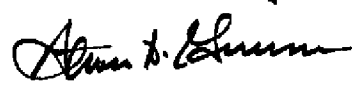


"Original"

Electronically Filed  
04/21/2016 02:32:55 PM

NOAS  
Fredys A. Martinez #1003276  
Lovelock Correctional Center  
1200 Prison Road  
Lovelock, Nevada 89419

  
CLERK OF THE COURT

petitioner In Pro Se

Electronically Filed  
Apr 26 2016 09:38 a.m.  
Tracie K. Lindeman  
Clerk of Supreme Court

DISTRICT COURT

CLARK COUNTY, NEVADA

\* \* \* \* \*

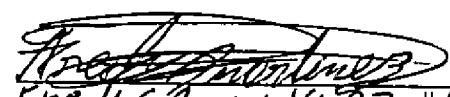
Fredys A. Martinez )  
 )  
Petitioner, )  
 )  
-vs- )  
 )  
THE STATE OF NEVADA, )  
 )  
Respondent, et )  
al. )

Case No. 06C226586  
Dept. No. XXV

NOTICE OF APPEAL

NOTICE IS GIVEN that Petitioner, Fredys A. Martinez,  
in pro se, hereby appeals to the Nevada Supreme Court the  
Findings of Fact, Conclusions of Law and Order Denying /  
Dismissing Petition for Writ of Habeas Corpus, as filed/entered  
on or about the 21 day of March, 2016, in the above-  
entitled Court.

Dated this 15 day of April, 2016.

  
Fredys A. Martinez #1003276  
Lovelock Correctional Center  
1200 Prison Road  
Lovelock, Nevada 89419  
  
Petitioner In Pro Se

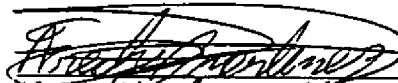
57  
RECEIVED  
LCC LL FORM 24.064  
APR 21 2016  
CLERK OF THE COURT

(3)

CERTIFICATE OF SERVICE

I do certify that I mailed a true and correct copy of the foregoing NOTICE OF APPEAL to the below address(es) on this 15 day of APRIL, 2016, by placing same in the U.S. Mail via prison law library staff:

Steven B. Wolfson, District Attorney  
Office of the District Attorney  
200 Lewis Avenue, P. O. Box 552212  
Las Vegas, NV 89155-2212

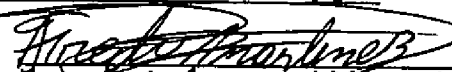
  
Freddy A. Martinez #1003276  
Lovelock Correctional Center  
1200 Prison Road  
Lovelock, Nevada 89419

Petitioner In Pro Se

AFFIRMATION PURSUANT TO NRS 239B.030

The undersigned does hereby affirm that the preceding NOTICE OF APPEAL filed in District Court Case No. 06C226586 does not contain the social security number of any person.

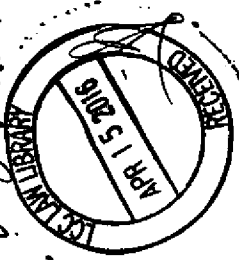
Dated this 15 day of APRIL, 2016.

  
Freddy A. Martinez #1003276

Petitioner In Pro Se

01003276

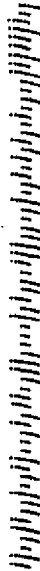
Fredys A. Martinez #1003276  
LoveLock Correctional Center  
1200 Prison Road  
LoveLock, NV 89419



Steven D. Grierson, Clerk of the Court  
200 Lewis Avenue, 3rd Floor  
Las Vegas, NV 89155-1160

INMATE LEGAL  
MAIL CONFIDENTIAL

6910136300 0075



**FILED**

**APR 25 2016**

*Alvin L. Williams*  
CLERK OF COURT

1 ASTA

2  
3  
4  
5  
6 **IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE**  
7 **STATE OF NEVADA IN AND FOR**  
8 **THE COUNTY OF CLARK**

9  
10 STATE OF NEVADA,

11 Plaintiff(s),

12 vs.

13 FREDDY MARTINEZ  
14 AKA FREDYS A. MARTINEZ,

15 Defendant(s),

Case No: 06C226586

Dept No: XXV

16  
17 **CASE APPEAL STATEMENT**

18 1. Appellant(s): Fredys A. Martinez

19 2. Judge: Donald Mosley

20 3. Appellant(s): Fredys A. Martinez

21 Counsel:

22  
23 Fredys A. Martinez # 1003276  
24 1200 Prison Road  
25 Lovelock, NV 89419

26 4. Respondent: The State of Nevada

27 Counsel:

28 Steven B. Wolfson, District Attorney  
200 Lewis Ave.

1 Las Vegas, NV 89101  
2 (702) 671-2700

3 5. Appellant(s)'s Attorney Licensed in Nevada: N/A  
4 Permission Granted: N/A

5 Respondent(s)'s Attorney Licensed in Nevada: Yes  
6 Permission Granted: N/A

7 6. Appellant Represented by Appointed Counsel In District Court: Yes

8 7. Appellant Represented by Appointed Counsel On Appeal: N/A

9 8. Appellant Granted Leave to Proceed in Forma Pauperis: N/A

10 9. Date Commenced in District Court: September 29, 2006

11 10. Brief Description of the Nature of the Action: Criminal

12 Type of Judgment or Order Being Appealed: Post-Conviction Relief

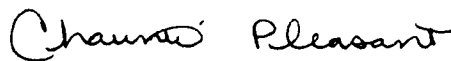
13 11. Previous Appeal: Yes

14 Supreme Court Docket Number(s): 49608, 55890, 56153, 57197, 58023, 58050, 58215,  
15 69277, 69596

16 12. Child Custody or Visitation: N/A

17 Dated This 25 day of April 2016.

18 Steven D. Grierson, Clerk of the Court

19 

20 Chaunte Pleasant, Deputy Clerk  
21 200 Lewis Ave  
22 PO Box 551601  
23 Las Vegas, Nevada 89155-1601  
24 (702) 671-0512

25  
26 cc: Fredys A. Martinez  
27  
28

DEPARTMENT 25  
**CASE SUMMARY**  
**CASE NO. 06C226586**

**The State of Nevada vs Freddy Martinez**

§	Location:	<b>Department 25</b>
§	Judicial Officer:	<b>Delaney, Kathleen E.</b>
§	Filed on:	<b>09/29/2006</b>
§	Case Number History:	
§	Cross-Reference Case	<b>C226586</b>
§	Number:	
§	Defendant's Scope ID #:	<b>1361243</b>
§	Lower Court Case Number:	<b>05GJ00145</b>
§	Supreme Court No.:	<b>56153</b>
§		<b>57197</b>
§		<b>58023</b>
§		<b>58050</b>
§		<b>58215</b>
§		<b>69277</b>
§		<b>69596</b>

**CASE INFORMATION**

<b>Offense</b>	<b>Deg</b>	<b>Date</b>	<b>Case Type:</b>	<b>Felony/Gross Misdemeanor</b>
1. BURGLARY.	F	01/01/1900		
2. BATTERY WITH USE OF A DEADLY WEAPON	F	01/01/1900	Case Flags:	<b>Appealed to Supreme Court</b>
3. KIDNAPPING IN FIRST DEGREE	F	01/01/1900		<b>Custody Status - Nevada</b>
3. KIDNAP WITH USE OF A DEADLY WEAPON	F	01/01/1900		<b>Department of Corrections</b>
3. USE OF A DEADLY WEAPON OR TEAR GAS IN COMMISSION OF A CRIME.	F	01/01/1900		
4. SEXUAL ASSAULT	F	01/01/1900		
4. SEXUAL ASSUALT	F	01/01/1900		
4. USE OF A DEADLY WEAPON OR TEAR GAS IN COMMISSION OF A CRIME.	F	01/01/1900		

**Statistical Closures**

09/12/2011	USJR Reporting Statistical Closure
05/31/2007	USJR Reporting Statistical Closure
06/23/2009	USJR Reporting Statistical Closure

**Warrants**

Bench Warrant - Martinez, Freddy (Judicial Officer: Mosley, Donald )

10/09/2006	Quashed
09/29/2006	Issued
Fine:	\$0
Bond:	\$0

Bench Warrant - Martinez, Freddy (Judicial Officer: Mosley, Donald )

10/09/2006	Quashed
09/28/2006	Issued
Fine:	\$0
Bond:	\$0

**DATE**

**CASE ASSIGNMENT**

**Current Case Assignment**

Case Number	06C226586
Court	Department 25
Date Assigned	08/06/2012
Judicial Officer	Delaney, Kathleen E.

**PARTY INFORMATION**

**Defendant**

**Martinez, Freddy**

*Lead Attorneys*


**Public Defender**

DEPARTMENT 25  
**CASE SUMMARY**  
**CASE NO. 06C226586**











*Retained*  
702-455-4685(W)

**Plaintiff**                      **State of Nevada**

**Wolfson, Steven B**  
702-671-2700(W)



DATE	EVENTS & ORDERS OF THE COURT	INDEX
01/01/1900	<b>Plea</b> (Judicial Officer: User, Conversion) 1. BURGLARY. Not Guilty PCN: Sequence:	
01/01/1900	<b>Plea</b> (Judicial Officer: User, Conversion) 2. BATTERY WITH USE OF A DEADLY WEAPON Not Guilty PCN: Sequence:	
01/01/1900	<b>Plea</b> (Judicial Officer: User, Conversion) 3. KIDNAPPING IN FIRST DEGREE Not Guilty PCN: Sequence:	
01/01/1900	<b>Plea</b> (Judicial Officer: User, Conversion) 3. KIDNAP WITH USE OF A DEADLY WEAPON Not Guilty PCN: Sequence:	
01/01/1900	<b>Plea</b> (Judicial Officer: User, Conversion) 3. USE OF A DEADLY WEAPON OR TEAR GAS IN COMMISSION OF A CRIME. Not Guilty PCN: Sequence:	
01/01/1900	<b>Plea</b> (Judicial Officer: User, Conversion) 4. SEXUAL ASSAULT Not Guilty PCN: Sequence:	
01/01/1900	<b>Plea</b> (Judicial Officer: User, Conversion) 4. SEXUAL ASSUALT Not Guilty PCN: Sequence:	
01/01/1900	<b>Plea</b> (Judicial Officer: User, Conversion) 4. USE OF A DEADLY WEAPON OR TEAR GAS IN COMMISSION OF A CRIME. Not Guilty PCN: Sequence:	
09/29/2006	<b>Grand Jury Indictment</b> (8:30 AM) <i>GRAND JURY INDICTMENT Court Clerk: Theresa Lee Reporter/Recorder: Richard Kangas Heard By: Michael Cherry</i>	
09/29/2006	 Indictment <i>INDICTMENT</i>	

DEPARTMENT 25  
**CASE SUMMARY**  
**CASE NO. 06C226586**







09/29/2006	Hearing <i>INITIAL ARRAIGNMENT</i>	
09/29/2006	 Warrant <i>INDICTMENT WARRANT</i>	06C2265860003.tif pages
09/29/2006	Hearing <i>GRAND JURY INDICTMENT</i>	
10/03/2006	Bench Warrant <i>BENCH WARRANT ISSUED</i>	
10/03/2006	Order <i>ORDER OF INTENT TO FORFEIT</i>	
10/03/2006	 Bench Warrant <i>INDICTMENT WARRANT RETURN</i>	06C2265860008.tif pages
10/05/2006	<b>Initial Arraignment</b> (1:30 PM) Events: 09/29/2006 Hearing <i>INITIAL ARRAIGNMENT Court Clerk: Pamela Humphrey/pdh Reporter/Recorder: Kiara Schmidt Court Interpreter: VERONICA PELAS Heard By: Kevin Williams</i>	
10/11/2006	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF SEPTEMBER 21, 2006</i>	
10/13/2006	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF SEPTEMBER 28, 2006</i>	
11/09/2006	<b>Calendar Call</b> (8:30 AM) <i>CALENDAR CALL Relief Clerk: Sharon Chun Reporter/Recorder: Renee Vincent Court Interpreter: HECTOR VAZQUEZ-MENA Heard By: Stewart Bell</i>	
11/13/2006	<b>CANCELED Jury Trial</b> (9:30 AM) <i>Vacated</i>	
11/17/2006	 Motion <i>MOTION TO COMPEL DISCLOSURE OF EXCULPATORY EVIDENCE</i>	
11/20/2006	 Expert Witness List <i>NOTICE OF EXPERT WITNESSES [NRS 174.234(2)]</i>	
11/20/2006	 Expert Witness List <i>NOTICE OF WITNESSES [NRS 174.234(1)(A)]</i>	
11/28/2006	 Opposition <i>STATE'S OPPOSITION TO DEFENDANT'S MOTION TO COMPEL EXCULPATORY EVIDENCE</i>	
11/28/2006	 Order <i>ORDER RELEASING MEDICAL RECORDS</i>	06C2265860022.tif pages
11/28/2006	 Request <i>EX PARTE MOTION FOR RELEASE OF MEDICAL RECORDS</i>	06C2265860023.tif pages



DEPARTMENT 25  
**CASE SUMMARY**  
**CASE NO. 06C226586**

11/30/2006	<b>Calendar Call</b> (8:30 AM) <i>CALENDAR CALL</i>
11/30/2006	<b>Motion to Compel</b> (8:30 AM) Events: 11/17/2006 Motion <i>DEFT'S MTN TO COMPEL DISCLOSURE/10 Heard By: Stewart Bell</i>
11/30/2006	<b>All Pending Motions</b> (8:30 AM) <i>ALL PENDING MOTIONS 11/30/06 Relief Clerk: Carole D'Aloia Reporter/Recorder: Renee Vincent Court Interpreter: DIEGO TRUJILLO Heard By: Stewart Bell</i>
11/30/2006	Motion <i>ALL PENDING MOTIONS 11/30/06</i>
12/04/2006	<b>CANCELED Jury Trial</b> (9:30 AM) <i>Vacated</i>
12/23/2006	 Order <i>ORDER RE-SETTING CRIMINAL JURY TRIALS PRESENTLY SCHEDULED ON JANUARY 25, 2007 IN DEPT XXIV</i>
01/18/2007	<b>CANCELED Calendar Call</b> (8:30 AM) <i>Vacated</i>
01/18/2007	 Expert Witness List Filed By: Defendant Martinez, Freddy <i>DEFENDANT'S NOTICE OF WITNESSES, PURSUANT TO NRS 174.234</i>
01/22/2007	<b>Jury Trial</b> (9:30 AM) <i>TRIAL BY JURY VO 12/22/06</i>
01/25/2007	<b>Jury Trial</b> (8:30 AM) <i>TRIAL BY JURY VO 12/22/06</i>
01/25/2007	<b>Calendar Call</b> (8:30 AM) <i>CALENDAR CALL Court Clerk: Theresa Lee Reporter/Recorder: Jackie Nelson Court Interpreter: MARIA U PETERS Heard By: James Bixler</i>
01/25/2007	Hearing <i>ENTRY OF PLEA</i>
01/29/2007	<b>CANCELED Jury Trial</b> (8:30 AM) <i>Vacated</i>
01/30/2007	<b>Entry of Plea</b> (8:30 AM) Events: 01/25/2007 Hearing <i>ENTRY OF PLEA Court Clerk: Theresa Lee Reporter/Recorder: Jackie Nelson Court Interpreter: Maria Peralta De Gomez Heard By: Bixler, James</i>
02/08/2007	<b>Entry of Plea</b> (8:30 AM) <i>ENTRY OF PLEA Court Clerk: Theresa Lee Reporter/Recorder: Bill Nelson Court Interpreter: M. BERRY Heard By: James Bixler</i>
04/05/2007	<b>Calendar Call</b> (8:30 AM) <i>CALENDAR CALL (PREFERENTIAL) Court Clerk: Theresa Lee Reporter/Recorder: Lee Bahr Court Interpreter: MARIA U PETERS Heard By: James Bixler</i>
04/06/2007	<b>Overflow</b> (9:00 AM) <i>OVERFLOW (24) NYIKOS / BATEMAN / HAMERS 2 DAYS / 8-10 WITNESSES/ NO</i>

DEPARTMENT 25  
**CASE SUMMARY**  
**CASE NO. 06C226586**

	<i>OUT OF STATE Court Clerk: Teri Braegelmann Reporter/Recorder: Renee Vincent Heard By: Stewart Bell</i>
04/09/2007	<b>CANCELED Jury Trial</b> (10:00 AM) <i>Vacated</i>
04/11/2007	<b>Jury Trial</b> (9:30 AM) <i>TRIAL BY JURY Court Clerk: Tina Hurd Reporter/Recorder: Renee Vincent Court Interpreter: DIVA REALMUTO Heard By: Bell, Stewart L.</i>
04/11/2007	 <b>Jury List</b> <i>JURY LIST</i>
04/12/2007	<b>Jury Trial</b> (9:00 AM) <i>TRIAL BY JURY Court Clerk: Tina Hurd Reporter/Recorder: Renee Vincent Court Interpreter: DIVA REALMUTO Heard By: Stewart Bell</i>
04/12/2007	Conversion Case Event Type <i>SENTENCING</i>
04/12/2007	 <b>Amended Jury List</b> <i>AMENDED JURY LIST</i>
04/12/2007	 <b>Instructions to the Jury</b> <i>INSTRUCTIONS TO THE JURY (INSTRUCTION NO. 1)</i>
04/12/2007	 <b>Judgment</b> <i>VERDICT</i>
04/12/2007	<b>Judgment</b> Filed By: Defendant Martinez, Freddy <i>VERDICT (COUNT 4)</i>
04/12/2007	<b>Disposition</b> (Judicial Officer: User, Conversion) 4. SEXUAL ASSAULT Not Guilty PCN: Sequence:
04/12/2007	<b>Disposition</b> (Judicial Officer: User, Conversion) 4. SEXUAL ASSAULT Not Guilty PCN: Sequence:
04/12/2007	<b>Disposition</b> (Judicial Officer: User, Conversion) 4. USE OF A DEADLY WEAPON OR TEAR GAS IN COMMISSION OF A CRIME. Not Guilty PCN: Sequence:
04/12/2007	 <b>Proposed Jury Instructions Not Used At Trial</b> <i>PROPOSED JURY INSTRUCTIONS NOT USED AT TRIAL</i>
05/14/2007	 <b>PSI</b> <i>Pre-Sentence Investigation Report (Unfiled) Confidential</i>
05/24/2007	<b>Sentencing</b> (8:30 AM)

DEPARTMENT 25  
**CASE SUMMARY**  
**CASE NO. 06C226586**

Events: 04/12/2007 Conversion Case Event Type  
*SENTENCING Court Clerk: Tina Hurd Reporter/Recorder: Renee Vincent Court  
Interpreter: Guillermo Palomo Heard By: Stewart Bell*

05/24/2007	<b>Disposition</b> (Judicial Officer: User, Conversion) 1. BURGLARY. Guilty PCN: Sequence:
05/24/2007	<b>Disposition</b> (Judicial Officer: User, Conversion)
05/24/2007	<b>Disposition</b> (Judicial Officer: User, Conversion) 2. BATTERY WITH USE OF A DEADLY WEAPON Guilty PCN: Sequence:
05/24/2007	<b>Disposition</b> (Judicial Officer: User, Conversion)
05/24/2007	<b>Disposition</b> (Judicial Officer: User, Conversion) 3. KIDNAPPING IN FIRST DEGREE Guilty PCN: Sequence:
05/24/2007	<b>Disposition</b> (Judicial Officer: User, Conversion)
05/24/2007	<b>Disposition</b> (Judicial Officer: User, Conversion) 3. KIDNAP WITH USE OF A DEADLY WEAPON Guilty PCN: Sequence:
05/24/2007	<b>Disposition</b> (Judicial Officer: User, Conversion) 3. USE OF A DEADLY WEAPON OR TEAR GAS IN COMMISSION OF A CRIME. Guilty PCN: Sequence:
05/24/2007	<b>Sentence</b> (Judicial Officer: User, Conversion) 1. BURGLARY. Adult Adjudication Converted Disposition: Sentence# 0001: Minimum 60 Months to Maximum 180 Months Placement: NSP Converted Disposition: Sentence# 0002: CREDIT FOR TIME SERVED Minimum 281 Days to Maximum 281 Days Converted Disposition: Sentence# 0003: DNA FEE/GENETIC MARKERS ANALYSIS Amount: \$150.00 Converted Disposition: Sentence# 0004: ADMINISTRATION FEE Amount: \$25.00
05/24/2007	<b>Sentence</b> (Judicial Officer: User, Conversion) 2. BATTERY WITH USE OF A DEADLY WEAPON Adult Adjudication Converted Disposition:  Sentence# 0001:

DEPARTMENT 25  
**CASE SUMMARY**  
**CASE NO. 06C226586**

Minimum 48 Months to Maximum 120 Months  
Placement: NSP  
Cons/Conc: Concurrent  
w/Charge Item: 0001  
and Sentence#: 0001

05/24/2007 **Sentence** (Judicial Officer: User, Conversion)

3. KIDNAPPING IN FIRST DEGREE

Adult Adjudication

Converted Disposition:

Sentence# 0001: LIFE WITH POSSIBILITY OF PAROLE

Cons/Conc: Concurrent

w/Charge Item: 0002

and Sentence#: 0001

Converted Disposition:

Sentence# 0002: LIFE WITH POSSIBILITY OF PAROLE

Cons/Conc: Concurrent

w/Charge Item: 0001

and Sentence#: 0001

05/31/2007  Judgment

*JUDGMENT OF CONVICTION (JURY TRIAL)*

05/31/2007 Judgment

*JUDGMENT OF CONVICTION/GENETIC TESTING*

06/04/2007  Notice of Appeal

Filed By: Defendant Martinez, Freddy

*DESIGNATION OF RECORD ON APPEAL*

06C2265860049.tif pages

06/04/2007  Notice of Appeal

Filed By: Defendant Martinez, Freddy

*NOTICE OF APPEAL*

06/06/2007  Statement

*CASE APPEAL STATEMENT*

06C2265860051.tif pages

06/19/2007  Notice of Appeal

Filed By: Defendant Martinez, Freddy


*NOTICE OF APPEAL*

06/19/2007  Statement

Filed by: Defendant Martinez, Freddy

*CASE APPEAL STATEMENT*

06C2265860053.tif pages

06/28/2007  Order

*ORDER APPOINTING APPELLANT COUNSEL*

06C2265860054.tif pages

07/17/2007  Reporters Transcript

*REPORTER'S TRANSCRIPT OF OCTOBER 5, 2006*
















07/25/2007  Reporters Transcript

*REPORTER'S TRANSCRIPT OF JANUARY 30, 2007*












07/25/2007  Reporters Transcript

*REPORTER'S TRANSCRIPT OF JANUARY 25, 2007*

DEPARTMENT 25  
**CASE SUMMARY**  
**CASE NO. 06C226586**

08/03/2007	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF APRIL 5, 2007</i>
08/10/2007	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF NOVEMBER 30, 2006</i>
08/10/2007	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF APRIL 11, 2007</i>
08/10/2007	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF MAY 24, 2007</i>
08/10/2007	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF APRIL 12, 2007</i>
08/13/2007	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF FEBRUARY 8, 2007</i>
11/30/2007	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF APRIL 5, 2007</i>
01/04/2008	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF FEBRUARY 8, 2007</i>
01/23/2008	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF APRIL 5, 2007</i>
01/23/2008	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF JANUARY 18, 2008</i>
06/06/2008	 Judgment <i>NEVADA SUPREME COURT CLERK'S CERTIFICATE JUDGEMENT - AFFIRMED</i>
10/23/2009	 Motion <i>MOTION TO MAKE ADDITIONAL FUNDS AVAILABLE FOR NDOC INMATE'S LEGAL ACCOUNT</i>
11/03/2009	 Opposition <i>OPPOSITION TO DEFENDANT'S MOTION TO MAKE ADDITIONAL FUNDS AVAILABLE FOR NDOC INMATES [SIC] LEGAL ACCOUNT</i>
11/09/2009	<b>Motion</b> (9:00 AM) Events: 10/23/2009 Motion <i>DEFT'S PRO PER MTN TO MAKE ADDITIONAL FUNDS Court Clerk: Linda Skinner Reporter/Recorder: Maureen Schorn Heard By: Donald Mosley</i>
01/06/2010	 Order <i>ORDER DENYING DEFENDANT'S MOTION TO MAKE ADDITIONAL FUNDS AVAILABLE FOR NDOC INMATES [SIC] LEGAL ACCOUNT</i>
04/02/2010	 Motion <i>A MOTION FOR APPOINTMENT OF COUNSEL</i>















DEPARTMENT 25  
**CASE SUMMARY**  
**CASE NO. 06C226586**

04/09/2010	 Opposition <i>STATE'S OPPOSITION TO DEFENDANT'S MOTION FOR APPOINTMENT OF COUNSEL</i>
04/14/2010	<b>Motion</b> (9:00 AM) Events: 04/02/2010 Motion <i>DEFT'S PRO PER MTN FOR APPT OF CNSL/023 Relief Clerk: Roshonda Mayfield Reporter/Recorder: Maureen Schorn Heard By: Donald Mosley</i>
04/21/2010	 Motion <i>A MOTION TO VACATE A J.O.C.</i>
04/22/2010	 Notice of Appeal Filed By: Defendant Martinez, Freddy <i>NOTICE OF APPEAL</i>
04/23/2010	 Statement <i>CASE APPEAL STATEMENT</i>
04/24/2010	 Order <i>ORDER DENYING DEFENDANT'S PRO PER MOTION FOR APPOINTMENT OF COUNSEL</i>
04/30/2010	 Petition Filed by: Defendant Martinez, Freddy <i>PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION)</i>
05/05/2010	<b>Motion to Vacate</b> (9:00 AM) Events: 04/21/2010 Motion <i>DEFT'S PRO PER MOTION TO VACATE A J.O.C./24 Court Clerk: Linda Skinner Reporter/Recorder: Marcia Leonard Heard By: Donald Mosley</i>
05/11/2010	Petition <i>PTN FOR WRIT OF HABEAS CORPUS</i>
05/11/2010	 Order for Petition for Writ of Habeas Corpus <i>ORDER FOR PETITION FOR WRIT OF HABEAS CORPUS</i>
05/13/2010	 Motion <i>MOTION FOR AN EVIDENTIARY HEARING</i>
05/21/2010	 Opposition <i>STATE'S OPPOSITION TO DEFENDANT'S MOTION FOR EVIDENTIARY HEARING</i>
05/21/2010	 Order <i>ORDER DENYING DEFENDANT'S PRO PER MOTION TO VACATE A J.O.C.</i>
05/24/2010	 Response Filed by: Defendant Martinez, Freddy <i>ANSWER AND RESPONSE</i>
05/26/2010	<b>Motion</b> (9:00 AM) Events: 05/13/2010 Motion <i>DEFT'S PRO PER MTN FOR AN EVIDENTIARY HEARING/26 Court Clerk: Linda Skinner Reporter/Recorder: Maureen Schorn Heard By: Donald Mosley</i>

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DEPARTMENT 25  
**CASE SUMMARY**  
**CASE NO. 06C226586**

06/03/2010	 Notice of Appeal Filed By: Defendant Martinez, Freddy <i>NOTICE OF APPEAL</i>
06/04/2010	 Statement <i>CASE APPEAL STATEMENT</i>
07/09/2010	 Response <i>STATE'S RESPONSE AND MOTION TO DISMISS DEFENDANT'S PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION)</i>
07/13/2010	 Judgment <i>NEVADA SUPREME COURT CLERK'S CERTIFICATE JUDGEMENT - DISMISSED</i>
07/14/2010	<b>Petition for Writ of Habeas Corpus (9:00 AM)</b> Events: 05/11/2010 Petition <i>PTN FOR WRIT OF HABEAS CORPUS Court Clerk: Linda Skinner Reporter/Recorder: Maureen Schorn Heard By: Donald Mosley</i>
07/23/2010	 Motion for Appointment of Attorney Filed By: Defendant Martinez, Freddy <i>MOTION FOR APPOINTMENT OF COUNSEL</i>
08/05/2010	 Opposition to Motion Filed By: Plaintiff State of Nevada <i>State's Opposition to Defendant's Motion for Appointment of Counsel</i>
08/09/2010	 <b>Motion for Appointment of Attorney (9:00 AM)</b> (Judicial Officer: Mosley, Donald) <i>Defendant's Pro Per Motion For Appointment Of Counsel</i>
09/03/2010	 Order Denying Motion Filed By: Plaintiff State of Nevada <i>Order Denying Defendant's Motion for Appointment of Counsel</i>
11/16/2010	 Notice of Appeal (criminal) Party: Defendant Martinez, Freddy <i>NOTICE OF APPEAL</i>
11/18/2010	 Case Appeal Statement <i>Case Appeal Statement</i>
12/16/2010	 NV Supreme Court Clerks Certificate/Judgment - Affirmed <i>NEVADA SUPREME COURT CLERK'S CERTIFICATE JUDGMENT - AFFIRMED</i>
01/21/2011	 Findings of Fact, Conclusions of Law and Order Filed By: Plaintiff State of Nevada <i>Findings of Fact, Conclusions of Law and Order</i>
01/25/2011	 Order Denying Motion <i>Order Denying Defendant's Motion for Petition for Writ of Habeas Corpus</i>
03/08/2011	 Notice of Entry of Decision and Order















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DEPARTMENT 25  
**CASE SUMMARY**  
**CASE NO. 06C226586**

03/08/2011	 Notice of Entry of Decision and Order
03/21/2011	 Notice of Appeal (criminal) Party: Defendant Martinez, Freddy <i>NOTICE OF APPEAL</i>
03/24/2011	 Case Appeal Statement
03/25/2011	 Notice of Appeal (criminal) Party: Defendant Martinez, Freddy <i>NOTICE OF APPEAL</i>
03/25/2011	 Designation of Record on Appeal Filed By: Defendant Martinez, Freddy <i>Designation of Record on Appeal</i>
03/25/2011	 Motion Filed By: Defendant Martinez, Freddy <i>Motion for Appointment of Counsel PURSUANT TO NRS 34.750</i>
03/25/2011	 Motion Filed By: Defendant Martinez, Freddy <i>Motion to Extend Prison Copywork Limit FOR</i>
03/29/2011	 Case Appeal Statement
04/01/2011	 Opposition to Motion <i>State's Opposition to Defendant's Motion for Appointment of Counsel</i>
04/04/2011	<b>Motion</b> (9:00 AM) (Judicial Officer: Mosley, Donald) Events: 03/25/2011 Motion <i>Motion for Appointment of Counsel</i>
04/04/2011	<b>Motion</b> (9:00 AM) (Judicial Officer: Mosley, Donald) Events: 03/25/2011 Motion <i>Motion to Extend Prison Copywork Limit</i>
04/04/2011	 <b>All Pending Motions</b> (9:00 AM) (Judicial Officer: Mosley, Donald)
04/19/2011	 Notice of Appeal (criminal) Party: Defendant Martinez, Freddy <i>NOTICE OF APPEAL</i>
04/19/2011	 Designation of Record on Appeal Filed By: Defendant Martinez, Freddy
04/22/2011	 Case Appeal Statement Filed By: Plaintiff State of Nevada
06/09/2011	 NV Supreme Court Clerks Certificate/Judgment - Affirmed <i>Nevada Supreme Court Clerk's Certificate Judgment - Affirmed</i>



DEPARTMENT 25  
**CASE SUMMARY**  
**CASE NO. 06C226586**

06/15/2011	 NV Supreme Court Clerks Certificate/Judgment - Dismissed <i>Nevada Supreme Court Clerks Certificate Judgment - Dismissed</i>
08/17/2011	 NV Supreme Court Clerks Certificate/Judgment - Affirmed <i>Nevada Supreme Court Clerk's Certificate Judgment - Affirmed</i>
09/12/2011	 Receipt <i>Receipt Of Copy</i>
10/04/2011	 NV Supreme Court Clerks Certificate/Judgment - Dismissed <i>Nevada Supreme Court Clerk's Certificate Judgment - Dismissed</i>
11/29/2011	 Reporters Transcript Filed By: Plaintiff State of Nevada <i>Reporters Transcript of Defendant's Pro Per Motion for Evidentiary Hearing - Heard 5/26/2010</i>
11/29/2011	 Reporters Transcript Filed By: Plaintiff State of Nevada <i>Reporter's Transcript Of Defendant's Pro Per Petition For Writ Of Habeas Corpus - Heard 7-14-2010</i>
12/30/2011	 Reporters Transcript Filed By: Plaintiff State of Nevada <i>Reporters Transcript of Proceedings - Heard 05-05-10</i>
08/06/2012	Case Reassigned to Department 25 <i>Case reassigned from Judge Mosley</i>
09/22/2015	 Filed Under Seal Filed By: Defendant Martinez, Freddy <i>Certificate of Inmate's Institutional Account</i>
09/22/2015	 Filed Under Seal Filed By: Defendant Martinez, Freddy <i>Application to Proceed In Forma Pauperis</i>
09/22/2015	 Filed Under Seal Filed By: Defendant Martinez, Freddy <i>Certificate of Inmate's Institutional Account</i>
09/23/2015	 Motion for Order Filed By: Defendant Martinez, Freddy <i>Motion for Order to Produce Prisoner Transcripts</i>
09/23/2015	 Motion for Production of Transcript Filed By: Defendant Martinez, Freddy <i>Motion for Production of Transcripts at State Expense</i>
10/14/2015	 <b>Motion for Order</b> (9:00 AM) (Judicial Officer: Barker, David) <i>Defendant's Pro Per Motion to Produce Prisoner Transcripts</i>
11/04/2015	 Order Filed By: Plaintiff State of Nevada













DEPARTMENT 25  
**CASE SUMMARY**  
**CASE NO. 06C226586**

*Order Denying Defendant's Pro Per Motion to Produce Prisoner Transcripts*
















11/20/2015	 Notice of Appeal (criminal) <i>Notice of Appeal</i>
12/01/2015	 Case Appeal Statement Filed By: Defendant Martinez, Freddy <i>Case Appeal Statement</i>
12/07/2015	 Motion Filed By: Defendant Martinez, Freddy <i>Motion for Enlargement of Time (First Request)</i>
12/07/2015	 Motion Filed By: Defendant Martinez, Freddy <i>Motion to the Court asking Where are the Records of my Criminal Case?</i>
12/07/2015	 Motion Filed By: Defendant Martinez, Freddy <i>Motion for Production of Transcripts at State Expense</i>
12/07/2015	 Motion Filed By: Defendant Martinez, Freddy <i>Motion to Extend Prison Copywork Limit</i>
12/07/2015	 Motion Filed By: Defendant Martinez, Freddy <i>Motion for Appointment of Counsel</i>
12/07/2015	 Motion Filed By: Defendant Martinez, Freddy <i>Motion for Order to Produce Prisoner Transcripts and Recor.</i>
12/07/2015	 Notice of Motion Filed By: Defendant Martinez, Freddy <i>Notice of Motion and Motion for Order of Delivery of Records</i>
12/07/2015	 Application to Proceed in Forma Pauperis Filed By: Defendant Martinez, Freddy
12/21/2015	 Response Filed by: Plaintiff State of Nevada <i>State's Opposition to Defendant's Motion to Appoint Counsel</i>
12/28/2015	<b>Motion</b> (9:00 AM) (Judicial Officer: Delaney, Kathleen E.) <i>Defendant's Pro Per Motion for Enlargement of Time (First Request)</i>
12/28/2015	<b>Motion</b> (9:00 AM) (Judicial Officer: Delaney, Kathleen E.) <i>Defendant's Pro Per Motion to the Court asking Where are the Records of my Criminal Case?</i>
12/28/2015	<b>Motion</b> (9:00 AM) (Judicial Officer: Delaney, Kathleen E.) <i>Defendant's Pro Per Motion for Production of Transcripts at State Expense</i>
12/28/2015	<b>Motion</b> (9:00 AM) (Judicial Officer: Delaney, Kathleen E.)

DEPARTMENT 25  
**CASE SUMMARY**  
**CASE NO. 06C226586**

*Defendant's Pro Per Motion to Extend Prison Copywork Limit*

12/28/2015	<b>Motion</b> (9:00 AM) (Judicial Officer: Delaney, Kathleen E.) <i>Defendant's Pro Per Motion for Appointment of Counsel</i>
12/28/2015	<b>Motion</b> (9:00 AM) (Judicial Officer: Delaney, Kathleen E.) <i>Defendant's Pro Per Motion for Order of Delivery of Records</i>
12/28/2015	<b>Motion</b> (9:00 AM) (Judicial Officer: Delaney, Kathleen E.) <i>Defendant's Pro Per Motion for Order to Produce Prisoner Transcripts and Record</i>
12/28/2015	 <b>All Pending Motions</b> (9:00 AM) (Judicial Officer: Delaney, Kathleen E.)
01/11/2016	 <b>Order</b> Filed By: Plaintiff State of Nevada <i>Order Denying Defendant's Multiple Motions</i>
01/12/2016	 <b>Notice of Appeal</b> (criminal) <i>Notice of Appeal</i>
01/13/2016	 <b>Case Appeal Statement</b> Filed By: Defendant Martinez, Freddy <i>Case Appeal Statement</i>
02/01/2016	 <b>Notice of Appeal</b> (criminal) Party: Defendant Martinez, Freddy <i>Notice of Appeal</i>
02/01/2016	 <b>Motion</b> Filed By: Defendant Martinez, Freddy <i>Motion to Appoint Counsel</i>
02/01/2016	 <b>Motion</b> Filed By: Defendant Martinez, Freddy <i>Motion for Order Directing Clerk to Issue Presentence 911 Investigation Report to Defendant</i>
02/01/2016	 <b>Filed Under Seal</b> <i>Filed Under Seal - Certificate of Inmate's Institutional Account</i>
02/01/2016	 <b>Filed Under Seal</b> <i>Filed Under Seal - Application to Proceed in Forma Pauperis</i>
02/02/2016	 <b>Case Appeal Statement</b> Filed By: Defendant Martinez, Freddy <i>Case Appeal Statement</i>
02/11/2016	 <b>NV Supreme Court Clerks Certificate/Judgment - Dismissed</b> <i>Nevada Supreme Court Clerk's Certificate Judgment - Dismissed</i>
02/22/2016	 <b>Motion</b> Filed By: Defendant Martinez, Freddy <i>Motion for Production of Transcripts at State Expense</i>

DEPARTMENT 25  
**CASE SUMMARY**  
**CASE NO. 06C226586**

02/22/2016	 Application to Proceed in Forma Pauperis Filed By: Defendant Martinez, Freddy
02/22/2016	 Filed Under Seal Filed By: Defendant Martinez, Freddy <i>Defendant's Certificate of Inmate's Institutional Account</i>
03/14/2016	 <b>Motion for Production of Transcript</b> (9:00 AM) (Judicial Officer: Delaney, Kathleen E.) <i>Defendant's Pro Per Motion for Production of Transcripts at State Expense</i>
03/22/2016	 Order Filed By: Plaintiff State of Nevada <i>Order Denying Defendant's Motion for Production of Transcripts at State Expense</i>
04/04/2016	 Application to Proceed in Forma Pauperis
04/04/2016	 Application to Proceed in Forma Pauperis <i>Certificate of Inmate's Institutional Account</i>
04/05/2016	 Motion Filed By: Defendant Martinez, Freddy <i>Motion for Appointment of Counsel</i>
04/05/2016	 Motion Filed By: Defendant Martinez, Freddy <i>Motion for Productio0n of Transcripts at State Expense</i>
04/05/2016	 Motion Filed By: Defendant Martinez, Freddy <i>Motion for Production of Transcripts at State Expense</i>
04/05/2016	 Motion Filed By: Defendant Martinez, Freddy <i>Motion for Production of Transcripts at State Expense</i>
04/07/2016	 Application to Proceed in Forma Pauperis <i>Certificate of Inmate's Institutional Account</i>
04/07/2016	 Application to Proceed in Forma Pauperis Filed By: Defendant Martinez, Freddy
04/08/2016	 Motion Filed By: Defendant Martinez, Freddy <i>Motion for Production of Transcripts at State Expense</i>
04/08/2016	 Motion Filed By: Defendant Martinez, Freddy <i>Motion for Production of Transcripts at State Expense</i>
04/08/2016	 Motion Filed By: Defendant Martinez, Freddy <i>Motion for Appointment of Counsel</i>

DEPARTMENT 25  
**CASE SUMMARY**  
**CASE NO. 06C226586**

04/13/2016	 NV Supreme Court Clerks Certificate/Judgment - Dismissed <i>Nevada Supreme Court Clerk's Certificate Judgment - Dismissed</i>
04/21/2016	 Notice of Appeal (criminal) Party: Defendant Martinez, Freddy <i>Notice of Appeal</i>
04/21/2016	 Motion Filed By: Defendant Martinez, Freddy <i>Motion to Appoint Counsel</i>
04/21/2016	 Application to Proceed in Forma Pauperis
04/21/2016	 Filed Under Seal <i>Certificate of Inmate's Institutional Account</i>
04/27/2016	<b>Motion</b> (9:00 AM) (Judicial Officer: Delaney, Kathleen E.) <i>Defendant's Pro Per Motion for Appointment of Counsel</i>
04/27/2016	<b>Motion for Production of Transcript</b> (9:00 AM) (Judicial Officer: Delaney, Kathleen E.) <i>Defendant's Pro Per Motion for Production of Transcripts at State Expense: Brady Declaration and Verbal Declaration of the Police Who Arrested Me in Mesquite, NV This Day of August 16, 2006</i>
04/27/2016	<b>Motion</b> (9:00 AM) (Judicial Officer: Delaney, Kathleen E.) <i>Defendant's Motion for Production of Transcripts at State Expense: Brady Transcripts of the Investigation of This Car, Ford Focus Nevada Plate 308TRL, Day of My Arrest August 16, 2006</i>
04/27/2016	<b>Motion for Production of Transcript</b> (9:00 AM) (Judicial Officer: Delaney, Kathleen E.) <i>Defendant's Motion for Production of Transcripts at State Expense: Brady Verbal Declaration of Bianca Maxima Hernandez with Detective Chavez, Arturo LVMPDP #4 048 and Goddard Blake LVMPDP #59 August 16, 2006</i>
05/02/2016	<b>Motion</b> (9:00 AM) (Judicial Officer: Delaney, Kathleen E.) <i>Defendant's Pro Per Motion for Production of Transcripts at State Expense: "Brady Declaration Transcripts" of the Mesquite Police Who Arrest Me This Day, August 16-2006; And the Brady of the Knife, 8-16-2006</i>
05/02/2016	<b>Motion</b> (9:00 AM) (Judicial Officer: Delaney, Kathleen E.) <i>Defendant's Pro Per Motion for Production of Transcripts at State Expense: "Brady Verbal Declaration" of Bianca-Marina, H. With Ms. Nyikos, Noreen, State of Nevada Attorney, This Day September 14, 2006 and Barr L. Mesquite Police, August 16, 2006</i>
05/02/2016	<b>Motion for Appointment of Attorney</b> (9:00 AM) (Judicial Officer: Delaney, Kathleen E.) <i>Defendant's Pro Per Motion for Appointment of Counsel</i>
05/16/2016	<b>Motion for Appointment of Attorney</b> (9:00 AM) (Judicial Officer: Delaney, Kathleen E.) Events: 04/21/2016 Motion <i>Defendant's Pro Per Motion to Appoint Counsel</i>

1 **ORDR**

2 DAVID ROGER  
3 Clark County District Attorney  
4 Nevada Bar #002781  
5 THOMAS M. CARROLL  
6 Chief Deputy District Attorney  
7 Nevada Bar #004232  
8 200 Lewis Avenue  
9 Las Vegas, Nevada 89155-2212  
10 (702) 671-2500  
11 Attorney for Plaintiff

7 DISTRICT COURT  
8 CLARK COUNTY, NEVADA

8 THE STATE OF NEVADA,

9 Plaintiff,

10 -vs-

11 FREDYS MARTINEZ, #1361243

12 Defendant.  
13

CASE NO: C226586

DEPT NO: XIV

14 **FINDINGS OF FACT, CONCLUSIONS OF**  
15 **LAW AND ORDER**

16 DATE OF HEARING: July 14, 2010  
17 TIME OF HEARING: 9:00 A.M.

18 THIS CAUSE having come on for hearing before the Honorable Donald Mosley,  
19 District Judge, on the 14 day of July, 2010, the Petitioner not being present, proceeding in  
20 forma pauperis, the Respondent being represented by DAVID ROGER, District Attorney, by  
21 and through Barbara Schifalacqua, Deputy District Attorney, and the Court having  
22 considered the matter, including briefs, transcripts, no arguments of counsel, and documents  
23 on file herein, now therefore, the Court makes the following findings of fact and conclusions  
24 of law:

25 FINDINGS OF FACT

26 1. On September 29, 2006, Fredys Martinez (hereinafter "Defendant") was  
27 charged by way of Grand Jury Indictment with: Count I – Burglary While in Possession of a  
28 Deadly Weapon (Felony – NRS 205.060); Count II – Battery with use of a Deadly Weapon

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CLERK OF THE COURT

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Findings of Fact, Conclusions of Law and C  
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1 (Felony – NRS 200.481); Count III – First Degree Kidnapping with use of a Deadly Weapon  
2 (Felony – NRS 200.310, 200.320, 193.165); and Count IV – Sexual Assault with use of a  
3 Deadly Weapon (Felony – NRS 200.364, 200.366, 193.165).

4 2. Defendant's jury trial began on April 11, 2007. On April 12, 2007, the jury  
5 found Defendant guilty of: Count I – Burglary while in Possession of a Weapon; Count II –  
6 Battery with use of a Deadly Weapon; and Count III – First Degree Kidnapping with use of a  
7 Deadly Weapon. The jury found Defendant not guilty of Count IV.

8 3. Defendant was present in court with counsel on May 24, 2007, and sentenced  
9 as follows: as to Count I – SIXTY (60) to ONE HUNDRED EIGHTY (180) months; as to  
10 Count II – FORTY-EIGHT (48) to ONE HUNDRED TWENTY (120) months, to run  
11 concurrently with Count I; and as to Count III – SIXTY (60) months to LIFE, plus an equal  
12 and consecutive term of SIXTY (60) months to LIFE for the use of a deadly weapon, the  
13 entire sentence to run concurrently to Counts I and II. Defendant was given two hundred  
14 eighty-one (281) days credit for time served.

15 4. Judgment of Conviction was filed on May 31, 2007. Defendant filed a Notice  
16 of Appeal on June 5, 2007. The Nevada Supreme Court affirmed Defendant's conviction on  
17 May 7, 2008. Remittitur issued on June 3, 2008.

18 5. On April 2, 2010, Defendant filed a motion for appointment of counsel. The  
19 State's opposition was filed on April 9, 2010. Defendant's motion was denied on April 14,  
20 2010, and the court's order was filed on April 24, 2010. Defendant filed a Notice of Appeal  
21 on April 22, 2010.

22 6. Defendant filed a Motion to Vacate his Judgment of Conviction on April 21,  
23 2010. The court denied Defendant's motion without requiring a response from the State on  
24 May 5, 2010. The court noted that Defendant should have filed a Writ of Habeas Corpus but  
25 such a petition would be time barred now anyway as Remittitur issued in his case in 2008.

26 7. Defendant subsequently filed a motion for an evidentiary hearing on May 13,  
27 2010, the State filed its opposition to the motion on May 21, 2010, and the motion was  
28 denied on May 26, 2010. On June 3, 2010, Defendant filed a notice of appeal.

1           8. Defendant filed the instant Petition for Writ of Habeas Corpus on April 30,  
2 2010. The State filed its Response on July 9, 2010.

3           9. On July 14 2010, the court held a hearing regarding Defendant's petition.  
4 Defendant was not present and the court did not entertain arguments from either party.

5           10. Defendant's Judgment of Conviction was filed on May 31, 2007. He filed a  
6 direct appeal on June 5, 2007. The Nevada Supreme Court ultimately dismissed Defendant's  
7 appeal and Remittitur issued on Tuesday, June 3, 2008.

8           11. Consequently, Defendant had until Wednesday, June 3, 2009, to file his post-  
9 conviction habeas petition.

10           12. Defendant filed the instant petition on April 30, 2010, almost one (1) year after  
11 deadline with which to file a post-conviction petition had passed.

12           13. Defendant's petition is extremely untimely and is time barred as outside the  
13 one-year time limitation.

14           14. A petition subject to procedural bars may be considered on its merits if good  
15 cause is shown.

16           15. Defendant pled no facts to explain the delay in filing his petition. Thus,  
17 Defendant has not demonstrated good cause to overcome the procedural bar.

#### 18                           CONCLUSIONS OF LAW

19           1. The mandatory provisions of NRS 34.726 state:

20                   Unless there is good cause shown for delay, a petition that  
21 challenges the validity of a judgment or sentence must be filed  
22 within 1 year after entry of the judgment of conviction or, if an  
23 appeal has been taken from the judgment, **within 1 year after**  
24 **the Supreme Court issues its Remittitur.** For the purposes of  
25 this subsection, good cause for delay exists if the petitioner  
demonstrates to the satisfaction of the court:

- 26                   (a) That the delay is not the fault of the petitioner; and  
27                   (b) That dismissal of the petition as untimely will unduly  
28 prejudice the petitioner. (Emphasis added).

26           2. The one year time bar is strictly construed. In Gonzales v. State, 118 Nev. 61,  
27 590 P.3d 901 (2002), the Nevada Supreme Court rejected a habeas petition that was filed  
28 two days late, pursuant to the "clear and unambiguous" mandatory provisions of NRS



1 34.726(1). Gonzales reiterated the importance of filing the petition with the district court  
2 within the one year mandate, absent a showing of "good cause" for the delay in filing.  
3 Gonzales, 53 P.3d at 902.

4 3. In State v. Eighth Judicial District Court, 121 Nev. 225, 112 P.3d 1070 (2005),  
5 the Nevada Supreme Court held as follows:

6 Given the untimely and successive nature of [defendant's]  
7 petition, the district court *had a duty imposed by law* to consider  
8 whether any or all of [defendant's] claims were barred under  
9 NRS 34.726, NRS 34.810, NRS 34.800, or by the law of the case  
10 . . . [and] the court's failure to make this determination here  
11 constituted an arbitrary and unreasonable exercise of discretion.

12 [Emphasis added.] 121 Nev. at 234. (See also State v. Haberstroh, 119 Nev. 173,  
13 180-81, 69 P.3d 676, 681-82 (2003) wherein the Nevada Supreme Court held that parties  
14 cannot stipulate to waive, ignore or disregard the mandatory procedural default rules nor can  
15 they empower a court to disregard them.) Thus, a Defendant's petition will not be considered  
16 on the merits if it is subject to the procedural bars and no good cause is shown. Id.

17 4. "In order to demonstrate good cause, a petitioner must show that an  
18 impediment external to the defense prevented him or her from complying with the state  
19 procedural default rules." Hathaway v. State, 119 Nev. 30, 71 P.3d 503, 506 (2003); citing  
20 Pellegrini v. State, 117 Nev. 860, 886-87, 34 P.3d 519, 537 (2001); Lozada v. State, 110  
21 Nev. 349, 353, 871 P.2d 944, 946 (1994); Passanisi v. Director, 105 Nev. 63, 769 P.2d 72  
22 (1989); see also Crump v. Warden, 113 Nev. 293, 295, 934 P.2d 247, 252 (1997); Phelps v.  
23 Director, 104 Nev. 656, 764 P.2d 1303 (1988).

24 5. Such an external impediment could be "that the factual or legal basis for a  
25 claim was not reasonably available to counsel, or that 'some interference by officials' made  
26 compliance impracticable." Hathaway, 71 P.3d at 506; quoting Murray v. Carrier, 477 U.S.  
27 478, 488, 106 S.Ct. 2639, 2645 (1986); see also Gonzales, 118 Nev. at 595, 53 P.3d at 904;  
28 citing Harris v. Warden, 114 Nev. 956, 959-60 n. 4, 964 P.2d 785 n. 4 (1998). Clearly, any  
delay in filing of the petition must not be the fault of the petitioner. NRS 34.726(1)(a).

6. In addition, to find good cause there must be a "substantial reason; one that

1 affords a legal excuse." Hathaway, 71 P.3d at 506; quoting Colley v. State, 105 Nev. 235,  
2 236, 773 P.2d 1229, 1230 (1989), quoting State v. Estencion, 625 P.2d 1040, 1042 (Haw.  
3 1981). The lack of the assistance of counsel when preparing a petition, and even the failure  
4 of trial counsel to forward a copy of the file to a petitioner, have been found to be non-  
5 substantial, not constituting good cause. See Phelps v. Director Nevada Department of  
6 Prisons, 104 Nev. 656, 660, 764 P.2d 1303 (1988); Hood v. State, 111 Nev. 335, 890 P.2d  
7 797 (1995).

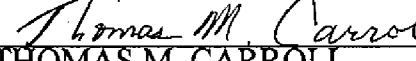
8 ORDER

9 THEREFORE, IT IS HEREBY ORDERED that the Petition for Writ of Habeas  
10 Corpus (Post-Conviction) shall be, and it is, hereby denied.

11 DATED this 13<sup>th</sup> day of September, 2010.

12   
13 DISTRICT JUDGE 8

14  
15 DAVID ROGER  
16 DISTRICT ATTORNEY  
17 Nevada Bar #002781

18 BY   
19 THOMAS M. CARROLL  
20 Chief Deputy District Attorney  
21 Nevada Bar #004232  
22  
23  
24  
25  
26  
27  
28

FILED

MAR 08 2011

*Alvin J. Blum*  
CLERK OF COURT

DISTRICT COURT  
CLARK COUNTY, NEVADA

FREDDY MARTINEZ,

Petitioner,

vs.

THE STATE OF NEVADA,

Respondent,

06C226586

NOED

Notice of Entry of Decision and Order  
1273886



Case No: 06C226586

Dept No: XIV

NOTICE OF ENTRY OF  
DECISION AND ORDER

PLEASE TAKE NOTICE that on January 21, 2011, the court entered a decision or order in this matter, a true and correct copy of which is attached to this notice.

You may appeal to the Supreme Court from the decision or order of this court. If you wish to appeal, you must file a notice of appeal with the clerk of this court within thirty-three (33) days after the date this notice is mailed to you. This notice was mailed on March 8, 2011.

STEVEN D. GRIERSON, CLERK OF THE COURT

By: *Heather Ungermann*  
Heather Ungermann, Deputy Clerk

CERTIFICATE OF MAILING

I hereby certify that on this 8 day of March 2011, I placed a copy of this Notice of Entry of Decision and Order in:

The bin(s) located in the Office of the District Court Clerk of:  
Clark County District Attorney's Office  
Attorney General's Office – Appellate Division

☒ The United States mail addressed as follows:

Freddy Martinez # 1003276  
P.O. Box 7000  
Carson City, NV 89702

Philip Kohn, Public Defender  
309 S. Third St., 2<sup>nd</sup> Flr.  
Las Vegas, NV 89101

*Heather Ungermann*  
Heather Ungermann, Deputy Clerk

1 **ORDR**

2 DAVID ROGER  
3 Clark County District Attorney  
4 Nevada Bar #002781  
5 THOMAS M. CARROLL  
6 Chief Deputy District Attorney  
7 Nevada Bar #004232  
8 200 Lewis Avenue  
9 Las Vegas, Nevada 89155-2212  
10 (702) 671-2500  
11 Attorney for Plaintiff

**FILED**

JAN 21 1 23 PM '11

*[Signature]*  
CLERK OF THE COURT

DISTRICT COURT  
CLARK COUNTY, NEVADA

8 THE STATE OF NEVADA,

9 Plaintiff,

10 -vs-

11 FREDYS MARTINEZ, #1361243

12 Defendant.

CASE NO: C226586

DEPT NO: XIV

14 **FINDINGS OF FACT, CONCLUSIONS OF**  
15 **LAW AND ORDER**

16 DATE OF HEARING: July 14, 2010

17 TIME OF HEARING: 9:00 A.M.

18 THIS CAUSE having come on for hearing before the Honorable Donald Mosley,  
19 District Judge, on the 14 day of July, 2010, the Petitioner not being present, proceeding in  
20 forma pauperis, the Respondent being represented by DAVID ROGER, District Attorney, by  
21 and through Barbara Schifalacqua, Deputy District Attorney, and the Court having  
22 considered the matter, including briefs, transcripts, no arguments of counsel, and documents  
23 on file herein, now therefore, the Court makes the following findings of fact and conclusions  
24 of law:

25 **FINDINGS OF FACT**

26 1. On September 29, 2006, Fredys Martinez (hereinafter "Defendant") was  
27 charged by way of Grand Jury Indictment with: Count I - Burglary While in Possession of a  
28 Deadly Weapon (Felony - NRS 205.060); Count II - Battery with use of a Deadly Weapon

CLERK OF THE COURT

1 (Felony – NRS 200.481); Count III – First Degree Kidnapping with use of a Deadly Weapon  
2 (Felony – NRS 200.310, 200.320, 193.165); and Count IV – Sexual Assault with use of a  
3 Deadly Weapon (Felony – NRS 200.364, 200.366, 193.165).

4 2. Defendant's jury trial began on April 11, 2007. On April 12, 2007, the jury  
5 found Defendant guilty of: Count I – Burglary while in Possession of a Weapon; Count II –  
6 Battery with use of a Deadly Weapon; and Count III – First Degree Kidnapping with use of a  
7 Deadly Weapon. The jury found Defendant not guilty of Count IV.

8 3. Defendant was present in court with counsel on May 24, 2007, and sentenced  
9 as follows: as to Count I – SIXTY (60) to ONE HUNDRED EIGHTY (180) months; as to  
10 Count II – FORTY-EIGHT (48) to ONE HUNDRED TWENTY (120) months, to run  
11 concurrently with Count I; and as to Count III – SIXTY (60) months to LIFE, plus an equal  
12 and consecutive term of SIXTY (60) months to LIFE for the use of a deadly weapon, the  
13 entire sentence to run concurrently to Counts I and II. Defendant was given two hundred  
14 eighty-one (281) days credit for time served.

15 4. Judgment of Conviction was filed on May 31, 2007. Defendant filed a Notice  
16 of Appeal on June 5, 2007. The Nevada Supreme Court affirmed Defendant's conviction on  
17 May 7, 2008. Remittitur issued on June 3, 2008.

18 5. On April 2, 2010, Defendant filed a motion for appointment of counsel. The  
19 State's opposition was filed on April 9, 2010. Defendant's motion was denied on April 14,  
20 2010, and the court's order was filed on April 24, 2010. Defendant filed a Notice of Appeal  
21 on April 22, 2010.

22 6. Defendant filed a Motion to Vacate his Judgment of Conviction on April 21,  
23 2010. The court denied Defendant's motion without requiring a response from the State on  
24 May 5, 2010. The court noted that Defendant should have filed a Writ of Habeas Corpus but  
25 such a petition would be time barred now anyway as Remittitur issued in his case in 2008.

26 7. Defendant subsequently filed a motion for an evidentiary hearing on May 13,  
27 2010, the State filed its opposition to the motion on May 21, 2010, and the motion was  
28 denied on May 26, 2010. On June 3, 2010, Defendant filed a notice of appeal.

1           8. Defendant filed the instant Petition for Writ of Habeas Corpus on April 30,  
2 2010. The State filed its Response on July 9, 2010.

3           9. On July 14 2010, the court held a hearing regarding Defendant's petition.  
4 Defendant was not present and the court did not entertain arguments from either party.

5           10. Defendant's Judgment of Conviction was filed on May 31, 2007. He filed a  
6 direct appeal on June 5, 2007. The Nevada Supreme Court ultimately dismissed Defendant's  
7 appeal and Remittitur issued on Tuesday, June 3, 2008.

8           11. Consequently, Defendant had until Wednesday, June 3, 2009, to file his post-  
9 conviction habeas petition.

10           12. Defendant filed the instant petition on April 30, 2010, almost one (1) year after  
11 deadline with which to file a post-conviction petition had passed.

12           13. Defendant's petition is extremely untimely and is time barred as outside the  
13 one-year time limitation.

14           14. A petition subject to procedural bars may be considered on its merits if good  
15 cause is shown.

16           15. Defendant pled no facts to explain the delay in filing his petition. Thus,  
17 Defendant has not demonstrated good cause to overcome the procedural bar.

18                           CONCLUSIONS OF LAW

19           1. The mandatory provisions of NRS 34.726 state:

20                   Unless there is good cause shown for delay, a petition that  
21 challenges the validity of a judgment or sentence must be filed  
22 within 1 year after entry of the judgment of conviction or, if an  
23 appeal has been taken from the judgment, **within 1 year after**  
24 **the Supreme Court issues it's Remittitur.** For the purposes of  
25 this subsection, good cause for delay exists if the petitioner  
demonstrates to the satisfaction of the court:

- 26                   (a) That the delay is not the fault of the petitioner; and  
27                   (b) That dismissal of the petition as untimely will unduly  
28 prejudice the petitioner. (Emphasis added).

26           2. The one year time bar is strictly construed. In Gonzales v. State, 118 Nev. 61,  
27 590 P.3d 901 (2002), the Nevada Supreme Court rejected a habeas petition that was filed  
28 two days late, pursuant to the "clear and unambiguous" mandatory provisions of NRS

1 34.726(1). Gonzales reiterated the importance of filing the petition with the district court  
2 within the one year mandate, absent a showing of "good cause" for the delay in filing.  
3 Gonzales, 53 P.3d at 902.

4 3. In State v. Eighth Judicial District Court, 121 Nev. 225, 112 P.3d 1070 (2005),  
5 the Nevada Supreme Court held as follows:

6 Given the untimely and successive nature of [defendant's]  
7 petition, the district court *had a duty imposed by law* to consider  
8 whether any or all of [defendant's] claims were barred under  
9 NRS 34.726, NRS 34.810, NRS 34.800, or by the law of the case  
... [and] the court's failure to make this determination here  
constituted an arbitrary and unreasonable exercise of discretion.

10 [Emphasis added.] 121 Nev. at 234. (See also State v. Haberstroh, 119 Nev. 173,  
11 180-81, 69 P.3d 676, 681-82 (2003) wherein the Nevada Supreme Court held that parties  
12 cannot stipulate to waive, ignore or disregard the mandatory procedural default rules nor can  
13 they empower a court to disregard them.) Thus, a Defendant's petition will not be considered  
14 on the merits if it is subject to the procedural bars and no good cause is shown. Id.

15 4. "In order to demonstrate good cause, a petitioner must show that an  
16 impediment external to the defense prevented him or her from complying with the state  
17 procedural default rules." Hathaway v. State, 119 Nev. 30, 71 P.3d 503, 506 (2003); citing  
18 Pellegrini v. State, 117 Nev. 860, 886-87, 34 P.3d 519, 537 (2001); Lozada v. State, 110  
19 Nev. 349, 353, 871 P.2d 944, 946 (1994); Passanisi v. Director, 105 Nev. 63, 769 P.2d 72  
20 (1989); see also Crump v. Warden, 113 Nev. 293, 295, 934 P.2d 247, 252 (1997); Phelps v.  
21 Director, 104 Nev. 656, 764 P.2d 1303 (1988).

22 5. Such an external impediment could be "that the factual or legal basis for a  
23 claim was not reasonably available to counsel, or that 'some interference by officials' made  
24 compliance impracticable." Hathaway, 71 P.3d at 506; quoting Murray v. Carrier, 477 U.S.  
25 478, 488, 106 S.Ct. 2639, 2645 (1986); see also Gonzales, 118 Nev. at 595, 53 P.3d at 904;  
26 citing Harris v. Warden, 114 Nev. 956, 959-60 n. 4, 964 P.2d 785 n. 4 (1998). Clearly, any  
27 delay in filing of the petition must not be the fault of the petitioner. NRS 34.726(1)(a).

28 6. In addition, to find good cause there must be a "substantial reason; one that

1 affords a legal excuse." Hathaway, 71 P.3d at 506; quoting Colley v. State, 105 Nev. 235,  
2 236, 773 P.2d 1229, 1230 (1989), quoting State v. Estencion, 625 P.2d 1040, 1042 (Haw.  
3 1981). The lack of the assistance of counsel when preparing a petition, and even the failure  
4 of trial counsel to forward a copy of the file to a petitioner, have been found to be non-  
5 substantial, not constituting good cause. See Phelps v. Director Nevada Department of  
6 Prisons, 104 Nev. 656, 660, 764 P.2d 1303 (1988); Hood v. State, 111 Nev. 335, 890 P.2d  
7 797 (1995).


8 ORDER

9 THEREFORE, IT IS HEREBY ORDERED that the Petition for Writ of Habeas  
10 Corpus (Post-Conviction) shall be, and it is, hereby denied.

11 DATED this 13<sup>th</sup> day of September, 2010.

12   
13 DISTRICT JUDGE 8

14  
15 DAVID ROGER  
16 DISTRICT ATTORNEY  
17 Nevada Bar #002781

18 BY   
19 THOMAS M. CARROLL  
20 Chief Deputy District Attorney  
21 Nevada Bar #004232  
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28



THE SEALED PORTION  
OF THESE MINUTES  
WILL FOLLOW VIA  
U.S. MAIL.

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****November 09, 2009**

06C226586

The State of Nevada vs Freddy Martinez

**November 09, 2009****9:00 AM****Motion****DEFT'S PRO PER  
MTN TO MAKE  
ADDITIONAL  
FUNDS Court Clerk:  
Linda Skinner  
Reporter/Recorder:  
Maureen Schorn  
Heard By: Donald  
Mosley****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**Chen, Alexander G.  
Frierson, Jason M.  
Public DefenderAttorney  
Attorney  
Attorney**JOURNAL ENTRIES**

- Court noted Defendant is in prison and not present today, that he gives no specifics and the time has passed for a Writ of Habeas Corpus. As the circumstances do not warrant, COURT ORDERED, Pro Per Motion DENIED.

NDC

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****April 14, 2010**

06C226586

The State of Nevada vs Freddy Martinez

**April 14, 2010****9:00 AM****Motion****DEFT'S PRO PER  
MTN FOR APPT OF  
CNSL/023 Relief  
Clerk: Roshonda  
Mayfield  
Reporter/Recorder:  
Maureen Schorn  
Heard By: Donald  
Mosley****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:** Carroll, Thomas M. Attorney**JOURNAL ENTRIES**

- Court advised, this is a pro per motion where the Deft. is requesting to have counsel appointed. Upon review it appears the writ is time barred and there is no need for appointment of counsel. Therefore, COURT ORDERED, motion DENIED.  
NDC

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****May 05, 2010**

06C226586

The State of Nevada vs Freddy Martinez

**May 05, 2010****9:00 AM****Motion to Vacate****DEFT'S PRO PER  
MOTION TO  
VACATE A  
J.O.C./24 Court  
Clerk: Linda Skinner  
Reporter/Recorder:  
Marcia Leonard  
Heard By: Donald  
Mosley****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Morton, Carrie A.

Attorney

**JOURNAL ENTRIES**

- Court noted Defendant is in prison and not present today. He went to trial in front of Judge Bell in 2007 and was found not guilty on Count 4 and incorrectly thinks all the counts should be stricken. Court stated this is the wrong vehicle, that he should have filed a Writ of Habeas Corpus, however, to file one now would be time barred as the Judgment of Conviction was signed in 2007. COURT ORDERED, Pro Per Motion DENIED.  
NDC

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****May 26, 2010**

06C226586

The State of Nevada vs Freddy Martinez

**May 26, 2010****9:00 AM****Motion****DEFT'S PRO PER  
MTN FOR AN  
EVIDENTIARY  
HEARING/26 Court  
Clerk: Linda Skinner  
Reporter/Recorder:  
Maureen Schorn  
Heard By: Donald  
Mosley****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:** Turner, Robert B.

Attorney

**JOURNAL ENTRIES**

- Court advised Defendant is in prison and not present today, that he is asking for an Evidentiary Hearing to decide the writ, however, this motion is premature. Court advised the Writ is set for 7/14 and on that date it will be decided if an Evidentiary Hearing is necessary and if one is, it will be set and Defendant will be transported for it. COURT ORDERED, matter OFF CALENDAR as it is premature.

NDC

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****July 14, 2010**

06C226586

The State of Nevada vs Freddy Martinez

**July 14, 2010****9:00 AM****Petition for Writ of Habeas  
Corpus****PTN FOR WRIT OF  
HABEAS CORPUS  
Court Clerk: Linda  
Skinner  
Reporter/Recorder:  
Maureen Schorn  
Heard By: Donald  
Mosley****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Schifalacqua, Barbara

Attorney

**JOURNAL ENTRIES**

- Court advised Defendant is in prison and not present today, that the Judgment of Conviction was filed on 6/3/08 and this Petition was filed on 4/30/10. Court stated it is extremely untimely with no good cause given. As this Court lacks jurisdiction, COURT ORDERED, DENIED.

NDC

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****August 09, 2010**

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06C226586

The State of Nevada vs Freddy Martinez

---

**August 09, 2010****9:00 AM****Motion for Appointment of  
Attorney****Pro Per's Motion for  
Appointment of  
Counsel****HEARD BY:** Mosley, Donald**COURTROOM:** RJC Courtroom 12B**COURT CLERK:** Linda Skinner  
Karina Kennedy**RECORDER:****REPORTER:** Maureen Schorn**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- The Court NOTED it was not sure what the Deft is asking for and there is no cause therefore, COURT ORDERED, Motion DENIED based on the merits this could be duplicative.

NDC

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****April 04, 2011**

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06C226586

The State of Nevada vs Freddy Martinez

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**April 04, 2011****9:00 AM****All Pending Motions****HEARD BY:** Mosley, Donald**COURTROOM:** RJC Courtroom 12B**COURT CLERK:** Linda Skinner**RECORDER:****REPORTER:** Bill Nelson**PARTIES****PRESENT:**Fattig, John T  
State of NevadaAttorney  
Plaintiff**JOURNAL ENTRIES**

- DEFT'S PRO PER MOTION FOR APPOINTMENT OF COUNSEL PURSUANT TO NRS  
34.750...DEFT'S PRO PER MOTION TO EXTEND PRISON COPYWORK LIMIT FOR

Court noted Defendant is in prison and not present today; that he is asking for counsel and wants the amount allotted for copies to be extended. Court advised it is not satisfied there is a need for the appointment of counsel and as to the latter, it should have been addressed by the Attorney General's Office, however, ORDERED, both Motions are DENIED.

NDC



**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****October 14, 2015**

06C226586

The State of Nevada vs Freddy Martinez

**October 14, 2015****9:00 AM****Motion for Order****Defendant's Pro Per  
Motion to Produce  
Prisoner Transcripts****HEARD BY:** Barker, David**COURTROOM:** RJC Courtroom 15C**COURT CLERK:** Andrea Natali**RECORDER:** Cheryl Carpenter**REPORTER:****PARTIES****PRESENT:**Moskal, Thomas J.  
State of NevadaAttorney  
Plaintiff**JOURNAL ENTRIES**

- Deft. not present. Court provided a summary of the Motion filed. COURT stated FINDINGS in that there was no jurisdiction over the federal hearing matters and ORDERED, motion DENIED.

NDC

CLERK'S NOTE: At the direction of the Court, on 10/15/15 a copy of the foregoing minute order was mailed to;

Freddy Martinez #1003276

1200 Prison Rd.

Lovelock, NV 89419

(10/15/15 amn).

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**December 28, 2015**

06C226586

The State of Nevada vs Freddy Martinez

**December 28, 2015      9:00 AM      All Pending Motions**

**HEARD BY:** Delaney, Kathleen E.

**COURTROOM:** RJC Courtroom 15A

**COURT CLERK:** Dania Batiste

**RECORDER:**

**REPORTER:** Brenda Schroeder

**PARTIES**

**PRESENT:** Burns, J Patrick      Attorney  
State of Nevada      Plaintiff

**JOURNAL ENTRIES**

- COURT ORDERED, no oral argument will be entertained for today's hearing, and ruled as follows:

As to Defendant's Pro Per Motion for Enlargement of Time (First Request):

COURT ORDERED, motion DENIED; as this motion appears to be related to Defendant's Federal Court proceedings.

As to Defendant's Pro Per Motion to the Court Asking Where Are the Records of My Criminal Case:

COURT ORDERED, motion DENIED WITHOUT PREJUDICE; as Defendant must be more specific as to what records he is seeking, if he plans to pursue some post-conviction proceedings; and why he would not be time-barred from doing so.

As to Defendant's Pro Per Motion for Production of Transcripts at State Expense:

COURT ORDERED, motion DENIED; as this motion appears to be related to Defendant's Federal Court proceedings.

As to Defendant's Pro Per Motion to Extend Prison Copywork Limit:

COURT ORDERED, motion DENIED; as this motion appears to be related to Defendant's Federal Court proceedings.

As to Defendant's Pro Per Motion for Appointment of Counsel:

COURT ORDERED, motion DENIED; as this motion appears to be related to Defendant's Federal Court proceedings.

As to Defendant's Pro Per Motion for Order of Delivery of Records:

COURT ORDERED, motion DENIED; as this motion appears to be related to Defendant's Federal Court proceedings.

As to Defendant's Pro Per Motion for Order to Produce Prison er Transcripts and Record:

COURT ORDERED, motion DENIED; as this motion appears to be related to Defendant's Federal Court proceedings.

NDC

CLERK'S NOTE: A copy of this Minute Order has been mailed to Defendant. /db 12.28.2015

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****March 14, 2016**

06C226586

The State of Nevada vs Freddy Martinez

**March 14, 2016****9:00 AM****Motion for Production of  
Transcript****HEARD BY:** Delaney, Kathleen E.**COURTROOM:** RJC Courtroom 15A**COURT CLERK:** Dania Batiste**RECORDER:****REPORTER:** Sharon Howard**PARTIES****PRESENT:**Palal, Binu G.  
State of NevadaAttorney  
Plaintiff**JOURNAL ENTRIES**

- Defendant not present, incarcerated in the Nevada Department of Corrections (NDC).

COURT NOTED Defendant is requesting a 911 call made by an individual in August 2006, however, it is not clear why Defendant wants or needs this information; therefore, COURT ORDERED, motion DENIED, as it is premature and has no purpose as to why it is necessary. State to prepare the order.

NDC

CLERK'S NOTE: A copy of this minute order has been mailed to Defendant. /db 3.15.2016

**GRAND JURY INDICTMENTS RETURNED IN OPEN COURT SEPTEMBER 29, 2006**  
**(From Grand Jury sessions held on September 28, 2006)**

**ACTING CHIEF JUDGE MICHAEL A. CHERRY**

**FOREPERSON VERN RATZLAFF**

**CHIEF DEPUTY DISTRICT ATTORNEY ERIC JORGENSEN**  
**DEPUTY DISTRICT ATTORNEY NOREEN NYIKOS**  
**DEPUTY DISTRICT ATTORNEY DANA ADAMS**  
**DEPUTY DISTRICT ATTORNEY TINA SEDLOCK**  
**DEPUTY DISTRICT ATTORNEY CHERYL KOSEWICZ**

**Defendant(s): MARTINEZ, FREDDY, aka Fredys A. Martinez**

*C226586*  
*VII*

**Case No(s): 05BGJ145X (Previously tracked into Dept. VII)**

**Charge(s):**  
**(1) COUNT - BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON**  
**(1) COUNT - BATTERY WITH USE OF A DEADLY WEAPON**  
**(1) COUNT - FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON**  
**(1) COUNT - SEXUAL ASSAULT WITH USE OF A DEADLY WEAPON**

**Def. Counsel(s): PUBLIC DEFENDER**

**WARRANT (IN-CUSTODY, THESE & OTHER CHARGES)**  
**- SET FELONY ARRAIGNMENT (1 WEEK DATE)**

**Exhibits:**  
**1. Proposed Indictment**  
**2. Photo**  
**3. Transcript 9-21-06**

**Exhibits 1-3, to be lodged with the Clerk of the Court.**

STATE 5

EXHIBITS

CASE NO. C226586

		OFFERED		ADMITTED	
		DATE	OBJ	DATE	
1	Photo				
2	Photo				
3					
4					
5					
6					
7					
8					
9					
10					
11					
12					
13					
14					
15	↓				
16	Photo (car)	4/11	no obj	4/11	
17	Photo (car w/ lic pl.)	11	"	11	
18	Photo (gas can)	11	"	11	
19	911 tape - NOT PROVIDED -				
20	buccal swabs (4)	4/11	no obj	4/11	
21	sex assault kit	11	11	11	

STATE 5

EXHIBITS

CASE NO. C226586

	OFFERED		ADMITTED	
	DATE	OBJ	DATE	
22 evidence bag containing CD				
22A surveillance CD				
23 evidence bag (victim's clothing):				
bra				
shorts				
shirt				
24 evidence bag (A's clothing)				
24A- shoes + socks (inside bag)				
24B- underwear (inside bag)				
24C shirt (gray + white)/tanktop (in bag)				
24D jeans/belt / baseball cap (bag)				
24E evidence envelope and contents (black folding knife)	4/11	mg obj	4/11	
25 Evidence bag				
25A Black + Gray Flip Flops				
26- Large Color Photograph	4/12	mg obj	4/12	
27- " " " "	11	11	11	

STATE'S EXHIBITS

CASE NO. C226586

[illegible]



## Court's EXHIBITS

CASE NO. C226586

[illegible]

# Certification of Copy

State of Nevada }  
County of Clark } SS:

I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full and correct copy of the hereinafter stated original document(s):

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT  
DOCKET ENTRIES; FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER; NOTICE OF  
ENTRY OF DECISION AND ORDER; DISTRICT COURT MINUTES; EXHIBITS LIST

STATE OF NEVADA,

Plaintiff(s),

vs.

FREDDY MARTINEZ  
AKA FREDYS A. MARTINEZ,

Defendant(s).

Case No: 06C226586

Dept No: XXV

now on file and of record in this office.

**IN WITNESS THEREOF**, I have hereunto  
Set my hand and Affixed the seal of the  
Court at my office, Las Vegas, Nevada  
This 25 day of April 2016.

Steven D. Grierson, Clerk of the Court

*Chaunte Pleasant*

Chaunte Pleasant, Deputy Clerk