

FILED

Case NO. CV 20.479

2022 FEB 11 PM 2:05

Dept. No. II

Electronically Filed
Feb 15 2022 09:57 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

In the Sixth Judicial District Court of
the State of Nevada in and for the
County of Humboldt

Mark L Sharp
- v -
petitions

Appeal to the
Nevada

the State of Nevada
Respondent

Supreme Court

I Mark L Sharp I'm addressing
Honorable Nevada Supreme Court

Concerning and order Denying
Sharp's Motion to Withdraw Guilty Plea.

That was handed down by the
Sixth Judicial Court in Humboldt
County Nevada. Dept. No II

P 1 of 4

That was filed Stamped on 1-10-2022
@ 8:45 AM. in the Humboldt County Clerk's office.

I Sharp received a document from the.
Nevada Court of Appeals

That's file stamped 12-11-2019 with
the case # of 78240-COA

I Mark L Sharp I'm going to

Quote

The last three lines in that Document.

"ORDER" the judgment of the district court
affirmed in Part and Reversed in Part and Remand
this matter to the district court for

"Proceedings"

consistent with this order,

webster.com Definition of

"Proceeding"

As an action, Hearing, Trial or application
Before the Court

I Mark L Skarp Have asked for
a Hearing
and
to withdraw my Guilty Plea

Both were Denied by the sixth Judicial Court,

At this time Sharp is asking this
Honorable Court for Assistance in getting my
Guilty Plea Back

Date 2-9-2022

Signature Mark I. Shay

Certificate of Service

I hereby certify that I Mark L. Sharp on
2 - 9 - 2022 I caused to be served a true and
correct copy of the enclosed

Motion = Appeal to the Nevada
Supreme Court

To:

Humboldt clerk

N.A.D.

Jane Rac Lopez

100^N Carson St

50^W 5th street R207

Carson City NV. 89701

Winn. NV. 89445

S. C. N.

DA office

Clerks office

Po Box 909

201^S Carson St suit 201

Winn NV. 89446

Carson city NV. 89701

Dept No II

Us = Observer

50^W 5th street

233 Rogue River Hwy

Winn NV. 89445

Pmb 387

Grants Pass 97527-5429

to the Humboldt County Clerks office.

Can I get a filled stamped copy back. Please
at

Po Box 1275 Winn NV. 89446

Thanks for your time

P4 of 4

Case No. CV0020479

Dept. No. 2

FILED

2022 FEB 11 AM 11:13

Sharp

CLERK OF DISTRICT COURT

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

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

CASE APPEAL STATEMENT

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 Motion to Withdraw Guilty Plea.
3. Identify each appellant and the name and address of counsel for each appellant: Mark L. Sharp - Petitioner In Pro Se - P O Box 1275 Winnemucca, Nevada 89446.
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:

Appellant appeared In Pro Se for the matter being appealed.

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

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

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

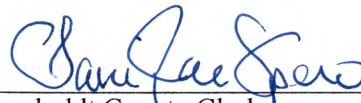
10. Provide a brief description of the nature of the action and result in the district court, including the type of judgment or order being appealed and the relief granted by the district court: Petitioner filed a Motion to Withdraw Guilty Plea and the Court denied said Motion.

11. Indicate whether the case has previously been the subject of an appeal to or original writ proceeding in the Supreme Court and, if so, the caption and Supreme Court docket number of the prior proceeding: Yes; Mark L. Sharp, Petitioner, vs. The State of Nevada, Respondent. Supreme Court No. 78240; Mark L. Sharp, Petitioner, vs. The State of Nevada, Respondent. Supreme Court No. 72935; Mark Leonard Sharp, Appellant, vs. The State of Nevada, Respondent. Supreme Court No. 81008.

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

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

Dated this 11th day of February, 2022.



Humboldt County Clerk
50 W. 5th St. #207
Winnemucca, NV 89445
(775) 623-6343

FILED

Sixth Judicial District Court - Humboldt County

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10:46:45

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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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

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
05/01/2017	Legacy Images
05/01/2017	Legacy Images
05/01/2017	Legacy Images
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 NRCP
05/12/2017	PETITIONER'S NOTICE OF INTENT TO PROCEED IN PRO PER
05/15/2017	REQUEST FOR SUBMISSION
05/15/2017	Legacy Images
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05/15/2017	Legacy Images
05/15/2017	Legacy Images
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
05/18/2017	MOTION FOR DISCOVERY # 4
05/18/2017	MOTION FOR DISCOVERY # 5
05/18/2017	Legacy Images
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05/18/2017	Legacy Images
05/18/2017	Legacy Images
05/18/2017	Legacy Images
05/18/2017	Legacy Images
05/19/2017	MOTION FOR DISCOVERY #1.0

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05/19/2017 MOTION FOR DISCOVERY #2.1
05/19/2017 REQUEST FOR SUBMISSION #1
05/19/2017 REQUEST FOR SUBMISSION #1.00
05/19/2017 ORDER-LEGAL ASST-DENIED MOTION TO REFUSE APPT. COUNSEL-DENID
05/22/2017 Legacy Images
05/22/2017 Legacy Images
05/22/2017 Legacy Images
05/22/2017 Legacy Images
05/22/2017 Legacy Images
05/22/2017 Legacy Images
05/24/2017 MOTION FOR WITHDRAWAL OF COUNSEL (BUTKO)
05/25/2017 Legacy Images
05/26/2017 MOTION FOR DISCOVERY #1
05/30/2017 REQUEST FOR SUBMISSION #1 X 3
05/30/2017 Legacy Images
05/30/2017 Legacy Images
05/30/2017 Legacy Images
05/30/2017 Legacy Images
05/31/2017 ORDER GRANTING MOTION TO WITHDRAW AS COUNSEL (BUTKO)
06/01/2017 Legacy Images
06/02/2017 REQUEST FOR SUBMISSION X 6 FOR THE SIX MOTIONS OF DISCOVERY
06/02/2017 Legacy Images
06/02/2017 Legacy Images
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06/02/2017 Legacy Images
06/02/2017 Legacy Images
06/02/2017 Legacy Images
06/05/2017 REQUEST FOR SUBMISSION (MOTION FOR DISCOVERY 3.2)
06/05/2017 ORDER (APPOINTING COUNSEL- LOREMAN)
06/05/2017 REQUEST FOR SUBMISSION (REPLY TO THE DA'S RESPONSE)
06/05/2017 REQUEST FOR SUBMISSION (MOTION FOR DISCOVERY 1.0)
06/05/2017 REQUEST FOR SUBMISSION (MOTION FOR DISCOVERY 2.1)
06/07/2017 Legacy Images
06/07/2017 Legacy Images
06/07/2017 Legacy Images
06/07/2017 Legacy Images
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06/15/2017 Legacy Images
06/16/2017 MOTION FOR DISCOVERY #8
06/16/2017 Legacy Images
06/16/2017 Legacy Images
06/19/2017 REQUEST FOR SUBMISSION (MOTION FOR DISCOVERY #3)
06/19/2017 REQUEST FOR SUBMISSION (MOTION FOR DISCOVERY #2)
06/19/2017 REQUEST FOR SUBMISSION (MOTION FOR DISCOVERY #5)
06/19/2017 REQUEST FOR SUBMISSION (MOTION FOR DISCOVERY #4)
06/19/2017 REQUEST FOR SUBMISSION (MOTION FOR DISCOVERY #1)
06/20/2017 Legacy Images
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07/10/2017	Legacy Images
07/10/2017	Legacy Images
07/10/2017	Legacy Images
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
07/31/2017	Legacy Images
07/31/2017	Legacy Images
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07/31/2017	Legacy Images
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
10/30/2017	Legacy Images
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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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)
04/10/2020	CASE APPEAL STATEMENT
04/20/2020	RECEIPT FOR DOCUMENTS (SC #81008)
05/04/2020	ORDER DISMISSING APPEAL (81008)
05/29/2020	REMITTITUR #81008
05/29/2020	CLERK'S CERTIFICATE #81008

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05/29/2020	ORDER DISMISSING APPEAL #81008
06/03/2020	MOTION TO WITHDRAW GUILTY PLEA
10/19/2021	EMAIL SENT TO REGARDING SERVICE OF COURT DOCUMENT - CV0020479, SHARP, MARK L VS. BACCA, I. WARDEN NDOC WITH 1 ATTACHMENTS FROM DOCKETS FREETYPE-6/3/2020 - COPY OF W/D OF GPA SENT TO PETITIONER PER REQUEST
12/17/2021	EMAIL SENT TO REGARDING SERVICE OF COURT DOCUMENT - CV0020479, SHARP, MARK L VS. BACCA, I. WARDEN NDOC WITH 2 ATTACHMENTS FROM DOCKETS LEGIM-12/8/2014, LEGIM-8/27/2015
01/06/2022	REQUEST FOR SUBMISSION
01/10/2022	ORDER DENYING MOTION TO WITHDRAW GUILTY PLEA
01/21/2022	EMAIL SENT TO REGARDING SERVICE OF COURT DOCUMENT - CV0020479, SHARP, MARK L VS. BACCA, I. WARDEN NDOC WITH 1 ATTACHMENTS FROM DOCKETS FREETYPE-12/13/2019
01/21/2022	EMAIL SENT TO REGARDING SERVICE OF COURT DOCUMENT - CV0020479, SHARP, MARK L VS. BACCA, I. WARDEN NDOC WITH 1 ATTACHMENTS FROM DOCKETS FREETYPE-1/10/2022
02/09/2022	REQUEST FOR SUBMISSION # 2 TO THE D.A. OFFICE (INCLUDING LANGUAGE STATING THAT THIS IS A NOTICE OF APPEAL)
02/11/2022	CASE APPEAL STATEMENT
02/11/2022	APPEAL TO THE NEVADA SUPREME COURT

CASE NO. CV 0020479
DEPT. NO. II

FILED

2022 JAN 10 AM 8:45

MM
TAMI KAE SPERO
DIST. COURT CLERK

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

-000-

MARK LEONARD SHARP,

Petitioner,

vs.

THE STATE OF NEVADA,

Respondent.

**ORDER DENYING MOTION TO
WITHDRAW GUILTY PLEA**

Before this Court is Petitioner, Mark Leonard Sharp, in his Proper Person, and his *Motion to Withdraw Guilty Plea* filed on June 3, 2020. The State, by and through its counsel of record, Michael Macdonald, Humboldt County District Attorney, has yet to file an opposition to said motion. Petitioner submitted this matter to the Court for decision on January 6, 2022.

//

1 Having reviewed the filings, documents, and arguments herein, the Court **HEREBY**
2 **DENIES** Petitioner's motion in its entirety, based on the following:

3 On January 13, 2014, Petitioner pleaded guilty to ONE (1) COUNT –
4 TRAFFICKING IN A CONTROLLED SUBSTANCE LEVEL II, a Category B Felony, as
5 defined by NRS 453.3385(2). A *Judgment of Conviction* was entered on March 13, 2014, in
6 which Petitioner was sentenced to a maximum of one hundred fifty-six (156) months and a
7 minimum of sixty-two (62) months in the Nevada Department of Corrections, with credit for
8 time served of five hundred forty-two (542) days.

9 Petitioner filed a *Petition for Writ of Habeas Corpus* on August 18, 2015 and a
10 *Supplemental Petition for Writ of Habeas Corpus* on January 29, 2018. On January 28, 2019,
11 this Court entered an Order denying Petitioner's *Petition for Writ of Habeas Corpus*. On
12 December 11, 2019, the Nevada Court of Appeals issued an *Order Affirming in Part,*
13 *Reversing in Part and Remanding*. On December 13, 2019, this Court entered an Order
14 addressing and denying Petitioner's claims remanded by the Nevada Court of Appeals.

15 On March 10, 2020, Petitioner filed a *Request for Hearing*, which was denied by this
16 Court on March 12, 2020 as follows: "The Court, in reviewing all prior filings, finds that the
17 Order filed by this Court on December 13, 2019, complied with all requirements of the Court
18 of Appeals *Order Affirming in Part, Reversing in Part and Remanding*, filed on December
19 11, 2019."

20 On April 10, 2020, Petitioner filed a *Case Appeal Statement* appealing this Court's
21 denial of Petitioner's hearing request to the Nevada Supreme Court. The Nevada Supreme
22 Court dismissed Petitioner's appeal, reasoning that "Because no statute or court rule permits
23
24

1 an appeal from the aforementioned order, this court lacks jurisdiction to consider this
2 appeal.” Petitioner then filed his *Motion to Withdraw Guilty Plea* on June 3, 2020, which
3 was submitted to this Court for decision on January 6, 2021.

4 NRS 176.165 provides that “Except as otherwise provided in this section, a motion
5 to withdraw a plea of guilty, guilty but mentally ill or nolo contendere may be made only
6 before sentence is imposed or imposition of sentence is suspended. To correct manifest
7 injustice, the court after sentence may set aside the judgment of conviction and permit the
8 defendant to withdraw the plea.”

9 The Nevada Supreme Court has held that “a post-conviction petition for a writ of
10 habeas corpus provides the exclusive remedy for a challenge to the validity of the guilty plea
11 made after sentencing ... In the case of future filings and for any currently pending post-
12 sentence motion to withdraw a guilty plea, the district court should construe the motion to
13 be a post-conviction petition for a writ of habeas corpus.” *Harris v. State*, 130 Nev. 435, 448,
14 329 P.3d 619, 628 (2014). Here, Petitioner was sentenced on March 13, 2014. The Court
15 therefore treats Petitioner’s motion to withdraw guilty plea as a post-conviction writ of
16 habeas corpus.

17 //

18 //

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1 However, Petitioner has already filed a prior postconviction petition for writ of habeas
2 corpus on the validity of his guilty plea, which was denied in its entirety by this Court in two
3 (2) separate orders dating January 28, 2019 and December 13, 2019. Petitioner offers no new
4 evidence or arguments to support these habeas claims, and makes no additional habeas
5 claims that have not previously been decided by this Court. Moreover, Petitioner fails to
6 make any claim of manifest injustice pursuant to NRS 176.165. Accordingly, Petitioner's
7 *Motion to Withdraw Guilty Plea* is **HEREBY DENIED**.

8 **IT IS SO ORDERED.**

9 DATED this 10th day of January, 2022.

10
11 

12 HONORABLE MICHAEL R. MONTERO
13 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 this 10th day of January, 2022, I caused to be served a true and correct copy of the enclosed **ORDER DENYING MOTION TO WITHDRAW GUILTY PLEA** upon the following parties:

Humboldt County Deputy District Attorney
P.O. Box 909
Winnemucca, NV 89445
Hand-delivered to Humboldt County Courthouse, DCT Box

Mark Leonard Sharp
P.O. Box 593
Carlin, NV 89822
Via US Mail

Tay/SK
TAYLOR STOKES
LAW CLERK

CV 20,479

Mark L. Sharp vs. I. Bacca, Warden

Judge: Michael R. Montero

Clerk: Elisha Formby

OCTOBER 3, 2018

CONTINUED EVIDENTIARY HEARING

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

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

The Court stated the purpose of today's hearing.

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

Gordon concurred.

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

Gordon responded.

Loreman motioned the Court to invoke the Rule of Exclusion.

The Court granted to invoke the Rule of Exclusion.

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

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

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

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

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

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

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

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

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

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

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

Loreman gave closing argument.

Gordon gave closing argument.

Rebuttal by Loreman.

The Court will take this matter under submission.

Mark L. Sharp

vs. I. Bacca, Warden

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

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

Mark L. Sharp

vs. I. Bacca Warden

DEFENDANT'S/RESPONDENT'S EXHIBITS: CASE NO.

CV 20,479

	I.D.	MARKED	OFFERED	ADMITTED
A <u>Fee Dispute Committee Correspondence (Hy Forgeron)</u>	<u>A</u>	<u>10/03/18</u>	<u>10/03/18</u>	<u>10/03/18</u>
B <u>Fee Dispute Committee Correspondence (Ted Herrera)</u>	<u>B</u>	<u>10/03/18</u>	<u>10/03/18</u>	<u>10/03/18</u>
C <u>Emails</u>	<u>C</u>	<u>10/03/18</u>	<u>10/03/18</u>	<u>10/03/18</u>
D <u>Letter to: Ray Sharp; From: Ted Herrera</u>	<u>D</u>	<u>10/03/18</u>	<u>10/03/18</u>	<u>10/03/18</u>
E <u>Email</u>	<u>E</u>	<u>10/03/18</u>	<u>10/03/18</u>	<u>10/03/18</u>
F _____	_____	_____	_____	_____
G _____	_____	_____	_____	_____
H _____	_____	_____	_____	_____
I _____	_____	_____	_____	_____
J _____	_____	_____	_____	_____
K _____	_____	_____	_____	_____
L _____	_____	_____	_____	_____
M _____	_____	_____	_____	_____
N _____	_____	_____	_____	_____
O _____	_____	_____	_____	_____
P _____	_____	_____	_____	_____
Q _____	_____	_____	_____	_____
R _____	_____	_____	_____	_____
S _____	_____	_____	_____	_____
T _____	_____	_____	_____	_____
U _____	_____	_____	_____	_____
V _____	_____	_____	_____	_____
W _____	_____	_____	_____	_____
X _____	_____	_____	_____	_____
Y _____	_____	_____	_____	_____
Z _____	_____	_____	_____	_____

CERTIFICATION OF COPY

STATE OF NEVADA,
COUNTY OF HUMBOLDT,

I, TAMI RAE 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 Motion to Withdraw Guilty Plea; District Court Minutes; and Exhibit Lists;

Mark L. Sharp,

Petitioner,

vs.

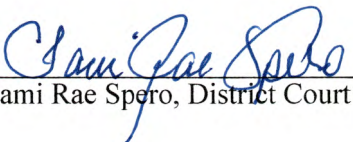
The State of Nevada,

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 11th
day of February, 2022, A.D.


Tami Rae Spero, District Court Clerk