

1. Justin Odell Langford©-[#1159546]
2. High Desert State Prison
3. c/o 22010 Cold Creek Road
4. Indian Springs, Nevada 00000

FILED

NOV 09 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

- 5.
6. SUPREME COURT FOR
7. THE STATE OF NEVADA

8. JUSTIN ODELL LANGFORD©,

Supp. No. 77262

9. Petitioner,

10. -VS-

AFFIDAVIT OF PETITIONERS

11. STATE OF NEVADA,

INFORMAL BRIEF

12. RESPONDENT.

13. COMES NOW, Justin Odell Langford, Secured Party Creditor, Authorized

14. Representative, Attorney-In-Fact on Behalf of JUSTIN ODELL LANGFORD,

15. DEBTOR Ens legis.

16. This Affidavit of Informal Brief is made and based upon some of the files, papers and

17. Pleadings on file herein the attached Points and Authorities in support hereto as well as

18. any arguments which this Court may deem appropriate.

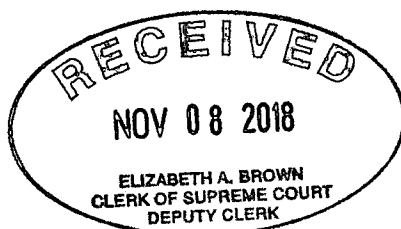
19. DATED: This 18th day of October, 2018.

20. Without Prejudice/All Rights Reserved

X Justin Odell Langford
Justin Odell Langford
UCC 1-308, Sui juris

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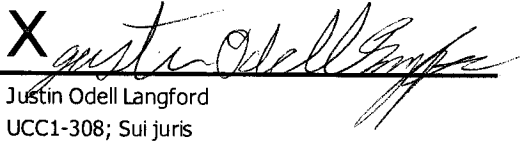


18-903698

1.

NOTICE OF AFFIDAVIT

2. TO:THE STATE OF NEVADA, RESPONDENT and Steven Wolfson counsel for the
3. Respondent. YOU AND EACH OF YOU WILL TAKE NOTICE that the undersigned will
4. Bring for hearing in the above-entitled court.
5. DATED:This 18th day of October, 2018
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CASE FACTS

9. The Appellant/Petitioner filed a petition for Genetic Marker analysis which was denied
10. By the 8th Judicial District Court on October 9th, 2018, along with a motion for an extension of
11. Copy Work Limit or Transfer of Funds. The Appellants appeal has two other appeals in this court
12. along with case numbers 75825 and 76075 which are waiting for decisions along with this appeal
13. now
14.

15.

POINTS AND AUTHORITIES

16.

ARGUMENTS

17. I. **ERR IN DENIAL OF PETITION REQUESTING A GENETIC MARKER ANALYSIS**

18.

19. On October 9th, 2018 Judge Joe Hardy made an adverse ruling on the Petition for Genetic
20. Marker Analysis, upon his denial of the petition Judge Joe Hardy adopted the States'
21. Opposition in his denial. The States' Opposition was prepared by Chief Deputy District Attorney
22. James R. Sweetin and filed on the 17th day of September, 2018.

1. The only opposition the State could come up with is that the Petitioner is not entitled to
2. Discovery. Their argument is that the Appellant/Petitioner is requesting discovery and that
3. Pursuant to NRS 34.780(2) that the Appellant/Petitioner is not entitled to discover until after the
4. Writ of Habeas Corpus is granted. This argument presented by the State is so far out in left field
5. Its not funny.

6. The Petition was filed pursuant to NRS 176.0918, this is a petition not a motion for
7. Discovery. This is another form of post-conviction relief that is available to a criminal defendant
8. In this state. Within the Appellants'/Petitioners' petition he had to identify his crime in which he
9. Was convicted of an list the identifiers to the items to be tested pursuant to NRS 176.0918(3)(a).

10. The Petitioner identified all of the following items:

11. 1)pkg.#1; item#1-8; booked by J4793S; Bedding
12. 2)pkg.#2; item# 9; booked by J4793S; comforter
13. These items are under LVMPD event #140121-1194

14.

15. Then pursuant to NRS 176.0918(3)(b), the Appellant/Petitioner had to explain his rationale
16. Behind his request. Appellant/Petitioner explained as that any of the DNA collected off those
17. items Would only be his, to take this one step further if the DNA collected off those items are
18. not his it would be H.H.'s mom's DNA which would come back as H.H. as a minor contributor
19. instead of it being hers' out right or her sister's DNA which the State never collected so it will
20. come back as the appellant as the major contributor and H.H. as the minor contributor.

21. Then pursuant to NRS 176.0918(3)(c), the Appellant/Petitioner had to specify what type of
22. Genetic Marker Analysis wanted done, in which the Appellant/Petitioner wrote all test that
23. Pertain to any evidence viable for DNA testing. To take this one step further the Appellant wants
24. All the same test conducted before conducted on all of the above items.

25. Then Pursuant to NRS 176.0918(3)(d), the Appellant/Petitioner had to give the results of the
26. Previous test which were as follows. White hand towel-the semen stains were conclusively the

1. Appellants/Petitioners, while the one hair and skin cell found on the corners of the towel came
2. Back with the Appellant/Petitioner as the major contributor and H.H. as the minor contributor
3. The only reason it showed me or H.H. is the State did not get DNA sample from everyone
4. Living in the house.
5. Then the Appellant/Petitioner set forth the following facts pursuant to NRS 176.0918(3)(e).
6. Counsel had no Trial Strategy in place, it was the Common Sense on the part of the Jury as to
7. Why the verdict came back the way it did. Counsel was Ineffective for not doing this, especially
8. When Appellant/Petition had it already had it approved for counsel to get these items for testing
9. Through a motion for discovery. The items to be tested are for DNA skin cells in particular and
10. Hair follicles, when none are found for the alleged victim it will undermine all of her testimony
11. And prove the State Falsely Represented evidence as claimed in his Writ of Habeas Corpus. And
12. If any DNA found is hers it will only be a partial match to her, further proving the Current DNA
13. Report is a false. State needs to get the Appellants'/Petitioners' daughters' DNA to test with
14. Everything.
15. Once this comes back in the Appellant's favor he can seek a new trial and finish proving his
16. Innocence, pursuant to NRS 176.09187.

17.

18. **II.)ERR IN DENYING MOTION TO EXTEND PRISON COPY WORK LIMIT OR**

19. **TRANSFER FUNDS FROM SAVINGS**

20. The court denied the Appellants motion event though the state filed no Opposition. The
21. Appellant asked the court to issue an order to NDOC to transfer funds from his savings to his
22. Trust 2 account. AR 722 sets a limit to his copy work at \$100 this violates NRS 209.246(3), but
23. the Appellant does not care about that at the moment. AR 722 puts an exception to this as a court
24. order granting otherwise. The Appellant does not want a copy work extension, all he wants it to
25. take \$180 out of his savings and transfer it to his trust 2 account to pay his debts to the NDOC.
26. And to afford hygiene because NDOC does not provide it as required by law.

1.

CONCLUSION

2. The Appellant is asking the courts' decision on both of these issues. The Appellant Respectfully
3. Ask that the court issue two(2) separate orders for these issues, in the first order the Appellant
4. Ask that this court to mandate the state to collect a DNA sample from His Daughter K.L. and
5. Compare it to the rest of the items to be tested. Then in the Second order the Appellant ask this
6. Court to issue an order to NDOC to transfer funds from savings to his trust 2 account.

7.

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VERIFICATION

9. Under penalty of perjury pursuant to 28 U.S.C. 1746 and 18 U.S.C. 1621.
10. Dated this 18th Day of October, 2018.
11. Without Prejudice/All Rights Reserved

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UCC 1-308; Sui juris

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