

1 CASE NO. CV 20,479

2 DEPT. NO. 2

3 **AFFIRMATION**

4 Pursuant to NRS 239B.030,
this document contains no
Social Security Numbers

FILED

2019 FEB 25 PM 2:26

TAMI RAE SPERO
DIST. COURT CLERK

Electronically Filed
Mar 04 2019 01:31 p.m.

Elizabeth A. Brown
Clerk of Supreme Court

5
6 **IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT**
7 **IN AND FOR THE COUNTY OF HUMBOLDT, STATE OF NEVADA**

8 **MARK L. SHARP,**

9 Petitioner,

10 vs.

NOTICE OF APPEAL

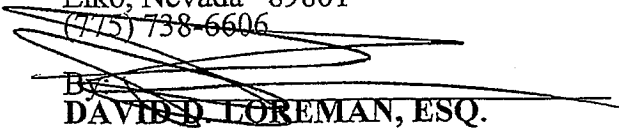
11 **THE STATE OF NEVADA,**

12 Respondent.
13

14
15 **NOTICE** is hereby given that Defendant, **TONY ALLEN PRESSLER**, by and
16 through his attorney of record, **DAVID D. LOREMAN, ESQ.**, of David D. Loreman,
17 Chtd., hereby appeals to the Nevada Supreme Court, the Order Denying Petitioner's
18 Habeas Corpus Petition, issued on the 28th day of January, 2019 and Notice of Entry
19 mailed January 30, 2019.

20 **DATED** this 20th day of February 2019.

21 **DAVID D. LOREMAN, CHTD.**
22 445 Fifth Street, Suite 210
Elko, Nevada 89801
(775) 738-6606

23 By 
24 **DAVID D. LOREMAN, ESQ.**
25 Bar No. 3867
26 *Attorney for Petitioner*

27
28 **DAVID D. LOREMAN, CHTD.**
ATTORNEY AND COUNSELOR
445 FIFTH STREET, SUITE 210
ELKO, NEVADA 89801
(775) 738-6606 < FAX: (775) 738-6873

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Attorney General
Heroes' Memorial Building
Capitol Complex
Carson City, Nevada 89710

Lea f. Lerner

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3 **AFFIRMATION**

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TAMI RAE SPERO
DIST. COURT CLERK
J. Koebe

6 **IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT**
7 **IN AND FOR THE COUNTY OF HUMBOLDT, STATE OF NEVADA**

8
9 **MARK L. SHARP,**

10 Petitioner,

CASE APPEAL
STATEMENT

11 vs.

12 **THE STATE OF NEVADA,**

13 Respondent.
14

15 1. **MARK L. SHARP**, is the Appellant filing this Case Appeal Statement.

16 2. The Honorable Michael R. Montero, District Judge of the Sixth Judicial
17 District Court of the State of Nevada, issued an Order denying the Petitioner's Habeas
18 Corpus Petition and Supplemental Petition on the 28th day of January 2019 which is being
19 appealed.

20 3. The State of Nevada was the Respondent; **MARK L. SHARP** was the
21 Petitioner in the proceedings in the District Court.

22 4. The parties involved in this appeal are **MARK L. SHARP**, as Appellant,
23 and the State of Nevada as Respondent.

24 5. Representing the Appellant in this appeal is **DAVID D. LOREMAN,**
25 **ESQ.**, of David D. Loreman, Chtd., 445 Fifth Street, Suite 210, Elko, Nevada 89801,
26 (775) 738-6606. The Respondent, State of Nevada, is represented by Humboldt County
27 District Attorney's Office, Winnemucca, Nevada 89801.

28 6. The Appellant was represented by **DAVID D. LOREMAN, ESQ.**, of

DAVID D. LOREMAN, CHTD.
ATTORNEY AND COUNSELOR
445 FIFTH STREET, SUITE 210
ELKO, NEVADA 89801
(775) 738-6606 < FAX: (775) 738-6873

1 David D. Loreman, Chtd., as appointed counsel by the Sixth Judicial District Court.

2 7. The proceedings commenced in District Court on August 18, 2015 with the
3 filing of the Petition by Mark L. Sharp. A Supplemental Petition was filed by Mark L.
4 Sharp on January 29, 2018. An evidentiary hearing was held on both petitions on October
5 3, 2018. An Order denying the Habeas Corpus Petitions was issued on January 29, 2019
6 and notice of entry mailed on January 30, 2019.

7 8. Prior to the filing of the Petition for Habeas Corpus the original Appeal was
8 filed and it was heard under Supreme Court Case No. 65347.

9 **DATED** this 20th day of February 2019.

10
11
12
13 **DAVID D. LOREMAN, CHTD.**
14 445 Fifth Street, Suite 210
15 Elko, Nevada 89801
16 (775) 738-6606

17 By: 

18 **DAVID D. LOREMAN, ESQ.**

19 Bar No. 3867

20 *Attorney for Petitioner*

1 **CERTIFICATE OF MAILING**

2 Pursuant to NRCP 5(b), I hereby certify that I am an employee of **DAVID D.**
3 **LOREMAN, CHTD.**, and that on this 20th day of February 2019, I deposited for
4 mailing, postage prepaid, at Elko, Nevada, a true and correct copy of the foregoing
5 document to the following:

6 Attorney General
7 Heroes' Memorial Building
8 Capitol Complex
Carson City, Nevada 89710

9 Humboldt County District Attorney
10 P.O. Box 909
Winnemucca, Nevada 89446

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1 CASE NO. CV 20,479

2 DEPT. NO. 2

3 **AFFIRMATION**

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TAMI RAE SPERO
DIST. COURT CLERK

J. Koppke

6 **IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT**
7 **IN AND FOR THE COUNTY OF HUMBOLDT, STATE OF NEVADA**

8
9 **MARK L. SHARP,**

10 Petitioner,

REQUEST FOR ROUGH
DRAFT TRANSCRIPTS

11 vs.

12 **THE STATE OF NEVADA,**

13 Respondent.

14
15 **TO: KATHY BRUMM:**

16 **MARK L. SHARP**, Petitioner, requests preparation of a rough draft transcript of
17 certain portions of the proceedings before the District Court, as follows:

18 Date of Proceeding: October 3, 2018 - Evidentiary Hearing on
19 Habeas Corpus


20 This notice requests a transcript of only those portions of the District Court
21 proceedings that counsel reasonably and in good faith believes are necessary to determine
22 whether appellate issues are present which shall include the proceedings on October 3,
23 2018.

24 Further, I recognize that I must personally serve a copy of this Request on the
25 above named Court Reporter and opposing counsel, and that the above named Court
26 Reporter shall have twenty (20) days from the receipt of this Notice to prepare and submit
27 to the District Court the Rough Draft Transcript requested herein.

28
DAVID D. LOREMAN, CHTD.
ATTORNEY AND COUNSELOR
445 FIFTH STREET, SUITE 210
ELKO, NEVADA 89801
(775) 738-6606 ◊ FAX: (775) 738-6873

1 DATED this 20th day of February 2019.

2 DAVID D. LOREMAN, CHTD.
3 445 Fifth Street, Suite 210
4 Elko, Nevada 89801
5 (775) 738-6606

6 ~~BY: ~~
7 DAVID D. LOREMAN, ESQ.
8 Bar No. 3867
9 Attorney for Petitioner

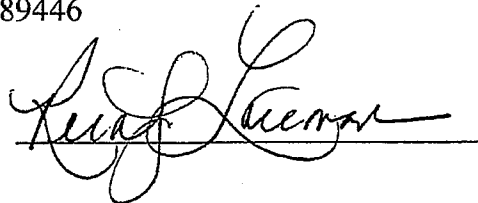
10 **CERTIFICATE OF MAILING**

11 Pursuant to NRCP 5(b), I hereby certify that I am an employee of DAVID D.
12 LOREMAN, CHTD., and that on this 20th day of February 2019, I deposited for
13 mailing, postage prepaid, at Elko, Nevada, a true and correct copy of the foregoing
14 document to the following:

15 Kathy Brumm
16 Humboldt County Courthouse
17 Winnemucca, Nevada 89446

18 Attorney General
19 Heroes' Memorial Building
20 Capitol Complex
21 Carson City, Nevada 89710

22 Humboldt County District Attorney
23 P.O. Box 909
24 Winnemucca, Nevada 89446

25 

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15:23:56

Sixth Judicial District Court - Humboldt County
Case Summary

Page 1
DC2100

Case #: CV-0020479

Judge: MONTERO, MICHAEL R.

Date Filed: 08/13/15 Department: 02

Case Type: HABCOR WRIT OF HABEAS CORPUS

Title/Caption: MARK L. SHARP
VS.
I. BACCA, WARDEN

Comments: BOX 56 #1230

Defendant(s)
BACCA, I., WARDEN NDOC

Attorney(s)
ATTORNEY GENERAL

Defendant(s)
NEVADA, STATE OF

Attorney(s)
No "Attorney 1" Listed

Plaintiff(s)
SHARP, MARK L.

Attorney(s)
LOREMAN, DAVID D.

Hearings:

Date	Time	Hearing	Reference
		SHOW CAUSE HEARING-VACATED PER TONY 3/17	ORD 3/6/17
		EVIDENTIARY HEARING (ALL DAY)	ORD 3/17
		CONTINUED EVIDENTIARY HEARING (ALL DAY)	ORD 6/21/17
		EVIDENTIARY HEARING (1/2 DAY) - STIP TO CONT	K/DL/J4/13
10/03/18	1:30	CONT'D EVIDENTIARY HEARING (1/2 DAY)	STIP 6/21/18

Filings:

Date	Pty	Filing	Fees
8/13/15	P	MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS	
8/13/15	P	AFFIDAVIT IN SUPPORT OF MOTION FOR LEAVE TO PROCEED IN FORMA	
8/18/15	P	PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION)	
8/18/15	P	MEMORANDUM OF POINTS & AUTHORITIES IN SUPPORT OF PETITION FO	
8/31/15	P	MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS	
8/31/15	P	AFFIDAVIT IN SUPPORT OF REQUEST TO PROCEED IN FORMA PAUPERIS	
2/05/16	P	JUDICIAL REQUEST FOR RECORDS	
2/16/16	P	REQUEST FOR SUBMISSION	
2/23/16	O	ORDER	
2/29/16	O	AFFIDAVIT OF MARK SHARP	
3/09/16	P	REGARDING BONDS	
3/09/16	P	REGARDING BONDS	
3/21/16	P	REQUEST FOR SUBMISSION	
4/11/16	P	REQUEST FOR SUBMISSION #2	
5/03/16	P	MOTION FOR JUDICIAL ACTION OF PETITION	
7/01/16	P	PETITIONER'S PRO SE NOTICE OF HEARING & MOTION FOR JUDICIAL	
9/19/16	D	ADDENDUM TO PETITION FOR A WRIT OF HABEAS CORPUS (POST CONVI	
9/19/16	D	CERTIFICATE OF SERVICE (ATTACHMENT TO ADDENDUM)	
9/29/16	D	REQUEST FOR SUBMISSION X 2	
10/19/16	P	REQUEST FOR SUBMISSION (MOTION TO PROCEED PRO-SE)	
10/19/16	P	REQUEST FOR SUBMISSION (MOTION FOR JUDICIAL ACTION ON PETITI	
10/28/16	D	NOTICE OF ADDRESS CHANGE (SHARP)	
11/17/16	O	ORDER TO RESPOND (STATE W/IN 45 DAYS)	
11/18/16	O	ORDER (TO PROCEED IN FORMA PAUPERIS W/NO FEES/COSTS)	

[illegible]

6/21/17 O AMENDED ORDER
6/21/17 P REQUEST FOR SUBMISSION #3
6/21/17 P REQUEST FOR SUBMISSION #2 (MOTION FOR DISCOVERY #1.0)
6/21/17 P REQUEST FOR SUBMISSION #2 (MOTION FOR DISCOVERY #2.1)
6/21/17 P REQUEST FOR SUBMISSION #2 (MOTION FOR DISCOVERY #3.2)
6/22/17 P REQUEST FOR SUBMISSION #2 (PETITIONER REQUEST FOR ADMISSION)
6/22/17 P REQUEST FOR SUBMISSION #2 (NOTICE TO INTENT TO PROCEED IN)
6/22/17 P REQUEST FOR SUBMISSION #2 (PETITIONER REQUEST FOR THE ATT)
6/22/17 P CERTIFICATE OF SERVICE BY MAIL)
6/22/17 P REQUEST FOR SUBMISSION #1 (MOTION FOR DISCOVERY #7)
6/22/17 P EXPARTE MOTION FOR ORDER RE:PYMT OF ATTY FEES (BUTKO \$125.20)
6/22/17 P REQUEST FOR SUBMISSION
6/22/17 P ORDER APPROVING FEES & COSTS (PD BY STATE PUB DEF)
6/29/17 P MOTION TO RESET HEARING DATE
7/03/17 P REQUEST FOR SUBMISSION #1
7/10/17 P RFS #3 MOTION FOR DISCOVERY #1
7/10/17 P RFS #3 MOTION FOR DISCOVERY #2
7/10/17 P RFS #3 MOTION FOR DISCOVERY #3
7/10/17 P RFS #3 MOTION FOR DISCOVERY #4
7/10/17 P RFS #3 MOTION FOR DISCOVERY #5
7/10/17 P RFS #3 MOTION FOR DISCOVERY #6
7/10/17 P RFS #3 MOTION FOR DISCOVERY #1.0
7/10/17 P RFS #3 MOTION FOR DISCOVERY #2.1
7/10/17 P RFS #3 MOTION FOR DISCOVERY #3.2
7/10/17 P RFS #4 THE REPLY TO THE D.A.'S RESPONSE
7/10/17 P RFS #2 MOTION FOR DISCOVERY #7
7/10/17 P RFS #3 PETITIONER'S REQUEST FOR ADMISSION UNDER RULE 36
7/10/17 P RFS #3 NOTICE OF INTENT TO PROCEED IN PROPER PERSON
7/10/17 P RFS #3 PETITIONERS REQUEST FOR THE ATTENDANCE OF WITNESSES
7/10/17 O ORDER DISMISSING APPEAL (SC #72935)
7/20/17 P RFS #1 (MOTION TO RESET HEARING DATE)
7/20/17 P RFS #2 (MOTION FOR DISCOVERY #8)
7/28/17 O MOTION BY STIPULATION AND ORDER EXTENDING SCHEDULING ORDER A
7/31/17 P RFS #4 MOTION FOR DISCOVERY #1
7/31/17 P RFS #4 MOTION FOR DISCOVERY #2
7/31/17 P RFS #4 MOTION FOR DISCOVERY #3
7/31/17 P RFS #4 MOTION FOR DISCOVERY #4
7/31/17 P RFS #4 MOTION FOR DISCOVERY #5
7/31/17 P RFS #5 MOTION FOR DISCOVERY #6
7/31/17 P RFS #3 MOTION FOR DISCOVERY #7
7/31/17 P RFS #4 MOTION FOR DISCOVERY #1.0
7/31/17 P RFS #4 MOTION FOR DISCOVERY #2.1
7/31/17 P RFS #4 MOTION FOR DISCOVERY #3.2
7/31/17 P RFS #5 THE REPLY TO THE DA'S RESPONSE
7/31/17 P RFS #4 PETITIONERS REQUEST FOR ADMISSIONS UNDER RULE 36
7/31/17 P RFS #4 NOTICE OF INTENT TO PROCEED IN PROPER PERSON
7/31/17 P RFS#4 PETITIONERS REQUEST FOR THE ATTENDANCE OF WITNESSES
10/02/17 O ORDER DENYING REHEARING (SC #72935)
10/26/17 O ORDER DISMISSING APPEAL (SC#72935)
10/26/17 O CLERK'S CERTIFICATE (SC #72935)
10/26/17 O REMITTITUR (SC #72935)
11/09/17 P STIPULATION AND ORDER EXTENDING SCHEDULING ORDER
1/29/18 P SUPPLEMENTAL PETITION FOR WRIT OF HABEAS CORPUS (POST CONVICT)
6/25/18 P STIPULATION AND ORDER CONTINUING HEARING
10/03/18 P STATE'S EVIDENTIARY HEARING BRIEF AND RESPONSE TO PETITIONER
10/03/18 O COURT MINUTES - CONT. EVIDENTIARY HEARING
11/19/18 O TRANSCRIPT OF PROCEEDINGS - EVIDENTIARY HEARING

Run: 02/25/19
15:23:56

Sixth Judicial District Court - Humboldt County
Case Summary

Page 4
DC2100

1/28/19 O ORDER (DENIED - PETITION FOR WRIT OF HABEAS CORPUS P/C)
1/29/19 O NOTICE OF ENTRY OF ORDER
2/25/19 P NOTICE OF APPEAL
2/25/19 P CASE APPEAL STATEMENT
2/25/19 P REQUEST FOR ROUGH DRAFT TRANSCRIPTS



1 CASE NO. CV 20,479

2 DEPT. NO. II

FILED

2019 JAN 28 AM 9:57

TAMARA SPUR
DIST. COURT CLERK
A. Clark

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4
5 **IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
6 **IN AND FOR THE COUNTY OF HUMBOLDT**

-000-

7
8 MARK L. SHARP,

9 Petitioner,

ORDER

10 vs.

11 THE STATE OF NEVADA,

12 Respondent.

13 **FINDINGS OF FACT**

14 This matter came before this Court for an Evidentiary Hearing on October 3, 2018 to
15 discuss the merits of Petitioner Mark L. Sharp's timely *Petition for Writ of Habeas Corpus*
16 *(Post-conviction) (Non Death)*, filed August 18, 2015. Also at issue at the October 3, 2018,
17 Evidentiary Hearing was Petitioner's *Supplemental Petition for Writ of Habeas Corpus (Post-*
18 *Conviction)*, filed January 29, 2018.

19 The State filed *Respondent's Consolidated Response to Petitioner's Request for*
20 *Judgment on the Pleadings and to Petitioner's Petition for Writ of Habeas Corpus (Post*
21 *Conviction)* on April 11, 2017. On October 3, 2018, the State filed *State's Evidentiary*
22 *Hearing Brief and Response to Petitioner's Supplemental Petition for Writ of Habeas Corpus*

1 (Post-Conviction).

2 Petitioner entered a Guilty plea to one count of Trafficking in a Controlled Substance-
3 Level II on January 13, 2014. The Trial Court accepted Petitioner's plea and sentenced him
4 on March 11, 2014. At all relevant times, Petitioner was represented by both Hy Forgeron,
5 Esq. and Theodore C. Herrera, Esq. For the sake of brevity, the two attorneys will generally
6 be referred to as "Counsel."

7 **CONCLUSIONS OF LAW**

8 Petitioner raises one Ground for relief in his *Petition for Writ of Habeas Corpus (Post-*
9 *conviction) (Non Death)*. Petitioner raises an additional seven Grounds for relief in his
10 *Supplemental Petition for Writ of Habeas Corpus (Post-Conviction)*.

11 **I. Petitioner's *Petition for Writ of Habeas Corpus (Post-conviction) (Non Death)***

12 Petitioner makes multiple arguments of ineffective assistance of counsel and one
13 argument regarding a coerced plea under Ground 1.

14 **Ground 1. Ineffective Assistance of Counsel: Counsel's Ineffectiveness as to Issues**
15 **Other Than Petitioner's Entry of a Guilty Plea**

16 Petitioner raises a myriad of issues ranging from Counsel's inability to review relevant
17 law, to Counsel's inability to challenge the State's evidence. Petitioner also alleges that
18 Counsel failed to pursue multiple defenses to the crimes he was charged with. Petitioner
19 spends a substantial amount of time discussing alleged issues regarding the search warrants
20 issued in his case. None of these arguments pertain to Petitioner entering his Guilty plea.

21 This Court must dismiss a petition if it determines that a petitioner plead guilty and the
22 petition is not based on 1) an involuntarily or unknowingly entered plea, or 2) the plea was
23 entered without effective assistance of counsel. NEV. REV. STAT. § 34.810(1)(a). This Court
24

1 will review a defaulted claim if failure to review the claim would cause a fundamental
2 miscarriage of justice. *Mazzan v. Whitley*, 112 Nev. 838, 843, 921 P.2d 920, 923 (1996).

3 Petitioner plead Guilty to Trafficking in a Controlled Substance-Level II. Issues not
4 regarding Petitioner's entry of a guilty plea are outside the scope of NRS 34.810(1)(a).
5 Petitioner has failed to show that a fundamental miscarriage of justice has occurred.
6 Therefore, as to these arguments, this Ground for relief is dismissed.

7 **Ground 1. Ineffective Assistance of Counsel: Counsel Coerced Petitioner into**
8 **Pleading Guilty**

9 Petitioner alleges that Counsel coerced Petitioner into entering his Guilty plea and
10 therefore the plea was entered involuntarily. Claims alleging specific instances of a trial
11 counsel's deficiencies, as opposed to a complete failure by a trial counsel to try the case, are
12 governed by *Strickland v. Washington* 466 U.S. 668 (1984). *See Bell v. Cone*, 535 U.S. 685,
13 697-98, 122 S.Ct. 1843, 152 L.Ed.2d 914 (2002) (referencing *Strickland v. Washington*, 466
14 U.S. 668 (1984)).

15 *Strickland* sets forth a two-prong test requiring a petitioner to show that his counsel's
16 performance fell below an objective standard of reasonableness and that his counsel's
17 deficient performance prejudiced the defense. *Strickland*, 466 U.S. at 687-88.

18 Under the first prong, "[j]udicial scrutiny of a counsel's performance must be highly
19 deferential." *Id.* at 689. Further, a counsel's challenged conduct must be evaluated from his
20 perspective at the time. *Id.* Importantly, "the defendant must overcome the presumption that,
21 under the circumstances, the challenged action 'might be considered sound trial strategy.'" *Id.*
22 *Strickland*, 466 U.S. at 689 (quoting *Michel v. Louisiana*, 350 U.S. 91, 101, 76 S.Ct. 158, 100
23 L.Ed. 83 (1955)); *see also Dawson v. State*, 108 Nev. 112, 117, 825 P.2d 593, 596 (1992)

1 (holding “[s]trategic choices made by counsel after thoroughly investigating the plausible
2 options are almost unchallengeable”). A trial counsel’s failure to make futile efforts cannot
3 be deemed ineffective assistance of counsel. *Donovan v. State*, 94 Nev. 671, 675, 584 P.2d
4 708, 711 (1978).

5 Under the second prong, “the defendant must show a reasonable probability that, but
6 for counsel’s errors, the result of the trial would have been different.” *Kirksey v. State*, 112
7 Nev. 980, 988, 923 P.2d 1102, 1107 (1996). An insufficient showing as to either *Strickland*
8 prong is fatal to a claim of ineffective assistance of counsel. *Strickland*, 466 U.S. at 697. The
9 petitioner must prove disputed factual allegations underlying his ineffective assistance of
10 counsel claim by a preponderance of the evidence. *Means v. State*, 120 Nev. 1001, 1012, 103
11 P.3d 25, 33 (2004).

12 During Petitioner’s Change of Plea Hearing (entitled Habeas Corpus Writ Hearing) the
13 Trial Court specifically asked Petitioner whether he had been coerced or threatened into signing
14 the *Guilty Plea Agreement*. Habeas Corpus Writ Hearing Transcript at 10 [hereinafter CPHT].
15 Petitioner clearly stated “no,” and he further clarified that he was signing the *Guilty Plea*
16 *Agreement* freely and voluntarily. CPHT at 10. Petitioner had the chance to tell the Court he
17 had been coerced into entering the Guilty plea but failed to do so. At the Evidentiary Hearing,
18 the State asked Petitioner why he failed to inform the Trial Court at the Change of Plea
19 Hearing that it was not his desire to plead guilty. Evidentiary Hearing Transcript at 121
20 [hereinafter EHT]. Petitioner failed to answer the question. EHT at 121-23.

21 At this Court’s Evidentiary Hearing, Petitioner’s half-brother testified regarding a
22 meeting that he attended with Counsel and Petitioner prior to Petitioner’s Change of Plea
23
24

1 Hearing. Petitioner alleges, and the brother's affidavit describing the meeting corroborates the
2 story, that Counsel spoke to the brother in an effort to get him to coerce Petitioner into signing
3 the *Guilty Plea Agreement*. See EHT at 108.

4 At the Evidentiary Hearing, Petitioner's brother stated multiple times that he could not
5 specifically remember the details of the meeting and testified substantially from the affidavit
6 that he had made in 2015 recapping the meeting. EHT at 14-22. This Court finds Petitioner's
7 brother's testimony unreliable for the reasons stated below.

8 First, the brother's affidavit was signed on July 3, 2015, nearly one and a half years
9 after the January 13, 2014 meeting. The affidavit explains that the brother was very emotional
10 at the time of the 2014 meeting. The seriousness of the meeting, coupled with the brother's
11 supposed strong feelings at the time, makes it puzzling why the brother was unable to recall
12 the events—even in a general sense.

13 This Court also notes that the brother's affidavit was listed as Exhibit R but missing in
14 Petitioner's *Petition for Writ of Habeas Corpus (Post-conviction) (Non Death)*. As noted
15 above, Petitioner filed his *Petition* on August 18, 2015. The brother's affidavit was
16 supposedly in existence at the time of filing, but this Court did not receive a copy of it until
17 October 3, 2018. For the reasons outlined above, this Court finds that the brother's testimony
18 at the Evidentiary Hearing was unreliable and the reliability and allegations in his 2015
19 affidavit are highly questionable.

20 It follows then, that although the brother's rendition of the meeting is the same as
21 Petitioner's rendition, this Court affords little weight to the brother's corroboration of
22 Petitioner's story. In considering the brother's testimony and affidavit, coupled with
23
24

1 Petitioner's explicit assurance to the Trial Court that he had not been coerced or threatened
2 into entering his plea, this Court does not find that Petitioner was coerced into signing the
3 *Guilty Plea Agreement*.

4 Petitioner also alleges that Counsel coerced him into signing the *Guilty Plea*
5 *Agreement* by telling him that they would not represent him at trial and that a public defender
6 would take his case. The two attorneys told Petitioner from the beginning of the representation
7 that they did not intend to go to trial with Petitioner. EHT at 42, 53, 55-56, 88-89. Petitioner's
8 statements to the contrary are less credible than Counsel's statements. EHT at 114-115.

9 Because Petitioner was aware before the plea negotiations of the likelihood that a
10 different attorney would be representing him at trial, his argument is insufficient to show
11 coercion at the time he entered his Guilty plea. Further, if Petitioner felt coerced by Counsel's
12 statements, he had the opportunity to inform the Trial Court at his Change of Plea Hearing.

13 Petitioner's statements at the Change of Plea Hearing clearly show that he entered his
14 plea knowingly, voluntarily, and with a complete understanding of the nature of the offense
15 and the relevant consequences. Further, there is no indication that Counsel fell below an
16 objective standard of reasonableness and no evidence that Petitioner was actually prejudiced.
17 Therefore, this Court finds this Ground for relief meritless.

18 II. Petitioner's *Supplemental Petition for Writ of Habeas Corpus (Post-Conviction)*

19 Petitioner alleges an additional seven Grounds for relief in his *Supplemental Petition*
20 *for Writ of Habeas Corpus (Post-Conviction)*. As to Ground 1, Petitioner again alleges that
21 he was coerced into signing the *Guilty Plea Agreement*. This matter was thoroughly discussed
22 above and decided. Therefore, Ground 1 of the *Supplemental Petition* is dismissed.

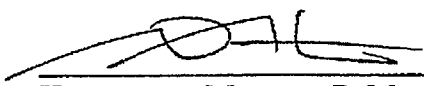
Petitioner alleges an additional six grounds of Ineffective Assistance of Counsel. Grounds 2-7 do not raise an issue regarding Petitioner's entry of a Guilty Plea.¹ Again, this Court must dismiss a petition if it determines that a petitioner plead guilty and the petition is not based on 1) an involuntarily or unknowingly entered plea, or 2) the plea was entered without effective assistance of counsel. NEV. REV. STAT. § 34.810(1)(a). This Court will review a defaulted claim if failure to review the claim would cause a fundamental miscarriage of justice. *Mazzan*, 112 Nev. at 843, 921 P.2d at 923.

Petitioner plead Guilty to Trafficking in a Controlled Substance-Level II. The issues raised in Grounds 2-7 are outside the scope of NRS 34.810(1)(a). To the extent, if any, that these Ground for relief pertained to Petitioner's ability to enter his guilty plea, those issues have been thoroughly discussed above. Petitioner has failed to show the existence of a miscarriage of justice. Therefore, Grounds 2-7 are also dismissed.

CONCLUSION

Petitioner's *Petition for Writ of Habeas Corpus (Post-conviction)* and his *Supplemental Petition for Writ of Habeas Corpus (Post-Conviction)* are **DENIED** for the reasons stated above.

IT IS SO ORDERED
DATED: January 28, 2019.


HONORABLE MICHAEL R. MONTERO
DISTRICT JUDGE

¹ Ground 2: Counsel Failed to Raise the Issue That a Supporting Affidavit Was Not Served with a Search Warrant; Ground 3: Counsel Failed to Raise the Issue that the Supporting Affidavit was Unnecessarily Labeled as Confidential; Ground 4: Counsel Failed to Challenge Alleged Defects in the Search Warrant; Ground 5: Counsel Failed to File a Motion to Suppress Evidence Not Found on Petitioner's Property; Ground 6: Counsel Failed to File a Motion to Suppress Calling into Question the Affidavit Supporting the Search Warrant; and Ground 7: Counsel Failed to Challenge the Admissibility of Evidence.



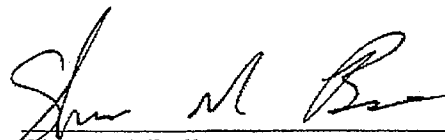
CERTIFICATE OF SERVICE

I hereby certify that I am an employee of the Honorable Michael R. Montero, District Court Judge, Sixth Judicial District Court and am not a party to, nor interested in, this action; and that on January 28, 2019, I caused to be served a true and correct copy of the enclosed ORDER upon the following parties:

David D. Loreman
445 Fifth Street Ste. 210
Elko, NV 89801
Via U.S. Mail

Michael Macdonald
Humboldt County District Attorney
P.O. Box 909
Winnemucca, NV 89446
Hand-delivered to Humboldt County Courthouse, DCT Box

Aaron Ford
Nevada Attorney General
100 N. Carson St.
Carson City, NV 89701
Via U.S. Mail


Shane M. Bell
Law Clerk

1 Case No. CV 20,479

2 Dept. No. 2

FILED

2019 JAN 29 PM 4:40

TAMI RAE SPERO
DIST. COURT CLERK
[Signature]

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IN THE SIXTH JUDICIAL DISTRICT COURT OF
STATE OF NEVADA IN AND FOR THE COUNTY OF HUMBOLDT

Mark L. Sharp,

Petitioner,

vs.

NOTICE OF ENTRY OF ORDER

State of Nevada, et al,

Respondent./

PLEASE TAKE NOTICE that on January 28, 2019, 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 33 days after the date
this notice is mailed to you. This notice was mailed on January 30, 2019.

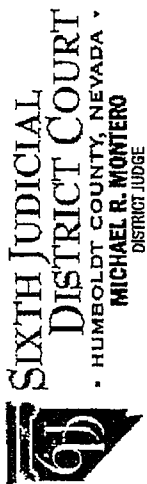
DATED January 29, 2019

TAMI RAE SPERO, CLERK OF THE COURT

(SEAL)

By

[Signature]
Deputy Clerk



1 CASE NO. CV 20,479

2 DEPT. NO. II

FILED

2019 JAN 28 AM 9:57

TAMARA SPECTOR
DISTRICT COURT CLERK

3
4
5 IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
6 IN AND FOR THE COUNTY OF HUMBOLDT

-000-

7
8 MARK L. SHARP,

9 Petitioner,

ORDER

10 vs.

11 THE STATE OF NEVADA,

12 Respondent.

13 FINDINGS OF FACT

14 This matter came before this Court for an Evidentiary Hearing on October 3, 2018 to
15 discuss the merits of Petitioner Mark L. Sharp's timely *Petition for Writ of Habeas Corpus*
16 (*Post-conviction*) (*Non Death*), filed August 18, 2015. Also at issue at the October 3, 2018,
17 Evidentiary Hearing was Petitioner's *Supplemental Petition for Writ of Habeas Corpus (Post-*
18 *Conviction)*, filed January 29, 2018.

19 The State filed *Respondent's Consolidated Response to Petitioner's Request for*
20 *Judgment on the Pleadings and to Petitioner's Petition for Writ of Habeas Corpus (Post*
21 *Conviction)* on April 11, 2017. On October 3, 2018, the State filed *State's Evidentiary*
22 *Hearing Brief and Response to Petitioner's Supplemental Petition for Writ of Habeas Corpus*

1 (Post-Conviction).

2 Petitioner entered a Guilty plea to one count of Trafficking in a Controlled Substance-
3 Level II on January 13, 2014. The Trial Court accepted Petitioner's plea and sentenced him
4 on March 11, 2014. At all relevant times, Petitioner was represented by both Hy Forgeron,
5 Esq. and Theodore C. Herrera, Esq. For the sake of brevity, the two attorneys will generally
6 be referred to as "Counsel."

7 **CONCLUSIONS OF LAW**

8 Petitioner raises one Ground for relief in his *Petition for Writ of Habeas Corpus (Post-*
9 *conviction) (Non Death)*. Petitioner raises an additional seven Grounds for relief in his
10 *Supplemental Petition for Writ of Habeas Corpus (Post-Conviction)*.

11 **I. Petitioner's *Petition for Writ of Habeas Corpus (Post-conviction) (Non Death)***

12 Petitioner makes multiple arguments of ineffective assistance of counsel and one
13 argument regarding a coerced plea under Ground 1.

14 **Ground 1. Ineffective Assistance of Counsel: Counsel's Ineffectiveness as to Issues
15 Other Than Petitioner's Entry of a Guilty Plea**

16 Petitioner raises a myriad of issues ranging from Counsel's inability to review relevant
17 law, to Counsel's inability to challenge the State's evidence. Petitioner also alleges that
18 Counsel failed to pursue multiple defenses to the crimes he was charged with. Petitioner
19 spends a substantial amount of time discussing alleged issues regarding the search warrants
20 issued in his case. None of these arguments pertain to Petitioner entering his Guilty plea.

21 This Court must dismiss a petition if it determines that a petitioner plead guilty and the
22 petition is not based on 1) an involuntarily or unknowingly entered plea, or 2) the plea was
23 entered without effective assistance of counsel. NEV. REV. STAT. § 34.810(1)(a). This Court
24

1 will review a defaulted claim if failure to review the claim would cause a fundamental
2 miscarriage of justice. *Mazzan v. Whitley*, 112 Nev. 838, 843, 921 P.2d 920, 923 (1996).

3 Petitioner plead Guilty to Trafficking in a Controlled Substance-Level II. Issues not
4 regarding Petitioner's entry of a guilty plea are outside the scope of NRS 34.810(1)(a).
5 Petitioner has failed to show that a fundamental miscarriage of justice has occurred.
6 Therefore, as to these arguments, this Ground for relief is dismissed.

7 **Ground 1. Ineffective Assistance of Counsel: Counsel Coerced Petitioner into**
8 **Pleading Guilty**

9 Petitioner alleges that Counsel coerced Petitioner into entering his Guilty plea and
10 therefore the plea was entered involuntarily. Claims alleging specific instances of a trial
11 counsel's deficiencies, as opposed to a complete failure by a trial counsel to try the case, are
12 governed by *Strickland v. Washington* 466 U.S. 668 (1984). See *Bell v. Cone*, 535 U.S. 685,
13 697--98, 122 S.Ct. 1843, 152 L.Ed.2d 914 (2002) (referencing *Strickland v. Washington*, 466
14 U.S. 668 (1984)).

15 *Strickland* sets forth a two-prong test requiring a petitioner to show that his counsel's
16 performance fell below an objective standard of reasonableness and that his counsel's
17 deficient performance prejudiced the defense. *Strickland*, 466 U.S. at 687-88.

18 Under the first prong, "[j]udicial scrutiny of a counsel's performance must be highly
19 deferential." *Id.* at 689. Further, a counsel's challenged conduct must be evaluated from his
20 perspective at the time. *Id.* Importantly, "the defendant must overcome the presumption that,
21 under the circumstances, the challenged action 'might be considered sound trial strategy.'" *Strickland*,
22 466 U.S. at 689 (quoting *Michel v. Louisiana*, 350 U.S. 91, 101, 76 S.Ct. 158, 100
23 L.Ed. 83 (1955)); see also *Dawson v. State*, 108 Nev. 112, 117, 825 P.2d 593, 596 (1992)

1 (holding “[s]trategic choices made by counsel after thoroughly investigating the plausible
2 options are almost unchallengeable”). A trial counsel’s failure to make futile efforts cannot
3 be deemed ineffective assistance of counsel. *Donovan v. State*, 94 Nev. 671, 675, 584 P.2d
4 708, 711 (1978).

5 Under the second prong, “the defendant must show a reasonable probability that, but
6 for counsel’s errors, the result of the trial would have been different.” *Kirksey v. State*, 112
7 Nev. 980, 988, 923 P.2d 1102, 1107 (1996). An insufficient showing as to either *Strickland*
8 prong is fatal to a claim of ineffective assistance of counsel. *Strickland*, 466 U.S. at 697. The
9 petitioner must prove disputed factual allegations underlying his ineffective assistance of
10 counsel claim by a preponderance of the evidence. *Means v. State*, 120 Nev. 1001, 1012, 103
11 P.3d 25, 33 (2004).

12 During Petitioner’s Change of Plea Hearing (entitled Habeas Corpus Writ Hearing) the
13 Trial Court specifically asked Petitioner whether he had been coerced or threatened into signing
14 the *Guilty Plea Agreement*. Habeas Corpus Writ Hearing Transcript at 10 [hereinafter CPHT].
15 Petitioner clearly stated “no,” and he further clarified that he was signing the *Guilty Plea*
16 *Agreement* freely and voluntarily. CPHT at 10. Petitioner had the chance to tell the Court he
17 had been coerced into entering the Guilty plea but failed to do so. At the Evidentiary Hearing,
18 the State asked Petitioner why he failed to inform the Trial Court at the Change of Plea
19 Hearing that it was not his desire to plead guilty. Evidentiary Hearing Transcript at 121
20 [hereinafter EHT]. Petitioner failed to answer the question. EHT at 121-23.

21 At this Court’s Evidentiary Hearing, Petitioner’s half-brother testified regarding a
22 meeting that he attended with Counsel and Petitioner prior to Petitioner’s Change of Plea
23
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1 Hearing. Petitioner alleges, and the brother's affidavit describing the meeting corroborates the
2 story, that Counsel spoke to the brother in an effort to get him to coerce Petitioner into signing
3 the *Guilty Plea Agreement*. See EHT at 108.

4 At the Evidentiary Hearing, Petitioner's brother stated multiple times that he could not
5 specifically remember the details of the meeting and testified substantially from the affidavit
6 that he had made in 2015 recapping the meeting. EHT at 14-22. This Court finds Petitioner's
7 brother's testimony unreliable for the reasons stated below.

8 First, the brother's affidavit was signed on July 3, 2015, nearly one and a half years
9 after the January 13, 2014 meeting. The affidavit explains that the brother was very emotional
10 at the time of the 2014 meeting. The seriousness of the meeting, coupled with the brother's
11 supposed strong feelings at the time, makes it puzzling why the brother was unable to recall
12 the events—even in a general sense.

13 This Court also notes that the brother's affidavit was listed as Exhibit R but missing in
14 Petitioner's *Petition for Writ of Habeas Corpus (Post-conviction) (Non Death)*. As noted
15 above, Petitioner filed his *Petition* on August 18, 2015. The brother's affidavit was
16 supposedly in existence at the time of filing, but this Court did not receive a copy of it until
17 October 3, 2018. For the reasons outlined above, this Court finds that the brother's testimony
18 at the Evidentiary Hearing was unreliable and the reliability and allegations in his 2015
19 affidavit are highly questionable.

20 It follows then, that although the brother's rendition of the meeting is the same as
21 Petitioner's rendition, this Court affords little weight to the brother's corroboration of
22 Petitioner's story. In considering the brother's testimony and affidavit, coupled with
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1 Petitioner's explicit assurance to the Trial Court that he had not been coerced or threatened
2 into entering his plea, this Court does not find that Petitioner was coerced into signing the
3 *Guilty Plea Agreement*.

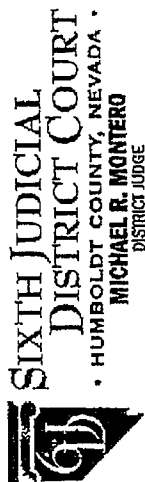
4 Petitioner also alleges that Counsel coerced him into signing the *Guilty Plea*
5 *Agreement* by telling him that they would not represent him at trial and that a public defender
6 would take his case. The two attorneys told Petitioner from the beginning of the representation
7 that they did not intend to go to trial with Petitioner. EHT at 42, 53, 55-56, 88-89. Petitioner's
8 statements to the contrary are less credible than Counsel's statements. EHT at 114-115.

9 Because Petitioner was aware before the plea negotiations of the likelihood that a
10 different attorney would be representing him at trial, his argument is insufficient to show
11 coercion at the time he entered his Guilty plea. Further, if Petitioner felt coerced by Counsel's
12 statements, he had the opportunity to inform the Trial Court at his Change of Plea Hearing.

13 Petitioner's statements at the Change of Plea Hearing clearly show that he entered his
14 plea knowingly, voluntarily, and with a complete understanding of the nature of the offense
15 and the relevant consequences. Further, there is no indication that Counsel fell below an
16 objective standard of reasonableness and no evidence that Petitioner was actually prejudiced.
17 Therefore, this Court finds this Ground for relief meritless.

18 **II. Petitioner's Supplemental Petition for Writ of Habeas Corpus (Post-Conviction)**

19 Petitioner alleges an additional seven Grounds for relief in his *Supplemental Petition*
20 *for Writ of Habeas Corpus (Post-Conviction)*. As to Ground 1, Petitioner again alleges that
21 he was coerced into signing the *Guilty Plea Agreement*. This matter was thoroughly discussed
22 above and decided. Therefore, Ground 1 of the *Supplemental Petition* is dismissed.



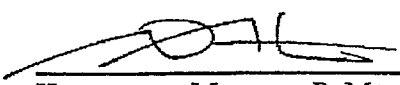
1 Petitioner alleges an additional six grounds of Ineffective Assistance of Counsel.
2 Grounds 2-7 do not raise an issue regarding Petitioner's entry of a Guilty Plea.¹ Again, this
3 Court must dismiss a petition if it determines that a petitioner plead guilty and the petition is
4 not based on 1) an involuntarily or unknowingly entered plea, or 2) the plea was entered
5 without effective assistance of counsel. NEV. REV. STAT. § 34.810(1)(a). This Court will
6 review a defaulted claim if failure to review the claim would cause a fundamental miscarriage
7 of justice. *Mazzan*, 112 Nev. at 843, 921 P.2d at 923.

8 Petitioner plead Guilty to Trafficking in a Controlled Substance-Level II. The issues
9 raised in Grounds 2-7 are outside the scope of NRS 34.810(1)(a). To the extent, if any, that
10 these Ground for relief pertained to Petitioner's ability to enter his guilty plea, those issues
11 have been thoroughly discussed above. Petitioner has failed to show the existence of a
12 miscarriage of justice. Therefore, Grounds 2-7 are also dismissed.

13 CONCLUSION

14 Petitioner's *Petition for Writ of Habeas Corpus (Post-conviction)* and his
15 *Supplemental Petition for Writ of Habeas Corpus (Post-Conviction)* are **DENIED** for the
16 reasons stated above.

17 IT IS SO ORDERED
18 DATED: January 22, 2019.

19 
HONORABLE MICHAEL R. MONTERO
DISTRICT JUDGE

20 ¹ Ground 2: Counsel Failed to Raise the Issue That a Supporting Affidavit Was Not Served with a Search Warrant; Ground
21 3: Counsel Failed to Raise the Issue that the Supporting Affidavit was Unnecessarily Labeled as Confidential; Ground 4:
22 Counsel Failed to Challenge Alleged Defects in the Search Warrant; Ground 5: Counsel Failed to File a Motion to
23 Suppress Evidence Not Found on Petitioner's Property; Ground 6: Counsel Failed to File a Motion to Suppress Calling
24 into Question the Affidavit Supporting the Search Warrant; and Ground 7: Counsel Failed to Challenge the Admissibility
of Evidence.



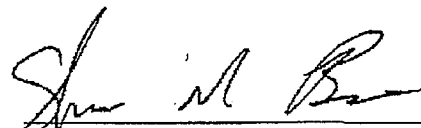
CERTIFICATE OF SERVICE

I hereby certify that I am an employee of the Honorable Michael R. Montero, District Court Judge, Sixth Judicial District Court and am not a party to, nor interested in, this action; and that on January 28, 2019, I caused to be served a true and correct copy of the enclosed ORDER upon the following parties:

David D. Loreman
445 Fifth Street Ste. 210
Elko, NV 89801
Via U.S. Mail

Michael Macdonald
Humboldt County District Attorney
P.O. Box 909
Winnemucca, NV 89446
Hand-delivered to Humboldt County Courthouse, DCT Box

Aaron Ford
Nevada Attorney General
100 N. Carson St.
Carson City, NV 89701
Via U.S. Mail


Shane M. Bell
Law Clerk

1 Mark L. Sharp vs. The State of Nevada, et al
2 Sixth Judicial District Court of Nevada, Case No. CV 20,479
3

4 **DECLARATION OF SERVICE**
5

6 I am a citizen of the United States, over the age of 18 years, and not a party to or interested
7 in this action. I am an employee of the Humboldt County Clerk's Office, and my business address
8 is 50 W 5th Street, Winnemucca, NV 89445. On this day I caused to be served the following
9 document(s): **NOTICE OF ENTRY OF ORDER**
10

11 X By placing in a sealed envelope, with postage fully prepaid, in the United States Post Office;
12 Winnemucca, Nevada, persons addressed as set forth below. I am familiar with this office's practice
13 whereby the mail, after being placed in a designated area, is given the appropriate postage and is
14 deposited in the designated area for pick up by the United States Postal Service.
15

16 X By personal delivery of a true copy to the person(s) set forth below by placement in the
17 designated area in the Humboldt County Clerk's Office for pick up by the person(s) or representative
18 of said person(s) set forth below.


19 David D. Loreman
20 445 Fifth St. Ste 210
Elko, NV 89801
(Via U.S. Mail)

Michael Macdonald
Humboldt County Dist. Atty.
P O Box 909
Winnemucca, NV 89446
(Placed in box in Clerk's Ofc.)

Aaron Ford
Nevada Attorney General
100 N. Carson St.
Carson City, NV 89701
(Via U.S. Mail)

22 I declare under penalty of perjury under the laws of the State of Nevada that the foregoing is true
23 and correct.
24

25 Executed on January 29, 2019, at Winnemucca, Nevada.
26
27
28


DEPUTY CLERK

CV 20,479

Mark L. Sharp vs. I. Bacca, Warden

Judge: Michael R. Montero

Clerk: Elisha Formby

OCTOBER 3, 2018

CONTINUED EVIDENTIARY HEARING

PRESENT: Mark Sharp, Petitioner, present with counsel David Loreman. Anthony Gordon Humboldt County Deputy District Attorney, Respondent, present on behalf of the State.

The record reflected that this matter is set for a continued evidentiary hearing.

The Court stated the purpose of today's hearing.

Loreman stated that there was a stipulation between himself and Mr. Gordon for Ray Sharp to appear and testify by phone.

Gordon concurred.

The Court took noted of a filing that was filed in the Clerk's Office this morning and asked that Gordon explain what that was.

Gordon responded.

Loreman motioned the Court to Invoke the Rule of Exclusion.

The Court granted to invoke the Rule of Exclusion.

Ray Sharp, duly sworn and testified under the direct examination of Loreman. Plaintiff's exhibit "1" Affidavit, marked and admitted. Cross by Gordon. Re-direct by Loreman. Re-Cross by Gordon.

The Court took a short recess to allow Loreman time to locate his next witness and to allow the Clerk to mark the exhibits.

Counsel stipulated to the admissions of Petitioner's Exhibit "2", Affidavit; "3" Application for Search Warrant; "4" Search Warrant; "5", Affidavit in Support of Search Warrant; "6" Picometry, "7" Administrator's Deed; "8 & 9" Grant, Bargain and Sale Deed; "10" Trustee Deed, "11" Special Warranty Deed; "12" Humboldt County Sales Data Detail; "13" Assessor Data Inquiry; "14" Quitclaim Deed, "15" Deed; "16" Map; "17" Pictures. Counsel stipulated to the admissions of Respondent's Exhibit "A" Fee Dispute Committee Correspondence from Hy Forgeron; "B" Fee Dispute Committee Correspondence from Ted Herrera; "C" Emails; "D" Letters to: Ray Sharp; From: Ted Herrera; "E" Emails.

Ted Herrera, duly sworn and testified under the direct examination of Loreman. Petitioner's exhibit "18", Letter from Pasquale, offered and admitted. Cross by Gordon. Re-direct by Loreman.

Alexis Alcaraz, duly sworn and testified under the direct examination of Loreman. Cross by Gordon. Re-direct by Loreman.

Gordon addressed the Court about a potential witness of Jim Loveless.

The Court has invoked the Rule of Exclusion and asked the Loveless shut off all video and audio at his workstation.

Gordon stated that Loveless has already shut the system down and cannot see or hear anything from the Courtroom.

Hy Forgeron, duly sworn and testified under the direct examination of Loreman. Cross by Gordon. Redirect by Loreman. Re-cross by Gordon.

Mark Sharp, duly sworn and testified under the direct examination of Loreman. Cross by Gordon. Redirect by Loreman.

Jim Loveless, duly sworn and testified under the direct examination of Gordon. Cross by Loreman.

Loreman gave closing argument.

Gordon gave closing argument.

Rebuttal by Loreman.

The Court will take this matter under submission.

Mark L. Sharp

vs. I. Bacca, Warden

STATE'S/PETITIONER'S/PLAINTIFF'S EXHIBITS:

	I.D.	MARKED	OFFERED	ADMITTED
1 <u>Affidavit</u>	<u>1</u>	<u>10/03/18</u>	<u>10/03/18</u>	<u>10/03/18</u>
2 <u>Affidavit</u>	<u>2</u>	<u>10/03/18</u>	<u>10/03/18</u>	<u>10/03/18</u>
3 <u>Application for Search Warrant</u>	<u>3</u>	<u>10/03/18</u>	<u>10/03/18</u>	<u>10/03/18</u>
4 <u>Search Warrant</u>	<u>4</u>	<u>10/03/18</u>	<u>10/03/18</u>	<u>10/03/18</u>
5 <u>Affidavit in Support of Search Warrant</u>	<u>5</u>	<u>10/03/18</u>	<u>10/03/18</u>	<u>10/03/18</u>
6 <u>Picometry</u>	<u>6</u>	<u>10/03/18</u>	<u>10/03/18</u>	<u>10/03/18</u>
7 <u>Administrator's Deed</u>	<u>7</u>	<u>10/03/18</u>	<u>10/03/18</u>	<u>10/03/18</u>
8 <u>Grant, Bargain and Sale Deed</u>	<u>8</u>	<u>10/03/18</u>	<u>10/03/18</u>	<u>10/03/18</u>
9 <u>Grant, Bargain and Sale Deed</u>	<u>9</u>	<u>10/03/18</u>	<u>10/03/18</u>	<u>10/03/18</u>
10 <u>Trustee Deed Upon Sale</u>	<u>10</u>	<u>10/03/18</u>	<u>10/03/18</u>	<u>10/03/18</u>
11 <u>Special Warranty Deed</u>	<u>11</u>	<u>10/03/18</u>	<u>10/03/18</u>	<u>10/03/18</u>
12 <u>Humboldt County Sales Data Detail</u>	<u>12</u>	<u>10/03/18</u>	<u>10/03/18</u>	<u>10/03/18</u>
13 <u>Assessor Data Inquiry</u>	<u>13</u>	<u>10/03/18</u>	<u>10/03/18</u>	<u>10/03/18</u>
14 <u>Quitclaim Deed</u>	<u>14</u>	<u>10/03/18</u>	<u>10/03/18</u>	<u>10/03/18</u>
15 <u>Deed</u>	<u>15</u>	<u>10/03/18</u>	<u>10/03/18</u>	<u>10/03/18</u>
16 <u>Map</u>	<u>16</u>	<u>10/03/18</u>	<u>10/03/18</u>	<u>10/03/18</u>
17 <u>Pictures</u>	<u>17</u>	<u>10/03/18</u>	<u>10/03/18</u>	<u>10/03/18</u>
18 <u>Letter from Kevin Pasquale</u>	<u>18</u>	<u>10/03/18</u>	<u>10/03/18</u>	<u>10/03/18</u>

Mark L. Sharp

vs. I. Bacca Warden

DEFENDANT'S/RESPONDENT'S EXHIBITS: CASE NO. CV 20,479

	I.D.	MARKED	OFFERED	ADMITTED
A Fee Dispute Committee Correspondence (Hy Forgeron)	A	10/03/18	10/03/18	10/03/18
B Fee Dispute Committee Correspondence (Ted Herrera)	B	10/03/18	10/03/18	10/03/18
C Emails	C	10/03/18	10/03/18	10/03/18
D Letter to: Ray Sharp; From: Ted Herrera	D	10/03/18	10/03/18	10/03/18
E Email	E	10/03/18	10/03/18	10/03/18
F				
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CERTIFICATION OF COPY

STATE OF NEVADA,
COUNTY OF HUMBOLDT,

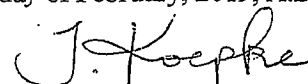
I, TAMIRAE SPERO, the duly elected, qualifying and acting Clerk of Humboldt County, in the State of Nevada,
and Ex-Officio Clerk of the District Court, do hereby certify that the foregoing is a true , full and correct copy
of the original: Notice of Appeal; Case Appeal Statement; Request for Rough Draft Transcript; District Court
Docket Entries; Order; Notice of Entry of Order; District Court Minutes; and Exhibit Lists;

Mark L. Sharp,
Petitioner,
vs.
The State of Nevada,
Respondent.

CASE NO. CV 20,479

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,
Winnemucca, Nevada, this 25th
day of February, 2019, A.D.



JESSICA KOEPKE, DEPUTY CLERK