

DEFENDANT
COPY PLEASE
SEND BACK
FILED

ROY D. MORAGA
NAME
31584
PRISON NUMBER
Ely State Prison
PLACE OF CONFINEMENT

FILED

2004 FEB 17 P 2:48

DISTRICT COURT
CLARK COUNTY, NEVADA

Shirley B. Sanz
CLERK

THE STATE OF NEVADA
Plaintiff,

vs.
ROY D. MORAGA
#938554
Defendant.

No. 40808
CASE NO. C92174
Dept NO. VIII

FILED

FEB 20 2004

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

NOTICE OF APPEAL

NOTICE is hereby given that Defendant, ROY D. MORAGA, hereby appeals from an Order denying his MOTION for release of DNA Evidence under Nevada Open Records Act relief dated JANUARY 7, 2004, to the Supreme Court of the State of Nevada. This appeal is to all issues of LAW AND FACT.

Dated this 26 day of JANUARY 2004.

RECEIVED
FEB 20 2004
CLERK OF SUPREME COURT
By _____
DEPUTY CLERK

By Roy D. Moraga
Roy D. MORAGA #31584
E.S.P. P.O. Box 1989
Ely, Nevada 89301

RECEIVED
JAN 29 2004
CLERK OF SUPREME COURT
By _____
DEPUTY CLERK

CERTIFICATE OF SERVICE

I hereby Certify that I am the Defendant AND ~~ON~~ this
26 day of JANUARY 2004, I served a copy of the
Foregoing NOTICE OF APPEAL, by Mailing a Copy thereof
to:

SUPREME COURT CLERK
SUPREME COURT BUILDING
CAPITOL COMPLEX
CARSON CITY NV 89710

DAVID ROGER
Clark County District Attorney
Attention Appellate Division
200 South Third Street
LAS Vegas NV 89155-2211

FRANKIE SUE DEL PAPA
NEVADA ATTORNEY GENERAL
CRIMINAL DIVISION
CAPITOL COMPLEX
CARSON CITY NV 89710

District Court, Clerk- Dept VII I
200 South Third Street
LAS Vegas NV 89155

Cristina A. Hinds, ESQ
525 S. 6th St.
LAS Vegas NV 89101

FILED

2004 FEB 18 AM 9:33

Richard L. Ramirez
CLERK

1 ASTA

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3
4 **DISTRICT COURT**
5 **CLARK COUNTY, NEVADA**
6

7 STATE OF NEVADA,)

8 Plaintiff(s),)

9 vs.)

10 ROY D. MORAGA,)

11 Defendant(s),)
12

) Case No: C92174

) Dept No: VIII
13

14 **CASE APPEAL STATEMENT**

15 1. Appellant(s): ROY D. MORAGA

16 2. Judge: LEE A. GATES

17 3. All Parties, District Court:

18 Plaintiff, THE STATE OF NEVADA

19 Defendant(s), ROY D. MORAGA

20 4. All Parties, Appeal:

21 Appellant(s), ROY D. MORAGA

22 Respondent, THE STATE OF NEVADA

23 5. Appellate Counsel:

24 *Appellant/Proper Person*
25 ROY D. MORAGA #31584
26 PO BOX 1989
27 ELY NV 89301
28

Respondent
David Roger, District Attorney
200 S. 3rd St.
Las Vegas NV 89101
(702) 455-4711

1 6. District Court Attorney, Appointed

2 7. On Appeal, N/A

3 8. Forma Pauperis, Granted

4 9. Date Commenced in District Court: 12/28/1989

5 Dated This 18 day of February 2004.

6 Shirley B. Parraguirre, Clark County Clerk

7
8 By: 

9 MANUEL RIVAS, Deputy Clerk

10 200 South Third Street

11 PO Box 551601

12 Las Vegas, Nevada 89155-1601

13 (702) 455-4409
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25
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27
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DATE: 02/18/04
CASE NO. 89-C-092174-C

I N D E X

TIME 9:38 AM
JUDGE: Gates, Lee A

STATE OF NEVADA

[] vs Moraga, Roy D

[]

001 D1 Roy D Moraga
PO Box 1989 - ID #31584
Ely State Prison
Ely, NV 89301

007014 Hinds, Cristina A.
NO. 1 Hinds and Morey
525 S 6th St
Las Vegas, NV 89101

| NO. | FILED/REC | CODE | REASON/DESCRIPTION | FOR | OC | SCH/PER | C |
|------|-----------|-------------------|---|------------|----|----------|---|
| 0001 | 12/28/89 | ARRN/INITIAL | ARRAIGNMENT | 001 | | 01/11/90 | |
| 0002 | 06/06/90 | SENT/SENTENCING | | 001 | | 06/13/90 | |
| 0003 | 01/09/91 | RELS/PETITION | FOR RELEASE OF EVIDENCE | S | | | |
| 0004 | 01/09/91 | ORDR/ORDER | RELEASING EVIDENCE | S | | 01/07/91 | |
| 0005 | 09/13/91 | CASO/CASE (RE) | ACTIVATED ON | | | | |
| 0006 | 09/13/91 | MOT /REMAND | FROM SUPREME COURT FOR RE-SENTENCING | 001 001 | | 10/21/91 | |
| 0007 | 09/13/91 | ASSG/REASSIGNMENT | OF JUDGE WENDELL TO JUDGE GATES | | | | |
| 0008 | 09/13/91 | ORDR/ORDER | FOR PRODUCTION OF INMATE | S | | 09/12/91 | |
| 0009 | 09/26/91 | MOT /MOTION | TO TRANSFER SENTENCING BACK TO DEPT VIII | 001 001 | DN | 10/09/91 | |
| 0010 | 10/03/91 | PET /PROPER | PERSON MOTION TO PROCEED IN FORMA PAUPERIS | 001 001 | | 10/09/91 | |
| 0011 | 10/03/91 | PET /PROPER | PERSON MOTION FOR WITHDRAWAL OF ATTORNEY OF RECORD AND TRANSFER OF | 001 001 | DN | 10/09/91 | |
| 0012 | 10/04/91 | ASSG/REASSIGNMENT | OF JUDGE GATES TO JUDGE LEHMAN | | | | |
| 0013 | 01/09/90 | INFO/INFORMATION | | 001 | | 01/09/90 | |
| 0014 | 06/13/90 | INFO/AMENDED | INFORMATION | 001 | | 06/13/90 | |
| 0015 | 10/04/91 | JUDG/NEVADA | SUPREME COURT CLERKS CERTIFICATE/ JUDGMENT - REVERSED AND REMANDED | 001 001 | GR | 09/27/91 | |
| 0016 | 10/10/91 | MOT /ALL | PENDING MOTIONS | 001 | | 10/09/91 | |
| 0017 | 10/23/91 | ORDR/ORDER | FOR APPOINTMENT OF COUNSEL | 001 | | 10/21/91 | |
| 0018 | 10/30/91 | NOTC/NOTICE | OF APPEAL | 001 | | 10/29/91 | |
| 0019 | 11/13/91 | JUDG/AMENDED | JUDGMENT OF CONVICTION (JURY TRIAL) | 001 001 | | 11/12/91 | |
| 0020 | 11/13/91 | NOAS/DESIGNATION | OF RECORD ON APPEAL | 001 | | 11/13/91 | |
| 0021 | 01/02/92 | CASO/CASE (RE) | ACTIVATED ON | | | | |
| 0022 | 01/02/92 | MOT /MOTION | FOR APPOINT COUNSEL FOR APPEAL | 001 | GR | 01/15/92 | |
| 0023 | 01/27/92 | HEAR/CONFIRMATION | OF COUNSEL (BAILUS M) (CRM STNG SLP) | 001 001 | CM | 01/29/92 | |
| 0024 | 02/10/92 | ORDR/ORDER | APPOINTING COUNSEL | 001 | | 02/06/92 | |
| 0025 | 02/13/92 | NOAS/DESIGNATION | OF RECORD ON APPEAL | 001 | | 02/12/92 | |
| 0026 | 02/20/92 | ORDR/ORDER | RE; PREPARATION OF TRAQNSCRIPTS TO R. SILVAGGIO, COURT REPORTER | 001 001 | | 02/18/92 | |
| 0027 | 02/20/92 | EXPT/EX PARTE | APPLICATION FOR PREPARATION OF TRANSCRIPTS | 001 001 | | 02/12/92 | |
| 0028 | 02/20/92 | ORDR/ORDER | RE; PREPARATION OF TRANSCRIPTS TO PATSY SMITH COURT REPORTER | 001 001 | | 02/18/92 | |
| 0029 | 02/20/92 | ORDR/ORDER | RE; PREPARATION OF TRANSCRIPTS TO RUSSELL GARCIA | 001 001 | | 02/18/92 | |
| 0030 | 02/20/92 | ORDR/ORDER | RE; PREPARATION OF TRANSCRIPTS TO CONNIE SMITH | 001 001 | | 02/18/92 | |
| 0031 | 02/20/92 | ORDR/ORDER | RE; PREPARATION OF TRANSCRIPTS TO JENNIFER SPERDUTTI, COURT REPORTER | 001 001 | | 02/18/92 | |

(Continued to page 2)

| NO. | FILED/REC | CODE | REASON/DESCRIPTION | FOR | OC | SCH/PER | C |
|------|-----------|------|--|-----|----|----------|---|
| 0032 | 02/20/92 | ORDR | ORDER RE; PREPARATION OF TRANSCRIPTS TO SHARLEEN NICHOLSON, COURT REPORTER | 001 | | 02/18/92 | |
| 0033 | 02/26/92 | ROC | /RECEIPT OF COPY | 001 | | 02/25/92 | |
| 0034 | 02/26/92 | ROC | /RECEIPT OF COPY | 001 | | 02/26/92 | |
| 0035 | 02/28/92 | ROC | /RECEIPT OF COPY | 001 | | 02/26/92 | |
| 0036 | 03/02/92 | ROC | /RECEIPT OF COPY | 001 | | 02/29/92 | |
| 0037 | 03/02/92 | ROC | /RECEIPT OF COPY | 001 | | 02/28/92 | |
| 0038 | 04/21/92 | NOTC | NOTICE OF TRANSCRIPTS | | | | |
| 0039 | 05/26/92 | REQT | REQUEST FOR RECORDS | 001 | | 05/26/92 | |
| 0040 | 07/21/92 | PET | PRO PER MOTION FOR RETURNING SEIZED PROPERTY | 001 | DN | 08/03/92 | |
| 0041 | 07/31/92 | ANSW | ANSWER IN OPPOSITON TO MOTION FOR RETURNING SEIZED PROPERTY | S | | 07/31/92 | |
| 0042 | 08/17/92 | ORDR | ORDER DENYING WITHOUT PREJUDICE MOTION FOR RETURN OF SEIZED PROPERTY | 001 | | 08/17/92 | |
| 0043 | 08/26/93 | MOT | MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS | 001 | GR | 09/08/93 | |
| 0044 | 08/27/93 | ROC | /RECEIPT OF COPY | 001 | | 08/27/93 | |
| 0045 | 09/08/93 | OCAL | STATUS CHECK RE: CREDIT FOR TIME SERVED | 001 | GR | 09/15/93 | |
| 0046 | 09/16/93 | CASO | CASE CLOSED ON 09-15-93 | | | 09/15/93 | |
| 0047 | 09/29/93 | JUDG | SECOND AMENDED JUDGMENT OF CONVICTION (JURY TRIAL) | 001 | | 09/29/93 | |
| 0048 | 10/30/95 | NSCO | NEVADA SUPREME COURT JUDGMENT / ORDERED APPEAL DISMISSED | 001 | | 10/30/95 | |
| 0049 | 02/20/96 | CASO | CASE (RE)ACTIVATED ON | | | | |
| 0050 | 02/20/96 | AFFD | AFFIDAVIT OF DEFENDANT | | | | |
| 0051 | 02/20/96 | PTAT | SUPPLEMENTAL BREIF AND POINTS AND AUTHORITIES IN SUPPORT OF PETITION FOR WRIT OF HABEAS CORPUS | | | | Y |
| 0052 | 02/20/96 | MOT | DEFT'S PRO PER MOTION FOR FEES FOR EXPERT SERVICE | 001 | OC | 04/17/96 | |
| 0053 | 02/20/96 | MOT | DEFT'S PRO PER MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS | 001 | OC | 04/17/96 | |
| 0054 | 02/20/96 | MOT | DEFT'S PRO PER MOTION TO COMPEL PRODUCTION OF SEMAN/BLOOD | 001 | OC | 04/17/96 | |
| 0055 | 02/20/96 | PET | DEFT'S PRO PER PETITION FOR WRIT OF HABEAS CORPUS | 001 | | 05/24/96 | |
| 0056 | 02/20/96 | REQT | MOTION AND NOTICE OF MOTION TO COMPEL PRODUCTION OF SEMAN AND BLOOD | 001 | | 03/06/96 | |
| 0057 | 02/20/96 | AFFD | AFFIDAVIT IN SUPPORT OF MOTION TO PROCEED IN FORMA PAUPERIS | 001 | | | |
| 0058 | 03/05/96 | MOT | DEFT'S PRO PER MOTION FOR WITHDRAWAL OF ATTORNEY/TRANSFER OF RECORDS (03-06-96) | 001 | VC | 03/18/96 | |
| 0059 | 03/05/96 | MOT | DEFT'S PRO PER MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS (VJ 03-06-96) | 001 | VC | 03/18/96 | |
| 0060 | 03/05/96 | AFFD | AFFIDAVIT IN SUPPORT OF MOTION FOR WITHDRAWAL OF ATTORNEY OF RECORD AND TRANSFER OF RECORDS | | | | Y |
| 0061 | 03/05/96 | NOTC | NOTICE OF MOTION MOTION FOR WITHDRAWAL OF ATTORNEY OF RECORD AND TRANSFER | 001 | | 03/18/96 | Y |
| 0062 | 03/06/96 | MOT | ALL PENDING MOTIONS (3/06/96) | 001 | | 03/06/96 | |

(Continued to page 3)

| NO. | FILED/REC CODE | REASON/DESCRIPTION | FOR | OC | SCH/PER | C |
|---|----------------|---|------------|----|----------|---|
| 0063 | 03/06/96 | HEAR/HEARING: SUPPLEMENTAL PLEADINGS | 001 | OC | 04/17/96 | |
| 0064 | 03/11/96 | MOT /DEFT'S PRO PER MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS | 001 001 | OC | 08/26/96 | |
| 0065 | 03/11/96 | MOT /DEFT'S PRO PER MOTION FOR RETURNING SEIZED PROPERTY | 001 001 | GR | 04/17/96 | |
| 0066 | 03/11/96 | AFFD/AFFIDAVIT OF PETITIONER | 001 | | | |
| 0067 | 03/11/96 | AFFD/AFFIDAVIT IN SUPPORT OF MOTION TO PROCEED IN FORMA PAUPERIS | 001 001 | | | |
| 0068 | 04/01/96 | OPPS/STATES OPPOSITION TO DEFENDANTS MOTION TO COMPEL PRODUCTION OF SEMEN AND | 001 001 | | | Y |
| BLOOD PETITION FOR WRIT OF HABEAS CORPUS POST-CONVICTION AND MOTION TO PROCEED IN FORMA PAUPERIS | | | | | | |
| 0069 | 04/09/96 | MOT /MARK BAILUS' MOTION TO WITHDRAW AS COUNSEL | 001 001 | GR | 04/17/96 | |
| 0070 | 04/09/96 | ROC /RECEIPT OF COPY AND CERTIFICATE OF MAILING | 001 001 | | 04/09/96 | |
| 0071 | 04/11/96 | MOT /DEFT'S MOTION FOR EXTENSION OF TIME | 001 | | 04/17/96 | |
| 0072 | 04/11/96 | REQT/MOTION FOR EXTENSION OF TIME TO FILE SUPPLEMENTAL POINTS AND AUTHORITIES | 001 001 | | 04/17/96 | |
| 0073 | 04/15/96 | ROC /RECEIPT OF COPY OF MOTION FOR EXTENSION OF TIME TO FILE SUPPLEMENTAL | 001 001 | | 04/12/96 | Y |
| POINTS AND AUTHORITIES | | | | | | |
| 0074 | 04/17/96 | MOT /ALL PENDING MOTIONS (4/17/96) | 001 | | 04/17/96 | |
| 0075 | 04/17/96 | ORDR/ORDER TO WITHDRAW AS ATTORNEY OF RECORD | 001 | | | |
| 0076 | 04/17/96 | NOTC/NOTICE OF ENTRY OF ORDER | 001 | | | |
| 0077 | 05/20/96 | SUBT/SUBSTITUTION OF ATTORNEYS | 001 | | | |
| 0078 | 05/24/96 | ARGU/ARGUMENT AND DECISION | 001 | DN | 07/19/96 | |
| 0079 | 06/13/96 | PTAT/SUPPLEMENTAL POINTS AND AUTHORITIES IN SUPPORT OF PETITION FOR WRIT OF HABEAS | 001 001 | | | Y |
| CORPUS | | | | | | |
| 0080 | 06/27/96 | SUPP/STATES SUPPLEMENTAL OPPOSITION TO PETITION FOR WRIT OF HABEAS CORPUS | 001 001 | | | Y |
| POST-CONVICTION | | | | | | |
| 0081 | 07/16/96 | RPLY/SUPPLEMENTAL REPLY AND OPPOSITION FOR WRIT OF HABEAS CORPUS | 001 001 | | | |
| 0082 | 08/02/96 | MOT /DAVID SCHIECK'S MOTION TO WITHDRAW AS COUNSEL | 001 001 | GR | 08/12/96 | |
| 0083 | 08/05/96 | ROC /RECEIPT OF COPY OF MOTION TO WITHDRAW AS COUNSEL | 001 001 | | 08/05/96 | |
| 0084 | 08/05/96 | CERT/CERTIFICATE OF MAILING OF MOTION TO WITHDRAW AS COUNSEL | 001 001 | | 08/05/96 | |
| 0085 | 08/12/96 | PET /APPOINTMENT OF COUNSEL | 001 | | 08/21/96 | |
| 0086 | 08/12/96 | OCAL/STATUS CHECK: FINDINGS OF FACTS AND CONCLUSION | 001 001 | OC | 08/28/96 | |
| 0087 | 08/22/96 | HEAR/CONFIRMATION OF COUNSEL (JACKSON) | 001 | CM | 08/28/96 | |
| 0088 | 08/22/96 | MOT /ALL PENDING MOTIONS (8/21/96) | 001 | | 08/21/96 | |
| 0089 | 08/26/96 | MOT /ALL PENDING MOTIONS (08-26-96) | 001 | | 08/26/96 | |
| 0090 | 08/27/96 | ORDR/ORDER FOR TRANSCRIPT | 001 | | | |
| 0091 | 09/06/96 | JUDG/FINDINGS OF FACTS, CONCLUSIONS OF LAW AND ORDER | 001 001 | | 09/06/96 | |
| 0092 | 09/20/96 | NOTC/NOTICE OF ENTRY OF ORDER | 001 | | | |
| 0093 | 09/27/96 | NOTC/NOTICE OF APPEAL | 001 | AP | | |

(Continued to page 4)

| NO. | FILED/REC CODE | REASON/DESCRIPTION | FOR | OC | SCH/PER | C |
|------|----------------|---|-----|----|----------|---|
| 0094 | 08/28/96 | MOT /ALL PENDING MOTIONS (08-28-96) | 001 | | 08/28/96 | |
| 0095 | 10/07/96 | NOAS/DESIGNATION OF RECORD ON APPEAL | 001 | | | |
| 0096 | 10/28/96 | NOTC/NOTICE OF ENTRY OF ORDER | 001 | | | |
| 0097 | 10/29/96 | STAT/CASE APPEAL STATEMENT | 001 | | | |
| 0098 | 01/13/97 | TRAN/REPORTER'S TRANSCRIPT RE: DEFENDANT'S | 001 | | 03/06/96 | Y |
| | | PRO PER PETITION FOR WRIT OF HABEAS | 001 | | | |
| | | CORPUS DEFENDANT'S PRO PER MOTION FOR FEES FOR EXPERT SERVICE DEFENDANT'S PRO | | | | |
| | | PER MOTION TO COMPEL PRODUCTION OF SEMEN/BLOOD DEFENDANT'S PRO PER MOTION FOR | | | | |
| | | LEAVE TO PROCEED IN FORMA PAUPERIS | | | | |
| 0099 | 01/13/97 | TRAN/REPORTER'S TRANSCRIPT RE: APPOINTMENT OF | 001 | | 08/21/96 | |
| | | COUNSEL | 001 | | | |
| 0100 | 01/13/97 | TRAN/REPORTER'S TRANSCRIPT RE: DEFENDANT'S | 001 | | 04/17/96 | Y |
| | | PRO PER MOTION FOR FEES FOR EXPERT | 001 | | | |
| | | SERVICE DEFENDANT'S PRO PER PETITION FOR PETITION FOR WRIT OF HABEAS CORPUS | | | | |
| | | DEFENDANT'S PRO PER MOTION TO COMPEL PRODUCTION SEMEN/BLOOD DEFENDANT'S PRO | | | | |
| | | PER MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS | | | | |
| 0101 | 01/13/97 | TRAN/REPORTER'S TRANSCRIPT ARGUMENT/DECISION | 001 | | 07/15/96 | |
| 0102 | 01/13/97 | TRAN/REPORTER'S TRANSCRIPT DAVID SCHIECK'S | 001 | | 08/12/96 | |
| | | MOTION TO WITHDRAW AS COUNSEL | 001 | | | |
| 0103 | 01/13/97 | TRAN/REPORTER'S TRANSCRIPT RE: ARGUMENT AND | 001 | | 07/19/96 | |
| | | DECISION | 001 | | | |
| 0104 | 01/17/97 | CERT/CERTIFICATE OF MAILING | 001 | | 01/17/97 | |
| 0105 | 06/28/97 | ASSG/Reassign Case From Judge LEHMAN to | | | | |
| | | Judge CHAIREZ | | | | |
| 0106 | 04/30/98 | MOT /DEFT'S PRO PER MOTION TO MODIFY OR | 001 | DN | 05/11/98 | |
| | | CORRECT ILLEGAL SENTENCE | 001 | | | |
| 0107 | 04/30/98 | AFFD/AFFIDAVIT OF ROY D MOREGA | 001 | | | |
| 0108 | 05/08/98 | OPPS/STATE'S OPPOSITION TO DEFENDANT'S | 001 | | | Y |
| | | MOTION TO MODIFY OR IN THE ALTERNATIVE | 001 | | | |
| | | CORRECT ILLEGAL SENTENCE | | | | |
| 0109 | 05/14/98 | CSCL/CASE CLOSED ON 05-11-98 | | | 05/11/98 | |
| 0110 | 05/28/98 | ORDR/ORDER DENYING DEFENDANTS PRO PER MOTION | 001 | | | Y |
| | | TO MODIFY OR IN THE ALTERNATIVE TO | 001 | | | |
| | | CORRECT ILLEGAL SENTENCE | | | | |
| 0111 | 06/01/98 | CASO/CASE (RE)ACTIVATED ON | | | | |
| 0112 | 06/01/98 | MOT /DEFT'S PRO PER MOTION FOR ENLARGEMENT OF | 001 | DN | 06/17/98 | |
| | | TIME | 001 | | | |
| 0113 | 05/29/98 | NOTC/NOTICE OF ENTRY OF ORDER | 001 | | 05/29/98 | |
| 0114 | 06/13/98 | NOAS/NOTICE OF APPEAL | 001 | AP | | |
| 0115 | 06/13/98 | NOAS/DESIGNATION OF RECORD ON APPEAL | 001 | | | |
| 0116 | 06/15/98 | STAT/CASE APPEAL STATEMENT | 001 | | | |
| 0117 | 06/30/98 | ORDR/ORDER DENYING DEFENDANTS MOTION FOR | 001 | | | |
| | | ENLARGEMENT OF TIME | 001 | | | |
| 0118 | 07/07/98 | NOTC/NOTICE OF ENTRY OF ORDER | 001 | | 07/07/98 | |
| 0119 | 08/06/98 | MOT /DEFT'S PRO PER MOTION TO STRIKE | 001 | DN | 08/18/98 | |
| 0120 | 08/17/98 | RSPN/STATES RESPONSE TO DEFENDANTS MOTION TO | 001 | | | |
| | | STRIKE | 001 | | | |
| 0121 | 08/18/98 | OCAL/STATUS CHECK: ORDER | 001 | OC | 09/01/98 | |
| 0122 | 08/27/98 | ORDR/ORDER DENYING DEFENDANT'S PRO PER MOTION | 001 | | | |
| | | TO STRIKE | 001 | | | |
| 0123 | 09/01/98 | CSCL/CASE CLOSED ON 09-01-98 | | | 09/01/98 | |
| 0124 | 09/22/98 | CASO/CASE (RE)ACTIVATED ON | | | | |

| NO. | FILED/REC | CODE | REASON/DESCRIPTION | FOR | OC | SCH/PER | C |
|------|-----------|---|--------------------|-----|----|----------|---|
| 0125 | 09/22/98 | NOAS/NOTICE OF APPEAL | | 001 | AP | | |
| 0126 | 09/22/98 | NOAS/DESIGNATION OF RECORD ON APPEAL | | 001 | | | |
| 0127 | 09/28/98 | STAT/CASE APPEAL STATEMENT | | 001 | | | |
| 0128 | 01/24/90 | TRAN/REPORTER'S TRANSCRIPT OF DEC 26, 1989 | | 001 | | 12/26/89 | |
| | | PRELIMINARY HEARING | | 001 | | | |
| 0129 | 02/05/90 | INFO/MOTION AND NOTICE OF MOTION TO ENDORSE | | 001 | | 02/02/90 | |
| | | NAMES OF INFORMATION | | 001 | | | |
| 0130 | 02/12/90 | TRAN/REPORTER'S TRANSCRIPT OF JAN 11, 1990 | | 001 | | 01/11/90 | |
| | | ARRAIGNMENT | | 001 | | | |
| 0131 | 02/15/90 | ORDR/ORDER TO ENDORSE NAMES ON INFORMATION | | 001 | | 02/15/90 | |
| 0132 | 03/13/90 | JURY/JURY | | 001 | | | |
| 0133 | 03/15/90 | INST/INSTRUCTIONS TO THE JURY | | 001 | | | |
| 0134 | 03/15/90 | VER /VERDICT | | 001 | | 03/15/90 | |
| | | COUNT I | | 001 | | | |
| 0135 | 03/15/90 | VER /VERDICT | | 001 | | 03/15/90 | |
| | | COUNT II | | 001 | | | |
| 0136 | 03/15/90 | VER /VERDICT | | 001 | | 03/15/90 | |
| | | COUNT III | | 001 | | | |
| 0137 | 03/15/90 | VER /VERDICT | | 001 | | 03/15/90 | |
| | | COUNT IV | | 001 | | | |
| 0138 | 06/04/90 | AMEN/MOTION AND NOTICE OF MOTION TO AMEND | | 001 | | 06/06/90 | |
| | | INFORMATION | | 001 | | | |
| 0139 | 06/13/90 | ORDR/ORDER TO AMEND INFORMATION | | 001 | | | |
| 0140 | 06/27/90 | NOAS/DESIGNATION OF RECORD ON APPEAL | | 001 | | | |
| 0141 | 06/27/90 | NOAS/NOTICE OF APPEAL | | 001 | | | |
| 0142 | 06/29/90 | ORDR/ORDER FOR TRANSCRIPT | | 001 | | | |
| 0143 | 07/07/90 | JUDG/JUDGMENT OF CONVICTION | | 001 | | 06/26/90 | |
| | | JURY TRIAL | | 001 | | | |
| 0144 | 08/02/90 | ORDR/ORDER | | 001 | | | |
| 0145 | 10/03/91 | AFFD/AFFIDAVIT IN SUPPORT OF MOTION FOR WITH- | | 001 | | | Y |
| | | DRAWAL OF ATTORNEY OF RECORD AND TRANS- | | 001 | | | |
| | | FER OF RECORDS | | | | | |
| 0146 | 10/03/91 | AFFD/AFFIDAVIT IN SUPPORT OF REQUEST TO | | 001 | | | |
| | | PROCEED IN FORMA PAUPERIS | | 001 | | | |
| 0147 | 10/03/91 | CERT/FINANCIAL CERTIFICATE | | 001 | | | |
| 0148 | 04/30/99 | NSCO/NEVADA SUPREME COURT JUDGMENT / ORDERED | | 001 | GR | 04/30/99 | |
| | | APPEAL DISMISSED | | 001 | | | |
| 0149 | 06/01/99 | NSCO/NEVADA SUPREME COURT JUDGMENT / ORDERED | | 001 | GR | 06/01/99 | |
| | | APPEAL DISMISSED | | 001 | | | |
| 0150 | 06/01/99 | NSCO/NEVADA SUPREME COURT JUDGMENT / ORDERED | | 001 | GR | 06/01/99 | |
| | | APPEAL DISMISSED | | 001 | | | |
| 0151 | 12/03/99 | CASO/CASE (RE)ACTIVATED ON APPEAL | | | | | |
| 0153 | 02/25/02 | ASSG/REASSIGNMENT OF JUDGE Chairez TO JUDGE | | | | | |
| | | Gates | | | | | |
| 0154 | 02/25/02 | MOT /DEFT'S PRO PER MTN FOR LEAVE TO PROCEED | | 001 | VC | 03/11/02 | |
| | | IN FORMA PAUPERIS /38 VR 2/26/02 | | 001 | | | |
| 0155 | 02/25/02 | MOT /DEFT'S PRO PER MTN TO PRESERVE | | 001 | VC | 03/11/02 | |
| | | EVID/ORD/39 VR 2-26-02 | | 001 | | | |
| 0156 | 02/26/02 | NHC /NOTICE OF HEARING-CRIMINAL | | | | 02/26/02 | |
| | | | FC | | | | |
| 0157 | 02/25/02 | CRTF/CERTIFICATE OF INMATES INSTITUTIONAL | | 001 | | 03/11/02 | |
| | | ACCOUNT | | 001 | | | |

| NO. | FILED/REC CODE | REASON/DESCRIPTION | FOR | OC | SCH/PER | C |
|------|----------------|---|-----|----|----------|---|
| 0158 | 10/31/02 | MOT /DEFT'S PRO PER MTN TO VACATE AMEND JUDGMNT/40 | 001 | | 11/13/02 | |
| 0159 | 11/13/02 | HEAR/CONFIRMATION OF COUNSEL (HINDS) | 001 | CM | 11/18/02 | |
| 0160 | 11/18/02 | OCAL/STATUS CHECK: PETITION | 001 | | 02/05/03 | |
| 0161 | 11/21/02 | ORDR/ORDER FOR APPOINTMENT OF COUNSEL FOR POST-CONVICTION RELIEF | 001 | | | |
| 0162 | 11/27/02 | OPPS/STATES OPPOSITION TO DEFENDANTS MOTION TO VACATE AND/OR AMEND JUDGMENT | 001 | | | |
| 0163 | 02/05/03 | ARGU/ARGUMENT: POST CONVICTION RELIEF VE 6/12 | 001 | VC | 07/23/03 | |
| 0164 | 06/11/03 | ORDR/STIPULATION AND ORDER | 001 | | 06/11/03 | |
| 0165 | 12/16/03 | MOT /DEFT'S MTN FOR RELEASE OF DNA EVID UNDER NV OPEN RECORDS ACT/44 | 001 | DN | 01/05/04 | |
| 0166 | 12/17/03 | ROC /RECEIPT OF COPY | 001 | | 12/17/03 | |
| 0167 | 12/26/03 | OPPS/STATES OPPOSITION TO DEFENDANTS MOTION FOR RELEASE OF DNA EVIDENCE UNDER NEVADA OPEN RECORDS ACT | 001 | | | Y |
| 0168 | 01/05/04 | RPLY/REPLY TO STATES OPPOSITION TO DEFENDANTS MOTION FOR RELEASE OF DNA EVIDENCE UNDER NEVADA OPEN RECORDS ACT | 001 | | | Y |
| 0169 | 01/07/04 | ORDR/ORDER DENYING DEFENDANTS MOTION FOR RELEASE OF DNA EVIDENCE UNDER NEVADA OPEN RECORDS ACT | 001 | GR | 01/07/04 | Y |
| 0170 | 02/09/04 | REQT/EX PARTE MOTION FOR EXCESS FEES | 001 | | | |
| 0171 | 02/11/04 | ORDR/ORDER FOR PAYMENT OF EXCESS FEES | 001 | | 02/11/04 | |
| 0172 | 02/17/04 | NOAS/NOTICE OF APPEAL | 001 | AP | 02/17/04 | |
| 0173 | 02/17/04 | BREF/SUPPLEMENTAL BRIEF TO STATES OPPOSITION TO DEFENDANTS MOTION FOR RELEASE OF DNA EVIDENCE UNDER NEVADA OPEN RECORDS ACT | 001 | | | Y |

ORIGINAL

FILED

JAN 7 11:25 AM '04

Shirley J. Jorgenson
CLERK

ORDR
DAVID ROGER
Clark County District Attorney
Nevada Bar #002781
ERIC JORGENSON
Chief Deputy District Attorney
Nevada Bar #001802
200 South Third Street
Las Vegas, NV 89155-2211
(702) 455-4711
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,
Plaintiff,

-vs-

ROY D. MARAGA,
#938554

Defendant.

Case No. C92174
Dept No. VIII

ORDER DENYING DEFENDANT'S MOTION FOR RELEASE OF DNA EVIDENCE
UNDER NEVADA OPEN RECORDS ACT

DATE OF HEARING: 1/5/04
TIME OF HEARING: 9:00 A.M.

THIS MATTER having come on for hearing before the above entitled Court on the
5th day of January, 2004, the Defendant not being present, represented by CHRISTINA
HINDS, Esq., the Plaintiff being represented by DAVID ROGER, District Attorney, through
ERIC JORGENSON, Chief Deputy District Attorney, and the Court having heard the
arguments of counsel and good cause appearing therefor,

///

///

///

RECEIVED

JAN 07 2003

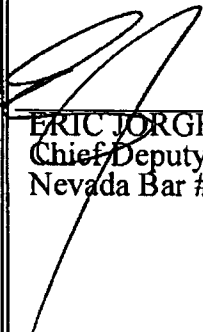
COUNTY CLERK

1 IT IS HEREBY ORDERED that the Defendant's Motion for Release of DNA
2 Evidence Under Nevada Open Records Act, shall be, and it is denied.

3 DATED this 7 day of January, 2004.

4
5 Lee A Gates
6 DISTRICT JUDGE *sc*

7
8 DAVID ROGER
9 DISTRICT ATTORNEY
10 Nevada Bar #002781

11 
12 ERIC JORGENSEN
13 Chief Deputy District Attorney
14 Nevada Bar #001802
15
16
17
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27 mf
28

CRIMINAL COURT MINUTES

89-C-092174-C STATE OF NEVADA vs Moraga, Roy D

09/23/91 09:00 AM 00 REMAND FROM SUPREME COURT FOR
RE-SENTENCING

HEARD BY: Jack Lehman, Judge; Dept. 10

OFFICERS: DEBRA VINSON, Court Clerk
SHARLEEN NICHOLSON, Reporter/Recorder

| | | |
|----------|-------------------|---|
| PARTIES: | STATE OF NEVADA | Y |
| 000101 | Henry, William P. | Y |
| 001 D1 | Moraga, Roy D | N |
| PUBDEF | Public Defender | Y |
| 003076 | Hillman, Ralph R. | Y |

The Court advised that due to Judge Wendell's retirement and Judge Gates not having taken the bench, this Court will re-sentence. Mr. Hillman requested Deft. be present, SO ORDERED. This Court will sign an order to transport. Matter continued.

CUSTODY (NSP)

CONTINUED TO: 10/11/91 09:00 AM 01

10/09/91 09:00 AM 00 ALL PENDING MOTIONS

HEARD BY: Jack Lehman, Judge; Dept. 10

OFFICERS: DEBRA VINSON, Court Clerk
SHARLEEN NICHOLSON, Reporter/Recorder

| | | |
|----------|-----------------|---|
| PARTIES: | STATE OF NEVADA | Y |
| 004088 | Adair, Valerie | Y |

DEFENDANT'S MOTION TO TRANSFER SENTENCING BACK TO DEPT. VIII
DEFENDANT'S PRO PER MOTION FOR WITHDRAWAL OF ATTORNEY OF RECORD AND
TRANSFER OF RECORDS
DEFENDANT'S PRO PER MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

The Court advised Judge Wendell will not be available until after July 1, 1992 due to lack of funds to pay a senior judge and, therefore, ORDERED Defendant's Motion to Transfer Sentencing Back to Dept. VIII is denied. The Court advised Deft. should be represented by counsel at time of sentencing and ORDERED Defendant's Motion for Withdrawal of Attorney of Record and Transfer of Records denied. The Court advised it will grant Defendant's Motion for Leave to Proceed in Forma Pauperis following rendition of sentence.

CUSTODY

CRIMINAL COURT MINUTES

89-C-092174-C STATE OF NEVADA

vs Moraga, Roy D

CONTINUED FROM PAGE: 001

10/11/91 09:00 AM 01 REMAND FROM SUPREME COURT FOR
RE-SENTENCING

HEARD BY: Jack Lehman, Judge; Dept. 10

OFFICERS: DEBRA VINSON, Court Clerk
SHARLEEN NICHOLSON, Reporter/Recorder

PARTIES: STATE OF NEVADA
001802 Jorgenson, Eric G.
001 D1 Moraga, Roy D
PUBDEF Public Defender
004065 Blaskey, Rebecca A.

Y
Y
Y
Y
Y

Ms. Geib advised this is Mr. Hillman's case and requested matter be continued, SO ORDERED.

CUSTODY

CONTINUED TO: 10/14/91 09:00 AM 02

10/14/91 09:00 AM 02 REMAND FROM SUPREME COURT FOR
RE-SENTENCING

HEARD BY: Jack Lehman, Judge; Dept. 10

OFFICERS: DEBRA VINSON, Court Clerk
SHARLEEN NICHOLSON, Reporter/Recorder

PARTIES: STATE OF NEVADA
000301 Lippis, Deborah J.
001 D1 Moraga, Roy D
003076 Hillman, Ralph R.

Y
Y
Y
Y

Mr. Hillman advised Defendant had just informed him that Deft. is suing the Public Defender and moved to withdraw as counsel of record. COURT ORDERED motion granted. Paul Fitzgerald appointed to represent Deft. Mr. Hillman to transfer the file to Mr. Fitzgerald and Bailiff to notify Mr. Fitzgerald of his appointment. Defendant to be kept at Clark County Detention Center until after re-sentencing. Matter continued; if Mr. Fitzgerald needs more time, this Court will grant a continuance.

CUSTODY

CONTINUED TO: 10/21/91 09:00 AM 03

CONTINUED ON PAGE: 003

CRIMINAL COURT MINUTES

89-C-092174-C

STATE OF NEVADA

vs Moraga, Roy D

CONTINUED FROM PAGE: 002

10/21/91 09:00 AM 03 REMAND FROM SUPREME COURT FOR
RE-SENTENCING

HEARD BY: Jack Lehman, Judge; Dept. 10

OFFICERS: DEBRA VINSON, Court Clerk
SHARLEEN NICHOLSON, Reporter/Recorder

PARTIES: STATE OF NEVADA
000301 Lippis, Deborah J.
001 D1 Moraga, Roy D
002303 Garcia, Roy

Y
Y
Y
Y

No representative from P&P present. Conference at bench. Defendant adjudged guilty of two counts of Burglary (F) and two counts of Sexual Assault (F), by virtue of jury verdicts. Argument by the State. Argument by Mr. Garcia. COURT ORDERED the Defendant is sentenced, in addition to a \$25 Administrative Assessment Fee, as to Count I to ten (10) years in the Nevada Department of Prisons. As to Count II, Deft. sentenced to ten (10) years in the Nevada Department of Prisons. Sentence imposed in Count II to run consecutive to the sentence imposed in Count I. As to Count III, Deft. sentenced to Life With the Possibility of Parole. Sentence imposed in Count III to run consecutive to the sentence imposed in Count II. As to Count IV, Deft. adjudged an Habitual Criminal and sentenced to Life Without the Possibility of Parole. Sentence imposed in Count IV to run consecutive to the sentence imposed in Count III. Defendant given credit for time served, which is to be determined by P&P.

01/15/92 09:00 AM 00 MOTION FOR APPOINT COUNSEL FOR APPEAL

HEARD BY: Jack Lehman, Judge; Dept. 10

OFFICERS: DEBRA VINSON, Court Clerk
SHARLEEN NICHOLSON, Reporter/Recorder

PARTIES: STATE OF NEVADA
002028 Booker, Gary R.
001 D1 Moraga, Roy D
002303 Garcia, Roy

Y
Y
N
Y

DEFENDANT'S MOTION TO APPOINT COUNSEL ON APPEAL

COURT ORDERED motion granted. The Court appointed Mark Bailus; and, if he cannot accept, will appoint David Schieck. Mr. Garcia to phone Mr. Bailus to determine if he can accept the case, give him the file and have Mr. Bailus put this matter on calendar for confirmation of counsel.

CONTINUED ON PAGE: 004

CRIMINAL COURT MINUTES

89-C-092174-C STATE OF NEVADA

vs Moraga, Roy D

CONTINUED FROM PAGE: 003

CUSTODY

01/29/92 09:00 AM 00 CONFIRMATION OF COUNSEL (BAILUS M)
(CRM STNG SLP)

HEARD BY: Jack Lehman, Judge; Dept. 10

OFFICERS: DEBRA VINSON, Court Clerk
SHARLEEN NICHOLSON, Reporter/Recorder

PARTIES: STATE OF NEVADA
003151 Salvucci, Dina L.

Y
Y

Matter trailed for Mr. Bailus to be present. Later, matter recalled. Mr. Bailus not present. COURT ORDERED Mr. Bailus formally appointed as counsel of record. Bailiff to notify Mr. Bailus to contact this Court.

CUSTODY

08/03/92 09:00 AM 00 PRO PER MOTION FOR RETURNING SEIZED
PROPERTY

HEARD BY: Addeliar D Guy, III, Judge; Dept. 11

OFFICERS: DEBRA VINSON, Court Clerk
SHIRLEY PARRAGUIRRE, Reporter/Recorder

PARTIES: STATE OF NEVADA
003776 Monroe, Vicki J.
001 D1 Moraga, Roy D
002284 Bailus, Mark B.

Y
Y
N
Y

Mr. Bailus advised Deft. filed this motion in Proper Person and Mr. Bailus had not received a copy of the motion although he did receive a copy of the State's response. The Court advised this matter is on appeal and ORDERED motion denied without prejudice.

CUSTODY

CONTINUED ON PAGE: 005

CRIMINAL COURT MINUTES

89-C-092174-C STATE OF NEVADA

vs Moraga, Roy D

CONTINUED FROM PAGE: 004

09/08/93 09:00 AM 00 MOTION FOR LEAVE TO PROCEED IN FORMA
PAUPERIS

HEARD BY: Jack Lehman, Judge; Dept. 10

OFFICERS: DEBRA VINSON, Court Clerk
SHARLEEN NICHOLSON, Reporter/Recorder

PARTIES: STATE OF NEVADA
004288 Hill, Steven
001 D1 Moraga, Roy D
002284 Bailus, Mark B.

Y
Y
N
Y

COURT ORDERED motion granted. Mr. Bailus advised deft. had filed a proper person motion for credit for time served and advised he would appear as a courtesy to the Court. The Court advised it had ordered in November that deft. receive any credit for time served that is due and Mr. Bailus relieved as counsel on this issue only. COURT ORDERED Mr. Hill to determine what credit for time served is due and that defendant has actually received it.

CUSTODY - NDP

9-15-93 AT 9 AM

STATUS CHECK RE: CREDIT FOR TIME SERVED

09/15/93 09:00 AM 00 STATUS CHECK RE: CREDIT FOR TIME SERVED

HEARD BY: Jack Lehman, Judge; Dept. 10

OFFICERS: DEBRA VINSON, Court Clerk
SHARLEEN NICHOLSON, Reporter/Recorder

PARTIES: STATE OF NEVADA
000346 Mitchell, Scott S.
001 D1 Moraga, Roy D
004574 Cook, Marc P.

Y
Y
N
Y

Mr. Mitchell advised, per Joy Neal of P&P, that deft. was entitled to 180 days credit for time served as of June 13, 1990. COURT ORDERED Mr. Mitchell to prepare an Amended Judgment of Conviction reflecting the correct amount of credit for time served.

CUSTODY - NDP

CRIMINAL COURT MINUTES

89-C-092174-C

STATE OF NEVADA

vs Moraga, Roy D

CONTINUED FROM PAGE: 005

03/06/96 09:00 AM 00 ALL PENDING MOTIONS (3/06/96)

HEARD BY: Jack Lehman, Judge; Dept. 10

OFFICERS: LARRY SNYDER/LS, Relief Clerk
SHARLEEN NICHOLSON, Reporter/Recorder

PARTIES: STATE OF NEVADA
004630 Hendricks, Craig L.
001 D1 Moraga, Roy D
000824 Schieck, David M.

Y
Y
N
Y

DEFT.'S PRO PER MOTION FOR FEES FOR EXPERT SERVICE...DEFT.'S PRO PER
PETITION FOR WRIT OF HABEAS CORPUS...DEFT.'S PRO PER MOTION TO COMPEL
PRODUCTION OF SEMAN/BLOOD...DEFT.'S PRO PER MOTION FOR LEAVE TO PROCEED IN
FORMA PAUPERIS

Mr. Schieck CONFIRMED as Counsel Of Record for the Deft. Mr. Schieck advised
he was just retained to represent Deft. Moraga, and noted he will be filing
supplemental pleadings. Mr. Schieck requested a continuance. COURT ORDERED,
these matters CONTINUED, and a Hearing SET. COURT FURTHER ORDERED, Mr.
Schieck will have until 4/03/96 to file any motions and supplemental
pleadings; the State to have two weeks to respond.

NDP

4/17/96 9:00 AM DEFT.'S PRO PER MOTION FOR FEES FOR EXPERT SERVICE...DEFT.'S
PRO PER PETITION FOR WRIT OF HABEAS CORPUS...DEFT.'S PRO PER MOTION TO
COMPEL PRODUCTION OF SEMAN/BLOOD...DEFT'S PRO PER MOTION FOR LEAVE TO
PROCEED IN FORMA PAUPERIS...HEARING: SUPPLEMENTAL PLEADINGS

04/17/96 09:00 AM 00 ALL PENDING MOTIONS (4/17/96)

HEARD BY: Jack Lehman, Judge; Dept. 10

OFFICERS: NANCY NOBLE, Court Clerk
SHARLEEN NICHOLSON, Reporter/Recorder

PARTIES: STATE OF NEVADA
004288 Hill, Steven
001 D1 Moraga, Roy D
000824 Schieck, David M.

Y
Y
Y
Y

MARK BAILUS' MOTION TO WITHDRAW AS COUNSEL...DEFT'S PRO PER PETITION FOR
WRIT OF HABEAS CORPUS...DEFT'S PRO PER MOTION FOR FEES FOR EXPERT SERVICE...
DEFT'S PRO PER MOTION TO COMPEL PRODUCTION OF SEMAN/BLOOD...DEFT'S PRO PER
MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS...DEFT'S PRO PER MOTION FOR

CONTINUED ON PAGE: 007

CRIMINAL COURT MINUTES

89-C-092174-C STATE OF NEVADA

vs Moraga, Roy D

CONTINUED FROM PAGE: 006

RETURNING SEIZED PROPERTY...HEARING: SUPPLEMENTAL PLEADINGS.

As to Mark's Bailus' Motion to Withdraw as Counsel, COURT ORDERED motion GRANTED; ORDER SIGNED IN OPEN COURT.

As to Deft's Pro Per Petition for Writ of Habeas Corpus, Mr. Schieck stated that before deft. retained him he had filed these motions of which he had no knowledge other than the Petition for Writ of Habeas Corpus. He requested that all remaining motions be taken off calendar and the ones which are meritorious he would refile. COURT ORDERED matter CONTINUED for filing of supplement.

As to Deft's Pro Per Motion for Fees for Expert Service, COURT ORDERED matter OFF CALENDAR.

As to Deft's Pro Per Motion to Compel Production of Semen/Blood, COURT ORDERED matter OFF CALENDAR.

As to Deft's Pro Per Motion for Leave to Proceed in Forma Pauperis, COURT ORDERED, matter OFF CALENDAR.

As to Deft's Pro Per Motion For Returning Seized Property, COURT ORDERED, matter OFF CALENDAR.

As to Hearing: Supplemental Pleadings, COURT ORDERED matter OFF CALENDAR.

NDP

05/24/96 9:00 AM DEFT'S PRO PER PETITION FOR WRIT OF HABEAS CORPUS

05/24/96 09:00 AM 02 DEFT'S PRO PER PETITION FOR WRIT OF HABEAS CORPUS

HEARD BY: Sally Loehrer, Judge; Dept. 15

OFFICERS: NANCY NOBLE, Court Clerk
HELENE KARP, Reporter/Recorder

PARTIES: STATE OF NEVADA
003776 Monroe, Vicki J.
001 D1 Moraga, Roy D
000824 Schieck, David M.

Y
Y
N
Y

Deft. not present. Counsel stated deft. is in Ely and he has been unable to speak with him; requested three-week continuance. COURT ORDERED briefing schedule to be set and FURTHER ORDERED Mr. Schieck to prepare order of transport if he wishes deft. to be present in court. Defense briefs to be

CONTINUED ON PAGE: 008

CRIMINAL COURT MINUTES

89-C-092174-C STATE OF NEVADA

vs Moraga, Roy D

CONTINUED FROM PAGE: 007

filed by June 14; States reply to be filed by June 28; Final response to be filed by July 8; Argument and Decision scheduled July 15.

NDP

07/15/96 9:00 AM ARGUMENT AND DECISION

07/15/96 09:00 AM 00 ARGUMENT AND DECISION

HEARD BY: Jack Lehman, Judge; Dept. 10

OFFICERS: CINDY LORY, Court Clerk
SHARLEEN NICHOLSON, Reporter/Recorder

PARTIES: STATE OF NEVADA
004577 Coumou, Frank

Y

Y

COURT ORDERED, matter CONTINUED.

CONTINUED TO: 07/19/96 09:00 AM 01

07/19/96 09:00 AM 01 ARGUMENT AND DECISION

HEARD BY: Jack Lehman, Judge; Dept. 10

OFFICERS: CINDY LORY, Court Clerk
SHARLEEN NICHOLSON, Reporter/Recorder

PARTIES: STATE OF NEVADA
004577 Coumou, Frank
001 D1 Moraga, Roy D
000824 Schieck, David M.

Y

Y

N

Y

Court stated its findings and ORDERED, Post Conviction Relief, DENIED. Mr. Coumou to prepare order.

NDP

CRIMINAL COURT MINUTES

89-C-092174-C STATE OF NEVADA

vs Moraga, Roy D

CONTINUED FROM PAGE: 008

08/12/96 09:00 AM 00 DAVID SCHIECK'S MOTION TO WITHDRAW AS
COUNSEL

HEARD BY: Jack Lehman, Judge; Dept. 10

OFFICERS: MELISSA DAVIS, Court Clerk
SHARLEEN NICHOLSON, Reporter/Recorder

PARTIES: STATE OF NEVADA
004630 Hendricks, Craig L.
001 D1 Moraga, Roy D
000824 Schieck, David M.

Y
Y
N
Y

Court cited Blandino -vs- State in reference to self representation. Mr. Schieck advised that defendant had retained his services, but no longer has funds to pay him. Further, if the Court would like to appoint him, he will represent the defendant. Court inquired as to if the Public Defender's office can represent him. Due to the fact that the Public Defender's office represented defendant in the trial, they cannot represent him on appeal. State concurred. COURT ORDERED, motion GRANTED. Matter CONTINUED as to Appointment of Counsel and State has 10 days to file their Findings of Facts and Conclusion of Law. Mr. Schieck to be present at next hearing.

NDP

8/21/96 9AM APPOINTMENT OF COUNSEL...FINDINGS OF FACTS AND CONCLUSIONS OF
LAW

08/21/96 09:00 AM 00 ALL PENDING MOTIONS (8/21/96)

HEARD BY: Jack Lehman, Judge; Dept. 10

OFFICERS: NANCY NOBLE, Court Clerk
SHARLEEN NICHOLSON, Reporter/Recorder

PARTIES: STATE OF NEVADA
003776 Monroe, Vicki J.
001 D1 Moraga, Roy D
000824 Schieck, David M.

Y
Y
Y
Y

APPOINTMENT OF COUNSEL...STATUS CHECK: FINDINGS OF FACTS AND CONCLUSION OF
LAW...

As to Appointment of Counsel, Mr. Schieck appeared and stated due to his schedule he did not feel he had the time to help defendant effectively. Arguments by Ms. Monroe requested the State Public Defender be appointed to represent defendant. COURT ORDERED it will tentatively appoint State Public

CONTINUED ON PAGE: 010

CRIMINAL COURT MINUTES

89-C-092174-C STATE OF NEVADA

vs Moraga, Roy D

CONTINUED FROM PAGE: 009

Defender to represent deft. Matter set for confirmation of counsel.

As to Status Check: Findings of Facts and Conclusion of Law, Ms. Monroe stated a transcript has been requested to determine findings of fact and will be ready next week. COURT ORDERED matter CONTINUED.

NDP

08/26/96 9:00 AM CONFIRMATION OF COUNSEL (JACKSON)

08/26/96 9:00 AM STATUS CHECK: FINDINGS OF FACTS AND CONCLUSIONS OF LAW

08/26/96 09:00 AM 00 ALL PENDING MOTIONS (08-26-96)

HEARD BY: Jack Lehman, Judge; Dept. 10

OFFICERS: CINDY LORY, Court Clerk
SHARLEEN NICHOLSON, Reporter/Recorder

PARTIES: STATE OF NEVADA
003776 Monroe, Vicki J.
001 D1 Moraga, Roy D
000824 Schieck, David M.

Y

Y

N

Y

STATUS CHECK: FINDINGS OF FACTS AND CONCLUSION...CONFIRMATION OF COUNSEL

Mr. Schieck requested a continuance until Wednesday to notify the State P.D.'s office; COURT SO ORDERED. Ms. Monroe stated for the record that she has received the transcript and will submit Findings to chambers sometime this week. COURT ORDERED, matter CONTINUED.

NDP

08-28-96 9:00 AM STATUS CHECK: FINDINGS OF FACTS AND CONCLUSION...
CONFIRMATION OF COUNSEL

CRIMINAL COURT MINUTES

89-C-092174-C

STATE OF NEVADA

vs Moraga, Roy D

CONTINUED FROM PAGE: 010

08/28/96 09:00 AM 00 ALL PENDING MOTIONS (08-28-96)

HEARD BY: Jack Lehman, Judge; Dept. 10

OFFICERS: CINDY LORY, Court Clerk
SHARLEEN NICHOLSON, Reporter/RecorderPARTIES: STATE OF NEVADA
003776 Monroe, Vicki J.
001 D1 Moraga, Roy D
000824 Schieck, David M.

Y

Y

N

Y

STATUS CHECK: FINDINGS OF FACTS AND CONCLUSION OF LAW...CONFIRMATION OF
COUNSEL (JACKSON)

Ms. Monroe stated she will serve findings and facts at the P.D.'s office this morning. COURT ORDERED, matter OFF CALENDAR. No representation from State Public Defender's office present in court. COURT ORDERED, State P.D. CONFIRMED as counsel of record in absentia.

LATER: Mr. Palma from the State P.D.'s office appeared in court and notified of court's decision.

05/11/98 09:00 AM 00 DEFT'S PRO PER MOTION TO MODIFY OR
CORRECT ILLEGAL SENTENCE

HEARD BY: Don P. Chairez, Judge

OFFICERS: DOROTHY KELLY, Court Clerk
NORMA CHATY/NC, Relief Clerk
MARILYN WAGGONER, Reporter/RecorderPARTIES: STATE OF NEVADA
004963 Daskas, Robert J.

Y

Y

In response to Court's inquiry, the State advised it filed an opposition to the Deft's Motion on May 8. COURT ORDERED, Deft's Pro Per Motion DENIED. Court found the Motion lacked legal foundation as an examination of the record shows four prior convictions which satisfies the criteria for habitual criminal status pursuant to NRS 207.012. Additionally, the Court found the defendant has exhausted the argument in the form of appeals and a petition for post-conviction relief, which were all denied. The State to prepare the order.

CUSTODY (NDP)

CONTINUED ON PAGE: 012

CRIMINAL COURT MINUTES

89-C-092174-C

STATE OF NEVADA

vs Moraga, Roy D

CONTINUED FROM PAGE: 011

06/17/98 09:00 AM 01 DEFT'S PRO PER MOTION FOR ENLARGEMENT OF
TIME

HEARD BY: Mark Gibbons, Chief Judge

OFFICERS: DOROTHY KELLY, Court Clerk
CYNTHIA NAVARRETTE-LORY/CNL, Relief Clerk
SHAWN OTT, Reporter/Recorder

PARTIES: STATE OF NEVADA
004963 Daskas, Robert J.

N
Y

Court noted Judge Chairez previously ruled on this motion, THEREFORE, COURT
ORDERED, motion is MOOT.

08/18/98 09:00 AM 00 DEFT'S PRO PER MOTION TO STRIKE

HEARD BY: Lee A Gates, Judge; Dept. 8

OFFICERS: RITA LOPEZ, Court Clerk
YVONNE VALENTIN, Reporter/Recorder

PARTIES: STATE OF NEVADA
005056 Luzaich, Elissa

Y
Y

Mr. Bailus, Deputy Special Public Defender, present; advised the Court
Cherry is no longer the Attorney of Record. Court stated its findings and
ORDERED, Deft's Pro Per Motion to Strike DENIED WITHOUT MERIT. COURT
FURTHER ORDERED, matter set for status check for filing of order.

NDP

9/1/98 9:00 AM STATUS CHECK: ORDER

CRIMINAL COURT MINUTES

89-C-092174-C STATE OF NEVADA

vs Moraga, Roy D

CONTINUED FROM PAGE: 012

09/01/98 09:00 AM 00 STATUS CHECK: ORDER

HEARD BY: Lee A Gates, Judge; Dept. 8

OFFICERS: RITA LOPEZ, Court Clerk
YVONNE VALENTIN, Reporter/RecorderPARTIES: STATE OF NEVADA
004902 Adams, DanaeY
Y

Ms. Adams advised Court the Order was filed as of 8/27/98; therefore, COURT ORDERED, matter OFF CALENDAR.

NDP

11/13/02 09:00 AM 00 DEFT'S PRO PER MTN TO VACATE AMEND
JUDGMNT/40

HEARD BY: Lee A Gates, Judge; Dept. 8

OFFICERS: Sharon Coffman, Court Clerk
Sonja Riley-Bennett, Reporter/RecorderPARTIES: STATE OF NEVADA
006801 Rosenberg, DonnaY
Y

Court noted the Defendant was re-sentenced and received 10 years on count I, 10 years on Count II, Life with parole on Count III, and Life without parole on Count IV. COURT ORDERED, Cristina Hinds, Esq., appointed as counsel and matter set for confirmation.

NDC

11-18-02 9:00 A.M. CONFIRMATION OF COUNSEL (HINDS)

CLERK'S NOTE: Court Clerk contacted Ms. Hinds office and left a message on the answering machine as to the new court date./sc

CRIMINAL COURT MINUTES

89-C-092174-C STATE OF NEVADA

vs Moraga, Roy D

CONTINUED FROM PAGE: 013

11/18/02 09:00 AM 00 CONFIRMATION OF COUNSEL (HINDS)

HEARD BY: Lee A Gates, Judge; Dept. 8

OFFICERS: Sharon Coffman, Court Clerk
Sonja Riley-Bennett, Reporter/RecorderPARTIES: STATE OF NEVADA
004352 Owens, Steven S.

Y

Y

001 D1 Moraga, Roy D
007014 Hinds, Cristina A.

Y

Y

Cristina Hinds, Esq. CONFIRMED as counsel. COURT ORDERED, matter set for status check after Ms. Hinds has an opportunity to review the file.

NDC

12-2-02 9:00 A.M. STATUS CHECK: PETITION

12/02/02 09:00 AM 00 STATUS CHECK: PETITION

HEARD BY: Michael A Cherry, Judge; Dept. 17

OFFICERS: Sharon Coffman, Court Clerk

PARTIES: STATE OF NEVADA
004902 Adams, Danae

Y

Y

001 D1 Moraga, Roy D
007014 Hinds, Cristina A.

N

Y

COURT ORDERED, matter CONTINUED.

NDC

CONTINUED TO: 12/18/02 09:00 AM 01

CRIMINAL COURT MINUTES

89-C-092174-C STATE OF NEVADA vs Moraga, Roy D

CONTINUED FROM PAGE: 014

12/18/02 09:00 AM 01 STATUS CHECK: PETITION

HEARD BY: Lee A Gates, Judge; Dept. 8

OFFICERS: April Watkins, Relief Clerk
Sonia Riley-Bennett, Reporter/RecorderPARTIES: STATE OF NEVADA
004352 Owens, Steven S.Y
Y

COURT ORDERED, matter CONTINUED at request of Deft's counsel.

NDC

CONTINUED TO: 12/23/02 09:00 AM 02

12/23/02 09:00 AM 02 STATUS CHECK: PETITION

HEARD BY: Lee A Gates, Judge; Dept. 8

OFFICERS: Sharon Coffman, Court Clerk
Sonia Riley-Bennett, Reporter/RecorderPARTIES: STATE OF NEVADA
004352 Owens, Steven S.Y
Y001 D1 Moraga, Roy D
007014 Hinds, Cristina A.N
Y

Following a conference at the Bench, COURT ORDERED, matter continued.

CONDC

CONTINUED TO: 01/08/03 09:00 AM 03

CONTINUED ON PAGE: 016

CRIMINAL COURT MINUTES

89-C-092174-C

STATE OF NEVADA

vs Moraga, Roy D

CONTINUED FROM PAGE: 015

01/08/03 09:00 AM 03 STATUS CHECK: PETITION

HEARD BY: Lee A Gates, Judge; Dept. 8

OFFICERS: Sharon Coffman, Court Clerk
Sonia Riley-Bennett, Reporter/Recorder

| | | |
|----------|-------------------|---|
| PARTIES: | STATE OF NEVADA | Y |
| 006801 | Rosenberg, Donna | Y |
| 001 D1 | Moraga, Roy D | N |
| 007103 | Morey, Michael J. | Y |

Mr. Morey advised Ms. Hinds has received the files from Mr. Schieck but still needs some information from the county; requested a further continuance. COURT SO ORDERED.

NDC

CONTINUED TO: 02/03/03 09:00 AM 04

02/03/03 09:00 AM 04 STATUS CHECK: PETITION

HEARD BY: Lee A Gates, Judge; Dept. 8

OFFICERS: Sharon Coffman, Court Clerk
Sonia Riley-Bennett, Reporter/Recorder

| | | |
|----------|-------------------|---|
| PARTIES: | STATE OF NEVADA | Y |
| 003801 | Robinson, Lynn M. | Y |

COURT ORDERED, matter continued for Ms. Hinds to be present.

NDC

CONTINUED TO: 02/05/03 09:00 AM 05

CRIMINAL COURT MINUTES

89-C-092174-C

STATE OF NEVADA

vs Moraga, Roy D

CONTINUED FROM PAGE: 016

02/05/03 09:00 AM 05 STATUS CHECK: PETITION

HEARD BY: Lee A Gates, Judge; Dept. 8

OFFICERS: Sharon Coffman, Court Clerk
Sonia Riley-Bennett, Reporter/RecorderPARTIES: STATE OF NEVADA
004352 Owens, Steven S.
001 D1 Moraga, Roy D
007014 Hinds, Cristina A.Y
Y
N
YMs. Hinds advised she would like a briefing schedule set. COURT SO ORDERED
as follows:4-9-03 Opening brief due;
6-18-03 Answering brief due;
7-9-03 Reply brief due.

NDC

7-23-03 9:00 A.M. ARGUMENT: POST-CONVICTION RELIEF

12/29/03 09:00 AM 00 DEFT'S MTN FOR RELEASE OF DNA EVID UNDER
NV OPEN RECORDS ACT/44

HEARD BY: Lee A Gates, Judge; Dept. 8

OFFICERS: Sharon Coffman, Court Clerk
Shawna Craig, Reporter/RecorderPARTIES: STATE OF NEVADA
003801 Robinson, Lynn M.
001 D1 Moraga, Roy D
007014 Hinds, Cristina A.Y
Y
N
YMs. Hinds advised she just received the State's opposition and requires time
to reply. COURT ORDERED, matter continued.

NDC

CONTINUED TO: 01/05/04 09:00 AM 01

CRIMINAL COURT MINUTES

89-C-092174-C

STATE OF NEVADA

vs Moraga, Roy D

CONTINUED FROM PAGE: 017

01/05/04 09:00 AM 01 DEFT'S MTN FOR RELEASE OF DNA EVID UNDER
NV OPEN RECORDS ACT/44

HEARD BY: Lee A Gates, Judge; Dept. 8

OFFICERS: Sharon Coffman, Court Clerk
Sonia Riley, Reporter/Recorder

PARTIES: STATE OF NEVADA
001802 Jorgenson, Eric G.
001 D1 Moraga, Roy D
007014 Hinds, Cristina A.

Y
Y
N
Y

Reply to State's Opposition to Defendant's Motion for Release of DNA
Evidence Under Nevada Open Records Act FILED IN OPEN COURT. Argument by Ms.
Hinds that the release of this evidence would allow the Defendant to have
his expert determine whether matches the Defendant's DNA; this wasn't done
at trial. Argument by Ms. Villegas that this doesn't matter because the
Defendant admitted he had consensual sex with the victim. Argument by Ms.
Hinds that if not for ineffective counsel, this would have been tested
before trial and the Defendant would have changed his testimony. Further
argument by Ms. Villegas. COURT FINDS, as the Defendant did admit to having
sex with the victim, the motion is frivolous. COURT ORDERED, motion is
DENIED. State to prepare the Order.

NDC

eff: 9/1/96

**COUNTY CLERK'S OFFICE
NOTICE OF DEFICIENCY
ON APPEAL TO NEVADA SUPREME COURT**

**ROY D. MORAGA #31584
PO BOX 1989
ELY NV 89301**

DATE: February 18, 2004

CASE: C92174

RE CASE: STATE OF NEVADA VS ROY D. MORAGA

NOTICE OF APPEAL FILED: 02/17/04

RULE 3(e) DOCUMENTS TRANSMITTED: 02/18/04

**RULE 3(e) DOCUMENTS NOT TRANSMITTED/MISSING:
*NOTICE OF ENTRY OF ORDER;***

**FURTHER EXPLANATION OF
DOCUMENTS/FEEES:**

REFER TO:

PROCEDURE:

NOTICE OF APPEAL

NRAP 3(a)

**\$24.00 District Court Filing Fee
(if applicable).**

CASE APPEAL STATEMENT

NRAP 3(a)(1)

To be filed with Notice of Appeal:

**Lists information necessary for
docketing in the supreme court:
district court case number; party
names; counsel names; trial judge;
whether trial or appellate counsel was
appointed; whether appellant is
proceeding in forma pauperis; date the
proceedings commenced in the district
court {NRAP Form 2}.**

State of Nevada

County of Clark

SS:

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT DOCKET ENTRIES; ORDER DENYING DEFENDANTS MOTION FOR RELEASE OF DNA EVIDENCE UNDER NEVADA OPEN RECORDS ACT; DISTRICT COURT MINUTES; NOTICE OF DEFICIENCY:

STATE OF NEVADA,

Plaintiff(s),

vs.

ROY D. MORAGA,

Defendant(s),

Case No: C92174

Dept No: VIII

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
this ~~18 day of February~~ 2004.

~~Shirley B. Parraguirre, Clark County Clerk~~

~~MANUEL RIVAS, Deputy Clerk~~