

CR03P2156
DC-9900001099-068
POST: MICHAEL TODD BOTELHO (3 Pages
District Court 06/01/2007 02:58 PM
Washoe County 2515
CRFDI PR-3

CODE # 2515
MARY LOU WILSON
Nevada Bar No. 3329
333 Marsh Avenue
Reno, Nevada 89509
775-337-0200
Attorney for Appellant/Petitioner

ORIGINAL

FILED
2007 JUN -1 PM 2: 58
RONALD A. LONGTIN, JR.
BY *[Signature]*
DEPUTY

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF
NEVADA, IN AND FOR THE COUNTY OF WASHOE

FILED
JUN 07 2007

MICHAEL TODD BOTELHO,
Appellant/Petitioner,
vs.
WARDEN, L.C.C. and
THE STATE OF NEVADA,
Respondents.

No. 49586
Case No. CR03P-2156
Dept. No. 3

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

NOTICE OF APPEAL

The undersigned counsel for Appellant/Petitioner, MARY LOU WILSON,
hereby gives Notice of Appeal from the Order denying the Petition for Writ of
Habeas Corpus (Post Conviction) filed on May 25, 2007.

DATED this 1st day of June, 2007.

Mary Lou Wilson
MARY LOU WILSON
RECEIVED
JUN 07 2007
CLERK OF SUPREME COURT
By *[Signature]*
DEPUTY CLERK

07-12480

SECOND JUDICIAL DISTRICT COURT COUNTY OF WASHOE,
STATE OF NEVADA

AFFIRMATION
PURSUANT TO NRS 239B.030

THE UNDERSIGNED DOES HEREBY AFFIRM THAT THE PRECEDING
DOCUMENT: NOTICE OF APPEAL

FILED IN CASE NUMBER: CR03P-2156

DOCUMENT DOES NOT CONTAIN THE SOCIAL SECURITY NUMBER OF ANY
PERSON

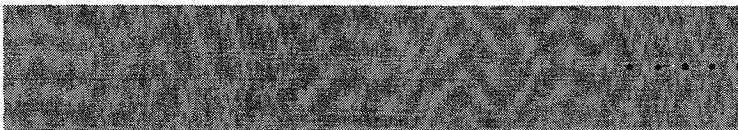
DATE: JUNE 1, 2007

SIGNATURE:

Mary Lou Wilson

PRINT NAME: MARY LOU WILSON

ATTORNEY FOR: MICHAEL TODD BOTELHO



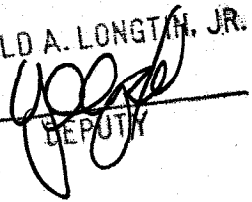
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Mr. Michael Todd Botelho
Inmate Number 80837
Lovelock Correctional Center
Post Office Box 359
Lovelock, Nevada 89419

CR03P2156
POST: MICHAEL TODD BOTELHO (5 Pages
District Court 06/01/2007 02:58 PM
Washoe County 1310
CLOCKED

CODE # 1310
MARY LOU WILSON
Nevada Bar No. 3329
333 Marsh Avenue
Reno, Nevada 89509
775-337-0200
Attorney for Appellant/Petitioner

ORIGINAL

FILED
2007 JUN -1 PM 2:58
RONALD A. LONGTIN, JR.
BY  DEPUTY

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF
NEVADA, IN AND FOR THE COUNTY OF WASHOE

MICHAEL TODD BOTELHO,
Appellant/Petitioner,

vs.

Case No. CR03P-2156

WARDEN, L.C.C. and
THE STATE OF NEVADA,
Respondents.

Dept. No. 3

CASE APPEAL STATEMENT

1. Name of appellant filing this case appeal statement: Michael Todd Botelho.
2. Identify the judge issuing the decision, judgment, or order appealed from:
The Honorable Judge Jerome Polaha, District Judge, Department 3, Second
Judicial District Court, Washoe County, Nevada.

1 3. Identify all the parties to the proceedings in the district court:

2 Appellant/Petitioner, Michael Todd Botelho and Respondents, State of
3 Nevada, and Petitioner, Michael Todd Botelho.
4

5 4. Identify all parties involved in this appeal: Appellant/Petitioner Michael
6 Todd Botelho, and Respondent, The State of Nevada.
7

8 5. Set forth the name, law firm, address, and telephone number of all counsel
9 on appeal and identify the party or parties whom they represent: Respondent,
10 the State of Nevada, will continue to be represented by the Washoe County
11 District Attorney's Office; as of this writing, and Mary Lou Wilson, Esq.,
12 will represent Appellant. Address for Mary Lou Wilson, Attorney At Law,
13 333 Marsh Ave., Reno, Nevada 89509. The telephone number is 775-337-
14 0200.
15

16 6. Indicate whether Appellant/Petitioner was represented by appointed or
17 retained counsel in the district court: Appellant/Petitioner Michael Todd
18 Botelho was represented by Mary Lou Wilson on a Petition for Writ of
19 Habeas Corpus (Post Conviction) by appointment of the Honorable Judge
20 Jerome Polaha.
21

22 7. Indicate whether Appellant/Petitioner is represented by appointed or retained
23 counsel on appeal: Michael Todd Botelho requested counsel appeal the
24
25

1 district court's Order denying his Petition for Writ of Habeas Corpus (Post
2 Conviction). Therefore, Mary Lou Wilson retained her appointment.

3
4 8. Indicate whether Appellant/Petitioner was granted leave to proceed in forma
5 pauperis on the date of the Indictment of October 8, 2003.

6 9. Indicate the date of the proceedings commenced in the district court:

7 Proceedings commenced with the filing of the Indictment of October 8,
8 2003.
9

10 DATED this 1st day of June, 2007.

11 Mary Lou Wilson
12 MARY LOU WILSON

13 Attorney At Law

14 333 Marsh Ave.

15 Reno, Nevada 89509

16 775-337-0200

17 Attorney for Appellant/Petitioner
18
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22
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25

.....

SECOND JUDICIAL DISTRICT COURT COUNTY OF WASHOE,
STATE OF NEVADA

AFFIRMATION
PURSUANT TO NRS 239B.030

THE UNDERSIGNED DOES HEREBY AFFIRM THAT THE PRECEDING
DOCUMENT: CASE APPEAL STATEMENT

FILED IN CASE NUMBER: CR03P-2156

DOCUMENT DOES NOT CONTAIN THE SOCIAL SECURITY NUMBER OF ANY
PERSON

DATE: JUNE 1, 2007

SIGNATURE:

Mary Lou Wilson

PRINT NAME: MARY LOU WILSON

ATTORNEY FOR: MICHAEL TODD BOTELHO



.....

CERTIFICATE OF MAILING

Pursuant to NRCP 5(b), I Mary Lou Wilson, certify that on 1 day of June, 2007, I deposited in the mail the Case Appeal Statement to the following:

The Honorable Judge Jerome Polaha
Second Judicial District Court, Department 3
Post Office Box 30083
Reno, Nevada 89520

Terrence P. McCarthy
Appellate Deputy District Attorney
Washoe County District Attorney's Office
Post Office Box 30083
Reno, Nevada 89520

Attorney General
100 North Carson Street
Carson City, Nevada 89701-4717

Mr. Michael Todd Botelho
Inmate Number 80837
Lovelock Correctional Center
Post Office Box 359
Lovelock, Nevada 89419

NOT FOR DISTRIBUTION
TO THE PUBLIC

SECOND JUDICIAL DISTRICT COURT
COUNTY OF WASHOE

Case History - CR03-2156

DEPT. D3

HON. JEROME M. POLAHA

Report Date & Time
6/5/2007
3:35:23PM

Case ID: CR03-2156		Case Description: STATE VS. MICHAEL TODD BOTELHO (D3)	Initial Filing Date: 10/8/2003	
Type:		CRIMINAL		
		Parties		
PATY	John Reese Petty, Esq. - 10			
RESP	STATE OF NEVADA - STATE			
APPE	MICHAEL TODD BOTELHO - @154004			
PLTF	STATE OF NEVADA - STATE			
DA	Kelli A. Vilorio, Esq. - 5872			
DEFT	MICHAEL TODD BOTELHO - @154004			
PD	Sean B. Sullivan, Esq. - 7534			
DATY	Gary Howard Hatlestad, Esq. - 1525			
Charges				
Charge No.	Charge Code	Charge Date	Charge Description	
1	F610	10/8/2003	IND	KIDNAPPING IN THE FIRST DEGREE
2	F110	10/8/2003	IND	BATTERY WITH INTENT TO COMMIT SEXUAL ASSAULT ON A CHILD
3	F1000	10/8/2003	IND	SEXUAL ASSAULT ON A CHILD
4	F1000	10/8/2003	IND	SEXUAL ASSAULT ON A CHILD
5	F1000	10/8/2003	IND	SEXUAL ASSAULT ON A CHILD
Plea Information				
Charge No.	Plea Code	Plea Date	Plea Description	
1	F610	12/11/2003	PLED GUILTY	
2	F110	11/6/2003	PLED NOT GUILTY	
3	F1000	12/11/2003	PLED GUILTY	
4	F1000	12/11/2003	PLED GUILTY	
5	F1000	12/11/2003	PLED GUILTY	
Sentences				
Date	Charge No.	Charge Desc	Time Served	Sentence Text
4/7/2004	1	Life With Poss of Parole		NDOC LIFE WITH POSSIBILITY OF PAROLE AFTER A MINIMUM OF 5 YEARS HAS BEEN SERVED WITH A SPECIAL SENTENCE OF LIFETIME SUPERVISION TO COMMENCE ANY TERM OF PROBATION, OR ANY TERM OF IMPRISONMENT OR AFTER ANY PERIOD OF RELEASE ON PAROLE + \$632.00 RESTITUTION + FEES
4/7/2004	3	Life With Poss of Parole		NDOC LIFE WITH POSSIBILITY OF PAROLE AFTER A MINIMUM OF 20 YEARS HAS BEEN SERVED TO BE SERVED CONSECUTIVELY TO THE SENTENCE IMPOSED IN COUNT I.

-FOR INTERNAL COURT USE ONLY-

-NOT AN OFFICIAL DOCUMENT-

-REPORT MAY CONTAIN SEALED CASE INFORMATION-

Case ID:	CR03-2156	Case Description:	STATE VS. MICHAEL TODD BOTELHO (D3)	CRIMINAL	Initial Filing Date: 10/8/2003
4/7/2004	4 - Life With Poss of Parole	Type:	NDOC LIFE WITH POSSIBILITY OF PAROLE AFTER A MINIMUM OF 20 YEARS HAS BEEN SERVED TO BE SERVED CONCURRENTLY WITH THE SENTENCES IMPOSED IN COUNTS 1 AND 3.		
4/7/2004	5 - Life With Poss of Parole		NDOC LIFE WITH POSSIBILITY OF PAROLE AFTER A MINIMUM OF 20 YEARS HAS BEEN SERVED TO BE SERVED CONSECUTIVELY TO THE SENTENCES IMPOSED IN COUNTS 1, 3 AND 4.		

Release Information	
Custody Status	
10/23/2003	CUSTODY - WCJ
5/11/2007	CUSTODY - NSP

Hearings

Department	Event Description	Sched. Date & Time
1 D3	ARRAIGNMENT	10/23/2003 08:30:00

Extra Text:

Disposition:
D455 10/23/2003

Department	Event Description	Sched. Date & Time
2 D3	ENTRY OF PLEA	11/6/2003 08:30:00

Extra Text:

Disposition:
D725 11/6/2003 COUNTS I, II, III, IV, AND V OF THE INDICTMENT

Department	Event Description	Sched. Date & Time
3 D3	CHANGE OF PLEA	12/11/2003 08:30:00

Extra Text:

Disposition:
D655 12/11/2003 COUNTS 1, 3, 4 AND 5 OF THE INFORMATION

Department	Event Description	Sched. Date & Time
4 D3	SENTENCING	2/11/2004 09:30:00

Extra Text: SET FOR 2 HOURS - CLOSED HEARING

Disposition:
D870 1/28/2004 Reset for February 18, 2004

Department	Event Description	Sched. Date & Time
5 D3	SENTENCING	2/18/2004 10:00:00

Extra Text:

Disposition:
D870 2/17/2004 Reset for Motions Hearing on March 11, 2004, at 10:00 and Sentencing on April 7, 2004.

**-FOR INTERNAL COURT USE ONLY-
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-REPORT MAY CONTAIN SEALED CASE INFORMATION-**

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

<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>
6 D3	HEARING...	3/11/2004 10:00:00

Extra Text: ON MOTION **Disposition:**
D430 3/11/2004

<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>
7 D3	SENTENCING	4/7/2004 08:30:00

Extra Text: **Disposition:**
D765 4/7/2004

<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>
8 D3	MOTION TO CONFIRM TRIAL	7/15/2004 08:30:00

Extra Text: **Disposition:**
D845 12/11/2003

<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>
9 D3	TRIAL - JURY	7/26/2004 08:30:00

Extra Text: 4 DAYS **Disposition:**
D845 12/11/2003

Agency Cross Reference

<i>Code</i>	<i>Agency Description</i>	<i>Case Reference I.D.</i>
DA	District Attorney's Office	DA318167
RJ	Reno Justice's Court	RCR2003011479
SC	Supreme Court	SCN 43247
WC	Washoe County Sheriff's Office	WCSOWC03008924

Actions

<i>Action Entry Date</i>	<i>Code</i>	<i>Code Description</i>	<i>Text</i>
10/8/2003	1795	Indictment	
10/8/2003	1300	Bench Warrant Filed-Case Clsd	BAIL SET AT \$250,000.00 CASH ONLY
10/8/2003	3370	Order ...	ORDER STAYING JUSTICE COURT PROCEEDINGS (RJC)
10/14/2003	3892	Return of Service B/W	SERVED 10-10-03
10/15/2003	1325	** Case Reopened	
10/15/2003	1250	Application for Setting	10-23-03 @08:30
10/20/2003	4185	Transcript ...	GRAND JURY TRANSCRIPT 10-8-03
10/20/2003	1775	General Receipt	GRAND JURY (DA)
10/30/2003	1810	Inmate Request Form Filed	REQUEST RE: MISSED COURT DATE, REFERRED TO COUNSEL PER JUDGE POLAHA

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Case ID: CR03-2156		Case Description	STATE VS. MICHAEL TODD BOTELHO (D3)
		CRIMINAL	Initial Filing Date: 10/8/2003
11/6/2003	1280	** 60 Day Rule - Waived	
11/20/2003	4185	Transcript ...	10/23/03 ARRAIGNMENT/ CONTINUED
12/8/2003	1250	Application for Setting	12-11-03 @08:30
12/11/2003	1785	Guilty Plea Memo/Agreement	
12/22/2003	4185	Transcript ...	12/11/03 CHANGE OF PLEA
1/12/2004	4185	Transcript ...	11/6/03 ENTRY OF PLEA
1/26/2004	3839	Request Agree Ord Recp Discv	
1/26/2004	2528	Not/Doc/Rc'd/Not/Cons/by Crt	CONFIDENTIAL PSYCHOLOGICAL / SUBSTANCE ABUSE EVALUATION TO BE FILED UNDER SEAL ***SEALED***
1/30/2004	4025	Stip & Ord to Continue	SENTENCING TO 2-18-04
2/3/2004	2610	Notice ...	NOTICE OF INTENT TO INTRODUCE PRIOR OR OTHER BAD ACT EVIDENCE AT SENTENCING HEARINGF
2/11/2004	4500	PSI - Confidential Envelope	
2/13/2004	2645	Opposition to Mtn ...	OPPOSITION TO STATE'S INTRODUCTION OF PRIOR OR OTHER BAD ACT EVIDENCE AT SENTENCING HEARING; DEFENDANT'S MOTION TO HAVE THE MATTER SEALED, TO RECUSE THE PRESENT SENTENCING COURT, AND TO HAVE THE MATTER TRANSFERRED TO ANOTHER COURT FOR SENTENCING PURPOSES
2/17/2004	1250	Application for Setting	3-11-04 @10:00
2/17/2004	2528	Not/Doc/Rc'd/Not/Cons/by Crt	CONFIDENTIAL LETTERS FROM FAMILY TO BE FILED UNDER SEAL ***SEALED***
2/20/2004	3795	Reply...	IN OPPOSITION TO DEFENDANT'S OPPOSITION TO STATE'S INTRODUCTION OF OTHER BAD ACT EVIDENCE; DEFENDANT'S MOTION TO SEAL; AND ANSWER TO DEFENDANT'S MOTION TO RECUSE AND TRANSFER CASE
2/24/2004	4025	Stip & Ord to Continue	Sentencing reset for April 7, 2004. Motion Hearing set for March 11, 2004.
3/31/2004	4185	Transcript ...	3/11/04 HEARING ON MOTIONS
4/6/2004	1775	General Receipt	GRAND JURY TRANSCRIPT - SEAN SULLIVAN, ESQ.
4/7/2004	1850	Judgment of Conviction	
4/19/2004	4185	Transcript ...	4/7/04 SENTENCING
4/22/2004	2295	Mtn to Dismiss Counts ...	COUNT II
4/28/2004	2905	Ord for Dismissal of Counts	COUNT II
4/30/2004	2515	Notice of Appeal Supreme Court	
4/30/2004	1310	Case Appeal Statement	
5/3/2004	1350	Certificate of Clerk	
5/3/2004	1365	Certificate of Transmittal	
5/6/2004	1188	Supreme Court Receipt for Doc	SUPREME COURT CASE NO. 43247

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-REPORT MAY CONTAIN SEALED CASE INFORMATION-**

Case ID: CR03-2156		Case Description:	Case Type:	Initial Filing Date: 10/8/2003
		STATE VS. MICHAEL TODD BOTELHO (D3)		
		CRIMINAL		
5/6/2004	1187	**Supreme Court Case No. ...	SUPREME COURT CASE NO. 43247	
5/17/2004	2230	Mtn Trial Trans. Public Exp		
6/1/2004	3000	Ord Trial Transcript/Public\$		
4/6/2005	4134	Supreme Court Order Affirming	SUPREME COURT CASE NO. 43247	
5/3/2005	4145	Supreme Court Remittitur	SUPREME COURT CASE NO. 43247	
5/3/2005	4111	Supreme Ct Clk's Cert & Judg	SUPREME COURT CASE NO. 43247	
5/3/2005	4134	Supreme Court Order Affirming	SUPREME COURT CASE NO. 43247	
7/13/2005	2260	Mtn to Relieve Counsel	NOTICE OF MOTION AND MOTION FOR WITHDRAWAL OF ATTORNEY OF RECORD AND TRANSFER OF RECORDS	
7/13/2005	1030	Affidavit in Support...	MOTION FOR WITHDRAWAL OF ATTORNEY OF RECORD AND TRANSFER OF RECORDS	
7/13/2005	1075	Affidavit ...	OF DEFENDANT	
8/18/2005	3860	Request for Submission	DOCUMENT TITLE: MOTION FOR WITHDRAWAL OF ATTORNEY	
			PARTY SUBMITTING: M. BOTELHO	
			DATE SUBMITTED: 8-18-05	
			SUBMITTED BY: GVELARDE	
			DATE RECEIVED JUDGE'S OFFICE:	
9/13/2005	3060	Ord Granting Mtn ...	ORDER GRANTING MOTION TO WITHDRAW COUNSEL	
9/13/2005	1315	** Case Closed		

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SECOND JUDICIAL DISTRICT COURT
COUNTY OF WASHOE

Case History - CR03P2156

DEPT. D3

HON. JEROME M. POLAHA

Report Date & Time

6/5/2007

3:34:52PM

Case ID:	CR03P2156	Case Description:	POST: MICHAEL TODD BOTELHO (D3) POST CONVICTION	Initial Filing Date:	3/6/2006
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Type:	Parties
RESP	STATE OF NEVADA - STATE
PETR	MICHAEL TODD BOTELHO - @154004
DA	Terrence P. McCarthy, Esq. - 2745
CAA	Mary Lou A. Wilson, Esq. - 3329

Charges			
Charge No.	Charge Code	Charge Date	Charge Description

Plea Information			
Charge No.	Plea Code	Plea Date	Plea Description

Release Information
Custody Status

Hearings		
Department	Event Description	Sched. Date & Time
1 D3	EVIDENTIARY HEARING	5/11/2007 13:30:00
Extra Text:		Disposition: D355 5/11/2007 PETITION DENIED, STATE TO PREPARE THE ORDER

Agency Cross Reference		
Code	Agency Description	Case Reference I.D.

Actions			
Action Entry Date	Code	Code Description	Text
3/6/2006	2385	Mtn Proceed Forma Pauperis	
3/6/2006	1030	Affidavit in Support...	OF MOTION TO PROCEED IN FORMA PAUPERIS
3/6/2006	3565	Pet Post-Conviction Relief	

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Case ID: CR03P2156		Case Description:	POST: MICHAEL TODD BOTELHO (D3)	Initial Filing Date: 3/6/2006
		Type:	POST CONVICTION	
3/6/2006	1955	Memorandum & Authorities	IN SUPPOR OF PETITION FOR POST CONVICTION	
3/6/2006	2180	Mtn for Recusal		
3/6/2006	1670	Ex-Parte Mtn...	FOR APPOINTMENT OF COUNSEL	
4/4/2006	3862	**Criminal Submit	DOCUMENT TITLE: MOTION TO PROCEED IN FORMA PAUPERIS / POST CONVICTION PARTY SUBMITTING: M. BOTELHO DATE SUBMITTED: 4-4-06 SUBMITTED BY: GVELARDE DATE RECEIVED JUDGE'S OFFICE:	
6/5/2006	3370	Order ...	ORDER TO PROCEED IN FORMA PAUPERIS	
6/5/2006	2715	Ord Appointing Counsel	AND ORDER FOR RESPONSE	
6/27/2006	2610	Notice ...	NOTICE OF APPEARANCE AND REQUEST FOR 45 DAYS TO FILE SUPPLEMENTAL PETITIOIN TO RUN FROM JUNE 27, 2006	
6/30/2006	2715	Ord Appointing Counsel	AMENDED ORDER FOR RESPONSE AND APPOINTMENT OF COUNSEL	
7/17/2006	2610	Notice ...	NOTICE OF DICIPLINARY HEARING AND POSSIBLE MOTION TO CONTINUE SUBMISSION OF SUPPLEMENTAL PETITION	
7/25/2006	3862	**Criminal Submit	DOCUMENT TITLE: EXPARTE REQUEST FOR DOCUMENTS TO BE COPIED BY THE WASHOE COUNTY CLERK'S OFFICE IN SUPPORT OF THE SUPPLEMENTAL PETITION FOR WRIT OF HABEAS CORPUS (POST CONVICTION) PARTY SUBMITTING: MICHAEL BOTELHO DATE SUBMITTED: 8/2/06 SUBMITTED BY: LMATHEUS DATE RECEIVED JUDGE'S OFFICE:	
7/26/2006	1670	Ex-Parte Mtn...	EXPARTE REQUEST FOR DOCUMENTS TO BE COPIED BY THE WASHOE COUNTY CLERK'S OFFICE IN SUPPORT OF THE SUPPLEMENTAL PETITION FOR WRIT OF HABEAS CORPUS (POST CONVICTION)	
7/26/2006	2610	Notice ...	OF FILE REVIEWED AND POTENTIAL EXHIBITS USED FOR SUPPLEMENTAL PETITION FOR WRIT OF HABEAS CORPUS (POST CONVICTION)	
7/28/2006	1675	Ex-Parte Ord...	EXPARTE ORDER FOR DOCUMENTS TO BE COPIED BY THE WASHOE COUNTY CLERK'S OFFICE IN SUPPOR OF THE SUPPLEMENTAL PETITION FOR WRIT OF HABEAS CORPUS (POST CONVICTION)	
8/8/2006	1670	Ex-Parte Mtn...	FOR APPROVAL OF FES IN THE SUPPLEMENTAL PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION)	
8/8/2006	4100	Supplemental Petition	FOR WRIT OF HABEAS CORPUS (POST-CONVICTION)	
8/9/2006	3862	**Criminal Submit	DOCUMENT TITLE: EX PARTE APPLICATION FOR FEES/ SUPPLEMENTAL PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION) PARTY SUBMITTING:MARY LOU WILSON DATE SUBMITTED: 8/9/06 SUBMITTED BY: LMATHEUS DATE RECEIVED JUDGE'S OFFICE:	

**-FOR INTERNAL COURT USE ONLY-
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Case ID: CR03P2156		Case Description	POST: MICHAEL TODD BOTELHO (D3)	Initial Filing Date: 3/6/2006
		Type:	POST CONVICTION	
<u>8/14/2006</u>	1670	Ex-Parte Mtn...	REQUESTING APPOINTMENT OF DR. MAHAFFEY FOR PSYCHOSEXUAL EVALUATION IN SUPPORT OF SUPPLEMENTAL PETITION FOR WRIT OF HABEAS CORPUS (POST CONVICTION) AND NOTICE OF INVESTIGATION OF MELISSA BOTELLO	
<u>8/14/2006</u>	3862	**Criminal Submit	DOCUMENT TITLE: EX PARTE MOTION REQUESTING APPOINTMENT OF DR. MAHAFFEY FOR PSYCHOSEXUAL EVALUATION IN SUPPORT OF SUPPLEMENTAL PETITION FOR WRIT OF HABEAS CORPUS (POST CONVICTION) AND NOTICE OF INVESTIGATION OF MELISSA BOTELLO PARTY SUBMITTING: MARY LOU WILSON DATE SUBMITTED: 8/16/06 SUBMITTED BY: LMATHEUS DATE RECEIVED JUDGE'S OFFICE:	
<u>8/23/2006</u>	3370	Order ...	EXPORTE ORDER FOR APPROVAL OF FEES IN THE SUPPLEMENTAL PETITION FOR WRIT OF HABEAS CORPUS (POST CONVICTION)	
<u>9/6/2006</u>	3060	Ord Granting Mtn ...	ORDER GRANTING EX-PATE MOTION REQUESTING APPOINTMENT OF DR. MAHAFFEY FOR PSYCHOSEXUAL EVALUATION	
<u>10/9/2006</u>	1130	Answer ...	ANSWER TO PETITION AND SUPPLEMENTAL PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION)	
<u>10/9/2006</u>	2155	Mtn Partial Dismissal ...		
<u>10/9/2006</u>	3897	Return		
<u>10/18/2006</u>	2645	Opposition to Mtn ...	OPPOSITION TO MOTION FOR PARTIAL DISMISSAL OF THE SUPPLEMENTAL PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION)	
<u>10/26/2006</u>	3795	Reply...	REPLY TO OPPSOTION TO MOTION FOR PARTIAL DISMISSAL OF PETITION AND SUPPLEMENTAL PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION)	
<u>10/26/2006</u>	3860	Request for Submission	DOCUMENT TITLE: MOTION FOR PARTIAL DISMISSAL OF PETITION AND SUPPLEMENTAL PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION) PARTY SUBMITTING: TERRENCE MCCARTHY DATE SUBMITTED: 10-30-06 SUBMITTED BY: MA DATE RECEIVED JUDGE'S OFFICE:	
<u>12/14/2006</u>	2610	Notice ...	NOTICE OF INVESTIGATION AND AMENDED SUPPLEMENTAL PETITION FOR WRIT OF HABEAS CORPUS (POST CONVICTION)	
<u>12/29/2006</u>	3370	Order ...		
<u>1/8/2007</u>	1670	Ex-Parte Mtn...	EXPORTE MOTION FOR APPROVAL OF FEES IN THE CONTINUED SUPPORT OF THE SUPPLEMENTAL PETITION FOR WRIT OF HABEAS CORPUS (POST CONVICTION)	
<u>1/9/2007</u>	1250	Application for Setting	Evidentiary Hearing: May 11, 2007, at 1:30 pm, 2 hours	
<u>1/9/2007</u>	1675	Ex-Parte Ord...	EXPORTE ORDER FOR APPROVAL OF FEES IN THE CONTINUED SUPPORT OF THE SUPPLEMENTAL PETITION FOR WRIT OF HABEAS CORPUS (POST CONVICTION)	

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-NOT AN OFFICIAL DOCUMENT-
-REPORT MAY CONTAIN SEALED CASE INFORMATION-

Case ID: CR03P2156		Case Description	Case Type	POST: MICHAEL TODD BOTELHO (D3)	POST CONVICTION	Initial Filing Date: 3/6/2006
<u>4/12/2007</u>	1260	Application Produce Prisoner				
<u>4/12/2007</u>	3340	Ord to Produce Prisoner				
<u>4/30/2007</u>	2610	Notice ...			OF DR. MARTHA MAHAFFEY'S PSYCHOSEXUAL REPORT IN SUPPORT OF THE SUPPLEMENTAL PETITION FOR WRIT OF HABEAS CORPUS (POST CONVICTION)	
<u>5/11/2007</u>	MIN	**Minutes			EVIDENTIARY HEARING	
<u>5/22/2007</u>	1670	Ex-Parte Mtn...			EX PARTE MOTION FOR APPROVAL OF FEES IN THE PREPARATION AND COMPLETION OF THE EVIDENTIARY HEARING IN THE SUPPLEMENTAL PETITION FOR WRIT OF HABEAS CORPUS (POST CONVICTION)	
<u>5/31/2007</u>	1675	Ex-Parte Ord...			SUBMIT TO D/3 5/23/07 FOR APPROVAL OF FEES IN THE PREPARATION AND COMPLETION OF THE EVIDENTIARY HEARING IN THE SUPPLEMENTAL PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION)	
<u>5/31/2007</u>	2515	Notice of Appeal Supreme Court				
<u>6/1/2007</u>	2515	Notice of Appeal Supreme Court				
<u>6/1/2007</u>	1310	Case Appeal Statement				
<u>6/1/2007</u>	3868	Req to Crt Rptr - Rough Draft				
<u>6/5/2007</u>	1350	Certificate of Clerk				
<u>6/5/2007</u>	1365	Certificate of Transmittal				

**-FOR INTERNAL COURT USE ONLY-
-NOT AN OFFICIAL DOCUMENT-
-REPORT MAY CONTAIN SEALED CASE INFORMATION-**

ORIGINAL FILED

2007 MAY 31 AM 11:37

RONALD A. LONGTIN, JR.

BY *R. Longtin*
DEPUTY

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

IN AND FOR THE COUNTY OF WASHOE

MICHAEL TODD BOTELHO,

Petitioner,

v.

Case No. CR03P2156

JACK PALMER,

Dept. No. 3

Respondent.

FINDINGS OF FACT, CONCLUSIONS OF LAW
AND JUDGMENT

This cause is before the court upon a petition for writ of habeas corpus (post-conviction). Petitioner Botelho stood trial on multiple sexual offenses stemming from a scheme in which he pretended to need a babysitter and used that as a ruse to get the 14 year old victim in his car. He drove her to a secluded spot and committed the crimes in the car. Upon his conviction he appealed but the judgment was affirmed, except to remand to correct the judgment.

He then filed a petition for writ of habeas corpus in which he raised some sixteen claims for relief. The court appointed counsel who filed a supplement to the petition. The State moved to dismiss most of the claims and that motion was partially granted. The majority of the claims were dismissed by an order filed on December 29, 2006. That interim order is now incorporated into this final judgment by reference. Four claims survived and the court scheduled a hearing for those claims.

1 On May 11, 2007 the parties appeared for a hearing on the surviving claims. Petitioner,
2 however, abandoned all but the claim that trial counsel rendered ineffective assistance by failing to
3 arrange for a psycho-sexual evaluation for use in mitigation at sentencing. On that claim, petitioner
4 presented only the testimony of Dr. Martha Mahaffey who conducted such an evaluation. There was no
5 testimony from petitioner or from trial counsel even though both were present during the hearing.

6 One who would claim ineffective assistance of counsel bears the burden of showing, by a
7 preponderance of the evidence, that the specific decisions of counsel fell below an objective standard of
8 reasonableness and that but for the failings of counsel a different outcome was reasonably likely. *Means*
9 *v. State*, 120 Nev. 1001, 103 P.3d 25 (2004). Counsel is presumed to have fully discharged his duties
10 and to have made reasonable tactical decisions. 120 Nev. at 1012, 103 P.3d at 32. The petitioner bears
11 the burden of overcoming that presumption. Petitioner must prove both elements of the claim and if
12 either is lacking then no relief is available. *Id.*

13 The court first notes the absence of any evidence demonstrating that trial counsel did or did not
14 arrange a psycho-sexual evaluation. The court is thus left with the presumption that counsel fully
15 discharged his duties and made reasonable tactical decisions concerning what evidence to present at
16 sentencing. For that reason alone, the petition must be denied. The court further finds, however, that
17 petitioner was not prejudiced by the lack of testimony such as was provided by Dr. Mahaffey. Her
18 evaluation showed that Botelho was a "moderate/high" risk to re-offend and any sense of optimism
19 about the safety of the community was so qualified, and so guarded, that the court can state with
20 confidence that the result would not have changed. In particular, the court notes the testimony that
21 Botelho must always be prevented from having access to young girls. That goal can be accomplished by
22 leaving Botelho in prison. The sentence was based on the nature of the crime and the character of the
23 defendant and the testimony of Dr. Mahaffey did nothing to alter the court's view of either.

24 ///

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1 Because Botelho failed to persuade this court that counsel failed to fully investigate, and because
2 the additional evidence would not have altered the sentence, the petition is denied.

3 DATED this 25th day of May, 2007.

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6 DISTRICT JUDGE
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Mary Lou Wilson, Esq.
333 Marsh Avenue
Reno, NV 89509

Michael Todd Botelho #80837
Lovelock Correctional Center
P.O. Box 359
Lovelock, NV 89419

Stellenkunde

CRIMINAL PROGRESS SHEET

INE. IND 10-8-03

CASE NO. CR03-2156

AI. _____

2AI. _____

2INF. _____

DEFT: MICHAEL TODD BOTELHO @ 154004

LANGUAGE: _____

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

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

TRUE NAME: _____

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

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

P & P Ref: Pat Cerniglia

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

REMANDED TO JUSTICE COURT FOR FURTHER PROCEEDINGS: _____

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

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

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

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

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

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

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

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

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

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

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

CONTINUED TO: _____ FOR: _____

CONTINUED TO: _____ FOR: _____

CONTINUED TO: _____ FOR: _____

CONTINUED TO: _____ FOR: _____

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CONTINUED TO: _____ FOR: _____

CONTINUED TO: _____ FOR: _____

CRIMINAL PROGRESS SHEET CONTINUED

CASE NO. CR03-2156

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

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

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

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

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

GRANTED [] DEFT FORMALLY SENTENCED

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

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

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

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

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

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

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

TIME SERVED REVO: _____

MOTIONS: 5-11-07 (J. Dotson) Pet for Post Conviction
relief Denied, State to prepare the Order.

CASE NO. CR03P2156

POST: MICHAEL TODD BOTELHO

DATE, JUDGE
OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

05/11/07

EVIDENTIARY HEARING

HONORABLE

EROME M.

OLAHA

DEPT. NO. 3

P. Meacham

Clerk)

I. Dotson

Reporter)

Deputy District Attorney Terrence McCarthy represented the State. Defendant (Petitioner) was present with counsel, Mary Lou Wilson, Esq.. Probation Officer was not present.

Court advised that there are 17 claims named in the petition and the Court will hear argument re: claims 7 and 15 and the supplemental petition.

Petitioner's counsel addressed the Court advising that Dr. Martha Mahaffey is present today and will testify re: her report.

Petitioner calls Dr. Martha Mahaffey who was sworn and examined. Cross-Examination was conducted, no Re-Direct and the witness was excused.

Petitioner rests.

Respondent rests.

Petitioner's counsel addressed the Court arguing in support of the petition advising that Dr. Mahaffey's report may have led the Court to give a lesser sentence if it had been presented during sentencing.

COURT ORDERED: Court finds that the report would not have made any difference in the sentence, the petition is **DENIED**. State's counsel will prepare the order and include the lack of evidence re: prior defense counsel Sullivan in the order.

Defendant remanded to the custody of the Dept. of Prisons.

CR03P2156
DC-9900000999-259
POST: MICHAEL TODD BOTELHO (D 1 Page
District Court 05/11/2007 03:19 PM
Washoe County MTN
PMFACHQW

CASE NO. CR03-2156

STATE OF NEVADA VS. MICHAEL TODD BOTELHO

DATE, JUDGE

OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

04/07/04

HONORABLE

JEROME M.

POLAHA

DEPT. NO. 3

C. Patterson

(Clerk)

J. Dotson

(Reporter)

ENTRY OF JUDGMENT AND IMPOSITION OF SENTENCE

Deputy District Attorney Bruce Hahn represented the State.

Defendant was present and represented by counsel, Deputy Public

Defender Sean Sullivan. Probation Officer Joan Weald was also

present.

Defense counsel addressed the Court moved that the

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

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

State's notice to present prior bad acts and presented a letter filed

under seal. Defense called Marylou

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

statements behalf of the Defendant. Counsel for the State

addressed the Court called officer Greg Herrera who was sworn and

examined. No cross examination conducted; witness excused. The

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

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

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

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

Defendant addressed the Court on his own behalf.

COURT ORDERED: Defendant adjudged guilty and sentenced to

imprisonment in the Nevada Department of Corrections for a term of

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

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

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

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

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

he be punished by imprisonment in the Nevada Department of

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

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

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

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

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

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

imprisonment in the Nevada Department of Corrections for a term of

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

has been served, to be served concurrently to the sentences

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

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

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

CASE NO. CR03-2156

STATE OF NEVADA VS. MICHAEL TODD BOTELHO

DATE, JUDGE

PAGE 2

OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

04/07/04

ENTRY OF JUDGMENT AND IMPOSITION OF SENTENCE

HONORABLE

JEROME M.

POLAHA

DEPT. NO. 3

C. Patterson

(Clerk)

J. Dotson

(Reporter)

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

DATE, JUDGE
OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

03/11/04

HONORABLE

JEROME M.

POLAHA

DEPT. NO. 3

C. Patterson

(Clerk)

J. Dotson

(Reporter)

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

Deputy District Attorney Bruce Hahn represented the State.

Defendant was present with counsel, Deputy Public Defender Sean

Sullivan. Probation Officer Pat Cerniglia was also present.

Court and counsel met in chambers (not reported) regarding the
media issue relative to this part of the motion.**COURT ORDERED:** This part of the motion to be argued relative to
the press being allowed in the courtroom. After decision on it, rest of
motions will be heard. The Court called the media representatives
(Reno Gazette Journal and The Nevada Appeal) in chambers and
advise of status. The Court further advised them that if the ruling is
they will be barred from Courtroom a recess of one hour would be
taken to allow them time to contact counsel.

04/07/04

08:30 am

Sentencing

Court, counsel and Defendant convened in the Courtroom on the
record. Defense counsel presented argument in support of sealing
the records and barring the media; State opposed; Defense replied.**COURT ORDERED:** Media permitted in courtroom during
remainder of this proceeding.Press present. Defense counsel addressed the Court arguing in
support of recusal of this Judge. The Court admonished counsel that
proper procedure for this type of hearing has not been followed.
Defense counsel advised he will withdraw the motion if the Court
believes it can be impartial. State opposed recusal and submitted
the matter. Defense submitted.**COURT ORDERED:** **DENIED.** This judge will remain on case.Counsel for the State submitted the motion regarding marital
privilege on the pleadings and papers. Defense counsel opposed;
State replied.**COURT ORDERED:** Ex-wife will not be called. The State is free to
bring other witness who have information on the subject matter.
Defendant remanded to the custody of the Sheriff.

CASE NO. CR03-2156

STATE OF NEVADA VS. MICHAEL TODD BOTELHO

DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

120/11/03
HONORABLE
JEROME M.
POLAHA
DEPT. NO. 3
C. Patterson
(Clerk)
J. Dotson
(Reporter)

MOTION FOR CHANGE OF PLEA

Deputy District Attorney Kelli Vioria represented the State.

Defendant was present with counsel, Deputy Public Defender Sean Sullivan. Probation Officer Linda Shipley was also present.

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

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

Court interrogated the Defendant, advised him of his rights, found that there was a factual basis for the plea and that the Defendant understood the elements of the offense and the possible punishment therefore; Court further found that the plea was knowing, voluntary and intelligent, that the Defendant was competent to enter the plea and accepted same.

Court ordered Presentence Investigation and matter continued for entry of judgment and imposition of sentence. Trial date of July 26, 2004 ordered vacated.

Defendant remanded to the custody of the Sheriff.

02/11/04
9:30 a.m.
Sentencing
2 hours
Closed Hrg.

CASE NO. CR03-2156

STATE OF NEVADA VS. MICHAEL TODD BOTELHO

DATE, JUDGE
OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

11/06/03

ENTRY OF PLEA

HONORABLE

Deputy District Attorney Kelli Vioria represented the State.

JEROME M.

Defendant was present with counsel, Deputy Public Defender Sean

POLAHA

Sullivan. Probation Officer Linda Shipley was also present.

DEPT. NO. 3

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

P. Meacham

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

(Clerk)

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

J. Schonlau

Defendant waived the 60 day rule.

(Reporter)

COURT ORDERED: Matter set for trial.

Defendant remanded to the custody of the Sheriff.

07/15/04

8:30 a.m.

Motion/Confirm

07/26/04

8:30 a.m.

Jury Trial

4 days

CASE NO. CR03-2156

STATE OF NEVADA VS. MICHAEL TODD BOTELHO

DATE, JUDGE
OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

10/23/03

ARRAIGNMENT

HONORABLE

Deputy District Attorney Kelli Vilorio represented the State.

JEROME M.

Defendant was present with counsel, Deputy Public Defender Sean

POLAHA

Sullivan. Probation Officer Pat Cerniglia was also present.

DEPT. NO. 3

TRUE NAME: MICHAEL TODD BOTELHO. Defendant handed a

P. Meacham

copy of the Information; waived reading.

(Clerk)

Defendant requested time in which to enter a plea; Counsel for the

J. Dotson

State joined in that motion.

(Reporter)

COURT ORDERED: Matter continued.

Defendant remanded to the custody of the Sheriff.

11/06/03

8:30 a.m.

Entry of Plea

FILED

JUN 05 2007

RONALD A. LONGTIN, JR. CLERK

By:  DEPUTY CLERK

1350

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

MICHAEL TODD BOTELHO,

Appellant(s)

Case No. CR03P2156

vs.

Dept. No. 3

THE STATE OF NEVADA,

Respondent(s)

CERTIFICATE OF CLERK

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

Dated: June 5, 2007

Ronald Longtin, Jr. Court Clerk,

By: 

Cathy Kepler, Appeals Clerk

FILED

JUN 05 2007

RONALD A. LONGTIN, JR., CLERK
By: 
DEPUTY CLERK

1365

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

MICHAEL TODD BOTELHO,

Appellant(s)

Case No. CR03P2156

vs.

Dept. No. 3

THE STATE OF NEVADA,

Respondent(s)

CERTIFICATE OF TRANSMITTAL

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

Dated: June 5, 2007

Ronald Longtin, Jr., Clerk of the Court

By: 

Cathy Kepler, Appeals Clerk