

FILED

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FILED

DEC 21 2021

IN THE SUPREME COURT OF THE STATE OF NEVADA

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY Stacy  
DEPUTY CLERK

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

MICHAEL LUIS COTA  
Appellant,  
vs.  
WILLIAM A. GITTERE WARDEN  
Respondent.

Supreme Court No. 83774

District Court No. 18-CR-0084  
18CR-0116

**APPELLANT'S INFORMAL BRIEF**

**INSTRUCTIONS:** If you are an appellant proceeding pro se (without an attorney) in the Nevada Supreme Court, you must file either (1) a brief that complies with Nevada Rule of Appellate Procedure (NRAP) 28(a), or (2) a completed copy of this informal brief form, *see* NRAP 28(k), with the Nevada Supreme Court on or before the due date, *see* NRAP 31. In civil appeals, if you do not file one of these documents by the due date, the Nevada Supreme Court may dismiss your appeal. In postconviction criminal appeals, if you do not file one of these documents by the due date, the Nevada Supreme Court or Nevada Court of Appeals may decide your appeal on the record without briefing.

**HOW TO FILL OUT THIS FORM:** This form must be typed, unless you are incarcerated, in which case it must be clearly handwritten. You do not need to refer to legal authority or the district court record. If you are completing your brief on this form, write only in the space allowed on the form. **Additional pages and attachments are not allowed.** If typing an informal brief, you may either use the lined paper contained in this form or an equivalent number of pages of your own paper. Your brief will be stricken if you fail to follow the directions in this form and the Nevada Rules of Appellate Procedure.

**WHERE TO FILE THE BRIEF:** You may submit your brief for filing in person or by mail.

**To file your brief in person:** Briefs may be submitted for filing Monday through Friday, 8:00 a.m. to 4:00 p.m.

**Carson City:** Bring the brief to the Clerk's Office at the Supreme Court of Nevada, 201 South Carson Street, Carson City, Nevada, 89701.

**Las Vegas:** Place your brief in the Clerk's Office Drop Box at the Las Vegas courthouse for the Nevada Appellate Courts, 408 East Clark Avenue, Las Vegas, Nevada, 89101.

To file your brief by mail: Mail the brief to the Clerk of the Supreme Court of Nevada, 201 South Carson Street, Carson City, Nevada 89701. **Your brief must be postmarked on or before the due date.**

You must file the original brief and 1 copy with the clerk of the Nevada Supreme Court. If you want the clerk to return a file-stamped copy of your brief, you must file the original form and 2 copies and include a self-addressed, stamped envelope. Documents cannot be faxed or emailed to the Supreme Court Clerk's Office.

Copies of the brief must be mailed or delivered to the other parties to this appeal or to the parties' attorneys, if they have attorneys. You must also include a proper certificate of service or complete the certificate that is attached to the informal brief form.

**CAUTION:** Pro se parties are prohibited from representing other parties. A pro se party may not complete a brief on behalf of other parties. Pro se parties may collaborate on their briefs, however, provided that if one brief is submitted on behalf of multiple pro se parties, each party must sign and date the brief to confirm that he or she has participated in the preparation of the brief and, by his or her signature, joins in the arguments and representations contained therein.

**Judgment or Order You Are Appealing.** List the judgment or order that you are appealing from and the date that the judgment or order was filed in the district court.

Filed Date	Name of Judgment or Order
8/9/21	HABEAS CORPUS

**Notice of Appeal.** Give the date you filed your notice of appeal in the district court: OCTOBER 28, 2021

**Related Cases.** List all other court cases related to this case. Provide the case number, title of the case and name of the court where the case was filed.

Case No.	Case Title	Name of Court

**Pro Bono Counsel.** Would you be interested in having pro bono counsel assigned to represent you in this appeal?

☒ Yes      ☐ No

**NOTE:** If the court determines that your case may be appropriate for having pro bono counsel assigned, an appropriate order will be entered. Assignment of pro bono counsel is not automatic.

**Statement of Facts.** Explain the facts of your case. (Your answer must be provided in the space allowed.)

THE FACTS OF THIS CASE ARE THAT FOR NEARLY 2 YEARS MR COTA PETITIONED THE DOWELLAS COUNTY DISTRICT COURT TO DISMISS JOHN MALONE AS COUNSEL AND ORDER HIM TO SEND MR COTA ALL OF HIS CASE FILES IN ORDER TO PERFECT HIS HABEAS CORPUS. WE SHALL PROVE BY EXHIBITS THAT MR MALONE AS OF THIS DATE HAS NOT COMPLIED WITH THE COURT ORDER FORGING MR COTA TO WRITE A HABEAS CORPUS WITH NO CASE RECORDS

WE SHALL PROVE BY EXHIBITS THAT DOUGLAS COUNTY CITED TWO REASONS FOR DISMISSAL OF MR COTAS HABEAS CORPUS ONE THAT HE IS TIME BARRED AND TWO THAT HE FAILED TO RESPOND TO DISTRICT ATTORNEY'S ANSWER. EXHIBITS WILL PROVE THAT AS RECENTLY AS OCTOBER 2021 MR COTA WAS IN LITIGATION TO OBTAIN HIS COURT RECORDS AND WE SHALL PROVE THAT THE DISTRICT ATTORNEY DID NOT EVEN SEND THEIR ANSWER TO MR COTA UNTIL AFTER JUDGE GREGGORY DISMISSED IT MAKING IT IMPOSSIBLE TO RESPOND TO. EXHIBIT ONE IS THE COURT ORDER DISCHARGING COUNSEL AND ORDERING HIM TO GIVE MR COTA HIS CASE FILE DATED 5/21/2020 EXHIBIT TWO SHOWS MR COTA STILL NOT HAVING HIS DOCUMENTS AND A SHOW CAUSE HEARING BEING SET. EXHIBIT THREE IS AN ORDER DENYING MR COTAS REQUEST TO HOLD FORMER COUNSEL IN CONTEMPT. EXHIBIT FOUR IS MR COTAS 2ND REQUEST TO HOLD JOHN MALONE IN CONTEMPT AND MR MALONE'S ANSWER AND AFFIDAVIT TO THE COURT. THIS AFFIDAVIT IS FABRICATED AND LEGAL MAIL RECORDS OF ELY STATE PRISON WILL CONFIRM THAT THE RECEIPTS MR MALONE PRESENTS ARE NOT ASSOCIATED WITH MR COTA, AND IT IS RIDICULOUS TO ASSUME THEY ARE. MR COTA, AFTER WAITING A YEAR FOR HIS LEGAL FILES WAS FORCED TO FILE HIS HABEAS CORPUS WITH NO CASE FILES AS REFERENCE EXHIBIT FIVE IS THE DISMISSAL NOT DENIAL OF MR COTAS HABEAS CORPUS. ON PAGE ONE OF DISMISSAL LINE 27 IT STATES THAT THE STATES

ANSWER WAS TIMELY YET IT WAS NOT MAILED TO MR COTA UNTIL OCTOBER 20, 2021 ONE DAY AFTER DISMISSAL WAS FILED. ON PAGE 2 LINES 15 & 16 IT STATES IN ERROR THAT MR COTA CITED NO EXCUSE FOR IT BEING UNTIMELY. AT THE TIME OF THIS DISMISSAL MR COTA HAD ACTIVE LITIGATION pending to hold former Counsel in Contempt for failing to Comply with Court order TO GIVE MR COTA HIS CASE FILES. EXHIBIT SIX ARE ESP LEGAL MAIL RECEIPTS FOR SEPT 15-30<sup>TH</sup> 2021 WHICH SHOW THE DOUGLAS COUNTY D.A. DID NOT SEND HIM AN ANSWER TO HABEAS CORPUS. EXHIBIT SEVEN IS THE STATES ANSWER TO HABEAS CORPUS FILED SEPT 15, 2021 YET IT WAS NOT MAILED TO MR COTA UNTIL OCTOBER 20, 2021

**Statement of District Court Error.** Explain why you believe the district court was wrong. Also state what action you want the Nevada Supreme Court to take. (Your answer must be provided in the space allowed.)

THE DISTRICT COURT IS IN ERROR FOR NOT ENFORCING ITS ORDER TO PRODUCE CASE FILES AND THEY DEFINITELY WERE IN ERROR FOR NOT VERIFYING THE RECEIPTS PROVIDED BY JOHN MALONE. IF THEY HAD EXAMINED THE RECEIPTS IN EXHIBIT FOUR THEY WOULD HAVE FIRST NOTED THAT MR MALONE SWORE THE CASE FILES WERE MAILED TO MR COTA VIA USPS YET THE RECEIPTS WERE FROM FEDEX. FURTHER IF THOSE RECEIPTS ARE TO BE BELIEVED WE WOULD ASSUME THAT FORMER COUNSEL HAD 5 BOXES TO BE SHIPPED TO MR COTA BUT INSTEAD



OF SENDING THEM TO HIM AT ONE LOCATION AT ONE TIME THAT COUNSEL CHOOSE TO SHIP ON THE SAME DATE AT THREE DIFFERENT LOCATIONS IN TWO DIFFERENT COUNTRIES THIS IS RIDICULOUS. IF THIS COURT WILL SUBPOENA THE RECORDS FROM ELY STATE PRISON MAIL ROOM IT WILL BE PROVEN THESE FILES NEVER CAME TO MR COTA. MR COTA WAS IN CONSTANT LITIGATION ATTEMPTING TO OBTAIN HIS CASE FILES, THE FACT THAT FORMER COUNSEL HAS REFUSED TO PROVIDE THEM AND DOUGLAS COUNTY DISTRICT COURT HAS NEGLECTED TO ASSURE COMPLIANCE IS IN NO WAY MR COTAS FAULT. MR COTA WAS FORCED TO DELAY HIS HABEAS CORPUS AND WHEN IT WAS FILED IT WAS WITHOUT THE BENEFIT OF CASE FILES. NOW THE DOUGLAS COUNTY DISTRICT COURT DISMISSES HIS HABEAS CORPUS AS TIME BARRED WHEN THEY CAUSED AND CONTINUE TO CAUSE ALL DELAYS. THE DISTRICT COURTS ORDERS WERE IN ERROR AND MR COTAS HABEAS CORPUS SHOULD NOT HAVE BEEN DISMISSED BUT A FULL FINDING OF FACTS AND CONCLUSIONS OF LAW HEARING HELD. MR COTA PROVED ALL ALLEGATIONS IN HIS HABEAS CORPUS, HE IS BEING HELD ILLEGALLY AND MUST BE RELEASED. THE DISTRICT COURT HAD AN ABSOLUTE OBLIGATION TO INVESTIGATE MR COTAS HABEAS CORPUS AND CERTAINLY INVESTIGATE MR MALONES DECLARATION THAT HE HAD SENT MR COTA HIS FILES. HAD THEY INVESTIGATED THEY WOULD HAVE DISCOVERED THAT THESE FILES WERE IN FACT NEVER SENT TO MR COTA. MR COTA OBVIOUSLY HAD A RIGHT

TO OBTAIN HIS OWN CASE FILE TO PERFECT HIS HABEAS  
CORPUS. PLEASE NOTE THAT AS OF THIS DATE, MONDAY  
DECEMBER 13, 2021 MR COTA STILL DOES NOT HAVE HIS  
CASE FILES AND DOUGLAS COUNTY DISTRICT COURT  
REFUSES TO FORCE FORMER COUNSEL TO COMPLY  
WITH THEIR ORDERS

DATED this 13<sup>th</sup> day of December, 2021.

x Michael Cota  
Signature of Appellant

MICHAEL COTA  
Print Name of Appellant

**CERTIFICATE OF SERVICE**

I certify that on the date indicated below, I served a copy of this completed informal brief form upon all parties to the appeal as follows:

- ☐ By personally serving it upon him/her; or  
☒ By mailing it by first-class mail with sufficient postage prepaid to the following address(es) (list names and address(es) of parties served):

DOUGLAS COUNTY DISTRICT ATTORNEY  
P.O. BOX 218  
MINDEN NV 89423

DATED this 13<sup>th</sup> day of December, 2021.

x Michael Cota II  
Signature of Appellant

MICHAEL COTA #1206075  
Print Name of Appellant

P.O. BOX 1989  
Address

ELY NV 89301  
City/State/Zip

NA  
Telephone