

IN THE SUPREME COURT OF THE STATE OF NEVADA

FILED

ANTONIO LEE MIXON
Appellant,
VS.

Supreme Court No. 77206

NOV 09 2018

DISTRICT Court NO. C-17-327439-1
ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY: J. O. Richards
DEPUTY CLERK

THE STATE OF NEVADA
Respondent.

COUNSEL FOR Appellant: Antonio L. Mixon proper person

Counsel For Respondent(s): Chelsea N. Kallas
Deputy Attorney General

Judge OF DISTRICT COURT Dept XVII: Michael Villiani

Appellant's INFORMAL BRIEF

Appellant Here is proceeding pro-se (without an attorney) IN the Nevada
Supreme Court And this is a completed copy of the Informal Brief Form, see
NRAP 28(K), with the Nevada Supreme Court on or before the due date, see
NRAP 31.

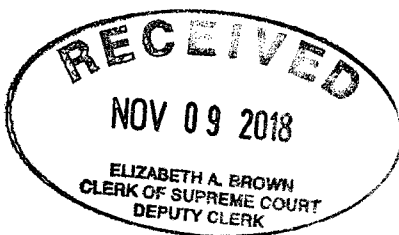
Judgment or order Appellant is appealing is as follows: The Judgment Trial
Court made which is IT Denied Appellant's motion to suppress permitting state
can use evidence THAT compels Appellant to be a witness Against Himself
AT TRIAL which commences on January 3, 2018.

NOTICE OF Appeal was Filed: 10/15/2018

NO Related Cases

NO pro Bono Counsel Requested From Appellant

Judgment or order Appellant is appealing District Court Entered: on or about



18-903694

STATEMENT OF FACTS

Explaining Facts of Appellant's case provided in the Space below.

September 19, 2018 Appellant Filed in the trial court / lower court

a motion to suppress, Requesting the lower court suppress evidence that Compells Appellant to be a witness against himself at trial (that's coming up) because that evidence was obtained in violation of the Nevada's Constitution and laws of this state. The correction officer's suspicion that a criminal act occurred arose and officers apprehended then put into restraints appellant accusing appellant of the allegations. Appellant's argument in the lower is, The Supreme Court of United States answered the question about what is the practice of state and local law enforcement agencies to insure a suspect get advised of their privilege to be free from being compelled to be a witness against themselves. That practice was derived from the practice of FBI and can be readily emulated by the state and local law enforcement agencies. That some practice consist of, soon as officers are suspicious a criminal act is committed and apprehend someone then put them into restraints. They're supposed to give that person a "Cautionary warning," without questioning from the police and proceeding an interview. The Supreme Court of United States agreeing with that practice Decided that absent this "Cautionary warning" from the record the Supreme Court of United States will not, are not, and is not going to presume the suspect was advised of his/her right to remain silent and therefore that phrase / statement is involuntary the suspect did not waive their right to remain silent. The suspect didn't knowingly, intelligently, voluntarily waive his/her right to remain silent and therefore appellant is compelled to be a witness against himself/herself and for all the foregoing reasons the Supreme Court of the United States held such phrase / statement inadmissible. See 62 Cal 2d 571, 43 Cal Rptr. 201, 400 P.2d 97. see also STATE OF California Petitioner vs. Roy Allen Stewart, 10 A.L.R. 3d 974. Court this argument and cases cited in appellant's Motion to suppress and Appellant submitted the argument that in Appellant's Motion to suppress And Appellant's Reply to State's opposition and with Appellant's Motion to suppress is the state's Declaration of probable cause for arrest with the evidence Appellant requested lower court suppress with other exhibits, those exhibits are absent of the "Cautionary warning." Officers never advised appellant of his rights without questioning and proceeding an interview which is in violation of the Constitution of Nevada and the Constitution of United States which is unconstitutional. Respectfully Submitted.

STATEMENT OF DISTRICT ERROR Explaining

Why Appellant believes District Court is wrong

Also the action Appellant want the Nevada

Supreme Court to take is provided in the Space
below.

The trial court/ lower District Court compelled Appellant to be a witnesses against himself which is wrong For all the reasons set forth in the statement of Facts in this brief on page 2.

The action Appellant want the Nevada Supreme Court to take is Vacate and reverse the adverse Judgment of the district Court because it's

Unconstitutional and remand with instructions

For the district Court to grant Appellant's Motion to suppress the phrase /statement Appellant requested the district Court to suppress which is within the attached Exhibits on Appellant's Motion to suppress

And to do so soon as possible in that Appellant starts trial on or about sixty days from today.

Thanks Nevada Supreme Court.

Dated this 1st day of November, 2018.

A. L. Milton Jr.

Signature of appellant

Milton, Antonio

printed name of appellant

Certificate of Service

I ~~certify~~ ^{certify} that on the date indicated below, I served a copy of this completed Informal Brief Form upon all parties to the appeal as follows: By mailing it by First-class mail with sufficient postage prepaid to the following address(es) (list of names and address(es) of parties served): 11 106 1 2018

1. The Supreme Court
of Nevada Clerk's office

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2. Eighth Judicial District Court
Dept 17

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