

1 Justin Langford-1159546

FILED

2 H.D.S.P.

3 P.O. Box 650

JUL 26 2018

4 Indian Springs, Nv 89070

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

5
6 SUPREME COURT FOR
7 THE STATE OF NEVADA

8 Justin Odell Langford

9 (Beneficiary)

Case No. ~~730778~~ 75825

10 Appellant

11 -V-

12 State Of Nevada

Motion For Summary

13 (Fictitious Entity)

Reversal &

14 Appellee

Notice Of Motion

15
16 COMES NOW, Justin Odell Langford, sui Juris,
17 and moves this Honorable Court to grant his
18 Motion For Summary Reversal.

19 Which is based on all paper and pleadings
20 on file with this court.

21 Dated this day of 2018

22 By:

23 Justin Odell Langford

24 All Rights Reserved at UCC 1-308 & 1-207

25 Justin Odell Langford

26 RECEIVED

27 JUL 26 2018

28 ELIZABETH A. BROWN
CLERK OF SUPREME COURT
DEPUTY CLERK

NOTICE OF MOTION

TO THE STATE OF NEVADA the appellee
YOU WILL TAKE NOTICE of the foregoing
motion filed by the undersigned.

Dated this day of , 2018.

By:

Justin Odell Langford

All Rights Reserved at UCC 1-308 & 1-207.

Justin Odell Langford

RELEVANT CASE FACTS

The appellant filed Petition for Writ of Habeas Corpus (Post Conviction) with Memorandum In Support of petition, Affidavit OF Evidence In Support of Memorandum, those were all filed on the 29th day of December, 2017. On January 5th, 2018 the 8th Judicial District Court gave the State 45 days to file Opposition, in which the State did not file until February 20th, 2018. This made the states Opposition Late. Rule 1.14(b) does not apply because February 19th was President's day and under the NRS it is not a legal holiday for courts.

On March 30th, 2018 the appellant filed Motion to Modify and/or Correct Illegal sentence. Which was the same argument

1 put forth in the appellants Petition For Writ
2 of Habeas Corpus in which the State ignored
3 in their Opposition. Which under The Silence
4 is Acquiescence Doctrine they already
5 concede to the argument. Again state files
6 opposition to Motion to modify and/or correct
7 illegal sentence in which they fail to argue
8 again, all The State can say is claim is
9 with out merit. The States opposition was
10 filed April 18th, 2018.

11 12 ARGUMENT

13
14 The State of Nevada has failed to address
15 the argument that Nev. Const. Art. 6, §6 and
16 Nev. Const. Art 6, §8 along with NRS 3.190
17 provide Justice Court with jurisdiction for
18 misdemeanor and gross misdemeanors only.
19 Giving original jurisdiction to District Court
20 for felony cases. Battigato v. Sheriff, 95 Nev. 361,
21 594 p.2d 1152 (1979 Nev.) Kopp v. State, 118 Nev. 199,
22 43 P.3d 340 (2002) and has been stated
23 in Barral v. State, 353 P.3d 1197, 1200 (2015)
24 when one court acts ~~with jurisdiction~~ without
25 jurisdiction it deprives the next court of
26 jurisdiction. So when both justice courts
27 acted in the appellants case it deprived

1 District Court of Juris Diction.

2 This is further backed by U.S. Const.
3 Amend. V which states "No person shall be
4 held to answer for a capital, or otherwise
5 infamous crime, unless on presentment or
6 indictment of a Grand Jury" See Ex parte
7 Bain, 121 U.S. 1, 12-13 (1887) defendant can be
8 tried for infamous crime only after grand
9 jury indictment. The Supreme Court has defined
10 "infamous crime" as those crimes "punishable by
11 imprisonment in the penitentiary," Makin v. U.S., 117
12 U.S. 348, 354 (1886); See also Wilson, 114 U.S. 417, 429 (1885)
13 U.S. v. Moreland, 258 U.S. 433, 441 (1922).

14 Because persons convicted of offenses
15 punishable by imprisonment for more than 1 year
16 may be confined in a penitentiary, 18 U.S.C.
17 §4083, any crime punishable in this manner is
18 infamous. Rule 7(a) of the Federal Rules of Criminal
19 Procedure codifies the Supreme Court's
20 interpretation of the Constitutional
21 requirement of an indictment for infamous
22 crimes: "An offense (other than criminal
23 contempt) must be prosecuted by an indictment
24 if it is punishable: (A) by death; or (B) by
25 imprisonment for more than 1 year." Fed. R. Crim. P.
26 7(a)(1); see e.g., U.S. v. Coachman, 752 F.2d 685,
27 689 n.4 (D.C. Cir. 1985).

1 This is why the state has not argued
2 this at any point, besides to say it has no
3 Merit". When first time this was presented to
4 the State it provide no argument thus
5 conceding the arguement. The second chance
6 all they say is no merit but no explanation.
7 There is a reason all caselaw presented by
8 the appellant says he is right and there is
9 no other caselaw that says opposit to
10 whats been presented previously and in
11 this motion.

12 13 Conclusion

14 Thus the appellant ask this court to
15 grant his appeal on this issue, and not give
16 the state another chance to argue this
17 issue. When the state already tell on its face
18 with prior chances. The appellant is asking
19 for reversal of his conviction with prejudice
20 and release from custody.

Certificate Of Service

I, Justin Odell Langford, certify that I have attached Motion for Summary Reversal & Notice of Motion with special Instructions for electronic filing and Service to the Court clerk to serve my opponents pursuant to N.E.F.C.R. 9, et seq. (A-F) etc., to the following:

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