

Code: 2515  
VICTORIA T. OLDENBURG  
OLDENBURG LAW OFFICE  
P.O. Box 17422  
Reno, Nevada 89511  
Telephone: (775) 971-4245  
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Attorney for Petitioner Kupaa Kea

Electronically Filed  
May 12 2017 08:44 a.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

KUPAA KEA,

Petitioner,

Case No.: CR12-0110

vs.

Dept. No.: 9

STATE OF NEVADA,

Respondent.

**NOTICE OF APPEAL**

Notice is hereby given that Petitioner/Appellant Kupaa Kea hereby appeals to the Supreme Court of Nevada from this Court's Order Denying Petition and Supplemental Petition for Writ of Habeas Corpus (Post-Conviction), entered on April 5, 2017.

**AFFIRMATION PURSUANT TO NRS 239B.030**

The undersigned does hereby affirm that this Notice of Appeal does not contain the Social Security Number of any person.

DATED THIS 8<sup>th</sup> day of May, 2017.

By: /s/ Victoria T. Oldenburg  
Victoria T. Oldenburg  
Nevada Bar No. 4770  
Oldenburg Law Office  
P.O. Box 17422  
Reno, NV 89511  
(775) 971-4245  
Attorney for Petitioner

1 **CERTIFICATE OF SERVICE**

2

3 **CASE NUMBER: CR12-0110**

4 I, Victoria T. Oldenburg, hereby declare and state as follows:

5 I am over the age of eighteen years, a member of Oldenburg Law Office in the County of

6 Washoe, State of Nevada, and I am not a party to this action.

7 On the 8<sup>th</sup> day of May, 2017, I electronically filed the foregoing with the Clerk of the

8 Court system which will send a notice of electronic filing to the following:

9 Terrance P. McCarthy

10 Chief Appellate Deputy

11 Washoe County District Attorney's Office

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13

14 /s/ Victoria T. Oldenburg

15 Victoria T. Oldenburg

16 Nevada Bar No. 4770

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Code: 1310  
VICTORIA T. OLDENBURG  
OLDENBURG LAW OFFICE  
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Attorney for Petitioner Kupaa Kea

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

KUPAA KEA,

Petitioner,

Case No.: CR12-0110

vs.

Dept. No.: 9

STATE OF NEVADA,

Respondent.

**CASE APPEAL STATEMENT**

1. Appellant is Kupaa.
2. This appeal is from the Order Denying Petition and Supplemental Petition for Writ of Habeas Corpus (Post-Conviction) by the Honorable Scott N. Freeman.
3. Counsel for the Appellant: Victoria T. Oldenburg, P.O. Box 17422, Reno, Nevada, 89511 (775) 971-4245.
4. Counsel for the Respondent: the Washoe County District Attorney's Office, One South Sierra Street, Reno, Nevada 89501 (775) 337-5751.
5. N/A
6. Appellant was represented by appointed counsel in District Court.
7. Appellant is represented by appointed counsel on appeal.
8. Not applicable.
9. Proceeding commenced by the filing of an Information on January 23, 2012.

1           10.     This is a criminal proceeding and the Appellant is appealing the Order Denying  
2     Petition and Supplemental Petition for Writ of Habeas Corpus (Post-Conviction) filed on April 4,  
3     2017 and entered on April 5, 2017.

4           11.     This case was the subject of a direct appeal, Nevada Supreme Court No. 61160.

5           12.     This case does not involve child custody or visitation.

6           13.     This case does not involve the possibility of settlement.

7           14.     This is not a fast track appeal.

8                   **AFFIRMATION PURSUANT TO NRS 239B.030**

9           The undersigned does hereby affirm that this Case Appeal Statement does not contain the  
10   Social Security Number of any person.

11          DATED THIS 8<sup>th</sup> day of May, 2017.

12  
13                                   By: /s/ Victoria T. Oldenburg

14                                   Victoria T, Oldenburg

15                                   Nevada Bar No. 4770

16                                   Oldenburg Law Office

17                                   P.O. Box 17422

18                                   Reno, NV 89511

19                                   (775) 971-4245

20                                   Attorney for Petitioner/Appellant  
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I, Victoria T. Oldenburg, hereby declare and state as follows:

On the 8<sup>th</sup> day of May, 2017, I electronically filed the foregoing with the Clerk of the Court system which will send a notice of electronic filing to the following:

/s/ Victoria T. Oldenburg  
Victoria T. Oldenburg  
Nevada Bar No. 4770

**SECOND JUDICIAL DISTRICT COURT  
COUNTY OF WASHOE**

**Case History - CR12-0110**

**DEPT. D9**

**HON. SCOTT N. FREEMAN**

Report Date & Time

5/8/2017

2:57:15PM

<b>Case Description: STATE VS. KUPAA KEA (TN)(D9)</b>			
<b>Case ID:</b>	<b>CR12-0110</b>	<b>Case Type:</b>	<b>CRIMINAL</b>
		<b>Initial Filing Date:</b>	<b>1/20/2012</b>

**Parties**

PLTF	STATE OF NEVADA - STATE
DA	Terrence P. McCarthy, Esq. - 2745
DA	Katherine H. Lyon, Esq. - 7070
DA	Derek Dreiling, Esq. - 5935
DEFT	KUPAA KEA (TN) - @1145371
DATY	Kathrine Irene Berning, Esq. - 3678
CAA	Victoria Thimmesch Oldenburg, Esq. - 4770
PNP	Div. of Parole & Probation - DPNP

**Charges**

<i>Charge No.</i>	<i>Charge Code</i>	<i>Charge Date</i>	<i>Charge Description</i>
1	F345	1/23/2012	INF BATTERY WITH A DEADLY WEAPON CAUSING SUBSTANTIAL BODILY HARM
2	F345	1/23/2012	INF BATTERY WITH A DEADLY WEAPON CAUSING SUBSTANTIAL BODILY HARM

**Plea Information**

<i>Charge No.</i>	<i>Plea Code</i>	<i>Plea Date</i>	<i>Plea Description</i>
1	F345	2/8/2012	PLED GUILTY
2	F345	2/8/2012	PLED GUILTY

**Sentences**

<i>Date</i>	<i>Charge No.</i>	<i>Charge Desc</i>	<i>Time Served</i>	<i>Sentence Text</i>
6/1/2012	1 - Nevada State Prison		NSP 35-156 MOS. + FEES	
6/1/2012	2 - Nevada State Prison		NSP 35-156 MOS., TO RUN CONSEC. TO COUNT I.	

**Release Information**

*Custody Status*

**Hearings**

<i>Department</i>	<i>Event Description</i>	<i>Sched. Date &amp; Time</i>		<i>Disposed Date</i>
1	D9 ARRAIGNMENT	2/3/2012	08:30:00	1/23/2012
Event Extra Text:		<b>Disposition:</b> D844 1/23/2012 RESET FOR FEBRUARY 8, 2012		
<i>Department</i>	<i>Event Description</i>	<i>Sched. Date &amp; Time</i>		<i>Disposed Date</i>
2	D8 ARRAIGNMENT	2/8/2012	08:30:00	2/8/2012
Event Extra Text:		<b>Disposition:</b> D655 2/8/2012 COUNTS I AND II OF INFORMATION		

**Case Description: STATE VS. KUPAA KEA (TN)(D9)****Case ID: CR12-0110****Case Type: CRIMINAL****Initial Filing Date: 1/20/2012**

<i>Department</i>	<i>Event Description</i>	<i>Sched. Date &amp; Time</i>		<i>Disposed Date</i>
3 D15	Request for Submission	2/29/2012	16:35:00	4/4/2012
Event Extra Text: EX-PARTE MOTION		<b>Disposition:</b> S200 4/4/2012		
<i>Department</i>	<i>Event Description</i>	<i>Sched. Date &amp; Time</i>		<i>Disposed Date</i>
4 D9	SENTENCING	3/23/2012	08:30:00	3/21/2012
Event Extra Text:		<b>Disposition:</b> D844 3/21/2012 RESET FOR MAY 23, 2012		
<i>Department</i>	<i>Event Description</i>	<i>Sched. Date &amp; Time</i>		<i>Disposed Date</i>
5 D9	Request for Submission	3/26/2012	08:24:00	4/3/2012
Event Extra Text: MOTION TO SET BAIL (NO PAPER ORDER PROVIDED)		<b>Disposition:</b> S200 4/3/2012		
<i>Department</i>	<i>Event Description</i>	<i>Sched. Date &amp; Time</i>		<i>Disposed Date</i>
6 D9	MOTION TO SET BAIL	4/4/2012	10:00:00	4/4/2012
Event Extra Text: (30 MIN)		<b>Disposition:</b> D355 4/4/2012		
<i>Department</i>	<i>Event Description</i>	<i>Sched. Date &amp; Time</i>		<i>Disposed Date</i>
7 D9	HEARING...	4/12/2012	08:30:00	4/2/2012
Event Extra Text: HEARING ON MOTION FOR BAIL		<b>Disposition:</b> D844 4/2/2012 RE-SET TO 4/4/12 @ 10 A.M.		
<i>Department</i>	<i>Event Description</i>	<i>Sched. Date &amp; Time</i>		<i>Disposed Date</i>
8 D9	SENTENCING	5/23/2012	09:00:00	5/22/2012
Event Extra Text:		<b>Disposition:</b> D844 5/22/2012		
<i>Department</i>	<i>Event Description</i>	<i>Sched. Date &amp; Time</i>		<i>Disposed Date</i>
9 D9	SENTENCING	6/1/2012	09:00:00	6/1/2012
Event Extra Text:		<b>Disposition:</b> D765 6/1/2012		
<i>Department</i>	<i>Event Description</i>	<i>Sched. Date &amp; Time</i>		<i>Disposed Date</i>
10 D9	Request for Submission	7/27/2012	14:25:00	8/14/2012
Event Extra Text: MOTION FOR ROUGH DRAFT OF TRANSCRIPTS AT PUBLIC EXPENSE		<b>Disposition:</b> S200 8/14/2012		

**Case Description: STATE VS. KUPAA KEA (TN)(D9)**

**Case ID:** CR12-0110 **Case Type:** CRIMINAL **Initial Filing Date:** 1/20/2012

<i>Department</i>	<i>Event Description</i>	<i>Sched. Date &amp; Time</i>		<i>Disposed Date</i>
11 D9	Request for Submission	11/6/2014	12:05:00	1/6/2015
Event Extra Text: PETITION OF WRIT OF HABEAS CORPUS (POST-CONVICTION) AND MOTION TO MODIFY ILLEGAL SENTENCE (N O PAPER ORDER PROVIDED)		<b>Disposition:</b> S200 1/6/2015		
<i>Department</i>	<i>Event Description</i>	<i>Sched. Date &amp; Time</i>		<i>Disposed Date</i>
12 D9	Request for Submission	3/23/2015	16:05:00	6/3/2015
Event Extra Text: DOCUMENT TITLE: REPLY TO STATE'S MOTION TO DISMISS PETITION FOR WRIT OF HABEAS CORPUS ( POST-CONVICTION) AND RESPONSE TO STATE'S OPPOSITION OF MOTION TO CORRECT AND/OR MODIFY ILLEGAL SENTENCE		<b>Disposition:</b> S200 6/3/2015		
<i>Department</i>	<i>Event Description</i>	<i>Sched. Date &amp; Time</i>		<i>Disposed Date</i>
13 D9	Request for Submission	2/29/2016	10:51:00	3/18/2016
Event Extra Text: MOTION FOR EXTENSION OF TIME WITHIN WHICH TO FILE A SUPPLEMENTAL PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION) (PAPER ORDER NOT PROVIDED)		<b>Disposition:</b> S200 3/18/2016		
<i>Department</i>	<i>Event Description</i>	<i>Sched. Date &amp; Time</i>		<i>Disposed Date</i>
14 D9	Request for Submission	4/19/2016	08:42:00	5/2/2016
Event Extra Text: REQUEST TO WITHDRAWAL MOTION OF WITHDRAWAL OF ATTORNE (NO PAPER ORDER PROVIDED)		<b>Disposition:</b> S200 5/2/2016		
<i>Department</i>	<i>Event Description</i>	<i>Sched. Date &amp; Time</i>		<i>Disposed Date</i>
15 D9	Request for Submission	9/21/2016	10:41:00	12/5/2016
Event Extra Text: MOTION TO DISMISS PETITION AND SUPPLEMENTAL PETITION FOR WRIT OF HABEAS CORPUS (POS T CONVICTION) FILED 8-8-16		<b>Disposition:</b> S200 12/5/2016		
<i>Department</i>	<i>Event Description</i>	<i>Sched. Date &amp; Time</i>		<i>Disposed Date</i>
16 D9	EVIDENTIARY HEARING	1/23/2017	10:00:00	1/23/2017
Event Extra Text:		<b>Disposition:</b> D355 1/23/2017 DEFT'S PETITION FOR POST CONVICTION RELIEF - DENIED STATE TO SUBMIT ORDER FOR COURT'S SIGNATURE		
<i>Department</i>	<i>Event Description</i>	<i>Sched. Date &amp; Time</i>		<i>Disposed Date</i>
17 D9	Request for Submission	1/23/2017	17:00:00	4/3/2017
Event Extra Text: COUNSEL FOR STATE TO PREPARE ORDER DENYING PETITION FOR POST CONVICTION RELIEF		<b>Disposition:</b> S200 4/3/2017		

**Agency Cross Reference**

<i>Code</i>	<i>Agency Description</i>	<i>Case Reference I.D.</i>
DA	District Attorney's Office	DA434263
PC	PCN number	PCNRPD1113504C
RJ	Reno Justice's Court	RCR2011064429
RP	Reno Police Department	RP11021113



**Case Description: STATE VS. KUPAA KEA (TN)(D9)**

Case ID:	CR12-0110	Case Type:	CRIMINAL	Initial Filing Date:	1/20/2012
SC	Supreme Court		SCN 70539		
SC	Supreme Court		SCN 61160		

Actions			
Action Entry Date	Code	Code Description	Text
1/20/2012	1491	Pretl Srvc Assessment Report	Transaction 2712058 - Approved By: SHAMBRIG : 01-20-2012:16:47:29
1/20/2012	NEF	Proof of Electronic Service	Transaction 2710087 - Approved By: NOREVIEW : 01-20-2012:10:39:28
1/20/2012	1250E	Application for Setting eFile	ARRAIGNMENT: 2-3-12 AT 8:30 - Transaction 2710058 - Approved By: NOREVIEW : 01-20-2012:10:36:55
1/20/2012	NEF	Proof of Electronic Service	Transaction 2712180 - Approved By: NOREVIEW : 01-20-2012:16:54:33
1/23/2012	4265	Waiver of Preliminary Exam	Transaction 2714912 - Approved By: SHAMBRIG : 01-23-2012:16:43:49
1/23/2012	1800	Information	Transaction 2714912 - Approved By: SHAMBRIG : 01-23-2012:16:43:49
1/23/2012	NEF	Proof of Electronic Service	Transaction 2715129 - Approved By: NOREVIEW : 01-23-2012:16:48:36
2/1/2012	4025	Stip & Ord to Continue	STIPULATION AND ORDER TO CONTINUE ARRAIGNMENT TO FEBRUARY 8, 2012 AT 8:30 A.M. - Transaction 2715129 - Approved By: NOREVIEW : 01-23-2012:16:48:36
2/1/2012	NEF	Proof of Electronic Service	Transaction 2735103 - Approved By: NOREVIEW : 02-01-2012:10:31:16
2/8/2012	1785	Guilty Plea Memo/Agreement	Transaction 2752729 - Approved By: NOREVIEW : 02-08-2012:14:54:44
2/8/2012	NEF	Proof of Electronic Service	Transaction 2752769 - Approved By: NOREVIEW : 02-08-2012:14:59:06
2/22/2012	1670	Ex-Parte Mtn...	SEALED - EX PARTE MOTION FOR PAYMENT OF EXPERT WITNESS/PRIVATE INVESTIGATOR - Transaction 2779690 - Approved By: NOREVIEW : 02-22-2012:11:04:30
2/22/2012	NEF	Proof of Electronic Service	Transaction 2779690 - Approved By: NOREVIEW : 02-22-2012:11:04:30
2/29/2012	3860	Request for Submission	EX PARTE MOTION - Transaction 2795875 - Approved By: JYOST : 02-29-2012:16:32:32
2/29/2012	NEF	Proof of Electronic Service	Transaction 2795912 - Approved By: NOREVIEW : 02-29-2012:16:34:20
3/1/2012	2490	Motion ...	MOTION TO GRANT BAIL AND TO SET BAIL AT A BONDABLE AMOUNT - Transaction 2798834 - Approved By: NOREVIEW : 03-01-2012:16:45:21
3/1/2012	NEF	Proof of Electronic Service	Transaction 2798905 - Approved By: NOREVIEW : 03-01-2012:16:45:21
3/12/2012	MIN	***Minutes	2/8/12 - ARRAIGNMENT - Transaction 2817766 - Approved By: NOREVIEW : 03-12-2012:11:49:34
3/12/2012	NEF	Proof of Electronic Service	Transaction 2817796 - Approved By: NOREVIEW : 03-12-2012:11:55:12
3/13/2012	2610	Notice ...	NOTICE REGARDING PAYMENT OF EXPERT FEES - Transaction 2819969 - Approved By: JYOST : 03-13-2012:16:28:23
3/13/2012	NEF	Proof of Electronic Service	Transaction 2821522 - Approved By: NOREVIEW : 03-13-2012:16:28:23
3/13/2012	NEF	Proof of Electronic Service	Transaction 2820254 - Approved By: NOREVIEW : 03-13-2012:11:55:33
3/13/2012	3880	Response...	RESPONSE IN OPPOSITION TO DEFENDANT'S MOTION TO GRANT AND/OR REDUCE BAIL AMOUNT
3/13/2012	4500	PSI - Confidential	Transaction 2821493 - Approved By: JYOST : 03-13-2012:16:24:28
3/21/2012	4025	Stip & Ord to Continue	STIPULATION AND ORDER TO CONTINUE SENTENCING TO MAY 23, 2012 AT 8:30 A.M. - Transaction 2839452 - Approved By: NOREVIEW : 03-21-2012:13:33:44
3/21/2012	NEF	Proof of Electronic Service	Transaction 2839452 - Approved By: NOREVIEW : 03-21-2012:13:33:44
3/23/2012	3795	Reply...	REPLY TO OPPOSITION TO MOTION TO GRANT BAIL AND TO SET BAIL AT A BONDABLE AMOUNT - Transaction 2846145 - Approved By: NOREVIEW : 03-23-2012:21:15:41
3/23/2012	NEF	Proof of Electronic Service	Transaction 2846145 - Approved By: NOREVIEW : 03-23-2012:21:15:41
3/23/2012	4185	Transcript	ARRAIGNMENT - FEBRUARY 8, 2012 - Transaction 2846144 - Approved By: NOREVIEW : 03-23-2012:21:14:30
3/23/2012	3860	Request for Submission	MOTION TO SET BAIL (NO PAPER ORDER PROVIDED) - Transaction 2846104 - Approved By: MCHOLICO : 03-23-2012:16:28:23
3/26/2012	NEF	Proof of Electronic Service	Transaction 2846363 - Approved By: NOREVIEW : 03-26-2012:08:13:01
3/26/2012	NEF	Proof of Electronic Service	Transaction 2846377 - Approved By: NOREVIEW : 03-26-2012:08:19:41
4/2/2012	3370	Order ...	Transaction 2862895 - Approved By: NOREVIEW : 04-02-2012:14:22:31
4/2/2012	NEF	Proof of Electronic Service	Transaction 2862906 - Approved By: NOREVIEW : 04-02-2012:14:25:02
4/3/2012	S200	Request for Submission Complet	
4/4/2012	S200	Request for Submission Complet	

Case Description: STATE VS. KUPAA KEA (TN)(D9)				
Case ID:	CR12-0110	Case Type:	CRIMINAL	Initial Filing Date: 1/20/2012
4/4/2012	3370	Order ...	Transaction 2869069 - Approved By: NOREVIEW : 04-04-2012:13:28:34	
4/4/2012	NEF	Proof of Electronic Service	Transaction 2869107 - Approved By: NOREVIEW : 04-04-2012:13:36:23	
4/5/2012	MIN	***Minutes	4/4/12 - MOTION TO SET BAIL - Transaction 2872319 - Approved By: NOREVIEW : 04-05-2012:14:28:54	
4/5/2012	NEF	Proof of Electronic Service	Transaction 2872331 - Approved By: NOREVIEW : 04-05-2012:14:31:07	
4/12/2012	4185	Transcript	MOTION TO SET BAIL - APRIL 4, 2012 - Transaction 2886171 - Approved By: NOREVIEW : 04-12-2012:13:37:	
4/12/2012	NEF	Proof of Electronic Service	Transaction 2886180 - Approved By: NOREVIEW : 04-12-2012:13:39:28	
5/22/2012	4025	Stip & Ord to Continue	Sentencing - Transaction 2970559 - Approved By: NOREVIEW : 05-22-2012:13:35:13	
5/22/2012	NEF	Proof of Electronic Service	Transaction 2970569 - Approved By: NOREVIEW : 05-22-2012:13:37:01	
5/30/2012	1930	Letters ...	LETTERS TO BE USED AS EXHIBIT IN SENTENCING - Transaction 2985922 - Approved By: AZION : 05-30-21	
5/30/2012	NEF	Proof of Electronic Service	Transaction 2986020 - Approved By: NOREVIEW : 05-30-2012:14:53:28	
5/31/2012	NEF	Proof of Electronic Service	Transaction 2989020 - Approved By: NOREVIEW : 05-31-2012:16:12:18	
5/31/2012	1930	Letters ...	EVIDENCE AND LETTERS TO BE USED AS EXHIBIT IN SENTENCING - Transaction 2989104 - Approved By:	
5/31/2012	NEF	Proof of Electronic Service	Transaction 2989148 - Approved By: NOREVIEW : 05-31-2012:16:34:38	
5/31/2012	4505	Crt Ord Psych Eval - Conf.	Transaction 2988944 - Approved By: JYOST : 05-31-2012:16:07:51	
6/1/2012	COLL	Sent to Collections	01-JUN-2012	
6/1/2012	2528	Not/Doc/Rc'd/Not/Cons/by Crt	Transaction 2990765 - Approved By: NOREVIEW : 06-01-2012:12:02:04	
6/1/2012	NEF	Proof of Electronic Service	Transaction 2990772 - Approved By: NOREVIEW : 06-01-2012:12:03:48	
6/5/2012	1850	Judgment of Conviction	Transaction 2996695 - Approved By: NOREVIEW : 06-05-2012:09:31:40	
6/5/2012	NEF	Proof of Electronic Service	Transaction 2996710 - Approved By: NOREVIEW : 06-05-2012:09:33:39	
6/7/2012	MIN	***Minutes	6/1/12 - SENTENCING - Transaction 3004669 - Approved By: NOREVIEW : 06-07-2012:16:47:59	
6/7/2012	NEF	Proof of Electronic Service	Transaction 3004691 - Approved By: NOREVIEW : 06-07-2012:16:50:25	
6/13/2012	4300	Withdrawal of Counsel	KATHERINE BERNING, ESQ - Transaction 3015910 - Approved By: SHAMBRIG : 06-13-2012:14:07:32	
6/13/2012	NEF	Proof of Electronic Service	Transaction 3015978 - Approved By: NOREVIEW : 06-13-2012:14:13:06	
6/18/2012	4185	Transcript	SENTENCING - JUNE 1, 2012 - Transaction 3026431 - Approved By: NOREVIEW : 06-18-2012:17:44:28	
6/18/2012	NEF	Proof of Electronic Service	Transaction 3026435 - Approved By: NOREVIEW : 06-18-2012:17:46:01	
6/26/2012	1350	Certificate of Clerk	CERTIFICATE OF CLERK AND TRANSMITTAL - NOTICE OF APPEAL - Transaction 3041776 - Approved By: N	
6/26/2012	NEF	Proof of Electronic Service	Transaction 3041806 - Approved By: NOREVIEW : 06-26-2012:09:13:39	
6/26/2012	2515	Notice of Appeal Supreme Court	APPELLANT, KUPAA KEA	
6/26/2012	1600	Designation Record on Appeal		
6/26/2012	1310E	Case Appeal Statement	Transaction 3041776 - Approved By: NOREVIEW : 06-26-2012:09:09:05	
6/28/2012	NEF	Proof of Electronic Service	Transaction 3049154 - Approved By: NOREVIEW : 06-28-2012:10:42:21	
6/28/2012	1188	Supreme Court Receipt for Doc	SUPREME COURT CASE NO. 61160/RECEIPT FOR DOCUMENTS - Transaction 3049145 - Approved By: NO	
7/12/2012	2183	Mtn for Rough Draft Transcript	MOTION FOR ROUGH DRAFT TRANSCRIPT AT PUBLIC EXPENSE - Transaction 3078178 - Approved By: LM	
7/12/2012	NEF	Proof of Electronic Service	Transaction 3078240 - Approved By: NOREVIEW : 07-12-2012:13:36:30	
7/12/2012	NEF	Proof of Electronic Service	Transaction 3078248 - Approved By: NOREVIEW : 07-12-2012:13:36:29	
7/12/2012	NEF	Proof of Electronic Service	Transaction 3078253 - Approved By: NOREVIEW : 07-12-2012:13:37:46	
7/12/2012	FIE	**Document Filed in Error	7-12-12 - LMATHEUS	
7/12/2012	NEF	Proof of Electronic Service	Transaction 3078301 - Approved By: NOREVIEW : 07-12-2012:13:46:01	
7/12/2012	3868	Req to Crt Rptr - Rough Draft	REQUEST FOR ROUGH DRAFT TRANSCRIPTS - Transaction 3078159 - Approved By: LMATHEUS : 07-12-2012:	

Case ID:		Case Description: STATE VS. KUPAA KEA (TN)(D9)	
CR12-0110		Case Type:	CRIMINAL
		Initial Filing Date:	1/20/2012
7/12/2012	1087	Amended Case Appeal Statement	Transaction 3078190 - Approved By: LMATHEUS : 07-12-2012:13:31:47
7/12/2012	1350	Certificate of Clerk	CERTIFICATE OF CLERK AND TRANSMITTAL - NRAP 3(g)(1)(B) - Transaction 3079415 - Approved By: NORE
7/12/2012	NEF	Proof of Electronic Service	Transaction 3079629 - Approved By: NOREVIEW : 07-12-2012:16:03:03
7/17/2012	NEF	Proof of Electronic Service	Transaction 3087994 - Approved By: NOREVIEW : 07-17-2012:09:32:13
7/17/2012	3868	Req to Crt Rptr - Rough Draft	Transaction 3087763 - Approved By: AZION : 07-17-2012:09:09:52
7/27/2012	NEF	Proof of Electronic Service	Transaction 3113027 - Approved By: NOREVIEW : 07-27-2012:14:04:57
7/27/2012	3860	Request for Submission	MOTION FOR ROUGH DRAFT OF TRANSCRIPTS AT PUBLIC EXPENSE - Transaction 3112961 - Approved B
7/27/2012	1325	** Case Reopened	
7/30/2012	2610	Notice ...	NOTICE REGARDING TRANSCRIPT AT PUBLIC EXPENSE - Transaction 3114525 - Approved By: MCHOLICC
7/30/2012	NEF	Proof of Electronic Service	Transaction 3114563 - Approved By: NOREVIEW : 07-30-2012:10:48:45
8/7/2012	2490	Motion ...	MOTION FOR WITHDRAWAL OF ATTORNEY OF RECORD OR IN THE ALTERNATIVE, REQUEST FOR REC
8/14/2012	BAIL	**Bailbond Posted	
8/14/2012	S200	Request for Submission Complet	
1/4/2013	EXON	**Cash Bail/Bond Exonerated	SLIP SENT 01/07/2013 A50-00555740
2/19/2013	NEF	Proof of Electronic Service	Transaction 3537822 - Approved By: NOREVIEW : 02-19-2013:08:00:48
2/19/2013	4134	Supreme Court Order Affirming	SUPREME COURT NO. 61160/ORDER OF AFFIRMANCE - Transaction 3537819 - Approved By: NOREVIEW :
3/20/2013	4134	Supreme Court Order Affirming	SUPREME COURT NO. 61160/ORDER OF AFFIRMANCE - Transaction 3603579 - Approved By: NOREVIEW :
3/20/2013	4111	Supreme Ct Clk's Cert & Judg	SUPREME COURT NO. 61160/CLERK'S CERTIFICATE AND JUDGMENT - Transaction 3603579 - Approved B
3/20/2013	NEF	Proof of Electronic Service	Transaction 3603620 - Approved By: NOREVIEW : 03-20-2013:10:58:00
3/20/2013	4145	Supreme Court Remittitur	SUPREME COURT NO. 61160/REMITTITUR - Transaction 3603579 - Approved By: NOREVIEW : 03-20-2013:1
2/4/2014	2383	Mtn to Modify/Correct Sentence	MOTION TO CORRECT AND/OR MODIFY ILLEGAL SENTENCE
2/4/2014	2490	Motion ...	MOTION FOR WITHDRAWAL OF ATTORNEY OF RECORD OR IN THE ALTERNATIVE, REQUEST FOR REC
2/14/2014	3565	Pet Post-Conviction Relief	
3/7/2014	2501	Non-Opposition ...	NON-OPPOSITION TO MOTION FOR WITHDRAWAL OF ATTY OF RECORD OR IN THE ALTERNATIVE, REQ
3/7/2014	NEF	Proof of Electronic Service	Transaction 4334394 - Approved By: NOREVIEW : 03-07-2014:15:20:03
8/15/2014	1215	Application Appoint Counsel	
8/15/2014	3565	Pet Post-Conviction Relief	
11/5/2014	3860	Request for Submission	DOCUMENT TITLE: PETITION OF WRIT OF HABEAS CORPUS (POST-CONVICTION) AND MOTION TO MOI
1/6/2015	S200	Request for Submission Complet	
1/6/2015	NEF	Proof of Electronic Service	Transaction 4761171 - Approved By: NOREVIEW : 01-06-2015:13:22:04
1/6/2015	3370	Order ...	Transaction 4761168 - Approved By: NOREVIEW : 01-06-2015:13:21:15
2/23/2015	2645	Opposition to Mtn ...	OPPOSITION TO MOTION TO CORRECT AND/OR MODIFY ILLEGAL SENTENCE - Transaction 4829088 - Ap
2/23/2015	2300	Mtn to Dismiss Pet	MOTION TO DISMISS PETITION FOR WRIT OF HABEAS CORPUS - Transaction 4829088 - Approved By: MC
2/23/2015	1130	Answer ...	ANSWER TO PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION) - Transaction 4829088 - Ap
2/23/2015	NEF	Proof of Electronic Service	Transaction 4829745 - Approved By: NOREVIEW : 02-23-2015:15:55:48
2/23/2015	2520	Notice of Appearance	TERRENCE MCCARTHY, ESQ. / STATE - Transaction 4829088 - Approved By: MCHOLICO : 02-23-2015:15:5
3/20/2015	3880	Response...	RESPONSE TO STATE'S OPPOSITION OF MOTION TO CORRECT AND/OR MODIFY ILLEGAL SENTENCE
3/20/2015	3790	Reply to/in Opposition	REPLY TO STATE'S MOTION TO DISMISS PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION)
3/20/2015	3860	Request for Submission	DOCUMENT TITLE: REPLY TO STATE'S MOTION TO DISMISS PETITION FOR WRIT OF HABEAS CORPUS

**Case Description: STATE VS. KUPAA KEA (TN)(D9)**

<b>Case ID:</b>	<b>CR12-0110</b>	<b>Case Type:</b>	<b>CRIMINAL</b>	<b>Initial Filing Date:</b>	<b>1/20/2012</b>
6/3/2015	S200	Request for Submission Complet			
6/3/2015	2840	Ord Denying ...	Transaction 4982289 - Approved By: NOREVIEW : 06-03-2015:14:52:09		
6/3/2015	3370	Order ...	Transaction 4982289 - Approved By: NOREVIEW : 06-03-2015:14:52:09		
6/3/2015	NEF	Proof of Electronic Service	Transaction 4982292 - Approved By: NOREVIEW : 06-03-2015:14:53:09		
7/1/2015	2715	Ord Appointing Counsel	RECOMMENDATION AND ORDER FOR APPOINTMENT OF COUNSEL - Transaction 5025977 - Approved By:		
7/1/2015	NEF	Proof of Electronic Service	Transaction 5025991 - Approved By: NOREVIEW : 07-01-2015:09:26:24		
8/27/2015	4047	Stip Extension of Time ...	STIPULATION FOR EXTENSION OF TIME WITHIN WHICH TO FILE SUPPLEMENTAL PETITION FOR WRIT (		
8/27/2015	NEF	Proof of Electronic Service	Transaction 5115312 - Approved By: NOREVIEW : 08-27-2015:14:21:52		
9/16/2015	3030	Ord Granting Extension Time	Transaction 5143734 - Approved By: NOREVIEW : 09-16-2015:12:04:17		
9/16/2015	NEF	Proof of Electronic Service	Transaction 5143741 - Approved By: NOREVIEW : 09-16-2015:12:05:18		
10/12/2015	4047	Stip Extension of Time ...	STIPULATION FOR EXTENSION OF TIME WITHIN WHICH TO FILE SUPPLEMENTAL PETITION FOR WRIT (		
10/12/2015	NEF	Proof of Electronic Service	Transaction 5183816 - Approved By: NOREVIEW : 10-12-2015:14:01:38		
10/16/2015	3105	Ord Granting ...	ORDER GRANTING STIPULATION FOR EXTENSION OF TIME - Transaction 5192174 - Approved By: NOREVIEW		
10/16/2015	NEF	Proof of Electronic Service	Transaction 5192176 - Approved By: NOREVIEW : 10-16-2015:09:31:43		
12/18/2015	4047	Stip Extension of Time ...	STIPULATION FOR EXTENSION OF TIME WITHIN WHICH TO FILE SUPPLEMENTAL PETITION FOR WRIT (		
12/18/2015	NEF	Proof of Electronic Service	Transaction 5285852 - Approved By: NOREVIEW : 12-18-2015:12:31:34		
12/29/2015	3030	Ord Granting Extension Time	Transaction 5296869 - Approved By: NOREVIEW : 12-29-2015:11:57:31		
12/29/2015	NEF	Proof of Electronic Service	Transaction 5296875 - Approved By: NOREVIEW : 12-29-2015:11:58:20		
2/22/2016	2075	Mtn for Extension of Time	MOTION FOR EXTENSION OF TIME TO FILE SUPPLEMENTAL PETITION FOR WRIT OF HABEAS CORPUS		
2/22/2016	NEF	Proof of Electronic Service	Transaction 5379878 - Approved By: NOREVIEW : 02-22-2016:13:40:13		
2/28/2016	3860	Request for Submission	MOTION FOR EXTENSION OF TIME WITHIN WHICH TO FILE A SUPPLEMENTAL PETITION FOR WRIT OF I		
2/29/2016	NEF	Proof of Electronic Service	Transaction 5390832 - Approved By: NOREVIEW : 02-29-2016:09:28:48		
3/15/2016	4300	Withdrawal of Counsel	MOTION FOR WITHDRWAL OF ATTORNEY OR RECORD OR IN THE ALTERNATIVE, REQUEST FOR RECO		
3/15/2016	2610	Notice ...	NOTICE OF MOTION FOR WITHDRAWAL OF ATTORNEY OF RECORD		
3/16/2016	3030	Ord Granting Extension Time	ORDER GRANTING MOTION FOR EXTENSION OF TIME TO FILE SUPPLEMENTAL PETITION FOR WRIT O		
3/16/2016	NEF	Proof of Electronic Service	Transaction 5420673 - Approved By: NOREVIEW : 03-16-2016:15:54:09		
3/17/2016	1360	Certificate of Service	Transaction 5422546 - Approved By: CSULEZIC : 03-17-2016:14:32:42		
3/17/2016	NEF	Proof of Electronic Service	Transaction 5422617 - Approved By: NOREVIEW : 03-17-2016:14:35:13		
3/18/2016	PAYRC	**Payment Receipted	A Payment of -\$114.01 was made on receipt DCDC534241.		
3/18/2016	S200	Request for Submission Complet			
4/19/2016	3870	Request	REQUEST TO WITHDRAWAL MOTION OF WITHDRAWAL OF ATTORNEY		
4/19/2016	3860	Request for Submission	DOCUMENT TITLE: REQUEST TO WITHDRAWAL MOTION OF WITHDRAWAL OF ATTORNE (NO PAPER OI		
4/29/2016	2075	Mtn for Extension of Time	SECOND MOTION FOR EXTENSION OF TIEM TO FILE SUPPLEMENTAL PETITION FOR WRIT OF HABEAS		
4/29/2016	NEF	Proof of Electronic Service	Transaction 5491374 - Approved By: NOREVIEW : 04-29-2016:11:44:32		
5/2/2016	S200	Request for Submission Complet			
5/2/2016	2842	Ord Denying Motion	Transaction 5494713 - Approved By: NOREVIEW : 05-02-2016:15:59:24		
5/2/2016	NEF	Proof of Electronic Service	Transaction 5494718 - Approved By: NOREVIEW : 05-02-2016:16:00:23		
5/31/2016	2515	Notice of Appeal Supreme Court	Appellant, KUPOA KEA, proper		
5/31/2016	1310	Case Appeal Statement	Filed by Appellant, KUPAA KEA, pro per		

Case Description: STATE VS. KUPAA KEA (TN)(D9)				
Case ID:	CR12-0110	Case Type:	CRIMINAL	Initial Filing Date: 1/20/2012
6/3/2016	1310E	Case Appeal Statement	Transaction 5545060 - Approved By: NOREVIEW : 06-03-2016:08:15:43	
6/3/2016	1350	Certificate of Clerk	CERTIFICATE OF CLERK AND TRANSMITTAL - NOTICE OF APPEAL - Transaction 5545060 - Approved By: N	
6/3/2016	NEF	Proof of Electronic Service	Transaction 5545062 - Approved By: NOREVIEW : 06-03-2016:08:16:33	
6/15/2016	1188	Supreme Court Receipt for Doc	SUPREME COURT NO. 70539 / RECEIPT FOR DOCUMENTS - Transaction 5563832 - Approved By: NOREVIEW	
6/15/2016	NEF	Proof of Electronic Service	Transaction 5563836 - Approved By: NOREVIEW : 06-15-2016:14:53:55	
6/22/2016	4100	Supplemental Petition	SUPPLEMENTAL PETITION FOR WRIT OF HABEAS CORPUS - Transaction 5574956 - Approved By: CSULEZ	
6/22/2016	NEF	Proof of Electronic Service	Transaction 5575371 - Approved By: NOREVIEW : 06-22-2016:16:03:15	
7/23/2016	1670	Ex-Parte Mtn...	EX-PARTE MOTION FOR PAYMENT OF ATTORNEY'S FEES AND EXPENSES - Transaction 5623865 - Appro	
7/25/2016	NEF	Proof of Electronic Service	Transaction 5624184 - Approved By: NOREVIEW : 07-25-2016:09:29:49	
8/8/2016	2300	Mtn to Dismiss Pet	MOTION TO DISMISS PETITION AND SUPPLEMENTAL PETITION FOR WRIT OF HABEAS CORPUS (POST	
8/8/2016	NEF	Proof of Electronic Service	Transaction 5647132 - Approved By: NOREVIEW : 08-08-2016:14:01:08	
8/11/2016	3370	Order ...	RECOMMENDATION AND ORDER FOR PAYMENT OF ATTORNEY'S FEES (POST CONVICTION) - Transacti	
8/11/2016	NEF	Proof of Electronic Service	Transaction 5655319 - Approved By: NOREVIEW : 08-11-2016:16:27:52	
8/22/2016	4047	Stip Extension of Time ...	STIPULATION FOR EXTENSION OF TIME WITHIN WHICH TO FILE OPPOSITION TO MOTION TO DISMISS	
8/22/2016	NEF	Proof of Electronic Service	Transaction 5671453 - Approved By: NOREVIEW : 08-22-2016:16:51:51	
8/29/2016	4127	Supreme Ct Ord Dismis Appeal	SUPREME COURT NO. 70539 / ORDER DISMISSIN APPEAL - Transaction 5681755 - Approved By: NOREVIEW	
8/29/2016	NEF	Proof of Electronic Service	Transaction 5681759 - Approved By: NOREVIEW : 08-29-2016:11:33:53	
8/30/2016	2777	Ord Approving ...	ORDER APPROVING STIPULATION - Transaction 5684209 - Approved By: NOREVIEW : 08-30-2016:12:35:06	
8/30/2016	NEF	Proof of Electronic Service	Transaction 5684211 - Approved By: NOREVIEW : 08-30-2016:12:36:06	
9/19/2016	2645	Opposition to Mtn ...	OPPOSITION TO MOTION TO DISMISS PETITION AND SUPPLEMENTAL PETITION FOR WRIT OF HABEAS	
9/19/2016	NEF	Proof of Electronic Service	Transaction 5714906 - Approved By: NOREVIEW : 09-19-2016:16:09:31	
9/21/2016	3860	Request for Submission	Transaction 5717687 - Approved By: YVILORIA : 09-21-2016:10:40:27	
9/21/2016	NEF	Proof of Electronic Service	Transaction 5718164 - Approved By: NOREVIEW : 09-21-2016:10:41:25	
11/7/2016	4128	Supreme Court Order Denying	SUPREME COURT NO. 70539 / ORDER DENYING REHEARING - Transaction 5792928 - Approved By: NORE	
11/7/2016	NEF	Proof of Electronic Service	Transaction 5792942 - Approved By: NOREVIEW : 11-07-2016:08:21:20	
11/30/2016	4145	Supreme Court Remittitur	SUPREME COURT NO. 70539 / REMITTITUR - Transaction 5827685 - Approved By: NOREVIEW : 11-30-2016	
11/30/2016	4111	Supreme Ct Clk's Cert & Judg	SUPREME COURT NO. 70539 / CLERK'S CERTIFICATE, JUDGMENT & JUDGMENT - Transaction 5827685 -	
11/30/2016	NEF	Proof of Electronic Service	Transaction 5827690 - Approved By: NOREVIEW : 11-30-2016:08:43:10	
11/30/2016	4128	Supreme Court Order Denying	SUPREME COURT NO. 70539 / ORDER DENYING REHEARING - Transaction 5827685 - Approved By: NORE	
11/30/2016	4127	Supreme Ct Ord Dismis Appeal	SUPREME COURT NO. 70539 / ORDER DISMISSING APPEAL - Transaction 5827685 - Approved By: NOREV	
12/5/2016	S200	Request for Submission Complet		
12/5/2016	3347	Ord to Set	ORDER TO SET EVIDENTIARY HEARING - Transaction 5836683 - Approved By: NOREVIEW : 12-05-2016:15	
12/5/2016	NEF	Proof of Electronic Service	Transaction 5836692 - Approved By: NOREVIEW : 12-05-2016:15:17:16	
12/8/2016	1670	Ex-Parte Mtn...	EX PARTE MOTION FOR PAYMENT OF ATTORNEY'S FEES AND EXPENSES - Transaction 5842952 - Approv	
12/8/2016	NEF	Proof of Electronic Service	Transaction 5843018 - Approved By: NOREVIEW : 12-08-2016:12:12:41	
12/12/2016	1250	Application for Setting	JANUARY 23, 2017 @ 10:00AM EVIDENTIARY HEARING - Transaction 5849287 - Approved By: MCHOLICO :	
12/12/2016	1260	Application Produce Prisoner	Transaction 5849319 - Approved By: MCHOLICO : 12-12-2016:15:55:50	
12/12/2016	NEF	Proof of Electronic Service	Transaction 5849444 - Approved By: NOREVIEW : 12-12-2016:16:00:17	
12/12/2016	NEF	Proof of Electronic Service	Transaction 5849423 - Approved By: NOREVIEW : 12-12-2016:15:57:23	

Case Description: STATE VS. KUPAA KEA (TN)(D9)			
Case ID:	CR12-0110	Case Type:	CRIMINAL
			Initial Filing Date: 1/20/2012
12/19/2016	3340	Ord to Produce Prisoner	Transaction 5861785 - Approved By: NOREVIEW : 12-19-2016:15:32:26
12/19/2016	NEF	Proof of Electronic Service	Transaction 5861799 - Approved By: NOREVIEW : 12-19-2016:15:33:57
12/30/2016	3370	Order ...	RECOMMENDATION AND ORDER FOR PAYMENT OF ATTORNEY'S FEES (POST CONVICTION) - Transacti
12/30/2016	NEF	Proof of Electronic Service	Transaction 5879569 - Approved By: NOREVIEW : 12-30-2016:14:42:52
1/16/2017	1670	Ex-Parte Mtn...	MOTION FOR TRANSCRIPTS AT PUBLIC EXPENSE - Transaction 5898521 - Approved By: CSULEZIC : 01-17
1/17/2017	NEF	Proof of Electronic Service	Transaction 5899172 - Approved By: NOREVIEW : 01-17-2017:10:12:42
1/17/2017	1670	Ex-Parte Mtn...	EX PARTE MOTION FOR PAYMENT OF TRANSCRIPTS - Transaction 5898608 - Approved By: PMSEWELL : (
1/17/2017	NEF	Proof of Electronic Service	Transaction 5899245 - Approved By: NOREVIEW : 01-17-2017:10:24:43
1/18/2017	1520	Declaration	OF SERVICE OF SUBPOENA UPON BRIAN ATKINSON ON JANUARY 12, 2017 - Transaction 5902473 - Appr
1/18/2017	NEF	Proof of Electronic Service	Transaction 5902500 - Approved By: NOREVIEW : 01-18-2017:11:20:10
1/23/2017	1695	** Exhibit(s) ...	POST CONVICTION HEARING EXHIBITS
1/30/2017	NEF	Proof of Electronic Service	Transaction 5923992 - Approved By: NOREVIEW : 01-30-2017:14:44:30
1/30/2017	3370	Order ...	RECOMMENDATION AND ORDER GRANTING TRANSCRIPT AT PUBLIC EXPENSE (POST CONVICTION) -
2/3/2017	COC	Evidence Chain of Custody Form	
2/8/2017	1520	Declaration	OF SUB-SERVICE UPON B DALTON, OFFICE SUPPORT SPECIALIST - WITNESS FEE CHECK NO 1085, D/
2/9/2017	1670	Ex-Parte Mtn...	EX PARTE MOTION FOR PAYMENT OF ATTORNEY'S FEES AND EXPENSES - Transaction 5944925 - Approv
2/10/2017	NEF	Proof of Electronic Service	Transaction 5944998 - Approved By: NOREVIEW : 02-10-2017:08:12:16
2/15/2017	MIN	***Minutes	1/23/17 EVIDENTIARY HEARING (POST-CONVICTION PETITION) W/ EXHIBIT LIST - Transaction 5953020 -
2/15/2017	NEF	Proof of Electronic Service	Transaction 5953029 - Approved By: NOREVIEW : 02-15-2017:14:44:11
2/24/2017	3370	Order ...	RECOMMENDATION AND ORDER FOR PAYMENT OF ATTORNEY'S FEES (POST CONVICTION) - Transacti
2/24/2017	NEF	Proof of Electronic Service	Transaction 5966017 - Approved By: NOREVIEW : 02-24-2017:10:35:53
4/3/2017	S200	Request for Submission Complet	
4/4/2017	1750	Findings, Conclusions & Judg	Transaction 6034449 - Approved By: NOREVIEW : 04-04-2017:15:36:00
4/4/2017	F230	Other Manner of Disposition	
4/4/2017	NEF	Proof of Electronic Service	Transaction 6034458 - Approved By: NOREVIEW : 04-04-2017:15:36:59
4/5/2017	2540	Notice of Entry of Ord	Transaction 6035381 - Approved By: NOREVIEW : 04-05-2017:10:21:41
4/5/2017	NEF	Proof of Electronic Service	Transaction 6035386 - Approved By: NOREVIEW : 04-05-2017:10:22:41
5/8/2017	2515	Notice of Appeal Supreme Court	Transaction 6089258 - Approved By: YVILORIA : 05-08-2017:12:33:01
5/8/2017	1310	Case Appeal Statement	Transaction 6089260 - Approved By: YVILORIA : 05-08-2017:12:33:15
5/8/2017	NEF	Proof of Electronic Service	Transaction 6089263 - Approved By: NOREVIEW : 05-08-2017:12:33:49
5/8/2017	NEF	Proof of Electronic Service	Transaction 6089265 - Approved By: NOREVIEW : 05-08-2017:12:33:58
5/8/2017	1350	Certificate of Clerk	CERTIFICATE OF CLERK AND TRANSMITTAL - NOTICE OF APPEAL - Transaction 6089802 - Approved By: N
5/8/2017	NEF	Proof of Electronic Service	Transaction 6089805 - Approved By: NOREVIEW : 05-08-2017:14:56:44

1 CODE No. 1750

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4  
5 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,  
6  
7 IN AND FOR THE COUNTY OF WASHOE

8 \* \* \*

9 KUPAA KEA,

10 Petitioner,

11 v.

Case No. CR12-0110

12 THE STATE OF NEVADA,

Dept. No. 9

13 Respondent.  
14 \_\_\_\_\_/

15 FINDINGS OF FACT, CONCLUSIONS OF LAW AND JUDGMENT

16 This cause is before the court upon a Petition for Writ of Habeas Corpus (Post-  
17 Conviction). Petitioner Kupaa Kea was represented by experienced Attorney Kathrine Berning  
18 when he faced charges stemming from a shooting at Paradise Park in Reno. He faced two  
19 counts of battery with a deadly weapon causing substantial bodily harm.

20 He pleaded guilty to the two battery charges in exchange for dismissal of Conspiracy to  
21 Violate the Controlled Substances Act SJC case number 12-12. He was thoroughly canvassed  
22 by Judge Robison and then the cause was set for sentencing with this judge. At sentencing,  
23 this judge imposed consecutive sentences of 35 to 156 months. Kea appealed but the judgment  
24 was affirmed. *Kea v. State*, Docket No., 61160, Order of Affirmance (February 13, 2013). On  
25 February 14, 2014, Kea filed a timely Petition for Writ of Habeas Corpus. This court appointed  
26 counsel and allowed a supplement to the petition. The State's motion to dismiss was denied

1 and the cause was set for a hearing on January 23, 2017. At that hearing the court received  
2 testimony from Officer Crow of the Reno Police Department and received transcripts and a  
3 recording of the questioning of Kea by Officer Crow. The court also heard testimony from  
4 Petitioner Kea and from Attorney Berning. These findings are based on the relative credibility  
5 of those witnesses.

6 The court first notes that at the outset of the hearing, counsel for Kea announced that  
7 several claims would not be supported by evidence or argument and indeed they were not. For  
8 those claims, including Grounds Two, Five, and Six, the court finds them unproven.

9 The remaining claims were addressed at the hearing. The court initially finds that  
10 Kathrine Berning was credible and Kea was not. Where they disagreed, the court finds Berning  
11 to be more credible than Kea. For example, Kea testified that Berning never discussed the  
12 evidence with him or even explained that he had the right to trial. The court finds that  
13 testimony to be untrue and finds Berning's contrary testimony to be true.

14 Ground One of the original petition and the supplemental Ground One, is a combination  
15 of a claim of ineffective assistance of counsel and a claim that the guilty plea was not a knowing  
16 and voluntary plea. To the claim that counsel was ineffective in failing to investigate and  
17 uncover favorable evidence, no such favorable evidence was uncovered. There was evidence  
18 that the interrogation of Kea might have led to arguable grounds for a motion to suppress some  
19 of his admissions, but Berning testified credibly that she noted those arguable grounds and  
20 discussed the options with Kea, but that Kea was adamant that he wished to reach a plea  
21 bargain and not stand trial. She testified credibly that a motion to suppress would have led to  
22 the prosecutor withdrawing the plea bargain, contrary to the wishes of her client.

23 Ground One also has a claim about the absence of evidence. Kea alleges that counsel  
24 was ineffective in failing to discover that there was scant physical evidence establishing that he  
25 was the shooter. There was, for example, no comparison between bullets and rifles because no  
26 rifle was recovered. Berning testified credibly that she was aware of the lack of additional



1 physical evidence and discussed that with Kea, but that Kea insisted on pleading guilty. She  
2 also discussed the availability of other evidence including the testimony of the person who  
3 handed the rifle to Kea before the shooting and recorded telephone conversations.

4 Incorporated within Ground One is the assertion that Kea was unaware of the full range  
5 of allowable sentences when he pleaded guilty. The court notes that the transcript of the  
6 canvass shows that Judge Robison clearly informed Kea that the sentences could be  
7 consecutive and that he was probably going to prison. In addition, Berning testified credibly  
8 that she also went through that same process with Kea. One bit of testimony is notable. Kea  
9 established his lack of credibility when he swore that Berning and he went over each of the  
10 questions of the canvass and that she told him how to respond to each. That testimony was  
11 absurd and was contradicted by Berning who testified credibly that she merely informed Kea  
12 that he should answer the judge's questions honestly.

13 Ground Three of the petition asserts that Kea was incompetent at the time of the entry  
14 of the plea and that counsel knew that and should have sought a competency evaluation. The  
15 court notes that there was no evidence tending to show that a competency evaluation would  
16 have led to a finding of incompetency. Furthermore, the court finds that Berning testified quite  
17 credibly that Kea was fully aware of the nature of the charges and was able to assist in his  
18 defense. The transcript of the canvass by Judge Robison also tends to show that Kea was  
19 competent. The court finds, then, that Kea was in fact competent when he pleaded guilty and  
20 that Berning had no reason to think otherwise.

21 Ground Six is a claim that counsel rendered ineffective assistance in failing to seek  
22 suppression of Kea's admissions. Berning testified credibly that Kea insisted on a plea bargain  
23 and that a motion to suppress would have led to the prosecutor withdrawing the plea bargain  
24 contrary to the wishes of the client. "[C]ounsel does not have the authority to override a

25 ///

1 defendant's decision to plead guilty. That decision is reserved to the client." *McConnell v.*  
2 *State*, 125 Nev. 243, 253, 212 P.3d 307, 314 (2009), *as corrected* (July 24, 2009). It follows  
3 that once a client decides to plead guilty, counsel has a duty to avoid steps that would result in  
4 losing the plea agreement. That includes filing a motion to suppress. Therefore, the court  
5 finds that Kea has failed to prove that some objective standard of reasonableness required  
6 Berning to file the motion to suppress. The court makes no findings on the merits of such a  
7 motion and finds only that it has not been proven that Berning had a duty to file the motion to  
8 suppress.

9 When a conviction arises by a guilty plea, one who would claim ineffective assistance of  
10 counsel bears the burden of proving, by a preponderance of the evidence that the specific acts,  
11 omissions or decisions of counsel fell below an objective standard of reasonableness and that  
12 but for the failings of counsel, the defendant would have insisted on standing trial. *Kirksey v.*  
13 *State*, 112 Nev. 980, 923 P.2d 1102 (1996); *Means v. State*, 120 Nev. 1001, 103 P.3d 25 (2004).  
14 The court has carefully considered the entire record and the evidence adduced at the hearing,  
15 including the credibility of the witnesses, and remains unpersuaded.

16 Kea has failed to persuade this court that the specific acts, omissions or decisions of  
17 counsel was deficient or, that but for the alleged failings of counsel he would have insisted on  
18 standing trial.

19 Accordingly, and good cause appearing the Court HEREBY DENIES the petition and  
20 supplemental petition.

21 DATED this 4 day of April, 2017.

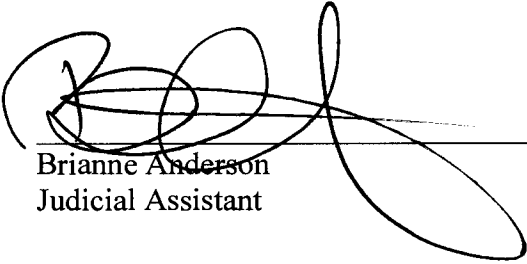
22  
23   
24 \_\_\_\_\_  
25 DISTRICT JUDGE  
26

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of the Second Judicial District Court of the State of Nevada, County of Washoe; that on this \_\_\_\_ day of \_\_\_\_\_, 2017, I deposited in the County mailing system for postage and mailing with the United States Postal Service in Reno, Nevada, a true copy of the attached document addressed to:

Further, I certify that on the 4th day of April, 2017, I electronically filed the foregoing with the Clerk of the Court electronic filing system, which will send notice of electronic filing to the following:

VICTORIA OLDENBURG, ESQ. for KUPAA KEA (TN)  
KATHRINE BERNING, ESQ. for KUPAA KEA (TN)  
KATHERINE LYON, ESQ. for STATE OF NEVADA  
DIV. OF PAROLE & PROBATION  
DEREK DREILING, ESQ. for STATE OF NEVADA  
TERRENCE MCCARTHY, ESQ. for STATE OF NEVADA

  
\_\_\_\_\_  
Brianne Anderson  
Judicial Assistant

1 CODE: 2540  
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5 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
6 IN AND FOR THE COUNTY OF WASHOE

7 \*\*\*

8 KUPAA KEA,

Petitioner,

CASE NO: CR12-0110

9  
10 vs.

DEPT. NO.: 9

11 THE STATE OF NEVADA,

12  
13 Respondent,  
14 \_\_\_\_\_/

15 **NOTICE OF ENTRY OF ORDER**

16 PLEASE TAKE NOTICE that on the 4th day of April, 2017 the Court entered a  
17 decision or order in this matter, a true and correct copy of which is attached hereto.

18 You may appeal to the Supreme Court from the decision or order of the Court. If  
19 you wish to appeal, you must file a notice of appeal with the Clerk of this Court within thirty-  
20 three (33) days, after the date this notice is mailed to you. This notice was mailed on the  
21 5th day of April, 2017.  
22

23 **JACQUELINE BRYANT**  
24 Clerk of the Court

25 **By /s/ Mia Cholico**  
26 Deputy Clerk  
27  
28

**CERTIFICATE OF SERVICE**

CASE NO. CR12-0110

Pursuant to NRCP 5(b), I certify that I am an employee of the Second Judicial District Court of the State of Nevada, County of Washoe; and that on the 5th day of April, 2017, I electronically filed the Notice of Entry of Order with the Clerk of the Court by using the ECF system which will send a notice of electronic filing to:

Victoria Oldenburg, Esq. for Kupaa Kea  
Kathrine Berning, Esq. for Kupaa Kea  
Div. of Parole & Probation  
Katherine Lyon, Esq. for State of Nevada  
Derek Dreiling, Esq. for State of Nevada  
Terrence McCarthy, Esq. for State of Nevada

I further certify that on the 5th day of April, 2017, I deposited in the Washoe County mailing system for postage and mailing with the U.S. Postal Service in Reno, Nevada, a true and correct copy of the Notice of Entry of Order, addressed to:

Kupaa Kea #1086980  
c/o HDSP  
P.O. Box 650  
Indian Springs, NV 89070

Attorney General's Office  
100 N. Carson Street  
Carson City, NV 89701-4717

/s/ Mia Cholico  
Mia Cholico

1 CODE No. 1750  
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3  
4

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

8 \* \* \*

9 KUPAA KEA,

10 Petitioner,

11 v.

Case No. CR12-0110

12 THE STATE OF NEVADA,

Dept. No. 9

13 Respondent.  
14 \_\_\_\_\_/

15 FINDINGS OF FACT, CONCLUSIONS OF LAW AND JUDGMENT

16 This cause is before the court upon a Petition for Writ of Habeas Corpus (Post-  
17 Conviction). Petitioner Kupaa Kea was represented by experienced Attorney Kathrine Berning  
18 when he faced charges stemming from a shooting at Paradise Park in Reno. He faced two  
19 counts of battery with a deadly weapon causing substantial bodily harm.

20 He pleaded guilty to the two battery charges in exchange for dismissal of Conspiracy to  
21 Violate the Controlled Substances Act SJC case number 12-12. He was thoroughly canvassed  
22 by Judge Robison and then the cause was set for sentencing with this judge. At sentencing,  
23 this judge imposed consecutive sentences of 35 to 156 months. Kea appealed but the judgment  
24 was affirmed. *Kea v. State*, Docket No., 61160, Order of Affirmance (February 13, 2013). On  
25 February 14, 2014, Kea filed a timely Petition for Writ of Habeas Corpus. This court appointed  
26 counsel and allowed a supplement to the petition. The State's motion to dismiss was denied

1 and the cause was set for a hearing on January 23, 2017. At that hearing the court received  
2 testimony from Officer Crow of the Reno Police Department and received transcripts and a  
3 recording of the questioning of Kea by Officer Crow. The court also heard testimony from  
4 Petitioner Kea and from Attorney Berning. These findings are based on the relative credibility  
5 of those witnesses.

6 The court first notes that at the outset of the hearing, counsel for Kea announced that  
7 several claims would not be supported by evidence or argument and indeed they were not. For  
8 those claims, including Grounds Two, Five, and Six, the court finds them unproven.

9 The remaining claims were addressed at the hearing. The court initially finds that  
10 Kathrine Berning was credible and Kea was not. Where they disagreed, the court finds Berning  
11 to be more credible than Kea. For example, Kea testified that Berning never discussed the  
12 evidence with him or even explained that he had the right to trial. The court finds that  
13 testimony to be untrue and finds Berning's contrary testimony to be true.

14 Ground One of the original petition and the supplemental Ground One, is a combination  
15 of a claim of ineffective assistance of counsel and a claim that the guilty plea was not a knowing  
16 and voluntary plea. To the claim that counsel was ineffective in failing to investigate and  
17 uncover favorable evidence, no such favorable evidence was uncovered. There was evidence  
18 that the interrogation of Kea might have led to arguable grounds for a motion to suppress some  
19 of his admissions, but Berning testified credibly that she noted those arguable grounds and  
20 discussed the options with Kea, but that Kea was adamant that he wished to reach a plea  
21 bargain and not stand trial. She testified credibly that a motion to suppress would have led to  
22 the prosecutor withdrawing the plea bargain, contrary to the wishes of her client.

23 Ground One also has a claim about the absence of evidence. Kea alleges that counsel  
24 was ineffective in failing to discover that there was scant physical evidence establishing that he  
25 was the shooter. There was, for example, no comparison between bullets and rifles because no  
26 rifle was recovered. Berning testified credibly that she was aware of the lack of additional

1 physical evidence and discussed that with Kea, but that Kea insisted on pleading guilty. She  
2 also discussed the availability of other evidence including the testimony of the person who  
3 handed the rifle to Kea before the shooting and recorded telephone conversations.

4 Incorporated within Ground One is the assertion that Kea was unaware of the full range  
5 of allowable sentences when he pleaded guilty. The court notes that the transcript of the  
6 canvass shows that Judge Robison clearly informed Kea that the sentences could be  
7 consecutive and that he was probably going to prison. In addition, Berning testified credibly  
8 that she also went through that same process with Kea. One bit of testimony is notable. Kea  
9 established his lack of credibility when he swore that Berning and he went over each of the  
10 questions of the canvass and that she told him how to respond to each. That testimony was  
11 absurd and was contradicted by Berning who testified credibly that she merely informed Kea  
12 that he should answer the judge's questions honestly.

13 Ground Three of the petition asserts that Kea was incompetent at the time of the entry  
14 of the plea and that counsel knew that and should have sought a competency evaluation. The  
15 court notes that there was no evidence tending to show that a competency evaluation would  
16 have led to a finding of incompetency. Furthermore, the court finds that Berning testified quite  
17 credibly that Kea was fully aware of the nature of the charges and was able to assist in his  
18 defense. The transcript of the canvass by Judge Robison also tends to show that Kea was  
19 competent. The court finds, then, that Kea was in fact competent when he pleaded guilty and  
20 that Berning had no reason to think otherwise.

21 Ground Six is a claim that counsel rendered ineffective assistance in failing to seek  
22 suppression of Kea's admissions. Berning testified credibly that Kea insisted on a plea bargain  
23 and that a motion to suppress would have led to the prosecutor withdrawing the plea bargain  
24 contrary to the wishes of the client. "[C]ounsel does not have the authority to override a

25 ///  
26



1 defendant's decision to plead guilty. That decision is reserved to the client." *McConnell v.*  
2 *State*, 125 Nev. 243, 253, 212 P.3d 307, 314 (2009), *as corrected* (July 24, 2009). It follows  
3 that once a client decides to plead guilty, counsel has a duty to avoid steps that would result in  
4 losing the plea agreement. That includes filing a motion to suppress. Therefore, the court  
5 finds that Kea has failed to prove that some objective standard of reasonableness required  
6 Berning to file the motion to suppress. The court makes no findings on the merits of such a  
7 motion and finds only that it has not been proven that Berning had a duty to file the motion to  
8 suppress.

9 When a conviction arises by a guilty plea, one who would claim ineffective assistance of  
10 counsel bears the burden of proving, by a preponderance of the evidence that the specific acts,  
11 omissions or decisions of counsel fell below an objective standard of reasonableness and that  
12 but for the failings of counsel, the defendant would have insisted on standing trial. *Kirksey v.*  
13 *State*, 112 Nev. 980, 923 P.2d 1102 (1996); *Means v. State*, 120 Nev. 1001, 103 P.3d 25 (2004).  
14 The court has carefully considered the entire record and the evidence adduced at the hearing,  
15 including the credibility of the witnesses, and remains unpersuaded.

16 Kea has failed to persuade this court that the specific acts, omissions or decisions of  
17 counsel was deficient or, that but for the alleged failings of counsel he would have insisted on  
18 standing trial.

19 Accordingly, and good cause appearing the Court HEREBY DENIES the petition and  
20 supplemental petition.

21 DATED this 4 day of April, 2017.

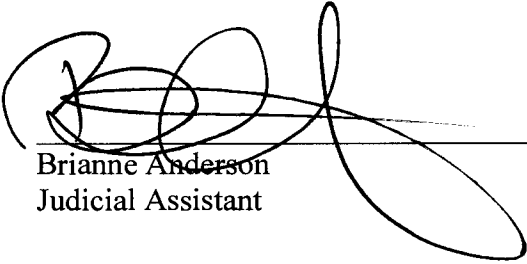
22  
23   
24 \_\_\_\_\_  
25 DISTRICT JUDGE  
26

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of the Second Judicial District Court of the State of Nevada, County of Washoe; that on this \_\_\_\_ day of \_\_\_\_\_, 2017, I deposited in the County mailing system for postage and mailing with the United States Postal Service in Reno, Nevada, a true copy of the attached document addressed to:

Further, I certify that on the 4th day of April, 2017, I electronically filed the foregoing with the Clerk of the Court electronic filing system, which will send notice of electronic filing to the following:

VICTORIA OLDENBURG, ESQ. for KUPAA KEA (TN)  
KATHRINE BERNING, ESQ. for KUPAA KEA (TN)  
KATHERINE LYON, ESQ. for STATE OF NEVADA  
DIV. OF PAROLE & PROBATION  
DEREK DREILING, ESQ. for STATE OF NEVADA  
TERRENCE MCCARTHY, ESQ. for STATE OF NEVADA

  
\_\_\_\_\_  
Brianne Anderson  
Judicial Assistant

**FILED**

Electronically

03-12-2012:11:47:53 AM

Joey Orduna Hastings

Clerk of the Court

Transaction # 2817766

CASE NO. CR12-0110

STATE OF NEVADA VS. KUPAA KEA

DATE, JUDGE

OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

02/08/2012

HON. NORMAN C.

ROBISON

DEPT. NO. 9

G. Bartlett

(Clerk)

S. Loder

(Reporter)

ARRAIGNMENT

Deputy D.A. Katherine Lyon represented the State.

Defendant present with counsel, Kathrine Berning, Esq.

Probation Officer, Deborah Brown, also present.

TRUE NAME: KUPAA KEA. Defendant handed a copy of the Information; waived formal reading; waived time in which to enter a plea and plead Guilty to Battery With a Deadly Weapon Causing Substantial Bodily Harm, as charged in Counts I and II of the Information.

Counsel for Defendant stated plea negotiations to the Court.

The Defendant was sworn.

Court interrogated the Defendant and informed him of his rights and stated the possible penalties thereto.

Counsel for State stated elements of the charge she was prepared to prove at the time of trial.

Court made finding that the Defendant is aware of his rights and knowingly waives them, that there is a factual basis for the entry of plea and the Court accepts the plea and enters a formal finding of guilt on the record.

Respective counsel requested P.S.I. report.

COURT ORDERED: Matter continued for entry of judgment and imposition of sentence.

Defendant remanded to the custody of the Sheriff.

03/23/12

8:30 a.m.

Sentencing

**FILED**

Electronically

04-05-2012:02:27:57 PM

Joey Orduna Hastings

Clerk of the Court

Transaction # 2872319

CASE NO. CR12-0110

STATE OF NEVADA VS. KUPAA KEA

DATE, JUDGE

OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

04/04/12

HON. SCOTT N.

FREEMAN

DEPT. NO. 9

G. Bartlett

(Clerk)

C. Vohl

(Reporter)

MOTION TO SET BAIL

Deputy D.A. Christian Wilson represented the State.

Defendant present with counsel, Kathrine Irene Berning, Esq.

Probation Officer, Michael Duncan, also present.

Counsel for Defendant informed the Court that the Defendant is currently on a no bail hold and is seeking a \$30,000.00 bondable bail amount. Counsel stated that this is the Defendant's first adult felony arrest and discussed the Defendant's family support and employment opportunity and will further agree to Court Services supervision while on bail if granted.

Counsel for State discussed the Defendant's juvenile history and elements of crime and reasons for a no bail hold.

Counsel for Defendant moved to invoke the rule of exclusion; SO ORDERED.

**Detective Chad Crowe** was called by counsel for State, sworn, testified and cross-examined.

**Detective John Patton** was called by counsel for State, sworn, testified and cross-examined.

Respective counsel presented closing arguments.

COURT ORDERED: Motion to set bail denied. Defendant shall remain on no bail hold.

Defendant remanded to the custody of the Sheriff.

**FILED**

Electronically

06-07-2012:04:46:46 PM

Joey Orduna Hastings

Clerk of the Court

Transaction # 3004669

CASE NO. CR12-0110

STATE OF NEVADA VS. KUPAA KEA

DATE, JUDGE

OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

06/01/12

HON. SCOTT N.

FREEMAN

DEPT. NO. 9

G. Bartlett

(Clerk)

C. Vohl

(Reporter)

ENTRY OF JUDGMENT AND IMPOSITION OF SENTENCE

Deputy D.A. Christian Wilson represented the State.

Defendant present with counsel, Kathrine Irene Berning, Esq.

Probation Officer, Deborah Brown, also present.

Counsel for Defendant discussed the Defendant's juvenile criminal history, the Defendant's gang affiliation, the Defendant's childhood upbringing and Dr. Mahaffey's report and urged the Court to impose 24-72 month sentences on each count to run them concurrently.

Counsel for State requested the maximum sentence of 72-180 months to run consecutively with each other and discussed the elements of the crime, the Defendant's actions while on bail and stated that the Defendant is a danger to the community.

The Defendant made a statement to the Court.

COURT ORDERED: Judgment entered. Defendant sentenced to Nevada State Prison for the minimum term of thirty-five (35) months to a maximum term of one hundred fifty-six (156) months, as to Count I. As to Count II, the Defendant is sentenced to Nevada State Prison for the minimum term of thirty-five (35) months to a maximum term of one hundred fifty-six (156) months, to run consecutively to Count I.

The Defendant is further ordered to pay the statutory Twenty-Five Dollar (\$25.00) administrative assessment fee and a One Hundred Fifty Dollar (\$150.00) DNA testing fee. The Defendant is given credit for one hundred sixty-four (164) days time served.

Defendant remanded to the custody of the Sheriff.

CASE NO. CR12-0110

STATE OF NEVADA VS. KUPAA KEA

DATE, JUDGE  
OFFICERS OF  
COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

1/23/17  
HON. SCOTT N.  
FREEMAN  
DEPT. NO. 9  
L. Sabo  
(Clerk)  
S. Kiger  
(Reporter)  
P. Sewell  
(Bailliff)

EVIDENTIARY HEARING -  
PETITION FOR POST CONVICTION RELIEF

Petitioner, Kupaa Kea, was present with counsel, Victoria Oldenburg, Esq.

Deputy D.A. Terrence McCarthy represented the State.

Counsel for Petitioner addressed the Court and waived an opening statement; counsel further requested that Grounds 2, 4 and 5 of the Petition be submitted to the Court without further argument.

Petitioner's counsel invoked the rule of exclusion; SO ORDERED.

Petitioner's counsel informed the Court that she had subpoenaed Marci Margritier, however, she was not present; therefore, the State has agreed to stipulate to the authenticity of the Washoe County Sheriff's Office Lab Report.

**Petitioner's exhibit 1** was marked and admitted.

**Chad Crow**, called by Petitioner's counsel, was sworn, testified and cross-examined.

During the testimony of the witness, **Petitioner's exhibits 2 and 3** were marked and admitted.

Also during the testimony of the witness, **State's exhibits 5 and 6** were marked and admitted.

**Kupaa Kea**, called by Petitioner's counsel, was sworn, testified and cross-examined.

Petitioner rested.

**Kathrine Berning**, called by the State, was sworn, testified and cross-examined.

The State rested.

Respective counsel presented closing arguments and responded to the Court's questions and comments.

COURT ORDERED: The Petition for Post-Conviction Relief is hereby denied on each ground.

The Court directed the State to prepare a written order in accordance with the Court's ruling, provide the same to Petitioner's counsel for review and, thereafter, submit it to the Court for signature.

Petitioner's counsel requested the transcript of these proceedings.

Defendant was remanded to NDOC authorities.

**EXHIBITS – POST CONVICTION**

**PLTF: STATE OF NEVADA**

**PATY: Terrence McCarthy, D.D.A.**

**DEFT: KUPAA KEA**

**DATY: Victoria Oldenburg, Esq.**

**Case No: CR12-0110**

**Dept. No: 9**

**Clerk: L. Sabo**

**Date: 1/23/17**

<b>Exhibit No.</b>	<b>Party</b>	<b>Description</b>	<b>Marked</b>	<b>Offered</b>	<b>Admitted</b>
1	Ptnr	WCSO Lab Report	1/23/17	Stip	1/23/17
2	Ptnr	CD – 1 <sup>st</sup> Police Interview	1/23/17	No Obj	1/23/17
3	Ptnr	CD – 2 <sup>nd</sup> Police Interview	1/23/17	No Obj	1/23/17
4	----	Number not used	----	----	----
5	State	Transcript of 1 <sup>st</sup> Police Interview	1/23/17	No Obj	1/23/17
6	State	Transcript of 2 <sup>nd</sup> Police Interview	1/23/17	No Obj	1/23/17

1 **Code 1350**

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

6 **KUPAA KEA,**

**Case No. CR12-0110**

7  
8 **Petitioner,**

**Dept. No. 9**

9 **vs.**

10 **THE STATE OF NEVADA,**

11 **Respondent.**

12 \_\_\_\_\_ /  
13 **CERTIFICATE OF CLERK AND TRANSMITTAL – NOTICE OF APPEAL**

14 I certify that I am an employee of the Second Judicial District Court of the State of Nevada,  
15 County of Washoe; that on the 8th day of May, 2017, I electronically filed the Notice of Appeal in  
16 the above entitled matter to the Nevada Supreme Court.

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

19 Dated this 8th day of May, 2017

20 Jacqueline Bryant  
21 Clerk of the Court

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