

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

MICHAEL TODD BOTELHO
Petitioner,

vs.

JAMES BENEDETTI, WARDEN,
STATE OF NEVADA,
Respondents.

_____ /

Electronically Filed
Dec 16 2015 01:52 p.m.
Tracie K. Lindeman
Clerk of Supreme Court

Sup. Ct. Case No. 69046
Case No. CR03-2156
Dept. 3

RECORD ON APPEAL

VOLUME 1 OF 9

APPEAL INDEX

CASE HISTORY

CERTIFICATE OF CLERK AND TRANSMITTAL

APPELLANT

Michael T Botelho #80837
NNCC
P O Box 7000
Carson City, Nevada 89702

RESPONDENT

Washoe County District Attorney's
Office
Terrance McCarthy, Esq.
P O Box 11130
Reno, Nevada 89502-3083

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**SECOND JUDICIAL DISTRICT COURT
COUNTY OF WASHOE**

Case History - CR03-2156

DEPT. D3

HON. JEROME M. POLAHA

Report Date & Time

12/16/2015

11:27:47AM

Case Description: STATE VS. MICHAEL TODD BOTELHO (D3)

Case ID: CR03-2156

Case Type: CRIMINAL

Initial Filing Date: 10/8/2003

Parties

APPE	MICHAEL TODD BOTELHO - @154004
PNP	Div. of Parole & Probation - DPNP
RESP	STATE OF NEVADA - STATE
PATY	John Reese Petty, Esq. - 10
PLTF	STATE OF NEVADA - STATE
DA	Terrence P. McCarthy, Esq. - 2745
DEFT	MICHAEL TODD BOTELHO - @154004
PD	Sean B. Sullivan, Esq. - 7534
DATY	Gary Howard Hatlestad, Esq. - 1525

Charges

<i>Charge No.</i>	<i>Charge Code</i>	<i>Charge Date</i>		<i>Charge Description</i>
1	F610	10/8/2003	IND	KIDNAPPING IN THE FIRST DEGREE
2	F110	10/8/2003	IND	BATTERY WITH INTENT TO COMMIT SEXUAL ASSAULT ON A CHILD
3	F1000	10/8/2003	IND	SEXUAL ASSAULT ON A CHILD
4	F1000	10/8/2003	IND	SEXUAL ASSAULT ON A CHILD
5	F1000	10/8/2003	IND	SEXUAL ASSAULT ON A CHILD

Plea Information

<i>Charge No.</i>	<i>Plea Code</i>	<i>Plea Date</i>	<i>Plea Description</i>
1	F610	12/11/2003	PLED GUILTY
2	F110	11/6/2003	PLED NOT GUILTY
3	F1000	12/11/2003	PLED GUILTY
4	F1000	12/11/2003	PLED GUILTY
5	F1000	12/11/2003	PLED GUILTY

Sentences

<i>Date</i>	<i>Charge No.</i>	<i>Charge Desc</i>	<i>Time Served</i>	<i>Sentence Text</i>
4/7/2004	1	Life With Poss of Parole		NDOC LIFE WITH POSSIBILITY OF PAROLE AFTER A MINIMUM OF 5 YEARS HAS BEEN SERVED WITH A SPECIAL SENTENCE OF LIFETIME SUPERVISION TO COMMENCE ANY TERM OF PROBATION, OR ANY TERM OF IMPRISONMENT OR AFTER ANY PERIOD OF RELEASE ON PAROLE + \$632.00 RESTITUTION + FEES
4/7/2004	3	Life With Poss of Parole		NDOC LIFE WITH POSSIBILITY OF PAROLE AFTER A MINIMUM OF 20 YEARS HAS BEEN SERVED TO BE SERVED CONSECUTIVELY TO THE SENTENCE IMPOSED IN COUNT 1.
4/7/2004	4	Life With Poss of Parole		NDOC LIFE WITH POSSIBILITY OF PAROLE AFTER A MINIMUM OF 20 YEARS HAS BEEN SERVED TO BE SERVED CONCURRENTLY WITH THE SENTENCES IMPOSED IN COUNTS 1 AND 3.
4/7/2004	5	Life With Poss of Parole		NDOC LIFE WITH POSSIBILITY OF PAROLE AFTER A MINIMUM OF 20 YEARS HAS BEEN SERVED TO BE SERVED CONSECUTIVELY TO THE SENTENCES IMPOSED IN COUNTS 1, 3 AND 4.

Case Description: STATE VS. MICHAEL TODD BOTELHO (D3)

Case ID: CR03-2156

Case Type: CRIMINAL

Initial Filing Date: 10/8/2003

Release Information

Custody Status

Hearings

	Department	Event Description	Sched. Date & Time		Disposed Date
1	D3	ARRAIGNMENT	10/23/2003	08:30:00	10/23/2003
	Event Extra Text:		Disposition: D455 10/23/2003		
	Department	Event Description	Sched. Date & Time		Disposed Date
2	D3	ENTRY OF PLEA	11/6/2003	08:30:00	11/6/2003
	Event Extra Text:		Disposition: D725 11/6/2003 COUNTS I, II, III, IV, AND V OF THE INDICTMENT		
	Department	Event Description	Sched. Date & Time		Disposed Date
3	D3	CHANGE OF PLEA	12/11/2003	08:30:00	12/11/2003
	Event Extra Text:		Disposition: D655 12/11/2003 COUNTS 1, 3, 4 AND 5 OF THE INFORMATION		
	Department	Event Description	Sched. Date & Time		Disposed Date
4	D3	SENTENCING	2/11/2004	09:30:00	1/28/2004
	Event Extra Text: SET FOR 2 HOURS - CLOSED HEARING		Disposition: D870 1/28/2004 Reset for February 18, 2004		
	Department	Event Description	Sched. Date & Time		Disposed Date
5	D3	SENTENCING	2/18/2004	10:00:00	2/17/2004
	Event Extra Text:		Disposition: D870 2/17/2004 Reset for Motions Hearing on March 11, 2004, at 10:00 and Sentencing on April 7, 2004.		
	Department	Event Description	Sched. Date & Time		Disposed Date
6	D3	HEARING...	3/11/2004	10:00:00	3/11/2004
	Event Extra Text: ON MOTION		Disposition: D430 3/11/2004		
	Department	Event Description	Sched. Date & Time		Disposed Date
7	D3	SENTENCING	4/7/2004	08:30:00	4/7/2004
	Event Extra Text:		Disposition: D765 4/7/2004		

Case Description: STATE VS. MICHAEL TODD BOTELHO (D3)

Case ID: CR03-2156 Case Type: CRIMINAL Initial Filing Date: 10/8/2003

Department		Event Description	Sched. Date & Time		Disposed Date
8	D3	MOTION TO CONFIRM TRIAL	7/15/2004	08:30:00	12/11/2003
Event Extra Text:			Disposition: D845 12/11/2003		

Department		Event Description	Sched. Date & Time		Disposed Date
9	D3	TRIAL - JURY	7/26/2004	08:30:00	12/11/2003
Event Extra Text: 4 DAYS			Disposition: D845 12/11/2003		

Department		Event Description	Sched. Date & Time		Disposed Date
10	D3	Request for Submission	8/13/2015	12:26:00	9/16/2015
Event Extra Text: MOTION TO DISMISS PETITION FOR WRIT OF HABEAS CORPUS			Disposition: S200 9/16/2015		

Department		Event Description	Sched. Date & Time		Disposed Date
11	D3	Request for Submission	9/23/2015	11:02:00	9/28/2015
Event Extra Text: REPLY AND OBJECTION TO OPPOSITION TO MOTION (PAPER ORDER NOT PROVIDED)			Disposition: S200 9/28/2015		

Department		Event Description	Sched. Date & Time		Disposed Date
12	D3	Request for Submission	10/14/2015	09:04:00	12/10/2015
Event Extra Text: MOTION TO VACATE JUDGMENT OF CONVICTION AND NRCIV P RULE 9(b) FRAUD, FILED 9-22-15 -			Disposition: S200 12/10/2015		

Department		Event Description	Sched. Date & Time		Disposed Date
13	D3	Request for Submission	10/19/2015	09:25:00	12/10/2015
Event Extra Text: PETITIONER'S MOTION FOR RE-CONSIDERATION FILED 10-1-15 -			Disposition: S200 12/10/2015		

Agency Cross Reference

Code	Agency Description	Case Reference I.D.
DA	District Attorney's Office	DA318167
RJ	Reno Justice's Court	RCR2003011479
SC	Supreme Court	SCN 43247
SC	Supreme Court	SCN 69046
WC	Washoe County Sheriff's Office	WCSOWC03008924

Actions

Action Entry Date	Code	Code Description	Text
10/8/2003	1300	Bench Warrant Filed-Case Clsd	BAIL SET AT \$250,000.00 CASH ONLY
10/8/2003	1795	Indictment	
10/8/2003	3370	Order ...	ORDER STAYING JUSTICE COURT PROCEEDINGS (RJC)
10/14/2003	3892	Return of Service B/W	SERVED 10-10-03

Case Description: STATE VS. MICHAEL TODD BOTELHO (D3)

Case ID:	CR03-2156	Case Type:	CRIMINAL	Initial Filing Date:	10/8/2003
10/15/2003	1325	** Case Reopened			
10/15/2003	1250	Application for Setting	10-23-03 @08:30		
10/20/2003	1775	General Receipt	GRAND JURY (DA)		
10/20/2003	4185	Transcript	GRAND JURY TRANSCRIPT 10-8-03		
10/23/2003	MIN	***Minutes	ARRAIGNMENT		
10/30/2003	1810	Inmate Request Form Filed	REQUEST RE: MISSED COURT DATE, REFERRED TO COUNSEL PER JUDGE POLAHA		
11/6/2003	1280	** 60 Day Rule - Waived			
11/6/2003	MIN	***Minutes			
11/6/2003	MIN	***Minutes	ENTRY OF PLEA		
11/20/2003	4185	Transcript	10/23/03 ARRAIGNMENT/ CONTINUED		
12/8/2003	1250	Application for Setting	12-11-03 @08:30		
12/11/2003	1785	Guilty Plea Memo/Agreement			
12/11/2003	MIN	***Minutes	MOTION FOR HANGE OF PLEA		
12/22/2003	4185	Transcript	12/11/03 CHANGE OF PLEA		
1/12/2004	4185	Transcript	11/6/03 ENTRY OF PLEA		
1/26/2004	2528	Not/Doc/Rc'd/Not/Cons/by Crt	CONFIDENTIAL PSYCHOLOGICAL / SUBSTANCE ABUSE EVALUATION TO BE FILED UNDER SEAL ***SE/		
1/26/2004	3839	Request Agree Ord Recp Discv			
1/30/2004	4025	Stip & Ord to Continue	SENTENCING TO 2-18-04		
2/3/2004	2610	Notice ...	NOTICE OF INTENT TO INTRODUCE PRIOR OR OTHER BAD ACT EVIDENCE AT SENTENCING HEARING		
2/11/2004	4500	PSI - Confidential			
2/13/2004	2645	Opposition to Mtn ...	OPPOSITION TO STATE'S INTRODUCTION OF PRIOR OR OTHER BAD ACT EVIDENCE AT SENTENCING		
2/17/2004	1250	Application for Setting	3-11-04 @10:00		
2/17/2004	2528	Not/Doc/Rc'd/Not/Cons/by Crt	CONFIDENTIAL LETTERS FROM FAMILY TO BE FILED UNDER SEAL ***SEALED***		
2/20/2004	3795	Reply...	IN OPPOSITION TO DEFENDANT'S OPPOSITION TO STATE'S INTRODUCTION OF OTHER BAD ACT EVID		
2/24/2004	4025	Stip & Ord to Continue	Sentencing reset for April 7, 2004. Motion Hearing set for March 11, 2004.		
3/11/2004	MIN	***Minutes	MOTIONS RE: MEDIA AND SEALING; RECUSAL OF JUDGE AND MARITAL PRIVILEGE		
3/31/2004	4185	Transcript	3/11/04 HEARING ON MOTIONS		
4/6/2004	1775	General Receipt	GRAND JURY TRANSCRIPT - SEAN SULLIVAN, ESQ.		
4/7/2004	1850	Judgment of Conviction			
4/7/2004	MIN	***Minutes	ENTRY OF JUDGMENT AND IMPOSITION OF SENTENCE		
4/19/2004	4185	Transcript	4/7/04 SENTENCING		
4/22/2004	2295	Mtn to Dismiss Counts ...	COUNT II		
4/28/2004	2905	Ord for Dismissal of Counts	COUNT II		
4/30/2004	1310	Case Appeal Statement			
4/30/2004	2515	Notice of Appeal Supreme Court			
5/3/2004	1365	Certificate of Transmittal			
5/3/2004	1350	Certificate of Clerk			
5/6/2004	1188	Supreme Court Receipt for Doc	SUPREME COURT CASE NO. 43247		
5/6/2004	1187	**Supreme Court Case No. ...	SUPREME COURT CASE NO. 43247		

Case Description: STATE VS. MICHAEL TODD BOTELHO (D3)				
Case ID:	CR03-2156	Case Type:	CRIMINAL	Initial Filing Date: 10/8/2003
5/17/2004	2230	Mtn Trial Trans. Public Exp		
6/1/2004	3000	Ord Trial Transcript/Public\$		
4/6/2005	4134	Supreme Court Order Affirming	SUPREME COURT CASE NO. 43247	
5/3/2005	4145	Supreme Court Remittitur	SUPREME COURT CASE NO. 43247	
5/3/2005	4111	Supreme Ct Clk's Cert & Judg	SUPREME COURT CASE NO. 43247	
5/3/2005	4134	Supreme Court Order Affirming	SUPREME COURT CASE NO. 43247	
7/13/2005	1030	Affidavit in Support...	MOTION FOR WITHDRAWAL OF ATTORNEY OF RECORD AND TRANSFER OF RECORDS	
7/13/2005	1075	Affidavit ...	OF DEFENDANT	
7/13/2005	2260	Mtn to Relieve Counsel	NOTICE OF MOTION AND MOTION FOR WITHDRAWAL OF ATTORNEY OF RECORD AND TRANSFER OF	
8/18/2005	3860	Request for Submission	DOCUMENT TITLE: MOTION FOR WITHDRAWAL OF ATTORNEY	
9/13/2005	3060	Ord Granting Mtn ...	ORDER GRANTING MOTION TO WITHDRAW COUNSEL	
9/13/2005	1315	** Case Closed		
6/12/2007	FIE	**Document Filed in Error	fie - filed in wrong case / put in "P" case.	
6/4/2012	NEF	Proof of Electronic Service	Transaction 2995817 - Approved By: NOREVIEW : 06-04-2012:16:43:46	
6/4/2012	4128	Supreme Court Order Denying	SUPREME COURT CASE NO. 60556/ORDER DENYING PETITION - Transaction 2995756 - Approved By: NO	
7/31/2012	4128	Supreme Court Order Denying	SUPREME COURT ORDER DENYING REHEARING - Transaction 3118134 - Approved By: NOREVIEW : 07-3	
7/31/2012	NEF	Proof of Electronic Service	Transaction 3118173 - Approved By: NOREVIEW : 07-31-2012:11:04:10	
8/22/2012	4131	Supreme Ct Not/Lieu/Remittitur	SUPREME COURT CASE NO. 60556/NOTICE IN LIEU OF REMITTITUR - Transaction 3168665 - Approved By	
8/22/2012	NEF	Proof of Electronic Service	Transaction 3168719 - Approved By: NOREVIEW : 08-22-2012:14:27:23	
7/24/2015	2300	Mtn to Dismiss Pet	MOTION TO DISMISS PETITION FOR WRIT OF HABEAS CORPUS - Transaction 5060792 - Approved By: MC	
7/24/2015	NEF	Proof of Electronic Service	Transaction 5060978 - Approved By: NOREVIEW : 07-24-2015:09:54:48	
8/11/2015	1075	Affidavit ...		
8/11/2015	2490	Motion ...	MOTION TO STRIKE AND OPPOSITION TO RESPONDENT'S MOTION TO DISMISS PETITION FOR POST-C	
8/13/2015	3795	Reply...	REPLY TO OPPOSITION TO MOTION TO DISMISS, AND OPPOSITION TO MOTION TO STRIKE - Transactic	
8/13/2015	NEF	Proof of Electronic Service	Transaction 5092514 - Approved By: NOREVIEW : 08-13-2015:12:41:02	
8/13/2015	NEF	Proof of Electronic Service	Transaction 5092489 - Approved By: NOREVIEW : 08-13-2015:12:26:52	
8/13/2015	NEF	Proof of Electronic Service	Transaction 5092474 - Approved By: NOREVIEW : 08-13-2015:12:21:06	
8/13/2015	2526	Notice of Change of Attorney	TERRENCE MCCARTHY OBO RESPONDENT IN PLACE OF GARY HATLESTAD - Transaction 5091963 - Ap	
8/13/2015	3860	Request for Submission	Transaction 5091960 - Approved By: YLLOYD : 08-13-2015:12:26:07	
8/19/2015	4330	Writ of Mandamus	EXTRAORDINARY WRIT OF MANDAMUS FOR THE RECUSAL AND THE DISQUALIFICATION OF JUDGE P	
8/21/2015	2490	Motion ...	MOTION TO SHOW CAUSE	
8/25/2015	3790	Reply to/in Opposition	REPLY TO OPPOSITION TO MOTION TO STRIKE	
8/27/2015	1020	Addendum	ADDENDUM TO SHOW CAUSE MOTION	
9/16/2015	NEF	Proof of Electronic Service	Transaction 5143730 - Approved By: NOREVIEW : 09-16-2015:12:03:55	
9/16/2015	S200	Request for Submission Complet		
9/16/2015	3060	Ord Granting Mtn ...	ORDER GRANTING MOTION TO DISMISS PETITION AND DENYING MOTION TO STRIKE - Transaction 514	
9/22/2015	3860	Request for Submission	DOCUMENT TITLE: REPLY AND OBJECTION TO OPPOSITION TO MOTION (PAPER ORDER NOT PROVIE	
9/22/2015	1030	Affidavit in Support...		
9/22/2015	2490	Motion ...	MOTION TO VACATE JUDGMENT OF CONVICTION AND INR IV.P RULE 9 (6)FRAUD	

Case Description: STATE VS. MICHAEL TODD BOTELHO (D3)				
Case ID:	CR03-2156	Case Type:	CRIMINAL	Initial Filing Date: 10/8/2003
9/25/2015	2645	Opposition to Mtn ...	OPPOSITION TO "MOTION TO VACATE JUDGMENT OF CONVICTION AND NRCIV P. RULE 9 (b) FRAUD -	
9/25/2015	NEF	Proof of Electronic Service	Transaction 5158987 - Approved By: NOREVIEW : 09-25-2015:10:33:51	
9/28/2015	S200	Request for Submission Complet		
10/1/2015	2175	Mtn for Reconsideration	MOTION FOR RECONSIDERATION	
10/2/2015	2610	Notice ...	JUDICIAL NOTICE	
10/6/2015	NEF	Proof of Electronic Service	Transaction 5173760 - Approved By: NOREVIEW : 10-06-2015:09:56:34	
10/6/2015	2645	Opposition to Mtn ...	OPPOSITION TO MOTION FOR RECONSIDERATION - Transaction 5173465 - Approved By: TBRITTON : 10-	
10/9/2015	3795	Reply...	REPLY AND OBJECTION TO OPPOSITION TO MOTION TO VACATE JUDGMENT OF CONVICTION FOR NF	
10/14/2015	NEF	Proof of Electronic Service	Transaction 5187367 - Approved By: NOREVIEW : 10-14-2015:09:00:52	
10/14/2015	3860	Request for Submission	Transaction 5187258 - Approved By: YVILORIA : 10-14-2015:08:59:59	
10/15/2015	3795	Reply...	REPLY AND OBJECTION TO OPPOSTION TO MOTION FOR RECONSIDERATION	
10/19/2015	NEF	Proof of Electronic Service	Transaction 5194069 - Approved By: NOREVIEW : 10-19-2015:09:24:17	
10/19/2015	3860	Request for Submission	Transaction 5193956 - Approved By: YVILORIA : 10-19-2015:09:23:13	
10/19/2015	2515	Notice of Appeal Supreme Court	Appellant, MICHAEL TODD BOTELHO, proper	
10/22/2015	1350	Certificate of Clerk	CERTIFICATE OF CLERK AND TRANSMITTAL - NOTICE OF APPEAL - Transaction 5200845 - Approved By: I	
10/22/2015	1310E	Case Appeal Statement	Transaction 5200845 - Approved By: NOREVIEW : 10-22-2015:09:18:07	
10/22/2015	NEF	Proof of Electronic Service	Transaction 5200851 - Approved By: NOREVIEW : 10-22-2015:09:19:08	
10/28/2015	1188	Supreme Court Receipt for Doc	SUPREME COURT NO. 69046/RECEIPT FOR DOCUMENTS - Transaction 5210628 - Approved By: NOREVIEW	
10/28/2015	NEF	Proof of Electronic Service	Transaction 5210645 - Approved By: NOREVIEW : 10-28-2015:14:33:16	
11/13/2015	NEF	Proof of Electronic Service	Transaction 5233405 - Approved By: NOREVIEW : 11-13-2015:08:59:30	
11/13/2015	4126	Supreme Ct Order Directing...	SUPREME COURT NO. 69046 / ORDER DIRECTING TRANSMISSION OF RECORD - Transaction 5233396 -	
11/24/2015	2490	Motion ...	MOTION TO ORDER COURT CLERK TO FOWARD DISPOSTION OF ALL RECORDS IN THE THIS COURT A	
11/24/2015	FIE	**Document Filed in Error	FIE - Duplicate Entry asmith 11/24/15	
11/24/2015	FIE	**Document Filed in Error	FIE - Duplicate Entry asmith 11/24/15	
12/3/2015	3370	Order ...	DENYING REQUEST TO DISQUALIFY JUDGE POLAHA - Transaction 5261438 - Approved By: NOREVIEW :	
12/3/2015	NEF	Proof of Electronic Service	Transaction 5261445 - Approved By: NOREVIEW : 12-03-2015:11:17:16	
12/10/2015	S200	Request for Submission Complet		
12/10/2015	3645	Petition ...	PETITION FOR EXTRADORDINARY WRIT OF MANDAMUS	
12/10/2015	2842	Ord Denying Motion	Transaction 5273801 - Approved By: NOREVIEW : 12-10-2015:15:28:51	
12/10/2015	S200	Request for Submission Complet		
12/10/2015	3862	**Criminal Submit	DOCUMENT TITLE: "NO S1 BUILT" PETITION FOR EXTRADORDINARY WRIT OF MANDAMUS (PAPER OF	
12/10/2015	2842	Ord Denying Motion	FOR RECONSIDERATION - Transaction 5273820 - Approved By: NOREVIEW : 12-10-2015:15:32:00	
12/10/2015	NEF	Proof of Electronic Service	Transaction 5273807 - Approved By: NOREVIEW : 12-10-2015:15:29:50	
12/10/2015	NEF	Proof of Electronic Service	Transaction 5273823 - Approved By: NOREVIEW : 12-10-2015:15:33:00	
12/16/2015	1350	Certificate of Clerk	CERTIFICATE OF CLERK AND TRANSMITTAL - RECORD ON APPEAL - Transaction 5281166 - Approved By	
12/16/2015	NEF	Proof of Electronic Service	Transaction 5281172 - Approved By: NOREVIEW : 12-16-2015:11:23:31	

SECOND JUDICIAL DISTRICT COURT
COUNTY OF WASHOE

Case History - CR03P2156

DEPT. D3

HON. JEROME M. POLAHA

Report Date & Time

12/16/2015

11:28:15AM

Case Description: POST: MICHAEL TODD BOTELHO (D3)

Case ID: CR03P2156 Case Type: POST CONVICTION Initial Filing Date: 3/6/2006

Parties

RESP STATE OF NEVADA - STATE
PETR MICHAEL TODD BOTELHO - @154004
DA Terrence P. McCarthy, Esq. - 2745
CAA Mary Lou A. Wilson, Esq. - 3329

Charges

Charge No. Charge Code Charge Date Charge Description

Plea Information

Charge No. Plea Code Plea Date Plea Description

Release Information

Custody Status

Hearings

Department	Event Description	Sched. Date & Time	Disposed Date
1 D3	EVIDENTIARY HEARING	5/11/2007 13:30:00	5/11/2007

Event Extra Text:

Disposition:
D355 5/11/2007
PETITION DENIED, STATE TO PREPARE THE ORDER

Agency Cross Reference

Code	Agency Description	Case Reference I.D.
SC	Supreme Court	SCN 49586

Actions

Action Entry Date	Code	Code Description	Text
3/6/2006	1955	Memorandum Points&Authorities	IN SUPPOR OF PETITION FOR POST CONVICTION
3/6/2006	2385	Mtn Proceed Forma Pauperis	
3/6/2006	3565	Pet Post-Conviction Relief	
3/6/2006	1670	Ex-Parte Mtn...	FOR APPOINTMENT OF COUNSEL
3/6/2006	1030	Affidavit in Support...	OF MOTION TO PROCEED IN FORMA PAUPERIS
3/6/2006	2180	Mtn for Recusal	
4/4/2006	3862	**Criminal Submit	DOCUMENT TITLE: MOTION TO PROCEED IN FORMA PAUPERIS / POST CONVICTION
6/5/2006	3370	Order ...	ORDER TO PROCEED IN FORMA PAUPERIS

Case Description: POST: MICHAEL TODD BOTELHO (D3)

Case ID:	CR03P2156	Case Type:	POST CONVICTION	Initial Filing Date:	3/6/2006
6/5/2006	2715	Ord Appointing Counsel	ORDER FOR RESPONSE AND APPOINTMENT OF COUNSEL		
6/27/2006	2610	Notice ...	NOTICE OF APPEARANCE AND REQUEST FOR 45 DAYS TO FILE SUPPLEMENTAL PETITION TO RUN FI		
6/30/2006	2715	Ord Appointing Counsel	AMENDED ORDER FOR RESPONSE AND APPOINTMENT OF COUNSEL		
7/17/2006	2610	Notice ...	NOTICE OF DISCIPLINARY HEARING AND POSSIBLE MOTION TO CONTINUE SUBMISSION OF SUPPLEME		
7/25/2006	3862	**Criminal Submit	DOCUMENT TITLE: EXPARTE REQUEST FOR DOCUMENTS TO BE COPIED BY THE WASHOE COUNTY (
7/26/2006	1670	Ex-Parte Mtn...	EXPARTE REQUEST FOR DOCUMENTS TO BE COPIED BY THE WASHOE COUNTY CLERK'S OFFICE IN :		
7/26/2006	2610	Notice ...	OF FILE REVIEWED AND POTENTIAL EXHIBITS USED FOR SUPPLEMENTAL PETITION FOR WRIT OF HA		
7/28/2006	1675	Ex-Parte Ord...	EXPARTE ORDER FOR DOCUMENTS TO BE COPIED BY THE WASHOE COUNTY CLERK'S OFFICE IN SU		
8/8/2006	4100	Supplemental Petition	FOR WRIT OF HABEAS CORPUS (POST-CONVICTION)		
8/8/2006	1670	Ex-Parte Mtn...	(SEALED) FOR APPROVAL OF FEES IN THE SUPPLEMENTAL PETITION FOR WRIT OF HABEAS CORPUS (
8/9/2006	3862	**Criminal Submit	DOCUMENT TITLE: EX PARTE APPLICATION FOR FEES/ SUPPLEMENTAL PETITION FOR WRIT OF HABI		
8/14/2006	1670	Ex-Parte Mtn...	REQUESTING APPOINTMENT OF DR. MAHAFFEY FOR PSYCHOSEXUAL EVALUATION IN SUPPORT OF :		
8/14/2006	3862	**Criminal Submit	DOCUMENT TITLE: EX PARTE MOTION REQUESTING APPOINTMENT OF DR. MAHAFFEY FOR PSYCHO		
8/23/2006	3370	Order ...	(SEALED) EXPARTE ORDER FOR APPROVAL OF FEES IN THE SUPPLEMENTAL PETITION FOR WRIT OF		
9/6/2006	3060	Ord Granting Mtn ...	ORDER GRANTING EX-PATE MOTION REQUESTING APPOINTMENT OF DR. MAHAFFEY FOR PSYCHOSI		
10/9/2006	2155	Mtn Partial Dismissal ...			
10/9/2006	1130	Answer ...	ANSWER TO PETITION AND SUPPLEMENTAL PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVIC		
10/9/2006	3897	Return			
10/18/2006	2645	Opposition to Mtn ...	OPPOSITION TO MOTION FOR PARTIAL DISMISSAL OF THE SUPPLEMENTAL PETITION FOR WRIT OF H		
10/26/2006	3795	Reply...	REPLY TO OPPOSITION TO MOTION FOR PARTIAL DISMISSAL OF PETITION AND SUPPLEMENTAL PETI		
10/26/2006	3860	Request for Submission	DOCUMENT TITLE: MOTION FOR PARTIAL DISMISSAL OF PETITION AND SUPPLEMENTAL PETITION FC		
12/14/2006	2610	Notice ...	NOTICE OF INVESTIGATION AND AMENDED SUPPLEMENTAL PETITION FOR WRIT OF HABEAS CORPU		
12/29/2006	3370	Order ...			
1/8/2007	1670	Ex-Parte Mtn...	(SEALED) EXPARTE MOTION FOR APPROVAL OF FEES IN THE CONTINUED SUPPORT OF THE SUPPLE		
1/9/2007	1250	Application for Setting	Evidentiary Hearing: May 11, 2007, at 1:30 pm, 2 hours		
1/9/2007	1675	Ex-Parte Ord...	(SEALED) EXPARTE ORDER FOR APPROVAL OF FEES IN THE CONTINUED SUPPORT OF THE SUPPLEM		
4/12/2007	3340	Ord to Produce Prisoner			
4/12/2007	1260	Application Produce Prisoner			
4/30/2007	2610	Notice ...	OF DR. MARTHA MAHAFFEY'S PSYCHOSEXUAL REPORT IN SUPPORT OF THE SUPPLEMENTAL PETITI		
5/11/2007	MIN	***Minutes	EVIDENTIARY HEARING		
5/22/2007	1670	Ex-Parte Mtn...	(SEALED) EX PARTE MOTION FOR APPROVAL OF FEES IN THE PREPARATION AND COMPLETION OF T		
5/31/2007	1675	Ex-Parte Ord...	(SEALED) FOR APPROVAL OF FEES IN THE PREPARATION AND COMPLETION OF THE EVIDENTIARY H		
5/31/2007	2515	Notice of Appeal Supreme Court			
5/31/2007	2840	Ord Denying ...	PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION)		
6/1/2007	3868	Req to Crt Rptr - Rough Draft			
6/1/2007	1310	Case Appeal Statement			
6/5/2007	1350	Certificate of Clerk			
6/5/2007	1365	Certificate of Transmittal			
6/11/2007	1188	Supreme Court Receipt for Doc	SUPREME COURT CASE NO. 49586		

Case Description: POST: MICHAEL TODD BOTELHO (D3)

Case ID:	CR03P2156	Case Type:	POST CONVICTION	Initial Filing Date:	3/6/2006
6/11/2007	4185	Transcript	WRIT OF HABEAS CORPUS 5/11/07		
6/11/2007	1187	**Supreme Court Case No. ...	SUPREME COURT CASE NO. 49586		
6/12/2007	2540	Notice of Entry of Ord			
6/25/2007	3370	Order ...	PAYMENT OF TRANSCRIPT FEES GRANTED AND THAT THE NEVADA STATE PUBLIC DEFENDER PAY S		
9/17/2007	1670	Ex-Parte Mtn...	FOR APPROVAL OF FEES IN THE APPELLANT'S OPENING BRIEF AND APPELLANT'S APPENDIX IN THE I		
9/20/2007	1675	Ex-Parte Ord...	FOR APPROVAL OF FEES IN THE APPELLANT'S OPENING BRIEF AND APPELANT'S APPENDIX IN THE D		
11/5/2007	1325	** Case Reopened			
11/5/2007	1670	Ex-Parte Mtn...	EXPARTE MOTION FOR FEES IN THE PREPARATION AND COMPLETION OF THE REPLY BRIEF IN THE C		
11/5/2007	3862	**Criminal Submit			
12/17/2007	1315	** Case Closed			
12/17/2007	1675	Ex-Parte Ord...	EXPARTE ORDER FOR FEES IN THE PREPARATION AND COMPLETION OF THE REPLY BRIEF IN THE DI		
5/19/2008	4134	Supreme Court Order Affirming	SUPREME COURT CASE NO. 49586		
6/11/2008	4134	Supreme Court Order Affirming	SUPREME COURT CASE NO. 49586		
6/11/2008	4145	Supreme Court Remittitur	SUPREME COURT CASE NO. 49586		
6/11/2008	4111	Supreme Ct Clk's Cert & Judg	SUPREME COURT CASE NO. 49586		
1/27/2010	2385	Mtn Proceed Forma Pauperis	MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS		
1/27/2010	3860	Request for Submission	DOCUMENT TITLE: IFP/MOTION FOR APPOINTMENT OF COUNSEL/PETITION FOR WRIT OF HABEAS CC		
1/27/2010	3585	Pet Writ Habeas Corpus	PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION)		
1/27/2010	1030	Affidavit in Support...	AFFIDAVIT IN SUPPORT OF REQUEST TO PROCEED IN FORMA PAUPERIS		
1/27/2010	2490	Motion ...	MOTION FOR APPOINTMENT OF COUNSEL PURSUANT TO NRS 34.750		
2/17/2010	3335	Ord Proceed Forma Pauperis	AND REFERRING MATTER TO D3 FOR DETERMINATIONAS TO WHETHER COUNSEL SHOULD BE APPOI		
2/17/2010	NEF	Proof of Electronic Service	Transaction 1326388 - Approved By: NOREVIEW : 02-17-2010:12:06:13		
2/18/2010	2180	Mtn for Recusal			
2/18/2010	1030	Affidavit in Support...	AFFIDAVIT OF PETITIONER IN SUPPORT OF MOTION FOR RECUSAL		
12/28/2011	2490	Motion ...	PETITIONERS MOTION FOR WRIT OF QUO WARRANTO AND SUPPORTING MEMORANDUM IN SUPPOR		
3/6/2012	2490	Motion ...	PETITIONER'S MOTION TO CORRECT CLERKS ERROR AND AS A MATTER OF LAW, ISSUE A DIRECTED		

1 **Code 1350**

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

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

8 **MICHAEL TODD BOTELHO,**

9 **Petitioner,**

10 **vs.**

Case No. CR03-2156

11 **JAMES BENEDETTI, WARDEN, STATE OF NEVADA,**

Dept. No. 3

12 **Respondents.**

13 _____/

14 **CERTIFICATE OF CLERK AND TRANSMITTAL – RECORD ON APPEAL**

15 I certify that I am an employee of the Second Judicial District Court of the State of Nevada,
16 County of Washoe; that on the 16th day of December, 2015, I electronically filed Volumes 1
17 through 8 of the Record on Appeal in the above entitled matter to the Nevada Supreme Court and
18 deposited Volume 9 containing sealed documents addressed to the Nevada Supreme Court 201 S.
19 Carson Street, Suite 201, Carson City, Nevada 89701 in the Washoe County mailing system for
postage and mailing in the United States Postal Service in Reno, Nevada.

20 I further certify that the transmitted record is a true and correct copy of the original
21 pleadings on file with the Second Judicial District Court in accordance NRAP 11(2)(b).

22 Dated this 16th day of December, 2015.

23 Jacqueline Bryant
Clerk of the Court

24 By /s/Annie Smith
25 Annie Smith
26 Deputy Clerk
27
28