

Electronically Filed
Mar 31 2021 03:39 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

NOASC
LUCAS J. GAFFNEY, ESQ.
Nevada Bar No. 12373
GAFFNEY LAW
1050 Indigo Drive, Suite 120
Las Vegas, Nevada 89145
Telephone: (702) 742-2055
Facsimile: (702) 920-8838
lucas@gaffneylawlv.com
Attorney for Appellant

DISTRICT COURT
CLARK COUNTY, NEVADA

SHAWN GLOVER ,

Appellant,
v.

THE STATE OF NEVADA,

Respondent.

CASE NO. A-20-821176-W
(C-16-312448-1)

DEPT. NO. XVII

NOTICE OF APPEAL

NOTICE is hereby given that SHAWN GLOVER, Appellant above named, hereby appeals to the Nevada Supreme Court from District Court's decision rendered in this action, the 25th day of February, 2021.

DATED this 26th day of March 2021.

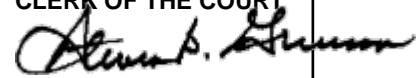
GAFFNEY LAW

/s/ Lucas J. Gaffney, Esq.
LUCAS J. GAFFNEY, ESQ.
Nevada Bar No. 12373
1050 Indigo Drive, Suite 120
Las Vegas, Nevada 89145
Telephone: (702) 742-2055
Attorney for Appellant

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8

STEVEN WOLFSON,
Clark County District Attorney
200 Lewis Avenue
Las Vegas, Nevada 89101
Motions@clarkcountyda.com
Respondent

By: /s/ Lucas Gaffney
An employee of GAFFNEY LAW.



ASTA
LUCAS J. GAFFNEY, ESQ.
Nevada Bar No. 12373
GAFFNEY LAW
1050 Indigo Drive, Suite 120
Las Vegas, Nevada 89145
Telephone: (702) 742-2055
Facsimile: (702) 920-8838
lucas@gaffneylawlv.com
Attorney for Appellant

DISTRICT COURT
CLARK COUNTY, NEVADA

SHAWN GLOVER,

Appellant,

v.

THE STATE OF NEVADA,

Respondent.

CASE NO. A-20-821176-W
(C-16-312448-1)

DEPT. NO. XVII

CASE APPEAL STATEMENT

1. Appellant filing this case appeal statement: **SHAWN GLOVER**

2. The name of the judge who entered the order or judgment that is being appealed: **The Honorable Michael P. Villani.**

3. All parties to the proceedings in the district court (the use of et al. to denote parties is prohibited): **Shawn Glover, Defendant; The State of Nevada, Plaintiff.**

4. All parties involved in this appeal (the use of et. al. to denote parties is prohibited): **Shawn Glover, Appellant; The State of Nevada, Respondent.**

5. Name, law firm, address, and telephone number of all counsel on appeal and party or parties whom they represent:

1
2 **LUCAS J. GAFFNEY, ESQ.**
3 **GAFFNEY LAW**
4 **1050 Indigo Drive, Suite 120**
5 **Las Vegas, Nevada 89145**
6 **(702) 742-2055**
7 *Attorney for Appellant*

STEVEN B. WOLFSON
Clark County District Attorney
200 Lewis Avenue
Las Vegas, Nevada 89155
(702) 671-2500
Attorney for Respondent

8 6. Whether an attorney identified in response to paragraph 5 is not licensed to practice
9 law in Nevada, and if so, whether the district court granted that attorney permission to appear under
10 SCR 42, including a copy of any district court order granting that permission: **N/A.**

11 7. Whether appellant was represented by appointed or retained counsel in the district
12 court: **Appointed.**

13 8. Whether appellant is represented by appointed or retained counsel on appeal:
14 **Appointed.**

15 9. Whether appellant was granted leave to proceed in forma pauperis, and the date of entry
16 of the district court order granting such leave: **N/A.**

17 10. Date proceedings commenced in the district court (e.g., date complaint, indictment,
18 information, or petition was filed): **Indictment filed February 4, 2016.**

19 11. A brief description of the nature of the action and result in the district court, including
20 the type of judgment or order being appealed and the relief granted by the district court: **This is an**
21 **appeal of the district court's denial of the Appellant's Post-Conviction Petition for Writ of**
22 **Habeas Corpus.**

23 12. Whether the case has previously been the subject of an appeal to or original writ
24 proceeding in the Supreme Court and, if so, the caption and Supreme Court docket number of the prior
25 proceeding: **Shawn Glover v. The State of Nevada (77425)**

26 13. Whether the appeal involves child custody or visitation: **N/A.**
27
28

1 14. In civil cases, whether the appeal involves the possibility of settlement. N/A.

2
3 DATED this 26th day of March, 2021.

4
5 GAFFNEY LAW

6 /s/ Lucas J. Gaffney, Esq.

7 LUCAS J. GAFFNEY, ESQ.

8 Nevada Bar No. 12373

9 1050 Indigo Drive, Suite 120

10 Las Vegas, Nevada 89145

11 Telephone: (702) 742-2055

12 Attorney for Appellant

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8

STEVEN WOLFSON,
Clark County District Attorney
200 Lewis Avenue
Las Vegas, Nevada 89101
Motions@clarkcountyda.com
Respondent

AARON D. FORD
Nevada Attorney General
100 N. Carson Street
Carson City, Nevada 89701-4714

15
16
17
18
19
20
21
22
23
24
25
26
27
28

CASE SUMMARY

CASE NO. A-20-821176-W

Shawn Glover, Plaintiff(s)
vs.
The State of Nevada, Defendant(s)

§
§
§
§
§

Location: Department 17
Judicial Officer: Villani, Michael
Filed on: 09/14/2020
Case Number History:
Cross-Reference Case Number: A821176

CASE INFORMATION

Related Cases

C-16-312448-1 (Writ Related Case)

Case Type: Writ of Habeas Corpus

Statistical Closures

02/25/2021 Other Manner of Disposition

Case Status: 02/25/2021 Closed

DATE

CASE ASSIGNMENT

Current Case Assignment

Case Number A-20-821176-W
Court Department 17
Date Assigned 09/16/2020
Judicial Officer Villani, Michael

PARTY INFORMATION

Plaintiff

Glover, Shawn

Lead Attorneys

Gaffney, Lucas
Retained
702-742-2055(H)

Defendant

Nevada Attorney General
The State of Nevada

Flinn, William W.
Retained
702-671-7250(W)

DATE

EVENTS & ORDERS OF THE COURT

INDEX

EVENTS

09/14/2020



Petition for Writ of Habeas Corpus
Filed by: Plaintiff Glover, Shawn
Petition for Writ of Habeas Corpus (Post-Conviction)

09/17/2020



Clerk's Notice of Nonconforming Document
Clerk's Notice of Nonconforming Document

11/13/2020



Response
Filed by: Defendant The State of Nevada
State's Response to Petitioner's Petition for Writ of Habeas Corpus, and in Support of its Motion to Strike the Same

01/04/2021



Amended Petition
Filed By: Plaintiff Glover, Shawn
Amended Petition for Writ of Habeas Corpus (Post-Conviction)

01/06/2021



Clerk's Notice of Hearing
Clerk's Notice of Hearing

CASE SUMMARY

CASE NO. A-20-821176-W

02/25/2021



Findings of Fact, Conclusions of Law and Order
Filed By: Plaintiff Glover, Shawn
Findings of Fact, Conclusions of Law and Order

03/01/2021



Notice of Entry of Findings of Fact, Conclusions of Law
Filed By: Defendant The State of Nevada
Notice of Entry of Findings of Fact, Conclusions of Law and Order

03/26/2021



Notice of Appeal (criminal)
Party: Plaintiff Glover, Shawn
Notice of Appeal

03/26/2021



Case Appeal Statement
Filed By: Plaintiff Glover, Shawn
Case Appeal Statement

HEARINGS

01/08/2021



Petition for Writ of Habeas Corpus (8:30 AM) (Judicial Officer: Villani, Michael)

Under Advisement;
Journal Entry Details:

Defendant not present, in the Nevada Department of Corrections. Mr. Gaffney stated the first matter he wanted to address was the State's request to strike the Petition as a non-conforming document. The reason it was non-conforming was because he filed the cover sheet and the petition together as a single document and they should have been filed separately. He went ahead and filed amended petition on January 4 which should remedy the non-conforming document issue. Upon Court's inquiry, Mr. Flinn stated he received the amended petition; however, has not had time to review it. Mr. Flinn stated if the only change was the cover sheet he has no problem. Mr. Gaffney stated there were no substantive changes. Mr. Gaffney argued in support of Petition regarding ineffective assistance of counsel, testimony hearsay and possible conflict regarding dual representation. Mr. Flinn argued in opposition. Upon Court's inquiry, Mr. Gaffney stated the victim's cases were 01M20858X and 10F15357X, attached as exhibit "B" to the Petition. Court advised as to the conflict, under the circumstances of this case, it was a reasonable, tactical decision by counsel not to pursue a self-defense claim in light of all the factors of this particular case. As to the issue of the doctor testifying, Court advised it wanted to look at the doctor's testimony to confirm how they couched their opinions as to cause and manner of death. Mr. Gaffney referenced day 3 of the trial, noting the testimony starts on Page 118; transcript was filed December 31, 2018. COURT ORDERED, matter TAKEN UNDER ADVISEMENT; Court will issue a written decision within the next week. ;

02/05/2021



Minute Order (3:00 AM) (Judicial Officer: Villani, Michael)

Minute Order - No Hearing Held;
Journal Entry Details:

Petitioner's Amended Petition for Writ of Habeas Corpus (Post-Conviction) came before the Court, whereupon the Court took the matter under further advisement. The Court adopts the procedural history as set forth in the State's Response to Petitioner's PCR. After considering all pleadings and arguments, the Court renders its decision as follows: Petitioner's request for relief is based upon two issues: (1) Failure to object to testimonial hearsay: Dr. Corneal did not perform the autopsy on the decedent, but she did testify at trial about the manner and cause of death. After setting forth her qualifications, Dr. Corneal testified that she had reviewed the autopsy report and photographs. Dr. Corneal testified she had made her own opinions as to the cause and manner of death. Nothing contained in Dr. Corneal's testimony referred to the opinions and conclusions of Dr. Dutra. See JT day 3, at 118 - 133. THIS COURT FINDS Dr. Corneal's testimony is not testimonial hearsay in violation of the Confrontation Clause. (2) Conflict of interest: Petitioner does not set forth any specific conflict of interest. Petitioner engages in mere conjecture. See Petition at 24 ("scope of Flemings former representation is unknown," "it is reasonable to infer that Mr. Fleming would have provided confidential and/or sensitive information about his violent conduct to his Public Defender."). Petitioner claims the Public Defenders' office represented Mr. Fleming in a misdemeanor battery domestic case in 2001 and a disorderly conduct case in 2010. However, Petitioner does not allege an actual

CASE SUMMARY

CASE NO. A-20-821176-W

conflict involving Mr. O'Brien and Mr. Bashor or how the representation of the two misdemeanor cases 14 and 4 years prior by the Public Defenders' office created a conflict. Nowhere in the record or the Petition establishes a conflict affecting Counsels' performance. See *Mickens v Taylor*, 535 U.S. 162, 122 S.Ct. 1237 (2002). Here, Evidence established that Mr. Fleming was shot in the back of the head at a downward angle, which would undermine a self-defense theory. See JT day 3, at 126. Petitioner's theory at trial was that he was not the shooter. This was a tactical decision by defense counsel, and the record does not support a claim that Petitioner objected to such said strategy. Thus, COURT FINDS Petitioner failed to satisfy both prongs of Strickland. Additionally, an evidentiary is unwarranted as the record does not need to be expanded. Therefore, COURT ORDERD, Petition for Writ of Habeas Corpus (Post-Conviction), DENIED. COURT ORDERS State to submit a proposed order consistent with the foregoing and is approved by the State regarding its form and content within twenty-one (21) days after Counsel is notified of the ruling and distribute a filed copy to all parties involved pursuant to EDCR 7.21. Such order should set forth a synopsis of the supporting reasons proffered to the Court in briefing. Status check for February 23, 2021 at 8:30 am, regarding the filing of the order. That date to be vacated if the Court receives the order prior to February 23, 2021. CLERK'S NOTE: A copy of this Minute Order was provided to counsel by e-mail. 2/5/2021 sa;

02/23/2021



Status Check (8:30 AM) (Judicial Officer: Villani, Michael)

Status Check: Order

Matter Continued;

Order filed

Journal Entry Details:

Defendant not present. Upon Court's inquiry, Mr. Meng stated he would make sure the Order is filed this week. COURT ORDERED, Status Check CONTINUED. Court advised Status Check would be vacated if the Order was filed. NDC CONTINUED TO: 3/9/2021 10:00 AM;

DISTRICT COURT CIVIL COVER SHEET

Electronically Filed
9/14/2020 8:17 PM
Steven D. Grierson
CLERK OF THE COURT

Steven D. Grierson

County, Nevada
Case No. _____
(Assigned by Clerk's Office)

I. Party Information (provide both home and mailing addresses if different)

Plaintiff(s) (name/address/phone): <div style="text-align: center; padding: 5px;">Shawn Glover</div>	Defendant(s) (name/address/phone): <div style="text-align: center; padding: 5px;">The State of Nevada</div>
Attorney (name/address/phone): <div style="text-align: center; padding: 5px;">Lucas Gaffney, Esq. 1050 Indigo Drive, Suite 120 Las Vegas, NV 89145</div>	Attorney (name/address/phone): <div style="text-align: center; padding: 5px;">Steven Wolfson, Esq. Clark County District Attorney 200 Lewis Ave. Las Vegas, NV 89155-2212</div>

CASE NO: A-20-821176-W
Department 18

II. Nature of Controversy (please select the one most applicable filing type below)

Civil Case Filing Types

Real Property Landlord/Tenant <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Other Landlord/Tenant Title to Property <input type="checkbox"/> Judicial Foreclosure <input type="checkbox"/> Other Title to Property Other Real Property <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property	Negligence <input type="checkbox"/> Auto <input type="checkbox"/> Premises Liability <input type="checkbox"/> Other Negligence Malpractice <input type="checkbox"/> Medical/Dental <input type="checkbox"/> Legal <input type="checkbox"/> Accounting <input type="checkbox"/> Other Malpractice	Torts Other Torts <input type="checkbox"/> Product Liability <input type="checkbox"/> Intentional Misconduct <input type="checkbox"/> Employment Tort <input type="checkbox"/> Insurance Tort <input type="checkbox"/> Other Tort
Probate <i>(select case type and estate value)</i> <input type="checkbox"/> Summary Administration <input type="checkbox"/> General Administration <input type="checkbox"/> Special Administration <input type="checkbox"/> Set Aside <input type="checkbox"/> Trust/Conservatorship <input type="checkbox"/> Other Probate Estate Value <input type="checkbox"/> Over \$200,000 <input type="checkbox"/> Between \$100,000 and \$200,000 <input type="checkbox"/> Under \$100,000 or Unknown <input type="checkbox"/> Under \$2,500	Construction Defect & Contract Construction Defect <input type="checkbox"/> Chapter 40 <input type="checkbox"/> Other Construction Defect Contract Case <input type="checkbox"/> Uniform Commercial Code <input type="checkbox"/> Building and Construction <input type="checkbox"/> Insurance Carrier <input type="checkbox"/> Commercial Instrument <input type="checkbox"/> Collection of Accounts <input type="checkbox"/> Employment Contract <input type="checkbox"/> Other Contract	Judicial Review/Appeal Judicial Review <input type="checkbox"/> Foreclosure Mediation Case <input type="checkbox"/> Petition to Seal Records <input type="checkbox"/> Mental Competency Nevada State Agency Appeal <input type="checkbox"/> Department of Motor Vehicle <input type="checkbox"/> Worker's Compensation <input type="checkbox"/> Other Nevada State Agency Appeal Other <input type="checkbox"/> Appeal from Lower Court <input type="checkbox"/> Other Judicial Review/Appeal
Civil Writ <div style="display: flex; justify-content: space-between;"> <div> <input checked="" type="checkbox"/> Writ of Habeas Corpus <input type="checkbox"/> Writ of Mandamus <input type="checkbox"/> Writ of Quo Warrant </div> <div> <input type="checkbox"/> Writ of Prohibition <input type="checkbox"/> Other Civil Writ </div> </div>		Other Civil Filing Other Civil Filing <input type="checkbox"/> Compromise of Minor's Claim <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Other Civil Matters

Business Court filings should be filed using the Business Court civil coversheet.

September 14, 2020

Date

Signature of initiating party or representative

See other side for family-related case filings.

FCL
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
JOHN NIMAN
Deputy District Attorney
Nevada Bar #14408
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

**DISTRICT COURT
CLARK COUNTY, NEVADA**

SHAWN GLOVER,
#1950305

Petitioner,

-vs-

**WILLIAM GITTERE, Warden; CHARLES
DANIELS, Director NDC; and THE STATE
OF NEVADA,**

Respondents.

CASE NO: A-20-821176-W

(C-16-312448-1)

DEPT NO: XVII

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

DATE OF HEARING: January 8, 2021

TIME OF HEARING: 8:30 am

THIS CAUSE having come on for hearing before the Honorable MICHAEL VILLANI, District Court Judge, on the 8th day of January, 2021, Petitioner not being present, being represented by LUCAS GAFFNEY, Esq., Respondent being represented by STEVEN B. WOLFSON, Clark County District Attorney, by and through WILLIAM W. FLINN, Chief Deputy District Attorney, and the Court having considered the matter, including briefs, transcripts, and documents on file herein, and hearing arguments of the parties, after which the Court took the matter UNDER ADVISEMENT. Thereafter, on the 5th day of February, 2021, the Court issued a Minute Order making the following findings of fact and conclusions of law:

1 **FINDINGS OF FACT, CONCLUSIONS OF LAW**

2 **STATEMENT OF THE CASE**

3 On February 4, 2016, SHAWN GLOVER, aka Shawn Lynn Glover, Jr. (hereinafter
4 “Petitioner”) was charged by way of Indictment with MURDER WITH USE OF A DEADLY
5 WEAPON (Category A Felony – NRS 200.010, 200.030, 193.165); ASSAULT WITH A
6 DEADLY WEAPON (Category B Felony – NRS 200.471); OWNERSHIP OR POSSESSION
7 OF A FIREARM BY PROHIBITED PERSON (Category B Felony – NRS 202.360); and
8 DISCHARGE OF FIREARM FROM OR WITHIN A STRUCTURE OR VEHICLE
9 (Category B Felony – NRS 202.287) for his actions on or about January 1, 2016. Petitioner
10 was arraigned on the Indictment on February 8, 2016, with Deputy Public Defender Ryan
11 Bashor (“Bashor”) representing him.

12 On March 4, 2016, Jess Marchese, Esq. substituted in as counsel for Petitioner in place
13 of the Public Defender’s Office. However, on April 7, 2016, Mr. Marchese filed a Motion to
14 Withdraw as Counsel on the grounds that Petitioner was not fulfilling his contractual
15 obligations. The Court granted Mr. Marchese’s Motion on April 18, 2016, and the Public
16 Defender’s Office accepted appointment as Petitioner’s counsel once again.

17 On July 30, 2018, Petitioner’s case proceeded to jury trial. On August 3, 2018, after
18 five (5) days of trial, the jury returned its Verdict of Guilty of First Degree Murder with use
19 of a Deadly Weapon, Guilty of Assault with use of a Deadly Weapon, and Guilty of Discharge
20 of Firearm from or Within a Structure or Vehicle. The parties stipulated to waive sentencing
21 by the jury for the First Degree Murder charge.

22 On October 10, 2018, Petitioner was sentenced, as follows: Count 1 – LIFE in the
23 Nevada Department of Corrections (NDC) without the possibility of parole, plus a consecutive
24 forty-eight (48) to one hundred eighty (180) months for the use of a deadly weapon; Count 2
25 – twenty-eight (28) to seventy-two (72) months in NDC, concurrent with Count 1; Count 3 –
26 sixty (60) to one hundred eighty (180) months in NDC, concurrent with Counts 1 and 2.
27 Petitioner was given one thousand eleven (1011) days credit for time served. Petitioner’s
28 Judgment of Conviction was filed on October 15, 2018.

1 On November 8, 2018, Petitioner filed a Notice of Appeal. On October 24, 2019, the
2 Nevada Supreme Court affirmed Petitioner's judgment of conviction. Remittitur issued on
3 November 23, 2019.

4 On March 5, 2020, Petitioner filed an omnibus Motion, which included a request for
5 post-conviction counsel. Despite there being no post-conviction matter pending, the Court
6 granted Petitioner's request for post-conviction counsel on April 30, 2020. Lucas Gaffney,
7 Esq. confirmed as counsel for Petitioner on May 21, 2020.

8 On September 14, 2020, Petitioner filed the instant Petition for Writ of Habeas Corpus
9 (Post-Conviction) (his "instant Petition"). On September 17, 2020, the Deputy Clerk of the
10 Court filed a Notice of Nonconforming Document regarding Petitioner's instant Petition. As
11 of the time of the instant Response, no conforming document has been filed pursuant to
12 Nevada Electronic Filing and Conversion Rule 8(b)(2). The State filed its Response and
13 Motion to Strike Petitioner's instant Petition on November 13, 2020. On January 4, 2021,
14 Petitioner filed an Amended Petition, making no substantive changes but conforming to the
15 Court rules.

16 On January 8, 2021, this matter came before the Court for hearing. After arguments of
17 the parties, the Court took the matter under advisement. On February 5, 2021, the Court issued
18 a Minute Order making the following findings and conclusions:

19 STATEMENT OF FACTS

20 On January 1, 2016, Miranda Sutton ("Miranda") lived in a townhome in North Las
21 Vegas with her husband, Patrick Fleming ("Patrick"), her 21-year-old daughter Akira Veasley
22 ("Akira"), her goddaughter Angela, and Angela's two boys. Jury Trial Transcript, Day 3, dated
23 August 1, 2018 ("JT3") at 42-43, 90-91. Approximately, one week prior to Miranda and her
24 family moving into the townhome, Glover, also temporarily moved in. Id. at 45-46. Glover
25 started staying with Miranda and her family because he had a daughter with Angela. Id.

26 On the morning of New Year's Day, 2016, Patrick woke up, drove Angela to work, and
27 stopped by his office to retrieve his paycheck. JT3 at 46-47. When he returned, Patrick
28 confronted his step-daughter, Akira, about having a young man in his vehicle on New Year's

1 Eve when he asked her not to. Id. at 47-48. Akira then started to argue with Patrick in the
2 garage. Id. at 92. Hearing the argument, Miranda headed downstairs and into the garage. Id. at
3 47-48. There, she observed her husband, Patrick, and her daughter, Akira, engaged in a
4 “typical argument.” Id.

5 At some point, Glover interrupted the argument when he came downstairs and handed
6 Miranda the phone. JT3 at 93. Miranda spoke to Angela on the phone and observed Glover
7 head back up the stairway of the townhome. Id. at 49. After the argument ended and Patrick
8 apologized, Glover came downstairs a second time and asked to speak with Miranda. Id. at 49-
9 50, 94. Miranda followed Glover upstairs. Id. at 50. Upstairs, Glover headed towards Angela’s
10 bedroom and asked to speak with Miranda in the bedroom. Id. Once in the bedroom, Glover
11 asked Miranda: “do you want me to handle this, do you want me to take care of it?” Confused,
12 Miranda asked for clarification. Id. Glover explained that he heard Patrick “down there
13 fighting you guys.” Id. Miranda admitted to Glover that there was an argument, however, she
14 assured him that “everything [was] okay . . . [and that there was] no problem.” Id.

15 During the conversation between Miranda and Glover, Akira testified that “[e]verything
16 was done [and] [e]verything [was] fine at this point.” JT3 at 94. Miranda and Glover exited
17 Angela’s bedroom and Patrick confronted Glover as to why he was talking to Miranda. Id. at
18 52. Miranda and Akira testified that they observed the confrontation between Glover and
19 Patrick. Id. at 52, 94. They further testified that they heard Glover accuse Patrick of fighting
20 with both women in the garage. Id. Patrick denied Glover’s allegation and explained that they
21 were “just having a conversation.” Id. at 94. Akira observed that Patrick’s denial made Glover
22 “even more mad.” Id. When Patrick attempted to touch Glover, Miranda and Akira, testified
23 that Glover said, “get off me.” Id. at 52, 95. Patrick then told Glover that they should go
24 downstairs to talk. Id. at 52.

25 Miranda and Akira then testified that they observed Patrick walking down the stairs and
26 Glover following right behind him. JT3 at 52, 95. At this point, Miranda headed towards
27 Angela’s room to retrieve some baby items and then heard three gunshots. Id. at 53. Similarly,
28 Akira who was sitting on the couch upstairs, testified that approximately 10 to 15 seconds after

1 she saw Glover following Patrick down the stairs, she heard three gunshots. Id. at 96. Miranda
2 hurried out of Angela's room, looked at Akira, and they both ran towards the stairs. Id. at 53-
3 54, 96. Miranda reached the stairs first and started to make her way down the stairs as Akira
4 stayed behind her mom. Id. Miranda and Akira looked down and saw Patrick's body lying on
5 the landing. Id. at 54, 96. Terrified, Akira ran back up the stairs and called 911. Id. at 55.
6 Miranda observed Glover holding a gun as he stood over Patrick's motionless body. Id. at 54.
7 Glover then raised his gun, pointed it at Miranda, and said something like: "don't tell on me,
8 don't say anything." Id. Miranda thought Glover was going to shoot her. Id. Miranda then saw
9 Glover go through the garage door, heard the garage door opening, and attempted to give
10 Patrick CPR until officers arrived. Id. at 56.

11 Fearful because Glover had, at gunpoint, threatened her and her family if she said
12 anything, Miranda chose to initially tell police that Patrick had been shot by some unknown
13 person. JT3 at 68-71. Similarly, Akira initially told police that her step-father had been shot
14 by a person named Hatch, who had come to the townhome to buy marijuana from Patrick. Id.
15 at 103-04. In addition to Glover's threat, Miranda and Akira both chose to lie to police because
16 they testified that they knew Glover had committed other acts of violence against other people
17 in the past. Id. at 89, 109. Miranda testified that once she went back upstairs to check on the
18 children in the house, she noticed they were in a room with the door shut. Id. at 57. The children
19 told Miranda that Glover had ushered them into the room, closed the door, and told them to
20 stay in the room. Id.

21 Upon arrival, Homicide Detective Benjamin Owens ("Det. Owens") began to protect
22 the integrity of the crime scene after he determined that Patrick had been murdered. JT4 at 14-
23 15. During his investigation, Det. Owens discovered that Patrick had a Glock 19 tucked into a
24 waistband holder. Id. at 16, 18. Det. Owens testified that he later determined that the gun found
25 on Patrick was loaded, however, its chamber was empty. Id. Therefore, the gun would not fire
26 if the trigger was pulled. Id. Indeed, for the gun to fire it needed to be racked back in order for
27 a round to enter its chamber. JT3 at 148. Det. Owens's investigation also revealed that the
28

1 townhome had no signs of forced entry and that there was no property loss within the
2 townhome. JT4 at 21.

3 Finally, the medical examiner testified that Patrick was shot three times. JT3 at 123.
4 The first shot entered the back of Patrick's head at a downward angle, went through his brain,
5 cut his brain stem, and lodged in his fractured jaw. Id. at 126. The second shot entered and
6 exited through Patrick's inner right upper arm causing a broken humerus. Id. at 129. The third
7 shot entered Patrick's upper right thigh. Id. at 130. The medical examiner concluded that
8 wounds had a downward trajectory and the cause of Patrick's death was the gunshot wound to
9 the back of his head. Id. at 131.

10 ANALYSIS

11 I. PETITIONER FAILED TO SATISFY STRICKLAND

12 The Sixth Amendment to the United States Constitution provides that, “[i]n all criminal
13 prosecutions, the accused shall enjoy the right . . . to have the Assistance of Counsel for his
14 defense.” The United States Supreme Court has long recognized that “the right to counsel is
15 the right to the effective assistance of counsel.” Strickland v. Washington, 466 U.S. 668, 686,
16 104 S. Ct. 2052, 2063 (1984); see also State v. Love, 109 Nev. 1136, 1138, 865 P.2d 322, 323
17 (1993).

18 To prevail on a claim of ineffective assistance of trial counsel, a defendant must prove
19 he was denied “reasonably effective assistance” of counsel by satisfying the two-prong test of
20 Strickland, 466 U.S. at 686-87, 104 S.Ct. at 2063–64. See also Love, 109 Nev. at 1138, 865
21 P.2d at 323. Under the Strickland test, a defendant must show first that his counsel's
22 representation fell below an objective standard of reasonableness, and second, that but for
23 counsel's errors, there is a reasonable probability that the result of the proceedings would have
24 been different. 466 U.S. at 687–88, 694, 104 S.Ct. at 2065, 2068; Warden, Nevada State Prison
25 v. Lyons, 100 Nev. 430, 432, 683 P.2d 504, 505 (1984) (adopting the Strickland two-part test).
26 “[T]here is no reason for a court deciding an ineffective assistance claim to approach the
27 inquiry in the same order or even to address both components of the inquiry if the defendant
28 makes an insufficient showing on one.” Strickland, 466 U.S. at 697, 104 S.Ct. at 2069.

1 The court begins with the presumption of effectiveness and then must determine
2 whether the defendant has demonstrated by a preponderance of the evidence that counsel was
3 ineffective. Means v. State, 120 Nev. 1001, 1011, 103 P.3d 25, 32 (2004). “Effective counsel
4 does not mean errorless counsel, but rather counsel whose assistance is ‘[w]ithin the range of
5 competence demanded of attorneys in criminal cases.’” Jackson v. Warden, 91 Nev. 430, 432,
6 537 P.2d 473, 474 (1975).

7 Counsel cannot be ineffective for failing to make futile objections or arguments. See
8 Ennis v. State, 122 Nev. 694, 706, 137 P.3d 1095, 1103 (2006). Trial counsel has the
9 “immediate and ultimate responsibility of deciding if and when to object, which witnesses, if
10 any, to call, and what defenses to develop.” Rhyne v. State, 118 Nev. 1, 8, 38 P.3d 163, 167
11 (2002).

12 Based on the above law, the role of a court in considering allegations of ineffective
13 assistance of counsel is “not to pass upon the merits of the action not taken but to determine
14 whether, under the particular facts and circumstances of the case, trial counsel failed to render
15 reasonably effective assistance.” Donovan v. State, 94 Nev. 671, 675, 584 P.2d 708, 711
16 (1978). This analysis does not mean that the court should “second guess reasoned choices
17 between trial tactics nor does it mean that defense counsel, to protect himself against
18 allegations of inadequacy, must make every conceivable motion no matter how remote the
19 possibilities are of success.” Id. To be effective, the constitution “does not require that counsel
20 do what is impossible or unethical. If there is no bona fide defense to the charge, counsel
21 cannot create one and may disserve the interests of his client by attempting a useless charade.”
22 United States v. Cronin, 466 U.S. 648, 657 n.19, 104 S.Ct. 2039, 2046 n.19 (1984).

23 “There are countless ways to provide effective assistance in any given case. Even the
24 best criminal defense attorneys would not defend a particular client in the same way.”
25 Strickland, 466 U.S. at 689, 104 S.Ct. at 689. “Strategic choices made by counsel after
26 thoroughly investigating the plausible options are almost unchallengeable.” Dawson v. State,
27 108 Nev. 112, 117, 825 P.2d 593, 596 (1992); see also Ford v. State, 105 Nev. 850, 853, 784
28 P.2d 951, 953 (1989). In essence, the court must “judge the reasonableness of counsel's

1 challenged conduct on the facts of the particular case, viewed as of the time of counsel's
2 conduct.” Strickland, 466 U.S. at 690, 104 S.Ct. at 2066.

3 Even if a defendant can demonstrate that his counsel's representation fell below an
4 objective standard of reasonableness, he must still demonstrate prejudice and show a
5 reasonable probability that, but for counsel’s errors, the result of the trial would have been
6 different. McNelson v. State, 115 Nev. 396, 403, 990 P.2d 1263, 1268 (1999) (citing
7 Strickland, 466 U.S. at 687, 104 S.Ct. at 2064). “A reasonable probability is a probability
8 sufficient to undermine confidence in the outcome.” Id. (citing Strickland, 466 U.S. at 687-89,
9 694, 104 S.Ct. at 2064–65, 2068).

10 The Nevada Supreme Court has held “that a habeas corpus petitioner must prove the
11 disputed factual allegations underlying his ineffective-assistance claim by a preponderance of
12 the evidence.” Means v. State, 120 Nev. 1001, 1012, 103 P.3d 25, 33 (2004). Furthermore,
13 claims of ineffective assistance of counsel asserted in a petition for post-conviction relief must
14 be supported with specific factual allegations, which if true, would entitle the petitioner to
15 relief. Hargrove v. State, 100 Nev. 498, 502, 686 P.2d 222, 225 (1984). “Bare” and “naked”
16 allegations are not sufficient, nor are those belied and repelled by the record. Id. “A claim is
17 ‘belied’ when it is contradicted or proven to be false by the record as it existed at the time the
18 claim was made.” Mann v. State, 118 Nev. 351, 354, 46 P.3d 1228, 1230 (2002). NRS
19 34.735(6) states in relevant part, “[Petitioner] *must* allege specific facts supporting the claims
20 in the petition[.] . . . Failure to allege specific facts rather than just conclusions may cause your
21 petition to be dismissed.” (emphasis added).

22 In the instant Petition, Petitioner alleges that trial counsel was ineffective in two (2)
23 ways: first, he argues that trial counsel failed to object to testimonial hearsay; second, he
24 argues that trial counsel had a conflict of interest that rendered counsel ineffective. See,
25 Petition at 16, 22. This Court concludes that Petitioner is not entitled to relief on these claims:

26 **A. Failure to object to testimonial hearsay**

27 Petitioner first claims that trial counsel was ineffective for failing to object to Coroner
28 Medical Examiner Jennifer Corneal (“Dr. Corneal”)’s testimony, which included a review of

1 an autopsy report and accompanying photographs prepared by one Dr. Dutra (retired). JT3 at
2 118, 121. Specifically, Petitioner relies on Melendez-Diaz v. Massachusetts, 557 U.S. 305,
3 129 S.Ct. 2527 (2009) (erroneously cited as “Commonwealth v. Melendez-Diaz”), and
4 Crawford v. Washington, 541 U.S. 36, 124 S.Ct. 1354 (2004), to argue that Corneal’s
5 testimony amounted to “testimonial hearsay evidence” that violated Petitioner’s constitutional
6 rights to confrontation. See, Petition at 16-21.

7 The Nevada Supreme Court has explained that “the Confrontation Clause bars the use
8 of a testimonial statement made by a witness who is unavailable for trial unless the defendant
9 had an opportunity to previously cross-examine the witness regarding the witness’s
10 statement.” Medina v. State, 122 Nev. 346, 353, 143 P.3d 471, 476 (2006) (citing Crawford,
11 541 U.S. at 68). While this constitutional restriction applies to forensic laboratory results (see,
12 Melendez-Diaz, 557 U.S. at 329), the Nevada Supreme Court has determined that a surrogate
13 may provide her “independent opinion as an expert witness” regarding the laboratory results.
14 Vega v. State, 126 Nev. 332, 340, 236 P.3d 632, 638 (2010). Accord. State v. Navarrette, 294
15 P.3d 435, 443 (N.M. 2013) (“[A]n expert witness may express an independent opinion
16 regarding his or her interpretation of raw data without offending the Confrontation Clause.”).
17 The admissibility of the surrogate’s testimony, relying on a third party’s laboratory report, was
18 explained by the U.S. Supreme Court:

19 When an expert testifies for the prosecution in a criminal case, the defendant has
20 the opportunity to cross-examine the expert about any statements that are offered
21 for their truth. Out-of-court statements that are related by the expert solely for
22 the purpose of explaining the assumptions on which that opinion rests *are not*
offered for their truth and thus fall outside the scope of the Confrontation Clause.

23 Williams v. Illinois, 567 U.S. 50, 58, 132 S.Ct. 2221, 2228 (2012) (emphasis added).

24 Dr. Corneal did not perform the autopsy on the decedent, but she did testify at trial
25 about the manner and cause of death. After setting forth her qualifications, Dr. Corneal
26 testified that she had reviewed the autopsy report and photographs. Dr. Corneal testified she
27 had made her own opinions as to the cause and manner of death. Nothing contained in Dr.
28 Corneal's testimony referred to the opinions and conclusions of Dr. Dutra. See JT3, at 118-

1 133. THIS COURT FINDS Dr. Corneal's testimony is not testimonial hearsay in violation of
2 the Confrontation Clause.

3 **B. Conflict of interest**

4 Petitioner's second claim alleges that trial counsel was ineffective due to a conflict of
5 interest. Petition at 22-26.

6 The U.S. Supreme Court explained in Mickens v. Taylor when a conflict of interest
7 may violate a defendant's Sixth Amendment right to effective assistance of counsel. 535 U.S.
8 162, 122 S.Ct. 1237 (2002). The Mickens Court specifically rejected the notion that a
9 defendant "need only show that his lawyer was subject to a conflict of interest." Id. at 170-71,
10 122 S.Ct. at 1243. Instead, that court determined that "an actual conflict of interest" was
11 necessary, meaning "precisely a conflict *that affected counsel's performance*—as opposed to
12 a mere theoretical division of loyalties." Id. at 171, 122 S.Ct. at 1243 (citing Cuyler v. Sullivan,
13 446 U.S. 335, 349-50, 100 S.Ct. 1708 (1980)) (emphasis in original).

14 Petitioner does not set forth any specific conflict of interest. Petitioner engages in mere
15 conjecture. See Petition at 24 ("scope of Flemings former representation is unknown," "it is
16 reasonable to infer that Mr. Fleming would have provided confidential and/or sensitive
17 information about his violent conduct to his Public Defender.").

18 Petitioner claims the Public Defenders' office represented Mr. Fleming in a
19 misdemeanor battery domestic case in 2001 and a disorderly conduct case in 2010. However,
20 Petitioner does not allege an actual conflict involving Mr. O'Brien and Mr. Bashor or how the
21 representation of the two misdemeanor cases 14 and 4 years prior by the Public Defenders'
22 office created a conflict. Nowhere in the record or the Petition establishes a conflict affecting
23 Counsels' performance. See Mickens, 535 U.S. 162, 122 S.Ct. 1237.

24 Here, evidence established that Mr. Fleming was shot in the back of the head at a
25 downward angle, which would undermine a self-defense theory. See JT3 at 126. Petitioner's
26 theory at trial was that he was not the shooter. This was a tactical decision by defense counsel,
27 and the record does not support a claim that Petitioner objected to such said strategy.

28 Thus, THE COURT FINDS Petitioner failed to satisfy both prongs of Strickland.

1 Additionally, the Court notes that an evidentiary hearing is unwarranted, as the record does
2 not need to be expanded.

3 **CONCLUSION**

4 Therefore, COURT ORDERED, Petitioner Shawn Glover's Petition for Writ of Habeas
5 Corpus (Post-Conviction) shall be and is, DENIED.

6 DATED this _____ day of February, 2021.

Dated this 25th day of February, 2021

7 

8 _____
9 DISTRICT COURT JUDGE

5D8 F98 7C0C 4126

Michael Villani

District Court Judge

10 Respectfully submitted,

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

13 BY /s/JOHN NIMAN
14 JOHN NIMAN
15 Deputy District Attorney
Nevada Bar #14408

16 **CERTIFICATE OF ELECTRONIC FILING**

17 I hereby certify that service of the above and foregoing, was made this 22nd day of
18 February, 2021, by Electronic Filing to:

19
20 LUCAS GAFFNEY, ESQ.
21 Email: lucas@gaffneylawlv.com

22 BY: /s/Deana Daniels
23 Secretary for the District Attorney's Office
24
25
26
27
28

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA
4

5
6 Shawn Glover, Plaintiff(s)

CASE NO: A-20-821176-W

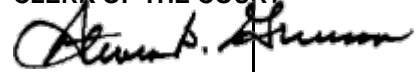
7 vs.

DEPT. NO. Department 17

8 The State of Nevada,
9 Defendant(s)

10
11 **AUTOMATED CERTIFICATE OF SERVICE**

12 Electronic service was attempted through the Eighth Judicial District Court's
13 electronic filing system, but there were no registered users on the case. The filer has been
14 notified to serve all parties by traditional means.
15
16
17
18
19
20
21
22
23
24
25
26
27
28



1 NEFF

2 **DISTRICT COURT**
3 **CLARK COUNTY, NEVADA**

4 SHAWN GLOVER,

5
6 Petitioner,

7 vs.

8 STATE OF NEVADA,

9 Respondent,

Case No: A-20-821176-W

Dept No: XVII

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

10
11 **PLEASE TAKE NOTICE** that on February 25, 2021, the court entered a decision or order in this
12 matter, a true and correct copy of which is attached to this notice.

13 You may appeal to the Supreme Court from the decision or order of this court. If you wish to appeal, you
14 must file a notice of appeal with the clerk of this court within thirty-three (33) days after the date this notice is
15 mailed to you. This notice was mailed on March 1, 2021.

16 STEVEN D. GRIERSON, CLERK OF THE COURT

17 /s/ Amanda Hampton

18 Amanda Hampton, Deputy Clerk

19 **CERTIFICATE OF E-SERVICE / MAILING**

20 I hereby certify that on this 1 day of March 2021, I served a copy of this Notice of Entry on the following:

21 ☒ By e-mail:

22 Clark County District Attorney's Office
Attorney General's Office – Appellate Division-

23 ☒ The United States mail addressed as follows:

24 Shawn Glover # 1085475
P.O. Box 1989
25 Ely, NV 89301

Lucas J. Gaffney, Esq.
1050 Indigo Dr., Ste 120
Las Vegas, NV 89145

26
27 /s/ Amanda Hampton

28 Amanda Hampton, Deputy Clerk

FCL
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
JOHN NIMAN
Deputy District Attorney
Nevada Bar #14408
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

**DISTRICT COURT
CLARK COUNTY, NEVADA**

SHAWN GLOVER,
#1950305

Petitioner,

-vs-

**WILLIAM GITTERE, Warden; CHARLES
DANIELS, Director NDC; and THE STATE
OF NEVADA,**

Respondents.

CASE NO: A-20-821176-W

(C-16-312448-1)

DEPT NO: XVII

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

DATE OF HEARING: January 8, 2021

TIME OF HEARING: 8:30 am

THIS CAUSE having come on for hearing before the Honorable MICHAEL VILLANI, District Court Judge, on the 8th day of January, 2021, Petitioner not being present, being represented by LUCAS GAFFNEY, Esq., Respondent being represented by STEVEN B. WOLFSON, Clark County District Attorney, by and through WILLIAM W. FLINN, Chief Deputy District Attorney, and the Court having considered the matter, including briefs, transcripts, and documents on file herein, and hearing arguments of the parties, after which the Court took the matter UNDER ADVISEMENT. Thereafter, on the 5th day of February, 2021, the Court issued a Minute Order making the following findings of fact and conclusions of law:

1 **FINDINGS OF FACT, CONCLUSIONS OF LAW**

2 **STATEMENT OF THE CASE**

3 On February 4, 2016, SHAWN GLOVER, aka Shawn Lynn Glover, Jr. (hereinafter
4 “Petitioner”) was charged by way of Indictment with MURDER WITH USE OF A DEADLY
5 WEAPON (Category A Felony – NRS 200.010, 200.030, 193.165); ASSAULT WITH A
6 DEADLY WEAPON (Category B Felony – NRS 200.471); OWNERSHIP OR POSSESSION
7 OF A FIREARM BY PROHIBITED PERSON (Category B Felony – NRS 202.360); and
8 DISCHARGE OF FIREARM FROM OR WITHIN A STRUCTURE OR VEHICLE
9 (Category B Felony – NRS 202.287) for his actions on or about January 1, 2016. Petitioner
10 was arraigned on the Indictment on February 8, 2016, with Deputy Public Defender Ryan
11 Bashor (“Bashor”) representing him.

12 On March 4, 2016, Jess Marchese, Esq. substituted in as counsel for Petitioner in place
13 of the Public Defender’s Office. However, on April 7, 2016, Mr. Marchese filed a Motion to
14 Withdraw as Counsel on the grounds that Petitioner was not fulfilling his contractual
15 obligations. The Court granted Mr. Marchese’s Motion on April 18, 2016, and the Public
16 Defender’s Office accepted appointment as Petitioner’s counsel once again.

17 On July 30, 2018, Petitioner’s case proceeded to jury trial. On August 3, 2018, after
18 five (5) days of trial, the jury returned its Verdict of Guilty of First Degree Murder with use
19 of a Deadly Weapon, Guilty of Assault with use of a Deadly Weapon, and Guilty of Discharge
20 of Firearm from or Within a Structure or Vehicle. The parties stipulated to waive sentencing
21 by the jury for the First Degree Murder charge.

22 On October 10, 2018, Petitioner was sentenced, as follows: Count 1 – LIFE in the
23 Nevada Department of Corrections (NDC) without the possibility of parole, plus a consecutive
24 forty-eight (48) to one hundred eighty (180) months for the use of a deadly weapon; Count 2
25 – twenty-eight (28) to seventy-two (72) months in NDC, concurrent with Count 1; Count 3 –
26 sixty (60) to one hundred eighty (180) months in NDC, concurrent with Counts 1 and 2.
27 Petitioner was given one thousand eleven (1011) days credit for time served. Petitioner’s
28 Judgment of Conviction was filed on October 15, 2018.

1 On November 8, 2018, Petitioner filed a Notice of Appeal. On October 24, 2019, the
2 Nevada Supreme Court affirmed Petitioner's judgment of conviction. Remittitur issued on
3 November 23, 2019.

4 On March 5, 2020, Petitioner filed an omnibus Motion, which included a request for
5 post-conviction counsel. Despite there being no post-conviction matter pending, the Court
6 granted Petitioner's request for post-conviction counsel on April 30, 2020. Lucas Gaffney,
7 Esq. confirmed as counsel for Petitioner on May 21, 2020.

8 On September 14, 2020, Petitioner filed the instant Petition for Writ of Habeas Corpus
9 (Post-Conviction) (his "instant Petition"). On September 17, 2020, the Deputy Clerk of the
10 Court filed a Notice of Nonconforming Document regarding Petitioner's instant Petition. As
11 of the time of the instant Response, no conforming document has been filed pursuant to
12 Nevada Electronic Filing and Conversion Rule 8(b)(2). The State filed its Response and
13 Motion to Strike Petitioner's instant Petition on November 13, 2020. On January 4, 2021,
14 Petitioner filed an Amended Petition, making no substantive changes but conforming to the
15 Court rules.

16 On January 8, 2021, this matter came before the Court for hearing. After arguments of
17 the parties, the Court took the matter under advisement. On February 5, 2021, the Court issued
18 a Minute Order making the following findings and conclusions:

19 STATEMENT OF FACTS

20 On January 1, 2016, Miranda Sutton ("Miranda") lived in a townhome in North Las
21 Vegas with her husband, Patrick Fleming ("Patrick"), her 21-year-old daughter Akira Veasley
22 ("Akira"), her goddaughter Angela, and Angela's two boys. Jury Trial Transcript, Day 3, dated
23 August 1, 2018 ("JT3") at 42-43, 90-91. Approximately, one week prior to Miranda and her
24 family moving into the townhome, Glover, also temporarily moved in. Id. at 45-46. Glover
25 started staying with Miranda and her family because he had a daughter with Angela. Id.

26 On the morning of New Year's Day, 2016, Patrick woke up, drove Angela to work, and
27 stopped by his office to retrieve his paycheck. JT3 at 46-47. When he returned, Patrick
28 confronted his step-daughter, Akira, about having a young man in his vehicle on New Year's

1 Eve when he asked her not to. Id. at 47-48. Akira then started to argue with Patrick in the
2 garage. Id. at 92. Hearing the argument, Miranda headed downstairs and into the garage. Id. at
3 47-48. There, she observed her husband, Patrick, and her daughter, Akira, engaged in a
4 “typical argument.” Id.

5 At some point, Glover interrupted the argument when he came downstairs and handed
6 Miranda the phone. JT3 at 93. Miranda spoke to Angela on the phone and observed Glover
7 head back up the stairway of the townhome. Id. at 49. After the argument ended and Patrick
8 apologized, Glover came downstairs a second time and asked to speak with Miranda. Id. at 49-
9 50, 94. Miranda followed Glover upstairs. Id. at 50. Upstairs, Glover headed towards Angela’s
10 bedroom and asked to speak with Miranda in the bedroom. Id. Once in the bedroom, Glover
11 asked Miranda: “do you want me to handle this, do you want me to take care of it?” Confused,
12 Miranda asked for clarification. Id. Glover explained that he heard Patrick “down there
13 fighting you guys.” Id. Miranda admitted to Glover that there was an argument, however, she
14 assured him that “everything [was] okay . . . [and that there was] no problem.” Id.

15 During the conversation between Miranda and Glover, Akira testified that “[e]verything
16 was done [and] [e]verything [was] fine at this point.” JT3 at 94. Miranda and Glover exited
17 Angela’s bedroom and Patrick confronted Glover as to why he was talking to Miranda. Id. at
18 52. Miranda and Akira testified that they observed the confrontation between Glover and
19 Patrick. Id. at 52, 94. They further testified that they heard Glover accuse Patrick of fighting
20 with both women in the garage. Id. Patrick denied Glover’s allegation and explained that they
21 were “just having a conversation.” Id. at 94. Akira observed that Patrick’s denial made Glover
22 “even more mad.” Id. When Patrick attempted to touch Glover, Miranda and Akira, testified
23 that Glover said, “get off me.” Id. at 52, 95. Patrick then told Glover that they should go
24 downstairs to talk. Id. at 52.

25 Miranda and Akira then testified that they observed Patrick walking down the stairs and
26 Glover following right behind him. JT3 at 52, 95. At this point, Miranda headed towards
27 Angela’s room to retrieve some baby items and then heard three gunshots. Id. at 53. Similarly,
28 Akira who was sitting on the couch upstairs, testified that approximately 10 to 15 seconds after

1 she saw Glover following Patrick down the stairs, she heard three gunshots. Id. at 96. Miranda
2 hurried out of Angela's room, looked at Akira, and they both ran towards the stairs. Id. at 53-
3 54, 96. Miranda reached the stairs first and started to make her way down the stairs as Akira
4 stayed behind her mom. Id. Miranda and Akira looked down and saw Patrick's body lying on
5 the landing. Id. at 54, 96. Terrified, Akira ran back up the stairs and called 911. Id. at 55.
6 Miranda observed Glover holding a gun as he stood over Patrick's motionless body. Id. at 54.
7 Glover then raised his gun, pointed it at Miranda, and said something like: "don't tell on me,
8 don't say anything." Id. Miranda thought Glover was going to shoot her. Id. Miranda then saw
9 Glover go through the garage door, heard the garage door opening, and attempted to give
10 Patrick CPR until officers arrived. Id. at 56.

11 Fearful because Glover had, at gunpoint, threatened her and her family if she said
12 anything, Miranda chose to initially tell police that Patrick had been shot by some unknown
13 person. JT3 at 68-71. Similarly, Akira initially told police that her step-father had been shot
14 by a person named Hatch, who had come to the townhome to buy marijuana from Patrick. Id.
15 at 103-04. In addition to Glover's threat, Miranda and Akira both chose to lie to police because
16 they testified that they knew Glover had committed other acts of violence against other people
17 in the past. Id. at 89, 109. Miranda testified that once she went back upstairs to check on the
18 children in the house, she noticed they were in a room with the door shut. Id. at 57. The children
19 told Miranda that Glover had ushered them into the room, closed the door, and told them to
20 stay in the room. Id.

21 Upon arrival, Homicide Detective Benjamin Owens ("Det. Owens") began to protect
22 the integrity of the crime scene after he determined that Patrick had been murdered. JT4 at 14-
23 15. During his investigation, Det. Owens discovered that Patrick had a Glock 19 tucked into a
24 waistband holder. Id. at 16, 18. Det. Owens testified that he later determined that the gun found
25 on Patrick was loaded, however, its chamber was empty. Id. Therefore, the gun would not fire
26 if the trigger was pulled. Id. Indeed, for the gun to fire it needed to be racked back in order for
27 a round to enter its chamber. JT3 at 148. Det. Owens's investigation also revealed that the
28

1 townhome had no signs of forced entry and that there was no property loss within the
2 townhome. JT4 at 21.

3 Finally, the medical examiner testified that Patrick was shot three times. JT3 at 123.
4 The first shot entered the back of Patrick's head at a downward angle, went through his brain,
5 cut his brain stem, and lodged in his fractured jaw. Id. at 126. The second shot entered and
6 exited through Patrick's inner right upper arm causing a broken humerus. Id. at 129. The third
7 shot entered Patrick's upper right thigh. Id. at 130. The medical examiner concluded that
8 wounds had a downward trajectory and the cause of Patrick's death was the gunshot wound to
9 the back of his head. Id. at 131.

10 ANALYSIS

11 I. PETITIONER FAILED TO SATISFY STRICKLAND

12 The Sixth Amendment to the United States Constitution provides that, “[i]n all criminal
13 prosecutions, the accused shall enjoy the right . . . to have the Assistance of Counsel for his
14 defense.” The United States Supreme Court has long recognized that “the right to counsel is
15 the right to the effective assistance of counsel.” Strickland v. Washington, 466 U.S. 668, 686,
16 104 S. Ct. 2052, 2063 (1984); see also State v. Love, 109 Nev. 1136, 1138, 865 P.2d 322, 323
17 (1993).

18 To prevail on a claim of ineffective assistance of trial counsel, a defendant must prove
19 he was denied “reasonably effective assistance” of counsel by satisfying the two-prong test of
20 Strickland, 466 U.S. at 686-87, 104 S.Ct. at 2063–64. See also Love, 109 Nev. at 1138, 865
21 P.2d at 323. Under the Strickland test, a defendant must show first that his counsel's
22 representation fell below an objective standard of reasonableness, and second, that but for
23 counsel's errors, there is a reasonable probability that the result of the proceedings would have
24 been different. 466 U.S. at 687–88, 694, 104 S.Ct. at 2065, 2068; Warden, Nevada State Prison
25 v. Lyons, 100 Nev. 430, 432, 683 P.2d 504, 505 (1984) (adopting the Strickland two-part test).
26 “[T]here is no reason for a court deciding an ineffective assistance claim to approach the
27 inquiry in the same order or even to address both components of the inquiry if the defendant
28 makes an insufficient showing on one.” Strickland, 466 U.S. at 697, 104 S.Ct. at 2069.

1 The court begins with the presumption of effectiveness and then must determine
2 whether the defendant has demonstrated by a preponderance of the evidence that counsel was
3 ineffective. Means v. State, 120 Nev. 1001, 1011, 103 P.3d 25, 32 (2004). “Effective counsel
4 does not mean errorless counsel, but rather counsel whose assistance is ‘[w]ithin the range of
5 competence demanded of attorneys in criminal cases.’” Jackson v. Warden, 91 Nev. 430, 432,
6 537 P.2d 473, 474 (1975).

7 Counsel cannot be ineffective for failing to make futile objections or arguments. See
8 Ennis v. State, 122 Nev. 694, 706, 137 P.3d 1095, 1103 (2006). Trial counsel has the
9 “immediate and ultimate responsibility of deciding if and when to object, which witnesses, if
10 any, to call, and what defenses to develop.” Rhyne v. State, 118 Nev. 1, 8, 38 P.3d 163, 167
11 (2002).

12 Based on the above law, the role of a court in considering allegations of ineffective
13 assistance of counsel is “not to pass upon the merits of the action not taken but to determine
14 whether, under the particular facts and circumstances of the case, trial counsel failed to render
15 reasonably effective assistance.” Donovan v. State, 94 Nev. 671, 675, 584 P.2d 708, 711
16 (1978). This analysis does not mean that the court should “second guess reasoned choices
17 between trial tactics nor does it mean that defense counsel, to protect himself against
18 allegations of inadequacy, must make every conceivable motion no matter how remote the
19 possibilities are of success.” Id. To be effective, the constitution “does not require that counsel
20 do what is impossible or unethical. If there is no bona fide defense to the charge, counsel
21 cannot create one and may disserve the interests of his client by attempting a useless charade.”
22 United States v. Cronin, 466 U.S. 648, 657 n.19, 104 S.Ct. 2039, 2046 n.19 (1984).

23 “There are countless ways to provide effective assistance in any given case. Even the
24 best criminal defense attorneys would not defend a particular client in the same way.”
25 Strickland, 466 U.S. at 689, 104 S.Ct. at 689. “Strategic choices made by counsel after
26 thoroughly investigating the plausible options are almost unchallengeable.” Dawson v. State,
27 108 Nev. 112, 117, 825 P.2d 593, 596 (1992); see also Ford v. State, 105 Nev. 850, 853, 784
28 P.2d 951, 953 (1989). In essence, the court must “judge the reasonableness of counsel's

1 challenged conduct on the facts of the particular case, viewed as of the time of counsel's
2 conduct.” Strickland, 466 U.S. at 690, 104 S.Ct. at 2066.

3 Even if a defendant can demonstrate that his counsel's representation fell below an
4 objective standard of reasonableness, he must still demonstrate prejudice and show a
5 reasonable probability that, but for counsel’s errors, the result of the trial would have been
6 different. McNelson v. State, 115 Nev. 396, 403, 990 P.2d 1263, 1268 (1999) (citing
7 Strickland, 466 U.S. at 687, 104 S.Ct. at 2064). “A reasonable probability is a probability
8 sufficient to undermine confidence in the outcome.” Id. (citing Strickland, 466 U.S. at 687-89,
9 694, 104 S.Ct. at 2064–65, 2068).

10 The Nevada Supreme Court has held “that a habeas corpus petitioner must prove the
11 disputed factual allegations underlying his ineffective-assistance claim by a preponderance of
12 the evidence.” Means v. State, 120 Nev. 1001, 1012, 103 P.3d 25, 33 (2004). Furthermore,
13 claims of ineffective assistance of counsel asserted in a petition for post-conviction relief must
14 be supported with specific factual allegations, which if true, would entitle the petitioner to
15 relief. Hargrove v. State, 100 Nev. 498, 502, 686 P.2d 222, 225 (1984). “Bare” and “naked”
16 allegations are not sufficient, nor are those belied and repelled by the record. Id. “A claim is
17 ‘belied’ when it is contradicted or proven to be false by the record as it existed at the time the
18 claim was made.” Mann v. State, 118 Nev. 351, 354, 46 P.3d 1228, 1230 (2002). NRS
19 34.735(6) states in relevant part, “[Petitioner] *must* allege specific facts supporting the claims
20 in the petition[.] . . . Failure to allege specific facts rather than just conclusions may cause your
21 petition to be dismissed.” (emphasis added).

22 In the instant Petition, Petitioner alleges that trial counsel was ineffective in two (2)
23 ways: first, he argues that trial counsel failed to object to testimonial hearsay; second, he
24 argues that trial counsel had a conflict of interest that rendered counsel ineffective. See,
25 Petition at 16, 22. This Court concludes that Petitioner is not entitled to relief on these claims:

26 **A. Failure to object to testimonial hearsay**

27 Petitioner first claims that trial counsel was ineffective for failing to object to Coroner
28 Medical Examiner Jennifer Corneal (“Dr. Corneal”)’s testimony, which included a review of

1 an autopsy report and accompanying photographs prepared by one Dr. Dutra (retired). JT3 at
2 118, 121. Specifically, Petitioner relies on Melendez-Diaz v. Massachusetts, 557 U.S. 305,
3 129 S.Ct. 2527 (2009) (erroneously cited as “Commonwealth v. Melendez-Diaz”), and
4 Crawford v. Washington, 541 U.S. 36, 124 S.Ct. 1354 (2004), to argue that Corneal’s
5 testimony amounted to “testimonial hearsay evidence” that violated Petitioner’s constitutional
6 rights to confrontation. See, Petition at 16-21.

7 The Nevada Supreme Court has explained that “the Confrontation Clause bars the use
8 of a testimonial statement made by a witness who is unavailable for trial unless the defendant
9 had an opportunity to previously cross-examine the witness regarding the witness’s
10 statement.” Medina v. State, 122 Nev. 346, 353, 143 P.3d 471, 476 (2006) (citing Crawford,
11 541 U.S. at 68). While this constitutional restriction applies to forensic laboratory results (see,
12 Melendez-Diaz, 557 U.S. at 329), the Nevada Supreme Court has determined that a surrogate
13 may provide her “independent opinion as an expert witness” regarding the laboratory results.
14 Vega v. State, 126 Nev. 332, 340, 236 P.3d 632, 638 (2010). Accord. State v. Navarrette, 294
15 P.3d 435, 443 (N.M. 2013) (“[A]n expert witness may express an independent opinion
16 regarding his or her interpretation of raw data without offending the Confrontation Clause.”).
17 The admissibility of the surrogate’s testimony, relying on a third party’s laboratory report, was
18 explained by the U.S. Supreme Court:

19 When an expert testifies for the prosecution in a criminal case, the defendant has
20 the opportunity to cross-examine the expert about any statements that are offered
21 for their truth. Out-of-court statements that are related by the expert solely for
22 the purpose of explaining the assumptions on which that opinion rests *are not*
offered for their truth and thus fall outside the scope of the Confrontation Clause.

23 Williams v. Illinois, 567 U.S. 50, 58, 132 S.Ct. 2221, 2228 (2012) (emphasis added).

24 Dr. Corneal did not perform the autopsy on the decedent, but she did testify at trial
25 about the manner and cause of death. After setting forth her qualifications, Dr. Corneal
26 testified that she had reviewed the autopsy report and photographs. Dr. Corneal testified she
27 had made her own opinions as to the cause and manner of death. Nothing contained in Dr.
28 Corneal's testimony referred to the opinions and conclusions of Dr. Dutra. See JT3, at 118-

1 133. THIS COURT FINDS Dr. Corneal's testimony is not testimonial hearsay in violation of
2 the Confrontation Clause.

3 **B. Conflict of interest**

4 Petitioner's second claim alleges that trial counsel was ineffective due to a conflict of
5 interest. Petition at 22-26.

6 The U.S. Supreme Court explained in Mickens v. Taylor when a conflict of interest
7 may violate a defendant's Sixth Amendment right to effective assistance of counsel. 535 U.S.
8 162, 122 S.Ct. 1237 (2002). The Mickens Court specifically rejected the notion that a
9 defendant "need only show that his lawyer was subject to a conflict of interest." Id. at 170-71,
10 122 S.Ct. at 1243. Instead, that court determined that "an actual conflict of interest" was
11 necessary, meaning "precisely a conflict *that affected counsel's performance*—as opposed to
12 a mere theoretical division of loyalties." Id. at 171, 122 S.Ct. at 1243 (citing Cuyler v. Sullivan,
13 446 U.S. 335, 349-50, 100 S.Ct. 1708 (1980)) (emphasis in original).

14 Petitioner does not set forth any specific conflict of interest. Petitioner engages in mere
15 conjecture. See Petition at 24 ("scope of Flemings former representation is unknown," "it is
16 reasonable to infer that Mr. Fleming would have provided confidential and/or sensitive
17 information about his violent conduct to his Public Defender.").

18 Petitioner claims the Public Defenders' office represented Mr. Fleming in a
19 misdemeanor battery domestic case in 2001 and a disorderly conduct case in 2010. However,
20 Petitioner does not allege an actual conflict involving Mr. O'Brien and Mr. Bashor or how the
21 representation of the two misdemeanor cases 14 and 4 years prior by the Public Defenders'
22 office created a conflict. Nowhere in the record or the Petition establishes a conflict affecting
23 Counsels' performance. See Mickens, 535 U.S. 162, 122 S.Ct. 1237.

24 Here, evidence established that Mr. Fleming was shot in the back of the head at a
25 downward angle, which would undermine a self-defense theory. See JT3 at 126. Petitioner's
26 theory at trial was that he was not the shooter. This was a tactical decision by defense counsel,
27 and the record does not support a claim that Petitioner objected to such said strategy.

28 Thus, THE COURT FINDS Petitioner failed to satisfy both prongs of Strickland.

1 Additionally, the Court notes that an evidentiary hearing is unwarranted, as the record does
2 not need to be expanded.

3 **CONCLUSION**

4 Therefore, COURT ORDERED, Petitioner Shawn Glover's Petition for Writ of Habeas
5 Corpus (Post-Conviction) shall be and is, DENIED.

6 DATED this _____ day of February, 2021.

Dated this 25th day of February, 2021

7 

8 _____
9 DISTRICT COURT JUDGE

5D8 F98 7C0C 4126

Michael Villani

District Court Judge

10 Respectfully submitted,

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

13 BY /s/JOHN NIMAN
14 JOHN NIMAN
15 Deputy District Attorney
Nevada Bar #14408

16 **CERTIFICATE OF ELECTRONIC FILING**

17 I hereby certify that service of the above and foregoing, was made this 22nd day of
18 February, 2021, by Electronic Filing to:

19
20 LUCAS GAFFNEY, ESQ.
21 Email: lucas@gaffneylawlv.com

22 BY: /s/Deana Daniels
23 Secretary for the District Attorney's Office
24
25
26
27
28

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA
4

5
6 Shawn Glover, Plaintiff(s)

CASE NO: A-20-821176-W

7 vs.

DEPT. NO. Department 17

8 The State of Nevada,
9 Defendant(s)

10
11 **AUTOMATED CERTIFICATE OF SERVICE**

12 Electronic service was attempted through the Eighth Judicial District Court's
13 electronic filing system, but there were no registered users on the case. The filer has been
14 notified to serve all parties by traditional means.
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Writ of Habeas Corpus

COURT MINUTES

January 08, 2021

A-20-821176-W	Shawn Glover, Plaintiff(s)
	vs.
	The State of Nevada, Defendant(s)

January 08, 2021	8:30 AM	Petition for Writ of Habeas Corpus
-------------------------	----------------	---

HEARD BY: Villani, Michael

COURTROOM: RJC Courtroom 11A

COURT CLERK: Louisa Garcia

RECORDER: Cynthia Georgilas

REPORTER:

PARTIES

PRESENT:	Flinn, William W.	Attorney
	Gaffney, Lucas	Attorney

JOURNAL ENTRIES

- Defendant not present, in the Nevada Department of Corrections.

Mr. Gaffney stated the first matter he wanted to address was the State's request to strike the Petition as a non-conforming document. The reason it was non-conforming was because he filed the cover sheet and the petition together as a single document and they should have been filed separately. He went ahead and filed amended petition on January 4 which should remedy the non-conforming document issue. Upon Court's inquiry, Mr. Flinn stated he received the amended petition; however, has not had time to review it. Mr. Flinn stated if the only change was the cover sheet he has no problem. Mr. Gaffney stated there were no substantive changes.

Mr. Gaffney argued in support of Petition regarding ineffective assistance of counsel, testimony hearsay and possible conflict regarding dual representation. Mr. Flinn argued in opposition. Upon Court's inquiry, Mr. Gaffney stated the victim's cases were 01M20858X and 10F15357X, attached as exhibit "B" to the Petition. Court advised as to the conflict, under the circumstances of this case, it was a reasonable, tactical decision by counsel not to pursue a self-defense claim in light of all the factors of this particular case. As to the issue of the doctor testifying, Court advised it wanted to look

at the doctor's testimony to confirm how they couched their opinions as to cause and manner of death. Mr. Gaffney referenced day 3 of the trial, noting the testimony starts on Page 118; transcript was filed December 31, 2018. COURT ORDERED, matter TAKEN UNDER ADVISEMENT; Court will issue a written decision within the next week.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Writ of Habeas Corpus

COURT MINUTES

February 05, 2021

A-20-821176-W	Shawn Glover, Plaintiff(s)
	vs.
	The State of Nevada, Defendant(s)

February 05, 2021 3:00 AM Minute Order

HEARD BY: Villani, Michael **COURTROOM:** Chambers

COURT CLERK: Samantha Albrecht

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Petitioner's Amended Petition for Writ of Habeas Corpus (Post-Conviction) came before the Court, whereupon the Court took the matter under further advisement. The Court adopts the procedural history as set forth in the State's Response to Petitioner's PCR. After considering all pleadings and arguments, the Court renders its decision as follows:

Petitioner's request for relief is based upon two issues:

(1) Failure to object to testimonial hearsay:

Dr. Corneal did not perform the autopsy on the decedent, but she did testify at trial about the manner and cause of death. After setting forth her qualifications, Dr. Corneal testified that she had reviewed the autopsy report and photographs. Dr. Corneal testified she had made her own opinions as to the cause and manner of death. Nothing contained in Dr. Corneal's testimony referred to the opinions and conclusions of Dr. Dutra. See JT day 3, at 118 - 133. **THIS COURT FINDS** Dr. Corneal's testimony is not testimonial hearsay in violation of the Confrontation Clause.

(2) Conflict of interest:

Petitioner does not set forth any specific conflict of interest. Petitioner engages in mere conjecture. See Petition at 24 ("scope of Flemings former representation is unknown," "it is reasonable to infer that Mr. Fleming would have provided confidential and/or sensitive information about his violent conduct to his Public Defender.").

Petitioner claims the Public Defenders' office represented Mr. Fleming in a misdemeanor battery domestic case in 2001 and a disorderly conduct case in 2010. However, Petitioner does not allege an actual conflict involving Mr. O'Brien and Mr. Bashor or how the representation of the two misdemeanor cases 14 and 4 years prior by the Public Defenders' office created a conflict. Nowhere in the record or the Petition establishes a conflict affecting Counsels' performance. See *Mickens v Taylor*, 535 U.S. 162, 122 S.Ct. 1237 (2002).

Here, Evidence established that Mr. Fleming was shot in the back of the head at a downward angle, which would undermine a self-defense theory. See JT day 3, at 126. Petitioner s theory at trial was that he was not the shooter. This was a tactical decision by defense counsel, and the record does not support a claim that Petitioner objected to such said strategy.

Thus, COURT FINDS Petitioner failed to satisfy both prongs of Strickland. Additionally, an evidentiary is unwarranted as the record does not need to be expanded.

Therefore, COURT ORDERD, Petition for Writ of Habeas Corpus (Post-Conviction), DENIED. COURT ORDERS State to submit a proposed order consistent with the foregoing and is approved by the State regarding its form and content within twenty-one (21) days after Counsel is notified of the ruling and distribute a filed copy to all parties involved pursuant to EDCR 7.21. Such order should set forth a synopsis of the supporting reasons proffered to the Court in briefing. Status check for February 23, 2021 at 8:30 am, regarding the filing of the order. That date to be vacated if the Court receives the order prior to February 23, 2021.

CLERK'S NOTE: A copy of this Minute Order was provided to counsel by e-mail. 2/5/2021 sa

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Writ of Habeas Corpus

COURT MINUTES

February 23, 2021

A-20-821176-W Shawn Glover, Plaintiff(s)
vs.
The State of Nevada, Defendant(s)

February 23, 2021 8:30 AM Status Check

HEARD BY: Villani, Michael **COURTROOM:** RJC Courtroom 11A

COURT CLERK: Samantha Albrecht

RECORDER: Cynthia Georgilas

REPORTER:

PARTIES

PRESENT: Meng, Yu Attorney
The State of Nevada Defendant

JOURNAL ENTRIES

- Defendant not present. Upon Court's inquiry, Mr. Meng stated he would make sure the Order is filed this week. COURT ORDERED, Status Check CONTINUED. Court advised Status Check would be vacated if the Order was filed.

NDC

CONTINUED TO: 3/9/2021 10:00 AM

Certification of Copy

State of Nevada }
County of Clark } SS:

I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full and correct copy of the hereinafter stated original document(s):

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT
DOCKET ENTRIES; CIVIL COVER SHEET; FINDINGS OF FACT, CONCLUSIONS OF LAW AND
ORDER; NOTICE OF ENTRY OF FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER;
DISTRICT COURT MINUTES

SHAWN GLOVER,

Plaintiff(s),

vs.

WILLIAM GITTERE, in his official capacity as
the Warden of the ELY STATE PRISON;
CHARLES DANIELS, in his official capacity as
Director of the NEVADA DEPARTMENT OF
CORRECTIONS; STATE OF NEVADA,

Defendant(s),

Case No: A-20-821176-W

Dept No: XVII

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, Las Vegas, Nevada
This 29 day of March 2021.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk