

1 Ali Shahrokhi
10695 Dean Martin Dr. #1214
2 Las Vegas, Nev. 89141
Tel: (702)835-3558

3 *Appellant in Propria Persona*

FILED

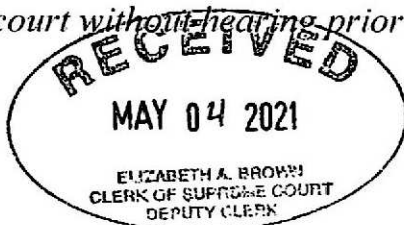
MAY 04 2021

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

7 **IN THE SUPREME COURT OF THE STATE OF NEVADA**

10	_____) Case No: 81978
11	ALI SHAHROKH)
12)
13	<i>Appellant,</i>) APPELLANT'S
14) REQUEST for JUDICIAL NOTICE
15	vs.)
16)
17	KIZZY BURROW)
18	<i>Respondent.</i>)
19	_____)

20 Notice to Respondent: *You are required to file a written response to this*
21 *motion with the Clerk of the Court and to provide the undersigned with a copy*
22 *of the response within fourteen (14) day of your receipt of this motion. Failure*
23 *to file a written response with the clerk of the court within fourteen (14) days of*
24 *your receipt of this motion may result in the request relief being granted by the*
25 *court without hearing prior to the scheduled hearing date.*



21-12788

☞ NOTICE of MOTION ☞

PLEASE TAKE NOTICE: Respondent asks the Court to take judicial notice of

The Nevada Constitution Article 1 Section 8, states in relevant part:

No person shall be tried for a capital or other infamous crime (...) except on presentment or indictment of the grand jury, or upon information duly filed by a district attorney, or Attorney General of the State, and in any trial, in any court whatever, the party accused shall be allowed to appear and defend in person, and with counsel, as in civil actions. No person shall be subject to be twice put in jeopardy for the same offense; nor shall he be compelled, in any criminal case, to be a witness against himself.

The Fifth Amendment to the United States Constitution provides that prosecutions for a capital, or otherwise infamous crime must be instituted by a presentment or indictment of a Grand Jury. See Ex Parte Wilson, 114 U.S. 417, 427 (1885); United States v. Wellington, 754 F.2d 1457, 1462 (9th Cir.), cert. denied, 474 U.S. 1032 (1982); United States v. Gonzales, 661 F.2d 488, 492 (5th Cir. 1981). As with a capital crime, whether a crime is infamous depends upon its punishment rather than upon the character of the criminal act. The courts have ruled that any crime that may be punished by more than one year imprisonment in a penitentiary or at hard labor is an infamous crime. See Green v. United States, 356 U.S. 165, 183 (1958); Mackin v. United States, 117 U.S. 348,

350-52 (1886); United States v. Russell, 585 F.2d 368, 370 (8th Cir. 1978); Catlette v. United States, 132 F.2d 902 (4th Cir. 1943).

Judge "CRIMINAL" Harter (Who has boldly committed BK FRAUD, Mortgage Fraud and **PERJURY** and thinks he is above the law) unlawfully found Shahrokhi to have committed an infamous crime, whereby NRS 200.575 "STALKING", may be punishable as a felony. Harassment may be penalized as a gross misdemeanor and Battery may be punishable as a felony.

Judge "CRIMINAL" Harter egregiously and shockingly violated multiple Issues encompassed within Article 1 Section 8. Shahrokhi was tried for the infamous crimes of battery, harassment and stalking, (**particularly cyber stalking**).

The criminal laws of Nevada were used in the court's findings of guilt, yet Shahrokhi was not noticed that he would be tried for breaking Nevada laws, nor were any of the alleged crimes brought on presentment or indictment by the proper authorities, as owed to Shahrokhi by the Nevada Constitution. Neither Judge "CRIMINAL" Harter nor Burrow can fill the shoes of a grand jury, district attorney, or Attorney General of the State. There is no debate in Shahrokhi's rights being violated by "CRIMINAL" Harter willfully and under serious Judicial misconducts. Harter is NOT a judge or judge material, he is a CRIMINAL, Bottom feeder who should be REMOVED from bench immediately as he is POISON to people of Nevada and a Danger to public under color of Law.

Shahrokhi was also compelled to be a witness against himself for said

crimes, which the Nevada Constitution strictly prohibits in any trial where the issue before the court is criminal.

Judge “CRIMINAL” Harter goes as far as to reference the criminal statutes in his order that Shahrokhi had no notice he was being tried on. Further, the state of Nevada guarantees that Shahrokhi will not be tried for such crimes except on presentment or indictment of the grand jury, or upon information duly filed by a district attorney...

Nevada law strictly prohibits private parties from initiating trials for alleged crimes without the matters being brought through the district attorney (or grand jury or attorney general).

Scope of Motion: This motion is based on this notice of motion, the within points & authorities, affidavits, exhibits, requests for judicial notice, oral arguments, *etc.*, and other evidence as the Court may allow.

Dated: May 4th, 2021

Authentisign
Ali Shahrokhi
5/4/2021 7:33:07 AM PDT

ALI SHAHROKHI

Petitioner, in Propria Persona

-REQUEST FOR JUDICIAL NOTICE-

Request for Judicial Notice: In this case, grave injustice stems from the perjury and bankruptcy fraud and conspiracy to commit mortgage fraud Mathew Harter has committed while sitting on the bench as family court judge.

GOVERNING LAW—

Judicial Notice: NRS 47.140 governs requests for judicial notice as to “matters of law.” NRS 47.140 provides the governing law—

NRS 47.140 MATTERS OF LAW—

“The laws subject to judicial notice are:

1. [...]
2. The Constitution of United States.
3. Any other statute of this State if brought to the attention of the court by its title and the day of its passage.”

[See NRS 47.140; underscores added.]

Nevada Revised Statutes: Pursuant to NRS 47.140(2), courts may properly take judicial notice of *Nevada Revised Statutes*, including, of course, NRS 126.036, [see NRS 47.140(2)].

SUMMARY & CONCLUSION—

SUMMARY: Plaintiff respectfully requests that this Court *GRANT* this Request for Judicial Notice. The facts sought to be noticed are not subject to reasonable dispute, and further, such facts are capable of accurate verification from sources whose accuracy cannot reasonably be questioned.

There are no civil claims for harassment, stalking or battery, in such these allegations may not be claimed by a private party for a defendant to be found to

1 have committed any crimes in any trial unless such are brought by the state of
2 Nevada.

3
4 In Judge "CRIMINAL" Harter's Order on 9/22/2020, amended domestic
5 violence order, the following criminal findings of guilt were made:

6 Under NRS 200.571(1), this Court FINDS that Defendant
7 without lawful authority, knowingly threatened Plaintiff (1) to cause
8 bodily injury in the future and (2) to cause physical damage to
9 Plaintiff's property (i.e., burn her clothes) and that the words of
10 Defendant placed Plaintiff in reasonable fear that the threat would
be carried out.

11 Under NRS 200.571(2) 1, this also Court "FINDS" that Defendant
12 without lawful authority, willfully engaged in a course of conduct
13 directed towards Plaintiff that would cause a reasonable person
14 under similar circumstances to feel terrorized, frightened,
intimidated, harassed and fearful for her immediate safety.

15 Shahrokhi was not put on notice that he was being tried for crimes, even if
16 He was, Burrow has no authority to bring a criminal action against Shahrokhi. In
17 The subsequent Final Custody Order, Judge "CRIMINAL" Harter again goes on to
18 find Shahrokhi guilty of battery, although no criminal statutes were referenced the
19 Judge's intent was the same as in the prior day's proceeding referenced above.
20

21
22 Shahrokhi had no notice he was being tried for the crime of battery. Judge
23 "Criminal" Harter completely lacked subject matter jurisdiction to hold a trial on
24 alleged crimes.

25
26 Battery is a crime: "NRS 200.571(2), actually cites the NRS 200.575
27 criminal statute for harassment.

28 Judge "CRIMINAL" Harter insists he has jurisdiction to hear the criminal

allegation, based on criminal statutes, this is shocking to the conscious. It is clear abuse of power under color of law. The executive branch brings criminal charges, not the judicial branch and this is a violation of separation of powers.

Judge "CRIMINAL" Harter acted arbitrarily, capriciously and had no jurisdiction to hold a trial on criminal allegations brought about by a private party, not even Harter himself can bring the allegations of crimes to be tried. Yet Judge "CRIMINAL" Harter makes up his own rules. (That's Why HARTER also doesn't have a problem boldly committing BK Fraud and Perjury lying on a federal application about his income.

Where a court failed to observe safeguards, it amounts to denial of due process of law, court is deprived of juris. See, Merritt vs Hunter, C.A. Kansas 170 F2d 739.

A judge is not the Court. See People vs Zajic, Supra.

Dated: May 4th, 2021

Respectfully Submitted,

Authentisign
Ali Shahrokhi
5/4/2021 7:33:08 AM PDT

Ali Shahrokhi

Respondent, in Propria Persona

AFFIDAVIT of Ali Shahrokhi

My name is Ali Shahrokhi. I am a litigant before the court. All of the allegations herein are true and correct of my own personal knowledge. If called upon to testify, I could and would give competent and truthful evidence.

I hereby declare under penalty of perjury under the laws of the State of Nevada the foregoing is both true and correct.

Dated: **May 4th, 2021**

Authentisign
Ali Shahrokhi
5/4/2021 7:33:09 AM PDT
Ali Shahrokhi

Declarant.

/////
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/////

-CERTIFICATE-OF-SERVICE-

I am an individual over the age of eighteen and not a party to the within action. My home address is 10695 Dean Martin Dr. #1214, Las Vegas, Nev. 89141. My phone number is (702)835-3558.

On **May 4th, 2021**, I served the following:

Shahrokhi's Request for Judicial Notice

on an interested party in the above-entitled action by

 X via e-mail transmission,

 personal service on the person below listed,

 X depositing it in the U.S. Mail, postage prepaid,

and addressed to the person below listed,

 overnight delivery, addressed as follows:

**Yvonne Ruiz, Esq
Eserved-**

**Mathew Harter
601 N Pecos Rd
Las Vegas, NV 89101**

I declare under penalty of perjury under Nevada law the foregoing is true and correct.

Dated: **May 4th, 2021**

/s/ Ali Shahrokhi
Declarant.