

1 Case No. C226586

2 Dept. No. XIV

56  
FILED

NOV 16 2010

*Tracie K. Lindeman*  
CLERK OF COURT

Electronically Filed  
Nov 19 2010 09:56 a.m.  
Tracie K. Lindeman

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5  
6 IN THE 8th JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
7 IN AND FOR THE COUNTY OF Clark

8 \* \* \* \* \*

9 Fredys Martinez )

10 Pro Se, Petitioner, )

11 -vs- )

12 State of Nevada )

13 Respondent. )

NOTICE OF APPEAL

14  
15 NOTICE IS GIVEN that Petitioner, Fredys, prisoner And  
16 in pro se, hereby appeals to the Nevada Supreme Court the  
17 Findings of Fact, Conclusions of Law and Order denying /  
18 dismissing Petition for Writ of Habeas Corpus, which was filed /  
19 entered on the 14 day of July, 2010.

20 Dated this 8 day of NOVEMBER, 2010.

21  
22 Fredys, Arcangel Martinez  
~~Tracie K. Lindeman~~ #1007276  
23 Lovelock Correctional Center  
24 1200 Prison Road  
Lovelock, Nevada 89419

25 Petitioner In Pro Se

*Fredys Martinez*

26  
27  
28  
RECEIVED  
NOV 16 2010  
CLERK OF THE COURT

08C226586  
NOASC  
Notice of Appeal (criminal)  
1054938



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CERTIFICATE OF SERVICE

I do certify that I mailed a true and correct copy of the foregoing NOTICE OF APPEAL to the below address(es) on this 8 day of NOVEMBER, 2010, by placing same in the U.S. Mail via prison law library staff:

Fredy A. Martinez  
Fredy A. Martinez #1003276  
Lovelock Correctional Center  
1200 Prison Road  
Lovelock, Nevada 89419

Petitioner In Pro Se

AFFIRMATION PURSUANT TO NRS 239B.030

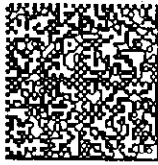
The undersigned does hereby affirm that the preceding NOTICE OF APPEAL filed in District Court Case No. C226586 does not contain the social security number of any person.

Dated this 8 day of NOVEMBER, 2010.

Fredy A. Martinez  
Fredy A. Martinez #1003276

Petitioner In Pro Se

Fredys. A. Martinez #1003276  
LOVELOCK, CRR, CTR  
1200 PRISON ROAD  
LOVELOCK, NV 89419



02 1M \$00.440  
0004215355 NOV 09 2010  
MAILED FROM ZIP CODE 89419

MAILED

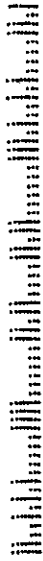
NOV 09 2010

Lovelock Correctional Center

CHARLES J. SHORT, CLERK OF THE COURT  
200 LEWIS AVENUE, 3RD FLOOR  
LAS VEGAS, NV 89155-1160

LEGAL MAIL

9910138301



FILED

NOV 16 2010

*Ann L. Blum*  
CLERK OF COURT

ASTA

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

STATE OF NEVADA,

Plaintiff(s),

vs.

FREDDY MARTINEZ #1003276,

Defendant(s),

) Case No: C226586

) Dept No: XIV

) 06C226586

) ASTA

) Case Appeal Statement

) 1057388



**CASE APPEAL STATEMENT**

1. Appellant(s): FREDDY MARTINEZ

2. Judge: DONALD MOSELY

3. Appellant(s): FREDDY MARTINEZ

Counsel:

FREDDY MARTINEZ #1003276  
1200 PRISON RD.  
LOVELOCK, NV 89419

4. Respondent: THE STATE OF NEVADA

Counsel:

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

5. Respondent's Attorney Licensed in Nevada: Yes

6. Appellant Represented by Appointed Counsel In District Court: Yes

1 7. Appellant Represented by Appointed Counsel On Appeal: N/A

2 8. Appellant Granted Leave to Proceed in Forma Pauperis: N/A

3 9. Date Commenced in District Court: September 29, 2006

4 10. Brief Description of the Nature of the Action: Criminal

5 Type of Judgment or Order Being Appealed: Writ of Habeas Corpus

6 11. Previous Appeal: Yes

7 Supreme Court Docket Number(s): 49608; 55890; 56153

8 12. Child Custody or Visitation: N/A

9  
10 Dated This 18 day of November 2010.

11 Steven D. Grierson, Clerk of the Court

12  
13 By: 

14 Marie Kramer, Deputy Clerk

15 200 Lewis Ave

16 PO Box 551601

17 Las Vegas, Nevada 89155-1601

18 (702) 671-0512

DEPARTMENT 14  
**CASE SUMMARY**  
**CASE No. 06C226586**

**The State of Nevada vs Freddy Martinez**

§ Location: **Department 14**  
§ Judicial Officer: **Mosley, Donald**  
§ Filed on: **09/29/2006**  
§ Case Number History:  
§ Conversion Case Number: **C226586**  
§ Defendant's Scope ID #: **1361243**  
§ Lower Court Case Number: **05GJ00145**  
§ Supreme Court No.: **56153**

**CASE INFORMATION**

<b>Offense</b>	<b>Deg</b>	<b>Date</b>	<b>Case Type:</b>
1. BURGLARY.	F	01/01/1900	<b>Felony/Gross Misdemeanor</b>
2. BATTERY WITH USE OF A DEADLY WEAPON	F	01/01/1900	<b>Case Flags: Appealed to Supreme Court</b>
3. KIDNAPPING IN FIRST DEGREE	F	01/01/1900	<b>Custody Status - Nevada</b>
3. KIDNAP WITH USE OF A DEADLY WEAPON	F	01/01/1900	<b>Department of Corrections</b>
3. USE OF A DEADLY WEAPON OR TEAR GAS IN COMMISSION OF A CRIME.	F	01/01/1900	
4. SEXUAL ASSAULT	F	01/01/1900	
4. SEXUAL ASSUALT	F	01/01/1900	
4. USE OF A DEADLY WEAPON OR TEAR GAS IN COMMISSION OF A CRIME.	F	01/01/1900	

**Warrants**

Bench Warrant - Martinez, Freddy (Judicial Officer: Mosley, Donald )  
10/09/2006 Quashed  
09/29/2006 Issued  
Fine: \$0 Bond: \$0

Bench Warrant - Martinez, Freddy (Judicial Officer: Mosley, Donald )  
10/09/2006 Quashed  
09/28/2006 Issued  
Fine: \$0 Bond: \$0

**DATE**

**CASE ASSIGNMENT**

**Current Case Assignment**

Case Number 06C226586  
Court Department 14  
Date Assigned 10/26/2009  
Judicial Officer Mosley, Donald

**PARTY INFORMATION**

*Lead Attorneys*

**Defendant** **Martinez, Freddy**

**Public Defender**  
*Retained*

**Plaintiff** **State of Nevada**

**Roger, David J.**  
702-671-2700(W)




**DATE**

**EVENTS & ORDERS OF THE COURT**

**INDEX**








01/01/1900 | **Plea** (Judicial Officer: User, Conversion)

DEPARTMENT 14  
**CASE SUMMARY**  
**CASE No. 06C226586**

	1. BURGLARY. Not Guilty	
01/01/1900	<b>Plea</b> (Judicial Officer: User, Conversion) 2. BATTERY WITH USE OF A DEADLY WEAPON Not Guilty	
01/01/1900	<b>Plea</b> (Judicial Officer: User, Conversion) 3. KIDNAPPING IN FIRST DEGREE Not Guilty	
01/01/1900	<b>Plea</b> (Judicial Officer: User, Conversion) 3. KIDNAP WITH USE OF A DEADLY WEAPON Not Guilty	
01/01/1900	<b>Plea</b> (Judicial Officer: User, Conversion) 3. USE OF A DEADLY WEAPON OR TEAR GAS IN COMMISSION OF A CRIME. Not Guilty	
01/01/1900	<b>Plea</b> (Judicial Officer: User, Conversion) 4. SEXUAL ASSAULT Not Guilty	
01/01/1900	<b>Plea</b> (Judicial Officer: User, Conversion) 4. SEXUAL ASSUALT Not Guilty	
01/01/1900	<b>Plea</b> (Judicial Officer: User, Conversion) 4. USE OF A DEADLY WEAPON OR TEAR GAS IN COMMISSION OF A CRIME. Not Guilty	
09/29/2006	<b>Grand Jury Indictment</b> (8:30 AM) (Judicial Officer: Cherry, Michael A.) <i>GRAND JURY INDICTMENT Court Clerk: Theresa Lee Reporter/Recorder: Richard Kangas Heard By: Michael Cherry</i>	
09/29/2006	 Indictment <i>INDICTMENT</i>	
09/29/2006	Hearing <i>INITIAL ARRAIGNMENT</i>	
09/29/2006	 Warrant <i>INDICTMENT WARRANT</i>	06C2265860003.tif pages
09/29/2006	Hearing <i>GRAND JURY INDICTMENT</i>	
10/03/2006	Bench Warrant <i>BENCH WARRANT ISSUED</i>	
10/03/2006	Order <i>ORDER OF INTENT TO FORFEIT</i>	
10/03/2006	 Bench Warrant <i>INDICTMENT WARRANT RETURN</i>	06C2265860008.tif pages
10/05/2006	<b>Initial Arraignment</b> (1:30 PM) (Judicial Officer: Williams, Kevin) Events: 09/29/2006 Hearing <i>INITIAL ARRAIGNMENT Court Clerk: Pamela Humphrey/pdh Reporter/Recorder: Kiara</i>	




DEPARTMENT 14  
**CASE SUMMARY**  
**CASE No. 06C226586**

*Schmidt Court Interpreter: VERONICA PELAS Heard By: Kevin Williams*




10/11/2006	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF SEPTEMBER 21, 2006</i>	
10/13/2006	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF SEPTEMBER 28, 2006</i>	
11/09/2006	<b>Calendar Call</b> (8:30 AM) (Judicial Officer: Bell, Stewart) <i>CALENDAR CALL Relief Clerk: Sharon Chun Reporter/Recorder: Renee Vincent Court Interpreter: HECTOR VAZQUEZ-MENA Heard By: Stewart Bell</i>	
11/13/2006	<b>CANCELED Jury Trial</b> (9:30 AM) <i>Vacated</i>	
11/17/2006	 Motion <i>MOTION TO COMPEL DISCLOSURE OF EXCULPATORY EVIDENCE</i>	
11/20/2006	 Expert Witness List <i>NOTICE OF EXPERT WITNESSES [NRS 174.234(2)]</i>	
11/20/2006	 Expert Witness List <i>NOTICE OF WITNESSES [NRS 174.234(1)(A)]</i>	
11/28/2006	 Opposition <i>STATE'S OPPOSITION TO DEFENDANT'S MOTION TO COMPEL EXCULPATORY EVIDENCE</i>	
11/28/2006	 Order <i>ORDER RELEASING MEDICAL RECORDS</i>	06C2265860022.tif pages
11/28/2006	 Request <i>EX PARTE MOTION FOR RELEASE OF MEDICAL RECORDS</i>	06C2265860023.tif pages
11/30/2006	<b>Calendar Call</b> (8:30 AM) <i>CALENDAR CALL</i>	
11/30/2006	<b>Motion to Compel</b> (8:30 AM) (Judicial Officer: Bell, Stewart) Events: 11/17/2006 Motion <i>DEFT'S MTN TO COMPEL DISCLOSURE/10 Heard By: Stewart Bell</i>	
11/30/2006	<b>All Pending Motions</b> (8:30 AM) (Judicial Officer: Bell, Stewart) <i>ALL PENDING MOTIONS 11/30/06 Relief Clerk: Carole D'Aloia Reporter/Recorder: Renee Vincent Court Interpreter: DIEGO TRUJILLO Heard By: Stewart Bell</i>	
11/30/2006	Motion <i>ALL PENDING MOTIONS 11/30/06</i>	
12/04/2006	<b>CANCELED Jury Trial</b> (9:30 AM) <i>Vacated</i>	
12/23/2006	 Order <i>ORDER RE-SETTING CRIMINAL JURY TRIALS PRESENTLY SCHEDULED ON JANUARY 25, 2007 IN DEPT XXIV</i>	
01/18/2007	<b>CANCELED Calendar Call</b> (8:30 AM)	



DEPARTMENT 14  
**CASE SUMMARY**  
**CASE No. 06C226586**

	<i>Vacated</i>
01/18/2007	 Expert Witness List Filed By: Defendant Martinez, Freddy <i>DEFENDANT'S NOTICE OF WITNESSES, PURSUANT TO NRS 174.234</i>
01/22/2007	<b>Jury Trial</b> (9:30 AM) (Judicial Officer: Bixler, James) <i>TRIAL BY JURY VO 12/22/06</i>
01/25/2007	<b>Jury Trial</b> (8:30 AM) (Judicial Officer: Bixler, James) <i>TRIAL BY JURY VO 12/22/06</i>
01/25/2007	<b>Calendar Call</b> (8:30 AM) (Judicial Officer: Bixler, James) <i>CALENDAR CALL Court Clerk: Theresa Lee Reporter/Recorder: Jackie Nelson Court Interpreter: MARIA UPETERS Heard By: James Bixler</i>
01/25/2007	Hearing <i>ENTRY OF PLEA</i>
01/29/2007	<del>CANCELED</del> <b>Jury Trial</b> (8:30 AM) <i>Vacated</i>
01/30/2007	<b>Entry of Plea</b> (8:30 AM) (Judicial Officer: Bixler, James) Events: 01/25/2007 Hearing <i>ENTRY OF PLEA Court Clerk: Theresa Lee Reporter/Recorder: Jackie Nelson Court Interpreter: Maria Peralta De Gomez Heard By: Bixler, James</i>
02/08/2007	<b>Entry of Plea</b> (8:30 AM) (Judicial Officer: Bixler, James) <i>ENTRY OF PLEA Court Clerk: Theresa Lee Reporter/Recorder: Bill Nelson Court Interpreter: M. BERRY Heard By: James Bixler</i>
04/05/2007	<b>Calendar Call</b> (8:30 AM) (Judicial Officer: Bixler, James) <i>CALENDAR CALL (PREFERENTIAL) Court Clerk: Theresa Lee Reporter/Recorder: Lee Bahr Court Interpreter: MARIA UPETERS Heard By: James Bixler</i>
04/06/2007	<b>Overflow</b> (9:00 AM) (Judicial Officer: Bell, Stewart) <i>OVERFLOW (24) NYIKOS / BATEMAN / HAMERS 2 DAYS / 8-10 WITNESSES/ NO OUT OF STATE Court Clerk: Teri Braegelmann Reporter/Recorder: Renee Vincent Heard By: Stewart Bell</i>
04/09/2007	<del>CANCELED</del> <b>Jury Trial</b> (10:00 AM) <i>Vacated</i>
04/11/2007	<b>Jury Trial</b> (9:30 AM) (Judicial Officer: Bell, Stewart) <i>TRIAL BY JURY Court Clerk: Tina Hurd Reporter/Recorder: Renee Vincent Court Interpreter: DIVA REALMUTO Heard By: Bell, Stewart L.</i>
04/11/2007	 Jury List <i>JURY LIST</i>
04/12/2007	<b>Jury Trial</b> (9:00 AM) (Judicial Officer: Bell, Stewart) <i>TRIAL BY JURY Court Clerk: Tina Hurd Reporter/Recorder: Renee Vincent Court Interpreter: DIVA REALMUTO Heard By: Stewart Bell</i>
04/12/2007	Conversion Case Event Type <i>SENTENCING</i>
04/12/2007	 Amended Jury List <i>AMENDED JURY LIST</i>

DEPARTMENT 14  
**CASE SUMMARY**  
**CASE No. 06C226586**

04/12/2007	 Instructions to the Jury <i>INSTRUCTIONS TO THE JURY (INSTRUCTION NO. 1)</i>
04/12/2007	 Judgment <i>VERDICT</i>
04/12/2007	Judgment Filed By: Defendant Martinez, Freddy <i>VERDICT (COUNT 4)</i>
04/12/2007	<b>Disposition</b> (Judicial Officer: User, Conversion) 4. SEXUAL ASSAULT Not Guilty
04/12/2007	<b>Disposition</b> (Judicial Officer: User, Conversion) 4. SEXUAL ASSAULT Not Guilty
04/12/2007	<b>Disposition</b> (Judicial Officer: User, Conversion) 4. USE OF A DEADLY WEAPON OR TEAR GAS IN COMMISSION OF A CRIME. Not Guilty
04/12/2007	 Proposed Jury Instructions Not Used At Trial <i>PROPOSED JURY INSTRUCTIONS NOT USED AT TRIAL</i>
05/24/2007	<b>Sentencing</b> (8:30 AM) (Judicial Officer: Bell, Stewart) Events: 04/12/2007 Conversion Case Event Type <i>SENTENCING Court Clerk: Tina Hurd Reporter/Recorder: Renee Vincent Court Interpreter: Guillermo Palomo Heard By: Stewart Bell</i>
05/24/2007	<b>Disposition</b> (Judicial Officer: User, Conversion) 1. BURGLARY. Guilty
05/24/2007	<b>Disposition</b> (Judicial Officer: User, Conversion)
05/24/2007	<b>Disposition</b> (Judicial Officer: User, Conversion) 2. BATTERY WITH USE OF A DEADLY WEAPON Guilty
05/24/2007	<b>Disposition</b> (Judicial Officer: User, Conversion)
05/24/2007	<b>Disposition</b> (Judicial Officer: User, Conversion) 3. KIDNAPPING IN FIRST DEGREE Guilty
05/24/2007	<b>Disposition</b> (Judicial Officer: User, Conversion)
05/24/2007	<b>Disposition</b> (Judicial Officer: User, Conversion) 3. KIDNAP WITH USE OF A DEADLY WEAPON Guilty
05/24/2007	<b>Disposition</b> (Judicial Officer: User, Conversion) 3. USE OF A DEADLY WEAPON OR TEAR GAS IN COMMISSION OF A CRIME. Guilty
05/24/2007	<b>Sentence</b> (Judicial Officer: User, Conversion) 1. BURGLARY. Adult Adjudication

DEPARTMENT 14  
**CASE SUMMARY**  
**CASE No. 06C226586**

Converted Disposition:

Sentence# 0001:  
Minimum 60 Months to Maximum 180 Months  
Placement: NSP

Converted Disposition:

Sentence# 0002: CREDIT FOR TIME SERVED  
Minimum 281 Days to Maximum 281 Days

Converted Disposition:

Sentence# 0003: DNA FEE/GENETIC MARKERS ANALYSIS  
Amount: \$150.00

Converted Disposition:

Sentence# 0004: ADMINISTRATION FEE  
Amount: \$25.00

05/24/2007 **Sentence** (Judicial Officer: User, Conversion)  
2. BATTERY WITH USE OF A DEADLY WEAPON

Adult Adjudication

Converted Disposition:

Sentence# 0001:  
Minimum 48 Months to Maximum 120 Months  
Placement: NSP  
Cons/Conc: Concurrent  
w/Charge Item: 0001  
and Sentence#: 0001

05/24/2007 **Sentence** (Judicial Officer: User, Conversion)

3. KIDNAPPING IN FIRST DEGREE

Adult Adjudication

Converted Disposition:


Sentence# 0001: LIFE WITH POSSIBILITY OF PAROLE  
Cons/Conc: Concurrent  
w/Charge Item: 0002  
and Sentence#: 0001

Converted Disposition:


Sentence# 0002: LIFE WITH POSSIBILITY OF PAROLE  
Cons/Conc: Concurrent  
w/Charge Item: 0001  
and Sentence#: 0001

05/31/2007  Judgment  
*JUDGMENT OF CONVICTION (JURY TRIAL)*

05/31/2007 Judgment  
*JUDGMENT OF CONVICTION/GENETIC TESTING*


06/04/2007  Notice of Appeal  
Filed By: Defendant Martinez, Freddy  
*DESIGNATION OF RECORD ON APPEAL*

06C2265860049.tif pages

06/04/2007  Notice of Appeal  
Filed By: Defendant Martinez, Freddy  
*NOTICE OF APPEAL*

06/06/2007  Statement  
*CASE APPEAL STATEMENT*

06C2265860051.tif pages

06/19/2007  Notice of Appeal  
Filed By: Defendant Martinez, Freddy  
*NOTICE OF APPEAL*

DEPARTMENT 14  
**CASE SUMMARY**  
**CASE No. 06C226586**









06/19/2007	 Statement Filed by: Defendant Martinez, Freddy <i>CASE APPEAL STATEMENT</i>	06C2265860053.tif pages
06/28/2007	 Order <i>ORDER APPOINTING APPELLANT COUNSEL</i>	06C2265860054.tif pages
07/17/2007	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF OCTOBER 5, 2006</i>	
07/25/2007	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF JANUARY 30, 2007</i>	
07/25/2007	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF JANUARY 25, 2007</i>	
08/03/2007	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF APRIL 5, 2007</i>	
08/10/2007	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF NOVEMBER 30, 2006</i>	
08/10/2007	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF APRIL 11, 2007</i>	
08/10/2007	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF MAY 24, 2007</i>	
08/10/2007	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF APRIL 12, 2007</i>	
08/13/2007	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF FEBRUARY 8, 2007</i>	
11/30/2007	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF APRIL 5, 2007</i>	
01/04/2008	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF FEBRUARY 8, 2007</i>	
01/23/2008	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF APRIL 5, 2007</i>	
01/23/2008	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF JANUARY 18, 2008</i>	
06/06/2008	 Judgment <i>NEVADA SUPREME COURT CLERK'S CERTIFICATE JUDGEMENT - AFFIRMED</i>	
10/23/2009	 Motion <i>MOTION TO MAKE ADDITIONAL FUNDS AVAILABLE FOR NDOC INMATE'S LEGAL ACCOUNT</i>	

DEPARTMENT 14  
**CASE SUMMARY**  
**CASE No. 06C226586**

11/03/2009	 Opposition <i>OPPOSITION TO DEFENDANT'S MOTION TO MAKE ADDITIONAL FUNDS AVAILABLE FOR NDOC INMATES [SIC] LEGAL ACCOUNT</i>
11/09/2009	<b>Motion</b> (9:00 AM) (Judicial Officer: Mosley, Donald) Events: 10/23/2009 Motion <i>DEFT'S PRO PER MTN TO MAKE ADDITIONAL FUNDS Court Clerk: Linda Skinner Reporter/Recorder: Maureen Schorn Heard By: Donald Mosley</i>
01/06/2010	 Order <i>ORDER DENYING DEFENDANT'S MOTION TO MAKE ADDITIONAL FUNDS AVAILABLE FOR NDOC INMATES [SIC] LEGAL ACCOUNT</i>
04/02/2010	 Motion <i>MOTION FOR APPOINTMENT OF COUNSEL</i>
04/09/2010	 Opposition <i>STATE'S OPPOSITION TO DEFENDANT'S MOTION FOR APPOINTMENT OF COUNSEL</i>
04/14/2010	<b>Motion</b> (9:00 AM) (Judicial Officer: Mosley, Donald) Events: 04/02/2010 Motion <i>DEFT'S PRO PER MTN FOR APPT OF CNSL/023 Relief Clerk: Roshonda Mayfield Reporter/Recorder: Maureen Schorn Heard By: Donald Mosley</i>
04/21/2010	 Motion <i>MOTION TO VACATE A J.O.C.</i>
04/22/2010	 Notice of Appeal Filed By: Defendant Martinez, Freddy <i>NOTICE OF APPEAL</i>
04/23/2010	 Statement <i>CASE APPEAL STATEMENT</i>
04/24/2010	 Order <i>ORDER DENYING DEFENDANT'S PRO PER MOTION FOR APPOINTMENT OF COUNSEL</i>
04/30/2010	 Petition Filed by: Defendant Martinez, Freddy <i>PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION)</i>
05/05/2010	<b>Motion to Vacate</b> (9:00 AM) (Judicial Officer: Mosley, Donald) Events: 04/21/2010 Motion <i>DEFT'S PRO PER MOTION TO VACATE A J.O.C./24 Court Clerk: Linda Skinner Reporter/Recorder: Marcia Leonard Heard By: Donald Mosley</i>
05/11/2010	Petition <i>PTN FOR WRIT OF HABEAS CORPUS</i>
05/11/2010	 Order for Petition for Writ of Habeas Corpus <i>ORDER FOR PETITION FOR WRIT OF HABEAS CORPUS</i>
05/13/2010	

06C2265860083.tif pages

DEPARTMENT 14  
**CASE SUMMARY**  
**CASE No. 06C226586**

	 Motion <i>MOTION FOR AN EVIDENTIARY HEARING</i>	
05/21/2010	 Opposition <i>STATE'S OPPOSITION TO DEFENDANT'S MOTION FOR EVIDENTIARY HEARING</i>	
05/21/2010	 Order <i>ORDER DENYING DEFENDANT'S PRO PER MOTION TO VACATE A J.O.C.</i>	
05/24/2010	 Response Filed by: Defendant Martinez, Freddy <i>ANSWER AND RESPONSE</i>	06C2265860090.tif pages
05/26/2010	<b>Motion</b> (9:00 AM) (Judicial Officer: Mosley, Donald) Events: 05/13/2010 Motion <i>DEFT'S PRO PER MTN FOR AN EVIDENTIARY HEARING/26 Court Clerk: Linda Skinner Reporter/Recorder: Maureen Schorn Heard By: Donald Mosley</i>	
06/03/2010	 Notice of Appeal Filed By: Defendant Martinez, Freddy <i>NOTICE OF APPEAL</i>	
06/04/2010	 Statement <i>CASE APPEAL STATEMENT</i>	06C2265860092.tif pages
07/09/2010	 Response <i>STATE'S RESPONSE AND MOTION TO DISMISS DEFENDANT'S PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION)</i>	
07/13/2010	 Judgment <i>NEVADA SUPREME COURT CLERK'S CERTIFICATE JUDGEMENT - DISMISSED</i>	
07/14/2010	<b>Petition for Writ of Habeas Corpus</b> (9:00 AM) (Judicial Officer: Mosley, Donald) Events: 05/11/2010 Petition <i>PTN FOR WRIT OF HABEAS CORPUS Court Clerk: Linda Skinner Reporter/Recorder: Maureen Schorn Heard By: Donald Mosley</i>	
07/23/2010	 Motion for Appointment of Attorney Filed By: Defendant Martinez, Freddy	
08/05/2010	 Opposition to Motion Filed By: Plaintiff State of Nevada <i>State's Opposition to Defendant's Motion for Appointment of Counsel</i>	
08/09/2010	 <b>Motion for Appointment of Attorney</b> (9:00 AM) (Judicial Officer: Mosley, Donald) <i>Defendant's Pro Per Motion For Appointment Of Counsel</i>	
09/03/2010	 Order Denying Motion Filed By: Plaintiff State of Nevada <i>Order Denying Defendant's Motion for Appointment of Counsel</i>	
11/16/2010	 Notice of Appeal (criminal) Party: Defendant Martinez, Freddy	

DEPARTMENT 14  
**CASE SUMMARY**  
CASE No. 06C226586

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

September 29, 2006

06C226586

The State of Nevada vs Freddy Martinez

September 29, 2006

8:30 AM

Grand Jury Indictment

**GRAND JURY  
INDICTMENT**Court Clerk: Theresa  
LeeReporter/Recorder:  
Richard KangasHeard By: Michael  
Cherry**HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:** Jorgenson, Eric G. Attorney

**JOURNAL ENTRIES**

- At this time, the State informed the Court that the Clark County Grand Jury had certain matters to present to the Court. Mr. Jorgenson stated to the Court that at least twelve members had concurred in the return of the true bill during deliberation, but had been excused for presentation to the Court. Court queried Mr. Ratzlaff re same, he concurred. The State presented Grand Jury Case Number #05BGJ145X to the Court. COURT ORDERED, the indictment may be filed and is assigned Case Number C226586, Department VII. State requested a warrant issued and \$500,000 BAIL set. COURT ORDERED, BENCH WARRANT WILL ISSUE, \$500,000 BOND. Mr. Jorgenson further stated deft is in custody. Exhibit(s) 1-3 lodged with Clerk of District Court. COURT ORDERED, matter set in Courtroom 1-A for Arraignment before Kevin Williams.

B.W. (CUSTODY)

10/5/06 1:30 P.M. INITIAL ARRAIGNMENT



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****October 05, 2006**

06C226586

The State of Nevada vs Freddy Martinez

**October 05, 2006****1:30 PM****Initial Arraignment**

**INITIAL  
ARRAIGNMENT  
Court Clerk: Pamela  
Humphrey/pdh  
Reporter/Recorder:  
Kiara Schmidt Court  
Interpreter:  
VERONICA PELAS  
Heard By: Kevin  
Williams**

**HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES**

<b>PRESENT:</b>	Benedict, Susan M.	Attorney
	Hamers, Kathleen M.	Attorney
	Martinez, Freddy	Defendant
	Public Defender	Attorney

**JOURNAL ENTRIES**

- DEFT. MARTINEZ ARRAIGNED, PLED NOT GUILTY and INVOKED THE 60-DAY RULE.  
COURT ORDERED, matter set for trial. COURT FURTHER ORDERED, counsel has 21 days after the  
filing of the Preliminary Hearing Transcript to file writ.  
CUSTODY  
11/9/06 8:30 AM CALENDAR CALL - DEPT. VII  
11/13/06 9:30 AM JURY TRIAL - DEPT. VII

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****November 09, 2006**

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06C226586

The State of Nevada vs Freddy Martinez

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**November 09, 2006****8:30 AM****Calendar Call****CALENDAR CALL****Relief Clerk: Sharon  
Chun****Reporter/Recorder:  
Renee Vincent Court  
Interpreter: HECTOR  
VAZQUEZ-MENA****Heard By: Stewart  
Bell****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES**

<b>PRESENT:</b>	Barker, David B.	Attorney
	Hamers, Kathleen M.	Attorney
	Martinez, Freddy	Defendant
	Public Defender	Attorney

**JOURNAL ENTRIES**

- Ms. Hamers requested a trial continuance as she needs a statement from the Police. COURT SO ORDERED, jury trial of 11/13/06 VACATED and RESET.

**CUSTODY**

11/30/06 8:30 AM CALENDAR CALL

12/04/06 9:30 AM TRIAL BY JURY

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****November 30, 2006**

06C226586

The State of Nevada vs Freddy Martinez

**November 30, 2006****8:30 AM****All Pending Motions****ALL PENDING****MOTIONS 11/30/06****Relief Clerk: Carole  
D'Aloia****Reporter/Recorder:  
Renee Vincent Court****Interpreter: DIEGO  
TRUJILLO Heard****By: Stewart Bell****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Hamers, Kathleen M.	Attorney
Martinez, Freddy	Defendant
Nyikos, Noreen	Attorney
Public Defender	Attorney

**JOURNAL ENTRIES****- DEFENDANT'S MOTION TO COMPEL DISCLOSURE...CALENDAR CALL**

Following arguments by counsel, COURT ORDERED, motion GRANTED as to any compensation or favorable treatment received by any State witness in exchange for their cooperation; DENIED as to providing S.C.O.P.E. on any of the State's witnesses, unless they have run it for themselves, then they are instructed to share them with the defense; GRANTED as to any and all statements made by any State witness or any other person that is in any manner inconsistent with the written and/or recorded statements previously provided to the defense; and GRANTED as to any compensation a State's witness may have received. Ms. Hamers advised she just received the taped interview of the Defendant from the Las Vegas Metropolitan Police Department (LVMPD), advised it is inaudible and for that reason, she is not ready to proceed to trial and requested a continuance. Upon Court's

06C226586

inquiry, Ms. Nyikos advised the State does not object to the continuance. COURT ORDERED, trial date VACATED and RESET.

CUSTODY

1/18/07 8:30 AM CALENDAR CALL

1/22/07 9:30 AM JURY TRIAL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****January 25, 2007**

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06C226586

The State of Nevada vs Freddy Martinez

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**January 25, 2007****8:30 AM****Calendar Call****CALENDAR CALL****Court Clerk: Theresa  
Lee****Reporter/Recorder:****Jackie Nelson Court****Interpreter: MARIA****U PETERS Heard By:****James Bixler****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES**

<b>PRESENT:</b>	Landis, Casey	Attorney
	Martinez, Freddy	Defendant
	Martinovsky, Charles	Attorney
	Public Defender	Attorney

**JOURNAL ENTRIES**

- Mr. Landis advised case negotiated. The Guilty Plea Agreement is missing some pertinent information. Deft is ready to sign, and requested matter CONTINUED for entry of plea and vacate trial date, SO ORDERED.

**CUSTODY****1/30/07 8:30 A.M. ENTRY OF PLEA**

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****January 30, 2007**

06C226586

The State of Nevada vs Freddy Martinez

**January 30, 2007****8:30 AM****Entry of Plea****ENTRY OF PLEA**Court Clerk: Theresa  
LeeReporter/Recorder:  
Jackie Nelson Court  
Interpreter: Maria  
Peralta De GomezHeard By: Bixler,  
James**HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES**

<b>PRESENT:</b>	Bauman, Eric A.	Attorney
	Hamers, Kathleen M.	Attorney
	Martinez, Freddy	Defendant
	Public Defender	Attorney

**JOURNAL ENTRIES**

- Two (2) Guilty Plea Agreements (English and Spanish) FILED IN OPEN COURT. NEGOTIATIONS: Deft will plead guilty to one count of Sexual Assault (F), State retains right to argue. Amended Indictment FILED IN OPEN COURT. DEFT. MARTINEZ ARRAIGNED AND PLED GUILTY TO CT 1 of the Amended Information, CT 1 - SEXUAL ASSAULT (F). Upon examination of deft., COURT ORDERED, based upon the deft's answers to the questions, the Court cannot accept his plea. Deft is indicating he is not guilty, and the Court needs a factual basis for his plea. COURT ORDERED, matter CONTINUED.

LATER, Court recalled matter. Ms. Hamers stated deft had a change of heart and requested matter continued to speak with her client and see where they are at with this case. COURT ORDERED, matter CONTINUED at the request of Ms. Hamers. Court inquired if counsel want to take this as an

06C226586

Alford plea. Ms. Hamers requested the continuance, SO ORDERED.  
CUSTODY

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****February 08, 2007**

06C226586

The State of Nevada vs Freddy Martinez

**February 08, 2007****8:30 AM****Entry of Plea****ENTRY OF PLEA****Court Clerk: Theresa  
Lee****Reporter/Recorder:****Bill Nelson Court****Interpreter: M.****BERRY Heard By:****James Bixler****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES**

<b>PRESENT:</b>	Hamers, Kathleen M.	Attorney
	Martinez, Freddy	Defendant
	Nyikos, Noreen	Attorney
	Public Defender	Attorney

**JOURNAL ENTRIES**

- Ms. Hamers stated the case was negotiated, but in speaking with deft, he is requesting a trial date. Ms. Nyikos stated her offer is revoked. Upon Court's directive, Ms. Hamers put the offer on the record, State offered one count of Sexual Assault without the use of a deadly weapon, possible sentence 2-10 years. Upon Court's directive, Ms. Nyikos stated the possible sentence deft could receive on all four counts, including a possible life sentence. Court informed deft, before he rejects the offer, the Court wants to make sure he understands what he is doing. Deft stated he absolutely wants a trial date. COURT ORDERED, trial date set. Ms. Nyikos requested the trial date preferential, SO ORDERED.

**CUSTODY**

4/5/07 8:30 A.M. CALENDAR CALL (PREFERENTIAL)

4/9/07 10:00 A.M. TRIAL BY JURY (PREFERENTIAL)

PRINT DATE: 11/18/2010

Page 9 of 23

Minutes Date:

September 29, 2006



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

April 05, 2007

06C226586

The State of Nevada vs Freddy Martinez

April 05, 2007

8:30 AM

Calendar Call

**CALENDAR CALL  
(PREFERENTIAL)**

Court Clerk: Theresa  
Lee

Reporter/Recorder:  
Lee Bahr Court

Interpreter: MARIA  
U PETERS Heard By:  
James Bixler

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

**PARTIES****PRESENT:**

Landis, Casey	Attorney
Martinez, Freddy	Defendant
Nyikos, Noreen	Attorney
Public Defender	Attorney

**JOURNAL ENTRIES**

- State answered ready for trial, 3 days, 8-10- witnesses, one (1) out-of-state witness. Court noted with an out-of-state witness, the case cannot go to Overflow. Ms. Nyikos stated she spoke to Judge Bell and Charmaine, his JEA, and they will make an exception if the out-of-state witnesses do not create scheduling problems with setting the trial. COURT ORDERED, this case is TRANSFERRED to the Overflow Dept. for trial. Mr. Landis stated Kathleen Hamers is trial counsel. Ms. Nyikos stated Sam Bateman is co-counsel with her. Ms. Nyikos further stated in Dept. VII the case should be done in two days. Also she is looking for a Wednesday start date next week.

**CUSTODY**

4/6/07 9:00 A.M. OVERFLOW JURY TRIAL from Dept. 24, NYIKOS, BATEMAN, DDAs, K.  
HAMERS, DPD / 2 DAYS / 8-10 WITNESSES, 1 OUT-OF-STATE

PRINT DATE: 11/18/2010

Page 10 of 23

Minutes Date:

September 29, 2006

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****April 06, 2007**

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06C226586

The State of Nevada vs Freddy Martinez

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**April 06, 2007****9:00 AM****Overflow**

**OVERFLOW (24)  
NYIKOS /  
BATEMAN /  
HAMERS 2 DAYS /  
8-10 WITNESSES/  
NO OUT OF STATE  
Court Clerk: Teri  
Braegelmann  
Reporter/Recorder:  
Renee Vincent  
Heard By: Stewart  
Bell**

**HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES**

**PRESENT:**      Hamers, Kathleen M.      Attorney  
                         Martinez, Freddy              Defendant  
                         Nyikos, Noreen              Attorney  
                         Public Defender              Attorney

**JOURNAL ENTRIES**

- COURT ORDERED, matter SET for trial on Wednesday.  
CUSTODY  
04/11/07 9:00 AM JURY TRIAL (DEPT 7)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****April 11, 2007**

06C226586

The State of Nevada vs Freddy Martinez

**April 11, 2007****9:30 AM****Jury Trial****TRIAL BY JURY****Court Clerk: Tina  
Hurd****Reporter/Recorder:  
Renee Vincent Court  
Interpreter: DIVA  
REALMUTO Heard  
By: Bell, Stewart L.****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES**

<b>PRESENT:</b>	Bateman, Samuel G.	Attorney
	Hamers, Kathleen M.	Attorney
	Martinez, Freddy	Defendant
	Nyikos, Noreen	Attorney
	Paulson, Ronald S.	Attorney
	Public Defender	Attorney

**JOURNAL ENTRIES**

- Court Interpreters also present throughout trial: Leland Page and Anita D'Angelo with Deft. Martinez; Sylvia Page with witnesses.

9:15 A.M.--OUTSIDE THE PRESENCE OF THE JURY VENIRE, Mr. Bateman advised they have witness availability issues. Ms. Nyikos advised they have a nurse that absolutely cannot be here until tomorrow, however, the case will be over tomorrow. 9:34 a.m.--Jury venire present. Introductions by Court and counsel. Clerk called roll of the venire; voir dire oath administered. Jury selection commenced. 11:05 a.m.--Thirteen (13) jurors selected and sworn. Court thanked and excused the remaining venire. Court read the opening charge to the Jury. Opening statements by Ms. Nyikos and Mr. Paulson. 11:47 a.m.--Jury admonished and excused for lunch, to return at 12:45 p.m. this

afternoon. OUTSIDE THE PRESENCE OF THE JURY, Court ADMONISHED Deft. Martinez regarding his right to not be compelled to testify. 11:50 a.m.--Court adjourned for lunch. 12:48 P.M.--Court reconvened OUTSIDE THE PRESENCE OF THE JURY. State's proposed exhibit 24 opened in the presence of all counsel and contents marked. 12:51 p.m.--Jury present. Testimony and exhibits presented. (See worksheets.) 3:17 p.m.--OUTSIDE THE PRESENCE OF THE JURY, Ms. Hamers advised, during the testimony of Jose Castillo and Bianca Hernandez statements were made regarding Deft. being in jail and being high on the day in question. Ms. Hamers stated she believes these statements have prejudiced the Jury against Deft. and moved for a mistrial. COURT ORDERED, DENIED. Ms. Hamers advised, when riding the elevator up after lunch, a juror rode up with them and commented the lunch hour was over too quickly. Ms. Hamers stated she advised the juror they could not talk to her. Court acknowledged. Mr. Bateman advised CSA Grover brought the exhibit packages in today and lodged them with the Clerk, however, they were booked in by Officer Goddard who cannot come in today. Mr. Bateman advised defense counsel has stipulated to the chain of custody. Ms. Hamers concurred. Conference at the bench. 3:22 p.m.--Jury present. Further testimony and exhibits presented. 4:39 p.m.--Court admonished the Jury and excused them for the evening, to return at 9:00 a.m. tomorrow morning. OUTSIDE THE PRESENCE OF THE JURY, Mr. Paulson addressed an issue regarding witness William McPheeters. Court advised the bailiff saw one of the jurors chatting with this witness and brought it to the Court's attention, however, the issue was resolved and Mr. McPheeters testified. Mr. Paulson advised he spoke with Mr. McPheeters who advised, as far as he was concerned, the juror did not know he was a witness and he did not know she was a juror. Mr. Paulson advised Mr. McPheeters indicated the conversation was only about how cold it was in the building and about Las Vegas in general. Colloquy regarding Jury Instructions. COURT ORDERED, counsel to return at 8:45 a.m. to settle Instructions and they will continue with the testimony of Detective Chavez. 4:45 p.m.--Court adjourned.

CUSTODY

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

April 12, 2007

06C226586

The State of Nevada vs Freddy Martinez

April 12, 2007

9:00 AM

Jury Trial

**TRIAL BY JURY**

Court Clerk: Tina

Hurd

Reporter/Recorder:

Renee Vincent Court

Interpreter: DIVA

REALMUTO Heard

By: Stewart Bell

**HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES**

<b>PRESENT:</b>	Bateman, Samuel G.	Attorney
	Hamers, Kathleen M.	Attorney
	Martinez, Freddy	Defendant
	Nyikos, Noreen	Attorney
	Paulson, Ronald S.	Attorney
	Public Defender	Attorney

**JOURNAL ENTRIES**

- Court Interpreter Anita D'Angelo also present with Deft. Martinez.

8:47 A.M.--Court reconvened with all present as before **OUTSIDE THE PRESENCE OF THE JURY.**

Jury Instructions settled on the record. 9:21 a.m.--Jury present. Further testimony and exhibits presented. (See worksheets.) Court instructed the Jury. Closing arguments by counsel. Bailiff sworn to take charge of the Jury. Clerk selected the alternate by random drawing: Juror #11 - Laura Rodriguez. 11:53 a.m.--Jury retired to deliberate.

5:43 P.M.--Court reconvened with all present as before. Court Interpreter Sylvia Page present with Deft. Martinez. Jury returned with **VERDICTS** as follow: **GUILTY** of Count 1 - **BURGLARY WHILE IN POSSESSION OF A WEAPON (F)**; **GUILTY** of Count 2 - **BATTERY WITH USE OF A DEADLY**

PRINT DATE: 11/18/2010

Page 14 of 23

Minutes Date:

September 29, 2006

06C226586

WEAPON (F); GUILTY of Count 3 - FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON (F); Count 4 - NOT GUILTY. Court thanked and excused the Jury. OUTSIDE THE PRESENCE OF THE JURY, COURT ORDERED, Deft. Martinez REMANDED TO CUSTODY WITHOUT BAIL; matter set for sentencing.

CUSTODY

5-24-07 8:30 AM SENTENCING

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****May 24, 2007**

06C226586

The State of Nevada vs Freddy Martinez

**May 24, 2007****8:30 AM****Sentencing****SENTENCING****Court Clerk: Tina****Hurd****Reporter/Recorder:****Renee Vincent Court****Interpreter:****Guillermo Palomo****Heard By: Stewart****Bell****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Hamers, Kathleen M.	Attorney
Martinez, Freddy	Defendant
Public Defender	Attorney
Rickert, David J.	Attorney

**JOURNAL ENTRIES**

- DEFT. MARTINEZ ADJUDGED GUILTY OF COUNT 1 - BURGLARY WHILE IN POSSESSION OF A WEAPON (F), COUNT 2 - BATTERY WITH USE OF A DEADLY WEAPON (F) and COUNT 3 - FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON (F). Matter argued and submitted. COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee, \$150.00 DNA Analysis fee and submit to Genetic Marker testing, Deft. SENTENCED to the Nevada Department of Corrections (NDC) as follows: Count 1 - to a MINIMUM of SIXTY (60) MONTHS and a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS; Count 2 - to a MINIMUM of FORTY EIGHT (48) MONTHS and a MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS; Count 3 - to a MINIMUM of SIXTY (60) MONTHS and a MAXIMUM term of LIFE plus an equal and CONSECUTIVE MINIMUM of SIXTY (60) MONTHS and a MAXIMUM term of LIFE for use of a

06C226586

deadly weapon. Counts 1, 2 & 3 to all be served CONCURRENTLY with each other with 281 DAYS credit for time served. BOND, if any, EXONERATED.  
CASE CLOSED



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****November 09, 2009**

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06C226586

The State of Nevada vs Freddy Martinez

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**November 09, 2009****9:00 AM****Motion**

**DEFT'S PRO PER  
MTN TO MAKE  
ADDITIONAL  
FUNDS Court Clerk:  
Linda Skinner  
Reporter/Recorder:  
Maureen Schorn  
Heard By: Donald  
Mosley**

**HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES**

**PRESENT:**      Chen, Alexander G.      Attorney  
                     Frierson, Jason M.      Attorney  
                     Public Defender      Attorney

**JOURNAL ENTRIES**

- Court noted Defendant is in prison and not present today, that he gives no specifics and the time has passed for a Writ of Habeas Corpus. As the circumstances do not warrant, COURT ORDERED, Pro Per Motion DENIED.

NDC

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****April 14, 2010**

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06C226586

The State of Nevada vs Freddy Martinez

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**April 14, 2010****9:00 AM****Motion**

**DEFT'S PRO PER  
MTN FOR APPT OF  
CNSL/023 Relief  
Clerk: Roshonda  
Mayfield  
Reporter/Recorder:  
Maureen Schorn  
Heard By: Donald  
Mosley**

**HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:** Carroll, Thomas M. Attorney

**JOURNAL ENTRIES**

- Court advised, this is a pro per motion where the Deft. is requesting to have counsel appointed. Upon review it appears the writ is time barred and there is no need for appointment of counsel. Therefore, COURT ORDERED, motion DENIED.  
NDC

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****May 05, 2010**

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06C226586

The State of Nevada vs Freddy Martinez

---

**May 05, 2010****9:00 AM****Motion to Vacate****DEFT'S PRO PER  
MOTION TO  
VACATE A  
J.O.C./24 Court  
Clerk: Linda Skinner  
Reporter/Recorder:  
Marcia Leonard  
Heard By: Donald  
Mosley****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:** Morton, Carrie A. Attorney**JOURNAL ENTRIES**

- Court noted Defendant is in prison and not present today. He went to trial in front of Judge Bell in 2007 and was found not guilty on Count 4 and incorrectly thinks all the counts should be stricken. Court stated this is the wrong vehicle, that he should have filed a Writ of Habeas Corpus, however, to file one now would be time barred as the Judgment of Conviction was signed in 2007. COURT ORDERED, Pro Per Motion DENIED.  
NDC

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****May 26, 2010**

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06C226586

The State of Nevada vs Freddy Martinez

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**May 26, 2010****9:00 AM****Motion**

**DEFT'S PRO PER  
MTN FOR AN  
EVIDENTIARY  
HEARING/26 Court  
Clerk: Linda Skinner  
Reporter/Recorder:  
Maureen Schorn  
Heard By: Donald  
Mosley**

**HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES**

**PRESENT:**      Turner, Robert B.      Attorney

**JOURNAL ENTRIES**

- Court advised Defendant is in prison and not present today, that he is asking for an Evidentiary Hearing to decide the writ, however, this motion is premature. Court advised the Writ is set for 7/14 and on that date it will be decided if an Evidentiary Hearing is necessary and if one is, it will be set and Defendant will be transported for it. COURT ORDERED, matter OFF CALENDAR as it is premature.  
NDC

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****July 14, 2010**

---

06C226586

The State of Nevada vs Freddy Martinez

---

**July 14, 2010****9:00 AM****Petition for Writ of Habeas  
Corpus****PTN FOR WRIT OF  
HABEAS CORPUS  
Court Clerk: Linda  
Skinner  
Reporter/Recorder:  
Maureen Schorn  
Heard By: Donald  
Mosley****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:** Schifalacqua, Barbara Attorney

**JOURNAL ENTRIES**

- Court advised Defendant is in prison and not present today, that the Judgment of Conviction was filed on 6/3/08 and this Petition was filed on 4/30/10. Court stated it is extremely untimely with no good cause given. As this Court lacks jurisdiction, COURT ORDERED, DENIED.  
NDC

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**August 09, 2010**

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06C226586

The State of Nevada vs Freddy Martinez

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**August 09, 2010**

**9:00 AM**

**Motion for Appointment of  
Attorney**

**Pro Per's Motion for  
Appointment of  
Counsel**

**HEARD BY:** Mosley, Donald

**COURTROOM:** RJC Courtroom 12B

**COURT CLERK:** Linda Skinner; Karina Kennedy

**RECORDER:**

**REPORTER:** Maureen Schorn

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- The Court NOTED it was not sure what the Deft is asking for and there is no cause therefore, COURT ORDERED, Motion DENIED based on the merits this could be duplicative.

NDC

# Exhibit List

Case Nbr: 06C226586 Party: Sort Order: Status Defendant Name: Martinez, Freddy DOB:

Exhibit ID	On Behalf Of	Status/Date	Return/Destroy Date	Type and Description	Exhibit Flag	Source	In Custody Of	Location
PG	Plaintiff			GRAND JURY 1-3		State of Nevada	District Court Criminal/Civil 10/31/2006	Evidence Vault
Comment: ExhibitID : 118148								
P1	Plaintiff			PHOTO		State of Nevada	District Court Criminal/Civil 01/01/1900	Evidence Vault
Comment: ExhibitID : 130068								
P2	Plaintiff			PHOTO		State of Nevada	District Court Criminal/Civil 01/01/1900	Evidence Vault
Comment: ExhibitID : 130069								
P3	Plaintiff			PHOTO		State of Nevada	District Court Criminal/Civil 01/01/1900	Evidence Vault
Comment: ExhibitID : 130070								
P4	Plaintiff			PHOTO		State of Nevada	District Court Criminal/Civil 01/01/1900	Evidence Vault
Comment: ExhibitID : 130071								
P5	Plaintiff			PHOTO		State of Nevada	District Court Criminal/Civil 01/01/1900	Evidence Vault
Comment: ExhibitID : 130072								
P6	Plaintiff			PHOTO		State of Nevada	District Court Criminal/Civil 01/01/1900	Evidence Vault
Comment: ExhibitID : 130073								
P7	Plaintiff			PHOTO		State of Nevada	District Court Criminal/Civil 01/01/1900	Evidence Vault
Comment: ExhibitID : 130074								

## Exhibit List

Case Nbr: 06C226586 Party: Sort Order: Status Defendant Name: Martinez, Freddy DOB:

Exhibit ID	On Behalf Of	Status/Date	Return/Destroy Date	Type and Description	Exhibit Flag	Source	In Custody Of	Location
P8	Plaintiff			PHOTO		State of Nevada	District Court Criminal/Civil 01/01/1900	Evidence Vault
	Comment: ExhibitID : 130075							
P9	Plaintiff			PHOTO		State of Nevada	District Court Criminal/Civil 01/01/1900	Evidence Vault
	Comment: ExhibitID : 130076							
P10	Plaintiff			PHOTO		State of Nevada	District Court Criminal/Civil 01/01/1900	Evidence Vault
	Comment: ExhibitID : 130077							
P11	Plaintiff			PHOTO		State of Nevada	District Court Criminal/Civil 01/01/1900	Evidence Vault
	Comment: ExhibitID : 130078							
P12	Plaintiff			PHOTO		State of Nevada	District Court Criminal/Civil 01/01/1900	Evidence Vault
	Comment: ExhibitID : 130079							
P13	Plaintiff			PHOTO		State of Nevada	District Court Criminal/Civil 01/01/1900	Evidence Vault
	Comment: ExhibitID : 130080							
P14	Plaintiff			PHOTO		State of Nevada	District Court Criminal/Civil 01/01/1900	Evidence Vault
	Comment: ExhibitID : 130081							
P15	Plaintiff			PHOTO		State of Nevada	District Court Criminal/Civil 01/01/1900	Evidence Vault
	Comment: ExhibitID : 130082							



## Exhibit List

Case Nbr: 06C226586 Party: Sort Order: Status Defendant Name: Martinez, Freddy DOB:

Exhibit ID	On Behalf Of	Status/Date	Return/Destroy Date	Type and Description	Exhibit Flag	Source	In Custody Of	Location
P22	Plaintiff			EVID BAG CONT CD-22A (SEALED)		State of Nevada	District Court Criminal/Civil 01/01/1900	Evidence Vault
<b>Comment:</b> ExhibitID : 130088								
P23	Plaintiff			EVID BAG CONT VIC CLTHNG (SEALED)		State of Nevada	District Court Criminal/Civil 01/01/1900	Evidence Vault
<b>Comment:</b> ExhibitID : 130089								
P24	Plaintiff			EVID BOX		State of Nevada	District Court Criminal/Civil 01/01/1900	Evidence Vault
<b>Comment:</b> ExhibitID : 130090								
P24A	Plaintiff			SHOES & SOCKS (INSIDE BAG)		State of Nevada	District Court Criminal/Civil 01/01/1900	Evidence Vault
<b>Comment:</b> ExhibitID : 130091								
P24B	Plaintiff			UNDERWEAR (INSIDE BAG)		State of Nevada	District Court Criminal/Civil 01/01/1900	Evidence Vault
<b>Comment:</b> ExhibitID : 130092								
P24C	Plaintiff			SHIRT (GRAY & WHITE) TANKTOP (IN BAG)		State of Nevada	District Court Criminal/Civil 01/01/1900	Evidence Vault
<b>Comment:</b> ExhibitID : 130093								
P24D	Plaintiff			JEANS/BELT/BASEBALL CAP (BAG)		State of Nevada	District Court Criminal/Civil 01/01/1900	Evidence Vault
<b>Comment:</b> ExhibitID : 130094								

## Exhibit List

Case Nbr: 06C226586 Party: Sort Order: Status Defendant Name: Martinez, Freddy DOB:

Exhibit ID	On Behalf Of	Status/Date	Return/Destroy Date	Type and Description	Exhibit Flag	Source	In Custody Of	Location
P25	Plaintiff			EVID BAG		State of Nevada	District Court Criminal/Civil 01/01/1900	Evidence Vault
Comment: ExhibitID : 130096								
P25A	Plaintiff			BLACK & GRAY FLIP FLOPS		State of Nevada	District Court Criminal/Civil 01/01/1900	Evidence Vault
Comment: ExhibitID : 130097								
P16	Plaintiff	Admitted 04/11/2007		PHOTO (CAR)		State of Nevada	District Court Criminal/Civil 04/11/2007	Evidence Vault
Comment: ExhibitID : 130083 NO OBJECTION								
P17	Plaintiff	Admitted 04/11/2007		PHOTO (CAR W/LIC PL)		State of Nevada	District Court Criminal/Civil 04/11/2007	Evidence Vault
Comment: ExhibitID : 130084 NO OBJECTION								
P18	Plaintiff	Admitted 04/11/2007		PHOTO (GAS CAN)		State of Nevada	District Court Criminal/Civil 04/11/2007	Evidence Vault
Comment: ExhibitID : 130085 NO OBJECTION								
P20	Plaintiff	Admitted 04/11/2007		BUCCAL SWABS (SEALED)		State of Nevada	District Court Criminal/Civil 04/11/2007	Evidence Vault
Comment: ExhibitID : 130086 NO OBJECTION								
P21	Plaintiff	Admitted 04/11/2007		SEX ASSAULT KIT (SEALED)		State of Nevada	District Court Criminal/Civil 04/11/2007	Evidence Vault
Comment: ExhibitID : 130087 NO OBJECTION								

## Exhibit List

Case Nbr: 06C226586 Party: Sort Order: Status Defendant Name: Martinez, Freddy DOB:

Exhibit ID	On Behalf Of	Status/Date	Return/Destroy Date	Type and Description	Exhibit Flag	Source	In Custody Of	Location
P24E	Plaintiff	Admitted 04/11/2007		EVID ENV & CONTENTS (BLACK FOLDING KNIFE)		State of Nevada	District Court Criminal/Civil 04/11/2007	Evidence Vault
Comment: ExhibitID : 130095 NO OBJECTION								
P26	Plaintiff	Admitted 04/12/2007		LG COLOR PHOTO		State of Nevada	District Court Criminal/Civil 04/12/2007	Evidence Vault
Comment: ExhibitID : 130098 NO OBJECTION								
P27	Plaintiff	Admitted 04/12/2007		LG COLOR PHOTO		State of Nevada	District Court Criminal/Civil 04/12/2007	Evidence Vault
Comment: ExhibitID : 130099 NO OBJECTION								
P28	Plaintiff	Admitted 04/12/2007		LG COLOR PHOTO		State of Nevada	District Court Criminal/Civil 04/12/2007	Evidence Vault
Comment: ExhibitID : 130100 NO OBJECTION								
P29	Plaintiff	Admitted 04/12/2007		LG COLOR PHOTO		State of Nevada	District Court Criminal/Civil 04/12/2007	Evidence Vault
Comment: ExhibitID : 130101 NO OBJECTION								
P30	Plaintiff	Admitted 04/12/2007		LG COLOR PHOTO		State of Nevada	District Court Criminal/Civil 04/12/2007	Evidence Vault
Comment: ExhibitID : 130102 NO OBJECTION								
P31	Plaintiff	Admitted 04/12/2007		LG COLOR PHOTO		State of Nevada	District Court Criminal/Civil 04/12/2007	Evidence Vault
Comment: ExhibitID : 130103 NO OBJECTION								

## Exhibit List

Case Nbr: 06C226586 Party: Sort Order: Status Defendant Name: Martinez, Freddy DOB:

Exhibit ID	On Behalf Of	Status/Date	Return/Destroy Date	Type and Description	Exhibit Flag	Source	In Custody Of	Location
P32	Plaintiff	Admitted 04/12/2007		LG COLOR PHOTO		State of Nevada	District Court Criminal/Civil 04/12/2007	Evidence Vault
Comment: ExhibitID : 130104 NO OBJECTION								
P33	Plaintiff	Admitted 04/12/2007		DVD		State of Nevada	District Court Criminal/Civil 04/12/2007	Evidence Vault
Comment: ExhibitID : 130105 STIPULATION								
P34	Plaintiff	Admitted 04/12/2007		TRANSCRIPT		State of Nevada	District Court Criminal/Civil 04/12/2007	Evidence Vault
Comment: ExhibitID : 130106 STIPULATION								
PCT1	Plaintiff	Admitted 04/11/2007		QUEST FROM JUROR #10		State of Nevada	District Court Criminal/Civil 04/11/2007	Evidence Vault
Comment: ExhibitID : 130107 NO OBJECTION								
PCT2	Plaintiff	Admitted 04/12/2007		QUEST FROM JUROR #6		State of Nevada	District Court Criminal/Civil 04/12/2007	Evidence Vault
Comment: ExhibitID : 130108 NO OBJECTION								
PCT3	Plaintiff	Admitted 04/12/2007		QUEST FROM JUROR #6		State of Nevada	District Court Criminal/Civil 04/12/2007	Evidence Vault
Comment: ExhibitID : 130109 NO OBJECTION								
PCT4	Plaintiff	Admitted 04/12/2007		QUEST FROM JUROR ?		State of Nevada	District Court Criminal/Civil 04/12/2007	Evidence Vault
Comment: ExhibitID : 130110 NO OBJECTION								

## Exhibit List

Case Nbr: 06C226586 Party: Sort Order: Status Defendant Name: Martinez, Freddy DOB:

Exhibit ID	On Behalf Of	Status/Date	Return/Destroy Date	Type and Description	Exhibit Flag	Source	In Custody Of	Location
PCT5	Plaintiff	Admitted 04/12/2007		QUEST FROM JUROR #4		State of Nevada	District Court Criminal/Civil 04/12/2007	Evidence Vault
Comment: ExhibitID : 130111 NO OBJECTION								
PCT6	Plaintiff	Admitted 04/12/2007		NOTE FROM JURY DURING DELIBERATIONS		State of Nevada	District Court Criminal/Civil 04/12/2007	Evidence Vault
Comment: ExhibitID : 130112 NO OBJECTION								
PCT7	Plaintiff	Admitted 04/12/2007		NOTE FROM JURY DURING DELIBERATIONS		State of Nevada	District Court Criminal/Civil 04/12/2007	Evidence Vault
Comment: ExhibitID : 130113 NO OBJECTION								
PCT8	Plaintiff	Admitted 04/12/2007		NOTE FROM JURY DURING DELIBERATIONS		State of Nevada	District Court Criminal/Civil 04/12/2007	Evidence Vault
Comment: ExhibitID : 130114 NO OBJECTION								



EIGHTH JUDICIAL DISTRICT COURT CLERK'S OFFICE  
**NOTICE OF DEFICIENCY**  
ON APPEAL TO NEVADA SUPREME COURT



FREDDY MARTINEZ AKA FREDYS MARTINEZ  
1200 PRISON RD.  
LOVELOCK, NV 89419

DATE: November 18, 2010  
CASE: C226586

RE CASE: STATE OF NEVADA vs. FREDDY MARTINEZ

NOTICE OF APPEAL FILED: November 16, 2010

YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.

PLEASE NOTE: DOCUMENTS **NOT** TRANSMITTED HAVE BEEN MARKED:

- ☐ Case Appeal Statement  
- NRAP 3 (a)(1), Form 2
- ☒ Order
- ☒ Notice of Entry of Order

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NEVADA RULES OF APPELLATE PROCEDURE 3 (a) (3) states:

"The district court clerk must file appellant's notice of appeal despite perceived deficiencies in the notice, including the failure to pay the district court or Supreme Court filing fee. The district court clerk shall apprise appellant of the deficiencies in writing, and shall transmit the notice of appeal to the Supreme Court in accordance with subdivision (e) of this Rule with a notation to the clerk of the Supreme Court setting forth the deficiencies. Despite any deficiencies in the notice of appeal, the clerk of the Supreme Court shall docket the appeal in accordance with Rule 12."

Please refer to Rule 3 for an explanation of any possible deficiencies.

# Certification of Copy

State of Nevada }  
County of Clark } SS:

I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full and correct copy of the hereinafter stated original document(s):

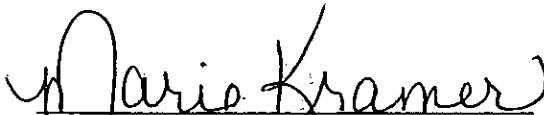
NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT  
DOCKET ENTRIES; DISTRICT COURT MINUTES; EXHIBIT LIST; NOTICE OF DEFICIENCY

STATE OF NEVADA,	)	
	)	
Plaintiff(s),	)	Case No: C226586
	)	Dept No: XIV
vs.	)	
	)	
FREDDY MARTINEZ #1003276,	)	
	)	
Defendant(s),	)	
	)	

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 18 day of November 2010.

Steven D. Grierson, Clerk of the Court

  
Marie Kramer, Deputy Clerk