

ORIGINAL

FILED

MAY 03 2017

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY J. Hendrix
DEPUTY CLERK

1 Mack Mason ID NO. 69060

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

6 IN THE SUPREME COURT OF THE STATE OF NEVADA
7 COURT OF APPEALS

8 Mack Mason

9 v.

10 The State of Nevada
11 Warden Jo Gentry

CASE NO.: Dist Ct. No C161426

DEPT. NO.:

DOCKET: 71296

12 MOTION FOR NOTICE OF CLARIFICATION

13
14
15
16
17 COMES NOW, PETITIONER, Mack Mason, herein above respectfully
18 moves this Honorable Court for an "ORDER OF CLARIFICATION"

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20
21 This Motion is made and based upon the accompanying Memorandum of Points and
22 Authorities,

23 DATED: this 5 day of 1-, 2017

24 BY: Mack Mason

25 Mack Mason # 69060
26 Defendant In Proper Personam



17-900891

ADDITIONAL FACTS OF THE CASE:

Petitioner Mason filed a petition for writ of habeas Corpus on the 9th Day of June, 2016 in the Eighth Judicial District Court which either the Court or the Prosecution construed as a motion. This petition had claims of both "Actual Innocence," and ineffective assistance of Counsel that were never ruled on by the District Court. Mr. Mason then filed a Notice of appeal in the Nevada Supreme Court on the 14th Day of September, 2016, getting a Designation of the record on the same day. The Case appeal Statement was sent/filed on the 15th Day of September, 2016, with the Certificate of service filed by the State of Nevada on the 19th Day of September, 2016, with findings of facts and conclusions of law with an Notice of entry and decision filed on the 19 Day of and 22nd Day of September respectively.

Petitioner, at this point claims a violation of his fifth and fourteenth Amendment rights to due process by having a hearing without petitioner either being present at the hearing in order to represent himself to refute any claims put forth by the State, or have Counsel appointed to represent the petitioner's interests if the State of Nevada intended not to have the Petitioner present.

Petitioner Mason, submits that a subsequent petition filed on the 15th Day of November, 2016, was properly before the Eighth Judicial District Court, because as the appeal which was pending before The Nevada Supreme Court, also had a motion by Petitioner before it to stay the proceedings in order to exhaust fully at the District Court Level. The Nevada Supreme Court chose to deny the motion to stay proceedings on the 22nd Day of

1 February, 2017. At the same time this is going on, the District
2 Court will not take any action on the Habeas Petition filed on
3 the 15th of November, 2016, Claiming "A lack of Jurisdiction"
4

5 IN CONCLUSION
6

7 This petitioner asks this honorable Court for an order
8 of Clarification since no action will be taken either by
9 the Eighth Judicial District Court, Nor The "Court of Appeals
10 of the State of Nevada", This petitioner MOTIONS that an order
11 be generated with a decision be issued, so petitioner can pro-
12 ceed to the United States District Court and not continue
13 to waste time spinning in The State Court Level
14

15
16 Respectfully Submitted
17

18
19
20 Mack Mason 69060

21 MACK MASON

22 SOCC

23 P.O. Box 208

24 Indian Springs, NV

25 89070
26
27
28

CERTIFICATE OF SERVICE BY MAILING

I, Mack Mason, hereby certify, pursuant to NRCP 5(b), that on this _____ day of _____, 20____, I mailed a true and correct copy of the foregoing, "MOTION For an Order of Clarification" by placing document in a sealed pre-postage paid envelope and deposited said envelope in the United State Mail addressed to the following:

STEVEN D. GRIERSON
CLERK OF THE COURT
200 LEWIS AVE. 3rd FL.
LAS VEGAS, NV. 89155

IN THE COURT OF APPEALS OF
THE STATE OF NEVADA
201 S. CARSON STREET #250
CARSON CITY, NEV. 89701

CC:FILE

DATED: this 5 day of 1, 2017.

Mack Mason
MACK MASON # 69060
/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 MOTION

FOR AN ORDER OF CLARIFICATION
(Title of Document)

filed in District Court Case number _____

☒ 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.

Mack Mason
Signature

5-1-17
Date

Mack Mason
Print Name

Petitioner Pro se
Title

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****February 02, 2017**

99C161426

The State of Nevada vs Mack C Mason

February 02, 2017**3:00 PM****Minute Order****HEARD BY:** Johnson, Eric**COURTROOM:** RJC Courtroom 12A**COURT CLERK:** Natalie Ortega

JOURNAL ENTRIES

- Defendant s Pro Per Motion and Order for Transportation of Inmate for Court Appearance has been taken OFF CALENDAR. This case is currently up on appeal to the Nevada Supreme Court, and thus this Court lacks jurisdiction to decide any motions.

CLERK'S NOTE: A copy of this minute order shall be mailed to Mark Mason, #69060, High Desert State Prison, PO Box 208, Indian Springs, NV 89070. ndo/2/6/17

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

March 29, 2017

99C161426

The State of Nevada vs Mack C Mason

March 29, 2017

7:30 AM

**Minute Order Re: Defendant's Petition for Writ
of Habeas Corpus**

HEARD BY: Johnson, Eric

COURTROOM: RJC Courtroom 12A

COURT CLERK: Linda Skinner

RECORDER:

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

Per Law Clerk, COURT ORDERED, Defendant's Petition for Writ of Habeas Corpus set for March 30, 2017 at 9:00 a.m. is CONTINUED to April 25, 2017 at 8:30 a.m. as this case is currently up on appeal to the Nevada Court of Appeals and thus, this Court lacks jurisdiction to decide any motions.

NDC

CLERK'S NOTE: A copy of this Minute Order was mailed to Defendant:

MARK MASON #69060
HIGH DESERT STATE PRISON
P.O. BOX 208
INDIAN SPRINGS, NV 89070

Nevada Supreme Court Docket Sheet

Docket: 71296 MACK (MASON) VS. STATE

Page 2

12/09/16	Filed Order/Transmit Record. Record due: 30 days. fn1[Appellant filed an informal brief. Respondent need not file a response to the brief unless ordered to do so by this court.]	16-38206
01/06/17	Filed Record on Appeal Volumes 1-15 (Via FTP).	17-00643
01/13/17	Filed Record on Appeal (PSI) Pages 1800-1810 (SEALED).	
01/13/17	Filed Record on Appeal Pages 2116-2124, 2822-3292 (SEALED).	
02/22/17	Filed Order Denying Motion. Appellant has filed an unopposed motion to suspend the proceedings in this appeal pending the district court's resolution of a subsequently-filed postconviction petition for a writ of habeas corpus. No good cause appearing, we deny the motion.	17-06118
