

EXHIBIT 33

EXHIBIT 33

ORIGINAL

FILED

APR 13 2006

By: ~~RONALD A. CONNOR, JR.~~ CLERK
DEPUTY CLERK

1 CODE: 1250

2

3

4

5

6

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

7

IN AND FOR THE COUNTY OF WASHOE

8

9

STEVEN ANTHONY HAAG,

10

Petitioner,

11

vs.

12

STATE OF NEVADA,

Case No. CR03P1520

13

Respondent.

Dept. No. 4

14

15

16

APPLICATION FOR SETTING

17

TYPE OF ACTION:

CRIMINAL

18

MATTER TO BE HEARD:

TELEPHONIC DECISION

19

DATE OF APPLICATION:

April 11, 2006

20

COUNSEL FOR PLAINTIFF:

THOMAS QUALLS, ESQ.

21

COUNSEL FOR DEFENDANT(S):

JOSEPH PLATER, D.D.A.

22

23

24

CUSTODY STATUS:

IN CUSTODY

25

26

27

28

Setting at 11:30 a.m. on the 26th of APRIL, 2006.

EXHIBIT 33

EXHIBIT 34

EXHIBIT 34

ORIGINAL

FILED

JUL 12 2006

RONALD A. LONGTIN, JR., CLERK

By: M. Stow
DEPUTY

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

* * *

STEVEN ANTHONY HAAG,

Petitioner,

v.

Case No. CR03P1520

CRAIG FARWELL, WARDEN,
LOVELOCK CORRECTIONAL CENTER,

Dept. No. 4

Respondent.

FINDINGS OF FACT, CONCLUSIONS OF LAW
AND JUDGMENT

On October 7, 2005, the parties, by and through their respective counsel, Joseph R. Plater, for the State of Nevada, and Thomas Qualls, for the petitioner, appeared before the court for an evidentiary hearing on Haag's petition for writ of habeas corpus (post-conviction). After having heard and considered the evidence and testimony, the court makes the following findings of fact and conclusions of law:

FINDINGS OF FACTS

1. On July 22, 2003, by way of information, the State charged petitioner with four counts of sexual assault with a child under the age of 14 years. Jennifer Lunt of the Washoe County Public Defender's Office represented petitioner.

EXHIBIT 34

7 6-64
6/12/06

CR03P1520 DC-990000020-118
POST: STEVEN ANTHONY HAAG (D 5 Pages
District Court 07/12/2006 12:26 PM
Washoe County 1750

1
2
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

1 2. On August 26, 2003, petitioner pleaded guilty to one count of sexual assault with a child under the
2 age of 14 years and two counts of lewdness with a child under the age of 14 years. The court sentenced
3 petitioner to life in prison with eligibility for parole after 20 years on the sexual assault conviction and
4 life in prison with eligibility for parole after ten years on the lewdness convictions.

5 3. On November 19, 2004, petitioner filed a post-conviction petition for writ of habeas corpus. The
6 court dismissed the second and third claims of the petition, and held a hearing on the first claim of the
7 petition.

8 4. In the first claim, petitioner alleges his counsel was ineffective for failing to investigate certain
9 defenses to the charges. The court denies this claim.

10 5. Petitioner first asserts his former wife, who was a complaining witness, was incompetent. Petitioner
11 failed to demonstrate how his former wife's incompetence would provide a defense to the charges
12 against him. In addition, petitioner failed to present any evidence that his former wife was incompetent.

13 6. Petitioner further alleges there is evidence of his former wife's "physical and verbal abuse" of the
14 child victim. But petitioner fails to demonstrate the specific relevance of this assertion in relation to a
15 possible defense. And petitioner failed to prove any specific abuse of the child. He only testified that
16 his former wife was rough with the victim.

17 7. Petitioner also alleges there is evidence of a "suspicious relationship which Louise had with another
18 man at the time of the allegations in this case[.]" The court finds that petitioner failed to show how this
19 fact would have led to a successful defense at trial.

20 8. Petitioner asserts there is evidence regarding his "attempt to take his daughter out of a dysfunctional
21 situation and the reaction of Louise[.]" Petitioner failed to show his counsel's conduct was deficient or
22 that petitioner suffered any prejudice because his counsel failed to investigate such evidence.

23 9. Petitioner asserts there is "evidence that the allegations of sexual assault were motivated by a selfish
24 desire to take HAAG's property and remove him from the picture." *Id.* Petitioner failed to explain how
25 such evidence might have exculpated him.

26 10. Petitioner asserts "a defense was available which included exploring the fact that the DNA might

1 have come from HAAG, via Louise, and not the alleged victim.” Petitioner failed to present any
2 evidence at the evidentiary hearing that his counsel could have presented a defense based on his former
3 wife planting petitioner’s DNA on the victim.

4 11. Finally, petitioner asserts “there was an investigation by social services as to allegations of
5 inappropriate sexual conduct which were dismissed, yet these charges went forward in any case.”

6 Petitioner failed to present any evidence at the evidentiary hearing that his counsel could have presented
7 exculpatory evidence from a social services investigation that would have led petitioner to plead not
8 guilty and insist on going to trial.

9 12. In sum, petitioner failed to present any evidence that his trial counsel failed to recognize a viable
10 defense such that petitioner would have insisted on going to trial.

11 13. In addition, petitioner signed a written plea memorandum in which he acknowledged that he had
12 discussed all possible defenses with his counsel. He further stated he was satisfied with his counsel, and
13 that he was entering his pleas voluntarily, intelligently, and knowingly. He also admitted the State
14 possessed sufficient evidence to convict him of the charges.

15 14. The court’s canvass of petitioner also demonstrates that petitioner entered a voluntary plea.
16 Petitioner told this court he was entering his plea without promises or threats, that he was guilty, and that
17 he had had ample time to discuss his case with his counsel.

18 15. Jennifer Lunt testified that she advised petitioner to accept the plea bargain the State offered because
19 petitioner had prior felony convictions, the State possessed sufficient evidence to convict petitioner, and
20 petitioner had made certain admissions about the charges. Ms. Lunt testified she considered petitioner’s
21 former wife’s abuse of the victim and the social services investigation in making her recommendation.
22 The court finds Ms. Lunt’s conduct was objectively reasonable, given prevailing professional norms.

23 16. At the evidentiary hearing, petitioner testified that he pleaded guilty because he did not want to drag
24 the child victim through a trial.

25 17. Thus, the court finds that petitioner entered a valid plea, and that counsel was not deficient in any
26 manner. Petitioner also failed to prove that had his counsel done the things petitioner alleges he should

1 have done, petitioner would not have pleaded guilty and would have insisted on going to trial.
2 18. For the foregoing reasons, the court denies the petition for writ of habeas corpus (post-conviction).

3 DATED this 6 day of ~~June~~^{July}, 2006.

4
5 Connie J. Steinheimer
6 DISTRICT JUDGE

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

CERTIFICATE OF MAILING

Case No. CR03P1520

I certify that I am an employee of JUDGE CONNIE STEINHEIMER, and that on the 12th day of July, 2006, I deposited in the county mailing system for postage and mailing with the U.S. Postal Service in Reno, Nevada, a true copy of the Findings of Fact, Conclusions of Law and Judgment, addressed to:

Joseph Plater, Esq.
Deputy District Attorney
Via Inter-Office Mail

Steven A. Haag
Inmate no. 79268
Lovelock Correctional Center
P.O. Box 359
Lovelock, Nevada 89419

Thomas Qualls, Esq.
Attorney at Law
216 E. Liberty Street
Reno, Nevada 89501


Marci L. Stone