

FILED

MAR -2 2020

Elizabeth A. Brown
CLERK OF COURT

Electronically Filed
Mar 16 2020 02:35 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

1 Justin D. Porter #1042449
2 In Proper Person
3 P.O. Box 650 H.D.S.P. 89070
4 Indian Springs, Nevada 89018

5 IN THE SUPREME COURT OF
6 THE STATE OF NEVADA.

7
8 Justin D. Porter,

9 Petitioner,

10 -v-

11 Brian Williams - Warden,

12 Respondent.

Case No. A-19-798035-W

Dept. No. _____

Docket _____

13
14 NOTICE OF APPEAL

15 Notice is hereby given that the Petitioner, Justin D. Porter

16 _____, by and through himself in proper person, does now appeal

17 to the Supreme Court of the State of Nevada, the decision of the District

18 Court Denial of Petitioner's Petition for writ of

19 Habeas corpus Postconviction on the day of

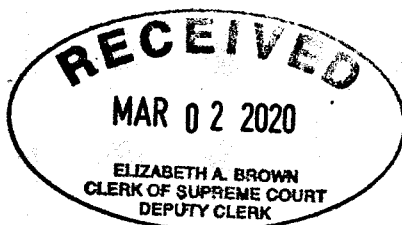
20 February 19, 2020

21 Dated this date, February 28, 2020.

22
23 Respectfully Submitted,

24
25 *Justin Porter*

26 In Proper Person



CERTIFICATE OF SERVICE BY MAILING

I, Justin D. Porter, hereby certify, pursuant to NRCP 5(b), that on this 28
day of February, 2020, I mailed a true and correct copy of the foregoing, "

Notice of Appeal.

by depositing it in the High Desert State Prison, Legal Library, First-Class Postage, fully prepaid,
addressed as follows:

Supreme Court of Nevada
2015. Carson Street, Suite 201
Carson City, Nevada 89701

DATED: this 28 day of February, 2020.

Justin Porter
Justin Porter #1042449
/In Propria Persona
Post Office box 650 [HDSP]
Indian Springs Nevada 89018

AFFIRMATION
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding _____

Notice of Appeal.
(Title of Document)

filed in District Court Case number A-19-798035-W

☒ Does not contain the social security number of any person.

-OR-

☐ Contains the social security number of a person as required by:

A. A specific state or federal law, to wit:

(State specific law)

-or-

B. For the administration of a public program or for an application
for a federal or state grant.

Justin Porter
Signature

2/28/2020
Date

Justin D. Porter
Print Name

Appeal
Title

Justin D. Porter #1042449
P.O. Box 650 (HDSF)
Indian Springs, NV 89070

LAS VEGAS NV 890

28 FEB 2020 PM 4 L

FOREVER USA

(Legal Mail)

SUPREME COURT OF NEVADA
OFFICE of the CLERK
201 S. Carson Street, Suite 201
Carson City, Nevada 89701

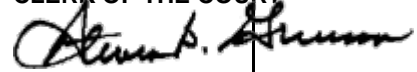
89701-475725

HIGH DESERT STATE PRISON

FEB 21 2020

UNIT 4 C/D

Legal Mail



1 ASTA

2
3
4
5
6 **IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE**
7 **STATE OF NEVADA IN AND FOR**
8 **THE COUNTY OF CLARK**

9 JUSTIN PORTER,

10 Plaintiff(s),

11 vs.

12 BRIAN WILLIAMS - WARDEN,

13 Defendant(s),

Case No: A-19-798035-W

Dept No: VI

14
15
16 **CASE APPEAL STATEMENT**

17 1. Appellant(s): Justin Porter

18 2. Judge: Jacqueline M. Bluth

19 3. Appellant(s): Justin Porter

20 Counsel:

21 Justin Porter #1042449
22 P.O. Box 650
23 Indian Springs, NV 89070

24 4. Respondent (s): Brian Williams - Warden

25 Counsel:

26 Steven B. Wolfson, District Attorney
27 200 Lewis Ave.
28 Las Vegas, NV 89155-2212

1 5. Appellant(s)'s Attorney Licensed in Nevada: N/A
2 Permission Granted: N/A

3 Respondent(s)'s Attorney Licensed in Nevada: Yes
4 Permission Granted: N/A

5 6. Has Appellant Ever Been Represented by Appointed Counsel In District Court: No

6 7. Appellant Represented by Appointed Counsel On Appeal: N/A

7 8. Appellant Granted Leave to Proceed in Forma Pauperis**: N/A

8 **Expires 1 year from date filed

9 Appellant Filed Application to Proceed in Forma Pauperis: No
10 Date Application(s) filed: N/A

11 9. Date Commenced in District Court: July 5, 2019

12 10. Brief Description of the Nature of the Action: Unknown

13 Type of Judgment or Order Being Appealed: Civil Writ of Habeas Corpus

14 11. Previous Appeal: Yes

15 Supreme Court Docket Number(s): 79735, 80738

16 12. Child Custody or Visitation: N/A

17 13. Possibility of Settlement: Unknown

18 Dated This 12 day of March 2020.

19 Steven D. Grierson, Clerk of the Court

20 /s/ Heather Ungermann

21 Heather Ungermann, Deputy Clerk
22 200 Lewis Ave
23 PO Box 551601
24 Las Vegas, Nevada 89155-1601
25 (702) 671-0512

26 cc: Justin Porter
27
28

CASE SUMMARY

CASE NO. A-19-798035-W

Justin Porter, Plaintiff(s)
vs.
Brian Williams, Defendant(s)

§
§
§
§
§
§
§

Location: **Department 6**
 Judicial Officer: **Bluth, Jacqueline M.**
 Filed on: **07/05/2019**
 Cross-Reference Case Number: **A798035**
 Supreme Court No.: **79735**
80738

CASE INFORMATION

Related Cases
 01C174954 (Writ Related Case)

Case Type: **Writ of Habeas Corpus**

Case Status: **07/05/2019 Open**

DATE

CASE ASSIGNMENT

Current Case Assignment

Case Number A-19-798035-W
 Court Department 6
 Date Assigned 07/05/2019
 Judicial Officer Bluth, Jacqueline M.

PARTY INFORMATION

Plaintiff **Porter, Justin**

Lead Attorneys

Gill, Adam L
Retained

702-750-1590(W)

Defendant **Williams, Brian**

Wolfson, Steven B
Retained


702-455-5320(W)


DATE


EVENTS & ORDERS OF THE COURT


INDEX


EVENTS


07/05/2019  Inmate Filed - Petition for Writ of Habeas Corpus
 Party: Plaintiff Porter, Justin
Petition for Writ of Habeas Corpus

07/16/2019  Supplement
 Filed by: Plaintiff Porter, Justin
Plaintiff's -Supplement to Habeas Corpus Post Conviction

07/23/2019  Order for Petition for Writ of Habeas Corpus
Order for Petition for Writ of Habeas Corpus

07/25/2019  Petition for Writ of Habeas Corpus
 Filed by: Plaintiff Porter, Justin

07/25/2019  Notice of Hearing
 Filed By: Plaintiff Porter, Justin

09/27/2019  Notice of Appeal (criminal)
Notice of Appeal


CASE SUMMARY
CASE NO. A-19-798035-W

10/01/2019	 Case Appeal Statement Filed By: Plaintiff Porter, Justin <i>Case Appeal Statement</i>
11/13/2019	 Motion Filed By: Plaintiff Porter, Justin <i>Motion for Respondent to Petitioner's Habeas Corpus (Post Conviction)</i>
11/18/2019	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
11/19/2019	 NV Supreme Court Clerks Certificate/Judgment - Dismissed <i>Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Dismissed</i>
12/02/2019	 Response <i>State's Response to Petitioner s Petition for Writ of Habeas Corpus, and Motion to Strike Petitioner s Rogue Filings</i>
12/04/2019	 Motion Filed By: Plaintiff Porter, Justin <i>Motion</i>
12/05/2019	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
03/02/2020	 Notice of Appeal <i>Notice of Appeal</i>
03/02/2020	 Notice of Appeal (criminal) <i>Notice of Appeal</i>
03/04/2020	 Case Appeal Statement Filed By: Plaintiff Porter, Justin <i>Case Appeal Statement</i>
03/12/2020	 Case Appeal Statement Filed By: Plaintiff Porter, Justin <i>Case Appeal Statement</i>

DISPOSITIONS

11/19/2019	Clerk's Certificate (Judicial Officer: Bluth, Jacqueline M.) Debtors: Justin Porter (Plaintiff) Creditors: Brian Williams (Defendant) Judgment: 11/19/2019, Docketed: 11/25/2019 Comment: Supreme Court No. 79735 Appeal Dismissed
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HEARINGS

10/02/2019	CANCELED Petition for Writ of Habeas Corpus (9:30 AM) (Judicial Officer: Bluth, Jacqueline M.) <i>Vacated - per Peremptory Challenge</i>
12/09/2019	 Motion (9:30 AM) (Judicial Officer: Bluth, Jacqueline M.) 12/09/2019, 01/08/2020, 01/15/2020

CASE SUMMARY

CASE NO. A-19-798035-W

PLAINTIFF'S MOTION FOR RESPONDENT TO PETITIONER'S HABEAS CORPUS (POST CONVICTION)

Continued;
Continued;
Continued;
Continued;
Continued;
Continued;
Continued;
Continued;
Continued;

Journal Entry Details:

Also present, Attorney Adam Gill. Ms. Luzaich advised she's not being served with the Defendant's motions in case C174954 and only knew of today's matter due to her Clerk. Colloquy regarding service of documents between Court, Defendant and Ms. Luzaich. Defendant advised he also has an Amended Motion To Dismiss; it's an amendment to the motion. Court noted the receipt of the supplement, which is additional information relating to the same argument. Ms. Luzaich stated she has neither and cannot proceed on the Defendant's Motion For Dismissal of Information. Colloquy regarding Plaintiff's- Motion For Respondent To Petitioner's Habeas Corpus (Post- Conviction). In regards to the petition in case A798035, Defendant advised he's not been to the Law Library in over a month and has not received a response. Ms. Luzaich stated it was mailed to the Defendant December 2nd and inquired if the Defendant still wanted to have an attorney appointed; which the State will not oppose. Defendant requested Mr. Gill be his attorney. Colloquy regarding Defendant's request for counsel and the responsibilities of counsel. Court stated the petition will be dealt with today, and at a later time the Defendant may want to have Mr. Gill back as counsel, but prior to that the Defendant would like to handle the petition himself. Defendant stated he would like counsel for the post conviction writ. Colloquy regarding continuation of motion and petition. Statement by Defendant. Colloquy between Court and State in regards to time needed to respond. COURT ORDERED, proceedings CONTINUED for argument; matter SET for status on the appointment of Mr. Gill as counsel; proceedings of December 30, 2019 CONTINUED. NDC 1-8-20 9:30 AM PLAINTIFF'S - MOTION FOR RESPONDENT TO PETITIONER'S HABEAS CORPUS (POST CONVICTION) ...STATUS CHECK: APPOINTMENT OF COUNSEL (A. GILL);

01/08/2020

Motion (9:30 AM) (Judicial Officer: Bluth, Jacqueline M.)
01/08/2020, 01/15/2020

Continued;
Continued;
Continued;
Continued;

01/08/2020

Status Check (9:30 AM) (Judicial Officer: Bluth, Jacqueline M.)
01/08/2020, 01/15/2020

Status Check: Appointment of Counsel (A. Gill)
Continued;
Matter Heard;
Continued;
Matter Heard;

01/08/2020



All Pending Motions (9:30 AM) (Judicial Officer: Bluth, Jacqueline M.)

Continued;
Journal Entry Details:

PLAINTIFF'S MOTION...PLAINTIFF'S MOTION FOR RESPONDENT TO PETITIONERS HABEAS CORPUS (POST CONVICTION) ...STATUS CHECK: APPOINTMENT OF COUNSEL (A. GILL). Present on behalf of the State, Deputy District Attorney Shanon Clowers. Also present, Standby Counsel Adam Gill. Mr. Gill advised Ms. Luzaich contacted him as she has a family medical emergency she's dealing with and requested a continuance; she asked for the Defendant to be contacted, which could not be done until this morning. Court stated contact was made by Ms. Luzaich and ORDERED, proceedings CONTINUED. Upon the inquiry of the Court, Mr. Gill stated he's met with the Defendant and discussed the pending motion getting him back on the case, which is kind of headed that way; there's motions he'll try to assist the Defendant with and if the Court will allow him to argue; would like to talk about

CASE SUMMARY

CASE NO. A-19-798035-W

the trial date. NDC 1-15-20 9:30 AM PLAINTIFF'S MOTION...PLAINTIFF'S MOTION FOR RESPONDENT TO PETITIONERS HABEAS CORPUS (POST CONVICTION) ...STATUS CHECK: APPOINTMENT OF COUNSEL (A. GILL). ;

01/15/2020



All Pending Motions (9:30 AM) (Judicial Officer: Bluth, Jacqueline M.)

Matter Heard;

Journal Entry Details:

PLAINTIFF'S MOTION...PLAINTIFF'S MOTION FOR RESPONDENT TO PETITIONER'S HABEAS CORPUS (POST-CONVICTION)...STATUS CHECK: APPOINTMENT OF COUNSEL (A. GILL) Record of items provided to the Court and Plaintiff by Ms. Luzaich. Mr. Gill advised the Plaintiff would like him to assist him this morning and stated he's standby counsel. Ms. Luzaich stated that's fine. Following arguments by Defendant and Ms. Luzaich in case C174954, COURT ORDERED, Motion To Suppress and Motion For Dismissal of Information DENIED. In regards to the Plaintiffs petition, Mr. Gill advised he was not served, the Plaintiff would like assistance arguing and stated if he gets back on the case he would like to argue this next time; it's 75 pages and it's not thought he'd been served. Ms. Luzaich stated that's fine and that a copy of the State's response will be provided. Plaintiff requested counsel take over the case. Court stated there will not be any flip flopping. Plaintiff so acknowledged. As to the trial setting in C174954, Mr. Gill stated the Court's position is understood, Defendant's talked about an alibi witness which has been discussed with the investigator and is being followed up on; ready, but at risk of not having these people. Colloquy regarding potential continuation of the 3 week or more trial, depending on who represents the Defendant in C174954. Court stated findings and ORDERED, Adam Gill APPOINTED as counsel, proceedings in A798035 CONTINUED. NDC 1-30-20 9:00 AM PLAINTIFF'S MOTION...PLAINTIFF'S MOTION FOR RESPONDENT TO PETITIONER'S HABEAS CORPUS (POST-CONVICTION);

02/03/2020



Motion (9:30 AM) (Judicial Officer: Bluth, Jacqueline M.)

Petition for Writ of Habeas Corpus

Matter Heard;

Journal Entry Details:

CONFERENCE AT BENCH. Mr. Gill stated Ms. Luzaich is in trial, Defendant's been told that's the case, there were e-mails the Defendant was not privy too, objected to a continuance of the trial in C174954 and requested a 2 week continuance for rescheduling of the trial in C174954 when Ms. Luzaich is here. Upon the inquiry of the Court, Defendant requested Mr. Gill be reappointed as counsel. To make it clear, Court stated there will not be any ping ponging back and forth and ORDERED, Adam Gill APPOINTED; objection to the continuance noted; trial in C174954 VACATED; proceedings SET for status check for arguing of the Writ and scheduling of trial in C174954. NDC 2-19-20 9:30 AM STATUS CHECK: ARGUMENT OF PETITION FOR WRIT OF HABEAS CORPUS;

02/19/2020



Status Check (9:30 AM) (Judicial Officer: Bluth, Jacqueline M.)

Status Check: Argument Petition For Writ of Habeas Corpus

Matter Heard;

Journal Entry Details:

CONFERENCE AT BENCH. Mr. Gill stated he's been reappointed, has all the documentation filed and is ready to argue the writ. Ms. Luzaich advised a motion to dismiss the writ was filed and requested the Court first rule on that, presented argument and requested the petition be dismissed without getting to the merits. Court noted difficulty with the procedural bar and successiveness. Argument in support of petition by Mr. Gill; it's not successive or time bared. Court stated findings and ORDERED, State's Motion To Dismiss Petition For Writ of Habeas Corpus GRANTED. NDC ;

DISTRICT COURT CIVIL COVER SHEET

A-19-798035-W
Dept: VI

County, Nevada

Case No. _____
(Assigned by Clerk's Office)

I. Party Information *(provide both home and mailing addresses if different)*

Plaintiff(s) (name/address/phone): <div style="text-align: center;">Justin Porter # 1042449</div> <div style="text-align: center;">P.O. Box 650</div> <div style="text-align: center;">Indian Springs, NV 89070</div>	Defendant(s) (name/address/phone): <div style="text-align: center;">Brian Williams</div>
Attorney (name/address/phone):	Attorney (name/address/phone):

II. Nature of Controversy *(please select the one most applicable filing type below)*

Civil Case Filing Types

Real Property Landlord/Tenant <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Other Landlord/Tenant Title to Property <input type="checkbox"/> Judicial Foreclosure <input type="checkbox"/> Other Title to Property Other Real Property <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property	Negligence <input type="checkbox"/> Auto <input type="checkbox"/> Premises Liability <input type="checkbox"/> Other Negligence Malpractice <input type="checkbox"/> Medical/Dental <input type="checkbox"/> Legal <input type="checkbox"/> Accounting <input type="checkbox"/> Other Malpractice	Torts Other Torts <input type="checkbox"/> Product Liability <input type="checkbox"/> Intentional Misconduct <input type="checkbox"/> Employment Tort <input type="checkbox"/> Insurance Tort <input type="checkbox"/> Other Tort
Probate <i>(select case type and estate value)</i> <input type="checkbox"/> Summary Administration <input type="checkbox"/> General Administration <input type="checkbox"/> Special Administration <input type="checkbox"/> Set Aside <input type="checkbox"/> Trust/Conservatorship <input type="checkbox"/> Other Probate Estate Value <input type="checkbox"/> Over \$200,000 <input type="checkbox"/> Between \$100,000 and \$200,000 <input type="checkbox"/> Under \$100,000 or Unknown <input type="checkbox"/> Under \$2,500	Construction Defect & Contract Construction Defect <input type="checkbox"/> Chapter 40 <input type="checkbox"/> Other Construction Defect Contract Case <input type="checkbox"/> Uniform Commercial Code <input type="checkbox"/> Building and Construction <input type="checkbox"/> Insurance Carrier <input type="checkbox"/> Commercial Instrument <input type="checkbox"/> Collection of Accounts <input type="checkbox"/> Employment Contract <input type="checkbox"/> Other Contract	Judicial Review/Appeal Judicial Review <input type="checkbox"/> Foreclosure Mediation Case <input type="checkbox"/> Petition to Seal Records <input type="checkbox"/> Mental Competency Nevada State Agency Appeal <input type="checkbox"/> Department of Motor Vehicle <input type="checkbox"/> Worker's Compensation <input type="checkbox"/> Other Nevada State Agency Appeal Other <input type="checkbox"/> Appeal from Lower Court <input type="checkbox"/> Other Judicial Review/Appeal
Civil Writ <div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> Writ of Habeas Corpus <input type="checkbox"/> Writ of Mandamus <input type="checkbox"/> Writ of Quo Warrant </div> <div> <input type="checkbox"/> Writ of Prohibition <input type="checkbox"/> Other Civil Writ </div> </div>		Other Civil Filing Other Civil Filing <input type="checkbox"/> Compromise of Minor's Claim <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Other Civil Matters

Business Court filings should be filed using the Business Court civil coversheet.

7/5/2019

Date

Prepared by Clerk #27
Signature of initiating party or representative

See other side for family-related case filings.

A-19-798035-W
CCS
Civil Cover Sheet
4847376



**DISTRICT COURT
CLARK COUNTY, NEVADA**

Writ of Habeas Corpus

COURT MINUTES

December 09, 2019

A-19-798035-W	Justin Porter, Plaintiff(s)
	vs.
	Brian Williams, Defendant(s)

December 09, 2019 9:30 AM Motion

HEARD BY: Bluth, Jacqueline M. **COURTROOM:** RJC Courtroom 10C

COURT CLERK: Keith Reed

RECORDER: De'Awna Takas

REPORTER:

PARTIES

PRESENT:	Luzaich, Elissa		Attorney
	Porter, Justin		Plaintiff

JOURNAL ENTRIES

- Also present, Attorney Adam Gill. Ms. Luzaich advised she's not being served with the Defendant's motions in case C174954 and only knew of today's matter due to her Clerk. Colloquy regarding service of documents between Court, Defendant and Ms. Luzaich. Defendant advised he also has an Amended Motion To Dismiss; it's an amendment to the motion. Court noted the receipt of the supplement, which is additional information relating to the same argument. Ms. Luzaich stated she has neither and cannot proceed on the Defendant's Motion For Dismissal of Information. Colloquy regarding Plaintiff's- Motion For Respondent To Petitioner's Habeas Corpus (Post- Conviction). In regards to the petition in case A798035, Defendant advised he's not been to the Law Library in over a month and has not received a response. Ms. Luzaich stated it was mailed to the Defendant December 2nd and inquired if the Defendant still wanted to have an attorney appointed; which the State will not oppose. Defendant requested Mr. Gill be his attorney. Colloquy regarding Defendant's request for counsel and the responsibilities of counsel. Court stated the petition will be dealt with today, and at a later time the Defendant may want to have Mr. Gill back as counsel, but prior to that the Defendant would like to handle the petition himself. Defendant stated he would like counsel for the post conviction writ. Colloquy regarding continuation of motion and petition. Statement by Defendant. Colloquy between Court and State in regards to time needed to respond. COURT ORDERED, proceedings CONTINUED for argument; matter SET for status on the appointment of Mr. Gill as

counsel; proceedings of December 30, 2019 CONTINUED.

NDC

1-8-20 9:30 AM PLAINTIFF'S - MOTION FOR RESPONDENT TO PETITIONER'S HABEAS
CORPUS (POST CONVICTION) ...STATUS CHECK: APPOINTMENT OF COUNSEL (A. GILL)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Writ of Habeas Corpus

COURT MINUTES

January 08, 2020

A-19-798035-W Justin Porter, Plaintiff(s)
vs.
Brian Williams, Defendant(s)

January 08, 2020 9:30 AM All Pending Motions

HEARD BY: Bluth, Jacqueline M. **COURTROOM:** RJC Courtroom 10C

COURT CLERK: Keith Reed

RECORDER: De'Awna Takas

REPORTER:

PARTIES

PRESENT: Porter, Justin Plaintiff

JOURNAL ENTRIES

- PLAINTIFF'S MOTION...PLAINTIFF'S MOTION FOR RESPONDENT TO PETITIONERS HABEAS CORPUS (POST CONVICTION) ...STATUS CHECK: APPOINTMENT OF COUNSEL (A. GILL).

Present on behalf of the State, Deputy District Attorney Shanon Clowers. Also present, Standby Counsel Adam Gill. Mr. Gill advised Ms. Luzaich contacted him as she has a family medical emergency she's dealing with and requested a continuance; she asked for the Defendant to be contacted, which could not be done until this morning. Court stated contact was made by Ms. Luzaich and ORDERED, proceedings CONTINUED. Upon the inquiry of the Court, Mr. Gill stated he's met with the Defendant and discussed the pending motion getting him back on the case, which is kind of headed that way; there's motions he'll try to assist the Defendant with and if the Court will allow him to argue; would like to talk about the trial date.

NDC

1-15-20 9:30 AM PLAINTIFF'S MOTION...PLAINTIFF'S MOTION FOR RESPONDENT TO PETITIONERS HABEAS CORPUS (POST CONVICTION) ...STATUS CHECK: APPOINTMENT OF COUNSEL (A. GILL).

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Writ of Habeas Corpus

COURT MINUTES

January 15, 2020

A-19-798035-W Justin Porter, Plaintiff(s)
vs.
Brian Williams, Defendant(s)

January 15, 2020 9:30 AM All Pending Motions

HEARD BY: Bluth, Jacqueline M.

COURTROOM: RJC Courtroom 10C

COURT CLERK: Keith Reed

RECORDER: De'Awna Takas

REPORTER:

PARTIES

PRESENT:	Gill, Adam L	Attorney
	Luzaich, Elissa	Attorney
	Porter, Justin	Plaintiff

JOURNAL ENTRIES

- PLAINTIFF'S MOTION...PLAINTIFF'S MOTION FOR RESPONDENT TO PETITIONER'S HABEAS CORPUS (POST-CONVICTION)...STATUS CHECK: APPOINTMENT OF COUNSEL (A. GILL)

Record of items provided to the Court and Plaintiff by Ms. Luzaich. Mr. Gill advised the Plaintiff would like him to assist him this morning and stated he's standby counsel. Ms. Luzaich stated that's fine. Following arguments by Defendant and Ms. Luzaich in case C174954, COURT ORDERED, Motion To Suppress and Motion For Dismissal of Information DENIED. In regards to the Plaintiffs petition, Mr. Gill advised he was not served, the Plaintiff would like assistance arguing and stated if he gets back on the case he would like to argue this next time; it's 75 pages and it's not thought he'd been served. Ms. Luzaich stated that's fine and that a copy of the State's response will be provided. Plaintiff requested counsel take over the case. Court stated there will not be any flip flopping. Plaintiff so acknowledged. As to the trial setting in C174954, Mr. Gill stated the Court's position is understood, Defendant's talked about an alibi witness which has been discussed with the investigator and is being followed up on; ready, but at risk of not having these people. Colloquy regarding potential continuation of the 3 week or more trial, depending on who represents the Defendant in

C174954. Court stated findings and ORDERED, Adam Gill APPOINTED as counsel, proceedings in A798035 CONTINUED.

NDC

1-30-20 9:00 AM PLAINTIFF'S MOTION...PLAINTIFF'S MOTION FOR RESPONDENT TO PETITIONER'S HABEAS CORPUS (POST-CONVICTION)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Writ of Habeas Corpus

COURT MINUTES

February 03, 2020

A-19-798035-W Justin Porter, Plaintiff(s)
vs.
Brian Williams, Defendant(s)

February 03, 2020 9:30 AM Motion

HEARD BY: Bluth, Jacqueline M. **COURTROOM:** RJC Courtroom 10C

COURT CLERK: Keith Reed

RECORDER: De'Awna Takas

REPORTER:

PARTIES

PRESENT: Gill, Adam L Attorney
Overly, Sarah Attorney
Porter, Justin Plaintiff

JOURNAL ENTRIES

- CONFERENCE AT BENCH. Mr. Gill stated Ms. Luzaich is in trial, Defendant's been told that's the case, there were e-mails the Defendant was not privy too, objected to a continuance of the trial in C174954 and requested a 2 week continuance for rescheduling of the trial in C174954 when Ms. Luzaich is here. Upon the inquiry of the Court, Defendant requested Mr. Gill be reappointed as counsel. To make it clear, Court stated there will not be any ping ponging back and forth and ORDERED, Adam Gill APPOINTED; objection to the continuance noted; trial in C174954 VACATED; proceedings SET for status check for arguing of the Writ and scheduling of trial in C174954.

NDC

2-19-20 9:30 AM STATUS CHECK: ARGUMENT OF PETITION FOR WRIT OF HABEAS CORPUS

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Writ of Habeas Corpus

COURT MINUTES

February 19, 2020

A-19-798035-W Justin Porter, Plaintiff(s)
vs.
Brian Williams, Defendant(s)

February 19, 2020 9:30 AM Status Check

HEARD BY: Bluth, Jacqueline M. **COURTROOM:** RJC Courtroom 10C

COURT CLERK: Keith Reed

RECORDER: De'Awna Takas

REPORTER:

PARTIES

PRESENT:	Gill, Adam L	Attorney
	Luzaich, Elissa	Attorney
	Porter, Justin	Plaintiff

JOURNAL ENTRIES

- CONFERENCE AT BENCH. Mr. Gill stated he's been reappointed, has all the documentation filed and is ready to argue the writ. Ms. Luzaich advised a motion to dismiss the writ was filed and requested the Court first rule on that, presented argument and requested the petition be dismissed without getting to the merits. Court noted difficulty with the procedural bar and successiveness. Argument in support of petition by Mr. Gill; it's not successive or time bared. Court stated findings and ORDERED, State's Motion To Dismiss Petition For Writ of Habeas Corpus GRANTED.

NDC



EIGHTH JUDICIAL DISTRICT COURT CLERK'S OFFICE
NOTICE OF DEFICIENCY
ON APPEAL TO NEVADA SUPREME COURT

JUSTIN PORTER #1042449
P.O. BOX 650
INDIAN SPRINGS, NV 89070

DATE: March 12, 2020
CASE: A-19-798035-W

RE CASE: JUSTIN PORTER vs. BRIAN WILLIAMS - WARDEN

NOTICE OF APPEAL FILED: March 2, 2020

YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.

PLEASE NOTE: DOCUMENTS **NOT TRANSMITTED HAVE BEEN MARKED:**

- ☐ \$250 – Supreme Court Filing Fee (Make Check Payable to the Supreme Court)**
 - If the \$250 Supreme Court Filing Fee was not submitted along with the original Notice of Appeal, it must be mailed directly to the Supreme Court. The Supreme Court Filing Fee will not be forwarded by this office if submitted after the Notice of Appeal has been filed.
- ☐ \$24 – District Court Filing Fee (Make Check Payable to the District Court)**
- ☐ \$500 – Cost Bond on Appeal (Make Check Payable to the District Court)**
 - NRAP 7: Bond For Costs On Appeal in Civil Cases
- ☐ Case Appeal Statement
 - NRAP 3 (a)(1), Form 2
- ☒ Order
- ☒ Notice of Entry of Order

NEVADA RULES OF APPELLATE PROCEDURE 3 (a) (3) states:

"The district court clerk must file appellant's notice of appeal despite perceived deficiencies in the notice, including the failure to pay the district court or Supreme Court filing fee. The district court clerk shall apprise appellant of the deficiencies in writing, and shall transmit the notice of appeal to the Supreme Court in accordance with subdivision (g) of this Rule with a notation to the clerk of the Supreme Court setting forth the deficiencies. Despite any deficiencies in the notice of appeal, the clerk of the Supreme Court shall docket the appeal in accordance with Rule 12."

Please refer to Rule 3 for an explanation of any possible deficiencies.

*****Per District Court Administrative Order 2012-01, in regards to civil litigants, "...all Orders to Appear in Forma Pauperis expire one year from the date of issuance." You must reapply for in Forma Pauperis status.***

Certification of Copy

State of Nevada }
County of Clark } SS:

I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full and correct copy of the hereinafter stated original document(s):

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT
DOCKET ENTRIES; CIVIL COVER SHEET; DISTRICT COURT MINUTES; NOTICE OF
DEFICIENCY

JUSTIN PORTER,

Plaintiff(s),

vs.

BRIAN WILLIAMS - WARDEN,

Defendant(s),

Case No: A-19-798035-W

Dept No: VI

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
This 12 day of March 2020.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk