

FILED

JUL 25 2023

Mr. Mack Mason
Northern Nevada Correctional Center
P.O. Box 7000
Carson City NV. 89702

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY: Maria Miles
DEPUTY CLERK

IN THE SUPREME COURT OF THE STATE OF NEVADA

Mr. Mack Mason)
Plaintiff/Petitioner)
Appellant,)
vs)
8th Jud. Dist. Court)
Defendant/Respondent)

Case No. 86550

AC Case # A862342; C-161426

Motion for

Appointment of Counsel

(Pursuant to NRS 34.750)

Appellant, Mr. Mack Mason, pursuant to NRS 34.750

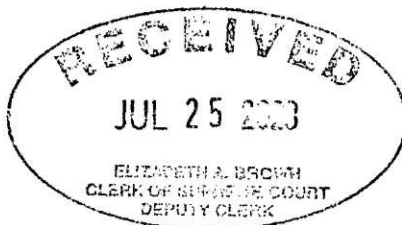
request the Honorable Court to appoint counsel to represent him in this

Appellant
Petitioner for the following reasons:

1. Appellant
Petitioner is not able to afford counsel, see Motion to Proceed *In Forma Pauperis* and Affidavit In Support filed with the Court.
2. The issues involved in this matter are very complex.
3. The issues involved in this case will require investigation which the Appellant
petitioner cannot do while confined in prison.
4. Appellant
Petitioner has very limited knowledge of the law and processes thereof.
5. The ends of justice would best be served in this case if an attorney was appointed to represent the Appellant
petitioner.

Dated this 6th day of July, 2023.

on behalf of:
/s/ Mr. Mack Mason



23-23814

1 IN THE SUPREME COURT OF THE STATE OF NEVADA

2
3 Mr. Mack Mason)
4 Petitioner/Plaintiff)
5 Appellant,)

6 vs)

7 8th Jud. Dist. Cr. J.)
8 Respondent/Defendant)

ORDER
APPOINTMENT OF COUNSEL
NRS 34.750

9
10 THIS MATTER came before the Court on the written Motion for Appointment of Counsel,
11 the Appellant ~~Petitioner~~ herein having submitted a Petition for Writ of Habeas Corpus, NRS 34.370 et.
12 Appellant ~~Petitioner~~ set. The Court finds ~~Petitioner~~ to be indigent and good cause appearing:

13
14 IT IS SO ORDERED that the below-indicated is appointed by the Court to represent
15 Appellant ~~Petitioner~~ in further proceedings:

16 _____ Clark County Public Defender

17 _____ Washoe County Public Defender

18 _____ Nevada State Public Defender

19 _____, Esq., Attorney at Law, is hereby

20 Appellant ~~Petitioner~~
21 Appointed to represent ~~Petitioner~~. His/her fee shall be paid by the State of Nevada from the
22 fund appropriated to the office of the State Public Defender, NRS 34.750(2).

23 Dated this 17 day of July, 2023.

24
25
26 _____
27 District Judge
28

CERTIFICATE OF SERVICE BY MAIL

Pursuant to NRCR Rule 5 (b), I hereby certify that I am the ^{Appellant}~~Petitioner/Defendant~~ named herein and
that on this 17 day of July, 20 23 I mailed a true and correct
copy of the foregoing MOTION FOR APPOINTMENT OF COUNSEL to the following:

X BY: Mark Mason

AFFIRMATION PURSUANT TO NRS 239B.030

** I certify that the foregoing document DOES NOT contain the social security number of any
persons

X 17 July 23
(Date)

X Mark Mason
(Signature)

1 Mr. Mack Mason
2 Northern Nevada Correctional Center
3 P.O. Box 7000
4 Carson City NV. 89702

5 IN THE SUPREME COURT OF THE STATE OF NEVADA

6 Mr. Mack Mason)
7 Plaintiff/Petitioner)
8 Appellant,)
9 vs)
10 8th Jud. Dist. Court)
11 Defendant/Respondent)

Case No. 86550
AC Case # A862342; C-161426
Motion for
Appointment of Counsel
(Pursuant to NRS 34.750)

12 Appellant, Mr. Mack Mason, pursuant to NRS 34.750
13 Petitioner,

14 request the Honorable Court to appoint counsel to represent him in this Appeal

15 Appellant
16 Petitioner for the following reasons:

17 1. Appellant
18 Petitioner is not able to afford counsel, see Motion to Proceed *In Forma Pauperis* and Affidavit In
19 Support filed with the Court.

20 2. The issues involved in this matter are very complex.

21 3. The issues involved in this case will require investigation which the Appellant
22 Petitioner cannot do while
23 confined in prison.

24 4. Appellant
25 Petitioner has very limited knowledge of the law and processes thereof.

26 5. The ends of justice would best be served in this case if an attorney was appointed to represent the

27 Appellant
28 Petitioner.

Dated this 16th day of July, 2023.

on behalf of:
/s/ Mr. Mack Mason

Petitioner alleges that the issues in this case are complex and that Petitioner is unable to adequately present the claims without the assistance of counsel.

Petitioner hereby respectfully requests that the Court appoint counsel for the reasons stated above.

Dated this 7 day of July, 2023.

~~Respectfully submitted,~~

X Mack Mason
Mack Mason, Petitioner

1. Whether the District Court committed prejudicial error so repugnant and odious when it excluded the 1978 Homicide case record to this Court's Record on Appeal, under the rationale "That no one is smart enough to recognize its significance"?
2. Whether the State's disclosure of the (1983 matter that was dismissed) as evidence in the 2001 sentencing case resulting in enhancing another wise lesser included penalty, to include two life terms w/o possibility of parole repugnant and Odious and contrary to equity plus 30 years?
3. Whether the state has jurisdiction over both the Subject Matter, and the person due to these types of Odious and repugnant government conduct. Due Process is designed to prevent?
4. Whether NRS § 34.480 and § 34.500(1) entitle Appellant to immediate and unconditional Discharge for want of jurisdiction for loss during proceedings

on this Court's own Motion?

Statement of District Court Error. Explain why you believe the district court was wrong. Also state what action you want the Nevada Supreme Court to take. (Your answer must be provided in the space allowed.)

ON JULY 29TH 2021 IN GONZALES V STATE, 492 P.3d 556 (2021) (EN-BANC), THE NEVADA SUPREME COURT CLARIFIED THE INTERPRETATION OF N.R.S. 34-810(1)(a) AS IT APPLIES TO DEFENDANTS WHO ENTERED GUILTY PLEAS TO CRIMINAL CHARGES BROUGHT AGAINST THEM BY THE STATE. THE NEVADA SUPREME COURT HELD THAT N.R.S. 34-810(1)(a) DOES NOT LIMIT INEFFECTIVE ASSISTANCE OF COUNSEL CLAIMS ARISING **AFTER** ENTRY OF A GUILTY PLEA, AS THERE IS NO EXPRESS LANGUAGE DOING SO AND THOSE CLAIMS ARE NATURALLY NOT KNOWN AT THE TIME THE

GUILTY PLEA IS ENTERED. NEVADA SUPREME COURT EXPLAINED THAT "WHERE A PETITIONER WHO ENTERED A GUILTY PLEA ARGUES THAT HE OR SHE RECEIVED INEFFECTIVE ASSISTANCE OF COUNSEL AT SENTENCING, HE OR SHE COULD NOT HAVE RAISED THAT CLAIM BEFORE ENTERING HIS OR HER PLEA". THE COURT WENT ON TO SAY THAT:

"IT WOULD VIOLATE THE SPIRIT OF OUR HABEAS STATUTE AND THE PUBLIC POLICY OF THIS STATE TO PROHIBIT HIM OR HER FROM EVER RAISING THAT CLAIM IN STATE COURT."

GONZALES v STATE, 492P.3d556 (2021) (EN-BANC) SETS FORTH THE NEVADA SUPREME COURT'S MANDATE FOR THE LOWER STATE COURTS TO FOLLOW, REGARDING PETITIONERS WHO ENTERED GUILTY PLEAS, TO NOW ALLOW SUCH PETITIONERS TO PRESENT CLAIMS IN STATE COURT THAT SENTENCING COUNSEL PROVIDED INEFFECTIVE ASSISTANCE. THE DISTRICT COURTS MUST NOW ALLOW SUCH PETITIONERS WHO WERE PREVIOUSLY DENIED THE OPPORTUNITY TO RAISE INEFFECTIVE ASSISTANCE OF SENTENCING COUNSEL CLAIMS, TO BRING THOSE CLAIMS IN STATE COURT WITHOUT THE CLAIM(S) BEING DENIED AS 'SECOND OR SUCCESSIVE PETITIONS' OR AN 'ABUSE OF THE WRIT' UNDER N.R.S. 34-726.

"THE VAST MAJORITY OF CONVICTIONS IN OUR SYSTEM ARE OBTAINED THROUGH GUILTY PLEAS. TO HOLD THAT

DEFENDANTS WHO PLEAD GUILTY HAVE NO REMEDY FOR CONSTITUTIONAL VIOLATIONS WHICH OCCUR AT SENTENCING WOULD SERIOUSLY UNDERMINE THE PURPOSE OF N.R.S. CHAPTER 34 AS APPLIED TO §492 P.3d 561? MOST PETITIONERS. WE ARE CONVINCED THAT THE LEGISLATURE DID NOT INTEND THIS. SUCH AN INTERPRETATION WHICH GIVES A DEFENDANT NO REMEDY, FAILS TO IMPLEMENT THE PUBLIC POLICY AND PURPOSE BEHIND "THE ENTIRE ACT". "

WHITE v WARDEN, 96 Nev. AT 636. 614 P.2d AT 537.

THE DECISION MADE BY THE 8TH JUDICIAL DISTRICT COURT TO DENY PETITIONER'S PETITION FOR WRIT OF HABEAS CORPUS APPEARS TO BE CONTRARY TO JUDICIAL ECONOMY, AND DEMONSTRATES LITTLE REGARD FOR THE DECISIONS HANDED DOWN BY THE NEVADA SUPREME COURT. ACCORDINGLY, THE DISTRICT COURT ERRED IN DENYING PETITIONER'S 'PETITION FOR WRIT OF HABEAS CORPUS' AS 'SECOND OR SUCCESSIVE', OR AN 'ABUSE OF THE WRIT UNDER N.R.S. 34.726 - SINCE THE PETITIONER NEVER RAISED THAT CLAIM BEFORE, THE INFORMATION RELAYED TO PETITIONER BY HIS TRIAL, DIRECT APPEAL AND POST-CONVICTION COUNSELS' BEING THAT 'INEFFECTIVE ASSISTANCE OF COUNSEL' CLAIMS RELATING TO SENTENCING WERE PROCEDURALLY BARRED BY N.R.S. 34.810(1)(a), AND HENCE WERE NEVER RAISED.

FINALLY, SINCE THE COURT SPECIFICALLY BROUGHT IT UP, (SEE FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER FILED ON 04/05/2023), PETITIONER COULD NOT HAVE RAISED THE ISSUE

OF P+P'S FAILURE TO APPLY OBJECTIVE STANDARDS
WHEN FORMULATING HIS P.S.I., SINCE THE NEVADA
COURT OF APPEALS HOLDING ON THAT ISSUE WAS NOT RENDERED
UNTIL AUGUST 2020. See,
VASQUEZ v STATE, 468P.3D 886 (AUG. 12, 2020). ACCORDINGLY,
PETITIONER SHOULD BE PERMITTED TO PROSECUTE THAT ISSUE.

CONCLUSION:

WHEREFORE PETITIONER RESPECTFULLY REQUESTS THIS
HONORABLE COURT REVERSE THE DISTRICT COURT'S ORDER
DENYING PETITIONER'S PETITION FOR POST CONVICTION RELIEF.

DATED this 17TH day of JUNE July, 2023.

Mack Mason
Signature of Appellant

MACK MASON
Print Name of Appellant

Mack Mason # 69060
Northern Nevada Correctional Center
P. O. Box 7000
Carson City, Nv. 89702

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Mack Mason)
Petitioner)
)
Vs)
Liz, et al.)
Respondent)

Case No. 2:21cv01558

**Ex Parte Motion for Appointment
of Counsel**

COMES NOW, Mack Mason, in Pro Se, and moves this Court for its Order allowing the Appointment of Counsel for Petitioner. This motion is made and based in the interest of justice.

Pursuant to Title 18 sec. 3006a of the Federal Rules of Criminal Procedure,
(2) Whenever the United States magistrate or the court determines that the
interests of justice so require, representation may be provided for any
financially eligible person who...

(B) is seeking relief under section 2241,2254,2255 of Title 28.

The Court must appoint counsel where the complexities of the case are such that denial of counsel would amount to a denial of due process, Brown v. United States, 623 F.2d 54, 61 (9th Cir. 1980), and/or where the petitioner is a person of such limited education as to be incapable of presenting his/her claims in such a way that the Court can afford him/her a fair hearing, see Hawkins v. Bennet, 423 F.2d948 (8th Cir. 1970)

Petitioner alleges that the issues in this case are complex and that Petitioner is unable to adequately present the claims without the assistance of counsel.

Petitioner hereby respectfully requests that the Court appoint counsel for the reasons stated above.

Dated this 7 day of July, 2023.

~~Respectfully submitted,~~
X Mark Messon
Mark Messon, Petitioner

1 Mr. Mack Mason
2 Northern Nevada Correctional Center
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4 Carson City NV. 89702

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25 on behalf of:
26 /s/ Mr. Mack Mason
27
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4 ~~Petitioner/Plaintiff~~)
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AFFIRMATION PURSUANT TO NRS 239B.030

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(Date)

X Mark Mason
(Signature)

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23 Appellants
Petitioner.

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