

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 (Past -

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

19 Cristina D. Silva.

20

21 Date:

22

Respectfully Submitted,

23

Justin Odell Langford

24

Justin Odell Langford

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29

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

CLERK OF THE COURT

RECEIVED  
FEB 19 2022

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

LOVELOCK CORRECTIONAL CENTER



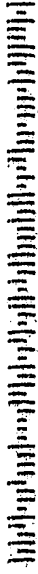
US POSTAGE PITNEY BOWES  
ZIP 89419 \$ 000.53<sup>0</sup>  
02 4W  
0000369000 FEB. 10, 2022

INMATE LEGAL  
MAIL CONFIDENTIAL

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

Legal Mail

8910136300 C075



RECEIVED  
FEB 09 2022  
LCC E-FILE



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

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

19 1. Appellant(s): Justin Odell Langford

20 2. Judge: Cristina Silva

21 3. Appellant(s): Justin Odell Langford

22 Counsel:

23 Justin Odell Langford #1159546  
24 1200 Prison Rd.  
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 5. Appellant(s)'s Attorney Licensed in Nevada: N/A  
2 Permission Granted: N/A

3 Respondent(s)'s Attorney Licensed in Nevada: Yes  
4 Permission Granted: N/A

5 6. Has Appellant Ever Been Represented by Appointed Counsel In District Court: No

6 7. Appellant Represented by Appointed Counsel On Appeal: N/A

7 8. Appellant Granted Leave to Proceed in Forma Pauperis\*\*: Yes, February 11, 2021  
8 \*\*Expires 1 year from date filed (Expired)  
9 Appellant Filed Application to Proceed in Forma Pauperis: No  
10 Date Application(s) filed: N/A

11 9. Date Commenced in District Court: November 19, 2018

12 10. Brief Description of the Nature of the Action: Civil Writ

13 Type of Judgment or Order Being Appealed: Civil Writ of Habeas Corpus

14 11. Previous Appeal: Yes

15 Supreme Court Docket Number(s): 78144, 83032

16 12. Child Custody or Visitation: N/A

17 13. Possibility of Settlement: Unknown

18 Dated This 22 day of February 2022.

19 Steven D. Grierson, Clerk of the Court

20  
21 /s/ Heather Ungermann

22 Heather Ungermann, Deputy Clerk  
23 200 Lewis Ave  
24 PO Box 551601  
25 Las Vegas, Nevada 89155-1601  
26 (702) 671-0512

27 cc: Justin Odell Langford  
28

# 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





		<i>Lead Attorneys</i>
<b>Plaintiff</b>	<b>Langford, Justin</b>	<b>Pro Se</b>
<b>Defendant</b>	<b>State of Nevada</b>	<b>Wolfson, Steven B</b> <i>Retained</i> 702-455-5320(W)
	<b>Warden Renee Baker</b>	<b>Wolfson, Steven B</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 <i>[1] Affidavit of Writ of Habeas Corpus NRS Chap. 34 et seq FRE 201 NRS Chap 47 et seq. NRCIVP 8(a)</i>
11/29/2018	 Order for Petition for Writ of Habeas Corpus <i>[2] Order for Petition for Writ of Habeas Corpus</i>
12/10/2018	 Motion to Continue Filed By: Plaintiff Langford, Justin <i>[3] Motion for Continuance</i>
12/10/2018	 Notice Filed By: Plaintiff Langford, Justin <i>[4] Judicial Notice</i>


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

01/17/2019	 Response <i>[5] State's Response to Defendant's Petition for Writ of Habeas Corpus (Post-Conviction)</i>
01/22/2019	 Motion to Strike Filed By: Plaintiff Langford, Justin <i>[6] Motion to Strike States Response (Telephonic Hearing )</i>
02/12/2019	 Notice of Appeal Filed By: Plaintiff Langford, Justin <i>[7] Notice of Appeal</i>
02/13/2019	 Case Appeal Statement Filed By: Plaintiff Langford, Justin <i>[8] Case Appeal Statement</i>
03/11/2019	 Findings of Fact, Conclusions of Law and Order <i>[9] Findings of Fact, Conclusions of Law and Order</i>
03/13/2019	 Response <i>[10] State's Response to Defendant's Motion to Strike State's Response</i>
03/14/2019	 Notice Filed By: Plaintiff Langford, Justin <i>[11] Judicial Notice</i>
03/14/2019	 Notice of Entry <i>[12] Notice of Entry of Findings of Fact, Conclusions of Law and Order</i>
07/24/2019	 Certificate of Service Filed by: Plaintiff Langford, Justin <i>[13] Certificate of Re-Service</i>
10/18/2019	 NV Supreme Court Clerks Certificate/Judgment - Affirmed <i>[14] Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Affirmed; Rehearing Denied</i>
01/04/2021	Case Reassigned to Department 23 <i>Judicial Reassignment to Judge Jasmin Lilly-Spells</i>
02/09/2021	 Inmate Filed - Petition for Writ of Habeas Corpus Party: Plaintiff Langford, Justin <i>[15] Petition for Writ of Habeas Corpus Pursuant to the All Writs Act</i>
02/09/2021	 Application to Proceed in Forma Pauperis Filed By: Plaintiff Langford, Justin <i>[16] Application to Proceed in Forma Pauperis (Confidential)</i>
02/09/2021	 Ex Parte Motion Filed By: Plaintiff Langford, Justin <i>[17] Ex Parte Motion for Appointment of Counsel and Request for Evidentiary Hearing</i>
02/11/2021	 Order to Proceed In Forma Pauperis

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

	<i>[18] Order to Proceed in Forma Pauperis (Confidential)</i>
02/15/2021	 Order for Petition for Writ of Habeas Corpus <i>[19] Order for Petition for Writ of Habeas Corpus</i>
02/17/2021	 Clerk's Notice of Hearing <i>[20] Notice of Hearing</i>
02/25/2021	 Addendum <i>[21] Addendum to Petition for Writ of Habeas Corpus Pursuant to the all Writs Act</i>
03/04/2021	 Certificate <i>[22] Certificate of Inmate's Institutional Account (Confidential)</i>
03/08/2021	 Motion for Appointment of Attorney Filed By: Plaintiff Langford, Justin <i>[23] Motion for Appointment of Counsel</i>
03/08/2021	 Ex Parte Motion Filed By: Plaintiff Langford, Justin <i>[24] Ex Parte Motion to Shorten Time Pursuant to EDCR 5.513</i>
03/08/2021	 Motion to Continue Filed By: Plaintiff Langford, Justin <i>[25] Motion for Continuance</i>
03/17/2021	 Request <i>[26] Request for Judicial Notice and Judicial Action to be Taken</i>
03/17/2021	 Motion for Order Filed By: Plaintiff Langford, Justin <i>[27] Motion for an Order to Produce Prisoner</i>
03/31/2021	 Notice of Motion Filed By: Plaintiff Langford, Justin <i>[28] Notice of Motion and Motion for Discovery/ Motion for Order to Show Cause</i>
04/05/2021	 Response <i>[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</i>
04/22/2021	 Notice Filed By: Plaintiff Langford, Justin <i>[30] Judicial Notice</i>
04/27/2021	 Miscellaneous Filing <i>[31] Petitioners Traverse</i>
04/30/2021	 Notice of Rescheduling of Hearing <i>[32] Notice of Rescheduling of Hearing</i>
06/03/2021	 Notice of Appeal <i>[33] Notice of Appeal</i>

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

06/08/2021	 Case Appeal Statement Filed By: Plaintiff Langford, Justin <i>[34] Case Appeal Statement</i>
06/17/2021	 Motion Filed By: Plaintiff Langford, Justin <i>[35] Motion for Request in Status Check and Copy of Court Docket Sheet (Hearing Requested/Required)</i>
06/17/2021	 Clerk's Notice of Hearing <i>[36] Notice of Hearing</i>
07/22/2021	 Findings of Fact, Conclusions of Law and Order Filed By: Defendant State of Nevada <i>[37] Findings of Fact, Conclusions of Law and Order</i>
07/26/2021	 Notice of Entry of Findings of Fact, Conclusions of Law Filed By: Defendant State of Nevada <i>[38] Notice of Entry of Findings of Fact, Conclusions of Law and Order</i>
09/07/2021	Case Reassigned to Department 9 <i>From Judge Jasmin Lilly-Spells to Judge Cristina Silva</i>
12/20/2021	 NV Supreme Court Clerks Certificate/Judgment - Affirmed <i>[39] Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Affirmed; Petition Denied</i>
01/28/2022	 Inmate Filed - Petition for Writ of Habeas Corpus Party: Plaintiff Langford, Justin <i>[40] Post Conviction</i>
02/18/2022	 Notice of Appeal (Criminal) <i>[41] Notice of Appeal</i>
02/22/2022	 Case Appeal Statement <i>Case Appeal Statement</i>

**DISPOSITIONS**

10/18/2019	<b>Clerk's Certificate</b> (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	<b>Clerk's Certificate</b> (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	 <b>Petition for Writ of Habeas Corpus</b> (9:00 AM) (Judicial Officer: Hardy, Joe) Events: 11/29/2018 Order for Petition for Writ of Habeas Corpus
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# 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

County, Nevada

Case No. \_\_\_\_\_

(Assigned by Clerk's Office)

A-18-784811-W

XV

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

Plaintiff(s) (name/address/phone):

Justin Langford

Defendant(s) (name/address/phone):

Warden Renee Baker

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**

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

Signature of initiating party or representative

See other side for family-related case filings.

A-18-784811-W  
CCS  
Civil Cover Sheet  
4798257
Form PA 201  
Rev 3.1

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Writ of Habeas Corpus**

**COURT MINUTES**

**January 28, 2019**

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

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**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**

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

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**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**

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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**

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

---

<b>May 19, 2021</b>	<b>11:00 AM</b>	<b>All Pending Motions</b>
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<b>HEARD BY:</b> Lilly-Spells, Jasmin	<b>COURTROOM:</b> RJC Courtroom 12D
---------------------------------------	-------------------------------------

**COURT CLERK:**  
Carolyn Jackson

**RECORDER:** Maria Garibay

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	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**

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

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**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**

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

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<b>January 31, 2022</b>	<b>11:00 AM</b>	<b>Minute Order</b>
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**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 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

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**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.***

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*\*\*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