

CODE 2515
FRANK M. PECK 57106
HDSP Box 650
Indian Springs, NV. 89070
Petitioner, prose, L.F.P.

FILED

NOV 19 2020

JACQUELINE BRYANT, CLERK

By: Allen
DEPUTY CLERK

Electronically Filed
Nov 25 2020 11:44 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

Frank M. Peck,

CASE NO. CR 96 2687

Petitioner,

vs.

State of Nevada, Brian Williams, NOTICE OF APPEAL

Respondent.

NOTICE is hereby given that Frank M. Peck APPEALS
this Courts ORDER DENYING PETITION FOR WRIT OF HABEAS
CORPUS (POST-CONVICTION) [NINTH SUCCESSIVE PETITION] filed
HEREIN ON 11-09-2020 to the Supreme Court of Nevada.

Dated 11-13-2020.

cc: file

Frank Peck

FRANK M. PECK 57106

HDSP Box 650

Indian Springs, NV. 89070

Petitioner/Appellant, prose, L.F.P.

1 of 1

1 Code 1310
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6 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7 IN AND FOR THE COUNTY OF WASHOE

8 **STATE OF NEVADA,**

9 **Plaintiff,**

Case No. CR96-2687

10 **vs.**

Dept. No. 6

11 **FRANK M. PECK,**

12 **Defendant.**

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CASE APPEAL STATEMENT

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This case appeal statement is filed pursuant to NRAP 3(f).

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1. Appellant is Frank M. Peck.

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2. This appeal is from an order entered by the Honorable Judge Lynne Simons.

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3. Appellant is representing himself in Proper Person on appeal. The Appellant's address is:

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Frank M. Peck #57106
HDSP Box 650
Indian Springs, Nevada 89070

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4. Respondent is the State of Nevada. Respondent is represented by the Washoe

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County District Attorney's Office:

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Jennifer P. Noble, Esq., SBN: 9446
P.O. Box 11130
Reno, Nevada 89520

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5. Respondent's attorney is not licensed to practice law in Nevada: n/a

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6. Appellant is not represented by counsel in District Court.

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- 7. Appellant is not represented by counsel on appeal.
- 8. Appellant was granted leave to proceed in forma pauperis in the District Court on February 16th, 2018.
- 9. Proceeding commenced by the filing of an Information on December 9th, 1996.
- 10. This is a criminal proceeding and the Appellant is appealing the Order Denying Petition for Writ of Habeas Corpus (Post Conviction) (ninth successive petition) filed November 9th, 2020.
- 11. The case has been the subject of a previous appeal to the Supreme Court. Supreme Court No.: 32031, 38835, 42672, 57968, 60040, 60343, 60878, 65521,71021, 72680, 72849 and 80103
- 12. This case does not involve child custody or visitation.
- 13. This is not a civil case involving the possibility of a settlement.

Dated this 19th day of November, 2020.

Jacqueline Bryant
Clerk of the Court
By: /s/ YViloria
YViloria
Deputy Clerk

**SECOND JUDICIAL DISTRICT COURT
COUNTY OF WASHOE**

Case History - CR96-2687

DEPT. D6

HON. LYNNE K. SIMONS

Report Date & Time

11/19/2020

4:15:48PM

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

Case ID: CR96-2687 **Case Type:** CRIMINAL **Initial Filing Date:** 12/9/1996

Parties

PNP	Div. of Parole & Probation - DPNP
RESL	STATE OF NEVADA - STATE
APPD	FRANK M. PECK - @503904
ATTY	DENNIS E. WIDDIS - @701416
DA	Jennifer P. Noble, Esq. - 9446
DEFT	FRANK M. PECK - @503904

Charges

<i>Charge No.</i>	<i>Charge Code</i>	<i>Charge Date</i>	<i>Charge Description</i>
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Plea Information

<i>Charge No.</i>	<i>Plea Code</i>	<i>Plea Date</i>	<i>Plea Description</i>
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Release Information

Custody Status

Hearings

<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
1	D6 Request for Submission	11/19/2013	14:45:00	12/18/2013

Event Extra Text: PETITION FOR WRIT OF HABEAS CORPUS (POST CONVICTION), NOTICE AND EXHIBITS

Disposition:
S200 12/18/2013
ORDER

<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
2	D6 Request for Submission	12/19/2013	14:25:00	1/14/2014

Event Extra Text: PETITION FOR WRIT OF HABEAS CORPUS (POST CONVICTION)

Disposition:
S200 1/14/2014
order requesting response from the state.

<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
3	D6 Request for Submission	2/20/2014	16:20:00	4/9/2014

Event Extra Text: MOTION TO DISMISS PETITION FOR WRIT OF HABEAS

Disposition:
S200 4/9/2014
ORDER

Case Description: STATE VS. FRANK MILFORD PECK (D6)**Case ID: CR96-2687 Case Type: CRIMINAL Initial Filing Date: 12/9/1996**

<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
4	D6 Tickle Start Code	3/10/2014	07:00:00	3/10/2014
Event Extra Text: HAS STATE RESPONDED TO PETITION?		Disposition: T200 3/10/2014		
<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
5	D6 Request for Submission	7/7/2016	10:48:00	7/14/2016
Event Extra Text: DEFENDANT'S MOTION FOR MODIFICATION OF SENTENCE (PAPER ORDER NOT PROVIDED)		Disposition: S200 7/14/2016 ORDER		
<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
6	D6 Request for Submission	1/19/2017	09:39:00	4/7/2017
Event Extra Text: MOTION FOR ORDER TO SHOW CAUSE WHY PETITIONER SHOULD NOT BE IMMEDIATELY RELEASED FROM HIS ILLEGAL RESTRAINT FILED DECEMBER 29, 2016.		Disposition: S200 4/7/2017 order		
<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
7	D6 Request for Submission	2/13/2017	16:07:00	4/7/2017
Event Extra Text: PETITION FOR WRIT OF HC		Disposition: S200 4/7/2017 order		
<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
8	D6 Request for Submission	7/10/2018	10:52:00	9/7/2018
Event Extra Text: PETITIONER'S NOTICE FILED 6/04/18		Disposition: S200 9/7/2018 ORDER		
<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
9	D6 Request for Submission	8/6/2018	14:19:00	9/7/2018
Event Extra Text: COMMON LAW PETITION FOR WRIT OF HABEAS CORPUS (NOT POST-CONVICTION)		Disposition: S200 9/7/2018 ORDER		
<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
10	D6 Request for Submission	10/12/2018	14:05:00	12/4/2018
Event Extra Text: MOTION FOR RELIEF FROM ORDER FILED HEREIN ON 9-7-2018 ERRONEOUSLY DISMISSING COMMON LAW PETITION FOR WRIT OF HABEAS CORPUS(NO ORDER PROVIDED)		Disposition: S200 12/4/2018 ORDER		
<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
11	D6 Request for Submission	5/17/2019	16:45:00	6/12/2019
Event Extra Text: UNOPPOSED NRCP RULE 60(B) MOTION (NO ORDER PROVIDED)		Disposition: S200 6/12/2019 order		

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

Case ID: CR96-2687 Case Type: CRIMINAL Initial Filing Date: 12/9/1996

Department	Event Description	Sched. Date & Time	Disposed Date
12 D6	Request for Submission	8/27/2019 10:58:00	11/7/2019

Event Extra Text: MOTION FOR LEAVE TO REHEAR NRCR RULE 60(B)
MOTION (NO ORDER PROVIDED)

Disposition:
S200 11/7/2019
ORDER

Department	Event Description	Sched. Date & Time	Disposed Date
13 D6	Request for Submission	10/17/2019 13:19:00	11/7/2019

Event Extra Text: MOTION FOR LEAVE TO REHEAR NRCR RULE 60(b)(3)
MOTION DCR RULE 13.7- NRCR RULE 60(b)(2) (NO ORDER
PROVIDED)

Disposition:
S200 11/7/2019
ORDER

Department	Event Description	Sched. Date & Time	Disposed Date
14 D6	Request for Submission	6/15/2020 07:00:00	8/26/2020

Event Extra Text: hb - MOTION TO PROCEED IFP; PETITION FOR WRIT
OF HABEAS CORPUS - BINDER BUILT

Disposition:
S200 8/26/2020
ORDER

Department	Event Description	Sched. Date & Time	Disposed Date
15 D6	Request for Submission	9/8/2020 16:39:00	11/9/2020

Event Extra Text: PETITION FOR WRIT OF HABEAS CORPUS (POST
CONVICTION RELIEF - BINDER BUILT

Disposition:
S200 11/9/2020
order

Department	Event Description	Sched. Date & Time	Disposed Date
16 D6	Tickle Start Code	9/28/2020 07:00:00	9/30/2020

Event Extra Text: DA RESPOND TO PET FOR WRIT OF HC

Disposition:
T200 9/30/2020

Agency Cross Reference

Code	Agency Description	Case Reference I.D.
SC	Supreme Court	SCN 80103
SC	Supreme Court	SCN 72849
SC	Supreme Court	SCN 32031
SC	Supreme Court	SCN 71021
SC	Supreme Court	SCN 65521
SC	Supreme Court	SCN 72680

Actions

Action Entry Date	Code	Code Description	Text
1/1/1996	1315	** Case Closed	
12/9/1996	1250	Application for Setting	12/13/96 ARRAIGNMENT
12/9/1996	1800	Information	
12/13/1996	MIN	***Minutes	DECEMBER 13, 1996 ARRAIGNMENT
12/27/1996	3700	Proceedings	
1/6/1997	4185	Transcript	DECEMBER 13, 1996 ARRAIGNMENT
1/23/1997	4075	Substitution of Counsel	SUBSTITUTING DENNIS WIDDIS, ESQ. IN PLACE OF PUBLIC DEFENDER VAUN HALL
2/4/1997	3370	Order ...	SEALING MOTION REQUESTING DEFENSE SERVICES AND TRANSCRIPTS AT PUBLIC EXPENSE AS WEL

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

Case ID:	CR96-2687	Case Type:	CRIMINAL	Initial Filing Date:	12/9/1996
2/5/1997	2777	Ord Approving ...	* SEALED * ORDER PROVIDING DEFENSE SERVICES AND TRANSCRIPTS AT PUBLIC EXPENSE		
2/5/1997	1670	Ex-Parte Mtn...	* SEALED * EX PARTE MOTION FOR AUTHORIZATION OF DEFENSE SERVICES AT PUBLIC EXPENSE; AN		
3/10/1997	2490	Motion ...	MOTION TO CONTINUE TRIAL		
3/10/1997	2490	Motion ...	MOTION TO CONTINUE TRIAL		
3/10/1997	2490	Motion ...	MOTION TO AMEND INFORMATION TO ADD WITNESS		
3/13/1997	3370	Order ...	ORDER TO AMEND INFOMRATION TO ADD WITNESS		
3/19/1997	MIN	***Minutes	MARCH 19, 1997 MOTION TO CONFIRM TRIAL DATE		
4/2/1997	2490	Motion ...	MOTION FOR SEIZURE ORDER		
4/3/1997	1270	Application ...	IN THE MATTER OF THE APPLICATION FOR A SEIZURE ORDER FOR FRANK M. PECK		
4/16/1997	2490	Motion ...	MOTION TO AMEND INFORMATION TO ADD WITNESS		
4/17/1997	4185	Transcript	MARCH 19, 1997 MOTION TO CONTINUE		
4/22/1997	3897	Return	RETURN OF SERVICE (SEIZURE ORDER)		
5/6/1997	2490	Motion ...	MOTION TO AMEND INFORMATION TO ADD WITNESSES		
5/7/1997	3370	Order ...	ORDER TO AMEND INFORMATION TO INCLUDE WITNESS		
5/12/1997	2280	Mtn to Continue	DEFENDANT'S SECOND MOTION TO CONTINUE TRIAL		
5/13/1997	MIN	***Minutes	MAY 13, 1997 MOTION TO CONTINUE TRIAL DATE		
5/14/1997	2490	Motion ...	MOTON TO AMEND INFORMATION TO ADD WITNESS		
5/19/1997	3370	Order ...	ORDER TO AMEND INFORMATION TO INCLUDE WITNESSES		
5/19/1997	3980	Stip and Order...	STIPULATION AND ORDER RE: DISCOVERY		
5/22/1997	3370	Order ...	ORDER TO AMEND INFORMATION TO ADD WITNESS		
6/18/1997	4185	Transcript	MAY 13, 1997 MOTION TO CONFIRM TRIAL DATE		
8/1/1997	MIN	***Minutes	AUGUST 1, 1997 PRE-TRIAL MOTIONS		
8/1/1997	2480	Mtn to Suppress...	DEFENDANT'S MOTION TO SUPPRESS		
8/1/1997	2245	Mtn in Limine	DEFENDANT'S MOTION IN LIMINE REGARDING CHARACTER EVIDENCE		
8/13/1997	4185	Transcript	AUGUST 1, 1997 PRE-TRIAL MOTIONS		
8/28/1997	4105	Supplemental ...	DEFENDANT'S SUPPLEMENTAL POINTS AND AUTHORITIES IN SUPPORT OF MOTION TO SUPPRESS		
8/29/1997	MIN	***Minutes	AUGUST 29, 1997 MOTION TO SUPPRESS		
9/2/1997	MIN	***Minutes	09/02/97 - 09/05/97 JURY TRIAL (MISTRIAL-HUNG JURY)		
9/2/1997	2245	Mtn in Limine	DEFENDANT'S MOTION IN LIMINE TO EXCLUDE REFERENCES TO HIS MARITAL STATUS		
9/2/1997	2245	Mtn in Limine	DEFENDANT'S MOTION IN LIMINE TO EXCLUDE REFERENCES TO HIS INCARCERATION		
9/4/1997	3373	Other ...	DEFENDANT'S PROPOSED JURY INSTRUCTIONS WITH SUPPORTING POINTS AND AUTHORITIES		
9/5/1997	1885	Jury Instructions	JURY INSTRUCTIONS 1-29		
9/5/1997	3755	Refused Instructions-Def	DEFENDANT'S REFUSED INSTRUCTIONS A-D		
9/6/1997	4235	Unused Verdict Form(s)...	ONE (1) FORM - COUNT II		
9/6/1997	4235	Unused Verdict Form(s)...	ONE (1) FORM -COUNT II		
9/6/1997	4235	Unused Verdict Form(s)...	RE: VOLUNTARINESS OF STATEMENTS		
9/6/1997	4235	Unused Verdict Form(s)...	ONE (1) FORM - COUNT I		
9/6/1997	4235	Unused Verdict Form(s)...	ONE (1) FORM -COUNT I		
9/7/1997	1890	Jury Question, Court Response	JURY QUESTIONS DURING TESTIMONY AND DELIBERATIONS		

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

Case ID:	CR96-2687	Case Type:	CRIMINAL	Initial Filing Date:	12/9/1996
9/11/1997	1250	Application for Setting	09/23/97 MOTION TO SET TRIAL @ 8:30 A.M.		
9/11/1997	4185	Transcript	AUGUST 29, 1997 MOTIONS		
9/23/1997	MIN	***Minutes	SEPT. 23, 1997 MOTION TO SET TRIAL		
9/26/1997	1250	Application for Setting	MOTION TO SET TRIAL 10/02/97 @ 8:30		
9/30/1997	4185	Transcript	SEPTEMBER 23, 1997 MOTION TO CONTINUE		
10/2/1997	MIN	***Minutes	OCT. 2, 1997 MOTION TO SET TRIAL DATE		
10/8/1997	4185	Transcript	OCTOBER 2, 1997 MOTION TO SET TRIAL DATE		
10/16/1997	4185	Transcript	SEPTEMBER 3, 1997 JURY TRIAL VOLUME II		
11/4/1997	3980	Stip and Order...	STIPULATION AND ORDER RE: SUBPOENAS		
11/4/1997	1670	Ex-Parte Mtn...	* SEALED * - DEFENDANT'S EX PARTE CLAIM FOR EXPENSES		
11/6/1997	3370	Order ...	* SEALED * ORDER FOR PAYMENT OF INVESTIGATOR'S FEES AND COSTS		
11/17/1997	4185	Transcript	* SEALED * SEPTEMBER 4, 1997 MOTIONS		
11/17/1997	4185	Transcript	JURY TRIAL SEPTEMBER 21, 1997 VOLUME I		
11/17/1997	4185	Transcript	JURY TRIAL SEPTEMBER 4, 1997 VOLUME III		
11/17/1997	4185	Transcript	JURY TRIAL SEPTEMBER 5, 1997 VOLUME IV		
12/5/1997	MIN	***Minutes	DEC. 5, 1997 MOTION TO CONFIRM TRIAL DATE		
12/10/1997	2245	Mtn in Limine	DEFENDANT'S MOTION IN LIMINE FOR RECONSIDERATION OF RULING CONCERNING USE OF PRIVILEGE		
12/11/1997	2315	Mtn to Dismiss ...	DEFENDANT'S MOTION TO DISMISS		
12/12/1997	3870	Request	DEFENDANT'S REQUEST TO HAVE JURY INSTRUCTED ON LESSER-RELATED OFFENSES		
12/12/1997	2490	Motion ...	DEFENDANT'S MOTION FOR PERMISSION TO EXAMINE PROSPECTIVE JURORS CONCERNING AREAS OF		
12/12/1997	2245	Mtn in Limine	DEFENDANT'S MOTION IN LIMINE CONCERNING PVIOUS JURY VERDICTS		
12/15/1997	2645	Opposition to Mtn ...	OPPOSITION TO MOTION IN LIMINE RE: PRIVILEGED INFORMATION AND MATERIALS		
12/15/1997	1695	** Exhibit(s) ...	DEFENDANTS EXHIBITS		
12/15/1997	1695	** Exhibit(s) ...	* SEALED * STATE'S EXHIBITS - EXHIBIT 43 CONTAINS SOCIAL SECURITY NUMBERS AND IS SEALED		
12/15/1997	MIN	***Minutes	DEC. 15, 1997 - DEC. 19, 1997 JURY TRIAL		
12/17/1997	4185	Transcript	DECEMBER 5, 1997 MOTION TO CONFIRM		
12/18/1997	4185	Transcript	DECEMBER 17, 1997 PARTIAL TRANSCRIPT OF JURY TRIAL (PARTIAL RE-CROSS EXAMINATION OF LES		
12/19/1997	3755	Refused Instructions-Deft	DEFENDANT'S REJECTED INSTRUCTION B		
12/19/1997	3755	Refused Instructions-Deft	DEFENDANT'S REFUSED INSTRUCTION A		
12/19/1997	4235	Unused Verdict Form(s)...	UNUSED VERDICT FORM (1) COUNT I		
12/19/1997	4235	Unused Verdict Form(s)...	UNUSED VERDICT FORM (1) COUNT II		
12/19/1997	4245	Verdict(s)...	FINDING NOVEMBER 16-17 1996 POLICE STATEMENTS OF THE DEFENDANT VOLUNTARY		
12/19/1997	4245	Verdict(s)...	FINDING DEFENDANT GUILTY OF COUNT II		
12/19/1997	4245	Verdict(s)...	FINDING DEFENDANT GUILTY OF COUNT I		
12/19/1997	1960	Memorandum ...	DEFENDANT'S MEMORANDUM IN SUPPORT OF AGAIN SUBMITTING A SPECIAL VERDICT FORM CONCE		
12/19/1997	3755	Refused Instructions-Deft	DEFENDANT'S REJECTED INSTRUCTION D		
12/19/1997	3755	Refused Instructions-Deft	DEFENDANT'S REJECTED INSTRUCTION C		
12/19/1997	1885	Jury Instructions	JURY INSTRUCTIONS 1-28		
2/4/1998	3370	Order ...	ORDER CONTINUANCE SENTENCING FROM FEBRUARY 6, 1998 TO MARCH 17, 1998		

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

Case ID:	CR96-2687	Case Type:	CRIMINAL	Initial Filing Date:	12/9/1996
2/5/1998	3980	Stip and Order...		STIPULATION AND ORDER VACATING AND CONTINUANCE SENTENCING	
3/13/1998	4505	Crt Ord Psych Eval - Conf.		* SEALED * DEFENDANT'S MATERIALS FOR CONSIDERATION AT SENTENCING (INCLUDING NEURO PSY	
3/17/1998	4500	PSI - Confidential		* SEALED *	
3/17/1998	MIN	***Minutes		MARCH 17, 1998 SENTENCING	
3/17/1998	1850	Judgment of Conviction			
3/19/1998	1310	Case Appeal Statement			
3/19/1998	4300	Withdrawal of Counsel		DENNIS WIDDIS, ESQ.	
3/19/1998	2515	Notice of Appeal Supreme Court			
3/23/1998	1670	Ex-Parte Mtn...		* SEALED * DEFENDANT'S EX PARTE CLAIM FOR EXPENSES	
3/23/1998	1365	Certificate of Transmittal			
3/23/1998	1350	Certificate of Clerk			
3/25/1998	4185	Transcript		MARCH 17, 1998 SENTENCING	
4/14/1998	1270	Application ...		VERIFIED APPLICATION FOR ADMISSION TO PRACTICE UNDER NEVADA SUPREME COURT RULE 42 (JL	
4/27/1998	3370	Order ...		* SEALED * ORDER FOR PAYMENT OF MENTAL HEALTH CONSULTANT FEES	
9/1/1998	1930	Letters ...		LETTER FROM DEFENDANT	
9/16/1998	1930	Letters ...		LETTER FROM DEFENDANT	
10/1/1998	1290	Association of Counsel		ASSOCIATING LLOYD DOUGAS DIX, ESQ. WITH THE LAW OFFICES OF KRAVITZ, SNITZER & SLOAN	
10/1/1998	4150	Supreme Ct Rule 42 Statement		JULIUS A. DIX, ESQ.	
10/1/1998	4150	Supreme Ct Rule 42 Statement		JULIUS A. DIX, ESQ.	
10/1/1998	2777	Ord Approving ...		ORDER APPROVING ADMISSION OF COUSNEL PRO HAEC VICE	
10/5/1998	1930	Letters ...		LETTER FROM DEFENDANT	
10/28/1998	1930	Letters ...		FROM DEFENDANT	
11/5/1998	4185	Transcript		DECEMBER 19, 1997 JURY TRIAL VOLUME IV OF IV	
11/5/1998	4185	Transcript		DECEMBER 18, 1997 JURY TRIAL VOLUME III OF IV	
11/5/1998	4185	Transcript		DECEMBER 17, 1997 JURY TRIAL VOLUME II OF IV	
11/5/1998	4185	Transcript		DECEMBER 15 & 16, 2997 JURY TRIAL VOLUME I OF IV	
5/6/1999	4185	Transcript		SEPTEMBER 6, 1997 TRIAL	
9/19/2000	1930	Letters ...		FROM DEFENDANT	
9/25/2000	4111	Supreme Ct Clk's Cert & Judg			
9/25/2000	4145	Supreme Court Remittitur			
9/25/2000	4120	Supreme Court Opinion			
10/31/2000	2840	Ord Denying ...		DEFENDANT'S MOTION FOR TRIAL RECORDS	
1/30/2001	1930	Letters ...		FROM DEFENDANT	
3/21/2003	2665	Ord Accepting Reassignment			
12/3/2003	IMG	**Entered/Imaged on Wrong Case		DEC. 3, 2003 EVIDENTIARY HEARING (NO EXHIBIT LIST ATTACHED)	
12/19/2007	3760	Refused Instructions-Pltf		STATE'S REJECTED INSTRUCTION 1	
11/6/2009	PAYRC	**Payment Received		A Payment of -\$25.00 was made on receipt DCDC253576.	
9/18/2012	4128	Supreme Court Order Denying		SUPREME COURT CASE NO. 61202/ORDER DENYING PETITION - Transaction 3224302 - Approved By: NOI	
9/18/2012	NEF	Proof of Electronic Service		Transaction 3224393 - Approved By: NOREVIEW : 09-18-2012:13:43:21	

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

Case ID:	CR96-2687	Case Type:	CRIMINAL	Initial Filing Date:	12/9/1996
10/11/2013	1477	**Consolidated With...	CONSOLIDATED WITH CR96P2687. PLEASE FILE ALL FUTURE PLEADINGS IN THIS CASE.		
11/19/2013	3860	Request for Submission	DOCUMENT TITLE: PETITION FOR WRIT OF HABEAS CORPUS (POST CONVICTION), NOTICE AND EXHII		
12/5/2013	4100	Supplemental Petition	SUPPLEMENTAL PETITION FOR WRIT OF HABEAS (POST-CONVICTION) RELIEF		
12/18/2013	S200	Request for Submission Complet	ORDER		
12/18/2013	3370	Order ...	Transaction 4206649 - Approved By: NOREVIEW : 12-18-2013:11:52:33		
12/18/2013	3860	Request for Submission	DOCUMENT TITLE: PETITION FOR WRIT OF HABEAS CORPUS (POST CONVICTION)		
12/18/2013	1325	** Case Reopened			
12/18/2013	NEF	Proof of Electronic Service	Transaction 4206689 - Approved By: NOREVIEW : 12-18-2013:12:00:31		
1/14/2014	S200	Request for Submission Complet	order requesting response from the state.		
2/3/2014	2300	Mtn to Dismiss Pet	MOTION TO DISMISS PETITION FOR WRIT OF HABEAS CORPUS (POST CONVICTION) - Transaction 4287:		
2/3/2014	1130	Answer ...	ANSWER TO PETITION FOR WRIT OF HABEAS CORPUS (POST CONVICTION) - Transaction 4287507 - App		
2/3/2014	2610	Notice ...	JUDICIAL NOTICE AND MOTION		
2/3/2014	NEF	Proof of Electronic Service	Transaction 4287625 - Approved By: NOREVIEW : 02-03-2014:16:29:17		
2/14/2014	3795	Reply...	REPLY TO ANSWER TO PETITION FOR WRIT OF HABEAS CORPUS (POST CONVICTION)		
2/14/2014	2645	Opposition to Mtn ...	OPPOSITION TO MOTION TO DISMISS PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION)		
2/20/2014	3795	Reply...	REPLY TO OPPOSITION TO MOTION TO DISMISS - Transaction 4313039 - Approved By: SHAMBRIG : 02-20-		
2/20/2014	3860	Request for Submission	- Transaction 4313039 - Approved By: SHAMBRIG : 02-20-2014:15:59:28		
2/20/2014	NEF	Proof of Electronic Service	Transaction 4313204 - Approved By: NOREVIEW : 02-20-2014:16:00:55		
3/10/2014	T200	Tickle End Code			
4/9/2014	S200	Request for Submission Complet	ORDER		
4/9/2014	2922	Ord Dismiss Post Conviction	Transaction 4379421 - Approved By: NOREVIEW : 04-09-2014:09:37:40		
4/9/2014	NEF	Proof of Electronic Service	Transaction 4379432 - Approved By: NOREVIEW : 04-09-2014:09:40:33		
4/21/2014	2515	Notice of Appeal Supreme Court	Appellant, Frank Peck, proper		
4/21/2014	2490	Motion ...	MOTION FOR MEET AND CONFIR AND OR SCHEDULING ORDER PRCP 16, 16.1		
4/23/2014	2540	Notice of Entry of Ord	Transaction 4399925 - Approved By: NOREVIEW : 04-23-2014:14:42:27		
4/23/2014	NEF	Proof of Electronic Service	Transaction 4399929 - Approved By: NOREVIEW : 04-23-2014:14:43:23		
4/24/2014	1310E	Case Appeal Statement	Transaction 4401597 - Approved By: NOREVIEW : 04-24-2014:11:07:11		
4/24/2014	1350	Certificate of Clerk	CERTIFICATE OF CLERK AND TRANSMITTAL - NOTICE OF APPEAL - Transaction 4401597 - Approved By: N		
4/24/2014	NEF	Proof of Electronic Service	Transaction 4401603 - Approved By: NOREVIEW : 04-24-2014:11:08:29		
4/28/2014	2515	Notice of Appeal Supreme Court			
5/1/2014	1188	Supreme Court Receipt for Doc	SUPREME CT NO. 65521/RECEIPT FOR DOCUMENTS - Transaction 4413061 - Approved By: NOREVIEW : 0		
5/1/2014	NEF	Proof of Electronic Service	Transaction 4413066 - Approved By: NOREVIEW : 05-01-2014:15:42:41		
5/12/2014	FIE	**Document Filed in Error	FIE- filed in wrong case, asmith 05/14/14		
5/14/2014	1310E	Case Appeal Statement	Transaction 4431445 - Approved By: NOREVIEW : 05-14-2014:10:57:44		
5/14/2014	1350	Certificate of Clerk	CERTIFICATE OF CLERK AND TRANSMITTAL - NOTICE OF APPEAL - Transaction 4431445 - Approved By: N		
5/14/2014	NEF	Proof of Electronic Service	Transaction 4431456 - Approved By: NOREVIEW : 05-14-2014:10:58:44		
5/20/2014	1188	Supreme Court Receipt for Doc	SUPREME COURT NO. 65521/RECEIPT FOR DOCUMENTS - Transaction 4439389 - Approved By: NOREVIEW		
5/20/2014	NEF	Proof of Electronic Service	Transaction 4439403 - Approved By: NOREVIEW : 05-20-2014:09:23:06		
6/11/2014	4126	Supreme Ct Order Directing...	SUPREME COURT NO. 65521/ORDER DIRECTING TRANSMISSION OF RECORD - Transaction 4471429 - A		

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

Case ID:	CR96-2687	Case Type:	CRIMINAL	Initial Filing Date:	12/9/1996
6/11/2014	NEF	Proof of Electronic Service	Transaction 4471433 - Approved By: NOREVIEW : 06-11-2014:09:17:32		
7/25/2014	1350	Certificate of Clerk	CERTIFICATE OF CLERK AND TRANSMITTAL - RECORD ON APPEAL - Transaction 4533185 - Approved By:		
7/25/2014	NEF	Proof of Electronic Service	Transaction 4533187 - Approved By: NOREVIEW : 07-25-2014:09:21:22		
12/1/2014	4134	Supreme Court Order Affirming	SUPREME COURT NO. 65521/ORDER OF AFFIRMANCE - Transaction 4715314 - Approved By: NOREVIEW :		
12/1/2014	NEF	Proof of Electronic Service	Transaction 4715319 - Approved By: NOREVIEW : 12-01-2014:13:44:45		
12/31/2014	4128	Supreme Court Order Denying	SUPREME COURT NO. 65521/ORDER DENYING REHEARING - Transaction 4755484 - Approved By: NOREVIEW :		
12/31/2014	NEF	Proof of Electronic Service	Transaction 4755490 - Approved By: NOREVIEW : 12-31-2014:10:06:39		
3/31/2015	4128	Supreme Court Order Denying	SUPREME COURT NO. 65521/ORDER DENYING EN BANC RECONSIDERATION - Transaction 4885732 - Ap		
3/31/2015	NEF	Proof of Electronic Service	Transaction 4885738 - Approved By: NOREVIEW : 03-31-2015:14:16:18		
4/24/2015	4128	Supreme Court Order Denying	SUPREME COURT NO. 65521 / ORDER DENYING EN BANC RECONSIDERATION - Transaction 4922284 - A		
4/24/2015	4128	Supreme Court Order Denying	SUPREME COURT NO. 65521 / ORDER DENYING REHEARING - Transaction 4922284 - Approved By: NOREVIEW :		
4/24/2015	4134	Supreme Court Order Affirming	SUPREME COURT NO. 65521 / ORDER OF AFFIRMANCE - Transaction 4922284 - Approved By: NOREVIEW :		
4/24/2015	NEF	Proof of Electronic Service	Transaction 4922288 - Approved By: NOREVIEW : 04-24-2015:10:17:02		
4/24/2015	4145	Supreme Court Remittitur	SUPREME COURT NO. 65521 / REMITTITUR - Transaction 4922284 - Approved By: NOREVIEW : 04-24-2015		
4/24/2015	4111	Supreme Ct Clk's Cert & Judg	SUPREME COURT NO. 65521 / CLERK'S CERTIFICATE & JUDGMENT - Transaction 4922284 - Approved By:		
6/16/2016	3862	**Criminal Submit	DOCUMENT TITLE: NOTICE OF MOTION/MOTIONS FOR MODIFICATION OF SENTENCE		
6/16/2016	2490	Motion ...	NOTICE OF MOTION /MOTIONS FOR MODIFICATION OF SENTENCE		
6/23/2016	2645	Opposition to Mtn ...	OPPOSITION TO MOTION FOR MODIFICATION OF SENTENCE - Transaction 5575777 - Approved By: CSUL		
6/23/2016	NEF	Proof of Electronic Service	Transaction 5576159 - Approved By: NOREVIEW : 06-23-2016:10:02:31		
7/5/2016	3795	Reply...	REPLY TO OPPOSITION TO MOTION FOR MODIFICATION OF SENTENCE		
7/7/2016	3860	Request for Submission	DEFENDANT'S MOTION FOR MODIFICATION OF SENTENCE (PAPER ORDER NOT PROVIDED) - Transacti		
7/7/2016	NEF	Proof of Electronic Service	Transaction 5596809 - Approved By: NOREVIEW : 07-07-2016:09:32:41		
7/14/2016	S200	Request for Submission Complet	ORDER		
7/14/2016	2842	Ord Denying Motion	FOR MODIFICATION OF SENTENCE - Transaction 5607952 - Approved By: NOREVIEW : 07-14-2016:09:42:21		
7/14/2016	NEF	Proof of Electronic Service	Transaction 5607958 - Approved By: NOREVIEW : 07-14-2016:09:43:28		
8/8/2016	2515	Notice of Appeal Supreme Court	Appellant, Frank Peck		
8/9/2016	1350	Certificate of Clerk	CERTIFICATE OF CLERK AND TRANSMITTAL - NOTICE OF APPEAL - Transaction 5650496 - Approved By: N		
8/9/2016	1310E	Case Appeal Statement	Transaction 5650496 - Approved By: NOREVIEW : 08-09-2016:16:34:20		
8/9/2016	NEF	Proof of Electronic Service	Transaction 5650499 - Approved By: NOREVIEW : 08-09-2016:16:37:09		
8/16/2016	2515	Notice of Appeal Supreme Court	Appellant, Frank M. Peck		
8/18/2016	1188	Supreme Court Receipt for Doc	Transaction 5664933 - Approved By: NOREVIEW : 08-18-2016:09:15:09		
8/18/2016	NEF	Proof of Electronic Service	Transaction 5664944 - Approved By: NOREVIEW : 08-18-2016:09:16:17		
8/18/2016	1310E	Case Appeal Statement	Transaction 5666343 - Approved By: NOREVIEW : 08-18-2016:14:01:25		
8/18/2016	1350	Certificate of Clerk	CERTIFICATE OF CLERK AND TRANSMITTAL - NOTICE OF APPEAL - Transaction 5666343 - Approved By: N		
8/18/2016	NEF	Proof of Electronic Service	Transaction 5666346 - Approved By: NOREVIEW : 08-18-2016:14:02:26		
8/29/2016	1188	Supreme Court Receipt for Doc	SUPREME COURT NO. 71021 / RECEIPT FOR DOCUMENTS - Transaction 5681714 - Approved By: NOREVIEW :		
8/29/2016	NEF	Proof of Electronic Service	Transaction 5681721 - Approved By: NOREVIEW : 08-29-2016:11:27:44		
10/4/2016	2385	Mtn Proceed Forma Pauperis	APPLICATION TO PROCEED INFORMA PAUPERIS		
10/4/2016	3585	Pet Writ Habeas Corpus	PETITION FOR WRIT OF HABEAS CORPUS (POST CONVICTION)		

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

Case ID:	CR96-2687	Case Type:	CRIMINAL	Initial Filing Date:	12/9/1996
10/11/2016	4127	Supreme Ct Ord Dismiss Appeal	SUPREME COURT NO. 71021 / ORDER DISMISSING APPEAL - Transaction 5751922 - Approved By: NOREV		
10/11/2016	NEF	Proof of Electronic Service	Transaction 5751931 - Approved By: NOREVIEW : 10-11-2016:15:47:30		
10/25/2016	1955	Memorandum Points&Authorities	MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF PETITION FOR WRIT OF HABEAS CORP		
12/29/2016	2145	Mtn Ord to Show Cause	NOTICE OF MOTION AND MOTION FOR ORDER TO SHOW CAUSE WHY PETITIONER SHOULD NOT BE IM		
1/19/2017	3860	Request for Submission	DOCUMENT TITLE: MOTION FOR ORDER TO SHOW CAUSE WHY PETITIONER SHOULD NOT BE IMMED		
1/26/2017	3585	Pet Writ Habeas Corpus			
1/27/2017	3373	Other ...	RULE 60 (a) CLERICAL MISTAKE CORRECTION		
2/13/2017	3860	Request for Submission	PETITIONER FRANK M PECK PROSE HEREBY REQUEST THAT HIS PETITION FOR WRIT OF HABEAS CO		
3/30/2017	NEF	Proof of Electronic Service	Transaction 6025144 - Approved By: NOREVIEW : 03-30-2017:12:06:18		
3/30/2017	1188	Supreme Court Receipt for Doc	SUPREME COURT NO. 72680 / RECEIPT FOR DOCUMENTS - Transaction 6025134 - Approved By: NOREVII		
4/7/2017	2540	Notice of Entry of Ord	Transaction 6041129 - Approved By: NOREVIEW : 04-07-2017:15:53:05		
4/7/2017	F230	Other Manner of Disposition			
4/7/2017	NEF	Proof of Electronic Service	Transaction 6040598 - Approved By: NOREVIEW : 04-07-2017:13:54:15		
4/7/2017	2922	Ord Dismiss Post Conviction	SUCCESSIVE PETITIONS FOR WRIT OF HC - Transaction 6040592 - Approved By: NOREVIEW : 04-07-2017:		
4/7/2017	S200	Request for Submission Complet	order		
4/7/2017	NEF	Proof of Electronic Service	Transaction 6041134 - Approved By: NOREVIEW : 04-07-2017:15:54:09		
4/7/2017	S200	Request for Submission Complet	order		
4/17/2017	NEF	Proof of Electronic Service	Transaction 6054117 - Approved By: NOREVIEW : 04-17-2017:10:59:36		
4/17/2017	4133	Supreme Court Notice	SUPREME COURT NO. 72680 / NOTICE OF TRANSFER TO COURT OF APPEALS - Transaction 6054113 - Aj		
4/17/2017	2515	Notice of Appeal Supreme Court	Appellant Frank Peck		
4/18/2017	1310E	Case Appeal Statement	Transaction 6057475 - Approved By: NOREVIEW : 04-18-2017:14:17:38		
4/18/2017	1365	Certificate of Transmittal	CERTIFICATE OF CLERK AND TRANSMITTAL - NOTICE OF APPEAL - Transaction 6057475 - Approved By: N		
4/18/2017	NEF	Proof of Electronic Service	Transaction 6057486 - Approved By: NOREVIEW : 04-18-2017:14:18:37		
4/24/2017	4125	Supreme Court Order...	SUPREME COURT NO. 72680 / ORDER DISMISSING PETITION - Transaction 6065281 - Approved By: NORE		
4/24/2017	NEF	Proof of Electronic Service	Transaction 6065283 - Approved By: NOREVIEW : 04-24-2017:08:44:37		
4/24/2017	1188	Supreme Court Receipt for Doc	SUPREME COURT NO. 72849 / RECEIPT FOR DOCUMENTS - Transaction 6065288 - Approved By: NOREVII		
4/24/2017	NEF	Proof of Electronic Service	Transaction 6065304 - Approved By: NOREVIEW : 04-24-2017:08:49:26		
6/19/2017	4126	Supreme Ct Order Directing...	SUPREME COURT NO. 72849 / ORDER DIRECTING TRANSMISSION OF RECORD - Transaction 6154811 - /		
6/19/2017	NEF	Proof of Electronic Service	Transaction 6154816 - Approved By: NOREVIEW : 06-19-2017:11:47:38		
6/21/2017	1350	Certificate of Clerk	CERTIFICATE OF CLERK AND TRANSMITTAL - RECORD ON APPEAL - Transaction 6158683 - Approved By:		
6/21/2017	NEF	Proof of Electronic Service	Transaction 6158687 - Approved By: NOREVIEW : 06-21-2017:08:54:47		
9/27/2017	4133	Supreme Court Notice	SUPREME COURT NO. 72849 / NOTICE OF TRANSFER TO COURT OF APPEALS - Transaction 6319817 - A		
9/27/2017	NEF	Proof of Electronic Service	Transaction 6319825 - Approved By: NOREVIEW : 09-27-2017:11:26:00		
12/19/2017	4134	Supreme Court Order Affirming	SUPREME COURT NO. 72849 / ORDER OF AFFIRMANCE - Transaction 6445184 - Approved By: NOREVIEW		
12/19/2017	NEF	Proof of Electronic Service	Transaction 6445190 - Approved By: NOREVIEW : 12-19-2017:10:58:13		
1/25/2018	2385	Mtn Proceed Forma Pauperis			
2/16/2018	3035	Ord Grant in Forma Pauperis	Transaction 6537231 - Approved By: NOREVIEW : 02-16-2018:13:01:17		
2/16/2018	NEF	Proof of Electronic Service	Transaction 6537234 - Approved By: NOREVIEW : 02-16-2018:13:02:16		
2/16/2018	3585	Pet Writ Habeas Corpus	PETITION FOR WRIT OF HABEAS CORPUS NOT POST CONVICTION NRS 34.360 - 34.630, CONSTITUTIOI		

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

Case ID:	CR96-2687	Case Type:	CRIMINAL	Initial Filing Date:	12/9/1996
3/21/2018	4128	Supreme Court Order Denying	SUPREME COURT NO. 72849 / ORDER DENYING PETITION FOR REVIEW - Transaction 6588732 - Approve		
3/21/2018	NEF	Proof of Electronic Service	Transaction 6588740 - Approved By: NOREVIEW : 03-21-2018:13:38:43		
4/17/2018	4145	Supreme Court Remittitur	SUPREME COURT NO. 72849 / REMITTITUR - Transaction 6634140 - Approved By: NOREVIEW : 04-17-2018		
4/17/2018	4111	Supreme Ct Clk's Cert & Judg	SUPREME COURT NO. 72849 / CLERK'S CERTIFICATE & JUDGMENTS - Transaction 6634140 - Approved B		
4/17/2018	NEF	Proof of Electronic Service	Transaction 6634168 - Approved By: NOREVIEW : 04-17-2018:15:11:04		
4/17/2018	4128	Supreme Court Order Denying	SUPREME COURT NO. 72849 / ORDER DENYING PETITION FOR REVIEW - Transaction 6634140 - Approve		
4/17/2018	4134	Supreme Court Order Affirming	SUPREME COURT NO. 72849 / ORDER OF AFFIRMANCE - Transaction 6634140 - Approved By: NOREVIEW		
6/4/2018	3373	Other ...	PETITIONER VOLUNTARILLY DISMISSES PETITION FILED 2/16/18		
6/5/2018	F100	Voluntary Dismissals			
6/8/2018	NEF	Proof of Electronic Service	Transaction 6719400 - Approved By: NOREVIEW : 06-08-2018:09:09:49		
6/8/2018	2610	Notice ...	NOTICE OF NON-OPPOSITION - Transaction 6719351 - Approved By: JAPARICI : 06-08-2018:09:08:45		
7/9/2018	1930	Letters ...	LETTER FROM DEFENDANT REGARDING VOLUNTARY DISMISSAL		
7/10/2018	NEF	Proof of Electronic Service	Transaction 6767688 - Approved By: NOREVIEW : 07-10-2018:09:58:08		
7/10/2018	2526	Notice of Change of Attorney	NOTICE OF RESPONSIBLE ATTORNEY FOR THE STATE - JENNIFER P. NOBLE DA - Transaction 6767389 -		
7/10/2018	3860	Request for Submission	PETITIONER'S NOTICE FILED 6/04/18 - Transaction 6767392 - Approved By: CSULEZIC : 07-10-2018:09:59:4		
7/10/2018	NEF	Proof of Electronic Service	Transaction 6767693 - Approved By: NOREVIEW : 07-10-2018:10:00:53		
7/18/2018	2610	Notice ...			
8/6/2018	3860	Request for Submission	DOCUMENT TITLE: COMMON LAW PETITION FOR WRIT OF HABEAS CORPUS (NOT POST-CONVICTION		
9/7/2018	2920	Ord for Dismissal...	COMMON LAW PETITION FOR WRIT OF HABEAS CORPUS (NOT POST-CONVICTION) - Transaction 68679		
9/7/2018	NEF	Proof of Electronic Service	Transaction 6868000 - Approved By: NOREVIEW : 09-07-2018:09:40:32		
9/7/2018	F230	Other Manner of Disposition			
9/7/2018	2540	Notice of Entry of Ord	Transaction 6868760 - Approved By: NOREVIEW : 09-07-2018:12:31:52		
9/7/2018	S200	Request for Submission Complet	ORDER		
9/7/2018	S200	Request for Submission Complet	ORDER		
9/7/2018	NEF	Proof of Electronic Service	Transaction 6868761 - Approved By: NOREVIEW : 09-07-2018:12:32:50		
9/25/2018	2490	Motion ...	MOTION FOR RELIEF FROM ORDER FILED HEREIN ON 9-7-2018 ERRONEOUSLY DISMISSING COMMON		
10/12/2018	3860	Request for Submission	DOCUMENT TITLE: MOTION FOR RELIEF FROM ORDER FILED HEREIN ON 9-7-2018 ERRONEOUSLY DIS		
12/4/2018	S200	Request for Submission Complet	ORDER		
12/4/2018	2842	Ord Denying Motion	FOR RELIEF FROM ORDER ERRONEOUSLY DISMISSING COMMON LAW PETITION FOR WRIT OF HABEA		
12/4/2018	NEF	Proof of Electronic Service	Transaction 7006588 - Approved By: NOREVIEW : 12-04-2018:14:36:49		
12/4/2018	F230	Other Manner of Disposition			
12/18/2018	2540	Notice of Entry of Ord	Transaction 7028655 - Approved By: NOREVIEW : 12-18-2018:09:10:46		
12/18/2018	NEF	Proof of Electronic Service	Transaction 7028662 - Approved By: NOREVIEW : 12-18-2018:09:11:49		
3/7/2019	2490	Motion ...	NRCP RULE 60(b)(3) MOTION		
4/17/2019	1930	Letters ...	LETTER FROM DEFENDANT		
5/17/2019	3860	Request for Submission	DOCUMENT TITLE: UNOPPOSED NRCP RULE 60(B) MOTION (NO ORDER PROVIDED)		
6/12/2019	2842	Ord Denying Motion	RULE 60(B) MOTION - Transaction 7317925 - Approved By: NOREVIEW : 06-12-2019:15:11:02		
6/12/2019	NEF	Proof of Electronic Service	Transaction 7317931 - Approved By: NOREVIEW : 06-12-2019:15:12:01		
6/12/2019	S200	Request for Submission Complet	order		

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

Case ID:	CR96-2687	Case Type:	CRIMINAL	Initial Filing Date:	12/9/1996
6/17/2019	2540	Notice of Entry of Ord	Transaction 7324104 - Approved By: NOREVIEW : 06-17-2019:11:13:10		
6/17/2019	NEF	Proof of Electronic Service	Transaction 7324107 - Approved By: NOREVIEW : 06-17-2019:11:14:06		
7/5/2019	2490	Motion ...	MOTION FOR LEAVE TO REHEAR NRCP RULE 60(b)(3) MOTION DCR RULE 13.7- NRCP RULE 60(b)(2)		
8/27/2019	3860	Request for Submission	DOCUMENT TITLE: MOTION FOR LEAVE TO REHEAR NRCP RULE 60(B) MOTION (NO ORDER PROVIDE		
10/17/2019	3860	Request for Submission	DOCUMENT TITLE: MOTION FOR LEAVE TO REHEAR NRCP RULE 60(b)(3) MOTION DCR RULE 13.7- NRC		
11/7/2019	S200	Request for Submission Complet	ORDER		
11/7/2019	S200	Request for Submission Complet	ORDER		
11/7/2019	2842	Ord Denying Motion	FOR LEAVE TO REHEAR NRCP RULE 60(b)(3) Motion - Transaction 7577674 - Approved By: NOREVIEW : 11		
11/7/2019	NEF	Proof of Electronic Service	Transaction 7577675 - Approved By: NOREVIEW : 11-07-2019:12:25:37		
11/8/2019	F230	Other Manner of Disposition			
11/20/2019	2515	Notice of Appeal Supreme Court	NOTICE OF APPEAL		
11/20/2019	1310E	Case Appeal Statement	CASE APPEAL STATEMENT - Transaction 7599553 - Approved By: NOREVIEW : 11-20-2019:14:31:10		
11/20/2019	NEF	Proof of Electronic Service	Transaction 7599572 - Approved By: NOREVIEW : 11-20-2019:14:33:13		
11/20/2019	1350	Certificate of Clerk	CERTIFICIATE OF CLERK AND TRANSMITTAL - NOTICE OF APPEAL - Transaction 7599553 - Approved By: N		
11/26/2019	1187	**Supreme Court Case No. ...	SUPREME COURT NO. 80103 - PECK		
11/27/2019	2515	Notice of Appeal Supreme Court	NOTICE OF APPEAL		
11/27/2019	1188	Supreme Court Receipt for Doc	SUPREME COURT NO. 80103 / RECEIPT FOR DOCUMENTS - Transaction 7611277 - Approved By: NOREVI		
11/27/2019	NEF	Proof of Electronic Service	Transaction 7611286 - Approved By: NOREVIEW : 11-27-2019:11:43:46		
11/27/2019	1310E	Case Appeal Statement	CASE APPEAL STATEMENT - Transaction 7611611 - Approved By: NOREVIEW : 11-27-2019:13:29:09		
11/27/2019	1350	Certificate of Clerk	CERTIFICIATE OF CLERK AND TRANSMITTAL - NOTICE OF APPEAL - Transaction 7611611 - Approved By: N		
11/27/2019	NEF	Proof of Electronic Service	Transaction 7611614 - Approved By: NOREVIEW : 11-27-2019:13:30:05		
12/2/2019	2515	Notice of Appeal Supreme Court	NOTICE OF APPEAL - ORDERS 6/12/19 AND 11/7/19		
12/3/2019	1310E	Case Appeal Statement	CASE APPEAL STATEMENT - Transaction 7615949 - Approved By: NOREVIEW : 12-03-2019:09:45:07		
12/3/2019	1350	Certificate of Clerk	CERTIFICIATE OF CLERK AND TRANSMITTAL - NOTICE OF APPEAL - Transaction 7615949 - Approved By: N		
12/3/2019	NEF	Proof of Electronic Service	Transaction 7615957 - Approved By: NOREVIEW : 12-03-2019:09:46:12		
12/5/2019	1188	Supreme Court Receipt for Doc	SUPREME COURT NO. 80103 / RECEIPT FOR DOCUMENTS - Transaction 7622182 - Approved By: NOREVII		
12/5/2019	NEF	Proof of Electronic Service	Transaction 7622191 - Approved By: NOREVIEW : 12-05-2019:13:46:58		
12/9/2019	1188	Supreme Court Receipt for Doc	SUPREME COURT NO. 80103 / RECEIPT FOR DOCUMENTS - Transaction 7626903 - Approved By: NOREVII		
12/9/2019	NEF	Proof of Electronic Service	Transaction 7626912 - Approved By: NOREVIEW : 12-09-2019:11:53:38		
1/7/2020	4127	Supreme Ct Ord Dismis Appeal	SUPREME COURT NO. 80103 / ORDER DISMISSING APPEAL - Transaction 7672330 - Approved By: NOREVI		
1/7/2020	NEF	Proof of Electronic Service	Transaction 7672351 - Approved By: NOREVIEW : 01-07-2020:14:13:29		
2/3/2020	4127	Supreme Ct Ord Dismis Appeal	SUPREME COURT NO. 80103 / ORDER DISMISSING APPEAL - Transaction 7718037 - Approved By: NOREVI		
2/3/2020	4111	Supreme Ct Clk's Cert & Judg	SUPREME COURT NO. 80103 / CLERK'S CERTIFICATE & JUDGMENT - Transaction 7718037 - Approved By:		
2/3/2020	4145	Supreme Court Remittitur	SUPREME COURT NO. 80103 / REMITTITUR - Transaction 7718037 - Approved By: NOREVIEW : 02-03-2020		
2/3/2020	NEF	Proof of Electronic Service	Transaction 7718038 - Approved By: NOREVIEW : 02-03-2020:13:59:15		
6/10/2020	2385	Mtn Proceed Forma Pauperis	DFX: NO REQUEST FOR SUBMISSION FILED BY DEFENDANT		
6/10/2020	3565	Pet Post-Conviction Relief	PETITION FOR WRIT OF HABEAS CORPUS POST CONVICTION RELIEF - Transaction 7919033 - Approved I		
6/10/2020	NEF	Proof of Electronic Service	Transaction 7919046 - Approved By: NOREVIEW : 06-10-2020:15:22:05		
8/26/2020	3060	Ord Granting Mtn ...	TO PROCEED INFORMA PAUPERIS - Transaction 8038265 - Approved By: NOREVIEW : 08-26-2020:12:32:08		

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

Case ID:	CR96-2687	Case Type:	CRIMINAL	Initial Filing Date:	12/9/1996
8/26/2020	NEF	Proof of Electronic Service	Transaction 8038270 - Approved By: NOREVIEW : 08-26-2020:12:33:07		
8/26/2020	S200	Request for Submission Complet	ORDER		
9/8/2020	3860	Request for Submission	Transaction 8057409 - Approved By: NOREVIEW : 09-08-2020:16:39:34		
9/8/2020	NEF	Proof of Electronic Service	Transaction 8057414 - Approved By: NOREVIEW : 09-08-2020:16:40:33		
9/30/2020	T200	Tickle End Code			
11/9/2020	NEF	Proof of Electronic Service	Transaction 8152640 - Approved By: NOREVIEW : 11-09-2020:06:40:15		
11/9/2020	S200	Request for Submission Complet	order		
11/9/2020	F230	Other Manner of Disposition			
11/9/2020	2922	Ord Dismiss Post Conviction	DENYING PETITION FOR WRIT OF HABEAS CORPUS - Transaction 8152639 - Approved By: NOREVIEW : 11-09-2020:16:40:33		
11/9/2020	2540	Notice of Entry of Ord	Transaction 8153064 - Approved By: NOREVIEW : 11-09-2020:10:21:49		
11/9/2020	NEF	Proof of Electronic Service	Transaction 8153067 - Approved By: NOREVIEW : 11-09-2020:10:22:39		
11/19/2020	2515	Notice of Appeal Supreme Court	NOTICE OF APPEAL - 11/9/2020		
11/19/2020	1310E	Case Appeal Statement	CASE APPEAL STATEMENT - Transaction 8170707 - Approved By: NOREVIEW : 11-19-2020:16:13:00		
11/19/2020	1350	Certificate of Clerk	CERTIFICATE OF CLERK AND TRANSMITTAL - NOTICE OF APPEAL - Transaction 8170707 - Approved By: NOREVIEW : 11-19-2020:16:14:01		
11/19/2020	NEF	Proof of Electronic Service	Transaction 8170710 - Approved By: NOREVIEW : 11-19-2020:16:14:01		

**SECOND JUDICIAL DISTRICT COURT
COUNTY OF WASHOE**

Case History - CR96P2687

DEPT. D6

HON. LYNNE K. SIMONS

Report Date & Time

11/19/2020

4:16:22PM

Case ID:	CR96P2687	Case Type:	Case Description: Consolidated into CR96-2687 POST CONVICTION	Initial Filing Date:	9/19/2001
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Parties

RESP	STATE OF NEVADA - STATE
APPP	FRANK MILFORD PECK - @3461
PATY	ROBERT E. GLENNEN - 2143
RESD	STATE OF NEVADA - STATE
PETR	FRANK MILFORD PECK - @3461
APPE	FRANK MILFORD PECK - @3461
DA	Christopher J. Hicks, Esq. - 7747
DA	Jennifer P. Noble, Esq. - 9446
DATY	ROBERT E. GLENNEN - 2143
DATY	Gary Howard Hatlestad, Esq. - 1525

Charges

<i>Charge No.</i>	<i>Charge Code</i>	<i>Charge Date</i>	<i>Charge Description</i>
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Plea Information

<i>Charge No.</i>	<i>Plea Code</i>	<i>Plea Date</i>	<i>Plea Description</i>
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Release Information

Custody Status

Hearings

<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
1	D6 EVIDENTIARY HEARING	12/3/2003	13:30:00	12/3/2003
Event Extra Text: EVIDENTIARY HEARING REQUESTED BY COURT 3 HRS ROBERT GLENNON - 702-384-8981 TERRENCE MCCARTHY - 337-5750		Disposition: D355 12/3/2003 PETITIONER'S CLAIM IS DENIED		
2	D6 Request for Submission	12/17/2010	11:10:00	2/9/2011
Event Extra Text: FIRST AMENDED PETITION FOR WRIT OF HABEAS CORPUS (POST CONVICTION) (NO PAPER ORDER)		Disposition: S200 2/9/2011 order		

Case Description: Consolidated into CR96-2687

Case ID:	CR96P2687	Case Type:	POST CONVICTION	Initial Filing Date:	9/19/2001
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<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
3 D6	Request for Submission	12/17/2010	11:15:00	2/9/2011

Event Extra Text: EX PARTE MOTION FOR APPOINTMENT OF COUNSEL AND REQUEST FOR EVIDENTIARY HEARING (NO PAPER ORDER)

Disposition:S200 2/9/2011
order

<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
4 D6	Request for Submission	12/22/2011	16:50:00	2/10/2012

Event Extra Text: MOTION FOR LEAVE TO FILE SUPPLEMENTAL POINTS AND AUTHORITIES IN SUPPORT OF THE PENDING WRIT OF HABEAS CORPUS (POST CONVICTION)

Disposition:S200 2/10/2012
ORDER

<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
5 D6	Request for Submission	12/22/2011	16:50:00	2/10/2012

Event Extra Text: SUPPLEMENTAL MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF WRIT OF HABEAS CORPUS (POST CONVICTION)

Disposition:S200 2/10/2012
ORDER**Agency Cross Reference**

<i>Code</i>	<i>Agency Description</i>	<i>Case Reference I.D.</i>
SC	Supreme Court	SCN 60878
SC	Supreme Court	SCN 60343
SC	Supreme Court	SCN 38835
SC	Supreme Court	SCN 57968
SC	Supreme Court	SCN 42672
SC	Supreme Court	SCN 60040

Actions

<i>Action Entry Date</i>	<i>Code</i>	<i>Code Description</i>	<i>Text</i>
9/19/2001	1955	Memorandum Points&Authorities	PET'S APPENDIX TO PET FOR WRIT
9/19/2001	3585	Pet Writ Habeas Corpus	
9/25/2001	3862	**Criminal Submit	DOCUMENT TITLE: PET FOR WRIT
10/19/2001	3370	Order ...	DENYING PET FOR WRIT
10/19/2001	2535	Notice of Entry of Judgment	
10/19/2001	1315	** Case Closed	
11/5/2001	2490	Motion ...	TO RECONSIDER ORDER DENYING POST CONVICTION WRIT
11/19/2001	2650	Opposition to ...	MOTION TO RECONSIDER ORDER DENYING POST CONVICTION
11/21/2001	1350	Certificate of Clerk	
11/21/2001	1365	Certificate of Transmittal	
11/21/2001	2515	Notice of Appeal Supreme Court	
11/21/2001	1310	Case Appeal Statement	
11/28/2001	1187	**Supreme Court Case No. ...	FOR ISSUE NO. 38835
3/5/2003	4125	Supreme Court Order...	SUPREME COURT CASE NO. 38835
3/6/2003	1330	**Case Submitted Random Assign	DOCUMENT TITLE: CASE SUBMITTED TO D6 FOR CONSIDERATION OF REASSIGNMENT
3/21/2003	1312	Case Assignment Notification	
3/21/2003	3370	Order ...	ACCEPTING RANDOM ASSIGNMENT

Case ID:	CR96P2687	Case Type:	Case Description: Consolidated into CR96-2687 POST CONVICTION	Initial Filing Date:	9/19/2001
5/7/2003	4128	Supreme Court Order Denying	SUPREME COURT CASE NO. 38835		
6/4/2003	4134	Supreme Court Order Affirming	SUPREME COURT CASE NO. 38835		
6/4/2003	4145	Supreme Court Remittitur	SUPREME COURT CASE NO. 38835		
6/4/2003	4128	Supreme Court Order Denying	SUPREME COURT CASE NO. 38835		
6/4/2003	4111	Supreme Ct Clk's Cert & Judg	SUPREME COURT CASE NO. 38835		
6/24/2003	3862	**Criminal Submit	DOCUMENT TITLE: ORDER AFFIRMING IN PART, REVERSING IN PART AND REMAND		
7/14/2003	3370	Order ...	TO SET HEARING		
7/14/2003	1325	** Case Reopened			
7/25/2003	1250	Application for Setting	EVIDENTIARY HEARING - 12/3/03		
8/27/2003	3340	Ord to Produce Prisoner	TO APPEAR ON 12-3-03		
8/27/2003	1260	Application Produce Prisoner			
12/1/2003	2592	Notice of Witnesses	PETITIONER'S LIST OF WITNESSES		
12/3/2003	1695	** Exhibit(s) ...	DEFENSE EXHIBITS		
12/3/2003	MIN	***Minutes	12/03/03 EVIDENTIARY HEARING		
12/8/2003	4185	Transcript	12/03/03 - EVIDENTIARY HEARING		
12/31/2003	1750	Findings, Conclusions & Judg	PETITION FOR WRIT OF HABEAS CORPUS DISMISSED		
12/31/2003	2540	Notice of Entry of Ord			
12/31/2003	1315	** Case Closed			
1/12/2004	2515	Notice of Appeal Supreme Court			
1/15/2004	1350	Certificate of Clerk			
1/15/2004	1365	Certificate of Transmittal			
1/20/2004	3980	Stip and Order...	THAT PETITIONER MAY PROCEED IN FORMA PAUPERIS		
1/20/2004	1310	Case Appeal Statement			
1/21/2004	1187	**Supreme Court Case No. ...	SUPREME COURT CASE NO. 42672		
1/21/2004	1188	Supreme Court Receipt for Doc	SUPREME COURT CASE NO. 42672		
1/27/2004	3370	Order ...	FOR PAYMENT OF TRANSCIRTION FEES		
7/12/2005	4134	Supreme Court Order Affirming	SUPREME COURT CASE NO. 42672		
8/9/2005	4134	Supreme Court Order Affirming	SUPREME COURT CASE NO. 42672		
8/9/2005	4145	Supreme Court Remittitur	SUPREME COURT CASE NO. 42672		
8/9/2005	4111	Supreme Ct Clk's Cert & Judg	SUPREME COURT CASE NO. 42672		
8/7/2008	2385	Mtn Proceed Forma Pauperis	MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS		
8/7/2008	1325	** Case Reopened			
8/7/2008	1670	Ex-Parte Mtn...	EX PARTE MOTION FOR APPOINTMENT OF COUNSEL AND REQUEST FOR EVIDENTIARY HEARING		
8/7/2008	3862	**Criminal Submit	DOCUMENT TITLE: IFP/ POST-CONVICTION / EX PARTE MOTION FOR APPOINTMENT OF COUNSEL ANE		
8/7/2008	1030	Affidavit in Support...	AFFIDAVIT IN SUPPORT OF REQUEST TO PROCEED IN FORMA PAUPERIS		
8/7/2008	3585	Pet Writ Habeas Corpus	PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION)		
8/7/2008	1955	Memorandum Points&Authorities	MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF WRIT OF HABEAS CORPUS/POST-CON		
8/15/2008	3035	Ord Grant in Forma Pauperis			
8/16/2008	1315	** Case Closed			

Case ID:	CR96P2687	Case Type:	Case Description: Consolidated into CR96-2687 POST CONVICTION	Initial Filing Date:	9/19/2001
11/5/2008	2225	Mtn for Transfer ...	MOTION TO TRANSFER BACK TO DEPT 8: FRANK PECK		
8/13/2009	3860	Request for Submission	DOCUMENT TITLE: PETITION FOR WRIT OF HABEAS CORPUS		
10/26/2009	2525	Notice of Change of Address			
4/28/2010	1955	Memorandum Points&Authorities	MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF WRIT OF HABEAS CORPUS/POST-CON		
4/28/2010	3565	Pet Post-Conviction Relief	1ST AMENDED PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION)		
6/24/2010	2490	Motion ...	MOTION TO RENEW PREVIOUSLY FILED MOTIONS		
12/16/2010	3860	Request for Submission	DOCUMENT TITLE: EX PARTE MOTION FOR APPOINTMENT OF COUNSEL AND REQUEST FOR EVIDENT		
12/16/2010	3860	Request for Submission	DOCUMENT TITLE: FIRST AMENDED PETITION FOR WRIT OF HABEAS CORPUS (POST CONVICTION) (N		
12/17/2010	1325	** Case Reopened			
2/9/2011	2842	Ord Denying Motion	FOR APPOINTMENT OF COUNSEL; DISMISSING PETITION - Transaction 2022652 - Approved By: NOREVIEW		
2/9/2011	S200	Request for Submission Complet	order		
2/9/2011	S200	Request for Submission Complet	order		
2/9/2011	NEF	Proof of Electronic Service	Transaction 2022660 - Approved By: NOREVIEW : 02-09-2011:09:23:00		
2/9/2011	1315	** Case Closed			
3/1/2011	2540	Notice of Entry of Ord	Transaction 2061346 - Approved By: NOREVIEW : 03-01-2011:14:26:46		
3/1/2011	NEF	Proof of Electronic Service	Transaction 2061351 - Approved By: NOREVIEW : 03-01-2011:14:28:21		
3/16/2011	1365	Certificate of Transmittal	Transaction 2095469 - Approved By: LMATHEUS : 03-16-2011:08:56:50		
3/16/2011	1350	Certificate of Clerk	Transaction 2095469 - Approved By: LMATHEUS : 03-16-2011:08:56:50		
3/16/2011	1215	Application Appoint Counsel	Transaction 2095469 - Approved By: LMATHEUS : 03-16-2011:08:56:50		
3/16/2011	2610	Notice ...	EX PARTE JUDICIAL NOTICE - Transaction 2096996 - Approved By: LMATHEUS : 03-16-2011:14:36:32		
3/16/2011	2515	Notice of Appeal Supreme Court	Frank Peck - Transaction 2096996 - Approved By: LMATHEUS : 03-16-2011:14:36:32		
3/16/2011	2515	Notice of Appeal Supreme Court	FRANK PECK, APPELLANT - Transaction 2095469 - Approved By: LMATHEUS : 03-16-2011:08:56:50		
3/16/2011	1310E	Case Appeal Statement	Transaction 2095469 - Approved By: LMATHEUS : 03-16-2011:08:56:50		
3/16/2011	NEF	Proof of Electronic Service	Transaction 2095484 - Approved By: NOREVIEW : 03-16-2011:08:58:48		
3/16/2011	NEF	Proof of Electronic Service	Transaction 2097006 - Approved By: NOREVIEW : 03-16-2011:14:38:17		
3/17/2011	4109	Supreme Ct Accept - eFile Doc	SUPREME COURT CASE NO. 57968/NOTICE OF APPEAL Transaction 2099238 - Approved By: NOREVIEW :		
3/17/2011	NEF	Proof of Electronic Service	Transaction 2099248 - Approved By: NOREVIEW : 03-17-2011:14:20:37		
3/21/2011	NEF	Proof of Electronic Service	Transaction 2104253 - Approved By: NOREVIEW : 03-21-2011:12:52:45		
3/21/2011	1188	Supreme Court Receipt for Doc	SUPREME COURT CASE NO. 57968/RECEIPT FOR DOCUMENTS - NOTICE OF APPEAL - Transaction 21042		
3/31/2011	4126	Supreme Ct Order Directing...	SUPREME COURT CASE NO. 57968/ORDER DIRECTING TRANSMISSION OF RECORD - Transaction 21295		
3/31/2011	NEF	Proof of Electronic Service	Transaction 2129517 - Approved By: NOREVIEW : 03-31-2011:12:45:51		
4/20/2011	FIE	**Document Filed in Error	5-3-11 - LMATHEUS		
4/20/2011	FIE	**Document Filed in Error	5-4-11 - LMATHEUS		
5/11/2011	NEF	Proof of Electronic Service	Transaction 2217900 - Approved By: NOREVIEW : 05-11-2011:09:28:13		
5/11/2011	1350	Certificate of Clerk	CERTIFICATE OF CLERK AND TRANSMITTAL - RECORD ON APPEAL - Transaction 2217850 - Approved By:		
5/23/2011	NEF	Proof of Electronic Service	Transaction 2241246 - Approved By: NOREVIEW : 05-23-2011:09:31:50		
5/23/2011	1188	Supreme Court Receipt for Doc	SUPREME COURT CASE NO. 57968/RECEIPT FOR DOCUMENTS VOLS 1 through 3 - Transaction 2241239 -		
7/19/2011	NEF	Proof of Electronic Service	Transaction 2354687 - Approved By: NOREVIEW : 07-19-2011:13:25:21		
7/19/2011	4134	Supreme Court Order Affirming	SUPREME COURT CASE NO. 57968/ORDER OF AFFIRMANCE - Transaction 2354675 - Approved By: NORE		

Case ID:	CR96P2687	Case Type:	Case Description: Consolidated into CR96-2687 POST CONVICTION	Initial Filing Date:	9/19/2001
9/21/2011	4128	Supreme Court Order Denying	SUPREME COURT CASE NO 57968/ORDER DENYING REHEARING - Transaction 2482700 - Approved By: N		
9/21/2011	NEF	Proof of Electronic Service	Transaction 2482740 - Approved By: NOREVIEW : 09-21-2011:10:02:40		
11/21/2011	2490	Motion ...	MOTION TO SUPPLEMENT ADDITIONAL ARGUMENT AND GROUNDS OF INEFFECTIVE ASSISTANCE OF (
11/21/2011	4105	Supplemental ...	SUPPLEMENTAL MEMO OF POINTS AND AUTHORITIES IN SUPPORT OF WRIT OF HABEAS CORPUS/PO:		
12/12/2011	4105	Supplemental ...	SUPPLEMENTAL MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF WRIT OF HABEAS COF		
12/12/2011	2490	Motion ...	MOTION FOR LEAVE TO FILE SUPPLEMENTAL POINTS AND AUTHORITIES IN SUPPORT OF THE PENDIN		
12/13/2011	2490	Motion ...	MOTION TO RENEW PREVIOUSLY FILED MOTIONS		
12/13/2011	2610	Notice ...	EX PARTE JUDICIAL NOTICE		
12/22/2011	1325	** Case Reopened			
12/22/2011	3860	Request for Submission	DOCUMENT TITLE: MOTION FOR LEAVE TO FILE SUPPLEMENTAL POINTS AND AUTHORITIES IN SUPPC		
12/22/2011	3860	Request for Submission	DOCUMENT TITLE: SUPPLEMENTAL MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF WI		
12/23/2011	NEF	Proof of Electronic Service	Transaction 2666959 - Approved By: NOREVIEW : 12-23-2011:16:30:15		
12/23/2011	4128	Supreme Court Order Denying	SUPREME COURT CASE NO. 57968/ORDER DENYING EN BANC RECONSIDERATION - Transaction 26669:		
1/20/2012	3645	Petition ...	PETITION FOR WRIT OF MANDAMUS		
1/23/2012	4111	Supreme Ct Clk's Cert & Judg	SUPREME COURT CASE NO. 57968 - CLERK'S CERTIFICATE AND JUDGMENTS - Transaction 2712863 - A:		
1/23/2012	NEF	Proof of Electronic Service	Transaction 2712871 - Approved By: NOREVIEW : 01-23-2012:09:35:33		
1/23/2012	4128	Supreme Court Order Denying	SUPREME COURT CASE NO. 57968 - ORDER DENYING EN BANC RECONSIDERATION - Transaction 2712:		
1/23/2012	4134	Supreme Court Order Affirming	SUPREME COURT CASE NO. 57968 - ORDER OF AFFIRMANCE - Transaction 2712863 - Approved By: NORI		
1/23/2012	4145	Supreme Court Remittitur	SUPREME COURT CASE NO. 57968 - REMITTITUR - Transaction 2712863 - Approved By: NOREVIEW : 01-2		
1/23/2012	4128	Supreme Court Order Denying	SUPREME COURT CASE NO. 57968 - ORDER DENYING EN BANC RCONSIDERATION - Transaction 27128:		
2/10/2012	2840	Ord Denying ...	MTN FOR LEAVE TO FILE SUPPLEMENTAL WRIT; SUPPLEMENTAL PETITION IS DISMISSED - Transaction		
2/10/2012	S200	Request for Submission Complet	ORDER		
2/10/2012	1315	** Case Closed			
2/10/2012	S200	Request for Submission Complet	ORDER		
2/10/2012	NEF	Proof of Electronic Service	Transaction 2757095 - Approved By: NOREVIEW : 02-10-2012:09:54:01		
2/15/2012	NEF	Proof of Electronic Service	Transaction 2766643 - Approved By: NOREVIEW : 02-15-2012:11:33:00		
2/15/2012	2540	Notice of Entry of Ord	Transaction 2766640 - Approved By: NOREVIEW : 02-15-2012:11:31:24		
2/24/2012	2515	Notice of Appeal Supreme Court	APPELLANT, FRANK M. PECK		
2/24/2012	1310	Case Appeal Statement			
2/29/2012	1350	Certificate of Clerk	CERTIFICATE OF CLERK AND TRANSMITTAL - Transaction 2793948 - Approved By: NOREVIEW : 02-29-201:		
2/29/2012	NEF	Proof of Electronic Service	Transaction 2793957 - Approved By: NOREVIEW : 02-29-2012:10:00:48		
2/29/2012	NEF	Proof of Electronic Service	Transaction 2793955 - Approved By: NOREVIEW : 02-29-2012:10:00:06		
2/29/2012	2515	Notice of Appeal Supreme Court			
2/29/2012	1310E	Case Appeal Statement	Transaction 2793950 - Approved By: NOREVIEW : 02-29-2012:09:59:05		
2/29/2012	1350	Certificate of Clerk	CERTIFICATE OF CLERK AND TRANSMITTAL - NOTICE OF APPEAL - Transaction 2793950 - Approved By: N		
3/5/2012	1188	Supreme Court Receipt for Doc	SUPREME COURT ORDER NO. 60343/RECEIPT FOR DOCUMENTS - Transaction 2802821 - Approved By: N		
3/5/2012	NEF	Proof of Electronic Service	Transaction 2802831 - Approved By: NOREVIEW : 03-05-2012:11:03:48		
3/5/2012	NEF	Proof of Electronic Service	Transaction 2802833 - Approved By: NOREVIEW : 03-05-2012:11:04:19		
3/5/2012	1188	Supreme Court Receipt for Doc	SUPREME COURT ORDER NO. 60343/RECEIPT FOR DOCUMENTS - Transaction 2802818 - Approved By: N		

Case ID:	CR96P2687	Case Type:	Case Description: Consolidated into CR96-2687 POST CONVICTION	Initial Filing Date:	9/19/2001
3/6/2012	2515	Notice of Appeal Supreme Court	APPELLANT, FRANK PECK		
3/6/2012	1310E	Case Appeal Statement	Transaction 2807268 - Approved By: NOREVIEW : 03-06-2012:14:58:07		
3/6/2012	1350	Certificate of Clerk	CERTIFICATE OF CLERK AND TRANSMITTAL - NOTICE OF APPEAL - Transaction 2807268 - Approved By: N		
3/6/2012	NEF	Proof of Electronic Service	Transaction 2807288 - Approved By: NOREVIEW : 03-06-2012:15:00:32		
3/13/2012	1188	Supreme Court Receipt for Doc	SUPREME COURT CASE NO. 60343/RECEIPT FOR DOCUMENTS - Transaction 2821105 - Approved By: NOI		
3/13/2012	NEF	Proof of Electronic Service	Transaction 2821178 - Approved By: NOREVIEW : 03-13-2012:15:36:34		
3/20/2012	4126	Supreme Ct Order Directing...	SUPREME COURT CASE NO. 60343/ORDER DIRECTING TRANSMISSION OF RECORD - Transaction 28366		
3/20/2012	NEF	Proof of Electronic Service	Transaction 2836813 - Approved By: NOREVIEW : 03-20-2012:12:09:01		
3/26/2012	2490	Motion ...	MOTION FOR PERMISSION TO FILE IN PROPER PERSON DOCUMENTS		
4/18/2012	NEF	Proof of Electronic Service	Transaction 2897912 - Approved By: NOREVIEW : 04-18-2012:15:55:40		
4/18/2012	4129	Supreme Ct Order Granting ...	SUPREME COURT CASE NO. 60040/ORDER GRANTING PETITION - Transaction 2897850 - Approved By: N		
4/20/2012	NEF	Proof of Electronic Service	Transaction 2902898 - Approved By: NOREVIEW : 04-20-2012:12:18:10		
4/20/2012	NEF	Proof of Electronic Service	Transaction 2903139 - Approved By: NOREVIEW : 04-20-2012:13:47:27		
4/20/2012	1350	Certificate of Clerk	CERTIFICATE OF CLERK AND TRANSMITTAL - RECORD ON APPEAL - Transaction 2903137 - Approved By:		
4/20/2012	FIE	**Document Filed in Error	4-20-12 - LMATHEUS		
4/26/2012	1188	Supreme Court Receipt for Doc	SUPREME COURT CASE NO. 60343 - Transaction 2915441 - Approved By: NOREVIEW : 04-26-2012:15:29:14		
4/26/2012	NEF	Proof of Electronic Service	Transaction 2915479 - Approved By: NOREVIEW : 04-26-2012:15:34:42		
4/26/2012	1188	Supreme Court Receipt for Doc	SUPREME COURT CASE NO. 60343 - Transaction 2915441 - Approved By: NOREVIEW : 04-26-2012:15:29:14		
5/3/2012	NEF	Proof of Electronic Service	Transaction 2927771 - Approved By: NOREVIEW : 05-03-2012:10:04:04		
5/3/2012	1750	Findings, Conclusions & Judg	Transaction 2927759 - Approved By: NOREVIEW : 05-03-2012:10:01:20		
5/8/2012	2545	Notice of Entry ...	Transaction 2938564 - Approved By: NOREVIEW : 05-08-2012:11:44:18		
5/8/2012	NEF	Proof of Electronic Service	Transaction 2938575 - Approved By: NOREVIEW : 05-08-2012:11:47:10		
5/15/2012	1350	Certificate of Clerk	CERTIFICATE OF CLERK AND TRANSMITTAL - NOTICE OF APPEAL - Transaction 2952705 - Approved By: N		
5/15/2012	1310E	Case Appeal Statement	Transaction 2952705 - Approved By: NOREVIEW : 05-15-2012:08:58:15		
5/15/2012	2515	Notice of Appeal Supreme Court	APPELLANT, FRANK PECK		
5/15/2012	NEF	Proof of Electronic Service	Transaction 2952709 - Approved By: NOREVIEW : 05-15-2012:08:59:48		
5/22/2012	1188	Supreme Court Receipt for Doc	SUPREME COURT CASE NO. 60878 - Transaction 2971120 - Approved By: NOREVIEW : 05-22-2012:14:46:44		
5/22/2012	NEF	Proof of Electronic Service	Transaction 2971137 - Approved By: NOREVIEW : 05-22-2012:14:48:52		
5/22/2012	4131	Supreme Ct Not/Lieu/Remittitur	SUPREME COURT CASE NO. 60040 - Transaction 2971120 - Approved By: NOREVIEW : 05-22-2012:14:46:44		
6/26/2012	1350	Certificate of Clerk	CERTIFICATE OF CLERK AND TRANSMITTAL - RECORD ON APPEAL - Transaction 3043433 - Approved By:		
6/26/2012	4126	Supreme Ct Order Directing...	SUPREME COURT CASE NO. 60878/ORDER DIRECTING TRANSMISSION OF RECORD - Transaction 30417		
6/26/2012	NEF	Proof of Electronic Service	Transaction 3043442 - Approved By: NOREVIEW : 06-26-2012:14:19:53		
6/26/2012	NEF	Proof of Electronic Service	Transaction 3041744 - Approved By: NOREVIEW : 06-26-2012:09:04:09		
6/28/2012	1188	Supreme Court Receipt for Doc	SUPREME COURT CASE NO. 60878/RECEIPT FOR DOCUMENTS - Transaction 3050197 - Approved By: NO		
6/28/2012	NEF	Proof of Electronic Service	Transaction 3050210 - Approved By: NOREVIEW : 06-28-2012:14:15:00		
7/2/2012	3645	Petition ...	PETITION FOR WRIT OF MANDAMUS		
11/15/2012	NEF	Proof of Electronic Service	Transaction 3349377 - Approved By: NOREVIEW : 11-15-2012:16:57:17		
11/15/2012	4128	Supreme Court Order Denying	SUPREME COURT CASE NO. 61202/ORDER DENYING REHEARING - Transaction 3349308 - Approved By: N		
12/17/2012	4134	Supreme Court Order Affirming	SUPREME COURT ORDER NO. 60343/ORDER OF AFFIRMANCE - Transaction 3410727 - Approved By: NOR		

Case ID:	CR96P2687	Case Type:	Case Description: Consolidated into CR96-2687 POST CONVICTION	Initial Filing Date:	9/19/2001
12/17/2012	NEF	Proof of Electronic Service	Transaction 3410859 - Approved By: NOREVIEW : 12-17-2012:11:21:37		
1/10/2013	NEF	Proof of Electronic Service	Transaction 3456422 - Approved By: NOREVIEW : 01-10-2013:13:43:27		
1/10/2013	4145	Supreme Court Remittitur	SUPREME COURT NO. 60343/REMITTITUR - Transaction 3456412 - Approved By: NOREVIEW : 01-10-2013:		
1/10/2013	4134	Supreme Court Order Affirming	SUPREME COURT NO. 60343/ORDER OF AFFIRMANCE - Transaction 3456412 - Approved By: NOREVIEW :		
1/10/2013	4111	Supreme Ct Clk's Cert & Judg	SUPREME COURT NO. 60343/CLERK'S CERTIFICATE AND JUDGMENT - Transaction 3456412 - Approved B		
1/24/2013	NEF	Proof of Electronic Service	Transaction 3487717 - Approved By: NOREVIEW : 01-24-2013:15:41:43		
1/24/2013	4134	Supreme Court Order Affirming	SUPREME COURT NO. 60878/ORDER OF AFFIRMANCE - Transaction 3487695 - Approved By: NOREVIEW :		
5/29/2013	4128	Supreme Court Order Denying	SUPREME COURT CASE NO 60878/ORDER DENYING EN BANC RECONSIDERATION - Transaction 375154		
5/29/2013	NEF	Proof of Electronic Service	Transaction 3751554 - Approved By: NOREVIEW : 05-29-2013:09:58:14		
6/25/2013	NEF	Proof of Electronic Service	Transaction 3813347 - Approved By: NOREVIEW : 06-25-2013:11:26:55		
6/25/2013	4128	Supreme Court Order Denying	SUPREME COURT CASE NO 60878/ORDER DENYING EN BANC RECONSIDERATION - Transaction 381325		
6/25/2013	4128	Supreme Court Order Denying	SUPREME COURT NO. 60878/ORDER DENYING REHEARING - Transaction 3813254 - Approved By: NOREVIEW		
6/25/2013	4134	Supreme Court Order Affirming	SUPREME COURT CASE NO 60878/ORDER OF AFFIRMANCE - Transaction 3813254 - Approved By: NOREVIEW		
6/25/2013	4111	Supreme Ct Clk's Cert & Judg	SUPREME COURT NO. 60878/CLERKS CERTIFICATE AND JUDGMENT - Transaction 3813254 - Approved By:		
6/25/2013	4145	Supreme Court Remittitur	SUPREME COURT NO. 60878/REMITTITUR - Transaction 3813254 - Approved By: NOREVIEW : 06-25-2013:		
8/30/2013	3585	Pet Writ Habeas Corpus	PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION) RELIEF		
9/16/2013	2610	Notice ...	JUDICIAL NOTICE OF ADJUDICATIVE FACTS		
10/1/2013	4105	Supplemental ...	SUPPLEMENTAL EXHIBIT IN SUPPORT OF EVIDENTIARY HEARING		
10/11/2013	1478	**Consolidated To...	CONSOLIDATED INTO CR96-2687. PLEASE FILE ALL FUTURE PLEADINGS INTO CR96-2687.		

1 CODE NO. 2840
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3
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6 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7 IN AND FOR THE COUNTY OF WASHOE
8

9 STATE OF NEVADA,

Case No. CR96-2687

10 Plaintiff,

Dept. No. 6

11 vs.
12

13 FRANK M. PECK,

14 Defendant.
15 _____/

16 **ORDER DENYING PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION)**
17 **[NINTH SUCCESSIVE PETITION]**

18 Before this Court is a *Petition for Writ of Habeas Corpus (Post-Conviction)* (“*Petition*”)
19 filed by Petitioner, FRANK M. PECK (“Mr. Peck”), a self-represented litigant. No opposition
20 was filed and the matter was submitted for decision thereafter.

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1 **I. PROCEDURAL HISTORY.**

2 The instant action arises from Mr. Peck's 1998 Judgment of Conviction for two counts
3 of sexual assault entered after a trial by jury. After his conviction, Mr. Peck filed a direct
4 appeal to the Nevada Supreme Court on March 19, 1998. *Notice of Appeal to Supreme*
5 *Court.* Mr. Peck's conviction was affirmed. Peck v. State, *Order of Affirmance*, Docket No.
6 32031, filed in Second Judicial District Court Case Number CR96-2687 on September 25,
7 2000.
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9 Mr. Peck subsequently filed the following eight (8) petitions for post-conviction relief:

10 1) *Petition for Writ of Habeas Corpus (Post-Conviction)* filed September 19, 2001; 2)
11 *Petition for Writ of Habeas Corpus (Post-Conviction)* filed August 7, 2008; 3) *First Amended*
12 *Petition for Writ of Habeas Corpus (Post-Conviction)* filed April 28, 2010; 4) *Supplemental*
13 *Petition for Writ of Habeas Corpus (Post-Conviction)* filed November 21, 2011; 5) *Petition*
14 *for Writ of Habeas Corpus (Post-Conviction)* filed August 30, 2013; 6) *Supplemental*
15 *Petition for Writ of Habeas Corpus* filed December 5, 2013; 7) *Petition for Writ of Habeas*
16 *Corpus (Post-Conviction)* filed October 4, 2016; and 8) *First Amended Petition for Writ of*
17 *Habeas Corpus (Post-Conviction)* filed January 26, 2017. All petitions were dismissed or
18 denied.
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22 Mr. Peck additionally filed a *Common Law Petition for Writ of Habeas Corpus (Not*
23 *Post-Conviction) Writ NRS 34.360-34.631 Constitutional Challenge to NRS 34.220-34.830.*
24 (*Petition*) on February 16, 2018, challenging the constitutionality of NRS 34.220-34.830.
25 This Court dismissed the *Petition* **without prejudice** pursuant to NRCP 41(a)(2). Mr. Peck
26 then filed his *Motion for Relief From Order Filed Herein on 9-7-2018 Erroneously Dismissing*
27 *Common Law Petition for Writ of Habeas Corpus (Not Post Conviction)*, arguing the Court
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1 erred in dismissing the *Petition* and its *Order* should be set aside pursuant to NRCP Rule
2 60(b). The Court denied this request and ordered the dismissal was without prejudice.
3 *Order Denying Motion for Relief from Order Erroneously Dismissing Petition for Writ of*
4 *Habeas Corpus*, p. 4.

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6 On March 7, 2019, Mr. Peck filed the *NRCP Rule 60(b)(3) Motion* requesting this
7 Court set aside its *Judgment of Conviction* pursuant to Rule 60(b) of the Nevada Rules of
8 Civil Procedure on the basis the government fraudulently concealed and failed to disclose
9 material facts in his case. On June 17, 2019, the Court entered the *Order Denying NRCP*
10 *Rule 60(B) Motion*.

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12 On July 5, 2019, Mr. Peck filed the *Motion for Leave to Rehear NRCP Rule 60(b)(3)*
13 *Motion [DCR Rule 13(7); NRCP Rule 60(b)(2)]*. On November 7, 2019, the Court entered
14 the *Order Denying Motion for Leave to Rehear NRCP Rule 60(b)(3) Motion*. Mr. Peck
15 appealed this Court's denial and the Nevada Supreme Court entered its *Order Dismissing*
16 *Appeal* on February 3, 2020.

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18 Mr. Peck then filed the instant *Petition* on June 10, 2020. Mr. Peck argues the claims
19 in the *Petition* were not available due to *Brady* material concealed by the State and Federal
20 government. Id. Ground One argues ineffective assistance of counsel for failing to argue
21 that DNA is synthetic, extrinsic, and fake. *Petition*, p. 6. Ground Two states Mr. Peck's
22 counsel was ineffective for failing to challenge the Court's jurisdiction which it fraudulently
23 conferred on Mr. Peck by establishing a "momentary trust" at Mr. Peck's arraignment.
24 *Petition*, p. 7. Ground Three contends Mr. Peck's counsel was ineffective for failing to
25 discover that NRS 200.366 was enacted by resolution and not by bill. *Petition*, p. 8.
26
27 Ground Four states Mr. Peck's rights were violated by Chapter 34's usurpation of ineffective
28

1 assistance of counsel claims and by the passage of seven (7) years before he had an
2 evidentiary hearing. *Petition*, p. 9.

3 **II. LAW AND ANALYSIS.**

4 This is Mr. Peck's ninth successive petition for writ of habeas corpus. Successive
5 petitions such as Mr. Peck's are subject to mandatory dismissal pursuant to Chapter 34 of
6 the Nevada Revised Statutes. "Application of the statutory procedural default rules to post-
7 conviction habeas petitions is mandatory." State v. Eighth Judicial Dist. Court ex rel. County
8 of Clark, 121 Nev. 225, 231, 112 P.3d 1070, 1074 (2005). Successive petitions must be
9 dismissed pursuant to NRS 34.810 if the grounds for the petition were already raised on
10 direct appeal or in a prior petition for writ of habeas corpus and considered on the merits or
11 the grounds could have been raised in a prior petition. NRS 34.810; Brown v. McDaniel, 130
12 Nev. Adv. Op. 60, 331 P.3d 867, 870 (2014); State v. Eighth Judicial Dist. Court, 121 Nev.
13 at 232.

14 Similarly, "if it plainly appears on the face" of a second or successive petition and the
15 documents or the records on file with the court that the petitioner is not entitled to relief, then
16 a judge shall enter an order for summary dismissal. NRS 34.745(4).

17 Further, Section 34.726 of the Nevada Revised Statutes provides as follows:

18 **Unless there is good cause shown for delay**, a petition that challenges the
19 validity of a judgment or sentence must be filed within 1 year of entry of
20 judgment of conviction, or if an appeal has been taken from the judgment,
21 within 1 year after the appellate court...issues its remittitur.

22 NRS 34.726(1) (emphasis added).

23 Good cause exists if the petitioner can show to the satisfaction of the court that, "(a)
24 the delay is not the fault of the petitioner; and (b) dismissal of the petition as untimely will
25 unduly prejudice the petitioner." NRS 34.726(1). Good cause is defined as "a substantial
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1 reason that affords a legal excuse.” Brown, 130 Nev. Adv. Op. 60, 331 P.3d at 870 (internal
2 quotations omitted). To show good cause, Mr. Peck must demonstrate that “an impediment
3 external to the defense prevented him from complying with procedural rules.” Id. An
4 “impediment external to the defense may be demonstrated by a showing that the factual or
5 legal basis for the claim was not reasonably available to counsel or that some interference
6 by officials made compliance impracticable.” Hathaway v. State, 119 Nev. 248, 252, 71 P.3d
7 503, 506 (2003).

9 Mr. Peck’s *Petition* is procedurally barred without good cause. A review of the record
10 reveals Ground One and Ground Three have each been raised in prior petitions. NRS
11 34.810. Ground Two and Ground Four could have been raised in prior petitions and are
12 procedurally barred, absent good cause, of which Mr. Peck does not make a showing. Mr.
13 Peck makes a blanket statement that none of this information was available to him because
14 the State and Federal government concealed this information. However, he does allege
15 facts specific enough to overcome the procedural bar to successive claims. NRS 34.726(1).
16

17 Mr. Peck’s Ground One claims the DNA evidence is fake and his counsel was
18 ineffective for not discrediting DNA evidence. Mr. Peck previously argued this on page four
19 of his *Petition for Writ of Habeas Corpus (Post-Conviction)* filed on August 30, 2013.
20 Although worded differently, it is clear Mr. Peck is attacking DNA evidence as fake because
21 it is synthetic, non-biological evidence. This Court denied the 2013 *Petition for Writ of*
22 *Habeas Corpus (Post-Conviction)* in the *Order* entered on April 9, 2014. This Court’s *Order*
23 was confirmed in the *Order of Affirmance* entered by the Nevada Supreme Court on
24 December 1, 2014. Mr. Peck has therefore previously raised this claim and it is barred.
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1 Mr. Peck's Ground Two argument is the Court does not have jurisdiction because the
2 Court tricked Mr. Peck by forcing him to enter into a trust in which the Judge was the
3 trustee, the District Attorney was the executor, and Mr. Peck was the beneficiary. This
4 argument relates back to the day of Mr. Peck's arraignment. Mr. Peck provides no
5 explanation why he has never presented this argument before as he was clearly at his own
6 arraignment, nor does he explain how the government covered this information up, leading
7 to his delayed claim. Mr. Peck simply does not provide an adequate factual basis to
8 overcome the procedural bar. The claim is therefore procedurally barred.

9
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11 Ground Three of Mr. Peck's *Petition* argues NRS 200.366 is void because it was
12 enacted via resolution and not by bill. This argument was previously raised in Mr. Peck's
13 *Petition for Writ of Habeas Corpus (Post-Conviction)* filed on October 4, 2016. The
14 argument was disposed of in the Court's *Order Dismissing Successive Petitions for Writ of*
15 *Habeas Corpus (Post-Conviction)* entered on April 7, 2017. This Court's *Order* was affirmed
16 by the *Order of Affirmance* entered by the Nevada Court of Appeals on December 17, 2017.
17 The Nevada Court of Appeals found Mr. Peck "confuses Nevada's actual laws with
18 Nevada's codified statutes. The Nevada Revised Statutes 'constituted the official codified
19 version of the Statutes of Nevada and may be cited as prima facie evidence of the law.'
20 NRS. 220.170(3)."

21
22
23 Ground Four of Mr. Peck's *Petition* argues he is entitled to relief because Chapter 34
24 of the Nevada Revised Statutes usurps claims of ineffective assistance of counsel. While
25 Mr. Peck has not raised this issue before, he fails to allege that there is any good cause for
26 his delay as required by NRS 34.726(1) because he does not claim how the government
27 acted to conceal this information. As discussed, this Court has addressed many of Mr.
28

1 Peck's petitions in the past and the Court's orders frequently reference Chapter 34, belying
2 Mr. Peck's claim this information was not readily available to him or that the government
3 concealed the information. Accordingly, this claim is procedurally barred.
4

5 Mr. Peck has failed to demonstrate good cause or a fundamental miscarriage of
6 justice sufficient to overcome the procedural bars to his ninth successive *Petition* and the
7 *Petition* is summarily dismissed.

8 Accordingly, and good cause appearing therefor,

9 **IT IS HEREBY ORDERED** Mr. Peck's *Petition for Writ of Habeas Corpus (Post-*
10 *Conviction)* is SUMMARILY DENIED.
11

12 Dated this 6th day of November, 2020.

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15 DISTRICT JUDGE
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CERTIFICATE OF SERVICE

I certify that I am an employee of THE SECOND JUDICIAL DISTRICT COURT; that on the 9th day of November, 2020, I electronically filed the foregoing with the Clerk of the Court system which will send a notice of electronic filing to the following:

JENNIFER NOBLE, ESQ.

And, I deposited in the County mailing system for postage and mailing with the United States Postal Service in Reno, Nevada, a true and correct copy of the attached document addressed as follows:

Frank Peck, #57106
HDSP, Box 650
Indian Springs, NV 89070

Heidi Boe

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CODE 2540

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

STATE OF NEVADA,

Petitioner,

Case No: CR96-2687

vs.

FRANK M. PECK,

Dept. No: 6

Respondent.

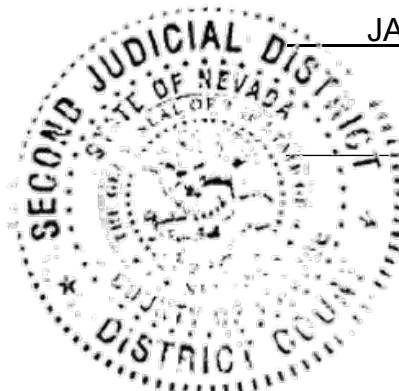
_____ /

NOTICE OF ENTRY OF ORDER

PLEASE TAKE NOTICE that on NOVEMBER 9, 2020, the Court entered a decision or order in this matter, a true and correct copy of which is attached hereto.

You may appeal to the Supreme Court from the decision or Order of the Court. If you wish to appeal, you must file a Notice of Appeal with the Clerk of this Court within thirty-three (33) days after the date this notice is mailed to you.

Dated November 9, 2020.



JACQUELINE BRYANT
Clerk of the Court

/s/ SM WOLFE
Deputy Clerk

1 **CERTIFICATE OF SERVICE**

2 Case No. **CR96-2687**

3 Pursuant to NRCP 5 (b), I certify that I am an employee of the Second
4 Judicial District Court; that on November 9, 2020, I electronically filed the Notice of Entry of
5 Order with the Court System which will send a notice of electronic filing to the following:
6

7 JENNIFER NOBLE, ESQ. for STATE OF NEVADA
8 DIV. OF PAROLE & PROBATION
9

10 I further certify that on November 9, 2020, I deposited in the Washoe County
11 mailing system for postage and mailing with the U.S. Postal Service in Reno, Nevada, a
12 true copy of the attached document, addressed to:

13
14 Attorney General’s Office
15 100 N. Carson Street
16 Carson City, NV 89701-4717
17

18 Frank Peck, #57106
19 HDSP, Box 650
20 Indian Springs, NV 89070
21

22 The undersigned does hereby affirm that pursuant to NRS 239B.030 and NRS 603A.040, the preceding
23 document does not contain the personal information of any person.

24 Dated November 9, 2020.

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26 _____
27 /s/ SM WOLFE
28 Deputy Clerk

1 CODE NO. 2840
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6 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7 IN AND FOR THE COUNTY OF WASHOE
8

9 STATE OF NEVADA,

Case No. CR96-2687

10 Plaintiff,

Dept. No. 6

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13 Defendant.
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19 filed by Petitioner, FRANK M. PECK (“Mr. Peck”), a self-represented litigant. No opposition
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27 acted to conceal this information. As discussed, this Court has addressed many of Mr.
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2 Mr. Peck's claim this information was not readily available to him or that the government
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4

5 Mr. Peck has failed to demonstrate good cause or a fundamental miscarriage of
6 justice sufficient to overcome the procedural bars to his ninth successive *Petition* and the
7 *Petition* is summarily dismissed.

8 Accordingly, and good cause appearing therefor,

9 **IT IS HEREBY ORDERED** Mr. Peck's *Petition for Writ of Habeas Corpus (Post-*
10 *Conviction)* is SUMMARILY DENIED.
11

12 Dated this 6th day of November, 2020.

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14 
15 DISTRICT JUDGE
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CERTIFICATE OF SERVICE

I certify that I am an employee of THE SECOND JUDICIAL DISTRICT COURT;
that on the 9th day of November, 2020, I electronically filed the foregoing with the Clerk
of the Court system which will send a notice of electronic filing to the following:

JENNIFER NOBLE, ESQ.

And, I deposited in the County mailing system for postage and mailing with the
United States Postal Service in Reno, Nevada, a true and correct copy of the attached
document addressed as follows:

Frank Peck, #57106
HDSP, Box 650
Indian Springs, NV 89070

Heidi Boe

CASE NO. CR96-2687

STATE OF NEVADA VS. FRANK MILFORD PECK

DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

12/13/96
HON. PETER I.
BREEN
DEPT. NO. 7
M. Balogh
(Clerk)
C. Brown
(Reporter)

ARRAIGNMENT

Deputy D.A. Egan Walker represented the State.
Defendant present with counsel, Deputy Public Defender Vaun Hall.
TRUE NAME: FRANK MILFORD PECK. Defendant handed copy of
the Inf.; waived formal reading; waived time in which to enter a plea and
plead Not Guilty to the Inf.
Defendant waived 60 day rule.
COURT ORDERED: Matter continued for trial by jury.
Defendant remanded to the custody of the Sheriff.

3/19/97
8:30 a.m.
Motion to
Confirm
3/24/97
9:00 a.m.
Jury Trial

CR96-2687 DC-9900024274-001
STATE VS FRANK MILFORD PECK 1 Page
District Court 12/13/1996 08 33 AM
Washoe County MTN CPATTEPC

DATE, JUDGE,
OFFICERS OF
COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

3/19/97
HONORABLE
PETER I.
BREEN
DEPT. NO. 7
D. Caspers
(Clerk)
C. Brown
(Reporter)

MOTION TO CONFIRM TRIAL DATE

Deputy District Attorney Egan Walker represented the State.
Defendant was present with counsel, Dennis Widdis.
James Rountree was present representing the Division of Parole and
Probation.
Counsel Widdis moved to continue the trial date and presented argument
in support; no objection by Counsel Walker.
COURT ORDERED trial date 3/24/97 vacated and matter reset for jury
trial.
Defendant remanded to custody.

5/13/97
8:30 am
MOTION TO
CONFIRM
5/19/97
9:00 am
JURY TRIAL

CR96-2687 DC-9900024274-009
STATE VS. FRANK MILFORD PECK 1 Page
District Court 03/19/1997 08:42 AM MIN
Washoe County CPATFR
MTN

DATE, JUDGE,
OFFICERS OF
COURT PRESENT

APPEARANCES-HEARING

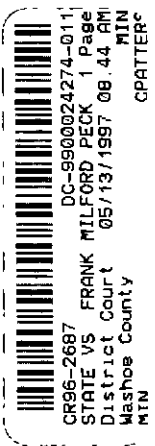
CONTINUED TO

5/13/97
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DEPT. NO. 7
D. Caspers
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D. Phipps
(Reporter)

MOTION TO CONTINUE TRIAL DATE

Deputy District Attorney Egan Walker represented the State.
Defendant was present with counsel, Dennis Widdis.
Michael Crews was present representing the Division of Parole and Probation.
Counsel Walker addressed the Court regarding discovery issues and did not oppose defense motion to continue the trial date; Counsel Widdis presented argument in support of motion to continue trial date.
COURT ORDERED motion to continue granted; matter reset for jury trial and motions.
Defendant remanded to custody.

8/1/97
9:00 am
PRE-TRIAL
MOTIONS
8/13/97
8:30 am
MOTION TO
CONFIRM
8/25/97
9:00 am
JURY TRIAL



DATE, JUDGE,
OFFICERS OF
COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

8/1/97
HONORABLE
PETER I.
BREEN
DEPT. NO. 7
D. Caspers
(Clerk)
E. Nelson
(Reporter)

PRE-TRIAL MOTIONS

Deputy District Attorney Egan Walker represented the State.
Defendant was present with counsel, Dennis Widdis.
Counsel Widdis addressed the Court regarding several pre-trial issues;
response by Counsel Walker; further response by Counsel Widdis.
COURT ORDERED this case transferred to the Chief Judge for
reassignment into another department to resolve trial date issue.
Defendant remanded to custody.

CR96-2687 DC-9900024274-002
STATE VS FRANK MILFORD PECK Page 1
District Court DB/01/1997 08:34 AM MIN
Washoe County CPATTFP
MTN

DATE, JUDGE
OFFICERS OF

APPEARANCES-HEARING

COURT PRESENT

8/29/97
HONORABLE
STEVEN R.
KOSACH
DEPT. NO. 8
L. Romero
(Clerk)
I. Zihn
(Reporter)

MOTION TO SUPPRESS

Deputy District Attorney, Egan Walker, was present representing the State of Nevada. Defendant, Frank Milford Peck, was present with counsel, Dennis Widdis. Court informed counsel that he was ready to proceed with the hearing. Counsel Widdis asked the Court if this hearing was also going to discuss and argue other motions. Response from the State. Court informed counsel to proceed with the Petrocelli hearing. Counsel Widdis asked for guidance from the Court as to the motions that were filed. Counsel Walker informed the Court that he did not receive the motions until yesterday. Court addressed counsel Widdis as to the motion to suppress. Counsel Widdis relayed to the Court the evidence that he wanted suppressed. Counsel Walker moved for the rule of exclusion; SO ORDERED. Mrs. Peck was excused from the courtroom. Counsel Walker informed the Court that he would not be bringing up any issues at trial relating to the defendant's civil suit, prior drug use and the drug paraphernalia that was found at the home. COURT ORDERED those issues would not be brought up at trial. Sue Denise Dickson was called by counsel Walker; sworn and testified; cross examined; redirect examined; recross examined. Argument presented by counsel Walker for the admission of the prior bad act. Argument in rebuttal by counsel Widdis. Matter submitted to the Court for decision. COURT ORDERED: The testimony of Sue Dickson will not be allowed. Court addressed counsel Widdis as to case law regarding the keys and the search warrant. Counsel Walker presented argument about the key issue and the sweep search; reply by counsel Widdis. Court addressed counsel Widdis as to what he wants to suppress. Counsel Widdis informed the Court of the items that he wanted to suppress. Matter submitted to the Court for decision. COURT ORDERED: The search regarding the car keys will come in. The turning on of the car lights will come in; the location of the car on the lot will come in and the information retained from the registration will come in. At 4:56 p.m. Court ordered recess. At 5:06 p.m. Court reconvened with all parties present. Court informed counsel that they would argue the search of the home. Leslie Peck was called by counsel Walker; sworn and testified. State's exhibits 1 & 2 were marked for identification; offered into evidence; ordered admitted

CR96-2687 DC-9900024274-003
STATE VS FRANK MILFORD PECK Page 3
District Court 08/29/1997 06:35 AM
Washoe County
CPATTEP
MTN

**DATE, JUDGE
OFFICERS OF
COURT PRESENT**

APPEARANCES-HEARING

8/29/97
HONORABLE
STEVEN R.
KOSACH
DEPT. NO. 8
L. Romero
(Clerk)
I. Zihn
(Reporter)

MOTION TO SUPPRESS CONTINUED

and so marked.
Cross examination by counsel Widdis; redirect by counsel Walker.
State's exhibits 3-5 were marked for identification; offered into evidence; ordered admitted and so marked.
Recross examination by counsel Widdis.
COURT ORDERED witness to be held to her subpoena.
Mike Bruce Nevill was called by counsel Walker; sworn and testified; cross examined; redirect examined.
Argument presented by respective counsel as to the motion to suppress regarding the search of the home.
Counsel Walker requested that the evidence regarding the home search be re-opened.
COURT ORDERED request denied.
Counsel Walker further argued with the Court. Counsel Walker would like the police officers to testify.
COURT ORDERED request denied.
Counsel Walker presented further argument.
Matter submitted to the Court for decision.
COURT ORDERED: Matter taken under advisement. Court informed counsel Walker to have the police officers here on Tuesday, September 2, 1997 at 8:30 a.m. to testify.
Court ordered the evenings recess.

DATE, JUDGE
OFFICERS OF

COURT PRESENT APPEARANCES-HEARING

09/02/97

JURY TRIAL

HONORABLE
STEVEN R.

Deputy District Attorneys Egan Walker and Cindi Heron were present for the State. Defendant was present with counsel, Mr. Dennis Widdis.

KOSACH

At 8:45 a.m. Court and counsel met in chambers prior to trial.

DEPT. NO. 8

Counsel Widdis addressed the Court and presented motion to suppress any evidence from the search of Defendant's home prior to Defendant's arrest, notably: clothing, any statements made before and during the search and any evidence of the Defendant hiding from the police.

S. Hopper

Counsel Walker addressed the Court regarding any evidence that may be used from the search.

(Clerk)

Court convened with all parties present.

I. Zihn

Jason Sammons was called by Counsel Walker, sworn and testified; cross examined.

(Reporter)

John Ferguson was called by Counsel Walker, sworn and testified; cross examined; redirect examined; recross examined.

Counsel Widdis presented arguments regarding the voluntariness of the Defendant's statements per Jackson v. Denno.

Counsel Walker presented objections to suppression of Defendant's statements at time of arrest per Jackson v. Denno.

COURT ORDERED: Motion to Suppress any evidence of the home search is denied.

COURT FURTHER ORDERED: Motion to suppress statements by the Defendant per Jackson v. Denno is denied.

At 10:00 a.m. Counsel Widdis presented motion in limine to preclude Defendant's custody status; so stipulated and ordered.

Counsel Widdis further presented motion in limine to preclude evidence regarding Defendant's marital status; objections with arguments thereto; COURT ORDERED DENIED.

At 10:15 a.m. Court ordered recess.

At 10:45 a.m. Court reconvened with all parties present.

Court addressed the prospective jurors.

Clerk Hopper called role of the prospective jurors.

Clerk Hopper read the Information.

Clerk Hopper swore in the prospective jurors to answer questions based upon their qualifications to serve as trial jurors and called twelve (12) names to serve as the Venice.

Following the process of jury selection, the persons listed below were sworn by Clerk Hopper to try this case:

Elaine Hanson

James Rivers

Rick Fugate

Lee Husted

Drury Ross

Margaret Savage

Marion Poundstone

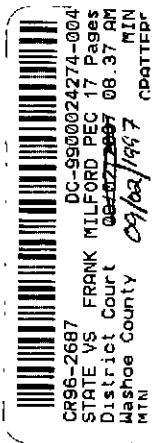
Mark Kubinski

John Johnson

Brook Annoni

Valerie Wagner

Robert Florez



DATE, JUDGE
OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

09/02/97

JURY TRIAL - continued

Cont'd.

Also sworn to try this case as alternates were:

Alternate #1: Paul Lane

Alternate #2: Norma Robison

At 2:30 p.m. Court ordered recess; jury was admonished and excused.

At 3:30 p.m. Court reconvened with all parties and jury present.

Prior to reconvening, State's Exhibits 1 through 7 were marked for identification.

Counsel Walker presented opening statements.

Counsel Widdis presented opening statements.

Keith Mullen was called by Counsel Walker, sworn and testified.

State's Exhibits 7 and 6 for identification were offered; Counsel Widdis questioned the witness on voir dire and placed no objections; COURT ORDERED ADMITTED.

Witness was further direct examined; cross examined; redirect examined.

State's Exhibits 8 through 15 were marked for identification.

States's Exhibits 16 and 17 were marked for identification and offered; objections with arguments thereto; reoffered by Counsel Walker; Counsel Widdis questioned witness on voir dire; COURT ORDERED ADMITTED.

Witness was further redirect examined; recross examined and excused.

Paul Gonzales was called by Counsel Walker, sworn and testified.

State's Exhibits 20 and 21 were marked for identification.

Witness was further direct examined; cross examined; redirect examined; recross examined and excused.

At 5:00 p.m. Court ordered recess; jury was admonished and excused.

Matter continued to September 3rd, 1997 at 10:00 a.m. Defendant was remanded to the custody of the Sheriff.

09/03/97

JURY TRIAL - continuedHONORABLE
STEVEN R.

Deputy District Attorneys Egan Walker and Cindi Heron were present for the State of Nevada. Defendant was present with counsel, Mr. Dennis Widdis.

KOSACH

Prior to convening, State's Exhibits 22 through 28 were marked for identification.

DEPT. NO. 8

At 10:00 a.m. Court reconvened with all parties and jury present.

S. Hopper

Officer Jason Sammons was called by Counsel Walker, sworn and testified.

(Clerk)

State's Exhibit 4 for identification was offered and ordered admitted.

I. Zihn

State's Exhibit 29 was marked for identification and offered; objections with arguments presented thereto and questioned the witness on voir dire; COURT ORDERED ADMITTED.

(Reporter)

State's Exhibits 24 through 28 for identification were offered and ordered admitted.

**DATE, JUDGE
OFFICERS OF
COURT PRESENT**

APPEARANCES-HEARING

09/03/97

JURY TRIAL - continued

HONORABLE

Witness was further direct examined; cross examined; redirect examined; recross examined and held subject to recall.

STEVEN R.

Leslie Peck was called by Counsel Walker, sworn and testified.

KOSACH

State's Exhibit 3 for identification was offered; witness was questioned by Counsel Widdis on voir dire. With no objections, Exhibit 3 was ordered admitted.

DEPT. NO. 8

State's Exhibit 30 was marked for identification; offered and ordered admitted.

S. Hopper

State's Exhibit 14 for identification was offered; Counsel Widdis questioned the witness on voir dire and placed no objections; ordered admitted.

(Clerk)

State's Exhibit 2 for identification was offered and ordered admitted.

C. Brown

At 11:30 a.m. Court ordered recess; jury admonished and excused.

(Reporter)

At 11:45 a.m. Court reconvened with all parties and jury present.

Leslie Peck, previously sworn, resumed the stand for the purpose of continued direct examination.

State's Exhibits 22, 23, 11, 12 and 13 for identification were offered and ordered admitted.

At 12:00 noon Court ordered recess; jury was admonished and excused.

At 1:30 p.m. Court reconvened with all parties and jury present.

Leslie Peck, previously sworn, resumed the stand for the purpose of continued direct examination by Counsel Walker.

State's Exhibit 1 for identification was offered and ordered admitted.

State's Exhibits 18, 8, 9 and 10 for identification was offered; Counsel Widdis questioned the witness on voir dire and placed no objections; COURT ORDERED ADMITTED.

Witness was further direct examined; cross examined.

Defendant's Exhibit A was marked for identification.

Counsel Walker addressed the Court and moved for a hearing outside the presence of the jury regarding Defendant's Exhibit A; SO ORDERED. The Jury exited the courtroom on the direction of the Court.

Counsel Widdis presented arguments in support of Defendant's A.

Counsel Walker presented arguments regarding any testimony in Defendant's Exhibit A be suppressed.

Jury re-entered the courtroom.

Defendant's Exhibit A for identification was ordered admitted.

Witness was further cross examined; redirect examined; recross examined and excused.

Michael Neville was called by Counsel Walker, sworn and testified; cross examined; redirect examined and recross examined.

Officer Gerald Rhodes was called by Counsel Walker, sworn and testified.

At 3:10 p.m. Court ordered recess; jury admonished and excused.

At 3:30 p.m. Court reconvened with all parties and jury present.

Officer Gerald Rhodes, previously sworn, resumed the stand for the purpose of continued

**DATE, JUDGE
OFFICERS OF
COURT PRESENT**

APPEARANCES-HEARING

09/03/97

JURY TRIAL - continued

Cont'd.

direct examination; cross examination by Counsel Widdis and excused.
Counsel Walker requested a hearing outside the presence of the jury; SO ORDERED.
Respective counsel addressed the Court regarding Officer Mayes' testimony and his handling of the canine.
Officer Tim Mayes was called by Counsel Walker, sworn and testified; cross examined.
Counsel Widdis presented objections to any testimony of Officer Mayes and the performance of his canine; objection overruled and Officer Mayes' testimony allowed.
Jury re-entered the courtroom.
Officer Timothy Mayes was called by Counsel Walker, sworn and testified; cross examined; redirect examined; recross examined and excused.
At 4:45 p.m. Court ordered recess; jury admonished and excused.
Matter continued to September 4th, 1997 at 10:00 a.m. Defendant was remanded to the custody of the Sheriff.

09/04/97

JURY TRIAL - continued

HONORABLE
STEVEN R.
KOSACH
DEPT. NO. 8
S. Hopper
(Clerk)
I. Zihn
(Reporter)

At 10:00 a.m. Court met with Counsel Widdis in chambers. Counsel Widdis addressed the Court regarding Defendant's case. Court questioned Counsel Widdis.
At 10:45 a.m. Court reconvened with Deputy District Attorney Egan Walker present for the State of Nevada. Defendant was present with counsel, Mr. Dennis Widdis. All jurors were present.
John Ferguson was called by Counsel Walker, sworn and testified.
State's Exhibit 19 for identification was offered; objections with arguments presented thereto; COURT ORDERED ADMITTED.
Witness was further direct examined; cross examined; redirect examined; recross examined.
Jury was excused.
Counsel Widdis moved for a mistrial due to the mention of Defendant Peck's criminal history by the witness, John Ferguson, and presented arguments in support thereof; Counsel Walker addressed the Court regarding the Motion and presented objections to a mistrial being declared.
COURT ORDERED: Motion for mistrial is denied.
At 12:00 noon Court ordered recess.
At 1:30 p.m. Court reconvened with all parties and jury present.
Debbie Robison was called by Counsel Walker, sworn and testified.
State's Exhibit 20 (a) was marked for identification; offered and ordered admitted.
Witness was further direct examined; cross examined; redirect examined; recross examined.
The witness was further questioned by the Court and excused.
Maria Fassett was called by Counsel Walker, sworn and testified; cross examined; re-direct

DATE, JUDGE
OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

09/04/97

Cont'd.

JURY TRIAL - continued

examined; recross examined and excused.

Jeffrey Riolo was called by Counsel Walker, sworn and testified

At 2:30 p.m. Court ordered recess; jury was admonished and excused.

Prior to reconvening, State's Exhibits 31 through 41 were marked for identification.

At 2:45 p.m. Court reconvened with all parties and jury present.

Jeffrey Riolo, previously sworn, resumed the stand for the purpose of continued direct examination.

State's Exhibits 31 through 41 for identification were offered and ordered admitted.

Witness was further direct examined; witness was questioned by the Court and further direct examined by Counsel Walker; cross examined by Counsel Widdis.

State's Exhibit 42 was marked for identification.

During cross examination of the witness, Jeffrey Riolo, Counsel Walker questioned the witness regarding State's Exhibit 42 and offered Exhibit 42 into evidence; ADMITTED.

Counsel Widdis continued cross examination of Jeffrey Riolo.

During continued cross examination, Juror Number 4, Lee Husted presented questions to the Court and witness regarding State's Exhibit 42, the testimony of the witness and the statistics. Court questioned witness.

Witness was further examined by respective counsel and excused.

At 3:45 p.m. Court ordered recess; jury was admonished and excused.

At 4:00 p.m. Court reconvened with all parties and jury present.

Leslie N. was called by Counsel Walker, sworn and testified; cross examined.

During cross examination, Counsel Walker addressed the Court and moved to excuse the jury for the purpose of holding an evidentiary hearing and sanctioning Counsel Dennis Widdis regarding the cross examination of Leslie N.; COURT ORDERED DENIED.

Counsel Walker further addressed the Court regarding his motion for an evidentiary hearing and the Court's ruling.

Jury was excused.

Court addressed respective counsel. Counsel Walker further addressed the Court regarding an evidentiary hearing; COURT ORDERED: Motion for an evidentiary hearing is denied.

Court and counsel met in chambers.

COURT ORDERED: Motion for evidentiary hearing is granted.

At 4:45 p.m. Court ordered recess; Counsel Walker was given five (5) minutes to retrieve any citing to base his motion.

At 5:00 p.m. Court reconvened with all parties present and outside the presence of the jury.

Counsel Walker presented arguments in support of his Motion for Evidentiary Sanctions;

Counsel Widdis addressed the Court regarding his cross examination of the witness, Leslie N.

COURT ORDERED: Motion for sanctions is denied.

Counsel Widdis moved to continue cross examination to Friday, September 5th, 1997.

DATE, JUDGE
OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

09/04/97

JURY TRIAL - continued

Cont'd.

Court questioned the witness, Leslie N., regarding concluding her testimony. The witness affirmed her willingness to continue and conclude her testimony.

COURT ORDERED: Motion to continue matter is denied.

Jury re-entered the courtroom at 5:15 p.m.

Leslie N., previously sworn, resumed the stand for the purpose of concluding cross examination.

Counsel Widdis asked that the witness remain under subpoena.

At 5:45 p.m. Court ordered recess; jury was admonished and excused.

Matter continued to September 5, 1997 at 10:00 a.m. Defendant was remanded to the custody of the Sheriff.

09/05/97

JURY TRIAL - continued

HONORABLE

At 10:10 a.m. Court reconvened with Deputy District Attorney Egan Walker present for the State of Nevada. Defendant was present with counsel, Mr. Dennis Widdis. All jurors were present.

STEVEN R.

KOSACH

DEPT. NO. 8

S. Hopper

(Clerk)

I. Zihn

(Reporter)

Counsel Walker addressed the Court regarding exhibits and rested the State's case.

Court addressed the parties and the jury.

Counsel Widdis addressed the Court and moved to hold a hearing outside the presence of the jury; jury was admonished and excused.

Defendant's Exhibits B through CCC were marked for identification.

Counsel Widdis addressed the Court and requested a clarification of the Court's previous ruling regarding prior bad acts of the Defendant and use of controlled substances. Counsel Walker addressed the Court presented arguments regarding Defendant's drug use and prior bad acts being used during Defendant's testimony. Counsel Widdis presented objections to any questions regarding Defendant's drug use.

COURT ORDERED that the Defendant's drug use is relevant to the case and his testimony thereto is allowed.

Respective counsel further presented arguments regarding the prejudicial effect of any testimony of prior drug use by the Defendant, any jail records and/or any medical records.

Defendant's Exhibit DDD was marked for identification.

At 10:45 a.m. Court ordered recess.

At 11:00 a.m. Court reconvened with all parties present and outside the presence of the jury.

Court questioned Counsel Widdis regarding Defendant's willingness to testify.

Counsel Walker addressed the Court in regards to canvassing the Defendant.

Court canvassed the Defendant regarding his right to testify.

Jury re-entered the courtroom.

Frank Peck was called by Counsel Widdis, sworn and testified.

Defendant's Exhibit B through DD for identification were offered and ordered admitted.

**DATE, JUDGE
OFFICERS OF
COURT PRESENT****APPEARANCES-HEARING**

09/05/97

JURY TRIAL - continued

Cont'd.

Witness was further direct examined.

At 12:20 p.m. Court ordered recess; jury was admonished and excused.

At 1:30 p.m. Court reconvened with all parties and jury present.

Frank Peck, previously sworn, resumed the stand for the purpose of cross examination by Counsel Walker.

Defendant's Exhibits EE through CCC for identification were offered and ordered admitted. State's Exhibit 43 was marked for identification.

Witness further cross examination; redirect examination; recross examination.

Defendant rested.

At 2:45 p.m. Court ordered recess; jury admonished and excused.

Court and counsel met in chambers to settle Jury Instructions 1 through 28.

Counsel Widdis presented objections to Jury Instructions #1 and 2.

COURT ORDERED: Jury Instruction #1 is amended. Motion to amend Jury Instruction #2 is denied.

Counsel Walker presented objections to Instruction #3 and proffered an amended Instruction; COURT ORDERED DENIED.

Counsel Widdis proffered further Instructions with arguments thereto; objections.

COURT ORDERED: Proffered Instructions 2 through 4 rejected.

Respective counsel further addressed the Court regarding settling Jury Instructions and proposed Jury Instructions.

Counsel Widdis further moved to include lesser charges of Open Or Gross Lewdness and Indecent Exposure; objections with arguments thereto; COURT ORDERED: Motion to include lesser charges denied.

At 4:10 p.m. Court reconvened with all parties and jury present.

Court read Jury Instructions 1 through 28 to the jury.

Counsel Walker presented opening arguments.

Counsel Widdis presented closing arguments.

Counsel Walker presented rebuttal arguments.

At 6:00 p.m. Clerk Hopper swore in Bailiff Earl Walling to take charge of the jury during deliberation.

Court ordered recess until the jury has reached a verdict.

At 12:10 a.m. on the September 6th, 1997 Court reconvened with all parties and jury present.

Court questioned the jury regarding deliberations; the Foreman wanted the jury to continue deliberations.

At 12:15 a.m. Court ordered recess; jury admonished and excused.

At 1:15 a.m. Court reconvened with all parties and jury present.

Court addressed the jury and the parties regarding deliberations.

At 1:20 a.m. Court ordered recess; jury admonished and excused.

DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES-HEARING

09/05/97 Cont'd.	<u>JURY TRIAL - continued</u> Matter to continued on September 6th, 1997 at 10:00 a.m. Defendant was remanded to the custody of the Sheriff.
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09/06/97 HONORABLE STEVEN R. KOSACH DEPT. NO. 8 S. Hopper (Clerk) I. Zihn (Reporter)	<u>JURY TRIAL - continued</u> At 10:00 a.m. the jury was present to continue deliberations. At 11:15 a.m. Court and counsel met in chambers to discuss jurors' questions and counsel presented arguments regarding proffered new Jury Instruction. At 12:15 p.m. Court reconvened with all parties and jury present. Court read Jury Instruction #29. Court reviewed the question by the jury, Court further addressed the jury regarding any transcript being read and/or reviewed. At 3:30 p.m. Court and counsel met in chambers to discuss latest jury question and respective counsel presented arguments regarding Jury Instructions, lesser included charges being presented to the jury and any testimony being read to the jury. At 5:00 p.m. Court reconvened with all parties and jury present for the purpose of answering any questions presented by the jury. At the request of the jury, the Court had the direct examination of Frank Peck and the cross examination of Frank Peck read back. At 5:15 p.m. Court ordered jury to continue deliberations. At 6:30 p.m. Court reconvened with all parties and jury present. Court reviewed Jury Question #5 for the record and parties; Court questioned Foreman Drury Ross regarding impasse. COURT ORDERED: The jury is hung and a mistrial is declared. Jury was thanked and excused. Counsel Widdis addressed the Court and moved to retransfer to Department Seven (7). COURT ORDERED: Matter to be submitted. Defendant was remanded to the custody of the Sheriff.
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SECOND JUDICIAL DISTRICT COURT, COUNTY OF WASHOE
BRIEF CASE HISTORY

9/09/97 12:00

PAGE: 1

Case No: CR96-2687 Filed: 12/09/96 Type: CRIMINAL
Title: STATE OF NEVADA VS. FRANK MILFORD PECK
Dept: 7 Addl Info:

At issue: 00/00/00
Clerk: CP

Disp: 09/06/97 MISTRIAL

----- P A R T I E S -----

PLTF: STATE OF NEVADA DA: WALKER, EGAN
DEF: PECK, FRANK MILFORD (D7) ATTY: WIDDIS, DENNIS E.
Disposed: 09 06 97 MISTRIAL

----- E X H I B I T S -----

ID	Description	Type	Relshp	Dept	Clrk
1	ADMONITION & WAIVER OF RIGHTS/PERMISSION TO SEARCH RESIDENCE Intro: 09/02/97 Off/Obj: OFFERED	01	STATE	8	SH
2	STATEMENT TO RENO POLICE DEPT FROM LESLIE PECK Intro: 09/02/97 Off/Obj: OFFERED; OBJ	01	STATE	8	SH
3	BOOKING PHOTO OF DEFT FRANK PECK Intro: 09/02/97 Off/Obj: OFFERED; OBJ	01	STATE	8	SH
4	SET OF KEYS STRANDED W/ CHAP STICK IN ENVELOPE Intro: 09/02/97 Off/Obj: OFFERED	01	STATE	8	SH
5	PHOTO OF PECK RESIDENCE; COOLER W/ TOWEL OVER IT Intro: 09/02/97 Off/Obj:	01	STATE	8	SH
6	LARGE MAP OF 1551 N. VIRGINIA ST. & SURROUNDING AREA Intro: 09/02/97 Off/Obj: OFFERED; OBJ	01	STATE	8	SH
7	LARGE MAP OF 1500 & 1600 BLOCK OF NORTH VIRGINIA ST. AND SURROUNDING AREA Intro: 09/02/97 Off/Obj: OFFERED; OBJ	01	STATE	8	SH
8	GREEN TOWEL OBTAINED FROM PECK RESIDENCE Intro: 09/02/97 Off/Obj: OFFERED	01	STATE	8	SH
9	YELLOW TOWEL OBTAINED FROM PECK RESIDENC Intro: 09/02/97 Off/Obj: OFFERED	01	STATE	8	SH
10	RAZOR W/ SHAVED STUBBLE IN BAG Intro: 09/02/97 Off/Obj: OFFERED	01	STATE	8	SH
11	PAIR OF WHITE UNDERWEAR IN BROWN PAPER BAG Intro: 09/02/97 Off/Obj: OFFERED	01	STATE	8	SH
12	"CAMEL" T-SHIRT IN BROWN PAPER BAG Intro: 09/02/97 Off/Obj: OFFERED	01	STATE	8	SH
13	PAIR OF BLUE SWEAT PANTS IN BROWN PAPER BAG Intro: 09/02/97 Off/Obj: OFFERED	01	STATE	8	SH
14	BROWN PAPER BAG CONTAINING CONTENTS FROM DEFTS LIVING ROOM HAMPER. (SWEATPANTS, WHITE SHORTS, WHITE SOX) Intro: 09/02/97 Off/Obj: OFFERED	01	STATE	8	SH
15	PETRI DISH W/ HAIR-FIBER Intro: 09/02/97 Off/Obj:	01	STATE	8	SH

SECOND JUDICIAL DISTRICT COURT, COUNTY OF WASHOE
 BRIEF CASE HISTORY

9/09/97 12:00

PAGE: 2

Case No: CR96-2687 Filed: 12/09/96 Type: CRIMINAL
 Title: STATE OF NEVADA VS. FRANK MILFORD PECK

At issue: 00/00/00

----- E X H I B I T S -----

ID	Description	Type	Relshp	Dept	Clrk
16	PHOTO OF VACANT LOT AT 1500 BLOCK OF N. VIRGINIA Intro: 09/02/97 Off/Obj: OFFERED; OBJ	01	STATE	8	SH
17	PHOTO OF VACANT LOT NEAR LAWLOR EVENT CENTER Intro: 09/02/97 Off/Obj: OFFERED; OBJ	01	STATE	8	SH
18	PAPER BAG CONTAINING TRASH CONTENTS IN THE DEFT'S BATHROOM Intro: 09/02/97 Off/Obj: OFFERED; OBJ	01	STATE	8	SH
19	PHOTO LINE-UP AND PROFILE OF DEFT Intro: 09/02/97 Off/Obj: OFFERED	01	STATE	8	SH
20	SEXUAL ASSAULT KIT Intro: 09/02/97 Off/Obj:	01	STATE	8	SH
20.A	VICTIM'S UNDERPANTS FROM SEXUAL ASSAULT KIT Intro: 09/04/97 Off/Obj: OFFERED	01	STATE	8	SH
21	BLOOD SAMPLE Intro: 09/02/97 Off/Obj:	01	STATE	8	SH
22	"MILLER GENUINE DRAFT" BLACK JACKET Intro: 09/03/97 Off/Obj: OFFERED	01	STATE	8	SH
23	PAIR OF BLACK NIKES Intro: 09/03/97 Off/Obj: OFFERED	01	STATE	8	SH
24	WHITE BRA Intro: 09/03/97 Off/Obj: OFFERED	01	STATE	8	SH
25	WHITE LINEN SHEET Intro: 09/03/97 Off/Obj: OFFERED	01	STATE	8	SH
26	BLUE AND WHITE STRIPED SWEATER Intro: 09/03/97 Off/Obj: OFFERED	01	STATE	8	SH
27	ONE PAIR OF BLUE JEANS W/ BROWN BELT Intro: 09/03/97 Off/Obj: OFFERED	01	STATE	8	SH
28	WHITE SHIRT Intro: 09/03/97 Off/Obj: OFFERED	01	STATE	8	SH
29	PHOTO OF SCENE OF CRIME AT NIGHT Intro: 09/03/97 Off/Obj: OFFERED; OBJ	01	STATE	8	SH
30	PHOTO OF DEFT FRANK PECK AFTER ARREST Intro: 09/03/97 Off/Obj: OFFERED	01	STATE	8	SH
31	WHAT DOES DNA MEAN? WHERE CAN DNA BE FOUND? CLEAR SHEET Intro: 09/04/97 Off/Obj: OFFERED	01	STATE	8	SH
32	WHERE DOES DNA COME FROM? CLEAR SHEET Intro: 09/04/97 Off/Obj: OFFERED	01	STATE	8	SH
33	CHROMOSOMES CLEAR SHEET Intro: 09/04/97 Off/Obj: OFFERED	01	STATE	8	SH
34	DNA - THE MOLECULE CLEAR SHEET Intro: 09/04/97 Off/Obj: OFFERED	01	STATE	8	SH
35	SEPARATION OF DNA CLEAR SHEET Intro: 09/04/97 Off/Obj: OFFERED	01	STATE	8	SH

Case No: CR96-2687 Filed: 12/09/96 Type: CRIMINAL
Title: STATE OF NEVADA VS. FRANK MILFORD PECK

At issue: 00/00/00

----- E X H I B I T S -----

ID	Description	Type	Relshp	Dept	Clrk
36	SEQUENCE VARIATION VS. REPEAT VARIATION CLEAR SHEET	01	STATE	8	SH
	Intro: 09/04/97 Off/Obj: OFFERED				Admit: 09/04/97
37	POLYMERASE CHAIN REACTION STEPS CLEAR SHEET	01	STATE	8	SH
	Intro: 09/04/97 Off/Obj: OFFERED				Admit: 09/04/97
38	PCR - SEQUENCE DETECTION CLEAR SHEET	01	STATE	8	SH
	Intro: 09/04/97 Off/Obj: OFFERED				Admit: 09/04/97
39	PCR - REPEAT DETECTION CLEAR SHEET	01	STATE	8	SH
	Intro: 09/04/97 Off/Obj: OFFERED				Admit: 09/04/97
40	STATISTICS OF DNA TESTING CLEAR SHEET	01	STATE	8	SH
	Intro: 09/04/97 Off/Obj: OFFERED				Admit: 09/04/97
41	RESULTS OF EXAMINATIONS OF LESLIE N., BILLINGS & PECK	01	STATE	8	SH
	Intro: 09/04/97 Off/Obj: OFFERED				Admit: 09/04/97
42	HANDWRITTEN TEST RESULTS OF DNA EXAMS	01	STATE	8	SH
	Intro: 09/04/97 Off/Obj: OFFERED				Admit: 09/04/97
43	DECLARATION OF MEDICAL RECORDS RE: DEFT PECK	01	STATE	8	SH
	Intro: 09/05/97 Off/Obj:				Admit: 00/00/00
A	TERM PAPER ENTITLED "ORAL LANGUAGE DEF- ICITS AS A READING DISABILITY PREDIC- TOR" BY LESLIE PECK	01	DEF:	8	SH
	Intro: 09/03/97 Off/Obj: OFFERED; OBJ				Admit: 09/03/97
B	PHOTO OF PECK HOME (FRONT DOOR)	01	DEF:	8	SH
	Intro: 09/05/97 Off/Obj: OFFERED				Admit: 09/05/97
C	PHOTO OF INSIDE OF PECK HOME (COUCH & CREDENZA)	01	DEF:	8	SH
	Intro: 09/05/97 Off/Obj: OFFERED				Admit: 09/05/97
D	PHOTO OF PECK BATHROOM	01	DEF:	8	SH
	Intro: 09/05/97 Off/Obj: OFFERED				Admit: 09/05/97
E	SERIES OF PHOTOS INSIDE OF PECK HOME (HAMPER, SHOES, KITCHEN & LIVING ROOM)	01	DEF:	8	SH
	Intro: 09/05/97 Off/Obj: OFFERED				Admit: 09/05/97
F	SERIES OF PHOTOS INSIDE PECK HOME (BEDROOM, LAUNDRY ROOM, BATHROOM & COUCH W/ JACKET)	01	DEF:	8	SH
	Intro: 09/05/97 Off/Obj: OFFERED				Admit: 09/05/97
G	PHOTO OF PECK'S DODGE SHOWING LICENSE PLATE	01	DEF:	8	SH
	Intro: 09/05/97 Off/Obj: OFFERED				Admit: 09/05/97
H	DARK PHOTO OF PECK'S CAR IN LOT	01	DEF:	8	SH
	Intro: 09/05/97 Off/Obj: OFFERED				Admit: 09/05/97
I	PHOTO OF INSIDE OF PECK'S CAR IN VACANT LOT	01	DEF:	8	SH
	Intro: 09/05/97 Off/Obj: OFFERED				Admit: 09/05/97
J	PHOTO OF INSIDE OF PECK'S CAR SHOWING JUMPER CABLES	01	DEF:	8	SH
	Intro: 09/05/97 Off/Obj: OFFERED				Admit: 09/05/97

SECOND JUDICIAL DISTRICT COURT, COUNTY OF WASHOE
 BRIEF CASE HISTORY

9/09/97 12:00

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 Title: STATE OF NEVADA VS. FRANK MILFORD PECK

At issue: 00/00/00

----- E X H I B I T S -----

ID	Description	Type	Relshp	Dept	Clrk
K	PHOTO OF INSIDE OF PECK'S TRUNK Intro: 09/05/97 Off/Obj: OFFERED	01	DEF:	8	SH
L	PHOTO OF SCENE AT NIGHT W/ SNOW Intro: 09/05/97 Off/Obj: OFFERED	01	DEF:	8	SH
M	PHOTO OF SCENE AT NIGHT W/ SNOW & FOILAGE Intro: 09/05/97 Off/Obj: OFFERED	01	DEF:	8	SH
N	DARK PHOTO OF SCENE AT NIGHT W/ LIGHT SNOW Intro: 09/05/97 Off/Obj: OFFERED	01	DEF:	8	SH
O	DARK PHOTO OF SCENE AT NIGHT W/ NEAR BY FOILAGE Intro: 09/05/97 Off/Obj: OFFERED	01	DEF:	8	SH
P	PHOTO OF GROUND AT SCENE AT NIGHT Intro: 09/05/97 Off/Obj: OFFERED	01	DEF:	8	SH
Q	PHOTO OF SCENE AT NIGHT W/ FOILAGE Intro: 09/05/97 Off/Obj: OFFERED	01	DEF:	8	SH
R	PHOTO OF SCENE NEAR FOILAGE AT NIGHT (NO SNOW SHOWN) Intro: 09/05/97 Off/Obj: OFFERED	01	DEF:	8	SH
S	PHOTO OF SCENE AT NIGHT W/ FOILAGE & LIGHT SNOW Intro: 09/05/97 Off/Obj: OFFERED	01	DEF:	8	SH
T	DARK PHOTO W/ DIM LIGHT Intro: 09/05/97 Off/Obj: OFFERED	01	DEF:	8	SH
U	PHOTO OF GROUND W/ SNOW AT SCENE AT NIGHT Intro: 09/05/97 Off/Obj: OFFERED	01	DEF:	8	SH
V	PHOTO OF FOILAGE AT SCENE AT NIGHT Intro: 09/05/97 Off/Obj: OFFERED	01	DEF:	8	SH
W	PHOTO OF GROUND W/ SNOW AT SCENE AT NIGHT W/ PINE TREE IN BACKGROUND Intro: 09/05/97 Off/Obj: OFFERED	01	DEF:	8	SH
X	PHOTO OF SCENE AT NIGHT W/ PINE TREE NEAR BY Intro: 09/05/97 Off/Obj: OFFERED	01	DEF:	8	SH
Y	PHOTO OF SCENE AT NIGHT W/ SNOW ON GROUND NEAR FOILAGE Intro: 09/05/97 Off/Obj: OFFERED	01	DEF:	8	SH
Z	PHOTO OF SCENE AT NIGHT W/ SNOW ON GROUND NEAR FOILAGE Intro: 09/05/97 Off/Obj: OFFERED	01	DEF:	8	SH
AA	PHOTO OF SCENE AT NIGHT W/ LESLIE N.'S CAR Intro: 09/05/97 Off/Obj: OFFERED	01	DEF:	8	SH
BB	PHOTO OF SCENE AT NIGHT W/ LESLIE N.'S CAR Intro: 09/05/97 Off/Obj: OFFERED	01	DEF:	8	SH

SECOND JUDICIAL DISTRICT COURT, COUNTY OF WASHOE
 BRIEF CASE HISTORY

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 Title: STATE OF NEVADA VS. FRANK MILFORD PECK At issue: 00/00/00

----- E X H I B I T S -----

ID	Description	Type	Relshp	Dept	Clrk
CC	PHOTO OF SCENE AT NIGHT W/ LESLIE N.'S CAR Intro: 09/05/97 Off/Obj: OFFERED	01	DEF:	8	SH
DD	PHOTO OF SCENE AT NIGHT W/ FOILAGE AND LESLIE'S CAR IN BACKGROUND Intro: 09/05/97 Off/Obj: OFFERED	01	DEF:	8	SH
EE	PHOTO OF LITTLE WALDORF SALOON FROM ACROSS VIRGINIA ST. Intro: 09/05/97 Off/Obj: OFFERED	01	DEF:	8	SH
FF	PHOTO OF SIDEWALK NEAR LITTLE WALDORF SALOON ON VIRGINIA ST. Intro: 09/05/97 Off/Obj: OFFERED	01	DEF:	8	SH
GG	PHOTO OF NORTH VIRGINIA ST. LOOKING NORTH TOWARDS LITTLE WALDORF Intro: 09/05/97 Off/Obj: OFFERED	01	DEF:	8	SH
HH	PHOTO OF APARTMENTS ACROSS FROM LAWLOR EVENTS CENTER ON N. VIRGINIA ST. Intro: 09/05/97 Off/Obj: OFFERED	01	DEF:	8	SH
II	PHOTO OF PINE TREES NEAR APARTMENTS ON N. VIRGINIA ST. Intro: 09/05/97 Off/Obj: OFFERED	01	DEF:	8	SH
JJ	PHOTO OF PINE TREES NEAR APARTMENTS LOOKING FROM N. VIRGINIA ST. Intro: 09/05/97 Off/Obj: OFFERED	01	DEF:	8	SH
KK	PHOTO OF FOILAGE NEAR APARTMENTS ON N. VIRGINIA ST. Intro: 09/05/97 Off/Obj: OFFERED	01	DEF:	8	SH
LL	PHOTO OF SCENE AT VACANT LOT AT DAYTIME Intro: 09/05/97 Off/Obj: OFFERED	01	DEF:	8	SH
MM	PHOTO OF VACANT LOT NEAR SCENE DURING THE DAY Intro: 09/05/97 Off/Obj: OFFERED	01	DEF:	8	SH
NN	PHOTO OF LOT NEAR SCENE AT DAYTIME Intro: 09/05/97 Off/Obj: OFFERED	01	DEF:	8	SH
OO	PHOTO OF VACANT LOT ON N. VIRGINIA ST. LOOKING WEST AT DAYTIME Intro: 09/05/97 Off/Obj: OFFERED	01	DEF:	8	SH
PP	PHOTO OF VACANT LOT ON N. VIRGINIA LOOKING NORTHWEST NEAR FOILAGE AT SCENE Intro: 09/05/97 Off/Obj: OFFERED	01	DEF:	8	SH
QQ	PHOTO OF VACANT LOT ON N. VIRGINIA ST. AT SCENE W/ LAWLOR IN BACKGROUND Intro: 09/05/97 Off/Obj: OFFERED	01	DEF:	8	SH
RR	PHOTO OF VACANT LOT ON N. VIRGINIA ST. LOOKING WEST Intro: 09/05/97 Off/Obj: OFFERED	01	DEF:	8	SH

SECOND JUDICIAL DISTRICT COURT, COUNTY OF WASHOE
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Case No: CR96-2687 Filed: 12/09/96 Type: CRIMINAL
 Title: STATE OF NEVADA VS. FRANK MILFORD PECK

At issue: 00/00/00

----- E X H I B I T S -----

ID	Description	Type	Relshp	Dept	Clrk
SS	PHOTO OF VACANT LOT ON N. VIRGINIA ST. W/ PINE TREES AND LAWLOR IN BACKGROUND Intro: 09/05/97 Off/Obj: OFFERED	01	DEF:	8	SH
TT	PHOTO OF VACANT LOT ON N. VIRGINIA ST. NEAR FOILAGE LOOKING NORTHWEST Intro: 09/05/97 Off/Obj: OFFERED	01	DEF:	8	SH
UU	PHOTO OF SCENE AT VACANT LOT DURING DAY W/ FOILAGE AND FLEISCHMAN IN BACK- GROUND Intro: 09/05/97 Off/Obj: OFFERED	01	DEF:	8	SH
VV	PHOTO OF SCENE AT VACANT LOT NEAR FOILAGE DURING DAY Intro: 09/05/97 Off/Obj: OFFERED	01	DEF:	8	SH
WW	PHOTO OF SCENE IN VACANT LOT NEAR FOILAGE (LOOKING NORTH) Intro: 09/05/97 Off/Obj: OFFERED	01	DEF:	8	SH
XX	PHOTO OF SCENE AT LOT DURING DAY W/ NEARBY FOILAGE Intro: 09/05/97 Off/Obj: OFFERED	01	DEF:	8	SH
YY	PHOTO OF VACANT LOT ON N. VIRGINIA ST. LOOKING SOUTHEAST Intro: 09/05/97 Off/Obj: OFFERED	01	DEF:	8	SH
ZZ	PHOTO OF THE BACK OF THE VACANT LOT ON N. VIRGINIA ST. DURING DAY Intro: 09/05/97 Off/Obj: OFFERED	01	DEF:	8	SH
AAA	PHOTO OF BACK OF VACANT LOT DURING DAY LOOKING NORTH BY NORTH EAST Intro: 09/05/97 Off/Obj: OFFERED	01	DEF:	8	SH
BBB	PHOTO OF VACANT LOT W/ APARTMENTS IN BACKGROUND & LOOKING NORTH Intro: 09/05/97 Off/Obj: OFFERED	01	DEF:	8	SH
CCC	PHOTO OF VACANT LOT ON N. VIRGINIA ST. FROM ACROSS N. VIRGINIA ST. AT DAY Intro: 09/05/97 Off/Obj: OFFERED	01	DEF:	8	SH
DDD	CORRECTIONAL MEDICAL SERVICES' PATIENT CONSENT TO TREAT & RELEASE FORM Intro: 09/05/97 Off/Obj:	01	DEF:	8	SH
STATES.1	PERMISSION TO SEARCH SIGNED BY LESLIE PECK Intro: 08/29/97 Off/Obj: OFFERED	071	STATE	8	LR
STATES.2	STATEMENT TO POLICE BY LESLIE PECK Intro: 08/29/97 Off/Obj: OFFERED	071	STATE	8	LR
STATES.3	PICTURE OF THE DEFENDANT THE NIGHT HE WAS ARRESTED Intro: 08/29/97 Off/Obj: OFFERED	071	STATE	8	LR
	Disp: 261 09/02/97 EXHIBIT WITHDRAWN				

SECOND JUDICIAL DISTRICT COURT, COUNTY OF WASHOE
BRIEF CASE HISTORY

9/09/97 12:00

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Case No: CR96-2687 Filed: 12/09/96 Type: CRIMINAL
Title: STATE OF NEVADA VS. FRANK MILFORD PECK

At issue: 00/00/00

----- E X H I B I T S -----

ID	Description	Type	Relshp	Dept	Clrk
STATES.4	PICTURE DEPICTING METH PIPE; LAP TOP COMPUTER ETC	071	STATE	8	LR
	Intro: 08/29/97 Off/Obj: OFFERED				Admit: 08/29/97
STATES.5	PICTURE DEPICTING COOLER WITH A TOWEL OVER IT	071	STATE	8	LR
	Intro: 08/29/97 Off/Obj: OFFERED				Admit: 08/29/97
	Disp: 261 09/02/97 EXHIBIT WITHDRAWN				

Case No: CR96-2687 Filed: 12/09/96 Type: CRIMINAL
Title: STATE OF NEVADA VS. FRANK MILFORD PECK

At issue: 00/00/00

----- E X H I B I T S -----

ID	Description	Type	Relshp	Dept	Clrk
TT	PHOTO OF VACANT LOT ON N. VIRGINIA ST. NEAR FOILAGE LOOKING NORTHWEST Intro: 09/05/97 Off/Obj: OFFERED	01	DEF:	8	SH
UU	PHOTO OF SCENE AT VACANT LOT DURING DAY W/ FOILAGE AND FLEISCHMAN IN BACK- GROUND Intro: 09/05/97 Off/Obj: OFFERED	01	DEF:	8	SH
VV	PHOTO OF SCENE AT VACANT LOT NEAR FOILAGE DURING DAY Intro: 09/05/97 Off/Obj: OFFERED	01	DEF:	8	SH
WW	PHOTO OF SCENE IN VACANT LOT NEAR FOILAGE (LOOKING NORTH) Intro: 09/05/97 Off/Obj: OFFERED	01	DEF:	8	SH
XX	PHOTO OF SCENE AT LOT DURING DAY W/ NEARBY FOILAGE Intro: 09/05/97 Off/Obj: OFFERED	01	DEF:	8	SH
YY	PHOTO OF VACANT LOT ON N. VIRGINIA ST. LOOKING SOUTHEAST Intro: 09/05/97 Off/Obj: OFFERED	01	DEF:	8	SH
ZZ	PHOTO OF THE BACK OF THE VACANT LOT ON N. VIRGINIA ST. DURING DAY Intro: 09/05/97 Off/Obj: OFFERED	01	DEF:	8	SH
AAA	PHOTO OF BACK OF VACANT LOT DURING DAY LOOKING NORTH BY NORTH EAST Intro: 09/05/97 Off/Obj: OFFERED	01	DEF:	8	SH
BBB	PHOTO OF VACANT LOT W/ APARTMENTS IN BACKGROUND & LOOKING NORTH Intro: 09/05/97 Off/Obj: OFFERED	01	DEF:	8	SH
CCC	PHOTO OF VACANT LOT ON N. VIRGINIA ST. FROM ACROSS N. VIRGINIA ST. AT DAY Intro: 09/05/97 Off/Obj: OFFERED	01	DEF:	8	SH
DDD	CORRECTIONAL MEDICAL SERVICES' PATIENT CONSENT TO TREAT & RELEASE FORM Intro: 09/05/97 Off/Obj:	01	DEF:	8	SH
STATES.1	PERMISSION TO SEARCH SIGNED BY LESLIE PECK Intro: 08/29/97 Off/Obj: OFFERED Disp: 261 09/02/97 EXHIBIT WITHDRAWN	071	STATE	8	LR
STATES.2	STATEMENT TO POLICE BY LESLIE PECK Intro: 08/29/97 Off/Obj: OFFERED Disp: 261 09/02/97 EXHIBIT WITHDRAWN	071	STATE	8	LR
STATES.3	PICTURE OF THE DEFENDANT THE NIGHT HE WAS ARRESTED Intro: 08/29/97 Off/Obj: OFFERED Disp: 261 09/02/97 EXHIBIT WITHDRAWN	071	STATE	8	LR
STATES.4	PICTURE DEPICTING METH PIPE, LAP TOP COMPUTER, ETC Intro: 08/29/97 Off/Obj: OFFERED	071	STATE	8	LR

SECOND JUDICIAL DISTRICT COURT, COUNTY OF WASHOE
BRIEF CASE HISTORY

9/08/97 09:19

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Case No: CR96-2687 Filed: 12/09/96 Type: CRIMINAL
Title: STATE OF NEVADA VS. FRANK MILFORD PECK

At issue: 00/00/00

----- E X H I B I T S -----

ID	Description	Type	Relshp	Dept	Clrk
STATES.5	PICTURE DEPICTING COOLER WITH A TOWEL OVER IT	071	STATE	8	LR
	Intro: 08/29/97 Off/Obj: OFFERED				Admit: 08/29/97
	Disp: 261 09/02/97 EXHIBIT WITHDRAWN				

DATE, JUDGE
OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONT'D TO

09/23/97

MOTION TO SET TRIAL

HONORABLE

Deputy District Attorney Egan Walker represented the State.

STEVEN

Defendant was present with counsel, Dennis E. Widdis.

KOSACH

Shane Lees was present on behalf of the Division of Parole and Probation.

DEPT. NO. 8

Counsel for the Defendant addressed the Court stating he and Deputy District

B. Walker

Attorney Walker had stipulated to have this case transferred back to Judge

(Clerk)

Breen in Department #7 pursuant to WDCR Rule 3.

I. Zihn

COURT ORDERED: This matter is to be taken under advisement at this

(Reporter)

time.

Defendant remanded to the custody of the Sheriff.

DC-9900024274-005
CR96-2687 FRANK MILFORD PECK 1 Page
STATE VS. FRANK MILFORD PECK 08:39 AM
District Court 09/23/1997 MIN
Washoe County
RTH
COOTTER

DATE, JUDGE
OFFICERS OF

COURT PRESENT APPEARANCES - HEARING CONT'D TO

10/02/97

MOTION TO SET TRIAL DATE

HONORABLE

Deputy District Attorney Egan Walker was present for the State.

12/05/97

STEVEN

R. Defendant was present being represented by counsel, Mr. Dennis Widdis.

8:30 a.m.

KOSACH

Officer Shane Lees was present for the Division of Parole and Probation.

Motion to

DEPT. NO. 8

Respective counsel addressed the Court regarding setting a trial date.

confirm

S. Hopper

Counsel Widdis further addressed the Court regarding case assignment

(Clerk)

and the procedures in transferring cases from department to department.

12/15/97

I. Zihn

Counsel Widdis further moved to re-transfer this case back to Department

Jury Trial

(Reporter)

7.

COURT ORDERED: Matter set for trial by jury.

COURT FURTHER ORDERED: Motion to re-transfer matter to Department 7 is denied. Defendant was remanded to the custody of the Sheriff.

CR96-2687 DC-990024274-006
STATE VS FRANK MILFORD PECK 1 Page
District Court 10/02/1997 08:40 AM
Washoe County MTN
CPATT/EPF

DATE, JUDGE

OFFICERS OF

COURT PRESENT

APPEARANCES - HEARING

CONT'D TO

12/05/97

MOTION TO CONFIRM TRIAL DATE

HONORABLE

Deputy District Attorney Egan Walker was present for the State.

STEVEN R.

Defendant present with counsel, Mr. Dennis Widdis. Officer Mary

12/15/97

KOSACH

Isbister was present for the Department of Parole and Probation.

Jury

DEPT. NO. 8

Respective counsel addressed the Court and informed the Court that they

Trial

S. Hopper

are ready for trial.

(Clerk)

Counsel Widdis further requested a hearing prior to jury selection.

I. Zihn

COURT ORDERED: Trial date of December 15, 1997 is confirmed for

(Reporter)

1:30 p.m.; Motions to be presented Monday morning at 9:00 a.m. by both counsel. Defendant was remanded to the custody of the Sheriff.


 CR96-2687 DC-9900024274-007
 STATE VS FRANK MILFORD PECK 1 Page
 District Court 12/05/1997 08 40 AM
 Washoe County MIN
 CPATTFP

DATE, JUDGE
OFFICERS OF

APPEARANCES-HEARING

COURT PRESENT

12/15/97

JURY TRIAL

HONORABLE

Deputy District Attorney Egan Walker was present for the State of Nevada. Defendant was present with counsel, Mr. Dennis Widdis.

STEVEN R.

Prior to the convening of the prospective jurors, Court and counsel proceeded with pre-trial motions.

KOSACH

Counsel Widdis presented motion to exclude Defendant's previous drug use, medical conditions and mental treatment with arguments thereto; Counsel Walker presented arguments in support of objections to limit any evidence regarding Defendant's drug use and medical records.

DEPT. NO. 8

Respective counsel further addressed the Court and presented arguments regarding the voluntariness of Defendant's statements at time of arrest. Counsel Widdis presented reply.

S. Hopper

COURT ORDERED: Motion in limine is granted in part and denied in part, to wit: the State shall not be allowed use any medical records or psychological records regarding drug use; that any evidence of drug use is prejudicial; and, collateral impeachment denied regarding drug use. Counsel Widdis presented motion to dismiss Count I with arguments thereto; objections with arguments regarding timeliness of the motion and its merits. Counsel Widdis presented rebuttal arguments.

(Clerk)

COURT ORDERED: Motion to dismiss Count I is denied.

I. Zihn

Counsel Widdis further presented motion to limit any testimony regarding the previous trial and the Guilty verdict form; further moved to allow to use the Not Guilty verdict form to contradict testimony by Leslie N.

(Reporter)

COURT ORDERED: All Verdict forms from previous Jury Trial shall not be disclosed to the new jury.

Counsel Walker addressed the Court regarding stipulation to no use of the previous trial and/or its verdicts.

Counsel Widdis presented motion to allow specific questions to the prospective jurors on voir dire to explore possible biases; Counsel Walker addressed the Court with objections and presented arguments to limit voir dire questions to personal biases without any facts/evidence mentioned. Counsel Widdis presented rebuttal arguments.

Counsel Widdis presented motion that any Batson objections be heard outside the presence of the jury; no objections; SO ORDERED.

Counsel Widdis presented objections to any testimony of Leslie N. with her prior consistent statements; Counsel Walker addressed the Court regarding the motion.

COURT ORDERED: Counsel Walker shall modify any questions to two witnesses regarding Leslie N.'s statements.

Counsel Widdis further addressed the Court regarding police conduct and procedure; Counsel Walker addressed the Court regarding specific questions to the police.

At 12:10 p.m. Court ordered recess.

At 1:30 p.m. Court reconvened with all parties present and prospective jurors in the gallery.

Court addressed the prospective jurors and introduced parties and staff.

DC-9900024274-008
CR96-2687
STATE VS. FRANK MILFORD PECK 14 Pages
District Court 12/15/1997 08:41 AM
Washoe County
CPATTER
MTN

DATE, JUDGE
OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

12/15/97

JURY TRIAL - CONTINUED

Cont'd

Clerk Hopper took role of the prospective jurors.
Clerk Hopper swore in prospective jurors to answer all questions based upon their qualifications to serve as trial jurors and pulled 12 names as the venire.
Clerk Hopper read the Information.
The venire/prospective jurors were questioned by the Court and respective counsel.
Upon the voir dire process by Court and respective counsel, at 6:15 p.m. the Court ordered recess and that all unselected prospective jurors appear with the venire at 10:00 a.m. on the 16th day of December, 1997 to complete jury selection. Defendant was in custody.

12/16/98

JURY TRIAL - CONTINUED

HONORABLE
STEVEN R.
KOSACH
Dept. No. 8
S. Hopper
(Clerk)
I. Zihn
(Reporter)

Deputy District Attorney Egan Walker was present for the State of Nevada. Defendant was present with counsel, Mr. Dennis Widdis.
Prior to convening, State's Exhibits 1 through 47 were marked for identification.
Defendant's Exhibits A through DDD were marked for identification.
Court addressed 10 new prospective jurors.
Clerk Hopper swore in the 10 new prospective jurors and called role of all prospective jurors and venire.
Clerk Hopper read the Information.
Court questioned the uncalled prospective jurors on voir dire.
Following the process of jury selection, the persons listed below were sworn by Clerk Hopper to try this case:

- | | |
|--------------------------------|---------------------|
| Mary Caulk | Carolyn Martynuik |
| Harley Ponsler | Kathy Reading |
| Velda Lowery | Arcenia Matoza |
| Nils Bachman | Andrew Davis |
| Michael Storke | Elizabeth Franks |
| Maryanne Paganetti | Jacqueline McMaster |
| Alternate #1 - Jane Nichols | |
| Alternate #2 - Thomas Melancon | |

At 12:00 noon Court ordered recess; jury was admonished and excused.
At 1:30 p.m. Court reconvened with all parties jury present.
Counsel Walker presented opening statements.
Counsel Widdis presented opening statements.
Keith Mullen was called by Counsel Walker, sworn and testified.
State's Exhibits 45 and 44 for identification were offered; Counsel Widdis questioned on voir

**DATE, JUDGE
OFFICERS OF
COURT PRESENT**

APPEARANCES-HEARING

12/16/97

Cont'd

JURY TRIAL - CONTINUED

dire and placed no objections; COURT ORDERED State's 44 and 45 ADMITTED.
Witness was further direct examined; cross examined; redirect examined.
State's Exhibits 16 and 17 for identification were offered; Counsel Widdis questioned witness on voir dire and placed no objections; COURT ORDERED ADMITTED.
Witness was further redirect examined; re-cross examined and held subject to recall.
At 3:45 p.m. Court ordered recess; jury admonished and excused.
At 3:40 p.m. Court reconvened with all parties and jury present.
Paul Gonzalez was called by Counsel Walker, sworn and testified.
State's Exhibit 48 was marked for identification; offered and ordered admitted.
Witness was further direct examined; cross examined; redirect examined; recross examined and excused.
State's Exhibit 49 for identification was offered and ordered admitted.
Officer Jason Sammons was called by Counsel Walker, sworn and testified.
State's Exhibits 4 and 26 through 28 for identification were offered and ordered admitted.
State's Exhibit 29 for identification was offered; objections with arguments thereto; COURT ORDERED ADMITTED.
Witness was further direct examined.
At 4:50 p.m. Court ordered recess; jury admonished and excused.
Matter continued to December 17, 1997 at 10:00 a.m. Defendant was in custody.

12/17/98

HONORABLE
STEVEN R.
KOSACH
Dept. No. 8
S. Hopper
(Clerk)
I. Zihn
(Reporter)

JURY TRIAL - CONTINUED

Deputy District Attorney Egan Walker was present for the State of Nevada. Defendant Frank Peck was present with counsel, Mr. Dennis Widdis.
At 10:00 a.m. all parties and jury were present.
Officer Jason Sammons, previously sworn, resumed the stand for the purpose of cross examination by Counsel Widdis and re-direct examination by Counsel Walker.
State's Exhibits 50 through 52 were marked for identification; offered and ordered admitted.
Witness was further redirect examined; recross examined and excused.
Leslie Peck was called by Counsel Walker, sworn and testified.
State's Exhibits 3 through 30 for identification were offered and ordered admitted.
At 11:15 a.m. the jury was excused. Outside the presence of the jury, Court addressed counsel regarding the examination of the witness by Counsel Walker as an adversary witness.
Counsel Widdis presented objections regarding the examination of Witness Leslie Peck; OBJECTIONS OVERRULED.
At 11:30 a.m. Court reconvened with all parties present and witness Leslie Peck remained on the stand for the purpose of continued direct examination.
State's Exhibits 2, 1, 8 through 14 and 18 for identification were offered; objections with

**DATE,JUDGE
OFFICERS OF
COURT PRESENT**

APPEARANCES-HEARING

12/17/97

Cont'd

JURY TRIAL - CONTINUED

arguments thereto; COURT ORDERED STATE'S EXHIBITS 2, 1, 8 through 14 and 18 WERE ADMITTED.

Witness was further direct examined; cross examined.

Defendant's Exhibit A for identification were offered and ordered admitted.

Witness was further cross examined.

At 11:45 a.m. Court ordered recess; jury was admonished and excused.

At 1:45 p.m. Court reconvened with all parties and jury present.

Leslie Peck, previously sworn, resumed the stand for the purpose continued cross examination by Counsel Widdis; redirect examination by Counsel Walker and recross examination by Counsel Widdis. Witness was excused.

At 2:45 p.m. Court ordered recess; jury was admonished and excused.

At 3:00 p.m. Court reconvened with all parties and jury present.

Officer Tim Mayes was called by Counsel Walker, sworn and testified.

State's Exhibit 53 for identification was offered and ordered admitted.

Witness was further direct examined; cross examined; redirect examined.

State's Exhibits 22 and 23 for identification were offered; objections with arguments thereto; COURT ORDERED ADMITTED.

Witness was further redirect examined; recross examined and excused.

At 4:30 p.m. Court ordered recess; jury was admonished and excused.

At 4:45 p.m. Court reconvened with all parties and jury present.

Officer Gerald Rhodes was called by Counsel Walker, sworn and testified; cross examined; redirect examined; recross examined and excused.

At 5:30 p.m. Court ordered recess; jury admonished and excused.

Matter continued to December 18, 1998 at 10:00 a.m. Defendant was in custody.

12/18/98

HONORABLE
STEVEN R.
KOSACH
Dept. No. 8
S. Hopper
(Clerk)
I. Zihn
(Reporter)

JURY TRIAL - CONTINUED

Prior to the convening of Court, State's Exhibit 54 was marked for identification.

Deputy District Attorney Egan Walker was present for the State of Nevada. Defendant Frank Peck was present with counsel, Mr. Dennis Widdis.

At 10:00 a.m. all parties and jury were present.

Michael Neville was called by Counsel Walker, sworn and testified; cross examined; redirect examined; recross examined and excused.

Debbie Robison was called by Counsel Walker, sworn and testified.

State's Exhibit 25 for identification was offered; Counsel Widdis questioned witness on voir dire and placed no objections; COURT ORDERED ADMITTED.

State's Exhibits 20, 20(a) and 24 for identification were offered and ordered admitted.

Witness was further direct examined; cross examined; redirect examined and excused.

**DATE, JUDGE
OFFICERS OF
COURT PRESENT**

APPEARANCES-HEARING

12/18/97

Cont'd

JURY TRIAL - CONTINUED

Detective John Ferguson was called by Counsel Walker, sworn and testified; cross examined.
 At 12:00 noon Court ordered recess; jury was admonished and excused.
 At 1:30 p.m. Court reconvened with all parties and jury present.
 Detective John Ferguson, previously sworn, resumed the stand for the purpose of continued cross examination by Counsel Widdis; redirect examination by Counsel Walker and excused.
 Maria Fassett was called by Counsel Walker, sworn and testified; cross examined; redirect examined and recross examined.
 At 2:45 p.m. Court ordered recess; jury was admonished and excused.
 At 3:00 p.m. Court reconvened with all parties and outside the presence of the jury.
 Outside the presence of jury, Counsel presented stipulation to the Court regarding Defendant's belongings.
 Counsel Widdis further addressed the Court regarding rulings of objections.
 At 3:10 p.m. jury re-entered the courtroom.
 Counsel Widdis presented stipulation as previously presented outside the presence of the jury.
 Leslie Nummer was called by Counsel Walker, sworn and testified.
 State's Exhibits 46 and 47 for identification were offered; objections with arguments thereto;
COURT ORDERED ADMITTED.
 At 4:00 p.m. Court ordered recess; jury admonished and excused.
 At 4:05 p.m. Court reconvened with all parties and jury present.
 Leslie Nummer, previously sworn, resumed the stand for the purpose of cross examination by Counsel Widdis.
 State's Exhibit 6 for identification; offered and ordered admitted.
 At 5:05 p.m. jury exited the courtroom.
 Court addressed the respective counsel regarding impeachment process of a witness.
 At 5:10 p.m. jury re-entered the courtroom.
 Witness was further cross examined; redirect examined; recross examined and excused.
 At 5:40 p.m. Court ordered recess; jury admonished and excused.
 Matter continued to December 19, 1998 at 10:00 a.m. Defendant was in custody.

12/19/98

HONORABLE
STEVEN R.
KOSACH
Dept. No. 8
S. Hopper
(Clerk)
I. Zihn

JURY TRIAL - CONTINUED

Deputy District Attorney Egan Walker was present for the State of Nevada. Defendant Frank Peck was present with counsel, Mr. Dennis Widdis.
 At 10:00 a.m. Court reconvened with all parties and jury present.
 State rested
 Frank Peck was called by Counsel Widdis, sworn and testified.
 Defendant's Exhibits B through CCC for identification were offered and ordered admitted.
 Witness was further direct examined; cross examined; redirect examined and recross examined.

DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES-HEARING

12/19/97

JURY TRIAL - CONTINUED

Cont'd

Defense rested.

At 11:50 a.m. Court ordered recess; jury admonished and excused.

At 1:30 p.m. Court and counsel met in chambers for the purpose of settling Jury Instructions and verdict forms regarding voluntariness of Defendant's statements.

Counsel Walker presented objections and motion to withdraw Jury Instruction #29; SO ORDERED.

Counsel Widdis presented arguments for lesser included charges of Open Or Gross Lewdness and/or Indecent Exposure; objections with arguments thereto. Counsel Widdis presented rebuttal arguments.

COURT ORDERED: Motion for lesser included charge is denied.

Respective counsel further presented arguments regarding statements made were voluntary or involuntary.

COURT ORDERED: Motion for verdict form regarding voluntariness of statements granted.

At 2:45 p.m. Court reconvened with all parties and jury present.

Court read Jury Instructions 1 through 28.

Counsel Walker presented opening arguments.

Counsel Widdis presented closing arguments.

At 4:45 p.m. Court ordered recess; jury was admonished and excused.

At 5:00 p.m. Court reconvened with all parties and jury present.

Counsel Walker presented rebuttal arguments.

Clerk Hopper swore in bailiffs Deputies Walling and Fowler to take charge of the jury during deliberation.

At 5:30 p.m. Court ordered recess until the jury has reached a verdict.

At 8:30 p.m. Court reconvened with all parties and jury present.

Clerk Hopper read verdict as follows:

VERDICT

We, the jury in the above entitled matter, find the Defendant, FRANK MILFORD PECK Guilty of COUNT I: SEXUAL ASSAULT.

MICHAEL STORKE

Foreman

CASE NO. CR96-2687

STATE OF NEVADA -VS- FRANK MILFORD PECK

DATE, JUDGE
OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

12/19/97

JURY TRIAL - CONTINUED

Cont'd

VERDICT

We, the jury in the above entitled matter, find the Defendant, FRANK MILFORD PECK Guilty of COUNT II: SEXUAL ASSAULT.

MICHAEL STORKE

Foreman

The jury was thanked and excused.

Court set sentencing date for February 6, 1998 at 8:30 a.m. Defendant was remanded to the custody of the Sheriff.

SECOND JUDICIAL DISTRICT COURT, COUNTY OF WASHOE
 BRIEF CASE HISTORY

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Case No: CR96-2687 Filed: 12/09/96 Type: CRIMINAL
 Title: STATE OF NEVADA VS. FRANK MILFORD PECK
 Dept: 8 Addl Info:

At issue: 00/00/00
 Clerk: CP

Trial: 12/15/97 JURY TRIAL

----- P A R T I E S -----

PLTF: STATE OF NEVADA DA: WALKER, EGAN
 DEF: PECK, FRANK MILFORD (D7) ATTY: WIDDIS, DENNIS E.

----- E X H I B I T S -----

ID	Description	Type	Relshp	Dept	Clrk
1	ADMONITION & WAIVER OF RIGHTS/PERMISSION TO SEARCH RESIDENCE	01	STATE	8	SH
	Intro: 12/15/97 Off/Obj: OFFERED; OBJ				Admit: 12/17/97
2	STATEMENT TO RENO POLICE DEPT FROM LESLIE PECK	01	STATE	8	SH
	Intro: 12/15/97 Off/Obj: OFFERED; OBJ				Admit: 12/17/97
3	BOOKING PHOTO OF DEFT FRANK PECK	01	STATE	8	SH
	Intro: 12/15/97 Off/Obj: OFFERED				Admit: 12/17/97
4	SET OF KEYS STRANDED W/ CHAP STICK IN ENVELOPE	01	STATE	8	SH
	Intro: 12/15/97 Off/Obj: OFFERED				Admit: 12/16/97
5	PHOTO OF PECK RESIDENCE; COOLER W/ TOWEL OVER IT	01	STATE	8	SH
	Intro: 12/15/97 Off/Obj:				Admit: 00/00/00
6	LARGE MAP OF 1551 N. VIRGINIA ST. & SURROUNDING AREA	01	STATE	8	SH
	Intro: 12/15/97 Off/Obj: OFFERED				Admit: 12/18/97
7	LARGE MAP OF 1500 & 1600 BLOCK OF NORTH VIRGINIA ST. AND SURROUNDING AREA	01	STATE	8	SH
	Intro: 12/15/97 Off/Obj:				Admit: 00/00/00
8	GREEN TOWEL OBTAINED FROM PECK RESIDENCE	01	STATE	8	SH
	Intro: 12/15/97 Off/Obj: OFFERED; OBJ				Admit: 12/17/97
9	YELLOW TOWEL OBTAINED FROM PECK RESIDENC	01	STATE	8	SH
	Intro: 12/15/97 Off/Obj: OFFERED; OBJ				Admit: 12/17/97
10	RAZOR W/ SHAVED STUBBLE IN BAG	01	STATE	8	SH
	Intro: 12/15/97 Off/Obj: OFFERED; OBJ				Admit: 12/17/97
11	PAIR OF WHITE UNDERWEAR IN BROWN PAPER BAG	01	STATE	8	SH
	Intro: 12/15/97 Off/Obj: OFFERED; OBJ				Admit: 12/17/97
12	"CAMEL" T-SHIRT IN BROWN PAPER BAG	01	STATE	8	SH
	Intro: 12/15/97 Off/Obj: OFFERED; OBJ				Admit: 12/17/97
13	PAIR OF BLUE SWEAT PANTS IN BROWN PAPER BAG	01	STATE	8	SH
	Intro: 12/15/97 Off/Obj: OFFERED				Admit: 12/17/97
14	BROWN PAPER BAG CONTAINING CONTENTS FROM DEFTS LIVING ROOM HAMPER. (SWEATPANTS, WHITE SHORTS, WHITE SOX)	01	STATE	8	SH
	Intro: 12/15/97 Off/Obj: OFFERED				Admit: 12/17/97
15	PETRI DISH W/ HAIR-FIBER	01	STATE	8	SH
	Intro: 12/15/97 Off/Obj:				Admit: 00/00/00

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At issue: 00/00/00

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ID	Description	Type	Relshp	Dept	Clrk
16	PHOTO OF VACANT LOT AT 1500 BLOCK OF N. VIRGINIA	01	STATE	8	SH
	Intro: 12/15/97 Off/Obj: OFFERED				Admit: 12/16/97
17	PHOTO OF VACANT LOT NEAR LAWLOR EVENT CENTER	01	STATE	8	SH
	Intro: 12/15/97 Off/Obj: OFFERED				Admit: 12/16/97
18	PAPER BAG CONTAINING TRASH CONTENTS IN THE DEFT'S BATHROOM	01	STATE	8	SH
	Intro: 12/15/97 Off/Obj: OFFERED; OBJ				Admit: 12/17/97
19	PHOTO LINE-UP AND PROFILE OF DEFT	01	STATE	8	SH
	Intro: 12/15/97 Off/Obj:				Admit: 00/00/00
20	SEXUAL ASSAULT KIT	01	STATE	8	SH
	Intro: 12/15/97 Off/Obj: OFFERED				Admit: 12/18/97
20.A	VICTIM'S UNDERPANTS FROM SEXUAL ASSAULT KIT	01	STATE	8	SH
	Intro: 12/15/97 Off/Obj: OFFERED				Admit: 12/18/97
21	BLOOD SAMPLE	01	STATE	8	SH
	Intro: 12/15/97 Off/Obj:				Admit: 00/00/00
22	"MILLER GENUINE DRAFT" BLACK JACKET	01	STATE	8	SH
	Intro: 12/15/97 Off/Obj: OFFERED				Admit: 12/17/97
23	PAIR OF BLACK NIKES	01	STATE	8	SH
	Intro: 12/15/97 Off/Obj: OFFERED				Admit: 12/17/97
24	WHITE BRA	01	STATE	8	SH
	Intro: 12/15/97 Off/Obj: OFFERED				Admit: 12/18/97
25	WHITE LINEN SHEET	01	STATE	8	SH
	Intro: 12/15/97 Off/Obj: OFFERED				Admit: 12/18/97
26	BLUE AND WHITE STRIPED SWEATER	01	STATE	8	SH
	Intro: 12/15/97 Off/Obj: OFFERED				Admit: 12/16/97
27	ONE PAIR OF BLUE JEANS W/ BROWN BELT	01	STATE	8	SH
	Intro: 12/15/97 Off/Obj: OFFERED				Admit: 12/16/97
28	WHITE SHIRT	01	STATE	8	SH
	Intro: 12/15/97 Off/Obj: OFFERED				Admit: 12/16/97
29	PHOTO OF SCENE OF CRIME AT NIGHT	01	STATE	8	SH
	Intro: 12/15/97 Off/Obj: OFFERED; OBJ				Admit: 12/16/97
30	PHOTO OF DEFT FRANK PECK AFTER ARREST	01	STATE	8	SH
	Intro: 12/15/97 Off/Obj: OFFERED				Admit: 12/17/97
31	WHAT DOES DNA MEAN? WHERE CAN DNA BE FOUND? CLEAR SHEET	01	STATE	8	SH
	Intro: 12/15/97 Off/Obj:				Admit: 00/00/00
32	WHERE DOES DNA COME FROM? CLEAR SHEET	01	STATE	8	SH
	Intro: 12/15/97 Off/Obj:				Admit: 00/00/00
33	CHROMOSOMES CLEAR SHEET	01	STATE	8	SH
	Intro: 12/15/97 Off/Obj:				Admit: 00/00/00
34	DNA - THE MOLECULE CLEAR SHEET	01	STATE	8	SH
	Intro: 12/15/97 Off/Obj:				Admit: 00/00/00
35	SEPARATION OF DNA CLEAR SHEET	01	STATE	8	SH
	Intro: 12/15/97 Off/Obj:				Admit: 00/00/00

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ID	Description	Type	Relshp	Dept	Clrk
36	SEQUENCE VARIATION VS. REPEAT VARIATION CLEAR SHEET Intro: 12/15/97 Off/Obj:	01	STATE	8	SH
37	POLYMERASE CHAIN REACTION STEPS CLEAR SHEET Intro: 12/15/97 Off/Obj:	01	STATE	8	SH
38	PCR - SEQUENCE DETECTION CLEAR SHEET Intro: 12/15/97 Off/Obj:	01	STATE	8	SH
39	PCR - REPEAT DETECTION CLEAR SHEET Intro: 12/15/97 Off/Obj:	01	STATE	8	SH
40	STATISTICS OF DNA TESTING CLEAR SHEET Intro: 12/15/97 Off/Obj:	01	STATE	8	SH
41	RESULTS OF EXAMINATIONS OF LESLIE N., BILLINGS & PECK Intro: 12/15/97 Off/Obj:	01	STATE	8	SH
42	HANDWRITTEN TEST RESULTS OF DNA EXAMS Intro: 12/15/97 Off/Obj:	01	STATE	8	SH
43	DECLARATION OF MEDICAL RECORDS RE: DEFT PECK Intro: 12/15/97 Off/Obj:	01	STATE	8	SH
44	LARGE-UNMARKED MAP OF 1551 N. VIRGINIA ST. & SURROUNDING AREA Intro: 12/15/97 Off/Obj:	01	STATE	8	SH
45	LARGE-UNMARKED MAP OF 1500 & 1600 BLOCK OF N. VIRGINIA ST & SURRENDINGS Intro: 12/15/97 Off/Obj: OFFERED	01	STATE	8	SH
46	BROWN PAPER BAG W/ VICTIM'S RED COAT Intro: 12/15/97 Off/Obj: OFFERED	01	STATE	8	SH
47	BROWN PAPER BAG W/ VICTIM'S BOOTS Intro: 12/15/97 Off/Obj: OFFERED; OBJ	01	STATE	8	SH
48	PHOTO OF EVERGREENS FLANKING VACANT LOT (LOOKING NORTH) Intro: 12/15/97 Off/Obj: OFFERED; OBJ	01	STATE	8	SH
49	CLEAR OVERLAY W/ MARKINGS COINCIDING TO EXH. 44 (WITNESS GONZALEZ) Intro: 12/16/97 Off/Obj: OFFERED	01	STATE	8	SH
50	PHOTO OF SCENE AT NIGHT WITH SNOW Intro: 12/16/97 Off/Obj: OFFERED	01	STATE	8	SH
51	PHOTO OF GROUND AT SCENE WITH SNOW Intro: 12/17/97 Off/Obj: OFFERED	01	STATE	8	SH
52	PHOTO OF GROUND AT SCENE WITH SNOW & PINE TREE IN BACKGROUND Intro: 12/17/97 Off/Obj: OFFERED	01	STATE	8	SH
53	CLEAR OVERLAY W/ MARKINGS FROM WITNESS TIM MAYES CORRESPONDING TO EXH 45 Intro: 12/17/97 Off/Obj: OFFERED	01	STATE	8	SH

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ID	Description	Type	Relshp	Dept	Clrk
54	CLEAR OVERLAY W/ MARKINGS BY WITNESS SAMMONS FOR EXH. 44 Intro: 12/18/97 Off/Obj:	01	STATE	8	SH
A	TERM PAPER ENTITLED "ORAL LANGUAGE DEF- ICITS AS A READING DISABILITY PREDIC- TOR" BY LESLIE PECK Intro: 12/15/97 Off/Obj: OFFERED	01	DEF:	8	SH
B	PHOTO OF PECK HOME (FRONT DOOR) Intro: 12/15/97 Off/Obj: OFFERED	01	DEF:	8	SH
C	PHOTO OF INSIDE OF PECK HOME (COUCH & CREDENZA) Intro: 12/15/97 Off/Obj: OFFERED	01	DEF:	8	SH
D	PHOTO OF PECK BATHROOM Intro: 12/15/97 Off/Obj: OFFERED	01	DEF:	8	SH
E	SERIES OF PHOTOS INSIDE OF PECK HOME (HAMPER, SHOES, KITCHEN & LIVING ROOM) Intro: 12/15/97 Off/Obj: OFFERED	01	DEF:	8	SH
F	SERIES OF PHOTOS INSIDE PECK HOME (BEDROOM, LAUNDRY ROOM, BATHROOM & COUCH W/ JACKET) Intro: 12/15/97 Off/Obj: OFFERED	01	DEF:	8	SH
G	PHOTO OF PECK'S DODGE SHOWING LICENSE PLATE Intro: 12/15/97 Off/Obj: OFFERED	01	DEF:	8	SH
H	DARK PHOTO OF PECK'S CAR IN LOT Intro: 12/15/97 Off/Obj: OFFERED	01	DEF:	8	SH
I	PHOTO OF INSIDE OF PECK'S CAR IN VACANT LOT Intro: 12/15/97 Off/Obj: OFFERED	01	DEF:	8	SH
J	PHOTO OF INSIDE OF PECK'S CAR SHOWING JUMPER CABLES Intro: 12/15/97 Off/Obj: OFFERED	01	DEF:	8	SH
K	PHOTO OF INSIDE OF PECK'S TRUNK Intro: 12/15/97 Off/Obj: OFFERED	01	DEF:	8	SH
L	PHOTO OF SCENE AT NIGHT W/ SNOW Intro: 12/15/97 Off/Obj: OFFERED	01	DEF:	8	SH
M	PHOTO OF SCENE AT NIGHT W/ SNOW & FOILAGE Intro: 12/15/97 Off/Obj: OFFERED	01	DEF:	8	SH
N	DARK PHOTO OF SCENE AT NIGHT W/ LIGHT SNOW Intro: 12/15/97 Off/Obj: OFFERED	01	DEF:	8	SH
O	DARK PHOTO OF SCENE AT NIGHT W/ NEAR BY FOILAGE Intro: 12/15/97 Off/Obj: OFFERED	01	DEF:	8	SH
P	PHOTO OF GROUND AT SCENE AT NIGHT Intro: 12/15/97 Off/Obj: OFFERED	01	DEF:	8	SH
Q	PHOTO OF SCENE AT NIGHT W/ FOILAGE Intro: 12/15/97 Off/Obj: OFFERED	01	DEF:	8	SH

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----- E X H I B I T S -----

ID	Description	Type	Relshp	Dept	Clrk
R	PHOTO OF SCENE NEAR FOILAGE AT NIGHT (NO SNOW SHOWN) Intro: 12/15/97 Off/Obj: OFFERED	01	DEF:	8	SH
S	PHOTO OF SCENE AT NIGHT W/ FOILAGE & LIGHT SNOW Intro: 12/15/97 Off/Obj: OFFERED	01	DEF:	8	SH
T	DARK PHOTO W/ DIM LIGHT Intro: 12/15/97 Off/Obj: OFFERED	01	DEF:	8	SH
U	PHOTO OF GROUND W/ SNOW AT SCENE AT NIGHT Intro: 12/15/97 Off/Obj: OFFERED	01	DEF:	8	SH
V	PHOTO OF FOILAGE AT SCENE AT NIGHT Intro: 12/15/97 Off/Obj: OFFERED	01	DEF:	8	SH
W	PHOTO OF GROUND W/ SNOW AT SCENE AT NIGHT W/ PINE TREE IN BACKGROUND Intro: 12/15/97 Off/Obj: OFFERED	01	DEF:	8	SH
X	PHOTO OF SCENE AT NIGHT W/ PINE TREE NEAR BY Intro: 12/15/97 Off/Obj: OFFERED	01	DEF:	8	SH
Y	PHOTO OF SCENE AT NIGHT W/ SNOW ON GROUND NEAR FOILAGE Intro: 12/15/97 Off/Obj: OFFERED	01	DEF:	8	SH
Z	PHOTO OF SCENE AT NIGHT W/ SNOW ON GROUND NEAR FOILAGE Intro: 12/15/97 Off/Obj: OFFERED	01	DEF:	8	SH
AA	PHOTO OF SCENE AT NIGHT W/ LESLIE N.'S CAR Intro: 12/15/97 Off/Obj: OFFERED	01	DEF:	8	SH
BB	PHOTO OF SCENE AT NIGHT W/ LESLIE N.'S CAR Intro: 12/15/97 Off/Obj: OFFERED	01	DEF:	8	SH
CC	PHOTO OF SCENE AT NIGHT W/ LESLIE N.'S CAR Intro: 12/15/97 Off/Obj: OFFERED	01	DEF:	8	SH
DD	PHOTO OF SCENE AT NIGHT W/ FOILAGE AND LESLIE'S CAR IN BACKGROUND Intro: 12/15/97 Off/Obj: OFFERED	01	DEF:	8	SH
EE	PHOTO OF LITTLE WALDORF SALOON FROM ACROSS VIRGINIA ST. Intro: 12/15/97 Off/Obj: OFFERED	01	DEF:	8	SH
FF	PHOTO OF SIDEWALK NEAR LITTLE WALDORF SALOON ON VIRGINIA ST. Intro: 12/15/97 Off/Obj: OFFERED	01	DEF:	8	SH
GG	PHOTO OF NORTH VIRGINIA ST. LOOKING NORTH TOWARDS LITTLE WALDORF Intro: 12/15/97 Off/Obj: OFFERED	01	DEF:	8	SH
HH	PHOTO OF APARTMENTS ACROSS FROM LAWLOR EVENTS CENTER ON N. VIRGINIA ST. Intro: 12/15/97 Off/Obj: OFFERED	01	DEF:	8	SH

SECOND JUDICIAL DISTRICT COURT, COUNTY OF WASHOE
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At issue: 00/00/00

----- E X H I B I T S -----

ID	Description	Type	Relshp	Dept	Clrk
II	PHOTO OF PINE TREES NEAR APARTMENTS ON N. VIRGINIA ST. Intro: 12/15/97 Off/Obj: OFFERED	01	DEF:	8	SH
JJ	PHOTO OF PINE TREES NEAR APARTMENTS LOOKING FROM N. VIRGINIA ST. Intro: 12/15/97 Off/Obj: OFFERED	01	DEF:	8	SH
KK	PHOTO OF FOILAGE NEAR APARTMENTS ON N. VIRGINIA ST. Intro: 12/15/97 Off/Obj: OFFERED	01	DEF:	8	SH
LL	PHOTO OF SCENE AT VACANT LOT AT DAYTIME Intro: 12/15/97 Off/Obj: OFFERED	01	DEF:	8	SH
MM	PHOTO OF VACANT LOT NEAR SCENE DURING THE DAY Intro: 12/15/97 Off/Obj: OFFERED	01	DEF:	8	SH
NN	PHOTO OF LOT NEAR SCENE AT DAYTIME Intro: 12/15/97 Off/Obj: OFFERED	01	DEF:	8	SH
OO	PHOTO OF VACANT LOT ON N. VIRGINIA ST. LOOKING WEST AT DAYTIME Intro: 12/15/97 Off/Obj: OFFERED	01	DEF:	8	SH
PP	PHOTO OF VACANT LOT ON N. VIRGINIA LOOKING NORTHWEST NEAR FOILAGE AT SCENE Intro: 12/15/97 Off/Obj: OFFERED	01	DEF:	8	SH
QQ	PHOTO OF VACANT LOT ON N. VIRGINIA ST. AT SCENE W/ LAWLOR IN BACKGROUND Intro: 12/15/97 Off/Obj: OFFERED	01	DEF:	8	SH
RR	PHOTO OF VACANT LOT ON N. VIRGINIA ST. LOOKING WEST Intro: 12/15/97 Off/Obj: OFFERED	01	DEF:	8	SH
SS	PHOTO OF VACANT LOT ON N. VIRGINIA ST. W/ PINE TREES AND LAWLOR IN BACKGROUND Intro: 12/15/97 Off/Obj: OFFERED	01	DEF:	8	SH
TT	PHOTO OF VACANT LOT ON N. VIRGINIA ST. NEAR FOILAGE LOOKING NORTHWEST Intro: 12/15/97 Off/Obj: OFFERED	01	DEF:	8	SH
UU	PHOTO OF SCENE AT VACANT LOT DURING DAY W/ FOILAGE AND FLEISCHMAN IN BACK- GROUND Intro: 12/15/97 Off/Obj: OFFERED	01	DEF:	8	SH
VV	PHOTO OF SCENE AT VACANT LOT NEAR FOILAGE DURING DAY Intro: 12/15/97 Off/Obj: OFFERED	01	DEF:	8	SH
WW	PHOTO OF SCENE IN VACANT LOT NEAR FOILAGE (LOOKING NORTH) Intro: 12/15/97 Off/Obj: OFFERED	01	DEF:	8	SH
XX	PHOTO OF SCENE AT LOT DURING DAY W/ NEARBY FOILAGE Intro: 12/15/97 Off/Obj: OFFERED	01	DEF:	8	SH

SECOND JUDICIAL DISTRICT COURT, COUNTY OF WASHOE
 BRIEF CASE HISTORY

12/22/97 09:23

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Case No: CR96-2687 Filed: 12/09/96 Type: CRIMINAL
 Title: STATE OF NEVADA VS. FRANK MILFORD PECK At issue: 00/00/00

----- E X H I B I T S -----

ID	Description	Type	Relshp	Dept	Clrk
YY	PHOTO OF VACANT LOT ON N. VIRGINIA ST. LOOKING SOUTHEAST Intro: 12/15/97 Off/Obj: OFFERED	01	DEF:	8	SH
ZZ	PHOTO OF THE BACK OF THE VACANT LOT ON N. VIRGINIA ST. DURING DAY Intro: 12/15/97 Off/Obj: OFFERED	01	DEF:	8	SH
AAA	PHOTO OF BACK OF VACANT LOT DURING DAY LOOKING NORTH BY NORTH EAST Intro: 12/15/97 Off/Obj: OFFERED	01	DEF:	8	SH
BBB	PHOTO OF VACANT LOT W/ APARTMENTS IN BACKGROUND & LOOKING NORTH Intro: 12/15/97 Off/Obj: OFFERED	01	DEF:	8	SH
CCC	PHOTO OF VACANT LOT ON N. VIRGINIA ST. FROM ACROSS N. VIRGINIA ST. AT DAY Intro: 12/15/97 Off/Obj: OFFERED	01	DEF:	8	SH
DDD	CORRECTIONAL MEDICAL SERVICES' PATIENT CONSENT TO TREAT & RELEASE FORM Intro: 12/15/97 Off/Obj:	01	DEF:	8	SH
EEE	CLEAR OVERLAY FOR EXH 6 AS MARKED BY WITNESS LESLIE N. Intro: 12/15/97 Off/Obj:	01	DEF:	8	SH
STATES.1	PERMISSION TO SEARCH SIGNED BY LESLIE PECK Intro: 12/18/97 Off/Obj: OFFERED	071	STATE	8	LR
STATES.2	STATEMENT TO POLICE BY LESLIE PECK Intro: 08/29/97 Off/Obj: OFFERED Disp: 261 09/02/97 EXHIBIT WITHDRAWN	071	STATE	8	LR
STATES.3	PICTURE OF THE DEFENDANT THE NIGHT HE WAS ARRESTED Intro: 08/29/97 Off/Obj: OFFERED Disp: 261 09/02/97 EXHIBIT WITHDRAWN	071	STATE	8	LR
STATES.4	PICTURE DEPICTING METH PIPE; LAP TOP COMPUTER ETC Intro: 08/29/97 Off/Obj: OFFERED	071	STATE	8	LR
STATES.5	PICTURE DEPICTING COOLER WITH A TOWEL OVER IT Intro: 08/29/97 Off/Obj: OFFERED Disp: 261 09/02/97 EXHIBIT WITHDRAWN	071	STATE	8	LR

DATE, JUDGE
OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONT'D TO

03/17/98

HONORABLE

STEVEN R.

KOSACH

DEPT. NO. 8

S. Hopper

(Clerk)

I. Zihn

(Reporter)

ENTRY OF JUDGMENT AND IMPOSITION OF SENTENCE

Deputy District Attorney Egan Walker was present for the State. Defendant present with counsel, Mr. Dennis Widdis. Officer Mary Isbister was present for the Division of Parole and Probation.

Counsel Widdis addressed the Court.

Tom Turner was called by Counsel Widdis, sworn and testified; cross examined and redirect examined.

Randy Peck was called by Counsel Widdis, sworn and testified. Witness further read statement from Leslie Peck.

Sherry Gray was called by Counsel Widdis, sworn and testified.

Bessie Cooper was called by Counsel Widdis, sworn and testified.

Dr. Ted Young was called by Counsel Walker, sworn and testified as an expert witness; cross examined and excused.

Deputy Carl Barrett was called by Counsel Walker, sworn and testified; cross examined.

Sue D. Dickson was called by Counsel Walker, sworn and testified; cross examined.

At 10:30 a.m. Court ordered recess.

At 10:45 a.m. Court reconvened with all parties present.

Leslie Nummer was called by Counsel Walker, sworn and testified with victim impact statement.

Respective counsel presented arguments regarding sentencing.

Officer Isbister addressed the Court.

Counsel Widdis further presented arguments regarding sentencing.

Defendant addressed the Court.

COURT ORDERED: Judgment entered. The Defendant is sentenced to the Nevada State Prison for a maximum term of life, with a minimum parole eligibility of ten (10) years on Count I and sentenced to the Nevada State Prison for a maximum term of life, with a minimum parole eligibility of ten (10) years on Count II to run consecutive to the sentence imposed in Count I. The Defendant shall effect restitution in the amount of one thousand forty-seven dollars and fifteen cents (\$1,047.15) and pay the statutory administrative assessment fee of Twenty-Five Dollars (\$25.00). The Defendant is to be given credit for four hundred eighty-four (484) days time served. Defendant was remanded to the custody of the Sheriff.

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STATE VS FRANK MILFORD PECK 1 Page
District Court 03/17/1998 08 43 AM
Washoe County MIN
CPATTER

DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

12/03/03
HONORABLE
BRENT ADAMS
DEPT. NO. 6
S. Stagnaro
(Clerk)
T. Herbert
(Reporter)

EVIDENTIARY HEARING

Deputy D.A. Terrence McCarthy represented the State.
Defendant was present with counsel, Robert Glennen.
Rule of Exclusion Invoked.
Dennis Widdis called by Counsel Glennen, sworn and testified.
Exhibits 1, 2, and 3 marked and offered by the Defense, the Court admitted these exhibits.
Cross-examination by Counsel McCarthy. Questions by the Court.
Further examination by respective counsel.
2:45 Recess.
3:10 All parties present.
Steven Kosach called by Counsel Glennen, sworn and testified.
No cross-examination.
Petitioner rests.
Counsel for the State moved to have the Petitioner's claim dismissed, response by the Defense. Arguments presented and questions by the Court.
The Court ordered that the motion to dismiss is Granted.

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POST FRANK MILFORD PECK (D6) 1 Page
District Court 12/03/2003 08:59 AM
Washoe County MTN CPATTER

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Code 1350

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

STATE OF NEVADA,

Case No. CR96-2687

Plaintiff,

Dept. No. 6

vs.

FRANK M. PECK,

Defendant.

_____ /

CERTIFICATE OF CLERK AND TRANSMITTAL – NOTICE OF APPEAL

I certify that I am an employee of the Second Judicial District Court of the State of Nevada, County of Washoe; that on the 19th day of November, 2020, I electronically filed the Notice of Appeal in the above entitled matter to the Nevada Supreme Court.

I further certify that the transmitted record is a true and correct copy of the original pleadings on file with the Second Judicial District Court.

Dated this 19th day of November, 2020.

Jacqueline Bryant
Clerk of the Court
By /s/YViloria
YViloria
Deputy Clerk