

FILED

JUL 18 2014

JOEY HASTINGS, CLERK
By: [Signature]
DEPUTY CLERK

COURT
copy

CHARLES MAKI, # 42820

Warm Springs Correctional Center
P.O. Box 7007
Carson City, Nevada 89702
Petitioner, In Proper Person

Electronically Filed
Jul 24 2014 03:01 p.m.
Tracie K. Lindeman
Clerk of Supreme Court

IN THE 2ND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

WARDEN SMITH EET.

Plaintiff,

Vs.

Defendant,

CHARLES MAKI

Case No.: CR94-0345

NOTICE APPEAL

Please take notice that CHARLES MAKI, Defendant, and
in his proper person, hereby appeals to the Nevada State Supreme
Court, the judgment(s) in the above- entitled action(s) entered in
this Honorable Court on or about the 7th day of JULY,
20 14. This notice of Appeal is timely filed pursuant to
NRAP4(b).

DATED this 15 day of JULY, 20 14.

Respectfully Submitted,

CHARLES MAKI
DEFENDANT, In Propria Persona

CR94-0345
STATE VS CHARLES JOSEPH MAKI 2 Pages
District Court 07/18/2014 08:00 AM
Washoe County 2515

WARM SPRINGS CORRECTIONAL CENTER Law Library

CERTIFICATE OF MAILING

I, CHARLES m. m. m., certify under the penalties of perjury, that service was made of this NOTICE OF APPEAL & DESIGNATION OF RECORD ON APPEAL, pursuant to NRCP 5(b), by placing same in the United States mail, postage prepaid and addressed as follows:

WASHOE COUNTY D.A. OFFICE
District Attorney
P.O. Box 11170 Reno NV.
89570

(Copy to)

CLERK OF COURT
75 COURT ST.
RENO, NV. 89501

(Copy to)

ROBERT STON Att
2450 VASSAR ST 3D
RENO NV. 89502

DATED this 15 day of July, 20 14

BY: Charles m. m. m.
 Appellant, In Proper Person

1 **Code 1310**

2
3
4
5
6 **IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**

7 **IN AND FOR THE COUNTY OF WASHOE**

8 **CHARLES MAKI,**

9 **Petitioner,**

Case No. CR94-0345

10 **vs.**

Dept. No. 8

11 **THE STATE OF NEVADA,**

12 **Respondent.**

13 _____ /
14 **CASE APPEAL STATEMENT**

15 This case appeal statement is filed pursuant to NRAP 3(2).

- 16 1. This appeal is from an order entered by the Honorable Judge Lidia Stiglich.
- 17 2. Appellant is Charles Maki. Appellant is representing himself in Proper Person on
- 18 appeal:
- 19 3. Appellant's address is:
- 20 Charles Maki #42820
- 21 Warm Springs Correctional Center
- 22 P.O. Box 7007
- 23 Carson City, Nevada 89702
- 24 4. Respondent is the State of Nevada. Respondent is represented by the Washoe
- 25 County District Attorney's Office:
- 26 Terrance McCarthy, Esq.
- 27 P.O. Box 11130
- 28 Reno, Nevada 89520
5. Respondent's attorney is licensed to practice law in Nevada.

6. Appellant was represented by appointed counsel in District Court.
7. Appellant is not represented by appointed counsel on appeal.
8. Appellant was granted leave to proceed in forma pauperis, filed January 7, 2014 in the District Court.
9. Proceeding commenced by the filing of an Information on February 10, 1994.
10. This is a criminal proceeding and the Appellant is appealing the Order filed July 7, 2014.
11. The case has been the subject of a previous appeal to the Supreme Court:
Supreme Court No: 63845
12. This case does not involve child custody or visitation.
13. This is not a civil case involving the possibility of a settlement.

Dated this 24th day of July, 2014.

JOEY ORDUNA HASTINGS
CLERK OF THE COURT

By: /s/ Yvonne Vilorio
Yvonne Vilorio
Deputy Clerk

1 CODE: 3335

2
3
4
5
6 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7 IN AND FOR THE COUNTY OF WASHOE

8
9 CHARLES MAKI,

10 Petitioner,

Case No. CR94-0345

11 vs.

Dept. No. 8

12 STATE OF NEVADA,

13
14 Respondent.
15 _____/

16 **ORDER GRANTING IN *FORMA PAUPERIS***

17 Petitioner is currently serving a sentence in a correctional institution.
18 Pursuant to Nevada Supreme Court's Order ADKT No. 411, a person will be deemed
19 indigent, who is unable, without substantial hardship to himself or his dependents, to
20 obtain competent qualified legal counsel on his own. Under this standard, a
21 presumption of substantial hardship attaches to those persons currently serving a
22 sentence in a correctional institution or housed in a mental health facility.

23 The Court further finds that pursuant to NRS 171.188, petitioner has
24 insufficient assets and/or income to proceed absent a grant of *forma pauperis* status.

25 IT IS HEREBY ORDERED, pursuant to NRS 171.188 petitioner is granted
26 leave to proceed in *forma pauperis*.

27 IT IS HEREBY FURTHER ORDERED that the Court allow petitioner to bring
28 such action without costs and file or issue any necessary writ, process, pleading or
paper without charge, with the exception of jury fees.

1 IT IS HEREBY FURTHER ORDERED that the Sheriff or any other appropriate
2 officer within the state make personal service of any necessary writ, process, pleading
3 or paper without charge for petitioner.

4 IT IS SO ORDERED.

5 Dated: January 7th, 2014.

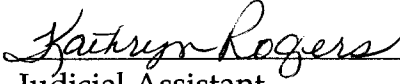
6 
7 _____
8 District Court Judge
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF MAILING

Pursuant to NRCP 5(b), I certify that I am an employee of the Second Judicial District Court, and that on the 7th day of January, 2014, I deposited for mailing, first class postage pre-paid, at Reno, Nevada, a true and correct copy of the foregoing document addressed to:

Charles Maki, 42820
Warm Springs Correctional Center
P.O. Box 7007
Carson City, NV 89702


Judicial Assistant

**SECOND JUDICIAL DISTRICT COURT
COUNTY OF WASHOE**

Case History - CR94-0345

DEPT. D8

HON. LIDIA STIGLICH

Report Date & Time

7/24/2014

8:40:48AM

Case Description: STATE VS CHARLES JOSEPH MAKI (D8)

Case ID:	CR94-0345	Case Type:	CRIMINAL	Initial Filing Date:	2/10/1994
-----------------	------------------	-------------------	-----------------	-----------------------------	------------------

Parties

PATY	Robert C. Bell, Esq. - 1362
APPD	CHARLES MAKI - @395024
DA	Terrence P. McCarthy, Esq. - 2745
DEFT	CHARLES (D8) MAKI - @395470
CAA	Robert Story, Esq. - 1268

Charges

<i>Charge No.</i>	<i>Charge Code</i>	<i>Charge Date</i>	<i>Charge Description</i>
-------------------	--------------------	--------------------	---------------------------

Plea Information

<i>Charge No.</i>	<i>Plea Code</i>	<i>Plea Date</i>	<i>Plea Description</i>
-------------------	------------------	------------------	-------------------------

Release Information

Custody Status

Hearings

<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
1 D8	Request for Submission	4/7/2014	14:35:00	4/17/2014
Event Extra Text: MOTION FOR ENLARGEMENT OF TIME IN WHICH TO PREPARE AND FILE THE SUPPLEMENTAL PETITION FOR WRIT OF HABEAS CORPUS (NO PAPER ORDER PROVIDED)		Disposition: S200 4/17/2014 GRANTED		

Agency Cross Reference

<i>Code</i>	<i>Agency Description</i>	<i>Case Reference I.D.</i>
SC	Supreme Court	SCN 63845

Actions

<i>Action Entry Date</i>	<i>Code</i>	<i>Code Description</i>	<i>Text</i>
1/1/1994	1315	** Case Closed	
2/10/1994	1800	Information	
2/10/1994	1250	Application for Setting	
2/16/1994	MIN	***Minutes	
2/16/1994	MIN	***Minutes	CRIMINAL PROGRESS SHEET
2/18/1994	1250	Application for Setting	
2/18/1994	3700	Proceedings	

Case Description: STATE VS CHARLES JOSEPH MAKI (D8)				
Case ID:	CR94-0345	Case Type:	CRIMINAL	Initial Filing Date: 2/10/1994
2/23/1994	4185	Transcript		
3/4/1994	2490	Motion ...		
3/4/1994	2490	Motion ...		
3/10/1994	2645	Opposition to Mtn ...	OPPOSITION TO STATE'S MOTION TO DETERMINE ADMISSIBILITY OF OUT OF COURT STATEMENTS O	
3/10/1994	2645	Opposition to Mtn ...		
3/11/1994	MIN	***Minutes		
3/18/1994	3980	Stip and Order...		
3/21/1994	2270	Mtn to Compel...		
3/25/1994	4185	Transcript		
3/25/1994	2480	Mtn to Suppress...		
3/31/1994	2645	Opposition to Mtn ...		
4/1/1994	MIN	***Minutes		
4/4/1994	2245	Mtn in Limine		
4/4/1994	2245	Mtn in Limine		
4/6/1994	4050	Stipulation ...		
4/11/1994	1930	Letters ...		
4/11/1994	MIN	***Minutes		
4/11/1994	MIN	***Minutes		
4/11/1994	MIN	***Minutes		
4/12/1994	1890	Jury Question, Court Response		
4/12/1994	1885	Jury Instructions		
4/12/1994	1880	Judgment		
4/12/1994	4245	Verdict(s)...		
4/12/1994	4245	Verdict(s)...		
4/12/1994	4245	Verdict(s)...		
4/12/1994	4245	Verdict(s)...		
4/12/1994	4245	Verdict(s)...		
4/12/1994	4245	Verdict(s)...		
4/12/1994	4245	Verdict(s)...		
4/12/1994	4245	Verdict(s)...		
4/12/1994	4235	Unused Verdict Form(s)...		
4/12/1994	4235	Unused Verdict Form(s)...		
5/2/1994	4500	PSI - Confidential		
5/9/1994	4185	Transcript	SUPPRESSION HEARING	
5/12/1994	2610	Notice ...		
5/17/1994	MIN	***Minutes		
5/17/1994	1880	Judgment		
5/18/1994	3370	Order ...		

Case Description: STATE VS CHARLES JOSEPH MAKI (D8)				
Case ID:	CR94-0345	Case Type:	CRIMINAL	Initial Filing Date: 2/10/1994
5/18/1994	3370	Order ...		
6/2/1994	4185	Transcript	SENTENCING	
6/3/1994	1600	Designation Record on Appeal		
6/3/1994	3870	Request		
6/3/1994	2515	Notice of Appeal Supreme Court		
6/9/1994	2230	Mtn Trial Trans. Public Exp		
6/13/1994	3370	Order ...		
7/11/1994	3370	Order ...		
7/11/1994	4050	Stipulation ...		
7/11/1994	1600	Designation Record on Appeal		
8/30/1994	4185	Transcript	APRIL 11 & 12, 1994	
11/7/1994	3735	Receipt		
11/7/1994	3980	Stip and Order...		
12/7/1994	3735	Receipt		
9/13/1995	3932	Seizure Order ...		
10/27/1995	4145	Supreme Court Remittitur		
10/27/1995	2855	Ord Dismiss Appeal/Remand		
10/27/1995	1350	Certificate of Clerk		
4/10/1996	2610	Notice ...		
4/10/1996	2490	Motion ...		
4/18/1996	4300	Withdrawal of Counsel		
7/11/1997	MIN	***Minutes		
7/18/1997	MIN	***Minutes		
4/23/2012	PEND	**Pending Court Deposit		
4/23/2012	PAYRC	**Payment Received	A Payment of -\$0.05 was made on receipt DCDC357287.	
4/23/2012	PAYVD	**Payment Voided	Receipt Number DCDC357265 has been voided.	
6/13/2012	PAYRC	**Payment Received	A Payment of -\$0.21 was made on receipt DCDC363705.	
8/15/2012	PAYRC	**Payment Received	A Payment of -\$0.05 was made on receipt DCDC372409.	
9/19/2012	PAYRC	**Payment Received	A Payment of -\$0.15 was made on receipt DCDC377095.	
10/19/2012	PAYRC	**Payment Received	A Payment of -\$0.11 was made on receipt DCDC381431.	
12/13/2012	PAYRC	**Payment Received	A Payment of -\$1.61 was made on receipt DCDC388347.	
8/2/2013	3860	Request for Submission	NO S1 DONE - REFERRED TO BOB BELL	
8/2/2013	1030	Affidavit in Support...	AFFIDAVIT IN SUPPORT OF MOTION FOR APPOINTMENT OF COUNSEL/WRIT OF PROHIBITION/WRIT OF	
8/2/2013	1600	Designation Record on Appeal		
8/2/2013	2515	Notice of Appeal Supreme Court		
8/2/2013	4330	Writ of Mandamus	WRIT OF PROHIBITION/WRIT OF MANDAMUS	
8/2/2013	1215	Application Appoint Counsel	MOTION FOR APPOINTMENT OF COUNSEL	
8/20/2013	1310E	Case Appeal Statement	Transaction 3934711 - Approved By: NOREVIEW : 08-20-2013:09:30:45	
8/20/2013	1350	Certificate of Clerk	CERTIFICATE OF CLERK AND TRANSMITTAL - NOTICE OF APPEAL - Transaction 3934711 - Approved By: N	

Case Description: STATE VS CHARLES JOSEPH MAKI (D8)

Case ID:	CR94-0345	Case Type:	CRIMINAL	Initial Filing Date:	2/10/1994
8/20/2013	NEF	Proof of Electronic Service	Transaction 3934720 - Approved By: NOREVIEW : 08-20-2013:09:32:45		
8/26/2013	NEF	Proof of Electronic Service	Transaction 3949155 - Approved By: NOREVIEW : 08-26-2013:09:41:15		
8/26/2013	1188	Supreme Court Receipt for Doc	SUPREME COURT NO. 63845/RECEIPT FOR DOCUMENTS - Transaction 3949041 - Approved By: NOREVIEW		
10/1/2013	4127	Supreme Ct Ord Dismiss Appeal	SUPREME COURT NO. 63845/ORDER DISMISSING APPEAL - Transaction 4035340 - Approved By: NOREVIEW		
10/1/2013	NEF	Proof of Electronic Service	Transaction 4035364 - Approved By: NOREVIEW : 10-01-2013:15:43:31		
11/5/2013	4145	Supreme Court Remittitur	SUPREME COURT NO. 63845/REMITTITUR - Transaction 4115061 - Approved By: NOREVIEW : 11-05-2013:11:52:16		
11/5/2013	NEF	Proof of Electronic Service	Transaction 4115085 - Approved By: NOREVIEW : 11-05-2013:11:52:16		
11/5/2013	4127	Supreme Ct Ord Dismiss Appeal	SUPREME COURT CASE NO 63845/ORDER DISMISSING APPEAL - Transaction 4115061 - Approved By: NOREVIEW		
11/5/2013	4111	Supreme Ct Clk's Cert & Judg	SUPREME COURT NO. 63845/CLERKS CERTIFICATE AND JUDGMENT - Transaction 4115061 - Approved By: NOREVIEW		
12/30/2013	2385	Mtn Proceed Forma Pauperis			
12/30/2013	3565	Pet Post-Conviction Relief	PETITION FOR WRIT OF HABEAS CORPUS POST-CONVICTION		
12/30/2013	1215	Application Appoint Counsel	MOTION FOR APPOINTMENT OF COUNSEL PURSUANT TO NRS 34.750		
12/30/2013	3862	**Criminal Submit	DOCUMENT TITLE: MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS and MOTION FOR APPOINTMENT OF COUNSEL		
1/7/2014	NEF	Proof of Electronic Service	Transaction 4240994 - Approved By: NOREVIEW : 01-07-2014:16:58:44		
1/7/2014	2715	Ord Appointing Counsel	ORDER GRANTING APPOINTMENT OF COUNSEL - Transaction 4240992 - Approved By: NOREVIEW : 01-07-2014:16:58:44		
1/7/2014	NEF	Proof of Electronic Service	Transaction 4241000 - Approved By: NOREVIEW : 01-07-2014:17:00:11		
1/7/2014	3335	Ord Proceed Forma Pauperis	ORDER GRANTING IN FORMA PAUPERIS - Transaction 4240986 - Approved By: NOREVIEW : 01-07-2014:17:00:11		
1/29/2014	2715	Ord Appointing Counsel	RECOMMENDATION AND ORDER FOR APPOINTMENT OF COUNSEL - Transaction 4279970 - Approved By: NOREVIEW		
1/29/2014	NEF	Proof of Electronic Service	Transaction 4279994 - Approved By: NOREVIEW : 01-29-2014:10:52:21		
3/10/2014	1665	Ex-Parte Application...	(SEALED) EX PARTE APPLICATION FOR INTERIM CLAIM FOR FEES - Transaction 4335512 - Approved By: NOREVIEW		
3/10/2014	NEF	Proof of Electronic Service	Transaction 4335832 - Approved By: NOREVIEW : 03-10-2014:12:43:57		
3/26/2014	S3370	Sealed Order	RECOMMENDATION AND ORDER FOR PAYMENT OF ATTORNEY'S FEES - Transaction 4359858 - Approved By: NOREVIEW		
3/26/2014	NEF	Proof of Electronic Service	Transaction 4359861 - Approved By: NOREVIEW : 03-26-2014:08:30:23		
3/31/2014	2075	Mtn for Extension of Time	MOTION FOR ENLARGEMENT OF TIME IN WHICH TO PREPARE AND FILE THE SUPPLEMENTAL PETITION - Transaction 4366116 - Approved By: NOREVIEW		
3/31/2014	NEF	Proof of Electronic Service	Transaction 4366116 - Approved By: NOREVIEW : 03-31-2014:12:15:55		
4/7/2014	3860	Request for Submission	MOTION FOR ENLARGEMENT OF TIME IN WHICH TO PREPARE AND FILE THE SUPPLEMENTAL PETITION - Transaction 4376237 - Approved By: NOREVIEW		
4/7/2014	NEF	Proof of Electronic Service	Transaction 4376237 - Approved By: NOREVIEW : 04-07-2014:14:27:58		
4/14/2014	NEF	Proof of Electronic Service	Transaction 4385230 - Approved By: NOREVIEW : 04-14-2014:11:49:54		
4/14/2014	1665	Ex-Parte Application...	EX PARTE APPLICATION FOR INTERIM CLAIM FOR FEES - Transaction 4385116 - Approved By: SHAMBRIG		
4/17/2014	NEF	Proof of Electronic Service	Transaction 4392049 - Approved By: NOREVIEW : 04-17-2014:16:29:32		
4/17/2014	3060	Ord Granting Mtn ...	ORDER GRANTING MOTION FOR ENLARGEMENT OF TIME IN WHICH TO PREPARE AND FILE THE SUPPLEMENTAL PETITION - Transaction 4407082 - Approved By: NOREVIEW		
4/17/2014	S200	Request for Submission Completed	GRANTED		
4/29/2014	NEF	Proof of Electronic Service	Transaction 4407082 - Approved By: NOREVIEW : 04-29-2014:10:04:30		
4/29/2014	S3370	Sealed Order	RECOMMENDATION AND ORDER FOR PAYMENT OF INTERIM ATTORNEY'S FEES - Transaction 4407071 - Approved By: NOREVIEW		
6/30/2014	NEF	Proof of Electronic Service	Transaction 4497542 - Approved By: NOREVIEW : 06-30-2014:12:14:32		
6/30/2014	2610	Notice ...	NOTICE TO COURT OF NO SUPPLEMENT - Transaction 4497448 - Approved By: SHAMBRIG : 06-30-2014:12:14:32		
7/7/2014	2922	Ord Dismiss Post Conviction	Transaction 4505983 - Approved By: NOREVIEW : 07-07-2014:15:27:34		
7/7/2014	NEF	Proof of Electronic Service	Transaction 4505988 - Approved By: NOREVIEW : 07-07-2014:15:28:35		
7/18/2014	2515	Notice of Appeal Supreme Court			

Case Description: STATE VS CHARLES JOSEPH MAKI (D8)

Case ID:	CR94-0345	Case Type:	CRIMINAL	Initial Filing Date:	2/10/1994
7/18/2014	1600	Designation Record on Appeal			
7/18/2014	2610	Notice ...	NOTICE TO COURT		
7/21/2014	1665	Ex-Parte Application...	(SEALED) EX PARTE APPLICTION FOR INTERIM CLAIM FOR FEES - Transaction 4526360 - Approved By: M		
7/22/2014	NEF	Proof of Electronic Service	Transaction 4526813 - Approved By: NOREVIEW : 07-22-2014:08:12:05		
7/24/2014	1350	Certificate of Clerk	CERTIFICATE OF CLERK AND TRANSMITTAL - NOTICE OF APPEAL - Transaction 4530955 - Approved By: I		
7/24/2014	NEF	Proof of Electronic Service	Transaction 4530958 - Approved By: NOREVIEW : 07-24-2014:08:40:10		
7/24/2014	1310E	Case Appeal Statement	Transaction 4530955 - Approved By: NOREVIEW : 07-24-2014:08:39:10		

SECOND JUDICIAL DISTRICT COURT

STATE OF NEVADA

COUNTY OF WASHOE

Case History - CR94P0345

Case Description: POST: CHARLES JOSEPH MAKI (D8)

Case Number: CR94P0345 Case Type: POST CONVICTION - Initially Filed On: 5/9/1996

Parties

<u>Party Type & Name</u>	<u>Party Status</u>
CAA - Robert Story, Esq. - 1268	Active
DA - Terrence P. McCarthy, Esq. - 2745	Active
PETR - CHARLES JOSEPH MAKI - @395030	Active
RESP - E. (WARDEN) MCDANIEL - @420191	Active

Disposed Hearings

No Disposed Hearings Exist

Actions

	<u>Filing Date</u>	<u>-</u>	<u>Docket Code & Description</u>
1	1/1/1994	-	1315 - ** Case Closed <i>No additional text exists for this entry.</i>
2	5/9/1996	-	2385 - Mtn Proceed Forma Pauperis <i>No additional text exists for this entry.</i>
3	5/9/1996	-	1030 - Affidavit in Support... <i>No additional text exists for this entry.</i>
4	5/9/1996	-	1368 - Certificate ... Additional Text: FINANCIAL CERTIFICATE
5	5/9/1996	-	3565 - Pet Post-Conviction Relief Additional Text: PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION)
6	5/29/1996	-	3370 - Order ... <i>No additional text exists for this entry.</i>
7	8/5/1996	-	3980 - Stip and Order... <i>No additional text exists for this entry.</i>
8	8/20/1996	-	4105 - Supplemental ... Additional Text: SUPPLEMENTAL POINTS AND AUTHORITIES IN SUPPORT OF PETITION FOR WRIT OF HABEAS CORPUS
9	8/23/1996	-	1130 - Answer ... Additional Text: ANSWER TO PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION)
10	9/30/1996	-	1400 - Claim... Additional Text: INTERIM CLAIM FOR COMPENSATION AND REQUEST FOR ORDER GRANTING ATTORNEY'S FEES AND COSTS

Report Does Not Contain Sealed Cases or Confidential Information

- 11 10/8/1996 - 3370 - Order ...
No additional text exists for this entry.
- 12 11/25/1996 - 2490 - Motion ...
Additional Text: MOTION TO WITHDRAW AS COUNSEL
- 13 12/4/1996 - 2490 - Motion ...
Additional Text: MOTION FOR THE APPOINTMENT OF COUNSEL
- 14 12/5/1996 - 3860 - Request for Submission
No additional text exists for this entry.
- 15 12/11/1996 - 3860 - Request for Submission
No additional text exists for this entry.
- 16 1/16/1997 - 3370 - Order ...
No additional text exists for this entry.
- 17 1/29/1997 - 3370 - Order ...
No additional text exists for this entry.
- 18 5/20/1997 - 1250 - Application for Setting
No additional text exists for this entry.
- 19 6/3/1997 - 1260 - Application Produce Prisoner
No additional text exists for this entry.
- 20 6/3/1997 - 3340 - Ord to Produce Prisoner
No additional text exists for this entry.
- 21 7/15/1997 - 1260 - Application Produce Prisoner
No additional text exists for this entry.
- 22 7/16/1997 - 3340 - Ord to Produce Prisoner
No additional text exists for this entry.
- 23 7/24/1997 - 1750 - Findings, Conclusions & Judg
No additional text exists for this entry.
- 24 7/28/1997 - 2540 - Notice of Entry of Ord
No additional text exists for this entry.
- 25 8/4/1997 - 3370 - Order ...
Additional Text: SEALED - ORDER GRANTING ATTORNEY FEES
- 26 8/18/1997 - 2515 - Notice of Appeal Supreme Court
No additional text exists for this entry.
- 27 8/18/1997 - 2515 - Notice of Appeal Supreme Court
No additional text exists for this entry.
- 28 8/19/1997 - 1350 - Certificate of Clerk
No additional text exists for this entry.

- 29 8/19/1997 - 1365 - Certificate of Transmittal
No additional text exists for this entry.
- 30 8/19/1997 - 1310 - Case Appeal Statement
No additional text exists for this entry.
- 31 8/26/1997 - 2515 - Notice of Appeal Supreme Court
No additional text exists for this entry.
- 32 2/10/1998 - 4185 - Transcript
No additional text exists for this entry.
- 33 6/17/1998 - 3370 - Order ...
No additional text exists for this entry.
- 34 6/27/2000 - 1670 - Ex-Parte Mtn...
Additional Text: EX PARTE MOTION FOR ORDER ALLOWING INTERIM PAYMENT OF ATTORNEY'S FEES AND COSTS TO APPOINTED COUNSEL
- 35 7/14/2000 - 2777 - Order Approving ...
Additional Text: ORDER APPROVING FEES AND COSTS OF COURT-APPOINTED ATTORNEY
- 36 11/9/2000 - 4145 - Supreme Court Remittitur
No additional text exists for this entry.
- 37 11/9/2000 - 1350 - Certificate of Clerk
No additional text exists for this entry.
- 38 11/9/2000 - 4134 - Supreme Court Order Affirming
No additional text exists for this entry.
- 39 12/3/2008 - 2490 - Motion ...
Additional Text: MOTION FOR TRIAL COURT RECORDS: CHARLES MAKI
- 40 12/3/2008 - 3860 - Request for Submission
Additional Text: DOCUMENT TITLE: MOTION FOR TRIAL COURT RECORDS
PARTY SUBMITTING: CHARLES MAKI
DATE SUBMITTED: 12-03-08
SUBMITTED BY: C GALINDO
DATE RECEIVED JUDGE OFFICE:
- 41 1/30/2009 - 2840 - Ord Denying ...
Additional Text: ORDER DENYING MOTION FOR TRIAL COURT RECORDS

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

CHARLES MAKI, Case No. CR94-0345
Petitioner, Dept. No. 8
vs.
THE STATE OF NEVADA,
Respondent.

ORDER

Currently before the Court is Petitioner CHARLES MAKI's ("Maki") *Petition for Writ of Habeas Corpus Post-Conviction*, filed December 30, 2013.

BACKGROUND

On April 12, 1994, Maki was found guilty of multiple counts of the crimes of sexual assault on a child under the age of fourteen years and lewdness with a child under the age of fourteen years. Maki's appeal to the Nevada Supreme Court was dismissed after the court concluded it lacked merit. On July 18, 1997, the Court heard Maki's initial petition for post conviction relief and denied it. Maki filed a writ of mandamus on August 2, 2013, and appealed the Court's purported dismissal of the writ to the Nevada Supreme Court. The court determined no decision had been made on the petition and dismissed the appeal.

Maki subsequently filed the *Petition* now before the Court and requested that counsel be appointed. The Court granted that request: Maki was appointed counsel

1 who requested extra time to review the 20 year old file and meet with Petitioner.
2 On June 30, 2014, Maki's counsel filed notice with the Court that no supplement
3 would be filed.

4 LEGAL STANDARD

5 A petition for writ of habeas corpus for post-conviction relief must be filed
6 within 1 year from the entry of judgment. NRS 34.726(1). In order for a court to
7 accept an untimely petition, it must find good cause for delay, such as that delay is
8 not the petitioner's fault and dismissal would cause undue prejudice. *Id.* "In terms
9 of a procedural time-bar, an adequate allegation of good cause would sufficiently
10 explain why a petition was filed beyond the statutory time period." *Hathaway v.*
11 *Stat*, 119 Nev. 248, 252-53, 71 P.3d 503, 506 (2003) (per curiam).

12 If the petition is a second or successive petition challenging the validity
13 of a judgment of conviction or sentence and if it plainly appears from
14 the face of the petition . . . that the petitioner is not entitled to relief
15 based on any of the grounds set forth in subsection 2 of NRS 34.819,
the judge or justice shall enter an order for its summary dismissal

16 Nev. Rev. Stat. § 34.745(4).

17 NRS 34.810(2) states, "A second or successive petition must be dismissed . . .
18 if new and different grounds are alleged, [and] the judge or justice finds that the
19 failure of the petitioner to assert those grounds in a prior petition constituted an
20 abuse of the writ." Nev. Rev. Stat. § 34.810(2). Further, if a petition challenges a
21 judgment based on a jury verdict, any claim that could have been raised in a prior
22 proceeding is waived. Nev. Rev. Stat. § 34.810(1)(b).

23 DISCUSSION

24 Maki has not provided any explanation for the delay in his filing, let alone
25 provided an explanation that would amount to good cause for the delay. Maki was
26 convicted over twenty years ago. He timely appealed and the appeal was denied.
27 He was given counsel and a hearing to determine the merits of his petition for writ
28 of habeas corpus post conviction relief in 1997 and that petition was denied. The

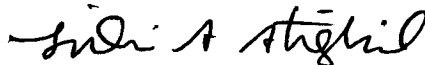
1 Court finds Maki's failure to assert the grounds in the instant *Petition* in his
2 original petition constitutes an abuse of the writ. Maki bears the burden of
3 pleading and proving specific facts to demonstrate good cause for his failure to
4 previously present the claims in his *Petition* as well as actual prejudice. Nev. Rev.
5 Stat. § 34.810(3). He has failed to satisfy this burden. The Court will not now
6 revisit Maki's twenty year old conviction absent any explanation for the delay in his
7 filing.

8 **CONCLUSION**

9 Accordingly, and good cause appearing, Petitioner CHARLES MAKI's
10 *Petition for Writ of Habeas Corpus Post-Conviction* is **DENIED**.

11 **IT IS SO ORDERED.**

12 **DATED** this 7th day of July, 2014.

13
14 
15 LIDIA S. STIGLICH
16 District Judge
17
18
19
20
21
22
23
24
25
26
27
28

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

Terrence McCarthy, Esq.
Robert Story, Esq.

Charles Maki
#42820
Warm Springs Correctional Center
P.O. Box 707
Carson City, NV 89702

4

DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES - HEARING

CONT'D TO

DATE, JUDGE OFFICERS OF COURT PRESENT	APPEARANCES - HEARING	CONT'D TO
2/16/94	<u>ARRAIGNMENT</u>	
HONORABLE	Deputy District Attorney Dan Greco was present for	4/1/94
STEVEN R.	the State. Defendant present with counsel, Deputy	9:00 a.m.
KOSACH	Public Defender, Janet Schmuck.	Motion to
DEPT. NO. 8	TRUE NAME: CHARLES JOSEPH MAKI.	Confirm
L.Romero	Copy of Information handed to the Defendant;	
(Clerk)	reading waived. Defendant waived time in which to	
I. Zihn	enter a plea; entered a plea of Not Guilty to the	4/11/94
(Reporter)	offenses charged in the Information. Defendant	Jury
	did waive the 60-day rule.	Trial
	COURT ORDERED: Matter continued for trial by	
	jury; Defendant was remanded to the custody of the	
	sheriff.	

CR94-0345 DC-9900039406-057
STATE VS CHARLES JOSEPH MAKI 1 Page
District Court 02/16/1994 02 12 PM
Washoe County MIN

DC-9900039406-064
CR94-0345
STATE VS CHARLES JOSEPH MAKI 2 Pages
02/16/1994 02 21 PM
District Court
Washoe County
1406

CRIMINAL PROGRESS SHEET

CR94-0345

CHARLES JOSEPH MAKI

Arrest Date: 2/16/94

STATUS: Custody ☒ NIC ☐
Bail ☐ OR ☐

Bail Amount: _____

Date Inf/Ind filed: 2/10/94

Amended Inf. filed: _____

Dept. No: 8 Reporter: I. Zahn

True Name: ☒ _____ Handed Copy ☒

Not Guilty ☒ By: Info _____ Waived Reading ☒
Requested Time to Plea ☐

Guilty ☐ Nolo ☐ To: _____ Waived PSI ☐

Juv. Ref. _____ P & P Ref. _____ Date _____ Waived 60 Day: Yes ☒ No ☐

Continued To: _____ For: Info to confirm

_____ For: Trial - Confirmed

_____ For: Post-Conviction

_____ For: _____

_____ For: _____

Sentencing Date: 5/17/94 Dept. No. 8 Reporter: I. Zahn

Disposition: NSP Life w/ the possibility of parole on Count III; ^{Count III} NSP Life w/ the possibility of parole to be served consecutive to Count III; Count V. NSP Life w/ the possibility of parole to be served consecutive to Count III; Count VI: NSP 10 yrs to be served consecutive to Count III; Count VII: NSP 10 yrs to be served consecutive to Count III; (over →) Time Served: 118 days Bail Exonerated ☐

Motions: _____

SENTENCING - DISPO CONT'D: COUNT VIII: NSP 10 yrs to be served consecutive to Count III; ~~and~~ Count IX: NSP 10 yrs to be served consecutive to Count III; and, Count X: NSP 10 yrs to be served consecutive to Count III. It is further ordered that Defendant effect restitution in the amount of \$ 526⁰⁰. \$ 25⁰⁰ AAF.

DATE, JUDGE
OFFICERS OF

COURT PRESENT

APPEARANCES - HEARING

CONT'D TO

03/11/94

EVIDENTIARY MOTIONS

HONORABLE

STEVEN R.

KOSACH

DEPT. NO. 8

S. Hopper

(Clerk)

I. Zihn

(Reporter)

Deputy District Attorney Dan Greco was present for the State. Defendant present with counsel, Deputy Public Defender Janet Cobb Schmuck. Counsel Greco addressed the Court and reviewed the contents of the video tape for the evidentiary motion.

Detective James Stegmaire was called by Counsel Greco, sworn and testified.

State's Exhibit A was marked for identification; offered and ordered admitted.

The video tape was played for the Court.

Witness was further direct examined; cross examined; re-direct examined.

Counsel Greco presented arguments for the allowance of the video tape.

Counsel Schmuck presented arguments to not allow the video tape.

COURT ORDERED: Motion to allow the video tape into evidence during trial is granted.

Counsel Greco moved to release State's Exhibit A to the District Attorney's office; no objections; SO ORDERED.

Counsel Schmuck addressed the Court regarding discovery of the Saint's examination; COURT ORDERED GRANTED. Defendant was remanded to the custody of the Sheriff.

04/01/94

9:00 a.m.

Motion to
confirm

04/11/94

10:00 a.m.

Jury Trial

CR94-0345
STATE VS CHARLES JOSEPH MAKI 1 Page
District Court 03/11/1994 02 12 PM
Washoe County MTN
IVOC.

DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES - HEARING

CONT'D TO

4/1/94
HONORABLE
STEVEN R.
KOSACH
DEPT. NO. 8
L. Romero
(Clerk)
I. Zihn
(Reporter)MOTION TO CONFIRM TRIAL DATE/MOTION TO SUPPRESS

Deputy District Attorney Dan Greco was present for the State. Defendant present with counsel, Deputy Public Defender, Janet Schmuck. James Roundtree was present for the State Division of Parole and Probation.

Respective counsel addressed the Court.

Counsel for the defendant addressed the Court and moved to withdraw the defendant's former plea of Not Guilty to Sexual Assault On A Child Under The Age of Fourteen Years and Lewdness With A Child Under the Age of Fourteen Years as charged in Counts I, V, VI, & IX of the Information and enter pleas of Guilty. Counsel for the defendant stated the negotiations.

The defendant addressed the Court and stated that he was innocent. The Court interrogated the Defendant and did not accept his pleas of guilty.

COURT ORDERED: Trial date of 4/11/94 confirmed. At 9:50 a.m. Court ordered recess.

At 10:15 a.m. Court reconvened with all parties present.

Counsel for the defendant presented argument for her motion to suppress.

Counsel for the State presented arguments against the defendant's motion.

Tape of the defendant's confession played for the Court.

COURT ORDERED: Motion to suppress denied. Defendant was remanded to the custody of the sheriff.

4/11/94
Jury
Trial

CR94-0345
STATE VS CHARLES JOSEPH MAKI
District Court
Washoe County
MIN
1994

DC-9900039406-058
Page
04/01/1994 02:13 PM
MIN
1994

CR94-0345
STATE VS CHARLES JOSEPH MAKI
District Court
Washoe County
MTN
DC-9900039406-063
1 Page
04/11/1994 02 13 PM
JYQ57

CASE NO. CR94-0345

STATE OF NEVADA

-VS-

CHARLES JOSEPH MAKI

TRIAL DATE April 11, 1994

JUDGE Steven Kosach

DEPT. NO. 8

CLERK L. Romero

REPORTER I. Zihn

D..A. Dan Greco DEFT'S ATTY. Janet Schmuck

Court Appointed
Public Defender XX

VERDICTS Count I: Not Guilty; Count II: Hung; Counts III-X; Guilty

SENTENCING DATE May 13, 1994

PAGE 1

DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES-HEARING

4/11/94
HONORABLE
STEVEN R.
KOSACH
DEPT. NO. 8
L. Romero
(Clerk)
I. Zihn
(Reporter)JURY TRIAL

Plaintiff, State of Nevada, was being represented by Deputy District Attorney, Dan Greco. The defendant, Charles Joseph Maki, was present with counsel, Deputy Public Defender, Janet Cobb Schmuck.

Counsel Schmuck presented her motions in limine to exclude any evidence as to the defendant's prior convictions and/or bad acts. COURT ORDERED: Motions granted.

Counsel Schmuck addressed the Court as to the pictures from the SAINTS exam. Counsel Schmuck moved for a continuance or in the alternative, that the pictures not be admitted.

Opposition and argument by counsel Greco.

COURT ORDERED: Motion for continuance denied. Motion for the admittance of the pictures taken under advisement.

At 10:45 a.m. the prospective jurors were brought into the courtroom. Court addressed the prospective jurors. Roll of the prospective jurors was called. Court explained the elements to the prospective jurors. Prospective jurors were sworn to answer questions touching upon their qualifications to serve as trial jurors in this case.

The Information was read by the Clerk.

Jurors were polled and questioned by the Court.

At 12:00 Court ordered recess. Prospective jurors admonished.

At 12:10 p.m. Court reconvened with all parties and prospective jurors present.

Following the process of jury selection, the persons listed below were sworn to try this case:

Marianne Dortch	Jill Young
Terry Bradley	Randall Reed
Merrilee Soileau	Vincent Cordi
Joe Sambrano	James Roets
Loretta McNabb	Patricia Hedges-Johnson
Leann Morgan	Sharon Suarez
Nancy Fritz-Alternate	

At 12:50 p.m. Court ordered recess. Jurors were admonished and excused.

At 2:20 p.m. Court reconvened with all parties present. Court noted that the Jury was present.

State's exhibits 1, 2 & 3 were marked for identification.

Defendant's exhibits A-F were marked for identification.

Counsel Greco presented opening statements.

Counsel Schmuck presented opening statements.

At 2:42 p.m. the jurors were admonished and excused. Outside the presence of the jury. Desiree Menees was called by counsel Greco; sworn and testified. Counsel Greco moved for competency; no objections; SO ORDERED.

At 2:45 p.m. the jury was brought back into the courtroom.

Desiree Menees, heretofore sworn, resumed the stand. Counsel

CR94-0345
DC-9900039406-059
STATE VS CHARLES JOSEPH MAKI 5 Pages
District Court 04/11/1994 02:13 PM
Washoe County MTN .1Y057

JURY TRIAL CONTINUED

Greco continued with direct examination. Cross examination by counsel Schmuck. Redirect examination; recross examination and excused.

At 2:20 p.m. the jurors were admonished and excused. Outside the presence of the jury, Summer Menees was called by counsel Greco; sworn and testified. Counsel Greco moved for competency; no objections; SO ORDERED.

The jury was brought back into the courtroom. Summer Menees, heretofore sworn, resumed the stand. Counsel Greco continued with direct examination; cross examination.

Gary Menees was called by counsel Greco; sworn and testified; cross examined; redirect examined and excused.

At 4:20 p.m. Jurors were admonished and excused. Court ordered recess.

At 4:30 p.m. Court reconvened with all parties present.

Kathy Peele was called by counsel Greco; sworn and testified; cross examination; redirect examination; recross examination and excused.

State's exhibits 4 & 5 were marked for identification; offered into evidence; objections; overruled; ordered admitted and so marked.

At 5:30 p.m. Jurors were admonished and excused. Court ordered recess.

DATE, JUDGE
OFFICERS OF
COURT PRESENT

PAGE 3

APPEARANCES-HEARING

4/12/94
HONORABLE
STEVEN R.
KOSACH
DEPT. NO. 8
L. Romero
(Clerk)
I. Zihn
(Reporter)

JURY TRIAL CONTINUED

At 10:00 a.m. Plaintiff, State of Nevada, was being represented by counsel, Deputy District Attorney, Dan Greco. Defendant, Charles Joseph Maki, was present with counsel, Deputy Public Defender, Janet Cobb Schmuck.

Court noted that the jury was present.

Detective Jim Stegmaier was called by counsel Greco; sworn and testified.

State's exhibit 2 previously marked for identification was offered into evidence; no objections; ordered admitted and so marked. State's exhibit 2 was played for the jury.

State's exhibit 3 previously marked for identification was offered into evidence; objections; overruled; ordered admitted and so marked, State's exhibit 3 was played for the jury.

Cross examination by counsel Schmuck. Redirect examination. State rested.

At 11:30 a.m. Jurors were admonished and excused. Court ordered recess.

At 1:30 p.m. Court reconvened with all parties present. Court noted that the jury was present.

Michael O'Brien called by counsel Schmuck; sworn and testified. Defendant's exhibits A-F previously marked for identification were offered into evidence; no objections; ordered admitted and so marked.

Danielle Johnson was called by counsel Schmuck; sworn and testified; cross examined.

Defense rested.

Summer Menees, heretofore sworn, was called to the stand as a rebuttal witness by counsel Greco. Counsel Greco began direct examination.

Desiree Menees, heretofore sworn, was called to the stand as a rebuttal witness by counsel Greco. Counsel Greco began direct examination.

At 1:52 p.m. Jurors were admonished and excused. Outside the presence of the jury, Counsel Greco addressed the Court stating that he had hearsay evidence that he wanted to present through the witness, Gary Menees. Opposition and argument by counsel Schmuck. Counsel Greco withdrew his request.

At 1:55 p.m. the jury entered the courtroom. Court noted that the jury was present.

State rested.

At 2:00 p.m. Jurors were admonished and excused. Court and counsel met in chambers to discuss and settle jury instructions.

At 2:45 p.m. in chambers, Court and counsel settled on jury instructions 1-33.

At 3:00 p.m. All parties were present. Court noted that the jury was present.

Court read instructions 1-33.

4/12/94

JURY TRIAL CONTINUED

Cont'd
HONORABLE
STEVEN R.
KOSACH
DEPT. NO. 8
L. Romero
(Clerk)
I. Zihn
(Reporter)

Counsel Greco presented closing arguments.
Counsel Schmuck presented closing arguments.
Counsel Greco presented rebuttal arguments.
At 4:05 p.m. the Bailiff was sworn to take the jury into deliberation.
At 11:30 p.m. All parties were present. The jury entered the courtroom. Court noted that the jury was present.
The following verdicts were read by the Clerk:

We, the jury in the above entitled matter, find the defendant, Charles Joseph Maki, not guilty of Count I: Sexual Assault On a Child Under The Age of Fourteen Years.

Dated this 12th day of April, 1994.

Vincent Cordi
Foreman

We, the jury in the above entitled matter, find the defendant, Charles Joseph Maki, guilty of Count III: Sexual Assault On A Child Under The Age Of Fourteen Years.

Dated this 12th day of April, 1994.

Vincent Cordi
Foreman

We, the jury in the above entitled matter, find the defendant, Charles Joseph Maki, guilty of Count IV: Sexual Assault On A Child Under The Age Of Fourteen Years.

Dated this 12th day of April, 1994.

Vincent Cordi
Foreman

We, the jury in the above entitled matter, find the defendant, Charles Joseph Maki, guilty of Count V: Sexual Assault On A Child Under The Age Of Fourteen Years.

Dated this 12th day of April, 1994.

Vincent Cordi
Foreman

We, the jury in the above entitled matter, find the defendant, Charles Joseph Maki, guilty of Count VI: Lewdness With A Child Under The Age Of Fourteen Years.

Dated this 12th day of April, 1994.

Vincent Cordi
Foreman

4/12/94

JURY TRIAL CONTINUED

Cont'd
HONORABLE
STEVEN R.
KOSACH
DEPT. NO. 8
L. Romero
(Clerk)
I. Zihn
(Reporter)

We, the jury in the above entitled matter, find the defendant,
Charles Joseph Maki, guilty of Count VII: Lewdness With A Child
Under The Age of Fourteen Years.

Dated this 12th day of April, 1994.

Vincent Cordi
Foreman

We, the jury in the above entitled matter, find the defendant,
Charles Joseph Maki, guilty of Count VIII: Lewdness With A
Child Under The Age Of Fourteen Years.

Dated this 12th day of April, 1994.

Vincent Cordi
Foreman

We, the jury in the above entitled matter, find the defendant,
Charles Joseph Maki, guilty of Count IX: Lewdness With A Child
Under The Age Of Fourteen Years.

Dated this 12th day of April, 1994.

Vincent Cordi
Foreman

We, the jury in the above entitled matter, find the defendant,
Charles Joseph Maki, guilty of Count X: Lewdness With A Child
Under The Age Of Fourteen Years.

Dated this 12th day of April, 1994.

Vincent Cordi
Foreman

At 11:36 p.m. the Jury was thanked and excused. Sentencing was
set for May 13, 1994 at 9:00 a.m.

DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES-HEARING

CONT'D TO

05/17/94
HONORABLE
STEVEN R.
KOSACH
DEPT. NO. 8
S. Hopper
(Clerk)
I. Zihn
ReporterENTRY OF JUDGMENT AND IMPOSITION OF SENTENCE

Deputy District Attorney Dan Greco was present for the State. Defendant present with counsel, Deputy Public Defender Janet Cobb Schmuck. Officer Robert Tucker was present for the State Dept of Parole and Probation.

Counsel Greco addressed the Court and reviewed motion for other bad acts evidence to be admitted. Counsel Schmuck addressed the Court regarding motion as entered and presented objections with arguments thereto; Counsel Greco presented response.

COURT ORDERED: Motion for other bad acts evidence to be admitted granted.

Joslyn Coombs was called by Counsel Greco, sworn and testified.

During testimony under direct examination, court took recess and ordered Defendant's mouth taped shut.

Witness was further direct examined.

State's Exhibit 1 was marked for identification and offered; objections and arguments presented thereto; COURT ORDERED ADMITTED.

Witness was further direct examined; cross examined; re-direct examined and excused.

Counsel Schmuck addressed the Court regarding P.S.I. corrections and presented arguments regarding sentencing; presented letters from the Defendant to the Court.

Counsel Greco presented arguments for sentencing.

Officer Tucker addressed the Court.

Defendant addressed the Court after tape was removed.

COURT ORDERED: Judgment entered. The Defendant is sentenced to Life with the possibility of Parole in the Nevada State Prison for Sexual Assault On A Child Under The Age Of Fourteen Years as charged in Count III of the Information; sentenced to Life with the Possibility of Parole in the Nevada State Prison to run consecutive to Count III for Sexual Assault On A Child Under The Age Of Fourteen Years as charged in Count IV of the Information; sentenced to Life with the Possibility of Parole in the Nevada State Prison to run consecutive to Count III for Sexual Assault On A Child Under The Age Of Fourteen Years as charged in Count V of the Information; sentenced to ten (10) years in the Nevada State Prison to run consecutive to Count III for Lewdness With A Child Under The Age Of Fourteen Years as

DC-990039406-060
CR94-0345
STATE VS CHARLES
JOSEPH MAKI 2 Pages
District Court
Washoe County
05/17/1994 02:17 PM
JYN
MTN

CASE NO. CR94-0345

STATE OF NEVADA -VS- CHARLES MAKI

DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES-HEARING

CONT'D TO

05/17/94

Cont'd.

ENTRY OF JUDGMENT AND IMPOSITION OF SENTENCE -

CONTINUED

charged in Count VI of the Information; sentenced to ten (10) years in the Nevada State Prison to run consecutive to Count III for Lewdness With A Child Under The Age Of Fourteen Years as charged in Count VII of the Information; sentenced to ten (10) years in the Nevada State Prison to run consecutive to Count III for Lewdness With A Child Under The Age Of Fourteen Years as charged in Count IX of the Information; and, sentenced to two (10) years in the Nevada State Prison to run consecutive to Count III for Lewdness With A Child Under The Age Of Fourteen Years as charged in Count X of the Information. Defendant is hereby given credit for one hundred eighteen (118) days time served. The Defendant is to pay the Twenty-Five Dollar (\$25.00) administrative assessment fee. Defendant was remanded to the custody of the Sheriff.

DATE, JUDGE
OFFICERS OF

COURT PRESENT

APPEARANCES - HEARING

CONT'D TO

7/11/97

HONORABLE

STEVEN R.

KOSACH

DEPT. NO. 8

L. Romero

(Clerk)

D. Phipps

(Reporter)

POST CONVICTION HEARING

Deputy District Attorney Terry McCarthy was present for the State. Defendant was present with counsel, Joe Plater.

Counsel Plater addressed the Court as to the matter of the continuance previously granted by the Court. Counsel Plater further asked leave of the Court to have the defendant housed at the Washoe County Jail until Friday, July 18. Response by the State.

COURT ORDERED: Matter to be heard on July 18, 1997. Defendant to be housed at the Washoe County Jail. Defendant was remanded to the custody of the sheriff.

CR94-0345 DC-9900039406-055
STATE VS CHARLES JOSEPH MAKI 1 Page
District Court 07/11/1997 02:12 PM
Washoe County
MTN

**DATE, JUDGE
OFFICERS OF****COURT PRESENT**

7/18/97

HONORABLE
STEVEN R.

KOSACH

DEPT. NO. 8

L. Romero
(Clerk)S. Koetting
(Reporter)**APPEARANCES-HEARING****POST CONVICTION HEARING**

Petitioner, Charles J. Maki, was present with counsel, Joe Plater. Respondent, E.K. McDaniel, Warden of a Nevada State Prison, was not present being represented by counsel, Deputy District Attorney, Terry McCarthy.

Counsel Plater moved for the rule of exclusion; SO ORDERED.

Charles J. Maki was called by counsel Plater; sworn and testified; cross examined; redirect examined; recross examined.

State's A, B.1 and B.2 were marked for identification; exhibits B.1 & B.2 were offered into evidence; no objections; ordered admitted and so marked.

At 11:15 a.m. Court ordered recess.

At 11:30 a.m. Court reconvened with all parties present.

Michael Ray Freed was called by counsel Plater; sworn and testified; cross examined.

Janet Cobb Schmuck was called by counsel Plater; sworn and testified.

At 12:00 Court ordered recess.

At 2:00 p.m. Court reconvened with all parties present.

Janet Cobb Schmuck, previously sworn, resumed the stand. Counsel Plater continued with direct examination; cross examination; redirect examination..

State's exhibit A, previously marked for identification, was offered into evidence; ordered admitted and so marked.

At 3:10 p.m. Court ordered recess.

At 3:25 p.m. Court reconvened with all parties present.

Counsel McCarthy placed two stipulations on the record.

Exhibits 1-4 were marked for identification; stipulated into evidence.

Closing arguments presented by respective counsel.

COURT ORDERED: Petition for post conviction relief denied.

CR94-0345
STATE VS CHARLES JOSEPH MAKI
District Court
Washoe County
MTN
DC-9900039406-054
Page 1
07/18/1997 02:11 PM
1405

1 **Code 1350**

2
3
4
5
6 **IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
7 **IN AND FOR THE COUNTY OF WASHOE**

8 **CHARLES MAKI,**

9 **Petitioner,**

10 **vs.**

Case No. CR94-0345

11 **THE STATE OF NEVADA,**

Dept. No. 8

12 **Respondent.**
13 _____/

14
15 **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 24th day of July, 2014, I electronically filed the
18 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 24th day of July, 2014

22
23 **JOEY ORDUNA HASTINGS**
24 **CLERK OF THE COURT**

25 By /s/ Yvonne Vilorio
26 Yvonne Vilorio
27 Deputy Clerk
28