

Justin Odell Langford © [1159546]

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1200 Prison Rd.

Lovelock, Nevada 00000

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SUPREME COURT FOR THE STATE OF NEVADA

JUSTIN ODELL LANGFORD ©

Appellant,

Supp. No.: 78144

-VS-

Defendant

Affidavit of Appellants
Informal Brief

United States v. Kis, 658 F 2nd 526,536 (7th cir. 1981)
(Indeed, no more than Affidavits is necessary to
make the Prima facie case.)

On Nov. 19, 2018 I Filed an Affidavit of Writ
of Habeas Corpus, and on Nov. 29, 2018 the 8th
Judicial Dist. Court gave the respondent 45 days
to respond, which gave them a deadline of
Jan. 13, 2019 but due to that being a Sunday it
gave them until the next day Jan. 14. If you
take a look at the states response under their
Conclusion, which is on pg 11, its dated the 17th of
Jan, 2019. This means thier response was 3 days
late, in contempt of court and a null void
response. Along with that the states response
was not under counter Affidavit format 19-09278

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and under Western Airlines, Inc. v. Flight Engineers International Association, Ylst v. Nunnemaker and Hale, they have admitted to everything in the Appellant/Petitioners' Petition.

Also to clarify and issue in Appellants Petition, see Petition at Line 27 pg 14 thru line 13 on page 16, you will see everything prior to that was the foundation to that argument. Line 14 page 16 thru the end of that count was meant for Appellants'/Petitioners' claims on Petition pages 20 & 21, Appellant/Petitioner would not have submitted his petition like that if he knew that argument was in the wrong place.

The State has a tendency to misrepresent things to the courts or not paying attention to what is being said. The new evidence to the Courts is the proof the state chose the Date not the alleged victim, as you can see that what Petition at 14-16 says. The state has to go by what there told for dates i.e., an age, that would be a date range. The Appellant/Petitioners' alleged victim said age 8 for this alleged incident, which would make the dates June 22, 2009 to June 22, 2010 due to a date of birth June 22, 2001 not a date range of 2007 to 2014 as the state chose.

And as for the Petition being filed late I would ask the court to toll the time due to the fact of the pending appeals in this court which would have deprived the lower Court of Jurisdiction,

So even if the Appellant/Petitioner had filed it before the One year mark of July 28, 2018 deadline the lower court still could not rule on it unless it was a denial which means the merits were determined base on a response that was null and void as discussed Supra.

Also I point this court to Petition at 9&10 (which is the Opening Statement). There is two(2) Constitutional Violations for Due Process to this court, Prosecutorial Misconduct and Ineffective assistance of counsel to go with the Actual/Factual Innocences Claim So petitioner meets the Miscarriage Of Justice Barrier under Schlup v. Delo. Also for this Courts notice Appellant has the following Case #'s; 75825; 76075; and ~~77262~~ 77262 all stem from the same case as this one and that is C-14-296556. So in closing the Appellant brings his challenge to the denial of all claims within his petition.

Conclusion

The Appellant asks this Honorable Court, that upon reversal that it issue an Order to release him from custody. See Capps v. Sullivan, 13 F 3d 350 (10th Cir. 1993), Appellant also ask that reversal be with prejudice.

Verification

I declare under the pains and penalties of perjury and the Laws of the ~~the~~ United States of America without the benefits of a Notary pursuant to 28 U.S.C.A. §1746; 18 U.S.C.A. §1621

Dated this 21st day of February, 2019.
without Prejudice All rights reserved UCC 1-308

Justin Odell Sangford
Justin Odell Langford ©
NDOC # [1159546]

Evidenced by UCC file Number:

Certificate of Service

I Justin Odell Langford, certify that I have attached Affidavit of Appellants Informal Brief with special Instructions for electronic filing & Service to the Clerk of the Court to serve all of my opponents pursuant to N.E.F.C.R. 9, 5(k), et. seq. (A-E), Etc. to the following:

Steven B. Wolfson, District Attorney

Benee Baker, Warden of Lovelock Correctional Center.