



**EIGHTH JUDICIAL DISTRICT COURT
CLERK OF THE COURT**

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Elizabeth A. Brown
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Anntoinette Naumec-Miller
Court Division Administrator

July 22, 2020

Elizabeth A. Brown
Clerk of the Court
201 South Carson Street, Suite 201
Carson City, Nevada 89701-4702

RE: STATE OF NEVADA vs. EDWARD HONABACH
S.C. CASE: 81402
D.C. CASE: A-20-812948-W

Dear Ms. Brown:

Pursuant to your Order Directing Entry and Transmission of Written Order, dated July 14, 2020, enclosed is a certified copy of the Findings of Fact, Conclusions of Law and Order filed July 21, 2020 in the above referenced case. If you have any questions regarding this matter, please do not hesitate to contact me at (702) 671-0512.

Sincerely,
STEVEN D. GRIERSON, CLERK OF THE COURT

A handwritten signature in black ink, reading "Heather Ungermann", with a long horizontal flourish extending to the right.

Heather Ungermann, Deputy Clerk

Heather S. Linn

CLERK OF THE COURT

FCL
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
KAREN MISHLER
Deputy District Attorney
Nevada Bar #013730
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,
Plaintiff,

-vs-

EDWARD HONABACH, aka,
Edward Joseph Honabach, #7029816
Defendant.

CASE NO: A-20-812948-W

DEPT NO: XXX

**FINDINGS OF FACT, CONCLUSIONS OF
LAW AND ORDER**

THIS CAUSE having come before the Honorable JERRY WEISE, District Judge, on the 18th day of May, 2020, the Court having concluded that pursuant to Administrative Order 20-01 and subsequent Administrative Orders, this matter is "non-essential" and thus may be decided on the papers. The Court having considered the matter, including briefs, transcripts, and documents on file herein, now therefore, the Court makes the following findings of fact and conclusions of law:

FINDINGS OF FACT, CONCLUSIONS OF LAW

STATEMENT OF THE CASE

On April 12, 2016, the State filed an Information charging Petitioner Edward Honabach ("Petitioner") with Conspiracy to Commit Murder (Category B Felony – NRS 200.010, 200.030, 199.480); Attempt Murder With Use of a Deadly Weapon (Category B Felony – NRS 200.010, 200.030, 193.330, 193.165); Mayhem With Use of a Deadly Weapon (Category B

1 Felony – NRS 200.280, 193.165); Battery With Use of a Deadly Weapon Resulting in
2 Substantial Bodily Harm (Category B Felony – NRS 200.481); First Degree Kidnapping With
3 Use of a Deadly Weapon Resulting in Substantial Bodily Harm (Category A Felony – NRS
4 200.310, 200.320, 193.165); Extortion With Use of a Deadly Weapon (Category B Felony –
5 NRS 205.320, 193.165); Robbery With Use of a Deadly Weapon (Category B Felony – NRS
6 200.380, 193.165); and First Degree Arson (Category B Felony – NRS 205.010).

7 On April 14, 2016, Petitioner was arraigned on the Information, at which time he
8 entered a plea of not guilty and waived his right to a speedy trial. On February 4, 2019,
9 pursuant to negotiations, the State filed an Amended Information charging Petitioner with one
10 count of First Degree Kidnapping Resulting in Substantial Bodily Harm (Category A Felony
11 – NRS 200.310, 200.320). On that same date, Petitioner pleaded guilty to the charge contained
12 in the Amended Information, and the State filed a Guilty Plea Agreement in open court.

13 On March 26, 2019, Petitioner was sentenced to a life without the possibility of parole
14 in the Nevada Department of Corrections. The Judgment of Conviction was filed on March
15 28, 2019. On April 26, 2019, Petitioner filed a Notice of Appeal. On August 13, 2019,
16 Appellant filed a Notice of Withdrawal of Appeal. On August 23, 2019, the Nevada Supreme
17 Court dismissed the appeal. No remittitur issued.

18 On March 27, 2020, Petitioner filed the instant post-conviction Petition for Writ of
19 Habeas Corpus.

20 ANALYSIS

21 Petitioner claims he did not enter into the Guilty Plea Agreement voluntarily,
22 intelligently, and knowingly, because he did not know that he could receive a sentence of life
23 without the possibility of parole. He also claims that his plea counsel was ineffective for failing
24 to advise him that he could receive a sentence of life without the possibility of parole. Both of
25 these claims are clearly belied by the record. The Guilty Plea Agreement in this case clearly
26 states that “the State will have the right to argue for Life without the possibility of Parole, and
27 the Defense will argue for Life with the possibility of Parole after fifteen (15) years.”
28 Additionally, during the plea canvass on February 4, 2019, the Court accepted Petitioner’s plea

1 of guilty, and concluded that his guilty plea was made freely and voluntarily, and that he
2 understood the nature of the offense and the consequences of his plea.

3 Petitioner's only other claim is of cumulative error. As all of Petitioner's claims are
4 clearly belied by the record, there is no suggestion or evidence of any cumulative error.

5 **ORDER**

6 THEREFORE, IT IS HEREBY ORDERED that the Petition for Writ of Habeas Corpus
7 shall be, and it is, hereby denied.

Dated this 21st day of July, 2020

8 DATED this _____ day of July, 2020.

9
10 
DISTRICT JUDGE

11 STEVEN B. WOLFSON
12 Clark County District Attorney
Nevada Bar #001565

318 764 021C 7440
Jerry A. Wiese
District Court Judge

13 BY /s/KAREN MISHLER
14 KAREN MISHLER
15 Deputy District Attorney
Nevada Bar #013730

16
17
18
19 **CERTIFICATE OF MAILING**

20 I hereby certify that service of the above and foregoing was made this _____ day of
21 July, 2020, by depositing a copy in the U.S. Mail, postage pre-paid, addressed to:

22 EDWARD HONABACH #1214257
23 ELY STATE PRISON
24 4569 N. STATE ROUTE 490
ELY, NV, 89301

July 22, 2020

25 BY _____
26 Jimenez
27 Secretary for the District Attorney's Office



28 km/L3

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 Edward Honabach, Plaintiff(s)

CASE NO: A-20-812948-W

7 vs.

DEPT. NO. Department 30

8 William Gittere, Defendant(s)
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

11 This automated certificate of service was generated by the Eighth Judicial District
12 Court. The foregoing Order was served via the court's electronic eFile system to all
13 recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 7/21/2020

15 Travis Akin

travis@avalonlg.com