014 wilfully, unlawfully, and  
3 feloniously cause a child under the age of 18 years, to-wit: HH, being approximately 6-12  
4 year(s) of age, to suffer unjustifiable physical pain or mental suffering as a result of abuse or  
5 neglect, and/or cause the said HH to be placed in a situation where she might have suffered  
6 unjustifiable physical pain or mental suffering as a result of abuse or neglect, by placing his  
7 penis into the anal opening of the said HH.

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9 did on or between June 22, 2007 and June 21, 2010 then and there wilfully, lewdly,  
10 unlawfully, and feloniously commit a lewd or lascivious act upon or with the body, or any part  
11 or member thereof, a child, to-wit: HH, said child being under the age of fourteen years, by  
12 touching and/or rubbing and/or fondling the said HH'S genital area with his hand, with the  
13 intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of said  
14 Defendant, or said child.

15 COUNT 11 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14

16 did on or between June 22, 2007 and January 21, 2014 then and there wilfully, lewdly,  
17 unlawfully, and feloniously commit a lewd or lascivious act upon or with the body, or any part  
18 or member thereof, a child, to-wit: HH, said child being under the age of fourteen years, by  
19 touching and/or licking and/or kissing the breast(s) of the said HH's, with the intent of  
20 arousing, appealing to, or gratifying the lust, passions, or sexual desires of said Defendant, or  
21 said child.

22 COUNT 12 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14

23 did on or between June 22, 2007 and January 21, 2014 then and there wilfully, lewdly,  
24 unlawfully, and feloniously commit a lewd or lascivious act upon or with the body, or any part  
25 or member thereof, a child, to-wit: HH, said child being under the age of fourteen years, by  
26 touching and/or rubbing and/or fondling of the said HH's buttock(s) and/or anal area with his

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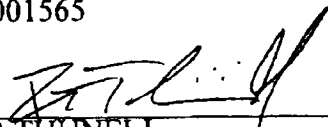
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penis, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of said Defendant, or said child.

STEVEN B. WOLFSON  
Clark County District Attorney  
Nevada Bar #001565

BY

  
PETER THUNELL  
Chief Deputy District Attorney  
Nevada Bar #10779

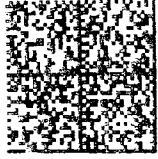
Names of witnesses known to the District Attorney's Office at the time of filing this Information are as follows:

<u>NAME</u>	<u>ADDRESS</u>
CUSTODIAN OF RECORDS	LVMPD RECORDS
CUSTODIAN OF RECORDS	LVMPD DISPATCH
CUSTODIAN OF RECORDS	LVMPD COMMUNICATIONS
DICARO, IGOR	LVMPD #9005
H [REDACTED], H [REDACTED]	Address Unknown
KEITH, TIFFANY	CPS
KURAU, WILLIAM	LVMPD #7047
J [REDACTED], M [REDACTED]	Garret Jr H
SCHUSTER, CHELSEA	CPS
THUNSTRON, CHRISTY	CCSD

DA#14FS00001/jm/SVU  
LVMPD EV#140211194  
(TK3)

Justin Odell Langford - [1159546]  
LCC, 200 Prison Rd.  
Lovelock, Nev. 89419

Lovelock Correctional Center



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**INMATE LEGAL  
MAIL CONFIDENTIAL**

Legal Mail  
Confidential

Clerk Of The C  
200 Lewis Ave.  
Las Vegas, Nev. 89155

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WILL FOLLOW VIA  
U.S. MAIL**

1. Justin Odell Langford-1159546  
2. LCC, 40 1200 Prison Road  
3. Lovelock, Nevada 89419

FILED  
FEB - 9 2021  
*Alvin J. Johnson*  
CLERK OF COURT

4. .  
5. IN EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
6. IN AND FOR THE COUNTY OF CLARK

7. \* \* \* \* \*

8. .  
9. Justin Odell Langford, Case No. — A-18-784811-W —  
10. Petitioner, Dept. No. — Dept. 23 —

11. -vs-

12. Warden Tim Garrett, Ex Parte Motion For Appointment of  
13. Respondent. Counsel and Request for Evidentiary  
14. Hearing

15. .  
16. Comes Now Petitioner, Justin Odell Langford, in pro per, and moves  
17. this Court for its order allowing the appointment of counsel for  
18. Petitioner and for evidentiary hearing. This motion is made and based  
19. in the interest of Justice. NRS 34.750(1):

20. — A petition may allege that the Petitioner is unable to  
21. pay the cost of the proceeding or to employ counsel,  
22. if the Court is satisfied that the allegation of  
23. indigency is true and the petitioner is not dismissed  
24. summarily, the Court may appoint counsel to represent  
25. the petitioner. In making its determination, the Court  
26. may consider, among other things, the severity of the  
27. consequences facing the petitioner and whether:  
28. (A) The issues presented are difficult;  
29. (B) The Petitioner is unable to comprehend the proceedings, or  
30. (C) Counsel is necessary to proceed with discovery.

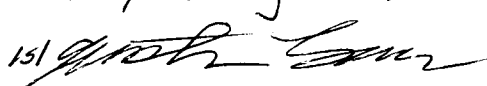
31. Petitioner is presently incarcerated at Lovelock Correctional  
32. .

33. \* Document Prepared By: Christopher Wilcox #1232445 \*

1. Center, Lovelock, Nevada. Where he is unemployed, indigent and  
2. unable to retain private counsel to represent him.  
3. Petitioner is unlearned and unfamiliar with the complexities of Nevada  
4. State law, particularly state post-conviction proceedings. Further  
5. Petitioner alleges that the issues in this case are complex and require  
6. an evidentiary hearing. Petitioner is unable to factually develop and  
7. adequately present the claims without the assistance of counsel. Counsel  
8. is unable to adequately present the claims without ~~the assistance of an~~  
9. Evidentiary.

10. Petitioner hereby respectfully request that the Court appoint counsel  
11. and set a date for Evidentiary hearing for the reasons stated above.

12.  
13. Dated this 5<sup>th</sup> day of January 2021

14.  
15. Respectfully Submitted  
16.   
17. Petitioner



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PPOW

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Justin Langford,  
Petitioner,  
vs.  
Warden Renee Baker; State of Nevada,  
Respondent,

Case No: A-18-784811-W  
Department 23

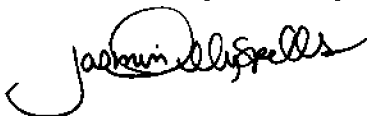
**ORDER FOR PETITION FOR  
WRIT OF HABEAS CORPUS**

Petitioner filed a Petition for Writ of Habeas Corpus (Post-Conviction Relief) on February 09, 2021. The Court has reviewed the Petition and has determined that a response would assist the Court in determining whether Petitioner is illegally imprisoned and restrained of his/her liberty, and good cause appearing therefore,

**IT IS HEREBY ORDERED** that Respondent shall, within 45 days after the date of this Order, answer or otherwise respond to the Petition and file a return in accordance with the provisions of NRS 34.360 to 34.830, inclusive.

**IT IS HEREBY FURTHER ORDERED** that this matter shall be placed on this Court's Calendar on the 4th day of May, 2021, at the hour of 9:30 o'clock for further proceedings. a.m.

Dated this 15th day of February, 2021



District Court Judge  
**A79 9CC 42DC A7A2  
Jasmin Lilly-Spells  
District Court Judge**

1 **CSERV**

2  
3 **DISTRICT COURT**  
4 **CLARK COUNTY, NEVADA**

5  
6 Justin Langford, Plaintiff(s)

CASE NO: A-18-784811-W

7 vs.

DEPT. NO. Department 23

8 Warden Renee Baker,  
9 Defendant(s)

10  
11 **AUTOMATED CERTIFICATE OF SERVICE**

12 Electronic service was attempted through the Eighth Judicial District Court's  
13 electronic filing system, but there were no registered users on the case.

14 If indicated below, a copy of the above mentioned filings were also served by mail  
15 via United States Postal Service, postage prepaid, to the parties listed below at their last  
16 known addresses on 2/16/2021

17 Justin Langford LCC  
18 1200 Prison Road  
19 Lovelock, NV, 89419

20 Steven Wolfson Juvenile Division - District Attorney's Office  
21 601 N Pecos Road  
22 Las Vegas, NV, 89101  
23  
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**DISTRICT COURT  
CLARK COUNTY, NEVADA**  
\*\*\*\*

Electronically Filed  
2/17/2021 8:26 AM  
Steven D. Grierson  
CLERK OF THE COURT



Justin Langford, Plaintiff(s)

Case No.: A-18-784811-W

vs.

Warden Renee Baker, Defendant(s)

Department 23

**NOTICE OF HEARING**

Please be advised that the Plaintiff's Motion for Appointment of Counsel and Request for Evidentiary Hearing in the above-entitled matter is set for hearing as follows:

**Date:** May 04, 2021

**Time:** 9:30 AM

**Location:** RJC Courtroom 12D  
Regional Justice Center  
200 Lewis Ave.  
Las Vegas, NV 89101

**NOTE: Under NEFCR 9(d), if a party is not receiving electronic service through the Eighth Judicial District Court Electronic Filing System, the movant requesting a hearing must serve this notice on the party by traditional means.**

STEVEN D. GRIERSON, CEO/Clerk of the Court

By: /s/ Michelle McCarthy  
Deputy Clerk of the Court

**CERTIFICATE OF SERVICE**

I hereby certify that pursuant to Rule 9(b) of the Nevada Electronic Filing and Conversion Rules a copy of this Notice of Hearing was electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.

By: /s/ Michelle McCarthy  
Deputy Clerk of the Court

*Andrew J. Levin*  
CLERK OF THE COURT

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IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
IN AND FOR THE COUNTY OF CLARK

Justin Odell Langford,<sup>Ⓢ</sup>

Petitioner,

vs

CASE No. A-18-784811

Warden Tim Garrett,

DEPT No. 23

Respondent.

ADDENDUM TO PETITION FOR WRIT OF HABEAS CORPUS

PURSUANT TO THE ALL WRITS ACT

COMES Now Petitioner, Justin Odell Langford, to file his ~~BE~~ Addendum  
To Petition For Writ Of Habeas Corpus Pursuant To The All Writs  
Act, In Which the Petitioner adds another ground(s) to challenge  
his Conviction For Lewdness with a minor under fourteen years  
& Age wherein Petitioner was sentenced in the Eighth Judicial  
District Court by Judge Susan H. Johnson to 10 to life.

DATE: 2/16/21

Respectfully Submitted

*Justin Odell Langford*

Justin Odell Langford, #1159546

LCC, 1200 Prison Rd.

Lovelock, Nev. 89419

RECEIVED

FEB 22 2021

CLERK OF THE COURT

1 FRAUD UPON THE COURT IN VIOLATION OF U.S.  
2 CONST. AMEND'S I, V, VI, VIII, XIV; U.S. CONST.  
3 ART. VI, § 2/3; NEV. CONST. ART'S 1, 38, cl. 5; 6, 36  
4 (COUNT 6)  
5

6 A case of fraud upon the court calls into question the very  
7 legitimacy of the judgment. Put another way, when a judgment is  
8 shown to have been procured by fraud upon the court, no worthwhile  
9 interest is served in protecting the judgment.<sup>1</sup> There is no time limit  
10 on setting aside a judgment on the basis of fraud on the court, nor can  
11 laches bar consideration of the matter.<sup>2</sup> This is also a prosecutorial  
12 misconduct issue as this was intentionally and maliciously done by  
13 the Prosecution, This claim was only just noticed as I only got a  
14 complete case file on 5/21/20 when the Attorney General sent it to  
15 me and with the case file being well over 1,700 pgs I just  
16 finished going through it and found this claim.

17 This claim is on the fact that the "State of Nev." took  
18 the Petitioner to trial on a Fraudulent Charging document.  
19 The Petitioner was originally arraigned on 9 counts on Jan. 22,  
20 2014. See Exhibit 16 in Petition filed on Feb. 9, 2021. Then on March  
21 11, 2014 the Petitioner had his Preliminary hearing, where upon  
22 the completion of the hearing the Judge bound the  
23 Petitioner over on only 8 charges. See Exhibit 1 attached to  
24 this addendum which is the (bind over Order). But instead the  
25 "State of Nevada"/"Prosecution" chose to file 12 charges in the  
26 8<sup>th</sup> Judicial District Ct. on 3/27/14. See Exhibit 18 in the Petition  
27

28 1) NC-DSH v Garner, 125 Nev. 647, 649; 218 P.3d 853; 2009 Nev. Lexis 55  
2) NC-DSH v Garner, 125 Nev. 647, 649; 218 P.3d 853; 2009 Nev. Lexis 55

1 Filed on Feb. 9, 2021.

2 So the final position is the "State of Nevada" /  
3 "Prosecution" was only authorized to take the Petitioner  
4 to trial on 8 charges and had not filed for Authorization to  
5 Add the 4 extra charges to the Information or done a  
6 Preliminary for them to be added under a new case.

7 With the "State of Nevada" / "Prosecution" getting the bind  
8 over order before filing the Information in district court.  
9 With the "Prosecution" being an Officer of the Court, the first  
10 Prong is met with an accessory by Petitioners Trial Attorneys.  
11 i.e. Monique McNeill, Kevin Speed, Adrian Lobo, all of which  
12 never brought this to the Courts Attention. Petitioners Trial  
13 Attorney's are also Officers of the Court. For the Prosecution to  
14 file 12 charges against Petitioner even though they had the  
15 bind over order for 2 days before filing the first Information,  
16 and 15 day before the 2<sup>nd</sup> Information was filed in open  
17 court. That makes the actions of the Prosecution willfull  
18 and intentionally done to deceive the judicial machinery,  
19 which is the second prong of fraud upon the Court. Prongs  
20 2, 4 & 5 are also met. See Demjanjuk v. Petrovsky, 10 F.3d 338,  
21 350, 1993 U.S. App. Lexis 29691, 27 Fed. R. Serv. 3d, which sets the prongs  
22 for Fraud upon the Court as: 1) On the part of an officer of the  
23 Court; 2) That is directed to the "Judicial Machinery" itself; 3) That is  
24 intentionally false, willfully blind to the truth or is in reckless  
25 disregard for the truth; 4) That is a positive averment or is  
26 concealment when one is under a duty to disclose; 5) That  
27 deceives the Court.

28 All five Prongs are simply met in this issue by the

1 the actions of the Prosecution.

2  
3 RELIEF REQUESTED

4  
5 Reversal/vacation of Petitioner's conviction and  
6 dismissal of his criminal case due to the actions of  
7 the State of Nevada/Prosecution, wherein they filed an  
8 "Information" with 14 charges willfully, wantonly, recklessly,  
9 and maliciously against the Petitioner with the knowledge  
10 that it was an unauthorized amount, and with no way to  
11 tell which of the charges were proper out of the 8 Leudness  
12 So the Petitioner is also asking for any other relief the  
13 Courts ~~is~~ deem appropriate



1 LACK OF JURISDICTION DUE TO ILLEGAL  
2 CRIMINAL INFORMATION IN VIOLATION OF  
3 U.S. CONST. AMEND'S I, V, VI, VII, XIV;  
4 U.S. CONST. ART. VI, §2/3; NEV. CONST. ART.'S  
5 1, §8, cl. 5; 6, §6

6 (COUNT 7)

7  
8 The Court must prove on the record all jurisdictional  
9 facts related to the jurisdiction being asserted.<sup>3</sup> Lack of  
10 jurisdiction can be challenged at any time<sup>4</sup> and can't be waived  
11 by consent or procedurally defaulted.<sup>5</sup> Law demands once  
12 state and federal jurisdiction has been challenged it must  
13 be proven.<sup>6</sup> And any judgement rendered by a court without  
14 personal jurisdiction over a defendant is void, it is a nullity.<sup>7</sup>

15 The Eighth Judicial District Court assumed it had jurisdiction  
16 over the Petitioner in his criminal case. Judges Vega, Cory,  
17 and Susan Johnson all never made sure they had valid cases  
18 before them, The originating document in district court is  
19 the Justice Court Bind Over Order. And in criminal case  
20 C14296556-1 the Bind Over Order stated Petitioner was to be  
21 held over to answer to a total of 8 charges, So where  
22 does the authority to file a criminal information come  
23 from to file 12 charges. There is no court order for 12

24  
25 3) Joyce v. U.S., 474 F.2d 215

26 4) Main v. Thiboutot, 100 S.Ct. 2502 (1980)

27 5) Lanareth v. Malik, 221 P.3d 1265, 2009 NV LEX 78; Recon 261 P.3d 163 (2011); See also U.S. v. Mayer,  
28 235 U.S. 255 (Nov. 16, 1914); Philbrooke v. Gloggett, 95 S.Ct. 1873, 1902, 421 U.S. 707 (1975)

29 6) Sramek v. Sramek, 17 Kan. App. 2d 573, 576-7, 840 P.2d 553 (1992) rev. denied 252  
30 Kan. 1093 (1993)

31 7) Hagan v. Lavine, 415 U.S. 533

1 charges to be allowed.

2 The Petitioner is also unaware of any other criminal cases  
3 that involved the same alleged victim which were consolidated  
4 with case # C14296554. This means the Eighth Judicial District  
5 Court had no valid Criminal Information/Complaint before  
6 it involving the Petitioner. So at no point did any judge in the  
7 ~~the~~ Eighth judicial District Court have any type of jurisdiction  
8 over the Petitioner which renders all decision entered in  
9 the Petitioner's Case (C14296556) Void ab initio, which also renders  
10 the Petitioner's conviction void also as it was not be based upon  
11 a valid Criminal Information/Complaint.

12 The Petitioner Poses a valid question who prosecutes a case  
13 for a sole purpose of winning and not justice? cause at the  
14 moment it seems the Clark County D.A.'s Office was not  
15 interested in justice but was interested in victory only.  
16 Especially since it filed a Criminal Information/Complaint in plain  
17 violation of a Court Order allowing 3 only. See Exhibit 1 and  
18 16 & 18 in the original Petition filed 2/9/21

19 BELIEF REQUESTED

20  
21 Reversal/Vacation of Petitioner's Conviction and Dismissal  
22 of Criminal Case w/Prejudice due to the Actions of the  
23 Prosecution. Or any relief deemed appropriate by this  
24 Honorable Court.

1 CERTIFICATE OF SERVICE

2 I, Justin Odell Langford,<sup>③</sup> Certify, that I have attached a true and correct  
3 copy of the foregoing Addendum To Petition For Writ of Habeas Corpus  
4 Pursuant to all Writs Act, with special instructions to the Clerk of the  
5 Court for E-file & E-Service to all of my opponents pursuant to N.E.R.C.R.  
6 5(K), 9 Et seq. (A-E) Etc., to the following:  
7 Aaron Ford, Nev. Atty. Gen.  
8 Steven Wolfson, Clark County District Atty.  
9 Monique A. McNeill, Esq.  
10 Warden Tim Gurrett

11  
12  
13 VERIFICATION

14 I, Justin Odell Langford,<sup>③</sup> declare and verify that I have read the  
15 foregoing Addendum ~~For Writ of Habeas Corpus~~ To Petition for Writ of Habeas  
16 Corpus Pursuant to the All Writs Act. and that it is true and correct to the  
17 best of my knowledge and belief under the pains and penalties of  
18 perjury pursuant to 28 U.S.C. 31746 and 18 U.S.C. 31621

19 DATED 2/16/21

20 

21 Petitioner

22 *Sui juris*

**EXHIBIT**

1

**EXHIBIT**

1

100  
100

**JUSTICE COURT, BOULDER TOWNSHIP**

**CLARK COUNTY, NEVADA**

CASE NO. 14CRB000013-0000  
14FS00001X

STATE OF NEVADA,  
Plaintiff

-vs-

JUSTIN ODELL LANGFORD,  
ID #: 2748452  
Defendant(s)



COMMITMENT  
and  
ORDER TO APPEAR

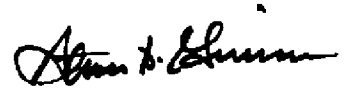
An Order having been made this day by me, that JUSTIN ODELL LANGFORD be held to answer upon the charge(s) of: LEWDNESS W/CHILD UNDER AGE 14, 1ST

LEWDNESS W/CHILD UNDER AGE 14, 1ST  
SEXUAL ASSAULT AGAINST CHILD UNDER 14  
SEXUAL ASSAULT AGAINST CHILD UNDER 14  
SEXUAL ASSAULT AGAINST CHILD UNDER 14  
LEWDNESS W/CHILD UNDER AGE 14, 1ST  
LEWDNESS W/CHILD UNDER AGE 14, 1ST  
LEWDNESS W/CHILD UNDER AGE 14, 1ST  
committed in said County, on or about the 21st day of January, 2014.

IT IS FURTHER ORDERED that unless the Defendant(s) have/has been previously released on bail or by order of the Court, that the Sheriff of the County of Clark receive the above named Defendant(s) into custody, and detain such Defendant(s) until such Defendant(s) be legally discharged, and that such Defendant(s) be admitted to bail in the sum of \$1,000,000 Cash or Surety Bond; and IT IS FURTHER ORDERED that said Defendant(s) is/are commanded to appear in the Eighth Judicial District Court, Clark County Courthouse, Las Vegas, Nevada at 1:00 pm on the 27th day of March, 2014 for arraignment and further proceedings on the within charge.

Dated: March 12, 2014

JUSTICE OF THE PEACE FOR BOULDER TOWNSHIP



**JUSTICE COURT, BOULDER TOWNSHIP**

CLERK OF THE COURT

CLARK COUNTY, NEVADA

STATE OF NEVADA,  
Plaintiff

-vs-

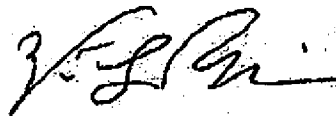
JUSTIN ODELL LANGFORD,  
ID #: 2748452  
Defendant(s)

C-14-296556-1  
Dept. I

CASE NO. 14CRB000013-0000  
14FS00001X

I hereby certify the above and foregoing to be a full, true and correct copy of the proceedings as the same appear in the above entitled matter.

WITNESS MY HAND this date: March 12, 2014.



JUSTICE OF THE PEACE  
BOULDER TOWNSHIP

Justin Odell Langford-1159546  
LLC, 1200 Prison Rd  
Levelock, Nev, 89419

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Las Vegas, Nev. 89155

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394 - 396  
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U.S. MAIL**



*Heather L. Lavin*  
CLERK OF THE COURT

23

1 Case No. A-18-784811-W  
2 Dept. No. 23  
3  
4  
5

6 IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
7 IN AND FOR THE COUNTY OF CLARK  
8

\* \* \* \* \*

9 Justin Odell Langford, )  
10 Petitioner, )  
11 -VS- )  
12 Warden Tim Garrett, et al., )  
13 Respondent. )  
14

MOTION FOR APPOINTMENT  
OF COUNSEL

15 COMES NOW Petitioner, Justin Odell Langford, in pro se,  
16 and moves the Court for an order appointing counsel in the  
17 instant petition for writ of habeas corpus (post-conviction).

18 This motion is made and based upon NRS 34.750; all papers,  
19 pleadings and documents on file herein; and the points and  
20 authorities below.

POINTS AND AUTHORITIES

22 Petitioner is unable to afford counsel. See Application to  
23 Proceed In Forma Pauperis on file herein.

24 The substantive issues and procedural requirements of this  
25 case are difficult and incomprehensible to Petitioner.

26 Petitioner, due to his incarceration, cannot investigate,  
27 take depositions or otherwise proceed with discovery herein.

28 Petitioner's sentence is: 10 to LIFE

LCC LL FORM 26.042

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1           There \_\_\_ are ~~X~~ are not additional facts in support of  
2 this motion attached hereto on separate page(s).

3           Counsel would assist Petitioner with a clearer presentation  
4 of his issues before this Court and would likewise facilitate  
5 and ease this Court's task of discerning the issues and  
6 adjudicating same upon their merits.

7           Discretion lies with the Court to appoint counsel under NRS  
8 34.750. Crump v. Warden, 113 Nev. 293, 934 P.2d 247, 254  
9 (1997). The Court is to consider: (1) the complexity of the  
10 issues; (2) whether Petitioner comprehends the issues; (3)  
11 whether counsel is necessary to conduct discovery; and (4) the  
12 severity of Petitioner's sentence. NRS 34.750(1)-(1)(c).

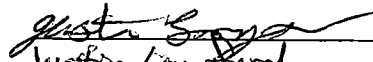
13           Under similar discretionary standards, Federal courts are  
14 encouraged to appoint counsel when the interests of justice so  
15 require - a showing which increases proportionately with the  
16 increased complexities of the case and the penalties involved in  
17 the conviction. Chaney v. Lewis, 801 F.2d 1191, 1196 (9th Cir.  
18 1986). Attorneys should be appointed for indigent petitioners  
19 who cannot "adequately present their own cases." Jeffers v.  
20 Lewis, 68 F.3d 295, 297-98 (9th Cir. 1995).

21           Although Petitioner need meet but one (1) of the enumerated  
22 criteria of NRS 34.750 in order to merit appointment of counsel,  
23 he meets all of them. He also presents a classic example of one  
24 meriting counsel under the interest of justice test bespoken by  
25 the Ninth Circuit. Indeed, Petitioner's sentence, coupled with  
26 the other factors set forth above, demonstrate that appointment  
27 of counsel to him would not only satisfy justice, but  
28 fundamental fairness, as well.

1 CONCLUSION

2 For the reasons set forth above, the Court should appoint  
3 counsel to represent Petitioner in and for all further  
4 proceedings in this habeas corpus action.

5 Dated this 23<sup>rd</sup> day of February, 2021.

6   
7 Justin Langford #1159546  
8 Lovelock Correctional Center  
1200 Prison Road  
Lovelock, Nevada 89419

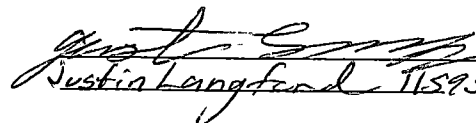
9 Petitioner In Pro Se

10 CERTIFICATE OF SERVICE

11 I do certify that I mailed a true and correct copy of the  
12 foregoing MOTION FOR APPOINTMENT OF COUNSEL to the below address  
13 on this 23 day of February, 2021, by placing same  
14 in the U.S. Mail via prison law library staff: N.E.F.C.R. 5(K),  
15 9 Et seq. (A-E) etc.

16 Steven Wolfson, District Atty

17 Attorney For Respondent

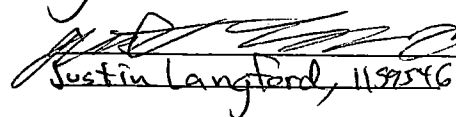
18  
19   
20 Justin Langford 1159546

Petitioner In Pro Se

21 AFFIRMATION PURSUANT TO NRS 239B.030

22 The undersigned does hereby affirm that the preceding  
23 MOTION FOR APPOINTMENT OF COUNSEL DOES not contain the social  
24 security number of any person.

25 Dated this 23<sup>rd</sup> day of February, 2021.

26   
27 Justin Langford, 1159546

28 Petitioner In Pro Se

Justin O. Langford - 1159546  
LCC, 1200 Prison Rd.  
Lovelock, Nev. 89419

Lovelock Correctional Center



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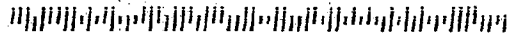
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Case No. A-18-764811-W  
Dept. No. 23

IN THE 864TH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
IN AND FOR THE COUNTY OF CLARK

\* \* \* \* \*

Justin Odell Langford, )  
Petitioner, )  
-vs- )  
Warden Tim Garrett, )  
Respondent. )

ORDER APPOINTING COUNSEL

THE COURT, having considered Petitioner's Motion for  
Appointment of Counsel, and with Good Cause appearing,  
IT IS HEREBY ORDERED that the motion is GRANTED.  
Attorney \_\_\_\_\_ is hereby  
appointed to represent Petitioner for and in relation to all  
further proceedings in the above-entitled habeas corpus action.  
IT IS SO ORDERED.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
District Court Judge

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*Heather Shinn*  
CLERK OF THE COURT

1 Justin Odell Langford - 1169546  
2 LEC, 1200 Prison Rd.  
3 Lovelock, Nev. 89419  
4

5 IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
6 IN AND FOR THE COUNTY OF CLARK  
7 \* \* \* \* \*

8 Justin Odell Langford, CASE NO. A-18-784811-W  
9 Petitioner,

10 v. EX PARTE MOTION TO SHORTEN TIME  
11 Warden Tim Garrett, Et al., PURSUANT TO EDCR 5.513  
12 Respondents.

13  
14 COMES Now, Justin Odell Langford, Petitioner, TO FILE his Ex Parte  
15 Motion To Shorten Time Pursuant To EDCR 5.513. And moves this  
16 Honorable Court to Enter an Order Granting his motion.

17 This Motion is made and based upon EDCR 5.513, and is  
18 Further made and based upon all papers, pleadings, and  
19 documents on file with this Honorable Court along with the  
20 attached Affidavit made in support, in Exhibit 1.

21 DATE: Feb. 28<sup>TH</sup>, 2021.

22  
23 Respectfully Submitted  
24 *Justin Odell Langford*  
Justin Odell Langford

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CLERK OF THE COURT

1 A) CONCLUSION

2

3 WHEREFORE Petitioner prays that this Honorable Court enters an  
4 Order shortening time on hearing for Motion To Appoint counsel and  
5 the Ex parte motion for appointment of counsel and Request for an  
6 Evidentiary hearing, then hopefully appoint counsel to ~~be~~ supplement  
7 counsel his petition to help the court

8

9 B) VERIFICATION

10

11 I declare & verify that I have read the foregoing motion and to  
12 the best of my knowledge and belief that it is true and correct  
13 under the pains and penalties of perjury Pursuant to 28 U.S.C. §1746  
14 & 18 U.S.C. §1621

15 DATE: 2/28/21

16 *Justin Odell Sanford*

17

18 C) CERTIFICATE OF SERVICE

19

20 I, certify, that I stuck a true & correct copy of the foregoing  
21 document in the U.S. Postal mail service via Prison Law Library staff  
22 within 3 days of mailing the original to the court, addressed  
23 as follows:

24

Steven Wolfson, Clark County D.A.

25

200 Lewis Ave.

26

Las Vegas, Nev. 89155

27

28 \*Document Prepared By (inmate) Alexander Jensen #1200248

**EXHIBIT**

1

**EXHIBIT**

1

#001

LCC



AFFIDAVIT OF JUSTIN ODELL LANGFORD #1159546

STATE OF NEVADA )

Iss: Made In Support of Ex Parte Motion  
COUNTY OF PERSHING ) To Shorten Time Pursuant To EDCR § 513

I, Justin Odell Langford, the undersigned, do hereby swear that all following statements and description of events, are true and correct, of my own knowledge, information, and belief, and to those I believe to be true and correct, signed under penalty of perjury pursuant to 28 U.S.C. § 1746 & 18 U.S.C. § 1621.

That I Justin Odell Langford have filed a motion for appointment of Counsel and a Ex Parte Motion For Appointment of Counsel and request for evidentiary hearing. I am untrained in Law and would have no idea on how to defend against any counter filings by the Respondents, and the complexity of the issues in my writ are difficult and can change the course in my case, it would further help the court to understand the issues and would help me in defending my claims. I'm also serving a 10 to Life sentence, so I have a lot at stake, and a trained attorney may be able to add to my claims to further protect my interest. So my two motions mentioned above should be heard before the respondents get a chance to respond.

DATE: Feb. 28, 2021

*Justin Odell Langford*  
Petitioner

Justin G. Langford - 1159546  
LCC, 1200 Prison Rd.  
Lovelock, Nev. 89419

Lovelock Correctional Center



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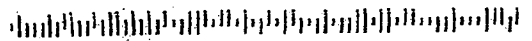
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CLERK OF THE COURT

1 Justin Odell Langford-1159546

2 LCC, 1200 Prison Rd

3 Lovelock, Nev. 89419

4

5

DISTRICT COURT

6

CLARK COUNTY, NEVADA

7

8 Justin O Langford

Case No. A-18-784811-W

9 Petitioner

Dept No. 23

10

-VS-

11 Warden Tim Garrett, et al.

Motion For Continuance

12

13 Comes Now Justin Langford, Pro se, To file his Motion For  
14 Continuance, and moves this Honorable Court to enter an  
15 Order granting his motion For Continuance for 45 days

16 This motion is made and based upon all papers,  
17 pleadings, and documents on file with this Honorable  
18 Court and any oral arguments that may be  
19 adduced at the hearing

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CONCLUSION

22

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MAR 08 2021

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23 Petitioner comes to this Honorable Court to ask  
24 for a 45 day Continuance due to the Court Clerk taking  
25 60 days to file Pleadings from dates on pleadings so  
26 if any response filed by me would be late for the  
27 hearing unless court gave him counsel.

28

Justin O. Langford - 1159546  
ECC, 1200 Prison Rd  
Lovelock, Nev 89419

Lovelock Correctional Center

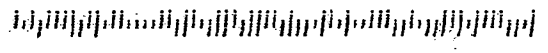


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*Alexander R. Jensen*  
CLERK OF THE COURT

1 Justin Odell Langford - 1189546  
2 LCC, 1200 Prison Rd.  
3 Lovelock, Nev 89419  
4

5 IN THE EIGHTH JUDICIAL DISTRICT COURT IN AND FOR THE STATE OF NEVADA  
6 IN AND FOR THE COUNTY OF CLARK

7 \* \* \* \* \*

9 Justin Odell Langford,  
10 Petitioner,  
11 -vs-

CASE No. A-18-784811  
DEPT No. XXIII

12 Warden Tim Garrett Et al.,  
13 Respondents

REQUEST FOR JUDICIAL NOTICE  
AND JUDICIAL ACTION TO BE  
TAKEN

14  
15  
16 Petitioner ask that your honor take Notice of his Ex Parte  
17 Motion For Appointment of Counsel and Request for Evidentiary hearing  
18 that was filed on Feb. 9<sup>th</sup>, 2021 wherein the Petitioner is asking for  
19 Counsel, The Petitioner needs counsel so it can possibly file a  
20 supplemental to his Petition and to his addendum that should  
21 be on file. The Petitioner also needs counsel so a timely traverse  
22 can be filed when the respondents file a response to his  
23 Petition.

24 The Petitioner is in true need of counsel as this document  
25 Preparer is leaving the yard and the previous one he had went  
26 home and will have no one to help him out. And with the

27 \* Document Prepared By: \*  
28 Alexander R. Jensen, 1200248

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1 clerk of the Court taking upwards of 30 days to file documents,  
2 there is no way the Petitioner can file a traverse even if  
3 he wanted to.

4 Also it is an Ex Parte Motion, which means the respondent  
5 isn't suppose to get a chance to argue against this document,  
6 so it would fall under A.O. 20-01 and subsequent  
7 Administrative orders and should be deemed non-essential  
8 and ruled on the papers. The Petitioner Pleads that he is in  
9 custody for 10- life sentence, and that the matters  
10 presented to the court are of extreme importance wherein  
11 they could cause his case to be vacated completely, and  
12 ~~where~~ <sup>where</sup> the Petitioner can't present the complex issues in his  
13 case he should be afforded counsel.

14  
15 So Petitioner ask that this Honorable Court rule on his  
16 Ex Parte motion and give his Petition the fair chance it  
17 deserves.

18

19

#### VERIFICATION

20 I, Justin O. Langford, declare and verify, that I have read the  
21 foregoing document and that it is true and correct to the best  
22 of my belief and knowledge under the pains and penalties of  
23 perjury pursuant to NRS 208.165

24 Date: 2/23/21

25



26

Petitioner

27

28

Justin O. Langford-1159546  
LCC, 1200 Prison Rd  
Loveland, Nev. 89419

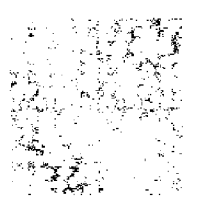
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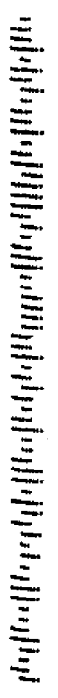
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*Alexander Jensen*  
CLERK OF THE COURT

1 Justin Odell Langford, #1159546

2 LCC, 1200 Prison Road

3 Lovelock, Nev. 89419

4

5 IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

6 IN AND FOR THE COUNTY OF CLARK

7 \* \* \* \* \*

8 Justin Odell Langford,

CASE No.: A-18-784811-W

9 Petitioner,

DEPT No.: 23

10 vs.

11 Warden Tim Garrett,

MOTION FOR AN ORDER TO

12 Respondent,

PRODUCE PRISONER

13

14 This Motion of Justin Odell Langford, Petitioner, In Pro per,

15 respectfully shows: (1) That he is presently incarcerated in the

16 Nevada Department of Correction ("NDOC"), at the Lovelock

17 Correctional Center, Pershing County, Nevada. (2) That a

18 hearing is currently scheduled in the above-entitled

19 Court on May 4<sup>TH</sup>, 2021, at the hour of 9:30 a.m.

20 WHEREFORE, Petitioner prays that an order issue,

21 ordering his appearance before said Court at said date and

22 time, and directing the execution of said order by the

23 NDOC.

24 DATE: March 7<sup>TH</sup>, ~~2020~~ 2021.

25 *Justin Odell Langford*

26 Petitioner

27

28 \*Document Prepared By: Alexander Jensen #1200248

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MAR 15 2021

CLERK OF THE COURT

Justin O. Langford-1159546  
LCC, 1200 Prison Road  
Lovelock, Nev. 89419

Lovelock Correctional Center



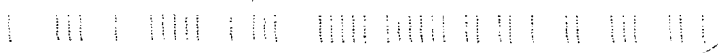
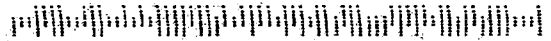
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CLERK OF THE COURT

1 Justin Odell Langford-1159546

2 LCC, 1206 Prison Rd.

3 Lovelock, Nev. 89419

4

5 IN THE EIGHTH JUDICIAL DISTRICT COURT FOR THE STATE OF NEVADA

6 IN AND FOR THE COUNTY OF CLARK

7 \* \* \* \* \*

8 Justin Odell Langford,

9 Petitioner,

CASE No. A-18-784811

10 vs.

DEPT No. 23

11 Warden Tim Garrett,

12 Respondent.

13

14 NOTICE OF MOTION AND MOTION FOR DISCOVERY/

15 MOTION FOR ORDER TO SHOW CAUSE

16

17 COMES NOW, Justin Odell Langford, In Pro.se, and hereby submits

18 for filing the foregoing Motion For Discovery/Motion For Order To

19 Show Cause (motion), for this Court's review and consideration.

20 This Motion is made and based upon all documents, papers and

21 pleadings on file herein, as well as the attached Points and

22 Authorities, argument made in support of the foregoing Motion;

23 and those previous pleadings submitted by the Petitioner

24 relative to the Writ of Habeas Corpus.

25

26 Document Prepared By:\*

28 Evan Grant - 1159544

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CLERK OF THE COURT

1 The Petitioner does request that this Court will grant oral  
2 argument, and issue an Order To Show Cause, to show why  
3 this Court should not issue an Order for the Accused/Petitioner  
4 "immediate release From incarceration".

5 Additionally, this Court should determine whether the State's  
6 Opposition refutes The Petitioners Petition For Writ of Habeas  
7 Corpus, against each and every allegation; claim and issue; rather  
8 than on such meritless arguments like: "The Nevada Supreme  
9 Court has interpreted this to mean an enacting clause must  
10 be included in every law 'created by the Legislature' and  
11 must express on the face 'the authority by which they were  
12 enacted'" Citing State v. Rogers; 10 Nev. 250, 261 (1875).

13 The argument completely misinterprets the Nevada Supreme  
14 Court in State v. Rogers, 10 Nev. at 261. The Nevada Supreme  
15 Court opined as follows: "Our Constitution expressly provides that  
16 the enacting clause of every law shall be 'The people of the  
17 State of Nevada, represented in senate and assembly, do enact  
18 as follows.' This language is susceptible of but one interpretation.  
19 There is no doubtful meaning as to the intention. It is, in our  
20 judgement, an imperative mandate of the people in their  
21 sovereign capacity to the legislature, requiring that all laws  
22 to be binding upon them shall, upon their face, express the  
23 authority by which they were enacted,..." (emphasis added).

24 //

25 //

26 //

27 //

28 //

1. A) MEMORANDUM OF POINTS AND AUTHORITIES

3. I) Discovery And An Order To Show Cause Should Be Granted

5 The Petitioner seeks an Order from this Court, directing the Respondent  
6 to show cause as to why, the Petitioner's incarceration for the alleged  
7 crimes the Petitioner was arrested/convicted for should continue,  
8 be upheld etc.

9 The Petitioner seeks an Order from this Court directing the  
10 Respondent to produce "Certified copies" of Senate Bill (S.B.), No.  
11 2 From the 1957, 48<sup>TH</sup> Session of the Nevada Legislature (Nev.  
12 Legis.), as well as the record of the reading of S.B. No. 2 three (3),  
13 times on three (3), separate days. Nev. Const., Art. 4 §18

14 The Accused/Petitioner does further request discovery as to  
15 the assembly history from 1957 to 1969, these requested documents  
16 must come from the Sec. of State Office, Pursuant to Nev. Const. Art.  
17 5 §20, to be utilized that this Court didn't in fact have "Subject  
18 Matter Jurisdiction," (this Court's power to decide a case, to issue  
19 a decree or judgment), as concerns the alleged crimes that  
20 the Petitioner was arrested/convicted for.

21 The Petitioner informs this Court that the production of the  
22 48<sup>TH</sup> Session Legislative History has been sought, from the sec. of  
23 State Office, only to learn that the Sec. of State Office no longer  
24 has custody, care, and control of said documents.

25 Likewise the Petitioner has sought to discover the following:

26 1. Who is the Nevada Archive?

27 2. How was the Nevada Archive established?

28 3. When was the Nevada Archive established?

- 1 4. Where was the Nevada Archive established?
- 2 5. Whom is appointed to head the Nevada Archive?
- 3 6. Whom appointed said person to head the Nevada Archive?, and when?
- 4 7. How is the Nevada Archive funded?
- 5 8. How does the Nevada Archive derive their income?
- 6 9. Who at the Nevada Archive is paid and for what service?
- 7 10. Are there "any cost, fees etc.", charged to the citizens of Nevada?
- 8 11. Where are the complete Assembly histories for the following  
9 years? 1951; 1955; 1957; 1961; and 1969? including all session laws;  
10 bills; statutes at large passed and their rosters.
- 11 12. Where are the ballots of the citizens of Nevada authorizing the  
12 change to the Nev. Const. Art. 4323 allowing for the omission of  
13 the enacting clause from "every law"; that, The Nevada Revised  
14 statutes would "constitute the official codified version of the  
15 statutes of Nevada and may be cited as prima facie evidence  
16 of the law." (As cited in NRS 220.170(3)).
- 17 13. How much are the NRS sold for?
- 18 14. That, by vote of the citizens of Nevada, the Nev. Legis. was  
19 authorized to establish the non-judicial group i.e. the statute  
20 revision commission formed in 1955; and the Nev. Legis. transferring  
21 power, and authority of the Nev. Legis. to the quasi statute  
22 revision commission, to undertake comprehensive revision of  
23 the laws; compiling; restating etc.?
- 24 15. Authorizing the Nev. Legis. to extend survivorship of the  
25 abolished statutes revision commission, to the Legis. Counsel  
26 Bureau?
- 27 16. By what authority are the NRS copy righted?; and the sale of these  
28 NRS as codified; Annotated and indicia into NRS publication books;

1 again Further allowing the NRS to be published without the  
2 Constitutionally mandated enacting clause upon their face?

3 17. By what authority did the Sec. of State lose custody, care, and  
4 control of the Assembly History Commencing from 1951; 1955;  
5 1957; thru 1969, to the present? Nev. Const. Art. 5 § 20)

6 18. Is there a price difference for the public, than for any cost, price,  
7 for other branch of government for the NRS?

8 19. Should there be a cost, price difference, by what authority is the  
9 cost, price difference allowed?

10 20. Who is the person in charge of the legislative Counsel Bureau?

11 21. What other position do the non-judicial legislative Counsel Bureau  
12 group hold in government or private?

13 22. How did the person in charge of the legislative Counsel Bureau ~~achieve~~  
14 ~~this~~ achieve this position?

15 23. How many persons work for the Legislative Counsel Bureau?

16 24. Has Any Deputy District Attorney cite an unpublished opinion of the  
17 Nev. Supr. Ct., in their opposition to the Petition for Writ of Habeas,  
18 and yet argued that "the Nevada Revised Statutes do not  
19 have the same requirement, as they are not laws enacted by  
20 the legislature? And has failed to include the following: The  
21 Nevada Revised Statutes consist of enacted laws?

22  
23 The requested discovery/information is vital to the Petitioner to  
24 "further" establish unconstitutional acts, that violate the Nev. Const.  
25 its Articles, and the United States Constitution and its Amendments;  
26 which will tend to further establish the lack of Subject Matter  
27 jurisdiction, for the Petitioner to have been arrested/convicted  
28 pursuant to the NRS for the year of \_\_\_\_\_, as the NRS since

1 1957, are "Not" law. The NRS adopted and enacted during the 48<sup>th</sup>  
2 session of the Nev. Legis. are nothing more than a resolution, and  
3 resolutions are not laws. See Nevada Highway Patrol Ass'n v. State,  
4 107 Nev. 547, 549, 815 P.2d 608, 610 (Nev. 1991).

5 Thus, the requested discovery/information is vital to this Court,  
6 to determine the issues/facts, pertinent to the Petitioners  
7 Petition for Writ of habeas, filed on the day of 9<sup>th</sup> day of Feb. 2021.  
8 This Court must determine that it had Subject Matter standing to  
9 issue, the Judgement of Conviction (JOC), to lawfully incarcerate  
10 the Petitioner under Unconstitutional, unlawful, repugnant NRS  
11 adopted and enacted in 1957, by the 48<sup>th</sup> session of the Nev. Legis.

12 That, attempts to obtain the documents, information etc.; as  
13 listed on pages 3-5, have not been inadequate, due diligence has  
14 been utilized, from within the confines of the prison gates to  
15 obtain documents, information, and records. Seeking to accomplish  
16 this goal, despite the H.D.S.P. & L.C.C. Law Library Staffs efforts  
17 to delay the Petitioner in bringing vital information to this Court's  
18 attention.

19 The Petitioner contends that the Nev. Const. being the Paramount  
20 law. King v. Board of Regents, 65 Nev. 553, 200 P.2d 221 (1948), and setting  
21 forth via the Nev. Const. structure of the NRS via Art. 4317 and  
22 Art. 4323; where the Legis. records are to be kept. Art. 5320,  
23 Respondent should produce any and all documents, information, and  
24 records as listed on pages 3-5, which will aid this Court in  
25 determining whether this Court ever lawfully had subject matter  
26 jurisdiction.

27 That, the Petitioner has alleged and pled that the Court did not,  
28 as more fully set forth in the Petitioners Petition.



1 That, with the Petitioner alleging and supporting the allegations,  
2 issues via exhibits and arguments that, Subject Matter Jurisdiction  
3 was/is lacking, there is just Cause for this Court to err on the  
4 side of caution, being for legitimate government. *Stevenson v. Tutly*,  
5 19 Nev. 391, 393, 394-95, 12 P. 835, 837-38 (1887); and *Nevada v. Swift*, 10  
6 Nev. 152, 153 (1875), to Grant Discovery, and issue an Order to Show  
7 Cause, to the Respondent, as to why the Petitioner should not be  
8 released immediately from incarceration.

9 This, to substantiate the alleged lawfulness of NRS as  
10 "prima facie evidence of the law," as alleged under NRS 220.170(3).

11 The Respondent needs to present to this Court, and the  
12 Petitioner, the history of S.B. No. 2, i.e. the revision bill. The Petitioner  
13 has been only been able to obtain the Act of the 48<sup>th</sup> Session of  
14 the Nevada Legis. Adopting and Enacting the Nevada Revised  
15 Statutes in 1957. (See Exhibits in support of Counts 1, 2, 3 of Petition)  
16 challenging Subject matter jurisdiction.

## 17 18 CONCLUSION

19 Wherefore, based upon the above and foregoing the Petitioner does  
20 respectfully request that, this Court will Grant the request for discovery,  
21 and issue an Order to Show Cause, to the Respondent, to show cause as to  
22 why the Petitioner's Petition for writ of habeas challenging subject  
23 matter jurisdiction <sup>①</sup> in 4 counts, should not be granted, and the Petitioner  
24 immediately released from incarceration.

25 DATE: 3/23/21

26  Petitioner, Pro Se.

27 It is the Respondent's burden to provide the record, documents etc. refuting the  
28 Petitioner's claims, and establishing lawful Subject Matter Jurisdiction. ~~That, any~~

1 CERTIFICATE OF SERVICE

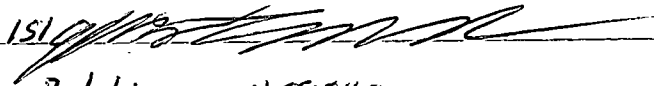
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I, certify, that I have attached a true and correct copy of the foregoing document. With special instructions to the Clerk of the Court for E-file and E-service to all of my opponents pursuant to W.E.F. CR 5(k), 4 Et seq (A-E) Etc., to the following:  
Warden Tim Garrett  
Aaron Ford, Atty Gen.  
Steven Wolfson, Clark County D.A.

VERIFICATION

I, declare and verify, that the foregoing document is true and correct, to the best of my knowledge and belief under the pains and penalties of perjury. Pursuant to 28 U.S.C. § 1746 & 18 U.S.C. § 1621,

DATE: 3/23/21

  
Petitioner, 1159546

Justin Langford-1159546  
LCC, 1200 Prison Rd.  
Lovelock, Nev. 89419

Lovelock Correctional Center



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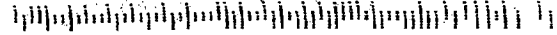
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1 **RSPN**  
2 STEVEN B. WOLFSON  
3 Clark County District Attorney  
4 Nevada Bar #001565  
5 ALEXANDER CHEN  
6 Chief Deputy District Attorney  
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8 200 Lewis Avenue  
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10 (702) 671-2500  
11 Attorney for Respondent

7 **DISTRICT COURT**  
8 **CLARK COUNTY, NEVADA**

9 **JUSTIN LANGFORD,**  
10 **#2748452,**

11 Petitioner,

12 -vs-

13 THE STATE OF NEVADA,

14 Respondent.

CASE NO: **A-18-784811-W**  
**(C-14-296556-1)**

DEPT NO: **XXIII**

15 **STATE'S RESPONSE TO PETITIONER'S PETITION FOR WRIT OF HABEAS**  
16 **CORPUS (POST-CONVICTION), MOTION FOR APPOINTMENT OF**  
17 **ATTORNEY, AND REQUEST FOR EVIDENTIARY HEARING**

18 DATE OF HEARING: **MAY 4, 2021**  
19 TIME OF HEARING: **9:30 AM**

20 COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, Clark County  
21 District Attorney, through ALEXANDER CHEN, Chief Deputy District Attorney, and hereby  
22 submits the attached Points and Authorities in the State's Response to Petitioner's Petition for  
23 Writ of Habeas Corpus (Post-Conviction), Motion for Appointment of Attorney, and Request  
24 for Evidentiary Hearing.

25 This Response is made and based upon all the papers and pleadings on file herein, the  
26 attached points and authorities in support hereof, and oral argument at the time of hearing, if  
27 deemed necessary by this Honorable Court.

28 //

//

1 **POINTS AND AUTHORITIES**

2 **STATEMENT OF THE CASE**

3 On March 14, 2014, JUSTIN ODELL LANGFORD (hereinafter “Petitioner”) was  
4 charged by way of Information with the following: COUNTS 1, 2, 6, 7, 8, 10, 11, and 12 –  
5 Lewdness With A Child Under The Age Of 14 (Category A Felony - NRS 201.230); COUNTS  
6 3, 4, and 5 – Sexual Assault With A Minor Under Fourteen Years Of Age (Category A Felony  
7 - NRS 200.364, 200.366); and COUNT 9 – Child Abuse, Neglect, or Endangerment (Category  
8 B Felony - NRS 200.508(1)).

9 On March 7, 2016, a jury trial convened and lasted nine days. On March 17, 2016, the  
10 jury returned a guilty verdict as to COUNT 2, and not guilty as to all other Counts.

11 On May 10, 2016, Petitioner was sentenced to Life with a possibility of parole after a  
12 term of 10 years have been served in the Nevada Department of Corrections (“NDOC”).  
13 Petitioner received eight hundred forty-one (841) days credit for time served. The Judgment  
14 of Conviction was filed on May 17, 2016.

15 On June 1, 2016, Petitioner filed a Notice of Appeal from his conviction. On June 27,  
16 2017, the Nevada Supreme Court affirmed the Judgment of Conviction. Remittitur issued July  
17 28, 2017.

18 On July 19, 2017, Petitioner filed a Motion to Modify And/Or Correct Sentence  
19 (“Motion to Modify”), Motion for Sentence Reduction (“Motion for Reduction”), Motion for  
20 Production of Documents, Papers, Pleadings, and Tangible Property of Petitioner, a Motion  
21 for Transcripts at the State’s Expense and Memorandum of Point and Authorities in Support  
22 of Request for Transcripts at State’s Expense, a Motion to Obtain a Copy of a Sealed Record,  
23 and a Motion to Withdraw Counsel. The State filed its Response to Petitioner’s Motion to  
24 Modify and/or Correct Sentence and Motion for Sentence Reduction on August 2, 2017.

25 On August 10, 2017, the Court denied Petitioner’s Motion for Sentence Reduction,  
26 granted Petitioner’s Motion for Production of Documents, Papers, Pleadings, and Tangible  
27 Property of Petitioner, denied Petitioner’s Motion for Transcripts at State’s Expense, granted  
28 Petitioner’s Motion to withdraw Counsel, granted Petitioner’s Motion to Obtain Copy of a

1 Sealed Record, and denied Petitioner's Motion to Modify/Correct Illegal Sentence.

2 On October 10, 2017, Petitioner filed a Motion to Claim and Exercise Rights  
3 Guaranteed by the Constitution for the United States of America and Require the Presiding  
4 Judge to Rule upon this Motion, and All Public Officers of this Court to Uphold Said Rights  
5 and an affidavit in support of that Motion. He also filed a Motion to Reconsider Transcripts at  
6 State's Expense, a Motion to Compel Court Orders, and a Motion to Reconsider Motions for  
7 Correction of Illegal Sentence and Sentence Reduction. The State responded to the Motion to  
8 Reconsider Motions for Correction of Illegal Sentence and Sentence Reduction on October 30,  
9 2017. On October 31, 2017, the Court denied all of Petitioner's Motions, and the order was  
10 filed on November 7, 2017.

11 On November 27, 2017, Petitioner filed a Motion for Ancillary Services and a Motion  
12 for Transcripts and Other Court Documents and State's Expense. The State filed its Opposition  
13 to Petitioner's Motion for Ancillary Services on December 13, 2017. The Court denied  
14 Petitioner's Motions on December 19, 2017, and the order was filed on December 29, 2017.

15 On December 29, 2017, Petitioner filed a "Notice of Understanding of Intent and Claim  
16 of Right as well as a Notice of Denial of Consent." He additionally filed a Petition for Writ of  
17 Habeas Corpus (Post-Conviction), Memorandum in Support of Petition, Motion for  
18 Appointment of Counsel, and Request for Evidentiary Hearing. The State responded to  
19 Petitioner's Petition for Writ of Habeas Corpus (Post-Conviction), Memo in Support, Motion  
20 to Appoint Counsel, and Motion for Evidentiary Hearing on February 20, 2018.

21 On March 7, 2018, Petitioner filed a Motion for Summary Judgment on Petition for  
22 Writ of Habeas Corpus (Post-Conviction) Due to Respondent's Silence, and on March 15,  
23 2018, he filed a Motion to Strike State's Response [to Petitioner's Petition]. In both of those,  
24 he alleged that since the State did not respond by February 19, 2018 (45 days from the order  
25 to respond), its Response should be disregarded. Pursuant to Eighth Judicial District Court  
26 Rule 1.14(b), "If any day on which an act required to be done by any one of these rules falls  
27 on a Saturday, Sunday or legal holiday, the act may be performed on the next succeeding  
28 judicial day." February 19, 2018 was a legal holiday; thus, the State properly filed its Response

1 on the next succeeding judicial day, February 20, 2018.

2 On March 15, 2018, Petitioner filed a Motion for Stay of Sentence. The State responded  
3 on April 2, 2018. That motion was denied on April 5, 2018. On March 30, 2018, Petitioner  
4 filed a Motion to Modify and/or Correct Illegal Sentence and “Judicial Notice of Lack of  
5 Jurisdiction” claiming that the District Court lacked subject matter jurisdiction to sentence  
6 him.

7 On April 24, 2018, Petitioner filed a Pro Per Petition for Writ of Habeas Corpus. On  
8 March 7, 2018, Petitioner filed a Motion for Summary Judgment on Writ of Habeas Corpus  
9 (Post-Conviction). On May 1, 2018 the court issued an Order denying Petitioner’s Motion.

10 On June 1, 2018, the court entered and order denying Petitioner’s Motion to Modify  
11 and/or Correct Illegal Sentence and “Judicial Notice of Lack of Jurisdiction. The court also  
12 entered its Findings of Fact, Conclusions of Law, and Order. On July 2, 2018 this case was  
13 reassigned to Department 15.

14 On August 28, 2018 Petitioner filed a Motion to Recuse and Application for Bail. The  
15 State filed its Response on October 8, 2018. On August 31, 2018, Petitioner filed a Post-  
16 Conviction Petition Requesting a Genetic Marker Analysis. The State filed its Opposition on  
17 September 17, 2018. The court denied Petitioner’s Motions on October 9, 2018 and filed its  
18 Order on November 6, 2018.

19 On November 19, 2018, Petitioner filed a Petition for Writ of Habeas Corpus. The State  
20 filed its Response on January 17, 2019. The court denied Petitioner’s Petition and filed its  
21 Findings of Fact, Conclusions of Law and Order on March 11, 2019.

22 On March 28, 2019, Petitioner filed a Motion to Compel Production of Documents  
23 Pursuant to 5 U.S.C.S. 552-Freedom of Information Act. The court denied Petitioner’s Motion  
24 on April 25, 2019. The court filed its Order on May 17, 2019.

25 On August 28, 2019, Petitioner filed a Motion to Amend Judgment. The court granted  
26 the Motion on September 19, 2019, directing the Clerk’s Office to file an Amended Judgment  
27 of Conviction with no change to the language, but amending the nature of the closure of the  
28 case to reflect that the case was closed after a jury-trial conviction. The Amended Judgment

1 of Conviction was filed on September 23, 2019.

2 On September 25, 2019, Petitioner filed a Motion to Amend Judgment of Conviction  
3 to Include All Jail Time Credits. The State filed its Opposition on October 16, 2019. The court  
4 granted the Motion on October 17, 2019, finding that Petitioner was entitled to eight hundred  
5 fifty-nine (859) days credit for time served. The Second Amended Judgment of Conviction  
6 was filed on October 23, 2019.

7 On November 19, 2019, Petitioner filed a Petition for Writ of Habeas Corpus and  
8 Motion to Compel Production of Transcripts. Petitioner filed an Addendum to Motion to  
9 Compel Production of Transcripts on December 2, 2019.

10 On December 5, 2019, Petitioner filed a Motion to Hold Monique McNeill, Esq.,  
11 Attorney of Record in Contempt for Failing to Forward Copy of Case File. On December 6,  
12 2019, Petitioner filed a Petition for Writ of Habeas Corpus Ad Testificandum/Alternatively a  
13 Telephone Hearing. On December 10, 2019, the court granted the Motion to Compel  
14 Production of Transcripts and denied Petitioner's Petition as moot. The Findings of Fact,  
15 Conclusions of Law, and Order was filed on December 23, 2019.

16 On January 7, 2020, the court held a hearing on Petitioner's Motion to Hold Monique  
17 McNeill, Esq., Attorney of Record in Contempt for Failing to Forward Copy of Case File. The  
18 court continued the matter to allow Ms. McNeill to file an Opposition and appear at the  
19 hearing. The court issued a Notice of Hearing for the Motion and continued the hearing to  
20 January 30, 2020.

21 On January 30, 2020, Ms. McNeill did not appear at the hearing, and the court ordered  
22 an Order to Show Cause as to why Ms. McNeill should not be held in contempt for failure to  
23 provide Petitioner with the file and for her failure to appear for the hearing.

24 On February 18, 2020, Ms. McNeill appeared at the Show Cause hearing and told the  
25 court she had provided Petitioner with his file on four (4) different occasions. The court held  
26 that cause had been shown, and Ms. McNeill would not be held in contempt of court. The court  
27 also denied Petitioner's Motion to Hold Monique McNeill, Esq., Attorney of Record in  
28 Contempt for Failing to Forward Copy of Case File.



1 On February 25, 2020, Petitioner filed a Petition for Writ of Habeas Corpus Ad  
2 Testificandum. The same day, Petitioner also filed a Motion to Correct Illegal Sentence. The  
3 State filed its Opposition to Petitioner’s Motion to Correct Illegal Sentence on March 10, 2020.  
4 On March 16, 2020, Petitioner filed a Memorandum of Law. On March 17, 2020, the district  
5 court denied Petitioner’s Motion. The Order was filed on March 26, 2020.

6 On March 30, 2020, Petitioner filed a Notice of Appeal, appealing the denial of  
7 Petitioner’s Motion to Correct Illegal Sentence. On April 24, 2020, the Nevada Supreme Court  
8 dismissed Petitioner’s appeal because Petitioner had no right to appeal the district court’s  
9 decision. Remittitur issued on May 21, 2020.

10 On May 29, 2020, Petitioner filed another Motion to Compel Production of Court  
11 Documents by Clerk of the Court. The district court denied Petitioner’s Motion on July 2,  
12 2020.

13 On February 9, 2021, Petitioner filed the instant Petition for Writ of Habeas Corpus  
14 (Post-Conviction) (hereinafter “Petition”), Motion for Appointment of Attorney, and Request  
15 for Evidentiary Hearing. Petitioner filed an Addendum to Petition for Writ of Habeas Corpus  
16 Pursuant to the “All Writs Act” on February 25, 2021. On March 8, 2021, Petitioner filed an  
17 additional Motion for Appointment of Attorney. The same day, Petitioner also filed an Ex  
18 Parte Motion to Shorten Time Pursuant to EDCR 5.513 and a Motion to Continue. On March  
19 17, 2021, Petitioner filed a Request for Judicial Notice and Judicial Action to be Taken, Motion  
20 for an Order to Produce Prisoner, and Motion for Discovery/Motion for Order to Show Cause.

21 **STATEMENT OF THE FACTS**

22 On June 21, 2014, the minor victim H.H. (DOB: 06/22/2001) disclosed that she had  
23 been sexually abused by her stepfather, Petitioner. The abuse began when she was eight (8)  
24 years old. While at Petitioner’s residence in Searchlight, Nevada, Petitioner would call H.H.  
25 into his bedroom and have H.H. take off her clothes. Petitioner would make H.H. lie on the  
26 bed and he would rub baby oil on H.H.’s legs. Petitioner then placed his private parts in between  
27 her legs and rubbed himself back and forth until he ejaculated. H.H. stated that Petitioner  
28 placed a white hand towel on the bed and had the victim lie on the towel during the molestation

1 incidents. He would then use the towel to clean up the baby oil. The abuse continued until the  
2 victim reported the abuse in January 2014.

3 H.H. testified of several instances of sexual abuse committed by Petitioner. H.H.  
4 described instances including Petitioner sucking on her breasts, putting his penis in her anus,  
5 putting his penis into her mouth more than once, touching her genital area with his hands and  
6 his penis, and fondling her buttocks and/or anal area with his penis.

7 On January 21, 2014, the Las Vegas Metropolitan Police Department served a search  
8 warrant on Petitioner's residence in Searchlight. Officers recovered a white hand towel that  
9 matched the description given by H.H. in the exact location H.H. described. The police also  
10 recovered a bottle of baby oil found in the same drawer as the hand towel and bedding. These  
11 items were tested for DNA. Several stains on the white towel came back consistent with a  
12 mixture of two individuals. The partial major DNA profile contributor was consistent with  
13 Petitioner. The partial minor DNA profile was consistent with victim H.H. The statistical  
14 significance of both partial profiles was at least one in 700 billion.

### 15 ARGUMENT

#### 16 **I. THIS PETITION IS TIME-BARRED, SUCCESSIVE, AND AN ABUSE** 17 **OF THE WRIT**

18 Petitioner's instant Petition for Writ of Habeas Corpus was not filed within one year of  
19 the filing of the Judgment of Conviction. Thus, the Petition is time-barred. Pursuant to NRS  
20 34.726(1):

21 Unless there is good cause shown for delay, a petition that challenges  
22 the validity of a judgment or sentence must be filed within 1 year of  
23 the entry of the judgment of conviction or, if an appeal has been taken  
24 from the judgment, within 1 year after the Supreme Court issues its  
remittitur. For the purposes of this subsection, good cause for delay  
exists if the petitioner demonstrates to the satisfaction of the court:

- 25 (a) That the delay is not the fault of the petitioner; and
- 26 (b) That dismissal of the petition as untimely will  
unduly prejudice the petitioner.

27 //

28 //

1 The Nevada Supreme Court has held that NRS 34.726 should be construed by its plain  
2 meaning. Pellegrini v. State, 117 Nev. 860, 873–74, 34 P.3d 519, 528 (2001). As per the  
3 language of the statute, the one-year time bar proscribed by NRS 34.726 begins to run from  
4 the date the judgment of conviction is filed or a remittitur from a timely direct appeal is filed.  
5 Dickerson v. State, 114 Nev. 1084, 1087, 967 P.2d 1132, 1133–34 (1998).

6 The one-year time limit for preparing petitions for post-conviction relief under NRS  
7 34.726 is strictly applied. In Gonzales v. State, 118 Nev. 590, 596, 53 P.3d 901, 904 (2002),  
8 the Nevada Supreme Court rejected a habeas petition that was filed two (2) days late despite  
9 evidence presented by the defendant that he purchased postage through the prison and mailed  
10 the petition within the one-year time limit.

11 Additionally, NRS 34.810(2) reads:

12 A second or successive petition *must be dismissed* if the judge or  
13 justice determines that it fails to allege new or different grounds for  
14 relief and that the prior determination was on the merits or, if new and  
15 different grounds are alleged, the judge or justice finds that the failure  
16 of the petitioner to assert those grounds in a prior petition constituted  
17 an abuse of the writ.

18 (emphasis added).

19 Second or successive petitions are petitions that either fail to allege new or different  
20 grounds for relief and the grounds have already been decided on the merits or that allege new  
21 or different grounds but a judge or justice finds that the petitioner’s failure to assert those  
22 grounds in a prior petition would constitute an abuse of the writ. Second or successive petitions  
23 will only be decided on the merits if the petitioner can show good cause and prejudice. NRS  
24 34.810(3); Lozada v. State, 110 Nev. 349, 358, 871 P.2d 944, 950 (1994); see also Hart v.  
25 State, 116 Nev. 558, 563–64, 1 P.3d 969, 972 (2000) (holding that “where a defendant  
26 previously has sought relief from the judgment, the defendant’s failure to identify all grounds  
27 for relief in the first instance should weigh against consideration of the successive motion.”)

28 The Nevada Supreme Court has stated: “Without such limitations on the availability of  
post-conviction remedies, prisoners could petition for relief in perpetuity and thus abuse post-  
conviction remedies. In addition, meritless, successive and untimely petitions clog the court

1 system and undermine the finality of convictions.” Lozada, 110 Nev. at 358, 871 P.2d at 950.  
2 The Nevada Supreme Court recognizes that “[u]nlike initial petitions which certainly require  
3 a careful review of the record, successive petitions may be dismissed based solely on the face  
4 of the petition.” Ford v. Warden, 111 Nev. 872, 882, 901 P.2d 123, 129 (1995). In other words,  
5 if the claim or allegation was previously available with reasonable diligence, it is an abuse of  
6 the writ to wait to assert it in a later petition. McClesky v. Zant, 499 U.S. 467, 497–98 (1991).  
7 Application of NRS 34.810(2) is mandatory. See Riker, 121 Nev. at 231, 112 P.3d at 1074.

8 In the instant case, Remittitur from Petitioner’s direct appeal issued on July 28, 2017.  
9 Petitioner filed the instant Petition on February 9, 2021 – four years since the Remittitur. Thus,  
10 the instant Petition is time-barred. This Petition is also successive as Petitioner previously filed  
11 multiple post-conviction Petitions with the district court. Absent a showing of good cause to  
12 excuse this delay, the instant Petition must be dismissed.

## 13 II. APPLICATION OF THE PROCEDURAL BARS IS MANDATORY

14 The Nevada Supreme Court has held that the district court has a *duty* to consider  
15 whether a defendant’s post-conviction petition claims are procedurally barred. State v. Eighth  
16 Judicial Dist. Court (Riker), 121 Nev. 225, 231, 112 P.3d 1070, 1074 (2005). The Riker Court  
17 found that “[a]pplication of the statutory procedural default rules to post-conviction habeas  
18 petitions is mandatory,” noting:

19 Habeas corpus petitions that are filed many years after conviction are  
20 an unreasonable burden on the criminal justice system. The necessity  
21 for a workable system dictates that there must exist a time when a  
22 criminal conviction is final.

22 Id. Additionally, the Court noted that procedural bars “cannot be ignored [by the district court]  
23 when properly raised by the State.” Id. at 233, 112 P.3d at 1075. The Nevada Supreme Court  
24 has granted no discretion to the district courts regarding whether to apply the statutory  
25 procedural bars; the rules *must* be applied.

26 This position was reaffirmed in State v. Greene, 129 Nev. 559, 307 P.3d 322 (2013).  
27 There the Court ruled that the defendant’s petition was “untimely, successive, and an abuse of  
28 the writ” and that the defendant failed to show good cause and actual prejudice. Id. at 324, 307

1 P.3d at 326. Accordingly, the Court reversed the district court and ordered the defendant’s  
2 petition dismissed pursuant to the procedural bars. *Id.* at 324, 307 P.3d at 322–23. The  
3 procedural bars are so fundamental to the post-conviction process that they must be applied  
4 by this Court even if not raised by the State. *See Riker*, 121 Nev. at 231, 112 P.3d at 1074.  
5 Therefore, application of the procedural bars is mandatory.

### 6 **III. PETITIONER CANNOT ESTABLISH GOOD CAUSE**

7 A showing of good cause and prejudice may overcome procedural bars. However,  
8 Petitioner cannot demonstrate good cause to explain why his Petition was untimely.

9 “To establish good cause, appellants must show that an impediment external to the  
10 defense prevented their compliance with the applicable procedural rule. A qualifying  
11 impediment might be shown where the factual or legal basis for a claim *was not reasonably*  
12 *available at the time of default.*” *Clem v. State*, 119 Nev. 615, 621, 81 P.3d 521, 525 (2003)  
13 (emphasis added). The Court continued, “appellants cannot attempt to manufacture good  
14 cause[.]” *Id.* at 621, 81 P.3d at 526. Rather, to find good cause, there must be a “substantial  
15 reason; one that affords a legal excuse.” *Hathaway v. State*, 119 Nev. 248, 252, 71 P.3d 503,  
16 506 (2003) (quoting *Colley v. State*, 105 Nev. 235, 236, 773 P.2d 1229, 1230 (1989)). Any  
17 delay in the filing of the petition must not be the fault of the petitioner. NRS 34.726(1)(a).

18 A petitioner raising good cause to excuse procedural bars must do so within a  
19 reasonable time after the alleged good cause arises. *See Pellegrini*, 117 Nev. at 869–70, 34  
20 P.3d at 525–26 (holding that the time bar in NRS 34.726 applies to successive petitions); *see*  
21 *generally Hathaway*, 119 Nev. at 252–53, 71 P.3d at 506-07 (stating that a claim reasonably  
22 available to the petitioner during the statutory time period did not constitute good cause to  
23 excuse a delay in filing). A claim that is itself procedurally barred cannot constitute good  
24 cause. *Riker*, 121 Nev. at 235, 112 P.3d at 1077; *see also Edwards v. Carpenter*, 529 U.S. 446,  
25 453 120 S. Ct. 1587, 1592 (2000).

26 Further, to establish prejudice, the defendant must show “not merely that the errors of  
27 [the proceedings] created possibility of prejudice, but that they worked to his actual and  
28 substantial disadvantage, in affecting the state proceedings with error of constitutional

1 dimensions.” Hogan v. Warden, 109 Nev. 952, 960, 860 P.2d 710, 716 (1993) (quoting United  
2 States v. Frady, 456 U.S. 152, 170, 102 S. Ct. 1584, 1596 (1982)).

3 In the instant case, Petitioner cannot demonstrate good cause to overcome the  
4 mandatory procedural bars because he cannot demonstrate that this claim was not reasonably  
5 available at the time of default. Clem, 119 Nev. at 621, 81 P.3d at 525. Petitioner fails to  
6 address good cause and does not explain why he is now raising this issue four years later.  
7 Petitioner fails to state any claims in his Petition and simply makes incoherent and vague  
8 arguments about treason and the Constitution. Because Petitioner cannot establish good cause  
9 to explain why his Petition was untimely, the Petition must be denied as time barred.

10 **IV. PETITIONER’S CLAIMS ARE INCOHERENT, VAGUE, AND DO NO**  
11 **WARRANT RELIEF**

12 Petitioner raises numerous claims in his sixty-five-page Petition that are all incoherent,  
13 vague, and do not warrant post-conviction relief. Petitioner’s claims allege that the district  
14 court lacks subject matter jurisdiction, the Constitution is invalid, the charges against him were  
15 fraudulent, and ramblings regarding treason. Petition, at 10-65.

16 A petition for post-conviction relief must be supported with specific factual allegations,  
17 which if true, would entitle the petitioner to relief. Hargrove v. State, 100 Nev. 498, 502, 686  
18 P.2d 222, 225 (1984). “Bare” and “naked” allegations are not sufficient, nor are those belied  
19 and repelled by the record. Id. NRS 34.735(6) states in relevant part, “[Petitioner] *must* allege  
20 specific facts supporting the claims in the petition[.] . . . Failure to allege specific facts rather  
21 than just conclusions may cause your petition to be dismissed.” (emphasis added).

22 Here, the State cannot meaningfully respond to such bare and naked claim. Petitioner  
23 has filed numerous post-conviction Petitions, all with similar ramblings regarding the  
24 Constitution and that the Information is fraudulent. Petition, at 60-65. This claim has been  
25 denied multiple times by the district court. See Findings of Fact, Conclusions of Law and  
26 Order, March 11, 2019; see also Findings of Fact, Conclusions of Law and Order, June 1,  
27 2018. The courts have found this claim to be meritless numerous times, and there is no reason  
28 it would suddenly warrant Petitioner relief. Therefore, in addition to Petitioner’s claims being

1 barred, Petitioner’s claims are incoherent, vague, and do not warrant relief.

2 **V. PETITIONER IS NOT ENTITLED TO POST-CONVICTION COUNSEL**

3 Under the U.S. Constitution, the Sixth Amendment provides no right to counsel in post-  
4 conviction proceedings. Coleman v. Thompson, 501 U.S. 722, 111 S. Ct. 2546 (1991). In  
5 McKague v. Warden, 112 Nev. 159, 163, 912 P.2d 255, 258 (1996), the Nevada Supreme  
6 Court similarly observed that “[t]he Nevada Constitution ... does not guarantee a right to  
7 counsel in post-conviction proceedings, as we interpret the Nevada Constitution’s right to  
8 counsel provision as being coextensive with the Sixth Amendment to the United States  
9 Constitution.” McKague specifically held that with the exception of NRS 34.820(1)(a)  
10 (entitling appointed counsel when petitioner is under a sentence of death), one does not have  
11 “[a]ny constitutional or statutory right to counsel at all” in post-conviction proceedings. Id. at  
12 164, 912 P.2d at 258.

13 The Nevada Legislature has, however, given courts the discretion to appoint post-  
14 conviction counsel so long as “the court is satisfied that the allegation of indigency is true and  
15 the petition is not dismissed summarily.” NRS 34.750. NRS 34.750(1) reads:

16 [a] petition may allege that the Defendant is unable to pay the costs  
17 of the proceedings or employ counsel. If the court is satisfied that  
18 the allegation of indigency is true and the petition *is not dismissed*  
19 *summarily*, the court may appoint counsel at the time the court  
orders the filing of an answer and a return. In making its  
determination, the court may consider whether:

- 20 (a) The issues are difficult;
- 21 (b) The Defendant is unable to comprehend the  
22 proceedings;
- 23 (c) Counsel is necessary to proceed with discovery.

24 (emphasis added). Accordingly, under NRS 34.750, it is clear that the Court has discretion in  
25 determining whether to appoint counsel.

26 More recently, the Nevada Supreme Court examined whether a district court  
27 appropriately denied a defendant’s request for appointment of counsel based upon the factors  
28 listed in NRS 34.750. Renteria-Novoa v. State, 133 Nev. 75, 391 P.3d 760 (2017). In Renteria-

1 Novoa, the petitioner had been serving a prison term of eighty-five (85) years to life. Id. at 75,  
2 391 P.3d at 760. After his judgment of conviction was affirmed on direct appeal, the defendant  
3 filed a pro se postconviction petition for writ of habeas corpus and requested counsel be  
4 appointed. Id. The district court ultimately denied the petitioner's petition and his appointment  
5 of counsel request. Id. In reviewing the district court's decision, the Nevada Supreme Court  
6 examined the statutory factors listed under NRS 34.750 and concluded that the district court's  
7 decision should be reversed and remanded. Id. The Court explained that the petitioner was  
8 indigent, his petition could not be summarily dismissed, and he had in fact satisfied the  
9 statutory factors. Id. at 76, 391 P.3d 760-61. As for the first factor, the Court concluded that  
10 because petitioner had represented he had issues with understanding the English language  
11 which was corroborated by his use of an interpreter at his trial, that was enough to indicate that  
12 the petitioner could not comprehend the proceedings. Id. Moreover, the petitioner had  
13 demonstrated that the consequences he faced—a minimum eighty-five (85) year sentence—  
14 were severe and his petition may have been the only vehicle for which he could raise his  
15 claims. Id. at 76-77, 391 P.3d at 761-62. Finally, his ineffective assistance of counsel claims  
16 may have required additional discovery and investigation beyond the record. Id.

17 Pursuant to NRS 34.750, Petitioner has not demonstrated that counsel should be  
18 appointed. Petitioner's request is suitable only for summary denial as he has failed to provide  
19 any specific facts to support his bare and naked request. Hargrove, at 502, 686 P.2d at 225.  
20 Similarly, unlike in Renteria-Novoa, Petitioner's Petition should be summarily dismissed for  
21 several reasons, including, but not limited to, his Petition is time-barred, successive, and his  
22 claim is waived as meritless.

23 Petitioner fails to address what he specifically needs counsel for in his untimely post-  
24 conviction Petition. As discussed supra, Section IV., aside from being barred, Petitioner's  
25 allegations are bare and naked allegation without support from the record and have already  
26 been denied multiple times by the district courts. Therefore, this Court should decline to  
27 appoint counsel because nothing raised in his post-conviction Petition warrants appointing an  
28 attorney.



1           **VI.    PETITIONER IS NOT ENTITLED TO AN EVIDENTIARY HEARING**

2           NRS 34.770 determines when a defendant is entitled to an evidentiary hearing. It reads:

- 3                   1. The judge or justice, upon review of the return, answer and all  
4                   supporting documents which are filed, shall determine whether an  
5                   evidentiary hearing is required. A petitioner must not be discharged  
6                   or committed to the custody of a person other than the respondent  
7                   *unless an evidentiary hearing is held.*
- 8                   2. If the judge or justice determines that the petitioner is not entitled  
9                   to relief and an evidentiary hearing is not required, he shall dismiss  
10                  the petition without a hearing.
- 11                  3. If the judge or justice determines that an evidentiary hearing is  
12                  required, he shall grant the writ and shall set a date for the hearing.

13           The Nevada Supreme Court has held that if a petition can be resolved without  
14           expanding the record, then no evidentiary hearing is necessary. Marshall v. State, 110 Nev.  
15           1328, 885 P.2d 603 (1994); Mann v. State, 118 Nev. 351, 356, 46 P.3d 1228, 1231 (2002). A  
16           defendant is entitled to an evidentiary hearing if his petition is supported by specific factual  
17           allegations, which, if true, would entitle him to relief unless the factual allegations are repelled  
18           by the record. Marshall, 110 Nev. at 1331, 885 P.2d at 605; see also Hargrove, 100 Nev. at  
19           503, 686 P.2d at 225 (holding that “[a] defendant seeking post-conviction relief is not entitled  
20           to an evidentiary hearing on factual allegations belied or repelled by the record”). “A claim is  
21           ‘belied’ when it is contradicted or proven to be false by the record as it existed at the time the  
22           claim was made.” Mann, 118 Nev. at 354, 46 P.3d at 1230 (2002). It is improper to hold an  
23           evidentiary hearing simply to make a complete record. See State v. Eighth Judicial Dist. Court,  
24           121 Nev. 225, 234, 112 P.3d 1070, 1076 (2005) (“The district court considered itself the  
25           ‘equivalent of . . . the trial judge’ and consequently wanted ‘to make as complete a record as  
26           possible.’ This is an incorrect basis for an evidentiary hearing.”).

27           Further, the United States Supreme Court has held that an evidentiary hearing is not  
28           required simply because counsel’s actions are challenged as being unreasonable strategic  
29           decisions. Harrington v. Richter, 131 S. Ct. 770, 788 (2011). Although courts may not indulge  
30           post hoc rationalization for counsel’s decision making that contradicts the available evidence  
31           of counsel’s actions, neither may they insist counsel confirm every aspect of the strategic basis

1 for his or her actions. Id. There is a “strong presumption” that counsel’s attention to certain  
2 issues to the exclusion of others reflects trial tactics rather than “sheer neglect.” Id. (citing  
3 Yarborough v. Gentry, 540 U.S. 1, 124 S. Ct. 1 (2003)). Strickland calls for an inquiry in the  
4 *objective* reasonableness of counsel’s performance, not counsel’s *subjective* state of mind. 466  
5 U.S. 668, 688, 104 S. Ct. 2052, 2065 (1994) (emphasis added).

6 Here, there is no reason to expand the record because Petitioner fails to present specific  
7 factual allegations that would entitle him to relief. Marshall, 110 Nev. at 1331, 885 P.2d at  
8 605. There is nothing else for an evidentiary hearing to determine. Petitioner’s claims are  
9 barred and bare and naked. There is no need to expand the record because Petitioner’s claims  
10 are meritless and can be disposed of on the existing record. Therefore, an evidentiary hearing  
11 is not warranted.

#### 12 CONCLUSION

13 Based on the foregoing, Petitioner’s Petition for Writ of Habeas Corpus (Post-  
14 Conviction), Motion for Appointment of Attorney, and Request for Evidentiary Hearing  
15 should be DENIED.

16 DATED this 5<sup>th</sup> day of April, 2021.

17 Respectfully submitted,

18 STEVEN B. WOLFSON  
19 Clark County District Attorney  
20 Nevada Bar #001565

21 BY /s/ Alexander Chen  
22 ALEXANDER CHEN  
23 Chief Deputy District Attorney  
24 Nevada Bar #010539  
25  
26  
27  
28

**CERTIFICATE OF SERVICE**

I hereby certify that service of the above and foregoing was made this 5<sup>th</sup> day of APRIL 2021, to:

JUSTIN LANGFORD, BAC#1159546  
LOVELOCK CORRECTIONAL CENTER  
1200 PRISON ROAD  
LOVELOCK, NV 89149

BY /s/ Howard Conrad  
Secretary for the District Attorney's Office  
Special Victims Unit

hjc/SVU

*Heather L. Lamin*  
CLERK OF THE COURT

1 Justin Adell Langford - 1159546

2 LCC, 1200 Prison Rd.

3 Lovelock, Nev. 89419

4

5 IN THE EIGHTH JUDICIAL DISTRICT COURT IN AND FOR THE STATE OF

6 NEVADA IN AND FOR THE COUNTY OF CLARK

7

\* \* \* \* \*

8 Justin Adell Langford,

9 Petitioner,

CASE No. A-18-784511

10 vs.

11 Warden Tim Garrett,

JUDICIAL NOTICE

12

Respondent,

13

14 Pursuant to NRS 34.440 the Respondent is required to bring

15 the Petitioner to court for his writ hearing.

16 NRS 34.440 (person served must bring body of person in custody;

17 exceptions.) states:

18 If the writ of habeas corpus be served, the person or officer to whom the  
19 same is directed shall also bring the body of the party in the person's  
or officer's custody or under the person's or officer's restraint, according  
to the command of the writ, except in the cases specified in NRS 34.450 ~

20

21 The WDOC and Warden Tim Garrett will not bring the Petitioner to

22 Court even though they are required to by law as stated above, so

the Petitioner needs this Court to enter a transport order.

25

26

27

28

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1 CERTIFICATE OF SERVICE


2  
3 I, certify that I have attached a true and correct copy of the  
4 foregoing Judicial Notice, with special instructions to the clerk of the  
5 court for E-file & E-Service to all my opponents pursuant to  
6 W. E. C. R. S.(K), 9 Et seq. (A-E) Etc., to the following:

7 warden Tim Garrett Steve Wolfson, D.A. Clark County  
8 Aaron Ford, Atty. Gen.

9  
10 VERIFICATION

11  
12 I, declare & verify, that I have read the foregoing document and that  
13 it is true & correct to the best of my knowledge and belief, under the  
14 pains and penalties of perjury pursuant to 28 U.S.C. 31746.

15 DATE: 3/30/21

16   
17 Petitioner, 1159546

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27 Document Prepared By:

28 Alexander Jensen

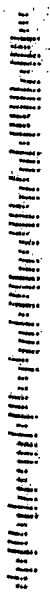
Justin Langford-1159546  
-ccc, 1200 Prison Road  
Lovelock, Nev. 89419

Lovelock Correctional Center

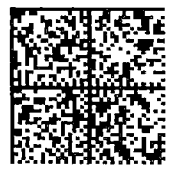
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1 Justin Odell Langford, #1159546  
2 LCC, 1200 Prison Road  
3 Lovelock, Nev 89419  
4

5 IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
6 IN AND FOR THE COUNTY OF CLARK

7 \* \* \* \* \*

8 Justin Odell Langford,  
9 Petitioner,

CASE No. A-18-784811

10 vs.

DEPT No. XXIII

11 WARDEN Tim Garrett,  
12 Respondent

PETITIONERS TRAVERSE

13  
14 COMES Now, Justin Odell Langford, in Pro per to file his Traverse,  
15 and moves this Honorable Court to enter an Order Granting his  
16 Petition For Writ of Habeas Corpus.

17 This Traverse is made and based upon all papers, pleadings  
18 on file with this Honorable Court and the attached  
19 Memorandum of Points and Authorities and any oral arguments  
20 which may be adduced at the hearing.

21 DATE: 4/12/21

22  
23 Respectfully Submitted By  
24 *[Signature]*  
25 Petitioner, 1159546  
26

27 \* Document Prepared By:  
28

# MEMORANDUM OF LAW

## I) THE NATURE OF SUBJECT MATTER JURISDICTION:

¶

It is elementary that the jurisdiction of the court over the subject matter of the action is the most critical aspect of the courts' authority to act. Without it the court lacks any power to proceed. *Galloway v. Truesdell*, 83 Nev. 13, 422 P.2d 237 (1967); *Alikhani v. United States*, 200 F.3d 732 (11<sup>th</sup> Cir. 2000); 23 *Corpus Juris Secundum* (C.J.S.), "Courts," § 18, p. 25. Therefore, a defense based upon this lack cannot be waived and may be asserted at any time. *Landreth v. Malik*, 127 Nev. Adv. Rep. 16, 251 P.3d 163 (Nev. 2011); *Harris v. United States*, 149 F.3d 1309 (9<sup>th</sup> Cir. 1998); *Sanchez v. Pacific Power Co.*, 147 F.3d 1097, 1100 (9<sup>th</sup> Cir. 1998); *Kelly v. United States*, 29 F.3d 1107, 1114 (9<sup>th</sup> Cir. 1994); and *Contorte v. United States*, 979 F.2d 1375, 1377 (9<sup>th</sup> Cir. 1992).

Subject matter jurisdiction defines a court's authority to hear a given type of case. *United States v. Morton*, 467 U.S. 822, 104 S.Ct. 2769, 81 L.Ed. 2d 680 (1984).

It is axiomatic that any action taken by a court when it lacked jurisdiction is a nullity and void. See *Gschwind v. Cessna Aircraft Co.*, 232 F.3d 1342, 1347 (10<sup>th</sup> Cir. 2000); *Schnier v. District Court In and for City and County of Denver*, 696 P.2d 264, 266 (Colo. 1985); and *Valley v. Northern Fire & Marine Ins. Co.*, 254 U.S. 348, 353-54 (1920).

The subject-matter of a ~~crime~~ criminal offense is the crime itself. Subject matter in its broadest sense means the cause; object; the thing in dispute. *Stillwell v. Markham*, 10 P.2d 15, 16, 135 Kan. 206 (1932).

Under our Federal system of dual sovereignty, subject matter jurisdiction of state



1 Courts is governed in the first instance by state law. *Chivas Products Ltd. v*  
2 *Owson*, 864 F.2d 1280 (6th Cir. 1988). Moreover, subject matter jurisdiction cannot be  
3 "cured" and, should the court not have jurisdiction, it does not have power to  
4 preside over the case *Baker v. Siemens Energy and Automation, Inc.*, 820 F. Supp.  
5 1058, 1059, (D. Ohio 1993)

6 Article 6 Section 1, of the Nev. Const., rests the judicial power in the  
7 State District and Justice Courts. Section 6 gives the District Courts  
8 original jurisdiction in all criminal cases. *Moore v. Orr*, 30 Nev. 458, 95 P. 378 (1908).

9 As such, when a court lacks jurisdiction, an ensuing judgment is void, and  
10 "thus vulnerable to direct or collateral attack at any time". *Barguis v.*  
11 *Merchants Collection Association*, 7 Cal. 3d 94, 119, 101 Cal. Rptr. 715, 496 P.2d 817  
12 (1972),

13 An indictment or information in a criminal case is the main means by  
14 which a court obtains subject matter jurisdiction, and is the "jurisdictional  
15 instrument upon which the accused stands trial." *State v. Chatman*, 671 P.2d  
16 531, 538 (Kan. 1983). The complaint/information is the foundation of the  
17 jurisdiction of the magistrate or court. Thus, should these charging  
18 instruments be invalid, there is a lack of subject matter jurisdiction.

19 "Without a formal and sufficient information  
20 a court does not acquire subject matter jurisdiction  
and thus an accused may not be punished for a crime"  
21 *Honomichi v. State*, 333 N.W.2d 797, 798 (S.D. 1983).

22 A formal accusation is essential for every trial of a crime. Without it the  
23 court acquires no jurisdiction to proceed, even with the consent of the parties,  
24 and where the indictment or information is invalid the court is without  
25 jurisdiction. *Ex parte Carlson*, 186 N.W. 722, 725, 176 Wis. 538 (1922).

26 "Without a valid complaint (or information) any judgment  
27 or sentence rendered is 'void ab initio'".

28 *Ralph v. Police Court of El Cerrito*, 140 P.2d 632, 634, 84 Cal. App. 2d 257 (1948).

1 Jurisdiction to try and punish for a crime cannot be acquired by the mere  
2 assertion of it, or invoked otherwise than in the mode prescribed by law, and  
3 if it is not so acquired or invoked any judgment is a nullity. 22 C.J.S.  
4 "Criminal Law", §167, p. 202.

5 The charging instrument must not only be in the particular mode or form  
6 prescribed by the constitution to be valid, yet it also must contain  
7 reference to valid laws. Without a valid law, the charging instrument is  
8 insufficient and no subject matter jurisdiction exists for the matter to be tried.

9 Where an information charges no crime, the court lacks jurisdiction to  
10 try the accused, *People v. Hardiman*, 347 N.W. 2d 460, 462, 132 Mich. App. 332  
11 (1984); see also *Kelly v. Myers*, 263 Pac 903, 905 (Ore. 1928).

12 An invalid law charged against one in a criminal matter also negates  
13 subject matter jurisdiction by the sheer fact that it fails to create a  
14 cause of action. "Subject matter is the thing in controversy." *Holmes v. Mason*,  
15 115 N.W. 770, 80 Neb. 457, citing *Black's Law Dictionary*. Without a valid law, there  
16 is no issue or controversy for a court to decide upon. Thus, where a law does  
17 not exist or does not constitutionally exist, or where the law is invalid, void  
18 or unconstitutional, there is no subject matter jurisdiction to try one  
19 for an offense alleged under such a law.

20 Should a criminal statute be unconstitutional, the court lacks subject  
21 matter jurisdiction and cannot proceed to try the case. 22 C.J.S. "Criminal  
22 Law," §157, p. 169; citing *People v. Katrinak*, 185 Cal. Rptr. 869, 136 Cal. App. 3d 195 (1982).

23 The complaint and/or the information in question allege that the Accused  
24 has Petitioner has committed several crimes by the violation of certain laws  
25 which are listed in said complaint and/or information, to wit: (Please see  
26 Exhibit "19" attached to writ of habeas).

27 The Petitioner has been informed that these laws or statutes used  
28

1 in the complaint and/or information against the Petitioner are located  
2 in and derived from a collection of books entitled "Nevada Revised  
3 Statutes (NRS)". Upon looking up these laws in this "Copyrighted"  
4 publication, The Petitioner realized that they do not adhere to  
5 "several Constitutional provisions" of the Nev. Const. The Nev.  
6 Const. affords the citizens of Nevada more protection than the  
7 federal Const. See *Wilson v. State*, 123 Nev. 587, 595 (Nev. 2007); citing  
8 *Miranda v. State*, 114 Nev. 385, 387 (1998).

9 The Petitioner also states, contends that; (1) the NRS laws were "illegally  
10 codified, and Annotated" by a Non-Legislative Group called the 'Statute  
11 revision commission'; which is contrary to the Nev. Const.; (2) The "Private  
12 Non-Legislative Group" illegally Copyrighted Government Public Documents, and  
13 sold them in private publications books without legal authority to do so.  
14 Again a violation of the Nev. Const. (Art. 5, §17 Nev. Const.); (3) All NRS laws  
15 printed and circulated are illegal and have no legal lawful authority in  
16 those private books created by Non-Legislative entities, to be binding upon.  
17 The Petitioner/citizen's of Nevada; (4) The NRS laws and resolutions are  
18 invalid that do not contain the Enacting Clause "upon their face" i.e  
19 "The people of the state of Nevada represented in Senate and Assembly,  
20 do enact as follows," ...; (5) The Petitioners charging complaint and/or  
21 information documents do not contain the Enacting clause upon their  
22 face, and therefore the Complaint/Information, criminal case is "void Ab  
23 initio", and this Court lacked subject matter jurisdiction; (6) "There exists  
24 'deliberate (A) stealth Fraud' committed on Jan. 25<sup>th</sup>, 1957, by all of the  
25 48<sup>th</sup> session Legislators Assembly, to date; (B) abuse of power / auth-  
26 ority of their constitutional authority, exceeding that authority; (C)  
27 Violation of separation of powers"; (7) Usurpation; (8) Tyranny;

28

1 (9) Treason; (10) The Non-Legislative Group, Legislative Counsel has no  
2 power or authority to make or amend or pass or publish laws that are  
3 not valid or against the Nev. Const.; (11) That, Courts, judges,  
4 prosecutor's, lawyer's are negligent in knowing and/or should have  
5 known NRS are unconstitutional, that these are vaild claims, that  
6 the Petitioners Fifth (5<sup>TH</sup>); (6<sup>TH</sup>) Sixth; Eighth (8<sup>TH</sup>); and Fourteenth (14<sup>TH</sup>),  
7 United States Constitutional Amendment rights have been violated; as  
8 well as the following Articles of the Nev. Const. Art. ~~431~~ 132; Art,  
9 136; Art. 138; Art. 135; and Art. 1320.

10 By Article ~~431~~ of the Nev. Const. (1864), all law making authority for the  
11 state is vested in the Legislature of Nevada. This Art. 4 also prescribes  
12 certain forms, modes and procedures that "must be followed in order for a  
13 valid law to exist under the Constitution." It is fundamental that nothing  
14 can be a law that is not enacted by the Legislature prescribed in the  
15 Constitution, and which fails to conform to constitutional forms,  
16 prerequisites or prohibitions. These are the grounds for challenging  
17 the subject matter jurisdiction of this court, since the validity of a  
18 law on a complaint or information or indictment goes to the jurisdiction  
19 of a court. The following explains in authoritative detail why the laws  
20 cited in the complaint(s)/information(s) against the Petitioner are not  
21 constitutionally valid laws

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1 III) Procedural Bars/Hurdles Don't Apply, And Reply by  
2 Non-Party is Moot  
3

4 For Courts Notice Counts 1, 2, 3, and 4 of petition  
5 filed on Feb. 9<sup>th</sup>, 2022 are challenges to Courts Jurisdiction,  
6 along with count 6 in the Addendum to the Petition. All of  
7 these can't be procedurally defaulted or procedurally barred.  
8 See Main v. Tiboutot, 100 S.Ct. 2502 (1980) ("Jurisdiction can be  
9 challenged at any time" and "jurisdiction, once challenged, cannot be  
10 assumed and must be decided."); see also Basso v. Utah Power & Light  
11 Co., 395 F.2d 906, 910; Hagans v. Lavine, 415 U.S. 533. AS for Counts  
12 1, 2, 3 of the Petition are valid claims and are ~~valid~~ conceded  
13 to by the Respondents, ~~as~~ under the silence is acquiescence  
14 doctrine. See *Nist v. Nunnemaker*, 501 U.S. 797 (1991); see also  
15 *Eureka v. Banks*, 35 Nev. 80 (1912); *Hale*, supra.; *Tod Case*, supra, 263  
16 U.S. at 263 US 153-154. And the State of Nevada has conceded the  
17 issue of the NRS as Unconstitutional in Case No. 27CV-OTH-  
18 2020-0057 in their Motion to Dismiss, see pg. 16 & 17 in Exhibit B  
19 Counts 5 & 7 from the Petition and the Addendum are  
20 Fraud upon the Court Counts, there is no time limit as to  
21 when these claims can be raised, see *NC-DSH v. Garner*, 125 Nev.  
22 647, 648-9; 218 P3d 853; 2009 Nev. Lexis 55; 125 Nev. Adv. Rep. 50 (Nev.  
23 2009); *Donnelly v. DeChristoforo*, 1974 S.Ct. 41709 56; 416 U.S. 637  
24 (1974); So it would be a Miscarriage of Justice to pass on  
25 these claims. And as stated in Counts 4, 5, 6, & 7 I only got  
26 the information thanks to the Atty. Gen's office and not  
27 By my counsel even though it claims to have given the  
28

1 Petitioner all the records. Counsel told the Court this  
2 Petitioner his whole case file on numerous occasions when it  
3 didn't. See Murray v. Carrier, 477 U.S. 478, 91 L.Ed. 2d 397, 106  
4 S.Ct. 2639 (1986), see also Amadeo v. Zant, 486 U.S. 214, 100 L.Ed. 2d  
5 249, 105 S.Ct. 1771 (1983). In Hamilton v. McCotter, 772 F.2d 171  
6 (5th Cir. 1985) (The Court held, in pertinent part, that the  
7 petitioner's claim that the indictment was forged and, thus, that  
8 the Petitioner was never properly before the state trial court  
9 court's jurisdiction should not have been dismissed.), Applies  
10 to counts 4, 5, 6, 7. Then The "Ends of Justice" exception  
11 Applies to Counts 1, 2 & 3. See Sanders v. United States, 373 U.S.  
12 1, 10 L.Ed. 2d 148, 83 S.Ct. 1068 (1963), see also Cullen v. Pinholster, 583  
13 U.S. 170, 131 S.Ct. 1383, 179 L.Ed. 2d 557 (2011) "All claims, but he must  
14 present all available evidence to the State Courts".

15 First Petitioner Never states the Const. is invalid.

16 Count 1 "Challenges the Const. of the NRS, due to violation  
17 of Separation of Powers"

18 Count 2 "Challenges the Const. of the NRS, due to the  
19 Legislative Process Not being finished"

20 Count 3 "Challenges the Const. of the NRS, due to the  
21 Const. Mandated Enacting Clause is missing."

22 Count 4 "Challenges the Courts Jurisdiction to hold trial  
23 once the Court exceeded authority."

24 Count 5 "Challenges the Courts Jurisdiction based on a  
25 Fraudulent Charging documents", this is the same for

26 Counts 6 & 7 under different facts. The Court never had  
27 Proper Jurisdiction.

28

1 A) COUNTS 1, 2, AND 3 REBUTTAL ARGUMENTS

2  
3 I) BY CONSTITUTIONAL MANDATE, "ALL" LAWS MUST HAVE  
4 AN ENACTING CLAUSE:

5  
6 One of the forms that all laws are required to follow by the  
7 constitution of Nevada (1864), is that they contain an enacting style  
8 or clause. This provision is stated as follows:

9 Article 4 § 23 "The people of the State of Nevada represented in  
10 Senate and Assembly, do enact as follows," ... .

11 None of the laws cited in the complaint or information against  
12 the Petitioner, as found in the NRS for the years 2007-14, contain any  
13 enacting clauses.

14 The constitutional provision which prescribes an enacting clause for  
15 "all laws" is not directory, yet is mandatory. This includes and encompasses  
16 laws which have been classified, codified, and annotated because the Nev.  
17 Const. is "paramount". This provision is to be strictly adhered to as  
18 asserted by the Supreme Court of Nevada. See: State of Nevada v. Rogers,  
19 10 Nev. 250, 255, 256 (1875); Caine v. Robbins, 61 Nev. 416, 131 P.2d 516, 518 (Nev. 1942);  
20 citing Sjoberg v. Security Savings & Loan Association, 73 Minn. 203, 75 W.W.  
21 1116, 72 Am. St. Rep. 616 (1898); See also Nevada Highway Patrol Ass'n v. State  
22 Dept. of Motor Vehicles and Public Safety, Nevada Highway Patrol Div., 107  
23 Nev. 547, 549, 815 P.2d 606, 610 (Nev. 1991). This provision of the constitution  
24 cannot be legislated away. Nev. Const. Art. 4 § 23.

25  
26 II) WHAT IS THE ~~PURPOSE~~ PURPOSE OF THE CONSTITUTIONAL  
27 PROVISION FOR AN ENACTING CLAUSE?

1 To determine the validity of using laws without an enacting clause  
2 against citizens, we need to determine the purpose and function of an enacting  
3 clause; and also to see what problems or evils were intended to be avoided by  
4 including such provisions in our State Constitution. One object of the  
5 constitutional mandate for an enacting clause is to show that the law is one  
6 enacted "by the legislative body which has been given the law making  
7 authority under the Constitution."

8 The purpose of thus prescribing an enacting clause - "the style of the  
9 acts" - is to establish it; to give it permanence, uniformity, and certainty;  
10 to identify the act of legislation as of the assembly; to afford evidence  
11 of its legislative statutory nature; and to secure uniformity of  
12 identification, and thus prevent inadvertence, possibly mistake and  
13 fraud. *State v. Patterson* 4 S.E. 350, 352, 98 N.C. 660 (1887); 82 C.J.S. "Statutes",  
14 § 65, p. 104; *Joiner v. State*, 155 S.E. 2d 8, 10, 223 Ga. 367 (1967)

15 What is the object of a bill or enacting clause anyway? To show the  
16 authority by which the bill is enacted into law; to show that the act comes  
17 from a ~~source~~ place pointed out by the Constitution as the source of  
18 legislation, *Ferrill v. Keel*, 151 S.W. 269, 272, 105 Ark. 380 (1912).

19 To fulfill the purpose of identifying the law making authority of a law,  
20 it has been repeatedly declared by the courts of this land that an enacting  
21 clause is to appear on the face of every law which the people are expected to  
22 follow and obey.

23 The almost unbroken custom of centuries has been to preface laws with  
24 a statement in some form declaring the enacting authority. The purpose  
25 of an enacting clause of a statute is to identify it as an act of  
26 legislation by expressing on its face the authority behind the act. 73 Am.  
27 Jur. 2d, "Statutes", § 93, p. 319, 320; *Preckel v. Byrne*, 243 N.W. 823, 826, 62 N.D.

28



1 356 (1932)

2 Face is defined as follows: The surface of anything, especially the  
3 front, upper, or outer part or surface. That which particularly offers itself  
4 to the view of a spectator. That which is shown by the language employed,  
5 without any explanation, modification, or addition from extrinsic facts or  
6 evidence. Black's Law Dictionary, 5<sup>th</sup> ed., p. 530.

7 For an enacting clause to appear on the face of a law, it must be  
8 recorded or published with the law so that the public can readily  
9 identify the authority for that particular law which they are  
10 expected to follow. The "statutes" used in the complaint(s) and/or  
11 information against The Accused have no enacting clauses. They thus  
12 cannot be identified as acts of legislation of the State of Nevada pursuant  
13 to its law making authority under Article 4 of the Nev. Const. (1864), since  
14 a law is mainly identified as a true and Constitutional law by way of its  
15 enacting clause.

16 The Supreme Court of Georgia asserted that a statute must have an  
17 enacting clause, even though their State Constitution had no provision for the  
18 measure. The Court stated that an enacting clause establishes a law or  
19 statute as being true and authentic law of the state: Joiner, 155 S.E. 2d at  
20 10.

21 The failure of a law to display on its face an enacting clause deprives  
22 it of essential legality, and renders a statute which omits such clause as  
23 "a nullity and of no force of law." Joiner, supra. The statutes cited in the  
24 complaint(s) and/or information(s) have no jurisdictional identity and are  
25 not authentic laws under the Nev. Const. (No enacting clause upon their  
26 face).

27 The Court of Appeals of Kentucky held that the constitutional  
28

1 provision requiring an enacting clause is a basic concept which has a direct  
2 affect upon the validity of a law. The Court in dealing with a law that had  
3 contained no enacting clause, stated:

The alleged act or law in question is unnamed; it shows no sign of  
4 authority; it carries with it no evidence that the General Assembly  
or any other lawmaking power is responsible or answerable for it.  
5 \*\*\* By an enacting clause, the makers of the Constitution  
intended that the General Assembly should make its impress or  
6 seal, as it were, upon each enactment for the sake of identity, and  
to assume and show responsibility. \*\*\* While the Constitution  
7 makes this a necessity, it did not originate it. The custom is in use  
practically every where, and is as old as parliamentary government,  
8 as old as King's decrees, and even they borrowed it. The decrees of  
Cyrus, King of Persia, which Holy Writ records, were not the first to  
9 be preaced with a statement of authority. The law was delivered  
to Moses in the name of the Great I Am, and the prologue to the  
10 Great Commandments is no less majestic and impelling. But,  
whether these edicts and commands be promulgated by the  
11 Supreme Ruler or Petty Kings, or by the sovereign people  
themselves, they have always begun with some such form as  
12 a evidence of power and authority.

13 Commonwealth v. Illinois Cent. R. Co., 170 S.W. 171, 172, 175, 160 KY. 745 (1914).

14 The "laws" used against the Petitioner unnamed. They show no sign of  
15 authority on their face as recorded in the "NRS". They carry with them no  
16 evidence the Legislature of Nevada, pursuant to Article 4 of the Nev.  
17 Const. (1864), is responsible for these laws. Without an enacting clause the  
18 laws referenced to in the complaint(s) and/or information(s) have no  
19 official evidence that they are from an authority which the Petitioner  
20 is subject to or required to obey.

21 When the question of the "objects intended to be secured by the  
22 enacting clause provision" was before the Supreme Court of Nevada, the  
23 Court held that such a clause was necessary to show the people who  
24 are to obey the law, the authority for their obedience. It was  
25 revealed that historically this was a main use for an enacting  
26 clause, and thus its use is a fundamental concept of law. The  
27 Court stated:

28

1 The following authorities fully sustain the position, which we  
2 believe to be correct, that these and similar provisions of the  
3 Constitution are mandatory. (Citations omitted). In  
4 *Tuskaloosa Bridge Co. v. Olmstead*, the court had under  
5 consideration the constitutional provision of Alabama that "No  
6 law \*\* shall be \*\* amended by reference only to its title, \*\* but  
7 the law \*\* amended shall itself be set forth at full length." It  
8 was there argued by eminent counsel that the provision was only  
9 directory, and was intended only as mere rules for the  
10 legislature, and that courts ought to "deviate a little from the received  
11 sense and literal meaning of the words, and interpret the instrument  
12 in accordance with what may appear to have been its reason  
13 and spirit." Such is substantially the argument advanced by  
14 relator's counsel here, and the decision is for that reason  
15 specially applicable to this case. Walker, *et al.*, in delivering the  
16 opinion of the court, said: "We have given careful  
17 attention to the argument that the clause of the Constitution  
18 under consideration is a mere rule of legislative proceeding, and  
19 does not render void a law not conformable to it. An anxious  
20 desire to allow effect to the will of the legislature, and to  
21 avoid a seemingly harsh visitation of a rule the usefulness of  
22 which is hardly proportionate to its inconvenience, induced us to  
23 prolong our advisement on the case, with the hope of discovering  
24 reasons or authority which would lead us to the support of that  
25 argument. But it still seems to us that the clause raises a  
26 question of legislative power, and is not a mere rule for the  
27 government of the general assembly in its proceedings. The  
28 prohibition is emphatic that no law shall be revised or amended  
exception except in the mode specified. This is a command,  
not specially or professedly addressed to the legislature alone.  
It is as general and comprehensive as any prohibition in the  
Constitution. It is binding upon the executive, who approves  
or disapproves bills, and upon the judiciary, who declare the  
law as well as upon the legislature. What warrant can  
there be, then, for the position that it is simply a rule  
for the guidance of the legislature? When the Constitution  
says no law shall be amended, save in a specified  
manner, can the legislature say a law may be and shall  
be amended in a different manner? The case is to our  
minds, a plain one of irreconcilable conflict between the  
paramount law of the Constitution and the enactment of the  
legislature. When such a conflict is clearly presented to  
the judicial mind, the Constitution must prevail." (emphasis added).  
We approve of the reasoning and conclusion of the learned  
chief justice who delivered the opinion of the court. The  
reasoning of that case was afterwards adopted and applied  
in *Weaver v. Hapsley*, where the court had under consideration  
the provision of the Constitution that declares: "Each law shall  
contain but one subject, which shall be clearly expressed in its  
title", and led the court "undoubtedly to the conclusion that  
the said section of the Constitution is imperative and mandatory,  
and a law contravening its provisions is null and void." If one or  
more of the positive provisions of the Constitution may be

1 disregarded as being directory, why not all? And if all, it certainly  
2 requires no argument to show what the result would be. The  
3 Constitution, which is the paramount law, would soon be looked  
4 upon and treated by the legislature as devoid of all moral  
5 obligations; without any binding force or effect; a mere "rope of  
6 sand," to be held together or pulled to pieces at its will and  
7 pleasure. We think the provisions under consideration must be  
8 treated as mandatory, and agree with Judge Cooley that "there  
9 are few evils which can be inflicted by a strict adherence to  
10 the law so great as that which is done by the habitual disregard,  
11 by any department of the government, of a plain requirement  
12 of that instrument from which it derives its authority, and  
13 which ought, therefore, to be scrupulously observed and  
14 obeyed." These provisions being mandatory in their character,  
15 it becomes our duty to consider whether they have been  
16 complied with.

17 Has this act an enacting clause, as required by the  
18 Constitution?

19 Cushing, in his works on Law and Practice of Legislative  
20 Assemblies (819, Sec. 2012), says: "The Constitutions of all the States  
21 in the Union, except those of Pennsylvania, Delaware, Virginia,  
22 North Carolina, South Carolina, Georgia, Louisiana, Kentucky, and  
23 Arkansas, contain a statement under the name of the  
24 enacting style, of the words with which every act of  
25 legislation in those States, respectively, must be introduced,  
26 sometimes with and sometimes without the use of negative  
27 words, or other equivalent language. The Constitutions of the  
28 States above named and of the United States, contain no  
statement of an enacting clause. Under those Constitutions,  
therefore, an enacting clause, though equally requisite to the  
validity of a law, must depend mainly upon custom. The  
foregoing considerations seem to call for three remarks;

29 "I. Where enacting words are prescribed, nothing can be  
30 a law which is not introduced by those very words, even though  
31 others which are equivalent are at the same time used."

32 "II. Where the enacting words are not prescribed by a  
33 constitutional provision, the enacting authority must not ~~be~~ withstanding,  
34 be stated; and any words which do this to a common understanding  
35 or doubtless sufficient; or the words may be prescribed by rule.  
36 In this respect much must depend upon usage."

37 "III. Whether, where enacting words are prescribed in  
38 a resolve or joint resolution, can such resolution have the force of  
39 law without the use of those very words, is a question which depends  
40 upon each individual Constitution, and which we are not called  
41 upon at present to settle."

42 The question asked falls under the first subdivision discussed  
43 by Cushing.

44 State v. Rogers, 10 Nev. at 254-257; see also Sjoberg, 73 Minn. at 212-214; Caine,

45 131 P.2d at 518. (emphasis added to original)

46 The purported laws in the complaint(s) and/or information(s), which the

1 Petitioner is said to have violated, are referenced to various laws found  
2 printed in the NRS. The Petitioner has looked up the laws charged against  
3 him in the NRS book and found no enacting clause for any of these laws. A  
4 citizen is not expected or required to search through other records or books  
5 for the enacting authority. Should such enacting authority not be "on the  
6 face" of the laws which are referenced in a complaint and/or  
7 information, then "they are not laws of this state," and thus are not laws to  
8 which the Petitioner is subject. Caine, 131 P.2d at 518, State v. Rogers, 10 Nev. at  
9 261. Since they are not laws of this state, the above-named Court has no  
10 subject matter jurisdiction, as ~~they~~ there can be no crime which can exist  
11 from failing to follow laws which do not constitutionally exist.

12 In speaking on the necessity and purpose that each law be prefaced  
13 with an enacting clause, the Supreme Court of Tennessee quoted the first  
14 portion of the Sjoberg case cited above, and then stated:  
15 The purpose of provisions of this character is that all statutes may  
16 bear upon their faces a declaration of sovereign authority by they  
17 are enacted and declared to be the law, and to promote and  
18 preserve uniformity in legislation. Such clauses also ~~import~~ import a  
19 command of obedience and clothe the statute with a certain dignity,  
20 believed in all times to command respect and aid in the enforcement  
21 of laws. State v. Borrow, 104 S.W. 526, 529, 119 Tenn. 376 (1907).

19 The use of an enacting clause does not merely serve as a "flag" under  
20 which bills run the course through the legislative machinery. Vaughn & Pagsdale Co. v.  
21 State Bd. of Eq., 46 P.2d 420, 424 (Mont. 1937). The enacting clause of a law goes to  
22 its substance, and is not merely procedural. Morgan v. Murray, 328 P.2d 641,  
23 654 (Mont. 1958).

24 Any purported statute which has no enacting clause on its face, is not  
25 legally binding and obligatory upon the people, as it is not constitutionally  
26 a law at all. The Supreme Court of Michigan, citing numerous authorities, said  
27 that an enacting clause was a requisite to a valid law since the enacting  
28

1 provisions was mandatory:

2 It is necessary that every law should show on its face the  
3 authority by which it is adopted and promulgated, and  
4 that it should clearly appear that it is intended by  
5 the legislative power that enacts it that it should take  
6 effect as a law.

7 People v. Dettenthaler, 77 N.W. 450, 451, 118 Mich. 595 (1898); citing Swann v.  
8 Buck, 40 Miss. 270.

9 The laws in the "WRS" do not show on their face the authority by  
10 which they are adopted and promulgated. There is nothing on their  
11 face which declares they should be law, or that they are of the  
12 proper legislative authority in this state.

13 These and other authorities then all hold that the enacting clause of  
14 a law is to be "on its face." It must appear directly above the content or  
15 body of the law. Black's Law Dictionary, 5th ed., p. 530. To be on the face  
16 of the law does not and cannot mean the enacting clause can be  
17 buried away in some other volume or some other book or records.

18 The enacting clause must be intrinsic to the law, and not  
19 "extrinsic" to it, that is, it cannot be hidden away in other records or  
20 books. Thus, the enacting clause is regarded as part of the law, and  
21 has to appear directly with the law, on its face, so that one  
22 charged with said law knows the authority by which it exists. *Caine*,  
23 131 F.2d at 515; *Kefauver v. Spurling* 290 S.W. 14, 15 (Tenn. 1926); *State v.*  
24 *Rogers*, 10 Nev. at 261.

### 25 III) LAWS MUST BE PUBLISHED AND RECORDED WITH THE ENACTING 26 CLAUSES

27 Art. 152 Purpose of government; paramount allegiance to United  
28

1 States. All political power is inherent in the people. [emphasis  
2 added to original]. Government is ~~inherent~~ instituted for the  
3 protection, security and benefit of the people; and they have the right  
4 to alter or reform the same whenever the public good may require it.

5 Gibson v. Mason, 5 Nev. 283 (1869); cited County of Pershing v. Sixth  
6 Judicial Dist. Court, 48 Nev. 397, 405, 232 Pac. 1078 (1925); Matthews v.  
7 State ex rel. Nevada Tax Comm'n, 93 Nev. 266, 268, 428 P.2d 371 (1976).

8 The people/citizens of the State of Nevada via the Nev. Const.  
9 mandated that "every law" must be Published and Recorded with the  
10 enacting clause upon their face Nev. Const. Art. 1 §23; Caine, 131 P.2d at  
11 518; State v. Rogers, 10 Nev. at 261.

12 The people/citizens of the state of Nevada, have not vested any power  
13 in the Legislature of Nevada to change, alter or reform, to not comply  
14 with the mandate's of the following Articles of the Nev. Const.: Art.  
15 1§2; Art. 1§15; Art. 1§20; Art. 3§1; Art. 4§14; Art. 4§17; Art. 4§18;  
16 Art. 4§20; Art. 4§21; Art. 4§23; Art. 4§35; nor that the governor  
17 not comply with Art. 5§6; and Art. 5§7. (more to be argued infra.)

18 Since it has been repeatedly held that an enacting clause "must"  
19 appear "on the face" of every law, such a requirement affects the  
20 printing and publishing of said laws. The fact that the Const.  
21 requires "every law" to have an enacting clause makes it a  
22 requirement on not just bills within the legislature, yet on "published  
23 laws as well. Should the constitution have said "all bills" shall  
24 have an enacting clause, it probably could be said that their use  
25 in publications would not be required. Yet the historical usage  
26 and application of an enacting clause has been for them to be  
27 printed and published along with the body of the law, thus

1 appearing "on the face" of the law.

2 It is obvious, then, that the enacting clause must be readily  
3 visible on the face of a statute in the common mode in which it is  
4 published so that citizens don't have to search through the legislative  
5 journals or other records and books to see the kind of clause used, or  
6 whether any exists at all. Thus a law in a statute book without an  
7 enacting clause is not a valid publication of law. In regards to the  
8 validity of a law that was found in their statute books with a

9 defective enacting clause, the Supreme Court of Nevada held:  
10 our Constitution expressly provided that the enacting clause  
11 of every law shall be, "The people of the State of Nevada,  
12 represented in Senate and Assembly, do enact as follows." This  
13 language is susceptible of but one interpretation. There is no  
14 doubtful meaning as to the interpretation intention. It is, in our  
15 judgement, an imperative mandate of the people, in their sovereign  
16 capacity, to the legislature, requiring that all laws, to be binding  
17 upon them, shall, upon their face, express the authority by which  
18 they were enacted, and since this act comes to us without such  
19 authority appearing upon its face, it is not a law.

20 State v. Rogers 10 Nev. at 261; approved in *Caine* 131 P.2d at 518; *Ketauver v.*  
21 *Spurling*, 290 S.W. 4, 15 (Tenn. 1926).

22 The manner in which the law came to the court was by the way it was  
23 found in the statute books, cited by the Court as Stat. 1875, 66,<sup>51</sup> and that  
24 is how they judge the validity of the law. Since the Court saw that  
25 the act, as it was printed in the statute book, had an insufficient  
26 enacting clause on its face, it was deemed to be "not a law." It is only by  
27 inspecting the "publicly printed statute book book that the people can  
28 determine the source, "authority" of the law they are expected to follow."

29 It must be noted that the laws in the above cases were published in  
30 an official statute book of the State, and were next to other laws  
31 which had the proper enacting clauses.

32 The preceding examples and declarations on the use and purpose of



1 the mandatory enacting clauses shows beyond doubt that nothing  
2 can be called or regarded as a law of the State of Nevada which is  
3 published without an enacting clause on its face. State v. Rogers, 10  
4 Nev. at 261; Caine, 131 P.2d at 519; Hefauver, 290 S.W. at 15. Nothing can  
5 exist as State law except in the manner prescribed by the  
6 paramount law of the State the Nev. Const. Art. 4§17 and 4§23. One  
7 of those provisions is that "every law" must bear on their face a specific  
8 enacting style - "The people of the State of Nevada, represented in Senate  
9 and Assembly, do enact as follows" (Nev. Const. Art. 4§23). Every law,  
10 must be published with this clause in order to be valid laws, the  
11 people/citizens of the State of Nevada have this right in their  
12 sovereign capacity, to mandate the enacting clause on all laws,  
13 and since the "statutes" as published for the years of 2007-2014, of  
14 the NRS were so published, they were not/are not valid laws of the  
15 State of Nevada. (They contain no enacting clause).

16 What about "the people"? They have no right to know the authority behind  
17 the laws of the State, to which they bind themselves? The Nev. Sup. Ct., clearly  
18 and unambiguously recognized and empowered the Rights of the people in  
19 State v. Rogers: "It is in our judgment, and imperative mandate of 'the  
20 people'... State v. Rogers, 10 Nev. at 250, 261. The mandate being that every  
21 law expresses the authority by which they were enacted. The court included  
22 'It is true, \*\*\* that all political power is inherent in the people.' It is 'the  
23 people' that enact all laws"... State v. Rogers, 10 Nev. at 260.

24 Likewise, it is "the people" who may have to stand in defense of their  
25 rights stemming from charges based on the authority of the laws they have  
26 created. And, of course it is "the people", of who are regularly  
27 summoned to perform their civil duty and ultimately decide guilt or  
28

1. innocence, and impose sentence upon their fellow citizen based upon  
2 the authority behind the law. Yet, they have no right to know?

3 Who can assert the right to deny "the people" of the State of Nevada  
4 their inherent right to know the authority behind the laws they are expected  
5 to obey, and relied upon to enforce?

6 The Petitioner does again remind this Court that by the paramount law,  
7 as set forth by State v. Rogers, in order for a valid constitutional law  
8 to exist, the enacting clause must be inclusive, and intact, in each and  
9 every instance outside of the legislative process as well as on the  
10 bill as introduced.

11

#### 12 **IV) THE NEVADA REVISED STATUTES ARE OF AN UNKNOWN AND** 13 **UNCERTAIN AUTHORITY**

14

15 The so called "statutes" in the "NRS" are not only absent enacting  
16 clause, yet are surrounded by other issues and facts which make their  
17 authority unknown, uncertain and questionable. The FOREWORD page  
18 (See Exhibit 1 FOREWORD STATUTE REVISION COMMISSION), states  
19 that the "legislature of the state of Nevada created the statute  
20 revision commission comprised of the three justices of the Supreme  
21 Court," authorized such commission to appoint a reviser of statutes  
22 to be known as the director of the statute commission, and charged the  
23 commission to commence the preparation of a complete revision and  
24 compilation of the laws of the state of Nevada to be known as  
25 Nevada Revised Statutes. (NOTE: The NRS has been classified, codified,  
26 and annotated by the Legislature Counsel.) It does not say that they  
27 are the official laws of the Legislature of Nevada. The Official laws

28

1 of this state has always been listed in the "statutes of Nevada". The  
2 title/Foreword page to the Statutes of Nevada make it clear as to the  
3 nature of the laws therein, to wit- "statutes of Nevada/Session Laws of  
4 the State of Nevada passed during the Forty-Fourth session of the  
5 State Legislature."

6 The "Statutes of Nevada/Session Laws" were also published by the  
7 Secretary of the State, who historically and constitutionally is in  
8 possession of the enrolled bills of the Legislature which becomes state law.  
9 The Constitution of Nevada, Art. 5 § 20 (1864), requires that every bill which  
10 passes both the Senate and House, and is signed by the Governor, is to be  
11 deposited "in the Office of the Secretary of the State for preservation."  
12 Thus in this State, as in nearly all other states, all official laws, records, and  
13 documents are universally recognized by their being issued or  
14 published by the Secretary of State.

15 The "NRS" are published by the Revisor of Statutes/Legislative  
16 Counsel Bureau, and are also copyrighted by him or his office. The  
17 Statutes of Nevada/Session Laws were never copyrighted as they are  
18 true public documents. In fact no true public document of this State or  
19 any State or of the United States has been or can be under a copyright.  
20 Public documents are in the public domain. A copyright infers a private  
21 right over the contents of a book, suggesting that the laws in the "NRS"  
22 are derived from a private source, and thus are not true public laws.

23 The Revisor of Statutes, in the Legislative Counsel's Preface to  
24 his statute book called "NRS," points out the difference in the  
25 various types of arrangements of laws, and states the following:  
26 "Revising" the statutes, on the other hand, involves these  
27 additional and distinguishing operations: (1) The collection  
28 into chapters of all the sections and parts of sections that  
relate to the same subject and the orderly arrangement

1 into sections of the material assembled in each chapter. (2)  
2 The elimination of inoperative or obsolete, duplicated, impliedly  
3 repealed and unconstitutional (as declared by the Supreme Court  
4 of the State of Nevada) sections and parts of sections. (3) The  
5 elimination of unnecessary words and the improvement of the  
6 grammatical structure, physical form of sections.

7 The revision, instead of the recompilation, of the statutes was  
8 undertaken, therefore, first, to eliminate sections which, though  
9 not specifically repealed, were nevertheless ineffective and,  
10 second, to clarify, simply, classify and generally make more  
11 accessible, understandable and usable the remaining effective  
12 sections or parts of sections.

13 (See pages of Exhibit 1 page XI; XII; and XIV respectively

14 The ~~Rev~~ Revisor then proceeds to point out the difference that  
15 exists between the "Statutes of Nevada/Session Laws" and that of a  
16 compilation, revision or code. He makes it apparent that the "Statutes  
17 of Nevada/Session Laws" are of a different authority than that of  
18 compilations, revisions and codes. The "NRS" are apparently a "revision,"  
19 which was first published in 1949. The "NRS" appear to be nothing more  
20 than a reference book, like the Nevada Reporter. The contents of such  
21 reference books cannot be used as a law in charging citizens with  
22 crimes on criminal complaints or informations.

23 The Revisor does not say that the statutes in his books are the  
24 official laws of the State of Nevada. He indicates that these statutes are  
25 only in "theory" laws of the state, see pg XV of Foreword for the statute  
26 Revision Commission, there are thus many confusing and ambiguous  
27 statements made by the Revisor as to the nature and authority of the  
28 statutes in the "NRS". It is not at all made certain that they are the laws  
29 pursuant to Article IV of the Nev. Const. that which is uncertain cannot  
30 be accepted as true or valid in law.

31 Uncertain things are held for nothing. Maxim of law.

32 The law requires, not conjecture, but certainty. Coffin v. Ogden, 85 U.S. 120, 124

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2 elimination of inoperative or obsolete, duplicated, impliedly  
3 repealed and unconstitutional (as declared by the Supreme Court  
4 of the State of Nevada) sections and parts of sections. (3) The  
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28 Article IV of the Nev. Const. that which is uncertain cannot be  
29 accepted as true or valid in law.

30 Uncertain things are held for nothing. Maxim of law.

31 The law requires, not conjecture, but certainty. *Coffin v. Ogden*, 85 U.S. 120, 124

1 where the law is uncertain, there is no law, Bouviers Law  
2 Dictionary, vol. 2, "Maxims," 1880 edition.

3 The purported statutes in the "NRS" do not make it clear by what  
4 authority they exist. That, the people of the State of Nevada have  
5 mandated via the paramount law of the State, the Nev. Const., that the  
6 laws show upon their face by what authority they exist. The statutes of  
7 the NRS therein have no enacting authority on their face. In fact,  
8 there is not even a hint that the ~~legislator~~ Legislature of Nevada had  
9 any thing at all to do with these so-called statute books. Thus the  
10 statutes used against the Petitioner are just idle words which carry  
11 no authority of any kind on their face.

12 The NRS cannot set forth what the required contents of what the  
13 NRS is to be. The Nev. Const., the paramount law has already set forth  
14 the content for the Statutes of Nevada, that which is set forth in  
15 Nev. Const. Art. 4§17 and Art. 4§23. These Articles of the Nev. Const. is  
16 the will of the people!!

17  
18 **ESTABLISHED RULES OF CONSTITUTIONAL CONSTRUCTION**

19  
20 The issue of subject matter jurisdiction for this case thus rests  
21 squarely upon certain provisions of the Nev. Const. (1864), to wit:

22 Article 4§17: Each law enacted by the Legislature shall embrace but  
23 one subject, and matter...

24 Article 4§23: The enacting clause of every law "shall be as follows: 'The  
25 people of the State of Nevada represented in Senate and Assembly, do enact as  
26 follows,' ... ." (emphasis added).

27 These provisions are not in the least ambiguous or susceptible to any  
28

1 other interpretation than their plain and apparent meaning. The Sup.  
2 Crt. of Nev. in construing such provisions, said: "It is quite generally  
3 held that a provision in a state constitution requiring an enacting clause  
4 in a statute is mandatory and that 'the omission' thereof renders the  
5 statute void. *Caine* 131 P.2d at 516; citing *Commonwealth v. Illinois*,  
6 *Central R. Co.*, 160 Ky. 715, 170 S.W. 171, L.R.A. 1918, 1060, Ann. Cas. 1916A, 515;  
7 see the cases cited in support of this view in note on pages 520; 521; of  
8 latter citation 59 C.J. sec. 149, p. 597 and additional cases in note 55. The  
9 reasons for this generally accepted rule are pointedly stated by Judge  
10 Cooley, He says: "It is a necessary attribute of sovereignty that the  
11 expressed will of the sovereign is law; and while we may question and  
12 cross-question the words employed, to make certain of the real meaning,  
13 and may hesitate and doubt concerning it, yet, when the intent is made  
14 out, it must govern, and it is idle to talk of forms that should have surrounded  
15 the expression, but do not. But when the legislative power of a state  
16 is to be exercised by a department composed of two branches, or, as  
17 in most of the American States, of three branches and these branches  
18 have their several duties marked out and prescribed by the law to  
19 which they owe their origin, and which provides for the exercise of  
20 their powers in certain modes and under certain forms, there are  
21 other questions to arise than those of the mere intent of the law  
22 makers, and sometimes forms become of the last importance. For in  
23 such cases not only is it important that the will of the law makers  
24 be clearly expressed, but it is also essential that it be expressed  
25 in due form of law; since nothing becomes law simply and solely  
26 because men who possess the legislative power will that it shall be,  
27 unless they express their determination to that effect, in the mode

28

1 pointed out by the instrument which invests them with the power,  
2 and under all the forms which that instrument has rendered essential?  
3 Cooley's Constitutional Limitations, 6th Ed., 155. A declaration of the  
4 enacting authority in laws is a usage and custom of great antiquity  
5 and is required in some form or other in the constitutions of most of  
6 the states and the compulsory observance of it is founded in sound  
7 reason. Sjoberg, 73 Minn. 203, 75 N.W. 1116, 72 Am. St. Rep. 616; See also  
8 State v. Rogers, 10 Nev. 250, 21 Am. Rep. 736 Butler Taconite v. Roemer,  
9 282 N.W. 2d 867, 879 877 (Minn. 1979); State v. Holm, 62 N.W. 2d 52, 55,  
10 56 (Minn. 1954); State Ex Rel. Niewoehner v. Bottomly, 116 Mont. 96, 148  
11 P.2d 545, 557 (Mont. 1944); and State ex rel. v. Sutton, 63 Minn. 147, 149, 150,  
12 65 N.W. 262 (1895).

13 It is certain that the plain and apparent language of these  
14 Constitutional provisions are not followed in the publication known  
15 as the "NRS" which contain no titles and no enacting clause, and thus it  
16 is not and cannot be used as the law of this state under our  
17 Constitution, the Nev. Const. No language could be plainer or clearer  
18 than that used in Art. 4317, and Art. 4323 of our Constitution. There is  
19 no room for ~~constitutional~~ construction!! The contents of these  
20 provisions were written in ordinary language, making their meaning  
21 self-evident, as said by the Nev. Sup. Ct.:

22 when such a conflict is clearly presented to the judicial  
23 mind, the Constitution must prevail.

24 (Emphasis added to original) State v. Rogers, 10 Nev. at 255.

25 Additionally, the Nev. Sup. Ct. in State v. Rogers, 10 Nev. at 256  
26 opined:

27 We think the provisions under consideration must be treated

28



1 as mandatory, and agree with judge Cooley that "there are  
2 few evils which can be inflicted by a strict adherence to  
3 the law so great as that which is done by the habitual  
4 disregard, by any department of the government, of plain  
5 requirement of that instrument from which it derives  
6 its authority, and which ought, therefore, to be  
7 scrupulously observed and obeyed."

8 No matter how much the courts of this State have relied upon and  
9 used the publication entitled "NRS" as being law, that use can never  
10 be regarded as an exception to the Constitution. To support this  
11 publication as law, it must be said that it is "absolutely certain" that  
12 the Framers of the Constitution did not intend for titles and enacting  
13 clauses to be printed and published with all laws, yet that they did  
14 intend for them to be all stripped away and concealed from public  
15 view when a compilation of statutes is made such an absurdity  
16 will gain the support or respect of no one. Nor can it be speculated  
17 that a revised statute publication which dispenses with all  
18 titles and enacting clauses must be allowed under the Constitution  
19 as it is more practical and convenient than the "session law"  
20 "Statutes of Nevada" publication. The use of such speculation or  
21 desired exceptions can never be used in construing such plain and  
22 unambiguous provisions.

23 [T]he general rule of law is, when a statute or Constitution is plain  
24 and unambiguous, the court is not permitted to indulge in  
25 speculation concerning its meaning, nor whether it is  
26 embodiment of great wisdom.\*\*\* It is not within the province of  
27 the court to read an exception in the Constitution which the  
28

1 Framers thereof did not see fit to enact therein. *Baskin v. State*,  
2 232 Pac. 388, 389, 107 Okla. 272 (1925).

3 There is of course no need for construction or interpretation  
4 of these provisions as they have been adjudicated upon, especially  
5 those dealing with the use of an enacting clause. The Nev. Sup. Ct. <sup>has</sup>  
6 has made it abundantly clear that Art. 4§23 of the Nev. Const. "is  
7 mandatory, and that a statute without any enacting clause is  
8 void." *Caine*, 131 P2d at 518; *State v. Rogers*, 10 Nev. at 260; *Sjoberg*,  
9 703 Minn. at 212. Being that the statutes used against the  
10 Petitioner are devoid, without an enacting clause(s) and titles  
11 they are void, *Gochwind*, 232 F3d at 1347; *Schoier* 696 P2d at 266; and  
12 *Valley* 294 U.S. at 353-54, which means there is no offense, no  
13 valid complaint/information, and thus no subject matter  
14 jurisdiction.

15 The provisions requiring an enacting clause and one-subject  
16 titles were adhered to with the publications known as "Statutes  
17 of Nevada" and "Paramount Law" for the State of Nevada. Yet  
18 because certain people in government thought they that they  
19 could devise a more convenient way of doing things without  
20 regard for provisions of the State Constitution, they devised  
21 the contrivance known as the "NRS", and then held it out to  
22 the public as being "law". This of course was/is fraud, subversion,  
23 and a great deception upon the people of this State which is now  
24 revealed and exposed.

25 There is no justification for deviating from or violating a  
26 written constitution. The "NRS" cannot be used as law, like the  
27 "Statutes of Nevada" were once used, solely because the  
28

1 circumstances have changed and we have more laws to deal  
2 with. It cannot be said that the use and need of revised statutes  
3 without titles and enacting clauses must be justified due to  
4 expediency. New circumstances or needs do not change the  
5 meaning of constitutions, as Judge Cooley expressed:

6 A constitution is not to be made to mean one time, and  
7 another at some subsequent time when the circumstances  
8 may have so changed as perhaps to make a different rule in  
9 the case seem desirable. A principal share of the  
10 benefit expected from written constitutions would be  
11 lost if they established were so flexible as to bend  
12 to circumstances or be modified by public opinion.

13 \*\*\*[A] court or legislature which should allow a  
14 change in public sentiment to influence it in giving  
15 to a written constitution a construction not  
16 warranted by the intention of its founders, would  
17 be justly chargeable with reckless disregard of  
18 official oath and public duty; and if its course  
19 could become a precedent, these instrument would  
20 be of little avail. \*\*\* What a court is to do,  
21 therefore, is to declare the law as written.

22 TIM. Cooley, *A Treatise on the Constitutional Limitations*, 5<sup>th</sup> Ed., pp. 54, 55.

23 There is great danger in looking beyond the constitution itself  
24 to ascertain its meaning and the rule for government. Looking at  
25 the Constitution alone, it is not at all possible to find support for  
26 the idea that the publication (republication) called the "NRS" is valid  
27 law of this State. The original intent of Art. 4§17 and Art. 4§23 of the

28

1 Nev. Const. cannot be stretched to cover their use as such.  
2 These provisions cannot now be regarded as antiquated, unnecessary  
3 or of little importance, since "no section of a constitution should  
4 be considered superfluous." *Butler Taconite v. Roemer*, 282 N.W.2d 867,  
5 870 (Minn. 1979). The Constitution was written for all times and  
6 circumstances, because it embodies fundamental principles  
7 which do not change with time.

8 Judges are not to consider the political or economic impact that  
9 might ensue from upholding the Constitution as written. They are to  
10 uphold it no matter what may result, as the ancient maxim of law  
11 states: "Though the heavens may fall let justice be done."

12

13 **VI) THE STEALTH FRAUD ACT OF THE 48TH SESSION OF THE NEVADA**  
14 **LEGISLATURE ADOPTING AND ENACTING NEVADA REVISED**  
15 **STATUTES AND PUBLISHING THEM WITHOUT THE**  
16 **MANDATED ENACTING CLAUSE REVEALED AND EXPOSED**  
17 **HEREIN**

18

19 The Petitioner above has set forth five (5) glaring issues that,  
20 constitute unambiguous violations of the paramount law of the  
21 State of Nevada, the Nev. Const. Such constitutional  
22 violations must be viewed as plain error.

23 It must always be remembered that "all 'political' power" is  
24 'inherent in the people.' It is "the people" that enact all laws, *State v.*  
25 *Rogers*, 10 Nev. 260; Art. 132 Nev. Const.

26 The people/citizens of the state of Nevada did not vest any  
27 authority in the legislature of Nevada to create the statute

28

1. Revision Commission. Nor did the people/citizens of the State of  
2 Nevada vest any authority in the Legislature of Nevada to create  
3 the legislative counsel of the State of Nevada. Additionally, the  
4 people/citizens of the State of Nevada didn't vest any authority in  
5 the Legislature of Nevada to create the Legislative Counsel  
6 Bureau.

7 In 1955, the Legislature of Nevada/Nevada Legislature (Legis. of  
8 Nev.), created the statute revision commission (Stat. Rev. Com.),  
9 without the knowledge, consent, vote, or the will of the people/  
10 citizens of the State of Nevada. Again, no authority was  
11 provided to create the Stat. Rev. Com.

12 In creating the Stat. Rev. Com. the legis. of Nev. and violated  
13 the Nev. Const. Art, 3§1, and caused additional, multiple conflicts to  
14 occur, due to the created Stat. Rev. Com. The repugnant,  
15 skulduggery, conflict ~~compro~~ comprised of the appointment of the  
16 three(3), sitting justice's of the Nev. Sup. Ct., to the Stat. Rev.  
17 Com. Justice, Milton B. Badt (Badt); Justice, Edgar Eather (Eather);  
18 and Justice, Charles M. Merrill (Merrill); by the legis. of Nev. The  
19 creation of this commission is a clear violation of Art. 3§1 of the  
20 Nev. Const. separation of powers.

21 The 3 justice's, now part of the Stat. Rev. Com., employed as  
22 director Russell W. McDonald (McDonald), a member of the State Bar  
23 of Nevada, whom with his staff (an unconstitutional non-legislative  
24 Group/Body), to prepare the Nev. Rev. Stat. (NRS), the numbering  
25 of sections, binding, binding, printing, classification, revision, and  
26 "sale" thereof.

27 Subsequently, upon completion of the revision of the text of the  
28

1 statutes in Dec. 1956, the commission turned to the solution of a  
2 "vital problem:" Would it recommend the enactment of the revised  
3 statutes or would it request the legislature merely to adopt the  
4 revised statutes as evidence of the law?. The "Commission  
5 concluded" that the enactment of the revised statutes as law,  
6 rather than the mere adoption thereof as evidence of the law,  
7 would be the more "desirable course of action." Accordingly, Nevada  
8 Revised Statutes in typewritten form was submitted to the 48TH  
9 Session of the legislature in the form of a bill providing for  
10 its enactment as law of the State of Nevada. (From the wording  
11 herein above iterated, its apparent that the commission submitted  
12 the type-written NRS to the legislature in the form of a bill. This  
13 was not derived from the senate or assembly, yet again the  
14 commission). This bill, Senate Bill No. 2 (was done by this non-  
15 legislative Group, and is unconstitutional and illegal), (hereafter  
16 referred to in this preface as "the revision bill"), was passed without  
17 amendment or dissenting vote, and on Jan. 25, 1957, was approved by  
18 Governor Charles H. ~~Ross~~ Russell. (See Exhibit 1) (pg XIV)

19 Additionally, the revision bill is suspect/defective to have  
20 not complied with the mandate of Art. 4318 Reading of ~~by~~ bill,  
21 which requires: "... shall be read by sections on three several days,  
22 in each House, ... .

23 Then on July 1, 1963, pursuant to the provisions of chapter 403,  
24 Statutes of Nevada 1963, the Stat. Rev. Com. was "abolished," and its  
25 powers, duties and functions were transferred to the legislative  
26 counsel of the State of Nevada, to continue their ongoing stealth  
27 fraud, violating the written Nev. Const. [A] court or legislature

28

1, which should allow a change in public sentiment to influence it  
2 in giving to a written constitution a construction not warranted  
3 by the intentions of its Founders, would be justly chargeable with  
4 reckless disregard of official oath and public duty; and if its  
5 course could become a precedent, these instruments would be of  
6 little avail. \*\*\* What a court is to do, therefore, is to declare the  
7 law as written. T. M. Cooley, A Treatise on the Constitutional Limitations,  
8 5TH edition, pp. 54, 55. See also State Ex Rel. Niewoehner v. Bottomly, 148  
9 p. 2d at 557; Caine, 131 Pa. 2d at 518; State v. Rogers, 10 Nev. at 254-57, 260.

10 Again, the commission in 1955, employed Russell W. McDonald, as  
11 director. McDonald, along with his staff under took and performed  
12 this monumental task with such methods, care, precision, completeness,  
13 accuracy and safeguards against error as to evoke the highest  
14 praise of the commission and the commendation of the bench and  
15 bar of the State.

16 All of the comments as to McDonald and his staff is proclaimed by  
17 their own self dealings of the commission and the state bar, which actually  
18 was nothing more than the fleeing of the citizens of the State of  
19 Nevada, Constitutional avoidance, their on going and continuing  
20 stealth fraud, of publishing and/or republishing the publication  
21 "NRS" book without the constitutionally required enacting clause;  
22 and illegal money making operation, i.e. from the sales, and illegal  
23 copyright of public government documents compiled in statutes,  
24 books and publications, and without the required enacting clause,  
25 or lawful copyrights.

26 Even though the stat. Rev. Com. was abolished July 1, 1963, the  
27 commission kept their stealth fraud a live and well when they

1 transferred, the commissions powers, duties and functions to  
2 the legislative counsel of the State of Nevada; which  
3 maintained the illegal and unconstitutional "NRS" publication books  
4 without the mandated enacting clause, on every law.

5

6 **VII) THE STEALTH FRAUD CONTIOWES AS THE NEVADA REVISED**  
7 **STATUTES ARE STILL HELD OUT TO BE LAW OF THE STATE**  
8 **OF NEVADA, AND ARE PUBLISHED WITHOUT THE MANDATED**  
9 **ENACTING CLAUSES**

10

11 The corrupt legal system has actually sown its own seeds of  
12 destruction by arbitrarily forming codes and statute revisions. All  
13 complaints/informations or indictments today cite laws from these  
14 codes and revised statute publication books "NAS", which are  
15 published and/or republished and do not have the enacting clauses.

16 Nev. Const. Art. 4323. Any law which fails to have an enacting clause  
17 is not a law of the legislative body to which the Petitioner is  
18 Constitutionally subject to. Caine, supra, State v. Rogers, supra.

19 The commission, subsequently the legislative counsel of the State of  
20 Nevada, and as of 2001, the Legislative Counsel Bureau, have not submitted  
21 to the people of the State of Nevada, by ballot for approval, the  
22 preparation of Nevada Revised Statutes, the numbering of sections,  
23 binding, printing/publication, classification, revision and sale thereof;  
24 without the Constitutionally mandated enacting clause on the face of  
25 every law. Nev. Const. Art. 4323. The monumental task undertaken by  
26 McDonald and his staff was not under taken by will of the "people," in  
27 whom all political power is inherent, whom enact all laws. State v.

28



1 Rogers, 10 Nev, at 260, Nev. Const. Art. 132

2 Thus, it is the "people" of the State of Nevada whom have mandated  
3 that "every law have upon its face the enacting clause," Nev. Const. Art. 45  
4 23. This requirement mandated whether any law be published and/or  
5 republished. The issue(s) presented, argument(s) do not conflict the laws of  
6 Nevada with the codified statutes.

7 The NRS first has been the creation of an illegal, unconstitutional  
8 commission, due to the fact that, sitting Justices of the Nev. Sup. Ct.  
9 whom were a part of the "Judicial Branch", and no persons charged with  
10 the exercise of powers properly belonging to one of these  
11 departments shall exercise any functions, appertaining to either of the  
12 others, Sawyer v. Dooley, 21 Nev. 390, 32 Pac. 437 (1893); cited Ormsby County v.  
13 Kearney, 37 Nev. 314, 341, 142 Pac. 803 (1914); Galloway v. Truesdell, 83 Nev. 13,  
14 422 P.2d 237 (1967); cited Dunphy v. Sheehan, 92 Nev. 259, 265, 549 P.2d 332 (1976);  
15 City of Las Vegas ex rel. Arndt v. Daines, 92 Nev. 292, 294, 550 P.2d 339 (1976);  
16 O'Bryan v. Eighth Judicial Dist. Court, 95 Nev. 386, 388, 599 P.2d 739 (1979); Nev.  
17 Const. Art. 331

18 Even then Justice Badt, of the Nev. Sup. Ct. in rendering the  
19 opinion of the Court, acknowledged the "seperation of powers" under Art.  
20 331, as iterated in King v. Board of Regents, 65 Nev. 553, 557, 200 P.2d. 221,  
21 232 (1948); the Court held:

22 A Constitutional being paramount law of a state,  
23 designed to seperate the powers of government and  
24 to ~~define~~ define their extent and limit their exercise  
25 by the several departments, as well as to secure and protect  
26 private rights, no other instrument is of equal  
27 significance. It has been very properly defined to be a  
28

1 legislative act of the people themselves in their  
2 sovereign capacity, and when the people have declared  
3 by it that certain powers shall be possessed by it  
4 and duties performed by a particular officer or department,  
5 their exercise and discharged by any other officer or  
6 department are forbidden by a necessary and  
7 unavilable.

8  
9 However, seven (7), years later in 1955, Justice, BADI failed to adhere to his  
10 own opinion in King, 65 Nev. at 557, 200 P.2d at 232, that a 'constitution'  
11 being 'paramount law' of a 'state', designed to 'separate' the 'powers' of  
12 'government',

13 Justice Badt, a sitting Justice of the Nev. Sup. Ct. a long with sitting  
14 Justice, Eather, and sitting Justice, Merrill, become part of the Stat. Rev.  
15 Com., that being created by the legis, of the state of Nevada. (Exhibit "1"  
16 FOREWARD pg XI).

17 It is clear that the Stat. Rev. Com. ~~was~~ under took a legislative duty,  
18 and/or function, being charged to commence the preparation of a complete  
19 "revision and compilation of the 'laws' of the State of Nevada" to be  
20 known as Nevada Revised Statutes. (Exhibit "1" pg XI). The revision,  
21 compilation, Etc., is a duty that the ~~distinct~~ "Judicial Branch" of  
22 the government is prohibited from doing. Nev. Const. Art. 631; Art. 632;  
23 and Art. 634.

24 At no time are sitting, current justices of the Nev. Sup. Ct. allowed  
25 to act as/on a commission, to perform acts, duties, or functions of the  
26 Legis. of Nev. No person charged with the exercise of powers properly  
27 belonging to one of these departments shall exercise "Any" function,  
28

1 appertaining to either of the others. Nev. Const. Art. 331.

2 Beyond a shadow of a doubt, Justice Badt, Justice Earther, and  
3 Justice Merrill, were charged with the exercise of power, functions,  
4 properly belonging to the appellate court of the State of Nevada. A  
5 court properly appertaining to the "Judicial branch". Nev. Const.  
6 Art. 634. Clearly these Justice's should not have been performing functions  
7 of the legislative branch.

8 In *Porch v. Patterson*, 39 Nev. 251, 268, 156 P. 439, 443 (1916), the Nev. Sup. Ct. held;  
9 "A State Constitution is also binding on the courts of the  
10 state, and on every officer and every citizen. Any attempt to do  
11 that which is prescribed in any manner than that prescribed, or to  
12 do that which is prohibited, is repugnant to that supreme and  
13 paramount law, and invalid (6 R.C.L.p. 40).

14 (Emphasis added to original).

15 Thus, lets review what is, and has been "sufficiently" stated, as to what is  
16 binding, what is prohibited, repugnant, and invalid.

17 (1) What is binding? The Nev. Const. on all state courts.

18 Which means that Nev. Const. Art. 331; Art. 4317;

19 Art. 4323; And Art. 634 are binding on the state court's  
20 of Nev.

21 Thus, every law, publication of any law of the state of Nev.,  
22 in the State of Nev. Must HAVE THE ENACTING CLAUSE UPON  
23 THEIR FACE. Nev. Const. Art. 4323, this is not optional.

24 (2) What is prohibited, repugnant, and invalid? Any attempt to  
25 do that which ~~is~~ is prescribed in any manner than that  
26 prescribed, or to do ~~what~~ that which is prohibited, is repugnant,  
27 and invalid. (a) It is prohibited to exercise the powers of a  
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1 branch of government, when charged with the power's  
2 of another branch of government.

3 I.e., charged with duties of the state appellate  
4 court; then during that same time period, performing,  
5 acts, duties, or functions of the legislative branch  
6 (Nev. Const. Art. 331)

7 The 3 Justice's acting on the commission was/is  
8 prohibited, repugnant and invalid.

9 (b) It is prohibited, repugnant, to hold out to the  
10 people/citizens of the State of Nevada, the publication  
11 NRS as the laws of this State, which is to be binding  
12 upon the Petitioner, people/citizens of this State;  
13 yet aren't because the NRS publication fail to contain  
14 the required enacting clause(s) of the Nev. Const, Art.  
15 4§23

16 (c) It is prohibited; repugnant as to the manner,  
17 and mode in which the commission of 1951, 1953, and 1955,  
18 known as the statute revision commission was created,  
19 then titled the legislative counsel of the State of  
20 Nevada, to become the Legislative Counsel Bureau.

21 It is prohibited, repugnant to hold the acts, duties, and  
22 functions of this illegal commission, unconstitutional  
23 commission, Group, Body, as "lawful" acts, duties, or functions  
24 of the Legis. of Nev. to be lawful and binding upon the  
25 people/citizens of the state of Nevada.

26 (d) It is prohibited, repugnant, unlawful to allow the  
27 Legislative Counsel Bureau, to do acts, duties, or functions  
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1 that lawfully belong to the Secretary of the state  
2 of Nevada. Nev. Const. Art. 5 § 20

3 (3) What is void? The NRS of 1955, The NRS Publication  
4 of the 48<sup>th</sup> Session of the Nevada Legislature  
5 Adopting the ~~NRS publications~~ Nevada Revised  
6 Statutes of 1957, and the NRS publications thereafter,  
7 for all of the reasons set forth herein and as set  
8 forth above.

9 The Constitution is the supreme and paramount law. The mode by which  
10 amendments etc. are to be made under it, is clearly defined. It has been  
11 said that certain acts to be done, certain requisition are to be  
12 observed, before a change can be effected. State Ex rel. Stevenson v.  
13 Tufty, 19 Nev. 391, 393-94, 95, 12 P. 835, 837 (1887).

14 Second, NRS publication 220.110, which sets forth the required  
15 contents of the Nevada Revised Statutes (is vague), which does not mandate  
16 that the enacting clauses be published, or republished in the Nevada Revised  
17 Statutes publication is:

18 (1) Not the "supreme, paramount law of the State of Nevada,  
19 which 'supreme and paramount law is the Nev. Const., and  
20 pursuant to the supreme and paramount law the Nev.  
21 Const. Art. 4 § 23', the enacting clause of 'every law shall be  
22 as follows,' mandates the enacting clause(s) is to appear  
23 on 'every law'."

24 (2) Should the NRS publication 220.110 be construed to "not  
25 mandate, require that the enacting clauses not be  
26 published/republished on 'every law', in the NRS publication  
27 then, NRS publication 220.110 is in conflict with the supreme  
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1 and Paramount Law of the State of Nevada. Nev.

2 Const. Art. 4 § 23. Caine 131 P.2d at 518.

3 The constitution is the supreme and paramount law. Where there is conflict  
4 between an act of legislature and the constitution of the State, the statute  
5 must yield to the extent of the repugnancy. Stat. c. Ex rel. Moor v. State  
6 Bd. of Examiners, 104 Idaho 640, 648, 662 P.2d 221, 229 (Idaho 1983).

7 And our own Sup. Ct. has held

8 "When the Constitution says no law shall be amended, save in  
9 a specified manner, can the legislature say a law may be and shall be  
10 amended in a different manner? The case is, to our minds, a plain  
11 one of irreconcilable conflict between the paramount law of the  
12 constitution and the enactment of the legislature. When such a  
13 conflict is clearly presented to the judicial mind, the  
14 constitution must prevail."

15 State v. Roger, 10 Nev. at 255, quoting Walker, C.J. see also Weaver v. Lapsley, 43  
16 Ala. 224 (Emphasis added).

17 "This Court must recognize that the NRS publication 220.110, must yield  
18 to the Nev. Const. Art. 4 § 23, which mandates an enacting clause to be on  
19 every law." And thus conclude that "Enjoinethless, as... (Judges), we cannot  
20 ignore our obligation to protect and defend the paramount law of the  
21 nation and of this state." Stumpf v. Low, 103 Nev. 826, 844, 839 P.2d 120, 131 (Nev.  
22 1992).

23 Wherefore, it is alleged that the legis. of Nev. of 1955, had usurped  
24 their authority, in creating said commission/stat. Rev. Com. That, the Stat.  
25 Rev. Com. were illegally, and unlawfully exercising the powers and  
26 functions of the legis. of Nev.

27 That, the NRS publication as revised and compiled without the enacting

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1 clause(s) appearing upon their face Caine, supra, be adjudged void. That, the  
2 acts, duties and functions exercised by the Stat. Rev. Com. as the, and/or for the  
3 Legis. of Nev. be declared an usurpation, and that the Legislative Counsel  
4 Bureau be perpetually enjoined from exercising said acts, duties and  
5 functions of the Legis. of Nev.

6 The Nev. Const. did not permit the Legis. of Nev. to appoint sitting  
7 Justice's of the Appellate Court, to a legislative commission, to perform acts,  
8 duties, and functions of the Legis. of Nev., especially without the  
9 approval and consent, will or vote of the people/citizen's of the State of  
10 Nevada, especially where the NRS publication would omit the mandated  
11 enacting clause of the Nev. Const, Art. 4323

12 That, this Court must follow the construction of the Constitution of  
13 this State (the will of the people), and adhere to those sound decisions of the  
14 State Appellate Court relative to the issues, arguments and case law cited  
15 herein, due to the fact that there isn't any conflict with those decisions;  
16 holdings; opinions; or rulings etc. cited by the Petitioner herein, relative to  
17 the mandate of the Articles of the Nev. Const., specifically Art. 4317 and Art. 4323,

18 That, the act of the Legis. of Nev. in creating the commission, later known as  
19 the Stat. Rev. Com., then the legislative counsel of the State of Nevada, now  
20 believed to be the Legislative Counsel Bureau, was not acting to protect the  
21 people/citizen's of the State of Nevada, nor for the security and benefit of  
22 the people/citizen's of the State of Nevada, and obviously not for the public  
23 good. Nev. Const, Art. 132. Especially in allowing the NRS publication to  
24 be heldout to be laws " " of the State of Nevada, when the NRS publications  
25 do not contain the mandatory enacting clause as delineated in the Nev.  
26 Const. Art. 4323.

27 The act of the Legis. of Nev. in utilizing said commission, was to simplify  
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1 the statutes of Nevada publication, for the purpose of "convenience  
2 "convenience". However, the commission sought enactment of the NRS  
3 publication, to be published/republished without the required enacting  
4 clause(s), and/or other prerequisites of the people/citizens, as more  
5 fully prescribed, mandated, and commanded in the paramount law of the State  
6 of Nevada, the Nev. Const.

7 It is further alleged that the commissions underlying motive was for the  
8 purpose of self dealing, deals in the sales and publication of the illegally  
9 copyrighted "public government documents belonging to the people/citizens of Nevada.

10 It is most true that this court will not take jurisdiction if it should not; but it  
11 is equally true that it must take jurisdiction if it should. The judiciary cannot, as  
12 the legislature may, avoid a measure because it approaches the confines of the  
13 constitution. We cannot pass it by because it is doubtful. With whatever doubts, with  
14 whatever difficulties, a case may be attended, we must decide it if it be brought  
15 before us. We have no more right to decline the exercise of jurisdiction  
16 which is given, than to usurp that which is not given. The one or the other would  
17 be treason to the constitution. Question may occur which we would gladly  
18 avoid, but we cannot avoid them. All we can do, is to exercise our "best  
19 judgment," and conscientiously to perform our duty. In doing this, on the present  
20 occasion, we find this tribunal invested with... jurisdiction in all cases  
21 arising under the constitution and laws of the...". *Coburn v. Virginia*, 6  
22 *Wheat* (19 U.S.) 264, 404 (1921).

23 This Court has jurisdiction to determine whether the Nev. Const., the  
24 will of the people/citizens mandated that "every law" published, republished in the  
25 State of Nevada must contain the enacting clause, as iterated in the Nev. Const.  
26 Art. 4§23. The Nev. Const. Art. 4§23, and the clearly delineated, well established  
27 cases cited herein, and especially those of the Nev. Sup. Ct. indicate that this Court  
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**PLEADING  
CONTINUES  
IN NEXT  
VOLUME**