

1 IN THE COURT OF APPEALS OF THE STATE OF NEVADA

2
3 Justin Odell Langford,

4 Appellant,

No. 78144-COA

5 -VS-

6 Renee Baker, Warden,

7 Respondent.

FILED

AUG 22 2019

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

8
9
10 Motion To Reconsider Denial of Appeal

11
12 On Aug. 13, 2019 this court issued an Order
13 OF Affirmance denying the Appellants
14 ~~the~~ appeal of denial of his postconviction
15 petition for a writ of habeas corpus. Eighth
16 Judicial Dist. Court Judge Joe Hardy denied
17 the petition due to the fact that his
18 Court had no Jurisdiction over the
19 case due to his case on appeal under
20 docket Nos. 75825 and 76075.

21 The Fact that this court missed his
22 argument on pg 9 lines 22-29 of his petition
23 for the reason and cause of filing his second
24 petition in that court. And this court possibly
25 missed the lack of Jurisdiction And Subject

26 Matter Jurisdiction Challenge that starts on
27 page 35 and ends on page 49 of said petition.

28 As this court knows a courts jurisdiction
29 can be challenged at anytime, do to the

19-35226

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DEPUTY CLERK

1 Fact there exist no time limit for raising a
2 challenge on Jurisdictional grounds. See
3 Crosby v. Bradstreet, 312 F2d 483 (2nd Cir.) cert. denied,
4 373 U.S. 911, 83 S Ct 1300, 10 1 Ed 2d 412 (1963); Edwards v.
5 State, 918 P2d 321, 324 (1996)

6 Also being the state filed an untimely response
7 to Appellants petition, which means not only were
8 they in contempt of court, but in violation of
9 Nevada laws in which they are sworn to uphold.
10 With the states opposition being filed outside
11 of their statutory time limit it should have
12 been stricken from the record. Also being they
13 failed to file their response in their statutory
14 and court mandated timeframe, the State waives
15 any legal defense right they have.

16 Pg 2 line 20-22 is mislabeled with the facts,
17 Exhibit 4 is a prelim transcript and was not
18 produced at trial or referenced ~~at~~ trial.
19 Also the Definition of Lewdness quoted
20 on pg 11 lines 10-18 of Petition had this been
21 given to the jury Appellant would have been
22 found ~~innocent~~ innocent. Also Exhibit 5 which
23 is Jury message filed under court Exhibit 23 in
24 which had not know about until it came into
25 my possession until after the state filed its
26 response to First petition, do to the fact the
27 court clerks keep trying to charge me for
28 records Even though NRS 12.013(5) says they
29 can't, Appellant still has not got all court

1 records due to that issue, This is an external impairment
2 outside Appellant's control

3 Also the two articles in exhibits 6 & 7 that didn't
4 come to my attention until a day or two prior to
5 the response filed by the state in opposition to first
6 petition, and due to the fact I don't get a
7 subscription to 'Prison Legal News', Appellant didn't
8 get to find out about it until another inmate had
9 loaned me his pile of old issues. Those articles had
10 to be sent out for copies for me to be able to
11 use them, so they are newly discovered evidence
12 for Count 7. Use of evidence by the Prosecution
13 that has no scientific evidence validation and has
14 been ~~too~~ shown to be the leading cause of false
15 conviction, This rendered Appellant's trial unfair due
16 to false evidence.

17 Count 9 shows Direct Appeal was based off of false
18 trial transcripts using exhibits 8, 9, 10. Exhibit 8 is
19 actually what happened on March 17, 2016 and not
20 what the trial transcripts show, Also Exhibit 14
21 was newly discovered evidence and appellant had to
22 do legal research to find out if it was of any use in
23 appellant's case.

24 So everything in this petition is newly discovered
25 evidence or claims I wouldn't have known about until
26 I received it as a majority of the evidence came
27 from outside sources that were external from the
28 defenses control i.e. Court Clerks, Magazine articles,
29 and judges who deny transcripts that can prove

1 claims i.e. counts 5, and 9. Also Factual/Actual
2 innocences, Fact 1) count 2 says that appellant
3 supposedly placed and or rubbed ejaculate on
4 H.H.'s Face ~~and~~ to gratify him or H.H., 2) testimony
5 says gratification happened first before the
6 ejaculate allegedly got on H.H.'s face, 3) state put
7 June 22, 2007 - Jan. 21, 2014, 4) H.H. said age 8 which is
8 June 22, 2009 - June 21, 2010, 5) H.H. said in original
9 statement and prelim it started after she moved in.
10 All the above facts were not told to the Jury by
11 either side. The next fact that was not given to
12 the jury was that H.H. had already told prosecution
13 it never happened in her original statement.

14 Conclusion

15
16 There is numerous issues that cause lack of
17 Jurisdiction, Count 9, 10, then counts 14, 17,
18 ~~14~~ 12 & 13 & 5 are raise late due to state
19 employees breaking the law and impeding
20 Appellants Due process, Any and all counts
21 not considered would be a miscarriage of
22 Justice. see Murray v. Carrier, 477 U.S. 478,
23 496, 106 S.Ct. 2639, 2649-50, 91 L.Ed. 2d 397 (1985), See
24 also Osborn v. Shillinger, 861 F.2d 612 (10th cir. 1988),
25 Murray v. Carrier, 477 U.S. 478, 91 L.Ed. 2d 397, 106 S.Ct.
26 2639 (1986). Novelty Issue of Constitutional law.
27 See Reed v. Ross, 468 U.S. 1, 16, 104 S.Ct. 2901, 2910, 52
28 L.Ed. 2d 1 (1984). So appellant ask this court to reconsider
29 Sending this Petition back to the lower courts

1 for consideration after Appellant Amends his
2 petition to fix his clerical errors. This
3 Courts reconsideration due to all the
4 above facts would be greatly appreciated.

5 6 Verification

7 I declare & verify under the penalty of perjury
8 that the foregoing statements are true & correct
9 pursuant to 28 U.S.C. § 1746.

10 Dated this 1st day of August, 2019.

11 */s/ [Signature] Odell Safford*

12 13 Certificate of Electronic Service

14 Service to all of my Opponents requested pursuant
15 to N.E.F.C.R. 5(k), 9 et. seq. (A-E) Etc. to the following:

16
17 Hon. Joseph Hardy, Jr., District Judge
18 Attorney General/Carson City
19 Clark County District Attorney
20 Eighth District Court Clerk.

21
22 Dated this 1st day of August, 2019.

23 */s/ [Signature] Odell Safford*