

1 NOAS

2 REWARD T. POIK # 722139

3 Lovelock Correctional Center

4 P.O. Box 359

5 Lovelock, Nevada 89419

6 Petitioner In Pro Se

FILED

OCT 8 3 13 PM '04

Shirley B. Mangione
CLERK

FILED

DISTRICT COURT

CLARK COUNTY, NEVADA

OCT 15 2004

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY A. Chirado
DEPUTY CLERK

* * * * *

9 REWARD T. POIK)

10 Petitioner,)

11 -vs-)

12 THE STATE OF NEVADA,)

13 Respondent.;)

No. 44087

Case No. C166490

Dept. No. VI

15 NOTICE OF APPEAL

16 : NOTICE IS HEREBY GIVEN that Petitioner, REWARD T. POIK,
17 in pro se, hereby appeals to the Nevada Supreme Court the Findings
18 of Fact, Conclusions of Law and Order Denying/Dismissing petition
19 for writ of habeas corpus, as filed/entered on the 13 day of
20 September, 2004, in the above-entitled Court.

21 Dated this 5 day of October, 2004.

22 REWARD T. POIK
23 POIK # 722139
24 Lovelock Correctional Center
25 P.O. Box 359
26 Lovelock, Nevada 89419
27 Petitioner In Pro Se

RECEIVED

OCT - 8 2004

COUNTY CLERK

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OCT 14 2004

CLERK OF SUPREME COURT

By _____
DEPUTY CLERK

04-19156

FILED

2004 OCT 11 AM 11:50

Shirley B. Hargis
CLERK

**DISTRICT COURT
CLARK COUNTY, NEVADA**

STATE OF NEVADA,
Plaintiff(s),

vs.

RENARD T. POLK,
Defendant(s),

) Case No: C166490

) Dept No: VI

CASE APPEAL STATEMENT

1. Appellant(s): RENARD T. POLK

2. Judge: JOSEPH T. BONAVENTURE

3. All Parties, District Court:

Plaintiff, THE STATE OF NEVADA

Defendant(s), RENARD T. POLK

4. All Parties, Appeal:

Appellant(s), RENARD T. POLK

Respondent, THE STATE OF NEVADA

5. Appellate Counsel:

Appellant/Proper Person
Renard T. Polk #72439
P.O. Box 359
Lovelock, NV 89419

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

1 6. District Court Attorney, Retained

2 7. On Appeal, N/A

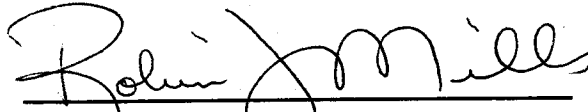
3 8. Forma Pauperis, N/A

4 9. Date Commenced in District Court: 04/12/00

5 Dated This 11 day of October 2004.

6 Shirley B. Parraguirre, Clark County Clerk

7
8 By:



9 Robin J. Mills, Deputy Clerk

10 200 South Third Street

11 PO Box 551601

12 Las Vegas, Nevada 89155-1601

13 (702) 455-4409
14
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23
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25
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27
28

DATE: 10/11/04
CASE NO. 00-C-166490-C

I N D E X

TIME 10:51 AM
JUDGE: Bonaventure, Joseph

STATE OF NEVADA

[] vs Polk, Renard T

[]

0001 D1 Renard T Polk
P O Box 359
Lovelock, NV 89419
?????? ## UNKNOWN ##

NO.	FILED/REC CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0001	04/12/00	CBO /CRIMINAL BINDOVER Fee \$0.00				
0002	04/12/00	ARRN/INITIAL ARRAIGNMENT	0001		04/18/00	
0003	04/13/00	INFO/INFORMATION	0001		04/13/00	
0004	04/18/00	PET /FILING OF AMENDED INFORMATION	0001		04/25/00	
0005	04/18/00	ARRN/ARRAIGNMENT CONTINUED	0001		04/25/00	
0006	04/25/00	MOT /ALL PENDING MOTIONS 4/25/00	0001		04/25/00	
0007	04/25/00	OCAL/FURTHER PROCEEDINGS: PSYCHOLOGICAL EVALUATION	0001		08/01/00	
0008	05/02/00	ORDR/ORDER AUTHORIZING PSYCHOLOGICAL EVALUATION	0001			
0009	05/30/00	ORDR/ORDER AUTHORIZING PSYCHOLOGICAL EVALUATION	0001			
0010	05/30/00	ORDR/ORDER ALLOWING CONTACT VISIT	0001			
0011	07/12/00	ORDR/ORDER AUTHORIZING PSYCHOLOGICAL EVALUATION	0001		07/11/00	
0012	08/04/00	TRAN/REPORTER'S TRANSCRIPT OF UNCONDITIONAL WAIVER OF PRELIMINARY HEARING	0001		04/11/00	
0013	08/17/00	ORDR/ORDER COMMITMENT	0001			
0014	09/27/00	ORDR/ORDER	0001			
0015	10/19/00	HEAR/AT THE REQUEST OF COURT ADMINISTRATION: STATUS CHECK	0001		11/02/00	
0016	10/19/00	ORDR/ORDER	0001			
0017	11/02/00	OCAL/NEGOTIATIONS AND/OR TRIAL SETTING	0001		11/22/00	
0018	11/02/00	OTTE/ORDER TO TRANSPORT DEFENDANT	0001		11/02/00	
0019	11/02/00	JUDG/FINDINGS OF COMPETENCY	0001		11/02/00	
0020	11/22/00	CALC/CALENDAR CALL	0001		03/22/01	
0021	11/22/00	JURY/TRIAL BY JURY VJ 3/22/01	0001	VC	03/26/01	
0022	11/22/00	INFO/AMENDED INFORMATION	0001		11/22/00	
0023	12/15/00	MOT /DEFT'S MOTION FOR DISCOVERY	0001	OC	12/27/00	
0024	01/23/01	ROC /RECEIPT OF COPY	0001		12/15/00	
0025	03/12/01	MOT /POLK'S MOTION IN LIMINE PRIOR BAD ACTS VJ 3/22/01	0001	VC	03/26/01	
0026	03/12/01	LIST/NOTICE OF WITNESSES AND NOTICE OF EXPERT WITNESSES	0001			
0027	03/12/01	REQT/EX-PARTE MOTION FOR APPOINTMENT OF COUNSEL AND FOR PAYMENT OF EXPENSES	0001			
0028	03/12/01	ROC /RECEIPT OF COPY	0001		03/12/01	
0029	03/22/01	CALC/CALENDAR CALL	0001		07/26/01	
0030	03/22/01	JURY/TRIAL BY JURY VJ 7/26/01	0001	VC	07/30/01	
0031	04/13/01	MOT /DEFT'S MOTION FOR O.R. RELEASE OR BAIL REDUCTION	0001	DN	04/18/01	
0032	04/13/01	ROC /RECEIPT OF COPY	0001		04/13/01	
0033	04/17/01	OPPS/STATES OPPOSITION TO DEFENDANTS MOTION FOR OWN RECOGNIZANCE RELEASE FOR	S			Y
HOUSE ARREST OR IN THE ALTERNATIVE FOR SETTING OF REASONABLE BAIL						
0034	04/24/01	ORDR/ORDER DENYING DEFENDANTS MOTION FOR OWN RECOGNIZANCE RELEASE FOR HOUSE ARREST	0001	HG	04/18/01	Y

NO. FILED/REC CODE

REASON/DESCRIPTION

FOR OC SCH/PER C

OR IN THE ALTERNATIVE FOR SETTING OF REASONABLE BAIL

0035 07/13/01 MOT /STATE'S MOTION: ADMIT EVIDENCE OF OF 0001 GR 08/08/01
 OTHER CRIMES ACTS AND WRONGS 0001

0036 07/10/01 LIST/AMENDED NOTICE OF WITNESSES AND NOTICE 0001
 OF EXPERT WITNESSES 0001

0037 07/26/01 CALC/CALENDAR CALL 0001 10/04/01

0038 07/26/01 JURY/TRIAL BY JURY 0001 10/08/01

0039 07/26/01 ARGU/ARGUMENT/DECISION 0001 DN 08/08/01

0040 07/26/01 MOT /ALL PRETRIAL MOTIONS 0001 08/08/01

0041 07/26/01 MOT /MTN TO ENDORSE DEFT'S MTN OF PRE-TRIAL 0001 DN 08/08/01
 WRIT OF HC FOR DISMISSAL OF THE INFO 0001

0042 07/26/01 MOT /ALL PENDING MOTIONS 7/26/01 0001 07/26/01

0043 07/24/01 RSPN/DEFENDANTS RESPONSE TO STATES NOTICE OF 0001 Y
 MOTION AND MOTION TO ADMIT EVIDENCE 0001

OF OTHER CRIMES WRONGS OR ACTS

0044 08/01/01 ROC /RECEIPT OF COPY 0001 07/25/01

0045 08/01/01 ROC /RECEIPT OF COPY 0001 07/18/01

0046 08/02/01 OPPS/STATES OPPOSITION TO DEFENDANTS MOTION 0001 Y
 TO ENDORSE DEFENDANTS MOTION OF 0001

PRE-TRAIL WRIT OF HABEAS CORPUS FOR DISMISSAL OF THE INFORMATION

0047 08/06/01 REQT/MOTION TO ENDORSE DEFENDANTS 0001 Y
 MEMORANDUM OF NOTICE IN SUPPORT OF 0001

DISMISSAL

0048 08/09/01 LIST/NOTICE OF WITNESSES 0001

0049 03/21/01 ORDR/EX PARTE ORDER GRANTING EXPARTE MOTION 0001 Y
 FOR APPOINTMENT OF COUNSEL AND FOR 0001

PAYMENT OF EXPENSES

0050 08/08/01 MOT /ALL PENDING MOTIONS 8/8/01 0001 08/08/01

0051 10/04/01 HEAR/PETROCELLI HEARING/ DEFT'S WRIT OF 0001 VC 01/07/02
 MANDAMUS VJ 1/03/02 0001

0052 10/04/01 ORDR/ORDER ALLOWING CONTACT VISIT 0001

0053 10/08/01 CALC/CALENDAR CALL 0001 01/03/02

0054 10/08/01 JURY/TRIAL BY JURY 0001 01/10/02

0055 10/08/01 MOT /ALL PENDING MOTIONS 10-8-01 0001 10/08/01

0056 01/03/02 PET /PRETRIAL PETITION WRIT OF HABEAS CORPUS 0001

0057 01/07/02 INFO/SECOND AMENDED INFORMATION 0001 01/07/02

0058 01/07/02 TRB /TRIAL BEGINS

0059 01/07/02 JLST/DISTRICT COURT JURY LIST 0001

0060 01/07/02 INFO/SECOND AMENDED INFORMATION 0001 01/07/02

0061 01/07/02 CINF/INFORMATION CORRECTED IN OPEN COURT 0001 01/09/02

0062 01/10/02 TRE /TRIAL ENDS 0001

0063 01/10/02 SENT/SENTENCING 0001 GR 03/14/02

0064 01/11/02 NOEV/NOTICE OF EXHIBIT(S) IN THE VAULT 01/07/02

0065 01/10/02 INST/INSTRUCTIONS TO THE JURY (INSTRUCTION NO 0001
 1) 0001

0066 01/10/02 VER /VERDICT 0001 01/10/02

0067 01/29/02 REQT/EX PARTE MOTION FOR ORDER TO APPOINT 0001 Y
 INVESTIGATOR AND ORDER FOR EXCESS 0001

INVESTIGATIVE FEES

0068 01/31/02 ORDR/ORDER GRANTING EX PARTE MOTION TO 0001 01/31/02
 APPOINT PRIVATE INVESTIGATOR 0001

0069 03/14/02 MOT /CHRISTOPHER ORAM'S MOTION TO WITHDRAW 0001 GR 03/20/02
 AS COUNSEL / APPOINT APP. COUNSEL 0001

(Continued to page 3)

NO.	FILED/REC	CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0070	03/20/02		CSCL/CASE CLOSED			03/20/02	
0071	03/26/02		ORDR/ORDER APPOINTING COUNSEL	0001			
0072	04/01/02		JMNT/ADMINISTRATION/ASSESSMENT FEE	0001		04/02/02	
0073	04/01/02		JMNT/GENETIC TESTING FEE	0001		04/02/02	
0074	04/01/02		JMNT/JUDGMENT OF RESTITUTION	0001		04/02/02	
0075	04/01/02		JUDG/JUDGMENT OF CONVICTION - PLEA OF GUILTY	0001		04/01/02	
0076	04/03/02		NOAS/NOTICE OF APPEAL	0001	AP	04/03/02	
0077	04/03/02		STAT/CASE APPEAL STATEMENT	0001			
0078	04/25/02		TRAN/REPORTER'S TRANSCRIPT OF PROCEEDINGS	0001		08/08/01	
0079	04/25/02		TRAN/REPORTER'S TRANSCRIPT OF PROCEEDINGS	0001		10/04/01	
0080	04/25/02		TRAN/REPORTER'S TRANSCRIPT OF PROCEEDINGS	0001		10/08/01	
0081	04/25/02		TRAN/REPORTER'S TRANSCRIPT OF PROCEEDINGS	0001		01/03/02	
0082	04/25/02		TRAN/REPORTER'S TRANSCRIPT OF JURY VOIR DIRE VOL. 1	0001 0001		01/07/02	
0083	04/25/02		TRAN/REPORTER'S TRANSCRIPT OF JURY TRIAL VOL. II	0001 0001		01/07/02	
0084	04/25/02		TRAN/REPORTER'S TRANSCRIPT OF JURY TRIAL VOLUME III	0001 0001		01/08/02	
0085	04/25/02		TRAN/REPORTER'S TRANSCRIPT OF JURY TRIAL VOLUME IV	0001 0001		01/09/02	
0086	04/25/02		TRAN/REPORTER'S TRANSCRIPT OF PROCEEDINGS	0001		03/20/02	
0087	04/25/02		TRAN/REPORTER'S TRANSCRIPT RE: FURTHER PROCEEDINGS: PSYCHOLOGICAL EVALUATION	0001 0001		08/01/00	
0088	04/25/02		TRAN/REPORTER'S TRANSCRIPT RE: AT THE REQUEST OF COURT ADMISISTRATION: STATUS CHECK	0001 0001		11/02/00	
0089	04/25/02		TRAN/REPORTER'S TRANSCRIPT RE: DEFENDANT'S MOTION FOR DISCOVERY	0001 0001		12/27/00	
0090	04/25/02		TRAN/REPORTER'S TRANSCRIPT RE: DEFT'S MOTION FOR OWN RECOGNIZANCE RELEASE, FOR	0001 0001		04/18/01	Y
HOUSE ARREST, OR FOR SETTING OF REASONABLE BAIL							
0091	04/25/02		CERT/CERTIFICATE OF MAILING	0001		04/25/02	
0092	05/22/02		TRAN/REPORTER'S TRANSCRIPT OF CALENDAR CALL	0001		07/26/01	
0093	05/22/02		TRAN/REPORTER'S TRANSCRIPT OF SENTENCING	0001		03/14/02	
0094	05/01/03		ORDR/ORDER AUTHORIZING PAYMENT FOR FEES FOR PSYCHOLOGICAL EVALUATION	0001 0001			
0095	09/23/03		JMNT/CLERK'S CERTIFICATE JUDGMENT AFFIRMED	0001		09/24/03	
0096	12/05/03		EXPR/EX PARTE ORDER GRANTING ATTORNEYS FEES IN EXCESS OF STATUTORY LIMIT AND	0001 0001		12/05/03	Y
COSTS							
0097	12/11/03		WOA /NOTICE OF WITHDRAWAL AS ATTORNEY OF RECORD	0001 0001		12/11/03	
0098	12/17/03		AFFT/AFFIDAVIT OF COMPLAINT	0001			
0099	02/25/04		AFFT/AFFIDAVIT OF COMPLAINT	0001			
0100	03/11/04		AFFT/AFFIDAVIT OF COMPLAINT	0001			
0101	05/04/04		CASO/CASE (RE)OPENED			05/04/04	
0102	05/04/04		MOT /DEFT'S PRO PER MTN WITHDRAWAL ATTY/29	0001	GR	05/17/04	
0103	05/17/04		CSCL/CASE CLOSED			05/17/04	
0104	07/02/04		NOTC/NOTICE OF EXHIBITS TO MEMORANDUM OF EXHIBITS IN SUPPORT OF PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION)			07/01/04	Y
0105	07/01/04		REQT/MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS	0001 0001			

(Continued to page 4)

NO.	FILED/REC CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0106	07/01/04	REQT/EX PARTE MOTION FOR APPOINTMENT OF COUNSEL AND REQUEST FOR EVIDENTIARY	0001 0001			Y
HEARING						
0107	07/01/04	AFFD/AFFIDAVIT IN SUPPORT OF PETITION FOR WRIT OF HABEAS CORPUS POST CONVICTION	0001 0001			
0108	07/01/04	REQT/MOTION FOR DISQUALIFICATION OR RECUSAL OF JUDGE	0001 0001			
0109	07/01/04	PTAT/MEMORANDUM OF POINTS AND AUTHORITIES AND LEGAL ARGUMENT IN SUPPORT OF PETITION	0001 0001			Y
FOR WRIT OF HABEAS CORPUS						
0110	07/01/04	PET /PETITION FOR WRIT OF HABEAS CORPUS POST CONVICTION	0001 0001			
0111	07/01/04	MEMO/MEMORANDUM OF EXHIBITS IN SUPPORT OF PETITION FOR WRIT OF HABEAS CORPUS	0001 0001			Y
POST CONVICTION						
0112	07/07/04	CASO/CASE (RE)OPENED			07/07/04	
0113	07/07/04	PET /DEFT'S PTN FOR WRIT OF HABEAS CORPUS	0001	DN	09/08/04	
0114	07/07/04	PPOW/ORDER FOR PETITION FOR A WRIT OF HABEAS CORPUS	0001 0001	SH	09/08/04	
0115	08/31/04	RSPN/STATES RESPONSE TO DEFENDANTS PETITION FOR WRIT OF HABEAS CPRPUS POST CONICTION	0001 0001			
0116	09/14/04	JUDG/FINDINGS OF FACTS, CONCLUSIONS OF LAW AND ORDER	0001 0001	GR	09/14/04	
0117	09/16/04	NOED/NOTICE OF ENTRY OF DECISION AND ORDER	0001		09/14/04	
0118	10/08/04	NOAS/NOTICE OF APPEAL	0001	AP	10/08/04	

1 **ORDR**
2 **DAVID ROGER**
3 Clark County District Attorney
4 Nevada Bar #002781
5 **MARY KAY HOLTHUS**
6 Chief Deputy District Attorney
7 Nevada Bar #003814
8 200 South Third Street
9 Las Vegas, Nevada 89155-2212
10 (702) 455-4711
11 Attorney for Plaintiff

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Shirley B. Pangione
CLERK

7 **DISTRICT COURT**
8 **CLARK COUNTY, NEVADA**

8 **THE STATE OF NEVADA,**

9 Plaintiff,

10 -vs-

11 **RENARD TURMAN POLK,**
12 **#1521718**

13 Defendant.

CASE NO: C166490

DEPT NO: VI

14 **FINDINGS OF FACT, CONCLUSIONS OF**
15 **LAW AND ORDER**

16 **DATE OF HEARING: 9/8/04**
17 **TIME OF HEARING: 8:00 A.M.**

18 THIS CAUSE having come on for hearing before the Honorable JOSEPH
19 BONAVENTURE, District Judge, on the 8th day of September, 2004, the Petitioner not
20 being present, in Proper Person, the Respondent being represented by DAVID ROGER,
21 District Attorney, by and through CHERYL KOSEWICZ, Deputy District Attorney, and the
22 Court having considered the matter, including briefs, transcripts, arguments of counsel, and
23 documents on file herein, now therefore, the Court makes the following findings of fact and
24 conclusions of law:

25 **FINDINGS OF FACT**

- 26 1. Renard Polk, Defendant, was charged by way of Amended Criminal Complaint
27 with two counts of Sexual Assault with a Minor Under Fourteen (14) Years of
28 Age and one count of Sexual Assault with a Minor Under Sixteen (16) Years

COUNTY CLERK

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of Age.

2. On April 25, 2000, defense counsel moved to have Defendant psychologically evaluated. As a result, the trial court directed counsel to have Defendant evaluated by a doctor. On June 27, 2000, defense counsel advised the court that he had a report that recommended Defendant be sent to Lakes Crossing. On August 1, 2000, pursuant to NRS 178.425, the trial court ordered Defendant remanded to the custody of the Administration of the Mental Hygiene and Mental Retardation Division for the Department of Human Resources for the detention and treatment at a secure facility operated by the Mental Hygiene and Mental Retardation Division.
3. On November 2, 2000, the State filed in open court an Order of Findings of Competency and Order to Transport Defendant. The court found Defendant competent and ordered Defendant to be transported.
4. The charges were amended on January 7, 2002, by way of interlineation to three counts of Sexual Assault With a Minor Under Fourteen (14) Years of Age (Felony – NRS 200.363, 200.366).
5. A Jury trial commenced on January 7, 2002. On January 9, 2002, defense counsel moved for a mistrial. The trial court denied defense counsel's motion for mistrial. On January 9, 2002, the jury found Defendant guilty of Attempted Sexual Assault With a Minor Under Fourteen and Sexual Assault With a Minor Under Fourteen.
6. A Judgment of Conviction was filed on April 2, 2002. The Defendant was sentenced to a maximum of one hundred twenty (120) months and a minimum of forty-eight (48) months for Count I, Attempted Sexual Assault with a Minor under Fourteen. As for Count II, Sexual Assault with a Minor under Fourteen (14), Defendant was sentenced to life with a minimum of two hundred forty (240) months, to run consecutive with Count I. In addition, Defendant was ordered to pay \$1,493.40 restitution and ordered to lifetime supervision upon

- 1 release from any term of probation, parole or imprisonment.
- 2 7. On April 3, 2002, Defendant filed a notice of appeal. On September 23, 2003,
- 3 the Nevada Supreme Court issued its remittitur, affirming Defendant's
- 4 conviction.
- 5 8. Defendant filed a Petition for Writ of Habeas Corpus (Post Conviction), and
- 6 Motions for Appointment of Counsel, Evidentiary Hearing, and Recusal of
- 7 Trial Judge on July 11, 2004.
- 8 9. The Court finds that Defendant is not entitled to the appointment of an attorney
- 9 as his petition is being summarily dismissed.
- 10 10. Defendant is not entitled to an evidentiary hearing because the claims raised in
- 11 his Petition do not entitle him to relief.
- 12 11. Defendant has failed to establish that the trial judge was biased, therefore
- 13 recusal is not merited.
- 14 12. Defendant's claims of misconduct by the State (Grounds a, b, c, d, f, i, j, and e
- 15 of his Petition) are barred from consideration by the doctrine of law of the case
- 16 as these issues were previously decided on direct appeal.
- 17 13. Defendant received effective assistance of trial counsel.
- 18 14. Defendant received effective assistance of appellate counsel.
- 19

20 CONCLUSIONS OF LAW

- 21 1. In Coleman v. Thompson, 501 U.S. 722, 111 S.Ct. 2546 (1991), the United
- 22 States Supreme Court ruled that under the Sixth Amendment of the United
- 23 States Constitution, there is no right to effective assistance of counsel, or to
- 24 counsel at all, in post-conviction proceedings. In McKague v. Warden, 112
- 25 Nev. 159, 164, 912 P.2d 255, 258 (1996), the Nevada Supreme Court similarly
- 26 observed that "[t]he Nevada Constitution also does not guarantee a right to
- 27 counsel in post-conviction proceedings, as we interpret the Nevada
- 28 Constitution's right to counsel provision as being coextensive with the Sixth

Amendment to the United States Constitution.” Id. In Peterson v. Warden, 87 Nev. 134, 136, 483 P.2d 204, 205 (1971), the Nevada Supreme Court observed that a defendant “. . . must show that the requested review is not frivolous before he may have an attorney appointed. . .” Id., citing former statute NRS 177.345(2).

2. The district court may appoint counsel to assist a defendant with a petition for post conviction habeas corpus if the petition is not summarily dismissed. NRS 34.750.

3. NRS 34.770 provides:

1. The judge or justice, upon review of the return, answer and all supporting documents which are filed, shall determine whether an evidentiary hearing is required. A petitioner must not be discharged or committed to the custody of a person other than the respondent unless an evidentiary hearing is held.

2. If the judge or justice determines that the petitioner is not entitled to relief and an evidentiary hearing is not required, he shall dismiss the petition without a hearing.

3. If the judge or justice determines that an evidentiary hearing is required, he shall grant the writ and set a date for the hearing.

4. A judge is presumed not to be biased, and the burden is on the party asserting the challenge to establish sufficient factual grounds warranting disqualification. Goldman v. Bryan, 104 Nev. 644, 649, 764 P.2d 1296, 1299 (1988); Hogan v. State, 112 Nev. 553, 560, 916 P.2d 805 (1996). Moreover, the Supreme Court of Nevada has always accorded substantial weight to a judge’s determination that he can fairly and impartially preside over a case. Sonner v. State, 112 Nev. 1328, 1335, 930 P.2d 707 (1996). Additionally, “rumor, speculation, belief, conclusions, innuendo, suspicion, opinion, and similar non-factual matters do not ordinarily satisfy the requirements for disqualification.” Hogan, 112 Nev. at fn. 5(citing, United States v. Cooley, 1 F.3d 985, 993 (10th Cir. 1993)).

5. Where an issue has already been decided on the merits by the Nevada Supreme Court, the Court’s ruling is law of the case, and the issue will not be revisited.

1 Pellegrini v. State, 117 Nev. 860, 34 P.3d 519 (2001); See McNelton v. State,
2 115 Nev. 396, 990 P.2d 1263, 1276 (1999); Hall v. State, 91 Nev. 314, 315-16,
3 535 P.2d 797, 798-99 (1975); See also Valerio v. State, 112 Nev. 383, 386,
4 915 P.2d 874, 876 (1996); Hogan v. Warden, 109 Nev. 952, 860 P.2d 710
5 (1993). The law of a first appeal is the law of the case in all later appeals in
6 which the facts are substantially the same; this doctrine cannot be avoided by
7 more detailed and precisely focused argument. Hall, supra; see also McNelton,
8 supra; Hogan, supra.

- 9 6. In order to assert a claim of ineffective assistance of counsel a defendant must
10 prove that he was denied "reasonably effective assistance" of counsel by
11 satisfying the two-prong test of Strickland v. Washington, 466 U.S. 668, 686-
12 87, 104 S.Ct. 2052, 2063-64 (1984). See also State v. Love, 109 Nev. 1136,
13 1138, 865 P.2d 322, 323 (1993). Under this test, the defendant must show first
14 that his counsel's representation fell below an objective standard of
15 reasonableness, and second, that but for counsel's errors, there is a reasonable
16 probability that the result of the proceedings would have been different.
17 Strickland, 466 U.S. at 687-88, 694, 104 S.Ct. at 2065, 2068; Warden, Nevada
18 State Prison v. Lyons, 100 Nev. 430, 432, 683 P.2d 504, 505 (1984).
- 19 7. A defendant has a constitutional right to effective assistance of counsel in a
20 direct appeal from a judgment of conviction. Evitts v. Lucey, 469 U.S. 395,
21 397, 105 S.Ct. 830, 836-837 (1985); See also, Burke v. State, 110 Nev. 1366,
22 1368, 887 P.2d 267, 268 (1994). In order to claim ineffective assistance of
23 appellate counsel the defendant must satisfy the two-prong test set forth by
24 Strickland, 466 U.S. at 687-688, 694, 104 S.Ct. at 2065, 2068; Williams v.
25 Collins, 16 F.3d 626, 635 (5th Cir. 1994); Hollenback v. United States, 987
26 F.2d 1272, 1275 (7th Cir. 1993); Heath v. Jones, 941 F.2d 1126, 1130 (11th
27 Cir. 1991). There is a strong presumption that counsel's performance was
28 reasonable and fell within "the wide range of reasonable professional

1 assistance." See United States v. Aguirre, 912 F.2d 555, 560 (2nd Cir. 1990);
2 citing Strickland, 466 U.S. at 689, 104 S.Ct. at 2065. The Nevada Supreme
3 Court has held that all appeals must be "pursued in a manner meeting high
4 standards of diligence, professionalism and competence." Burke, 110 Nev.
5 1366, 1368, 887 P.2d 267, 268. In order to prove that appellate counsel's
6 alleged error was prejudicial; the defendant must show that the omitted issue
7 would have had a reasonable probability of success on appeal. See Duhamel v.
8 Collins, 955 F.2d 962, 967 (5th Cir. 1992); Heath, 941 F.2d 1126, 1132.

9 **ORDER**

10 Based upon the Findings of Fact and Conclusions of Law contained herein, it is
11 hereby:

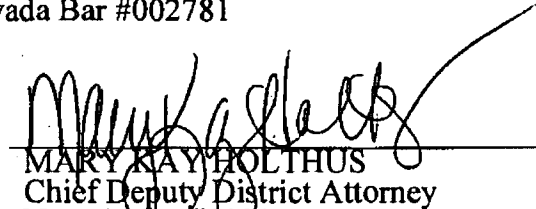
12 ORDERED, ADJUDGED, and DECREED that Defendant's Petition for Writ of
13 Habeas Corpus (Post-Conviction) and Motions for Appointment of Counsel, Evidentiary
14 Hearing, and Recusal of Judge are denied.

15 DATED this 13 day of September, 2004.

16 
17 DISTRICT JUDGE 

18
19 DAVID ROGER
20 DISTRICT ATTORNEY
21 Nevada Bar #002781

22 BY


23 MARY KAY HOLTHUS
24 Chief Deputy District Attorney
25 Nevada Bar #002814
26
27
28

ORIGINAL

FILED

SEP 16 8 23 AM '04

Shirley B. Parraguirre
CLERK

District Court

Clark County, Nevada

RENARD TURMAN POLK,

Petitioner,

vs

THE STATE OF NEVADA,

Respondent.

Case No. C166490

Dept. No. VI

NOTICE OF ENTRY OF
DECISION AND ORDER

PLEASE TAKE NOTICE that on September 14, 2004, the court entered a decision or order in this matter, a true and correct copy of which is attached to this notice.

You may appeal to the Supreme Court from the decision or order of this court. If you wish to appeal, you must file a notice of appeal with the clerk of this court within thirty-three (33) days after the date this notice is mailed to you. This notice was mailed on September 16, 2004.

SHIRLEY B. PARRAGUIRRE, CLERK OF COURT

By: *Norreta Caldwell*

Norreta Caldwell, Deputy Clerk

CERTIFICATE OF MAILING

I hereby certify that on the 16 day of September, 2004, I placed a copy of this Notice of Entry of Decision and Order in:

The bin(s) located in the Office of the County Clerk of:
Clark County District Attorney's Office - Appellate Division
Attorney General's Office - Appellate Division

☐ The United States mail addressed as follows:

Renard Turman Polk 72439
PO Box 359
Lovelock, NV 89419

Norreta Caldwell
Norreta Caldwell, Deputy Clerk

1 **ORDR**

2 **DAVID ROGER**
3 Clark County District Attorney
4 Nevada Bar #002781
5 **MARY KAY HOLTHUS**
6 Chief Deputy District Attorney
7 Nevada Bar #003814
8 200 South Third Street
9 Las Vegas, Nevada 89155-2212
10 (702) 455-4711
11 Attorney for Plaintiff

FILED

SEP 14 10 57 AM '04

Shirley B. Rungius
CLERK

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

RENARD TURMAN POLK,
#1521718

Defendant.

CASE NO: C166490

DEPT NO: VI

**FINDINGS OF FACT, CONCLUSIONS OF
LAW AND ORDER**

DATE OF HEARING: 9/8/04
TIME OF HEARING: 8:00 A.M.

THIS CAUSE having come on for hearing before the Honorable JOSEPH BONAVENTURE, District Judge, on the 8th day of September, 2004, the Petitioner not being present, in Proper Person, the Respondent being represented by DAVID ROGER, District Attorney, by and through CHERYL KOSEWICZ, Deputy District Attorney, and the Court having considered the matter, including briefs, transcripts, arguments of counsel, and documents on file herein, now therefore, the Court makes the following findings of fact and conclusions of law:

FINDINGS OF FACT

1. Renard Polk, Defendant, was charged by way of Amended Criminal Complaint with two counts of Sexual Assault with a Minor Under Fourteen (14) Years of Age and one count of Sexual Assault with a Minor Under Sixteen (16) Years

of Age.

2. On April 25, 2000, defense counsel moved to have Defendant psychologically evaluated. As a result, the trial court directed counsel to have Defendant evaluated by a doctor. On June 27, 2000, defense counsel advised the court that he had a report that recommended Defendant be sent to Lakes Crossing. On August 1, 2000, pursuant to NRS 178.425, the trial court ordered Defendant remanded to the custody of the Administration of the Mental Hygiene and Mental Retardation Division for the Department of Human Resources for the detention and treatment at a secure facility operated by the Mental Hygiene and Mental Retardation Division.
3. On November 2, 2000, the State filed in open court an Order of Findings of Competency and Order to Transport Defendant. The court found Defendant competent and ordered Defendant to be transported.
4. The charges were amended on January 7, 2002, by way of interlineation to three counts of Sexual Assault With a Minor Under Fourteen (14) Years of Age (Felony - NRS 200.363, 200.366).
5. A Jury trial commenced on January 7, 2002. On January 9, 2002, defense counsel moved for a mistrial. The trial court denied defense counsel's motion for mistrial. On January 9, 2002, the jury found Defendant guilty of Attempted Sexual Assault With a Minor Under Fourteen and Sexual Assault With a Minor Under Fourteen.
6. A Judgment of Conviction was filed on April 2, 2002. The Defendant was sentenced to a maximum of one hundred twenty (120) months and a minimum of forty-eight (48) months for Count I, Attempted Sexual Assault with a Minor under Fourteen. As for Count II, Sexual Assault with a Minor under Fourteen (14), Defendant was sentenced to life with a minimum of two hundred forty (240) months, to run consecutive with Count I. In addition, Defendant was ordered to pay \$1,493.40 restitution and ordered to lifetime supervision upon

1 release from any term of probation, parole or imprisonment.

2 7. On April 3, 2002, Defendant filed a notice of appeal. On September 23, 2003,
3 the Nevada Supreme Court issued its remittitur, affirming Defendant's
4 conviction.

5 8. Defendant filed a Petition for Writ of Habeas Corpus (Post Conviction), and
6 Motions for Appointment of Counsel, Evidentiary Hearing, and Recusal of
7 Trial Judge on July 11, 2004.

8 9. The Court finds that Defendant is not entitled to the appointment of an attorney
9 as his petition is being summarily dismissed.

10 10. Defendant is not entitled to an evidentiary hearing because the claims raised in
11 his Petition do not entitle him to relief.

12 11. Defendant has failed to establish that the trial judge was biased, therefore
13 recusal is not merited.

14 12. Defendant's claims of misconduct by the State (Grounds a, b, c, d, f, i, j, and e
15 of his Petition) are barred from consideration by the doctrine of law of the case
16 as these issues were previously decided on direct appeal.

17 13. Defendant received effective assistance of trial counsel.

18 14. Defendant received effective assistance of appellate counsel.

19 20 CONCLUSIONS OF LAW

21 1. In Coleman v. Thompson, 501 U.S. 722, 111 S.Ct. 2546 (1991), the United
22 States Supreme Court ruled that under the Sixth Amendment of the United
23 States Constitution, there is no right to effective assistance of counsel, or to
24 counsel at all, in post-conviction proceedings. In McKague v. Warden, 112
25 Nev. 159, 164, 912 P.2d 255, 258 (1996), the Nevada Supreme Court similarly
26 observed that "[t]he Nevada Constitution also does not guarantee a right to
27 counsel in post-conviction proceedings, as we interpret the Nevada
28 Constitution's right to counsel provision as being coextensive with the Sixth

Amendment to the United States Constitution.” Id. In Peterson v. Warden, 87 Nev. 134, 136, 483 P.2d 204, 205 (1971), the Nevada Supreme Court observed that a defendant “. . . must show that the requested review is not frivolous before he may have an attorney appointed. . .” Id., citing former statute NRS 177.345(2).

2. The district court may appoint counsel to assist a defendant with a petition for post conviction habeas corpus if the petition is not summarily dismissed. NRS 34.750.

3. NRS 34.770 provides:

1. The judge or justice, upon review of the return, answer and all supporting documents which are filed, shall determine whether an evidentiary hearing is required. A petitioner must not be discharged or committed to the custody of a person other than the respondent unless an evidentiary hearing is held.

2. If the judge or justice determines that the petitioner is not entitled to relief and an evidentiary hearing is not required, he shall dismiss the petition without a hearing.

3. If the judge or justice determines that an evidentiary hearing is required, he shall grant the writ and set a date for the hearing.

4. A judge is presumed not to be biased, and the burden is on the party asserting the challenge to establish sufficient factual grounds warranting disqualification. Goldman v. Bryan, 104 Nev. 644, 649, 764 P.2d 1296, 1299 (1988); Hogan v. State, 112 Nev. 553, 560, 916 P.2d 805 (1996). Moreover, the Supreme Court of Nevada has always accorded substantial weight to a judge’s determination that he can fairly and impartially preside over a case. Sonner v. State, 112 Nev. 1328, 1335, 930 P.2d 707 (1996). Additionally, “rumor, speculation, belief, conclusions, innuendo, suspicion, opinion, and similar non-factual matters do not ordinarily satisfy the requirements for disqualification.” Hogan, 112 Nev. at fn. 5(citing, United States v. Cooley, 1 F.3d 985, 993 (10th Cir. 1993)).

5. Where an issue has already been decided on the merits by the Nevada Supreme Court, the Court’s ruling is law of the case, and the issue will not be revisited.

1 Pellegrini v. State, 117 Nev. 860, 34 P.3d 519 (2001); See McNelton v. State,
2 115 Nev. 396, 990 P.2d 1263, 1276 (1999); Hall v. State, 91 Nev. 314, 315-16,
3 535 P.2d 797, 798-99 (1975); See also Valerio v. State, 112 Nev. 383, 386,
4 915 P.2d 874, 876 (1996); Hogan v. Warden, 109 Nev. 952, 860 P.2d 710
5 (1993). The law of a first appeal is the law of the case in all later appeals in
6 which the facts are substantially the same; this doctrine cannot be avoided by
7 more detailed and precisely focused argument. Hall, supra; see also McNelton,
8 supra; Hogan, supra.

- 9 6. In order to assert a claim of ineffective assistance of counsel a defendant must
10 prove that he was denied "reasonably effective assistance" of counsel by
11 satisfying the two-prong test of Strickland v. Washington, 466 U.S. 668, 686-
12 87, 104 S.Ct. 2052, 2063-64 (1984). See also State v. Love, 109 Nev. 1136,
13 1138, 865 P.2d 322, 323 (1993). Under this test, the defendant must show first
14 that his counsel's representation fell below an objective standard of
15 reasonableness, and second, that but for counsel's errors, there is a reasonable
16 probability that the result of the proceedings would have been different.
17 Strickland, 466 U.S. at 687-88, 694, 104 S.Ct. at 2065, 2068; Warden, Nevada
18 State Prison v. Lyons, 100 Nev. 430, 432, 683 P.2d 504, 505 (1984).
- 19 7. A defendant has a constitutional right to effective assistance of counsel in a
20 direct appeal from a judgment of conviction. Evitts v. Lucey, 469 U.S. 395,
21 397, 105 S.Ct. 830, 836-837 (1985); See also, Burke v. State, 110 Nev. 1366,
22 1368, 887 P.2d 267, 268 (1994). In order to claim ineffective assistance of
23 appellate counsel the defendant must satisfy the two-prong test set forth by
24 Strickland, 466 U.S. at 687-688, 694, 104 S.Ct. at 2065, 2068; Williams v.
25 Collins, 16 F.3d 626, 635 (5th Cir. 1994); Hollenback v. United States, 987
26 F.2d 1272, 1275 (7th Cir. 1993); Heath v. Jones, 941 F.2d 1126, 1130 (11th
27 Cir. 1991). There is a strong presumption that counsel's performance was
28 reasonable and fell within "the wide range of reasonable professional

1 assistance." See United States v. Aguirre, 912 F.2d 555, 560 (2nd Cir. 1990);
2 citing Strickland, 466 U.S. at 689, 104 S.Ct. at 2065. The Nevada Supreme
3 Court has held that all appeals must be "pursued in a manner meeting high
4 standards of diligence, professionalism and competence." Burke, 110 Nev.
5 1366, 1368, 887 P.2d 267, 268. In order to prove that appellate counsel's
6 alleged error was prejudicial; the defendant must show that the omitted issue
7 would have had a reasonable probability of success on appeal. See Duhamel v.
8 Collins, 955 F.2d 962, 967 (5th Cir. 1992); Heath, 941 F.2d 1126, 1132.

9 **ORDER**

10 Based upon the Findings of Fact and Conclusions of Law contained herein, it is
11 hereby:

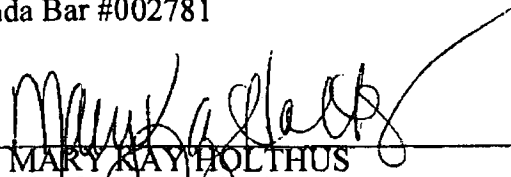
12 ORDERED, ADJUDGED, and DECREED that Defendant's Petition for Writ of
13 Habeas Corpus (Post-Conviction) and Motions for Appointment of Counsel, Evidentiary
14 Hearing, and Recusal of Judge are denied.

15 DATED this 13th day of September, 2004.

16 
17 DISTRICT JUDGE 

18
19 DAVID ROGER
20 DISTRICT ATTORNEY
21 Nevada Bar #002781

22 BY


23 MARY KAY HOLTHUS
24 Chief Deputy District Attorney
25 Nevada Bar #002814
26
27
28

CRIMINAL COURT MINUTES

00-C-166490-C STATE OF NEVADA vs Polk, Renard T

04/18/00 08:00 AM 00 INITIAL ARRAIGNMENT

HEARD BY: Joseph T. Bonaventure, Judge; Dept. 6

OFFICERS: CONNIE KALSKI, Court Clerk
ROBERT MINTUN, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	003814 Holthus, Mary Kay	Y
	0001 D1 Polk, Renard T	Y
	004349 Oram, Christopher R.	Y

Mr. Oram advised the matter was negotiated, however, Defendant now wishes to proceed to trial. Negotiations stated by Ms. Holthus. COURT ORDERED, matter CONTINUED for Arraignment and filing of an Amended Information.

CUSTODY

4/25/00 8:00 AM ARRAIGNMENT CONTINUED & FILING OF AMENDED INFORMATION.

04/25/00 08:00 AM 00 ALL PENDING MOTIONS 4/25/00

HEARD BY: Joseph T. Bonaventure, Judge; Dept. 6

OFFICERS: NORA PENA, Court Clerk
ROBERT MINTUN, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	004630 Hendricks, Craig L.	Y
	0001 D1 Polk, Renard T	Y
	004349 Oram, Christopher R.	Y

FILING OF AMENDED INFORMATION...ARRAIGNMENT CONTINUED

Mr. Oram advised matter was negotiated in Justice Court, the deft. has indicated reservations and moved to have his client psychologically evaluated but he does not want the plea offer to go away. Mr. Hendricks advised he did not have the file but had no objection to going along with it. Court directed counsel to have deft. evaluated by a doctor and ORDERED, matter set for further proceedings.

CUSTODY

5/23/00 8:00 AM FURTHER PROCEEDINGS: EVALUATION

CRIMINAL COURT MINUTES

00-C-166490-C STATE OF NEVADA

vs Polk, Renard T

CONTINUED FROM PAGE: 001

05/23/00 08:30 AM 00 FURTHER PROCEEDINGS: PSYCHOLOGICAL
EVALUATION

HEARD BY: Joseph T. Bonaventure, Judge; Dept. 6

OFFICERS: NORA PENA, Court Clerk
ROBERT MINTUN, Reporter/Recorder

PARTIES: STATE OF NEVADA
003814 Holthus, Mary Kay
0001 D1 Polk, Renard T
004349 Oram, Christopher R.

Y
Y
Y
Y

Mr. Oram advised he received the order back and requested more time for a psychological evaluation. COURT ORDERED, matter CONTINUED.

CUSTODY

CONTINUED TO: 06/13/00 08:30 AM 01

06/13/00 08:30 AM 01 FURTHER PROCEEDINGS: PSYCHOLOGICAL
EVALUATION

HEARD BY: Joseph T. Bonaventure, Judge; Dept. 6

OFFICERS: CONNIE KALSKI, Court Clerk
ROBERT MINTUN, Reporter/Recorder

PARTIES: STATE OF NEVADA
003814 Holthus, Mary Kay
0001 D1 Polk, Renard T
004349 Oram, Christopher R.

Y
Y
Y
Y

Mr. Oram advised the psychological evaluation is not yet completed and requested another ten days. COURT ORDERED, matter CONTINUED.

CUSTODY

CONTINUED TO: 06/27/00 08:30 AM 02

CONTINUED ON PAGE: 003

CRIMINAL COURT MINUTES

00-C-166490-C STATE OF NEVADA

vs Polk, Renard T

CONTINUED FROM PAGE: 002

06/27/00 08:30 AM 02 FURTHER PROCEEDINGS: PSYCHOLOGICAL
EVALUATION

HEARD BY: Joseph T. Bonaventure, Judge; Dept. 6

OFFICERS: NORA PENA, Court Clerk
DEBRA VAN BLARICOM, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
000477	Bell, Stewart L.	Y
003814	Holthus, Mary Kay	Y
0001 D1	Polk, Renard T	Y
004349	Oram, Christopher R.	Y

Mr. Oram advised this is from a special unit with Mary Kay Holthus, he has a report that recommends the Deft. be sent to Lakes Crossing and has heard nothing from the State. Upon Court's inquiry, Mr. Oram agreed he would need a second psych report. Deft's mother present, asked for an O.R. release. Court stated "no" because the Court needs to be satisfied with Deft's mental status. Mr. Oram requested 3 weeks. COURT ORDERED, matter CONTINUED.

CUSTODY

CONTINUED TO: 07/18/00 08:30 AM 03

07/18/00 08:30 AM 03 FURTHER PROCEEDINGS: PSYCHOLOGICAL
EVALUATION

HEARD BY: Joseph T. Bonaventure, Judge; Dept. 6

OFFICERS: NORA PENA, Court Clerk
ROBERT MINTUN, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
004630	Hendricks, Craig L.	Y
0001 D1	Polk, Renard T	Y
004349	Oram, Christopher R.	Y

Mr. Oram advised he doesn't have the report, the doctor saw the Deft. yesterday, he will call the doctor this morning to get the report and requested one week continuance. COURT ADMONISHED MR. ORAM regarding 6 continuances and ORDERED, matter continued.

CUSTODY

CONTINUED TO: 08/01/00 08:30 AM 04

CONTINUED ON PAGE: 004

CRIMINAL COURT MINUTES

00-C-166490-C STATE OF NEVADA vs Polk, Renard T

CONTINUED FROM PAGE: 003

08/01/00 08:30 AM 04 FURTHER PROCEEDINGS: PSYCHOLOGICAL
EVALUATION

HEARD BY: Joseph T. Bonaventure, Judge; Dept. 6

OFFICERS: NORA PENA, Court Clerk
ROBERT MINTUN, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
003814	Holthus, Mary Kay	Y
0001 D1	Polk, Renard T	Y
004349	Oram, Christopher R.	Y

Mr. Oram advised pursuant to Dr. Jurasky's report he would need more time to exam the Deft. and states he is mentally ill. However Mr. Oram requested Deft. be sent to Lakes Crossing. Ms. Holthus concurred with Mr. Oram and noted the doctor came up with weird conclusions. Pursuant to NRS 178.425, COURT ORDERED, defendant REMANDED to the custody of the Administrator of the Mental Hygiene and Mental Retardation Division for the Department of Human Resources for detention and treatment at a secure facility operated by the Mental Hygiene and Mental Retardation Division.

CUSTODY - LAKES CROSSING

11/02/00 08:30 AM 00 AT THE REQUEST OF COURT ADMINISTRATION:
STATUS CHECK

HEARD BY: Joseph T. Bonaventure, Judge; Dept. 6

OFFICERS: NORA PENA, Court Clerk
ROBERT MINTUN, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
005218	Peterson, Tamara M.	Y
0001 D1	Polk, Renard T	N
004349	Oram, Christopher R.	Y

Ms. Peterson advised deft is not present but at Lakes Crossing and moved to file ORDER OF FINDINGS OF COMPETENCY AND ORDER TO TRANSPORT DEFENDANT IN OPEN COURT. Orders executed in open court. Ms. Peterson advised Deft. waived before negotiations then was going to back out, she asked to file the amended information but can wait pursuant to Court's suggestion. Mr. Oram advised the Deft. has had an opportunity to have a psych evaluation and may come down and want the deal. No objection by Ms. Peterson and advised the deal is still open. COURT ORDERED, Deft. found competent and Deft. to be transported; matter set for negotiations and/or trial setting.

CRIMINAL COURT MINUTES

00-C-166490-C STATE OF NEVADA

vs Polk, Renard T

CONTINUED FROM PAGE: 004

CUSTODY

11/22/00 8:30 AM NEGOTIATIONS AND/OR TRIAL SETTING

11/22/00 08:30 AM 00 NEGOTIATIONS AND/OR TRIAL SETTING

HEARD BY: Joseph T. Bonaventure, Judge; Dept. 6

OFFICERS: NORA PENA, Court Clerk
ROBERT MINTUN, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	003814 Holthus, Mary Kay	Y
	0001 D1 Polk, Renard T	Y
	004349 Oram, Christopher R.	Y

Court advised has declared Deft. competent. Mr. Oram requested to set a trial date because he wanted to talk with the Deft. Ms. Holthus moved to file an Amended Information. After review of it, Mr. Oram advised he thought this was a robbery. Ms. Holthus advised if there is a problem she can file another one. CONFERENCE AT THE BENCH. AMENDED INFORMATION FILED IN OPEN COURT. Upon Court's inquiry, Deft. advised his TRUE MIDDLE NAME is TRUMAN. COURT SO ORDERED. DEFENDANT POLK ARRAIGNED, PLED NOT GUILTY and WAIVED THE 60-DAY RULE. COURT ORDERED, matter set for trial.

CUSTODY

3/22/01 8:30 AM CALENDAR CALL

3/26/01 9:30 AM JURY TRIAL

12/27/00 08:30 AM 00 DEFT'S MOTION FOR DISCOVERY

HEARD BY: Joseph T. Bonaventure, Judge; Dept. 6

OFFICERS: SHARRY FRASCARELLI, Relief Clerk
CARRIE HANSEN, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	005873 Benedict, Susan M.	Y
	0001 D1 Polk, Renard T	Y
	004349 Oram, Christopher R.	Y

Mr. Oram advised he talked with Ms. Holthus regarding information he is seeking on statements the Deft may have made concerning this case. Further, the Deft states he has previously been charged with this identical charge.

CRIMINAL COURT MINUTES

00-C-166490-C STATE OF NEVADA

vs Polk, Renard T.

CONTINUED FROM PAGE: 005

Mr. Oram advised as long as the information he is requesting is provided within two weeks, he will take this motion off calendar. COURT SO ORDERED and advised matter can be placed back on calendar if necessary. FURTHER ORDERED, trial date STANDS.

CUSTODY

03/22/01 08:00 AM 00 CALENDAR CALL

HEARD BY: Joseph T. Bonaventure, Judge; Dept. 6

OFFICERS: CAROLE D'ALOIA, Court Clerk
ROBERT MINTUN, Reporter/Recorder

PARTIES: STATE OF NEVADA
003814 Holthus, Mary Kay
0001 D1 Polk, Renard T
004349 Oram, Christopher R.

Y
Y
Y
Y

Upon Court's inquiry, Ms. Holthus advised she will not be ready for trial until Tuesday of next week since she is in trial. Mr. Oram advised he does not object to matter being continued as he has his investigator out looking for witnesses. Mr. Oram also advised he filed a motion that is calendared for Monday and will need to supplement that motion. COURT ORDERED, TRIAL DATE VACATED AND RESET AND 3/26/01 DATE VACATED.

CUSTODY

7/26/01 8:30 AM CALENDAR CALL

7/30/01 9:30 AM JURY TRIAL

CRIMINAL COURT MINUTES

00-C-166490-C STATE OF NEVADA

vs Polk, Renard T

CONTINUED FROM PAGE: 006

04/18/01 08:00 AM 00 DEFT'S MOTION FOR O.R. RELEASE OR BAIL
REDUCTION

HEARD BY: Joseph T. Bonaventure, Judge; Dept. 6

OFFICERS: CAROLE D'ALOIA, Court Clerk
JANICE LISTON, Reporter/Recorder

PARTIES: STATE OF NEVADA
003776 Monroe, Vicki J.
003814 Holthus, Mary Kay

0001 D1 Polk, Renard T
004349 Oram, Christopher R.

Y
Y
Y

Y
Y

Discussion between Court and Mr. Oram regarding a statement made by Defendant. Ms. Holthus explained she has been looking for the statement and it was finally located and she just received a copy from Metro Records and presented a copy to Mr. Oram. Statements by Court regarding the history of this case. COURT ORDERED, motion DENIED, BAIL STANDS AS SET. Statements by Defendant.

CUSTODY

07/23/01 08:30 AM 00 STATE'S MOTION: ADMIT EVIDENCE OF OF
OTHER CRIMES ACTS AND WRONGS

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

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

PARTIES: STATE OF NEVADA

0001 D1 Polk, Renard T

Y

Y

COURT ORDERED, matter CONTINUED FOR JUDGE BONAVENTURE'S DECISION.

CUSTODY

CLERK'S NOTE: CLERK NOTIFIED MS. HOLTHUS VIA E-MAIL REGARDING THE 7/26/01 CONTINUANCE DATE. CLERK ALSO PHONED MR. ORAM'S OFFICE AND LEFT A MESSAGE ON HIS VOICEMAIL WITH THE 7/26/01 CONTINUANCE DATE. CD

CONTINUED TO: 07/26/01 08:30 AM 01

CRIMINAL COURT MINUTES

00-C-166490-C STATE OF NEVADA vs Polk, Renard T
CONTINUED FROM PAGE: 007

07/26/01 08:30 AM 00 ALL PENDING MOTIONS 7/26/01

HEARD BY: Joseph T. Bonaventure, Judge; Dept. 6

OFFICERS: Carole D'Aloia, Court Clerk
Shawn Ott, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	003814 Holthus, Mary Kay	Y
	0001 D1 Polk, Renard T	Y
	004349 Oram, Christopher R.	Y

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

Mr. Oram advised matter cannot be resolved and Defendant wants to proceed to trial. Ms. Holthus stated she has not received a witness list from defense counsel. Statements by Mr. Oram regarding the Supreme Court overturning the statute precluding the insanity defense. Court noted Mr. Oram filed a motion to continue the trial, which Ms. Holthus stated she did not receive. COURT ORDERED, TRIAL VACATED AND RESET. Court further noted Mr. Oram filed a motion to dismiss and, upon Court's inquiry, Ms. Holthus advised she needed two weeks to respond. Court admonished counsel for filing all these last minute motions stating they should have been filed a while ago and not the week before trial. COURT ORDERED, Ms. Holthus to file an opposition by 8/6/01, and instructed counsel to file any other motions by that same date, and matter set for ARGUMENT/DECISION.

CUSTODY

8/8/01 8:30 AM ARGUMENT/DECISION: MOTION TO DISMISS

8/8/01 8:30 AM ALL PRETRIAL MOTIONS

10/4/01 8:30 AM CALENDAR CALL

10/9/01 9:30 AM JURY TRIAL

CRIMINAL COURT MINUTES

00-C-166490-C STATE OF NEVADA

vs Polk, Renard T

CONTINUED FROM PAGE: 008

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

HEARD BY: Joseph T. Bonaventure, Judge; Dept. 6

OFFICERS: Carole D'Aloia, Court Clerk
Tom Mercer, Reporter/RecorderPARTIES: STATE OF NEVADA
003814 Holthus, Mary Kay

0001 D1 Polk, Renard T
004349 Oram, Christopher R.

Y

Y

Y

Y

ARGUMENT/DECISION MOTION TO ENDORSE DEFT'S MOTION OF PRE-TRIAL WRIT OF HABEAS CORPUS FOR DISMISSAL OF THE INFORMATION...STATE'S MOTION TO ADMIT EVIDENCE OF OTHER CRIMES, ACTS, OR WRONGS...ALL PRETRIAL MOTIONS

Court noted this matter was to have gone to trial but defense had filed a motion for additional time to seek out a different plea and inquired if a decision had been made. Mr. Oram advised he was going forward with an insanity defense. Discussion between Court and counsel regarding Defendant entering another plea, and it was decided that could be done at Calendar Call. As to Defendant's Motion to Endorse Defendant's Pre-Trial Writ of Habeas Corpus for Dismissal of the Information, Court noted this was prepared by the Defendant and Mr. Oram filed the motion with the proper endorsement. Statements by Defendant in support of his motion, Ms. Holthus stated her oppositions and Court stated its findings and, ORDERED, motion DENIED. Defendant presented a Memorandum of Notice Supporting Documents and, COURT ORDERED, motion DENIED and advised Defendant all motions should be filed by his attorney. As to State's Motion to Admit Evidence of Other Crimes, Acts, or Wrongs, COURT ORDERED, motion GRANTED with the caveat that the State present clear and convincing evidence in support of their motion. Court instructed Ms. Holthus to have Freda White present at Calendar Call and it will conduct a brief Petrocelli Hearing. Statement by Defendant. COURT FURTHER ORDERED, TRIAL DATE STANDS.

CUSTODY

CONTINUED ON PAGE: 010

CRIMINAL COURT MINUTES

00-C-166490-C STATE OF NEVADA

vs Polk, Renard T

CONTINUED FROM PAGE: 009

10/04/01 08:30 AM 00 CALENDAR CALL

HEARD BY: Joseph T. Bonaventure, Judge; Dept. 6

OFFICERS: GEORGETTE BYRD/GB, Relief Clerk
Tom Mercer, Reporter/Recorder

PARTIES:

STATE OF NEVADA
000477 Bell, Stewart L.
003814 Holthus, Mary Kay

0001 D1 Polk, Renard T
004349 Oram, Christopher R.N
Y
Y

Y
Y

Mr. Oram stated he is ready for trial, however in September he heard the defendant was in a mental facility where there was a form with boxes checked indicating they did not know who this person is. Subsequent to that, we received jail records from 1999 and it mentions 6161 W. Charleston which leads me to believe the defendant is accurate to his statement. We are requesting to obtain those records for the psychiatrist and further requested a continuance.

Ms. Benedict DDA stated she is ready for trial and further stated counsel is only talking about a couple weeks of records, they may not even be available. The doctor should be able to evaluate the defendant bases on what he has. Ms. Benedict further stated she is having logistical problems. The victims are in foster care and the foster parents have stated they cannot bring the kids to Nevada and we will have to go through the case worker. We are still waiting for that information from the case worker.

Court noted this is a three year old case, and the facts presented do not convince the court that there are any records and the doctor should go with what he has.

Mr. Oram stated the defendant prepared a Pro Per Writ Mandamus yesterday without his knowledge and he is requesting to address it to the Court. Counsel approached. Upon Court's inquiry, the defendant stated he does not have a copy for the Court. COURT ORDERED, it will address defendant's writ on Monday afternoon after the petrocelli hearing. FURTHER ORDERED, trial will proceed on Monday at 9:30 where a jury will be picked. Counsel to present clear and convincing evidence at the petrocelli hearing calendared for 1:00PM on Monday.

CUSTODY

10/08/01 9:30 AM TRIAL BY JURY

10/08/01 1:00 PM PETROCELLI HEARING/DEFT'S WRIT MANDAMUS

CONTINUED ON PAGE: 011

CRIMINAL COURT MINUTES

00-C-166490-C STATE OF NEVADA

vs Polk, Renard T

CONTINUED FROM PAGE: 010

10/08/01 08:30 AM 00 ALL PENDING MOTIONS 10-8-01

HEARD BY: Joseph T. Bonaventure, Judge; Dept. 6

OFFICERS: Keith Reed, Relief Clerk
Tom Mercer, Reporter/RecorderPARTIES: STATE OF NEVADA
005218 Peterson, Tamara M.
0001 D1 Polk, Renard T
004349 Oram, Christopher R.Y
Y
Y
Y

JURY TRIAL...PETROCELLI HEARING: DEFT'S WRIT OF MANDAMUS

Mr. Oram noted the State is having witness problems, specifically with the two accusers and he would have no objection and stipulate to continuing the trial for him to perform additional investigations. Ms. Peterson concurred stating she could not have her witnesses here until Friday. Upon stipulation of counsel, COURT ORDERED, trial VACATED and RESET; Petrocelli Hearing and Deft's Writ of Mandamus CONTINUED.

CUSTODY

1-3-02 8:30 AM CALENDAR CALL

1-7-02 9:30 AM JURY TRIAL...PETROCELLI HEARING: DEFT'S WRIT OF MANDAMUS

01/03/02 08:30 AM 00 CALENDAR CALL

HEARD BY: Joseph T. Bonaventure, Judge; Dept. 6

OFFICERS: Nora Pena, Court Clerk
Tom Mercer, Reporter/RecorderPARTIES: STATE OF NEVADA
003814 Holthus, Mary Kay
005218 Peterson, Tamara M.
0001 D1 Polk, Renard T
004349 Oram, Christopher R.Y
Y
Y
Y
Y

DEFT'S PRETRIAL PETITION WRIT OF HABEAS CORPUS FILED IN OPEN COURT

Parties announced ready for trial. Court advised it didn't have the Writ of Mandamus and ORDERED, Writ OFF CALENDAR.

DEFT'S PRE-TRIAL PETITION FOR WRIT OF HABEAS CORPUS: Matter submitted by Mr. Oram. Ms. Holthus advised the Court previously ruled on the Deft's Pre-Trial

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CRIMINAL COURT MINUTES

00-C-166490-C STATE OF NEVADA

vs Polk, Renard T

CONTINUED FROM PAGE: 011

Writ of Habeas Corpus and she has not responded to the Writ filed today. Court advised it finds no double jeopardy violation, the Deft. has not been subjected to pre-arraignment delay nor has his first amendment rights have been violated due to forced medication and ORDERED, Renewed Petition of Writ DENIED and Trial STANDS for Monday at 9:30 AM.

STATE'S MOTION TO ADMIT EVIDENCE OF OTHER CRIMES, ACTS OR WRONGS: Argument by Ms. Holthus regarding the Deft's arrest by Metro Police and the sexual assault allegations by Freda White; she advised there are other issues of allegations by two other victims in another event which the State wishes to introduce as to the Deft's bad acts and she will have both children present for Mr. Oram to question. Ms. Holthus indicated the Court's Order expires Monday night. Mr. Oram advised after the jury is picked he can talk with the young ladies during lunch with Ms. Holthus present then they can argue the matter later. Court advised it will accommodate any way counsel request. Witness Officer John W. Schutt, sworn and testified. Argument by Ms. Holthus regarding the Deft. giving a false name to the Officer. Opposition by Mr. Oram and requested limiting instructions to the Officers testimony. Court stated it's findings and ORDERED, motion GRANTED and State precluded from allowing testimony by the Officer regarding any fight with Lopez or the Deft's prior juvenile arrest. Witness Freda A. White, sworn and testified. Argument by Ms. Holthus. Opposition by Mr. Oram to admit bad acts. Reply by Ms. Holthus. Court stated it's findings based on direct testimony and cross examination ORDERED, motion DENIED as to Freda White.

Mr. Oram advised he wanted the record to reflect he advised his client of the offer by the State but the Deft. wanted to invoke his right and proceed to trial, he also advised his client of the ramifications. Ms. Holthus advised she will withdraw the offer today with the State having the right to argue.

Court read a letter received by the Deft. and acknowledged his issues with no avail; further directed Mr. Oram to have his client dressed out and be prepared for a possible Miller Hearing.

CUSTODY

1/07/02 9:30 AM JURY TRIAL

CRIMINAL COURT MINUTES

00-C-166490-C STATE OF NEVADA

vs Polk, Renard T

CONTINUED FROM PAGE: 012

01/07/02 09:30 AM 00 TRIAL BY JURY

HEARD BY: Joseph T. Bonaventure, Judge; Dept. 6

OFFICERS: Carole D'Aloia, Court Clerk
Tom Mercer, Reporter/Recorder

PARTIES: STATE OF NEVADA
005218 Peterson, Tamara M.
003814 Holthus, Mary Kay

0001 D1 Polk, Renard T
004349 Oram, Christopher R.

Y
Y
Y

Y
Y

Jury panel sworn. Introductions by counsel. Jury of twelve plus one alternate selected and sworn. Court invoked exclusionary rule. OUTSIDE THE PRESENCE OF THE JURY, Ms. Peterson moved to file Second Amended Information. Over the objections of Mr. Oram, COURT ORDERED, Second Amended Information FILED IN OPEN COURT. Miller Hearing, OUTSIDE THE PRESENCE OF THE JURY, to determine if prior allegations of sexual assault or abuse of victims is relevant in this matter. After hearing testimony, COURT ORDERED, motion DENIED. JURY PRESENT. Opening statements by counsel. Testimony and exhibits presented (see worksheet). OUTSIDE THE PRESENCE OF THE JURY, Court noted there was a disturbance in the hallway in front of the jury and admonished Ms. Leola Grays. Second Amended Information AMENDED BY INTERLINEATION on line page one, line 27, to reflect "...sixteen years..." Jury admonished and recessed for the evening.

CUSTODY

CONTINUED TO: 01/08/02 09:30 AM 01

01/08/02 09:30 AM 01 TRIAL BY JURY

HEARD BY: Joseph T. Bonaventure, Judge; Dept. 6

OFFICERS: Carole D'Aloia, Court Clerk
Tom Mercer, Reporter/Recorder

PARTIES: STATE OF NEVADA
005218 Peterson, Tamara M.
003814 Holthus, Mary Kay

0001 D1 Polk, Renard T
004349 Oram, Christopher R.

Y
Y
Y

Y
Y

Jury present. Testimony and exhibits continued (see worksheet). OUTSIDE THE PRESENCE OF THE JURY, Mr. Oram stated his objection to the discussion of Defendant's medical records. Court instructed counsel to have jury

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CRIMINAL COURT MINUTES

00-C-166490-C STATE OF NEVADA

vs Polk, Renard T

CONTINUED FROM PAGE: 013

instructions ready by tomorrow. Court advised Defendant of his constitutional right to not take the stand and asked Defendant if he understood, to which Defendant responded yes. Mr. Oram advised Defendant will probably testify. Testimony and exhibits continued (see worksheet). State rests. Defense witness testifies (see worksheet). Defense rests. Jury admonished and recessed for the evening.

CONTINUED TO: 01/09/02 09:30 AM 02

01/09/02 09:30 AM 02 TRIAL BY JURY

HEARD BY: Joseph T. Bonaventure, Judge; Dept. 6

OFFICERS: Carole D'Aloia, Court Clerk
Tom Mercer, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	003814 Holthus, Mary Kay	Y
	005218 Peterson, Tamara M.	Y
	0001 D1 Polk, Renard T	Y
	004349 Oram, Christopher R.	Y

OUTSIDE THE PRESENCE OF THE JURY, Mr. Oram moved for a mistrial and stated his reasons. COURT ORDERED, motion DENIED. Instructions settled. Second Amended Information AMENDED BY INTERLINEATION on page 1, line 25 and page 2, line 4 to reflect "...did on or between..." Jury present. Court instructed jury. Clsing arguments by counsel. At the hour of 11:15 AM the jury retired to deliberate. Court thanked and excused the alternate.

CONTINUED TO: 01/10/02 08:30 AM 03

CRIMINAL COURT MINUTES

00-C-166490-C STATE OF NEVADA

vs Polk, Renard T

CONTINUED FROM PAGE: 014

01/10/02 08:30 AM 03 TRIAL BY JURY

HEARD BY: Joseph T. Bonaventure, Judge; Dept. 6

OFFICERS: Carole D'Aloia, Court Clerk
Tom Mercer, Reporter/Recorder

PARTIES: STATE OF NEVADA
004286 Herndon, Douglas W.
003649 Kephart, William D.

0001 D1 Polk, Renard T
004349 Oram, Christopher R.

Y
Y
Y

Y
Y

Jury returned at 8:30 AM to continue deliberations. At the hour of 11:15 AM, the jury returned with a verdict of GUILTY of COUNT I - ATTEMPT SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN (F), GUILTY OF COUNT II - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN (F) and NOT GUILTY of COUNT III. Jury polled. COURT ORDERED, matter set for SENTENCING in SIXTY (60) DAYS. Court thanked and exused the jury.

CUSTODY

3/14/02 8:30 AM SENTENCING

03/14/02 08:30 AM 00 SENTENCING

HEARD BY: Joseph T. Bonaventure, Judge; Dept. 6

OFFICERS: Alona Candito, Court Clerk
Shawn Ott, Reporter/Recorder

PARTIES: STATE OF NEVADA
003814 Holthus, Mary Kay

0001 D1 Polk, Renard T
004349 Oram, Christopher R.

Y
Y

Y
Y

P & P represented by Officer Lizura. Pursuant to the jury verdict, Defendant POLK ADJUDGED GUILTY OF - COUNT I - ATTEMPT SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN (F) AND COUNT II - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE (F). Statements by counsel and Defendant. Mr. Oram requested to be relieved as counsel after sentencing and Mr. Schieck be appointed. Opposition by Ms. Holthus. Statements by Defendant's mother and the Court. Statement by Defendant.

COURT ORDERED, in addition to \$25. Assessment Fee and \$250. D.N.A. Fee, Defendant POLK SENTENCED TO A TERM OF:

COUNT I - a MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS and a MINIMUM of

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CRIMINAL COURT MINUTES

00-C-166490-C STATE OF NEVADA

vs Polk, Renard T

CONTINUED FROM PAGE: 015

FORTY-EIGHT (48) MONTHS in the Nevada Department of Corrections (NDC) and Defendant is Ordered to pay \$1,493.40 Restitution. 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.

COUNT II - a MAXIMUM of LIFE in the NDC with a MINIMUM of TWO HUNDRED FORTY (240) MONTHS; COUNT II TO RUN CONSECUTIVELY TO COUNT I.

691 days credit for time served.

FURTHER, matter CONTINUED for Mr. Oram's Motion to Withdraw as Counsel / Appoint Appellate Counsel.

03/20/02 08:30 AM 00 CHRISTOPHER ORAM'S MOTION TO WITHDRAW
AS COUNSEL / APPOINT APP. COUNSEL

HEARD BY: Joseph T. Bonaventure, Judge; Dept. 6

OFFICERS: Melissa Davis, Relief Clerk
Tom Mercer, Reporter/Recorder

PARTIES: STATE OF NEVADA
003814 Holthus, Mary Kay
0001 D1 Polk, Renard T
004349 Oram, Christopher R.

Y
Y
Y
Y

Mr. Oram advised his duties have been completed on this case and requested Mr. Schieck be appointed as appellate counsel. Objection by the State as to who will be appointed to represent Defendant on appeal. Upon Court's inquiry, Defendant waived any conflict with Mr. Schieck being appointed. COURT ORDERED, Mr. Schieck appointed as counsel, clerk to notify. Defendant inquired of the credit or time served he was given at sentencing. Court advised Defendant that a motion must be filed addressing that issue.

NDC

CLERK'S NOTE: Clerk called and advised Mr. Schieck's office of the appointment of counsel./md

CRIMINAL COURT MINUTES

00-C-166490-C STATE OF NEVADA vs Polk, Renard T

CONTINUED FROM PAGE: 016

05/17/04 08:30 AM 00 DEFT'S PRO PER MTN WITHDRAWAL ATTY/29

HEARD BY: Joseph T. Bonaventure, Judge; Dept. 6

OFFICERS: Keith Reed, Court Clerk
Barbara Karp/bjk, Relief Clerk
Tom Mercer, Reporter/Recorder

PARTIES: STATE OF NEVADA
007916 Smith, Brandon B.

Y

Y

COURT ORDERED, Motion GRANTED; Clerk to notify Counsel to send a copy of records/file to Defendant.

NDC

CLERK'S NOTE: 5/18/04 Clerk called and advised Mr. Schieck's office./bjk

09/08/04 08:30 AM 00 DEFT'S PTN FOR WRIT OF HABEAS CORPUS

HEARD BY: Joseph T. Bonaventure, Judge; Dept. 6

OFFICERS: Keith Reed, Court Clerk
Tom Mercer, Reporter/Recorder

PARTIES: STATE OF NEVADA
007409 Kosewicz, Cheryl L.

Y

Y

Upon review of Deft's filings, Court sees no grounds to disqualify itself due to the late filing of Deft's Motion To Dismiss by the Court Clerk. Ms. Kosewicz concurred. COURT ORDERED, motion for recusal DENIED. As to Deft's Motion for Appointment Of Counsel and Petition for Writ Of Habeas Corpus, Court stated findings and ORDERED, motion/Petition DENIED; State to prepare the order.

NDC

10/11/04

E X H I B I T S

10:51 AM

CASE NO. 00-C-166490-C

CASE STATUS: INACTIVE

STATE OF NEVADA

[] vs Polk, Renard T

[]

NO.	CODE	EXHIBIT DESCRIPTION	SUB.	OF/OB	DATE	S
0001	P-1	/LVMPD RPT - A POLK	S	/	99/99/99	V
0002	P-2	/MICRO CASSETTE TAPE - A POLK	S	/	99/99/99	V
0003	P-3	/MICRO CASSETTE TAPE - J + J CHATMAN	S	/	99/99/99	V
0004	P-4	/LVMPD RPT - J CHATMAN	S	/	99/99/99	V
0005	P-5	/LVMPD RPT - J CHATMAN	S	/	99/99/99	V
0006	P-6	/PHOTO	S	AD/NO	01/07/02	V
0007	P-7	/POSTER BOARD	S	AD/NO	01/08/02	V
0008	P-8	/MED HISTORY - A POLK	S	AD/NO	01/08/02	V
0009	P-9	/LVMPD - RIGHTS OF PERSONS - R T POLK	S	AD/NO	01/08/02	V
0010	P-10	/LVMPD VOLUNTARY STMT OF R T POLK	S	AD/NO	01/08/02	V
0011	P-11	/WITHDRAWN	S	/	99/99/99	
0012	P-12	/CASSETTE (COPY OF MICRO CASSETTE TAPE)	S	AD/NO	01/08/02	V
0013	P-13	/BIRTH CERT OF R T POLK	S	AD/NO	01/08/02	V
0014	P/CT1	/MICRO CASSETTE INTERVIEW OF R T POLK	S	/	99/99/99	V
0015	P/CT2	/NOTE FROM JURY	S	/	99/99/99	V
0016	P/CT3	/NOTE FROM JURY & RESPONSE FRM JUDGE	S	/	99/99/99	V
0017	P/CT4	/COPY OF ST'S EXHIBIT LIST/ADMITTED ONLY	S	/	99/99/99	
0018	P/CT5	/NOTE FROM JURY	S	/	99/99/99	V

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; FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER; NOTICE OF
ENTRY OF DECISION AND ORDER; DISTRICT COURT MINUTES; EXHIBITS LIST

STATE OF NEVADA,

Plaintiff(s),

VS.

RENARD T. POLK,

Defendant(s),

Case No: C166490

Dept N^o: VI

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 11 day of October 2004.

Shirley B. Parraguirre, Clark County Clerk

Robin Mills

Robin J. Mills, Deputy/Clerk