

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

NATASHA GALENN JACKSON,
Appellant(s),

vs.

THE STATE OF NEVADA,
Respondent(s),

Electronically Filed
May 05 2022 09:28 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

Case No: A-20-810845-W

Docket No: 82727-COA

RECORD ON APPEAL VOLUME 2

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I N D E X

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5 DISTRICT COURT
6 CLARK COUNTY, NEVADA

7
8 NATASHA JACKSON,) CASE NO. A-20-810845-W
9 Plaintiff,) DEPT. NO. X
10 vs.)
11 THE STATE OF NEVADA,)
12 Defendant.)

13
14 BEFORE THE HONORABLE TIERRA JONES, DISTRICT COURT JUDGE

15 THURSDAY, FEBRUARY 11, 2021

16 **RECORDER'S TRANSCRIPT OF PROCEEDINGS:**

17 **ALL PENDING MOTIONS**

18 **APPEARANCES:**

19 For the Plaintiff: NATASHA JACKSON, Pro Per

20
21 For the Defendant: MICHELLE FLECK, ESQ.,
22 Chief Deputy District Attorney

23
24
25 RECORDED BY: VICTORIA BOYD, COURT RECORDER

1 Las Vegas, Nevada; Thursday, February 11, 2021

2 [Proceeding commenced at 2:01 p.m.]

3

4 THE COURT: We are going to go on the record in A810845,
5 Natasha Jackson versus The State of Nevada. Ms. Jackson is present.
6 Ms. Jackson is representing herself. Ms. Fleck is here on behalf of the
7 State.

8 Okay. So, Ms. Jackson, this is the date and time set to have
9 the evidentiary hearing regarding your petition for writ of habeas corpus.
10 The State has subpoenaed Ms. Craig and she is here as a witness. Are
11 you prepared to go forward?

12 MS. JACKSON: Yes, ma'am.

13 THE COURT: Okay. And would you like Ms. Craig to be
14 called as your first witness?

15 MR. JACKSON: Ma'am, I have no idea what is going on right
16 now, so sure.

17 THE COURT: Okay. Well, hold on. Before she gets called
18 then, let's just have some discussions. Ms. Jackson, you're
19 representing yourself --

20 MR. JACKSON: Okay.

21 THE COURT: -- so you're going to be your own lawyer
22 because there has not been counsel appointed in this case. So this is a
23 hearing because you filed a writ of habeas corpus saying that you
24 received ineffective assistance of counsel when you were represented
25 by Ms. Craig.

1 MR. JACKSON: Yes.

2 THE COURT: The State responded to that that they disagree
3 with that and we set it down for this evidentiary hearing, okay.

4 MR. JACKSON: Okay.

5 THE COURT: I believe Judge Herndon did that, so now we
6 are here. Judge Herndon wanted an evidentiary hearing in this case.
7 Judge Herndon is not here anymore and I took over all of his cases. So
8 this is the time set for the evidentiary hearing where I will make a -- I'm
9 going to make a decision as to whether or not you received ineffective
10 assistance of counsel.

11 MR. JACKSON: Okay.

12 THE COURT: Does that -- does that bring you up to speed?

13 MR. JACKSON: Yes, ma'am. That makes sense.

14 THE COURT: Okay. Ms. Craig is here, but because you are
15 your own lawyer, you're going to have to ask your own questions. I can't
16 give you any legal advice about what to ask her or anything like that, but
17 the State did subpoena her and they have her here.

18 MR. JACKSON: Okay.

19 THE COURT: Okay. So, Ms. Craig, if you can come to the
20 witness stand.

21 THE COURT CLERK: Please remain standing. Please raise
22 your right hand.

23 **CHRISTY CRAIG**

24 [having been called as a witness and being first duly sworn,
25 testified as follows:]

1 THE COURT CLERK: Please be seated.

2 THE WITNESS: Thank you.

3 THE COURT CLERK: Please state your name and spell it for
4 the record.

5 THE WITNESS: Christy Craig, C-H-R-I-S-T-Y, C-R-A-I-G.

6 THE COURT: Thank you very much.

7 Okay. Ms. -- Ms. Jackson, what would you like to ask Ms.
8 Craig?

9 DIRECT EXAMINATION

10 BY MS. JACKSON:

11 Q Ms. Craig, when it came it to the -- the investigation with the
12 witnesses, was there anyone who conducted a thorough investigation
13 and asked questions through witnesses?

14 A I don't recall off hand. I think Mr. Silverstein did that part of
15 the case. As you recall, Mr. Silverstein was your original attorney. I
16 joined the case a couple of years in. I can look at the notes and see, but
17 we often don't reach out to the alleged victims. But I -- it's just not
18 something that I participated in.

19 Q Okay. So when -- when it comes to gaining the discovery,
20 when those forensic evidence to be looked at and the witness
21 statements, should it be kind of corroborated if -- if they're saying one
22 thing and then the forensic evidence says something different? Should
23 it kind of be investigated by you?

24 A Well, we review the discovery, we review the forensic
25 evidence and we review the witness statements and compare them to

1 one another. If there are issues, we pursue those issues. I do not recall
2 finding any significant concerns with witness statements versus forensic
3 evidence.

4 Q Okay. Well I recall for one instance one of the witnesses
5 stated that I quote, beat her in the head with a large object 20 times, but
6 the lady had no marks or bruises on her and the -- and the object that
7 she stated was a large object bowl [sic] cutter, so do you believe as -- as
8 a lawyer that she would have been able to stand there and say that
9 statement after I beat her in the head with it 20 times?

10 A So how that works and I know we discussed because I have
11 notes about that is that that would be the subject of cross examination.
12 So you would get them to say all of those things and then argue to the
13 jury that it's not believable.

14 Q Okay. So when I asked you many times to go to trial with this
15 because I didn't do those things, why did you tell me it wasn't a good
16 thing?

17 A Well there were a lot of reasons why I didn't think it was a
18 good thing. One of the reasons is because you were there, because
19 you participated in the crime along with Cody. So it wasn't as if we
20 could say you weren't there. I did not think that we could get away with
21 successfully saying that you were coerced because of the letters and the
22 other documents that described your relationship with Cody. They have
23 enough witnesses to put you at the scene and participating that I didn't
24 think any of that would be successful.

25 Q Okay, ma'am. There's a difference between participating and

1 being with someone while they make a decision and you're there.

2 A So --

3 Q The whole time I never participated and I stated that many,
4 many times.

5 A -- we also had --

6 Q Okay. So --

7 A -- many, many discussions about the problem with being
8 charged as a co-conspirator. We talked about it. I've got lots of notes
9 where I explained to you and I sent you the jury instructions so that you
10 could see what this jury would be instructed as to the law on conspiracy.
11 It was my belief and it's still my belief that if you had gone to trial, you
12 would have been convicted as a co-conspirator.

13 MS. FLECK: Judge, if I could and I'm not sure if Ms. Jackson
14 remembers this, so if the Court is aware either, I just wanted to remind
15 everybody that the -- the Judge had previously ruled that there would
16 only be two issues that were relevant for today's purposes. And those
17 are whether or not Ms. Craig has properly instructed Ms. Jackson --

18 THE COURT: Mm-hmm.

19 MS. FLECK: -- as to her guilty plea.

20 THE COURT: Right.

21 MS. FLECK: And then the other was regarding her desire to
22 file a direct appeal that Ms. Jackson somehow feels she was unable to
23 do or not successful and because of Ms. Craig. So I wanted to remind
24 Ms. Jackson also that those were really the two issues --

25 THE COURT: Right.

1 MS. FLECK: -- that we're going to be focused on. I'm not
2 really objecting. I would imagine -- you know, I'll just submit it to the
3 Court as to her leeway on that, but those are really the only two issues
4 that are relevant.

5 THE COURT: Right. And I know that Judge Herndon said
6 that those are the two issues that we're going to discuss. However, I
7 believe Ms. Jackson is getting to that and I'm going to allow Ms. Jackson
8 some leeway because she's not a lawyer. But I do believe that she's
9 getting to that with -- because Ms. Jackson's issue with this guilty plea
10 agreement is that she did not believe that the case had been
11 investigated thoroughly so it was because of that that she took the deal
12 where as she felt like she should have gone to trial; is that correct, Ms.
13 Jackson?

14 MR. JACKSON: That is absolutely correct, Your Honor. And I
15 do apologize for my inexperience. Obviously, I'm not a lawyer and --

16 THE COURT: Okay.

17 MR. JACKSON: -- I did not know what to expect today.

18 THE COURT: Right.

19 MR. JACKSON: So I apologize to everyone, you know, for my
20 inexperience. But I am getting to that, yes.

21 THE COURT: No. And that's -- and that's why I believe that
22 you're headed, but I do want to remind you, Ms. Jackson, that those are
23 the two issues that we're visiting today is the issue of you -- the advice
24 you received entering into that guilty plea agreement and whether or not
25 you were denied the right to file a direct appeal.

1 MS. JACKSON: Okay.

2 THE COURT: Okay.

3 MS. JACKSON: Yes, ma'am. May I continue now?

4 THE COURT: Yes, ma'am.

5 MR. JACKSON: Okay.

6 So, when I -- when I reached the prison after signing the deal,

7 okay, yes, Ms. Craig did -- she showed me certain things that she

8 believed I should have known --

9 THE COURT: Okay. Ms. Jackson --

10 MS. JACKSON: -- but one thing she --

11 THE COURT: -- Ms. Jackson, I'm going to stop you, okay.

12 You're going to get an opportunity to make an argument, but right now is

13 the opportunity if you want to ask Ms. Craig any questions because Ms.

14 Craig is actually here taking a break from a jury trial to do this today, so

15 can you just ask her questions and then you will get an opportunity after

16 you finish questioning her and the State has finished questioning her,

17 you will absolutely have an opportunity to make an argument on behalf

18 of yourself. But right now you're just making statements. Right now this

19 is the time for you to ask Ms. Craig any questions you have of her.

20 MS. JACKSON: Okay.

21 THE COURT: Okay.

22 MS. JACKSON: Okay, ma'am. Okay.

23 Ms. Craig?

24 THE WITNESS: Yes.

25 BY MR. JACKSON:

1 Q Okay. So when I -- when I reached prison and I wrote you
2 letters about my direct appeal, about how you can help me, about --
3 about the discovery, about anything, while I was writing to you, why did
4 you never respond?

5 A Because I didn't receive a letter.

6 Q Okay. So after I spoke with all of -- all four of your supervisors
7 and I received statements from them, they all received my letters, how
8 come I still never received anything from you?

9 A I wrote you I think twice after you were at the prison. I have
10 copies of the letters where we were sending you the documents that you
11 requested. We sent a variety of documents. I had to pull the boxes and
12 scan them. That's what I recall the discussion with the other people in
13 my office about you were concerned that you weren't getting all of the
14 discovery that you requested. That's what the letters were about that I --
15 that I received.

16 Q Yes, ma'am. I -- I wrote to you, but I never received anything
17 back. However, the prison has documents of everything that comes in
18 and you stated that they were going to be five boxes. I only received
19 three. I have -- I have proof of those three from the prison, but I never
20 received anything from you still to this day. And I would just like to ask,
21 why?

22 A Well, the boxes that you received were from me. So you did
23 receive things from me. If I overestimated the number of boxes, I
24 apologize. As we copy the documents, we place them in containers and
25 sent them to you. Those all came from me.

1 Q Why did I have to go through four different supervisors to
2 receive them after a two-year period, Ms. Craig?

3 A I don't know.

4 Q Okay. Ms. Craig, do you believe in your heart that you were
5 an adequate representation for me?

6 A As I recall, when -- and my notes indicate that when we met
7 and when I got your case in August of 2016, I had a very frank
8 discussion with you about what I thought would happen in your case.
9 And I was gravely concerned that you could be sentenced to life without
10 the possibility of parole. You were a young woman and I did not think
11 you deserved life without the possibility of parole. It was my opinion that
12 the primary instigator in your case was Cody, but he's dead. And he
13 died at the time of the incident. And I was afraid that if you went to trial
14 as the only defendant that it would be held against you and you would
15 end up with a life without the possibility of parole.

16 The facts in your case were -- were -- were extraordinarily
17 difficult. You know, a family lost their father who did nothing but open
18 the door to someone who was knocking on his door. People were going
19 to be very sympathetic to the family who lost a father for no particular
20 reason. And I was worried, gravely worried that the jury would hold that
21 against you.

22 I did not think that we could win and that I thought if you were
23 convicted, it would be a life without the possibility of parole and I didn't
24 want that for you. That was our discussion in August of 2016. We
25 talked about post-conviction relief. We talked about appellate issues. I

1 wanted you to consider doing what it would take so that you could
2 actually have the right to parole someday.

3 Q So my question was you feel that you were an adequate
4 representation for me?

5 A Did you get life with the possibility of parole?

6 Q No. But I got 35 years with life.

7 A With the possibility of parole. So the answer is yes. I think I
8 did good work in your case and you have a result that was the best that I
9 thought we could hope for.

10 Q Okay. Did you ever speak to Mr. Curtis Brown about me?

11 A I'm sure I did. We talked about all the cases that we had and -
12 - and I had your case for a significant chunk of time.

13 Q So did you receive a letter that I wrote on April 5th of '19 to Mr.
14 Curtis Brown about you?

15 A No. I'm sure -- I don't believe he shared that with me.

16 Q Okay. I have that.

17 A Okay.

18 Q Can you also -- did you have a letter from Melissa Navarro on
19 -- on 7/31/19 that I wrote about you?

20 A No.

21 Q Okay. I have that one.

22 A Okay.

23 Q Have you talked to Mr. -- I'm sorry. I can't remember his
24 name, but he was another supervisor of yours and I wrote to him as well.
25 Like I just don't understand how all these people received these letters,

1 but you never did. And you never -- you may have copies of the letters,
2 Ms. Craig, but I never received them.

3 A Okay.

4 Q And I would have had -- I would have had confirmation that
5 they came through the prison had you really -- really mailed them.

6 A Okay.

7 Q Thank you, Ms. Craig.

8 A You're welcome.

9 THE COURT: You have any further questions, Ms. Jackson?

10 MR. JACKSON: No, ma'am. I do not.

11 THE COURT: Okay. Ms. Fleck.

12 MS. FLECK: Thank you.

13 CROSS EXAMINATION

14 BY MS. FLECK:

15 Q Okay. Ms. Craig, you were not Ms. Jackson's first attorney; is
16 that correct?

17 A I was not.

18 Q Who was his first attorney?

19 A Dan Silverstein.

20 Q So I think you said it was August of 2016 then that you came
21 on to Ms. Jackson's case; is that fair?

22 A It was somewhere in that timeframe.

23 Q And in the first meeting that you had with her, had you
24 reviewed all of her discovery?

25 A Yes.

1 Q Read the statements that were available and any police
2 reports that were available, any forensic reports that were available;
3 fair?

4 A Yes. As well as a writ that Mr. Silverstein had taken all the
5 way to the Nevada Supreme Court, so I had all those documents.

6 Q Okay. Fair. This was in litigation before you even got on the
7 case?

8 A That's accurate.

9 Q Now when you first meet a client, say -- let's just say
10 generally, will you start to discuss what you think the plusses and
11 minuses are for them in that case?

12 A Not in a murder case when they're first arrested. I don't do
13 that for a significant chunk of time because we're still getting the
14 documents, that sort of thing, and I'm establishing a relationship, and
15 we're reviewing. But her case had been around for a couple of years at
16 that point. So she had already had a couple of years with Mr.
17 Silverstein. She had had talks with him about her case. So it wasn't like
18 she had just been arrested the night before and was still under the
19 trauma of the arrest.

20 Q By --

21 A So we had a very frank discussion in August of 2016.

22 Q Okay. So by the time you meet with her, you're already
23 comfortable discussing what you believe to be the strengths and
24 weaknesses of her case?

25 A That's accurate.

1 Q And were you also able to discuss with her what you believed
2 to be a range of punishment that she would likely face?

3 A Yes.

4 Q Okay.

5 A I was very specific.

6 Q Okay.

7 A I -- I thought the best possible scenario and my notes indicate
8 that -- that the best possible outcome for her that I thought we could get
9 would be a 35-year minimum sentence. And that's only if it -- everything
10 went smoothly and the DA's agreed and I wasn't sure I could do it. But
11 that I was gravely concerned about the life without the possibility of
12 parole.

13 Q So before really you get into the case, you have already come
14 up with a number based upon your experience with how many years --
15 at that point how many years have you been a defense attorney?

16 A Probably around 20.

17 Q So you had already come up with a number in your mind that
18 you thought would be maybe a starting point of -- of, you know, talking to
19 Ms. Jackson about, hey, this might be a realistic here?

20 A Correct.

21 Q Okay. And did you also have an opportunity at that first
22 August meeting to discuss with her possible plea, meaning not
23 necessarily an offer that had come from the State, but what it means to
24 plead --

25 A Yes.

1 Q -- what a plea negotiation looks like, things like that?

2 A Yes. In fact, I prepared a blank guilty plea agreement so that
3 she could look at it. And I told her that there is no deal on the table, they
4 haven't offered you a single thing, but I don't want you to feel pressured.
5 Because sometimes it can happen at the last minute, so I want you to
6 have plenty of time to read this guilty plea agreement, ask me questions,
7 think about it. And so I gave her a blank guilty -- so that, you know, the
8 first page usually has the negotiations in it. That part was just blank.
9 Everything else was a standard guilty plea agreement language and we
10 -- we talked about that.

11 I also always talk about post-conviction relief and appellate
12 issues at that time. And I explain to them that how post-conviction
13 works and I recommend that they take notes. That it does not hurt my
14 feelings if they want to say later that I didn't do something that they
15 wanted, but they needed to have specifics and be able to point to it. So
16 I recommended that time that she start keeping notes for post-conviction
17 relief.

18 Q Okay. So her -- Ms. Jackson's plea was ultimately filed on
19 September 12th of 2017. So for approximately a year, she had the
20 standard language within a guilty plea agreement explaining what that
21 document means?

22 A That's accurate.

23 Q And what is it that you told her about a direct appeal, about
24 what her responsibilities would be if she wanted to file a direct appeal?

25 A Well back in -- in August of 2016, I probably would not have

1 been very specific about the timeframes. I would have told her that
2 there are very specific timeframes for both post-conviction relief and for
3 direct appeals. I explained -- I don't -- I don't really -- I mean my notes
4 indicated that I talk about PCR and appellate issues. So typically what I
5 do is I explain what post-conviction relief is. I explain what appeals are.
6 And I tell them that they have a duty to do this, but if they're going to
7 blame -- if they're going to say that their lawyer was ineffective, they
8 have to make those arguments and there's a timeframe within which to
9 do it.

10 Q Okay. And, of course, one of the arguments that they can
11 make for post-conviction is that you didn't explain their plea to them
12 properly?

13 A That's accurate.

14 Q And another topic that they could bring up is that you didn't
15 explain their -- the appellate process well enough?

16 A Yes.

17 Q But during that particular meeting, you discussed both -- both
18 of those things?

19 A That's what my notes indicate. And I typically have a fairly in
20 depth discussions specifically about PCR almost always just tell them to
21 take notes and keep track.

22 Q What is a defendant's responsibility with just regards to direct
23 appeal?

24 A Well they have to -- they have to say they want it and --

25 Q And what's their timeframe that they have to do that in?

1 A Oh my goodness, I don't remember off hand. I'm so sorry.

2 Q Okay. Did you indicate to Ms. Jackson that she had the

3 responsibility though to indicate that she would want a direct appeal?

4 A Yes.

5 Q And, in fact, she testified today that she contacted your office

6 post-conviction to talk about the direct appeal?

7 A Yes. Post-conviction.

8 Q She asked -- she said today that she --

9 A She was already in prison.

10 Q -- she's already in prison --

11 A Correct.

12 Q -- and she called and she asked about direct appeal?

13 A Yes.

14 Q So you got the impression that day that she understood it was

15 her responsibility?

16 A Yes.

17 Q And later she kind of corroborates that by actually calling to

18 discuss the direct appeal herself?

19 A Yes. That's my understanding.

20 Q Okay. So after that meeting, then do you continue kind of

21 starting or continuing representing her and starting negotiations with the

22 State or discussions with the State about potential negotiations?

23 A Yes. I did. Yes. That's exactly right.

24 Q And are there -- were there a number of status checks for the

25 case with both sides agreeing that they were hoping to continue? I

1 mean -- I'm sorry -- hoping to resolve the case?

2 A Yes.

3 Q I note on February 7th -- 15th of 2017, do you recall on that
4 date being in Court and saying, requesting more time and saying, these
5 are fairly -- it's a fairly complicated offer, you need to discuss it further
6 with the defendant?

7 A Yes.

8 Q Okay. And then on March 28th of 2017, did you, in fact, devise
9 a memo where you made some notations about your relationship with
10 Ms. Jackson and what your feelings were about where she was in the
11 negotiation process?

12 A I actually went to see her in the jail and the memo was a
13 reflection of our discussions in the jail in March of 2017.

14 Q So what was your goal in meeting with her at that March
15 meeting?

16 A Well she had sent me a letter complaining about my
17 representation. She complained that she had -- there had been no
18 motions, writs or motions in limine filed, no Brady motion had been filed.
19 She was concerned that -- about the -- the conspiracy liability and what
20 that meant to her because she didn't think she had any responsibility.
21 She didn't hurt anybody. So she shouldn't have been found guilty. She
22 had raised those questions in a letter. And I had been trial most of
23 March. So this was my first opportunity to go and see her.

24 I sent her a copy of every motion, writ, everything that had
25 been filed in her case. I printed out a set of jury instructions that cover

1 conspiracy, liability, case law and conspiracy, minutes from the
2 discovery motion hearing because discovery motion had been filed, a
3 copy of the writ, a copy of the indictment, the Nevada Supreme Court
4 denials. And I -- I don't remember if I mailed the documents to her at the
5 jail or if I hand carried them over with the letter attached. But then I went
6 to see her at the jail and we had a very long discussion.

7 Q And was one of the things that you discussed hope -- her
8 having hope versus no hope?

9 A I think those were my words. That was -- that referenced back
10 to one of the earlier talks that she and I had had and I think I noted it in
11 my August notes, the August of 2016 that -- that that's how I saw her
12 case. It was either going to be a life with or a life without. It was going
13 to be hope versus no hope. And my goal was to make sure that she had
14 some hope in her future. So I think those -- those -- that was my way of
15 phrasing our discussion.

16 Q So again, lots of talk during that meeting about potential
17 negotiations again with your goal being to help her to see the
18 importance of a potential negotiation?

19 A Are you talking about March or August of 2016?

20 Q March.

21 A March of 2017 was more answering questions that she had,
22 making sure she had the answers that she needed, providing her with
23 the underlying information to help her make a decision. She still had the
24 guilty plea all that time and it was -- it was a lot. It was like going
25 through the entire trial process in a meeting.

1 Q Okay. Then a couple of months later -- a few months later in
2 June, again, another status check and at that time you indicated that Ms.
3 Jackson at that point was inclined to decline the offer, but she wanted to
4 speak more with her family; is that fair?

5 A That is true.

6 Q And that's customary; right --

7 A Yes.

8 Q -- for defendants to want to talk with their loved ones?

9 A It is.

10 Q And ultimately, whose choice is it whether or not to take a plea
11 in a case?

12 A It's hundred percent the defendant's choice.

13 Q There's a number of things that are an attorney's sole
14 responsibility or they can take the lead in; fair?

15 A That is true.

16 Q And while you can recommend a negotiation, it is 100 percent
17 upon the defendant and that will always remain solely their right of
18 whether or not to plea?

19 A That's true. And I think that's evident in this case because
20 she had from 2016 to mid-2017 to make up her mind.

21 Q Okay. But she wanted to speak with her family, and, of
22 course, that's something we would encourage; fair?

23 A She did.

24 Q Okay. Now then in June that same month, did you meet with
25 Ms. Jackson from what I found it to be I think the fifth time with Wil

1 Ewing from your office?

2 A I did.

3 Q And what was the point of having a meeting with Mr. Ewing?

4 A Well he was now co-counsel because Mr. Silverstein had left
5 and because of the nature of the case, they always assign two of us to
6 represent someone, so I brought him with me.

7 Q And again, did you talk at that meeting about how her ultimate
8 goal or your goal that you would hope for her would be that she would
9 be parole eligible and not be exposed to life without the possibility of
10 parole?

11 A Yes.

12 Q Then going forward then to September 12th of 2017, that is the
13 day that the defendant ultimately decided she was going to plead guilty;
14 fair?

15 A Yes. And there's no question that was a really hard decision
16 for he and I understood it.

17 Q Absolutely. And that -- there was hearing in front of a Judge.
18 At that time, it was Judge Herndon?

19 A Yes.

20 Q And the Judge asked Ms. Jackson a number of questions
21 about whether or not she wanted to take the plea and whether she was
22 pleading out of her own free will whether she understood?

23 A Yes.

24 Q Have you reviewed that transcript?

25 A Not in many years.

1 Q Okay. But at -- well you were there?

2 A I was there.

3 Q At any point did she indicate to you privately something we
4 may not have seen on the transcript that she didn't understand the plea?

5 A No.

6 Q Okay. And certainly in the transcript and what she told Judge
7 Herndon is that she understood everything that she was pleading to and
8 that she didn't have any questions?

9 A That's accurate.

10 MS. FLECK: And, Your Honor, I know you have a copy of that
11 transcript, but if not, I can bring it to you if you'd like.

12 THE COURT: I was -- I don't see it in Odyssey; when was it
13 filed?

14 MS. FLECK: It was -- the -- it was filed on March -- well,
15 sorry. Actually, that's the date that it was -- yeah, March 12th, 2020.

16 THE COURT: Oh, okay. They titled it regarding -- the hearing
17 regarding the murder team assigned, that's why.

18 MS. FLECK: Oh, yeah. That's what it is.

19 THE COURT: Okay. So that's --

20 MS. FLECK: Okay.

21 THE COURT: -- okay. I see it. I have it.

22 MS. FLECK: Thank you.

23 Okay. And then after the fact in the next day, week, few
24 weeks before Ms. Jackson is transported up to prison, did you get any
25 correspondence from her or calls from her wanting to talk to you about

1 her plea?

2 THE WITNESS: Not about the plea, but I knew that she
3 wanted her discovery. And I think we sent the first couple of boxes in
4 December of 2017.

5 BY MS. FLECK:

6 Q Okay. Would that have been still down here in CCDC or
7 would that have been up to NSP?

8 A I believe they went to Florence McClure. But I'm not sure
9 whether we sent them to the jail first and then they went over or -- that's
10 just not clear to me.

11 Q Okay. Now talking then about post-conviction, you do recall
12 that she was -- she contacted your office requesting documents; fair?

13 A Yes.

14 Q And first you thought five, then you remember three, but
15 regardless, everything that you had access to, did you make a copy of
16 for Ms. Jackson?

17 A I believe we did it multiple times because she called back and
18 said that she hadn't gotten somethings, so I had all the boxes brought
19 back out again and did it again.

20 Q And you think that that was in -- that that was in December?

21 A Well originally we sent some documents in November of 2018.
22 Then we sent some more November 27th of 2018. And then it looks like
23 I did it again in 2019.

24 Q And that was at her request?

25 A At her request, yeah.

1 Q Okay.

2 I have nothing further.

3 THE WITNESS: Thank you. I mean -- sorry.

4 THE COURT: It's been a long week.

5 THE WITNESS: Yeah.

6 THE COURT: Ms. Jackson, do you have redirect for Ms.

7 Craig?

8 MS. JACKSON: Yes, ma'am.

9 THE COURT: Okay. What would you like to ask?

10 REDIRECT EXAMINATION

11 BY MS. JACKSON:

12 Q Regarding the letter that you said that I -- I sent to you, I have
13 the letter here and it states that I said that as a result I have no appeals
14 because you did not inform me of any plans of action. Because when I
15 went to -- when I got to prison, I have to check out in the law library
16 about my appeals. So what I'm saying is as a lawyer, as an attorney,
17 we as laymen don't understand all that law jargon and all that stuff, so I
18 don't believe that you adequately explained it to me because had you --
19 had you done that, I would have been more adamant to go to trial, Ms. --
20 Ms. Craig. You made me believe that I had no hope that it was --
21 excuse me -- you made me believe that I had no choice.

22 And when it came to negotiations, you only told me that they
23 were going to offer me the 35 years and that never changed over a
24 three-year time period. So won't the negotiation be two people coming
25 to an agreement on a certain amount of time as opposed to you just

1 telling me this is what they're going to offer me and then me take it?

2 A So, Ms. Jackson, when we first met in August and we had that
3 discussion, I told you what I hoped would happen with regard to the
4 negotiations. It took me a long time of talking to the District Attorney to
5 get them to agree because they were opposed. They said let's go to
6 trial because they thought they could very easily get a life without and I
7 was afraid that that was true.

8 I pressed them and pressed them and pressed them for a very
9 long time to get them to consider allowing you the right to have the
10 possibility of parole in your future. So --

11 Q But you say ultimately -- excuse me -- you say ultimately it is
12 my decision; correct?

13 A That's true.

14 Q I didn't feel that you gave me that choice.

15 A I'm sorry --

16 Q You forced me.

17 A -- you felt that way. I'm sorry you felt that way.

18 Q You forced me to do it. It was not my choice.

19 A Ms. Jackson, as I recall, I said to you have a choice between
20 awful and really awful. And I understand it and I know it's a terrible
21 place to be, but that's the place that you are. And you had to choose
22 between two very, very bad things. I couldn't make that better.

23 And I can't change the fact that you feel like you were under
24 that pressure because you were under that pressure, but that's not my
25 doing.

1 Q It was your decision though is what I'm saying. You decided
2 that for me.

3 A Okay.

4 Q If it's ultimately --

5 THE COURT: Ms. Jackson.

6 MS. JACKSON: -- my decision --

7 THE COURT: Ms. Jackson, you can ask her a question.

8 When you get ready to argue your case, you can argue your case. But
9 you can't stand here and yell at Ms. Craig. You can ask her any
10 questions that you feel like you want to ask her and then when it's your
11 turn to argue, I'll let you argue.

12 MS. JACKSON: I apologize, Judge. Your Honor, I apologize.
13 I'm very emotional right now and I do apologize.

14 So, Ms. Craig, you're stating that you told me all about post-
15 conviction prior to being convicted?

16 THE WITNESS: In August 5th of 2016 we had that discussion.
17 It wasn't the only discussion we had that day, but it was one of them.

18 BY MS. JACKSON:

19 Q So if -- if your -- if my best interest was in your heart, why
20 didn't you after -- after the conviction, why didn't you answer my letters
21 or respond to any of my phone calls to help me?

22 A I did not get a letter asking for help on direct appeal. I got
23 letters asking for your documents which we sent out to you.

24 Q Well the Court has the letters, the Clerk of Courts has the
25 letter that I sent to you, the documents, everything. Thank you.

1 THE COURT: Okay. Any follow-up, Ms. Fleck?

2 MS. FLECK: I did have something. Court's indulgence.

3 RECROSS EXAMINATION

4 BY MS. FLECK:

5 Q Ms. Craig, another typical offer is what the State says is right
6 to argue; is that fair?

7 A Yes.

8 Q And does that mean that a sentence is left open so that the
9 State could argue for one thing and the defense could argue for
10 another?

11 A Yes.

12 Q If Ms. Jackson had pled to something like a first degree
13 murder, right to argue, would that have exposed her to life without the
14 possibility of parole?

15 A Yes.

16 Q So certainly going to trial was one way she could have gotten
17 that, but a typical offer from the State is to leave it open so that the State
18 can argue, but the defense has an opportunity at least to argue for life
19 without?

20 A That's -- that's true.

21 Q And -- I'm sorry -- life -- life with the possibility of parole. In
22 this case, you were actually went one step further where you were able
23 to not -- you were able to preclude the State from even arguing for that?

24 A That's correct because I was worried it would happen.

25 Q And -- and it -- and that's what the State did, that our goal is to

1 at least leave an argument open, but we will allow the possibility that the
2 defense argues also and that we'll give the Judge the discretion then to
3 make the final ruling.

4 A And the facts in this case were very compelling and could
5 have -- I think they would likely have exposed her to a life without the
6 possibility of parole.

7 Q Okay. Thank you. I have nothing further.

8 A Sure.

9 THE COURT: Okay. Thank you very much, Ms. Craig.
10 Thank you for your testimony here today.

11 THE WITNESS: You're welcome. Thank you.

12 THE COURT: State, do you have any more witnesses?

13 MS. FLECK: No. I don't, Your Honor. Thank you.

14 THE COURT: Okay. Okay. Ms. Jackson, now the time has
15 come for you to make your argument; what would you like to say?

16 MS. JACKSON: Your Honor, Ms. Craig was the second chair
17 with Mr. Silverstein the entire time, from the first time I met him. So she
18 had -- she had knowledge of everything that was going on. And I just --
19 and then once he left, you know, he -- he was definitely the primary
20 lawyer in it, but she was still there. And once he left, I feel that she just
21 dropped the ball on me and didn't do anything.

22 And when it came to an investigation, there just simply wasn't
23 one. She said she doesn't remember anybody doing one because there
24 wasn't one. Nobody did it.

25 And another thing about the -- the plea agreement, you know,

1 these lawyers or these Public Defenders, they just have the knack for
2 showing you what they want you to see instead of going through it all.
3 And granted, you know, she may have believed that she was just
4 pointing out things that I should have known or she thought I should
5 have known, but ultimately it wasn't my decision. She made a decision
6 for me. And she made it -- she made me feel like I had no choice.

7 And all the letters I wrote her, I have those letters right here. I
8 have all the letters to her supervisors and all -- all the phone calls and
9 everything. That lady never -- never called my mom, never once replied
10 to me at all. She left me to die in that prison.

11 And now I have to go through hell, excuse me, to just try to
12 get someone to hear me and -- and go through the paperwork because
13 there's so many discrepancies in there that just don't add up and I'm not
14 a lawyer, but somebody should have seen him, Your Honor.

15 And I apologize for being emotional, but unfortunately I waited
16 so long for this day and I was -- obviously I'm unprepared because I
17 didn't know what to expect and, you know, the prison they don't know. I
18 have to get someone to -- to sign on what I should -- what I can and
19 cannot bring with me, so I honestly didn't know what I could bring. So I
20 brought what I thought I could. So I'm unprepared, Your Honor.

21 And all I can tell you is that I'm -- I'm happy to be here right
22 now to say my side, but I just -- I'm unprepared, Your Honor. And all I
23 can do is tell you the truth that I -- I was not -- I was blindsided and I was
24 under a lot of stress. I was under the influence of many drugs that was
25 given to me by the facility. I've been off of those for two years now. And

1 I'm clear headed and I'm ready to fight this no matter what I have to do
2 because I don't believe I deserve it.

3 THE COURT: Okay.

4 MS. JACKSON: And that's all I have to say.

5 THE COURT: Thank you, Ms. Jackson. Ms. Fleck.

6 MS. FLECK: Thank you. So, Judge, I'm just going to focus in
7 on the two issues that are at hand and one is the plea. As you know,
8 the defendant's decision to plead is ultimately her choice and that's what
9 Ms. Jackson did. I understand and I don't discredit how she's feeling
10 emotionally in terms of being sad about it, but it doesn't mean that it
11 wasn't free and voluntary negotiation --

12 MS. JACKSON: Ma'am --

13 MS. FLECK: -- and that it wasn't --

14 MS. JACKSON: [indiscernible]

15 MS. FLECK: -- an intelligent --

16 THE COURT: Ms. Jackson. Hold on just one second. Ms.
17 Jackson, she didn't interrupt you. You don't interrupt her. You be quiet -
18 - MS. JACKSON: I'm sorry. I didn't --

19 THE COURT: -- while she's speaking.

20 MR. JACKSON: -- I didn't realize it was loud.

21 MS. FLECK: But it doesn't mean that it wasn't a valid plea.
22 She was thoroughly canvassed by Judge Herndon. She answered that
23 she understood that she did not have any questions. She didn't indicate
24 to Ms. Craig during the canvassing that she had any questions or
25 directly thereafter. Even in a couple of weeks after indicate that she had

1 any issues with her plea.

2 She was given many, many opportunities. This case was
3 continued close to like I think a dozen times in order to be able to
4 answer all of Ms. Jackson's questions in order to put her issues at rest in
5 order to give her time to speak with her family. And I think that, you
6 know, all parties did honor her in that way in order to get to the point that
7 when she pled, she was comfortable doing so.

8 So I don't think that she's met her burden today in any way of
9 proving that this case -- I'm sorry -- that the plea was in some way
10 invalid, same with the post-conviction. You heard the testimony from
11 Ms. Craig that she did indicate to her not only that it was going to be her
12 responsibility, but went so far as to tell her, listen, this will be your
13 responsibility, so please take notes.

14 And when she got up to prison, she started contacting the
15 PD's office immediately before she, you know, started lodging her
16 complaints about Ms. Craig. She even was contacting in order to get
17 documents, in order to get her discovery, and this went all the way
18 through years until she was able to get full boxes. But I think that the
19 record is clear that she understood what her responsibilities were and
20 that does not fall on the shoulders of Ms. Craig.

21 With that, I'll submit it to your discretion.

22 THE COURT: Okay. Ms. Jackson, you have the last word;
23 anything else you want to add?

24 MS. JACKSON: Your Honor, the truth of the matter is I didn't
25 receive any information about what I should do from Ms. Craig or -- or

1 the Public Defender's Officer or anybody of legal status whatsoever. I
2 learned it on my own through the law library and through quote on
3 quote, prison lawyers, you know. So I -- I -- yes, I filed my first motion
4 within 90 days of being in prison because I was under a time restraint
5 which was one year from my JOC and I'm not a procrastinator, so I like
6 to just get it started.

7 And, you know, that's it. I didn't learn anything from Ms.
8 Craig. I learned it all on my own.

9 THE COURT: Okay. Hold on just one second.

10 [Pause in the proceedings]

11 THE COURT: Okay. Well, I mean, this is the situation we're
12 facing. Ms. Jackson, this is the situation where you filed a writ, so you
13 have the burden in this case. And I'm here to determine what evidence
14 was presented to support the two charge -- the two allegations for which
15 Judge Herndon determined that there needed to be an evidentiary
16 hearing.

17 In the first allegation as well, whether or not you were forced
18 into entering this guilty plea. And I have to say I absolutely agree with
19 the State. I don't doubt for one second that this is very emotional. I
20 don't doubt for one second in getting prepared for this hearing and
21 reading about this case that everything that has led you up to this point
22 has been very emotional.

23 However, with the evidence that's before me, the evidence
24 before me is you had more time to consider your guilty plea than
25 probably anybody you could even ask inside the prison. It is a very rare

1 occasion that someone has six months or possibly up to that time with a
2 guilty plea agreement to contemplate an offer. In my experience, most
3 DA's put an offer on the table for a week or two and if that offer is not
4 accepted, that offer is rejected. So you had a substantial period of time
5 to consider this plea.

6 I also reviewed the plea canvass between you and Judge
7 Herndon and every question that was asked by you of Judge Herndon
8 you indicated that you understood what was happening and that you did
9 not have any questions for him. So Judge Herndon was left with the
10 idea that you knew what was happening and that's the evidence that is
11 before the Court.

12 So in regards to the claim that you did not freely and willfully
13 and lawfully enter into this guilty plea agreement, that claim is denied.

14 In regards to the claim that Ms. Craig did not give you the
15 opportunity to do a direct appeal, the evidence that is before the Court
16 today is that you were advised that that was completely your
17 responsibility. I also show that by February 27th of 2018 which was
18 approximately three months after you were sentenced, the PD was not
19 even your attorney of record anymore. You were completely on your
20 own and you had received boxes of discovery in your case that was
21 presented to you.

22 So those claims are -- that claim is also belied by the record
23 and because of that that claim is also denied.

24 So the petition for writ of habeas corpus is denied.

25 State, you are to prepare a finding of facts, conclusion of law

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that is consistent with the Court's ruling.


MS. FLECK: Thank you.

THE COURT: Thank you very much.

[Proceeding concluded at 2:47 p.m.]

* * * * *

ATTEST: I do hereby certify that I have truly and correctly transcribed the audio/video proceedings in the above-entitled case to the best of my ability.



Michelle Ramsey
Court Recorder/Transcriber

Certification of Copy and Transmittal of Record

State of Nevada }
County of Clark } SS:

Pursuant to the Court of Appeals order dated April 12, 2022, 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 supplemental trial court record for the case referenced below. The record comprises volume two with pages numbered 123 through 156.

NATASHA G. JACKSON,

Plaintiff(s),

vs.

STATE OF NEVADA,

Defendant(s),

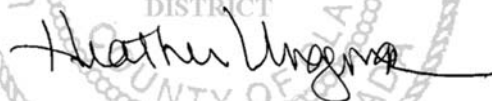
Case No: A-20-810845-W

Dept. No: X

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
This 5 day of May 2022.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk

