

JUSTIN PORTER #1042449
P.O. BOX 650 (H DSP)
Indian Springs, NV 89070
IN Proper Person

NO. 17274

NEVADA SUPREME COURT **FILED**

OCT 24 2017

Justin D. Porter,

CASE NO. ELIZABETH A. BROWN
CLERK OF SUPREME COURT

Petitioner,

BY S. Young
DEPUTY CLERK

VS.

Dist. Ct. NO. DIC-174954

Eighth Judicial Dist. Ct.

Respondent(s),

The STATE OF NEVADA,

Real Party of Interest.

"WRIT OF MANDAMUS."

PURSUANT TO N.R.S. CHAPTER 34, N.R.S., 34.170 et. seq.

This Petition is further made and based pursuant to the 1st, 5th, 6th, 8th and 14th AMENDMENTS to the UNITED STATES CONSTITUTION, ART. 1. § 9 and ART. 6 OF the UNITED STATES CONSTITUTION, THE NEVADA STATE CONSTITUTION, ART. 1. § 6, ART. 1. § 8, and 6. SEC. 4 OF THE NEVADA STATE CONSTITUTION, THE NEVADA REVISED STATUTES, N.R.S. 34.830, THE NEVADA SUPREME COURT RULE(S), THE EIGHTH JUDICIAL DISTRICT COURT RULE(S), E.J.D.C.R. 3.40(C). Attached points and Authorities, Attached Affidavits, EXHIBITS Attached TRANSCRIPTS, COURT ORDER(S), COURT MINUTES, And All papers, Pleadings and DOCUMENTS Received and Filed with the E.J.D.C., UNDER CASE NO. DIC-174954.

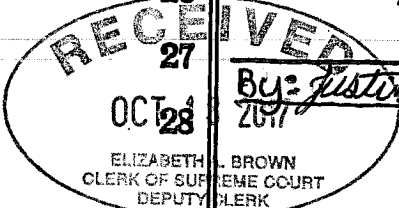
DATED THIS 13 DAY OF October, 2017

By: Justin Porter
2017

Justin Porter - Petitioner - Pro. Per.

Page 1

17-36573



1 "MEMORANDUM OF
2 POINTS AND AUTHORITIES"
3

4 A.) "JURISDICTION"

5 I.

6 This court possess original Jurisdiction to
7 issue WRIT OF MANDAMUS and OR PROHIBITION,
8 See ART. 6 SEC. 4 OF NEVADA STATE CONSTITUTION.

9 "When there is an IMPORTANT issue OF
10 LAW, the COURT is Required to Clarify."

11 See NEVADA REVISED STATUTE(S) AND NEVADA
12 SUPREME COURT RULE(S), ALSO. See UNITED
13 STATES CONSTITUTION, ART. 6 SEC. 2, AND THE
14 1st, 5th, 6th, 8th, AND 14th, AMENDMENT(S).

15
16 II.

17 Petitioner has statutory right to Have
18 Criminal Information DISMISSED where Respondents
19 Refused to issue HABEAS CORPUS/MOTION TO DISMISS.

20 This court shall issue MANDAMUS in all cases
21 where there is NO Plain, speedy, and Adequate
22 Remedy in Ordinary course of LAW

23 N.R.S. 34.170 AND the WRIT will NOT ISSUE,
24 UNLESS the COURT MANIFESTLY ABUSED its
25 DISCRETION. (dePRIVATION OF ISSUANCE OF WRIT).

26 See Round Hill Gen. Imp. Dist. VS. NEUMAN, 637
27 P.2d 534, 536 (1981).

1 b.)

2 It was your Petitioner's Right(s) to
3 Effective Assistance of Counsel, and it was
4 Denied to Petitioner, AND OR was your
5 Petitioner's statutory right to a Fast speedy
6 AND Public Trial that was also Denied to
7 Petitioner During the complained of proceedings
8 through the date of this Writting of Mandamus.

9 See 6th AND 14th AMENDMENTS to the U.S.
10 CONSTITUTION. See STRICKLAND V. WASHINGTON, 466
11 U.S. 668, 687 (1984); AND BARKER V. WINGO, 407 U.S.
12 514, 33 L. Ed. 2d 101, 92 S. Ct. 2182.

13
14 c.)

15 Petitioner held STATUTORY AND FEDERALLY
16 PROTECTED RIGHT(S) PURSUANT TO ART. 1 SEC. 6 AND 8
17 OF NEVADA STATE CONSTITUTION, See PROCEEDURAL
18 DUE PROCESS Clause, ALSO; "FIRST AMENDMENT OF
19 THE U.S. Const. Reads" "Congress shall make no law
20 respecting an establishment of religion, OR prohibiting
21 the Free exercise thereof; OR abridging Freedom
22 OF speech... AND TO petition the Government
23 FOR A REDRESS OF GRIEVANCES."

"POINTS AND AUTHORITIES."

Procedural Background.

(IN Pertinent Part(s))

THE state charged Justin Porter, A Juvenile, on August 22, 2000, in an Amended Complaint, with 38 Felonies, including murder and multiple counts of kidnapping, robbery and sexual assault. After A preliminary Hearing in Justice Court, the Justice Court ordered Porter to answer 40 counts in District Court. THE District Attorney filed an Amended Information alleging 42 Felony counts. PORTER plead not guilty to all the charges. After defense litigated A petition for A writ of Habeas corpus which resulted in the dismissal of more counts, the state filed A second Amended Information alleging 38 felony counts. Counts 30, 31 and 32 Alleged Burglary while in possession of A deadly weapon; Attempt Robbery with use of deadly weapon; Murder with use of deadly weapon (open murder). These three counts involved A single victim. On OR about May 3RD, 2001, Defendant was manipulated and coerced into unknowingly waiving His speedy Trial Rights. On October 11, 2001 A second Amended Information was

1 Filed in open court to correct A Typographical
2 error. On OR about Sept. 19, 2007 Defendant
3 Appeared before the Honorable Judge LEE A.
4 GATES, and DID RE-INVOKE HIS Right(s) to A
5 FAST and SPEEDY TRIAL. On May 15, 2008,
6 Defense Filed A motion to sever counts 30,
7 31, 32 from the Remainder of the Charges.
8 On June 12, 2008, the State Filed its
9 opposition. On June 18, 2008, the court granted
10 defense motion to sever, and Ordered the
11 murder event be tried separately.
12 THE State Filed A third Amended Information
13 On April 30, 2009, Charging defendant with:
14 Count 1-Burglary while in possession of
15 Deadly Weapon; Count 2-Attempt Robbery
16 with Deadly Weapon; Count 3-MURDER
17 with the use of Deadly Weapon. On May 8,
18 2009 A Jury Found defendant guilty of
19 Second Degree murder with deadly weapon.
20 Defendant was Found NOT guilty of
21 Counts 1 and 2. On Sept. 30, 2009 the Court
22 Sentenced defendant to the NEVADA Dept.
23 of Corrections for 120 months to Life, Plus
24 A consecutive term of 120 months to Life
25 for the Deadly Weapon, with 3,338 days
26 credit for time served. Justin Porter,
27 Remain Charged with unprosecuted Charges.

1 On NOV. 22, 2010 Justin Porter Appeared
2 before the Honorable Judge ELISSA F. CADISH
3 and did [AGAIN] INVOKE His Rights
4 to A FAST AND SPEEDY TRIAL.
5 After the invoking of the FAST AND
6 SPEEDY TRIAL defendant made
7 several ORAL and written requests
8 upon his Attorney of Record MR. Philip
9 J. Kohn, his Deputy(ies) Jeffrey S. Maningo
10 I. E., Defendant Requested Appointment
11 of Investigator, Defendant Requested
12 Information and Materials,
13 Defendant Requested complete copy of
14 all Discovered evidence, Defendant
15 Requested A copy of the State's
16 Witness List, Defendant Requested
17 the Appointment of EXPERT Fingerprint
18 ANALYZER, Defendant Requested The
19 Appointment of EXPERT D.N.A. Analyzer,
20 Defendant Request that several
21 PRE-TRIAL MOTION(S) be filed on his
22 behalf, And Defendant Did Also Request
23 that Witnesses be subpoena
24 to testify at His TRIAL on his behalf.
25 That defendant's Attorney of Record,
26 MR. Philip J. KOHN, his Deputy(ies) have
27 Refused and OR Failed to

1 Accommodate the AFORE-cited
2 Requests to the Date of this Writting.

3
4 That on OR About the 31 DAY OF May,
5 2017, Petitioner Filed 'MOTION TO
6 Dismiss AND SUBSTITUTE Counsel/motion
7 TO Dismiss.' That in said 'motion
8 to dismiss and substitute Counsel/
9 motion to dismiss,' Petitioner is now, and
10 has been for over 17yrs. DENIED his
11 Sixth AMENDMENT RIGHT to the
12 effective assistance of Counsel, PORTER
13 FIFTH AND FOURTEENTH AMENDMENT RIGHTS)
14 TO DUE PROCESS OF LAW, AND Right(s) TO A
15 FAST, SPEEDY AND PUBLIC TRIAL.

16
17 That on OR about the 5 DAY OF JULY, 2017,
18 the AFORE-REFERENCE PRE-TRIAL MOTION WAS
19 Heard by DISTRICT COURT Judge Eliss F. Cadish
20 AND... The Same was unlawfully Denied
21 On its face, giving Rise to the Instant
22 WRIT OF MANDAMUS, PURSUANT TO
23 N.R.S. Ch. 34 / N.R.S. 34.170 et. seq.

1 MEMORANDUM OF
2 Points AND AUTHORITIES. LEGAL ARGUMENTS

3
4 "A WRIT OF MANDAMUS is Available under
5 N.R.S. 34.160 to Compel the Performance
6 of an act which the law especially
7 enjoins AS A Duty Resulting from
8 AN OFFICE, TRUST OR STATION; AND Pursuant
9 to N.R.S. 34.170, shall be issued in all
10 CASES where there is not A PLAIN,
11 SPEEDY AND Adequate Remedy
12 in the ORDINARY course OF LAW."

13
14 "When there is an important issue of law
15 the court is Required to Clarify."

16
17 That on OR about the 22 DAY OF August, 2000,
18 MR. Phillip J. Kohn Esq. WAS appointed to
19 assist Justin D. PORTER with his Defense.

20
21 That Aproximately 17 years to this date,
22 Petitioner has yet to be Duly Prosecuted.

23
24 That over the PAST 17 yrs, MR. Phillip J.
25 Kohn Esq. has Failed and OR Refused
26 to Preserve Protect, and ASSERT Justin D.
27 PORTER CONSTITUTIONALLY GUARANTEED Rights

1 too Effective Assistance of Counsel and
2 A FAST, SPEEDY AND Public TRIAL. See 6th
3 and 14th Amendments to the U.S. Constitution;
4 And Strickland v. Washington, 466 U.S. 668,
5 687 (1984); And BARKER v. Wingo, 407 U.S. 514,
6 33 L. Ed. 2d. 101, 92 S. Ct. 2182.

7
8 That it's been over 17yrs. since Petitioner
9 was unlawfully charged by way of
10 Information with (see Information Filed
11 with the 8th, J.D.C., Dept Case No. 01C-174954)
12 That it's beneath the Dignity
13 of our Great State of NEVADA, to Deny
14 any of it's citizens constitutional liberties.

15
16 That A 17yr. Delay in the Prosecution of A
17 Criminal Case, is... In it's self, A Crime,
18 A TRAVESTY, AND Plain Miscarriage of
19 Justice.

20
21 That to force Justin D. Porter to Proceed through
22 A Criminal Trial wherein there EXISTS A
23 Clear Conflict of Interest between
24 Justin D. PORTER and his attorney; of
25 Record, MR. Phillip J. Kohn, Esq. AND... Where
26 there is A 17yr. Delay in the prosecution of
27 the same information, Denies Petitioner [A150]

1 ANY HOPE OF A FAIR TRIAL.

2

3 Finally,

4 After the complained of Abuse of
5 Discretion exercised by Judge Elissa F. Calish
6 wherein petitioner's Prayer / Motion to
7 Dismiss AND substitute counsel and motion
8 to Dismiss, was unlawfully and
9 summarily dismissed. It is prayed that
10 this HONORABLE Supreme court,

11 Exercise it's Authority to issue
12 MANDAMUS Dismissing the complained of
13 criminal Information filed against Petitioner
14 AND OR issue An ORDER compelling
15 Respondents to Dismiss the criminal
16 Information filed against your Petitioner.
17 It's the state courts obligation to guard and
18 enforce every right secured by the
19 UNITED STATES CONSTITUTION AMENDMENT(S).
20 MOONEY V. HOLOHAN, 79 L Ed 791, 294 U.S.
21 103-115.

22

23 Declarant sayeth naught further.

24

25 Dated this 13 Day of October, 2017.

26 By: Justin Porter

27 Justin Porter - Petitioner - PRO. PER.

28

1 AFFIDAVIT OF JUSTIN PORTER

2
3 STATE OF NEVADA)

4
5 COUNTY OF CLARK)

6
7 I, Justin Porter, being first duly
8 SWORN UPON OATH, DEPOSES AND
9 SWEARS, to the Following:

10
11 That I am the Affiant Herein, of sound
12 mind, good Physical Health, and above
13 the age of 21 yrs. old, therefore qualified
14 to testify to all matters herein.

15
16 That I make this Affidavit in support
17 of ANY motion, Pleading or Document
18 filed by or on behalf of Justin Porter.

19
20 That I make this Affidavit in opposition
21 to ANY motion, Pleading or Document
22 filed by or on behalf of the state of Nevada.

23
24 That there is a conflict of interest
25 between Affiant and my Attorney
26 Phillip J. Kohn, Esq.

1 That AFFIANT'S ATTORNEY, PHILLIP J.
2 KOHN, has RENDERED Him
3 INEFFECTIVE ASSISTANCE OF
4 COUNSEL.

5
6 That AFFIANT'S CONSTITUTIONAL
7 RIGHT(S) TO A FAST, SPEEDY AND
8 PUBLIC TRIAL, HAS BEEN DENIED
9 TO Him.

10
11 That the STATE OF NEVADA HAS
12 FAILED AND REFUSED TO PROSECUTE
13 AFFIANT FOR OVER 17 YRS.

14
15 That AFFIANT made OR CAUSED to be
16 made the ACCOMPANYING WRIT OF
17 HABEAS CORPUS, HAVE READ THE SAME,
18 FINDS THAT IT IS TRUE AND CORRECT, TO
19 THE BEST OF MY MEMORY AND BELIEF,
20 EXCEPT THOSE MATTERS WHEREIN I'VE HAD TO RELY
21 ON INFORMATION, AND BELIEVE THEM TRUE ALSO.

22 FURTHER AFFIANT SAYETH NOAH T.
23 SUBSCRIBED AND SWORN TO, PURSUANT TO N.R.S.
24 171.102(2) AND N.R.S. 208.165, UNDER PENALTY
25 OF PERJURY.

26 DATED THIS 13 DAY OF OCTOBER, 2017

27 BY: Justin Porter

28 JUSTIN PORTER - AFFIANT - PETITIONER - PRO. PER.

Declaration under Penalty of Perjury

I, Justin D. Porter #1042449, Hereby Certify,
Pursuant to NRCp 5 (b), that I sent to
the Supreme Court of the State of NEVADA,
and the ADDRESSED AS FOLLOWS, by the
way of High Desert State Prison Mail Room,
A true and correct copy of the foregoing,
"MOTION For Leave to Proceed in forma pauperis
PURSUANT TO N.R.A.P., 46 (b)" AND "WRIT
OF MANDAMUS" PURSUANT TO N.R.S. CHAPTER
34, N.R.S., 34.170 et. seq. ON this day OF
OCTOBER, 2017.

- AND the ADDRESSED AS FOLLOWS:

Nevada Supreme Court	STEVEN WOLFSON
Office of the Clerk	District Attorney
201 Carson Street, Suite 201	200 Lewis Ave.
Carson City, NV 89701	Las Vegas, NV 89155-2012

Eighth Judicial District Court
200 Lewis AVE.
Las Vegas, NV 89155

DATED: this 13 DAY OF October, 2017.

Justin Porter #1042449
P.O. Box 650 (HDSP)

Indian Spring, NV 89018
IN FORMA PAUPERIS

EXHIBIT

Electronically Filed
5/31/2017 11:02 AM
Steven D. Grierson
CLERK OF THE COURT

Steven D. Grierson

Case No. 01C-174954

Dept. No. 6

IN THE 8th JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF CLARK

STATE OF NEVADA

PLAINTIFF

vs.

JUSTIN PORTER

DEFENDANT

Case No. 01C-174954

Dept No. 6

Docket _____

NOTICE OF MOTION

YOU WILL PLEASE TAKE NOTICE, that MOTION TO DISMISS!

SUBSTITUTE COUNSEL "MOTION TO DISMISS"

will come on for hearing before the above-entitled Court on the 21 day of JUNE, 2017

at the hour of 8:30 o'clock A. M. In Department 6, of said Court.

CC:FILE

DATED: this 18 day of May, 2017.

BY: Justin Porter #104249
JUSTIN PORTER #
/In Propria Personam

RECEIVED

MAY 31 2017

RECEIVED

MAY 23 2017

CLERK OF THE COURT

CLERK OF THE COURT

ORIGINAL
EXHIBIT

Electronically Filed
5/31/2017 11:02 AM
Steven D. Grierson
CLERK OF THE COURT

18

1 JUSTIN PORTER ID NO. 1042449
2 HIGH DESERT STATE PRISON
3 22010 COLD CREEK ROAD
4 POST OFFICE BOX 650
5 INDIAN SPRINGS, NEVADA 89070

6 Defendant In Proper Person

7 DISTRICT COURT
8 CLARK COUNTY, NEVADA

9 STATE OF NEVADA

CASE NO.: 01C-174954

10 PLAINTIFF

DEPT NO.: 6

11 vs.

6-21-17

12 Justin Porter

DATE OF HEARING:

TIME OF HEARING: 8:30A

13 Defendant

14 "MOTION TO DISMISS / SUBSTITUTE
15 COUNSEL / MOTION
16 TO DISMISS"

17 COMES NOW, Justin Porter, Defendant, In Proper Person and

18 MOVES THIS HONORABLE COURT, to GRANT HIS MOTION
19 TO DISMISS / SUBSTITUTE COUNSEL / MOTION TO DISMISS,
20 MADE PURSUANT TO EIGHTH JUDICIAL DISTRICT COURT
21 RULE(S) 740 b 2 II

22 THIS MOTION, is made and based upon the attached Memorandum of Points

23 and Authorities, all of the pleadings and other documents on file in this case, as well as

24 AFFIDAVIT OF JUSTIN PORTER.

25 DATED This 18 day of May, 2017.

26 Respectfully submitted,

27 Justin Porter #1042449
28 Justin Porter ID NO. 1042449
Defendant In Proper Person

RECEIVED

MAY 22 2017

CLERK OF THE COURT

27

"POINTS AND AUTHORITIES"

Procedural Background. (IN PERTINENT PARTS)

ON APRIL 26, 2001, the State of Nevada, by WAY OF INFORMATION, charged Justin Porter (hereinafter "Defendant") with over 40 felony counts, INCLUDING, SEXUAL ASSAULT, KIDNAPPING, MURDER, BURGLARY, AND ROBBERY, Related to 9 events over a 4-month period, involving 12 victims. ON MAY 2, 2001, an Amended INFORMATION WAS FILED Reducing the total charges to 38 counts, counts 30, 31 and 32 Alleged BURGLARY while in Possession of A DEADLY WEAPON; Attempt ROBBERY with use OF A DEADLY WEAPON; AND MURDER with use OF A DEADLY WEAPON (OPEN MURDER), Respectively. These three counts involved A Single Victim.

ON OR ABOUT MAY 3rd, 2001, Defendant WAS MANIPULATED AND COERCED INTO UNKNOWINGLY WAIVING HIS SPEEDY trial RIGHTS.

ON October 11, 2001 A second Amended INFORMATION WAS FILED in open court to correct A TYPOGRAPHICAL error.

ON OR ABOUT Sept. 19, 2007 Defendant APPEARED before the Honorable Judge LEE A. GATES, AND DID RE-INVOKE HIS RIGHT(S) TO A FAST AND SPEEDY TRIAL.

1 ON MAY 15, 2008, Defendant filed a motion to
2 sever counts 30-32 from the remainder
3 of the charges. ON JUNE 12, 2008, the state
4 filed its opposition. ON JUNE 18, 2008, the
5 court granted defendant's motion to
6 sever, and ordered the murder event
7 be tried separately. The state subsequently
8 filed a third amended Information on
9 April 30, 2009, charging defendant
10 with: COUNT 1 - Burglary while in possession
11 of a deadly weapon; count 2 - Attempt Robbery
12 with use of a deadly weapon, AND COUNT 3 -
13 Murder with use of a deadly weapon.

14 ON MAY 8, 2009 a jury found defendant
15 ON count 3 of second degree murder with
16 use of a deadly weapon. Defendant was
17 found not guilty of counts 1 and 2.

18 ON Sept. 30, 2009 the court sentenced
19 defendant to the Nevada Dept. of Corrections
20 for 120 months to life. Plus: A consecutive term
21 of 120 months to life for the use of a
22 deadly weapon, with 3,338 days credit for
23 time served.

24 Defendant's remaining charges
25 went on, unprosecuted.

26 ON NOV. 22, 2010 Defendant
27 appeared before the Honorable Judge

1 ELISSA CADISH AND DID [AGAIN] INVOKE
2 HIS RIGHTS TO A FAST AND SPEEDY
3 TRIAL.

4 THAT THERE AFTER, DEFENDANT DID
5 MAKE SEVERAL ORAL AND WRITTEN
6 REQUESTS UPON HIS ATTORNEY OF
7 RECORD MR. PHILIP J. KOHN, HIS
8 DEPUTY(IES).

9 DEFENDANT REQUESTED APPOINTMENT OF INVESTIGATOR
10 DEFENDANT REQUESTED INFORMATION AND MATERIALS.
11 DEFENDANT REQUESTED COMPLETE COPY OF ALL DISCOVERED
12 EVIDENCE. DEFENDANT REQUESTED A COPY OF THE
13 STATE'S WITNESS LIST. DEFENDANT REQUESTED
14 THE APPOINTMENT OF EXPERT FINGERPRINT ANALYZER
15 DEFENDANT REQUESTED THE APPOINTMENT OF EXPERT
16 D.N.A., ANALYZER. DEFENDANT REQUEST THAT
17 SEVERAL PRE-TRIAL MOTION(S) BE FILED ON
18 HIS BEHALF, AND DEFENDANT DID ALSO
19 REQUEST THAT WITNESSES BE SUBPOENA
20 TO TESTIFY AT HIS TRIAL.

21 THAT DEFENDANT'S ATTORNEY
22 OF RECORD, MR. PHILIP J. KOHN, HIS
23 DEPUTY(IES) HAVE REFUSED AND OR FAILED
24 TO ACCOMMODATE THE AFORE-CITED REQUESTS
25 TO THE DATE OF THIS WRITING.

1 "POINTS AND AUTHORITIES"
2 LEGAL ARGUMENT(S).

3 Defendant Justin Porter, Hereinafter
4 defendant, Asserts that He is being
5 denied his Right to effective Assistance
6 of counsel, due to the wholly inadequate
7 actions of His court-Appointed Counsel,
8 Mr. Philip J. KOHN, The Clark
9 County Public Defender. Further,
10 Counsel's Action(s) comport to
11 Nothing more than a Violation of
12 defendant's due Process Rights, see
13 the Due Process of Law Clause(s) of
14 the UNITED STATES CONSTITUTION,
15 AND SEE ARTICLE 1 & 8, OF THE NEVADA
16 STATE CONSTITUTION. ALSO see AFFIDAVIT
17 OF JUSTIN PORTER, ALL ATTACHED Hereto,
18 BY Reference.

19 Defendant has written Numerous Requests
20 to counsel and counsel has Refused and/or
21 Failed to Accommodate the same,
22 Although said Requests are lawful
23 and timely made. Please see Attached
24 exhibits MARKED NO. 1, 2, 3, 4, 5, 6,
25 7, and 8.

26 That counsel has Never discussed a
27 Trial Strategy with defendant, Although

1 defendant Has Always maintained
2 A Desire to go to TRIAL AND Prove
3 His Factual INNOCENCE. This
4 Fact Has been the case over the
5 Past 17 yrs. Since Counsel was
6 Appointed.
7 Defendant has an Unqualified Right to
8 legal Assistance that expresses
9 loyalty to defendant. "The Right
10 to Counsel is the Right [Also] to
11 effective Assistance of Counsel".
12 see CUYLER V. SULLIVAN, 100 S.Ct. 1708
13 (1980); AND FRAZIER V. U.S., 18 F.3d.
14 778 (9th Cir. 1994). Thus... The
15 Adversarial Process Protected by the Sixth
16 Amendment to the UNITED STATES CONSTITUTION
17 Requires that the ACCUSED have "counsel
18 Acting in the Role of AN Advocate". See
19 ANDERS V. CALIFORNIA, 87 S.Ct. 1396 and
20 1480 (1967).
21 A PARTY whose Counsel is UNABLE to Provide
22 effective OR Adequate Assistance is NO
23 better than ONE who has NO Counsel AT ALL;
24 AND ANY APPEAL(S) would be Futile in it's
25 gesture. see EVITTS V. LUCEY, 105 S.Ct.
26 830 (1985); and see DOUGLAS V. CALIFORNIA,
27 83 S.Ct. 814 (1963).

1 APPOINTED COUNSEL FOR THIS DEFENDANT
2 HAS DONE NOTHING TO FAIRLY, PROPERLY
3 REPRESENT DEFENDANT SINCE HIS
4 APPOINTMENT, OVER (16 1/2) "SIXTEEN
5 AND ONE HALF YEARS AGO". THIS ALONE
6 IS A VIABLE CLAIM AS TO INEFFECTIVE
7 ASSISTANCE OF COUNSEL. SEE STRICKLAND
8 V. WASHINGTON, 466 U.S. 668, 687 (1984).

9 Therefore, defendant contends
10 that although counsel has been appointed
11 in the instant case, the actions of
12 counsel, OR... LACK THEREOF, HAVE
13 CREATED UNFAIR PREJUDICE AND
14 OBSTACLES WHICH DO NOT COMPORT THE
15 FAIR PROCEDURES OWED TO THE DEFENDANT
16 AND HAVE CREATED IREPAIRABLE
17 HARM TO DEFENDANT'S DEFENSE.
18 I.E. A "17yr. delay in his trial."

19 The PLURALITY OPINION IN EVITT
20 AND DOUGLAS, INFERA, MADE IT VERY
21 CLEAR THAT:

22 "There is lacking that equality demanded
23 by the Fourteenth Amendment, where the "rich man"
24 ENJOYS the benefit of the law being Righteously
25 Practiced in that, Counsel's examination step-
26 by-step (into the Record of the Case), AND
27 RESEARCH OF THE LAW, AND A MARSHALLING OF THE

1 facts and arguments on his behalf is done,
2 as should befit an advocate of defense;
3 while the indigent, so burdened by a
4 preliminary determination that his
5 case is without merit, is forced to
6 shift for himself," 105 S.Ct. at
7 842; 83 S.Ct. at 816-17.

8 NOTWITHSTANDING the strong
9 policy favoring autonomy, "ethical,
10 professional and constitutional principles
11 establish counsel's standards owed
12 to his client. See: American BAR
13 Association (ABA), and Professional
14 Responsibility Code (CPR).

15 SO... CLEARLY, A conflict of
16 interest now exist between counsel,
17 MR. Philip J. KOHN, and defendant,
18 as all faith and trust has been
19 diminished as a result of counsel's
20 actions or lack thereof, and a
21 "showing" of conflict of interest
22 requires NO showing of prejudice.
23 See CUYLER v. SULLIVAN, 100 S.Ct. at 1717.

24 The law addresses itself to
25 actualities.

26 Ad Judication is NOT a mere
27 mechanical process, NOR does it compel

1 ANY either OR determination. See
2 GRIFFIN V. ILLINOIS, 76 S.Ct. 585
3 592-594 (1956).

4 Therefore, FUNDAMENTAL FAIRNESS
5 requires the abolition of [Prejudice]
6 which defendant is Presently Suffering.
7 This is an ACTUALITY that the law
8 must address. Anything Short of
9 Abdication would further a manifest
10 of injustice. The "Effectiveness
11 (in assistance) of Counsel" is an
12 individual's most fundamental Right,
13 for without it, every other Right
14 defendant has to Assert becomes
15 Affected. I.E., DEFENDANT'S
16 RIGHT TO A FAST AND SPEEDY TRIAL
17 DENIED TO HIM FOR 17 YRS.

18
19 DATED THIS 18 DAY OF May, 2017
20

21
22 BY: Justin Porter
23 JUSTIN PORTER-DEFENDANT
24

25 I, Justin Porter, do herein Solemnly
26 SWear, under the Penalty AND PAINS
27 OF Perjury, Pursuant to N.R.S. 171.102.

1 AND N.R.S. 208.165.
2 That I Did MAKE, OR Did CAUSE
3 to have made, the Above, AFORE-
4 -DRAFTED, MOTION TO DISMISS AND
5 SUBSTITUTE COUNSEL / MOTION
6 TO DISMISS". That the Same is
7 Accurate and is Correct to the best of my
8 Knowledge, memory and belief, except those
9 matters which I have had to Rely upon
10 Information, and AS to those matters I
11 believe them to be true Also.

12
13 DATED THIS 18 DAY OF MAY, 2017

14
15 BY: Justin Porter
16 JUSTIN PORTER - DEFENDANT - Pro. Per.

"MOTION TO DISMISS"

AS CAUSE FOR SAID MOTION
TO DISMISS, defendant asserts as
follows;

The 6th Amend. to the U.S. Const. sets
forth the following mandate upon the state's
through the Fourteenth Amend.,

"In All Criminal Prosecutions, the
Accused shall Enjoy the Right to a Speedy
and Public TRIAL..."

This Constitutional Mandate has been
codified in the state of Nevada, in the
N.R.S., under Section 178.556 (2);

That Herein, I At the Instant
case, Defendant has made several
futile attempts to exercise his Constitutionally
Protected Liberties, to a Speedy and Public
TRIAL.

That over the course of the Past (17 yrs) Seven-
Teen Years, defendant has Begged, and...
Pleaded, to have his Case Brought to
trial, wherein He can Prove his Factual
Innocence. See Transcript(s) of Hearing
Dates, "Sept. 19, 2007 AND NOV. 22, 2010, AND ALSO
see defendant's "MOTION FOR DISMISSAL FOR LACK
OF Speedy and Timely Prosecution", Received by

1 this Honorable Court, ON OR ABOUT the 16 day
2 OF JUNE, 2016.

3
4 The HIGH COURT OF OUR GREAT
5 COUNTRY HAS LONG AGO SETTLED ALL DIFFERENCES
6 CONCERNING DEFENDANTS [CONSTITUTIONAL
7 GUARANTY] TO A SPEEDY TRIAL, see
8 BARKER V. WINGO, 407 US 514, 33 L.Ed.
9 2d 101, 92 S.Ct. 2182

10 FURTHER...

11 IN BARKER V. WINGO, SUPRA,
12 THE HIGH COURT HELD THAT,

13 "While a defendant's Assertion of, or
14 failure to Assert, his Right to a speedy trial
15 is one of the factors to be considered in
16 an inquiry into the deprivation of such a
17 Right. The PRIMARY burden Remains on the
18 Courts and the Prosecutors to ASSURE
19 that cases are speedily brought to TRIAL

20
21 The Instant Case at BAR is 17 YRS. old.

22 For 17 YRS. the Court and the
23 District Attorney Has Failed and Refused to
24 BRING the Instant Case to trial.

25
26 The Same OVERT, deliberate, PLAIN ON IT'S
27 FACE, CONSTITUTIONAL INFRCTIONS HAVE

1 made it impossible for defendant to
2 Have A FAIR TRIAL, Which Also violates
3 the 6th amend. to the U.S.C.

4
5 FINALLY, because defendant, After
6 17yrs. of unduly, Delay, on the Part
7 of the Prosecutor(s) and InEffective
8 Assistance of Defense Counsel, Defendant
9 CANNOT Possibly be given A FAIR TRIAL,
10 could not possibly gather evidence,
11 NOR CONTACT His Witnesses OR otherwise
12 Prepare A defense.

13 Defendant Prays this
14 Honorable Court, DISMISS THE Instant
15 case, For lack of Prosecution and...
16 For Irreparable Violations of defendant's
17 Speedy TRIAL Rights.

18
19
20 DATED THIS 18 DAY OF May, 2017

21
22 BY: Justin Porter

23 JUSTIN PORTER-DEFENDANT-PROPER

AFFIRMATION
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding MOTION

TO DISMISS AND SUBSTITUTE COUNSEL
(Title of Document)

filed in District Court Case number DIC-174954

☒ Does not contain the social security number of any person.

-OR-

☐ Contains the social security number of a person as required by:

A. A specific state or federal law, to wit:

(State specific law)

-OR-

B. For the administration of a public program or for an application
for a federal or state grant.

Justin Porter
Signature

5-18-17
Date

JUSTIN PORTER
Print Name

Title

CERTIFICATE OF SERVICE BY MAILING

I, Justin Porter, hereby certify, pursuant to NRCP 5(b), that on this 18
day of MAY, 2017, I mailed a true and correct copy of the foregoing, "MOTION
TO DISMISS AND SUBSTITUTE COUNSEL"
by depositing it in the High Desert State Prison, Legal Library, First-Class Postage, fully prepaid,
addressed as follows:

Brian Williams
WARDEN-H.D.S.P.
P.O. BOX 650
INDIAN SPRINGS, NV. 89070

STEVEN WOLFSON
DISTRICT ATTORNEY
200 Lewis Ave.
LAS VEGAS, NV. 89155-2212

Steven Grierson
CLERK OF THE COURT
200 Lewis Ave.
LAS VEGAS, NV. 89155-1160

CC: FILE

DATED: this 18 day of MAY, 2017.

Justin Porter #7042449
JUSTIN PORTER #1042449
/In Propria Personam
Post Office box 650 [HDSP]
Indian Springs, Nevada 89018
IN FORMA PAUPERIS

JUSTIN PORTER # 1042449
P.O. BOX 650 (H.O.S.A.)
INDIAN SPRINGS, NV. 89070

EXHIBIT # 1

APRIL 10, 2017

Jeffrey S. MANINGO, ESQ.
309 S. Third Street
P.O. Box 552610
Las Vegas, NV. 89055

RE: CASE NO. OLC-174954 / "REQUEST FOR
APPOINTMENT OF INVESTIGATOR"

DEAR MR. MANINGO, I am requesting that you, your
good office, please provide me with an investigator,
within (10) TEN WORKING DAYS OF RECEIPT OF
this missive, so that I can assist with my
defense and prove my factual innocence.

In Advance, Thank You Sincerely
for your prompt compliance.

Justin Porter
Justin Porter

RECEIVED

MAY 22 2017

CLERK OF THE COURT

JUSTIN PORTER #1042449
P.O. Box 650 (H.O.S.P.)
INDIAN SPRINGS, NV. 89070

APRIL , 12 , 2017

Jeffrey S. MANINGO, ESQ.
309 S. Third Street
P.O. Box 552610
LAS Vegas, NV. 89155

RE: CASE NO. 01C174954 / "REQUEST FOR
INFORMATION AND MATERIALS"

DEAR MR. MANINGO, I am requesting that You,
Your good office, Please Provide me with
the below listed Information and
materials within 30 days from receipt of
this missive, so that I can Assist with
my Defense and Prove my Factual
INNOCENCE.

COPIES OF CRIMINAL AND CIVIL COMPLAINTS FILED
AGAINST ANY PERSONS WHO WORKED DIRECTLY
OR INDIRECTLY ON THE INSTANT CASE,
COPY OF MILITARY RECORDS OF THE SAME PERSONS
LISTED ABOVE.

COPIES OF ANY AND ALL STATEMENTS, DEPOSITIONS
AND/OR REPORTS MADE BY OFFICERS, INFORMANTS,
CONFIDENTIAL INFORMANTS, NURSES, DOCTORS,
EXPERTS, DETECTIVES, INVESTIGATORS, ETC.,
WHO WORKED DIRECTLY AND OR INDIRECTLY.

ON the INSTANT CASE.

COPIES OF PICTURES, VIDEO TAPES, AUDIO TAPES RECORDINGS, IN THE CUSTODY OF THE STATE OF NEVADA, U.S. GOVERNMENT, DISTRICT ATTORNEY, ect., THAT ARE RELATED DIRECTLY AND/OR INDIRECTLY TO THE INSTANT CASE, AND/OR DEFENDANT.

COPIES OF THE NAMES OF ANY PERSONS WHO WORKED DIRECTLY AND/OR INDIRECTLY ON THE INSTANT CASE, AND/OR RELATED TO DEFENDANT, THIS MUST INCLUDE, BUT IS NOT LIMITED TO THE FOLLOWING;

OFFICERS, AGENTS, INFORMANTS, CONFIDENTIAL INFORMANTS, DOCTORS, NURSES, DETECTIVES, INVESTIGATORS, PROSECUTORS, ect.;

FINALLY,

DEFENDANT REQUESTS COPIES OF ANY AND ALL EXCULPATORY INFORMATION AND/OR MATERIALS IN THE CUSTODY OF METRO POLICE OFFICERS (LAS VEGAS), LAW ENFORCEMENT AGENTS, CHICAGO POLICE OFFICERS, INFORMANTS, CONFIDENTIAL INFORMANTS, DOCTORS, NURSES, DETECTIVES, INVESTIGATORS, PROSECUTORS, BOTH STATE AND FEDERAL.

IN ADVANCE, THANK YOU, FOR YOUR PROMPT COMPLIANCE

Justin Porter

JUSTIN PORTER-DEFENDANT

JUSTIN PORTER # 1042449
P.O. Box 650 (H.D.S.A.)
Indian Springs, NV. 89070

APRIL , 17 , 2017

JEFFREY S. MANINGO, ESQ.
309 S. Third Street
P.O. Box 552610
LAS VEGAS, NV. 89155

RE: CASE NO. 01C174954 / "REQUEST FOR COMPLETE
COPY OF ALL DISCOVERED EVIDENCE."

DEAR MR. MANINGO, I am requesting that you, your
good office, please provide me with a copy of all
discovered evidence in the instant case within
(10), TEN WORKING DAYS OF RECEIPT OF THIS
MISSIVE, so that I can assist with my
defense and prove my factual innocence.

In Advance, Thank You, *Justin Porter*
Justin Porter

EXHIBIT #4

JUSTIN PORTER #1042449
P.O. Box 650 (H.D.S.P.)
INDIAN SPRINGS, NV. 89070

APRIL 18, 2017

Jeffrey S. MANINGO, ESQ.
309 S. Third Street
P.O. Box 552610
LAS VEGAS, NV. 89155

RE: CASE NO. 01C174954 / "REQUEST FOR
COPY OF STATE'S WITNESS LIST."

DEAR MR. MANINGO, Herein I am requesting
that you, your good office, please forward
to me a copy of the state's witness
list, so that I can assist with my
defense.

In advance, thank you
for your prompt compliance and professional
assistance.

Justin Porter
Justin Porter

JUSTIN PORTER #1042449
P.O. Box 650 (H.D.S.A.)
INDIAN SPRINGS, NV. 89070

EXHIBIT #5

APRIL 20, 2017

Jeffrey S. MANINGO, ESQ.
309 S. Third Street
P.O. Box 552610
LAS VEGAS, NV. 89155

RE: CASE NO. 01C-174954 / "REQUEST FOR
THE APPOINTMENT OF EXPERT FINGER-
- PRINT ANALYZER"

DEAR MR. MANINGO, I am requesting that you,
your good office, appoint a expert FINGER-
- PRINT ANALYZER, to my case.

In Advance, Thank You Sincerely
For your time and Professionalism.

Justin Porter
JUSTIN PORTER - DEFENDANT

JUSTIN PORTER # 1042449
P.O. Box 650 (H.D.S.P.)
INDIAN SPRINGS, NV. 89070

EXHIBIT #6

APRIL , 23, 2017

Jeffrey S. MANINGO, ESQ.
309 S. Third Street
P.O. Box 552610
Las Vegas, NV. 89155

RE: CASE NO. OIC-174954 / REQUEST FOR
THE APPOINTMENT OF EXPERT D.N.A. ANALYZER

Dear MR. MANINGO, I AM requesting that you,
your good office, please, appoint a expert
D.N.A. ANALYZER to my case.

In Advance, thank You Sincerely
for Your time and Professionalism.

Justin Porter
Justin Porter - Defendant

Justin Porter # 1042449
P.O. Box 650 (H.D.S.P.)
Indian Springs, NV. 89070

MARCH 31, 2017

Jeffrey S. MANINGO, ESQ.
309 S. Third Street
P.O. Box 552610
Las Vegas, NV. 89155

RE: CASE NO. 015174954 / Pre-Trial MOTIONS
Which MUST BE Filed on behalf of Defendant

1. Formal Written MOTION FOR COPY OF ALL DISCOVERED EVIDENCE
2. MOTION TO DISMISS - All charges.
3. MOTION TO SUPPRESS IN-VOLUNTARY STATEMENTS BY
DEFENDANT / OR EXCLUSIONARY HEARING.
4. MOTION FOR INDEPENDANT, PRIVATE INVESTIGATOR,
NOT UNDER CONTRACT WITH STATE OF NEVADA OR
COUNTY OF CLARK.
5. MOTION FOR EVIDENTIARY HEARING
6. MOTION FOR INDEPENDANT D.N.A., EXPERT, to
be APPOINTED.
7. MOTION FOR INDEPENDANT Ballistics Expert,
to be APPOINTED.

DEAR MR. MANINGO, I am requesting that You, Your good office,
Please file the Above-listed motions on my behalf.

In Advance, Thank You.

Justin Porter
Justin PORTER

JUSTIN PORTER #1042449
P.O. Box 650 (H.D.S.P.)
INDIAN SPRINGS, NV. 89070

APRIL 27, 2017

Jeffrey S. MANINGO, ESQ.
309 S. Third Street
P.O. Box 552610
Las Vegas, NV. 89155

RE: CASE NO. OLC-174954 / "WITNESSES WHO
MUST BE SUBPOENA TO TESTIFY AT TRIAL"

Dear MR. MANINGO, the following is a list of
Persons/Witnesses who MUST BE SUBPOENA TO TESTIFY AT
MY TRIAL, so that I can prove my Factual Innocence.

1. Kristopher Deloney

2. Dorothy Deloney

3. Beverly Porter

4. Pookie RAY

5. Bill

Justin Porter
Justin PORTER

CERTIFICATE OF SERVICE BY MAILING

I, Justin D. Porter, hereby certify, pursuant to NRCP 5(b), that on this 3
day of May, 2017, I mailed a true and correct copy of the foregoing, "MEMORANDUM / NOTICE TO THE COURT EX-PARTE"
by depositing it in the High Desert State Prison, Legal Library, First-Class Postage, fully prepaid,
addressed as follows:

Steven D. Grierson, C.C.
200 Lewis Ave. 3RD Floor
Las Vegas, NV 89155-1160

Steven B. Wolfson
200 Lewis Ave.
Las Vegas, NV 89155-2212

Jeffrey S. Maningo
309 S. Third Street
P.O. Box 552610
Las Vegas, NV 89155

CC: FILE

DATED: this 3 day of May, 2017.

Justin D. Porter 1042449
Justin D. Porter #1042449
/In Propria Personam
Post Office box 650 [HDSP]
Indian Springs, Nevada 89018
IN FORMA PAUPERIS.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

July 05, 2017

01C174954

The State of Nevada vs Justin D Porter

July 05, 2017

8:30 AM

**Defendant's Pro Per Motion to Dismiss / Substitute
Counsel / Motion to Dismiss**

HEARD BY: Cadish, Elissa F.

COURTROOM: RJC Courtroom 15B

COURT CLERK: April Watkins

RECORDER: Jessica Kirkpatrick

PARTIES**PRESENT:**

Baslor, Ryan

Attorney for Deft.

Luznich, Elissa

Attorney for Pltf.

Maningo, Jeffrey S.

Attorney for Deft.

Porter, Justin D.

Defendant

State of Nevada

Plaintiff

JOURNAL ENTRIES

- Ms. Luzaich requested the Court only speak about the confidential information and then have the State return to the courtroom. Colloquy. State exited the courtroom. COURT ORDERED, matter SEALED.

Statement by Deft. regarding counsel's representations of Deft. and conflict of interest. Court advised at the moment, Deft. is represented by counsel, cannot file motion to dismiss and the Court will not hear today. Further statement by the Deft. regarding conflict of interest. Mr. Maningo stated as far as requests made by Deft., received written request for private investigator which the Public Defender's Office has their own in the office. Further, there is an investigator assigned to the case and counsel does not go outside the office. Also, there was a request for portions of discovery which there is boxes of. Deft. does mention the 17 years, counsel has not been around 17 years, it was Mr. Brown and Mr. Abood. As far as attempts to negotiate, counsel communicated with Deft. and Deft's primary concern was getting out. Counsel did research and came up with solution. At time of the offers, Mr. Maningo stated Deft. was eligible for parole now if he enters plea at that time then goal shifter and now Deft. will not take anything with sex registration. Additionally, Mr. Maningo stated he went back to the State, let the State know, now back in this situation and now Deft. feels there is a

PRINT DATE: 07/12/2017

Page 1 of 2

Minutes Date: July 05, 2017

conflict. Colloquy. Mr. Maningo stated Deft. had questions about this case, his pending case and about appeal. Deft. spoke with Mr. Brooks and after speaking, Deft. did not get answer he was looking for. Further statement regarding Deft's other pending case and continuance. Court inquired as to the accusers. Mr. Maningo stated one has passed away and remaining are available. Statement by Deft. as to wanting to go to trial. Court advised Deft. she is only considering Deft's motion to dismiss counsel. Mr. Maningo requested the Court explain to Deft. about granting his request to have conflict counsel appointed which will result in a trial continuance. Further statement by Deft. Colloquy with Court and Deft. Deft. again stated how he has maintained going to trial. Court stated if counsel is dismissed, new counsel appointed to represent Deft., new counsel will have to start over to get ready for trial and will not be ready for trial in November. Deft. again stated he will not get a fair trial and requested the Court grant relief requested in motion. Court stated case will not be dismissed. Further, it is up to counsel to file motion if legally supported. It appears to the Court, delays were to get case resolved and counsel to speak to you about the analysis dealing with offers, accepting offers or not accepting offers, to explain the consequences and DOES NOT FIND counsel has been ineffective. Deft. stated counsel has failed to talk to Deft. about strategy, requested counsel find witness, failed to get DNA Analysis, fingerprint analysis and not of it accomplished. Court stated there is no conflict of interest. Mr. Maningo stated these exchanges taking place today, are the conversations counsel has with Deft. and not about to bridge the gap. Further, Mr. Maningo stated he discussed a number of things regarding investigation, old trial, negotiations taking place and negotiations Deft. wanted. Additionally, there has been an investigator looking for witness, have not done anything with DNA or the fingerprints. As to the DNA, counsel will look at and it depends on the defense. Court stated she believes Deft. is competent to proceed to trial. Deft. again stated he cannot work with counsel. Court stated she does believe when various continuances happened, they were discussed, good cause for those continuances, but beyond that, counsel has not been ineffective, DOES NOT FIND legal conflict of counsel, believes counsel acting in Deft's best interest and ORDERED, request to dismiss counsel DENIED.

State present in courtroom.

Court advised the State Deft's motion was denied and is still set to go to trial in November. Parties to plan that trial will go and the Court does not believe matter will resolve. Further, dismissal of case is not on today and motion will need to be filed by counsel. Upon Court's inquiry, Ms. Luzaich advised three weeks for trial.

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****September 19, 2007**

01C174954

The State of Nevada vs Justin D Porter

September 19, 2007**9:00 AM****Status Check****STATUS CHECK:
NEGOTIATIONS
Relief Clerk: Carole
D'Aloia/cd//Phyllis
Irby
Reporter/Recorder:
Sonia Riley Heard
By: Lee Gates****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**Abood, Joseph K.
Brown, Curtis
Luzaich, Elissa
Porter, Justin D
Public DefenderAttorney
Attorney
Attorney
Defendant
Attorney**JOURNAL ENTRIES**

- Statements by Mr. Brown regarding the history of the case. Mr. Brown advised parties have been in discussions on trying to negotiate the matter. Ms. Luzaich stated she did make an offer to resolve the matter. Defendant stated he does not want to accept negotiations and wants to proceed to trial. Mr. Brown advised he cannot be prepared for trial until June of 2008 because of this trial schedule and the amount of work that needs to be done on this case. COURT ORDERED, matter set for JURY TRIAL AND ADVISED THIS IS A FIRM DATE.

CUSTODY

6/23/08 9:00 AM CALENDAR CALL

7/1/08 10:00 AM JURY TRIAL

PRINT DATE: 04/12/2013

Page 5 of 8

Minutes Date:

January 31, 2007

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****November 22, 2010**

01C174954

The State of Nevada vs Justin D Porter

November 22, 2010**8:30 AM****Status Check****HEARD BY:** Cadish, Elissa F.**COURTROOM:** RJC Courtroom 15B

COURT CLERK: Keith Reed
Tiffany Lawrence
Sharon Coffman

RECORDER: Jessica Kirkpatrick**REPORTER:****PARTIES**

PRESENT:	Abood, Joseph K.	Attorney
	Luzaich, Elissa	Attorney
	Porter, Justin D	Defendant
	Public Defender	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Deft. Porter acknowledged the trial setting, presented argument in opposition of the continuance of the trial and requested a sooner setting. Colloquy between Court and Deft. regarding the continuance of the trial and the reason for the continuance. Court stated findings noting the continuance is due to an unavoidable conflict with counsels schedule and ORDERED, trial STANDS as calendared; Deft's objection noted for the record.

CUSTODY(COC-NDC)

4-11-11 9:30 AM CALENDAR CALL

4-18-11 10:00 AM JURY TRIAL

PRINT DATE: 10/27/2015**Page 282 of 316****Minutes Date:** May 02, 2001