

NO. 80061

FILED

NOV 20 2019

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

IN THE SUPREME COURT OF THE STATE OF NEVADA

1 SAMMIE NUNN

2 PRO SE Appellant,

3 VS.

4 THE STATE OF NEVADA

5 RESPONDANT.

DISTRICT COURT CASE NO. C336184

ORDER INJUNCTION STAY

WRIT OF MANDAMUS

14 This is A PRO SE WRIT TO A DISTRICT COURT ORDER
15 DENYING A WRIT OF HABEAS CORPUS PETITION. EIGHTH
16 JUDICIAL DISTRICT COURT, CLARK COUNTY, MARY KAY
17 HOLTHUS, JUDGE, NOV. 5 2019. THERE IS A DUTY UNDER
18 THE LAW TO WITHDRAW A GUILTY PLEA IF COUNSELS DUE TO
19 LACK OF INVESTIGATION COULD HAVE A DIFFERENT RESULT
20 AT TRIAL. DUE TO COUNSELS LACK OF INVESTIGATION
21 I, DEFENDANT, HAS SUFFERED A MANIFEST INJUSTICE AND
22 WAS COERCED INTO A PLEA DEAL BY THE JUDGE CONSULTING
23 ME TO TAKE THE DEAL AND SHE WILL GIVE HOUSE ARREST.
24 INVESTIGATION BY ALTERNATE COUNSEL
25 RESULTED IN DISCOVERING "NEW EVIDENCE" BEING
26 PRESENTED TO THE COURT. THERE IS ALSO A VIDEO ON MY

RECEIVED
NOV 24 2019

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
DEPUTY CLERK

B-47572

PHONE THAT HAS THE CO-VICTIM ADMITTING TO CHASING ME WITH THE INTENT TO HARM ME. ADMITTING TO FIGHTING MY COUSIN TRYING TO GET TO ME BUT I RAN IN THE APARTMENT, THEY CHASED ME TO THE APARTMENT AND RANGED ON THE DOOR BUT I DIDN'T LET THEM IN. EVEN WITH THE EVIDENCE THE JUDGE DID NOT GRANT ME HABEAS CORPUS. THE FIRST TIME THE "VICTIMS" CHASED ME DOWN UNTIL MY BACK WAS AGAINST A WALL AND I HAD TO DEFEND MYSELF, I WAS STRUCK AND I STRUCK BACK AND RAN ONLY STRIKING ONCE IN SELF DEFENSE TO GET OUT OF THE CORNER THEN I RAN UNTIL I SEEN POLICE TELL THEM WHAT HAPPENED.

CONFLICT OF INTEREST

MARY KAY HOLTHUS, JUDGE, ADMITTED MY CASE WAS A SELF DEFENCE CASE ON THE RECORD AND OFFERED NO REASONABLE REMEDY. SHE EVEN WENT AS FAR AS RE APPOINTING ANTHONY GOLDSTIEN EVEN THOUGH I HAVE A LAW SUIT PENDING BETWEEN I AND MR GOLDSTIEN FOR MALPRACTICE. CASE NUMBER: 2:19-CV-01543-REF-BNW NUNN III V. GOLDSTEIN. ENTERED 9-4-2019. THE TRIAL COURT IN THE LIGHT OF ALL THE EVIDENCE IS ABUSING ITS DISCRETION IN MAKING A RULING THAT IS CLEARLY UNREASONABLE, ERRONEOUS, ARBITRARY AND NOT JUSTIFIED BY THE FACTS AND LAW APPLICABLE IN THE CASE.

1
2 THE JUDGES RULING IN CONTAINING A FINDING OF
3 FACT IS NOT SUPPORTED BY SUBSTANTIAL OR COMPETENT
4 EVIDENCE OR BY REASONABLE INFERENCES. COUNSEL
5 ANTHONY GOLDSTEIN'S FAILURE TO INVESTIGATE AND
6 FAILURE TO HIRE INVESTIGATOR DEPRIVED ME OF THE
7 BENEFIT OF HAVING A FAIR FINDING OF GUILT.

8 SUBSTITUTE COUNSEL

9 MARISSA BORDER, SUBSTITUTE COUNSEL, HIRED AN INVESTIGATOR
10 AND THE INVESTIGATOR FOUND THAT THERE WERE OTHER
11 ALTERNATE WITNESSES NOT INTERVIEWED BY MY ATTORNEY
12 THAT WOULD HAVE CONSTITUTED SELF DEFENCE AND REAL
13 TRUE INNOCENCE, FREEDOM OF FAULT OR GUILT UNDER THE
14 LAW. THIS WITNESS COULD AND DOES CHANGE THE INTENT
15 OF THE PARTIES INVOLVED. THE WITNESS CONTESTED
16 THAT THE ALLEDGED VICTIMS WERE THE AGGRESSORS.
17 ME, THE DEFENDANT, ONLY USED REASONABLE FORCE TO
18 NECESSARILY PROTECT MYSELF BECAUSE I REASONABLY
19 BELIEVED THAT THE OTHER PARTY INTENDED ON INFLECTING
20 GREAT BODILY HARM OR DEATH, WHICH IS A LEGALLY
21 SUFFICIENT REASON FOR A CAUSE THAT WOULD BE OTHERWISE
22 CRIMINAL OR TORTIOUS, BUT IN MY CASE IS JUSTIFIED.

23 AFFIDAVIT

24 THE WITNESS SIGNED AN AFFIDAVIT STATING MY INNOCENSE,
25 DOESNT THIS CASE QUALIFY FOR INEFFECTIVE ASSISTANCE OF
26 COUNSEL IF MARISSA BORDER IS UNCOVERING MORE EVIDENCE

1
2 THAT ANTHONY GOLDSTEIN REFUSED TO INVESTIGATE. MR
3 GOLDSTIEN TOLD THE DISTRICT COURT JUDGE THAT HE
4 REFUSED TO FILE ANY MOTIONS. THE VIDEO OF THE VICTIM
5 CONFESSING TO RUNNING AFTER ME IS STILL NOT ON A
6 DISK FOR MY DISCOVERY. I STILL HAVE NOT RECEIVED A
7 FULL DISCOVERY FROM COUNSEL, MY RELATIONSHIP WITH
8 COUNSEL WAS SO BAD THAT I FILED A LAWSUIT AGAINST
9 HIM.

10 ARBITRARY COMMENTS

11 MARY KAY HOLTHUS, JUDGE, TOLD ME TO TAKE THE DEAL
12 VIOLATING HER DUTY TO STAY UNBIAS. HER EXACT WORDS
13 WERE, "TAKE THE DEAL AND I'LL GIVE YOU HOUSE ARREST."
14 ME NOT COMPLYING WITH HER ON MAY 24 2019 RESULTED IN
15 MANIFEST OF INJUSTICE. THE VIDEOS OF THE ALLEGED CO-
16 VICTIM ADMITS THERE WAS NO GUN, IT WAS JUST A STREET
17 FIGHT AND I RAN HOME AVOIDING THE SECOND
18 ALTERCATION ENTIRELY. ATTORNEY ANTHONY ADMITTED
19 ON THE RECORD THAT HE WAS FULLY AWARE OF THE VIDEO
20 BUT STILL FAILED TO INVESTIGATE OR PUT THE VIDEO FROM
21 THE PHONE TO A CD OR HARD DRIVE USB FOR FURTHER
22 EVIDENTIARY USE. WITH MARY KAY HOLTHUS, JUDGE,
23 BEING BIAS AND MY ATTORNEY BEING INEFFECTIVE.
24 JUNE 19th 2018 IN KAREN BENNET HARON'S COURTROOM AT
25 10:45AM PRINCE ALIDU ADMITTED THAT HE WALKED AWAY
26 FROM THE SECOND INCIDENT UNHARMED LATER LIEING UNDER

1
2 OATH AT THE GRAND JURY INDICTMENT IN NOVEMBER, 6th
3 2018, IN WHICH HE CLAIMED HE WAS PISTOL WHIPPED.

4 CONSTITUTIONAL FLAWS

5 IF THE FACTS OF THE CASE ARE NOT CONSTITUTIONALLY
6 SECURE, I SHOULDN'T BE INCARCERATED. MY SIXTH
7 AMENDMENT IS VIOLATED BECAUSE THERE IS STILL
8 EVIDENCE OUT THERE, SPECIFICALLY AN AFFIDAVIT
9 FROM KERICK HINES THAT COUNSEL REFUSED TO
10 INVESTIGATE. IF A JUDGE CAN TELL ME THAT I NEED
11 TO TAKE A DEAL AND BE CONSIDERED BIAS, WHERE
12 CAN I RECIEVE RELIEF FOR MARY KAY HOLTHUS'
13 INVOLVEMENT IN MY PLEA NEGOTIATIONS, WEIGHING
14 HER HEAVY OPINION DOWN AND SWAYING MY DECISION
15 BECAUSE SHE IS PRESIDING OVER MY CASE. HOW DO I
16 GO AGAINST THE PERSON SENTENCING ME. IN THIS CASE
17 AND ALL CASES IN THE UNITED STATES IM ENTITLED TO A
18 FAIR AND IMPARZIAL TRIAL. RELIEF SOUGHT IS TO
19 WITHDRAW GUILTY PLEA AND REMAND FOR TRIAL.
20 BECAUSE THE JUDGE MARY KAY HOLTHUS INTERVENED
21 IN THE PLEA NEGOTIATIONS, I UNKNOWINGELY,
22 INVOLUNTARILY AND WITHOUT EFFECTIVE ASSISTANCE
23 OF COUNSEL WAS COERCED INTO A PLEA BARGAIN
24 THAT DOESNT ALLINE IN FAVOR OF THE FACTS OF THE
25 CASE, I DID NOT UNDERSTAND THE IMPLICATIONS OF
26 THE AGREEMENT. I HONESTLY BELIEVED I WAS SIGNING

1
2 A STIPULATED PLEA AGREEMENT, IF THIS IS FALSE
3 INFORMATION FROM MY ATTORNEY ANTHONY GOLDSTEIN
4 THEN I TRULY AND HONESTLY UNKNOWINGLY WAS
5 COERCED. THE AGREEMENT WAS SUPPOSE TO BE NON-
6 NEGOTIABLE AND MY ATTORNEY PROMISED THE DEAL
7 WAS MADE WITH THE PROSECUTOR AND THE JUDGE NO
8 RIGHTS TO ARGUE, AND THE JUDGE DID NOT HONOR
9 THE SIGNED STIPULATED AGREEMENT, SO I WOULD LIKE
10 TO WITHDRAW MY PLEA SINCE I DID NOT UNDERSTAND
11 THE AGREEMENT FULLY. MY UNDERSTANDING WAS IF THE
12 JUDGE DOESN'T ACCEPT THE DEAL ON ITS FACE I COULD
13 KEEP FIGHTING, AND WITHDRAW MY PLEA.

14 FACTUAL INNOCENCE

15 EACH TIME I TURN OVER ANOTHER PAGE OF NEWLY
16 DISCOVERED EVIDENCE THE DISTRICT COURT DENIES
17 IT WITHOUT DISCLOSING OR ARGUING THE EVIDENCE
18 ON ITS MERITS. THE VICTIMS CAME FORWARD AND
19 ADMITTED GUILT ON THERE INTENTIONS ON THE GATHERED
20 RECORDS. BEING COERCED INTO A DEAL DOES NOT
21 MAKE ME GUILTY OF A CRIME, ITS SIMPLY BAD ADVICE
22 THROUGH INEFFECTIVE COUNSEL. THE FACTS STATE MY
23 INNOCENCE, COUNSEL HAD AN ENTIRE YEAR TO APPLY
24 INVESTIGATIVE MEASURES TO TALK TO BROOK AKA
25 ENDALKACHEW MEKONNEN, THIS IS WHY I SAID IT
26 ON THE RECORD MAY 23 WHEN WE ARGUED ON THE

1
2 RECORD. MARISSA BORDER FOUND BROOK AT THE
3 YOURSTOP LIQUOR STORE AND INTERVIEWED HIM IN
4 A MONTH, THIS PROVES THAT I WAS PREJUDICED BY
5 COUNSEL ANTHONY GOLDSTEIN AS HE CAN PROVIDE
6 NO PROOF OF INVESTIGATIVE COSTS, AND NO RECORD OF
7 INVESTIGATION. BROOK AKA ENDALKACHEW MEKONNEN
8 WAS NOT A NEW WITNESS, COUNSEL ANTHONY GOLDSTEIN
9 WAS JUST SO DISCONNECTED WITH THE CASE THAT HE
10 FORGOT OR DID NOT RECOGNISE THE NAME. WITH MR
11 GOLDSTEIN'S ATTEMPT TO SAVE HIMSELF ON THE RECORD
12 BY CLAIMING HE DID NOT KNOW BROOK OR ENDALKACHEW
13 MEKONNEN THE JUDGE APPOINTED SUBSTITUTE
14 COUNSEL AND SUBSTITUTE COUNSEL FINALLY HAD
15 A PRIVATE INVESTIGATOR INTERVIEW BROOK. I WOULD
16 HAVE TOLD MR GOLDSTEIN, BUT THEN I WOULD HAVE
17 NEVER RECEIVED A COPY OF THE INVESTIGATORS
18 INTERVIEW, BECAUSE ANTHONY GOLDSTEIN DIDN'T HIRE
19 AN INVESTIGATOR FOR MY CASE. BROOK STATED THAT
20 I WAS BACKED INTO A CORNER AND REACTED OUT OF SELF
21 DEFENSE. TO DEMONSTRATE DEFICIENT PERFORMANCE I WOULD
22 HAVE TO SHOW THAT COUNSEL'S PERFORMANCE "FELL BELOW AN
23 OBJECTIVE STANDARD OF REASONABLENESS BASED ON THE
24 FACTS OF MY PARTICULAR CASE AND VIEWED AS OF THE TIME
25 OF COUNSEL'S CONDUCT." THAT IS WHAT THE AFORMENTIONED
26 HAS DISPLAYED. STRICKLAND V. WASHINGTON 466 US. 668.

PERJURY

IT IS CLEARLY ESTABLISHED LAW THAT "A STATE MAY NOT KNOWINGLY USE FALSE EVIDENCE, INCLUDING TESTIMONY, TO OBTAIN A TAINTED CONVICTION."

NAPUE V. ILLINOIS, 360 U.S. 264, 269, 79 S. Ct 1173, 3 L. Ed 2d 1217 (1959). AT THE GRAND JURY

INDICTMENT, PRINCE ALIDU DISPLAYED A GRAND PERJURY, AS I AM PROVIDING TRANSCRIPTS TO SUPPORT THIS CLAIM. THESE TRANSCRIPTS WHERE SUPPOSE TO BE PRESENTED TO THE PROSECUTION BUT THE PROSECUTION DENIES HAVING RECIEVED THEM FROM COUNSEL ANTHONY GOLDSTEIN SO I WILL PROVIDE THEM MYSELF. IN MY SUPPORTING DOCUMENTS. THE TRANSCRIPTS ARE FROM JUNE 19, 2018, IT IS VERY IMPORTANT BECAUSE PRINCE IS SWORN UNDER OATH IN CIVIL COURT AND TELLS A DIFFERENT STORY THAN THE ONE AT THE GRAND JURY INDICTMENT. THE POINT BEING THE PROSECUTION USED FALSE TESTIMONY, TO OBTAIN A TAINTED CONVICTION.

CONSEQUENCES OF THE PLEA

IT IS CLEAR THAT ON JUNE 6th 2019 at OR AROUND 10:30AM I DID NOT UNDERSTAND THE CONSEQUENCES OF THE PLEA. MY ATTORNEY DID NOT ADVISE ME THAT I COULD NOT APPEAL, I EVEN ASK THE QUESTION AT SENTENCING, AND THE JUDGE SAID NO YOUR TO LATE IM NOT WITHDRAWING YOUR PLEA, EVEN THOUGH I DID NOT

1
2 UNDERSTAND THE PLEA AGREEMENT.
3

4 IRRECONCILABLE DIFFERENCES

5 NOT ONLY DO I HAVE IRRECONCILABLE DIFFERENCES WITH
6 ATTORNEY ANTHONY GOLDSTEIN, I ALSO HAVE IT WITH JUDGE
7 MARY KAY HOLTHUS BECAUSE SHE WILL NOT GIVE ME
8 ALTERNATE COUNSEL WHILE ME AND COUNSEL ANTHONY
9 GOLDSTEIN SETTLE OUR DISPUTE IN THE UNITED STATES
10 DISTRICT COURT, CASE NUMBER 2:19-CV-01543-RFB-BNW
11 NUNN III V. GOLDSTEIN. ANTHONY GOLDSTEIN, COUNSEL,
12 KNOWS THAT VICTIM PRINCE ALIDU PERJURED HIMSELF AT
13 THE GRAND JURY INDICTMENT, WHERE HE MADE A STATEMENT
14 UNDER OATH ON OR AROUND NOV 14 2018 WHICH
15 CONTRADICTED THE STATEMENT HE MADE UNDER OATH
16 TO JUDGE KAREN BENNETT-HARON IN CIVIL COURT JUNE 19, 2018.
17 WE DO NOT NEED TO GO TO TRIAL TO UNDERSTAND THAT PRINCE
18 ALIDU HAS LIED UNDER OATH, THE STATEMENT WAS ABOUT THE
19 SECOND INCIDENT WHERE PRINCE ALIDU CLAIMS I PULLED A GUN
20 OUT, POINTED IT AT HIM AND HE WALKED AWAY UNHARMED, AND
21 HE ADMITS ON THE RECORD THAT I DIDNT TOUCH NOR THREATEN HIM.
22 HE MADE THIS CLAIM JUNE 19th 2018 FIVE MONTHS BEFORE THE
23 GRAND JURY INDICTMENT. JUDGE KAREN BENNETT-HARON SAID SHE
24 UNDERSTOOD THAT PRINCE ALIDU TRAVELED IN GROUPS WITH OTHER
25 ACCOMPLICES, AND SO ME TRAVELING SOLO WITH RIGHTS TO
26 POSSES A FIREARM (NON-FELON) WAS STILL PROTECTED UNDER NEVADA LAW

1
2 PRINCE ALIDU LATER CHANGED HIS STATEMENT WITH HELP
3 FROM MEGAN THOMPSON, DISTRICT ATTORNEY, CLAIMING
4 THAT I PULLED A GUN OUT AND PISTOL WHIPPED HIM AND
5 HE LOST CONSCIOUSNESS. MY ATTORNEY ANTHONY GOLDSTEIN
6 SAID IT WAS LEGAL FOR THE DISTRICT ATTORNEY TO USE THE
7 LATER PERJURED TESTIMONY FROM PRINCE ALIDU EVEN THOUGH
8 HE LIED UNDER OATH.

9 MINIMUM & MAXIMUM SENTENCE

10 FEDERAL RULES OF CRIMINAL PROCEDURE, RULE 11, REQUIRES
11 FEDERAL JUDGES TO INFORM DEFENDANTS ENTERING GUILTY
12 PLEAS ABOUT THE NATURE OF THE CHARGE AND THE MANDATORY
13 MINIMUM AND THE MAXIMUM POSSIBLE PENALTY FOR THE
14 OFFENSE, INCLUDING THE EFFECT OF ANY SPECIAL PAROLE TERM.
15 JUDGE MARY KAY HOLTHUS DID NOT CANVASS ME ABOUT
16 THE MINIMUM OR MAXIMUM SENTENCE OR POSSIBLE
17 PENALTIES UPON SENTENCING, MAKING MY PLEA TO
18 LACK THE VOLUNTARINESS, KNOWINGNESS OR INTELIENCE
19 NEEDED TO FULLY UNDERSTAND MY GUILTY PLEA. I WAS
20 ALSO RUSHED AND WAS NOT GIVEN A COPY OF MY GUILTY
21 PLEA AGREEMENT, I ALSO DID NOT GET A CHANCE TO FULLY READ
22 THE AGREEMENT.

23 ORDER INJUNCTION STAY

24 I ASK THAT YOU GRANT MY STAY ORDER UNTIL THE
25 WRIT OF MANDAMUS IS HEARD AND A COURT OF THE
26 SUPREME COURT WEIGH IN ON THE DECISION.

Said Declaration made subject to the Penalty of perjury.

Sammie Nun'n
DEFENDANT

SAMMIE NUN'N
PRINTED NAME

CC. SAMMIE NUNN

ATTORNEY GENERAL/CARSON CITY

CLARK COUNTY DISTRICT ATTORNEY

EIGHTH DISTRICT COURT CLERK.