

IN THE SUPREME COURT OF THE STATE OF NEVADA

Electronically Filed  
Jun 09 2010 12:59 p.m.  
Tracie K. Lindeman

BRENDAN DUNCKLEY,  
Appellant,  
vs.

Sup. Ct. Case No. 55545  
Case No. CR07-1728  
Dept. 4

THE STATE OF NEVADA,  
Respondent.

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**CERTIFIED COPIES**

**VOLUME 5 OF 7**

**RECORD ON APPEAL**

**CR07-1728\_MINUTES\_VOL5**

**Brendan Dunckley, #1023236**  
Lovelock Correctional Center  
1200 Prison Road  
Lovelock, NV 89419

**Gary Hatlestad, Deputy District Attorney**  
Washoe County District Attorney's Office  
P.O. Box 30083  
Reno, NV 89520-3083

**APPELLANT**

**RESPONDENT**

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

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**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**

HONORABLE

**INFORMATION**

**8/5/08**

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.

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**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 DUNCLEY**

**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 Vioria, 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.

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