

CR07-1728
STATE VS. BRENDAN DUNCKLEY (2 Pages
District Court 03/01/2010 03:31 PM
Washoe County 2515
DNC

CODE \$2515

BRENDAN DUNCKLEY #1023236

Lovelock Correctional Center

1200 Prison Road

Lovelock, Nevada 89419

Plaintiff In Pro Se

FILED

10 MAR -1 PM 3:31

HOWARD W. DEPT. OF CORRECTIONS
BY Tracie K. Lindeman
DEPUTY
Electronically Filed
Mar 02 2010 12:32 p.m.

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

* * * * *

BRENDAN DUNCKLEY,)

Case No. CR07-1728

Plaintiff,)

Dept. No. 4

-vs-

THE STATE OF NEVADA

Defendant__.

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN that Plaintiff, BRENDAN DUNCKLEY, in
pro se, hereby appeals to the Nevada Supreme Court the MOTION FOR

MODIFICATION OF SENTENCE, filed

JULY 8, 2009 ☒ (check if applicable) and DECISION FOR MOTION

FOR MODIFICATION OF SENTENCE (RECEIVED on 2/15/10), filed

FEBRUARY 10, 2010, in the above-entitled Court, the Honorable Judge C.

STEINHEIMER.

Dated this 22nd day of FEBRUARY, 2010.

Brendan Dunckley
BRENDAN DUNCKLEY # 1023236
Lovelock Correctional Center
1200 Prison Road
Lovelock, Nevada 89419

Plaintiff In Pro Se

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3 CERTIFICATE OF SERVICE BY MAIL

4 I do certify that I mailed a true and correct copy of the
5 foregoing NOTICE OF APPEAL
6 to the below address(es) on this 22nd day of FEBRUARY,
7 2010, by placing same in the U.S. Mail via prison law library
8 staff, pursuant to NRC P 5(b):

9 WASHOE COUNTY DISTRICT ATTORNEY
10 % GARY HATLESTAD (ADA)
11 P.O. Box 30083
12 RENO, NEVADA, 89520-3083

&

13 CLERK OF THE COURTS
14 SECOND JUDICIAL DISTRICT COURT
15 % DEPT. 4.
16 P.O. Box 30083
17 RENO, NV, 89520-3083

18 Brendan Dinchley
19 BRENDAN DINCKLEY #1023236
20 Lovelock Correctional Center
21 1200 Prison Road
22 Lovelock, Nevada 89419

23 PLAINTIFF In Pro Se

24 AFFIRMATION PURSUANT TO NRS 239B.030

25 The undersigned does hereby affirm that the preceding
26 NOTICE OF APPEAL - MOTION FOR MODIFICATION OF SENTENCE filed in
27 District Court Case No. CRO7-1728 does not contain the
28 social security number of any person.

Dated this 22nd day of FEBRUARY, 2010.

29 Brendan Dinchley
30 BRENDAN DINCKLEY 1023236

PLAINTIFF In Pro Se

1 **Code 1310**

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

9 **BRENDAN DUNCKLEY,**

10 **Appellant,**

Case No. CR07-1728

11 **vs.**

Dept. No. 4

12 **THE STATE OF NEVADA,**

13 **Respondent.**
14 _____/

15 **CASE APPEAL STATEMENT**

- 16 1. Brendan Dunckley is the Appellant.
17 2. This appeal is from the Order Denying Motion for Modification of Sentence
18 filed on February 10, 2010 by the Honorable Connie J. Steinheimer.
19 3. The parties in District Court consisted of The State of Nevada, Plaintiff, and
20 the Brendan Dunckley, Defendant.
21 4. The parties in the Nevada Supreme Court consist of Brendan Dunckley,
22 Appellant, and The State of Nevada, Respondent.
23 5. Counsel on appeal consists of:

24 Brendan Dunckley, #1023236, Appellant in Proper Person
25 Lovelock Correctional center
26 1200 Prison Road
Lovelock, NV 89419

27 Gary Hatlestad, Esq., Deputy District Attorney, Attorney for Respondent
28 Washoe County District Attorney's Office
P.O. Box 30083

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Reno, NV 89520

6. Appellant represented himself in Proper Person in District Court.
7. Appellant is representing himself in Proper Person on appeal.
8. Fee not applicable in this case.
9. Proceedings commenced by the filing of an Information on July 12, 2007.

Dated this 1st day of March, 2010.

HOWARD W. CONYERS
CLERK OF THE COURT

By: /s/ Teresa Prince
Deputy Clerk

**SECOND JUDICIAL DISTRICT COURT
COUNTY OF WASHOE**

Case History - CR07-1728

DEPT. D4

HON. CONNIE J. STEINHEIMER

Report Date & Time

3/2/2010

7:24:33AM

Case Description: STATE VS. BRENDAN DUNCKLEY (D4)

Case ID: CR07-1728

Case Type: CRIMINAL

Initial Filing Date: 7/3/2007

Parties

APPE	BRENDAN DUNCKLEY - @102844
RESP	STATE OF NEVADA - STATE
PLTF	STATE OF NEVADA - STATE
DA	Kelli A. Vilorio, Esq. - 5872
DEFT	BRENDAN DUNCKLEY - @102844
DATY	Gary Howard Hatlestad, Esq. - 1525
CAA	Robert Story, Esq. - 1268

Charges

<i>Charge No.</i>	<i>Charge Code</i>	<i>Charge Date</i>	<i>Charge Description</i>
1	F650	2/28/2008	AI LEWDNESS WITH A CHILD UNDER THE AGE OF FOURTEEN YEARS
2	F60	2/28/2008	AI ATTEMPTED SEXUAL ASSAULT

Plea Information

<i>Charge No.</i>	<i>Plea Code</i>	<i>Plea Date</i>	<i>Plea Description</i>
1	F650	3/6/2008	PLED GUILTY
2	F60	3/6/2008	PLED GUILTY
3	NC01		
4	NC01		

Sentences

<i>Date</i>	<i>Charge No.</i>	<i>Charge Desc</i>	<i>Time Served</i>	<i>Sentence Text</i>
8/5/2008	1	Life With Poss of Parole	NSP - LIFE MAX; 10 YEARS MIN; LIFETIME SUPERVISION; FEES; DNA TESTING	
8/5/2008	2	Nevada State Prison	NSP - 120 MOS MAX; 24 MOS MIN; TO BE SERVED CONCURRENTLY WITH CT 1; LIFETIME SUPERVISION	

Release Information

Custody Status

3/6/2008	BAIL - BOND	WITH COURT SERVICES SUPERVISION S.C. 1. CHECK-INS AT LEAST 1XPER WEEK; 2. NO ALCOHOL OR CONTROLLED SUBSTANCES
3/6/2008	BAIL - BOND	

Hearings

<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>	<i>Disposed Date</i>
1 D4	ARRAIGNMENT	7/17/2007 09:00:00	7/17/2007
Event Extra Text:		Disposition: D725 7/17/2007 INFORMATION	

Case Description: STATE VS. BRENDAN DUNCKLEY (D4)

Case ID: CR07-1728

Case Type: CRIMINAL

Initial Filing Date: 7/3/2007

	<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
2	D4	PRE-TRIAL MOTIONS	10/19/2007	09:00:00	10/19/2007
	Event Extra Text:		<i>Disposition:</i> D870 10/19/2007		
	<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
3	D4	MOTION TO CONFIRM TRIAL	3/4/2008	09:00:00	3/3/2008
	Event Extra Text:		<i>Disposition:</i> D844 3/3/2008		
	<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
4	D4	MOTION TO CONFIRM TRIAL	3/6/2008	09:00:00	3/6/2008
	Event Extra Text:		<i>Disposition:</i> D655 3/6/2008 COUNTS I AND II OF THE AMENDED INFORMATION TRIAL DATE VACATED CT ORDERED CT SERVICES SUPERVISION TO DEFENDANT'S BAIL RELEASE S.C. 1. CHECK-INS AT LEAST 1XPER WEEK; 2. NO ALCOHOL OR CONTROLLED SUBSTANCES		
	<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
5	D4	MOTION TO CONFIRM TRIAL	3/13/2008	09:00:00	9/26/2007
	Event Extra Text:		<i>Disposition:</i> D844 9/26/2007 RESET FOR 3/18/07		
	<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
6	D4	MOTION TO CONFIRM TRIAL	3/18/2008	09:00:00	10/8/2007
	Event Extra Text:		<i>Disposition:</i> D844 10/8/2007 RESET TO 3/4/07		
	<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
7	D4	TRIAL - JURY	3/24/2008	10:00:00	3/6/2008
	Event Extra Text: (5 DAYS)		<i>Disposition:</i> D845 3/6/2008		
	<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
8	D4	SENTENCING	8/5/2008	09:00:00	8/5/2008
	Event Extra Text:		<i>Disposition:</i> D765 8/5/2008		

Case Description: STATE VS. BRENDAN DUNCKLEY (D4)

Case ID: CR07-1728 Case Type: CRIMINAL Initial Filing Date: 7/3/2007

Department		Event Description	Sched. Date & Time		Disposed Date
9	D4	Request for Submission	10/5/2009	16:44:00	10/23/2009
Event Extra Text: MOTION FOR WITHDRAWAL OF ATTORNEY OF RECORD AND TRANSFER OF RECORDS			Disposition: S200 10/23/2009		
Department		Event Description	Sched. Date & Time		Disposed Date
10	D4	Request for Submission	11/25/2009	11:25:00	2/10/2010
Event Extra Text: DEFENDANT'S MOTION FOR MODIFICATION OF SENTENCE			Disposition: S200 2/10/2010		
Department		Event Description	Sched. Date & Time		Disposed Date
11	D4	Tickle Start Code	11/25/2009	07:00:00	11/25/2009
Event Extra Text: HAS MOTION FOR MODIFICATION OF SENTENCE BEEN SUBMITTED			Disposition: T200 11/25/2009		

Agency Cross Reference

Code	Agency Description	Case Reference I.D.
DA	District Attorney's Office	DA373085
PC	PCN number	PCNRPD0726517C
PC	PCN number	PCNRPD0726524C
RJ	Reno Justice's Court	RCR2007033884
RP	Reno Police Department	RP05034027
RP	Reno Police Department	RP07009446
SC	Supreme Court	SCN 52383

Actions		
Action Entry Date	Code	Code Description
7/3/2007	1491	Court Services Report
7/3/2007	1250	Application for Setting
7/12/2007	1800	Information
7/17/2007	1280	** 60 Day Rule - Waived
7/18/2007	MIN	***Minutes
7/19/2007	3700	Proceedings
7/20/2007	3696	Pre-Trial Order
7/24/2007	BAIL	**Bailbond Posted
7/24/2007	BAIL	**Bailbond Posted
8/16/2007	4185	Transcript ...
9/26/2007	1250	Application for Setting
10/8/2007	1250	Application for Setting
10/19/2007	3980	Stip and Order...
2/4/2008	2490	Motion ...
2/4/2008	2610	Notice ...

7/17/07 @ 9:00 a.m.

Transaction 7032 - Approved By: NOREVIEW : 07-18-2007:11:54:22
ARRAIGNMENT - 7/17/07

07/17/07 - ARRAIGNMENT

MOTION TO CONFIRM TRIAL

MOTION TO CONFIRM TRIAL

VACATING HEARING

MOTION TO ALLOW LEAVE TO FILE A BELATED NOTICE OF INTENT TO SEEK ADMISSION OF OTHER BAD ACT EVIDENCE FOR REBUTTAL PURPOSES

NOTICE OF INTENT TO SEEK ADMISSION OF OTHER ACTS EVIDENCE FOR PURPOSES OF REBUTTAL

Case Description: STATE VS. BRENDAN DUNCKLEY (D4)

Case ID: CR07-1728 **Case Type:** CRIMINAL **Initial Filing Date:** 7/3/2007

2/25/2008	3839	Request Agree Ord Recp Discv	
2/28/2008	1095	Amended Information	
3/3/2008	4025	Stip & Ord to Continue	3/4/08 MOTION TO CONFIRM TRIAL CONTINUED TO 3/6/08 AT 9:00 A.M.
3/6/2008	1785	Guilty Plea Memo/Agreement	
4/2/2008	4185	Transcript ...	MOTION TO CONFIRM TRIAL - MARCH 6, 2008 - Transaction 172843 - Approved By: TPRINCE : 04-02-2008:11:03:47
6/26/2008	MIN	***Minutes	MOTION TO CONFIRM TRIAL DATE/ARRAIGNMENT ON AMENDED INFORMATION - 3/6/08 - Transaction 260887 - Approved By: NOREVIEW : 06-26-2008:12:51:01
8/5/2008	4500	PSI - Confidential	
8/5/2008	2528	Not/Doc/Re'd/Not/Cons/by Crt	NOTICE OF DOCUMENT RECEIVED BUT NOT CONSIDERED BY THE COURT
8/5/2008	1695	** Exhibit(s) ...	A & B ADMITTED
8/11/2008	1850	Judgment of Conviction	
9/5/2008	4185	Transcript ...	TRANSCRIPT OF PROCEEDINGS SENTENCING - Transaction 354459 - Approved By: NDELGADO : 09-08-2008:08:19:27
9/8/2008	2515	Notice of Appeal Supreme Court	
9/9/2008	1310	Case Appeal Statement	
9/10/2008	1365	Certificate of Transmittal	
9/10/2008	1350	Certificate of Clerk	
9/15/2008	1187	**Supreme Court Case No. ...	SUPREME COURT CASE NO. 52383
9/15/2008	1188	Supreme Court Receipt for Doc	SUPREME COURT CASE NO. 52383
9/16/2008	MIN	***Minutes	SENTENCING - 8/5/08 - Transaction 366951 - Approved By: NOREVIEW : 09-16-2008:11:34:28
9/17/2008	EXON	**Cash Bail/Bond Exonerated	SLIP SENT ON 11/3/2008
9/17/2008	EXON	**Cash Bail/Bond Exonerated	SLIP SENT ON 11/3/2008
10/6/2008	4133	Supreme Court Notice	SUPREME COURT CASE NO. 52383 NOTICE TO (O'MARA LAW FIRM) TO FILE DOCKETING STATEMENT AND REQUEST FOR TRANSCRIPTS REQUEST FOR ROUGH DRAFT TRANSCRIPT BRENDAN DUCKLEY SUPREME COURT CASE NO. 52383
10/13/2008	3868	Req to Crt Rptr - Rough Draft	REQUEST FOR ROUGH DRAFT TRANSCRIPT BRENDAN DUCKLEY SUPREME COURT CASE NO. 52383
5/11/2009	4134	Supreme Court Order Affirming	SUPREME COURT CASE NO. 52383
6/3/2009	4134	Supreme Court Order Affirming	SUPREME COURT CASE NO. 52383
6/3/2009	4111	Supreme Ct Clk's Cert & Judg	SUPREME COURT CASE NO. 52383
6/3/2009	4145	Supreme Court Remittitur	SUPREME COURT CASE NO. 52383
7/7/2009	1075	Affidavit ...	AFFIDAVIT IN SUPPORT OF MOTION FOR WITHDRAWAL OF ATTORNEY OF RECORD AND TRANSFER OF RECORDS: BRENDAN DUNCKLEY
7/7/2009	2490	Motion ...	MOTION FOR WITHDRAWAL OF ATTORNEY OF RECORD AND TRANSFER OF RECORDS: BRENDAN DUNCKLEY
7/8/2009	2380	Mtn to Modify ...	MOTION FOR MODIFICATION OF SENTENCE
7/23/2009	3880	Response...	RESPONSE TO DEFENDANT'S NOTICE AND MOTION FOR WITHDRAWAL OF ATTORNEY OR RECORD AND TRANSFER OF RECORDS - Transaction 920636 - Approved By: TWHITE : 07-23-2009:16:29:45
7/23/2009	2590	Notice Withdrawal of Attorney	DAVID O'MARA, ESQ - BRENDEN DUNCKLEY - Transaction 920655 - Approved By: ASMITH : 07-23-2009:16:38:43
9/30/2009	3860	Request for Submission	DOCUMENT TITLE: MOTION FOR WITHDRAWAL OF ATTORNEY OF RECORD AND TRANSFER OF RECORDS PARTY SUBMITTING: BRENDAN DUNCKLEY DATE SUBMITTED: 10/5/2009 SUBMITTED BY: IFLORES DATE RECEIVED JUDGE OFFICE: 10/7/09
9/30/2009	1325	** Case Reopened	

Case Description: STATE VS. BRENDAN DUNCKLEY (D4)

Case ID: CR07-1728 **Case Type:** CRIMINAL **Initial Filing Date:** 7/3/2007

10/23/2009	3025	Ord Granting/Denying in Part	GRANTING MOTION FOR WITHDRAWAL OF COUNSEL OF RECORD (DAVID O'MARA, ESQ.) AND DENYING TRANSFER OF RECORDS AS MOOT DUE TO THE RECORDS ALREADY BEING PROVIDED TO DEFT - Transaction 1117888 - Approved By: NOREVIEW : 10-23-2009:11:55:01
10/23/2009	S200	Request for Submission Complet	
10/23/2009	1315	** Case Closed	
10/23/2009	NEF	Proof of Electronic Service	Transaction 1117929 - Approved By: NOREVIEW : 10-23-2009:12:02:25
10/27/2009	1325	** Case Reopened	
10/27/2009	3370	Order ...	STATE HAS 10 DAYS TO RESPOND TO THE MOTION FOR MODIFICATION OF SENTENCE OR THE COURT WILL DEEM THE FAILURE TO RESPOND AN ADMISSION THAT THE MOTION IS MERITORIOUS AND GRANT THE SAME - Transaction 1122189 - Approved By: NOREVIEW : 10-27-2009:08:43:01
10/27/2009	NEF	Proof of Electronic Service	Transaction 1122194 - Approved By: NOREVIEW : 10-27-2009:08:44:11
11/4/2009	NEF	Proof of Electronic Service	Transaction 1135130 - Approved By: NOREVIEW : 11-04-2009:10:42:48
11/4/2009	2645	Opposition to Mtn ...	OPPOSITION TO MOTION FOR MODIFICATION OF SENTENCE - Transaction 1135098 - Approved By: ASMITH : 11-04-2009:10:38:46
11/13/2009	3880	Response...	RESPONSE TO STATE'S OPPOSITION TO MOTION FOR MODIFICATION OF SENTENCE
11/25/2009	3860	Request for Submission	DEFENDANT'S MOTION FOR MODIFICATION OF SENTENCE - Transaction 1174781 - Approved By: AZION : 11-25-2009:11:10:08 DOCUMENT TITLE: DEFENDANT'S MOTION FOR MODIFICATION OF SENTENCE PARTY SUBMITTING: GARY HOWARD HATLESTAD ESQ DATE SUBMITTED: 11-25-09 SUBMITTED BY: AZION DATE RECEIVED JUDGE OFFICE: 11/30/09
11/25/2009	T200	Tickle End Code	
11/25/2009	2490	Motion ...	MOTION FOR JUDGMENT IN THE INTEREST OF JUSTICE
11/25/2009	NEF	Proof of Electronic Service	Transaction 1175017 - Approved By: NOREVIEW : 11-25-2009:11:27:13
2/10/2010	2842	Ord Denying Motion	ORDER DENYING MOTION FOR MODIFICATION OF SENTENCE - Transaction 1313307 - Approved By: NOREVIEW : 02-10-2010:10:59:47
2/10/2010	NEF	Proof of Electronic Service	Transaction 1313386 - Approved By: NOREVIEW : 02-10-2010:11:01:36
2/10/2010	S200	Request for Submission Complet	
2/17/2010	3860	Request for Submission	DOCUMENT TITLE: MOTION FOR MODIFICATION OF SENTENCE PARTY SUBMITTING: BRENDAN DUNCKLEY DATE SUBMITTED: 2/23/2010 SUBMITTED BY: IFLORES DATE RECEIVED JUDGE OFFICE: 2/24/10
2/17/2010	1360	Certificate of Service	
3/1/2010	2515	Notice of Appeal Supreme Court	
3/1/2010	NEF	Proof of Electronic Service	Transaction 1351254 - Approved By: NOREVIEW : 03-01-2010:17:19:48
3/1/2010	1310E	Case Appeal Statement	Transaction 1351033 - Approved By: NOREVIEW : 03-01-2010:17:02:45
3/2/2010	1350	Certificate of Clerk	Transaction 1351299 - Approved By: NOREVIEW : 03-02-2010:07:23:57
3/2/2010	1365	Certificate of Transmittal	Transaction 1351299 - Approved By: NOREVIEW : 03-02-2010:07:23:57

1 **CODE 3370**
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6 **IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
7 **IN AND FOR THE COUNTY OF WASHOE**
8

9 **THE STATE OF NEVADA,**

10 **Plaintiff,**

Case No. CR07-1728

11 **vs.**

Dept. No. 4

12 **BRENDAN DUNCKLEY,**

13 **Defendant.**
14 _____ /

15 **ORDER**

16 On July 8, 2009, the Defendant filed a Motion for Modification of Sentence.
17 On October 27, 2009, the Court ordered the State to respond to the Motion for Modification
18 of Sentence within ten (10) days of the date of the Order. On November 4, 2009, the State
19 filed an Opposition to the Motion for Modification of Sentence. On November 13, 2009, the
20 Defendant filed a Response to the State's Opposition to the Motion for Modification of
21 Sentence. On November 25, 2009, the Motion for Modification of Sentence was formally
22 submitted to the Court for decision.

23 Mr. Dunckley contends that his sentence should be modified because he is
24 innocent, and his convictions, albeit based on guilty pleas, were the result of
25 "perjured...false facts."
26

27 A motion to correct an illegal sentence may only challenge the facial legality
28 of the sentence: either the court was without jurisdiction to impose a sentence or the
sentence was imposed in excess of the statutory maximum. *Edwards v. State*, 112 Nev.

1 704, 708, 918 P.2d 321, 324 (1996). "A motion to correct an illegal sentence 'presupposes
2 a valid conviction and may not, therefore, be used to challenge alleged errors in
3 proceedings that occur prior to the imposition of sentence'" *id.* (quoting *Allen v. United*
4 *States*, 495 A.2d 1145, 1149 (D.C. 1985)). A motion to modify a sentencing "is limited in
5 scope to sentences based on mistaken assumptions about a defendant's criminal record
6 which work to the defendant's extreme detriment." *Id.* A motion to modify or correct a
7 sentence that raises issues outside the very narrow scope of issues permissible may be
8 summarily denied. *Id.* At 708-09 n.2.

9 Thus, since Mr. Dunckley's motion fails to allege proper grounds to grant a
10 modification of his sentence, his motion must be denied.

11 The Court, having reviewed the pleadings filed herein, and arguments
12 presented, and with good cause appearing and in the interests of justice finds as follows:
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14 IT IS HEREBY ORDERED that Motion for Modification of Sentence is
15 DENIED.

16 Dated this 9 day of February, 2010.

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18 Connie J. Steinheimer
19 DISTRICT JUDGE
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CERTIFICATE OF SERVICE

I certify that I am an employee of JUDGE CONNIE STEINHEIMER, and that on the 10th day of February, 2010, I deposited in the county mailing system, a true copy of the attached document, addressed to:

Brendan Dunckley
Inmate no. 1023236
Lovelock Correctional Center
1200 Prison Road
Lovelock, Nevada 89419
Via U.S. Postal Service

I hereby certify that on the 10th day of February, 2010, I electronically filed the foregoing with the Clerk of the Court by using the ECF system which will send a notice of electronic filing to the following:

Gary Hatlestad, Esq.
Deputy District Attorney



Marci L. Stone

FILED

Electronically

09-16-2008:11:34:10 AM

Howard W. Conyers

Clerk of the Court

Transaction # 366951

CASE NO. CR07-1728

TITLE: THE STATE OF NEVADA VS. BRENDAN DUNCKLEY

**DATE, JUDGE
OFFICERS OF
COURT PRESENT**

APPEARANCES-HEARING

CONT'D TO

8/5/08

ENTRY OF JUDGMENT AND IMPOSITION OF SENTENCE

HONORABLE

Deputy District Attorney Kelli Vilorio, Esq., represented the State.

CONNIE

Defendant present with counsel, David O'Mara, Esq. Probation Officer Lupe

STEINHEIMER

Garrison also present.

DEPT. NO.4

Court noted receipt of report.

R. Cotter

Court noticed document received.

(Clerk)

Defense counsel did not concur with the recommendation; presented

L. Young

argument on behalf of defendant.

(Reporter)

EXHIBITS A & B marked and offered by Defense counsel; no objection by State's counsel; ordered admitted into evidence.

Pam McFerren made a statement on behalf of the Defendant.

State's counsel did not concur with the recommendation. Probation Officer Garrison stood on recommendation. Defendant made statement on his own behalf.

COURT ORDERED JUDGMENT ENTERED and sentenced defendant to the Nevada Department of Prisons for the maximum term of life with the minimum parole eligibility of ten (10) years, for Count I; and that he be punished by imprisonment in the Nevada Department of Prisons for the maximum term of one hundred twenty (120) months with the minimum parole eligibility of twenty-four (24) months, for Count II, to be served concurrently with sentence imposed in Count I; with credit for four (4) days time served, and by submission to a DNA Analysis Test for the purpose of determining genetic markers. Defendant is further ordered to pay a Twenty-Five Dollar (\$25.00) administrative assessment fee, a One Hundred Fifty Dollar (\$150.00) DNA testing fee, and a Nine Hundred Fifty Dollar (\$950.00) Psychosexual Evaluation Fee to the Clerk of the Second Judicial District Court.

COURT FURTHER ORDERED that the Defendant serve a special sentence of lifetime supervision to commence after any term of imprisonment or after any period of release on parole.

FILED

Electronically

06-26-2008:12:50:42 PM

Howard W. Conyers

Clerk of the Court

Transaction # 260887

CASE NO. CR07-1728

TITLE: THE STATE OF NEVADA VS. BRENDAN DUNCANLEY

DATE, JUDGE

OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONT'D TO

3/6/08

MOTION TO CONFIRM TRIAL DATE/ARRAIGNMENT ON AMENDED INFORMATION

8/5/08

HONORABLE

CONNIE

Deputy District Attorney Kelli Vioria, Esq., represented the State.

9:00 a.m.

STEINHEIMER

Defendant present with counsel David O'Mara, Esq. Probation Officer Laura

Sentencing

DEPT. NO.4

Pappas also present.

M. Stone

Defendant handed copy of Amended Information; indicated to the Court that name as set forth on same was his true name; waived reading and enter a plea of guilty to Lewdness with a Child Under the Age of Fourteen Years and Attempted Sexual Assault as set forth therein.

(Clerk)

B. Van Auken

Negotiations recited to the Court by defense counsel. Court interrogated defendant, fully advised him of his rights; found plea freely and voluntarily entered. Defendant advised the Court that he understood the guilty plea memorandum. Clerk read aloud charge to which the defendant pled. Possible penalty for offense charged related to defendant. Court accepted plea after finding defendant had been fully advised by counsel.

(Reporter)

COURT ORDERED matter referred to Probation Department for PSI and continued for entry of judgment, consideration of probation report and imposition of sentence.

COURT FURTHER ORDERED that the Defendant be supervised by Court Services while released on bail with the following special conditions: That the Defendant check-in with Court Services 1 time per week; and that he abstain from the use of alcoholic beverages and controlled substances.

Trial ordered vacated.

Defendant remained out of custody on bail.

FILED

Electronically
07-18-2007:11:53:59 AM
Ronald A. Longtin, Jr.
Clerk of the Court
Transaction # 7032

CASE NO. CR07-1728 **TITLE: THE STATE OF NEVADA VS. BRENDAN DUNCKLEY**

**DATE, JUDGE
OFFICERS OF**

COURT PRESENT

APPEARANCES-HEARING

CONT'D TO

7/17/07	<u>ARRAIGNMENT</u>	
HONORABLE	Deputy District Attorney Kelli Vilorio, Esq., represented the State. Defendant	10/19/07
CONNIE	present with counsel David O'Mara, Esq. Probation officer Lupe Garrison also	9:00 a.m.
STEINHEIMER	present.	Pre-Trial
DEPT. NO.4	Defendant handed copy of Information; indicated to the Court that name as set	Motions
M. Stone	forth on same was his true name; waived reading and entered a plea of not	(3 Hours)
(Clerk)	guilty to the charge set forth therein.	
S. Loder	Defendant waived the 60-Day Rule and COURT ORDERED this matter set for	3/13/07
(Reporter)	jury trial.	9:00 a.m.
	COURT FURTHER ENTERED ORDER that all pre-trial motions shall be filed	Mtn to
	and served no later than September 17, 2007; all responses to those pre-trial	Confirm Trl
	motions shall be filed and served no later than September 28, 2007; and all	
	replies to those responses shall be filed and served no later than October 5,	3/24/07
	2007.	10:00 a.m.
	Defendant remained out of custody.	Jury Trial
		(5 Days)

1 **Code 1350**

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

8
9 **BRENDAN DUNCKLEY,**

10 **Appellant,**

Case No. CR07-1728

11 **vs.**

Dept. No. 4

12 **THE STATE OF NEVADA,**

13 **Respondent.**
14 _____/

15
16 **CERTIFICATE OF CLERK**

17 I hereby certify that the attached documents submitted electronically are
18 certified copies of the original pleadings on file with the Second Judicial District Court, in
19 accordance with the Nevada Rules of Appellate Procedure, NRAP 3(e).

20 Dated this 2nd day of March, 2010.

21 **HOWARD W. CONYERS**
22 **CLERK OF THE COURT**

23
24 By: /s/ Teresa Prince
25 Deputy Clerk
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FILED

Electronically

03-02-2010:07:23:44 AM

Howard W. Conyers

Clerk of the Court

Transaction # 1351299

1 **Code 1365**

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6 **IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
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8

9 **BRENDAN DUNCKLEY,**

10 **Appellant,**

Case No. CR07-1728

11 **vs.**

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12 **THE STATE OF NEVADA,**

13 **Respondent.**
14 _____/

15
16 **CERTIFICATE OF TRANSMITTAL**

17 I hereby certify that this Notice of Appeal and other required documents
18 (certified copies pursuant to NRAP 3(e), were electronically filed from the Second Judicial
19 District Court to the Nevada Supreme Court.

20 Dated this 2nd day of March, 2010.

21 **HOWARD W. CONYERS**
22 **CLERK OF THE COURT**

23
24 By: /s/ Teresa Prince
25 Deputy Clerk
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