

1 Jack Leal ID NO. 1183500

FILED

2 SOUTHERN DESERT CORRECTIONAL CTN.
3 20825 COLD CREEK RD.
4 P.O. BOX 208
5 INDIAN SPRINGS, NV 89070

NOV 10 2020

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

6 In the Court of Appeals of the State of Nevada

7
8 Jack Leal,
9 Appellant,
10 v.

Supreme Court Case

~~CASE~~ NO.: 79243

District Court Case

~~FILE~~ NO.: C322664

DOCKET: _____

11 Jerry Howell, Warden,

12 Southern Desert Correctional Center,
13 Respondent.

14 Petition For Review (En Banc)

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17 COMES NOW, Appellant, Jack Leal, herein above respectfully
18 moves this Honorable Court for an Petition For Review (En Banc) per WRAP UD

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21 This Motion is made and based upon the accompanying Memorandum of Points and
22 Authorities,

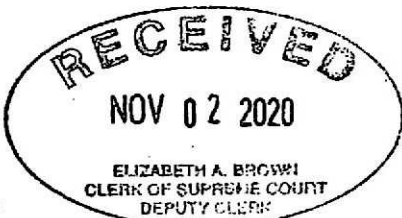
23 DATED: this 20th day of October, 2020

24 BY: [Signature]

Jack Leal

1183500

25 ~~Defendant~~ In Proper Personam
26 Appellant



ADDITIONAL FACTS OF THE CASE:

1 Appellant Leal received the Court of Appeal's "Order of Affirmance" on October 19th
2 2020 and hereby submits this Petition for rehearing per NRAP 40:

3 Leal's first claim which was denied regarding ineffective assistance of counsel
4 due to a conflict of interest was misinterpreted. Leal did in fact sign 2 different ^(involuntarily) waivers,
5 however, his argument of IAC is based on NRPC 1.7(b)(3) where the actual conflict
6 of interest between the co-defendants (the actual violence and threats against Leal) had
7 become an unresolvable conflict as Leal's counsel refused and failed to disclose the circumstances
8 and conflict that was present between the co-defendants and therefore was unable and unwilling
9 to properly represent Leal. In fact Leal's attorney did attempt to withdraw but was denied
10 permission to do so by the sentencing court. Obviously counsel knew of the domestic violence
11 by Garcia as he attempted to withdraw as counsel where he knew that one of his clients is
12 literally beating the other to coerce ~~Leal~~ Leal to plead against his wish, and yet continued to
13 represent Leal. The proceedings would have been different had counsel either withdrawn or disclosed
14 these issues to the Court as Leal never wanted to enter a guilty plea and had Leal been
15 appointed independent counsel, could have proceeded to trial.

16 Leal's second claim which was denied is regarding whether his guilty plea was voluntarily
17 entered into. Leal strongly believes this court has misapprehended and overlooked this
18 argument. Leal clearly states in his "Appellant's Informal Brief" (AIB) that he only
19 signed the written plea agreement due to fear and unduress and as such it was
20 coerced and was entered into involuntarily. Both Leal's attorney and the Attorney General's
21 office were well aware of this as Garcia's arrests for domestic violence along with the
22 Orders of Protection were clearly in her PSI. As for the oral plea canvass, Leal believes
23 his was not proper as was brought up in his AIB. As this was a package plea deal
24 where Garcia needed Leal to go along with it in order for her to benefit from the benefits
25 to her, the Court was required to conduct a more thorough plea canvass to ensure one
26 defendant is not pleading against their will which is exactly what happened to Leal in this
27 case. As there is a greater possibility of threats and coercion in a joint plea deal, the

1 more detailed plea canvass was required before accepting Leal's plea and Leal's attorney had
2 a responsibility to ensure that this was done properly, which it was not. With this all said,
3 Leal should be permitted to withdraw his plea due to the threats and coercion as this is the
4 only way to correct the manifest injustice presently before this Court.

5 Leal's third claim which was denied is regarding the defective information Leal was
6 charged with rendering his plea as not knowing and voluntary. Leal does not believe his
7 argument was properly addressed in regards to this claim. Leal has thoroughly re-read the
8 information and still does not believe it complies with NRS 173.075 which requires a plain
9 and concise statement and where the information here is vague and ambiguous and therefore
10 lacks specificity. The information here does not state which defendant is alleged to have
11 done what or who allegedly made which false statements to which victims and most
12 importantly does not allege any specific acts committed by Leal involving any specific victim
13 and as such does not show each and every element of the crime charged as required.
14 It also does not state specifics such as the method which the false statements were
15 alleged to have been made (phone, email, in-person), or the specific dates or places of the
16 alleged crimes. As the information simply lumps the defendants together, making it nearly
17 impossible to determine who is alleged to have done what, and fails to show the
18 particular acts alleged to have been committed by Leal, or that he was actually involved
19 or even committed any crime at all, it must be declared as void. The guilty plea here
20 cannot waive jurisdictional defects such as omission or failure to state essential material
21 elements of the offense which are missing from this information. Additionally a plea cannot
22 be truly voluntary unless Leal received real notice of the charges against him.

23 Based on the foregoing, Leal respectfully requests that this Honorable Court
24 Review and reconsider their decision in this case per NRAP 40.
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1 This Petition is made in good faith and not for the purposes of undue delay.

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4 I declare under penalty of perjury that the factual representations set

5 forth in the foregoing memorandum are true and correct.

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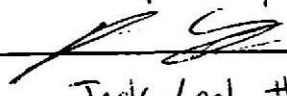
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Respectfully submitted,



Jack Leal #183500

Appellant in proper person

CERTIFICATE OF SERVICE BY MAILING

I, Jack Leal, hereby certify, pursuant to NRCP 5(b), that on this 20th
day of October, 2020, I mailed a true and correct copy of the foregoing, "Petition for Review (En Banc) per NRAP 40"

by placing document in a sealed pre-postage paid envelope and deposited said envelope in the
United State Mail addressed to the following:

Jerry Howell, Warden
Southern Desert Correctional Center
20825 Cold Creek Road
Indian Springs, NV 89070

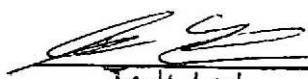
Aaron Ford, ESR,
Nevada Attorney General
100 North Carson Street
Carson City, NV 89701

Steven B. Voltson, ESO,
Clark County District Attorney
700 Lewis Avenue
Las Vegas, NV 89101

Supreme Court of Nevada
Office of the Clerk
201 S Carson Street
Suite 201
Carson City, NV 89701

CC:FILE

DATED: this 20th day of October, 2020.


Jack Leal # 1183500
Appellant /In Propria Personam
Post Office Box 208, S.D.C.C.
Indian Springs, Nevada 89018
IN FORMA PAUPERIS:

AFFIRMATION
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding _____

Petition for Review (En Banc) per NEAP 4D
(Title of Document)

filed in ~~District~~ ^{Supreme} Court Case number 79243

Does not contain the social security number of any person.

-OR-

Contains the social security number of a person as required by:

A. A specific state or federal law, to wit:

(State specific law)

-or-

B. For the administration of a public program or for an application for a federal or state grant.

[Signature]
Signature

10-20-2020
Date

Jack Leal
Print Name

Appellant
Title