

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

FILED

OCT 02 2020

ELIZABETH A. BROWN
CLERK OF SUPREME COURT

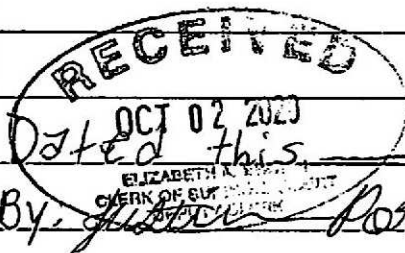
IN THE SUPREME COURT OF THE STATE OF NEVADA

JUSTIN D. PORTER,
Petitioner,
VS.
THE Eighth Judicial Dist. Ct.,
Respondent(s),
THE STATE OF NEVADA,
Real Party in Interest.

NO. 8/314-COA

PETITION FOR REHEARING

COMES NOW, Petitioner, Justin D. Porter, in Proper Person,
Who Prays this Honorable Court Grant this Petition For
Rehearing. The Petition is further made and Based upon
NRA P Rule 40., The 1st, 5th and 14th Amendments to
the united States Constitution, ~~AND~~ And all Papers,
Pleadings and Documents on file in this case. The
Petitioner Prays the Supreme Court grant a Rehearing
for the "Writ of Mandamus"



Dated this _____ day of _____, 2020
By, Justin D. Porter

Justin D. Porter #1042449
Proper Person.

20-36294

POINTS and AUTHORITIES

A writ of mandamus is appropriate only where a state official is under a mandatory ministerial duty to perform an act required by law as part of that official's duties. The mandate must define the duty with such particularity as to leave nothing to the exercise of discretion or judgment. Thus, it must be a mandatory duty, but ~~also~~ also ministerial: define by law and leaving no discretion to the government actor.

The Petitioner have an right not to be seized by the Police without an warrant, when Petitioner was in his home the Police intruded in without an arrest warrant on the day of August 12, 2000. Payton v. N.Y., 445 U.S. 573, 602 (1980); Ky. v. King, 563 U.S. 452, 459 (2011).

Due to the illegal arrest the Petitioner was threaten with physical harm by the Police, so that the Police could receive an coerced statement. Petitioner filed an motion to suppress the illegally seized evidence, which was the fruit of the poisonous tree concept. Illegally obtained evidence cannot be produced at trial. Mapp v. Ohio, 367 U.S. 643 (1961); Wong sun v. United States, 371 U.S. 471 (1962).

Based upon the law the SUPREME COURT OF NEVADA Shall order the lower Court to perform its duty of suppressing the

1 illegally seized evidence, that the lower court
2 failed to ~~do so~~ suppress, when Petitioner filed his
3 motion to suppress.

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POINTS and Authorities

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B.) Issues presented

7 On the day of August 12, 2000, Petitioner was
8 and still is arrested. The petitioner has been
9 without an JURY TRIAL for the past 20 years.
10 The unprosecuted charges has violated the
11 Petitioner's right to a fair trial consistent
12 with due process is no longer possible.
13 The petitioner rights to a fair trial has been
14 prejudice because of the fact Alibi witnesses
15 whereabouts are unknown to Petitioner for
16 Petitioner's Jury Trial. Petitioner Filed an motion
17 for dismiss, because of the violation of Petitioner's
18 6th and 14th Amendment to the constitution.
19 The District Court denial of Petitioner's motion
20 for dismiss was prejudice to Petitioner's right to
21 an fair trial. Barker v. Wingo, 407 U.S. 518, 33 (1972);
22 Doggett v. U.S., 505 U.S. 647 (1992).
23 The right to a speedy trial is extends to the state
24 Klopper v. North Carolina, 386 U.S. 213, 87 (1967).
25 Due to the 20 years of prosecutorial delay, the
26 delay has violated the right to a fair trial. Id
27 Barker, Doggett v. U.S..

28

CONCLUSION

Based upon the law the SUPREME COURT OF NEVADA shall order the lower court, to perform its duty to either conduct a jury trial, or dismiss Petitioner's case for the violation of the right to a fair trial consistent with due process.

Dated: September 27, 2020

By: Justin Porter

Justin D. Porter #1042449

P.O. Box 650 (H DSP)

Indian Springs, NV 89070

Proper Person

9/27/2020