

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
IN AND FOR THE COUNTY OF WASHOE

Electronically Filed  
Jan 04 2022 10:59 a.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

STATE OF NEVADA,

PLAINTIFF,

vs.

ANTHONY CLARKE,

DEFENDANT.

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Sup. Ct. Case No. 83839

Case No. CR19-1352

Dept. 15

RECORD ON APPEAL

VOLUME 5 OF 6

DOCUMENTS

APPELLANT

Anthony Clarke

NNCC

PO Box 7000

Carson City, NV

RESPONDENT

Washoe County District

Attorney's Office

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Anthony Clarke

(Name)

1192204

(I.D. Number)

Northern Nevada Correctional Center  
Post Office Box 7000  
Carson City, NV 89702

Petitioner, In Proper Person

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

Anthony Clarke

Petitioner,

Case No.: CR19-1352

Dept. No.: 15

Amended

vs.  
STATE OF NEVADA

EXCEL PERRY RUSSELL, Warden NVC

Respondent.

**PETITION FOR WRIT OF HABEAS  
CORPUS (POST-CONVICTION)**  
(Non Death Penalty)

**INSTRUCTIONS:**

1. This petition must be legibly handwritten or typewritten, signed by the petitioner and verified.
2. Additional pages are not permitted except where noted or with respect to the facts which you rely upon to support your grounds for relief. No citation of authorities need be furnished. If briefs or arguments are submitted, they should be submitted in the form of a separate memorandum.
3. If you want an attorney appointed, you must complete the Affidavit in Support of Motion for Leave to Proceed In Forma Pauperis. You must have an authorized officer at the prison complete the certificate as to the amount of money and securities on deposit to your credit in any account in the institution.
4. You must name as Respondent the person by whom you are confined or restrained. If you are in a specific institution of the department of corrections, name the warden or head of the

1 institution. If you are not in a specific institution of the department but within its custody, name the  
2 director of the department of corrections.

3 (5) You must include all grounds or claims for relief which you may have regarding your  
4 conviction or sentence. Failure to raise all grounds in this petition may preclude you from filing  
5 future petitions challenging your conviction and sentence.

6 (6) You must allege specific facts supporting the claims in the petition you file seeking  
7 relief from any conviction or sentence. Failure to allege specific facts rather than just conclusions  
8 may cause your petition to be dismissed. If your petition contains a claim of ineffective assistance of  
9 counsel, that claim will operate to waive the attorney-client privilege for the proceeding in which you  
10 claim your counsel was ineffective.

11 (7) When the petition is fully completed, the original and copy must be filed with the  
12 clerk of the state district court for the county in which you were convicted. One copy must be mailed  
13 to the respondent, one copy to the attorney general's office, and one copy to the district attorney of  
14 the county in which you were convicted or to the original prosecutor if you are challenging your  
15 original conviction or sentence. Copies must conform in all particulars to the original submitted for  
16 filing.

17 PETITION

18 1. Name of institution and county in which you are presently imprisoned or where and  
19 how you are presently restrained of you liberty: NNCC Carson City, Nevada

20 2. Name and location of court which entered the judgment of conviction under attack:  
21 Second Judicial District Court 75 Court Str Reno NV 89501

22 3. Date of judgment of conviction: 11-25-2019

23 4. Case Number: CR 19-1352

24 5. (a) Length of sentence: 2 1/2 years To 8 years

25 \_\_\_\_\_  
26 \_\_\_\_\_  
27 \_\_\_\_\_  
28 \_\_\_\_\_

6. Are you presently serving a sentence for a conviction other than the conviction under attack in this motion? Yes \_\_\_\_\_ No ☒

If "yes", list crime, case number and sentence being served at this time:

N/A

7. Nature of offense involved in conviction being challenged: Burglary, a violation of NRS 205.060, a Category B Felony, as charged in the information

8. What was your plea? (check one)

(a) Not guilty \_\_\_\_\_ (c) Guilty but mentally ill \_\_\_\_\_

(b) Guilty ☒ (d) Nolo contendere \_\_\_\_\_

9. If you entered a plea of guilty to one count of an indictment or information, and a plea of not guilty to another count of an indictment of information, or if a plea of guilty was negotiated, give details: The original plea agreement between the

Washoe County District Attorney was 12 to 36 months, petitioner agreed to that prison term, However at Sentencing the Court sentenced petitioner to a prison term of 2 1/2 years to 8 years.

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 did appeal, answer the following:

(a) Name of court: Nevada Supreme Court

(b) Case number or citation: 80130 - COA

(c) Result: Order the judgment of the District Court Affirmed

(d) Date of result: April 28, 2021

(Attach copy of order or decision, if available)

14. If you did not appeal, explain briefly why you did not:

N/A

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//

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15. Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any petitions, applications or motions with respect to this judgment in any court, state or federal? Yes ☐ No ☒

16. If you answer to No. 15 was "yes," give the following information:

(a) (1) Name of court: \_\_\_\_\_

(2) Name of proceeding: \_\_\_\_\_

(3) Grounds raised: \_\_\_\_\_

(4) Did you receive an evidentiary hearing on your petition, application or motion? Yes ☐ No ☒

(5) Result: \_\_\_\_\_

(6) Date of result: \_\_\_\_\_

(7) If known, citations of any written opinion or date of orders entered pursuant to such result:

(b) As to any second petition, application or motion, give the same information:

(1) Name of court: \_\_\_\_\_

(2) Nature of proceeding: \_\_\_\_\_

(3) Grounds raised: \_\_\_\_\_

(4) Did you receive an evidentiary hearing on your petition, application or motion? Yes ☐ No ☐

(5) Result: \_\_\_\_\_

(6) Date of result: \_\_\_\_\_

1 (7) If known, citations of any written opinion or date of orders entered  
2 pursuant to such result: N/A

3 (c) As to any third or subsequent additional applications or motions, give the  
4 same information as above, list them on a separate sheet and attach.

5 (d) Did you appeal to the highest state or federal court having jurisdiction, the  
6 result or action taken on any petition, application or motion?

7 (1) First petition, application or motion?

8 Yes \_\_\_\_\_ No \_\_\_\_\_

9 (2) Second petition, application or motion?

10 Yes \_\_\_\_\_ No \_\_\_\_\_

11 (3) Third or subsequent petitions, applications or motions?

12 Yes \_\_\_\_\_ No \_\_\_\_\_

13 Citation or date of decision.

14 (e) If you did not appeal from the adverse action on any petition, application or  
15 motion, explain briefly why you did not. (You must relate specific facts in response to this question.  
16 Your response may be included on paper which is 8 1/2 by 11 inches attached to the petition. Your  
17 response may not exceed five handwritten or typewritten pages in length)

18 \_\_\_\_\_  
19 \_\_\_\_\_  
20 \_\_\_\_\_  
21 17. Has any ground being raised in this petition been previously presented to this or any  
22 other court by way of petition for habeas corpus, motion, application or any other post-conviction  
23 proceeding? If so, identify: N/A

24 (a) Which of the grounds is the same: \_\_\_\_\_

25 \_\_\_\_\_  
26 \_\_\_\_\_

27  
28 (b) The proceedings in which these grounds were raised:



N/A11

(c) Briefly explain why you are again raising these grounds. (You must relate specific facts in response to this question. Your response may be included on paper which is 8 ½ by 11 inches attached to the petition. Your response may not exceed five handwritten or typewritten pages in length.)

N/A11

18. If any of the grounds listed in Nos. 23(a), (b), (c) and (d), or listed on any additional pages you have attached, were not previously presented in any other court, state or federal, list briefly what grounds 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 ½ by 11 inches attached to the petition. Your response may not exceed five handwritten or typewritten pages in length.)

N/A11

19. Are you filing this petition more than 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 ½ by 11 inches attached to the petition. Your response may not exceed five handwritten or typewritten pages in length.)

This petition within the 1 year of the  
Judgment of conviction or the filing of a decision on direct appeal.

20. Do you have any petition or appeal now pending in any court, either state or federal, as to the judgment under attack? Yes \_\_\_\_\_ No ✓

If yes, state what court and the case number:

21. Give the name of each attorney who represented you in the proceeding resulting in your conviction and on direct appeal: N/A

//

//

22. Do you have any future sentences to serve after you complete the sentence imposed by the judgment under attack:

Yes \_\_\_\_\_ No           /          

23. 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 additional grounds and facts supporting same.

(a) Ground One:

Six Amendment To The United States Constitution Violated  
by Government Caused IAC which Prejudged Court at  
Sentencing.

Supporting Facts:

The petitioner seeks new sentencing hearing because  
judge was prejudice by failure of Washoe County Government  
lawyers for defense to present evidence to repudiate the  
expressed belief in the false representation of the  
police reports. This biased frame of mind appears in the court  
record at Exhibit 1 Joint Appendix 157 (pg 14) of the sentencing  
transcripts of fact that there existed a "dangerous set of  
ingredients" to which the prosecutor agrees, but the sen-  
tencing attorney had failed to provide all the available evid-  
ence which the defendant would have used to free the mind  
of the judge from his biased conclusions of "danger".

The defendant speaks up for himself but for deprivation  
of the evidence omitted by the police, prosecutor he be-  
came confused by the omissions of the police report  
that in fact it was not owner "Pito" who tackled

Ground One Can't:

1. the defendant, but the third party employee mentioned by def-
2. ndant at page 15 of transcript line 11 & 12: "it was him [Mr. Pito],
3. one of his workers and the customer".
4. What really happened should have been presented to the court on a
5. Sentencing memorandum after careful research and investigation.
6. Had the investigation been done the facts could have been used to
7. leverage a non felony sanction, and since the defendant had clear
8. right to effective assistance at plea bargaining (Lafley v. Cooper;
9. Missouri v. Frye) The Defendant was injured both at sentencing &
10. negotiations (see count II).
11. The crime of larceny and burglary must prove intent. The govern-
12. ment paid defense attorney could have easily obtained the attor-
13. ned documents at Exhibit 2 which clearly shows the defen-
14. dant had no motive for taking money as he had over \$600
15. dollars on him which he had won between 6 pm & 8:15 pm at
16. Cal Nera while entertaining himself on computer slots and having
17. 5 or 6 drinks of shots of hard alcohol and beers. He entered the
18. restaurant asked the first person he saw if it was open - he was
19. called a NIGGER by that person (customer). In a moment of
20. Vengeful anger he grabbed the tip money and left. His intent
- 21. was to take, but retribution for insult. Exhibit 2 shows he
22. had \$ 377 dollars in cash at jail on the date of the alleged
23. larceny. At Exhibit 3 is the declaration of probable cause
24. which states the existence of two prior larceny, but a minimum
25. of research by the government paid attorneys would have re-
26. vealed that only one conviction was valid because the def-
27. endant had no counsel for one of the convictions.

(b) Ground Two:

6th Amendment violated By Washoe County Public Defender's failure to  
confront the theory of the case police and prosecution during  
negotiations making the plea of guilty based on insufficient  
Knowledge.

Supporting Facts:

All prior paragraphs are incorporated here as more fully elaborated.  
As stated above, the petitioner had about Seven hundred dollars  
in his pocket when he entered the restaurant and this vitiates the  
theory of intent to commit larceny; if there is no larceny there  
can't be invoked any enhancement of larceny as permitted in the law  
of that time (that enhancement scheme has been repealed by  
legislature in 2014); the police and prosecutor covered up the facts  
of possession of hundreds of dollars by omission from the  
Declaration of Probable Cause; this omission is proven by the  
evidence at Exhibit 1, 2 and 3, The Washoe County Public Def-  
endant was informed by the petitioner of the cover-up and of  
the theft of hundreds of dollars by Pito's male bartender  
employee, of whom no mention is made in the Declaration of  
Probable Cause. At Exhibit 4 are the notes of public defender  
Pusich which reflect she is notified of his possession of money  
which would provide affirmative defenses of not having  
intent -- see item 2 at the bottom of page,

"  
civilians took money from him before  
police arrived. Police declined to  
investigate. His requests may be on  
body cam."

Cont from page 8.

This case is one of the types of police abuse of the larceny enhancement clause that opens a loophole for greater punishment of burglary without having intent, and motivated the legislation to repeal.

But for Pusich's failure to engage in zealous follow up investigation interviews the opportunity to leverage a more favorable outcome was lost, either incentivized by economic or racial class pressures or fear of bureaucratic backlash of the coercive power of the police or prosecutor remains to be discovered.

The State of Nevada, by and through the criminal administration of justice in Washoe County must not be allowed to gain an advantage through the deliberate omissions of facts, the practice of the prosecutor to carry out charge-loading based on such omissions, and impose disincentives on its tax paid

"defense" attorney that prevented proper investigation that entails "taking the boat" by the use of Affirmative defense of "contributory negligence."

(c) Ground three: Request for Rule 4(c) Untimely Appeal for Direct Review

Negotiations were constitutionally defective by acts of omission of bigotry and hate driven police misconduct of covering up exculpatory evidence; the 6<sup>th</sup> Amendment violated by the timid sycophancy of negotiating and appellate attorney for failing to uncover pre-plea misconduct; WRAP 4 allows Untimely Appeal for Direct Review

Supporting Facts: All prior paragraphs incorporated here as more fully developed

Attached at Exhibit 5 are correspondences of the client Clarke to assigned and paid-by-government attorney Tracie Lindemann & Tanner

Lindemann alludes to the split decision of Tollett v Henderson to circumvent the work she would have had to do in defense of her client, Clarke, in her letter of February 3, <sup>2021</sup> stating the plea taken "waives any right to appeal from events occurring prior to the plea;" Lindemann does not refer to any legal authority.

The Supreme Court of the United States crafted this rule in 1973, Tollett v. Henderson 411 US 258, and it is time for this court to heed the 40 year old warnings of the "inflexible rule" that no set of particular circumstances can be reviewed by habeas corpus flowing from a guilty plea challenge in federal court; this rule does not deal with the waiver of any right to question pre-plea misconduct on direct appeal, and so it is likely to have brushed her black client aside with deliberate, misleading advice;

Tollett v Henderson was a split decision means that reasonable jurists could differ overcoming the jurisdictional bar of Slack v McDaniel; Tollett v Henderson needs to be overturned because of the phenomena of "silent approximations" warned against in Boyd v US 116 US 616, which has created an obnoxious jurisdictional bar to all "pre-plea" challenge of government misconduct through habeas corpus in the federal forum; Tollett has been abused to be a bar on direct review;

Therefore the petitioner requests the court to find that appellate attorneys in Nevada are ineffectual in their assistance when they turn a deaf ear on their clientele who write dozens of letters directed to bringing up pre-plea government misconduct issues; the Tolbett court even quotes Brady v. US on pg 262-63, as if leaving a hint to future generations that bad acts of the government which encouraged the defendants volition to buckle must be reviewed on a case by case basis, and that courts must "take great precautions against unsound results, and we should continue to do so. the pre-plea government bad acts which should have been brought on direct review, and located in the attached letters are numerous:

- a.) factual errors in PSI that was used to create unjust charge-loaded information, & Probable Cause Decl.
- b.) malicious misrepresentations by PD that witnesses were present and line-up performed on 8-1-19 Prelim date;
- c.) failure of police investigators to include all facts of possession of \$377.00 which challenges theory of intent and ruins defense of automation against fighting words of "nigger" at crime scene;
- d.) the effect of bias on the judge at sentencing caused by manipulation of data
- e.) PD allowed me to meet PSI police w/o Rep. present;

e) (continued)

The proof of my request is on the Parr  
jail Kiosk, and because this was not  
routinely provided me in discovery,  
and refused to be disclosed by 239  
Public Records requests, and not  
routinely gathered by appellate attorneys.  
I shall need discovery approved by  
this court;



1 WHEREFORE, petitioner prays that the court grant petitioner  
2 Relief to which he may be entitled in this proceeding.

3 EXECUTED at Carson City, Nevada on the 22

4 Day of July, 2021

5 PER NRS 239B.030 No person's social security number is in  
6 this document

7  
8 Anthony Clarke  
9 Anthony Clare  
10  
11  
12  
13  
14  
15  
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17  
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21  
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23  
24  
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26  
27  
28

VERIFICATION UNDER PENALTY OF PERJURY

I do verify under the penalty of perjury that the above Amended Petition for writ of Habeas Corpus is true and correct and is stated to the best of my knowledge, and is made without benefit of a notary pursuant to NRS 208.165, and 28 USC §1746 as I am an incarcerated person.

PER NRS 239b.030 NO PERSON'S Social Security Number is in the foregoing document.

Dated this 22 day of July, 20 21.

By:

Anthony Clarke  
Anthony Clarke

CERTIFICATE OF SERVICE BY MAIL

Pursuant to NRCP Rule 5 (b), I hereby certify that I am the Petitioner/Defendant named herein and that on this 22 day of July, 20 21, I mailed a true and correct copy of the foregoing Habeas Corpus to the following:

Washoe County District Attorney  
One So. Sierra  
Reno NV 89501

Anthony Clarke  
Anthony Clarke  
Signature of Petitioner In Pro Se

INDEX OF EXHIBITS

Exhibit Number 1 Number of Pages 2  
Exhibit Description Sentencing Transcript case # CR 19-1352 pg 14

Exhibit Number 2 Number of Pages 4  
Exhibit Description Evidence to Support Absence of Intent

Exhibit Number 3 Number of Pages 3  
Exhibit Description False Declaration of Probable Cause

Exhibit Number 4 Number of Pages 3  
Exhibit Description Public Defender Notes

Exhibit Number 5 Number of Pages 30  
Exhibit Description Letters to Appellate Attorneys Tanner and Lindeman

Exhibit Number \_\_\_\_\_ Number of Pages \_\_\_\_\_  
Exhibit Description \_\_\_\_\_

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EXHIBIT

1

Alicia L. Lerud  
Clerk of the Court  
Transaction # 8564430 : khudson

The Second Judicial District Court of the State of  
Nevada County of Washoe Before the Honorable  
David N. Hardy District Judge case No# CR19-1352  
Transcript of Proceedings, Monday, November 25th  
2019 Reno, Nevada (Sentencing page 14).  
The Court perceives "a dangerous set of ingredients."

EXHIBIT 1

1 THE COURT: You say the \$35 was returned, but it  
2 was returned after the owner had chased him and tackled  
3 him, and then there was some person-to-person contact?

4 MS. NORTHINGTON: Yes.

5 THE COURT: It seems to me to be a dangerous set  
6 of ingredients.

7 MS. NORTHINGTON: I would agree with you, your  
8 Honor.

9 THE COURT: Anything else?

10 MS. NORTHINGTON: No, your Honor. Thank you.

11 THE COURT: Thank you.

12 THE DEFENDANT: Yes, your Honor, may I speak?

13 THE COURT: Yes.

14 THE DEFENDANT: Specifically about the money being  
15 returned, Mr. Pito received the money from me as soon as  
16 I came out the door. He didn't have to chase me. Him  
17 and his customer came out -- first the customer came out  
18 and Mr. Pito came. He asked for the money and I gave it  
19 back. This is what the video shows.

20 The witnesses testified in their own statement  
21 that -- I'm not trying to have a trial, I'm just bringing  
22 the facts to the court's attention that was not submitted  
23 into evidence -- the customer came out and then Mr. Pito  
24 came out, asked me for the money. I gave him the money.

1 Not only did I give him that money, there was other money  
2 that was also -- I had over \$600 on me. When I left,  
3 350 -- 377, which I was booked into the county jail with,  
4 but the money was given back and they didn't have to  
5 fight me and none of that, because Mr. Pito gave a  
6 witness statement saying that he held me down and I  
7 refused to aggress towards him. The money was already  
8 given back.

9 And there was another issue that I don't like --  
10 that I'm going to bring to the court's attention. There  
11 was more than Mr. Pito there -- it was him, one of his  
12 workers and a customer. They were all on the scene when  
13 the police arrived.

14 And this is the last point I'd like to make. I  
15 don't want to argue the case. I admit to what I've done  
16 but it was a report of a fight that took place, not a  
17 report of a tip jar being taken. But when the police  
18 arrived, no one spoke about a fight. The actual fact was  
19 that not only was money given back to him, money out of  
20 my pocket was also taken. I would say two-thirds,  
21 almost \$400 taken from me. Again, I deserved it because  
22 of what I've done. But that's all I'd like to say.

23 THE COURT: Thank you.

24 THE DEFENDANT: I'm kind of nervous.

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23 THE COURT: Thank you.

24 THE DEFENDANT: I'm kind of nervous.

**EXHIBIT** 3

Perjured Declaration of Probable  
Cause  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

P-150568

19-3321

ORIGINAL

ARREST REPORT AND  
DECLARATION OF PROBABLE CAUSE

RPD0048360C

CASE # 19-480

R666603

FILED

COURT OF JURISDICTION

04 Mar 2019 7:33 am

DEPT # 1000

Reno Justice Court

AKA/ALIAS

PRINT CLEARLY

ARRESTEE'S (Last, First, Middle)  
NAME

CLARKE, ANTHONY

RESIDENCE (Street, City, State, Zip)  
ADDRESS

315 RECORD ST. RENO NV

RACE

☐ White  
☒ Black  
☐ Unknown☐ Indian  
☐ Asian

SEX

☒ Male  
☐ Female

ETHNICITY

☐ Hispanic  
☐ Non-Hispanic  
☐ Unknown

DOB

4-13-69

SS

POB

CALIFORNIA

AGE

58

HT

5'10"

WT

180

HAIR

BLK

EYES

BRN

OCCUPATION &  
BUS ADDRESS

UNEMPLOYED

HOME PHONE

DRIV LIC

STATE

ARRESTEE'S VEH

☐ Stolen  
☐ Left at Scene  
☐ Not Applicable  
☐ Impounded  
☐ Held to Court

BUS PHONE

NEXT OF KIN

SCARS, MARKS, TATTOOS

NONE

ARREST DATE 3-2-19 TIME 2105

LOCATION

1ST / LAKE ST. RENO NV

OFFENSE DATE 2-2-19 TIME 2111

LOCATION

1ST / LAKE ST. RENO NV

NRS/ORD #

NOC

BAIL

WARRANT # &amp; DATE

CHARGE

F-Felony, G-Gross Misd, M-Misd F-G-M

205.140.2

50424

BURGLARY

F

ARRESTING OFFICER(S)  
AND ID #

MCGURK 14824

TRANSPORTING OFFICER(S)  
AND ID #

Jameson 14890 Callaghan 14708

PRIVATE PERSON MAKING  
THE ARREST (Citizen Arrest)REVIEWING SUPERVISOR  
AND ID #

DOWNEY 3370

The undersigned, MCGURK, a police officer, of RPD, hereby declares under penalty of perjury, that the above-named defendant has been arrested on probable cause and is subject to detention for the above-listed offense(s). Either personally or upon information and belief this officer learned the following facts and circumstances which support the arrest and detention:

- See Attached -

19 MAR 3 4:42

RELS TO

DATE

BY

DISSEMINATION IS RESTRICTED TO CRIMINAL JUSTICE AGENCIES ONLY.

SECONDARY DISSEMINATION TO NON-CRIMINAL AGENCIES IS PROHIBITED.

WHEREFORE, Declarant requests that a finding be made by a magistrate that probable cause exists to hold said person for preliminary hearing (if charge is a felony or gross misdemeanor) or for trial (if charge is a misdemeanor).

Page 1 of 2

DECLARANT

ID# 14824

REVIEWED FOR PROBABLE CAUSE (PC)

PC FOUND ☒PC NOT FOUND ☐

DATE

TIME

8:35 am, Mar 04 2019

MAGISTRATE

DEFENDANT ORDERED RELEASED, DATE

MAGISTRATE

## DECLARATION SUPPLEMENT

Page: 2 of 2CASE# 19-4180

On 3/2/19 at approximately 2114 hours Officers arrived in the area of 1st/ Lake St on a report of a fight.

Officers Good and Caprioli arrived on scene and detained an Anthony Clarke. Owner of Taste of Chicago, Steve Peto informed Officers that Anthony entered the business, took money out of his employees tip jar, and then ran out.

Anthony is seen on security footage walking eastbound outside of the business, enter and directly go to the front counter. Anthony waits for a customer to turn her head and then reaches his right hand into the tip jar and quickly leaves the business through the same door.

Anthony was chased by Steve who attempted to stop him until Officers arrived on scene. Steve was not able to hold onto Anthony. Anthony did not attempt to hit or make advances on Steve but continued to run away.

RPD records confirmed Anthony had two convictions for petit larceny through a prior history check. Anthony had a prior arrest on 12/26/15 for petit larceny with a conviction on 12/28/15 out of RMC. Anthony also had an arrest on 10/17/15 for petit larceny with a conviction on 10/20/15 out of RMC.

Anthony was arrested for Burglary and transported to WCSO without incident.

WHEREFORE, Declarant requests that a finding be made by a magistrate that probable cause exists to hold said person for preliminary hearing (if charge is a felony or gross misdemeanor) or for a trial (if charge is a misdemeanor).

REVIEWED FOR PROBABLE CAUSE (PC).  
PC FOUND ☐ PC NOT FOUND ☐

DECLARANT

I.D.# 14824

DATE: \_\_\_\_\_, MAGISTRATE PAGE \_\_\_\_\_ OF \_\_\_\_\_  
DEFENDANT ORDERED RELEASED, DATE: \_\_\_\_\_, MAGISTRATE

**EXHIBIT** 4

Public Defender Notes evidence  
of Failure to Investigate for Challenge  
at Prelim on the Defense of Automation

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MEMO TO FILE - PRIVILEGED AND CONFIDENTIAL

Date: July 19, 2019 Case No: RCR2019-100994 ✓ Dept: R6

PD No: 19-2128

Deft: Anthony Clarke

PD: Jarrod Hickman Event PD: Maizie DA: MacLellan

Current Hearing Date: Mandatory Status Conference 7/18/2019 1:30:00 PM ✓

Future Hearing: Prelim 8/1/19 1:30 Court: RJC ✓

Interpreter needed: No

In custody? Yes ✓ Tear-off given? No Send Notice Letter? Yes ✓

New Address/Phone: WCJ

Email Address:

NOTES TO AA:

Send Redacted Discovery? Yes ✓ Send Photos?: No

Evaluation needed? No

Other Notes to AA:

ATTORNEY NOTES:

Next hearing is prelim. Client has no interest in 3-10 year stip offered by state. He is eligible for habitual if convicted. Appears to have several drug offenses that may have been reduced under CA prop 36. But, has sufficient priors without them. Not all within 10 years. But, I explained to him that statutory amendment is not effective in Nevada yet. Has an FTA in this case. So, not going anywhere right now.

Has a couple of issues he wants addressed.

1. Reports being mistreated by the civilians on scene. I suggested he consult a civil attorney. Not an automatic defense to the charge, but may be entitled to compensation.
2. Civilians took money from him before police arrived. Police declined to investigate. His requests may be on bodycams.
3. Burglary would normally require intent before entry. But, he has prior felonies, so petit larceny here would suffice.
4. Thinks AV will be unable to ID him unless they get to see him at prelim. Wants to force lineup. I told him there is a different procedure possible at a prelim to protect against suggestive ID.
5. Asked about loss in tip jar. I explained that for burglary there is not minimum. And, with priors, value here also not a minimum.

MWP

**MEMO TO FILE - PRIVILEGED AND CONFIDENTIAL**

Date: August 15, 2019 Case No: CR19-1352 ✓ Dept: 15

PD No: 19-2128

Deft: Anthony Clarke

PD: Lorena Valencia Event PD: Maizie DA: Merchant

Current Hearing Date: Arraignment 8/14/2019 9:00:00 AM ✓

Future Hearing: Arr 8/21/19 9 a.m. Court: D15 <sup>MR</sup>✓

Interpreter needed: No

In custody? Yes ✓ Tear-off given? Send Notice Letter? No ✓

New Address/Phone:

Email Address:

**NOTES TO AA:**

Send Redacted Discovery?

Send Photos?

Evaluation needed?

Other Notes to AA:

**ATTORNEY NOTES:**

Action Taken/Continued For: Client would like to discuss further negotiations before pleading.

Negotiation Status: Current offer is PG burglary, cat B. Parties stipulate to 12-36 mos. CL accused of stealing tips from a waitress. Bigger issue comes when bartender tries to intervene. Q whether CL retained property through force, or if force initiated by "good samaritan" co-worker. Witnesses report client not hitting, just trying to run. State charged as burg, based on prior petit larceny convictions.

Goals for Next Hearing: Client wants to find out if state will agree to attempt burg, so that he faces a natural cap Court cannot go above. I told him we would find out. MWP

Other:

**Case Notes Complete (Chronos)**

---

BODY CAM REVIEW - not all included, just most important.

1. Off. Good

Initial officer with client. Client makes several statements during initial portion of detention

- They ain't no victim
- Cop asks for ID, tells client he is not free to leave
- Client gives permission to get ID from pocket
- Client says he was beat up in the middle of the street. They beat me up bad and I'll tell you why.
- cop tells client to stop talking
- Client tells cop he doesn't want to press charges but they took his money and everything
- Another officer tells client that he stole their money
- Client respond that they took his money, all \$100 bills
- Good tells client to stop talking

@7:15

-Client says "The only thing I took out of that jar was \$17." Client repeats \$17 multiple times. Client tries to get cops attention to tell him \$17.

@7:55

-Client continues to tell the cop \$17

@8:30

- Client gives consent to search his jacket
- Inside jacket pocket, what appears to be \$25 in 10s and 5s
- Cop has discussion about vic being unable to identify money in a tip jar in unknown amount

@10:00

- Cop finds paraphernalia in jacket (pipe and hypo)
- Client telling cop the money was his
- Cops telling client that he robbed the business and arguing with client about his recitation of events.

2. Autrey

@3:18

-Client tells Autrey that the girl in the store said get the money, she reached into the jar, took the money and then gave it to client who ran out

3. Nickolini

- Owner says he grabbed the client and threw him on the ground twice
- Owner denies that client used any force

@8:15 is the body cam footage of the video surveillance. Based on the distance, it is unclear whether it will ID client, but it clearly shows person reaching into tip jar and running out.

-Owner statement in face of police fishing for robbery charge: (he didn't hit me, he tried to run, I threw him down, he got up and confronted me, he looked like he might be aggressive because he just got thrown to the ground)  
This cop takes the money, photographs it, and releases it back to business

4. Manning

-Client says he had three \$100 bills and they had \$17. When cop asks how he knew they had \$17, cop says the owner said it.

5. McGurk

Footage is largely her following other cops around. At the end, as client is being placed into REMSA unit, client again says they had \$17 and took \$200 from me."



**EXHIBIT** 5

*Communications between  
Petitioner and Appellate Attys.*

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**EXHIBIT** 4

Public Defender Notes evidence  
of Failure to Investigate for Challenge  
at Pretrial on the Defense of Automation

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**MEMO TO FILE - PRIVILEGED AND CONFIDENTIAL**

Date: July 19, 2019 Case No: RCR2019-100994 ✓ Dept: R6

PD No: 19-2128

Deft: Anthony Clarke

PD: Jarrod Hickman Event PD: Maizie DA: MacLellan

Current Hearing Date: Mandatory Status Conference 7/18/2019 1:30:00 PM ✓

Future Hearing: Prelim 8/1/19 1:30 Court: RJC ✓

Interpreter needed: No

In custody? Yes ✓ Tear-off given? No Send Notice Letter? Yes ✓

New Address/Phone: WCJ

Email Address:

**NOTES TO AA:**

Send Redacted Discovery? Yes ✓ Send Photos?: No

Evaluation needed? No

Other Notes to AA:

**ATTORNEY NOTES:**

Next hearing is prelim. Client has no interest in 3-10 year stip offered by state. He is eligible for habitual if convicted. Appears to have several drug offenses that may have been reduced under CA prop 36. But, has sufficient priors without them. Not all within 10 years. But, I explained to him that statutory amendment is not effective in Nevada yet. Has an FTA in this case. So, not going anywhere right now.

Has a couple of issues he wants addressed.

1. Reports being mistreated by the civilians on scene. I suggested he consult a civil attorney. Not an automatic defense to the charge, but may be entitled to compensation.
2. Civilians took money from him before police arrived. Police declined to investigate. His requests may be on bodycams.
3. Burglary would normally require intent before entry. But, he has prior felonies, so petit larceny here would suffice.
4. Thinks AV will be unable to ID him unless they get to see him at prelim. Wants to force lineup. I told him there is a different procedure possible at a prelim to protect against suggestive ID.
5. Asked about loss in tip jar. I explained that for burglary there is not minimum. And, with priors, value here also not a minimum.

MWP

**MEMO TO FILE - PRIVILEGED AND CONFIDENTIAL**

Date: August 15, 2019 Case No: CR19-1352 ✓ Dept: 15

PD No: 19-2128

Deft: Anthony Clarke

PD: Lorena Valencia Event PD: Maizie DA: Merchant

Current Hearing Date: Arraignment 8/14/2019 9:00:00 AM ✓

Future Hearing: Arr 8/21/19 9 a.m. Court: D15 <sup>7/22</sup>

Interpreter needed: No

In custody? Yes ✓ Tear-off given? Send Notice Letter? No ✓

New Address/Phone:

Email Address:

**NOTES TO AA:**

Send Redacted Discovery?

Send Photos?

Evaluation needed?

Other Notes to AA:

**ATTORNEY NOTES:**

Action Taken/Continued For: Client would like to discuss further negotiations before pleading.

Negotiation Status: Current offer is PG burglary, cat B. Parties stipulate to 12-36 mos. CL accused of stealing tips from a waitress. Bigger issue comes when bartender tries to intervene. Q whether CL retained property through force, or if force initiated by "good samaritan" co-worker. Witnesses report client not hitting, just trying to run. State charged as burg, based on prior petit larceny convictions.

Goals for Next Hearing: Client wants to find out if state will agree to attempt burg, so that he faces a natural cap Court cannot go above. I told him we would find out. MWP

Other:

**Case Notes Complete (Chronos)**

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BODY CAM REVIEW - not all included, just most important.

1. Off. Good

Initial officer with client. Client makes several statements during initial portion of detention

- They ain't no victim
- Cop asks for ID, tells client he is not free to leave
- Client gives permission to get ID from pocket
- Client says he was beat up in the middle of the street. They beat me up bad and I'll tell you why.
- cop tells client to stop talking
- Client tells cop he doesn't want to press charges but they took his money and everything
- Another officer tells client that he stole their money
- Client respond that they took his money, all \$100 bills
- Good tells client to stop talking

@7:15

-Client says "The only thing I took out of that jar was \$17." Client repeats \$17 multiple times. Client tries to get cops attention to tell him \$17.

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- Client gives consent to search his jacket
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- Cop has discussion about vic being unable to identify money in a tip jar in unknown amount

@10:00

- Cop finds paraphernalia in jacket (pipe and hypo)
- Client telling cop the money was his
- Cops telling client that he robbed the business and arguing with client about his recitation of events.

2. Autrey

@3:18

-Client tells Autrey that the girl in the store said get the money, she reached into the jar, took the money and then gave it to client who ran out

3. Nickolini

- Owner says he grabbed the client and threw him on the ground twice
- Owner denies that client used any force

@8:15 is the body cam footage of the video surveillance. Based on the distance, it is unclear whether it will ID client, but it clearly shows person reaching into tip jar and running out.

-Owner statement in face of police fishing for robbery charge: (he didn't hit me, he tried to run, I threw him down, he got up and confronted me, he looked like he might be aggressive because he just got thrown to the ground)

This cop takes the money, photographs it, and releases it back to business

4. Manning

-Client says he had three \$100 bills and they had \$17. When cop asks how he knew they had \$17, cop says the owner said it.

5. McGurk

Footage is largely her following other cops around. At the end, as client is being placed into REMSA unit, client again says they had \$17 and took \$200 from me."

**EXHIBIT** 5

*Communications between*  
*Petitioner and Appellate Atty's.*  
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## Correspondence w/ Appellate Attorneys

<u>Date</u>	<u>Detail</u>	<u>No. of pgs</u>
3/30/20	To Tanner to add pre-plea issues on appeal	9
4/6/2020	To Tanner 2d request to add pre-plea issues	1
4/27/20	To Tanner request to challenge pre-plea issue of veracity	1
4/29/20	To Tanner notice of filing fugitive motion to correct	1
5/2/20	To Tanner notice to challenge pre-plea issue on promised line up	1
7/13/20	To Tanner notice of motive defense and money in pocket, Maria's lie	2
7/15/20	To Tanner notice on McGirt's new law	1
7/16/20	To Tanner 1st request for body cam info per VRS 289.830, race bias	
7/20/20	To Tanner notice of breach of plea deal, biased judge	1
7/27/20	To Tanner Surveillance video info. notice of Sallyport site for coercion	1
7/27/20	To Tanner notice of police misconduct of overcharging without jurisdiction	2
7/28/20	To Tanner notice of formal complaint to RPD	1
8/3/20	To Tanner notice on court imposed fines, no witnesses, lied to by PD	2
8/3/20	To Tanner 2d notice on false PSI	2
8/11/20	To Tanner Notice on Sallyport surveillance where PD lied	2
8/14/20	To Tanner Notice on Sallyport deliberate misinformation	1
8/16/20	To Tanner Notice on 1st Judge's plea acceptance, 2nd judge's denial	1
8/16/20	To Tanner More notice on surveillance evidence, misconduct	6
8/17/20	To Tanner More notice on Ex parte & other misconduct by judge	3
8/24/20	To Tanner More notice	2
9/1/20	To Tanner Detail PSI mess	2
9/6/20	To Tanner Notice of intent to file IAC claims on WL PD	1
9/7/20	To Tanner Request transcripts, line up, closed Young hours	1
9/9/20	To Tanner Request copy of Appendix, notice of cover up of money	2
9/10/20	To Tanner Another notice of cover-up of money in possession	1
9/14/20	To Tanner Notice of PSI lack of Attorney at interview	1
9/15/20	To Lindeman Request for tête à tête	V5. 752

## Correspondence w/ Appellate Attorneys

<u>Date</u>	<u>Detail</u>	<u>No. of pages</u>
9/16/20	To Lindeman Request for copy of the Appellant <u>OPENING BRIEF</u>	1
9/22/20	To Lindeman notice of Risk Mgmt Complaint, request for video cams	2
10/7/20	To State Bar of Nevada Complaint on Lindeman	1
10/18/20	To Lindeman Notice on exculpatory money evidence, no law library access	2
10/19/20	To Lindeman Marc Notice on exculpatory evidence of 377.	1
10/19/20	To Lindeman Notice on Racial bias	1
10/15/20	To Lindeman Request for addition to Appellate Appendix	1
10/15/20	To Lindeman 2 <sup>nd</sup> Request for transcripts	1
10/22/20	To Lindeman Request for info on AB 238	1
10/26/20	To Lindeman Another notice on misrepresentation of 3/1/19	1
10/31/20	To Lindeman Notice of DA non-disclosure cover-up	1
11/16/20	To Lindeman Another notice of possession of 377	1
11/16/20	To Lindeman Another notice on contract law violation	1
11/22/20	To Lindeman Again notice of misinformed waiver of Prelim	1
11/28/20	To Lindeman Notice of perjured Declaration of Probable Cause	2
12/10/20	To Lindeman Request for Copy of Answering Brief	1
12/26/20	To Lindeman Request for Dash and Body Cam Footage	1
12/28/20	To Lindeman 2 <sup>d</sup> request to add to Appendix	1
1/7/21	To Lindeman Notice of Receiving Case Notes of PD	1
1/14/21	To Lindeman Notice of Errors of Fact in Court proceedings	1
1/19/21	To Lindeman Request for Supplement to Appeal	2
2/3/21	FROM Lindeman stating her support for Tillet v Henderson	1
2/12/21	To Lindeman again notice of PD errors on PSI	2
2/18/21	To Lindeman Notice of invalid "prior conviction" by counsel at sentencing	1
2/23/21	To C. Perez, Parole and Probation Notice on factual errors	1
2/24/21	To Christopher J. Hicks, Washoe County District Attorney	1
3/1/21	FROM Lindeman 2 <sup>nd</sup> support of Tillet v Henderson	V5. 753



Anthony Clarke # 1192204  
NWCC PO Box 7000  
Carson City NV 89202

COPY

03/30/2020

~~Cardyn~~ Carolyn Tanner Esquire  
216 E Liberty St  
Reno NV 89501

Re: Case No. 80130 Nev. S. Ct.

Dear Carolyn Tanner:

Here are issues which are cognizable (in my understanding) in the Nevada Supreme Court under the categories of police misconduct, prosecutorial misconduct, judicial misconduct and administrative structural errors that call the conviction and sentence into question.

In a nutshell, there is no legal footing for the criminal justice system to enhance a misdemeanor petty theft to felony status based on two prior misdemeanors, and to have done so administratively violates the separation of powers doctrine, where ~~not~~ no statute exist that authorizes said legislative conduct by the district attorney and countenanced by the judge -- jurisdictional issue inferable from the lack of statutory justification in the charging documents.

# I Police Misconduct Issue of Evidence

During the arrest, the video evidence showed the removal of 8-10 dollars; police reports were falsified to lead the prosecutor to charge that \$35 was taken from the tip jar after I was upset by mistreatment of restaurant staff;

## II Police Misconduct for Misreporting Statement of Accused

While in handcuffs sitting on sidewalk, the accused told police his intent was formed inside the restaurant after an altercation w/ restaurant staff; the likelihood of the truth of this statement is supported by the circumstantial fact that the accused had over \$300 in his pocket and therefore had no need, and hence no motive, to take \$8<sup>00</sup> from the restaurant tip jar; the police omission of the circumstantial exculpatory evidence constitutes a criminal misdemeanor in and of itself, NRS 197.130 False Report by Public Officials; (I am filing an internal investigation on officers McGurk, Nicolini, Caprioli); There is no mention of the \$300+ in my trousers' pocket in the police report

## III Police & Misconduct of Misreporting by Officers for Omission of an Accused's Report of Vigilantism

The video evidence shows the accused running out the door and chased by restaurant owner and employees, who caught up with the petty thief, knocked him down, beat him to the

III (continued)

ground, and took \$120<sup>00</sup> of the over \$500 he had in his pockets, leaving him \$300+, which was observed by the arriving police, and reported to them by the accused - at the time; the accused was taken to a local Renown hospital, as reported by the Report No 19-4180 by McCann, but the cause of the injuries was not reported, a falsification of the report, a misdemeanor under NRS 197.130; the owner's made a \$100 profit from there their act of unlawful vigilante justice, to which the police averted their eye and failed to hold owners accountable for criminal battery.

Proof of the \$377 dollars on my person at time of petty theft is documented by Washoe Co. Sheriff intake/property receipts. I think if the receipts of hospital records, and jail records of my money on hand would have provided exonerating circumstantial evidence that destroys the states "theory" of a felony case -- also testimony of restaurant staff themselves, who got their money back and can still be interview to corroborate my story as against the police fabrication which determined the outcome of the judicial process

NV SCT 80130 - 33

Lt. T. Tanner

#### IV Prosecutorial Misconduct Sounds in the Policy Permitting and Encouraging by Internal Management Policy and Procedure Its Deputies to Do No Double-Checking of the Government's Police Investigation - Fact Finding Process

The inference from the same set of facts under police misconduct is that the District Attorney's Association has established an executive branch policy of taking no hard look at the work product of its government peace keeping police force, but grants all ~~for~~ police reports ~~the~~ the status of divine infallibility, and operates on the obvious hyper-optimistic (to a pathological degree) that all content found in the Four-Corners of the Police Report truth is Gospel truth.

#### V Prosecutors Abuse Its Power of Its Badge of Authority by Its Policy of Absolute Reliance On Local Police Agents Despite Having a Budget for Its Own Investigators and Yearly In service Education Program to Insure the Public Gets True Procedural Justice

The prosecutor made representation, directly and indirectly, and by all channels of communication, verbal and non-verbal, that the DA ~~att~~ investigators vouched for and corroborated with the false police reports and incomplete manipulated fact finding reports by omission of exculpatory evidence;

# IV Judicial Misconduct of Bench for Denial of Motion to Withdraw Plea by Direction of the Will of the Prosecutor

The court violated my due process rights by holding ex parte hearing outside my presence, who ~~it~~ was without counsel and act pro se; the prosecutor had failed to hold the line-up as promised and willfully accepted the false representations that the accused was told that "fact" of no line up prior to the plea, when in fact my prelim waiver was conditioned on that fact; the defendant has the right to confront and test the facts and strategies of the government to deprive his liberty, and the courts quick-draw wild west justice of denying that right by denying a withdrawal of plea is an affront to constitutional guarantees;

# V Judicial Misconduct of Racial and Economic Class Bigotry Which Overrides The Rational Basis For the Motion Under the Pretext and Color of the "Totality of Circumstances" Doctrine

On page 3 of Order Denying Motion to Withdraw Plea, the court utters the talismanic incantation "considering the record in this action as a whole" [a reference to the doctrine of totality of circumstances] finds for the government's cause by denying. The judge uses his magical

VII (continued)

powers of conceptual bias to get around his awareness of the defendant's argument conveyed in the last paragraph of pg 2

"As an attachment to his motion Mr Clarke provided a declaration in which he argues the evidence is insufficient to support the charge of burglary. He acknowledges he took the tip money... but asserts he did not enter the establishment with the intent to do so. Rather, he states he entered the restaurant to see if it was open, but decided to take the money AFTER he was called a racial slur once inside."

But for the omissions of circumstantial evidence in police reports which the DA knew about or should have known about, the Judge's statement about the totality of circumstances would approximate the truth. The plaintiff

State did NOT provide a Counter declaration to the declaration of the Motion to Withdraw Plea; therefore, the declaration needed to have been considered an admission of truth unrebutted. The state waived its right to object but the judge, in violation of impartiality,

VII (continued)

violates the common law Rule of Lenity in criminal accusations of the government on its citizens, denies him the opportunity to test the element of scienter necessary to be proved beyond a doubt by that government. This conduct is unconscionable and violates Judicial Rules of Ethics and the Special Rule for Prosecutors in the Nevada Rules of Professional Conduct.

I'm sure you will be able to color out these claims with your resource of access to the law, which segues into my last point

VIII The Systemic Lack of Access to Jail Library Caused Loss of Opportunity to File Other Pre-trial Motions and Writs

The County of Washoe surely provides funds to insure that citizens have access to basic forms, motions and rules, but administrators of justice have defrauded and mispent money which directly deprived me of right to confront. Please plead this for me.

Very respectfully submitted

Anthony Clarke #1192204  
Anthony Clarke.

## Addendum to Letter of 3/30/2020 to TANNER

Carolyn:

- 1.) Please note I brought the issue of wrongful police, prosecutor and judicial "enhancement" of the petit larceny misdemeanor to felony burglary base on police viewing of two larcenies on record in 2015 see Declaration Supplement APD 19-4180 -- the words I used in the Internal Brief- line 2 (pg 4) were "accelerated to a felony"
- 2.) my last issue of no fair library is significant when you read the Response to Motion for Discovery pg 2 where line 18 to 21 read an unconstitutional policy of leaving discretion on when, where and how to view body cam footage (and store surveillance footage) to "facilitate with Jail Staff" -- that idea puts my right to confront in the hands of guards, who by definition have mostly ministerial duties and discretion over minor routine functions.
- 3.) the August 6 2019 information cites burglary then cites two prior larcenies, then states "contrary to form of the Statute in such case made and provided" -- yet does not cite verbatim what statute nor what precise language indicates a right to enhance by two prior larceny a third larceny to a felony! Please color this out.
- 4.) Please note state opposition to Motion to Withdraw Plea pg 4's use of Stevens line 8 to 14. challenge the "totality of circumstances" as constitutionally overbroad, ambiguous. I want to read and sign what you draft, OK?



Anthony Clarke # 1192204

April 6, 2020

WNCC P.O. Box 7000

Carson City, NV 89702

Re NV Sup. Ct Docket No. 80130

Dear Ms. Carolyn "Lina" Tanner, Esq.:

Please take notice I request that you add the issues raised in my Nevada Supreme Court Appellant's Informal Brief.

It should be noted that I am a Creditor (see) my file number 15024649-1 with the United States State Department. I should had never been arrested by Reno Police Department.

Respectfully submitted,  
Anthony Clarke  
1192204

Anthony Clarke # 1192204  
NNEC P.O. Box 7000  
Carson City NV 89702

4-27-20

Tanner Law & Strategy  
216 E. Liberty Str  
Reno NV 89501

I was alleged to have been arrested for a charge of Rape  
in Los Angeles County 11/13/80. That need to be challenged  
on appeal also, many of the Presentence Investigation Report  
arrest are in error. This need to be challenged.

Thank you

Anthony Clarke

Anthony Clarke # 1192204  
NNCC P.O. Box 7000  
Carson City NV 89702

To: Carolyn Lina Tanner  
216 E. Liberty St  
Reno, NV 89501

Re: Nevada Supreme Court # 80130

Dear Ms. Tanner:

I am writting this letter to request a follow up in the Nevada Supreme Court. On 4-17-20 I filed a Motion for Leave and Motion to correct an illegal sentence in the 2nd Jd. Dist Court. The documents were Ordered Striking Fugitive Documents. The court did not give a response regarding my motion for "Leave". The court record will show this District Judge is out of control.

Thank you

Anthony Clarke  
The Real Person.  
4-29-20

Anthony Clarke 1192204  
NNCC P.O. Box 7000  
Carson City NV 89702

To: Tanner Law & Strategy Group, LTD  
216 E. Liberty Str  
Reno, Nevada 89501

Dear Carolyn Lina Tanner, Esq.

May 2, 2020  
Re Nevada Supreme Court Docket No. 80130

I am sending you a Motion For leave to file Motion Pursuant to Rule 23.1 for the Second Judicial District Court. I would like you to raise this issue in the Courts

On August 1, 2019 in case No CR19-1352 I was coerced into signing a preliminary hearing waiver in the Reno Justice Court. I was advised by appointed counsel that I was ID'ed in a line up & prosecution witnesses were present in the courtroom to give testimony. That prompted me to ~~sign~~ sign the waiver. All of this is on court records and my Motion to withdraw plea.

Thank you,  
Anthony Clarke

① You were sent a copy of my Motion by the Court, But I will send one to you.

Anthony Clarke 1192204

7-13-20

NNCC P.O. Box 7000

Carson City NV 89702

Nevada Supreme Court  
# 80130

District Court #CR19-1352

Tanner Law & Strategy Group

216 E. Liberty Str

Reno, NV 89501

Dear Ms. Tanner

Hope you are in good health.

By now you should have the police report along with evidence that I filed a complaint against District Court Judge David A. Hardy.

The police report is clearly sanitized. For example it is no mention that I was arrested with \$377 dollars on my person. This fact was willfully omitted to support the Burglary charge. The enclosed Reno Police Department Evidence Photo Release Certificate Case # 19-4180 show three \$5.00 bills Two \$10.00 bills were taken out the tip jar & given back to Katherine Tyrrell. However, the body cam surveillance show only three bills removed from my jacket pocket. Moreover, in my motion to withdraw plea, I mentioned I had \$377 dollars upon arrest.

In the DA's opposition motion Ms. Mariah Northington made it clear "Per booking records, the Defendant had \$0 on his person when he was booked into the Washoe County Jail..." (see Opp. To Def. Mot. To withdraw plea dated Nov 8, 2019).

I also believe Mariah Northington, Valencia Lorena and Maizie Pusich conspired to deprive me my protected constitutional rights. For example. I filed a motion for discovery Nov 1, 2019 requesting in part "The names of persons who were prosecution witnesses at the scheduled preliminary hearing in the Reno Justice Court on August 1, 2019" (see Dis Mot.)

The State responded Nov 8, 2019, but refused to reveal requested information, (see State response.) I believe no prosecution witnesses were at the preliminary hearing August 1, 2019 as I was lead to believe by "appointed counsel." (Also see E-Mail dated August 15, 2019.)

In closing Know that I respect your outlook and look forward to see what you put in the court. It is alot going on with Reno Police and the court. The way the police report is a racist agenda, to me it represent racially sanitized rhetoric.

Have a good day

Thank you.

Anthony Clarke

Anthony Clarke 1192204

NMCC P.O. Box 7000

Carson City NV 89702

Docket No 80130

July 15, 2020

Tanner Law & Strategy Group

216 E. Liberty St R

Reno, NV 89501

Dear Carolyn Lina Tanner,

As you already know I was arrested in Reno NV by Reno P.D for burglary. I was sentenced by a state court. My point is this : Our U.S. Supreme Court made a ruling on July 9, 2020 regarding Jurisdiction. I think the case name is Mc Girt v. OK. Would you research that case and apply it to my appeal? Also, can you send me a copy of that case?

Thank you  
Anthony Clarke

Reno NV is Federal Land

Anthony Cianke 1192204

NNEC P.O. Box 7000

Carson City NV 89702

Docket No 80139

July 16, 2020

Tanner Law &amp; Strategy Group

216 E. Liberty Str

Reno NV 89501

Dear Mrs. Tanner,

Hope you are in good health. According to NRS 287.330 Uniformed officers of the Reno Police Dept are mandated to wear body cameras. During my arrest body cameras were used but when the unidentified officer went into my pants pocket to get money to add to the so-called tip jar money found in my jacket pocket that part of the body camera was cut off. If you review that body cam footage you will see it do not match up with the written reports. The officers lied to get me sent to prison. I have sent letters regarding police misconduct to Police Chief Jason Soto all to no avail. I would not be in prison if the police had told the truth. It was over 13 "white" police around when I was arrested they all condoned the police misconduct. In closing the Presentence Investigative Report (PSI 531476) was

Thank you

V5. 769



Anthony Clarke 1192204

NNCC P.O. Box 7000

Carson City NV 89702

Docket # 80130

July 20, 2020

Tanner Law & Strategy Group  
216 E. Liberty Str  
Reno, NV 89501

Dear Ms. Tanner:

I hope you are in good health. As for me we are living in conditions which are in clear violation of the 8th Amendment 'cruel and unusual punishment'. As a young man I lived in the 'Jim Crow South' after that I lived in Los Angeles Co. when LAPD beat Rudy King. The point I am making I know what Systemic Racism is. The police report, the appointed counsel, the prosecution and the court all participated in Systemic Racism. The record in my case clearly show, the Judge who accepted my guilty plea for 12-36 mo was not the same Judge who rejected the plea and denied my motion to withdraw plea. I did not know one District Court Judge could overrule another. I believe this is a appealable issue. What do you think?

Anthony Clarke V5. 770

Anthony Clarke 1192204

UNCC P.O. Box 7000

Carson City, NV 89702

Re: Docket No. 80130

July 27, 2020

Tanner Law &amp; Strategy Group

216 E. Liberty Str

Reno, NV 89501

Dear Ms. Tanner:

As always I hope you are well. Please note in the Second Judicial District Court case No# CR16-1968 I filed a Petition regarding access to court. In that Petition you will discover how I used the surveillance video to make my point.

What I request is that you review the surveillance video in the Reno Justice Court Sally Port Dept 4 on 8-1-19 case NO# RCR2019-100994. This surveillance video also have audio. This evidence will prove I was told by Kendra G. Bertschy Bond No# 13071 "I was identified in a line-up and the prosecution witnesses were present at the courthouse." This is why I waived preliminary hearing on 8-1-19. This attorney also filed Notice of Waiver of Appearance for Preliminary Hearing. The question is why. The fact is I was setup. Please add this to my appeal. Thank you.

Anthony Clarke

Anthony Clarke 1192204

NNCC P.O. Box 7000

Carson City, NV 89702

Docket Number 90130

July 27, 2020

Tanner Law & Strategy Group

216 E. Liberty Str

Reno, NV 89501

Dear Ms Tanner:

Hope you are in good health. The arresting officer charged me with burglary. However, they failed to follow the bright line constitutional Rules.

- 1) The police report(s) indicate I entered the resurant stole \$35 out the tip jar and that money was found in my jacket pocket. This is a willful misrepresentation of the facts. for the following: The body cam evidense show 3 bills alleged to have been removed from my jacket pocket. But the property slip indicate 3 five dollar bills and 2 10 dollar bills was returned to the resturant. 2) The body cam was turned off when a officer reached in to my right pants pocket removed money and added it to money found in my jacket pocket.
- 3) The report omitted the fact that I was arrested with \$377 dollars. 4) The report failed to mention I complained of being robbed and beat by the resturant owner & co-worker.

5) Initially the 911 call reported a fight, but no officer investigated a fight. The fact is I was being robbed and beat.

I am writing to let you know my wishes to pursue the following line of thought in my challenge to the conviction, sentence and term of confinement:

"illegitimate and unconstitutional practices get their first footing... by silent approaches and slight deviations"... etc

Boyd v. U.S. 116 U.S 616 at 336.

Based on the above principles of law I request that you incorporate the said facts into my appellate proceedings.

Thank you,  
Anthony Clarke.

Anthony Clarke 1192204

NNCC P.O. Box 7000

Carson City NV 89702

Re: Docket No# 80130

July 20, 2020

Tanner Law & Strategy Group

216 E. Liberty Str

Reno, NV 89501

Dear Ms. Tanner:

Hope you are in good health. Would you please look into why the Chief of Reno Police Department has not responded to my letter complaints regarding police misconduct in my case. Specifically how the police report omitted facts. Thank you

Anthony Clarke

Anthony Clarke 1192204  
NNCC P.O. BOX 7000  
Carson City, NV 89702  
Nevada Supreme Court # 80130

Tanner Law & Strategy Group, LTD

216 E. Liberty Str

Reno, NV 89501

8/3/20

Dear Ms. Tanner,

Hope you are in good health. I realize I will be free by the time I get any action on my direct appeal or a habeas. Know that in that event I will continue the fight in the highest courts in the United States of America. It is clear the more I look at my conviction and sentence Race was the only factor starting from the 911 call to the sentencing court. Enclosed is a letter of complaint regarding the police report filed in my case. Can you follow-up and get a response? I do not remember seeing in my plea agreement "administrative assessment of \$ 25.00 & \$ 500.00 for legal representation. This was not part of the "contract" I agreed to. In closing can you discover what prosecution witnesses were present at the courthouse on 8-1-2019 for a Preliminary Hearing. I believe the P.D. misled me in order to get me to waive my Prelim. Thank you

P.S. Would you please research *McGirt v Oklahoma* cited as 591 U.S. \_\_\_\_ (2020) (slip Opinion). From my Habeas I question the "jurisdiction" of the court.

Question: What effect will it have on my case if you discover 1) I was arrested with \$ 377.00 on my person, and that was not recorded in the police report 2)

The D.A. claimed in the Motion opposing my Motion to withdraw plea that I had ~~the~~ money when entering the Taste of Chicago restaurant. That was a lie 3) During the Young hearing Lorena Valencia Deputy Public Defender asserted there were no case notes indicating I was promised a line-up. However, Ms. Valencia was not attorney of record when I was promised a line-up prior to Prelim. Mr. Jarrod Hickman was the attorney of record but Ms. Kendra G. Bertschy filled in for him. If you review the I-Web dated July 30, 2019 at Washoe County Jail under Ms. Bertschy representation of me you should find proof of how I was promised a line up prior to Prelim. In closing thank you for your time.

Yours Truly,  
Anthony

Anthony Clarke 1172204  
NNCC P.O. Box 7000  
Carson City, NV 89702

Docket No # 80130

August 3, 2020

Tanner Law & Strategy Group

216 E. Liberty Str

Reno, NV 89501

Dear Ms. Tanner:

Hope you are well. I was writing you to ask you to include this in my direct appeal. First during sentencing I was denied counsel by the Court and the district attorney. Second I objected to the PSI report. I claimed it was incorrect. The Court didn't question the person who prepared the PSI. On pg 5 of the PSI Arrest date Nov. 13, 1980 case no 1197623 (Rape) I was not convicted of that. If you look those cases are to old & many of them have no case numbers. Prior to me going Pro se, I was told by defense counsel that the PSI was incorrect. The PSI is having a adverse effect on my placement in prison and no doubt it played a part in my unjust prison sentence. Appointed counsel, District Attorney and the Court willfully deprived me of life, liberty and property based on a misleading and Racially Motivated Police Report. If the appointed counsel had did a small investigation the truth would have been revealed. This goes for the State to. I may not have



passed the bar, but a blind man can see the entire State of Nevada used illegal method to get a conviction. Starting with the so called witnesses - who played the "Race card".

These acts and omission by these people is the very reason people all over the World are in protest. I realize that I have a "Misdemeanor" not a Felony. So what will you file on direct appeal and are you going to file a habeas after the Court rule on my direct appeal?

Thank you.

Anthony Marks

Anthony Clarke 1192204  
NNCC P.O. Box 7000  
Carson City, NV 89702

Tanner Law & Strategy Group, LTD.  
216 E. Liberty Str  
Reno, NV 89501

August 11, 2020

Re Nevada Supreme Court 80130

Dear Ms. Tanner,

Hope you are in good health. I am writing to ask you to Review the body cam and all the surveillance footage from the restaurant and dash cam. You should find the police report is willfully misleading.

Also, please review the surveillance at the Reno Justice court on 8-1-19 at 1:30 p.m Dept 4 Sally Port. You should hear and see attorney Kendra G. Bertschy stating that "I was identified in a line-up and prosecution witnesses were at the courtroom and ready to proceed with the Preliminary hearing."

I also request that you review the Reno Justice Court roster for 8-1-19 to determine if prosecution witnesses were at the courtroom. I believe Ms. Bertschy mislead me just to get me to waive my prelim. Thank you.

cc: Ms. Tanner.

Anthony Clarke.

Anthony Clarke 1192204  
NNEC P.O. Box 7000  
Carson City NV 89702

8/14/20

Tanner Law & Strategy Group, LTD  
216 E. Liberty Str  
Reno, NV 89501

Re Nevada Supreme Court No 80130

Dear Ms. Tanner,

Hope you are well. Please review the surveillance  
footage from the Reno Justice Court Department 4  
Sally Port on the date of 8/1/19. You will find  
the PD coming into the Sally Port area telling  
me "I was identified in a line up and prosecution  
witnesses are present at the courtroom to testify.  
This was not true.

Thank you,  
Anthony Clarke

cc Tanner

Anthony Clarke #1192204  
NNCC P.O. Box 7000  
Carson City, NV 89702

8/16/80

Re Nevada Supreme Court 80130

Tanner Law & Strategy Group, LTD  
216 E. Liberty Str  
Reno NV 89501

Dear Ms. Tanner,

Hope that you are well. As you know I was convicted  
in Reno Nevada. I do not know or understand Nevada Law.  
It seems to me out dated and in conflict with U.S. Const.

Please note that one District Court Judge accepted  
my plea 8/21/79 for 12-36 mo. On 11/25/79 another District  
Judge rejected my plea - refused to allow me to withdraw  
my plea and at sentencing gave me 23-96 mo.

Can you add this issue on my direct appeal?

Thank you  
Anthony Clarke

cc: Ms Tanner

Anthony Clarke 1192204  
NNCC / P.O. Box 7000  
Carson City NV 89702

Tanner Law & Strategy Group, LTD.  
216 E. Liberty Str  
Reno, NV 89501

8/16/20

Re: Nevada Supreme Court No B0130

Dear Ms. Tanner,

How are you doing. I am writing this letter to request that you add these issues to my direct appeal and State Habeas. A review of body cam of Reno Police Officers Chris Caprioli, Christopher A. Good and Daniel Nicolini. Additional evidence can be found on the dash cam of said officers. Surveillance footage from Taste of Chicago Restaurant dated March 2, 2019; surveillance footage from Reno Justice Court Department 4 Sally Port between 1:30 - 4:00 PM. This footage will show Ms. Bertschy declaring "I was identified in a line up and prosecution witnesses were present in the courtroom ready to testify."

## I.

## Police Misconduct:

A) On March 2, 2019 I was arrested and charged with Burglary by Reno Police Department. Officers failed to fully investigate prior to my arrest. Evidence was tampered with meaning that contrary to the police report and body cam evidence \$35 dollars was not found in my jacket pocket, it was \$7 dollars. The officer Mc Gurk turned off his body cam removed money from my pants pocket to make it appear that money was stolen from the tip jar. Officer Mc Gurk also purposely omitted investigative facts to conceal and foreclose my defense against the element of intent which must be proven by the government. According to the DA's motion in opposition to my motion to withdraw plea dated Nov. 8, 19. That motion clearly show that the DA relied on the police report where the fact I had \$377 dollars on my person upon arrest (March 2, 2019).

## Prosecution Misconduct

## II.

A)

DA HAS PERMISSIVE POLICY TO ENCOURAGE SHODDY INVESTIGATION TO OMIT FACTS THAT WOULD NEGATE RATIONAL CHARGING DECISIONS.

Prior to DDA Northington's filing Motion opposing my Motion to withdraw plea she knew or should have known

① That I was arrested with \$ 377 dollars on my person on March 2, 2019, ② The body cam evidence does not show \$ 35 dollars removed from my jacket pocket as reported by officer Mc Gurk police report. ③ Ms. Northington knew or should have known she was misleading the court by asserting that I had zero money upon my arrest. (see: States app. Mot. dated Nov, 8, 2019).

### III.

PUBLIC DEFENSE OFFICE IS INTINSICALLY CONFLICTED

IT IS UNDER FISCAL AND POLITICAL CONROL OF DA

INEFFECTIVE ASSISTANCE OF COUNSEL

A) I was forced to be represented by Lorena Valencia, Jarrod Hickman, Maisie Pusich and Kendra Bertschy. I did not ask to be represented by Washoe Public Defenders office. The fact is I advised Reno Justice Court I would represent myself.

B) On 10/23/19 in case number CR 19-1352 over my timely objections Lorena Valencia was appointed stand by counsel. During this appointment Ms. Valencia hindered my ability to research and submit a proper Motion. Namely Motion to withdraw plea. Ms. Valencia went on vacation while I wait for her return.

C) Not one appointed counsel did any investigation. They concealed the fact I was promised a line up prior to the scheduled preliminary hearing. If I had been properly represented I will not be in state prison.

D) Ms Bertschy was the one who promised me a line-up, not Ms Valencia. She could had simply asked Ms Bertschy about a line-up being promised. Each and every attorney mentioned worked against me "simply because the color of my skin."

E) Each of the appointed counsels betrayed my trust by misleading me and withholding evidence which would had challenged the Burglary charge.

F) Not only did the named attorneys betray me, they also allowed there investigator to hinder my ability to review all the "body cam" and surveillance evidence from the restaurant. "I was told by the investigator that I did not have time to review all the surveillance evidence". (see attorney visit at Washoe County Jail around Nov 20, 2019).

#### Conclusion

Would you add these issues to my appeal. It is no doubt in my mind I was subjected to systemic racism, police misconduct Judicial Misconduct, Prosecution Misconduct and much more.

Thank you.

Anthony Clarke



Anthony Clarke #1192204  
NMCC P.O. Box 7000  
Carson City, NV 89702

Dear Carolyn "Lina" Tanner,

I would like to point out issues for appeal In the Second Judicial District Court Judge Hardy violated a number of Judicial Canons.

①

On Oct 21, 2019 during the hearings the Judge Hardy conducted a Ex parte communication without my presence with Public Defender Lorena Valencia, Deputy District Attorney Mariah M. Northington in violation of Nevada Supreme Court Rules Rule 2-2.9 (A) on Oct 21, 2019. The mandatory language of 2-2.9 (A) is the judge "shall not conduct any ex parte communication, this was deliberate malice to deprive me of right to redress grievances against government. U.S. Const First Amendment.

Judge Hardy said on the court record after the Ex parte communication: "Mr. Clarke your name was not mentioned." This is a cover-up staging a cover-up by falsifying a truth statement on the record in violation of NRS 179 when Judge Hardy puts on record "your name was not mentioned".

②

On Oct 21, 2019 Judge Hardy Held a hearing on Clarke's Motion to proceed without counsel (i.e. Self-Representation) during this hearing Clarke made it clear that he had no access to criminal law while incarcerated at Washoe County Jail. This complaint was disregarded by Judge Hardy.

I was denied access to the court in violation of the First and Fourteenth Amendment and NRS 283.440, NRS 197.200 and Nevada Supreme Court Rules Rule 2-2.6 (A) A Judge shall accord to every person who has a legal interest in a proceeding... Rule 2-2.2 A Judge shall uphold and apply the law, and shall perform all duties of judicial officer impartially, ~~competently~~, and ~~diligently~~.

(3)

On Oct 21, 2019 Judge Hardy stated on the court record prior to Clarke filing his motion to withdraw plea that: Mr. Clarke "I do not believe you are easily coerced."

On November 21, 2019 Judge Hardy issued a order denying Mr. Clarke's Motion to withdraw plea. This conduct of Judge Hardy violated Nevada Supreme Court Rules. Rule 2-2.3 A judge shall perform the duties of Judicial officer, including administrative duties, without bias or prejudice. Rule 2-2.3 (A). (B)

(4)

On October 21, 2019 during motion hearings Judge Hardy allowed Jennifer Noble, Chief Appellate Washoe County District Attorney to speculate (ie: Mr. Clarke was walking down the street east bound on 4th street and had the ability to see through the window of the restaurant and see a tip jar full of cash & decided to enter the building & take the money. This is pure

speculation on the part of Tenn. for Noble but Judge Hardy allowed it in violation of Rule 2-2.3 (A)

(B)(c). This conduct also violated Nevada Supreme Court Rules. Rule 2-2.4 (A) A judge shall not be swayed by public clamor or fear of criticism. (B) A judge shall not permit... other interest or relationships to influence the judges conduct or judgment. (c) A judge shall not convey or permit others to convey the impression that any person or organization is in a position to influence the judge.

### Conclusion

Would you please file these issues and any others you think will win. I am going to file against the prosecuting attorney for Misconduct. Please look for my complaints.

Respectfully submitted,  
Anthony Clarke

8/17/20

P.S. Will you send me a Reno Police Department Citizens Complaint form. I want to file against the Reno Police Dept.

Anthony Clarke 1192204  
NNCC P.O. Box 7000  
Carson City, NV 89702

August 24, 2020

Tanner Law & Strategy Group, LTD,  
216 E. Liberty Str  
Reno, NV 89501

Re Nevada Supreme Court Docket No 80130

Dear Ms. Tanner,

Hope you are in the best of health.

I am writing you to suggest you add the following constitutional issues to the direct appeal.

I.

Appointed counsel Ms. Bertschy in the Justice Court mislead me by saying to me that I was identified in a line-up and the prosecution witnesses were in court and going to give testimony which prompted me to sign a Preliminary Hearing Waiver.

II.

Appointed counsel Ms. Valencia in the District Court mislead the court when asserting it was no record of me being promised a line-up and that "I was so advised" It is no record I was advised" However, it is a record of a promise of a line up, which is found in my I-Web video on July 30, 2019 at the Washoe Co. Jail. Also it has been verified that I was booked into

Washoe Co. Jail with \$ 377 in cash.

### III.

The prosecution withheld this evidence in her motion in opposition to my motion to withdraw plea.

### IV.

The arresting officer submitted a incomplete and untrue facts on his Declaration of Probable Cause.

### V.

The District Court Judge committed misconduct by misrepresenting what appointed counsel said during the Farsetta Hearing. Ms. Valencia was asked: Was Mr. Clarke promised a line up or was Mr. Clarke given a line up." Ms. Valencia responded by saying "No Mr. Clarke was not given a line up and he was so advised" The Judge in his ~~was~~ Order Denying Motion To Withdraw Guilty Plea actually "changed the words of defense counsel namely:

Defense counsel asserted there were no case notes indicating Mr. Clarke was advised regarding the existence of a lineup."

Conclusion: Re One Judge accepting plea another rejecting it and giving more time than agreed upon (22 Cal. 3d 749; 587 P.2d 220; 150 Cal. Rptr. 778; 1978 Cal. LEXIS 317; 3 A.L.R. 4th 1171 CRIM. No 20002.

Thank YOU

Anthony Clarke V5. 790

Anthony Clarke # 1192204

NNCC P.O. Box 7000

Carson City NV 89702

9/1/20

Tanner Law & Strategy Group, LTD

216 E. Liberty Str

Reno, NV 89501

Re: 80130 NV Sup. Ct

Dear Ms. Tanner:

As always I hope you are well. I am writting to say  
If I am granted the right to withdraw my plea it is no doubt  
that the State will file habitual. That said, I request that you  
contact Los Angeles County Public Defenders Office Proposition 47  
unit & have them have the following cases reduced to misdemea-  
nors:

1)  
3-6-97 Robbery case # YA032139. On the  
Surface 211 is a serious or violent crime, but the circumstances in  
my specific case, my conduct was not serious or violent.

2)  
3-1-95 Poss Drug in prison BA094372  
under California law this is a misdemeanor but I must petition.

3)  
3-29-10 Grand Theft case # SA073998-01

4)  
3-2-04 Poss of PCP case # A904766

5)  
5-23-86 Poss Narcotics case # A915126.

Also, please note if my appeal is granted please understand I do not want parole. Any thing with parole attached I will reject.

What do you think about the Papers I've sent to you. I would like some feed back so I can understand your line of thinking.

Just a few questions:

- 1) If you can prove that RPD misled the court about the facts surrounding my arrest what can happen on appeal,
- 2) If you can prove that appointed counsel lied to me and the sentencing court about money found on my person, prosecution witnesses present at Prelim and that I was identified in a line-up which prompted me to sign a waiver of my prelim.
- 3) If you can prove prosecution knew or should have known that I was arrested with \$377 on my person, but submitted to the court in a opposition to my motion to withdraw plea I had zero money upon my arrest.

In conclusion I like to thank you for your time and concern in this matter.

Thank you,  
Anthony Clarke.

Anthony Clarke 1192204

NWCC P.O. Box 7000

Carson City, NV 89702

Tanner Law & Strategy Group, LTD  
216 E. Liberty Str  
Reno, NV 89501

9.6.20

Re: NV Supreme Court No 80130

Dear Ms. Tanner:

Hope you are in good health. I request that you raise "Judicial Misconduct" in my direct appeal. For the following reasons:

In the Order Denying Motion To Withdraw Guilty Plea case No CR19-1352 dated Nov-21-2019 you should find on page 2 lines 1-8 It appears to me that the Court granted my motion to withdraw my plea.

I also want to file a TAC claim against all five appointed Washoe Co. Public Defenders who represented me.

As you know from the court records over my objections I was appointed Standby Counsel - who went away for a week while I need specific case law to file my Motion to withdraw my plea. My ability to research for my motion was hindered by standby counsel.

Thank you.

Anthony Clarke



Anthony Clarke 1192204

2nd Judicial District

NNCC P.O. Box 7000

ER 19-1352

Carson City NV 89702

9/7/20

Tanner Law &amp; Strategy Group, LTD

216 E. Liberty Str

Reno, NV 89501

Re: Nevada Supreme Court No 80130

Dear Ms. Tanner:

How are you doing. As always I hope you are in good health.

As for me I am thinking about my appeal & habeas. I would like you to add this to my appeal or habeas.

1) I believe, on 10-23-19 during the closed Young hearing it is evidence in that court record that shed light on my assertion that I was promised a line-up by appointed counsel Kendra G. Bertschy prior to the scheduled Preliminary Hearing on 8-1-19 in the Reno Justice Court #RCR 2019-100994 Dept #4. Please get those transcripts. 2) The Court did not even question Ms. Bertschy about me being promised a line-up prior to prelim 3) If you read the Order Denying Motion To Withdraw Plea & the statement made by appointed counsel Ms. Valencia you should discover "the Court changed words of Ms. Valencia."

Thank you,

Anthony Clarke.

Anthony Clarke 1192204  
NNCC P.O. Box 7000  
Carson City NV 89702

9/9/20

Tanner Law & Strategy Group LTD  
216 E. Liberty St  
Reno, NV 89501

Re: Nevada Supreme Court No: 80130

Dear Ms. Tanner,

Greetings, I am to request a complete copy of the appendix & brief submitted to the NV. Sup. Ct, related to case no 80130 for my records. (upon completion).

Additionally, please review the attached Reno Police Dept. Memo setting forth Exculpatory Evidence previously with-held in violation of Strickland where the Washoe Co. Sheriff's office establishes the truthfulness of my claim that I did possess nearly \$400<sup>00</sup> dollars when I entered the Taste of Chicago Restaurant. The courts reliance on the State's fraudulent claim that I had no money when I entered became the basis of the prosecution against me, and set into Motion a clear design to undermine Justice. Knowing all these facts it was clear to me I was merely to be sacrificed. My attorney did nothing in this regard - this is the only reason I took a plea.

It is time to file a Rule 40 or Rule 60 Motion to re-visit the issue in Dist. Court. And secure evidence and including all body & dash cam video, along with video from Reno Justice Court, Taste of Chicago before any problems relating to retention compound this injustice.

You must now see my concerns for Justice as a Black Man in America. Thank you.

Sincerely  
Anthony Clarke

ANTHONY CLARK #1192204  
 P.O. Box 7000 N.N.E.C.  
 CARSON CITY NV 89102

Sept 10 2020

Tanner Law & Strategy Group LTD.

214 E. Liberty St.

Reno NV. 89501

RE: Nevada Supreme Court Case No.: 80130

Dear Attorney Tanner

Greetings, I am writing to request a complete copy of the Appendix & Brief submitted to the NV.S.Ct. related to case no. 80130 for my records. (upon completion)

Additionally please review the attached RENO POLICE DEPT. MEMO Setting forth Exculpatory Evidence previously withheld in violation of Strickland where the WASHOE CO. SHERIFF'S office establishes the Truthfulness of my claim that I did possess nearly \$400<sup>00</sup> dollars when I entered the TASTE of CHICAGO Restaurant. The <sup>COURTS</sup> ~~states~~ Reliance on the State's Fraudulent claim that I had NO MONEY when I entered Began the Basis of the prosecution against me, AND set into motion a clear Design to undermine Justice, Knowing All these facts it was clear to me I was merely to be sacrificed, My Attorney did nothing in this regard - This is the Only Reason I took a Plea.

It is time to file A Rule 40/<sup>Rule 40</sup> motion to Re-visit the issue in Dist. Court. AND Secure <sup>EVIDENCE and info</sup> all Body & DASH cam video, along with video from TASTE of CHICAGO Before any problems related to Retention compound this Injustice, You Must now see My Circumstances as a Black American Sincerely

Anthony Clarke 11922.04  
WNCC / P.O. Box 7000  
Carson City NV 89102

9/14/20

Tanner Law & Strategy Group, LTD.  
216 E. Liberty Str  
Reno, NV 89501

Re: NV Sup. Ct # 80130

Ms. Tanner:

I hope you are in good health.

I would like to suggest that you review the closed Young Hearing and the E-Mail dated around 8/31/17. It will show the DA & PD's offices misled the Court in that prosecution witnesses were at the scheduled preliminary hearing in the Reno Justice Court. The only reason I said the things I said in my Declarations & the interview with P & P is because appointed counsel(s) would not help me build a trial defense.

Thank you,  
Anthony Clarke.

Anthony Clarke #1192204  
NUCC / P.O. Box 7000  
Carson City, NV 89702

9/15/20

Code: 1670

Tracie K. Lindeman, Esq.  
Nevada Bar No. 5049  
P.O. Box 3733  
Carson City, Nevada 89702

Re: CR19-1352 / Sup. Ct. No 80130

Dear Ms. Lindeman,

I hope you are in the best of health.

I am sending you this letter to let you know I want to talk to you or see you in person. Can I call you?

Thank you,  
Anthony Clarke.

Anthony Clarke 1192204  
NNCC / P.O. Box 7000  
Carson City NV 89702

9/16/20

Code: 1670

TRACIE K. LINDEMAN, Esq. \*5049  
P.O. Box 3133  
Carson City, NV 89702

NV Sup. Ct.  
Re: 80130 / Dist Court No. CR19-1352

Dear Ms. Lindeman,

Would you please send me a copy of my opening brief?  
also, I want you to send me all motions filed 2/11/20 and  
please provide away that you and I can talk to each other.  
Thank you

Anthony Clarke

Anthony Clarke 1192204  
P.O. Box 7000 NNSL  
Carson City, NV 89702

Supreme No 80130

9/23/20

Tracie Lindeman, Esq.  
Nevada Bar No 5049  
P.O. Box 3733  
Carson City, NV 89702

Re: Copy of Reno Risk Mgmt Complaint Copy of DA  
Letter Copy of Video Cam

Dear Ms. Lindeman

1) Please find enclosed a complaint to Risk Management against the deliberate permissive policy that encourages police omit evidence. I believe the ministerial duties of the police ought to be to collect All evidence and get it entered into the investigative record. Had they done this, I would have been able to confront the required element of the burglary charge.

2) Find enclosed a copy of the Washoe DA's response to a Public Records Request. The copies of the video - cam are important to my case, so can you contact the DA and get a copy of all that evidence file into the records of the District Court and move to include it in the Appendix on Direct Appeal ?



3) I noticed in the billing statement you have produced an opening brief. I worry to think this has been filed erroneously and prematurely and without my pre-approval as your client.

I realize you are not paid well by the State of Nevada, and I am on your side in that. But the lousy pay does not constitute a waiver or forfeiture on part of your client (ME), to treat me with any less zealous respect and deference and courteous treatment as required by the Nevada Code of Professional Conduct.

Please send me copies of all pleadings, papers and motions you have and will have done as the attorney of record.

Thank you for your prompt attention to these serious concerns.

Respectfully submitted,

Anthony Clark

Anthony Clarke # 1192204  
P.O. Box 7000 NNEC  
Carson City, NV 89702

10/7/20

STATE BAR OF NEVADA  
3100 W. Charleston Blvd.  
Suite 100  
Las Vegas, NV 89102

Dear NEVADA BAR.

I request that you consider my grievance regarding court appointed attorney, Tracie K. Lindeman, Esq. BAR No# 5049 in connection with my Direct Appeal / ER19-1352, Supreme Court No 80130.

1) Ms. Lindeman will not contact me or respond to my request to review the Direct Appeal Brief or send me a copy of the transcripts. 2) In addition, I have new evidence that I want the Supreme Court to consider.

Thank you.

Anthony Clarke

Anthony Clarke #1192204  
 P.O. Box 7000 NMCC  
 Carson City, NV 89702

10/18/20

Tracie K. Lindeman, Esq.  
 P.O. Box 3733  
 Carson City NV 89702

Re: Supreme Court Docket No 80130  
 District Court No CR19-1352

Dear Ms Lindeman,

I have your letter dated/post marked 10/15/20. You failed to mention if you are going to take my suggestion as to what you will put in the brief.

Enclosed you will find a final report from REMSA. My issue is why none of these facts in the police report.

If you look at the States opposition dated Nov 8, 2019 page 8-9 you should see how the court was misled regarding how much money I was arrested with on 3/2/19. Also, please see the Order from the Court dated Nov 21, 2019.

Also review my rejected habeas petitions. Look how appointed counsel treated my issues. First No habeas as a matter of Nevada Statute should be rejected based on mistakes. Second I had No access to a criminal Law Library or anyone trained in the law to help me. It was clear the P.D.'s office was not going to defend me on any level they were only "Warm Bodies" standing in to hinder my defense.

I would like transcripts prior to you filing appeal I can point things you may not see. Thank you

cc: file

V5. 804

P.S. Please review the body cam and dash cam. You should find on the dash cam when the RPD arrived I advised them that I was robbed and beat and the person who did it ran into the restaurant. This was not reported. Also the body cam show only 3 bills removed from my jacket pocket, but if you review the Reno Police Department Evidence Photo Release Certificate case No: 19-4180 you will see Three \$5.00 bills and two \$10.00 bills allegedly removed from my pocket. This is also misleading. The fact is money was taken from my jacket while on body cam but, off body cam money was removed from my pants pocket.

When you get the I-Web visits with counsel you will see evidence that I was promised a line up prior to preliminary hearing. However, Defense mistle the Court by saying "I was never promised a line-up, IAC is clear. Visitors ID# 309549 21073, 305901, 171880.

I had five RPDs on my case at individual times. They all conspired against me.

Thank you

Anthony Clarke

Anthony Clarke # 1192204

P.O. Box 7000 NNCC

Carson City, NV 89702

10/19/20

TRACIE K. Lindeman, Esq.

P.O. Box 3733

Carson City, NV 89702

Re: Nevada Supreme Court No 80130

District Court No CR19-1352

Dear Ms. Lindeman,

Hope you are well. I am not an person trained in law  
however, I believe my case falls under NRS Factual Innocence  
34.920 in light of the fact I was arrested with \$377 on 3-2-19.  
or 34.910 "Bona fide issue of factual innocence."

Do you agree?

Thank you

Anthony Clarke

Anthony Clarke # 1192204  
P.O. Box 7000 NNCC  
Carson City, NV 89702

10/19/20

Tracie K. Lindeman, Esq.  
P.O. Box 3733  
Carson City, NV 89702

Re Nevada Supreme Court 80130

Dear Ms. Lindeman,

My dealing with Second Judicial District and the Washoe County Public Defenders Office I do not have any trust in the sytem at all. I realize the color of my skin has alot to do with it. Starting from the so-called employees of the Taste of Chicago Restaurant who helped RPD to manufacture a police report in order to charge me with Burglary and send me to prison. The DA and PD's office conspired to deprive me of my protected constitutional and statutory rights because of the color of my skin. No official action has been taken on the three "Citizens" complaints. This is why I want all transcripts of what transpired in the Court before you file a brief. The conduct of these State officials are criminal. Now, if you do not want to represent me in a way that matter, please let me know. Thank you

cc file

Anthony V5C Clarke

Anthony Clarke, 1192204

P.O. Box 7000 NNCC

Carson City, NV 89702

10/15/20

Tracie K. Lindeman, Esq.

P.O. Box 3733

Carson City, NV 89702

Re: Supreme Court Docket 80130

Dear Ms. Lindeman,

Today (10-15-20) I read your first letter to me regarding my case. Are you going to collect the evidence for placement in the Direct Appeal Appendix such as the complaint to Risk Management, the evidence found in the video of Reno Police Department officers. (see letter dated September 18, 2020 from Christopher J. Hicks, District Attorney Washoe Co.).

Also, there is video and audio evidence found at the Reno Justice Court Department 4 Sally Port, where Ms. Bertschy P.D. advised me that prosecution witnesses were present. This prompted me to waive my preliminary hearing on August 1, 2019.

And finally, I submitted a 239 Request with Washoe County Sheriff's Dept requesting information concerning my visit with Public Defenders. I received a response on August 18, 2020.

I was advised my request was beyond the retention period. This video with these PD's will prove I was promised a line up prior to the prelim. It will also show the PD's misled the Court regarding this issue. I am on Direct Appeal how can this be withheld?

Anthony Clarke

Anthony Clarke # 1192204

P.O. Box 7000 NNCC

Carson City, NV 89702

10/15/20

Tracie K. Lindeman, Esq

Bar # 5049

P.O. Box 3733

Carson City, NV 89702

Re: 80130 NV.Sup.ct.

Dear Ms. Lindeman,

Will you forward me all court transcripts that you have?

Also, you should know Kendra Bertschy Washoe County Public Defender advised me that the prosecution witnesses were present at the scheduled preliminary hearing in the Reno Justice Court. I believe I was misled in order for me to sign a waiver of my preliminary hearing. However, the Court was told a different story. Ms. Bertschy will not respond to my NRS 239 request.

Anthony Clarke



Anthony Clarke #1192204

P.O. Box 7000 NNCC

Carson City, NV 89702

10/22/20

Tracie K. Lindeman Bar#5049

P.O. Box 3733

Carson City NV 89702

Dear Ms. Lindeman,

Hope you are well. I want to know if AB 236 apply to my burglary charge. If so, please put that issue before the court. Also, have you gotten the body, dash cam evidence, that along with video from the Taste of Chicago Restaurant will show the Reno PD submitted a altered report and I was in fact robbed and beat by people who worked at the Restaurant, but was not mentioned in any report. But the video will prove my point. Thank you.

Anthony Clarke

Anthony Clarke # 1192204  
P.O. Box 7000 NNCC  
Carson City, NV 89702

10/26/20

TRACIE K. Lindeman, Esq  
P.O. Box 3733  
Carson City, NV 89702

Dear Ms. Lindeman Esq.

Please note that I have attempted a number of times to get the names of the alleged prosecution witnesses who were physically present at the scheduled preliminary hearing in the Reno Justice Court Department 4 on August 1, 2019 case No 2019-100994. Also, prior to my conviction, I filed Discovery requesting the same information, the state failed to provide that requested/Discovery information. I believe the Appointed PD misled me and said prosecution witnesses were present just to get me to waive my statutory right to a preliminary ~~hearing~~ hearing, which led to my Guilty Plea. I request that you add this to my Direct Appeal.

Thank you,  
Anthony Clarke.

cc File

Anthony Clarke #1142204  
P.O. Box 7000 NNCC  
Carson City, NV 89702

10/31/20

Tracie K. Lindeman  
P.O. Box 3733  
Carson City, NV 89702

Re: Nevada Supreme Court #80130

Dear Ms. Lindeman,

I hope you are doing well. I was reading a case that may help my case. Will you determine if it can be used?

514 US 419, 131 L.Ed 2d 490, 115 S. Ct 1555

"The accused was entitled to a new trial because the prosecution's failure to comply with the due process obligation to disclose material evidence favorable to the accused concerning his possible innocence of the crime"

Constitutional Law §440.2 Habeas Corpus §39 - due process - failure of prosecution to disclose evidence in state case - federal relief  
(2) a prosecutor remains responsible for gauging that effect regardless of any failure by the police to bring favorable evidence to the prosecutor's attention.

Thank you  
Anthony Clarke

cc File

Anthony Clarke # 1192204

P.O. Box 7000 NNCC

Carson City, NV 89702

11/16/20

Tracie K. Lindeman, Esq.

P.O. Box 3733

Carson City, NV 89702

Re: Supreme Court Docket No. 80130

Dear Ms. Lindeman,

Hope you are in good health. As for me I am safe so far but It is 17 %'s who have Covid 19 and 30 prisoners on this yard has Covid.

I have not received a copy of the appeal or court transcripts. I do not know what is going on. Question what did you put on the appeal? I am not an attorney but I do realize my state and federal rights were violated by all involved including the people who said I stole \$35.00 from a tip jar.

I believe since I had \$377 on my person and I did not form the intent to take the money until I entered the restaurant the charge of burglary cannot stand. Also the DA & P.D.'s office "withheld" I had money on my person which would help. 813 changed the outcome of the case. I had no defense. Thank you Mark

Anthony Clarke #1A2204

P.O. Box 7000 NNCC

Carson City NV 89702

11/16/20.

Tracie K. Lindeman, Esq

P.O. Box 3733

Carson City, NV 89702

Ms. Lindeman,

Enclosed you will find a copy of a response from the Washoe County District Attorney's office. It appears to me that the DA's office is admitting that there were no witnesses present at my scheduled preliminary hearing in the Reno Justice Court on August 1, 2019 case No# 2019-100994. As I alleged in my motion to withdraw my guilty plea "The only reason I accepted the plea is that my appointed counsel told me prosecution witnesses were in the courtroom ready to testify." I also raised issue as to how I could prove my allegations. "The video audio in the Sally Port at the Reno Justice Court Department 4 dated 8-1-19. All of my defense efforts were suppressed by not only appointed counsel, but the DA's office as well. Thank you

cc File

Anthony Clarke V5. 814

Anthony Clarke # 1192204

P.O. Box 7000 NNCC

Carson City, NV 89702

Nov 22, 2020

TRACIE K. Linderman, Esq.

P.O. Box 3733

Carson City, NV 89702

Re: Supreme Court Docket No. 80130

Dear Ms. Lindeman,

Hope you are in the best of health.

I read the Brief. I like it. I have a few questions. do you intend to file a habeas? I have proof that I was misled regarding prosecution witnesses present at the Preliminary Hearing in the Reno Justice Court on August 1, 2019 case No RCR 2019-100994. I would had not signed a Waiver to my Preliminary If I was properly informed by appointed counsel.

Also what do you think about me filing a motion of illegal sentence? Thank you

Anthony Clarke

Anthony Clarke # 1192204  
 P.O. Box 7000 NNCC  
 Carson City, NV 89702

Nov 28, 2020

Tracie R. Lindeman, Esq.  
 P.O. Box 3733  
 Carson City, NV 89702

Re Supreme Court Packet No.

90130

Dear Ms. Lindeman,

Please take notice that I need copies of all the documents I sent Carolyn Lisa Tarnes the previous attorney on my case, and copies of all documents I sent to you. The more I look back at the District Court proceedings the more I realize right from the start i.e. Declaration of probable cause filed by Reno Police Dept, the manufactured police report, the Dash and Body cam was altered to fit the charge. I have determined if the video show me walking down the street - having the ability to see through a window - the video also show me being beat and robbed in the middle of the street by an employee of the restaurant. The District Attorney withheld this Brady material. I also realize each person that had a statement upon my arrest supported the shabby investigation regarding my arrest.

In conclusion, please note I think you did a good job on the opening brief. However, if I would had known about Newly Discovered Evidence i.e. No line up conducted in my case, me having "tears" on my person upon arrest "which I have physical proof" and the fact V5. 816

that the District Attorneys Office "never turned over Dash Cam from my arrest March 2, 2019, even though a Discovery Motion was filed. If this evidence had been recorded and turned over, it would show" I advised the responding officers that I was beat and robbed in the middle of the street by a man who ran back into the restaurant and that he robbed over \$200 from me." This was never mentioned or investigated by responding officers. The official reports indicate a 911 call was made reporting a fight. "No one asked any questions about who made that call." The truth of the matter the person who made the 911 call witnessed me being attacked in the middle of the street by the man who ran back into the restaurant.

I believe the cause of my illness had a lot to do with it. I am not an attorney but I am no fool.

In closing will you please send me copies of all documents I sent and advise me if you will file a Habeas Corpus in this case.

Thank you,  
Anthony Clark



Anthony Clarke 1192204  
P.O. Box 7000 NWCL  
Carson City, NV 89702

December 10, 2020

Tracie K. Lindeman, Esq.  
P.O. Box 3733  
Carson City, NV 89702

Re: Supreme Court Docket No. 80130

Dear Ms Lindeman,

I have your letter dated Dec 3, 2020. I understand you will not be filing a habeas petition on my behalf. I also understand you will prepare a reply brief based on the State's answering brief.  
Question: Will you send me a copy of the State's answering brief?

Question: I sent some of my records to you and the other attorney can you send those back to me. I will need them if I am going to file a habeas myself.?

Question: Will you send me some case law specifically on when a defense attorney misled a client in order to have him waive a preliminary hearing? Thank you.

Anthony Clarke

Anthony Clarke 1192204  
P.O. Box 7000 NNCC  
Carson City, NV 89702

December 26, 2020

TRACIE K. Lindeman, Esq.  
P.O. Box 3733  
Carson City, NV 89702

RE: Supreme Court Docket 80130

Dear Ms. Lindeman,

Hope you are in good health. I have a concern about the Joint Appendix. I do not know why you failed to include the Body and dash cam evidence and the footage from the Taste of Chicago Restaurant. I request that you add this to the Joint Appendix. I need this because I intend to file a Habeas Petition.

Thank you.

Anthony Clarke

Anthony Clarke # 1192204  
P.O. Box 7000 NNCL  
Carson City, NV 89702

December 28, 2020

Tracie K. Lindeman, Esq.  
P.O. Box 3733  
Carson City, NV 89702

Re: Supreme Court Docket 80150

Dear Ms. Lindeman,

Hope you are in good health. I have serious concerns as to why you failed to add to the joint appendix the following:  
911 calls relating to my case (ie: police misconduct) Dash, Body cam of all responding Reno P.D officers upon my arrest (police misconduct) along with prosecution and defense (misconduct), The 7/31/19 Motion for Waiver of appearance, Reno Justice Court waiver of preliminary hearing dated Aug 1, 2019 (judicial misconduct) Footage from the Taste of Chicago Restaurant dated ~~3/1/19~~ 3/2/19 (prosecution and judicial misconduct).

Each video showing of any prosecution witnesses who appeared in the Reno Justice Court on August 1, 2019 (prosecution and judicial misconduct). This is vital to filing a habeas petition that will be granted.

I request that you add this to my joint appendix or what ever it takes to have this part of the record on direct appeal.

Thank you,  
Anthony Clarke.

cc:file

Anthony Clarke # 1192204  
P.O. Box 7000 NNCC  
Carson City, NV 89702

1/7/21

Tracie K. Lindeman, Esq.  
P.O. Box 3733  
Carson City, NV 89702

Re: Supreme Court Docket No.  
80130

Dear Ms. Lindeman,

I received your letter dated January 6, 2021.  
You are welcomed to that Card. I know you work hard.  
To the point. Today (1/7/21) I received the Case  
Notes from Public Defender through a NRS 239 cv  
action. I can tell you, these case notes "Contradict  
Respondent's Answering Brief". I suggest you get  
these notes. You have a happy new year and stay  
well.

Yours Truly  
Anthony Clarke

Anthony Clarke # 1192204  
P.O. Box 7000 NNCC  
Carson City, NV 89702

1/14/21

Tracie L. Lindeman, Esq.  
P.O. Box 3733  
Carson City, NV 89702

Re: Supreme Court Docket No. 80130

Dear Ms. Lindeman,

As you already know I have the PD's case notes. I compared the notes to the court transcripts and discovered the attorneys willfully misled me and the court about the facts of the case. I have the page out of court records that the notes contradict.

JA 072, 14-17, JA 074, 16-24, JA 075, 9-15 JA 079, 1-5  
JA 073, 4-11, JA 075, 1-2, JA 078, 23-24

Also, I learn that it's no case notes on the day I signed the waiver of my preliminary hearing (8.1.19). As stated in the record I was misled by appointed counsel regarding being identified in a lineup and that prosecution witnesses were present in the court room. I learn through NRS 239 request this was misleading as well. I suggest you get the notes and add to the direct appeal.

Yours Truly,  
Anthony Clarke.

Anthony Clarke #1192204  
P.O. Box 7000 NNCC  
Carson City, NV 89702

Jan 19, 2021

Tracie K. Lindeman, Esq.  
P.O. Box 3733  
Carson City, NV 89702

Re: Supreme Court of Nevada 80130  
Dist Court No. CR19-1352

Dear Ms. Lindeman,

Hope you are in good health. I have a few constitutional issues I wish to point out that were not in my Direct Appeal which I request that you "Supplement" my appeal.

It is clear on Direct Appeal in this State I can raise Judicial, Police and Prosecution Misconduct, None of these are in my appeal. First I point out that according to all police reports and body cam evidence and the State's Opposition To Defendant's Motion To Withdraw Plea Filed Nov 8, 2019 Transaction #7579842 'I had ~~0~~ money when I was arrested (aside from the tip jar money) This is Police, Judicial and Prosecution Misconduct because I have proof that I was in fact arrested March 2, 2019 with \$377 dollars on my person. (Attached to my Motion to withdraw my plea Filed November 1, 2019 was my Declaration) The State failed to file a counter AFFIDAVIT. The State has no standing.

cc file

Ms. Lindeman, I have a serious problem regarding my protected right to Court. First my intention is to file a habeas after Direct Appeal. Currently, I am being denied access to copies due to a Department of Corrections Policy that places a limit on legal copy "I am requesting that you file a Motion for copy rights up to \$50.00." Thank you. Have a good day take care of yourself.

Anthony Clarke

# Tracie K. Lindeman, Esq.

---

P.O. Box 3733 • Carson City, NV 89702 | 775-297-4877 | tlindeman@appellatesolution.com

February 3, 2021

Mr. Anthony Clarke  
No. 1192204  
P. O. Box 7000  
NNCC  
Carson City, NV 89702

**Re: Supreme Court Docket No. 80130**

Dear Mr. Clarke,

Enclosed please find a copy of the reply brief I filed on your behalf on January 27, 2021. I realize that you are concerned about police and prosecutorial misconduct, but unfortunately, the entry of a guilty plea waives any right to appeal from events occurring prior to the entry of the plea. Accordingly, I have focused the appeal on the pre-sentencing motion to withdraw the plea and the denial of counsel at sentencing.

Now that briefing is completed, the court will either take the matter under submission based on the briefs, or they may order oral argument. We will be notified of how the appeal will proceed, and ultimately when a decision is rendered.

Please feel free to contact me if you have additional questions. Unfortunately, I don't seem to be able to receive phone calls from the prison, so written correspondence is probably your best option.

Best regards,



Tracie K. Lindeman  
Bar # 5049



Anthony Clarke #11922.04

P.O. Box 7000 NMCC

Carson City, NV 89702.

2/12/21

Tracie K. Lindeman, Esq.

P.O. Box 3733

Carson City, NV 89702

Re: Supreme Court Docket No. 80130

Dear Ms. Lindeman,

Hope you are safe and in good health. I like your reply brief dated 27 day of January 2021. First I do not mean to be harsh - but I have grave concerns regarding your representation of me on direct appeal. I realize you passed the British Accreditation Registry - BAR it is nothing wrong with that if your client has no real knowledge of what the BAR represent.

Keeping it real I wonder why you failed to preserve on direct appeal matters that will be deemed meritorious on collateral review. For example but not limited to: The fact I requested that appointed counsel advise me as to what to talk about with P & P during the Presentence Investigation Report. As a result, I incriminated myself and on top of that David A. Hardy District Court Judge used that information against me during sentencing. I did not know I gave up my 5th Amend right when entering a plea.

don't from my 1.

Please take note while conducting my own investigation via 239 request I now have conclusive evidence that there were no prosecution witnesses at the scheduled Aug 1, 2019 Prelim at the RJC even though I was ill advised by appointed counsel and prosecution that witnesses were there - which prompted me to sign a waiver of my preliminary hearing - which led to me signing a Guilty Plea Memorandum.

Currently I have a Civil case in the 2nd Judicial District Court regarding violation by the Washoe County Public Defender failing to provide NRS 239 request to me. CV 20-01670.

I learn through PD notes that the people who reported to Reno Police misted the facts by declaring I was held by the owner of the restaurant until police arrived. This is not factual. The person who beat and robbed me and ran back into the side door of the restaurant. I believe this is recorded on footage from the restaurant - in light of the fact the State assert that "I was seen walking east bound on First/Lake Str" on security footage. the person who was identified by defense counsel's notes as bartender should be on that security footage. I believe the State and Defense attorney withheld this exculpatory and impeachment evidence.

Ms. Linderman after going pro se I filed Mot for Discovery which was denied. In closing please note that I believe these constitutional issues should have been preserved on direct appeal which would have been meritorious on collateral review.

ps One of my prior convictions which was used to enhance my current conviction to a Felony was uncounseled signing of a 301 (1967).  
see *Burgett v. State of Texas*, 389 U.S. 107, 114 (1967).

Anthony Clarke 1192204  
P.O. Box 7000 NNCC  
Carson City, NV 89702

2/18/21

Tracie K. Lindeman, Esq.  
P.O. Box 3733  
Carson City, NV 89702

Re: Supreme Court No. 80130  
District Court No. CR 19-1352

Dear Ms. Lindeman,

As always I hope you are in good health. As for  
me I contracted COVID 19 while incarcerated at NNCC.

I am 63. I fear I will not make it out due to  
COVID 19.

Please note in your JA 136-143 the State used  
a prior conviction (15 CR-1521) where I was not represented  
by counsel. According to U.S. Supreme Court Hamlin 92 S.Ct 2006  
(1972) & State of Texas 88 S.Ct 258 (1967) that prior is constitut-  
ionally infirm. But you already know this. Will you supplement  
my direct appeal?

cc:file

Thank you Anthony V5. 828

Anthony Clarke # 1192204  
P.O. Box 7000 MCC  
Carson City, NV 89702

2-23-21

C. Perez, Parole and Probation Specialist IV  
Department of Public Safety  
475 N. Carson Rd  
Reno, NV 89512

Re: CR N-1352

Report Prepared September 16, 2019  
by Alexander Ford 5340

Greetings:

In the Second Judicial District Court on Monday, November 25th 2019, a PSI report was submitted # 53476. I raised objections to that report namely: First I have never been convicted of 10 felony convictions. In 1977 at page 4 they have no case numbers pg 7 it says on 8-2-12 these were counted as felony convictions but they were misdemeanors. Also on 5-15-13 it was first degree burglary but there's no case number. The same thing applies up under that it says 4-12-13 disorderly conduct there's no case number and a misdemeanor. Same applies to the 5-17-13 no case number. On page 8, it shows I was arrested on 7-2-13 but it has no case number. And finally the two Reno convictions that were used to enhance my current Petition Larceny to a felony burglary (CR N-1352). However, the Petition Larceny under case number 13CR-1321 cannot be used to enhance my current <sup>charge</sup> Petition Larceny to burglary because I was not represented by counsel. See: Argersetter v. State of Texas, 68 S.Ct. 258 (1967)

Best Regards,  
Anthony Clarke.

V5. 830

Anthony Clarke # 1142204  
P.O. Box 7000 NNCC  
Carson City, NV 89702

2.24.21

Christopher J. Hicks  
# 7747  
One South Sierra Str  
Reno, NV 89501

Re: CR 19-1352  
Supreme Court Docket No 80130

Greetings:

On 10.14.19 in the 2nd Judicial District Court case no CR 19-1352 Deputy District Attorney N. MacLellan introduced in to evidence two prior convictions in order to enhance my current petty larceny to Burglary, a violation of NRS 205.060.

However, the prior conviction under case number 15 CR-15211 was obtained without the aid of counsel. As such, cannot be used to enhance my current sentence from petty larceny to Burglary a felony.

See: Burgett v. State of Texas, 389 U.S. 109, 19 L.Ed 2d 319, 88 S.Ct 258 (1967)

Attached you will find a letter addressed to C. Perez P # P describing the many constitutional error contained in the PSI report. Due Notice is given.

Anthony Clarke

# Tracie K. Lindeman, Esq.

---

P.O. Box 3733 • Carson City, NV 89702 | 775-297-4877 | tlindeman@appellatesolution.com

March 1, 2021

Mr. Anthony Clarke  
No. 1192204  
P. O. Box 7000  
NNCC  
Carson City, NV 89702

**Re: Supreme Court Docket No. 80130**

Dear Mr. Clarke,

I am in receipt of your recent correspondence. As I explained in my previous letter, the entry of a guilty plea waives any right to appeal from events occurring prior to the entry of the plea. This is according to both statute and case law. See NRS 174.035(3); *Webb v. State*, 91 Nev. 469, 470, 538 P.2d 164, 165 (1975) (the entry of a guilty plea generally waives any right to appeal from events occurring prior to the entry of the plea). Also, contrary to what you seem to believe, I have nothing to do with the "British Accreditation Registry." I am a licensed attorney in Nevada, having passed the state bar exam in 1993. My Nevada Bar number is 5049.

Enclosed are the documents that I have that you provided to your previous attorney. I am leaving Nevada to accept a job out-of-state, so I will no longer be representing you. I wish you the best of luck with your appeal and post-conviction proceedings if you choose to pursue such relief.

Best regards,



Tracie K. Lindeman  
Bar # 5049

**Return Of NEF****Recipients**

**JENNIFER NOBLE, ESQ.** - Notification received on 2021-07-27 15:18:29.334.  
**TRACIE LINDEMAN, ESQ** - Notification received on 2021-07-27 15:18:29.437.  
**LORENA VALENCIA, PD** - Notification received on 2021-07-27 15:18:29.411.  
**KELLY KOSSOW, ESQ.** - Notification received on 2021-07-27 15:18:29.386.  
**DIV. OF PAROLE & PROBATION** - Notification received on 2021-07-27 15:18:29.359.

**\*\*\*\*\* IMPORTANT NOTICE - READ THIS INFORMATION \*\*\*\*\***  
**PROOF OF SERVICE OF ELECTRONIC FILING**

-

**A filing has been submitted to the court RE:** CR19-1352

**Judge:**

HONORABLE DAVID A. HARDY

**Official File Stamp:**

07-27-2021:15:15:49

**Clerk Accepted:**

07-27-2021:15:17:40

**Court:**

Second Judicial District Court - State of Nevada  
Criminal

**Case Title:**

STATE VS. ANTHONY CLARKE (D15)

**Document(s) Submitted:**

Amended Pet

- \*\*Continuation
- \*\*Continuation
- \*\*Continuation
- \*\*Continuation

**Filed By:**

Deputy Clerk KHudson

You may review this filing by clicking on the following link to take you to your cases.

This notice was automatically generated by the courts auto-notification system.

-

If service is not required for this document (e.g., Minutes), please disregard the below language.

**The following people were served electronically:**

KELLY ANN KOSSOW, ESQ. for STATE OF  
NEVADA

JENNIFER P. NOBLE, ESQ. for STATE OF  
NEVADA

TRACIE K LINDEMAN, ESQ for ANTHONY  
CLARKE

DIV. OF PAROLE & PROBATION



LORENA VALENCIA, PD for ANTHONY  
CLARKE

**The following people have not been served electronically and must be served by traditional means** (see Nevada Electronic Filing Rules.):

Anthony Clarke # 1192204

P.O. Box 7000 NNCL

Carson City, NV 89702

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

Anthony Clarke,

MOTION FOR JUDICIAL

ACTION ON PETITION

v.

Case No CR 19-1352

STATE OF NEVADA

Dept. No.: 15

EX REL PERRY RUSSELL, Warden NNCL,

Respondent.

Petitioner Anthony Clarke, in pro se, submits this Motion for Judicial Action on Petition, moving the court to take action on the pending Petition for Writ of Habeas Corpus on file herein, in accordance with the statutory and decisional authority below.

This Motion is based upon all papers and pleadings on file herein; NRS 34.740 and NRS 34.745 and the following points and authorities.

### POINTS AND AUTHORITIES

The Petition for Writ of Habeas Corpus was filed on 6-18-2021. Filing occurred two months ago however, the Court has yet to take any action thereon as contemplated by NRS 34.740 and NRS 34.745, which require, inter alia, that the "petition must be examined expeditiously." NRS 34.740, followed by a direction to Respondent to respond or answer the petition. NRS 34.745 (1)(b) (2)

prompt adjudication of habeas actions and the serious questions they present. Carafas v. LaVallee, 391 U.S. 234, 88 S.Ct. 1556, 1560 (1968) See also Peyton v. Rowe, 391 U.S. 54, 88 S.Ct. 1549, 1552 (1968) (habeas requires a "prompt adjudication") Smith v. Idaho, 392 F.3d 350, 356 (9th Cir. 2004) (prompt resolution of prisoners' claims is a principle function of habeas).

This Court is therefore moved to expeditiously order Respondents to file a response or answer and a return to the instant petition so as to satisfy the authorities above, and as justice requires.

#### CONCLUSION

This Court should promptly take judicial action on the pending petition in accordance with NRS 34.740 and NRS 34.745.

Dated this 9 day of August, 2021

Anthony Clarke  
Anthony Clarke #192204  
Petitioner In Pro se

**CERTIFICATE OF SERVICE BY MAIL**

Pursuant to FRCP Rule 5 (b), I hereby certify that I am the Movant named herein and that on this 4 day of August, 20 21, I mailed a true and correct copy of the foregoing: Motion for Judicial Action on Petition CR19-135, to the following (Via United States Postal Service):

Washoe County District Attorney  
One South Sierra Str  
Reno, NV 89501

AND

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Anthony Clarke  
Movant, In Proper Person

I certify that this document Does Not contain the social security number of any Person.

8-4-21

Anthony Clarke

**Return Of NEF****Recipients**

**JENNIFER NOBLE, ESQ.** - Notification received on 2021-08-13 11:52:49.671.  
**TRACIE LINDEMAN, ESQ** - Notification received on 2021-08-13 11:52:49.79.  
**LORENA VALENCIA, PD** - Notification received on 2021-08-13 11:52:49.759.  
**KELLY KOSSOW, ESQ.** - Notification received on 2021-08-13 11:52:49.728.  
**DIV. OF PAROLE & PROBATION** - Notification received on 2021-08-13 11:52:49.7.

**\*\*\*\*\* IMPORTANT NOTICE - READ THIS INFORMATION \*\*\*\*\***  
**PROOF OF SERVICE OF ELECTRONIC FILING**

-

**A filing has been submitted to the court RE:** CR19-1352

**Judge:**

HONORABLE DAVID A. HARDY

**Official File Stamp:**

08-13-2021:11:50:59

**Clerk Accepted:**

08-13-2021:11:52:15

**Court:**

Second Judicial District Court - State of Nevada  
Criminal

**Case Title:**

STATE VS. ANTHONY CLARKE (D15)

**Document(s) Submitted:**

Motion

**Filed By:**

Deputy Clerk KHudson

You may review this filing by clicking on the following link to take you to your cases.

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If service is not required for this document (e.g., Minutes), please disregard the below language.

**The following people were served electronically:**

KELLY ANN KOSSOW, ESQ. for STATE OF  
NEVADA

JENNIFER P. NOBLE, ESQ. for STATE OF  
NEVADA

TRACIE K LINDEMAN, ESQ for ANTHONY  
CLARKE

DIV. OF PAROLE & PROBATION

LORENA VALENCIA, PD for ANTHONY  
CLARKE

**The following people have not been served electronically and must be served by traditional means** (see Nevada Electronic Filing Rules.):

1 CODE 3860  
2  
3  
4  
56 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
7 IN AND FOR THE COUNTY OF WASHOE  
89 Anthony Clarke # 1192204.10 Plaintiff,  
11

11 vs.

Case No. CR 19-1352

12 STATE OF NEVADA,Dept. No. 15  
1313 Defendant.  
14

## 15 REQUEST FOR SUBMISSION OF MOTION

16 It is requested that the motion for Petition for Writ of Habeas Corpus  
1718 \_\_\_\_\_, which was filed on the 25 day of  
19 July 8/25, 2021, in the above-entitled matter be submitted to the Court  
20 for decision.21 The undersigned certifies that a copy of this request has been mailed to all  
22 counsel of record, including Washoe County District Attorney23 DATED this 25 day of August, 2021.  
24  
25  
2627 Anthony Clarke  
28 Anthony Clarke

SECOND JUDICIAL DISTRICT COURT  
COUNTY OF WASHOE, STATE OF NEVADA

AFFIRMATION

Pursuant to NRS 239B.030 and 603A.040

The undersigned does hereby affirm that the preceding document, \_\_\_\_\_

Amended Petition For Writ of Habeas Corpus  
(Title of Document)

filed in case number: CR 19-1352

☒ Document does not contain the personal information of any person

- OR -

☐ Document contains the social security number of a person as required by:

☐ A specific state or federal law, to wit:

\_\_\_\_\_  
(State specific state or federal law)

- or -

☐ For the administration of a public program

- or -

☐ For an application for a federal or state grant

- or -

☐ Confidential Family Court Information Sheet  
(NRS 123.130, NRS 125.230, and NRS 125B.055)

Date: August 25, 2021

Anthony Clarke  
(Signature)

Anthony Clarke  
(Print Name)

Pro se  
(Attorney for)



**Return Of NEF****Recipients**

**JENNIFER NOBLE, ESQ.** - Notification received on 2021-09-01 13:20:55.536.  
**TRACIE LINDEMAN, ESQ** - Notification received on 2021-09-01 13:20:55.891.  
**LORENA VALENCIA, PD** - Notification received on 2021-09-01 13:20:55.666.  
**KELLY KOSSOW, ESQ.** - Notification received on 2021-09-01 13:20:55.637.  
**DIV. OF PAROLE & PROBATION** - Notification received on 2021-09-01 13:20:55.609.

**\*\*\*\*\* IMPORTANT NOTICE - READ THIS INFORMATION \*\*\*\*\***  
**PROOF OF SERVICE OF ELECTRONIC FILING**

-

**A filing has been submitted to the court RE:** CR19-1352

**Judge:**

HONORABLE DAVID A. HARDY

**Official File Stamp:**

09-01-2021:13:19:51

**Clerk Accepted:**

09-01-2021:13:20:25

**Court:**

Second Judicial District Court - State of Nevada  
Criminal

**Case Title:**

STATE VS. ANTHONY CLARKE (D15)

**Document(s) Submitted:**

Request for Submission

**Filed By:**

Deputy Clerk KHudson

You may review this filing by clicking on the following link to take you to your cases.

This notice was automatically generated by the courts auto-notification system.

-

If service is not required for this document (e.g., Minutes), please disregard the below language.

**The following people were served electronically:**

KELLY ANN KOSSOW, ESQ. for STATE OF  
NEVADA

JENNIFER P. NOBLE, ESQ. for STATE OF  
NEVADA

TRACIE K LINDEMAN, ESQ for ANTHONY  
CLARKE

DIV. OF PAROLE & PROBATION

LORENA VALENCIA, PD for ANTHONY  
CLARKE

**The following people have not been served electronically and must be served by traditional means** (see Nevada Electronic Filing Rules.):

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
IN AND FOR THE COUNTY OF WASHOE

ANTHONY CLARKE,

Petitioner,

vs.

Case No. CR19-1352

Dept. No. 15

STATE OF NEVADA,

Respondent.

**ORDER**

Before this Court is Petitioner Anthony Clarke's amended Petition for Writ of Habeas Corpus filed on July 27, 2021. Mr. Clarke filed his original petition on June 18, 2021. On July 13, 2021, this Court granted Mr. Clarke leave to amend his petition in conformity with NRS 34.730 by naming the Northern Nevada Correctional Center warden as a respondent and serving a copy of the amended petition on the warden and the Nevada Attorney General.

NRS 34.730(2) requires a petition to be served by mail upon the officer by whom the petitioner is confined or restrained. A copy of the petition must also be served upon the Nevada Attorney General.

Upon review of Mr. Clarke's amended petition, this Court concludes the petition now correctly names the Northern Nevada Correctional Center warden as a respondent, but still does not comply with other requirements set forth in NRS 34.730. Specifically, the Certificate of Service does not indicate the petition has been served upon the Northern

1 Nevada Correctional Center warden nor was a copy served upon the Nevada Attorney  
2 General. Such technical defects are not jurisdictional and may be cured by amendment.  
3 See Miles v. State, 120 Nev. 383, 385-86, 91 P.3d 588, 589 (2004). Accordingly, Mr. Clarke is  
4 granted leave to amend his petition to include in the Certificate of Service the warden and  
5 the Attorney General to conform with the procedural requirements contained in NRS  
6 Chapter 34. Mr. Clarke is directed to file his amended petition within 45 days of this  
7 order.

8 **IT IS SO ORDERED.**

9 Dated: September 23, 2021.

10   
11 District Court Judge

CERTIFICATE OF MAILING

Pursuant to NRCP 5(b), I certify that I am an employee of the Second Judicial District Court of the State of Nevada, County of Washoe; that on this 23 day of September, 2021, I deposited in the County mailing system for postage and mailing with the United States Postal Service in Reno, Nevada, a true copy of the attached document addressed to:

Anthony Clarke, #1192204  
P.O. Box 7000 NNCC  
Carson City, NV 89702

CERTIFICATE OF ELECTRONIC SERVICE

I hereby certify that I am an employee of the Second Judicial District Court of the State of Nevada, in and for the County of Washoe; that on the 23 day of September, 2021, I electronically filed the foregoing with the Clerk of the Court by using the ECF system which will send a notice of electronic filing to the following:

LORENA VALENCIA, PD  
TRACIE LINDEMAN, ESQ  
DIV. OF PAROLE & PROBATION  
MATTHEW MERRILL, ESQ.

  
Sheila Mansfield  
Judicial Assistant

## Return Of NEF

### Recipients

<b>MATTHEW MERRILL, ESQ.</b>	- Notification received on 2021-09-23 16:44:27.619.
<b>LORENA VALENCIA, ESQ.</b>	- Notification received on 2021-09-23 16:44:27.91.
<b>TRACIE LINDEMAN, ESQ</b>	- Notification received on 2021-09-23 16:44:27.883.
<b>DIV. OF PAROLE &amp; PROBATION</b>	- Notification received on 2021-09-23 16:44:27.655.

**\*\*\*\*\* IMPORTANT NOTICE - READ THIS INFORMATION \*\*\*\*\***  
**PROOF OF SERVICE OF ELECTRONIC FILING**

-

**A filing has been submitted to the court RE:** CR19-1352

**Judge:**

HONORABLE DAVID A. HARDY

**Official File Stamp:**

09-23-2021:16:41:40

**Clerk Accepted:**

09-23-2021:16:43:44

**Court:**

Second Judicial District Court - State of Nevada  
Criminal

**Case Title:**

STATE VS. ANTHONY CLARKE (D15)

**Document(s) Submitted:**

Order...

**Filed By:**

Judicial Asst. SMansfield

You may review this filing by clicking on the following link to take you to your cases.

This notice was automatically generated by the courts auto-notification system.

-

If service is not required for this document (e.g., Minutes), please disregard the below language.

**The following people were served electronically:**

LORENA VALENCIA, ESQ. for ANTHONY  
CLARKE

TRACIE K LINDEMAN, ESQ for ANTHONY  
CLARKE

DIV. OF PAROLE & PROBATION

MATTHEW K. MERRILL, ESQ. for STATE OF  
NEVADA

**The following people have not been served electronically and must be served by traditional means (see Nevada Electronic Filing Rules.):**

Anthony Clarke  
 NVCC PO Box 7000  
 Carson City NV 89702

FILED

OCT 11 2021

ALICIA W. LERUD, CLERK

By: ~~Wendy K. Smith~~  
 DEPUTY CLERK

SECOND JUDICIAL DISTRICT

County of Washoe

Anthony Clarke  
 Petitioner

Case No CR 19-1352

v.

Sept. 15

State of Nevada ex  
 rel. Perry Russell, Warden

Notice of Cure of  
 Defective Service of  
 Petition For Habeas Corpus  
 Filed 07-27-2021

Now comes petitioner Clarke to respond to order  
 Htd 09-23-2021 ordering service of petition for  
 Writ of Habeas Corpus. This is based on following  
 Memorandum and Exhibit(s);

Memorandum

1. The order of 09-23-2021 has ordered the proper service of the Petition for Writ of Habeas Corpus, per NRS 34.730 (2)(a)(b);
  2. the petitioner has served by U.S. Mail a copy of the Petition file stamped, and has attached at Exhibit 1 an original Certificate of Service which he believes satisfies NRS 34.730 and all applicable state laws and court rules. Respectfully submitted,
- 4 Per NRS 239B.030 No persons SS # is in this document.

Anthony Clarke

Anthony Clark



**CERTIFICATE OF SERVICE**

I, Anthony Clarke certify that on this date I did serve a true and correct copy of the foregoing Notice of Cure of Defect upon Respondent(s), via U.S. Mail, by placing same in the United States Postal Service (Prison Mail System), postage being fully prepaid, and addressed to:

Washoe Co. District Attorney  
One So. Sierra  
Reno NV 89501

AND

Nevada Attorney General  
100 No Carson St.  
Carson City NV 89201

Dated this 21 day of October, 2021.

By: Anthony Clarke  
Anthony Clarke  
 Petitioner, In Proper Person

**AFFIRMATION PURSUANT TO NRS 239B.030**

\*\* I certify that the foregoing document DOES NOT contain the social security number of any Persons.

10/2/21  
 (Date)

Anthony Clarke  
 (Signature)  
Anthony Clarke

*Notice to Cure Defect*  
**INDEX OF EXHIBITS**  
*Case No. CR 19-1352*

Exhibit Number 1 Number of Pages 1

Exhibit Description Certificate of Service Habeas Corpus  
showing mailing date of 10/2/21 to Warden + NIDAC

Exhibit Number \_\_\_\_\_ Number of Pages \_\_\_\_\_

Exhibit Description \_\_\_\_\_

Exhibit Number \_\_\_\_\_ Number of Pages \_\_\_\_\_

Exhibit Description \_\_\_\_\_

Exhibit Number \_\_\_\_\_ Number of Pages \_\_\_\_\_

Exhibit Description \_\_\_\_\_

Exhibit Number \_\_\_\_\_ Number of Pages \_\_\_\_\_

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Exhibit Description \_\_\_\_\_

Exhibit Number \_\_\_\_\_ Number of Pages \_\_\_\_\_

Exhibit Description \_\_\_\_\_

Exhibit Number \_\_\_\_\_ Number of Pages \_\_\_\_\_

Exhibit Description \_\_\_\_\_

EXHIBIT 1

Certificate of Service to  
Warden Perry Russel and Nevada AG  
of the Petition for Writ of Habeas Corpus  
in Case CR 19-1352 2nd IDC  
filed 07-27-2021

EXHIBIT 1

## CERTIFICATE OF SERVICE BY MAIL

Pursuant to NRCF Rule 5 (b), I hereby certify that I am the Petitioner/Defendant named herein and  
that on this 2 day of October, 2021 . I mailed a true and  
correct copy of the foregoing Petition for Writ of Habeas Corpus to the following:

*File stamped 7-27-21*

No. Nevada Correctional Ctr  
Perry Russell, Warden  
PO Box 7000  
Carson City NV 89702

Nevada Attorney General  
100 N. Carson St  
Carson City NV 89701

s BY: Anthony Clarke  
Anthony Clarke  
Oct 21 2021

Anthony Clarke1192204

Northern Nevada Correctional Center  
 Post Office Box 700  
 Carson City, NV 89702

Petitioner, In Proper Person

**FILED**

OCT 20 2021

ALICIA L. LERUD, CLERK  
 By: [Signature]  
 DEPUTY CLERK

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
 IN AND FOR THE COUNTY OF WASHOE

Anthony Clarke,  
 Plaintiff.

vs.

THE STATE OF NEVADA,  
 Defendant.

Case No.: CR 19-1352Dept. No.: 15NRS 176.555

**PETITION FOR WRIT OF HABEAS  
 CORPUS (POST-CONVICTION)**  
 (Non Death Penalty)

DECLARATION OF ANTHONY CLARKE**INSTRUCTIONS:**

1. This petition must be legibly handwritten or typewritten, signed by the petitioner and verified.
2. Additional pages are not permitted except where noted or with respect to the facts which you rely upon to support your grounds for relief. No citation of authorities need be furnished. If briefs or arguments are submitted, they should be submitted in the form of a separate memorandum.
3. If you want an attorney appointed, you must complete the Affidavit in Support of Motion for Leave to Proceed In Forma Pauperis. You must have an authorized officer at the prison complete the certificate as to the amount of money and securities on deposit to your credit in any account in the institution.
4. You must name as Respondent the person by whom you are confined or restrained. If you Are in a specific institution of the department of corrections, name the warden or head of the

1 institution. If you are not in a specific institution of the department but within its custody, name the  
2 director of the department of corrections.

3 (5) You must include all grounds or claims for relief which you may have regarding your  
4 conviction or sentence. Failure to raise all grounds in this petition may preclude you from filing  
5 future petitions challenging your conviction and sentence.

6 (6) You must allege specific facts supporting the claims in the petition you file seeking  
7 relief from any conviction or sentence. Failure to allege specific facts rather than just conclusions  
8 may cause your petition to be dismissed. If your petition contains a claim of ineffective assistance of  
9 counsel, that claim will operate to waive the attorney-client privilege for the proceeding in which you  
10 claim your counsel was ineffective.

11 (7) When the petition is fully completed, the original and copy must be filed with the  
12 clerk of the state district court for the county in which you were convicted. One copy must be mailed  
13 to the respondent, one copy to the attorney general's office, and one copy to the district attorney of  
14 the county in which you were convicted or to the original prosecutor if you are challenging your  
15 original conviction or sentence. Copies must conform in all particulars to the original submitted for  
16 filing.

#### 17 PETITION

18 1. Name of institution and county in which you are presently imprisoned or where and  
19 how you are presently restrained of you liberty: NMCC XIV Amdt To U.S.A.

20 2. Name and location of court which entered the judgment of conviction under attack:

21 Second Judicial 75 Court St Reno NV

22 3. Date of judgment of conviction: Nov 25, 2019

23 4. Case Number: CR 19-1352

24 5. (a) Length of sentence: 28-97 months state prison.

25 \_\_\_\_\_

26 \_\_\_\_\_

27 \_\_\_\_\_

28 \_\_\_\_\_

6. Are you presently serving a sentence for a conviction other than the conviction under attack in this motion? Yes \_\_\_\_\_ No       /      

If "yes", list crime, case number and sentence being served at this time:

7. Nature of offense involved in conviction being challenged: Burglary  
NRS 205.060 A category (B) Felony.

8. What was your plea? (check one)

(a) Not guilty \_\_\_\_\_ (c) Guilty but mentally ill \_\_\_\_\_

(b) Guilty       /       (d) Nolo contendere \_\_\_\_\_

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

//  
//  
//

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 did appeal, answer the following:

(a) Name of court: \_\_\_\_\_

(b) Case number or citation: \_\_\_\_\_

(c) Result: \_\_\_\_\_

(d) Date of result: \_\_\_\_\_

(Attach copy of order or decision, if available)

14. If you did not appeal, explain briefly why you did not:

N/A

//

//

//

15. Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any petitions, applications or motions with respect to this judgment in any court, state or federal? Yes \_\_\_\_\_ No ✓

16. If you answer to No. 15 was "yes," give the following information:

(a) (1) Name of court: N/A

(2) Name of proceeding: //

(3) Grounds raised: //

//

//

(4) Did you receive an evidentiary hearing on your petition, application or motion? Yes \_\_\_\_\_ No ✓

(5) Result: \_\_\_\_\_

(6) Date of result: \_\_\_\_\_

(7) If known, citations of any written opinion or date of orders entered pursuant to such result:

(b) As to any second petition, application or motion, give the same information:

(1) Name of court: \_\_\_\_\_

(2) Nature of proceeding: \_\_\_\_\_

(3) Grounds raised: \_\_\_\_\_

(4) Did you receive an evidentiary hearing on your petition, application or motion? Yes \_\_\_\_\_ No \_\_\_\_\_

(5) Result: \_\_\_\_\_

(6) Date of result: \_\_\_\_\_



(7) If known, citations of any written opinion or date of orders entered pursuant to such result: \_\_\_\_\_

(c) As to any third or subsequent additional applications or motions, give the same information as above, list them on a separate sheet and attach.

(d) 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 \_\_\_\_\_

(2) Second petition, application or motion?

Yes \_\_\_\_\_ No \_\_\_\_\_

(3) Third or subsequent petitions, applications or motions?

Yes \_\_\_\_\_ No \_\_\_\_\_

Citation or date of decision.

(e) 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 by 11 inches attached to the petition. Your response may not exceed five handwritten or typewritten pages in length)

17. 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: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

(b) The proceedings in which these grounds were raised:

(c) Briefly explain why you are again raising these grounds. (You must relate specific facts in response to this question. Your response may be included on paper which is 8 ½ by 11 inches attached to the petition. Your response may not exceed five handwritten or typewritten pages in length.)

18. If any of the grounds listed in Nos. 23(a, (b), (c) and (d), or listed on any additional pages you have attached, were not previously presented in any other court, state or federal, list briefly what grounds 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 ½ by 11 inches attached to the petition. Your response may not exceed five handwritten or typewritten pages in length.)

19. Are you filing this petition more than 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 ½ by 11 inches attached to the petition. Your response may not exceed five handwritten or typewritten pages in length.)

20. Do you have any petition or appeal now pending in any court, either state or federal, as to the judgment under attack? Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, state what court and the case number:

21. Give the name of each attorney who represented you in the proceeding resulting in your conviction and on direct appeal: <sup>BAR</sup>MR. Hickman, 12772, <sup>BAR</sup>Kendra G. Bertschy, 13071, <sup>BAR</sup>Ms. Valencia, 14292 and Ms. Maizie Pusich.

22. Do you have any future sentences to serve after you complete the sentence imposed by the judgment under attack:

Yes \_\_\_\_\_ No ☒

23. 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 additional grounds and facts supporting same.

(a) Ground One:

ILLEGAL SENTENCE NRS 176.555 LACK OF  
INPERSON JURISDICTION

### GROUND I

#### Supporting Facts:

There are several variables concerning the lack of  
inperson jurisdiction of the plaintiff, a substantial  
matter dealing with according to the congressional  
record that Nevada is under the Treaty of Guadalupe Hidalgo  
(1848) 11 Stat 347, that in the act of Congress of (1789) 1 Stat  
137. The Alcedal title cannot be changed out from the Indigen-  
ious, except by another treaty which never happened. Treaty  
is the Supreme Law of the land; Despite the President Jacksons  
Indian removal Act of (1831) (see) U.S. v. Joseph, 94 U.S. 614, 24 L.Ed.  
295 (1876).

The Plaintiff is not trained in the letter of the law (see) Balistreri  
v. Pacifica Police Dept, 901 F.2d 696, 699 (1990) Proceedings are  
to be liberally construed.

//

//

## Ground II

(b)

UNIFORM COMMERCIAL CODE TO BE KNOWN AS THE  
UNIFORM COMMERCIAL CODE. ALL CRIME IS COMMERCIAL  
26 CFR § 72.11.

Supporting Facts:

The Uniform Commercial Code, carefully integrated and intended as a  
uniform codification of permanent character covering an entire "field"  
of law, is to be regarded as particularly resistant to implied repeal  
Subsection (b) states the basic relationship of the Uniform Commercial Code  
to supplemental bodies of law and equity, and relies on those bodies  
of law to supplement its provisions in many important ways... while prin-  
ciples of common law and equity may supplement provisions of the  
Uniform Commercial Code, they may not be used to supplant its pro-  
visions, or the purposes and policies those provisions reflect, unless  
a specific provision of the Uniform Commercial Code provides otherwise.  
In the absence of such a provision, the Uniform Commercial Code  
preempts principles of common law and equity that are inconsistent  
with either its provisions or its purposes and policies... this section  
indicates the continued applicability to commercial contracts of all  
supplemental bodies of law except insofar as they are explicitly  
displaced by this Act."<sup>(3)</sup>Application of subdivision (b) to statutes. The  
primary focus of Section 1-103 is on the relationship between the  
Uniform Commercial Code and principles of common law... State  
law, however, increasingly is statutory... Some states many general  
principles of common law and equity have been codified... In  
some situations, the principles of subsection (b) still will be  
determinative. For example, the mere fact that an →

continued from pg 8(a)

equitable principle is stated in statutory form rather than in judicial decisions should not change the court's analysis of whether the principle can be used to supplement the Uniform Commercial Code - under subsection (b),

#### Supporting Facts:

equitable principles may supplement provisions of the Uniform Commercial Code only if they are consistent with the purposes and policies of the Uniform Commercial Code as well as its text... where the other statute was specifically intended to provide additional protection to a class of individuals... the Uniform Commercial Code makes express reference to other law is not intended to suggest the negation of the general application of the principles of subsection (b).

"All codes, rules and regulations are applicable to the Government authorities only, not human/creators in accordance with G-cl's law." Rodrigues v. Ray Donovan, (U.S., Inc., Secretary of Labor), 769 F.2d 1344, 1348 (1985)

All statute, codes, rules, etc., are to bind corporate government agents, NOT their human creators, e.g., 79th Cong. Administrative Procedures Act: (All courts operate in administrative capacity only against themselves - foreign to the living man, who may only appear as a Plaintiff.)

The Senators and Representatives and the members of the State Legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation, to support this Constitution, U.S. Const. Supremacy cl. Article VI 1789.

(b) Ground IIIFRAUD NO FULL DISCLOSURE

"FRAUD VITIATES THE MOST SOLEMN CONTRACTS, DOCUMENTS AND EVEN JUDGMENTS" U.S. v. THROCKMORTON, 98 U.S. 61, AT 65 & p 18.

Supporting Facts:

Plaintiff assert: "Every man is independent of all laws, except those prescribed by nature. He is not bound by any institutions formed by his fellow man without his consent." (see):

Cruden v. Neal, 2 N.C. 338 (1796), 2 S.E. 70; ("... To secure those rights, governments are instituted among men, deriving their just power from the consent of the GOVERNED.") U.S. Declaration of Independence, July 4, @ 1776.

SANS CONTRACTUAL NEXUS:

("In as much as every government is an artificial person, and abstraction, and a creature of the mind only, a government can interface only with other artificial persons. The imaginary, having neither actuality nor substance, is foreclosed from creating and attempting parity with the tangible. The legal manifestation of this is that no government, as well any laws, agency, aspect, court etc., can concern itself with anything other than corporate, artificial persons and the contracts between them.") (See):

Penhallow v. Doan's Administrators, 3 U.S. 54, 1 L. Ed. 57, 3 Dall 54 (1795)

("But indeed no private person has a right to complain by suit in court, on the ground of breach of contract of the constitution. The constitution, it is true, is a compact

(contract) but he is not a party to it ...") Padelford, Fay & Co. v. The Mayor and Alderman of the city of Savannah, 14 Ga 438 (1854).

(b) Ground IV

STATUTES WERE ILLEGALLY REPEALED LACK OF SUBJECT MATTER JURISDICTION (SEE) U.S. v. COTTON, 535 U.S. § 625, 630 122 S.Ct 1781 (2002)

Supporting Facts:

Subject matter jurisdiction cannot be waived or forfeited, as it involves the Court's power to hear a case (see) Steel Co. v. Citz for a better enviroment, 523 U.S. § 83, 89 Nevada Supreme Court Justices Edgar Eather, Charles Merrill, Milton B. Baat performed a Quasi Legislative function in ruling that the State revision commission be abolished on July 1, 1969. Director Russell W. McDonald, consei used a joint concurrent resolution No #1 And No #2 to repeal all the statutes of Nevada and created the Nevada Revised Statutes. "Nothing can become law if it does not contain such enactment clause/language upon it's face (see) Nevada Highway Patrol v. State, 107 NV 547, 549, 815 P.2d 608 (1992) and Rogers v. State, 10 Nev. 250 (NV 1875). Action by a court without Subject Matter Jurisdiction is ultra vires and therefore void (see) Rubrgas A.G v. Marton Oil Co, 526 U.S. § 514, 503, 119 S.Ct. (1999) It is established that charges for the instant offense had no legal lawful, or Right to Pursue.

||

||

||

||

||

||

(c) Ground

V

LACK OF PERFORMANCE BONDS NOT DEJURE AND JUST A  
DEFACIO JUDGE AND PROSECUTOR FOR THIS VENUE AND  
JURISDICTION WASHOE COUNTY.

Supporting Facts:

That in the instant case, the Blanket Fidelity Bonds, upon per-  
formance of public duties were not filed in the County Clerks Office  
pursuant to NRS 4.030 as required, meeting the statutory requirements  
for a bond (see) NRS(282.040). It is noted that when the word "shall"  
is used in a command to a public official, it excluded from the  
of discretion (see) State exrel Attorney General v. Laughton, 19 Nev.  
202, 8P 344 (1885) And have at least two sureties for the Justice of the  
Peace and Prosecutor (NRS. 282.120, 282.150, 282.160) (see also NRS  
282.200.) These two statutes should be meet as a whole (see)  
Supreme Court of Nevada, University and Community College  
System of Nevada v. Nevada n(s) for sound Government, 100 P.3d.  
179 (2004). The question must be asked, that public officials to  
be held to a higher standard, than the civilian POWS under  
the Power of Appointment Act 65 stat 91 as debtors, which now  
have a Apostile Seal to be us Secured Party Creditors.



(d) Ground VI

ILLEGAL USE OF THE DEFENDANTS STRAWMAN CUSIP  
BOND, WITHOUT HIS AUTHORIZATION OR CONSENT  
IN LARGE CAPS.

Supporting Facts:

Since the inception of the Strawman CUSIP Bonds, to  
 be pledged to the Bank of England and the Vatican World  
 Trust, Cardinal Pell and Pope Francis of Assisi, in (2013)  
 through our final jubilee, all property must be returned through  
 the (2013) Apostolic letter issued Motu Proprio, that the  
 Hbly Roman Catholic Church had created the concept of  
 legal fiction, for the purpose of the United States Government  
 which was set aside in (1871) Session III. Ch 62 16 Stat  
 419 by the forty second congress and that President Ulysses  
 S. Grant. When under (1789) 1 Stat 68-69, Pursuant to Ch XIV  
 State Dept we lost our full, faith and credit, and our Birth  
 Certificate Registration Form was monetized into a CUSIP  
 bond to pledged for money to operate our country, which is  
 used to operat regulatory agencies and the United states of  
 America is registered with the Sec of State, in Wilmington  
 Delaware file no(29652), and the XVI Amdt to USCA was  
 not ratified in (1913) anyway.

||

||

||

||

||

VERIFICATION

Under penalty of perjury, the undersigned declares that he is the <sup>Plaintiff</sup>~~petitioner~~ named in the foregoing <sup>Motion</sup>~~petition~~ and knows the contents thereof; that the pleading is true of his own knowledge, except as to those matters stated on information and belief, and as to such matters he believes them to be true.

Anthony Clarke  
Petitioner <sup>Plaintiff</sup>

CERTIFICATE OF SERVICE BY MAIL

I do certify that I mailed a true and correct copy of the foregoing <sup>NRS 176.555</sup>~~PETITION FOR WRIT OF~~  
~~HABEAS CORPUS~~ to the below addresses on this 7 day of October 2021,  
by placing the same into the hands or prison law library staff for posting in the U.S. Mail, pursuant to

N.R.C.P. 5: Perry Russell, Warden | Nevada Attorney General  
P.O. Box 7000, NNCC | 100 North Carson Str  
Carson City, NV 89702 | Carson City, NV 89701

Washoe County District Attorney  
One South Sierra Str  
Reno, NV 89501

October 7, Nevada ~~20~~ 2021

Anthony Clarke  
Signature of <sup>Petitioner</sup>~~Petitioner~~ In Pro Se  
<sup>Plaintiff</sup>

## CONCLUSION

Remedy Demanded: In consideration of the aforementioned facts, laws, acts of Congress, policy, affidavits, constitutional laws, inter alia, the Defendant has shown irrefutable evidence that the instant conviction is based on/in Fraud. Thereby, the plaintiff has been Kidnapped, and forced into suretyship for the corporate entity created Sans his knowledge nor consent - i.e; a contractual obligation without full disclosure of the true nature of operation.

The judgment of conviction is VOID ab-initio and the kidnapped prisoner must be released immediately.

Anthony Clarke

Anthony Clarke #1192204

P.O. Box 7000 NNCC

Carson City NV 89702

In Pro Se

October 7, 2021

WHEREFORE, <sup>Plaintiff</sup>~~petitioner~~ prays that the court grant <sup>Plaintiff</sup>~~petitioner~~

Relief to which he may be entitled in this proceeding.

EXECUTED at NNCC, Nevada on the 7

Day of October, 2021.

Anthony Clarke

Anthony Clarke

P.O. Box / 7000 NNCC

Carson City, NV 89702

In pro se

AFFIRMATION  
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding document. NRS 176.555  
Correct A ILLEGAL SENTENCE

(Title of Document)

filed in case number: CR 19-1352

Document does not contain the social security number of any person

-OR-



Document contains the social security number of a person as required by:



A specific state or federal law, to wit:

(State specific state or federal law)

-or-



For the administration of a public program

-or-



For an application for a federal or state grant

-or-

Confidential Family Court Information Sheet  
(NRS 125.130, NRS 125.230 and NRS125B.055)Date: October 7  
September 2021Anthony Clarke  
(Signature)Anthony Clarke  
(Print Name)Pro se  
(Attorney for)P.O. Box 7000  
Carson City, NV 89702

CODE No. 2645  
CHRISTOPHER J. HICKS  
#7747  
One South Sierra Street  
Reno, Nevada 89501  
(775) 328-3200  
Attorney for Plaintiff

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,

IN AND FOR THE COUNTY OF WASHOE

\* \* \*

THE STATE OF NEVADA,

Plaintiff,

Case No. CR19-1352

v.

Dept. No. 15

ANTHONY CLARKE,

Defendant.

\_\_\_\_\_ /

**OPPOSITION TO DECLARATION OF ANTHONY CLARKE**

COMES NOW, the State of Nevada, by and through Jennifer P. Noble, Chief Appellate Deputy, and opposes Anthony Clarke's (hereafter "Clarke") document entitled "Declaration of Anthony Clarke" filed on October 20, 2021. This Opposition is based on the pleadings and papers on file with this Court, and the following points and authorities.

**MEMORANDUM OF POINTS AND AUTHORITIES**

In his Declaration, Clarke cites NRS 176.555, which regards correction of an illegal sentence. A motion to correct an illegal sentence may only address the facial legality of the sentence, i.e., one at variance with the controlling statute, beyond a court's jurisdiction, or in excess of the statutory maximum. *Edwards v. State*, 112 Nev.

704, 918 P.2d 321 (1996). A motion to modify a sentence must be based on very narrow grounds. It is limited to sentences based on a mistaken assumption about the defendant's criminal record which worked the defendant's such extreme detriment as to rise to the level of a due process violation. *Passanisi v. State*, 108 Nev. 318 (1992).

Clarke alleges various theories, including discussion about the Uniform Commercial Code, the Treaty of Guadalupe Hidalgo, St. Francis of Assisi, and the Vatican World Trust. There are also some assertions about NRS 4.030 and "the blanket fidelity bond," that the State cannot comprehend. He appears to argue that because the statutes under which he was prosecuted lack an enacting clause, this Court lacked subject matter jurisdiction, and therefore his conviction must be vacated, and he must be set free. This claim is frivolous. Every statute in the Nevada Revised Statutes, including those under which Clarke was prosecuted, was properly enacted. The Enacting Clause can be found in Volume 1, p. XXXI. In fact, our Legislature (re)enacts every statute in the Nevada Revised Statutes after every Legislative session. He also claims he is an artificial entity.

None of these arguments or allegations establish that the sentence is illegal within the meaning of *Edwards, supra*. Additionally, there is no indication that the sentence is based upon a material misapprehension regarding Clarke's criminal record, so relief is not warranted pursuant to *Passanisi, supra*. The Motion should be denied.

///

///

///

///

///

AFFIRMATION PURSUANT TO NRS 239B.030

The undersigned does hereby affirm that the preceding document does not contain the social security number of any person.

DATED: November 1, 2021.

CHRISTOPHER J. HICKS  
District Attorney

By /s/ JENNIFER P. NOBLE  
JENNIFER P. NOBLE  
Chief Appellate Deputy

**CERTIFICATE OF MAILING**

Pursuant to NRCP 5(b), I hereby certify that I am an employee of the Washoe County District Attorney's Office and that, on November 1, 2021, I deposited for mailing through the U.S. Mail Service at Reno, Washoe County, Nevada, postage prepaid, a true copy of the foregoing document, addressed to:

Anthony Clarke #1192204  
Northern Nevada Correctional Center  
P. O. Box 7000  
Carson City, Nevada 89702

/s/ Tatyana Kazantseva  
TATYANA KAZANTSEVA



**Return Of NEF****Recipients**

**JENNIFER NOBLE, ESQ.** - Notification received on 2021-11-01 14:52:53.445.  
**MATTHEW MERRILL, ESQ.** - Notification received on 2021-11-01 14:52:52.491.  
**TRACIE LINDEMAN, ESQ** - Notification received on 2021-11-01 14:52:53.502.  
**LORENA VALENCIA, ESQ.** - Notification received on 2021-11-01 14:52:53.475.  
**DIV. OF PAROLE & PROBATION** - Notification received on 2021-11-01 14:52:53.126.

**\*\*\*\*\* IMPORTANT NOTICE - READ THIS INFORMATION \*\*\*\*\***  
**PROOF OF SERVICE OF ELECTRONIC FILING**

-

**A filing has been submitted to the court RE:** CR19-1352

**Judge:**

HONORABLE DAVID A. HARDY

**Official File Stamp:**

11-01-2021:14:31:39

**Clerk Accepted:**

11-01-2021:14:52:17

**Court:**

Second Judicial District Court - State of Nevada  
Criminal

**Case Title:**

STATE VS. ANTHONY CLARKE (D15)

**Document(s) Submitted:**

Opposition to Mtn

**Filed By:**

Jennifer Patricia Noble

You may review this filing by clicking on the following link to take you to your cases.

This notice was automatically generated by the courts auto-notification system.

-

If service is not required for this document (e.g., Minutes), please disregard the below language.

**The following people were served electronically:**

LORENA VALENCIA, ESQ. for ANTHONY  
CLARKE

JENNIFER P. NOBLE, ESQ. for STATE OF  
NEVADA

TRACIE K LINDEMAN, ESQ for ANTHONY  
CLARKE

DIV. OF PAROLE & PROBATION

MATTHEW K. MERRILL, ESQ. for STATE OF  
NEVADA

**The following people have not been served electronically and must be served by traditional means** (see Nevada Electronic Filing Rules.):

Anthony Clarke #1192204  
 P.O. Box 7000 NNCC  
 Carson City, NV 89702  
In Pro Se

ORIGINAL

FILED

2021 NOV -2 AM 8:48

ALICIA L. LERUD

 CLERK OF THE COURT  
 BY *[Signature]*  
 DEPUTY

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
 IN AND FOR THE COUNTY OF WASHOE

Anthony Clarke #1192204  
 Plaintiff,

v.

CASE NO CR 19-1352

Dept. No 15

STATE OF NEVADA,  
 Defendant. 1

## REQUEST FOR SUBMISSION OF MOTION

It is requested that the motion Correction of illegal sentence pursuant to NRS 176.555 which was filed on the 20<sup>th</sup> day of October 2021

The undersigned certifies that a copy of this request has been mailed to all counsel of record, including Washoe County District Attorney.

DATED this 26<sup>th</sup> day of October 2021AFFIRMATION

Pursuant To NRS 239B.030 AND 603A.040

Filed in case number: CR 19-1352 Document does not contain the personal information of any person

*Anthony Clarke*  
 without prejudice

October 26, 2021

Proof of Service BY Mail

original

I do certify That I Mailed a true and correct copy of the foregoing MOTION TO CORRECT AN ILLEGAL SENTENCE Pursuant to NRS 176.555 Which was filed on the 20<sup>th</sup> day of October 2021 by placing the same into the hands of prison law library staff for posting in the U.S. Mail pursuant to N.R.C.P. 5:

Washoe County District Attorney  
One South Sierra Str  
Reno, NV 89501

October 26, 2021

Anthony Clarke  
WITHOUT Prejudice  
IN Pro Se  
Plaintiff

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
IN AND FOR THE COUNTY OF WASHOE

ANTHONY CLARKE,

Petitioner,

vs.

Case No. CR19-1352

Dept. No. 15

STATE OF NEVADA,

Respondent.

**ORDER**

Before this Court is Petitioner Anthony Clarke's opposed document, entitled "Declaration of Anthony Clarke," filed on October 20, 2021. Based upon the Declaration and Mr. Clarke's Request for Submission of Motion filed November 2, 2021, Mr. Clarke intends the Declaration to be a motion for correction of illegal sentence pursuant to NRS 176.555. This Court has reviewed the papers and orders as follows:

Petitioner claims his sentence is illegal under NRS 176.555. A motion to correct an illegal sentence may only challenge the facial legality of the sentence. Edwards v. State, 122 Nev. 704, 708, 918 P.2d 321, 324 (1996). This is limited to two circumstances: where the district court was without jurisdiction to impose the sentence at issue, or the sentence was imposed in violation of the controlling statute. Id.

Here, Petitioner argues six grounds for relief based on theories that the United States is a corporation and Nevada laws are invalid. Ground One claims the district court was without "in person jurisdiction" over him because Nevada is still under the Treaty of

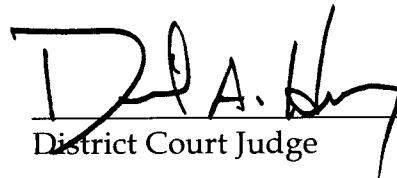
1 Guadalupe Hidalgo. Ground Two cites the Uniform Commercial Code. Ground Three  
2 appears to allege contractual fraud. Ground Four alleges lack of subject matter jurisdiction  
3 because all Nevada laws were repealed, and the Nevada Revised Statutes were not  
4 properly enacted. Ground Five alleges lack of performance bonds because "Blanket  
5 Fidelity Bonds" were not filed for public duties with the County Clerk pursuant to NRS  
6 4.030, citing NRS 282.040. Finally, Ground Six alleges illegal use of Petitioner's "Strawman  
7 CUSIP Bond," claiming birth certificates are monetized and that the United States  
8 Government is secretly a corporation.

9 The Declaration does not demonstrate Mr. Clarke's sentence was illegal under NRS  
10 176.555. Edwards v. State, 122 Nev. 704, 708, 918 P.2d 321, 324 (1996). No ground in the  
11 Declaration reasonably, under sufficient factual assertions and relevant authority,  
12 establishes Mr. Clarke's sentence as facially illegal or creates a question of the court's  
13 jurisdiction. See Nev. Const. art. 6, § 6(1); NRS 171.010; Landreth v. Malik, 127 Nev. 175,  
14 183, 251 P.3d 163, 168 (2011) (defining subject matter jurisdiction).

15 Accordingly, Mr. Clarke's motion for correction of illegal sentence is denied.

16 **IT IS SO ORDERED.**

17 Dated: November 8, 2021.

18   
District Court Judge

CERTIFICATE OF MAILING

Pursuant to NRCP 5(b), I certify that I am an employee of the Second Judicial District Court of the State of Nevada, County of Washoe; that on this 8<sup>th</sup> day of November, 2021, I deposited in the County mailing system for postage and mailing with the United States Postal Service in Reno, Nevada, a true copy of the attached document addressed to:

Anthony Clarke, #1192204  
P.O. Box 7000 NNCC  
Carson City, NV 89702

CERTIFICATE OF ELECTRONIC SERVICE

I hereby certify that I am an employee of the Second Judicial District Court of the State of Nevada, in and for the County of Washoe; that on the 8<sup>th</sup> day of November, 2021, I electronically filed the foregoing with the Clerk of the Court by using the ECF system which will send a notice of electronic filing to the following:

LORENA VALENCIA, PD  
TRACIE LINDEMAN, ESQ  
DIV. OF PAROLE & PROBATION  
MATTHEW MERRILL, ESQ.

  
Sheila Mansfield  
Judicial Assistant

**Return Of NEF****Recipients**

**JENNIFER NOBLE, ESQ.** - Notification received on 2021-11-08 13:28:51.064.  
**MATTHEW MERRILL, ESQ.** - Notification received on 2021-11-08 13:28:51.004.  
**TRACIE LINDEMAN, ESQ** - Notification received on 2021-11-08 13:28:51.124.  
**LORENA VALENCIA, ESQ.** - Notification received on 2021-11-08 13:28:51.093.  
**DIV. OF PAROLE & PROBATION** - Notification received on 2021-11-08 13:28:51.033.



**\*\*\*\*\* IMPORTANT NOTICE - READ THIS INFORMATION \*\*\*\*\***  
**PROOF OF SERVICE OF ELECTRONIC FILING**

-

**A filing has been submitted to the court RE:** CR19-1352

**Judge:**

HONORABLE DAVID A. HARDY

**Official File Stamp:**

11-08-2021:13:27:50

**Clerk Accepted:**

11-08-2021:13:28:19

**Court:**

Second Judicial District Court - State of Nevada  
Criminal

**Case Title:**

STATE VS. ANTHONY CLARKE (D15)

**Document(s) Submitted:**

Ord Denying

**Filed By:**

Judicial Asst. SMansfield

You may review this filing by clicking on the following link to take you to your cases.

This notice was automatically generated by the courts auto-notification system.

-

If service is not required for this document (e.g., Minutes), please disregard the below language.

**The following people were served electronically:**

MATTHEW K. MERRILL, ESQ. for STATE OF  
NEVADA

JENNIFER P. NOBLE, ESQ. for STATE OF  
NEVADA

DIV. OF PAROLE & PROBATION

LORENA VALENCIA, ESQ. for ANTHONY  
CLARKE

TRACIE K LINDEMAN, ESQ for ANTHONY  
CLARKE

**The following people have not been served electronically and must be served by traditional means** (see Nevada Electronic Filing Rules.):

**CODE 2540**

**IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
IN AND FOR THE COUNTY OF WASHOE**

**STATE OF NEVADA,**

**Plaintiff,**

**Case No: CR19-1352**

**vs.**

**Dept. No: 15**

**ANTHONY CLARKE,**

**Defendant.**

\_\_\_\_\_ /

**NOTICE OF ENTRY OF ORDER**

PLEASE TAKE NOTICE that on November 8, 2021, the Court entered a decision or order in this matter, a true and correct copy of which is attached hereto.

Dated November 8, 2021.

\_\_\_\_\_  
ALICIA LERUD

Clerk of the Court

\_\_\_\_\_  
/s/N. Mason

N. Mason-Deputy Clerk

**CERTIFICATE OF SERVICE**

Case No. CR19-1352

Pursuant to NRCP 5 (b), I certify that I am an employee of the Second Judicial District Court; that on November 8, 2021, I electronically filed the Notice of Entry of Order with the Court System which will send a notice of electronic filing to the following:

MATTHEW K. MERRILL, ESQ. for STATE OF NEVADA  
JENNIFER P. NOBLE, ESQ. for STATE OF NEVADA  
DIV. OF PAROLE & PROBATION  
LORENA VALENCIA, ESQ. for ANTHONY CLARKE  
TRACIE K LINDEMAN, ESQ for ANTHONY CLARKE

I further certify that on November 8, 2021, I deposited in the Washoe County mailing system for postage and mailing with the U.S. Postal Service in Reno, Nevada, a true copy of the attached document, addressed to:

Attorney General's Office  
100 N. Carson Street  
Carson City, NV 89701-4717

Anthony Clarke (#1192204)  
N. Nevada Correctional Center  
P. O. Box 7000  
Carson City, NV 89702

The undersigned does hereby affirm that pursuant to NRS 239B.030 and NRS 603A.040, the preceding document does not contain the personal information of any person.

Dated November 8, 2021.

/s/N. Mason  
N. Mason- Deputy Clerk

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
IN AND FOR THE COUNTY OF WASHOE

ANTHONY CLARKE,

Petitioner,

vs.

Case No. CR19-1352

Dept. No. 15

STATE OF NEVADA,

Respondent.

**ORDER**

Before this Court is Petitioner Anthony Clarke's opposed document, entitled "Declaration of Anthony Clarke," filed on October 20, 2021. Based upon the Declaration and Mr. Clarke's Request for Submission of Motion filed November 2, 2021, Mr. Clarke intends the Declaration to be a motion for correction of illegal sentence pursuant to NRS 176.555. This Court has reviewed the papers and orders as follows:

Petitioner claims his sentence is illegal under NRS 176.555. A motion to correct an illegal sentence may only challenge the facial legality of the sentence. Edwards v. State, 122 Nev. 704, 708, 918 P.2d 321, 324 (1996). This is limited to two circumstances: where the district court was without jurisdiction to impose the sentence at issue, or the sentence was imposed in violation of the controlling statute. Id.

Here, Petitioner argues six grounds for relief based on theories that the United States is a corporation and Nevada laws are invalid. Ground One claims the district court was without "in person jurisdiction" over him because Nevada is still under the Treaty of

1 Guadalupe Hidalgo. Ground Two cites the Uniform Commercial Code. Ground Three  
2 appears to allege contractual fraud. Ground Four alleges lack of subject matter jurisdiction  
3 because all Nevada laws were repealed, and the Nevada Revised Statutes were not  
4 properly enacted. Ground Five alleges lack of performance bonds because "Blanket  
5 Fidelity Bonds" were not filed for public duties with the County Clerk pursuant to NRS  
6 4.030, citing NRS 282.040. Finally, Ground Six alleges illegal use of Petitioner's "Strawman  
7 CUSIP Bond," claiming birth certificates are monetized and that the United States  
8 Government is secretly a corporation.

9 The Declaration does not demonstrate Mr. Clarke's sentence was illegal under NRS  
10 176.555. Edwards v. State, 122 Nev. 704, 708, 918 P.2d 321, 324 (1996). No ground in the  
11 Declaration reasonably, under sufficient factual assertions and relevant authority,  
12 establishes Mr. Clarke's sentence as facially illegal or creates a question of the court's  
13 jurisdiction. See Nev. Const. art. 6, § 6(1); NRS 171.010; Landreth v. Malik, 127 Nev. 175,  
14 183, 251 P.3d 163, 168 (2011) (defining subject matter jurisdiction).

15 Accordingly, Mr. Clarke's motion for correction of illegal sentence is denied.

16 **IT IS SO ORDERED.**

17 Dated: November 8, 2021.

18   
District Court Judge

CERTIFICATE OF MAILING

Pursuant to NRCP 5(b), I certify that I am an employee of the Second Judicial District Court of the State of Nevada, County of Washoe; that on this 8<sup>th</sup> day of November, 2021, I deposited in the County mailing system for postage and mailing with the United States Postal Service in Reno, Nevada, a true copy of the attached document addressed to:

Anthony Clarke, #1192204  
P.O. Box 7000 NNCC  
Carson City, NV 89702

CERTIFICATE OF ELECTRONIC SERVICE

I hereby certify that I am an employee of the Second Judicial District Court of the State of Nevada, in and for the County of Washoe; that on the 8<sup>th</sup> day of November, 2021, I electronically filed the foregoing with the Clerk of the Court by using the ECF system which will send a notice of electronic filing to the following:

LORENA VALENCIA, PD  
TRACIE LINDEMAN, ESQ  
DIV. OF PAROLE & PROBATION  
MATTHEW MERRILL, ESQ.

  
Sheila Mansfield  
Judicial Assistant

**Return Of NEF****Recipients**

<b>JENNIFER NOBLE, ESQ.</b>	- Notification received on 2021-11-08 13:57:24.281.
<b>MATTHEW MERRILL, ESQ.</b>	- Notification received on 2021-11-08 13:57:19.506.
<b>TRACIE LINDEMAN, ESQ</b>	- Notification received on 2021-11-08 13:57:24.88.
<b>LORENA VALENCIA, ESQ.</b>	- Notification received on 2021-11-08 13:57:24.566.
<b>DIV. OF PAROLE &amp; PROBATION</b>	- Notification received on 2021-11-08 13:57:21.597.

**\*\*\*\*\* IMPORTANT NOTICE - READ THIS INFORMATION \*\*\*\*\***  
**PROOF OF SERVICE OF ELECTRONIC FILING**

-

**A filing has been submitted to the court RE:** CR19-1352

**Judge:**

HONORABLE DAVID A. HARDY

**Official File Stamp:**

11-08-2021:13:50:13

**Clerk Accepted:**

11-08-2021:13:55:05

**Court:**

Second Judicial District Court - State of Nevada  
Criminal

**Case Title:**

STATE VS. ANTHONY CLARKE (D15)

**Document(s) Submitted:**

Notice of Entry of Ord

**Filed By:**

Deputy Clerk NMason

You may review this filing by clicking on the following link to take you to your cases.

This notice was automatically generated by the courts auto-notification system.

-

If service is not required for this document (e.g., Minutes), please disregard the below language.

**The following people were served electronically:**

MATTHEW K. MERRILL, ESQ. for STATE OF  
NEVADA

JENNIFER P. NOBLE, ESQ. for STATE OF  
NEVADA

DIV. OF PAROLE & PROBATION

LORENA VALENCIA, ESQ. for ANTHONY  
CLARKE

TRACIE K LINDEMAN, ESQ for ANTHONY  
CLARKE

**The following people have not been served electronically and must be served by traditional means** (see Nevada Electronic Filing Rules.):



FILED

NOV 15 2021

ALICIA L. LERUD, CLERK  
By: Sheryl V. Vast  
DEPUTY CLERK

Anthony Clarke 1192204  
P.O. Box 7000 NNCC  
Carson City, NV 89702

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF WASHOE

CC

Anthony Clarke,  
Plaintiff,

Case No CR 19-1352

Dept. No. 15

v.

THE STATE OF NEVADA,  
Defendant.

MOTION FOR EXTENTION OF TIME

Comes now Anthony Clarke in pro se requesting an extention of time to oppose Defendant document entitled Opposition To Declaration of ANTHONY CLARKE" filed November 1, 2021. This Motion For Extention of Time is based on the pleadings and papers on file with this Court, and the following points and authorities

MEMORANDUM OF POINTS AND AUTHORITIES

In the Defendant Declaration it cites Edwards v. State, 112 Nev 704, 918 P.2d 321 (1996), Passanisi v. State, 108 Nev 318 (1992), Currently NNCC operates under a "paging system" which do not satisfy the requirement of meaningful access to the courts... citing Spann v. Garcia, No 3:92-cv-00646-ECR, 1993 WL 561012 (D. Nev. 1994)

con't from pg one:

In light of these facts Plaintiff respectfully request 30 days to properly review the Defendant points and authorities contained in the motion in opposition to Plaintiff's Declaration filed in this Court November 1, 2021

NRS 239B.030

This motion does not contain the social security number of any person.

DATED November 5<sup>th</sup> 2021.

Anthony Clark  
Anthony Clarke  
IN Pro Se  
without Prejudice

CERTIFICATE of Mailing

Pursuant to NRCP 5(Lb) I hereby certify that I am an Plaintiff and that, on November 5<sup>th</sup> 2021. I deposited for mailing through the U.S. Postal Service at Carson City Nevada, postage prepaid, a true copy of the foregoing document addressed to:

Jennifer P. Noble  
Chief Appellate Deputy  
1 South Sierra Street  
Reno, Nevada 89501

Anthony Clark  
without prejudice V5. 891

Original

Anthony Clarke 1192204  
P.O. Box 7000 NCC  
Carson City, NV 89702

In pro se

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
IN AND FOR THE COUNTY OF WASHOE

Anthony Clarke,  
Plaintiff,

CASE No CR 19-1352

Dept. No: 15

v.

THE STATE OF NEVADA,  
Defendant.

NOTICE OF APPEAL

Please Take Notice that on November 8, 2021, this Court entered a decision or order in this matter. Plaintiff's Motion of illegal sentence was DENIED. Plaintiff now give NOTICE OF APPEAL in Case No CR 19-1352.

DATED November 13, 2021

Anthony Clarke  
Anthony Clarke  
without Prejudice  
IN Pro Se  
Plaintiff

This document does not contain the Social Security number of any person pursuant to NRS 239B.030/NRS 603A.040

Dated November 13, 2021

Anthony Clarke

CERTIFICATE of Service

Case No CR 19-1352

For NRCP 5 (b) I certify that I submitted with  
the clerk of the Second Judicial District Court  
Alicia L. LERUD the attached Notice of Appeal  
case No CR 19-1352 And to the following

Jennifer P. Noble Washoe Co DAs office  
1. Sierra Str Reno NV 89501

Attorney General's Office  
100 N. Carson Str  
Carson City, NV 89701-4717

Anthony Clarke  
Anthony Clarke

**Return Of NEF****Recipients**

**JENNIFER NOBLE, ESQ.** - Notification received on 2021-11-22 15:47:23.003.  
**MATTHEW MERRILL, ESQ.** - Notification received on 2021-11-22 15:47:22.949.  
**TRACIE LINDEMAN, ESQ** - Notification received on 2021-11-22 15:47:23.058.  
**LORENA VALENCIA, ESQ.** - Notification received on 2021-11-22 15:47:23.029.  
**DIV. OF PAROLE & PROBATION** - Notification received on 2021-11-22 15:47:22.977.

**\*\*\*\*\* IMPORTANT NOTICE - READ THIS INFORMATION \*\*\*\*\***  
**PROOF OF SERVICE OF ELECTRONIC FILING**

-

**A filing has been submitted to the court RE:** CR19-1352

**Judge:**

HONORABLE DAVID A. HARDY

**Official File Stamp:**

11-22-2021:15:45:37

**Clerk Accepted:**

11-22-2021:15:46:44

**Court:**

Second Judicial District Court - State of Nevada  
Criminal

**Case Title:**

STATE VS. ANTHONY CLARKE (D15)

**Document(s) Submitted:**

Notice/Appeal Supreme Court

**Filed By:**

Deputy Clerk AZamora

You may review this filing by clicking on the following link to take you to your cases.

This notice was automatically generated by the courts auto-notification system.

-

If service is not required for this document (e.g., Minutes), please disregard the below language.

**The following people were served electronically:**

MATTHEW K. MERRILL, ESQ. for STATE OF  
NEVADA

JENNIFER P. NOBLE, ESQ. for STATE OF  
NEVADA

DIV. OF PAROLE & PROBATION

LORENA VALENCIA, ESQ. for ANTHONY  
CLARKE

TRACIE K LINDEMAN, ESQ for ANTHONY  
CLARKE

**The following people have not been served electronically and must be served by traditional means** (see Nevada Electronic Filing Rules.):

Code 1310

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
IN AND FOR THE COUNTY OF WASHOE

STATE,

Plaintiff,

Case No. CR19-1352

vs.

Dept. No. 15

ANTHONY CLARKE,

Defendant.  
/**CASE APPEAL STATEMENT**

This case appeal statement is filed pursuant to NRAP 3(f).

1. Appellant is Anthony Clarke.
2. This appeal is from an order entered by the Honorable Judge Hardy.
3. Appellant is representing himself in Proper Person on appeal, the Appellant's address is:  
Anthony Clarke #1192204  
P.O. Box 7000 NNCC  
Carson City, NV 89702
4. Respondent is Anthony Clarke. Respondent was represented in District Court by:  
Tracy K Lindeman, Esq.
5. Respondent's attorney is not licensed to practice law in Nevada: N/A
6. Appellant is represented by is counsel in District Court.
7. Appellant is not represented by counsel on appeal.
8. Appellant was granted leave to proceed in forma pauperis in the District Court.
9. Proceeding commenced by the filing of a information on August 6, 2019.

10. This is a civil proceeding and the Appellant is appealing the Order Denying Motion to Correct Illegal Sentence filed on November 8, 2021.
11. The case has been the subject of a previous appeals to the Supreme Court.  
Supreme Court No. 80130 and 80185
12. This case does not involve child custody or visitation.
13. It is unknown if the case involves the possibility of a settlement.

Dated this 23rd day of November 2021.

Alicia L. Lerud  
Clerk of the Court  
By: /s/ Brandon Smith  
Brandon Smith  
Deputy Clerk



Code 1350

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
IN AND FOR THE COUNTY OF WASHOE

**STATE,**

**Plaintiff,**

**Case No. CR19-1352**

**vs.**

**Dept. No. 15**

**ANTHONY CLARKE,**

**Defendant.**

\_\_\_\_\_ /

**CERTIFICATE OF CLERK AND TRANSMITTAL – NOTICE OF APPEAL**

I certify that I am an employee of the Second Judicial District Court of the State of Nevada, County of Washoe; that on the 23 day of November, 2021, I electronically filed the Notice of Appeal in the above entitled matter to the Nevada Supreme Court.

I further certify that the transmitted record is a true and correct copy of the original pleadings on file with the Second Judicial District Court.

Dated this 23 day of November, 2021.

Alicia L. Lerud  
Clerk of the Court  
By /s/Brandon Smith  
Brandon Smith  
Deputy Clerk

**Return Of NEF****Recipients**

**JENNIFER NOBLE, ESQ.** - Notification received on 2021-11-23 09:21:57.166.  
**MATTHEW MERRILL, ESQ.** - Notification received on 2021-11-23 09:21:57.094.  
**TRACIE LINDEMAN, ESQ** - Notification received on 2021-11-23 09:21:57.223.  
**LORENA VALENCIA, ESQ.** - Notification received on 2021-11-23 09:21:57.196.  
**DIV. OF PAROLE & PROBATION** - Notification received on 2021-11-23 09:21:57.121.

**\*\*\*\*\* IMPORTANT NOTICE - READ THIS INFORMATION \*\*\*\*\***  
**PROOF OF SERVICE OF ELECTRONIC FILING**

-

**A filing has been submitted to the court RE:** CR19-1352

**Judge:**

HONORABLE DAVID A. HARDY

**Official File Stamp:**

11-23-2021:09:20:49

**Clerk Accepted:**

11-23-2021:09:21:25

**Court:**

Second Judicial District Court - State of Nevada  
Criminal

**Case Title:**

STATE VS. ANTHONY CLARKE (D15)

**Document(s) Submitted:**

Case Appeal Statement  
Certificate of Clerk

**Filed By:**

Brandon Smith

You may review this filing by clicking on the following link to take you to your cases.

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-

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DIV. OF PAROLE & PROBATION

LORENA VALENCIA, ESQ. for ANTHONY  
CLARKE

TRACIE K LINDEMAN, ESQ for ANTHONY  
CLARKE

**The following people have not been served electronically and must be served by traditional means** (see Nevada Electronic Filing Rules.):

**IN THE SUPREME COURT OF THE STATE OF NEVADA  
OFFICE OF THE CLERK**

ANTHONY CLARKE,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

**Supreme Court No. 83839**  
District Court Case No. CR191352

**RECEIPT FOR DOCUMENTS**

TO: Anthony Clarke  
Washoe County District Attorney \ Jennifer P. Noble  
Alicia L. Lerud, Washoe District Court Clerk ✓

You are hereby notified that the Clerk of the Supreme Court has received and/or filed the following:

11/30/2021      Appeal Filing Fee waived. Criminal. (SC)

11/30/2021      Filed Notice of Appeal/Proper Person. Appeal docketed in the  
Supreme Court this day. (SC)

DATE: November 30, 2021

Elizabeth A. Brown, Clerk of Court  
lh

**Return Of NEF****Recipients**

**JENNIFER NOBLE, ESQ.** - Notification received on 2021-12-02 14:39:00.894.  
**MATTHEW MERRILL, ESQ.** - Notification received on 2021-12-02 14:39:00.843.  
**TRACIE LINDEMAN, ESQ** - Notification received on 2021-12-02 14:39:00.947.  
**LORENA VALENCIA, ESQ.** - Notification received on 2021-12-02 14:39:00.92.  
**DIV. OF PAROLE & PROBATION** - Notification received on 2021-12-02 14:39:00.869.

**\*\*\*\*\* IMPORTANT NOTICE - READ THIS INFORMATION \*\*\*\*\***  
**PROOF OF SERVICE OF ELECTRONIC FILING**

-

**A filing has been submitted to the court RE:** CR19-1352

**Judge:**

HONORABLE DAVID A. HARDY

**Official File Stamp:**

12-02-2021:14:37:55

**Clerk Accepted:**

12-02-2021:14:38:30

**Court:**

Second Judicial District Court - State of Nevada

Criminal

**Case Title:**

STATE VS. ANTHONY CLARKE (D15)

**Document(s) Submitted:**

Supreme Court Receipt for Doc

**Filed By:**

Deputy Clerk AZamora

You may review this filing by clicking on the following link to take you to your cases.

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If service is not required for this document (e.g., Minutes), please disregard the below language.

**The following people were served electronically:**

MATTHEW K. MERRILL, ESQ. for STATE OF NEVADA

JENNIFER P. NOBLE, ESQ. for STATE OF NEVADA

DIV. OF PAROLE & PROBATION

LORENA VALENCIA, ESQ. for ANTHONY CLARKE

TRACIE K LINDEMAN, ESQ for ANTHONY CLARKE

**The following people have not been served electronically and must be served by traditional means** (see Nevada Electronic Filing Rules.):


## IN THE SUPREME COURT OF THE STATE OF NEVADA

ANTHONY CLARKE,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 83839

**FILED**

DEC 10 2021

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY  DEPUTY CLERK

*ORDER DIRECTING TRANSMISSION OF RECORD  
AND REGARDING BRIEFING*

Having reviewed the documents on file in this pro se appeal, this court has concluded that its review of the complete record is warranted. See NRAP 10(a)(1). Accordingly, the clerk of the district court shall have 30 days from the date of this order to transmit to the clerk of this court a certified copy of the complete trial court record of this appeal. See NRAP 11(a)(2). The record shall include copies of documentary exhibits submitted in the district court proceedings, but shall not include any physical, non-documentary exhibits or the original documentary exhibits. The record shall also include any presentence investigation reports submitted in a sealed envelope identifying the contents and marked confidential. See NRS 176.156(5).

Within 120 days, appellant may file either (1) a brief that complies with the requirements in NRAP 28(a) and NRAP 32; or (2) the "Informal Brief Form for Pro Se Parties" provided by the supreme court clerk. NRAP 31(a)(1). If no brief is submitted, the appeal may be decided on the record on appeal. NRAP 34(g). Respondent need not file a response to any brief filed by appellant, unless ordered to do so by this court. NRAP



46A(c). This court generally will not grant relief without providing an opportunity to file a response. *Id.*

It is so ORDERED.

1. Sardeshy, C.J.

cc: Anthony Clarke  
Attorney General/Carson City  
Washoe County District Attorney  
Washoe District Court Clerk

**Return Of NEF****Recipients**

**JENNIFER NOBLE, ESQ.** - Notification received on 2021-12-16 16:27:48.358.  
**MATTHEW MERRILL, ESQ.** - Notification received on 2021-12-16 16:27:48.301.  
**TRACIE LINDEMAN, ESQ** - Notification received on 2021-12-16 16:27:48.417.  
**LORENA VALENCIA, ESQ.** - Notification received on 2021-12-16 16:27:48.388.  
**DIV. OF PAROLE & PROBATION** - Notification received on 2021-12-16 16:27:48.33.

**\*\*\*\*\* IMPORTANT NOTICE - READ THIS INFORMATION \*\*\*\*\***  
**PROOF OF SERVICE OF ELECTRONIC FILING**

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**A filing has been submitted to the court RE:** CR19-1352

**Judge:**

HONORABLE DAVID A. HARDY

**Official File Stamp:**

12-16-2021:16:26:33

**Clerk Accepted:**

12-16-2021:16:27:17

**Court:**

Second Judicial District Court - State of Nevada  
Criminal

**Case Title:**

STATE VS. ANTHONY CLARKE (D15)

**Document(s) Submitted:**

Supreme Court Notice

**Filed By:**

Deputy Clerk AZamora

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DIV. OF PAROLE & PROBATION

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CLARKE

TRACIE K LINDEMAN, ESQ for ANTHONY  
CLARKE

**The following people have not been served electronically and must be served by traditional means** (see Nevada Electronic Filing Rules.):

**IN THE SUPREME COURT OF THE STATE OF NEVADA  
OFFICE OF THE CLERK**

ANTHONY CLARKE,  
Petitioner,

**Supreme Court No. 83919**  
District Court Case No. CR191352

vs.

THE SECOND JUDICIAL DISTRICT COURT  
OF THE STATE OF NEVADA, IN AND FOR  
THE COUNTY OF WASHOE,

Respondent,

and

THE STATE OF NEVADA,  
Real Party in Interest.

**RECEIPT FOR DOCUMENTS**

TO: Anthony Clarke  
Washoe County District Attorney \ Jennifer P. Noble  
Alicia L. Lerud, Washoe District Court Clerk ✓

You are hereby notified that the Clerk of the Supreme Court has received and/or filed the following:

12/15/2021	Petition Filing Fee waived. Criminal. (SC)
12/15/2021	Filed Proper Person Petition for Writ of Mandamus. (Exhibits attached) (SC)
12/15/2021	Filed Proper Person Motion for Leave to Proceed In Forma Pauperis. (SC)

DATE: December 15, 2021

Elizabeth A. Brown, Clerk of Court  
lh

**Return Of NEF****Recipients**

**JENNIFER NOBLE, ESQ.** - Notification received on 2021-12-22 09:43:31.427.  
**MATTHEW MERRILL, ESQ.** - Notification received on 2021-12-22 09:43:31.36.  
**TRACIE LINDEMAN, ESQ.** - Notification received on 2021-12-22 09:43:31.509.  
**LORENA VALENCIA, ESQ.** - Notification received on 2021-12-22 09:43:31.464.  
**DIV. OF PAROLE & PROBATION** - Notification received on 2021-12-22 09:43:31.393.

**\*\*\*\*\* IMPORTANT NOTICE - READ THIS INFORMATION \*\*\*\*\***  
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**A filing has been submitted to the court RE:** CR19-1352

**Judge:**

HONORABLE DAVID A. HARDY

**Official File Stamp:**

12-22-2021:09:42:26

**Clerk Accepted:**

12-22-2021:09:42:59

**Court:**

Second Judicial District Court - State of Nevada  
Criminal

**Case Title:**

STATE VS. ANTHONY CLARKE (D15)

**Document(s) Submitted:**

Supreme Court Receipt for Doc

**Filed By:**

Deputy Clerk AZamora

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CLARKE

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CLARKE

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