

ORIGINAL

FILED

1 CODE 2515
2 WASHOE COUNTY PUBLIC DEFENDER
3 JOHN REESE PETTY, State Bar No. 10
4 350 SOUTH CENTER STREET, SUITE 600
5 RENO, NEVADA 89501
6 (775) 337-4827
7 Attorney for Defendant.

2004 APR 30 PM 2:20

RONALD A. LONGTIN, JR.

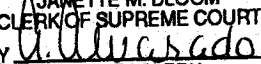
BY  DEPUTY

FILED

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

MAY 05 2004

9 THE STATE OF NEVADA,

JAMETTE M. BLOOM
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

10 Plaintiff,

No. 43247

11 vs.

Case No. CR03-2156

12 MICHAEL TODD BOTELHO,

Dept. No. 3

13 Defendant.

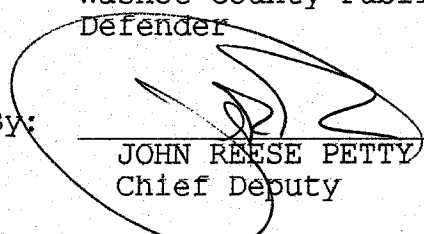
14 NOTICE OF APPEAL

15 NOTICE IS HEREBY GIVEN that MICHAEL TODD BOTELHO the
16 defendant above named, hereby appeals to the Supreme Court of
17 Nevada from the judgment entered in this action on April 7, 2004.
18 This is **not** a fast track appeal. NRAP 3C.

19 DATED this 30th day of April, 2004.

20 MICHAEL R. SPECCHIO
21 Washoe County Public
22 Defender

23 By:


24 JOHN REESE PETTY
25 Chief Deputy
26

RECEIVED

MAY 05 2004

CLERK OF SUPREME COURT
By _____
DEPUTY CLERK

04-08287

CERTIFICATE OF SERVICE

I hereby certify that on MAY 3, 2004, I served a copy of the foregoing by mailing it by first class mail with sufficient postage prepaid to the following addresses:

JANETTE M. BLOOM, CLERK
OFFICE OF THE CLERK
SUPREME COURT OF NEVADA
201 SOUTH CARSON STREET SUITE 201
CARSON CITY, NEVADA 89701-4702

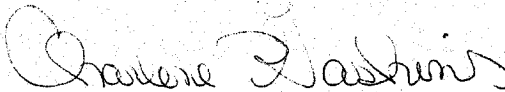
MICHAEL TODD BOTELHO #80837
NORTHERN NEVADA CORRECTIONAL CENTER
PO BOX 7000
CARSON CITY, NEVADA 89702

BRIAN SANDOVAL
ATTORNEY GENERAL STATE OF NEVADA
100 N. CARSON STREET
CARSON CITY, NEVADA 89701

And served a copy by inter-office mail to:

RICHARD GAMMICK
WASHOE COUNTY DISTRICT ATTORNEY
Attn: GARY HATLESTAD, CHIEF APPELLATE DEPUTY

DATED this 3rd day of MAY, 2004



Charlene Gaskins

ORIGINAL

FILED

2004 APR 30 PM 2: 21

1 CODE 1310
2 WASHOE COUNTY PUBLIC DEFENDER
3 JOHN REESE PETTY, State Bar No. 10
350 SOUTH CENTER STREET, Suite 600
4 RENO, NEVADA 89501
(775) 337-4827
Attorney for Defendant.

RONALD A. LONGTIN, JR.

BY  DEPUTY

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

7 IN AND FOR THE COUNTY OF WASHOE

8 THE STATE OF NEVADA,

9 Plaintiff,

10 vs.

Case No. CR03-2156

11 MICHAEL TODD BOTELHO,

Dept. No. 3

12 Defendant.

13 /

14 CASE APPEAL STATEMENT

15 1. Appellant, MICHAEL TODD BOTELHO hereby files this
16 Case Appeal Statement;

17 2. This appeal is from a judgment of conviction
18 entered on April 7, 2004, by the Honorable Jerome Polaha,
19 district judge;

20 3. The parties below consisted of (a) THE STATE OF
21 NEVADA, Plaintiff; and (b) MICHAEL TODD BOTELHO defendant;

22 4. The parties herein consist of (a) MICHAEL TODD
23 BOTELHO Appellant; and (b) THE STATE OF NEVADA, Respondent;

24 ///

25 ///

26

1 5. Counsel on appeal are:

2 MICHAEL R. SPECCHIO
3 Washoe County Public
4 Defender

 RICHARD A. GAMMICK
 Washoe County District
 Attorney

5 JOHN REESE PETTY
6 Chief Deputy

 GARY H. HATLESTAD
 Chief Deputy

7 350 South Center Street
8 Suite 600
9 Reno, Nevada 89501

 P.O. Box 30083
 Reno, Nevada 89520

10 ATTORNEYS FOR APPELLANT

 ATTORNEYS FOR RESPONDENT

11 6. Appellant, MICHAEL TODD BOTELHO was represented by
12 the Washoe County Public Defender in district court;

13 7. Appellant, MICHAEL TODD BOTELHO is represented by
14 the Washoe County Public Defender in this appeal;

15 8. Not applicable; and

16 9. By an Indictment filed in this case on October 8,
17 2003, MICHAEL TODD BOTELHO was charged with one count of
18 kidnapping in the first degree, a violation of NRS 200.310-1 and
19 NRS 200.320, a felony; one count of battery with the intent to
20 commit sexual assault on a child, a violation of NRS 200.400, a
21 felony; and three counts of sexual assault on a child, a
22 violation of NRS 200.366, a felony.

23 On December 11, 2003, MICHAEL TODD BOTELHO entered his
24 guilty pleas to the kidnapping count as well as to the three
25 counts of sexual assault on a child.

26 ////

 ////

 ////

1 On April 7, 2004, Judge Polaha sentenced MICHAEL TODD
2 BOTELHO to a term of life in the Nevada State Prison with the
3 possibility of parole after a minimum of five (5) years has been
4 served on count I (kidnapping); and to a term of life in the
5 Nevada State prison (on each of the sexual assault counts) with
6 the possibility of parole after a term of twenty (20) years has
7 been served. With the exception of one of the sexual assault
8 charges, each of the sentences imposed by Judge Polaha were
9 ordered to be served consecutively and not concurrently.

10 This is **not** a fast track appeal. See NRAP 3C.

11 DATED this 30th day of April, 2004.

12
13 MICHAEL R. SPECCHIO
14 Washoe County Public
15 Defender

16 By: _____

17 JOHN REESE PETTY
18 Chief Deputy
19
20
21
22
23
24
25
26

CERTIFICATE OF SERVICE

I hereby certify that on MAY 3, 2004, I served a copy of the foregoing by mailing it by first class mail with sufficient postage prepaid to the following addresses:

JANETTE M. BLOOM, CLERK
OFFICE OF THE CLERK
SUPREME COURT OF NEVADA
201 SOUTH CARSON STREET SUITE 201
CARSON CITY, NEVADA 89701-4702

MICHAEL TODD BOTELHO #80837
NORTHERN NEVADA CORRECTIONAL CENTER
PO BOX 7000
CARSON CITY, NEVADA 89702

BRIAN SANDOVAL
ATTORNEY GENERAL STATE OF NEVADA
100 N. CARSON STREET
CARSON CITY, NEVADA 89701

And served a copy by inter-office mail to:

RICHARD GAMMICK
WASHOE COUNTY DISTRICT ATTORNEY
Attn: GARY HATLESTAD, CHIEF APPELLATE DEPUTY

DATED this 3RD day of MAY, 2004



Charlene Gaskins

Report Date & Time
5/3/2004
8:24:29AM

**SECOND JUDICIAL DISTRICT COURT
COUNTY OF WASHOE**

Full Case History

DEPT. D3

HON. JEROME M. POLAHA

Case Description: STATE VS. MICHAEL TODD BOTELHO (D3)

Case ID: CR03-2156

Case Type: CRIMINAL

Initial Filing Date: 10/8/2003

Parties

PATY	John Reese Petty, Esq. - 10
RESP	STATE OF NEVADA - STATE
APPE	MICHAEL TODD BOTELHO - @154004
PLTF	STATE OF NEVADA - STATE
DA	Kelli A. Vilorio, Esq. - 5872
DEFT	MICHAEL TODD BOTELHO - @154004
PD	Sean B. Sullivan - 7534
DATY	Gary Howard Hatlestad, Esq. - 1525

Charges

<i>Charge No.</i>	<i>Charge Code</i>	<i>Charge Date</i>		<i>Charge Description</i>
1	F610	10/8/2003	IND	KIDNAPPING IN THE FIRST DEGREE
2	F110	10/8/2003	IND	BATTERY WITH INTENT TO COMMIT SEXUAL ASSAULT ON A CHILD
3	F1000	10/8/2003	IND	SEXUAL ASSAULT ON A CHILD
4	F1000	10/8/2003	IND	SEXUAL ASSAULT ON A CHILD
5	F1000	10/8/2003	IND	SEXUAL ASSAULT ON A CHILD

Plea Information

<i>Charge No.</i>	<i>Plea Code</i>	<i>Plea Date</i>	<i>Plea Descriptio</i>
1	F610	11/6/2003	PLED NOT GUILTY
1	F610	12/11/2003	PLED GUILTY
3	F1000	11/6/2003	PLED NOT GUILTY
3	F1000	12/11/2003	PLED GUILTY
4	F1000	11/6/2003	PLED NOT GUILTY
4	F1000	12/11/2003	PLED GUILTY
5	F1000	11/6/2003	PLED NOT GUILTY
5	F1000	12/11/2003	PLED GUILTY
2	F110	11/6/2003	PLED NOT GUILTY

Case Description: STATE VS. MICHAEL TODD TELHO (D3)

Case ID: CR03-2156

Case Type: CRIMINAL

Initial Filing Date: 10/8/2003

Date	Charge No.	Charge Desc.	Sentences	Sentence Text
			Time Served	
4/7/2004	1	Life With Poss of Parole		NDOC LIFE WITH POSSIBILITY OF PAROLE AFTER A MINIMUM OF 5 YEARS HAS BEEN SERVED WITH A SPECIAL SENTENCE OF LIFETIME SUPERVISION TO COMMENCE ANY TERM OF PROBATION, OR ANY TERM OF IMPRISONMENT OR AFTER ANY PERIOD OF RELEASE ON PAROLE + \$632.00 RESTITUTION + FEES
4/7/2004	3	Life With Poss of Parole		NDOC LIFE WITH POSSIBILITY OF PAROLE AFTER A MINIMUM OF 20 YEARS HAS BEEN SERVED TO BE SERVED CONSECUTIVELY TO THE SENTENCE IMPOSED IN COUNT 1.
4/7/2004	4	Life With Poss of Parole		NDOC LIFE WITH POSSIBILITY OF PAROLE AFTER A MINIMUM OF 20 YEARS HAS BEEN SERVED TO BE SERVED CONCURRENTLY WITH THE SENTENCES IMPOSED IN COUNTS 1 AND 3.
4/7/2004	5	Life With Poss of Parole		NDOC LIFE WITH POSSIBILITY OF PAROLE AFTER A MINIMUM OF 20 YEARS HAS BEEN SERVED TO BE SERVED CONSECUTIVELY TO THE SENTENCES IMPOSED IN COUNTS 1, 3 AND 4.

Release Information

Custody Status

		Hearings		Sched. Date & Time	Disposed Date
Department	Event Description				
1 D3	ARRAIGNMENT			10/23/2003 08:30:00	10/23/2003
	Extra Text:				
2 D3	ENTRY OF PLEA			11/6/2003 08:30:00	11/6/2003
	Extra Text:				
3 D3	CHANGE OF PLEA			12/11/2003 08:30:00	12/11/2003
	Extra Text:				
4 D3	SENTENCING			2/11/2004 09:30:00	1/28/2004
	Extra Text: SET FOR 2 HOURS - CLOSED HEARING				
5 D3	SENTENCING			2/18/2004 10:00:00	2/17/2004
	Extra Text:				
6 D3	HEARING...			3/11/2004 10:00:00	3/11/2004
	Extra Text: ON MOTION				
7 D3	SENTENCING			4/7/2004 08:30:00	4/7/2004
	Extra Text:				
8 D3	MOTION TO CONFIRM TRIAL			7/15/2004 08:30:00	12/11/2003
	Extra Text:				
9 D3	TRIAL - JURY			7/26/2004 08:30:00	12/11/2003
	Extra Text: 4 DAYS				

Agency Cross Reference

Code	Agency Description	Case Reference I.D.
DA	District Attorney's Office	DA318167
RJ	Reno Justice's Court	RCR2003011479
WC	Washoe County Sheriff's Office	WCSOWC03008924

Case Description: STATE VS. MICHAEL TODD TELHO (D3)

Case ID: CR03-2156

Case Type: CRIMINAL

Initial Filing Date: 10/8/2003

<i>Docket Entry Date</i>	<i>Code</i>	<i>Code Description</i>	<i>Docket</i>	<i>Docket Text</i>
10/8/2003	1300	Bench Warrant Filed-Case Clsd	BAIL SET AT \$250,000.00 CASH ONLY	
10/8/2003	1795	Indictment		
10/8/2003	3370	Order ...	ORDER STAYING JUSTICE COURT PROCEEDINGS (RJC)	
10/14/2003	3892	Return of Service B/W	SERVED 10-10-03	
10/15/2003	1250	Application for Setting	10-23-03 @08:30	
10/15/2003	1325	** Case Reopened		
10/20/2003	1775	General Receipt	GRAND JURY (DA)	
10/20/2003	4185	Transcript ...	GRAND JURY TRANSCRIPT 10-8-03	
10/23/2003	D455	Heard-Continued Defendant		
10/30/2003	1810	Inmate Request Form Filed	REQUEST RE: MISSED COURT DATE, REFERRED TO COUNSEL PER JUDGE POLAHA	
11/6/2003	1280	** 60 Day Rule - Waived		
11/6/2003	D725	Pled Not Guilty	COUNTS I, II, III, IV, AND V OF THE INDICTMENT	
11/20/2003	4185	Transcript ...	10/23/03 ARRAIGNMENT/ CONTINUED	
12/8/2003	1250	Application for Setting	12-11-03 @08:30	
12/11/2003	1785	Guilty Plea Memo/Agreement		
12/11/2003	D845	Vacated		
12/11/2003	D845	Vacated		
12/11/2003	D655	Pled Guilty	COUNTS 1, 3, 4 AND 5 OF THE INFORMATION	
12/22/2003	4185	Transcript ...	12/11/03 CHANGE OF PLEA	
1/12/2004	4185	Transcript ...	11/6/03 ENTRY OF PLEA	
1/26/2004	3839	Request Agree Ord Recp Discv		
1/26/2004	2528	Not/Doc/Rc'd/Not/Cons/by Crt	CONFIDENTIAL PSYCHOLOGICAL / SUBSTANCE ABUSE EVALUATION TO BE FILED UNDER SEAL ***SEALED***	
1/28/2004	D870	Vacated - Stipulation & Ord	Reset for February 18, 2004	
1/30/2004	4025	Stip & Ord to Continue	SENTENCING TO 2-18-04	
2/3/2004	2610	Notice ...	NOTICE OF INTENT TO INTRODUCE PRIOR OR OTHER BAD ACT EVIDENCE AT SENTENCING HEARINGF	
2/11/2004	4500	PSI - Confidential Envelope		
2/13/2004	2645	Opposition to Mtn ...	OPPOSITION TO STATE'S INTRODUCTION OF PRIOR OR OTHER BAD ACT EVIDENCE AT SENTENCING HEARING; DEFENDANT'S MOTION TO HAVE THE MATTER SEALED, TO RECUSE THE PRESENT SENTENCING COURT, AND TO HAVE THE MATTER TRANSFERRED TO ANOTHER COURT FOR SENTENCING PURPOSES	
2/17/2004	1250	Application for Setting	3-11-04 @10:00	
2/17/2004	D870	Vacated - Stipulation & Ord	Reset for Motions Hearing on March 11, 2004, at 10:00 and Sentencing on April 7, 2004.	
2/17/2004	2528	Not/Doc/Rc'd/Not/Cons/by Crt	CONFIDENTIAL LETTERS FROM FAMILY TO BE FILED UNDER SEAL ***SEALED***	

Case Description: STATE VS. MICHAEL TODD TELHO (D3)**Case ID: CR03-2156****Case Type: CRIMINAL****Initial Filing Date: 10/8/2003**

<u>2/20/2004</u>	3795	Reply...	IN OPPOSITION TO DEFENDANT'S OPPOSITION TO STATE'S INTRODUCTION OF OTHER BAD ACT EVIDENCE; DEFENDANT'S MOTION TO SEAL; AND ANSWER TO DEFENDANT'S MOTION TO RECUSE AND TRANSFER CASE
<u>2/24/2004</u>	4025	Stip & Ord to Continue	Sentencing reset for April 7, 2004. Motion Hearing set for March 11, 2004.
<u>3/11/2004</u>	D430	Granted/Denied in Part	
<u>3/31/2004</u>	4185	Transcript ...	3/11/04 HEARING ON MOTIONS
<u>4/6/2004</u>	1775	General Receipt	GRAND JURY TRANSCRIPT - SEAN SULLIVAN, ESQ.
<u>4/7/2004</u>	1850	Judgment of Conviction	
<u>4/7/2004</u>	D765	Sentenced	
<u>4/19/2004</u>	4185	Transcript ...	4/7/04 SENTENCING
<u>4/22/2004</u>	2295	Mtn to Dismiss Counts ...	COUNT II
<u>4/28/2004</u>	2905	Ord for Dismissal of Counts	COUNT II
<u>4/30/2004</u>	1310	Case Appeal Statement	
<u>4/30/2004</u>	2515	Notice of Appeal Supreme Cour	
<u>5/3/2004</u>	1350	Certificate of Clerk	
<u>5/3/2004</u>	1365	Certificate of Transmittal	

ORIGINAL

FILED

1 CODE 1850

APR - 7 2004

2
3 RONALD A. LONGSTIN, JR., CLERK
By *C. Patterson*
DEPUTY

4
5
6 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7 IN AND FOR THE COUNTY OF WASHOE
8

9 STATE OF NEVADA,

10 Plaintiff,

11 vs.

Case No. CR03-2156

12 MICHAEL TODD BOTELHO,

Dept. No. 3

13 Defendant.
14 _____ /

15 JUDGMENT

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

19 That Michael Todd Botelho is guilty of the crime of Kidnapping in the First Degree, a
20 violation of NRS 200.310-1 and NRS 200.320, a felony, as charged in Count I of the
21 Indictment, and that he be punished by imprisonment in the Nevada Department of
22 Corrections for a term of Life with the possibility of parole after a minimum of five (5) years
23 as been served, with credit for one hundred ninety-seven (197) days time served.

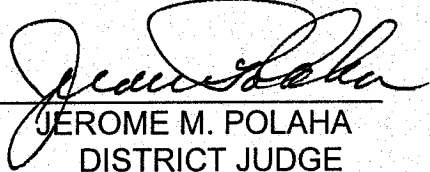
24 It is further ordered that Michael Todd Botelho is guilty of the crime of Sexual
25 Assault on a Child, a violation of NRS 200.366, a felony, as charged in Count III of the
26 Indictment, and that he be punished by imprisonment in the Nevada Department of
27 Corrections for a term of Life with the possibility of parole after a minimum of twenty (20)
28 years as been served, to be served consecutively to the sentence imposed in Count I.

1 It is further ordered that Michael Todd Botelho is guilty of the crime of Sexual
2 Assault on a Child, a violation of NRS 200.366, a felony, as charged in Count IV of the
3 Indictment, and that he be punished by imprisonment in the Nevada Department of
4 Corrections for a term of Life with the possibility of parole after a minimum of twenty (20)
5 years has been served, to be served concurrently to the sentences imposed in Count III.

6 It is further ordered that Michael Todd Botelho is guilty of the crime of Sexual
7 Assault on a Child, a violation of NRS 200.366, a felony, as charged in Count V of the
8 Indictment, and that he be punished by imprisonment in the Nevada Department of
9 Corrections for a term of Life with the possibility of parole after a minimum of twenty (20)
10 years as been served, to be served consecutively to the sentences imposed in Counts I
11 and IV.

12 It is further ordered that a special sentence of Lifetime supervision commence after
13 any period of probation, or any term of imprisonment or after any period of release on
14 parole. It is further ordered that the Defendant pay the statutory Twenty-five Dollar
15 (\$25.00) administrative assessment, submit to a DNA analysis test for the purpose of
16 determining genetic markers and pay a testing fee of One Hundred Fifty Dollars (\$150.00),
17 reimburse the Washoe County Public Defender's Office in the amount of Five Hundred
18 Dollars (\$500.00) for legal services rendered and pay restitution in the amount of Six
19 Hundred Thirty-two Dollars (\$632.00).

20 Dated this 7th day of April, 2004.

21
22
23 
24 JEROME M. POLAHA
25 DISTRICT JUDGE
26
27
28

CRIMINAL PROGRESS SHEET

INF. IND 10-8-03

CASE NO. CR03-2156

AI. _____

2AI. _____

2INF. _____

DEFT: MICHAEL TODD BOTELHO @ 154004

LANGUAGE: _____

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

ARR. DATE: 10-23-03 DEPT. NO. 3 REPORTER: J. Dalton CLERK: P. Meacham

TRUE NAME: _____

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

WAIVED 60 DAY RULE: YES ☒] NO ☐] DATE: 11-6-03

P & P Ref: Pat Cerniglia

NOT GUILTY ☐] By: _____ GUILTY ☐] ALFORD ☐] NC ☐] TO: _____

REMANDED TO JUSTICE COURT FOR FURTHER PROCEEDINGS: _____

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

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

COURT FOUND DEFT: ☐] COMPETENT ☐] REMANDED J.C. ☐] INCOMPETENT; DEFT REMANDED LAKES

ENTRY OF PLEA: DATE: 11-6-03 DEPT. NO.* 3 REPORTER: J. Scholau CLERK: P. Meacham

NOT GUILTY ☒] By: Deft GUILTY ☐] ALFORD ☐] NC ☐] TO: Indictment Cts 5☐] WAIVED PSI P & P Ref: Linda Shipley Waived 60-day Rule Yes ☒] No ☐] 11-6-03

CHANGE OF PLEA: DATE: 12-11-03 DEPT. NO. 3 REPORTER: J. Dalton CLERK: C. Patterson

GUILTY ☒] ALFORD ☐] NC ☐] TO: Counts 1, 3, 4 & 5 of Informative☐] WAIVED PSI P & P Ref: L. Shipley TRIAL DATE OF: 7-26-04 VACATED

CONTINUED TO: 11-6-03 @ 8:30 FOR: E.O.P.

CONTINUED TO: 7-15-04 @ 8:30 FOR: MTC vacated 12-11-03

CONTINUED TO: 7-26-04 @ 8:30 FOR: Jury Trial (4 days) vacated 12-11-03

CONTINUED TO: 2-11-04 @ 8:30 FOR: Sentencing - 2 hours closed

CONTINUED TO: _____ FOR: _____

CONTINUED TO: _____ FOR: _____

CONTINUED TO: _____ FOR: _____

CONTINUED TO: _____ FOR: _____

CONTINUED TO: _____ FOR: _____

CONTINUED TO: _____ FOR: _____

CONTINUED TO: _____ FOR: _____

CONTINUED TO: _____ FOR: _____

CRIMINAL PROGRESS SHEET CONTINUED

CASE NO. CR03-2156

JUDGMENT DEFERRED: DATE: _____ DEPT. NO. _____ REPORTER: _____ CLERK: _____

NRS 453 [] NRS 458 [] PROBATION: _____ \$25 AAF [] \$60 CAF [] \$150 DNA []

RESTITUTION: \$ _____ ATTY. FEES: \$ _____

CASE TRANSFERRED TO DEPT. 7/DIVERSION COURT [] DEPT. _____ RETAINED JURISDICTION []

REVOKE DEFERRED STATUS: DATE: _____ DEPT. NO. _____ REPORTER: _____ CLERK: _____

GRANTED [] DEFT FORMALLY SENTENCED

DATE: _____ DEPT. NO. _____ REPORTER: _____ CLERK: _____

[] 190 DAY REGIMENTAL DISCIPLINE - CONTINUED TO: _____ FOR: SENTENCING

SENTENCING: DATE: 4-7-04 DEPT. NO. 3 REPORTER: J. Dotson CLERK: C. Patterson

DISPOSITION Count 1: Life with poss. of parole after 5 yrs. Count 3: Life with
poss. of parole after 20 years served consecutive to Count 1. Count 4: Life with
poss. of parole after 20 years served concurrent Count 5. Count 5: Life with
poss. of parole after 20 years served consecutive to Count 3 & 4. Special
condition of lifetime supervision of every release on parole or probation term

\$25 AAF [X] \$60 CAF [] \$150 DNA [X] \$ _____ PSE FEE [] \$35 DBA [] ATTY FEES: \$ 500.00

FINE: \$ _____ RESTITUTION: \$ 632.00 BAIL EXONERATED: [] TIME SERVED: 197 days

PROBATION REVOKED: [] DATE: _____ DEPT. NO. _____ REPORTER: _____ CLERK: _____

TIME SERVED REVO: _____

MOTIONS: _____

CASE NO. CR03-2156

STATE OF NEVADA VS. MICHAEL TODD BOTELHO

DATE, JUDGE

OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

04/07/04

HONORABLE

JEROME M.

POLAHA

DEPT. NO. 3

C. Patterson

(Clerk)

J. Dotson

(Reporter)

ENTRY OF JUDGMENT AND IMPOSITION OF SENTENCE

Deputy District Attorney Bruce Hahn represented the State.

Defendant was present and represented by counsel, Deputy Public

Defender Sean Sullivan. Probation Officer Joan Weald was also present.

Defense counsel addressed the Court moved that the

Defendant's handwritten statement not be attached to the copy of the

PSI sent to the prison. **GRANTED.** Counsel further objected the

State's notice to present prior bad acts and presented a letter filed under seal. Defense called Marylou

Coelho, Defendant's Mother and Defendant's sister who made

statements behalf of the Defendant. Counsel for the State

addressed the Court called officer Greg Herrera who was sworn and

examined. No cross examination conducted; witness excused. The

State argued in support of the PSI. Victim Jane Doe was called and

sworn and read a statement into the record. No cross examination;

witness excused. The State called the mother of Jane Doe who read

a statement into the record; questioned by the Defense and excused.

Defendant addressed the Court on his own behalf.

COURT ORDERED: Defendant adjudged guilty and sentenced to

imprisonment in the Nevada Department of Corrections for a term of

Life with the possibility of parole after a minimum of five (5) years as

been served, with credit for one hundred ninety-seven (197) days

time served. It is further ordered that Michael Todd Botelho is guilty

of the crime of Sexual Assault on a Child, a violation of NRS

200.366, a felony, as charged in Count III of the Indictment, and that

he be punished by imprisonment in the Nevada Department of

Corrections for a term of Life with the possibility of parole after a

minimum of twenty (20) years as been served, to be served

consecutively to the sentence imposed in Count I. It is further

ordered that Michael Todd Botelho is guilty of the crime of Sexual

Assault on a Child, a violation of NRS 200.366, a felony, as charged

in Count IV of the Indictment, and that he be punished by

imprisonment in the Nevada Department of Corrections for a term of

Life with the possibility of parole after a minimum of twenty (20) years

has been served, to be served concurrently to the sentences

imposed in Count III. It is further ordered that Michael Todd Botelho

is guilty of the crime of Sexual Assault on a Child, a violation of NRS

200.366, a felony, as charged in Count V of the Indictment, and that

CASE NO. CR03-2156

STATE OF NEVADA VS. MICHAEL TODD BOTELHO

DATE, JUDGE

PAGE 2

OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

04/07/04

ENTRY OF JUDGMENT AND IMPOSITION OF SENTENCE

HONORABLE

JEROME M.

POLAHA

DEPT. NO. 3

C. Patterson

(Clerk)

J. Dotson

(Reporter)

he be punished by imprisonment in the Nevada Department of Corrections for a term of Life with the possibility of parole after a minimum of twenty (20) years as been served, to be served consecutively to the sentences imposed in Counts I and IV. It is further ordered that a special sentence of Lifetime supervision commence after any period of probation, or any term of imprisonment or after any period of release on parole. It is further ordered that the Defendant pay the statutory Twenty-five Dollar (\$25.00) administrative assessment, submit to a DNA analysis test for the purpose of determining genetic markers and pay a testing fee of One Hundred Fifty Dollars (\$150.00), reimburse the Washoe County Public Defender's Office in the amount of Five Hundred Dollars (\$500.00) for legal services rendered and pay restitution in the amount of Six Hundred Thirty-two Dollars (\$632.00). Defendant remanded to the custody of the Sheriff

DATE, JUDGE
OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

03/11/04
HONORABLE
JEROME M.
POLAHA
DEPT. NO. 3
C. Patterson
(Clerk)
J. Dotson
(Reporter)

MOTIONS RE: MEDIA AND SEALING; RECUSAL OF JUDGE AND
MARITAL PRIVILEGE

Deputy District Attorney Bruce Hahn represented the State.
Defendant was present with counsel, Deputy Public Defender Sean
Sullivan. Probation Officer Pat Cerniglia was also present.

Court and counsel met in chambers (not reported) regarding the
media issue relative to this part of the motion.

COURT ORDERED: This part of the motion to be argued relative to
the press being allowed in the courtroom. After decision on it, rest of
motions will be heard. The Court called the media representatives
(Reno Gazette Journal and The Nevada Appeal) in chambers and
advise of status. The Court further advised them that if the ruling is
they will be barred from Courtroom a recess of one hour would be
taken to allow them time to contact counsel.

04/07/04
08:30 am
Sentencing

Court, counsel and Defendant convened in the Courtroom on the
record. Defense counsel presented argument in support of sealing
the records and barring the media; State opposed; Defense replied.

COURT ORDERED: Media permitted in courtroom during
remainder of this proceeding.

Press present. Defense counsel addressed the Court arguing in
support of recusal of this Judge. The Court admonished counsel that
proper procedure for this type of hearing has not been followed.
Defense counsel advised he will withdraw the motion if the Court
believes it can be impartial. State opposed recusal and submitted
the matter. Defense submitted.

COURT ORDERED: DENIED. This judge will remain on case.

Counsel for the State submitted the motion regarding marital
privilege on the pleadings and papers. Defense counsel opposed;
State replied.

COURT ORDERED: Ex-wife will not be called. The State is free to
bring other witness who have information on the subject matter.
Defendant remanded to the custody of the Sheriff.

DATE, JUDGE
OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

120/11/03

MOTION FOR CHANGE OF PLEA

HONORABLE

Deputy District Attorney Kelli Vilorio represented the State.

JEROME M.

Defendant was present with counsel, Deputy Public Defender Sean

POLAHA

Sullivan. Probation Officer Linda Shipley was also present.

DEPT. NO. 3

Defendant moved to withdraw his former plea of Not Guilty; MOTION
GRANTED.

C. Patterson

(Clerk)

Defendant entered a plea of Guilty to Kidnapping In the First Degree
and 3 counts of Sexual Assault on a Child as contained in Counts 1,
3, 4 and 5 of the Indictment. Plea negotiations stated.

J. Dotson

(Reporter)

Court interrogated the Defendant, advised him of his rights, found
that there was a factual basis for the plea and that the Defendant
understood the elements of the offense and the possible punishment
therefore; Court further found that the plea was knowing, voluntary
and intelligent, that the Defendant was competent to enter the plea
and accepted same.Court ordered Presentence Investigation and matter continued for
entry of judgment and imposition of sentence. Trial date of July 26,
2004 ordered vacated.

Defendant remanded to the custody of the Sheriff.

02/11/04

9:30 a.m.

Sentencing

2 hours

Closed Hrg.

CASE NO. CR03-2156

STATE OF NEVADA VS. MICHAEL TODD BOTELHO

DATE, JUDGE
OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

11/06/03

ENTRY OF PLEA

HONORABLE

Deputy District Attorney Kelli Vilorio represented the State.

JEROME M.

Defendant was present with counsel, Deputy Public Defender Sean

POLAHA

Sullivan. Probation Officer Linda Shipley was also present.

DEPT. NO. 3

Defendant entered a plea of Not Guilty to Kidnapping in the First

P. Meacham

Degree, Battery with Intent to Commit Sexual Assault on a Child, and

(Clerk)

3 counts of Sexual Assault on a Child as contained in Counts 1 – 5 of
the Indictment.

J. Schonlau

Defendant waived the 60 day rule.

(Reporter)

COURT ORDERED: Matter set for trial.

Defendant remanded to the custody of the Sheriff.

07/15/04

8:30 a.m.

Motion/Confirm

07/26/04

8:30 a.m.

Jury Trial

4 days

CASE NO. CR03-2156

STATE OF NEVADA VS. MICHAEL TODD BOTELHO

DATE, JUDGE
OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

10/23/03

ARRAIGNMENT

HONORABLE

JEROME M.

POLAHA

DEPT. NO. 3

P. Meacham

(Clerk)

J. Dotson

(Reporter)

Deputy District Attorney Kelli Vilorio represented the State.

Defendant was present with counsel, Deputy Public Defender Sean

Sullivan. Probation Officer Pat Cerniglia was also present.

TRUE NAME: MICHAEL TODD BOTELHO. Defendant handed a
copy of the Information; waived reading.

Defendant requested time in which to enter a plea; Counsel for the
State joined in that motion.

COURT ORDERED: Matter continued.

Defendant remanded to the custody of the Sheriff.

11/06/03

8:30 a.m.

Entry of Plea

1 **CODE 1350**

FILED

2004 MAY -3 AM 8:37

RONALD A. LONGTIN, JR.

BY C. Kepler
DEPUTY

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4
5
6 **IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
7 **IN AND FOR THE COUNTY OF WASHOE**
8

9 **MICHAEL TODD BOTELHO,**

10 **Appellant,**

11 **vs.**

Case No. CR03-2156

12 **THE STATE OF NEVADA,**

13 **Respondent,**

Dept. No. 3

14 _____
15
16
17 **CERTIFICATE OF CLERK**

18 **I hereby certify that the enclosed documents are certified copies of the original**
19 **pleadings on file with the Second Judicial District Court, in accordance with the**
20 **Revised Rules of Appellant Procedure Rule D(1).**
21

22 **Dated: MAY 3, 2004**

Ronald Longtin, Jr., Court Clerk

23
24
25 **By:**

C. Kepler

Cathy Kepler, Appeals Clerk

(775) 328-3114
26
27
28

1 **CODE 1365**

FILED

2 2004 MAY -3 AM 8: 37

3 RONALD A. LONGTIN, JR.

4 BY

5 
DEPUTY

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

8
9
10 **MICHAEL TODD BOTELHO,**

11 **Appellant,**

12 **vs.**

Case No. CR03-2156

Dept. No. 3

13 **THE STATE OF NEVADA,**
14 **Respondent,**
15 _____

16
17
18 **CERTIFICATE OF TRANSMITTAL**

19 **I hereby certify that the enclosed Notice of Appeal and other required documents**
20 **(certified copies), were delivered to the Second Judicial District Court mailroom**
21 **system for transmittal to the Nevada Supreme Court.**
22

23 **Dated: MAY 3, 2004**

Ronald Longtin, Jr., Court Clerk

24
25 By: 

26 **Cathy Kepler, Appeals Clerk**

27 **(775) 328-3114**
28