

NOTE: THIS WRITEN P. 1 OF 17
AS ORIGINAL IN COLOR (PLUS ATTACHMENTS)

NO. 66443

P. 1 OF 43 OVERALL

IN THE MATTER OF APPLICATION

FOR: CHRISTOPHER E. PIGEON - 1694872

DEFENDANT, PRO SE;

FOR: WRIT OF HABEAS CORPUS -

POST CONVICTION

CASE # C290261

DISTRICT COURT

DEPT. # 8

FILED

SEP 05 2014

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY [Signature]
DEPUTY CLERK

PETITION FOR WRIT OF HABEAS CORPUS

THE FOLLOWING PETITION FOR CHRISTOPHER E. PIGEON - 1694872, DEFENDANT, PRO SE IS SUBMITTED AFTER HIS CONVICTIONS AT TWO 08/04/14 TRIALS; AND BEFORE HIS 12/10/14 SENTENCING HEARING.

DEFENDANT IS CURRENTLY INCARCERATED AT THE:

CLARK COUNTY DETENTION CENTER (C.C.D.C.)

330 S. CASINO CENTER BVD.

LAS VEGAS, CLARK COUNTY, NV 89101

THE PETITIONER FORMALLY MAKES APPLICATION HEREIN, PRO SE, FOR A WRIT OF HABEAS CORPUS - POST CONVICTION TO BE HEARD BY THE SUPREME COURT OF NEVADA AS SOON AS POSSIBLE.



WRIT OF H.C.

14-29515

DEFENDANT, PETITIONER IS UNLAWFULLY IMPRISONED IN THAT:

1) HE RECEIVED AN IMPROPER INDICTMENT;

2) NO WITNESS STATEMENT OR TRIAL TESTIMONY CLAIMS OR SUPPORTS ANY OF (5) FELONY CRIMES THAT WERE TRIED ON 08/04/14, ONLY THE MISDEMEANOR "UNLAWFUL CONTACT..." IS VALID;

3) THE JUDGE, COURT AND D.A. WERE SUBSTANTIALLY BIASED AGAINST THE PETITIONER BOTH BEFORE AND DURING EACH OF HIS (2) 08/04/14 TRIALS; AND,

4) PETITIONER DID NOT RECEIVE A "SPEEDY" OR TIMELY ENOUGH TRIAL, ESPECIALLY DUE TO COURT'S BIAS.

SEE ATTACHED GROUND'S

NOTE THAT NO OTHER PETITION FOR WRIT OF HABEAS CORPUS HAS BEEN FILED ON BEHALF OF PETITIONER, AND THAT HE RECEIVED EIGHT CHARGES WITH EIGHT CONVICTIONS IN TWO SEPARATE TRIALS AS OF 08/04/14.

FOLLOWING, TO WIT, IS INFORMATION PERTAINING TO PETITIONER'S CASE, C290261:

DEFENDANT: CHRISTOPHER E. PIGEON - 1694872

ADDRESS: C.C.D.C., 330 S. CASINO CENTER BLVD.

LAS VEGAS, NV 89101

D.O.B.: 08/31/1962

CASE #: C290261
COURT: CLARK COUNTY REGIONAL JUSTICE CENTER
DISTRICT COURT, DEPARTMENT #8
JUDGE DOUGLAS E. SMITH
D.A. MARK SCHIFALACQUA

RELEVANT TIMELINE:

ARREST DATE: 05/17/13

INDICTMENT: 05/21/13 - TWO ORIGINAL CHARGES

GRAND JURY: 06/05/13

HEARING: 07/31/13
DEPT. 8

"MOTION TO DROP CHARGES" (PRO SE);
NOT HEARD, DESPITE DESIGNATED HEARING

HEARING: 08/02/13
DEPT. 8

DEFENDANT ORDERED TO LAKES CROSSING
CLINIC FOR COMPETENCY EVALUATION

LAKES CROSSING CLINIC VISIT: 10/03/13 THROUGH 12/05/13; DEFENDANT
FOUND COMPETENT

HEARING: 03/17/14
DEPT. 1

"MOTION TO DROP CHARGES DUE TO
IMPROPER INDICTMENT,"

"MOTION TO DISMISS CHARGES DUE TO
FAILURE TO GRANT THE RIGHT TO A
SPEEDY TRIAL," (PRO SE MOTIONS), NOT
HEARD DESPITE DESIGNATED HEARING

COMPETENCY: 04/04/14
DEPT. 1

COURT VERIFICATION OF DEFENDANT/
PETITIONER'S COMPETENCE

1 HEARING:
DEPT. 8

04/23/14

DEFENDANT FARETTA CANVAS, PLEON
BECOMES FORMALLY PRO SE

3 HEARING:

06/09/14

DEFENDANT'S "MOTION TO DROP CHARGES
DUE TO IMPROPER INDICTMENT"

5 HEARING IS CANCELLED BY THE D.A.
AND STATE

7 HEARING:

06/18/14

"STATE'S OPPOSITION TO DEFENDANT'S
MOTION..." IS HEARD, WITH DEFENSE
OBJECTION, BUT IS UPHOLD

10 HEARING:

07/01/14

DEFENDANT'S "MOTION TO DROP CHARGES
DUE...", (06/09 ABOVE), PLUS HIS
"MOTION TO QUASH STATE'S OPPOSITION..."
ARE BOTH DENIED BY JUDGE SMITH

15 PRETRIAL HEARING: 07/30/14

DEFENSE AND STATE READY FOR TRIAL

17 TRIAL:

08/04/14

TRIAL (1); CHARGES -

- ATTEMPTED KIDNAPPING, CLASS "B" FELONY
 - AGGRAVATED STALKING, CLASS "B" FELONY
 - LURING CHILDREN, CLASS "B" FELONY
 - BURGLARY, CLASS "B" FELONY
 - OPEN AND GROSS LEWDENESS, CLASS "B"
FELONY
 - UNLAWFUL CONTACT WITH CHILD
- PETITIONER IS CONVICTED FOR (6) OF
(6) CHARGES

TRIAL (2); CHARGES -

- PROHIBITED ACTS BY SEX OFFENDER,
CLASS "D" FELONY
- PROHIBITED ACTS BY SEX OFFENDER,
COUNT 2, CLASS "D" FELONY

> ~~END~~ OF ADMINISTRATIVE INTRODUCTION -

PETITIONER, DEFENDANT PIGEON ASSERTS IN
HIS POST CONVICTION WRIT OF HABEAS CORPUS
THE FOLLOWING GROUNDS:

ING

CONTINUED ON NEXT PAGE ...

SUMMARY INTRODUCTION

THE DEFENDANT, CHRISTOPHER E. PIGEON, 1694872 WAS ORIGINALLY INDICTED FOR THREE CHARGES ON OR ABOUT 05/21/13, INCLUDING:

- 1) OPEN AND GROSS LEWDNESS, CLASS "D" FELONY
- 2) UNLAWFUL CONTACT WITH CHILD, GROSS MISDEMEANOR
- 3) PROHIBITED ACTS BY SEX OFFENDER, CLASS "D" FELONY

HOWEVER, IN JUNE 2013, AT THE GRAND JURY HEARING, FIVE SERIOUS FELONIES WERE ADDED TO MY CASE WITH VERY LITTLE EVIDENCE, NO NEW EVIDENCE, AND VIRTUALLY NO HINT OF DISCUSSION OF THE SPECIFIC REQUIRED ELEMENTS OF THESE COMPLEX CRIMES. THE COURT OVERLOOKED THESE FACTS AND INDICTED THE DEFENDANT DESPITE THE VAGUE TREATMENT - THE ADDED CHARGES INCLUDE:

- TRIAL (1):
- 1) ATTEMPTED KIDNAPPING, CLASS "B" FELONY
 - 2) AGGRAVATED STALKING, CLASS "B" FELONY
 - 3) LURING CHILDREN..., CLASS "B" FELONY
 - 4) BURGLARY, CLASS "B" FELONY

- TRIAL (2):
- 5) PROHIBITED ACTS BY SEX OFFENDER (2ND COUNT),
CLASS "D" FELONY

THE FIRST FOUR FELONIES ADDED AT THE GRAND JURY WERE ALL FOR THE SAME ALLEGED ACT(S) AND SITUATION, THE CIRCUMSTANCES OF WHICH ARE MORE LIKELY TO APPLY TO THE ALREADY EXISTING CHARGE "UNLAWFUL CONTACT..."

PROPER JURISPRUDENCE DICTATES THAT A SUBSTANTIAL DISCUSSION OF THE MERITS OF EACH OF THESE CRIMES BE OUTLINED FOR THE MEMBERS OF THE GRAND JURY TO DISCERN AND RULE ON, SO THAT ONLY RELEVANT CHARGES ARE BROUGHT FORWARD FOR TRIAL.

FROM DEFENDANT'S ARREST ON ~~17~~ MAY 2013 UNTIL 23 APRIL 2014, DEFENDANT WAS REPRESENTED BY PUBLIC DEFENDER, R. O'BRIEN, WITH THE RESULT OF (5) FELONIES ADDED AND NONE OF THE TOTAL OF EIGHT CHARGES DROPPED OR DISMISSED. DEFENDANT/PETITIONER, WHO HAS REPRESENTED HIMSELF AT TRIAL BEFORE, BOTH ELECTED TO, AND RECEIVED APPROVAL FOR, "PRO SE" STATUS.

DEFENDANT SUBMITTED (4) SEPARATE PRO SE MOTIONS TO DROP CHARGES BETWEEN JUNE 2013, AND 15 MAY 2014; THE LATTER FILED WHILE FORMALLY SELF-REPRESENTED. ALL FOUR MOTIONS WERE DENIED BY JUDGE DOUGLAS E. SMITH, DEPT. #8 - THE LAST MOTION MET WITH OPPOSITION FROM THE STATE, WITH PETITIONER REPLY ALSO DENIED.

DEFENDANT ELECTED TO GO TO TRIAL, DESPITE SUBSTANTIAL ~~ISSUES~~ ON THE PART OF THE COURT AND STATE. TRIAL WAS HELD ON 04 AUGUST 2014 - DEFENDANT OBJECTED TO SEVERAL JURY INSTRUCTIONS, ALL OF WHICH WERE DENIED BY JUDGE SMITH. SENTENCING HEARING IS 10 DECEMBER 2014. PETITIONER, IN THE END WAS CONVICTED OF ALL EIGHT CHARGES AT HIS TWO TRIALS HEARD ON 04 AUGUST 2014 BY THE SAME JUDGE AND JURY.

STIPULATIONS AND LOGIC- GROUND 1: IMPROPER INDICTMENT FOR (5) ADDED CHARGES AT GRAND JURY HEARING

- DURING TRIAL, TESTIMONY BY THE TWO PRIMARY WITNESSES FOR THE STATE - THE VICTIM, CANDACE CARPENTER AND STORE MANAGER, JOHN BRYANT - DOES NOT CLAIM A CRIME OR EVEN A SINGLE ELEMENT OF ANY OF THE ALLEGED CHARGES IN THIS CASE, WITH ONE EXCEPTION; THE GROSS MISDEMEANOR "UNLAWFUL CONTACT WITH CHILD."
- NEITHER DID EITHER OF THESE ONLY TWO WITNESSES CLAIM A CRIME IN THEIR ATTACHED WRITTEN STATEMENTS, (SEE ATTACHMENTS II AND III).
- THE PETITIONER ALLEGES THAT NONE OF THE (5) ADDED FELONIES AT THE GRAND JURY HEARING WERE MENTIONED OR SUPPORTED AT THIS 06 JUNE 2013 HEARING.
- RELEVANT EVIDENCE CLAIMED BY THE ORIGINAL WRITTEN STATEMENTS, ATTACHED, OF BOTH CANDACE CARPENTER AND STORE MANAGER - THE ONLY LEGITIMATE WITNESSES - PLUS TESTIMONY CLAIMED BY THE PETITIONER PIGEON, HIMSELF, DESCRIBES ALL THAT IS PURPORTED IN THIS CASE.

- ① DEFENDANT, PIGEON, RODE ON THE SAME CITY BUS TO SCHOOL WITH VICTIM, CANDACE CARPENTER - 12 YEARS OLD (NOW 13);
- ② HE STEPPED OFF THE BUS WITH HER AND FOLLOWED HER; A SHORT WAY;
- ③ WALKED UP TO HER AND, IN ESSENCE, "BLOCKED" HER SOMEWHAT IN ORDER TO SPEAK TO HER - SHE BRIEFLY STOPS, FACING HIM;

④ DEFENDANT TOLD HER AMIABLY, "YOU KNOW I LOVE YOU, MISS - I THINK YOU'RE BEAUTIFUL;"

⑤ PIGEON REACHES FOR HER RIGHT UPPER ARM WITH HIS LEFT HAND, (MEANING TO KISS HER);

⑥ AT THE SAME TIME, CANDACE SWINGS HER ARM UP, AND SAYS "LEAVE ME ALONE;"

⑦ HER HAND BRUSHES HIS HAND IN THE SAME MOMENT, BUT SHE CLAIMS IT WAS A "LIGHT TOUCH";

⑧ DEFENDANT WATCHES HER RUN OFF, BUT IS CONCERNED AND DISAPPOINTED - HE IGNORES HER COMMENT, AND CHOOSES TO JOG SLOWLY AFTER HER, TO MAKE SURE SHE IS ALRIGHT;

⑨ CANDACE ENTERS THE CONVENIENCE STORE AND DEFENDANT FOLLOWS 20 TO 30 SECOND LATER;

⑩ IN THE STORE, PIGEON "STARED AT" OR WATCHED HER CAREFULLY FOR A GOOD PORTION OF ABOUT 12 OR 15 MINUTES;

⑪ CANDACE CARPENTER BUYS A PACK OF GUM AND LEAVES THE STORE - DEFENDANT FOLLOWS HER A SHORT DISTANCE TO THE FRONT ENTRANCE OF THE MIDDLE SCHOOL, NOTICING HER ENTER;

⑫ HE THEN WALKS BEYOND THE SCHOOL;

* ⑬ THIS OCCURRED IN A SOMEWHAT SIMILAR FASHION, FOR (3) MORNINGS IN A ROW;

⑭ PIGEON, THE PETITIONER HERE, SPOKE TO HER ON TWO OF THESE THREE MORNINGS, WITH THE INTENT OF CONVINCING CANDACE TO ALLOW HIM TO MEET HER PARENTS, AND SEE HER OVER THE

SUMMER MONTHS - SCHOOL WOULD BE OVER FOR THE YEAR
IN TWO MORE WEEKS;

15 DEFENDANT/PETITIONER ALSO RETURNED TO A PARK ACROSS
THE STREET FROM THE SCHOOL IN QUESTION, ON THE AFTERNOON
OF THE THIRD DAY - FRIDAY - BUT WAS ARRESTED AT THE
MAIN ENTRANCE TO THE SCHOOL, (WHILE TRYING TO SAY HELLO
TO CANDACE, IF SHE WAS THERE).

16 DEFENDANT HAD ONLY A WALLET AND KEYS IN HIS POSSESSION;
HE NEVER ONCE THREATENED MISS CARPENTER, AND SHE DOES
NOT CLAIM OTHERWISE.

- IN ~~EVIDENCE~~, THE ~~ABOVE LISTING OF EVIDENCE~~, CIRCUMSTANCES, AND
INTENT ~~DOES NOT~~ ^{NOT} ~~EVER~~ PORTRAY OR SUGGEST A CRIME. THEREFORE,
PETITIONER ASSERTS THAT HIS GRAND JURY INDICTMENT IS INVALID
FOR SIX OF THE TOTAL OF EIGHT CHARGES BROUGHT FORTH OR BOUND
OVER, IN THE CASE AGAINST HIM.

- FURTHER, PETITIONER ASSERTS THAT IT SHOULD BE ABSOLUTELY
ILLEGAL TO ADD ANY CHARGES AT ALL AT A GRAND JURY HEARING,
WITHOUT A DEFENDANT BEING REBOOKED FOR THEM FORMALLY
BEFOREHAND, AND GIVEN FAIR EVALUATION OF WHICH NEW CHARGES
MEET THE CIRCUMSTANCES IN TERMS OF RELEVANT ELEMENTS FOR
THESE CHARGES. THIS IS ~~ESPECIALLY SO~~ WHEN TWO OR MORE OF THE
NEWLY CONSIDERED CRIME(S) ARE FOR THE ~~SAME~~ ALLEGED "ACT OF
COMMISSION." ALL NEW CHARGES SHOULD BE CONSIDERED FIRST BY THE
JUSTICE COURT BEFORE WRIT OF H.C. BEING BROUGHT
BEFORE A GRAND JURY

- GROUND 2: DEFENSE ASSERTS HE IS ~~BEING TRIED FIVE SEPARATE~~ TIMES FOR THE SAME INCIDENT(S) OR ACT(S) - FOLLOWING A YOUNG GIRL (12) TO SCHOOL THREE MORNINGS IN A ROW
- DEFENDANT, PIGEON, WITH REGARD TO THE (5) SERIOUS FELONIES ADDED AT HIS JUNE 2013 GRAND JURY HEARING, FEELS THAT ~~FIVE OF HIS EIGHT CHARGES~~ BROUGHT TO TWO TRIALS WERE FOR THE SAME BASIC CIRCUMSTANCE OR "ACT OF COMMISSION."
- BEING TRIED FOR ALL FIVE CHARGES AT THE SAME ^(FIVE) TRIAL(S) AND FOR THE SAME "ACT OF COMMISSION" ~~BEING TRIED FIVE SEPARATE TIMES~~ AT ~~FIVE SEPARATE TRIALS~~ - THERE WERE ACTUALLY (6) CHARGES HEARD AT THE FIRST OF TWO TRIALS; ONE OF THE ALLEGED CRIMES REASONABLY BEING CONSIDERED A CHARGE APART, (OPEN AND GROSS LEWDNESS). HOWEVER, THIS CHARGE WAS NOT CLAIMED BY EITHER OF THE ONLY TWO WITNESSES; VICTIM CANDACE AND CONCERNED STORE MANAGER).
- STRICT JURISPRUDENCE AND THE CONSTITUTIONAL RIGHT DICTATED BY THE 5TH AMENDMENT OF OUR AMERICAN CONSTITUTION, PREVENT A DEFENDANT FROM BEING PUT IN "DOUBLE JEOPARDY," BY BEING TRIED NOT MORE THAN ONCE FOR THE SAME CRIME.
- IN ESSENCE, THE STATE AND DA. HAVE NOT MUCH OF A CASE HERE; THERE WERE ORIGINALLY THREE CHARGES AGAINST THE PETITIONER, (SEE ATTACHMENT), ON HIS 06/21/13 ARRESTMENT HEARING. THEN, DISTRICT ATTORNEY'S TACTIC OF ADDING (4) CLASS "D" FELONIES PLUS (1) CLASS

12 7 43

"D" FELONY AT AN IMPROPER GRAND JURY, (SEE ATTACHMENT II), BECAME A QUESTIONABLE LEGAL PRECEDENT, IF ALLOWED BY THE NEVADA SUPREME COURT WITHOUT SUBSTANTIAL OBJECTION. THIS PETITIONER NOW AFFORDS THIS APPROPRIATE SUBSTANTIAL OBJECTION.

- DEFENDANT REITERATES THAT HE ~~PUT FORTH THE EFFORT~~ IN (A) "MOTIONS TO ~~DROP CHARGES~~ DUE TO IMPROPER INDICTMENT," IN ORDER TO ~~REDUCE~~ THE LIKELIHOOD OF DOUBLE JEOPARDY AT TRIAL; BUT, ~~JUDGE~~ DOUGLAS E. SMITH DENIED ~~THESE PROSE~~ MOTIONS ON 01/08/13, (BEFORE COMPETENCY EVALUATION), 03/11/14, (AFTER LAKE'S CROSSING'S COMPETENT FINDING), AND ON 06/18/14 AND 01/01/14 AS WELL, (WHILE DEFENDANT PLEON IS FORMALLY PRO SE).

- DURING TRIAL PREPARATION ON 08/04/14, ~~JUDGE SMITH ALSO ELECTED~~ NOT TO ~~DROP OR DISMISS ANY OF THE~~ PURSUED CHARGES, DESPITE DEFENDANT'S FORMAL OBJECTIONS. THE TRIALS PROCEEDED NONETHELESS, AND HE WAS CONVICTED ON ALL EIGHT COUNTS, (TRIAL #1 - (6) COUNTS; TRIAL #2 - (2) COUNTS).

- IN SUMMARY, DEFENDANT/PETITIONER MERELY FOLLOWED, WALKED WITH, AND SPOKE TO ^{VICTIM} ~~THREE~~ CONSECUTIVE MORNINGS; ONLY A ~~MILD~~ BLOCK AND A ~~WIGHT~~ TOUCH ON HER HAND ARE CLAIMED, WITH CANDACE CARPENTER WRITING THAT SHE FELT "WEIRDED OUT" BY THESE OCCASIONS. IT IS IMPORTANT TO NOTE HERE THAT CANDACE DID NOT ~~COMPLAIN~~ ABOUT THE DEFENDANT, ~~BUT~~ WAS SOUGHT OUT BY THE ~~DETECTIVE~~ INVOLVED, (PERHAPS LOOKING TO MEET AN "ARREST ROUTA"). IN THIS INSTANCE, THIS INTERACTION ~~BETWEEN~~

DEFENDANT AND VICTIM AMOUNT TO A SINGLE "LIKE" SET OF ACTS AND CIRCUMSTANCES, WHICH CAN BE LABELED AS A SINGLE "ACT OF COMMISSION." THIS PERSPECTIVE REQUIRES THAT THE COURTS EVALUATE MORE CAREFULLY WHICH CHARGES ARE ABLE TO BE ADDED TO A PARTICULAR CASE; BUT, SHOULD BE LIMITED TO ONE COUNT ONLY (PER GENERAL AREA OF CRIME).

- PETITIONER, PIGEON, ESTABLISHES THAT HE SHOULD HAVE BEEN TRIED FOR ONLY ONE, PERHAPS TWO CHARGES, IF RELEVANT, FOR THIS SINGLE "ACT OF COMMISSION;" THIS, IN ORDER TO KEEP FROM BEING SUBJECTED TO WHAT AMOUNTS TO MULTIPLE TRIALS FOR ONE OFFENSE. SUCH A WEAK AND ILLEGAL TACTIC BY THE STATE IS ESSENTIALLY A VIOLATION OF THE "DOUBLE JEOPARDY" RULE AS MADE UNCONSTITUTIONAL BY THE SAFEGUARDS OF RELEVANT DUE PROCESS OF LAW.

- THE PETITIONER'S FIRST TRIAL OF THE DAY INCLUDED (6) SIMILAR CHARGES FOR ONE "ACT OF COMMISSION". THE SECOND TRIAL INCLUDED (2) OF THE EXACT SAME CHARGES FOR A SINGLE INSTANCE OF DEFENDANT NOT CHANGING HIS ADDRESS, WHEN HE DID NOT HAVE ONE, (WHILE HOMELESS).

- DEFENSE PRAYS THAT DEFENDANT'S TWO SEPARATE 08/04/14 TRIALS BOTH BE DECLARED MISTRIALS FOR CAUSE.

- THEREFORE, THE LEGAL GUIDELINE BEING DRAWN OUT HERE FOR DISCUSSION IS THAT ANY DEFENDANT ACCUSED OF A CRIME OR SINGLE "ACT OF COMMISSION" AS A RESULT OF A SINGLE CIRCUMSTANCE, OR LIKE CIRCUMSTANCES, OVER A SHORTER PERIOD - PERHAPS A MONTH - SHOULD ONLY BE SUBJECTED TO ONE OR TWO CHARGES AT TRIAL, GIVEN REASONABLE JURISPRUDENCE.

FURTHER, THIS GUIDELINE LIMIT FOR A SINGLE "ACT OF COMMISSION" COULD BE ~~(2)~~ CHARGES PER MONTH OF ELAPSED TIME, PER "CATEGORY OF CRIME."

DEFENSE INTENTIONS AND REQUIREMENTS

- THE PETITIONER PRAYS THAT THE HONORABLE HIGH COURT RULE UPON AND REQUIRE: (AS A RESULT OF THIS "WRIT"),

- 1) ~~(6)~~ DROPPED CHARGES AND/OR DISMISSALS FROM THE TRIAL COURT, FOR THEY ARE UNSUBSTANTIATED, DUPLICATED, AND REDUNDANT - THIS, OUT OF EIGHT CHARGES TOTAL FOR TWO SEPARATE TRIALS; AND,
- 2) A NEW VALID PRELIMINARY HEARING FOR THE REMAINING SUPPORTED GROSS MISDEMEANOR, "UNLAWFUL CONTACT WITH CHILD" - THE PETITIONER DID ~~NOT~~ WAIVE HIS ORIGINAL PRELIMINARY HEARING; AND,
- 3) FURTHER, DEFENDANT PRAYS THAT ONLY A SINGLE COUNT OF "PROHIBITED ACTS BY SEX OFFENDER" ~~BE~~ PERMITTED FOR DEFENDANT PIGEON'S FAILURE TO MERELY CHANGE HIS ADDRESS ^{ONCE} WHILE HOMELESS - NOTE: STATUTE NRS 179D.550 DOES NOT MENTION REGISTER ^{ING} A CHANGE OF ADDRESS WHILE HOMELESS; AND,
- 4) THIS POSITION(S) OR SITUATION BEES A MISTRIAL FOR BOTH SEPARATE 04 AUG 2014 TRIALS FOR CAUSE AS OUTLINED THROUGHOUT THIS "WRIT," STRONGLY INDICATING EXTREME BIAS ~~PROCEEDING~~ ON THE PART OF THE JUDGE, D.A., AND COURT, THROUGHOUT THE PROCEEDINGS ~~BOTH BEFORE~~ AND DURING THESE TRIALS. FURTHER, PIGEON WAS CONVICTED FOR EIGHT OF EIGHT

CHARGES AT TWO TRIALS; WHEN FIVE OF THESE CHARGES WERE FOR THE ~~SAME~~ ALLEGED ISSUE OR ACTS, ONE OF THE CHARGES WAS A DUPLICATE FELONY CHARGE, (PROHIBITED ACTS...), AND THE OPEN AND GROSS LEWDNESS CHARGE IS NOT CLAIMED BY EITHER WITNESS, THEREFORE, A MISTRIAL WITH ~~DROPPED~~ CHARGES IS WARRANTED.

- IN SUMMATION, THERE WERE TWO TRIALS FOR THE PETITIONER ON 08/04/14, THE FIRST FOR (6) DIFFERENT CHARGES, THE SECOND FOR TWO IDENTICAL ~~ISSUE~~ CHARGES FOR THE SAME SINGLE ISSUE. DURING THE FIRST TRIAL, (4) CHARGES WERE REDUNDANT AND UNSUBSTANTIATED FOR THE SAME ISSUE OR "ACT OF COMMISSION".
- THEREFORE, (6) OF (8) CHARGES WERE ESSENTIALLY ILLEGAL AND NOT SUPPORTED BY EITHER WITNESSES OR QUESTIONABLE GRAND JURY HEARING. TO THE PETITIONER, PIGEON, THIS COULD BE CONSTRUED AS BEING TRIED MULTIPLE TIMES FOR THE SAME TWO ~~OFFENSES~~ - "UNLAWFUL CONTACT..." AND "PROHIBITED ACTS..." - AN ISSUE AND TACTIC WHICH IS FORBIDDEN BY THE DOUBLE JEOPARDY CLAUSE OF THE 5TH AMENDMENT OF THE U.S. CONSTITUTION.
- THE DEFENDANT CHOOSE TO REPRESENT HIMSELF AS OF 04/23/14 FOR SUBSTANTIALLY SECOND REASONS - DEFENDANT, PIGEON HAS TWO COLLEGE DEGREES, THE FIRST FROM THE UNIV. OF NOTRE DAME FOR A BACHELORS OF BUSINESS ADMINISTRATION, WITH MANAGEMENT INFORMATION SYSTEMS CONCENTRATION (1984); AND THE SECOND FROM DREXEL UNIV. FOR A BACHELORS OF ARCHITECTURE (1993); AND WAS ALSO A PERSONNEL AND ADMINISTRATIVE OFFICER IN THE U.S. ARMY (1984-88).
- FURTHER, DURING DEFENDANT'S (14) MONTHS OF INCARCERATION SINCE HIS 17 MAY 2013 ARREST, THE D.A., JUDGE, AND COURT ADDED (5)

UNSUPPORTED CHARGES. PLEASE NOTE THE FOLLOWING:

- 1) ~~NONE~~ OF THE ORIGINAL THREE CHARGES ALLEGED IN THIS CASE WERE DROPPED OR REDUCED;
- 2) PIGEON'S PUBLIC DEFENDER NEVER SAUGHT TO DROP OR ~~REDUCE~~ CHARGES EITHER, NOR DID HE REQUEST THE (5) ADDED CHARGES AT THE GRAND JURY, AND HE DID NOT SUPPORT ANY OF MY PRO SE MOTIONS TO DROP THESE REDUNDANT AND ~~THE~~ UNSUPPORTED CRIMES;
- 3) THE ~~STATE~~ NEVER OFFERED PETITIONER A ~~PLEA BARGAIN~~ ARRANGEMENT OF ANY KIND.

- FINALLY, PIGEON HAD SEEN THE VICTIM, CANDACE BEFORE, AND, WAS IMPRESSED BY HER BEAUTY, HER SPECIMEN AND HER PERSONALITY. HE POSSESSED A SINCERE INTEREST ~~IN GETTING TO KNOW HER AND MEETING~~ HER PARENTS, BEFORE THE END OF THE SCHOOL YEAR - WHICH WAS ONLY TWO WEEKS AWAY. PIGEON STATED DURING HIS VOLUNTARY STATEMENT THAT WOULD MARRY CANDACE WITH HER PARENTS' PERMISSION.

- WHEREFORE, PETITIONER PRAYS THAT THE SUPREME COURT OF NEVADA ISSUE AN ORDER TO THE COUNTY CLERK AND, HENCE, THE SHERIFF OF CLARK COUNTY; AS PER HIS GRANTED/UPHELD "WRIT OF HABEAS CORPUS," COMMANDING HIM TO BE DULY AND JUSTLY RELEASED.

- END OF PETITIONER'S WRIT OF HABEAS CORPUS -

- ATTACHMENTS FOLLOW -

WRIT OF H.G.

LIST OF ATTACHMENTS

- ① BIO AND RESUME
- ② WRITTEN STATEMENT BY VICTIM, CANDACE CARPENTER
- ③ WRITTEN STATEMENT BY STORE MANAGER
- ④ "MOTION TO DROP CHARGES DUE TO IMPROPER INDICTMENT"
- ⑤ ORIGINAL INDICTMENT
- ⑥ ORIGINAL INDICTMENT
- ⑦ ARREST SHEET

EP

LIST

QIP

NOTE: THIS IS WRITTEN BY/REB1 P. 18
AS ORIGINAL IN COLOR P. 18 OF 43
OVERALL

BIOGRAPHY AND RESUME:

CHRISTOPHER E. PIGEON - 1694872

I AM AN ARCHITECT, COMPUTER BUFF AND COMPOSER WHO ASPIRES TO ASSIST WITH DOWNTOWN DESIGN AND DEVELOPMENT. I ALSO INTEND TO RUN FOR MAYOR OF LAS VEGAS AT SOME POINT, AND PERHAPS GOVERNOR OF NEVADA AS WELL.

EDUCATION:

DREXEL UNIVERSITY - 1993 - BACHELOR OF ARCHITECTURE

UNIVERSITY OF NOTRE DAME - 1984

- BACHELOR OF BUSINESS ADMINISTRATION,
- CONCENTRATION IN MANAGEMENT INFORMATION SYSTEMS
- MINOR, MUSIC THEORY AND COMPOSITION

W. H. BURGESS HIGH SCHOOL, EL PASO, TEXAS - 1980

- COLLEGE PREPARATORY DIPLOMA
- NATIONAL MERIT SCHOLAR

PROFESSIONAL ENDEAVOR:

I AM BOTH AN ARCHITECT THEORETICIAN AND PRACTITIONER WHO HAS MORE THAN 15 YEARS EXPERIENCE IN PHILADELPHIA, PA; EL PASO, TX; VIRGINIA BEACH, VA; AND LAS VEGAS, NV.

ATTACHMENT #1

MY THEORETICAL AREAS OF FOCUS INCLUDE:

- | | |
|---------------------------|---------------------------|
| 1) COMPOSITION | 8) ERGONOMICS |
| 2) HUMANISTIC DESIGN | 9) EFFICIENT HOUSE DESIGN |
| 3) TECTONIC DETAIL | 10) MIXED-USE DESIGN |
| 4) SITE - SPECIFIC DESIGN | 11) STADIUM/ARENA DESIGN |
| 5) STRUCTURAL EXPRESSION | 12) ART MUSEUMS |
| 6) PERFORMING ARTS CENTER | 13) UNIVERSITY BUILDINGS |
| 7) SCULPTURAL DESIGN | 14) ART AND SCULPTURE |

MY FORMAL PROFESSIONAL EXPERIENCE INCLUDES:

OFFICE BUILDINGS, WAREHOUSE BUILDINGS, RESTAURANTS, LIBRARY, AIRPORTS, CITY HALL, FITNESS CENTER, RESIDENTIAL, SCHOOL ADDITION, AND CORPORATE INTERIORS.

PROFESSIONAL EXPERIENCE:

- | | |
|------------------|--|
| - 06/88 TO 10/90 | ARCHITECTURAL CONCEPTS, PHILADELPHIA AREA |
| - 10/90 TO 8/91 | SHEWARD HENDERSON ARCHITECTS, PHILADELPHIA |
| - 8/91 TO 10/91 | MGA ARCHITECTS, PHILADELPHIA |
| - 4/92 TO 1/92 | GAUDET AND ASSOCIATES, PHILADELPHIA |
| - 3/93 TO 1/93 | WALTER, PHILADELPHIA |
| - 1/94 TO 3/96 | CONSTRUCTION RENOVATION AND LANDSCAPE |
| - 3/96 TO 4/99 | THEORETICAL PURSUITS |

- 4/99 TO 7/99 PSWC ARCHITECTS, LAS VEGAS, NV
- 7/99 TO 8/99 WALTER, DENVER, CO
- 8/99 TO 10/99 DESIGN COLLABORATIVE, VA BEACH, VA
- 10/99 TO 11/99 KNAPP PARTNERSHIP, PHILADELPHIA, AREA
- 01/00 TO 10/01 THEORETICAL STAGE, WITH PROFESSIONAL ENDEAVOR, *
EL PASO, TX
- 10/01 TO 5/13 THEORETICAL STAGE, WITH PROFESSIONAL ENDEAVOR, *
LAS VEGAS, NV
- 5/13 TO PRESENT THEORETICAL STAGE WHILE INCARCERATED IN THE
CLARK COUNTY DETENTION CENTER INVOLVING
MORE THAN 300 BUILDINGS, INCLUDING
CONDOMINIUMS, HOTELS, MIXED-USE HIGH-
RISES, AND STADIUMS, ARENAS AND RETAIL, *
LAS VEGAS, NV

* PLEASE NOTE THAT WHEN I AM INCARCERATED, I ALWAYS SPEND
6-12 HOURS PER DAY DRAWING RESIDENTIAL, COMMERCIAL AND OFFICE
STRUCTURES, WITH AESTHETICS AND TECHNICAL INNOVATIONS AT THE
FOREFRONT OF THOUGHT FOR DESIGN OF THESE BUILDINGS.

ADDITIONAL SIGNIFICANT PURSUITS:

I HAVE ALSO BEEN INTERESTED IN THE FOLLOWING THEORETICAL
AND MIND - EXPANDING AND COMPLEX PRACTICAL ENDEAVORS:

ATTACHMENT #1

- DESIGNED A NEW "WHITEHOUSE" FOR THE PRESIDENT OF THE UNITED STATES.
- OBSERVED CONSTRUCTION IN PHILADELPHIA, EL PASO, AND LAS VEGAS OF SIGNIFICANT BUILDINGS IN PROGRESS IN ORDER TO IMPROVE AND HEIGHTEN MY TECHNICAL AND CONSTRUCTION MANAGEMENT SKILLS.
- WROTE A SCIENCE FICTION NOVEL OF MORE ^{THAN} 300 PAGES WHICH WAS WELL-RECEIVED BY PUBLISHERS, BUT NOT PUBLISHED.
- ENTERED SEVERAL ARCHITECTURAL DESIGN COMPETITIONS AND WAS A WINNER IN THREE OF THEM.
- I ENJOY SPORTS, INCLUDING FOOTBALL, BASKETBALL, BASEBALL, TENNIS, RACQUETBALL, JOGGING, AND WEIGHTLIFTING.
- ENJOY ARCHITECTURE, ART, DESIGN, SCIENCE AND NATIONAL GEOGRAPHIC MAGAZINES; AND READ NEWSPAPERS DAILY.
- I HAVE THREE CHILDREN AGES 24 TO 28, AND WAS MARRIED TO A NOTRE DAME GRAD FROM '84 TO '93, BUT AM DIVORCED.

REFERENCES:

- DANIEL KELLEY, MGA PARTNERS, PHILADELPHIA
- MICHAEL KAUTER, ARCHITECT, READING, PA
- BOB HENDERSON, SHEWARD HENDERSON ARCHITECTS, PHILADELPHIA
- TED MONZELEWSKI, ARCHITECTURAL CONCEPTS, EXTON, PA

130517-0960

THIS PORTION TO BE COMPLETED BY OFFICER

Specific Crime UNLAWFUL CONTACT W/ A MINOR	Date Occurred 5-17-13	Time Occurred 0813
Location of Occurrence [REDACTED]	Sector/Beat 43	☒ City ☐ County

Your Name (Last / First / Middle) Carpenter Candace Marie				Date of Birth [REDACTED]		Social Security # [REDACTED]	
Race White	Sex F	Height [REDACTED]	Weight [REDACTED]	Hair [REDACTED]	Eyes [REDACTED]	Work Schdl. (Hours) [REDACTED]	Days Off [REDACTED]
Business / School [REDACTED]							
Residence Address: (Number & Street) [REDACTED]		Bldg./Apt.# [REDACTED]		City [REDACTED]		State Zip Code [REDACTED]	
Res. Phone [REDACTED]							
Bus. (Local) Address: (Number & Street) [REDACTED]		Bldg./Apt.# [REDACTED]		City [REDACTED]		State Zip Code [REDACTED]	
Bus. Phone [REDACTED]							
Occupation [REDACTED]		Depart Date (if visitor) [REDACTED]					
Best place to contact you during the day Home				to contact you during the day Any time.			
Can You Identify the Suspect?				☒ Yes ☐ No			

DETAILS Today I was riding the city bus and I got off at Valley View and Charleston and an elderly male guy with circular glasses got off the same bus stop and I was walking to the Sinclair on Hinson and Charleston and as I was walking I looked back and I saw him so I started walking a little faster and I got to the Sinclair gas station and I was looking around at the chips and drinks and the man went to the cashier and payed for a coke and still after that didn't leave the store and was still looking around and as he was doing so, the store clerk asked me "Is that guy your Dad?" I shook my head no and the guy came past me and commented "Hello miss, you look nice today." I didn't pay attention to him and I went to the back of the store to get a gatorade and I payed for it and after that I went to school and the bell rang and I was rushing, therefore, I didn't know if he was following me still.

I HAVE READ THIS STATEMENT AND I AFFIRM TO THE TRUTH AND ACCURACY OF THE FACTS CONTAINED HEREIN. THIS STATEMENT WAS COMPLETED AT (LOCATION) [REDACTED]

ON THE **17th** DAY OF **May** AT **0930** (AM) (PM), **2013**.

Witness/Officer: [REDACTED]

(SIGNATURE)

Witness/Officer: [REDACTED]

LVMPD 85 (REV. 6-08)

13F08000

PIGEON, CHRISTOPHER

PH

5914

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

ATTACHMENT #2

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT CONTINUATION

Page 2 of 2

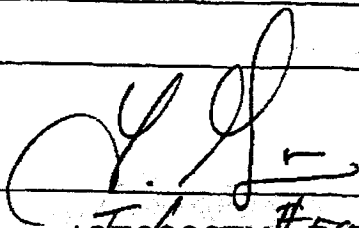
Event #: 130517-0960

On Tuesday I was on my regular routine, but this time I was going northbound on Valley View after the bus dropped me off and the ^{same} man caught up with me and stopped me and said, "you know, you don't have to be scared and run from me." I just tried to get to school and he made a light touch on my hand and said "leave me alone!" I started running from in front of Sonio's care and ran to the gas station to get away from him and as I was in the store, the guy kept looking at me and the clerk that was working at the time wasn't the one it was for Friday and Thursday I bought a pack of gum and I went out of the store and I was by the park ~~at~~ by my school and I looked back and saw him. This was the first time it happened and I got to school.

Description:

White male adult, 40's, Brownish-gray hair, about 6'0. Today Friday he was wearing gray shirt with an American Flag on it and tan khaki shorts and black tennis shoes. Prescription - circular ~~eye~~ eyeglasses.

Witness:



Witness:

LVMPD 86 (REV. 3-91)

13F08000X-5904

LEON, CHRISTOPHER

SIGNATURE OF PERSON GIVING STATEMENT

PRINT NAME OF PERSON GIVING STATEMENT

Page 17 of 21

ATTACHMENT # 2

P. 24 OF 49
130517-0960

THIS PORTION TO BE COMPLETED BY OFFICER

Specific Crime

PETIFILE

Date Occurred

5-17-13

Time Occurred

7:30-8:00 am

Location of Occurrence

4030 W. Charleston

Sector/Beat

43

☒ City☐ County

Bryant John L/m

Your Name (Last / First / Middle)

Date of Birth

02-08-89

Social Security #

Race

W

Sex

M

Height

5'8

Weight

165

Hair

Brown

Eyes

Blue

Work Sched. (Hours)

7-3pm

(Days Off)

Mon/Tue

Business / School

CJ'S Mini Mart

Residence Address: (Number & Street)

Bldg./Apt.# City

State Zip Code

Res. Phone:

Bus. (Local) Address: (Number & Street)

4030 W. Charleston

Bldg./Apt.# City

LV

State Zip Code

NV 89102

Occupation

Depart Date (if visitor)

Best place to contact you during the day

CJ'S Mini Mart

Best time to contact you during the day

7:00 am

Can You Identify

☒ Yes

the Suspect?

☐ No

DETAILS

It was 7:30 in the morning a little middle school girl came in looking around what to get before school then a tall white male walked in goes to the end of the chip aisle and just stairs at the girl everywhere she was going. She comes up to the counter to pay for her drinks ^{mean while} he still stairing at her then he comes up and purchased a RC cola 99¢ with ebt card then he says to the girl "you look pretty today" then goes and sits down on the gambling machine and waits for the ~~girl~~ girl. The girl puts her stuff in her back pack and walks out to go to school after she had left the white male walks out and follow her towards the middle school

I HAVE READ THIS STATEMENT AND I AFFIRM TO THE TRUTH AND ACCURACY OF THE FACTS CONTAINED HEREIN. THIS STATEMENT WAS COMPLETED AT (LOCATION)

ON THE

17th

DAY OF

MAY

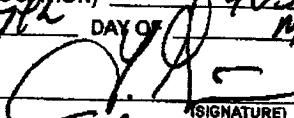
AT

1030

(AM) (PM),

2013

Witness/Officer:


 (SIGNATURE)

Witness/Officer:

T. Gibbs

P#

5914

LVMPD 85 (REV. 6-08)

13F08007X - PIGEON, CHRISTOPHER


 SIGNATURE OF PERSON GIVING STATEMENT

Page 15 of 21

ATTACHMENT #3

NOTE: THIS IS WRITTEN
AS ORIGINAL IN COLOR

P. 1 of 16
C290261

P. 25 of 43

DISTRICT COURT
CLARK COUNTY, NEVADA

MC
PP
DA

STATE OF NEVADA

Plaintiff,

vs.

CHRISTOPHER E. PIGEON - 1694812

Defendant

Case No.: C290261

Dept. No.: 8

Electronically Filed
Docket No.: 05/15/2014 08:45:20 AM

Alvin D. Lamm

CLERK OF THE COURT

Date: 06/09/14

Time: 8:00 AM

MOTION TO DROP CHARGES DUE TO
IMPROPER INDICTMENT

THE DEFENDANT, CHRISTOPHER E. PIGEON, WAS ORIGINALLY
INDICTED FOR THREE CHARGES ON OR ABOUT 05/22/13:

- 1) PROHIBITED ACTS BY SEX OFFENDER - PAGE 14
- 2) OPEN AND GROSS LEWDNESS - PAGE 12
- 3) UNLAWFUL CONTACT WITH CHILD - NO REFERENCE

HOWEVER, IN JUNE, AT A GRAND JURY HEARING, FOUR SERIOUS
~~ADDITIONAL FELONIES~~ WERE ADDED TO MY CASE WITHOUT DISCUSSION
OR MENTION OF ANY OF THE ELEMENTS OF THESE CRIMES. THESE
CHARGES INCLUDE:

- | | | |
|-------------------------|--------------------|----------------|
| 1) ATTEMPTED KIDNAPPING | CLASS "B" FELONY - | <u>PAGE 7</u> |
| 2) AGGRAVATED STALKING | " " " | <u>PAGE 9</u> |
| 3) LURING CHILDREN... | " " " | <u>PAGE 4</u> |
| 4) BURGLARY | " " " | <u>PAGE 11</u> |

RECEIVED

MAY 14 2014

RECEIVED

MAY 15 2014

CLERK OF THE COURT

ATTACHMENT #4

PROPER JURISPRUDENCE DICTATES THAT A SUBSTANTIAL DISCUSSION OF THE MERITS OF EACH OF THESE CRIMES BE OUTLINED FOR THE MEMBERS OF THE GRAND JURY TO DISCERN, SO THAT ONLY RELEVANT CHARGES ARE BROUGHT FORWARD. THESE FOUR ADDED COUNTS ARE HARSH AND DO NOT APPLY TO THE CIRCUMSTANCES OF THE DEFENDANT'S CASE.

SUMMARY:

IN REFERENCE TO THE ARREST REPORT, PAGE 20 OF 5 (PAGE 7 OF 21 OVERALL), IT READS IN THE 2ND PARAGRAPH: "ON TUESDAY, 05/14/13, ... AS SHE WAS WALKING THE MALE CAUGHT UP WITH HER, 'BLOCKED' HER, TOLD HER SHE WAS PRETTY ASKED WHY SHE WAS TRYING TO GET AWAY FROM HIM" THIS IS INCORRECT, FOR THE DEFENDANT DID NOT "BLOCK" HER WAY, AS SHE WAS ABLE TO RUN TOWARD THE CONVENIENCE STORE WITHOUT HINDRANCE.

THERE WAS A LIGHT TOUCH ON HER HAND, BEFORE SHE RAN TO THE STORE IN QUESTION. DURING THE VICTIM'S RECORDED VOLUNTARY STATEMENT, PAGE 10, SHE STATES: "... AND THEN LIKE HE LIGHTLY TOUCHED ME ON MY HAND RIGHT HERE."

IN THE DEFENDANT'S RECORDED VOLUNTARY STATEMENT, THE DETECTIVE ASKS: "Q: ... WHEN YOU TOUCHED HER, THAT AROUSE YOU?" AND DEFENDANT RESPONDS: "A: ... NO, IT WAS JUST A FRIENDLY TOUCH." REFER TO PAGE 31 OF STATEMENT AND PAGE 4 OF 5, (9 OF 21 OVERALL), PARAGRAPH (6) IN

THE ARREST REPORT. NO OTHER TOUCHING OCCURRED OR WAS CLAIMED.

ALSO, DURING THE VICTIM'S, CANDACE'S, RECORDED VOLUNTARY STATEMENT, PAGE 30, OFFICER ASKS: "Q: ... HAS HE EVER SAID ANYTHING, UM, LIKE THREATENING TO YOU OR ANYTHING LIKE THAT?", AND "Q: ... HAS HE EVER SAID ANYTHING OFFENDING TO YOU?", AND ~~SHE RESPONDS~~: "A: NO."

ALSO, "Q: ... ANYTHING THAT YOU WOULD CONSIDER INAPPROPRIATE?", AND VICTIM STATES: "A: NOT REALLY, NO." FURTHER, IN HIS RECORDED STATEMENT, PAGE 23, DEFENDANT STATES THAT:

"A: I THINK SHE'S ATTRACTIVE. MAYBE IN A FEW YEARS I WOULDN'T MIND MARRYING HER."

IN GENERAL, DEFENDANT PIGEON'S CIRCUMSTANCES ARE FAR ~~LESS~~ SERIOUS THAN ALL INSTANCES AND EXAMPLES OF EVEN MILD OCCURRENCES OF THESE FOUR RELATIVELY SERIOUS CHARGE TYPES. DEFENDANT WAS AT ALL TIMES "EASIER GOING" AROUND CANDACE CARPENTER, ESPECIALLY WHEN ONE CONSIDERS THAT SHE SEEMED TO NOT MIND HIS COMPANIONSHIP.

IN SUM, PIGEON DEMONSTRATED NO QUESTIONABLE CHARACTER, AND NO ~~PREPAREDNESS~~ TO COMMIT ANY OF THESE ALLEGED CHARGES.

GROUNDS:

- COUNT (5): LURING CHILDREN WITH THE INTENT...

NRS 201.550, CLASS "B" FELONY

PARAGRAPH (1) - "... A PERSON COMMITS THE CRIME OF LURING CHILDREN IF THE PERSON KNOWINGLY... ATTEMPTS TO CONTACT OR COMMUNICATE WITH:

a) A CHILD WHO IS LESS THAN 16 YEARS OF AGE AND WHO IS AT LEAST FIVE YEARS YOUNGER THAN THE PERSON WITH INTENT TO PERSUADE, LURE OR TRANSPORT THE CHILD AWAY FROM THE CHILD'S HOME OR FROM ANY LOCATION... TO A PLACE OTHER THAN WHERE THE CHILD IS LOCATED, FOR ANY PURPOSE:

~~(1) WITHOUT~~ THE EXPRESS CONSENT OF THE PARENT..., AND

(2) WITH THE INTENT TO AVOID THE CONSENT THE CONSENT OF THE PARENT..."

PARAGRAPH (6) - "A PERSON WHO VIOLATES OR ATTEMPTS TO VIOLATE THE PROVISIONS OF THIS SECTION (IN A MANNER OTHER THAN THROUGH THE USE OF A COMPUTER), ...:

a) WITH THE INTENT TO ENGAGE IN SEXUAL CONDUCT, IS GUILTY OF A CLASS "B" FELONY AND SHALL BE PUNISHED BY IMPRISONMENT... FOR A MINIMUM TERM OF NOT LESS THAN 2 YEARS AND MAXIMUM TERM OF NOT MORE THAN 15 YEARS...."

IT SHOULD BE NOTED THAT THE PREVIOUS STATUTE (2003) WAS LESS HARSH FOR IT SPECIFIES A CATEGORY "B" FELONY PUNISHMENT BY IMPRISONMENT OF A MINIMUM TERM OF 1 YEAR AND A MAXIMUM TERM OF 10 YEARS.

P. 29 of 49

A "LURING CHILDREN" CHARGE REQUIRES THAT THE STATE ESTABLISH DEFENDANT'S "PREDISPOSITION TO COMMIT THE CRIME." IN REFERENCE TO COLOSIMO V. STATE, 2006, 142 P. 3d 352, 122 NEV. 950; THE HIGH COURT HIGHLIGHTS FIVE FACTORS TO BE CONSIDERED FOR THE CRIME WHEN EVALUATING THE GUILT OR INNOCENCE OF THE ACCUSED; THEY ARE:

- > (1) CHARACTER OF THE DEFENDANT;
- (2) WHO FIRST SUGGESTED THE CRIMINAL ACTIVITY;
- (3) WHETHER THE DEFENDANT SOUGHT PROFIT;
- (4) THE NATURE OF GOVERNMENT'S INDUCEMENT;
- > (5) WHETHER THE DEFENDANT DEMONSTRATED RELUCTANCE.

WITH REGARD TO FACTORS (1) AND (5) ABOVE, RELATING TO CHARACTER AND RELUCTANCE, RESPECTIVELY:

"COLOSIMO COUNTERS THAT HE WAS INDUCED TO COMMIT THE OFFENSE BY FRAUDULENT REPRESENTATIONS, AND HE CLAIMS THAT THE POLICE FIRST BROUGHT UP SEX AND PHYSICAL ATTRACTION," (THROUGH INTERNET CHAT). "FURTHER, COLOSIMO CONTENDS THAT HE WAS NOT PREDISPOSED TO COMMIT SUCH A CRIME, POINTING OUT HIS CLEAN RECORD, HIS LACK OF EVIDENCE OF ANY PRIOR SUCH CONDUCT, AND HIS RELUCTANCE, WHICH COLOSIMO CLAIMS WAS ~~BE~~ EVIDENT WHEN HE ASKED HIS APPARENT VICTIM IF SHE WAS A POLICE OFFICER."

FURTHER, STATE V. COLOSIMO RELATES:

"COLOSIMO ARRIVED AT A PREARRANGED MEETING PLACE WITH CONDOMS AND LUBRICANT, ALLEGEDLY INTENDING TO HAVE SEX WITH [THE] GIRL...."

THE DEFENDANT ENGAGED IN CONVERSATIONS ABOUT MEETING AN ALLEGED 14-YEAR OLD GIRL, OVER THE INTERNET, FOR A FORMAL SEXUAL ENCOUNTER, DESPITE ANY DEMONSTRATED RELUCTANCE ON HIS PART. NONETHELESS, THE SUPREME COURT OF NEVADA AFFIRMED THE DISMISSAL OF HIS CHARGE BY THE DISTRICT COURT, DUE TO FACT THAT VICTIM WAS NOT ACTUALLY 14.

HERE, ~~DEFENDANT PIGEON~~, IN THIS CASE ALSO ~~FEELS~~ THAT HE WAS NOT "PREDISPOSED TO COMMIT THE OFFENSE" DUE TO HIS CHARACTER, FACTOR (1) MENTIONED ABOVE, FOR PIGEON IS EXTREMELY WELL EDUCATED, HAS ESPECIALLY HONORABLE WORK EXPERIENCE, AND NO SIMILAR CASES PREVIOUSLY ON HIS RECORD. FURTHERMORE, GIVEN THE FACT THAT THE DEFENDANT MERELY WALKED WITH THE YOUNG GIRL, CANDACE, ON HER WAY TO SCHOOL AND ONCE TOLD HER THAT HE LOVED HER, STRONGLY WARRANTS AN IMPLIED RELUCTANCE, FACTOR (5) ABOVE, IN THIS CASE.

FURTHER, WHEN ONE EXAMINES THE CIRCUMSTANCES HERE, PIGEON MADE QUESTIONABLE REMARKS, PLANS TO TRAVEL OR MEET WITH CANDACE ELSEWHERE, AND DID NOT POSSESS ANY SEXUAL IMPLEMENTS OR AN AUTOMOBILE TO HAVE TRANSPORTED CANDACE WITH.

IN REFERENCE TO CARLY V. STATE, 1984, 100 NEV. 164, 165, 678 P.2d 669; THE COURT HELD: "THAT CONVICTIONS REQUIRES 'PROOF BEYOND A REASONABLE DOUBT OF EVERY FACT NECESSARY TO CONSTITUTE THE CRIME... CHARGED. '"

OTHER THAN THE FACT THAT DEFENDANT, PIGEON WAS IN THE PRESENCE OF THE 12-YEAR OLD, CANDACE, THE STATE AND JURY WOULD ~~NOT~~ BE ABLE TO ~~PROVE~~ A SINGLE COMPONENT OF THE CRIME, OTHERWISE, DEFENDANT'S SITUATION HERE IS CONSIDERABLY ~~LESS SERIOUS~~ THAN "COLOSIMO'S": THE CHARGE OF "LURING CHILDREN" SHOULD BE DROPPED.

- COUNT (3): ATTEMPT FIRST DEGREE KIDNAPPING
NRS 200.330, CLASS "B" FELONY

FIRST DEGREE KIDNAPPING IS A CLASS "A" FELONY BY STATUTE, HOWEVER, AN "ATTEMPT" KIDNAPPING CHARGE IS REDUCED TO A CLASS "B" FELONY, WITH PENALTY OF 1 TO 10 YEARS; SEE NRS 193.330 (2).

NRS 200.310, PARAGRAPH (1), DEGREES -

"A PERSON WHO WILLFULLY SEIZES, CONFINES, INVEIGLES, ENTICES, DELOYS, ABDUCTS, CONCEALS, KIDNAPS OR CARRIES AWAY A PERSON BY ANY MEANS... WITH THE INTENT TO HOLD OR DETAIN, OR WHO HOLDS OR DETAINS, THE PERSON FOR RANSOM, ... OR FOR THE PURPOSE OF COMMITTING SEXUAL ASSAULT, EXTORTION OR ROBBERY ... OR FOR THE PURPOSE OF KILLING THE PERSON OR INFLECTING SUBSTANTIAL BODILY HARM UPON THE PERSON, ... AND A PERSON WHO LEADS, TAKES, ENTICES, OR CARRIES AWAY OR RETAINS ANY MINOR ~~FROM~~ WITH THE INTENT TO KEEP, IMPRISON, OR CONFINED THE MINOR FROM HIS OR HER PARENTS, ... OR WITH THE INTENT TO HOLD THE MINOR TO UNLAWFUL SERVICE, OR PERPETRATE ... ANY UNLAWFUL ACT(S) IS GUILTY OF KIDNAPPING IN THE FIRST DEGREE..."

IN REFERENCE TO MARSON V STATE, 1986, 725 P.2d 1214, 102 NEV. 448;
THE DEFENDANT WAS CHARGED WITH (2) COUNTS OF SEXUAL ASSAULT WITH
THE USE OF A DEADLY WEAPON AND (2) COUNTS OF KIDNAPPING WITH USE OF A
DEADLY WEAPON. FURTHER, VICTIM TESTIFIED: "THAT ~~HE~~ THEN SEXUALLY ASSAULTED
~~HER~~ SEVERAL TIMES, INVOLVING BOTH FELLATIO AND INTERCOURSE."

THE CASE IS AN EXAMPLE OF A MORE SERIOUS CIRCUMSTANCE OF A CRIME WHICH
~~RECEIVED~~ A LOW TO MEDIUM RANGE PUNISHMENT. MOST KIDNAPPING CHARGES
WOULD BE REQUIRED TO HAVE A MORE SUBSTANTIAL DEGREE OF INCRIMINATING
ELEMENTS THAN OUR OWN CASE.

ALTHOUGH THE VICTIM CLAIMS IN OUR OWN CASE THAT ~~PIORON~~ "BLOCKED" HER
WAY ON ONE OCCASION, HE MAINTAINS THAT HE DID NOT GRAB HER OR KEEP HER
FROM BEING ABLE TO MOVE TO EITHER SIDE OF HIM. FURTHER, HE STOPPED HER
TO TELL HER THAT HE LOVED HER, AND NOT ANYTHING ELSE. THE DEFENDANT
ONLY WALKED WITH CANDACE TO SCHOOL ON SEVERAL OCCASIONS.

SHE CLAIMS THAT THERE WERE NO THREATS, NOTHING INAPPROPRIATE STATED, AND
MERELY A "LIGHT TOUCH" ON HER HAND, ONCE. DEFENDANT CLAIMS THAT HE AND
CANDACE WERE "ACQUAINTANCES BORDERING ON FRIENDS." FURTHER, DEFENDANT
HAD NO VEHICLE, NO WEAPON, NO IMPLEMENTS WHICH MIGHT BE USED TO
FACILITATE AN ACTUAL KIDNAPPING.

THE STATE CAN'T PROVE THAT DEFENDANT EITHER ATTEMPTED TO "SEIZE,
CONFINED, INVEIGLE, ENTICE, DECOY, ABDUCT, CONCEAL, KIDNAP OR CARRY AWAY"

THE VICTIM OR HAD ANY INTENT TO "KEEP, IMPRISON, OR CONFIN" HER AT ALL. THE BURDEN OF PROOF WOULD REQUIRE THAT THE STATE DEMONSTRATE THAT PIGON HAD EITHER PLANNED, SPOKE OF OR ACTED OVERTLY IN A MANNER THAT WOULD STRONGLY SUGGEST HE ATTEMPT TO CARRY AWAY THE VICTIM.

THERE IS NO EVIDENCE WITH WHICH THE STATE CAN SUGGEST SUCH AN ATTEMPT OF A SERIOUS CRIME. THE VICTIM, CANDACE CARPENTER CLAIMS THE DEFENDANT MADE NO THREATENING OR INAPPROPRIATE REMARKS. THEREFORE, HE HAD NO PROPENSITY TO COMMIT THE CRIME(S) ALLEGED.

FURTHER, THE JUNE 2013 GRAND JURY INCLUDED NO DISCUSSION OF THE MERITS OF "ATTEMPT FIRST DEGREE KIDNAPPING," AND WAS AN IMPROPER INDICTMENT. CLEARLY, THE CHARGE IS EXTREMELY HARSH AND UNWARRANTED IN THIS CASE - THE CASE SHOULD BE DROPPED ENTIRELY.

COUNT (4) - AGGRAVATED STALKING;
NRS 200.515, CLASS "B" FELONY

ACCORDING TO STATUTE, "A PERSON WHO COMMITS THE CRIME OF STALKING...", (A MISDEMEANOR), "AND IN CONJUNCTION THEREWITH THREATENS THE PERSON WITH THE INTENT TO CAUSE THE PERSON TO BE PLACED IN REASONABLE FEAR OF DEATH OR SUBSTANTIAL BODILY HARM. COMMITS THE CRIME OF AGGRAVATED STALKING." FURTHER, IF CONVICTED, IT CARRIES A TERM OF IMPRISONMENT FOR A MINIMUM OF 2 YEARS AND A MAXIMUM OF 15 YEARS.

IN ROSSANA V. STATE, 1997, 934 P.2d 1045, 113 NEV. 375; IT READS:
"TRIAL COURT COMMITTED PLAIN ERROR BY FAILING TO INSTRUCT JURY THAT
A NECESSARY ELEMENT OF AGGRAVATED STALKING IS THAT DEFENDANT MUST
HAVE THREATENED VICTIM;" (SEE NRS 200.575, NOTES OF DECISIONS,
(1) INSTRUCTIONS). FURTHER, ~~THE~~ DEFENDANT ROSSANA WAS CONVICTED OF
AGGRAVATED STALKING, FELONY MALICIOUS DESTRUCTION OF PROPERTY, AND
DISCHARGE OF A FIREARM AT OR INTO A STRUCTURE. THIS IS A CASE EXAMPLE
IN WHICH THE ~~SCOPE~~ OF EVIDENCE AND SEVERITY OF INCIDENTS ARE
EXTREME COMPARED TO OUR PRESENT CASE (PIGEON); PLUS, THERE WAS A
CLEAR THREAT IN ROSALES. FURTHER, IN ROSALES V. STATE, 2012,
WL 62466, UNREPORTED, (SEE NRS 200.575, NOTES OF DECISIONS,
(2) SUFFICIENCY OF EVIDENCE); EVIDENCE WAS SUFFICIENT IN THAT "DEFENDANT
~~INTENDED~~ TO PLACE DISTRICT ATTORNEY IN REASONABLE FEAR OF DEATH OR
SUFFICIENT BODILY HARM..." BY ~~THREATENING~~ D.A. BY MEANS OF GRAFFITI
AND INAPPROPRIATE PHONE CALLS TO HIS HOME AND WORKPLACE.

DEFENDANT, PIGEON, ~~IN THE~~ CASE AT HAND, WAS FRIENDLY IN ALL INSTANCES
TOWARD THE VICTIM, CANDACE CARPENTER. HER OWN WRITTEN AND RECORDED
STATEMENTS ESTABLISH THAT THERE WERE ~~NO~~ THREATS MADE OR IMPLIED BY
THE DEFENDANT HERE - A KEY ISSUE WHEN YOU CONSIDER THAT SUCH A
THREAT IS A VERY NECESSARY ELEMENT OF PROVING THAT EITHER AN
"ATTEMPT KIDNAPPING" OR "AGGRAVATED STALKING" CHARGE IS WARRANTED.
CERTAINLY, THERE IS ~~NO~~ REASON TO BELIEVE THAT DEFENDANT WOULD CAUSE
CANDACE "TO BE PLACED IN REASONABLE FEAR OF DEATH OR SUBSTANTIAL
BODILY HARM." ~~HE IS TO BE EXONERATED~~ HERE.

ALSO, IN ROSSANA V. STATE, (IN DISCUSSION, PARAGRAPH [4], [5]), "AN ACCURATE INSTRUCTION UPON THE BASIC ELEMENTS OF THE OFFENSE CHARGED IS ESSENTIAL, AND FAILURE TO ~~BE~~ SO INSTRUCT CONSTITUTES REVERSIBLE ERROR." "

IN PICKEN V. STATE, 2011, WL 1044600, UNREPORTED, (SEE NRS 200.576, NOTES OF DECISIONS, (2) SUFFICIENCY OF EVIDENCE); "EVIDENCE WAS SUFFICIENT TO SUPPORT CONVICTIONS FOR ROBBERY, AGGRAVATED STALKING, AND BATTERY ... DEFENDANT ... ~~GRABBED~~ HER, ~~BUSHED~~ HER FACEDOWN ONTO BED, GOT ON TOP OF HER, AND REPEATEDLY ~~WRISTED~~ HER WRISTS AND ~~THREATENED~~ TO KILL HER"

CLEARLY, DEFENDANT PICKEN IS FACING SIGNIFICANTLY ~~LESS~~ SUBSTANTIAL AND OBVIOUS CIRCUMSTANCES, AND DID ~~NOT~~ EXERCISE OR MAKE ANY THREATS. AGAIN, THE VICTIM, CANDACE, STATES IN HER RECORDED VOLUNTARY STATEMENT THAT THERE WERE NO THREATENING OR INAPPROPRIATE REMARKS MADE BY THE DEFENDANT, (SEE P.3, THIS MOTION).

THEREFORE, THE CHARGE OF "AGGRAVATED STALKING" HERE IS SUBSTANTIALLY SEVERE, ~~LESS~~ REQUIREMENTS FOR THE CRIME, AND SHOULD BE DROPPED COMPLETELY.

COUNT 6 - BURGLARY

NRS 209.060, CLASS "B" FELONY

BURGLARY IS DEFINED AS: "A PERSON WHO, ... ENTERS ANY HOUSE, ROOM, APARTMENT, ... STORE, ... WITH THE INTENT TO COMMIT GRAND OR PETT LARCENY, ASSAULT OR BATTERY ... OR ANY FELONY, ... IS GUILTY OF BURGLARY." THE PENALTY FOR BURGLARY IS A TERM OF IMPRISONMENT OF NOT LESS THAN 1 YEAR AND NOT MORE THAN 10 YEARS, AS A CLASS "B" FELONY.

THE DEFENDANT HERE ENTERED THE "SINCLAIR"/"C.J.'S" MINIMART AFTER HIS "ACQUAINTANCE," CANDACE WITH ~~NO~~ INTENTION OF COMMITTING ANY CRIME AT ALL, ESPECIALLY NOT A FELONY. DEFENDANT WAS MERELY WALKING WITH THE VICTIM TO HER SCHOOL. CLEARLY THIS CHARGE IS EXTREME HERE AND WARRANTED - THE CHARGE SHOULD BE DROPPED ENTIRELY.

COUNT (1) - OPEN AND GROSS LEWDNESS;
NRS 201.20, CLASS "D" FELONY

ACCORDING TO STATUTE, OPEN AND GROSS LEWDNESS IS DEFINED AS: A LEWD, INDECENT, OBSCENE OR VULGAR SEX ACT CONDUCTED IN A PUBLIC PLACE, WITH THE INTENT TO DIRECT THE ACTION TOWARD PERSON(S) WHO ARE LIKELY TO BE OFFENDED.

IN REFERENCE TO BEERY V. STATE, 2009, 212 P.3D 1085, 125 NEV. 265; WITH RESPECT TO THE "MEANING AND BREADTH" OF THE WORD LEWDNESS, "THE STATUTE PROHIBITED LEWD ACTS THAT WERE GLARINGLY NOTICEABLE OR OBVIOUSLY OBJECTIONABLE."

IN THIS CASE, DEFENDANT PIGEON POINTS OUT THAT THERE WERE ~~NO~~ WITNESSES FOR THIS ALLEGED, SUBTLE ~~LEWDNESS~~ CHARGE. THE ACT CAN'T BE SEEN AS A "PROHIBITED ACT" IF THERE IS NO PERSON TO NOTICE OR OBJECT. FURTHER, THE VIDEO IN WHICH THE POLICE OFFICER ALLEGES MASTURBATION IN PIGEON'S SHORTS' POCKET AT THE CONVENIENCE STORE IN QUESTION, (FROM 5/17/13), WAS RECORDED ON A CD, BUT THE CD DOES NOT PLAY AND COULD NOT BE RE-RECORDED BECAUSE THE ORIGINAL (TAPE) WAS RECORDED OVER ALREADY; (REFER TO GRAND JURY TRANSCRIPT, P. 28, LINE 5 THROUGH P. 29, LINE 16).

IN HIS GRAND JURY TRANSCRIPT, (P. 48, LINE 23); AND, IN HIS RECORDED VOLUNTARY STATEMENT, THE STORE CLERK, BRYANT, DOES NOT CLAIM MASTURBATION AND STATES THAT THE DEFENDANT ENTERS THE STORE AFTER CANDACE CARPENTER AND THAT HE "... WOULD PUT HANDS IN HIS POCKETS," (REFER TO "APPLICATION AND AFFIDAVIT FOR SEARCH WARRANT," PAGE 8, PARAGRAPH (2)).

THEREFORE, DEFENDANT MAINTAINS THAT BECAUSE THERE ARE ~~NO~~ WITNESSES AND ~~NO~~ VIDEO, THERE IS ~~NO~~ EVIDENCE; AND, ANY TESTIMONY AMOUNTS TO HEARSAY ONLY. HE CAN'T POSSIBLY BE GUILTY OF THE CRIME OF OPEN AND GROSS LEWDNESS IN THIS INSTANCE. THE LEWDNESS CHARGE SHOULD BE DROPPED COMPLETELY.

COUNTS (1), (2) - PROHIBITED ACTS BY SEX OFFENDER;
NRS 179D.550, CLASS "D" FELONY

ACCORDING TO STATUTE, "... AN OFFENDER ... WHO: ...

(b) FAILS TO NOTIFY THE LOCAL LAW ENFORCEMENT AGENCY OF A CHANGE OF NAME, RESIDENCE, ... OR STUDENT STATUS AS REQUIRED PURSUANT TO NRS 179D.447; ... IS GUILTY OF A CLASS "D" FELONY"

IT MAKES NO MENTION OF THE NECESSITY TO CHANGE ONE'S ADDRESS WHEN THERE IS NO FORMAL ADDRESS APPLICABLE DUE TO HOMELESSNESS; AND, NO OTHER NOTICE IS MADE OF THIS NECESSITY.

FURTHER, THERE ARE TWO COUNTS FOR THE SAME INSTANCE OF NOT "REPORTING," WHEN DEFENDANT'S STATUS DID NOT CHANGE BETWEEN 01/05 AND 05/17/13, INCLUSIVE OF BOTH COUNTS. HENCE THERE IS AT LEAST ONE INVALID AND UNWARRANTED COUNT OF "PROHIBITED ACTS."

CONCLUSION:

PIGEON, THE DEFENDANT IN THIS CASE, ACTED AS A GENTLEMAN AND ACQUAINTANCE TO CANDACE, ONLY LIGHTLY TOUCHING HER ON THE HAND ONCE. SHE MENTIONS IN HER WRITTEN STATEMENT, THAT DEFENDANT MADE HER FEEL "WARRIED OUT," NOT SCARED. THE FACT THAT CANDACE LATER CLAIMS IN HER RECORDED STATEMENT, THAT SHE FELT "SCARED," LEADS DEFENDANT TO BELIEVE THAT THE OFFICER WHO CONDUCTED THE RECORDING, SUBSTANTIALLY COOCHES THE VICTIM TO STATE WHAT HE PREFERRED TO HEAR. DEFENSE MAINTAINS THAT CANDACE GENERALLY FELT COMFORTABLE WITH PIGEON AND DID NOT MIND HIM.

WALKING HER TO SCHOOL. HE EMPHASIZES THAT IT WAS THE STORE CLERK WHO COMPLAINED TO THE POLICE, AND NOT CANDACE HERSELF WHO FELT COMPELLED TO DO SO.

PIGEON CLAIMS THAT HIS GRAND JURY HEARING FOR HIS ORIGINAL (3) CHARGES, ILLEGALLY ADDED (5) ADDITIONAL CHARGES - FOUR OF WHICH WERE SERIOUS FELONIES NEVER DISCUSSED DURING THE COURSE OF THIS HEARING.

THESE INCLUDE: COUNT (3) - ATTEMPT FIRST DEGREE KIDNAPPING

" (4) - AGGRAVATED STALKING

" (5) - LURING CHILDREN WITH THE INTENT...

" (6) - BURGLARY

THE CHARGES ARE INVALIDATED ON THE GROUNDS THAT DEFENDANT HERE DOES NOT MEET A SINGLE REQUIRED ELEMENT OF EACH CRIME. THERE IS NO VALID EVIDENCE HERE; HENCE, THESE FOUR CHARGES SHOULD BE DROPPED BY THE COURT.

FURTHER, COUNT (1) OPEN AND GROSS LEWDNESS, PRODUCED NO WITNESSES AND NO EVIDENCE. THE LACK OF VIDEO IMAGES AMOUNTS TO HEARSAY TESTIMONY ONLY AND PRECLUDES A FAIR AND IMPARTIAL ^{TRIAL FOR} ALL OTHER COUNTS. THE OPEN AND GROSS LEWDNESS CHARGE SHOULD BE DISMISSED, AND, BOTH COUNTS OF PROHIBITED ACTS BY SEX OFFENDER SHOULD BE DROPPED FOR CAUSE.

ACTION:

DEFENSE PRAYS THAT THE HONORABLE JUDGE AND COURT DROP EACH
OF THE FOLLOWING FELONY CHARGES:

_____ COUNT (1) PROHIBITED ACTS BY SEX OFFENDER
 _____ COUNT (2) " " " " "
 _____ COUNT (3) ATTEMPT FIRST DEGREE KIDNAPPING
 _____ " (4) AGGRAVATED STALKING
 _____ " (5) LURING CHILDREN WITH INTENT ...
 _____ " (6) BURGLARY
 _____ " (7) OPEN AND GROSS LEWDNESS

APPROVAL:

THE HONORABLE DOUGLAS E. SMITH, DISTRICT COURT #8
 DATED: _____

MOTION TO DROP CHARGES DUE TO IMPROPER INDICTMENT

MAY 08, 2014 - SUBMITTED:



CHRISTOPHER E. PIGEON - CASE C290261

PRO SE ; #1694872

NOTE: THIS IS WRITTEN
AS ORIGINAL IN COLOR

P. 41 OF 44
OVERALL

1 JUSTICE COURT, LAS VEGAS TOWNSHIP
2 CLARK COUNTY, NEVADA

3 THE STATE OF NEVADA,

4 Plaintiff,

5 -vs-

6 CHRISTOPHER PIGEON, aka,
7 Christopher Edward Pigeon #1694872,

8 Defendant.

CASE NO: 13F06455X

DEPT NO: 11

CRIMINAL COMPLAINT

9 The Defendant above named having committed the crime of PROHIBITED ACTS
10 BY A SEX OFFENDER (Category D Felony - NRS 179D.550), in the manner following, to-
11 wit: That the said Defendant, on or about the 5th day of December, 2012, at and within the
12 County of Clark, State of Nevada, did then and there wilfully, unlawfully and feloniously
13 violate NRS 179D.550 in one or more of the following manners: (1) by failing to register
14 with the Las Vegas Metropolitan Police Department; and/or (2) by failing to provide to the
15 Las Vegas Metropolitan Police Department within 48 hours the change of address
16 information along with all other information that is relevant to updating his records of
17 registration; and/or (3) by providing false or misleading information to the Central
18 Repository or a local law enforcement agency, said Defendant having been convicted of a
19 sex offense, to-wit: Open or Gross Lewdness in 2003 in Case No. C186418, in the Eighth
20 Judicial District Court of Clark County, State of Nevada, Defendant committing this crime
21 by registering at 200 South 8th Street, Las Vegas; thereafter moving to an unknown address
22 without notifying local law enforcement agency as required.

23 All of which is contrary to the form, force and effect of Statutes in such cases made
24 and provided and against the peace and dignity of the State of Nevada. Said Complainant
25 makes this declaration subject to the penalty of perjury.

26
27 13F06455X/cas
28 LVMPD EV# 1301281554
(TK11)

4/30/2013

PH

6/3/13

9:00

5/21/13 CMH P/C JC11

NOTE: THIS IS WRITTEN
AS ORIGINAL IN COLOR

P. 42 OF 49
OVERALL

JUSTICE COURT, LAS VEGAS TOWNSHIP
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

CHRISTOPHER EDWARD PIGEON
#1694872,

Defendant.

CASE NO: 13F08007X

DEPT NO: 12

CRIMINAL COMPLAINT

The Defendant above named having committed the crime of UNLAWFUL CONTACT WITH A CHILD (Gross Misdemeanor - NRS 207.260), in the manner following, to-wit: That the said Defendant, on or between May 15, 2013 and May 17, 2013, at and within the County of Clark, State of Nevada, did, without lawful authority, wilfully and maliciously engage in a course of conduct with CANDACE CARPENTER, a child under 16 years of age and being at least 5 years younger than the said Defendant, which acts would cause a reasonable child of like age to feel terrorized, frightened, intimidated or harassed, and which actually caused CANDACE CARPENTER to feel terrorized, frightened, intimidated or harassed, by the Defendant following the said CANDACE CARPENTER to Hyde Park Middle School and/or to a convenience store.

All of which is contrary to the form, force and effect of Statutes in such cases made and provided and against the peace and dignity of the State of Nevada. Said Complainant makes this declaration subject to the penalty of perjury.

5/21/2013

13F08007X/cas
LVMPD EV# 1305170960
(TK12)

ATTORNEY #

DATE OF ARREST: 5-17-13 TIME OF ARREST: 1400
INMATE NAME (AKA, ALIAS, ETC.): PIGEON CHRISTOPHER EDWARD
MIDDLE: ALBANY, NY

ADDRESS: 4030 W CHARLESTON LV, NV, 89102
CITY: LAS VEGAS
STATE: NV
ZIP: 89107

DATE OF BIRTH: 8-31-1962
RACE: W
SEX: M
HEIGHT: 5'11"
WEIGHT: 170
HAIR: BRO
EYES: BRO
SOCIAL SECURITY #: 464-43-0161
PLACE OF BIRTH: ALBANY, NY

LOCATION OF CRIME (I - Street - City - State - Zip):
CC: ☐ CC: ☐ Y: ☒
LOCATION OF ARREST: 900 HENSON ST, LV, NV, 89107

BKG. CODE: 50972
CHARGE: OPEN AND GROSS LEADERSHIP
CHARGE ORO / NRS #: 2108
M: ☐ GM: ☐ F: ☐
ARR. TYPE: PC
EVENT NUMBER: 130517-0960
WARR / NCC NUMBER: 2407570

UNLAWFUL CONTACT WITH CHILD
NARS 1790.550
PC 130517-0960
LV JC DC OTHER: ☐ ☐ ☐ ☐

SEX OFFENDER FAIL TO CHANGE ADDRESS
NARS 1790.550
PC 130517-0960
LV JC DC OTHER: ☐ ☐ ☐ ☐

SEX OFFENDER FAIL TO CHANGE ADDRESS
NARS 1790.550
PC 130517-0960
LV JC DC OTHER: ☐ ☐ ☐ ☐

SEX OFFENDER FAIL TO CHANGE ADDRESS
NARS 1790.550
PC 130517-0960
LV JC DC OTHER: ☐ ☐ ☐ ☐

SEX OFFENDER FAIL TO CHANGE ADDRESS
NARS 1790.550
PC 130517-0960
LV JC DC OTHER: ☐ ☐ ☐ ☐

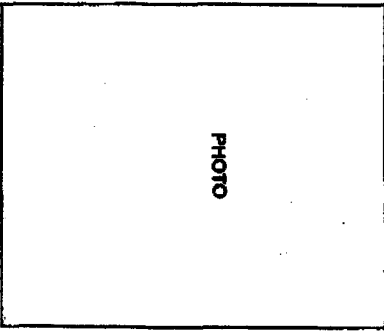
ARREST TYPE: PC - PROBABLE CAUSE
BS - BONDSMAN SURRENDER
BW - BENCH WARRANT
WA - WARRANT
RM - REMAND
GJ - GRAND JURY IND.

Arresting Officer's Signature: J. LAPRENTICE
Print Name: J. LAPRENTICE
Agency: 7570 / LVMPD
P #

Transporting Officer's Signature: S/A
Print Name: S/A
Agency: P #

Time Stamp: 05:17:13 20:11 DSD RECORDS
FOR PROBABLE CAUSE/NCIC HIT ARREST SEE PAGE TWO FOR DETAILS.

BENCH WARRANT SERVED ON: ☐
WARRANT SERVED ON: ☐
GRAND JURY INDICTMENT SERVED ON: ☐

TYPE OF I.D. FOR VERIFICATION: ☐
PHOTO: 

UNLAWFUL DISSEMINATION of this restricted information is PROHIBITED. Violation will subject offender to Criminal and Civil liability.

Released to: Clark County DA's Office
Las Vegas Metropolitan Police Department
By: M13106J

APPROVAL CONTROL & FOR ADDITIONAL CHARGES: 