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NOAS

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

Tracie K. Lindeman

CLERK OF THE COURT

Petitioner In Pro Se

Electronically Filed
Jul 08 2016 10:53 a.m.
Tracie K. Lindeman
Clerk of Supreme Court

DISTRICT COURT

CLARK COUNTY, NEVADA

* * * * *

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

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 6th day of June, 2016, in the above-
entitled Court.

Dated this 24 day of June, 2016.

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

Petitioner In Pro Se

RECEIVED

JUN 30 2016

CLERK OF THE COURT

RECEIVED

FORM 24.064 JUN 30 2016

CLERK OF THE COURT

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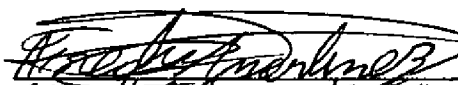
CERTIFICATE OF SERVICE

I do certify that I mailed a true and correct copy of the foregoing NOTICE OF APPEAL to the below address(es) on this

24 day of June, 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

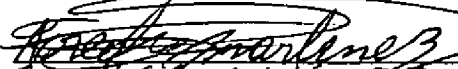

Fredys A. Martinez #1003276
Lovelock Correctional Center
1200 Prison Road
Lovelock, Nevada 89419

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 24 day of June, 2016.


Fredys A. Martinez #1003276

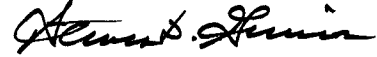
Petitioner In Pro Se

#1003276
Freddy 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

PRIVATE LEGAL
CONFIDENTIAL


CLERK OF THE COURT

ASTA

**IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE
STATE OF NEVADA IN AND FOR
THE COUNTY OF CLARK**

STATE OF NEVADA,

Plaintiff(s),

vs.

FREDDY MARTINEZ
AKA FREDYS A. MARTINEZ,

Defendant(s),

Case No: 06C226586

Dept No: XXV

CASE APPEAL STATEMENT

1. Appellant(s): Fredys A. Martinez

2. Judge: Kathleen E. Delaney

3. Appellant(s): Fredys A. Martinez

Counsel:

Fredys A. Martinez #1003276
1200 Prison Road
Lovelock, NV 89419

4. Respondent: The State of Nevada

Counsel:

Steven B. Wolfson, District Attorney
200 Lewis Ave.

Las Vegas, NV 89101
(702) 671-2700

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

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

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

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

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

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

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

Type of Judgment or Order Being Appealed: Writ of Habeas Corpus

11. Previous Appeal: Yes

Supreme Court Docket Number(s): 49608, 55890, 56153, 57197, 58023, 58050, 58215,
69277, 69596, 70244, 70641

12. Child Custody or Visitation: N/A

Dated This 1 day of July 2016.

Steven D. Grierson, Clerk of the Court

/s/ Chaunte Pleasant

Chaunte Pleasant, Deputy Clerk

200 Lewis Ave

PO Box 551601

Las Vegas, Nevada 89155-1601

(702) 671-0512

cc: Fredys A. Martinez

DEPARTMENT 25
CASE SUMMARY
CASE NO. 06C226586

The State of Nevada vs Freddy Martinez

§	Location:	Department 25
§	Judicial Officer:	Delaney, Kathleen E.
§	Filed on:	09/29/2006
§	Case Number History:	
§	Cross-Reference Case	C226586
§	Number:	
§	Defendant's Scope ID #:	1361243
§	Lower Court Case Number:	05GJ00145
§	Supreme Court No.:	56153
§		57197
§		58023
§		58050
§		58215
§		69277
§		69596
§		70244
§		70641

CASE INFORMATION

Offense	Deg	Date	Case Type:	Felony/Gross Misdemeanor
1. BURGLARY.	F	01/01/1900	Case Flags:	Appealed to Supreme Court Custody Status - Nevada Department of Corrections
2. BATTERY WITH USE OF A DEADLY WEAPON	F	01/01/1900		
3. KIDNAPPING IN FIRST DEGREE	F	01/01/1900		
3. KIDNAP WITH USE OF A DEADLY WEAPON	F	01/01/1900		
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











DEPARTMENT 25
CASE SUMMARY
CASE NO. 06C226586

Defendant **Martinez, Freddy**
Plaintiff **State of Nevada**



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

DATE	EVENTS & ORDERS OF THE COURT	INDEX
01/01/1900	Plea (Judicial Officer: User, Conversion) 1. BURGLARY. Not Guilty PCN: Sequence:	
01/01/1900	Plea (Judicial Officer: User, Conversion) 2. BATTERY WITH USE OF A DEADLY WEAPON Not Guilty PCN: Sequence:	
01/01/1900	Plea (Judicial Officer: User, Conversion) 3. KIDNAPPING IN FIRST DEGREE Not Guilty PCN: Sequence:	
01/01/1900	Plea (Judicial Officer: User, Conversion) 3. KIDNAP WITH USE OF A DEADLY WEAPON Not Guilty PCN: Sequence:	
01/01/1900	Plea (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	Plea (Judicial Officer: User, Conversion) 4. SEXUAL ASSAULT Not Guilty PCN: Sequence:	
01/01/1900	Plea (Judicial Officer: User, Conversion) 4. SEXUAL ASSUALT Not Guilty PCN: Sequence:	
01/01/1900	Plea (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	Grand Jury Indictment (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	Initial Arraignment (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	Calendar Call (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	CANCELED Jury Trial (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	Calendar Call (8:30 AM) <i>CALENDAR CALL</i>
11/30/2006	Motion to Compel (8:30 AM) Events: 11/17/2006 Motion <i>DEFT'S MTN TO COMPEL DISCLOSURE/10 Heard By: Stewart Bell</i>
11/30/2006	All Pending Motions (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	CANCELED Jury Trial (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	CANCELED Calendar Call (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	Jury Trial (9:30 AM) <i>TRIAL BY JURY VO 12/22/06</i>
01/25/2007	Jury Trial (8:30 AM) <i>TRIAL BY JURY VO 12/22/06</i>
01/25/2007	Calendar Call (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	CANCELED Jury Trial (8:30 AM) <i>Vacated</i>
01/30/2007	Entry of Plea (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	Entry of Plea (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	Calendar Call (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	Overflow (9:00 AM) <i>OVERFLOW (24) NYIKOS / BATEMAN / HAMERS 2 DAYS / 8-10 WITNESSES/ NO OUT OF STATE Court Clerk: Teri Braegelmann Reporter/Recorder: Renee Vincent</i>

DEPARTMENT 25
CASE SUMMARY
CASE NO. 06C226586

	<i>Heard By: Stewart Bell</i>
04/09/2007	CANCELED Jury Trial (10:00 AM) <i>Vacated</i>
04/11/2007	Jury Trial (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	 Jury List <i>JURY LIST</i>
04/12/2007	Jury Trial (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	 Amended Jury List <i>AMENDED JURY LIST</i>
04/12/2007	 Instructions to the Jury <i>INSTRUCTIONS TO THE JURY (INSTRUCTION NO. 1)</i>
04/12/2007	 Judgment <i>VERDICT</i>
04/12/2007	Judgment Filed By: Defendant Martinez, Freddy <i>VERDICT (COUNT 4)</i>
04/12/2007	Disposition (Judicial Officer: User, Conversion) 4. SEXUAL ASSAULT Not Guilty PCN: Sequence:
04/12/2007	Disposition (Judicial Officer: User, Conversion) 4. SEXUAL ASSUALT Not Guilty PCN: Sequence:
04/12/2007	Disposition (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	 Proposed Jury Instructions Not Used At Trial <i>PROPOSED JURY INSTRUCTIONS NOT USED AT TRIAL</i>
05/14/2007	 PSI <i>Pre-Sentence Investigation Report (Unfiled) Confidential</i>
05/24/2007	Sentencing (8:30 AM) Events: 04/12/2007 Conversion Case Event Type

DEPARTMENT 25
CASE SUMMARY
CASE NO. 06C226586

*SENTENCING Court Clerk: Tina Hurd Reporter/Recorder: Renee Vincent Court
Interpreter: Guillermo Palomo Heard By: Stewart Bell*

05/24/2007	Disposition (Judicial Officer: User, Conversion) 1. BURGLARY. Guilty PCN: Sequence:
05/24/2007	Disposition (Judicial Officer: User, Conversion)
05/24/2007	Disposition (Judicial Officer: User, Conversion) 2. BATTERY WITH USE OF A DEADLY WEAPON Guilty PCN: Sequence:
05/24/2007	Disposition (Judicial Officer: User, Conversion)
05/24/2007	Disposition (Judicial Officer: User, Conversion) 3. KIDNAPPING IN FIRST DEGREE Guilty PCN: Sequence:
05/24/2007	Disposition (Judicial Officer: User, Conversion)
05/24/2007	Disposition (Judicial Officer: User, Conversion) 3. KIDNAP WITH USE OF A DEADLY WEAPON Guilty PCN: Sequence:
05/24/2007	Disposition (Judicial Officer: User, Conversion) 3. USE OF A DEADLY WEAPON OR TEAR GAS IN COMMISSION OF A CRIME. Guilty PCN: Sequence:
05/24/2007	Sentence (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	Sentence (Judicial Officer: User, Conversion) 2. BATTERY WITH USE OF A DEADLY WEAPON Adult Adjudication Converted Disposition: Sentence# 0001: Minimum 48 Months to Maximum 120 Months

DEPARTMENT 25
CASE SUMMARY
CASE NO. 06C226586

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

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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	Motion (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	Motion (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	Motion to Vacate (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	Motion (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	Petition for Writ of Habeas Corpus (9:00 AM) 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	 Motion for Appointment of Attorney (9:00 AM) (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	Motion (9:00 AM) (Judicial Officer: Mosley, Donald) Events: 03/25/2011 Motion <i>Motion for Appointment of Counsel</i>
04/04/2011	Motion (9:00 AM) (Judicial Officer: Mosley, Donald) Events: 03/25/2011 Motion <i>Motion to Extend Prison Copywork Limit</i>
04/04/2011	 All Pending Motions (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	 Motion for Order (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	Motion (9:00 AM) (Judicial Officer: Delaney, Kathleen E.) <i>Defendant's Pro Per Motion for Enlargement of Time (First Request)</i>
12/28/2015	Motion (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	Motion (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	Motion (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 **Motion** (9:00 AM) (Judicial Officer: Delaney, Kathleen E.)
Defendant's Pro Per Motion for Appointment of Counsel


12/28/2015 **Motion** (9:00 AM) (Judicial Officer: Delaney, Kathleen E.)
Defendant's Pro Per Motion for Order of Delivery of Records


12/28/2015 **Motion** (9:00 AM) (Judicial Officer: Delaney, Kathleen E.)
Defendant's Pro Per Motion for Order to Produce Prisoner Transcripts and Record


12/28/2015  **All Pending Motions** (9:00 AM) (Judicial Officer: Delaney, Kathleen E.)


01/11/2016  **Order**
Filed By: Plaintiff State of Nevada
Order Denying Defendant's Multiple Motions

01/12/2016  **Notice of Appeal** (criminal)
Notice of Appeal


01/13/2016  **Case Appeal Statement**
Filed By: Defendant Martinez, Freddy
Case Appeal Statement


02/01/2016  **Notice of Appeal** (criminal)
Party: Defendant Martinez, Freddy
Notice of Appeal

02/01/2016  **Motion**
Filed By: Defendant Martinez, Freddy
Motion to Appoint Counsel


02/01/2016  **Motion**
Filed By: Defendant Martinez, Freddy
Motion for Order Directing Clerk to Issue Presentence 911 Investigation Report to Defendant

02/01/2016  **Filed Under Seal**
Filed Under Seal - Certificate of Inmate's Institutional Account
















02/01/2016  **Filed Under Seal**
Filed Under Seal - Application to Proceed in Forma Pauperis

02/02/2016  **Case Appeal Statement**
Filed By: Defendant Martinez, Freddy
Case Appeal Statement









02/11/2016  **NV Supreme Court Clerks Certificate/Judgment - Dismissed**
Nevada Supreme Court Clerk's Certificate Judgment - Dismissed

02/22/2016  **Motion**
Filed By: Defendant Martinez, Freddy
Motion for Production of Transcripts at State Expense













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	 Motion for Production of Transcript (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>
04/25/2016	 Case Appeal Statement
04/27/2016	Motion (9:00 AM) (Judicial Officer: Delaney, Kathleen E.) 04/27/2016, 05/02/2016 <i>Defendant's Pro Per Motion for Appointment of Counsel</i>
04/27/2016	Motion for Production of Transcript (9:00 AM) (Judicial Officer: Delaney, Kathleen E.) 04/27/2016, 05/02/2016 <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	Motion (9:00 AM) (Judicial Officer: Delaney, Kathleen E.) 04/27/2016, 05/02/2016 <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	Motion for Production of Transcript (9:00 AM) (Judicial Officer: Delaney, Kathleen E.) 04/27/2016, 05/02/2016 <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>
04/27/2016	 All Pending Motions (9:00 AM) (Judicial Officer: Delaney, Kathleen E.)
05/02/2016	Motion (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	Motion (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	Motion for Appointment of Attorney (9:00 AM) (Judicial Officer: Delaney, Kathleen E.) <i>Defendant's Pro Per Motion for Appointment of Counsel</i>
05/02/2016	 All Pending Motions (9:00 AM) (Judicial Officer: Delaney, Kathleen E.)

DEPARTMENT 25
CASE SUMMARY
CASE NO. 06C226586

05/05/2016	 Motion for Appointment of Attorney Filed By: Defendant Martinez, Freddy <i>Motion for Appointment of Counsel</i>
05/05/2016	 Motion Filed By: Defendant Martinez, Freddy <i>Motion of "Miscarriage" of the Court of District Court Clark County, Nevada</i>
05/05/2016	 Application to Proceed in Forma Pauperis Filed By: Defendant Martinez, Freddy
05/16/2016	 Order Filed By: Plaintiff State of Nevada <i>Order Denying Defendant's Multiple Motions</i>
05/16/2016	CANCELED Motion for Appointment of Attorney (9:00 AM) (Judicial Officer: Delaney, Kathleen E.) <i>Vacated</i> <i>Defendant's Pro Per Motion to Appoint Counsel</i>
05/31/2016	 Motion Filed By: Defendant Martinez, Freddy <i>Motion for Appointment of Counsel</i>
05/31/2016	 Motion Filed By: Defendant Martinez, Freddy <i>Motion for Production of Transcripts at State Expense</i>
05/31/2016	 Motion Filed By: Defendant Martinez, Freddy <i>Motion for Production of Transcripts at State Expense</i>
05/31/2016	 Application to Proceed in Forma Pauperis Filed By: Defendant Martinez, Freddy
05/31/2016	 Filed Under Seal Filed By: Defendant Martinez, Freddy <i>Certificate of Inmate's Institutional Account</i>
06/01/2016	Motion (9:00 AM) (Judicial Officer: Delaney, Kathleen E.) <i>Defendant's Pro Per Motion for Appointment of Counsel</i>
06/01/2016	Motion (9:00 AM) (Judicial Officer: Delaney, Kathleen E.) <i>Defendant's Pro Per Motion of "Miscarriage" of the Court of District Court Clark County, Nevada</i>
06/01/2016	 All Pending Motions (9:00 AM) (Judicial Officer: Delaney, Kathleen E.)
06/02/2016	 Motion Filed By: Defendant Martinez, Freddy <i>Motion for Production of Transcripts at State Expense</i>
06/07/2016	 Order Filed By: Plaintiff State of Nevada

CASE SUMMARY**CASE NO. 06C226586**

Order Denying Defendant's Pro Per Motion for Appointment of Counsel and Defendant's Pro Per Motion of "Miscarriage" of the Court of District Court Clark County, Nevada

06/17/2016	 Motion for Appointment of Attorney Filed By: Defendant Martinez, Freddy <i>Motion to Appoint Counsel</i>
06/17/2016	 Notice of Appeal (criminal)
06/17/2016	 Application to Proceed in Forma Pauperis
06/17/2016	 Filed Under Seal <i>Certificate of Inmate's Institutional Account</i>
06/21/2016	 Case Appeal Statement
06/22/2016	Motion (9:00 AM) (Judicial Officer: Delaney, Kathleen E.) 06/22/2016, 06/27/2016, 07/20/2016 <i>Defendant's Pro Per Motion for Production of Transcripts at State Expense</i>
06/22/2016	Motion (9:00 AM) (Judicial Officer: Delaney, Kathleen E.) 06/22/2016, 06/27/2016, 07/20/2016 <i>Defendant's Pro Per Motion for Production of Transcripts at State Expense</i>
06/22/2016	 All Pending Motions (9:00 AM) (Judicial Officer: Delaney, Kathleen E.)
06/27/2016	Motion (9:00 AM) (Judicial Officer: Delaney, Kathleen E.) 06/27/2016, 07/20/2016 <i>Defendant's Pro Per Motion for Production of Transcripts at State Expense (Declaration of Jose Castillo)</i>
06/27/2016	Motion (9:00 AM) (Judicial Officer: Delaney, Kathleen E.) <i>Defendant's Motion to Appoint Counsel</i>
06/27/2016	 All Pending Motions (9:00 AM) (Judicial Officer: Delaney, Kathleen E.)
06/28/2016	 Order to Proceed In Forma Pauperis <i>Order to Proceed in Forma Pauperis</i>
06/30/2016	 Notice of Appeal (criminal) Party: Defendant Martinez, Freddy <i>Notice of Appeal</i>
07/01/2016	 Case Appeal Statement
07/20/2016	Confirmation of Counsel (9:00 AM) (Judicial Officer: Delaney, Kathleen E.) <i>Confirmation of Counsel (D. Christensen, Esq.)</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
FILED

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[Signature]
CLERK OF COURT

06C226586

FFCO

Findings of Fact, Conclusions of Law and C
1179105



DISTRICT COURT
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

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.

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

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

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

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

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

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

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

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

CONCLUSIONS OF LAW

1. The mandatory provisions of NRS 34.726 state:

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

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

2. The one year time bar is strictly construed. In Gonzales v. State, 118 Nev. 61, 590 P.3d 901 (2002), the Nevada Supreme Court rejected a habeas petition that was filed 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).

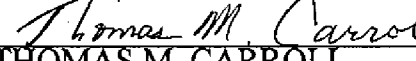
8 ORDER

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 13th 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., 2nd 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

CLEAR COURT

7 DISTRICT COURT
8 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

RECEIVED
JAN 21 2011
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 13th 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
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28


CLERK OF THE COURT

ORDER
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
HETTY O. WONG
Chief Deputy District Attorney
Nevada Bar #11324
200 Lewis Avenue
Las Vegas, NV 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

FREDDY MARTINEZ, aka,
Fredys A. Martinez, #1361243

Defendant.

CASE NO: 06C226586

DEPT NO: XXV

ORDER DENYING DEFENDANT'S PRO PER MOTION FOR APPOINTMENT OF
COUNSEL AND DEFENDANT'S PRO PER MOTION OF "MISCARRIAGE" OF THE
COURT OF DISTRICT COURT CLARK COUNTY, NEVADA

DATE OF HEARING: JUNE 1, 2016
TIME OF HEARING: 9:00 A.M.

THIS MATTER having come on for hearing before the above entitled Court on the 1st
day of June, 2016, the Defendant not being present, incarcerated in the Nevada Department
of Corrections (NDC), also present BENARD H. LITTLE, Deputy Public Defender, the
Plaintiff being represented by STEVEN B. WOLFSON, District Attorney, through HETTY
O. WONG, Chief Deputy District Attorney, noting no oral argument will be entertained for
today's hearing, and good cause appearing therefor,

///

///

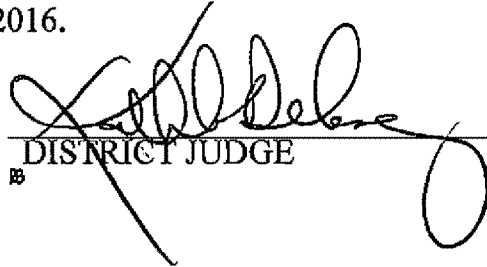
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JUN 03 2016


1 IT IS HEREBY ORDERED that the Defendant's Pro Per Motion for Appointment of
2 Counsel, shall be, and it is DENIED WITHOUT PREJUDICE, as there is nothing file, no
3 argument, no reason to consider said motion.

4 IT IS HEREBY ORDERED that the Defendant's Pro Per Motion of the Court of
5 District Court Clark County, Nevada: COURT ORDERED, motion DENIED WITHOUT
6 PREJUDICE, as it is vague and impossible for the Court to consider it

7 DATED this 6th day of June, 2016.

8 
9 DISTRICT JUDGE


10 STEVEN B. WOLFSON
11 Clark County District Attorney
Nevada Bar #001565

12 BY 
13 BETTY O. WONG
14 Chief Deputy District Attorney
15 Nevada Bar #11324

16
17
18 CERTIFICATE OF MAILING

19 I hereby certify that service of the above and foregoing was made this 7th day of
20 June, 2016, by depositing a copy in the U.S. Mail, postage pre-paid, addressed to:

21 FREDDY MARTINEZ #1003276
22 LOVELOCK CORRECTIONAL CENTER
23 1200 PRISON RD
LOVELOCK, NV 89419

24 BY 
25 R. JACKSON
26 Secretary for the District Attorney's Office

27
28 06F15924X;rmj/L-4

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 Defender

Attorney
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**

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**

06C226586

The State of Nevada vs Freddy Martinez

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
State of Nevada

Attorney
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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****April 27, 2016**

06C226586

The State of Nevada vs Freddy Martinez

April 27, 2016**9:00 AM****All Pending Motions****HEARD BY:** Delaney, Kathleen E.**COURTROOM:** RJC Courtroom 15A**COURT CLERK:** Dania Batiste**RECORDER:****REPORTER:** Sharon Howard**PARTIES****PRESENT:**Merback, William J.
State of NevadaAttorney
Plaintiff**JOURNAL ENTRIES**

- DEFENDANT'S PRO PER MOTION FOR APPOINTMENT OF COUNSEL.....DEFENDANT'S PRO PER MOTION FOR PRODUCTION OF TRANSCRIPTS AT STATE EXPENSE: "BRADY DECLARATION & VERBAL DECLARATION" OF THE POLICE WHO ARRESTED ME IN MESQUITE, NV THIS DAY AUGUST 16-2006.....DEFENDANT'S PRO PER MOTION FOR PRODUCTION OF TRANSCRIPTS AT STATE EXPENSE: "BRADY S TRANSCRIPTS" OF THE INVESTIGATION OF THIS CAR, FORD FOCUS NEVADA PLATE 308TRL, DAY OF MY ARREST AUGUST 16-2006.....DEFENDANT'S PRO PER MOTION FOR PRODUCTION OF TRANSCRIPTS AT STATE EXPENSE: "BRADY VERBAL DECLARATION" OF BIANCA MARINA HERNANDES WITH DETECTIVE CHAVEZ, ARTURO LVMPDP #4048 AND GODDARD BLAKE, LVMPDP #59, AUGUST 16-2006

Due to the Court's schedule, matter CONTINUED to the next available calendar.

06C226586

NDC

Continued to: 5/2/2016 9:00 am

CLERK'S NOTE: A copy of this Minute Order has been mailed to Defendant. /db 4.27.2016

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****May 02, 2016**

06C226586

The State of Nevada vs Freddy Martinez

May 02, 2016**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:**Overly, Sarah
State of NevadaAttorney
Plaintiff**JOURNAL ENTRIES**

- 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.....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.....DEFENDANT S PRO PER MOTION FOR APPOINTMENT OF COUNSEL.....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.....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.....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

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

COURT NOTED, in looking at the history of this case, Defendant has filed prior habeas petitions and appeals that have been denied, additionally, it is not clear the motions regarding transcripts are requesting transcripts or court documents. COURT FURTHER NOTED, Motions DENIED WITHOUT PREJUDICE, as they are time-barred and successive; FURTHER, Defendant has not shown any basis why he is entitled to counsel; May 16th hearing regarding Defendant's Pro Per Motion for Appointment of Counsel VACATED. State to prepare one order.

NDC

CLERK'S NOTE: A copy of this Minute Order has been mailed to Defendant. /db 5.3.2016

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****June 01, 2016**

06C226586

The State of Nevada vs Freddy Martinez

June 01, 2016**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:**Little, Benard H
State of Nevada
Wong, Hetty O.Attorney
Plaintiff
Attorney**JOURNAL ENTRIES**

- DEFENDANT'S PRO PER MOTION FOR APPOINTMENT OF COUNSEL.....DEFENDANT'S PRO PER MOTION OF "MISCARRIAGE" OF THE COURT OF DISTRICT COURT CLARK COUNTY, NEVADA

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

Noting no oral argument will be entertained for today's hearing, COURT ruled as follows: Defendant's Pro Per Motion for Appointment of Counsel is DENIED WITHOUT PREJUDICE, as there is nothing file, no argument, no reason to consider said motion. As to Defendant's Pro Per Motion of "Miscarriage" of the Court of District Court Clark County, Nevada: COURT ORDERED, motion DENIED WITHOUT PREJUDICE, as it is vague and impossible for the Court to consider it. State to prepare the orders.

06C226586

NDC

CLERK'S NOTE: A copy of this minute order has been mailed to Defendant. /db 6.2.2016

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****June 22, 2016**

06C226586

The State of Nevada vs Freddy Martinez

June 22, 2016**9:00 AM****All Pending Motions****HEARD BY:** Delaney, Kathleen E.**COURTROOM:** RJC Courtroom 15A**COURT CLERK:** Dania Batiste**RECORDER:****REPORTER:** Sharon Howard**PARTIES****PRESENT:**Albritton, Alicia A.
State of NevadaAttorney
Plaintiff**JOURNAL ENTRIES**

- DEFENDANT'S PRO PER MOTION FOR PRODUCTION OF TRANSCRIPTS AT STATE EXPENSE (CLOTHES AND FOOTWEAR).....DEFENDANT'S PRO PER MOTION FOR PRODUCTION OF TRANSCRIPTS AT STATE EXPENSE (FULLER CLAYTON, M.D.)

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

Due to the Court's scheduled, matter CONTINUED to the June 27th, to be heard with Defendant's other pro per motions.

NDC

Continued to: 6/27/2016

9:00 am

CLERK'S NOTE: A copy of this Minute Order has been mailed to Defendant. /db 6.22.2016

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****June 27, 2016**

06C226586

The State of Nevada vs Freddy Martinez

June 27, 2016**9:00 AM****All Pending Motions****HEARD BY:** Delaney, Kathleen E.**COURTROOM:** RJC Courtroom 15A**COURT CLERK:** Dania Batiste**RECORDER:****REPORTER:** JoAnn Melendez**PARTIES****PRESENT:**Overly, Sarah
State of NevadaAttorney
Plaintiff**JOURNAL ENTRIES**

- DEFENDANT'S PRO PER MOTION FOR PRODUCTION OF TRANSCRIPTS AT STATE'S EXPENSE (DECLARATION OF JOSE CASTILLO).....DEFENDANT'S PRO PER MOTION FOR PRODUCTION OF TRANSCRIPTS AT STATE EXPENSE.....DEFENDANT'S PRO PER MOTION FOR PRODUCTION OF TRANSCRIPTS AT STATE EXPENSE

COURT NOTED it has signed and will be sending Defendant the approval of his order to proceed in forma pauperis.

COURT ORDERED, Defendant's Pro Per Motion to Appoint Counsel calendared for July 11th will be ADVANCED to today, and GRANTED; matter SET for Confirmation of Counsel for Drew Christensen, Esq.'s office to determine how the new attorney wishes to proceed. COURT FURTHER ORDERED, today's motions CONTINUED.

NDC

7/20/2016 9:00 am Confirmation of Counsel (D. Christensen, Esq.)...Deft's Pro Per Motions

PRINT DATE: 07/01/2016

Page 39 of 40

Minutes Date: September 29, 2006

06C226586

for Production of Transcripts

CLERK'S NOTE: A copy of this Minute Order has been electronically mailed to Drew Christensen, Esq.; and mailed to Defendant at the Nevada Department of Corrections (NDC) /db 6.29.2016

**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]



EIGHTH JUDICIAL DISTRICT COURT CLERK'S OFFICE
NOTICE OF DEFICIENCY
ON APPEAL TO NEVADA SUPREME COURT

FREDYS A. MARTINEZ #1003276
1200 PRISON ROAD
LOVELOCK, NV 89419

DATE: July 1, 2016
CASE: 06C226586

RE CASE: STATE OF NEVADA vs. FREDDY MARTINEZ aka FREDYS A. MARTINEZ

NOTICE OF APPEAL FILED: June 30, 2016

YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.

PLEASE NOTE: DOCUMENTS NOT TRANSMITTED HAVE BEEN MARKED:

☐

Case Appeal Statement

- NRAP 3 (a)(1), Form 2

☐

Order

☒

Notice of Entry of Order (RE: Order Denying Defendant's Pro Per Motion for Appointment of Counsel and Defendant's Pro Per Motion of "Miscarriage" of the Court of District Court Clark County, Nevada)

NEVADA RULES OF APPELLATE PROCEDURE 3 (a) (3) states:

"The district court clerk must file appellant's notice of appeal despite perceived deficiencies in the notice, including the failure to pay the district court or Supreme Court filing fee. **The district court clerk shall apprise appellant of the deficiencies in writing**, and shall transmit the notice of appeal to the Supreme Court in accordance with subdivision (e) of this Rule with a notation to the clerk of the Supreme Court setting forth the deficiencies. Despite any deficiencies in the notice of appeal, the clerk of the Supreme Court shall docket the appeal in accordance with Rule 12."

Please refer to Rule 3 for an explanation of any possible deficiencies.

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; ORDER DENYING DEFENDANT'S PRO PER MOTION FOR APPOINTMENT OF COUNSEL AND DEFENDANT'S PRO PER MOTION OF "MISCARRIAGE" OF THE COURT OF DISTRICT COURT CLARK COUNTY, NEVADA; DISTRICT COURT MINUTES; EXHIBITS LIST; NOTICE OF DEFICIENCY

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 1 day of July 2016.

Steven D. Grierson, Clerk of the Court

Chaunte Pleasant

Chaunte Pleasant, Deputy Clerk