

NOTICE OF APPEAL TO THE NEVADA SUPREME COURT FROM A JUDGMENT OR ORDER OF A DISTRICT COURT: RULE 48.

FILED

No. 43599

NO. CASE C 177427

JUL 8 2 22 PM '04

DEPT. NO 16

IN THE 8TH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA IN AND FOR THE COUNTY OF CLARK COUNTY

FILED

JUL 14 2004

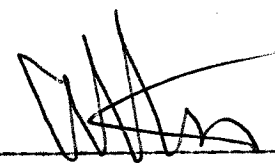
JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY A. Lucado  
DEPUTY CLERK

NOTICE IS HERBY GIVEN THAT THE MR GENE ALLEN DEFENDENT ABOVE NAME  
HERE BY APPEALS TO THE SUPREME COURT OF THE STATE OF NEVADA FROM THE  
FINAL JUDGMENT FROM THE ORDER : (1) MOTION TO VACATE JUDGMENT OF CONVECTION  
(2) REQUEST FOR AN EVIDENTIARY HEARING ENTERED IN THIS ACTION ON  
THE 9TH DAY OF JUNE THE YEAR OF 2004:

GENE ALLEN PRO SE:

Vs

STATE OF NEVADA

  
\_\_\_\_\_  
APPELLANT:

# 76542  
LOVLOCK CORRECTIONS CENTER  
AT BOX 359  
LOVELOCK NEVADA  
89401

RECEIVED  
JUL 12 2004  
CLERK OF SUPREME COURT  
By \_\_\_\_\_  
DEPUTY CLERK

RECEIVED

JUL - 8 2004

COUNTY CLERK

FILED

2004 JUL -9 AM 10: 58

*Arlene B. ...*  
CLERK

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4 **DISTRICT COURT**  
5 **CLARK COUNTY, NEVADA**  
6

7 STATE OF NEVADA, )  
8 Plaintiff(s), )

Case No: C177427  
Dept No: XVI

9 vs. )

10 GENE ALLEN, )  
11 Defendant(s), )  
12

13  
14 **CASE APPEAL STATEMENT**

15 1. Appellant(s): GENE ALLEN

16 2. Judge: JOHN S. MCGROARTY

17 3. All Parties, District Court:

18 Plaintiff, THE STATE OF NEVADA

19 Defendant(s), GENE ALLEN

20 4. All Parties, Appeal:

21 Appellant(s), GENE ALLEN

22 Respondent, THE STATE OF NEVADA

23 5. Appellate Counsel:

24 *Appellant/Proper Person*  
25 GENE ALLEN #76542  
26 PO BOX 359  
LOVELOCK NV 89401

*Respondent*  
David Roger, District Attorney  
200 S. 3<sup>rd</sup> St.  
Las Vegas NV 89101  
(702) 455-4711

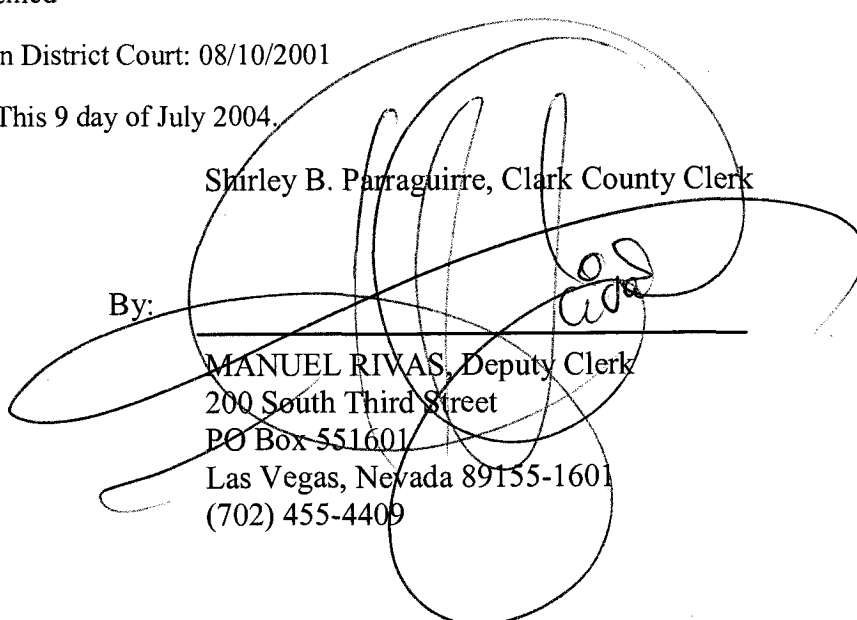
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- 6. District Court Attorney, Appointed
- 7. On Appeal, N/A
- 8. Forma Pauperis, Denied
- 9. Date Commenced in District Court: 08/10/2001

Dated This 9 day of July 2004.

Shirley B. Parraguire, Clark County Clerk

By:

  
MANUEL RIVAS, Deputy Clerk  
200 South Third Street  
PO Box 551601  
Las Vegas, Nevada 89155-1601  
(702) 455-4409

CASE APPEAL STATEMENT:

CASE # C177427

DEPT 16 FILED

DATE 7/1/04 FOR:

THAT IN THE 8TH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA IN AND FOR THE COUNTY OF CLARK COUNTY: *Shirley R. Pappas*  
CLERK

GENE ALLEN

Vs

AS TO 3() OF N.R.S. 174.035

STATE OF NEVADA:

THE APPEAL IS BASED ON REASONABLE CONSTITUTIONAL JURISDICTION AND GROUNDS TO CHALLENGE THE LEGALITY OF ALL PROCEEDINGS AS PROVIDED IN SADE SUBSECTION OF N.R.S. 174.035 AS JURY DID NOT DELIBERATE ( WAVER OF RIGHTS NUM # 6 OF PAGE 4 ) AS THE COURT MUST VIEW ISSUES OF THE PLEADING ON THE MERITS MOST FAVERABLE TO THE APPELANT, SEE BAKER V PUTAL 75 F3d 190 AS THE PLEADINGS TO POINTS OF AUTHORITYIES IN THE HOLDING IN SEE MANN V NEV AT 46 P3d 1228 AS A PETITIONER IS IN INTIELED TO A FAIR AND IMPARSHAIL HERING AND AN EVEDENTIRY HERING TO RESOLVE ISSUES BROUGHT BE FOR THE COURT, THE DISTRICT COURT ERRORED BY IMPOSING A TERM OF SUPERVISED RELEASE THAT EXCEEDED THE ~~SENTENCING~~ GUIDLINES FOR AN OFFENCE INVOLVING AN UNSPECIFICE AMOUNT OF TIME WITHOUT PRIVIDENG AN EXPLANAT TION. AS THE DEFENDENT POSIES NO THREAT TO SCITIETY AS A HOLE, SEE ROME V LEVINE AT 692 F SUPP 1046. AS THE DEFENDNENT IS NOTHING MORE THAN THE VICTOM OF PROSECUTORIAL VENDICTIVNESS SEE PEARCE V NC 89 SCT 2072. AS AT PETROCELLI 692 P2d 503 MRS ESTER SMIT-h MARRRED AGE 21 AND BRANDY DISCHSCHER MARRIED AGE 23, AND NONE APPERING. AND THAT HIS ATTORNEYS PERFORMANCE (DID) FALL BELOW AN ACCEPTED LEVEL OF PERFESS IONALISAM AFORDED TO THE 6TH AMENDMENT, AND TRIAL COUNSEL IGNORED ALL OF THE DEFENDENTS PLEADING AND REQUEST AS DEFENDENT FILED MOTIONS TO

DISMISS TRIAL COUNSEL OF RECORD DUE TO NO COMMUNICATION (DENIED)

A DEFENDENT IS ENTITLED AS A CONSTITUTIONAL RIGHT 14th AND 6th AMENDMENT ENTITLED TO DOCUMENTS WITHOUT COST AS THE STATE CANNOT FOR CLOSE ON AN APPELLANT REVIEW DUE TO THERE POVERTY SEE GRIFFIN 76 SCT 76 AT 585. WHEN A DEFENDENT ASSERTS ANY CLAIMS TO THE COURT SUPPORTED BY SPECIFIC FACTUAL ALLEGATIONS THAT IF TRUE WOULD ENTITLE HIM TO RELIEF SOUL TO ATTACH ANY TRANSCRIPTS THAT ARE AVAILABLE OR RELEVANT PORTIONS AS FACTUAL DISPUTE SHOULD BE RESOLVED AT AN EVIDENTORY HEARING AS THE DEFENDENT MUST BE AFFORDED OR TO ESTABLISH DISCRIMINATORY INTENT AS ALL MOTIONS DENIED, THAT THE ERRORS ARE PLAIN OR OBVIOUS AND AFFECTED THE DEFENDENTS SUBSTANTIAL RIGHTS SEE US V 113 SCT 1770. WE CONCLUDE THAT THE DEFENDENT DID NOT RECEIVE ADEQUATE NOTICE THAT THE STATE INTENDED TO AMEND AS TO COUNT II OF ~~SAID~~ PLEA AGREEMENT AS TO ANY COLLATERAL CONSEQUENCES. WE SHOW CAUSE FOR PROCEDURAL DEFAULT OF SPEEDY TRIAL CLAIM US V MARION 92 SCT 455, THAT THE EXTERNAL FACTOR IMPEDED HIS COUNSELS ABILITY TO RAISE A SPEEDY TRIAL CHALLENGE AT CALLENDER CALL. AS AGIN A PRODUCT OF INEFFECTIVE ASSISTENCE OF COUNSEL SEE BUCUVALAS US 98 F3d 652 AS COUNSEL TO CONTINUE TRIAL DEFENDENT NOT PRESENT IN COURT TO BE HEARD ON MOTION FILED, SEE WILKS V NEV 50 P3D 1092 AS RIGHT TO SPEEDY TRIAL IS ONE OF THE MOST FUNDAMENTIAL GARENTEES, 14th AMENDMENT, JANNA TAYLOR A WORD OF THE STATE WITH A CLEAR CUT MOTIVE TO FABRICATE SEE NEV 686 P2d 247 AS SENTING PREE INVESTEGATION NOT DESCLOSED BEFOR SENTECING AND THE OPPERTUNITY TO BE PRESENT AND IN COURT IS A STATUTORY RIGHT TO ALL CRIMINAL PROCEEDINGS IN A COURT OF LAW SEE WILKES V NEV 50 P8D 1092 CHAPTER N.R.S. 34 AS AN APPELAT SYSTEM SHOULD BE FREE FROM UN REASONABLE DISTICTION,

FACT: (DID)

(1) SENTENCING RECORD WITHHELD

P & P SEE:

DARPER V WASH 83 SCT 774

SMITH 87 SCT 362

(2) JUDICIAL COURT DEFENDENT STAND ALONE

NO COUNSEL AT PRELIMINARY HEARING AS AMENDED

COUNTS OF 19: SEE CONST LAW 250 CRIM

LAW 998 (14)

LONGE 87 SCT 362

(3) AS DEFENDENT WAS NOT AFFORDED A FAIR  
AND IMPARTIAL TRIAL BY JURY VENIAR

SEE HOLLAND V ILL 110 SCT 803

(4) NOT AFFORDED A FAIR TRIAL DUE TO ALL

~~ARENT~~ PUBLISATY

SEE GERTZ 94 SCT 2997

(5) TRIAL COUNSEL FILED MOTIONS TO WITHDRAW AS

COUNSEL COURT (DENIED)

SEE HAMELTON 82 SCT 157 ,159

(6) APPOINTED COUNSEL (DID) FILE MOTION TO  
CONTINUE TRIAL DUE TO PENDING INVESTIGATION

ON NOV 15TH 01 DEFENDENT NOT PRESENT IN COURT

AT HEARING AS I DID NOT FILE OR CONSENT TO ACTION

SEE WILLIAM V TWOMEY 510 F3D 475

AS AN ATTORNEY CAN NOT BE FORCED 28 USCA @ 1654

(7) APPOINTED COUNSEL (did) NOT SHOW CASE FOR  
PROCEDURAL DEFAULT OF SPEEDY TRIAL

SEE BUCUVALS V US 98 F3d 652

(8) 1st OF APRIAL )# STAND ALONE AS MUST HAVE  
COUNSEL AT SENTENCING

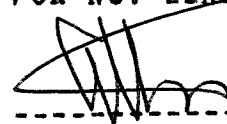
SEE MC MANN V RICHARDS 90 SCT 1441.

(9) N.R.S. 176.060 (DID) WITHDRAW PLEA AT SENTENCING

~~ON~~ OCTBER 13TH OF 02 HEARING DATE SET FOR NOV 22ND

OF 03

SEE BRYANT V NEV 268 At 272:



STATE OF NEVADA

[ ] vs Allen, Gene A

[ ]

0001 D1 Gene A Allen  
P.O. Box 359  
Lovelock, NV 89401

?????? ## UNKNOWN ##

NO.	FILED/REC	CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0001	08/10/01	CBO	/CRIMINAL BINDOVER Fee \$0.00				
0002	08/10/01	ARRN	/INITIAL ARRAIGNMENT	0001		08/22/01	
0003	08/10/01	NOEV	/NOTICE OF EXHIBIT(S) IN THE VAULT			08/10/01	
0004	08/13/01	MOT	/DEFT'S PRO PER MOTION TO DISMISS COUNSEL /2	0001	DN	09/06/01	
0005	08/13/01	INFO	/INFORMATION	0001		08/13/01	
0006	08/21/01	MOT	/PUBLIC DEFENDER'S REQUEST TO WITHDRAW AS COUNSEL/3	0001	DN	09/06/01	
0007	08/22/01	MOT	/ALL PENDING MOTIONS 8-22-01	0001		08/22/01	
0008	08/22/01	ARRN	/ARRAIGNMENT CONTINUED	0001		09/06/01	
0009	08/24/01	MOT	/ALL PENDING MOTIONS 8-24-01	0001		08/24/01	
0010	08/28/01	MOT	/ALL PENDING MOTIONS 8/28/01	0001		08/28/01	
0011	08/31/01	MOT	/ALL PENDING MOTIONS 8/30/01	0001		08/30/01	
0012	09/06/01	MOT	/ALL PENDING MOTIONS 9/6/01	0001		09/06/01	
0013	09/06/01	JURY	/TRIAL BY JURY VJ 11/20/01	0001	VC	11/26/01	
0014	09/06/01	CALC	/CALENDAR CALL	0001		11/20/01	
0015	09/14/01	TRAN	/REPORTER'S TRANSCRIPT OF PRELIMINARY HEARING	0001		08/08/01	
0016	09/17/01	TRAN	/REPORTER'S TRANSCRIPT OF SEPT 6 2001			09/06/01	
0017	10/29/01	MOT	/STATE'S MTN TO ADMIT EVIDENCE OF OTHER CRIMES WRONGS OR ACTS/12	0001	GR	04/18/02	
0018	11/06/01	OPPS	/DEFENDANTS OPPOSITION TO STATES MOTION TO ADMIT EVIDENCE OF OTHER CRIMES	0001			Y
WRONGS OR ACTS							
0019	11/15/01	MOT	/DEFT'S MTN TO CONTINUE TRIAL DATE/13	0001	GR	11/20/01	
0020	11/20/01	JURY	/TRIAL BY JURY (RV 2-19-02)	0001	VC	02/25/02	
0021	11/20/01	CALC	/CALENDAR CALL	0001		02/19/02	
0022	11/20/01	MOT	/ALL PENDING MOTIONS 11/20/01	0001		11/20/01	
0023	01/30/02	LIST	/NOTICE OF WITNESSES AND NOTICE OF EXPERT WITNESSES	0001			
0024	02/12/02	LIST	/ADDENDUM TO NOTICE OF WITNESSES	0001			
0025	02/14/02	MOT	/DEFT'S MTN TO DISMISS COUNTS XI XII XIII & XIV/17	0001	OC	05/21/02	
0026	02/14/02	MOT	/DEFT'S MTN TO PRECLUDE PROSECUTION FROM QUESTIONING STATE'S WITNESSES CONCERN/18	0001	GR	04/18/02	
0027	02/14/02	MOT	/DEFT'S MTN FOR PSYCHOLOGICAL EXAMINATION BY AN EXPERT EMPLOYED BY THE DEFT/19	0001	GR	04/18/02	
0028	02/14/02	MOT	/DEFT'S MTN IN LIMINE TO PRECLUDE PROSECUTION FROM REFERRING TO JANNA/20	0001	GR	04/18/02	
0029	02/14/02	MOT	/DEFT'S MTN TO COMPEL DISCOVERY/21	0001	GR	02/19/02	
0030	02/19/02	MOT	/ALL PENDING MOTIONS 2-19-02	0001		02/19/02	
0031	02/19/02	HEAR	/HEARING: DEFT'S MOTION TO DISMISS COUNTS XI, XII, XIII & XIV	0001	MH	04/18/02	
0032	02/19/02	CALC	/CALENDAR CALL (VJ 5-21-02)	0001	VC	05/21/02	
0033	02/19/02	JURY	/TRIAL BY JURY (VJ 5-16-02)	0001	VC	05/28/02	
0034	02/27/02	ORDR	/ORDER GRANTING DEFENDANTS MOTION TO COMPEL DISCOVERY	0001		02/27/02	

NO.	FILED/REC CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0035	03/04/02	TRAN/REPORTER'S TRANSCRIPT OF HEARING	0001		02/19/02	
0036	03/14/02	OPPS/OPPOSITION TO DEFENDANTS MOTION FOR PSYCHOLOGICAL EXAMINATION BY AN EXPERT EMPLOYED BY THE DEFENDANT	0001 0001			Y
0037	03/14/02	OPPS/OPPOSITION TO MOTION IN LIMINE TO PRECLUDE THE PROSECUTION FROM REFERRING TO JANNA TAYLOR AS A VICTIM	0001 0001			Y
0038	03/14/02	REQT/NOTICE OF MOTION AND MOTION TO COMPEL HANDWRITING	0001 0001			
0039	03/14/02	OPPS/OPPOSITION TO DEFENDANTS MOTION TO DISMISS COUNTS XI XII XIII AND XIV	0001 0001			
0040	03/26/02	MOT /ALL PENDING MOTIONS 3/26/02	0001		03/26/02	
0041	04/03/02	REQT/NOTICE OF MOTION AND MOTION TO RECONSIDER DEFENDANTS MOTION TO COMPEL DISCOVERY AND ORDER SHORTENING TIME	0001 0001			Y
0042	04/04/02	MOT /ALL PENDING MOTIONS 4-4-02	0001		04/04/02	
0043	04/16/02	OPPS/DEFENDANTS OPPOSITION TO STATES MOTION TO RECONSIDER DEFENDANTS MOTION TO COMPEL DISCOVERY	0001 0001			Y
0044	04/18/02	MOT /ALL PENDING MOTIONS 4-18-02	0001		04/18/02	
0045	04/18/02	HEAR/PETROCELLI HEARING RE: (VJ 5-16-02) MOTION FOR BAD ACTS	0001 0001	VC	05/21/02	
0046	04/29/02	TRAN/REPORTER'S TRANSCRIPT OF HEARING	0001		04/18/02	
0047	05/01/02	ORDR/DEFENDANTS ORDER GRANTING PSYCHOLOGICAL EXAMINATION BY AN EXPERT AND IN LIMINE TO PRECLUDE PROSECUTION FROM REFERRING TO JANNA AS A VICTIM AND DEFENDANTS ORDER DENYING MOTION FOR DISCOVERY	0001 0001		05/01/02	Y
0048	05/08/02	HEAR/DEFT'S REQUEST FURTHER PROCEEDINGS REQUEST	0001 0001		05/16/02	
0049	05/16/02	CALC/CALENDAR CALL VJ 6/24/02	0001	VC	07/30/02	
0050	05/16/02	JURY/TRIAL BY JURY VJ 6/24/02	0001	VC	08/05/02	
0051	05/28/02	TRAN/REPORTER'S TRANSCRIPT OF HEARING FURTHER PROCEEDINGS ON PRETROCELLI HEARING	0001 0001		05/16/02	
0052	05/28/02	TRAN/REPORTER'S TRANSCRIPT OF HEARING STATUS CHECK ON SENTENCING (INPATIENT PROGRAM)	0001 0001		05/16/02	
0053	06/19/02	HEAR/STATE'S REQUEST TO CHANGE BRIEFING SCHEDULE/33	0001 0001	GR	06/24/02	
0054	06/24/02	CALC/CALENDAR CALL	0001		09/10/02	
0055	06/24/02	JURY/TRIAL BY JURY	0001		09/18/02	
0056	08/28/02	LIST/DEFENDANTS NOTICE OF EXPERT WITNESSES	0001			
0057	09/09/02	NOTC/DEFENDANTS NOTICE OF WITNESSES	0001			
0058	09/10/02	HEAR/PETROCELLI HEARING	0001		09/16/02	
0059	09/10/02	ORDR/ORDER GRANTING STATES MOTION TO COMPEL HANDWRITING SAMPLE	0001 0001	HG	04/18/02	
0060	09/11/02	LIST/SUPERCEEDING NOTICE OF WITNESSES AND EXPERT WITNESSES	0001 0001			
0061	09/16/02	TRB /TRIAL BEGINS	0001			
0062	09/16/02	LIST/2ND SUPERCEDING NOTICE OF WITNESSES AND EXPERT WITNESSES	0001 0001			
0063	09/17/02	JLST/DISTRICT COURT JURY LIST	0001			
0064	09/19/02	SENT/SENTENCING	0001	GR	04/01/03	
0065	09/18/02	MEMO/GUILTY PLEA MEMORANDUM/AGREEMENT	0001			



NO.	FILED/REC CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0066	09/18/02	INFO/AMENDED INFORMATION	0001		09/18/02	
0067	09/26/02	NOEV/NOTICE OF EXHIBIT(S) IN THE VAULT			09/16/02	
0068	10/08/02	TRAN/REPORTER'S TRANSCRIPT JURY TRIAL/GUILTY PLEA AGREEMENT	0001		09/18/02	
0069	10/08/02	TRAN/REPORTER'S TRANSCRIPT PETROCELLI HEARING	0001		09/16/02	
0070	11/13/02	MOT /DEFT'S PRO PER MOTION TO WITHDRAW PLEA	0001	DN	01/22/03	
0071	11/13/02	MOT /DEFT'S REQUEST FOR WITHDRAWAL OF COUNSEL -INEFFECTIVE ASSISTANCE OF COUNSEL	0001	DN	04/01/03	
0072	11/14/02	MOT /DEFT'S PRO PER MOTION TO WITHDRAW COUNSEL /40	0001	MC	11/27/02	
0073	09/18/02	TRE /TRIAL ENDS			09/18/02	
0074	11/27/02	OCAL/STATUS CHECK: FERRETTA CANVAS	0001		12/05/02	
0075	12/05/02	HEAR/CONFIRMATION OF COUNSEL (BOLTON)	0001	CM	12/09/02	
0076	12/18/02	MOT /DEFT'S PRO PER MTN TO INSPECT ALL EVID/43	0001	GR	01/22/03	
0077	12/30/02	OPPS/STATES OPPOSITION TO DEFENDANTS MOTION TO WITHDRAW GUILTY PLEA	0001			
0078	01/02/03	MOT /DEFT'S PRO PER APPLICATION TO PROCEED IN FORMA PAUPERIS/44	0001	DN	04/01/03	
0079	01/03/03	MOT /DEFT'S PRO PER MTN TO SUPPRESS CONTRIBUTORS/45	0001	DN	04/01/03	
0080	01/07/03	MOT /DEFT'S PRO PER MTN FOR NEW TRIAL/AQUITTAL/45	0001	DN	04/01/03	
0082	01/15/03	MOT /DEFT'S PRO PER MTN FOR INDEPENDANT TEST EVIDENCE/47	0001	DN	04/01/03	
0083	01/15/03	MOT /DEFT'S PRO PER MTN TO DISMISS STAND-BY COUNSEL/48	0001	DN	04/01/03	
0084	01/17/03	MOT /DEFT'S PRO PER MTN DISMISS CHARGES/49	0001	DN	04/01/03	
0085	01/22/03	HEAR/EVIDENTIARY HEARING	0001	OC	04/01/03	
0087	01/22/03	MOT /ALL PENDING MOTIONS 1/22/03	0001		01/22/03	
0088	01/22/03	MOT /DEFT'S PRO PER MTN FOR DISCOVERY /53	0001	DN	04/01/03	
0089	01/22/03	MOT /DEFT'S PRO PER MTN FOR DISCOVERY /54	0001	DN	04/01/03	
0090	01/23/03	MOT /DEFT'S PRO PER MTN TO WITHDRAW GUILTY PLEA/55	0001	DN	04/01/03	
0091	01/29/03	MOT /DEFT'S PRO PER MTN IN LIMINE /56	0001	DN	04/01/03	
0092	01/30/03	OPPS/STATES OPPOSITION TO DEFENDANTS MOTION FOR NEW TRIAL TO DISMISS STAND BY COUNSEL FOR INDENDENT TESTING OF EVIDENCE AND DEFENDANTS MOTION TO DISMISS	0001			Y
0093	02/06/03	MOT /ALL PENDING MOTIONS 2/6/03	0001		02/06/03	
0094	02/24/03	MOT /DEFT'S PRO PER MTN TO ANSWER STATES OPPOS/58	0001	DN	04/01/03	
0095	02/28/03	TRAN/REPORTER'S TRANSCRIPT DEFENDANTS PRO PER MOTIONS	0001		02/06/03	
0096	03/05/03	TRAN/REPORTER'S TRANSCRIPT OF HEARING MOTION TO WITHDRAW PLEA	0001		11/13/02	
0097	03/11/03	MOT /DEFT'S PRO PER MTN FOR CHANGE OF VENUE /59	0001	DN	04/01/03	
0098	03/11/03	MOT /DEFT'S PRO PER MTN IN LIMINE /60	0001	DN	04/01/03	
0099	03/12/03	TRAN/REPORTER'S TRANSCRIPT MOTION TO WITHDRAW GUILTY PLEA	0001		11/27/02	
0100	03/12/03	TRAN/REPORTER'S TRANSCRIPT DEFENDANTS PRO PER MOTION TO INSPECT ALL EVIDENCE	0001		01/22/03	Y

(Continued to page 4)

NO. FILED/REC CODE

REASON/DESCRIPTION

FOR OC SCH/PER C

FAVORABLE TO HIM DEFENDANTS MOTION TO WITHDRAW PLEA HEARINGS CONTINUED

0101	03/24/03	MOT /DEFT'S PRO PER MTN TO SUPPRESS HERSEY/61	0001	DN	04/01/03
0102	03/25/03	MOT /ALL PENDING MOTIONS 3/25/03	0001		03/25/03
0103	03/25/03	MOT /DEFT'S PRO PER MTN TO SUPPRESS HEARSAY/63	0001	DN	04/01/03
0104	04/01/03	MOT /ALL PENDING MOTIONS (4/1/03)	0001		04/01/03
0105	04/04/03	ORDR/ORDER DENYING DEFENDANTS MOTIONS TO SUPPRESS HEARSAY CHANGE OF VENUE	0001	HG	04/01/03 Y
LIMINE NEW TRIAL DISMISS STAND BY COUNSEL INDEPENDENT TESTING OF EVIDENCE TO DISMISS DISCOVERY DEMURER OF CHARGES AND TO SUPPRESS CONTRIBUTORS					
0106	04/07/03	JMNT/ADMINISTRATION/ASSESSMENT FEE	0001		04/08/03
0107	04/07/03	JMNT/GENETIC TESTING FEE	0001		04/08/03
0108	04/07/03	JUDG/JUDGMENT OF CONVICTION - PLEA OF GUILTY	0001		04/07/03
0109	04/01/03	CSCL/CASE CLOSED			04/01/03
0110	04/11/03	TRAN/REPORTER'S TRANSCRIPT OF HEARING SENTENCING	0001		04/01/03
0111	04/14/03	NOAS/NOTICE OF APPEAL	0001	AP	04/14/03
0112	04/14/03	STAT/CASE APPEAL STATEMENT	0001		
0113	04/15/03	NOAS/DIRECT APPEAL TO THE SUPREME COURT	0001	AP	04/15/03
0114	04/15/03	STAT/CASE APPEAL STATEMENT	0001		
0115	05/09/03	ORDR/ORDER FOR TRANSCRIPTS 9-17-02 09-18-02 11-13-02 01-06/03	0001		09/16/02
0116	05/09/03	TRAN/REPORTER'S TRANSCRIPT OF HEARING MOTION TO WITHDRAW PLEA	0001		11/13/02
0117	05/09/03	TRAN/REPORTER'S TRANSCRIPT OF HEARING DEFENDANTS PRO PER MOTION	0001		01/06/03
0118	05/09/03	TRAN/REPORTER'S TRANSCRIPT OF JURY TRIAL GUILTY PLEA AGREEMENT	0001		09/18/02
0119	05/09/03	TRAN/REPORTER'S TRANSCRIPT OF JURY TRIAL	0001		09/17/02
0120	05/09/03	TRAN/REPORTER'S TRANSCRIPT OF HEARING PETROCELLI HEARING	0001		09/16/02
0121	05/12/03	CASO/CASE (RE)OPENED			05/12/03
0122	05/12/03	MOT /DEFT'S PRO PER MTN IN LIMINE /65	0001	DN	06/23/03
0123	05/12/03	MOT /DEFT'S PRO PER CHANGE OF VENUE MTN/66	0001	DN	06/23/03
0124	05/12/03	NOEV/NOTICE OF TRANSCRIPTS ON THE SHELVES 09-16-02 09-17-02 09-18-02 01-06-03			11/13/03
0125	05/13/03	MOT /SUPREME COURT ORDER; APPONT COUNSEL	0001	MC	05/15/03
0126	05/15/03	HEAR/CONFIRMATION COUNSEL (BOLTON J) VK 5/22/ 03	0001	VC	05/29/03
0127	05/22/03	PLEA/DEFT'S PRO PER MTN WITHDRAW/REVOKE GUILTY PLEA/69	0001	DN	06/23/03
0128	05/22/03	HEAR/CONFIRMATION OF COUNSEL (TAYLOR, W)	0001	VC	05/29/03
0129	05/27/03	MOT /ALL PENDING MOTIONS 5/27/03	0001		05/27/03
0130	05/30/03	NOTC/NOTICE OF APPOINTMENT OF COUNSEL	0001		
0131	06/06/03	MOT /DEFT'S PRO PER MTN TO PROCEED IN FORMA PAUPERIS/72	0001	DN	06/23/03
0132	06/11/03	ORDR/ORDER	0001		06/11/03
0133	06/11/03	PET /PETITION FOR WRIT OF HABEAS CORPUS POST-CONVICTION	0001		
0134	06/16/03	MOT /DEFT'S PRO PER MTN FOR LEAVE TO PROCEED IN FORMA PAUPERIS /73	0001	DN	06/30/03
0135	06/16/03	AFFD/AFFIDAVIT IN SUPPORT OF MOTION TO PROCEED IN FORMA PAUPERIS	0001		

(Continued to page 5)

NO.	FILED/REC CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0136	06/19/03	TRAN/REPORTER'S TRANSCRIPT APPOINTMENT OF COUNSEL	0001		05/15/03	
0137	06/23/03	PET /DEFT'S PRO P PTN FOR (VJ 7-28-03) WRIT OF HABEAS CORPUS/74	0001	VC	08/05/03	
0138	06/23/03	MOT /ALL PENDING MOTIONS 6/23/03	0001		06/23/03	
0139	06/23/03	PPOW/ORDER FOR PETITION FOR A WRIT OF HABEAS CORPUS	0001	SC	08/05/03	
0140	06/25/03	ORDR/ORDER DENYING DEFENDANTS MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS	0001	HG	06/23/03	Y
		MOTION TO WITHDRAW REVOKE GUILTY PLEA MOTION IN LIMINE AND MOTION FOR CHANGE OF VENUE				
0141	06/30/03	TRAN/REPORTER'S TRANSCRIPT DEFENDANTS PRO PER MOTIONS	0001		05/27/03	
0142	07/08/03	MOT /DEFT'S PRO PER MTN TO DISMISS COUNSEL/76	0001	MT	07/21/03	
0143	07/08/03	PET /PETITION FOR WRIT OF HABEAS CORPUS POST-CONVICTION	0001			
0144	07/16/03	MOT /DEFT'S PRO PER MTN TO DISMISS COUNSEL/77	0001	OC	07/28/03	
0145	07/16/03	MOT /DEFT'S PRO PER MOTION FOR SENTENCE INVESTIGATION REPORT OR PSI/78	0001	OC	07/28/03	
0146	07/16/03	MOT /DEFT'S PRO PER MTN FOR STATES EVIDENCE/79	0001	OC	07/28/03	
0147	07/16/03	MOT /DEFT'S PRO PER MOTION FOR TRANSCRIPTS SENTENCING/80	0001	OC	07/28/03	
0148	07/16/03	MOT /DEFT'S PRO PER MTN FOR SENTENCING TRANSCRIPTS/81	0001	OC	07/28/03	
0149	07/16/03	MOT /DEFT'S MTN FOR EVIDENTIARY HEARING/82	0001	OC	07/28/03	
0150	07/16/03	TRAN/REPORTER'S TRANSCRIPT DEFENDANTS PRO PER MOTIONS	0001		06/23/03	
0151	07/21/03	MOT /AT REQ. OF COURT/ WILLIAM TAYLOR ESQ. TO BE PRESENT	0001	OC	07/28/03	
0152	07/23/03	OPPS/STATES OPPOSITION TO DEFENDANTS MOTION FOR SENTENCING TRANSCRIPTS STATES EVIDENCE EVIDENTIARY HEARING TO DISMISS COUNSEL AND FOR P S I REPORT	0001			Y
0153	07/23/03	OPPS/STATES OPPOSITION TO DEFENDANTS PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION)	0001			Y
0154	07/28/03	MOT /ALL PENDING MOTIONS 7-28-03	0001		07/28/03	
0155	08/25/03	MOT /DEFT'S PRO PER MTN PRODUCTN TRANSCRIPTS/85	0001	DN	09/08/03	
0156	08/25/03	AFFD/AFFIDAVIT IN SUPPORT OF MOTION FOR PRODUCTION OF TRANSCRIPTS AT STATE EXPENSE	0001			Y
0157	08/25/03	NOTC/NOTICE OF MOTION	0001			
0158	09/02/03	OPPS/STATES OPPOSITION FOR DEFENDANTS MOTION FOR PRODUCTION OF TRANSCRIPTS AT STATES EXPENSE	0001			Y
0159	09/08/03	CSCL/CASE CLOSED			09/08/03	
0160	09/11/03	CASO/CASE (RE)OPENED			09/11/03	
0161	09/11/03	MOT /DEFT'S PRO PER MTN TO PROCEED IN FORMA PAUPERIS /86	0001	GR	09/22/03	
0162	09/11/03	MOT /DEFT'S PRO PER MTN FOR TRANSCRIPTS/87	0001	DN	09/22/03	
0163	09/11/03	ORDR/ORDER DENYING DEFENDANTS MOTION FOR PRODUCTION OF TRANSCRIPTS AT	0001	HG	09/08/03	Y

NO.	FILED/REC CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
STATES EXPENSE						
0164	09/16/03	MOT /DEFT'S PRO PER MTN TO DISMISS CNSL/88	0001	GR	09/25/03	
0165	09/16/03	PET /DEFT'S PRO PER PTN FOR PROTECTIVE ORD/89	0001	MT	12/01/03	
0166	09/18/03	BREF/BRIEF ON THE MERITS	0001			
0167	09/22/03	MOT /ALL PENDING MOTIONS 9/22/03	0001		09/22/03	
0168	09/25/03	MOT /ALL PENDING MOTIONS 09-25-03	0001		09/25/03	
0169	09/25/03	HEAR/HEARING/DECISION	0001	MH	12/08/03	
0170	10/07/03	HEAR/DEFT'S PRO PER REQUEST FOR ORDER/93	0001	DN	12/08/03	
0171	10/07/03	HEAR/DEFT'S PRO PER REQUEST FINAL DEPOSITION/94	0001	DN	12/08/03	
0172	10/16/03	MOT /ALL PENDING MOTIONS (10/16/03)	0001		10/16/03	
0173	10/20/03	MOT /ALL PENDING MOTIONS 10-20-03	0001		10/20/03	
0174	10/22/03	ORDR/ORDER GRANTING STATES MOTION FOR CLARIFICATION	0001		10/22/03	
0175	10/28/03	MOT /DEFT'S PRO PER MTN VOLUNTARY DISMISSAL/97	0001	MT	11/10/03	
0176	11/03/03	BREF/BRIEF ON THE MERITS III	0001			
0177	11/03/03	REQT/MOTION TO STATEMENT OF EVIDENCE	0001			
0178	11/14/03	ORDR/ORDER DENYING DEFENDANTS MOTION TO STATEMENT OF EVIDENCE AND MOTION FOR	0001	HG	11/10/03	Y
VOLUNTARY DISMISSAL						
0179	11/17/03	MOT /ALL PENDING MOTIONS 11-17-03	0001		11/17/03	
0180	11/17/03	MOT /DEFT'S PRO PER MTN TRANSMISSION TO SUPREME COURT/99	0001	DN	12/01/03	
0181	11/17/03	OPPS/STATES OPPOSITION TO DEFENDANTS MOTION FOR TRANSCRIPTS AND PETITION FOR	0001			Y
PROTECTIVE AND MODIFYING ORDER						
0182	12/02/03	MOT /ALL PENDING MOTIONS (12/1/03)	0001		12/01/03	
0183	12/08/03	MOT /ALL PENDING MOTIONS 12/8/03	0001		12/08/03	
0184	12/08/03	TRAN/REPORTER'S TRANSCRIPT PRO PER MOTION	0001		11/10/03	
0185	12/24/03	MOT /DEFT'S PRO PER MTN TO DISMISS COUNSEL	0001	MT	01/14/04	
0186	12/26/03	PET /PETITION FOR WRIT OF HABEAS CORPUS POST CONVICTION	0001			
0187	01/06/04	PET /DEFT'S PRO PER PTN FOR WRIT OF HABEAS CORPUS/103 VJ 2/17/04	0001	VC	02/18/04	
0188	01/06/04	PPOW/ORDER FOR PETITION FOR A WRIT OF HABEAS CORPUS	0001	SH	02/18/04	
0189	01/12/04	MOT /DEFT'S PRO PER MTN FOR CHANGE OF VENUE/104 VJ 2/17/04	0001	VC	02/18/04	
0190	01/14/04	REQT/REQUEST FOR TRANSCRIPTS OF PROCEEDINGS	0001			
0191	01/21/04	HEAR/DEFT'S PRO PER EVIDENTIARY HEARING /105 VJ 2/17/04	0001	VC	02/18/04	
0192	01/23/04	MOT /DEFT'S PRO PER REQUEST OF ALL PROCEEDINGS/106 VJ 2/17/04	0001	VC	02/18/04	
0193	02/03/04	MOT /DEFT'S PRO PER MTN TO WITHDRAW TRIAL COUNSEL/107	0001	GR	02/17/04	
0194	01/23/04	MOT /DEFT'S PRO PER REQUEST FOR ROUGH DRAFT TRANSCRIPTS OF PROCEEDINGS IN DC/108	0001	VC	02/18/04	
0195	02/03/04	MOT /DEFT'S PRO PER MTN FOR EVIDENTRY HEARING II/	0001	DN	02/17/04	
0197	02/12/04	OPPS/STATES OPPOSITION TO DEFENDANTS PETITION FOR WRIT OF HABEAS CORPUS	0001			Y

(Continued to page 7)

NO.	FILED/REC CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
POST CONVICTION						
0198	02/12/04	OPPS/STATES OPPOSITION TO DEFENDANTS MOTION FOR EVIDENTIARY HEARING	0001			
0199	02/12/04	OPPS/STATES OPPOSITION TO DEFENDANTS MOTION FOR CHANGE OF VENUE	0001			
0200	02/12/04	OPPS/STATES OPPOSITION TO DEFENDANTS MOTION FOR TRANSCRIPTS	0001			
0201	02/17/04	MOT /DEFT'S PRO PER MTN FOR CHANGE OF VENUE /110	0001	DN	03/03/04	
0202	02/17/04	MOT /DEFT'S PRO PER MTN FOR STATEMENT OF EVID/111	0001	DN	03/03/04	
0203	02/17/04	MOT /DEFT'S PRO PER MTN TO DISCHARGE/112	0001	DN	03/03/04	
0204	02/17/04	HEAR/DEFT'S PRO PER MTN FOR EVIDENTIARY HEARING/113	0001	DN	03/03/04	
0205	02/17/04	HEAR/DEFT'S PRO PER MTN FOR EVIDENTIARY HEARING II/114	0001	DN	03/03/04	
0206	02/17/04	BREF/BRIEF	0001			
0207	02/17/04	NOTC/NOTICE OF WITHDRAWAL OF APPEAL	0001			
0208	02/19/04	MOT /ALL PENDING MOTIONS 2/17/04	0001		02/17/04	
0209	02/24/04	MOT /DEFT'S PRO PER MTN TO VACATE JUDGMNT OF/116	0001	DN	03/03/04	
0210	02/23/04	JUDG/FINDINGS OF FACTS, CONCLUSIONS OF LAW AND ORDER DISMISSING DEFENDANTS PETITION FOR WRIT OF HABEAS CORPUS POST CONVICTION MOTION FOR CHANGE VENUE MOTION FOR EVIDENTIARY HEARING AND GRANTING DEFENDANTS MOTION TO WITHDRAW COUNSEL	0001	HG	02/17/04	Y
0211	02/24/04	NOED/NOTICE OF ENTRY OF DECISION AND ORDER	0001		02/23/04	
0212	02/25/04	TRAN/REPORTER'S TRANSCRIPT PRO PER MOTION FOR EVIDENTIARY HEARING	0001		02/17/04	
0213	03/03/04	MOT /ALL PENDING MOTIONS 3/3/04	0001		03/03/04	
0214	03/05/04	MOT /DEFT'S PRO PER MTN FOR VOLUNTARY DISMISSAL OF APPEAL/118	0001	GR	03/16/04	
0215	03/08/04	ORDR/ORDER DENYING DEFENDANTS PRO PER MOTION FOR EVIDENTIARY HEARING DEFENDANTS PRO PER MOTION FOR CHANGE OF VENUE DEFENDANTS PRO PER MOTION FOR EVIDENTIARY HEARING DEFENDANTS PRO PER MOTION TO VACATE JUDGMENT OF CONVICTION DEFENDANTS PRO PER MOTION FOR STATEMENT OF EVIDENCE DEFENDANTS PRO PER MOTION TO DISCHARGE	0001	HG	03/03/04	Y
0216	03/09/04	PET /PETITION FOR POST CONVICTION RELIEF	0001			
0217	03/11/04	MOT /DEFT'S PRO PER MTN TO AMEND WRIT OF POST CONVICTN/119	0001	DN	06/10/04	
0218	03/11/04	NOAS/NOTICE OF APPEAL	0001	AP	03/11/04	
0219	03/12/04	STAT/CASE APPEAL STATEMENT	0001			
0220	03/17/04	APCL/APPEAL TO SUPREME COURT: CLOSED 41274			03/17/04	
0221	03/22/04	ORDR/ORDER GRANTING DEFENDANTS MOTION TO DISMISS APPEAL	0001		03/22/04	
0222	03/23/04	MOT /DEFT'S PRO PER MTN TO VACATE JUDGMENT OF CONVICTION/120	0001	DN	06/10/04	
0223	03/19/04	PET /PETITION FOR POST CONVICTION RELIEF	0001			
0224	03/25/04	CASO/CASE (RE)OPENED			03/25/04	
0225	03/25/04	MOT /DEFT'S PRO PER MTN TO MODIFY SENTENCE /121	0001	DN	06/10/04	
0226	04/01/04	PET /DEFT'S PRO PER PTN FOR WRIT OF HABEAS CORPUS /122	0001	DN	06/10/04	

NO.	FILED/REC CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0227	04/01/04	PPOW/ORDER FOR PETITION FOR A WRIT OF HABEAS CORPUS	0001	SH	06/09/04	
0228	04/05/04	RSPN/STATES RESPONSE TO DEFENDANTS PETITION FOR POST CONVICTION RELIEF	0001			
0229	04/06/04	MOT /ALL PENDING MOTIONS 4/6/04	0001		04/06/04	
0230	04/08/04	MOT /TAYLOR'S MTN TO WITHDRAW AS COUNSEL OF RECORD/124	0001	GR	04/19/04	
0231	04/12/04	JMNT/CLERK'S CERTIFICATE JUDGMENT AFFIRMED	0001		04/13/04	
0232	04/12/04	CRTF/CERTIFICATE OF SERVICE	0001		04/12/04	
0233	04/12/04	CCJA/NEVADA SUPREME COURT CLERKS CERTIFICATE/JUDGMENT - AFFIRMED	0001		04/12/04	
0234	04/20/04	MOT /DEFT'S PRO PER MTN FOR DISMISSAL/125	0001	DN	06/10/04	
0235	04/20/04	ORDR/ORDER	0001		04/20/04	
0236	04/20/04	REQT/MOTION FOR COURT ORDER PRESENTENCING INVESTIGATION DISCLOSURE COPY	0001		05/04/04	Y
TO THE DEFENDANT						
0237	04/27/04	MOT /DEFT'S PRO PER MTN TO COMPEL DISCOVERY/126	0001	DN	06/10/04	
0238	04/27/04	HEAR/DEFT'S PRO PER MTN REQUEST EVIDENTIARY HEARI/127	0001	DN	06/10/04	
0239	04/23/04	NOTC/NOTICE OF ENTRY OF ORDER	0001		04/20/04	
0240	05/03/04	MOT /DEFT'S PRO PER MTN TO DISMISS CNSL/128	0001	DN	06/10/04	
0241	05/03/04	MOT /DEFT'S PRO PER MTN CRIMINAL MINUTES/129	0001	DN	06/10/04	
0242	05/04/04	MOT /ALL PENDING MOTIONS FOR 5/4/04	0001		05/04/04	
0243	05/11/04	MOT /DEFT'S PRO PER MTN TO SUPPRESS PETROCELLI/131	0001	DN	06/10/04	
0244	05/13/04	MOT /DEFT'S PRO PER MTN FOR CONCLUSION/FINAL/132	0001	DN	06/10/04	
0245	05/13/04	MOT /DEFT'S PRO PER MTN SPEEDY TRIAL/133	0001	DN	06/10/04	
0246	05/20/04	MOT /DEFT'S PRO PER MOTION TO WITHDRAW PLEA /134	0001	DN	06/10/04	
0247	05/21/04	MOT /STATE'S RESPONSE & MTN TO DISMISS DEFT'S REQUEST FOR AN EVIDENTIARY HEARING/135	0001	DN	06/10/04	
0248	05/24/04	MOT /DEFT'S PRO PER MTN TO SUPPRESS PRELIMINARY HEARING/136	0001	DN	06/10/04	
0249	05/20/04	RSPN/STATES RESPONSE TO DEFENDANTS MOTION TO SUPPRESS PETROCELLI EVIDENCE	0001			
0250	05/20/04	RSPN/STATES RESPONSE TO DEFENDANTS MOTION FOR SENTENCE MODIFICATION	0001			
0251	05/21/04	RSPN/STATES RESPONSE TO DEFENDANTS MOTION FOR SPEEDY TRIAL	0001			
0252	05/21/04	RSPN/STATES RESPONSE TO DEFENDANTS MOTION TO COMPEL DISCOVERY	0001			
0253	05/21/04	RSPN/STATES RESPONSE AND MOTION TO DISMISS DEFENDANTS REQUEST FOR AN EVIDENTIARY HEARING	0001			Y
0254	05/21/04	RSPN/STATES RESPONSE AND MOTION TO DISMISS DEFENDANTS MOTION TO VACATE JUDGMENT OF CONVICTION	0001			Y
0255	05/24/04	REQT/MOTION TO SUPPRESS PRELIMINARY HEARING	0001			
0256	06/10/04	MOT /ALL PENDING MOTIONS 6/9/04	0001		06/09/04	
0257	06/11/04	MOT /ALL PENDING MOTIONS 6-10-04	0001		06/10/04	

NO.	FILED/REC CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER C
0259	02/25/02	ORDR/EX PARTE ORDER			
0260	06/22/04	TRAN/REPORTER'S TRANSCRIPT DEFENDANTS PRO PER MOTIONS	0001 0001		06/09/04
0261	05/09/03	TRAN/REPORTER'S TRANSCRIPT OF JURY TRIAL			09/16/02
0262	06/24/04	TRAN/REPORTER'S TRANSCRIPT DEFENDANTS PRO PER MOTIONS	0001 0001		06/10/04
0263	06/25/04	ORDR/ORDER DENYING DEFENDANTS MOTIONS	0001	GR	06/25/04
0264	07/02/04	CASO/CASE (RE)OPENED			07/02/04
0265	07/02/04	HEAR/DEFT'S PRO PER REQUEST FOR STATES OPPOSITION FOR PSI/139	0001 0001		07/14/04
0266	07/08/04	MOT /DEFT'S PRO PER MTN FOR PRODUCTION OF TRANSCRIPTS/140	0001 0001		07/14/04
0267	07/08/04	MOT /DEFT'S PRO PER MTN FOR LEAVE TO AMEND WRIT OF HABEAS CORPUS/141	0001 0001		07/14/04

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**ORDR**  
DAVID ROGER  
Clark County District Attorney  
Nevada Bar #002781  
CRAIG HENDRICKS  
Chief Deputy District Attorney  
Nevada Bar #004630  
200 South Third Street  
Las Vegas, NV 89155-2212  
(702) 455-4711  
Attorney for Plaintiff

**FILED**  
JUN 25 10 57 AM '04  
*Shirley E. Pangione*  
CLERK

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,  
Plaintiff,  
-vs-  
GENE ANTHONY ALLEN,  
#1052416  
Defendant.

Case No. C177427  
Dept No. XVI

ORDER DENYING DEFENDANT'S MOTIONS

DATE OF HEARING: 06/10/04  
TIME OF HEARING: 9:00 A.M.

THIS MATTER having come on for hearing before the above entitled Court on the 10th day of June, 2004, the Defendant not being present, in proper person, the Plaintiff being represented by DAVID ROGER, District Attorney, through CRAIG HENDRICKS, Chief Deputy District Attorney, and the Court having heard the arguments of counsel and good cause appearing therefor,

IT IS HEREBY ORDERED that the Defendant's Motion for Speedy Trial, shall be, and it is denied.

IT IS HEREBY ORDERED that the Defendant's Motion for Conclusion and Disposition, shall be, and it is denied.

RECEIVED  
JUN 25 2004  
COUNTY CLERK



1 IT IS HEREBY ORDERED that the Defendant's Motion to Dismiss Counsel, has  
2 previously been denied on February 23, 2004. ✓

3 IT IS HEREBY ORDERED that the Defendant's Motion for Criminal Court Minutes, ✓  
4 has previously been denied on December 1, 2003.

5 IT IS HEREBY ORDERED that the Defendant's Motion to Suppress Petrocelli, ✓  
6 be, and it is denied.

7 IT IS HEREBY ORDERED that the Defendant's Motion to Compel Discovery, ✓  
8 previously been denied on April 1, 2003.

9 IT IS HEREBY ORDERED that the Defendant's Motion for Evidentiary Hearing, has  
10 previously been denied on February 23, 2004. ✓

11 IT IS HEREBY ORDERED that the Defendant's Motion for Sentencing Modification, ✓  
12 has previously been denied on March 3, 2004.

13 IT IS HEREBY ORDERED that the Defendant's Motion to Vacate Judgment of ✓  
14 Conviction, has previously been denied on March 3, 3004.

15 IT IS HEREBY ORDERED that the Defendant's Petition for Writ of Habeas Corpus, ✓  
16 has previously been denied on February 23, 2004.

17 IT IS HEREBY ORDERED that the Defendant's Amended Petition for Writ ✓  
18 of Habeas Corpus (Post-Conviction), shall be, and it is denied.

19 IT IS HEREBY ORDERED that the Defendant's Motion for Dismissal, has  
20 previously been denied on April 1, 2003, and November 10, 2003. ✓

21 IT IS HEREBY ORDERED that the Defendant's Motion to Dismiss Defendant's  
22 Request for an Evidentiary Hearing, has previously been denied on February 23, 2004. ✓

23 IT IS HEREBY ORDERED that the Defendant's Motion to Suppress Preliminary  
24 Hearing, shall be, and it is denied. ✓

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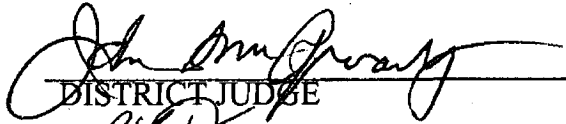
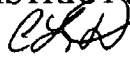
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IT IS HEREBY ORDERED that the Defendant's Motion to Withdraw Plea, has previously been denied on June 23, 2003.

DATED this 28<sup>th</sup> day of June, 2004.

  
DISTRICT JUDGE  


DAVID ROGER  
DISTRICT ATTORNEY  
Nevada Bar #002781

  
CRAIG HENDRICKS  
Chief Deputy District Attorney  
Nevada Bar #004630

mmw/SVU

CRIMINAL COURT MINUTES

01-C-177427-C STATE OF NEVADA vs Allen, Gene A

08/22/01 08:45 AM 00 ALL PENDING MOTIONS 8-22-01

HEARD BY: John S. McGroarty, Judge; Dept. 16

OFFICERS: Annette Duncan, Court Clerk
Tina Hurd/th, Relief Clerk
Diann Prock, Reporter/Recorder

PARTIES: STATE OF NEVADA Y
006088 Peterson, Clark A. Y
0001 D1 Allen, Gene A Y
PUBDEF Public Defender Y
006098 Quillin, Elizabeth Y

DEFT'S PRO PER MOTION TO DISMISS COUNSEL...JEFF BANKS' MOTION TO WITHDRAW AS COUNSEL...ARRAIGNMENT

Ms. Quillin advised Mr. Banks is in North Las Vegas. State advised it is a pro per motion as Deft. Allen does not like his attorney and argued the Public Defender has represented Deft. competently. Ms. Quillin advised Mr. Banks also filed a motion. State advised he does not have that motion. COURT ORDERED, matter CONTINUED two days.

CUSTODY

CONTINUED TO: 8-24-01 8:45 AM

08/24/01 08:45 AM 00 ALL PENDING MOTIONS 8-24-01

HEARD BY: John S. McGroarty, Judge; Dept. 16

OFFICERS: ANNETTE DUNCAN, Court Clerk
DIANN PROCK, Reporter/Recorder

PARTIES: STATE OF NEVADA Y
006088 Peterson, Clark A. Y
0001 D1 Allen, Gene A Y
PUBDEF Public Defender Y
006625 Dreifus, Amy A. Y

PUBLIC DEFENDER'S REQUEST TO WITHDRAW AS COUNSEL...DEFT'S PRO PER MOTION TO DISMISS COUNSEL/2...ARRAIGNMENT CONTINUED

Statement by Mr. Peterson. Statement by Deft. CONFERENCE AT THE BENCH with Ms. Dreifus only. COURT ORDERED, matters CONTINUED for Mr. Banks presence.

CUSTODY

CRIMINAL COURT MINUTES

01-C-177427-C STATE OF NEVADA

vs Allen, Gene A

CONTINUED FROM PAGE: 001

CONTINUED TO: 8-28-01 8:45 AM

08/28/01 08:45 AM 00 ALL PENDING MOTIONS 8/28/01

HEARD BY: John S. McGroarty, Judge; Dept. 16

OFFICERS: Barbara Karp, Court Clerk  
GEORGETTE BYRD/GB, Relief Clerk  
MARGARET CARDWELL, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	006293 Ferguson, Patrick A.	Y
	0001 D1 Allen, Gene A	Y
	PUBDEF Public Defender	Y
	005863 Banks, Jeffrey M.	Y

PUBLIC DEFENDERS REQUEST TO WITHDRAW AS COUNSEL..DEFT'S PRO PER MOTION TO DISMISS COUNSEL/2..ARRAIGNMENT CONTINUED

Counsel approached. COURT ORDERED, matter continued to Thursday for Mr. Peterson's presence.

CUSTODY

08/30/01 8:45 AM PUBLIC DEFENDER & DEFT'S PRO PER MOTIONS/ARRAIGNMENT CONT

08/30/01 08:45 AM 00 ALL PENDING MOTIONS 8/30/01

HEARD BY: John S. McGroarty, Judge; Dept. 16

OFFICERS: Barbara Karp, Court Clerk  
Margaret Cardwell, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	006088 Peterson, Clark A.	Y
	0001 D1 Allen, Gene A	Y
	PUBDEF Public Defender	Y
	005863 Banks, Jeffrey M.	Y

PUBLIC DEFENDERS REQUEST TO WITHDRAW AS COUNSEL...DEFT'S PRO PER MOTION TO DISMISS COUNSEL...ARRAIGNMENT CONTINUED

COURT ORDERED, matter CONTINUED for Deft. to put into affavdavit form with facts of bases for Motion.

CUSTODY

CRIMINAL COURT MINUTES

01-C-177427-C STATE OF NEVADA

vs Allen, Gene A

CONTINUED FROM PAGE: 002

CONTINUED TO: 9/6/01 8:45 AM

09/06/01 08:45 AM 00 ALL PENDING MOTIONS 9/6/01

HEARD BY: John S. McGroarty, Judge; Dept. 16

OFFICERS: Barbara Karp, Court Clerk  
Diann Prock, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	006088 Peterson, Clark A.	Y
	0001 D1 Allen, Gene A	Y
	PUBDEF Public Defender	Y
	005672 Hua, Jeannie N.	Y

DEFT'S PRO PER MOTION TO DISMISS COUNSEL...PUBLIC DEFENDERS REQUEST TO WITHDRAW AS COUNSEL...ARRAIGNMENT CONTINUED

Colloquy between Court, Counsel and Deft. as to Motion to Dismiss Counsel and Request to Withdraw as Counsel. COURT ORDERED, MOTIONS DENIED. DEFT. ALLEN ARRAIGNED, PLED NOT GUILTY and INVOKED THE 60-DAY RULE. COURT ORDERED, matter set for trial. Mr. Banks requested a limited waiver as to setting trial date out alittle further as he will not be available and 21 days to file any writs from date transcripts are filed. COURT SO ORDERED.

CUSTODY

11/20/01 8:45 AM CALENDAR CALL

11/26/01 10:00 AM JURY TRIAL

CRIMINAL COURT MINUTES

01-C-177427-C

STATE OF NEVADA

vs Allen, Gene A

CONTINUED FROM PAGE: 003

11/20/01 08:45 AM 00 ALL PENDING MOTIONS 11/20/01

HEARD BY: John S. McGroarty, Judge; Dept. 16

OFFICERS: Barbara Karp, Court Clerk  
Amber Farley/af, Relief Clerk  
Margaret Caldwell, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	006163 Weckerly, Pamela C.	Y
	0001 D1 Allen, Gene A	Y
	PUBDEF Public Defender	Y
	005863 Banks, Jeffrey M.	Y

DEFT'S MOTION TO CONTINUE TRIAL...STATE'S MOTION TO ADMIT EVIDENCE OF OTHER CRIMES, WRONGS OR ACTS...CALENDAR CALL

There being no objection, COURT ORDERED, Defendant's motion to continue GRANTED. Trial date VACATED and RESET. State's motion CONTINUED to date of calendar call.

CUSTODY

2/19/02 8:45 AM STATE'S MOTION TO ADMIT EVIDENCE OF OTHER CRIMES, WRONGS OR ACTS...CALENDAR CALL

2/25/02 10:00 AM JURY TRIAL

02/19/02 08:45 AM 00 ALL PENDING MOTIONS 2-19-02

HEARD BY: John S. McGroarty, Judge; Dept. 16

OFFICERS: Annette Duncan, Court Clerk  
Diann Prock, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	004630 Hendricks, Craig L.	Y
	0001 D1 Allen, Gene A	Y
	PUBDEF Public Defender	Y
	005863 Banks, Jeffrey M.	Y
	005416 Lemcke, Nancy L.	Y

STATE'S MOTION TO ADMIT EVIDENCE OF OTHER CRIMES, WRONGS OR ACTS...DEFENDANT'S MOTION TO PRECLUDE PROSECUTION FROM QUESTIONING STATE'S WITNESSES...DEFENDANT'S MOTION FOR PSYCHOLOGICAL EXAMINAGION BY AN EXPERT EMPLOYED BY THE DEFENDANT...DEFENDANT'S MOTION TO COMPEL DISCOVERY...DEFENDANT'S MOTION TO DISMISS COUNTS XI, XII, XIII AND

CONTINUED ON PAGE: 005

## CRIMINAL COURT MINUTES

01-C-177427-C STATE OF NEVADA

vs Allen, Gene A

CONTINUED FROM PAGE: 004

XIV...DEFENDANT'S MOTION IN LIMINE TO PRECLUDE PROSECUTION FROM REFERRING TO JANNA TAYLOR AS A VICTIM...CALENDAR CALL

Mr. Hendricks advised the State was ready to go on Friday, however, received 5 separate Motions and requested time to respond. Colloquy among Court and counsel regarding Deft's Motion for Discovery. Mr. Hendricks advised the State would provide everything to Defense. Upon representations by the State, COURT ORDERED, Motion for Discovery, GRANTED. Statement by Deft. The State requested time to respond to Deft's Motion to Dismiss. The COURT set the following briefing schedule: State's Response due 3-12-02; Defense Reply due 3-19-02 with hearing set thereafter. Colloquy among Court and counsel regarding scheduling of other Motions and resetting of trial. COURT ORDERED, trial date VACATED and RESET; Motions CONTINUED.

## CUSTODY

3-26-02 8:45 AM HEARING: DEFT'S MOTION TO DISMISS...STATE'S MOTION TO ADMIT EVIDENCE OF OTHER CRIMES, WRONGS OR ACTS, DEFENDANT'S MOTION TO PRECLUDE PROSECUTION FROM QUESTIONING STATE'S WITNESSES...DEFENDANT'S MOTION FOR PSYCHOLOGICAL EXAMINATION BY AN EXPERT EMPLOYED BY THE DEFENDANT...DEFENDANT'S MOTION IN LIMINE TO PRECLUDE PROSECUTION FROM REFERRING TO JANNA TAYLOR AS A VICTIM

5-21-02 8:45 AM CALENDAR CALL

5-27-02 10:00 AM JURY TRIAL

03/26/02 08:45 AM 00 ALL PENDING MOTIONS 3/26/02

HEARD BY: John S. McGroarty, Judge; Dept. 16

OFFICERS: Barbara Karp, Court Clerk  
Dorothy Kelly/dk, Relief Clerk  
Margaret Eisom, Reporter/Recorder

PARTIES: STATE OF NEVADA  
006163 Weckerly, Pamela C.  
0001 D1 Allen, Gene A  
PUBDEF Public Defender  
005863 Banks, Jeffrey M.

Y  
Y

Y  
Y  
Y

STATE'S MOTION TO ADMIT EVIDENCE OF OTHER CRIMES, WRONGS, OR ACTS...DEFENDANT'S MOTION TO PRECLUDE PROSECUTION FROM QUESTIONING STATE'S WITNESSES...DEFENDANT'S MOTION FOR PSYCHOLOGICAL EXAMINATION BY AN EXPERT EMPLOYED BY THE DEFENDANT...DEFENDANT'S MOTION IN LIMINE TO PRECLUDE PROSECUTION FROM REFERRING TO JANNA...DEFENDANT'S MOTION TO DISMISS COUNTS XI, XII, XIII AND XIV...HEARING: DEFT'S MOTION TO DISMISS COUNTS

CONTINUED ON PAGE: 006

CRIMINAL COURT MINUTES

01-C-177427-C STATE OF NEVADA

vs Allen, Gene A

CONTINUED FROM PAGE: 005

Ms. Weckerly requested a continuance, stating there was a mistake made whereby the Court was not given courtesy copies on time; COURT, SO ORDERED.

Deft. stated he has done research and cited a case from Brighton, Colorado, #CW901402109. Mr. Banks stated it is a case that involves his client in another jurisdiction. Court stated that matter will be dealt with at a later time.

CUSTODY

04-04-02 8:45 A.M. MOTIONS AND HEARING (AS REFLECTED ABOVE)

04/04/02 08:45 AM 00 ALL PENDING MOTIONS 4-4-02

HEARD BY: John S. McGroarty, Judge; Dept. 16

OFFICERS: Annette Duncan, Court Clerk  
Diann Prock, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	006163 Weckerly, Pamela C.	Y
	0001 D1 Allen, Gene A	Y
	PUBDEF Public Defender	Y
	005863 Banks, Jeffrey M.	Y

STATE'S MOTION TO ADMIT EVIDENCE OF OTHER CRIMES, WRONGS, OR ACTS...DEFENDANT'S MOTION TO PRECLUDE PROSECUTION FROM QUESTIONING STATE'S WITNESSES...DEFENDANT'S MOTION FOR PSYCHOLOGICAL EXAMINATION BY AN EXPERT EMPLOYED BY THE DEFENDANT...DEFENDANT'S MOTION IN LIMINE TO PRECLUDE PROSECUTION FROM REFERRING TO JANNA TAYLOR AS A VICTIM...DEFENDANT'S MOTION TO DISMISS COUNTS XI, XII, XIII AND XIV...HEARING: DEFENDANT'S MOTION TO DISMISS COUNTS

Counsel requested a one week continuance to respond/reply. COURT ORDERED, matters CONTINUED.

CUSTODY

CONTINUED TO: 4-18-02 8:45 AM



## CRIMINAL COURT MINUTES

01-C-177427-C

STATE OF NEVADA

vs Allen, Gene A

CONTINUED FROM PAGE: 006

04/18/02 08:45 AM 00 ALL PENDING MOTIONS 4-18-02

HEARD BY: John S. McGroarty, Judge; Dept. 16

OFFICERS: Annette Duncan, Court Clerk  
Diann Prock, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	006163 Weckerly, Pamela C.	Y
	0001 D1 Allen, Gene A	Y
	PUBDEF Public Defender	Y
	005863 Banks, Jeffrey M.	Y

1) STATE'S MOTION TO ADMIT EVIDENCE OF OTHER CRIMES, WRONGS, OR ACTS...2) DEFENDANT'S MOTION TO PRECLUDE PROSECUTION FROM QUESTIONING STATE'S WITNESSES...3) DEFENDANT'S MOTION FOR PSYCHOLOGICAL EXAMINATION BY AN EXPERT EMPLOYED BY THE DEFENDANT...4) DEFENDANT'S MOTION IN LIMINE TO PRECLUDE PROSECUTION FROM REFERRING TO JANNA AS A VICTIM...5) DEFENDANT'S MOTION TO DISMISS COUNTS XI, XII, XIII AND XIV...6) HEARING: DEFT'S MOTION TO DISMISS COUNTS

Arguments by counsel. Statement by Deft. As to Motion #1, COURT ORDERED, matter set for Petrocelli Hearing; Motion #2, GRANTED; Motion #3, GRANTED; Motion #4, GRANTED and the State to refer to her as Janna or alleged victim, but preferrably, Janna; Motion #5, UNDER ADVISEMENT with ruling to be given at Calendar Call; #6 Hearing, matter HEARD. Ms. Weckerly requested the State be allowed to file a Motion to Compell Handwriting. COURT SO ORDERED. Mr. Banks requested State subopeona all school records of victim. Arguments by counsel. COURT ORDERED, request UNDER ADVISEMENT and counsel to be notified of decision by phone. Mr. Banks requested psychological records. Arguments by counsel. COURT ORDERED, request DENIED. Arguments by counsel regarding colposcopic exam. The State advised if an expert witness is noticed by the Defense then the report will be provided to the expert witness. COURT SO ORDERED. FURTHER ORDERED, trial date of 5-28-02, STANDS.

LATER: COURT ORDERED, State's Motion for Reconsideration, GRANTED and Deft's Motion for Discovery, DENIED.

CUSTODY

5-21-02 8:45 AM PETROCELLI HEARING

CRIMINAL COURT MINUTES

01-C-177427-C

STATE OF NEVADA

vs Allen, Gene A

CONTINUED FROM PAGE: 007

05/14/02 08:45 AM 00 DEFT'S REQUEST FURTHER PROCEEDINGS REQUEST

HEARD BY: John S. McGroarty, Judge; Dept. 16

OFFICERS: Annette Duncan, Court Clerk  
Diann Prock, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	004630 Hendricks, Craig L.	Y
	0001 D1 Allen, Gene A	Y
	006098 Quillin, Elizabeth	Y

Ms. Quillen requested matter trailed for Mr. Banks presence. SO ORDERED.  
LATER: COURT ORDERED, matter CONTINUED for Mr. Banks to be present.

CUSTODY

CLERK'S NOTE: Mr. Banks appeared following proceedings and was informed of the continuance date/ad.

CONTINUED TO: 05/16/02 08:45 AM 01

05/16/02 08:45 AM 01 DEFT'S REQUEST FURTHER PROCEEDINGS REQUEST

HEARD BY: John S. McGroarty, Judge; Dept. 16

OFFICERS: Annette Duncan, Court Clerk  
Diann Prock, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	004630 Hendricks, Craig L.	Y
	0001 D1 Allen, Gene A	Y
	PUBDEF Public Defender	Y
	005863 Banks, Jeffrey M.	Y
	003447 Immerman, Stephen M.	Y

Mr. Immerman advised Deft. would only talk to counsel by telephone and they could not proceed without the Deft's cooperation; requested the Court order Deft. to speak with counsel in person at the jail. Upon Court's inquiry, Deft. advised he was unhappy with counsel, however, he would cooperate and meet with counsel. COURT ORDERED, Deft. to cooperate with counsel to prepare for trial; trial date RESET and Wednesday Hearing VACATED. Counsel to renotice Wednesday Hearing on a date which is convenient for all counsel and the Court.

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CRIMINAL COURT MINUTES

01-C-177427-C STATE OF NEVADA

vs Allen, Gene A

CONTINUED FROM PAGE: 008

CUSTODY

7-30-02 8:45 AM CALENDAR CALL

8-5-02 10:00 AM JURY TRIAL

05/21/02 08:45 AM 04 DEFT'S MTN TO DISMISS COUNTS XI XII XIII & XIV/17

HEARD BY: John S. McGroarty, Judge; Dept. 16

OFFICERS: Annette Duncan, Court Clerk  
Margaret Isom, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	006947 Brown, Mary D.	Y
	0001 D1 Allen, Gene A	Y
	005863 Banks, Jeffrey M.	Y

Matter on in error. COURT ORDERED, matter OFF CALENDAR.

06/24/02 08:45 AM 01 STATE'S REQUEST TO CHANGE BRIEFING SCHEDULE/33

HEARD BY: John S. McGroarty, Judge; Dept. 16

OFFICERS: Carole D'Aloia, Court Clerk  
Diann Prock, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	006163 Weckerly, Pamela C.	Y
	0001 D1 Allen, Gene A	Y
	PUBDEF Public Defender	Y
	006098 Quillin, Elizabeth	Y

Ms. Weckerly advised this matter is set for trial in August and her witnesses will not be available at that time. Ms. Weckerly further advised she spoke to Mr. Immerman, who had no objection to trial being reset. COURT ORDERED, calendar call and trial date VACATED and RESET.

CUSTODY

9/10/02 8:45 AM CALENDAR CALL

9/16/02 1:30 PM JURY TRIAL

## CRIMINAL COURT MINUTES

01-C-177427-C

STATE OF NEVADA

vs Allen, Gene A

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09/10/02 08:45 AM 00 CALENDAR CALL

HEARD BY: John S. McGroarty, Judge; Dept. 16

OFFICERS: Annette Duncan/ad, Court Clerk  
 Tina Hurd, Relief Clerk  
 Peggy Isom, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	006163 Weckerly, Pamela C.	Y
	0001 D1 Allen, Gene A	Y
	PUBDEF Public Defender	Y
	005863 Banks, Jeffrey M.	Y

Counsel announced ready for a 3-4 day trial with 12 total witnesses and 10 out-of-state witnesses; requested a Petrocelli hearing the morning before trial. COURT ORDERED, matter set for trial at 1:30 pm and hearing set for 11:00 am. Upon inquiry, Ms. Weckerly advised her co-counsel would be Craig Hendricks and Mr. Banks advised Mr. Immerman would be his co-counsel. SO NOTED.

CUSTODY

9-16-02 11:00 AM PETROCELLI HEARING

09/16/02 11:00 AM 00 PETROCELLI HEARING

HEARD BY: John S. McGroarty, Judge; Dept. 16

OFFICERS: Alan Castle, Relief Clerk  
 Christine Spraggins, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	006163 Weckerly, Pamela C.	Y
	004630 Hendricks, Craig L.	Y
	0001 D1 Allen, Gene A	Y
	PUBDEF Public Defender	Y
	005863 Banks, Jeffrey M.	Y
	003447 Immerman, Stephen M.	Y

State submitted proof of Judgment of Conviction regarding testimony of victim "Esther" and only needed the presentation of victim "Pina" for the purposes of the proceedings. COURT ORDERED, BOTH victims will give testimony in these proceedings to insure the full preservation of Deft's rights. Argument by counsel regarding introduction of testimony of these victims. Testimony presented. (See worksheets.) Further arguments by counsel following testimony of witnesses as to intent and motis operandi. Court

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CRIMINAL COURT MINUTES

01-C-177427-C STATE OF NEVADA

vs Allen, Gene A

CONTINUED FROM PAGE: 010

FINDS as testimony goes to intent, and ORDERED, WITNESSES WILL BE ALLOWED TO TESTIFY.

CUSTODY

1:30 P.M. JURY TRIAL

09/16/02 01:30 PM 00 TRIAL BY JURY

HEARD BY: John S. McGroarty, Judge; Dept. 16

OFFICERS: Georgette Byrd/gb, Relief Clerk  
Cindy Magnussen, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	006163 Weckerly, Pamela C.	Y
	004630 Hendricks, Craig L.	Y
	0001 D1 Allen, Gene A	Y
	003447 Immerman, Stephen M.	Y
	005863 Banks, Jeffrey M.	Y

During Voir Dire side bar discussion. Court thanked and excused the prospective jury panel for the evening.

OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURORS: Discussion regarding side bar discussion. Mr. Hendricks DA advised the State thanked and excused prospective juror number seven, then there was side bar discussion regarding Defendant's objection to excusing the only African American on the panel. The clerk then asked the Judge if prospective juror number 7 is excused in front of him and where the Judge orders him to remain on the panel. Now the prospective juror thinks the State did not want him as a juror and therefore the State will not get a fair judgment from this juror. Mr. Immerman stated if this prospective juror was excused and left, he could have been brought back. Secondly the State does not articulate the Batchin case correctly. The State has been asking any race neutral questions. The reason this prospective juror was excused by the State is because he is the only minority we have on this jury. Mr. Hendricks stated prospective juror is not the only minority if you include the Hispanics on the panel. COURT ORDERED, there is no pattern in the Courts mind and no charge to the Batchin case therefore DENIED.

CONTINUED TO: 09/17/02 11:00 AM 01

## CRIMINAL COURT MINUTES

01-C-177427-C

STATE OF NEVADA

vs Allen, Gene A

CONTINUED FROM PAGE: 011

09/17/02 11:00 AM 01 TRIAL BY JURY

HEARD BY: John S. McGroarty, Judge; Dept. 16

OFFICERS: Georgette Byrd/gb, Relief Clerk  
Cindy Magnussen, Reporter/Recorder

PARTIES:

	STATE OF NEVADA	Y
004630	Hendricks, Craig L.	Y
006163	Weckerly, Pamela C.	Y
0001 D1	Allen, Gene A	Y
003447	Immerman, Stephen M.	Y
005863	Banks, Jeffrey M.	Y

OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURORS: Mr. Immerman advised Defense understands Courts ruling yesterday regarding the Batchin ruling. As to the appeal in this case, Defense would like to put a comma on the ruling. There was not a requirement to prove a systematic discrimination by the Defense and the Court denied that request. Batchin statute cited by Mr. Immerman. The State has not offered any racial ratio. Mr. Hendricks DA advised the State will not get a fair trial now after yesterday. This individual (prospective juror #7) is not married and obviously not educated and that is why the State kicked him off the panel. Also he was confused as to the question by both counsel. Mr. Immerman misstated the statute of minorities. The Defense has created a pattern of excluding white males however the State has not raised that issued. Mr. Banks stated as to Defense excluding white males, the point is the defendant is a minority and the State steals the only person in the panel who is the same race and our client is the member of that protective class. Mr. Immerman advised the State has brought this up three times they will not get a fair trial, however this black gentleman (prospective juror #7) was going to leave until I went to the bench and tried to convince the Court. COURT ORDERED, it finds the State was positive and racially neutral therefore prospective juror #7 will be excused from jury duty.

Clerk read the information to the jury and stated the defendant's plea thereto. Testimony and exhibits presented. (See worksheets.) OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURORS. Arguments as to State's objection to defendant's cross examination. Mr. Immerman stated the best evidence is the video tape. Mr. Hendricks stated this is not an official transcript, and the State has not had the benefit to look at defendant's transcript that they refered to on cross examination. Mr. Hendricks requested sanctions and thinks this transcript is not proper and taints the jurors. Mr. Immerman stated the police department taped a video conversation between detective Stephen, counselor Fly and the victim. The video tape was given to the defense by the State where it was sent to Bonanza Court Reporting. Defense has proof from the court reporter that the transcript was taken from the video and was signed, attested to and notarized. State and Court's inquiry if defense provided a copy of the transcript to the State. Mr. Immerman

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CRIMINAL COURT MINUTES

01-C-177427-C STATE OF NEVADA

vs Allen, Gene A

CONTINUED FROM PAGE: 012

stated this is prosecutions evidence. Because the State did not get this tape typed is not defendant's burden. Mr. Hendricks stated the transcript would be reciprocal discovery. Mr. Immerman stated it is a work product. Court noted it does not see the transcript as work product. Mr. Immerman stated the term of reciprocal discovery where both parties have the evidence and one party in this case typed the tape and now prosecution is saying defense is unethical. According to the transcript this child told the detective that the victim was raped by her mothers friends and the defense can show the State and the jurors where it is on the tape. Mr. Hendricks advised the State was not going to play the tape because it showed prior bad acts. Objections by Mr. Immerman. Ms. Weckerly DA advised the State does not know if the transcript matches the tape, we do not have a copy of the transcript and the State is entitled to a copy of the transcript and now we will have to match it to the tape which could take three hours. Mr. Immerman stated he would provide counsel with a copy of the transcript to review however the defense would request the State billed for half the transcript, \$250.00. COURT ORDERED, that is a post trial issue. FURTHER ORDERED, counsel will terminate any questions based upon that line and based upon the transcript. Ms. Weckerly advised the she does not want to put on a witness until she has looks at the transcript. Mr. Immerman stated he would provide a copy of the transcript to correlate with the tape. Ms. Weckerly requested a copy of the transcript and the State would be ready to proceed tomorrow. COURT ORDERED, Mr. Immerman to surrender the transcript to the bailiff to make copies for counsel.

PROSPECTIVE JURORS PRESENT: Court excused the jurors for the evening.

CONTINUED TO: 09/18/02 10:30 AM 02

09/18/02 10:30 AM 02 TRIAL BY JURY

HEARD BY: John S. McGroarty, Judge; Dept. 16

OFFICERS: Annette Duncan, Court Clerk  
 Jennifer Lott, Relief Clerk  
 Cindy Magnussen, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	004630 Hendricks, Craig L.	Y
	006163 Weckerly, Pamela C.	Y
	0001 D1 Allen, Gene A	Y
	PUBDEF Public Defender	Y
	003447 Immerman, Stephen M.	Y
	005863 Banks, Jeffrey M.	Y

Annette Duncan, Court Clerk present at 11:00 AM. OUTSIDE THE PRESENCE OF THE JURY: Argument by the State regarding a portion of the transcript read into the record and possible remedies. Arguments by counsel. Mr. Hendricks

CRIMINAL COURT MINUTES

01-C-177427-C STATE OF NEVADA

vs Allen, Gene A

CONTINUED FROM PAGE: 013

stated he would not agree to take the Defense Expert witness out of order. Argument by Mr. Banks and Mr. Immerman. At 11:35 AM, the Court excused the Jury for lunch and requested their return at 1:30 PM. Mr. Hendricks requested the Court review the video tape. COURT SO ORDERED. Following review of a portion of the tape, COURT ORDERED, counsel to meet with the Court in chambers to review matter at 1:30 PM.

Jennifer Lott, Court Clerk present at 2:40 P.M. OUTSIDE THE PRESENCE OF THE JURY: Counsel met with Court IN CHAMBERS to discuss transcript provided by Bonanza Reporting regarding a portion of transcript read into the record. Court reviewed the videotape and clarified statement: "I was worried about my Mom's friends." Court indicated statement "I was raped by my Mom's friends" WAS NOT MADE. Court indicated doctor's videotape deposition will be taken this afternoon at 4:30 p.m. JURY PRESENT: Court READ ADMONISHMENT to the jury to DISREGARD alleged statements made by Janna Taylor thus far. Court inquired if proceeding with jury trial next week will create a problem for the jurors. Juror #6 stated he has a flight to New England 9/27/02. Juror #12 has a problem with late nights, however, she will look into it for next week. Court ADMONISHED the jury and ORDERED evening recess.

4:30 P.M. MATTER RECALLED: Amended Information and Guilty Plea Agreement FILED IN OPEN COURT. Defendant Allen WITHDREW his not guilty plea and ENTERED A PLEA OF GUILTY to COUNT I - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE (F) and COUNT II - LEWDNESS WITH A CHILD UNDER THE AGE OF 14 (F). COURT ACCEPTED plea and ORDERED, matter referred to the Division of Parole and Probation (P & P) and set for sentencing.

CUSTODY

10/30/02 9:00 A.M. SENTENCING

11/13/02 09:00 AM 01 SENTENCING

HEARD BY: John S. McGroarty, Judge; Dept. 16

OFFICERS: Alan Castle, Relief Clerk  
Cindy Magnussen, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	006163 Weckerly, Pamela C.	Y
	0001 D1 Allen, Gene A	Y
	PUBDEF Public Defender	Y
	003447 Immerman, Stephen M.	Y
	005863 Banks, Jeffrey M.	Y

Officer Tatten of Parole and Probation (P & P) present. Deft. stated he has been attempting to file a motion to withdraw plea and has now filed a motion to withdraw counsel, but it has not been set. DEFT'S MOTION TO

CONTINUED ON PAGE: 015



CRIMINAL COURT MINUTES

01-C-177427-C STATE OF NEVADA

vs Allen, Gene A

CONTINUED FROM PAGE: 014

WITHDRAW/REVOKE GUILTY PLEA FILED IN OPEN COURT. Colloquy regarding Deft's motion to withdraw counsel and hearing on plea motion. COURT stated the trial transcripts need to be reviewed and Deft. will have to be canvassed to represent himself. COURT ORDERED, Sentencing and other matters CONTINUED. FURTHER, set for hearing.

CUSTODY

1/22/03 9:00 AM DEFT'S REQUEST TO WITHDRAW COUNSEL...HEARING: DEFT'S MOTION TO WITHDRAW/REVOKE GUILTY PLEA...SENTENCING...

CONTINUED TO: 01/22/03 09:00 AM 02

11/27/02 09:00 AM 00 DEFT'S PRO PER MOTION TO WITHDRAW COUNSEL /40

HEARD BY: John S. McGroarty, Judge; Dept. 16

OFFICERS: Georgette Byrd/GB, Relief Clerk  
Cindy Magnussen, Reporter/Recorder

PARTIES: STATE OF NEVADA  
004353 Pace, Barter G.  
0001 D1 Allen, Gene A  
006625 Dreifus, Amy A.

Y  
Y  
Y  
Y

Mr. Pace DA advised his understanding was defendant's motion to withdraw would be argued on 1/22. Ms. Coffee advised the defendant is requesting to proceed in pro per and represent himself at time of sentencing. COURT ORDERED, matter continued for Ferretta Canvas; January 22 date for defendant's motions stands.

NDC

12/05/02 9:00 AM STATUS CHECK: FERRETTA CANVAS

CRIMINAL COURT MINUTES

01-C-177427-C

STATE OF NEVADA

vs Allen, Gene A

CONTINUED FROM PAGE: 015

12/05/02 09:00 AM 00 STATUS CHECK: FERRETTA CANVAS

HEARD BY: John S. McGroarty, Judge; Dept. 16

OFFICERS: Georgette Byrd/GB, Relief Clerk  
Margaret Isom, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	006163 Weckerly, Pamela C.	Y
	0001 D1 Allen, Gene A	Y

Arguments by defendant as to counsel and his Pro Per Motions. Ms. Weckerly stated defendant's Pro Per Motion to Withdraw His Guilty Plea is set for January 22, 2003. Ferretta canvas done by the Court. COURT ORDERED, Defendant appears competent to waive his rights to an attorney and is freely, voluntarily and knowingly waiving his rights. FURTHER ORDERED, Ms. Bolton appointed as STAND-BY COUNSEL. Matter set for confirmation of counsel.

CUSTODY

12/09/02 9:00 AM CONFIRMATION OF COUNSEL (BOLTON)

12/09/02 09:00 AM 00 CONFIRMATION OF COUNSEL (BOLTON)

HEARD BY: John S. McGroarty, Judge; Dept. 16

OFFICERS: Georgette Byrd/GB, Relief Clerk  
Cindy Magnussen, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	006955 Di Giacomo, Marc P.	Y
	0001 D1 Allen, Gene A	Y

Ms. Bolton confirmed as stand-by counsel and will get defendant's file from Mr. Banks office, COURT SO ORDERED.

NDC

CRIMINAL COURT MINUTES

01-C-177427-C

STATE OF NEVADA

vs Allen, Gene A

CONTINUED FROM PAGE: 016

01/06/03 09:00 AM 00 DEFT'S PRO PER MTN TO INSPECT ALL EVID/43

HEARD BY: John S. McGroarty, Judge; Dept. 16

OFFICERS: Barbara Karp, Court Clerk
Judy McFadden/jm, Relief Clerk
Cindy Magnussen, Reporter/Recorder

PARTIES: STATE OF NEVADA Y
004353 Pace, Barter G. Y
0001 D1 Allen, Gene A Y

Deft. made statements listing organizations he has been involved in and ineffective representation from counsel. Court noted there was no opposition and it was inclined to grant the motion. Mr. Pace stated the State had not received the motion and suggested it be heard with Deft's Motions to Withdraw on January 22nd. COURT SO ORDERED; all Motions continued.

NDC

CONTINUED TO: 01/22/03 09:00 AM 01

01/22/03 09:00 AM 00 ALL PENDING MOTIONS 1/22/03

HEARD BY: John S. McGroarty, Judge; Dept. 16

OFFICERS: Barbara Karp, Court Clerk
Jo Scott, Reporter/Recorder

PARTIES: STATE OF NEVADA Y
006639 Fattig, John T Y
0001 D1 Allen, Gene A Y
003095 Kocka, Francis Y

SENTENCING...DEFT'S PRO PER MOTION TO INSPECT ALL EVIDENCE FAVORABLE TO HIM...DEFT'S MOTION TO WITHDRAW PLEA...DEFT'S REQUEST FOR WITHDRAWAL OF COUNSEL-INEFFECTIVE ASSISTANCE OF COUNSEL...DEFT'S PRO PER MOTION FOR NEW TRIAL/ACQUITTAL...DEFT'S PRO PER MOTION TO SUPPRESS CONTRIBUTORS...DEFT'S PRO PER APPLICATION TO PROCEED IN FORMA PAUPERIS...DEFT'S PRO PER MOTION FOR INDEPENDENT TEST OF EVIDENCE...DEFT'S PRO PER MOTION TO DISMISS STANDBY COUNSEL

Mr. Kocka advised the Deft. has not yet received any of the boxes of hearing paper work from Mr. Banks. Mr. Kocka also advised Court he found no legal or factual reason to challenge the Guilty Plea Agreement. Upon Court's

CONTINUED ON PAGE: 018

CRIMINAL COURT MINUTES

01-C-177427-C STATE OF NEVADA

vs Allen, Gene A

CONTINUED FROM PAGE: 017

inquired it was decided a hearing would be needed. COURT ORDERED, Deft's Motion to Inspect all Evidence Favorable to Him GRANTED; Deft's Motion to Withdraw Guilty Plea DENIED; remaining matters SET for HEARING; Brief Schedule SET as follows: State to reply by 2/13; Deft. to respond by 3/13; State to reply by 3/20 and Hearing SET thereafter. Mr. Kocka inquired as to how the Deft. would see his evidence. COURT ORDERED, Public Defender's Office to bring evidence to Deft. to look inspect. Court noted the jail has a room they can do this in. FURTHER, Sentencing CONTINUED.

3/27/03 9:00 AM HEARING (DEFT'S PRO PER MOTIONS)

CONTINUED TO: 3/27/03 9:00 AM

02/06/03 09:00 AM 00 ALL PENDING MOTIONS 2/6/03

HEARD BY: John S. McGroarty, Judge; Dept. 16

OFFICERS: Barbara Karp, Court Clerk  
Janness Slabe, Reporter/Recorder

PARTIES: STATE OF NEVADA  
004630 Hendricks, Craig L.

0001 D1 Allen, Gene A  
006572 Bolton, Jennifer

Y  
Y  
Y  
Y

DEFT'S PRO PER MOTION FOR DISCOVERY...DEFT'S PRO PER MOTION TO WITHDRAW GUILTY PLEA

Ms. Bolton advised this matter is on in error; todays date is the day the State's response is due to be given to Deft. Allen. Deft. requested the Transcripts he asked for reproduction of. COURT ORDERED, Deft. is entitle and to be provided copies. FURTHER, 3/27/03 STANDS, at which time Deft's calendared Motions will be heard.

CUSTODY

CONTINUED TO: 3/24/03 9:00 AM

CRIMINAL COURT MINUTES

01-C-177427-C

STATE OF NEVADA

vs Allen, Gene A

CONTINUED FROM PAGE: 018

03/25/03 09:00 AM 00 ALL PENDING MOTIONS 3/25/03

HEARD BY: John S. McGroarty, Judge; Dept. 16

OFFICERS: Barbara Karp, Court Clerk  
Peggy Isom, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	004353 Pace, Barter G.	Y
	0001 D1 Allen, Gene A	Y
	PRO SE Pro Se	Y

DEFT'S PRO PER MOTION FOR VENUE...DEFT'S PRO PER MOTION IN LIMINE

COURT ORDERED, all matters CONTINUED to 4/1/03 including those Calendared for upcoming dates.

CUSTODY

CONTINUED TO: 4/1/03 9:00 AM (ALL MOTIONS CALENDARED) (SENTENCING)

CLERK'S NOTE: Clerk continued Motions calendared for 3/27/03 and 4/3/03 to 4/1/03. Court will be absent on 3/27/03. /bjk

04/01/03 09:00 AM 00 ALL PENDING MOTIONS (4/1/03)

HEARD BY: John S. McGroarty, Judge; Dept. 16

OFFICERS: Annette Duncan, Court Clerk  
Melissa Davis/md, Relief Clerk  
Jenness Slabe, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	004630 Hendricks, Craig L.	Y
	0001 D1 Allen, Gene A	Y
	PRO SE Pro Se	Y
	003095 Kocka, Francis	Y

DEFT'S PRO PER MOTION FOR DISCOVERY . . . DEFT'S PRO PER MOTION FOR  
DISCOVERY . . . DEFT'S PRO PER MOTION TO WITHDRAW GUILTY PLEA . . . DEFT'S  
REQUEST FOR WITHDRAWAL OF COUNSEL - INEFFECTIVE ASSISTANCE OF COUNSEL . . .  
DEFT'S PRO PER MOTION FOR NEW TRIAL/ACQUITTAL . . . DEFT'S PRO PER MOTION TO  
SUPPRESS CONTRIBUTORS . . . DEFT'S PRO PER APPLICATION TO PROCEED IN FORMA  
PAUPERIS . . . DEFT'S PRO PER MOTION FOR INDEPENDENT TEST EVIDENCE . . .  
DEFT'S PRO PER MOTION TO DISMISS STAND BY COUNSEL . . . DEFT'S PRO PER  
MOTION IN LIMINE . . . DEFT'S PRO PER MOTION IN LIMINE . . . DEFT'S PRO PER  
MOTION TO SUPPRESS HERSEY . . . DEFT'S PRO PER MOTION TO ANSWER STATE'S

CONTINUED ON PAGE: 020

CRIMINAL COURT MINUTES

01-C-177427-C STATE OF NEVADA

vs Allen, Gene A

CONTINUED FROM PAGE: 019

OPPOSITION . . . DEFT'S PRO PER MOTION FOR CHANGE OF VENUE . . . DEFT'S PRO PER MOTION TO DISMISS CHARGES . . . EVIDENTIARY HEARING

Officer Yanishiro from the Division of Parole and Probation. Statements by Defendant and State. COURT ORDERED, all above motions DENIED and Evidentiary Hearing VACATED. COURT ADJUDGED DEFENDANT GUILTY OF COUNT I SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE (F) and COUNT II LEWDNESS WITH A CHILD UNDER THE AGE OF 14 (F). COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee, \$150.00 DNA Fee, Defendant SENTENCED as to Count I - to a MAXIMUM of TWENTY (20) YEARS and a MINIMUM of FIVE (5) YEARS in the Nevada Department of Corrections (NDC) and as to Count II - SENTENCED to a MAXIMUM of LIFE in the Nevada Department of Corrections (NDC) MONTHS with a MINIMUM parole eligibility after TEN (10) YEARS. Count II CONCURRENT with Count I with 634 days Credit for Time Served and COURT ORDERED, a SPECIAL SENTENCE of LIFETIME SUPERVISION is imposed to commence upon release from any term of probation, parole or imprisonment. Additionally, the Deft. is ORDERED to submit to a blood or saliva test to determine genetic status. Mr. Kocka relieved as stand by counsel.

NDC

05/15/03 09:00 AM 00 SUPREME COURT ORDER; APPONT COUNSEL

HEARD BY: John S. McGroarty, Judge; Dept. 16

OFFICERS: Billie Jo Craig/bjc, Court Clerk  
Jennifer Kimmel, Relief Clerk  
Jenness Slabe, Reporter/Recorder

PARTIES: STATE OF NEVADA Y  
002781 Roger, David J. Y  
005391 Kollins, Stacy L. Y

COURT ORDERED, matter SET for Confirmation of Counsel (Bolton J.).

NDC

5/22/03 9:00 AM CONFIRMATION OF COUNSEL (BOLTON J.)

CLERK'S NOTE: The Clerk advised Jessica in Ms. Bolton's office of the next Court date. (BJC)

## CRIMINAL COURT MINUTES

01-C-177427-C STATE OF NEVADA vs Allen, Gene A

CONTINUED FROM PAGE: 020

05/22/03 09:00 AM 00 CONFIRMATION COUNSEL (BOLTON J) VK 5/22/  
03

HEARD BY: John S. McGroarty, Judge; Dept. 16

OFFICERS: Annette Duncan, Court Clerk  
Nora Pena/np, Relief Clerk  
Peggy Isom, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	005391 Kollins, Stacy L.	Y
	0001 D1 Allen, Gene A	N
	PRO SE Pro Se	Y

In absence of Ms. Bolton, COURT ORDERED, matter CONTINUED.

NDC

CLERK'S NOTE: Vivian, secretary at Ms. Bolton's office was advised of the continuance date for counsel to appear./np Thereafter, Confirmation for Ms. Bolton was vacated and reset for Mr. Bill Taylor and he was advised to be present for Confirmation of counsel.

5/29/03 9:00 AM CONFIRMATION OF COUNSEL (W TAYLOR)

CONTINUED TO: 05/29/03 09:00 AM 01

05/27/03 09:00 AM 00 ALL PENDING MOTIONS 5/27/03

HEARD BY: John S. McGroarty, Judge; Dept. 16

OFFICERS: Barbara Karp, Court Clerk  
Jennifer Kimmel/jk, Relief Clerk  
Cindy Caldwell, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	006947 Brown, Mary D.	Y
	0001 D1 Allen, Gene A	N
	PRO SE Pro Se	Y
	005521 Taylor, William J.	Y

DEFENDANT'S PRO PER MOTION IN LIMINE...DEFENDANT'S PRO PER MOTION FOR CHANGE OF VENUE

William Taylor, Esq., advised he will CONFIRM as Counsel of Record and COURT SO ORDERED; 5-29-03 date for confirmation of counsel, previously set, VACATED. FURTHER, 6-3-03 Pro Per Motion and Motions set on calendar today,

CONTINUED ON PAGE: 022

CRIMINAL COURT MINUTES

01-C-177427-C STATE OF NEVADA

vs Allen, Gene A

CONTINUED FROM PAGE: 021

CONTINUED.

NDC

CONTINUED TO: 6-23-03 9:00 AM

06/16/03 09:00 AM 00 DEFT'S PRO PER MTN TO PROCEED IN FORMA PAUPERIS/72

HEARD BY: David Wall, Judge; Dept. 20

OFFICERS: Annette Duncan, Court Clerk  
Peggy Isom, Reporter/Recorder

PARTIES: STATE OF NEVADA  
007996 Bonaventure, Joseph M.  
0001 D1 Allen, Gene A  
005521 Taylor, William J.

Y  
Y  
N  
Y

Mr. Taylor requested a continuance of matter as he has just been appointed and may need to file supplemental pleadings on Deft's behalf. COURT ORDERED, matter CONTINUED; Deft's Motions currently set on June 23rd, STAND.

NDC

CONTINUED TO: 06/23/03 09:00 AM 01

06/23/03 09:00 AM 00 ALL PENDING MOTIONS 6/23/03

HEARD BY: David Wall, Judge; Dept. 20

OFFICERS: Jennifer Lott/jl, Court Clerk  
Nora Pena, Relief Clerk  
Diane Prock, Reporter/Recorder

PARTIES: STATE OF NEVADA  
004630 Hendricks, Craig L.

Y  
Y

DEFT'S PRO PER MOTION IN LIMINE.....DEFT'S PRO PER MOTION FOR CHANGE OF VENUE.....DEFT'S PRO PER MOTION TO WITHDRAW/REVOKE GUILTY PLEA.....DEFT'S PRO PER MOTION TO PROCEED IN FORMA PAUPERIS

Mr. Hendricks noted William Taylor previously confirmed as counsel and Mr. Hendricks believes Court already ruled on motions. COURT ORDERED, Motion in Limine is DENIED; Motion for Change of Venue is DENIED; Motion to Withdraw/Revoke Guilty Plea is DENIED; Motion to Proceed in Forma Pauperis is DENIED; Deft's Pro Per Motion for Leave to Proceed in Forma Pauperis

CONTINUED ON PAGE: 023  
MINUTES DATE: 06/23/03



## CRIMINAL COURT MINUTES

01-C-177427-C STATE OF NEVADA

vs Allen, Gene A

CONTINUED FROM PAGE: 022

scheduled 6/30/03 STANDS as the Court has not reviewed the motion.

NDC

06/30/03 09:00 AM 00 DEFT'S PRO PER MTN FOR LEAVE TO PROCEED  
IN FORMA PAUPERIS /73

HEARD BY: Kathy Hardcastle, Chief Judge; Dept. 4

OFFICERS: Annette Duncan, Court Clerk  
Jennifer Lott/jl, Relief Clerk  
Carrie Hansen, Reporter/Recorder

PARTIES: STATE OF NEVADA  
007996 Bonaventure, Joseph M.

Y  
Y

COURT ORDERED, motion is DENIED; Court PREVIOUSLY DENIED motion 6/23/03;  
8/5/03 date STANDS (Petition for Writ of Habeas Corpus.)

NDC

07/21/03 09:00 AM 00 DEFT'S PRO PER MTN TO DISMISS COUNSEL/76

HEARD BY: John S. McGroarty, Judge; Dept. 16

OFFICERS: Barbara Karp, Court Clerk  
Tina Hurd/th, Relief Clerk  
Diann Prock, Reporter/Recorder

PARTIES: STATE OF NEVADA  
007996 Bonaventure, Joseph M.

Y  
Y

State advised Deft. Allen attempted to proceed in proper person before and  
that was denied. COURT ORDERED, motion DENIED as moot. COURT FURTHER  
ORDERED, matter set for status check in one week and defense counsel William  
Taylor is to be present.

NDC

7-28-03 9:00 AM AT REQUEST OF COURT

CLERK'S NOTE: William Taylor, Esq, notified at 2:55 p.m. this date. Hearing  
date changed from July 24 to July 28 as Mr. Taylor is also the prosecutor  
for Boulder City and must appear there on Thursday mornings. th

## CRIMINAL COURT MINUTES

01-C-177427-C

STATE OF NEVADA

vs Allen, Gene A

CONTINUED FROM PAGE: 023

07/28/03 09:00 AM 00 ALL PENDING MOTIONS 7-28-03

HEARD BY: John S. McGroarty, Judge; Dept. 16

OFFICERS: Annette Duncan/ad, Court Clerk  
Barbara Karp, Relief Clerk  
Peggy Isom, Reporter/RecorderPARTIES: STATE OF NEVADA  
007996 Bonaventure, Joseph M.  
0001 D1 Allen, Gene A  
003575 Reed, Nathaniel J.Y  
Y  
N  
Y

DEFT'S PRO PER MOTION FOR EVIDENTIARY HEARING...DEFT'S PRO PER MOTION FOR SENTENCING TRANSCRIPTS...DEFT'S PRO PER MOTION FOR TRANSCRIPTS SENTENCING...DEFT'S PRO PER MOTION TO STATE'S EVIDENCE...DEFT'S PRO PER MOTION TO DISMISS COUNSEL...DEFT'S PRO PER MOTION FOR SENTENCE INVESTIGATION REPORT OR PSI...AT REQUEST OF COURT: WILLIAM TAYLOR TO BE PRESENT

Mr. Reed present on behalf of Mr. Taylor and advised case is on Appeal to the Supreme Court and requested matters OFF CALENDAR and COURT SO ORDERED. FURTHER, Motion set August 5th, VACATED.

NDC

09/08/03 09:00 AM 00 DEFT'S PRO PER MTN PRODUCTN  
TRANSCRIPTS/85

HEARD BY: John S. McGroarty, Judge; Dept. 16

OFFICERS: Barbara Karp, Court Clerk  
Nancy Noble/nn, Relief Clerk  
Peggy Isom, Reporter/RecorderPARTIES: STATE OF NEVADA  
007996 Bonaventure, Joseph M.Y  
Y

Court stated deft. presented no grounds upon which to grant him production of the transcripts. COURT ORDERED motion DENIED.

NDC

CRIMINAL COURT MINUTES

01-C-177427-C

STATE OF NEVADA

vs Allen, Gene A

CONTINUED FROM PAGE: 024

09/22/03 09:00 AM 00 ALL PENDING MOTIONS 9/22/03

HEARD BY: John S. McGroarty, Judge; Dept. 16

OFFICERS: Annette Duncan, Court Clerk  
Jennifer Lott/jl, Relief Clerk  
Margaret Isom, Reporter/Recorder

PARTIES: STATE OF NEVADA  
007996 Bonaventure, Joseph M.

Y  
Y

DEFENDANT'S PRO PER MOTION FOR TRANSCRIPTS.....DEFENDANT'S PRO PER MOTION TO PROCEED IN FORMA PAUPERIS

Court WAIVED Mr. Taylor's presence as Court understood counsel was no longer attorney of record. COURT ORDERED, Motion for Transcripts is DENIED on the same grounds as Court previously DENIED motion; Motion to Proceed in Forma Pauperis is GRANTED; 9/25/03 motions STAND.

NDC

09/25/03 09:00 AM 00 ALL PENDING MOTIONS 09-25-03

HEARD BY: John S. McGroarty, Judge; Dept. 16

OFFICERS: Annette Duncan/ad, Court Clerk  
Sharry Frascarelli, Relief Clerk  
Peggy Isom, Reporter/Recorder

PARTIES: STATE OF NEVADA  
005391 Kollins, Stacy L.

Y  
Y

DEFT'S PRO PER MOTION TO DISMISS COUNSEL...DEFT'S PRO PER PETITION FOR PROTECTIVE ORDER

COURT ORDERED, Motion to Dismiss Counsel, GRANTED.

RE DEFT'S PETITION FOR PROTECTIVE ORDER: COURT ORDERED, State to respond in writing; matter set for hearing/decision.

NDC

10-16-03 9:00 AM HEARING: DEFT'S PRO PER PETITION FOR PROTECTIVE ORDER

CRIMINAL COURT MINUTES

01-C-177427-C STATE OF NEVADA vs Allen, Gene A

CONTINUED FROM PAGE: 025

10/16/03 09:00 AM 00 ALL PENDING MOTIONS (10/16/03)

HEARD BY: John S. McGroarty, Judge; Dept. 16

OFFICERS: Barbara Karp, Court Clerk  
April Watkins/aw, Relief Clerk  
Diann Prock, Reporter/Recorder

PARTIES: STATE OF NEVADA  
007996 Bonaventure, Joseph M.

Y  
Y

HEARING/DECISION...DEFT'S PRO PER MOTION FOR PROTECTIVE ORDER

COURT ORDERED, matters CONTINUED.

NDC

CONTINUED TO: 10/20/03 9:00 AM

10/20/03 09:00 AM 00 ALL PENDING MOTIONS 10-20-03

HEARD BY: John S. McGroarty, Judge; Dept. 16

OFFICERS: Annette Duncan/ad, Court Clerk  
Nora Pena, Relief Clerk  
Peggy Isom, Reporter/Recorder

PARTIES: STATE OF NEVADA  
004630 Hendricks, Craig L.

Y  
Y

DEFT'S PRO PER PETITION FOR A PROTECTIVE AND MODIFYING ORDER...DEFT'S PRO PER REQUEST FOR ORDER ENTITLED TO DOCUMENTS SOUT...DEFT'S PRO PER REQUEST FOR FINAL DISPOSITION...HEARING/DECISION

Mr. Hendricks advised he does not understand what the Deft. is asking for and moved for clarification. The COURT NOTED Deft. does request to proceed in Forma Pauperis and ORDERED, GRANTED. State's oral Motion for Clarification, GRANTED; Deft. to clarify; matters CONTINUED.

NDC

CONTINUED TO: 11-17-03 9:00 AM

CRIMINAL COURT MINUTES

01-C-177427-C

STATE OF NEVADA

vs Allen, Gene A

CONTINUED FROM PAGE: 026

11/10/03 09:00 AM 00 DEFT'S PRO PER MTN VOLUNTARY  
DISMISSAL/97

HEARD BY: John S. McGroarty, Judge; Dept. 16

OFFICERS: Barbara Karp, Court Clerk  
Diann Prock, Reporter/Recorder

PARTIES: STATE OF NEVADA  
004630 Hendricks, Craig L.

Y  
Y

COURT ORDERED, MOTION DENIED as MOOT; 11/17/03 COURT DATE STANDS.

NDC

11/17/03 09:00 AM 00 ALL PENDING MOTIONS 11-17-03

HEARD BY: John S. McGroarty, Judge; Dept. 16

OFFICERS: Annette Duncan, Court Clerk  
Peggy Isom, Reporter/Recorder

PARTIES: STATE OF NEVADA  
004630 Hendricks, Craig L.

Y  
Y

DEFT'S PRO PER PETITION FOR A PROTECTIVE AND MODIFYING ORDER...DEFT'S PRO  
PER REQUEST FOR ORDER ENTITLED TO DOCUMENTS SOUT...DEFT'S PRO PER REQUEST  
FOR FINAL DISPOSITION...HEARING/DECISION

Mr. Hendricks requested a continuance of 3 weeks. COURT ORDERED, matters  
CONTINUED.

NDC

CONTINUED TO: 12-8-03 9:00 AM

CRIMINAL COURT MINUTES

01-C-177427-C

STATE OF NEVADA

vs Allen, Gene A

CONTINUED FROM PAGE: 027

12/01/03 09:00 AM 00 ALL PENDING MOTIONS (12/1/03)

HEARD BY: John S. McGroarty, Judge; Dept. 16

OFFICERS: Annette Duncan, Court Clerk  
Greer Jennison/gj, Relief Clerk  
Peggy Isom, Reporter/Recorder

PARTIES: STATE OF NEVADA  
004630 Hendricks, Craig L.

Y  
Y

DEFT'S PRO PER PETITION FOR PROTECTIVE ORDER ... DEFT'S PRO PER MTN FOR TRANSMISSION TO THE SUPREME COURT OF THE STATE OF NEVADA

Argument by Mr. Hendricks. COURT ORDERED, Deft's motion for transmission to the Supreme Court of the State of Nevada is DENIED. FURTHER, Deft's petition for protective order is, therefore, MOOT and OFF CALENDAR. The State to prepare the order within ten days and distribute a filed copy to all parties involved in this matter.

12/08/03 09:00 AM 00 ALL PENDING MOTIONS 12/8/03

HEARD BY: John S. McGroarty, Judge; Dept. 16

OFFICERS: Barbara Karp, Court Clerk  
Diann Prock, Reporter/Recorder

PARTIES: STATE OF NEVADA  
004630 Hendricks, Craig L.  
0001 D1 Allen, Gene A  
PRO SE Pro Se

Y  
Y  
N  
Y

DEFT'S PRO PER PETITION FOR A PROTECTIVE AND MODIFYING ORDER...DEFT'S PRO PER REQUEST FOR FINAL DEPOSITION...HEARING/DECISION

COURT ORDERED, Deft. failed to set firm grounds therefore, Deft's Pro Per Request for Final Deposition DENIED. FURTHER, Deft's Pro Per Petition for a Protective and Modifying Order MOOT, previously ruled on. State to prepare Order.

NDC

CRIMINAL COURT MINUTES

01-C-177427-C STATE OF NEVADA vs Allen, Gene A

CONTINUED FROM PAGE: 028

01/07/04 09:00 AM 00 DEFT'S PRO PER MTN TO DISMISS COUNSEL

HEARD BY: John S. McGroarty, Judge; Dept. 16

OFFICERS: Barbara Karp, Court Clerk  
Billie Jo Craig/bjc, Relief Clerk  
Diann Prock, Reporter/Recorder

PARTIES: STATE OF NEVADA Y  
002781 Roger, David J. Y  
006246 Campbell, Cara L. Y

Colloquy regarding case and that Mr. Hendricks had no objection to defendant's Motion. As the Court was not clear which counsel defendant wished to dismissed, COURT ORDERED, matter CONTINUED for clarification.

NDC

CONTINUED TO: 01/14/04 09:00 AM 01

01/14/04 09:00 AM 01 DEFT'S PRO PER MTN TO DISMISS COUNSEL

HEARD BY: John S. McGroarty, Judge; Dept. 16

OFFICERS: Barbara Karp, Court Clerk  
Jennifer Lott/jl, Relief Clerk  
Peggy Isom, Reporter/Recorder

PARTIES: STATE OF NEVADA Y  
007595 Bawa, Ravindar N. Y

COURT ORDERED, Motion to Dismiss is MOOT; Petition for Writ STANDS 2/18/04.

NDC

CRIMINAL COURT MINUTES

01-C-177427-C

STATE OF NEVADA

vs Allen, Gene A

CONTINUED FROM PAGE: 029

01/26/04 09:00 AM 00 DEFT'S PRO PER MTN FOR CHANGE OF VENUE/104 VJ 2/17/04

HEARD BY: John S. McGroarty, Judge; Dept. 16

OFFICERS: Barbara Karp, Court Clerk  
Peggy Isom, Reporter/Recorder

PARTIES: STATE OF NEVADA  
008365 Ballou, Erika D

Y  
Y

Ms. Ballou advised she is appearing for Mr. Simon and requesting a copy of Motion and time to respond. Colloquy between Court, Counsel and Clerk as to documents and motions set. COURT ORDERED, matter CONTINUED as well as any Motions Calendar by Deft. to 2/18/04.

NDC

CLERK'S NOTE: Clerk copied motion and sent inter-office to Appeal Division, Attention Ms. Ballou./bjk

CONTINUED TO: 02/18/04 09:00 AM 01

02/17/04 09:00 AM 00 ALL PENDING MOTIONS 2/17/04

HEARD BY: John S. McGroarty, Judge; Dept. 16

OFFICERS: Barbara Karp, Court Clerk  
Diann Prock, Reporter/Recorder

PARTIES: STATE OF NEVADA  
004630 Hendricks, Craig L.

Y  
Y

0001 D1 Allen, Gene A  
PRO SE Pro Se

N  
Y

DEFT'S PRO PER MOTION FOR EVIDENTIARY HEARING...DEFT'S PRO PER MOTION TO WITHDRAW OF TRIAL COUNSEL.

State advised Court has ruled on Deft's Motions several times and he continues to file them. COURT ORDERED, Deft. Motion to Withdraw Trial Counsel GRANTED; ALL OTHER MOTIONS SET FOR 2/17/04 AND 2/18/04 DENIED; Clerk to vacate 2/18/04 dates. State to prepare Order.

NDC



CRIMINAL COURT MINUTES

01-C-177427-C

STATE OF NEVADA

vs Allen, Gene A

CONTINUED FROM PAGE: 030

03/03/04 09:00 AM 00 ALL PENDING MOTIONS 3/3/04

HEARD BY: John S. McGroarty, Judge; Dept. 16

OFFICERS: Barbara Karp, Court Clerk  
Jennifer Kimmel/jk, Relief Clerk  
Diann Prock, Reporter/Recorder

PARTIES: STATE OF NEVADA  
004630 Hendricks, Craig L.

Y  
Y

DEFENDANT'S PRO PER MOTION FOR EVIDENTIARY HEARING...DEFENDANT'S PRO PER MOTION FOR CHANGE OF VENUE...DEFENDANT'S PRO PER MOTION FOR EVIDENTIARY HEARING...DEFENDANT'S PRO PER MOTION TO VACATE JUDGMENT OF CONVICTION...DEFENDANT'S PRO PER MOTION FOR STATEMENT OF EVIDENCE...DEFENDANT'S PRO PER MOTION TO DISCHARGE

COURT ORDERED, Defendant's presence WAIVED. Court stated its findings and ORDERED, Motions DENIED. State directed to prepare the Order.

03/16/04 09:00 AM 00 DEFT'S PRO PER MTN FOR VOLUNTARY DISMISSAL OF APPEAL/118

HEARD BY: John S. McGroarty, Judge; Dept. 16

OFFICERS: Annette Duncan, Relief Clerk  
Diann Prock, Reporter/Recorder

PARTIES: STATE OF NEVADA  
007866 Peterson, Seth W.

Y  
Y

There being no Opposition filed, COURT ORDERED, Motion GRANTED; State to prepare the Order. FURTHER, Deft's Motion to Amend Writ of Post Conviction set March 23rd, STANDS.

NDC

CRIMINAL COURT MINUTES

01-C-177427-C STATE OF NEVADA vs Allen, Gene A

CONTINUED FROM PAGE: 031

03/23/04 09:00 AM 00 DEFT'S PRO PER MTN TO AMEND WRIT OF POST CONVICTN/119

HEARD BY: John S. McGroarty, Judge; Dept. 16

OFFICERS: Annette Duncan, Relief Clerk  
Peggy Isom, Reporter/Recorder

PARTIES: STATE OF NEVADA Y  
003649 Kephart, William D. Y

Mr. Kephart advised this is Mr. Hendricks case and there are no representations in the file; requested a CONTINUANCE for Mr. Hendricks to be present and COURT SO ORDERED. FURTHER ORDERED, State to determine if a Response is needed in this matter.

NDC

CONTINUED TO: 04/06/04 09:00 AM 01

04/06/04 09:00 AM 00 ALL PENDING MOTIONS 4/6/04

HEARD BY: John S. McGroarty, Judge; Dept. 16

OFFICERS: Annette Duncan, Court Clerk  
Jennifer Lott/jl, Relief Clerk  
Peggy Isom, Reporter/Recorder

PARTIES: STATE OF NEVADA Y  
004630 Hendricks, Craig L. Y

DEFT'S PRO PER MOTION TO AMEND WRIT OF POST CONVICTION.....DEFT'S PRO PER MOTION FOR SENTENCING MODIFICATION.....DEFT'S PRO PER MOTION TO VACATE JUDGMENT OF CONVICTION

COURT ORDERED, State to respond; motions CONTINUED.

NDC

CONTINUED TO: 6/9/04 9:00 A.M. (SAME AS ABOVE)

CRIMINAL COURT MINUTES

01-C-177427-C

STATE OF NEVADA

vs Allen, Gene A

CONTINUED FROM PAGE: 032

04/19/04 09:00 AM 00 TAYLOR'S MTN TO WITHDRAW AS COUNSEL OF RECORD/124

HEARD BY: John S. McGroarty, Judge; Dept. 16

OFFICERS: Annette Duncan, Relief Clerk  
Peggy Isom, Reporter/Recorder

PARTIES: STATE OF NEVADA  
008001 Brian, Kam

Y  
Y

COURT ORDERED, Motion GRANTED; Mr. Taylor to prepare the Order.

NDC

05/04/04 09:00 AM 00 ALL PENDING MOTIONS FOR 5/4/04

HEARD BY: John S. McGroarty, Judge; Dept. 16

OFFICERS: Barbara Karp, Court Clerk  
Barbara Blankenship/bb, Relief Clerk  
Peggy Isom, Reporter/Recorder

PARTIES: STATE OF NEVADA  
004630 Hendricks, Craig L.

Y  
Y

DEFT'S PRO PER MOTION FOR DISMISSAL OF APPEAL...DEFT'S PRO PER MOTION FOR COURT ORDER PRESENTENCING INVESTIGATION DISCLOSURE

COURT ORDERED, All Pending Motions CONTINUED, along with motions now set for 5/10/04.

NDC

6/9/04 9:00 AM DEFT'S PRO PER MOTION FOR DISMISSAL OF APPEAL...DEFT'S PRO PER MOTION FOR COURT ORDER PRESENTENCING INVESTIGATION DISCLOSURE

CRIMINAL COURT MINUTES

01-C-177427-C

STATE OF NEVADA

vs Allen, Gene A

CONTINUED FROM PAGE: 033

06/09/04 09:00 AM 00 ALL PENDING MOTIONS 6/9/04

HEARD BY: John S. McGroarty, Judge; Dept. 16

OFFICERS: Barbara Karp, Court Clerk  
Diann Prock, Reporter/Recorder

PARTIES: STATE OF NEVADA  
004630 Hendricks, Craig L.

Y  
Y

DEFT'S PRO PER MOTION FOR SPEEDY TRIAL VIOLATION...DEFT'S PRO PER MOTION FOR CONCLUSION AND FINAL DEPOSITION...DEFT'S PRO PER MOTION FOR CRIMINAL COURT MINUTES...DEFT'S PRO PER MOTION TO SUPPRESS PETROCELLI...DEFT'S PRO PER MOTION TO COMPEL DISCOVERY...DEFT'S PRO PER PETITION FOR WRIT OF HABEAS CORPUS...DEFT'S PRO PER MOTION FOR DISMISSAL...DEFT'S PRO PER MOTION TO AMEND WRIT OF POST CONVICTION ...DEFT'S PRO PER MOTION FOR SENTENCING MODIFICATION...DEFT'S PRO PER MOTION TO VACATE JUDGMENT OF CONVICTION... STATES RESPONSE AND MOTION TO DISMISS DEFT'S REQUEST FOR AN EVIDENTIARY HEARING... DEFT'S PRO PER MOTION TO SUPPRESS PRELIMINARY HEARING

Court asked Counsel to indicate on record tomorrow which of these motions are duplicates. COURT ORDERED, ALL MATTERS CONTINUED TO TOMORROW.

NDC

CONTINUED TO: 6/10/04 9:00 AM

06/10/04 09:00 AM 00 ALL PENDING MOTIONS 6-10-04

HEARD BY: John S. McGroarty, Judge; Dept. 16

OFFICERS: Annette Duncan, Relief Clerk  
Peggy Isom, Reporter/Recorder

PARTIES: STATE OF NEVADA  
004630 Hendricks, Craig L.

Y  
Y

DEFT'S PRO PER MOTION TO WITHDRAW PLEA...DEFT'S PRO PER MOTION FOR SPEEDY TRIAL VIOLATION...DEFT'S PRO PER MOTION FOR CONCLUSION AND FINAL DEPOSITION...DEFT'S PRO PER MOTION FOR CRIMINAL COURT MINUTES...DEFT'S PRO PER MOTION TO SUPPRESS PETROCELLI...DEFT'S PRO PER MOTION TO COMPEL DISCOVERY...DEFT'S PRO PER MOTION FOR EVIDENTIARY HEARING...DEFT'S PRO PER MOTION FOR SENTENCING MODIFICATION...DEFT'S PRO PER MOTION TO VACATE JUDGMENT OF CONVICTION...DEFT'S PRO PER PETITION FOR WRIT OF HABEAS CORPUS...DEFT'S PRO PER MOTION TO AMEND WRIT OF POST CONVICTION RELIEF...DEFT'S PRO PER MOTION FOR DISMISSAL... STATES RESPONSE AND MOTION TO DISMISS DEFT'S REQUEST FOR AN EVIDENTIARY HEARING... DEFT'S PRO PER MOTION TO SUPPRESS PRELIMINARY HEARING

CONTINUED ON PAGE: 035

## CRIMINAL COURT MINUTES

01-C-177427-C STATE OF NEVADA

vs Allen, Gene A

CONTINUED FROM PAGE: 034

Mr. Hendricks advised Deft's Pro Per Motion to Withdraw Plea has been filed 5 times and Denied 5 times; COURT ORDERED, Motion to Withdraw Plea DENIED. Regarding Deft's Motion for Speedy Trial Violation COURT ORDERED, DENIED; regarding Deft's Motion for Final Deposition (Disposition), The COURT FINDS an Order was signed for clarification and clarification has not been received and ORDERED, Motion DENIED. All Motions listed in capital letters from Deft's Motion to Dismiss Counsel to and through Deft's Motion for Dismissal are duplicative, have been previously denied and COURT ORDERED, all Motions, DENIED. As to Deft's Motion to Suppress Preliminary Hearing, the COURT FINDS Motion MOOT and ORDERED, Motion DENIED. State's Response and Motion to Dismiss Deft's request for an Evidentiary Hearing is Moot as Motion has been denied.

07/08/04

E X H I B I T S

4:59 PM

CASE NO. 01-C-177427-C

CASE STATUS: REOPENED

STATE OF NEVADA

[ ] vs Allen, Gene A

[ ]

<u>NO.</u>	<u>CODE</u>	<u>EXHIBIT DESCRIPTION</u>	<u>SUB</u>	<u>OF/OB</u>	<u>DATE</u>	<u>S</u>
0001	P/D	/JUSTICE COURT EXHIBITS	S	/	08/10/01	V
0002	P1	/EVIDENCE BAG	S	/	99/99/99	V
0003	P1A	/1A-1-L POSTCARDS	S	/	99/99/99	V
0004	P2	/2-6 PHOTOS	S	/	99/99/99	V
0005	D/A	/AFFIDAVIT DENNIS D. STEINER	0001	/	99/99/99	V
0006	PCT1	/AMONISHMENT		AD/	09/18/02	V

eff: 9/1/96

**COUNTY CLERK'S OFFICE  
NOTICE OF DEFICIENCY  
ON APPEAL TO NEVADA SUPREME COURT**

**GENE ALLEN #76542  
PO BOX 359  
LOVELOCK NV 89401**

**DATE: July 9, 2004  
CASE: C177427**

**RE CASE: STATE OF NEVADA VS GENE ALLEN**

NOTICE OF APPEAL FILED: 07/08/04

RULE 3(e) DOCUMENTS TRANSMITTED: 07/09/04

RULE 3(e) DOCUMENTS ***NOT*** TRANSMITTED/MISSING:  
***NOTICE OF ENTRY OF ORDER;***

**FURTHER EXPLANATION OF  
DOCUMENTS/FEES:**

**REFER TO:**

**PROCEDURE:**

**NOTICE OF APPEAL**

NRAP 3(a)

\$24.00 District Court Filing Fee  
(if applicable).

**CASE APPEAL STATEMENT**

NRAP 3(a)(1)

**To be filed with Notice of Appeal:**

Lists information necessary for docketing in the supreme court: district court case number; party names; counsel names; trial judge; whether trial or appellate counsel was appointed; whether appellant is proceeding in forma pauperis; date the proceedings commenced in the district court {NRAP Form 2}.

# Certification of Copy

State of Nevada }  
County of Clark } SS:

I, Shirley B. Parraguirre, the duly elected, qualifying and acting Clerk of Clark County, in the State of Nevada, and Ex-Officio Clerk of the District Court, do hereby certify that the foregoing is a true, full and correct copy of the original:

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DEFENDANTS STATEMENT; DISTRICT COURT DOCKET ENTRIES; ORDER DENYING DEFENDANTS MOTIONS; DISTRICT COURT MINUTES; EXHIBIT LIST; NOTICE OF DEFICIENCY;

STATE OF NEVADA, )  
 )  
 Plaintiff(s), ) Case No: C177427  
 vs. ) Dept No: XVI  
 )  
 GENE ALLEN, )  
 )  
 Defendant(s), )  
 )

now on file and of record in this office.

**IN WITNESS THEREOF**, I have hereunto  
Set my hand and Affixed the seal of the  
Court at my office, Las Vegas, Nevada  
this 9 day of July 2004.

Shirley B. Parraguirre, Clark County Clerk

  
MANUEL RIVAS, Deputy Clerk