

IN THE SUPREME COURT OF THE STATE OF NEVADA

Electronically Filed
Apr 26 2021 09:50 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

NATASHA GALENN JACKSON,
Appellant(s),

vs.

THE STATE OF NEVADA,
Respondent(s),

Case No: A-20-810845-W

Docket No: 82727

RECORD ON APPEAL

ATTORNEY FOR APPELLANT
NATASHA JACKSON #1188581,
PROPER PERSON
4370 SMILEY RD.
LAS VEGAS, NV 89115

ATTORNEY FOR RESPONDENT
STEVEN B. WOLFSON,
DISTRICT ATTORNEY
200 LEWIS AVE.
LAS VEGAS, NV 89155-2212

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A-20-810845-W

Natasha Jackson, Plaintiff(s)

vs.

State of Nevada, Defendant(s)

I N D E X

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Natasha G. Jackson #1188581
FLORENCE MCCLURE WOMENS CORRECTIONAL CENTER
4370 Smiley Road
Las Vegas, NV 89115

FILED
FEB 14 2020
[Signature]
CLERK OF COURT

IN THE 8th JUDICIAL DISTRICT COURT of the STATE OF NEVADA

In and for the COUNTY OF Clark

A-20-810845-W
Dept. III

State of Nevada)
PLAINTIFF/PETITIONER

v.

Case No. C-14-300032-1

Natasha G. Jackson)
DEFENDANT/RESPONDENT

PETITION FOR WRIT OF HABEAS CORPUS
(POST-CONVICTION)

- Name of the institution and county in which you are presently imprisoned or where and how you are presently restrained of your liberty: Florence McClure Women's Correctional Ctr.
- Name and location of the court which entered the judgment of conviction under attack:
District Court Clark County, Nevada (8th Judicial)
- Date of Judgment of Conviction: November 13, 2017
- Case Number: C-14-300032-1
- Length of sentence: 35 years to life
If sentence is death, state any date upon which execution is scheduled: N/A
- Are you presently serving a sentence for a conviction other than the conviction under attack in this motion? YES NO If "YES", list the crime(s), case number(s) and sentence(s) being served at this time: _____
- Nature of offense involved in conviction being challenged: Ineffective Assistance of Counsel
Sentencing Errors, Due Process Violations

CLERK OF THE COURT

RECEIVED
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8. What was your plea? (check one)

a) Not guilty ___ b) Guilty c) Guilty but mentally ill ___ (d) Nolo contendere ___

9. If you entered a plea of guilty or guilty but mentally ill to one count of an indictment or information, and a plea of not guilty to another count of an indictment or information, or if a plea of guilty or guilty but mentally ill was negotiated, give details:

Plea of Guilty to First Degree Murder w/ use of deadly weapon, Robbery
w/ the use of a deadly weapon

10. If you were found guilty after a plea of not guilty, was the finding made by (check one):

a) JURY ___ (b) JUDGE WITHOUT A JURY ___

11. Did you testify at the trial? YES ___ NO

12. Did you appeal from the judgment of conviction? YES ___ NO

13. If you do appeal, answer the following:

(a) Name of Court: _____

(b) Case Number/Citation: _____

(c) Result: _____

(d) Date of Result: _____

**** ATTACH A COPY OF ORDER/REMITTITUR/DECISION, IF AVAILABLE ****

14. If you DID NOT appeal, explain briefly why: See Attachment

15. Other than a direct appeal from a judgment of conviction/ sentence, have you previously filed any petitions, applications or motions with respect to this judgment in state or federal court? YES NO ___

16. If you answered YES to question 15, provide the following information:

(a) Name of Court: 8th Judicial district court of the state of Nevada, Clark County

(b) Type of proceeding: Motion to withdraw counsel

(c) Grounds raised: Necessary to proceed with Habeas Corpus for IAC

(d) Did you receive an evidentiary hearing? YES NO ___

(e) Result of hearing: Granted Date of result: March 20, 2018 @ 9:00am

(f) Citations of any written opinion, date of orders entered pursuant to result (if known):

N/A

17. SECOND PETITION FILED/APPLICATION/MOTION (if filed):

- (a) Name of Court: 8th Judicial district court of the State of Nevada, Clark County
- (b) Type of proceeding: Production of Documents, Papers, Pleadings and Tangible Property
- (c) Grounds raised: deliberate refusal to obey the law, frequent supervisory staff turnover.
- (d) Did you receive an evidentiary hearing? YES NO
- (e) Result of hearing: Granted Date of result: August 9, 2018 @ 9:00am
- (f) Citations of any written opinion, date of orders entered pursuant to result (if known):
"Law Clerk to contact Mrs. Craig to forward file to defendant."

18. THIRD/SUBSEQUENT PETITIONS – list same information as in # 17 on separate sheet and attach.

19. Did you appeal to the highest state or federal court having jurisdiction, the result or action taken on any petition, application or motion?

- 1) First petition, application, or motion? YES NO
Citation or date of decision: _____
- 2) Second petition, application, or motion? YES NO
Citation or date of decision: _____
- 3) Third petition, application or motion? YES NO
Citation or date of decision: _____
- 4) IF YOU DID NOT APPEAL from the adverse action on any petition, application or motion, explain briefly why you did not. (You must relate specific facts in response to this question. Your response may be included on paper which is 8 ½ x 11 inches, attached to this petition. Your response may not exceed five (5) handwritten or typewritten pages in length).
N/A

20. Has any ground being raised in this petition been previously presented to this or any other court by way of petition for habeas corpus, motion, application or any other post-conviction proceeding? If so, identify:

- A. Which of the grounds is the same: N/A
- B. Proceedings in which these grounds were raised: N/A
- C. Briefly explain why you are raising these grounds. (You must relate specific facts in response to this question. Your response may be included on paper which is 8 ½ x 11 inches, attached to this petition. Your response may not exceed five (5) handwritten or typewritten pages in length).
N/A

21. If any of the grounds listed in this petition, OR listed on any additional pages you have attached, were NOT previously presented in any other state court or federal court, list briefly what ground/s were not so presented, and give your reasons for not presenting them. (You must relate specific facts in response to this question. Your response may be included on paper which is 8 1/2 x 11 inches, attached to this petition. Your response may not exceed five (5) handwritten or typewritten pages in length).

n/a

22. Are you filing this petition more than ONE (1) YEAR following the filing of the judgment of conviction or the filing of a decision on Direct Appeal? If so, state briefly the reasons for the delay. (You must relate specific facts in response to this question. Your response may be included on paper which is 8 1/2 x 11 inches, attached to this petition. Your response may not exceed five (5) handwritten or typewritten pages in length).

See Attachment

23. Do you have any petition or appeal now pending in any state court or federal court as to the judgment under attack? YES NO
IF YES, give both court and case number: _____

24. Give the name of EACH/EVERY attorney who represented you in the proceeding resulting in your conviction and on direct appeal:

Daniel Silverstein (DPP)

Christy L. Craig (DPP)

25. Do you have any future sentences to serve after you complete the sentence imposed by the judgment under attack? YES NO
IF YES, specify where and when the sentence is to be served (if you know): _____

26. State concisely EVERY ground on which you claim that you are being held unlawfully. Summarize briefly the facts supporting each ground. If necessary, you may attach pages stating grounds and the facts supporting each ground.

A. GROUND ONE:

Ineffective Assistance of Counsel

SUPPORTING FACTS: (Tell your story briefly, without citing cases or law)

1. Failure to raise a defense:

(w) raise evidence that would have potentially changed the outcome of proceedings.

B. GROUND TWO:

Due Process - Sentencing Errors

SUPPORTING FACTS: (Tell your story briefly, without citing cases or law)

See Attachment

C. GROUND THREE:

N/A

SUPPORTING FACTS: (Tell your story briefly, without citing cases or law)

D. GROUND FOUR:

N/A

SUPPORTING FACTS: (Tell your story briefly, without citing cases or law)

Petitioner asks that this court grant Petitioner relief to which s/he may be entitled in this proceeding.

Dated this 8th day of February, 2020

Respectfully submitted,

Natasha G. Jackson

Signature, Pro Se Litigant

Natasha G. Jackson

Print Name

GROUND 1
(continued)

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2
3 6th I allege that my state court conviction and/or sentence are unconstitutional, in violation of my
Amendment Right to Effective Counsel, based on these facts:

4 Counsel was ineffective due to the facts that she failed to adequately
5 investigate and present readily available mitigating evidence such as
6 inconsistencies and discrepancies between the victim statements and the
7 physical evidence collected. Page #13 of the Grand jury transcript from expert
8 witness, Medical Examiner Larry Simms stated "the main thing I could find
9 is he had a gunshot wound to the back of the right shoulder... there is
10 nothing else significant, not right off hand." which negates the victims
11 statement from Julie Ramos Page #12 of her voluntary statement "Yeah, she
12 grabbed a wrench and started whacking my husband with that; a big
13 gigantic one". Page #16 "she was hitting me on the head... had me on the
14 ground and would hit me like 20 times." This statement is also invalidated
15 by the physical evidence collected and the lack of substantial bodily
16 harm witnessed by neighbors, and first responders upon initial encounter.
17 In accordance to the Amended Indictment Count 1 #8 it states
18 "Natacha Jackson stabbed Richard Ramos with a screwdriver with
19 the intent to aid Cody Winters in the commission of the burglary of
20 the Ramos Residence and/or robbery of Richard Ramos and/or kid-
21 rapping of Richard Ramos and/or killing of Richard Ramos". These
22 allegations are clearly disingenuous in contrast to the findings during
23 the autopsy of Richard Ramos by the expert witness Forensic Pathologist
24 Larry Simms. According to the return to writ of Habeas Corpus Nov 10,
25 2014 @ 8:30am Page 6 #17+18 "Jackson acknowledged that she pulled
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GROUND 1
(continued)

I allege that my state court conviction and/or sentence are unconstitutional, in violation of my 6th Amendment Right to Effective Counsel, based on these facts:

Julie Ramos' hair and used a screwdriver on her, stabbing her." Page
#57 of the surreptitiously recorded statement of Natasha Jackson bears the
questions: Q3 "But when you... how many times did you stab her do you
recall? A: I didn't even stab her to hurt her, I made it look like I
was trying to kill her so that he would be happy." Page #37 Q2: did
you use anything to hit anybody with or did you use your... A: I didn't
have anything. Q2: Well, the lady said that you hit her with a wrench.
A: The lady can fuckin suck my dick, I tried to help her." Once again, these
obviously fabricated accusations could have been discredited had counsel
simply investigated and compared statements to physical evidence. Counsel
also failed to compare Grand jury transcripts to actual surreptitiously
recorded statements to prove detectives' compilations of certain defendant
statements in order to obtain desirable favor. Counsel made no preparation
for trial. Initially, counsel informed defendant of the probable offer
of 25-28 years with additional weapons enhancements. For the duration
of approximately 3 1/2 years at Clark County Detention Center, the offer
was never reduced, increased, or changed. At the time of sentencing,
the same absurd offer had remained. Counsel provided no copies of
letters, emails, or notes between defense and prosecution regarding
negotiations in discovery or otherwise. It is conceivable to ascertain
there was no actual trial strategy in progress nor did counsel consider
a contingency plan, alternative or counter offer in defense, Counsel

GROUND 1
(continued)

6th I allege that my state court conviction and/or sentence are unconstitutional, in violation of my
Amendment Right to Effective Counsel, based on these facts:

Counsel repeatedly instructed defendant against trial due to
repercussions of receiving with absolute certainty either the death
penalty or life without the possibility of parole which proved to be
detrimental, damaging and erroneous advice. It is well within the
realm of conception that this misguided persuasion was a solution to
incompetent representation, and failure to act with reasonable diligence
and promptness in examination of relevant facts.

GROUND 2
(continued)

I allege that my state court conviction and/or sentence are unconstitutional, in violation of my 14th Amendment Right to Due Process, based on these facts:

Counsel failed to deliver discovery in a timely fashion with multiple, unnecessary delays, disobeying the court orders and failing to provide many relevant documents she continuously and diligently admitted to producing and providing. Counsel failed to prepare for trial and provide evidence of negotiation process between the defense and prosecution over a 3 1/2 years period. Counsel failed to extend the right to be sentenced based on accurate information. Counsel committed sentencing errors in regards to weapons enhancement by not providing a defense including forensic analysis on alleged weapons used to cause bodily harm. All in violation of the constitutional right to effective counsel guaranteed by the 14th Amendment in the U.S. Constitution. Elaboration of the substantial facts will be provided in a subsequent amended petition for Post Conviction relief.

In conclusion, defendant respectfully requests the court vacate the convictions, sentences and remand to Clark County Supreme Court for trial and to repeal weapons enhancements and for any and all other rightful and due relief the court considers necessary upon a more profound investigation.

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 ¹NRS 171.102 and ²NRS 208.165. See ³28 U.S.C. 1746 and 18 U.S.C. 1621.

Dated this 8th day of February, 2020

Natasha G. Jackson
Signature

1188581
Nevada Department of Corrections ID Number

Natasha G. Jackson
Print Name

¹ NRS 171.102 Complaint defined; oath or declaration required. The complaint is a written statement of the essential facts constituting the public offense charged. It must be made upon:

- 1. Oath before a magistrate or a notary public; or
 - 2. Declaration which is made subject to the penalty for perjury.
- (Added to NRS by 1967, 1400; A 1969, 387; 1983, 446)

² NRS 208.165 Execution of instrument by prisoner. A prisoner may execute any instrument by signing his or her name immediately following a declaration "under penalty of perjury" with the same legal effect as if he or she had acknowledged it or sworn to its truth before a person authorized to administer oaths. As used in this section, "prisoner" means a person confined in any jail or prison, or any facility for the detention of juvenile offenders, in this state.

(Added to NRS by 1985, 1643)

³ 28 U.S.C.

§1746. Unsworn declarations under penalty of perjury

Wherever, under any law of the United States or under any rule, regulation, order, or requirement made pursuant to law, any matter is required or permitted to be supported, evidenced, established, or proved by the sworn declaration, verification, certificate, statement, oath, or affidavit, in writing of the person making the same (other than a deposition, or an oath of office, or an oath required to be taken before a specified official other than a notary public), such matter may, with like force and effect, be supported, evidenced, established, or proved by the unsworn declaration, certificate, verification, or statement, in writing of such person which is subscribed by him, as true under penalty of perjury, and dated, in substantially the following form:

(1) If executed without the United States: "I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on (date). (Signature)".

(2) If executed within the United States, its territories, possessions, or commonwealths: "I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)".

(Added Pub. L. 94-550, §1(a), Oct. 18, 1976, 90 Stat. 2534.)

PRIOR PROVISIONS

A prior section 1746 was renumbered section 1745 of this title.

§ 1621. Perjury generally

Whoever—

- (1) having taken an oath before a competent tribunal, officer, or person, in any case in which a law of the United States authorizes an oath to be administered, that he will testify, declare, depose, or certify truly, or that any written testimony, declaration, deposition, or certificate by him subscribed, is true, willfully and contrary to such oath states or subscribes any material matter which he does not believe to be true; or
- (2) in any declaration, certificate, verification, or statement under penalty of perjury as permitted under section 1746 of title 28, United States Code, willfully subscribes as true any material matter which he does not believe to be true; is guilty of perjury and shall, except as otherwise expressly provided by law, be fined under this title or imprisoned not more than five years, or both. This section is applicable whether the statement or subscription is made within or without the United States.

(June 25, 1948, ch. 645, 62 Stat. 773; Pub. L. 88-619, § 1, Oct. 3, 1964, 78 Stat. 995; Pub. L. 94-550, § 2, Oct. 18, 1976, 90 Stat. 2534; Pub. L. 103-322, title

XXXIII, § 330016(1)(I), Sept. 13, 1994, 108 Stat. 2147.)

CERTIFICATE OF MAILING

STATE OF NEVADA
COUNTY OF CLARK

I am the Plaintiff/Petitioner Defendant/Respondent Natasha
Ga-lenn Jackson for Case No: C-14-300032-1

On this 8th day of February, 2020, I mailed a copy of the

- Following document(s):
1. Petition for Writ of Habeas Corpus (+6 attachments)
 2. Application to Proceed In Forma Pauperis
 3. Request for Submission of motion
 4. Motion for Appointment of counsel
 5. Financial Certificate (7.8.2019 - 1.7.2020)

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

- | | |
|---|--------------------------------------|
| 1. <u>Steven D. Emerson (Clerk of Courts)</u> | 2. <u>Steven B. Wolfson</u> |
| <u>200 Lewis Ave 3rd Fl</u> | <u>District Attorney</u> |
| <u>Las Vegas NV 89155-1160</u> | <u>200 Lewis Ave P.O. Box 552212</u> |
| | <u>Las Vegas, NV 89155-2212</u> |

- | | |
|----------|----------|
| 3. _____ | 4. _____ |
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| _____ | _____ |

Dated this 8th day of February, 2020.

Respectfully submitted,

Natasha G. Jackson
Signature

Natasha G. Jackson
Printed Name

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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 ¹NRS 171.102 and ²NRS 208.165. See ³28 U.S.C. 1746 and 18 U.S.C. 1621.

Dated this 8th day of February, 2020

Stephanie A. Jackson
Signature

1188581
Nevada Department of Corrections ID #

¹ NRS 171.102
² NRS 208.165
³ 28 U.S.C.
§1746. Unsworn declarations under penalty of perjury
18 U.S.C.
§ 1621. Perjury generally

#14 Cont...

(1)

Counsel failed to effectively elaborate on the actual terms and damaging stipulations of the plea offer made by the prosecution. Counsel led me to believe that it would be more sensible to plead guilty and file an appeal rather than go to trial, be found guilty and be sentenced to life without the possibility of parole or receive the death penalty. Upon review of the guilty plea agreement in June 2017 (approximately), counsel briefly directed me toward focal points she deemed necessary for my submission. Once my sentence began at Florence McClure Women's Correctional Center, contact was continuously attempted inquiring about the appeal process or sentence modification to no avail. It was via the institutional law library that I learned of my forfeiture of direct appeal as a consequence of accepting the guilty plea.

RECEIVED
FEB 14 2020
CLERK OF THE COURT

②

#18. Third Petition:

- (a) 8th Judicial district court of the State of Nevada, Clark County.
- (b) Motion for Enlargement of time in which to file Post Conviction Writ of Habeas Corpus
- (c) Multiple attempts to retrieve discovery via correspondence, telephonic contact and court orders went unanswered and unresolved.
- (d) Evidentiary Hearing (Yes)
- (e) Granted Date of result: Nov 27, 2018 @ 9:00am
- (f) Court advised based on the pleadings and without oral argument, motion granted with an extension of (6) six months; the writ shall be filed on or before May 28, 2019. Court stated per Mrs. Craig "the defendant has not received her entire file and will be receiving it in (5) five different parts since it was a large file". Court further advised if the defendant files a writ then a briefing schedule will be set.

Fourth Petition:

- (a) 8th Judicial district court of the State of Nevada, Clark County
- (b) Defendant's Pro Per Motion for Enlargement of time to file
- (c) Continued attempts at contacting Mrs. Craig and her immediate Supervisor, Mr. Curtis Brown and the constant and consistent negligence at the Public Defender's office.
- (d) Evidentiary Hearing (Yes)
- (e) Granted Date of result: May 14, 2019 @ 9:00am
- (f) Court noted this is the first motion, Mrs. Craig advised file is being sent which is (5) five boxes, defendant is saying she only received (3) three boxes and also noted that the defendant's mother has been in contact with the Public Defender and ORDERED motion Granted for (90) ninety days and must be filed by August 13, 2019

#22 Cont.

③

Initially, my J.O.C. was Nov 13, 2018. I filed a motion to withdraw counsel that was heard on March 20, 2018 and Granted. It was my understanding that my Public Defender had approximately 30 days to relinquish all documents pertaining to my case. On June 6, 2018 I sent a letter to the Clerk of Courts inquiring about the status of the order due to numerous unanswered phone calls and attempted correspondence with the Public Defender's office; I received my court minutes. On August 9, 2018 a motion for Production of Documents was granted with journal entries stating "Law Clerk to contact Ms. Craig to forward file to defendant". I followed up by attempting contact with Mrs. Craig via calling the Public Defender's office on August 20, 2018 and August 30, 2018 leaving unanswered messages once again. On October 17, 2018 I contacted the Public Defender's office leaving a message for Mr. Daren Richards explaining my situation. Following up on October 23, 2018 speaking with Mr. Richards, I elaborated on my entire process leading up to my contacting him personally. He assured me that he'd "get to the bottom of this and send my documents if they had not previously been mailed." On October 25, 2018 I called to speak with Mr. Richards but was informed of his absence and transferred to Mr. Ryan Baehre who also stated that he'd "follow up". As a contingent of anticipating continued negligence and inconsistent representation of the superiors at the Public Defender's office, I filed a motion for Enlargement of time in which to file Post Conviction Writ of Habeas Corpus for IAC and was granted (6) six months extending my deadline to May 28, 2019 on November 27, 2018. Journal entries stating per Mrs. Craig "the defendant has not received her entire file and will be receiving it in (5) five different parts since it was a large file". I received the first of the alleged (5) five part file on November 14, 2018, the second on November 30, 2018 and the third and final part on December 4, 2018. On February 1, 2019 and February 8, 2019 I called the public defender's office for Mrs. Craig's immediate supervisor and was directed and transferred to

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Mr. Curtis Brown, leaving an extremely detailed message considering the brief allotment of time along with my mother's contact information. On February 19, 2019, Mr. Brown had a conversation with my mother stating that he "was unfamiliar with the actions of Mrs. Craig" that he'd "look into it" and instructed my mother to contact him in a few days. Collectively, my mother and I attempted contact with Mr. Brown to no avail. I then drafted a letter to Mr. Brown expressing my concerns of collective negligence from the Public Defender's office and requesting delivery of the remaining (2) two files of the alleged (5) five part file. I received no response. On April 16, 2019 I filed an additional Motion for Enlargement of time, heard and granted on May 14, 2019 extending my deadline by (90) ninety days to be filed by August 13, 2019. Journal entries stating per Mrs. Craig "file is being sent which is in (5) five boxes, Deft is saying she only received (3) three boxes and also note deft's mother has been in contact with the Public Defender's office." I had not received anything from Mrs. Craig or the Clerk of Courts informing me on the disposition of the hearing on May 14, 2019. As a result of continued, unanswered requests, I drafted a letter to the Clerk of Courts and mailed it on June 5, 2019 receiving court minutes on June 25, 2019 with the outcome. On July 23, 2019, July 25, 2019 and July 29, 2019 I contacted the Public Defender's office subsequent to gaining knowledge of Mrs. Craig having yet another supervisor by the name of Mrs. Melissa Navarro. After leaving (3) three messages with my mother's contact information, I had the pleasure of speaking with Mrs. Navarro in regards to my stressful and tedious process on August 1, 2019. She informed me that she had indeed addressed Mrs. Craig in regards to my discovery and was informed by Mrs. Craig that she had sent all parts of the discovery which by her own admission to the courts were (5) five different parts due to its size. I then reminded Mrs. Navarro of my being incarcerated in a correctional facility that documents all incoming legal mail and I've certainly only received (3) three separate parts from her office. After being transferred to and leaving a

Habeas
Corpus
④

message with Mrs. Craig, I drafted an itemized list of all known missing documents from the discovery along with tests, physical evidence, hearing transcripts etc. Finally, I received redacted copies of what Mrs. Navarro acquired on September 12, 2019. I filed a final motion for enlargement which was scheduled to be heard on October 3, 2019 but was vacated and granted per Judge Douglas Herndon extending my deadline to February 20, 2020.

#216 A. Gravel 1 cont...

⑤

2. Failure to investigate: facts that would have produced evidence changing the outcome of proceedings/perform pretrial functions.

3. Failure to object: to weapon enhancement which would have significantly reduced sentence.

4. Failure to motion to admit/present recorded video/audio tape of surreptitious interrogation while under the influence for Grand Jury to assess and determine accuracy of detective's version and conclusion of defendant's context, intent and lucidity.

5. Failure to compare witness statements with physical evidence to make a conclusive determination between facts and erroneous accusations.

6. Counsel presumptively predicted that judge/jury would fail to make an impartial assessment of evidence presented by simply reading journal entries written by the defendant upon initial introduction to the perpetrator/co-defendant.

7. Failure to properly instruct client regarding "guilty plea."

8. Failure to sufficiently counsel defendant on advantages and disadvantages of direct appeal and/or the waiving of those rights.

9. Failure to motion to suppress surreptitious interrogation under the influence of opiates, and methamphetamines exhibiting delusional thoughts, erratic speech patterns and sporadic loss of consciousness.

#26 B. Ground 2 cont...

⑧

1. Failure to extend right to be sentenced based on accurate information and reliable evidence as opposed to speculation or unfounded allegations.
2. Failure to provide verbatim report of plea hearing conversations between judge, defendant, defense attorney and prosecutor within the discovery.
3. Failure to provide copies of letters, emails or notes between defense and prosecutor regarding negotiations.
4. Inconsistent representation in the Public Defender's office resulting in multiple, unsatisfactory delays and requests of discovery over a two (2) year period.

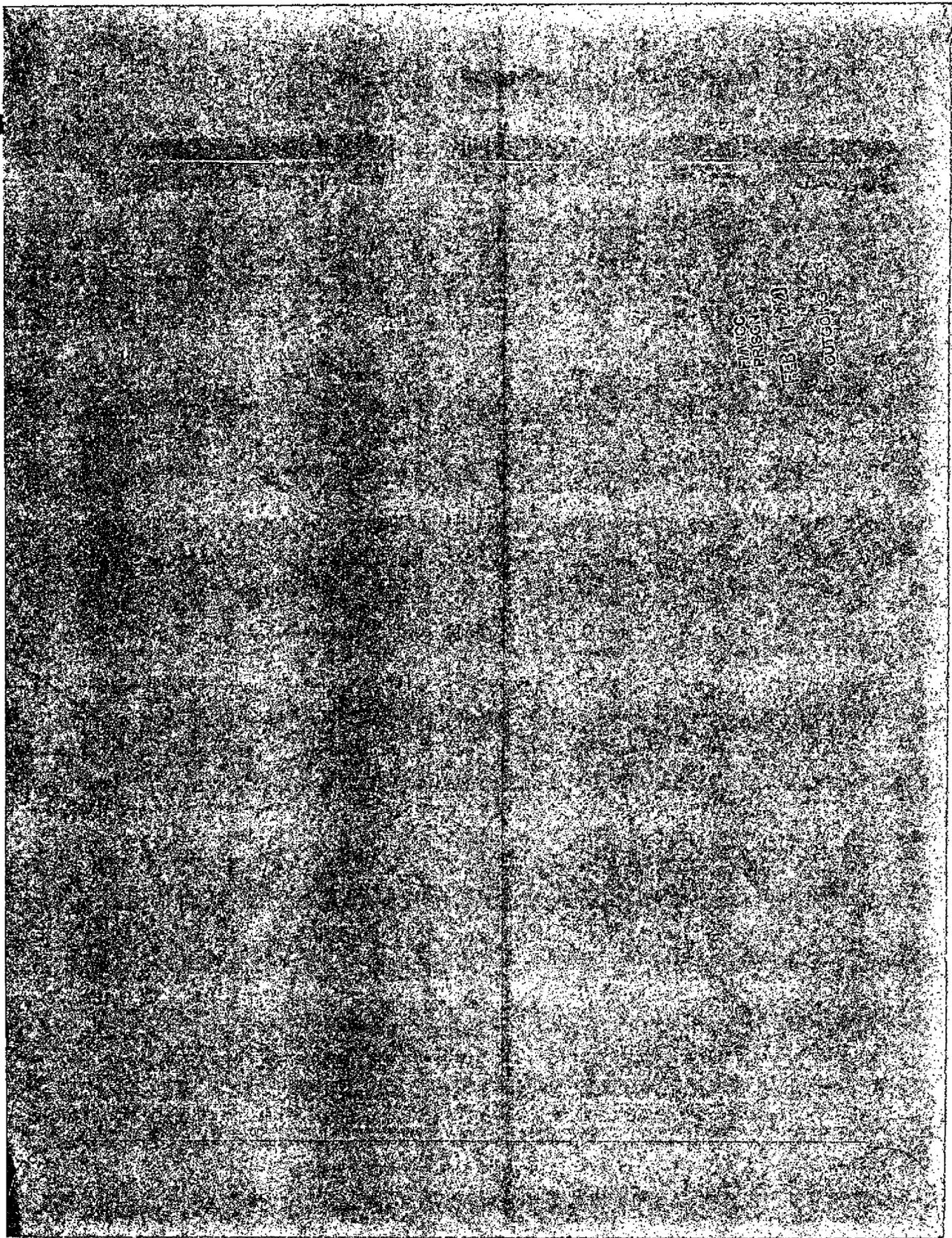
Latasha S. Jackson 1188581
3920 Sander Rd (S.K.107A)
Las Vegas, NV 89115

Steven D. Grossard
Clerk of Courts
200 Lewis Ave 3rd Fl
Las Vegas, NV 89155-1140



Las Vegas PD DG 89199
TUE 11 FEB 2020 PM

LEGAL MAIL: CONFIDENTIAL



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Natasha G. Jackson (188581)
Florence McClure Women's Correctional Center
4370 Smiley Rd.
Las Vegas, NV 89115

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

FILED
FEB 14 2020
Alton Williams
CLERK OF COURT

In the matter of:

State of Nevada)
Plaintiff/Petitioner)
v. Natasha G. Jackson)
Defendant/Respondent)

Case No: C-14-300032-1

Dept No.: III

A-20-810845-W
Dept. III

REQUEST FOR SUBMISSION OF MOTION

It is requested that the Motion for

Petition for Writ of Habeas Corpus (Post-Conviction)

which was filed on the 8th day of February, 2020, in the above-entitled matter be submitted to the Court for decision.

The undersigned certifies that a copy of this request has been mailed to all counsel of record.

Dated this 8th day of February, 2020

Respectfully submitted,

Natasha G. Jackson
Signature

Natasha G. Jackson
Print Name

RECEIVED
FEB 14 2020
CLERK OF THE COURT

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 of¹NRS 171.102 and²NRS 208.165. See³28 U.S.C. 1746 and 18 U.S.C. 1621.

Dated this 8th day of February, 2020

Latasha M. Jackson
Signature

1188581
Nevada Department of Corrections ID #

¹ NRS 171.102

² NRS 208.165

³ 28 U.S.C.

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

§ 1621. Perjury generally

4

Natasha G. Jackson 1188581

1 Florence McClure Women's Correctional Center
4370 Smiley Rd.
2 Las Vegas, NV 89115

FILED
FEB 14 2020

Oliver Williams
CLERK OF COURT

7

3 In the 8th Judicial District Court of the State of Nevada

4 In and for the County of Clark

5 In the matter of:

6 State of Nevada)
Plaintiff/Petitioner)
7 v.)
Natasha G. Jackson)
8 Defendant/Respondent)

Case No: C-14-300032-1

Dept No.

A-20-810845-W
Dept. III

MOTION FOR APPOINTMENT OF COUNSEL

10 COMES NOW Petitioner, Natasha G. Jackson, In Proper
11 Person and hereby moves this Honorable Court for an order to Appoint Counsel
12 in the above-entitled action, pursuant to NRS 34.720, with the Fundamental
13 Provisions of Art. I., Sec.'s 8 and 10, of the Nevada Constitution, and the
14 U.S. 1st Amendment (Right to Petition for the Redress of Constitutional
15 Grievances), and the U.S. 14th Amendment (Right to Due Process Clause) in the
16 Constitution of these United States.

17 This Motion is made and based upon all papers, pleadings, and exhibits
18 within Court records, the Application to Proceed In Forma Pauperis and upon
19 Oral Arguments, if this Court deems it proper and necessary for the
20 disposition of the instant Motion.

22 Dated this 8th day of February, 2020

Respectfully submitted,

Natasha G. Jackson
Signature

Natasha G. Jackson
Print Name

CLERK OF THE COURT

RECEIVED
FEB 14 2020

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 ¹NRS 171.102 and ²NRS 208.165. See ³28 U.S.C. 1746 and 18 U.S.C. 1621.

Dated this 8th day of February, 2020

Natasha G. Jackson
Signature

1188581
Nevada Department of Corrections ID Number

Natasha G. Jackson
Print Name

1 NRS 171.102 Complaint defined; oath or declaration required. The complaint is a written statement of the essential facts constituting the public offense charged. It must be made upon:

- 1. Oath before a magistrate or a notary public; or
2. Declaration which is made subject to the penalty for perjury.
(Added to NRS by 1967, 1400; A 1969, 387; 1983, 446)

2 NRS 208.165 Execution of instrument by prisoner. A prisoner may execute any instrument by signing his or her name immediately following a declaration "under penalty of perjury" with the same legal effect as if he or she had acknowledged it or sworn to its truth before a person authorized to administer oaths. As used in this section, "prisoner" means a person confined in any jail or prison, or any facility for the detention of juvenile offenders, in this state.
(Added to NRS by 1985, 1643)

3 28 U.S.C.

§1746. Unsworn declarations under penalty of perjury

Wherever, under any law of the United States or under any rule, regulation, order, or requirement made pursuant to law, any matter is required or permitted to be supported, evidenced, established, or proved by the sworn declaration, verification, certificate, statement, oath, or affidavit, in writing of the person making the same (other than a deposition, or an oath of office, or an oath required to be taken before a specified official other than a notary public), such matter may, with like force and effect, be supported, evidenced, established, or proved by the unsworn declaration, certificate, verification, or statement, in writing of such person which is subscribed by him, as true under penalty of perjury, and dated, in substantially the following form:

- (1) If executed without the United States: "I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on (date). (Signature)".
(2) If executed within the United States, its territories, possessions, or commonwealths: "I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)".
(Added Pub. L. 94-550, §1(a), Oct. 18, 1976, 90 Stat. 2534.)

PRIOR PROVISIONS

A prior section 1746 was renumbered section 1745 of this title.

§ 1621. Perjury generally

Whoever—

- (1) having taken an oath before a competent tribunal, officer, or person, in any case in which a law of the United States authorizes an oath to be administered, that he will testify, declare, depose, or certify truly, or that any written testimony, declaration, deposition, or certificate by him subscribed, is true, willfully and contrary to such oath states or subscribes any material matter which he does not believe to be true; or
(2) in any declaration, certificate, verification, or statement under penalty of perjury as permitted under section 1746 of title 28, United States Code, willfully subscribes as true any material matter which he does not believe to be true; is guilty of perjury and shall, except as otherwise expressly provided by law, be fined under this title or imprisoned not more than five years, or both. This section is applicable whether the statement or subscription is made within or without the United States.
(June 25, 1948, ch. 645, 62 Stat. 773; Pub. L. 88-619, § 1, Oct. 3, 1964, 78 Stat. 995; Pub. L. 94-550, § 2, Oct. 18, 1976, 90 Stat. 2534; Pub. L. 103-322, title XXXIII, § 330016(1)(I), Sept. 13, 1994, 108 Stat. 2147.)

1 Natasha G. Jackson 1188581

2 Florence McClure Women's Correctional Center
4370 Smiley Rd.
3 Las Vegas, NV 89115

FILED
FEB 14 2020

John J. Blum
CLERK OF COURT

4 In The 8th Judicial District Court of the State of Nevada
In and for the County of Clerk

5 In the matter of:

6 State of Nevada
Plaintiff/Petitioner

Case No: CN-300032-1

7 Natasha G. Jackson
8 Defendant/Respondent

Dept No.: III

AFFIDAVIT

A-20-810845-W
Dept. III

10 STATE OF NEVADA)
11 COUNTY OF Clerk)

- 12 1. I am the Plaintiff/Petitioner Defendant/Respondent in the above
- 13 entitled action. I have personal knowledge of the facts contained
- 14 in the above-entitled case and am competent to testify to these
- 15 facts.
- 16 2. My personal knowledge or personal observations of the situation
- 17 is/are as follows:

18 Defendant alleges that counsel was ineffective due to failure to
 19 investigate in regards to presenting readily available mitigating evidence
 20 such as inconsistencies and discrepancies between victim statements
 21 and the physical evidence collected which would have proven absolute
 22 innocence to falsified accusations, failure to object to weapons enhancement
 23 by comparing expert witness testimony to erroneous accusations by the victim.
 24 Failure to admit recorded audio/video of surreptitious interrogation while
 25 under the influence for Grand Jury to assess and determine accuracy
 26 of detectives version and conclusion of defendants context, intent and
 27 insidious. All in violation of the constitutional right to effective counsel
 28 guaranteed by the 14th Amendment of the U.S. Constitution. Elaboration
of the substantial facts will be available in a subsequent petition for
Post Conviction Relief.

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Dated this 8th day of February, 20 20.

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 ¹NRS 171.102 and ²NRS 208.165. See ³28 U.S.C. 1746 and 18 U.S.C. 1621.

Dated this 8th day of February, 20 20

Natasha G. Jackson
Signature

1188581
Nevada Department of Corrections ID #

¹ NRS 171.102
² NRS 208.165
³ 28 U.S.C.
§1746. Unsworn declarations under penalty of perjury
18 U.S.C.
§ 1621. Perjury generally

CERTIFICATE OF MAILING

STATE OF NEVADA
COUNTY OF CLARK

I am the Plaintiff/Petitioner Defendant/Respondent Natasha

Gailann Jackson for Case No: C-14-300032-1

On this 8th day of February, 2020, I mailed a copy of the

Following document(s):

1. Motion for appointment of counsel
2. Application to Proceed in Forma Pauperis
3. Request for Submission of Motion
4. Financial Certificate (7.8.2019-1.7.2020) Clerk of Courts
5. Petition for writ of Habeas Corpus

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

1. Steven D. Grierson (clerk of courts)
200 Lewis Ave 3rd Fl
Las Vegas, NV 89155-1160

2. Steven B. Wolfson (D.A.)
200 Lewis Ave P.O. Box 552212
Las Vegas, NV 89155-2212

3. _____

Dated this 8th day of February, 2020.

Respectfully submitted,

Natasha A. Jackson
Signature

Natasha A. Jackson
Printed Name

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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 ¹NRS 171.102 and ²NRS 208.165. See ³28 U.S.C. 1746 and 18 U.S.C. 1621.

Dated this 8th day of February, 2020

Christina A. Jackson
Signature

1188581
Nevada Department of Corrections ID #

¹ NRS 171.102
² NRS 208.165
³ 28 U.S.C.
§1746. Unsworn declarations under penalty of perjury
18 U.S.C.
§ 1621. Perjury generally

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FILED

FEB 26 2020

John J. Williams
CLERK OF COURT

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PPOW

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Natasha Jackson,
Petitioner,
vs.
State of Nevada,
Respondent,

Case No: A-20-810845-W
Department 3

**ORDER FOR PETITION FOR
WRIT OF HABEAS CORPUS**

Petitioner filed a Petition for Writ of Habeas Corpus (Post-Conviction Relief) on February 14, 2020. The Court has reviewed the Petition and has determined that a response would assist the Court in determining whether Petitioner is illegally imprisoned and restrained of his/her liberty, and good cause appearing therefore,

IT IS HEREBY ORDERED that Respondent shall, within 45 days after the date of this Order, answer or otherwise respond to the Petition and file a return in accordance with the provisions of NRS 34.360 to 34.830, inclusive.

IT IS HEREBY FURTHER ORDERED that this matter shall be placed on this Court's

Calendar on the 20th day of April, 2020, at the hour of

9 o'clock for further proceedings.

**RECEIVED
FEB 26 2020
CLERK OF THE COURT**

[Signature]
District Court Judge *gg*

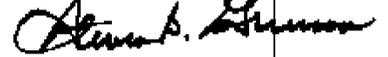
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DISTRICT COURT
CLARK COUNTY, NEVADA

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Steven D. Grierson
CLERK OF THE COURT



Natasha Jackson, Plaintiff(s) vs. State of Nevada, Defendant(s)	Case No.: A-20-810845-W Department 3
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NOTICE OF HEARING

Please be advised that the Plaintiff's Motion for Appointment of Counsel in the above-entitled matter is set for hearing as follows:

Date: April 28, 2020
Time: 9:00 AM
Location: RJC Courtroom 16C
Regional Justice Center
200 Lewis Ave.
Las Vegas, NV 89101

NOTE: Under NEFCR 9(d), if a party is not receiving electronic service through the Eighth Judicial District Court Electronic Filing System, the movant requesting a hearing must serve this notice on the party by traditional means.

STEVEN D. GRIERSON, CEO/Clerk of the Court

By: /s/ Michelle McCarthy
Deputy Clerk of the Court

CERTIFICATE OF SERVICE

I hereby certify that pursuant to Rule 9(b) of the Nevada Electronic Filing and Conversion Rules a copy of this Notice of Hearing was electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.

By: /s/ Michelle McCarthy
Deputy Clerk of the Court



1 **RSPN**
2 **STEVEN B. WOLFSON**
3 Clark County District Attorney
4 Nevada Bar #001565
5 **KAREN MISHLER**
6 Deputy District Attorney
7 Nevada Bar #13730
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,
10 Plaintiff,
11 -vs-
12 NATASHA JACKSON,
13 #1921058
14 Petitioner.

CASE NO: A-20-810845-W

DEPT NO: III

15 **STATE'S RESPONSE TO PETITIONER'S PETITION FOR WRIT OF HABEAS**
16 **CORPUS (POST-CONVICTION) AND OPPOSITION TO MOTION FOR**
17 **APPOINTMENT OF COUNSEL**

18 DATE OF HEARING: APRIL 28, 2020
19 TIME OF HEARING: 9:00 AM

20 COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, Clark County
21 District Attorney, through KAREN MISHLER, Deputy District Attorney, and hereby submits
22 the attached Points and Authorities in Response to Petitioner's Petition for Writ of Habeas
23 Corpus (Post-Conviction) and Opposition to Motion for Appointment of Counsel.

24 This response is made and based upon all the papers and pleadings on file herein, the
25 attached points and authorities in support hereof, and oral argument at the time of hearing, if
26 deemed necessary by this Honorable Court.

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1 **POINTS AND AUTHORITIES**

2 **STATEMENT OF THE CASE**

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 (“Pre-Trial 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 Pre-Trial
15 Writ in part and denied it in part. Specifically, the District Court dismissed Counts 1 and 8.
16 The 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). The State’s response follows.

20 **ARGUMENT**

21 **I. PETITIONER RECEIVED EFFECTIVE ASSISTANCE OF COUNSEL**

22 Courts must dismiss a petition if a petitioner plead guilty and the petitioner is not
23 alleging “that the plea was involuntarily or unknowingly entered, or that the plea was entered
24 without effective assistance of counsel.” NRS 34.810(1)(a). Further, substantive claims—even
25 those disguised as ineffective assistance of counsel claims—are beyond the scope of habeas
26 and waived. NRS 34.724(2)(a); Evans, 117 Nev. at 646–47, 29 P.3d at 523; Franklin, 110 Nev.
27 at 752, 877 P.2d at 1059.

28 //

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

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

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

1 P.2d 951, 953 (1989). Counsel cannot be ineffective for failing to make futile objections or
2 arguments. Ennis v. State, 122 Nev., 694, 706, 137 P.3d 1095, 1103 (2006).

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

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

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

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

21 Counsel is expected to conduct legal and factual investigations when developing a
22 defense so they may make informed decisions on their client’s behalf. Jackson v. Warden, 91
23 Nev. 430, 433, 537 P.2d 473, 474 (1975)(quoting In re Saunders, 2 Cal.3d 1033, 88 Cal.Rptr.
24 633, 638, 472 P.2d 921, 926 (1970)). “[D]efense counsel has a duty ‘to make reasonable
25 investigations or to make a reasonable decision that makes particular investigations
26 unnecessary.’ Love, 109 Nev. at 1138, 865 P.2d at 323 (quoting Strickland, 466 U.S. at 691,
27 104 S. Ct. at 2066). A defendant who contends his attorney was ineffective because he did not

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1 adequately investigate must show how a better investigation would have rendered a more
2 favorable outcome. Molina, 120 Nev. at 192, 87 P.3d at 538.

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

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

24 Petitioner next claims that counsel failed to prepare a trial strategy. Petition at 2.
25 Petitioner claims this shows that counsel's only plan of action was for Petitioner to plead
26 guilty. Id. at 2. Not only is this a bare and naked claim unsupported by any specific facts, but
27 whether counsel prepared for trial is irrelevant because Petitioner pled guilty over two (2)
28 months before the scheduled trial date. As Petitioner pled guilty, there was no need for trial

1 strategy and counsel cannot be deemed ineffective for allegedly not preparing one. United
2 States v. Chronic, 466 U.S. 648, 657 n.19, 104 S.Ct. 2039, 2046 n. 19 (1984) (“The constitution
3 does not require that defense counsel do what is impossible or unethical. If there is no bona
4 fide defense to the charge, counsel cannot create one and may disserve the interests of his
5 client by attempting a useless charade”).

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

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

22 Fourth, Petitioner claims counsel should have challenged the deadly weapon
23 enhancement and that she would have received a lesser sentence had counsel done so. Petition
24 at 6. To the extent Petitioner claims counsel should have challenged the deadly weapon
25 enhancement pre-plea, such a claim was waived when she pled guilty and is further belied by
26 the record. In Petitioner’s Pre-Trial Writ, counsel expressly argued that there was not sufficient
27 evidence supporting the deadly weapon enhancement. Pre-Trial Writ, at 5-7. To the extent
28 Petitioner is claim counsel should have challenged the enhancement post-plea, Petitioner

1 continues to fault counsel of ineffectiveness for failing to make a futile motion or argument.
2 Ennis, 122 Nev. at 706, 137 P.3d at 1103. Petitioner pled guilty to Murder with Use of a Deadly
3 Weapon (First Degree). GPA at 1. Once Petitioner did so, the deadly weapon enhancement
4 could not be removed from the charging document. As such, Petitioner's claim is baseless and
5 otherwise belied by the record.

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

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1 **B. Petitioner’s claims in Ground 2 fail.**

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

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

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

22 Petitioner also appears to claim in Ground 2 that she was sentenced on incorrect
23 information. Petition at 7. Such a claim is nothing more than a bare and naked claim
24 unsupported by specific facts in the record. Petitioner does not point to specific facts that she
25 alleges to be incorrect. Hargrove, 100 Nev. at 502, 686 P.2d at 225. To the extent Petitioner
26 claims the Court incorrectly sentenced her on the Deadly Weapon enhancement, as explained
27 above, because Petitioner pled guilty to Murder with use of a Deadly Weapon (First Degree),
28 she admitted to using a deadly weapon. As such, the Court did not err in considering that fact

1 when sentencing her and counsel cannot be deemed ineffective for not making a futile
2 objection. Emmis, 122 Nev. at 706, 137 P.3d at 1103.

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

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

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

22 Petitioner’s claim that counsel was ineffective when advising her to accept the plea deal
23 was is nothing more than a bare and naked claim. Petitioner offers no specific facts indicating
24 that counsel’s advice to plead guilty was unreasonable. Petitioner was charged with eight (8)
25 serious felony counts, including Murder with use of a Deadly Weapon, and First Degree
26 Kidnapping, both of which carried potential sentences of life without the possibility of parole.
27 Had Petitioner proceeded to trial, and had Petitioner been convicted of only those two (2)
28 counts, she could have been sentenced to two (2) consecutive life sentences. As such, counsel

1 was very reasonable in recommending that Petitioner accept the State's offer to stipulate to an
2 aggregate sentence of thirty-five (35) years to life.

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

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

12 THE COURT: Right.

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

14 THE COURT: Well, I notice that --

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

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

17 MS. CRAIG: That's correct.

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

20 MS. CRAIG: Yes.

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

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

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

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

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

28 **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.

THE COURT: Do you remember what I'm talking about in there?

THE DEFENDANT: Mm-hmm.

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

THE DEFENDANT: Yes, sir

1 Recorder's Transcript of Hearing Re: Murder Team Assignment ("Plea Canvass"), at 6-7
2 (emphasis added).

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

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

10 Under the U.S. Constitution, the Sixth Amendment provides no right to counsel in post-
11 conviction proceedings. Coleman v. Thompson, 501 U.S. 722, 752, 111 S. Ct. 2546, 2566
12 (1991). In McKague v. Warden, 112 Nev. 159, 163, 912 P.2d 255, 258 (1996), the Nevada
13 Supreme Court specifically held that with the exception of NRS 34.820(1)(a) (entitling
14 appointed counsel when petitioner is under a sentence of death), one does not have "any
15 constitutional or statutory right to counsel at all" in post-conviction proceedings. Id. at 164,
16 912 P.2d at 258.

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

22 Id.

23 Here, Petitioner is not entitled to counsel. First, his claims are either waived or belied
24 by the record. Moreover, Petitioner's claims are not complex, and no additional discovery is
25 needed. As such, Petitioner's Motion for Appointment of Counsel should be denied.

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CONCLUSION

For the foregoing reasons, the State respectfully requests this Court DENY Petitioner's Petition for Writ of Habeas Corpus (Post-Conviction) and Motion for Appointment of Counsel.

DATED this 25th day of March, 2020.

Respectfully submitted,

STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #

BY /s/ KAREN MISHLER
KAREN MISHLER
Deputy District Attorney
Nevada Bar #13730

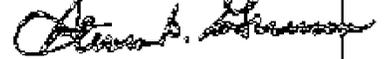
CERTIFICATE OF MAILING

I hereby certify that service of the above and foregoing was made this 25th day of March, 2020, by depositing a copy in the U.S. Mail, postage pre-paid, addressed to:

NATASHA G. JACKSON, BAC#1188581
Florence McClure Women's Correctional Center
4370 SMILEY ROAD
LAS VEGAS, NEVADA 89115

BY /s/ L.M.
Secretary for the District Attorney's Office

KM/jb/lm/MVU



1 **OPI**
2 **STEVEN B. WOLFSON**
3 **Clark County District Attorney**
4 **Nevada Bar #001565**
5 **PAMELA WECKERLY**
6 **Chief Deputy District Attorney**
7 **Nevada Bar #006163**
8 **200 Lewis Avenue**
9 **Las Vegas, Nevada, 89155-2212**
10 **(702) 671-2500**
11 **Attorney for Plaintiff**

DISTRICT COURT
CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,
10 Plaintiff,

11 -vs-

12 NATASHA GALENN JACKSON,
13 #1921058

14 Defendant.

CASE NO. A-20-810845-W

DEPT NO. C-14-300032-1

III

16 **ORDER FOR PRODUCTION OF INMATE**
17 **NATASHA GALENN JACKSON, BAC #1188581**

18 DATE OF HEARING: 06/30/2020
19 TIME OF HEARING: 9:00 AM

20 TO: NEVADA DEPARTMENT OF CORRECTIONS; and

21 TO: JOSEPH LOMBARDO, Sheriff of Clark County, Nevada:

22 Upon the ex parte application of THE STATE OF NEVADA, Plaintiff, by STEVEN
23 B. WOLFSON, District Attorney, through PAMELA WECKERLY, Chief Deputy District
24 Attorney, and good cause appearing therefor,

25 IT IS HEREBY ORDERED that NEVADA DEPARTMENT OF CORRECTIONS
26 shall be, and is, hereby directed to produce NATASHA GALENN JACKSON, Defendant in
27 Case Number A-20-810845-W and/or C-14-300032-1, wherein THE STATE OF NEVADA
28 is the Plaintiff, inasmuch as the said NATASHA GALENN JACKSON is currently
incarcerated in the NEVADA DEPARTMENT OF CORRECTIONS located in Clark

1 County, Nevada, and her presence will be required in Las Vegas, Nevada, commencing on
2 06/30/2020, at the hour of 9:00 o'clock AM and continuing until completion of the
3 prosecution's case against the said Defendant.

4 IT IS FURTHER ORDERED that JOSEPH LOMBARDO, Sheriff of Clark County,
5 Nevada, shall accept and retain custody of the said NATASHA GALENN JACKSON in the
6 Clark County Detention Center, Las Vegas, Nevada, pending completion of said matter in
7 Clark County, or until the further Order of this Court; or in the alternative shall make all
8 arrangements for the transportation of the said NATASHA GALENN JACKSON to and
9 from the Nevada Department of Corrections facility which are necessary to insure the
10 NATASHA GALENN JACKSON's appearance in Clark County pending completion of said
11 matter, or until further Order of this Court.

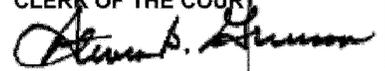
12 DATED this 30 day of April, 2020.

13 
14 DISTRICT JUDGE *gg*

15
16 STEVEN B. WOLFSON
17 Clark County District Attorney
Nevada Bar #001565

18 /s/ Pameal Weckerly
19 BY _____
20 PAMELA WECKERLY
21 Chief Deputy District Attorney
22 Nevada Bar #006163
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28 14F12024X/saj/MVU



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**DISTRICT COURT
CLARK COUNTY, NEVADA

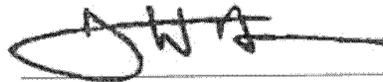
Natasha Jackson, Plaintiff(s)
vs.
State of Nevada, Defendant(s)

Case No.: A-20-810845-W
C-14-300032-1
Department 3

NOTICE OF CHANGE OF HEARING

The Evidentiary Hearing presently set for June 30, 2020, at 3:30 p.m. has been moved to August 4, 2020 at 10:30 a.m.

DATED: June 23, 2020



Douglas W. Herndon
District Court Judge
Department 3

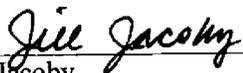
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CERTIFICATE OF SERVICE

I hereby certify that this 23rd day of June, 2020

- The foregoing Notice of Change of Hearing was electronically served to all registered parties for case number A-20-810845-W.
- I mailed, via first-class, postage fully prepaid, the foregoing Clerk of the Court, Notice of Change of Hearing to:

Natasha Jackson
FMWCC
4370 Smiley Road
Las Vegas NV 89115



Jill Jacoby
Judicial Executive Assistant
Department 3

27

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

FILED

JUL 22 2020

William Hutchings
CLERK OF COURT

United States District Court
DISTRICT OF NEVADA

In the Matter of:

Natasha G. Jackson)
Appellant/Plaintiff/Petitioner,

v.

Case No. A-20-810845-W

State of Nevada)
Appellee/Respondent/Defendant

**APPLICATION TO ORDER
TRANSPORT AND PRODUCE INMATE FOR HEARING**

The application of Natasha G. Jackson, a pro se litigant, respectfully demonstrates the following:

1. That she is the P petitioner _____ defendant in the above-captioned case.
2. That she is presently incarcerated at the FLORENCE MCCLURE WOMEN'S CORRECTIONAL CENTER, 4370 SMILEY ROAD, LAS VEGAS, NEVADA, 89115.
3. That a hearing has been scheduled for the above-captioned case, and she is to appear before this Court at 10:30 a.m./p.m. on the 4th day of August, 20 20 at: The 8th Judicial District Court of the State of Nevada in and for the County of Clark.

WHEREFORE, PETITIONER/DEFENDANT prays that an ORDER be issued, ordering the appearance of: Natasha G. Jackson before this Court, and directing the execution of said ORDER by: Warden, William Hutchings FLORENCE MCCLURE WOMEN'S CORRECTIONAL CENTER, 4370 SMILEY ROAD, LAS VEGAS, NEVADA 89115.

Dated this 1st day of July, 2020.

Respectfully submitted,

Natasha G. Jackson
Signature

Natasha G. Jackson
Print Name

RECEIVED
JUL 02 2020
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 1st day of July, 2020, I mailed a copy of the

Following document(s):

1. Application to order transport and produce minute for hearing
2. Order to transport and produce minute for hearing
3. _____
4. _____
5. _____

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

1. Steven D. Giersaw (clerk of courts)
200 Lewis Ave 3rd Fl
Las Vegas, NV 89155-1160

2. Steven B. Wolfson (D.A.)
200 Lewis Ave P.O. Box 352212
Las Vegas, NV 89155-2212

3. _____

Dated this 1st day of July, 2020.

Respectfully submitted,
Natasha G. Jackson
 Signature
Natasha G. Jackson
 Printed Name

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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 ¹NRS 171.102 and ²NRS 208.165. See ³28 U.S.C. 1746 and 18 U.S.C. 1621.

Dated this 1st day of July, 20 20

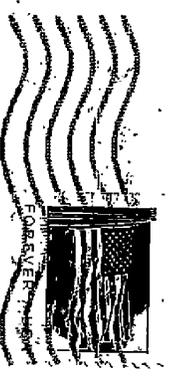
Stephen A. Jahn
Signature

1188581
Nevada Department of Corrections ID #

¹ NRS 171.102
² NRS 208.165
³ 28 U.S.C.
§1746. Unsworn declarations under penalty of perjury
18 U.S.C.
§ 1621. Perjury generally

Natasha G. Jackson 1188587
4890 Smiley Rd (5-L-107a)
Las Vegas, NV 89115

LAS VEGAS NV 890
01 JUL 2020 PM 4 L



Steven D. Swenson
200 Lewis Ave 3rd Fl
Las Vegas, NV 89155-1160

Legal Mail's Confidential

89155-450100



OUTGOING
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EMWCC
PRISON

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

United States District Court
DISTRICT OF NEVADA

In the Matter of:

Natasha G. Jackson)
Appellant/Plaintiff/Petitioner

v.

Case No. A-20-810845-W

State of Nevada)
Appellee/Respondent/Defendant

**ORDER
TO TRANSPORT AND PRODUCE INMATE FOR HEARING**

Based upon the Application to Transport, this Court finds that the presence of _____ is necessary for the hearing that is scheduled in this case at _____ a.m. /p.m. on the _____ day of _____, 20____ at the following address: _____

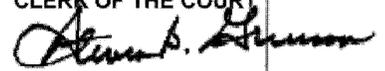
THEREFORE, IT IS HEREBY ORDERED that,

- [] Pursuant to NRS 209.274, WARDEN, _____ of FLORENCE MCCLURE WOMEN'S CORRECTIONAL CENTER, 4370 SMILEY ROAD, LAS VEGAS, NV 89115, is hereby **ORDERED** to have _____ transported to appear before this Court as specified above. Upon completion of the hearing, _____ will be return transported to the above-named institution.
- [] Pursuant to NRS 209.274(2)(a), _____ shall be made available for **telephone appearance** by the institution. The Court Clerk will contact WARDEN _____ at **702-668-7200** to make arrangements for the court to initiate the telephone appearance for the hearing.

Dated this _____ day of _____, 20____

DISTRICT COURT JUDGE

RECEIVED
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CLERK OF THE COURT



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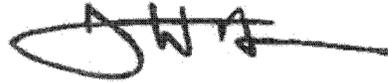
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**DISTRICT COURT
CLARK COUNTY, NEVADA

Natasha Jackson, Plaintiff(s) vs. State of Nevada, Defendant(s)	Case No.: A-20-810845-W C-14-300032-1 Department 3
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NOTICE OF CHANGE OF HEARING

The Evidentiary Hearing , presently set for August 4, 2020, at 10:30 a.m. has been moved to the 12th day of August, 2020 at 12:00 p.m.



Douglas W. Herndon
District Court Judge
Department 3

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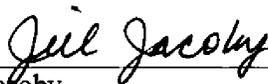
CERTIFICATE OF SERVICE

I hereby certify that this 4th day of August, 2020

The foregoing Notice of Change of Hearing was electronically served to all registered parties for case number A-20-816043-W.

I mailed, via first-class, postage fully prepaid, the foregoing Notice of Change of Hearing to:

Natasha Jackson
Florence McClure Women's Correctional Center
4370 Smiley Road
Las Vegas NV 89115



Jill Jacoby
Judicial Executive Assistant

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
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26 months for the deadly weapon enhancement. Petitioner’s aggregate sentence was thirty-five
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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. Emmis, 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**
4 **those?**
5 **THE DEFENDANT: Yes, sir**

6 Recorder's Transcript of Hearing Re: Murder Team Assignment ("Plea Canvass"), at 6-7
7 (emphasis added).

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

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

15 Under the U.S. Constitution, the Sixth Amendment provides no right to counsel in post-
16 conviction proceedings. Coleman v. Thompson, 501 U.S. 722, 752, 111 S. Ct. 2546, 2566
17 (1991). In McKague v. Warden, 112 Nev. 159, 163, 912 P.2d 255, 258 (1996), the Nevada
18 Supreme Court specifically held that with the exception of NRS 34.820(1)(a) (entitling
19 appointed counsel when petitioner is under a sentence of death), one does not have "any
20 constitutional or statutory right to counsel at all" in post-conviction proceedings. Id. at 164,
21 912 P.2d at 258.

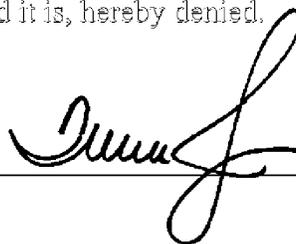
22 Although NRS 34.750 gives courts the discretion to appoint post-conviction counsel,
23 that discretion should be used only to the extent "the court is satisfied that the allegation of
24 indigency is true and the petition is not dismissed summarily." NRS 34.750. NRS 34.750
25 further requires courts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

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

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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

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DISTRICT COURT
CLARK COUNTY, NEVADA

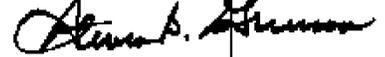
Natasha Jackson, Plaintiff(s)	CASE NO: A-20-810845-W
vs.	DEPT. NO. Department 10
State of Nevada, Defendant(s)	

AUTOMATED CERTIFICATE OF SERVICE

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

Service Date: 3/4/2021

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
true and correct copy of which is attached to this notice.

12 You may appeal to the Supreme Court from the decision or order of this court. If you wish to appeal, you
13 must file a notice of appeal with the clerk of this court within thirty-three (33) days after the date this notice is
14 mailed to you. This notice was mailed on March 10, 2021.

15 STEVEN D. GRIERSON, CLERK OF THE COURT

16 /s/ Amanda Hampton

Amanda Hampton, Deputy Clerk

17
18 CERTIFICATE OF E-SERVICE / MAILING

19 I hereby certify that on this 10 day of March 2021, I served a copy of this Notice of Entry on the
20 following:

21 By e-mail:
22 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.
26 Las Vegas, NV 89115

27 /s/ Amanda Hampton

Amanda Hampton, Deputy Clerk

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
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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**
4 **those?**
5 **THE DEFENDANT: Yes, sir**

6 Recorder's Transcript of Hearing Re: Murder Team Assignment ("Plea Canvass"), at 6-7
7 (emphasis added).

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

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

15 Under the U.S. Constitution, the Sixth Amendment provides no right to counsel in post-
16 conviction proceedings. Coleman v. Thompson, 501 U.S. 722, 752, 111 S. Ct. 2546, 2566
17 (1991). In McKague v. Warden, 112 Nev. 159, 163, 912 P.2d 255, 258 (1996), the Nevada
18 Supreme Court specifically held that with the exception of NRS 34.820(1)(a) (entitling
19 appointed counsel when petitioner is under a sentence of death), one does not have "any
20 constitutional or statutory right to counsel at all" in post-conviction proceedings. Id. at 164,
21 912 P.2d at 258.

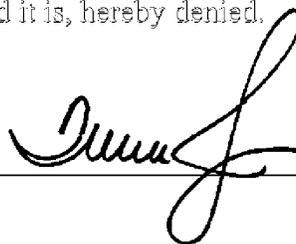
22 Although NRS 34.750 gives courts the discretion to appoint post-conviction counsel,
23 that discretion should be used only to the extent "the court is satisfied that the allegation of
24 indigency is true and the petition is not dismissed summarily." NRS 34.750. NRS 34.750
25 further requires courts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

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

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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

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CSERV

DISTRICT COURT
CLARK COUNTY, NEVADA

Natasha Jackson, Plaintiff(s)	CASE NO: A-20-810845-W
vs.	DEPT. NO. Department 10
State of Nevada, Defendant(s)	

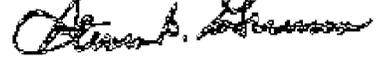
AUTOMATED CERTIFICATE OF SERVICE

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

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Steven D. Grierson
CLERK OF THE COURT



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

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

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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 29th 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. <u>Clerk of Courts</u> | 2. <u>District Attorney</u> |
| <u>Steven D. Gerrard</u> | <u>Steven B. Wolfson</u> |
| <u>200 Lewis Ave 3rd Fl</u> | <u>200 Lewis Ave PO Box 552212</u> |
| <u>Las Vegas, NV 89155-1160</u> | <u>Las Vegas, NV 89155-2212</u> |
| 3. <u>Alexis M. Duckie</u> | 4. _____ |
| <u>8687 W. Sahara Ave Ste 201</u> | _____ |
| <u>Las Vegas, NV 89117</u> | _____ |
| _____ | _____ |

Dated this 29th day of March, 20 21.

Respectfully submitted,
Natasha G. Jackson
Signature
Natasha G. Jackson
Printed Name

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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 ¹NRS 171.102 and ²NRS 208.165. See ³28 U.S.C. 1746 and 18 U.S.C. 1621.

Dated this 29th day of March, 2021

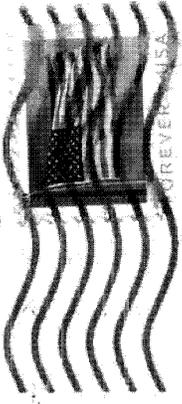
Yatashi A. Jackson
Signature

1188581
Nevada Department of Corrections ID #

¹ NRS 171.102
² NRS 208.165
³ 28 U.S.C.
§1746. Unsworn declarations under penalty of perjury
18 U.S.C.
§ 1621. Perjury generally

Natasha G. Jackson 1166581
4370 Smiley Ref
Las Vegas, NV 89115

LAS VEGAS NV 890
29 MAR 2021 PM 3 L



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

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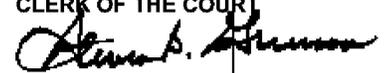
MAR 31 2021

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89155-450100



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**IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE
STATE OF NEVADA IN AND FOR
THE COUNTY OF CLARK**

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NATASHA G. JACKSON,

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Plaintiff(s),

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vs.

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STATE OF NEVADA,

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Defendant(s),

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CASE APPEAL STATEMENT

18

1. Appellant(s): Natasha G. Jackson

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2. Judge: Tierra Jones

20

3. Appellant(s): Natasha G. Jackson

21

Counsel:

22

Natasha G. Jackson #1188581

23

4370 Smiley Rd.

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Las Vegas, NV 89115

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4. Respondent (s): State of Nevada

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Counsel:

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Steven B. Wolfson, District Attorney

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200 Lewis Ave.

Las Vegas, NV 89155-2212

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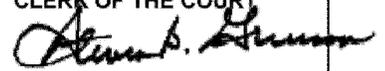
- 5. Appellant(s)'s Attorney Licensed in Nevada: N/A
Permission Granted: N/A
- Respondent(s)'s Attorney Licensed in Nevada: Yes
Permission Granted: N/A
- 6. Has Appellant Ever Been Represented by Appointed Counsel In District Court: No
- 7. Appellant Represented by Appointed Counsel On Appeal: N/A
- 8. Appellant Granted Leave to Proceed in Forma Pauperis**: N/A
***Expires 1 year from date filed*
Appellant Filed Application to Proceed in Forma Pauperis: Yes,
Date Application(s) filed: February 14, 2020
- 9. Date Commenced in District Court: February 14, 2020
- 10. Brief Description of the Nature of the Action: Civil Writ
Type of Judgment or Order Being Appealed: Civil Writ of Habeas Corpus
- 11. Previous Appeal: No
Supreme Court Docket Number(s): N/A
- 12. Child Custody or Visitation: N/A
- 13. Possibility of Settlement: Unknown

Dated This 1 day of April 2021.

Steven D. Grierson, Clerk of the Court

/s/ Heather Ungermann
Heather Ungermann, Deputy Clerk
200 Lewis Ave
PO Box 551601
Las Vegas, Nevada 89155-1601
(702) 671-0512

cc: Natasha G. Jackson



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NOTA
AMD LAW, PLLC
ALEXIS M. DUECKER, ESQ.
Nevada Bar No. 15212
8687 W. Sahara Ave. Ste 201
Las Vegas, Nevada 89117
Telephone: (702) 743-0107
Facsimile: (702) 796-4898
Email: alexis@amdattorneyatlaw.com
Attorney for Appellant

**DISTRICT COURT
CLARK COUNTY, NEVADA**

NATASHA G. JACKSON,
#1921058

Appellant,

vs.

STATE OF NEVADA,

Appellee.

Case No.: A-20-810845-W

C300032-1

Dept. No: X

NOTICE OF APPEARANCE

PLEASE TAKE NOTICE that ALEXIS M. DUECKER, ESQ., of AMD LAW, PLLC, hereby enters her appearance in the above-captioned case on behalf of Appellant, Natasha G. Jackson.

DATED this 6th day of April, 2021.

Respectfully Submitted:
AMD LAW



ALEXIS M. DUECKER, ESQ.
Nevada Bar No. 15212
8687 W. Sahara Ave. Ste 201
Las Vegas, Nevada 89117
Attorney for Appellant

AMD LAW

8687 W. Sahara Ave., Ste. 201

Las Vegas, Nevada 89117

Telephone: (702) 743-0107 Fax: (702) 796-4898

AMD LAW

8687 W. Sahara Ave., Ste. 201

Las Vegas, Nevada 89117

Telephone: (702) 743-0107 Fax: (702) 796-4898

CERTIFICATE OF SERVICE

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I hereby certify that on this 6th day of April, 2021, I electronically filed and served a true and correct copy of the foregoing NOTICE OF APPEARANCE to all registered users on this case in the Eight Judicial District Court Electronic Filing System.

By: /s/ Milica Bosnjak
An Employee of AMD LAW

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Writ of Habeas Corpus

COURT MINUTES

April 28, 2020

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

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. Attorney
State of Nevada 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 Defendant 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

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

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

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

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

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

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

PRESENT: 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

PRINT DATE: 04/26/2021

Page 6 of 7

Minutes Date: April 28, 2020

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

Certification of Copy and Transmittal of Record

State of Nevada }
County of Clark } SS:

Pursuant to the Supreme Court order dated April 20, 2021, I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, do hereby certify that the foregoing is a true, full and correct copy of the complete trial court record for the case referenced below. The record comprises one volume with pages numbered 1 through 122.

NATASHA G. JACKSON,

Plaintiff(s),

vs.

STATE OF NEVADA,

Defendant(s),

Case No: A-20-810845-E

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 26 day of April 2021.

Steven D. Grierson, Clerk of the Court



Amanda Hampton, Deputy Clerk

