1 2 3 4	Code: 2515 ROBERT W. STORY, ESQ., Bar No. 1268 STORY LAW GROUP 245 East Liberty Street, Suite 530 Reno, Nevada 89501 Telephone: (775) 284-5510 Facsimile: (775) 284-0800	FILED Electronically 12-30-2011:09:49:07 AM Craig Franden Clerk of the Court <u>Transaction # 2674644</u> Electronically Filed Jan 03 2012 11:49 a.m.	
5 6	Attorneys for Petitioner Plaintiff Brendan Dur	<b>—</b> · · · · · ·	
7	IN THE SECOND JUDICIAL DISTR	RICT COURT OF THE STATE OF NEVADA	
8	IN AND FOR TH	E COUNTY OF WASHOE	
9			
10			
11	BRENDAN DUNCKLEY		
12	Petitioner,	Case No. CR07P1728	
13	VS.	Dept. No. 4	
14	STATE OF NEVADA, et al.,		
15	Respondents.		
16	NOTICE OF APPEAL		
17	Petitioner Brendan Dunckley hereby appeals to the Nevada Supreme Court the Findings of		
18	Fact, Conclusions of Law, and Judgment entered on December 29, 2011, and attached as Exhibit 1.		
19	AFFIRMATION		
20	Pursuant	to NRS 239B.030	
21	The undersigned do hereby affirm that	at the preceding document does not contain the social	
22	security number of any person.		
23	December 30, 2011.		
24	STORY LAW GROUP		
25			
26	By: /s/ Robert W. Story ROBERT W. STORY		
27			
28	Attorneys for Petitioner Brendan Dunckley		
STORY LAW GROUP 245 E. LIBERTY, Suite 530 Reno, Nevada 89501 (775) 284-5510		Docket 59958 Document 2012-00072	

Docket 59958 Document 2012-00072

1		EXHIBIT INDEX	
2 3 4 5	Exhibit 1 Exhibit 2	Declaration of Robert W. Story, Esq. Findings of Fact	1 page 7 pages
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FILED Electronically 12-30-2011:09:49:07 AM Craig Franden Clerk of the Court Transaction # 2674644

# EXHIBIT 1

1	PROOF OF SERVICE
2	
3	I, Robert W. Story, declare as follows:
4	I am a member of Story Law Group with business offices located at 245 E. Liberty Street,
5	Suite 530, Reno, Nevada 89501. I am over the age of 21 and not a party to this action.
6	On December 30, 2011, I electronically filed the foregoing Notice of Appeal with the Clerk of the Second Judicial District Court via the Court's e-Flex system.
7	
8	I certify that all participants in the case are registered e-Flex users and that service will be accomplished by e-Flex.
9	Gary Hatelstad
10	Chief Deputy District Attorney Washoe County, Nevada
11	
12	I declare under penalty of perjury under the laws of the United States of America that the
13	foregoing is true and correct, and that this declaration was executed on December 30, 2011.
14	STORY LAW GROUP
15	
16	By: /s/ Pohert W. Story
17	By <u>: /s/ Robert W. Story</u> . ROBERT W. STORY
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STORY LAW GROUP 245 E. LIBERTY, Suite 530 Reno, Nevada 89501 (775) 284-5510	2

FILED Electronically 12-30-2011:09:49:07 AM Craig Franden Clerk of the Court Transaction # 2674644

## EXHIBIT 2

1	FILED Electronically 12-29-2011:10:54:53 AM Craig Franden Clerk of the Court Transaction # 2672262
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- 5 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	Petitioner,
11	v. Case No. CR07P1728
12	JACK PALMER, Dept. No. 4
13	Respondent.
14	/
15	FINDINGS OF FACT, CONCLUSIONS OF LAW
16	AND JUDGMENT
17	This matter came before the Court on Dunckley's Petition for Writ of Habeas Corpus
18	(Post-Conviction) and the Supplemental Petition filed by counsel. There has been an
19	evidentiary hearing. The Court, being fully advised of the premises, hereby denies the relief
20	requested.
21	FINDINGS OF FACT AND CONCLUSIONS OF LAW
22	Dunckley argued that he did not receive effective assistance of counsel from his trial
23	lawyer, David O'Mara, and that his pleas are invalid. The Court is not persuaded.
24	A. Ineffective Assistance of Counsel
25	Before considering the merits, the Court will start by setting forth the applicable
26	standard of review.
	1

### 1. The Applicable Standard of Review

To prove ineffective assistance of counsel sufficient to invalidate a judgment of conviction based on a guilty plea, a petitioner must demonstrate (a) that his counsel's performance was deficient in that it fell below an objective standard of reasonableness and (b) resulting prejudice in that there is a reasonable probability that, but for counsel's errors, petitioner would not have pleaded guilty and would have insisted on going to trial. *Hill v. Lockhart*, 474 U.S. 52, 58–59 (1985); *Kirksey v. State*, 112 Nev. 980, 988, 923 P.2d 1102, 1107 (1996). Both components of the inquiry must be shown, *Strickland v. Washington*, 466 U.S. 668, 697 (1984), and the petitioner must demonstrate the underlying facts by a preponderance of the evidence, *Means v. State*, 120 Nev. 1001, 1012, 103 P.3d 25, 33 (2004).

### 2. <u>Application of the Standard to the Alleged Instances of</u> <u>Ineffective Assistance</u>

In his original petition and in the Supplemental Petition filed by counsel, Dunckley sets forth a large number of instances of ineffective assistance of counsel. As noted above, there was an evidentiary hearing, but, despite having a full and fair opportunity to do so, Dunckley did not present any evidence in support of the vast majority of the pleaded claims. Accordingly, those claims were not proved, and the relief requested by them is denied. The Court will now consider the claims for which Dunckley did present evidence.

### a. Failure to Investigate and Present an Alibi Defense

At various places in his moving papers, Dunckley alleged that he did not commit the crime charged in Count I because he was not in the State of Nevada or Washoe County at the relevant time. Dunckley testified at the evidentiary hearing that, despite informing Mr. O'Mara of his alibi and providing documentary evidence to substantiate it, O'Mara was ineffective because he failed to take the defense seriously or otherwise investigate it. Dunckley went on to allege that, had Mr. O'Mara investigated the alibi, he would not have pleaded guilty to the charges.

From the standpoint of the performance prong of *Strickland* and *Hill*, the Court will 1 note that Mr. O'Mara confirmed that he and Dunckley discussed the alibi defense to Count I, 2 and that, prior to Dunckley accepting the State's plea offer, he had received the documents 3 Dunckley claimed substantiated the alibi. Furthermore, O'Mara testified credibly that, upon 4 investigating the case and reviewing discovery, he planned on taking the case to trial, asserting 5 the alibi defense to Count I, not negotiating it. Mr. O'Mara added that, as the trial date 6 approached, the State tendered a plea offer that put probation "on the table," an offer Mr. 7 8 O'Mara was duty bound to convey to his client. Mr. O'Mara went on to say that Dunckley decided in favor of a change of plea to reduced charges because he was sure he would get 9 probation. Mr. O'Mara, however, warned Dunckley that he was not so sure about probation in 10 this case, believing prison a more likely outcome. Dunckley rejected Mr. O'Mara's assessment 11 and advice. 12

Given the testimony presented at the evidentiary hearing, the Court finds Mr. O'Mara's testimony to be credible. In fact, contrary to Dunckley's testimony, Mr. O'Mara was well aware of Dunckley's alibi defense, took it quite seriously, and believed it could be successful. Likewise, Mr. O'Mara cautioned Dunckley about the potential consequences of taking the plea bargain: it may have placed probation "on the table," but the parties remained "free to argue" and he believed prison time to be a definite possibility. Dunckley rejected Mr. O'Mara's advice.

In short, Dunckley failed to establish, with credible evidence, that Mr. O'Mara's
performance in this case was objectively unreasonable. Quite the contrary, Mr. O'Mara
conducted a reasonably complete investigation, approached the case as if it were going to trial,
but upon conveying the State's plea offer, as he is required to do, Dunckley accepted it.
Thereafter, Mr. O'Mara counseled Dunckley on the possible ramification of his decision and
prepared for sentencing. In the end, it was Dunckley's decision to make after consulting with
counsel, and he made his decision.

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### b. Failure to Investigate DNA Evidence

According to Jessica, one of the two victims in the case, she engaged in oral sex with Dunckley in Washoe County. When the police investigated the accusation, they acquired a DNA swab from Dunckley's penis. Subsequent forensic analysis revealed no DNA.

Dunckley alleged and then testified that he was unaware of the results of the forensic examination before he entered his plea, and, had he known of it, he would have insisted on going to trial. The Court is not persuaded.

First, it is undisputed Mr. O'Mara knew the results of the forensic examination prior to the time Dunckley entered his plea. Moreover, while Mr. O'Mara said he never showed the forensic report to Dunckley, he testified credibly that he and Dunckley went over its results. Consequently, the Court finds that Dunckley was aware of the results of the forensic examination before he accepted the plea bargain. Dunckley's testimony to the contrary is not credible. The fact that Mr. O'Mara may not have shown Dunckley the actual written report does not change the fact he was aware of its content. By the same token, Dunckley presented no evidence proving or tending to prove that an objective standard of reasonableness required Mr. O'Mara to present the forensic report to his client if, as was the case here, he explained its content. As a result, Dunckley failed to establish the performance prong of *Strickland-Hill*.

Furthermore, Dunckley failed to establish prejudice. In *Hill v. Lockhart*, the Court said the following on the subject of prejudice in a plea context: "where the alleged error of counsel is a failure to investigate or discover potentially exculpatory evidence, the determination whether the error 'prejudiced' the defendant will depend on . . . whether the evidence likely would have changed the outcome of a trial." *Id.*, p. 59. If not, then the petitioner has failed to show a reasonable probability that he would not have pleaded guilty and insisted on going to trial. *Id*. Such is the case here.

For example, it is undisputed that Dunckley and Jessica were together at the time and place Jessica claimed the crime was committed. It is also undisputed that, when Detective

Broome interviewed Dunckley, Dunckley admitted Jessica placed her mouth on his penis. He 1 repeated the same admissions to Steven Ing, the expert who prepared a psychosexual 2 evaluation. Thus, in light of Dunckley's admissions, the Court finds the fact that no DNA was 3 found on the penial swab is of no material consequence under *Hill's* prejudice prong. The 4 Court is, of course, aware that Dunckley testified that he lied to Detective Broome and Mr. Ing, 5 presumably in an effort to enhance the significant of the negative test results, but the Court 6 finds Dunckley's subsequent recantation to be unworthy of belief. 7

### c. Motion to Suppress: Miranda

Dunckley also alleged and testified that Mr. O'Mara was ineffective because he failed to 9 file and litigate a motion to suppress statements he made to Detective Broome. As noted above, Dunckley's statements to Detective Broome were important pieces of incriminating 11 evidence. Consequently, it would be objectively reasonable for Mr. O'Mara to at least consider 12 filing a motion to suppress the statements, and, if the motion enjoyed a reasonable probability of being granted, then it would have been objectively unreasonable and prejudicial to omit it. 14

Here, Mr. O'Mara testified credibly that he was aware that his client had made 15 16 statements to Detective Broome, and he considered filing a motion to suppress them. Mr. O'Mara went on to say, however, that, upon researching the motion, he concluded that the 17 18 motion would not be successful because they were voluntarily made and not the product of 19 custodial interrogation. Dunckley presented no credible evidence drawing Mr. O'Mara's assessment into question. 20

Accordingly, the Court finds and concludes that, even though Mr. O'Mara did not make 21 a motion to suppress Dunckley's statements, Dunckley failed to prove that this omission was 22 objectively unreasonable or prejudicial. 23

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### d. Failure to Investigate or Interview the Victims

Dunckley also alleged and testified that Mr. O'Mara provided ineffective assistance because he did not investigate and interview the two victims. While it might the case that a reasonably competent lawyer would try to interview the victims, Dunckley failed to establish
 that victims were under an obligation to talk to his lawyer, outside the preliminary hearing, nor
 did he establish what the victims would have said if they elected to talk. Consequently, even
 assuming Mr. O'Mara should have put forth the effort and did not do so, Dunckley failed to
 show prejudice.

### e. <u>Failure to Object to the Prosecutor's Breach of the</u> <u>Plea Bargain</u>

Finally, Dunckley alleged and then testified that he should be awarded a new sentencing hearing because the prosecutor breached the plea bargain, and Mr. O'Mara was ineffective in failing to object and demand specific performance. The Court has carefully reviewed the terms and conditions of the plea bargain, and compared and contrasted those terms and conditions with the comments made by the prosecutor during the sentencing hearing, and can find no grounds upon which to maintain that the prosecutor breached the plea bargain. Accordingly, the Court finds that, because there was no breach, Mr. O'Mara failure to object was neither deficient nor prejudicial.

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### B. Validity of the Pleas

Under Ground Three, Dunckley alleged that his pleas were invalid because he was not properly advised of the consequences of his pleas: namely, the unavailability of probation. While it is true that a plea may be invalidated when a district judge fails to personally address a defendant and inform him when probation is not available, probation was available as a possible sentence for each of the two crimes at issue here at the time the crimes were committed. As a result, the Court properly advised Dunckley that probation was available, and his argument to the contrary is a nonstarter.<sup>1</sup>

<sup>25</sup> Insofar as Dunckley alleged that the Court applied the newly enacted version of NRS
 <sup>26</sup> I76A.110, which disallows probation, and thus violated the Ex Post Facto Clause of the
 <sup>26</sup> Constitution, that claim lacks merit because the Court applied the law in effect at the time the

1	JUDGMENT
2	It is therefor the judgment and order of the Court that Dunckley's request for post-
3	conviction habeas relief is denied.
4	DATED this <u>23</u> day of <u>December</u> , 2011.
5	
6	Connie J. Steinheimer
7	DISTRICT JUDGE
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25	crimes were committed and those provisions allowed for probation. The overarching problem therefore was not the availability of probation, but whether probation was appropriate in this
26	case.
	7

1	Code: 1310	<b>FILED</b> Electronically 12-30-2011:11:09:15 AM Craig Franden	
	ROBERT W. STORY, ESQ., Bar No. 1268	Clerk of the Court Transaction # 2675054	
2	STORY LAW GROUP 245 East Liberty Street, Suite 530		
3	Reno, Nevada 89501 Telephone: (775) 284-5510		
4	Facsimile: (775) 284-0800		
5	Attorneys for Petitioner Plaintiff Brendan Dunckley		
6			
7	IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA		
8	IN AND FOR TH	E COUNTY OF WASHOE	
9			
10			
11	BRENDAN DUNCKLEY		
12	Petitioner,	Case No. CR07P1728	
13	VS.	Dept. No. 4	
14	STATE OF NEVADA, et al.,		
15	Respondents.		
16	CASE APPEAL STATEMENT		
17	Pursuant to NRAP 3(f))(3), Appellant Brendan Dunckley hereby files this Case Appeal		
18	Statement.		
19	1. Appellant Brendan Dunckley.		
20	2. Honorable Connie J. Steinheim	ner, District Judge.	
21	3. Counsel for Appellant Brendar	Dunckley:	
22	Robert W. Story		
23	Story Law Group 245 E. Liberty Street, Suite 53	)	
24	Reno, Nevada 89501		
25	4. Counsel for Respondent State	of Nevada:	
25	Gary H. Hatlestad Chief Appellate Deputy		
27	Post Office Box 30083 Reno, Nevada 89502-3083		
28			
STORY LAW GROUP 245 E. LIBERTY, Suite 530 Reno, Nevada 89501 (775) 284-5510			

1	5. All counsel are licensed to practice law in the State of Nevada.
2	6. Appellant Brendan Dunckley was represented by appointed counsel in the district
3	court and is represented by appointed counsel in the appeal.
4	7. Appellant Brendan Dunckley was granted leave to proceed in forma pauperis on
5	October 28, 2009.
6	8. Appellant Brendan Dunckley filed a Petition for Writ of Habeas Corpus (Post
7	Conviction) on July 21, 2009.
8	9. The appeal is from Findings of Fact, Conclusions of Law, and Judgment in a Petition
9	for Writ of Habeas Corpus (Post Conviction) matter entered on December 29, 2011.
10	10. This case was previously the subject of a direct appeal: Brendan Dunckley, Appellant,
11	v. The State of Nevada, Respondent; Nevada Supreme Court Case Number 52383; Order of
12	Affirmance entered on May 8, 2009.
13	11. This case does not involve child custody or visitation.
14	12. This case does not involve the possibility of settlement.
15	13. This is not a fast track appeal.
16	AFFIRMATION
17	Pursuant to NRS 239B.030
10	
18	The undersigned do hereby affirm that the preceding document does not contain the social
18 19	security number of any person.
19	security number of any person.
19 20	security number of any person. December 30, 2011.
19 20 21	security number of any person. December 30, 2011. STORY LAW GROUP
19 20 21 22	security number of any person. December 30, 2011. STORY LAW GROUP By <u>: /s/ Robert W. Story</u> . ROBERT W. STORY
19 20 21 22 23	security number of any person. December 30, 2011. STORY LAW GROUP
19 20 21 22 23 24	security number of any person. December 30, 2011. STORY LAW GROUP By <u>: /s/ Robert W. Story</u> . ROBERT W. STORY
19 20 21 22 23 24 25	security number of any person. December 30, 2011. STORY LAW GROUP By <u>: /s/ Robert W. Story</u> . ROBERT W. STORY
19 20 21 22 23 24 25 26	security number of any person. December 30, 2011. STORY LAW GROUP By <u>: /s/ Robert W. Story</u> . ROBERT W. STORY

1	EXHIBIT INDEX		
2	Exhibit 1	Declaration of Robert W. Story, Esq.	l page
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FILED Electronically 12-30-2011:11:09:15 AM Craig Franden Clerk of the Court Transaction # 2675054

# EXHIBIT 1

1	PROOF OF SERVICE	
2	I, Robert W. Story, declare as follows:	
3	I am a member of Story Law Group with business offices located at 245 E. Liberty Street,	
4	Suite 530, Reno, Nevada 89501. I am over the age of 21 and not a party to this action.	
5	On December 30, 2011, I electronically filed the foregoing <b>Case Appeal Statement</b> with the	
6	Clerk of the Second Judicial District Court via the Court's e-Flex system.	
7	I certify that all participants in the case are registered e-Flex users and that service will be	
8	accomplished by e-Flex.	
9	Gary Hatelstad	
10	Chief Deputy District Attorney Washoe County, Nevada	
11		
12	I declare under penalty of perjury under the laws of the United States of America that the	
13	foregoing is true and correct, and that this declaration was executed on December 30, 2011.	
14	STORY LAW GROUP	
15		
16	By: /s/ Robert W. Story	
17	By <u>: /s/ Robert W. Story</u> . ROBERT W. STORY	
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STORY LAW GROUP 245 E. LIBERTY, Suite 530 Reno, Nevada 89501 (775) 284-5510	3	

1	Code: 3868	<b>FILED</b> Electronically 12-30-2011:09:57:28 AM Craig Franden	
2	ROBERT W. STORY, ESQ., Bar No. 1268 STORY LAW GROUP	Clerk of the Court Transaction # 2674700	
2	245 East Liberty Street, Suite 530 Reno, Nevada 89501		
4	Telephone: (775) 284-5510 Facsimile: (775) 284-0800		
5	Attorneys for Petitioner Plaintiff Brendan Dur	nckley	
6			
7	IN THE SECOND JUDICIAL DIST	RICT COURT OF THE STATE OF NEVADA	
8	IN AND FOR TH	E COUNTY OF WASHOE	
9			
10			
11	BRENDAN DUNCKLEY		
12	Petitioner,	Case No. CR07P1728	
13	vs.	Dept. No. 4	
14	STATE OF NEVADA, et al.,		
15	Respondents.		
16	REQUEST FOR RO	UGH DRAFT TRANSCRIPT	
17	TO: Stephani Loder, Court Reporter, Capti	ons Unlimited.	
18	Petitioner Brendan Dunckley hereby	requests preparation of a rough draft transcript of	
19	certain portions of the proceeding before the c	listrict court, as follows:	
20	Evidentiary hearing on Petition for	Writ of Habeas Corpus (Post Conviction) on June 3,	
21	2011, before the Honorable Connie J. Steinhe	imer.	
22	This notice requests a transcript of only those portions of the district court proceedings that		
23	counsel reasonably and in good faith believes are necessary to determine whether appellate issues		
24	are present. Voir dire examination of juror	s, opening statements and closing arguments of trial	
25	counsel, and the reading of jury instructions	shall not be transcribed unless specifically requested	
26	above.		
27	I recognize that I must serve a copy	of this form on the above named court reporter and	
28	opposing counsel and that the above named of	court reporter shall have ten (10) days from the receipt	

STORY LAW GROUP 245 E. LIBERTY, Suite 530 Reno, Nevada 89501 (775) 284-5510

1	of this notice to prepare and submit to the district court the rough draft transcript requested herein.	
2	AFFIRMATION	
3	Pursuant to NRS 239B.030	
4	The undersigned do hereby affirm that the preceding document does not contain the social	
5	security number of any person.	
6	December 30, 2011.	
7	STORY LAW GROUP	
8		
9	By <u>: /s/ Robert W. Story</u> . ROBERT W. STORY	
10	Attorneys for Petitioner Brendan Dunckley	
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STORY LAW GROUP 245 E. LIBERTY, Suite 530 Reno, Nevada 89501 (775) 284-5510	2	

1		EXHIBIT INDEX		
2	Exhibit 1	Declaration of Robert W. Story, Esq.	1 page	
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FILED Electronically 12-30-2011:09:57:28 AM Craig Franden Clerk of the Court Transaction # 2674700

## EXHIBIT 1

1	PROOF OF SERVICE						
2 3 4 5 6 7 8 9 10 11	I, Robert W. Story, declare as follows: I am a member of Story Law Group with business offices located at 245 E. Liberty Street, Suite 530, Reno, Nevada 89501. I am over the age of 21 and not a party to this action. On December 30, 2011, I electronically filed the foregoing <b>Request for Rough Draft</b> <b>Transcript</b> with the Clerk of the Second Judicial District Court via the Court's e-Flex system. I certify that all participants in the case are registered e-Flex users and that service will be accomplished by e-Flex. Gary Hatelstad Chief Deputy District Attorney Washoe County, Nevada I further certify that some of the participants in the case are not registered e-Flex users. I have						
12 13 14	mailed the foregoing document First-Class Mail, postage prepaid to the following non-e-Flex						
15 16 17 18	Stephanie Loder Captions Unlimited Post Office Box 20905 Reno, Nevada 89515 I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and that this declaration was executed on December 30, 2011.						
19 20 21	STORY LAW GROUP						
22 23 24	B <u>y: /s/ Robert W. Story</u> . ROBERT W. STORY						
25 26 27							
28 STORY LAW GROUP 245 E. LIBERTY, Suite 530 Reno, Nevada 89501 (775) 284-5510	3						

## SECOND JUDICIAL DISTRICT COURT COUNTY OF WASHOE

Case History - CR07-1728

DEPT. D4

### HON. CONNIE J. STEINHEIMER

Report Date & Time 12/30/2011

2:29:43PM

ase ID:	CR07-1728	Case ] Case Type:	Description: STATE VS. BI CRIMINAL	RENDAN DUNCH	KLEY (D4) Initial Filing D	Pate: 7/3/2007	
			Parties				
APPE RESP PLTF DEFT DATY CAA		BRENDAN DUN STATE OF NEV STATE OF NEV BRENDAN DUN Gary Howard Hatle Robert Story, Esq.	ADA - STATE ADA - STATE CKLEY - @102844 estad, Esq 1525				
			Charges				
<i>Charge No.</i> 1	Charge Code F650	<i>Charge Date</i> 2/28/2008	AI LEWDNESS WITH A C	<i>Charge Descrip</i> CHILD UNDER THE A			
2	F60	2/28/2008	AI ATTEMPTED SEXUAI	LASSAULT			
			Plea Information	l			
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1	F650	3/6/2008	PLED GUILT	Y			
2	F60	3/6/2008	PLED GUILT	Y			
3	NC01						
4	NC01						
		<i>a</i> 1	Sentences				
Date	Charge No.	Charge Desc	Time Served		Sentence Text		
8/5/2008	I - Life wit	h Poss of Parole	NSP - LIFE MAX; 10 SUPERVISION: FEES		AE		
8/5/2008	2 - Nevada	State Prison	NSP - 120 MOS MAX	SUPERVISION; FEES; DNA TESTING NSP - 120 MOS MAX; 24 MOS MIN; TO BE SERVED CONCURRENTLY WITH CT I; LIFETIME SUPERVISION			
			<b>Release Informatio</b>	n			
		Custody Status					
	5/2008		L - BOND	CHECK-INS	AT SERVICES SUPERVI AT LEAST 1XPER WEI	EK; 2. NO	
3/	5/2008	BAI	L - BOND	ALCOHOL C	OR CONTROLLED SUB	STANCES	
			Hearings				
Depa	rtment Event D	escription		Sched. Da	te & Time	Disposed Date	
1 D4	ARRAIGNMEN	νT		7/17/2007	09:00:00	7/17/2007	
Ever	nt Extra Text:			<i>Dispositio</i> D725 7/17	n: 7/2007		

INFORMATION

e ID:	CR07-1728	Cas Case Type:	e Description: STATE VS CRIMINAL	S. BRENDAN DUNCKI	LEY (D4) Initial Filing Da	te: 7/3/2007
2	DepartmentEvenD4PRE-TRIAL	nt Description		<i>Sched. Date</i> 10/19/2007	e & Time 09:00:00	<b>Disposed Date</b> 10/19/2007
	Event Extra Text:			<i>Disposition:</i> D870 10/19		
3		nt Description O CONFIRM TRIAL		<i>Sched. Date</i> 3/4/2008	e <b>&amp; Time</b> 09:00:00	<b>Disposed Date</b> 3/3/2008
	Event Extra Text:			<b>Disposition:</b> D844 3/3/20		
4		<b>t Description</b> O CONFIRM TRIAL		<i>Sched. Date</i> 3/6/2008	<b>e &amp; Time</b> 09:00:00	<b>Disposed Date</b> 3/6/2008
	Event Extra Text:			TRIAL DATE V CT ORDERED DEFENDANT'S	008 D II OF THE AMENDED INFO	I TO CK-INS AT LEAST
	Department Even	nt Description		Sched. Date	e & Time	Disposed Date
5	D4 MOTION To	O CONFIRM TRIAL		3/13/2008 <b>Disposition:</b> D844 9/26/2 RESET FOR 3/1	2007	9/26/2007
6	-	<b>nt Description</b> O CONFIRM TRIAL		<i>Sched. Date</i> 3/18/2008	e & Time 09:00:00	<b>Disposed Date</b> 10/8/2007
	Event Extra Text:			<i>Disposition:</i> D844 10/8/2 RESET TO 3/4/	2007	
7	DepartmentEvenD4TRIAL - JU	<b>tt Description</b> RY		<i>Sched. Date</i> 3/24/2008	e & Time 10:00:00	<b>Disposed Date</b> 3/6/2008
	Event Extra Text: (5 DAY	S)		<b>Disposition:</b> D845 3/6/20		
8	Department Even D4 SENTENCE	nt Description		<i>Sched. Date</i> 8/5/2008	e & Time 09:00:00	Disposed Date 8/5/2008
-	Event Extra Text:			<b>Disposition:</b> D765 8/5/20		

D:	CR07-12		se Description: STATE VS CRIMINAL	S. DREADAN DONCK	Initial Filing Date:	7/3/2007
	Department	Event Description		Sched. Date	e & Time	Disposed Date
9	D4	Request for Submission		10/5/2009	16:44:00	10/23/2009
		ext: MOTION FOR WITHDRAWAL D TRANSFER OF RECORDS	OF ATTORNEY OF	<b>Disposition</b> : S200 10/23	: //2009	
	Department	Event Description		Sched. Date	e & Time	Disposed Date
10	D4	Request for Submission		11/25/2009	11:25:00	2/10/2010
	Event Extra Te SENTENCE	xt: DEFENDANT'S MOTION FOR	MODIFICATION OF	<b>Disposition</b> . S200 2/10/2		
	Department	Event Description		Sched. Date	e & Time	Disposed Date
11	D4	Tickle Start Code		11/25/2009	07:00:00	11/25/2009
		ext: HAS MOTION FOR MODIFICA EEN SUBMITTED	TION OF	<b>Disposition</b> . T200 11/25		
	Department	Event Description		Sched. Date	e & Time	Disposed Date
12	D4	Request for Submission		2/23/2010	10:50:00	4/12/2010
	Event Extra Te	XI: MOTION FOR MODIFICATION	OF SENTENCE	<b>Disposition:</b> S200 4/12/2		
	Department	Event Description		Sched. Date	e & Time	Disposed Date
13	D4	Request for Submission		3/24/2010	09:00:00	4/23/2010
	Event Extra Text: MOTION			<b>Disposition</b> : S200 4/23/2		
	Department	Event Description		Sched. Date	e & Time	Disposed Date
14	D4	Request for Submission		6/17/2010	13:46:00	7/8/2010
		EXT: MOTION FOR WITHDRAWAL		<b>Disposition</b> . S200 7/8/20		
	Department	Event Description		Sched. Date	e & Time	Disposed Date
15	D4	Request for Submission		9/21/2010	16:29:00	10/15/2010
	GUILTY PLE	xxt: MOTION TO SUBMIT MOTIO A AND ALSO DEFENDANT'S SUPI WITHDRAW GUILTY PLEA		<b>Disposition</b> . S200 10/15	: //2010	
	Department	Event Description		Sched. Date	e & Time	Disposed Date
16	D4	Tickle Start Code		11/10/2010	07:00:00	11/10/2010
		xt: HAS STATE FILED A RESPON WITHDRAW PLEA AND SUPPLEN		<b>Disposition:</b> T200 11/10	: )/2010	

e ID:	CR07-1728 Case Type: CRIMINAL	S. BRENDAN DUNCKLEY (D4) Initial Filing Da	nte: 7/3/2007
	Department Event Description	Sched. Date & Time	Disposed Date
17	D4 Request for Submission	11/12/2010 14:48:00	12/6/2010
	Event Extra Text: MOTION TO WITHDRAW PLEA AND SUPPLEMENTAL MOTION	<i>Disposition:</i> S200 12/6/2010	
	Department Event Description	Sched. Date & Time	Disposed Date
18	D4 Request for Submission	11/17/2010 15:00:00	1/7/2011
	Event Extra Text: MOTION TO WITHDRAW DEFENDANT'S GUILTY PLEA MEMORANDUM, SUPPLEMENTAL TO MOTION TO WITHDRAW GUILTY PLEA, AND SUPPLEMENT IN CONSIDERATION OF MOTION TO WITHDRAW GUILTY GUILTY PLEA	<i>Disposition:</i> S200 1/7/2011 PARTIES TO SET FOR ORAL ARGUMENTS	W/IN 15 DAYS
	Department Event Description	Sched. Date & Time	Disposed Date
19	D4 Tickle Start Code	1/27/2011 07:00:00	1/24/2011
	Event Extra Text: HAVE ORAL ARGUMENTS ON THE MOTION TO WITHDRAW GUILTY PLEA BEEN SET?	<i>Disposition:</i> T200 1/24/2011	
	Department Event Description	Sched. Date & Time	Disposed Date
20	D4 ORAL ARGUMENTS	4/22/2011 09:01:00	3/11/2011
	Event Extra Text: ON MOTION FOR WITHDRAWAL OF GUILTY PLEA	<i>Disposition:</i> D875 3/11/2011	
	Department Event Description	Sched. Date & Time	Disposed Date
21	D4 Request for Submission	5/9/2011 15:00:00	5/31/2011
	Event Extra Text: MOTION TO WITHDRAW GUILTY PLEA MEMO AND ALL SUUPLEMENTAL MOVING PAPERS ASSOCIATED WITH THE ORIGINAL MOTION FILED 3-3-10	<b>Disposition:</b> S200 5/31/2011	
	Department Event Description	Sched. Date & Time	Disposed Date
22	D4 Request for Submission	6/3/2011 09:00:00	8/10/2011
	Event Extra Text: - MOTION FOR WITHDRAWAL OF GUILTY PLEA TAKEN UNDER ADVISEMENT AFTER ORAL ARGUMENTS	<b>Disposition:</b> S200 8/10/2011	
	Department Event Description	Sched. Date & Time	Disposed Date
23	D4 ORAL ARGUMENTS	6/3/2011 09:00:00	6/3/2011
	Event Extra Text: ON MOTION FOR WITHDRAWAL OF GUILTY PLEA	<b>Disposition:</b> D840 6/3/2011	
	Department Event Description	Sched. Date & Time	Disposed Date
24	D4 CONFERENCE CALL	8/12/2011 09:30:00	8/12/2011

se ID:	CR07-1728	Case Type:	CRIMINAL	BRENDAN DUNCKLEY (D4) Initial Filing Date: 7/3/2007
		DECISION ON MOTION PETITION FOR WRIT OF F		<i>Disposition:</i> D355 8/12/2011
	RPUS			COURT DENIED DEFT'S MTN TO W/DRAW PLEA; FOUND THAT THE PLEA WAS KNOWINGLY MADE. COURT FURTHER DENIED THE PETITION FOR WRIT OF HABEAUS; FOUND THAT COUNSEL WAS NOT INEFFECTIVE, AND THERE WAS NO PROSECUTORIAL MISCONDUCT.
			Agency Cross Ref	erence
Code	Agency Descr	iption	Case Reference	e I.D.
DA	District Attorney's	Office	DA373085	
PC	PCN number		PCNRPD0726517C	
PC	PCN number		PCNRPD0726524C	
RJ	Reno Justice's Cour		RCR2007033884	
RP RP	Reno Police Depart Reno Police Depart		RP05034027 RP07009446	
KP SC	Supreme Court	linent	SCN 52383	
SC	Supreme Court		SCN 55545	
			Actions	
Action Entry	Date Code	Code Description		Text
7/3/2007	1250	Application for Setting	7/17/07 @	9:00 a.m.
7/3/2007	1491	Court Services Report		
7/12/2007	1800	Information		
7/17/2007	1280	** 60 Day Rule - Waived		
7/18/2007	MIN	***Minutes		on 7032 - Approved By: NOREVIEW : 07-18-2007:11:54:22
7/19/2007	3700	Proceedings	ARRAIG	NMENT - 7/17/07
7/20/2007	3696	Pre-Trial Order		
7/24/2007	BAIL	**Bailbond Posted		
7/24/2007	BAIL	**Bailbond Posted		
8/16/2007	4185	Transcript	07/17/07	- ARRAIGNMENT
9/26/2007	1250	Application for Setting	MOTION	TO CONFIRM TRIAL
10/8/2007	1250	Application for Setting	MOTION	TO CONFIRM TRIAL
10/19/2007	3980	Stip and Order	VACATI	NG HEARING
2/4/2008	2490	Motion		TO ALLOW LEAVE TO FILE A BELATED NOTICE OF INTENT
2/4/2008	2610	Notice	PURPOS NOTICE	OF INTENT TO SEEK ADMISSION OF OTHER ACTS EVIDENCE
2/25/2008	3839	Request Agree Ord Recp		RPOSES OF REBUTTAL
2/28/2008	1095	Amended Information		
3/3/2008	4025	Stip & Ord to Continue	3/4/08 M	OTION TO CONFIRM TRIAL CONTINUED TO 3/6/08 AT 9:00 A.M.
3/6/2008	1785	Guilty Plea Memo/Agreer	nent	
4/2/2008	4185	Transcript	MOTION	TO CONFIRM TRIAL - MARCH 6, 2008 - Transaction 172843 -
6/26/2008	MIN	***Minutes	Approved MOTION	By: TPRINCE : 04-02-2008:11:03:47 TO CONFIRM TRIAL DATE/ARRAIGNMENT ON AMENDED ATION - 3/6/08 - Transaction 260887 - Approved By: NOREVIEW :
8/5/2008	4500	PSI - Confidential	06-26-200	08:12:51:01

ase ID:	CR07-1728	Case Case Type:	Description: STA CRIMINAL	ATE VS. BRENDAN DUNCKLEY (D4) Initial Filing Date: 7/3/2007
8/5/2008	1695	** Exhibit(s)		A & B ADMITTED
8/5/2008	2528	Not/Doc/Rc'd/Not/Cons/l	by Crt	NOTICE OF DOCUMENT RECEIVED BUT NOT CONSIDERED BY THE COURT
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 Suprem	ne Court	Approva By. ADELONDO . 07-00-2000.00.17.27
9/9/2008	1310	Case Appeal Statement		
9/10/2008	1350	Certificate of Clerk		
9/10/2008	1365	Certificate of Transmittal	l	
9/15/2008	1188	Supreme Court Receipt for	or Doc	SUPREME COURT CASE NO. 52383
9/15/2008	1187	**Supreme Court Case N	lo	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 Exone	erated	SLIP SENT ON 11/3/2008
9/17/2008	EXON	**Cash Bail/Bond Exone	erated	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
10/13/2008	3868	Req to Crt Rptr - Rough	Draft	REQUEST FOR ROUGH DRAFT TRANSCRIPT BRENDAN DUCKLEY
5/11/2009	4134	Supreme Court Order Afr	firming	SUPREME COURT CASE NO. 52383
6/3/2009	4145	Supreme Court Remittitu	r	SUPREME COURT CASE NO. 52383
6/3/2009	4111	Supreme Ct Clk's Cert &	Judg	SUPREME COURT CASE NO. 52383
6/3/2009	4134	Supreme Court Order Af	firming	SUPREME COURT CASE NO. 52383
7/7/2009	2490	Motion		MOTION FOR WITHDRAWAL OF ATTORNEY OF RECORD AND
7/7/2009	1075	Affidavit		TRANSRFER OF RECORDS: BRENDAN DUNCKLEY AFFIDAVIT IN SUPPORT OF MOTION FOR WITHDRAWAL OF ATTORNEY OF RECORD AND TRANSRFER 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
7/23/2009	2590	Notice Withdrawal of Att	torney	920636 - Approved By: TWHITE : 07-23-2009:16:29:45 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		
10/23/2009	S200	Request for Submission C	Complet	
10/23/2009	1315	** Case Closed		
10/23/2009	NEF	Proof of Electronic Servi	ce	Transaction 1117929 - Approved By: NOREVIEW : 10-23-2009:12:02:25
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

Case Description: STATE VS. BRENDAN DUNCKLEY (D4)							
se ID:	CR07-1728	Case Type: CRIMINAL	Initial Filing Date: 7/3/2007				
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	1325	** Case Reopened	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	2645	Opposition to Mtn	OPPOSITION TO MOTION FOR MODIFICATION OF SENTENCE -				
11/4/2009	NEF	Proof of Electronic Service	Transaction 1135098 - Approved By: ASMITH : 11-04-2009:10:38:46 Transaction 1135130 - Approved By: NOREVIEW : 11-04-2009:10:42:48				
11/13/2009	3880	Response	RESPONSE TO STATE'S OPPOSITION TO MOTION FOR MODIFICATION OF				
11/25/2009	3860	Request for Submission	SENTENCE 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				
11/25/2009	2490	Motion	PARTY SUBMITTING: GARY HOWARD HATLESTAD ESQ DATE SUBMITTED: 11-25-09 SUBMITTED BY: AZION DATE RECEIVED JUDGE OFFICE: 11/30/09 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				
11/25/2009		Tickle End Code					
2/10/2010	2842	Ord Denying Motion	ORDER DENYING MOTION FOR MODIFICATION OF SENTENCE -				
2/10/2010	S200	Request for Submission Complet	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				
2/17/2010	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	DATE RECEIVED JUDGE OFFICE. 2/24/10				
3/1/2010	2515	Notice of Appeal Supreme Court					
3/1/2010	1310E	Case Appeal Statement	Transaction 1351033 - Approved By: NOREVIEW : 03-01-2010:17:02:45				
3/1/2010	NEF	Proof of Electronic Service	Transaction 1351254 - Approved By: NOREVIEW : 03-01-2010:17:19:48				
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				
3/2/2010	NEF	Proof of Electronic Service	Transaction 1351300 - Approved By: NOREVIEW : 03-02-2010:07:24:32				
3/2/2010	4109	Supreme Ct Accept - eFile Doc	SUPREME COURT CASE NUMBER 55545 - Transaction 1353277 - Approved By: NOREVIEW : 03-02-2010:13:43:15				
3/2/2010	NEF	Proof of Electronic Service	Transaction 1353290 - Approved By: NOREVIEW : 03-02-2010:13:46:26				
3/3/2010	2490	Motion	MOTION FOR WITHDRAWAL OF GUILTY PLEA				
3/4/2010	1188		SUPREME COURT CASE NO. 55545 / RECEIPT FOR DOCUMENTS - Transaction 1356985 - Approved By: NOREVIEW : 03-04-2010:09:36:23				
3/4/2010	NEF		Transaction 1357002 - Approved By: NOREVIEW : 03-04-2010:09:39:12				
3/4/2010	4105		SUPPLEMENT TO MOTION TO WITHDRAW GUILTY PLEA				
3/18/2010	4126	Supreme Ct Order Directing	SUPREME COURT CASE NO. 55545 / ORDER DIRECTING TRANSMISSION OF RECORD - Transaction 1382922 - Approved By: NOREVIEW : 03-18-2010:13:30:57				
3/18/2010	NEF	Proof of Electronic Service	Transaction 1382940 - Approved By: NOREVIEW : 03-18-2010:13:34:54				
3/22/2010	1325	** Case Reopened					

4122010     NEF     Proof of Electronic Service     Transaction 142446 - Approved By: NOREVIEW: 04-12-301009:29:27       4122010     3370     Order     MOTION FOR MODERCATION OF SENTENCIN SILELINOT BE CONSIDERED ADAIN AND THE ELECISION OF SENTENCIN SILELINOT BE 2010 REMAINS IN EFFECT: Transaction 124420 - Approval By: NOREVIEW: 04-23-2010;16:18:12       4232010     NEF     Proof of Electronic Service     Transaction 12490: Approved Dy: NOREVIEW: 04-23-2010;16:18:12       4232010     S200     Order     DECISION ON MOTION TO WITHINKW GUILTY PLES AND PENDING OUTCOME OF APPEAL 1: The SUPPEARE COLIFY OF NEVADAONCE DECISION IN RENDERED; THE MOTION TO WORAW GUILTY PLES AND RE RESUBRITUDE To Transaction 140086 - Approval By: NOREVIEW: 04-23-2010;16:123       4232010     S200     Request for Submission Complet     RECORD ON APPEAL - Transaction 152288 - Approved By: NOREVIEW : 06:09:2010;114:23       69/2010     NEF     Proof of Electronic Service     Transaction 1532939 - Approved By: NOREVIEW : 06:09:2010;114:23       69/2010     NEF     Proof of Electronic Service     Transaction 1532939 - Approved By: NOREVIEW : 06:09:2010;114:23       69/2010     APP     Supreme C1 Accept - eFile De 2010     Supreme C1 Accept - e	ID: CR0	7-1728	Case Descriptio Case Type: CRIMI	on: STATE VS. BRENDAN DUNCKLEY (D4) NAL Initial Filing Date: 7/3/2007
41/22010     S200     Reperts for Submission Complet       41/22010     N19     Proof of Electronic Service     Transaction 142446 - Aggroved By: NORUVIEW: 04-12-2010/92927       41/22010     N19     Order     CONSIDERED AGAIN AND THE DECISION REDWEED BY THIS COURT ON PERFECT - Transaction 142400 - Approved By: NOREVIEW: 04-12-2010/03/27.44       4222010     NFF     Proof of Electronic Service     Transaction 140009 - Approved By: NOREVIEW: 04-12-2010/03/27.44       4222010     S200     Order     DECISION NORTON FOR WIGHT DISTURDANCE COURT ON WIDEW       4222010     NFF     Proof of Electronic Service     Transaction 140009 - Approval By: NOREVIEW: 04-12-3010/03/27.44       4222010     S200     Repeats for Submission Complet     DECISION NORTON FOR WIGHT DISTURDANCE COURT ON WIDEW       4222010     S200     Repeats for Submission Complet     DECISION NEW TENDERIED, Transaction 155228 - Approved By: NOREVIEW : 06-09-2010.14.22.06       4222010     NFF     Proof of Electronic Service     Transaction 153228 - Approved By: NOREVIEW : 06-09-2010.14.22.06       592010     NFF     Proof of Electronic Service     Transaction 153228 - Approved By: NOREVIEW : 06-09-2010.14.22.06       592010     NFF     Proof of Electronic Service     Transaction 153228 - Approved By: NOREVIEW : 06-09-2010.14.22.06       592010     NFF     Proof of Electronic Service     Transaction 153228 - Approved By: NOREVIEW : 06-09-2010.14.23.05       592010	3/22/2010	3860	Request for Submission	PARTY SUBMITTING: BRENDAN DUNCKLEY DATE SUBMITTED: 3-24-10 SUBMITTED BY: S STINCHFIELD
V12210     3370     Order     MOTION FOR MONITOR TOR MONITOR SINTERCENT SINALL NOT THE CONSIDERED AGAIN AND THE DECISION READERED BY THIS COURT ON 21010 REAMINS IN EFFECT Transaction 149409 - Approved By: NOREVEW: 0x12-2010.027.34       V1222010     NEF     Proof of Electronic Service     Transaction 149409 - Approved By: NOREVEW: 0x12-2010.027.34       V1222010     370     Order     DICCISION ON MOTION THE SUPERATE COURT OF PENDING OUTCOME OF APPEAL TO THE SUPERATE COURT OF PENDING OUTCOME OF APPEAL TO THE SUPERATE OUTCOME OF APPEAL V1222010     S200     Request for Submission Complet       002010     S200     Request for Submission Complet     RECORD ON APPEAL - Transaction 153285 - Approved By: NOREVIEW : 06-092010     NEF       002010     NEF     Proof of Electronic Service     Transaction 153236 - Approved By: NOREVIEW : 06-092010     NEF       002010     NEF     Proof of Electronic Service     Transaction 153236 - Approved By: NOREVIEW : 06-092010     NEF       002010     NEF     Proof of Electronic Service     Transaction 153236 - Approved By: NOREVIEW : 06-092010     NEF       002010     NEF     Proof of Electronic Service     Transaction 153236 - Approved By: NOREVIEW : 06-092010.1422 3       002010     NEF     Proof of Electronic Service     Transaction 153294 - Approved By: NOREVIEW : 06-092010.1423 - Approved	4/12/2010	S200	Request for Submission Complet	
CDNSDERUD ACAMA NOT THE DECISION UNDERED DY THIS COURT ON 2010/0 BEMANDS IN EFFECT - Transaction 144900 - Approved By NOREVIEW: 04.12.2010/09.27 14           4232010         3570         Order         DECISION ON MOTORN TO WITTENEW (04.23.2010.16.18.12           4232010         3570         Order         DECISION ON MOTORN TO WITTENEW (04.23.2010.16.18.12           4232010         3570         Order         DECISION ON MOTORN TO WITTENEW COURT OF PINDING OUTCOME OF APPEAL TO THE SUPERME COURT OF APPEAL VOLLME 4 STALLED PIN SIGNT CERTIFIED MALL - CAR 7010 0290 0002 692 2540           692010         NEF Proof of Electronic Service         Transaction 153209 - Approved By NOREVIEW: 66-09-2010 14.13.56           692010         NEF Proof of Electronic Service         Transaction 153209 - Approved By NOREVIEW: 66-09-2010 14.13.56          692010         NEF Proof of Electronic Ser	4/12/2010	NEF	Proof of Electronic Service	Transaction 1424446 - Approved By: NOREVIEW : 04-12-2010:09:29:27
4232010       3370       Order       DECISION ON MOTION TO WITHINGRAW GUILTY PLEA IS STAYED         4232010       3370       Order       DECISION ON MOTION TO WITHINGRAW GUILTY PLEA IS STAYED         4232010       S200       Request for Submission Complet       NEXPADAMCE DECISION IS RENDERED. THE MOTION TO WORAW         692010       1330       Certificate of Clerk       RECORD ON APPEAL TO THE SUPREME COURT OF NOW MORE/VIEW : 06-09-2010:14.22.08         692010       NEF       Poor of Electronic Service       Tanaaction 153228 - Approved By: NORE/VIEW : 06-09-2010:14.22.08         692010       1365       Certificate of Tansmittal       RECORD ON APPEAL - Transaction 153228 - Approved By: NORE/VIEW : 06-09-2010:14.22.08         692010       1365       Certificate of Tansmittal       RECORD ON APPEAL - Transaction 153228 - Approved By: NORE/VIEW : 06-09-2010:14.22.08         692010       1409       Supreme CI Accept - eFile Dec       SUPPENME COURT CASE NUMBER S5545 - RECORD ON APPEAL - VOLUME         692010       4109       Supreme CI Accept - eFile Dec       SUPPENME COURT CASE NUMBER 55545 - RECORD ON APPEAL - VOLUME         692010       4109       Supreme CI Accept - eFile Dec       SUPPENME COURT CASE NUMBER 55545 - RECORD ON APPEAL - VOLUME         692010       4109       Supreme CI Accept - eFile Dec       SUPPENME COURT CASE NUMBER 55545 - RECORD ON APPEAL - VOLUME         692010	4/12/2010	3370	Order	CONSIDERED AGAIN AND THE DECISION RENDERED BY THIS COURT ON 2/10/10 REMAINS IN EFFECT - Transaction 1424420 - Approved By:
4232010         S200         Request for Submission Complet           4232010         S200         Request for Submission Complet           692010         1350         Certificate of Clerk         RECORD ON APPEAL TO THE MOTION TO WIDRAW (UILTY PLEA MAY DB RESUBMITTED - Transaction 153228 - Approved By: NOREVIEW : 0609-2010.1142.23           692010         NEF         Proof of Electronic Service         Transaction 153228 - Approved By: NOREVIEW : 0609-2010.1142.23           692010         NEF         Proof of Electronic Service         Transaction 153228 - Approved By: NOREVIEW : 0609-2010.1142.23           692010         NEF         Proof of Electronic Service         Transaction 153228 - Approved By: NOREVIEW : 0609-2010.1142.33           692010         NEF         Proof of Electronic Service         Transaction 153229 - Approved By: NOREVIEW : 0609-2010.1143.346           692010         4109         Supreme C1 Accept - eFile Doe         SUPPEAHE COURT CASE NUMBER 55354 - RECORD ON APPEAL - VOLUME 1 - Transaction 153229 - Approved By: NOREVIEW : 0609-2010.1418.35           692010         4109         Supreme C1 Accept - eFile Doe         SUPPEAHE COURT CASE NUMBER 55354 - RECORD ON APPEAL - VOLUME 2 - Transaction 153229 - Approved By: NOREVIEW : 0609-2010.1418.35           692010         4109         Supreme C1 Accept - eFile Doe         SUPPEAHE COURT CASE NUMBER 55354 - RECORD ON APPEAL - VOLUME 5 - Transaction 153229 - Approved By: NOREVIEW : 0609-2010.1418.35           692010 <td>4/23/2010</td> <td>NEF</td> <td>Proof of Electronic Service</td> <td></td>	4/23/2010	NEF	Proof of Electronic Service	
423/2010       S200       Request for Submission Complet         69/2010       130       Certificate of Clerk       RECORD ON APPEAL - Transaction 1532288 - Approved By: NOREVIEW: 06.09-2010;14:22:08         69/2010       NEF       Proof of Electronic Service       Transaction 1532286 - Approved By: NOREVIEW: 06.09-2010;14:22:08         69/2010       1365       Certificate of Transmittal       RECORD ON APPEAL - Transaction 1532288 - Approved By: NOREVIEW: 06.09-2010;11:42:40         69/2010       NEF       Proof of Electronic Service       Transaction 1532293 - Approved By: NOREVIEW: 06.09-2010;11:43:46         69/2010       MEF       Proof of Electronic Service       Supreme CL Accept - eFile Doc       SUPREME COURT CASE NUMBER 5535 - RECORD ON APPEAL - VOLUME         69/2010       4109       Supreme CL Accept - eFile Doc       SUPREME COURT CASE NUMBER 5535 - RECORD ON APPEAL - VOLUME         69/2010       4109       Supreme CL Accept - eFile Doc       SUPREME COURT CASE NUMBER 5535 - RECORD ON APPEAL - VOLUME         69/2010       4109       Supreme CL Accept - eFile Doc       SUPREME COURT CASE NUMBER 5535 - RECORD ON APPEAL - VOLUME         69/2010       4109       Supreme CL Accept - eFile Doc       SUPREME COURT CASE NUMBER 5535 - RECORD ON APPEAL - VOLUME         69/2010       4109       Supreme CL Accept - eFile Doc       SUPREME COURT CASE NUMBER 5535 - RECORD ON APPEAL - VOLUME         69/2010 <td>4/23/2010</td> <td>3370</td> <td>Order</td> <td>PENDING OUTCOME OF APPEAL TO THE SUPREME COURT OF NEVADA/ONCE DECISION IS RENDERED, THE MOTION TO W/DRAW GUILTY PLEA MAY BE RESUBMITTED - Transaction 1449086 - Approved</td>	4/23/2010	3370	Order	PENDING OUTCOME OF APPEAL TO THE SUPREME COURT OF NEVADA/ONCE DECISION IS RENDERED, THE MOTION TO W/DRAW GUILTY PLEA MAY BE RESUBMITTED - Transaction 1449086 - Approved
66/2010         NEF         Proof of Electronic Service         Transaction 133248 - Approved By: NOREVIEW : 06-09-2010:14:22:08           69/2010         1365         Certificate of Transmittal         RECORD ON APPEAL - Transaction 153228 - Approved By: NOREVIEW : 06-09-2010:11:42:23           69/2010         NEF         Proof of Electronic Service         Transaction 1532293 - Approved By: NOREVIEW : 06-09-2010:11:43:46           69/2010         NEF         Proof of Electronic Service         Transaction 1532293 - Approved By: NOREVIEW : 06-09-2010:11:43:46           69/2010         4109         Supreme C1 Accept - eFile Doc         SUPREME COURT CASE NUMBER 55545 - RECORD ON APPEAL - VOLUME           69/2010         4109         Supreme C1 Accept - eFile Doc         SUPREME COURT CASE NUMBER 55545 - RECORD ON APPEAL - VOLUME           69/2010         4109         Supreme C1 Accept - eFile Doc         SUPREME COURT CASE NUMBER 55545 - RECORD ON APPEAL - VOLUME           69/2010         4109         Supreme C1 Accept - eFile Doc         SUPREME COURT CASE NUMBER 55545 - RECORD ON APPEAL - VOLUME           69/2010         4109         Supreme C1 Accept - eFile Doc         SUPREME COURT CASE NUMBER 55545 - RECORD ON APPEAL - VOLUME           69/2010         4109         Supreme C1 Accept - eFile Doc         SUPREME COURT CASE NUMBER 55545 - RECORD ON APPEAL - VOLUME           60/2010         4109         Supreme C1 Accept - eFile Doc	4/23/2010	S200	Request for Submission Complet	by. NOKEVIEW . 04-23-2010.10.17.10
69/2010       1365       Certificate of Transmittal       RECORD ON APPEAL - Transaction 153228 - Approved By: NOREVIEW : 06-09-2010:11:42:23 VOLUME 4 SEALED PSI SENT CERTIFIED MAIL - CMR 7010 0290 0002 639/2010         69/2010       NEF       Proof of Electronic Service       Transaction 153229 - Approved By: NOREVIEW : 06-09-2010:11:43:66         69/2010       4109       Supreme C1 Accept - eFile Doc       SUPREME COURT CASE NUMBER 55:45 - RECORD ON APPEAL - VOLUME 1 - Transaction 153229 - Approved By: NOREVIEW : 06-09-2010:14:85:5         69/2010       4109       Supreme C1 Accept - eFile Doc       SUPREME COURT CASE NUMBER 55:45 - RECORD ON APPEAL - VOLUME 2 - Transaction 153229 - Approved By: NOREVIEW : 06-09-2010:14:85:5         69/2010       4109       Supreme C1 Accept - eFile Doc       SUPREME COURT CASE NUMBER 55:45 - RECORD ON APPEAL - VOLUME 3 - Transaction 153229 - Approved By: NOREVIEW : 06-09-2010:14:85:5         69/2010       4109       Supreme C1 Accept - eFile Doc       SUPREME COURT CASE NUMBER 55:45 - RECORD ON APPEAL - VOLUME 5 - Transaction 153229 - Approved By: NOREVIEW : 06-09-2010:14:85:5         69/2010       4109       Supreme C1 Accept - eFile Doc       SUPREME COURT CASE NUMBER 55:45 - RECORD ON APPEAL - VOLUME 6 - Transaction 153229 - Approved By: NOREVIEW : 06-09-2010:14:85:5         60/2010       4109       Supreme C1 Accept - eFile Doc       SUPREME COURT CASE NUMBER 55:45 - RECORD ON APPEAL - VOLUME 6 - Transaction 153229 - Approved By: NOREVIEW : 06-09-2010:14:18:55         60/2010       4109       Supreme C1 Acc	6/9/2010	1350	Certificate of Clerk	
66/9-2010:11:42:23         VOLUME 4 SEALED PSI SENT CERTIFIED MAIL - CMR 7010 0290 0002           69/2010         NEF         Proof of Electronic Service         Transaction 1532293 - Approved By: NOREVIEW: 06-09-2010:11:43:46           69/2010         4109         Supreme Ct Accept - eFile Doc         SUPREME COURT CASE NUMBER 55545 - RECORD ON APPEAL - VOLUME           69/2010         4109         Supreme Ct Accept - eFile Doc         SUPREME COURT CASE NUMBER 55545 - RECORD ON APPEAL - VOLUME           69/2010         4109         Supreme Ct Accept - eFile Doc         SUPREME COURT CASE NUMBER 55545 - RECORD ON APPEAL - VOLUME           69/2010         4109         Supreme Ct Accept - eFile Doc         SUPREME COURT CASE NUMBER 55545 - RECORD ON APPEAL - VOLUME           69/2010         4109         Supreme Ct Accept - eFile Doc         SUPREME COURT CASE NUMBER 55545 - RECORD ON APPEAL - VOLUME           5. Transaction 153249 - Approved By: NOREVIEW: 06-09-2010:14:18:55         Stoppead By: NOREVIEW: 06-09-2010:14:18:55           69/2010         4109         Supreme Ct Accept - eFile Doc         SUPREME COURT CASE NUMBER 55545 - RECORD ON APPEAL - VOLUME           69/2010         4109         Supreme Ct Accept - eFile Doc         SUPREME COURT CASE NUMBER 55545 - RECORD ON APPEAL - VOLUME           69/2010         4109         Supreme Ct Accept - eFile Doc         SUPREME COURT CASE NUMBER 55545 - RECORD ON APPEAL - VOLUME           69/2010	6/9/2010	NEF	Proof of Electronic Service	Transaction 1533268 - Approved By: NOREVIEW : 06-09-2010:14:22:08
69/2010       NEF       Proof of Electronic Service       Transaction 1532293 - Approved By: NOREVIEW: 06-09-2010:11:43:46         69/2010       4109       Supreme Ct Accept - eFile Doc       SUPREME COURT CASE NUMBER 55545 - RECORD ON APPEAL - VOLUME 1 - Transaction 1533249 - Approved By: NOREVIEW: 06-09-2010:14:18:55         69/2010       4109       Supreme Ct Accept - eFile Doc       SUPREME COURT CASE NUMBER 55545 - RECORD ON APPEAL - VOLUME 2 - Transaction 1533249 - Approved By: NOREVIEW: 06-09-2010:14:18:55         69/2010       4109       Supreme Ct Accept - eFile Doc       SUPREME COURT CASE NUMBER 55545 - RECORD ON APPEAL - VOLUME 3 - Transaction 1533249 - Approved By: NOREVIEW: 06-09-2010:14:18:55         69/2010       4109       Supreme Ct Accept - eFile Doc       SUPREME COURT CASE NUMBER 55545 - RECORD ON APPEAL - VOLUME 5 - Transaction 153249 - Approved By: NOREVIEW: 06-09-2010:14:18:55         69/2010       4109       Supreme Ct Accept - eFile Doc       SUPREME COURT CASE NUMBER 55545 - RECORD ON APPEAL - VOLUME 6 - Transaction 153249 - Approved By: NOREVIEW: 06-09-2010:14:18:55         69/2010       4109       Supreme Ct Accept - eFile Doc       SUPREME COURT CASE NUMBER 55545 - RECORD ON APPEAL - VOLUME 6 - Transaction 153249 - Approved By: NOREVIEW: 06-09-2010:14:18:55         69/2010       4109       Supreme Ct Accept - eFile Doc       SUPREME COURT CASE NUMBER 55545 - RECORD ON APPEAL - VOLUME 6 - Transaction 153249 - Approved By: NOREVIEW: 06-09-2010:14:18:55         69/2010       4109       Supreme Cu Accept - eFile Doc	6/9/2010	1365	Certificate of Transmittal	06-09-2010:11:42:23 VOLUME 4 SEALED PSI SENT CERTIFIED MAIL - CMR 7010 0290 0002
69/2010       4109       Supreme Ct Accept - eFile Doc       SUPREME COURT CASE NUMBER 55545 - RECORD ON APPEAL - VOLUME         69/2010       4109       Supreme Ct Accept - eFile Doc       SUPREME COURT CASE NUMBER 55545 - RECORD ON APPEAL - VOLUME         69/2010       4109       Supreme Ct Accept - eFile Doc       SUPREME COURT CASE NUMBER 55545 - RECORD ON APPEAL - VOLUME         69/2010       4109       Supreme Ct Accept - eFile Doc       SUPREME COURT CASE NUMBER 55545 - RECORD ON APPEAL - VOLUME         69/2010       4109       Supreme Ct Accept - eFile Doc       SUPREME COURT CASE NUMBER 55545 - RECORD ON APPEAL - VOLUME         69/2010       4109       Supreme Ct Accept - eFile Doc       SUPREME COURT CASE NUMBER 55545 - RECORD ON APPEAL - VOLUME         69/2010       4109       Supreme Ct Accept - eFile Doc       SUPREME COURT CASE NUMBER 55545 - RECORD ON APPEAL - VOLUME         69/2010       4109       Supreme Ct Accept - eFile Doc       SUPREME COURT CASE NUMBER 55545 - RECORD ON APPEAL - VOLUME         60/2010       4109       Supreme Ct Accept - eFile Doc       SUPREME COURT CASE NUMBER 55545 - RECORD ON APPEAL - VOLUME         61/2010       118       Supreme Ct Accept - eFile Doc       SUPREME COURT CASE NUMBER 55545 - RECORD ON APPEAL - VOLUME         61/2010       118       Supreme Cu Accept - eFile Doc       SUPREME COURT CASE NUMBER 55545 - RECORD ON APPEAL - VOLUME         61/2010	6/9/2010	NEF	Proof of Electronic Service	
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69/2010       4109       Supreme Ct Accept - eFile Doe       SUPREME COURT CASE NUMBER 55545 - RECORD ON APPEAL - VOLUME 3 - Transaction 1533249 - Approved By: NOREVIEW: 06-09-2010:14:18:55         69/2010       4109       Supreme Ct Accept - eFile Doe       SUPREME COURT CASE NUMBER 55545 - RECORD ON APPEAL - VOLUME 5 - Transaction 1533249 - Approved By: NOREVIEW: 06-09-2010:14:18:55         69/2010       4109       Supreme Ct Accept - eFile Doe       SUPREME COURT CASE NUMBER 55545 - RECORD ON APPEAL - VOLUME 6 - Transaction 1533249 - Approved By: NOREVIEW: 06-09-2010:14:18:55         69/2010       4109       Supreme Ct Accept - eFile Doe       SUPREME COURT CASE NUMBER 55545 - RECORD ON APPEAL - VOLUME 6 - Transaction 1533249 - Approved By: NOREVIEW: 06-09-2010:14:18:55         69/2010       4109       Supreme Ct Accept - eFile Doe       SUPREME COURT CASE NUMBER 55545 - RECORD ON APPEAL - VOLUME 6 - Transaction 1533249 - Approved By: NOREVIEW: 06-09-2010:14:18:55         6/16/2010       1188       Supreme Cut Receipt for Doe       SUPREME COURT CASE NUMBER 5545 - RECORD ON APPEAL - VOLUME 7 - Transaction 1546208 - Approved By: NOREVIEW: 06-06-2010:13:03:02         6/16/2010       NEF       Proof of Electronic Service       Transaction 1546208 - Approved By: NOREVIEW: 06-16-2010:13:03:02         6/17/2010       3860       Request for Submission Complet       SUPPLEMENTAL OF MOTION FOR WITHDRAWAL OF GUILTY PLEA PARTY SUBMITTING: BRENDAN DUNCKLEY DATE SUBMITTED BY: IFLORSE DATE RECEIVED JUDGE OFFICE: 6/23/10         7/8/2010       NEF       Proof	6/9/2010	4109	Supreme Ct Accept - eFile Doc	
6/9/2010       4109       Supreme Ct Accept - eFile Doc       5 - Transaction 1533249 - Approved By: NOREVIEW : 06-09-2010:14:18:55         6/9/2010       4109       Supreme Ct Accept - eFile Doc       SUPREME COURT CASE NUMBER 55545 - RECORD ON APPEAL - VOLUME 6 - Transaction 1533249 - Approved By: NOREVIEW : 06-09-2010:14:18:55         6/9/2010       4109       Supreme Ct Accept - eFile Doc       SUPREME COURT CASE NUMBER 55545 - RECORD ON APPEAL - VOLUME 6 - Transaction 1533249 - Approved By: NOREVIEW : 06-09-2010:14:18:55         6/16/2010       1188       Supreme Court Receipt for Doc       SUPREME COURT CASE NUMBER 55545 - RECORD ON APPEAL - VOLUME 7 - Transaction 153249 - Approved By: NOREVIEW : 06-16-2010:13:03:02         6/16/2010       1188       Supreme Court Receipt for Doc       SUPREME COURT CASE NO. 55545 / RECEIPT FOR DOCUMENTS - Transaction 1546203 - Approved By: NOREVIEW : 06-16-2010:13:03:02         6/16/2010       NEF       Proof of Electronic Service       Transaction 1546208 - Approved By: NOREVIEW : 06-16-2010:13:04:24         6/17/2010       3860       Request for Submission       DOCUMENT TITLE: MOTION FOR WITHDRAWAL OF GUILTY PLEA & SUPPLEMETAL OF MOTION FOR WITHDRAWAL OF GUILTY PLEA & SUPREME COURT CASE ND ADDUNCKLEY DATE SUBMITTED 6/17/2010         7/8/2010       S200       Request for Submission Complet       Transaction 1587706 - Approved By: NOREVIEW : 07-08-2010:13:57:48         7/8/2010       3370       Order       ORDER (RE: MOTION TO WITHDRAW GUILTY PLEA STAYED PENDING OUTCOME OF APPEAL TO THE SUPREM	6/9/2010	4109	Supreme Ct Accept - eFile Doc	SUPREME COURT CASE NUMBER 55545 - RECORD ON APPEAL - VOLUME
69/2010       4109       Supreme Ct Accept - eFile Doc       SUPREME COURT CASE NUMBER 55545 - RECORD ON APPEAL - VOLUME 6 - Transaction 1533249 - Approved By: NOREVIEW : 06-09-2010:14:18:55         69/2010       4109       Supreme Ct Accept - eFile Doc       SUPREME COURT CASE NUMBER 55545 - RECORD ON APPEAL - VOLUME 7 - Transaction 1533249 - Approved By: NOREVIEW : 06-09-2010:14:18:55         6/16/2010       1188       Supreme Court Receipt for Doc       SUPREME COURT CASE NUMBER 55545 / RECEIPT FOR DOCUMENTS - Transaction 1546203 - Approved By: NOREVIEW : 06-16-2010:13:03:02         6/16/2010       NEF       Proof of Electronic Service       Transaction 1546208 - Approved By: NOREVIEW : 06-16-2010:13:04:24         6/17/2010       3860       Request for Submission       DOCUMENT TITLE: MOTION FOR WITHDRAWAL OF GUILTY PLEA & SUPPLEMENTAL OF MOTION FOR WITHDRAWAL OF GUILTY PLEA & SUPPLEMENTAL OF MOTION FOR WITHDRAWAL OF GUILTY PLEA & SUPPLY DATE SUBMITTED: 6/17/2010 SUBMITTED BY: IFLORSE DATE SUBMITTED BY: IFLORSE DATE SUBMITTED S/17/2010 SUBMITTED BY: IFLORSE DATE RECEIVED JUDGE OFFICE: 6/23/10         7/8/2010       S200       Request for Submission Complet         7/8/2010       S1370       Order       ORDER (RE: MOTION TO WITHDRAW GUILTY PLEA STAYED PENDING OUTCOME OF APPEAL TO THE SUPREME COURT 1. Transaction 158764 - Approved By: NOREVIEW : 07-08-2010:13:57:48         7/14/2010       4105       Supplemental       SUPPLEME COURT CASE NO. 55545/ORDER OF AFFIRMANCE - Transaction 1721484 - Approved By: NOREVIEW : 09-16-2010:08:54:30	6/9/2010	4109	Supreme Ct Accept - eFile Doc	
7 - Transaction 1533249 - Approved By: NOREVIEW : 06-09-2010:14:18:55         6/16/2010       1188         Supreme Court Receipt for Doc       SUPREME COURT CASE NO. 55545 / RECEIPT FOR DOCUMENTS - Transaction 1546203 - Approved By: NOREVIEW : 06-16-2010:13:03:02         6/16/2010       NEF         6/16/2010       NEF         6/17/2010       3860         Request for Submission       DOCUMENT TITLE: MOTION FOR WITHDRAWAL OF GUILTY PLEA & SUPPLEMENTAL OF MOTION FOR WITHDRAWAL OF GUILTY PLEA & PARTY SUBMITTED: 6/17/2010         7/8/2010       S200         Request for Submission Complet       Transaction 1587706 - Approved By: NOREVIEW : 07-08-2010:13:57:48         7/8/2010       NEF         7/8/2010       NEF         7/8/2010       Order         00000000 Order       ORDER (RE: MOTION TO WITHDRAW GUILTY PLEA STAYED PENDING OUTCOME OF APPEAL TO THE SUPREME COURT) - Transaction 1587642 - Approved By: NOREVIEW : 07-08-2010:13:51:28         7/14/2010       4105       Supreme Court Order Affirming         8/16/2010       4134       Supreme Court Order Affirming	6/9/2010	4109	Supreme Ct Accept - eFile Doc	SUPREME COURT CASE NUMBER 55545 - RECORD ON APPEAL - VOLUME
6/16/2010       1188       Supreme Court Receipt for Doc       SUPREME COURT CASE NO. 55545 / RECEIPT FOR DOCUMENTS - Transaction 1546203 - Approved By: NOREVIEW : 06-16-2010:13:03:02         6/16/2010       NEF       Proof of Electronic Service       Transaction 1546208 - Approved By: NOREVIEW : 06-16-2010:13:04:24         6/17/2010       3860       Request for Submission       DOCUMENT TITLE: MOTION FOR WITHDRAWAL OF GUILTY PLEA & SUPPLEMENTAL OF MOTION FOR WITHDRAWAL OF GUILTY PLEA PARTY SUBMITTING: BRENDAN DUNCKLEY DATE SUBMITTED : 6/17/2010 SUBMITTED BY: IFLORSE DATE RECEIVED JUDGE OFFICE: 6/23/10         7/8/2010       S200       Request for Submission Complet         7/8/2010       NEF       Proof of Electronic Service       Transaction 1587706 - Approved By: NOREVIEW : 07-08-2010:13:57:48         7/8/2010       NEF       Proof of Electronic Service       Transaction 1587706 - Approved By: NOREVIEW : 07-08-2010:13:57:48         7/8/2010       NEF       Proof of Electronic Service       Transaction 1587706 - Approved By: NOREVIEW : 07-08-2010:13:57:48         7/8/2010       NEF       Proof of Electronic Service       Transaction 1587706 - Approved By: NOREVIEW : 07-08-2010:13:57:48         7/14/2010       4105       Supplemental       ORDER (RE: MOTION TO WITHDRAW GUILTY PLEA STAYED PENDING OUTCOME OF APPEAL TO THE SUPREME COURT) - Transaction 1587642 - Approved By: NOREVIEW : 07-08-2010:13:51:28         7/14/2010       4105       Supplemental       SUPREME	6/9/2010	4109	Supreme Ct Accept - eFile Doc	
6/16/2010       NEF       Proof of Electronic Service       Transaction 1546208 - Approved By: NOREVIEW : 06-16-2010:13:04:24         6/17/2010       3860       Request for Submission       DOCUMENT TITLE: MOTION FOR WITHDRAWAL OF GUILTY PLEA & SUPPLEMENTAL OF MOTION FOR WITHDRAWAL OF GUILTY PLEA & PARTY SUBMITTING: BRENDAN DUNCKLEY DATE SUBMITTED: 6/17/2010         7/8/2010       S200       Request for Submission Complet         7/8/2010       S200       Request for Submission Complet         7/8/2010       NEF       Proof of Electronic Service       Transaction 1587706 - Approved By: NOREVIEW : 07-08-2010:13:57:48         7/8/2010       NEF       Proof of Electronic Service       Transaction 1587706 - Approved By: NOREVIEW : 07-08-2010:13:57:48         7/8/2010       3370       Order       ORDER (RE: MOTION TO WITHDRAW GUILTY PLEA STAYED PENDING OUTCOME OF APPEAL TO THE SUPREME COURT) - Transaction 1587642 - Approved By: NOREVIEW : 07-08-2010:13:51:28         7/14/2010       4105       Supplemental         9/16/2010       4134       Supreme Court Order Affirming       SUPREME COURT CASE NO. 55545/ORDER OF AFFIRMANCE - Transaction 1721484 - Approved By: NOREVIEW : 09-16-2010:08:54:30	6/16/2010	1188	Supreme Court Receipt for Doc	SUPREME COURT CASE NO. 55545 / RECEIPT FOR DOCUMENTS -
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7/8/2010       S200       Request for Submission Complet         7/8/2010       NEF       Proof of Electronic Service       Transaction 1587706 - Approved By: NOREVIEW : 07-08-2010:13:57:48         7/8/2010       3370       Order       ORDER (RE: MOTION TO WITHDRAW GUILTY PLEA STAYED PENDING OUTCOME OF APPEAL TO THE SUPREME COURT) - Transaction 1587642 - Approved By: NOREVIEW : 07-08-2010:13:51:28         7/14/2010       4105       Supplemental         9/16/2010       4134       Supreme Court Order Affirming       SUPREME COURT CASE NO. 55545/ORDER OF AFFIRMANCE - Transaction 1721484 - Approved By: NOREVIEW : 09-16-2010:08:54:30	6/17/2010	3860	Request for Submission	SUPPLEMENTAL OF MOTION FOR WITHDRAWAL OF GUILTY PLEA PARTY SUBMITTING: BRENDAN DUNCKLEY DATE SUBMITTED: 6/17/2010 SUBMITTED BY: IFLORSE
7/8/2010       3370       Order       ORDER (RE: MOTION TO WITHDRAW GUILTY PLEA STAYED PENDING OUTCOME OF APPEAL TO THE SUPREME COURT) - Transaction 1587642 - Approved By: NOREVIEW : 07-08-2010:13:51:28         7/14/2010       4105       Supplemental         9/16/2010       4134       Supreme Court Order Affirming         SUPREME COURT CASE NO. 55545/ORDER OF AFFIRMANCE - Transaction 1721484 - Approved By: NOREVIEW : 09-16-2010:08:54:30	7/8/2010	S200	Request for Submission Complet	
7/14/2010       4105       Supplemental         9/16/2010       4134       Supreme Court Order Affirming         Supproved By: NOREVIEW : 07-08-2010:13:51:28         Supplemental         9/16/2010	7/8/2010	NEF	Proof of Electronic Service	Transaction 1587706 - Approved By: NOREVIEW : 07-08-2010:13:57:48
7/14/2010       4105       Supplemental         9/16/2010       4134       Supreme Court Order Affirming       SUPREME COURT CASE NO. 55545/ORDER OF AFFIRMANCE - Transaction         1721484 - Approved By: NOREVIEW : 09-16-2010:08:54:30	7/8/2010	3370	Order	OUTCOME OF APPEAL TO THE SUPREME COURT) - Transaction 1587642 -
1721484 - Approved By: NOREVIEW : 09-16-2010:08:54:30	7/14/2010	4105	Supplemental	Appioved By. NORE VIEW . 07-08-2010:15:31:28
	9/16/2010	4134	Supreme Court Order Affirming	
	9/16/2010	NEF	Proof of Electronic Service	

e ID:	CR07-1728		Case Description: ST Case Type: CRIMINAL	ATE VS. BRENDAN DUNCKLEY (D4) Initial Filing Date: 7/3/20
с ID.	CR07-1720		Case Type. CRIMINAL	initial I ling Date. 170/20
9/21/2010		3860	Request for Submission	MOTION TO SUBMIT MOTION TO WITHDRAW GUILTY PLEA AND ALSO DEFENDANT'S SUPPLEMENTAL MOTION TO WITHDRAW GUILTY PLEA - Transaction 1732980 - Approved By: LMATHEUS : 09-21-2010:16:01:27 - Transaction 1732980 - Approved By: LMATHEUS : 09-21-2010:16:01:27 DOCUMENT TITLE: MOTION TO SUBMIT MOTION TO WITHDRAW GUILTY PLEA AND ALSO DEFENDANT'S SUPPLEMENTAL MOTION TO WITHDRAW GUILTY PLEA - Transaction 1732980 - Approved By: LMATHEUS : 09-21-2010:16:01:27 PARTY SUBMITTING: BRENDAN DUNCKLEY, PRO PER DATE SUBMITTED: 9/21/10 SUBMITTED BY: LMATHEUS DATE RECEIVED JUDGE OFFICE: 9/22/10
9/21/2010		NEF	Proof of Electronic Service	Transaction 1733200 - Approved By: NOREVIEW : 09-21-2010:16:07:47
10/15/2010		NEF	Proof of Electronic Service	Transaction 1785971 - Approved By: NOREVIEW : 10-15-2010:16:07:11
10/15/2010		3370	Order	STATE SHALL FILE A RESPONS TO THE MOTION TO WITHDRAW PLEA AND SUPPLEMENTAL MOTION W/IN 20 DAYS OF THE DATE OF THIS ORDER - Transaction 1785948 - Approved By: NOREVIEW : 10-15-2010:16:04:53
10/15/2010		S200	Request for Submission Complet	
10/15/2010		4145	Supreme Court Remittitur	SUPREME COURT CASE NO. 55545/REMITTITUR - Transaction 1786258 - Approved By: NOREVIEW : 10-15-2010:16:44:05
10/15/2010		NEF	Proof of Electronic Service	Transaction 1786266 - Approved By: NOREVIEW : 10-15-2010:16:45:50
10/15/2010		4134	Supreme Court Order Affirming	SUPREME COURT CASE NO. 55545/ORDER OF AFFIRMANCE - Transaction 1786258 - Approved By: NOREVIEW : 10-15-2010:16:44:05
10/15/2010		4111	Supreme Ct Clk's Cert & Judg	SUPREME COURT CASE NO. 55545/CLERK'S CERTIFICATE - Transaction 1786258 - Approved By: NOREVIEW : 10-15-2010:16:44:05
10/21/2010		2645	Opposition to Mtn	OPPOSITION TO MOTION TO WITHDRAW GUILTY PLEA, SUPPLEMENT TO MOTION TO WITHDRAW GUILYT PLEA AND SUPPLEMENT IN CONSIDERATION OF MOTION TO WITHDRAW GUILTY PLEA - Transaction 1795929 - Approved By: AZION : 10-21-2010:09:11:25
10/21/2010		NEF	Proof of Electronic Service	Transaction 1795969 - Approved By: NOREVIEW : 10-21-2010:09:12:56
11/3/2010		3880	Response	DEFENDANT'S RESPONSE TO STATE'S OPPOSITION TO MOTION TO WITHDRAW GUILTY PLEA, SUPPLEMENTAL TO MOTION TO WITHDRAW GUILTY PLLEA AND SUPPLEMENTAL IN CONSIDERATION OF MOTION TO WITHDRAW GUILTY PLEA
11/5/2010		2610	Notice	NOTICE OF CHANGE OF ADDRESS
11/10/2010		T200	Tickle End Code	
11/17/2010		3860	Request for Submission	DOCUMENT TITLE: MOTION TO WITHDRAW DEFENDANT'S GUILTY PLEA MEMORANDUM, SUPPLEMENTAL TO MOTION TO WITHDRAW GUILTY PLEA, AND SUPPLEMENT IN CONSIDERATION OF MOTION TO WITHDRAW GUILTY GUILTY PLEA PARTY SUBMITTING: BRENDAN DUNCKLEY DATE SUBMITTED: 11/17/10 SUBMITTED BY: JYOST DATE RECEIVED JUDGE OFFICE:
12/6/2010		S200	Request for Submission Complet	
12/30/2010		2475	Mtn to Strike	MOTION TO STRIKE STATE'S OPPOSITION TO DEFENDANT'S MOTION TO WITHDRAW GUILTY PLEA MEMORANDUM & MOTION FOR
1/3/2011		NEF	Proof of Electronic Service	SUBMISSION OF DECISION Transaction 1939440 - Approved By: NOREVIEW : 01-03-2011:11:12:20
1/3/2011		2645	Opposition to Mtn	OPPOSITION TO MOTION TO STRIKE STATE'S OPPOSITION TO MOTION
				TO WITHDRAW GUILTY PLEA AND SUPPLEMENT IN CONSIDERATION OF MOTION TO MOTION TO WITHDRAW GUILTY PLEA - Transaction 1939390 - Approved By: AZION : 01-03-2011:11:06:30
1/7/2011		S200	Request for Submission Complet	PARTIES TO SET FOR ORAL ARGUMENTS W/IN 15 DAYS

		Case I	Description: ST	ATE VS. BRENDAN DUNCKLEY (D4)	
Case ID:	CR07-1728	Case Type:	CRIMINAL	Initial Filing Date:	7/3/2007
1/7/2011	3347	Order to Set		PARTIES SHALL APPEAR W/IN 15 DAYS TO SET ORAL ARGUMENTS ON THE MOTION TO WITHDRAW GUILTY PLEA, SUPPLEMENT TO MOTION TO WITHDRAW GUILTY PLEA AND SUPPLEMENT IN CONSIDERATION OF MTN TO W/DRAW GUILTY PLEA - Transaction 1952861 - Approved By:	
1/7/2011	NEF	Proof of Electronic Service	2	NOREVIEW : 01-07-2011:14:15:37 Transaction 1952871 - Approved By: NOREVIEW : 01-07-2011:14:17:24	
1/21/2011	2490	Motion		MOTION FOR SETTING OF ORAL ARGUMENT ON MOTION(S) TO	
1/24/2011	1250E	Application for Setting eFil	le	WITHDRAW PLEA ORAL ARGUMENTS on MOTION FOR WITHDRAWAL OF GUILTY PLEA: APRIL 22, 2011 @ 9:00 A.M Transaction 1984323 - Approved By: NOREVIEW : 01-24-2011:14:46:07	
1/24/2011	T200	Tickle End Code		NOKEVIEW . 01-24-2011.14.40.07	
1/24/2011	NEF	Proof of Electronic Service	9	Transaction 1984328 - Approved By: NOREVIEW : 01-24-2011:14:47:51	
3/11/2011	1250E	Application for Setting eFi		ORAL ARGUMENTS ON MOTION FOR WITHDRAWAL OF GUILTY PLEA - JUNE 3, 2011 AT 9:00 A.M. (VACATES APRIL 22, 2011 HEARING) - Transaction 2087471 - Approved By: NOREVIEW : 03-11-2011:13:13:57	
3/11/2011	NEF	Proof of Electronic Service	2	Transaction 2087490 - Approved By: NOREVIEW : 03-11-2011:13:17:04	
3/18/2011	2490	Motion		MOTION FOR DEFAULT BENCH DECISION FOR THE MOTION(S) TO WITHDRAW GUILTY PLEA, AND SUPPLEMENTALS IN CONSIDERATION OF MOTION TO WITHDRAW PLEA	
3/28/2011	2175	Mtn for Reconsideration		MOTION FOR RECONSIDERATION OF SETTING	
5/9/2011	3860	Request for Submission		DOCUMENT TITLE: MOTION TO WITHDRAW GUILTY PLEA MEMO AND ALL SUUPLEMENTAL MOVING PAPERS ASSOCIATED WITH THE ORIGINAL MOTION FILED 3-3-10 PARTY SUBMITTING: BRENDAN DUNCKLEY DATE SUBMITTED: 5-9-11 SUBMITTED BY: S STINCHFIELD DATE RECEIVED JUDGE OFFICE: 5/11/11	
5/31/2011	NEF	Proof of Electronic Service	e	Transaction 2255978 - Approved By: NOREVIEW : 05-31-2011:11:58:57	
5/31/2011 5/31/2011	3370 3370	Order Order		MOTION TO WITHDRAW GUILTY PLEA MEMO AND ALL SUPPLEMENTAL MOVING PAPERS ARE SET FOR ORAL ARGUMENTS ON JUNE 2, 2011, AT 9:00 A.M Transaction 2255971 - Approved By: NOREVIEW : 05-31-2011:11:57:13 CORRECTED ORDER - MOTION FOR WITHDRAWAL OF GUILTY PLEA MEMO SET FOR HEARING ON 6/3/11 AT 9:00 A.M Transaction 2256017 -	1
5/31/2011	NEF	Proof of Electronic Service	5	Approved By: NOREVIEW : 05-31-2011:12:09:25 Transaction 2256023 - Approved By: NOREVIEW : 05-31-2011:12:10:48	
5/31/2011	S200	Request for Submission Co			
7/13/2011	4185	Transcript		MOTION TO WITHDRAW PLEA - JUNE 3, 2011 - Transaction 2342908 -	
7/13/2011	NEF	Proof of Electronic Service	2	Approved By: NOREVIEW : 07-13-2011:13:22:48 Transaction 2342927 - Approved By: NOREVIEW : 07-13-2011:13:26:47	
7/26/2011	MIN	***Minutes		MOTION FOR WITHDRAW OF PLEA - 6/3/11 - Transaction 2368996 -	
7/26/2011	NEF	Proof of Electronic Service	9	Approved By: NOREVIEW : 07-26-2011:14:16:42 Transaction 2369011 - Approved By: NOREVIEW : 07-26-2011:14:18:43	
8/10/2011	S200	Request for Submission Co	omplet		
8/18/2011	MIN	***Minutes		CONFERENCE CALL - TELEPHONIC DECISION - 8-12-11 - Transaction	
8/18/2011	NEF	Proof of Electronic Service	e	2415266 - Approved By: NOREVIEW : 08-18-2011:08:23:31 Transaction 2415272 - Approved By: NOREVIEW : 08-18-2011:08:25:07	
12/29/201	2842	Ord Denying Motion		ORDER DENYING MOTION TO WITHDRAW GUILTY PLEAS - Transaction	
12/29/201	I NEF	Proof of Electronic Service	2	2672273 - Approved By: NOREVIEW : 12-29-2011:10:57:11 Transaction 2672315 - Approved By: NOREVIEW : 12-29-2011:10:59:58	
12/30/201	2515	Notice of Appeal Supreme	Court	APPELLANT, BRENDAN DUNCKLEY - Transaction 2674617 - Approved By: LMATHEUS : 12-30-2011:10:33:02	
12/30/201	I NEF	Proof of Electronic Service	2	Transaction 2674863 - Approved By: NOREVIEW : 12-30-2011:10:35:29	
12/30/201	1310	Case Appeal Statement		Transaction 2675034 - Approved By: LMATHEUS : 12-30-2011:11:27:54	

	Case Description: STATE VS. BRENDAN DUNCKLEY (D4)									
Ca	se ID:	CR07-1728		Case Type:	CRIMINAL	Initial Filing Date:	7/3/2007			
_	12/30/2011		1350	Certificate of Clerk		CERTIFICATE OF CLERK AND TRANSMITTAL - NOTICE OF APPEAL -				
						Transaction 2675781 - Approved By: NOREVIEW : 12-30-2011:14:23:47				
	12/30/2011		NEF	Proof of Electronic Service		Transaction 2675186 - Approved By: NOREVIEW : 12-30-2011:11:30:25				
	12/30/2011		NEF	Proof of Electronic Service		Transaction 2675791 - Approved By: NOREVIEW : 12-30-2011:14:26:19				

## SECOND JUDICIAL DISTRICT COURT COUNTY OF WASHOE

Case History - CR07P1728

DEPT. D4

#### HON. CONNIE J. STEINHEIMER

Report Date & Time 12/30/2011

2:54:09PM

ase ID:	CR07P1728	Ca Case Type:	se Description: POST: BRI POST CONVICTION	ENDAN DUNCKLEY (D	94) Initial Filing Date:	7/21/2009
			Parties			
PETR RESP DA CAA		STATE OF NEV	lestad, Esq 1525			
			Charges			
Charge No.	Charge Code	Charge Date		Charge Description		
			Plea Information	1		
Charge No.	Plea Code	Plea Date		Plea Description		
		Custody Status	Release Informatio	)n		
			Hearings			
Dep	partment Event	Description		Sched. Date & Tin	ne	Disposed Date
1 D	4 Tickle Start C	Code		3/11/2010	07:00:00	3/11/2010
Ev	ent Extra Text: SUPPLE	MENTAL PETITION		<i>Disposition:</i> T200 3/11/2010		
Dep	partment Event	Description		Sched. Date & Tin	ne	Disposed Date
<b>2</b> D	4 Tickle Start C	Code		6/11/2010	07:00:00	6/11/2010
Ev	ent Extra Text: HAS EV	IDENTIARY HEARING S	ET?	<i>Disposition:</i> T200 6/11/2010		
Dep	partment Event	Description		Sched. Date & Tin	ne	Disposed Date
<b>3</b> D	4 Tickle Start C	Code		7/13/2010	07:00:00	7/1/2010
	ent Extra Text: HAS EV TITION FOR POST CO	IDENTIARY HEARING B NVICTION	EEN SET ON THE	<i>Disposition:</i> T200 7/1/2010		

se ID:	CR07P1728	Case Type:	ase Description: POST: BRE POST CONVICTION	NDAN DUNCKLEY	(D4) Initial Filing Date:	7/21/2009
4	•	ent Description TARY HEARING		Sched. Date & 11/9/2010	<i>Time</i> 10:00:00	<b>Disposed Date</b> 11/2/2010
	Event Extra Text: WRIT	OF HABEAS CORPUS (PO	ST CONVICTION)	<i>Disposition:</i> D844 11/2/2010 vacated due to trial s	) schedule-reset for 4/1/11	
5	-	ent Description TARY HEARING		<i>Sched. Date &amp; 1</i> 4/1/2011	<i>Time</i> 09:00:00	<b>Disposed Date</b> 2/14/2011
	Event Extra Text: WRIT	OF HABEAS CORPUS (PO	ST CONVICTION)	<i>Disposition:</i> D870 2/14/201	ı	
	Department Eve	ent Description		Sched. Date &	Time	Disposed Date
6	D4 EVIDENT	TARY HEARING		4/22/2011	09:00:00	3/11/2011
	Event Extra Text: ON PI (POST - CONVICTION)	ETITION FOR WRIT OF HA	BEAS CORPUS	<i>Disposition:</i> D875 3/11/201	I	
	-	ent Description		Sched. Date &		Disposed Date
7	D4 Request fo	r Submission		6/3/2011	14:30:00	8/10/2011
		ITION FOR WRIT OF HABE Faken under advisemf Ng		<b>Disposition:</b> S200 8/10/201	I	
	Department Eve	ent Description		Sched. Date &	Time	Disposed Date
8	D4 EVIDENT	TARY HEARING		6/3/2011	09:00:00	6/3/2011
	Event Extra Text: ON PE (POST-CONVICTION)	ETITION FOR WRIT OF HA	BEAS CORPUS	<i>Disposition:</i> D840 6/3/2011		
	Department Eve	ent Description		Sched. Date &	Time	Disposed Date
9	D4 CONFERE	ENCE CALL		8/12/2011	09:30:00	12/29/2011
		DER DECISION ON MOTION D PETITION FOR WRIT OF		<b>Disposition:</b> D435 12/29/203	11	
			Agency Cross Refere	ence		
Code	Agency Des	scription	Case Reference I	D.		
			Actions			
Action 1	Entry Date Cod	de Code Description		Text		
7/21/20	009 238	85 Mtn Proceed Forma Pau	peris			
7/21/20	009 103	30 Affidavit in Support	AFFIDAVIT PAUPERIS	IN SUPPORT OF APPLICA	ATION TO PROCEED IN FORMA	

se ID: 0	CR07P1728		Case Type:	we Description: POST: BRENDAN DUNCKLEY (D4)         POST CONVICTION         Initial Filing Date:         7/21/2009
7/21/2009		3862	**Criminal Submit	DOCUMENT TITLE: IFP/AFFIDAVIT IN SUPPORT OF APPLICATION TO PROCEED IN FORMA PAUPERIS/EX PARTE MOTION FOR APPOINTMENT OF COUNSEL/PETITION FOR WRIT OF HABEAS CORPUS/SUPPORTING DOCUMENTATION FOR PETITION FOR WRIT OF HABEAS CORPUS PARTY SUBMITTING: BRENDAN DUNCKLEY DATE SUBMITTED: 7/21/2009 SUBMITTED BY: IFLORES
7/21/2009		4105	Supplemental	DATE RECEIVED JUDGE OFFICE: SUPPORTING DOCUMENTATION FOR PETITIONER'S POST-CONVICTION WRIT OF HABEAR CORPUS PETITION
7/21/2009		4105	Supplemental	PART NO. V SUPPORTING DOCUMENTATION FOR PETITIONER'S POST-CONVICTION WRIT OF HABEAR CORPUS PETITION PART NO. IV
7/21/2009		4105	Supplemental	FARTING TO THE SUPPORTING DOCUMENTATION FOR PETITIONER'S POST-CONVICTION WRIT OF HABEAR CORPUS PETITION PART III
7/21/2009		4105	Supplemental	SUPPORTING DOCUMENTATION FOR PETITIONER'S POST-CONVICTION WRIT OF HABEAR CORPUS PETITION PART NO. II
7/21/2009		3585	Pet Writ Habeas Corpus	
7/21/2009		1670	Ex-Parte Mtn	EX PARTE MOTION FOR APPOINTMENT OF COUNSEL AND REQUEST FOR EVIDENTARY HEARING
10/28/2009		NEF	Proof of Electronic Service	
10/28/2009 10/28/2009		3370 3035	Order Ord Grant in Forma Paupe	MTN FOR APPOINTMENT OF COUNSEL - Transaction 1124817 - Approved By: NOREVIEW : 10-28-2009:10:48:30
12/14/2009		NEF	Proof of Electronic Service	11 2
12/14/2009		2715	Ord Appointing Counsel	RECOMMENDATION AND ORDER APPOINTING COUNSEL (ROBERT STORY, ESQ.) AND SETTING FORTH BRIEFING SCHEDULE - Transaction 1205412 - Approved By: NOREVIEW : 12-14-2009:10:37:54
1/20/2010		2502	** Notes	DEFENDANT HAS BEEN PROVIDED A COPY OF ENTIRE FILE ON THIS DATE
3/11/2010		T200	Tickle End Code	
3/17/2010 3/17/2010		3980 NEF	Stip and Order Proof of Electronic Service	FOR EXTENSION OF TIME IN WHICH TO FILE SUPPLEMENTAL PETITION (FIRST REQUEST) - Transaction 1378784 - Approved By: NOREVIEW : 03-17-2010:10:14:27 e Transaction 1378830 - Approved By: NOREVIEW : 03-17-2010:10:22:27
3/23/2010		4100	Supplemental Petition	SUPPLEMENTAL PETITION FOR WRIT OF HABEAS CORPUS
3/23/2010		3862	**Criminal Submit	DOCUMENT TITLE: SUPPLEMENTAL PETITION FOR WRIT OF HABEAS CORPUS PARTY SUBMITTING: ROBERT STORY DATE SUBMITTED: 3-23-10 SUBMITTED BY: S STINCHFIELD DATE RECEIVED JUDGE OFFICE: 3/25/10
4/1/2010		1665	Ex-Parte Application	EX PARTE APPLICATION FOR INTERIM CLAIM FOR FEES
4/22/2010 5/5/2010		2777 1130	Order Approving	RECOMMENDATION AND ORDER FOR PAYMENT OF ATTORNEY'S FEES - SEALED ANSWER TO PETITION AND SUPPLEMENTAL PETITION FOR WRIT OF
				ANSWER TO PETITION AND SUPPLEMENTAL PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION) - Transaction 1468124 - Approved By: IXFLORES: 05-05-2010:11:35:55
5/5/2010		NEF	Proof of Electronic Service	e Transaction 1468252 - Approved By: NOREVIEW : 05-05-2010:11:37:05
6/11/2010		T200	Tickle End Code	
6/17/2010		NEF	Proof of Electronic Service	e Transaction 1549405 - Approved By: NOREVIEW : 06-17-2010:15:02:04

6/12/2010         1347         Order to Set         EVIDENTIFIARY HEARING ON THE PETTION AND SUPPLEMENTAL PETTION FOR WRIT OF HABBAS COURSE (POST CONVECTION WIN IS DAYS) - Tanascion 197024 - Approved By: NOREVIEW : 00-17-2010 - 1545 22           6/50/2010         1656         Ex-Pare Application .         EX-Pare Application .         EX-Pare Application .           71/2010         1266         Application for Setting effic POST CONVEDUS : DOWNERS 2016 (00 AM. (1) AV.) .           71/2010         1267         Application for Setting effic POST CONVEDUS : NOREVIEW : 07-01-2010 (15.2.2.2 2012/2010 - 1200 (15.2.7.3 2012/2010 - 1102/2010 - 1200 (15.2.7.3 2012/2010 - 1200 (15.2.7.3	e ID:	CR07P1728	Case Case Type:	POST CONVICTIONInitial Filing Date:7/21/2009
21/2010     1258     Application for Setting File     EVIDENTIARY HEARING (PETTION FOR WEIT OF HARLAS CORPUS.) POST CONVECTIONS, NOVEMBER 9, 2010 (§ 100 AVII, 10 AV) - Transaction 177275 - Approved By WORKVIEW. (7.4),2010 16.27.33       71/2010     T040     T040     Tanascine 1577275 - Approved By WORKVIEW. (7.4),2010 16.37.33       71/2010     DW1     Pool of Electronic Service     Transaction 1577275 - Approved By: NORKVIEW. (7.4),2010 16.37.33       71/2010     DW1     Pool of Electronic Service     Transaction 1577275 - Approved By: NORKVIEW. (7.4),2010 16.37.32       107/2010     DW1     Application Produce Prisoner     Transaction 1577275 - Approved By: NORKVIEW. (7.4),2010 16.37.32       107/2010     JM2     Application Produce Prisoner     DOCLMENT TTEL: ORDER TO PRODUCE PRISONER       107/2010     JM3     ************************************				PETITION FOR WRIT OF HABEAS CORPUS (POST CONVICTION) W/IN 15 DAYS - Transaction 1549375 - Approved By: NOREVIEW : 06-17-2010:14:58:22
Instrumental and the second service         POST CONVECTION: NOVEMERS 9, 2016 §1 100 A.M. (DAY)- Transaction 157725 - Approved By: NOREVIEW: 07-01-2001.62733           71/2010         NFF         Proof of Electronic Service         Transaction 157725 - Approved By: NOREVIEW: 07-01-2001.62733           71/2010         NFF         Proof of Electronic Service         Transaction 157725 - Approved By: NOREVIEW: 07-01-2001.62733           71/2010         1269         Applications Produce Protocer         ATTORNEY'S FEES - SEALED           107/2010         1269         Applications Produce Protocer         DOCUMINT TITLE: ORDER TO PRODUCE PRISONER           107/2010         2469         Mexima         DOCUMINT TITLE: ORDER TO PRODUCE PRISONER           107/2010         2469         Mexima         DOCUMINT TITLE: ORDER TO PRODUCE PRISONER           107/2010         2469         Mexima         DOCUMINT TITLE: ORDER TO PRODUCE PRISONER           107/2010         2469         Mexima         DOCUMINT TITLE: MOTION FOR ORDER TO PRODUCE THE PRISONER           107/2010         2469         Mexima         DOCUMINT TITLE: MOTION FOR ORDER TO PRODUCE THE PRISONER           107/2010         2469         Mexima         DOCUMINT TITLE: MOTION FOR ORDER TO PRODUCE THE PRISONER           107/2010         1264         Proof of Electronic Service         Transaction 17/0619- Approvid By: NOREVIEW: 10-12-2010.16.58.49	6/30/2010	1665	Ex-Parte Application	EX PARTE APPLICATION FOR INTERIM CLAIM FOR FEES
71/2010     120     Takk Find Code       71/2010     N19     Pool of Blechnic Service     Tamaschin 157275 - Approval By NORIVILW :07.01-2010.16.32.02       71/2010     047     Application Poolses Phisoner     Application Poolses Phisoner       107/2010     240     Application Poolses Phisoner     DOCUMENT TITLE: ORDER TO PRODUCE PRISONER       107/2010     240     Motion     DOCUMENT TITLE: ORDER TO PRODUCE PRISONER       107/2010     240     Motion     DOCUMENT TITLE: ORDER TO PRODUCE PRISONER       107/2010     240     Motion     Motion PORTER DUDIES OFFICE:       107/2010     340     Vectiminal Submit     PARTY SUBMITTED: 10-10       10122010     346     *Criminal Submit     PARTY SUBMITTED: MOTION FOR RODER TO RODUCE PRISONER       10122010     346     Proof of Electronic Service     Tamascien 170602 - Approved By: NOREVIEW : 10-12-010 (55:8-49       10122010     NEF     Poof of Blectronic Service     Tamascien 170602 - Approved By: NOREVIEW : 10-12-010 (15:8-49       10122010     NEF     Poof of Electronic Service     Tamascien 170602 - Approved By: NOREVIEW : 10-12-010 (15:8-49       10122010     NEF     Poof of Electronic Service     Tamascien 12:8:2:1 (Approved By: NOREVIEW : 10-12-020101:0:0:2:1       10122010     NEF     Poof of Electronic Service     Tamascien 12:8:2:1       11/2010     NEF	7/1/2010	1250E	Application for Setting eFi	POST CONVICTION): NOVEMBER 9, 2010 @ 10:00 A.M. (1 DAY) -
7/16/2010       277       Order Approving       RECOMMENDATION AND ORDER FOR PAYMENT OF INTERIM ATTORNEY'S FEES - SEALED         107/2010       1269       Application Produce Prisoner         107/2010       3862       **Criminal Submit       DOCUMENT TITLE: ORDER TO PRODUCE PRISONER PARTY SUBMITTED: 108-10 SUBMITTED BY: SSTENCHFIELD         101/2010       2490       Motion       DOCUMENT TITLE: ORDER TO PRODUCE PRISONER PARTY SUBMITTED: 108-10 SUBMITTED BUDGE OPRODUCE THE PRISONER PARTY SUBMITTED SUBMITED SUBMITED ADDITA: DICKINERY, PRODUCE THE PRISONER PARTY SUBMITTED SUBMITED ADDITA: DICKINERY, PRODUCE THE PRISONER PARTY SUBMITTED TO PRODUCE THE PRISONER PARTY SUBMITTED SUBMITED ADDITA: DICKINERY, PRODUCE THE PRISONER PARTY SUBMITTED SUBMITED ADDITA: DICKINERY, PRODUCE THE PRISONER PARTY SUBMITED ADDITA: DICKINERY, PRODUCE THE PRISONER PARTY SUBMITED: TO ADDITA: DICKINERY, PROVE SUB	7/1/2010	T200	Tickle End Code	Rubación 15/7215 Approved by: NORE (15.07 of 2010/10.27.55
International state         ATTORNEY'S FEES - SEALED           107/2010         120         Application Produce Prisoner           107/2010         386         **Criminal Submit         DOCUMENT TITLE: ORDER TO PRODUCE PRISONER           107/2010         386         **Criminal Submit         DOCUMENT TITLE: ORDER TO PRODUCE PRISONER           10/12/2010         2490         Metion         DOTE RECEIVED DIDGE OFFICE:           10/12/2010         3862         **Criminal Submit         DOCUMENT TITLE: MOTION FOR ORDER TO PRODUCE PRISONER           10/12/2010         3862         **Criminal Submit         DOCUMENT TITLE: MOTION FOR ORDER TO PRODUCE THE PRISONER           10/12/2010         3400         Ord to Produce Prisoner         Transaction 176032 - Approved Bry: NOREVIEW: 10-12/2010 i.f. 58:49           10/12/2010         3430         Ord to Produce Prisoner         Transaction 176032 - Approved Bry: NOREVIEW: 10-12/2010 i.f. 58:49           10/12/2010         1230         Application for Fees         MOTION FOR FEES FOR COPY COSTS           11/12/2010         1260         Application for Setting ofFle         EVENTATION FROM CORPLEW: 11-0-12/2010 i.f. 58:49           11/12/2010         1263         Application for Setting ofFle         EVENTATION FOR ORDER PRODUCE PRISONER           11/12/2010         1264         Application for Setting ofFle         EVENTA	7/1/2010	NEF	Proof of Electronic Service	Transaction 1577275 - Approved By: NOREVIEW : 07-01-2010:16:32:02
107/2010         38.8         **Criminal Submit         DOCUMENT TITLE: ORDER TO PRODUCE PRISONER PARTY SUBMITTING: GARY HATLESTAD DATE SUMMITTED 10:-8.10 SUBMITTING: GARY HATLESTAD           10712010         2490         Metion         MOTION FOR ORDER TO PRODUCE PRISONER           10712010         2490         Metion         MOTION FOR ORDER TO PRODUCE PRISONER           10712010         2490         Metion         MOTION FOR ORDER TO PRODUCE PRISONER           10712010         3462         **Criminal Submit         DOCUMENT TITLE: MOTION FOR ORDER TO PRODUCE THE PRISONER           10712010         340         Ord to Produce Prisoner         Transaction 177603 - Approved By: NOREVIEW : 10-12-2010.16.58.49           10722010         1012         Application for fees         MOTION FOR FLES FOR COPY COSTS           1172010         1239         Application for fees         MOTION FOR FLES FOR COPY COSTS           1172010         1239E         Application for Setting effile         EVDENTRATE V FLES FOR CORPUSER 2.001 FLES FOR CORPUSER PLES FOR CORPUSER 2.001 FLES F	7/16/2010	2777	Order Approving	
PARTY SUBMITTED:         GARY HATLESTAD           10112010         2490         Motion         DATE SUBMITTED:         10-10-10           10112010         2490         Motion         MOTION FOR ORDER TO PRODUCE FRISONER           10112010         3802         **Criminal Submit         DOCIMENT TITLE: MOTION FOR ORDER TO PRODUCE THE PRISONER           10112010         3802         **Criminal Submit         DOCIMENT TITLE: MOTION FOR ORDER TO PRODUCE THE PRISONER           10112010         3340         Ord to Produce Prisoner         Transaction 1776019 - Approved By: NOREVIEW: 10-12-2010;16:58:49           10112010         1230         Application for Fees         MOTION FOR FEES FOR COPY COSTS           110122010         1265         Ex-Parte Application.         SEALED - EX PARTE APPLICATION FOR INTERIM CLAIM FOR FEES           113/2010         1250         Application for Setting eFile         EVIDENTIARY HEARING-WRIT OF HABEAS CORPUS (POST CONVICTION): APRIL 1, 2011(9, 900, AM, (VACATIS NOVEMBER 2, 2010) IEARING) - Transaction 1822819 - Approved By: NOREVIEW: 11-03-2010(12): 02-12           113/2010         1277         Order Approxing         RECOMMENDATION AND ORDER FOR NOVEMENT OF INTERIM CLAIM FOR FEES           113/2010         2777         Order Approxing         RECOMMENDATION AND ORDER FOR NOVEMENT OF INTERIM CLAIM FOR FEES           113/2010         2742011         1655	10/7/2010	1260	Application Produce Prisor	er
10/12/2010     362     **Criminal Submit     DOCUMENT TITLE: MOTION FOR ORDER TO PRODUCE THE PRISORER PARTY SUBMITTED: 10-12-10 SUBMITTED BY: IMATHEUS DATE SUBMITTED IN 12-10 SUBMITTED BY: IMATHEUS DATE RECEIVED JUGG OFFICE:       10/12/2010     3440     Ord to Produce Prisoner     Transaction 177609 - Approved By: NOREVIEW : 10-12-2010.16:58:49       10/12/2010     NEF     Proof of Electronic Service     Transaction 177609 - Approved By: NOREVIEW : 10-12-2010.17:01:25       10/12/2010     1266     Ex-Parte Application     SEALED - EX-PARTE APPLICATION FOR INTERIM CLAIM FOR FEES       11/12/2010     1266     Ex-Parte Application for Setting eFile     EVIDENTIARY HEARING-WRIT ON NOVEMBER 9.2010 HEARINGO, PART       11/3/2010     1250E     Application for Setting eFile     EVIDENTIARY HEARING-WRIT OF NITERIM CLAIM FOR FEES       11/3/2010     12770     Order Approving     RECOMMENDATION AND ORDER REQAINING DEFENSE FEES       11/15/2010     2777     Order Approving     RECOMMENDATION AND ORDER ROA PAYMENT OF INTERIM ATTORNEYS FEES - SEALED       2/10/2011     1665     Ex-Parte Application     SEALED - EX-PARTE APPLICATION AND ORDER ROA PAYMENT OF INTERIM ATTORNEYS FEES - SEALED       2/14/2011     1065     Stipulation to Continuance     STIPULATION NON CONTINANCE OF HEARING DATE       2/14/2011     1065     Ex-Parte Application     SEALED - EX-PARTE APPLICATION AND ORDER ROA PAYMENT OF INTERIM ATTORNEYS FEES       2/14/2011     1165     <	10/7/2010	3862	**Criminal Submit	PARTY SUBMITTING: GARY HATLESTAD DATE SUBMITTED: 10-8-10 SUBMITTED BY: S STINCHFIELD
PARTY SUBMITTING: BRENDAN DUNCKLEY, PRO PER DATE SUBMITTED 8: UNATHEUS DATE SUBMITTED 8: UNATHEUS           10/12/2010         3340         Ord to Produce Prisoner         Transaction 170019 - Approved By: NOREVIEW : 10-12-2010.16.58.49           10/12/2010         NEF         Proof of Electronic Service         Transaction 170019 - Approved By: NOREVIEW : 10-12-2010.17.01.25           10/12/2010         1230         Application for Fees         MOTION FOR FEES FOR COPY COSTS           11/12/2010         1665         Ex-Parte Application         SEALED - EX PARTE APPLICATION FOR INTERIM CLAIM FOR FEES           11/12/2010         1250E         Application for Setting eFile         EVIDENTIARY HEARING-WATTOF HABEAS CORPUS (POST CONVICTION); APRIL 1, 2011 @ 9:00 AM. (VACATES NOVEMBER 9, 2010 HEARING)- Transaction 1822827 - Approved By: NOREVIEW :: 11-03-2010.10.29:52           11/13/2010         NEF         Proof of Electronic Service         Transaction 1822827 - Approved By: NOREVIEW :: 11-03-2010.10.29:52           11/15/2010         2777         Order Approving         RECOMMENDATION AND ORDER GRANTING CLAIM FOR FEES           21/12/2011         1665         Ex-Parte Application         SEALED - EX PARTE APPLICATION FOR INTERIM CLAIM FOR FEES           21/12/2011         1665         Ex-Parte Approved By: NOREVIEW :: 10-12-2010.12.95.24         Transaction 201769           21/12/2011         1665         Ex-Parte Application         SEALED - EX ONMENDATI	10/11/2010	2490	Motion	MOTION FOR ORDER TO PRODUCE PRISONER
10/12/2010       3340       Ord to Produce Prisoner       Transaction 1776019 - Approved By: NOREVIEW : 10-12-2010:16:58:49         10/12/2010       NEF       Proof of Electronic Service       Transaction 1776032 - Approved By: NOREVIEW : 10-12-2010:17:01:25         10/25/2010       1230       Application for Fees       MOTION FOR FEES FOR COPY COSTS         11//2010       1665       Ex-Parte Application       SEALED - EX PARTE APPLICATION FOR INTERIM CLAIM FOR FEES         11//2010       1250       Application for Setting eFile       EVIDENTIARY HEARING-WITT OF HABEAS CORPUS (POST CONVICTION): APPROVED BY: NOREVIEW : 11-03-2010:10:29-32         11//2010       NEF       Proof of Electronic Service       Transaction 182287 - Approved BY: NOREVIEW : 11-03-2010:10:30-54         11/9/2010       Ord a Approving       RECOMMENDATION AND ORDER GRANTING DEFENSE FEES         11/9/2010       Ord a Approving       RECOMMENDATION AND ORDER FOR PAYMENT OF INTERIM         2/14/2011       1665       Ex-Parte Application       SEALED - EX PARTE APPLICATION FOR INTERIM CLAIM FOR FEES         2/14/2011       4045       Sitpulation to Continuance       STIPULATION FOR CONTINANCE OF HEARING DATE - EVIDENTIARY HEARING CONTINUED FOR MARTEL 1, 2011 TO APRIL 2, 2011 AT 9:00         3/11/2011       NEF       Proof of Electronic Service       Transaction 203196 - Approved BY: XDIX (2:02-44-2011:10:18:26         3/11/2011       NE	10/12/2010	3862	**Criminal Submit	PARTY SUBMITTING: BRENDAN DUNCKLEY, PRO PER DATE SUBMITTED: 10-12-10 SUBMITTED BY: LMATHEUS
10/25/2010       1230       Application for Fees       MOTION FOR FEES FOR COPY COSTS         11/1/2010       1665       Ex-Parte Application       SEALED - EX PARTE APPLICATION FOR INTERIM CLAIM FOR FEES         11/3/2010       1250E       Application for Setting eFile       EVIDENTIARY HEARING-WRIT OF HABEAS CORPUS (POST CONVICTION); APRIL 1, 2011 @ 900 A.M. (VACATES NOVEMBER 9, 2010 HEARING) - Transaction 1822817 - Approved By: NOREVIEW: 11-03-2010:10:29.32         11/3/2010       NEF       Proof of Electronic Service       Transaction 1822827 - Approved By: NOREVIEW: 11-03-2010:10:30.54         11/9/2010       2777       Order Approving       RECOMMENDATION AND ORDER GRANTING DEFENSE FEES         11/15/2010       2777       Order Approving       RECOMMENDATION AND ORDER RECEIVED - MS)         2/10/2011       1665       Ex-Parte Application       (RECOMMENDATION AND ORDER RECEIVED - MS)         2/14/2011       4045       Stipulation to Continuance       STIPULATION FOR CONTINUED FROM APRIL 1, 2011 TO APRIL 2, 2011 AT 9:00         3/8/2011       2777       Order Approving       SEALED - EX PARTE APProved By: NOREVIEW: 02-14-2011:10:18:26         2/14/2011       NEF       Proof of Electronic Service       Transaction 2031396 - Approved By: NOREVIEW: 02-14-2011:10:18:26         3/8/2011       2709       Addresservice       Transaction 2087544 - Approved By: NOREVIEW: 02-14-2011:10:20:4         <	10/12/2010	3340	Ord to Produce Prisoner	
11/1/2010       1665       Ex-Parte Application       SEALED - EX PARTE APPLICATION FOR INTERIM CLAIM FOR FEES         11/3/2010       1250E       Application for Setting eFile       EVIDENTIARY HEARING-WRIT OF HABEAS CORPUS (POST CONVICITON): APRIL 1, 2011 @ 900 A.M. (VACATES NOVEMBER 9, 2010 HEARING) - Transaction 1822819 - Approved By: NOREVIEW : 11-03-2010:10:29-32         11/3/2010       NEF       Proof of Electronic Service       Transaction 1822817 - Approved By: NOREVIEW : 11-03-2010:10:30-54         11/9/2010       2777       Order Approving       RECOMMENDATION AND ORDER FOR PAYMENT OF INTERIM ATTORNEY'S FEES - SEALED         2/10/2011       1665       Ex-Parte Application       SEALED - EX PARTE APPLICATION FOR INTERIM CLAIM FOR FEES (RECOMMENDATION AND ORDER RECEIVED - MS)         2/142011       1665       Ex-Parte Application       SEALED - EX PARTE APPLICATION FOR INTERIM CLAIM FOR FEES (RECOMMENDATION AND ORDER RECEIVED - MS)         2/142011       1665       Ex-Parte Application       SEALED - EX PARTE APPLICATION FOR INTERIM CLAIM FOR FEES (RECOMMENDATION AND ORDER RECEIVED - MS)         2/142011       1665       Stipulation to Continuance       STIPULATION FOR CONTINUED FROM APRIL 1, 2011 TO APRIL 22, 2011 AT 9:00 A.M Transaction 2031396 - Approved By: NOREVIEW: 02-14-2011:102:04         3/8/2011       2777       Order Approving       SEALED - RECOMMENDATION AND ORDER FOR PAYMENT OF INTERIM ATTORNEY'S FEES         3/112011       NEF       Proof of Electro	10/12/2010	NEF	Proof of Electronic Service	Transaction 1776032 - Approved By: NOREVIEW : 10-12-2010:17:01:25
11/3/2010       1250E       Application for Setting eFile       EVIDENTIARY HEARING-WRIT OF HABEAS CORPUS (POST CONVICTION): APRIL 1, 2011 @ 9:00 A.M. (VACATES NOVEMBER 9, 2010 HEARING) - Transaction 18228219 - Approved By: NOREVIEW: 11-03-2010:10:30:54         11/3/2010       NEF       Proof of Electronic Service       Transaction 1822827 - Approved By: NOREVIEW: 11-03-2010:10:30:54         11/9/2010       2777       Order Approving       RECOMMENDATION AND ORDER GRANTING DEFENSE FEES         11/15/2010       2777       Order Approving       RECOMMENDATION AND ORDER FOR PAYMENT OF INTERIM ATTORNEY'S FEES - SEALED         2/10/2011       1665       Ex-Parte Application       SEALED - EX PARTE APPLICATION FOR INTERIM CLAIM FOR FEES (RECOMMENDATION AND ORDER RECEIVED - MS)         2/14/2011       4045       Stipulation to Continuance       STIPULATION FOR CONTINANCE OF HEARING DATE - EVIDENTIARY HEARING CONTINUED FROM APRIL 1, 2011 TO APRIL 22, 2011 AT 9:00 A.M Transaction 2031396 - Approved By: NOREVIEW : 02-14-2011:10:18:26         2/14/2011       NEF       Proof of Electronic Service       Transaction 2031396 - MPROVED BY: 02-14-2011:10:02.04         3/82011       2777       Order Approving       SEALED - RECOMMENDATION AND ORDER FOR PAYMENT OF INTERIM ATTORNEY'S FEES         3/11/2011       1250E       Application for Setting eFile       EVIDENTIARY HEARING ON PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION) - JUNE 3, 2011 AT 9:00 A.M. (VACATES APRIL 22, 2011 HEARING) - Transaction 2087508 - Approved By: NOREVIEW :	10/25/2010	1230	Application for Fees	MOTION FOR FEES FOR COPY COSTS
APRIL 1, 2011 @ 9:00 A.M. (VACATES NOVEMBER 9, 2010 HEARING)         Transaction 1822819 - Approved By: NOREVIEW: 11-03-2010:10:29:32         11/32010       NEF         Proof of Electronic Service       Transaction 1822819 - Approved By: NOREVIEW: 11-03-2010:10:30:54         11/92010       2777       Order Approving         RECOMMENDATION AND ORDER FOR PAYMENT OF INTERIM         11/15/2010       2777       Order Approving         RECOMMENDATION AND ORDER FOR PAYMENT OF INTERIM         11/15/2010       2777       Order Approving         SEALED - EX PARTE APPLICATION FOR INTERIM CLAIM FOR FEES         2/102011       1665       Ex-Parte Application         SEALED - EX PARTE APPLICATION FOR INTERIM CLAIM FOR FEES         2/14/2011       4045       Stipulation to Continuance         Stipulation to Continuance       STIPULATION FOR CONTINANCE OF HEARING DATE - EVIDENTIARY         HEARING CONTINUED FROM APRIL 1, 2011 TO APRIL 22, 2011 AT 9:00       A.M Transaction 2031396 - Approved By: NOREVIEW : 02-14-2011:10:18:26         2/14/2011       NEF       Proof of Electronic Service       Transaction 2031422 - Approved By: NOREVIEW : 02-14-2011:10:20:04         3/8/2011       2256       Application for Setting eFile       EVUDENTIARY HEARING ON PETITION AND ORDER FOR PAYMENT OF INTERIM ATTORNE'YS FEES         3/11/2011       1250       Applicati	11/1/2010	1665	Ex-Parte Application	SEALED - EX PARTE APPLICATION FOR INTERIM CLAIM FOR FEES
11/3/2010       NEF       Proof of Electronic Service       Transaction 1822827 - Approved By: NOREVIEW : 11-03-2010:10:30:54         11/9/2010       2777       Order Approving       RECOMMENDATION AND ORDER GRANTING DEFENSE FEES         11/15/2010       2777       Order Approving       RECOMMENDATION AND ORDER FOR PAYMENT OF INTERIM         2/10/2011       1665       Ex-Parte Application       SEALED - EX PARTE APPLICATION FOR INTERIM CLAIM FOR FEES         2/14/2011       4045       Stipulation to Continuance       STIPULATION FOR CONTINNCE OF HEARING DATE - EVIDENTIARY         4078       HEARING CONTINUED FROM APRIL 1, 2011 TO APRIL 22, 2011 AT 9:00       A.M Transaction 2031396 - Approved By: NOREVIEW : 02-14-2011:10:18:26         2/14/2011       NEF       Proof of Electronic Service       Transaction 2031422 - Approved By: NOREVIEW : 02-14-2011:10:20:04         3/8/2011       2777       Order Approving       SEALED - RECOMMENDATION AND ORDER FOR PAYMENT OF INTERIM         3/8/2011       1250E       Application for Setting eFile       EVIDENTIARY HEARING ON PETITION FOR WRIT OF HABEAS CORPUS (POST - CONTICTION) - JUNE 3, 2011 AT 9:00 A.M. (VACATES APRIL 22, 2011) HEARING : 03-11-2011:13:15:36         3/11/2011       NEF       Proof of Electronic Service       Transaction 2087508 - Approved By: NOREVIEW : 03-11-2011:13:18:19         3/11/2011       NEF       Proof of Electronic Service       ORDER GRANTING STIPULATION FOR	11/3/2010	1250E	Application for Setting eFi	APRIL 1, 2011 @ 9:00 A.M. (VACATES NOVEMBER 9, 2010 HEARING) -
11/15/2010       2777       Order Approving       RECOMMENDATION AND ORDER FOR PAYMENT OF INTERIM ATTORNEY'S FEES - SEALED         2/10/2011       1665       Ex-Parte Application       SEALED - EX PARTE APPLICATION FOR INTERIM CLAIM FOR FEES (RECOMMENDATION AND ORDER RECEIVED - MS)         2/14/2011       4045       Stipulation to Continuance       STIPULATION FOR CONTINUED FROM APRIL 1, 2011 TO APRIL 22, 2011 AT 9:00 A.M Transaction 2031396 - Approved By: AZION : 02-14-2011:10:18:26         2/14/2011       NEF       Proof of Electronic Service       Transaction 2031422 - Approved By: NOREVIEW : 02-14-2011:10:18:26         3/8/2011       2777       Order Approving       SEALED - RECOMMENDATION AND ORDER FOR PAYMENT OF INTERIM ATTORNEY'S FEES         3/11/2011       1250E       Application for Setting eFile       EVIDENTIARY HEARING ON PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION) - JUNE 3, 2011 AT 9:00 A.M. (VACATES APRIL 22, 2011 HEARING) + Transaction 2087480 - Approved By: NOREVIEW : 03-11-2011:13:15:36         3/11/2011       NEF       Proof of Electronic Service       Transaction 2087508 - Approved By: NOREVIEW : 03-11-2011:13:18:19         3/11/2011       NEF       Proof of Electronic Service       Transaction 2087508 - Approved By: NOREVIEW : 03-11-2011:13:18:19         3/11/2011       NEF       Proof of Electronic Service       Transaction 2087504 - Approved By: NOREVIEW : 03-11-2011:13:19:25         3/11/2011       NEF       P	11/3/2010	NEF	Proof of Electronic Service	
2/10/2011If the transmission of t	11/9/2010	2777	Order Approving	RECOMMENDATION AND ORDER GRANTING DEFENSE FEES
2/14/2011       4045       Stipulation to Continuance       (RECOMMENDATION AND ORDER RECEIVED - MS)         2/14/2011       4045       Stipulation to Continuance       STIPULATION FOR CONTINANCE OF HEARING DATE - EVIDENTIARY HEARING CONTINUED FROM APRIL 1, 2011 TO APRIL 22, 2011 AT 9:00 A.M Transaction 2031396 - Approved By: AZION : 02-14-2011:10:18:26         2/14/2011       NEF       Proof of Electronic Service       Transaction 2031422 - Approved By: NOREVIEW : 02-14-2011:10:20:04         3/8/2011       2777       Order Approving       SEALED - RECOMMENDATION AND ORDER FOR PAYMENT OF INTERIM ATTORNEY'S FEES         3/11/2011       1250E       Application for Setting eFile       EVIDENTIARY HEARING ON PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION) - JUNE 3, 2011 AT 9:00 A.M. (VACATES APRIL 22, 2011 HEARING) - Transaction 2087480 - Approved By: NOREVIEW : 03-11-2011:13:15:36         3/11/2011       NEF       Proof of Electronic Service       Transaction 2087508 - Approved By: NOREVIEW : 03-11-2011:13:15:36         3/11/2011       NEF       Proof of Electronic Service       ORDER GRANTING STIPULATION FOR CONTINUANCE OF HEARING DATE (CONTINUE EVIDENTIARY HEARING FROM APRIL 1, 2011 TO APRIL 22, 2011) - Transaction 2087504 - Approved By: NOREVIEW : 03-11-2011:13:19:25         3/11/2011       NEF       Proof of Electronic Service       Transaction 2087504 - Approved By: NOREVIEW : 03-11-2011:13:19:25         3/11/2011       NEF       Proof of Electronic Service       Transaction 2087504 - Approved By: NOREVIEW : 03-11-2011:13:19		2777		
2/14/2011NEFProof of Electronic ServiceA.M Transaction 2031396 - Approved By: AZION : 02-14-2011:10:18:26 Transaction 2031422 - Approved By: NOREVIEW : 02-14-2011:10:20:043/8/20112777Order ApprovingSEALED - RECOMMENDATION AND ORDER FOR PAYMENT OF INTERIM ATTORNEY'S FEES3/11/20111250EApplication for Setting eFileEVIDENTIARY HEARING ON PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION) - JUNE 3, 2011 AT 9:00 A.M. (VACATES APRIL 22, 2011 HEARING) - Transaction 2087480 - Approved By: NOREVIEW : 03-11-2011:13:15:363/11/2011NEFProof of Electronic ServiceTransaction 2087508 - Approved By: NOREVIEW : 03-11-2011:13:15:253/11/2011NEFProof of Electronic ServiceORDER GRANTING STIPULATION FOR CONTINUANCE OF HEARING DATE (CONTINUE EVIDENTIARY HEARING FROM APRIL 1, 2011 TO APRIL 22, 2011) - Transaction 2087504 - Approved By: NOREVIEW : 03-11-2011:13:19:253/11/2011NEFProof of Electronic ServiceORDER GRANTING STIPULATION FOR CONTINUANCE OF HEARING DATE (CONTINUE EVIDENTIARY HEARING FROM APRIL 1, 2011 TO APRIL 22, 2011) - Transaction 2087504 - Approved By: NOREVIEW : 03-11-2011:13:19:253/11/2011NEFProof of Electronic ServiceTransaction 2087544 - Approved By: NOREVIEW : 03-11-2011:13:25:033/11/2011NEFProof of Electronic ServiceSEALED - EX PARTE APPLICATION FOR INTERIM CLAIM FOR FEES -6/21/20111670Ex-Parte MtnSEALED - EX PARTE APPLICATION FOR INTERIM CLAIM FOR FEES -				(RECOMMENDATION AND ORDER RECEIVED - MS)
3/8/20112777Order ApprovingSEALED - RECOMMENDATION AND ORDER FOR PAYMENT OF INTERIM ATTORNEY'S FEES3/11/20111250EApplication for Setting eFileEVIDENTIARY HEARING ON PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION) - JUNE 3, 2011 AT 9:00 A.M. (VACATES APRIL 22, 2011 HEARING) - Transaction 2087480 - Approved By: NOREVIEW : 03-11-2011:13:15:363/11/2011NEFProof of Electronic ServiceTransaction 2087508 - Approved By: NOREVIEW : 03-11-2011:13:18:193/11/20110rd GrantingORDER GRANTING STIPULATION FOR CONTINUANCE OF HEARING DATE (CONTINUE EVIDENTIARY HEARING FROM APRIL 1, 2011 TO APRIL 22, 2011) - Transaction 2087504 - Approved By: NOREVIEW : 03-11-2011:13:19:253/11/2011NEFProof of Electronic ServiceTransaction 2087544 - Approved By: NOREVIEW : 03-11-2011:13:19:2503/11/2011NEFProof of Electronic ServiceTransaction 2087544 - Approved By: NOREVIEW : 03-11-2011:13:19:2503/11/2011NEFProof of Electronic ServiceSEALED - EX PARTE APPLICATION FOR INTERIM CLAIM FOR FEES -	2/14/2011	NEF	Proof of Electronic Service	A.M Transaction 2031396 - Approved By: AZION : 02-14-2011:10:18:26
3/11/20111250EApplication for Setting eFileATTORNEY'S FEES EVIDENTIARY HEARING ON PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION) - JUNE 3, 2011 AT 9:00 A.M. (VACATES APRIL 22, 2011 HEARING) - Transaction 2087480 - Approved By: NOREVIEW : 03-11-2011:13:15:363/11/2011NEFProof of Electronic ServiceORDER GRANTING STIPULATION FOR CONTINUANCE OF HEARING DATE (CONTINUE EVIDENTIARY HEARING FROM APRIL 1, 2011 TO APRIL 22, 2011) - Transaction 2087504 - Approved By: NOREVIEW : 03-11-2011:13:19:253/11/2011NEFProof of Electronic ServiceORDER GRANTING STIPULATION FOR CONTINUANCE OF HEARING DATE (CONTINUE EVIDENTIARY HEARING FROM APRIL 1, 2011 TO APRIL 22, 2011) - Transaction 2087504 - Approved By: NOREVIEW : 03-11-2011:13:19:253/11/2011NEFProof of Electronic ServiceTransaction 2087544 - Approved By: NOREVIEW : 03-11-2011:13:25:036/21/20111670Ex-Parte MtnSEALED - EX PARTE APPLICATION FOR INTERIM CLAIM FOR FEES -				
3/11/2011       NEF       Proof of Electronic Service       03-11-2011:13:15:36 Transaction 2087508 - Approved By: NOREVIEW : 03-11-2011:13:18:19         3/11/2011       3105       Ord Granting       ORDER GRANTING STIPULATION FOR CONTINUANCE OF HEARING DATE (CONTINUE EVIDENTIARY HEARING FROM APRIL 1, 2011 TO APRIL 22, 2011) - Transaction 2087504 - Approved By: NOREVIEW : 03-11-2011:13:19:25         3/11/2011       NEF       Proof of Electronic Service       Transaction 2087544 - Approved By: NOREVIEW : 03-11-2011:13:25:03         6/21/2011       1670       Ex-Parte Mtn       SEALED - EX PARTE APPLICATION FOR INTERIM CLAIM FOR FEES -				ATTORNEY'S FEES e EVIDENTIARY HEARING ON PETITION FOR WRIT OF HABEAS CORPUS
3/11/2011       NEF       Proof of Electronic Service       DATE (CONTINUE EVIDENTIARY HEARING FROM APRIL 1, 2011 TO APRIL 22, 2011) - Transaction 2087504 - Approved By: NOREVIEW : 03-11-2011:13:19:25         6/21/2011       1670       Ex-Parte Mtn       SEALED - EX PARTE APPLICATION FOR INTERIM CLAIM FOR FEES -	3/11/2011	NEF	Proof of Electronic Service	03-11-2011:13:15:36
APRIL 22, 2011) - Transaction 2087504 - Approved By: NOREVIEW :         03-11-2011:13:19:25         3/11/2011         NEF       Proof of Electronic Service         6/21/2011       1670         Ex-Parte Mtn       SEALED - EX PARTE APPLICATION FOR INTERIM CLAIM FOR FEES -	3/11/2011	3105	Ord Granting	
6/21/2011       1670       Ex-Parte Mtn         SEALED - EX PARTE APPLICATION FOR INTERIM CLAIM FOR FEES -	3/11/2011	NEF	Proof of Electronic Service	APRIL 22, 2011) - Transaction 2087504 - Approved By: NOREVIEW : 03-11-2011:13:19:25
				SEALED - EX PARTE APPLICATION FOR INTERIM CLAIM FOR FEES -

Case ID:	CR07P1728	Case Type:	POST CONVICTION	Initial Filing Date:	7/21/2009
6/21/2011	NEF	Proof of Electronic Servi	ce Transaction 2300887 - Appro	oved By: NOREVIEW : 06-21-2011:14:40:55	
7/1/2011	2777	Order Approving	SEALED - RECOMMENDA ATTORNEY'S FEES	TION AND ORDER FOR PAYMENT OF INTE	RIM
7/13/2011	4185	Transcript	MOTION TO WITHDRAW	PLEA - JUNE 3, 2011 - Transaction 2342913 -	
7/13/2011	NEF	Proof of Electronic Servi	ce Approved By: NOREVIEW Transaction 2342930 - Appro	wed By: NOREVIEW : 07-13-2011:13:26:47	
7/26/2011	MIN	***Minutes		HABEAS CORPUS (POST CONVICTION) - 6/3/	'11 -
7/26/2011	NEF	Proof of Electronic Servi		wed By: NOREVIEW : 07-26-2011:14:24:33 wed By: NOREVIEW : 07-26-2011:14:27:08	
8/10/2011	S200	Request for Submission C	Complet		
8/18/2011	MIN	***Minutes		LEPHONIC DECISION - 8-12-11 - Transaction	
8/18/2011	NEF	Proof of Electronic Servi	11 5	REVIEW : 08-18-2011:08:43:15 wed By: NOREVIEW : 08-18-2011:08:45:13	
12/29/201	1750	Findings, Conclusions &	•	CLUSIONS OF LAW AND JUDGMENT - Trans	saction
12/29/201	NEF	Proof of Electronic Servi	11 5	REVIEW : 12-29-2011:10:55:16 wed By: NOREVIEW : 12-29-2011:10:57:49	
12/30/201	2515	Notice of Appeal Suprem	,	JNCKLEY - Transaction 2674644 - Approved By	/:
12/30/201	NEF	Proof of Electronic Servi	LMATHEUS : 12-30-2011:1 ce Transaction 2674881 - Appro	0:36:58 wed By: NOREVIEW : 12-30-2011:10:38:48	
12/30/201	1310	Case Appeal Statement	Transaction 2675054 - Appro	oved By: LMATHEUS : 12-30-2011:11:25:52	
12/30/201	NEF	Proof of Electronic Servi	ce Transaction 2675175 - Appro	oved By: NOREVIEW : 12-30-2011:11:28:49	
12/30/201	3868	Req to Crt Rptr - Rough	Draft Transaction 2674700 - Appro	oved By: SHAMBRIG : 12-30-2011:11:56:50	
12/30/201	NEF	Proof of Electronic Servi	ce Transaction 2675283 - Appro	oved By: NOREVIEW : 12-30-2011:11:58:16	
12/30/201	1350	Certificate of Clerk		AND TRANSMITTAL - NOTICE OF APPEAL web By: NOREVIEW : 12-30-2011:14:53:18	-

Case Description: POST: BRENDAN DUNCKLEY (D4)

1	FILED Electronically 12-29-2011:10:54:53 AM Craig Franden Clerk of the Court Transaction # 2672262
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5 6	IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,
7	IN AND FOR THE COUNTY OF WASHOE
8	***
9	BRENDAN DUNCKLEY,
9 10	Petitioner,
11	v. Case No. CR07P1728
12	JACK PALMER, Dept. No. 4
13	Respondent.
	/
14 15	FINDINGS OF FACT, CONCLUSIONS OF LAW
15	AND JUDGMENT
17	This matter came before the Court on Dunckley's Petition for Writ of Habeas Corpus
18	(Post-Conviction) and the Supplemental Petition filed by counsel. There has been an
	evidentiary hearing. The Court, being fully advised of the premises, hereby denies the relief
19	
20	requested.
21	FINDINGS OF FACT AND CONCLUSIONS OF LAW
22	Dunckley argued that he did not receive effective assistance of counsel from his trial
23	lawyer, David O'Mara, and that his pleas are invalid. The Court is not persuaded.
24	A. <u>Ineffective Assistance of Counsel</u>
25	Before considering the merits, the Court will start by setting forth the applicable
26	standard of review.
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#### 1. The Applicable Standard of Review

To prove ineffective assistance of counsel sufficient to invalidate a judgment of 2 conviction based on a guilty plea, a petitioner must demonstrate (a) that his counsel's 3 performance was deficient in that it fell below an objective standard of reasonableness and (b) 4 resulting prejudice in that there is a reasonable probability that, but for counsel's errors, 5 petitioner would not have pleaded guilty and would have insisted on going to trial. *Hill v.* 6 7 Lockhart, 474 U.S. 52, 58-59 (1985); Kirksey v. State, 112 Nev. 980, 988, 923 P.2d 1102, 1107 (1996). Both components of the inquiry must be shown, *Strickland v. Washington*, 466 U.S. 8 668, 697 (1984), and the petitioner must demonstrate the underlying facts by a preponderance 9 of the evidence, Means v. State, 120 Nev. 1001, 1012, 103 P.3d 25, 33 (2004).

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#### 2. Application of the Standard to the Alleged Instances of Ineffective Assistance

In his original petition and in the Supplemental Petition filed by counsel, Dunckley sets 13 forth a large number of instances of ineffective assistance of counsel. As noted above, there 14 was an evidentiary hearing, but, despite having a full and fair opportunity to do so, Dunckley did not present any evidence in support of the vast majority of the pleaded claims. Accordingly, those claims were not proved, and the relief requested by them is denied. The Court will now consider the claims for which Dunckley did present evidence. 18

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## a. Failure to Investigate and Present an Alibi Defense

At various places in his moving papers, Dunckley alleged that he did not commit the 20 crime charged in Count I because he was not in the State of Nevada or Washoe County at the 21 relevant time. Dunckley testified at the evidentiary hearing that, despite informing Mr. O'Mara 22 of his alibi and providing documentary evidence to substantiate it, O'Mara was ineffective 23 because he failed to take the defense seriously or otherwise investigate it. Dunckley went on to 24 allege that, had Mr. O'Mara investigated the alibi, he would not have pleaded guilty to the 2526 charges.

From the standpoint of the performance prong of Strickland and Hill, the Court will 1 note that Mr. O'Mara confirmed that he and Dunckley discussed the alibi defense to Count I, 2 and that, prior to Dunckley accepting the State's plea offer, he had received the documents 3 Dunckley claimed substantiated the alibi. Furthermore, O'Mara testified credibly that, upon 4 investigating the case and reviewing discovery, he planned on taking the case to trial, asserting 5 the alibi defense to Count I, not negotiating it. Mr. O'Mara added that, as the trial date 6 approached, the State tendered a plea offer that put probation "on the table," an offer Mr. 7 O'Mara was duty bound to convey to his client. Mr. O'Mara went on to say that Dunckley 8 decided in favor of a change of plea to reduced charges because he was sure he would get 9 probation. Mr. O'Mara, however, warned Dunckley that he was not so sure about probation in 10 this case, believing prison a more likely outcome. Dunckley rejected Mr. O'Mara's assessment 11 and advice. 12

Given the testimony presented at the evidentiary hearing, the Court finds Mr. O'Mara's testimony to be credible. In fact, contrary to Dunckley's testimony, Mr. O'Mara was well aware of Dunckley's alibi defense, took it quite seriously, and believed it could be successful. Likewise, Mr. O'Mara cautioned Dunckley about the potential consequences of taking the plea bargain: it may have placed probation "on the table," but the parties remained "free to argue" and he believed prison time to be a definite possibility. Dunckley rejected Mr. O'Mara's advice.

In short, Dunckley failed to establish, with credible evidence, that Mr. O'Mara's
performance in this case was objectively unreasonable. Quite the contrary, Mr. O'Mara
conducted a reasonably complete investigation, approached the case as if it were going to trial,
but upon conveying the State's plea offer, as he is required to do, Dunckley accepted it.
Thereafter, Mr. O'Mara counseled Dunckley on the possible ramification of his decision and
prepared for sentencing. In the end, it was Dunckley's decision to make after consulting with
counsel, and he made his decision.

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#### b. Failure to Investigate DNA Evidence

According to Jessica, one of the two victims in the case, she engaged in oral sex with Dunckley in Washoe County. When the police investigated the accusation, they acquired a DNA swab from Dunckley's penis. Subsequent forensic analysis revealed no DNA.

Dunckley alleged and then testified that he was unaware of the results of the forensic examination before he entered his plea, and, had he known of it, he would have insisted on going to trial. The Court is not persuaded.

First, it is undisputed Mr. O'Mara knew the results of the forensic examination prior to the time Dunckley entered his plea. Moreover, while Mr. O'Mara said he never showed the forensic report to Dunckley, he testified credibly that he and Dunckley went over its results. Consequently, the Court finds that Dunckley was aware of the results of the forensic examination before he accepted the plea bargain. Dunckley's testimony to the contrary is not credible. The fact that Mr. O'Mara may not have shown Dunckley the actual written report does not change the fact he was aware of its content. By the same token, Dunckley presented no evidence proving or tending to prove that an objective standard of reasonableness required Mr. O'Mara to present the forensic report to his client if, as was the case here, he explained its content. As a result, Dunckley failed to establish the performance prong of *Strickland-Hill*.

Furthermore, Dunckley failed to establish prejudice. In *Hill v. Lockhart*, the Court said the following on the subject of prejudice in a plea context: "where the alleged error of counsel is a failure to investigate or discover potentially exculpatory evidence, the determination whether the error 'prejudiced' the defendant will depend on . . . whether the evidence likely would have changed the outcome of a trial." *Id.*, p. 59. If not, then the petitioner has failed to show a reasonable probability that he would not have pleaded guilty and insisted on going to trial. *Id.* Such is the case here.

For example, it is undisputed that Dunckley and Jessica were together at the time and place Jessica claimed the crime was committed. It is also undisputed that, when Detective

Broome interviewed Dunckley, Dunckley admitted Jessica placed her mouth on his penis. He
repeated the same admissions to Steven Ing, the expert who prepared a psychosexual
evaluation. Thus, in light of Dunckley's admissions, the Court finds the fact that no DNA was
found on the penial swab is of no material consequence under *Hill*'s prejudice prong. The
Court is, of course, aware that Dunckley testified that he lied to Detective Broome and Mr. Ing,
presumably in an effort to enhance the significant of the negative test results, but the Court
finds Dunckley's subsequent recantation to be unworthy of belief.

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## c. Motion to Suppress: Miranda

Dunckley also alleged and testified that Mr. O'Mara was ineffective because he failed to
file and litigate a motion to suppress statements he made to Detective Broome. As noted
above, Dunckley's statements to Detective Broome were important pieces of incriminating
evidence. Consequently, it would be objectively reasonable for Mr. O'Mara to at least consider
filing a motion to suppress the statements, and, if the motion enjoyed a reasonable probability
of being granted, then it would have been objectively unreasonable and prejudicial to omit it.

Here, Mr. O'Mara testified credibly that he was aware that his client had made
statements to Detective Broome, and he considered filing a motion to suppress them. Mr.
O'Mara went on to say, however, that, upon researching the motion, he concluded that the
motion would not be successful because they were voluntarily made and not the product of
custodial interrogation. Dunckley presented no credible evidence drawing Mr. O'Mara's
assessment into question.

Accordingly, the Court finds and concludes that, even though Mr. O'Mara did not make a motion to suppress Dunckley's statements, Dunckley failed to prove that this omission was objectively unreasonable or prejudicial.

## d. Failure to Investigate or Interview the Victims

Dunckley also alleged and testified that Mr. O'Mara provided ineffective assistance because he did not investigate and interview the two victims. While it might the case that a reasonably competent lawyer would try to interview the victims, Dunckley failed to establish
 that victims were under an obligation to talk to his lawyer, outside the preliminary hearing, nor
 did he establish what the victims would have said if they elected to talk. Consequently, even
 assuming Mr. O'Mara should have put forth the effort and did not do so, Dunckley failed to
 show prejudice.

#### e. <u>Failure to Object to the Prosecutor's Breach of the</u> <u>Plea Bargain</u>

8 Finally, Dunckley alleged and then testified that he should be awarded a new sentencing hearing because the prosecutor breached the plea bargain, and Mr. O'Mara was ineffective in 9 failing to object and demand specific performance. The Court has carefully reviewed the terms 10 and conditions of the plea bargain, and compared and contrasted those terms and conditions 11 with the comments made by the prosecutor during the sentencing hearing, and can find no 12 grounds upon which to maintain that the prosecutor breached the plea bargain. Accordingly, 13 the Court finds that, because there was no breach, Mr. O'Mara failure to object was neither 14 deficient nor prejudicial. 15

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## B. Validity of the Pleas

Under Ground Three, Dunckley alleged that his pleas were invalid because he was not
properly advised of the consequences of his pleas: namely, the unavailability of probation.
While it is true that a plea may be invalidated when a district judge fails to personally address a
defendant and inform him when probation is not available, probation was available as a
possible sentence for each of the two crimes at issue here at the time the crimes were
committed. As a result, the Court properly advised Dunckley that probation was available, and
his argument to the contrary is a nonstarter.<sup>1</sup>

<sup>25</sup> <sup>1</sup>Insofar as Dunckley alleged that the Court applied the newly enacted version of NRS
 <sup>26</sup> <sup>176A.110</sup>, which disallows probation, and thus violated the Ex Post Facto Clause of the
 <sup>26</sup> Constitution, that claim lacks merit because the Court applied the law in effect at the time the

1	JUDGMENT
2	It is therefor the judgment and order of the Court that Dunckley's request for post-
3	conviction habeas relief is denied.
4	DATED this <u>23</u> day of <u>lecendres</u> , 2011.
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6	Connie J. Stanheimer DISTRICT JUDGE
7	DISTRICT JUDGE
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25	crimes were committed and those provisions allowed for probation. The overarching problem therefore was not the availability of probation, but whether probation was appropriate in this
26	case.
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## 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 ARRAIGNMENT HONORABLE CONNIE Deputy District Attorney Kelli Viloria, Esq., represented the State. Defendant 10/19/07 present with counsel David O'Mara, Esq. Probation officer Lupe Garrison also 9:00 a.m. STEINHEIMER present

		present with courser David O Mara, Esq. 1 Tobation onicer Edge Oamson also	3.00 a.m.
ļ	STEINHEIMER	present.	Pre-Trial
ļ	DEPT. NO.4	Defendant handed copy of Information; indicated to the Court that name as set	
	M. Stone (Clerk)	forth on same was his true name; waived reading and entered a plea of not guilty to the charge set forth therein.	(3 Hours)
	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.
	、 <b>·</b> <i>· /</i>	<b>COURT FURTHER ENTERED ORDER</b> that all pre-trial motions shall be filed	
		and served no later than September 17, 2007; all responses to those pre-trial 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)

# FILED

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

Howard W. Conyers

#### CASE NO. CR07-1728 TITLE: THE STATE OF NEVADA VS. BRENDAN DUNCK the Court Transaction # 260887

		200001
DATE, JUDGE		
OFFICERS OF		
COURT PRES		CONT'D TO
3/6/08	MOTION TO CONFIRM TRIAL DATE/ARRAIGNMENT ON AMENDED	
HONORABLE	INFORMATION	8/5/08
CONNIE	Deputy District Attorney Kelli Viloria, Esq., represented the State.	9:00 a.m.
STEINHEIMER	Defendant present with counsel David O'Mara, Esq. Probation Officer Laura	Sentencina
DEPT. NO.4	Pappas also present.	0
M. Stone	Defendant handed copy of Amended Information; indicated to the Court that	
(Clerk)	name as set forth on same was his true name; waived reading and enter a	
B. Van Auken		
	plea of guilty to Lewdness with a Child Under the Age of Fourteen Years	
(Reporter)	and Attempted Sexual Assault as set forth therein.	
	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.	
	<b>COURT ORDERED</b> matter referred to Probation Department for PSI and	
	continued for entry of judgment, consideration of probation report and	
	imposition of sentence.	
	<b>COURT FURTHER ORDERED</b> 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.	

#### CASE NO. CR07-1728 TITLE: THE STATE OF NEVADA VS. BRENDAN DUNCK the Court Transaction # 366951

#### DATE, JUDGE OFFICERS OF COURT PRESENT

#### **APPEARANCES-HEARING**

#### CONT'D TO

#### 8/5/08 ENTRY OF JUDGMENT AND IMPOSITION OF SENTENCE Deputy District Attorney Kelli Viloria, Esg., represented the State. HONORABLE Defendant present with counsel, David O'Mara, Esg. Probation Officer Lupe CONNIE STEINHEIMER Garrison also present. Court noted receipt of report. DEPT. NO.4 Court noticed document received. R. Cotter (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 09-16-2008:11:34:10 AM Howard W. Convers

# Howard W. Conyers CASE NO. CR07-1728 <u>TITLE: THE STATE OF NEVADA VS. BRENDAN DUNCKtkEY</u> the Court <u>Transaction # 2368996</u> OFFICERS OF

#### COURT PRESENT **APPEARANCES-HEARING** CONT'D TO MOTION FOR WITHDRAWAL OF GUILTY PLEA 6/3/11 Chief Deputy District Attorney Gary Hatlestad, Esq., represented the State. HONORABLE Defendant present representing himself. CONNIE STEINHEIMER Motion for Withdrawal of Guilty Plea by Defendant; presented argument; objection and argument by State's counsel; reply by Defendant. DEPT. NO.4 **COURT** took matter under advisement. M. Stone (Clerk) S. Loder (Reporter)

#### FILED

Electronically 07-26-2011:02:16:02 PM

FILED Electronically 08-18-2011:08:22:50 AM Howard W. Conyers

#### CASE NO. CR07-1728 TITLE: THE STATE OF NEVADA VS. BRENDAN DUNCK of the Court Transaction # 2415266

	Turbu	00011 // 2410200
DATE, JUDGE		
OFFICERS OF		
COURT PRESE	INT APPEARANCES-HEARING	CONT'D TO
8/12/11	CONFERENCE CALL – TELEPHONIC DECISION	
HONORABLE	Chief Deputy District Attorney Gary Hatlestad, Esq., was present	
CONNIE	telephonically representing the State. Defendant Brendan Dunckley wa	S
STEINHEIMER	present telephonically representing himself.	
DEPT. NO.4	COURT ENTERED ORDER denying the Defendant's Motion to Withdra	W
R. Woosley	Guilty Plea, based upon the defendant knowingly entering his plea at the	е
(Clerk)	time of the hearing.	
Not Reported		
(Reporter)		
,		

# FILED

Electronically 08-18-2011:08:42:38 AM Howard W. Conyers

#### CASE NO. CR07P1728 TITLE: BRENDAN DUNCKLEY VS. THE STATE OF NEVAdDA of the Court Transaction # 2415325

DATE, JUDGE OFFICERS OF		
COURT PRES	ENT APPEARANCES-HEARING	CONT'D TO
8/12/11	CONFERENCE CALL – TELEPHONIC DECISION	
HONORABLE	Robert Story, Esq., present telephonically with Petitioner Brendan Dunckley,	
CONNIE	who also present telephonically. Chief Deputy District Attorney Gary	
STEINHEIMER	Hatlestad, Esq., was present telephonically representing the State.	
DEPT. NO.4	COURT ENTERED ORDER finding that based upon counsel not being	
R. Woosley	ineffective, and that no prosecutorial misconduct having occurred, the	
(Clerk)	Petition for Writ of Habeas Corpus is denied.	
Not Reported		
(Reporter)		
· · /		

1 2	Code 1350 FILED Electronically 12-30-2011:02:52:38 PM Craig Franden Clerk of the Court <u>Transaction # 2675876</u>
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5	
6	IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7	IN AND FOR THE COUNTY OF WASHOE
8	BRENDAN DUNCKLEY,
9	Petitioner,
10	vs. Case No. CR07P1728
11	THE STATE OF NEVADA, et al, Dept. No. 4
12	Respondent.
13 14	/
14	CERTIFICATE OF CLERK AND TRANSMITTAL – NOTICE OF APPEAL
16	I certify that I am an employee of the Second Judicial District Court of the State of
17	Nevada, County of Washoe; that on the 30th day of December, 2011, I electronically filed
18	the Notice of Appeal in the above entitled matter to the Nevada Supreme Court.
19	I further certify that the transmitted record is a true and correct copy of the original
20	pleadings on file with the Second Judicial District Court.
21	Dated this 30th day of December, 2011.
22	CRAIG FRANDEN ACTING CLERK OF THE COURT
23	By <u>/s/Mary Fernandez</u>
24	Mary Fernandez Deputy Clerk
25 26	
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