

No. C093713

Dept. No. VIII

FILED

IN THE 8TH JUDICIAL DISTRICT COURT OF THE
STATE OF NEVADA IN AND FOR
THE COUNTY OF CLARK

JAN 10 1 57 PM '07

Shirley L. Rungione
CLERK

R. Kevin CLARK AKA.
Kevin Brooks

Petitioner/Plaintiff,

v.

E.K. Madaniel

Respondent/Defendant.

No. 48747

FILED

JAN 17 2007

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

NOTICE OF APPEAL

Notice is hereby given that KEVIN BROOKS, Petitioner/Defendant above named,
hereby appeals to the Supreme Court of Nevada from the final judgment/order
(ON WRIT OF HABEAS CORPUS (POST-CONVICTION))
entered in this action on the 16TH day of MARCH, 2000. 1992.

Dated this 8TH day of JANUARY, 2007.

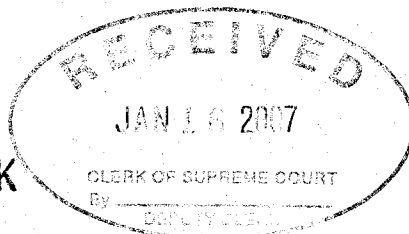
Kevin Brooks

Appellant
Ely State Prison
P.O. Box 1989
Ely, Nevada 89301-1989

RECEIVED

JAN 10 2007

COUNTY CLERK



07-01169

No. C093713

Dept. No. VIII

FILED

IN THE 8th JUDICIAL DISTRICT COURT OF THE
STATE OF NEVADA IN AND FOR
THE COUNTY OF CLARK

JAN 10 1 58 PM '07

Anthony B. Pungione
CLERK

R. Kevin CLARK AKA.

KEVIN BROOKS

Petitioner/Plaintiff,

v.

E.K. McDANIEL

Respondent/Defendant.

CASE APPEAL STATEMENT

1. Name of Appellant filing this appeal statement: KEVIN BROOKS
2. Identify the judge issuing the decision, judgment, or order appealed from: Judge Lee Gates
3. Identify all parties to the proceedings in the district court (the use of et al. to denote parties is prohibited): KEVIN CLARK, Fred Burney, STATE OF NEVADA
4. Identify all parties involved in this appeal (the use of et al. to denote parties is prohibited): KEVIN CLARK, E.K. McDANIEL
5. Set forth the name, law firm, address, and telephone number of all counsel on appeal and identify the parties or party whom they represent:

Attorney

Attorney

Attorney

Address

Address

Address

Telephone Number

Telephone number

Telephone number

Represents

Represents

Represents

6. Indicate whether appellant was represented by appointed or retained counsel in the district court: Appointed Counsel _____ Retained Counsel X Pro Per _____

7. Indicate whether appellant was represented by appointed or retained counsel on appeal:

Appointed Counsel X Retained Counsel _____ Pro Per _____

8. Indicate whether appellant was granted leave to proceed in forma pauperis, and the date of entry of the district court order granting such leave: Yes X No _____

Date: 2/22/91

9. Indicate the date the proceedings commenced in the district court (e.g., date complaint, indictment, information, or petition was filed): Date: 2/7/91

Dated this 8th day of January, 2007.

Kevin Brooks

Appellant
Ely State Prison
P.O. Box 1989
Ely, Nevada 89301

CERTIFICATE OF SERVICE BY MAIL

I hereby certify that a true and correct copy of the foregoing Notice of Appeal, Case Appeal Statement, was mailed to:

CLARK County Court Clerk
200 Lewis Ave.
P.O. Box 551601
LAS VEGAS, NV 89155-1601

Dated this 8th day of January, 2007.

1 ASTA

FILED

2001 JAN 11 P 3:20

4 DISTRICT COURT
5 CLARK COUNTY, NEVADA

[Signature]
CLERK

7 STATE OF NEVADA,

8 Plaintiff(s),

9 vs.

10 RALPH KEVIN CLARK aka KEVIN BROOKS,

11 Defendant(s),

) Case No: C93713

) Dept No: XVIII

13
14 CASE APPEAL STATEMENT

15 1. Appellant(s): KEVIN BROOKS

16 2. Judge: NANCY SAITTA

17 3. All Parties, District Court:

18 Plaintiff, THE STATE OF NEVADA

19 Defendant(s), FRED W. BURNEY; RALPH KEVIN CLARK aka KEVIN BROOKS

20 4. All Parties, Appeal:

21 Appellant(s), KEVIN BROOKS

22 Respondent, THE STATE OF NEVADA

23 5. Appellate Counsel:

24 *Appellant/Proper Person*
25 Kevin Brooks #33384
26 P.O. Box 1989
27 Ely, NV 89301

Respondent
David Roger, District Attorney
200 Lewis Ave.
Las Vegas, NV 89101
(702) 671-2700

1 6. District Court Attorney, Retained

2 7. On Appeal, N/A

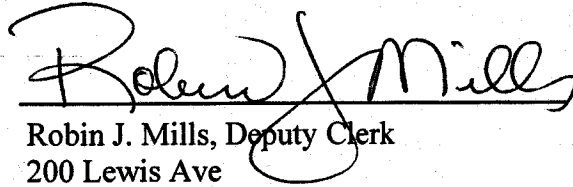
3 8. Forma Pauperis, Granted

4 9. Date Commenced in District Court: March 28, 1990

5 Dated This 11 day of January 2007.

6 Shirley B. Parraguirre, Clark County Clerk

7
8 By:



9 Robin J. Mills, Deputy Clerk

10 200 Lewis Ave

11 PO Box 551601

12 Las Vegas, Nevada 89155-1601

13 (702) 671-0512

AFFIRMATION

Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding **CASE APPEAL**
STATEMENT filed in District Court Case number C93713 does not
contain the social security number of any person.

Robin Mills
Deputy Clerk

January 11, 2007
Date

ROBIN MILLS

Print Name

DATE: 01/10/07
CASE NO. 90-C-093713-C

I N D E X

TIME 2:55 PM
JUDGE:Saitta, Nancy M

STATE OF NEVADA

[] vs Burney, Fred W

[E]

0001 D1 Fred W Burney

Pro Se

0003 D Kevin Brooks
P O Box 1989
Ely, NV 89301

Pro Se

NO.	FILED/REC CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0001	03/28/90	ARRN/INITIAL ARRAIGNMENT	AL		04/03/90	
0005	05/22/90	SENT/SENTENCING	0001	GR	05/25/90	
0007	12/11/90	PET /PROPER PERSON MOTION FOR SUBSTITUTION AND REMOVAL OF ATTORNEY OF RECORD	0003		12/24/90	
0008	12/11/90	AFFT/AFFIDAVIT	0003			
0009	12/19/90	NOTC/NOTICE OF TRANSCRIPTS	AL			
0010	01/08/91	ORDR/ORDER DENYING MOTION FOR SUBSTITUTION AND REMOVAL OF ATTORNEY OF RECORD	0003		01/08/91	
0011	01/11/91	PET /PROPER PERSON MOTION TO ACT AS HIS OWN COUNSEL	0003		01/29/91	
0012	01/22/91	CASO/CASE (RE)ACTIVATED ON				
0013	02/07/91	PET /PROPER PERSON MOTION TO PROCEED IN FORMA PAUPERIS	0003	DF	03/04/91	
0014	02/07/91	PET /PROPER PERSON MOTION FOR POST CONVICTION RELIEF	0003	DN	03/04/91	
0015	04/05/90	INFO/AMENDED INFORMATION	0003		04/05/90	
0016	12/26/90	PET /PROPER PERSON MOTION FOR SUBSTITUTION AND REMOVAL OF ATTORNEY OF RECORD		DN	12/26/90	
0018	03/06/91	MOT /MOTION TO WITHDRAW AS COUNSEL AND ALLOW DEFENDANT TO PROCEED IN FORMA PAUPERIS	0001		03/18/91	
0019	03/06/91	AFFD/AFFIDAVIT IN SUPPORT OF REQUEST TO PROCEED IN FORMA PAUPERIS	0001			
0020	03/06/91	REQT/MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS				
0021	03/06/91	MEMO/MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF THE JUDICIAL NOTICE FOR WITHDRAWAL OF ATTORNEY OF RECORD				Y
0022	03/06/91	MOT /ALL PENDING MOTIONS (3-4-91)	0003		03/04/91	
0023	03/13/91	ORDR/ORDER DISMISSING MOTION FOR POST-CONVICTION RELIEF ETC	AL		03/12/91	
0024	03/14/91	RSPN/RESPONSE TO MOTION TO WITHDRAW AS COUNSEL AND TO ALLOW DEFENDANT TO PROCEED IN FORMA PAUPERIS, AND MOTION TO WITHDRAW PLEA	S			Y
0025	03/18/91	MOT /ALL PENDING MOTIONS (3/18/91)			03/18/91	
0026	03/22/91	ORDR/ORDER re WITHDRAWAL OF ATTORNEY AND PLEA	0001		03/22/91	
0027	03/29/91	MOT /PRO PER MOTION TO PROCEED IN FORMA PAUPERIS (DEPT VIII)	0003	DN	04/10/91	
0028	03/28/91	NOTC/NOTICE OF APPEAL	0001			
0029	04/12/91	ORDR/ORDER re MOTION TO PROCEED IN FORMA PAUPERIS	0001		04/11/91	
0030	04/17/91	PET /PROPER PERSON PETITION FOR POST CONVICTION RELIEF	0001	DN	05/20/91	
0031	04/18/91	PET /PROPER PERSON MOTION TO PROCEED IN FORMA PAUPERIS	0001	DN	05/20/91	

(Continued to page 2)

NO.	FILED/REC	CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0032	04/17/91	MEMO/MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF POST CONVICTION RELIEF	0001 0001				
0034	05/09/91	MOT /ALL PENDING MOTIONS (05-8-91)	0001			05/20/91	
0035	05/10/91	PET /PROPER PERSON MOTION TO APPOINT COUNSEL	0001	DN		05/20/91	
0036	05/08/91	ANSW/ANSWER IN OPPOSITION TO PETITION FOR POST-CONVICTION RELIEF	S S				
0037	05/21/91	MOT /ALL PENDING MOTIONS 5/20/91	0001	DN		05/20/91	
0038	10/17/91	PET /PETITION FOR POST CONVICTION RELIEF LTR 10-15-91	0003 0003			12/16/91	
0039	10/18/91	MOT /PRO PER MOTION FOR SUBSTITUTION OF COUNSEL OF RECORD	0003 0003	GR		11/13/91	
0040	10/18/91	MOT /PRO PER MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS	0003 0003	GR		11/13/91	
0041	10/18/91	PET /PRO PER MOTION FOR TRANSFER OF RECORDS	0003	GR		11/13/91	
0042	10/18/91	PET /PRO PER MOTION FOR ORDER TO STAY PENDING POST CONVICTION RELIEF	0003 0003	DN		10/28/91	
0043	10/22/91	ORDR/ORDER FINDINGS OF FACT AND CONCLUSIONS OF LAW	0001 0001			10/22/91	
0044	10/24/91	NOTC/NOTICE OF ENTRY OF ORDER	0001			10/24/91	
0045	10/25/91	ANSW/STATES ANSWER IN OPPOSITION TO DEFENDANTS PETITION FOR POST CONVICTION RELIEF AND MOTION TO STAY POST CONVICTION RELIEF	S S			10/25/91	Y
0046	10/29/91	MOT /ALL PENDING MOTIONS 10/28/91	0003			10/28/91	
0047	10/25/91	JUDG/NEVADA SUPREME COURT CLERKS CERTIFICATE/ JUDGMENT - REVERSED AND REMANDED	0003 0003			09/30/91	
0048	11/14/91	MOT /ALL PENDING MOTIONS 11/13/91	0003			11/13/91	
0049	11/14/91	OCAL/FURTHER PROCEEDINGS	0003			12/11/91	
0050	12/13/91	MOT /ALL PENDING MOTIONS 12/16/91	0003			12/16/91	
0051	12/18/91	HEAR/HEARING: PETITION FOR POST CONVICTION HEARING	0003 0003			03/09/92	
0052	01/31/92	JUDG/NEVADA SUPREME COURT CLERKS CERTIFICATE/ JUDGMENT - AFFIRMED OR REVERSED	0003 0003			12/20/91	
0053	03/04/92	PET /PRO PER EX PARTE MOTION FOR ENLARGEMENT OF TIME	0003 0003			03/09/92	
0054	03/09/92	MOT /ALL PENDING MOTIONS 3/9/92	0003			03/09/92	
0055	03/09/92	HEAR/HEARING JUDGE'S DECISION	0003	DN		03/16/92	
0056	11/10/93	CASO/CASE (RE)ACTIVATED ON					
0057	11/10/93	ASSG/REASSIGNMENT OF JUDGE CHRISTENSEN TO JUDGE MAUPIN					
0058	11/10/93	PET /PROPER PERSON MOTION FOR PRODUCTION OF TRANSCRIPTS	0003 0003	OC		11/22/93	
0059	12/03/93	PET /PRO PER MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS	0003 0003	GR		12/20/93	
0060	12/03/93	AFFD/AFFIDAVIT IN SUPPORT OF MOTION TO PROCEED IN FORMA PAUPERIS				12/20/93	
0061	12/03/93	CRTF/FINANCIAL CERTIFICATE				12/20/93	
0062	12/03/93	REQT/MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS AND SUPPORTING DECLARATION				12/20/93	
0063	06/29/94	HEAR/AT REQUEST OF DEFENDANT	0003	GR		07/08/94	
0064	07/21/94	ORDR/ORDER	0003				
0065	08/12/94	NOAS/DESIGNATION OF RECORD ON APPEAL	0003				
0066	08/12/94	NOTC/NOTICE OF APPEAL	0003	AP			

(Continued to page 3)

NO.	FILED/REC	CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0067	12/01/94	NSCO/NEVADA SUPREME COURT JUDGMENT / ORDERED	0003	GR	12/01/94		
		APPEAL DISMISSED	0003				
0068	03/30/90	INFO/INFORMATION	AL		03/30/90		
0071	04/09/99	MEMO/SUPPLEMENTAL MEMORANDUM	0003				
0072	04/09/99	AFFD/AFFIDAVIT IN SUPPORT OF MOTION TO	0003				
		PROCEED IN FORMA PAUPERIS	0003				
0073	04/09/99	CRTF/FINANCIAL CERTIFICATE	0003				
0074	04/20/99	CASO/CASE (RE)ACTIVATED ON					
0075	04/20/99	ASSG/REASSIGNMENT OF JUDGE Maupin TO JUDGE					
		Pavlikowski					
0076	04/09/99	PET /DEFT'S PRO PER PETITION FOR WRIT OF	0003	DN	06/22/99		
		HABEAS CORPUS	0003				
0077	04/09/99	MOT /DEFT'S PRO PER MOTION FOR LEAVE TO	0003	GR	06/22/99		
		PROCEED IN FORMA PAUPERIS	0003				
0078	04/20/99	ORDR/ORDER	0003		06/22/99		
0079	05/24/99	RSPN/STATES RESPONSE TO DEFENDANT KEVIN	0003				Y
		BROOKS PETITION FOR WRIT OF HABEAS	0003				
		CORPUS POST CONVICTION					
0080	06/15/99	MOT /DEFT'S PRO PER MOTION FOR EXTENSION OF	0003	DN	06/22/99		
		TIME	0003				
0081	06/15/99	MOT /DEFT'S PRO PER MOTION FOR CLARIFICATION	0003	DN	06/22/99		
0082	06/25/99	MOT /ALL PENDING MOTIONS 6/22/99	0003		06/22/99		
0083	07/19/99	JUDG/FINDINGS OF FACTS, CONCLUSIONS OF LAW	0003		07/19/99		
		AND ORDER	0003				
0084	07/21/99	NOTC/NOTICE OF ENTRY OF ORDER	0003		07/21/99		
0085	07/23/99	NOAS/NOTICE OF APPEAL	0003	AP			
0086	07/23/99	NOAS/DESIGNATION OF RECORD ON APPEAL	0003				
0087	07/23/99	STAT/CASE APPEAL STATEMENT	0003				
0088	09/23/99	ASSG/Reassign Case From Judge Pavlikowski TO					
		Judge Gibbons					
0089	12/07/99	PET /PETITION FOR WRIT OF HABEAS CORPUS	0003				
0090	12/07/99	REQT/MOTION FOR LEAVE TO PROCEED IN FORMA	0003				
		PAUPERIS	0003				
0091	12/07/99	CRTF/FINANCIAL CERTIFICATE	0003				
0092	12/07/99	AFFD/AFFIDAVIT IN SUPPORT OF MOTION TO	0003				
		PROCEED IN FORMA PAUPERIS	0003				
0093	12/07/99	MEMO/SUPPLEMENTAL MEMORANDUM	0003				
0094	12/07/99	ORDR/ORDER TRANSFERRING HABEAS PETITION TO	0003				
		COURT OF CONVICTION	0003				
0095	12/07/99	PET /DEFT'S PRO PER PETITION FOR WRIT OF	0003	DN	02/08/00		
		HABEAS CORPUS	0003				
0096	12/07/99	MOT /DEFT'S PRO PER MTN FOR LEAVE TO PROCEED	0003	GR	02/08/00		
		IN FORMA PAUPERIS	0003				
0097	12/08/99	ORDR/ORDER RE PETITION FOR WRIT OF HABEAS	0003	HG	02/08/00		
		CORPUS	0003				
0098	01/14/00	OPPS/STATES OPPOSITION TO DEFENDANTS WRIT OF	0003				
		HABEAS CORPUS POST CONVICTION	0003				
0099	04/03/90	INFO/AMENDED INFORMATION	0001		04/03/90		
0100	04/04/90	REQT/MOTION AND NOTICE OF MOTION TO AMEND	0003		04/05/90		
		INFORMATION	0003				
0101	04/05/90	ORDR/ORDER TO AMEND INFORMATION	0003		04/05/90		
0102	04/13/90	ORDR/ORDER FOR TRANSCRIPT	0001		04/12/90		

(Continued to page 4)

NO.	FILED/REC CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0103	05/29/90	REQT/MOTION TO WITHDRAW AS ATTORNEY OF RECORD FOR DEFENDANT	0003		06/12/90	
0104	05/29/99	NOTC/NOTICE OF MOTION	0003		06/12/90	
0105	05/30/90	ROC /RECEIPT OF COPY	0003			
0106	06/25/90	JUDG/JUDGMENT OF CONVICTION - PLEA	0001		06/25/90	
0107	06/28/90	ORDR/ORDER FOR PRODUCTION OF INMATE	0003		06/28/90	
0108	07/03/90	LIST/JURY LIST	0003			
0109	07/09/90	INST/INSTRUCTIONS TO THE JURY	0003			
0110	07/09/90	VER /VERDICT - COUNT I	0003		07/09/90	
0111	07/09/90	VER /VERDICT - COUNT II	0003		07/09/90	
0112	08/03/90	REQT/MOTION AND NOTICE OF MOTION TO AMEND INFORMATION	0003		08/15/90	
0113	08/03/90	MEMO/MEMORANDUM AND EXHIBITS IN SUPPORT OF HABITUAL CRIMINAL SENTENCE	0003			
0114	08/07/90	SUPP/SUPPLEMENTAL EXHIBITS NO. 9 AND 10 IN SUPPORT OF HABITUAL CRIMINAL SENTENCE	0001			
0115	08/15/90	INFO/SECOND AMENDED INFORMATION	0003		08/15/90	
0116	09/12/90	OPPS/DEFENDANT'S OPPOSITION TO PLAINTIFF'S MOTION TO AMEND INFORMATION	0003			
0117	09/13/90	ROC /RECEIPT OF COPY	0003			
0118	10/03/90	NOAS/NOTICE OF APPEAL	0003			
0119	10/03/90	ROC /RECEIPT OF COPY	0003			
0120	10/03/90	NOTC/NOTICE OF MOTION	0003		10/15/90	
0121	10/03/90	REQT/MOTION TO WITHDRAW AS ATTORNEY OF RECORD FOR DEFENDANT	0003		10/15/90	
0122	10/03/90	ROC /RECEIPT OF COPY	0003			
0123	10/05/90	JUDG/JUDGMENT OF CONVICTION JURY TRIAL	0003		10/05/90	
0124	10/18/90	ORDR/ORDER FOR TRANSCRIPT	0003		10/17/90	
0125	10/29/90	ORDR/ORDER	0003		10/24/90	
0126	10/22/90	NOAS/DESIGNATION OF CONTENTS OF RECORD ON APPEAL	0003			
0127	10/24/90	ORDR/ORDER	0003		10/23/90	
0128	10/24/90	ORDR/ORDER	0003		10/23/90	
0129	10/24/90	EXPT/EX PARTE MOTION TO EXTEND TIME TO SUBMIT RECORD ON APPEAL	0003			
0130	11/09/90	SUBT/DEFENDANTS CONSTITUTIONAL RIGHT TO ACT AS HIS OWN COUNSEL	0003			
0131	05/10/91	REQT/REQUEST FOR SUBMISSION	0001			
0132	05/10/91	NOTC/NOTICE OF MOTION	0001		05/15/91	
0133	04/17/91	AFFD/AFFIDAVIT IN SUPPORT OF REQUEST TO PROCEED IN FORMA PAUPERIS	0001			
0134	01/31/00	RSPN/PETITIONERS RESPONSE TO STATES OPPOSITION TO PETITIONERS WRIT OF	0003			Y
HABEAS CORPUS		GENERAL PROVISIONS PURSUANT TO NRS 34.500				
0135	02/08/00	MOT /ALL PENDING MOTIONS 2-8-00	0003		02/08/00	
0136	02/28/00	JUDG/FINDINGS OF FACTS, CONCLUSIONS OF LAW AND ORDER	0003	HG	02/28/00	
0137	03/01/00	NOTC/NOTICE OF ENTRY OF ORDER	0003		03/01/00	
0138	12/02/00	ASSG/Reassign Case From Judge Gibbons To Judge Saitta				
0139	04/10/01	JMNT/REMITTITUR AFFIRMED	0003		04/11/01	

(Continued to page 5)

NO.	FILED/REC CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0140	01/15/03	MOT /DEFT'S PRO PER MTN VACATE/CORRECT ILLEGAL SENTENCE/47	0003	DN	01/27/03	
0141	01/22/03	RSPN/STATES RESPONSE TO DEFENDANTS MOTION TO VACATE OR CORRECT ILLEGAL SENTENCE	0001			
0142	02/03/03	ORDR/ORDER DENYING DEFENDANTS MOTION TO VACATE OR CORRECT ILLEGAL SENTENCE	0003	GR	02/03/03	
0143	02/11/03	NOAS/NOTICE OF APPEAL	0003	AP	02/11/03	
0144	02/11/03	STAT/CASE APPEAL STATEMENT	0003			
0145	06/13/03	CASO/CASE (RE)OPENED	0003		06/13/03	
0146	04/12/90	TRAN/REPORTER'S TRANSCRIPT OF MARCH 20, 1990 PRELIMINARY HEARING	AL		03/20/90	
0147	04/25/90	TRAN/REPORTER'S TRANSCRIPT OF APRIL 5, 1990 ARRAIGNMENT	0001			
0148	06/13/90	TRAN/REPORTER'S TRANSCRIPT OF APRIL 5, 1990 ARRAIGNMENT	0003		04/05/90	
0149	08/15/90	TRAN/REPORTER'S TRANSCRIPT OF MAY 25, 1990 SENTENCING	0001			
0150	12/07/90	TRAN/REPORTER'S TRANSCRIPT SEPTEMBER 21, 1990 SENTENCING	0003		09/21/90	
0151	12/19/90	TRAN/REPORTER'S TRANSCRIPT OF JULY 2, 1990 VOLUME I	0003			
0152	12/19/90	TRAN/REPORTER'S TRANSCRIPT OF JULY 3, 1990 VOLUME II	0003		07/03/90	
0153	12/19/90	TRAN/REPORTER'S TRANSCRIPT OF JULY 5, 1990 VOLUME III	0003		07/05/90	
0154	12/19/90	TRAN/REPORTER'S TRANSCRIPT OF JULY 6, 1990 VOLUME IV	0003		07/06/90	
0155	12/19/90	TRAN/REPORTER'S TRANSCRIPT OF JULY 9, 1990 VOLUME V	0003		07/09/90	
0156	12/20/90	TRAN/REPORTER'S TRANSCRIPT OF AUGUST 15, 1990	0003		08/15/90	
0157	02/02/04	APCL/APPEAL TO SUPREME COURT: CLOSED 40941	0003	GR	01/28/04	
0158	03/31/04	PET /PETITION FOR WRIT OF HABEAS CORPUS POST CONVICTION	0003			
0159	04/05/04	PET /DEFT'S PRO PER PTN FOR WRIT OF HABEAS CORPUS /48	0003	MT	06/21/04	
0160	04/05/04	CASO/CASE (RE)OPENED			04/05/04	
0161	04/05/04	PPOW/ORDER FOR PETITION FOR A WRIT OF HABEAS CORPUS	0003	SH	06/21/04	
0162	04/16/04	JMNT/CLERK'S CERTIFICATE JUDGMENT AFFIRMED	0003		04/20/04	
0163	04/16/04	JMNT/CLERK'S CERTIFICATE REHEARING DENIED	0003		04/20/04	
0164	04/16/04	CCJA/NEVADA SUPREME COURT CLERKS CERTIFICATE/ JUDGMENT - AFFIRMED/REHEARING DENIED	0003		04/16/04	
0165	05/17/04	MOT /STATE'S MTN TO DISMISS PTN FOR WRIT/49	0003	GR	06/21/04	
0166	05/27/04	RPLY/REPLY TO STATES MOTION TO DISMISS DEFENDANTS PRO PER PETITION FOR WRIT	0003			Y
OF HABEAS CORPUS						
0167	06/22/04	MOT /ALL PENDING MOTIONS 6/21/04	0003		06/21/04	
0168	06/28/04	JUDG/FINDINGS OF FACTS, CONCLUSIONS OF LAW AND ORDER DISMISSING DEFENDANTS PETITION	0003	GR	06/28/04	Y
FOR WRIT OF HABEAS CORPUS POST CONVICTION						
0169	07/06/04	NOED/NOTICE OF ENTRY OF DECISION AND ORDER	0003		06/28/04	
0170	07/07/04	NOED/NOTICE OF ENTRY OF DECISION AND ORDER	0003		06/28/04	

(Continued to page 6)

NO.	FILED/REC	CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0171	07/12/04	NOAS/NOTICE OF APPEAL		0003	AP	07/12/04	
0172	07/12/04	NOAS/DESIGNATION OF RECORD ON APPEAL		0003			
0173	07/13/04	STAT/CASE APPEAL STATEMENT		0003			
0174	09/29/04	CASO/CASE (RE)OPENED - RECORD ON APPEAL		0003		09/29/04	
0175	11/09/04	APCL/APPEAL TO SUPREME COURT: CLOSED 43621		0003	GR	11/03/04	
0176	12/03/04	JMNT/CLERK'S CERTIFICATE JUDGMENT AFFIRMED		0003		12/06/04	
0177	12/03/04	CCJA/NEVADA SUPREME COURT CLERKS CERTIFICATE/ JUDGMENT - AFFIRMED		0003		12/03/04	
0178	12/21/05	CASO/CASE (RE)OPENED				12/20/05	
0179	12/20/05	MOT /DEFT'S PRO PER MTN FOR PRODUCTION OF FAVORABLE EVIDENCE/51		0003	DN	02/08/06	
0180	12/20/05	MOT /DEFT'S PRO PER MTN TO DISMISS PROSEC & JUDGMN OF CONV DUE TO LACK OF INFO/52		0003	DN	02/08/06	
0181	01/04/06	OPPS/STATES OPPOSITION AND MOTION TO DISMISS DEFENDANTS MOTION TO DISMISS		0003			Y
PROSECUTION AND JUDGMENT OF CONVICTION DUE TO LACK OF INFORMATION							
0182	01/04/06	RSPN/STATES RESPONSE TO DEFENDANTS MOTION FOR PRODUCTION OF FAVORABLE EVIDENCE		0003			
0183	01/09/06	MOT /ALL PENDING MOTIONS 1-09-06		0003		01/09/06	
0184	01/24/06	ORDR/ORDER FOR PRODUCTION OF INMATE KEVIN BROOKS		0003	SH	02/01/06	
0185	02/08/06	MOT /ALL PENDING MOTIONS 2-08-06		0003		02/08/06	
0186	02/15/06	STAT/CASE APPEAL STATEMENT		0003			
0187	02/15/06	NOAS/NOTICE OF APPEAL		0003	AP	02/15/06	
0188	02/16/06	STAT/CASE APPEAL STATEMENT		0003			
0189	02/24/06	MOT /DEFT'S PRO PER MOTION FOR RECONSIDERATION /55		0003	DN	03/08/06	
0190	02/24/06	NOAS/NOTICE OF APPEAL		0003	AP	02/24/06	
0191	02/24/06	STAT/CASE APPEAL STATEMENT		0003			
0192	03/02/06	OPPS/STATES OPPOSITION TO DEFENDANTS PRO PER MOTION FOR RECONSIDERATION		0003			
0193	03/15/06	ORDR/ORDER DENYING DEFENDANTS PRO PER MOTION FOR RECONSIDERATION		0003	HG	03/08/06	
0194	03/28/06	CASO/(RE)OPENED RECORD ON APPEAL				03/28/06	
0195	04/26/06	ORDR/ORDER DENYING DEFENDANTS PRO PER MOTION TO DISMISS PROSECUTION AND JUDGMENT OF		0003	HG	02/08/06	Y
CONVICTION AND MOTION FOR PRODUCTION OF FAVORABLE EVIDENCE							
0196	05/26/06	IAPD/CASE INACTIVE PER DEPARTMENT				05/26/06	
0197	06/13/06	MOT /DEFT'S PRO PER MTN FOR WRITTEN JUDGMENT OR FINDINGS PURSUANT TO NRS 34.830 /56		0003	DN	06/28/06	
0198	06/21/06	OPPS/STATES OPPOSITION TO DEFENDANTS PRO PER MOTION FOR WRITTEN JUDGMENT OR FINDINGS		0003			
0199	08/10/06	APCL/APPEAL TO SUPREME COURT: CLOSED 46807			AP	07/14/06	
0200	08/10/06	JMNT/CLERK'S CERTIFICATE JUDGMENT AFFIRMED		0003		08/11/06	
0201	09/21/06	MOT /DEFT'S PRO PER MOTION FOR WRITTEN JUDGMENT OR FINDINGS/57		0003	DN	10/11/06	
0202	09/28/06	OPPS/STATES OPPOSITION TO DEFENDANTS PRO PER MOTION FOR WRITTEN JUDGMENT OR FINDINGS		0003			
0203	10/06/06	RPLY/REPLY TO STATES OPPOSITION TO DEFENDANTS MOTION FOR WRITTEN JUDGMENT		0003			Y
OR FINDINGS							
0204	10/14/06	CSCL/CASE CLOSED				10/11/06	

(Continued to page 7)

NO.	FILED/REC	CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0205	10/26/06		NOAS/NOTICE OF APPEAL	0003		AP	10/26/06
0206	10/26/06		STAT/CASE APPEAL STATEMENT	0003			
0207	10/30/06		STAT/CASE APPEAL STATEMENT	0003			
0208	10/31/06		ORDR/ORDER DENYING DEFENDANTS PRO PER MOTION	0003		HG	10/11/06
			FOR WRITTEN JUDGMENT OR FINDINGS	0003			
0209	12/07/06		APCL/APPEAL TO SUPREME COURT: CLOSED 48343	0003		AP	12/05/06

CASE NO. C93713TITLE STATE OF NEVADA VS. FRED WAYNE BURNEY aka DAVID LEWIS and
RALPH KEVIN CLARK ,KEVIN BROOKS aka KEVIN RALPH CLARK

DATE, JUDGE OFFICERS OF COURT PRESENT	APPEARANCES — HEARING	CONTINUED TO:
4-3-90 CARL CHRISTENSEN DEPT. VII D. TRUJILLO (CLERK) C. MILLER (REPORTER)	ARRAIGNMENT STATE REPRESENTED BY CHARLES PAINE, DDA. DEFT. BURNEY PRESENT IN CUSTODY WITH ROGER HILLMAN, DPD; DEFT. BROOKS PRESENT IN CUSTODY WITHOUT BENEFIT OF COUNSEL. BROOKS: COURT ORDERED, THIS MATTER CONTINUED FOR MR. BECKETT TO BE PRESENT, MR. PAINE TO CONTACT MR. BECKETT ABOUT NEXT HEARING. BURNEY: AMENDED INF. FILED IN OPEN COURT. MR. PAINE ADVISED AS PART OF THE NEGOTIATIONS STATE WILL BE FILING HABITUAL CRIMINAL CHARGES. DEFT. ADVISED HE WAS UNAWARE OF THE HABITUAL CRIMINAL ALLEGATIONS. MR. HILLMAN ALSO STATED THAT MR. JORGENSEN'S NOTE DID NOT REFLECT THERE WERE DISCUSSION REGARDING HABITUAL CRIMINAL ALLEGATIONS EITHER. COURT ORDERED, MATTER CONTINUED FOR MR. JORGENSEN TO TALK WITH DEFT. FURTHER, MR. JORGENSEN TO BE PRESENT OR FACE THE POSSIBILITY OF BEING FINED.	4-5-90 9 AM ARRAIGNMENT CONT. (BOTH)
4-5-90 CARL CHRISTENSEN DEPT. VII E. D'ANGIOLELLA (CLERK) CONNIE MILLER (REPORTER)	ARRAIGNMENT State represented by DDA, Robert Lucherini. Deft. BURNEY present in custody, represented by Craig Jorgenson, DPD. Deft. BROOKS present in custody, represented by Robert Beckett. BURNEY - Deft. ARRAIGNED and plead guilty to COUNT I, CONSPIRACY TO COMMIT BURGLARY, GM and COUNT II, ATTEMPT BURGLARY, Felony.	
	Negotiations: State originally filed a Complaint charging two counts of burglary, and they have filed an amended Information charging one count of Conspiracy to Commit Burglary and one count of Attempt Burglary. Deft. to plead guilty. State not opposing the two running concurrently. State reserves the right to argue at sentencing which includes the right to file habitual criminal allegations.	5-8-90 9:30 A.M. SENTENCING (BURNEY) JURY TRIAL 5-14-90 10 AM CALENDAR CALL 5-10-90 9 AM (CLARK aka Brooks)
	Court accepted the guilty plea and ORDERED, continued for sentencing. BROOKS- Deft. stated his true name is "RALPH KEVIN CLARK". COURT ORDERED, all further proceedings will be had under the true name stated by deft. Ralph Kevin Clark aka Kevin Brooks. Deft. ARRAIGNED and plead not guilty. COURT ORDERED, set for jury trial. Mr. Paine filed in open court an amended Information charging the habitual criminal allegation. Court signed the Order to Amend Information in open Court. CUSTODY (BOTH)	CUSTODY (BOTH)

CASE NO. C93713

TITLE STATE OF NEVADA VS. KEVIN BROOKS aka RALPH KEVIN CLARK

DATE, JUDGE OFFICERS OF COURT PRESENT	APPEARANCES — HEARING	CONTINUED TO:
4-26-90 CARL CHRISTENSEN DEPT. VII E. D'ANGIOLELLA (CLERK) CONNIE MILLER (REPORTER)	STATE'S ORAL MOTION TO CONTINUE TRIAL State represented by DDA, Charles Paine. Deft. BROOKS present in custody, represented by Robert Beckett and Mitchell Posin. Mr. Posin advised he is substituting in as counsel in place of Mr. Beckett, and moved to continue the trial date and requested 21 days from today within which to file a writ. No objection to continuance by Mr. Paine. COURT ORDERED, trial date of 5-14-90 is vacated and reset. Mr. Beckett allowed to withdraw as counsel and Mr. Posin is substituted in. Defense has 21 days from today to file writ. Mr. Beckett turned over his file in open court to Mr. Posin. CUSTODY	JURY TRIAL 7-2-90 10 Am CALENDAR CALL 6-28-90 9 AM (Brooks)
5-22-90 CARL CHRISTENSEN DEPT. VII E. D'ANGIOLELLA (CLERK) CONNIE MILLER (REPORTER)	SENTENCING State represented by DDA, Robert Lucherini. Deft. BURNEY present in custody, represented by Craig Jorgenson, DPD. Paula Ullman, P&P Officer present. Mr. Lucherini stated he was advised by Mr. Henry Gordon that he will be representing deft. Burney and he would like to confer with counsel and requested a continuance. Mr. Lucherini stated he is trying to locate judgments of conviction and moved to continue for two weeks. COURT ORDERED, continued. CUSTODY	5-25-90 9:30 AM SENTENCING
5-25-90 CARL CHRISTENSEN DEPT VII E. D'ANGIOLELLA (CLERK) CONNIE MILLER (REPORTER)	SENTENCING State represented by DDA, Robert Lucherini. Deft. BURNEY present in custody, represented by Craig Jorgenson, DPD. Tamara Wolfe, P&P Officer present. Court adjudged deft. guilty of Conspiracy to Commit Burglary, gross misdemeanor Count I and Attempt Burglary, felony, Count II. COURT ORDERED, deft. sentenced to confinement for one year in CCDC for Conspiracy to Commit Burglary. Court finds and adjudges deft. as a habitual criminal and sentences deft. under little habitual criminal to ten years in NSP for Attempt Burglary under Count II. The sentence in CCDC under Count I will run concurrently with sentence in NSP under Count II. Deft. given 86 days credit for time served. Mr. Lucherini moved to admit three judgments of conviction. FURTHER ORDERED, \$20 administrative assessment fee imposed. CUSTODY	

MINUTES — CRIMINAL

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CASE NO. C93713 TITLE STATE OF NEVADA VS. KEVIN BROOKS aka Ralph Kevin Clark

DATE, JUDGE OFFICERS OF COURT PRESENT	APPEARANCES -- HEARING	CONTINUED TO:
5-12-90 CARL CHRISTENSEN DEPT. VII E. D'ANGIOLELLA (CLERK) CONNIE MILLER (REPORTER)	<u>MITCHELL POSIN'S MOTION TO WITHDRAW AS ATTORNEY OF RECORD</u> State represented by DDA, Michael O'Callaghan. Deft. BROOKS present in custody, represented by Mitchell Posin. Mr. Posin requested a short continuance as deft's father is trying to raise funds to retain him. COURT ORDERED, continued. CUSTODY	6-14-90 9 AM MITCHELL POSIN'S MOTION TO WITH- DRAW FROM FURTHER REPRESENTATION
6-14-90 CARL CHRISTENSEN DEPT. VII E. D'ANGIOLELLA (CLERK) CONNIE MILLER (REPORTER)	<u>MITCHELL POSIN'S MOTION TO WITHDRAW AS ATTORNEY OF RECORD</u> State represented by DDA, Michael O'Callaghan. Deft. BROOKS present in custody, represented by Murray Posin. Mr. Posin moved to withdraw the motion & COURT SO ORDERED. CUSTODY	
6-28-90 CARL CHRISTENSEN DEPT. VII E. D'ANGIOLELLA (CLERK) CONNIE MILLER (REPORTER)	<u>CALENDAR CALL</u> State represented by DDA, Charles Paine. Deft. BROOKS present in custody, represented by Murray Posin appearing for Mitchell Posin. Mr. Paine advised the State is ready and there are 12-20 witnesses (4 day trial), and Mr. O'Callaghan will try the case. COURT ORDERED, case sent to Overflow, Dept. XIV for Jury Trial. CUSTODY	7-2-90 10:00 A.M. JURY TRIAL (Overflow, Dept. XI)
7-2-90 DEPT. VIII JUDGE WENDELL Ruth Reese, Clerk Patsy Smith, Reporter	<u>JURY TRIAL (OVERFLOW) (10:00 A.M.)</u> State represented by DDA, Michael O'Callaghan. Deft. Brooks present, in custody, represented by counsel, Mitchell Posin, who moved to con- tinue the trial on the basis of Defendant's mental incapacity; that Deft. was playing basketball on Saturday when he fell on his head, was unconscious, and was taken to Uni- versity Medical Center suffering a memory loss and a Catscan was done. Further, Defendant would not be able to effectively exercise his right to assist counsel at trial. Opposition by Mr. O'Callaghan who advised the Court Deft. is facing Habitual Criminal charges. COURT ORDERED, Motion to Continue is denied, the trial will commence this morning. ----- PROSPECTIVE JURY PANEL PRESENT: Clerk called roll with all answering present with the exception of those excused by the Jury Commissioner. JURY SELECTED AND SWORN TO TRY THE CASE. At this time the Clerk read the Information to the Jury. Opening statement by Mr. O'Callaghan. Defense reserved the right to make an Opening statement at this time. Court excluded witnesses. Testimony and evi- dence presented. (See Witness Sheet). OUTSIDE PRESENCE OF JURY: Officers Alexander Siciliano and Thomas Acklin sworn and testified.	7-3-90, 10:00 A.M. CONTINUATION OF JURY TRIAL

CASE NO. C93713 TITLE STATE OF NEVADA vs KEVIN BROOKS aka RALPH KEVIN CLARK

DATE, JUDGE OFFICERS OF COURT PRESENT	APPEARANCES — HEARING	CONTINUED TO:
7-2-90 CONTINUED	Mr. Posin presented Motion to Suppress the testimony of Officers Sicliano and Acklin. Opposition by Mr. O'Callaghan. COURT ORDERED, Motion to Suppress is denied. JURY PRESENT: Continued testimony and evidence presented. At the hour of 4:45 P.M., Court excused the Jury until 10:00 A.M., July 3, 1990. OUTSIDE PRESENCE OF JURY: Mr. O'Callaghan requested Richard Good be permitted to testify and COURT ORDERED, he may be endorsed on the Information. Counsel stated there were two blacks on the Jury and both were excused and didn't want a problem down the line. At the hour of 4:50 P.M., Court recessed until 10:00 A.M., July 3, 1990.	
	(CUSTODY)	
7-3-90 DEPT. VIII JUDGE WENDELL Ruth Reese, Clerk Patsy Smith, 10:15 A.M.	CONTINUATION OF JURY TRIAL State represented by DDA, Michael O'Callaghan. Deft. Brooks present, in custody, represented by counsel, Mitchell Posin. JURY PRESENT: Continued testimony and evidence presented. (See Witness and Exhibit Sheets). OUTSIDE PRESENCE OF JURY: Mr. Posin moved to exclude testimony of witness, Officer Shalhoob. COURT ORDERED, State is entitled to get in the information that this Defendant is Ralph Kevin Clark. Counsel stipulated Defendant's true name is Ralph Kevin Clark, S.S.551-41-5998, and the prints on Exhibit #4 are, in fact, Defendant's prints that were rolled in Clark County Jail. JURY PRESENT: Mr. O'Callaghan advised the Jury counsel had entered a stipulation that Ralph Kevin Clark, S.S.551-41-5998 and Exhibit #4, which has not been admitted which will be discussed later, are, in fact, Defendant's finger and palm prints. The Court accepted the stipulation. Continued testimony and evidence. At the hour of 3:20 P.M., the Court recessed until 10:00 A.M., 7-5-90.	7-5-90, 10A.M. CONTINUATION OF JURY TRIAL
	(CUSTODY)	
7-5-90 DEPT. VIII JUDGE WENDELL Ruth Reese, Clerk Patsy Smith, Reporter 10:20 A.M.	CONTINUATION OF JURY TRIAL State represented by DDA, Michael O'Callaghan. Deft. Brooks present, in custody, represented by counsel, Mitchell Posin. JURY PRESENT: Continued testimony and evidence presented. (See Witness and Exhibit Sheets). OUTSIDE PRESENCE OF JURY: Mr. Posin moved for mistrial per statement of Mrs. Calabrese that when she testified at Preliminary Hearing in	7-6-90, 10A.M., CONTINUATION OF JURY TRIAL

CASE NO. C93713 TITLE STATE OF NEVADA vs KEVIN BROOKS aka RALPH KEVIN CLARK

DATE, JUDGE OFFICERS OF COURT PRESENT	APPEARANCES — HEARING	CONTINUED TO:
7-5-90 CONTINUED	Justice Court that several people were brought in by the Bailiffs and it was clear Defendant was in custody. COURT ORDERED, Motion denied. Mr. Posin again moved for Mistrial because Mr. O'Callaghan introduced previously admitted Exhibits which were in his sole custody from the time Court recessed on Tuesday until they were delivered back today. Mr. O'Callaghan stated that he and Mr. Posin had stipulated the Exhibits could be removed in order that they be examined by members of the Crime Lab. COURT ORDERED, Motion denied. Mr. Posin objected to the list prepared by the Calabreses of items taken from the house and stated because this is a burglary case, the value of the items is prejudicial. COURT ORDERED, Exhibit #19 will come in as is. Mr. Posin moved to have an independent examiner appointed for fingerprint analysis. The Court directed Mr. Posin to see if he could find somebody locally that could do it on short notice. NOON RECESS. OUTSIDE PRESENCE OF JURY: Mr. O'Callaghan advised the Court he wanted to bring up the reason why he brought up the fact that Mrs. Calabrese stated in Justice Court Deft. was escorted in and he and Co-Deft. were talking back and forth with some people in the audience; she had never seen Deft. before and had no preconceived idea who he was; she noticed Deft. looked right at her and then nudged the Deft. next to him with a snide smile looking right at her; he recognized her, she didn't recognize him. Mr. Posin stated in regard to fingerprint examiner, he has not been able to run one down. The Court advised Mr. Posin if he can find someone without delaying the trial, he can, otherwise, Court will not permit it. JURY PRESENT: Continuation of testimony and evidence. OUTSIDE PRESENCE OF JURY: Court advised Deft. of his rights regarding testifying in his own behalf. Mr. O'Callaghan advised the Court Deft. has six prior felonies. JURY PRESENT: Continued testimony presented. STATE RESTED. Mr. Posin waived Opening statement and commenced presentation of Defendant's case. DEFENSE RESTED. At the hour of 3:50 P.M., Court recessed until 10:00 A.M., 7-6-90.	
	CUSTODY	

CASE NO. C93713 TITLE THE STATE OF NEVADA vs KEVIN BROOKS aka RALPH KEVIN CLARK

DATE, JUDGE OFFICERS OF COURT PRESENT	APPEARANCES — HEARING	CONTINUED TO:
7-6-90 DEPT. VIII JUDGE WENDELL Ruth Reese, Clerk Patsy Smith, Reporter	CONTINUATION OF JURY TRIAL State represented by DDA, Michael O'Callaghan. Deft. Brooks not present, in custody, represented by counsel, Mitchell Posin. Counsel advised the Court Defendant had fainted and was unconscious and was taken to University Medical Center by ambulance. JURY PRESENT: (10:45 A.M.) At this time the Court excused Alternate #2, Bruce Steurer, and ORDERED, trial continued until 10:00 A.M., Monday, 7-9-90.	
	(CUSTODY)	
7-9-90 DEPT. VIII JUDGE WENDELL Ruth Reese, Clerk Patsy Smith, Reporter	CONTINUATION OF JURY TRIAL State represented by DDA, Michael O'Callaghan. Deft. Brooks present, in custody, represented by counsel, Mitchell Posin. OUTSIDE PRESENCE OF JURY: The Court stated what has been marked and received as Exhibit #19 will be withdrawn, remarked #19, will not be received, just to show on the record what the exhibit looked like. Exhibits #20 and #21 admitted without objection. JURY PRESENT: Alternate #2, Bruce Steurer, not present. NO REBUTTAL. At this time the Court INSTRUCTED the Jury. Opening argument by Mr. O'Callaghan. OUTSIDE PRESENCE OF JURY: Mr. Posin stated Mr. O'Callaghan has some "mug shots" of the Deft. sitting out on his desk which he feels the Jury could see and moved for a mistrial. COURT ORDERED, Motion is denied. JURY PRESENT: Answering argument by Mr. Posin. Closing argument by Mr. O'Callaghan. Alternate, Karin Yassine, excused by the Court with admonishment. At the hour of 12:35 P.M., the Bailiff was sworn to take charge of the Jury and the Jury retired to deliberate. 2:30 P.M. All present as of the opening session. At this time the Jury returned Verdicts of Guilty of Burglary, Counts I and II. The Court thanked the Jury for their services and excused them.	8-15-90, 9AM SENTENCING COUNTS I AND II
	COURT ORDERED, if bail, Defendant will be held without bail pending sentencing.	
	(CUSTODY)	

CASE NO. C93713 TITLE STATE OF NEVADA vs RALPH KEVIN CLARK aka KEVIN BROOKS

DATE, JUDGE OFFICERS OF COURT PRESENT	APPEARANCES — HEARING	CONTINUED TO:
8-15-90 DEPT. VIII JUDGE WENDELL Ruth Reese, Clerk Patsy Smith, Reporter	STATE'S MOTION TO AMEND INFORMATION State represented by DDA, Michael O'Callaghan. Deft. Clark present, in custody, represented by counsel, Mitchell Posin. Richard Nall present on behalf of Dept. of P&P. Mr. O'Cal- laghan moved to file Second Amended Informa- tion; the Amended Information was filed 4-5-90; after Defendant was convicted, it was discovered from records received from California that Deft. has seven convictions evidenced by Ex-	9-19-90, 9AM SENTENCING, Second Amended Information
	hibit #10 attached to the Supplemental Ex- hibits #9 and #10 filed 8-7-90; 8-3-90, Ex- hibits #1 through #8 were filed to support Habitual Criminal charges. Mr. Posin requested time to respond. COURT ORDERED, sentencing is continued to 9-19-90, 9:00 A.M., and Mr. Posin is to respond by Friday, 9-7-90 and leave courtesy copy with the office and serve Mr. O'Callaghan and if Mr. O'Callaghan wants to respond, it is to be done by the 14th.	
	Mr. O'Callaghan advised the Court Defendant's true name is, in fact, Ralph Kevin Clark aka Kevin Brooks. At this time Mr. O'Callaghan filed Second Amended Information in Open Court. MARY FRINK sworn and testified. State's Ex- hibits #11 and #12 admitted into evidence. Court signed Order to Amend Information in Open Court. (CUSTODY)	

CASE NO. C093713 TITLE THE STATE OF NEVADA VS. KEVIN BROOKS AKA RALPH KEVIN CLARK

DATE, JUDGE OFFICERS OF COURT PRESENT	APPEARANCES — HEARING	CONTINUED TO:
9/19/90 MICHAEL J. WENDELL DEPT. VIII R. REESE T. MEZA CLERKS/tm A. CHACON REPORTER	<u>SENTENCING</u> State represented by Michael O'Callaghan, DDA. Defendant Brooks present, in custody, with Mark Posin. Elizabeth Brownlee, Department of Parole and Probation, present. Mr. Posin requested matter be continued in order for Defendant's family who are coming in from out of town to be present since they wish to make statements. No objection by State. COURT ORDERED, matter continued.	9/21/90 @ 9 AM SAME
9-21-90 DEPT. VIII JUDGE WENDELL Ruth Reese, Clerk Russell Garcia, Reporter	<u>SENTENCING</u> State represented by DDA, Michael O'Callaghan. Deft. Brooks present, in custody, represented by counsel, Mitchell Posin. Alexander Konopka present on behalf of Dept. of P&P. Following arguments of counsel, Court overruled ob- jections of seventh conviction, 3-29-78; Court feels it is properly before the Court now at time of sentencing; Court designated Defendant as habitual case. In this case a Jury found Defendant Guilty of Counts I and II, Burglary; at this time the Court adjudges Defendant Guilty of each of those offenses. Court finds Defendant is Guilty of the crimes of Burglary Count I and Count II, and ORDERED, Defendant be imprisoned in Nevada State Prison for a term of life without possibility of parole to run concurrently; NRS 207.010, Sub-Paragraph (2), on felony convictions followed by proof beyond a reasonable doubt of at least three prior felonies, and, in this case, seven prior felonies, Defendant is so sentenced and re- manded to custody. The Court feels this matter should be taken to the Supreme Court and directed Mr. Posin to file Notice of Appeal. CUSTODY	
10-15-90 DEPT. VIII JUDGE WENDELL Ruth Reese, Clerk Patsy Smith, Reporter	<u>MITCHELL POSIN'S MOTION TO WITHDRAW AS ATTOR- NEY OF RECORD FOR DEFENDANT</u> State represented by DDA, Randall Weed. Deft. Brooks present, in custody, represented by counsel, Murraray Posin, who appeared in place and stead of Mitchell Posin, and presented Mitchell Posin's Motion to Withdraw as Attorney of Record for Defendant. There being no ob- jection by the State, COURT ORDERED, Motion is granted, the Court will confirm the Public Defender on Wednesday, October 17th, at 9:00 A.M., for purpose of Appeal. Mr. Posin ad- vised the Court the Notice of Appeal has been filed. The Court advised counsel Deft. will not have to be present for Confirmation of Counsel. CUSTODY (NSP)	10-17-90, 9AM CONFIRMATION OF COUNSEL FOR PURPOSE OF APPEAL

CASE NO. C93713 TITLE STATE OF NEVADA vs KEVIN BROOKS aka RALPH KEVIN CLARK

DATE, JUDGE OFFICERS OF COURT PRESENT	APPEARANCES — HEARING	CONTINUED TO:
10-17-90 DEPT. VIII JUDGE WENDELL Ruth Reese, Clerk Patsy Smith, Reporter	CONFIRMATION OF COUNSEL FOR PURPOSE OF APPEAL State represented by DDA, Randall Weed. Deft. Brooks not present, in custody. DPD, Karen Brasier, present. COURT ORDERED, Public Defender's Office confirmed as counsel for Defendant; Notice of Appeal has been filed. (CUSTODY)	
12-24-90 DEPT. VIII JUDGE WENDELL S. SMITH RELIEF CLERK	DEFENDANT'S PRO PER MOTION FOR SUBSTITUTION AND REMOVAL OF ATTORNEY OF RECORD. AT REQUEST OF COURT, MATTER CONTINUED. CUSTODY (NSP)	12-26-90 @9A.M. DEFENDANT'S PRO PER MOTION FOR SUBSTITUTION AND REMOVAL OF ATTORNEY OF RECORD
12-26-90 DEPT. VIII JUDGE WENDELL Ruth Reese, Clerk Patsy Smith, Reporter	DEFENDANT'S PRO PER MOTION FOR SUBSTITUTION AND REMOVAL OF ATTORNEY OF RECORD State represented by DDA, James Miller. Deft. Brooks present, in custody, represented by DPD, Michael Miller. Following statements of counsel and Defendant, the Court feels it does not have jurisdiction at this time to entertain Defendant's application but if it did have jurisdiction it would deny the Motion under Supreme Court Rule (44). COURT ORDERED, Mr. Robert Miller will continue to represent Defendant. The Court directed the District Attorney to prepare the appropriate Order. CUSTODY (NSP)	
1-28-91 DEPT. VIII JUDGE WENDELL Ruth Reese, Clerk Patsy Smith, Reporter	DEFENDANT'S PRO PER CONSTITUTIONAL RIGHT TO ACT AS HIS OWN COUNSEL State represented by DDA, Randall Weed. Deft. Brooks present without benefit of counsel. The Court advised counsel and Deft. Mr. Robert Miller was in Chambers and had to be in another Department. Deft. stated he had a conflict with the Public Defender's Office and desires to handle the matter him- self. Mr. Weed stated the Court has no juris- diction. Deft. advised the Court this matter should be before Judge Guy and not in this Department. COURT ORDERED, this matter will be on Judge Guy's Calendar tomorrow. CUSTODY (NSP)	1-29-91, 9A.M. DEFENDANT'S PRO PER CONSTITUTIONAL RIGHT TO ACT AS HIS OWN COUNSEL (DEPT. XI)

CASE NO. C93713TITLE STATE OF NEVADA VS. KEVIN BROOKS AKA RALPH KEVIN CLARK

DATE, JUDGE OFFICERS OF COURT PRESENT	APPEARANCES — HEARING	CONTINUED TO:
1-29-91 ADDELIAR D. GUY T.ALMSTEAD (CLERK) SHARON COPE (RECORDER)	DEFENDANT'S PRO PER CONSTITUTIONAL RIGHT TO ACT AS HIS ON COUNSEL (SHOULD HAVE BEEN FILED IN C96991) State represented by Gary Booker, DDA. Deft. Brooks present in custody with Karen Brasier, DPD. Court inquired of defendant why he wanted to represent himself. Deft. stated he was repre- sented by Counsel that he paid for and was con- victed and given two Life sentences and wanted to represent himself in this case. Statement by	1/31/at 9 AM MOTION CONTINUED AND CALENDAR CALL (See C96991)
	Mr. Booker. Court canvassed the defendant. Court noted that the defendant had calendared the wrong case and ORDERED this motion con- tinued to calendar call. CUSTODY	

CRIMINAL COURT MINUTES

90-C-093713-C STATE OF NEVADA vs Burney, Fred W

03/18/91 09:00 AM 00 ALL PENDING MOTIONS (3/18/91)

HEARD BY: Carl J. Christensen, Visiting Judge; Dept. VJ15

OFFICERS: NANCY DORMAIER, Relief Clerk
PATSY SMITH, Reporter/Recorder

PARTIES: 000795 Van De Pol, Karen L.

Y

0001 D1 Burney, Fred W

N

PUBDEF Public Defender

Y

003374 Brooks, Howard S.

Y

PUBLIC DEFENDER'S MOTION TO WITHDRAW AS COUNSEL AND ALLOW DEFENDANT TO
PROCEED IN FORMA PAUPERIS

DEFENDANT'S MOTION TO WITHDRAW GUILTY PLEA

Mr. Brooks advised he had no opposition to any of the motions. Ms. Van De
Pol asked if the Court had received the State's opposition to withdraw.
COURT ORDERED, Defendant's motion to withdraw guilty plea is denied making
the other motions moot.

CUSTODY (NSP)

05/08/91 09:00 AM 00 ALL PENDING MOTIONS (05-8-91)

HEARD BY: Carl J. Christensen, Visiting Judge; Dept. VJ15

OFFICERS: ELIZABETH D'ANGIOLELLA, Court Clerk
PATSY SMITH, Reporter/Recorder

PARTIES: 003700 Christensen, Drew R.

Y

0001 D1 Burney, Fred W

Y

PUBDEF Public Defender

Y

001656 Christiansen, Peter J.

Y

DEFENDANT'S PRO PER MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS
DEFENDANT'S PRO PER PETITION FOR POST-CONVICTION RELIEF

Mr. Christensen stated the response is being typed and requested a
continuance. COURT ORDERED, continued.

CUSTODY, NSP

CONTINUED TO: 05/15/91 09:00 AM 01

CRIMINAL COURT MINUTES

90-C-093713-C

STATE OF NEVADA

vs Burney, Fred W

CONTINUED FROM PAGE: 001

05/15/91 09:00 AM 01 ALL PENDING MOTIONS (05-8-91)

HEARD BY: Carl J. Christensen, Visiting Judge; Dept. VJ15

OFFICERS: ELIZABETH D'ANGIOLELLA, Court Clerk

PATSY SMITH, Reporter/Recorder

PARTIES: 000370 Ponticello, Frank M. Y

0001 D1 Burney, Fred W N

PUBDEF Public Defender Y

001656 Christiansen, Peter J. Y

DEFENDANT'S PRO PER MOTION FOR LEAVE TO PROCEED INFORMA PAUPERIS

DEFENDANT'S PRO PER PETITION FOR POST-CONVICTION RELIEF

DEFENDANT'S PRO PER MOTION TO APPOINT COUNSEL

Mr. Christiansen stated he has not receive copies of all motions. Mr. Ponticello furnished Mr. Christiansen with a copy of pro per motion. COURT ORDERED, continued.

CUSTODY, NSP

CONTINUED TO: 05/20/91 09:00 AM 02

05/20/91 09:00 AM 00 ALL PENDING MOTIONS 5/20/91

HEARD BY: Carl J. Christensen, Visiting Judge; Dept. VJ15

OFFICERS: SANDRA SMITH, Relief Clerk

PATSY SMITH, Reporter/Recorder

PARTIES: 003700 Christensen, Drew R. Y

0001 D1 Burney, Fred W N

PUBDEF Public Defender Y

003076 Hillman, Ralph R. Y

DEFENDANT'S PRO PER MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

DEFENDANT'S PRO PER PETITION FOR POST-CONVICTION RELIEF

DEFENDANT'S PRO PER MOTION TO APPOINT COUNSEL

Mr. Hillman advised Court this case is being handled by Howard Brooks, DPD who was unable to be present. Mr. Christensen stated that defendant fully and freely plead guilty and the sentence was commensurate with his prior record. In addition, there was no prejudice in this matter and State moves for denial of the Petition. COURT ORDERED: Defendant's motions are denied and State to prepare the order.

CONTINUED ON PAGE: 003

CRIMINAL COURT MINUTES

90-C-093713-C STATE OF NEVADA

vs Burney, Fred W

CONTINUED FROM PAGE: 002

CUSTODY (NSP)

90-C-093713-C STATE OF NEVADA vs Brooks, Kevin

State represented by David J. J. Roger. Deft. Kevin Brooks aka Ralph Kevin Clark, not present, in custody, Nevada State Prison, without benefit of counsel. COURT ORDERED, deferred ruling as to Defendant's Proper Person Motion for Leave to Proceed in Forma Pauperis; as to Defendant's Proper Person Petition for Post-Conviction Relief, denied, without prejudice; the Court does not have jurisdiction at this time, the matter is on Appeal to the Supreme Court; until Supreme Court rules, the Court will defer ruling on any matters.

0003 D Brooks, Kevin
003995 Gibson, Thomas J.

COURT ORDERED: This matter is on appeal and the Court does not have jurisdiction to make a ruling at this time. COURT FURTHER ORDERED: Motion is denied, State to prepare the order and Mr. Gibson to mail a copy to the defendant.

CUSTODY (NSP)

CRIMINAL COURT MINUTES

90-C-093713-C STATE OF NEVADA

vs Brooks, Kevin

CONTINUED FROM PAGE: 001

10/28/91 09:00 AM 00 ALL PENDING MOTIONS 10/28/91

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

OFFICERS: SANDRA SMITH, Court Clerk
YVONNE VALENTIN, Reporter/Recorder

PARTIES: 000101 Henry, William P. Y

HEARING: PETITION FOR POST CONVICTION RELIEF

DEFENDANT'S PRO PER MOTION FOR SUBSTITUTION OF COUNSEL OF RECORD

DEFENDANT'S PRO PER MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

DEFENDANT'S PRO PER MOTION FOR TRANSFER OF RECORDS

DEFENDANT'S PRO PER MOTIN FOR ORDER TO STAY PENDING POST CONVICTION RELIEF

Mr. Henry advised Court that defendant's motion has already been filed and requested Court deny defendant's Motion for Order To Stay. COURT stated that defendant as indicated he needs to review all the records to properly prepare his case. COURT ORDERED: Motion for Order To Stay is denied and matter continued for hearing on defendant's remaining motions.

CUSTODY (NSP)

11/13/91 @9A.M. - DEFENDANT'S PRO PER MOTIONS

11/13/91 09:00 AM 00 ALL PENDING MOTIONS 11/13/91

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

OFFICERS: SANDRA SMITH, Court Clerk
PARTIES: 000101 Henry, William P. Y0003 D Brooks, Kevin Y
PUBDEF Public Defender Y
001231 Dejulio, Douglas P. Y

HEARING: PETITION FOR POST CONVICTION RELIEF

DEFENDANT'S PRO PER MOTION FOR SUBSTITUTION OF COUNSEL OF RECORD

DEFENDANT'S PRO PER MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

DEFENDANT'S PRO PER MOTION FOR TRANSFER OF RECORDS

Mr. Henry stated that defendant does not cite any reason why he is requesting a stay and is not entitled to an Evidentiary Hearing. Mr.

CONTINUED ON PAGE: 003

CRIMINAL COURT MINUTES

90-C-093713-C STATE OF NEVADA

vs Brooks, Kevin

CONTINUED FROM PAGE: 002

DeJulio advised Court all the necessary papers will be forwarded to defendant. COURT ORDERED: Defendant's Pro Per Motions are granted except Petition For Post Conviction Relief. The Public Defender's Office may withdraw as counsel and matter continued. Defendant is not required to be present.

CUSTODY (NSP)

12/11/91 @9A.M. FURTHER PROCEEDINGS - HEARING: PETITION FOR POST CONVICTION RELIEF

12/11/91 09:00 AM 00 ALL PENDING MOTIONS 12/16/91

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

OFFICERS: LEONE DUMIRE, Court Clerk
YVONNE VALENTIN, Reporter/Recorder

PARTIES: 000738 Berrett, Bill A.

Y

COURT ORDERED: MATTER IS CONTINUED FOR HEARING.

CUSTODY NSP

12/16/91 @ 9 AM - HEARING: PETITION FOR POST CONVICTION RELIEF

CONTINUED TO: 12/16/91 09:00 AM 01

12/16/91 09:00 AM 01 ALL PENDING MOTIONS 12/16/91

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

OFFICERS: SANDRA SMITH, Court Clerk
YVONNE VALENTIN, Reporter/Recorder

PARTIES: 003649 Kephart, William D.

Y

0003 D Brooks, Kevin

Y

PRO SE Pro Se

Y

FURTHER PROCEEDINGS / HEARING: PETITION FOR POST CONVICTION RELIEF

Defendant has requested a 90 day continuance and COURT ORDERED: Matter continued.

CUSTODY (NSP)

3/9/92 @9A.M. - HEARING: PETITION FOR POST CONVICTION RELIEF

CRIMINAL COURT MINUTES

90-C-093713-C STATE OF NEVADA

vs Brooks, Kevin

CONTINUED FROM PAGE: 003

03/09/92 09:00 AM 00 ALL PENDING MOTIONS 3/9/92

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

OFFICERS: SANDRA BROUGH, Court Clerk
YVONNE VALENTIN, Reporter/Recorder

PARTIES: 000101 Henry, William P.

0003 D Brooks, Kevin

PRO SE Pro Se

Y

N

Y

HEARING: PETITION FOR POST CONVICTION RELIEF....DEFENDANT'S PRO PER EX PARTE
MOTION FOR ENLARGEMENT OF TIME

State advised they have responded to deft.'s motions; the Court has continued four times per deft.'s request so he may reply to their opposition; and requests any motions for continuance be denied. COURT ORDERED, matter continued for one week for the Court's decision.

NSP....3/16/92 @ 9:00 A.M. DECISION: DEFENDANT'S PETITION FOR POST CONVICTION RELIEF.....DECISION: DEFENDANT'S PRO PER EX PARTE MOTION FOR ENLARGEMENT OF TIME

03/16/92 09:00 AM 00 HEARING JUDGE'S DECISION

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

OFFICERS: SANDRA BROUGH, Court Clerk
YVONNE VALENTIN, Reporter/Recorder

PARTIES: 003186 James, Karen M.

0003 D Brooks, Kevin

PRO SE Pro Se

Y

N

Y

DECISION: DEFENDANT'S PETITION FOR POST-CONVICTION RELIEF....PRO PER EX
PARTE MOTION FOR ENLARGEMENT OF TIME

Court FINDS the allegations in the petition are without merit, a justice of the peace does not have to be a lawyer by Statute and ORDERED deft.'s Petition for Post-Conviction Relief, DENIED. FURTHER this Court doesn't find there was ineffective assistance of counsel, deft.'s major contention is that he didn't get a copy of the preliminary hearing transcript; however deft.'s counsel was cognizant of all the facts, had the transcript in his possession and wasn't required to show it to the deft. and therefore ORDERED deft.'s Pro Per ExParte Motion for Enlargement of Time, DENIED. State to prepare Findings of Fact and Conclusions of Law.

NSP

CRIMINAL COURT MINUTES

90-C-093713-C STATE OF NEVADA vs Brooks, Kevin

CONTINUED FROM PAGE: 004

11/22/93 08:45 AM 00 PROPER PERSON MOTION FOR PRODUCTION OF
TRANSCRIPTS

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

OFFICERS: DOROTHY KELLY, Relief Clerk
YVONNE VALENTIN, Reporter/Recorder

PARTIES: 003814 Holthus, Mary Kay

Y

Court advised Court Reporter to inquire as to what defendant wants, and
ORDERED, matter off calendar.

CUSTODY (NDP)

12/20/93 08:45 AM 00 PRO PER MOTION FOR LEAVE TO PROCEED IN
FORMA PAUPERIS

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

OFFICERS: SANDRA BROUGH, Court Clerk
YVONNE VALENTIN, Reporter/Recorder

PARTIES: 004748 Siegel, Jay L.

Y

0003 D Brooks, Kevin
PRO SE Pro Se

N

Y

Deft. not present and in custody at the Nevada Department of Prisons.

State advised no objection. COURT ORDERED, Deft.'s Pro Per Motion for Leave
to Proceed in Forma Pauperis, GRANTED.

NSP

CRIMINAL COURT MINUTES

90-C-093713-C STATE OF NEVADA

vs Brooks, Kevin

CONTINUED FROM PAGE: 005

07/08/94 08:45 AM 00 AT REQUEST OF DEFENDANT

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

OFFICERS: LINDA GROVES, Court Clerk
YVONNE VALENTIN, Reporter/Recorder

PARTIES: 004353 Pace, Barter G.

0003 D Brooks, Kevin

PRO SE Pro Se

Y

N

Y

Defendant not present and in custody at the Nevada Dept of Prisons. Mr. Pace stated he doesn't know why this case is on calendar. Colloquy regarding the case. COURT ORDERED, motion for transcripts DENIED. Defendant to be specific as to transcripts needed and the reasons why.

NDP

06/22/99 08:30 AM 00 ALL PENDING MOTIONS 6/22/99

HEARD BY: Joseph S. Pavlikowski, Senior Judge; Dept. VJ30

OFFICERS: LINDA SKINNER, Court Clerk
JAMES HELLESO, Reporter/RecorderPARTIES: STATE OF NEVADA
006240 Brown, Philip H.

N

Y

DEFT'S PRO PER PETITION FOR WRIT OF HABEAS CORPUS...DEFT'S PRO PER MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS...DEFT'S PRO PER MOTION FOR EXTENSION OF TIME...DEFT'S PRO PER MOTION FOR CLARIFICATION

COURT ORDERED, based on State's response, Deft's Pro Per Petition for Writ of Habeas Corpus; Deft's Pro Per Motion for Extension of Time and Deft's Pro Per Motion for Clarification are DENIED. FURTHER, Deft's Pro Per Motion for Leave to Proceed in Forma Pauperis is GRANTED. Court directed Mr. Brown to prepare the Order.

NDP

CRIMINAL COURT MINUTES

90-C-093713-C STATE OF NEVADA vs Brooks, Kevin

CONTINUED FROM PAGE: 006

02/08/00 09:00 AM 00 ALL PENDING MOTIONS 2-8-00

HEARD BY: Mark Gibbons, Chief Judge

OFFICERS: TINA HURD, Court Clerk
PATSY SMITH, Reporter/RecorderPARTIES: STATE OF NEVADA
005927 De La Garza, Melisa
0003 D Brooks, Kevin
PRO SE Pro SeY
Y
N
YDEFT'S PRO PER MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS...COURT
ORDERED, motion GRANTED.DEFT'S PRO PER PETITION FOR WRIT OF HABEAS CORPUS...Court advised he has
reviewed the petition and the return. COURT ORDERED, petition DENIED as 1)
it is time-barred, 2) it is successive with deft's other petitions and 3)
this issue was raised on direct appeal and was rejected. Court stated he
believes this petition was also denied by Judge Pavlikowski on June 22.

NDP

01/27/03 09:00 AM 00 DEFT'S PRO PER MTN VACATE/CORRECT
ILLEGAL SENTENCE/47

HEARD BY: Nancy M Saitta, Judge; Dept. 18

OFFICERS: Amber Farley, Court Clerk
Kristine Cornelius, Reporter/RecorderPARTIES: STATE OF NEVADA
005734 Pandukht, Taleen R.Y
YCourt stated this motion is improper procedurally, and that the issue has
already been determined to lack merit. Motion DENIED in its entirety.

NDC

CLERK'S NOTE: A copy of this minute order mailed to the Defendant via the
address as listed in the pleadings. /af

CRIMINAL COURT MINUTES

90-C-093713-C STATE OF NEVADA vs Brooks, Kevin

CONTINUED FROM PAGE: 007

06/21/04 09:00 AM 00 ALL PENDING MOTIONS 6/21/04

HEARD BY: Nancy M Saitta, Judge; Dept. 18

OFFICERS: Amber Farley, Court Clerk
Debra Vanblaricom, Reporter/RecorderPARTIES: STATE OF NEVADA
003202 Stanton, David L.Y
Y

STATE'S MOTION TO DISMISS PETITION FOR WRIT OF HABEAS CORPUS

The Court noted the State has argued that the petition is successive under Chapter 34, and the COURT SO FINDS. The COURT ORDERED, Motion is GRANTED and Petition is DISMISSED. The State may also include in their order that, based on the history of the pleadings in this case, the State does not have to respond to any additional filings unless ordered to do so by this Court.

DEFT'S PRO PER PETITION FOR WRIT OF HABEAS CORPUS

As the Court granted the State's motion to dismiss the petition, the petition is now moot.

NDC

01/09/06 09:00 AM 00 ALL PENDING MOTIONS 1-09-06

HEARD BY: Joseph S. Pavlikowski, Senior Judge; Dept. VJ30

OFFICERS: Kristen Brown, Court Clerk
Jo Anne Pierpont, Reporter/RecorderPARTIES: STATE OF NEVADA
007295 Saragosa, Melissa A.Y
Y

DEFT'S PRO PER MOTION TO DISMISS PROSECUTING AND JUDGMENT OF CONVICTION DUE TO LACK OF INFORMATION...DEFT'S PRO PER MOTION FOR PRODUCTION OF FAVORABLE EVIDENCE

COURT ORDERED, matter CONTINUED for the deft. to be transported.

NDC

CONTINUED TO: 2/01/06 9:00 AM

CRIMINAL COURT MINUTES

90-C-093713-C

STATE OF NEVADA

vs Brooks, Kevin

CONTINUED FROM PAGE: 008

02/08/06 09:00 AM 00 ALL PENDING MOTIONS 2-08-06

HEARD BY: Nancy M Saitta, Judge; Dept. 18

OFFICERS: Kristen Brown, Court Clerk
Jo Anne Pierpont, Reporter/RecorderPARTIES: STATE OF NEVADA
009210 Tomsheck, Joshua L.
0003 D Brooks, Kevin
PRO SE Pro SeY
Y
Y
Y

DEFT'S PRO PER MOTION TO DISMISS PROSECUTION AND JUDGMENT OF CONVICTION DUE TO LACK OF INFORMATION...DEFT'S PRO PER MOTION FOR PRODUCTION OF FAVORABLE EVIDENCE

Court stated that it doesn't see any new grounds; motions are restatements that have already been denied. Argument by the deft. Mr. Tomsheck argued motions are time barred by statute. Court stated its findings and ORDERED, Motions DENIED.

NDC

03/08/06 09:00 AM 00 DEFT'S PRO PER MOTION FOR
RECONSIDERATION /55

HEARD BY: Nancy M Saitta, Judge; Dept. 18

OFFICERS: Kristen Brown, Court Clerk
Jo Anne Pierpont, Reporter/RecorderPARTIES: STATE OF NEVADA
007480 Pate, SusanY
Y

Court noted the deft. is asking for additional time; Court has already heard the writs filed by the deft. and the State's position is this motion is not properly before the Court because the deft. did not seek leave of the Court. Court stated the deft. needs to follow the procedures as set forth in EDCR 2.24(a), therefore, ORDERED, Motion DENIED.

NDC

CRIMINAL COURT MINUTES

90-C-093713-C STATE OF NEVADA

vs Brooks, Kevin

CONTINUED FROM PAGE: 009

06/28/06 09:00 AM 00 DEFT'S PRO PER MTN FOR WRITTEN JUDGMENT
OR FINDINGS PURSUANT TO NRS 34.830 /56

HEARD BY: Nancy M Saitta, Judge; Dept. 18

OFFICERS: Carole D'Aloia, Relief Clerk
Jo Anne Pierpont, Reporter/Recorder

PARTIES: STATE OF NEVADA
009210 Tomsheck, Joshua L.

Y
Y

Court noted the absence of the Defendant as he is currently serving his sentence in the Nevada Department of Corrections (NDC) and, ORDERED, Defendant's presence WAIVED this date. Regarding Defendant's pro per motion, Court advised the Judgment has already been entered and if Defendant wants a copy, he needs to request it from the Clerk of the Courts and, ORDERED, motion DENIED, Mr. Tomsheck to prepare and submit appropriate Order.

NDC

CLERK'S NOTE: A COPY OF THIS MINUTE ORDER MAILED TO: KEVIN BROOKS, #33384,
P.O. BOX 1989, ELY, NV 89301 ON 7/5/06. cd

10/11/06 09:00 AM 00 DEFT'S PRO PER MOTION FOR WRITTEN
JUDGMENT OR FINDINGS/57

HEARD BY: Nancy M Saitta, Judge; Dept. 18

OFFICERS: Kristen Brown, Court Clerk
Deniece Lopez, Reporter/Recorder

PARTIES: STATE OF NEVADA
009662 Rickert, David J.

Y
Y

Submitted by Mr. Rickert. Court stated it appears the deft. has already filed this motion two times and it's not clear what the deft. is requesting, ORDERED, Motion DENIED as there is no legally cognizable reason to grant the motion.

NDC

eff: 9/1/96

**CLERK OF COURT
NOTICE OF DEFICIENCY
ON APPEAL TO NEVADA SUPREME COURT**

**KEVIN BROOKS #33384
P.O. BOX 1989
ELY, NV 89301**

**DATE: January 11, 2007
CASE: C93713**

RE CASE: STATE OF NEVADA vs. KEVIN BROOKS

NOTICE OF APPEAL FILED: 01/10/07

RULE 3(e) DOCUMENTS TRANSMITTED: 01/11/07

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

EXPLANATION OF POSSIBLE DEFICIENCIES:
DOCUMENTS/FEEES:

REFER TO:

PROCEDURE:

NOTICE OF APPEAL

NRAP 3(a)

CASE APPEAL STATEMENT

NRAP 3(a)(1)

To be filed with Notice of Appeal:

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

*May be filed directly with the Supreme Court if not submitted with the Notice of Appeal.

Certification of Copy

State of Nevada } **SS:**
County of Clark }

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; CASE APPEAL STATEMENT; DISTRICT COURT DOCKET ENTRIES; DISTRICT COURT MINUTES; NOTICE OF DEFICIENCY

STATE OF NEVADA,

Plaintiff(s),

VS.

RALPH KEVIN CLARK aka KEVIN BROOKS,)


Defendant(s),

Case No: C93713
Dept No: XVIII

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 January 2007.**

Shirley B. Parraguirre, Clark County Clerk


Robin J. Mills, Deputy Clerk