

CR07-1728
STATE VS. BRENDAN DUNCKLEY
District Court
Washoe County
05/16/2017 09:13 AM
2515
VITI:APTC

FILED

MAY 16 2017

JACQUELINE BRYANT, CLERK
By: *[Signature]*
DEPUTY CLERK

Case No: CR07-1728

Dept. No: 4

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF Washoe
Electronically Filed
May 22 2017 02:42 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

BRENDAN DUNCKLEY
Petitioner/Plaintiff,

VS.

NOTICE OF APPEAL

STATE OF NEVADA
Respondent/Defendant,

NOTICE IS HEREBY GIVEN that: PETITIONER BRENDAN DUNCKLEY

hereby appeals the judgement entered in this Honorable court on or about the 27th day of

APRIL, 2017

DATED this 4th, day of MAY, 2017

Brendan Dunckley
Petitioner / Plaintiff

BRENDAN DUNCKLEY 1023236
(Print Name) In Proper Persona

1 PURSUANT TO N.R.S. 208.165, I understand that a false statement or answer to any question
2 In this declaration will subject me to penalties of perjury, I DECLARE UNDER PENALTY OF
3 PERJURY UNDER THE LAWS OF THE STATE OF NEVADA THAT THE FOREGOING
4 IS TRUE AND CORRECT. See N.R.S. 208.165.

5
6 Signed at N.N.C.C.
(Location)

Brendan Dunchley
(Signature)

7
8 MAY, 4, 2017
(Date)

1023236
(Inmate Number)

CERTIFICATE OF SERVICE BY MAIL

Pursuant to F.R.C.P. Rule 5(b), I hereby certify that I am the petitioner/Defendant named herein and
that on this 5th day of May 2017, I deposited in the United States

Mails in Carson City, Nevada a true a correct copy of the foregoing addressed to:

Second Judicial District Court
CLERK OF THE COURT
P.O. Box 11130
RENO, NV 89520

Joseph Platter,
%
WADSWORTH COUNTY D. A.
P.O. Box 11130
RENO, NEVADA 89520

Brendan Dunchley

AFFIRMATION
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding document, _____

NOTICE OF APPEAL

(Title of Document)

filed in case number: CR07-1720



Document does not contain the social security number of any person

-OR-



Document contains the social security number of a person as required by:



A specific state or federal law, to wit:

(State specific state or federal law)

-or-



For the administration of a public program

-or-



For an application for a federal or state grant

-or-



Confidential Family Court Information Sheet
(NRS 125.130, NRS 125.230 and NRS 125B.055)

Date: MAY 4, 2017

Brendan Dunckley
(Signature)

BRENDAN DUNCKLEY
(Print Name)

PRO PER
(Attorney for)

1 **Code 1310**

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

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

8 **BRENDAN DUNCKLEY,**

9 **Petitioner,**

Case No. CR07-1728

10 **vs.**

Dept. No. 4

11 **THE STATE OF NEVADA,**

12 **Respondent.**

13 _____ /
14 **CASE APPEAL STATEMENT**

15 This case appeal statement is filed pursuant to N.R.A.C.P. 3(f).

- 16 1. Appellant is Brendan Dunckley
- 17 2. This appeal is from an order entered by the Honorable Judge Connie Steinheimer.
- 18 3. Appellant is representing himself in Proper Person on appeal. The Appellant's
- 19 address is:
- 20 Brendan Dunckley
- 21 N.N.C.C.
- 22 P.O. Box 7000
- 23 Carson City, Nevada 89702
- 24 4. Respondent is the State of Nevada. Respondent is represented by: the Washoe
- 25 County District Attorney's Office
- 26 Terrance McCarthy, Esq., SBN 2745
- 27 P.O. Box 30083
- 28 Reno, NV 89520
5. Respondent's attorney is not licensed to practice law in Nevada: n/a
6. Appellant was represented by appointed counsel in District Court.

- 1 7. Appellant is not represented by appointed counsel on appeal.
- 2 8. Appellant was granted leave to proceed in forma pauperis in the District Court filed
- 3 on October 28, 2009.
- 4 9. Proceeding commenced by an Information filed on July 12, 2007.
- 5 10. This is a criminal proceeding and the Appellant's Notice of Appeal does not
- 6 designate the Judgment, order or part thereof being appealed as required by
- 7 N.R.A.C.P. 3 (C)(1)(B). It appears that Appellant is appealing the Order filed March
- 8 28, 2017.
- 9 11. The case has been the subject of a previous appeal to the Supreme Court:
- 10 Supreme Court No.: 52383, 55545, 59957 and 59958
- 11 12. This case does not involve child custody or visitation.
- 12 13. This is not a civil case involving the possibility of a settlement.

13 Dated this 19th day of May, 2017.

14 Jacqueline Bryant
15 Clerk of the Court

16 By: /s/ Yvonne Vilorio
17 Yvonne Vilorio
18 Deputy Clerk
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IN THE SECOND JUDICIAL DISTRICT COURT FOR THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE

BRENDAN DUNCKLEY,

Petitioner,

Case No. CR07P1728

vs.

Department No.: 4

THE STATE OF NEVADA,

Respondent.

ORDER GRANTING IN FORMA PAUPERIS

Having read Petitioner's Request and Affidavit in Support of Request to Proceed In Forma Pauperis, the Court finds that Petitioner is currently serving a sentence in a correctional institution.

Pursuant to Nevada Supreme Court's Order ADKT No. 411, a person will be deemed 'indigent' who is unable, without substantial hardship to himself or his dependents, to obtain competent qualified legal counsel on his own. Under this standard, a presumption of substantial hardship attaches to those persons currently serving a sentence in a correctional institution or housed in a mental health facility.

The Court further finds that pursuant to NRS 171.188, Petitioner has insufficient assets and/or income to proceed absent a grant of *forma pauperis* status.

IT IS HEREBY ORDERED, pursuant to NRS 171.188, Petitioner is granted leave to proceed in forma pauperis.

1 IT IS HEREBY FURTHER ORDERED that the Court allow said BRENDAN
2 DUNCKLEY to bring such action without costs and file or issue any necessary writ,
3 process, pleading or paper without charge, with the exception of jury fees.

4 IT IS HEREBY FURTHER ORDERED that the Sheriff or any other appropriate
5 officer within the state make personal service of any necessary writ, process, pleading
6 or paper without charge for BRENDAN DUNCKLEY.

7 IT IS HEREBY FURTHER ORDERED that the above entitled matter is referred to
8 the Department Four, the assigned Department presiding over the underlying matter, for
9 the Court's determination as to whether or not the Petitioner should be appointed
10 counsel to represent him in this matter.

11 DATED this 26 day of October, 2009.

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13 Connie I. Skidmore
14 CHIEF DISTRICT JUDGE
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CERTIFICATE OF SERVICE

I certify that I am an employee of JUDGE CONNIE STEINHEIMER, and that on the 28th day of October, 2009, I deposited in the county mailing system, a true copy of the attached document, addressed to:

Brendan Dunckley
Inmate no. 1023236
Lovelock Correctional Center
1200 Prison Road
Lovelock, Nevada 89419
Via U.S. Postal Service

Connie Steinheimer
Department Four
Second Judicial District Court
Via Inter-Office Mail

I hereby certify that on the 28th day of October, 2009 I electronically filed the foregoing with the Clerk of the Court by using the ECF system which will send a notice of electronic filing to the following:

Gary Hatlestad, Esq.
Chief Deputy District Attorney



Marci L. Stone

**SECOND JUDICIAL DISTRICT COURT
COUNTY OF WASHOE**

Case History - CR07-1728

DEPT. D4

HON. CONNIE J. STEINHEIMER

Report Date & Time

5/19/2017

9:07:15AM

Case Description: STATE VS. BRENDAN DUNCKLEY (D4)

Case ID: CR07-1728

Case Type: CRIMINAL

Initial Filing Date: 7/3/2007

Parties

PNP	Div. of Parole & Probation - DPNP
APPE	BRENDAN DUNCKLEY - @102844
RESP	STATE OF NEVADA - STATE
PLTF	STATE OF NEVADA - STATE
DA	Joseph R. Plater, III, Esq. - 2771
DA	Terrence P. McCarthy, Esq. - 2745
DEFT	BRENDAN DUNCKLEY - @102844

Charges

<i>Charge No.</i>	<i>Charge Code</i>	<i>Charge Date</i>	<i>Charge Description</i>
1	F650	2/28/2008	AI LEWDNESS WITH A CHILD UNDER THE AGE OF FOURTEEN YEARS
2	F60	2/28/2008	AI ATTEMPTED SEXUAL ASSAULT

Plea Information

<i>Charge No.</i>	<i>Plea Code</i>	<i>Plea Date</i>	<i>Plea Description</i>
2	F60	3/6/2008	PLED GUILTY
1	F650	3/6/2008	PLED GUILTY
3	NC01		
4	NC01		

Sentences

<i>Date</i>	<i>Charge No.</i>	<i>Charge Desc</i>	<i>Time Served</i>	<i>Sentence Text</i>
8/5/2008	1	Life With Poss of Parole	NSP - LIFE MAX; 10 YEARS MIN; LIFETIME SUPERVISION; FEES; DNA TESTING	
8/5/2008	2	Nevada State Prison	NSP - 120 MOS MAX; 24 MOS MIN; TO BE SERVED CONCURRENTLY WITH CT 1; LIFETIME SUPERVISION	

Release Information

Custody Status

3/6/2008	BAIL - BOND	ALCOHOL OR CONTROLLED SUBSTANCES
3/6/2008	BAIL - BOND	WITH COURT SERVICES SUPERVISION S.C. 1. CHECK-INS AT LEAST 1XPER WEEK; 2. NO

Hearings

<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>	<i>Disposed Date</i>
1 D4	ARRAIGNMENT	7/17/2007 09:00:00	7/17/2007

Event Extra Text:

Disposition:
D725 7/17/2007
INFORMATION

Case Description: STATE VS. BRENDAN DUNCKLEY (D4)**Case ID: CR07-1728****Case Type: CRIMINAL****Initial Filing Date: 7/3/2007**

<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
2 D4	PRE-TRIAL MOTIONS	10/19/2007	09:00:00	10/19/2007
Event Extra Text:		Disposition: D870 10/19/2007		
<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
3 D4	MOTION TO CONFIRM TRIAL	3/4/2008	09:00:00	3/3/2008
Event Extra Text:		Disposition: D844 3/3/2008		
<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
4 D4	MOTION TO CONFIRM TRIAL	3/6/2008	09:00:00	3/6/2008
Event Extra Text:		Disposition: D655 3/6/2008 COUNTS I AND II OF THE AMENDED INFORMATION TRIAL DATE VACATED CT ORDERED CT SERVICES SUPERVISION TO DEFENDANT'S BAIL RELEASE S.C. 1. CHECK-INS AT LEAST 1XPER WEEK; 2. NO ALCOHOL OR CONTROLLED SUBSTANCES		
<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
5 D4	MOTION TO CONFIRM TRIAL	3/13/2008	09:00:00	9/26/2007
Event Extra Text:		Disposition: D844 9/26/2007 RESET FOR 3/18/07		
<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
6 D4	MOTION TO CONFIRM TRIAL	3/18/2008	09:00:00	10/8/2007
Event Extra Text:		Disposition: D844 10/8/2007 RESET TO 3/4/07		
<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
7 D4	TRIAL - JURY	3/24/2008	10:00:00	3/6/2008
Event Extra Text: (5 DAYS)		Disposition: D845 3/6/2008		
<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
8 D4	SENTENCING	8/5/2008	09:00:00	8/5/2008
Event Extra Text:		Disposition: D765 8/5/2008		
<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
9 D4	Request for Submission	10/5/2009	16:44:00	10/23/2009
Event Extra Text: MOTION FOR WITHDRAWAL OF ATTORNEY OF RECORD AND TRANSFER OF RECORDS		Disposition: S200 10/23/2009		

Case Description: STATE VS. BRENDAN DUNCKLEY (D4)**Case ID: CR07-1728****Case Type: CRIMINAL****Initial Filing Date: 7/3/2007**

<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
10 D4	Request for Submission	11/25/2009	11:25:00	2/10/2010
Event Extra Text: DEFENDANT'S MOTION FOR MODIFICATION OF SENTENCE		Disposition: S200 2/10/2010		
<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
11 D4	Tickle Start Code	11/25/2009	07:00:00	11/25/2009
Event Extra Text: HAS MOTION FOR MODIFICATION OF SENTENCE BEEN SUBMITTED		Disposition: T200 11/25/2009		
<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
12 D4	Request for Submission	2/23/2010	10:50:00	4/12/2010
Event Extra Text: MOTION FOR MODIFICATION OF SENTENCE		Disposition: S200 4/12/2010		
<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
13 D4	Request for Submission	3/24/2010	09:00:00	4/23/2010
Event Extra Text: MOTION		Disposition: S200 4/23/2010		
<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
14 D4	Request for Submission	6/17/2010	13:46:00	7/8/2010
Event Extra Text: MOTION FOR WITHDRAWAL OF GUILTY PLEA & SUPPLEMENTAL OF MOTION FOR WITHDRAWAL OF GUILTY PLEA		Disposition: S200 7/8/2010		
<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
15 D4	Request for Submission	9/21/2010	16:29:00	10/15/2010
Event Extra Text: MOTION TO SUBMIT MOTION TO WITHDRAW GUILTY PLEA AND ALSO DEFENDANT'S SUPPLEMENTAL MOTION TO WITHDRAW GUILTY PLEA		Disposition: S200 10/15/2010		
<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
16 D4	Tickle Start Code	11/10/2010	07:00:00	11/10/2010
Event Extra Text: HAS STATE FILED A RESPONSE TO THE MOTION TO WITHDRAW PLEA AND SUPPLEMENTAL MOTION		Disposition: T200 11/10/2010		
<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
17 D4	Request for Submission	11/12/2010	14:48:00	12/6/2010
Event Extra Text: MOTION TO WITHDRAW PLEA AND SUPPLEMENTAL MOTION		Disposition: S200 12/6/2010		

Case Description: STATE VS. BRENDAN DUNCKLEY (D4)**Case ID: CR07-1728****Case Type: CRIMINAL****Initial Filing Date: 7/3/2007**

<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
18 D4	Request for Submission	11/17/2010	15:00:00	1/7/2011
Event Extra Text: MOTION TO WITHDRAW DEFENDANT'S GUILTY PLEA MEMORANDUM, SUPPLEMENTAL TO MOTION TO WITHDRAW GUILTY PLEA, AND SUPPLEMENT IN CONSIDERATION OF MOTION TO WITHDRAW GUILTY GUILTY PLEA		Disposition: S200 1/7/2011 PARTIES TO SET FOR ORAL ARGUMENTS W/IN 15 DAYS		
<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
19 D4	Tickle Start Code	1/27/2011	07:00:00	1/24/2011
Event Extra Text: HAVE ORAL ARGUMENTS ON THE MOTION TO WITHDRAW GUILTY PLEA BEEN SET?		Disposition: T200 1/24/2011		
<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
20 D4	ORAL ARGUMENTS	4/22/2011	09:01:00	3/11/2011
Event Extra Text: ON MOTION FOR WITHDRAWAL OF GUILTY PLEA		Disposition: D875 3/11/2011		
<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
21 D4	Request for Submission	5/9/2011	15:00:00	5/31/2011
Event Extra Text: MOTION TO WITHDRAW GUILTY PLEA MEMO AND ALL SUUPLEMENTAL MOVING PAPERS ASSOCIATED WITH THE ORIGINAL MOTION FILED 3-3-10		Disposition: S200 5/31/2011		
<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
22 D4	ORAL ARGUMENTS	6/3/2011	09:00:00	6/3/2011
Event Extra Text: ON MOTION FOR WITHDRAWAL OF GUILTY PLEA		Disposition: D840 6/3/2011		
<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
23 D4	Request for Submission	6/3/2011	09:00:00	8/10/2011
Event Extra Text: - MOTION FOR WITHDRAWAL OF GUILTY PLEA TAKEN UNDER ADVISEMENT AFTER ORAL ARGUMENTS		Disposition: S200 8/10/2011		
<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
24 D4	CONFERENCE CALL	8/12/2011	09:30:00	8/12/2011
Event Extra Text: RENDER DECISION ON MOTION TO WITHDRAW PLEA AND PETITION FOR WRIT OF HABEAS CORPUS		Disposition: D355 8/12/2011 COURT DENIED DEFT'S MTN TO W/DRAW PLEA; FOUND THAT THE PLEA WAS KNOWINGLY MADE. COURT FURTHER DENIED THE PETITION FOR WRIT OF HABEAUS; FOUND THAT COUNSEL WAS NOT INEFFECTIVE, AND THERE WAS NO PROSECUTORIAL MISCONDUCT.		

Case Description: STATE VS. BRENDAN DUNCKLEY (D4)

Case ID: CR07-1728 **Case Type:** CRIMINAL **Initial Filing Date:** 7/3/2007

<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
25 D4	Request for Submission	1/18/2017	15:29:00	2/15/2017
Event Extra Text: MOTION TO GRANT PETITIONER'S UNOPPOSED WRIT FOR HABEAS CORPUS TO EXHAUST STATE CLAIMS (NRS 34.480 AND NRS 34.500(2)(9)) (NO ORDER)		Disposition: S200 2/15/2017 ORDER SETTING EVIDENTIARY HEARING SET		
<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
26 D4	Tickle Start Code	2/6/2017	07:00:00	2/6/2017
Event Extra Text: - STATUS?		Disposition: T200 2/6/2017		
<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
27 D4	Request for Submission	3/14/2017	10:14:00	3/28/2017
Event Extra Text: MOTION TO DISMISS PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION) (PAPER ORDER NOT PROVIDED)		Disposition: S200 3/28/2017 ORAL ARGUMENTS ON MOTION TO DISMISS SET SAME DATE AS EVIDENTIARY HEARING ON PETITION		
<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
28 D4	EVIDENTIARY HEARING	4/27/2017	15:00:00	4/27/2017
Event Extra Text: ON PETITION FOR HABEAS CORPUS TO EXHAUST STATE CLAIMS AND ORAL ARGUMENTS ON THE MOTION TO DISMISS PETITION		Disposition: D435 4/27/2017 MOTION TO DISMISS PETITION FOR WRIT OF HABEAS CORPUS GRANTED - STATE TO PREPARE ORDER EVIDENTIARY HEARING ON THE PETITION DID NOT PROCEED BASED ON THE DISMISSAL		

Agency Cross Reference

<i>Code</i>	<i>Agency Description</i>	<i>Case Reference I.D.</i>
DA	District Attorney's Office	DA373085
PC	PCN number	PCNRPD0726524C
PC	PCN number	PCNRPD0726517C
RJ	Reno Justice's Court	RCR2007033884
RP	Reno Police Department	RP05034027
RP	Reno Police Department	RP07009446
SC	Supreme Court	SCN 52383
SC	Supreme Court	SCN 55545
SC	Supreme Court	SCN 59957

Actions

<i>Action Entry Date</i>	<i>Code</i>	<i>Code Description</i>	<i>Text</i>
7/3/2007	1491	Pretl Srvc Assessment Report	
7/3/2007	1250	Application for Setting	7/17/07 @ 9:00 a.m.
7/12/2007	1800	Information	
7/17/2007	1280	** 60 Day Rule - Waived	
7/17/2007	MIN	***Minutes	CRIMINAL PROGRESS SHEET
7/18/2007	MIN	***Minutes	Transaction 7032 - Approved By: NOREVIEW : 07-18-2007:11:54:22
7/19/2007	3700	Proceedings	
7/20/2007	3696	Pre-Trial Order	

Case Description: STATE VS. BRENDAN DUNCKLEY (D4)				
Case ID:	CR07-1728	Case Type:	CRIMINAL	Initial Filing Date: 7/3/2007
7/24/2007	BAIL	**Bailbond Posted		
7/24/2007	BAIL	**Bailbond Posted		
8/16/2007	4185	Transcript	07/17/07 - ARRAIGNMENT	
9/26/2007	1250	Application for Setting	MOTION TO CONFIRM TRIAL	
10/8/2007	1250	Application for Setting	MOTION TO CONFIRM TRIAL	
10/19/2007	3980	Stip and Order...	VACATING HEARING	
2/4/2008	2490	Motion ...	MOTION TO ALLOW LEAVE TO FILE A BELATED NOTICE OF INTENT TO SEEK ADMISSION OF OTHER BA	
2/4/2008	2610	Notice ...	NOTICE OF INTENT TO SEEK ADMISSION OF OTHER ACTS EVIDENCE FOR PURPOSES OF REBUTTAL	
2/25/2008	3839	Request Agree Ord Recp Discv		
2/28/2008	1095	Amended Information		
3/3/2008	4025	Stip & Ord to Continue	3/4/08 MOTION TO CONFIRM TRIAL CONTINUED TO 3/6/08 AT 9:00 A.M.	
3/6/2008	1785	Guilty Plea Memo/Agreement		
4/2/2008	4185	Transcript	MOTION TO CONFIRM TRIAL - MARCH 6, 2008 - Transaction 172843 - Approved By: TPRINCE : 04-02-2008:7	
6/26/2008	MIN	***Minutes	MOTION TO CONFIRM TRIAL DATE/ARRAIGNMENT ON AMENDED INFORMATION - 3/6/08 - Transaction 26	
8/5/2008	2528	Not/Doc/Rc'd/Not/Cons/by Crt	NOTICE OF DOCUMENT RECEIVED BUT NOT CONSIDERED BY THE COURT	
8/5/2008	4500	PSI - Confidential		
8/5/2008	1695	** Exhibit(s) ...	A & B ADMITTED	
8/11/2008	1850	Judgment of Conviction		
9/5/2008	4185	Transcript	TRANSCRIPT OF PROCEEDINGS SENTENCING - Transaction 354459 - Approved By: NDELGADO : 09-08-20	
9/8/2008	2515	Notice of Appeal Supreme Court		
9/9/2008	1310	Case Appeal Statement		
9/10/2008	1365	Certificate of Transmittal		
9/10/2008	1350	Certificate of Clerk		
9/15/2008	1187	**Supreme Court Case No. ...	SUPREME COURT CASE NO. 52383	
9/15/2008	1188	Supreme Court Receipt for Doc	SUPREME COURT CASE NO. 52383	
9/16/2008	MIN	***Minutes	SENTENCING - 8/5/08 - Transaction 366951 - Approved By: NOREVIEW : 09-16-2008:11:34:28	
9/17/2008	EXON	**Cash Bail/Bond Exonerated	SLIP SENT ON 11/3/2008	
9/17/2008	EXON	**Cash Bail/Bond Exonerated	SLIP SENT ON 11/3/2008	
10/6/2008	4133	Supreme Court Notice	SUPREME COURT CASE NO. 52383	
10/13/2008	3868	Req to Crt Rptr - Rough Draft	REQUEST FOR ROUGH DRAFT TRANSCRIPT	
5/11/2009	4134	Supreme Court Order Affirming	SUPREME COURT CASE NO. 52383	
6/3/2009	4111	Supreme Ct Clk's Cert & Judg	SUPREME COURT CASE NO. 52383	
6/3/2009	4145	Supreme Court Remittitur	SUPREME COURT CASE NO. 52383	
6/3/2009	4134	Supreme Court Order Affirming	SUPREME COURT CASE NO. 52383	
7/7/2009	2490	Motion ...	MOTION FOR WITHDRAWAL OF ATTORNEY OF RECORD AND TRANSFER OF RECORDS: BRENDAN DL	
7/7/2009	1075	Affidavit ...	AFFIDAVIT IN SUPPORT OF MOTION FOR WITHDRAWAL OF ATTORNEY OF RECORD AND TRANSFER (
7/8/2009	2380	Mtn to Modify ...	MOTION FOR MODIFICATION OF SENTENCE	
7/23/2009	3880	Response...	RESPONSE TO DEFENDANT'S NOTICE AND MOTION FOR WITHDRAWAL OF ATTORNEY OR RECORD AN	
7/23/2009	2590	Notice Withdrawal of Attorney	DAVID O'MARA, ESQ - BRENDEN DUNCKLEY - Transaction 920655 - Approved By: ASMITH : 07-23-2009:16:	

Case Description: STATE VS. BRENDAN DUNCKLEY (D4)				
Case ID:	CR07-1728	Case Type:	CRIMINAL	Initial Filing Date: 7/3/2007
9/30/2009	1325	** Case Reopened		
9/30/2009	3860	Request for Submission	DOCUMENT TITLE: MOTION FOR WITHDRAWAL OF ATTORNEY OF RECORD AND TRANSFER OF RECOR	
10/23/2009	NEF	Proof of Electronic Service	Transaction 1117929 - Approved By: NOREVIEW : 10-23-2009:12:02:25	
10/23/2009	3025	Ord Granting/Denying in Part	GRANTING MOTION FOR WITHDRAWAL OF COUNSEL OF RECORD (DAVID O'MARA, ESQ.) AND DENYIN	
10/23/2009	1315	** Case Closed		
10/23/2009	S200	Request for Submission Complet		
10/27/2009	1325	** Case Reopened		
10/27/2009	3370	Order ...	STATE HAS 10 DAYS TO RESPOND TO THE MOTION FOR MODIFICATION OF SENTENCE OR THE COUR	
10/27/2009	NEF	Proof of Electronic Service	Transaction 1122194 - Approved By: NOREVIEW : 10-27-2009:08:44:11	
11/4/2009	2645	Opposition to Mtn ...	OPPOSITION TO MOTION FOR MODIFICATION OF SENTENCE - Transaction 1135098 - Approved By: ASMIT	
11/4/2009	NEF	Proof of Electronic Service	Transaction 1135130 - Approved By: NOREVIEW : 11-04-2009:10:42:48	
11/13/2009	3880	Response...		
11/25/2009	2490	MOTION FOR JUDGMENT IN THE INTEREST OF JUSTICE		
11/25/2009	NEF	Proof of Electronic Service	Transaction 1175017 - Approved By: NOREVIEW : 11-25-2009:11:27:13	
11/25/2009	T200	Tickle End Code		
11/25/2009	3860	Request for Submission	DEFENDANT'S MOTION FOR MODIFICATION OF SENTENCE - Transaction 1174781 - Approved By: AZION :	
2/10/2010	S200	Request for Submission Complet		
2/10/2010	NEF	Proof of Electronic Service	Transaction 1313386 - Approved By: NOREVIEW : 02-10-2010:11:01:36	
2/10/2010	2842	Ord Denying Motion		
2/17/2010	3860	Request for Submission	DOCUMENT TITLE: MOTION FOR MODIFICATION OF SENTENCE	
2/17/2010	1360	Certificate of Service		
3/1/2010	NEF	Proof of Electronic Service	Transaction 1351254 - Approved By: NOREVIEW : 03-01-2010:17:19:48	
3/1/2010	2515	Notice of Appeal Supreme Court		
3/1/2010	1310E	Case Appeal Statement	Transaction 1351033 - Approved By: NOREVIEW : 03-01-2010:17:02:45	
3/2/2010	NEF	Proof of Electronic Service	Transaction 1351300 - Approved By: NOREVIEW : 03-02-2010:07:24:32	
3/2/2010	4109	Supreme Ct Accept - eFile Doc		
3/2/2010	1365	Certificate of Transmittal		
3/2/2010	1350	Certificate of Clerk		
3/2/2010	NEF	Proof of Electronic Service	Transaction 1353290 - Approved By: NOREVIEW : 03-02-2010:13:46:26	
3/3/2010	2490	MOTION FOR WITHDRAWAL OF GUILTY PLEA		
3/4/2010	1188	SUPREME COURT CASE NO. 55545 / RECEIPT FOR DOCUMENTS - Transaction 1356985 - Approved By: NC		
3/4/2010	NEF	Proof of Electronic Service	Transaction 1357002 - Approved By: NOREVIEW : 03-04-2010:09:39:12	
3/4/2010	4105	SUPPLEMENT TO MOTION TO WITHDRAW GUILTY PLEA		
3/18/2010	NEF	Proof of Electronic Service	Transaction 1382940 - Approved By: NOREVIEW : 03-18-2010:13:34:54	
3/18/2010	4126	SUPREME COURT CASE NO. 55545 / ORDER DIRECTING TRANSMISSION OF RECORD - Transaction 1382		
3/22/2010	3860	Request for Submission	DOCUMENT TITLE: MOTION	
3/22/2010	1325	** Case Reopened		
4/12/2010	S200	Request for Submission Complet		
4/12/2010	3370	Order ...	MOTION FOR MODIFICATION OF SENTENCIN SHALL NOT BE CONSIDERED AGAIN AND THE DECISION F	

Case Description: STATE VS. BRENDAN DUNCKLEY (D4)				
Case ID:	CR07-1728	Case Type:	CRIMINAL	Initial Filing Date: 7/3/2007
4/12/2010	NEF	Proof of Electronic Service	Transaction 1424446 - Approved By: NOREVIEW : 04-12-2010:09:29:27	
4/23/2010	3370	Order ...	DECISION ON MOTION TO WITHDRAW GUILTY PLEA IS STAYED PENDING OUTCOME OF APPEAL TO TH	
4/23/2010	NEF	Proof of Electronic Service	Transaction 1449089 - Approved By: NOREVIEW : 04-23-2010:16:18:12	
4/23/2010	S200	Request for Submission Complet		
6/9/2010	4109	Supreme Ct Accept - eFile Doc	SUPREME COURT CASE NUMBER 55545 - RECORD ON APPEAL - VOLUME 7 - Transaction 1533249 - Appi	
6/9/2010	1365	Certificate of Transmittal	RECORD ON APPEAL - Transaction 1532288 - Approved By: NOREVIEW : 06-09-2010:11:42:23	
6/9/2010	1350	Certificate of Clerk	RECORD ON APPEAL - Transaction 1532288 - Approved By: NOREVIEW : 06-09-2010:11:42:23	
6/9/2010	4109	Supreme Ct Accept - eFile Doc	SUPREME COURT CASE NUMBER 55545 - RECORD ON APPEAL - VOLUME 6 - Transaction 1533249 - Appi	
6/9/2010	4109	Supreme Ct Accept - eFile Doc	SUPREME COURT CASE NUMBER 55545 - RECORD ON APPEAL - VOLUME 5 - Transaction 1533249 - Appi	
6/9/2010	4109	Supreme Ct Accept - eFile Doc	SUPREME COURT CASE NUMBER 55545 - RECORD ON APPEAL - VOLUME 2 - Transaction 1533249 - Appi	
6/9/2010	NEF	Proof of Electronic Service	Transaction 1533268 - Approved By: NOREVIEW : 06-09-2010:14:22:08	
6/9/2010	NEF	Proof of Electronic Service	Transaction 1532293 - Approved By: NOREVIEW : 06-09-2010:11:43:46	
6/9/2010	4109	Supreme Ct Accept - eFile Doc	SUPREME COURT CASE NUMBER 55545 - RECORD ON APPEAL - VOLUME 1 - Transaction 1533249 - Appi	
6/9/2010	4109	Supreme Ct Accept - eFile Doc	SUPREME COURT CASE NUMBER 55545 - RECORD ON APPEAL - VOLUME 3 - Transaction 1533249 - Appi	
6/16/2010	1188	Supreme Court Receipt for Doc	SUPREME COURT CASE NO. 55545 / RECEIPT FOR DOCUMENTS - Transaction 1546203 - Approved By: NC	
6/16/2010	NEF	Proof of Electronic Service	Transaction 1546208 - Approved By: NOREVIEW : 06-16-2010:13:04:24	
6/17/2010	3860	Request for Submission	DOCUMENT TITLE: MOTION FOR WITHDRAWAL OF GUILTY PLEA & SUPPLEMENTAL OF MOTION FOR W	
7/8/2010	NEF	Proof of Electronic Service	Transaction 1587706 - Approved By: NOREVIEW : 07-08-2010:13:57:48	
7/8/2010	S200	Request for Submission Complet		
7/8/2010	3370	Order ...	ORDER (RE: MOTION TO WITHDRAW GUILTY PLEA STAYED PENDING OUTCOME OF APPEAL TO THE SI	
7/14/2010	4105	Supplemental ...		
9/16/2010	4134	Supreme Court Order Affirming	SUPREME COURT CASE NO. 55545/ORDER OF AFFIRMANCE - Transaction 1721484 - Approved By: NORE	
9/16/2010	NEF	Proof of Electronic Service	Transaction 1721654 - Approved By: NOREVIEW : 09-16-2010:09:05:29	
9/21/2010	3860	Request for Submission	MOTION TO SUBMIT MOTION TO WITHDRAW GUILTY PLEA AND ALSO DEFENDANT'S SUPPLEMENTAL M	
9/21/2010	NEF	Proof of Electronic Service	Transaction 1733200 - Approved By: NOREVIEW : 09-21-2010:16:07:47	
10/15/2010	NEF	Proof of Electronic Service	Transaction 1785971 - Approved By: NOREVIEW : 10-15-2010:16:07:11	
10/15/2010	NEF	Proof of Electronic Service	Transaction 1786266 - Approved By: NOREVIEW : 10-15-2010:16:45:50	
10/15/2010	4134	Supreme Court Order Affirming	SUPREME COURT CASE NO. 55545/ORDER OF AFFIRMANCE - Transaction 1786258 - Approved By: NORE	
10/15/2010	S200	Request for Submission Complet		
10/15/2010	4145	Supreme Court Remittitur	SUPREME COURT CASE NO. 55545/REMITTITUR - Transaction 1786258 - Approved By: NOREVIEW : 10-15	
10/15/2010	3370	Order ...	STATE SHALL FILE A RESPON TO THE MOTION TO WITHDRAW PLEA AND SUPPLEMENTAL MOTION W/	
10/15/2010	4111	Supreme Ct Clk's Cert & Judg	SUPREME COURT CASE NO. 55545/CLERK'S CERTIFICATE - Transaction 1786258 - Approved By: NOREVII	
10/21/2010	2645	Opposition to Mtn ...	OPPOSITION TO MOTION TO WITHDRAW GUILTY PLEA, SUPPLEMENT TO MOTION TO WITHDRAW GUIL	
10/21/2010	NEF	Proof of Electronic Service	Transaction 1795969 - Approved By: NOREVIEW : 10-21-2010:09:12:56	
11/3/2010	3880	Response...	DEFENDANT'S RESPONSE TO STATE'S OPPOSITION TO MOTION TO WITHDRAW GUILTY PLEA, SUPPLE	
11/5/2010	2610	Notice ...	NOTICE OF CHANGE OF ADDRESS	
11/10/2010	T200	Tickle End Code		
11/17/2010	3860	Request for Submission	DOCUMENT TITLE: MOTION TO WITHDRAW DEFENDANT'S GUILTY PLEA MEMORANDUM, SUPPLEMEN	
12/6/2010	S200	Request for Submission Complet		

Case Description: STATE VS. BRENDAN DUNCKLEY (D4)				
Case ID:	CR07-1728	Case Type:	CRIMINAL	Initial Filing Date: 7/3/2007
12/30/2010	2475	Mtn to Strike...	MOTION TO STRIKE STATE'S OPPOSITION TO DEFENDANT'S MOTION TO WITHDRAW GUILTY PLEA MEMO	
1/3/2011	NEF	Proof of Electronic Service	Transaction 1939440 - Approved By: NOREVIEW : 01-03-2011:11:12:20	
1/3/2011	2645	Opposition to Mtn ...	OPPOSITION TO MOTION TO STRIKE STATE'S OPPOSITION TO MOTION TO WITHDRAW GUILTY PLEA MEMO	
1/7/2011	3347	Ord to Set	PARTIES SHALL APPEAR W/IN 15 DAYS TO SET ORAL ARGUMENTS ON THE MOTION TO WITHDRAW GUILTY PLEA MEMO	
1/7/2011	NEF	Proof of Electronic Service	Transaction 1952871 - Approved By: NOREVIEW : 01-07-2011:14:17:24	
1/7/2011	S200	Request for Submission Completed	PARTIES TO SET FOR ORAL ARGUMENTS W/IN 15 DAYS	
1/21/2011	2490	Motion ...	MOTION FOR SETTING OF ORAL ARGUMENT ON MOTION(S) TO WITHDRAW PLEA	
1/24/2011	NEF	Proof of Electronic Service	Transaction 1984328 - Approved By: NOREVIEW : 01-24-2011:14:47:51	
1/24/2011	1250E	Application for Setting eFile	ORAL ARGUMENTS on MOTION FOR WITHDRAWAL OF GUILTY PLEA: APRIL 22, 2011 @ 9:00 A.M. - Trans	
1/24/2011	T200	Tickle End Code		
3/11/2011	NEF	Proof of Electronic Service	Transaction 2087490 - Approved By: NOREVIEW : 03-11-2011:13:17:04	
3/11/2011	1250E	Application for Setting eFile	ORAL ARGUMENTS ON MOTION FOR WITHDRAWAL OF GUILTY PLEA - JUNE 3, 2011 AT 9:00 A.M. (VACAT	
3/18/2011	2490	Motion ...	MOTION FOR DEFAULT BENCH DECISION FOR THE MOTION(S) TO WITHDRAW GUILTY PLEA, AND SUPP	
3/28/2011	2175	Mtn for Reconsideration	MOTION FOR RECONSIDERATION OF SETTING	
5/9/2011	3860	Request for Submission	DOCUMENT TITLE: MOTION TO WITHDRAW GUILTY PLEA MEMO AND ALL SUPPLEMENTAL MOVING PAPERS	
5/31/2011	3370	Order ...	CORRECTED ORDER - MOTION FOR WITHDRAWAL OF GUILTY PLEA MEMO SET FOR HEARING ON 6/3/11	
5/31/2011	S200	Request for Submission Completed		
5/31/2011	3370	Order ...	MOTION TO WITHDRAW GUILTY PLEA MEMO AND ALL SUPPLEMENTAL MOVING PAPERS ARE SET FOR	
5/31/2011	NEF	Proof of Electronic Service	Transaction 2255978 - Approved By: NOREVIEW : 05-31-2011:11:58:57	
5/31/2011	NEF	Proof of Electronic Service	Transaction 2256023 - Approved By: NOREVIEW : 05-31-2011:12:10:48	
7/13/2011	4185	Transcript	MOTION TO WITHDRAW PLEA - JUNE 3, 2011 - Transaction 2342908 - Approved By: NOREVIEW : 07-13-2011:13:26:47	
7/13/2011	NEF	Proof of Electronic Service	Transaction 2342927 - Approved By: NOREVIEW : 07-13-2011:13:26:47	
7/26/2011	MIN	***Minutes	MOTION FOR WITHDRAW OF PLEA - 6/3/11 - Transaction 2368996 - Approved By: NOREVIEW : 07-26-2011:14:18:43	
7/26/2011	NEF	Proof of Electronic Service	Transaction 2369011 - Approved By: NOREVIEW : 07-26-2011:14:18:43	
8/10/2011	S200	Request for Submission Completed		
8/18/2011	NEF	Proof of Electronic Service	Transaction 2415272 - Approved By: NOREVIEW : 08-18-2011:08:25:07	
8/18/2011	MIN	***Minutes	CONFERENCE CALL - TELEPHONIC DECISION - 8-12-11 - Transaction 2415266 - Approved By: NOREVIEW	
12/29/2011	2842	Ord Denying Motion	ORDER DENYING MOTION TO WITHDRAW GUILTY PLEAS - Transaction 2672273 - Approved By: NOREVIEW	
12/29/2011	NEF	Proof of Electronic Service	Transaction 2672315 - Approved By: NOREVIEW : 12-29-2011:10:59:58	
12/30/2011	NEF	Proof of Electronic Service	Transaction 2674863 - Approved By: NOREVIEW : 12-30-2011:10:35:29	
12/30/2011	NEF	Proof of Electronic Service	Transaction 2675186 - Approved By: NOREVIEW : 12-30-2011:11:30:25	
12/30/2011	2515	Notice of Appeal Supreme Court	APPELLANT, BRENDAN DUNCKLEY - Transaction 2674617 - Approved By: LMATHEUS : 12-30-2011:10:33:02	
12/30/2011	1310	Case Appeal Statement	Transaction 2675034 - Approved By: LMATHEUS : 12-30-2011:11:27:54	
12/30/2011	NEF	Proof of Electronic Service	Transaction 2675791 - Approved By: NOREVIEW : 12-30-2011:14:26:19	
12/30/2011	1350	Certificate of Clerk	CERTIFICATE OF CLERK AND TRANSMITTAL - NOTICE OF APPEAL - Transaction 2675781 - Approved By: N	
1/3/2012	NEF	Proof of Electronic Service	Transaction 2678697 - Approved By: NOREVIEW : 01-03-2012:16:17:26	
1/3/2012	3868	Req to Crt Rptr - Rough Draft	Transaction 2678618 - Approved By: SHAMBRIG : 01-03-2012:16:14:00	
1/9/2012	1188	Supreme Court Receipt for Doc	SUPREME COURT CASE NO. 59957/RECEIPT FOR DOCUMENTS - Transaction 2688283 - Approved By: NO	
1/9/2012	NEF	Proof of Electronic Service	Transaction 2688325 - Approved By: NOREVIEW : 01-09-2012:11:51:25	

Case Description: STATE VS. BRENDAN DUNCKLEY (D4)				
Case ID:	CR07-1728	Case Type:	CRIMINAL	Initial Filing Date: 7/3/2007
1/11/2012	NEF	Proof of Electronic Service	Transaction 2693903 - Approved By: NOREVIEW : 01-11-2012:11:29:02	
1/11/2012	2610	Notice ...	NOTICE REGARDING TRANSCRIPT AT PUBLIC EXPENSE - Transaction 2693695 - Approved By: SHAMBRIC	
1/24/2013	NEF	Proof of Electronic Service	Transaction 3487731 - Approved By: NOREVIEW : 01-24-2013:15:43:17	
1/24/2013	4134	Supreme Court Order Affirming	SUPREME COURT NO. 59957/ORDER OF AFFIRMANCE - Transaction 3487712 - Approved By: NOREVIEW :	
2/14/2013	NEF	Proof of Electronic Service	Transaction 3533274 - Approved By: NOREVIEW : 02-14-2013:14:37:49	
2/14/2013	4111	Supreme Ct Clk's Cert & Judg	SUPREME COURT NO. 59957/CLERK'S CERTIFICATE AND JUDGMENT - Transaction 3533263 - Approved B	
2/14/2013	4145	Supreme Court Remittitur	SUPREME COURT NO. 59957/REMITTITUR - Transaction 3533263 - Approved By: NOREVIEW : 02-14-2013:	
2/14/2013	4134	Supreme Court Order Affirming	SUPREME COURT NO. 59957/ORDER OF AFFIRMANCE - Transaction 3533263 - Approved By: NOREVIEW :	
11/7/2016	3565	Pet Post-Conviction Relief	PETITION FOR WRIT OF HABEAS CORPUS TO EXHAUST STATE CLAIMS	
11/21/2016	3370	Order ...	- DIRECTING STATE TO FILE A RESPONSE TO THE PETITION FOR HABEAS CORPUS TO EXHAUST STAT	
11/21/2016	NEF	Proof of Electronic Service	Transaction 5817274 - Approved By: NOREVIEW : 11-21-2016:16:09:25	
1/5/2017	NEF	Proof of Electronic Service	Transaction 5886234 - Approved By: NOREVIEW : 01-05-2017:14:51:21	
1/5/2017	NEF	Proof of Electronic Service	Transaction 5886273 - Approved By: NOREVIEW : 01-05-2017:14:57:50	
1/5/2017	2526	Notice of Change of Attorney	JOSEPH PLATER III DA - Transaction 5886052 - Approved By: CSULEZIC : 01-05-2017:14:50:20	
1/5/2017	1130	Answer ...	ANSWER TO PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION) - Transaction 5886053 - Apr	
1/11/2017	3860	Request for Submission	DOCUMENT TITLE: MOTION TO GRANT PETITIONER'S UNOPPOSED WRIT FOR HABEUS CORPUS TO E	
1/23/2017	NEF	Proof of Electronic Service	Transaction 5909883 - Approved By: NOREVIEW : 01-23-2017:10:17:00	
1/23/2017	2645	Opposition to Mtn ...	OPPOSITION TO MOTION TO GRANT PETITIONER'S UNOPPOSED WRIT FOR HABEAS CORPUS TO EXH.	
2/6/2017	T200	Tickle End Code		
2/15/2017	NEF	Proof of Electronic Service	Transaction 5952798 - Approved By: NOREVIEW : 02-15-2017:13:43:41	
2/15/2017	S200	Request for Submission Complet	ORDER SETTING EVIDENTIARY HEARING SET	
2/15/2017	3242	Ord Setting Hearing	- EVIDENTIARY HEARING ON PETITION FOR HABEAS CORPUS TO EXHAUST STATE CLAIMS SET FOR 4.	
2/16/2017	NEF	Proof of Electronic Service	Transaction 5955382 - Approved By: NOREVIEW : 02-16-2017:15:27:53	
2/16/2017	1260	Application Produce Prisoner	Transaction 5955318 - Approved By: MCHOLICO : 02-16-2017:15:26:51	
2/21/2017	NEF	Proof of Electronic Service	Transaction 5958853 - Approved By: NOREVIEW : 02-21-2017:11:47:11	
2/21/2017	3340	Ord to Produce Prisoner	Transaction 5958849 - Approved By: NOREVIEW : 02-21-2017:11:46:25	
2/22/2017	1356	Certificate of Mailing	Transaction 5960511 - Approved By: CSULEZIC : 02-22-2017:10:18:13	
2/22/2017	NEF	Proof of Electronic Service	Transaction 5960908 - Approved By: NOREVIEW : 02-22-2017:10:19:23	
2/23/2017	1260	Application Produce Prisoner		
3/1/2017	2300	Mtn to Dismiss Pet	MOTION TO DISMISS PETITION FOR WRIT OF HABEAS CORPUS - Transaction 5973353 - Approved By: CS	
3/1/2017	NEF	Proof of Electronic Service	Transaction 5973693 - Approved By: NOREVIEW : 03-01-2017:09:51:46	
3/13/2017	3880	Response...	RESPONSE TO STATE'S MOTION TO DISMISS	
3/14/2017	NEF	Proof of Electronic Service	Transaction 5994966 - Approved By: NOREVIEW : 03-14-2017:10:03:17	
3/14/2017	3860	Request for Submission	MOTION TO DISMISS PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION) (PAPER ORDER M	
3/28/2017	3242	Ord Setting Hearing	- ORAL ARGUMENTS ON MOTION TO DISMISS PETITION SET FOR 4/27/17 AT 3:00 P.M. AND SHALL BE H	
3/28/2017	S200	Request for Submission Complet	ORAL ARGUMENTS ON MOTION TO DISMISS SET SAME DATE AS EVIDENTIARY HEARING ON PETITION	
3/28/2017	NEF	Proof of Electronic Service	Transaction 6020596 - Approved By: NOREVIEW : 03-28-2017:11:57:03	
5/16/2017	1600	Designation Record on Appeal		
5/16/2017	2515	Notice of Appeal Supreme Court	Appellant Brendan Dunckley	

Case Description: STATE VS. BRENDAN DUNCKLEY (D4)**Case ID: CR07-1728****Case Type: CRIMINAL****Initial Filing Date: 7/3/2007**5/16/2017 2525 Notice of Change of Address5/19/2017 1310E Case Appeal Statement Transaction 6108534 - Approved By: NOREVIEW : 05-19-2017:09:06:325/19/2017 1350 Certificate of Clerk CERTIFICATE OF CLERK AND TRANSMITTAL - NOTICE OF APPEAL - Transaction 6108534 - Approved By: N

**SECOND JUDICIAL DISTRICT COURT
COUNTY OF WASHOE**

Case History - CR07P1728

DEPT. D4

HON. CONNIE J. STEINHEIMER

Report Date & Time

5/19/2017

9:07:37AM

Case Description: POST: BRENDAN DUNCKLEY (D4)

Case ID:	CR07P1728	Case Type:	POST CONVICTION	Initial Filing Date:	7/21/2009
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Parties

PETR	BRENDAN DUNCKLEY - @102844
RESP	STATE OF NEVADA - STATE
DA	Terrence P. McCarthy, Esq. - 2745
CAA	Robert Story, Esq. - 1268

Charges

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

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

Custody Status

Hearings

<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>	<i>Disposed Date</i>
1 D4	Tickle Start Code	3/11/2010 07:00:00	3/11/2010

Event Extra Text: SUPPLEMENTAL PETITION

Disposition:
T200 3/11/2010

<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>	<i>Disposed Date</i>
2 D4	Tickle Start Code	6/11/2010 07:00:00	6/11/2010

Event Extra Text: HAS EVIDENTIARY HEARING SET?

Disposition:
T200 6/11/2010

<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>	<i>Disposed Date</i>
3 D4	Tickle Start Code	7/13/2010 07:00:00	7/1/2010

Event Extra Text: HAS EVIDENTIARY HEARING BEEN SET ON THE
PETITION FOR POST CONVICTION

Disposition:
T200 7/1/2010

Case Description: POST: BRENDAN DUNCKLEY (D4)				
Case ID:	CR07P1728	Case Type:	POST CONVICTION	Initial Filing Date: 7/21/2009

	Department	Event Description	Sched. Date & Time		Disposed Date
4	D4	EVIDENTIARY HEARING	11/9/2010	10:00:00	11/2/2010
Event Extra Text: WRIT OF HABEAS CORPUS (POST CONVICTION)			Disposition: D844 11/2/2010 vacated due to trial schedule-reset for 4/1/11		
	Department	Event Description	Sched. Date & Time		Disposed Date
5	D4	EVIDENTIARY HEARING	4/1/2011	09:00:00	2/14/2011
Event Extra Text: WRIT OF HABEAS CORPUS (POST CONVICTION)			Disposition: D870 2/14/2011		
	Department	Event Description	Sched. Date & Time		Disposed Date
6	D4	EVIDENTIARY HEARING	4/22/2011	09:00:00	3/11/2011
Event Extra Text: ON PETITION FOR WRIT OF HABEAS CORPUS (P OST - CONVICTION)			Disposition: D875 3/11/2011		
	Department	Event Description	Sched. Date & Time		Disposed Date
7	D4	EVIDENTIARY HEARING	6/3/2011	09:00:00	6/3/2011
Event Extra Text: ON PETITION FOR WRIT OF HABEAS CORPUS (P OST-CONVICTION)			Disposition: D840 6/3/2011		
	Department	Event Description	Sched. Date & Time		Disposed Date
8	D4	Request for Submission	6/3/2011	14:30:00	8/10/2011
Event Extra Text: - PETITION FOR WRIT OF HABEAS CORPUS (POST CONVICTION) TAKEN UNDER ADVISEMENT AFTER EVIDENTIARY HEARING			Disposition: S200 8/10/2011		
	Department	Event Description	Sched. Date & Time		Disposed Date
9	D4	CONFERENCE CALL	8/12/2011	09:30:00	12/29/2011
Event Extra Text: RENDER DECISION ON MOTION TO WITHDRAW PLEA AND PETITION FOR WRIT OF HABEAS CORPUS			Disposition: D435 12/29/2011		

Agency Cross Reference

Code	Agency Description	Case Reference I.D.
SC	Supreme Court	SCN 59958

Actions				
Action Entry Date	Code	Code Description	Text	
7/21/2009	2385	Mtn Proceed Forma Pauperis		
7/21/2009	1670	Ex-Parte Mtn...	EX PARTE MOTION FOR APPOINTMENT OF COUNSEL AND REQUEST FOR EVIDENTARY HEARING	
7/21/2009	4105	Supplemental ...	SUPPORTING DOCUMENTATION FOR PETITIONER'S POST-CONVICTION WRIT OF HABEAR CORPUS PE	
7/21/2009	4105	Supplemental ...	SUPPORTING DOCUMENTATION FOR PETITIONER'S POST-CONVICTION WRIT OF HABEAR CORPUS PE	
7/21/2009	4105	Supplemental ...	SUPPORTING DOCUMENTATION FOR PETITIONER'S POST-CONVICTION WRIT OF HABEAR CORPUS PE	
7/21/2009	3585	Pet Writ Habeas Corpus	(PER MAIL IN REQUEST - THIS DOC WAS SENT TO INMATE ON 10-9-12)	

Case Description: POST: BRENDAN DUNCKLEY (D4)				
Case ID:	CR07P1728	Case Type:	POST CONVICTION	Initial Filing Date: 7/21/2009
7/21/2009	1030	Affidavit in Support...	AFFIDAVIT IN SUPPORT OF APPLICATION TO PROCEED IN FORMA PAUPERIS	
7/21/2009	3862	**Criminal Submit	DOCUMENT TITLE: IFP/AFFIDAVIT IN SUPPORT OF APPLICATION TO PROCEED IN FORMA PAUPERIS/E>	
7/21/2009	4105	Supplemental ...	SUPPORTING DOCUMENTATION FOR PETITIONER'S POST-CONVICTION WRIT OF HABEAS CORPUS PE	
10/28/2009	NEF	Proof of Electronic Service	Transaction 1124849 - Approved By: NOREVIEW : 10-28-2009:10:51:48	
10/28/2009	3370	Order ...	ALLOWING FOR THE APPOINTMENT OF COUNSEL AND REFERRING THE MATTER TO THE ADMINISTRA	
10/28/2009	3035	Ord Grant in Forma Pauperis	AND REFERRING MATTER TO DEPARTMENT 4 FOR DECISION ON THE MTN FOR APPOINTMENT OF COI	
12/14/2009	NEF	Proof of Electronic Service	Transaction 1205489 - Approved By: NOREVIEW : 12-14-2009:10:52:00	
12/14/2009	2715	Ord Appointing Counsel	RECOMMENDATION AND ORDER APPOINTING COUNSEL (ROBERT STORY, ESQ.) AND SETTING FORT	
1/20/2010	2502	** Notes ...	DEFENDANT HAS BEEN PROVIDED A COPY OF ENTIRE FILE ON THIS DATE	
3/11/2010	T200	Tickle End Code		
3/17/2010	3980	Stip and Order...	FOR EXTENSION OF TIME IN WHICH TO FILE SUPPLEMENTAL PETITION (FIRST REQUEST) - Transaction	
3/17/2010	NEF	Proof of Electronic Service	Transaction 1378830 - Approved By: NOREVIEW : 03-17-2010:10:22:27	
3/23/2010	4100	Supplemental Petition	SUPPLEMENTAL PETITION FOR WRIT OF HABEAS CORPUS	
3/23/2010	3862	**Criminal Submit	DOCUMENT TITLE: SUPPLEMENTAL PETITION FOR WRIT OF HABEAS CORPUS	
4/1/2010	1665	Ex-Parte Application...	EX PARTE APPLICATION FOR INTERIM CLAIM FOR FEES	
4/22/2010	2777	Ord Approving ...	RECOMMENDATION AND ORDER FOR PAYMENT OF ATTORNEY'S FEES - SEALED	
5/5/2010	1130	Answer ...	ANSWER TO PETITION AND SUPPLEMENTAL PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVIC	
5/5/2010	NEF	Proof of Electronic Service	Transaction 1468252 - Approved By: NOREVIEW : 05-05-2010:11:37:05	
6/11/2010	T200	Tickle End Code		
6/17/2010	NEF	Proof of Electronic Service	Transaction 1549405 - Approved By: NOREVIEW : 06-17-2010:15:02:04	
6/17/2010	3347	Ord to Set	EVIDENTRIARY HEARING ON THE PETITION AND SUPPLEMENTAL PETITION FOR WRIT OF HABEAS CO	
6/30/2010	1665	Ex-Parte Application...	EX PARTE APPLICATION FOR INTERIM CLAIM FOR FEES	
7/1/2010	T200	Tickle End Code		
7/1/2010	NEF	Proof of Electronic Service	Transaction 1577275 - Approved By: NOREVIEW : 07-01-2010:16:32:02	
7/1/2010	1250E	Application for Setting eFile	EVIDENTIARY HEARING (PETITION FOR WRIT OF HABEAS CORPUS - POST CONVICTION): NOVEMBER	
7/16/2010	2777	Ord Approving ...	RECOMMENDATION AND ORDER FOR PAYMENT OF INTERIM ATTORNEY'S FEES - SEALED	
10/7/2010	1260	Application Produce Prisoner		
10/7/2010	3862	**Criminal Submit	DOCUMENT TITLE: ORDER TO PRODUCE PRISONER	
10/11/2010	2490	Motion ...	MOTION FOR ORDER TO PRODUCE PRISONER	
10/12/2010	NEF	Proof of Electronic Service	Transaction 1776032 - Approved By: NOREVIEW : 10-12-2010:17:01:25	
10/12/2010	3340	Ord to Produce Prisoner	Transaction 1776019 - Approved By: NOREVIEW : 10-12-2010:16:58:49	
10/12/2010	3862	**Criminal Submit	DOCUMENT TITLE: MOTION FOR ORDER TO PRODUCE THE PRISONER	
10/25/2010	1230	Application for Fees	MOTION FOR FEES FOR COPY COSTS	
11/1/2010	1665	Ex-Parte Application...	SEALED - EX PARTE APPLICATION FOR INTERIM CLAIM FOR FEES	
11/3/2010	1250E	Application for Setting eFile	EVIDENTIARY HEARING-WRIT OF HABEAS CORPUS (POST CONVICTION): APRIL 1, 2011 @ 9:00 A.M. (V	
11/3/2010	NEF	Proof of Electronic Service	Transaction 1822827 - Approved By: NOREVIEW : 11-03-2010:10:30:54	
11/9/2010	2777	Ord Approving ...	RECOMMENDATION AND ORDER GRANTING DEFENSE FEES	
11/15/2010	2777	Ord Approving ...	RECOMMENDATION AND ORDER FOR PAYMENT OF INTERIM ATTORNEY'S FEES - SEALED	
2/10/2011	1665	Ex-Parte Application...	SEALED - EX PARTE APPLICATION FOR INTERIM CLAIM FOR FEES	

Case Description: POST: BRENDAN DUNCKLEY (D4)				
Case ID:	CR07P1728	Case Type:	POST CONVICTION	Initial Filing Date: 7/21/2009
2/14/2011	NEF	Proof of Electronic Service	Transaction 2031422 - Approved By: NOREVIEW : 02-14-2011:10:20:04	
2/14/2011	4045	Stipulation to Continuance	STIPULATION FOR CONTINANCE OF HEARING DATE - EVIDENTIARY HEARING CONTINUED FROM APRI	
3/8/2011	2777	Ord Approving ...	SEALED - RECOMMENDATION AND ORDER FOR PAYMENT OF INTERIM ATTORNEY'S FEES	
3/11/2011	1250E	Application for Setting eFile	EVIDENTIARY HEARING ON PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION) - JUNE 3, 2	
3/11/2011	NEF	Proof of Electronic Service	Transaction 2087508 - Approved By: NOREVIEW : 03-11-2011:13:18:19	
3/11/2011	NEF	Proof of Electronic Service	Transaction 2087544 - Approved By: NOREVIEW : 03-11-2011:13:25:03	
3/11/2011	3105	Ord Granting ...	ORDER GRANTING STIPULATION FOR CONTINUANCE OF HEARING DATE (CONTINUE EVIDENTIARY HE	
6/21/2011	NEF	Proof of Electronic Service	Transaction 2300887 - Approved By: NOREVIEW : 06-21-2011:14:40:55	
6/21/2011	1670	Ex-Parte Mtn...	SEALED - EX PARTE APPLICATION FOR INTERIM CLAIM FOR FEES - Transaction 2300734 - Approved By: .	
7/1/2011	2777	Ord Approving ...	SEALED - RECOMMENDATION AND ORDER FOR PAYMENT OF INTERIM ATTORNEY'S FEES	
7/13/2011	NEF	Proof of Electronic Service	Transaction 2342930 - Approved By: NOREVIEW : 07-13-2011:13:26:47	
7/13/2011	4185	Transcript	MOTION TO WITHDRAW PLEA - JUNE 3, 2011 - Transaction 2342913 - Approved By: NOREVIEW : 07-13-201	
7/26/2011	MIN	***Minutes	PETITION FOR WRIT OF HABEAS CORPUS (POST CONVICTION) - 6/3/11 - Transaction 2369050 - Approved	
7/26/2011	NEF	Proof of Electronic Service	Transaction 2369078 - Approved By: NOREVIEW : 07-26-2011:14:27:08	
8/10/2011	S200	Request for Submission Complet		
8/18/2011	NEF	Proof of Electronic Service	Transaction 2415335 - Approved By: NOREVIEW : 08-18-2011:08:45:13	
8/18/2011	MIN	***Minutes	CONFERENCE CALL - TELEPHONIC DECISION - 8-12-11 - Transaction 2415325 - Approved By: NOREVIEW	
12/29/2011	1750	Findings, Conclusions & Judg	FINDINGS OF FACT, CONCLUSIONS OF LAW AND JUDGMENT - Transaction 2672262 - Approved By: NORE	
12/29/2011	NEF	Proof of Electronic Service	Transaction 2672281 - Approved By: NOREVIEW : 12-29-2011:10:57:49	
12/30/2011	NEF	Proof of Electronic Service	Transaction 2674881 - Approved By: NOREVIEW : 12-30-2011:10:38:48	
12/30/2011	NEF	Proof of Electronic Service	Transaction 2675175 - Approved By: NOREVIEW : 12-30-2011:11:28:49	
12/30/2011	NEF	Proof of Electronic Service	Transaction 2675283 - Approved By: NOREVIEW : 12-30-2011:11:58:16	
12/30/2011	NEF	Proof of Electronic Service	Transaction 2675878 - Approved By: NOREVIEW : 12-30-2011:14:54:42	
12/30/2011	3868	Req to Crt Rptr - Rough Draft	Transaction 2674700 - Approved By: SHAMBRIG : 12-30-2011:11:56:50	
12/30/2011	1350	Certificate of Clerk	CERTIFICATE OF CLERK AND TRANSMITTAL - NOTICE OF APPEAL - Transaction 2675876 - Approved By: N	
12/30/2011	2515	Notice of Appeal Supreme Court	APPELLANT, BRENDAN DUNCKLEY - Transaction 2674644 - Approved By: LMATHEUS : 12-30-2011:10:36:58	
12/30/2011	1310	Case Appeal Statement	Transaction 2675054 - Approved By: LMATHEUS : 12-30-2011:11:25:52	
1/9/2012	NEF	Proof of Electronic Service	Transaction 2688318 - Approved By: NOREVIEW : 01-09-2012:11:50:07	
1/9/2012	1188	Supreme Court Receipt for Doc	SUPREME COURT CASE NO. 59958/RECEIPT FOR DOCUMENTS - Transaction 2688284 - Approved By: NO	
1/11/2012	2540	Notice of Entry of Ord	Transaction 2693882 - Approved By: NOREVIEW : 01-11-2012:11:24:26	
1/11/2012	NEF	Proof of Electronic Service	Transaction 2693894 - Approved By: NOREVIEW : 01-11-2012:11:27:49	
2/3/2012	NEF	Proof of Electronic Service	Transaction 2743238 - Approved By: NOREVIEW : 02-03-2012:15:36:17	
2/3/2012	1665	Ex-Parte Application...	SEALED - EX PARTE APPLICATION FOR INTERIM CLAIM FOR FEES - Transaction 2743043 - Approved By: .	
2/16/2012	2525	Notice of Change of Address	STORY LAW GROUP - Transaction 2769689 - Approved By: SHAMBRIG : 02-16-2012:13:01:46	
2/16/2012	NEF	Proof of Electronic Service	Transaction 2769797 - Approved By: NOREVIEW : 02-16-2012:13:03:13	
3/12/2012	NEF	Proof of Electronic Service	Transaction 2817370 - Approved By: NOREVIEW : 03-12-2012:10:40:34	
3/12/2012	S3370	Sealed Order	RECOMMENDATION AND ORDER FOR PAYMENT OF INTERIM ATTORNEY'S FEES - Transaction 2817357 -	
8/13/2012	4129	Supreme Ct Order Granting ...	SUPREME COURT CASE NO. 59958/ORDER GRANTING MOTION AND DIRECTING DISTRICT COURT CLE	
8/13/2012	NEF	Proof of Electronic Service	Transaction 3144622 - Approved By: NOREVIEW : 08-13-2012:13:33:17	

Case Description: POST: BRENDAN DUNCKLEY (D4)

Case ID:	CR07P1728	Case Type:	POST CONVICTION	Initial Filing Date:	7/21/2009
9/4/2012	4129	Supreme Ct Order Granting ...	SUPREME COURT CASE NO. 59958/ORDER GRANTING MOTION AND DIRECTING DISTRICT COURT CLE		
9/4/2012	NEF	Proof of Electronic Service	Transaction 3193349 - Approved By: NOREVIEW : 09-04-2012:15:58:00		
9/5/2012	NEF	Proof of Electronic Service	Transaction 3193761 - Approved By: NOREVIEW : 09-05-2012:08:14:04		
9/5/2012	1350	Certificate of Clerk	CERTIFICATE OF CLERK AND TRANSMITTAL - Transaction 3193751 - Approved By: NOREVIEW : 09-05-201		
1/3/2013	NEF	Proof of Electronic Service	Transaction 3439904 - Approved By: NOREVIEW : 01-03-2013:13:47:19		
1/3/2013	1665	Ex-Parte Application...	EX PARTE APPLICATION FOR INTERIM CLAIM FOR FEES - Transaction 3439868 - Approved By: SHAMBRIC		
1/24/2013	NEF	Proof of Electronic Service	Transaction 3487722 - Approved By: NOREVIEW : 01-24-2013:15:42:04		
1/24/2013	4134	Supreme Court Order Affirming	SUPREME COURT NO. 59958/ORDER OF AFFIRMANCE - Transaction 3487704 - Approved By: NOREVIEW :		
2/6/2013	S3370	Sealed Order	RECOMMENDATION AND ORDER FOR PAYMENT OF INTERIM ATTORNEY'S FEES - Transaction 3515175 -		
2/6/2013	NEF	Proof of Electronic Service	Transaction 3515235 - Approved By: NOREVIEW : 02-06-2013:15:40:51		
2/14/2013	4134	Supreme Court Order Affirming	SUPREME COURT NO. 59958/ORDER OF AFFIRMANCE - Transaction 3533242 - Approved By: NOREVIEW :		
2/14/2013	4111	Supreme Ct Clk's Cert & Judg	SUPREME COURT NO. 59958/CLERK'S CERTIFICATE AND JUDGMENT - Transaction 3533242 - Approved B		
2/14/2013	4145	Supreme Court Remittitur	SUPREME COURT NO. 59958/REMITTITUR - Transaction 3533242 - Approved By: NOREVIEW : 02-14-2013:'		
2/14/2013	NEF	Proof of Electronic Service	Transaction 3533255 - Approved By: NOREVIEW : 02-14-2013:14:33:59		

1 CODE

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5
6 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7 IN AND FOR THE COUNTY OF WASHOE
8

9 BRENDAN DUNCKLEY,

10 Petitioner,

Case No. CR07-1728

11 vs.

Dept. No. 4

12 THE STATE OF NEVADA,

13 Respondent.
14 _____/

15 ORDER

16 On November 7, 2016, the Petitioner, Brendan Dunkley, in pro per, filed a *Petition*
17 *for Habeas Corpus to Exhaust State Claims*. On November 21, 2016, the Court entered
18 an *Order* directing the State of Nevada to respond to the Petition within forty-five (45) days
19 of the date of the order. On January 5, 2017, the State of Nevada, by and through
20 Christopher J. Hicks, District Attorney, and Joseph Plater, Deputy District Attorney, filed an
21 *Answer*. On January 11, 2017, the Petitioner filed a *Motion to Grant Petitioner's*
22 *Unopposed Writ of Habeas Corpus to Exhaust Claims* wherein the Petitioner is requesting
23 that the Court render a decision on the *Petition for Habeas Corpus to Exhaust State*
24 *Claims*. On February 15, 2017, the Court entered an Order setting an evidentiary hearing
25 on the *Petition for Habeas Corpus to Exhaust State Claims* for April 27, 2017 at 3:00 p.m.
26 On March 1, 2017, the State filed a *Motion to Dismiss Petition for Writ of Habeas Corpus*
27 *(Post-Conviction)*. On March 13, 2017, the Petitioner filed a *Response to State's Motion to*

28 ///

1 *Dismiss.* On March 14, 2017, the *Motion to Dismiss Petition for Writ of Habeas Corpus*
2 (*Post-Conviction*) was formally submitted to the Court for Decision.

3 This Court having reviewed the pleadings filed herein, in the interests of justice and
4 good cause appearing,

5 IT IS HEREBY ORDERED that oral arguments on the *Motion to Dismiss Petition*
6 *for Writ of Habeas Corpus (Post-Conviction)* are set for April 27, 2017 at 3:00 p.m. The
7 oral arguments on the Motion to Dismiss shall be presented to the Court prior to the
8 evidentiary hearing on the *Petition for Habeas Corpus to Exhaust State Claims* set the
9 same day.

10 DATED this 27 day of March, 2017.

11
12
13 Connie T. Steinheimer
14 DISTRICT JUDGE
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CERTIFICATE OF SERVICE

I certify that I am an employee of the SECOND JUDICIAL DISTRICT COURT of the
STATE OF NEVADA, COUNTY OF WASHOE; that on the 28th day of
March, 2017, I filed the attached document with
the Clerk of the Court.

I further certify that I transmitted a true and correct copy of the foregoing document
by the method(s) noted below:

 Personal delivery to the following: [NONE]

☒ **Electronically filed with the Clerk of the Court, using the eFlex system which
constitutes effective service for all eFiled documents pursuant to the efile User
Agreement:**

Joseph Plater, Esq.
Deputy District Attorney

☒ **Transmitted document to the Second Judicial District Court mailing system
in a sealed envelope for postage and certified mailing with the United States Postal
Service in Reno, Nevada:**

Brendan Dunckley
Inmate no. 1023236
Lovelock Correctional Center
1200 Prison Road
Lovelock, Nevada 89419

 Placed a true copy in a sealed envelope for service via:

 Reno/Carson Messenger Service – **[NONE]**

 Federal Express or other overnight delivery service – **[NONE]**

 Inter-Office Mail – **[NONE]**

DATED this 28th day of March, 2017.



CRIMINAL PROGRESS SHEET

INF. 7/12/07

CASE NO. CR07-1728

CR07-1728 DC-09900079896-018
STATE VS. BRENDAN DUNCKLEY 1 Page
District Court 07/17/2007 08:30 AM
Washoe County MIN
MTN SWIT: TAM

AI. 2.28.08

2AI.

2INF.

DEFT: BRENDAN DUNCKLEY

@102844

LANGUAGE:

CUSTODY STATUS: CUSTODY [] NIC [X] BAIL [X] \$ 18,500⁰⁰ OR [] OR [] W/COURT SERVICES

ARR. DATE: 7.17.07/3.6.08 DEPT. NO. 4 REPORTER: S. Loder / B. VanHulen CLERK: M. Stone ✓

TRUE NAME: same as above ✓

WAIVED 60 DAY RULE: YES [X] NO [] DATE: 7.17.07

P & P Ref: L. Garrison / L. Pappas

NOT GUILTY [X] By: GUILTY [X] ALFORD [] NC [] TO: Cts 1 + 2 of Info

REMANDED TO JUSTICE COURT FOR FURTHER PROCEEDINGS:

pre-trial mtg deadlines set forth / Ct service supervision ordered

MOTION FOR PSYCH. EVAL: DATE: DEPT. NO. APPTD. DRS.: &

REPORT ON PSYCH. EVAL: DATE: DEPT. NO. REPORTER: CLERK:

COURT FOUND DEFT: [] COMPETENT [] REMANDED J.C. [] INCOMPETENT; DEFT REMANDED LAKES

ENTRY OF PLEA: DATE: DEPT. NO.* REPORTER: CLERK:

NOT GUILTY [] By: GUILTY [] ALFORD [] NC [] TO:

[] WAIVED PSI P & P Ref:

CHANGE OF PLEA: DATE: DEPT. NO. REPORTER: CLERK:

GUILTY [] ALFORD [] NC [] TO:

[] WAIVED PSI P & P Ref: TRIAL DATE OF: VACATED

CONTINUED TO: 10.19.07 9:00 FOR: Pre-Trial Mtgs (3 hrs)

CONTINUED TO: (vacated) 3.13.08 9:00 FOR: Mtn to Confirm

CONTINUED TO: (vacated) 3.24.08 10:00 FOR: Jury Trial (5 days)

CONTINUED TO: 8.5.08 9:00 FOR: Sentencing

CONTINUED TO: FOR:

CONTINUED TO: FOR:

CONTINUED TO: FOR:

CONTINUED TO: FOR:

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CONTINUED TO: FOR:

FILED

Electronically
07-18-2007:11:53:59 AM
Ronald A. Longtin, Jr.
Clerk of the Court
Transaction # 7032

CASE NO. CR07-1728 **TITLE: THE STATE OF NEVADA VS. BRENDAN DUNCKLEY**

**DATE, JUDGE
OFFICERS OF**

COURT PRESENT

APPEARANCES-HEARING

CONT'D TO

7/17/07	<u>ARRAIGNMENT</u>	
HONORABLE	Deputy District Attorney Kelli Vilorio, Esq., represented the State. Defendant	10/19/07
CONNIE	present with counsel David O'Mara, Esq. Probation officer Lupe Garrison also	9:00 a.m.
STEINHEIMER	present.	Pre-Trial
DEPT. NO.4	Defendant handed copy of Information; indicated to the Court that name as set	Motions
M. Stone	forth on same was his true name; waived reading and entered a plea of not	(3 Hours)
(Clerk)	guilty to the charge set forth therein.	
S. Loder	Defendant waived the 60-Day Rule and COURT ORDERED this matter set for	3/13/07
(Reporter)	jury trial.	9:00 a.m.
	COURT FURTHER ENTERED ORDER that all pre-trial motions shall be filed	Mtn to
	and served no later than September 17, 2007; all responses to those pre-trial	Confirm Trl
	motions shall be filed and served no later than September 28, 2007; and all	
	replies to those responses shall be filed and served no later than October 5,	3/24/07
	2007.	10:00 a.m.
	Defendant remained out of custody.	Jury Trial
		(5 Days)

FILED

Electronically

06-26-2008:12:50:42 PM

Howard W. Conyers

Clerk of the Court

Transaction # 260887

CASE NO. CR07-1728

TITLE: THE STATE OF NEVADA VS. BRENDAN DUNCANLEY

DATE, JUDGE

OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONT'D TO

3/6/08

MOTION TO CONFIRM TRIAL DATE/ARRAIGNMENT ON AMENDED

HONORABLE

INFORMATION

8/5/08

CONNIE

Deputy District Attorney Kelli Vioria, Esq., represented the State.

9:00 a.m.

STEINHEIMER

Defendant present with counsel David O'Mara, Esq. Probation Officer Laura

Sentencing

DEPT. NO.4

Pappas also present.

M. Stone

Defendant handed copy of Amended Information; indicated to the Court that name as set forth on same was his true name; waived reading and enter a plea of guilty to Lewdness with a Child Under the Age of Fourteen Years and Attempted Sexual Assault as set forth therein.

(Clerk)

B. Van Auken

Negotiations recited to the Court by defense counsel. Court interrogated defendant, fully advised him of his rights; found plea freely and voluntarily entered. Defendant advised the Court that he understood the guilty plea memorandum. Clerk read aloud charge to which the defendant pled. Possible penalty for offense charged related to defendant. Court accepted plea after finding defendant had been fully advised by counsel.

(Reporter)

COURT ORDERED matter referred to Probation Department for PSI and continued for entry of judgment, consideration of probation report and imposition of sentence.

COURT FURTHER ORDERED that the Defendant be supervised by Court Services while released on bail with the following special conditions: That the Defendant check-in with Court Services 1 time per week; and that he abstain from the use of alcoholic beverages and controlled substances.

Trial ordered vacated.

Defendant remained out of custody on bail.

FILED

Electronically

09-16-2008:11:34:10 AM

Howard W. Conyers

Clerk of the Court

Transaction # 366951

CASE NO. CR07-1728

TITLE: THE STATE OF NEVADA VS. BRENDAN DUNCANLEY

**DATE, JUDGE
OFFICERS OF
COURT PRESENT**

APPEARANCES-HEARING

CONT'D TO

8/5/08

HONORABLE

CONNIE

STEINHEIMER

DEPT. NO.4

R. Cotter

(Clerk)

L. Young

(Reporter)

ENTRY OF JUDGMENT AND IMPOSITION OF SENTENCE

Deputy District Attorney Kelli Vioria, Esq., represented the State.

Defendant present with counsel, David O'Mara, Esq. Probation Officer Lupe

Garrison also present.

Court noted receipt of report.

Court noticed document received.

Defense counsel did not concur with the recommendation; presented

argument on behalf of defendant.

EXHIBITS A & B marked and offered by Defense counsel; no objection by State's counsel; ordered admitted into evidence.

Pam McFerren made a statement on behalf of the Defendant.

State's counsel did not concur with the recommendation. Probation Officer Garrison stood on recommendation. Defendant made statement on his own behalf.

COURT ORDERED JUDGMENT ENTERED and sentenced defendant to the Nevada Department of Prisons for the maximum term of life with the minimum parole eligibility of ten (10) years, for Count I; and that he be punished by imprisonment in the Nevada Department of Prisons for the maximum term of one hundred twenty (120) months with the minimum parole eligibility of twenty-four (24) months, for Count II, to be served concurrently with sentence imposed in Count I; with credit for four (4) days time served, and by submission to a DNA Analysis Test for the purpose of determining genetic markers. Defendant is further ordered to pay a Twenty-Five Dollar (\$25.00) administrative assessment fee, a One Hundred Fifty Dollar (\$150.00) DNA testing fee, and a Nine Hundred Fifty Dollar (\$950.00) Psychosexual Evaluation Fee to the Clerk of the Second Judicial District Court.

COURT FURTHER ORDERED that the Defendant serve a special sentence of lifetime supervision to commence after any term of imprisonment or after any period of release on parole.

FILED

Electronically

07-26-2011:02:16:02 PM

Howard W. Conyers

Clerk of the Court

Transaction # 2368996

CASE NO. CR07-1728

TITLE: THE STATE OF NEVADA VS. BRENDAN DUNKLEY

DATE, JUDGE

OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONT'D TO

6/3/11

MOTION FOR WITHDRAWAL OF GUILTY PLEA

HONORABLE Chief Deputy District Attorney Gary Hatlestad, Esq., represented the State.

CONNIE Defendant present representing himself.

STEINHEIMER Motion for Withdrawal of Guilty Plea by Defendant; presented argument;

DEPT. NO.4 objection and argument by State's counsel; reply by Defendant.

M. Stone **COURT** took matter under advisement.

(Clerk)

S. Loder

(Reporter)

FILED

Electronically

08-18-2011:08:22:50 AM

Howard W. Conyers

Clerk of the Court

Transaction # 2415266

CASE NO. CR07-1728 **TITLE: THE STATE OF NEVADA VS. BRENDAN DUNCKLEY**

DATE, JUDGE

OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONT'D TO

8/12/11

CONFERENCE CALL – TELEPHONIC DECISION

HONORABLE

Chief Deputy District Attorney Gary Hatlestad, Esq., was present

CONNIE

telephonically representing the State. Defendant Brendan Dunckley was

STEINHEIMER

present telephonically representing himself.

DEPT. NO.4

COURT ENTERED ORDER denying the Defendant's Motion to Withdraw

R. Woosley

Guilty Plea, based upon the defendant knowingly entering his plea at the

(Clerk)

time of the hearing.

Not Reported

(Reporter)

FILED

Electronically

07-26-2011:02:23:49 PM

Howard W. Conyers

Judge of the Court

Transaction # 2369050

CASE NO. CR07P1728

TITLE: BRENDAN DUNCKLEY VS. THE STATE OF NEVADA

DATE, JUDGE

OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONT'D TO

6/3/11

PETITION FOR WRIT OF HABEAS CORPUS (POST CONVICTION)

HONORABLE

Petitioner Brendan Dunckley present with counsel Robert Story, Esq. Chief

CONNIE

Deputy District Attorney Gary Hatlestad, Esq., represented the State.

STEINHEIMER

Petitioner waived the Attorney/Client Privilege.

DEPT. NO.4

M. Stone

Brendan Dunckley called by Petitioner's counsel, sworn and testified; cross-examined.

(Clerk)

S. Loder

(Reporter)

EXHIBIT A marked by State's counsel.

Witness Dunckley further cross-examined; redirect examined; recross-examined; excused.

Petitioner had no further witnesses to offer.

10:45 a.m. Court recessed.

10:55 p.m. Court reconvened with respective counsel and petitioner present.

David O'Mara called by State's counsel, sworn and testified; cross-examined; excused.

State's counsel had no further witnesses to offer.

11:44p.m. Court recessed.

2:05 p.m. Court reconvened with respective counsel and petitioner present.

Petition for Post Conviction by Petitioner's counsel; presented argument; objection and argument by State's counsel; and reply by Petitioner's counsel.

COURT took Petition under advisement.

Petitioner's counsel advised the Court that should the Petitioner wish to appeal the decision, once made by the Counsel, counsel will remain in the case and assist the petitioner with his appeal.

Exhibits

Title: **BRENDAN DUNCKLEY VS. THE STATE OF NEVADA**

PLTF: **THE STATE OF NEVADA** PATY: **GARY HATLESTAD**

DEFT: **BRENDAN DUNCKLEY** DATY: **ROBERT STORY, ESQ.**

Case No: **CR07P1728** Dept. No: **4** Clerk: **M. Stone** Date: **6/3/2011**

Exhibit No.	Party	Description	Marked	Offered	Admitted
A.	Petitioner	Transcript of Proceedings – Motion to Confirm Trial – 3/6/08	6/3/11		

FILED

Electronically

08-18-2011:08:42:38 AM

Howard W. Conyers

Judge of the Court

Transaction # 2415325

CASE NO. CR07P1728 **TITLE: BRENDAN DUNCKLEY VS. THE STATE OF NEVADA**

DATE, JUDGE

OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONT'D TO

8/12/11

CONFERENCE CALL – TELEPHONIC DECISION

HONORABLE

CONNIE

STEINHEIMER

DEPT. NO.4

R. Woosley

(Clerk)

Not Reported

(Reporter)

Robert Story, Esq., present telephonically with Petitioner Brendan Dunckley, who also present telephonically. Chief Deputy District Attorney Gary Hatlestad, Esq., was present telephonically representing the State.

COURT ENTERED ORDER finding that based upon counsel not being ineffective, and that no prosecutorial misconduct having occurred, the Petition for Writ of Habeas Corpus is denied.

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 **BRENDAN DUNCKLEY,**

Case No. CR07-1728

7
8 **Petitioner,**

Dept. No. 4

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 19th 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 19th day of May, 2017

20 Jacqueline Bryant
21 Clerk of the Court

22 By /s/ Yvonne Vilorio
23 Yvonne Vilorio
24 Deputy Clerk
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