



SUPREME COURT OF NEVADA
OFFICE OF THE CLERK
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Telephone
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May 14, 2021

Justin D. Porter, #1042449
High Desert State Prison
P.O. Box 650
Indian Springs, NV 89070

Re: Porter vs. Warden, Supreme Court Case No. 80738

Dear Mr. Porter:

Your document entitled, "Judicial Notice," has been referred to me for response.

Since, you are represented by counsel in this appeal, your document is being returned to you unfiled. Please contact your attorney with any further questions or concerns you may have regarding your appeal.

Sincerely,

A handwritten signature in cursive script that reads "Sandy Young".

Sandy Young
Deputy Clerk

cc: Law Office of Betsy Allen

21-14058

Justin D. PORTER #1042449
PO. BOX 650 (HDSB)
Indian Springs, NV 89070

RETURNED
UNFILED

SUPREME COURT OF THE STATE OF NEVADA

MAY 14 2021

ELIZABETH A. BROWN
CLERK OF SUPREME COURT

BY _____
DEPUTY CLERK

JUSTIN D. PORTER,
Appellant,

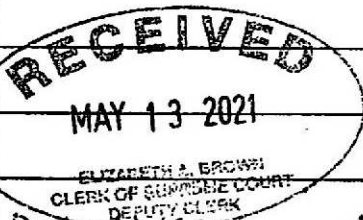
Supreme Court Case NO. 80738

vs.

THE STATE OF NEVADA,
Respondent.

Judicial Notice

Comes now, Appellant Justin D. Porter, in pro se, and moves
this Honorable Court to GRANT this Judicial Notice for Review.



Dated this 14 day of May, 2021.
Justin D. PORTER #1042449
Justin Porter #1042449 in pro se

Memorandum

On the day of August 12, 2000 I, Appellant Justin D. Porter was illegally arrested in my house without the knowledge that there was not an warrant for my arrest. The arrest was in violation of Appellant's fourth Amendment Right. While appellant was illegally take into custody, the police officers threaten and coerced an involuntary statement out of Appellant, the statement was that of the Fruit of the Poisonous tree. Wong Sun v. U.S., 371 U.S. 47, 487-88 (1962); ARTEBURN V. STATE, 111 Nev. 1121, 901 P.2d 608 (1995).

Appellant raised the information of the illegal arrest as well as prosecutorial misconduct, ineffective assistance of Trial Counsel, in my Habeas Corpus Post conviction and Appellant Informal Brief Supreme Court Case NO. 80738, District Court Case NO. A-19-798035-W.

~~On the day of August 12, 2000 Appellant was arrested~~
A. On the day of August 12, 2000 Appellant was arrested while in his home, the arrest was warrantless and unconstitutional. Payton v. New York, 445 U.S. 573, 589-90 (1980); Howe v. State, 112 Nev. 458, 916 P.2d 153 (1996).

Due to the warrantless arrest, and the threatening of the Appellant the coerced involuntary statement was inadmissible at Appellant's trial, the illegally obtained statement was inadmissible. Mapp v. Ohio, 367 U.S. 643 (1961); Wong Sun v. U.S., 371 U.S. 471, 487 (1962).

B.

1 TRIAL Counsel was Ineffective Assistance, when
2 Counsel failed to file A suppression Motion on
3 the illegal arrest ~~and~~ and the inadmissible of the
4 involuntary statement that was the fruit of
5 the poisonous Tree. The warrantless arrest was
6 never disclose to Appellant by Counsel.

7 Strickland v. Washington, 466 U.S. 668 (1984);
8 Kimmelman v. Morrison, 477 U.S. 365 (1986).

9

10 Ineffective Assistance of Direct Appeal
11 Counsel, Counsel failed to raise the fact that the
12 involuntary statement was the fruit of the
13 Poisonous Tree, and inadmissible at appellant's
14 ~~THE~~ TRIAL. Counsel should have raised the fact that
15 appellant was illegally arrested while in his
16 home. Strickland v. Washington, 466 U.S. 668 (1984);
17 Evitts v. Lucy, 469 U.S. 387, 396 (1985).

18

19 Prosecutorial Misconduct, The Prosecuting Attorney
20 never disclose to the Appellant that the appellant
21 was illegally arrested ~~that~~ without an warrant
22 for his arrest while in his house on the day of
23 August 12, 2000. The prosecutor withheld the fact
24 the arrest of Appellant was warrantless, and
25 the involuntary statement was inadmissible, and
26 the fruit of the Poisonous Tree. Brady v. Maryland,
27 373 U.S. 83 (1963).

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3 Appellant in Pro se:

4 Justin D. Porter #1042449

5 P.O. BOX 650 (HDSR)

6 Indian Springs, NV 89070

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