

1 Justin Odell Langford-1159546

2 LCC 1200 Prison Road

3 Lovelock, Nev. 89419

4 Paralegal/Pro per

5

6 IN THE EIGHTH JUDICIAL DISTRICT COURT FOR THE STATE OF NEVADA

7 IN AND FOR THE COUNTY OF CLARK

8 * * * * *

9 Justin Odell Langford,

CASE No. A-18-784811-W

10 Petitioner,

11 v.

12 Warden Tim Garrett,

NOTICE OF APPEAL

13 Respondent.

14

15 COMES NOW, Justin Odell Langford, In Pro per, To File

16 his notice of appeal, wherein he is challenging the denial

17 of his Petition for Writ of Habeas Corpus (Post-

18 conviction) that was entered on Jan. 31, 2022 By Judge

19 Cristina D. Silva.

20

21 Date:

22

Respectfully Submitted,

23

1st Justin Odell Langford

24

Justin Odell Langford

Electrically Filed
Feb 25 2022 09:52 a.m.
Elizabeth A. Brown
Clerk of Supreme Court
CLERK OF COURT

RECEIVED
FEB 19 2022
CLERK OF THE COURT

Justin Odell Langford-1159546
LCC, 1200 Prison Road
Lovelock, Nev. 89419

LOVELOCK CORRECTIONAL CENTER



US POSTAGE TM PITNEY BOWES
ZIP 89419 \$ 000.53⁰
02 4W
0000369000 FEB. 10. 2022

**INMATE LEGAL
MAIL CONFIDENTIAL**

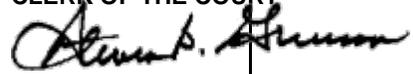
Legal Mail

Clerk of the Court
200 Lewis Avenue
Las Vegas, Nev. 89155

9510136300 0075



RECEIVED
FEB 09 2022
LCC E-FILE



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6

7 **IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE**
8 **STATE OF NEVADA IN AND FOR**
9 **THE COUNTY OF CLARK**

10 JUSTIN ODELL LANGFORD,

11 Plaintiff(s),

12 vs.

13 WARDEN RENEE BAKER,

14 Defendant(s),
15

Case No: A-18-784811-W

Dept No: IX

16
17 **CASE APPEAL STATEMENT**

18 1. Appellant(s): Justin Odell Langford

19 2. Judge: Cristina Silva

20 3. Appellant(s): Justin Odell Langford

21 Counsel:

22 Justin Odell Langford #1159546
23 1200 Prison Rd.
24 Lovelock, NV 89419

25 4. Respondent (s): Warden Renee Baker

26 Counsel:

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

- 1
2 5. Appellant(s)'s Attorney Licensed in Nevada: N/A
Permission Granted: N/A
3
4 Respondent(s)'s Attorney Licensed in Nevada: Yes
Permission Granted: N/A
5
6 6. Has Appellant Ever Been Represented by Appointed Counsel In District Court: No
7
8 7. Appellant Represented by Appointed Counsel On Appeal: N/A
9
10 8. Appellant Granted Leave to Proceed in Forma Pauperis**: Yes, February 11, 2021
**Expires 1 year from date filed (Expired)
11 Appellant Filed Application to Proceed in Forma Pauperis: No
12 Date Application(s) filed: N/A
13
14 9. Date Commenced in District Court: November 19, 2018
15
16 10. Brief Description of the Nature of the Action: Civil Writ
17
18 Type of Judgment or Order Being Appealed: Civil Writ of Habeas Corpus
19
20 11. Previous Appeal: Yes
21
22 Supreme Court Docket Number(s): 78144, 83032
23
24 12. Child Custody or Visitation: N/A
25
26 13. Possibility of Settlement: Unknown
27
28

Dated This 22 day of February 2022.

Steven D. Grierson, Clerk of the Court

/s/ Heather Ungermann

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

cc: Justin Odell Langford

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY
CASE NO. A-18-784811-W

Justin Langford, Plaintiff(s)
vs.
Warden Renee Baker, Defendant(s)

§
§
§
§
§
§
§

Location: **Department 9**
 Judicial Officer: **Silva, Cristina D.**
 Filed on: **11/19/2018**
 Case Number History:
 Cross-Reference Case Number: **A784811**
 Supreme Court No.: **78144**
83032

CASE INFORMATION

Related Cases
 C-14-296556-1 (Writ Related Case)

Case Type: **Writ of Habeas Corpus**

Statistical Closures
 07/22/2021 Other Manner of Disposition
 03/11/2019 Summary Judgment

Case Status: **07/22/2021 Closed**

DATE

CASE ASSIGNMENT

Current Case Assignment

Case Number	A-18-784811-W
Court	Department 9
Date Assigned	09/07/2021
Judicial Officer	Silva, Cristina D.

PARTY INFORMATION

Plaintiff	Langford, Justin	<i>Lead Attorneys</i>
		Pro Se
Defendant	State of Nevada	Wolfson, Steven B <i>Retained</i> 702-455-5320(W)
	Warden Renee Baker	Wolfson, Steven B <i>Retained</i> 702-455-5320(W)

DATE

EVENTS & ORDERS OF THE COURT

INDEX

EVENTS

11/19/2018	 Inmate Filed - Petition for Writ of Habeas Corpus Party: Plaintiff Langford, Justin [1] Affidavit of Writ of Habeas Corpus NRS Chap. 34 et seq FRE 201 NRS Chap 47 et seq. NRCIVP 8(a)
11/29/2018	 Order for Petition for Writ of Habeas Corpus [2] Order for Petition for Writ of Habeas Corpus
12/10/2018	 Motion to Continue Filed By: Plaintiff Langford, Justin [3] Motion for Continuance
12/10/2018	 Notice Filed By: Plaintiff Langford, Justin [4] Judicial Notice

CASE SUMMARY
CASE NO. A-18-784811-W

01/17/2019  Response
[5] State's Response to Defendant's Petition for Writ of Habeas Corpus (Post-Conviction)

01/22/2019  Motion to Strike
Filed By: Plaintiff Langford, Justin
[6] Motion to Strike States Response (Telephonic Hearing)

02/12/2019  Notice of Appeal
Filed By: Plaintiff Langford, Justin
[7] Notice of Appeal

02/13/2019  Case Appeal Statement
Filed By: Plaintiff Langford, Justin
[8] Case Appeal Statement

03/11/2019  Findings of Fact, Conclusions of Law and Order
[9] Findings of Fact, Conclusions of Law and Order

03/13/2019  Response
[10] State's Response to Defendant's Motion to Strike State's Response

03/14/2019  Notice
Filed By: Plaintiff Langford, Justin
[11] Judicial Notice

03/14/2019  Notice of Entry
[12] Notice of Entry of Findings of Fact, Conclusions of Law and Order

07/24/2019  Certificate of Service
Filed by: Plaintiff Langford, Justin
[13] Certificate of Re-Service

10/18/2019  NV Supreme Court Clerks Certificate/Judgment - Affirmed
[14] Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Affirmed; Rehearing Denied

01/04/2021 Case Reassigned to Department 23
Judicial Reassignment to Judge Jasmin Lilly-Spells

02/09/2021  Inmate Filed - Petition for Writ of Habeas Corpus
Party: Plaintiff Langford, Justin
[15] Petition for Writ of Habeas Corpus Pursuant to the All Writs Act

02/09/2021  Application to Proceed in Forma Pauperis
Filed By: Plaintiff Langford, Justin
[16] Application to Proceed in Forma Pauperis (Confidential)

02/09/2021  Ex Parte Motion
Filed By: Plaintiff Langford, Justin
[17] Ex Parte Motion for Appointment of Counsel and Request for Evidentiary Hearing

02/11/2021  Order to Proceed In Forma Pauperis

CASE SUMMARY
CASE NO. A-18-784811-W

[18] *Order to Proceed in Forma Pauperis (Confidential)*

02/15/2021

 Order for Petition for Writ of Habeas Corpus
[19] *Order for Petition for Writ of Habeas Corpus*

02/17/2021

 Clerk's Notice of Hearing
[20] *Notice of Hearing*

02/25/2021

 Addendum
[21] *Addendum to Petition for Writ of Habeas Corpus Pursuant to the all Writs Act*

03/04/2021

 Certificate
[22] *Certificate of Inmate's Institutional Account (Confidential)*

03/08/2021

 Motion for Appointment of Attorney
Filed By: Plaintiff Langford, Justin
[23] *Motion for Appointment of Counsel*

03/08/2021

 Ex Parte Motion
Filed By: Plaintiff Langford, Justin
[24] *Ex Parte Motion to Shorten Time Pursuant to EDCR 5.513*

03/08/2021

 Motion to Continue
Filed By: Plaintiff Langford, Justin
[25] *Motion for Continuance*

03/17/2021

 Request
[26] *Request for Judicial Notice and Judicial Action to be Taken*

03/17/2021

 Motion for Order
Filed By: Plaintiff Langford, Justin
[27] *Motion for an Order to Produce Prisoner*

03/31/2021

 Notice of Motion
Filed By: Plaintiff Langford, Justin
[28] *Notice of Motion and Motion for Discovery/ Motion for Order to Show Cause*

04/05/2021

 Response
[29] *State's Response to Petitioner's Petition for Writ of Habeas Corpus (Post-Conviction), Motion for Appointment of Attorney, and Request for Evidentiary Hearing*

04/22/2021

 Notice
Filed By: Plaintiff Langford, Justin
[30] *Judicial Notice*

04/27/2021

 Miscellaneous Filing
[31] *Petitioners Traverse*

04/30/2021

 Notice of Rescheduling of Hearing
[32] *Notice of Rescheduling of Hearing*

06/03/2021

 Notice of Appeal
[33] *Notice of Appeal*

CASE SUMMARY
CASE NO. A-18-784811-W

- 06/08/2021  Case Appeal Statement
 Filed By: Plaintiff Langford, Justin
[34] Case Appeal Statement

- 06/17/2021  Motion
 Filed By: Plaintiff Langford, Justin
[35] Motion for Request in Status Check and Copy of Court Docket Sheet (Hearing Requested/Required)

- 06/17/2021  Clerk's Notice of Hearing
[36] Notice of Hearing

- 07/22/2021  Findings of Fact, Conclusions of Law and Order
 Filed By: Defendant State of Nevada
[37] Findings of Fact, Conclusions of Law and Order

- 07/26/2021  Notice of Entry of Findings of Fact, Conclusions of Law
 Filed By: Defendant State of Nevada
[38] Notice of Entry of Findings of Fact, Conclusions of Law and Order

- 09/07/2021 Case Reassigned to Department 9
From Judge Jasmin Lilly-Spells to Judge Cristina Silva

- 12/20/2021  NV Supreme Court Clerks Certificate/Judgment - Affirmed
[39] Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Affirmed; Petition Denied

- 01/28/2022  Inmate Filed - Petition for Writ of Habeas Corpus
 Party: Plaintiff Langford, Justin
[40] Post Conviction

- 02/18/2022  Notice of Appeal (Criminal)
[41] Notice of Appeal

- 02/22/2022  Case Appeal Statement
Case Appeal Statement

DISPOSITIONS

- 10/18/2019 **Clerk's Certificate** (Judicial Officer: Hardy, Joe)
 Debtors: Justin Langford (Plaintiff)
 Creditors: Warden Renee Baker (Defendant)
 Judgment: 10/18/2019, Docketed: 10/21/2019
 Comment: Supreme Court No. 78144 " Appeal Affirmed"

- 12/20/2021 **Clerk's Certificate** (Judicial Officer: Silva, Cristina D.)
 Debtors: Justin Langford (Plaintiff)
 Creditors: Warden Renee Baker (Defendant), State of Nevada (Defendant)
 Judgment: 12/20/2021, Docketed: 12/22/2021
 Comment: Supreme Court No 83032 - "APPEAL AFFIRMED"

HEARINGS

- 01/28/2019  **Petition for Writ of Habeas Corpus** (9:00 AM) (Judicial Officer: Hardy, Joe)
 Events: 11/29/2018 Order for Petition for Writ of Habeas Corpus

CASE SUMMARY
CASE NO. A-18-784811-W

MINUTES

 Order for Petition for Writ of Habeas Corpus

[2] Order for Petition for Writ of Habeas Corpus

Denied Without Prejudice;

Journal Entry Details:

Court indicated it had reviewed Plaintiff's Petition for Writ Of Habeas Corpus, as well as the State's Response. Finding that oral argument was not necessary due to its review of the pleadings, COURT ORDERED, Petition DENIED WITHOUT PREJUDICE for all of the reasons set forth in the State s response. Court indicated the State was to prepare the order, including the reasons from the response and submit it directly to the Court. CLERK'S NOTE: A copy of this minute order was mailed to the Petitioner Justin Langford (1159546) Lovelock Correctional Center 1200 Prison Road Lovelock, NV 89419.// 1-30-19/ dy ;

02/25/2019

 **Motion to Strike** (9:00 AM) (Judicial Officer: Hardy, Joe)

02/25/2019, 04/03/2019

Events: 01/22/2019 Motion to Strike

Motion to Strike States Response(Telephonic Hearing)

Continued;

Vacate - Moot;

Journal Entry Details:

Given the filing of the Judicial Notice, COURT ORDERED the instant Motion was hereby VACATED as MOOT.;

MINUTES

 Motion to Strike

Filed By: Plaintiff Langford, Justin

[6] Motion to Strike States Response (Telephonic Hearing)

Continued;

Vacate - Moot;

Journal Entry Details:

The Court noted that it was unclear whether the District Attorneys' Office was properly served with the instant Motion, as there was no response to said Motion, and a District Attorney had not appeared in open court. COURT ORDERED the instant Motion was hereby CONTINUED, and the Court would provide electronic service of said Motion to the District Attorneys' Office. COURT FURTHER ORDERED, the Opposition to the instant Motion would be DUE BY March 18, 2019, and any Reply would be DUE BY March 25, 2019. CONTINUED TO: 4/3/19 9:00 AM CLERK'S NOTE: A copy of this minute order, along with a copy of the Motion to Strike State's Response (Telephonic Hearing), was e-mailed to: James R. Sweetin, DDA [james.sweetin@clarkcountyda.com] and Jacob Villani, DDA [jacob.villani@clarkcountyda.com]. A copy of this minute order was mailed to: Justin Langford #1159546 [Lovelock Correctional Center 1200 Prison Road Lovelock, NV 89149]. (KD 2/27/19);

05/19/2021

Petition for Writ of Habeas Corpus (11:00 AM) (Judicial Officer: Lilly-Spells, Jasmin)

Motion Denied;

05/19/2021

Motion (11:00 AM) (Judicial Officer: Lilly-Spells, Jasmin)

Plaintiff's Motion for Appointment of Counsel and Request for Evidentiary Hearing

Motion Denied;

05/19/2021

 **All Pending Motions** (11:00 AM) (Judicial Officer: Lilly-Spells, Jasmin)

Motion Denied;

Journal Entry Details:

PETITION FOR WRIT OF HABEAS CORPUS . . . PLAINTIFF'S MOTION FOR APPOINTMENT OF COUNSEL AND REQUEST FOR EVIDENTIARY HEARING Plaintiff is in custody of the Nevada Department of Corrections and not transported. Court stated it would not hear oral arguments regarding the Petition for Writ of Habeas Corpus. Court stated regarding the Petition for Writ of Habeas Corpus the Petition is DENIED. Court finds the Petition is time-barred pursuant to NRS 34.726. The one-year time period begins to run from the date of conviction, Jefferson v. State, 114 Nev. 1084, 967 P.2d 1132 (1998). The one-year time period should be strictly applied under Gonzalez v. State, 118 Nev. 590, also at 53 P.3d

CASE SUMMARY

CASE NO. A-18-784811-W

901 (2002). The application of the procedural bar is mandatory under *State v. Eighth Judicial District Court (Riker)*, 121 Nev. 225, 112 P.3d 1070 (2005). Here, the Petitioner's Writ is over three years late. The Petitioner has not shown good cause for the delay. The Petitioner must show that an impediment extended to the defense preventing his compliance with the procedural rule. *Clinton v. State*, 119 Nev. 615, 81 P.3d 521 (2003). Petitioner here has not put forth any evidence to show that good cause exist. The Court further finds here Petitioner claim is incoherent and vague and do not therefore, warrant relief for post conviction must be support with the factual allegations. *Hargrove v. State* 100 Nev. 498, 686 P.2d 222 (1984). Moreover, the Court has previously denied Petitioner's post-conviction petition. Additionally, the claim that this Court does not have subject matter jurisdiction is not supported by the evidence or any caselaw. With regards to Petitioner's claim and request for evidentiary hearing, the Court finds that there is no sixth amendment constitutional right to counsel in post-conviction proceedings. *Coleman v. Thompson*, 501 U.S. 722 (1991), 111 S. Ct. 2546 (1991). Nevada courts have also ruled that the Nevada Constitution does not provide for a right for post-conviction counsel either under *McCabe v. Warden* 112 Nev. 159, 912 P.2d (1996). Nevada courts do have the discretion to appoint counsel if the court is satisfied that the individual is indigent and the petition cannot be dismissed summarily under NRS 34.750. In making this determination, the court can consider (1) whether the issues are difficult, (2) defendant is unable to comprehend the proceeding and (3) whether counsel is unable to proceed with discovery. The Court finds here that although the Defendant is indigent if he is in the prison that the petition can be dismissed summarily and thus, the Petitioner is not entitled to counsel and therefore, the Motion to Appoint Counsel is DENIED. The Court also finds that there is no basis for an evidentiary hearing and thus, does not entitled the Plaintiff to relief so the request for evidentiary hearing is therefore, DENIED. State to prepare the Order.;

07/19/2021



Motion (11:00 AM) (Judicial Officer: Lilly-Spells, Jasmin)

Plaintiff's Motion for Request in Status Check and Copy of Court Docket Sheet Off Calendar;

Journal Entry Details:

COURT NOTED Mr. Langford was not transported. COURT stated findings and ORDERED, Plaintiff's Motion for Request in Status Check and Copy of Court Docket Sheet taken OFF CALENDAR.;

01/31/2022



Minute Order (11:00 AM) (Judicial Officer: Silva, Cristina D.)

Minute Order - No Hearing Held;

Journal Entry Details:

Pending before the Court is Petitioner Justin Langford's s Petition for Writ of Habeas Corpus. This Court has reviewed the Petition and has determined that a response would not assist the Court in determining whether Petitioner is illegally imprisoned and restrained of his liberty as this matter has previously been briefed. Petitioner previously filed the same Petition on November 19, 2018 which was denied on January 28, 2019 by Judge Hardy and February 09, 2021 which was denied on May 19, 2021 by Judge Lilly-Spells. The Nevada Court of Appeals affirmed both decisions on August 13, 2019 and December 20, 2021 respectively. This Court adopts both decisions for denial on this matter. Therefore, COURT ORDERED Petition for Writ of Habeas Corpus DENIED. NDC CLERK'S NOTE: A copy of this Minute Order has been mailed to: Justin Langford #1159546, 1200 Prison Rd, Lovelock, Nevada 89419. (1-31-2022 ks);

DISTRICT COURT CIVIL COVER SHEET

A-18-784811-W

County, Nevada

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

XV

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

Plaintiff(s) (name/address/phone): <i>Justin Langford</i>	Defendant(s) (name/address/phone): <i>Warden Renee Baker</i>
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

<p style="text-align: center;">Real Property</p> <p>Landlord/Tenant</p> <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Other Landlord/Tenant <p>Title to Property</p> <input type="checkbox"/> Judicial Foreclosure <input type="checkbox"/> Other Title to Property <p>Other Real Property</p> <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property	<p style="text-align: center;">Negligence</p> <input type="checkbox"/> Auto <input type="checkbox"/> Premises Liability <input type="checkbox"/> Other Negligence <p style="text-align: center;">Malpractice</p> <input type="checkbox"/> Medical/Dental <input type="checkbox"/> Legal <input type="checkbox"/> Accounting <input type="checkbox"/> Other Malpractice	<p style="text-align: center;">Torts</p> <p>Other Torts</p> <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
<p style="text-align: center;">Probate</p> <p>Probate (select case type and estate value)</p> <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 <p>Estate Value</p> <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	<p style="text-align: center;">Construction Defect & Contract</p> <p>Construction Defect</p> <input type="checkbox"/> Chapter 40 <input type="checkbox"/> Other Construction Defect <p>Contract Case</p> <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	<p style="text-align: center;">Judicial Review/Appeal</p> <p>Judicial Review</p> <input type="checkbox"/> Foreclosure Mediation Case <input type="checkbox"/> Petition to Seal Records <input type="checkbox"/> Mental Competency <p>Nevada State Agency Appeal</p> <input type="checkbox"/> Department of Motor Vehicle <input type="checkbox"/> Worker's Compensation <input type="checkbox"/> Other Nevada State Agency <p>Appeal Other</p> <input type="checkbox"/> Appeal from Lower Court <input type="checkbox"/> Other Judicial Review/Appeal
<p style="text-align: center;">Civil Writ</p> <p>Civil Writ</p> <input checked="" type="checkbox"/> Writ of Habeas Corpus <input checked="" type="checkbox"/> Writ of Mandamus <input type="checkbox"/> Writ of Quo Warrantum	<p style="text-align: center;">Other Civil Filing</p> <input type="checkbox"/> Writ of Prohibition <input type="checkbox"/> Other Civil Writ	<p style="text-align: center;">Other Civil Filing</p> <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.

11-19-2018
Date

prepared by clerk
Signature of initiating party or representative

See other side for family-related case filings.

A-18-784811-W
CCS
Civil Cover Sheet
4798257



**DISTRICT COURT
CLARK COUNTY, NEVADA**

Writ of Habeas Corpus

COURT MINUTES

January 28, 2019

A-18-784811-W Justin Langford, Plaintiff(s)
vs.
Warden Renee Baker, Defendant(s)

**January 28, 2019 9:00 AM Petition for Writ of Habeas
Corpus**

HEARD BY: Hardy, Joe

COURTROOM: RJC Courtroom 11D

COURT CLERK: Kristin Duncan
Dara Yorke

RECORDER: Matt Yarbrough

REPORTER:

PARTIES

PRESENT: Villani, Jacob J. Attorney

JOURNAL ENTRIES

- Court indicated it had reviewed Plaintiff's Petition for Writ Of Habeas Corpus, as well as the State's Response. Finding that oral argument was not necessary due to its review of the pleadings, COURT ORDERED, Petition DENIED WITHOUT PREJUDICE for all of the reasons set forth in the State s response. Court indicated the State was to prepare the order, including the reasons from the response and submit it directly to the Court.

CLERK'S NOTE: A copy of this minute order was mailed to the Petitioner Justin Langford (1159546) Lovelock Correctional Center 1200 Prison Road Lovelock, NV 89419.// 1-30-19/ dy

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Writ of Habeas Corpus

COURT MINUTES

February 25, 2019

A-18-784811-W Justin Langford, Plaintiff(s)
vs.
Warden Renee Baker, Defendant(s)

February 25, 2019 9:00 AM Motion to Strike

HEARD BY: Hardy, Joe **COURTROOM:** RJC Courtroom 11D

COURT CLERK: Kristin Duncan

RECORDER: Matt Yarbrough

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- The Court noted that it was unclear whether the District Attorneys' Office was properly served with the instant Motion, as there was no response to said Motion, and a District Attorney had not appeared in open court. COURT ORDERED the instant Motion was hereby CONTINUED, and the Court would provide electronic service of said Motion to the District Attorneys' Office. COURT FURTHER ORDERED, the Opposition to the instant Motion would be DUE BY March 18, 2019, and any Reply would be DUE BY March 25, 2019.

CONTINUED TO: 4/3/19 9:00 AM

CLERK'S NOTE: A copy of this minute order, along with a copy of the Motion to Strike State's Response (Telephonic Hearing), was e-mailed to: James R. Sweetin, DDA [james.sweetin@clarkcountyda.com] and Jacob Villani, DDA [jacob.villani@clarkcountyda.com]. A copy of this minute order was mailed to: Justin Langford #1159546 [Lovelock Correctional Center 1200 Prison Road Lovelock, NV 89149]. (KD 2/27/19)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Writ of Habeas Corpus

COURT MINUTES

April 03, 2019

A-18-784811-W Justin Langford, Plaintiff(s)
vs.
Warden Renee Baker, Defendant(s)

April 03, 2019 9:00 AM Motion to Strike

HEARD BY: Hardy, Joe **COURTROOM:** RJC Courtroom 11D

COURT CLERK: Kristin Duncan

RECORDER: Matt Yarbrough

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Given the filing of the Judicial Notice, COURT ORDERED the instant Motion was hereby VACATED as MOOT.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Writ of Habeas Corpus

COURT MINUTES

May 19, 2021

A-18-784811-W Justin Langford, Plaintiff(s)
vs.
Warden Renee Baker, Defendant(s)

May 19, 2021 11:00 AM All Pending Motions

HEARD BY: Lilly-Spells, Jasmin **COURTROOM:** RJC Courtroom 12D

COURT CLERK:
Carolyn Jackson

RECORDER: Maria Garibay

REPORTER:

PARTIES

PRESENT: Raman, Jay Attorney
State of Nevada Defendant

JOURNAL ENTRIES

- PETITION FOR WRIT OF HABEAS CORPUS . . . PLAINTIFF'S MOTION FOR APPOINTMENT OF COUNSEL AND REQUEST FOR EVIDENTIARY HEARING

Plaintiff is in custody of the Nevada Department of Corrections and not transported.

Court stated it would not hear oral arguments regarding the Petition for Writ of Habeas Corpus. Court stated regarding the Petition for Writ of Habeas Corpus the Petition is DENIED. Court finds the Petition is time-barred pursuant to NRS 34.726. The one-year time period begins to run from the date of conviction, Jefferson v. State, 114 Nev. 1084, 967 P.2d 1132 (1998). The one-year time period should be strictly applied under Gonzalez v. State, 118 Nev. 590, also at 53 P.3d 901 (2002). The application of the procedural bar is mandatory under State v. Eighth Judicial District Court (Riker), 121 Nev. 225, 112 P.3d 1070 (2005). Here, the Petitioner's Writ is over three years late. The Petitioner has not shown good cause for the delay. The Petitioner must show that an impediment extended to the defense preventing his compliance with the procedural rule. Clinton v. State, 119 Nev. 615, 81 P.3d 521 (2003). Petitioner here has not put forth any evidence to show that good cause exist. The Court further finds here Petitioner claim is incoherent and vague and do not therefore, warrant relief

for post conviction must be support with the factual allegations. *Hargrove v. State* 100 Nev. 498, 686 P.2d 222 (1984). Moreover, the Court has previously denied Petitioner's post-conviction petition. Additionally, the claim that this Court does not have subject matter jurisdiction is not supported by the evidence or any caselaw. With regards to Petitioner's claim and request for evidentiary hearing, the Court finds that there is no sixth amendment constitutional right to counsel in post-conviction proceedings. *Coleman v. Thompson*, 501 U.S. 722 (1991), 111 S. Ct. 2546 (1991). Nevada courts have also ruled that the Nevada Constitution does not provide for a right for post-conviction counsel either under *McCabe v. Warden* 112 Nev. 159, 912 P.2d (1996). Nevada courts do have the discretion to appoint counsel if the court is satisfied that the individual is indigent and the petition cannot be dismissed summarily under NRS 34.750. In making this determination, the court can consider (1) whether the issues are difficult, (2) defendant is unable to comprehend the proceeding and (3) whether counsel is unable to proceed with discovery. The Court finds here that although the Defendant is indigent if he is in the prison that the petition can be dismissed summarily and thus, the Petitioner is not entitled to counsel and therefore, the Motion to Appoint Counsel is DENIED. The Court also finds that there is no basis for an evidentiary hearing and thus, does not entitled the Plaintiff to relief so the request for evidentiary hearing is therefore, DENIED. State to prepare the Order.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Writ of Habeas Corpus

COURT MINUTES

July 19, 2021

A-18-784811-W Justin Langford, Plaintiff(s)
vs.
Warden Renee Baker, Defendant(s)

July 19, 2021 11:00 AM Motion

HEARD BY: Lilly-Spells, Jasmin **COURTROOM:** RJC Courtroom 12D

COURT CLERK:
Rem Lord

RECORDER: Maria Garibay

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- COURT NOTED Mr. Langford was not transported. COURT stated findings and ORDERED, Plaintiff's Motion for Request in Status Check and Copy of Court Docket Sheet taken OFF CALENDAR.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Writ of Habeas Corpus

COURT MINUTES

January 31, 2022

A-18-784811-W Justin Langford, Plaintiff(s)
vs.
Warden Renee Baker, Defendant(s)

January 31, 2022 11:00 AM Minute Order

HEARD BY: Silva, Cristina D. **COURTROOM:** RJC Courtroom 11B

COURT CLERK: Kory Schlitz

RECORDER: Gina Villani

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Pending before the Court is Petitioner Justin Langford's s Petition for Writ of Habeas Corpus. This Court has reviewed the Petition and has determined that a response would not assist the Court in determining whether Petitioner is illegally imprisoned and restrained of his liberty as this matter has previously been briefed. Petitioner previously filed the same Petition on November 19, 2018 which was denied on January 28, 2019 by Judge Hardy and February 09, 2021 which was denied on May 19, 2021 by Judge Lilly-Spells. The Nevada Court of Appeals affirmed both decisions on August 13, 2019 and December 20, 2021 respectively. This Court adopts both decisions for denial on this matter. Therefore, COURT ORDERED Petition for Writ of Habeas Corpus DENIED.

NDC

CLERK'S NOTE: A copy of this Minute Order has been mailed to: Justin Langford #1159546, 1200 Prison Rd, Lovelock, Nevada 89419. (1-31-2022 ks)



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

JUSTIN ODELL LANGFORD #1159546
1200 PRISON RD.
LOVELOCK, NV 89419

DATE: February 22, 2022
CASE: A-18-784811-W

RE CASE: JUSTIN ODELL LANGFORD vs. WARDEN RENEE BAKER

NOTICE OF APPEAL FILED: February 18, 2022

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
 - *Previously paid Bonds are not transferable between appeals without an order of the District Court.*
- Case Appeal Statement
 - NRAP 3 (a)(1), Form 2
- Written 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 ODELL LANGFORD,

Plaintiff(s),

vs.

WARDEN RENEE BAKER,

Defendant(s),

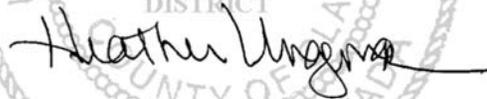
Case No: A-18-784811-W

Dept No: IX

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 22 day of February 2022.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk

