

1 **Code 1350**

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

7 **THE STATE OF NEVADA,**

8
9 **Plaintiff,**

Case No. CR12-0110

10 **vs.**

Dept. No. 9

11 **KUPA'A KEA,**

12 **Defendant.**

13 _____ /
14 **CERTIFICATE OF CLERK AND TRANSMITTAL –NRAP 3(g)(1)(B)**

15 I certify that I am an employee of the Second Judicial District Court of the State of
16 Nevada, County of Washoe. On the 12th day of July, 2012, I electronically filed to the
17 Supreme Court the Amended Case Appeal Statement and Motion for Rough Draft
18 Transcript at Public Expense filed July 12, 2012.

19 The Order is transmitted pursuant to NRAP 3(g)(1)(B).

20 I further certify that the transmitted record is a copy of the original pleadings on file
21 with the Second Judicial District Court.

22 Dated this 12th day of July, 2012.

23 **JOEY ORDUNA HASTINGS**
24 **CLERK OF THE COURT**

25
26 By /s/ Lori Matheus
27 **Lori Matheus**
28 **Deputy Clerk**

Document Code #2230
KATHRINE I. BERNING, ESQ.
Nevada State Bar No. 3678
195 Casazza Drive
Reno, Nevada 89502
(775) 329-8646 - Telephone
Attorney for Defendant

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

* * *

THE STATE OF NEVADA,

Plaintiff,

Case No. CR12-0110

vs.

Dept. No. 9

KUPA'A KEA, aka,
PAUL, aka, KUPAA W. KEA, aka,
MIGUEL HERNANDEZ, aka, PAUL KEA,
aka KUPAA A A, aka, KUPA KE-A, aka,
KUPO KE-A, aka, KUPOA KEA, aka,
KUPOA KE-A, aka, KUPAA WIW-OLE-NAI KE-A,
aka, KUPAA KE-A, aka, KRUMS, aka,
KUPAA WIWIOLENA'I KE-A, aka,
KUPAA KE, KEA KUPA,

Defendant.

MOTION FOR ROUGH DRAFT TRANSCRIPT AT PUBLIC EXPENSE

Defendant, KUPA'A KEA, aka, PAUL, aka, KUPAA W. KEA, aka, MIGUEL
HERNANDEZ, aka, PAUL KEA, aka KUPAA A A, aka, KUPA KE-A, aka, KUPO KE-A, aka,
KUPOA KEA, aka, KUPOA KE-A, aka, KUPAA WIW-OLE-NAI KE-A, aka, KUPAA KE-A,
aka, KRUMS, aka, KUPAA WIWIOLENA'I KE-A, aka, KUPAA KE, KEA KUPA, by and
through his counsel on appeal, moves for an Order granting the Defendant rough draft transcripts
at County expense for preparation of his appeal. The following transcripts have been requested:

June 1, 2012: Rough Draft Transcript of Proceedings: Sentencing

April 4, 2012: Rough Draft Transcript of Proceedings: Motion to Set Bail

February 8, 2012: Rough Draft Transcripts of Proceedings: Arraignment

The Notice of Appeal was filed with the Court on June 26, 2012, in the Second Judicial
District Court of the State of Nevada.

1 Defendant was appointed counsel through the BELL CONFLICT GROUP in conjunction
2 with the WASHOE COUNTY ALTERNATE PUBLIC DEFENDER'S OFFICE. The attorney who
3 was appointed to represent the Defendant was KATHRINE I. BERNING, ESQ., and Attorney
4 BERNING has been appointed to represent the Defendant and handle his appeal. The Defendant is
5 currently incarcerated and cannot afford to pay for the cost of the transcripts.

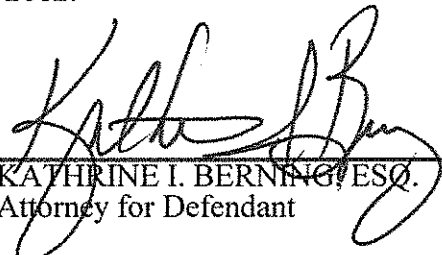
6 Defendant requires the rough draft transcripts to explore and develop the following potential
7 issues on appeal:

8 To determine whether an error occurred during sentencing.

9
10 **AFFIRMATION PURSUANT TO NRS 239B.030**

11 The undersigned hereby affirms that this document does not contain a Social Security
12 Number.

13 DATED this 12th day of July, 2012.

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17 KATHRINE I. BERNING, ESQ.
18 Attorney for Defendant
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2 **CERTIFICATE OF SERVICE BY MAIL**

3 Pursuant to NRCP 5(b) , I certify that I am an employee of the Law Offices of Fry &
4 Berning, LLC, and that on this date I deposited in the United States mail, at Reno, Nevada, with
5 postage thereon prepaid, a true and correct copy of the attached MOTION FOR ROUGH DRAFT
6 TRANSCRIPTS AT PUBLIC EXPENSE,
7 addressed as follows:

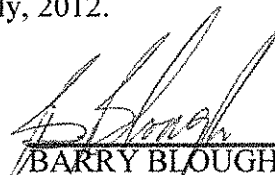
8 Mr. Kupa'a Kea JID 1086980
9 P.O. Box 7000
Carson City, NV 897020

10 Mr. Terrance McCarthy, Esq., DDA
11 Appellate Division
P.O. Box 30083
12 Reno, Nevada 89520-3083

13 Catherine Cortez Masto
14 Attorney General for State of Nevada
100 N. Carson Ctreet
Carson City, NV 89701

15 Tracie K. Lindeman, Clerk of the Court
16 Supreme Court of Nevada
201 South Carson Street, Suite 201
17 Carson City, Nevada 89701-4702

18 DATED this 12th day of July, 2012.

19
20 
21 BARRY BLOUGH, Paralegal to
22 KATHRINE I. BERNING, ESQ.
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1 Document Code 1087
2 FRY & BERNING, LLC
3 KATHRINE I. BERNING, ESQ.
4 Nevada State Bar #3678
5 195 Casazza Drive
6 Reno, Nevada 89502
7 (775) 329-8646 - Telephone
8 (775) 329-8649 - Facsimile
9 Attorney for Defendant

Electronically Filed
Jul 12 2012 04:29 p.m.
Tracie K. Lindeman
Clerk of Supreme Court

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

7 IN AND FOR THE COUNTY OF WASHOE

8 * * *

9 THE STATE OF NEVADA,

10 Plaintiff,

Case No. CR12-0110

11 vs.

Dept No. 9

12 KUPA'A KEA, aka,
13 PAUL, aka, KUPAA W. KEA, aka,
14 MIGUEL HERNANDEZ, aka, PAUL KEA,
15 aka KUPAA A A, aka, KUPA KE-A, aka,
16 KUPO KE-A, aka, KUPOA KEA, aka,
17 KUPOA KE-A, aka, KUPAA WIW-OLE-NAI KE-A,
18 aka, KUPAA KE-A, aka, KRUMS, aka,
19 KUPAA WIWIOLENA'I KE-A, aka,
20 KUPAA KE, KEA KUPA,

Defendant.
/

20 **AMENDED CASE APPEAL STATEMENT**

21 1. Appellant, KUPA'A KEA, aka, PAUL, aka, KUPAA W. KEA, aka, MIGUEL
22 HERNANDEZ, aka, PAUL KEA, aka KUPAA A A, aka, KUPA KE-A, aka, KUPO KE-A, aka,
23 KUPOA KEA, aka, KUPOA KE-A, aka, KUPAA WIW-OLE-NAI KE-A, aka, KUPAA KE-A,
24 aka, KRUMS, aka, KUPAA WIWIOLENA'I KE-A, aka, KUPAA KE, KEA KUPA, by and
25 through his Attorney KATHRINE I. BERNING, ESQ., and hereby files this Amended Case
26 Appeal Statement;

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1 2. This appeal is from a judgment of conviction entered on June 1, 2012, by the
2 Honorable Scott Freeman;

3 3. The parties below consisted of (a) THE STATE OF NEVADA, Plaintiff; and (b)
4 KUPA'A KEA, aka, PAUL, aka, KUPAA W. KEA, aka, MIGUEL HERNANDEZ, aka, PAUL
5 KEA, aka KUPAA A A, aka, KUPA KE-A, aka, KUPO KE-A, aka, KUPOA KEA, aka,
6 KUPOA KE-A, aka, KUPAA WIW-OLE-NAI KE-A, aka, KUPAA KE-A,
7 aka, KRUMS, aka, KUPAA WIWIOLENA'I KE-A, aka, KUPAA KE, KEA KUPA, Defendant;

8
9 4. The parties herein consist of (a) KUPA'A KEA, aka, PAUL, aka, KUPAA W.
10 KEA, aka, MIGUEL HERNANDEZ, aka, PAUL KEA, aka KUPAA A A, aka, KUPA KE-A,
11 aka, KUPO KE-A, aka, KUPOA KEA, aka, KUPOA KE-A, aka, KUPAA WIW-OLE-NAI KE-
12 A, aka, KUPAA KE-A, aka, KRUMS, aka, KUPAA WIWIOLENA'I KE-A, aka, KUPAA KE,
13 KEA KUPA, Appellant; and (b) THE STATE OF NEVADA, Respondent;

14 5. Counsel on Appeal are:

15 TERRANCE MCCARTHY, Esq., DDA RICHARD GAMMICK, ESQ, DA
16 Appellate Division Washoe County District Attorney

17 KATHRINE I. BERNING, ESQ.
18 Attorney for Appellant

19 6. Appellant, KUPA'A KEA, aka, PAUL, aka, KUPAA W. KEA, aka, MIGUEL
20 HERNANDEZ, aka, PAUL KEA, aka KUPAA A A, aka, KUPA KE-A, aka, KUPO KE-A, aka,
21 KUPOA KEA, aka, KUPOA KE-A, aka, KUPAA WIW-OLE-NAI KE-A, aka, KUPAA KE-A,
22 aka, KRUMS, aka, KUPAA WIWIOLENA'I KE-A, aka, KUPAA KE, KEA KUPA, was
23 represented by appointed counsel in District Court;

24 7. Appellant, KUPA'A KEA, aka, PAUL, aka, KUPAA W. KEA, aka, MIGUEL
25 HERNANDEZ, aka, PAUL KEA, aka KUPAA A A, aka, KUPA KE-A, aka, KUPO KE-A, aka,
26 KUPOA KEA, aka, KUPOA KE-A, aka, KUPAA WIW-OLE-NAI KE-A, aka, KUPAA KE-A,
27 aka, KRUMS, aka, KUPAA WIWIOLENA'I KE-A, aka, KUPAA KE, KEA KUPA, is
28

1 represented by appointed counsel in this appeal;

2 8. Appellant was not granted leave to proceed in forma pauperis in the District
3 Court;

4 9. An Information was filed on January 23, 2012, charging KUPA'A KEA, aka,
5 PAUL, aka, KUPAA W. KEA, aka, MIGUEL HERNANDEZ, aka, PAUL KEA, aka KUPAA
6 A A, aka, KUPA KE-A, aka, KUPO KE-A, aka, KUPOA KEA, aka, KUPOA KE-A, aka,
7 KUPAA WIW-OLE-NAI KE-A, aka, KUPAA KE-A, aka, KRUMS, aka, KUPAA
8 WIWIOLENA'I KE-A, aka, KUPAA KE, KEA KUPA with Battery with a Deadly Weapon
9 Causing Substantial Bodily Harm, a felony, against CESAR ANTON, and Battery with a
10 Deadly Weapon Causing Substantial Bodily Harm, a felony, against OSCAR VALENCIA. On
11 June 1, 2012, KUPA'A KEA, aka, PAUL, aka, KUPAA W. KEA, aka, MIGUEL
12 HERNANDEZ, aka, PAUL KEA, aka KUPAA A A, aka, KUPA KE-A, aka, KUPO KE-A, aka,
13 KUPOA KEA, aka, KUPOA KE-A, aka, KUPAA WIW-OLE-NAI KE-A, aka, KUPAA KE-A,
14 aka, KRUMS, aka, KUPAA WIWIOLENA'I KE-A, aka, KUPAA KE, KEA KUPA was
15 sentenced by the Court;

16 10. This is a criminal proceeding and the Appellant is appealing the Judgment of
17 Conviction entered on June 1, 2012 and filed with the Court on June 5, 2012;

18 11. The case has not been the subject of a previous appeal to the Supreme Court;

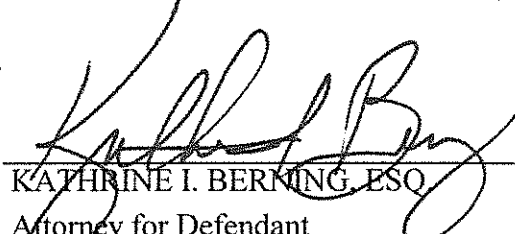
19 12. This case does not involve child custody or visitation;

20 13. This is not a civil case involving the possibility of a settlement.

21 This is a Fast Track Appeal.

22
23 **AFFIRMATION PURSUANT TO NRS 239B.030**

24
25 The undersigned hereby affirms that this document does not contain a Social Security
26 Number. DATED this 12th day of July, 2012.

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28 
KATHARINE I. BERNING, ESQ.
Attorney for Defendant

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Pursuant to NRCp 5(b) , I certify that I am an employee of the Law Offices of Fry & Berning, LLC, and that on this date I deposited in the United States mail, at Reno, Nevada, with postage thereon prepaid, a true and correct copy of the attached AMENDED CASE APPEAL STATEMENT, addressed as follows:

Mr. Kupa'a Kea JID 1086980
P.O. Box 7000
Carson City, NV 897020

Mr. Terrance McCarthy, Esq., DDA
Appellate Division
P.O. Box 30083
Reno, Nevada 89520-3083

Catherine Cortez Masto
Attorney General for State of Nevada
100 N. Carson Ctreet
Carson City, NV 89701

Tracie K. Lindeman, Clerk of the Court
Supreme Court of Nevada
201 South Carson Street, Suite 201
Carson City, Nevada 89701-4702

DATED this 12th day of July, 2012.


BARRY BLOUGH, Paralegal to
KATHRINE I. BERNING, ESQ.