

FILED

Case No: CN 20, 479

2020 APR 10 PM 2:26

Dept. No: II

Electronically Filed
APR 15 2020 04:21 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

In The Ninth Judicial District Court
of the State of Nevada in and For the
County of Humboldt

Mark L. Sharp
Petitioner

- V.S. -

the State of Nevada
Respondent

Appeal to The

Nevada

Supreme Court

The Ninth Judicial District
Court of the State of Nevada.

On: March-12-2020 @ PM 12:55

Headed Down a: Order Denying
"Request For a Hearing"

I Sharp would appreciate the.
Nevada Supreme Court.

P1 of 3

1
2 "Opinion of this Order"
3

4
5 At This time I'd like to
6 Take the opportunity to thank.
7 all parties involved for
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9 There time and Patience
10 with me.
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12 Mark L Sharp
13

14 Date 4-9-2020
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Certificate of Service

I hereby Certify that I Mark R Sharp. ON 4-9-2020. I caused to be served a true and correct copy of the enclosed.

Appeal to the Nevada Supreme Court
Case # No: 78240

Upon the following Parties.

To:

Humboldt Clerk	District Judge Montero
Tami Rae Spero	50 ^W 5 th Street
50 ^W 5 th Street P. 207	winn NV. 89445
winn NV. 89445	

D.A. office	Aaron Ford
Po Box 909	N. O. St.
winn NV. 89446	100 ^N Carson Street
	Carson city NV. 89701

Supreme Court of Nevada
Clerks office
201^S Carson Street Suit 201
Carson city NV. 89701

to the Humboldt Clerks office. and get a file stamped copy
Back Please at Po Box 593 Carson NV. 89822

03 of 3

FILED

2020 APR 10 PM 4:01

TAM RAE SPERO
DIST. COURT CLERK

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

1. Name of appellant filing this case appeal statement: Mark L. Sharp.
2. Identify the judge issuing the decision, judgment, or order appealed from: Honorable Michael R. Montero, Sixth Judicial District Court Judge in and for the State of Nevada. Order Denying Request for a Hearing.
3. Identify each appellant and the name and address of counsel for each appellant: Mark L. Sharp - Petitioner In Pro Se - P O Box 593 Carlin, Nevada 89822.
4. Identify each respondent and the name and address of appellate counsel, if known, for each respondent (if the name of a respondent's appellate counsel is unknown, indicate as much and provide the name and address of that respondent's trial counsel): Humboldt County District Attorney Michael Macdonald PO Box 909 Winnemucca, NV 89446
5. Indicate whether any attorney identified above in response to question 3 or 4 Is not licensed to practice law in Nevada and, if so, whether the district court granted that attorney permission to appear under SCR 42 (attach a copy of any district court order granting such permission): N/A
6. Indicate whether appellant was represented by appointed or retained counsel in the district court:

1 Appellant appeared In Pro Se for the matter being appealed.

2 7. Indicate whether appellant is represented by appointed or retained counsel on appeal: In Pro Se

3 8. Indicate whether appellant was granted leave to proceed in forma pauperis, and the date entry of the
4 district court order granting such leave: November 18, 2016.

5 9. Indicate the date the proceedings commenced in the district court (e.g. date complaint, indictment,
6 information, or petition was filed): August 18, 2015.

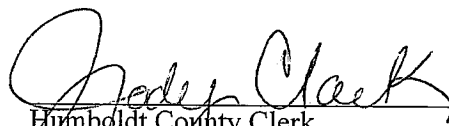
7 10. Provide a brief description of the nature of the action and result in the district court, including the
8 type of judgment or order being appealed and the relief granted by the district court: Petitioner file
9 a Request for Hearing and the Court denied his request.

10 11. Indicate whether the case has previously been the subject of an appeal to or original writ proceeding
11 in the Supreme Court and, if so, the caption and Supreme Court docket number of the prior
12 proceeding: Yes; Mark L. Sharp, Petitioner, vs. The State of Nevada, Respondent. Supreme Court
13 No. 78240; Mark L. Sharp, Petitioner, vs. The State of Nevada, Respondent. Supreme Court No.
14 72935.

15 12. Indicate whether this appeal involves child custody or visitation: No

16 13. If this is a civil case, indicate whether this appeal involves the possibility of settlement: N/A

17 Dated this 10th day of April, 2020.

18 

19 Humboldt County Clerk
20 50 W. 5th St. #207
21 Winnemucca, NV 89445
22 (775) 623-6343
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Sixth Judicial District Court - Humboldt County

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14:58:53

Case Summary

Page 1

Case #: CV0020479

Judge: Montero, Michael R.

Date Filed: 08/13/2015 Department:

Case Type: HABEAS CORP/WRIT

Petitioner(s)

SHARP, MARK L

Attorney(s)

No *Attorney 1* Listed

Respondent(s)

BACCA, I. WARDEN NDOC

Attorney(s)

ATTORNEY GENERAL

Respondent(s)

NEVADA, STATE OF

Attorney(s)

No *Attorney 1* Listed

Hearings:

Date	Time	Hearing
03/06/2017	12:00AM	HEARING
06/21/2017	12:00AM	HEARING
10/03/2018	1:30PM	HEARING

Filings:

Date	Filing
08/13/2015	MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS
08/13/2015	AFFIDAVIT IN SUPPORT OF MOTION FOR LEAVE TO PROCEED IN FORMA
08/13/2015	Legacy Images
08/13/2015	Legacy Images
08/18/2015	MEMORANDUM OF POINTS & AUTHORITIES IN SUPPORT OF PETITION FO
08/18/2015	PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION)
08/20/2015	Legacy Images
08/21/2015	Legacy Images
08/31/2015	MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS
08/31/2015	AFFIDAVIT IN SUPPORT OF REQUEST TO PROCEED IN FORMA PAUPERIS
09/01/2015	Legacy Images
09/01/2015	Legacy Images
02/05/2016	JUDICIAL REQUEST FOR RECORDS
02/16/2016	REQUEST FOR SUBMISSION
02/17/2016	Legacy Images
02/23/2016	ORDER
02/24/2016	Legacy Images
02/29/2016	AFFIDAVIT OF MARK SHARP
03/01/2016	Legacy Images
03/02/2016	RESPONDENTS MOTION TO PROCEED PRO-SE
03/03/2016	Legacy Images
03/09/2016	REGARDING BONDS
03/09/2016	REGARDING BONDS

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14:59:03

Case Summary

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03/09/2016	Legacy Images
03/10/2016	Legacy Images
03/21/2016	REQUEST FOR SUBMISSION
03/22/2016	Legacy Images
04/11/2016	REQUEST FOR SUBMISSION #2
04/12/2016	Legacy Images
05/03/2016	MOTION FOR JUDICIAL ACTION OF PETITION
05/04/2016	Legacy Images
07/01/2016	PETITIONER'S PRO SE NOTICE OF HEARING & MOTION FOR JUDICIAL
07/05/2016	Legacy Images
09/19/2016	ADDENDUM TO PETITION FOR A WRIT OF HABEAS CORPUS (POST CONVI
09/19/2016	CERTIFICATE OF SERVICE (ATTACHMENT TO ADDENDUM)
09/20/2016	Legacy Images
09/29/2016	REQUEST FOR SUBMISSION X 2
10/03/2016	Legacy Images
10/03/2016	Legacy Images
10/19/2016	REQUEST FOR SUBMISSION (MOTION FOR JUDICIAL ACTION ON PETITI
10/19/2016	REQUEST FOR SUBMISSION (MOTION TO PROCEED PRO-SE)
10/20/2016	Legacy Images
10/20/2016	Legacy Images
10/28/2016	NOTICE OF ADDRESS CHANGE (SHARP)
11/17/2016	ORDER TO RESPOND (STATE W/IN 45 DAYS)
11/18/2016	ORDER (TO PROCEED IN FORMA PAUPERIS W/NO FEES/COSTS)
11/18/2016	Legacy Images
11/18/2016	Legacy Images
11/21/2016	REQUEST FOR SUBMISSION X2
11/22/2016	Legacy Images
11/22/2016	Legacy Images
01/19/2017	REQUEST FOR SUMMARY JUDGMENT
01/20/2017	Legacy Images
02/03/2017	RESPONDENT'S MOTION FOR EXT OF TIME AND STRIKE PET REQ FOR J
02/06/2017	Legacy Images
02/27/2017	REQUEST FOR SUBMISSION
02/28/2017	Legacy Images
03/15/2017	REQUEST FOR SUBMISSION (REQUEST FOR SUMMARY JUDGEMENT)
03/16/2017	Legacy Images
03/17/2017	ORDER
03/20/2017	PETITIONER/DEFENDANT'S REQUEST FOR JUDGMENT ON THE PLEADINGS
03/20/2017	Legacy Images
03/21/2017	Legacy Images
03/24/2017	ORDER (MOTION FOR HEARING/DISCOVERY-DENIED/GRANTED LEAVE TO)
03/27/2017	Legacy Images
03/29/2017	PETITIONER'S REQUEST TO APPEAR IN PERSON IN COURT
03/29/2017	Legacy Images
04/03/2017	PETITIONER/DEF'S MOTION OF REQ. FOR LEGAL ASSISTANT

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Case Summary

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04/04/2017	Legacy Images
04/07/2017	REQUEST FOR SUBMISSION #1
04/10/2017	PETITIONER/DEFENDANT MOTION FOR DISCOVERY
04/10/2017	Legacy Images
04/11/2017	RESPONDENT'S CONSOLIDATED RESPONSE TO PET REQUEST FOR JUDGEM
04/11/2017	Legacy Images
04/12/2017	RESPONDENT'S RESPONSE TO DEFENDANT'S MOTION FOR DISCOVERY
04/12/2017	Legacy Images
04/13/2017	Legacy Images
04/14/2017	ORDER(REQ FOR JUDGMENT ON PLEADINGS - DENIED. APPT ATTY KKB)
04/18/2017	Legacy Images
04/19/2017	Legacy Images
04/24/2017	EMERGENCY NOTICE OF APPEAL
04/24/2017	MOTION TO REFUSE APPOINTMENT OF COUNSEL
04/25/2017	Legacy Images
04/26/2017	RESPONDENT'S MOTION TO STRIKE PET REQUEST FOR THE ATT OF WIT
04/26/2017	RESPONDENT'S MOTION TO STRIKE PET REQUEST FOR ADMISSIONS UND
04/26/2017	Legacy Images
04/27/2017	CASE APPEAL STATEMENT (PREPARED BY COURT CLERK)
04/28/2017	MOTION FOR DISCOVERY
04/28/2017	REPLY TO THE DIST. ATTY'S RESPONSE
05/01/2017	Legacy Images
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05/01/2017	Legacy Images
05/05/2017	RECEIPT FOR DOCUMENTS (SC - 72935)
05/08/2017	Legacy Images
05/12/2017	PETITIONER'S REQ FOR ATTENDANCE OF WITNESS BY PROCESS OF CRI
05/12/2017	PETITIONER'S REQUEST FOR ADMISSIONS UNDER RULE 36 OF NRC
05/12/2017	PETITIONER'S NOTICE OF INTENT TO PROCEED IN PRO PER
05/15/2017	REQUEST FOR SUBMISSION
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05/16/2017	REQUEST FOR SUBMISSION
05/16/2017	Legacy Images
05/18/2017	MOTION FOR DISCOVERY # 3
05/18/2017	MOTION FOR DISCOVERY # 1
05/18/2017	MOTION FOR DISCOVERY # 6
05/18/2017	MOTION FOR DISCOVERY # 2
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05/18/2017	MOTION FOR DISCOVERY # 5
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05/19/2017	MOTION FOR DISCOVERY #1.0

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Case Summary

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07/10/2017	Legacy Images
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07/11/2017	Legacy Images
07/20/2017	RFS #2 (MOTION FOR DISCOVERY #8)
07/20/2017	RFS #1 (MOTION TO RESET HEARING DATE)
07/20/2017	Legacy Images
07/20/2017	Legacy Images
07/28/2017	MOTION BY STIPULATION AND ORDER EXTENDING SCHEDULING ORDER A
07/31/2017	RFS #4 MOTION FOR DISCOVERY #2
07/31/2017	RFS#4 PETITIONERS REQUEST FOR THE ATTENDANCE OF WITNESSES
07/31/2017	RFS #5 THE REPLY TO THE DA'S RESPONSE
07/31/2017	RFS #4 MOTION FOR DISCOVERY #1.0
07/31/2017	RFS #4 MOTION FOR DISCOVERY #5
07/31/2017	RFS #4 MOTION FOR DISCOVERY #4
07/31/2017	RFS #4 MOTION FOR DISCOVERY #3.2
07/31/2017	RFS #3 MOTION FOR DISCOVERY #7
07/31/2017	RFS #4 MOTION FOR DISCOVERY #1
07/31/2017	RFS #4 MOTION FOR DISCOVERY #2.1
07/31/2017	RFS #5 MOTION FOR DISCOVERY #6
07/31/2017	RFS #4 MOTION FOR DISCOVERY #3
07/31/2017	RFS #4 NOTICE OF INTENT TO PROCEED IN PROPER PERSON
07/31/2017	RFS #4 PETITIONERS REQUEST FOR ADMISSIONS UNDER RULE 36
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10/02/2017	ORDER DENYING REHEARING (SC #72935)
10/03/2017	Legacy Images
10/26/2017	ORDER DISMISSING APPEAL (SC#72935)
10/26/2017	CLERK'S CERTIFICATE (SC #72935)
10/26/2017	REMITTITUR (SC #72935)
10/30/2017	Legacy Images
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11/09/2017	STIPULATION AND ORDER EXTENDING SCHEDULING ORDER
11/13/2017	Legacy Images
01/29/2018	SUPPLEMENTAL PETITION FOR WRIT OF HABEAS CORPUS (POST CONVICT)
01/30/2018	Legacy Images
06/25/2018	STIPULATION AND ORDER CONTINUING HEARING
06/25/2018	Legacy Images
10/03/2018	STATE'S EVIDENTIARY HEARING BRIEF AND RESPONSE TO PETITIONER
10/03/2018	COURT MINUTES - CONT. EVIDENTIARY HEARING
10/03/2018	Legacy Images

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Case Summary

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10/08/2018	Legacy Images
11/19/2018	TRANSCRIPT OF PROCEEDINGS - EVIDENTIARY HEARING
11/20/2018	Legacy Images
01/28/2019	ORDER (DENIED - PETITION FOR WRIT OF HABEAS CORPUS P/C)
01/28/2019	Legacy Images
01/29/2019	NOTICE OF ENTRY OF ORDER
01/30/2019	Legacy Images
02/25/2019	CASE APPEAL STATEMENT
02/25/2019	NOTICE OF APPEAL
02/25/2019	REQUEST FOR ROUGH DRAFT TRANSCRIPTS
02/26/2019	Legacy Images
02/26/2019	Legacy Images
02/26/2019	Legacy Images
03/11/2019	REQUEST FOR TRANSCRIPT (SEE EVENT SCREEN)
03/12/2019	Legacy Images
04/01/2019	CERTIFICATE OF HAND DELIVERY AND SECOND MAILING
04/02/2019	Legacy Images
05/02/2019	ORDER APPROVING SUBSTITUTION AND DIRECTING TRANSMISSION OF R
05/06/2019	Legacy Images
05/07/2019	Legacy Images
05/16/2019	ORDER GRANTING TELEPHONIC EXTENSION (SC NO. 78240)
05/17/2019	Legacy Images
06/10/2019	CLAIM FOR COMPENSATION OF ATTY'S FEES & EXPENSES (LOREMAN,D)
06/10/2019	Legacy Images
07/11/2019	ORDER APPROVING FEES
07/12/2019	Legacy Images
09/20/2019	NOTICE OF TRANSFER TO COURT OF APPEALS (SC # 78240)
09/23/2019	Legacy Images
12/12/2019	ORDER AFFIRMING IN PART, REVERSING IN PART & REMANDING
12/13/2019	ORDER - FINDINGS OF FACT (PETITIONER'S CLAIMS - DENIED)
01/08/2020	REMITTITUR
01/08/2020	CLERK'S CERTIFICATE
01/08/2020	ORDER AFFIRMING IN PART, REVERSING IN PART & REMANDING
03/10/2020	REQUEST FOR HEARING
03/12/2020	ORDER DENYING REQUEST FOR A HEARING
04/02/2020	EMAIL SENT TO REGARDING SERVICE OF COURT DOCUMENT - CV0020479, IN THE MATTER OF : SHARP, MARK L WITH 1 ATTACHMENTS FROM DOCKETS FREETYPE-3/12/2020
04/02/2020	EMAIL SENT TO REGARDING SERVICE OF COURT DOCUMENT - CV0020479, IN THE MATTER OF : SHARP, MARK L WITH 2 ATTACHMENTS FROM DOCKETS FREETYPE-3/12/2020
04/10/2020	APPEAL TO THE NEVADA S. C. (ORDER DENYING REQUEST FOR HEARING)

1 CASE NO. CV 20,479

2 DEPT. NO. II

FILED

2020 MAR 12 PM 12:55

TAMIAE SPERO
DIST. COURT CLERK

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

-000-

8 MARK L. SHARP,

9 Petitioner,

10 vs.

11 THE STATE OF NEVADA,

12 Respondent.

**ORDER DENYING REQUEST FOR
A HEARING**

13
14 Before this Court is Petitioner, Mark L. Sharp's *Request for a Hearing* filed on
15 March 10, 2020.

16 The Court, in reviewing all prior filings, finds that the *Order* filed by this Court on
17 December 13, 2019, complied with all requirements of the Court of Appeals *Order*
18 *Affirming In Part, Reversing In Part and Remanding*, filed on December 11, 2019.
19 Attached hereto, as Exhibit "A".

20 Accordingly, Petitioner's *Request for a Hearing* is **DENIED**.

21 **IT IS SO ORDERED.**

22 **DATED:** March 11, 2020.

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HONORABLE MICHAEL R. MONTERO
DISTRICT JUDGE

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EXHIBIT "A"

1 CASE NO. CV 20,479

2 DEPT. NO. II

FILED

2018 DEC 13 AM 10:46

TAMI RAE SPERG
DIST. COURT CLERK
[Signature]

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

-o0o-

8
9 MARK L. SHARP,

10 Petitioner,

ORDER

11 vs.

12 THE STATE OF NEVADA,

13 Respondent.
14 _____/

FINDINGS OF FACT

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

20 The State filed *Respondent's Consolidated Response to Petitioner's Request for*
21 *Judgment on the Pleadings and to Petitioner's Petition for Writ of Habeas Corpus (Post*
22 *Conviction)* on April 11, 2017. On October 3, 2018, the State filed *State's Evidentiary*
23 *Hearing Brief and Response to Petitioner's Supplemental Petition for Writ of Habeas Corpus*
24

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 On January 28, 2019, this Court entered an *ORDER* denying Petitioner's *Petition for*
8 *Writ of Habeas Corpus (Post-conviction) (Non Death)*, and Petitioner's *Supplemental Petition*
9 *for Writ of Habeas Corpus (Post-Conviction)*.

10 On December 11, 2019, the Nevada Court of Appeals issued an *Order Affirming in*
11 *Part, Reversing in Part and Remanding*. This Court was directed to decide the following
12 issues on their merits: Whether Petitioner's Counsel were ineffective for 1) failing to file a
13 motion to suppress evidence due to defective search warrants and/or affidavits in support
14 thereof, 2) assuring Petitioner that the district court would be lenient if he pleaded guilty and
15 liquidated all of his local assets in order to cut ties with the community, and 3) failing to
16 understand the elements of the crimes.

17 This ORDER addresses the issues on remand without further hearings as no further
18 hearings were ordered by the Court of Appeals, Petitioner was afforded the opportunity to
19 provide evidence regarding these claims at the October 3, 2018, Evidentiary Hearing, and the
20 record is more than sufficient to reach the conclusions outlined below.

21 CONCLUSIONS OF LAW

22 *Strickland* sets forth a two-prong test requiring a petitioner to show that his counsel's
23 performance fell below an objective standard of reasonableness and that his counsel's
24

1 87 [hereinafter "ET"]. Petitioner even testified that his Counsel had discussed a motion to
2 suppress with him. ET at 116. Further, it was Counsels' strategy to file a writ of habeas corpus
3 first, and then file a motion to suppress if applicable—a strategy that Petitioner was aware of
4 and consented to. ET at 51-52, 84, 90. Finally, Petitioner told Counsel to direct their time and
5 resources into a strategy involving the DEA, rather than filing a motion to suppress. ET at 53-
6 54. To the extent that Petitioner's testimony is contradictory with Counsels' testimony, ET at
7 112, this Court finds his testimony less reliable than that of Counsels'

8 It would have been futile for Counsel to file a motion to suppress after Petitioner
9 pleaded guilty. Further, Counsels' decision to wait to file a motion to suppress cannot be said
10 to fall below an objective standard of reasonableness, especially when Petitioner directed his
11 attorneys to pursue different avenues and then pleaded guilty before a motion to suppress
12 could be filed. Consequently, this Court cannot find that Counsels' failure to file a motion to
13 suppress fell below an objective standard of reasonableness or was anything but sound
14 strategy.

15 The second issue directed to this Court by the Court of Appeals regards Petitioner's
16 Counsel assuring him the district court would be lenient if he pleaded guilty and liquidated
17 his assets to cut ties with the community. Petitioner's assertion is belied by the record. On
18 January 13, 2014, prior to entering his guilty plea, the following dialog occurred between the
19 District Court and Petitioner regarding Petitioner's written *Guilty Plea Agreement*:

20 THE COURT: Were there any promises of leniency that were made to you
21 that caused you to sign this agreement, other than what's contained in it?

22 THE DEFENDANT: I tried all the different angles I could come up with to
23 get some kind of agreement, and I couldn't get nothing out of either one of
24 them.

THE COURT: Okay. So everything that was - - everything that was promised
to you is what's in this document, nothing more, correct?

1 THE DEFENDANT: Nothing.
2 THE COURT: Was that correct?
3 THE DEFENDANT: Uh, yes, sir.

4 May 29, 2014, Habeas Corpus Writ Hearing at 10-11 (Later changed to a Change of Plea
5 Hearing) [hereinafter PHT].

6 Petitioner's January 13, 2014, *Guilty Plea Agreement* makes no reference to
7 Petitioner's Counsel assuring him that the district court would be lenient if he pleaded guilty
8 and liquidated his local assets in order to cut ties with the community. In fact, the *Guilty Plea*
9 *Agreement* states that Petitioner had "not been promised or guaranteed any particular sentence
10 by anyone." Consequently, Petitioner has failed to show that his Counsels' performance fell
11 below an objective standard of reasonableness as Petitioner cannot support his claim
12 factually.

13 Petitioner's final claim directed to this Court by the Court of Appeals alleges that
14 Counsel was ineffective for failing to understand the elements of the crime. Prior to pleading
15 guilty, the District Court asked Petitioner: "And do you understand then, Mr. Sharp, what the
16 State would have to prove in order to convict you of trafficking in a controlled substance,
17 Level II?" PHT at 6. Petitioner replied: "Yes, sir." PHT at 6.

18 Further, Petitioner and his Counsel signed the January 13, 2014, *Guilty Plea*
19 *Agreement* in which the elements of the offense were clearly stated. The District Court read
20 the facts as applied to the elements of the offense directly from the *Guilty Plea Agreement*
21 shortly after Petitioner entered his plea. PHT at 15-16. When asked if those facts were
22 accurate, Petitioner responded: "Yes, sir." PHT at 16. When asked if those facts had actually
23 occurred, Petitioner responded: "Yes sir." PHT at 16. Petitioner's Counsel were seasoned
24 attorneys, and there is no indication within the record that Petitioner or his Counsel failed to

1 understand the elements of the crime. Consequently, Petitioner has failed to show that his
2 Counsels' performance fell below an objective standard of reasonableness as Petitioner
3 cannot support his claim factually.

4 **CONCLUSION**

5 Petitioner's claims as outlined by the Nevada Court of Appeals are **DENIED** for the
6 reasons stated above.

7 IT IS SO ORDERED

8 DATED: December 13, 2019.

9 

10 HONORABLE MICHAEL R. MONTERO
11 DISTRICT JUDGE
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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 December 13, 2019, I caused to be served a true and correct copy of the enclosed

ORDER upon the following parties:

Mark Sharp
P.O. Box 593
Carlin, NV 89822
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

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Mark Sharp
P.O. Box 593
Carlin, NV 89822
Via U.S. Mail

Michael Macdonald
Humboldt County District Attorney
P.O. Box 909
Winnemucca, Nevada 89445
DCT Box

Aaron Ford
Nevada Attorney General
100 N. Carson Street
Carson City, Nevada 89701


Elisha Formby
Administrative Specialist
Sixth Judicial District Court, Dept. II

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: Appeal to The Nevada Supreme Court; Case Appeal Statement; District Court Docket Entries;
Order Denying Request for a Hearing;

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

CASE NO. CV0020479

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 10th
day of April, 2020, A.D.

TAMIRAE SPERO, CLERK

By: *Jody Clark*
DEPUTY CLERK