

*Steven D. Grierson*

Natasha G. Jackson # 1188581  
FLORENCE MCCLURE WOMENS CORRECTIONAL CENTER  
4370 SMILEY ROAD  
LAS VEGAS, NV 89115

In the 8th Judicial District Court of the State of Nevada  
In and for the County of Clark

Electronically Filed  
Apr 07 2021 10:36 a.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

Natasha G. Jackson )  
Appellant/Plaintiff/Petitioner

v.

Case No. A-20-810845-W

State of Nevada )  
Appellee/Respondent/Defendant

**NOTICE OF APPEAL**

Notice is hereby given that Natasha G. Jackson, Petitioner above named in the above captioned case, hereby appeals to the **SUPREME COURT FOR THE STATE OF NEVADA** from the final judgment for Petition for Post Conviction Relief and Motion for appointment of Counsel entered on the 4th day of March, 2021.

Dated this 29th day of March, 2021

Respectfully submitted,

Natasha G. Jackson, Petitioner  
Signature/ Pro Se Litigant

Natasha G. Jackson  
Print Name

**RECEIVED**

**MAR 31 2021**

CLERK OF THE COURT

CERTIFICATE OF MAILING

STATE OF NEVADA  
COUNTY OF

Clark

I am the ☒ Plaintiff/Petitioner ☐ Defendant/Respondent

Natasha G. Jackson

for Case No: A-20-810845-W

On this 29<sup>th</sup> day of March, 20 21, I mailed a copy of the  
Following document(s):

1. Notice of Appeal

2.

3.

4.

5.

By United States First Class Mail, to the following addresses:

1. Clerk of Courts

Steven D. Grizzerson

200 Lewis Ave 3rd Fl

Las Vegas, NV 89155-1160

2. District Attorney

Steven B. Wolfson

200 Lewis Ave PO Box 552212

Las Vegas, NV 89155-2212

3. Alexis M. Ducker

8687 W. Sahara Ave Ste 201

Las Vegas, NV 89117

4.

Dated this 29<sup>th</sup> day of March, 20 21.

Respectfully submitted,

Natasha G. Jackson  
Signature

Natasha G. Jackson  
Printed Name

DECLARATION UNDER PENALTY OF PERJURY

I, the undersigned, understand that a false statement or answer to any question in this declaration will subject me to penalties of perjury.

I declare, under the penalty of perjury under the laws of the United States of America, that the above and/or foregoing information is accurate, correct and true to the best of my knowledge, executed within the terms of <sup>1</sup>NRS 171.102 and <sup>2</sup>NRS 208.165. See <sup>3</sup>28 U.S.C. 1746 and 18 U.S.C. 1621.

Dated this 29<sup>th</sup> day of March, 20 21

Cyatoshi H. Jackson  
Signature

1188581

Nevada Department of Corrections ID #

<sup>1</sup> NRS 171.102

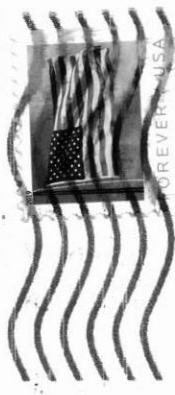
<sup>2</sup> NRS 208.165

<sup>3</sup> 28 U.S.C.

§1746. Unsworn declarations under penalty of perjury  
18 U.S.C.

§ 1621. Perjury generally

Natasha G. Jackson 1188581  
4370 Smiley Ref  
Las Vegas, NV 89115



LAS VEGAS NV 890

29 MAR 2021 PM 3 L

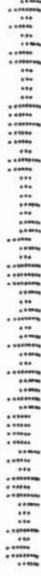
Clerk of the Courts  
Steven D. Greiverson  
200 Lewis Ave 3rd Fl  
Las Vegas, NV 89155-1160

RECEIVED

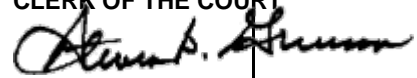
MAR 31 2021

CLERK OF THE COURT

89155-450100



Legal Mail: Confidential



1 ASTA

2  
3  
4  
5  
6 **IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE**  
7 **STATE OF NEVADA IN AND FOR**  
8 **THE COUNTY OF CLARK**

9 NATASHA G. JACKSON,

10 Plaintiff(s),

11 vs.

12 STATE OF NEVADA,

13 Defendant(s),  
14

Case No: A-20-810845-W

Dept No: X

15  
16 **CASE APPEAL STATEMENT**  
17

18 1. Appellant(s): Natasha G. Jackson

19 2. Judge: Tierra Jones

20 3. Appellant(s): Natasha G. Jackson

21 Counsel:

22 Natasha G. Jackson #1188581  
23 4370 Smiley Rd.  
24 Las Vegas, NV 89115

25 4. Respondent (s): State of Nevada

26 Counsel:

27 Steven B. Wolfson, District Attorney  
28 200 Lewis Ave.  
Las Vegas, NV 89155-2212

1 5. Appellant(s)'s Attorney Licensed in Nevada: N/A  
2 Permission Granted: N/A

3 Respondent(s)'s Attorney Licensed in Nevada: Yes  
4 Permission Granted: N/A

5 6. Has Appellant Ever Been Represented by Appointed Counsel In District Court: No

6 7. Appellant Represented by Appointed Counsel On Appeal: N/A

7 8. Appellant Granted Leave to Proceed in Forma Pauperis\*\*: N/A

8 \*\*Expires 1 year from date filed

9 Appellant Filed Application to Proceed in Forma Pauperis: Yes,  
10 Date Application(s) filed: February 14, 2020

11 9. Date Commenced in District Court: February 14, 2020

12 10. Brief Description of the Nature of the Action: Civil Writ

13 Type of Judgment or Order Being Appealed: Civil Writ of Habeas Corpus

14 11. Previous Appeal: No

15 Supreme Court Docket Number(s): N/A

16 12. Child Custody or Visitation: N/A

17 13. Possibility of Settlement: Unknown

18 Dated This 1 day of April 2021.

19 Steven D. Grierson, Clerk of the Court

20 /s/ Heather Ungermann

21 Heather Ungermann, Deputy Clerk  
22 200 Lewis Ave  
23 PO Box 551601  
24 Las Vegas, Nevada 89155-1601  
25 (702) 671-0512

26 cc: Natasha G. Jackson  
27  
28

## EIGHTH JUDICIAL DISTRICT COURT

# CASE SUMMARY

## CASE NO. A-20-810845-W

Natasha Jackson, Plaintiff(s)  
vs.  
State of Nevada, Defendant(s)

§  
§  
§  
§  
§

Location: **Department 10**  
Judicial Officer: **Jones, Tierra**  
Filed on: **02/14/2020**  
Case Number History:  
Cross-Reference Case Number: **A810845**

### CASE INFORMATION

#### Related Cases

C-14-300032-1 (Writ Related Case)

Case Type: **Writ of Habeas Corpus**

#### Statistical Closures

03/04/2021 Other Manner of Disposition

Case Status: **03/04/2021 Closed**

### DATE

### CASE ASSIGNMENT

#### Current Case Assignment

Case Number A-20-810845-W  
Court Department 10  
Date Assigned 09/08/2020  
Judicial Officer Jones, Tierra

### PARTY INFORMATION

**Plaintiff** **Jackson, Natasha**

*Lead Attorneys*

**Pro Se**

**Defendant** **State of Nevada**


**Wolfson, Steven B**  
*Retained*  
702-671-2700(W)


### DATE


### EVENTS & ORDERS OF THE COURT


### INDEX


#### EVENTS


02/14/2020  Inmate Filed - Petition for Writ of Habeas Corpus  
Party: Plaintiff Jackson, Natasha  
*Post Conviction*

02/14/2020  Request  
Filed by: Plaintiff Jackson, Natasha  
*Request for Submission of Motion*

02/14/2020  Motion for Appointment of Attorney  
Filed By: Plaintiff Jackson, Natasha

02/14/2020  Affidavit  
Filed By: Plaintiff Jackson, Natasha

02/14/2020  Application to Proceed in Forma Pauperis  
Filed By: Plaintiff Jackson, Natasha

02/26/2020  Order for Petition for Writ of Habeas Corpus  
*Order for Petition for Writ of Habeas Corpus*

**CASE SUMMARY**  
**CASE NO. A-20-810845-W**




02/26/2020	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
03/25/2020	 Response <i>State's Response to Petitioner's Petition for Writ of Habeas Corpus (Post-Conviction) and Opposition to Motion for Appointment of Counsel</i>
05/04/2020	 Order for Production of Inmate Party: Defendant State of Nevada <i>Order for Production of Inmate</i>
06/23/2020	 Notice of Change of Hearing <i>Notice of Change of Hearing</i>
07/22/2020	 Application Filed By: Plaintiff Jackson, Natasha <i>Application to Order Transport and Produce Inmate for Hearing</i>
08/04/2020	 Notice of Change of Hearing <i>Notice of Change of Hearing</i>
09/08/2020	Case Reassigned to Department 10 <i>Case Reassignment from Judge Douglas W. Herndon to Judge Tierra Jones</i>
03/04/2021	 Findings of Fact, Conclusions of Law and Order Filed By: Plaintiff Jackson, Natasha <i>Findings of Fact, Conclusions of Law and Order</i>
03/10/2021	 Notice of Entry of Findings of Fact, Conclusions of Law Filed By: Defendant State of Nevada <i>Notice of Entry of Findings of Fact, Conclusions of Law and Order</i>
03/31/2021	 Notice of Appeal Filed By: Plaintiff Jackson, Natasha <i>Notice of Appeal</i>
04/01/2021	 Case Appeal Statement Filed By: Plaintiff Jackson, Natasha <i>Case Appeal Statement</i>
	<b><u>HEARINGS</u></b>
04/28/2020	<b>Petition for Writ of Habeas Corpus (3:30 PM)</b> (Judicial Officer: Jones, Tierra) <b>04/28/2020, 02/11/2021</b> Granted in Part; Denied; Granted in Part; Denied;
04/28/2020	<b>Motion for Appointment of Attorney (3:30 PM)</b> (Judicial Officer: Herndon, Douglas W.) <i>Plaintiff's Motion for Appointment of Counsel</i> Motion Denied;
04/28/2020	 <b>All Pending Motions (3:30 PM)</b> (Judicial Officer: Herndon, Douglas W.) Matter Heard; Journal Entry Details:

**CASE SUMMARY****CASE NO. A-20-810845-W**

*PETITION FOR WRIT OF HABEAS CORPUS... PLAINTIFF'S MOTION FOR APPOINTMENT OF COUNSEL... Defendant not present and in custody in the Nevada Department of Corrections. COURT STATED the Defendant filed a Pro Per Petition and a Motion for Appointment of Counsel, and just on the pleadings, without argument, Petition DENIED IN PART AND GRANTED IN PART. COURT STATED the Defendant has made allegations that the Court does not believe need examination outside, the record, nor do they believe are complex, which would not warrant the need to appoint an attorney. COURT ADVISED the Defendant negotiated the case, with a stipulated sentence, in which the Court imposed at the time of sentencing, and the Defendant has now filed the instant petition. COURT FURTHER STATED the Defendant has alleged ineffective assistance of counsel, alleging her attorney was deficient for not making certain challenges to the State's version of factual events in regard to the conduct that occurred at the hearing, in light of certain testimony given by the medical examiner, versus things that were in certain statements. COURT STATED Defendant waives any challenges of any dissection of the facts of the case, by virtue of the Defendant's plea; adding the Defendant factually admitted to the conduct she is now complaining about, which is inconsistent with her use of a screw driver, in attacking both the victims. COURT ADDITIONALLY STATED the allegation the matter was not investigated to bring out the discrepancies, the Court pointed out there was never a trial, which means there never was an opportunity to make challenges in terms of examining witnesses at trial. COURT STATED the Defendant makes an allegation there was not a proper investigation of the weapons enhancement, and counsel never provided her with updates with regards to negotiations, adding the Court was pending for a number of years, and there was no change to negotiations, and there is no requirement for counsel to update the Defendant with regards to there being no change in negotiations. COURT STATED the Defendant does make allegations that warrant a hearing, stating the Defendant alleged she attempted to contact counsel to discuss the appeals process after she was sentenced, and only later learned the Defendant had forfeited her right to direct appeal, adding the allegation the Defendant wanted to appeal and somehow was denied that, does entitle the Defendant to an Evidentiary Hearing. COURT FURTHER STATED the Defendant makes bare allegations, with regards to failure to investigation that would have changed the outcome of the proceedings, however there is no specificity to those allegations, and it does not justify any relief; the Defendant also stated there was a failure to object to the weapon enhancement that somehow would have reduced the Defendant's sentence, which is a bare allegation without any support, adding the Defendant pled guilty to the weapon enhancement. COURT ADDITIONALLY STATED the Defendant makes an allegation there was a failure to move to admit, or present to the Grand Jury certain things in regards to the Defendant's interrogation, and counsel made challenges to those allegations in the Pre-Trial Writ of Habeas Corpus, which does not justify any relief. COURT STATED the Defendant makes an argument about counsel predicting that a Judge and Jury would fail to make an impartial assessment of her case, by reading journal entries that were written by the Petition upon her initial introduction to the Co-Defendant, which is a bare allegation without any support, and the Defendant might be referring to what counsel told her with regards to strength or weakness of the case, which is not a ground for ineffective assistance of counsel. COURT FURTHER STATED the Defendant makes allegations her attorney failed to properly instruct her about the Guilty Plea, which is a bare allegation, however it can be addressed at the Evidentiary Hearing. COURT ADDITIONALLY STATED the Defendant alleges her attorney failed to move to suppress the interrogation of the petition, since it was made under the influence, which is an issue which is waived by virtue of negotiating the case, and pleading guilty. COURT STATED the Defendant additionally alleges her attorney failed to delivery Discovery to the Defendant in a timely fashion, which is an allegation that is waived by the Guilty Plea, adding there is no allegation that the Defendant was prejudice by not having the Discovery, adding the Defendant is complaining she did not receive the Discovery after she was sentenced, and the FINDS THERE IS NO PREJUDICE with regards to that claim, since the Court kept extending her Writ time period, which the Discovery boxes were being provided to the Defendant. COURT STATED the Defendant is alleging her attorney failed to extend her right to be sentenced, based on accurate and reliable evidence, which the Court states the Defendant had the ability to make a statement at the time of sentencing, pointing out the Defendant negotiated a stipulated sentence, which the Defendant received, and the FINDS THERE IS NO PREJUDICE with regards to that claim. COURT FURTHER STATED, the Defendant is alleging her attorney failed to give her verbatim reports of plea conversations between the parties, and failed to provide the Defendant with copies of letters, e-mails, or notes between the Defense and the State regarding negotiations, and the FINDS there is no obligation of attorneys to take verbatim notes of plea negotiation discussions that they have with the State, nor is there any obligation the attorneys have to provide the Defendant with letters, e-mails, notes or verbatim reports of conversation that the attorney has with the prosecutors. COURT ADDITIONALLY STATED the Defendant alleged inconsistent representation resulting delays in obtaining Discovery, pointing out this is a Post- Conviction issue, and FINDS the Defendant WAS NOT PREJUDICED since the Court*

# CASE SUMMARY

## CASE NO. A-20-810845-W

	<p><i>kept extending the deadline. COURT ORDERED, Petition DENIED IN PART for all reasons previously stated, and GRANTED IN PART and an Evidentiary Hearing SET with regards to the two issues of whether her attorney properly instructed the Defendant on her Guilty Plea, and whether the Defendant expressed a desire to file a direct appeal, and was somehow lost that ability due to the attorney. Ms. Rinetti stated she would do an Order to Transport. NDC 6/30/2020 9:00 A.M. EVIDENTIARY HEARING ;</i></p>
08/12/2020	<p> <b>Evidentiary Hearing</b> (12:00 PM) (Judicial Officer: Herndon, Douglas W.)</p> <p>Per Admin Order Off Calendar; Journal Entry Details: <i>Defendant not present; Deputy Public Defender Christy Craig present. COURT STATED the Defendant was not transported, and ORDERED the matter OFF CALENDAR; and DIRECTED parties to figure out a continued hearing date. NDC;</i></p>
12/04/2020	<p> <b>Evidentiary Hearing</b> (8:00 AM) (Judicial Officer: Jones, Tierra)</p> <p>Off Calendar; Journal Entry Details: <i>Court noted Deft. is not here and there is no transport order, in Odyssey. COURT ORDERED, matter OFF CALENDAR. Court will re-set the matter. NDC;</i></p>
02/11/2021	<p><b>Evidentiary Hearing</b> (2:00 PM) (Judicial Officer: Jones, Tierra)</p> <p>Matter Heard;</p>
02/11/2021	<p> <b>All Pending Motions</b> (2:00 PM) (Judicial Officer: Jones, Tierra)</p> <p><i>All Pending Motions (02/11/2021)</i> Matter Heard; Journal Entry Details: <i>EVIDENTIARY HEARING:LIMITED ISSUES/PTN...PETITION FOR WRIT OF HABEAS CORPUS Deft. JACKSON present by video, in custody in the Nevada Department of Corrections (NDC) appearing Pro Se. State noted Ms. Craig present as a witness by subpoena. Court explained this is a hearing regarding the Petition filed for ineffective assistance of counsel. Hearing: Testimony presented; Ms. Craig sworn and testified. State noted the hearing today was only regarding two issues within the writ; 1) properly instructed as to the Guilty Plea Agreement (GPA) and 2) as to the Deft's desire for an appeal. Court will allow leeway in Ms. Jackson's, Deft./Pro Se, direct questioning. State called no witnesses. Arguments by Ms. Jackson and State. Court noted the Deft. did free and voluntarily sign the Guilty Plea Agreement (GPA), Deft. was thoroughly canvassed. Ms. Jackson stated she learned from the Law Library in prison of filing an appeal. Court stated findings; as to the first issue, the Deft. was not forced into the Guilty Plea Agreement, the Deft. had 6 months to accept the agreement, Judge Herndon canvassed the Deft. and the Deft. freely and voluntarily agreed to the Guilty Plea Agreement. As to the second issue; Ms. Craig did not prepare the appeal, Court noted the Deft. was advised it was up to Ms. Jackson/Deft. Court further found it was belied by the record. COURT ORDERED, Petition for Writ of Habeas Corpus, DENIED. Court directed the State to prepare the Findings of Fact and Conclusions of Law.;</i></p>

## DISTRICT COURT CIVIL COVER SHEET

A-20-810845-W

Dept. III

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):

Natasha Jackson

Defendant(s) (name/address/phone):

State of Nevada

Attorney (name/address/phone):

Attorney (name/address/phone):

**II. Nature of Controversy** (please select the one most applicable filing type below)**Civil Case Filing Types**

<b>Real Property</b> <b>Landlord/Tenant</b> <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Other Landlord/Tenant <b>Title to Property</b> <input type="checkbox"/> Judicial Foreclosure <input type="checkbox"/> Other Title to Property <b>Other Real Property</b> <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property	<b>Negligence</b> <input type="checkbox"/> Auto <input type="checkbox"/> Premises Liability <input type="checkbox"/> Other Negligence <b>Malpractice</b> <input type="checkbox"/> Medical/Dental <input type="checkbox"/> Legal <input type="checkbox"/> Accounting <input type="checkbox"/> Other Malpractice	<b>Torts</b> <b>Other Torts</b> <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
<b>Probate</b> <b>Probate</b> (select case type and estate value) <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 <b>Estate Value</b> <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	<b>Construction Defect &amp; Contract</b> <b>Construction Defect</b> <input type="checkbox"/> Chapter 40 <input type="checkbox"/> Other Construction Defect <b>Contract Case</b> <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	<b>Judicial Review/Appeal</b> <b>Judicial Review</b> <input type="checkbox"/> Foreclosure Mediation Case <input type="checkbox"/> Petition to Seal Records <input type="checkbox"/> Mental Competency <b>Nevada State Agency Appeal</b> <input type="checkbox"/> Department of Motor Vehicle <input type="checkbox"/> Worker's Compensation <input type="checkbox"/> Other Nevada State Agency <b>Appeal Other</b> <input type="checkbox"/> Appeal from Lower Court <input type="checkbox"/> Other Judicial Review/Appeal
<b>Civil Writ</b> <b>Civil Writ</b> <input checked="" type="checkbox"/> Writ of Habeas Corpus <input type="checkbox"/> Writ of Mandamus <input type="checkbox"/> Writ of Quo Warrant <input type="checkbox"/> Writ of Prohibition <input type="checkbox"/> Other Civil Writ		<b>Other Civil Filing</b> <b>Other Civil Filing</b> <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.

February 14, 2020

Date

PREPARED BY CLERK

Signature of initiating party or representative

See other side for family-related case filings.

**FFCO**  
**STEVEN B. WOLFSON**  
Clark County District Attorney  
Nevada Bar #001565  
**TALEEN PANDUKHT**  
Chief Deputy District Attorney  
Nevada Bar #5734  
200 Lewis Avenue  
Las Vegas, Nevada 89155-2212  
(702) 671-2500  
Attorney for Plaintiff

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

THE STATE OF NEVADA,

Plaintiff,

-vs-

NATASHA JACKSON,  
#1921058

Defendant.

CASE NO: A-20-810845-W

C300032-1

DEPT NO: X

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

DATE OF HEARING: FEBRUARY 11, 2021  
TIME OF HEARING: 8:30 AM

THIS CAUSE having come on for hearing before the Honorable TIERRA JONES, District Judge, on the 10 day of February, 2021, the Petitioner being present, proceeding in proper person, the Respondent being represented by STEVEN B. WOLFSON, Clark County District Attorney, by and through MICHELLE FLECK, Chief Deputy District Attorney, and the Court having considered the matter, including briefs, transcripts, testimony and arguments by counsels, and documents on file herein, now therefore, the Court makes the following findings of fact and conclusions of law:

///

///

///

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

2 **PROCEDURAL HISTORY**

3 On August 8, 2014, the State charged Respondent Natasha Jackson (“Petitioner”) with  
4 Count 1 – Burglary While in Possession of a Firearm (Category B Felony - NRS 205.060);  
5 Counts 2 and 3 – Attempt Robbery with use of a Deadly Weapon (Category B Felony - NRS  
6 200.380, 193.330, 193.165); Count 4 – Murder with use of a Deadly Weapon (Category A  
7 Felony - NRS 200.010, 200.030, 193.165); Count 5 – Attempt Murder with use of a Deadly  
8 Weapon (Category B Felony - NRS 200.010, 200.030, 193.330, 193.165); Count 6 – First  
9 Degree Kidnapping (Category A Felony - NRS 200.310, 200.320); Count 7 – Robbery with  
10 use of a Deadly Weapon (Category B Felony - NRS 200.380, 193.165); and Count 8 – Burglary  
11 while in Possession of a Deadly Weapon (Category B Felony - NRS 205.060).

12 On October 6, 2014, Petitioner filed a Pretrial Petition for Writ Of Habeas Corpus  
13 (“Pretrial Writ”). The State filed its Return on October 24, 2014. Petitioner filed a Reply on  
14 October 29, 2014. On November 10, 2014, the District Court granted Petitioner’s Pretrial Writ  
15 in part and denied it in part. Specifically, the District Court dismissed Counts 1 and 8. The  
16 Order was filed December 4, 2014. On December 12, 2014, the State appealed the Court’s  
17 ruling. On March 25, 2016, the Nevada Supreme Court reversed the District Court’s dismissal  
18 of the two (2) counts and remanded the case back to the District Court.

19 On September 12, 2017, Petitioner pled guilty to Count 1 – Murder with use of a Deadly  
20 Weapon (First Degree); and Count 2 – Robbery with Use of a Deadly Weapon pursuant to a  
21 Guilty Plea Agreement (“GPA”).

22 On November 17, 2017, the Court sentenced Petitioner as follows: Count 1 – twenty  
23 (20) years to life, plus a consecutive sentence of ninety-six (96) to two hundred forty (240)  
24 months for the deadly weapon enhancement; and Count 2 – forty-eight (48) to one hundred  
25 eighty (180) months, plus a consecutive sentence of thirty-six (36) to one hundred eighty (180)  
26 months for the deadly weapon enhancement. Petitioner’s aggregate sentence was thirty-five  
27 (35) years to life. The Judgment of Conviction was filed on November 13, 2017. Petitioner did  
28 not file a direct appeal.

1 On February 27, 2018, Petitioner’s counsel filed a Motion to Withdraw as counsel. On  
2 March 20, 2018, the Court granted counsel’s Motion.

3 On July 18, 2018, Petitioner filed a Motion for the Production of Documents, Papers,  
4 Pleadings and Tangible Property of Defendant. On August 9, 2018, the Court granted  
5 Petitioner’s Motion.

6 On November 1, 2018, Petitioner filed a Motion for Enlargement of Time in Which to  
7 File Post-Conviction Petition for Writ of Habeas Corpus. On November 27, 2018, the Court  
8 granted Petitioner’s Motion, and ordered a briefing schedule set should Petitioner file a  
9 Petition.

10 On April 19, 2019, Petitioner filed a second Motion for Enlargement of Time to file.  
11 The Court granted Petitioner’s Motion on May 14, 2019 and ordered Petitioner to file any  
12 Petition for Writ of Habeas Corpus by August 13, 2019.

13 On August 9, 2019, Petitioner filed a third Motion for Enlargement of Time to File. On  
14 August 15, 2019, the Court granted Petitioner’s Motion, and ordered Petitioner to file any  
15 Petition for Writ of Habeas Corpus by December 12, 2019. On February 20, 2020, the Court  
16 set another briefing schedule and ordered Petitioner to file a Petition for Writ of Habeas Corpus  
17 by April 23, 2020.

18 On February 26, 2020, Petitioner filed the instant Petition for Writ of Habeas Corpus  
19 (Post-Conviction) (“Petition”). On March 25, 2020, the State filed a Response to Petitioner’s  
20 Petition. On February 11, 2021, this Court made the following Findings of Fact, Conclusions  
21 of Law.

## 22 **ANALYSIS**

### 23 **I. PETITIONER RECEIVED EFFECTIVE ASSISTANCE OF COUNSEL**

24 Courts must dismiss a petition if a petitioner plead guilty and the petitioner is not  
25 alleging “that the plea was involuntarily or unknowingly entered, or that the plea was entered  
26 without effective assistance of counsel.” NRS 34.810(1)(a). Further, substantive claims—even  
27 those disguised as ineffective assistance of counsel claims—are beyond the scope of habeas  
28 ///

1 and waived. NRS 34.724(2)(a); Evans, 117 Nev. at 646–47, 29 P.3d at 523; Franklin, 110 Nev.  
2 at 752, 877 P.2d at 1059.

3 The United States Supreme Court has long recognized that “the right to counsel is the  
4 right to the effective assistance of counsel.” Strickland v. Washington, 466 U.S. 668, 686, 104  
5 S. Ct. 2052, 2063 (1984); see also State v. Love, 109 Nev. 1136, 1138, 865 P.2d 322, 323  
6 (1993). To prevail on a claim of ineffective assistance of trial counsel, a petitioner must prove  
7 he was denied “reasonably effective assistance” of counsel by satisfying the two-prong test of  
8 Strickland, 466 U.S. at 686-87, 104 S. Ct. at 2063-64. See also Love, 109 Nev. at 1138, 865  
9 P.2d at 323. Under the Strickland test, a petitioner must show first that his counsel's  
10 representation fell below an objective standard of reasonableness, and second, that but for  
11 counsel's errors, there is a reasonable probability that the result of the proceedings would have  
12 been different. 466 U.S. at 687-88, 694, 104 S. Ct. at 2065, 2068; Warden, Nevada State  
13 Prison v. Lyons, 100 Nev. 430, 432, 683 P.2d 504, 505 (1984) (adopting the Strickland two-  
14 part test). “[T]here is no reason for a court deciding an ineffective assistance claim to approach  
15 the inquiry in the same order or even to address both components of the inquiry if the defendant  
16 makes an insufficient showing on one.” Strickland, 466 U.S. at 697, 104 S. Ct. at 2069.

17 A habeas corpus petitioner must prove the disputed factual allegations underlying his  
18 ineffective-assistance claim by a preponderance of the evidence. Means v. State, 120 Nev.  
19 1001, 1012, 103 P.3d 25, 33 (2004). Claims of ineffective assistance of counsel asserted in a  
20 petition for post-conviction relief must be supported with specific factual allegations, which if  
21 true, would entitle the petitioner to relief. Hargrove v. State, 100 Nev. 498, 502, 686 P.2d 222,  
22 225 (1984). “Bare” and “naked” allegations are not sufficient, nor are those belied and repelled  
23 by the record. Id. NRS 34.735(6) states in relevant part, “[Petitioner] must allege specific  
24 facts supporting the claims in the petition[.] . . . Failure to allege specific facts rather than just  
25 conclusions may cause your petition to be dismissed.” Id. at 502-03, 686 P.2d at 225.

26 “There are countless ways to provide effective assistance in any given case. Even the  
27 best criminal defense attorneys would not defend a particular client in the same way.”  
28 Strickland, 466 U.S. at 689, 104 S. Ct. at 689. “Strategic choices made by counsel after

1 thoroughly investigating the plausible options are almost unchallengeable.” Dawson v. State,  
2 108 Nev. 112, 117, 825 P.2d 593, 596 (1992); see also Ford v. State, 105 Nev. 850, 853, 784  
3 P.2d 951, 953 (1989). Counsel cannot be ineffective for failing to make futile objections or  
4 arguments. Ennis v. State, 122 Nev., 694, 706, 137 P.3d 1095, 1103 (2006).

5 In order to meet the “prejudice prong” of the Strickland test when a conviction is the  
6 result of a guilty plea, the petitioner must show a “reasonable probability that, but for counsel’s  
7 errors, he would not have pleaded guilty and would have insisted on going to trial.” Kirksey,  
8 112 Nev. at 988, 923 P.2d at 1107 (quoting Hill, 474 U.S. at 59, 106 S.Ct. at 370) “A  
9 reasonable probability is a probability sufficient to undermine confidence in the outcome.”  
10 Strickland, 466 U.S. at 694, 104 S. Ct. at 2068. “Bare” or “naked” allegations are not sufficient  
11 to show ineffectiveness of counsel. Hargrove, 100 Nev. at 502, 686 P.2d at 225.

12 Here, Petitioner claims of ineffective assistance of counsel center around pretrial  
13 investigation and obtaining discovery after Petitioner was sentenced. Petitioner’s claims do  
14 not allege that counsel’s actions made her plea unknowing, unintelligent, or involuntary; or  
15 that she entered her plea without effective assistance of counsel. Therefore, Petitioner waived  
16 her ability to raise these claims and this Court should summarily dismiss the instant Petition.  
17 However, even on the merits of Petitioner’s claims, the Court nevertheless denies this Petition  
18 as all of Petitioner’s claims are either belied by the record or bare and naked assertions devoid  
19 of factual support.

20 **A. Petitioner’s claims in Ground 1 fail.**

21 In Ground 1, Petitioner raises several claims dealing primarily with the adequacy of  
22 counsel’s investigation and trial preparation prior to her guilty plea. Petition at 1-3 & 6.

23 Counsel is expected to conduct legal and factual investigations when developing a  
24 defense so they may make informed decisions on their client’s behalf. Jackson v. Warden, 91  
25 Nev. 430, 433, 537 P.2d 473, 474 (1975) (quoting In re Saunders, 2 Cal.3d 1033, 88 Cal.Rptr.  
26 633, 638, 472 P.2d 921, 926 (1970)). “[D]efense counsel has a duty ‘to make reasonable  
27 investigations or to make a reasonable decision that makes particular investigations  
28 unnecessary.” Love, 109 Nev. at 1138, 865 P.2d at 323 (quoting Strickland, 466 U.S. at 691,

1 104 S. Ct. at 2066). A defendant who contends his attorney was ineffective because he did not  
2 adequately investigate must show how a better investigation would have rendered a more  
3 favorable outcome. Molina, 120 Nev. at 192, 87 P.3d at 538.

4 Petitioner first argues that counsel failed to note inconsistencies between witness  
5 statements and the physical evidence. Petition at 1. Specifically, Petitioner notes that the  
6 medical examiner's Grand Jury testimony conflicted with Julie Ramos's statement. The  
7 medical examiner testified, while Julie Ramos stated that Petitioner hit her husband with a  
8 wrench and stabbed her with a screwdriver. Petition at 2. Petitioner further notes that Julie  
9 Ramos's statement conflicted with Petitioner's statement to the police and therefore, Julie  
10 Ramos is not to be believed. Petition at 2. As a result of these inconsistencies, Petitioner  
11 appears to claim that Count 8 was disingenuous and counsel should have challenged it. Petition  
12 at 2.

13 Petitioner's claim is belied by the record. Counsel did challenge the factual basis for  
14 Count 8 in the Pretrial Writ filed on October 6, 2014. Pretrial Writ, at 5-7. Initially, counsel  
15 appeared to be successful because, the District Court granted Petitioner's Pretrial Writ in part  
16 and dismissed Counts 1 and 8. Findings of Fact, Conclusions of Law and Order, at 2. It was  
17 the Nevada Supreme Court who disagreed with counsel's interpretation and reversed the  
18 Court's decision on March 25, 2016. Order of Reversal and Remand at 4. Counsel can hardly  
19 be expected to do more. Further, any additional challenge would have been futile, given that  
20 even the Nevada Supreme Court stated there was a sufficient factual basis supporting Count  
21 8. As such, Petitioner's claim that counsel did not investigate any inconsistencies or challenge  
22 the evidence is belied by the record. Regarding any other inconsistencies counsel allegedly  
23 failed to investigate, Petitioner does not demonstrate what specific information that  
24 investigation would have revealed or how it would have resulted in her deciding to proceed to  
25 trial. Molina, 120 Nev. at 192, 87 P.3d at 538.

26 Petitioner next claims that counsel failed to prepare a trial strategy. Petition at 2.  
27 Petitioner claims this shows that counsel's only plan of action was for Petitioner to plead  
28 guilty. Id. at 2. Not only is this a bare and naked claim unsupported by any specific facts, but

1 whether counsel prepared for trial is irrelevant because Petitioner pled guilty over two (2)  
2 months before the scheduled trial date. As Petitioner pled guilty, there was no need for trial  
3 strategy and counsel cannot be deemed ineffective for allegedly not preparing one. United  
4 States v. Cronin, 466 U.S. 648, 657 n.19, 104 S.Ct. 2039, 2046 n. 19 (1984) (“The constitution  
5 does not require that defense counsel do what is impossible or unethical. If there is no bona  
6 fide defense to the charge, counsel cannot create one and may disserve the interests of his  
7 client by attempting a useless charade”).

8 Third, Petitioner accuses counsel of ineffectiveness because the State’s offer was  
9 extended three and a half years after her arrest and allegedly did not change. Petition at 2.  
10 Counsel had no control over the timing or the substance of the State’s offer. From December  
11 2014 until March 2016, this matter was pending before the Nevada Supreme Court on appeal  
12 and the District Court did not have the jurisdiction to do anything, including accept a guilty  
13 plea. Once the Nevada Supreme Court remanded the matter back to the District Court, counsel  
14 immediately began discussing offers with the State. That the offer conveyed by the State did  
15 not change is not something counsel had any control over, and Petitioner fails to provide any  
16 authority stating otherwise. Indeed, common sense dictates that defense counsel cannot be  
17 deemed ineffective for failing to do something they had no control over. Additionally,  
18 Petitioner had six (6) months to decide whether to plead guilty and the plea canvass established  
19 that when Petitioner did plead guilty, she did so freely and voluntarily.

20 Moreover, Petitioner cannot show prejudice because she does not claim she would have  
21 rejected a better or earlier conveyed offer and insisted on proceeding to trial. Kirksey, 112  
22 Nev. at 988, 923 P.2d at 1107. Indeed, she cannot, as such a claim would be logically  
23 inconsistent. Had counsel received a better offer, because Petitioner accepted the instant  
24 negotiation, Petitioner would not have likely accepted a more favorable offer. As such, this  
25 claim fails.

26 Fourth, Petitioner claims counsel should have challenged the deadly weapon  
27 enhancement and that she would have received a lesser sentence had counsel done so. Petition  
28 at 6. To the extent Petitioner claims counsel should have challenged the deadly weapon

1 enhancement pre-plea, such a claim was waived when she pled guilty and is further belied by  
2 the record. In Petitioner's Pretrial Writ, counsel expressly argued that there was not sufficient  
3 evidence supporting the deadly weapon enhancement. Pretrial Writ, at 5-7. To the extent  
4 Petitioner is claiming counsel should have challenged the enhancement post-plea, Petitioner  
5 continues to fault counsel of ineffectiveness for failing to make a futile motion or argument.  
6 Ennis, 122 Nev. at 706, 137 P.3d at 1103. Petitioner pled guilty to Murder with Use of a Deadly  
7 Weapon (First Degree). GPA at 1. Once Petitioner did so, the deadly weapon enhancement  
8 could not be removed from the charging document. As such, Petitioner's claim is baseless and  
9 otherwise belied by the record.

10 Fifth, Petitioner's final claim raised in Ground 1 revolves around her police  
11 interrogation. Petitioner first claims counsel should have filed a motion to admit the  
12 interrogation at the Grand Jury so they could assess the accuracy of Detective McCarthy's  
13 version of Petitioner's story, intent, and lucidity. Petition at 6. Second, Petitioner claims  
14 counsel should have attempted to suppress the interrogation as the statements were made while  
15 she was under the influence of methamphetamine and experiencing delusional thoughts, erratic  
16 speech patterns and sporadic loss of consciousness. Id. Petitioner's first claim is belied by  
17 counsel's arguments in the Pretrial Writ. Counsel argued that the charges against Petitioner  
18 should be dismissed because the State should have, and failed to, admit Petitioner's  
19 interrogation to the Grand Jury to highlight the inconsistencies in Detective McCarthy's  
20 statement. Pretrial Writ, at 7-12. As counsel has no control over what evidence the State  
21 presents to a Grand Jury save for a pretrial writ, counsel did all they could and cannot be  
22 deemed ineffective. Second, Petitioner's claim that counsel should have moved to suppress  
23 her statements is meritless because Petitioner pled guilty in lieu of trial. When Petitioner pled  
24 guilty, any question of her state of mind during the police interrogation became irrelevant as  
25 there was no longer a trial where her statement could or could not be admitted. Moreover,  
26 Petitioner does not establish that counsel could have successfully suppressed her statement.  
27 Counsel cannot be deemed ineffective for failing to make a futile motion. Ennis, 122 Nev. at  
28 706, 137 P.3d at 1103. Finally, Petitioner does not explain that had counsel attempted to

1 suppress her statement, she would have insisted on proceeding to trial. Therefore, Petitioner's  
2 claim fails.

3 **B. Petitioner's claims in Ground 2 fail.**

4 The crux of Petitioner's claims in Ground 2 revolve around the speed with which  
5 defense counsel provided copies of her discovery post-sentence. Petitioner claims that counsel  
6 ignored Court orders to send Petitioner her discovery in a timely fashion. Petition at 4.  
7 Petitioner then claims that even when she received her file from counsel, the file did not  
8 include a transcript of the plea canvass and did not include emails between counsel and the  
9 state regarding negotiations. Id. at 7.

10 As an initial matter, counsel's actions after she was sentenced and transported to prison  
11 had absolutely no bearing on the validity of her plea. Therefore, there is no way Petitioner can  
12 demonstrate that counsel's actions impacted her decision to plead guilty and her claim is  
13 dismissed.

14 Further, Petitioner cannot show prejudice. The court allowed Petitioner to file the  
15 instant Petition for Writ of Habeas Corpus over two and a half years after the Judgment of  
16 Conviction was filed because Petitioner continued to inform the Court she did not have all of  
17 the information necessary to file a Petition for Writ of Habeas Corpus. Moreover, Petitioner  
18 has not established that any email communication between the State and counsel regarding  
19 negotiations exists. Counsel cannot be deemed ineffective for failing to provide nonexistent  
20 information. Finally, counsel did not provide a copy of the transcript of Petitioner's plea  
21 canvass because that transcript was not prepared until the State requested the Court prepare it  
22 after Petitioner filed her Petition for Writ of Habeas Corpus (Post-Conviction). Order for  
23 Transcript, filed on March 11, 2020. Therefore, Petitioner's claim in Ground 2 should fail.

24 Petitioner also appears to claim in Ground 2 that she was sentenced on incorrect  
25 information. Petition at 7. Such a claim is nothing more than a bare and naked claim  
26 unsupported by specific facts in the record. Petitioner does not point to specific facts that she  
27 alleges to be incorrect. Hargrove, 100 Nev. at 502, 686 P.2d at 225. To the extent Petitioner  
28 claims the Court incorrectly sentenced her on the Deadly Weapon enhancement, as explained

1 above, because Petitioner pled guilty to Murder with use of a Deadly Weapon (First Degree),  
2 she admitted to using a deadly weapon. As such, the Court did not err in considering that fact  
3 when sentencing her and counsel cannot be deemed ineffective for not making a futile  
4 objection. Ennis, 122 Nev. at 706, 137 P.3d at 1103.

5 **C. Petitioner's plea was knowingly, intelligently, and voluntarily made.**

6 Petitioner appears to claim that counsel was ineffective in advising her to accept the  
7 State's plea deal of a stipulated aggregate sentence of thirty-five (35) years to life. Petition at  
8 3. Petitioner claims counsel did not elaborate on the terms outlined in the Guilty Plea  
9 Agreement and led her to believe it was in her best interest to plead guilty and file an appeal  
10 after. Petition at 6. Petitioner further claims that counsel did not warn her that by pleading  
11 guilty, she would be waiving her right to file a direct appeal. Petition at 6. Petitioner's claim  
12 is belied by the record.

13 To establish a claim of ineffective assistance of counsel for advice regarding a guilty  
14 plea, a defendant must show "gross error on the part of counsel." Turner v. Calderon, 281 F.3d  
15 851, 880 (9th Cir. 2002). It is true that defendant is entitled to effective assistance of counsel  
16 in the plea-bargaining process and in determining whether to accept or reject a plea offer.  
17 Lafler v. Cooper, 566 U.S. 156, 163, 132 S. Ct. 1376, 1384 (2012); see also McMann v.  
18 Richardson, 397 U.S. 759, 771, 90 S. Ct. 1441 (1970) (the Constitution guarantees effective  
19 counsel when accepting guilty plea). In considering the defendant's "right to make a  
20 reasonably informed decision whether to accept a plea offer," importantly, the question is not  
21 whether, "counsel's advice [was] right or wrong, but . . . whether that advice was within the  
22 range of competence demanded of attorneys in criminal cases." Id. (quoting United States v.  
23 Day, 969 F.2d 39, 43 (3rd Cir. 1992), and McMann, 397 U.S. 771, 90 S. Ct. at 1449.

24 Petitioner's claim that counsel was ineffective when advising her to accept the plea deal  
25 was is nothing more than a bare and naked claim. Petitioner offers no specific facts indicating  
26 that counsel's advice to plead guilty was unreasonable. Petitioner was charged with eight (8)  
27 serious felony counts, including Murder with use of a Deadly Weapon, and First-Degree  
28 Kidnapping, both of which carried potential sentences of life without the possibility of parole.

1 Had Petitioner proceeded to trial, and had Petitioner been convicted of only those two (2)  
2 counts, she could have been sentenced to two (2) consecutive life sentences. As such, counsel  
3 was very reasonable in recommending that Petitioner accept the State's offer to stipulate to an  
4 aggregate sentence of thirty-five (35) years to life. Moreover, it was Petitioner's decision of  
5 whether to plead guilty and counsel cannot be deemed ineffective for offering candid advice.

6 Further, Petitioner's claim that counsel did not spend time reviewing the GPA with her  
7 or that counsel forced her to plead guilty is belied by the record. First, in signing the GPA,  
8 Petitioner acknowledged that she knew and understood she was waiving the right to file a  
9 direct appeal. Guilty Plea Agreement at 5. The Court confirmed that she understood that  
10 waiver during the plea canvass. Plea Canvass at 6. During the plea canvass, Petitioner further  
11 confirmed that she had been discussing and reviewing the GPA with counsel for nine (9)  
12 months and that counsel had reviewed the entire GPA with her:

13 MS. CRAIG: Your Honor, if I could, she and I had been talking about this  
14 negotiation since January.

15 THE COURT: Right.

16 MS. CRAIG: So we've had very long term discussions over the last --

17 THE COURT: Well, I notice that --

18 MS. CRAIG: -- nine months or so.

19 THE COURT: -- the plea agreement was originally dated in June --

20 MS. CRAIG: That's correct.

21 THE COURT: -- so obviously this particular offer has been outstanding  
22 for some period of time.

23 MS. CRAIG: Yes.

24 THE COURT: Is that correct, Ms. Jackson?

25 MS. CRAIG: Yes, that's accurate.

26 **THE COURT: Okay. So you did have a chance to read the plea  
27 agreement before you signed it?**

28 **THE DEFENDANT: Yes, sir.**

**THE COURT: And was your attorney available to answer any  
questions you had before you signed it?**

**THE DEFENDANT: Yes, sir.**

**THE COURT: And do you believe you understood everything in it?**

**THE DEFENDANT: Yes, sir.**

**THE COURT: Did you all discuss the six constitutional rights listed  
on pages 4 and 5 that you waive and give up by entering a plea?**

**THE DEFENDANT: Yes -- okay. Yes, sir.**

1           **THE COURT: Do you remember what I’m talking about in there?**

2           **THE DEFENDANT: Mm-hmm.**

3           **THE COURT: Okay. And you’re comfortable that you understand those?**

4           **THE DEFENDANT: Yes, sir**

5           Recorder’s Transcript of Hearing Re: Murder Team Assignment (“Plea Canvass”), at 6-7 (emphasis added).

6           Therefore, the record is clear that Petitioner understood the consequences outlined in  
7           the GPA, which belies her claim that counsel did not review the entirety of the GPA or that  
8           she did not understand what rights she was waiving by pleading guilty. Id. at 5-6. Finally,  
9           Petitioner confirmed that her attorney reviewed the agreement with her and answered all of  
10          her questions. Id. at 6. As such, Petitioner knowingly, intelligently, and voluntarily pled guilty,  
11          and Petitioner has failed to demonstrate otherwise.

## 12          **II.     PETITIONER IS NOT ENTITLED TO POST-CONVICTION COUNSEL**

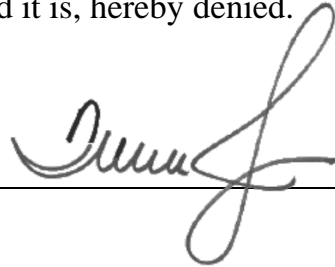
13          Under the U.S. Constitution, the Sixth Amendment provides no right to counsel in post-  
14          conviction proceedings. Coleman v. Thompson, 501 U.S. 722, 752, 111 S. Ct. 2546, 2566  
15          (1991). In McKague v. Warden, 112 Nev. 159, 163, 912 P.2d 255, 258 (1996), the Nevada  
16          Supreme Court specifically held that with the exception of NRS 34.820(1)(a) (entitling  
17          appointed counsel when petitioner is under a sentence of death), one does not have “any  
18          constitutional or statutory right to counsel at all” in post-conviction proceedings. Id. at 164,  
19          912 P.2d at 258.

20          Although NRS 34.750 gives courts the discretion to appoint post-conviction counsel,  
21          that discretion should be used only to the extent “the court is satisfied that the allegation of  
22          indigency is true and the petition is not dismissed summarily.” NRS 34.750. NRS 34.750  
23          further requires courts to “consider whether: (a) the issues are difficult; (b) the Defendant is  
24          unable to comprehend the proceedings; or (c) counsel is necessary to proceed with discovery.”  
25          Id.

26          Here, Petitioner is not entitled to counsel. First, her claims are either waived or belied  
27          by the record. Moreover, Petitioner’s claims are not complex, and no additional discovery is  
28          needed. As such, Petitioner’s Motion for Appointment of Counsel is denied.

**ORDER**

THEREFORE, IT IS HEREBY ORDERED that the Petition for Post-Conviction Relief  
Dated this 4th day of March, 2021  
and Motion for Appointment of Counsel shall be, and it is, hereby denied.



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

AB9 89B 611D 974C  
Tierra Jones  
District Court Judge

BY /s/ TALEEN PANDUKHT  
TALEEN PANDUKHT  
Chief Deputy District Attorney  
Nevada Bar #5734

**CERTIFICATE OF SERVICE**

I certify that on the 2nd day of March, 2021, I mailed a copy of the foregoing proposed  
Findings of Fact, Conclusions of Law, and Order to:

NATASHA JACKSON, #1188581  
FLORENCE MCCLURE WOMEN'S CC  
4370 SMILEY ROAD  
LAS VEGAS NV 89115

BY /s/ J. HAYES  
Secretary for the District Attorney's Office

14F12024X/TB/jb/jh/MVU

1 **CSERV**

2  
3 DISTRICT COURT  
CLARK COUNTY, NEVADA

4  
5  
6 Natasha Jackson, Plaintiff(s)

CASE NO: A-20-810845-W

7 vs.

DEPT. NO. Department 10

8 State of Nevada, Defendant(s)  
9

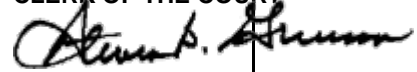
10 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 3/4/2021

15 Dept 3 Law Clerk

dept03lc@clarkcountycourts.us



1 NEFF

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

4 NATASHA JACKSON,

5  
6 Petitioner,

Case No: A-20-810845-W

Dept No: X

7 vs.

8 STATE OF NEVADA,

9 Respondent,

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

10  
11 **PLEASE TAKE NOTICE** that on March 4, 2021, the court entered a decision or order in this matter, a  
12 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 10, 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 10 day of March 2021, I served a copy of this Notice of Entry on the  
21 following:

22 ☒ By e-mail:

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

23  
24 ☒ The United States mail addressed as follows:

25 Natasha Jackson # 1188581  
4370 Smiley Rd.  
Las Vegas, NV 89115

26  
27 /s/ Amanda Hampton

28 Amanda Hampton, Deputy Clerk

Statistically closed. USJR - CV Other Manner of Disposition (USJR/OT)

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

2 **PROCEDURAL HISTORY**

3 On August 8, 2014, the State charged Respondent Natasha Jackson (“Petitioner”) with  
4 Count 1 – Burglary While in Possession of a Firearm (Category B Felony - NRS 205.060);  
5 Counts 2 and 3 – Attempt Robbery with use of a Deadly Weapon (Category B Felony - NRS  
6 200.380, 193.330, 193.165); Count 4 – Murder with use of a Deadly Weapon (Category A  
7 Felony - NRS 200.010, 200.030, 193.165); Count 5 – Attempt Murder with use of a Deadly  
8 Weapon (Category B Felony - NRS 200.010, 200.030, 193.330, 193.165); Count 6 – First  
9 Degree Kidnapping (Category A Felony - NRS 200.310, 200.320); Count 7 – Robbery with  
10 use of a Deadly Weapon (Category B Felony - NRS 200.380, 193.165); and Count 8 – Burglary  
11 while in Possession of a Deadly Weapon (Category B Felony - NRS 205.060).

12 On October 6, 2014, Petitioner filed a Pretrial Petition for Writ Of Habeas Corpus  
13 (“Pretrial Writ”). The State filed its Return on October 24, 2014. Petitioner filed a Reply on  
14 October 29, 2014. On November 10, 2014, the District Court granted Petitioner’s Pretrial Writ  
15 in part and denied it in part. Specifically, the District Court dismissed Counts 1 and 8. The  
16 Order was filed December 4, 2014. On December 12, 2014, the State appealed the Court’s  
17 ruling. On March 25, 2016, the Nevada Supreme Court reversed the District Court’s dismissal  
18 of the two (2) counts and remanded the case back to the District Court.

19 On September 12, 2017, Petitioner pled guilty to Count 1 – Murder with use of a Deadly  
20 Weapon (First Degree); and Count 2 – Robbery with Use of a Deadly Weapon pursuant to a  
21 Guilty Plea Agreement (“GPA”).

22 On November 17, 2017, the Court sentenced Petitioner as follows: Count 1 – twenty  
23 (20) years to life, plus a consecutive sentence of ninety-six (96) to two hundred forty (240)  
24 months for the deadly weapon enhancement; and Count 2 – forty-eight (48) to one hundred  
25 eighty (180) months, plus a consecutive sentence of thirty-six (36) to one hundred eighty (180)  
26 months for the deadly weapon enhancement. Petitioner’s aggregate sentence was thirty-five  
27 (35) years to life. The Judgment of Conviction was filed on November 13, 2017. Petitioner did  
28 not file a direct appeal.

1 On February 27, 2018, Petitioner’s counsel filed a Motion to Withdraw as counsel. On  
2 March 20, 2018, the Court granted counsel’s Motion.

3 On July 18, 2018, Petitioner filed a Motion for the Production of Documents, Papers,  
4 Pleadings and Tangible Property of Defendant. On August 9, 2018, the Court granted  
5 Petitioner’s Motion.

6 On November 1, 2018, Petitioner filed a Motion for Enlargement of Time in Which to  
7 File Post-Conviction Petition for Writ of Habeas Corpus. On November 27, 2018, the Court  
8 granted Petitioner’s Motion, and ordered a briefing schedule set should Petitioner file a  
9 Petition.

10 On April 19, 2019, Petitioner filed a second Motion for Enlargement of Time to file.  
11 The Court granted Petitioner’s Motion on May 14, 2019 and ordered Petitioner to file any  
12 Petition for Writ of Habeas Corpus by August 13, 2019.

13 On August 9, 2019, Petitioner filed a third Motion for Enlargement of Time to File. On  
14 August 15, 2019, the Court granted Petitioner’s Motion, and ordered Petitioner to file any  
15 Petition for Writ of Habeas Corpus by December 12, 2019. On February 20, 2020, the Court  
16 set another briefing schedule and ordered Petitioner to file a Petition for Writ of Habeas Corpus  
17 by April 23, 2020.

18 On February 26, 2020, Petitioner filed the instant Petition for Writ of Habeas Corpus  
19 (Post-Conviction) (“Petition”). On March 25, 2020, the State filed a Response to Petitioner’s  
20 Petition. On February 11, 2021, this Court made the following Findings of Fact, Conclusions  
21 of Law.

## 22 **ANALYSIS**

### 23 **I. PETITIONER RECEIVED EFFECTIVE ASSISTANCE OF COUNSEL**

24 Courts must dismiss a petition if a petitioner plead guilty and the petitioner is not  
25 alleging “that the plea was involuntarily or unknowingly entered, or that the plea was entered  
26 without effective assistance of counsel.” NRS 34.810(1)(a). Further, substantive claims—even  
27 those disguised as ineffective assistance of counsel claims—are beyond the scope of habeas  
28 ///

1 and waived. NRS 34.724(2)(a); Evans, 117 Nev. at 646–47, 29 P.3d at 523; Franklin, 110 Nev.  
2 at 752, 877 P.2d at 1059.

3 The United States Supreme Court has long recognized that “the right to counsel is the  
4 right to the effective assistance of counsel.” Strickland v. Washington, 466 U.S. 668, 686, 104  
5 S. Ct. 2052, 2063 (1984); see also State v. Love, 109 Nev. 1136, 1138, 865 P.2d 322, 323  
6 (1993). To prevail on a claim of ineffective assistance of trial counsel, a petitioner must prove  
7 he was denied “reasonably effective assistance” of counsel by satisfying the two-prong test of  
8 Strickland, 466 U.S. at 686-87, 104 S. Ct. at 2063-64. See also Love, 109 Nev. at 1138, 865  
9 P.2d at 323. Under the Strickland test, a petitioner must show first that his counsel's  
10 representation fell below an objective standard of reasonableness, and second, that but for  
11 counsel's errors, there is a reasonable probability that the result of the proceedings would have  
12 been different. 466 U.S. at 687-88, 694, 104 S. Ct. at 2065, 2068; Warden, Nevada State  
13 Prison v. Lyons, 100 Nev. 430, 432, 683 P.2d 504, 505 (1984) (adopting the Strickland two-  
14 part test). “[T]here is no reason for a court deciding an ineffective assistance claim to approach  
15 the inquiry in the same order or even to address both components of the inquiry if the defendant  
16 makes an insufficient showing on one.” Strickland, 466 U.S. at 697, 104 S. Ct. at 2069.

17 A habeas corpus petitioner must prove the disputed factual allegations underlying his  
18 ineffective-assistance claim by a preponderance of the evidence. Means v. State, 120 Nev.  
19 1001, 1012, 103 P.3d 25, 33 (2004). Claims of ineffective assistance of counsel asserted in a  
20 petition for post-conviction relief must be supported with specific factual allegations, which if  
21 true, would entitle the petitioner to relief. Hargrove v. State, 100 Nev. 498, 502, 686 P.2d 222,  
22 225 (1984). “Bare” and “naked” allegations are not sufficient, nor are those belied and repelled  
23 by the record. Id. NRS 34.735(6) states in relevant part, “[Petitioner] must allege specific  
24 facts supporting the claims in the petition[.] . . . Failure to allege specific facts rather than just  
25 conclusions may cause your petition to be dismissed.” Id. at 502-03, 686 P.2d at 225.

26 “There are countless ways to provide effective assistance in any given case. Even the  
27 best criminal defense attorneys would not defend a particular client in the same way.”  
28 Strickland, 466 U.S. at 689, 104 S. Ct. at 689. “Strategic choices made by counsel after

1 thoroughly investigating the plausible options are almost unchallengeable.” Dawson v. State,  
2 108 Nev. 112, 117, 825 P.2d 593, 596 (1992); see also Ford v. State, 105 Nev. 850, 853, 784  
3 P.2d 951, 953 (1989). Counsel cannot be ineffective for failing to make futile objections or  
4 arguments. Ennis v. State, 122 Nev., 694, 706, 137 P.3d 1095, 1103 (2006).

5 In order to meet the “prejudice prong” of the Strickland test when a conviction is the  
6 result of a guilty plea, the petitioner must show a “reasonable probability that, but for counsel’s  
7 errors, he would not have pleaded guilty and would have insisted on going to trial.” Kirksey,  
8 112 Nev. at 988, 923 P.2d at 1107 (quoting Hill, 474 U.S. at 59, 106 S.Ct. at 370) “A  
9 reasonable probability is a probability sufficient to undermine confidence in the outcome.”  
10 Strickland, 466 U.S. at 694, 104 S. Ct. at 2068. “Bare” or “naked” allegations are not sufficient  
11 to show ineffectiveness of counsel. Hargrove, 100 Nev. at 502, 686 P.2d at 225.

12 Here, Petitioner claims of ineffective assistance of counsel center around pretrial  
13 investigation and obtaining discovery after Petitioner was sentenced. Petitioner’s claims do  
14 not allege that counsel’s actions made her plea unknowing, unintelligent, or involuntary; or  
15 that she entered her plea without effective assistance of counsel. Therefore, Petitioner waived  
16 her ability to raise these claims and this Court should summarily dismiss the instant Petition.  
17 However, even on the merits of Petitioner’s claims, the Court nevertheless denies this Petition  
18 as all of Petitioner’s claims are either belied by the record or bare and naked assertions devoid  
19 of factual support.

20 **A. Petitioner’s claims in Ground 1 fail.**

21 In Ground 1, Petitioner raises several claims dealing primarily with the adequacy of  
22 counsel’s investigation and trial preparation prior to her guilty plea. Petition at 1-3 & 6.

23 Counsel is expected to conduct legal and factual investigations when developing a  
24 defense so they may make informed decisions on their client’s behalf. Jackson v. Warden, 91  
25 Nev. 430, 433, 537 P.2d 473, 474 (1975) (quoting In re Saunders, 2 Cal.3d 1033, 88 Cal.Rptr.  
26 633, 638, 472 P.2d 921, 926 (1970)). “[D]efense counsel has a duty ‘to make reasonable  
27 investigations or to make a reasonable decision that makes particular investigations  
28 unnecessary.” Love, 109 Nev. at 1138, 865 P.2d at 323 (quoting Strickland, 466 U.S. at 691,

1 104 S. Ct. at 2066). A defendant who contends his attorney was ineffective because he did not  
2 adequately investigate must show how a better investigation would have rendered a more  
3 favorable outcome. Molina, 120 Nev. at 192, 87 P.3d at 538.

4 Petitioner first argues that counsel failed to note inconsistencies between witness  
5 statements and the physical evidence. Petition at 1. Specifically, Petitioner notes that the  
6 medical examiner's Grand Jury testimony conflicted with Julie Ramos's statement. The  
7 medical examiner testified, while Julie Ramos stated that Petitioner hit her husband with a  
8 wrench and stabbed her with a screwdriver. Petition at 2. Petitioner further notes that Julie  
9 Ramos's statement conflicted with Petitioner's statement to the police and therefore, Julie  
10 Ramos is not to be believed. Petition at 2. As a result of these inconsistencies, Petitioner  
11 appears to claim that Count 8 was disingenuous and counsel should have challenged it. Petition  
12 at 2.

13 Petitioner's claim is belied by the record. Counsel did challenge the factual basis for  
14 Count 8 in the Pretrial Writ filed on October 6, 2014. Pretrial Writ, at 5-7. Initially, counsel  
15 appeared to be successful because, the District Court granted Petitioner's Pretrial Writ in part  
16 and dismissed Counts 1 and 8. Findings of Fact, Conclusions of Law and Order, at 2. It was  
17 the Nevada Supreme Court who disagreed with counsel's interpretation and reversed the  
18 Court's decision on March 25, 2016. Order of Reversal and Remand at 4. Counsel can hardly  
19 be expected to do more. Further, any additional challenge would have been futile, given that  
20 even the Nevada Supreme Court stated there was a sufficient factual basis supporting Count  
21 8. As such, Petitioner's claim that counsel did not investigate any inconsistencies or challenge  
22 the evidence is belied by the record. Regarding any other inconsistencies counsel allegedly  
23 failed to investigate, Petitioner does not demonstrate what specific information that  
24 investigation would have revealed or how it would have resulted in her deciding to proceed to  
25 trial. Molina, 120 Nev. at 192, 87 P.3d at 538.

26 Petitioner next claims that counsel failed to prepare a trial strategy. Petition at 2.  
27 Petitioner claims this shows that counsel's only plan of action was for Petitioner to plead  
28 guilty. Id. at 2. Not only is this a bare and naked claim unsupported by any specific facts, but

1 whether counsel prepared for trial is irrelevant because Petitioner pled guilty over two (2)  
2 months before the scheduled trial date. As Petitioner pled guilty, there was no need for trial  
3 strategy and counsel cannot be deemed ineffective for allegedly not preparing one. United  
4 States v. Cronin, 466 U.S. 648, 657 n.19, 104 S.Ct. 2039, 2046 n. 19 (1984) (“The constitution  
5 does not require that defense counsel do what is impossible or unethical. If there is no bona  
6 fide defense to the charge, counsel cannot create one and may disserve the interests of his  
7 client by attempting a useless charade”).

8 Third, Petitioner accuses counsel of ineffectiveness because the State’s offer was  
9 extended three and a half years after her arrest and allegedly did not change. Petition at 2.  
10 Counsel had no control over the timing or the substance of the State’s offer. From December  
11 2014 until March 2016, this matter was pending before the Nevada Supreme Court on appeal  
12 and the District Court did not have the jurisdiction to do anything, including accept a guilty  
13 plea. Once the Nevada Supreme Court remanded the matter back to the District Court, counsel  
14 immediately began discussing offers with the State. That the offer conveyed by the State did  
15 not change is not something counsel had any control over, and Petitioner fails to provide any  
16 authority stating otherwise. Indeed, common sense dictates that defense counsel cannot be  
17 deemed ineffective for failing to do something they had no control over. Additionally,  
18 Petitioner had six (6) months to decide whether to plead guilty and the plea canvass established  
19 that when Petitioner did plead guilty, she did so freely and voluntarily.

20 Moreover, Petitioner cannot show prejudice because she does not claim she would have  
21 rejected a better or earlier conveyed offer and insisted on proceeding to trial. Kirksey, 112  
22 Nev. at 988, 923 P.2d at 1107. Indeed, she cannot, as such a claim would be logically  
23 inconsistent. Had counsel received a better offer, because Petitioner accepted the instant  
24 negotiation, Petitioner would not have likely accepted a more favorable offer. As such, this  
25 claim fails.

26 Fourth, Petitioner claims counsel should have challenged the deadly weapon  
27 enhancement and that she would have received a lesser sentence had counsel done so. Petition  
28 at 6. To the extent Petitioner claims counsel should have challenged the deadly weapon

1 enhancement pre-plea, such a claim was waived when she pled guilty and is further belied by  
2 the record. In Petitioner's Pretrial Writ, counsel expressly argued that there was not sufficient  
3 evidence supporting the deadly weapon enhancement. Pretrial Writ, at 5-7. To the extent  
4 Petitioner is claiming counsel should have challenged the enhancement post-plea, Petitioner  
5 continues to fault counsel of ineffectiveness for failing to make a futile motion or argument.  
6 Ennis, 122 Nev. at 706, 137 P.3d at 1103. Petitioner pled guilty to Murder with Use of a Deadly  
7 Weapon (First Degree). GPA at 1. Once Petitioner did so, the deadly weapon enhancement  
8 could not be removed from the charging document. As such, Petitioner's claim is baseless and  
9 otherwise belied by the record.

10 Fifth, Petitioner's final claim raised in Ground 1 revolves around her police  
11 interrogation. Petitioner first claims counsel should have filed a motion to admit the  
12 interrogation at the Grand Jury so they could assess the accuracy of Detective McCarthy's  
13 version of Petitioner's story, intent, and lucidity. Petition at 6. Second, Petitioner claims  
14 counsel should have attempted to suppress the interrogation as the statements were made while  
15 she was under the influence of methamphetamine and experiencing delusional thoughts, erratic  
16 speech patterns and sporadic loss of consciousness. Id. Petitioner's first claim is belied by  
17 counsel's arguments in the Pretrial Writ. Counsel argued that the charges against Petitioner  
18 should be dismissed because the State should have, and failed to, admit Petitioner's  
19 interrogation to the Grand Jury to highlight the inconsistencies in Detective McCarthy's  
20 statement. Pretrial Writ, at 7-12. As counsel has no control over what evidence the State  
21 presents to a Grand Jury save for a pretrial writ, counsel did all they could and cannot be  
22 deemed ineffective. Second, Petitioner's claim that counsel should have moved to suppress  
23 her statements is meritless because Petitioner pled guilty in lieu of trial. When Petitioner pled  
24 guilty, any question of her state of mind during the police interrogation became irrelevant as  
25 there was no longer a trial where her statement could or could not be admitted. Moreover,  
26 Petitioner does not establish that counsel could have successfully suppressed her statement.  
27 Counsel cannot be deemed ineffective for failing to make a futile motion. Ennis, 122 Nev. at  
28 706, 137 P.3d at 1103. Finally, Petitioner does not explain that had counsel attempted to

1 suppress her statement, she would have insisted on proceeding to trial. Therefore, Petitioner's  
2 claim fails.

3 **B. Petitioner's claims in Ground 2 fail.**

4 The crux of Petitioner's claims in Ground 2 revolve around the speed with which  
5 defense counsel provided copies of her discovery post-sentence. Petitioner claims that counsel  
6 ignored Court orders to send Petitioner her discovery in a timely fashion. Petition at 4.  
7 Petitioner then claims that even when she received her file from counsel, the file did not  
8 include a transcript of the plea canvass and did not include emails between counsel and the  
9 state regarding negotiations. Id. at 7.

10 As an initial matter, counsel's actions after she was sentenced and transported to prison  
11 had absolutely no bearing on the validity of her plea. Therefore, there is no way Petitioner can  
12 demonstrate that counsel's actions impacted her decision to plead guilty and her claim is  
13 dismissed.

14 Further, Petitioner cannot show prejudice. The court allowed Petitioner to file the  
15 instant Petition for Writ of Habeas Corpus over two and a half years after the Judgment of  
16 Conviction was filed because Petitioner continued to inform the Court she did not have all of  
17 the information necessary to file a Petition for Writ of Habeas Corpus. Moreover, Petitioner  
18 has not established that any email communication between the State and counsel regarding  
19 negotiations exists. Counsel cannot be deemed ineffective for failing to provide nonexistent  
20 information. Finally, counsel did not provide a copy of the transcript of Petitioner's plea  
21 canvass because that transcript was not prepared until the State requested the Court prepare it  
22 after Petitioner filed her Petition for Writ of Habeas Corpus (Post-Conviction). Order for  
23 Transcript, filed on March 11, 2020. Therefore, Petitioner's claim in Ground 2 should fail.

24 Petitioner also appears to claim in Ground 2 that she was sentenced on incorrect  
25 information. Petition at 7. Such a claim is nothing more than a bare and naked claim  
26 unsupported by specific facts in the record. Petitioner does not point to specific facts that she  
27 alleges to be incorrect. Hargrove, 100 Nev. at 502, 686 P.2d at 225. To the extent Petitioner  
28 claims the Court incorrectly sentenced her on the Deadly Weapon enhancement, as explained

1 above, because Petitioner pled guilty to Murder with use of a Deadly Weapon (First Degree),  
2 she admitted to using a deadly weapon. As such, the Court did not err in considering that fact  
3 when sentencing her and counsel cannot be deemed ineffective for not making a futile  
4 objection. Ennis, 122 Nev. at 706, 137 P.3d at 1103.

5 **C. Petitioner’s plea was knowingly, intelligently, and voluntarily made.**

6 Petitioner appears to claim that counsel was ineffective in advising her to accept the  
7 State’s plea deal of a stipulated aggregate sentence of thirty-five (35) years to life. Petition at  
8 3. Petitioner claims counsel did not elaborate on the terms outlined in the Guilty Plea  
9 Agreement and led her to believe it was in her best interest to plead guilty and file an appeal  
10 after. Petition at 6. Petitioner further claims that counsel did not warn her that by pleading  
11 guilty, she would be waiving her right to file a direct appeal. Petition at 6. Petitioner’s claim  
12 is belied by the record.

13 To establish a claim of ineffective assistance of counsel for advice regarding a guilty  
14 plea, a defendant must show “gross error on the part of counsel.” Turner v. Calderon, 281 F.3d  
15 851, 880 (9th Cir. 2002). It is true that defendant is entitled to effective assistance of counsel  
16 in the plea-bargaining process and in determining whether to accept or reject a plea offer.  
17 Lafler v. Cooper, 566 U.S. 156, 163, 132 S. Ct. 1376, 1384 (2012); see also McMann v.  
18 Richardson, 397 U.S. 759, 771, 90 S. Ct. 1441 (1970) (the Constitution guarantees effective  
19 counsel when accepting guilty plea). In considering the defendant’s “right to make a  
20 reasonably informed decision whether to accept a plea offer,” importantly, the question is not  
21 whether, “counsel’s advice [was] right or wrong, but . . . whether that advice was within the  
22 range of competence demanded of attorneys in criminal cases.” Id. (quoting United States v.  
23 Day, 969 F.2d 39, 43 (3rd Cir. 1992), and McMann, 397 U.S. 771, 90 S. Ct. at 1449.

24 Petitioner’s claim that counsel was ineffective when advising her to accept the plea deal  
25 was is nothing more than a bare and naked claim. Petitioner offers no specific facts indicating  
26 that counsel’s advice to plead guilty was unreasonable. Petitioner was charged with eight (8)  
27 serious felony counts, including Murder with use of a Deadly Weapon, and First-Degree  
28 Kidnapping, both of which carried potential sentences of life without the possibility of parole.

1 Had Petitioner proceeded to trial, and had Petitioner been convicted of only those two (2)  
2 counts, she could have been sentenced to two (2) consecutive life sentences. As such, counsel  
3 was very reasonable in recommending that Petitioner accept the State's offer to stipulate to an  
4 aggregate sentence of thirty-five (35) years to life. Moreover, it was Petitioner's decision of  
5 whether to plead guilty and counsel cannot be deemed ineffective for offering candid advice.

6 Further, Petitioner's claim that counsel did not spend time reviewing the GPA with her  
7 or that counsel forced her to plead guilty is belied by the record. First, in signing the GPA,  
8 Petitioner acknowledged that she knew and understood she was waiving the right to file a  
9 direct appeal. Guilty Plea Agreement at 5. The Court confirmed that she understood that  
10 waiver during the plea canvass. Plea Canvass at 6. During the plea canvass, Petitioner further  
11 confirmed that she had been discussing and reviewing the GPA with counsel for nine (9)  
12 months and that counsel had reviewed the entire GPA with her:

13 MS. CRAIG: Your Honor, if I could, she and I had been talking about this  
14 negotiation since January.

15 THE COURT: Right.

16 MS. CRAIG: So we've had very long term discussions over the last --

17 THE COURT: Well, I notice that --

18 MS. CRAIG: -- nine months or so.

19 THE COURT: -- the plea agreement was originally dated in June --

20 MS. CRAIG: That's correct.

21 THE COURT: -- so obviously this particular offer has been outstanding  
22 for some period of time.

23 MS. CRAIG: Yes.

24 THE COURT: Is that correct, Ms. Jackson?

25 MS. CRAIG: Yes, that's accurate.

26 **THE COURT: Okay. So you did have a chance to read the plea  
27 agreement before you signed it?**

28 **THE DEFENDANT: Yes, sir.**

**THE COURT: And was your attorney available to answer any  
questions you had before you signed it?**

**THE DEFENDANT: Yes, sir.**

**THE COURT: And do you believe you understood everything in it?**

**THE DEFENDANT: Yes, sir.**

**THE COURT: Did you all discuss the six constitutional rights listed  
on pages 4 and 5 that you waive and give up by entering a plea?**

**THE DEFENDANT: Yes -- okay. Yes, sir.**

1           **THE COURT: Do you remember what I’m talking about in there?**

2           **THE DEFENDANT: Mm-hmm.**

3           **THE COURT: Okay. And you’re comfortable that you understand those?**

4           **THE DEFENDANT: Yes, sir**

5           Recorder’s Transcript of Hearing Re: Murder Team Assignment (“Plea Canvass”), at 6-7  
(emphasis added).

6           Therefore, the record is clear that Petitioner understood the consequences outlined in  
7           the GPA, which belies her claim that counsel did not review the entirety of the GPA or that  
8           she did not understand what rights she was waiving by pleading guilty. Id. at 5-6. Finally,  
9           Petitioner confirmed that her attorney reviewed the agreement with her and answered all of  
10          her questions. Id. at 6. As such, Petitioner knowingly, intelligently, and voluntarily pled guilty,  
11          and Petitioner has failed to demonstrate otherwise.

## 12          **II.     PETITIONER IS NOT ENTITLED TO POST-CONVICTION COUNSEL**

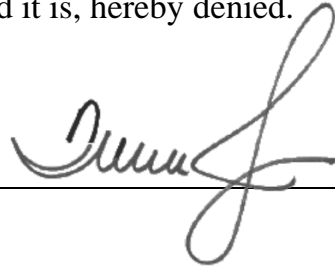
13          Under the U.S. Constitution, the Sixth Amendment provides no right to counsel in post-  
14          conviction proceedings. Coleman v. Thompson, 501 U.S. 722, 752, 111 S. Ct. 2546, 2566  
15          (1991). In McKague v. Warden, 112 Nev. 159, 163, 912 P.2d 255, 258 (1996), the Nevada  
16          Supreme Court specifically held that with the exception of NRS 34.820(1)(a) (entitling  
17          appointed counsel when petitioner is under a sentence of death), one does not have “any  
18          constitutional or statutory right to counsel at all” in post-conviction proceedings. Id. at 164,  
19          912 P.2d at 258.

20          Although NRS 34.750 gives courts the discretion to appoint post-conviction counsel,  
21          that discretion should be used only to the extent “the court is satisfied that the allegation of  
22          indigency is true and the petition is not dismissed summarily.” NRS 34.750. NRS 34.750  
23          further requires courts to “consider whether: (a) the issues are difficult; (b) the Defendant is  
24          unable to comprehend the proceedings; or (c) counsel is necessary to proceed with discovery.”  
25          Id.

26          Here, Petitioner is not entitled to counsel. First, her claims are either waived or belied  
27          by the record. Moreover, Petitioner’s claims are not complex, and no additional discovery is  
28          needed. As such, Petitioner’s Motion for Appointment of Counsel is denied.

**ORDER**

THEREFORE, IT IS HEREBY ORDERED that the Petition for Post-Conviction Relief  
Dated this 4th day of March, 2021  
and Motion for Appointment of Counsel shall be, and it is, hereby denied.



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

AB9 89B 611D 974C  
Tierra Jones  
District Court Judge

BY /s/ TALEEN PANDUKHT  
TALEEN PANDUKHT  
Chief Deputy District Attorney  
Nevada Bar #5734

**CERTIFICATE OF SERVICE**

I certify that on the 2nd day of March, 2021, I mailed a copy of the foregoing proposed  
Findings of Fact, Conclusions of Law, and Order to:

NATASHA JACKSON, #1188581  
FLORENCE MCCLURE WOMEN'S CC  
4370 SMILEY ROAD  
LAS VEGAS NV 89115

BY /s/ J. HAYES  
Secretary for the District Attorney's Office

14F12024X/TB/jb/jh/MVU

1 **CSERV**

2  
3 DISTRICT COURT  
CLARK COUNTY, NEVADA

4  
5  
6 Natasha Jackson, Plaintiff(s)

CASE NO: A-20-810845-W

7 vs.

DEPT. NO. Department 10

8 State of Nevada, Defendant(s)  
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 3/4/2021

15 Dept 3 Law Clerk

dept03lc@clarkcountycourts.us

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Writ of Habeas Corpus**

**COURT MINUTES**

**April 28, 2020**

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A-20-810845-W      Natasha Jackson, Plaintiff(s)  
vs.  
State of Nevada, Defendant(s)

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**April 28, 2020**

**3:30 PM**

**All Pending Motions**

**HEARD BY:** Herndon, Douglas W.

**COURTROOM:** RJC Lower Level Arraignment

**COURT CLERK:** Kory Schlitz

**RECORDER:** Stacey Ray

**REPORTER:**

**PARTIES**

**PRESENT:**

Rinetti, Dena I.  
State of Nevada

Attorney  
Defendant

**JOURNAL ENTRIES**

- PETITION FOR WRIT OF HABEAS CORPUS... PLAINTIFF'S MOTION FOR APPOINTMENT OF COUNSEL...

Defendant not present and in custody in the Nevada Department of Corrections. COURT STATED the Defendant filed a Pro Per Petition and a Motion for Appointment of Counsel, and just on the pleadings, without argument, Petition DENIED IN PART AND GRANTED IN PART. COURT STATED the Defendant has made allegations that the Court does not believe need examination outside, the record, nor do they believe are complex, which would not warrant the need to appoint an attorney. COURT ADVISED the Defendant negotiated the case, with a stipulated sentence, in which the Court imposed at the time of sentencing, and the Defendant has now filed the instant petition. COURT FURTHER STATED the Defendant has alleged ineffective assistance of counsel, alleging her attorney was deficient for not making certain challenges to the State's version of factual events in regard to the conduct that occurred at the hearing, in light of certain testimony given by the medical examiner, versus things that were in certain statements. COURT STATED Defendant waives any challenges of any dissection of the facts of the case, by virtue of the Defendant's plea; adding the Defendant factually admitted to the conduct she is now complaining about, which is inconsistent with her use of a screw driver, in attacking both the victims. COURT ADDITIONALLY STATED the

allegation the matter was not investigated to bring out the discrepancies, the Court pointed out there was never a trial, which means there never was an opportunity to make challenges in terms of examining witnesses at trial. COURT STATED the Defendant makes an allegation there was not a proper investigation of the weapons enhancement, and counsel never provided her with updates with regards to negotiations, adding the Court was pending for a number of years, and there was no change to negotiations, and there is no requirement for counsel to update the Defendant with regards to there being no change in negotiations. COURT STATED the Defendant does make allegations that warrant a hearing, stating the Defendant alleged she attempted to contact counsel to discuss the appeals process after she was sentenced, and only later learned the Defendant had forfeited her right to direct appeal, adding the allegation the Defendant wanted to appeal and somehow was denied that, does entitle the Defendant to an Evidentiary Hearing. COURT FURTHER STATED the Defendant makes bare allegations, with regards to failure to investigation that would have changed the outcome of the proceedings, however there is no specificity to those allegations, and it does not justify any relief; the Defendant also stated there was a failure to object to the weapon enhancement that somehow would have reduced the Defendant's sentence, which is a bare allegation without any support, adding the Defendant pled guilty to the weapon enhancement. COURT ADDITIONALLY STATED the Defendant makes an allegation there was a failure to move to admit, or present to the Grand Jury certain things in regards to the Defendant's interrogation, and counsel made challenges to those allegations in the Pre-Trial Writ of Habeas Corpus, which does not justify any relief. COURT STATED the Defendant makes an argument about counsel predicting that a Judge and Jury would fail to make an impartial assessment of her case, by reading journal entries that were written by the Petition upon her initial introduction to the Co-Defendant, which is a bare allegation without any support, and the Defendant might be referring to what counsel told her with regards to strength or weakness of the case, which is not a ground for ineffective assistance of counsel. COURT FURTHER STATED the Defendant makes allegations her attorney failed to properly instruct her about the Guilty Plea, which is a bare allegation, however it can be addressed at the Evidentiary Hearing. COURT ADDITIONALLY STATED the Defendant alleges her attorney failed to move to suppress the interrogation of the petition, since it was made under the influence, which is an issue which is waived by virtue of negotiating the case, and pleading guilty. COURT STATED the Defendant additionally alleges her attorney failed to delivery Discovery to the Defendant in a timely fashion, which is an allegation that is waived by the Guilty Plea, adding there is no allegation that the Defendant was prejudice by not having the Discovery, adding the Defendant is complaining she did not receive the Discovery after she was sentenced, and the FINDS THERE IS NO PREJUDICE with regards to that claim, since the Court kept extending her Writ time period, which the Discovery boxes were being provided to the Defendant. COURT STATED the Defendant is alleging her attorney failed to extend her right to be sentenced, based on accurate and reliable evidence, which the Court states the Defendant had the ability to make a statement at the time of sentencing, pointing out the Defendant negotiated a stipulated sentence, which the Defendant received, and the FINDS THERE IS NO PREJUDICE with regards to that claim. COURT FURTHER STATED, the Defendant is alleging her attorney failed to give her verbatim reports of plea conversations between the parties, and failed to provide the Defendant with copies of letters, e-mails, or notes between the Defense and the State regarding negotiations, and the FINDS there is no obligation of attorneys to take verbatim notes of plea negotiation discussions that they have with the State, nor is there any obligation the attorneys

have to provide the Defendant with letters, e-mails, notes or verbatim reports of conversation that the attorney has with the prosecutors. COURT ADDITIONALLY STATED the Defendant alleged inconsistent representation resulting delays in obtaining Discovery, pointing out this is a Post-Conviction issue, and FINDS the Defendant WAS NOT PREJUDICED since the Court kept extending the deadline. COURT ORDERED, Petition DENIED IN PART for all reasons previously stated, and GRANTED IN PART and an Evidentiary Hearing SET with regards to the two issues of whether her attorney properly instructed the Defendant on her Guilty Plea, and whether the Defendant expressed a desire to file a direct appeal, and was somehow lost that ability due to the attorney. Ms. Rinetti stated she would do an Order to Transport.

NDC

6/30/2020 9:00 A.M. EVIDENTIARY HEARING

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Writ of Habeas Corpus**

**COURT MINUTES**

**August 12, 2020**

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A-20-810845-W      Natasha Jackson, Plaintiff(s)  
vs.  
State of Nevada, Defendant(s)

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**August 12, 2020      12:00 AM      Evidentiary Hearing**

**HEARD BY:** Herndon, Douglas W.      **COURTROOM:** RJC Courtroom 16C

**COURT CLERK:** Kory Schlitz

**RECORDER:** Stacey Ray

**REPORTER:**

**PARTIES**

**PRESENT:**      Weckerly, Pamela   C      Attorney

**JOURNAL ENTRIES**

- Defendant not present; Deputy Public Defender Christy Craig present.

COURT STATED the Defendant was not transported, and ORDERED the matter OFF CALENDAR;  
and DIRECTED parties to figure out a continued hearing date.

NDC

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Writ of Habeas Corpus**

**COURT MINUTES**

**December 04, 2020**

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A-20-810845-W      Natasha Jackson, Plaintiff(s)  
vs.  
State of Nevada, Defendant(s)

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**December 04, 2020      8:00 AM      Evidentiary Hearing**

**HEARD BY:** Jones, Tierra      **COURTROOM:** RJC Courtroom 14B

**COURT CLERK:** Teri Berkshire

**RECORDER:** Victoria Boyd

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- Court noted Deft. is not here and there is no transport order, in Odyssey. COURT ORDERED, matter OFF CALENDAR. Court will re-set the matter.

NDC

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Writ of Habeas Corpus**

**COURT MINUTES**

**February 11, 2021**

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A-20-810845-W	Natasha Jackson, Plaintiff(s)
	vs.
	State of Nevada, Defendant(s)

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**February 11, 2021      2:00 PM      All Pending Motions**

**HEARD BY:** Jones, Tierra      **COURTROOM:** RJC Courtroom 14B

**COURT CLERK:** Kathy Thomas

**RECORDER:** Victoria Boyd

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Fleck, Michelle	Attorney
	Jackson, Natasha	Plaintiff

**JOURNAL ENTRIES**

- EVIDENTIARY HEARING:LIMITED ISSUES/PTN...PETITION FOR WRIT OF HABEAS CORPUS

Deft. JACKSON present by video, in custody in the Nevada Department of Corrections (NDC) appearing Pro Se. State noted Ms. Craig present as a witness by subpoena. Court explained this is a hearing regarding the Petition filed for ineffective assistance of counsel.

Hearing:

Testimony presented; Ms. Craig sworn and testified. State noted the hearing today was only regarding two issues within the writ; 1) properly instructed as to the Guilty Plea Agreement (GPA) and 2) as to the Deft's desire for an appeal. Court will allow leeway in Ms. Jackson's, Deft./Pro Se, direct questioning. State called no witnesses. Arguments by Ms. Jackson and State. Court noted the Deft. did free and voluntarily sign the Guilty Plea Agreement (GPA), Deft. was thoroughly canvassed. Ms. Jackson stated she learned from the Law Library in prison of filing an appeal. Court stated findings; as to the first issue, the Deft. was not forced into the Guilty Plea Agreement, the Deft. had 6 months to accept the agreement, Judge Herndon canvassed the Deft. and the Deft. freely and voluntarily agreed to the Guilty Plea Agreement. As to the second issue; Ms. Craig did not prepare the appeal, Court noted the Deft. was advised it was up to Ms. Jackson/Deft. Court further found it was belied by the record. COURT ORDERED, Petition for Writ of Habeas Corpus, DENIED. Court

directed the State to prepare the Findings of Fact and Conclusions of Law.

# 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

NATASHA G. JACKSON,

Plaintiff(s),

vs.

STATE OF NEVADA,

Defendant(s),

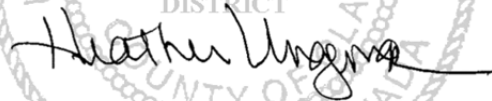
Case No: A-20-810845-W

Dept No: X

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 1 day of April 2021.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk