

FILED

MAY 18 2009

HOWARD W. CONNORS, CLERK
By: *[Signature]*
DEPUTY CLERK

In the Supreme Court of the State of NEVADA

FRANK M. PECK
Appellant,
-VS-
The State of NEVADA
Respondent.

D.C. Case No. 09-580
Electronically Filed
May 19 2009 09:20 a.m.
Tracie K. Lindeman
Appeal from Denial of Motion
for New Counsel

On Appeal from the Second Judicial District Court in and for the County of Washoe, The Honorable Brent Adams Presiding.

Comes Now Defendant/Appellant pro se, Appealing the denial of Defendant's Motion for New Counsel. Attorney Robert Bruce Lindsay is ineffective in that he failed to file the requested Notice of Appeal from the denial of Defendant's Motion to Recuse Judge Brent Adams, Proof Evidenced from the date on the Notice being 13 days after the Defendants right to Appeal had Expired. Defendant told Lindsay to Move Ahead with specific discovery only After Det. knew his time to Appeal had Expired, But Def saw date on Notice. Atty Lindsay has Threat. of violence toward Det in front of Court ON 4-22-09.

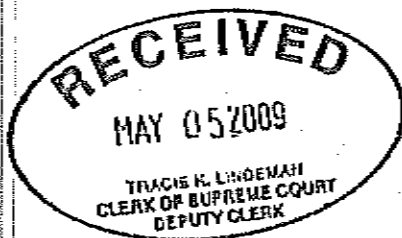
RECEIVED
MAY 05 2009
TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
DEPUTY CLERK

0906-3580 DC-0900008303-010
STATE VS. FRANK MILFORD PECK 2 Pages
District Court 05/18/2009 04:27 PM
Washoe County 2518
TMC
CKEPLIF

Attorney Bruce Lindsay has not kept in contact with his client, he has totally disregarded his clients theory of defense, Mr. Lindsay has divulged trial strategy and impeachment information vital to the defense. Mr. Lindsay's conduct on 4-22-09 threatening his client is outrageous. Defendant has learned Mr. Lindsay is BANNED from the Nevada Supreme Court. ON 4-22-09 Mr. Lindsay lied to the district court saying he is allowed in the Supreme Court but told his client he would have to get him another less experienced lawyer if I wanted to appeal. The Defendant needs a loyal, zealous, advocate that the Constitution provides and guarantees.

For these, and other reasons the Appellant respectfully requests that this honorable court direct an order to the lower court to appoint new counsel

Dated this 23rd day of April 2009.



Frank Peck

Frank Peck Prose

CR06-2580 DC-9900008993-011
STATE VS. FRANK MILFORD PECK 2 Pages
District Court 05/18/2009 04:27 PM
Washoe County 1310
CKEPLER
DCC

CODE 1310

FILED

MAY 18 2009

HOWARD W. GRANETS, CLERK
By: *CKEPLER*
DEPUTY CLERK

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

FRANK MILFORD PECK,
Appellant(s)

Case No. CR06-2580

vs.

Dept. No. 6

THE STATE OF NEVADA,
Respondent(s)

CASE APPEAL STATEMENT

1. Frank Milford Peck is the Appellant.
2. The appeal is from a Minute/Bench Order file on or about April 22, 2009 by the Honorable Brent Adams.
3. The parties below in District Court consisted of: Frank Milford Peck, the Defendant, and The State of Nevada, the Plaintiff.
4. The parties herein in the Nevada Supreme Court consist of: Frank Milford Peck/Appellant, and The State of Nevada/Respondent.
5. Counsel on Appeal for Appellant, consists of: Frank Milford Peck/Pro Per Appellant, #P00105283, Washoe County Sheriff's Department, Detention Center, 911 Parr Blvd. Reno, NV 89506.
6. Counsel on appeal for Respondent is Gary Hatlestad, Deputy District Attorney – Appellant Division, P.O. Box 30083, Reno, NV 89520-3083.

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7. In District Court Appellant was represented By Robert Bruce Lindsay, Esq.

8. Appellant is represented in Proper Person in this appeal.

9. N/A in this case.

10. The indictment was filed on November 8, 2006.

Dated: May 18, 2009

Howard W. Conyers, Clerk of the Court,

By: 

Cathy Kepler, Appeals Clerk

(775) 328-3114

NOT FOR DISTRIBUTION
TO THE PUBLIC

SECOND JUDICIAL DISTRICT COURT
COUNTY OF WASHOE

Case History - CR06-2580

DEPT. D6

HON. BRENT ADAMS

Report Date & Time

5/18/2009

4:35:26PM

Case ID: CR06-2580	Case Description: STATE VS. FRANK MILFORD PECK (D6)	Initial Filing Date: 11/3/2006
	Case Type: CRIMINAL	

Parties

PLTF	STATE OF NEVADA - STATE
DA	David Wayne Clifton, Esq. - 1653
DEFT	FRANK MILFORD PECK - @3461
CAA	R. Bruce Lindsay, Esq. - 2237

Charges

Charge No.	Charge Code	Charge Date	Charge Description
1	F1000	11/8/2006	IND SEXUAL ASSAULT

Plea Information

Charge No.	Plea Code	Plea Date	Plea Description
1	F1000	12/15/2006	PLED NOT GUILTY

Release Information

Custody Status

12/15/2006	CUSTODY - WCJ
11/25/2008	CUSTODY - NSP

Hearings

Department	Event Description	Sched. Date & Time
1 D3	ARRAIGNMENT	12/15/2006 09:00:00

Extra Text:

Disposition:
D725 12/15/2006 INDICTMENT

Department	Event Description	Sched. Date & Time
2 D6	MOTION TO CONFIRM TRIAL	9/5/2007 09:00:00

Extra Text:

Disposition:
D355 9/5/2007 MOTION TO CONTINUE GRANTED

Report Date & Time

5/18/2009

4:35:26PM

Case ID: CR06-2580

Case Description: STATE VS. FRANK MILFORD PECK (D6)

Case Type: CRIMINAL

Initial Filing Date:
11/3/2006

<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>
3 D6	TRIAL - JURY	9/17/2007 09:00:00

Extra Text: TRIAL SET FOR 4 DAYS

Disposition:
D845 9/5/2007

<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>
4 D6	MOTION TO CONFIRM TRIAL	2/20/2008 09:00:00

Extra Text:

Disposition:
D435 2/20/2008 MOTION TO W/DRAW AS
COUNSEL - GRANTED
COURT APPOINTED PUBLIC
DEFENDER'S OFFICE

<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>
5 D6	TRIAL - JURY	3/3/2008 09:00:00

Extra Text: TRIAL SET 4 DAYS

Disposition:
D845 2/20/2008

<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>
6 D6	MOTION TO SET TRIAL	3/19/2008 09:00:00

Extra Text:

Disposition:
D435 3/19/2008 COURT AMENDED ORDER
APPOINTING COUNSEL AND
APPOINTED THE ALTERNATE
PUBLIC DEFENDERS OFFICE

<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>
7 D6	MOTION TO SET TRIAL	3/28/2008 09:00:00

Extra Text:

Disposition:
D435 3/28/2008 TRIAL SET

<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>
8 D6	MOTION ...	5/14/2008 09:00:00

Extra Text: TO RELIEVE APD AS COUNSEL

Disposition:
D844 5/13/2008 reset to 5/28/08 per stipulation of
counsel. APD to prepare stipulation.

Report Date & Time
5/18/2009
4:35:26PM

Case ID: CR06-2580

Case Description: STATE VS. FRANK MILFORD PECK (D6)

Case Type: CRIMINAL

Initial Filing Date:
11/3/2006

<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>
9 D6	MOTION ...	5/28/2008 09:00:00

Extra Text: 15 MINS - TO BE HEARD AT THE END OF CALENDAR

Disposition:
D450 5/28/2008

<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>
10 D6	MOTION ...	6/27/2008 09:00:00

Extra Text: MOTION TO RELIEVE APD'D OFFICE AS COUNSEL

Disposition:
D355 6/27/2008

<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>
11 D6	MOTION TO CONFIRM TRIAL	10/29/2008 09:00:00

Extra Text:

Disposition:
D845 10/29/2008 PRIOR TO COURT, VACATED BY B. LINDSEY AND D. CLIFTON. MTN TO RECUSE JUDGE ADAMS TO BE HEARD IN D10. COUNSEL WILL CONTACT D6 AFTER RECUSAL HRG RE: SETTING NEW COURT DATE IF NEEDED.

<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>
12 D10	HEARING...	11/7/2008 14:00:00

Extra Text: D10 WAS MADE AWARE OF 8/18/08 ORDER TRANSFERING TO CONSIDER MOTION FOR RECUSAL ON 10/28/08. D6 ADVISED MOTION TO CONFIRM TRIAL SCHEDULED FOR 10/29/08 AND TRIAL SCHEDULED FOR 11/10/08 VACATED AND TO BE RESET AFTER DECISION ON MOTION FOR RECUSAL.

Disposition:
D455 11/7/2008

<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>
13 D6	TRIAL - JURY	11/10/2008 09:00:00

Extra Text: TRIAL SET FOR 5 DAYS

Disposition:
D845 10/29/2008 PRIOR TO COURT, VACATED BY B. LINDSEY & DAVE CLIFTON. MOTION TO RECUSE JUDGE ADAMS TO BE HEARD IN D10 ON 11/7. COUNSEL WILL CONTACT D6 AFTER RECUSAL HEARING RE: SETTING NEW COURT DATE IF NEEDED.

Case ID: CR06-2580

Case Description: STATE VS. FRANK MILFORD PECK (D6)

Case Type: CRIMINAL

Initial Filing Date:

11/3/2006

Department *Event Description*
14 D10 HEARING...

Sched. Date & Time
11/25/2008 14:00:00

Extra Text: RE: DEFT'S MOTION FOR RECUSAL OF JUDGE
ADAMS

Disposition:
D355 11/25/2008 DEFT'S MOTION FOR RECUSAL OF
JUDGE ADAMS DENIED.

Department *Event Description*
15 D6 MOTION TO SET TRIAL

Sched. Date & Time
12/12/2008 09:00:00

Extra Text:

Disposition:
D425 12/12/2008 TRIAL SET

Department *Event Description*
16 D6 MOTION TO CONFIRM TRIAL

Sched. Date & Time
4/22/2009 09:00:00

Extra Text:

Disposition:
D425 4/22/2009 MOTION TO RELIEVE COUNSEL
DENIED, COURT WILL REVIEW
DEFT'S MOTION TO PROCEED PRO
SE

Department *Event Description*
17 D6 MOTION ...

Sched. Date & Time
4/29/2009 09:00:00

Extra Text: TO PROCEED PRO SE

Disposition:
D844 4/29/2009 prior to court, reset to 5/1. d6 in trial.

Department *Event Description*
18 D6 MOTION ...

Sched. Date & Time
5/1/2009 09:00:00

Extra Text: TO PROCEED PRO SE

Disposition:
D425 5/1/2009 MOTION TO PROCEED PRO SE -
GRANTED. COURT APPOINTED
BRUCE LINDSAY TO SIT AS
ADVISORY COUNSEL. COURT
FURTHER GRANTED DEFT'S
REQUEST TO BE KEPT AT
WASHOE COUNTY DETENTION
FACILITY THROUGH THE END OF
TRIAL

Department *Event Description*
19 D6 TRIAL - JURY

Sched. Date & Time
5/4/2009 09:00:00

Extra Text: TRIAL SET 4 DAYS

Disposition:
D845 5/1/2009 RESET TO WEDNESDAY MAY 6,
2009 @ 10:30 A.M.

Report Date & Time
5/18/2009
4:35:26PM

Case ID: CR06-2580	Case Description: STATE VS. FRANK MILFORD PECK (D6)	Initial Filing Date:
	Case Type: CRIMINAL	11/3/2006

Department	Event Description	Sched. Date & Time
20 D6	CONFERENCE CALL	5/5/2009 13:30:00
Extra Text:		<i>Disposition:</i> D435 5/5/2009 MOTION TO VACATE TRIAL DENIED; PRE-TRIAL PETITION FOR WRIT OF HABEAS CORPUS WILL BE CONSIDERED DURING TRIAL.

Department	Event Description	Sched. Date & Time
21 D6	TRIAL - JURY	5/6/2009 10:30:00
Extra Text:		<i>Disposition:</i> D832 5/6/2009

Department	Event Description	Sched. Date & Time
22 D6	TRIAL ONGOING	5/7/2009 09:00:00
Extra Text:		<i>Disposition:</i> D832 5/7/2009

Department	Event Description	Sched. Date & Time
23 D6	TRIAL ONGOING	5/8/2009 10:30:00
Extra Text:		<i>Disposition:</i> D832 5/8/2009

Department	Event Description	Sched. Date & Time
24 D6	TRIAL ONGOING	5/11/2009 13:00:00
Extra Text:		<i>Disposition:</i> D832 5/11/2009

Department	Event Description	Sched. Date & Time
25 D6	TRIAL ONGOING	5/12/2009 09:00:00
Extra Text:		<i>Disposition:</i> D895 5/12/2009

Agency Cross Reference

Code	Agency Description	Case Reference I.D.
DA	District Attorney's Office	DA327992
SC	Supreme Court	SCN 51948

Report Date & Time
5/18/2009
4:35:26PM

Case ID: CR06-2580 Case Description: STATE VS. FRANK MILFORD PECK (D6)

Case Type: CRIMINAL

Initial Filing Date:
11/3/2006

SC Supreme Court SCN 53403
SN Social Security Number SSN549085857
SP Sparks Police Department SPD949292

Action Entry Date	Code	Code Description	Actions	Text
11/3/2006	1260	Application Produce Prisoner		
11/6/2006	3340	Ord to Produce Prisoner		
11/8/2006	1300	Bench Warrant Filed-Case Clsd		BAIL SET AT \$50,000.00 CASH OR BOND
11/8/2006	1795	Indictment		
11/20/2006	1250	Application for Setting		ARRAIGNMENT
11/20/2006	1325	** Case Reopened		
11/27/2006	1775	General Receipt		
12/15/2006	1280	** 60 Day Rule - Waived		
12/15/2006	MIN	***Minutes		
12/15/2006	MIN	***Minutes		
12/27/2006	4185	Transcript ...		
8/14/2007	3980	Stip and Order...		REQUEST, STIPULATION AND ORDER RE PRE-PRELIMINARY HEARING AND PRE-TRIAL DISCOVERY (FELONY AND GROSS MISDEMEANOR CASES)
8/24/2007	2565	Notice Intent Use Expt Witness		
9/5/2007	MIN	***Minutes		
9/6/2007	3892	Return of Service B/W		FILED 11/8/06, SERVED 11/14/06, \$50,000 CASH OR BOND
10/10/2007	4185	Transcript ...		MOTION TO CONTINUE JURY TRIAL
2/13/2008	2490	Motion ...		MOTION TO WITHDRAW AS ATTORNEY OF RECORD
2/20/2008	3370	Order ...		
2/25/2008	2490	Motion ...		MOTION TO WITHDRAW COUNSEL AND APPOINT SUBSTITUTION COUNSEL BASED UPON A CONFLICT OF INTEREST
3/19/2008	3370	Order ...		AMENDED ORDER APPOINTING COUNSEL
3/26/2008	4185	Transcript ...		MOTION TO WITHDRAW AS COUNSEL 2/20/08
4/2/2008	4185	Transcript ...		3/28/2008 MOTION TO SET TRIAL
4/10/2008	1775	General Receipt		RECEIPT OF GRAND JURY TRANSCRIPT
4/23/2008	4185	Transcript ...		03/19/08 MOTION TO APPOINT ALTERNATE PUBLIC DEFENDER
4/29/2008	3870	Request...		REQUEST, STIPULATION AND ORDER RE PRE-PRELIMINARY HEARING AND PRE-TRIAL RECIPROCAL DISCOVERY (FELONY AND GROSS MISDEMEANOR CASES)

Report Date & Time
5/18/2009
4:35:26PM

Case ID: CR06-2580

Case Description: STATE VS. FRANK MILFORD PECK (D6)

Case Type: CRIMINAL

Initial Filing Date:
11/3/2006

4/30/2008	2490	Motion ...	MOTION RELIEVING WASHOE COUNTY ALTERNATE PUBLIC DEFENDER'S OFFICE OF REPRESENTATION SET FOR MOTION HEARING ON 5/14/08 AT 9AM
5/1/2008	1250	Application for Setting	
5/8/2008	1075	Affidavit ...	
5/20/2008	4025	Stip & Ord to Continue	5/28/2008 @ 9:00AM
5/28/2008	1695	** Exhibit(s) ...	
6/12/2008	2610	Notice ...	JUDICIAL NOTICE OF POTENTIAL CONFLICT WITH COUNSEL
6/12/2008	2610	Notice ...	JUDICIAL NOTICE OF POTENTIAL CONFLICT WITH COUNSEL
6/20/2008	4185	Transcript ...	MOTION IN RELIEF - 05/28/08 - Transaction 252915 - Approved By: MPURDY : 06-20-2008:08:49:02
6/27/2008	2515	Notice of Appeal Supreme Court	
6/30/2008	1310	Case Appeal Statement	
6/30/2008	1350	Certificate of Clerk	
6/30/2008	1365	Certificate of Transmittal	
7/3/2008	1187	**Supreme Court Case No. ...	SUPREME COURT CASE NO. 51948
7/3/2008	1188	Supreme Court Receipt for Doc	SUPREME COURT CASE NO. 51948
7/18/2008	4127	Supreme Ct Ord Dismiss Appeal	SUPREME COURT CASE NO. 51948
8/1/2008	4185	Transcript ...	MOTION TO RELIEVE ALTERNATE PUBLIC DEFENDER'S OFFICE AS COUNSEL - JUNE 27, 2008 - Transaction 306438 - Approved By: TPRINCE : 08-01-2008:09:21:54
8/11/2008	2490	Motion ...	MOTION FOR RECUSAL OF JUDGE BRENT ADAMS FRANK PECK
8/11/2008	1030	Affidavit in Support...	AFFIDAVIT IN SUPPORT OF DEFENDANT'S MOTION FOR RECUSAL OF JUDGE ADAMS
8/13/2008	1130	Answer ...	
8/18/2008	3370	Order ...	TRANSFERRING MATTER TO DEPARTMENT 10 FOR PURPOSE OF DECIDING MOTION FOR RECUSAL OF JUDGE BRENT ADAMS
8/18/2008	4145	Supreme Court Remittitur	SUPREME COURT CASE NO. 51948
8/18/2008	4127	Supreme Ct Ord Dismiss Appeal	SUPREME COURT CASE NO. 51948
8/18/2008	4111	Supreme Ct Clk's Cert & Judg	SUPREME COURT CASE NO. 51948
8/29/2008	2590	Notice Withdrawal of Attorney	NOTICE OF WITHDRAWAL AS ATTORNEY OF RECORD: JENNIFER LUNT & JOHN MALONE WITHDRAW AS ATTORNEY OF RECORD OBO MR. FRANK PECK
9/12/2008	2610	Notice ...	
9/16/2008	4075	Substitution of Counsel	SUBSTITUTION OF WASHOE COUNTY APD IN PLACE OF WASHOE COUNTY PD
11/10/2008	3880	Response...	TO NOTICE (JUDGE ELLIOTT DENIES ALL ALLEGATIONS OF BIAS OR PREJUDICE)
11/24/2008	2777	Order Approving ...	RECOMMENDATION AND ORDER APPOINTING COUNSEL (BRUCE LINDSAY, ESQ.) - Transaction 469249 - Approved By: NOREVIEW : 11-24-2008:11:28:49

Case ID: CR06-2580

Case Description: STATE VS. FRANK MILFORD PECK (D6)

Case Type: CRIMINAL

Initial Filing Date:
11/3/2006

Date	Case No.	Description	Details
12/1/2008	MIN	***Minutes	NOVEMBER 7, 2008 - HEARING - Transaction 477225 - Approved By: NOREVIEW : 12-01-2008:15:55:36
12/2/2008	1250	Application for Setting	HRG TO SET JURY TRIAL: 12-12-08 AT 9:00
12/2/2008	1325	** Case Reopened	
12/15/2008	4185	Transcript ...	12-12-08 MOTION TO SET TRIAL - Transaction 500557 - Approved By: SSTINCHF : 12-15-2008:16:05:54
12/17/2008	4185	Transcript ...	MOTION FOR RECUSAL - 11/07/08 - Transaction 505017 - Approved By: MPURDY : 12-17-2008:12:45:09
12/22/2008	4185	Transcript ...	MOTION FOR RECUSAL - NOVEMBER 25, 2008 - Transaction 512261 - Approved By: TPRINCE : 12-22-2008:13:12:55
1/12/2009	MIN	***Minutes	11/25/08-HEARING RE: RECUSAL OF JUDGE ADAMS - Transaction 539022 - Approved By: NOREVIEW : 01-12-2009:14:22:45
3/10/2009	2490	Motion ...	MOTION FOR NEW COUNSEL
3/13/2009	3645	Petition ...	PETITION FOR WRIT OF MANDAMUS
3/24/2009	2490	Motion ...	MOTION FOR TRANSCRIPTS
3/24/2009	2270	Mtn to Compel...	MOTION TO COMPEL COUNSEL TO RETURN DEFENDANT'S DOCUMENTS
3/25/2009	1955	Memorandum Points&Authorities	MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF PETITION FOR WRIT OF HABEAS CORPUS
3/25/2009	3585	Pet Writ Habeas Corpus	PETITION FOR WRIT OF HABEAS CORPUS
3/25/2009	3862	**Criminal Submit	DOCUMENT TITLE: PETITION FOR WRIT OF HABEAS CORPUS PARTY SUBMITTING: FRANK PECK DATE SUBMITTED: 03-25-09 SUBMITTED BY: C GALINDO DATE RECEIVED JUDGE OFFICE: DENYING PETITION FOR WRIT OF HABEAS CORPUS
3/27/2009	3370	Order ...	
4/2/2009	2610	Notice ...	NOTICE REGARDING TRANSCRIPTS
4/2/2009	1187	**Supreme Court Case No. ...	SUPREME COURT CASE NO. 53403
4/2/2009	4128	Supreme Court Order Denying	SUPREME COURT CASE NO. 53403 ORDER DENYING PETITION
4/14/2009	2490	Motion ...	MOTION TO HAVE DNA EVIDENCE INDEPENDENTLY TESTED BY DEFENSE EXPERT
4/14/2009	2565	Notice Intent Use Expt Witness	NOTICE OF EXPERT WITNESS
4/14/2009	2610	Notice ...	NOTICE OF ALIBI DEFENSE
4/14/2009	2175	Mtn for Reconsideration	MOTION TO RECONSIDER FILING DEFENDANT'S PRE-TRIAL PETITION FOR WRIT OF HABEAS CORPUS
4/14/2009	2045	Mtn for Discovery	MOTION FOR DISCOVERY AND FOR EXCULPATORY EVIDENCE BRADY, GIGGLIO AND OTHER BAD ACTS EVIDENCE
4/22/2009	2490	Motion ...	TO PROCEED PRO SE AND REQUEST FOR BASIC TOOLS INTEGRAL FOR EFFECTIVE DEFENSE
4/22/2009	MIN	***Minutes	Motion to Confirm - Transaction 726145 - Approved By: NOREVIEW : 04-22-2009:14:49:32
4/27/2009	4133	Supreme Court Notice	SUPREME COURT CASE NO. 53403
4/27/2009	2592	Notice of Witnesses	NOTICE IN LIEU OF REMITTITUR

Report Date & Time
5/18/2009
4:35:26PM

Case ID: CR06-2580

Case Description: STATE VS. FRANK MILFORD PECK (D6)

Case Type: CRIMINAL

Initial Filing Date:
11/3/2006

5/4/2009	2610	Notice ...	JUDICIAL NOTICE AND COMPLAINT AGAINST COUNSEL ROBERT BRUCE LINDSAY JEFFREY RIOLO
5/7/2009	4065	Subpoena Duces Tecum	MARIA FASSETTI
5/7/2009	4065	Subpoena Duces Tecum	RENE ROMERO
5/7/2009	4065	Subpoena Duces Tecum	MOTION FOR TRANSCRIPTION OF DNA EXPERT TERTIMONY MOTION FOR INVESTIGATOR
5/8/2009	2490	Motion ...	ORDER TO PRODUCE WITNESS LARRY PECK FOR TESTIMONY OF MONDAY MAY 11, 2009
5/8/2009	2490	Motion ...	ORDER FOR TRANSCRIPTION OF DNA EXPERT TESTIMONY
5/8/2009	3370	Order ...	MOTION TO PRODUCE WITNESS LARRY PECK FOR TESTIMONY ON MONDAY MAY 11, 2009
5/8/2009	3370	Order ...	PARTIAL TRANSCRIPT OF PROCEEDINGS EXAMINATION OF RENEE ROMERO - 05/08/09 - Transaction 762155 - Approved By: MPURDY : 05-11-2009:07:38:18
5/8/2009	2490	Motion ...	Transaction 767910 - Approved By: MPURDY : 05-12-2009:16:22:33
5/9/2009	4190	Transcript - Partial ...	Transaction 767928 - Approved By: MPURDY : 05-12-2009:16:22:05
5/12/2009	4235	Unused Verdict Form(s)...	QUESTION 1 - Transaction 767924 - Approved By: MPURDY : 05-12-2009:16:20:58
5/12/2009	4235	Unused Verdict Form(s)...	Transaction 767925 - Approved By: MPURDY : 05-12-2009:16:21:35
5/12/2009	1885	Jury Instructions	1-24
5/12/2009	1890	Jury Question, Court Response	TRIAL EXHIBITS
5/12/2009	1890	Jury Question, Court Response	Transaction 767937 - Approved By: MPURDY : 05-12-2009:16:22:57
5/12/2009	1890	Jury Question, Court Response	
5/12/2009	1890	Jury Question, Court Response	
5/12/2009	1885	Jury Instructions	
5/12/2009	1695	** Exhibit(s) ...	
5/12/2009	4245	Verdict(s)...	
5/12/2009	4245	Verdict(s)...	
5/18/2009	2515	Notice of Appeal Supreme Court	
5/18/2009	1365	Certificate of Transmittal	
5/18/2009	1310	Case Appeal Statement	
5/18/2009	1350	Certificate of Clerk	

FILED
Electronically
04-22-2009:02:47:53 PM
Howard W. Conyers
Clerk of the Court
Transaction # 726145

CASE NO. CR06-2580

STATE OF NEVADA VS. FRANK MILFORD PECK

<u>DATE, JUDGE OFFICERS OF COURT PRESENT</u>	<u>APPEARANCES-HEARING</u>	<u>CONTINUED TO</u>
4/22/09 HONORABLE BRENT ADAMS DEPT. NO. 6 B. Johnson (Clerk) J. Kernan (Reporter)	<u>MOTION TO CONFIRM</u> Deputy District Attorney David Clifton represented the State. Defendant present with counsel, Bruce Lindsay. Probation Officer Laurie Flocchini was also present. Defense counsel confirmed the trial date, counsel further informed the Court that Defendant wishes to relieve him as counsel. Defendant addressed the Court and argued in support of new counsel. Counsel for State addressed the Court concerning the trial setting. COURT ORDERED: Trial date 5/4/09 confirmed; Defendant's motion to relieve counsel denied. Defendant's motion to proceed pro se was filed in open court. Court ordered Defendant's motion will be set on calendar. Defendant remanded to the Director of Prisons.	4/29/09 9:00 a.m. Motion to Proceed Pro Se

CASE NO. CR06-2580

STATE OF NEVADA VS. FRANK MILFORD PECK

DATE, JUDGE
OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

11/25/08

HEARING RE: DEFT'S MOTION FOR RECUSAL OF JUDGE ADAMS

HONORABLE

Chief Deputy District Attorney David Clifton represented the State.

STEVEN P.

Defendant was present with counsel, Bruce Lindsay, Esq.

ELLIOTT

The Court noted that the basis for this hearing is regarding the

DEPT. NO. 10

Defendant's motion for the recusal of Judge Adams, and the

M. Merkouris

Defendant's Notice, filed September 12, 2008, objecting to this Court

(Clerk)

hearing this matter.

J. Schonlau

Defense counsel addressed the Court and withdrew any objection to

(Reporter)

Judge Elliott presiding over this hearing, however they would object

to Judge Elliott being the trial judge.

Defense counsel called the Defendant, who was sworn and direct

examined; cross examined; re-direct examined and excused.

Defense rested; State rested.

Defense counsel gave closing statements and argued in support of

the Motion to recuse Judge Adams.

Counsel for the State gave closing statements and argued in

opposition of the Motion to recuse Judge Adams.

COURT ORDERED: The Court set forth Findings of Fact and

Conclusion of Law; Court further ordered that the Defendant's Motion

to recuse Judge Adams is DENIED.

Counsel for the State shall prepare the order.

Defendant remanded to the custody of the Department of Prisons.

CASE NO. CR06-2480

STATE VS. FRANK MILFORD PECK

DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES-HEARING

11/07/08

HEARING RE: MOTION FOR RECUSAL

HONORABLE
STEVEN P.
ELLIOTT
DEPT. NO. 10
C. Lloyd
(Clerk)
J. Schonlau
(Reporter)

Respondent, State of Nevada was being represented by Deputy District Attorney David Clifton. Petitioner, Frank Milford Peck was present with counsel, Bruce Lindsay, Esq. Respective counsel and the Court met in-chambers. Discussion between respective counsel and the Court ensued regarding the petitioner's claims for the recusal of Judge Brent Adams. Defense counsel addressed the Court indicating he was recently appointed to represent the petitioner; further requesting to present argument on the claims, as he does not intend to call Judge Brent Adams to testify. Counsel for the petitioner further indicated that he is ill with the flu; and further indicated he needs more time review the petition. Counsel for the State indicated it will not object to a continuance; further objecting to the request to present arguments without testimony from Judge Brent Adams. COURT informed it reviewed a separate a notice submitted from the Petitioner for request for recusal this Court. Court further informed the parties that it is inclined to grant a continuance; and further indicted it would confer with the Chief Judge as to the issue regarding the petitioner's request to recuse Department 10. In-chambers conference concluded. Court re-convened on the record. COURT stated for the record of the discussion of the in-chambers conference. Defense counsel addressed the Court requesting a continuance and further stated that he was newly appointed as counsel of record. Court posed questions to the Defendant. Petitioner responded and further agreeing to a continuance. Counsel for the State had no objection to a continuance. Court further noted for the record that it would confer with the Chief Judge on how it would proceed with the separate request to recuse Department 10. COURT ORDERED: Petitioner's request for a continuance GRANTED. Court further set the matter to commence on November 25, 2008 at 2:00 p.m. Court concluded and stood in recess.

CASE NO. CR06-2580

STATE OF NEVADA VS. FRANK MILFORD PECK

DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

09/05/07
HON. BRENT
ADAMS
DEPT. NO. 6
T. Cervantes
(Clerk)
J. Kernan
(Reporter)

MOTION TO CONFIRM TRIAL

Deputy D.A. David Clifton represented the State.
Defendant present with counsel, Kenneth McKenna, Esq.
Probation Officer, Kim Strong, also present.
Counsel for Defendant moved to continue the trial and presented
argument; State responded and objection to the trial being
continued.
COURT ORDERED: Motion granted and noted there would be no
further continuances in this matter. The trial set for Monday,
September 17, 2007 is hereby vacated.
Defendant remanded to the custody of the Sheriff.

02/20/08
09:00 a.m.
Motion
Confirm

03/03/07
09:00 a.m.
Jury Trial
4 Days

CR06-2580 DC-8908001057-167
STATE VS. FRANK MILFORD PECK Page 1
District Court 09/05/2007 03:12 PM MIN
Washoe County
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CASE NO. CR06-2580

STATE OF NEVADA VS. FRANK MILFORD PECK

DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

12/15/06
HON. DEBORAH
AGOSTI
DEPT. NO. 6
T. Cervantes
(Clerk)
J. Dotson
(Reporter)

ARRAIGNMENT

Deputy D.A. Dave Clifton represented the State.
Defendant present with counsel, Ken McKenna, Esq.
TRUE NAME: FRANK MILFORD PECK. Defendant handed copy
of the Indictment; waived formal reading; waived time in which to
enter a plea and plead Not Guilty to the Indictment.
Defendant waived 60 day rule.
COURT ORDERED: Matter continued for trial by jury.
Defendant remanded to the custody of the Sheriff.

09/05/07
09:00 a.m.
Motion
Confirm

09/17/07
09:00 a.m.
Jury Trial
(4 Days)

CR06-2580
DC-9900000392-133
STATE VS. FRANK MILFORD PECK Page 1
District Court 12/16/2006 02:18 PM
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IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE

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THE STATE OF NEVADA,

Plaintiff,

Case No. CR06-2580

vs.

Dept. No.

12

FRANK MILFORD PECK

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Defendant.

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MINUTES

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DC-990000551-116
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STATE VS. FRANK MILFORD PECK 2 Pages
District Court 12/16/2008 12:53 PM
Washoe County

CRIMINAL PROGRESS SHEET

IND 11-8-06
INF. _____
AI. _____
2AI. _____
2INF. _____

CASE NO. CR06-2580

DEFT: FRANK MILFORD PECK @3461

LANGUAGE:

CUSTODY STATUS: CUSTODY NIC BAIL \$ _____ OR OR W/COURT SERVICES

ARR. DATE: 12/15/06 DEPT. NO. 6 REPORTER: DOTSON CLERK: Corcoran

TRUE NAME: Same

- HANDED COPY
- WAIVED READING
- REQUESTED TIME TO PLEA
- REFERRED TO DRUG COURT
- ACCEPTED TO DRUG COURT
- WAIVED PSI

WAIVED 60 DAY RULE: YES NO DATE: 12/15/06

P & P Ref: _____

NOT GUILTY By: _____ GUILTY ALFORD NC TO: Indictment

MOTION FOR PSYCH. EVAL: DATE: _____ DEPT. NO. _____ APPTD. DRS.: _____ & _____

REPORT ON PSYCH. EVAL: DATE: _____ DEPT. NO. _____ REPORTER: _____ CLERK: _____

COURT FOUND DEFT: COMPETENT INCOMPETENT; DEFT REMANDED

ENTRY OF PLEA: DATE: _____ DEPT. NO. _____ REPORTER: _____ CLERK: _____

NOT GUILTY By: _____ GUILTY ALFORD NC TO: _____

WAIVED PSI P & P Ref: _____

CHANGE OF PLEA: DATE: _____ DEPT. NO. _____ REPORTER: _____ CLERK: _____

HANDED COPY _____ WAIVED READING GUILTY ALFORD NC TO: _____

WAIVED PSI P & P Ref: _____ TRIAL DATE OF: _____ VACATED

CONTINUED TO: 9-5-07 9:00 FOR: MTO

CONTINUED TO: 9-17-07 9:00 FOR: Jury - 4 days

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FILED

MAY 18 2009

HOWARD W. CONYERS, CLERK
By: *C. Kepler*
DEPUTY CLERK

1350

CR06-2580 DC-990000303-012
STATE VS. FRANK MILFORD PECK 1 Page
District Court 05/18/2009 04:27 PM
Washoe County 1350
FILED

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

FRANK MILFORD PECK,
Appellant(s)

Case No. CR06-2580

vs.

Dept. No. 6

THE STATE OF NEVADA,
Respondent(s)

CERTIFICATE OF CLERK

I hereby certify that the enclosed documents are certified copies of the original pleadings on file with the Second Judicial District Court, in accordance with the NRAP 3(e).

Dated: May 18, 2009

Howard W. Conyers, Clerk of the Court,

By: *C. Kepler*
Cathy Kepler, Appeals Clerk

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SHIE VS. FRANK MILFORD PECK 1 Page
District Court 05/18/2009 04:27 PM
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MAY 18 2009

HOWARD W. CONYERS, CLERK
By: *Cathy Kepler*
DEPUTY CLERK

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

FRANK MILFORD PECK,
Appellant(s)

Case No. CR06-2580

vs.

Dept. No. 6

THE STATE OF NEVADA,
Respondent(s)

CERTIFICATE OF TRANSMITTAL

I hereby certify that the enclosed Notice of Appeal and other required documents (certified copies) were E-filed from the Second Judicial District Court to the Nevada Supreme Court.

Dated: May 18, 2009

Howard W. Conyers, Clerk of the Court,

By: *Cathy Kepler*
Cathy Kepler, Appeals Clerk

