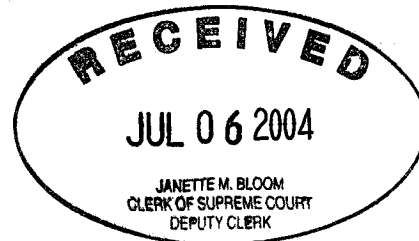


Supreme Court of the United States  
Office of the Clerk  
Washington, DC 20543-0001

William K. Suter  
Clerk of the Court  
(202) 479-3011

June 28, 2004

Clerk  
Supreme Court of Nevada  
Capitol Complex  
Supreme Court Building  
Carson City, NV 89710



Re: Gene Anthony Allen, aka Abdulia Usef Ali  
v. Nevada  
No. 03-9943  
(Your No. 41274)

Dear Clerk:

The Court today entered the following order in the above-entitled case:

The petition for a writ of certiorari is denied.

Sincerely,

A handwritten signature in cursive script that reads "William K. Suter".

William K. Suter, Clerk

14-12334

IN THE SUPREME COURT OF THE STATE OF NEVADA

GENE ANTHONY ALLEN A/K/A ABDULIA USEF ALI,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

Supreme Court No. 41274

District Court Case No. C177427

REMITTITUR

FILED

TO: Shirley Parraguirre, Clark County Clerk

MAY 13 2004

Pursuant to the rules of this court, enclosed are the following:

Certified copy of Judgment and Opinion/Order.  
Receipt for Remittitur.

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY J. Richards  
CHIEF DEPUTY CLERK

DATE: April 6, 2004

Janette M. Bloom, Clerk of Court

By: J. Richards  
Chief Deputy Clerk

cc: Hon. John S. McGroarty, District Judge  
Attorney General Brian Sandoval/Carson City  
Clark County District Attorney David J. Roger  
William J. Taylor

RECEIPT FOR REMITTITUR

Received of Janette M. Bloom, Clerk of the Supreme Court of the State of Nevada, the

REMITTITUR issued in the above-entitled cause, on

4-8-04  
Shirley Parraguirre  
DEPUTY County Clerk

RECEIVED  
APR 15 2004  
CLERK OF SUPREME COURT  
By \_\_\_\_\_  
DEPUTY CLERK

RECEIVED

APR - 8 2004

COUNTY CLERK

04-04701

Supreme Court of the United States  
Office of the Clerk  
Washington, DC 20543-0001

William K. Suter  
Clerk of the Court  
(202) 479-3011

April 22, 2004

Clerk  
Supreme Court of Nevada  
Capitol Complex  
Supreme Court Building  
Carson City, NV 89710

Re: Gene Anthony Allen, aka Abdulia Usef Ali  
v. Nevada  
No. 03-9943  
(Your No. 41274)

Dear Clerk:

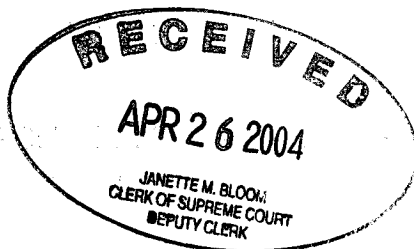
The petition for a writ of certiorari in the above entitled case was filed on March 30, 2004 and placed on the docket April 22, 2004 as No. 03-9943.

Sincerely,

William K. Suter, Clerk

by

  
Jennifer Sutton  
Case Analyst



NH-57030

IN THE SUPREME COURT OF THE STATE OF NEVADA

THE STATE OF NEVADA,

Respondent,

vs.

GENE ANTHONY ALLEN,

Appellant.

Supreme Court Case No.: 41274  
District Court Case No.: C177427

FILED

OCT 14 2003

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY *[Signature]*  
DEPUTY CLERK

**MOTION FOR ENLARGEMENT OF TIME TO FILE OPENING BRIEF**

COMES NOW the Appellant, GENE ANTHONY ALLEN, by and through his attorney, WILLIAM J. TAYLOR, ESQ., and petitions this honorable Court to enlarge the time for filing the Appellant's Opening Brief for an additional 30 days from the original deadline for filing the brief, which is October 8, 2003.

Good cause exists for this Court to enter and order an enlargement of time based on this motion due to the fact that this is Appellant counsel's first request for said continuance. NRAP 26(d).

....

....

....

....

RECEIVED  
OCT 14 2003  
CLERK OF SUPREME COURT  
By *[Signature]*  
DEPUTY CLERK

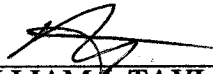
EXTENSION OF TIME IS SO ORDERED TO AND INCLUDING 11/10/03

*[Signature]*, Clerk of Court  
cc: Counsel of Record

1 In accordance with NRAP 31(a)(1), the Opening Brief is currently due September 04,  
2 2003.

3 DATED this 8<sup>th</sup> day of October, 2003.

4 Respectfully Submitted By:

5  
6   
7 WILLIAM J. TAYLOR, ESQ.  
8 Nevada Bar No. 5521  
9 723 South Third Street  
10 Las Vegas, NV 89101  
11 Phone: (702) 380-4199  
12 Fax: (702) 380-4191  
13 Attorney for Appellant

14 **CERTIFICATE OF MAILING**

15 The foregoing MOTION FOR ENLARGEMENT OF TIME TO FILE OPENING BRIEF  
16 was served by mailing a copy thereof, first class mail, postage prepaid, on the 8<sup>th</sup> day of October,  
17 2003, to the following:

18 DAVID J. ROGER, ESQ.  
19 Clark County District Attorney  
20 Appellate Division  
21 200 South Third Street  
22 Las Vegas, NV 89155

23  
24   
25 GERRI LYNN HARBCASTLE  
26 An Employee of William J. Taylor, Esq.  
27  
28

**AFFIDAVIT OF WILLIAM J. TAYLOR, ESQ.**

STATE OF NEVADA )

COUNTY OF CLARK )

ss:

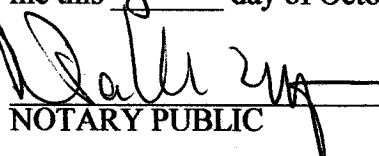
I, WILLIAM J. TAYLOR, ESQ., being first duly sworn under oath, depose and state as follows:

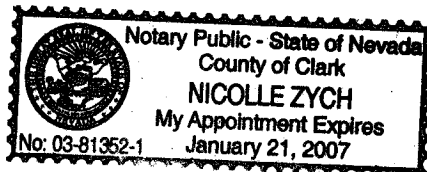
1. I am an attorney in good standing with the State Bar of Nevada, appointed by the Clark County District Court as the Attorney of Record for Appellant, GENE ANTHONY ALLEN, in District Court Case No. C177427, Supreme Court Case No. 41274, and as such, have personal knowledge of the matters contained herein;
2. That an Order was filed on April 7, 2003, wherein the Court directed me to file an Opening Brief in the aforementioned case.
3. That the file pertaining to Mr. Allen was requested from the Clark County District Court, as well as the Nevada Supreme Court, and that counsel is now in receipt of all these documents.
4. That Appellant Counsel has completed research for the Opening Brief; however, the necessary research was more lengthy than originally anticipated, and counsel requests an additional thirty (30) days to draft and finalize the necessary analysis for Mr. Allen's pleading to the high court.
5. That Appellate Counsel is requesting an additional thirty (30) days' time to adequately prepare an Opening Brief.
6. That this request is made in good faith, and not for the purposes of delay.

FURTHER AFFIANT SAYETH NAUGHT.

  
 \_\_\_\_\_  
 WILLIAM J. TAYLOR, ESQ.

SUBSCRIBED and SWORN to before me this 8th day of October, 2003.

  
 \_\_\_\_\_  
 NOTARY PUBLIC



#41274

# 76546

Date 7-8-3

Gene Allen Case U3743

Notice # 41274

Court Clerk Please be  
advised that I have been  
moved to

~~have lock~~  
DD 3590  
have lock view  
89419

Robert Amy Justice, Compensation  
Secretary ~~Allen~~

RECEIVED  
JUL 22 2003  
JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
DEPUTY CLERK

03-12370

ORIGINAL

IN THE SUPREME COURT OF THE STATE OF NEVADA

FILED

GENE ANTHONY ALLEN, )  
 aka Abdula Usef Ali, )  
 )  
 Appellant, )  
 )  
 vs. )  
 )  
 THE STATE OF NEVADA, )  
 )  
 Defendant. )

No. 41274

JUN 27 2003

JANETTE M. BLOOM  
 CLERK OF SUPREME COURT  
 BY S. Young  
 DEPUTY CLERK

DOCKETING STATEMENT  
CRIMINAL APPEALS

(Including pretrial and post-conviction habeas corpus, and petitions for post-conviction relief)

GENERAL INFORMATION

1. Judicial District: Eighth Judicial District County: Clark  
 Judge: John S. McGroarty District Ct. Docket No: C177427

2. If the defendant was given a sentence,  
 (a) what is the sentence?  
 Count I: 20-year sentence with a minimum 5 years until parole eligibility &  
 Count II: Life with parole after a minimum of 10 years until parole eligibility  
 (b) has the sentence been stayed pending appeal? No.  
 (c) was the defendant admitted to bail pending appeal? No.

3. Was trial or post-conviction counsel: appointed XX or retained \_\_\_ ?

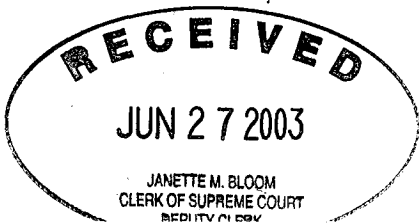
4. Attorney filing this docketing statement:

Attorney: William J. Taylor Telephone: (702) 380-4199  
 Firm: William J. Taylor, Chtd.  
 Address: 723 South Third Street  
 Las Vegas, Nevada 89101  
 Client(s): Gene Anthony Allen

If this is a joint statement by multiple appellants, add the names and addresses of other counsel on an additional sheet accompanied by a certification that they concur in the filing of this statement.

5. Attorney(s) representing respondent(s):

Attorney: Craig Hendricks, Esq. Telephone: (702) 455-4843  
 Firm: District Attorney  
 Address: 200 South Third Street  
 Las Vegas, NV 89101  
 Client(s): The State of Nevada



03-10821



6. **Nature of disposition below:**

- |   |  |
|---|--|
| <input type="checkbox"/> Judgment after bench trial                       | <input type="checkbox"/> Grant of pretrial habeas              |
| <input type="checkbox"/> Judgment after jury verdict                      | <input type="checkbox"/> Grant of motion to suppress evidence  |
| <input checked="" type="checkbox"/> Judgment upon guilty plea             | <input type="checkbox"/> Post-conviction relief (NRS ch. 177)  |
| <input type="checkbox"/> Grant of pretrial motion to dismiss              | <input type="checkbox"/> grant <input type="checkbox"/> denial |
| <input type="checkbox"/> Parole/Probation revocation                      | <input type="checkbox"/> Post-conviction habeas                |
| <input type="checkbox"/> Motion for new trial                             | <input type="checkbox"/> grant <input type="checkbox"/> denial |
| <input type="checkbox"/> grant <input type="checkbox"/> denial            | <input type="checkbox"/> Other disposition (specify)           |
| <input checked="" type="checkbox"/> Motion to withdraw guilty plea        |  |
| <input type="checkbox"/> grant <input checked="" type="checkbox"/> denial |  |

7. **Does this appeal raise issues concerning any of the following:** n/a

- |   |   |
|---|---|
| <input type="checkbox"/> death sentence           | <input type="checkbox"/> juvenile offender    |
| <input checked="" type="checkbox"/> life sentence | <input type="checkbox"/> pretrial proceedings |

8. **Expedited appeals:** The court may decide to expedite the appellate process in this matter. Are you in favor of proceeding in such manner?

Yes xx                      No

9. **Pending and prior proceedings in this court.** List the case name and docket number of all appeals or original proceedings presently or previously pending before this court which are related to this appeal (e.g., separate appeals by co-defendants, appeal after post-conviction proceedings):

None known to Appellant or his counsel at this time.

10. **Pending and prior proceedings in other courts.** List the case name, number and court of all pending and prior proceedings in other courts which are related to this appeal (e.g., habeas corpus proceedings in state of federal court, bifurcated proceedings against co-defendants):

N/A

11. **Nature of action.** Briefly describe the nature of the action and the result below:

Appellant was charged with one count of Sexual Assault of a minor under 14 years of age and lewdness with a child under 14. Appellant pled guilty to the charges on September 18, 2002 after the jury was impaneled, opening statements were given, and a witness had given testimony. Somewhat over one month following, Mr. Allen requested to withdraw his guilty plea and represent himself. The Court found that Mr. Allen could represent himself with stand-by counsel. However, the Court ruled against Mr. Allen in his request to withdraw his previous guilty plea.

12. **No Merit Appeal.** If appellant was the defendant below, does counsel intend to file an affidavit of no merit appeal pursuant to Anders v. California, 386 U.S. 738 (1967) and Sanchez

v. State, 85 Nev. 95, 450 P.2d 793 (1969)?

N/A

13. **Issues on appeal.** State concisely the principal issue(s) in this appeal:

- 1) The district court erred in not allowing Mr. Allen to withdraw his guilty plea and proceed with jury trial.
- 2) Petitioner received ineffective assistance of counsel.

14. **Constitutional issues.** If this appeal challenges the constitutionality of a statute, have you notified the clerk of this court and the attorney general in accordance with NRAP 44 and NRS 30.130?

N/A  Yes  No  
If not, explain

15. **Issues of first-impression or of public interest.** Does this appeal present a substantial legal issue of first-impression in this jurisdiction or one affecting an important public interest?

First-impression: Yes  No   
Public interest: Yes  No

16. **Length of trial.** If this action proceeded to trial in the district court, how many days did the trial last?

Trial began, then the appellant pled guilty.

17. **Oral argument.** Would you object to submission of this appeal for disposition without oral argument?

Yes  No

### TIMELINESS OF NOTICE OF APPEAL

18. **Date district court announced decision, sentence or order appealed from:** April 1, 2003.

19. **Date of entry of written judgment or order appealed from:** April 7, 2003.

(a) If no written judgment or order was filed in the district court, explain the basis for seeking appellate review:

N/A

20. **If this appeal is from an order granting or denying a petition for a writ of habeas corpus, indicate the date written notice of entry of judgment or order was served:** N/A

(a) Was service by delivery or by mail: (specify). N/A

21. If the time for filing the notice of appeal was tolled by a post-judgment motion,

(a) Specify the type of motion, and the date of filing of the motion: N/A

Arrest judgment	Date filed
New trial	Date filed
(newly discovered evidence)	
New trial	Date filed
(other grounds)	

(b) Date of entry of written order resolving motion:

22. Date notice of appeal filed: April 15, 2003.

23. Specify statute or rule governing the time limit for filing the notice of appeal, e.g., NRAP 4(b), NRS 34.710, NRS 34.815, NRS 177.015(2), or other:

NRAP 9, 14, and 31 (a) (1)

### SUBSTANTIVE APPEALABILITY

24. Specify statute, rule or other authority which grants this court jurisdiction to review the judgment or order appealed from:

NRS 177.015(1)(b) XXX	NRS 34.710(3)
NRS 177.015(2) XXX	NRS 34.710(4)
NRS 177.055	NRS 34.815
NRS 177.385	Other (specify)

### VERIFICATION

I certify that the information provided in this docketing statement is true and complete to the best of my knowledge, information and belief.

GENE ANTHONY ALLEN  
Appellant

WILLIAM J. TAYLOR  
Counsel of Record

June 24, 2003

  
WILLIAM J. TAYLOR, ESQ.  
Nevada Bar No. 5521

**CERTIFICATE OF SERVICE**

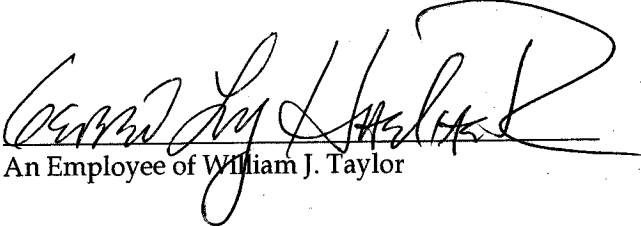
I certify that on the 24 day of June 2003, I served a copy of this completed docketing statement upon all counsel of record:

by personally serving it upon him/her; or

by mailing it by first class mail with sufficient postage prepaid to the following address(es):

Craig Hendricks, Esq.  
Deputy District Attorney  
200 South Third Street  
Las Vegas, Nevada 89155  
Attorney for Respondent

Dated this 24 day of June 2003.

  
An Employee of William J. Taylor

WILLIAM J. TAYLOR, CHTD.

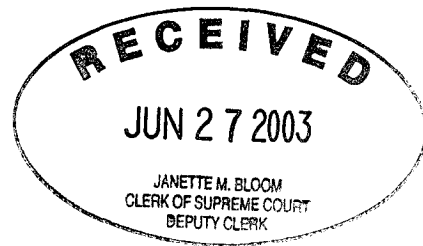
A PROFESSIONAL LAW CORPORATION  
723 SOUTH THIRD STREET  
LAS VEGAS, NEVADA 89101

E-mail: williamjtaylor@onebox.com  
TOLL FREE 1-866-380-4199

TEL: 702-380-4199  
FAX: 702-380-4191

June 24, 2003

Supreme Court Clerk  
Nevada Supreme Court  
Supreme Court Building  
201 South Carson Street  
Carson City, NV 89701



Re: Gene Anthony Allen  
Case No.: C177427

To Whom It May Concern:

Enclosed please find an original plus two copies of the Docketing Statement in the above-referenced case. It is requested that you file these documents and return a file-stamped copy to my office in the envelope provided.

Thank you for your attention in this regard.

Sincerely,

A handwritten signature in dark ink, appearing to be "WJ Taylor", written over a light-colored background.

William J. Taylor, Esq.

WJT/gh

Enclosures

IN THE SUPREME COURT OF THE STATE OF NEVADA


THE STATE OF NEVADA, )  
Respondent, )

Case No. 41274  
District Court Case No. C177427

vs. )

GENE ANTHONY ALLEN, )  
aka ABDULIA USEF ALI, )  
Appellant. )

**FILED**

JUN 12 2003  
JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

NOTICE OF APPEARANCE

The Supreme Court of the State of Nevada is respectfully notified that on the 22<sup>nd</sup> day of May, 2003, the Honorable John S. McGroarty, Department XVI of the Eighth Judicial District Court, Clark County, Nevada, appointed WILLIAM J. TAYLOR, ESQ., Nevada Bar Number 5521, to represent Appellant, GENE ANTHONY ALLEN, in the appeal of this matter. A copy of the Criminal Court Minutes reflecting William J. Taylor's appointment is attached hereto.

DATED this 7 day of June, 2003.

Respectfully,



WILLIAM J. TAYLOR, ESQ.  
Nevada Bar No. 5521  
723 South Third Street  
Las Vegas, NV 89101  
Attorney for Appellant  
GENE ANTHONY ALLEN

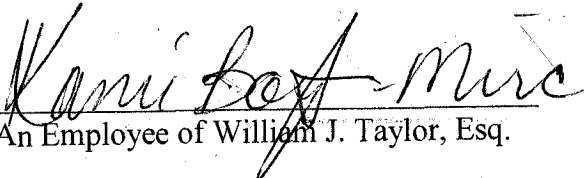
RECEIVED  
JUN 12 2003  
CLERK OF SUPREME COURT  
By \_\_\_\_\_  
DEPUTY CLERK

1  
2 **CERTIFICATE OF MAILING**

3 I HEREBY CERTIFY that on the 9<sup>th</sup> day of June, 2003, I mailed a true and  
4 correct copy of the above and foregoing NOTICE OF APPEARANCE, first class mail,  
5 postage prepaid, addressed to each of the following:  
6

7 Supreme Court Clerk  
8 Nevada Supreme Court  
9 Supreme Court Building  
10 201 South Carson Street  
Carson City, NV 89701

11 Clark County District Attorney  
12 David Roger  
13 200 South Third Street  
14 Las Vegas, NV 89155

15   
16 An Employee of William J. Taylor, Esq.  
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CRIMINAL COURT MINUTES

01-C-177427-C STATE OF NEVADA

vs Allen, Gene A

CONTINUED FROM PAGE: 020

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

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

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

PARTIES: STATE OF NEVADA  
005391 Kollins, Stacy L.  
\* 001 D1 Allen, Gene A  
PRO SE Pro Se

Y  
Y  
N  
Y

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

NDC

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

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

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

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

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

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

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

Y  
Y  
N  
Y  
Y

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

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

CONTINUED ON PAGE: 022  
MINUTES DATE: 05/27/03



CRIMINAL COURT MINUTES

01-C-177427-C STATE OF NEVADA

vs Allen, Gene A

CONTINUED FROM PAGE: 021

CONTINUED.

NDC

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

THIS COPY  
DOCUMENT ATTACHED IS A  
TRUE AND CORRECT COPY  
OF THE ORIGINAL ON FILE

May 30 '03

*Lucy A. Maguire*

CLERK

WILLIAM J. TAYLOR, CHTD.

A PROFESSIONAL LAW CORPORATION  
723 SOUTH THIRD STREET  
LAS VEGAS, NEVADA 89101

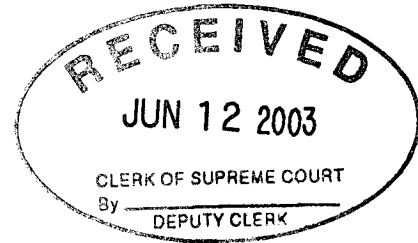
E-mail: williamjtaylor@onebox.com  
TOLL FREE 1-866-380-4199

TEL: 702-380-4199  
FAX: 702-380-4191

June 9, 2003

Supreme Court Clerk  
Nevada Supreme Court  
Supreme Court Building  
201 S. Carson Street  
Carson City, NV 89701

Re: Gene Allen vs. State of Nevada  
District Court Case No. C177427  
Supreme Court Case No. 41274



Dear Clerk:

Enclosed please find the original plus two copies of the Notice of Appearance in the above referenced case. It is requested that you file the Notice and return a file-stamped copy of it to the undersigned in the enclosed, self-addressed, prepaid envelope.

Respectfully,

A handwritten signature in black ink, appearing to be "WJ Taylor".

William J. Taylor, Esq.

WJT/kbm

Enclosures

FILED

2003 MAY 30 AM 10:54

*Shirley B. Parraguirre*  
CLERK

DISTRICT COURT

CLARK COUNTY, NEVADA

STATE OF NEVADA

Plaintiff,

vs.

GENE A. ALLEN

Defendant,

No. 41274

Case No.: C177427  
Dept.:

FILED

JUN 02 2003

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY *[Signature]*  
DEPUTY CLERK

NOTICE OF APPOINTMENT OF COUNSEL

Pursuant to the Supreme Court Order of MAY 07, 2003, SHIRLEY B. PARRAGUIRRE, Clark County Clerk hereby certifies that on May 30, 2003 a copy of MINUTES ORDER and the supreme court order was placed in WILLIAM TAYLOR, ESQ. Attorney's Bin located in the Office of the County Clerk or deposited in the United States Mail in Las Vegas, Nevada, in a sealed envelope, postage prepaid to:

WILLIAM TAYLOR, ESQ.  
723 SOUTH THIRD STREET  
LAS VEGAS, NEVADA 89101

Janette Bloom  
Clerk of Supreme Court  
Supreme Court Building  
Carson City, Nevada 89701

SHIRLEY B. PARRAGUIRRE, COUNTY CLERK

By: *Astor Cham*  
ASTOR CHAM, DEPUTY CLERK

RECEIVED  
JUN 02 2003  
CLERK OF SUPREME COURT  
By \_\_\_\_\_  
DEPUTY CLERK

03-89176

CRIMINAL COURT MINUTES

01-C-177427-C STATE OF NEVADA

vs Allen, Gene A

CONTINUED FROM PAGE: 021

CONTINUED.

NDC

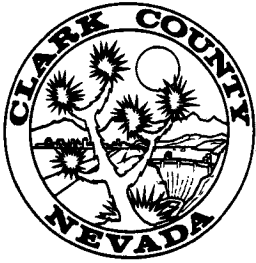
CONTINUED TO: 6-23-03 9:00 AM

UNRECORDED COPY  
DOCUMENT ATTACHED IS A  
TRUE AND CORRECT COPY  
OF THE ORIGINAL ON FILE

MAY 30 '03

*Shirley A. Higgins*

CLERK



Office of the County Clerk

Shirley B. Parraguirre  
County Clerk  
Commissioner of Civil Marriages

Diana Alba  
Assistant County Clerk

200 South Third Street  
P. O. Box 551601  
Las Vegas NV 89155-1601  
(702) 455-3156 -- Day Telephone  
(702) 455-4415 -- Night Telephone  
(702) 455-4929 -- Fax

May 30, 2003

Janette Bloom  
Clerk of the Supreme Court  
201 South Carson Street, Suite 201  
Carson City, Nevada 89701

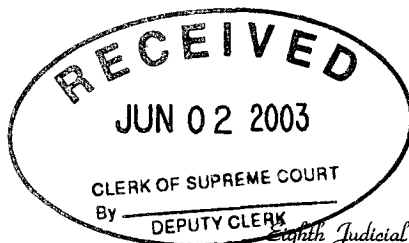
RE: STATE OF NEVADA VS GENE A. ALLEN  
**S.C. CASE: 41274**  
D.C. CASE: C177427

Dear Ms. Bloom:

Pursuant to the Supreme Court order dated MAY 07, 2003, enclosed please find 2 certified copy of the NOTICE OF APPOINTMENT OF COUNSEL for the above referenced case.

Sincerely,  
SHIRLEY B. PARRAGUIRRE, COUNTY CLERK

  
\_\_\_\_\_  
ASTOR CHAM, Deputy Clerk



Ex-Officio Clerk of:

Eighth Judicial District Court • Board of County Commissioners • Board of Equalization  
Clark County Liquor and Gaming Board • Mt. Charleston Fire Protection District  
Clark County Sanitation District • Clark County Debt Management Commission

In The Eighth Judicial District Of  
The State of Nevada In and For The  
County of Clark

FILED

APR 22 11 19 PM '03

*Shelby B. Paragiani*  
CLERK  
FILED

APR 22 2003

JAMETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY *A. Alvarado*  
DEPUTY CLERK

CASE NO. C177427

DEPT. NO. 16

DOCKET NO. 41274

STATE OF NEVADA, )

Plaintiff )

-VS-

Gene Allen )

No. )

Direct Appeal to the Supreme Court

Notice is hereby given, the above name hereby appeals to the Supreme Court of Nevada from the final judgment no more than 10 years, life time supervision from the order describing it entered in this action on the 1st day of April, 2003. The Petitioner appeals for post conviction relief to reverse and remand the final judgement Sexual Assault on a minor up to 10 years life time supervision to register as an offender, and Rule 47-(c), Appointment of State Counsel for indigent defendent requested. The judgement or order(s) appealed from; Eighth Judicial District Court Clark County Criminal Division. Courthouse 200 South 3rd

RECEIVED  
County of Clark  
APR 21 2003  
APR 15 2003  
CLERK OF SUPREME COURT  
By \_\_\_\_\_  
DEPUTY CLERK

1 Street Las Vegas, NV 89155. Dept. 16 Judge John  
2 McGroarty. Renee Edwards, Court Administrator, further  
3 more the defendant at preliminary examination to permit  
4 District Attorney to represent defendant (Manifest Error) Rex  
5 Bell, David Roger, Craig Hendricks or Jennifer Bolton, ESQ.  
6 Employee of the District Attorneys' Office, 200 South  
7 3rd Street Las Vegas, Nevada 89101. Plaintiff Janna  
8 Taylor, stepdaughter, Yldra Taylor, wife with complantant,  
9 Frank and Lilian Taylor Denver, Colorado. Pro Per Motion  
10 to Dismiss the Public Defenders Office 309 South 3rd  
11 Street Las Vegas, Nevada 89101. Motion to dismiss (granted)  
12 Jeffery Banks, Steve Inerman, Co., Nancy Lamkey or  
13 Marcus D. Cooper. No further representation. Arrest  
14 Assault w/min July 6th 01 M.P.D. Clark County  
15 Detention Center, 330 South Casino Center Blvd. Las Vegas,  
16 Nevada 89101, Complaint on file with Commission on  
17 Judicial Discipline, PO Box 48 Carson City, Nevada  
18 89702. Kathy Schutz, complaint filed American Civil  
19 Liberties Union of Nevada, 325 South 3rd Street, Suite  
20 25 Las Vegas, Nevada 89101. Gary Peck filed Change  
21 of Venue, County Clerk Shirley Parraguirre, Order Rule  
22 21 and 11 of the Federal Rule of Criminal Proceedings  
23 requires Plea be vacated and remanded to a different Judge  
24 Guidline section of Rule 11 the case be reassigned on  
25 remand, section 3B1.1 (b). U.S. v. Kraus 137 F.3d 447  
26 (1998); see page 452 paragraph 2 as cited. Thus NRS  
27 174.065 was filed in open court and motion granted  
28

1 at time of sentencing, *Reves v. State* 113 Nev 959 (1997)  
2 on November 5th 2002. On September 6th 2002, Public  
3 Defenders request to withdraw denied. Defendants Pro Per  
4 Motion to Dismiss Counsel denied. Court order matter set  
5 for trial (Manifest Error). Marcus Cooper filed Motion to  
6 Continue Trial on November 15th 2001 without consent and  
7 not in my best interest. Not my attorney on record,  
8 (Manifest Error). Brighton, Colorado #901402109 at  
9 Petrocelli Hearing, request psychological records of plaintiff  
10 denied. Continued harrasment by Bailiff during court  
11 proceedings; see, *Big Pond v. State* 692 P.2d 1288 (1985).  
12 *Smith v. State* 686 P.2d 247 (1984). Stepdaughters  
13 allegations at time and motive to fabricate, admission of  
14 statement was error, no physical evidence. Court held  
15 prejudicial error, Reversed and Remanded, NRS 51.035 (1)  
16 Hearsay challenge the truthfulness of testimonies; Rule 404  
17 (b) and NRS 48.045 (2) shields a defendant from  
18 unfair prejudice, but it is not a license to give misleading  
19 or false reports. Direct violation of the 6th Amendment  
20 confrontation clause, failure to hold Evidential Hearing.  
21 Motion to Withdraw / Revoke Guilty Plea received - U.S.  
22 Immigration and Natralization Service, October 15, 2002  
23 filed 3373 Pepper Lane Las Vegas, Nevada 89120.  
24 District Director Roseanne Sonchik, (now proseguted in the  
25 blind), *Brady v. State* 373 U.S. 85 Maryland (1963).  
26 Denied due process as garranteed by 14th Amendment  
27 Motion for Discovery. Denied a request to examine  
28



1 statements. Pyle v. Kansas 317 U.S. 213 (1987), suppression  
2 of evidence favorable to the accused itself as a denial of  
3 due process and deprivation of all rights guaranteed by the  
4 Federal Constitution and if proven would entitle the  
5 petitioner to a immediate release. Mooney v. Holohan  
6 294 U.S. 103 (1979). Test formula in Napue v. Illinois  
7 360 U.S. 264. Post-conviction relief and dismissal of  
8 the petition by the court was affirmed when direct  
9 violation of the Jenkins Act, Rule 16 and denied due  
10 process as guaranteed by 14th Amendment. There remains  
11 a question of punishment with a question of guilt  
12 remains. After being verbally and physically assaulted  
13 by Counsel and would only talk to Counsel by telephone,  
14 Court ordered cooperation with ineffective counsel and  
15 prepare for trial. The accumative effect of that error  
16 was to denie my right to a fair trial. Frazer v. U.S.  
17 18 F.3d 778 (1994) failure to hold evidentiary hearing,  
18 (2) defendant was verbally assaulted by defence counsel,  
19 prejudice would be presumed, direct violation 6th  
20 Amendment. Assistance to which defendant is entitled,  
21 Federal Constitution means must be effective and  
22 unhindered by state or prejudice. Attorney's conduct  
23 effected the trials outcome, cited for judicial misconduct  
24 during trial. Strickland v. Washington 466 U.S. 668  
25 (1994). Officers overheard outburst and advised, get  
26 a new lawyer. Petitioner continues to insist on  
27 Plea Agreement rather than trial, all allegations are  
28

1 conclusive. (Indigent defense), Caplin and Drysdale v. U.S.  
2 411 U.S. 617 (1989); if the 6th Amendment itself  
3 protects an accused from a lawyer with a traditional  
4 conflict of interest. Request to prove a systematic  
5 discrimination by the defense. Court denied, (Prospective  
6 Juror #7), due to a lower class and to uneducated to  
7 deliberate a verdict; Batson v. Kentucky 106 S.Ct.  
8 1712 (1986). Judge conducted a voir-dire examination  
9 of the jury venire and excused the only juror in that  
10 class, (defendant clearly a member of a cognizable  
11 racial group). Indigent Defense Services in the State of  
12 Nevada finding and recommendation Dec 13, 2000. Strikes  
13 in an unreasonable manner NRS 6.020 to 6190 sets  
14 regulations on jury. Litigation technologies on jury  
15 composition; Reginald Hayes v. State August 26, 1988  
16 remanded for evidentiary hearing. Robert Spanganberg study  
17 on Indigent Defense Service, State of Nevada 2000 on  
18 American Bar Association on the National Legal Aid and  
19 Defender Association standards are binding and do serve  
20 as a measure Supreme Court Rule 157 and 162 conflicts  
21 of mistrust policy due to judicial misconduct where District  
22 Court appeals where relief was granted. Brady v. Wilson  
23 Supra 815 F.2d 125 (1987); Green v. Washington Supra  
24 917 F.2d 1238 (1996). Fourth Amendment to equal  
25 protection to law in Batson v. Kentucky 476 U.S. 79  
26 (1986) without expressly ruling on petitioners request for  
27 a hearing, denied. Defendant claimed that the court  
28

1 violated Jenkins Act Rule 16 and Brady failure to produce  
2 exculpatory evidence or evidential hearing and discovery,  
3 testimony and exhibits outside the presence of the  
4 prospective jurors states objection, the best evidence is  
5 the video tape, under Rule 16 petitioner made timely  
6 request to telephone conversations, (A) (1) mandates that  
7 upon the defendant's request, the government must disclose  
8 any relevant written or recorded statements made by the  
9 plaintiff to the defendant in possession custody or control  
10 however the defense was not given a fair opportunity to  
11 review 30 hours of audio tapes, because timely disclosure  
12 was not made and the inference of fabrication was  
13 not supported by the material recorded. Reverse and  
14 remanded, U.S. v. Blueford 279 F.3d 1084 (2000). Rule  
15 11 (6) (E) Plea agreement be set aside on direct appeal  
16 or collateral attack. Court violated Plea agreement with  
17 impact statement during sentencing. There must be a  
18 determination that the defendant understood sentencing  
19 guidelines enumerated in a Plea agreement, U.S. v.  
20 Medina Silveria 30 F.3d 1 (1994). Written is never  
21 sufficient substitution for personal examination. P+P-11-C-1  
22 Never received copy of report. Stubbs v. State 972 P.2d 843  
23 (1998). During trial, counsel met with Court in Chambers to  
24 discuss transcripts. Court reviewed video tape, Judge clarified  
25 statements made by Plaintiff. Judge read admonishment to  
26 the Jury to disregard alleged statements, indicated  
27 statement, "I was worried about friends", was made. Video  
28

1 tape clearly reciprocal discovery showing prior bad acts by  
2 Plaintiff. Marriage (Privilege Statue) applicable. NRS 49.295.  
3 Clearly a conflict under U.S. 6th Amendment confrontation  
4 claus, statements to incriminate are just hearsay NRS 51.  
5 035 without a hearing to trustworthiness. Petrocelli  
6 hearing the morning before trial, Brandy Deshaser age 23  
7 Ester Smith 21, clearly remote in time. Taylor v. State  
8 858 F.3d 843 (1993) having a sibling sit on his lap was  
9 inadmissable. The record once again is devoid of any  
10 evidence. In Findley v. State 94 Nev 212 (1978) two  
11 women allowed to testify that nine years earlier to a manner  
12 similar; see, Berner v. State 765 P.2d 1144 (1988) this  
13 forces the accused to defend himself against vague and  
14 unsubstantiated charges, year after it allegedly occurred,  
15 remarks made were misinterpreted. Petitioner given no  
16 opportunity to defend himself against her testimony. Withdraw  
17 of guilty plea filed in open court, Ferretta convessed to  
18 Pro Per Motion. Judge ruled in favor of defendant, competent  
19 Pro Se. Court ordered Bolton standby counsel (manifest  
20 error) clearly an employee of the District Attorney's office.  
21 Court ordered Bolton District Attorney's office to obtain  
22 Petitioner's files from Public Defenders' office to give to  
23 Petitioner. Bolton's answer (Manifest Error). Ineffective  
24 representation from counsel no opposition, thus (Motion  
25 Granted). States opposition Craig Hendricks other motions  
26 denied. February 6, 2003 Bolton advised court matter is  
27 on calender in error, defendant request to all transcripts  
28

1 reproduction of court order Petitioner entitled to receive and  
2 should be provided all transcripts. March 27, 2003 (never  
3 received) clearly prosecuted in the blind. Copies to be  
4 provided on April 1, 2003 but sentenced off calender. Pro  
5 Per, Limen and Change of Venue Motion not heard.  
6 NRS 171.1965. Discovery by defendant before preliminary  
7 examination, material subject to discovery, efforts of  
8 failure to permit discovery, Denied. NRS 48.045,  
9 Evidence of character inadmissable to prove conduct,  
10 exceptions other crimes. Married Yldra Taylor Allen Sept. 11th  
11 Malamouth County Portland, Or. 1994, licensed with the  
12 Nevada Division Consumer Affairs, Unwarrented invasion of  
13 Personal privacy 5 U.S.C. - 552-B-2-C. Furnished by INS  
14 13701404 Case#LVG 2002000478 Derector Roseanne  
15 Sonchik Director 3373 Pepper Ln., L.V., NV and British  
16 Embassy Vice Conselute Jenny Rolland Assistant Barbra  
17 Morgan at 11766 Wilshire Blvd. LA, CA 90025  
18 Asseate to the Community, not a liability  
19 Metro Polaton State University - Consultant  
20 St Regie Collage Arvada, Colo.  
21 Community Collage Aurora, Colo.  
22 Community Collage Denver, Colo.  
23 City Collage of San Francisco, CA. (Race West Indian  
24 British Black) Court apperance, Gene Allen v. Colo. 90  
25 Day noncompliance, further complaint on file with Federal  
26 Trade Commission 600 Pennselvania Ave Washington, DC  
27 Under U.C.C. codes. Through the F.C.R.A. consumer protection  
28

## Truth In Reporting

Adverse action denial of employment 15 § 1681 a  
B2 enforce compliance 15 usc A § 41 State 1681 a-D  
Information Prohibited 15 § 1681 C-5-§ 6 Seven years  
and Verify accuracy 30 Days 1681 K of title (All-  
Old records and files removed or deleted 1681-C-  
Investigation Division Phonix Az. Dept. of Justice  
Delet old Files 1681-g § E of Section U.S.C.-15-1681-E-  
-C- and all rights U.S.C. 552 B-7-C Unwarranted

Invasion of Personal Privacy and Employment.

No Felony Record No weppons Charge

No reasonable Investigation by attorneys Strickland  
V. Washington, 466 U.S.-668-691-1984 witnesses no inter-  
viewed Prior to trial, State V. Love 109-Nev. 113 b, 1993  
all further records outside of Jurisdiction no Supeona

were issued and no investigation Never given or  
received Notice to Continue trial on Nov. 15<sup>th</sup> 06

Gene Allen V. Colo. 1991- 4901402109- 90 Day non

Compliance with Court order time Served under

Adequate Consideration Rule Adams County  
Colo - No Arrest Records Sealed Court order Judge

Bkman § Povayish attorneys Bay Jochim and  
Daneil Bowen thuiess attorney Client Breach By

Jeff Banks See 17-Am Jur 2d § 149 Promise and  
additional - mes Mann 397 U.S. 759 Brady 373 U.S 83

See: Ins# LVG 200200478 § 137014104 Passport

# 5 7555 U.K. Judge 174.035 - Nev. Art § 8-1 § 2

1999 Standley V. Warden 333,990 P.2d. Attorney at Law

Ray Jochim and Daniel Bobwen

1 Time of Sentencing NRS.174.065 Opportunity to  
2 Withdraw 174.063, Probation not Available 174.035  
3 9-18-02 Plea-Agreement Changed after Signing  
4 typeovers and Co-defendant Inerman "Only Say what I  
5 tell you NRS-174.061-A & B, Judge McGoardy Dpt 16  
6 Judicial-Contract Law 17 Am Jur § 2nd P 25  
7 Agreement Bargain with Prosecutoin attorney to  
8 inform 14 Jurer as, that Plaintiff Quate Video tape  
9 Review She was worried about friends and family  
10 due to the Fact that Inerman was sighted for Judicial  
11 miss Conduct during trial Point a Certified Copy of  
12 Marriage lic. to Adra Taylor Allen is in my personal  
13 Property at CCDC Bereing the Seal State of Oregon  
14 Point all mail sent c/o Watch Kingdom 705 Fremont  
15 St LV. Owner Watch Kingdom-Mel Salsbarry.

16 Investigation Warranted Point. last appointment at  
17 Sun Rise Vista on Charleston with wife and Step daughter  
18 Point. Sent Janna Taylor to Colo Sandy Taylor United  
19 airlines after car accese dent Yldra Taylor Allen was  
20 in U.M.C then Desert lane Nursing Home Once Again  
21 Sandy taylor Courtesy United Airlines, Back to Colo.

22 Judicial OIF06359X 7-25-01 Prosaguting attorney  
23 Ammended Counts of miss Conduct Mr Bank Should of  
24 been in Court to wave the intial reading

25 Visit Bank's walked in with Nancey Lumky, I was  
26 being taped then Brought to Court to be Sworn in  
27 as Co de fendant after the facts

1 Visit Bank's walked in with Steve Inerman once  
2 again being taped then 5-18-02- Sworn in as Co  
3 Defendant after the fact.

4 On August 15<sup>th</sup> 01- Phone Call Steve Inerman Co-  
5 hursment and threaten, filed Complaint CCDC Sent  
6 Copy to Dept. of Justice INS. Director Rasana  
7 Sanchik Copy of all motions County Clerk, Court  
8 order to Refile by Judge McGoardy on 9-13-02.

9 Note "U.S.-V. Hyde 520-U.S. 670, 117 S.Ct. 1630  
10 138-L Ed 2nd- 987- 1997 Defendant need not provide  
11 a reason for withdraw. Filed right of Reseshion to  
12 County Clerk Oct. 3rd. § 9<sup>th</sup> Notary 9955758-1 Filed  
13 Motion to dismiss Nov. 5<sup>th</sup> 01. Thus Dening my  
14 Right to Due Process Now asking the Court to  
15 Review all motions and ask for a Judicial Review

16 Arrested on 6-6-01 Notified the INS Dept.  
17 Justice Sent Sealing to British Embassy 3100 Massachusetts  
18 Ave. DC.2008 Consular Assistant Rebbeca Budgen and  
19 Vice Counsul Anne Norton, The new Vice-Consul Jenny  
20 Rowland, 310-481-2903 or Assistant Barbara Morgan 310  
21 481-2925 They have take all mail Complaints are or filed  
22 with ACLU Executive Director Gary Peck Filed Motion  
23 Nov 14<sup>th</sup> to withdraw Counsel and all further Correspondance  
24 with the Public Defenders Main Office 209 S. Third St.  
25 Rm 226 Las Vegas Nv. 89155, Marcus D. Coper 702-455  
26 4011 - Direct Violation of Colo. Court order w. 901402109  
27 Public Defenders office at 2426 E, Bridge St.  
28 Brighton 6801601 - Phone 303-659-4274.

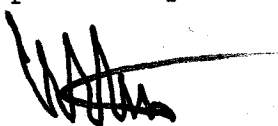


1 Clearly a miss carriage of Justice existices when Defendant  
2 has to defend against Crimes not Committed and  
3 9 years latter Clearly remote in time impeached  
4 Credibility of witness to Some degree when  
5 both testemonyies mach word for word thus  
6 rehursed Inadmissable Enroneous manifest  
7 error See Findley V. State 557 P.2d 867 Defferance  
8 Between a Police report and statment's and  
9 a Conviction in a Court of Law Hearsy Made a  
10 remark See: Berner V. state 765 P.2d 1144  
11 (1988) and for us the accused to defend himself  
12 against Vague and Unsubstantiated Charges also no  
13 chance to defend himself against her testimony  
14 Frazer V. U.S 18 F.3d 778 (1994) Failure to hold  
15 evidentiary hearing an whether defendant was  
16 denied his 6<sup>th</sup> amendment right to Counsel based  
17 on the fact defense attorney physically and  
18 Verbally assulted defendant the day before  
19 trial was clearly abuse of disereation and if  
20 defendant was assulted by defense Counsel  
21 Prejudice would be presumed reversal and  
22 remanded - Problem the Court bailiff Point  
23 remark can be, was mis interpreted. Right to  
24 Counsel means more than oppertunity to be physically  
25 accompanied by person privilged to practice Law but  
26 rather assistance to whether defendant is entitled  
27 must be effective and unhindered either by State  
28 or by counsels constitutionally deficient  
performance U.S.C.A. 6. I was married and  
have been 3 times and was trying to  
raise a family as I see fit. |

1 See Commission on Judicial Discipline  
2 PO Box 48  
3 Carson City, Nevada 89702  
4 File # 2003-30 Re- Kathy Schultz  
5

6 Case No. C177427  
7  
8  
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16

17 DATED THIS 14 day of April, 20 03.  
18 I, Gene Allen, do  
19 solemnly swear, under the penalty of perjury, that  
20 the above Direct Appeal to the Supreme Court,  
21 correct, and true to the best of my knowledge.  
22 NRS 171.102 and NRS 208.165.

23 Respectfully submitted  
24   
25  
26 Defendant  
27  
28

**FILED**

1 ASTA

District Court 2003 APR 15 PM 5:31

Clark, County, Nevada

*Dorothy L. Pringle*  
CLERK

Case No. C177427

Department XVI

7 THE STATE OF NEVADA, )

8 Plaintiff, )

9 vs. )

10 GENE A. ALLEN, )

11 Defendant(s), )

14 CASE APPEAL STATEMENT

15 1. Appellant(s): GENE A. ALLEN

16 2. Judge: JOHN S. MCGROARTY

17 3. All Parties, District Court:

18 Plaintiff, THE STATE OF NEVADA

19 Defendant(s), GENE A. ALLEN

20 4. All Parties, Appeal:

21 Appellant(s), GENE A. ALLEN

22 Respondent, THE STATE OF NEVADA

23 5. Appellate Counsel: Proper Person, GENE A. ALLEN,

24 330 SOUTH CASINO CENTER, LAS VEGAS, NV 89101, Appellant

25 THE STATE OF NEVADA, David Roger, District Attorney, 200 South Third

26 Street, Las Vegas, Nevada 89155 (702) 455-4711, Counsel for Respondent

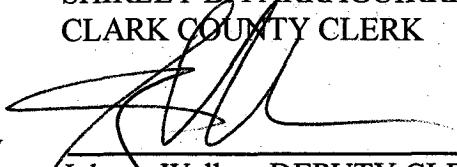
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- 6. District Court, APPOINTED
- 7. On Appeal, N/A
- 8. Forma Pauperis: DENIED
- 9. Date Commenced in District Court: 08/10/01

DATED this 15 day of April, 2003.

SHIRLEY B. PARRAGUIRRE  
CLARK COUNTY CLERK

By



---

Johnna Walker, DEPUTY CLERK  
200 South Third Street  
PO Box 551601  
Las Vegas, Nevada 89155-1601  
(702) 455-4409

STATE OF NEVADA

[ ] vs Allen, Gene A

[ ]

001 D1 Gene A Allen  
330 S Casino Center  
Las Vegas, NV 89101

Pro Se

NO.	FILED/REC	CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0001	08/10/01		CBO /CRIMINAL BINDOVER Fee \$0.00				
0002	08/10/01		ARRN/INITIAL ARRAIGNMENT	001		08/22/01	
0003	08/10/01		NOEV/NOTICE OF EXHIBIT(S) IN THE VAULT			08/10/01	
0004	08/13/01		MOT /DEFT'S PRO PER MOTION TO DISMISS COUNSEL	001	DN	09/06/01	
			/2	001			
0005	08/13/01		INFO/INFORMATION	001		08/13/01	
0006	08/21/01		MOT /PUBLIC DEFENDER'S REQUEST TO WITHDRAW AS	001	DN	09/06/01	
			COUNSEL/3	001			
0007	08/22/01		MOT /ALL PENDING MOTIONS 8-22-01	001		08/22/01	
0008	08/22/01		ARRN/ARRAIGNMENT CONTINUED	001		09/06/01	
0009	08/24/01		MOT /ALL PENDING MOTIONS 8-24-01	001		08/24/01	
0010	08/28/01		MOT /ALL PENDING MOTIONS 8/28/01	001		08/28/01	
0011	08/31/01		MOT /ALL PENDING MOTIONS 8/30/01	001		08/30/01	
0012	09/06/01		MOT /ALL PENDING MOTIONS 9/6/01	001		09/06/01	
0013	09/06/01		JURY/TRIAL BY JURY VJ 11/20/01	001	VC	11/26/01	
0014	09/06/01		CALC/CALENDAR CALL	001		11/20/01	
0015	09/14/01		TRAN/REPORTER'S TRANSCRIPT OF PRELIMINARY	001		08/08/01	
			HEARING	001			
0016	09/17/01		TRAN/REPORTER'S TRANSCRIPT OF SEPT 6 2001			09/06/01	
0017	10/29/01		MOT /STATE'S MTN TO ADMIT EVIDENCE OF OTHER	001	GR	04/18/02	
			CRIMES WRONGS OR ACTS/12	001			
0018	11/06/01		OPPS/DEFENDANTS OPPOSITION TO STATES MOTION	001			Y
			TO ADMIT EVIDENCE OF OTHER CRIMES	001			
WRONGS OR ACTS							
0019	11/15/01		MOT /DEFT'S MTN TO CONTINUE TRIAL DATE/13	001	GR	11/20/01	
0020	11/20/01		JURY/TRIAL BY JURY (RV 2-19-02)	001	VC	02/25/02	
0021	11/20/01		CALC/CALENDAR CALL	001		02/19/02	
0022	11/20/01		MOT /ALL PENDING MOTIONS 11/20/01	001		11/20/01	
0023	01/30/02		LIST/NOTICE OF WITNESSES AND NOTICE OF EXPERT	001			
			WITNESSES	001			
0024	02/12/02		LIST/ADDENDUM TO NOTICE OF WITNESSES	001			
0025	02/14/02		MOT /DEFT'S MTN TO DISMISS COUNTS XI XII XIII	001	OC	05/21/02	
			& XIV/17	001			
0026	02/14/02		MOT /DEFT'S MTN TO PRECLUDE PROSECUTION FROM	001	GR	04/18/02	
			QUESTIONING STATE'S WITNESSES CONCERN/18	001			
0027	02/14/02		MOT /DEFT'S MTN FOR PSYCHOLOGICAL EXAMINATION	001	GR	04/18/02	
			BY AN EXPERT EMPLOYED BY THE DEFT/19	001			
0028	02/14/02		MOT /DEFT'S MTN IN LIMINE TO PRECLUDE	001	GR	04/18/02	
			PROSECUTION FROM REFERRING TO JANNA/20	001			
0029	02/14/02		MOT /DEFT'S MTN TO COMPEL DISCOVERY/21	001	GR	02/19/02	
0030	02/19/02		MOT /ALL PENDING MOTIONS 2-19-02	001		02/19/02	
0031	02/19/02		HEAR/HEARING: DEFT'S MOTION TO DISMISS COUNTS	001	MH	04/18/02	
			XI, XII, XIII & XIV	001			
0032	02/19/02		CALC/CALENDAR CALL (VJ 5-21-02)	001	VC	05/21/02	
0033	02/19/02		JURY/TRIAL BY JURY (VJ 5-16-02)	001	VC	05/28/02	
0034	02/27/02		ORDR/ORDER GRANTING DEFENDANTS MOTION TO	001		02/27/02	
			COMPEL DISCOVERY	001			

NO.	FILED/REC CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0035	03/04/02	TRAN/REPORTER'S TRANSCRIPT OF HEARING	001		02/19/02	
0036	03/14/02	OPPS/OPPOSITION TO DEFENDANTS MOTION FOR PSYCHOLOGICAL EXAMINATION BY AN EXPERT EMPLOYED BY THE DEFENDANT	001 001			Y
0037	03/14/02	OPPS/OPPOSITION TO MOTION IN LIMINE TO PRECLUDE THE PROSECUTION FROM REFERRING TO JANNA TAYLOR AS A VICTIM	001 001			Y
0038	03/14/02	REQT/NOTICE OF MOTION AND MOTION TO COMPEL HANDWRITING	001 001			
0039	03/14/02	OPPS/OPPOSITION TO DEFENDANTS MOTION TO DISMISS COUNTS XI XII XIII AND XIV	001 001			
0040	03/26/02	MOT /ALL PENDING MOTIONS 3/26/02	001		03/26/02	
0041	04/03/02	REQT/NOTICE OF MOTION AND MOTION TO RECONSIDER DEFENDANTS MOTION TO COMPEL DISCOVERY AND ORDER SHORTENING TIME	001 001			Y
0042	04/04/02	MOT /ALL PENDING MOTIONS 4-4-02	001		04/04/02	
0043	04/16/02	OPPS/DEFENDANTS OPPOSITION TO STATES MOTION TO RECONSIDER DEFENDANTS MOTION TO COMPEL DISCOVERY	001 001			Y
0044	04/18/02	MOT /ALL PENDING MOTIONS 4-18-02	001		04/18/02	
0045	04/18/02	HEAR/PETROCELLI HEARING RE: (VJ 5-16-02) MOTION FOR BAD ACTS	001 001	VC	05/21/02	
0046	04/29/02	TRAN/REPORTER'S TRANSCRIPT OF HEARING	001		04/18/02	
0047	05/01/02	ORDR/DEFENDANTS ORDER GRANTING PSYCHOLOGICAL EXAMINATION BY AN EXPERT AND IN LIMINE TO PRECLUDE PROSECUTION FROM REFERRING TO JANNA AS A VICTIM AND DEFENDANTS ORDER DENYING MOTION FOR DISCOVERY	001 001		05/01/02	Y
0048	05/08/02	HEAR/DEFT'S REQUEST FURTHER PROCEEDINGS REQUEST	001 001		05/16/02	
0049	05/16/02	CALC/CALENDAR CALL VJ 6/24/02	001	VC	07/30/02	
0050	05/16/02	JURY/TRIAL BY JURY VJ 6/24/02	001	VC	08/05/02	
0051	05/28/02	TRAN/REPORTER'S TRANSCRIPT OF HEARING FURTHER PROCEEDINGS ON PETROCELLI HEARING	001 001		05/16/02	
0052	05/28/02	TRAN/REPORTER'S TRANSCRIPT OF HEARING STATUS CHECK ON SENTENCING (INPATIENT PROGRAM)	001 001		05/16/02	
0053	06/19/02	HEAR/STATE'S REQUEST TO CHANGE BRIEFING SCHEDULE/33	001 001	GR	06/24/02	
0054	06/24/02	CALC/CALENDAR CALL	001		09/10/02	
0055	06/24/02	JURY/TRIAL BY JURY	001		09/18/02	
0056	08/28/02	LIST/DEFENDANTS NOTICE OF EXPERT WITNESSES	001			
0057	09/09/02	NOTC/DEFENDANTS NOTICE OF WITNESSES	001			
0058	09/10/02	HEAR/PETROCELLI HEARING	001		09/16/02	
0059	09/10/02	ORDR/ORDER GRANTING STATES MOTION TO COMPEL HANDWRITING SAMPLE	001 001	HG	04/18/02	
0060	09/11/02	LIST/SUPERCEEDING NOTICE OF WITNESSES AND EXPERT WITNESSES	001 001			
0061	09/16/02	TRB /TRIAL BEGINS	001			
0062	09/16/02	LIST/2ND SUPERCEDING NOTICE OF WITNESSES AND EXPERT WITNESSES	001 001			
0063	09/17/02	JLST/DISTRICT COURT JURY LIST	001			
0064	09/19/02	SENT/SENTENCING	001	GR	04/01/03	
0065	09/18/02	MEMO/GUILTY PLEA MEMORANDUM/AGREEMENT	001			

(Continued to page 3)

NO.	FILED/REC CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0066	09/18/02	INFO/AMENDED INFORMATION	001		09/18/02	
0067	09/26/02	NOEV/NOTICE OF EXHIBIT(S) IN THE VAULT			09/16/02	
0068	10/08/02	TRAN/REPORTER'S TRANSCRIPT JURY TRIAL/GUILTY PLEA AGREEMENT	001		09/18/02	
0069	10/08/02	TRAN/REPORTER'S TRANSCRIPT PETROCELLI HEARING	001		09/16/02	
0070	11/13/02	MOT /DEFT'S PRO PER MOTION TO WITHDRAW PLEA	001	DN	01/22/03	
0071	11/13/02	MOT /DEFT'S REQUEST FOR WITHDRAWAL OF COUNSEL -INEFFECTIVE ASSISTANCE OF COUNSEL	001	DN	04/01/03	
0072	11/14/02	MOT /DEFT'S PRO PER MOTION TO WITHDRAW COUNSEL /40	001	MC	11/27/02	
0073	09/18/02	TRE /TRIAL ENDS			09/18/02	
0074	11/27/02	OCAL/STATUS CHECK: FERRETTA CANVAS	001		12/05/02	
0075	12/05/02	HEAR/CONFIRMATION OF COUNSEL (BOLTON)	001	CM	12/09/02	
0076	12/18/02	MOT /DEFT'S PRO PER MTN TO INSPECT ALL EVID/43	001	GR	01/22/03	
0077	12/30/02	OPPS/STATES OPPOSITION TO DEFENDANTS MOTION TO WITHDRAW GUILTY PLEA	001			
0078	01/03/03	MOT /DEFT'S PRO PER APPLICATION TO PROCEED IN FORMA PAUPERIS/44	001	DN	04/01/03	
0079	01/03/03	MOT /DEFT'S PRO PER MTN TO SUPPRESS CONTRIBUTORS/45	001	DN	04/01/03	
0080	01/08/03	MOT /DEFT'S PRO PER MTN FOR NEW TRIAL/AQUITTAL/45	001	DN	04/01/03	
0082	01/15/03	MOT /DEFT'S PRO PER MTN FOR INDEPENDANT TEST EVIDENCE/47	001	DN	04/01/03	
0083	01/15/03	MOT /DEFT'S PRO PER MTN TO DISMISS STAND-BY COUNSEL/48	001	DN	04/01/03	
0084	01/17/03	MOT /DEFT'S PRO PER MTN DISMISS CHARGES/49	001	DN	04/01/03	
0085	01/22/03	HEAR/EVIDENTIARY HEARING	001	OC	04/01/03	
0087	01/22/03	MOT /ALL PENDING MOTIONS 1/22/03	001		01/22/03	
0088	01/22/03	MOT /DEFT'S PRO PER MTN FOR DISCOVERY /53	001	DN	04/01/03	
0089	01/22/03	MOT /DEFT'S PRO PER MTN FOR DISCOVERY /54	001	DN	04/01/03	
0090	01/23/03	MOT /DEFT'S PRO PER MTN TO WITHDRAW GUILTY PLEA/55	001	DN	04/01/03	
0091	01/29/03	MOT /DEFT'S PRO PER MTN IN LIMINE /56	001	DN	04/01/03	
0092	01/30/03	OPPS/STATES OPPOSITION TO DEFENDANTS MOTION FOR NEW TRIAL TO DISMISS STAND BY COUNSEL FOR INDENDENT TESTING OF EVIDENCE AND DEFENDANTS MOTION TO DISMISS	001			Y
0093	02/06/03	MOT /ALL PENDING MOTIONS 2/6/03	001		02/06/03	
0094	02/24/03	MOT /DEFT'S PRO PER MTN TO ANSWER STATES OPPOS/58	001	DN	04/01/03	
0095	02/28/03	TRAN/REPORTER'S TRANSCRIPT DEFENDANTS PRO PER MOTIONS	001		02/06/03	
0096	03/05/03	TRAN/REPORTER'S TRANSCRIPT OF HEARING MOTION TO WITHDRAW PLEA	001		11/13/02	
0097	03/11/03	MOT /DEFT'S PRO PER MTN FOR CHANGE OF VENUE /59	001	DN	04/01/03	
0098	03/11/03	MOT /DEFT'S PRO PER MTN IN LIMINE /60	001	DN	04/01/03	
0099	03/12/03	TRAN/REPORTER'S TRANSCRIPT MOTION TO WITHDRAW GUILTY PLEA	001		11/27/02	
0100	03/12/03	TRAN/REPORTER'S TRANSCRIPT DEFENDANTS PRO PER MOTION TO INSPECT ALL EVIDENCE	001		01/22/03	Y

(Continued to page 4)

NO.	FILED/REC CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
FAVORABLE TO HIM DEFENDANTS MOTION TO WITHDRAW PLEA HEARINGS CONTINUED						
0101	03/24/03	MOT /DEFT'S PRO PER MTN TO SUPPRESS HERSEY/61	001	DN	04/01/03	
0102	03/25/03	MOT /ALL PENDING MOTIONS 3/25/03	001		03/25/03	
0103	03/26/03	MOT /DEFT'S PRO PER MTN TO SUPPRESS HEARSAY/63	001	DN	04/01/03	
0104	04/01/03	MOT /ALL PENDING MOTIONS (4/1/03)	001		04/01/03	
0105	04/04/03	ORDR/ORDER DENYING DEFENDANTS MOTIONS TO SUPPRESS HEARSAY CHANGE OF VENUE	001	HG	04/01/03	Y
LIMINE NEW TRIAL DISMISS STAND BY COUNSEL INDEPENDENT TESTING OF EVIDENCE TO DISMISS DISCOVERY DEMURER OF CHARGES AND TO SUPPRESS CONTRIBUTORS						
0106	04/07/03	JMNT/ADMINISTRATION/ASSESSMENT FEE	0001		04/08/03	
0107	04/07/03	JMNT/GENETIC TESTING FEE	0001		04/08/03	
0108	04/09/03	JUDG/JUDGMENT OF CONVICTION - PLEA OF GUILTY	001		04/07/03	
0109	04/01/03	CSCL/CASE CLOSED			04/01/03	
0110	04/11/03	TRAN/REPORTER'S TRANSCRIPT OF HEARING SENTENCING	001		04/01/03	



ORIGINAL

9

1 **JOCP**  
2 **DAVID ROGER**  
3 Clark County District Attorney  
4 Nevada Bar #002781  
5 200 South Third Street  
6 Las Vegas, Nevada 89155-2211  
7 (702) 455-4711  
8 Attorney for Plaintiff

**FILED**  
APR 7 1 45 PM '03  
*Shirley C. Longman*  
CLERK

6 DISTRICT COURT  
7 CLARK COUNTY, NEVADA

8 THE STATE OF NEVADA,  
9 Plaintiff,

10 -vs-

11 GENE ANTHONY ALLEN,  
12 #1052416

13 Defendant.

Case No: C177427

Dept No: XVI

14 JUDGMENT OF CONVICTION  
15 (PLEA OF GUILTY)

16 The Defendant previously appeared before the Court with counsel and entered a plea  
17 of guilty to the crime(s) of COUNT I - SEXUAL ASSAULT WITH A MINOR UNDER  
18 SIXTEEN (16) YEARS OF AGE (Felony) and COUNT II - LEWDNESS WITH A CHILD  
19 UNDER THE AGE OF FOURTEEN (14) YEARS (Felony), in violation of NRS 200.364,  
20 200.366; 201.230; thereafter, on the 1st day of April, 2003', the Defendant was present in  
court for sentencing with standby counsel, FRANCIS KOCKA, ESQ., and good cause  
appearing,

25 THE DEFENDANT IS HEREBY ADJUDGED guilty of said offense(s) and, in  
26 addition to the \$25.00 Administrative Assessment Fee and the \$150.00 DNA Analysis fee,  
the Defendant is sentenced as follows: As to Count I - to a maximum of twenty (20) years  
and a minimum of five (5) years in the Nevada Department of Corrections and as to Count II  
- to a maximum of LIFE in the Nevada Department of Prisons with a minimum parole  
eligibility after ten (10) years. Count II concurrent to Count I with 634 days credit for time

RECEIVED  
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CLERK  
COUNTY CLERK

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COUNTY CLERK

1 served. The Court further ordered, a special sentence of lifetime supervision is imposed to  
2 commence upon release from any term of probation, parole or imprisonment. Additionally,  
3 the defendant is ordered to submit to a blood or saliva test to determine genetic status.

4 DATED this 7th day of April, 2003.

5 *John Ampranty*  
6 DISTRICT JUDGE *As/le*

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mmw/SVU

CRIMINAL COURT MINUTES

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

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

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

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

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

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

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

CUSTODY

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

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

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

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

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

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

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

CUSTODY

CRIMINAL COURT MINUTES

01-C-177427-C STATE OF NEVADA

vs Allen, Gene A

CONTINUED FROM PAGE: 001

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

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

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

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

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

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

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

CUSTODY

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

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

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

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

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

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

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

CUSTODY

CONTINUED ON PAGE: 003

CRIMINAL COURT MINUTES

01-C-177427-C STATE OF NEVADA

vs Allen, Gene A

CONTINUED FROM PAGE: 002

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

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

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

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

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

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

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

CUSTODY

11/20/01 8:45 AM CALENDAR CALL

11/26/01 10:00 AM JURY TRIAL

## CRIMINAL COURT MINUTES

01-C-177427-C

STATE OF NEVADA

vs Allen, Gene A

CONTINUED FROM PAGE: 003

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

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

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

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

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

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

CUSTODY

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

2/25/02 10:00 AM JURY TRIAL

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

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

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

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

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

CONTINUED ON PAGE: 005

CRIMINAL COURT MINUTES

01-C-177427-C STATE OF NEVADA

vs Allen, Gene A

CONTINUED FROM PAGE: 004

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

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

CUSTODY

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

5-21-02 8:45 AM CALENDAR CALL

5-27-02 10:00 AM JURY TRIAL

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

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

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

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

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

CRIMINAL COURT MINUTES

01-C-177427-C STATE OF NEVADA

vs Allen, Gene A

CONTINUED FROM PAGE: 005

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

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

CUSTODY

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

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

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

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

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

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

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

CUSTODY

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



CRIMINAL COURT MINUTES

01-C-177427-C

STATE OF NEVADA

vs Allen, Gene A

CONTINUED FROM PAGE: 006

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

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

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

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

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

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

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

CUSTODY

5-21-02 8:45 AM PETROCELLI HEARING

## CRIMINAL COURT MINUTES

01-C-177427-C

STATE OF NEVADA

vs Allen, Gene A

CONTINUED FROM PAGE: 007

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

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

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

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

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

CUSTODY

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

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

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

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

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

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

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

## CRIMINAL COURT MINUTES

01-C-177427-C STATE OF NEVADA

vs Allen, Gene A

CONTINUED FROM PAGE: 008

CUSTODY

7-30-02 8:45 AM CALENDAR CALL

8-5-02 10:00 AM JURY TRIAL

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

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

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

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

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

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

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

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

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

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

CUSTODY

9/10/02 8:45 AM CALENDAR CALL

9/16/02 1:30 PM JURY TRIAL

CONTINUED ON PAGE: 010

## CRIMINAL COURT MINUTES

01-C-177427-C

STATE OF NEVADA

vs Allen, Gene A

CONTINUED FROM PAGE: 009

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

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

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

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

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

## CUSTODY

9-16-02 11:00 AM PETROCELLI HEARING

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

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

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

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

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

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CRIMINAL COURT MINUTES

01-C-177427-C STATE OF NEVADA

vs Allen, Gene A

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

CUSTODY

1:30 P.M. JURY TRIAL

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

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

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

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

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

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

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

## CRIMINAL COURT MINUTES

01-C-177427-C

STATE OF NEVADA

vs Allen, Gene A

CONTINUED FROM PAGE: 011

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

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

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

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

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

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

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## CRIMINAL COURT MINUTES

01-C-177427-C STATE OF NEVADA

vs Allen, Gene A

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

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

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

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

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

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

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

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

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CRIMINAL COURT MINUTES

01-C-177427-C STATE OF NEVADA

vs Allen, Gene A

CONTINUED FROM PAGE: 013

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

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

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

CUSTODY

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

11/13/02 09:00 AM 01 SENTENCING

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

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

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

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

CONTINUED ON PAGE: 015



CRIMINAL COURT MINUTES

01-C-177427-C STATE OF NEVADA

vs Allen, Gene A

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

CUSTODY

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

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

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

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

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

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

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

NDC

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

## CRIMINAL COURT MINUTES

01-C-177427-C

STATE OF NEVADA

vs Allen, Gene A

CONTINUED FROM PAGE: 015

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

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

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

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

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

## CUSTODY

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

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

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

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

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

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

NDC

## CRIMINAL COURT MINUTES

01-C-177427-C STATE OF NEVADA

vs Allen, Gene A

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

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

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

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

Y  
Y  
Y

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

NDC

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

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

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

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

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

Y  
Y  
Y  
Y

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

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

CRIMINAL COURT MINUTES

01-C-177427-C STATE OF NEVADA

vs Allen, Gene A

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

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

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

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

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

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

PARTIES:	STATE OF NEVADA	Y
	004630 Hendricks, Craig L.	Y
	001 D1 Allen, Gene A	Y
	006572 Bolton, Jennifer	Y

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

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

CUSTODY

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

## CRIMINAL COURT MINUTES

01-C-177427-C

STATE OF NEVADA

vs Allen, Gene A

CONTINUED FROM PAGE: 018

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

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

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

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

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

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

CUSTODY

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

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

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

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

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

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

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

CONTINUED ON PAGE: 020

## CRIMINAL COURT MINUTES

01-C-177427-C STATE OF NEVADA

vs Allen, Gene A

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

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

NDC

04/15/03

E X H I B I T S

5:00 PM

CASE NO. 01-C-177427-C

CASE STATUS: CLOSED

STATE OF NEVADA

[ ] vs Allen, Gene A

[ ]

<u>NO.</u>	<u>CODE</u>	<u>EXHIBIT DESCRIPTION</u>	<u>SUB</u>	<u>OF/OB</u>	<u>DATE</u>	<u>S</u>
0001	P/D	/JUSTICE COURT EXHIBITS	S	/	08/10/01	V
0002	P1	/EVIDENCE BAG	S	/	99/99/99	V
0003	P1A	/1A-1-L POSTCARDS	S	/	99/99/99	V
0004	P2	/2-6 PHOTOS	S	/	99/99/99	V
0005	D/A	/AFFIDAVIT DENNIS D. STEINER	001	/	99/99/99	V
0006	PCT1	/AMONISHMENT		AD/	09/18/02	V

*Certification of Copy*

STATE OF NEVADA }  
COUNTY OF CLARK } SS:

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

DIRECT APPEAL TO THE SUPREME COURT; CASE  
APPEAL STATEMENT; DISTRICT COURT DOCKET ENTRIES; JUDGMENT OF  
CONVICTION; DISTRICT COURT MINUTES; EXHIBIT LIST;

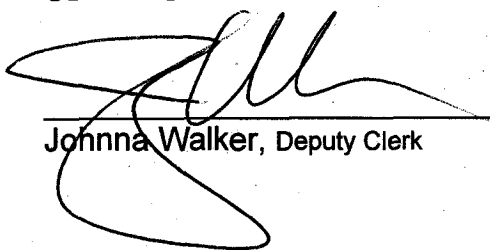
THE STATE OF NEVADA, )  
 )  
 ) Plaintiff, )  
 )  
 vs. )  
 )  
 ) GENE ALLEN, )  
 )  
 )  
 )  
 ) Defendant. )  
 )  
 )  
 )

D.C. CASE C177427  
DEPARTMENT XVI

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto  
set my hand and Affixed the seal of the  
Court at my office, Las Vegas, Nevada, on  
this the 15 day of April, 2003

SHIRLEY B. PARRAGUIRRE,  
CLARK COUNTY CLERK

  
Johnna Walker, Deputy Clerk



DISTRICT COURT  
CLARK COUNTY, NEVADA

FILED

APR 14 3 28 PM '03

*Shirley S. Pangione*  
CLERK

CASE NO. C177427

DEPT. NO. 16

DOCKET NO. 41274

FILED

APR 18 2003

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

STATE OF NEVADA,

Plaintiff )

-vs-

GENE ALLEN

AKA - ABDULIA USEF ALI Defendant

NOTICE OF APPEAL

MOTION FOR INDEPENDANT TEST EVIDENCE 01/15/03

NOTICE IS HEREBY GIVEN THAT GENE ALLEN, DEFENDANT

ABOVE NAMED, HEREBY APPEALS TO THE SUPREME COURT OF

NEVADA, FROM THE FINAL JUDGEMENT OF DEPARTMENT #16,

ENTERED IN THIS ACTION ON THE 1st DAY OF April-03,

2002. WE ASK THIS HONORABLE HIGH COURT TO

RECONSIDER THE CASE FOR THE DEFENDANT FOR

DECISIONS RENDERED FOR THE FOLLOWING CHARGE:

CASE # C 177427 Final Judgement 10 or 5 to 20 Concurrent

SEXUAL ASSAULT UNDER 16

NRS 200.366, 200.364 & 201.230

MOTION TO WITHDRAW GUILTY PLEA 01/20/03

SUPPORT FOR THE APPEAL AND CIRCUMSTANCES OF THE CASE

ARE CONTAINED HEREIN, ON THE FOLLOWING PAGES.

MTN. FOR NEW TRIAL/QUITTAL

01/08/03

RECEIVED  
APR 14 2003

RECEIVED  
NOV 21 2002  
APR 18 2003  
JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
DEPUTY CLERK  
RECEIVED  
APR 07 2003  
JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
DEPUTY CLERK  
By \_\_\_\_\_  
DEPUTY CLERK

CASE APPEAL STATEMENT

THIS APPEAL IS BASED ON THE SIGNING DURING TRIAL. CONSIDERATION OF PROMISE 17AM JUR 2d § 134 & 150, DUE TO INACTIVE COUNSEL: JONES - 992 - F2d - 1548, PENALTIES 599 - 502d - 1380 & GRAY 63F3d 57 AND ALL EXHIBITS SET FORTH HEREBIN. JUDGEMENT BY THE HONORABLE JUDGE MCGROARTY, FOR THE STATE OF NEVADA AND PLAINTIFF, YLDRA TAYLOR-ALLEN, WIFE AND JANNEA TAYLOR, STEP DAUGHTER, ON OR BEFORE 10/30/02 AT COUNTY COURT, 200 S. 3RD ST., DEPARTMENT 16, PROSECUTION DATE AS FOLLOWS FOR THE PLAINTIFF - STEWART L. BELL AND PAMELA WECHERLY, ATTORNEY, COURT APPOINTED, FOR THE DEFENDANT - JEFFREY BANKS AND STEVE INERMAN, PUBLIC DEFENDER, 309 S. THIRD ST., #226, CLARK COUNTY, CO-DEFENDERS. APPOINTED BY MR. JEFFREY BANKS, FOR THE DEFENDANT, CO - NANCY LAMKEY, CO - MARCUS COOPER, FORMA PAUPERIS TO THE COUNTY CLERK, ON 10/16/02.

MOTION TO DISMISS STAND OF COUNSEL 01/15/03

THE ENTIRE STATEMENT CONSISTS OF THE FOLLOWING:

~~25~~ PAGES, NOTICE OF APPEAL & STATEMENT 78  
~~2~~ EXHIBITS AND ATTACHMENTS 24

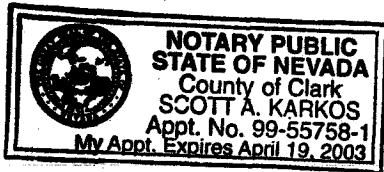
MOTION TO SUPPRESS CONTRIBUTORS 11/26/02  
MOTION FOR NEW TRIAL/ACQUITTAL 1/02/03  
MOTIONS TO ATTORNEY  
WITHDRAW/REVOKE GUILTY PLEA 10/3/02  
WITHDRAW/REVOKE GUILTY PLEA 10/9/02  
PROCEED FORMA PAUPERIS 10/16/02  
MOTION TO DISMISS CHARGES 9/10/02

MOTION TO DISMISS COUNSEL 9/06/01  
MOTION OF DEFENDANT TO INSPECT ALL EVIDENCE 12/04/02  
MOTION FOR DISCOVERY 12/04/02

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State of Nevada  
County of Clark

This instrument was acknowledged before me  
on 10/29/02 by Gene Allen.



*Scott A. Karkos*  
Notary Public

DATED THIS 29<sup>th</sup> day of October, 2002.

I, Gene Anthony Allen, do  
solemnly swear, under the penalty of perjury, that  
the above Notice of Appeal is accurate,  
correct, and true to the best of my knowledge.

NRS 171.102 and NRS 208.165.

Respectfully submitted

*[Handwritten signature]*

Defendant

**FILED**

2003 APR 14 PM 6:10

District Court  
Clark, County, Nevada

*Shirley B. Loring*  
CLERK

Case No. C177427

Department XVI

THE STATE OF NEVADA,

Plaintiff,

vs.

GENE ALLEN,

Defendant(s),

**CASE APPEAL STATEMENT**

- 1. Appellant(s): GENE ALLEN
- 2. Judge: JOHN S. MCGROARTY
- 3. All Parties, District Court:

Plaintiff, THE STATE OF NEVADA

Defendant(s), GENE ALLEN

- 4. All Parties, Appeal:

Appellant(s), GENE ALLEN

Respondent, THE STATE OF NEVADA

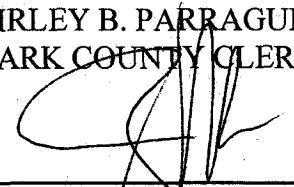
- 5. Appellate Counsel: Proper Person, GENE ALLEN,  
330 S CASINO CENTER DRIVE, LAS VEGAS, NV 89101, Appellant  
THE STATE OF NEVADA, David Roger, District Attorney, 200 South Third  
Street, Las Vegas, Nevada 89155 (702) 455-4711, Counsel for Respondent

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- 6. District Court, APPOINTED
- 7. On Appeal, N/A
- 8. Forma Pauperis: DENIED
- 9. Date Commenced in District Court: 08/10/01

DATED this 14 day of April, 2003.

SHIRLEY B. PARRAGUIRRE  
CLARK COUNTY CLERK



By

---

Johnna Walker, DEPUTY CLERK  
200 South Third Street  
PO Box 551601  
Las Vegas, Nevada 89155-1601  
(702) 455-4409

STATE OF NEVADA

[ ] vs Allen, Gene A

[ ]

001 D1 Gene A Allen Pro Se  
330 S Casino Center  
Las Vegas, NV 89101

NO.	FILED/REC CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0001	08/10/01	CBO /CRIMINAL BINDOVER Fee \$0.00				
0002	08/10/01	ARRN/INITIAL ARRAIGNMENT	001		08/22/01	
0003	08/10/01	NOEV/NOTICE OF EXHIBIT(S) IN THE VAULT			08/10/01	
0004	08/13/01	MOT /DEFT'S PRO PER MOTION TO DISMISS COUNSEL /2	001	DN	09/06/01	
0005	08/13/01	INFO/INFORMATION	001		08/13/01	
0006	08/21/01	MOT /PUBLIC DEFENDER'S REQUEST TO WITHDRAW AS COUNSEL/3	001	DN	09/06/01	
0007	08/22/01	MOT /ALL PENDING MOTIONS 8-22-01	001		08/22/01	
0008	08/22/01	ARRN/ARRAIGNMENT CONTINUED	001		09/06/01	
0009	08/24/01	MOT /ALL PENDING MOTIONS 8-24-01	001		08/24/01	
0010	08/28/01	MOT /ALL PENDING MOTIONS 8/28/01	001		08/28/01	
0011	08/31/01	MOT /ALL PENDING MOTIONS 8/30/01	001		08/30/01	
0012	09/06/01	MOT /ALL PENDING MOTIONS 9/6/01	001		09/06/01	
0013	09/06/01	JURY/TRIAL BY JURY VJ 11/20/01	001	VC	11/26/01	
0014	09/06/01	CALC/CALENDAR CALL	001		11/20/01	
0015	09/14/01	TRAN/REPORTER'S TRANSCRIPT OF PRELIMINARY HEARING	001		08/08/01	
0016	09/17/01	TRAN/REPORTER'S TRANSCRIPT OF SEPT 6 2001			09/06/01	
0017	10/29/01	MOT /STATE'S MTN TO ADMIT EVIDENCE OF OTHER CRIMES WRONGS OR ACTS/12	001	GR	04/18/02	
0018	11/06/01	OPPS/DEFENDANTS OPPOSITION TO STATES MOTION TO ADMIT EVIDENCE OF OTHER CRIMES	001			Y
WRONGS OR ACTS						
0019	11/15/01	MOT /DEFT'S MTN TO CONTINUE TRIAL DATE/13	001	GR	11/20/01	
0020	11/20/01	JURY/TRIAL BY JURY (RV 2-19-02)	001	VC	02/25/02	
0021	11/20/01	CALC/CALENDAR CALL	001		02/19/02	
0022	11/20/01	MOT /ALL PENDING MOTIONS 11/20/01	001		11/20/01	
0023	01/30/02	LIST/NOTICE OF WITNESSES AND NOTICE OF EXPERT WITNESSES	001			
0024	02/12/02	LIST/ADDENDUM TO NOTICE OF WITNESSES	001			
0025	02/14/02	MOT /DEFT'S MTN TO DISMISS COUNTS XI XII XIII & XIV/17	001	OC	05/21/02	
0026	02/14/02	MOT /DEFT'S MTN TO PRECLUDE PROSECUTION FROM QUESTIONING STATE'S WITNESSES CONCERN/18	001	GR	04/18/02	
0027	02/14/02	MOT /DEFT'S MTN FOR PSYCHOLOGICAL EXAMINATION BY AN EXPERT EMPLOYED BY THE DEFT/19	001	GR	04/18/02	
0028	02/14/02	MOT /DEFT'S MTN IN LIMINE TO PRECLUDE PROSECUTION FROM REFERRING TO JANNA/20	001	GR	04/18/02	
0029	02/14/02	MOT /DEFT'S MTN TO COMPEL DISCOVERY/21	001	GR	02/19/02	
0030	02/19/02	MOT /ALL PENDING MOTIONS 2-19-02	001		02/19/02	
0031	02/19/02	HEAR/HEARING: DEFT'S MOTION TO DISMISS COUNTS XI, XII, XIII & XIV	001	MH	04/18/02	
0032	02/19/02	CALC/CALENDAR CALL (VJ 5-21-02)	001	VC	05/21/02	
0033	02/19/02	JURY/TRIAL BY JURY (VJ 5-16-02)	001	VC	05/28/02	
0034	02/27/02	ORDR/ORDER GRANTING DEFENDANTS MOTION TO COMPEL DISCOVERY	001		02/27/02	

NO.	FILED/REC CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0035	03/04/02	TRAN/REPORTER'S TRANSCRIPT OF HEARING	001		02/19/02	
0036	03/14/02	OPPS/OPPOSITION TO DEFENDANTS MOTION FOR PSYCHOLOGICAL EXAMINATION BY AN EXPERT EMPLOYED BY THE DEFENDANT	001 001			Y
0037	03/14/02	OPPS/OPPOSITION TO MOTION IN LIMINE TO PRECLUDE THE PROSECUTION FROM REFERRING TO JANNA TAYLOR AS A VICTIM	001 001			Y
0038	03/14/02	REQT/NOTICE OF MOTION AND MOTION TO COMPEL HANDWRITING	001 001			
0039	03/14/02	OPPS/OPPOSITION TO DEFENDANTS MOTION TO DISMISS COUNTS XI XII XIII AND XIV	001 001			
0040	03/26/02	MOT /ALL PENDING MOTIONS 3/26/02	001		03/26/02	
0041	04/03/02	REQT/NOTICE OF MOTION AND MOTION TO RECONSIDER DEFENDANTS MOTION TO COMPEL DISCOVERY AND ORDER SHORTENING TIME	001 001			Y
0042	04/04/02	MOT /ALL PENDING MOTIONS 4-4-02	001		04/04/02	
0043	04/16/02	OPPS/DEFENDANTS OPPOSITION TO STATES MOTION TO RECONSIDER DEFENDANTS MOTION TO COMPEL DISCOVERY	001 001			Y
0044	04/18/02	MOT /ALL PENDING MOTIONS 4-18-02	001		04/18/02	
0045	04/18/02	HEAR/PETROCELLI HEARING RE: (VJ 5-16-02) MOTION FOR BAD ACTS	001 001	VC	05/21/02	
0046	04/29/02	TRAN/REPORTER'S TRANSCRIPT OF HEARING	001		04/18/02	
0047	05/01/02	ORDR/DEFENDANTS ORDER GRANTING PSYCHOLOGICAL EXAMINATION BY AN EXPERT AND IN LIMINE TO PRECLUDE PROSECUTION FROM REFERRING TO JANNA AS A VICTIM AND DEFENDANTS ORDER DENYING MOTION FOR DISCOVERY	001 001		05/01/02	Y
0048	05/08/02	HEAR/DEFT'S REQUEST FURTHER PROCEEDINGS REQUEST	001 001		05/16/02	
0049	05/16/02	CALC/CALENDAR CALL VJ 6/24/02	001	VC	07/30/02	
0050	05/16/02	JURY/TRIAL BY JURY VJ 6/24/02	001	VC	08/05/02	
0051	05/28/02	TRAN/REPORTER'S TRANSCRIPT OF HEARING FURTHER PROCEEDINGS ON PRETROCELLI HEARING	001 001		05/16/02	
0052	05/28/02	TRAN/REPORTER'S TRANSCRIPT OF HEARING STATUS CHECK ON SENTENCING (INPATIENT PROGRAM)	001 001		05/16/02	
0053	06/19/02	HEAR/STATE'S REQUEST TO CHANGE BRIEFING SCHEDULE/33	001 001	GR	06/24/02	
0054	06/24/02	CALC/CALENDAR CALL	001		09/10/02	
0055	06/24/02	JURY/TRIAL BY JURY	001		09/18/02	
0056	08/28/02	LIST/DEFENDANTS NOTICE OF EXPERT WITNESSES	001			
0057	09/09/02	NOTC/DEFENDANTS NOTICE OF WITNESSES	001			
0058	09/10/02	HEAR/PETROCELLI HEARING	001		09/16/02	
0059	09/10/02	ORDR/ORDER GRANTING STATES MOTION TO COMPEL HANDWRITING SAMPLE	001 001	HG	04/18/02	
0060	09/11/02	LIST/SUPERCEEDING NOTICE OF WITNESSES AND EXPERT WITNESSES	001 001			
0061	09/16/02	TRB /TRIAL BEGINS	001			
0062	09/16/02	LIST/2ND SUPERCEDING NOTICE OF WITNESSES AND EXPERT WITNESSES	001 001			
0063	09/17/02	JLST/DISTRICT COURT JURY LIST	001			
0064	09/19/02	SENT/SENTENCING	001	GR	04/01/03	
0065	09/18/02	MEMO/GUILTY PLEA MEMORANDUM/AGREEMENT	001			

(Continued to page 3)

NO.	FILED/REC	CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0066	09/18/02		INFO/AMENDED INFORMATION	001		09/18/02	
0067	09/26/02		NOEV/NOTICE OF EXHIBIT(S) IN THE VAULT			09/16/02	
0068	10/08/02		TRAN/REPORTER'S TRANSCRIPT JURY TRIAL/GUILTY PLEA AGREEMENT	001		09/18/02	
0069	10/08/02		TRAN/REPORTER'S TRANSCRIPT PETROCELLI HEARING	001		09/16/02	
0070	11/13/02		MOT /DEFT'S PRO PER MOTION TO WITHDRAW PLEA	001	DN	01/22/03	
0071	11/13/02		MOT /DEFT'S REQUEST FOR WITHDRAWAL OF COUNSEL -INEFFECTIVE ASSISTANCE OF COUNSEL	001	DN	04/01/03	
0072	11/14/02		MOT /DEFT'S PRO PER MOTION TO WITHDRAW COUNSEL /40	001	MC	11/27/02	
0073	09/18/02		TRE /TRIAL ENDS			09/18/02	
0074	11/27/02		OCAL/STATUS CHECK: FERRETTA CANVAS	001		12/05/02	
0075	12/05/02		HEAR/CONFIRMATION OF COUNSEL (BOLTON)	001	CM	12/09/02	
0076	12/18/02		MOT /DEFT'S PRO PER MTN TO INSPECT ALL EVID/43	001	GR	01/22/03	
0077	12/30/02		OPPS/STATES OPPOSITION TO DEFENDANTS MOTION TO WITHDRAW GUILTY PLEA	001			
0078	01/03/03		MOT /DEFT'S PRO PER APPLICATION TO PROCEED IN FORMA PAUPERIS/44	001	DN	04/01/03	
0079	01/03/03		MOT /DEFT'S PRO PER MTN TO SUPPRESS CONTRIBUTORS/45	001	DN	04/01/03	
0080	01/08/03		MOT /DEFT'S PRO PER MTN FOR NEW TRIAL/AQUITTAL/45	001	DN	04/01/03	
0082	01/15/03		MOT /DEFT'S PRO PER MTN FOR INDEPENDANT TEST EVIDENCE/47	001	DN	04/01/03	
0083	01/15/03		MOT /DEFT'S PRO PER MTN TO DISMISS STAND-BY COUNSEL/48	001	DN	04/01/03	
0084	01/17/03		MOT /DEFT'S PRO PER MTN DISMISS CHARGES/49	001	DN	04/01/03	
0085	01/22/03		HEAR/EVIDENTIARY HEARING	001	OC	04/01/03	
0087	01/22/03		MOT /ALL PENDING MOTIONS 1/22/03	001		01/22/03	
0088	01/22/03		MOT /DEFT'S PRO PER MTN FOR DISCOVERY /53	001	DN	04/01/03	
0089	01/22/03		MOT /DEFT'S PRO PER MTN FOR DISCOVERY /54	001	DN	04/01/03	
0090	01/23/03		MOT /DEFT'S PRO PER MTN TO WITHDRAW GUILTY PLEA/55	001	DN	04/01/03	
0091	01/29/03		MOT /DEFT'S PRO PER MTN IN LIMINE /56	001	DN	04/01/03	
0092	01/30/03		OPPS/STATES OPPOSITION TO DEFENDANTS MOTION FOR NEW TRIAL TO DISMISS STAND BY COUNSEL FOR INDENDENT TESTING OF EVIDENCE AND DEFENDANTS MOTION TO DISMISS	001			Y
0093	02/06/03		MOT /ALL PENDING MOTIONS 2/6/03	001		02/06/03	
0094	02/24/03		MOT /DEFT'S PRO PER MTN TO ANSWER STATES OPPOS/58	001	DN	04/01/03	
0095	02/28/03		TRAN/REPORTER'S TRANSCRIPT DEFENDANTS PRO PER MOTIONS	001		02/06/03	
0096	03/05/03		TRAN/REPORTER'S TRANSCRIPT OF HEARING MOTION TO WITHDRAW PLEA	001		11/13/02	
0097	03/11/03		MOT /DEFT'S PRO PER MTN FOR CHANGE OF VENUE /59	001	DN	04/01/03	
0098	03/11/03		MOT /DEFT'S PRO PER MTN IN LIMINE /60	001	DN	04/01/03	
0099	03/12/03		TRAN/REPORTER'S TRANSCRIPT MOTION TO WITHDRAW GUILTY PLEA	001		11/27/02	
0100	03/12/03		TRAN/REPORTER'S TRANSCRIPT DEFENDANTS PRO PER MOTION TO INSPECT ALL EVIDENCE	001		01/22/03	Y

(Continued to page 4)



NO.	FILED/REC CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
FAVORABLE TO HIM DEFENDANTS MOTION TO WITHDRAW PLEA HEARINGS CONTINUED						
0101	03/24/03	MOT /DEFT'S PRO PER MTN TO SUPPRESS HERSEY/61	001	DN	04/01/03	
0102	03/25/03	MOT /ALL PENDING MOTIONS 3/25/03	001		03/25/03	
0103	03/26/03	MOT /DEFT'S PRO PER MTN TO SUPPRESS HEARSAY/63	001	DN	04/01/03	
0104	04/01/03	MOT /ALL PENDING MOTIONS (4/1/03)	001		04/01/03	
0105	04/04/03	ORDR/ORDER DENYING DEFENDANTS MOTIONS TO SUPPRESS HEARSAY CHANGE OF VENUE	001	HG	04/01/03	Y
LIMINE NEW TRIAL DISMISS STAND BY COUNSEL INDEPENDENT TESTING OF EVIDENCE TO DISMISS DISCOVERY DEMURER OF CHARGES AND TO SUPPRESS CONTRIBUTORS						
0106	04/07/03	JMNT/ADMINISTRATION/ASSESSMENT FEE	0001		04/08/03	
0107	04/07/03	JMNT/GENETIC TESTING FEE	0001		04/08/03	
0108	04/09/03	JUDG/JUDGMENT OF CONVICTION - PLEA OF GUILTY	001		04/07/03	
0109	04/01/03	CSCL/CASE CLOSED			04/01/03	

ORIGINAL

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JOCP  
DAVID ROGER  
Clark County District Attorney  
Nevada Bar #002781  
200 South Third Street  
Las Vegas, Nevada 89155-2211  
(702) 455-4711  
Attorney for Plaintiff

FILED

APR 7 1 45 PM '03

*Shirley E. Benjamin*  
CLERK

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

GENE ANTHONY ALLEN,  
#1052416

Defendant.

Case No: C177427

Dept No: XVI

JUDGMENT OF CONVICTION  
(PLEA OF GUILTY)

The Defendant previously appeared before the Court with counsel and entered a plea of guilty to the crime(s) of COUNT I - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN (16) YEARS OF AGE (Felony) and COUNT II - LEWDNESS WITH A CHILD UNDER THE AGE OF FOURTEEN (14) YEARS (Felony), in violation of NRS 200.364, 200.366; 201.230; thereafter, on the 1st day of April, 2003, the Defendant was present in court for sentencing with standby counsel, FRANCIS KOCKA, ESQ., and good cause appearing,

THE DEFENDANT IS HEREBY ADJUDGED guilty of said offense(s) and, in addition to the \$25.00 Administrative Assessment Fee and the \$150.00 DNA Analysis fee, the Defendant is sentenced as follows: As to Count I - to a maximum of twenty (20) years and a minimum of five (5) years in the Nevada Department of Corrections and as to Count II - to a maximum of LIFE in the Nevada Department of Prisons with a minimum parole eligibility after ten (10) years. Count II concurrent to Count I with 634 days credit for time

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COUNTY CLERK

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APR 03 2003  
COUNTY CLERK

1 served. The Court further ordered, a special sentence of lifetime supervision is imposed to  
2 commence upon release from any term of probation, parole or imprisonment. Additionally,  
3 the defendant is ordered to submit to a blood or saliva test to determine genetic status.

4 DATED this 7<sup>th</sup> day of April, 2003.

5 *John Ampranty*  
6 DISTRICT JUDGE *As/le*

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mmw/SVU

CRIMINAL COURT MINUTES

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

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

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

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

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

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

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

CUSTODY

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

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

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

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

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

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

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

CUSTODY

CRIMINAL COURT MINUTES

01-C-177427-C STATE OF NEVADA

vs Allen, Gene A

CONTINUED FROM PAGE: 001

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

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

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

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

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

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

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

CUSTODY

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

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

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

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

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

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

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

CUSTODY

CRIMINAL COURT MINUTES

01-C-177427-C STATE OF NEVADA

vs Allen, Gene A

CONTINUED FROM PAGE: 002

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

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

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

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

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

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

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

CUSTODY

11/20/01 8:45 AM CALENDAR CALL

11/26/01 10:00 AM JURY TRIAL

CRIMINAL COURT MINUTES

01-C-177427-C

STATE OF NEVADA

vs Allen, Gene A

CONTINUED FROM PAGE: 003

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

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

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

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

Y  
Y  
Y  
Y  
Y

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

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

CUSTODY

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

2/25/02 10:00 AM JURY TRIAL

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

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

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

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

Y  
Y  
Y  
Y  
Y

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

CRIMINAL COURT MINUTES

01-C-177427-C STATE OF NEVADA

vs Allen, Gene A

CONTINUED FROM PAGE: 004

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

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

CUSTODY

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

5-21-02 8:45 AM CALENDAR CALL

5-27-02 10:00 AM JURY TRIAL

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

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

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

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

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



CRIMINAL COURT MINUTES

01-C-177427-C STATE OF NEVADA

vs Allen, Gene A

CONTINUED FROM PAGE: 005

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

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

CUSTODY

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

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

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

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

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

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

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

CUSTODY

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

CRIMINAL COURT MINUTES

01-C-177427-C

STATE OF NEVADA

vs Allen, Gene A

CONTINUED FROM PAGE: 006

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

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

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

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

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

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

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

CUSTODY

5-21-02 8:45 AM PETROCELLI HEARING

## CRIMINAL COURT MINUTES

01-C-177427-C

STATE OF NEVADA

vs Allen, Gene A

CONTINUED FROM PAGE: 007

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

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

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

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

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

CUSTODY

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

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

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

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

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

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

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

## CRIMINAL COURT MINUTES

01-C-177427-C STATE OF NEVADA

vs Allen, Gene A

CONTINUED FROM PAGE: 008

CUSTODY

7-30-02 8:45 AM CALENDAR CALL

8-5-02 10:00 AM JURY TRIAL

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

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

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

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

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

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

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

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

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

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

CUSTODY

9/10/02 8:45 AM CALENDAR CALL

9/16/02 1:30 PM JURY TRIAL

## CRIMINAL COURT MINUTES

01-C-177427-C

STATE OF NEVADA

vs Allen, Gene A

CONTINUED FROM PAGE: 009

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

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

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

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

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

## CUSTODY

9-16-02 11:00 AM PETROCELLI HEARING

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

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

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

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

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

CRIMINAL COURT MINUTES

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vs Allen, Gene A

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

CUSTODY

1:30 P.M. JURY TRIAL

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

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

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

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

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

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

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

CRIMINAL COURT MINUTES

01-C-177427-C

STATE OF NEVADA

vs Allen, Gene A

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

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

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

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

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

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

## CRIMINAL COURT MINUTES

01-C-177427-C STATE OF NEVADA

vs Allen, Gene A

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

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

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

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

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

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

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

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



## CRIMINAL COURT MINUTES

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vs Allen, Gene A

CONTINUED FROM PAGE: 013

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

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

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

CUSTODY

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

11/13/02 09:00 AM 01 SENTENCING

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

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

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

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

CONTINUED ON PAGE: 015

CRIMINAL COURT MINUTES

01-C-177427-C STATE OF NEVADA

vs Allen, Gene A

CONTINUED FROM PAGE: 014

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

CUSTODY

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

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

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

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

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

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

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

NDC

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

## CRIMINAL COURT MINUTES

01-C-177427-C

STATE OF NEVADA

vs Allen, Gene A

CONTINUED FROM PAGE: 015

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

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

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

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

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

## CUSTODY

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

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

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

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

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

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

NDC

CRIMINAL COURT MINUTES

01-C-177427-C STATE OF NEVADA

vs Allen, Gene A

CONTINUED FROM PAGE: 016

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

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

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

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

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

NDC

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

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

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

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

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

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

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

CRIMINAL COURT MINUTES

01-C-177427-C STATE OF NEVADA

vs Allen, Gene A

CONTINUED FROM PAGE: 017

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

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

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

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

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

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

PARTIES:	STATE OF NEVADA	Y
	004630 Hendricks, Craig L.	Y
	001 D1 Allen, Gene A	Y
	006572 Bolton, Jennifer	Y

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

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

CUSTODY

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

CRIMINAL COURT MINUTES

01-C-177427-C

STATE OF NEVADA

vs Allen, Gene A

CONTINUED FROM PAGE: 018

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

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

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

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

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

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

CUSTODY

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

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

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

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

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

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

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

CONTINUED ON PAGE: 020

## CRIMINAL COURT MINUTES

01-C-177427-C STATE OF NEVADA

vs Allen, Gene A

CONTINUED FROM PAGE: 019

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

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

NDC

04/14/03  
CASE NO. 01-C-177427-C

E X H I B I T S

5:59 PM  
CASE STATUS: CLOSED

STATE OF NEVADA

[ ] vs Allen, Gene A

[ ]

<u>NO.</u>	<u>CODE</u>	<u>EXHIBIT DESCRIPTION</u>	<u>SUB</u>	<u>OF/OB</u>	<u>DATE</u>	<u>S</u>
0001	P/D	/JUSTICE COURT EXHIBITS	S	/	08/10/01	V
0002	P1	/EVIDENCE BAG	S	/	99/99/99	V
0003	P1A	/1A-1-L POSTCARDS	S	/	99/99/99	V
0004	P2	/2-6 PHOTOS	S	/	99/99/99	V
0005	D/A	/AFFIDAVIT DENNIS D. STEINER	001	/	99/99/99	V
0006	PCT1	/AMONISHMENT		AD/	09/18/02	V



*Certification of Copy*

STATE OF NEVADA }  
COUNTY OF CLARK } SS:

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

NOTICE OF APPEAL; CASE APPEAL STATEMENT;  
DISTRICT COURT DOCKET ENTRIES; JUDGMENT OF CONVICTION; DISTRICT COURT MINUTES; EXHIBIT LIST;

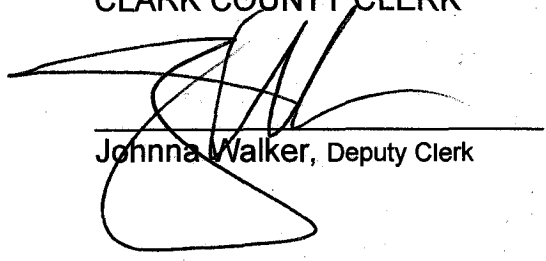
THE STATE OF NEVADA, )  
 )  
 ) Plaintiff, )  
 )  
 vs. )  
 )  
 ) GENE ALLEN, )  
 )  
 ) Defendant. )  
 )  
 )  
 )

D.C. CASE C177427  
DEPARTMENT XVI

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto set my hand and Affixed the seal of the Court at my office, Las Vegas, Nevada, on this the 14 day of April, 2003

SHIRLEY B. PARRAGUIRRE,  
CLARK COUNTY CLERK

  
Johnna Walker, Deputy Clerk