

counts - copy.

FILED

OCT 19 2015

JACQUELINE BRYANT, CLERK

By [Signature]  
DEPUTY CLERK

Electronically Filed  
Oct 26 2015 10:20 a.m.  
Tracie K. Lindeman  
Clerk of Supreme Court

CHARLES J. MAKI, # 42820

Warm Springs Correctional Center  
P.O. Box 7007  
Carson City, Nevada, 89702

~~DEFENDANT~~  
~~PLAINTIFF~~, In Propria Persona

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

THE STATE OF NEVADA,  
Plaintiff,

Vs.

CHARLES J. MAKI,  
Defendant.

CASE No. CR54-0345

DEPT. No. 8

Dkt. No.       

NOTICE OF APPEAL

Please take notice that CHARLES J. MAKI, ~~DEFENDANT~~ <sup>Plaintiff</sup>, and in his proper person, hereby appeals to the Nevada Court of Appeals, the judgment(s) in the above-entitled action(s) entered in this Honorable Court on or about the 2TH day of OCTOBER, 2015. This notice of Appeal is timely filed pursuant to NRAP 4(b).

DATED this 16TH day of OCTOBER, 20 15.

RESPECTFULLY SUBMITTED,

Charles J. Maki  
~~PLAINTIFF~~, In Propria Persona  
~~DEFENDANT~~,

1.  
ORDER DENYING DEFENDANT'S MOTION TO AMEND JUDGMENT OF CONVICTION.

CR94-0345  
STATE VS CHARLES JOSEPH MAKI 2 Pages  
District Court  
10/19/2015 02:37 PM  
Washoe County  
CLERK

**CERTIFICATE OF MAILING**

I, CHARLES MAKI, 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:

CHRISTOPHER J. HICKS, ESQ.  
District Attorney  
WASHINGTON COUNTY DISTRICT ATTORNEY  
1 SOUTH SIERRA STREET, 7TH FLOOR  
RENO, NEVADA 89502  
(Copy to)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DATED this 16th day of OCTOBER, 20 15

BY: Charles Maki

Appellant, In Proper Person

DEFENDANT,

1 **Code 1310**

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

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

8 **STATE OF NEVADA,**

9 **Plaintiff,**

**Case No. CR94-0345**

10 **vs.**

**Dept. No. 8**

11 **CHARLES JOSEPH MAKI,**

12 **Defendant.**

13 \_\_\_\_\_ /  
14  
15 **CASE APPEAL STATEMENT**

16 This case appeal statement is filed pursuant to NRAP 3(f).

- 17 1. Appellant is Charles Joseph Maki.
- 18 2. This appeal is from an order entered by the Honorable Judge Lidia Stiglich.
- 19 3. Appellant is representing himself in Proper Person on appeal. The Appellant's  
20 address is:  
21 Charles J. Maki #42820  
22 Warm Springs Correctional Center  
23 P.O. Box 7007  
24 Carson City, Nevada 89702
- 25 4. Respondent is the State of Nevada. Respondent is represented by the Washoe  
26 County District Attorney's Office:  
27 Terrance McCarthy, Esq., SBN: 2745  
28 P.O. Box 11130  
Reno, Nevada 89520
5. Respondent's attorney is not licensed to practice law in Nevada: n/a

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 on 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 Denying Motion filed on October 7, 2015.
11. The case has been the subject of a previous appeal to the Supreme Court:  
Supreme Court No: 63845, 66144, 67717 and 67800.
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 22nd day of October, 2015.

Jacqueline Bryant  
Clerk of the Court

By: /s/ Yvonne Vilorio  
Yvonne Vilorio  
Deputy Clerk

1 CODE: 3335  
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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 7<sup>th</sup>, 2014.

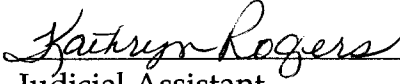
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8 District Court Judge  
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**CERTIFICATE OF MAILING**

Pursuant to NRCP 5(b), I certify that I am an employee of the Second Judicial District Court, and that on the 7<sup>th</sup> 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

10/22/2015

9:42:05AM

**Case Description: STATE VS CHARLES JOSEPH MAKI (D8)**

<b>Case ID:</b>	<b>CR94-0345</b>	<b>Case Type:</b>	<b>CRIMINAL</b>	<b>Initial Filing Date:</b>	<b>2/10/1994</b>
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**Parties**

PATY	Robert C. Bell, Esq. - 1362
APPD	CHARLES MAKI - @395024
PLTF	STATE OF NEVADA - STATE
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>
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**Plea Information**

<i>Charge No.</i>	<i>Plea Code</i>	<i>Plea Date</i>	<i>Plea Description</i>
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**Release Information**

*Custody Status*

**Hearings**

<i>Department</i>	<i>Event Description</i>	<i>Sched. Date &amp; 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

<i>Department</i>	<i>Event Description</i>	<i>Sched. Date &amp; Time</i>		<i>Disposed Date</i>
2	D8	Request for Submission	2/17/2015 09:28:00	3/18/2015

Event Extra Text: MOTION FOR APPOINTMENT OF COUNSEL, AFFIDAVIT IN SUPPORT OF THE MOTION FOR APPOINTMENT OF COUNSEL

**Disposition:**  
S200 3/18/2015

<i>Department</i>	<i>Event Description</i>	<i>Sched. Date &amp; Time</i>		<i>Disposed Date</i>
3	D8	Request for Submission	4/21/2015 08:34:00	4/21/2015

Event Extra Text: MOTION FOR APPOINTMENT OF COUNSEL (NO PAPER ORDER)

**Disposition:**  
S200 4/21/2015



Case Description: STATE VS CHARLES JOSEPH MAKI (D8)

Case ID:	CR94-0345	Case Type:	CRIMINAL	Initial Filing Date:	2/10/1994
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	Department	Event Description	Sched. Date & Time		Disposed Date
4	D8	Request for Submission	9/14/2015	08:00:00	10/7/2015
Event Extra Text: DEFTS MT TO AMEND JUDGMENT OF CONVICTION			Disposition: S200 10/7/2015		

Agency Cross Reference

Code	Agency Description	Case Reference I.D.
SC	Supreme Court	SCN 63845
SC	Supreme Court	SCN 66144
SC	Supreme Court	SCN 67717
SC	Supreme Court	SCN 67800

Actions

Action Entry Date	Code	Code Description	Text
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	
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	MIN	***Minutes	
4/11/1994	1930	Letters ...	
4/11/1994	MIN	***Minutes	
4/11/1994	MIN	***Minutes	
4/12/1994	4245	Verdict(s)...	

**Case Description: STATE VS CHARLES JOSEPH MAKI (D8)**

<b>Case ID:</b>	<b>CR94-0345</b>	<b>Case Type:</b>	<b>CRIMINAL</b>	<b>Initial Filing Date:</b>	<b>2/10/1994</b>
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	4235	Unused Verdict Form(s)...			
4/12/1994	4245	Verdict(s)...			
4/12/1994	4245	Verdict(s)...			
4/12/1994	4235	Unused Verdict Form(s)...			
4/12/1994	4245	Verdict(s)...			
4/12/1994	4245	Verdict(s)...			
4/12/1994	1885	Jury Instructions			
4/12/1994	1890	Jury Question, Court Response			
5/2/1994	4500	PSI - Confidential	* SEALED *		
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 ...			
5/18/1994	3370	Order ...			
6/2/1994	4185	Transcript	SENTENCING		
6/3/1994	3870	Request			
6/3/1994	1600	Designation Record on Appeal			
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	3980	Stip and Order...			
11/7/1994	3735	Receipt			
12/7/1994	3735	Receipt			
9/13/1995	3932	Seizure Order ...			
10/27/1995	2855	Ord Dismiss Appeal/Remand			
10/27/1995	1350	Certificate of Clerk			
10/27/1995	4145	Supreme Court Remittitur			
4/10/1996	2490	Motion ...			
4/10/1996	2610	Notice ...			

**Case Description: STATE VS CHARLES JOSEPH MAKI (D8)**

Case ID:	CR94-0345	Case Type:	CRIMINAL	Initial Filing Date:	2/10/1994
4/18/1996	4300	Withdrawal of Counsel			
7/11/1997	MIN	***Minutes			
7/18/1997	MIN	***Minutes			
4/23/2012	PAYVD	**Payment Voided	Receipt Number DCDC357265 has been voided.		
4/23/2012	PAYRC	**Payment Received	A Payment of -\$0.05 was made on receipt DCDC357287.		
4/23/2012	PEND	**Pending Court Deposit			
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	1600	Designation Record on Appeal			
8/2/2013	1030	Affidavit in Support...	AFFIDAVIT IN SUPPORT OF MOTION FOR APPOINTMENT OF COUNSEL/WRIT OF PROHIBITION/WRIT OF		
8/2/2013	1215	Application Appoint Counsel	MOTION FOR APPOINTMENT OF COUNSEL		
8/2/2013	3860	Request for Submission	NO S1 DONE - REFERRED TO BOB BELL		
8/2/2013	4330	Writ of Mandamus	WRIT OF PROHIBITION/WRIT OF MANDAMUS		
8/2/2013	2515	Notice of Appeal Supreme Court			
8/20/2013	1350	Certificate of Clerk	CERTIFICATE OF CLERK AND TRANSMITTAL - NOTICE OF APPEAL - Transaction 3934711 - Approved By: N		
8/20/2013	1310E	Case Appeal Statement	Transaction 3934711 - Approved By: NOREVIEW : 08-20-2013:09:30:45		
8/20/2013	NEF	Proof of Electronic Service	Transaction 3934720 - Approved By: NOREVIEW : 08-20-2013:09:32:45		
8/26/2013	1188	Supreme Court Receipt for Doc	SUPREME COURT NO. 63845/RECEIPT FOR DOCUMENTS - Transaction 3949041 - Approved By: NOREVIEW		
8/26/2013	NEF	Proof of Electronic Service	Transaction 3949155 - Approved By: NOREVIEW : 08-26-2013:09:41:15		
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	4111	Supreme Ct Clk's Cert & Judg	SUPREME COURT NO. 63845/CLERKS CERTIFICATE AND JUDGMENT - Transaction 4115061 - Approved By: NOREVIEW		
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	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		
12/30/2013	1215	Application Appoint Counsel	MOTION FOR APPOINTMENT OF COUNSEL PURSUANT TO NRS 34.750		
12/30/2013	2385	Mtn Proceed Forma Pauperis	* SEALED *		
12/30/2013	3862	**Criminal Submit	DOCUMENT TITLE: MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS and MOTION FOR APPOINTMENT OF COUNSEL		
12/30/2013	3565	Pet Post-Conviction Relief	PETITION FOR WRIT OF HABEAS CORPUS POST-CONVICTION		
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	3335	Ord Proceed Forma Pauperis	ORDER GRANTING IN FORMA PAUPERIS - Transaction 4240986 - Approved By: NOREVIEW : 01-07-2014:16:58:44		
1/7/2014	NEF	Proof of Electronic Service	Transaction 4240994 - 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		
1/29/2014	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	NEF	Proof of Electronic Service	Transaction 4335832 - Approved By: NOREVIEW : 03-10-2014:12:43:57		

**Case Description: STATE VS CHARLES JOSEPH MAKI (D8)**

Case ID:	CR94-0345	Case Type:	CRIMINAL	Initial Filing Date:	2/10/1994
3/10/2014	1665	Ex-Parte Application...	* SEALED * EX PARTE APPLICATION FOR INTERIM CLAIM FOR FEES - Transaction 4335512 - Approved By		
3/26/2014	NEF	Proof of Electronic Service	Transaction 4359861 - Approved By: NOREVIEW : 03-26-2014:08:30:23		
3/26/2014	S3370	Sealed Order	* SEALED * RECOMMENDATION AND ORDER FOR PAYMENT OF ATTORNEY'S FEES - 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 PETITIC		
3/31/2014	NEF	Proof of Electronic Service	Transaction 4366116 - Approved By: NOREVIEW : 03-31-2014:12:15:55		
4/7/2014	NEF	Proof of Electronic Service	Transaction 4376237 - Approved By: NOREVIEW : 04-07-2014:14:27:58		
4/7/2014	3860	Request for Submission	MOTION FOR ENLARGEMENT OF TIME IN WHICH TO PREPARE AND FILE THE SUPPLEMENTAL PETITIC		
4/14/2014	1665	Ex-Parte Application...	* SEALED * EX PARTE APPLICATION FOR INTERIM CLAIM FOR FEES - Transaction 4385116 - Approved By		
4/14/2014	NEF	Proof of Electronic Service	Transaction 4385230 - Approved By: NOREVIEW : 04-14-2014:11:49:54		
4/17/2014	NEF	Proof of Electronic Service	Transaction 4392049 - Approved By: NOREVIEW : 04-17-2014:16:29:32		
4/17/2014	S200	Request for Submission Complet	GRANTED		
4/17/2014	3060	Ord Granting Mtn ...	ORDER GRANTING MOTION FOR ENLARGEMENT OF TIME IN WHICH TO PREPARE AND FILE THE SUPP		
4/29/2014	S3370	Sealed Order	* SEALED * RECOMMENDATION AND ORDER FOR PAYMENT OF INTERIM ATTORNEY'S FEES - Transacti		
4/29/2014	NEF	Proof of Electronic Service	Transaction 4407082 - Approved By: NOREVIEW : 04-29-2014:10:04:30		
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 : 06-30-2014:11:49:54		
7/7/2014	NEF	Proof of Electronic Service	Transaction 4505988 - Approved By: NOREVIEW : 07-07-2014:15:28:35		
7/7/2014	2922	Ord Dismiss Post Conviction	Transaction 4505983 - Approved By: NOREVIEW : 07-07-2014:15:27:34		
7/18/2014	2515	Notice of Appeal Supreme Court			
7/18/2014	2610	Notice ...	NOTICE TO COURT		
7/18/2014	1600	Designation Record on Appeal			
7/21/2014	1665	Ex-Parte Application...	* SEALED * EX PARTE APPLICION FOR INTERIM CLAIM FOR FEES - Transaction 4526360 - Approved By:		
7/22/2014	NEF	Proof of Electronic Service	Transaction 4526813 - Approved By: NOREVIEW : 07-22-2014:08:12:05		
7/24/2014	1310E	Case Appeal Statement	Transaction 4530955 - Approved By: NOREVIEW : 07-24-2014:08:39:10		
7/24/2014	NEF	Proof of Electronic Service	Transaction 4530958 - Approved By: NOREVIEW : 07-24-2014:08:40:10		
7/24/2014	1350	Certificate of Clerk	CERTIFICATE OF CLERK AND TRANSMITTAL - NOTICE OF APPEAL - Transaction 4530955 - Approved By: I		
8/6/2014	1600	Designation Record on Appeal	DESIGNATION OF RECORD ON APPEAL SUPPLEMENTAL - BRIEF		
8/14/2014	S3370	Sealed Order	* SEALED * RECOMMENDATION AND ORDER FOR PAYMENT OF INTERIM ATTORNEY'S FEES - Transacti		
8/14/2014	NEF	Proof of Electronic Service	Transaction 4562530 - Approved By: NOREVIEW : 08-14-2014:15:57:08		
8/20/2014	4126	Supreme Ct Order Directing...	SUPREME COURT NO. 66144/ORDER DIRECTING TRANSMISSION OF RECORD - Transaction 4569172 - Ap		
8/20/2014	NEF	Proof of Electronic Service	Transaction 4569174 - Approved By: NOREVIEW : 08-20-2014:09:25:48		
9/10/2014	NEF	Proof of Electronic Service	Transaction 4600036 - Approved By: NOREVIEW : 09-10-2014:12:19:26		
9/10/2014	2545	Notice of Entry ...	Transaction 4600031 - Approved By: NOREVIEW : 09-10-2014:12:18:37		
9/22/2014	NEF	Proof of Electronic Service	Transaction 4617882 - Approved By: NOREVIEW : 09-22-2014:14:03:39		
9/22/2014	1350	Certificate of Clerk	CERTIFICATE OF CLERK AND TRANSMITTAL - RECORD ON APPEAL - Transaction 4617873 - Approved By		
12/18/2014	4134	Supreme Court Order Affirming	SUPREME COURT NO. 66144/ORDER OF AFFIRMANCE - Transaction 4742172 - Approved By: NOREVIEW :		
12/18/2014	NEF	Proof of Electronic Service	Transaction 4742199 - Approved By: NOREVIEW : 12-18-2014:10:03:21		
1/12/2015	NEF	Proof of Electronic Service	Transaction 4768579 - Approved By: NOREVIEW : 01-12-2015:09:28:00		
1/12/2015	4134	Supreme Court Order Affirming	SUPREME COURT NO. 66144/ORDER OF AFFIRMANCE - Transaction 4768575 - Approved By: NOREVIEW :		

Case Description: STATE VS CHARLES JOSEPH MAKI (D8)				
Case ID:	CR94-0345	Case Type:	CRIMINAL	Initial Filing Date: 2/10/1994
1/12/2015	4145	Supreme Court Remittitur	SUPREME COURT NO. 66144/REMITTUTUR - Transaction 4768575 - Approved By: NOREVIEW : 01-12-2015	
1/12/2015	4111	Supreme Ct Clk's Cert & Judg	SUPREME COURT NO. 66144/CLERK'S CERTIFICATE AND JUDGMENT - Transaction 4768575 - Approved E	
2/17/2015	1030	Affidavit in Support...	AFFIDAVIT IN SUPPORT OF MOTION FOR THE APPOINTMENT OF COUNSEL / WRIT OF PROHIBITION / V	
2/17/2015	3860	Request for Submission	DOCUMENT TITLE: MOTION FOR APPOINTMENT OF COUNSEL, AFFIDAVIT IN SUPPORT OF THE MOTIC	
2/17/2015	4330	Writ of Mandamus	WRIT OF PROBIBITION / WRIT MANDAMUS	
2/17/2015	2490	Motion ...	MOTION FOR APPOINTMENT OF COUNSEL	
3/18/2015	NEF	Proof of Electronic Service	Transaction 4867396 - Approved By: NOREVIEW : 03-18-2015:16:11:38	
3/18/2015	F230	Other Manner of Disposition		
3/18/2015	2840	Ord Denying ...	PETITION AND MOTION FOR APPOINTMENT OF COUNSEL - Transaction 4867385 - Approved By: NOREVIEW	
3/18/2015	S200	Request for Submission Complet		
3/27/2015	2515	Notice of Appeal Supreme Court		
4/2/2015	1310E	Case Appeal Statement	Transaction 4889258 - Approved By: NOREVIEW : 04-02-2015:09:40:06	
4/2/2015	2490	Motion ...	MOTION TO THE COURT (A STATE CREATED INMPEDEMENT - DENING (sic) ACCESS TO THE COURT, IF	
4/2/2015	NEF	Proof of Electronic Service	Transaction 4889267 - Approved By: NOREVIEW : 04-02-2015:09:41:09	
4/2/2015	1350	Certificate of Clerk	CERTIFICATE OF CLERK AND TRANSMITTAL - NOTICE OF APPEAL - Transaction 4889258 - Approved By: I	
4/9/2015	1188	Supreme Court Receipt for Doc	SUPREME COURT NO. 67717 / RECEIPT FOR DOCUMENTS - Transaction 4899041 - Approved By: NOREVI	
4/9/2015	NEF	Proof of Electronic Service	Transaction 4899046 - Approved By: NOREVIEW : 04-09-2015:09:06:47	
4/17/2015	3860	Request for Submission	DOCUMENT TITLE: MOTION FOR APPOINTMENT OF COUNSEL (NO PAPER ORDER)	
4/17/2015	1600	Designation Record on Appeal		
4/17/2015	2515	Notice of Appeal Supreme Court	APPELLANT CHARLES MAKI, REC'D DOCUMENTS FROM SUPREME COURT 4/17/15	
4/20/2015	1310E	Case Appeal Statement	Transaction 4913697 - Approved By: NOREVIEW : 04-20-2015:09:14:39	
4/20/2015	NEF	Proof of Electronic Service	Transaction 4913704 - Approved By: NOREVIEW : 04-20-2015:09:15:37	
4/20/2015	1350	Certificate of Clerk	CERTIFICATE OF CLERK AND TRANSMITTAL - NOTICE OF APPEAL - Transaction 4913697 - Approved By: I	
4/21/2015	2515	Notice of Appeal Supreme Court	Appellant, Charles Maki	
4/21/2015	S200	Request for Submission Complet		
4/21/2015	1600	Designation Record on Appeal		
4/23/2015	NEF	Proof of Electronic Service	Transaction 4920554 - Approved By: NOREVIEW : 04-23-2015:12:24:29	
4/23/2015	1310E	Case Appeal Statement	Transaction 4920552 - Approved By: NOREVIEW : 04-23-2015:12:23:28	
4/23/2015	1350	Certificate of Clerk	CERTIFICATE OF CLERK AND TRANSMITTAL - NOTICE OF APPEAL - Transaction 4920552 - Approved By: I	
4/24/2015	1188	Supreme Court Receipt for Doc	SUPREME COURT NO. 67800 / RECEIPT FOR DOCUMENTS - Transaction 4921868 - Approved By: NOREVI	
4/24/2015	NEF	Proof of Electronic Service	Transaction 4921874 - Approved By: NOREVIEW : 04-24-2015:08:32:52	
4/30/2015	NEF	Proof of Electronic Service	Transaction 4932206 - Approved By: NOREVIEW : 04-30-2015:16:17:28	
4/30/2015	1188	Supreme Court Receipt for Doc	SUPREME COURT NO. 67717/RECEIPT FOR DOCUMENTS - Transaction 4932202 - Approved By: NOREVIEW	
4/30/2015	1188	Supreme Court Receipt for Doc	SUPREME COURT NO. 67717/RECEIPT FOR DOCUMENTS - Transaction 4932202 - Approved By: NOREVIEW	
5/5/2015	4126	Supreme Ct Order Directing...	SUPREME COURT NO. 67717/ORDER DIRECTING TRANSMISSION OF RECORD - Transaction 4938558 - A	
5/5/2015	NEF	Proof of Electronic Service	Transaction 4938561 - Approved By: NOREVIEW : 05-05-2015:14:12:14	
5/8/2015	NEF	Proof of Electronic Service	Transaction 4944616 - Approved By: NOREVIEW : 05-08-2015:10:44:47	
5/8/2015	1350	Certificate of Clerk	CERTIFICATE OF CLERK AND TRANSMITTAL - RECORD ON APPEAL - Transaction 4944612 - Approved By	
5/8/2015	1350	Certificate of Clerk	AMENDED CERTIFICATE OF CLERK AND TRANSMITTAL - RECORD ON APPEAL - Transaction 4945269 - A	

Case Description: STATE VS CHARLES JOSEPH MAKI (D8)				
Case ID:	CR94-0345	Case Type:	CRIMINAL	Initial Filing Date: 2/10/1994
5/8/2015	NEF	Proof of Electronic Service	Transaction 4945273 - Approved By: NOREVIEW : 05-08-2015:14:30:56	
5/28/2015	1230	Application for Fees	EX PARTE APPLICATION FOR INTERIM CLAIM FOR FEES - Transaction 4972878 - Approved By: YLLOYD :	
5/28/2015	NEF	Proof of Electronic Service	Transaction 4972926 - Approved By: NOREVIEW : 05-28-2015:10:53:34	
6/19/2015	2777	Ord Approving ...	RECOMMENDATION AND ORDER FOR PYAMENT OF INTERIM ATTORNEY'S FEES - Transaction 5009346	
6/19/2015	NEF	Proof of Electronic Service	Transaction 5009352 - Approved By: NOREVIEW : 06-19-2015:15:05:19	
7/24/2015	4134	Supreme Court Order Affirming	SUPREME COURT NO. 67717/ORDER OF AFFIRMANCE - Transaction 5060670 - Approved By: NOREVIEW :	
7/24/2015	NEF	Proof of Electronic Service	Transaction 5060671 - Approved By: NOREVIEW : 07-24-2015:08:54:00	
7/24/2015	4128	Supreme Court Order Denying	SUPREME COURT NO. 67800/ORDER DENYING PETITION - Transaction 5060670 - Approved By: NOREVIEW	
8/19/2015	4131	Supreme Ct Not/Lieu/Remittitur	SUPREME COURT NO. 67800 / NOTICE IN LIEU OF REMITTITUR - Transaction 5101958 - Approved By: NOF	
8/19/2015	4134	Supreme Court Order Affirming	SUPREME COURT NO. 67717 / ORDER OF AFFIRMANCE - Transaction 5101958 - Approved By: NOREVIEW	
8/19/2015	NEF	Proof of Electronic Service	Transaction 5101961 - Approved By: NOREVIEW : 08-19-2015:15:13:05	
8/19/2015	4111	Supreme Ct Clk's Cert & Judg	SUPREME COURT NO. 67717 / CLERK'S CERTIFICATE & JUDGMENT - Transaction 5101958 - Approved By	
8/19/2015	4145	Supreme Court Remittitur	SUPREME COURT NO. 67717 / REMITTITUR - Transaction 5101958 - Approved By: NOREVIEW : 08-19-2015	
8/25/2015	2490	Motion ...	DEFENDANTS' MOTION TO AMEND JUDGMENT OF 5/17/1994 TO COMPORT WITH NRS 176.105	
9/11/2015	3860	Request for Submission	DOCUMENT TITLE: DEFENDANT'S MOTION TO AMEND JUDGMENT OF CONVICTION (PAPER ORDER N	
10/7/2015	S200	Request for Submission Complet		
10/7/2015	NEF	Proof of Electronic Service	Transaction 5177502 - Approved By: NOREVIEW : 10-07-2015:15:51:46	
10/7/2015	2842	Ord Denying Motion	Transaction 5177498 - Approved By: NOREVIEW : 10-07-2015:15:50:53	
10/19/2015	2515	Notice of Appeal Supreme Court	Appellant, CHARLES J MAKI, proper	
10/22/2015	1350	Certificate of Clerk	CERTIFICATE OF CLERK AND TRANSMITTAL - NOTICE OF APPEAL - Transaction 5200988 - Approved By: I	
10/22/2015	1310E	Case Appeal Statement	Transaction 5200988 - Approved By: NOREVIEW : 10-22-2015:09:41:20	

SECOND JUDICIAL DISTRICT COURT  
COUNTY OF WASHOE

Case History - CR94P0345

DEPT. D8

HON. LIDIA STIGLICH

Report Date & Time

10/22/2015

9:50:42AM

Case Description: POST: CHARLES JOSEPH MAKI (D8)

Case ID: CR94P0345 Case Type: POST CONVICTION Initial Filing Date: 5/9/1996

Parties

RESP E. (WARDEN) MCDANIEL - @420191  
PETR CHARLES JOSEPH MAKI - @395030  
DA Terrence P. McCarthy, Esq. - 2745  
CAA Robert Story, Esq. - 1268

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			
	Event Extra Text:	Disposition:	

Agency Cross Reference

Code Agency Description Case Reference I.D.

Actions

Action Entry Date	Code	Code Description	Text
1/1/1994	1315	** Case Closed	
5/9/1996	1030	Affidavit in Support...	
5/9/1996	2385	Mtn Proceed Forma Pauperis	
5/9/1996	1368	Certificate ...	FINANCIAL CERTIFICATE
5/9/1996	3565	Pet Post-Conviction Relief	PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION)
5/29/1996	3370	Order ...	
8/5/1996	3980	Stip and Order...	
8/20/1996	4105	Supplemental ...	SUPPLEMENTAL POINTS AND AUTHORITIES IN SUPPORT OF PETITION FOR WRIT OF HABEAS CORPU

Case Description: POST: CHARLES JOSEPH MAKI (D8)				
Case ID:	CR94P0345	Case Type:	POST CONVICTION	Initial Filing Date: 5/9/1996
8/23/1996	1130	Answer ...	ANSWER TO PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION)	
9/30/1996	1400	Claim...	* SEALED * INTERIM CLAIM FOR COMPENSATION AND REQUEST FOR ORDER GRANTING ATTORNEY'S	
10/8/1996	3370	Order ...		
11/25/1996	2490	Motion ...	MOTION TO WITHDRAW AS COUNSEL	
12/4/1996	2490	Motion ...	MOTION FOR THE APPOINTMENT OF COUNSEL	
12/5/1996	3860	Request for Submission		
12/11/1996	3860	Request for Submission		
1/16/1997	3370	Order ...		
1/29/1997	3370	Order ...		
5/20/1997	1250	Application for Setting		
6/3/1997	1260	Application Produce Prisoner		
6/3/1997	3340	Ord to Produce Prisoner		
7/15/1997	1260	Application Produce Prisoner		
7/16/1997	3340	Ord to Produce Prisoner		
7/24/1997	1750	Findings, Conclusions & Judg		
7/28/1997	2540	Notice of Entry of Ord		
8/4/1997	3370	Order ...	* SEALED * ORDER GRANTING ATTORNEY FEES	
8/18/1997	2515	Notice of Appeal Supreme Court		
8/18/1997	2515	Notice of Appeal Supreme Court		
8/19/1997	1365	Certificate of Transmittal		
8/19/1997	1350	Certificate of Clerk		
8/19/1997	1310	Case Appeal Statement		
8/26/1997	2515	Notice of Appeal Supreme Court		
2/10/1998	4185	Transcript		
6/17/1998	3370	Order ...	* SEALED *	
6/27/2000	1670	Ex-Parte Mtn...	* SEALED * EX PARTE MOTION FOR ORDER ALLOWING INTERIM PAYMENT OF ATTORNEY'S FEES AND	
7/14/2000	2777	Ord Approving ...	ORDER APPROVING FEES AND COSTS OF COURT-APPOINTED ATTORNEY	
11/9/2000	1350	Certificate of Clerk		
11/9/2000	4145	Supreme Court Remittitur		
11/9/2000	4134	Supreme Court Order Affirming		
12/3/2008	2490	Motion ...	MOTION FOR TRIAL COURT RECORDS: CHARLES MAKI	
12/3/2008	3860	Request for Submission	DOCUMENT TITLE: MOTION FOR TRIAL COURT RECORDS	
1/30/2009	2840	Ord Denying ...	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

STATE OF NEVADA,

Case No. CR94-0345

Plaintiff,

Dept. No. 8

vs.

CHARLES JOSEPH MAKI,

Defendant.

ORDER DENYING MOTION

Currently before the court is Defendant Charles Joseph Maki's *Motion to Amend Judgment of May 17, 1994 to Comport With NRS 176.105*. To the extent that Maki challenges the validity of the judgment of conviction and sentence, such claims must be raised in a post-conviction petition for a writ of habeas corpus. *See* NRS 34.724(2)(b). To the extent that Maki seeks to modify or correct his sentence, he has failed to demonstrate that his sentence was facially illegal, or that the sentence was based on mistaken assumptions about his criminal record that worked to his extreme detriment. *See Edwards v. State*, 112 Nev. 704, 707-708, 918 P.2d 321, 324 (1996).

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Accordingly, the court ORDERS Maki's *Motion to Amend* DENIED.  
IT IS SO ORDERED.

DATED this 7<sup>th</sup> day of October, 2015.

Lidia S. Stiglich  
LIDIA S. STIGLICH  
District Judge

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I deposited in the Washoe County mailing system for postage and mailing with the United States Postal Service in Reno, Nevada, a true copy of the attached document addressed to:

  
CHRISTINE KUHLMAN  
Judicial Assistant

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 MIN  
Washoe County JVS-

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: ☒ \_\_\_\_\_

Not Guilty ☒ By: Info

Guilty ☐ Nolo ☐ To: \_\_\_\_\_

Juv. Ref. \_\_\_\_\_ P & P Ref. \_\_\_\_\_ Date \_\_\_\_\_

Continued To: \_\_\_\_\_

4/1/94 @ 9:00am For: Mtn to confirm  
4/1/94 @ 10:00am For: Trial - Confirmed  
7/18/94 @ 10:00 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; 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 \$ 526<sup>00</sup>. \$ 25<sup>00</sup> 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 Stegmair 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  
DC-9900039406-056  
ivnc.

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  
DC-9900039406-058  
Page 1  
04/01/1994 02:13 PM  
TWO



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  
Terry Bradley  
Merrilee Soileau  
Joe Sambrano  
Loretta McNabb  
Leann Morgan  
Nancy Fritz-Alternate

Jill Young  
Randall Reed  
Vincent Cordi  
James Roets  
Patricia Hedges-Johnson  
Sharon Suarez

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 .19057

JURY TRIAL CONTINUED

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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.

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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.

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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.

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STATE VS CHARLES JOSEPH MAKI  
District Court  
Washoe County  
MTN  
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1405

1 **Code 1350**

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

8 **STATE OF NEVADA,**

**Case No. CR94-0345**

**Dept. No. 8**

9 **Plaintiff,**

10 **vs.**

11 **CHARLES JOSEPH MAKI,**

12 **Defendant.**  
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 22nd day of October, 2015, I electronically filed  
18 the Notice of Appeal in the above entitled matter to the Nevada Supreme Court.

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

21 Dated this 22nd day of October, 2015

22 Jacqueline Bryant  
23 Clerk of the Court

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