

No. 49612

**FILED**

AUG 2 9 21 AM '07

Notice of Appeal to the Nevada

Supreme Court from A

*Chaf*  
CLERK OF THE COURT

Judgment of The District Court

Gene Allen Pro se C177427

Vs N.R.A.P. 40-A

State of Nevada Dept 24

**FILED**

AUG 09 2007

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY *J. Alvarado*  
DEPUTY CLERK

The appeal is based on  
reasonable jurisdiction and  
further fact finding sentenced  
in error the (Anders Brief)  
(denied) See Gibbers 118 Nev 500,  
Kaua 436 F3d 1057, Anders  
386 US 738 True and Correct  
28 USC 1746 Date 9-1-7

AUG 08 2007  
JANETTE M. BLOOM  
CLERK OF SUPREME COURT

RECEIVED

2007

COURT

07-17554

# Docketing Statement, rule 14

The appeal is based on reasonable Jurisdiction See Kauri 436 F 3d 1057 and will be supported by the trial court record and points to those authorities with substantive appealability. The petitioner proper after filling habeas review filed and (Anders brief) with further argument that the guilty plea at trial recess is clearly unconstitutional on its face U.S.C.A. Const, 5th, 6th and 14th the petitioner argues the exceptions on which he relies is known as the Schlup actual innocence exception 513 US 298.

the petitioner argues that  
standby counsel or the  
Public Defender's office  
deprived him in court of

his right to a fair hearing  
to which draw the plea and  
the right to address the court  
to present his own defence  
as quarantined by Faircliff. 1d  
at see Williams 681 F 2d 266  
and within the 8th Judicial  
District Court of Clark County  
Dept 16 the hearing set on  
the court calendar to (with  
draw the guilty plea) Nov  
the 22nd the year 2002.

the rule established by  
our sister circuit and  
applies to the Appellant's  
pleadings before the court

that his Sixth Amendment right of self representation violated by the unsolicited practice and participation of an over zealous stand-by counsel. The rule that was established today that stand by counsel is to be seen but advisory not competing with the defendant or supersede his defence advisory only as the defendant sees fit. Id at 681 F 2d 273.

The rights to a pro se litigant afford that an individual's dignity and that autonomy. In that related context the record

have recognized that a criminal right of self representation was violated by the unsolicited practice of an overzealous standby counsel. At sentencing the defendant must be there present at all criminal proceedings see Snyder 541 330 and that he may not be normally forced to appear in shackles or prison garb see Estelle 469 1691. As to see if the court forced its discretion and that right to (statutory allocation) and its functional equivelent - see - to with

draw the plea however at  
see Faretta 915 Sct 2525  
required that he be permitted  
to represent himself it did  
appear at this point the  
cld held represented him.  
self in a previous criminal  
case and that he held a  
license with the Nev-Div.  
of Consumer Affairs with  
a college education the  
Judge accepted Mr Allen's  
waiver that he was more  
than adequate to represent  
to represent himself pro  
per the cete did not

to be represented by the state  
public defenders office be-  
cause of a conflict of that  
intrest we belive the office  
had a heavy case load see  
Cyler 100 Sct 1711. In the  
federal courts the right of  
self representation has  
been protected by statute  
since the beqing of the 1st  
Congress Judiciary Act of  
1789, 1. Stat. 73. 92. Sec. 35.  
enacted by the 1st Congress  
and signed by President  
Washington one day before  
the 6th Amend 422 US 813

was proposed provided that in all courts of the United States the parties may plead and manage their own causes personally.

The court indulged every reasonable presumption of the waiver of a constitutional right and did not presume acquiescence in the loss of a fundamental right. See Johnson v. S. B. 1019. The defendant was denied due process of law as the critical question (legal standing) is clearly whether the allegations were believed or not.



record of the plea hearing  
see Blackledge 97 Sct 1621.

A Conflict of Interest

Once a conflict of interest  
is established separate  
counsel is mandatory  
whether one attorney  
disqualification should be  
imputed to all the attorneys  
in an office an actual conflict  
of interest are not waivable  
See Camera 658F2d-80-88

A conflict of interest  
applies to both private  
law firms and public law  
offices such as a District  
Attorneys Office or the  
State Office of the Public  
Defender see (our sister).

circuit. cit City and County  
of Den 377P 3d 4153 imputed  
disqualification. It is a well  
and settled rule that counsel  
can not be forced on a  
criminal defendant see More  
108 F3d 2201 cit sentencing.  
There may be further inter-  
ference that may be more  
than adequate grounds for  
for relief see Newsom 4193  
F2d 4139.

### A Hearing

Any guilty plea if then  
induced by promises or  
threats not disclosed on the  
record which deprived it of  
character in proceedings

of a voluntary act is void  
a conviction based upon  
such a plea is open to  
collateral attack see Mach  
82 Sct 510. When a plea  
rests in any significant  
degree on any promise  
not disclosed on the record  
inducement greater benefit  
not to proceed with trial  
see Santobello 92 Sct 495-  
499. Unlike the private

Contract situation  
the validity of a bargained  
guilty plea depends upon  
the voluntariness and in-  
telligence with which the

the defd and not his P.D.  
state counsel enters the  
bargained plea See US V  
Harvey 791 F2d 294.

The defd at sentencing,  
he would receive a term of  
not more than ten years  
Id at See Peavy 31 F3d  
1341.

### Relief Available

When the prosecutor  
breached the plea as the  
(amended) the appropriate  
Judicial remedy would be  
to withdraw the plea Id  
at See Santobello 92 Sct  
495-498-99.

34.726 (1) there is good cause for the delay and (a) the delay is not the fault of the petitioner See Lewis 116 Sct 2174. and (b) the dismissal of the appeal will unduly prejudice See Jezierski 812 P2d 355.

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The claim of ineffective assistance of counsel is sufficient to invalidate a judgment of conviction based on a guilty plea at trial Strickland 4166 US 668 In addition the opening state and counsels error he could not complete trial see Reeves 113 Nev 959-960

# Substantive - Appealability

NRS 172.1451

NRS 172.239

NRS 34.726. (1)(a)(b)

NRS 34.810 ch 3. (a) (b)

NRS 179A.030

NRS 179A.150 ch 4 (a)

NRS 174.035 ch 3

NRS 176.015 (2)(b)

NRS 200.364

NRS 201.230

NRS 207.010 (1)(b)

NRS 213.1075

NRS 34.830

NRS 34.360

D.C.R. 191 and 21

Sentenced Clark County  
April 1st in open court  
Judgement 2003

filed April 7th 2003 the  
an indigent appellants right  
to a transcript was first  
established in Griffin vs  
ILL 7050585.

## Closing Statement

That the petitioners incarceration was necessary for the protection of the public - was contrary to and unreasonable application of clearly established law see *Kawa* 436 F3d 1057 as extradited. From Colo. was not aware of stringency of N.D.O.C. there for respectfully

I dissent

~~Witt~~

Party of Interest

Attorney General  
Catherine Cortez Masto  
555 E Washington Ave 3900  
LV Nev 89101

P. and P. Director  
Mr George Toalichiti  
215 E. Baldanza  
LV Nev 89101

Represented by the Office  
of the Public Defender's  
Co Steve Lernerman  
Jeff Banks  
309 So 3rd St  
LV Nev 89155

The Honorable Judge Dept 24  
James Bixler with the  
Hon. Judge District Court  
Regional Justice Center  
200 Lewis Ave  
Las Vegas Nev 89155

Appellant Counsel  
William J Taylor  
See Cases Nev Supra, 11274  
723 S 3rd St  
Las Vegas Nev 89101



# Brief of the Appellants

50 P.3d 1092, 118 Nev. 500, Gebers v. State, (Nev. 2002)

Page 1

\*1092 50 P.3d 1092

118 Nev. 500

Supreme Court of Nevada.

Patricia GEBERS, A/K/A Patricia  
Burkland, A/K/A Kim Wilkes,  
Appellant.

v.

The STATE of Nevada, Respondent.  
Russell Kiper, Appellant,

v.

The State of Nevada, Respondent.

Nos. 34836, 35950.  
Aug. 2, 2002.

Petitioners sought writs of habeas corpus, alleging ineffective assistance of trial or direct appellate counsel. The Eighth Judicial District Court, Clark County, Donald M. Mosley, J., denied the petitions following evidentiary hearings at which the petitioners were not present. Petitioners appealed. The Supreme Court held that: (1) the presence of the petitioner for habeas corpus relief is required, by statute, at any evidentiary hearing conducted on the merits of the claims asserted in the petition, and (2) the failure of the trial court to provide for the presence of the petitioners at the evidentiary hearings was not harmless.

Reversed and remanded.

West Headnotes

[1] Habeas Corpus ⇨ 752.1

197 ----

197III Jurisdiction, Proceedings, and Relief  
197III(C) Proceedings  
197III(C)3 Hearing  
197k752 Conduct of Hearing  
197k752.1 In General.

The presence of the petitioner for habeas corpus relief is required, by statute, at any evidentiary hearing conducted on the merits of the claims asserted in the petition. West's NRSA 34.390, subd. 2, 34.400, 34.470, 34.770, subds. 1, 3.

[2] Habeas Corpus ⇨ 752.1

197 ----

197III Jurisdiction, Proceedings, and Relief  
197III(C) Proceedings

197III(C)3 Hearing  
197k752 Conduct of Hearing  
197k752.1 In General.

[See headnote text below]

[2] Habeas Corpus ⇨ 847

197 ----

197III Jurisdiction, Proceedings, and Relief  
197III(D) Review  
197III(D)2 Scope and Standards of Review  
197k847 Harmless, Reversible, or Prejudicial

Error.

Failure of trial court to provide for presence of habeas corpus petitioner, at evidentiary hearing on merits of ineffective assistance of counsel claims asserted in the petition, was not harmless error; petitioner may have been able to bolster her claims by presenting additional evidence or testimony or by cross-examining and impeaching her former counsel's testimony. U.S.C.A. Const.Amend. 6; West's NRSA 34.390, subd. 2, 34.400, 34.470, 34.770, subds. 1, 3.

[3] Habeas Corpus ⇨ 690

197 ----

197III Jurisdiction, Proceedings, and Relief  
197III(C) Proceedings  
197III(C)1 In General  
197k690 Counsel, Right and Necessity.

[See headnote text below]

[3] Habeas Corpus ⇨ 791

197 ----

197III Jurisdiction, Proceedings, and Relief  
197III(C) Proceedings  
197III(C)5 Determination and Disposition:  
Relief  
197k791 In General.

If a petitioner for writ of habeas corpus can demonstrate that he was denied the right to a direct appeal due to the ineffective assistance of counsel, then the petitioner is entitled to the appointment of counsel to assist him in filing a petition for writ of habeas corpus raising direct appeal claims, regardless of whether or not he initially asserted any direct appeal claims in his petition for writ of habeas corpus. U.S.C.A. Const.Amend. 6.

Patricia Gebers, Las Vegas, in Proper Person.

March 26, 2002, this court ordered the State to show cause why these appeals should not be remanded to the district court for further proceedings. The State filed its response on April 29, 2002. Additionally, at this court's request, the Nevada Attorneys for Criminal Justice (NACJ) has filed an amicus brief discussing whether appellants' statutory or constitutional rights were violated in the proceedings below. Accordingly, these appeals are now fully at issue and ready for decision.

#### DISCUSSION

[1] NRS 34.770(1) provides that, in post-conviction habeas corpus proceedings, the judge "shall determine whether an evidentiary hearing is required." Under NRS 34.770(3), "[i]f the judge ... determines that an evidentiary hearing is required, he shall grant the writ and shall set a date for the hearing." Such a writ "does not entitle a petitioner to be discharged from the custody or restraint under which he is held ... [but] requires only the production of the petitioner to determine the legality of his custody or restraint." (FN4) "The writ must be directed to the person who has the petitioner in custody ... commanding him to have the body of the petitioner produced before the district court ...." (FN5) A petitioner "brought before the judge on the return of the writ may deny or controvert any of the material facts or matters set forth in the return or answer, deny the sufficiency thereof, or allege any [118 Nev. 504] fact to show either that his imprisonment or detention is unlawful or that he is entitled to his discharge." (FN6) Thus, it is clear that the provisions of NRS chapter 34 require the presence of the petitioner at any evidentiary hearing conducted on the merits of the claims asserted in a post-conviction petition for a writ of habeas corpus. Such an evidentiary hearing conducted without first providing the petitioner an opportunity to be present violates the provisions set forth in NRS chapter 34.

In Gebers' case, the district court conducted an evidentiary hearing on the merits of the claims Gebers raised in her petition. Gebers was not present or represented by post-conviction counsel at the hearing. During the hearing, testimony and evidence was presented refuting Gebers' claims.

The State nonetheless contends that Gebers was not entitled to an evidentiary hearing because the claims she raised in her petition were belied by the record. The State further contends that because Gebers was not entitled to an evidentiary hearing, it was harmless error for the district court to conduct a hearing on the merits of the claims Gebers raised in her petition outside her

presence. We disagree.

[2] It is clear from the record that the district court determined that an evidentiary hearing was warranted wherein Gebers' former counsel would be questioned and would testify regarding the claims asserted in Gebers' petition. Once the district court decided to conduct that evidentiary hearing, it was required by statute to grant the writ, to order Gebers to be produced for the hearing, and to permit her an opportunity to deny, controvert, or present evidence to demonstrate that her imprisonment was unlawful. (FN7) Even assuming that the district court could have initially denied the claims presented in Gebers' petition as belied by the record, because the district court determined in this instance that an evidentiary hearing was necessary and then conducted such a hearing on the merits of the claims set forth in the petition, the district court was required by statute to grant the writ and to provide for Gebers' presence at the evidentiary hearing on the petition. The failure of the district court to do so violated Gebers' statutory rights. Had Gebers been present at the hearing, she may have been able to bolster \*1095 her claims by presenting additional evidence or testimony or by cross-examining and impeaching her former counsel's testimony. Therefore, we cannot say that Gebers was not prejudiced or that this error was harmless beyond a reasonable doubt.

[118 Nev. 505] Kiper claimed in his petition that he asked his counsel to file an appeal and his counsel did not do so. The district court conducted an evidentiary hearing on the merits of the claims Kiper raised in his petition. Kiper was not present or represented by post-conviction counsel at the hearing. During the hearing, testimony and evidence was presented refuting Kiper's claims.

The State concedes that Kiper was entitled to an evidentiary hearing because his claim that his counsel failed to file a direct appeal after Kiper requested him to do so was not belied by the record. The State also concedes that the district court violated Kiper's statutory rights by conducting the required evidentiary hearing and by receiving testimony from Kiper's former counsel regarding the claims asserted in Kiper's petition without securing Kiper's presence at the hearing. Nonetheless, the State contends that Kiper was not prejudiced by any violation of his statutory rights because the direct appeal claims that Kiper might have subsequently litigated below were presented to and properly denied by the district court. We disagree.

[3] In *Lozada v. State*, (FN8) this court held that if a petitioner demonstrates that he or she was denied the

# Authorities

422 US 813

Blackledge 97 Sct 1621

Camera 658 F2d 80-88

Cyuler 100 Sct 1711

Den 37P 3d 4153

Estelle 96 Sct 1691

Faretta 95 Sct 2525

Griffin 76 Sct 585

Harvauy 31 F 3d 1341

Jezierski 812P 2d 355

Johsen 58 Sct 1019

Kaua 436 F 3d 1057

Mach 82 Sct 510

More 108 F 3d 261

Newsome 493 F 2d 439

Peavay 791 F 2d 294

Reeves 113 Nev 959

Santantobello 92 Sct 495

Snuder 54 Sct 330

Wiggins 681 F 2d 266

1 ASTA

FILED

2007 AUG -3 A 8:57

4 DISTRICT COURT  
5 CLARK COUNTY, NEVADA

*C. R. ...*  
CLERK OF THE COURT

7 STATE OF NEVADA, )

8 Plaintiff(s), )

9 vs. )

10 GENE ANTHONY ALLEN, )

11 Defendant(s), )

) Case No: C177427  
) Dept No: XXIV

14 CASE APPEAL STATEMENT

- 15 1. Appellant(s): GENE ALLEN
- 16 2. Judge: JAMES BIXLER
- 17 3. All Parties, District Court:

18 Plaintiff, THE STATE OF NEVADA

19 Defendant(s), GENE ANTHONY 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*  
Gene Allen #76542  
25 P.O. Box 359  
26 Lovelock, NV 89419

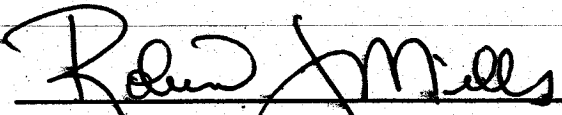
*Respondent*  
David Roger, District Attorney  
200 Lewis Ave.  
Las Vegas, NV 89101  
(702) 671-2700

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

Dated This 3 day of August 2007.

Charles J. Short, Clerk of the Court

By: 

Robin J. Mills, Deputy Clerk  
200 Lewis Ave  
PO Box 551601  
Las Vegas, Nevada 89155-1601  
(702) 671-0512

DATE: 08/02/07  
CASE NO. 01-C-177427-C

I N D E X

TIME 4:55 PM  
JUDGE: Bixler, James

STATE OF NEVADA

[ ] vs Allen, Gene A

[ ]

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

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	0001	DN	09/06/01	
			/2	0001			
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	

(Continued to page 2)

01-C-177427-C		(Continuation	Page	2)		
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				
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			

(Continued to page 3)

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	0001			Y
0093	02/06/03		COUNSEL FOR INDENDENT TESTING OF EVIDENCE AND DEFENDANTS MOTION TO DISMISS /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			

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 MOITON 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		0001			Y
		EXPENSE					
0157	08/25/03	NOTC/NOTICE OF MOTION		0001			
0158	09/02/03	OPPS/STATES OPPOSITION FOR DEFENDANTS MOTION FOR PRODUCTION OF TRANSCRIPTS AT		0001			Y
		STATES EXPENSE					
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

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 0001 DN 12/08/03  
                   DEPOSITION/94 0001  
 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~~ 0001 ~~10/22/03~~  
                   ~~CLARIFICATION~~ 0001  
 0175 10/28/03 MOT /DEFT'S PRO PER MTN VOLUNTARY 0001 MT 11/10/03  
                   DISMISSAL/97 0001  
 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 0001 HG 11/10/03 Y  
                   STATEMENT OF EVIDENCE AND MOTION FOR 0001

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 0001 DN 12/01/03  
                   SUPREME COURT/99 0001  
 0181 11/17/03 OPPTS/STATES OPPOSITION TO DEFENDANTS MOTION 0001 Y  
                   FOR TRANSCRIPTS AND PETITION FOR 0001

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 0001  
                   CONVICTION 0001  
 0187 01/06/04 PET /DEFT'S PRO PER PTN FOR WRIT OF HABEAS 0001 VC 02/18/04  
                   CORPUS/103 VJ 2/17/04 0001  
 0188 01/06/04 PPOW/ORDER FOR PETITION FOR A WRIT OF HABEAS 0001 SH 02/18/04  
                   CORPUS 0001  
 0189 01/12/04 MOT /DEFT'S PRO PER MTN FOR CHANGE OF 0001 VC 02/18/04  
                   VENUE/104 VJ 2/17/04 0001  
 0190 01/14/04 REQT/REQUEST FOR TRANSCRIPTS OF PROCEEDINGS 0001  
 0191 01/21/04 HEAR/DEFT'S PRO PER EVIDENTIARY HEARING /105 0001 VC 02/18/04  
                   VJ 2/17/04 0001  
 0192 01/23/04 MOT /DEFT'S PRO PER REQUEST OF ALL 0001 VC 02/18/04  
                   PROCEEDINGS/106 VJ 2/17/04 0001  
 0193 02/03/04 MOT /DEFT'S PRO PER MTN TO WITHDRAW TRIAL 0001 GR 02/17/04  
                   COUNSEL/107 0001  
 0194 01/23/04 MOT /DEFT'S PRO PER REQUEST FOR ROUGH DRAFT 0001 VC 02/18/04  
                   TRANSCRIPTS OF PROCEEDINGS IN DC/108 0001  
 0195 02/03/04 MOT /DEFT'S PRO PER MTN FOR EVIDENTRY HEARING 0001 DN 02/17/04  
                   II/ 0001  
 0197 02/12/04 OPPTS/STATES OPPOSITION TO DEFENDANTS 0001 Y  
                   PETITION FOR WRIT OF HABEAS CORPUS 0001

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 JUDGMENT 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			
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				
0253	05/21/04	RSPN/STATES RESPONSE AND MOTION TO DISMISS DEFENDANTS REQUEST FOR AN EVIDENTIARY	0001			Y
HEARING						
0254	05/21/04	RSPN/STATES RESPONSE AND MOTION TO DISMISS DEFENDANTS MOTION TO VACATE JUDGMENT	0001			Y
OF CONVICTION						
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	(Continuation Page 9) 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 06/09/04 0001
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 06/10/04 0001
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	07/01/04	HEAR/DEFT'S PRO PER REQUEST FOR STATES OPPOSITION FOR PSI/139	0001 DN 09/01/04 0001
0266	07/08/04	MOT /DEFT'S PRO PER MTN FOR PRODUCTION OF TRANSCRIPTS/140	0001 DN 09/01/04 0001
<del>0267</del>	<del>07/08/04</del>	<del>MOT /DEFT'S PRO PER MTN FOR LEAVE TO AMEND WRIT OF HABEAS CORPUS/141</del>	<del>0001 DN 09/28/04 0001</del>
0268	07/08/04	NOAS/NOTICE OF APPEAL	0001 AP 07/08/04
0269	07/09/04	STAT/CASE APPEAL STATEMENT	0001
0270	07/09/04	NOAS/NOTICE OF APPEAL	0001 AP 07/09/04
0271	07/14/04	MOT /ALL PENDING MOTIONS - 7/14/04	0001 07/14/04
0272	07/12/04	STAT/CASE APPEAL STATEMENT	0001
0273	07/20/04	EXPR/EX PARTE ORDER GRANTING ATTORNEYS FEES IN EXCESS OF THE STATUTORY LIMIT	0001 07/20/04 0001
0274	07/22/04	NOTC/NOTICE OF ENTRY OF ORDER	0001 07/20/04
0275	07/29/04	CASO/CASE (RE)OPENED	07/29/04
0276	07/29/04	MOT /DEFT'S PRO PER MTN FOR STATES OPPOSITION/143	0001 DN 09/01/04 0001
0277	07/29/04	MOT /DEFT'S PRO PER MTN FOR STATES OPPOSITION/144	0001 DN 09/01/04 0001
0278	08/02/04	MOT /DEFT'S MTN FOR PRODUCTION OF SENTENCING TRANSCRIPTS & FORMA PAUPERIS/145	0001 DN 09/01/04 0001
0279	08/02/04	NOTC/CONTENTS AND NOTICE OF ORDER FINALLY DISPOSING OF PETITION	0001 0001
0280	08/06/04	MOT /DEFT'S PRO PER MTN FOR TRANSCRIPTS/146	0001 DN 09/01/04
0281	08/06/04	MOT /DEFT'S PRO PER MTN FOR EXCEPTION/147	0001 DN 09/01/04
0282	08/06/04	AFFD/AFFIDAVIT IN SUPPORT OF MOTION FOR TRANSCRIPTS	0001 0001
0283	08/06/04	NOTC/NOTICE OF MOTION	0001
0284	08/11/04	MOT /ALL PENDING MOTIONS - 8/11/04	0001 08/11/04
0285	08/10/04	PET /PETITION FOR WRIT OF HABEAS CORPUS	0001
0286	08/10/04	CRTF/CERTIFICATE OF INMATES INSTITUTIONAL ACCOUNT	0001 0001
0287	08/10/04	REQT/MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS	0001 0001
0288	08/18/04	MOT /ALL PENDING MOTIONS - 8/18/04	0001 08/18/04
0289	08/12/04	PROF/PROOF OF SERVICE BY MAIL	0001
0290	08/17/04	NOTC/NOTICE OF ENTRY OF DECISION AND ORDER	0001 08/17/04
0291	08/17/04	PET /HABEAS CORPUS AMENDED PETITION	0001
0292	08/27/04	PET /DEFT'S PRO PER PTN FOR WRIT OF HABEAS CORPUS /150	0001 DN 09/28/04 0001
0293	08/24/04	OPPS/STATES OPPOSITION TO DEFENDANTS VARIOUS PROPER PERSON MOTIONS	0001 0001
0294	08/23/04	PET /PETITION FOR WRIT OF HABEAS CORPUS	0001
0295	08/31/04	MOT /DEFT'S PRO PER MTN FOR LEAVE TO PROCEED IN FORMA PAUPERIS/151	0001 DN 09/28/04 0001

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NO.	FILED/REC CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0296	08/27/04	PPOW/ORDER FOR PETITION FOR A WRIT OF HABEAS CORPUS	0001	SH	09/28/04	
			0001			
0297	08/31/04	STAT/CASE APPEAL STATEMENT	0001			
0298	08/31/04	NOAS/NOTICE OF APPEAL	0001	AP	08/31/04	
0299	09/07/04	CASO/CASE (RE)OPENED			09/07/04	
0300	09/07/04	MOT /DEFT'S PRO PER MTN FOR TRANSCRIPTS OF PROCEEDINGS/152	0001	DN	09/28/04	
			0001			
0301	09/14/04	MOT /DEFT'S PRO PER MTN FOR QUALIFIED IMMUNIT/153	0001	DN	09/28/04	
			0001			
0302	09/10/04	ANSW/ANSWER	0001			
0303	09/01/04	MOT /ALL PENDING MOTIONS - 9/1/04	0001		09/01/04	
0304	09/16/04	MOT /DEFT'S PRO PER MTN FOR COURT MINUTES/155	0001	DN	09/28/04	
<del>0305</del>	<del>09/14/04</del>	<del>REQT/MOTION FOR AN EVIDENTIARY HEARING</del>	<del>0001</del>			
0306	09/21/04	MOT /STATE'S MTN TO DISMISS PTN FOR WRIT/156	0001	GR	09/28/04	
0307	09/20/04	ORDR/ORDER DENYING DEFENDANTS VARIOUS PROPER PERSON MOTION HEARD ON SEPTEMBER 1 2004	0001	HG	09/01/04	
			0001			
0308	09/22/04	APCL/APPEAL TO SUPREME COURT: CLOSED 42969			09/17/04	
0309	09/28/04	MOT /ALL PENDING MOTIONS 9/28/04	0001		09/28/04	
0310	07/08/04	CERT/CERTIFICATE OF SERVICE BY MAIL	0001			
0311	07/08/04	REQT/NOTICE OF MOTION	0001			
0312	08/23/04	CERT/CERTIFICATE OF SERVICE BY MAIL	0001			
0313	08/23/04	REQT/MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS	0001			
			0001			
0314	08/23/04	CERT/CERTIFICATE OF INMATE'S INSTITUTIONAL ACCOUNT	0001			
			0001			
0315	08/31/04	AFFD/AFFIDAVIT IN SUPPORT IF REQUEST TO PROCEED IN FORMA PAUPERIS	0001			
			0001			
0316	10/11/04	JUDG/FINDINGS OF FACTS, CONCLUSIONS OF LAW AND ORDER	0001	GR	10/11/04	
			0001			
0317	10/11/04	NOED/NOTICE OF ENTRY OF DECISION AND ORDER	0001		10/11/04	
0318	10/11/04	REQT/MOTION OF CONSIDERATION OF THE MERIT	0001			
0319	10/13/04	CASO/CASE (RE)OPENED			10/13/04	
0320	10/12/04	MOT /DEFT'S PRO PER MTN FOR CONTENTS & NTC OF ORDER FINALLY DISPOSING OF PTN HABE/158	0001	OC	11/01/04	
			0001			
0321	10/21/04	JMNT/CLERK'S CERTIFICATE/JUDGMENT AFFIRMED	0001		10/25/04	
0322	10/21/04	CCJA/NEVADA SUPREME COURT CLERKS CERTIFICATE/JUDGMENT - AFFIRMED	0001		10/21/04	
			0001			
0323	10/22/04	NOAS/NOTICE OF APPEAL	0001	AP	10/22/04	
0324	10/25/04	STAT/CASE APPEAL STATEMENT	0001			
0325	10/26/04	RSPN/RESPONSE	0001			
0326	12/09/04	APCL/APPEAL TO SUPREME COURT: CLOSED 43599		GR	12/06/04	
0327	12/13/04	CASO/CASE (RE)OPENED RECORD ON APPEAL	0001		12/13/04	
0328	12/14/04	CSCL/CASE CLOSED	0001		12/14/04	
0329	12/14/04	CASO/CASE (RE)OPENED			12/14/04	
0330	12/14/04	MOT /DEFT'S PRO PER MTN FOR COURT MINUTES/159	0001	GR	12/29/04	
0331	12/16/04	PET /DEFT'S PRO PER PTN FOR WRIT OF HABEAS CORPUS /160	0001	DN	02/03/05	
			0001			
0332	11/19/04	PET /PETITION FOR WRIT OF HABEAS CORPUS	0001			
0333	11/19/04	APPL/APPLICATION TO PROCEED IN FORMA PAUPERIS	0001			
			0001			
0334	01/03/05	AMEN/AMENDED PLEADING	0001			
0335	01/10/05	HEAR/DEFT'S PRO PER MTN EVIDENTIARY HEARING /161	0001	DN	01/27/05	
			0001			

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NO.	FILED/REC CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0336	01/06/05	CCJA/NEVADA SUPREME COURT CLERKS CERTIFICATE/ JUDGMENT - AFFIRMED AND DISMISS APPEAL	0001 0001		01/06/04	Y
IN PART						
0337	01/06/05	JMNT/CLERK'S CERTIFICATE JUDGMENT AFFIRMED	0001		01/18/05	
0338	01/13/05	ORDR/ORDER GRANTING DEFENDANTS MOTION FOR COURT MINUTES FROM JUNE 6 2003	0001 0001	HG	12/29/04	
0339	01/13/05	OPPS/STATES OPPOSITION AND MOTION TO DISMISS DEFENDANTS PETITION FOR WRIT OF	0001 0001			Y
HABEAS CORPUS POST CONVICTION						
0340	01/13/05	OPPS/STATES OPPOSITION TO DEFENDANTS MOTION FOR EVIDENTIARY HEARING	0001 0001			
0341	01/19/05	ARGU/CLOSING ARGUMENT	0001			
<del>0342</del>	<del>01/19/05</del>	<del>NCA /HARMLES AND REVERSABLE ERROR</del>	<del>0001</del>			
0343	01/24/05	MOT /DEFT'S PRO PER MTN FOR CRIMINAL COURT MINUTES/162	0001 0001	DN	03/02/05	
0344	01/24/05	MOT /DEFT'S PRO PER MTN FOR SENTENCING TRANSCRIPTS/163	0001 0001	DN	03/02/05	
0345	01/24/05	APPL/APPLICATION TO PROCEED IN FORMA PAUPERIS	0001 0001			
0346	01/24/05	NOAS/NOTICE OF APPEAL	0001	AP	01/24/05	
0347	01/24/05	STAT/CASE APPEAL STATEMENT	0001			
0348	02/03/05	MOT /ALL PENDING MOTIONS (2/3/05)	0001		02/03/05	
0349	02/04/05	RSPN/ANSWER AND RESPONSE TO A WRIT OF HABEAS CORPUS FOR POST CONVICTION	0001 0001			
0350	02/09/05	CASO/CASE (RE)OPENED			02/09/05	
0351	02/08/05	MOT /DEFT'S PRO PER MTN FOR TRANSCRIPTS/165	0001	DN	03/02/05	
0352	02/08/05	OPPS/STATES OPPOSITION TO DEFENDANTS MOTION FOR CRIMINAL COURT MINUTES MOTION FOR	0001 0001			Y
SENTENCING TRANSCRIPT HARMLESS AND REVERSIBLE ERROR AND CLOSING ARGUMENT						
0353	02/18/05	APCL/APPEAL TO SUPREME COURT: CLOSED 44597			02/15/05	
0354	02/23/05	MOT /DEFT'S PRO PER MTN FOR FINAL ORDER FACTS CONCLUSION OF LAW TO WRIT OF HABEAS/166	0001 0001	DN	03/07/05	
0355	02/17/05	OPPS/STATES OPPOSITION TO DEFENDANTS MOTION TRANSCRIPTS TO PROCEEDINGS	0001 0001			
0356	02/24/05	MOT /DEFT'S PRO PER MTN FOR CONCLUSION OF LAW ANSWER & STATES OPP TO WRIT OF HABEA/167	0001 0001	DN	03/07/05	
0357	02/23/05	MOT /ALL PENDING MOTIONS - 2/23/05	0001		02/23/05	
0358	03/02/05	MOT /ALL PENDING MOTIONS (3/2/05)	0001		03/02/05	
0359	03/03/05	MOT /DEFT'S PRO PER MTN FOR DOCUMENTS/170	0001	DN	03/21/05	
0360	03/03/05	MOT /DEFT'S PRO PER MTN FOR DOWNWARD DEPARTURE/171	0001 0001	DN	03/21/05	
0361	03/07/05	APCL/APPEAL TO SUPREME COURT: CLOSED 44180			03/04/05	
0362	03/02/05	JUDG/FINDINGS OF FACTS, CONCLUSIONS OF LAW AND ORDER	0001 0001	HG	02/03/05	
0363	03/03/05	RSPN/STATES RESPONSE TO DEFENDANTS MOTION FOR CONCLUSION OF LAW ANSWER AND	0001 0001			Y
STATES OPPOSITION TO WRIT OF HABEAS CORPUS						
0364	03/11/05	MOT /DEFT'S PRO PER MTN FOR SENTENCING TRANSCRIPT/172	0001 0001	DN	03/21/05	
0365	03/10/05	OPPS/STATES OPPOSITION TO DEFENDANT MOTION FOR DOCUMENTS AND MOTION FOR	0001 0001			Y
DOWNWARD DEPARTURE						

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NO.	FILED/REC	CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0366	03/07/05	MOT	/ALL PENDING MOTIONS - 3/7/05	0001		03/07/05	
0367	03/14/05	NOED	/NOTICE OF ENTRY OF DECISION AND ORDER	0001		03/02/05	
0368	03/18/05	MOT	/DEFT'S PRO PER MTN FOR FINAL DISPOSITION/174	0001	MT	04/25/05	
0369	03/21/05	MOT	/ALL PENDING MOTIONS (3/21/05)	0001		03/21/05	
0370	03/17/05	OPPS	/STATES OPPOSITION TO DEFENDANTS MOTION FOR SENTENCING TRANSCRIPTS	0001			
0371	03/21/05	PET	/DEFT'S PRO PER NTC OF EXHAUSTED PTN FOR WRIT OF HABEAS CORPUS /176	0001	MT	04/25/05	
0372	03/18/05	NSCO	/NEVADA SUPREME COURT JUDGMENT / ORDERED APPEAL DISMISSED	0001		03/18/05	
0373	03/25/05	MOT	/DEFT'S PRO PER APPLICATION TO PROCEED IN FORMA PAUPERIS/177	0001	GR	04/25/05	
0374	03/28/05	MOT	/ALL PENDING MOTIONS (3/28/05)	0001		03/28/05	
0375	03/24/05	NOAS	/NOTICE OF APPEAL	0001	AP	03/24/05	
0376	03/29/05	MOT	/DEFT'S PRO PER MTN FOR FINAL ORDER & JUDGMENT/179	0001	MT	04/25/05	
0377	03/25/05	STAT	/CASE APPEAL STATEMENT	0001			
0378	03/28/05	NOAS	/NOTICE OF APPEAL	0001	AP	03/28/05	
0379	03/28/05	APPL	/APPLICATION TO PROCEED IN FORMA PAUPERIS	0001			
0380	03/28/05	STAT	/CASE APPEAL STATEMENT	0001			
0381	03/29/05	STAT	/CASE APPEAL STATEMENT	0001			
0382	03/29/05	ORDR	/ORDER DENYING DEFENDANTS PRO PER MOTION FOR DOCUMENTS DOWNWARD DEPARTURE AND	0001		03/29/05	Y
SENTENCING TRANSCRIPTS							
0383	04/01/05	CASO	/CASE (RE) OPENED			04/01/05	
0384	04/01/05	MOT	/DEFT'S PRO PER APPLICATION TO PROCEED IN FORMA PAUPERIS/180	0001	GR	04/25/05	
0385	04/04/05	MOT	/ALL PENDING MOTIONS (04/04/05)	0001		04/04/05	
0386	04/01/05	NOAS	/NOTICE OF APPEAL	0001	AP	04/01/05	
0387	04/01/05	APPL	/APPLICATION TO PROCEED IN FORMA PAUPERIS	0001			
0388	04/04/05	STAT	/CASE APPEAL STATEMENT	0001			
0389	04/11/05	MOT	/ALL PENDING MOTIONS (4/11/05)	0001		04/11/05	
0390	04/11/05	MOT	/DEFT'S PRO PER MTN FOR TRANSCRIPTS/183	0001	MT	04/21/05	
0391	04/13/05	CASO	/CASE (RE) OPENED			04/13/05	
0392	04/11/05	NOAS	/NOTICE OF APPEAL	0001	AP	04/11/05	
0393	04/11/05	STAT	/CASE APPEAL STATEMENT	0001			
0394	04/11/05	STAT	/CASE APPEAL STATEMENT	0001			
0395	04/19/05	CASO	/CASE (RE) OPENED			04/19/05	
0396	04/18/05	MOT	/DEFT'S PRO PER MTN FOR COURT INDEX/184	0001	DN	04/28/05	
0397	04/18/05	MOT	/DEFT'S PRO PER APPLICATION TO PROCEED IN FORMA PAUPERIS/185	0001	GR	04/28/05	
0398	04/13/05	APPL	/APPLICATION TO PROCEED IN FORMA PAUPERIS	0001			
0399	03/18/05	JMNT	/CLERK'S CERTIFICATE APPEAL DISMISSED	0001		04/22/05	
0400	04/18/05	NOAS	/NOTICE OF APPEAL	0001	AP	04/18/05	
0401	04/25/05	MOT	/ALL PENDING MOTIONS (4/25/05)	0001		04/25/05	
0402	04/19/05	STAT	/CASE APPEAL STATEMENT	0001			
0403	04/18/05	APPL	/APPLICATION TO PROCEED IN FORMA PAUPERIS	0001			

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NO.	FILED/REC	CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0404	04/18/05	CRTF	CERTIFICATE OF INMATES INSTITUTIONAL ACCOUNT	0001			
0405	04/20/05	OPPS	STATES OPPOSITION TO DEFENDANTS MOTION FOR SENTENCING TRANSCRIPTS	0001			
0406	04/28/05	MOT	/ALL PENDING MOTIONS (4/28/05)	0001		04/28/05	
0407	04/29/05	CASO	CASE (RE)OPENED			04/29/05	
0408	04/28/05	MOT	/DEFT'S PRO PER MTN FOR COURT TO DISQUALIFY ITSELF APPLICATION TO/188	0001	DN	06/08/05	
0409	04/28/05	MOT	/DEFT'S PRO PER APPLICATION TO PROCEED IN FORMA PAUPERIS/189	0001	GR	05/09/05	
0410	04/26/05	OPPS	STATES OPPOSITION TO DEFENDANTS MOTION FOR COURT INDEX ET AL	0001			
0411	05/09/05	MOT	/ALL PENDING MOTIONS (5/9/05)	0001		05/09/05	
0412	04/28/05	CRTF	CERTIFICATE OF INMATES INSTITUTIONAL ACCOUNT	0001			
0413	05/10/05	MOT	/DEFT'S PRO PER MTN TO CORRECT ILLEGAL SENTENCE/191	0001	DN	06/08/05	
0414	05/02/05	NOAS	NOTICE OF APPEAL	0001	AP	05/02/05	
0415	05/02/05	APPL	APPLICATION TO PROCEED IN FORMA PAUPERIS	0001			
0416	05/05/05	ORDR	ORDER GRANTING DEFENDANTS APPLICATION TO PROCEED IN FORMA PAUPERIS	0001		05/05/05	
0417	05/09/05	NOTC	NOTICE	0001			
0418	05/03/05	STAT	CASE APPEAL STATEMENT	0001			
0419	05/05/05	ORDR	ORDER DENYING DEFENDANTS PRO PER MOTION FOR FINAL DEPOSITION ORDER DENYING DEFENDANTS PRO PER MOTION FOR FINAL ORDER AND JUDGMENT AND ORDER DENYING DEFENDANTS NOTICE OF EXHAUSTED PETITION FOR WRIT OF HABEAS CORPUS	0001	HG	04/25/05	Y
0420	05/11/05	CASO	CASE (RE)OPENED RECORD ON APPEAL			05/11/05	
0421	05/13/05	APSC	APPEAL TO THE SUPREME COURT		AP	05/13/05	
0422	05/10/05	NOED	NOTICE OF ENTRY OF DECISION AND ORDER	0001		05/05/05	
0423	05/13/05	NOAS	NOTICE OF APPEAL	0001	AP	05/13/05	
0424	05/16/05	STAT	CASE APPEAL STATEMENT	0001			
0425	05/17/05	OPPS	STATES OPPOSITION TO DEFENDANTS MOTION TO CORRECT AN ILLEGAL SENTENCE	0001			
0426	05/17/05	RSPN	STATES RESPONSE TO DEFENDANTS MOTION FOR COURT TO DISQUALIFY ITSELF	0001			
0427	05/27/05	PET	/DEFTS PRO PER PERSONAL RESTRAINT PTN/192	0001	DN	06/08/05	
0428	05/27/05	CASO	CASE (RE)OPENED			05/27/05	
0429	05/27/05	MOT	/DEFT'S PRO PER TO PROCEED IN FORMA PAUPERIS/193	0001	PG	06/08/05	
0430	05/27/05	MOT	/DEFT'S PRO PER CERTIFICATE OF INMATE'S INSTITUTIONAL ACCT/194	0001	DN	06/08/05	
0431	05/27/05	CRTF	CERTIFICATE INMATES INSTITUTIONAL ACCOUNT	0001			
0432	05/27/05	PET	/PERSONAL RESTRAINT PETITION	0001			
0433	06/08/05	MOT	/ALL PENDING MOTIONS (6/8/05)	0001		06/08/05	
0434	06/20/05	APCL	APPEAL TO SUPREME COURT: CLOSED 44991		AP	06/14/05	
0435	06/22/05	MOT	/DEFT'S PRO PER MTN FOR ANSWER RESPONSE OR	0001	DN	07/06/05	
0436	06/23/05	APCL	APPEAL TO SUPREME COURT: CLOSED 45220		AP	06/16/05	

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NO.	FILED/REC CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0437	06/30/05	ORDR/ORDER GRANTING DEFENDANTS PRO PER APPLICATION TO PROCEED IN FORMA PAUPERIS	0001		06/30/05	
0438	06/30/05	ORDR/ORDER DENYING DEFENDANTS PRO PER PERSONAL RESTRAINT PETITION ORDER	0001	HG	06/08/05	Y
		DENYING DEFENDANTS PRO PER APPLICATION TO CORRECT ILLEGAL SENTENCE ORDER				
		DENYING DEFENDANTS PRO PER MOTION FOR COURT TO DISQUALIFY ITSELF AND ORDER				
		DENYING DEFENDANTS PRO PER CERTIFICATE OF INMATES INSTITUTIONAL ACCOUNT				
0439	07/01/05	OPPS/STATES OPPOSITION TO DEFENDANTS MOTION FOR ANSWER RESPONSE OR OPPOSITION	0001			
0440	07/08/05	APPL/APPLICATION TO PROCEED IN FORMA PAUPERIS	0001			
0441	07/06/05	CSCL/CASE CLOSED			07/06/05	
<del>0442</del>	<del>07/13/05</del>	<del>ORDR/ORDER DENYING DEFENDANTS PRO PER MOTION FOR ANSWER RESPONSE OR OPPOSITION</del>	<del>0001</del>	<del>HG</del>	<del>07/06/05</del>	
0443	07/19/05	APCL/APPEAL TO SUPREME COURT: CLOSED 44991		AP	07/12/05	
0444	07/18/05	CCJA/NEVADA SUPREME COURT CLERKS CERTIFICATE/JUDGMENT - AFFIRMED/APPEAL DISMISSED IN	0001		07/18/05	Y
PART						
0445	07/20/05	STAT/CASE APPEAL STATEMENT	0001			
0446	07/20/05	APPL/APPLICATION TO PROCEED IN FORMA PAUPERIS	0001			
0447	07/20/05	NOAS/NOTICE OF APPEAL	0001	AP	07/20/05	
0448	08/01/05	CCJA/NEVADA SUPREME COURT CLERKS CERTIFICATE/JUDGMENT - AFFIRMED/REHEARING DENIED	0001		08/01/05	
0449	07/18/05	JMNT/CLERK'S CERT JUDGMENT AFFIRMED/DISMISSED	0001		08/15/05	
0450	08/01/05	JMNT/CLERK'S CERTIFICATE/JUDGMENT AFFIRMED	0001		08/17/05	
0451	08/01/05	JMNT/CLERK'S CERTIFICATE/REHEARING DENIED	0001		08/17/05	
0452	08/19/05	PET /PETITION FOR POST CONVICTION RELIEF	0001			
0453	08/25/05	CASO/CASE (RE)OPENED			08/25/05	
0454	08/24/05	MOT /DEFT'S PRO PER MTN FOR AN EVIDENTIARY/197	0001		09/07/05	
0455	08/26/05	PET /DEFT'S PTN FOR WRIT OF HABEAS CORPUS /198	0001	DN	10/11/05	
0456	08/26/05	PPOW/ORDER FOR PETITION FOR A WRIT OF HABEAS CORPUS	0001	SH	10/11/05	
0457	08/29/05	MOT /DEFT'S PRO PER MTN FOR COURT MINUTES /199	0001	DN	09/12/05	
0458	08/30/05	OPPS/STATES OPPOSITION TO DEFENDANTS MOTION FOR EVIDENTIARY HEARING	0001		09/07/05	
0459	06/13/05	CERT/CERTIFICATE OF MAILING	0001		06/09/05	
0460	09/07/05	OPPS/STATES OPPOSITION TO DEFENDANTS MOTION FOR COURT MINUTES	0001			
0461	09/12/05	HEAR/DEFT'S PRO PER EVIDENTIARY HEARING /200	0001	DN	10/11/05	
0462	09/12/05	RSPN/ANSWER AND RESPONSE	0001			
0463	09/13/05	OPPS/STATES OPPOSITION AND MOTION TO DISMISS DEFENDANTS PETITION FOR WRIT OF	0001			Y
HABEAS CORPUS POST CONVICTION						
0464	09/26/05	MOT /STATE'S MTN TO DISMISS	0001	DN	10/11/05	
0465	09/26/05	NOAS/NOTICE OF APPEAL	0001	AP	09/26/05	
0466	09/26/05	STAT/CASE APPEAL STATEMENT	0001			
0467	09/26/05	AFFT/AFFIDAVIT	0001			
0468	09/29/05	REQT/REQUEST FINAL ORDER OF THE COURT	0001			

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NO.	FILED/REC CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0469	10/11/05	MOT /ALL PENDING MOTIONS (10/11/05)	0001		10/11/05	
0470	10/11/05	CSCL/CASE CLOSED			10/11/05	
0471	11/02/05	APCL/APPEAL TO SUPREME COURT: CLOSED 45643		AP	10/25/05	
0472	11/10/05	APCL/APPEAL TO SUPREME COURT: CLOSED 46035		AP	11/07/05	
0473	11/22/05	CASO/CASE (RE)OPENED			11/22/05	
0474	11/22/05	MOT /DEFT'S PRO PER MTN FOR CRIMINAL COURT INDEX /203	0001	DN	12/06/05	
0475	11/29/05	JMNT/CLERK'S CERTIFICATE JUDGMENT AFFIRMED	0001		11/30/05	
0476	11/29/05	CCJA/NEVADA SUPREME COURT CLERKS CERTIFICATE/ JUDGMENT - AFFIRMED	0001		11/29/05	
0477	12/01/05	OPPS/STATES OPPOSITION TO DEFENDANTS MOTION FOR CRIMINAL COURT INDEX	0001			
<del>0478</del>	<del>12/06/05</del>	<del>JUDG/FINDINGS OF FACTS, CONCLUSIONS OF LAW AND ORDER</del>	<del>0001</del>	<del>HG</del>	<del>10/11/05</del>	
0479	12/06/05	JMNT/CLERK'S CERTIFICATE APPEAL DISMISSED	0001		12/07/05	
0480	12/06/05	NSCO/NEVADA SUPREME COURT JUDGMENT / ORDERED APPEAL DISMISSED	0001		12/06/05	
0481	12/12/05	NOTC/NOTICE OF ENTRY OF ORDER	0001		12/06/05	
0482	12/22/05	APPL/APPLICATION TO PROCEED IN FORMA PAUPERIS	0001			
0483	12/22/05	MOT /DEFT'S PRO PER MTN TO CORRECT OF ILLEGAL SENTENCE /204	0001	DN	01/11/06	
0484	12/27/05	AMEN/AMENDED WRIT	0001			
0485	01/09/06	OPPS/STATES OPPOSITION TO DEFENDANTS MOTION TO CORRECT ILLEGAL SENTENCE	0001			
0486	01/10/06	BREF/TRVERSE BRIEF	0001			
0487	01/19/06	BREF/TRVERSE BRIEF	0001			
0488	01/20/06	NOAS/NOTICE OF APPEAL	0001	AP	01/20/06	
0489	01/20/06	STAT/CASE APPEAL STATEMENT	0001			
0490	01/24/06	ORDR/ORDER DENYING DEFENDANTS PRO PER MOTION TO CORRECT ILLEGAL SENTENCE	0001		01/24/06	
0491	03/04/06	ASSG/Reassign Case From Judge McGroarty To Judge Bell				
0492	03/28/06	MOT /DEFT'S PRO PER MTN FOR TRANSFER ORDER IN THE ABOVE CASE /205	0001	DN	04/11/06	
0493	04/05/06	OPPS/STATES OPPOSITION TO DEFENDANTS MOTION FOR TRANSFER ORDER IN THE ABOVE CASE	0001			
0494	04/11/06	MOT /DEFT'S PRO PER MTN FOR VOLUNTARY DISMISSAL /206	0001	DN	05/04/06	
0495	04/11/06	MOT /DEFT'S POR PER MTN FOR VOLUNTARY DISMISSAL /207	0001	DN	05/04/06	
0496	04/17/06	CASO/CASE (RE)OPENED			04/13/06	
0497	04/13/06	MOT /DEFT'S PRO PER MTN FOR A TRANSFER ORDER F.R.A.P. RULE/208	0001	DN	04/24/06	
0498	04/14/06	ORDR/ORDER DENYING DEFENDANTS PRO PER MOTION FOR TRANSFER ORDER IN THE ABOVE CASE	0001	HG	04/11/06	
0499	04/13/06	PIFP/APPLICATION TO PROCEED IN FORMA PAUPERIS	0001			
0500	04/20/06	OPPS/STATES OPPOSITION TO DEFENDANT MOTION FOR A TRANSFER ORDER	AL		04/24/06	
0501	04/24/06	MOT /DEFT'S PRO PER MOTION TO QUIRE THE JURISDICTION DEFECT/209	0001	DN	05/08/06	
0502	04/24/06	PET /PETITION FOR WRIT OF HABEAS CORPUS POST CONVICTION	0001			

(Continued to page 16)

NO.	FILED/REC CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0503	04/26/06	STAT/AMENDED STATEMENT				0001
0504	04/27/06	OPPS/STATES OPPOSITION TO DEFENDANTS MOTION TO QUIRE THE JURISDICTIONAL DEFECT				0001
0505	04/27/06	OPPS/STATES OPPOSITION TO DEFENDANTS MOTION FOR VOLUNTARY DISMISSAL				0001
0506	05/01/06	MOT /DEFT'S PRO PER MOTION FOR AN FULL EVIDENTIARY HEARING/210		DN	05/09/06	0001
0507	05/01/06	PET /PTN FOR WRIT OF HABEAS CORPUS		DN	06/13/06	0001
0508	05/01/06	PPOW/ORDER FOR PETITION FOR A WRIT OF HABEAS CORPUS		SH	06/13/06	0001
0509	05/01/06	REQT/REQUEST FOR A JUDGMENT AS A MATTER OF LAW				0001
<del>0510</del>	<del>05/02/06</del>	<del>ORDR/ORDER DENYING DEFENDANTS PRO PER MOTION FOR A TRANSFER ORDER F R A P RULE 22(B)</del>		HG	04/24/06	<del>0001</del>
0511	05/04/06	MOT /ALL PENDING MOTIONS 5-4-06			05/04/06	0001
0512	05/03/06	OPPS/STATES OPPOSITION TO DEFENDANTS MOTION FOR JUDGMENT AS A MATTER OF LAW				0001
0513	05/03/06	OPPS/STATES OPPOSITION TO DEFENDANTS MOTION FOR A FULL EVIDENTIARY HEARING				0001
0514	05/09/06	ORDR/ORDER DENYING DEFENDANTS MOTION TO QUIRE THE JURISDICTIONAL DEFECT		HG	05/08/06	0001
0515	05/10/06	NOAS/NOTICE OF APPEAL		AP	05/10/06	0001
0516	05/10/06	PIFP/APPLICATION TO PROCEED IN FORMA PAUPERIS				0001
0517	05/10/06	STAT/CASE APPEAL STATEMENT				0001
0518	05/11/06	STAT/CASE APPEAL STATEMENT				0001
0519	05/15/06	ORDR/ORDER DENYING DEFENDANTS MOTION FOR VOLUNTARY DISMISSAL		HG	05/04/06	0001
0520	05/16/06	MOT /DEFT'S PRO PER MTN FOR AN EVIDENTIARY HEARING /213		DN	05/30/06	0001
0521	05/23/06	RSPN/STATES RESPONSE AND MOTION TO DISMISS DEFENDANTS PETITION FOR WRIT OF HABEAS CORPUS POST CONVICTION				0001
0522	05/24/06	MOT /DEFT'S PRO PER MTN TO REQUEST ANOUTHER JUDGE TO BE ASSIGNED /214		DN	06/06/06	0001
0523	06/05/06	OPPS/STATES OPPOSITION TO DEFENDANTS MOTION TO REQUEST ANOTHER JUDGE TO BE ASSIGNED				0001
0524	06/08/06	ORDR/ORDER DENYING DEFENDANTS PRO PER MOTION FOR AN EVIDENTIARY HEARING		HG	05/30/06	0001
0525	06/08/06	STAT/CASE APPEAL STATEMENT				0001
0526	06/08/06	NOAS/NOTICE OF APPEAL		AP	06/08/06	0001
0527	06/08/06	ORDR/ORDER DENYING DEFENDANT'S PRO PER MOTION TO REQEUST ANOTHER JUDGE TO BE			06/08/06	0001
ASSIGNED						
0528	06/08/06	PIFP/APPLICATION TO PROCEED IN FORMA PAUPERIS				0001
0529	06/08/06	STAT/CASE APPEAL STATEMENT				0001
0530	06/22/06	APCL/APPEAL TO SUPREME COURT: CLOSED 47311		AP	06/19/06	
0531	06/30/06	PIFP/APPLICATION TO PROCEED IN FORMA PAUPERIS				0001
0532	07/17/06	JMNT/CLERK'S CERTIFICATE APPEAL DISMISSED			07/18/06	0001
0533	04/24/06	WRIT/WRIT OF HABEAS CORPUS				0001
0534	07/26/06	CASO/(RE)OPENED RECORD ON APPEAL			07/26/06	
0535	07/27/06	APCL/APPEAL TO SUPREME COURT: CLOSED 46666		AP	07/25/06	
0536	08/01/06	JUDG/FINDINGS OF FACTS, CONCLUSIONS OF LAW AND ORDER		HG	06/13/06	0001

(Continued to page 17)

NO.	FILED/REC CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0537	08/01/06	NOED/NOTICE OF ENTRY OF DECISION AND ORDER	0001		08/01/06	
0538	08/01/06	IAPD/CASE INACTIVE PER DEPARTMENT			08/01/06	
0539	08/01/06	JUDG/FINDINGS OF FACTS, CONCLUSIONS OF LAW AND ORDER	0001	HG	06/13/06	
0540	08/02/06	NOED/NOTICE OF ENTRY OF DECISION AND ORDER	0001		08/01/06	
0541	08/10/06	PIFP/APPLICATION TO PROCEED IN FORMA PAUPERIS	0001			
0542	08/11/06	STAT/CASE APPEAL STATEMENT	0001			
0543	08/10/06	NOAS/NOTICE OF APPEAL	0001	AP	08/10/06	
0544	08/16/06	STAT/STATEMENT OF THE CASE	0001			
0545	08/25/06	JMNT/CLERK'S CERTIFICATE JUDGMENT AFFIRMED	0001		08/28/06	
0546	09/20/06	MOT /DEFT'S PRO PER MOTION FOR PRODUCTION OF TRANSCRIPTS/215	0001	DN	10/10/06	
<del>0547</del>	<del>09/20/06</del>	<del>PIFP/APPLICATION TO PROCEED IN FORMA PAUPERIS</del>	<del>0001</del>			
0548	10/04/06	OPPS/STATES OPPOSITION TO DEFENDANTS MOTION FOR PRODUCTION OF SENTENCING TRANSCRIPTS	0001			
0549	10/16/06	ORDR/ORDER DENYING DEFENDANTS PRO PER MOTION FOR PRODUCTION OF TRANSCRIPTS	0001	HG	10/10/06	
0550	10/18/06	NOAS/NOTICE OF APPEAL	0001	AP	10/18/06	
0551	10/19/06	STAT/CASE APPEAL STATEMENT	0001			
0552	11/29/06	APCL/APPEAL TO SUPREME COURT: CLOSED 48289		AP	11/27/06	
0553	12/16/06	ASSG/Reassign Case From Judge Bell To Judge BIXLER				
0554	12/26/06	JMNT/CLERK'S CERTIFICATE/APPEAL DISMISSED	0001		12/28/06	
0555	01/16/07	APCL/APPEAL TO SUPREME COURT: CLOSED 47501		AP	01/10/07	
0556	02/06/07	CASO/CASE (RE)OPENED			02/06/07	
0557	02/05/07	MOT /DEFT'S PRO PER MOTION TO PROCEED IN FORMA PAUPERIS /216	0001	GR	02/20/07	
0558	02/05/07	PET /PETITION FOR WRIT OF HABEAS CORPUS POST CONVICTION	0001			
0559	02/12/07	JMNT/CLERK'S CERTIFICATE JUDGMENT AFFIRMED	0001		02/13/07	
0560	02/13/07	HEAR/DEFT'S PRO PER MOTION FOR AN EVIDENTIARY HEARING/217 (VJ/2/20/07)	0001	VC	02/27/07	
0561	02/15/07	PET /PTN FOR WRIT OF HABEAS CORPUS	0001	DN	04/03/07	
0562	02/15/07	PPOW/ORDER FOR PETITION FOR A WRIT OF HABEAS CORPUS	0001	SH	02/27/07	
0563	02/20/07	HEAR/EVIDENTIARY HEARING VC 4/3/07	0001	VC	04/24/07	
0564	02/20/07	OPPS/STATES OPPOSITION TO DEFENDANTS MOTION FOR EVIDENTIARY HEARING	0001			
0565	02/21/07	NOTC/NOTICE OF HEARING	0001		04/03/07	
0566	02/23/07	ORDR/ORDER FOR PRODUCTION OF INMATE	0001	SH	04/03/07	
0567	03/05/07	AMEN/AMENDED	0001			
0568	03/07/07	REQT/STATES MOTION TO DISMISS AND RESPONSE TO DEFENDANTS PETITION FOR WRIT OF HABEAS CORPUS POST CONVICTION	0001			Y
0569	03/20/07	AMEN/AMENDED	0001			
0570	03/26/07	NOAS/NOTICE OF APPEAL to the Supreme Court	0001	AP	03/26/07	
0571	03/26/07	STAT/CASE APPEAL STATEMENT	0001			
0572	03/26/07	PIFP/APPLICATION TO PROCEED IN FORMA PAUPERIS	0001			
0573	03/27/07	STAT/CASE APPEAL STATEMENT	0001			
0574	04/05/07	MOT /PLTF'S MTN TO AMEND FINDINGS OF FACT/220	0001	GR	05/03/07	
0575	04/03/07	JUDG/FINDINGS OF FACTS, CONCLUSIONS OF LAW AND ORDER DISMISSING DEFENDANTS PETITION	0001		04/03/07	Y

NO.	FILED/REC CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
FOR WRIT OF HABEAS CORPUS POST CONVICTION						
0576	04/12/07	STAT/CASE APPEAL STATEMENT	0001			
0577	04/12/07	NOAS/NOTICE OF APPEAL	0001	AP	04/12/07	
0578	04/13/07	STAT/CASE APPEAL STATEMENT	0001			
0579	04/13/07	NOED/NOTICE OF ENTRY OF DECISION AND ORDER	0001		04/03/07	
0580	05/02/07	MOT /DEFT'S PRO PER MOTION FOR A TRANSCRIPT OF SENTENCING/221	0001	DN	05/15/07	
0581	05/08/07	OPPS/STATES OPPOSITION TO DEFENDANTS MOTION FOR TRANSCRIPTS AT STATE EXPENSE	0001			
0582	05/11/07	JUDG/AMENDED FINDINGS OF FACTS, CONCLUSIONS OF LAW AND ORDER	0001		05/11/07	
0583	05/14/07	NOED/NOTICE OF ENTRY OF DECISION AND ORDER	0001		05/11/07	
<del>0584</del>	<del>05/15/07</del>	<del>JMNT/SECOND AMENDED JUDGMENT OF CONVICTION</del>	<del>0001</del>		<del>05/16/07</del>	
0585	05/15/07	JMNT/AMENDED JUDGMENT OF CONVICTION	0001		05/16/07	
0586	05/23/07	ORDR/ORDER DENYING DEFENDANTS MOTION FOR TRANSCRIPTS AT STATE EXPENSE	0001	GR	05/23/07	
0587	06/04/07	NOAS/NOTICE OF APPEAL (SC 49612)	0001	AP	06/04/07	
0588	06/06/07	STAT/CASE APPEAL STATEMENT	0001			
0589	07/06/07	BREF/BRIEF	0001			
0590	07/06/07	PIFP/APPLICATION TO PROCEED IN FORMA PAUPERIS	0001			
0591	07/09/04	STAT/CASE APPEAL STATEMENT	0001			
0592	08/19/05	PIFP/APPLICATION TO PROCEED IN FORMA PAUPERIS	0001			
0593	07/08/04	STAT/CASE APPEAL STATEMENT	0001			
0594	03/28/06	PIFP/APPLICATION TO PROCEED IN FORMA PAUPERIS	0001			
0595	07/19/07	CASO/(RE)OPENED RECORD ON APPEAL			07/19/07	
0596	07/25/07	IAPD/CASE INACTIVE PER DEPARTMENT			07/25/07	

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JOCP

**FILED**

May 15 8 42 AM '07

**ORIGINAL**

*Cliff*  
CLERK OF THE COURT

DISTRICT COURT

CLARK COUNTY, NEVADA

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THE STATE OF NEVADA,

Plaintiff,

-vs-

GENE ANTHONY ALLEN  
#1052416

Defendant.

CASE NO. C177427

DEPT. NO. XXIV

**AMENDED JUDGMENT OF CONVICTION  
(PLEA OF GUILTY)**

The Defendant previously appeared before the Court with counsel and entered a plea of guilty to the crime of COUNT I - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN (16) YEARS OF AGE (Category A Felony) in violation of NRS 200.364, 300.366 and COUNT II - LEWDNESS WITH A CHILD UNDER THE AGE OF FOURTEEN (14) YEARS (Category A Felony) in violation of NRS 201.230; thereafter, on the 1<sup>st</sup> day of April, 2003, the Defendant was present in court for sentencing with his counsel and good cause appearing,

THE DEFENDANT WAS THEREBY ADJUDGED guilty of said offense and, in addition to the \$25.00 Administrative Assessment Fee and the \$150.00 DNA Analysis

CLERK OF THE COURT

MAY 15 2007

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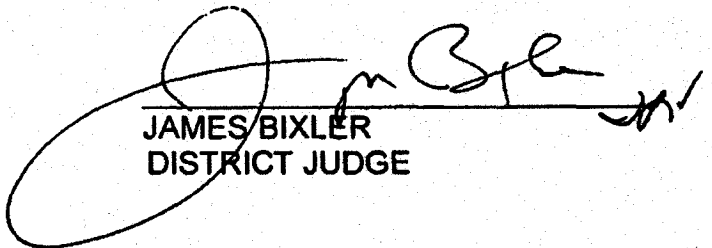
1 fee including testing to determine genetic markers, the Defendant was sentenced as  
2 follows: As to COUNT I - to a MAXIMUM of TWENTY (20) YEARS with a MINIMUM  
3 parole eligibility of FIVE (5) YEARS in the Nevada Department of Corrections (NDC)  
4 and as to COUNT II - to a MAXIMUM of LIFE in the Nevada Department of Corrections  
5 with a MINIMUM parole eligibility of TEN (10) YEARS. Count II CONCURRENT to  
6 with a MINIMUM parole eligibility of TEN (10) YEARS. Count II CONCURRENT to  
7 Count I; with SIX HUNDRED THIRTY-FOUR (634) DAYS credit for time served.

8 THE COURT FURTHER ORDERED, a SPECIAL SENTENCE of LIFETIME  
9 SUPERVISION imposed to commence upon release from any term of probation, parole  
10 or imprisonment.  
11

12 THEREAFTER, on the 3<sup>rd</sup> day of April, 2007, the Defendant was present in court  
13 and good cause appearing to amend the Judgment of Conviction; now therefore,

14 IT IS HEREBY ORDERED the Defendant's sentence to be amended to reflect a  
15 Sanction and deduction of THREE HUNDRED-TEN (310) DAYS from the credit for time  
16 served. The TOTAL of the Defendant's credit for time served will now be THREE  
17 HUNDRED TWENTY-FOUR (324) DAYS.  
18

19  
20 DATED this 10<sup>th</sup> day of May, 2006.  
21

22  
23   
24 JAMES BIXLER  
25 DISTRICT JUDGE  
26  
27  
28

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 Coffee, 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 EXAMINATION 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 seperate 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 breifing 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	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...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  
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 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 preferably, 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 renote Wednesday Hearing on a date which is convenient for all counsel and the Court.

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

CONTINUED FROM PAGE: 009

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

CONTINUED ON PAGE: 011

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

004630 Hendricks, Craig L.

006163 Weckerly, Pamela C.

0001 D1 Allen, Gene A

003447 Immerman, Stephen M.

005863 Banks, Jeffrey M.

Y

Y

Y

Y

Y

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

CONTINUED ON PAGE: 013

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

CONTINUED ON PAGE: 014

## 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/RecorderPARTIES: STATE OF NEVADA  
006163 Weckerly, Pamela C.0001 D1 Allen, Gene A  
PUBDEF Public Defender  
003447 Immerman, Stephen M.  
005863 Banks, Jeffrey M.Y  
Y  
Y  
Y  
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	Y
	004353 Pace, Barter G.	Y
	0001 D1 Allen, Gene A	Y
	006625 Coffee, Amy A.	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/RecorderPARTIES: STATE OF NEVADA  
006163 Weckerly, Pamela C.

Y

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/RecorderPARTIES: STATE OF NEVADA  
006955 Di Giacomo, Marc P.

Y

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

CONTINUED ON PAGE: 017

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  
Jeness 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,

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	Y
	007996 Bonaventure, Joseph M.	Y
	0001 D1 Allen, Gene A	N
	005521 Taylor, William J.	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	Y
	004630 Hendricks, Craig L.	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

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/Recorder

PARTIES: 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/Recorder

PARTIES: 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 Y  
004630 Hendricks, Craig L. 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 Y  
004630 Hendricks, Craig L. 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.

Y  
Y

0001 D1 Allen, Gene A  
PRO SE Pro Se

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  
003649 Kephart, William D.

Y  
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  
004630 Hendricks, Craig L.

Y  
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

## 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.

07/14/04 09:00 AM 00 ALL PENDING MOTIONS - 7/14/04

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

OFFICERS: Jennifer Kimmel, Relief Clerk  
Peggy Isom, Reporter/Recorder

PARTIES: STATE OF NEVADA  
003649 Kephart, William D.

Y  
Y

DEFENDANT'S PRO PER REQUEST FOR LEAVE TO AMEND WRIT OF HABEAS CORPUS DUE TO EVIDENCE NOT DISCLOSED...DEFENDANT'S PRO PER MOTION FOR PRODUCTION OF TRANSCRIPTS AT STATE'S EXPENSE...DEFENDANT'S PRO PER REQUEST FOR STATE'S OPPOSITION FOR P.S.I.

COURT ORDERED, Defendant's presence is WAIVED. FURTHER ORDERED, matter CONTINUED to allow State time to respond to Defendant's Motions.

NDC

CONTINUED TO: 8/18/04 9:00 A.M.

CRIMINAL COURT MINUTES

01-C-177427-C STATE OF NEVADA

vs Allen, Gene A

CONTINUED FROM PAGE: 035

08/11/04 09:00 AM 00 ALL PENDING MOTIONS - 8/11/04

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

OFFICERS: Jennifer Kimmel, Relief Clerk  
Peggy Isom, Reporter/Recorder

PARTIES: STATE OF NEVADA  
003649 Kephart, William D.

Y  
Y

DEFENDANT'S PRO PER MOTION FOR STATE'S OPPOSITION...DEFENDANT'S PRO PER MOTION FOR STATE'S OPPOSITION

Mr. Kephart advised matters are assigned to Mr. Hendricks who was under the impression matters will be heard on 8/18. Therefore COURT ORDERED, matters CONTINUED.

NDC

CONTINUED TO: 8/18/04 9:00 A.M.

08/18/04 09:00 AM 00 ALL PENDING MOTIONS - 8/18/04

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

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

PARTIES: STATE OF NEVADA  
006204 DiGiacomo, Sandra

Y  
Y

DEFT'S PRO PER REQUEST FOR LEAVE TO AMEND WRIT OF HABEAS CORPUS DUE TO EVIDENCE NOT DISCLOSED...DEFT'S PRO PER MOTION FOR PRODUCTION OF TRANSCRIPTS AT STATE'S EXPENSE...DEFT'S PRO PER REQUEST FOR STATE'S OPPOSITION FOR PSI...DEFT'S PRO PER MOTION FOR PRODUCTION OF SENTENCING TRANSCRIPTS AND FORMA PAUPERIS...DEFT'S PRO PER MOTION FOR TRANSCRIPTS...DEFT'S PRO PER MOTION FOR A BILL OF EXCEPTION...DEFT'S PRO PER MOTION FOR STATE'S OPPOSITION

Upon Court's inquiry, Ms. DiGiacomo advised the State had not filed Oppositions on all motions. COURT ORDERED, matter CONTINUED 2 weeks for State to file Oppositions.

NDC

CONTINUED TO: 9-1-04 9:00 AM

CRIMINAL COURT MINUTES

01-C-177427-C STATE OF NEVADA

vs Allen, Gene A

CONTINUED FROM PAGE: 036

09/01/04 09:00 AM 00 ALL PENDING MOTIONS - 9/1/04

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

OFFICERS: Jennifer Kimmel, Relief Clerk  
Diann Prock, Reporter/Recorder

PARTIES: STATE OF NEVADA  
003649 Kephart, William D.

Y  
Y

DEFENDANT'S PRO PER MOTION FOR STATE'S OPPOSITION...DEFENDANT'S PRO PER MOTION FOR STATE'S OPPOSITION...DEFENDANT'S PRO PER MOTION FOR PRODUCTION OF TRANSCRIPTS AT STATE'S EXPENSE...DEFENDANT'S PRO PER REQUEST FOR STATE'S OPPOSITION FOR P.S.I....DEFENDANT'S PRO PER MOTION FOR PRODUCTION OF SENTENCING TRANSCRIPTS AND FORMA PAUPERIS...DEFENDANT'S PRO PER MOTION FOR TRANSCRIPTS...DEFENDANT'S PRO PER MOTION FOR A BILL OF EXCEPTION...DEFENDANT'S PRO PER MOTION FOR STATE'S OPPOSITION

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

NDC

09/16/04 09:00 AM 00 DEFT'S PRO PER MTN FOR LEAVE TO PROCEED IN FORMA PAUPERIS/151

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

OFFICERS: Annette Duncan, Court Clerk  
Greer Jennison/gj, Relief Clerk  
Diann Prock, Reporter/Recorder

PARTIES: STATE OF NEVADA  
004630 Hendricks, Craig L.

Y  
Y

Court stated it did not receive the State's opposition, which Mr. Hendricks represented was filed electronically on 8/24/04. COURT ORDERED, matter CONTINUED.

NDC

CONTINUED TO: 09/28/04 09:00 AM 01

## CRIMINAL COURT MINUTES

01-C-177427-C STATE OF NEVADA

vs Allen, Gene A

CONTINUED FROM PAGE: 037

09/28/04 09:00 AM 00 ALL PENDING MOTIONS 9/28/04

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

OFFICERS: Jennifer Kimmel/jk, Court Clerk  
Elaine York, Relief Clerk  
Diann Prock, Reporter/RecorderPARTIES: STATE OF NEVADA  
006526 Turner, Robert B.

Y

Y

DEFENDANT'S PRO PER MOTION FOR TRANSCRIPTS OF PROCEEDINGS...DEFENDANT'S PRO PER MOTION FOR QUALIFIED IMMUNITY...DEFENDANT'S PRO PER PETITION FOR WRIT OF HABEAS CORPUS...DEFENDANT'S PRO PER MOTION FOR COURT MINUTES...DEFENDANT'S PRO PER MOTION FOR LEAVE TO AMEND WRIT OF HABEAS CORPUS...DEFENDANT'S PRO PER MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS...STATE'S MOTION TO DISMISS PETITION FOR WRIT

Court stated its findings and ORDERED, Defendant's Motions are DENIED and State's Motion to Dismiss Petition for Writ is GRANTED. State shall prepare the Order.

NDC

11/01/04 09:00 AM 00 DEFT'S PRO PER MTN FOR CONTENTS &amp; NTC OF ORDER FINALLY DISPOSING OF PTN HABE/158

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

OFFICERS: Jennifer Kimmel, Court Clerk  
Peggy Isom, Reporter/RecorderPARTIES: STATE OF NEVADA  
004630 Hendricks, Craig L.

Y

Y

COURT ORDERED, Defendant's presence is WAIVED. COURT STATED an order was signed on 10/6 wherein the final disposition is done therefore matter is MOOT and OFF CALENDAR. Mr. Hendricks directed to send a Receipt of Copy to Defendant.

NDC

CRIMINAL COURT MINUTES

01-C-177427-C STATE OF NEVADA

vs Allen, Gene A

CONTINUED FROM PAGE: 038

12/29/04 09:00 AM 00 DEFT'S PRO PER MTN FOR COURT MINUTES/159

HEARD BY: Jackie Glass, Judge; Dept. 5

OFFICERS: Jennifer Kimmel/jk & Dorothy Kelly, Court Clerk  
Sharon Chun, Relief Clerk  
Liz Garcia, Reporter/Recorder

PARTIES: STATE OF NEVADA  
008001 Brian, Kam

Y  
Y

COURT ORDERED, Motion GRANTED.

NDC

CLERK'S NOTE: Deft's Motion requests a copy of a minute order from 6/6/03, which does not exist therefore a copy of minutes, Pages 21 & 22 & 23, was mailed to Deft. on 1/5/05 at: ID #76542 Lovelock Corrections Center, P.O. Box 399, Lovelock, NV 89419. jk

01/27/05 09:00 AM 00 DEFT'S PRO PER MTN EVIDENTIARY HEARING /161

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

OFFICERS: Jennifer Kimmel, Court Clerk  
Peggy Isom, Reporter/Recorder

PARTIES: STATE OF NEVADA  
007842 Nelson III, Roy L.

Y  
Y

Court stated its findings and ORDERED, Deft's Pro Per Motion is DENIED as there is no basis. State shall prepare the Order.

NDC



CRIMINAL COURT MINUTES

01-C-177427-C STATE OF NEVADA

vs Allen, Gene A

CONTINUED FROM PAGE: 039

02/03/05 09:00 AM 00 ALL PENDING MOTIONS (2/3/05)

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

OFFICERS: April Watkins, Relief Clerk  
Peggy Isom, Reporter/Recorder

PARTIES: STATE OF NEVADA  
007421 Lee, Christopher K.

Y  
Y

DEFT'S PRO PER MOTION FOR SENTENCING TRANSCRIPTS...DEFT'S PRO PER MOTION FOR CRIMINAL COURT MINUTES...DEFT'S PRO PER MOTION FOR WRIT OF HABEAS CORPUS

Court noted no opposition has been filed. Mr. Lee stated he is not sure why this is on calendar and advised opposition has been filed. Further, this Court denied Deft's motion for evidentiary hearing. COURT ORDERED, Deft's Motion for Writ DENIED as excessive and no good cause showing concerning procedural bar. FURTHER ORDERED, Deft's Motion for Sentencing Transcripts and Deft's Motion for Criminal Minutes CONTINUED.

NDC

CONTINUED TO: 2/10/05 9:00 AM

CLERK'S NOTE: Above minute order sent to Deft. Allen #76542, Lovelock Correction, P.O. Box 359, Lovelock, NV 89419 aw

02/23/05 09:00 AM 00 ALL PENDING MOTIONS - 2/23/05

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

OFFICERS: Jennifer Kimmel, Court Clerk  
Peggy Isom, Reporter/Recorder

PARTIES: STATE OF NEVADA  
007480 Pate, Susan

Y  
Y

DEFENDANT'S PRO PER MOTION FOR TRANSCRIPTS TO PROCEEDINGS...DEFENDANT'S PRO PER MOTION FOR SENTENCING TRANSCRIPTS...DEFENDANT'S PRO PER MOTION FOR CRIMINAL COURT MINUTES

COURT ORDERED, matter CONTINUED, State to Respond.

NDC

CONTINUED TO: 3/2/05 9:00 A.M.

CRIMINAL COURT MINUTES

01-C-177427-C STATE OF NEVADA

vs Allen, Gene A

CONTINUED FROM PAGE: 040

03/02/05 09:00 AM 00 ALL PENDING MOTIONS (3/2/05)

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

OFFICERS: April Watkins, Relief Clerk  
Peggy Isom, Reporter/Recorder

PARTIES: STATE OF NEVADA  
002415 Moreo, Thomas J.

Y  
Y

DEFT'S PRO PER MOTION FOR TRANSCRIPTS TO PROCEEDINGS...DEFT'S PRO PER MOTION FOR SENTENCING TRANSCRIPTS...DEFT'S PRO PER MOTION FOR CRIMINAL MINUTES

Court stated he has read motions and is not sure exactly what Deft. is requesting. COURT ORDERED, motions DENIED.

CLERK'S NOTE: Above minute order sent to Deft. Gene Allen #76542, Lovelock Correction Center, P.O. Box 359, Lovelock, NV 89419. aw

03/07/05 09:00 AM 00 ALL PENDING MOTIONS - 3/7/05

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

OFFICERS: Jennifer Kimmel, Court Clerk  
Peggy Isom, Reporter/Recorder

PARTIES: STATE OF NEVADA  
007421 Lee, Christopher K.

Y  
Y

0001 D1 Allen, Gene A  
002415 Moreo, Thomas J.

N  
Y

DEFENDANT'S PRO PER MOTION FOR FINAL ORDER FACTS CONCLUSION OF LAW TO A WRIT OF HABEAS CORPUS...DEFENDANT'S PRO PER MOTION FOR CONCLUSION OF LAW ANSWER AND STATE'S OPPOSITION WRIT OF HABEAS CORPUS FOR N.R.S. 347.30

COURT ORDERED, Deft's Motions are DENIED as MOOT. COURT STATED ORDER was filed 3/2/05.

NDC

CRIMINAL COURT MINUTES

01-C-177427-C STATE OF NEVADA

vs Allen, Gene A

CONTINUED FROM PAGE: 041

03/21/05 09:00 AM 00 ALL PENDING MOTIONS (3/21/05)

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

OFFICERS: April Watkins, Court Clerk  
Peggy Isom, Reporter/Recorder

PARTIES: STATE OF NEVADA  
007842 Nelson III, Roy L.

Y  
Y

DEFT'S PRO PER MOTION FOR DOCUMENTS...DEFT'S PRO PER MOTION FOR DOWENWARD DEPARTURE...DEFT'S PRO PER MOTION FOR SENTENCING TRANSCRIPTS

Court stated per pleadings these matters have already been decided and ORDERED, motions DENIED.

NDC

CLERK'S NOTE: Above minute order sent to Deft. Gene Allen #76542, Lovelock Corrections Center, P.O. Box 359, Lovelock, NV 89419. aw

03/28/05 09:00 AM 00 ALL PENDING MOTIONS (3/28/05)

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

OFFICERS: April Watkins, Court Clerk  
Peggy Isom, Reporter/Recorder

PARTIES: STATE OF NEVADA  
002415 Moreo, Thomas J.  
007842 Nelson III, Roy L.

Y  
Y  
Y

DEFT'S PRO PER MOTION FOR FINAL DISPOSITION WITH CONCLUSION OF LAW...DEFT'S PRO PER NOTICE OF AN UNEXASTED PETITION OF WRIT OF HABEAS CORPUS

Mr. Moreo advised he has never seen writ and requested matter be continued to deal with all motions together. COURT ORDERED, matters CONTINUED.

NDC

CONTINUED TO: 4/4/05 9:00 AM

CRIMINAL COURT MINUTES

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

CONTINUED FROM PAGE: 042

04/04/05 09:00 AM 00 ALL PENDING MOTIONS (04/04/05)

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

OFFICERS: April Watkins, Court Clerk  
Nancy Noble/nn, Relief Clerk  
Peggy Isom, Reporter/Recorder

PARTIES: STATE OF NEVADA Y  
002415 Moreo, Thomas J. Y  
0001 D1 Allen, Gene A Y

DEFT'S PRO PER MOTION FOR FINAL DESPOSETION WITH CONCLUSION OF LAW...DEFT'S PRO PER NOTICE OF AN UNEXHAUSTED PETITION FOR WRIT OF HABEAS CORPUS...DEFT'S APPLICATION TO PROCEED IN FORMA PAUPERIS....

At request of Mr. Moreo, COURT ORDERED matters CONTINUED.

NDC

04/11/05 09:00 AM 00 ALL PENDING MOTIONS (4/11/05)

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

OFFICERS: April Watkins, Court Clerk  
Peggy Isom, Reporter/Recorder

PARTIES: STATE OF NEVADA Y  
007421 Lee, Christopher K. Y

DEFT'S PRO PER MOTION FOR FINAL ORDER & JUDGEMENT...DEFT'S PRO PER APPLICATION TO PROCEED IN FORMA PAUPERIS

COURT ORDERED, matters CONTINUED.

NDC

CONTINUED TO: 4/25/05 9:00 AM

CRIMINAL COURT MINUTES

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

CONTINUED FROM PAGE: 043

04/21/05 09:00 AM 00 DEFT'S PRO PER MTN FOR TRANSCRIPTS/183

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

OFFICERS: April Watkins, Court Clerk
Nancy Noble/nn, Relief Clerk
Peggy Isom, Reporter/Recorder

PARTIES: STATE OF NEVADA Y
002415 Moreo, Thomas J. Y
0001 D1 Allen, Gene A. Y

Court advised this is the third time defendant has requested this motion and the Court previously denied the motion. Therefore, motion is MOOT.

NDC

CLERK'S NOTE: A copy of the minutes has been sent to Pro Per defendant./nn

04/25/05 09:00 AM 00 ALL PENDING MOTIONS (4/25/05)

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

OFFICERS: April Watkins, Court Clerk
Nancy Noble/nn, Relief Clerk
Peggy Isom, Reporter/Recorder

PARTIES: STATE OF NEVADA Y
002415 Moreo, Thomas J. Y

DEFT'S PRO PER MOTION FOR FINAL DEPOSITION...DEFT'S PRO PER MOTION FOR FINAL ORDER & JUDGEMENT...DEFT'S PRO PER APPLICATION TO PROCEED IN FORMA PAUPERIS...DEFT'S PRO PER NTC OF EXHAUSTED PTN FOR WRIT OF HABEAS CORPUS....

As to Motion for Final Deposition, COURT ORDERED motion DENIED as MOOT. Previous order filed 3/2/05.

As to Motion for Final Order & Judgement, COURT ORDERED motion DENIED as MOOT.

As to Application to Proceed in Forma Pauperis, COURT ORDERED application GRANTED.

As to Notice of Exhausted Petition for Writ of Habeas Corpus, COURT ORDERED, Petition MOOT.

NDC

CRIMINAL COURT MINUTES

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

CONTINUED FROM PAGE: 044

04/28/05 09:00 AM 00 ALL PENDING MOTIONS (4/28/05)

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

OFFICERS: April Watkins/aw, Court Clerk  
Nancy Noble, Relief Clerk  
Peggy Isom, Reporter/Recorder

PARTIES: STATE OF NEVADA  
002804 Villegas, Victoria A.

Y  
Y

DEFT'S PRO PER MOTION FOR COURT INDEX...DEFT'S PRO PER APPLICATION TO PROCEED IN FORMA PAUPERIS

Court FINDS no basis for Court Index and ORDERED, motion DENIED. FURTHER ORDERED, Application to Proceed GRANTED.

NDC

CLERK'S NOTE: Copy of above minute order sent to Deft. Gene Allen #76542, Lovelock Correction's Center, P.O. Box 359, Lovelock, NV 89419. aw

05/09/05 09:00 AM 00 ALL PENDING MOTIONS (5/9/05)

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

OFFICERS: April Watkins, Court Clerk  
Peggy Isom, Reporter/Recorder

PARTIES: STATE OF NEVADA  
002415 Moreo, Thomas J.

Y  
Y

DEFT'S PRO PER MOTION FOR A COURT TO DISQUALIFY ITSELF...DEFT'S PRO PER APPLICATION TO PROCEED IN FORMA PAUPERIS

Mr. Moreo requested time to respond. COURT ORDERED, Deft's Pro Per Motion CONTINUED and Deft's Pro Per Application GRANTED.

NDC

CONTINUED TO: 6/1/05 9:00 AM

CLERK'S NOTE: Copy of above minute order sent to Deft. Gene Allen #76542, Lovelock Correction's Center, P.O. Box 359, Lovelock, NV 89419. aw

CRIMINAL COURT MINUTES

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

CONTINUED FROM PAGE: 045

05/23/05 09:00 AM 00 DEFT'S PRO PER MTN TO CORRECT ILLEGAL SENTENCE/191

HEARD BY: SEE MINUTES, Visiting Judge

OFFICERS: April Watkins, Court Clerk  
Peggy Isom, Reporter/Recorder

PARTIES: STATE OF NEVADA  
007421 Lee, Christopher K.

Y  
Y

In the absence of the Court, matter CONTINUED.

NDC

CLERK'S NOTE: Copy of above minute order sent to Deft. Gene Allen #76542, Lovelock Correction Center, P.O. Box 359, Lovelock, NV 89419. aw

CONTINUED TO: 06/08/05 09:00 AM 01

06/08/05 09:00 AM 00 ALL PENDING MOTIONS (6/8/05)

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

OFFICERS: April Watkins, Court Clerk  
Peggy Isom, Reporter/Recorder

PARTIES: STATE OF NEVADA  
003776 Monroe, Vicki J.

Y  
Y

DEFT'S PRO PER PERSONAL RESTRAINT PETITION - COURT ORDERED, DENIED as being vague.

DEFT'S PRO PER APPLICATION TO PROCEED IN FORMA PAUPERIS - Court noted this has been previously GRANTED.

DEFT'S PRO PER APPLICATION TO CORRECT ILLEGAL SENTENCE - Court FINDS sentence is valid, complies with statutory parameters and ORDERED, DENIED.

DEFT'S PRO PER MOTION FOR COURT TO DISQUALIFY ITSELF - Court FINDS no sufficient basis to disqualify itself and ORDERED, DENIED.

DEFT'S PRO PER CERTIFICATE OF INMATE'S INSTITUTIONAL ACCOUNT - Court FINDS this is a matter for the prison and ORDERED, DENIED.

NDC

CLERK'S NOTE: Above minute order sent to Deft. Gene Allen #76542, Lovelock Corrections Center, P.O. Box 359, Lovelock, NV 89419. aw

CONTINUED ON PAGE: 047

CRIMINAL COURT MINUTES

01-C-177427-C STATE OF NEVADA

vs Allen, Gene A

CONTINUED FROM PAGE: 046

07/06/05 09:00 AM 00 DEFT'S PRO PER MTN FOR ANSWER RESPONSE OR

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

OFFICERS: April Watkins, Court Clerk  
Peggy Isom, Reporter/Recorder

PARTIES: STATE OF NEVADA  
008213 Nyikos, Noreen

Y  
Y

Court FINDS no grounds asserted by Deft., no basis for relief and ORDERED, motion DENIED.

NDC

CLERK'S NOTE: Above minute order sent to Deft. Gene Allen #76542, Lovelock, Corrections Center, P.O. Box 359, Lovelock, NV 89419. aw

09/07/05 09:00 AM 00 DEFT'S PRO PER MTN FOR AN EVIDENTIARY/197

HEARD BY: J. CHARLES THOMPSON, Senior Judge; Dept. VJ42

OFFICERS: Nancy Noble, Relief Clerk  
Peggy Isom, Reporter/Recorder

PARTIES: STATE OF NEVADA  
002415 Moreo, Thomas J.

Y  
Y

Court stated Deft's Pro Per Motion for an Evidentiary Hearing may be premature and ORDERED matter off calendar as Deft's Pro Per Petition for Writ of Habeas Corpus is upcoming 10/11/05.

NDC



CRIMINAL COURT MINUTES

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

CONTINUED FROM PAGE: 047

09/12/05 09:00 AM 00 DEFT'S PRO PER MTN FOR COURT MINUTES /199

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

OFFICERS: April Watkins, Court Clerk  
Peggy Isom, Reporter/Recorder

PARTIES: STATE OF NEVADA  
008213 Nyikos, Noreen

Y  
Y

COURT ORDERED, motion DENIED.

NDC

CLERK'S NOTE: Copy of above minute order sent to Deft. Gene Allen #76542, Lovelock Corrections Center, P.O. Box 359, Lovelock, NV 89419. aw

09/26/05 09:00 AM 00 DEFT'S PRO PER EVIDENTIARY HEARING /200

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

OFFICERS: April Watkins, Court Clerk  
Peggy Isom, Reporter/Recorder

PARTIES: STATE OF NEVADA  
002415 Moreo, Thomas J.

Y  
Y

Mr. Moreo requested matter be continued and COURT SO ORDERED.

NDC

CONTINUED TO: 10/11/05 09:00 AM 01

CRIMINAL COURT MINUTES

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

CONTINUED FROM PAGE: 048

10/11/05 09:00 AM 00 ALL PENDING MOTIONS (10/11/05)

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

OFFICERS: April Watkins, Court Clerk
Willia Pettice/wjp, Relief Clerk
Peggy Isom, Reporter/Recorder

PARTIES: STATE OF NEVADA Y
002415 Moreo, Thomas J. Y
0001 D1 Allen, Gene A N
PRO SE Pro Se Y

DEFT'S PETITION FOR WRIT OF HABEAS CORPUS . . . STATE'S MOTION TO DISMISS .
. . DEFT'S PRO PER EVIDENTIARY HEARING . . .

The Court stated its findings and ORDERED, Deft's Petition for Writ of
Habeas Corpus DENIED; State's Motion to Dismiss GRANTED and Deft's Pro Per
Motion for Evidentiary Hearing DENIED.

NDC

CLERK'S NOTE: A copy of above minute order mailed to Deft. Gene Allen,
#76542 at Lovelock Correctional Center, P O Box 359, Lovelock, NV 89419
(wjp 10/19/05).

12/06/05 09:00 AM 00 DEFT'S PRO PER MTN FOR CRIMINAL COURT
INDEX /203

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

OFFICERS: Nancy Noble, Court Clerk
Peggy Isom, Reporter/Recorder

PARTIES: STATE OF NEVADA Y
008109 Harris, Catherine Y

Court stated it reviewed the matter and it is without merit. Therefore,
COURT ORDERED, Deft's Pro Per Motion for Criminal Court Index, DENIED. State
to prepare the order.

NDC

CRIMINAL COURT MINUTES

01-C-177427-C STATE OF NEVADA

vs Allen, Gene A

CONTINUED FROM PAGE: 049

01/11/06 09:00 AM 00 DEFT'S PRO PER MTN TO CORRECT OF ILLEGAL SENTENCE /204

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

OFFICERS: Nancy Noble, Court Clerk  
Cheryl Case/cc, Relief Clerk  
Peggy Isom, Reporter/Recorder

PARTIES: STATE OF NEVADA  
008213 Nyikos, Noreen

Y  
Y

Court noted this Motion was previously denied. COURT ORDERED, Motion DENIED. State to prepare the Order.

NDC

04/11/06 08:30 AM 00 DEFT'S PRO PER MTN FOR TRANSFER ORDER IN THE ABOVE CASE /205

HEARD BY: Stewart L. Bell, Judge; Dept. 7

OFFICERS: Tina Hurd, Court Clerk  
JoAnn Orduna, Reporter/Recorder

PARTIES: STATE OF NEVADA  
002415 Moreo, Thomas J.

Y  
Y

0001 D1 Allen, Gene A  
PRO SE Pro Se

N  
Y

Court advised the motion is nonsensical and has no basis and ORDERED, motion DENIED.

NDC

CRIMINAL COURT MINUTES

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

CONTINUED FROM PAGE: 050

04/24/06 08:30 AM 00 DEFT'S PRO PER MTN FOR A TRANSFER ORDER  
F.R.A.P. RULE/208

HEARD BY: Stewart L. Bell, Judge; Dept. 7

OFFICERS: Tina Hurd, Court Clerk  
Carol Donahoo/cd, Relief Clerk  
JoAnn Orduna, Reporter/Recorder

PARTIES: STATE OF NEVADA Y  
008109 Harris, Catherine Y  
0001 D1 Allen, Gene A N  
PRO SE Pro Se Y

Deft. Allen not present. Court noted Deft's pro per motion was previously denied. Court advised the previous ruling STANDS.

NDC

05/04/06 08:30 AM 00 ALL PENDING MOTIONS 5-4-06

HEARD BY: Stewart L. Bell, Judge; Dept. 7

OFFICERS: Tina Hurd, Court Clerk  
Carol Donahoo/cd, Relief Clerk  
Renee Silvaggio, Reporter/Recorder

PARTIES: STATE OF NEVADA Y  
002415 Moreo, Thomas J. Y  
0001 D1 Allen, Gene A N  
PRO SE Pro Se Y

DEFT'S PRO PER MOTION FOR VOLUNTARY DISMISSAL...DEFT'S PRO PER MOTION FOR VOLUNTARY DISMISSAL

Deft. Allen not present. Court advised Deft. had previously filed the same motions. COURT ORDERED, motions DENIED.

NDC

CRIMINAL COURT MINUTES

01-C-177427-C STATE OF NEVADA

vs Allen, Gene A

CONTINUED FROM PAGE: 051

05/08/06 08:30 AM 00 DEFT'S PRO PER MOTION TO QUIRE THE JURISDICTION DEFECT/209

HEARD BY: Stewart L. Bell, Judge; Dept. 7

OFFICERS: Tina Hurd, Court Clerk  
Carol Donahoo/cd, Relief Clerk  
JoAnn Orduna, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	002415 Moreo, Thomas J.	Y
	0001 D1 Allen, Gene A	N
	PRO SE Pro Se	Y

Deft. Allen not present. Court advised Deft's pro per Motion is incomprehensible. COURT ORDERED, Motion DENIED. Court informed Mr. Moreo the State need not file any responses to Deft's pleadings, unless the Court indicates he needs one.

NDC

05/09/06 08:30 AM 00 DEFT'S PRO PER MOTION FOR AN FULL EVIDENTIARY HEARING/210

HEARD BY: Stewart L. Bell, Judge; Dept. 7

OFFICERS: Tina Hurd, Court Clerk  
Denise Trujillo/dt, Relief Clerk  
JoAnn Orduna, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	002415 Moreo, Thomas J.	Y

COURT ORDERED, motion DENIED.

NDC

CRIMINAL COURT MINUTES

01-C-177427-C STATE OF NEVADA

vs Allen, Gene A

CONTINUED FROM PAGE: 052

05/30/06 08:30 AM 00 DEFT'S PRO PER MTN FOR AN EVIDENTIARY HEARING /213

HEARD BY: Stewart L. Bell, Judge; Dept. 7

OFFICERS: Tina Hurd, Court Clerk  
Connie Gleason/cg, Relief Clerk  
Renee Silvaggio, Reporter/Recorder

PARTIES: STATE OF NEVADA  
002415 Moreo, Thomas J.

Y  
Y

Deft. Allen not present. COURT ORDERED, Deft's Pro Per Motion for an Evidentiary Hearing DENIED.

NDC

CLERK'S NOTE: A copy of this minute order was sent to: Gene Allen, #76542, Lovelock Correctional Center, P.O. Box 359, Lovelock, NV 89419/cg

06/06/06 08:30 AM 00 DEFT'S PRO PER MTN TO REQUEST ANOOTHER JUDGE TO BE ASSIGNED /214

HEARD BY: Stewart L. Bell, Judge; Dept. 7

OFFICERS: Denise Trujillo, Court Clerk  
Julie Lever, Reporter/Recorder

PARTIES: STATE OF NEVADA  
002415 Moreo, Thomas J.

Y  
Y

COURT stated findings and ORDERED, motion DENIED.

NDC

CRIMINAL COURT MINUTES

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

CONTINUED FROM PAGE: 053

06/13/06 08:30 AM 00 PTN FOR WRIT OF HABEAS CORPUS

HEARD BY: Stewart L. Bell, Judge; Dept. 7

OFFICERS: Tina Hurd, Court Clerk  
Renee Silvaggio, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	008764 Bateman, Samuel G.	Y
	0001 D1 Allen, Gene A	N
	PRO SE Pro Se	Y

Court advised he read the petition and advised it is time-barred and successive and ORDERED, petition DENIED.

NDC

10/10/06 08:30 AM 00 DEFT'S PRO PER MOTION FOR PRODUCTION OF TRANSCRIPTS/215

HEARD BY: Stewart L. Bell, Judge; Dept. 7

OFFICERS: Sharon Chun, Relief Clerk  
Renee Vincent, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	002415 Moreo, Thomas J.	Y
	0001 D1 Allen, Gene A	N
	PRO SE Pro Se	Y

COURT NOTED Deft is incarcerated in NV Dept of Corrections. COURT ORDERED, Motion, DENIED.

NDC

CLERK'S NOTE: The above minute order has been Distributed to:  
Gene Allen #76542, Lovelock Correctonal Center, P.O. Box 359, Lovelock NV 89419

CRIMINAL COURT MINUTES

01-C-177427-C STATE OF NEVADA

vs Allen, Gene A

CONTINUED FROM PAGE: 054

02/20/07 08:30 AM 00 DEFT'S PRO PER MOTION TO PROCEED IN  
FORMA PAUPERIS /216

HEARD BY: James Bixler, Judge; Dept. 24

OFFICERS: Theresa Lee, Court Clerk  
Bill Nelson, Reporter/Recorder

PARTIES: STATE OF NEVADA  
009755 Bauman, Eric A.

Y  
Y

Court noted this is the 12th Writ this deft has filed in Proper Person. Deft has appealed almost every one of them. The last time he was chastised by the Supreme Court for the repeated writs, and the Supreme Court suggested the next time deft files a Writ he should be sanctioned by taking away earned credit. COURT ORDERED, motion to proceed in forma pauperis is GRANTED; the Court will set this matter down for evidentiary hearing, State prepare Order to Transport, and the Court will explain to deft what will happen to him. The Court will allow the deft an opportunity to withdraw the Writ and suffer no consequences. Deft has not stated any new grounds for a hearing in the last ten of his petitions.

NDC

4/24/07 9:00 A.M. EVIDENTIARY HEARING...DEFT'S PETITION FOR WRIT OF HABEAS  
CORPUS

04/03/07 08:30 AM 01 PTN FOR WRIT OF HABEAS CORPUS

HEARD BY: James Bixler, Judge; Dept. 24

OFFICERS: Theresa Lee, Court Clerk  
Denise Trujillo/dt, Relief Clerk  
Lee Bahr, Reporter/Recorder

PARTIES: STATE OF NEVADA  
002415 Moreo, Thomas J.  
0001 D1 Allen, Gene A  
PRO SE Pro Se

Y  
Y  
Y  
Y

Deft. present. Court advised this needed to be CONTINUED for deft. to be present as it reviewed the application and finds this is Deft's 9th petition. Further, Supreme Court that issued an order stating if deft. files anymore frivolous motions he would be sanctioned, and noted the only sanction can impose on deft. is to take away half of his credit for time served. LATER: Deft. present. Statement by deft. Court inquired if there are any new issues, not covered in any of the other nine petitions deft. has filed. Court read the Supreme Court Order from 1/07, specifically page 5,



## CRIMINAL COURT MINUTES

01-C-177427-C STATE OF NEVADA

vs Allen, Gene A

CONTINUED FROM PAGE: 055

advising of the sanctions. Mr. Moreo submitted matter on State's response. COURT ORDERED, Petition for Writ is DENIED, as it finds this writ is frivolous, COURT will deduct 310 days credit for time served of the 621 days accumulated, and ADMONISHED Deft. if he continues to file frivolous motions Court will take away the rest of the days. FURTHER, evidentiary hearing is VACATED. Findings of Fact, Conclusions of Law and Order Dismissing Deft's Petition for Writ of Habeas Corpus (Post Conviction).

NDC

05/03/07 08:30 AM 00 PLTF'S MTN TO AMEND FINDINGS OF FACT/220

HEARD BY: James Bixler, Judge; Dept. 24

OFFICERS: Theresa Lee, Court Clerk  
Jackie Nelson, Reporter/RecorderPARTIES: STATE OF NEVADA  
002415 Moreo, Thomas J.Y  
Y

Mr. Moreo stated at the last court appearance, the Court took away good time for deft filing yet another petition for writ of habeas corpus. Pursuant to Statute, the Court does not have the authority to do that, only the Director of the Department of Corrections. State will prepare an Amended Judgment of Conviction correcting the order. Court stated the last Remittitur from the Supreme Court directed the Court to do just that. However, IT IS HEREBY ORDERED, the previous order is VACATED, credit time served taken away is reinstated. State to prepare an amended order.

NDC

05/15/07 08:30 AM 00 DEFT'S PRO PER MOTION FOR A TRANSCRIPT  
OF SENTENCING/221

HEARD BY: James Bixler, Judge; Dept. 24

OFFICERS: Theresa Lee, Court Clerk  
Jackie Nelson, Reporter/RecorderPARTIES: STATE OF NEVADA  
002415 Moreo, Thomas J.Y  
Y

Mr. Moreo stated this is deft's proper person motion for transcripts. State filed their response. Court stated deft must state a reason for requesting the transcripts in his motion, he did not do that, therefore, IT IS HEREBY ORDERED, motion DENIED.

NDC CLERK'S NOTE: A copy of this minute order was placed in the U.S. Mail to

CRIMINAL COURT MINUTES

01-C-177427-C STATE OF NEVADA

vs Allen, Gene A

CONTINUED FROM PAGE: 056

deft, ID# 76542, Lovelock Correctional Center, P.O. BOX 359, Lovelock, NV  
89419

08/02/07

E X H I B I T S

4:55 PM

CASE NO. 01-C-177427-C

CASE STATUS: INACTIVE

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

# Certification of Copy

State of Nevada }  
County of Clark } SS:

I, Charles J. Short, 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; DISTRICT COURT DOCKET ENTRIES; AMENDED JUDGMENT OF CONVICTION (PLEA OF GUILTY); DISTRICT COURT MINUTES; EXHIBITS LIST

STATE OF NEVADA, )

Plaintiff(s), )

vs. )

GENE ANTHONY ALLEN, )

Defendant(s), )

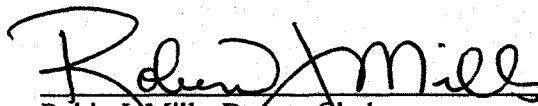
Case No: C177427

Dept No: XXIV

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 3 day of August 2007.

Charles J. Short, Clerk of the Court

  
Robin J. Mills, Deputy Clerk

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

GENE ANTHONY ALLEN,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

**Supreme Court No. 49612**  
District Court Case No. C177427

**RECEIPT FOR DOCUMENTS**

TO: Gene Anthony Allen #76542  
Attorney General Catherine Cortez Masto/Carson City  
Clark County District Attorney David J. Roger  
Charles J. Short , District Court Clerk

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

08/09/07 Filed Certified Copy of proper person Notice of Appeal.

DATE: August 09, 2007

Janette M. Bloom, Clerk of Court

By: RM  
Deputy Clerk