

Case No. 27 CV-OTH-2025-0081

Pursuant to NRS 239B.030 the undersigned affirms that this document does not contain social security numbers,

IN THE ELEVENTH JUDICIAL DISTRICT OF THE STATE
OF NEVADA IN AND FOR THE COUNTY OF PERSHING

JOHNNY E. McMAHON,
Petitioner,

VS.

THE STATE OF NEVADA,
LAS VEGAS TOWNSHIP
JUSTICE COURT, EIGHTH
JUDICIAL DISTRICT COURT,
CLARK COUNTY DISTRICT
ATTORNEY, LAS VEGAS
METROPOLITAN POLICE
DEPARTMENT, NEVADA
DEPARTMENT OF CORRECTIONS,
AND WARDEN BREITENBACH,
REAL PARTY IN INTEREST,
Respondents.

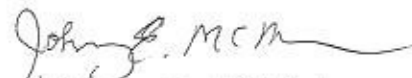
"EMERGENCY MOTION UNDER
NRAP 27(e)(2) FOR COURT TO
GRANT PETITION FOR WRIT
OF MANDAMUS FOR WANT OF
SUBJECT-MATTER JURISDICTION
IN LESS THAN 14 DAYS" AND
DECLARE A VOID JUDGMENT
PURSUANT TO NRS 173.035.

COMES NOW, McMahon, Petitioner, pro se, moves this Honorable Court to Grant the above captioned Motion and Petition as pled. Based upon attached exhibits and those on file with the Clerks of the Court.

VERIFICATION/AFFIRMATION NRS 239.030

McMahon declares under penalty of perjury that the following and foregoing statements, evidence and pleading is true and accurate to the best of his ability and possesses first-hand knowledge of the truth and accuracy of the events and that no documents contain the social security number of anyone.

Dated: 10 day of April, 2025.

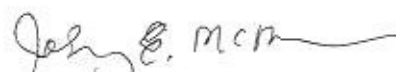

Johnny E. McMahon

CERTIFICATE OF SERVICE

McMahon declares that a true and correct copy of "Emergency Motion Under NRAP 27(e)(2) For Court to Grant Petition For Writ of Mandamus For Want of Subject-Matter Jurisdiction in Less than 14 days" and Declare a Void Judgment Pursuant to NRS 173.035, was placed in U.S. mail postage pre-paid on 10 day of April, 2025 to:

Aaron Ford
Attorney General
State of Nevada
100 N. Carson St.
Carson City, NV 89701

Clark County District Attorney's Office
Steven B. Wolfson
200 Lewis Ave.
Las Vegas, NV 89101


Johnny E. McMahon
Pro se

Case No. 27CV-OTH-2025-0081

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IN THE ELEVENTH JUDICIAL DISTRICT OF THE STATE OF
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JUSTICE COURT, EIGHTH
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ATTORNEY, LAS VEGAS
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DEPARTMENT OF CORRECTIONS,
AND WARDEN BREITENBACH,
REAL PARTY IN INTEREST.

Respondents.

MOTION FOR EVIDENTIARY
HEARING AND ORDER FOR CLERK
TO UNSEAL RECORD AND PRODUCE
ARREST WARRANT OF 2005 FOR
McMAHON AND ANY RECORD OF
COURT MINUTES OF A PROBABLE
CAUSE HEARING BETWEEN DEC.
12-15, 2005 IN JUSTICE COURT.

COMES NOW, McMahon, Petitioner, Pro se, in the above captioned case as pled. Being that these documents never existed to begin with this Motion is necessary to correct plain error. This Motion is based upon all papers, pleadings and documents on file herein and with the Clerk of the Court as to the following facts, points and authorities.

STATEMENT OF CASE/FACTS

McMahon strongly asserts that being State Respondents and retained convicted felon attorney, Paul Wommer, suppressed and played "hide'n'seek" with the exculpatory DNA evidence at trial to hoodwink the court and jury, color the verdict to secure a conviction, had these State prosecutors adhered to the Model Rules of Professional Conduct and not engaged in vindictive prosecutorial misconduct, to mischaracterize the evidence and misstate the true evidence, to inflame the passions of the jury claiming that McMahon's bedding, States Ex's #32-33, was 1-38,000 and 1-12,000 odds against McMahon engaging in the initial sex act, in June 2004, to tear witness accuser E.H.'s hymen, however States Ex's #32-33 were collected in Oct. 2004, some (4) four months later, inferring to the jury that McMahon and others slept on bloody bedding for four months.

The State prosecutors, at trial, went on to claim that the testimony of SAINT nurse practitioner, P.S., who physically examined E.H.'s hymen, months after the alleged sexual act using junk science analysis to claim that E.H.'s hymenal tear was consistent with a sexual assault. This junk science analysis was not confirmed by a medical physician in a second opinion, moreover E.H. informed McMahon, as testified at trial, that upon being hired as a babysitter that she was sexually active with her Afro-American boyfriend Louis. Wherefore, by virtue of State prosecutors striking foul balls and moving the goal posts to deny McMahon of a procedurally full and fair trial warrants this court to conduct an evidentiary hearing pursuant to the Nevada Supreme Courts controlling standards in *Mann v State*, 80 Nev 307, 393 P2d 141 (1964) holding (An evidentiary hearing is required if evidence is discovered to repel prior testimony of

material evidence used to impeach the witness relevant to the case), which applies to both, Wommer, and State Respondents prior testimony. Wherefore unless a genetic marker DNA analysis is conducted pursuant to NRS 176.09118 to either add McMahon as a participant or eliminate McMahon to any sexual related offense. The State prosecutors fraudulent concealment of exculpatory commingled DNA evidence goes to the gravamen of the trial resulting in a guilty verdict not worthy of confidence.

To obtain an evidentiary hearing under section 2254(e)(2) the 9th Circuit Court of Appeals addressed the need for an evidentiary hearing in *James v Ryan*, 733 F3d 911, 912 (9th Cir 2013). (Petitioner entitled to evidentiary hearing because did not have opportunity to develop claim. McMahon has clearly demonstrated by supporting evidence that the factual allegations met the Courts test for an evidentiary hearing. State Respondents are obligated to disclose information that could be used to impeach govt witnesses, especially when the witnesses testimony is an important part of govt's case. At trial State prosecutors flew in from the Utah Forensic Crime Lab, R.H., who claimed that the commingled DNA was 1-38,000 odds against McMahon, yet failed to disclose the true blood specimen pursuant to NRS 176.09112 as being the true blood evidence of being E.H's menstrual period discharge. Notwithstanding the fact trial attorney, Wommer, failed to impeach the States expert witness with a defense forensic expert to analyze and disclose the true biological specimen evidence.

As held in *Brady* "material evidence relevant to innocence or guilt violates due process irrespective of good faith or bad faith of the prosecution." 373 US at 87. In furtherance in *Skinner v. Switzer*, 562 US 521, 536-37, 131 S Ct 1284 (2001). ("... review the testimony of all witnesses central to the material evidence which was the crux of States

close case... "The 9th Circuit Court in *AneKWU*, 695 F3d 967, 985 (9th Cir. 2012). (If misconduct occurred courts will only reverse the conviction if the misconduct prejudiced the fairness and so "poisoned" the well that the trials outcome was likely affected."

Being that the ELEventh Judicial District Court remanded the case in a change of venue back to the Eighth Judicial District Court to certify the question of subject-matter jurisdiction, even though the error was committed in the court of origin Justice Court, as such all courts have been given the opportunity, as reviewing courts, to prove jurisdiction yet have been manipulated and influenced by the Clark County District Attorney's Office which now warrants this court, reflective of the exhibits herein, to correct plain error and conduct an evidentiary hearing for the sake of the appellate record pursuant to *Townsend*, 372 US at 31, 93 S Ct at 756-57. The 9th Circuit went on to hold in *E.L. Cord v. Smith*, 370 F2d 418, 423 (9th Cir 1966). (There is firmly established in the laws the doctrine confirming the power of the court to set aside at any time any mandate that was procured by effecting a fraud upon the court"). All of the Circuit Courts have concurred that a petitioner is entitled to an evidentiary hearing when state court did not provide a full and fair hearing to develop facts and petitioner was diligent.

Post-conviction appellate counsel, Rochelle Nguyen, raised the ground for a new trial pursuant to *Mann v State*, *supra* after convicted felon attorney committed open court perjury in stark contrast to his "diminished capacity" defense in his Federal fraud, tax evasion and money laundering trial. Yet this court

denied the Petition, in stark contrast to res judicata holdings in *Hargrove v State*, 100 Nev 498, 686 P2d 222 (1984). (When a petition for post-conviction relief raises claims supported by factual allegations which, if true, would entitle the petitioner to relief, the petitioner is entitled to an evidentiary hearing to resolve a claim of ineffective counsel and prosecutorial misconduct, the failure to raise the claim on direct appeal does not constitute waiver of the claim for purposes of post-conviction proceeding). Which equally qualifies based on external factors created by Judge Barker and Wommer which cannot be contributed to McMahon.

The Court adopted a bright-line rule in *Daniels v State*, 100 Nev 579, 580, 688 P2d 315-16 (1984) holding ("Because of the usual need for an evidentiary hearing to resolve a claim of ineffective counsel and prosecutorial misconduct, the failure to raise the claim on direct appeal does not constitute waiver of claim for purposes of post-conviction proceedings") As held in *Hargrove*. In *Bellamy v. Cogdell*, 952 F2d 626 (2nd Cir 1991), Trial counsel who admitted to physical, or mental incapacity... without defendant knowing of counsel's incapacity constitutes IAC per se. Attorney Wommer did not inform McMahon, or hundreds of other clients, of his mental deficiencies when McMahon retained him for \$25,000, of his criminal trial defense of "diminished capacity" in not knowing or understanding the law stemming from a 1991 skiing accident sustaining frontal-lobe brain damage.

Notwithstanding, the Judicial Bias of Judge Barker forcing Wommer back onto McMahon's first-direct appeal over McMahon's pro se motions

to withdraw Wommer for creating a clear conflict of interest. The 5th Circuit Court of Appeals addressed such a conflict in *U.S. v. Greig*, 967 F2d 1018 (5th Cir. 1992). (The trial court must conduct a Garcia hearing once it has been alerted of the existence of IAC, this extends to first-direct appeal of right being an integral part of the process under 6th Amendment).

Again, for Judge Barker creating the conflict of interest in forcing legally discharged retained attorney Wommer back onto McMahon's first-direct appeal, to accept, against McMahon's will, an ineffective trial counsel acting in the capacity as a second prosecutor and McMahon motioning the court, *pro se*, to conduct a Feratta hearing, as in Feratta the California courts deprived him of his constitutional right to conduct his own defense, which equally attaches to the critical stage of a denial of first right of direct appeal, 422 US 808, 95 S Ct 2525 (1975) See also *U.S. v. Peppers*, 302 F3d 120 (CA3 2002)

Based upon the foregoing Constitutional Structural Errors this court has been put on notice to the cumulative errors and omissions which brought about this manifest injustice, McMahon further takes exception to this court's opinion that McMahon is relitigating his case, contrary had McMahon not addresses these errors and omissions in grounds this court would dismiss the complaint on failure to state a claim in which relief could be granted. McMahon further takes exception for this court to remand the case back to the Eighth Judicial District Court in a change of venue, as the errors occurred in the court of origin Las Vegas Township

Justice Court, as such if the Justice Court did not legally obtain subject-matter jurisdiction, how did the Eighth Judicial District Court or this court legally obtain jurisdiction?

McMahon strongly assert that based upon the foregoing and following reasons the degree of spite, lies and malevolence shown to this court by the Clark County District Attorney's office in manipulating the Eighth Judicial District Court both State Respondents were given an opportunity to address the jurisdictional defect and correct all plain error, yet steadfastly refused to comply with this court's order and invoked inapplicable AEDPA provisions, seal/redact record to hide the truth, as such giving these law breakers another bite at the apple to continue their criminal enterprise now warrants this court to conduct such an evidentiary hearing pursuant to Townsend, 372 US at 31, 93 S Ct at 756-57.

The State Respondents have placed this court in an untenable situation and the public will be watching as McMahon v. State of Nevada, et al has gone viral on JusticeForJohnny.com which now requires this court to either certify the question as to subject-matter jurisdiction and adjudicate the meritorious grounds based upon McMahon's physical custody of being illegally imprisoned in Pershing County, or Remand McMahon's custody back to NNCC and First Judicial District Court to a neutral State court for an independent review, as this court has yet to grant relief from custody of a pro se petitioner in an extraordinary writ and extra-judicial bias may be in play to bar McMahon's right to a procedurally full and fair hearing.

REASONS FOR GRANTING MOTION

1. McMahon was medically assigned to NNCC by doctor Karen Getney in 2009. Based upon legal standards unless a medical physician lifts the assignment a warden cannot act in the capacity of a doctor to override medical and retaliate an move an inmate who is litigious absent being a security risk. McMahon resided at NNCC until 2021.

2. McMahon filed a Writ of Habeas Corpus in 2019 captioned Johnny McMahon v. Isidro Baca, Warden, Case No: A-19-790328-W. The case was filed and assigned to the Eighth Judicial District Court, Judge William D. Kephart. McMahon additionally Filed a Motion For Order to Transport Petitioner and Motion for Evidentiary Hearing, the Petition and Motions were denied based upon inapplicable AEDPA provisions. The court conducted an ex parte hearing controlled by DDA Bernard Zadrowski. The Petition raised meritorious grounds of: Want of subject-matter jurisdiction; prosecutorial misconduct in the fraudulent concealment of faulty DNA evidence; and judicial bias of judge Barker forcing retained / legally discharged convicted felon attorney, Paul Wommer, back onto McMahon's post-conviction First-direct appeal creating a conflict of interest; in stark defiance of McMahon's (3) three, pro se, motions to: Withdraw Wommer as counsel based upon a clear conflict of interest; Appoint a conflict-free counsel; or allow McMahon to proceed prose in a Feratta hearing. All motions

2.(Cont:) were Stayed allowing Wommer to constructively hijack McMahon's First-direct appeal to further hide his 20+ errors created at the lower level in violation of McMahon's Sixth Amendment Right and IAC violations. The case was further denied in the appellate courts and closed. (See Ex# 93).

3. On March 26, 2021 McMahon filed a Writ of Mandamus in the First Judicial District Court, the Honorable Judge James T. Russell Granted the Petition which set the stage for Warden Perry Russell to retaliate against McMahon declaring him a litigious inmate and ripe for transfer. (See Ex# 96).

4. Prior to McMahon being exiled to LCC, by Warden Russell, McMahon filed Writs of Habeas Corpus and extraordinary writs exposing the Clark County District Attorney's Office widespread fraud, corruption, collusion and criminal misconduct involving the Dec. 16, 2011 Evidentiary Hearing witnessed by McMahon and defense counsel, Rochelle Nguyen (now a State Senator). The State Attorney General's Office flew in Deputy District Attorney, Sabrena K. Clinton to file a Motion to Seal/Redact Records by Judge Monica Trujillo, Dept. 3, as government gangster, DA, Steven Wolfson manipulated the Clerk of the Court to assign the case to an activist court who Granted the motion knowing full well that no such records existed with the Clerk of the Court to begin with, it was a fucking ruse to hide the truth from McMahon and the public and protect DDA's Colleen Brown and Glen O'Brien who forged the signature of magistrate KBH

4.(Cont:) on an uttered cut and paste TCR document committing a felony on Dec. 16, 2011 again witnessed by McMahon and defense counsel, Rochelle Nguyen. Again, McMahon was denied appearance to make a record as these ex parte hearings are designed to render prose petitioners as voiceless by design. (See Ex's # 11, 63 and 90).

5. Upon McMahon preparing to file another civil rights petition against Warden Perry Russell, being busted and exposed for lying, the warden instituted his abuse of power to override the medical restriction and moved McMahon to another facility, Warm Springs, then to LCC, a.k.a. "Diesel Therapy" a form of vindictive retaliation to transfer litigious or undesirable inmates out of the facility to deny access to the court for whatever whim and fancy they deem necessary. (See Ex's #97-99).

6. At LCC McMahon filed a Writ of Habeas Corpus petition in the Eleventh Judicial District Court, again challenging subject-matter jurisdiction; actual/factual innocence; the courts in-applicable use of AEDPA provisions to bar jurisdictional review; prosecutorial misconduct at trial by DDA's G.O. and P.S. fraudulent concealment of exculpatory DNA evidence to color the verdict and intentionally mislead the jury with malice and afore-thought to secure a conviction; and Judicial Bias on judge Barker. This court inspected the States proposed arrest warrant and declared that the document, an Declaration Warrant / Summons, was not a valid arrest warrant and possessed no legal force and effect and

6. (Cont:) In furtherance the bogus document was not signed by a judge, yet this court stopped short of certifying subject-matter jurisdiction by Ordering the State Respondents to prove legal standing by producing Court Minutes of a probable cause Gernstein hearing between Dec. 12-15, 2005 from the Clerk of the Court, which now places the onus on this reviewing court to certify the question as to subject-matter jurisdiction by physically inspecting the documents pursuant to NRS 173.035 and the Nevada Supreme Courts law of the case in Levinson, Cranford, Murphy and Parsons, all cases on all 4's with the instant case, as unless jurisdiction is proven to exist in the 11th Judicial District Court pursuant to the United States Supreme Courts controlling standard in Chicago Pickling supra the jurisdiction is "hypothetical" and constitutes a void judgment. (See Ex# 62). Again, this court on Oct. 4, 2022 entered an Order Remanding the case back to the Eighth Judicial District Court in a change of venue. Again, the Eighth Judicial District Court was not the court of origin, the Las Vegas Township Justice Court created the jurisdictional error. In furtherance, on May 16, 2022 this court Ordered the State to Respond and to file a return in accordance to the AEDPA provisions of NRS 34.360 to 34.380 inclusive, allowing the State to invoke inapplicable AEDPA provisions as a defense as opposed to first proving subject-matter jurisdiction and legal standing in the chain of sequence as mandated by the United States Supreme Court.

7. Based upon government gangster, DA, Steven Wolfson, going judge shopping, manipulating the Clerk of the Court, to secure an activist court, judge Monica Trujillo, to Seal/Redact Record and hide the truth as the Clark County Clerk of the Court possessed no records of any arrest warrant or Court Minutes of a probable cause Gernstein hearing being conducted, again the record and TT of Dec. 16, 2011 did expose his office of operating a criminal State enterprise and Felony violations of prosecutorial misconduct under RICO Act Violations, which McMahon and legal advisors are requesting United States Attorney General, Sigal Chattak to investigate and indict all State Respondents. In a panic DA, Steven Wolfson, again orchestrated and manipulated both the Clerk of the Court, Steven Grierson, and the Eighth Judicial District Court, judge Monica Trujillo, as on February 05, 2024 McMahon's Petition for Writ of Habeas Corpus and corresponding Motions were received by Clerk of Court, Steven Grierson, however the actual filing of the petition and motions were delayed until February 27, 2024, some (22) twenty-two days to allow government gangster, DA, Steven Wolfson, to orchestrate and manipulate the Clerk of the Court. McMahon strongly asserts that the Clerk of the Court, Steven Grierson, was instructed by DA Wolfson to both delay the filing and to file the case, not under a new case number as required by law, rather under the closed (5) five year old case No: A-19-790328-W, in Dept. 3, to place the case into judge Monica Trujillo court. And using the same named Respondents being Isidro Baca,

7. (Cont:) Eighth Judicial District Court of the State of Nevada. As such, by design, using a mislabeled outdated closed case was deliberate and intentional, from the outset, to trigger inapplicable AEDPA provisions as a defense and again compromise the petition and related motions creating another ex parte hearing in a protectionist court. (See Ex #90).

8. On Febr. 18, 2024 McMahon forwarded correspondence to Clerk of Court, Steven D. Grierson, informing the Clerk that McMahon had yet to receive confirmation of the filing of the Petition for Writ of Habeas Corpus; Motion for Court to Order Clerk to Unseal Record and Produce an Arrest Warrant of 2005 for McMahon and any Record of Court Minutes of a Probable Cause Hearing being Conducted between Dec. 12-15, 2005 in Justice Court; Motion for Appointment of Counsel; Motion for Evidentiary Hearing and Order to Transport Petitioner to Proceedings; Motion to Dismiss Judgment of Conviction and Order Expungement of Case from Record; and Motion for Change of Venue to Remand Case Back Down to Court of Origin Las Vegas Township Justice Court. (See Ex #92).

9. On February 28, 2024, the day after the misfiled petition was dated District Court Judge, Monica Trujillo, who had already Ordered the Record Seal/Redacted, Ordered the State Respondents District Attorney's Office, as opposed to the State Attorney General's Office, who had represented the State District Attorney's Office in the ex parte hearing Order to Seal/Redact Record, to respond

9. (Cont:) to the Petition for Writ of Habeas, and again (like this court) allowed the State Respondents to invoke inapplicable AEDPA provisions of NRS 34.360 to 34.380 inclusive and bypass jurisdictional review. (See Ex# 91).

10. Upon McMahon noticing that the Clerks filing of the petition and related motions were deliberately compromised McMahon forwarded correspondence back to the Eighth Judicial District Court judge, Monica Trujillo, to put the court on notice to correct the plain error. (See Ex# 92).

11. Upon receiving no timely response to McMahon's request for Judge Trujillo to correct the plain error and order a new case number to institute the Respondents as being the State of Nevada, et al, as petitioned and captioned. McMahon forwarded correspondence to Chief Judge Linda Bell to take judicial notice of the matter and jurisdiction over the case. Again to no avail. (See Ex# 92).

12. McMahon additionally forwarded correspondence to Chief Judge Wiese and the documents were returned. (See Ex# 92).

13. Upon the advise of Chief Judge Wiese McMahon Filed a Motion to the Clerk of the Court to correct the intentional misfiling error. On April 10, 2024 the Clerk forwarded to McMahon a Notice of Nonconformance Document. (See Ex# 92).

14. On May 09, 2024 and Order was drafted by DDA Jacob Villani of the Clark County District Attorney's Office, with the approval of Eighth Judicial District Court Judge, Monica Trujillo. Again, the States drafted Order was misfiled to reflect the wrong case number and Defendants, yet glaringly the States Order was captioned: ORDER DENYING DEFENDANT'S PETITION FOR WRIT OF HABEAS CORPUS. Firstly, McMahon is not the Defendant, he is the movant party Petitioner / Plaintiff. Secondly, the State prosecutors drafted Order captioned that a hearing date of April 24, 2024 at 9:30 A.M., again McMahon was not present to make an appellate record. The 1 1/4 page boilerplate drafted Order was denied due to claims being procedurally barred (Under AEDPA provisions) the State Respondents sole defense. The Order dated on May 9, 2024 was allegedly signed by Judge, Monica Trujillo, for Sr. Judge Michael Cherry. Signed by Jacob Villani, the author, Chief Deputy District Attorney. McMahon strongly asserts that neither Judge Trujillo or Sr. Judge Cherry ever laid eyes on the petition or related motions. (See Ex #94).

15. McMahon again refiled the Petition for Writ of Habeas Corpus on July 29, 2024 and this time a new case number was affixed to the petition, Case No: A-22-853003-W Dept. XXII and the correct Respondents listed. Eighth Judicial District Court Judge, Susan Johnson, denied review of the jurisdictional defect, again in stark contradistinction to the United States Supreme Courts controlling standards and related constitutional structural errors. Again, the court invoked inapplicable AEDPA provisions,

15. (Cont:) Using Claim Preclusion, as opposed to physically inspecting the requisite evidence to certify the question as to subject-matter jurisdiction and the courts legal standing to bypass a jurisdictional review under Title III Jurisdiction. It is additionally noteworthy that at no time did any of the courts protectionist orders claim, or invoke, that McMahon's Filings and petitions were vexatious to bar Filing. (See Ex# 100).

16. By now McMahon's followers and contributors of Justice For Johnny.com including Attorney State Senator, Rochelle Nguyen, Barry Scheck, Innocence Project and U.S. Attorney General for Nevada, Sigal Chattah are reviewing the State Respondents campaign of lies, criminal misconduct and fraud upon the court running roughshod over McMahon, and similarly situated, pro se petitioners constitutional rights, comparing the fascism to Russian justice, as collectively the Clark County District Attorney's Office, State of Nevada Attorney General's Office and Eighth Judicial District Court have taken a chapter out of the Communist Manifesto to deprive McMahon of his Due Process and Equal Protection in this manufactured sex case as reflective of the prima facie evidence this manifest injustice reeks of fascism. Again, based upon the degree of errors and omissions so cumulative and systemic fraud McMahon's legal representatives will additionally request that the Clark County District Attorney's Office and the Clerk of the Court produce States Exhibits #32-33 used at trial, being McMahon's bedding (See Ex# 5) confiscated Oct 05, 2004, used at trial to hoodwink the court and intentionally mislead the jury claiming

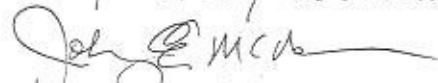
16. (Cont:) that the evidence was 1-38,000 against McMahon inferring to the jury that the red blood spots were the by-product of witness accuser, E.H., initial hymenal tear by McMahon in June 2004 (some (4) four months earlier), which is belied by the testimony of E.H. as being her menstrual period discharge in Oct. 2004 (some (4) four months later). Inferring that McMahon, R.M. and witness accuser, E.H. slept on bleeding bedding for (4) four months. This fraudulent concealment of the true exculpatory evidence will be forensically examined to eliminate McMahon as a suspect. Notwithstanding, the State knew that McMahon did not sexually assault or lewdly touch anyone or they wouldn't have presented McMahon with a proposed plea agreement which was probational, yet Wommer rendered faulty legal advice and had McMahon had any idea the fix was in play to convict him of crimes that he did not do, McMahon would have invoked an Alford plea and walked out of the courtroom with probation had a competent law firm to challenge the jurisdictional defect and been declared a void judgment not serving one day in prison let alone 6,300 days of false imprisonment.

Accordingly, Motion for Evidentiary Hearing and Order For Clerk to Unseal Record and Produce Arrest Warrant of 2005 for McMahon and any Record of Court Minutes of a Probable Cause Hearing between Dec. 12-15, 2005 in Justice Court. The Courts Order must also include McMahon's presence to be Transported to the Hearing to proceed prose. Being that the State Respondents are of the mindset that Probable Cause is determined by prosecutors and not courts, which is in stark

Contrast to the controlling standards of the United States Supreme Court used by all inferior courts. The public is watching this farce and sham case and justice will be forced.

Dated: 10 day of April, 2025.

Respectfully submitted,



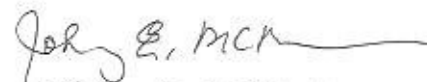
Johnny E. McMahon

Pro se

VERIFICATION/AFFIRMATION NRS 239.030

McMahon declares under penalty of perjury that the following and foregoing statements, evidence and pleading is true and accurate to the best of his ability and possesses first-hand knowledge of the truth and accuracy of the events and that no documents contain the social security number of anyone.

Dated: 10 day of April, 2025.

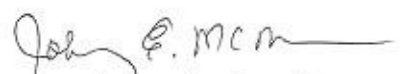

Johnny E. McMahon

CERTIFICATE OF SERVICE

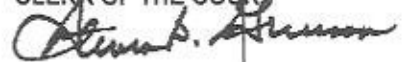
McMahon declares that a true and correct copy of Motion for Evidentiary Hearing and Order for Clerk to Unseal Record and Produce Arrest Warrant of 2005 For McMahon and any Record of Court Minutes of a Probable Cause Hearing Between Dec. 12-15, 2005 in Justice Court, was placed in U.S. mail postage pre-paid on 10 day of April, 2025 to:

Aaron Ford
Attorney General
State of Nevada
100 N. Carson St.
Carson City, NV 89701

Clark County District Attorney's Office
Steven B. Wolfson
200 Lewis Ave.
Las Vegas, NV 89101


Johnny E. McMahon
Pro se

COPY

Electronically Filed
7/31/2024 11:48 AM
Steven D. Grierson
CLERK OF THE COURT

NEOJ

DISTRICT COURT
CLARK COUNTY, NEVADA

JOHNNY MCMAHON,

Petitioner,

Case No: A-22-853003-W

Dept. No: XXII

vs.

STATE OF NEVADA; ET AL.,

Respondent,

NOTICE OF ENTRY OF ORDER

PLEASE TAKE NOTICE that on July 29, 2024, the court entered a decision or order in this matter, a true and correct copy of which is attached to this notice.

You may appeal to the Supreme Court from the decision or order of this court. If you wish to appeal, you must file a notice of appeal with the clerk of this court within thirty-three (33) days after the date this notice is mailed to you. This notice was mailed on July 31, 2024.

STEVEN D. GRIERSON, CLERK OF THE COURT

/s/ Christine Bulfa

Christine Bulfa, Deputy Clerk

CERTIFICATE OF E-SERVICE / MAILING

I hereby certify that on this 31 day of July 2024, I served a copy of this Notice of Entry on the following:

☒ By e-mail:

Clark County District Attorney's Office
Attorney General's Office – Appellate Division-

☒ The United States mail addressed as follows:

Johnny McMahon # 1022589
1200 Prison Rd.
Lovelock, NV 89419

/s/ Christine Bulfa

Christine Bulfa, Deputy Clerk

1 ODM

2 DISTRICT COURT
3 CLARK COUNTY, NEVADA

4 JOHNNY MCMAHON,

Case No. A-22-853003-W
Dept. No. XXII

6 Petitioner,

7 Vs.

Related Case No.: 06C220825

8 THE STATE OF NEVADA; LAS VGAS
9 TOWNSHIP JUSTICE COURT; EIGHTH
10 JUDICIAL DISTRICT COURT; CLARK
11 COUNTY DISTRICT ATTORNEY; LAS
12 VEGAS METROPOLITAN POLICE
DEPARTMENT, et al; and WARDEN
PERRY RUSSELL, Real Party of Interest,

13 Respondents.

14 ORDER DENYING PETITIONS FOR WRIT OF HABEAS CORPUS FILED DECEMBER 6
15 AND 9, 2022, RESPECTIVELY, AND MOTION TO COMPEL FILED DECEMBER 6, 2022

16 These matters concerning Petitioner JOHNNY MCMAHON'S Petitions for Writ of Habeas
17 Corpus filed December 6 and 9, 2024 respectively, and Motion to Compel Court to Order
18 Evidentiary Hearing and for Order to Transport Petitioner filed December 9, 2022 came, *in*
19 *chambers*, to the attention of Department XXII of the Eighth Judicial District Court in and for Clark
20 County, Nevada with JUDGE SUSAN JOHNSON presiding, while reviewing cases with pending
21 motions with no request for hearing.
22

23 As set forth within this Court's Order Denying Petition for Writ of Mandamus filed
24 November 16, 2022, this matter was initiated April 8, 2022 in the First Judicial District Court in and
25 for Carson City, Nevada. The case consisting of 144 pages was transferred to the Eighth Judicial
26 District Court on May 23, 2022 pursuant to Order. This Court has reviewed the file transferred from
27 the First Judicial District Court, Petitioner's Motion for Respondents to Produce Valid Arrest
28

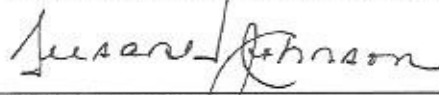
1 Warrant from 2005 and Proof of a Probable Cause Hearing filed May 23, 2022, and the underlying
2 criminal matter, State v. McMahon, Case No. 06C220825, filed March 28, 2006. Notably, in the
3 criminal case, MR. MCMAHON was charged with committing various sexual offenses and he
4 received a trial by jury. Ultimately, the jury found MR. MCMAHAN guilty of committing three
5 counts of Sexual Assault with a Minor Under Sixteen (16) Years of Age (Category A Felony in
6 violation of NRS 200.364), three counts of Statutory Sexual Seduction (Category C Felony in
7 violation of NRS 200.364 and 200.368) and one count of Open or Gross Lewdness (Gross
8 Misdemeanor in violation of NRS 201.210). *See* Judgment of Conviction filed July 29, 2008 in
9 State v. McMahon, Case No. 06C220825. The Judgment of Conviction was affirmed on appeal to
10 the Nevada Supreme Court on October 16, 2009. In the criminal action, Petitioner thereafter filed
11 various motions to dismiss, disqualify the district court judge, as well as three petitions for writ of
12 habeas corpus, two petitions for writ of mandamus and one for writ of prohibition. As pertinent
13 here, MR. MCMAHON alleged within those motions and petitions, *inter alia*, the justice court
14 lacked jurisdiction to act because the State failed to timely present a proper charging instrument,
15 fraud was committed upon the courts throughout the processes, and thus, because of these issues and
16 based upon his innocence, the jury verdict should be set aside, the case dismissed and Petitioner
17 should be unconditionally released from custody. In sum, what MR. MCMAHON argued in Case
18 No. 06C220825 is the same as what is averred in this matter. Most, if not all, the issues raised here
19 were decided—and denied—in Case No. 06C220825. Further, and more importantly, these issues
20 have also been decided within this Court's November 16, 2022 Order filed in this case.

21
22 Pursuant to the rule of claim preclusion, a valid and final judgment on a claim precludes a
23 second action on that claim or any part of it. *See Five Star Capital Corp. v. Ruby*, 124 Nev. 1048,
24 1052-1053, 194 P.3d 709 (2008). Claim preclusion applies when a second suit is brought against the
25 same party on the same claim. Further, in Nevada, the courts follow the modern view that claim
26
27
28

1 preclusion embraces all grounds of recovery that were asserted in a suit as well as those that could
2 have been asserted. *Id.*, 124 Nev. at 1053. In short, MR. MCMAHON is precluded from bringing a
3 second action in this Court concerning the same issues that were brought—or should have been
4 brought--against the STATE in the criminal matter. Notwithstanding that premise, this Court in the
5 present action has already decided the matter whereby MR. MCMAHON'S filings are successive
6 and repetitive. Accordingly, as there is good cause therefore,
7

8 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** Petitioner MCMAHON'S
9 Petitions for Writ of Habeas Corpus filed December 6 and 9, 2022, respectively, as well as his
10 Motion to Compel this Court to Order Evidentiary Hearing and Order for Transport of Petitioner
11 filed December 6, 2022 are all denied.

12 **Dated this 29th day of July, 2024**

13 

14 **SUSAN H. JOHNSON, DISTRICT COURT JUDGE**

15 **F79 D29 B265 B849**
16 **Susan Johnson**
17 **District Court Judge**
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1 CSERV

2 DISTRICT COURT
3 CLARK COUNTY, NEVADA
4

5
6 Johnny McMahon, Plaintiff(s)

CASE NO: A-22-853003-W

7 vs.

DEPT. NO. Department 22

8 Nevada State of, Defendant(s)
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

11 Electronic service was attempted through the Eighth Judicial District Court's
12 electronic filing system, but there were no registered users on the case.

13
14 If indicated below, a copy of the above mentioned filings were also served by mail
15 via United States Postal Service, postage prepaid, to the parties listed below at their last
16 known addresses on 7/30/2024

16 Johnny McMahon

#1022589
1200 Prison Rd
Lovelock, NV, 89419
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