

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

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Elizabeth A. Brown  
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BRENDAN DUNCKLEY,

Petitioner,

vs.

THE STATE OF NEVADA,  
ROBERT LEGRAND,

Respondent.

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Sup. Ct. Case No. 73095

Case No. CR07-1728

Dept. 4

RECORD ON APPEAL

VOLUME 8 OF 11

POST DOCUMENTS

APPELLANT

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RESPONDENT

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APPEAL INDEX  
 SCN 73095  
 CASE NO. CR07-1728  
 BRENDAN DUNCKLEY vs STATE OF NEVADA, ROBERT LEGRAND  
 Date: AUGUST 31, 2017

PLEADING	DATE FILED	VOL.	PAGE NO.
ACCEPTANCE OF ELECTRONIC DOCUMENT SUBMITTED FOR FILING	03-02-10	3	407
ACCEPTANCE OF ELECTRONIC DOCUMENT SUBMITTED FOR FILING	06-09-10	3	449
ACCEPTANCE OF ELECTRONIC DOCUMENT SUBMITTED FOR FILING	06-09-10	3	450
ACCEPTANCE OF ELECTRONIC DOCUMENT SUBMITTED FOR FILING	06-09-10	3	451
ACCEPTANCE OF ELECTRONIC DOCUMENT SUBMITTED FOR FILING	06-09-10	3	452
ACCEPTANCE OF ELECTRONIC DOCUMENT SUBMITTED FOR FILING	06-09-10	3	453
ACCEPTANCE OF ELECTRONIC DOCUMENT SUBMITTED FOR FILING	06-09-10	3	454
AFFIDAVIT IN SUPPORT OF APPLICATION TO PROCEED IN FORMA PAUPERIS	07-21-09	7	2-3
AFFIDAVIT IN SUPPORT OF MOTION FOR WITHDRAWAL OF ATTORNEY OF RECORD AND TRANSFER OF RECORDS	07-07-09	3	301-303
AMENDED INFORMATION	02-28-08	2	205-208
ANSWER TO PETITION AND SUPPLEMENTAL PETITION FOR WRIT OF HABEAS CORPUS (POST CONVICTION)	05-05-10	9	624-626
ANSWER TO PETITION FOR WRIT OF HABEAS CORPUS (POST CONVICTION)	01-05-17	6	891-893
APPLICATION FOR ORDER TO PRODUCE PRISONER	02-16-17	6	914-916
APPLICATION FOR ORDER TO PRODUCE PRISONER	10-07-10	9	634-636
APPLICATION FOR ORDER TO PRODUCE THE PRISONER	02-23-17	6	926-929
APPLICATION FOR SETTING	07-03-07	2	4-5
APPLICATION FOR SETTING	09-26-07	2	177
APPLICATION FOR SETTING	10-08-07	2	178
APPLICATION FOR SETTING	01-24-11	4	540-541
APPLICATION FOR SETTING	03-11-11	4	543-544
APPLICATION FOR SETTING	07-01-10	9	632
APPLICATION FOR SETTING	11-03-10	9	647-648

APPEAL INDEX  
 SCN 73095  
 CASE NO. CR07-1728  
 BRENDAN DUNCKLEY vs STATE OF NEVADA, ROBERT LEGRAND  
 Date: AUGUST 31, 2017

PLEADING	DATE FILED	VOL.	PAGE NO.
APPLICATION FOR SETTING	03-11-11	9	653-654
APPLICATION TO PROCEED IN FORMA PAUPERIS	07-21-09	7	1
BAILBOND POSTED	07-24-07	2	161-166
BAILBOND POSTED	07-24-07	2	167-169
CASE APPEAL STATEMENT	09-09-08	3	273-276
CASE APPEAL STATEMENT	03-01-10	3	401-402
CASE APPEAL STATEMENT	12-30-11	4	708-712
CASE APPEAL STATEMENT	05-19-17	6	968-969
CASE APPEAL STATEMENT	12-30-11	10	813-817
CERTIFICATE OF CLERK	09-10-08	3	277
CERTIFICATE OF CLERK	03-02-10	3	404
CERTIFICATE OF CLERK – RECORD ON APPEAL	06-09-10	3	446
CERTIFICATE OF CLERK AND TRANSMITTAL	08-17-17	6	1003
CERTIFICATE OF CLERK AND TRANSMITTAL	09-05-12	10	844
CERTIFICATE OF CLERK AND TRANSMITTAL – NOTICE OF APPEAL	12-30-11	4	714
CERTIFICATE OF CLERK AND TRANSMITTAL – NOTICE OF APPEAL	05-19-17	6	970
CERTIFICATE OF CLERK AND TRANSMITTAL – NOTICE OF APPEAL	12-30-11	10	820
CERTIFICATE OF MAILING	02-22-17	6	923
CERTIFICATE OF SERVICE	02-17-10	3	398
CERTIFICATE OF TRANSMITTAL	09-10-08	3	278
CERTIFICATE OF TRANSMITTAL	03-02-10	3	405
CERTIFICATE OF TRANSMITTAL – RECORD ON APPEAL	06-09-10	3	447
CORRECTED ORDER	05-31-11	4	567-569
COURT SERVICES REPORT	07-03-07	2	1-3

APPEAL INDEX  
 SCN 73095  
 CASE NO. CR07-1728  
 BRENDAN DUNCKLEY vs STATE OF NEVADA, ROBERT LEGRAND  
 Date: AUGUST 31, 2017

PLEADING	DATE FILED	VOL.	PAGE NO.
DEFENDANT'S RESPONSE TO STATE'S OPPOSITION TO MOTION TO WITHDRAW GUILTY PLEA, SUPPLEMENTAL TO MOTION TO WITHDRAW GUILTY PLEA AND SUPPLEMENTAL IN CONSIDERATION OF MOTION TO WITHDRAW GUILTY PLEA	11-03-10	4	495-508
DESIGNATION OF RECORD ON APPEAL	05-16-17	6	961-964
EX PARTE APPLICATION FOR INTERIM CLAIM FOR FEES	04-01-10	11	28-37
EX PARTE APPLICATION FOR INTERIM CLAIM FOR FEES	06-30-10	11	41-48
EX PARTE APPLICATION FOR INTERIM CLAIM FOR FEES	11-01-10	11	52-60
EX PARTE APPLICATION FOR INTERIM CLAIM FOR FEES	02-10-11	11	67-75
EX PARTE APPLICATION FOR INTERIM CLAIM FOR FEES	06-21-11	11	79-88
EX PARTE APPLICATION FOR INTERIM CLAIM FOR FEES	02-03-12	11	92-101
EX PARTE APPLICATION FOR INTERIM CLAIM FOR FEES	01-03-13	11	105-116
EX PARTE MOTION FOR APPOINTMENT OF COUNSEL AND REQUEST FOR EVIDENTIARY HEARING	07-21-09	7	4-6
FINDINGS OF FACT, CONCLUSIONS OF LAW AND JUDGMENT	06-29-17	6	976-982
FINDINGS OF FACT, CONCLUSIONS OF LAW AND JUDGMENT	12-29-11	10	787-793
GUILTY PLEA MEMORANDUM	03-06-08	2	211-217
INFORMATION	07-12-07	2	6-10
JUDGMENT	08-11-08	3	239-240
MINUTES – ARRAIGNMENT	07-18-07	2	12
MINUTES – CONFERENCE CALL – TELEPHONIC DECISION	08-18-11	4	695
MINUTES – CONFERENCE CALL – TELEPHONIC DECISION	08-18-11	10	785
MINUTES – CRIMINAL PROGRESS SHEET	07-17-07	2	11
MINUTES – ENTRY OF JUDGMENT AND IMPOSITION OF SENTENCE	09-16-08	3	280
MINUTES – EVIDENTIARY HEARING ON PETITION FOR HABEAS CORPUS TO EXHAUST STATE CLAIMS/ORAL ARGUMENTS ON MOTION TO DISMISS PETITION	08-08-17	6	996

APPEAL INDEX  
 SCN 73095  
 CASE NO. CR07-1728  
 BRENDAN DUNCKLEY vs STATE OF NEVADA, ROBERT LEGRAND  
 Date: AUGUST 31, 2017

<b>PLEADING</b>	<b>DATE FILED</b>	<b>VOL.</b>	<b>PAGE NO.</b>
MINUTES – MOTION FOR WITHDRAWAL OF GUILTY PLEA	07-26-11	4	693
MINUTES – MOTION TO CONFIRM TRIAL DATE / ARRAIGNMENT ON AMENDED INFORMATION	06-26-08	2	234
MINUTES – PETITION FOR WRIT OF HABEAS CORPUS (POST CONVICTION)	07-26-11	10	782-783
MOTION FOR DEFAULT BENCH DECISION FOR THE MOTION(S) TO WITHDRAW GUILTY PLEA AND SUPPLEMENTALS IN CONSIDERATION OF MOTION TO WITHDRAW PLEA	03-18-11	4	546-553
MOTION FOR FEES FOR COPY COSTS	10-25-10	9	641-646
MOTION FOR JUDGMENT IN THE INTEREST OF JUSTICE	11-25-09	3	382-390
MOTION FOR MODIFICATION OF SENTENCE	07-08-09	3	304-337
MOTION FOR ORDER TO PRODUCE THE PRISONER	10-11-10	9	637
MOTION FOR RECONSIDERATION OF SETTING	03-28-11	4	554-559
MOTION FOR SETTING OF ORAL ARGUMENTS ON MOTION(S) TO WITHDRAW PLEA	01-21-11	4	533-539
MOTION FOR SUBMISSION OF MOTION TO WITHDRAW DEFENDANT’S GUILTY PLEA MEMORANDUM, SUPPLEMENTAL TO MOTION TO WITHDRAW GUILTY PLEA, AND SUPPLEMENT IN CONSIDERATION OF MOTION TO WITHDRAW GUILTY PLEA	11-17-10	4	512-518
MOTION FOR WITHDRAW OF GUILTY PLEA	03-03-10	3	409-423
MOTION TO ALLOW LEAVE TO FILE A BELATED NOTICE OF INTENT TO SEEK ADMISSION OF OTHER BAD ACT EVIDENCE FOR REBUTTAL PURPOSES	02-04-08	2	182-188
MOTION TO DISMISS PETITION FOR WRIT OF HABEAS CORPUS (POST CONVICTION)	03-01-17	6	930-937
MOTION TO GRANT PETITIONER’S UNOPPOSED WRIT FOR HABEAS CORPUS TO EXHAUST STATE CLAIMS	01-11-17	6	898-903
MOTION TO STRIKE STATE’S OPPOSITION TO DEFENDANT’S MOTION(S) TO WITHDRAW GUILTY PLEA MEMORANDUM & MOTION FOR SUBMISSION OF DECISION	12-30-10	4	519-524
MOTION TO SUBMIT MOTION TO WITHDRAW GUILTY PLEA AND ALSO DEFENDANT’S SUPPLEMENTAL MOTION TO WITHDRAW GUILTY PLEA	09-21-10	3	475-478

APPEAL INDEX  
 SCN 73095  
 CASE NO. CR07-1728  
 BRENDAN DUNCKLEY vs STATE OF NEVADA, ROBERT LEGRAND  
 Date: AUGUST 31, 2017

PLEADING	DATE FILED	VOL.	PAGE NO.
NOTICE OF APPEAL	09-08-08	3	270-272
NOTICE OF APPEAL	03-01-10	3	399-400
NOTICE OF APPEAL	12-30-11	4	700-706
NOTICE OF APPEAL	05-16-17	6	957-960
NOTICE OF APPEAL	12-30-11	10	795-806
NOTICE OF CHANGE OF ADDRESS	11-05-10	4	509-511
NOTICE OF CHANGE OF ADDRESS	05-16-17	6	965-967
NOTICE OF CHANGE OF ADDRESS	02-16-12	10	835-837
NOTICE OF CHANGE OF RESPONSIBLE ATTORNEY	01-05-17	5	888-890
NOTICE OF DOCUMENT RECEIVED BUT CONSIDERED BY THE COURT	08-05-08	2	235-238
NOTICE OF ENTRY OF ORDER	06-30-17	6	985-993
NOTICE OF ENTRY OF ORDER	01-11-12	10	824-832
NOTICE OF INTENT TO SEEK ADMISSION OF OTHER ACTS EVIDENCE FOR PURPOSES OF REBUTTAL	02-04-08	2	189-200
NOTICE OF MOTION AND MOTION FOR WITHDRAWAL OF ATTORNEY OF RECORD AND TRANSFER OF RECORDS	07-07-09	3	297-300
NOTICE REGARDING TRANSCRIPT AT PUBLIC EXPENSE	01-11-12	11	26-27
NOTICE TO FILE DOCKETING STATEMENT AND REQUEST TRANSCRIPTS	10-06-08	3	281
OPPOSITION TO MOTION FOR MODIFICATION OF SENTENCE	11-04-09	3	361-363
OPPOSITION TO MOTION TO GRANT PETITIONER'S UNOPPOSED WRIT FOR HABEAS CORPUS TO EXHAUST STATE CLAIMS	01-23-17	6	904-906
OPPOSITION TO MOTION TO STRIKE STATE'S OPPOSITION TO MOTION TO WITHDRAW GUILTY PLEA AND SUPPLEMENT IN CONSIDERATION OF MOTION TO WITHDRAW GUILTY PLEA	01-03-11	4	525-527
OPPOSITION TO MOTION TO WITHDRAW GUILTY PLEA, SUPPLEMENT TO MOTION TO WITHDRAW GUILTY PLEA AND SUPPLEMENT IN CONSIDERATION OF MOTION TO WITHDRAW GUILTY PLEA	10-21-10	4	490-493

APPEAL INDEX  
 SCN 73095  
 CASE NO. CR07-1728  
 BRENDAN DUNCKLEY vs STATE OF NEVADA, ROBERT LEGRAND  
 Date: AUGUST 31, 2017

PLEADING	DATE FILED	VOL.	PAGE NO.
ORDER	10-23-09	3	354-356
ORDER	10-27-09	3	358-359
ORDER	02-10-10	3	391-393
ORDER	04-12-10	3	438-440
ORDER	04-23-10	3	442-444
ORDER	07-08-10	3	461-463
ORDER	10-15-10	4	480-482
ORDER	01-07-11	4	529-531
ORDER	05-31-11	4	563-565
ORDER	11-21-16	5	884-885
ORDER	02-15-17	6	909-911
ORDER	03-28-17	6	952-954
ORDER	10-28-09	9	587-588
ORDER DENYING MOTION TO WITHDRAW GUILTY PLEAS	12-29-11	4	697-698
ORDER GRANTING IN FORMA PAUPERIS	10-28-09	9	584-586
ORDER GRANTING STIPULATION FOR CONTINUANCE OF HEARING DATE	03-11-11	9	655-656
ORDER TO PRODUCE PRISONER	02-21-17	6	919-920
ORDER TO PRODUCE PRISONER	10-12-10	9	638-639
ORDER TO SET	06-17-10	9	628-630
PETITION FOR WRIT OF HABEAS CORPUS (POST CONVICTION)	07-21-09	7	7-83
PETITION FOR WRIT OF HABEAS CORPUS TO EXHAUST STATE CLAIMS	11-07-16	5	734-883
PRESENTENCE INVESTIGATION REPORT	08-05-08	11	1-25
PRETRIAL ORDER	07-20-07	2	155-160
PROCEEDINGS	07-19-07	2	13-154
PROOF OF SERVICE OF ELECTORNIC FILING	03-11-11	9	658

APPEAL INDEX  
 SCN 73095  
 CASE NO. CR07-1728  
 BRENDAN DUNCKLEY vs STATE OF NEVADA, ROBERT LEGRAND  
 Date: AUGUST 31, 2017

<b>PLEADING</b>	<b>DATE FILED</b>	<b>VOL.</b>	<b>PAGE NO.</b>
PROOF OF SERVICE OF ELECTRONIC FILING	10-23-09	3	357
PROOF OF SERVICE OF ELECTRONIC FILING	10-27-09	3	360
PROOF OF SERVICE OF ELECTRONIC FILING	11-04-09	3	364
PROOF OF SERVICE OF ELECTRONIC FILING	11-25-09	3	381
PROOF OF SERVICE OF ELECTRONIC FILING	02-10-10	3	394
PROOF OF SERVICE OF ELECTRONIC FILING	03-01-10	3	403
PROOF OF SERVICE OF ELECTRONIC FILING	03-02-10	3	406
PROOF OF SERVICE OF ELECTRONIC FILING	03-02-10	3	408
PROOF OF SERVICE OF ELECTRONIC FILING	03-04-10	3	425
PROOF OF SERVICE OF ELECTRONIC FILING	03-18-10	3	434
PROOF OF SERVICE OF ELECTRONIC FILING	04-12-10	3	441
PROOF OF SERVICE OF ELECTRONIC FILING	04-23-10	3	445
PROOF OF SERVICE OF ELECTRONIC FILING	06-09-10	3	448
PROOF OF SERVICE OF ELECTRONIC FILING	06-09-10	3	455-456
PROOF OF SERVICE OF ELECTRONIC FILING	06-16-10	3	458
PROOF OF SERVICE OF ELECTRONIC FILING	07-08-10	3	464
PROOF OF SERVICE OF ELECTRONIC FILING	09-16-10	3	474
PROOF OF SERVICE OF ELECTRONIC FILING	09-21-10	4	479
PROOF OF SERVICE OF ELECTRONIC FILING	10-15-10	4	483
PROOF OF SERVICE OF ELECTRONIC FILING	10-15-10	4	489
PROOF OF SERVICE OF ELECTRONIC FILING	10-21-10	4	494
PROOF OF SERVICE OF ELECTRONIC FILING	01-03-11	4	528
PROOF OF SERVICE OF ELECTRONIC FILING	01-07-11	4	532
PROOF OF SERVICE OF ELECTRONIC FILING	01-24-11	4	542
PROOF OF SERVICE OF ELECTRONIC FILING	03-11-11	4	545



APPEAL INDEX  
 SCN 73095  
 CASE NO. CR07-1728  
 BRENDAN DUNCKLEY vs STATE OF NEVADA, ROBERT LEGRAND  
 Date: AUGUST 31, 2017

<b>PLEADING</b>	<b>DATE FILED</b>	<b>VOL.</b>	<b>PAGE NO.</b>
PROOF OF SERVICE OF ELECTRONIC FILING	05-31-11	4	566
PROOF OF SERVICE OF ELECTRONIC FILING	05-31-11	4	570
PROOF OF SERVICE OF ELECTRONIC FILING	07-13-11	4	692
PROOF OF SERVICE OF ELECTRONIC FILING	07-26-11	4	694
PROOF OF SERVICE OF ELECTRONIC FILING	08-18-11	4	696
PROOF OF SERVICE OF ELECTRONIC FILING	12-29-11	4	699
PROOF OF SERVICE OF ELECTRONIC FILING	12-30-11	4	707
PROOF OF SERVICE OF ELECTRONIC FILING	12-30-11	4	713
PROOF OF SERVICE OF ELECTRONIC FILING	12-30-11	4	715
PROOF OF SERVICE OF ELECTRONIC FILING	01-03-12	5	721
PROOF OF SERVICE OF ELECTRONIC FILING	01-09-12	5	723
PROOF OF SERVICE OF ELECTRONIC FILING	01-11-12	5	724
PROOF OF SERVICE OF ELECTRONIC FILING	01-24-13	5	727
PROOF OF SERVICE OF ELECTRONIC FILING	02-14-13	5	733
PROOF OF SERVICE OF ELECTRONIC FILING	10-28-09	9	589
PROOF OF SERVICE OF ELECTRONIC FILING	12-14-09	9	593
PROOF OF SERVICE OF ELECTRONIC FILING	03-17-10	9	596
PROOF OF SERVICE OF ELECTRONIC FILING	05-05-10	9	627
PROOF OF SERVICE OF ELECTRONIC FILING	06-17-10	9	631
PROOF OF SERVICE OF ELECTRONIC FILING	07-01-10	9	633
PROOF OF SERVICE OF ELECTRONIC FILING	10-12-10	9	640
PROOF OF SERVICE OF ELECTRONIC FILING	11-03-10	9	649
PROOF OF SERVICE OF ELECTRONIC FILING	02-14-11	9	652
PROOF OF SERVICE OF ELECTRONIC FILING	03-11-11	9	657
PROOF OF SERVICE OF ELECTRONIC FILING	06-21-11	9	659

APPEAL INDEX  
 SCN 73095  
 CASE NO. CR07-1728  
 BRENDAN DUNCKLEY vs STATE OF NEVADA, ROBERT LEGRAND  
 Date: AUGUST 31, 2017

PLEADING	DATE FILED	VOL.	PAGE NO.
PROOF OF SERVICE OF ELECTRONIC FILING	07-13-11	10	781
PROOF OF SERVICE OF ELECTRONIC FILING	07-26-11	10	784
PROOF OF SERVICE OF ELECTRONIC FILING	08-18-11	10	786
PROOF OF SERVICE OF ELECTRONIC FILING	12-29-11	10	794
PROOF OF SERVICE OF ELECTRONIC FILING	12-30-11	10	812
PROOF OF SERVICE OF ELECTRONIC FILING	12-30-11	10	818
PROOF OF SERVICE OF ELECTRONIC FILING	12-30-11	10	819
PROOF OF SERVICE OF ELECTRONIC FILING	12-30-11	10	821
PROOF OF SERVICE OF ELECTRONIC FILING	01-09-12	10	823
PROOF OF SERVICE OF ELECTRONIC FILING	01-11-12	10	833
PROOF OF SERVICE OF ELECTRONIC FILING	02-03-12	10	834
PROOF OF SERVICE OF ELECTRONIC FILING	02-16-12	10	838
PROOF OF SERVICE OF ELECTRONIC FILING	03-12-12	10	839
PROOF OF SERVICE OF ELECTRONIC FILING	08-13-12	10	841
PROOF OF SERVICE OF ELECTRONIC FILING	09-04-12	10	843
PROOF OF SERVICE OF ELECTRONIC FILING	09-05-12	10	845
PROOF OF SERVICE OF ELECTRONIC FILING	01-03-13	10	846
PROOF OF SERVICE OF ELECTRONIC FILING	01-24-13	10	852
PROOF OF SERVICE OF ELECTRONIC FILING	02-06-13	10	853
PROOF OF SERVICE OF ELECTRONIC FILING	02-14-13	10	862
RECOMMENATION AND ORDER GRANTING DEFENSE FEES	11-09-10	11	61-63
RECOMMENDATION AND ORDER FOR APPOINTMENT OF COUNSEL	12-14-09	9	590-592
RECOMMENDATION AND ORDER FOR PAYMENT OF ATTORNEY'S FEES	04-22-10	11	38-40
RECOMMENDATION AND ORDER FOR PAYMENT OF INTERIM ATTORNEY'S FEES	07-16-10	11	49-51

APPEAL INDEX  
 SCN 73095  
 CASE NO. CR07-1728  
 BRENDAN DUNCKLEY vs STATE OF NEVADA, ROBERT LEGRAND  
 Date: AUGUST 31, 2017

PLEADING	DATE FILED	VOL.	PAGE NO.
RECOMMENDATION AND ORDER FOR PAYMENT OF INTERIM ATTORNEY'S FEES	11-15-10	11	64-66
RECOMMENDATION AND ORDER FOR PAYMENT OF INTERIM ATTORNEY'S FEES	03-08-11	11	76-78
RECOMMENDATION AND ORDER FOR PAYMENT OF INTERIM ATTORNEY'S FEES	07-01-11	11	89-91
RECOMMENDATION AND ORDER FOR PAYMENT OF INTERIM ATTORNEY'S FEES	03-12-12	11	102-104
RECOMMENDATION AND ORDER FOR PAYMENT OF INTERIM ATTORNEY'S FEES	02-06-13	11	117-119
REQUEST FOR CONTINUANCE, STIPULATION AND ORDER	03-03-08	2	209-210
REQUEST FOR ROUGH DRAFT TRANSCRIPT	10-13-08	3	282-285
REQUEST FOR ROUGH DRAFT TRANSCRIPT	01-03-12	5	716-720
REQUEST FOR ROUGH DRAFT TRANSCRIPT	12-30-11	10	807-811
REQUEST FOR SUBMISSION	09-30-09	3	352-353
REQUEST FOR SUBMISSION	11-25-09	3	379-380
REQUEST FOR SUBMISSION	02-17-10	3	395-397
REQUEST FOR SUBMISSION	05-09-11	4	560-562
REQUEST FOR SUBMISSION	03-14-17	6	948-949
REQUEST FOR SUBMISSION OF MOTION	03-22-10	3	435-437
REQUEST FOR SUBMISSION OF MOTION	06-17-10	3	459-460
REQUEST, STIPULATION AND ORDER RE PRE- PRELIMINARY HEARING AND PRE-TRIAL RECIPROCAL DISCOVERY (FELONY AND GROSS MISDEMEANOR CASES)	02-25-08	2	201-204
RESPONSE TO DEFENDANT'S NOTICE AND MOTION FOR WITHDRAWAL OF ATTORNEY OR RECORD AND TRANSFER OF RECORDS	07-23-09	3	338-347
RESPONSE TO STATE'S MOTION TO DISMISS	03-13-17	6	940-947
RESPONSE TO STATES OPPOSITION TO MOTION FOR MODIFICATION OF SENTENCE	11-13-09	3	365-378
RETURN OF NEF	11-21-16	5	886-887

APPEAL INDEX  
 SCN 73095  
 CASE NO. CR07-1728  
 BRENDAN DUNCKLEY vs STATE OF NEVADA, ROBERT LEGRAND  
 Date: AUGUST 31, 2017

<b>PLEADING</b>	<b>DATE FILED</b>	<b>VOL.</b>	<b>PAGE NO.</b>
RETURN OF NEF	01-05-17	6	894-895
RETURN OF NEF	01-05-17	6	896-897
RETURN OF NEF	01-23-17	6	907-908
RETURN OF NEF	02-15-17	6	912-913
RETURN OF NEF	02-16-17	6	917-918
RETURN OF NEF	02-21-17	6	921-922
RETURN OF NEF	02-22-17	6	924-925
RETURN OF NEF	03-01-17	6	938-939
RETURN OF NEF	03-14-17	6	950-951
RETURN OF NEF	03-28-17	6	955-956
RETURN OF NEF	05-19-17	6	971-972
RETURN OF NEF	05-23-17	6	974-975
RETURN OF NEF	06-29-17	6	983-984
RETURN OF NEF	06-30-17	6	994-995
RETURN OF NEF	08-08-17	6	997-998
RETURN OF NEF	08-17-17	6	1001-1002
RETURN OF NEF	08-17-17	6	1004-1005
RETURN OF NEF	08-29-17	6	1008-1009
STIPULATION AND ORDER FOR EXTENSION OF TIME IN WHICH TO FILE SUPPLEMENTAL PETITION	03-17-10	9	594-595
STIPULATION AND ORDER VACATING HEARING	10-19-07	2	179-181
STIPULATION FOR CONTINUANCE OF HEARING DATE	02-14-11	9	650-651
SUPPLEMENT TO MOTION TO WITHDRAW GUILTY PLEA	03-04-10	3	426-432
SUPPLEMENTAL IN CONSIDERATION OF MOTION TO WITHDRAW GUILTY PLEA	07-14-10	3	465-471
SUPPLEMENTAL PETITION FOR WRIT OF HABEAS CORPUS (POST CONVICTION)	03-23-10	9	597-623

APPEAL INDEX  
 SCN 73095  
 CASE NO. CR07-1728  
 BRENDAN DUNCKLEY vs STATE OF NEVADA, ROBERT LEGRAND  
 Date: AUGUST 31, 2017

PLEADING	DATE FILED	VOL.	PAGE NO.
SUPPORTING DOCUMENTATION FOR PETITIONER'S POST CONVICTION WRIT OF HABEAS CORPUS PETITION – PART NO. II	07-21-09	7	84-209
SUPPORTING DOCUMENTATION FOR PETITIONER'S POST CONVICTION WRIT OF HABEAS CORPUS PETITION – PART NO. IV	07-21-09	8	302-443
SUPPORTING DOCUMENTATION FOR PETITIONER'S POST CONVICTION WRIT OF HABEAS CORPUS PETITION – PART NO. V	07-21-09	9	444-583
SUPPORTING DOCUMENTATION FOR PETITIONERS POST – CONVICTION WRIT OF HABEAS CORPUS PETITION – PART NO. III	07-21-09	8	210-301
SUPREME COURT CLERK'S CERTIFICATE & JUDGMENT	06-03-09	3	291
SUPREME COURT CLERK'S CERTIFICATE & JUDGMENT	10-15-10	4	485
SUPREME COURT CLERK'S CERTIFICATE & JUDGMENT	02-14-13	5	731
SUPREME COURT CLERK'S CERTIFICATE & JUDGMENT	02-14-13	10	855
SUPREME COURT ORDER DIRECTING ENTRY AND TRANSMISSION OF WRITTEN ORDER	08-17-17	6	999-1000
SUPREME COURT ORDER DIRECTING TRANSMISSION OF RECORD	03-18-10	3	433
SUPREME COURT ORDER DIRECTING TRANSMISSION OF RECORD	08-29-17	6	1006-1007
SUPREME COURT ORDER GRANTING MOTION AND DIRECTING DISTRICT CLERK TO TRANSMIT DOCUMENTS UNDER SEAL	09-04-12	10	842
SUPREME COURT ORDER GRANTING MOTION AND DIRECTING DISTRICT COURT CLERK TO TRANSMIT DOCUMENTS UNDER SEAL	08-13-12	10	840
SUPREME COURT ORDER OF AFFIRMANCE	05-11-09	3	286-289
SUPREME COURT ORDER OF AFFIRMANCE	06-03-09	3	292-296
SUPREME COURT ORDER OF AFFIRMANCE	09-16-10	3	472-473
SUPREME COURT ORDER OF AFFIRMANCE	10-15-10	4	486-488
SUPREME COURT ORDER OF AFFIRMANCE	01-24-13	5	725-726
SUPREME COURT ORDER OF AFFIRMANCE	02-14-13	5	728-730

APPEAL INDEX  
 SCN 73095  
 CASE NO. CR07-1728  
 BRENDAN DUNCKLEY vs STATE OF NEVADA, ROBERT LEGRAND  
 Date: AUGUST 31, 2017

PLEADING	DATE FILED	VOL.	PAGE NO.
SUPREME COURT ORDER OF AFFIRMANCE	01-24-13	10	847-851
SUPREME COURT RECEIPT FOR DOCUMENTS	09-15-08	3	279
SUPREME COURT RECEIPT FOR DOCUMENTS	03-04-10	3	424
SUPREME COURT RECEIPT FOR DOCUMENTS	06-16-10	3	457
SUPREME COURT RECEIPT FOR DOCUMENTS	01-09-12	5	722
SUPREME COURT RECEIPT FOR DOCUMENTS	05-23-17	6	973
SUPREME COURT RECEIPT FOR DOCUMENTS	01-09-12	10	822
SUPREME COURT REMITTITUR	06-03-09	3	290
SUPREME COURT REMITTITUR	10-15-10	4	484
SUPREME COURT REMITTITUR	02-14-13	5	732
SUPREME COURT REMITTITUR	02-14-13	10	854
SURPEME COURT ORDER OF AFFIRMANCE	02-14-13	10	856-861
TRANSCRIPT OF PROCEEDINGS – ARRAIGNMENT – JULY 17, 2007	08-16-07	2	170-176
TRANSCRIPT OF PROCEEDINGS – MOTION TO CONFIRM TRIAL – THURSDAY, MARCH 6, 2008	04-02-08	2	218-233
TRANSCRIPT OF PROCEEDINGS – MOTION TO WITHDRAW PLEA – FRIDAY, JUNE 3, 2011	07-13-11	4	571-691
TRANSCRIPT OF PROCEEDINGS – MOTION TO WITHDRAW PLEA – FRIDAY, JUNE 3, 2011	07-13-11	10	660-780
TRANSCRIPT OF PROCEEDINGS – SENTENCING – AUGUST 5, 2008	09-05-08	3	241-269
WITHDRAWAL OF ATTORNEY	07-23-09	3	348-351

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HOWARD W. CONYERS

BY M. Love  
DEPUTY

1 CASE NO: CRO7-1728  
2 DEPT NO: 4  
3  
4

5 IN THE SECOND JUDICIAL DISTRICT COURT OF THE  
6 STATE OF NEVADA IN AND FOR THE COUNTY OF WASHOE  
7

8 BRENDAN DUNCKLEY,  
9 PETITIONER  
10 V.  
11 JACK PALMER,  
12 RESPONDANT  
13

CASE No: CRO7-1728

14 SUPPORTING DOCUMENTATION FOR PETITIONER'S  
15 POST-CONVICTION WRIT OF HABEAS CORPUS PETITION  
16

17 PART No: III  
18  
19

20 Brendan Dunckley  
21 BRENDAN DUNCKLEY #1023236  
22 L.C.C.  
23 1200 PRISON ROAD  
24 Lovelock, NEVADA 89419  
25

26 ATTORNEY PRO SE  
27  
28

ORIGINAL FILED

DA # 373085

RPD RP07-009446, RPD RP05-034027

CODE 1800  
Richard A. Gammick  
#001510  
P.O. Box 30083  
Reno, NV 89520-3083  
(775) 328-3200  
Attorney for Plaintiff

2007 JUL 12 PM 2:41

RONALD A. LONGTIN, JR.

BY [Signature]  
DEPUTY

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

IN AND FOR THE COUNTY OF WASHOE.

\* \* \*

THE STATE OF NEVADA,

Plaintiff,

Case No. CR07-1728

v.

Dept. No. 4

BRENDAN DUNCKLEY,

Defendant.

INFORMATION

RICHARD A. GAMMICK, District Attorney within and for the County of Washoe, State of Nevada, in the name and by the authority of the State of Nevada, informs the above entitled Court that BRENDAN DUNCKLEY, the defendant above named, has committed the crimes of:

COUNT I. SEXUAL ASSAULT ON A CHILD, a violation of NRS 200.366, a felony, (F1000) in the manner following:

That the said defendant on or between the 14th day of August A.D., 1998, and the 13th day of August A.D., 2000, or thereabout, and before the filing of this Information, at and within the County of Washoe, State of Nevada, did willfully and unlawfully subject ASHLEY V., a female child under the age of fourteen years,



1 having a date of birth of August 14, 1986, to sexual penetration,  
2 against the victim's will or under conditions in which the defendant  
3 knew or should have known that the victim was mentally or physically  
4 incapable of resisting or understanding the nature of the defendant's  
5 conduct, to wit, sexual intercourse, in a parking lot at or near  
6 Longley Lane, Reno, Washoe County, Nevada;

7 or in the alternative,

8 COUNT II. LEWDNESS WITH A CHILD UNDER THE AGE OF FOURTEEN

9 YEARS, a violation of NRS 201.230, a felony, (F650) in the manner  
10 following:

11 That the said defendant on or between the 14th day of  
12 August A.D., 1998, and the 13th day of August A.D., 2000, or  
13 thereabout, and before the filing of this Information, at and within  
14 the County of Washoe, State of Nevada, did willfully, unlawfully, and  
15 lewdly commit a lewd or lascivious act upon or with the body of  
16 ASHLEY V., having a date of birth of August 14, 1986, a female child  
17 under the age of fourteen years at the time that the said act was  
18 committed, in that the said defendant engaged the victim in sexual  
19 intercourse at or near Longley Lane, Reno, Washoe County, Nevada,  
20 and/or put his hand down her pants to fondle her genital area in an  
21 elevator at the Atlantis Hotel and Casino, 3800 South Virginia  
22 Street, Reno, Washoe County, Nevada, with the intent of arousing,  
23 appealing to, or gratifying the lust, passions, or sexual desires of  
24 himself or the child;

25 or in the alternative,

26 ///

1                    COUNT III. STATUTORY SEXUAL SEDUCTION, a violation of NRS  
2 200.364 and NRS 200.368, a felony, (F1010) in the manner following:

3                    That the said defendant on or between the 14th day of  
4 August A.D., 1998, and the 13th day of August A.D., 2000, or  
5 thereabout, and before the filing of this Information, at and within  
6 the County of Washoe, State of Nevada, did willfully and unlawfully,  
7 being over 21 years of age, commit an act of statutory sexual  
8 seduction with the person of ASHLEY V., having a date of birth of  
9 August 14, 1986,, who was then and there under the age of 16 years,  
10 in that the said defendant engaged in an act of sexual intercourse  
11 with the said ASHLEY V. in a parking lot at or near Longley Lane,  
12 Reno, Washoe County, Nevada.

13                    COUNT IV. SEXUAL ASSAULT, a violation of NRS 200.366, a  
14 felony, (F1000) in the manner following:

15                    That the said defendant on the 10th day of March A.D.,  
16 2007, or thereabout, and before the filing of this Information, at  
17 and within the County of Washoe, State of Nevada, did willfully and  
18 unlawfully subject JESSICA H. to sexual penetration, against the  
19 victim's will and/or under conditions in which the defendant knew or  
20 should have known that the victim was mentally or physically  
21 incapable of resisting or understanding the nature of the defendant's  
22 conduct, to wit, fellatio at 1675 Sky Mountain Drive, #827, Reno,  
23 Washoe County, Nevada.

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All of which is contrary to the form of the Statute in such case made and provided, and against the peace and dignity of the State of Nevada.

RICHARD A. GAMMICK  
District Attorney  
Washoe County, Nevada

By David W. Clifton  
DAVID W. CLIFTON  
1653  
Chief Deputy District Attorney

1 The following are the names and addresses of such witnesses  
2 as are known to me at the time of the filing of the within  
3 information:

4  
5 RENO POLICE DEPARTMENT

6 DETECTIVE T.K. BROOME  
7 OFFICER SCOTT HEGLAR

8 ASHLEY V., Silver Springs Conservation Camp

9 JESSICA RAE H.

10  
11  
12  
13  
14 The party executing this document hereby affirms that this  
15 document submitted for recording does not contain the social security  
16 number of any person or persons pursuant to NRS 239B.230.

17  
18 RICHARD A. GAMMICK  
19 District Attorney  
20 Washoe County, Nevada

21  
22 By David W. Clifton  
23 DAVID W. CLIFTON  
24 1653  
25 Chief Deputy District Attorney

26 PCN RPD0726517C  
PCN RPD0726524C

07068446

ORIGINAL

DA # 373085

RPD RP07-009446, RPD RP05-034027

CODE 1800  
Richard A. Gammick  
#001510  
P.O. Box 30083  
Reno, NV 89520-3083  
(775) 328-3200  
Attorney for Plaintiff

FILED

2008 FEB 28 PM 3:13

HOWARD H. COYNTERS

BY [Signature] DEPUTY

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

8 \* \* \*

9 THE STATE OF NEVADA,

10 Plaintiff,

Case No. CR07-1728

11 v.

Dept. No. - 4

12 BRENDAN DUNCKLEY,

13 Defendant.

14 \_\_\_\_\_  
15 AMENDED INFORMATION

16 RICHARD A. GAMMICK, District Attorney within and for the  
17 County of Washoe, State of Nevada, in the name and by the authority  
18 of the State of Nevada, informs the above entitled Court that BRENDAN  
19 DUNCKLEY, the defendant above named, has committed the crimes of:

20 COUNT I. LEWDNESS WITH A CHILD UNDER THE AGE OF FOURTEEN  
21 YEARS, a violation of NRS 201.230, a felony, (F650) in the manner  
22 following:

23 That the said defendant on or between the 14th day of  
24 August A.D. A.D., 1998, and the 13th day of August A.D. A.D., 2000,  
25 or thereabout, and before the filing of this Information, at and  
26 within the County of Washoe, State of Nevada, did willfully,

1 unlawfully, and lewdly commit a lewd or lascivious act upon or with  
 2 the body of ASHLEY V., having a date of birth of August 14, 1986, a  
 3 female child under the age of fourteen years at the time that the  
 4 said act was committed, in that the said defendant engaged the victim  
 5 in sexual intercourse at or near Longley Lane, Reno, Washoe County,  
 6 Nevada, and/or put his hand down her pants to fondle her genital area  
 7 in an elevator at the Atlantis Hotel and Casino, 3800 South Virginia  
 8 Street, Reno, Washoe County, Nevada, with the intent of arousing,  
 9 appealing to, or gratifying the lust, passions, or sexual desires of  
 10 himself or the child.

11 COUNT II. ATTEMPTED SEXUAL ASSAULT, a violation of NRS  
 12 193.330, being an attempt to violate NRS 200.366, a felony, (F1000) in  
 13 the manner following:


14 That the said defendant on the 10th day of March A.D.,  
 15 2008, or thereabout, and before the filing of this Information, at  
 16 and within the County of Washoe, State of Nevada, did willfully, and  
 17 unlawfully attempt to subject JESSICA H. to sexual penetration  
 18 against the victim's and/or under conditions in which the defendant  
 19 knew or should have known that the victim was mentally or physically  
 20 incapable of resisting or understanding the nature of the defendant's  
 21 conduct, to wit, fellatio at 1675 Sky Mountain Drive, #827, Reno,  
 22 Washoe County, Nevada.

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All of which is contrary to the form of the Statute in such case made and provided, and against the peace and dignity of the State of Nevada.

RICHARD A. GAMMICK  
District Attorney  
Washoe County, Nevada

By   
KELLI ANNE VILORIA  
5872  
Deputy District Attorney

1 The following are the names and addresses of such witnesses  
2 as are known to me at the time of the filing of the within  
3 Information:

4  
5 RENO POLICE DEPARTMENT


6 DETECTIVE T.K. BROOME  
7 OFFICER SCOTT HEGLAR

8 ASHLEY V., Silver Springs Conservation Camp

9 JESSICA RAE H.  
10  
11  
12  
13

14 The party executing this document hereby affirms that this  
15 document submitted for recording does not contain the social security  
16 number of any person or persons pursuant to NRS 239B.230.  
17

18 RICHARD A. GAMMICK  
19 District Attorney  
20 Washoe County, Nevada

21  
22 By   
23 KELLI ANNE VILORIA  
24 5872  
25 Deputy District Attorney

26 PCN RPD0726517C  
PCN RPD0726524C

07068446



ORIGINAL

CODE 1785  
Richard A. Gammick  
#001510  
P.O. 30083  
Reno, NV. 89520-3083  
(775)328-3200  
Attorney for Plaintiff

FILED

MAR 06 2008

HOWARD M. CONVERSE, CLERK  
By: *[Signature]*  
DEPUTY CLERK

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

\* \* \*

THE STATE OF NEVADA,

Plaintiff,

Case No. CR07-1728

v.

Dept. No. 4

BRENDAN DUNCKLEY,

Defendant.

GUILTY PLEA MEMORANDUM

1. I, BRENDAN DUNCKLEY, understand that I am charged with the offense(s) of: COUNT I. LEWDNESS WITH A CHILD UNDER THE AGE OF FOURTEEN YEARS, a violation of NRS 201.230, a felony; or in the alternative, COUNT II. ATTEMPTED SEXUAL ASSAULT, a violation of NRS 193.330, being an attempt to violate NRS 200.366, a felony.

2. I desire to enter a plea of guilty to the offense(s) of COUNT I. LEWDNESS WITH A CHILD UNDER THE AGE OF FOURTEEN YEARS, a violation of NRS 201.230, a felony; ~~or in the alternative,~~ COUNT II. ATTEMPTED SEXUAL ASSAULT, a violation of NRS 193.330, being an attempt to violate NRS 200.366, a felony, as more fully alleged in the charge(s) filed against me.

1           3. By entering my plea of guilty I know and understand  
2 that I am waiving the following constitutional rights:

3           A. I waive my privilege against self-incrimination.

4           B. I waive my right to trial by jury, at which trial the  
5 State would have to prove my guilt of all elements of the offenses  
6 beyond a reasonable doubt.

7           C. I waive my right to confront my accusers, that is, the  
8 right to confront and cross examine all witnesses who would testify  
9 at trial.

10          D. I waive my right to subpoena witnesses for trial on my  
11 behalf.

12          4. I understand the charge(s) against me and that the  
13 elements of the offense(s) which the State would have to prove beyond  
14 a reasonable doubt at trial are that on or between August 14, 1998,  
15 and August 13, 2000, or thereabout, in the County of Washoe, State of  
16 Nevada, I did, as to Count I. willfully, unlawfully, and lewdly  
17 commit a lewd or lascivious act upon or with the body of ASHLEY V.,  
18 having a date of birth of August 14, 1986, a female child under the  
19 age of fourteen years at the time that the said act was committed, in  
20 that I engaged the victim in sexual intercourse at or near Longley  
21 Lane, Reno, Washoe County, Nevada, and/or put my hand down her pants  
22 to fondle her genital area in an elevator at the Atlantis Hotel and  
23 Casino, 3800 South Virginia Street, Reno, Washoe County, Nevada, with  
24 the intent of arousing, appealing to, or gratifying the lust,  
25 passions, or sexual desires of myself or the child.

26 ///

1 I further understand the charge(s) against me and that the  
2 elements of the offense(s) which the State would have to prove beyond  
3 a reasonable doubt at trial are that on March 10, 2007, or  
4 thereabout, in the County of Washoe, State of Nevada, I did, as to  
5 Count II. willfully, and unlawfully attempt to subject JESSICA H. to  
6 sexual penetration against the victim's and/or under conditions in  
7 which I knew or should have known that the victim was mentally or  
8 physically incapable of resisting or understanding the nature of the  
9 my conduct, to wit, fellatio at 1675 Sky Mountain Drive, #827, Reno,  
10 Washoe County, Nevada..

11 5. I understand that I admit the facts which support all  
12 the elements of the offenses by pleading guilty. I admit that the  
13 State possesses sufficient evidence which would result in my  
14 conviction. I have considered and discussed all possible defenses  
15 and defense strategies with my counsel. I understand that I have the  
16 right to appeal from adverse rulings on pretrial motions only if the  
17 State and the Court consent to my right to appeal. In the absence of  
18 such an agreement, I understand that any substantive or procedural  
19 pretrial issue or issues which could have been raised at trial are  
20 waived by my plea.

21 6. I understand that the consequences of my plea of guilty  
22 as to Count I. are that I may be imprisoned for a period of life in  
23 the Nevada State Department of Corrections with parole eligibility  
24 after ten years, and that I am not eligible for probation unless a  
25 psychosexual evaluation is completed pursuant to NRS 176.139 which  
26 certifies that I do not represent a high risk to reoffend based upon

1 a currently accepted standard of assessment and unless a psychiatric  
2 or psychological evaluation is completed pursuant to NRS 176A.110  
3 which certifies that I do not represent a high risk to reoffend based  
4 upon a currently accepted standard of assessment. I may also be  
5 fined up to \$10,000.00. I further understand that I will be required  
6 to be on lifetime supervision pursuant to NRS 176.0931.

7 I further understand that the consequences of my plea of  
8 guilty as to Count II. are that I may be imprisoned for a period of  
9 two to twenty years in the Nevada State Department of Corrections and  
10 that I am not eligible for probation unless a psychosexual evaluation  
11 is completed pursuant to NRS 176.139 which certifies that I do not  
12 represent a high risk to reoffend based upon a currently accepted  
13 standard of assessment and unless a psychiatric or psychological  
14 evaluation is completed pursuant to NRS 176A.110 which certifies that  
15 I do not represent a high risk to reoffend based upon a currently  
16 accepted standard of assessment. I further understand that I will be  
17 required to be on lifetime supervision pursuant to NRS 176.0931. The  
18 sentence on each count may be concurrent or consecutive to each  
19 other.

20 7. In exchange for my plea of guilty, the State, my  
21 counsel and I have agreed to recommend the following: The State will  
22 be free to argue for an appropriate sentence. The State will not  
23 file additional criminal charges resulting from the arrest in this  
24 case, and/or will refrain from pursuing additional and/or  
25 transactionally related offenses <sup>including all counts filed and dismissed in RJC Case No. 2007-  
2007-0364.</sup> I understand that I am entering my  
26 plea to Count I as a legal fiction, pursuant to plea negotiations,

1 to allow me to avoid the more serious charge of sexual assault in the  
2 original Count I, and to allow me the opportunity to qualify for probation, which would  
3 otherwise be unavailable. (S) KTV (S)

4 8. I understand that, even though the State and I have  
5 reached this plea agreement, the State is reserving the right to  
6 present arguments, facts, and/or witnesses at sentencing in support  
7 of the plea agreement.

8 9. I also agree that I will make full restitution in this  
9 matter, as determined by the Court. Where applicable, I additionally  
10 understand and agree that I will be responsible for the repayment of  
11 any costs incurred by the State or County in securing my return to  
12 this jurisdiction.

13 10. I understand that the State, at their discretion, is  
14 entitled to either withdraw from this agreement and proceed with the  
15 prosecution of the original charges or be free to argue for an  
16 appropriate sentence at the time of sentencing if I fail to appear at  
17 any scheduled proceeding in this matter OR if prior to the date of my  
18 sentencing I am arrested in any jurisdiction for a violation of law  
19 OR if I have misrepresented my prior criminal history. I represent  
20 that I do have a prior criminal record. I understand and agree that  
21 the occurrence of any of these acts constitutes a material breach of  
22 my plea agreement with the State. I further understand and agree  
23 that by the execution of this agreement, I am waiving any right I may  
24 have to remand this matter to Justice Court should I later withdraw  
25 my plea.

26 11. I understand and agree that pursuant to the terms of  
the plea agreement stated herein, any counts which are to be

1 dismissed and any other cases charged or uncharged which are either  
2 to be dismissed or not pursued by the State, may be considered by the  
3 court at the time of my sentencing.

4 12. I understand that the Court is not bound by the  
5 agreement of the parties and that the matter of sentencing is to be  
6 determined solely by the Court. I have discussed the charge(s), the  
7 facts and the possible defenses with my attorney. All of the  
8 foregoing rights, waiver of rights, elements, possible penalties, and  
9 consequences, have been carefully explained to me by my attorney. I  
10 am satisfied with my counsel's advice and representation leading to  
11 this resolution of my case. I am aware that if I am not satisfied  
12 with my counsel I should advise the Court at this time. I believe  
13 that entering my plea is in my best interest and that going to trial  
14 is not in my best interest.

15 13. I understand that this plea and resulting conviction  
16 may have adverse effects upon my residency in this country if I am  
17 not a U. S. Citizen.

18 14. I offer my plea freely, voluntarily, knowingly and  
19 with full understanding of all matters set forth in the Amended  
20 Information and in this Plea Memorandum. I understand everything  
21 contained within this Memorandum.

22 15. My plea of guilty is voluntary and is not the result  
23 of any threats, coercion or promises of leniency.

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Code No. 4185

COPY

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
IN AND FOR THE COUNTY OF WASHOE  
THE HONORABLE CONNIE J. STEINHEIMER, CHIEF DISTRICT JUDGE

-oOo-

STATE OF NEVADA, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 BRENDAN DUNCKLEY, )  
 )  
 Defendant. )  
 \_\_\_\_\_ )

Case No. CR07-1728  
Dept. No. 4

TRANSCRIPT OF PROCEEDINGS  
MOTION TO CONFIRM TRIAL  
THURSDAY, MARCH 6, 2008  
RENO, NEVADA

Reported By: BECKY VAN AUKEN, CCR No. 418



APPEARANCES:

For the Plaintiff:

KELLI A. VILORIA  
Deputy District Attorney  
75 Court Street  
Reno, Nevada 89520

For the Defendant:

O'MARA LAW FIRM  
BY: DAVID C. O'MARA, ESQ.  
311 E. Liberty Street  
Reno, Nevada 89501

Parole and Probation:

LAURA PAPPAS

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1 RENO, NEVADA, THURSDAY, MARCH 6, 2008, 9:03 A.M.

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6 THE COURT: Brendan Dunckley.

7 MS. VILORIA: Kelli Viloria on behalf of the  
8 State.

9 MR. O'MARA: Good morning. David O'Mara on  
10 behalf of Mr. Dunckley. He's present in court today.

11 THE COURT: There's an amended Information in  
12 this file. It's also the time for a motion to confirm.

13 Do you want to go forward on the amended  
14 Information?

15 MR. O'MARA: No, Your Honor. We have reached an  
16 agreement -- oh, yes, Your Honor.

17 THE COURT: Okay. Then I'll hand you a copy of  
18 the Amended Information. You can review it with your  
19 client.

20 MR. O'MARA: Thank you, Your Honor.

21 We have received a copy of the Amended  
22 Information. Mr. Dunckley's name is correctly spelled on  
23 line 12. It states, Count I, lewdness with a child under  
24 the age of 14 years, a violation of NRS 201.230, and

1 attempted sexual assault, a violation of NRS 193.330. We  
2 waive the formal reading of this amended Information.

3 THE COURT: Are you ready to go forward and enter  
4 a plea?

5 MR. O'MARA: Yes, Your Honor. I have provided  
6 you with the original of the Guilty Plea Memorandum that  
7 was signed. Mr. Dunckley desires to enter a plea of  
8 guilty to the offense of lewdness with a child under the  
9 age of 14 years, a violation of NRS 201.230, a felony, and  
10 Count II, attempted sexual assault, a violation of  
11 NRS 193.330, being an attempt to violate NRS 200.366, a  
12 felony.

13 Mr. Dunckley understands that the consequences of  
14 his plea of guilt to Count I is that he may be  
15 imprisoned for a period of life in the Nevada Department  
16 of Corrections with parole eligibility after ten years and  
17 that he is not eligible for probation unless he satisfies  
18 NRS 176.139, which certifies that he is not a high risk to  
19 reoffend based upon current standards, and a psychiatric  
20 or psychological evaluation to be completed pursuant to  
21 NRS 176A.110. He also could be subject to a \$10,000 fine,  
22 and he understands that he'll be under lifetime  
23 supervision.

24 He also understands the consequences of his plea

1 of guilty to Count II, which is set forth in the Guilty  
2 Plea Memorandum, that he would be -- could be imprisoned  
3 for a period of 2 to 20 years in the Nevada State Prison,  
4 and he's also not eligible for probation unless he  
5 satisfies the same psychosexual and psychological  
6 evaluations as set forth in Count I.

7 In exchange for his plea of guilty, Your Honor,  
8 the State and counsel and Mr. Dunckley have agreed to  
9 recommend the following:

10 The State will be free to argue for an  
11 appropriate sentence. The State will not file additional  
12 criminal charges resulting from the arrest in this case  
13 and/or will refrain from pursuing additional and/or  
14 transactionally-related offenses, including all counts  
15 filed and dismissed in Reno Justice Court, Case  
16 No. 2007-033884.

17 He understands that in entering his plea to  
18 Count I, it is a legal fiction, pursuant to the plea  
19 negotiations, to allow him to avoid the more serious  
20 charge of sexual assault in the original Count I, and this  
21 also allows him the opportunity to qualify for probation,  
22 which would otherwise be unavailable.

23 THE COURT: Is that a complete statement of the  
24 negotiations?

1 MS. VILORIA: It is, Judge. Thank you.

2 THE COURT: Mr. Dunckley, do you understand these  
3 plea negotiations?

4 THE DEFENDANT: Yes, Your Honor, I do.

5 THE COURT: Do you have any questions about them?

6 THE DEFENDANT: No, Your Honor.

7 THE COURT: Are you comfortable with the  
8 representation you've received from counsel so far?

9 THE DEFENDANT: Yes, Your Honor, I am.

10 THE COURT: Did you read the Guilty Plea  
11 Memorandum?

12 THE DEFENDANT: Yes, Your Honor, I have.

13 THE COURT: Did you understand it?

14 THE DEFENDANT: Yes, ma'am.

15 THE COURT: Do you have any questions about the  
16 document?

17 THE DEFENDANT: No, ma'am.

18 THE COURT: Do you have any questions about the  
19 modifications to the typed document?

20 THE DEFENDANT: No, ma'am.

21 THE COURT: And did you initial all of those  
22 changes?

23 THE DEFENDANT: Yes, ma'am, I did.

24 THE COURT: Did you sign the document?

1 THE DEFENDANT: Yes, ma'am, I did.

2 THE COURT: Are you aware that you have a right  
3 to plead not guilty, have a trial by jury, be confronted  
4 by the witnesses against you, bring witnesses here on your  
5 own behalf, and testify or not testify at that jury trial?

6 THE DEFENDANT: Yes, ma'am.

7 THE COURT: Do you understand you have a right  
8 against self-incrimination, you may assert that right by  
9 refusing to testify, and the State must prove you guilty  
10 beyond a reasonable doubt??

11 THE DEFENDANT: Yes, ma'am.

12 THE COURT: Are you aware you'll be giving up all  
13 of these rights if you plead guilty?

14 THE DEFENDANT: Yes, ma'am, I am.

15 THE COURT: I'm going to ask the clerk to read  
16 the charge to which you're pleading, and then I'll ask if  
17 you understand it.

18 (Whereupon, the Information was read  
19 by the clerk.)

20 THE COURT: Is there anything about those charges  
21 you do not understand?

22 THE DEFENDANT: No, ma'am.

23 THE COURT: Do you understand Count I is a legal  
24 fiction?

1 THE DEFENDANT: As far as what a legal fiction  
2 is?

3 THE COURT: Yes. What is it about Count I that's  
4 a legal fiction?

5 THE DEFENDANT: That per the agreement, we're  
6 changing the original count down to a lower one and  
7 pleading guilty to that so that probation can be an  
8 option.

9 THE COURT: Are all the facts and circumstances  
10 the same?

11 THE DEFENDANT: Yes, ma'am.

12 THE COURT: It's just that it's a lewdness  
13 instead of a sexual assault?

14 THE DEFENDANT: Yes, ma'am.

15 THE COURT: Did you do what it says you did in  
16 the charge?

17 THE DEFENDANT: Yes, ma'am.

18 THE COURT: And what about Count II?

19 THE DEFENDANT: Yes, ma'am.

20 THE COURT: Do you understand that charge?

21 THE DEFENDANT: Yes, ma'am, I do.

22 THE COURT: Did you do what it says you did in  
23 that charge?

24 THE DEFENDANT: Yes, ma'am.

1 THE COURT: Has your attorney told you the  
2 possible maximum penalties?

3 THE DEFENDANT: Yes, ma'am, he has.

4 THE COURT: I know he told me that he had, but  
5 now you have to tell me what those are in your own words.  
6 What is the penalty for Count I?

7 THE DEFENDANT: The first count is a felony  
8 carrying a sentence of no less than 10 years to a life  
9 sentence, eligible for parole after 10 years in the Nevada  
10 State correctional facilities.

11 Count II will carry a felony, as well as Count I  
12 will carry a lifetime supervision, and Count II will carry  
13 a felony with no less than two years served in the Nevada  
14 State correctional facilities with a maximum of 20 years,  
15 as well as carrying a lifetime supervision penalty as  
16 well, and a fine in the first count of up to \$10,000.

17 THE COURT: Okay. And a fine in the second  
18 count?

19 MS. VILORIA: There is no fine.

20 THE COURT: Okay.

21 Now, do you understand, with regard to Count I,  
22 it's a penalty, a maximum penalty of life in prison?

23 THE DEFENDANT: Yes, ma'am.

24 THE COURT: But you would be eligible for



1 probation after you served 10 years.

2 THE DEFENDANT: Yes, ma'am, I do.

3 THE COURT: And do you understand that with  
4 regard to Count II, it's a maximum penalty of 20 years,  
5 but you could be eligible for probation -- for parole at a  
6 date that I give you, but it could be no less than two  
7 years?

8 THE DEFENDANT: Yes, ma'am.

9 THE COURT: Now, do you understand that probation  
10 is not available on these charges unless you are certified  
11 by a professional pursuant to NRS 176.139 to not represent  
12 a high risk to reoffend as to both counts?

13 THE DEFENDANT: I understand, Your Honor.

14 THE COURT: Do you understand that with regard to  
15 lifetime supervision, that even if you completed your term  
16 of sentence, you've satisfied all your obligations, if you  
17 violated the terms of your lifetime supervision, you would  
18 be subject to being back in prison?

19 THE DEFENDANT: Yes, ma'am, I do.

20 THE COURT: Do you understand that's totally up  
21 to me whether I run these charges concurrent or  
22 consecutive?

23 THE DEFENDANT: I do, Your Honor.

24 THE COURT: Do you understand I'm free to

1 sentence you up to and including the maximum allowed by  
2 law?

3 THE DEFENDANT: I do.

4 THE COURT: Has anyone made any threats to get  
5 you to enter these pleas?

6 THE DEFENDANT: No, Your Honor.

7 THE COURT: Has anyone told you that you would be  
8 guaranteed probation or any other particular result?

9 THE DEFENDANT: No, Your Honor.

10 THE COURT: Has anyone made any promises or  
11 representations to you to get you to enter these pleas  
12 that you haven't told me about?

13 THE DEFENDANT: No, ma'am.

14 THE COURT: Do you have any doubt about what  
15 you're doing here today?

16 THE DEFENDANT: No, ma'am.

17 THE COURT: Do you understand that you have a  
18 jury trial scheduled for March 24th, and by pleading  
19 guilty, that trial is off?

20 THE DEFENDANT: Yes, ma'am.

21 THE COURT: Do you understand this is a permanent  
22 entry of plea?

23 THE DEFENDANT: I do, Your Honor.

24 THE COURT: You can't tell me in a week or two

1 that you didn't understand what was happening. You have  
2 to tell me that now.

3 THE DEFENDANT: I do, Your Honor.

4 THE COURT: And you won't be able to change your  
5 mind with regard to these pleas of guilt.

6 THE DEFENDANT: I do.

7 THE COURT: With everything I've asked and you  
8 your answers, do you still wish to go forward?

9 THE DEFENDANT: Yes, Your Honor.

10 THE COURT: Are you doing so of your own free  
11 will?

12 THE DEFENDANT: Yes.

13 THE COURT: How do you plead to Count I?

14 THE DEFENDANT: Guilty.

15 THE COURT: How do you plead to Count II?

16 THE DEFENDANT: Guilty.

17 THE COURT: The Court finds that your pleas are  
18 voluntary, that you fully understand the nature of the  
19 offenses charged and the consequences of your pleas.  
20 Therefore, I will accept your pleas of guilt and we'll set  
21 a date for sentencing.

22 MR. O'MARA: Your Honor, there's been  
23 negotiations with the district attorney's office to set  
24 this out five to six months so that Mr. Dunckley can get

1 sexual offender therapy during that period of time. And  
2 basically the D.A. is giving him every opportunity to try  
3 to qualify for probation and to do the things that will be  
4 beneficial for him to present to you at sentencing. So  
5 she's allowed for a five- to six-month extension so that  
6 he can get those type of therapy classes, and so we'd ask  
7 for that type of time before sentencing.

8 MS. VILORIA: Your Honor, my agreement is just to  
9 see if this defendant is worthy of any type of grant of  
10 probation, whether he can earn it or not. I want to see  
11 what he does between now and then.

12 So I do not object to any type of continuance  
13 that Mr. O'Mara is asking for to set out the sentencing  
14 date.

15 THE COURT: Counsel approach.

16 (A sidebar was held off the record.)

17 THE COURT: Okay. What are the conditions of  
18 Mr. Dunckley's release? Is he out on bail?

19 THE DEFENDANT: Yes, ma'am.

20 THE COURT: And what's your bail set at?

21 THE DEFENDANT: I don't remember. It's been a  
22 year, Your Honor. I don't remember off the top of my  
23 head.

24 THE COURT: We have two bails posted. One may be

1 in the Reno Justice Court case.

2 It looks like it's 15,000 and 18,500, which seems  
3 somewhat sufficient to me with regard to the bail. But I  
4 am going to modify the terms and conditions of his release  
5 to include Court Services supervision.

6 If you are going to do some sort of treatment,  
7 then you need to do that and report that to Court  
8 Services. And I want you reporting at least once a week  
9 to Court Services so we know where you are and what you're  
10 doing.

11 You must abstain from the use, possession, and  
12 control of alcohol between now and the date you're  
13 sentenced, and you can't use controlled substances.

14 So I just want to make sure you understand these  
15 special conditions of your release. Do you?

16 THE DEFENDANT: I do, Your Honor.

17 THE COURT: Okay. Then that will be the order,  
18 and I'll see you back at sentencing the clerk is about to  
19 give.

20 THE CLERK: August 5th at 9:00 o'clock.

21 THE COURT: Between now and that date it's your  
22 responsibility to make appointments with the Division of  
23 Parole and Probation, to complete the evaluation. It's  
24 further your responsibility to see that the psychological

1 evaluation is conducted timely. And stay in touch with  
2 Court Services.

3 MS. VILORIA: Your Honor, can we vacate the trial  
4 date for March 24, '08?

5 THE COURT: That will be the order.

6 (Proceedings concluded.)

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APPEARANCES:

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2		
3	For the Plaintiff:	KELLI ANNE VILORIA
4		Deputy District Attorney
5		Reno, Nevada

6	For the Defendant:	DAVID C. O'MARA
7		Attorney at Law
8		Reno, Nevada

9	Parole and Probation:	LUPE GARRISON
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13	EXHIBITS	MARKED	ADMITTED
14	A - Report from Eng Counselling	5	5
15	B - Letter from Alamo Casino	5	5
16			
17			
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1 RENO, NEVADA, TUESDAY, AUGUST 5, 2008; 9:00 A.M.

2 -oOo-

3 THE COURT: Brendan Dunckley.

4 MS. VILORIA: Morning, Your Honor. Kelli Anne Vilorina  
5 on behalf of the State.

6 MR. O'MARA: David O'Mara on behalf of Mr. Dunckley.

7 THE COURT: This is the time set for sentencing. I am  
8 in receipt of the presentence report dated July 17th, 2008.

9 I also have a document which was received by the Court  
10 Clerk that has not been considered by the Court that has been  
11 filed in.

12 Counsel, do you want the Court to consider the  
13 document?

14 MS. VILORIA: The State does, Your Honor.

15 MR. O'MARA: Your Honor, I don't think it has any  
16 bearing on this case. But Mr. Dunckley can certainly tell you  
17 why this has happened with regards to his child support and the  
18 Sushi Club and we have no objection to the State introducing it.

19 THE COURT: Then the Court will review the document.

20 Okay. You had an opportunity to review the  
21 presentence report with your client?

22 MR. O'MARA: Your Honor, we have reviewed the  
23 presentence report dated July 17th of 2008 with a few  
24 corrections. Defense attorney is David O'Mara who is conflict

1 counsel and not deputy public defender.

2 Also, under Category A and Category B in the charged  
3 Information, the penalties for these charges should have  
4 included that he may be in prison for a period of time and that  
5 he is not eligible until a sexual evaluation is completed which  
6 certifies that Mr. Dunckley does not represent a high risk to  
7 re-offend.

8 That language and the language that was part of the  
9 guilty-plea memorandum was not included in the presentence  
10 report. I want to make the Court aware of the fact that  
11 probation in both of these charges is available in this case.  
12 While the laws have changed since the period of time when the  
13 charge one began, it does not allow probation any more. So I  
14 would like the Court to take that into consideration.

15 Other than that, we have no other corrections, Your  
16 Honor.

17 THE COURT: Okay. You may proceed with argument.

18 MR. O'MARA: Okay. First, I would like to introduce  
19 and have admitted two documents. One document is a letter from  
20 a Leslie Dietsche (phonetic), if I may approach. Let me grab  
21 the other document.

22 THE COURT: Why don't you grab everything, and the  
23 Clerk will mark it all at one time.

24 MS. VILORIA: I have seen a copy of these, Judge.

1 MR. O'MARA: There is also another copy from Eng  
2 Counseling setting forth information about Mr. Dunckley's  
3 clinical contact with Steven Eng as a sexual offender.

4 THE CLERK: Exhibits A and B marked.

5 (Exhibits A and B were marked for identification.)

6 THE COURT: Okay. Exhibit A is a report from Eng  
7 Counseling, and there is no objection to its admission so I will  
8 admit it. And Exhibit B is a letter from Alamo Casino and no  
9 objection so I will admit that.

10 (Exhibits A and B were admitted into evidence.)

11 MR. O'MARA: Your Honor, in regards to the Eng  
12 Counseling, which is Exhibit A, you will notice that there are  
13 numerous attendances by Mr. Dunckley for sexual-offender  
14 counseling. He had individual sessions on March 3, 26 and  
15 April 29th of this year.

16 He goes on to group attendance with Mr. Eng on 4/23.  
17 You notice how the 4/30 has an absence? That was because he  
18 went to his individual counseling the day before. Those are the  
19 dates in which he did not attend group attendance because it was  
20 the same week.

21 Mr. Dunckley informed me the 6/12 was a work  
22 emergency. He basically went on a weekly basis to Eng  
23 Counseling.

24 What we are going to ask for today, Your Honor, is

1 that you not follow the recommendations of the Parole and  
2 Probation and actually award or not award but grant Mr. Dunckley  
3 the opportunity to be on probation for both of these charges.

4 One of the reasons is that when we were going through  
5 negotiations in the settlement, that was one of the main reasons  
6 to give him the opportunity. As you recall about five months  
7 ago when we were in here during the change of plea, we set it  
8 out five months to give him an opportunity to go to these  
9 counseling sessions.

10 From the letter, you can see he started his counseling  
11 sessions prior to the entry of the guilty-plea memorandum which  
12 I believe was done on the 6th of March. He went religiously to  
13 those counseling services.

14 He is really taking hold and finding out what is  
15 making him do these bad things. He is trying to take  
16 responsibility for his actions. I believe these therapy  
17 sessions are working toward making him a better person and  
18 someone who will be, at least, someone who will be a benefit to  
19 our society.

20 As you can see from the letter from the Alamo Casino,  
21 Mr. Dunckley has been a good person to his employers and other  
22 people with regards to stepping up and doing things when not  
23 everybody would do it with regards to helping and cleaning the  
24 floor and things like that when there was a broken pipe when he

1 wasn't required to do that. I think there are good things  
2 involved that we need to look at in that regard.

3 Also, I have today Mr. Dunckley's mother in law who  
4 would like to make a statement. Her name is Pam McFerren  
5 M-c-f-e-e-r-r-e -- I apologize. M-c-f-e-r-r-e-n. And she would  
6 like to make a statement, Your Honor, to the Court to ask for  
7 probation as well.

8 THE COURT: You want her sworn, Ms. Viloría?

9 MS. VILORIA: No, ma'am.

10 THE COURT: You can come forward and stand next to Mr.  
11 O'Mara.

12 MS. MCFERREN: I'm Brendan's mother in law, Pam. I  
13 have known him for eight and a half years. He and my daughter  
14 have quite a special relationship. He has four children, two by  
15 a previous marriage. He is the soul provider of his home, his  
16 family. That includes with my daughter, his wife, their two  
17 children, my grand children. And, also, child support for his  
18 first two children by a previous marriage.

19 He also has helped me financially as well as  
20 physically when I have needed help off and on over the years.

21 I have noticed the counseling that Brendan is getting  
22 has been very effective. I have noticed when he comes back from  
23 his meetings with his counsellor, he is a lot more calm. His  
24 demeanor is a lot more calm. As calm as you can be under these

1 kind of circumstances. I believe it has been effective with  
2 him.

3 I feel that he really should continue with that, and  
4 it's been very helpful so far.

5 And I would like to ask for probation for him and the  
6 continued counselling so that he can be with his family which is  
7 a very important thing.

8 As you know, families don't stick together too much in  
9 these times. And it's very important especially to those little  
10 boys.

11 THE COURT: Okay. Thank you.

12 MR. O'MARA: Your Honor, in going over, it's true Mr.  
13 Dunckley has four children, 10, 9, 7 and 3 which is set forth in  
14 the presentence report. I think, you know, we have heard a lot  
15 today in other cases and things like that. I think in this case  
16 it really is true that this is really a sad case for everyone  
17 involved.

18 It's not only sad for the two victims that Mr.  
19 Dunckley committed these crimes against, but it is also sad for  
20 the kids and his wife that are now going to have to deal with  
21 these types of situations. And in light of these four kids, he  
22 does have child support he needs to continue.

23 I think that in this case we really have to think  
24 outside the box in sentencing. And it comes down to a lot of

1 this coming from -- one of these cases is really old. And there  
2 is a whole different type of sentencing structure at this point  
3 in time. And now we are looking at a sentencing structure in  
4 this system where we are looking at these cases differently.

5 I think if we look outside the box and really say how  
6 can we properly make sure that Mr. Dunckley takes responsibility  
7 for his action and so-called punishment for the crimes he  
8 committed but also give him the opportunity to rehabilitate  
9 himself and provide for those people so that other people, like  
10 his kids and wife, are not victimized by his behavior. I think  
11 his mother in law said it really well, in fact, when he takes  
12 these therapy classes he is a different person.

13 Sometimes that's what people need. They need control  
14 over their lives such as a probation to tell them they need to  
15 go to probation and have a job and do these things. And I think  
16 when we jump to the conclusion, let's throw this person away,  
17 put him in jail for the rest of his life, if we do that, then we  
18 are not helping anybody in this case.

19 I think that if we look at Mr. Stivensen's (phonetic)  
20 recommendations, it talks about he specifically, in bold  
21 letters, says Mr. Dunckley does not represent a high risk to  
22 re-offend sexually. He goes on to say Mr. Dunckley presents as  
23 a positive candidate for treatment.

24 Treatment process with Mr. Dunckley, treatment should



1 be the process with Mr. Dunckley. He recognizes the need for  
2 intervention. I think that assessment is correct. I think if  
3 we allow Mr. Dunckley to be on probation, he will get the  
4 treatment he needs.

5 There are certain recommendations that I think are  
6 clearly appropriate in this case, Your Honor, and will help do  
7 what we need to do to take care of the punishment of Mr.  
8 Dunckley as well as rehabilitate him so these incidents do not  
9 occur.

10 Those recommendations are set forth on page six of his  
11 report. I would like the Court to consider those as well.

12 Your Honor, the report says Mr. Dunckley is not  
13 applicable to probation. He does not have a high risk to  
14 offend, so he does qualify for probation.

15 If the Court is inclined to do some type of jail term  
16 in this-- prison term in this thing, we ask that you really do  
17 think outside the box and give him an opportunity to prove  
18 himself, even in prison.

19 There are two counts. We can suspend the first count  
20 of the ten-year maximum and hold that over Mr. Dunckley's head  
21 to allow him the opportunity to go into prison and do something  
22 with his life and get himself out in a few years instead of ten  
23 years when his kids basically are grown up and past their  
24 teenage years.

1 I think probation-- we are requesting you allow  
2 probation in this case, but if you do not find probation is  
3 appropriate, we do ask that you, at least, give him the  
4 opportunity to go to prison on maybe one count. Hold the other  
5 count above his head and sentence him according to the sentence  
6 of probation which is two to five years on Count II, Your Honor.

7 I think Mr. Dunckley's statement at the back page  
8 really sums it up about how remorseful he is and he did is want  
9 an opportunity to be with his kids, pay his child support and  
10 move forward and take responsibility of the two incidents that  
11 caused him to be put in this position.

12 With that, I respectfully request that you allow for  
13 probation.

14 THE COURT: Ms. Viloría?

15 MS. VILORIA: Judge, first of all, I want to state  
16 that paragraph 11 of the guilty-plea memorandum allows me to  
17 discuss with you any counts that were dismissed or any other  
18 cases that were charged or uncharged which were either dismissed  
19 or not pursued by the State at the time of sentencing. That's  
20 important because you need to realize here who you are  
21 sentencing today.

22 Hopefully today is going to be the end of Brendon  
23 Dunckley and what we have to deal with him.

24 This has been ten years of inappropriate conduct, ten

1 years of sexual attacks mostly on young woman who were 12 years  
2 old or mentally ill and intoxicated cultivating into the final  
3 account with the stranger attack with a woman who was .226 that  
4 the defendant saw walking down the street, drunk and falling  
5 down.

6 We did craft this creative plea bargain so this  
7 defendant could have the right to posture himself to ask the  
8 Court for sentencing. That's what he required before he came to  
9 you and admitted his conduct and entered his plea of guilty.

10 The Court needs to know that your concern and the  
11 State's concern are that the community have to be safe. And if  
12 Brendon Dunckley is given probation, it will not be.

13 The factual corrections that I need to make on the  
14 presentence investigation report in page six on March 21, 2007  
15 when -- this is omitted so I'm just adding it in. When the  
16 detectives went to talk to Brendon Dunckley and he denied he had  
17 done anything, nothing happened, and when he ultimately changed,  
18 yes, he performed fellatio on me as a way of thanking me for  
19 getting her back in the apartment, that only came about after  
20 the detectives said to him why are we going to find her DNA on  
21 your penis?

22 The original story that this defendant crafted to  
23 police is that while she was laying there unconscious she  
24 started to throw up and he reached into your mouth to clear her

1 tongue and follow that had gone to the bathroom and touched his  
2 penis while urinating and that would be the story of why you  
3 have DNA.

4 This defendant is sophisticated in the sense that he  
5 uses his wife as an alibi during the attacks so his wife is  
6 brought into the picture where she says, I was on the phone with  
7 him the whole time. There is no way this could have occurred.  
8 What the full investigation showed is there was a few minutes  
9 where he said I need to call you right back in about five  
10 minutes and the rape happened and he called his wife back. It  
11 wasn't a true alibi.

12 This has been ten years. That's important for you to  
13 know. There are not two victims, there are three. Jessica H.  
14 Laura S, and also Ashley.

15 What concerns me is when you look at the evaluation  
16 that that Dr. Stivensen (phonetic) reports, everything is on  
17 self-admitted conduct. And Dr. Stivensen (phonetic) sort of  
18 congratulates the defendant by that saying, Look, he came  
19 forward with all these other incidents of sexual conduct. But  
20 he calls Ashley 14 years old at the time when we all know she  
21 was 12.

22 He is not being forthcoming, and the Court needs to  
23 recognize that because Dr. Stivensen (phonetic) didn't say he is  
24 a low risk to re-offend. He deemed him a moderate risk to

1 re-offend. And that's based on the self-given information from  
2 this defendant.

3 Judge as a parent -- from the recitation of all the  
4 facts you see on everything, and, basically, how we ended up  
5 solving the ultimate case is because the detectives and law  
6 enforcement have been on this defendant's tail for years.

7 The defendant avoided any type of prosecution because  
8 of the victims he has chosen.

9 Ashley V. is in prison right now. A good part of it  
10 is because she turned to drugs and alcohol as being molested by  
11 this defendant when she was little girl.

12 We created this allegation or this plea bargain so  
13 that this defendant could ask you for probation, but the Court  
14 needs to acknowledge Jessica, our last victim, is the one who is  
15 a complete stranger to this defendant, didn't know anything,  
16 literally woke up on her back in the floor of her apartment  
17 right by the door with him shoving his penis in her mouth.

18 He comes to you today and brings witnesses to say he  
19 is a good provider. We need to think about his children. We  
20 can't put him in prison. I ask you one question, why wasn't he  
21 thinking of that when he was trolling for his next sexual  
22 assault victim?

23 Things have finally caught up with him, and that's why  
24 we are here today. And the Division has appropriately asked the

1 Court to give him life in prison with the possibility of parole  
2 after ten years.

3 I do recognize following the day of this plea bargain,  
4 and I would note for the Court not a day sooner, that the day  
5 after he entered his plea of guilty he began his sex offender  
6 treatment.

7 And the Court is concerned as is the State whether or  
8 not all of this is posturing himself for some sort of beneficial  
9 sentence or a good outcome for you today.

10 The reality is I have looked at the evaluation, and  
11 there are a couple things in there that are alarming to me and I  
12 want to point them out to you.

13 Beginning at page seven, the paragraph under  
14 perception of victim impact. One of the things that Dr.  
15 Stivensen (phonetic) noted that Mr. Dunckley believed both  
16 victims were harmed--again, there were three victims--as he  
17 described taking their sense of security away inside, however,  
18 was limited and somewhat superficial.

19 On page 11, Judge, it says, In considering the risk  
20 scales along with clinical judgment, Mr. Dunckley is estimated  
21 in the moderate range for sexual re-offense risk. Clinical  
22 judgement elevated risk is there due to re-offense behaviors  
23 occurring over an elapsed time and involved with an offense  
24 against a stranger.

1           His promiscuous and impulsive sexual lifestyle places  
2 him at greater risks for further allegations and charges. There  
3 is evidence of being indiscriminate in regards to victim  
4 selection, meaning, his modus operandi is not limited to a  
5 particular victim, type, age or preference.

6           The fact that an evaluator would put that in there  
7 shows you the level of gravity of danger of this defendant. And  
8 my concern is that the community is flat at risk.

9           He also states on page 12 under the amenability to  
10 treatment and prognosis, the second full sentence, He, being  
11 Brendan Dunckley, does not present as an antisocial or defiant,  
12 though, there may be some resistance to treatment upon the  
13 realization of a longer-term process.

14           Why that is important, Judge, is if this defendant is,  
15 in fact, doing a posturing to present walk the walk and do all  
16 he needs to do to present good in Court today, then anybody, any  
17 woman, whether it's a 12 year old or 28 year old that comes  
18 within his way is a risk.

19           The State cannot risk that, Judge. The community  
20 cannot risk that.

21           This defendant has shown himself to be deserved a  
22 grant of a prison sentence. The life in prison is appropriate.

23           He should be commended for the effort he has made, and  
24 that's why when the Division recommends a concurrent sentence on

1 the attempted sexual assault charge, it could be appropriate  
2 here. I think the Division has short sold that count a little  
3 bit because that's, really, the more egregious count. The whole  
4 sexual assault nature of this should not be a two to five  
5 sentence. It should be a 20-year sentence.

6 This defendant deserves to go to prison and life time  
7 supervision and everything else that the Division recommends is  
8 appropriate.

9 I just am concerned, frankly, Judge that nobody get  
10 caught up on focussing on the children that are involved in this  
11 case. Those are all people that should have been thought of  
12 before this defendant decided to act on his impulse and attack  
13 and escalate in violence. What's happened over the years,  
14 Judge, every time he has raped somebody or inappropriately  
15 touched someone and gotten away with it, he has gone up to the  
16 next level.

17 The 12 year old is a friend of the family. A little  
18 girl who befriended his wife who then became his victim number  
19 one. There were victims in between there. Including the Laura,  
20 the mental-health victim. We couldn't pursue the case because  
21 of her mental-health issues. She was all part of this final  
22 case where once we ended up getting the allegations with this  
23 defendant with Jessica and we started seeing a pattern of  
24 conduct, similarity in defenses, every single time his statement



1 was to the law enforcement was, Yes, I shouldn't have sex with  
2 this girl. It was bad judgment. And he just for years and  
3 years, for ten years, has been able to get away with it to the  
4 point where he is escalating where he is trolling where he sees  
5 drunk women falling down drunk on the street, he formulates the  
6 thought in his mind, followed her in the house, and in a very  
7 opportunistic and predatory manner attacked her. That deserves  
8 ten years in prison, minimum.

9 MR. O'MARA: If I can just respond to a few things  
10 before Mr. Dunckley addresses the Court.

11 THE COURT: Okay.

12 MR. O'MARA: First of all, there is no evidence  
13 whatsoever that this charge caused Ms. Ashley -- I'm not sure  
14 what her last name is. Ashley to go into drugs and use alcohol  
15 and that's why she is in prison. There is no evidence of that.  
16 And I understand that the D.A. wants to paint a huge horrible  
17 picture of Mr. Dunckley and--

18 THE COURT: I won't consider that argument.

19 MR. O'MARA: It is also important that her description  
20 of what happened on that night by Jessica was not as that she  
21 woke up on her back past out. Her description in the Justice  
22 Court when she testified was that she was standing up and she  
23 made the affirmative step of walking toward Mr. Dunckley to  
24 perform the fellatio.

1 This just goes to the point of the D.A. not having all  
2 the facts and telling you different stories. It has nothing to  
3 do with Mr. Dunckley not taking responsibility of his action.  
4 The Court should be aware that is the testimony.

5 Also, in regards of him going to counseling, it was  
6 done before the guilty plea was entered into which was March  
7 6th. His counseling started on March 3rd.

8 I want the Court to be aware that Mr. Dunckley was  
9 charged with those allegations against the individual Laura.  
10 Laura did not show up at the preliminary hearing even though the  
11 District Attorney said she was more than willing to be there and  
12 they contacted her. We went-- we had three or four hours of  
13 testimony over in the Justice Court. She still did not show up.

14 It's disingenuous for the District Attorney to say it  
15 was because of her mental stability, and we don't know or have  
16 any documentation showing she had any mental stability. To  
17 place that on Mr. Dunckley, it's inappropriate to bring up in  
18 the sentence.

19 MS. VILORIA: Objection. I absolutely made a  
20 representation as an officer of the Court as to that being the  
21 issue. And you are allowed to think about her.

22 Mr. Dunckley refers to her throughout the report to  
23 Dr. Stivensen (phonetic). She is the one who he attacked on the  
24 hood of a car who he claims was consensual but he put his penis

1 in her mouth.

2 I don't why we are acting like she is not a victim.  
3 She did not show up at the prelim. We did not go forward with  
4 that, and it is because of her mental-health issues. I am  
5 making that -- and he knows that based on all the discovery  
6 provided. I don't know why he is saying that's disingenuous.  
7 It's not. It's the facts of the case.

8 MR. O'MARA: Well, we will let that stand. With  
9 what-- if that's what she understands, that's what she  
10 understands.

11 THE COURT: Does it make a difference?

12 MR. O'MARA: It doesn't. I'm just trying to set  
13 forth --

14 THE COURT: Your client has admitted to the behavior  
15 with her?

16 MR. O'MARA: Yes, my client has admitted to the two  
17 charges that are involved in this case. But I just wanted to  
18 make the Court away of those three or four different things so  
19 we know what we are dealing with regards to thinking outside of  
20 the box in this case to figure out some type of sentencing that  
21 is appropriate which will allow for the punishment for the  
22 crimes that were committed as well as allow for the  
23 rehabilitation and acknowledgment of trying to get Mr. Dunckley  
24 back into society and being a productive part of your society

1 instead of just saying, We are trying to give you probation.  
2 And let's see what we can do. And go out there and get some  
3 type of treatment and go from there. We will come to  
4 sentencing. We will take that into consideration.

5 I would like to introduce another document in that  
6 regard. It's an e-mail between myself and Ms. Viloría that  
7 really talks about--

8 MS. VILORIA: I'm going to object. This is outside  
9 the context of negotiations. This is not appropriate for  
10 sentencing. I'm going to object.

11 THE COURT: What is the appropriateness of  
12 negotiations being admitted?

13 MR. O'MARA: I'm going through-- she has brought up  
14 the fact he is just posturing, Your Honor --

15 MS. VILORIA: Judge, my statement is we don't know  
16 whether he is or not. That's something we need to take a view  
17 at it.

18 MR. O'MARA: Your Honor, if I can complete my  
19 sentence, in the purpose of this, Your Honor, is to show that  
20 when we were in negotiations of this case, that Ms. Viloría was  
21 going to take into consideration what he did during this  
22 five-month period. This was an e-mail that basically said I  
23 understand you will not agree to probation if it is not  
24 recommended.

1 But in this case, as we discussed that there would be  
2 factors in which she would take into consideration that she  
3 would look at to maybe consider probation at this time.

4 THE COURT: Are you alleging that she has violated her  
5 negotiations?

6 MR. O'MARA: No, no, no. Not at all. I'm just trying  
7 to paint the picture of what was happening during that period of  
8 time. And her statement in regards to, We don't know if he is  
9 posturing goes directly to this. He was doing this because  
10 that's what was asked of him--

11 THE COURT: I don't think that's her statement. Her  
12 statement was talking about the whole period of time he has been  
13 in counseling, whether or not it was going to last indefinitely  
14 or whether or not he was posturing prior to sentence.

15 MS. VILORIA: That's right.

16 MR. O'MARA: We have made a circle of where we are  
17 going in that regard, and that is fine, Your Honor.

18 With that, Your Honor, again, I request probation in  
19 this is, and I will let Mr. Dunckley address the Court.

20 THE COURT: Okay. I'm going to hear from the Division  
21 of Parole and Probation first.

22 MR. O'MARA: Okay.

23 MS. GARRISON: Well, Your Honor, in listening to both  
24 sides of the argument, Your Honor, one of the things that was

1 brought up was the fact that they didn't want to make his two  
2 sons, I believe, victims in this matter because of his behavior.  
3 I believe, Your Honor, he already has done that by his behavior.

4 They are going to grow up knowing the type of person  
5 their father is, and that's not going to go unnoticed by them.

6 Your Honor, I believe that the recommendation as  
7 stated is appropriate. I believe that he was opportunistic  
8 regarding the victims that he chose.

9 My concern, as well as Ms. Vilorina has stated, I was  
10 reading the psycho-sexual evaluation and the one that stood out  
11 in my mind was that he, according to the evaluator, seemed to  
12 have glossed over, it seems like, the culpability or the damage  
13 or the harm he did to the victims. Even though he did  
14 acknowledge he did damage them in some manner.

15 The Division is going to stand by the recommendation,  
16 Your Honor. We have four days credit for time served.

17 THE COURT: Thank you.

18 Mr. Dunckley, the law affords you an opportunity to be  
19 heard. I have read your written statement. Do you have  
20 anything you would like to say at this time?

21 THE DEFENDANT: Your Honor, the State is doing their  
22 job. I moved to Reno in the Spring of 2000. The allegations  
23 were made against me from 1998.

24 I took the plea as opposed to going to trial to

1 prevent the victims from pursuing further.

2 Ms. Viloría states that I made the comment of saying  
3 that the victim Ashley was 14 because of the time that I had  
4 known her, which was the summer of 2000 when I met her, she  
5 indicated to me that she was 14. As a matter of fact, when we  
6 met, she indicated she was 17. Upon finding out later her true  
7 age, myself and my wife stopped contact all together with her.  
8 It doesn't change the fact of what I did.

9 Posturing, whatever it may be called, I took the deal  
10 as opposed to going to trial because I wanted to prevent any  
11 further harm to the victims.

12 I can't say I know what they are going through because  
13 I can't. It's not my place to assume I know what they feel.

14 I know what I did, and I know what I took from them.  
15 I took their sense of respect, of certainty. I can't give that  
16 back.

17 I have attended treatment programs. I made it a point  
18 to try and attend victim impact panels at one of the local  
19 churches here.

20 When the Division and the State state that I glanced  
21 over, it's not my place to say how I affected them. I can only  
22 assume what happened.

23 And with regards to my children, I agree. They are  
24 victims as well, as is my wife, as is my mother in law and

1 everyone who knows me. And my reputation of being who I am as  
2 an upstanding citizen, I took their trust a way, too.

3           Being a father is the most important thing to me in  
4 the world. And knowing I'm a horrible example kills me more  
5 than anything you can punish me with, Your Honor. I ask that I  
6 be given the chance to show my children that people can make  
7 differences in their life and make a change.

8           I pride myself that when my wife was pregnant I never  
9 missed a single doctors appointment. I never missed an  
10 appointment. I'm a dad through and through. Somewhere along  
11 the line, I lost that. I disrespected my family and more  
12 importantly I disrespected my family.

13           I love my family more than anything in the world. I  
14 took this deal to prevent any further harm for them and for the  
15 victims. I just ask to have the opportunity, if it's possible,  
16 to continue to be a part of my children's life.

17           My wife didn't have a father growing up, and all she  
18 ever wanted was a husband and a father to raise her children.

19           I'm the sole provider of my family. I have two  
20 children who I owe money to, and I try being a single income  
21 household and single income father, it is hard to get money to  
22 them. I try and keep stable employment, and when I'm getting  
23 laid off or working, I'm always working.

24           Your Honor, all I ask is for the opportunity to show



1 that I can do better. And I can be better at this. I screwed  
2 up, and I admit the fact I made mistakes and I hurt people. I  
3 want to prove that it won't happen again. And if it does, which  
4 I pray it never will, because I'm getting treatment every week.  
5 I'm keeping support with the people I need support from. I have  
6 medication to deal with my inability to make correct calm  
7 decisions as opposed to being spontaneous.

8 I don't know what more I can say to Your Honor.

9 I throw my heart to you to allow me to be a part of my  
10 children's lives, and I understand the fact I have hurt people.  
11 But at the same time, the last five months have been such an  
12 awakening to see why I allowed myself to do that and why I felt  
13 it was okay to disrespect my bonds of my marriage and my  
14 children who I brought into this world.

15 They don't deserve what I put them through, but that's  
16 something I will have to deal with the rest of my life and so  
17 will the victims.

18 I ask you give me the opportunity, Your Honor, to be  
19 there and to prove that there is good. And I can make a  
20 difference. And I can be productive to society and a benefit.  
21 I learned so much from the victim impact panels and counseling.  
22 It's something I want to pursue further to help people who are  
23 in that situation. They need me to be the dummy to beat up, I  
24 have no problem with that either. But I just ask that you give

1 me that opportunity, Your Honor, to prove that I can do this and  
2 not just the five months that I proved I can stay out of trouble  
3 and make my appointments and meetings and go above and beyond  
4 but continued to be allowed to do that, Your Honor.

5 THE COURT: Mr. Dunckley, perhaps your plea would have  
6 more resonance with me with regard to the issue that you had  
7 with the friend of the family, even though it was a very young  
8 girl, and even though you argue you thought she was 17, I have  
9 heard that many times. That argument for treatment if it was an  
10 isolated incident may well resonate with me.

11 However, the latest victim. I'm not talking about the  
12 victim in between you are not charged with. I'm very concerned  
13 with your latest victim. I agree with Mrs. Viloría. I don't  
14 think that the sentence is recommended even by the Division is  
15 appropriate given your behavior.

16 You picked someone you didn't know, and you committed  
17 a sexual assault on her.

18 I know you pled to something that allows for a lesser  
19 offense, but it does not allow for probation.

20 It is the order of this court you pay \$25  
21 administrative assessment fee, \$150 in DNA testing fees. I  
22 think you have already submitted to a DNA analysis test. So you  
23 won't have to submit again, but you also will have to pay the  
24 \$950 in psycho-sexual fees.

1 I am sentencing you as to Count I to life in prison  
2 with the possibility of parole after ten years has been served.

3 As to Count II, I'm sentencing you to 120 months in  
4 prison with minimum parole eligibility of 24 months. That will  
5 be allowed to run concurrent to Count I.

6 You must pursuant to NRS 1760931 submit to lifetime  
7 supervision.

8 And is that with regard to Count II only?

9 MS. VILORIA: No, it's to both counts, Judge.

10 THE COURT: As to both counts at any time you are  
11 released from custody or released from parole.

12 You will be given credit for four days time served.  
13 You are remanded to the custody of the Sheriff for  
14 transportation to the warden.

15 (Whereupon the proceedings were concluded.)

16 -o0o-

STATE OF NEVADA, )  
 ) ss.  
COUNTY OF WASHOE. )

I, LISA A. YOUNG, Certified Shorthand Reporter of the Second Judicial District Court of the State of Nevada, in and for the County of Washoe, do hereby certify:

That I was present in Department No. 4 of the above-entitled Court and took stenotype notes of the proceedings entitled herein, and thereafter transcribed the same into typewriting as herein appears;

That the foregoing transcript is a full, true and correct transcription of my stenotype notes of said proceedings.

DATED: At Reno, Nevada, this 11th day of August, 2008.

/s/ Lisa A. Young  
LISA A. YOUNG, CCR 353

1 CODE 1850

**FILED**

AUG 11 2008

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

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5 **IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**  
6 **IN AND FOR THE COUNTY OF WASHOE**  
7

8 **STATE OF NEVADA,**  
9 **Plaintiff,**

10 **vs.**

**Case No. CR07-1728**

11 **BRENDAN DUNCKLEY,**  
12 **Defendant.**

**Dept. No. 4**

13 \_\_\_\_\_  
14 **JUDGMENT**

15 The Defendant, having entered a plea of Guilty, and no sufficient cause  
16 being shown by Defendant as to why judgment should not be pronounced against  
17 him, the Court rendered judgment as follows:

18 That Brendan Dunckley is guilty of the crime of Lewdness with a Child  
19 Under the Age of Fourteen Years, a violation of NRS 201.230, a felony, as charged  
20 in Count I of the Amended Information, and Attempted Sexual Assault, a violation of  
21 NRS 193.330, being an attempt to violate NRS 200.366, a felony, as charged in  
22 Count II of the Amended Information; and that he be punished by imprisonment in the  
23 Nevada Department of Prisons for the maximum term of life with the minimum parole  
24 eligibility of ten (10) years, for Count I; and that he be punished by imprisonment in  
25 the Nevada Department of Prisons for the maximum term of one hundred twenty  
26 (120) months with the minimum parole eligibility of twenty-four (24) months, for Count

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II, to be served concurrently with sentence imposed in Count I; with credit for four (4) days time served, and by submission to a DNA Analysis Test for the purpose of determining genetic markers. Defendant is further ordered to pay a Twenty-Five Dollar (\$25.00) administrative assessment fee, a One Hundred Fifty Dollar (\$150.00) DNA testing fee, and a Nine Hundred Fifty Dollar (\$950.00) Psychosexual Evaluation Fee to the Clerk of the Second Judicial District Court.

It is further ordered that the Defendant serve a special sentence of lifetime supervision to commence after any term of imprisonment or after any period of release on parole.

Dated this 5th day of August, 2008.

Connie J. Steinheims  
DISTRICT JUDGE



**Presentence Investigation Report**

**The Honorable Connie Steinheimer  
Department IV, Washoe County  
Second Judicial District**

**Date Report Prepared: July 17, 2008**

**Prosecutor: Kelli Vilorio, DDA  
Defense Attorney: David O'Mara, DPD**

**PSI: 281424**

**I. CASE INFORMATION**

**Defendant:** Brendan Dunckley  
**Date of Birth:** 7/4/76  
**Age:** 32  
**SSN:** [REDACTED]  
**Address:** 1570 Sky Valley #B202  
**City/State/Zip:** Reno, NV 89523  
**Months/Years:** 3 months  
**Phone:** (775) 379-7668  
**Driver's License:** 0001025012  
**State:** NV  
**Status:** Valid  
**POB:** Carmel, NY  
**US Citizen:** Yes  
**Notification Required Per NRS 630.307:** No

**Case:** CR07-1728  
**DA #:** 373085  
**PCN:** RPD0726517C  
**P&P Bin:** 1001831490  
**FBI:** 704876JC6  
**SID:** NV 04156735  
**Resident:** Yes  
**Offense Date:** CT. I Between 8/14/98 and 8/13/00  
 CT. II 3/10/07  
**Arrest Date:** CT. I: 3/30/07  
 CT. II: 3/22/07  
**Plea Date:** 3/6/08, by plea of guilty.  
**Sentencing Date:** 8/5/08

**II. CHARGE INFORMATION**

**Offense:** CT. I Lewdness With a Child Under the Age of Fourteen Years (F)  
**NRS:** 201.230 **Category:** A  
**NOC:** 00191

**Penalty:** For life with the possibility of parole, with eligibility of parole beginning when a minimum of 10 years has been served, and may be further punished by a fine of not more than \$10,000.00.

**Offense:** CT. II Attempted Sexual Assault (F)  
**NRS:** 193.330/200.366 **Category:** B  
**NOC:** 02222

**Penalty:** By a minimum term of 2 years and a maximum term of 20 years Nevada Department of Corrections.

### III. PLEA NEGOTIATIONS

The State will be free to argue for an appropriate sentence. The State will not file additional criminal charges resulting from the arrest in this case, and/or will refrain from pursuing additional and/or transactionally related offenses including all counts filed and dismissed in RJC case number 2007-033884. I understand that I am entering my plea to Count I as a legal fiction, pursuant to plea negotiations, to allow me to avoid the more serious charge of sexual assault in the original Count I, and to allow me the opportunity to qualify for probation, which would otherwise be unavailable. Full restitution.

### IV. DEFENDANT INFORMATION

**Physical Identifiers:**

**Sex:** M                      **Race:** W                      **Height:** 5'7"                      **Weight:** 185

**Hair:** Brown                      **Eyes:** Hazel

**Scars:** None noted.

**Tattoos:** None.

**Aliases:** None noted.

**Additional SSNs:** None.

**Additional DOBs:** None.

**Social History:** The following social history is as related by the defendant and is unverified unless otherwise noted:

**Childhood:** At the time of interview, the defendant reported he was physically abused by his mother. When he was a child, Mr. Dunckley related his mother would break wooden spoons on his buttocks when spanking him.

**Immediate Family Members:** The defendant reports his parents reside in California. One sister resides in New York. Another sister resides in California. Mr. Dunckley stated his brother resides in the nation of China.

**Marital Status:** Married.

**Prior Marriages/Long Term Relationships:** Two reported.

**Children:** Four, ages 10, 9, 7 and 3.

**Custody Status of Children:** The defendant stated his two oldest children reside with his former wife in California. His two youngest children reside with him and his present wife.

**Monthly Child Support Obligation:** \$397.00 per month. The defendant estimated he was approximately \$1,200.00 in arrears.

**Employment Status:** Employed, Northern Nevada Construction.

**Number of Months Employed In The 12 Months Prior To Instant Offense:** 12

**Income:** \$17.00 per hour.

**Other Sources:** None reported.



**PRESENTENCE INVESTIGATION REPORT  
BRENDAN DUNCKLEY  
CC#: CR07-1728**

**DEFENDANT INFORMATION (Continued)**

**Assets:** Unspecified amount in his vehicle.

**Debts:** The defendant reported debts of \$30,000.00 in student loans and \$20,000.00 in medical bills. He reported additional debts of \$10,000.00 in miscellaneous bills.

**Education:** High school graduate, 1994. The defendant graduated the Culinary Institute of America in New York in 1999.

**Military:** N/A

**Health and Medical History:** At the time of interview, the defendant reported no health concerns.

**Mental Health History:** On May 21<sup>st</sup> and 29th, 2008, the defendant was evaluated by Robert Stuyvesant, MFT, with respect to this offense and pursuant to the dictates of NRS 176.133/176.135. The findings of the psychosexual evaluation are attached and reflect the following:

**DSM IV:**

**Axis I:** V61.21 Sexual abuse of a child, perpetrator; 302.9 paraphilia nos  
**Axis II:** Deferred  
**Axis III:** None  
**Axis IV:** Current legal charge, relationship challenges  
**Axis V:** GAF = 60

**Risk of Dangerousness to the Community:** In considering the risk scales along with clinical judgement, Mr. Dunckley is estimated in the moderate range for sexual reoffense risk. Clinical judgement elevated risk due to reoffense behaviors occurring over an elapsed period of time, and involved an offense against a stranger. Furthermore, his promiscuous and impulsive sexual lifestyle places him at greater risk for further allegations/charges. There is no evidence of being indiscriminate in regard to victim selection, meaning his modus operandi is not limited to a particular victim type, age or preference.

It is the opinion of this evaluator that Mr. Dunckley DOES NOT REPRESENT A HIGH RISK TO REOFFEND SEXUALLY based on current standards for assessment (NRS 176a.110)

**Identification of Risk Population:** Based on historical information, response to inventories, self reported arousal and objective measures of sexual interest, the identifiable risk population is varied, and can include adult females who are strangers, and under age youth whom he has access to, or had developed a relationship with. Much younger children do not present as an immediate risk, in that there is no evidence of sexual interest in younger children.

**Amenability to Treatment:** Mr. Dunckley presents as a positive candidate for treatment, based on his willingness to openly discuss and explore the factors related to the referral offense; primarily his disclosure of his sexual offense history. He does not present as antisocial or defiant, though there may be some resistance to treatment upon realization of a longer term process. Although there may be some minimization and presence of cognitive distortions that support and maintain the behaviors, these issues can be addressed in the treatment process with Mr. Dunckley. Mr. Dunckley recognizes the need for intervention, and reported having initiated treatment to date.

**DEFENDANT INFORMATION (Continued)**

**Gambling History:** At the time of interview, the defendant reported no problematic gambling concerns.

**Substance Abuse History:** Mr. Dunckley reported he smoked marijuana on one prior occasion and his alcohol consumption was non problematic.

**Gang Activity/Affiliation:** None reported.

**V. CRIMINAL RECORD**

**CONVICTIONS: 1      FEL: 0      GM: 0      MISD: 1**

**INCARCERATIONS: 0    PRISON: 0      JAIL: 0**

**OUTSTANDING WARRANTS: None.  
WARRANT NUMBER AND JURISDICTION: N/A  
EXTRADITABLE: N/A**

**SUPERVISION HISTORY:**

**CURRENT: 0      Probation Terms: 0      Parole Terms: 0**

**PRIOR TERMS:**

**Probation: 0    Revoked: 0      Discharged: 0      Honorable: 0      Other: 0  
Parole: 0      Revoked: 0      Discharged: 0      Honorable: 0      Other: 0**

**Adult:**

<b>Arrest Date:</b>	<b>Offense:</b>	<b>Disposition:</b>
7/27/05 Reno Municipal Court	Petty Larceny (M)	Per defendant convicted (M), fined \$300.00.
3/22/07 Reno NV P.D.	Burglary Sexually Motivated (F) Sexual Assault (F) <b>CR07-1728, CT. II</b>	<b>Instant Offense</b>
3/30/07 Reno NV P.D.	Sexual Assault on a Child (F) Lewdness with Child Under 14 years (F) <b>CR07-1728, CT I</b>	<b>Instant Offense</b>

In addition to the above, records reflect the defendant was arrested on April 30, 2007 by the Reno Police Department for assault with no disposition being available.

## VI. OFFENSE SYNOPSIS

### Count. II

On March 10, 2007, officers of the Reno Police Department were dispatched to a residence on Sky Ranch in reference to a disturbance call which involved a woman screaming in the caller's background. Upon arrival, officers observed a large group of people standing in front of an apartment building and a female setting on the curb of the road crying hysterically. The female was stating she had been sexually assaulted. One of the bystanders advised the officers the defendant, Brendan Dunckely, was the person the female had accused of the assault.

Officers contacted the defendant who was setting in a white van. Upon being questioned, the defendant advised the officers he had been driving through the parking lot on his way home when he observed the crying female stumbling in the parking lot. Mr. Dunckley related the female appeared intoxicated and he had stopped to assist her. He went on to state the victim appeared intoxicated and he continued to watch her as she fell on a stairway. He had then parked his van and gone to assist the victim up the stairs and into her apartment. As he and the victim reached her apartment he had asked her if she had a key and she replied that she did not. The victim then fell against the door of her apartment and it opened. The victim then fell to the floor onto a pile of clothing. The defendant reported the victim was unconscious at this point and he administered a sternum rub and checked her pulse. This action awoke the victim and he had asked her what her name was and how much alcohol she had consumed. Mr. Dunckley reported the victim had spoken to him and then again lost consciousness. He again rubbed her sternum and she awoke and began screaming at him and asking him who he was. The defendant reported he was on his cell phone speaking with his wife at the time of the occurrence and she had told him to leave the area. He had then left the victim and as he did the victim began to follow him and eventually attacked him. Mr. Dunckley stated he then went to the parking lot of the complex and asked an unidentified male to assist him. He related he was able to get away from the victim and went to his van where he ended the phone conversation with his wife and call the Reno Police Department non emergency number to report the incident. In checking the defendant, officers observed a red mark on his neck area.

Officers then spoke with the victim who reported she was arguing with her boyfriend and had decided to go for a walk. As she was walking to her apartment she noticed she was being followed by a van driven by a male who wanted her to get in the van. She had declined his offer and continued walking. The next thing she recalled, was waking up with the male who was driving the van attempting to force his penis in her mouth. She advised the officers that she had bitten the males penis at least four times when he had his penis in her mouth. Due to the victims apparent intoxication, an officer administered a PBT which revealed a blood alcohol content of .226%. At this point, officers requested the defendant submit to swabs of his penis for DNA analysis and also requested he submit to a visual inspection of his penis for injuries. The defendant was compliant with the officers' request. [No visible injuries were noted to the defendant's penis.]

As a result of the report, an investigation ensued and on March 12, 2007, the detective assigned recalled a prior sexual assault investigation in 2005 where defendant Dunckley was listed a suspect. The detective noted similarities in the two cases in that both victims had been drinking excessively and Mr. Dunckley was extremely cooperative with officers. In both instances, the defendant had been on the phone with his wife at the time of the reported offenses.

**PRESENTENCE INVESTIGATION REPORT  
BRENDAN DUNCKLEY  
CC#: CR07-1728**

**OFFENSE SYNOPSIS (Count. II): (Continued)**

On March 19, 2007, the detective met with the victim in this offense and she was questioned. The victim reported she had been drinking and had become involved in an argument with her boyfriend. She had left her boyfriend's location and was walking back to her apartment when she noticed she was being followed by a van. She recalled going up the stairs to her apartment. She then entered her apartment and when she turned around, Mr. Dunckley was standing in her apartment's open doorway. She related the defendant had then told her to perform oral sex and believing she had no recourse, she complied. The victim stated she had bitten the defendant's penis when he put it in her mouth. At this time the detective collected an oral swab from the victim for comparison purposes.

On March 21, 2007, the defendant was contacted at his residence. When questioned, the defendant related the same information he had provided to the original responding officers. The detective then asked the defendant how the victim's saliva had ended up on his penis. Mr. Dunckley then advised the detective that when the victim had awoken the second time, she had removed his penis from his pants and performed oral sex upon him. The defendant stated he knew this was wrong and stopped the victim. He reported the victim had become angry and attacked him. The detective then requested the defendant respond to the police department on March 22, 2007, for an additional interview. The defendant complied and when questioned on this occasion, he reported the sexual contact with the victim on March 10, 2007 was consensual. Mr. Dunckley related he had observed the victim staggering while walking in the parking lot of the apartment complex. He had offered her a ride and asked her if she was ill. The victim had told him she had an argument with her boyfriend and continued walking toward an apartment staircase. She then fell on the stairs and the defendant parked his van and assisted the victim to her apartment. When they reached her apartment door, the victim knocked it open and fell on the floor. The defendant saw that the victim was unconscious and woke her up. At this point, the victim put her arms around him and became affectionate. He then backed away from the victim and she again passed out. He woke her a second time and on this occasion the victim removed his penis from his pants and said she wanted to thank him. She then passed out again. When the victim awoke the third time, the defendant reported she looked "possessed." She then accused him of raping him and he left her apartment. The detective asked the defendant how the victim managed to get his penis out of his pants if she was too intoxicated to stand up and he responded that it was a "bad judgement call." The defendant was reminded of the similarities in this case with the prior report which listed him as a suspect where the victim reported being forced to perform oral sex upon him while she was intoxicated and he responded that it was just a "stupid judgement call." When the victim came onto him, he made a "split second mistake." Upon conclusion of the interview, the defendant was arrested and booked accordingly.

**Count. I**

During the course of investigating Count II, the detective interviewed several other females who had contact with the defendant in the past. During the course of the interviews, the detective was advised of the name of a female who had been sexually abused by the defendant when she was a child. Further investigation revealed this victim was presently incarcerated in the Nevada Department of Corrections.

On March 29, 2007, the detective traveled to this victim's place of incarceration and she was interviewed. Upon being questioned, this victim reported that when she was twelve years of age, she and another juvenile female had gone with defendant Dunckley and his wife to the Atlantis Casino for dinner. After the dinner, the victim had mentioned to the defendant that she had never been in an elevator which allowed the view of the Reno area. This victim reported she and the defendant had entered an elevator alone. As the elevator ascended, the defendant pushed her into a corner of the elevator and put his hand down her pants.

**PRESENTENCE INVESTIGATION REPORT****BRENDAN DUNCKLEY****CC#: CR07-1728****OFFENSE SYNOPSIS (Count. I): (Continued)**

This victim related a second encounter with the defendant and stated it had occurred when Mr. Dunckley was driving her to her residence. She reported at the time she was twelve years of age and was living with her parents near Longley Lane. The victim stated that upon arrival in the parking lot of her parent's apartment complex, Mr. Dunckley had parked his vehicle and had begun kissing her. She stated the defendant had sexual intercourse with her in his vehicle. The detective asked the victim if the act was forced upon her and she stated it was not, however, she stated "but I was only twelve years old." The victim went on to relate the defendant had told her not to say anything about the incident and that he would "teach her stuff." After the assault, the victim stated she avoided any further contact with the defendant. After receiving this information, the detective attempted to locate the defendant at his residence but was unsuccessful. On March 30, 2007, the defendant responded to the Reno Police Department where he was taken into custody and booked accordingly.

**VII. CO-DEFENDANT'S/OFFENDER'S INFORMATION**

N/A

**VIII. DEFENDANT'S STATEMENT**

The defendant was interviewed at the Division of Parole and Probation on March 26, 2008. At that time he submitted a statement for the Court's review.

**IX. VICTIM INFORMATION/STATEMENT**

(VC2175351) The victim in Count I has failed to respond to communication from the Division. Therefore impact and losses are unknown.

(VC2175350) The victim in Count II has failed to respond to communication from the Division. Therefore impact and losses are unknown.

### X. CONCLUSION

The Division acknowledges the Instant Offense will constitute the defendant's first felony convictions. However, his conduct in the case before the Court displays a disturbing pattern of predatory behavior which has been ongoing for an extended period of time. In Count II, the defendant observed an opportunity to take advantage of the victim's intoxicated state and sexually abuse her in her own residence. When discovered, Mr. Dunckley attempted to fabricate a scenario which appeared to be believable to the responding officers. He was aware the victim's level of intoxication would cloud her memory and make it difficult for officers to obtain a coherent statement. When initially contacted by officers, he presented himself as a concerned citizen who was only attempting to assist an incapacitated female. During his assault, Mr. Dunckley attempted to establish an alibi by calling his wife while he is in the company of, and sexually abusing the incapacitated female. When questioned by authorities, the defendant provided several versions of events, however, he eventually acknowledged sexual contact with this victim. In Count I, the defendant created a scenario where he groomed a twelve-year-old female over a period of time, utilized his friendship with her parents, and then sexually abused her on two occasions. According to the psychosexual evaluation, the defendant presents as a moderate risk for reoffense. He is determined not to represent a high risk to reoffend based upon a currently accepted standard of assessment. It appears the defendant has invested an inordinate amount of time and planning and executing his aberrant behavior and considerable thought as to his responses if and when confronted by authorities. When his conduct before and during commission of the offenses was scrutinized by the investigating officer, his premeditation became apparent. Taking these factors into consideration, the Division cannot view the defendant as an appropriate candidate for a period of community supervision. Therefore, the following is submitted for the Court's consideration.

III. PLEA NEGOTIATIONS

The State will be free to argue for an appropriate sentence. The State will not file additional criminal charges resulting from the arrest in this case, and/or will refrain from pursuing additional and/or transactionally related offenses including all counts filed and dismissed in RJC case number 2007-033884. I understand that I am entering my plea to Count I as a legal fiction, pursuant to plea negotiations, to allow me to avoid the more serious charge of sexual assault in the original Count I, and to allow me the opportunity to qualify for probation, which would otherwise be unavailable. Full restitution.

XI. CUSTODY STATUS/CREDIT FOR TIME SERVED

Custody Status: Released on bail.

CTS: 3/30/07 - 3/31/07 = 2 days  
4/30/07 - 5/01/07 = 2 days  
Total = 4 days

XII. RECOMMENDATIONS

*see pg 67  
dates wrong*

**FEES**

Administrative Assessment: \$25.00

Chemical/Drug Analysis N/A

DNA: \$150.00

Domestic Violence: N/A

Psychosexual fee: \$950.00

Attorney fee: \$500.00

**COUNT I SENTENCE**

Minimum Term: N/A

Maximum Term: For life with the possibility of parole, with eligibility of parole beginning when a minimum of 10 years has been served.

Location: NDOC

Consecutive to/Concurrent With: N/A

Probation Recommended: No

Probation Term: N/A

Fine: N/A

Restitution: N/A

**COUNT II SENTENCE**

Minimum Term: 24 months

Maximum Term: 60 months

Location: NDOC

Concurrent With: Count I

Probation Recommended: No

Probation Term: N/A

*Pursuant to NRS 176.0931, the Instant Offense requires that an additional sentence of Lifetime Supervision be imposed.*

**PRESENTENCE INVESTIGATION REPORT  
BRENDAN DUNCKLEY  
CC#: CR07-1728**

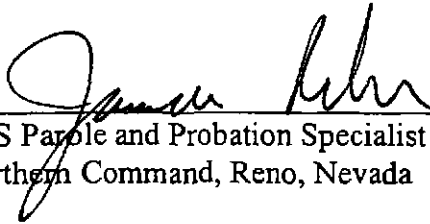
Pursuant to NRS 239B.030, the undersigned hereby affirms this document does not contain the social security number of any person.

X Pursuant to NRS 239B.030, the undersigned hereby affirms this document contains the social security number of a person as required by NRS 176.145.

Respectfully Submitted,

**BERNARD W. CURTIS, CHIEF**

Prepared by: James M. Rountree



DPS Parole and Probation Specialist IV  
Northern Command, Reno, Nevada

//jr/rpf



## DEFENDANT'S STATEMENT

Write in your own words the circumstances of your offense, why you committed the offense, your present feelings about your situation, and why you may be suitable for probation. A copy of this statement will be sent to the judge. Write or print clearly. If using a pencil, please write as dark as possible.

During the last few years I have done things that I never meant to do, nor at the time ever attempted to hurt anyone. While being a older role model to a younger friend I took advantage of the trust she had in me and completely violated the bond we had as friends. Unfortunately I should have taken the adult approach to her being attracted to me and stopped it there. But I allowed myself to be selfish and act on those feelings not taking into consideration how my actions would affect not only her & myself but those around us both. What I did was wrong and I truly felt horrible about it, Vowing that it would never happen again. AND IT NEVER DID.

IN my whole life I was raised to always help people in need. On one night in MARCH 2007 while driving home I saw someone in need of help. so I followed behind in my car to make sure she got home safe. When I realized she needed assistance I helped her into her apartment. While making sure she was okay she got affectionate and tried to "thank" me when she resumed clean my pants I did not stop her till I realized what was going on as she tried to pull at my penis I got up and she screamed "rape". She was drunk and not in a clear state of mind. I was so I NEVER should have let anything remotely happen. I allowed a situation to get out of control.

Allowing these offenses to happen makes me feel sick knowing that I had the option to not do anything but did not stop and think it through. I wish it didn't take possible prison time to see that I need to work out personal issues to get to the bottom of why these things happen.

Signature Brendan 

Date 3/26/08

(Con't)

Being that prior to the last year I have had very minor brushes with the law & the courts, I have tried to establish myself a good reputation in the community as an upstanding member of society. I feel that probation would be suitable for the fact I have no history of violence, substance abuse. I made mistakes and am taking responsibility for them. I am the sole financial support to my family and feel that I can be of better use to them providing & working hard to prove that I will never put myself in a situation that makes anyone feel less than they deserve to feel. I know that this is something that I will have to prove every day for the rest of my life.

I would like the opportunity to show everyone that I can make this better by my actions. I know that it is going to be tough but I pray that I can be in my children's lives. We are a very close family. My children cry when I come home late from work, I can only imagine what will happen if I went to prison.

Therefore I would greatly appreciate the opportunity to prove that I can make a difference. Knowing that at any time I can be put in prison if I violate any conditions of my probation.

Brendan Dunphy

3/26/08

**ROBERT P. STUYVESANT, M.S.W.**

Licensed Clinical Social Worker  
 Licensed Marriage & Family Therapist



**PSYCHOSEXUAL EVALUATION/RISK ASSESSMENT**

**NAME:** Dunckley, Brendon

**DATE OF BIRTH:** 7/4/1976

**CURRENT AGE:** 31 Years, 9 Months

**ETHNICITY:** Caucasian, Male

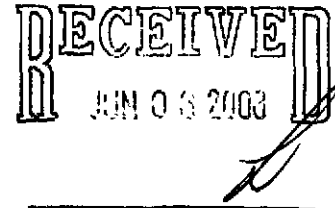
**RESIDENCE:** Reno, Nevada

**CURRENT STATUS:** Mr. Dunckley resides in Reno, Nevada; he is scheduled for sentencing on two charges: Lewdness with a Child Under the Age of Fourteen Years; Attempted Sexual Assault.

**DATE OF ASSESSMENT:** 05/21/08; 5/29/08

**DATE OF REPORT:** 6/4/08

**REFERRAL SOURCE:** State of Nevada, Division of Parole and Probation



**REASON FOR REFERRAL/PRESENTING INFORMATION:**

Mr. Dunckley is a 31-year-old Caucasian male charged with Lewdness With a Child under the Age of Fourteen Years, a violation of NRS 201.230, and Attempted Sexual Assault, a violation of NRS 200.366; both felony charges. Mr. Dunckley entered a guilty plea in Washoe County District Court, Reno, Nevada to both charges on March 4<sup>th</sup>, 2008 and sentencing is scheduled for August 5<sup>th</sup>, 2008. In regard to the lewdness charge, the guilty plea memorandum states that "on or between August 14<sup>th</sup>, 1998 and August 13<sup>th</sup>, 2000, or thereabouts, Mr. Dunckley did willfully and unlawfully commit a lewd or lascivious act upon or with the body of (identified victim), a female child under the age of fourteen years at the time that the said act was committed, in that he engaged the victim in sexual intercourse in Reno, Washoe County, Nevada, and/or put his hand down her pants to fondle her genital area in an elevator at the Atlantis Hotel and Casino, Reno, Nevada with the intent of

arousing, appealing to, or gratifying the lust, passions, or sexual desires of himself or the child". Regarding the attempted sexual assault charge, the memorandum stipulates that "on March 10<sup>th</sup>, 2007, he attempted to subject (identified second victim) to sexual penetration against the victim's will, and /or under conditions in which he knew or should have known that the victim was mentally or physically incapable of resisting or understanding the nature of the conduct, to wit, fellatio in Reno, Nevada". The victim in the first offense is identified as an acquaintance, and records indicate she was 12 to 14 years old during the time frame identified in the guilty plea memorandum. The second victim was an adult female, identified as a stranger to Mr. Dunckley. He was arrested March 20<sup>th</sup>, 2007 for the attempted sexual assault charge. He was detained, posted bail the same day and was released. He was arrested again on March 30<sup>th</sup>, 2007 on the lewdness charge. He was detained for about twelve hours. At the time of both arrests, he was residing in Reno, working for a parking control company. Mr. Dunckley was married, living with his wife and two young sons. He continues to reside in Reno, with his family, and is employed in the construction industry. Two other females made allegations that Mr. Dunckley had sexually assaulted them. He is not charged from those allegations. He admitted to consensual sex with one of the individuals in 2005, and denied sexual behaviors with the other. The person whom he admitted consensual sex occurring with was an acquaintance, whom he identified as eighteen years old at the time. Mr. Dunckley has no history of prior convictions, or arrests, for sexual offense behaviors.

This is a preliminary risk assessment aimed at developing an estimation for sexual reoffense risk. Static and dynamic factors determined by research to be associated with adults were considered. The overall estimation for reoffense risk is based on these factors. Clinical judgement is incorporated in the process, resulting in a "clinically adjusted actuarial risk assessment." *The overall goal of the evaluation is to provide information as to whether the offender represents a high risk to reoffend sexually based on currently accepted standards of assessment.*

#### Sources of Information

1. Review of police reports pertaining to referral offenses/court documents stipulating charges and plea.
2. Burns Depression Checklist.
3. Abel Assessment for Sexual Interest Questionnaire
4. Rapid Risk Assessment for Sexual Offense Recidivism.
5. Static 99.
6. Mental Status Exam
7. Sex Offense Self Report Inventory

## SOCIAL HISTORY:

### Background Information

Mr. Dunckley is a 31-year-old Caucasian male who was born in Carmel, New York, to James and Linda Dunckley. His parents have been married over 33 years, and reside in three places; California, New York, and China. He has a twin brother who resides in China, and an older sister in New York. He had another sister who died in a car accident at age 17. Brendon lived with his family to age 17. His parents owned some nursing homes in New York. Neither parents is reported to have a criminal history, or history of substance abuse. He described stability in family life, and he was always in the care of his parents. He was raised primarily in the Hudson County area of New York. He did not account for a history of physical or sexual abuse, violence or exposure to significant risk factors during his youth. Mr. Dunckley felt his relationship with his parents was close, and the primary trauma was associated with the death of his sister, when he was 21. He described his sister's death as traumatic for the family, stating, "It destroyed the closeness, and separated us". His relationship with his parents became strained following the death of his sister. Mr. Dunckley stated his parents also opposed his decision to stop practicing the Jehovah Witness religion at age 20. He currently has minimal contact with his parents, claiming his religious changes, and problems with their not accepting his relationship with his first wife. His parents are aware of his current legal situation.

Mr. Dunckley completed high school in New York and attended the Culinary Institute of America to become a chef. He graduated from that program in 1999 in Hyde Park, New York. Mr. Dunckley married his first wife Jenny in 1997. They were both twenty years old. They have a ten year old son and nine year old daughter. They met while both were attending the culinary institute, and moved to the Fresno, California area for employment after they completed their training. They divorced in 2000, which he attributed to problems managing work and family life. They have shared custody of their children, though she has primary physical custody. Post divorce, he developed a relationship with a neighbors' sister, Morgan. The moved to Reno for employment in January 2000. He has lived in the Reno area since. Mr. Dunckley and Morgan married in 2001, and have two sons, ages seven and three. They plan to continue the marriage per Mr. Dunckley. His wife does not work outside the home.

### Educational Background

Mr. Dunckley graduated high school in 1994 in New York. He described himself as an average student who was an "underachiever". He attained an associates degree from the Culinary Institute of America in 1999. He has no formal education beyond that.

### Military History

Mr. Dunckley has not been in the military.

### Employment History

Mr. Dunckley is currently employed by Northern Nevada Construction Company, in the disaster management unit. He has been there for five months. For two years previous, he worked in parking control, and from 2000 to 2005 he was employed as a chef at various local hotel/casinos. His current employer is aware of the charge against him.

### Substance Abuse History

Mr. Dunckley did not account for significant use of alcohol or substances in his history.

### Previous Mental Health Treatment

Mr. Dunckley was diagnosed in March 2008 with obsessive compulsive disorder, and ADHD. He is taking Welbutrin, and participating in outpatient therapy in Reno, with Stephen Ing, MFT, in response to the referral offense.

### Legal History

Mr. Dunckley reported no arrest history as a juvenile. As an adult, he was charged in 2005 with petty larceny. He claimed the charge came about when his child, whom he was pushing in a stroller, had taken a DVD from a store shelf unbeknownst to Mr. Dunckley. He was cited, and fined. The referral charges are his only additional arrests as an adult.

### Significant Medical History

Mr. Dunckley experienced multiple concussions while participating in hockey during his youth. He did not account for recurring problems associated with those injuries, and reports to be in good health overall.

### Relationship History

Mr. Dunckley has been married twice. He married Jenny in 1997, and divorced in 2000. They have a ten year old son, and nine year old daughter, who live primarily with their mother in California. He married his second wife, Morgan, in 2001. They have two sons, ages seven and three. They live together in Reno.

### Available Support/Primary Interests

Mr. Dunckley identified his immediate family, spouse, and mother in law as his primary support, along with his employer. His interests include cooking, tennis, roller balding, and spending time with family and a few close friends.

**CLINICAL INTERVIEW/ACCOUNT OF REFERRAL OFFENSE/SEXUAL HISTORY****Mental Status**

Brendon Dunckley is a 31-year-old Caucasian male who was interviewed in an outpatient setting. He arrived on time and participated in a positive manner. He is of moderate build and height. His memory appears to be intact with no evidence of impaired judgment or thinking. Mr. Dunckley was oriented to person, place, time and situation and affect was appropriate to content. He maintained good eye contact and intellectual functioning appears to be within the average range. He did not account for a history of substance abuse. Mr. Dunckley denied suicidal ideation or interest in absconding. He understood the charges against him.

The purpose and scope of the assessment was explained to Mr. Dunckley. Some of the risks and benefits associated with the evaluation were reviewed. He read and signed an informed consent to participate in the evaluation with results to be forwarded to the State of Nevada, Division of Parole and Probation.

**Synopsis of Referral Offense**

Mr. Dunckley admits to sexual behaviors with an under age female. The police reports indicated she was 12 to 14 years of age. He admits to two instances that involved fondling and intercourse, and claimed both instances were in 2000, when she was 14. The police reports indicate they took place between 1998 and 2000. Mr. Dunckley was 24 at the time, and claimed he was not aware of her age. He admitted to sexual behaviors with a 24 year old female, identified as a stranger to him, occurring in March 2007. He admits to engaging her in fellatio, while she was under the influence of substances.

**Onset/Progression of Referral Offenses**

Mr. Dunckley provided his account of both offenses. He claimed to have met the younger victim, in 2000, when she would have been about 14 years of age. Mr. Dunckley claimed she "accidentally" dialed his cell phone number, and his wife spoke with her. From the initial conversation, he claimed he and his wife developed a friendship with her, and her girlfriend. He claimed they also met their parents. He claimed this occurred about eight years ago, in 2008. Mr. Dunckley stated the other younger female called Mr. Dunckley's wife for a ride, as the younger female who was not the victim, and Mr. Dunckley's wife were both pregnant. He stated, "they had the cravings for fast food, so we took them". Mr. Dunckley stated he thought both of the younger females were about 17 years old, and he described a friendly relationship with them. The non-victim 14 year old also made allegations that Mr. Dunckley had fondled her when she was 12 or 13, which he denied, and was not charged.

He stated within a month of meeting them, "I was driving A.(victim in referral offense) home and she was very flirtations, so was I, in 2000. We ended up having sex in my car. Her and the other girl had spent the night at our house". He reported a second instance of sexual behaviors with her.

He stated they were in an elevator at a local hotel-casino alone and he put his hand down her pants. He denied force during both instances, and said she was probably 14 at the time, but he thought she was 17. In her statements to law enforcement, she did not account for force, threats or bribes. Mr. Dunckley stated, "I can't remember what I said to her" prior to the acts occurring. He said he learned she was 14 within a couple weeks of the second instance, from one of her friends. Mr. Dunckley said he admitted the behaviors to his wife within a couple months. He described her as "upset and hurt". He denied additional sexual behaviors occurring with the under age female, however, two of her friends made allegations, which Mr. Dunckley denied and is not charged. Mr. Dunckley said once he realized her age, he had no further contact with her. He was not clear how the allegations surfaced, and was not made aware until after his arrest in March 2007 in the second charge. He believed the offense against the under age youth was reported after one of her friends accused him of sexually assaulting her in August, 2005. He admitted to sexual behaviors with her, stating she was 19. He described intercourse occurring, and she alleged force. The case was closed as the investigator concluded there were inconsistencies in her statements, making the force aspect difficult to prove.

The second charge came about from an incident on March 10<sup>th</sup>, 2007 that involved a 24 year old female, identified as a stranger. Mr. Dunckley gave the following account of that incident: "On March 10<sup>th</sup>, 2007, while coming home (he was driving his car) I passed a person staggering on the side of the street who was drunk and falling all over the place. I turned my car to make sure she was okay and safe. My wife was on the phone with me and I followed the woman to an apartment complex, where she fell while going up the stairs to the second floor. It was then that I got out and helped her up. I asked her what her name was. I asked if she knew where she was. Had she done any drugs, and she said weed. I asked how much she had to drink, and she said a lot. I helped her to her feet and asked which apartment was hers and she pointed and I helped her to the door. I asked if she had a key or if anyone was home. She said her boyfriend was and swatted the door handle and it popped. I then turned to leave. I heard a thud and turned around and saw the door was ajar from her feet. I ran to the door and yelled her name with no response. I entered the apartment and turned her over onto her back. She was not breathing. I saw she was aspirating so I swept her mouth to clear the airway and applied a sternum rub to revive her. She came to and started to cry and talk about slippers and how she lost them and her boyfriend was going to be mad. I told her it was ok, and they were right next to her. All the while the door was still open. She passed out again and I rubbed her again. This time she started to cry again on my shoulder and I put my hand on the shoulder and said it was going to be okay. She then started to be affectionate towards me and I let her. She undid my pants and slid her hand in and took out my penis and proceeded to perform oral sex on me saying is this okay. I said yes at first then realized this was wrong and stopped her and got redressed (just my zipper), and started to leave. She freaked out and stated to yell rape, rape. I got out and called the police to come. All this took place in about 2-5 minutes. Shortly after, the police arrived." He stated he gave the same account to the investigator. He denied use of force, but said he was aware she was under the influence. The police report identified her blood alcohol content at .23. Mr. Dunckley felt he used poor judgement in allowing the sexual behavior to occur. The police report indicated she made statements that she had bit his penis aggressively. His penis was examined by investigators, and no bruising was found.



Mr. Dunckley admitted during this evaluation to having intercourse, and fondling an under age female. He believed when the behaviors occurred she was 14 years of age, and he was 24. At the time, he thought she was about 17. He also admitted to having an adult female, who was intoxicated and/or under the influence beyond her ability to consent, engage in fellatio against him on one occasion. He admitted being accused of sexual assault in 2005 by a 19 year old female acquaintance. He admitted to having intercourse with her one time, and described the act as consensual. He is not charged for that instance.

#### Additional Sexual Offense History

Mr. Dunckley did not account for additional sexual offense behaviors, or sexual relations with under age youth beyond what has been reported.

#### Sexual History

Mr. Dunckley did not report having been sexually victimized. His first sexual experience was at age 19 with an adult female. He did not report sexual experiences with males. Since age 18, he estimated having over twenty different sexual partners. He did not report sexual relations with prostitutes. He has viewed some adult pornographic material on the Internet, which he described as occasional. He did not report a history of deviant sexual behaviors.

20 partners  
in 13 years is  
1.7 per year

#### Cognitive Distortions/Motivational Factors to Referral Offense

From an acute perspective, Mr. Dunckley was in a situation that allowed opportunity to act on sexual arousal with an under age youth, and a person under the influence of substances. He acted impulsively, exhibiting problems with regulation of arousal, and may have approached the situations from an entitled perspective. Prevailing factors are linked to ongoing relationship challenges, divorce, blended family challenges, history of impulsivity, history of promiscuity. He viewed both victims in the referral offense as cooperating. He stated, "Had I known how old the first victim was I wouldn't have done it. The second one was me being stupid".

#### Perception of Victim Impact

Mr. Dunckley believed both victims were harmed, as he described having taken their sense of security away. Insight, however, was limited and somewhat superficial.

#### RESULTS OF INVENTORIES/TESTS

On the **Burns Depression Checklist** which screens for endorsement of symptoms generally associated with depression, Mr. Dunckley's overall responses point to the presence of some symptoms generally associated with depressed mood. The moderate symptoms were a sense of guilt, indecisiveness, poor self image, appetite changes, sleep changes, loss of libido. Symptoms occurring somewhat included sadness, discouragement, low self esteem, inferiority, and loss of

motivation. He denied suicidal impulse on this scale.

On the **Sex Offense Self Report Inventory**, he described the referral offenses as "sexual intercourse with a minor in 2000 in my car. She was 14. Attempted sexual assault, I allowed a drunk woman to perform oral sex and I knew better". He denied additional sexual offense behaviors, and indicated he was 100% responsible for the offenses, writing "I was the adult and the sober one. They did not deserve any of it, nor did they ask to be treated so". He wrote the primary reason for the offenses was "Very poor judgement and impulsivity".

**Abel Assessment for Sexual Interest Questionnaire** Mr. Dunckley completed the Abel Assessment for Sexual Interest Questionnaire which summarizes a self reported history of sexual behaviors and experiences, and sexual health concerns. There are also scales that screen for sexual fantasies/arousal, cognitive distortions, social desirability, a danger registry and self reported history of accusations, arrests and convictions for sexual offense behaviors. Mr. Dunckley did not complete the objectively measured sexual interest category, in that he has no substantiated history of sexual behaviors involving prepubescent children (there is some question about the age of the first victim, as she may have been as young as 12). In regard to self reported history of deviant sexual behaviors, Mr. Dunckley reported a history of sexual affairs, on ten occasions, from age 21 to 30. This is described as sexual relations with someone outside his primary relationship. He identified his partners as adult females, and claimed no recurring fantasies of such behaviors. He did not report additional deviant sexual behaviors, including use of pornography or having sexually molested a child. There were no additional sexual health concerns identified, and he did not indicate having been the victim of sexual abuse. On the sexual behaviors and fantasies scales, he reported no arousal to any of the behaviors listed, though his responses were neutral to the following: exposing himself in a public place; masturbating in public without being seen; fetishes; frottage; voyeurism; writing obscene notes; sexual affairs; sex with adults who are strangers; phone sex; use of pornography and Internet sexual materials. He reported sometimes having fantasies about having sexual affairs, and sex with strangers. He denied sexual arousal to, or sexual fantasy about touching a child. On the Cognitive Distortion Scale which screens for attitudes tolerant of sexual behaviors with children, Mr. Dunckley scored in the 8% range which is well below the range to be considered problematic, and does not indicate attitudes tolerant of adults engaging in sexual behaviors with children. On the Social Desirability Scale, which measures a persons unwillingness to admit to any violation of common social mores, such as impatience, or feelings of anger, he scored in the 50% range which is a problematic score, but not a high score. There is some indication of problems with attempts at responding truthfully to others regarding topics unrelated to sexual deviance. The Danger Registry did not yield any concerns, as he did not self report attraction to, fantasies about, or sexual interest in children since he turned 18 years of age. To the question about sexually molesting a child, Mr. Dunckley indicated he has been accused, has sexually touched a child, but the child was a willing participant. He reported two investigations or arrests and no convictions for a sexual crime.

**CLINICAL IMPRESSIONS/ESTIMATION OF REOFFENSE RISK/RECOMMENDATIONS****Clinical Impressions**

Mr. Dunckley is a 31-year-old Caucasian male charged with Lewdness With a Child under the Age of Fourteen Years, a violation of NRS 201.230, and Attempted Sexual Assault, a violation of NRS 200.366. Mr. Dunckley entered a guilty plea in Washoe County District Court, Reno, Nevada to both charges on March 4<sup>th</sup>, 2008 and sentencing is scheduled for August 5<sup>th</sup>, 2008. The guilty plea memorandum states that on or between August 14<sup>th</sup>, 1998 and August 13<sup>th</sup>, 2000, or thereabout, Mr. Dunckley did willfully and unlawfully commit a lewd or lascivious act upon or with the body of (identified victim), a female child under the age of fourteen years at the time that the said act was committed, in that he engaged the victim in sexual intercourse in Reno, Washoe County, Nevada, and/or put his hand down her pants to fondle her genital area in an elevator at the Atlantis Hotel and Casino, Reno, Nevada with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of himself or the child. The plea further stipulates that on March 10<sup>th</sup>, 2007, he attempted to subject (identified second victim) to sexual penetration against the victim's will, and /or under conditions in which he knew or should have known that the victim was mentally or physically incapable of resisting or understanding the nature of the conduct, to wit, fellatio, in Reno, Nevada. The victim in the first offense is identified as an acquaintance, and records indicate she was 12 to 14 years old during the time frame identified in the guilty plea memorandum. The second victim was an adult female, identified as a stranger to Mr. Dunckley. He was arrested March 20<sup>th</sup>, 2007 for the attempted sexual assault charge. He was detained, posted bail the same day and was released. He was arrested again on March 30<sup>th</sup>, 2007 on the lewdness charge. He was detained for about twelve hours. Two other females made allegations that Mr. Dunckley had sexually assaulted them. He is not charged from those allegations. He admitted to consensual sex with one of the individuals in 2005, and denied sexual behaviors with the other. The person whom he admitted consensual sex occurring with was an acquaintance, whom he identified as eighteen years old at the time. Mr. Dunckley has no history of prior convictions, or arrests, for sexual offense behaviors.

Mr. Dunckley admitted during the evaluation to having intercourse against, and fondling an under age female. He believed when the behaviors occurred she was 14 years of age, and he was 24. He also admitted to having an adult female, who was intoxicated and/or under the influence beyond her ability to consent, engage in fellatio against him on one occasion. He admitted being accused of sexual assault in 2005 by a 19 year old female acquaintance. He admitted to having intercourse with her one time, and described the act as consensual. He is not charged for that instance.

In considering both acute and prevailing or stable dynamic factors, from an acute perspective, Mr. Dunckley was in a situation that allowed opportunity to act on sexual arousal with an under age youth, and a second person several years later, who was under the influence of substances. He has demonstrated problems with regulation of emotions and impulsivity in general, and more specifically, sexual arousal. His sexual history points to a promiscuous lifestyle, that may have reinforced a sense of entitlement in regard to sexual behaviors. Feeling or thinking from an entitled perspective when it comes to sexual behaviors makes it easier to dismiss cues from others, thereby diminishing empathy. Prevailing factors are linked to ongoing relationship challenges, divorce,

blended family challenges, history of impulsivity, and a promiscuous lifestyle. He viewed both victims in the referral offense as cooperating. He stated, "Had I known how old the first victim was I wouldn't have done it. The second one was me being stupid". The younger victim from the offense several years ago was an acquaintance, whom Mr. Dunckley and his wife had developed a relationship, along with some of her friends. The second victim was a stranger. The second instance which occurred in March, 2007, was against a woman who was under the influence, with a blood alcohol level over .20. Mr. Dunckley was aware of her state, and acted opportunistically, using the situation to his advantage under the guise of being helpful.

#### Opportunity to Reoffend Sexually

Mr. Dunckley engaged in sexual behaviors with an under age youth, several years ago. She was an acquaintance. He self reported two instances, one led to intercourse, and a second incident involved fondling her in a public place (elevator). He has no substantiated history of sexual behaviors with other under age youth, though there have been allegations. Opportunity for recurrence is evident, based on his being in the community, which creates access to other under age youth. The second instance involved a stranger, and creates high risk for reoffense opportunity, as there is evidence that his modus operandi is not limited to acting out sexually against only individuals he is familiar with.

#### Initial Diagnostic Impressions

AXIS I: V61.21 Sexual abuse of a child, perpetrator; 302.9 paraphilia nos

AXIS II: Deferred

AXIS III: none

AXIS IV: Current legal charge, relationship challenges

AXIS V: GAF = 60

#### Reoffense Risk

The risk assessment process is a preliminary estimation for reoffense risk that is strengthened when factors related to sexual reoffense risk for adults are considered. The strongest evidence of factors characteristic of sexual reoffense risk come from follow-up studies that compare the recidivism rate of offenders with certain characteristics. No single risk factor is sufficiently related to recidivism that it can be used on its own, therefore evaluators need to consider a range of risk factors. *The strongest predictors of sexual reoffense recidivism are variables related to sexual deviance, such as deviant sexual preferences as determined by physiological/objective measures, prior sexual offenses, early on sexual offending history and the diversity of sexual crimes (Hanson, 1997).* The single strongest predictor has been determined in various studies to be sexual interest in children based on objective measures, and expressed intent to commit a sexual crime. Measures of criminal lifestyle are also significantly related to sexual recidivism. Response to treatment is another factor when considering risk assessment. The most well established risk factors are static, such as prior sexual offenses and dynamic risk factors (acute and stable). The acute factors are those which are immediately associated with the offense, such as being intoxicated and experiencing arousal in the presence of a child. Stable dynamic factors are those which occur over a longer period of time, such

as mood disorder, deviant sexual interest, and alcoholism.

In considering these factors, Mr. Dunckley self reports arousal to adult females, though he victimized an under age female. There is no legal or self reported information of continued sexual interest in under age females. He has admitted to multiple sexual relations outside his primary relationships, often with people he does not know well. He has a sexual history of promiscuity and impulsivity, which may often leave him in very risk, dangerous, if not illegal sexual situations. He did not report sexual arousal to, or fantasy about sexually touching a child since he turned 18 years of age. The primary concern is two sexual offense related charges, against two victims, in which the behaviors were spread out over a seven year time frame. The second offense involved a stranger, which presents greater risk to the community from a safety and prevention management perspective, though there is no evidence of overt force; the act occurred while she was intoxicated.

*On the RRASOR*, which provides a reasonable baseline for sexual reoffense risk, but does not include a complete evaluation of the risk factors for recidivism, he was in the low range. His raw score was one, and studies of individuals at five and ten-year follow-up that scored in this range showed recidivism rates of about 7% at five years and 11% at ten years. The lone factor that registered a point was : the victim was not related to him.

*The Static 99* is an enhanced version of the RRASOR which incorporates a few more factors: prior sentencing dates; convictions for non-contact sex offenses; index non-sexual violence; prior non-sexual violence; relationship status. The added factors elevated risk slightly, to the moderate-low range based on: unrelated victim; stranger victim.

*In considering the risk scales along with clinical judgement, Mr. Dunckley is estimated in the moderate range for sexual reoffense risk. Clinical judgement elevated risk due to reoffense behaviors occurring over an elapsed period of time, and involved an offense against a stranger. Furthermore, his promiscuous and impulsive sexual lifestyle places him at greater risk for further allegations/charges. There is evidence of being indiscriminate in regard to victim selection, meaning his modus operandi is not limited to a particular victim type, age, or preference.*

*It is the opinion of this evaluator that Mr. Dunckley **DOES NOT REPRESENT A HIGH RISK TO REOFFEND SEXUALLY** based on current standards for assessment (NRS 176a.110)*

#### Risk Population

Based on historical information, responses to inventories, self reported arousal and objective measures of sexual interest, the identifiable risk population is varied, and can include adult females who are strangers, and under age youth whom he has access to, or has developed a relationship with. Much younger children do not present as immediate risk, in that there is no evidence of sexual interest in younger children.

### Amenability to Treatment/Prognosis

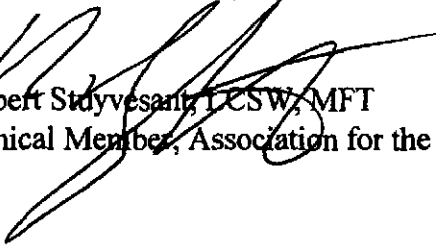
Mr. Dunckley presents as a positive candidate for treatment, based on his willingness to openly discuss and explore the factors related to the referral offense; primarily his disclosure of his sexual offense history. He does not present as antisocial or defiant [though there may be some resistance to treatment upon realization of a longer term process.] Although there may be some minimization and presence of cognitive distortions that support and maintain the behaviors, these issues can be addressed in the treatment process with Mr. Dunckley. Mr. Dunckley recognizes the need for intervention, and reported having initiated treatment to date.

### Recommendations

In the event that Mr. Dunckley is not incarcerated, placing him under the supervision of the probation department would ensure compliance and cooperation with recommendations. If he is released to the community, the following recommendations are respectfully submitted:

1. Mr. Dunckley should be directed to participate in sexual offense specific treatment. Ideally a treatment program that provides individual, group and family-based intervention would be suitable for this situation. Generally speaking, sexual offense specific treatment will focus on: dynamic factors related to the offense behaviors; denial; consequences for the offender; identification of motivating factors; identification/confrontation of the sexual offense cycle and strategies for interrupting the pattern; recognition of cognitive distortions associated with sexual offense behaviors; victim impact; relapse prevention; social and communication skill building; healthy relationship development; strategies for managing emotions/physiological states including sexual arousal; and, victim restitution. Treatment progress reports will reflect such components as having been addressed, while providing measurements for progression through treatment, or lack thereof.
2. Mr. Dunckley should not have access to younger pre-teen or early teenage females, especially if alone or unsupervised. There is no evidence that his children are at risk, however, the family needs to be informed of risk factors, and actively participate in the treatment process (contingent upon consent). A period of electronic monitoring, combined with limited driving opportunities may help reduce reoffense opportunities, as he participates in treatment.
3. Mr. Dunckley should be directed to complete a comprehensive substance abuse evaluation, and adhere to recommendations.
4. It is recommended that treatment and progress reports are made available on a regular basis to the probation department. Treatment may also include continued sexual interest screening and maintenance/disclosure polygraph assessments. Random searches of his residence by the supervising probation department further enhances environmental controls and compliance with treatment and probation terms. Failure to comply with such terms should be considered an immediate risk factor, and responded to expeditiously by the court.

***Level of risk does not reflect the harm or trauma associated with the sexual offenses for the victims. Failure to comply with external controls may elevate risk. Studies have shown that those who are noncompliant with terms of probation or treatment contracts demonstrate higher recidivism rates. This is a preliminary estimation for sexual reoffense risk and risk may change based on identification of new factors and lack of adjustment to the stable dynamic factors associated with the offense. This evaluation is time limited.***



Robert Stuyvesant, LCSW, MFT  
Clinical Member, Association for the Treatment of Sexual Abusers

7/21/08

To whom it may concern,

I have known Brendan Dunkley for over eight years. I met him through a co-worker and he worked as a cook and Food Server for our Food and Beverage department at the Fitzgerald's Hotel casino. He has a stellar reputation as a chef in the community and is known as the cook who can be dropped anywhere and pulls any function together. After being transferred to another property owned by Cashell Group, the Alamo Casino. I was pleasantly surprised in February to see Brendan's capable face show up during a broken pipe incident in the restaurant, which flooded the entire casino crawl space. Brendan was running the team that cleaned, cleared, sanitized and restored our restaurant in less than 24 hours. I turned my keys to the restaurant over to Brendan knowing my stock and equipment were as safe with him as it would be with me.

I was very surprised to hear of the alleged allegation against Brendan. He has been professional and respectful in his actions with me and interactions with my staff both male and female.

Feel free to contact me at cell # (775) 223-1806 or work #(775) 355-8888

Leslie Deach, Food & Beverage Director, Alamo Casino  
1950 E. Greg Street  
Sparks NV 894321



**LESLIE DEACH**  
Food and Beverage Director

1950 E. Greg Street  
Sparks, Nevada 89431

Phone: 775.355.8888  
Cell: 775.223.1806  
leslie@thealamo.com





# ING Counseling

Steven Ing, M.A., M.F.T.

3500 Lakeside Court, Suite 120

Reno, Nevada 89509

775.329.6002 Tel

August 4, 2008

To: David O'Mara, Esq.  
Fax: 323-4082  
Re: Brendon Dunckley

Dear Mr. O'Mara,

The following dates document Brendon Dunckley's clinical contact with Steven Ing, M.A., M.F.T. for sex offender specific counseling.

Individual Sessions: 3-03-08  
3-26-08  
4-29-08

Sex Offender Group Attendance: 4/23/08  
4/30 (absent)  
5/7  
5/14  
5/21  
5/28  
6/4  
6/11  
6/18 (absent)  
6/25  
7/2  
7/16 (absent)  
7/23  
7/30

Please contact our office if we can be of any further assistance.

Sincerely,



Sharon Burnside,  
Business Manager

AFFIRMATION

(PURSUANT TO NRS. 239B.030)

THE UNDERSIGNED DOES HEREBY AFFIRM THAT THE PROCEEDING DOCUMENT FILED IN CASE NO. CRO7-1728 POST-CONVICTION WRIT OF HABEAS CORPUS PETITION.

PART NO. III

X DOCUMENT DOES NOT CONTAIN THE SOCIAL SECURITY NUMBERS OF ANY PERSON.

-OR-

       DOCUMENT DOES CONTAIN THE SOCIAL SECURITY NUMBER OF A PERSON AS REQUIRED BY A SPECIFIC STATE OR FEDERAL LAW, TO WIT:

-OR-

       FOR THE ADMINISTRATION OF A PUBLIC PROGRAM

-OR-

       FOR THE APPLICATION OF A FEDERAL OR STATE GRANT

-OR-

       CONFIDENTIAL FAMILY COURT INFORMATION SHEET (NRS 125.130, NRS 125.230, NRS 125B.055)

DATED: 7/15/09



BRENDAN DUNKLEY (#1023236)  
L.C.C.  
1200 PRISON ROAD  
LOVELOCK, NEVADA. 89419

ATTORNEY: PRO PER V8. 301

CR07P-1728  
DC-990009798-037  
POST BRENDAN DUNCKLEY (D 142 Pages  
District Court 07/21/2009 02:23 PM  
Washoe County 4105  
NAC

FILED

2009 JUL 21 PM 2:28

1 CASE No: CR07-1728

2 DEPT. No: 4

HOWARD W. CONYERS

BY [Signature]  
DEPUTY

3  
4 IN THE SECOND JUDICIAL DISTRICT COURT OF THE  
5 STATE OF NEVADA IN AND FOR THE COUNTY OF WASHOE  
6  
7

8 BRENDAN DUNCKLEY,  
9 PETITIONER

CASE No: CR07-1728

10 v.

11 JACK PALMER,  
12 RESPONDANT

13  
14 SUPPORTING DOCUMENTATION FOR PETITIONERS  
15 POST-CONVICTION WRIT OF HABEAS CORPUS PETITION  
16

17 PART NO: IV  
18

19  
20 Brendan Dunckley  
21 BRENDAN DUNCKLEY #1023236  
22 L.C.C.  
23 1200 PRISON ROAD  
24 LUNELINK, NEVADA 89419  
25

26 ATTORNEY IN PRO SE.  
27  
28

# Incident Report RENO POLICE DEPARTMENT

05-34027

Supplement No  
ORIG



Address  
P.O. BOX 1900  
Address  
455 E 2ND ST  
City State, Zip  
Reno NV, 89505  
Phone Number  
775-334-2175  
Fax Number

Reported Date  
08/20/2005  
Nature of Call  
SEXASSLT  
Author  
CLARK, JERRY JR

## Administrative Information

Agency <b>RENO POLICE DEPARTMENT</b>	OCA # <b>05-34027</b>	Supplement No <b>ORIG</b>	Reported Date <b>08/20/2005</b>	Reported Time <b>23:07</b>	CAD Call No <b>052321447</b>
Status <b>REPORT TO FOLLOW</b>	Nature of Call <b>SEXUAL ASSAULT</b>	Crime/Inc Loc <b>4050 GARDELLA AV</b>			
City <b>RENO</b>	Rep Dist <b>J7I3</b>	Area <b>RN</b>	Beat <b>44</b>	From Date <b>08/20/2005</b>	From Time <b>21:30</b>
Emp # <b>R9727/CLARK, JERRY JR</b>	Assignment <b>Patrol - Grave - Team 02</b>			Author <b>R9727</b>	
Assignment <b>Patrol - Grave - Team 02</b>	RMS Transfer <b>Successful</b>	Prop Trans Stat <b>Successful</b>	Approving Officer <b>R0725</b>		
Approval Date <b>08/22/2005</b>	Approval Time <b>05:32:20</b>				
# Offenses <b>1</b>	Offense <b>200.366</b>	Description <b>SEXUAL ASSAULT</b>	Complaint Type <b>F</b>		
Link <b>SUS</b>	Involvement <b>SUS</b>	Seq # <b>1</b>	Name <b>DUNCKLEY, BRENDAN THOMAS</b>	Race <b>W</b>	Sex <b>M</b>
			Date of Birth <b>07/04/1976</b>		

## Person Summary

Invl	Invl No	Type	Name	MNI	Race	Sex	Date of Birth
LEP	1	P	; CLARK, WADE - RPD				
LEP	2	P	; BELLINGER, KRISTEN - RPD				
LEP	3	P	; ALLEN, DUSTIN - RPD				
LEP	4	P	; HEGLAR, SCOTT - RPD				
LEP	5	P	; RULLA, BILL - RPD SGT				
LEP	6	P	; SALTER, ALAN - RPD DET				
LEP	7	P	; BRADSHAW, KIM - RPD DET SGT				
LEP	8	P	; ARMITAGE, BARBARA - RPD DET				
LEP	9	P	; BROOME, TOM - RPD DET				
SUB	1	I	MCGREW, TERESA	507838	W	F	09/22/1957
SUB	2	I	MCGREW, PATRICK	1024540	W	M	05/29/1954
SUB	3	I	COLE, RICHARD	1061762	W	M	04/19/1974
SUB	4	I	MABUS, AMBER	154341	W	F	08/07/1984
SUB	5	I	ANTHONY, MICHELLE	553376	W	F	10/26/1986
SUB	6	I	SCOGGIN, TELA	153951	W	F	02/08/1983
SUB	7	I	SCHWEBER, ERIN	718897	W	F	
SUB	8	I	HSU, MINDY	1061767			
SUB	9	I	ENGEL, DENISE	922655			
SUB	10	I	SANDERS, TRACY	1001730	W	F	

# Incident Report RENO POLICE DEPARTMENT

05-34027

Supplement No  
ORIG

## Person Summary

Invl	Invl No	Type	Name	MNI	Race	Sex	Date of Birth
SUB	11	I	ENGEL, DENISE	922655			
SUS	1	I	DUNCKLEY, BRENDAN THOMAS	913249	W	M	07/04/1976
VIC	1	I	SEXTON, LURA REECE	900549	W	F	05/05/1987
WIT	1	I	JAMES, KELLY MARIE	893829	W	F	05/11/1987

## Vehicle Summary

Invl	Type	License No	State	Lic Year	Year	Make	Model	Style	Color
SUS	1	199SDR	NV	2006	1994	FORD	TAU	4D	LBL

## Property Summary

Involvement	EVD
Description	ARTICLE: AUDIO TAPE AUDIO Audio tape of contact and interview/statement of suspect

**Incident Report  
RENO POLICE DEPARTMENT**

**05-34027**

Supplement No  
ORIG

**LAW ENFORCEMENT PERSONNEL 1: ;CLARK,WADE - RPD**

Involvement <b>LAW ENFORCEMENT PERSONNEL</b>	Seq # <b>1</b>	Type <b>POLICE OFFICER (RPD/UNR ONLY)</b>
Name <b>; CLARK, WADE - RPD</b>		

**LAW ENFORCEMENT PERSONNEL 2: ;BELLINGER,KRISTEN - RPD**

Involvement <b>LAW ENFORCEMENT PERSONNEL</b>	Seq # <b>2</b>	Type <b>POLICE OFFICER (RPD/UNR ONLY)</b>
Name <b>; BELLINGER, KRISTEN - RPD</b>		

**LAW ENFORCEMENT PERSONNEL 3: ;ALLEN,DUSTIN - RPD**

Involvement <b>LAW ENFORCEMENT PERSONNEL</b>	Seq # <b>3</b>	Type <b>POLICE OFFICER (RPD/UNR ONLY)</b>
Name <b>; ALLEN, DUSTIN - RPD</b>		

**LAW ENFORCEMENT PERSONNEL 4: ;HEGLAR,SCOTT - RPD**

Involvement <b>LAW ENFORCEMENT PERSONNEL</b>	Seq # <b>4</b>	Type <b>POLICE OFFICER (RPD/UNR ONLY)</b>
Name <b>; HEGLAR, SCOTT - RPD</b>		

**LAW ENFORCEMENT PERSONNEL 5: ;RULLA,BILL - RPD SGT**

Involvement <b>LAW ENFORCEMENT PERSONNEL</b>	Seq # <b>5</b>	Type <b>POLICE OFFICER (RPD/UNR ONLY)</b>
Name <b>; RULLA, BILL - RPD SGT</b>		

**LAW ENFORCEMENT PERSONNEL 6: ;SALTER,ALAN - RPD DET**

Involvement <b>LAW ENFORCEMENT PERSONNEL</b>	Seq # <b>6</b>	Type <b>POLICE OFFICER (RPD/UNR ONLY)</b>
Name <b>; SALTER, ALAN - RPD DET</b>		

**LAW ENFORCEMENT PERSONNEL 7: ;BRADSHAW,KIM - RPD DET SGT**

Involvement <b>LAW ENFORCEMENT PERSONNEL</b>	Seq # <b>7</b>	Type <b>POLICE OFFICER (RPD/UNR ONLY)</b>
Name <b>; BRADSHAW, KIM - RPD DET SGT</b>		

**LAW ENFORCEMENT PERSONNEL 8: ;ARMITAGE,BARBARA - RPD DET**

Involvement <b>LAW ENFORCEMENT PERSONNEL</b>	Seq # <b>8</b>	Type <b>POLICE OFFICER (RPD/UNR ONLY)</b>
Name <b>; ARMITAGE, BARBARA - RPD DET</b>		

**LAW ENFORCEMENT PERSONNEL 9: ;BROOME,TOM - RPD DET**

Involvement <b>LAW ENFORCEMENT PERSONNEL</b>	Seq # <b>9</b>	Type <b>POLICE OFFICER (RPD/UNR ONLY)</b>
Name <b>; BROOME, TOM - RPD DET</b>		

**SUBJECT 1: MCGREW,TERESA**

Involvement <b>SUBJECT</b>	Seq # <b>1</b>	Type <b>INDIVIDUAL</b>	Name <b>MCGREW, TERESA</b>	MNI <b>507838</b>	Race <b>WHITE</b>	
Sex <b>FEMALE</b>	Date of Birth <b>09/22/1957</b>	Age <b>47</b>	Ethnicity <b>NOT OF HISPANIC ORIGIN</b>	Juvenile? <b>No</b>	Height <b>5'09"</b>	Weight <b>218#</b>
Hair Color <b>BLONDE/STRAWBERRY</b>		Eye Color <b>BLUE</b>				
Type <b>HOME</b>	Address <b>473 E EMERSON WY</b>		City <b>SPARKS</b>	State <b>NEVADA</b>		
ZIP Code <b>89431</b>						
Type <b>SOCIAL SECURITY NUMBER</b>	ID No <b>[REDACTED]</b>					
Phone Type <b>HOME</b>	Phone No <b>(775) 356-1543</b>					

**Incident Report  
RENO POLICE DEPARTMENT**

**SUBJECT 2: MCGREW, PATRICK**

Involvement <b>SUBJECT</b>	Seq # <b>2</b>	Type <b>INDIVIDUAL</b>	Name <b>MCGREW, PATRICK</b>				MNI <b>1024540</b>	Race <b>WHITE</b>	Sex <b>MALE</b>
Date of Birth <b>05/29/1954</b>	Age <b>51</b>	Ethnicity <b>NOT OF HISPANIC ORIGIN</b>		Juvenile? <b>No</b>	Height <b>6'01"</b>	Weight <b>220#</b>	Hair Color <b>GRAY/PARTIALLY GRAY</b>		
Eye Color <b>GREEN</b>									
Type <b>HOME</b>	Address <b>473 E EMERSON WY</b>				City <b>SPARKS</b>		State <b>NEVADA</b>		
ZIP Code <b>89431</b>									
Type <b>SOCIAL SECURITY NUMBER</b>				ID No					
Phone Type <b>HOME</b>	Phone No <b>(775) 356-1543</b>								

**SUBJECT 3: COLE, RICHARD**

Involvement <b>SUBJECT</b>	Seq # <b>3</b>	Type <b>INDIVIDUAL</b>	Name <b>COLE, RICHARD</b>				MNI <b>1061762</b>	Race <b>WHITE</b>	Sex <b>MALE</b>
Date of Birth <b>04/19/1974</b>	Age <b>31</b>	Juvenile? <b>No</b>							
Type <b>HOME</b>	Address <b>5442 ECHO AV</b>				City <b>RENO</b>		State <b>NEVADA</b>		
ZIP Code <b>89506</b>									
Phone Type <b>HOME</b>	Phone No <b>(775) 971-0489</b>								

Work/School <b>WESTERN VILLAGE</b>	Position/Grade <b>SECURITY</b>				
Location <b>815 NICHOLS BL</b>				City <b>SPARKS</b>	State <b>NEVADA</b>

**SUBJECT 4: MABUS, AMBER**

Involvement <b>SUBJECT</b>	Seq # <b>4</b>	Type <b>INDIVIDUAL</b>	Name <b>MABUS, AMBER</b>				MNI <b>154341</b>	Race <b>WHITE</b>
Sex <b>FEMALE</b>	Date of Birth <b>08/07/1984</b>	Age <b>21</b>	Ethnicity <b>NOT OF HISPANIC ORIGIN</b>		Juvenile? <b>No</b>	Height <b>5'08"</b>	Weight <b>160#</b>	
Hair Color <b>BLONDE/STRAWBERRY</b>		Eye Color <b>BLUE</b>						
Type <b>ADDITIONAL</b>	Address <b>4456 GLACIER PEAK CI</b>				City <b>SPARKS</b>		State <b>NEVADA</b>	
ZIP Code <b>89436</b>								
Type <b>HOME</b>	Address <b>4050 GARDELLA AV #1411</b>				City <b>RENO</b>		State <b>NEVADA</b>	
ZIP Code <b>89512</b>								
Type <b>SOCIAL SECURITY NUMBER</b>				ID No				
Phone Type <b>BUSINESS</b>	Phone No <b>(775) 828-2928</b>		Cellular type <b>ALL CELLULAR AND/OR MOBILE PHONES</b>					
Phone No <b>(775) 354-6156</b>		Phone Type <b>HOME</b>	Phone No <b>(775) 626-2469</b>					

Work/School <b>HIPPITY HOP LEARNING CENTER</b>	Position/Grade <b>TCHRS AIDE</b>					
Location <b>4800 FILBERT RD</b>				City <b>RENO</b>	State <b>NEVADA</b>	ZIP Code <b>89502</b>
Phone Type <b>BUSINESS</b>	Phone No <b>(775) 828-2928</b>					

**SUBJECT 5: ANTHONY, MICHELLE**

Involvement <b>SUBJECT</b>	Seq # <b>5</b>	Type <b>INDIVIDUAL</b>	Name <b>ANTHONY, MICHELLE</b>				MNI <b>553376</b>	Race <b>WHITE</b>	
Sex <b>FEMALE</b>	Date of Birth <b>10/26/1986</b>	Age <b>18</b>	Ethnicity <b>NOT OF HISPANIC ORIGIN</b>		Juvenile? <b>No</b>	Height <b>5'06"</b>	Weight <b>100#</b>	Hair Color <b>BROWN</b>	Eye Color <b>BROWN</b>

# Incident Report RENO POLICE DEPARTMENT

05-34027

Supplement No  
ORIG

Type	Address		City		State	
HOME	800 REDFIELD PW #104		RENO		NEVADA	
ZIP Code 89509						
Type	ID No	OLS				
OPERATOR LICENSE	0801839758	NEVADA				
Type ID No SOCIAL SECURITY NUMBER						
Phone Type		Phone No		Phone Type		
ALL CELLULAR AND/OR MOBILE PHONES		(775) 303-0536		HOME		
Phone No (775) 825-8102						
Work/School NONE						
<b>SUBJECT 6: SCOGGIN,TELA</b>						
Involvement	Seq #	Type	Name		MNI	Race
SUBJECT	6	INDIVIDUAL	SCOGGIN, TELA		153951	WHITE
Sex	Date of Birth	Age	Juvenile?	Height	Weight	Hair Color Eye Color
FEMALE	02/08/1983	22	No	5'01"	150#	BROWN BROWN
Type	Address		City		State	
ADDITIONAL	7618 QUARRY ROCK CT		RENO		NEVADA	
ZIP Code 89506						
Type	Address		City		State	
HOME	4050 GARDELLA AV #1411		RENO		NEVADA	
ZIP Code 89512						
Type ID No SOCIAL SECURITY NUMBER						
Phone Type		Phone No		Phone Type		
BUSINESS		(775) 828-2928		ALL CELLULAR AND/OR MOBILE PHONES		
Phone No (775) 815-1889						
Work/School			Position/Grade			
HIPPIITY HOP LEARNING CENTER			TCHRS AIDE			
Location			City		State ZIP Code	
4800 FILBERT RD			RENO		NEVADA 89502	
Phone Type		Phone No				
BUSINESS		(775) 828-2928				
<b>SUBJECT 7: SCHWEBER,ERIN</b>						
Involvement	Seq #	Type	Name		MNI	Race
SUBJECT	7	INDIVIDUAL	SCHWEBER, ERIN		718897	WHITE
Sex FEMALE						
Work/School			Position/Grade			
CRISIS CALL CENTER			VIC ADVOC			
<b>SUBJECT 8: HSU,MINDY</b>						
Involvement	Seq #	Type	Name		MNI	
SUBJECT	8	INDIVIDUAL	HSU, MINDY		1061767	
Work/School			Position/Grade			
CRISIS CALL CENTER			VIC ADVOC			
<b>SUBJECT 9: ENGEL, DENISE</b>						
Involvement	Seq #	Type	Name		MNI	
SUBJECT	9	INDIVIDUAL	ENGEL, DENISE		922655	
Work/School			Position/Grade			
SART NURSE			SART NURSE			
<b>SUBJECT 10: SANDERS,TRACY</b>						
Involvement	Seq #	Type	Name		MNI	Race
SUBJECT	10	INDIVIDUAL	SANDERS, TRACY		1001730	WHITE
Sex FEMALE						
Work/School			Position/Grade			
WCSO FIS CRIME LAB			FIS			



# Incident Report

## RENO POLICE DEPARTMENT

05-34027

Supplement No  
ORIG

### SUBJECT 11: ENGEL, DENISE

Involvement <b>SUBJECT</b>	Seq # <b>11</b>	Type <b>INDIVIDUAL</b>	Name <b>ENGEL, DENISE</b>	MNI <b>922655</b>
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Work/School  
**SART NURSE**

### SUSPECT 1: DUNCKLEY, BRENDAN THOMAS

Involvement <b>SUSPECT</b>	Seq # <b>1</b>	Type <b>INDIVIDUAL</b>	Name <b>DUNCKLEY, BRENDAN THOMAS</b>	MNI <b>913249</b>	Race <b>WHITE</b>	Sex <b>MALE</b>
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Date of Birth <b>07/04/1976</b>	Age <b>29</b>	Ethnicity <b>NOT OF HISPANIC ORIGIN</b>	Juvenile? <b>No</b>	Height <b>5'06"</b>	Weight <b>170#</b>	Hair Color <b>BROWN</b>	Eye Color <b>HAZEL</b>	Gen Appearance <b>CASUAL</b>
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Build <b>MEDIUM</b>	Demeanor <b>SLEEPY/COOPERATIVE</b>
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Type <b>HOME</b>	Address <b>4412 BAKER LN #D</b>	City <b>RENO</b>	State <b>NEVADA</b>
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ZIP Code <b>89509</b>
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Type <b>OPERATOR LICENSE</b>	ID No <b>0001025012</b>	OLS <b>NEVADA</b>
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Type <b>SOCIAL SECURITY NUMBER</b>
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Phone Type <b>ALL CELLULAR AND/OR MOBILE PHONES</b>	Phone No <b>(775) 303-0911</b>	Phone Type <b>HOME</b>
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Phone No <b>(775) 829-4585</b>
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Relationship <b>SPOUSE</b>	Name <b>DUNCKLEY, MORGAN</b>	Sex <b>FEMALE</b>	Race <b>WHITE</b>	Date of Birth <b>01/14/1984</b>
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Address <b>4412 BAKER LN #D</b>	City <b>RENO</b>	State <b>NEVADA</b>	ZIP Code <b>89509</b>
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Phone Type <b>HOME</b>	Phone No <b>(775) 829-4585</b>
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Work/School <b>TELESIS</b>	Position/Grade <b>BOOTER</b>
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Location <b>GOLDEN VIEW RD</b>	City <b>RENO</b>	State <b>NEVADA</b>
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Phone Type <b>ALL CELLULAR AND/OR MOBILE PHONES</b>	Phone No <b>(775) 303-0911</b>
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Injuries <b>NONE CLAIMED</b>	Means of Travel <b>LIGHT BLUE 1994 FORD TAURUS 4D NV/199SDR</b>
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### VICTIM 1: SEXTON, LURA REECE

Involvement <b>VICTIM</b>	Seq # <b>1</b>	Type <b>INDIVIDUAL</b>	Name <b>SEXTON, LURA REECE</b>	MNI <b>900549</b>	Race <b>WHITE</b>	Sex <b>FEMALE</b>
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Date of Birth <b>05/05/1987</b>	Age <b>18</b>	Ethnicity <b>NOT OF HISPANIC ORIGIN</b>	Juvenile? <b>No</b>	Height <b>5'08"</b>	Weight <b>202#</b>	Hair Color <b>BLACK</b>	Eye Color <b>HAZEL</b>
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Means of Attack <b>HANDS/FEET/FISTS (MEDICAL TREATMENT REQ)</b>	Extent of Injury <b>NO VISIBLE INJURY</b>	Dom Violence <b>NO</b>	Gen Appearance <b>CASUAL</b>
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Build <b>MEDIUM</b>	Demeanor <b>CRYING/AFRAID</b>
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Type <b>HOME</b>	Address <b>4500 MIRA LOMA DR #364</b>	City <b>RENO</b>	State <b>NEVADA</b>
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ZIP Code <b>89502</b>
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Type <b>NEXT OF KIN</b>	Address <b>473 E EMERSON WY</b>	City <b>SPARKS</b>	State <b>NEVADA</b>
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ZIP Code <b>89431</b>
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Type <b>SOCIAL SECURITY NUMBER</b>	ID No
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Phone Type <b>ALL CELLULAR AND/OR MOBILE PHONES</b>	Phone No <b>(775) 379-0712</b>	Phone Type <b>HOME</b>
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Phone No <b>(775) 829-0528</b>
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# Incident Report RENO POLICE DEPARTMENT

05-34027

Supplement No  
ORIG

Relationship <b>FATHER</b>	Name <b>MCGREW, PATRICK</b>	Sex <b>MALE</b>	Race <b>WHITE</b>	Date of Birth <b>05/29/1954</b>
Address <b>473 E EMERSON WY</b>		City <b>SPARKS</b>	State <b>NEVADA</b>	ZIP Code <b>89431</b>
Phone Type <b>HOME</b>	Phone No <b>(775) 356-1543</b>			
Relationship <b>MOTHER</b>	Name <b>MCGREW, TERESA</b>	Sex <b>FEMALE</b>	Race <b>WHITE</b>	Date of Birth <b>09/22/1957</b>
Address <b>473 E EMERSON WY</b>		City <b>SPARKS</b>	State <b>NEVADA</b>	ZIP Code <b>89431</b>
Phone Type <b>HOME</b>	Phone No <b>(775) 356-1543</b>			
Work/School <b>HIPPITY HOP LEARNING CENTER</b>	Position/Grade <b>TCHR'S AID</b>			
Location <b>4800 FILBERT RD</b>		City <b>RENO</b>	State <b>NEVADA</b>	ZIP Code <b>89502</b>
Phone Type <b>BUSINESS</b>	Phone No <b>(775) 828-2928</b>			
Work/School <b>TMCC</b>	Position/Grade <b>STUDENT</b>			
Injuries <b>NONE VISIBLE-COMPLAINING OF NECK AND VAGINAL PAIN</b>				
<b>Medical/Coroner</b>				
Nature of Illness <b>SART EXAM</b>				
Treatment <b>SART EXAM</b>				
<b>WITNESS 1: JAMES, KELLY MARIE</b>				
Involvement <b>WITNESS</b>	Seq # <b>1</b>	Type <b>INDIVIDUAL</b>	Name <b>JAMES, KELLY MARIE</b>	MNI <b>893829</b>
Sex <b>FEMALE</b>	Date of Birth <b>05/11/1987</b>	Age <b>18</b>	Ethnicity <b>NOT OF HISPANIC ORIGIN</b>	Juvenile? <b>No</b>
Hair Color <b>BLONDE/STRAWBERRY</b>	Eye Color <b>BLUE</b>	Gen Appearance <b>CASUAL</b>	Build <b>SMALL</b>	Weight <b>104#</b>
Type <b>HOME</b>	Address <b>4500 MIRA LOMA DR #364</b>		City <b>RENO</b>	State <b>NEVADA</b>
Type <b>SOCIAL SECURITY NUMBER</b>				
Phone Type <b>BUSINESS</b>	Phone No <b>(775) 828-2928</b>		Phone Type <b>ALL CELLULAR AND/OR MOBILE PHONES</b>	
Phone No <b>(775) 443-1862</b>		Phone Type <b>HOME</b>	Phone No <b>(775) 829-0528</b>	
Relationship <b>ROOMMATE</b>	Name <b>SEXTON, LURA</b>	Sex <b>FEMALE</b>	Race <b>WHITE</b>	Date of Birth <b>05/11/1987</b>
Address <b>4500 MIRA LOMA DR #364</b>		City <b>RENO</b>	State <b>NEVADA</b>	Phone Type <b>HOME</b>
Phone No <b>(775) 829-0528</b>				
Work/School <b>HIPPITY HOP LEARNING CENTER</b>	Position/Grade <b>TCHRS AIDE</b>			
Location <b>4800 FILBERT RD</b>		City <b>RENO</b>	State <b>NEVADA</b>	Phone Type <b>BUSINESS</b>
Phone No <b>(775) 828-2928</b>				
<b>Vehicle: 199SDR</b>				
Involvement <b>SUSPECT</b>	Type <b>AUTO</b>	License No <b>199SDR</b>	State <b>NEVADA</b>	Lic Year <b>2006</b>
Style <b>SEDAN, 4 DOOR</b>		Color <b>BLUE, LIGHT</b>	Lic Type <b>PASSENGER CAR</b>	Year <b>1994</b>
Make <b>FORD</b>	Model <b>TAU</b>	Year <b>1994</b>	Make <b>FORD</b>	Model <b>TAU</b>
Link <b>SUS</b>	Involvement <b>SUS</b>	Seq # <b>1</b>	Name <b>DUNCKLEY, BRENDAN THOMAS</b>	Date of Birth <b>07/04/1976</b>

# Incident Report RENO POLICE DEPARTMENT

05-34027

Supplement No  
ORIG

Property				
Item	Involvement	In Custody?	Bar Code	Item No
1	EVIDENCE	Yes	050009152	1
Description				
Audio tape of contact and interview/statement of suspect				
Type	Cat	Article	# Pieces	Rcv Location
A	AUDIO TAPE	AUDIO	1	4412 BAKER LN #D
Rcv City	Rcv St	Rep Dist	Beat	
RENO	NEVADA	K5C4	86	

Modus Operandi				
Weapon Used		Premise Type	Victim's Race	Victim's Sex
HANDS, FISTS, FEET		CAR, TRUCK, VAN/VACANT, EMPTY LOT	WHITE	FEMALE
Victim's Action				
NOT AT HOME				
Suspect Action				
VEHICLE NEEDED/RAPE				
Crime Code(s)				
SEX CRIMES				

## Narrative

On August 20, 2005, at approximately 2323 hours, Officer BELLINGER and I (CLARK) responded to Washoe Medical Center ER on report of a sexual assault that occurred between 2100-2200 hours. Upon arrival Officer BELLINGER and I contacted ER nurse HUGHES, Cyndi who said that the victim was an eighteen year old female who would be located in ER room # 28. HUGHES told us she is complaining of throat and vaginal pain. HUGHES examined the victim's throat and she reported no injuries visible. Officer BELLINGER and I then contacted victim SEXTON, Lura and her mother MCGREW, Teresa (SEXTON, Lura initially reported the last name of MCGREW to officers).

Victim SEXTON, Lura reported the following to me at Washoe Medical Center:

At approximately 2100 hours SEXTON and her roommate JAMES, Kelly, were at the Bluffs Apartment complex, 4050 Gardella Ave Reno, NV, to visit co-workers MABUS, Amber and SCOGGIN, Tela, who live at the above address in apartment #1411. SEXTON and JAMES were walking through the parking lot and SEXTON saw an old friend only identified as Brendan. SEXTON used to be friends with Brendan 4 years ago and has only seen him once in the last four years. (SEXTON saw Brendan on Friday August 19, 2005, at approximately 2100 hours at the 7-11 convenient store located on Parr Blvd. SEXTON spoke with Brendan and gave him her phone number. Brendan told Sexton he would call her later.)

Brendan spoke with SEXTON in the parking lot and asked SEXTON to go for a drive and talk with him, as he had just gotten off of work. SEXTON agreed but told Brendan she could only be gone for ten minutes as she was at the Bluffs to visit friends. SEXTON got into Brendan's small older blue two door car and they drove through the complex. While driving Brendan asked her how she was doing, what she has been doing lately, and where she was currently working. Brendan drove the car off the pavement onto a dirt road into the hills from the Bluffs Apartment complex.

Brendan stopped the car an unknown distance from the two signs notifying vehicles that the pavement is ending. As soon as SEXTON told Brendan she was working at Hippity Hop Learning Center, Brendan grabbed her throat with his right hand (squeezed her neck) and her hair with his left hand. SEXTON started pushing Brendan away and slapping him on the arms and face.

Brendan then got out of the vehicle, opened the passenger side door, grabbed SEXTON's hair on the back of her head and started to pull her out of the vehicle. SEXTON said she was grabbing onto the side of the car trying not to be pulled out. As Brendan pulled SEXTON out of the passenger side of his vehicle, she lost her balance and fell onto the ground. SEXTON got up on her feet and Brendan grabbed her hair again telling her to take off her pants. SEXTON told Brendan "no, I am not going to take off my pants." Brendan pushed her towards the hood on the front end of the vehicle, on the passenger side and unbuckled her belt, unbuttoned and unzipped her pants. SEXTON was slapping and pushing Brendan as he was unbuckling and unbuttoning her pants. SEXTON repeatedly told Brendan to stop and leave her alone. SEXTON said she was extremely scared and kept saying "no" and "stop". Brendan then pulled her pants and underwear to her knees. Brendan bent SEXTON over the front hood on the passenger side of his vehicle. Brendan then grabbed SEXTON by the hair on the back of the

Report Officer	Printed At	Page 8 of 11
R9727/CLARK, JERRY JR	04/02/2007 11:59	

# Incident Report

## RENO POLICE DEPARTMENT

05-34027

Supplement No  
ORIG

### Narrative

head and pushed her head on the hood of the vehicle. Brendan inserted his penis into her vagina and proceed to have intercourse from behind SEXTON. Brendan was not using a condom and ejaculated inside of SEXTON's vagina. After Brendan pulled his penis out of SEXTON, she pulled up her underwear and pants. Brendan then opened the passenger side door and told SEXTON to get in.

Brendan drove SEXTON to the area where he met her and as she was getting out of the vehicle said "I will give you a call later, whore", and drove off.

SEXTON then entered apartment # 1411, and saw MABUS, who asked what was wrong. SEXTON did not answer her and poured a shot of Vodka and ingested it. SEXTON then went out onto the balcony to smoke a cigarette with MABUS. SEXTON then told MABUS what had happened. SEXTON tried calling her parents but they did not answer the phone. SEXTON then tried calling her brother-in-law COLE, Richard, who answered the phone. COLE took SEXTON and MABUS to Washoe Medical Center and contacted SEXTON's parents.

SEXTON stated that she does not know Brendan's last name or where he works. SEXTON described Brendan as a white male in his late twenties; 5' 9" or 5'10", medium build, brown hair to his ears (average man's hair cut), wearing black pants, and a white or gray short sleeve t-shirt. SEXTON did not observe any scars or tattoos on Brendan. SEXTON knew Brendan from four years ago, as an acquaintance of her former friend, ANTHONY, Michelle (775-825-0281), with whom she no longer associates.

SEXTON was still wearing the clothing that she had on during the assault. SEXTON did not shower, bathe, or clean herself. However, SEXTON does not recall if she went to the bathroom. SEXTON agreed to submit to a SART exam. Sgt. RULLA, who had responded to Washoe Medical Center and was advised of this case, made the appropriate notification. Officer BELLINGER and I transported SEXTON and her mother MCGREW to the Northern Nevada Medical Center at approximately 0033 hours.

While at Northern Nevada Medical Center, I continued my interview with SEXTON, and she additionally reported the following:

SEXTON has been sexually active in the past and it has been approximately a year since she last had sexual intercourse. SEXTON was sexually assaulted when she was thirteen years old. SEXTON knew that Brendan ejaculated inside of her because she felt a wet sticky substance that she identified as semen run down her leg and on the inside of her underwear. While Brendan was having intercourse with SEXTON he was talking to her calling her a "bitch" and "whore." Brendan commented a couple of times saying "you are my little girl, you like this don't you, whore." SEXTON fought Brendan by pushing and slapping his arms and face. SEXTON and Brendan did not have any mouth to mouth, or mouth to genital contact. Brendan did not insert any of his digits into SEXTON's vagina or anus. Brendan did not touch SEXTON's breasts. SEXTON reported the assault lasted less than a couple of minutes but "seemed like forever."

On August 21, 2005, at approximately 0100 hours victim advocates SCHWEBER, Erin and HSU, Mindy arrived at Northern Nevada Medical Center. SCHWEBER and HSU met with me and notified me that SART nurse ENGEL, Denise would be arriving shortly for the exam. SCHWEBER and HSU contacted SEXTON's parents and then took SEXTON to the SART exam room. I asked SCHWEBER to notify ENGEL that the clothes needed to be collected for evidence.

On August 21, 2005 at approximately 0114, Officer HEGLAR attempted to locate the crime scene and was unable to identify an exact location. Officer HEGLAR responded to the Bluffs Apartment complex, 4050 Gardella Ave # 1411 Reno, NV, to obtain written statements from MABUS and SCOGGIN.

MABUS' written statement reported the following:

MABUS, SCOGGIN, JAMES, and SEXTON were hanging out at apartment # 1411. JAMES and SEXTON decided to leave for a few minutes at approximately 2100 hours. SEXTON returned to apartment # 1411 an hour later (approximately 2200 hours) alone and it appeared to MABUS that SEXTON had been crying. SEXTON told MABUS that she was in shock and couldn't talk about what happened. A few minutes later SEXTON calmed down and told MABUS that she saw her friend Brendan. Brendan picked SEXTON up at the above location and asked her to go somewhere, SEXTON agreed to go. Brendan took SEXTON to the hills by MABUS' apartment. SEXTON told MABUS that Brendan had choked her and demanded that SEXTON take her pants off. SEXTON

Report Officer

R9727/CLARK, JERRY JR

Printed At

04/02/2007 11:59

Page 9 of 11

V8. 311

# Incident Report

## RENO POLICE DEPARTMENT

05-34027

Supplement No  
ORIG

### Narrative

said that she took off her pants because Brandon was choking her. Brendan then bent SEXTON over and raped her. SEXTON told MABUS that she told Brandon not to touch her. MABUS hugged SEXTON and asked her what she wanted to do. SEXTON told MABUS to call the police and she wanted to go to the hospital. SEXTON's brother-in-law came to pick up SEXTON and MABUS, to drive them to the hospital.

SCOGGIN's written statement reported the following:

SEXTON and some friends went to Taco Bell and when they came back to the apartment Brendan was in the parking lot. SEXTON got into the Brendan's car and SCOGGIN asked SEXTON where she was going. SEXTON told SCOGGIN that she was going to put a boot on a car. Approximately an hour later SEXTON returned to apartment #1411 crying. SCOGGIN asked SEXTON what happened. SEXTON said that Brendan had choked and raped her. SEXTON told SCOGGIN that she repeatedly told Brendan no, but he did not listen. SCOGGIN then told SEXTON she was going to go to the hospital. Brendan came back at approximately 0100 hours to take a car boot off of another friend's (not identified) car. SCOGGIN asked Brendan what he did to SEXTON and Brendan stated "Nothing." SCOGGIN said Brendan was driving a four door blue Ford passenger car.

On August 21, 2005, at approximately 0148 hours Officer BELLINGER and I responded to 800 Redfield Park Way #104, to follow up with ANTHONY, Michelle, to attempt to identify Brendan. Officer BELLINGER and I questioned ANTHONY who said she did not have any friends named Brendan. As Officer BELLINGER and I were leaving in the patrol car ANTHONY approached and said her father reminded her that she used to hang out with a DUNCKLEY, Brendan. ANTHONY said that she had not spoken with DUNCKLEY for about a year and half. DUNCKLEY would be about 29 years of age and was a chef at the Eldorado at the time. ANTHONY said that DUNCKLEY used to live in an apartment off of Plumas street.

Officer BELLINGER ran a NAMS check on DUNCKLEY, Brendan which came back with an address on 4412 Baker Lane # D Reno, Nevada. The DMV check showed that DUNCKLEY was the registered owner of a four door Ford Taurus with Nevada plates of 199 SDR. Officer BELLINGER and I drove by the above address to attempt to locate the vehicle. The above vehicle was not at the above address at that time.

At approximately 0227, Officer BELLINGER and I responded to Rosewood Park Apartments #364, 4500 Mira Loma Drive, Reno, NV to follow up with JAMES who witnessed SEXTON leave with Brendan.

JAMES, Kelly reported the following:

SEXTON told JAMES that Brendan was a security guard at the Bluffs. SEXTON saw Brendan the night before and he told her he was doing security, and that he and SEXTON needed to finish what they started a long time ago. SEXTON and JAMES were walking in the parking lot of 4050 Gardella Ave Reno, NV to visit MABUS and SCOGGIN. SEXTON and JAMES saw Brendan who was an old friend of SEXTON. Brendan walked up said "what's up," gave SEXTON a hug, asked for a kiss, and SEXTON gave him one. Brendan asked SEXTON to come with him to put a boot on a car. SEXTON told JAMES she would be back shortly. JAMES left the complex to go home about five minutes later. Brendan was wearing a dark blue or black shirt with security printed on it. Brendan is about 30 years old and was wearing black pants. Brendan was driving a light blue car early 90s.

At approximately 0319 hours Officer BELLINGER and I responded back to 4412 Baker Lane # D Reno, Nevada, to see if the vehicle registered to DUNCKLEY had returned. Upon arrival we saw the four door light blue Ford Taurus with Nevada plates 199 SDR parked in the parking lot. Officer ALLEN arrived at the above address to watch the vehicle as Officer BELLINGER and I drove JAMES by the car to identify it as belonging to Brendan. JAMES stated that is not Brendan's car.

At approximately 0417 hours Officers BELLINGER, ALLEN and I contacted DUNCKLEY at 4412 Baker Lane # D Reno, Nevada. DUNCKLEY stated that he was working at the Bluffs Apartment complex putting boots on cars. DUNCKLEY said that he was at the complex at different times throughout the day and night of August 20-21, 2005 between the hours of 0800 until 0200 hours.

DUNCKLEY initially reported the following:

DUNCKLEY knows SEXTON and saw her that evening, but he just spoke with her. SEXTON got into his car to go put a boot on a car. DUNCKLEY and SEXTON went to another part of the apartment complex talking for

Report Officer R9727/CLARK, JERRY JR	Printed At 04/02/2007 11:59	Page 10 of 11
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# Incident Report

## RENO POLICE DEPARTMENT

### Narrative

approximately 15-20 minutes and he dropped her off at approximately 1900 hours. DUNCKLEY went back to the Bluffs apartment complex to remove a boot from a car approximately 0100 hours. DUNCKLEY was approached by some people and was asked what did you do to SEXTON? DUNCKLEY said "Who?" "Nothing," and then left the area.

DUNCKLEY asked us if we could continue the conversation somewhere else because his wife was in the apartment. We then relocated to the parking lot, behind DUNCKLEY's car.

DUNCKLEY reported the following at his car:

While in the car SEXTON was flirting with DUNCKLEY making sexual advances toward him. DUNCKLEY parked his vehicle on a dirt road above the Bluffs apartment complex. DUNCKLEY refused her advances at first. DUNCKLEY and SEXTON started kissing mouth to mouth. SEXTON unbuckled her belt, unbuttoned her pants, and put DUNCKLEY's hand in her underwear. SEXTON then began touching DUNCKLEY on his groin. For an unknown amount of time SEXTON and DUNCKLEY kissed and touched each other.

SEXTON then asked DUNCKLEY to get out of the vehicle and come with her. SEXTON and DUNCKLEY exited the vehicle. SEXTON removed her pants and underwear. DUNCKLEY and SEXTON then engaged into consensual sexual intercourse (penis to vagina). SEXTON said "she enjoyed the outdoors at night and it felt like she was being raped." When DUNCKLEY and SEXTON finished having sexual intercourse, she said "she felt like she was torn in half having been a year and half since the last time." SEXTON told DUNCKLEY "Now I can say I did it on a hill." DUNCKLEY took her back to her friend's apartment and she gave him a kiss on the cheek before exiting the vehicle.

DUNCKLEY said he received an unknown number of calls throughout the night (from 775-230-0757) from an unknown person, threatening him with physical violence and accusing him of assaulting SEXTON.

I offered DUNCKLEY the chance to speak with a detective to tell his side of the story. DUNCKLEY was advised he was not in custody. DUNCKLEY agreed to speak with Detectives. DUNCKLEY also signed the attached permission to search waiver for his vehicle.

Sgt. RULLA was advised of the developments of the case and notified on-call sex crimes detective, SALTER. Officer BELLINGER advised Detective SALTER, Sgt. BRADSHAW, and Detective ARMITAGE of the case telephonically. At approximately 0624 hours Detective BROOME arrived at 4412 Baker Lane # D Reno, Nevada, and was briefed by Officer BELLINGER. DUNCKLEY agreed to go with Detective BROOME to his office for a voluntary interview. Detective ARMITAGE attempted unsuccessfully to locate SEXTON for a second interview. See Detectives' reports for additional details.

Officer BELLINGER and I stood by with the vehicle until FIS arrived. At approximately 0653 hours, WCSO FIS Crime lab technician SANDERS, Tracy arrived to process it and collect evidence. See SANDERS' report for further.

I booked the recorded tape of the conversation I had with DUNCKLEY in Reno Police Department evidence.-NFD-

# Incident Report RENO POLICE DEPARTMENT

05-34027

Supplement No  
0001



Address  
P.O. BOX 1900  
Address  
455 E 2ND ST  
City State, Zip  
Reno NV, 89505  
Phone Number  
775-334-2175  
Fax Number

Reported Date  
06/22/2005  
Nature of Call  
SEXASSLT  
Author  
BROOME, TOM

## Administrative Information

Agency <b>RENO POLICE DEPARTMENT</b>	OCA # <b>05-34027</b>	Supplement No <b>0001</b>	Reported Date <b>06/22/2005</b>	Reported Time <b>07:54</b>	CAD Call No <b>052321447</b>
Status <b>REPORT TO FOLLOW</b>	Nature of Call <b>SEXUAL ASSAULT</b>	Crime/Inc Loc <b>4050 GARDELLA AV</b>			
City <b>RENO</b>	Rep Dist <b>J7I3</b>	Area <b>RN</b>	Beat <b>44</b>	From Date <b>08/20/2005</b>	From Time <b>21:30</b>
Emp # <b>R1509/BROOME, TOM</b>	Assignment <b>Detectives - Days - Sex Crimes/Juv</b>				
Author <b>R1509</b>	Assignment <b>Detectives - Days - Sex Crimes/Juv</b>			RMS Transfer <b>Successful</b>	Approving Officer <b>R4673</b>
Approval Date <b>09/08/2005</b>	Approval Time <b>07:55:57</b>				

## DETECTIVE 1: ;DETECTIVE TK BROOME

Involvement <b>DETECTIVE</b>	Seq # <b>1</b>	Type <b>INDIVIDUAL</b>	Name <b>;DETECTIVE TK BROOME</b>		
Work/School <b>RENO POLICE SEX CRIMES UNIT</b>			Position/Grade <b>DETECTIVE</b>		

## SUSPECT 1: DUNCKLEY, BRENDAN

Involvement <b>SUSPECT</b>	Seq # <b>1</b>	Type <b>INDIVIDUAL</b>	Name <b>DUNCKLEY, BRENDAN</b>			MNI <b>913249</b>	Race <b>WHITE</b>	Sex <b>MALE</b>
Date of Birth <b>07/04/1976</b>	Age <b>29</b>	Juvenile? <b>No</b>	Height <b>5'06"</b>	Weight <b>165#</b>	Hair Color <b>BROWN</b>	Eye Color <b>HAZEL</b>		
Type <b>HOME</b>	Address <b>4412 BAKER LN #D</b>					City <b>RENO</b>		
Phone Type <b>RESIDENTIAL</b>	Phone No <b>(775) 829-4585</b>							
Work/School <b>TELESIS PARKING SOLUTIONS</b>			Position/Grade <b>ATTENDANT</b>					

## VICTIM 1: SEXTON, LURA

Involvement <b>VICTIM</b>	Seq # <b>1</b>	Type <b>INDIVIDUAL</b>	Name <b>SEXTON, LURA</b>			MNI <b>900549</b>	Race <b>WHITE</b>	Sex <b>FEMALE</b>
Date of Birth <b>05/05/1987</b>	Age <b>18</b>	Juvenile? <b>No</b>	Height <b>5'08"</b>	Weight <b>202#</b>	Hair Color <b>BLACK</b>	Eye Color <b>HAZEL</b>		

## Modus Operandi

Crime Code(s)  
**SEX CRIMES**

## Narrative

On August 21, 2005, Detective Salter and I were assigned as the on call Sex Crimes Detectives. At approximately 0530 hours, Detective Salter advised me that Patrol officers were investigating a possible Sexual Assault that had occurred the night before. Detective Salter requested that I respond to the 4400 block of Baker lane and meet with Patrol Officers Bellinger and Clark. Detective Salter was called to investigate another crime.

When I arrived at the Baker address I did meet with officer Bellinger who advised me of the following: On August 21, 2005 at approximately 2323 hours officers Bellinger and Clark had been dispatched to Washoe Medical Center regarding a possible Sexual Assault. When the officers arrived the met with Lura Sexton, an 18 year old adult female. Lura reported that she met a male the night before, who she had known previously, at the Bluffs apartments. The male was working parking enforcement in the complex. She told the officers that the suspect, now identified as Brendan Dunckley asked her if she wanted to take a ride. The victim apparently did get into the suspects vehicle. She said that the suspect drove to a dirt area at the end of Gardella near the Bluffs apartments. She stated that the suspect exited the vehicle walked around to the passenger side of his vehicle and grabbed

Report Officer <b>R1509/BROOME, TOM</b>	Printed At <b>04/02/2007 12:00</b>	Page 1 of 6
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# Incident Report

## RENO POLICE DEPARTMENT

05-34027

Supplement No  
0001

### Narrative

her by the hair and pulled her from the car. She said the suspect forcibly removed her pants, turned her around and forced penile/vaginal intercourse to ejaculation. The victim reported that the suspect continued to pull her hair and at one point choked her during the assault. After the assault the suspect drove the victim back to the complex, where the victim was attending a party and dropped her off. The victim later reported the assault to friends, who in turn transported her to Washoe Medical Center.

Officers Clark and Bellinger transported Laura to the Northern Nevada Medical Center for a SART examination. The victim did not know the suspects last name, however follow up investigation done by officers Clark and Bellinger led them to 4412 Baker Lane #D, where they contacted suspect Dunckley.

The suspect was apparently cooperative and did admit to having sex with the victim, however insisted that not only was the sex consensual, but Lura was the aggressor. The suspect provided permission to search his vehicle and agreed to meet with detectives for an interview. The suspect lives at the Baker address with his wife and children. His wife is now aware of the accusations.

I introduced myself to suspect Dunckley and asked if he did agree to meet for an interview. He said that he did and wanted to cooperate. I asked the suspect if he would ride with me to the Sex Crimes Office, as his vehicle was an issue at this point. He agreed. Officers Bellinger and Clark remained with the vehicle until F.I.S. arrived for processing.

#### SUSPECT INTERVIEW: Dunckley, Brendan 8-21-05 0800

I did transport suspect Dunckley to the Sex Crimes Office for an interview, which was recorded on both video and audio tape. I began the interview by reminding Dunckley that he was not under arrest and was free to leave at any time.

I asked Dunckley how he knew the victim. The suspect stated that he has known Laura since she was about 13 years old. He said that they were just acquaintances. He said that he has run into her a couple of times over the years. I asked if he and the victim ever had any sort of relationship before. He said that they had not that he was sort of a big brother to her.

Dunckley stated that he was at the 7-11 on Parr Blvd on Friday August 19,05 getting gas when the victim and a friend drove into the parking lot. She said that the victim hugged him and said that she loved him. Dunckley said that he happened to be talking to his wife at the time, who asked who he was talking to. Dunckley said that his wife knew Laura also, so he put his wife on the phone with her. The suspect said that Laura and her friend drove away a short time later. He said that Laura was blowing kisses at him as they drove away.

The suspect said that the following night he was working at the Bluffs apartments, doing parking enforcement, booting illegally parked cars and writing warning notices when he again ran into Laura. The suspect said that he asked how she was. Dunckley said that Laura told him that she needed to talk to him. The suspect said that he drove to the dirt area just South of the complex with the victim. Dunckley said that as they were driving off, Lura's friends were teasing them about going to have sex. He said that Laura was making sexual comments to him. I asked about those comments. He said that Laura told him that she always had a crush on him and that she was 18 now and was legal. He said that they began to kiss and touch each other. He said that the victim pulled down her pants and he began rubbing her vaginal area, while she rubbed his penis. He said that the Laura preformed fellatio on him. The suspect said that they agreed to have intercourse, but the victim did not want to have sex in the car. He said that Laura told him that she wanted to have sex outside and that she had a rape fantasy. Suspect Dunckley said that he told Laura that he did not have a condom. He said that Laura told him that he did not need one, as she could not get pregnant. The suspect said that they walked down the dirt road a short distance from his vehicle. He said that he brought a towel with him. The suspect said that he stopped at one point and laid the towel down. He said that the victim told him "not here" and continued to walk down the road. The suspect later said that the victim told him that they were still too close to the apartments. He said that they stopped in the road a little further down the road. He said that he again laid down the towel, but the victim told him that she did not want to lay on the ground because of the rocks and bugs and wanted him to play out, the rape fantasy with her. He said that Laura told him that she wanted him to grab her by the throat and have sex with her from the rear.



# Incident Report

## RENO POLICE DEPARTMENT

05-34027

Supplement No  
0001

### Narrative

Suspect Dunckley said that he and Laura removed their pants and had sex standing up in the road. He said it was dark and thought it was about 2130 hours. I asked if he did grab the victim by the throat. Dunckley said that he did put his hand on her throat initially but did not squeeze or hurt her in any way. I asked if there was any hair pulling. He said there was not. The suspect said that after he ejaculated, the victim made the comment to him that she had not had sex in about a year and a half and felt like he "broke her in two". He said that Laura told him that she was glad that he was the one who "took her cherry again" after all that time. Dunckley said that he was concerned with the comment that she felt like she was "broke in two" and asked Laura was going to say that he hurt her. He said that she told him no. The suspect said that he drove Laura back to the complex where the party was, which we now know was apartment 1411 and dropped her off. The suspect said that Laura told him that they could meet later and continue what they started at her house. He said that she told him that she lived on Mira Loma.

The suspect said that he went back to work doing his parking enforcement. He said that later that night he put a boot on a black Jeep that was parked in the handicap zone in front of apartment 1411. He said that later that night he got a call from a female who wanted the boot removed. Dunckley said that the fee for removing the boot is \$80.00. When he arrived back at the apartment, Dunckley said that the female that he had seen Laura with the day before asked him what he did to T.L., which is what Lura's friends apparently call her. The female told Dunckley that Laura was at the hospital, that when she came back and started drinking again, disclosed that he had raped her. Dunckley said that he asked the girl for Lura's cell phone number, so he could call her. The suspect said that the female gave him Lura's cell phone number ( 379-0712). Dunckley said that he called the number but it went to voice mail. Dunckley said that he removed the boot from the Jeep, without charge as he did not want any more problems.

Dunckley said that later that night he received several calls from a male, calling from (230-0757) threatening him for sexually assaulting Laura and that he was going to get a boot in the head. Dunckley said that he feels that the females were using the threat of a rape charge to get out of paying for the booting.

Suspect Dunckley said that he has heard that Laura has accused her step father, her mothers boyfriend and her sisters boyfriends of Sexual Assault in the past. He said that Laura is an alcoholic at 18 years old and has been treated for mental issues in the past.

I requested that suspect Dunckley provide me with a saliva swab for DNA comparison. He agreed after signing a consent form. I also requested that the suspect show me where he and Laura had sex. He also agreed to this. I ended the interview in the Sex Crimes Office a short time later.

I drove the suspect to the area of the Bluffs apartments. The suspect directed me to the end of Gardella street where the road turns to dirt. There were several cars parked in this dirt area, which is near the South end of the apartments. Dunckley pointed at a gold Isuzu in the East portion of this dirt area, where he said he parked with Laura. The suspect said that this is where they kissed and touched each other and where the victim preformed fellatio on him.

Dunckley directed us down the road, approximately 200 yards from the street. There was a Taco Bell paper cup in the road. Dunckley said that this cup was Lura's. He said that she was drinking some kind of alcohol from the cup, but was not drunk, and threw the cup there. He pointed to a spot off the side of the road, approximately 25 yards from the cup, where he initially spread the towel. He then directed us another 30-40 yards down the road where he said they had sex. Detective Armitage followed the suspect and I to the Bluffs apartments. She photographed the area and the cup, which I collected, with a digital camera.

I asked the suspect to show me where the apartment was, where he picked up Laura. He identified that apartment as #1411. I then drove the suspect back to his apartment on Baker Lane. The suspect removed his log from his vehicle and provided me with the information on the jeep that was parked in front of apartment 1411 earlier. The license number he provided me was Nevada 758 SUR on a black jeep.

Detective Armitage attempted to reach Laura via telephone for a follow up interview. She was unable to reach Laura at either her home number or her cell phone.

When officer Bellinger first contacted Detective Salter, she felt that Laura was somewhat mentally delayed. I

Report Officer R1509/BROOME, TOM	Printed At 04/02/2007 12:00	Page 3 of 6
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# Incident Report

## RENO POLICE DEPARTMENT

05-34027

Supplement No  
0001

### Narrative

asked the suspect if he knew of any mental problems with Laura. He said that she had been treated at West Hills for some sort of problem at one time and was an alcoholic, who becomes very depressed when she drinks. He said that he did not think that she was mentally challenged at all. Detective Armitage also spoke with the SART nurse, who did not feel that Laura was mentally challenged either.

Numerous attempts by both Detective Armitage to reach Lura have gone unanswered, until August 24,05 when I received a call from Lura's mother, Teresa. Teresa said that she has been trying to convince Lura to call me. Teresa said that her daughter is "special needs" and is traumatized by the incident and does not want to talk about it. She said that she has no doubt that her daughter was sexually assaulted. I explained to Teresa that without Lura's cooperation I would not be able to do a proper investigation and get to the truth. She said that she understood and would keep trying to talk to Lura.

I did receive a copy of the SART examination report. There were some genital injuries noted as well as scratch marks on the upper portion of Lura's left arm. There was also an abrasion noted on her lower back. As reported by the patrol officers, there were no marks or reddening reported to Lura's throat or neck and none noted by the SART nurse.

When I did not receive any calls from Lura I contacted her at work. She agreed to met me on Tuesday September 6,05. I talked to Lura briefly as she started crying. I asked her how far into the dirt the suspect drove before stopping. She said that it was not very far past the pavement, just before it dropped down hill. From this description it appears this is where the suspect described he parked his vehicle, before they walked away from it. I told Lura I would talk to her further on Tuesday. Lura called back a short time later and asked if we could meet today. I made arrangements to meet Lura at 1230 hours in the Sex Crimes Office. Lura arrived with her father at approximately 1446 hours.

#### VICTIM INTERVIEW: 8-31-05 1447

I began the interview by telling Lura that it was important that she be completely honest with me, that what she has told anyone else was her business. I asked Lura how long she has known Brendan. She said that she met him through her friend Michelle when she was 12 or 13. She said that she hung out with him for two weeks and has not seen him until the other night. I asked her to tell me about seeing him the other night. Lura said that she was really drunk on Friday night. She said that she went to 7-11 with her friend to get ice. She said that Brendan ran up and gave her a hug. She said he was talking to someone on a cell phone. Lura said that they exchanged phone numbers and went their separate ways. I asked Lura if she remembers talking to Brendan's wife on the cell phone. She said that she was really drunk and could have. Lura remembered the wife's name.

The following night, Lura said that she was again at her friend's apartment on Gardella, when she saw Brendan again. Lura said that Brendan asked if she wanted to go with him to talk. Lura said that she agreed. Lura said that one of her friends made a comment that they were going to have sex. Lura said that Brendan told the friends that she was like his little sister and it was not like that. Lura said he told Brendan that she had to be back in ten minutes. I asked if she went with Brendan to boot a car. She said that she heard that is what he does, but Brendan did not mention it that night. Lura described how they drove onto a dirt road and stopped. She said that Brendan was asking her random questions, what she was doing now and things. She said that she told Brendan, that she had to go talk to Kelly, her friend before she left. Lura said that Brendan went to kiss him and she pushed him back. She said that Brendan grabbed her throat and asked if she liked it like that. Lura said that she told him no. Lura said that Brendan would not let go. I asked if she had trouble breathing. She nodded yes. Lura said that she does not know of she blacked out and it went fast. She said that he had her outside of his car and pulled down her pants. Lura said that Brendan kept saying grose things. I asked what he said. She said that Brendan asked her if she used to think about him and masturbate when she was a little girl.

I asked Lura if she ever knew Brendan to be violent when they knew each other earlier. She said no. I asked if he ever came on to her before. She said that they were all drunk and she thinks he did when she was 13. She could remember no other details about this.

I asked Lura if she had any health problems. She said that she was an epileptic. She said that she occasionally has seizures and takes medication. Lura said that she also had thyroid cancer when she was younger. I asked if she took birth control pills. Lura said that she is not fertile. She said that she had so many miscarriages that she

Report Officer R1509/BROOME, TOM	Printed At 04/02/2007 12:00	Page 4 of 6
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# Incident Report

## RENO POLICE DEPARTMENT

05-34027

Supplement No  
0001

### Narrative

has too much scar tissue. I asked Lura these questions as Brendan told me during his interview that Lura told him she could not get pregnant so they did not need to use a condom.

Prior to my interview with Lura I took digital photos of the area where Brendan showed us this incident occurred. I showed Lura the photos and asked her to show me where this occurred. Lura pointed to the area where we found the Taco Bell cup. Brendan pointed to an area further down the road. I asked Lura if they ever got out of the car and walked down the hill. She said that they did not. I asked Lura if she was drinking from a Taco Bell cup. She said that she was.

I asked Lura again if she knew that Brendan was security for the complex and booted cars. She said that she heard it "on the street" a couple of days ago after but insisted that she did not know what he did, prior to that. Brendan told me that he asked Lura if she wanted to go with him to boot a car. Lura's friend Tela Scoggin reported that Lura told her the day before, that Brendan was working security at the complex and was wearing a shirt that had "Security" written on it. Tela also reported that Lura told her that she was going with Brendan to boot a car that night. I told Lura that Brendan had received threats on his phone after he booted a car belonging to someone at the party she was attending. Lura said that she did not know anything about that. The suspect told me during his interview that he thought that the reason for all this is so they did not have to pay for the booting.

I told Lura that Brendan is not disputing having sex with her. I told her that Brendan said that the sex was consensual. I told Lura that after talking to her, much of what Brendan said she actually confirmed. Lura started crying and said that she told Brendan no. I asked if she ever told Brendan that she was not able to have children. She said that everybody knows. I reminded Lura that she has not seen Brendan for five years. She said that it might have come up. I asked Lura how that would come up in conversation. She did not know.

I asked Lura how long before the assault had it been since she had consensual sex. She said a year. I asked how Brendan would know that. She did not know. I explained to Lura that these things created problems. That I was able to confirm many of what Brendan has told me after talking to her and her friends. I told Lura that what she was accusing Brendan of was extremely serious and asked if she wanted to change anything that she has told me. I told Lura that this would remain between her and I. Lura said that if her story is not good enough, then that is the way it is, but what she said is the way it happened. I told Lura that these things would likely come out in court. Lura said that she had a second job that she needed to go to.

Before she left I asked Lura about her web site on myspace.com. I told her that there were some things that were not very flattering to her. She said that was a joke she played on her ex-boyfriend. I asked Lura if she remembers towels in the car. She said that there was one on her seat.

I told Lura that if she remembered something else, or wanted to correct something that she said that she could call me. I ended the interview shortly thereafter. I walked Lura out to meet with her father waiting outside the interview room.

### DETAILS CONTINUED:

Several days after the interview I received a call from Lura's father. Mr. McGrew asked why the suspect was not yet arrested, given that there were genital injuries to her daughter and sperm present. I told Mr. McGrew that given his daughter was an adult and I would not discuss our entire interview, that he should discuss that with Lura.

I did tell Mr. McGrew that the fact that there was sex was not disputed, just whether it was consensual. I also asked Mr. McGrew if Laura was a heavy drinker. He said that she has a drink sometimes. I told him that Laura told me that she drinks quite a bit. He said that she did not know if she drank a lot or a little. Mr. McGrew told me that although his wife refers to Laura's problems as "special needs", she was actually very retarded. I told him that I did not get that impression when I interviewed her, that she seemed able to understand and respond to all my questions. He insisted that Laura did not know right from wrong when it came to some things.

Much of what suspect DUNCKLEY reported to me during his interview I have been able to confirm, both with witness before the reported crime and after talking to the victim in this case.

The victim initially reported that after driving to the dirt area of Gardella the suspect grabbed her by the throat almost immediately, then ran to the passenger side of the vehicle, pulled her out removed her pants and raped her. Although she complained of neck pain, there was no bruising or even reddening to her throat observed by

# Incident Report

## RENO POLICE DEPARTMENT

05-34027

Supplement No  
0001

### Narrative

doctors, nurses or the reporting officers. The suspect stated that he did put his hand on her throat but did not squeeze at Lura's request as she had a "rape fantasy". The suspect reported that they agreed to have sex and even told the victim that he had a condom. He said that Lura told him that she could not get pregnant and he did not need a condom. The victim confirmed that she was told by doctors that she could not conceive. The suspect said that after the consensual sex the victim told him that she felt like he "broke her in two", because she had not had sex in over a year. The victim told me during the interview that she has not had consensual sex in over a year. It is difficult to understand the victim's explanation that these things could have just come up in casual conversation. When met by the reporting officers, Lura provided little information as to how to find the suspect. She said that she did not know where he worked and did not know that he was booting cars in the complex. The suspect stated that he told the victim what he did and asked her to with him to boot a car. This was confirmed by Lura's friend Tela.

I also located a web page for Lura on a free web site used by many young people, myspace.com. On that site indicates that she is a bi-sexual female who likes to smoke, drink and have sex and joined another site called "one night stands" for people who are looking for one night stands. I talked to Lura about this site. She said that it was a joke for an ex-boyfriend. On the login page, if it is accurate shows that Lura was last on the site on August 28,05.

On September 7,05 I re-interviewed the suspect via telephone. I asked if he was certain that he did not drive further down the road. Suspect Dunckley stated that he walked down the road and did not have sex near the car. He stated that Lura wanted to have sex outside as part of her fantasy. I reviewed the story with Dunckley, who only added that there was no way he could have removed Lura's clothing, because they were so tight and the reason they engaged in foreplay in the car prior to walking down the hill was Lura's idea. He said that Lura told him that she needed to loosen up since it had been so long since she had sex.

Another unusual aspect of the victim's version of what occurred, was that the suspect committed such a violent sexual assault, when he knew that Lura's friends had seen him drive away with her and knew that he worked in the complex and would be able to find him. The suspect also knew where the victim lived. The suspect reports that the victim told him where she lived so they could have sex again.

### CONCLUSIONS:

Given the inconsistencies in the victim's statements, I do not believe that the District Attorney's office would be able to charge or successfully prosecute the suspect for Sexual Assault. There are no other witnesses to the sex, which is not disputed by the suspect. The physical evidence only confirms that there was in fact sexual contact. The suspect's version of what occurred has not changed. The victim has altered her story somewhat since talking with officer Bellinger which she blames on alcohol or possibly blacking out. I am subsequently forced to closed this case as unable to prove, either that a crime occurred or that the victim fabricated a crime.

RENO POLICE DEPARTMENT  
P.O. Box 1900, Reno, Nevada 89305  
(775) 334-2175

**ADMONITION & WAIVER OF RIGHTS/PERMISSION TO SEARCH**

CASE NUMBER: 05-34027

**ADMONITION**

Immediately prior to questioning or taking a statement, quote to all persons required to be admonished:  
(Have person being admonished initial after each sentence.)

1. You have the right to remain silent. \_\_\_\_\_
2. Anything you say can be used against you in a court of law. \_\_\_\_\_
3. You have the right to talk to a lawyer and have him present with you while you are being questioned. \_\_\_\_\_
4. If you cannot afford a lawyer, one will be appointed to represent you before any questioning, if you wish one. \_\_\_\_\_

**WAIVER OF RIGHTS**

Ask the following questions prior to questioning any suspect. Record all answers verbatim:

1. Do you understand each of these rights I have explained to you? \_\_\_\_\_
2. Having these rights in mind, do you wish to talk to us now? \_\_\_\_\_

X  
Signature

PRINT THE NAME OF PERSON ADMONISHED: \_\_\_\_\_

AUG 22 '05 5:40

Signature of Officer

Date and Time

**PERMISSION TO SEARCH**

The undersigned, residing at 4412 BAKER LN #D, RENO NV

does hereby voluntarily authorize OFFICERS BELLINGER / W. MARK  
and other officers he/she may designate to assist him/her, to search my residence (or other real property) located at \_\_\_\_\_

and my motor vehicle, namely my 1994 Ford Taurus  
bearing license plate number 199 SDR, State of NV  
presently parked or located at 4412 Baker Ln Apartment parking

and I further authorize said officers to remove from my residence, real estate and/or motor vehicle, whatever documents, or items of property whatsoever which they deem pertinent to their investigation, with the understanding that said officers will give me a receipt for whatever is removed.

I am giving this written permission to these officers freely and voluntarily, without any threats or promises having been made, and after having been informed by said officer that I have a right to refuse this search and/or seizure.

X Blenda  
Signature

Witnesses:

Name	Address	Phone No.
<u>Morgan DUNKLEY</u>	<u>4412 Baker Ln #D</u>	<u>775-829-4585</u>

Date: 8/21/05 August, 21, 2005 Time 0550 m.

RENO POLICE DEPARTMENT  
TRANSCRIPT

CASE # 05-34027

PERSON GIVING STATEMENT: Lura Reece SEXTON  
 SEX/RACE/DOB: Female/Unknown/Unknown  
 RESIDENCE ADDRESS: Unknown  
 EMPLOYMENT: Unknown  
 TAKEN BY: Detective Tom BROOM  
 ON: Unknown FROM: Unknown TO: Unknown  
 LOCATION OF INTERVIEW: Reno PD Sex Crimes  
 IN THE PRESENCE OF: Unknown

This is NOT a certified transcript. Although every effort has been made to ensure accuracy, you need to refer to the original or a copy of the source audio/video tape.

1 Broome: Sometimes these things are a little bit hard to talk about Lura. I want you to understand  
 2 this is what I do every day. I have been doing this job for 25 years, I have got a daughter  
 3 of my own so the way I always tell people when they come in to talk to me is whatever  
 4 you told anybody else, whatever you told you friends, family or anything, that's fine, that  
 5 is your business. But when you and I are talking you have to be completely up front with  
 6 me, you have got to be 100%, don't leave anything out and this is our business, whatever  
 7 we talk about in here is between you and me. Whatever you tell anybody else that is your  
 8 business, I don't go out and talk to those people, whoever you talk to. I talk to people  
 9 who are principals in the investigation, who are witnesses and stuff like that but what you  
 10 do with your family that is your business, that is none of my business but you have to be  
 11 100% with me, absolutely, okay, promise...okay. The easiest thing is just to kind of go  
 12 over what happened, I will stop you if I have questions as we go through this. The first  
 13 thing I would like to know is how long have you known this guy, Brendan?  
 14  
 15 Sexton: I thought it was Brandon...I met him a long time ago when I was 12 or 13.  
 16  
 17 Broome: Where did you meet him?  
 18  
 19 Sexton: Through Michelle ANTE, an ex-friend. They were really close and I met him and we  
 20 hung out, maybe like two weeks together and then I stopped talking and stuff happened  
 21 with me and I stopped hanging out with types of people.  
 22  
 23 Broome: Nothing to do with him?

RENO POLICE DEPARTMENT  
TRANSCRIPT

CASE # 05-34027

1  
2 Sexton: Uh, uh.  
3  
4 Broome: You just kind of went your separate ways?  
5  
6 Sexton: Yeah. It was just like a friend of my friend.  
7  
8 Broome: Have you seen him off and on over the years?  
9  
10 Sexton: Uh, uh.  
11  
12 Broome: You haven't seen him for a while?  
13  
14 Sexton: I haven't seen him for five years.  
15  
16 Broome: So tell me about the first time you see him?  
17  
18 Sexton: I was actually really drunk Friday night and we went to 7-11 to get ice with my friend  
19 and I saw him and he ran up and gave me a hug and I didn't know who it was and it  
20 freaked me out. And he was talking on his cell phone to somebody and then I exchanged  
21 phone numbers because I thought we could be friends or whatever and then he left and I  
22 left and then the next day I came back from my grandparent's house and I was going up  
23 to my friend Tela's house and I saw him.  
24  
25 Broome: Do you remember talking to his wife on the cell phone, I guess you knew her back then?  
26  
27 Sexton: Morgan?  
28  
29 Broome: Yeah.  
30  
31 Sexton: Yeah.  
32  
33 Broome: Do you remember talking to her at the 7-11 on the cell phone?  
34  
35 Sexton: I could have but I was drunk so I don't remember now.  
36  
37 Broome: But that could have happened.  
38  
39 Sexton: If they were still together then I could see him wanting me to go to talk to her on the  
40 phone.  
41  
42 Broome: So take me to the next night.  
43

RENO POLICE DEPARTMENT  
TRANSCRIPT

CASE # 05-34027

---

1 Sexton: And the next night I saw him again coming back from my grandparent's house and I was  
2 walking up the street and I saw him...  
3

4 Broome: (phone rings) So you are going up to Tela's house and you see him again?  
5

6 Sexton: Yeah. And then he asked me if I would go with him to talk, I was like sure and then  
7 someone...I remember somebody making a comment saying that oh I am going to have  
8 sex...  
9

10 Broome: Your friends were kind of harassing?  
11

12 Sexton: Yeah, and then he turned around and said it is not like that she is my little sister and I was  
13 like yeah exactly.  
14

15 Broome: Did you say anything to your friends when they said that?  
16

17 Sexton: No, they were like 20 feet away and I told Kelly I would be back in ten minutes because  
18 she was leaving to go home and I wanted to spend time with her before she left.  
19

20 Broome: Are you still living with Kelly?  
21

22 Sexton: Um, hum.  
23

24 Broome: Then what happened?  
25

26 Sexton: And then I told Brendan that I could only be gone ten minutes because I wanted to talk to  
27 Kelly, he said that was fine and then I got in the car.  
28

29 Broome: Did he tell you where you guys were going?  
30

31 Sexton: That we were going to go for a drive real quick.  
32

33 Broome: Did he tell you he had to go boot a car or something like that?  
34

35 Sexton: No. From what I heard on the streets that's what he does. And then we got in the car and  
36 he drove and then he drove to a dirt road and then he kind of went down and then  
37 stopped. Then I asked him what we were doing, he said we were going to talk. I said  
38 okay what's up. He was asking me what I was doing and how I had been. Just random  
39 questions. I told him we had to hurry up because I had to go talk to Kelly before she left  
40 and that's when he went to kiss me and I pushed him back. And then he grabbed me by  
41 the throat. And then he asked me if I liked it like that and I said no. And then he  
42 wouldn't let go of me.  
43

44 Broome: Did you have trouble breathing or anything?



RENO POLICE DEPARTMENT  
TRANSCRIPT

CASE # 05-34027

1  
2 Sexton: (inaudible) and then he wouldn't let go of me and he was kissing me and I hit him with  
3 my hand...I don't know if I blacked out or anything but it...everything went so fast and  
4 then he had me by the hair and we were outside of his car, he pulled down my pants. He  
5 kept saying this gross...gross...  
6  
7 Broome: Like what?  
8  
9 Sexton: Just like stuff he would say, it was disgusting.  
10  
11 Broome: Like what?  
12  
13 Sexton: He asked me if I was a little girl and I used to masturbate thinking about him and I was  
14 his little girl.  
15  
16 Broome: When you knew him before did you ever know him to be violent or anything like that,  
17 was there ever any time when he came on to you or anything like that?  
18  
19 Sexton: Once but I thought it was just because we were all drunk. But nothing happened, I was a  
20 little girl, I was 13.  
21  
22 Broome: Do you have any health problems now...tell me about them?  
23  
24 Sexton: I'm epileptic.  
25  
26 Broome: Is that from a head injury or do you know what?  
27  
28 Sexton: When I was six months old I was diagnosed with it.  
29  
30 Broome: Was it from any traumatic injury?  
31  
32 Sexton: No, they said it was genetic, my great, great grandmother had it.  
33  
34 Broome: So you don't have a driver's license?  
35  
36 Sexton: Uh, uh, they have given me a permit and I am suppose to have a permit for a year and not  
37 have a reported seizure for a year and then I could have a license.  
38  
39 Broome: How is that going, did have a seizure?  
40  
41 Sexton: Yeah, I had a lot of seizures. Well not until recently I started having seizures again.  
42  
43 Broome: Are you taking medications for the seizures and stuff...any other medical problems?  
44

RENO POLICE DEPARTMENT  
TRANSCRIPT

CASE # 05-34027

---

1 Sexton: Like medical history wise I was diagnosed with cancer, I had cancer when I was 13 or 14.  
2  
3 Broome: What kind of cancer?  
4  
5 Sexton: Thyroid.  
6  
7 Broome: How is that going are you taking medication for that...what did they do for that?  
8  
9 Sexton: They took half my thyroid and they do radiation for a day and then I was fine. Every  
10 couple of months I have to go and check and see because there is still a possibility that  
11 could come back.  
12  
13 Broome: Do you take birth control pills?  
14  
15 Sexton: No, I'm not fertile.  
16  
17 Broome: Is that because of any of the sicknesses?  
18  
19 Sexton: No, it is because... the doctor said I had too many miscarriages I had a lot of scar tissue  
20 built up.  
21  
22 Broome: Do you have any children now?  
23  
24 Sexton: No, well I am a legal guardian.  
25  
26 Broome: For who?  
27  
28 Sexton: My best friend's boyfriend, he's 17 and I am the legal guardian until he is 18.  
29  
30 Broome: Does he live with you?  
31  
32 Sexton: Um, hum.  
33  
34 Broome: Did you do guardianship papers and everything?  
35  
36 Sexton: Yeah. It was more easier because his mom was willing to give up guardianship and he  
37 has a job and stuff so it just was a lot easier.  
38  
39 Broome: Are you going to school?  
40  
41 Sexton: Um, hum.  
42  
43 Broome: Where?  
44

RENO POLICE DEPARTMENT  
TRANSCRIPT

CASE # 05-34027

---

1 Sexton: TMCC.  
2  
3 Broome: What are you studying?  
4  
5 Sexton: Early childhood education.  
6  
7 Broome: Where are you with that?  
8  
9 Sexton: First year, but I have had...I have 9 credits already from high school, from just stuff that I  
10 used to take TMCC classes.  
11  
12 Broome: Do you still dig that?  
13  
14 Sexton: Yes, I love kids.  
15  
16 Broome: (inaudible)  
17  
18 Sexton: (inaudible)  
19  
20 Broome: You work five days a week?  
21  
22 Sexton: Um, hum.  
23  
24 Broome: I took some pictures out there...I got a brand new digital camera so I played with it. This  
25 is if you are coming up Gardella, the apartments over here and this is where the road  
26 ends.  
27  
28 Sexton: And over here is the signs.  
29  
30 Broome: These are the signs right, this one is kind of bent down, where was it in here...and of  
31 course there is a road that goes all the way back down, eventually I think it is going to  
32 come out on North Virginia there, so where were you when this happened...this is kind  
33 of a close up here...so this red truck is over here and the parking lot is over here. I think  
34 that night there was like an Isuzu Trooper or something parked right here.  
35  
36 Sexton: There wasn't anything.  
37  
38 Broome: Where did he stop?  
39  
40 Sexton: We were down further.  
41  
42 Broome: This is the same road here, about how far down that road, you can see where it curves  
43 down here?  
44

RENO POLICE DEPARTMENT  
TRANSCRIPT

CASE # 05-34027

1 Sexton: It was right there where it curves.  
2  
3 Broome: This is looking back the other way and this is at the curve and it goes down here, so you  
4 think it was up before the curve?  
5  
6 Sexton: (No audible response)  
7  
8 Broome: Did you ever get out of the car and walk for a period of time...no...you guys had just got  
9 back from Taco Bell?  
10  
11 Sexton: This was more like hours later after Taco Bell.  
12  
13 Broome: But you still had your Taco Bell cup with you?  
14  
15 Sexton: Yeah.  
16  
17 Broome: Were you drinking alcohol?  
18  
19 Sexton: No, I had Sprite and fruit punch. I didn't drink until after it happened and I went down  
20 and...back to Tela's and drank.  
21  
22 Broome: You told the officers that you did not know how to get a hold of him or what he did or  
23 anything like that?  
24  
25 Sexton: Um, hum. I found out a couple of days ago what he did.  
26  
27 Broome: But everybody else knew what he did because they called all night long and were  
28 threatening him about what happened when he booted your friend's car in front of the  
29 party.  
30  
31 Sexton: What friend?  
32  
33 Broome: The gal that owns the black jeep. We know that he got the threats and they were able to  
34 call him and talk to him and Tela talked to him.  
35  
36 Sexton: Yeah Tela and Amber are the only two people that I know that lived there and they lived  
37 at the apartment and Tela has a white Jetta.  
38  
39 Broome: We know there was a party because one of the girls at the party got booted for parking  
40 right in front and there is records for all of this and we know that one of the friends had  
41 been calling him so somebody at the party...everybody knew he was working security up  
42 there.  
43  
44 Sexton: That would have been great for them to inform us.

Barbara Harvey – Transcriber

(7)

RENO POLICE DEPARTMENT  
TRANSCRIPT

CASE # 05-34027

1  
2 Broome: You didn't know what he did up there...he didn't tell you what he did up there?  
3  
4 Sexton: No. He was just there, just like the night before he was just there, I didn't expect to see  
5 him and I saw him.  
6  
7 Broome: He didn't tell you what he did the night before at the 7-11.  
8  
9 Sexton: At the 7-11 I was wasted drunk so I remember seeing him.  
10  
11 Broome: Do you drink a lot?  
12  
13 Sexton: Actually yeah, I do.  
14  
15 Broome: Well he doesn't dispute the sex and actually your stories aren't too far from each other, it  
16 is certainly a little bit different. He says that this is something that was consensual and he  
17 probably shouldn't have done it because he is not single but it was something that was  
18 consensual and he doesn't understand why it went this far. Some of the things he says we  
19 were able to check out...remember at the time we started this thing you have got to be  
20 absolutely square with me. We found your cup quite a ways down the road which is  
21 where he showed us this happened, it actually started right in here and that you guys got  
22 out of the car and walked down the road a ways.  
23  
24 Sexton: We didn't walk.  
25  
26 Broome: You didn't walk down the road at all?  
27  
28 Sexton: No. No, we didn't walk.  
29  
30 Broome: Did he stop here and then things started here and then drive a little further down?  
31  
32 Sexton: No, he drove and then he stopped and that's when...  
33  
34 Broome: So his car was right here the whole time?  
35  
36 Sexton: Yes.  
37  
38 Broome: But you are positive that this was nonconsensual?  
39  
40 Sexton: I told him know, I shouldn't have to repeat no, no is no.  
41  
42 Broome: Well he is willing to take a lie detector test for me so I am going to do that and see how  
43 this comes out. Did you ever tell him about your condition, that we just talked about,  
44 about your...

RENO POLICE DEPARTMENT  
TRANSCRIPT

CASE # 05-34027

---

1  
2 Sexton: Probably, I don't know.  
3  
4 Broome: Did it ever come up?  
5  
6 Sexton: It might have.  
7  
8 Broome: Do you know why it would have come up?  
9  
10 Sexton: I don't know, everybody I know knows that I am not and I can't...  
11  
12 Broome: But this guy hasn't seen you forever and ever.  
13  
14 Sexton: I don't know...  
15  
16 Broome: Do you know why it would have come up?  
17  
18 Sexton: I don't know why he would know.  
19  
20 Broome: Before that night when was the last time you had consensual sex with somebody?  
21  
22 Sexton: A year ago.  
23  
24 Broome: Do you know why it would come up that you weren't fertile?  
25  
26 Sexton: It is something I'm...  
27  
28 Broome: But you didn't talk about that, you said as soon as you told him where you were that he  
29 grabbed my by the throat and things went down hill from there.  
30  
31 Sexton: Yeah, there is...I don't know...  
32  
33 Broome: See those are some of the things that don't quite fit very well.  
34  
35 Sexton: If he knows that I am infertile then I don't know why he would know I am infertile.  
36  
37 Broome: Because it came up in a conversation that he told me about, some of the things that he  
38 says you say and you know those are some of the things that support both sides. When I  
39 do these investigations it is important that I get to the truth, for two reasons, one if this  
40 does go to court we have to answer every question, these are not a whole lot of fun when  
41 you get into and nobody wants surprises, so we don't want some investigator going out  
42 and finding something that we don't know and if we get caught by surprise in court it is  
43 embarrassing to everybody, it is embarrassing to you, it is embarrassing to us and it does  
44 not make everybody look good so those are the reasons that I tell you that we have to be

RENO POLICE DEPARTMENT  
TRANSCRIPT

CASE # 05-34027

- 1 very honest with each other. Those are some of the things that they would bring up, why  
2 would this come up and he says that during this consensual thing that you said this, you  
3 don't need a condom because I can't get pregnant.  
4
- 5 Sexton: No because even if...me condoms, do you know how many gross things are going on  
6 even when I was having sex a year ago, I would always use condoms, no matter what,  
7 always.  
8
- 9 Broome: You see what I am saying, what he is telling me is true and these are some of the things  
10 that he has told me I check out and I find out that there is some validity to them so I can't  
11 dismiss everything that he says. I would rather find everything that he says is a lie  
12 because a lot of times what I say is a good lie is just as good as a confession sometimes,  
13 but some of the things he tells me I am able to check out, I don't think he is being 100%  
14 because he is cheating on his wife. But some of the things he tells me do check out so  
15 those are some of the problems that I have.  
16
- 17 Sexton: I don't know in the conversation of when I would be like I am infertile, so I don't know.  
18
- 19 Broome: So that adds to the validity of some of the things he is saying. There is some other small  
20 things like in the state of Nevada, it is not like California and some other states, sexual  
21 assault in Nevada is for the most part a life sentence so we take these very serious and  
22 you are talking about sending somebody to prison for the rest of their life and that's why  
23 you have to be 100% honest with me and that's why I tell people that come in here, I  
24 don't care what you told everybody else but you have to be 100% honest with me. I  
25 don't go out and say...a lot of times I will take the heat for somebody if something didn't  
26 happen exactly as we talked about earlier or that you told Officer BELLINGER, that's  
27 one thing, this is the place where we clear everything up. If what you told me isn't right I  
28 can tell people there is just not enough evidence to prove a crime or something like that  
29 and what you tell somebody else is your own business. I am not here to get you in  
30 trouble or embarrass you or make it tough for you but what I do is very, very serious,  
31 absolutely serious, we are talking forever and ever and ever, so if things didn't happen  
32 exactly as you reported initially, you have got to tell me now because I am good at what I  
33 do.  
34
- 35 Sexton: I know and I told the police and I told you, so if it is not good enough then it's not but I  
36 told my story.  
37
- 38 Broome: You are saying it happened exactly as you said, absolutely?  
39
- 40 Sexton: Yes, I am saying it happened.  
41
- 42 Broome: Just like you said?  
43
- 44 Sexton: Yes.

RENO POLICE DEPARTMENT  
TRANSCRIPT

CASE # 05-34027

1  
2 Broome: Okay.  
3  
4 Sexton: And why he doesn't know or he knows I am infertile or whatever maybe it did come up  
5 in conversation it might have but I don't remember.  
6  
7 Broome: (inaudible).  
8  
9 Sexton: That is and I think I would remember.  
10  
11 Broome: I think so too. But you see where I am going with this, right...you see some of the thing  
12 that he said might have some sort of validity.  
13  
14 Sexton: It is not something I am really proud of that I can't have children because I want children  
15 more than any of you. But I do have a second job that I have to be at so...  
16  
17 Broome: There are some other things that the defense attorney's would find bothersome too, you  
18 know your thing that you have on My Space, I realize there are a lot of people on My  
19 Space but there are some things that you have on there that aren't very flattering, do you  
20 agree?  
21  
22 Sexton: A joke to play on my ex-boyfriend and if you are on My Space you would know and that  
23 should be irrelevant.  
24  
25 Broome: I'm just telling you that these are things that are going to come up and that's why you and  
26 I have to have a blunt conversation because if we are able to prove a criminal case and it  
27 goes to court you have to be tough, there's no doubt about it.  
28  
29 Sexton: And I am not tough.  
30  
31 Broome: I'm on your side...you will have me there, you will have victim advocates there, you will  
32 have all of us there in your corner but you have to be a little bit tough too because these  
33 people when you get to court they try to rattle you a little bit, so you do have to be able to  
34 stand up and tell your story, you have to be a little bit ridge about it, that's why we talk  
35 about it, that's why we try to get you comfortable in talking about it, so that you are able  
36 to stand up there and tell your story, are you going to be able to do that if it goes that  
37 far?  
38  
39 Sexton: I hope so.  
40  
41 Broome: I am telling you right up front that there are some things that I am going to have to work  
42 through. I am going to put him on a lite detector test but if he is able to pass that test then  
43 we are going to have some more problems. You can talk to me any time you want, you  
44 can call me any time and if you want to come down to talk to me or you want to talk over

11



RENO POLICE DEPARTMENT  
TRANSCRIPT

CASE # 05-34027

1 the phone, if you remember something we haven't talked about or remember something  
2 you didn't say before, we will talk about it at that time. But again I do a thorough  
3 investigation and it is just as important for me to prove something did happen as to prove  
4 something that didn't happen, because everybody lies sometimes in here. If this was say  
5 your brother, you would want me to do a great job and know that I have got the right  
6 person, you would want that and you would want me to do a great job for you so I am  
7 going to be very thorough, so if there is something that you forgot about or you want to  
8 change, you got to tell me now. If you want to stick with the things as you reported them,  
9 that is fine, is that what you remember?  
10  
11 Sexton: Yes.  
12  
13 Broome: And that's the way it happened?  
14  
15 Sexton: Yes.  
16  
17 Broome: Okay.  
18  
19 End of tape 1, side 1  
20  
21 Sexton: (inaudible)  
22  
23 Broome: Your seat, why?  
24  
25 Sexton: Some people have covers, I don't know it is his car.  
26  
27 Broome: But you had your clothes on all the time you were sitting in the car, before and after?  
28  
29 Sexton: Yes.  
30  
31 Broome: So there shouldn't be much DNA on those towels, right?  
32  
33 Sexton: No.  
34  
35 Broome: Well we will see where it goes, we got a lot of stuff yet to do but you got to try to be  
36 comfortable talking about it, okay...if you think of anything you want to talk to me  
37 about, you call me...okay...all right. Did you guy park out back?  
38  
39 Sexton: Um, hum.  
40  
41 Broome: Out on this side?  
42  
43 Sexton: Yeah.  
44 End of tape 1, side 2

12

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RENO POLICE DEPARTMENT  
TRANSCRIPT

CASE # 05-34027

PERSON GIVING STATEMENT: Brendan DUNCKLEY  
 SEX/RACE/DOB: Male/Unknown/07/04/76  
 RESIDENCE ADDRESS: Unknown  
 EMPLOYMENT: Telesis Parking Solutions  
 TAKEN BY: Detective Tom BROOME  
 ON: Unknown FROM: Unknown TO: Unknown  
 LOCATION OF INTERVIEW: Reno Police Department  
 IN THE PRESENCE OF: Unknown

This is NOT a certified transcript. Although every effort has been made to ensure accuracy, you need to refer to the original or a copy of the source audio/video tape.

1 Broome: Sorry about that I can't get any of my machines to work. (inaudible)  
 2  
 3 Dunckley: You were recording in the car as well?  
 4  
 5 Broome: Yeah.  
 6  
 7 Dunckley: I saw (inaudible).  
 8  
 9 Broome: Mostly because I got no memory left.  
 10  
 11 Dunckley: I had a place and for some reason I kept cleaning the wall, cleaning the wall and cleaning  
 12 the wall and it went away and came back again and finally I ripped the wall open and the  
 13 whole thing was black mold.  
 14  
 15 Broome: Oh, is that right.  
 16  
 17 Dunckley: So for a year I was living in this house and it was because there was so much water  
 18 underneath it and it got into the sheet rock and insulation and it just screwed my short  
 19 term memory big time. When my wife and I were talking she was like what do you think  
 20 about that...about what, I forgot what we were talking about.  
 21  
 22 Broome: Well hopefully it will work good today.  
 23

RENO POLICE DEPARTMENT  
TRANSCRIPT

CASE # 05-34027

---

1 Dunckley: This is fine...like that stuff (inaudible) yeah okay honey sure (inaudible).  
2  
3 Broome: Spell you last name for me.  
4  
5 Dunckley: D-U-N-C-K-L-E-Y.  
6  
7 Broome: And it is B-r-e-n-d-a-n, right?  
8  
9 Dunckley: B-r-e-n-d-a-n, yes, sir.  
10  
11 Broome: What's your date of birth?  
12  
13 Dunckley: July 4, 1976.  
14  
15 Broome: Your sosh?  
16  
17 Dunckley: 098-60-5492.  
18  
19 Broome: Where were you born?  
20  
21 Dunckley: New York, Carmen.  
22  
23 Broome: Your home phone number?  
24  
25 Dunckley: Area code 775 829-4585.  
26  
27 Broome: What is the outfit you work for?  
28  
29 Dunckley: Telesis. T-e-l-e-s-i-s.  
30  
31 Broome: Telesis?  
32  
33 Dunckley: Telesis Parking Solutions.  
34  
35 Broome: Just to clear some stuff up, you know you're not under arrest and you are free to go any  
36 time even though I transported you over here, obviously your car is an issue at this point.  
37 You can walk out and catch a bus or catch a cab or if you just want to go I will give you a  
38 ride. The door is just closed to give us a little privacy...we can change that actually this  
39 room is cooler than the rest of the office so it is not so bad. If you need some water  
40 because it is hot in here...  
41  
42 Dunckley: No, I'm fine.  
43

RENO POLICE DEPARTMENT  
TRANSCRIPT

CASE # 05-34027

1 Broome: Like I told you on the way down here, the things that will bite you...this is a he said, she  
2 said case, no doubt about it, you understand that, the things that will bite you in cases like  
3 this is when we find that you have been less than truthful about anything...it makes  
4 people wonder if he is not truthful about this part then he must be lying about that...that's  
5 why I ask people to be completely up front.  
6

7 Dunckley: Not a problem, no problem.  
8

9 Broome: Now tell me how you met this girl, how you know her, how long you have known her?  
10

11 Dunckley: I have known Lura for just over five years, just about five years. I came to know her  
12 when she was much younger, when she was 13, one of her girlfriends gave a wrong  
13 number to my wife's cell phone five years ago and they started talking and any how they  
14 informed us that they were 16 and the girl was pregnant... and her friend was pregnant  
15 and my wife was pregnant she was only 19.  
16

17 Broome: Lura was pregnant?  
18

19 Dunckley: No. Michelle, I don't know if it is the same Michelle...what is the last name?  
20

21 Broome: I don't know she just told me she had a girlfriend named Michelle at some point...and  
22 that's how you guys met?  
23

24 Dunckley: Yeah. Well I don't know because the officer mentioned something on the phone, that's  
25 how my wife found out was on the phone because the officer was talking on the phone  
26 and said something about Michelle I haven't seen her at the property so I know she  
27 wasn't involved. But so I met her that way because one day they needed a ride so my  
28 wife and I picked them up and they for a year told us they were 16 years, the parents  
29 liked and said the same thing, all the while they were actually 13. and once we found that  
30 out that they were 13 I really...it wasn't really big to me, I cared of their age but their  
31 friendship to my wife was there between them, I just gave them a ride if they needed  
32 help, kind of a big brother thing and that was it. I was friends but once we found out how  
33 young they were, because I was 24 at the time, that was immediately squelched and Lura  
34 was the only one that was honest up front and said I am 13 not 16. She at that time...my  
35 wife and I said look we like you but it is inappropriate to be coming to our house  
36 (inaudible) so we asked her not to come over to the house any more because she was so  
37 young and it would be inappropriate. That was five years ago, we saw her on and off in  
38 passing, like not socially at a party or anything (inaudible) and then I saw her again for  
39 the first time in a while Friday night, Sunday morning or Saturday night...Friday night I  
40 saw her, I was at the 7-11 on Parr getting gas and a white car drove up past me and I was  
41 walking out of the store to go pump gas and I hear someone calling me from behind  
42 saying Brendan, Brendan, Brendan and I turned around, I was on the phone with my wife  
43 Morgan at the time and Morgan says who the hell is that and I said I have no idea. I  
44 know a lot of people in this town and a lot of people know me but I don't know who the

RENO POLICE DEPARTMENT  
TRANSCRIPT

CASE # 05-34027

1 hell they are half the time, I have to fake it and I said I don't know and she came up and  
2 got close and I still didn't recognize her and she says how's Morgan and I said she's  
3 good, she is on the phone, here talk to her and that's when I found out that it was Lura  
4 because my wife said well who is this and she said this is Lura and she goes oh, okay.  
5 She got off the phone with my wife, I went to go pump gas, Lura proceeded to come out  
6 of the store with her friend, I don't know what they purchased and Lura leaned out the  
7 window and says I love you Brendan, bye honey and so the following night I am at the  
8 Bluffs again...

9

10 Broome: Where is the Bluffs?

11

12 Dunckley: The Bluffs is you know where Parr is here.

13

14 Broome: Those are the new ones up on top?

15

16 Dunckley: Yeah, where you go past and you go down to where the old kid's place and it is off on the  
17 top.

18

19 Broome: And that is where you work?

20

21 Dunckley: Yeah, that is one of the complexes, we do nine different complexes so...I was tagging a  
22 car...or actually I was tagging a motorcycle for expired plates from 2000 and some girl  
23 was hanging out of the balcony on the ground floor and said hey aren't you TL's friend, I  
24 said who...I don't know her by TL, I don't know why they call her that because her name  
25 is Lura. I was like I have no idea...weren't you at 7-11 because you have known her for  
26 a long time and I was like okay (inaudible) and then Lura drives by in the passenger seat  
27 of a car and I recognize her and she hangs out the window and sees me and she goes hi  
28 Bren...I love...blowing kisses at me again, she missed me, she loves me and all this stuff,  
29 she starts walking down, I walk towards her to say hi, she gives me a kiss on the cheek  
30 and I say how are you, I'm like I'm good and I go are you okay, she goes not really, I  
31 need to talk and I have always been a big brother type to her, you know what I mean,  
32 there has never been anything besides that. I said okay I got to go over here, I have to do  
33 a round over here because we patrol the back area so they are not parking on the dirt  
34 behind the buildings. So I was going to ask her to go in there with me, we stopped and  
35 we were talking on the dirt road area. We start talking and she started making comments  
36 of a sexual nature, I refused and said no, I basically broke down and ...the long and short  
37 of it honestly is how it ended was the fact that we left the car because I had to do one  
38 more check and I could not take my Ford in the area where I had to go so we went for a  
39 walk, we both knew what was going to happen. We walked up there and agreed and  
40 already talked about it and she said that she didn't want to have sex in the car and I said  
41 okay, we were already messing around in the car, her pants were down in the car, she was  
42 having me play with her genitals and whatever you want to call it and she was playing  
43 with mine, visa-versa, she gave me oral and we left the car, she grabbed a towel from the  
44 back and said that she liked the outdoors, especially there because of the fact that it made

4

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RENO POLICE DEPARTMENT  
TRANSCRIPT

CASE # 05-34027

1 her feel like it is a rape fantasy for her is what her exact words were. I said okay but what  
2 about here, I put the towel on the ground, she goes no, not there, not there, no, no, no, not  
3 there, I was like why and she goes there's scorpions on the ground and bugs and no, so  
4 subsequently we went about 20 feet further and she wanted to go right there and we  
5 ended up having sex right there in that on the walk way area standing up so she wouldn't  
6 get dirty or anything like that. When we were done she says it feels like you tore me in  
7 two because it has been a year and a half since I had sex, I'm so glad it is like you  
8 popping my cherry again for the first time. But not again because I didn't do it first, you  
9 understand...I am not the one that took this girl's virginity...okay so we got back in the  
10 car and before we got back in the car actually the one thing she said was...because I gave  
11 her the towel and she put it around her shoulders because she was cold and I was like are  
12 you okay, you sure this is what you want and she is oh, yeah, I am perfectly fine and  
13 that's when she puts her arm around me and grinned and she goes now I can say I did it  
14 on a hill too. I was like okay. We got back in the car she gave me a kiss on the cheek,  
15 subsequently we parted by her saying have Morgan give me a call tomorrow so maybe  
16 we can get together in the next couple of days, you know where I live. But also during  
17 that time period she also mentioned because I said that what we were doing was a quickie  
18 kind of thing and she said that's okay, you know where I live you can come over and we  
19 can do it correctly then too. She told me she lived at Redfield or something like that or  
20 off Mira Loma area, I don't remember the name of the apartments but so...all the while,  
21 the only reason I even consented was because to me I was under the assumption that it  
22 was consensual.

23  
24 Broome: Let's go back to when you see her again on Saturday, she comes up and she says she  
25 wants to talk, what does she want to talk about?

26  
27 Dunckley: She didn't really say.

28  
29 Broome: Why didn't you talk right there?

30  
31 Dunckley: Well because I was working also and she wanted to talk right away. Honestly in hind  
32 site...(inaudible) not remembering the history with her of knowing what I did and  
33 knowing of her and the accusations that were made. I have known her and the main  
34 problems that we had with her in the past was the fact of...not towards me so much of but  
35 making accusations of this nature to her sister's boyfriend in the past in Texas, she made  
36 accusations to his sister's boyfriend that he raped her, I know for a fact the one thing that  
37 she and I and Morgan talked about together before we found out her age was that she  
38 opened up to Morgan about a lot of things like her father molesting her as a child, her  
39 mother's boyfriends sexually abusing her as well.

40  
41 Broome: Do you know if anybody ever went to jail for sexual assault?

42  
43 Dunckley: That's the thing, I don't know, I wish I knew. But the one in Texas with her sister, I  
44 don't know if it happened or not but her sister ended up saying you know

RENO POLICE DEPARTMENT  
TRANSCRIPT

CASE # 05-34027

- 1 what...whatever you are a liar, you have been lying your whole life about it, she  
2 subsequently sent her back here to Reno. She was in West Hills...she's a good kid and I  
3 was hoping that...you know what I mean, you hope for them to turn out right...  
4
- 5 Broome: So she accused her sister's boyfriend, mother's boyfriends and who else?  
6
- 7 Dunckley: Step dad, that's the ones I know of for a fact, I don't know who else but my wife knows  
8 because she told her stuff years ago. And ended up at West Hills and Wittenberg, she  
9 will disappear for a week and then show up and say that she was doped up because she  
10 was in West Hills kind of thing and enjoying it.  
11
- 12 Broome: Is she a little slow or developmentally...  
13
- 14 Dunckley: No, to me no.  
15
- 16 Broome: I mean you have known her for a long time.  
17
- 18 Dunckley: I have known her for a long time and she has never come across to me as being  
19 developmentally...like Down's syndrome or slow in any way. I mean if that were the  
20 case, honestly if that were the case at all right there that would have never happened at  
21 all, because that is one thing I don't do is take advantage of people like that.  
22
- 23 Broome: Is she a little slow...the other officer said there was something about her that wasn't quite  
24 right.  
25
- 26 Dunckley: She's slow because she is an alcoholic, she's 18 years old and she is an alcoholic, which  
27 is sad.  
28
- 29 Broome: Was she sober tonight?  
30
- 31 Dunckley: She was sober, yes. She had a drink already but she was sober...I know when she is  
32 intoxicated, she is very vivacious and giggly and then she gets very, very depressed when  
33 she drinks, very, very depressed when she is drunk.  
34
- 35 Broome: So she says she wants to talk to you, you guys drive up to the dirt.  
36
- 37 Dunckley: Which is probably the first step...you said why didn't I just talk to her there in public  
38 view with everyone else around, like I said I am not hiding anything.  
39
- 40 Broome: Did you think there was a chance that you were going to have sex with her at that point?  
41
- 42 Dunckley: No, that wasn't my intention at all.  
43
- 44 Broome: So you drive up there, how does the petting and all that start?

RENO POLICE DEPARTMENT  
TRANSCRIPT

CASE # 05-34027

1  
2 Dunckley: Well it just...she made her little flirtacious comments.  
3  
4 Broome: What are they?  
5  
6 Dunckley: You know I have always had a crush on you...now that I am 18 I am legal, Morgan never  
7 needs to know what happens between us, stuff like that, innocent comments where  
8 obviously I gave in and I conceded and proceeding with stuff that I shouldn't have done.  
9  
10 Broome: So you guys were playing with each other and you said that you had her pants down?  
11  
12 Dunckley: Yeah, she took her pants down and we were playing back and forth with each other and I  
13 essentially had to get back to work also and finish what I was doing and it was in that  
14 time period that we discussed that we would end up actually being together and I said I  
15 don't have a condom and she said I didn't need one for the fact that she can't have kids.  
16  
17 Broome: Did she give you oral during this part of it?  
18  
19 Dunckley: Um, hum.  
20  
21 Broome: Did you ejaculate at that time?  
22  
23 Dunckley: No. (inaudible)  
24  
25 Broome: Then you decided to take this walk and ...  
26  
27 Dunckley: Take it further. Because she said she didn't want to have sex in the car, that was the  
28 thing. She had the seat back and everything, mechanically wise I don't like to have sex  
29 in cars either and we both agreed to that so we both left the car, she had a towel with her  
30 because I had towels in the back seat from when I took my kids to the water park a  
31 couple of days ago and I had the towel, I laid it down in the area...  
32  
33 Broome: This was just out in the sticks out there?  
34  
35 Dunckley: Yeah, out in the hills where no one is at, no lights, no nothing and I laid the towel down  
36 and she goes no, no not there, I don't want to lay down so...  
37  
38 End of tape 1, side 1  
39  
40 Dunckley: We proceeded to have sex standing up.  
41  
42 Broome: Was there...I mean...from the...  
43  
44 Dunckley: Okay I'm sorry from the back, yes and it was...

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RENO POLICE DEPARTMENT  
TRANSCRIPT

CASE # 05-34027

1  
2 Broome: Was she holding on to anything or...  
3  
4 Dunckley: She was holding on to my leg and facing her leg and (inaudible) and enjoying, obviously  
5 enjoying, in pleasure, giving the signs of enjoyment and of pleasure...out in the sticks,  
6 like oh, my God I'm coming right now, thank god and stuff like that. Also informing me  
7 that she hasn't had sex in over a year and a half and when she got back I'm like I don't  
8 want you to think I like tried to force you here because when she was pulling her pants  
9 back up she goes oh, man and she made comments like it felt like I tore her in two, I said  
10 well I don't want your friends getting pissed off that we did this because they jokingly  
11 went like you guys are going to get booty and we're like no, no, we are just talking, that's  
12 not going to happen and sure enough she says don't worry about that I can play this off  
13 okay, I'm okay, I know how to handle this.  
14  
15 Broome: And you ejaculated inside of her?  
16  
17 Dunckley: Yes.  
18  
19 Broome: Did she tell you why she couldn't have kids?  
20  
21 Dunckley: No.  
22  
23 Broome: And you just pulled your clothes back on and ...  
24  
25 Dunckley: Yeah, I zipped back up and she pulled her clothes back on, she puts a towel around her to  
26 stay warm and held my arm going back up to the car and then I drove back over, she gave  
27 me a peck on the cheek and said tell Morgan to call me so we can get together so we can  
28 get together. Later in the evening I was doing a patrol again, I came back to the front of  
29 the apartment where she was at, that area and it looked like the party had already ended  
30 and right in front of their apartment is a handicapped spot and I subsequently the Jeep  
31 that was there was no placards and it turned out that...after half hour later I got a phone  
32 call and then once I pull up they turn around and all start saying...like in sequence, like it  
33 was rehearsed to get the boot off kind of thing. I have heard every excuse in the book to  
34 get \$80 saved kind of thing. I had a guy the night before offer to pick some girl out of a  
35 party to get a boot off.  
36  
37 Broome: Who called you to take the boot off?  
38  
39 Dunckley: the owner of the Jeep.  
40  
41 Broome: How did he get your number?  
42  
43 Dunckley: I put a paper on top of the car, the front of the car to tell them not to move in the vehicle  
44 and all of our information and phone number and how to contact us.

RENO POLICE DEPARTMENT  
TRANSCRIPT

CASE # 05-34027

1  
2 Broome: So he called you...  
3  
4 Dunckley: Well she did, a woman did.  
5  
6 Broome: And when you get back what did they say?  
7  
8 Dunckley: And when I got back she goes, one of the friends that originally recognized me, originally  
9 as the friend of "TL" or Lura's friend, turned around and approached me and said what  
10 did you do with TL and I said why what does it matter to you, well what did you do to  
11 her and I said what we did was between her and I, it's consensual and she can tell you  
12 what we did and she goes she is in the hospital. After she came back started drinking  
13 some more and she started crying and then she is now at the hospital. This was the first I  
14 heard of this and I said wait a second what do you mean she is in the hospital is she okay,  
15 out of concern because this is a friend, you know what I mean. So I asked her for her cell  
16 number so I can give her a call and see if she is okay so she proceeds to give me her cell  
17 number. I don't know if I'm a woman and my girlfriend just got raped...  
18  
19 Broome: Did you call her?  
20  
21 Dunckley: I did, I called her and it went straight to voice mail and I left a message because I just  
22 wanted to make sure she was okay and see what was going on.  
23  
24 Broome: And that was her cell phone?  
25  
26 Dunckley: I don't...actually....379-0712.  
27  
28 Broome: Have you talked to her on that night?  
29  
30 Dunckley: No, never and that was...she says she just got it turned back on, that's the other thing  
31 because when she said have Morgan give her a call was on the cell phone because she  
32 just got it turned back on again, so no offense but if I was a woman and some guy raped  
33 my girlfriend the last thing I would do is if they asked for the cell phone number is give  
34 him the cell phone number. So just so you know, I did remove the boot as well and I  
35 didn't charge the \$80 because obviously something was wrong with my friend and I  
36 wanted to know what was going on, you know what I mean. From then I kept getting  
37 phone calls through out the night from another number which was 230-0757, numerous  
38 times actually, about four or five times from the number telling me that I better watch my  
39 back, it doesn't matter where I am he will find me, he's got a boot for me, right into my  
40 teeth, he's going to kick my skull in, how dare I touch any person that he knows, if I ever  
41 show my face in the park again he will kill me, you name it.  
42  
43 Broome: Did they leave any of those on voicemail?  
44

RENO POLICE DEPARTMENT  
TRANSCRIPT

CASE # 05-34027

1 Dunckley: He left one and I erased it, I don't know why because I was just stupid.  
2  
3 Broome: Do you think that was about the booting or threats about...  
4  
5 Dunckley: Threats about the sexual assault. Which was news to me when they...when I went to do  
6 the boot, ironically that is what it was and I booted her at midnight, I don't know when  
7 she and I were together.  
8  
9 Broome: Did you boot it before or after you guys had sex?  
10  
11 Dunckley: I booted it way after, hours after.  
12  
13 Broome: When do you think you guys went up to talk to her to have sex?  
14  
15 Dunckley: I want to say like 8:30 or 9:00.  
16  
17 Broome: Just dark.  
18  
19 Dunckley: Just dark because I had to release...I released a boot, actually I will tell you right now  
20 what time it was...yeah it was at 9:20 because I was on the phone with my boss right  
21 when I was parking over there to do that area and I lost the signal and it was at 9:25. see  
22 I'm nothing but forthright with you. These things come in handy don't they...and then at  
23 that time I left (inaudible) ten minutes later because I went to release a boot. Ten minutes  
24 later.  
25  
26 Broome: So why are you worried about her friends thinking about you doing something wrong?  
27  
28 Dunckley: I wasn't worried about it then, I was worried about Lura, I didn't care what they thought  
29 about me.  
30  
31 Broome: No, you said you were telling her that...  
32  
33 Dunckley: Oh, don't tell your...I didn't want them making fun of her or giving her shit about that is  
34 the only reason because they were like oh she's going to get some action, good girl, you  
35 go get your game on, I didn't want them saying stuff like that, I didn't want them making  
36 fun of her and mocking her.  
37  
38 Broome: Were they saying stuff like that?  
39  
40 Dunckley: Yeah before we left and she and I both looked at them and like no, it is not going to  
41 happen, we are not doing that, that was not our intention, at least not my intention and  
42 that is the only reason I didn't want her to...them to be mocking her, I didn't know them  
43 so it really didn't bother me either way, it wasn't something I was trying to hide, sex is  
44 sex, we're adults.

RENO POLICE DEPARTMENT  
TRANSCRIPT

CASE # 05-34027

1  
2 Broome: Which apartment was this party...do you know the number where she was at?  
3  
4 Dunckley: No idea. No idea of the number but I know when I left her she was sober and  
5 subsequently, the one thing I do know about Lura and my wife will attest to this, is when  
6 she drinks she gets very, very depressed, very, very sad and woe is me and then turns, she  
7 gets very bipolar with drinking.  
8  
9 Broome: Was the sex rough where there was some hair pulling and stuff like that going on?  
10  
11 Dunckley: There wasn't hair pulling but the one thing she did mention was she wanted me to put my  
12 hand on her throat but I didn't apply pressure, the only rule with her was don't touch the  
13 face because she is very sensitive about her face, so I don't touch the face.  
14  
15 Broome: What do you mean put your hand on her throat?  
16  
17 Dunckley: As if to like mock choke but I didn't put any pressure, I didn't want to do that, I don't  
18 like doing that.  
19  
20 Broome: How do you do that from the back?  
21  
22 Dunckley: Well just barely and holding but then I didn't do it because once we started going at it she  
23 bent over anyway so I was holding her hips and she was holding my legs and my hands.  
24  
25 Broome: How did she tell you to touch her?  
26  
27 Dunckley: Like to start the whole thing, it was her idea to start the whole thing because she had this  
28 fantasy and she liked outdoors and she said to come up behind her.  
29  
30 Broome: Did she say rape fantasy?  
31  
32 Dunckley: Yes, she did, she did.  
33  
34 Broome: She wanted you to grab her by the throat?  
35  
36 Dunckley: Yeah and I...just barely like barely...because I can't bring myself...  
37  
38 Broome: No hair pulling?  
39  
40 Dunckley: Not that I remember, no, no forcible...  
41  
42 Broome: Because it was a rape fantasy did you take her pants down?  
43

RENO POLICE DEPARTMENT  
TRANSCRIPT

CASE # 05-34027

1 Dunckley: She was taking them down with me at the same time...it was like a speedy thing because  
2 the way her pants were I couldn't really maneuver, tightness wise, I am not really that  
3 good at unbuckling all those things buckles and zipper wise and stuff like that.  
4  
5 Broome: (inaudible) talk to her real quick and I will be right back, if I can get you some water or  
6 something let me know.  
7  
8 Dunckley: Like I said I want to get out of here as soon as possible so...  
9  
10 (No conversation approximately 14 minutes)  
11  
12 Broome: Just a couple of more things here. When things were going on...when you first went up  
13 off the place and I am going to get you to take me up there and show me where all this  
14 stuff happened, did you go around the passenger side and start any sort of sex or  
15 anything?  
16  
17 Dunckley: On the passenger side of what, the outside of the vehicle?  
18  
19 Broome: Yeah.  
20  
21 Dunckley: No.  
22  
23 Broome: So you guys are kissing and playing with each other in the front seat?  
24  
25 Dunckley: Yeah. Her seat goes down and that was it, we put her seat back up, she got dressed, I got  
26 dressed and we left the car and we proceeded directly...  
27  
28 Broome: Did you tell the officer that you went around to the passenger side of the car?  
29  
30 Dunckley: No, I didn't mention the other side of the car at all that I remember.  
31  
32 Broome: So there was no sex in or around the car other than the oral sex?  
33  
34 Dunckley: Yeah, there was no sex in or around the car other than what we were doing in the car  
35 itself.  
36  
37 Broome: This guy that keeps calling you does he identify himself?  
38  
39 Dunckley: He doesn't, he just keep harassing me.  
40  
41 Broome: No old boyfriend or anything like that?  
42  
43 Dunckley: Nothing, he just keeps harassing me and keeps calling me and threatening me, he hasn't  
44 called me for a while. I don't know who it is. I heard her, while I was talking about the

12

Barbara Harvey – Transcriber

RENO POLICE DEPARTMENT  
TRANSCRIPT

CASE # 05-34027

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1 towel to be specific, the towel it is in reference of is a solid blue towel, there is like four  
2 towels in the back, it is a solid blue towel. That came into contact with her, it was the  
3 one she had under her while she was on the seat.  
4  
5 Broome: Which one did you take out?  
6  
7 Dunckley: The same one, the blue one was out in the bushes and tha. should still show signs of like  
8 the prickly things whatever they are called...  
9  
10 Broome: Before we leave like I said I would like you to take me up there just because I am not  
11 familiar with the area.  
12  
13 Dunckley: I understand.  
14  
15 Broome: I would like to get a DNA sample from you, just a saliva swab.  
16  
17 Dunckley: That's fine, I am not denying I had sex with her, I'm not denying that at all. And besides  
18 that, after that what is the next step?  
19  
20 Broome: We will go up there, you will show me where it happened and I will take you back home.  
21 Sit tight for a second.  
22  
23 Dunckley: No problem, I will.  
24  
25 (No conversation approximately 3 minutes)  
26  
27 End of tape 1, side 2

# Incident Report RENO POLICE DEPARTMENT



Address  
P.O. BOX 1900  
Address  
455 E 2ND ST  
City State, Zip  
Reno NV, 89505  
Phone Number  
775-334-2175  
Fax Number

**05-34027**  
**DRAFT**

Supplement No  
0006

Reported Date  
03/27/2007  
Nature of Call  
**SEXASSLT**  
Author  
**BROOME, TOM**

## Administrative Information

Agency <b>RENO POLICE DEPARTMENT</b>	OCA # <b>05-34027</b>	Supplement No <b>0006</b>	Reported Date <b>03/27/2007</b>	Reported Time <b>13:45</b>	CAD Call No <b>052321447</b>
Status <b>REPORT TO FOLLOW</b>	Nature of Call <b>SEXUAL ASSAULT</b>	Crime/Inc Loc <b>4050 GARDELLA AV</b>			
City <b>RENO</b>	Rep Dist <b>J7I3</b>	Area <b>RN</b>	Beat <b>44</b>	From Date <b>08/20/2005</b>	From Time <b>21:30</b>
Emp # <b>R1509/BROOME, TOM</b>	Assignment <b>Detectives - Days - Sex Crimes/Juv</b>				
Author <b>R1509</b>	Assignment <b>Detectives - Days - Sex Crimes/Juv</b>			Approving Officer	
Approval Date	Approval Time				

## ARRESTEE 1: DUNCKLEY, BRENDAN

Involvement <b>ARRESTEE</b>	Seq # <b>1</b>	Type <b>INDIVIDUAL</b>	Name <b>DUNCKLEY, BRENDAN</b>			MNI <b>913249</b>	Race <b>WHITE</b>	Sex <b>MALE</b>
Date of Birth <b>07/04/1976</b>	Age <b>30</b>	Juvenile? <b>No</b>	Height <b>5'08"</b>	Weight <b>178#</b>	Hair Color <b>BROWN</b>	Eye Color <b>HAZEL</b>		
Type <b>HOME</b>	Address <b>4458 HIGHPLAINS DR</b>					City <b>RENO</b>		
Phone Type <b>HOME</b>	Phone No <b>(775) 787-1961</b>							
Involvement <b>ARRESTED</b>	Arrest Type <b>ARRESTED</b>	Arrest Date <b>03/30/2007</b>	Arrest Time <b>16:00:00</b>	Status <b>BOOKED</b>	Dispo <b>FELONY</b>			
Arrest Location <b>455 E. SECOND STREET</b>					City <b>RENO</b>			
NOC/Charge <b>00114</b>			Level <b>F</b>	Charge Literal <b>SEXUAL ASSAULT</b>				

## DETECTIVE 1: ;DETECTIVE TK BROOME

Involvement <b>DETECTIVE</b>	Seq # <b>1</b>	Type <b>INDIVIDUAL</b>	Name <b>;DETECTIVE TK BROOME</b>					
Work/School <b>RENO POLICE SEX CRIMES UNIT</b>			Position/Grade <b>DETECTIVE</b>					

## SUBJECT 1: ANTHONY, MICHELLE

Involvement <b>SUBJECT</b>	Seq # <b>1</b>	Type <b>INDIVIDUAL</b>	Name <b>ANTHONY, MICHELLE</b>			MNI <b>553376</b>	Race <b>WHITE</b>	
Sex <b>FEMALE</b>	Date of Birth <b>10/26/1986</b>	Age <b>20</b>	Juvenile? <b>No</b>	Height <b>5'06"</b>	Weight <b>120#</b>	Hair Color <b>BLONDE/STRAWBERRY</b>	Eye Color <b>BROWN</b>	
Type <b>ADDITIONAL</b>	Address <b>SOUTHERN NEVADA WOMENS PRISON</b>					City <b>NORTH LAS VEG</b>	State <b>NEVADA</b>	

## SUBJECT 2: BROTHWELL, AMANDA

Involvement <b>SUBJECT</b>	Seq # <b>2</b>	Type <b>INDIVIDUAL</b>	Name <b>BROTHWELL, AMANDA</b>			MNI <b>954694</b>	Race <b>WHITE</b>	
Sex <b>FEMALE</b>	Date of Birth <b>01/16/1982</b>	Age <b>25</b>	Juvenile? <b>No</b>	Height <b>5'04"</b>	Weight <b>160#</b>	Hair Color <b>BROWN</b>	Eye Color <b>BROWN</b>	
Type <b>HOME</b>	Address <b>1608 1ST ST</b>					City <b>SPARKS</b>		
Phone Type <b>BUSINESS</b>	Phone No <b>(775) 550-5158</b>							
Work/School <b>ESSENTIAL PARKING CONTROL</b>			Position/Grade <b>OWNER</b>					

# Incident Report

## RENO POLICE DEPARTMENT

05-34027  
DRAFT

Supplement No  
0006

### SUBJECT 3: VANDERBY,ASHLEY

Involvement <b>SUBJECT</b>	Seq # <b>3</b>	Type <b>INDIVIDUAL</b>	Name <b>VANDERBY, ASHLEY</b>				MNI <b>798178</b>	Race <b>WHITE</b>	
Sex <b>FEMALE</b>	Date of Birth <b>08/14/1986</b>	Age <b>20</b>	Juvenile? <b>No</b>	Height <b>5'06"</b>	Weight <b>165#</b>	Hair Color <b>BLONDE/STRAWBERRY</b>		Eye Color <b>BROWN</b>	
Type <b>ADDITIONAL</b>	Address <b>SILVER SPRINGS CONSERVATION CAMP</b>					City <b>SILVER SPRING</b>	State <b>NEVADA</b>		

### VICTIM 1: SEXTON,LURA

Involvement <b>VICTIM</b>	Seq # <b>1</b>	Type <b>INDIVIDUAL</b>	Name <b>SEXTON, LURA</b>				MNI <b>900549</b>	Race <b>WHITE</b>	Sex <b>FEMALE</b>
Date of Birth <b>05/05/1987</b>	Age <b>19</b>	Juvenile? <b>No</b>	Height <b>5'08"</b>	Weight <b>202#</b>	Hair Color <b>BLACK</b>	Eye Color <b>HAZEL</b>			

### Modus Operandi

Crime Code(s)  
**SEX CRIMES**

### Narrative

REFERENCE CASE: 07-9446 Sexual Assault Arrest

On March 12, 2007 I began an investigation into the above listed Sexual Assault, where the suspect was listed as Dunckley, Brendan. During that investigation I learned that many of the details in the 2007 case were similar to this case where Dunckley was also listed as a suspect. This case was suspended in 2005, the reasons are detailed in the investigation follow up. Dunckley was arrested on March 22, 2007 for the 2007 case, after which I began attempting to locate Lura Sexton the victim in this case. I learned that she was living in Yerington Nevada and I obtained a phone number. I contacted Lura on March 22, 07 and told her that I wanted to re-visit her case, explaining that there were similarities to a case that I was now investigating. Lura told me that she moved to Yerington partially because she feared the suspect. She has since moved on with her life and now has a child and is preparing to marry. Lura agreed to meet with me and assist in this investigation. She said that she was being truthful about what happened to her in 2005.

On March 27, 2005 I again contacted Lura and asked if she would participate in a taped phone interview. She agreed and was aware that the conversation was being recorded on audio tape.

#### PHONE INTERVIEW: Lura Sexton 3-27-07

I explained to Lura that I was investigating another case involving Brendan Dunckley. I asked if I could go over some of the points that caused difficulty in the previous case. I asked Lura to be honest with me about what occurred. I told Lura that in her case, Dunckley told me that he offered to use a condom during their "consensual" sexual encounter, however you told him that would not be necessary because you could not get pregnant. I told Lura that when we talked initially she told me that because of some miscarriages and illness that she could not get pregnant. I asked how that would come up in a conversation. Lura said that the night before her assault when she encountered Dunckley at the 7-11 they talked about him having another child. She said that she mentioned then that she could not get pregnant. Lura also said that Brendan was always talking to a mutual friend, Michelle Anthony. Lura explained that she met Brendan and his wife through Michelle when she was about 12 years old.

I told Lura that another thing that came up was that came up was that Brendan said that you said that the sex was great because you had not had sex for about a year. I told her that I believed that she also told me that it had been some time since she had sex and I thought that was also unusual to come up during a sexual assault. Lura said that she was dating someone at the time and she does not remember saying that.

I asked Lura if she had made previous reports of sexual assault involving other family members. Lura said that there was an allegation about her sister's boyfriend that was handled between the families. She said that she was also the victim of a Statutory Sexual Assault and the suspect went to prison. She said the suspect's name was Richard Rarick. I did locate a 2001 Sparks arrest of Richard Rarick for Statutory Sexual Assault.

I told Lura that Dunckley said that she had been treated for some mental issues. I asked if that was true. I asked Lura if she was treated for alcoholism. She said she drank but she was not an alcoholic.

I told Lura that I remembered that someone said that one of her friends make the comment as she drove away with Brendan was that they were going to have sex. Lura said that she does not remember that. I later found in

Report Officer <b>R1509/BROOME, TOM</b>	Printed At <b>04/02/2007 12:00</b>	Page 2 of 5
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# Incident Report

## RENO POLICE DEPARTMENT

05-34027  
DRAFT

Supplement No  
0006

### Narrative

my investigative follow up, that Lura was the one who told me that she heard someone say that. She does not remember that now.

Lura said that after she was sexually assaulted by Dunckley she was extremely depressed for some time. She has since had a child and is engaged to be married. I asked Lura if she gave Dunckley her phone number. She said that she gave it to him the night before at the 7-11 and that was more for his wife Morgan not him.

I asked Lura if she remembered oral sex with the suspect that night. She said that she does not remember that. I asked Lura where the suspect said he was going when she went with him. She said Dunckley was going to boot a car. She said that he drove directly to the dirt lot behind the complex and had no intention on going to boot a car. Lura said that she asked Dunckley what he was doing. She said that the suspect tried to kiss her and she pushed him off. She said that he grabbed her neck and his phone rang. Lura said that he let her go. When he finished the phone call he grabbed her again then went around to the other side of the car, pulled her belt off removed her from the car, pulled down her pants and sexually assaulted her. She said that after it happened Dunckley asked if it was good for her. Lura said that she told him no. She said that the suspect was calling her names like Slut and Whore and wanted her to call him daddy when he was sexually assaulting her.

I asked Lura about her My Space site at the time. She said that she has never had anything directly on her site about one night stands. She thought it might be a link but she does not have that on her site. Lura said that she remembers talking to the DA about that. She said that there was a story about her and her friend Ashley being in a mental institution. Lura said that this was a joke by a friend relating to a school project.

I asked Lura if she had been drinking that night. She said that she had. Lura said that she went to the hospital that night after she told her friend what happened. I asked Lura if she was drunk that night. She said that she was not drunk but had been drinking. I asked Lura why she thinks the suspect sexually assaulted her. Lura said that she has never told anyone, but when she was 13 she and her friend Michelle Anthony stayed at Brendan and Morgan's house and they woke to find Brendan trying to touch them. I asked what she meant by trying to touch them. Lura said that Dunckley was trying to put his hand down her pants and trying to dry hump her friend. Lura said that was the last time before the assault that she had anything to do with Dunckley. Lura said that Michelle is currently in prison in Las Vegas for drug problems. Lura said that when this happened with Dunckley she and Michelle were not friends and she thought at one time that Michelle might have put Dunckley up to the assault.

I asked Lura if she has heard of Dunckley touching anyone else. Lura said that Michelle's daughter who was 5 at the time disclosed that Brendan touched her. Lura said that Michelle told her that Brendan has some daughters that he has touched in the past as well. Lura said that Michelle would know much more. Lura said that she would cooperate any way she could, however she does not want Dunckley to know where she lives under any circumstances. I ended the interview shortly thereafter.

#### DETAILS CONTINUED:

I have subsequently removed Lura's current address from the Tiberon Entry and will retain that information in the case file and make it available to the District Attorney in person. On March 28, 07 I made arrangements with the Warden at the Women's Prison in North Las Vegas Nevada to interview Michelle via telephone. I was only allowed to talk to her briefly on March 28, 07 which continued on March 29, 07. Both interviews were recorded on audio tape.

#### WITNESS INTERVIEWS: Michelle Anthony 3-28,29-2007

I asked Michelle permission to audio tape the interview she agreed. I told Michelle that I was looking into Lura's 2005 Sexual Assault and told her that Lura gave me some information and asked her to confirm this. I told Michelle that Lura told me that when she was 12 or 13 she woke to find Brendan trying to touch her and you. Michelle said that she remembered that but thought they were 16 or 17. I asked Michelle if anything else ever happened between her and Brendan. Michelle said that when she was 12 she was sleeping with Brendan and his wife and Brendan fondled her vagina at night. She said that Brendan told her not to tell. In a subsequent phone call with Michelle, she told me that she was lying next to Morgan and Dunckley reached over his wife to fondle her. I asked if anything else ever happened. Michelle said that her daughter told her when that someone was touching her vagina. She said that Brendan and Morgan were babysitting for her at the time. Michelle said that

# Incident Report

## RENO POLICE DEPARTMENT

05-34027  
DRAFT

Supplement No  
0006

### Narrative

her daughter would not tolerate the CARES exam and the report went no where. I asked Michelle if anything else happened, if Brendan ever exposed himself or anything. Michelle asked me if this would go to court. I told her it might at some point. She said yes. At this point Michelle had to stop the conversation for a count at the prison. Her Case Worker assured me that she would call back the following day.

Michelle's case worker did facilitate a second phone call on March 29, 2007. I again asked Michelle for her permission to record the conversation. Michelle was very hesitant and said that the information that she had involved a friend of her's. Michelle said that this friend was possibly sexually assaulted by Dunckley when she was 12 years old. Michelle said that her friend told her that Dunckley may have had sex with her when she was 12 years old in a parking lot off of Neil Road, when Dunckley drove her home. She said that her friend was also incarcerated and she did not want to cause problems for her. I reminded Michelle about her experience with Dunckley and her friend Lura's experience with Dunckley. Michelle said that her friend's name was Ashley Vanderby and she was incarcerated at the Silver Springs Correctional Camp. I ended the interview shortly thereafter.

#### VICTIM INTERVIEW: Ashley Vanderby 3-29-2007

I contacted the Silver Springs Women's Camp and made arrangements to talk to Ashley Vanderby. I explained to Ashley my investigation and asked her permission to record the conversation. She agreed. I told Ashley that Michelle hesitantly told me that she might have had a sexual encounter with Brendan Dunckley. Ashley said that she like Michelle and Lura did hang around Morgan and Brendan when she was younger. Ashley said that when she was 12 years old she, Michelle Lura, Dunckley and his wife went to dinner at the Atlantis Casino. Ashley said that she made the comment after dinner, that she has never been in the elevator that looked out over Reno. Ashley said that Dunckley took her into the elevator alone. Ashley said that Dunckley pushed her into a corner and put his hand down her pants. She did not tell anyone. On another occasion Ashley reported that Dunckley drove her home. She said that at the time she was 12 years old and lived with her parents off of Longley Lane at the Bristlepoint apartments. Ashley said that Dunckley pulled over in the parking lot and started kissing her. She said that they then had sex. I asked Ashley if she was forced to have sex. Ashley said that she never said that it was forced, she said " but I was 12 years old." She said that she stayed away from Dunckley after this happened.

Ashley said that she was sexually active at the time, but she did not plan on having sex with the suspect. Ashley said that she remembers that Dunckley told her that he wanted to teach her stuff and not to tell anyone. I asked if Dunckley used a condom. She said that he did not. Ashley said that she only had sex with Dunckley the one time. I ended the interview shortly thereafter.

#### DETAILS CONTINUED:

At the beginning of my interview with Dunckley in the 07-9446 Sexual Assault, Dunckley told me that he talked to his wife and she knows everything and is upset but has forgiven him as she forgave him in this case. After listening to the Defendant's Jail calls after the 3-22-07 arrest, it is apparent that Morgan does not know that Dunckley has changed his story from a fabrication by the victim to a consensual sexual encounter. I also spoke with Detective Dixon with Special Investigations, who interviewed Dunckley regarding the business license for the booting company he now works for. Detective Dixon informed me that Amanda Brothwell, a 25 year old female actually holds the license for the booting company, however Dunckley spoke the majority of the time during the interview. Detective Dixon felt that Dunckley was somewhat manipulative in the interview.

Given the new information learned in the 07-9446 investigation and additional witnesses I drove to suspect Dunckley's residence on High Plains drive to place Dunckley under arrest for this Sexual Assault. Dunckley had posted bail for the 2007 case. Although I could see movement in the residence there was no answer. I phoned Dunckley who said that he was in a meeting and would meet me later. Shortly thereafter I received a call from Joel Barber a local attorney who advised that he represented Dunckley and did not want me to talk to him. I prepared an attempt to locate and distributed it to patrol officers, who attempted to locate Dunckley on March 30, 2007 to no avail. Detective Lopez contacted Joel Barber and advised him that we were seeking Dunckley to arrest him for the 2005 Sexual Assault. At approximately 1600 hours, Dunckley walked into the R.P.D. main station and surrendered himself. Detective Lampert facilitated the arrest.

On April 2, 2007 I monitored defendant Dunckley's phone calls from 911 Parr. In those calls Dunckley was clearly

Report Officer R1509/BROOME, TOM	Printed At 04/02/2007 12:00	Page 4 of 5
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**Incident Report**  
**RENO POLICE DEPARTMENT**

**05-34027**  
**DRAFT**

Supplement No  
0006

**Narrative**

manipulative of his wife and Amanda Brothwell in his attempts to get out of jail.

Investigation Continues. No further at this time.....

**Incident Report  
RENO POLICE DEPARTMENT**

**07-9446**

Supplement No  
**ORIG**



Address  
P.O. BOX 1900  
Address  
455 E 2ND ST  
City State, Zip  
Reno NV, 89505  
Phone Number  
775-334-2175  
Fax Number

Reported Date  
03/10/2007  
Nature of Call  
**SEXASLT**  
Emp #  
**HEGLAR, SCOTT**

**Administrative Information**

Agency <b>RENO POLICE DEPARTMENT</b>	OCA # <b>07-9446</b>	Supplement No <b>ORIG</b>	Reported Date <b>03/10/2007</b>	Reported Time <b>18:54</b>	CAD Call No <b>070691209</b>
Status <b>REPORT TO FOLLOW</b>	Nature of Call <b>SEXUAL ASSAULT</b>	Crime/Inc Loc <b>1675 SKY MOUNTAIN DR</b>			
City <b>RENO</b>	Rep Dist <b>H4F2</b>	Area <b>RN</b>	Beat <b>38</b>	From Date <b>03/10/2007</b>	From Time <b>18:50</b>
Emp # <b>R9474/HEGLAR, SCOTT</b>	Assignment <b>Patrol - Swing - Team 21</b>				
Emp #2 <b>TRANSCRIBER, REPORTS</b>	Assignment <b>Administration - Academy - Days</b>			Author <b>R9474</b>	
Assignment <b>Patrol - Swing - Team 21</b>	RMS Transfer <b>Successful</b>	Prop Trans Stat <b>Successful</b>	Approving Officer <b>R4218</b>		
Approval Date <b>03/17/2007</b>	Approval Time <b>22:36:46</b>				
Written Statement <b>Yes</b>					
# Offenses <b>1</b>	Offense <b>200.366</b>	Description <b>SEXUAL ASSAULT</b>		Complaint Type	

**Person Summary**

Invl	Invl No	Type	Name	MNI	Race	Sex	Date of Birth
LEP	1	P	;HEGLAR, SCOTT				
LEP	2	P	;MILLSAP, DAVID				
LEP	3	P	;LEONARD, ROLFE				
LEP	4	P	;SEVCSIK, PAUL RPD-SGT				
LEP	5	P	;BROOME, TOM RPD-SEX CRIMES DET				
SUS	1	I	DUNCKLEY, BRENDAN	913249	W	M	07/04/1976
VIC	1	I	HAMBRICK, JESSICA RAE	1226416	W	F	08/05/1983
WIT	1	I	DUNCKLEY, MORGAN	913251	W	F	01/14/1981
WIT	2	I	TAPIA, EMILIANO	1226420		M	10/05/1976

Involvement <b>EVD</b>
Description <b>ARTICLE: PHOTO/COMPUTER DISKS AUDIO CD One audio cd recording of interview.</b>
Involvement <b>EVD</b>
Description <b>ARTICLE: OTHER ITEMS / MISCELLANEOUS SWABS One swab of suspects genitals. One control swab of tap water.</b>
Involvement <b>PIC</b>
Description <b>ARTICLE: PHOTO/COMPUTER DISKS DIGITA VERIPI Digital images of suspect, victim, and scene.</b>

**Incident Report  
RENO POLICE DEPARTMENT**

**07-9446**

Supplement No  
ORIG

**LAW ENFORCEMENT PERSONNEL 1: ;HEGLAR,SCOTT**

Involvement	Seq #	Type
LAW ENFORCEMENT PERSONNEL	1	POLICE OFFICER (RPD/UNR ONLY)

Name  
;HEGLAR, SCOTT

**LAW ENFORCEMENT PERSONNEL 2: ;MILLSAP,DAVID**

Involvement	Seq #	Type
LAW ENFORCEMENT PERSONNEL	2	POLICE OFFICER (RPD/UNR ONLY)

Name  
;MILLSAP, DAVID

**LAW ENFORCEMENT PERSONNEL 3: ;LEONARD,ROLFE**

Involvement	Seq #	Type
LAW ENFORCEMENT PERSONNEL	3	POLICE OFFICER (RPD/UNR ONLY)

Name  
;LEONARD, ROLFE

**LAW ENFORCEMENT PERSONNEL 4: ;SEVCSIK,PAUL RPD-SGT**

Involvement	Seq #	Type
LAW ENFORCEMENT PERSONNEL	4	POLICE OFFICER (RPD/UNR ONLY)

Name  
;SEVCSIK, PAUL RPD-SGT

**LAW ENFORCEMENT PERSONNEL 5: ;BROOME,TOM RPD-SEX CRIMES DET**

Involvement	Seq #	Type
LAW ENFORCEMENT PERSONNEL	5	POLICE OFFICER (RPD/UNR ONLY)

Name  
;BROOME, TOM RPD-SEX CRIMES DET

**SUSPECT 1: DUNCKLEY,BRENDAN**

Involvement	Seq #	Type	Name	MNI	Race	Sex
SUSPECT	1	INDIVIDUAL	DUNCKLEY, BRENDAN	913249	WHITE	MALE

Date of Birth	Age	Juvenile?	Height	Weight	Hair Color	Eye Color
07/04/1976	30	No	5'08"	178#	BROWN	HAZEL

Type	Address	City
HOME	4458 HIGHPLAINS DR	RENO

Phone Type	Phone No
HOME	(775) 787-1961

**VICTIM 1: HAMBRICK,JESSICA RAE**

Involvement	Seq #	Type	Name	MNI	Race	Sex
VICTIM	1	INDIVIDUAL	HAMBRICK, JESSICA RAE	1226416	WHITE	FEMALE

Date of Birth	Age	Juvenile?	Height	Weight	Hair Color	Eye Color
08/05/1983	23	No	5'07"	180#	BLUE	BROWN

Type	Address	City
HOME	1675 SKY MOUNTAIN DR #287	RENO

Type	Address	City
HOME	6177 WHITE WATER WY	RENO

Type	ID No	OLS
OPERATOR LICENSE	0802345223	NEVADA

Phone Type	Phone No	Phone Type
ALL CELLULAR AND/OR MOBILE PHONES	(775) 342-8272	MESSAGE

Phone No
(775) 747-7072

**WITNESS 1: DUNCKLEY,MORGAN**

Involvement	Seq #	Type	Name	MNI	Race
WITNESS	1	INDIVIDUAL	DUNCKLEY, MORGAN	913251	WHITE

Sex	Date of Birth	Age	Juvenile?	Height	Weight	Hair Color	Eye Color
FEMALE	01/14/1981	26	No	5'02"	125#	BLONDE/STRAWBERRY	BLUE

Type	Address	City
HOME	4458 HIGHPLAINS DR	RENO

Phone Type	Phone No	Phone Type	Phone No
BUSINESS	(775) 379-7657	HOME	(775) 787-1961

**Incident Report  
RENO POLICE DEPARTMENT**

**07-9446**

Supplement No  
**ORIG**

**WITNESS 2: TAPIA, EMILIANO**

Involvement <b>WITNESS</b>	Seq # <b>2</b>	Type <b>INDIVIDUAL</b>	Name <b>TAPIA, EMILIANO</b>	MNI <b>1226420</b>	Sex <b>MALE</b>	
Date of Birth <b>10/05/1976</b>	Age <b>30</b>	Juvenile? <b>No</b>	Height <b>5'07"</b>	Weight <b>160#</b>	Hair Color <b>BROWN</b>	Eye Color <b>BLACK</b>
Type <b>HOME</b>	Address <b>1675 SKY MOUNTAIN DR #287</b>			City <b>RENO</b>		
Type <b>OPERATOR LICENSE</b>	ID No <b>0802086752</b>	OLS <b>NEVADA</b>				
Item <b>1</b>	Involvement <b>EVIDENCE</b>	In Custody? <b>Yes</b>	Bar Code <b>070001934</b>	Item No <b>2</b>		
Description <b>One audio cd recording of interview.</b>						
Type <b>A</b>	Cat <b>PHOTO/COMPUTER DISKS</b>	Article <b>AUDIO</b>	Brand <b>CD</b>	# Pieces <b>1</b>		
Item <b>2</b>	Involvement <b>EVIDENCE</b>	In Custody? <b>Yes</b>	Bar Code <b>070001934</b>	Item No <b>1</b>		
Description <b>One swab of suspects genitals. One control swab of tap water.</b>						
Type <b>A</b>	Cat <b>OTHER ITEMS / MISCELLANEOUS</b>	Article <b>SWABS</b>	# Pieces <b>2</b>			
Item <b>3</b>	Involvement <b>Veripic Pictures Only</b>	In Custody? <b>No</b>				
Description <b>Digital images of suspect, victim, and scene.</b>						
Type <b>A</b>	Cat <b>PHOTO/COMPUTER DISKS</b>	Article <b>DIGITA</b>	Brand <b>VERIPI</b>			
<b>Modus Operandi</b>						
Physical Evidence <b>PHOTOS/OTHER</b>	Premise Type <b>APARTMENT/CONDOMINIUM/PARKING LOT</b>	Victim's Race <b>WHITE</b>	Victim's Sex <b>FEMALE</b>	Victim's Age <b>ADULT</b>		
Crime Code(s) <b>SEX CRIMES</b>						

**Narrative**

On Saturday, March 10, 2007 at around 1900 hours, Officer Millsap and I responded to 1645 Sky Mountain Drive regarding an unknown type of disturbance. Dispatch advised that they received multiple calls of a woman screaming and the call taker could hear an extreme disturbance in the background.

Upon arrival I was hailed by a large group standing in front of building #8. I noticed a female sitting on the curb crying hysterically. As I approached, bystanders said the female was saying that she was sexually assaulted. One of the bystanders pointed to a white van and told me the driver was the person she was accusing of this.

I made contact with a male who identified himself as Brendan Dunckley. Brendan told me the following: He was on his way home from work when he noticed the female (later identified as Jessica Hambrick) stumbling in the roadway. Brendan said she appeared intoxicated and he feared for her safety because she kept stumbling into the roadway.

It should be noted that Brendan was on the phone with his wife and told her what was happening. Brendan approached Jessica and asked if she was ok. Jessica said she was walking home. Brendan told her he was going to follow her home to make sure she gets there without getting hurt.

As Brendan followed her she continued to stumble into the roadway. Once they got near the mail boxes at the front entrance, Jessica fell into the mail boxes and onto the ground. Brendan continued to watch her as she began to walk up a flight of stairs. While on the stairs Jessica fell again.

At this time Brendan parked his van in front of building #8 and got out to help Jessica. Brendan helped her up the stairs and assisted her as she walked to apartment #827. Once at the door Brendan asked if she had a key. Jessica said no and fell into the door and it opened. Brendan began to walk away and Jessica collapsed landing face down in a pile of cloths.

Brendan saw that she was unconscious so he gave her a sternum rub and checked her pulse. Jessica came to and he began asking questions such as, her name, how much she drank, etc? Jessica replied by saying, "Three

# Incident Report

## RENO POLICE DEPARTMENT

07-9446

Supplement No  
ORIG

### Narrative

drinks I lost my slippers I hate my boyfriend."

Jessica again lost consciousness and Brendan again rubbed her sternum. This time when she came to she had a totally different facial expression and began screaming "Who are you?" Brendan was still talking to his wife on the phone. His wife told him to leave and he began to walk away.

As Brendan was walking away Jessica ran after him and began to hit him. Jessica stopped and began banging on a neighbors door. Brendan walked away and as he got to the parking lot Jessica again approached him and began hitting him. Brendan saw a man in the parking lot and asked for his help. A second man approached them and said he was Jessica's boyfriend. Brenda was able to get away from her. He then went to his van hung up with his wife and called the RPD non-emergency number.

Brendan had at least one noticeable red mark on his neck. Brendan allowed me to check the call history on his phone. I noticed a call to "Morgan" around 1900 hours, then a call to 334-2677 (COPS) and then one more call to "Morgan." Brendan's phone did not provide the duration of the call.

I then tried to interview Jessica and recorded it on a digital voice recorder. She was hysterically crying and in broken statements told me the following. Jessica was arguing with her boyfriend and she decided to go for a walk. As she was walking back to her apartment a male approached her in a van and tried to get her in the car. Jessica said no and walked away. While walking home the van followed her.

The next thing she remembered the same male was forcing his penis into her mouth. Jessica said she didn't know what to do so, she bit his penis. Jessica said she bit it at least four times on the shaft. I asked Jessica if she bit it hard enough that she thought it would leave a visible injury and she adamantly said yes.

While talking to Jessica I noticed a strong odor of alcohol and she appeared intoxicated. Officer Alaksa responded with a PBT. Jessica registered a .226% BAC.

Also on scene was Jessica's boyfriend, Emiliano Tapia. Officer Millsap interviewed Emiliano and he told Officer Millsap the following: Emiliano and Jessica have been dating for 6 years. They were in an argument earlier today and Jessica left. A while later Jessica's brother brought her home and said he drove her because she was too intoxicated to drive.

Jessica told Emiliano that she did not want to be at the house and so she left. A few minutes after she left Emiliano went to look for her. He thought she was still in the parking lot so he stayed in that area looking for her. 10 to 15 minutes later Emiliano heard Jessica yelling. When he approached she was surrounded by 4 to 5 men who were trying to calm her down. Jessica told Emiliano that she was rapped and he stayed with her until the police arrived.

Officer Leonard also responded and began canvassing for witnesses. The only witnesses we could locate all noticed the incident as Jessica was yelling at Brendan in the parking lot. Officer Leonard obtained written statements from the witnesses. Brendan also provided a written statement.

Sergeant Sevcsik was advised of the incident and responded to our location. Sergeant Sevcsik spoke to Brendan and obtained permission to inspect his penis for any sign of injury as well as a DNA swab of his penis. Sergeant Sevcsik also contacted Brendan's wife, Morgan Dunckley. Morgan said she was on the phone with Brendan during this incident and was able to give details that supported this. Officer Leonard later met with Morgan and obtained a written statement from her.

Once I was advised of this I began to approach Brendan and he said something to the effect of let's get this done. Officer Millsap and I walked with Brendan to the men's rest room in the front office. Brendan had no visible injury to penis shaft, head or base. Brendan allowed me to photograph his genital area to document this.

Brendan also voluntarily provided a DNA swab. I watched as Officer Millsap saturated the cotton swab with tap water. Officer Millsap handed the swab to Brendan. Brendan rubbed the swab on the shaft, head and base of his penis. Brendan then handed the swab to Officer Millsap. Officer Millsap then placed the swab into a cardboard container. Officer Millsap also took a second cotton swab and obtained a control sample of the tap water. Officer Millsap placed the control sample in a separate cardboard container and then labeled the two boxes.

# Incident Report RENO POLICE DEPARTMENT

07-9446

Supplement No  
ORIG

## Narrative

Officer Millsap later gave me the two boxed cotton swabs. I booked the cotton swabs, digital photographs and the audio recordings into RPD evidence per procedure.

No arrest was made and this report was submitted for further review by detectives.

No further information.



# Incident Report

## RENO POLICE DEPARTMENT

07-9446

Supplement No  
0001



Address  
P.O. BOX 1900  
Address  
455 E 2ND ST  
City State, Zip  
Reno NV, 89505  
Phone Number  
775-334-2175  
Fax Number

Reported Date  
03/22/2007  
Nature of Call  
SEXASSLT  
Emp #  
BROOME, TOM

### Administrative Information

Agency <b>RENO POLICE DEPARTMENT</b>	OCA # <b>07-9446</b>	Supplement No <b>0001</b>	Reported Date <b>03/22/2007</b>	Reported Time <b>11:19</b>	CAD Call No <b>070691209</b>
Status <b>REPORT TO FOLLOW</b>	Nature of Call <b>SEXUAL ASSAULT</b>	Crime/Inc Loc <b>1675 SKY MOUNTAIN DR</b>			
City <b>RENO</b>	Rep Dist <b>H4F2</b>	Area <b>RN</b>	Beat <b>38</b>	From Date <b>03/10/2007</b>	From Time <b>18:50</b>
Emp # <b>R1509/BROOME, TOM</b>	Assignment <b>Detectives - Days - Sex Crimes/Juv</b>				
Emp #2 <b>TRANSCRIBER, REPORTS</b>	Assignment <b>Administration - Academy - Days</b>			Author <b>R1509</b>	
Assignment <b>Detectives - Days - Sex Crimes/Juv</b>			RMS Transfer <b>Successful</b>	Prop Trans Stat <b>Successful</b>	
Approving Officer <b>R1454</b>	Approval Date <b>04/04/2007</b>	Approval Time <b>15:33:48</b>			

### ARRESTEE 1: DUNCKLEY, BRENDAN

Involvement <b>ARRESTEE</b>	Seq # <b>1</b>	Type <b>INDIVIDUAL</b>	Name <b>DUNCKLEY, BRENDAN</b>			MNI <b>913249</b>	Race <b>WHITE</b>	Sex <b>MALE</b>
Date of Birth <b>07/04/1976</b>	Age <b>30</b>	Juvenile? <b>No</b>	Height <b>5'08"</b>	Weight <b>178#</b>	Hair Color <b>BROWN</b>	Eye Color <b>HAZEL</b>		
Type <b>HOME</b>	Address <b>4458 HIGHPLAINS DR</b>					City <b>RENO</b>		
Phone Type <b>BUSINESS</b>	Phone No <b>(775) 379-7657</b>			Phone Type <b>HOME</b>	Phone No <b>(775) 787-1961</b>			
Involvement <b>ARRESTED</b>	Arrest Type <b>ARRESTED</b>	Arrest Date <b>03/22/2007</b>	Arrest Time <b>10:15:00</b>	Status <b>BOOKED</b>	Dispo <b>FELONY</b>			
Arrest Location <b>350 S. CENTER ST</b>					City <b>RENO</b>			
NOC/Charge <b>00114</b>		Level <b>F</b>	Charge Literal <b>SEXUAL ASSAULT</b>					
NOC/Charge <b>08988</b>		Level <b>F</b>	Charge Literal <b>BURGLARY (SEXUALLY M</b>					

### DETECTIVE 1: ; DETECTIVE TK BROOME

Involvement <b>DETECTIVE</b>	Seq # <b>1</b>	Type <b>INDIVIDUAL</b>	Name <b>; DETECTIVE TK BROOME</b>					
Work/School <b>RENO POLICE SEX CRIMES UNIT</b>			Position/Grade <b>DETECTIVE</b>					

### SUBJECT 1: DUNCKLEY, MORGAN

Involvement <b>SUBJECT</b>	Seq # <b>1</b>	Type <b>INDIVIDUAL</b>	Name <b>DUNCKLEY, MORGAN</b>			MNI <b>913251</b>	Race <b>WHITE</b>	
Sex <b>FEMALE</b>	Date of Birth <b>01/14/1981</b>	Age <b>26</b>	Juvenile? <b>No</b>	Height <b>5'02"</b>	Weight <b>125#</b>	Hair Color <b>BLONDE/STRAWBERRY</b>	Eye Color <b>BLUE</b>	
Type <b>HOME</b>	Address <b>4458 HIGHPLAINS DR</b>					City <b>RENO</b>		
Phone Type <b>HOME</b>	Phone No <b>(775) 787-1961</b>							

### VICTIM 1: HAMBRICK, JESSICA RAE

Involvement <b>VICTIM</b>	Seq # <b>1</b>	Type <b>INDIVIDUAL</b>	Name <b>HAMBRICK, JESSICA RAE</b>			MNI <b>1226416</b>	Race <b>WHITE</b>	Sex <b>FEMALE</b>
Date of Birth <b>08/05/1983</b>	Age <b>23</b>	Juvenile? <b>No</b>	Height <b>5'07"</b>	Weight <b>180#</b>	Hair Color <b>BLUE</b>	Eye Color <b>BROWN</b>		
Type <b>HOME</b>	Address <b>10125 GOLD MINE DR</b>					City <b>RENO</b>		

# Incident Report RENO POLICE DEPARTMENT

07-9446

Supplement No  
0001

Phone Type <b>MESSAGE</b>	Phone No <b>(775) 342-8272</b>
Work/School <b>TRUCKEE RIVER PAINT AND WALLPA</b>	Position/Grade <b>PAINTER</b>
<b>PROPERTY</b>	
Item <b>1 EVIDENCE</b>	Involvement <b>Yes</b>
In Custody? <b>Yes</b>	Bar Code <b>070002369</b>
Item No <b>1</b>	
Description <b>ONE BOX CONTAINING 2 BUCCAL SWABS FROM VICTIM</b>	
Type <b>A</b>	Article <b>OTHER ITEMS / MISCELLANEOUS</b>
SWABS	# Pieces <b>1</b>
<b>Modus Operandi</b>	
Crime Code(s) <b>SEX CRIMES</b>	

## Narrative

On March 10, 2007 I was assigned as the on call Sex Crimes Detective. At approximately 2000 hours I received a phone call from Sergeant Sevcsik, who advised that he and other patrol officers were investigating a possible Sexual Assault. Officers responded to 1675 Sky Mountain as a result of several phone calls advising that a female was screaming. Once on scene the officers met with Jessica Hambrick, a 23 year old adult female who was very intoxicated, and her boyfriend Emiliano. Emiliano told the officers that he and Jessica had an argument and Jessica had left their apartment and went to her brothers. Her brother drove her home because she was too intoxicated. The two apparently continued to argue and Jessica walked outside to take a walk. After about 10 or 15 minutes Emiliano left the apartment to look for her.

Jessica reported that she was walking back to her apartment when a male driving a white van approached her and asked her to get in the van. Jessica said No, and continued walking to her apartment. She noticed the van continued to follow her. Jessica did make it into her apartment and at some point realized that the male who was in the van was forcing his penis into her mouth. Jessica said that she bit the suspect who then fled the apartment. Jessica pursued the suspect screaming for help.

The suspect, Brendan Dunckley was on scene and told officers that he observed Jessica staggering in the street near her apartment. He said that he asked the victim if she was OK and told her that he would follow her to make sure she got home. Dunckley said that he saw the victim fall in the apartment complex parking lot and again on the stairs. He said that he exited his van and assisted her into her apartment. He said that Jessica opened her door and again, fell down. Seeing that the victim was unconscious he gave her a "sternum rub" and checked her pulse. The victim woke then fell unconscious again. Again he woke the victim who began screaming and trying to hit him. Dunckley said that he was still on the phone with his wife who told him to walk away. This prompted the neighbors to exit their apartment and Emiliano to approach when he heard the screaming.

The responding officers looked at Dunkley's cell phone call history and saw a call to Morgan his wife at 1900 then a call to the non emergency number for R.P.D. then another call to Morgan. Officers spoke to Morgan who said that she did hear things consistent with Dunkley's version of events. The officers also asked the victim to take a Preliminary Breath test which registered a .226 BAC.

Sergeant Sevcsik advised me that the suspect was very cooperative and his wife supports his story. Since the suspect was so cooperative I asked Sergeant Sevcsik to ask the suspect if he would show them his penis to check for injuries and obtain penile swabs to confirm his story. The suspect did consent to the swabs and was subsequently released.

On Monday March 12, 2007 I reviewed this case and learned that the suspect in the case was Brendan Dunckley. I investigated a Sexual Assault in 2005 where Dunckley was listed as a suspect. I noted several similarities in this report and in the 2005 investigation. Both victims had been drinking excessively; the suspect was extremely cooperative and happened to be on the phone to his wife at some point when he was with the victim. Both victims were reported by the suspect to be the aggressor and the suspect portrayed himself as somewhat of a victim. Both cases the suspect had a somewhat bizarre explanation for what occurred.

I contacted the victim in this case via telephone and made arrangements to meet her in the Sex Crimes office for an interview. That interview was both video and audio recorded.

And Brendan was on the phone w/ wife. He seemed to be calm or established a MO

# Incident Report RENO POLICE DEPARTMENT

07-9446

Supplement No  
0001

## Narrative

VICTIM INTERVIEW: March 19, 2007 0930

NO PHOTO LINE OR NUMBER CONFIRMED BY TRANSCRIPT - BUT AT PRELIM. HEARING PHOTOS WERE SUPPLEMENTAL TO THE TRANSCRIPT. BUT IT IS NOT ON THE INCIDENT

I asked Jessica if she was clear about what happened that day. She said that she was. Jessica said that she was looking around the apartment for her boyfriend. When she turned around the suspect was standing there and told her suck his dick. She said that she did not know what to do so she did it. Jessica said that when she got his penis in her mouth she bit it. Jessica said that the suspect took off. Jessica said that she chased the suspect and was yelling. She said that the guys outside took him down. I told Jessica that the suspect was cooperative with the police and that they asked him to take his pants down, which he did and they did not see any signs that he had been bitten. I told Jessica that we also obtained a DNA sample from his penis.

I asked Jessica if she drinks a lot, since her BAC was so high. Jessica said that she had drunk quite a bit in the past. I asked if she remembers where she was going. Jessica said that she and her boyfriend got in a fight and she left. When she was coming back she noticed someone was following her. I asked if she has ever had black outs when she drank. She said that she has forgotten things. I asked if she has ever accused anyone of something when she was drunk and found out later that she was mistaken. She said no. I asked if she remembers the suspect helping her up the stairs. Jessica said that she climbed the stairs by herself and he was not helping her. Jessica said that many times she will not close the door all the way when she goes into her apartment. I asked Jessica if she was sure that she bit the suspect. She said that she was positive. Jessica said that the suspect had an erection and when she bit his penis the suspect's penis shriveled up and she could not bite anymore. I asked if she remembers anything unusual about the suspect's penis. Jessica said that she kept her eyes closed. I had earlier asked Jessica if she remembers if the suspect's genital area had hair. Jessica said that she thought it might have been shaved.

I told Jessica that this was a difficult case at face value because of the over cooperation by the suspect and her intoxication level. I told her that I was familiar with a similar case involving this suspect. I asked Jessica if she was willing to testify against the suspect. She said that she was. I told Jessica that she needed to be very honest with me and tell me anything that she thought would be important.

Jessica has since moved from her apartment and is living with her father. Her boyfriend has moved back to Oklahoma and has asked Jessica to move there. I asked Jessica if the suspect made any threats or just told her to suck his dick. She said that he just told her but there was no place for her to go because he was between her and the door. Jessica said that when the suspect ran out she followed yelling and two guys tackled the suspect. Jessica said that she ran over to him and tried to hit the suspect. She said that she was acting crazy she said that she thought that nothing like this would happen to her. She said that she thought she was too strong. I ended the interview shortly thereafter. I asked Jessica if she would provide me with a Buccal Swab for DNA comparison purposes. She did provide two saliva swabs which were subsequently booked into evidence and a Lab requesting comparison with the penile swabs from the suspect, was forwarded to the Washoe County Crime Lab. I ended the interview shortly after.

### DETAILS CONINTUED:

I left several phone messages for suspect Dunckley requesting that he contact me for an interview. He did not return the messages. On March 21, 2007 I drove to the suspect's residence and observed him drive into the garage. I activated my digital recorder and knocked on the door. Dunckley answered the door and recognized me from the previous investigation. He invited me in and we talked in the living room. I asked the suspect about what happened with the girl on Sky Mountain. Dunckley relayed the same story that he told the police. I asked Dunckley to tell me how the victim's saliva ended up on his penis. I reminded him that we obtained penile swabs. Dunckley told me that the victim came on to him and reached into his pants. I told him that I was talking about the victim's saliva. Dunckley became uncomfortable talking with his wife in the other room. I asked if he wanted to walk outside and talk.

Once we walked outside Dunckley told me that the story was basically the same except when he woke the victim up the second time she unzipped his pants, removed his penis and began performing fellatio on him. He said that he realized what he was doing was wrong and stopped. He said that the victim went crazy and started chasing him. I told Dunckley that I wanted to talk to him in my office the next day, as I had an appointment to meet with a juvenile suspect in the same area on a different case. Dunckley agreed to meet me the next day at 1000 hours.

# Incident Report RENO POLICE DEPARTMENT

07-9446

Supplement No  
0001

## Narrative

Suspect Dunckley did meet me in the Sex Crimes office on March 22, 07 at 1000 hours. That interview was both video and audio recorded.

### SUSPECT INTERVIEW: Dunckley, Brendan 3-22-07 1000

I thanked Dunckley for coming down. He said that he was trying to put what happened last time behind him. He said that he makes poor judgment calls. I told the suspect that I did not disagree. I told the suspect that he was not under arrest and was free to leave. He said that he knew. Dunckley said that he told his wife what happened. He said that his wife Morgan asked if he did something stupid in two minutes. He said that he told her yes. Dunckley thought it was about two minutes that he was not on the phone with his wife.

Dunckley said that he was going to put it all on the table. He said that what happened was consensual. I told Dunckley that given the last allegations and these new ones his wife must be patient. He said that she was.

I asked Dunckley where he first saw Jessica. He said that he was driving on Sky Mountain when he saw her. I asked what he was driving. He said his van. I asked what color it was. He said white. He said that he saw the victim stagger and fall into the street. Dunckley said that he was talking to Morgan who advised him to keep an eye on her but not contact her. I asked if he had a conversation with Jessica prior to the apartment. He said that he asked her if she was ok. I asked if he offered to give her a ride. He said that he did, but then he realized that his wife was not in the car so he told himself no. Dunckley said that he asked Jessica if she was ok and how much she had to drink. He said that the victim told him that she and her boyfriend had a fight and that she did not know where he was and that she lost her slippers. Dunckley said the victim then started walking towards her apartment.

Dunckley said that the victim started up the stairs then takes a "header" and falls on the stairs. He then corrected himself saying that she stumbled on the stairs. Dunckley said that he parked his van and helped her to her apartment. He said that he knocked on her door to see if anyone was home and asked the victim if she had any keys. Dunckley said that victim said it was open and swatted the door knob an opened the door. He said that the victim went inside and fell and was not responsive. Dunckley said that he checked on her and the victim woke up. When she woke up she put her arms around him and started to become affectionate. Dunckley said that he backed away and the victim passed out again. He said that he rubbed her chest, her sternum and again the victim woke up. Dunckley said that the victim pulls at his zipper, pulls out his penis and said that she wanted to thank him. He said that she passed out again. Dunckley said that he has trouble with his boxers in that his penis is always hanging out of his boxers so it was easy for her to access his penis. When the victim woke the third time, the suspect said it was like she was possessed and she started asking who he was and looking mad. Dunckley said that he got out of there and the victim followed him outside yelling that he raped her.

I asked Dunckley why he did not tell the police that night this story. He said that he has this crazy girl yelling at him and her boyfriend smelled like Marijuana. I asked if he thought that we would not find her DNA on his penis. He said that he thought we would. I told Dunckley that I still do not understand how the victim was able to get his penis out of his pants against his will since she apparently could not stand up. He said that it was a bad judgment call. Dunckley said that he did not resist for a split second. He said that I could ask his wife that he really does not prefer fellatio. Dunckley said that it does not do anything for him. I told Dunckley that if I remember right the girl in the last investigation also gave him a blow job. He said that he understands that but it was just a stupid judgment call.

I told Dunckley that this was a strange story, that he did not know if the boyfriend was in the apartment. He said that is why he was banging on the door. Dunckley said that the victim did not know what was going on. I told Dunckley that the neighbors did not see his version of what happened that he said the door was open, but the victim and neighbors say that he walked in and closed the door. Dunckley said that he was at the door with the victim. Dunckley said that the door did close and he saw her foot in it so he did open the door to help the victim. I asked the suspect why he did not call the police and tell them that there was someone hurt in the apartment. He said that he should have 911 on speed dial. Dunckley said that he does not want to have anything to do with people anymore. I asked again why he did not tell the police that night what happened. Dunckley said that the victim was hitting him and he was just trying to help. I told him that he drew his wife into this as well, as he did the last time. Dunckley said that honestly he is the first to admit that he gets himself into situations and makes

# Incident Report RENO POLICE DEPARTMENT

07-9446

Supplement No  
0001

## Narrative

poor judgment calls. He said that he is not some serial rapist. I told him that he took advantage of this woman when she was drunk. Dunckley said that was his one rule that he never takes advantage of a woman when they are drunk. I told him that he did in this case. He said that she took advantage of him.

I told Dunckley that he could not have it both ways, that he either took advantage of this girl because she was intoxicated and came on to him. Or he followed her to her apartment because she was so drunk and was the perfect victim. Dunckley said that he could see my point and he was cooked either way. He said that he for just a split second made a mistake when she came on to him. He said that he told himself not to do anything else. I told Dunckley that he then lied to the officers. He said that it was a stupid judgment call.

I asked Dunckley about the last investigation when the girl was drunk. I told him that I do not see any improvement in his judgment. I told Brendan that I had some issues with his stories and I was placing him under arrest. I explained that we either have an unable to consent Sexual Assault or an out and out enter her apartment and Sexually Assault. I placed the suspect in handcuffs at this point.

Dunckley asked if it would make any difference if he told me that the victim was trying to show him her breasts and she lifted up her shirt and she had a band aid on her left breast. I told him no. Dunckley said that this was beyond a bad judgment call. Dunckley remained in the interview room until the transport unit arrived to transport Dunckley to the Washoe County Jail. I entered the interview room to fill out the booking form. Dunckley said that I had no intention on letting him walk out of here. I reminded Dunckley that he walked away the last time I interviewed him. He agreed. I explained that I wanted to get both sides of the story before deciding if there would be an arrest.

### DETAILS CONTINUED:

After Dunckley was transported I revisited the 2005 case involving Dunckley and noted several similarities detailed above. I requested that the Sex Crimes Secretary make some phone calls and attempt to locate the victim in that case. More to follow no further at this time..

Wife was sober.

# Incident Report RENO POLICE DEPARTMENT

07-9446

Supplement No  
0002



Address  
P.O. BOX 1900  
Address  
455 E 2ND ST  
City State, Zip  
Reno NV, 89505  
Phone Number  
775-334-2175  
Fax Number

Reported Date  
03/28/2007  
Nature of Call  
SEXASSLT  
Author  
BROOME, TOM

## Administrative Information

Agency <b>RENO POLICE DEPARTMENT</b>	OCA # <b>07-9446</b>	Supplement No <b>0002</b>	Reported Date <b>03/28/2007</b>	Reported Time <b>07:31</b>	CAD Call No <b>070691209</b>
Status <b>REPORT TO FOLLOW</b>	Nature of Call <b>SEXUAL ASSAULT</b>	Crime/Inc Loc <b>1675 SKY MOUNTAIN DR</b>			
City <b>RENO</b>	Rep Dist <b>H4F2</b>	Area <b>RN</b>	Beat <b>38</b>	From Date <b>03/10/2007</b>	From Time <b>18:50</b>
Emp # <b>R1509/BROOME, TOM</b>	Assignment <b>Detectives - Days - Sex Crimes/Juv</b>				
Emp #2 <b>TRANSCRIBER, REPORTS</b>	Assignment <b>Administration - Academy - Days</b>			Author <b>R1509</b>	
Assignment <b>Detectives - Days - Sex Crimes/Juv</b>			RMS Transfer <b>Successful</b>	Approving Officer <b>R1454</b>	
Approval Date <b>03/30/2007</b>	Approval Time <b>16:30:22</b>				

## LAW ENFORCEMENT PERSONNEL 1: DETECTIVE TK BROOME

Involvement <b>LAW ENFORCEMENT PERSONNEL</b>	Seq # <b>1</b>	Type <b>INDIVIDUAL</b>	Name <b>; DETECTIVE TK BROOME</b>		
Work/School <b>RENO POLICE SEX CRIMES UNIT</b>	Position/Grade <b>DETECTIVE</b>				

## SUBJECT 1: DUNCKLEY, MORGAN

Involvement <b>SUBJECT</b>	Seq # <b>1</b>	Type <b>INDIVIDUAL</b>	Name <b>DUNCKLEY, MORGAN</b>			MNI <b>913251</b>	Race <b>WHITE</b>
Sex <b>FEMALE</b>	Date of Birth <b>01/14/1981</b>	Age <b>26</b>	Juvenile? <b>No</b>	Height <b>5'02"</b>	Weight <b>125#</b>	Hair Color <b>BLONDE/STRAWBERRY</b>	Eye Color <b>BLUE</b>
Type <b>HOME</b>	Address <b>4458 HIGHPLAINS DR</b>					City <b>RENO</b>	
Phone Type <b>HOME</b>	Phone No <b>(775) 787-1961</b>						

## WITNESS 1: KATHREIN, CHRISTOPHER

Involvement <b>WITNESS</b>	Seq # <b>1</b>	Type <b>INDIVIDUAL</b>	Name <b>KATHREIN, CHRISTOPHER</b>			MNI <b>1234612</b>	Race <b>WHITE</b>	Sex <b>MALE</b>
Date of Birth <b>06/25/1981</b>	Age <b>25</b>	Juvenile? <b>No</b>	Height <b>6'07"</b>	Weight <b>210#</b>				
Type <b>HOME</b>	Address <b>1675 SKY MOUNTAIN DR #825</b>					City <b>RENO</b>		
Phone Type <b>HOME</b>	Phone No <b>(775) 636-1695</b>							
Work/School <b>INTERSTATE PLUMBING AND AIR</b>	Position/Grade <b>TECH</b>							
Location <b>1380 E GREG ST</b>	City <b>SPARKS</b>			State <b>NEVADA</b>	Phone Type <b>BUSINESS</b>			
Phone No <b>(775) 691-0447</b>								

## WITNESS 2: ARVIN, JOHANNA

Involvement <b>WITNESS</b>	Seq # <b>2</b>	Type <b>INDIVIDUAL</b>	Name <b>ARVIN, JOHANNA</b>			MNI <b>1134592</b>		
Race <b>AMERICAN INDIAN/ALASKAN NATIVE</b>	Sex <b>FEMALE</b>	Date of Birth <b>10/12/1980</b>	Age <b>26</b>	Juvenile? <b>No</b>	Height <b>5'04"</b>	Weight <b>149#</b>	Hair Color <b>BROWN</b>	
Eye Color <b>BROWN</b>								
Type <b>HOME</b>	Address <b>1675 SKY MOUNTAIN DR #818</b>					City <b>RENO</b>		

**Incident Report  
RENO POLICE DEPARTMENT**

**07-9446**

Supplement No  
0002

Phone Type <b>HOME</b>	Phone No <b>(775) 746-9734</b>
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**WITNESS 3: KRAUS, MICHELLE**

Involvement <b>WITNESS</b>	Seq # <b>3</b>	Type <b>INDIVIDUAL</b>	Name <b>KRAUS, MICHELLE</b>	MNI <b>1234615</b>	Race <b>WHITE</b>
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Sex <b>FEMALE</b>	Date of Birth <b>07/19/1968</b>	Age <b>38</b>	Juvenile? <b>No</b>	Height <b>5'08"</b>	Hair Color <b>BLONDE/STRAWBERRY</b>	Eye Color <b>GREEN</b>
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Type <b>HOME</b>	Address <b>1675 SKY MOUNTAIN DR #814</b>	City <b>RENO</b>
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Phone Type <b>HOME</b>	Phone No <b>(775) 787-3166</b>
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**WITNESS 4: CARSON, CHRIS**

Involvement <b>WITNESS</b>	Seq # <b>4</b>	Type <b>INDIVIDUAL</b>	Name <b>CARSON, CHRIS</b>	MNI <b>1234616</b>	Race <b>WHITE</b>	Sex <b>MALE</b>
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Date of Birth <b>09/12/1984</b>	Age <b>22</b>	Juvenile? <b>No</b>	Height <b>5'11"</b>	Weight <b>170#</b>
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Type <b>HOME</b>	Address <b>1675 SKY MOUNTAIN DR</b>	City <b>RENO</b>
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Phone Type <b>HOME</b>	Phone No <b>(530) 205-8598</b>
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Work/School <b>NEVADA AIR NATIONAL GUARD</b>	Position/Grade <b>STUDENT</b>
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**Modus Operandi**

Crime Code(s) <b>SEX CRIMES</b>
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**Narrative**

I received the witness statements for this investigation on March 27, 2007 below is a synopsis of what the listed witness observed.

**WITNESS STATEMENTS**

**KATHERIN, Christopher:** Wrote that at approximately 1900 he heard crying and shouting coming from outside his apartment. He observed a group in some sort of confrontation and saw a male trying to calm a female who appeared intoxicated. He also saw an unknown male leaving in a white Focus.

**ARVIN, Johanna:** Heard a woman running and screaming down the stairs for help.

**KRAUS, Michelle:** Heard a female yelling for help, when she looked out she saw several people at the stairwell, 4 white men and 1 dark skinned male. A female was punching a man with a dark sweatshirt and grabbing at his throat. The female was crying and asking for help and was hysterical.

**CARLSON, Chris:** Asked the victim if she was all right and the victim said that she had bitten someone.

**SUBJECT STATEMENT:**

**DUNCKLEY, Morgan:** This is the defendant's wife who wrote a statement regarding what she heard on the phone. She said that the defendant said that there is a woman stumbling across the street. She heard the defendant say that he was helping the victim up the stairs. Morgan basically wrote what the defendant was telling her. We now know that the defendant was not on the phone with his wife during the assault.

**DETAILS CONTINUED:**

The victim does not know which neighbors assisted in detaining the defendant, who waited in his vehicle for R.P.D. to arrive. More to follow no further at this time....



# RENO POLICE DEPARTMENT STATEMENT

FOR POLICE USE ONLY:

CASE NO: 07946

TAKEN BY: HELDAR

## PERSON MAKING STATEMENT

NAME OF PERSON MAKING STATEMENT: <u>Christopher W. Kathrein</u>				OTHER NAMES USED: <u>N/A</u>	
RESIDENCE (STREET) ADDRESS: <u>1675 Sky Mtn. Dr. # 825</u>				HOME PHONE: <u>(775) 636-1695</u>	
CITY: <u>Reno NV</u>		STATE: <u>NV</u>		ZIP: <u>89523</u>	
RACE: <input checked="" type="checkbox"/> WHITE <input type="checkbox"/> INDIAN <input type="checkbox"/> BLACK <input type="checkbox"/> ASIAN <input type="checkbox"/> OTHER		SEX: <input checked="" type="checkbox"/> MALE <input type="checkbox"/> FEMALE		DATE OF BIRTH: <u>06/25/1981</u>	
SOCIAL SEC NO: <u>[REDACTED]</u>		FAX/CELL/PAGER: <u>N/A</u>		WORK PHONE: <u>691-0441</u> <u>(775) [REDACTED]</u>	
HEIGHT: <u>6'7"</u>		WEIGHT: <u>210 LBS</u>		HAIR: <u>BROWN</u>	
EYES: <u>BROWN</u>		OTHER NO TO CALL: <u>N/A</u>		WORK HOURS: <u>M-F 6A to 4P</u>	
OCCUPATION AND WHERE EMPLOYED: <u>Interstate plumbing Air Condst</u>				DAYS OFF: <u>Sat / sun</u>	
WORK/SCHOOL ADDRESS: <u>1300 grey st. Sparks NV. 89431</u>					
INVOLVEMENT: <input type="checkbox"/> DRIVER <input type="checkbox"/> COMPLAINANT <input type="checkbox"/> PASSENGER <input type="checkbox"/> VICTIM <input checked="" type="checkbox"/> WITNESS		MY LOCATION WHEN EVENT OCCURRED: <u>I was in my apartment # 825</u>			

## WRITTEN STATEMENT

1           3/10 close to 7 pm. I heard some commotion  
 2           in the corridor of my apt building (shouting) a few  
 3           minutes later some crying / shouting coming from outside  
 4           the building. I observed a group of 4-6 individuals who  
 5           what appeared to me were in some kind of confront-  
 6           ation moments later more shouting / crying 1 male  
 7           individual trying to calm a female who appeared to me  
 8           intoxicated on drugs or alcohol another few moments and  
 9           it seemed everyone involved had left only the calming  
 10          down male and female and by this time some concerned  
 11          residents. at the time of the incident I observed  
 12          a male leaving the scene in a possibly 98-2004 Ford  
 13          focus white with some body damage  
 14

DATE & TIME OF STATEMENT: <u>3/10/2007 7:52 P</u>	NO PAGES IN STATEMENT: <u>1</u>	SIGNATURE OF PERSON MAKING STATEMENT: <u>Chris</u>
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FOR POLICE USE ONLY: RELS. TO:	DATE:	BY:
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DISSEMINATION RESTRICTED TO CRIMINAL JUSTICE AGENCIES ONLY. SECONDARY DISSEMINATION IS PROHIBITED.





# RENO POLICE DEPARTMENT STATEMENT

FOR POLICE USE ONLY:

CASE NO: 07-9446  
TAKEN BY: Leonard

## PERSON MAKING STATEMENT

NAME OF PERSON MAKING STATEMENT: <u>Johanna Arvin</u>				OTHER NAMES USED: <u>Johnson</u>	
RESIDENCE (STREET) ADDRESS: <u>1655 Sky Mt #288</u>				HOME PHONE: <u>746-9734</u>	
CITY: <u>Reno</u>		STATE: <u>NV</u>		ZIP: <u>89523</u>	
RACE: <input type="checkbox"/> WHITE <input checked="" type="checkbox"/> INDIAN <input type="checkbox"/> BLACK <input type="checkbox"/> ASIAN <input type="checkbox"/> OTHER		SEX: <input type="checkbox"/> MALE <input checked="" type="checkbox"/> FEMALE		DATE OF BIRTH: <u>10-12-1980</u>	
		SOCIAL SEC. NO.: [REDACTED]		FAX/CELL/PAGER:	
		HEIGHT: <u>54</u>		WEIGHT: <u>149</u>	
		HAIR: <u>brown</u>		EYES: <u>brown</u>	
OCCUPATION AND WHERE EMPLOYED:				WORK HOURS:	
WORK/SCHOOL ADDRESS:				DAYS OFF:	
INVOLVEMENT: <input type="checkbox"/> DRIVER <input type="checkbox"/> COMPLAINANT <input type="checkbox"/> PASSENGER <input type="checkbox"/> VICTIM <input type="checkbox"/> WITNESS		MY LOCATION WHEN EVENT OCCURRED: <u>Home Home</u>			

## WRITTEN STATEMENT

1 I heard a woman running and screaming down the  
 2 stairs. She kept saying help me I heard a man  
 3 I later say a car leaving  
 4  
 5  
 6  
 7  
 8  
 9  
 10  
 11  
 12  
 13  
 14

DATE & TIME OF STATEMENT: <u>March 9, 2001 8:pm</u>	NO PAGES IN STATEMENT:	SIGNATURE OF PERSON MAKING STATEMENT: <u>Johanna Arvin</u>
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FOR POLICE USE ONLY: RELS. TO:	DATE:	BY:
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DISSEMINATION RESTRICTED TO CRIMINAL JUSTICE AGENCIES ONLY. SECONDARY DISSEMINATION IS PROHIBITED.



# RENO POLICE DEPARTMENT STATEMENT

FOR POLICE USE ONLY:

CASE NO: 07-946  
TAKEN BY: Leonard

## PERSON MAKING STATEMENT

NAME OF PERSON MAKING STATEMENT: <u>Michelle Kraus</u>				OTHER NAMES USED: <u>n/a</u>	
RESIDENCE (STREET) ADDRESS: <u>1675 Sky Mountain Dr. #814</u>				HOME PHONE: <u>7873166</u>	
CITY: <u>Reno</u>		STATE: <u>NV</u>		ZIP: <u>89523</u>	
RACE: <input checked="" type="checkbox"/> WHITE <input type="checkbox"/> INDIAN <input type="checkbox"/> BLACK <input type="checkbox"/> ASIAN <input type="checkbox"/> OTHER		SEX: <input type="checkbox"/> MALE <input checked="" type="checkbox"/> FEMALE		DATE OF BIRTH: <u>7-19-68</u>	
SOCIAL SEC NO: [REDACTED]		HEIGHT: <u>5'8"</u>		WEIGHT: <u>N/A</u>	
OCCUPATION AND WHERE EMPLOYED: <u>Secretary - Johnson-Perkins</u>		HAIR: <u>Blonde</u>		EYES: <u>Green</u>	
WORK/SCHOOL ADDRESS: <u>[REDACTED]</u>				WORK HOURS: <u>8-5</u>	
INVOLVEMENT: <input type="checkbox"/> DRIVER <input type="checkbox"/> COMPLAINANT <input type="checkbox"/> PASSENGER <input type="checkbox"/> VICTIM <input checked="" type="checkbox"/> WITNESS				MY LOCATION WHEN EVENT OCCURRED: <u>in my apartment</u>	
FAX/CELL/PAGER: <u>[REDACTED]</u>					
OTHER NO TO CALL: <u>[REDACTED]</u>					
DAYS OFF: <u>Sat/Sun</u>					

## WRITTEN STATEMENT

1 Heard girl yelling help - looked out door - several people  
 2 at opening to stairwell. 4 white men, 1 dark skinned  
 3 man. She was punching at ~~someone~~ a man with a  
 4 dark sweatshirt on with a hood and grabbed at his  
 5 throat. A lot of movement couldn't see who man was.  
 6 People yelling they didn't know what was going on.  
 7 Girl was mostly grunting and moaning and crying  
 8 and repeating "someone help me". But I couldn't see  
 9 anything wrong with her. She was walking fine and  
 10 it didn't appear she was injured and everyone around  
 11 her was just staying out of her way because she  
 12 seemed hysterical and no one knew why. She sat  
 13 on ground for a while against a dark SUV type car and  
 14 just cried.

DATE & TIME OF STATEMENT:	NO PAGES IN STATEMENT:	SIGNATURE OF PERSON MAKING STATEMENT: <u>Michelle Kraus</u>
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FOR POLICE USE ONLY: RELS. TO:	DATE:	BY:
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DISSEMINATION RESTRICTED TO CRIMINAL JUSTICE AGENCIES ONLY. SECONDARY DISSEMINATION IS PROHIBITED.



# RENO POLICE DEPARTMENT STATEMENT

FOR POLICE USE ONLY:

CASE NO: 07-9446  
TAKEN BY: Leonid

## PERSON MAKING STATEMENT

NAME OF PERSON MAKING STATEMENT: <u>Chris Carlson</u>				OTHER NAMES USED: <u>n/a</u>	
RESIDENCE (STREET) ADDRESS: <u>1675 Sky Mountain Drive</u>				HOME PHONE: <u>530-205-8598</u>	
CITY: <u>Reno</u>		STATE: <u>Nevada</u>		ZIP: <u>89503</u>	
RACE: <input checked="" type="checkbox"/> WHITE <input type="checkbox"/> INDIAN <input type="checkbox"/> BLACK <input type="checkbox"/> ASIAN <input type="checkbox"/> OTHER		SEX: <input checked="" type="checkbox"/> MALE <input type="checkbox"/> FEMALE		DATE OF BIRTH: <u>09-12-1984</u>	
SOCIAL SEC NO:		HEIGHT: <u>5'11"</u>		WEIGHT: <u>170</u>	
HAIR: <u>Brown</u>		EYES: <u>Hazel</u>		FAX/CELL/PAGER:	
OCCUPATION AND WHERE EMPLOYED: <u>NV-ARNG/Student</u>				OTHER NO TO CALL:	
WORK/SCHOOL ADDRESS:				WORK HOURS:	
INVOLEMENT: <input type="checkbox"/> DRIVER <input type="checkbox"/> COMPLAINANT <input type="checkbox"/> PASSENGER <input type="checkbox"/> VICTIM <input checked="" type="checkbox"/> WITNESS				MY LOCATION WHEN EVENT OCCURRED: <u>Vista Ridge Apartments - Parking Lot</u>	
DAYS OFF:					

## WRITTEN STATEMENT

1 I approached the woman as I was walking to my vehicle and asked if  
 2 everything was alright. They had told me that they had already called the  
 3 police and I heard her say that she had bitten someone as she was very  
 4 upset and crying sitting on the curb.  
 5  
 6  
 7  
 8  
 9  
 10  
 11  
 12  
 13  
 14

DATE & TIME OF STATEMENT: <u>03-10-2007</u>	NO PAGES IN STATEMENT:	SIGNATURE OF PERSON MAKING STATEMENT: 
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FOR POLICE USE ONLY: RELS. TO:	DATE:	BY:
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DISSEMINATION RESTRICTED TO CRIMINAL JUSTICE AGENCIES ONLY. SECONDARY DISSEMINATION IS PROHIBITED.

Initial Investigation including interviews with the victim  
Jessica Hambrick, suspect Brendon Dunckley and

PERSON GIVING STATEMENT: witnesses

SEX/RACE/DOB:

RESIDENCE ADDRESS:

EMPLOYMENT:

TAKEN BY:

Recording made by Officer Scott Heglar #9474

RECEIVED

JAN 03 2008

APD

FROM:

ON: 03-10-07 Approx. 1900 hrs. TO:

LOCATION OF INTERVIEW: 1675 Sky Mountain Drive, Reno, NV 89503

IN THE PRESENCE OF:

This is NOT a certified transcript. Although every effort has been made to ensure accuracy, you need to refer to the original or a copy of the source audio/video tape.

- 1 Hambrick: (Crying.) (Inaudible). I was just mad at my boyfriend. (Crying.)
- 2
- 3 Heglar: Okay. What—What happened?
- 4
- 5 Hambrick: And then...
- 6
- 7 Heglar: Where did this...
- 8
- 9 Hambrick: ...he's like, "Get in the car." And he just shoved my face on his dick. And I was like, "Ah (crying)."
  - 10
  - 11 Heglar: Where exactly where you when this happened?
  - 12
  - 13 Hambrick: (Breathing hard.) Right here. And just...
  - 14
  - 15 Heglar: Where—Where abouts in here? Where you...
  - 16
  - 17 Hambrick: Just...
  - 18
  - 19 Heglar: ...by his car? Where...
  - 20
  - 21 Hambrick: ...right here. (Crying.) I was just like, "Oh (crying)."
    - 22
    - 23 Heglar: Okay.

RENO POLICE DEPARTMENT  
TRANSCRIPT

CASE # 07-9446

1  
2 Hambrick: (Crying.)  
3 Heglar: Was he out of his car when this happened? Did you ever get in his car? Anything like that?  
4  
5 Hambrick: No. (Crying.)  
6  
7 Heglar: Okay. Okay.  
8  
9 Hambrick: (Crying.) Oh, my god.  
10  
11 Heglar: Okay. And you actually bit him down there?  
12  
13 Hambrick: Yeah. I bit him.  
14  
15 Heglar: Okay. How hard...?  
16  
17 Hambrick: I couldn't stand it. I just (crying)...  
18  
19 Heglar: That's—Okay. How—How hard?  
20  
21 Hambrick: (Crying.)  
22  
23 Heglar: Did you bite him hard enough that would leave an injury?  
24  
25 Hambrick: Yeah. I bit him as hard as I could. He's said, "Stop. Stop." (Crying.)  
26  
27 Heglar: Okay. Okay. Do you—Would you rather go up into your apartment and relax there and I can...?  
28  
29 Hambrick: (Crying.) No. I don't want to go into my apartment....  
30  
31 Heglar: Okay.  
32  
33 Hambrick: ...I just—I'd rather go to my father's house. I can't even stand it here now. (Crying).  
34  
35 Heglar: Okay. Okay. All right. Do you want to sit in my patrol car where it's more comfortable...?  
36  
37 Hambrick: No.  
38  
39 Heglar: ...or do you just want to sit here? Okay. I'll...  
40  
41 Hambrick: No. I'd rather go to my father's house. I can't even believe this. This is so embarrassing. It's so  
42 disgusting. (Breathing hard.)  
43  
44 Heglar: Okay. All right. Do you want your boyfriend over here? Would you rather...  
45  
46 Hambrick: Yeah. Please.  
47  
48 Heglar: Okay. All right.  
49  
50 Hambrick: (Crying.)  
51  
52 Heglar: Hey, Josh? Do you just want to stay with her for a minute and comfort her 'cuz she's--?  
53

RENO POLICE DEPARTMENT  
TRANSCRIPT

CASE # 07-9446

1 (Walking sounds.)  
2  
3 Officer: (Inaudible).  
4  
5 Heglar: She's claiming he bit—that she bit his cock hard enough to leave an injury 'cuz he was trying to stick her—  
6 his dick in her mouth. Uh, I can do a 340 here.  
7  
8 Officer: Yeah.  
9  
10 (Walking sounds.)  
11  
12 Heglar: Who're you talking to?  
13  
14 Dunckley: Uh, it's just my wife—my wife, Marilyn. Telling her you guys are here.  
15  
16 Heglar: What's that?  
17  
18 Dunckley: I was talking with my wife (inaudible) 'til you guys are here.  
19  
20 Heglar: Okay.  
21  
22 Dunckley: 'Cuz I was on the phone—She was trying to call you guys, too.  
23  
24 Heglar: Okay.  
25  
26 Dunckley: 'Cuz she was on the phone when this all—when this whole thing started.  
27  
28 Heglar: Okay. Can you hang up with her? I'll talk to her...  
29  
30 Dunckley: (Aside.) (Inaudible)...  
31  
32 Heglar: ...when that time comes.  
33  
34 Dunckley: (Aside.) All right. No problem. Bye.  
35  
36 Heglar: What's your (inaudible due to loud background noise)? Just one more time, go over what happened.  
37  
38 Dunckley: I was pulling on. I just got off duty...  
39  
40 Heglar: Okay.  
41  
42 Dunckley: Just changed everything over.  
43  
44 Heglar: Where were you going to?  
45  
46 Dunckley: I was going home...  
47  
48 Heglar: Where's home?  
49  
50 Dunckley: ...(inaudible) my house. I live off, uh, Highplains Drive.  
51  
52 Heglar: Okay.  
53

RENO POLICE DEPARTMENT  
TRANSCRIPT

CASE # 07-9446

1 Dunckley: I live off of, uh, 4458 Highplains Drive.  
2  
3 Heglar: Highplains?  
4  
5 Dunckley: Yeah. Right here. It's...  
6  
7 Heglar: Okay.  
8  
9 Dunckley: ...literally right here....  
10  
11 Heglar: Okay.  
12  
13 Dunckley: I was pulling in and she was staggering all over...  
14  
15 Heglar: Where...  
16  
17 Dunckley: ...the place.  
18  
19 Heglar: ...Where was she when she was staggering?  
20  
21 Dunckley: She was on the corner of Sky Valley—Sky Mountain?  
22  
23 Heglar: Uh-huh.  
24  
25 Dunckley: I get these confused. Sky Mountain and Misty Ridge....  
26  
27 Heglar: Okay.  
28  
29 Dunckley: ...Right there. She was staggering. And she smacked into a car and she smacked into the wall. So I turned  
30 around my car. I pulled around; I turned around. And I was on phone and I'm like, "Honey, you're never  
31 gonna believe this." So I followed (inaudible), followed her up here, pacing behind her to make sure she  
32 didn't, like, fall into the canal over here with the bridge. She was all over the place....  
33  
34 Heglar: Okay.  
35  
36 Dunckley: ...I pulled in here when I saw her (inaudible). I waited, saw that she was like staggering on the stairs, still  
37 on the phone with my wife. The whole time. I'm not stupid. I mean, this situation, the girl's drunk. I'm  
38 not an idiot. I'm not gonna be dumb. My wife was on the phone with me. She turns around, I get her up—  
39 I see—help her up the stairs.  
40  
41 Heglar: So you called your wife when you saw this girl?  
42  
43 Dunckley: I was on the phone with her already.  
44  
45 Heglar: Okay.  
46  
47 Dunckley: I was on the phone with her already. I was talking with her on the way home 'cuz I missed my son doing,  
48 uh, a fundraiser thing. I was supposed to take him door—knocking door-to-door to the neighbors...  
49  
50 Heglar: Uh-huh.  
51  
52 Dunckley: ...to do fundraisers.  
53

RENO POLICE DEPARTMENT  
TRANSCRIPT

CASE # 07-9446

1 Heglar: Okay.  
2  
3 Dunckley: And I was on the phone with her. I told her what was going on, turned around. I said, "I'm gonna follow  
4 her. Make sure she's okay." 'Cuz my sister was killed by a drunk driver (inaudible). And the last thing I  
5 need is some girl running out in the middle of the street getting killed. 'Cuz these kids whip on the street—  
6 Crazy.  
7  
8 Heglar: Okay.  
9  
10 Dunckley: And so I literally just followed her up. Saw that she was staggering up by the mailbox, smacked on the  
11 mailboxes and came down here. She got up to the stairs, staggering on the stairs. I went on the stairs,  
12 helped her upstairs. She—I helped her to her door. She's in apartment 827 on the corner there. I helped  
13 her inside. She collapsed on the door. I turned (inaudible) around. I didn't want her, like, aspirating like  
14 that or—in case she was choking. I didn't know how much she had to drink. She wasn't conscious. I  
15 rubbed—I (inaudible) rubbed to bring her back to conscious. Checked her pulse. Asked her what her name  
16 is and I asked her how much she had to drink. Her response was, "My name's Jessica. I had, like, three  
17 drinks and I fucking hate my boyfriend." That's what she said. The next thing I know, she starts going  
18 completely, like, ape-shit, just goes psychotic. Grabs my shirt. Grabs me and just starts going at me. And  
19 I—The doors still open. I get out the door. She comes at me and, like, pulls me back, starts banging on the  
20 door. I broke free and came downstairs to find the first person I could find. Immediately and said, "Hey...  
21  
22 Heglar: Are you still on your—on the phone with your wife?  
23  
24 Dunckley: No. I didn't—My wife had already hung up (inaudible). When—When she started going after—attacking  
25 me...  
26  
27 Heglar: At what—what point did you hang up?  
28  
29 Dunckley: When the lady started attacking me.  
30  
31 Heglar: Okay  
32  
33 Dunckley: She said, "I'm gonna call 911. Where're you at?" I said I was at Vista Ridge Apartments. "This is where  
34 I'm at." And I immediately found a guy. And then she came down and started attacking me like crazy  
35 saying I was raping her....  
36  
37 Heglar: Who's this guy?  
38  
39 Dunckley: I don't know. He was a guy standing in the parking lot with (inaudible) and he was leaving. So, I don't  
40 know what the heck was going on. All I know is that, when this goes on like this, I don't want anything to  
41 do with it. But I—at the time, I also want to make sure someone's safe. I don't need to read in the paper  
42 next morning that some girl was hit by a car 'cuz she was drunk.  
43  
44 Heglar: Okay.  
45  
46 Dunckley: She started attacking...  
47  
48 Heglar: Did she give you any...  
49  
50 Dunckley: ...me. She started...  
51  
52 Heglar: Did she give you any injuries anywhere else?  
53



RENO POLICE DEPARTMENT  
TRANSCRIPT

CASE # 07-9446

1 Dunckley: She cut my hand up here.  
2  
3 Heglar: Uh-huh.  
4  
5 Dunckley: Right here when I was trying to get her off of me. She punched me in the face. Nothing big. I'm not  
6 worried about it. But she was—I'm on taking any—I'm not gonna press with any charges. I mean,  
7 obviously, she didn't know what the fuck she was doing. When her boyfriend came up, I'm like—  
8 Immediately—I immediately tried to tell to the boy, "This is what's going on. I don't know what the hell's  
9 going on. And I'm staying right here." I stayed right here. "I'm not going anywhere." I've got nothing to  
10 hide. So.  
11  
12 Heglar: Okay.  
13  
14 Dunckley: She was literally like passed...  
15  
16 Heglar: Obviously...  
17  
18 Dunckley: ...out.  
19  
20 Heglar: ...she's saying something very different.  
21  
22 Dunckley: Uh-huh. Obviously.  
23  
24 Heglar: Okay? Kind of like you lean towards when I first talked to you, okay? She's saying you tried to rape her.  
25 Okay?  
26  
27 Dunckley: (Inaudible)...  
28  
29 Heglar: She's saying you stuck your penis in her mouth and she bit you. She said she bit you hard enough to leave  
30 an injury. Okay? Are you injured down there?  
31  
32 Dunckley: No.  
33  
34 Heglar: Okay. Have you ever been arrested for anything at all?  
35  
36 Dunckley: Have I ever been arrested for anything?  
37  
38 Heglar: Uh-huh.  
39  
40 Dunckley: I got arrested for my son putting a DVD in the cart one time at Walmart and I got ticketed for that. I have  
41 no criminal charges. I actually work with you guys on a daily basis.  
42  
43 Heglar: All right. Hang tight.  
44  
45 (Walking sounds.)  
46  
47 Officer: (Inaudible) criminal history....  
48  
49 Heglar: I'm rolling.  
50  
51 Officer: Okay. I've got a criminal history.  
52  
53 Heglar: (Inaudible) kind of thing. If he has no injury, if he's cooperative.

RENO POLICE DEPARTMENT  
TRANSCRIPT

CASE # 07-9446

1  
2 Officer: Try and get consent, I guess.  
3 Heglar: Obviously. Otherwise, I think we need a seizure warrant.  
4  
5 Officer: Yeah. (Inaudible).  
6  
7 Heglar: I'm gonna—I want to run a...  
8  
9 Officer: What do you get—What kind of feel do you get...  
10  
11 Heglar: ...criminal history on her. She's drunk.  
12  
13 Officer: Okay.  
14  
15 Heglar: She's very intoxicated.  
16  
17 Officer: Okay. I'll get her information.  
18  
19 Heglar: Her story's pretty consistent.  
20  
21 Officer: Oh, okay. I'll get her information. Run a, uh...  
22  
23 Heglar: I'm gonna try to get the witnesses, anything like that.  
24  
25 Officer: Okay.  
26  
27 Heglar: Um, do a criminal history on her, too.  
28  
29 Officer: Okay.  
30  
31 Heglar: I don't know if she's got history of mental illnesses, (inaudible) anything like that.  
32  
33 Officer: Okay.  
34  
35 Heglar: Um, I'm gonna find out exactly where their apartment is.  
36  
37 Officer: Okay.  
38  
39 Heglar: And, uh, start canvassing to see if anybody's seen anything or anything like that.  
40  
41 Officer: Okay.  
42  
43 Heglar: Are you Code Four here just to keeping on eyes...  
44  
45 Officer: Yeah.  
46  
47 Heglar: ...on 'em (inaudible) her horsepower?  
48  
49 Officer: Yeah.  
50  
51 Heglar: Okay.  
52  
53 Officer: Do you—What?

RENO POLICE DEPARTMENT  
TRANSCRIPT

CASE # 07-9446

1  
2 Heglar: Let's get her horsepower....  
3 Officer: Okay. And...  
4  
5 Heglar: ...run her criminal...  
6  
7 Officer: ...you're watching him?  
8  
9 Heglar: ...history and eyes on him?  
10  
11 Officer: Yeah. I can do that.  
12  
13 Heglar: Oh, I'm gonna look at his phone, too. (Walking sounds.) Tell—Do you mind if I look at the call history on  
14 your phone?  
15  
16 Dunckley: Yeah. I'll just...  
17  
18 Heglar: ...just to try to confirm that you were—(Pause.)  
19  
20 Dunckley: Those are from my wife right there. (Inaudible).  
21  
22 Heglar: Can I—Does it give times and stuff?  
23  
24 Dunckley: Yeah. It's right there. (Inaudible).  
25  
26 Heglar: Does...  
27  
28 Unknown: Did it say how long it was?  
29  
30 Dunckley: No, it doesn't on this one. It just says the time. It's a Cricket. I wish (inaudible), but it only gives the  
31 last—last phone call for timewise. My wife's right up there. I mean, you can call her right now if you  
32 want. You can call her on her cell phone or even at the house. She'll say the same exact thing.  
33  
34 Heglar: What apartment did she say she was going to?  
35  
36 Dunckley: She said that she was going to 287. And literally, I mean, she fell up here over the stairs. And you guys  
37 know—I mean, I'm not saying (inaudible). I mean, but I have a reputation to uphold. I run a company for  
38 a reason.  
39  
40 Heglar: And obviously, I mean, she's—serious accusations she's making so we just gotta...  
41  
42 Dunckley: I know. Well, she's also drunk as hell.  
43  
44 Heglar: Mmm-hmm.  
45  
46 Dunckley: And she started—Like, she started freakin out on the stairs 'cuz she lost her slippers. I mean, you name it,  
47 she's gonna—I mean, that the thing. I don't need her staggering all over the place. If you go back there  
48 you'll see her handprints all over the cars, staggering the whole way.  
49  
50 Heglar: Yeah, I don't doubt that she's drunk. That's not—not...  
51  
52 Dunckley: I mean, beyond...  
53

RENO POLICE DEPARTMENT  
TRANSCRIPT

CASE # 07-9446

1 Heglar: ...a question.  
2  
3 Dunckley: ...I mean and...  
4  
5 Heglar: ...but she's...  
6  
7 Dunckley: ...the first thing, is I turn and I try and help someone and I'm not stupid. I mean, I had my wife on the  
8 phone with me 'cuz I don't need any accusations. 'Cuz now a days, everyone accuses everyone of  
9 everything. And I happened to be on the phone with wife anyway. She knows I'm gonna help people. I  
10 stop on the side of the road when a dog gets hit. You know what I mean? That's what I do. I was a medic  
11 in New York. I help people when they need help, and I don't need to be—I mean, I understand that—that  
12 it happens. And immediately when her boyfriend showed up I'm like, "Oh great. He's wreaking of weed.  
13 He's gonna be pissed off at me." I just simply—if I did something, don't you think I would've gotten the  
14 hell out of here?  
15  
16 Heglar: Well, I don't know. I quit trying to understand why criminals do things a long time ago....  
17  
18 Dunckley: I—I—I—I—Well, I'm not a criminal but I...  
19  
20 Helgar: Do me a favor? Just keep the door closed; just hang out over here. If you don't mind just having a seat on  
21 the curb. Okay?  
22  
23 Dunckley: That's fine.  
24  
25 (Sound of walking.)  
26  
27 Heglar: What apartment do you guys live in?  
28  
29 Josh: 827.  
30  
31 Heglar: It's over here?  
32  
33 Josh: Yes, sir.  
34  
35 Hambrick: Yes.  
36  
37 (Sound of walking.)  
38  
39 Heglar: Folks? Sorry.  
40  
41 Duffie, D.: That's okay.  
42  
43 Heglar: Any of you guys see anything or hear anything?  
44  
45 Duffie, D.: Yeah.  
46  
47 Duffie, J.: Yeah, we...  
48  
49 Duffie, D.: Yeah...  
50  
51 Duffie, J.: ...did.  
52  
53 Duffie, D.: ...because his apartment's right there. And...

RENO POLICE DEPARTMENT  
TRANSCRIPT

CASE # 07-9446

1  
2 Heglar: Okay. What—What exactly did you guys see and hear?  
3 Duffie, J.: Well, we—We were, uh, waiting for our son to get out of the shower and all of a sudden we heard this  
4 screaming and yelling. I mean...  
5  
6 Duffie, D.: She sounded like she was in extreme distress.  
7  
8 Duffie, J.: Yeah. We thought somebody was...  
9  
10 Duffie, D.: You know...?  
11  
12 Duffie, J.: ...beating her up.  
13  
14 Duffie, D.: ...I thought...  
15  
16 Duffie, J.: But we came out here....  
17  
18 Duffie, D.: ...or, you know, I look out here and there's a group of guys and her and she's like yelling—just crying at  
19 first and like in distress...  
20  
21 Duffie, J.: ...She was kind of like...  
22  
23 Duffie, D.: ...either she was on...  
24  
25 Duffie, J.: ...beating on this guy.  
26  
27 Duffie, D.: ...And then I was thinking, "Well, she's on drugs or something," 'cuz it just carried on and it was so bad. I  
28 said, "Call the police because it was not normal."  
29  
30 Duffie, J.: Yeah.  
31  
32 Duffie, D.: I mean, it was just...  
33  
34 Heglar: How much screaming actually went on before...  
35  
36 Duffie, J.: Oh, a lot.  
37  
38 Heglar: ...you guys looked out the window and saw this group...  
39  
40 Duffie, D.: Well...  
41  
42 Duffie, J.: Oh...  
43  
44 Heglar: ...of guys around?  
45  
46 Duffie, D.: ...I'd just say...  
47  
48 Duffie, J.: ...just about a...  
49  
50 Duffie, D.: ...a few...  
51  
52 Duffie, J.: ...No. Not even a minute.  
53

RENO POLICE DEPARTMENT  
TRANSCRIPT

CASE # 07-9446

1 Duffie, D.: Yeah.  
2  
3 Duffie, J.: Yeah.  
4  
5 Duffie, D.: Very soon because it was, you know...  
6  
7 Heglar: Okay. The—The gentleman...  
8  
9 Duffie, D.: ...it's was like, "What's going on?"  
10  
11 Heglar: ...I don't know if you guys saw him but the one sitting over in front of that van with the baseball cap on.  
12  
13 Duffie, J.: Uh-huh.  
14  
15 Heglar: I don't know if you guys saw me talking to him?  
16  
17 Duffie, J.: Yeah.  
18  
19 Heglar: Where was he when all that was going on?  
20  
21 Duffie, D.: I don't know. This is—is the guy that was (inaudible)...  
22  
23 Duffie, J.: Does he have...  
24  
25 Duffie, D.: ...right next to her.  
26  
27 Duffie, J.: ...a white t-shirt on?  
28  
29 Heglar: He's got a—like a leather jacket on.  
30  
31 Duffie, J.: Oh.  
32  
33 Duffie, D.: You know, there were a group of them and I'll...  
34  
35 Duffie, J.: Yeah.  
36  
37 Duffie, D.: ...be honest, I can't...  
38  
39 Duffie, J.: There were...  
40  
41 Duffie, D.: ...The only one I recognize is this one right here...  
42  
43 Duffie, J.: Uh-huh.  
44  
45 Duffie, D.: ...that's next to her 'cuz I (inaudible)...  
46  
47 Duffie, J.: That's not (inaudible)...  
48  
49 Heglar: Can you guys look at this gentleman down here and tell me if you guys recognize him at all. It's the  
50 gentleman right down there in the—Whoa....  
51  
52 Duffie, J.: Are you okay?  
53

RENO POLICE DEPARTMENT  
TRANSCRIPT

CASE # 07-9446

1 Heglar: ...the baseball cap and the leather jacket on. Does he look familiar?  
2  
3 Duffie, J.: Yeah.  
4  
5 Heglar: Did you guys...  
6  
7 Duffie, J.: Yeah.  
8  
9 Duffie, D.: You know, I think he was right there but I can't...  
10  
11 Duffie, J.: Yeah, I think that's the guys she was hitting.  
12  
13 Heglar: Okay. Did you hear what words were being said, or...?  
14  
15 Duffie, J.: Yeah. She said, "You tried to rape me."  
16  
17 Duffie, D.: Well, that was after a while.  
18  
19 Duffie, J.: Was it?  
20  
21 Heglar: That was after...  
22  
23 Duffie, D.: At first she...  
24  
25 Heglar: ...a while?  
26  
27 Duffie, D.: Yeah, after a few minutes. At first she was just like—It was like she was in pain or something. It was like  
28 she was—You know? It was like this wailing like she was in distress and she was, you know...  
29  
30 Heglar: Uh-huh.  
31  
32 Duffie, D.: ...like agitated. And they—There was a group of guys right here. There was a car parked here. I don't  
33 know if it had anything to do with it...  
34  
35 Heglar: How man—How many guys would you say?  
36  
37 Duffie, D.: I think there were—What, like...  
38  
39 Duffie, J.: There was three or four.  
40  
41 Duffie, D.: Yeah.  
42  
43 Duffie, J.: And one of 'em—Uh, one of 'em looked like he was on the phone and said, "Ma'am, don't get...  
44  
45 Duffie, D.: It looked like they were...  
46  
47 Duffie, J.: ..."Don't get in--Don't touch him."  
48  
49 Duffie, D.: ...on the phone.  
50  
51 Duffie, J.: You know? "Please, take your hands off of him."  
52  
53 Helgar: Uh-huh.

RENO POLICE DEPARTMENT  
TRANSCRIPT

CASE # 07-9446

1  
2 Duffie, J.: And, uh, I couldn't see which one of the guys actually, but I think—I think it was him.  
3 Heglar: Okay. Are...  
4  
5 Duffie, D.: I think this was the one—He was trying to pull her back. I think they were—I don't know if they were  
6 trying to calm her down. I don't know. He is the one I recognize....  
7  
8 Heglar: Okay.  
9  
10 Duffie, J.: Yeah.  
11  
12 Duffie, D.: ...The one she's sitting with.  
13  
14 Heglar: Okay.  
15  
16 Duffie, D.: But then when we opened—I opened the door and there were a few people (inaudible due to background  
17 noise) heard her say, "He tried to rape me." And she bit him or something. That's all I heard. But before  
18 that it was mainly crying and distress, and it was—You know? The way she was acting, I thought maybe  
19 she's on drugs or something.  
20  
21 Heglar: Okay.  
22  
23 Duffie, D.: 'Cuz it was more than...  
24  
25 Duffie, J.: Either than or she...  
26  
27 Duffie, D.: ...you would...  
28  
29 Duffie, J.: ...was intoxicated...  
30  
31 Duffie, D.: ...You know...?  
32  
33 Heglar: Yeah. (Inaudible)...  
34  
35 Duffie, D.: ...It was like...  
36  
37 Duffie, J.: Yeah.  
38  
39 Heglar: Would you guys be willing to write quick statements as far as that goes?  
40  
41 Duffie, D.: Yeah, that...  
42  
43 Heglar: Are you guys sticking around?  
44  
45 Duffie, J.: Well, we just...  
46  
47 Duffie, D.: We were just gonna go...  
48  
49 Duffie, J.: Well, actually...  
50  
51 Duffie, D.: But, um, yeah, I mean...  
52  
53 Heglar: Were you guys getting ready to leave?



RENO POLICE DEPARTMENT  
TRANSCRIPT

CASE # 07-9446

1  
2 Duffie, J.: He's got an early watch in the morning and we gotta (inaudible).  
3 Heglar: We're you guys getting ready to leave? Are you coming back? Or what were you...  
4  
5 Duffie, J.: Well, we're coming back.  
6  
7 Duffie, D.: We're coming back.  
8  
9 Heglar: Okay. How...  
10  
11 Duffie, J.: Yeah. We're just gonna...  
12  
13 Duffie, D.: We're (inaudible).  
14  
15 Heglar: ...long do you think you'll be?  
16  
17 Duffie, D.: We're gonna go just eat something, but...  
18  
19 Duffie, J.: (Inaudible) Chili's...  
20  
21 Duffie, D.: I mean, we (inaudible)...  
22  
23 Heglar: Can I get your guys'...  
24  
25 Duffie, J.: Sure.  
26  
27 Heglar: ...names....  
28  
29 Duffie, J.: Sure.  
30  
31 Heglar: ...and contact information?  
32  
33 Duffie, D.: Sure. Sure. Uh-huh.  
34  
35 Heglar; This—'Cuz she's making some...  
36  
37 Duffie, J.: Actually...  
38  
39 Heglar: ...pretty serious accusations as you guys heard.  
40  
41 Duffie, J.: Yeah.  
42  
43 Heglar: So, I mean, we'd like to find out exactly...  
44  
45 Duffie, J.; Okay.  
46  
47 Heglar: ..what happened.  
48  
49 Duffie, D.: Sure. (Inaudible).  
50  
51 Heglar: And every little bit of information...  
52  
53 Duffie, J.: Well, from what we saw and everything...

RENO POLICE DEPARTMENT  
TRANSCRIPT

CASE # 07-9446

1  
2 Duffie, D.: Oh, yeah. Yeah...  
3 Heglar: ...helps.  
4  
5 Duffie, D.: ...Sure. Yeah.  
6  
7 Heglar: Okay. What's your name sir?  
8  
9 Duffie, J.: My name is John.  
10  
11 Heglar: J-O-H-N?  
12  
13 Duffie, J.: Yeah.  
14  
15 Heglar: What's your last name?  
16  
17 Duffie, J.: And it's D-U-F-F-I-E. I'm one of the 911 callers.  
18  
19 Heglar: What's—Okay. What's your address?  
20  
21 Duffie, J.: Uh, it's 1339...  
22  
23 Heglar: Uh-huh.  
24  
25 Duffie, J.: ...uh, Northampton, N-O-R-T-H—No. It's all one word.  
26  
27 Heglar: Okay.  
28  
29 Duffie, J.: Northampton Circle in Gardenerville.  
30  
31 Heglar: So you guys—But you guys are definitely coming back here?  
32  
33 Duffie, J.: Yeah...  
34  
35 Duffie, D.: Yeah. We have to...  
36  
37 Duffie, J.: ...We've gotta...  
38  
39 Duffie, D.: ...drop him off.  
40  
41 Duffie, J.: ...bring him back...  
42  
43 Duffie, D.: He—He lives...  
44  
45 Heglar: Okay.  
46  
47 Duffie, D.: ...here.  
48  
49 Duffie, J.: He's—He lives here.  
50  
51 Heglar: Did you see or hear any of this?  
52  
53 Matt: No, I...

RENO POLICE DEPARTMENT  
TRANSCRIPT

CASE # 07-9446

1  
2 Duffie, D.: He was in the shower.  
3 Matt: ...was in the shower.  
4  
5 Duffie, J.: (Laughing.)  
6  
7 Heglar: Okay. Okay. And what's your name, ma'am?  
8  
9 Duffie, D.: Doris.  
10  
11 Heglar: Doris?  
12  
13 Duffie, D.: Mmm-hmm.  
14  
15 Heglar: D-O...?  
16  
17 Duffie, D.: D-O-R-I-S.  
18  
19 Heglar: Okay. Is there a contact phone number I can reach you guys at?  
20  
21 Duffie, J.: Uh, my cell, which I gave to...  
22  
23 Heglar: Yeah. That's great.  
24  
25 Duffie, J.: ...911. Yeah. 690-2424.  
26  
27 Heglar: Okay. Okay. Great. Thank you, guys.  
28  
29 Duffie, J.: Sure, guy.  
30  
31 Heglar: I appreciate it.  
32  
33 Duffie, J.: Uh, if we can help.  
34  
35 Heglar: Okay.  
36  
37 Female: Do you guys need any (inaudible) information or anything?  
38  
39 Heglar: Hers?  
40  
41 Female: Uh...  
42  
43 Heglar: Or his?  
44  
45 Female: Uh, yeah.  
46  
47 Duffie, J.: Oh, sorry.  
48  
49 Female: Yeah. It's on both of them.  
50  
51 Duffie, J.: Our son was mad, who is Matt, lives in 811.  
52  
53 Heglar: 811.

RENO POLICE DEPARTMENT  
TRANSCRIPT

CASE # 07-9446

1  
2 Duffie, J: Yeah.  
3 Heglar: That's great information. Thank you.  
4  
5 Duffie, J: All right.  
6  
7 Heglar: Okay. Then you have her.  
8  
9 Female: Yeah.  
10  
11 Heglar: What do you have?  
12  
13 Female: Um, I have both of...  
14  
15 Heglar: How long has she been here?  
16  
17 Female: Um, only since—Let's see. That was her second lease. Since May 2006.  
18  
19 Heglar: Okay. Have you ever had any problems with her...  
20  
21 Female: Um, I'm not...  
22  
23 Heglar: ...like noise disturbances? I mean...  
24  
25 Female: Not off the top of my head.  
26  
27 Heglar: Any kind of erratic behavior or anything?  
28  
29 Female: Not off the top of my head. Uh...  
30  
31 Heglar: Okay.  
32  
33 Female: ...there's nothing documented in here.  
34  
35 Heglar: Okay. Okay.  
36  
37 Female: So, no, not that I know of at this point.  
38  
39 Heglar: Okay. All right.  
40  
41 Female: Okay. Is—All right.  
42  
43 Heglar: Thank you.  
44  
45 Female: No problem. Nice to see you again.  
46  
47 Heglar: Yeah. (Laughing.)  
48  
49 (Pause with sound of walking.)  
50  
51 Heglar: (Inaudible).  
52  
53 Officer: Yeah, I haven't talked to her too much, so.

RENO POLICE DEPARTMENT  
TRANSCRIPT

CASE # 07-9446

1  
2 Heglar: To her?  
3 Officer: Yeah.  
4  
5 Heglar: She's hysterical. I haven't talked to her too much. She basically said she was out for a walk and the  
6 boyfriend--Well, they fought earlier today. She went out, had a couple of drinks. Came back. She decided  
7 to leave to go for a walk, again. Starts going for a walk. She says, next thing...  
8  
9 Unknown: Where's boyfriend at?  
10  
11 Heglar: He's in the apartment this whole time.  
12  
13 Officer: Is he the one sitting...  
14  
15 Heglar: He's the one sitting next to her?  
16  
17 Officer: Oh, he's...  
18  
19 Unknown: He's in the apartment the whole time?  
20  
21 Heglar: Yeah. Yeah.  
22  
23 Unknown: Okay. Go ahead.  
24  
25 Heglar: I believe was. I'll verify that, but she's coming home. On her way—I'm rolling, just so you know. But  
26 he's on his way home—Or she's on her way home and, you know, it's hard to get her down on details.  
27 You know? She's just basically saying, "He tried to rape me." You know? "He just pulled up next to me,  
28 started to ask me questions." When she was over there, "He approached me." She said he tried to stick his  
29 dick in her mouth. She goes, "I didn't know what to do. I bit him." She said she bit him (inaudible)...  
30  
31 Unknown: Inside the apartment?  
32  
33 Heglar: No. Outside. Here.  
34  
35 Unknown: Oh. Outside...  
36  
37 Officer: Sorry. That's where I got...  
38  
39 Unknown: So she...  
40  
41 Officer: ...I thought...  
42  
43 Heglar: Yeah. This happened right—This happened right out in this area here. It's hard for me to nail down—  
44 According to this guy, he tried to walk her to her apartment and get her inside.  
45  
46 Unknown: Where's the apartment at? Right...  
47  
48 Heglar: 821.  
49  
50 Unknown: Okay.  
51  
52 Officer: 827.

RENO POLICE DEPARTMENT  
TRANSCRIPT

CASE # 07-9446

1  
2 Heglar: Okay. I have folks in 811--These are the folks I was talking to here said they heard all this commotion.  
3 They heard her screaming hysterically. The, uh, female says it sounds like she was, you know, (inaudible)  
4 ou drugs or something. Says they heard—hear it going on. They open up the door. She's surrounded by a  
5 group of guys. There's group of guys out here who are trying to calm the situation down. Then a few  
6 minutes into it and then she starts yelling, "He tried to rape me."  
7  
8 Unknown: Do we—We don't have any of these guys here?  
9  
10 Heglar: No. I'm—I was just fixing to go and start canvassing.  
11  
12 Officer: They're doing a--There's people in there. I don't know if they may have came running out when they  
13 heard the screaming or not.  
14  
15 Unknown: Okay.  
16  
17 Officer: I can go check that for ya.  
18  
19 Unknown: Yeah....  
20  
21 Heglar: Yeah.  
22  
23 Unknown: ...We need to start...  
24  
25 Officer: If you go...  
26  
27 Unknown: ...canvassing and stuff.  
28  
29 Officer: I'm gonna check them and then...  
30  
31 Heglar: We need to keep somebody here.  
32  
33 Officer: ...keep them separated...  
34  
35 Heglar: ...to watch this guy.  
36  
37 Officer: ...maybe talk to her, try and get her to...  
38  
39 Unknown: (Aside.) (Inaudible) 340. Can we get another unit up here, please?  
40  
41 (Radio voices.)  
42  
43 Heglar: Okay. Um, I'll go and stay around here. Do you mind just canvassing?  
44  
45 Officer: No.  
46  
47 Heglar: Uh, starting to hit these people up?  
48  
49 Officer: Yeah.  
50  
51 Heglar: Hit the first two floors here and the first two floors here. Maybe even the third floors that face this way.  
52  
53 Unknown: (Inaudible)?

RENO POLICE DEPARTMENT  
TRANSCRIPT

CASE # 07-9446

1  
2 Officer: Yeah, I got...  
3 Heglar: Did you get her horsepower?  
4  
5 Officer: (Inaudible).  
6  
7 Heglar: We've got his horsepower.  
8  
9 Unknown: Okay. We need to pin her down a little bit more on her story.  
10  
11 Heglar: Yeah. Okay.  
12  
13 Unknown: We need to find out where he's at.  
14  
15 Heglar: Do you think we should do that with Boyfriend sitting there?  
16  
17 Unknown: No.  
18  
19 Heglar: Get 'em...  
20  
21 Officer: Get 'em separated.  
22  
23 Heglar: ...separated.  
24  
25 Unknown: We need to separate 'em.  
26  
27 Heglar: Before you canvas...  
28  
29 Unknown: Yeah, I would stop—Hold on on canvas.  
30  
31 Officer: Yes.  
32  
33 Unknown: Let's just worry about these. I'm getting somebody else up here...  
34  
35 Heglar: Let's get them separated. Talk to him. Get his exact details. I'll talk to her...  
36  
37 Unknown: Yeah. Right.  
38  
39 (Sound of walking.)  
40  
41 Heglar: His name is Josh.  
42  
43 Officer: Hey, Josh? Can I talk to you real quick.  
44  
45 (Sound of walking.)  
46  
47 Heglar: What's up?  
48  
49 Male: (Inaudible).  
50  
51 Heglar: Her horsepower?  
52  
53 Hambrick: (Crying).

RENO POLICE DEPARTMENT  
TRANSCRIPT

CASE # 07-9446

1  
2 Male: Yeah.  
3 Heglar: Um, Dave has it.  
4  
5 Male: Okay.  
6  
7 Hambrick: (Crying.) What happened?  
8  
9 Heglar: What's that?  
10  
11 Hambrick: (Crying.) What happened?  
12  
13 Heglar: That's what we're trying to figure out. Okay?  
14  
15 Hambrick: (Crying.)  
16  
17 Heglar: All right. Are you okay? You seem a little out of it. Have you been drinking or...?  
18  
19 Hambrick: Yeah. I had a couple drinks. I...  
20  
21 Heglar: Where were you—Where were you drinking?  
22  
23 Hambrick: At a friend's house.  
24  
25 Heglar: Where—Where was that?  
26  
27 Hambrick: At my brother's.  
28  
29 Heglar: Okay. Is it close by here?  
30  
31 Hambrick: No. It's off over Royal.  
32  
33 Heglar: Royal? Okay. How long were you down there?  
34  
35 Hambrick: For about an hour.  
36  
37 Heglar: Okay.  
38  
39 Hambrick: (Beginning to cry).  
40  
41 Heglar: All right. And then you came home, here. Right?  
42  
43 Hambrick: Uh-huh.  
44  
45 Heglar: You came home. You went inside?  
46  
47 Hambrick: I came home. I went inside...  
48  
49 Heglar: Uh-huh.  
50  
51 Hambrick: ...and I got pissed off at him.  
52  
53 Heglar: Okay. And you...



RENO POLICE DEPARTMENT  
TRANSCRIPT

CASE # 07-9446

1  
2 Hambrick: And...  
3 Heglar: ...went for a walk again, right?  
4  
5 Hambrick: I went for a walk.  
6  
7 Heglar: Uh-huh.  
8  
9 Hambrick: And then all of a sudden he picked me up.  
10  
11 Heglar: He picked you up?  
12  
13 Hambrick: Yeah.  
14  
15 Heglar: Did you actually get in his car?  
16  
17 Hambrick: No.  
18  
19 Heglar: No?  
20  
21 Hambrick: And he said, "I'll follow you home." And then all of a sudden he went up to my apartment and then I just  
22 bit his dick. (Crying.)  
23  
24 Heglar: Where—So this happ—He tried to—You said he tried to stick his penis in your mouth, right?  
25  
26 Hambrick: Yeah.  
27  
28 Heglar: Okay. This happened right in front of your apartment?  
29  
30 Hambrick: (Crying.) In my apartment.  
31  
32 Heglar: Inside your apartment?  
33  
34 Hambrick: Or—I don't know. I can't remember.  
35  
36 Heglar: Okay. Okay. I'm sure this is hard for you, Jessica. All right? But, it's—it's really important that—that I  
37 get as many details as possible. Okay?  
38  
39 Hambrick: (Crying.) Oh.  
40  
41 Heglar: I really got to get it narrowed down to where that—that occurred.  
42  
43 Hambrick: (Crying.)  
44  
45 Heglar: Okay? Where—What do you—What do you remember about that? Do you remember, "I'm in the  
46 ground..."  
47  
48 Hambrick: (Crying.) I don't remember nothing...  
49  
50 Heglar: "...being cold?" Do you remember being by (inaudible)...  
51  
52 Hambrick: ...except for chasing him down the stairs.  
53

RENO POLICE DEPARTMENT  
TRANSCRIPT

CASE # 07-9446

1 Heglar: You chased him?  
2  
3 Hambrick: Yes.  
4  
5 Heglar: Okay. This was after...  
6  
7 Hambrick: And—And—I grabbed him by his collar and I said, "This will not happen to me again." And—(Pause.) I  
8 just said, "This won't happen." And then all of a sudden you guys showed up. And my boyfriend showed  
9 up.  
10  
11 Heglar: Okay. Did you guys ever make it inside the apartment?  
12  
13 Hambrick: I don't think so.  
14  
15 Heglar: Okay.  
16  
17 Hambrick: But, uh, like, honestly, that's where I think I bit his dick.  
18  
19 Heglar: Was where...  
20  
21 Hambrick: Was—Inside the apartment.  
22  
23 Heglar: Inside...  
24  
25 Hambrick: Because...  
26  
27 Heglar: ...your apartment?  
28  
29 Hambrick: Because I knew he saw him follow me in there.  
30  
31 Heglar: Uh-huh.  
32  
33 Hambrick: And then he said, "Suck my dick." Or something. And I bit it.  
34  
35 Heglar: Okay.  
36  
37 Hambrick: And I bit it as hard as I could.  
38  
39 Heglar: Okay.  
40  
41 Hambrick: Because—'Cuz that was not going to happen to me.  
42  
43 Heglar: Okay. How did—How did it come about that—that—that your head ended up down there?  
44  
45 Hambrick: I have no idea.  
46  
47 Heglar: Okay...  
48  
49 Hambrick: I just knew I bit it 'cuz I didn't like what was going on...  
50  
51 Heglar: Okay. Well...  
52  
53 Hambrick: ...and it was shoved in my face.

RENO POLICE DEPARTMENT  
TRANSCRIPT

CASE # 07-9446

1  
2 Heglar: Well, how...  
3  
4 Hambrick: And...  
5  
6 Heglar: ...How exactly did that happen?  
7  
8 Hambrick: I just knew a penis was in my face. And I kept biting and biting. And then he kept saying, "No. No. No."  
9 And I kept biting. And all of a sudden they were running down the stairs and I kept trying to pull—pull—  
10 or running like—You know?  
11  
12 Heglar: Mmm-hmm.  
13  
14 Hambrick: And once I grabbed a hold—They—You know? I don't know if I slammed him on the cement. I don't  
15 know anything. But I just knew I was not putting up with it.  
16  
17 Heglar: Okay. You keep telling me you weren't putting up with it, okay? But I'm having a hard time figuring out  
18 exactly what occurred, okay?  
19  
20 Hambrick: Yeah. They tried to shove a penis in my face, and I...  
21  
22 Heglar: Who's they?  
23  
24 Hambrick: Him.  
25  
26 Heglar: Just him?  
27  
28 Hambrick: Yeah.  
29  
30 Heglar: Okay. Okay. Did anything else happen? Did he touch you anywhere? Did he try to penetrate you  
31 anywhere else?  
32  
33 Hambrick: Um, no.  
34  
35 Heglar: No? Okay. How long did this take from...  
36  
37 Hambrick: Not very long.  
38  
39 Heglar: Okay. Where do you first remember him talking to you?  
40  
41 Hambrick: From down the street 'cuz...  
42  
43 Heglar: Okay.  
44  
45 Hambrick: Me and him weren't getting along and I walked up here.  
46  
47 Heglar: Okay. So...  
48  
49 Hambrick: I mean...  
50  
51 Heglar: ...did you walk all the way up around this way or did you go over the fence somewhere?  
52  
53 Hambrick: No, I walked all—My slippers are already, like, way down there and I lugged all the way back here.

RENO POLICE DEPARTMENT  
TRANSCRIPT

CASE # 07-9446

1  
2 Heglar: Okay. Where was he while you were walking?  
3 Hambrick: I guess, following me. I don't know.  
4  
5 Heglar: You don't know? Okay.  
6  
7 Hambrick: I mean, I have no idea.  
8  
9 Heglar: Okay. From when he talked to you initially, when's the next time you remember seeing him after that?  
10  
11 Hambrick: I don't remember seeing him.  
12  
13 Heglar: Uh-huh.  
14  
15 Hambrick: Honestly, I just remember that he shoved his penis in my face and I just bit and bit. I mean, that's all I  
16 could do. And I just felt like he followed me.  
17  
18 Heglar: Okay.  
19  
20 Hambrick: And, I mean, obviously if someone's follow you, and you shove their cock in their—I mean, I just bit.  
21  
22 Heglar: Well, I'm trying to find the details out that led up...  
23  
24 Hambrick: Yeah.  
25  
26 Heglar: ...to that. Okay? So I need you to think really hard. I mean, when was the next time you remember  
27 encountering him? Was he...  
28  
29 Hambrick: That's the only...  
30  
31 Heglar: ...trying to get you up to his—your apartment? I mean, did...  
32  
33 Hambrick: In my apartment, yeah. (Crying.) That's the only time. And it really scared me. And...  
34  
35 Heglar: Do you remember him trying to get you up to your apartment?  
36  
37 Hambrick: No.  
38  
39 Heglar: No? Okay.  
40  
41 Hambrick: I just—That's it. (Crying.)  
42  
43 Heglar: And where exact—You're not sure where it happened?  
44  
45 Hambrick: I mean, I just...  
46  
47 Heglar: Where you guys inside or outside?  
48  
49 Hambrick: (Crying.) Inside and I just bit and bit. And he said, "No. No." And I just kept biting 'cuz that's all I  
50 knew.  
51  
52 Heglar: Okay.  
53

RENO POLICE DEPARTMENT  
TRANSCRIPT

CASE # 07-9446

1 Hambrick: And all of a sudden he ran down the stairs and I tried to pull him by his collar. And I kept pulling him—or  
2 not pulling him—But, yeah.

3 Heglar: Okay.

4

5 Hambrick: And, I mean...

6

7 Heglar: Okay. Josh...

8

9 Hambrick: ...I kept trying and trying and that was it. And all of a sudden he was down and I don't know what  
10 happened from there. (Crying.)...

11

12 Heglar: Okay.

13

14 Hambrick: ... I just...

15

16 Heglar: Okay. Josh is gonna go and sit with you. Okay? Is that all right? All right. He's right behind you.

17

18 (Sound of walking.)

19

20 Heglar: Where was he?

21

22 Officer: (Inaudible). They only have one phone.

23

24 Heglar: Uh-huh.

25

26 Officer: She leaves twelvish or so to go help Dad move. Um, he calls her. Says, "Yeah, I'm still helping Dad  
27 move." "Okay." Um, sixish or so, he's walking out of his apartment to go call her again and she's coming  
28 up the stairs. "Oh, hey. Where ya been?" And her brother's behind her and he's all, "Hey, she's been  
29 drinking. Just don't let her drive. I don't (inaudible). Don't let her leave." "Okay." So they go into the  
30 apartment and she starts getting changed into what she's wearing right now. Uh, she starts, you know—  
31 He's not saying they were arguing, but she said she had to go. She had to go.

32

33 Heglar: She said they were in an argument.

34

35 Officer: Okay. So she, uh—She leaves. And he, you know—He's all, "I didn't want to cause anymore conflict. I  
36 didn't want to go—You know? But I came outside anyway, I noticed that her Jeep was parked here." It's  
37 not her normal parking spot.

38

39 Heglar: Where's the Jeep now?

40

41 Officer: Right there.

42

43 Heglar: Okay.

44

45 Officer: And so, it's not the—It's not her parking spot, so I moved it. And I decided to go ahead and start looking  
46 for her. He said he walked over, hopped the other side of the fence. She thought—He thought she was still  
47 in the complex. Um, so he was looking for her. And while he was looking for her she—eventually heard  
48 her yelling and screaming. So he came—He came running over here. And he said right around this red car  
49 he sees her on the ground, um, uh, him and like a black—a tall black guy kind of like holding her down,  
50 trying to calm her down and stuff like that. So I don't really know. He's all, "I did—I will tell you that she  
51 told me that, you know, he followed her home. She went up the stairs. And it actually happened inside the  
52 apartment," is what he told me.

53

RENO POLICE DEPARTMENT  
TRANSCRIPT

CASE # 07-9446

1 Heglar: Okay. Her story's—She's (inaudible) drunk.  
2  
3 Officer: Yeah.  
4  
5 Heglar: So her story's changed a little bit. She basically says the first time she noticed him is down the street here.  
6 She was going for a walk. Um, says he comes up to her and tries to get her in the her car—the car.  
7  
8 Officer: She tries to get in the car?  
9  
10 Heglar: He tries to get her in the car.  
11  
12 Officer: Oh.  
13  
14 Heglar: Sorry. And, uh, she's like, "No." She keeps walking. Doesn't remember anything until all of a sudden he  
15 has his dick in her mouth. That's all she remembers.  
16  
17 Officer: Where at?  
18  
19 Heglar: I tried to narrow down where it happened. Initially she told me—You know, when I first talked to her she  
20 pointed right over in this vicinity. She said, "Right out here. Right here." And then I'm talking to her and,  
21 "I don't know where it happened." And then she says, "Well, I think it happened inside the apartment."  
22  
23 Officer: Well, he's saying that he went into the apartment. Didn't he? He followed her into. She fell down. He  
24 rolled her over, checked her pulse, and she...  
25  
26 Heglar: Did he say that happened in the apartment or outside?  
27  
28 Officer: I thought he said he followed her into the...  
29  
30 Heglar: Well, tack him down on that...  
31  
32 Officer: We'll nail him down to that statement.  
33  
34 Heglar: Okay. Do me a favor? Can you start canvassing...  
35  
36 Unknown: Okay.  
37  
38 Heglar: (Inaudible) this (inaudible) female here is claiming--it's the guy right over here tried to rape her.  
39  
40 Officer: Okay. Um...  
41  
42 Heglar: They live in 821. She's gonna be...  
43  
44 Officer: 827.  
45  
46 Heglar: 827?  
47  
48 Officer: I think. Let me check.  
49  
50 Heglar: Okay. Which is gonna be right over here.  
51  
52 Unknown: (Inaudible).  
53

RENO POLICE DEPARTMENT  
TRANSCRIPT

CASE # 07-9446

92

1 Heglar: The second floor. I'm not sure which side. Okay? Just canvas here and here at the first two floors. See if  
2 anybody heard or saw anything. And the third floor on—that faces this side. Or...  
3 Officer: And her neighbors. And it's 827.  
4  
5 Heglar: 827.  
6  
7 Officer: It's up the stairs all the way in the back...  
8  
9 Unknown: So basically everything that could...  
10  
11 Officer: Could see this area...  
12  
13 Unknown: (Inaudible).  
14  
15 Officer: ...or...  
16  
17 Unknown: Hear it.  
18  
19 Officer: ...hear anything that happened inside her apartment.  
20  
21 Unknown: Yeah. Okay.  
22  
23 Heglar: Okay? And there was also...  
24  
25 Officer: I'll come help ya.  
26  
27 Heglar: ...some people up here. Yeah. We'll get some help for ya.  
28  
29 Officer: Are you good or...  
30  
31 Heglar: Not like the canvas sheets or anything like that, just...  
32  
33 Officer: Did you hear anything? See anything?  
34  
35 Unknown: Just grab a stack of 'em?  
36  
37 Heglar: If anybody gets any information get 'em to do a statement...  
38  
39 Unknown: Grab some statements, (inaudible).  
40  
41 Heglar: Yeah.  
42  
43 Unknown: Okay. All right. All right.  
44  
45 Heglar: Yeah. There's some folks over here that were working inside the office here.  
46  
47 Unknown: (Inaudible) still there?  
48  
49 Officer: If you're good here, I'll help with canvas.  
50  
51 Unknown: But it was, 827?  
52  
53 Officer: Yeah. 8...

RENO POLICE DEPARTMENT  
TRANSCRIPT

CASE # 07-9446

1  
2 Heglar: 827.  
3 Officer: Yeah. Yeah.  
4  
5 Unknown #2: What was the time lapse on (inaudible)?  
6  
7 Officer: Immediate.  
8  
9 Heglar: Uh, just—I'm not sure what the time of the call was. Just looking at...  
10  
11 Officer: Yeah. It probably...  
12  
13 Heglar: ...the computers.  
14  
15 Officer: Ten minutes.  
16  
17 Heglar: 'Cuz the (inaudible) is they could...  
18  
19 Officer: From the call.  
20  
21 Heglar: ...hear her screaming in the background.  
22  
23 Unknown: So like 40 minutes ago?  
24  
25 Officer: I'd say less.  
26  
27 Unknown: I came from College Terrace and that's...  
28  
29 Heglar: Well, what time's the call? Just look at the computer...  
30  
31 Unknown: (Inaudible)? All right.  
32  
33 Heglar: ...moments before we got the call.  
34  
35 Unknown: Okay.  
36  
37 (Sound of walking.)  
38  
39 Heglar: What's your first name again, man?  
40  
41 Dunckley: Brendon.  
42  
43 Heglar: What is it?  
44  
45 Dunckley: Brendon.  
46  
47 Heglar: Okay. Brendon. Okay. All right. Um, real quick. I'm just trying to clear up a few things. Okay? You  
48 said she had passed out...  
49  
50 Dunckley: She—Yeah.  
51  
52 Heglar: ...lost—Pretty much was unconscious?  
53



RENO POLICE DEPARTMENT  
TRANSCRIPT

CASE # 07-9446

1 Dunckley: Yeah.  
2  
3 Heglar: You tried checking her pulse and stuff?  
4  
5 Dunckley: Yeah. She was—She was on her...  
6  
7 Heglar: Where—Where exactly...  
8  
9 Dunckley: ...She was on her stomach right at the door.  
10  
11 Heglar: At the door?  
12  
13 Dunckley: Near the entrance of the door. Like, I turned around...  
14  
15 Heglar: Was the door open? Was it...  
16  
17 Dunckley: Yeah...  
18  
19 Heglar: ...closed?  
20  
21 Dunckley: ...it was open.  
22  
23 Heglar: Okay.  
24  
25 Dunckley: Like, I—I helped her upstairs...  
26  
27 Officer: Of the apartment?  
28  
29 Dunckley: Yeah.  
30  
31 Officer: Okay.  
32  
33 Heglar: Okay.  
34  
35 Dunckley: Of the apartment.  
36  
37 Heglar: That hap...  
38  
39 Dunckley: I helped her upstairs.  
40  
41 Heglar: *Mmm-hmm.*  
42  
43 Dunckley: And got her to the door. I'm like, "Do you have a key? Do you need to get in? Is someone here?"  
44 Knocked on the door. Knocked on the door.  
45  
46 Heglar: *Mmm-hmm.*  
47  
48 Dunckley: She said, "No. It's open." (Inaudible) went in. I was like, "Okay..."  
49  
50 Heglar: So it was unlocked?  
51  
52 Dunckley: Yeah. And I said...  
53

RENO POLICE DEPARTMENT  
TRANSCRIPT

CASE # 07-9446

1 Heglar: Okay.  
2  
3 Dunckley: "Okay. Have a good night." The next thing I know, she's face first down into a pile of clothes.  
4 Flip her over. Center up. Check her pulse. She comes conscious. I say, "What's your name? What's your  
5 name?" She says, "Jessica." I said, "How much have you had to drink tonight, Jessica?" And she goes, "I  
6 lost my slippers and I hate my life. I hate my boyfriend. And I lost my slippers..."  
7  
8 Officer: "I lost my," what?  
9  
10 Heglar: Her slippers.  
11  
12 Dunckley: "I lost my slippers."  
13  
14 Officer: Okay.  
15  
16 Dunckley: I'm like, "Okay." Well (inaudible), yeah. And she was bringing 'em; she had 'em on the stairs. And she  
17 fell about the seventh or eighth stair up there, right past the, uh, right where that light is shining across there  
18 on the stair—on the stair rail. And so I got out. And went to help her out. The whole time—I'm not  
19 stupid. I know my line of work. I know drunk women. Immediately, I'm already (inaudible) my wife.  
20 She's saying to do—what to do. She has a medically trained background, too. She's, "(Inaudible). Ask  
21 her name? Ask how much she's had to drink?" She says, "My name's Jessica." Turned around and...  
22  
23 Heglar: (Aside). (Inaudible) us.  
24  
25 Dunckley: ...Turned around (inaudible)...  
26  
27 Heglar: (Aside.) (Inaudible)—Leonard. Sorry.  
28  
29 Dunckley: The next thing I know, she blacks out again. She comes back conscious a complete different person,  
30 completely different person...  
31  
32 Officer: How—How long would you say that was?  
33  
34 Dunckley: Like, not even 30 seconds. Not even 30 seconds. And she immediately jumps up, grabs my jacket, starts  
35 screaming at me. I duck down (inaudible). I immediately know what's going on. She's freaking out. She  
36 doesn't know who she is. I said, "Jessica—" I explained to her, I go, "Jessica, you passed out. You're in  
37 your apartment. You—You're—You're okay. How much—" again, "Do you—" asking her over and over,  
38 "Are you okay?" (Inaudible). I gotta get the hell out of there. She grabs me by the back of my jacket,  
39 holds me back and chokes me back and then swings me around and starts banging the door of the  
40 apartment. I'm like, "Jessica, let go of me right now. You're intoxicated. Let go." I'm not gonna hit her.  
41 (Inaudible) what's going on. I come down the stairs and immediately find the first person I could find.  
42  
43 Heglar: Mmm-hmm.  
44  
45 Officer: Who was it?  
46  
47 Heglar: Who is it?  
48  
49 Dunckley: I have no...  
50  
51 Heglar: What'd he—What'd he look like?  
52  
53 Dunckley: Some guy was—and literally just...

RENO POLICE DEPARTMENT  
TRANSCRIPT

CASE # 07-9446

1  
2 Heglar: White guy...?  
3 Dunckley: Male...  
4  
5 Heglar: ...Black guy?  
6  
7 Dunckley: ...Male, Caucasian about 5'9", 5'10", um, short brown hair. Half goatee kind of thing. Brown hair. Turns  
8 around and like just completely (inaudible)....  
9  
10 (Background voices.)  
11  
12 Dunckley: He goes, "I want nothing to do with this. I don't want anything to do with it." And then he turns around  
13 and he's the one—Oh, are you kidding me?  
14  
15 Heglar: What?  
16  
17 Dunckley: Way intoxicated. And he turns around and he goes, "I want nothing to do with it." And I'm like, "Call the  
18 police. Call the police." She's like literally pounding at me. She took—punched me in the face, pounding  
19 on me. And I'm not upset with her (inaudible) by any means. It's 'cuz she's intoxicated. She didn't know  
20 what the hell she was doing....  
21  
22 Heglar: Mmm-hmm.  
23  
24 Dunckley: ...It's probably the one reason I don't drink. She (inaudible) and I just—I get—I break free. Then her  
25 boyfriend shows up. I didn't know—I don't where he is. He goes, "What's going on, Jessica? What's  
26 going on?" I'm like, "Do you know her?" He goes, "That's my girlfriend (inaudible)." (Inaudible) like I  
27 explain to him, "Look. She was drunk. I followed her and made sure she got home okay. She's staggering  
28 all over the street. She almost got hit by a car. I mean, that's it. That's what happened. She fell on the  
29 stairs. I made sure she got upstairs. She lost consciousness, face first, down. No offense, I'm gonna flip  
30 her over. I'm gonna make sure she's okay. I'm not gonna leave her there. And I—And the next thing she  
31 lose consciousness again." He comes up. He goes, "I'm talking to her." And she's going totally  
32 psychotic. She's going nuts. Breaks free from three guys; literally three guys were holding her back 'cuz  
33 I'm trying to stay away from her, and starts going at me. Starts attacking me, again. Kicking me. Pulling  
34 me back. Pulling me down. Grabbed my jacket. Grabbed my shirt. Yanking me around. Grabbing me.  
35 Punching at me. Swinging at me. I just said, "I'm not going anywhere but I'm going to my car." And I  
36 locked myself and then I called Reno dispatch; I called the RPD Dispatch. And I'm like, "You guys have  
37 to send (inaudible)." And I explained to them what's going on. And then I saw—Who was first on scene?  
38 You?  
39  
40 Officer: Oh. I was...  
41  
42 Dunckley: You were? That's yours. Mmm, okay?  
43  
44 Heglar: But I...  
45  
46 Dunckley: Well, whoever pulled behind me....  
47  
48 Officer: He saw me (inaudible).  
49  
50 Heglar: Okay.  
51  
52 Dunckley: ...I'm like, "Okay. Well, the officer's here." She goes, "Okay." It was Linette or something like that. She  
53 goes, "Okay. Well, I'm gonna get off here and let you tell the officer what's going on." Immediately told

RENO POLICE DEPARTMENT  
TRANSCRIPT

CASE # 07-9446

1 you guys. I don't—I mean, I understand she's upset. I didn't do anything wrong. I literally—I'm to the  
2 point where I'm like, "Screw it. Why even help people? They're just gonna turn around and do this to  
3 you."  
4  
5 Heglar: All right.  
6  
7 Dunckley: And the whole time I'm on the my wife.  
8  
9 Heglar: Okay. What's your last name?  
10  
11 Dunckley: (Inaudible). The sergeant actually just came over.  
12  
13 Heglar: Oh, he did?  
14  
15 Dunckley: Yeah, he covered all my information.  
16  
17 (Walking noises.)  
18  
19 Dunckley: (Inaudible).  
20  
21 Heglar: I'll talk to him first.  
22  
23 Officer: You don't get her...  
24  
25 Heglar: What do you—Then just do a statement out.  
26  
27 Officer: Yeah...  
28  
29 Dunckley: Can we do a statement in the morning?  
30  
31 Officer: ...We're gonna need you...  
32  
33 Dunckley: I've been on...  
34  
35 Officer: ...write a statement, man.  
36  
37 Dunckley: ...I've been on for 18 hours.  
38  
39 Officer: I understand, but due to the accusations it's gonna be best if you write a statement. Trust me.  
40  
41 Dunckley: This happened—The thing is—This happened to another guy on—in a different company. It's just  
42 unbelievable.  
43  
44 Officer: I know, but...  
45  
46 Heglar: Well, I mean...  
47  
48 Dunckley: Part of me just wants to start mounting cameras to my cars.  
49  
50 Heglar: Future reference: Probably would've been best off just watching her from a distance and calling us.  
51  
52 Dunckley: I—And I agree with that, but when I see her collapse on the stairs...  
53

RENO POLICE DEPARTMENT  
TRANSCRIPT

CASE # 07-9446

1 Heglar: Okay. Well, I'm talking about way down the street...  
2 Dunckley: Way down there...  
3  
4 Heglar; ...when you first saw her.  
5  
6 Dunckley: Yeah. Absolutely....  
7  
8 Officer: Call and...  
9  
10 Dunckley: ...Absolutely....  
11  
12 Heglar: (Inaudible).  
13  
14 Dunckley: ...I was on the phone with my wife...  
15  
16 Unknown: ...get it—get us...  
17  
18 Heglar: ...because...  
19  
20 Unknown: ...rolling in here.  
21  
22 Dunckley: I know. And I—Yeah. And I know. I mean, the hind sight being 20/20, yeah. That's great. That's ideal.  
23 But, I mean, like, my neighbors a cop—is an—is an officer. I mean, (inaudible) can vouch for who I am  
24 and what I do.  
25  
26 Heglar: Well, that's not a here nor there.  
27  
28 Dunckley: No, I know that. I mean...  
29  
30 Heglar: So, like I said, what I'm—I'm gonna need to write a statement.  
31  
32 Dunckley: That's fine.  
33  
34 Heglar: Okay? As far as...  
35  
36 Dunckley: That's fine.  
37  
38 Heglar: ...what happened. Be as detailed as possible. Okay? Um...  
39  
40 Dunckley: What direction are we going here? I mean...  
41  
42 Heglar: Well, we're still trying to figure out, talk to anybody that—that witnessed anything or anything like that.  
43 Okay?  
44  
45 Dunckley: And literally there was—She banged on the door right across from the apartment. We came downstairs.  
46 There was--And I got—The first person I saw was the guy that I told you about. He took off 'cuz he left,  
47 but he called the police.  
48  
49 Heglar: He didn't want anything to do with it.  
50  
51 Dunckley: Another guy—Yeah (inaudible). And the boyfriend came by, so...  
52  
53 Heglar: I'm gonna started on—get a statement going for ya.

RENO POLICE DEPARTMENT  
TRANSCRIPT

CASE # 07-9446

1  
2 (Walking and movement noises.)  
3  
4 Heglar: Oh, you got a pen?  
5  
6 Dunckley: Yeah.  
7  
8 Heglar: Okay. You familiar with these, I'm sure.  
9  
10 Dunckley: Oh, yeah.  
11  
12 Heglar: All right.  
13  
14 Dunckley: Unfortunately.  
15  
16 Heglar: If you want to sit here.  
17  
18 Dunckley: Did the sergeant want to do—He didn't want my—do me—Do a PBT with me, does he?  
19  
20 Heglar: No.  
21  
22 Dunckley: Okay.  
23  
24 Heglar: Do you just want to—If you want to sit down in your car, go ahead. It'll be a little more comfortable.  
25  
26 Dunckley: I can sit in the car?  
27  
28 Heglar: Yeah.  
29  
30 Dunckley: Dude, you know I got (inaudible)?  
31  
32 Heglar: I'm all right. Go ahead and sit in the car.  
33  
34 (Walking noises.)  
35  
36 (End of recording.)  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49

RENO POLICE DEPARTMENT  
TRANSCRIPT

CASE # 07-9446

PERSON GIVING STATEMENT: Suspect Brendon Dunckley  
SEX/RACE/DOB: Male  
RESIDENCE ADDRESS:  
EMPLOYMENT:  
TAKEN BY: Recording made by Officer Scott Heglar #9474  
FROM:  
ON: 03-10-07 Approx. 1900 hrs. TO:  
LOCATION OF INTERVIEW: 1675 Sky Mountain Drive, Reno, NV 89503  
IN THE PRESENCE OF:

This is NOT a certified transcript. Although every effort has been made to ensure accuracy, you need to refer to the original or a copy of the source audio/video tape.

1 (Background noises and voices.)  
2  
3 Heglar: ...She was—He saw her walking down the street. She’s stumbling all over the place, drunk. He was  
4 concerned. She almost got hit with a car, so he follows her all the way up here. She falls over. She’s  
5 bumping into the—the mailboxes. She falls in front here. (Inaudible) saying, “Do you live here?”  
6 (Inaudible). “You need to get inside.” You know? He tries to help her up to her apartment and opens the  
7 door. She falls in; he thinks she’s unconscious. He checks her; ABCs basically. She wakes and just flips  
8 on him.  
9  
10 Unknown: Let me make sure. He’s probably--might be leaving in a second so let me go over there.  
11  
12 Heglar: Is he...  
13  
14 Unknown: Yeah.  
15  
16 Heglar: All right.  
17  
18 Unknown: I haven’t talked to him, yet.  
19  
20 Unknown #2: Have you guys got one statement so far?  
21  
22 Unknown #3: No. I just got another...  
23  
24 (Noises and background voices.)  
25  
26 Dunckley: (Inaudible) part of the job?  
27

RENO POLICE DEPARTMENT  
TRANSCRIPT

CASE # 07-9446

1 Heglar: Come up this way. Yeah.  
2  
3 Dunckley: Let's go look at my penis.  
4  
5 Heglar: (Laughing.) I don't think it's gonna be pleasurable for you than it is for me.  
6  
7 Dunckley: Hey, you never know. (Inaudible).  
8  
9 Heglar: Like I said, this'll...  
10  
11 Dunckley: Just so you know, like, at the foreskin (inaudible) describe this. You and I've been through enough  
12 together. I should buy you a drink or something. No, at the foreskin there's like one area that's like thicker  
13 than the other.  
14  
15 Heglar: Uh-huh.  
16  
17 Dunckley: Just so you know. But, yeah. I have no bite marks or nothing...  
18  
19 Heglar: Okay.  
20  
21 Dunckley: ...(inaudible) also.  
22  
23 Heglar: That's—That's great 'cuz that'll...  
24  
25 Dunckley: That's what were looking for right?  
26  
27 Heglar: That's exactly it.  
28  
29 Dunckley: How close up do you need?  
30  
31 Heglar: (Laughing.)  
32  
33 Dunckley: Oh, look. How're you doing?  
34  
35 Heglar: Good. Thanks.  
36  
37 (Background voices and music.)  
38  
39 Heglar: Let's go right here, man. (Music.) I'll still do a sample.  
40  
41 Unknown: No, I (inaudible) marks.  
42  
43 Heglar: Huh?  
44  
45 Unknown: (Inaudible.) It's a bit inconsistent.  
46  
47 Dunckley: Do you guys want to pat me down real fast?  
48  
49 Heglar: What's up?  
50  
51 Dunckley: You want to pat me down, dude?  
52  
53 Heglar: No.



RENO POLICE DEPARTMENT  
TRANSCRIPT

CASE # 07-9446

1 Dunckley: What's with all the caution tape?  
2  
3 Unknown: Well, we were here a couple days ago.  
4  
5 Heglar: Somebody actually...  
6  
7 Unknown: Do you notice that hole in the wall.  
8  
9 Heglar: Here check this out.  
10  
11 Dunckley: What happened?  
12  
13 Heglar: Somebody rammed they're car into it.  
14  
15 Dunckley: Are you fucking kidding me?  
16  
17 Unknown: Yeah.  
18  
19 Dunckley: Dude, that's a (inaudible).  
20  
21 Heglar: Yeah.  
22  
23 Unknown: She was...  
24  
25 Dunckley: I had some guy called me the other night. I got up here and you know how you were stepping back and  
26 you—the curb was right there?  
27  
28 Heglar: Yeah.  
29  
30 Dunckley: I did that over a girl. And this big (inaudible) goes, "You fucking drunk, dude. You drunk." I'm like,  
31 "Okay. Call the cops on me."  
32  
33 Heglar: Right.  
34  
35 Dunckley: Hurry up, I gotta pee.  
36  
37 Heglar: All right.  
38  
39 Dunckley: Okay.  
40  
41 Heglar: We're gonna do a swab, too.  
42  
43 Dunckley: That's fine.  
44  
45 Heglar: Okay?  
46  
47 Dunckley: I don't have a problem with that.  
48  
49 Heglar: And I would ask that just open...  
50  
51 Dunckley: I already feel sorry for you.  
52  
53 Heglar: Just open up your button and everything. Just kind of do around the area as well. Okay? Um...

RENO POLICE DEPARTMENT  
TRANSCRIPT

CASE # 07-9446

1 Dunckley: See this (inaudible)...

2

3 Heglar: ...we'll have you...

4

5 Dunckley: ...right here?

6

7 Heglar: Mmm-hmm.

8

9 Dunckley: 'Cuz that's like a girl (inaudible) going on right there....

10

11 Heglar: Okay.

12

13 Dunckley: ...It's been there for a while.

14

15 Heglar: We'll have you do the swab. If you wouldn't mind just un—so I can see the area around as well.

16

17 Dunckley: Can I pee real fast?

18

19 Heglar: Yeah. I...

20

21 Unknown: Yeah.

22

23 Heglar: ...don't have a problem with it.

24

25 Dunckley: (Inaudible) I'm a gusher.

26

27 Unknown: I appreciate being cool about this...

28

29 Dunckley: (Inaudible).

30

31 Unknown: ...man. But in the end it's—it's benefitting you.

32

33 Dunckley: I know.

34

35 Unknown: Okay, so.

36

37 (Pause with background noise.)

38

39 Heglar: So get a sample swab with water. And did you do his (inaudible)?

40

41 Unknown: Yeah.

42

43 Dunckley: Yeah, it happened about over five weeks ago. Started getting like a little infection.

44

45 Heglar: Okay.

46

47 Dunckley: No bite marks or nothing. Can I get a copy of that?

48

49 Heglar: Hold on. Let me do one without the flash. We're gonna end up doing a couple, so.

50

51 Dunckley: Take you time. I got a whole stack at home if you want 'em.

52

53 Heglar: No.

RENO POLICE DEPARTMENT  
TRANSCRIPT

CASE # 07-9446

1 Dunckley: Just kidding.  
2  
3 Heglar: Before and afters. If you would, just lift it up so I can photograph the other side, too.  
4  
5 Dunckley: See any teeth marks or anything on the back? I don't know.  
6  
7 Heglar: No.  
8  
9 Unknown: Okay. We'll swab...  
10  
11 Heglar: Okay. I'm...  
12  
13 Dunckley: ...the control first.  
14  
15 Heglar: ...good with that. Okay.  
16  
17 Unknown: Let me show you. We're gonna—I'm just show (inaudible). I'm gonna take one.  
18  
19 Dunckley: Uh-huh.  
20  
21 Unknown: Get a sample of the water.  
22  
23 Dunckley: No problem.  
24  
25 Unknown: So we have a control.  
26  
27 Dunckley: No problem.  
28  
29 Unknown: I'll let it air dry real quick. While I'm doing that, I'm gonna get this one wet. What I want you to do is,  
30 once this it's wet...  
31  
32 Dunckley: Mmm-hmm.  
33  
34 Unknown: ...I want you to just...  
35  
36 Dunckley: Rub the whole area?  
37  
38 Unknown: ...rub around the whole area....  
39  
40 Dunckley: Okay.  
41  
42 Unknown: ...the base and the head. Um, just get as much as you can, twisting as you roll....  
43  
44 Dunckley: Yeah.  
45  
46 Unknown: Okay?  
47  
48 Dunckley: (Inaudible). (Pause.) Good? And I'm not touching it with my hands.  
49  
50 Unknown: Let's just add the base, also.  
51  
52 Dunckley: I did.  
53

RENO POLICE DEPARTMENT  
TRANSCRIPT

CASE # 07-9446

1 Unknown: You did...?  
2  
3 Dunckley: (Inaudible)...  
4  
5 Unknown: ...Good....  
6  
7 Heglar: He already got the base.  
8  
9 Dunckley: All right. Put it in there.  
10  
11 Heglar: That one in there.  
12  
13 Dunckley: Okay. How many you need?  
14  
15 Unknown: Just one.  
16  
17 Dunckely: That's it (inaudible).  
18  
19 Heglar: Yeah. You—You get to zip up and...  
20  
21 Dunckley: You sure?  
22  
23 Heglar: Yeah. (Laughing.)  
24  
25 Dunckley: Come on, big boy. Just kidding. So guys, obviously, what direction are we going here? That's what I'm...  
26  
27 Heglar: Well, this...  
28  
29 Dunckley: ...(inaudible).  
30  
31 Heglar: ...Obviously her accusations are serious....  
32  
33 Dunckley: They are...  
34  
35 Heglar: ...so we gotta—And that's why were doing all this stuff...  
36  
37 Dunckley: I know.  
38  
39 Heglar: ...(inaudible) to show that we did a full investigation. Okay?  
40  
41 Dunckley: And just so you guys know, for full disclosure 'cuz you know who I am, I respect you guys....  
42  
43 Heglar: Mmm-hmm.  
44  
45 Dunckely: ...I got accused of raping a friend of mine, actually, about four—two years ago. And that (inaudible) 'cuz  
46 we consensual sex and then she turned around—Sorry about that. What she turned around and did was, she  
47 (inaudible), so to speak, because I (inaudible) one of her friends. And they found out that that's exactly  
48 what happened.  
49  
50 Heglar: Okay.  
51  
52 Dunckley: So, and we had sex—we had consensual sex. So my DNA is on file 'cuz I didn't have a problem. I was  
53 like, "Hey, I have no criminal background."

RENO POLICE DEPARTMENT  
TRANSCRIPT

CASE # 07-9446

1 Heglar: Right.  
2  
3 Dunckley: So...  
4  
5 Heglar: And, you know, like I said this—We...  
6  
7 Dunckley: I know. I know.  
8  
9 Heglar: ... This time it's just something that we're saying, "Hey, this is what she's claiming..."  
10  
11 Dunckley: What was her B—What was her level?  
12  
13 Heglar: 226.  
14  
15 Dunckley: Are you freakin kidding me?  
16  
17 Heglar: She's very intoxicated....  
18  
19 Dunckley: You think?  
20  
21 Heglar: ... There's no question about that.  
22  
23 Dunckley: I want to do one again. I didn't even register.  
24  
25 Unknown: You want to do a PBT?  
26  
27 Heglar: Oh, you did. He did?  
28  
29 Dunckley: I did one. No, (inaudible)...  
30  
31 Heglar: Oh, okay. I didn't (inaudible)....  
32  
33 Dunckley: ... (Inaudible) please. Get real....  
34  
35 Heglar: Yeah.  
36  
37 Dunckley: ... I don't drink. I wish I could. Oh, god, I wish I could just sit down and have a beer.  
38  
39 Unknown: After tonight you probably want to, huh?  
40  
41 Dunckley: Ya think? I can't. I have (inaudible) with an employee's whose only on duty three house a day.  
42  
43 Heglar: Uh-huh.  
44  
45 Dunckley: You guys want any side jobs?  
46  
47 Heglar: No.  
48  
49 Unknown: Will you get me the keys?  
50  
51 Heglar: Yeah. I got it.  
52  
53 Dunckley: You guys sure you don't want a side job now?

RENO POLICE DEPARTMENT  
TRANSCRIPT

CASE # 07-9446

1  
2 Heglar: It's actually—We got very strict policies for our side jobs. Thanks.  
3  
4 Unknown: Thank you.  
5  
6 (Background noises and music.)  
7  
8 Dunckley: Oh, shit.  
9  
10 Heglar: Thanks.  
11  
12 (Walking outside; background noises.)  
13  
14 Heglar: All right. We also have an officer going down just to get a quick statement from your wife.  
15  
16 Dunckley: That's fine. Yeah. I just talked with someone...  
17  
18 Heglar: With her saying, "Hey. I was on the phone with him the whole time," and you actually should be on your  
19 way pretty soon. 'Preciate your cooperation in all this.  
20  
21 (Background voices.)  
22  
23 Heglar: Okay. You gonna go...  
24  
25 Dunckley: Just so you guys know. She was coming from that direction totally plastered. Okay?  
26  
27 Heglar: Yeah.  
28  
29 Dunckley: I don't know who—where she was coming from. I don't know. I don't care. All I know is that she got  
30 here and I get in trouble.  
31  
32 Heglar: Well...  
33  
34 Dunckley: Yeah, I know. I know.  
35  
36 Heglar: Like I said, if you were in that much trouble, you'd cuffs on and be going to jail right now. But, like I said,  
37 that's not...  
38  
39 Dunckley: I can bring my own.  
40  
41 Heglar; ...the route we're going with this. Yeah. Uh.  
42  
43 Dunckley: See you later.  
44  
45 Heglar: Hang tight for just a few more minutes....  
46  
47 Dunckley: I know. I'm going to the car.  
48  
49 Heglar: ...You gonna go--? Okay. And just get a quick statement from her. Yeah.  
50  
51 (Background noises.)  
52  
53 Heglar: She's claiming that she...

RENO POLICE DEPARTMENT  
TRANSCRIPT

CASE # 07-9446

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1  
2 (End of recording.)  
3  
4  
5  
6



VeriPic



VeriPic (R) Digital Photo Lab [www.VeriPic.com]

Media Title	1645 Sky Mountain Dr.
Notes	
Case, Claim or File Number	07-9446
Photographer	Scott Heglar
Authentication Result	Passed (Security begins at: Download, Authentication Strength: 256 Bits)
Camera Model	Canon PowerShot A85
Camera Clock	03/10/2007 08:35:49 PM Pacific Standard Time
Media Import Time (Authentic)	03/13/2007 12:22:46 AM Pacific Standard Time (Time of Importing)
Media File	Picture 013.jpg
Magnification	129 % of available space
Origin (X Pixels, Y Pixels)	(261 Pixels, 0 Pixels)
Resolution (X Pixels, Y Pixels)	(2272 Pixels Wide, 1704 Pixels High)
Viewing Parameters	Brightness: 100, Contrast: 100, Color: 100, Red Strength: 100, Green Strength: 100, Blue Strength: 100
Background Removal Filters	Filters are not being used.





VeriPic (R) Digital Photo Lab [www.VeriPic.com]

Media Title	1645 Sky Mountain Dr.
Notes	
Case, Claim or File Number	07-9446
Photographer	Scott Heglar
Authentication Result	Passed (Security begins at: Download, Authentication Strength: 256 Bits)
Camera Model	Canon PowerShot A85
Camera Clock	03/10/2007 08:35:58 PM Pacific Standard Time
Media Import Time (Authentic)	03/13/2007 12:22:46 AM Pacific Standard Time (Time of Importing)
Media File	Picture 014.jpg
Magnification	129 % of available space
Origin (X Pixels, Y Pixels)	(261 Pixels, 0 Pixels)
Resolution (X Pixels, Y Pixels)	(2272 Pixels Wide, 1704 Pixels High)
Viewing Parameters	Brightness: 100, Contrast: 100, Color: 100, Red Strength: 100, Green Strength: 100, Blue Strength: 100
Background Removal Filters	Filters are not being used.

RENO POLICE DEPARTMENT  
TRANSCRIPT

CASE # 07-9446

PERSON GIVING STATEMENT: Jessica Hambrick  
 SEX/RACE/DOB: Female  
 RESIDENCE ADDRESS: 10125 Gold Mine Drive, Reno, NV 89521  
 EMPLOYMENT: Truckee River Painting & Decor  
 TAKEN BY: Detective Tom Broome  
 ON: 03-19-07 FROM: 0930 hrs. TO: 0947 hrs.  
 LOCATION OF INTERVIEW: Sex Crimes Office, 350 S. Center, Reno, NV 89501  
 IN THE PRESENCE OF:

This is NOT a certified transcript. Although every effort has been made to ensure accuracy, you need to refer to the original or a copy of the source audio/video tape.

1 (Background voices and door shuts.)  
 2  
 3 Broome: Busted my hand on the door. Sorry, Jessica. All right. Like I talked to you on the phone, obviously there's  
 4 two different versions of, you know, what this guy's saying and, uh, and what you remember.  
 5  
 6 Hambrick: Mmm-hmm.  
 7  
 8 Broome: And you're pretty clear on, uh, on what happened that day?  
 9  
 10 Hambrick: All, um, I remember is walking into my apartment, looking around for Josh. Josh wasn't there. Turning  
 11 around and he's standing there. And he told me to suck his dick and I didn't know what to do but do it.  
 12 But when I went to do it, I just bit 'cuz I—You know? And that was that. And he, like—I know he kind of  
 13 like pushed my head or he slapped me and then just took off. And I was trying to chase him but the guys  
 14 downstairs took him down. And then after that I just ran up to him and slapped him or hit him or did  
 15 something, and Josh was trying to pull me back.  
 16  
 17 Broome: Okay. Well, like I told you before, we--he was cooperative. And, uh, uh, the officers on scene had him  
 18 take his pants down and look for any bite marks and couldn't see any. Um, and we also, uh, took DNA so,  
 19 you know, at some...  
 20  
 21 Hambrick: Mmm-hmm.  
 22  
 23 Broome: ...point we'll take a look at that. Um, do you drink a lot? And the reason I ask you that is because of, you  
 24 know, you were like a 226. That's pretty high. Uh...  
 25  
 26 Hambrick: Yeah. I've drank a lot in the past.  
 27  
 28 Broome: Yeah.

RENO POLICE DEPARTMENT  
TRANSCRIPT

CASE # 07-9446

1 Hambrick: So—But...  
2  
3 Broome: Do you remember where you were going or coming from?  
4  
5 Hambrick: Well, me and my boyfriend got into an argument 'cuz...  
6  
7 Broome: Right.  
8  
9 Hambrick: ...he didn't want me out with my brother. And I don't know why. I was just hanging out at his house.  
10 And so I told him, like, you know—and looking back it was a stupid idea, but I left. And when I was  
11 coming back I could tell someone was following me, like, I don't know. But I don't really remember  
12 anything. Just walking up my stairs and going into my apartment. And I turned around and someone's in  
13 my apartment.  
14  
15 Broome: Have you ever had blackouts before when you've been drinking?  
16  
17 Hambrick: I guess. I mean, I'm sure I have. Like, where you don't remember something? Yeah.  
18  
19 Broome: Have you ever, um—Do you remember feeling that something was going on and coming—finding out later  
20 that that wasn't true? Um, you know, something like this. Have you ever...  
21  
22 Hambrick: No.  
23  
24 Broome: Have you ever accused somebody of something and then, you know, found out later, "Wow. I guess that  
25 wasn't true?"  
26  
27 Hambrick: No.  
28  
29 Broome: You know, somebody that you trusted. You know? Or, you know, you thought something was going on  
30 and...  
31  
32 Hambrick: No because usually it's just like a get-together, have fun.  
33  
34 Broome: Okay. You don't remember him helping you up the stairs or...  
35  
36 Hambrick: No. I went up the stairs by myself.  
37  
38 Broome: Okay.  
39  
40 Hambrick: 'Cuz I know I was holding onto the handrail. And my problem when I walk into my apartment is, I walk in  
41 and most of the time I don't shut the door all the way behind me. Like, I just—You know? And it'll make  
42 that noise but it's still open like that much. And, I don't know. I mean, I know he didn't help me up my  
43 stairs.  
44  
45 Broome: You know that?  
46  
47 Hambrick: Yeah. I know I went to my apartment by myself.  
48  
49 Broome: Okay. Um, are you sure you bit him?  
50  
51 Hambrick: Mmm-hmm. I'm pos—Yes. I bit as hard—Like, even—'Cuz I had to explain to the guys at the work why  
52 I kept getting phone calls. And finally I just...  
53

RENO POLICE DEPARTMENT  
TRANSCRIPT

CASE # 07-9446

1 Broome: From who?  
2  
3 Hambrick: From you. Like...  
4  
5 Broome: Oh, okay.  
6  
7 Hambrick: ...'cuz they were like, "Who's calling?" And I'm, like—'cuz I had to keep walking out of the room. So  
8 finally I just told 'em. And I bit as hard as I could and it shriveled in my mouth. Like, it went limp in my  
9 mouth. Like, that's why I couldn't bite anymore.  
10  
11 Broome: Okay. That makes sense. Remember, we talked about, uh, if you remember if, um, if there was anything  
12 unusual about it? If he had any hair...  
13  
14 Hambrick: I...  
15  
16 Broome: ...or anything like that?  
17  
18 Hambrick: ...I don't really remember 'cuz my eyes were closed. Like, I just was biting. I mean, to me it's kind of  
19 amazing that you don't see (phone ringing) bite marks or anything because I bit as hard as I could. (Phone  
20 ringing.)  
21  
22 Broome: I'm sorry. I'm trying (inaudible due to phone ringing). (Aside.) This is Tom. Hi, Marilyn. Okay. Um,  
23 what I wanted to tell you was I talked to the supervisor over here, uh, at DCFS here, and they'll send a  
24 runner. Is that okay with you guys? Okay. With Social Services. Well, to—Actually to Social Services  
25 'cuz we share office space with him. We're actually in the same building. So, um, as soon as I get done  
26 with this interview, I'll go talk to the, uh, Social Services, uh, um, supervisor. And is anytime bad or good  
27 for you? Okay. And they can just show up there and check him out? Okay. Oh, sure. Okay. Well, I'll  
28 make arrangements and I'll call you back and tell you when this is all going to happen. Thanks, Marilyn.  
29 Bye-bye. (Returning.) Sorry. Okay. And you told me that you started to—you started to perform a  
30 fellatio? And the reason I ask that is, do you think there a pretty good transfer of DNA...?  
31  
32 Hambrick: Yeah.  
33  
34 Broome: ...of your—of you on him?  
35  
36 Hambrick: Yes.  
37  
38 Broome: Yeah?  
39  
40 Hambrick: Yeah. I'm (pause)...  
41  
42 Broome: All right. Okay. Um, you know, when I told you before, you know, this would be tough. This would be  
43 extremely tough, um, had I not recognized the name. Um, you know, it's a pretty good alibi. You know?  
44 "I was just helping her." You know? "I was on the phone with my wife the whole time." And, um, you  
45 know, being very cooperative...  
46  
47 Hambrick: He didn't help me get to my house. Or nothing. He wasn't on the phone. (Beginning to cry.)  
48  
49 Broome: Okay. All right. All right. Well, I hope that, you know, we have this DNA transfer and we'll be able to do  
50 something with this. And you're, uh—You're gonna stick with me and...  
51  
52 Hambrick: Mmm-hmm.  
53

RENO POLICE DEPARTMENT  
TRANSCRIPT

CASE # 07-9446

1 Broome: ...you know, go through the whole process and, you know?  
2  
3 Hambrick: How, like—How long is it going to be?  
4  
5 Broome: Well, the DNA's gonna take a little bit to, uh, um, to work. I'm gonna bring him in and, uh, we're gonna  
6 have an interview first, uh, of, you know, I want him to tell me, "No. No. No." You know? "It didn't  
7 happen. Didn't happen." And then, you know, it would be a little bit before we could get the DNA run.  
8 Um, that—How long? I don't know. Um, sometimes we get a pretty quick turn-around; sometimes it takes  
9 a little bit.  
10  
11 Hambrick: Mmm-hmm.  
12  
13 Broome: So, I guess a lot it depends on what he does and—and—Here's a tissue for you.  
14  
15 Hambrick: Thank you.  
16  
17 Broome: What he does, uh, when I sit down and talk to him. Okay? So, uh, you know, just stay strong and, um, you  
18 know, whatever happens, you know, I'm—you know, we're on your side. You know? There's a big  
19 difference in what we believe and what we can prove.  
20  
21 Hambrick: Mmm-hmm.  
22  
23 Broome: Um, and I've been doing this a long time and, uh, you know, as long as you're honest with me then, you  
24 know, this will all work out okay. And you just got to be square with me about everything. You know?  
25 No—No, uh—The things that bite us in court, um, later on or, um, you know, when we find out something,  
26 you know, like right before court, you know, um, that something that might be important and—or doesn't  
27 look very well. So, you know, just be honest with me, you know, about, you know, everything that's  
28 happened. And this will stay between us....  
29  
30 Hambrick: Mmm-hmm.  
31  
32 Broome: ...Okay? What—What you tell everybody else is your own business. So, just be square with me about  
33 everything and if you remember something else, by all means, um, you know, uh—What's up with you and  
34 Josh? Um...  
35  
36 Hambrick: He—He moved back to Oklahoma.  
37  
38 Broome: Yeah.  
39  
40 Hambrick: So.  
41  
42 Broome: Did he not believe...  
43  
44 Hambrick: No, he...  
45  
46 Broome: ...what (inaudible)?  
47  
48 Hambrick: ...believes it. He knows everything that's going on, but I don't know what happened. And, um, he still—  
49 He wants to get back together with me, but he wants me to go to Oklahoma. He just doesn't like it here.  
50  
51 Broome: Yeah. Have you been to Oklahoma?  
52  
53 Hambrick: Yeah. I lived there for like three years with him. But...

RENO POLICE DEPARTMENT  
TRANSCRIPT

CASE # 07-9446

1 Broome: What part of Oklahoma?  
2  
3 Hambrick: Oklahoma City.  
4  
5 Broome: Yeah?  
6  
7 Hambrick: Yeah.  
8  
9 Broome: This is gonna be nice (inaudible) Oklahoma City...  
10  
11 Hambrick: Yeah.  
12  
13 Broome: ...(Inaudible)...  
14  
15 Hambrick: (Inaudible). This whole week so much crap has been going on. Everyone's like, "Just stay with your dad.  
16 That's all you gotta do."  
17  
18 Broome: What else is going on?  
19  
20 Hambrick: Just—He left. All my stuff is still at my apartment. My dad's in the middle of moving. So I have to get  
21 my dad moved into his house before I move in. And just a real hectic week.  
22  
23 Broome: Does your dad know what's going on?  
24  
25 Hambrick: Yeah. I told him. I didn't—I told, uh—She's like my mom. I told her the day after and, um, she was like,  
26 "Well, you need to find out the case number. You need to find out this." I was trying to call around and I  
27 couldn't find nothing out 'cuz I didn't really know anything. And then that's when you called and I told  
28 her what was going on. And so finally I just told my dad today.  
29  
30 Broome: Okay.  
31  
32 Hambrick: I just told him that someone just followed me into my apartment. That's why I have to talk to a detective.  
33  
34 Broome: Did he make any threats? Or just tell you that, "Just suck my dick?"  
35  
36 Hambrick: Mmm-hmm.  
37  
38 Broome: What'd he...  
39  
40 Hambrick: I...  
41  
42 Broome: ...What did he say?  
43  
44 Hambrick: He was just like, "Suck my dick." And I was just like—He was standing where all I could do was—If I—  
45 Like I couldn't do nothing except go in my bathroom or go in my bedroom or try to jump over my furniture  
46 to get out. And, like, there—I mean, I would've grabbed something but I couldn't do nothing. Like, 'cuz  
47 he—The kitchen's over here. And, I mean, honestly, I wasn't thinking about stabbing him or nothing. I  
48 was just like--I didn't know what to do.  
49  
50 Broome: Did he have any weapons?  
51  
52 Hambrick: I don't know.  
53

RENO POLICE DEPARTMENT  
TRANSCRIPT

CASE # 07-9446

1 Broome: Did he say he did?  
2  
3 Hambrick: No.  
4  
5 Broome: Okay.  
6  
7 Hambrick: He just told me to do it and I just got scared and just...  
8  
9 Broome: Did he call you any names or anything?  
10  
11 Hambrick: Hmm-mmm.  
12  
13 Broome: No? Okay. Did Josh try to beat him up that day?  
14  
15 Hambrick: No.  
16  
17 Broome: No? Didn't...  
18  
19 Hambrick: The...  
20  
21 Broome: ...he hold him for the police?  
22  
23 Hambrick: Yeah. But the two guys went—When he went running down the stairs and I kept trying to grab him. I was  
24 like, "Stop! Someone, help! Help!" And I saw the two guys, and I was like, you know, just like, "Help!  
25 Call the cops! Someone do something!" And then they tackled him on the ground. And they went to pick  
26 him up and, like, I was still running after him. And I just ran up to him and I tried to hit him or slap him or  
27 do something. Then—Then all of sudden Josh came from the car or from outside the gate and pulled me  
28 off and said, "What's going on? What's going on?" And then I just told him, "He made me suck his dick."  
29 Like...  
30  
31 Broome: Could you hear him saying anything? Was he...  
32  
33 Hambrick: No, I was...  
34  
35 Broome: ...giving anybody a story?  
36  
37 Hambrick: Uh-huh. I couldn't hear nothing....  
38  
39 Broome: You couldn't? Okay.  
40  
41 Hambrick: ...and I was just frantic. Just, I don't know, like, just bawling my eyes out and basically like a crazy  
42 person. So.  
43  
44 Broome: Okay. Is this unusual for you?  
45  
46 Hambrick: Yeah.  
47  
48 Broome: Yeah?  
49  
50 Hambrick: I never thought it would happen to me. I thought I was too tough. I thought I was too strong. I mean, I've  
51 heard of it happening but...  
52  
53 Broome: Yeah.

RENO POLICE DEPARTMENT  
TRANSCRIPT

CASE # 07-9446

1 Hambrick: ...I figure, "I'll beat the person up and get 'em out of my apartment."  
2  
3 Broome: So what do you do here?  
4  
5 Hambrick: I'm a painter.  
6  
7 Broome: A what?  
8  
9 Hambrick: A painter.  
10  
11 Broome: A painter? Who're you working for?  
12  
13 Hambrick: Um, Truckee River Painting & Décor.  
14  
15 Broome: And they know what's going on now, so?  
16  
17 Hambrick: Uh, well, I talked to my boss earlier...  
18  
19 Broome: I mean, they'll let us talk? I guess is what I'm asking.  
20  
21 Hambrick: Yeah.  
22  
23 Broome: If you need to.  
24  
25 Hambrick: I haven't told the owner of the company, the boss-boss, just the foreman on the job.  
26  
27 Broome: Okay.  
28  
29 Hambrick: I have to—'Cuz I just called him earlier and let him know that I was going to go to the DMV. You know?  
30 I haven't got there, yet, so I'm not sure what I'm going to do.  
31  
32 Broome: And which address are you...  
33  
34 Hambrick: Um...  
35  
36 Broome: Do you have a new address that you're moving to?  
37  
38 Hambrick: Yeah.  
39  
40 Broome: Do you know what that is?  
41  
42 Hambrick: 10125 Gold Mine Drive.  
43  
44 Broome: Where's that?  
45  
46 Hambrick: It's, uh—They're new houses. The mail doesn't even get sent there, yet. You have to go to the Post Office  
47 and pick it up....  
48  
49 Broome: Okay.  
50  
51 Hambrick: ...It's right by Damonte Ranch High School.  
52  
53 Broome: So it's in Reno?



RENO POLICE DEPARTMENT  
TRANSCRIPT

CASE # 07-9446

1 Hambrick: Yeah.  
2  
3 Broome: Okay. Do you know what the zip is down there?  
4  
5 Hambrick: 89521.  
6  
7 Broome: Okay. All right. Okay. Um, I'm gonna get a DNA sample from ya...  
8  
9 Hambrick: Mmm-hmm.  
10  
11 Broome: ...so we can, uh, do some comparison. (Pause with background noises.) It's pretty simple. Just, uh—  
12 There's a couple swabs in here. Just roll it, you know, back here between...  
13  
14 Hambrick: Back here?  
15  
16 Broome: ...your cheek and gum. Yeah. Just roll it back and forth. We'll do one on each side, and then, uh...  
17  
18 Hambrick: So your saliva doesn't have DNA?  
19  
20 Broome: Yeah, your saliva.  
21  
22 Hambrick: Okay.  
23  
24 Broome: Yeah. It...  
25  
26 Hambrick: Sorry, I don't...  
27  
28 Broome: ...has great DNA.  
29  
30 Hambrick: ...know.  
31  
32 Broome: Yeah. It's better—We don't even take blood anymore. We just use saliva. Here you go. Stick that one in  
33 there, and we'll do one on the other side, too. (Short pause.) All right. And I'll get him in the next day or  
34 two and let you know how this thing goes. I'll give you a card so you can get a hold of me any time.  
35  
36 Hambrick: Okay.  
37  
38 Broome: Okay? We'll figure this out. Just—if you remember anything else, just, you know, let me know. Okay?  
39 And I'll let you know how this thing goes.  
40  
41 Hambrick: So that's it?  
42  
43 Broome: We'll figure it out. That's it.  
44  
45 Hambrick: Okay.  
46  
47 Broome: All right. And I'll...  
48  
49 Hambrick: It was nice meeting you.  
50  
51 Broome: ...be talking to you again. Okay?  
52  
53 (Door opens and background voices.)

RENO POLICE DEPARTMENT  
TRANSCRIPT

CASE # 07-9446

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1 (End of recording.)  
2  
3

RENO POLICE DEPARTMENT  
TRANSCRIPT

CASE # 07-9446

PERSON GIVING STATEMENT: Brendon Dunckley  
 SEX/RACE/DOB: Male  
 RESIDENCE ADDRESS:  
 EMPLOYMENT: Assential Parking Control  
 TAKEN BY: Detective Tom Broome  
 ON: 03-22-07 FROM: 0955 hrs. TO: 1136 hrs.  
 LOCATION OF INTERVIEW: Sex Crimes Office, 350 S. Center, Reno, NV 89501  
 IN THE PRESENCE OF:

This is NOT a certified transcript. Although every effort has been made to ensure accuracy, you need to refer to the original or a copy of the source audio/video tape.

1 (Background noises and door opens.)  
 2  
 3 Female: All right. Go ahead and have a seat in here. Would you like some coffee or water...  
 4  
 5 Dunckley: No. I'm good.  
 6  
 7 Female: ...or anything? You okay?  
 8  
 9 Dunckley: I'm good.  
 10  
 11 Female: Okay. Tom'll be right with ya.  
 12  
 13 Dunckley: No rush. Thanks.  
 14  
 15 Female: Okay.  
 16  
 17 (Door closes. Pause for approximately 40 seconds.)  
 18  
 19 (Door opens.)  
 20  
 21 Broome: Hey. She getting you something?  
 22  
 23 Dunckley: (Inaudible). No, I'm good. I have a weird thing, I can't eat before noon.  
 24  
 25 Broome: Really.  
 26  
 27 Dunckley: I can't eat or drink before noon, yeah.  
 28

RENO POLICE DEPARTMENT  
TRANSCRIPT

CASE # 07-9446

1 Broome: Something physical?  
2  
3 Dunckley: Na. Just heartburn.  
4  
5 Broome: (Inaudible) and I appreciate you coming down.  
6  
7 Dunckley: Do you understand? I literally—Like what happened last (inaudible), I've tried to put behind me. And  
8 (inaudible), served a company. I'm the president of the PTO. I stay out of trouble and every single time I  
9 get involved with anything...  
10  
11 Broome: (Inaudible).  
12  
13 Dunckley: I have the worst judgment calls.  
14  
15 Broome: I won't disagree with you.  
16  
17 Dunckley: But you have no idea. I turned around to help someone out and the next thing I know...  
18  
19 Broome: You know you're not under arrest. You're free to leave.  
20  
21 Dunckley: I know.  
22  
23 Broome: Anytime you want. So, like we talked about yesterday, um...  
24  
25 Dunckley: I also—Just so you know...  
26  
27 Broome: ...(inaudible)...  
28  
29 Dunckley: ...I informed everything to Morgan. She knows everything.  
30  
31 Broome: Okay.  
32  
33 Dunckley: 'Cuz she was...  
34  
35 Broome: What did she say?  
36  
37 Dunckley: She—She goes, "You did something stupid in less than two minutes." And, yeah. Well, yeah. And the  
38 thing is, you have to understand something, okay? The first time with—with the law situation, which I  
39 don't even know if that's on the table here, but obviously accusations were made. You got your job and  
40 you know that I respect that. That was consensual. Okay? Morgan knows about that. I have no secrets  
41 from my wife. She knows what goes on.  
42  
43 Broome: She's gotta be patient, I'll give her that.  
44  
45 Dunckley: You know? I don't know what the hell. I asked her this morning, I was like, "Why?" You know, I'm—  
46 I'm—I'm really kind of an idiot. I mean, I don't do this. I don't go out stalking people as something to do.  
47 It just literally wrong time—right—wrong judgment calls to even get involved. And the same thing with  
48 the cops that were there that night. They said, "You know what? Why didn't you just call us? Stay at a  
49 distance?" I stayed at a distance, but when I saw her fall on the stairs. I helped her.  
50  
51 Broome: Well, let's back up.  
52  
53 Dunckley: All right.

RENO POLICE DEPARTMENT  
TRANSCRIPT

CASE # 07-9446

1 Broome: Where do you first see her?  
2  
3 Dunckley: I first saw her on—when I'm turning down from the Sky Mountain or whatever that road is right there. I  
4 can't remember. I get the street mixed up and everything. The one not (inaudible) parallel to—The one  
5 that you go onto to go straight down to McCarran.  
6  
7 Broome: Okay. Yeah.  
8  
9 Dunckley: I'm turning onto...  
10  
11 Broome: One's Sky Valley, one's Sky Mountain.  
12  
13 Dunckley: Yeah. I'm just—I'm not very good. I'm turning onto Misty Ridge Road.  
14  
15 Broome: Okay.  
16  
17 Dunckley: Okay?  
18  
19 Broome: And what are you driving?  
20  
21 Dunckley: I'm driving my van.  
22  
23 Broome: Okay. Is it your booting van?  
24  
25 Dunckley: My white—Just my personal white van.  
26  
27 Broome: Okay.  
28  
29 Dunckley: Yeah. That's, uh...  
30  
31 Broome: Like a minivan, or...?  
32  
33 Dunckley: Yeah.  
34  
35 Broome: Oh, okay. All right.  
36  
37 Dunckley: (Inaudible) minivan. And then, I was hurrying and I see—which everyone knows is my car because I was  
38 sitting in it when I was at the seen 'cuz when I was getting beat up on property, I went to my car.  
39  
40 Broome: Okay.  
41  
42 Dunckley: And I didn't move and immediately called the police department. Um, I'm turning north onto Misty Ridge  
43 and she's staggering across the street. Falls into the street. I'm on the phone with Tyler and Morgan. She  
44 falls into the street, stands up and starts staggering around. I tell Morgan, I'm like, "Hey, you're not gonna  
45 believe this? This is what's going on." And she goes, "Well, make sure she gets home okay." That's fine.  
46 And I'm like, "Well, I don't want to get—" Literally, she's all over the place. Staggering into the road,  
47 falling onto the sidewalks, everything. So I turn around and keep my distance and just keep an eye make  
48 sure she doesn't like fall into the ravine. But they recently put a fence up there....  
49  
50 Broome: But you had a short conversation with her before she got back to the complex?  
51  
52 Dunckley: Yes....  
53

RENO POLICE DEPARTMENT  
TRANSCRIPT

CASE # 07-9446

1 Broome: What did you say (inaudible)...  
2  
3 Dunckley: ...I asked if she was okay. And—I asked if she was okay and...  
4  
5 Broome: Did you offer to give her a ride?  
6  
7 Dunckley: I did. And then I realized that my wife was not in the car. And I said, "No." So I did not give her a ride.  
8  
9 Broome: Okay.  
10  
11 Dunckley: Okay?  
12  
13 Broome: What did—What did you say to her?  
14  
15 Dunckley: I asked her if she was okay, if she knew her name, everything like that. She said she's just up here. And so  
16 she went up to her—She just lived up there. She said got into a—She didn't know what she was doing.  
17 She started crying. She said that, "I'm sorry. I'm sorry. I don't know what's going on. I'm sorry. I'm  
18 sorry." And I was like, "What's your name? Do you know what day it is? What the date is," and  
19 everything else like that. She turned around and I asked her, um, how much she had to drink and what was  
20 wrong. "My boyfriend and I got in a huge fight. I, uh, I don't know where he is. I don't know what's  
21 going on and he's gonna be mad 'cuz I lost my slippers."  
22  
23 Broome: Okay.  
24  
25 Dunckley: She proceeds to go back up to her—or towards her apartment. (Inaudible). I go around the other side.  
26 She's there, staggers on the stairs and falls, takes like a header to the stairs and, like, falls. No damage or  
27 anything like that, she just stumbled over the stairs. I get out, help her up the stairs, bang on her apartment  
28 door—bang on the door to see if anyone's there. Ask her if she has any keys. Knocking on the door. She  
29 says, "No, I don't have any keys. It's okay." And she staggers to the door, puts her hand like this, swats at  
30 the door and the door opens up. She goes in, falls out on the ground immediately. I do check her to see if  
31 she's okay 'cuz she's not responding. The door's still open. I pull her in and then realize that she's now  
32 coming to. She puts her arms around me, starts, like, getting all, like, affectionate to me and everything  
33 like that. I back away. Okay? She passes out once more. I do a—I rub her chest on her sternum 'cuz  
34 she's not responding. I check for a pulse. She's fine and then she comes to. She starts like going—Now  
35 I'm literally standing up right now. And she's down. So she pulls at my—She pulls on my zipper and  
36 pulls out my penis and then really starts going (inaudible). And immediately starts to do this. And I back  
37 away. She passes out again. I put my zipper back up, put everything back away. And, mind you, my  
38 boxers are kind of weird. (Inaudible). My penis, um--Just literally the front flap—I don't know if you  
39 wear boxers or briefs. Doesn't matter. But literally, my wife always tells me to, like, when I'm home to  
40 put that away 'cuz it starts hanging out 'cuz I always shorts around like that. But literally I stood up. She  
41 passed out again. I asked her if she was okay. I shook her just a little bit and said, "Jessica? Jessica?  
42 Wake up. Jessica? You need to stay with me." And that time she woke up again. Totally went just (snap)  
43 opposite end of the spectrum. "Who are you?" I mean, like, she was possessed. I immediately got up,  
44 opened the door, got out of there. I called Morgan immediately from the staircase. She's on the phone  
45 with me. Jessica comes up starts—grabs the back of my jacket, pulling me back. She says, "No. No. No.  
46 No. No. You raped me. You raped me." I did nothing of the sort. This girl literally...  
47  
48 Broome: Why didn't you tell the cops that—that night?  
49  
50 Dunckley: Because, at that time, what am I—what am I gonna tell them?  
51  
52 Broome: Well, didn't you think when they were swabbing your penis that they were gonna come up with DNA?  
53

RENO POLICE DEPARTMENT  
TRANSCRIPT

CASE # 07-9446

1 Dunckley: I knew they would. And the thing is, I didn't—That's exactly what happened. And the thing is, what am I  
2 gonna do? I have this girl who's intoxicated already tried to beat the crap out of me. Her boyfriend, who's  
3 high as a kite because he came up to me also, wreck—smelling of marijuana—totally blacked—She's...  
4  
5 Broome: I don't know how she gets your penis out against your will.  
6  
7 Dunckley: It's literally—I'm standing up and she like zip—unzipped my fly. Please understand. I'm saying it's a bad  
8 judgment call. And for a split second I did not resist. For a split second. I'm not sitting there whipping it  
9 out, being, "Here you go, baby. Do this." You ask my wife, that's the one thing—I'm—It's a stupid thing  
10 but I'm much more of a giver than a taker. I'm not big on that. That's not my thing. I'm not big on girls  
11 going down on me. I'm not big on oral sex for me. It doesn't do anything for me. It doesn't.  
12  
13 Broome: Well...  
14  
15 Dunckley: I understand...  
16  
17 Broome: You had it in the last one, too.  
18  
19 Dunckley: I know.  
20  
21 Broome: So...  
22  
23 Dunckley: Well, I'm just saying, it doesn't...  
24  
25 Broome: Well, we've got kind of a pattern going here.  
26  
27 Dunckley: I understand that. But understand this, I mean, I didn't—This is the epitome of the stupidest judgment calls  
28 in the world.  
29  
30 Broome: I mean, this kind of sounds like a...  
31  
32 Dunckley: I know.  
33  
34 Broome: ...a, uh, a, you know, a penthouse letter that, you know, "Walked into the room and, you know, this gal,  
35 you know, jerked my pants down and, you know, started doing this."  
36  
37 Dunckley: I understand.  
38  
39 Broome: And she thought the boyfriend might've been in there when...  
40  
41 Dunckley: And that's the thing. That's why I was banging on the door. I didn't want anything to do with this. I  
42 was...  
43  
44 Broome: Don't...  
45  
46 Dunckley: ...banging on the door.  
47  
48 Broome: ...you think that's unusual that she would do that, you know, thinking that the boyfriend was...  
49  
50 Dunckley: I don't...  
51  
52 Broome: ...(inaudible)?  
53

RENO POLICE DEPARTMENT  
TRANSCRIPT

CASE # 07-9446

1 Dunckley: ...even think she was in the frame of mind to even care. Honestly? 'Cuz I didn't she even cared what was  
2 going on. 'Cuz she was totally—That's when I—when I first—I'm like, "Oh. All right." And then I  
3 realized, "What a second?" Like literally (snap) just that fast, I'm...  
4  
5 Broome: Here's another problem, then. And then—And I'm trying to keep you from—from burying yourself.  
6  
7 Dunckley: Go ahead.  
8  
9 Broome: But, you know, there were some people that we talked to...  
10  
11 Dunckley: Mmm-hmm.  
12  
13 Broome: ...um, after you left.  
14  
15 Dunckley: Mmm-hmm.  
16  
17 Broome: That, uh, saw kind of what was going on.  
18  
19 Dunckley: Mmm-hmm.  
20  
21 Broome: And were—had no idea what it would be leading up to.  
22  
23 Dunckley: Yeah.  
24  
25 Broome: But, uh, you know, saw her going into the apartment and then you go in later behind her. Not later, but,  
26 you know, shortly after that. So you didn't...  
27  
28 Dunckley: Shortly after...?  
29  
30 Broome: So you didn't—you didn't...  
31  
32 Dunckley: No....  
33  
34 Broome: ...follow her in?  
35  
36 Dunckley: ...No. Really I helped her up the stairs. I was literally helping up the stairs. I was at the door with her. I  
37 banged on the door.  
38  
39 Broome: But the door had shut and then you went back in. Did...  
40  
41 Dunckley: No...  
42  
43 Broome: ...you got back in to check on her or...?  
44  
45 Dunckley: I didn't go back in. The door literally—The door went down--The door closed and she was on the ground  
46 and her door—her foot was at the door. Her foot was at the door and that's why I saw that she had passed  
47 out. That she had fallen.  
48  
49 Broome: So the door did close...  
50  
51 Dunckley: The door immediately...  
52  
53 Broome: And that's why (inaudible)...



RENO POLICE DEPARTMENT  
TRANSCRIPT

CASE # 07-9446

1 Dunckley: (Inaudible). I pushed it open because I saw that she had collapsed on the ground. I said that from the  
2 beginning. She had collapsed....  
3  
4 Broome: (Inaudible) and, again, ...  
5  
6 Dunckley: She fell into a big pile of laundry.  
7  
8 Broome: ...with all this going on. I mean, you know, 911 is a whole lot easy than all of this. I'm sure.  
9  
10 Dunckley: You don't understand. I'm putting that on speed dial. I'm not even—I don't care if someone's on the side  
11 of the road. I'm getting nowhere involved in this stuff. I don't want nothing to do with anybody anymore.  
12 Like, people—I don't want anything to do with any people.  
13  
14 Broome: But you also don't tell the cops that you have a conversation with her before, um—I mean, you left some  
15 stuff out.  
16  
17 Dunckley: I—I understand that because at the same time, I'm getting hit and accused of all this crap. And the first  
18 thing I think in my mind is, "What the hell? I help someone out who needs help...."  
19  
20 Broome: You...  
21  
22 Dunckley: "...I see somebody's in need."  
23  
24 Broome: ...You bullshitted Morgan, too. You know? I mean, you kind of dragged her into this...  
25  
26 Dunckley: I told her...  
27  
28 Broome: ...(inaudible)...  
29  
30 Dunckley: ...when she was on the phone with me...  
31  
32 Broome: ..."I was talking on the phone the whole time." Well...  
33  
34 Dunckley: With the exception of—Yeah, there was...  
35  
36 Broome: ...you weren't talking on the phone to her.  
37  
38 Dunckley: ...that two minute—that two minute. And that's the thing. And I told her that. And she didn't realize that  
39 during that time period when I supposedly getting out and I was (inaudible), we did get off the phone. And  
40 that was the whole thing.  
41  
42 Broome: I mean, it looks like—I think it is...  
43  
44 Dunckley: It looks horrible.  
45  
46 Broome: ...like anybody that you're...  
47  
48 Dunckley: I know.  
49  
50 Broome: ...I mean, you're alibi in this thing, you know, in using your wife. And if you remember...  
51  
52 Dunckley: My wife would be the first to throw me under the (inaudible). If I want to...  
53

RENO POLICE DEPARTMENT  
TRANSCRIPT

CASE # 07-9446

1 Broome: But you kind of used her last time. You know, the same thing, that you were talking on your phone with  
2 her when you met, uh...  
3  
4 Dunckley: Laura?  
5  
6 Broome: Laura. Yeah. This other gal. You know? I mean, you kind of drag Morgan into—into a lot of this. And if  
7 I remember right she seemed like a very nice gal.  
8  
9 Dunckley: She's a very good—She's an awesome woman. And the thing is, I mean, I just, honestly—It's just, to me,  
10 it's like—and I'll be the first to say it. Yeah. I get into some stupid situations and make bad judgment calls  
11 and allow things to happen. And I'm not some serial rapist. I don't...  
12  
13 Broome: Well, I know you're not a serial rapist...  
14  
15 Dunckley: ...prey on...  
16  
17 Broome: ...Brendon, but I believe...  
18  
19 Dunckley: I'm not a rapist.  
20  
21 Broome: ...I think you took advantage of this gal because she was so...  
22  
23 Dunckley: I honestly...  
24  
25 Broome: ...intoxicated.  
26  
27 Dunckley: Honestly, that's my one rule. I've never—I don't ever take advantage of women when they're drunk.  
28  
29 Broome: But you did.  
30  
31 Dunckley: I did not.  
32  
33 Broome: She (inaudible)...  
34  
35 Dunckley: She's sitting her coming on to me...  
36  
37 Broome: ...I mean, (inaudible).  
38  
39 Dunckley: ...And I need to...  
40  
41 Broome: You can't have it both ways. Either—Either she came on to you, right?  
42  
43 Dunckley: Uh-huh.  
44  
45 Broome: And—But she's—I mean, you say that she's so drunk, you don't even know what frame of mind she's in...  
46  
47 Dunckley: And I agree...  
48  
49 Broome: ...so she doesn't know what she's doing...  
50  
51 Dunckley: ...(inaudible) and that right there tells me...  
52  
53 Broome: ...so (inaudible)...

RENO POLICE DEPARTMENT  
TRANSCRIPT

CASE # 07-9446

1 Dunckley: ...that I automatically should've stepped in.  
2  
3 Broome: But on the other side...  
4  
5 Dunckley: I know.  
6  
7 Broome: ...it looks like...  
8  
9 Dunckley: I understand.  
10  
11 Broome: ...you know, she's the perfect victim. That, you know, you followed her in to...  
12  
13 Dunckley: That's not even...  
14  
15 Broome: ...take advantage of her. So, I mean...  
16  
17 Dunckley: And I understand what you're looking at.  
18  
19 Broome: ...you're kind of—You're kind of cooked both ways. You know what I'm saying?  
20  
21 Dunckley: I know. I'm screwed either way you look at it. And the thing is, yes. I admit to the fact that it was a bad  
22 judge—It should never have gotten to that point. Yes, I should've immediately called 911. A person  
23 passed out. I saw her come home. She passed out. I don't know what to do. Immediately. Keep a 911  
24 operator on with me. Yes. Immediately, like—Literally, like that split second that I allowed stuff to be—  
25 to go on that way. I mean, literally the one coming on to me. She's the one going after me. And it sounds  
26 bad. And I...  
27  
28 Broome: And I don't think that you counted on coming across me a second time...  
29  
30 Dunckley: You know what? The thing is, once that split judgment call came up, once it—once--once my brain finally  
31 kicks in and says, "Whoa. She's drunk. Get the hell out of there. What are doing? Don't do anything  
32 else. Don't do anything here."  
33  
34 Broome: Then when the cops come you bullshit them. You know? I mean, you got yourself in a hell of a bind. I'll  
35 tell you that. That's for sure.  
36  
37 Dunckley: I know I did. It's a stupid judgment call. I mean, she sitting here totally going after me. And I know  
38 better. And I know better. The one thing—Even when I was in college, the one thing I never did was get  
39 involved with anyone that's been drinking. (Inaudible)...  
40  
41 Broome: This is number two...  
42  
43 Dunckley: ...And this is...  
44  
45 Broome: ...what happened on the last deal?  
46  
47 Dunckley: But she wasn't—Was she drunk?  
48  
49 Broome: Yeah.  
50  
51 Dunckley: Yeah.  
52  
53 Broome: Yeah. I mean, come on...

RENO POLICE DEPARTMENT  
TRANSCRIPT

CASE # 07-9446

1 Dunckley: No?  
2  
3 Broome: ...you know, I don't see any improvement here.  
4  
5 Dunckley: I know. I'm just staying...  
6  
7 Broome: ...(inaudible).  
8  
9 Dunckley: ...I'm just staying away from people.  
10  
11 Broome: Well...  
12  
13 Dunckley: I just...  
14  
15 Broome: Well, Brendon, it's a hell of a story, but, uh, I mean...  
16  
17 Dunckley: I know.  
18  
19 Broome: ...there are some issues with it and, um, you know, I'm gonna place you under arrest...  
20  
21 Dunckley: Right now?  
22  
23 Broome: ...for sexual assault. Yeah.  
24  
25 (Short pause.)  
26  
27 Dunckley: I didn't do anything wrong...  
28  
29 Broome: Well, you know...  
30  
31 Dunckley: ...She's the one that seriously, Tom...  
32  
33 Broome: ...that—that's why it's, you know...  
34  
35 Dunckley: I...  
36  
37 Broome: ...it's not all over with.  
38  
39 Dunckley: No. I know that.  
40  
41 Broome: That's why there's a court system that, uh, you know, uh—You're kind of—You're in trouble on two  
42 counts. Either it's an unable to consent sexual assault or you walked in there to sexually assault her.  
43 Because in either case, I mean, if—You got two different stories and neither one's—You know, doesn't  
44 work in your favor. You know what I'm saying. You can't be doing that, you know, (inaudible).  
45  
46 (Short pause.)  
47  
48 Dunckley: I didn't do anything wrong. (Inaudible).  
49  
50 Broome: We'll all go tell our stories and, you know, see how it comes out.  
51  
52 Dunckley: So...  
53

RENO POLICE DEPARTMENT  
TRANSCRIPT

CASE # 07-9446

1 Broome: Got anything sharp on you?  
2  
3 Dunckley: Yeah, my knife right here.  
4  
5 Broome: (Inaudible).  
6  
7 Dunckley: (Inaudible) story. What do I do now?  
8  
9 Broome: Just relax for a few minutes.  
10  
11 Dunckley: Boot key.  
12  
13 Broome: What the hell is that?  
14  
15 Dunckley: It's a boot key. I might need that.  
16  
17 Broome: Cell phone?  
18  
19 Dunckley: Um, yeah. Actually, (inaudible). Does it mean anything for the fact that while she was doing it she also  
20 pulled up her shirt and was trying to show me her breasts? And on her left nipple is—is a band aid?  
21  
22 Broome: Not really.  
23  
24 Dunckley: (Inaudible).  
25  
26 Broome: Relax.  
27  
28 Dunckley: That's just one of my (inaudible), my ID. (Inaudible).  
29  
30 Broome: Okay. What's this?  
31  
32 Dunckley: My, uh, car key.  
33  
34 Broome: Car keys. I'm gonna have take this. I'll leave it right here for a second.  
35  
36 (Shuffling noises.)  
37  
38 Dunckley: Oh, (inaudible). I completely forgot I had that, Tom. Sorry.  
39  
40 Broome: Yeah.  
41  
42 Dunckley: Sorry about that.  
43  
44 Broome: It's all right.  
45  
46 Dunckley: I don't realize what equipment I have on me.  
47  
48 Broome: Okay. Just put these on (inaudible).  
49  
50 Dunckley: You want me to take the jacket off?  
51  
52 Broome: Are you hot?  
53

RENO POLICE DEPARTMENT  
TRANSCRIPT

CASE # 07-9446

1 Dunckley: No, I'm fine.  
2  
3 Broome: Yeah. Why don't you take it off for a minute.  
4  
5 Dunckley: (Handcuff noises.) So what's the story (inaudible)? What do I have to do?  
6  
7 Broome: Well, you can—you can make bail right away....  
8  
9 Dunckley: How much?  
10  
11 Broome: Just put it on that chair right there.  
12  
13 Dunckley: I (inaudible). Tom, this was beyond about—beyond a bad judgment call.  
14  
15 Broome: All I can do for you, Brendon, at this point is, you know, just treat you right. And...  
16  
17 Dunckley: I know. I respect that.  
18  
19 (Handcuff sounds.)  
20  
21 Broome: Not too tight?  
22  
23 Dunckley: No, I'm good.  
24  
25 Broome: You're welcome.  
26  
27 Dunckley: I'm not big on the whole "that angle," though. So.  
28  
29 Broome: They're actually more comfortable that way....  
30  
31 Dunckley: You think?  
32  
33 Broome: ...If you try to flick 'em around they get worse. (Inaudible).  
34  
35 Dunckley: I try not to use 'em that—I try not to use 'em that much. Nothing else. (Short pause.) I really appreciate it, Tom.  
36  
37 Broome: More keys (inaudible). Are these all, uh, boot keys?  
38  
39 Dunckley: Yeah. I have my handcuff keys are on the other key chain. I don't have 'em on me. They're okay?  
40  
41 Broome: Go ahead and have a seat.  
42  
43 Dunckley: I had a feeling not to bring 'em today.  
44  
45 Broome: Yeah, probably...  
46  
47 Dunckley: 'Cuz I knew with the first situation, I knew this would—This is just stupid. Okay, how do I make bail?  
48  
49 Broome: Um...  
50  
51 Dunckley: (Inaudible)...  
52  
53

RENO POLICE DEPARTMENT  
TRANSCRIPT

CASE # 07-9446

1 Broome: ...a couple different ways. You probably have to call Morgan when you get up there. I'm gonna grab  
2 something and come right back.  
3  
4 (Door opens and shuts. Pause for approximately one and a half minutes.)  
5  
6 Dunckley: I don't know, Tom.  
7  
8 Broome: Why's that?  
9  
10 Dunckley: I've been fighting for the last three years for my kids, my other children.  
11  
12 Broome: Well, you gotta make better choices, Brendon. Know that? What's the name of the new outfit?  
13  
14 Dunckley: Of my company?  
15  
16 Broome: Yeah.  
17  
18 Dunckley: Assential Parking Control. Assential. A-S...  
19  
20 Broome: Oh, I'm sorry.  
21  
22 Dunckley: That's fine. You had no intention of letting me walk out the door, did you?  
23  
24 Broome: What's that?  
25  
26 Dunckley: You had no intention of letting me walk out the door?  
27  
28 Broome: Well, Brendon...  
29  
30 Dunckley: Like when you first started the conversation...  
31  
32 Broome: What happened the last time...?  
33  
34 Dunckley: I know...  
35  
36 Broome: ...Did you walk out the door?  
37  
38 Dunckley: ...(inaudible). Yeah. I completely agree with you. I—I'm...  
39  
40 Broome: You know? I keep an open...  
41  
42 Dunckley: ...(inaudible).  
43  
44 Broome: ...mind.  
45  
46 Dunckley: I know you do.  
47  
48 Broome: You know? And, uh...  
49  
50 Dunckley: And I...  
51  
52 Broome: ...you know, I listen to everything. You know? I learned a long time ago that not everything is at it  
53 appears. So.

RENO POLICE DEPARTMENT  
TRANSCRIPT

CASE # 07-9446

1 Dunckley: I know.  
2  
3 Broome: You know, just as many people walk out of here, um...  
4  
5 Dunckley: As stay.  
6  
7 Broome: ...as not. You know? You walked out of here on the last one.  
8  
9 Dunckley: I know.  
10  
11 Broome: So.  
12  
13 Dunckley: I know.  
14  
15 Broome: Do you know your DL number, by chance?  
16  
17 Dunckley: My which number?  
18  
19 Broome: Driver's license number.  
20  
21 Dunckley: Yeah. 00, uh, 1025. I think. And (inaudible) remember the rest of it.  
22  
23 Broome: 25012.  
24  
25 Dunckley: Is there two zeros or three zeros in front?  
26  
27 Broome: Three zeros.  
28  
29 Dunckley: Yeah.  
30  
31 Broome: Scars, marks, tattoos?  
32  
33 Dunckley: None. Just a birthmark over my eye. Right there. So bail is \$15,000...  
34  
35 Broome: Yeah.  
36  
37 Dunckley: ...and \$3,500? So what's the total? What do I need?  
38  
39 Broome: Uh, \$18,500 total. But, uh, you know, they used to get what? Uh, ten or twenty percent.  
40  
41 Dunckley: Which is what? I'm not really in the mood for math.  
42  
43 Broome: 1,800, 2,000 bucks Something that. You know? It depends on the outfit.  
44  
45 (Short pause.)  
46  
47 Dunckley: Can I call Morgan right now?  
48  
49 Broome: What's that?  
50  
51 Dunckley: Can I call Morgan right now?  
52



RENO POLICE DEPARTMENT  
TRANSCRIPT

CASE # 07-9446

1 Broome: Yeah. Sure. Can you, uh—Gonna put it on speaker phone or something like that? I kind of want to record  
2 any...  
3  
4 Dunckley: Yeah.  
5  
6 Broome: What's her number?  
7  
8 Dunckley: (Inaudible) hit the contact button or the call—That one and then down.  
9  
10 (Phone ringing.)  
11  
12 Morgan: Yeah.  
13  
14 Dunckley: Hey.  
15  
16 Morgan: (Inaudible).  
17  
18 Dunckley: I've been placed under arrest.  
19  
20 Morgan: For what?  
21  
22 Dunckley: Sexual assault and...  
23  
24 Morgan: What?  
25  
26 Dunckley: Yeah.  
27  
28 Morgan: Brendon.  
29  
30 Dunckley: I know. I don't know.  
31  
32 Morgan: Brendon, then there has to be some kind of evidence. What the fuck did you do?  
33  
34 Dunckley: Morgan, I told you yesterday....  
35  
36 Morgan: No, Brendon. There has to be evidence. What did you do?  
37  
38 Dunckley: It's just the fact of the last time and then this time.  
39  
40 Morgan: Brendon, that was dropped.  
41  
42 Dunckley: I know.  
43  
44 Morgan: And that wasn't even...  
45  
46 Broome: Brendon, my concern is that she's yelling loud enough that it...  
47  
48 Morgan: ...(Inaudible). What the fuck are you doing?  
49  
50 Dunckley: Morgan—Morgan. I need you to stop yelling. Please.  
51  
52 Broome: ...could be recorded...  
53

RENO POLICE DEPARTMENT  
TRANSCRIPT

CASE # 07-9446

1 Dunckley: 'Cuz it's being recorded in a room. So.  
2  
3 Broome: ...I don't think—I don't want to do that. So...  
4  
5 Morgan: I don't understand. I don't understand.  
6  
7 Broome: ...you'll be able to call her when you get up to booking.  
8  
9 Dunckley: Let me call you back when I get over there. Okay?  
10  
11 Morgan: When you get where?  
12  
13 Dunckley: When I get to the booking.  
14  
15 Morgan: Why are they doing this to you?  
16  
17 Dunckley: It's their job, Morgan.  
18  
19 Morgan: No, it's not their job...  
20  
21 Dunckley: They're—They're investigating it.  
22  
23 Morgan: ...(inaudible), it's their job to protect people.  
24  
25 Dunckley: Okay. Close the phone.  
26  
27 (Phone shut.)  
28  
29 Dunckley: (Inaudible).  
30  
31 Broome: All right. Sit tight.  
32  
33 Dunckley: That's fine. If I--What am I gonna do with my car out front? It has—It's at a meter.  
34  
35 Broome: Can she come get it?  
36  
37 Dunckley: She doesn't have a driver's license.  
38  
39 Broome: Do you know anybody that can get it? You want to call?  
40  
41 Dunckley: No. Not that I know of. I just don't want a ticket, Tom.  
42  
43 Broome: That I can't help you with.  
44  
45 Dunckley: Oh, come on.  
46  
47 Broome: Hopefully, it won't get booted.  
48  
49 Dunckley: Oh, that's funny. That's funny. I got a key.  
50  
51 (Door shuts. Pause for approximately 28 minutes.  
52  
53 (Door opens.)

RENO POLICE DEPARTMENT  
TRANSCRIPT

CASE # 07-9446

1 Broome: Brendon, where were you born? (Inaudible).  
2  
3 Dunckley: New York. Carmel.  
4  
5 Broome: Where?  
6  
7 Dunckley: Carmel, New York. C-A-R-M-E-L.  
8  
9 Broome: And home phone?  
10  
11 Dunckley: 787-1961.  
12  
13 Broome: (Inaudible)...  
14  
15 Dunckley: Yeah, those are my messages and I realized I, um, I missed you calls. (Inaudible)...  
16  
17 Broome: How 'bout at work?  
18  
19 Dunckley: 379-7657. So what is the charges?  
20  
21 Broome: Sexual assault and burglary.  
22  
23 Dunckley: Burglary? How is burglary?  
24  
25 Broome: You were in the (inaudible).  
26  
27 Dunckley: Oh.  
28  
29 Broome: Go ahead and have a seat. We'll get to you in just a second.  
30  
31 (Door opens and shuts.)  
32  
33 Dunckley: You gotta be freakin kidding me.  
34  
35 (Pause for approximately one minute.)  
36  
37 (Door opens.)  
38  
39 Broome: Oh, you're (inaudible due to background noise). Put these keys in right there. That's about it. Right?  
40  
41 Dunckley: Yeah. Except for my belt.  
42  
43 Broome: (Inaudible). (Inaudible) suicide list. Uh, you don't have to take everybody's.  
44  
45 Dunckley: Mmm?  
46  
47 Broome: Nothing hidden in here?  
48  
49 Dunckley: No.  
50  
51 Broome: No hidden money or anything like that?  
52  
53 Dunckley: Nope. (Short pause.) There is money in the pocket, though, and there's a disk in there.

RENO POLICE DEPARTMENT  
TRANSCRIPT

CASE # 07-9446

1 Broome: What's on the disk?  
2  
3 Dunckley: Uh, a template for letters of (inaudible) from the PTO.  
4  
5 Broome: For the what?  
6  
7 Dunckley: PTO. Parent Teacher Organization.  
8  
9 Broome: Yeah.  
10  
11 Dunckley: Inside the side pocket there. Right?  
12  
13 Broome: That's right. It's right there. (Inaudible).  
14  
15 Dunckley: (Inaudible). There's some, like, papers and stuff like that and cash in there.  
16  
17 Broome: Do you know how much is there?  
18  
19 Dunckley: Like 223 dollars, I think. Something like that.  
20  
21 (Door shuts. Pause for approximately 14 minutes.)  
22  
23 Dunckley: Oh, Jesus Christ.  
24  
25 (Pause for approximately 11-1/2 minutes.)  
26  
27 Dunckley: Can we turn the phone off? (Short pause.) Ah, shit. (Short pause.) Dammit, Tom. Oh, she's gonna be  
28 really mad now.  
29  
30 (Pause for approximately 14 minutes.)  
31  
32 Dunckley: Let's go (inaudible).  
33  
34 (Short pause and door opens.)  
35  
36 Allen: Hi there.  
37  
38 Dunckley: How're you doing?  
39  
40 Allen: How're you doing?  
41  
42 Dunckley: Good, Officer Allen. Hey Tom, before they put the other ones on, can I move my shoulder around. It's  
43 hurting really bad.  
44  
45 Broome: Oh, sure.  
46  
47 Allen: Can you do what?  
48  
49 Dunckley: I just need to adjust my shoulder. It's hurting pretty bad, before you put the other ones on.  
50  
51 Broome: Don't make it a weird adjustment.  
52  
53 Dunckley: No, no...

RENO POLICE DEPARTMENT  
TRANSCRIPT

CASE # 07-9446

1 Allen: Yeah.  
2  
3 Dunckley: ...Come on. You know what I'm saying.  
4  
5 Allen: I'm a trained killer now, okay?  
6  
7 Dunckley: Yes, ma'am.  
8  
9 Allen: Been to the range.  
10  
11 Dunckley: Officer Allen, you scare the crap out of me.  
12  
13 Allen: (Laughing.)  
14  
15 Dunckley: No. This shoulder's been bugging me lately.  
16  
17 Allen: All right. Well, hold on. Just kind of put this hand over head when I take it off.  
18  
19 Dunckley: No worries. (Inaudible). I work with you guys enough.  
20  
21 Allen: Do you?  
22  
23 Dunckley: Yeah.  
24  
25 Allen: What do you do for us? Please don't tell me you clean the ladies room.  
26  
27 Dunckley: That wasn't funny. No, ma'am.  
28  
29 Allen: Good. Does that feel a little bit better?  
30  
31 Broome: Don't tell her because she's had her car booted many times.  
32  
33 Dunckley: And they never took it off?  
34  
35 Broome: No.  
36  
37 Dunckley: Are you freakin kidding me?  
38  
39 Allen: No, I've got four or five of those darn things. They just keep replacing (inaudible). So.  
40  
41 Dunckley: Now, hold on. They don't—They don't take it off? (Inaudible)?  
42  
43 Broome: (Inaudible).  
44  
45 Dunckley: Don't do that.  
46  
47 Allen: I'm only kidding.  
48  
49 Dunckley: I know you are. Those are his. Those are not mine. Oh, I was gonna bring my own but (inaudible) not to.  
50  
51 Allen: Does that feel a little bit better? What'd you do to your shoulder?  
52  
53 Dunckley: Oh, just old injuries from football and (inaudible). I've had 19 concussions, so.

RENO POLICE DEPARTMENT  
TRANSCRIPT

CASE # 07-9446

1 Allen: You had 19 what?  
2  
3 Dunckley: Concussions.  
4  
5 Allen: (Inaudible)...  
6  
7 Broome: That might explain the situation here.  
8  
9 Dunckley: You stop it. Bad judgment  
10  
11 Allen: Feel a little better now?  
12  
13 Dunckley: Yes, ma'am.  
14  
15 Allen: All right. Then go ahead and put 'em back here. (Inaudible) hard.  
16  
17 Broome: (Inaudible).  
18  
19 Dunckley: It's easier that way. (Inaudible).  
20  
21 Allen: There's a song like that once. Wasn't there? (Inaudible). Trying not to get them too tight there.  
22  
23 Dunckley: I know but you guys always do.  
24  
25 Allen: Make 'em too tight?  
26  
27 Dunckley: That's okay.  
28  
29 Allen: These are new. They'll stretch.  
30  
31 Broome: It's embarrassing when they come off...  
32  
33 Dunckley: Hey was the phone—Was my phone ringing?  
34  
35 Broome: Yeah. Over and over.  
36  
37 Dunckley: Yes it was. (Inaudible)...  
38  
39 Allen: Now I'm gonna cut this part off just to make it a little bit more comfortable for you just mainly because it'll  
40 jab you in the back there.  
41  
42 (Short pause.)  
43  
44 Dunckley: Do you cut cigars with that, too?  
45  
46 Allen: Oh, you could. Well, I don't know. I don't think I'd want to. Can't seem to feel my (inaudible). Now do  
47 you just want to stay here for just a second. I need to go get this one too, Tom.  
48  
49 Broome: Okay.  
50  
51 (Pause with background voices for approximately three minutes.)  
52  
53 Dunckley: So what's the deal now, Tom?

RENO POLICE DEPARTMENT  
TRANSCRIPT

CASE # 07-9446

1 Broome: What's that?  
 2  
 3 Dunckley: Now what do I do? Go up there, get booked in?  
 4  
 5 Broome: That's it.  
 6  
 7 Dunckley: Hang out 'til I get bail.  
 8  
 9 Broome: Yeah. You get to make all the phone calls you want at the jail.  
 10  
 11 Dunckley: Cool.  
 12  
 13 (Background voices fade.)  
 14  
 15 (End of recording.)  
 16  
 17  
 18  
 19  
 20  
 21  
 22  
 23  
 24  
 25  
 26  
 27  
 28  
 29

AFFIRMATION

(PURSUANT TO NRS. 239B.030)

THE UNDERSIGNED DOES HEREBY AFFIRM THAT THE PROCEEDING DOCUMENT FILED IN CASE NO. CR07-1728 POST-CONVICTION WRIT OF HABEAS CORPUS PETITION.

PART NO: IV

X DOCUMENT DOES NOT CONTAIN THE SOCIAL SECURITY NUMBERS OF ANY PERSON.

-OR-

       DOCUMENT DOES CONTAIN THE SOCIAL SECURITY NUMBER OF A PERSON AS REQUIRED BY A SPECIFIC STATE OR FEDERAL LAW, TO WIT:

-OR-

       FOR THE ADMINISTRATION OF A PUBLIC PROGRAM

-OR-

       FOR THE APPLICATION OF A FEDERAL OR STATE GRANT

-OR-

       CONFIDENTIAL FAMILY COURT INFORMATION SHEET (NRS 125.130, NRS 125.230, NRS 125B.055)

DATED: 7/15/09



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