

FILED

JUN 14 2017

JACQUELINE BRYANT SLERK

By: *[Signature]*
DEPUTY CLERK

Electronically Filed
Jun 26 2017 10:35 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

1 MICHAEL T. BOTELHO
80837
2 NNCC, P.O. BOX 7000
CARSON CITY, NV. 89702
3 IN PROPER PERSON

4
5 IN THE RENO JUSTICE COURT TOWNSHIP, COUNTY OF WASHOE
6 STATE OF NEVADA

7 MICHAEL T. BOTELHO
PETITIONER

CR03-2156
CASE NO. RER-03-01479

8 VS.

DEPT. NO. *X* D3

9
10 RENO JUSTICE COURT,
STATE OF NEVADA,
DEFENDANTS

NOTICE OF APPEAL AND DESIGNATION
OF RECORD ON APPEAL

11
12 NOTICE IS HEREBY GIVEN THAT MICHAEL T. BOTELHO, PETITIONER IN PROPER
13 PERSON AND IN FORMA PAUPERIS, HEREBY APPEALS THE ORDER ENTERED IN THIS
14 COURT ON 5-11-2017, AND RECEIVED BY BOTELHO ON 5-15-2017, 4:15 P.M., AND HEREIN
15 DESIGNATES THE ENTIRE RECORD ON APPEAL, TO BE CERTIFIED BY THE CLERK OF THE
16 DISTRICT COURT, [ALL] MOTIONS, NOTICES, AFFIDAVITS, PLEADINGS, EXHIBITS AND
17 TRANSCRIPTS. SEE ALSO [INCLUDED] AFFIDAVIT FILED HEREIN, IN SUPPORT OF
18 NOTICE OF APPEAL.

19 DATED 6-10-2017

Michael T. Botelho
PETITIONER, IN PROPER PERSON

20
21 AFFIRMATION AND CERTIFICATE OF SERVICE

22 I, MICHAEL T. BOTELHO, SWEAR UNDER PENALTY OF PERJURY, THAT ALL STATEMENTS ARE
23 TRUE AND CORRECT, PURSUANT TO NRS 209.165 AND 18 USC 1621. THIS DOCUMENT DOES NOT
24 CONTAIN THE S.S.N. OF ANY PERSON. AND, FURTHER CERTIFY THAT I MAILED TRUE AND
25 COMPLETE COPY OF N.O.A. AND SUPPORTING AFFIDAVIT TO THIS COURT, AND AS ADDRESSED
26 BELOW BY PLACING IN U.S. MAIL, VIA PRISON MAILBOX RULE, VIA BRASS SLIP.
DATED 6-10-2017

27 COPY TO

28 NV. ATTY. GENERAL
100 N. CARSON ST
CARSON CITY, NV. 89701-4717

Michael T. Botelho
MICHAEL T. BOTELHO # 80837
NNCC, P.O. BOX 7000
CARSON CITY, NV. 89702

AFFIDAVIT

STATE OF NEVADA)
COUNTY OF CARSON)

SS. AFFIDAVIT OF: MICHAEL T. BOTELHO, IN SUPPORT OF
NOTICE OF APPEAL

TO WHOM IT MAY CONCERN:

I, MICHAEL T. BOTELHO, THE UNDERSIGNED, DO SWEAR UNDER THE PENALTY OF PERJURY THAT THE ASSERTIONS OF THIS AFFIDAVIT ARE TRUE AND CORRECT, PURSUANT TO NRS 208.165


THIS AFFIDAVIT IS GIVEN AS A DIRECT RESULT OF THE JUSTICE COURTS ARBITRARY AND CAPRICIOUS, SHAM ORDER FORWARDING DOCUMENTS TO THE DISTRICT COURT, MADE IN BAD FAITH, MAKING ORDER VOID AB INITIO. BOTELHO IS FORCED TO FILE AFFIDAVIT IN SUPPORT OF NOTICE OF APPEAL (N.O.A.), THE FRAUDULENT, ULTRA VIRES ACT RESULTING IN SUPERSEDING INDICTMENT & DISTRICT COURT ORDER STAYING JUSTICE COURT PRELIMINARY EXAMINATION ARE NOT VOIDABLE, BUT SIMPLY VOID AT [I]NCEPTION, AS THE JURISDICTION OF THIS CRIMINAL CASE, AS A MATTER OF UNDISPUTED "LEGAL FACT" AND STARE DECISIS, [STILL REMAINS] IN JUSTICE COURT 13 1/2 YEARS NOW, WHERE BOTELHO [STILL REMAINS] A PRE-TRIAL DETAINEE NOT HAVING RECEIVED MANDATED JUSTICE COURT PRELIMINARY EXAMINATION, AS IT WAS NEVER WAIVED, SUSPENDED NOR BOUND OVER TO DISTRICT COURT BY JUSTICE COURT. THE PROCEDURAL DUE PROCESS OF NRS 171.196, NRS 172.175, NRS 1.080, AND NRS 1.080, AS WELL AS BOTELHOS 13 1/2 YEAR [D]ENIAL OF HIS CONSTITUTIONAL DUE PROCESS AND EQUAL PROTECTION RIGHTS IN JUSTICE COURT, SEE NV. CONSTITUTION, ART. I, SECT. 8(5) AND THE 5TH & 14TH AMENDMENTS TO OUR STILL [V]ALID U.S. CONSTITUTION, FURTHER NV. CONSTITUTION, ART. 6, SECT. 4, COMMAND THAT [NO] PERSON [S] HALL BE DEPRIVED OF HIS LIBERTY WITHOUT DUE PROCESS OF LAW, AS DONE IN BOTELHOS CASE SINCE 2003 AND NOW IN 2017. THIS IS JUSTICE COURT JURISDICTION AS A MATTER OF LEGAL FACT IN THE COURT RECORD. FURTHERMORE, BECAUSE THE JUSTICE COURT VIOLATED NV. LAW, PROCEDURAL DUE PROCESS AT BOTELHOS JUSTICE COURT ARRAIGNMENT BY [N]OT READING FORMAL CHARGES IN CRIMINAL COMPLAINT, JURISDICTION OVER

THE SUBJECT-MATTER WAS [N]EVER PROPERLY ACQUIRED BY THE JUSTICE COURT, RENDERING BOTELOS CRIMINAL CASE VOID AB INITIO, FROM ITS [I]NCEPTION. JOP LYNCH KNEW THIS CASE IS FATAALLY DEFECTIVE AND HAS INFACCT COVERED FOR THE COURT BY HER SHAM ORDER.

J.O.P. LYNCH FRAUDULENTLY MISREPRESENTED MATERIAL, PROBATIVE FACTS OF THE CASE BY "OMITTING" THE [LEGAL FACTS WHICH TRIGGERED A PARTICULAR CONSEQUENCE], WITH INTENT TO DECEIVE. THIS SHAM ORDER CALLS INTO QUESTION J.O.P. LYNCH'S KNOWLEDGE OF THE LAW, HER INTEGRITY, AND CREDIBILITY. THIS BAD FAITH ORDER WAS PREJUDICIAL & BIASED, WHEREIN SHE ALSO FAILED TO HOLD THE REQUIRED DE NOVO HEARING AND DETERMINATION ON THE MERITS, ON THE "LEGAL FACTS" IN JUSTICE COURT RECORD, PURSUANT TO NRS 171.196, 172.175, 1.080, 0.025, AND EX PARTE MING. THE COURT WAS PROVIDED WITH PRIMA FACIE EVIDENCE AND LEGAL FACTS, YET WERE [W]HOLLY IGNORED IN HER SHAM ORDER, IN HER "NON-PERFORMANCE OF HER SWORN STATUTORY AND CONSTITUTIONAL DUTIES TO FOLLOW NEVADA LAW, THE NEV. AND U.S. CONSTITUTION(S), AND BOTELOS [I]NALIENABLE CONSTITUTIONAL RIGHTS, AND FOLLOW "WELL DECIDED" STARE DECISIS. THE DICTA IN HER SHAM ORDER AMOUNTS TO ACTUAL MALICE WITH INTENT TO INFLECT FURTHER HARM AND DELAY THROUGH FALSEHOOD, ALSO KNOWN AS MALICE IN FACT. THE ORDER FURTHER SHOWS A CALOUS DISREGARD FOR, AND CONTEMPT FOR THE LAW, THE CONSTITUTION(S) AND MY GUARANTEED CONSTITUTIONAL RIGHTS,

THE JURISDICTION OF THIS CASE [M]UST AND [S]HALL REMAIN IN RENO JUSTICE COURT AS A LEGAL FACT IN LAW, AND THIS CASE [M]UST BE RETURNED TO JUSTICE COURT WHERE J.O.P. LYNCH [M]UST FOLLOW THE LAW, NO MATTER WHAT SHE MAY "THINK" AS SHE CANNOT LEGISLATE FROM THE BENCH. ALL SHE CAN DO IS GRANT BOTELO (ME) MY [R]EQUIRED RELIEF AS LAW AND JUSTICE REQUIRE, AS A MATTER OF LAW, REGARDLESS

DATED 6-10-2017


MICHAEL T. BOTELO # 80337
NNCC, P.O. BOX 7000
CARSON CITY, NV. 89702

1 **Code 1310**

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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 **MICHAEL TODD BOTELHO,**

9 **Petitioner,**

Case No. CR03-2156

10 **vs.**

Dept. No. 3

11 **JAMES BENEDETTI, STATE OF**
12 **NEVADA, et al.,**

13 **Respondents.**

14 _____ /
15 **CASE APPEAL STATEMENT**

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

- 17 1. Appellant is Michael T. Botelho.
- 18 2. This appeal is from an order entered by the Honorable Judge Jerome Polaha.
- 19 3. Appellant is representing himself in Proper Person on appeal. The Appellant's
- 20 address is:
- 21 Michael T. Botelho #80837
- 22 N.N.C.C.
- 23 P.O. Box 7000
- 24 Carson City, Nevada 89702
- 25 4. Respondent is the State of Nevada. Respondent is represented by the Washoe
- 26 County District Attorney's Office:
- 27 Terrance McCarthy, Esq., SBN: 2745
- 28 P.O. Box 11130
- Reno, Nevada 89520
5. Respondent's attorney is not licensed to practice law in Nevada: n/a

6. Appellant is represented by appointed counsel in District Court.
7. Appellant is not represented by appointed counsel on appeal.
8. Appellant was granted leave to proceed in forma pauperis in the District Court filed on February 17, 2010.
9. Proceeding commenced by the filing of an Indictment on October 8, 2003.
10. This is a criminal proceeding and the Appellant is appealing the Order forwarding Documents to District Court filed May 16, 2017.
11. The case has been the subject of a previous appeal to the Supreme Court:
Supreme Court No: 43247, 49586 and 69046.
12. This case does not involve child custody or visitation.
13. This is not a civil case involving the possibility of a settlement.

Dated this 20th day of June, 2017.

Jacqueline Bryant
Clerk of the Court

By: /s/ Yvonne Vilorio
Yvonne Vilorio
Deputy Clerk

3035

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

MICHAEL T. BOTELHO,

Petitioner,

Case No. CR03P2156

vs.

Department No.: 3

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 MICHAEL T.
2 BOTELHO 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 MICHAEL T. BOTELHO.

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

11 DATED this 16th day of February, 2010.

12
13 Connie J. Steinheimer
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
18th day of February, 2010, I deposited in the county mailing system, a
true copy of the attached document, addressed to:

Michael T. Botelho
Inmate no. 80837
P.O. Box 7000
Carson City, Nevad 89702
Via U.S. Postal Service

I hereby certify that on the 17th day of February, 2010, 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 - CR03-2156

DEPT. D3

HON. JEROME M. POLAHA

Report Date & Time

6/20/2017

9:41:40AM

Case Description: STATE VS. MICHAEL TODD BOTELHO (D3)

Case ID: CR03-2156

Case Type: CRIMINAL

Initial Filing Date: 10/8/2003

Parties

RESP	STATE OF NEVADA - STATE
APPE	MICHAEL TODD BOTELHO - @154004
PATY	John Reese Petty, Esq. - 10
PNP	Div. of Parole & Probation - DPNP
PLTF	STATE OF NEVADA - STATE
DA	Terrence P. McCarthy, Esq. - 2745
DEFT	MICHAEL TODD BOTELHO - @154004
PD	Sean B. Sullivan, Esq. - 7534
DATY	Gary Howard Hatlestad, Esq. - 1525

Charges

<i>Charge No.</i>	<i>Charge Code</i>	<i>Charge Date</i>	<i>Charge Description</i>
1	F610	10/8/2003	IND KIDNAPPING IN THE FIRST DEGREE
2	F110	10/8/2003	IND BATTERY WITH INTENT TO COMMIT SEXUAL ASSAULT ON A CHILD
3	F1000	10/8/2003	IND SEXUAL ASSAULT ON A CHILD
4	F1000	10/8/2003	IND SEXUAL ASSAULT ON A CHILD
5	F1000	10/8/2003	IND SEXUAL ASSAULT ON A CHILD

Plea Information

<i>Charge No.</i>	<i>Plea Code</i>	<i>Plea Date</i>	<i>Plea Description</i>
3	F1000	12/11/2003	PLED GUILTY
4	F1000	12/11/2003	PLED GUILTY
5	F1000	12/11/2003	PLED GUILTY
2	F110	11/6/2003	PLED NOT GUILTY
1	F610	12/11/2003	PLED GUILTY

Sentences

<i>Date</i>	<i>Charge No.</i>	<i>Charge Desc</i>	<i>Time Served</i>	<i>Sentence Text</i>
4/7/2004	1	Life With Poss of Parole		NDOC LIFE WITH POSSIBILITY OF PAROLE AFTER A MINIMUM OF 5 YEARS HAS BEEN SERVED WITH A SPECIAL SENTENCE OF LIFETIME SUPERVISION TO COMMENCE ANY TERM OF PROBATION, OR ANY TERM OF IMPRISONMENT OR AFTER ANY PERIOD OF RELEASE ON PAROLE + \$632.00 RESTITUTION + FEES
4/7/2004	3	Life With Poss of Parole		NDOC LIFE WITH POSSIBILITY OF PAROLE AFTER A MINIMUM OF 20 YEARS HAS BEEN SERVED TO BE SERVED CONSECUTIVELY TO THE SENTENCE IMPOSED IN COUNT I.
4/7/2004	4	Life With Poss of Parole		NDOC LIFE WITH POSSIBILITY OF PAROLE AFTER A MINIMUM OF 20 YEARS HAS BEEN SERVED TO BE SERVED CONCURRENTLY WITH THE SENTENCES IMPOSED IN COUNTS 1 AND 3.
4/7/2004	5	Life With Poss of Parole		NDOC LIFE WITH POSSIBILITY OF PAROLE AFTER A MINIMUM OF 20 YEARS HAS BEEN SERVED TO BE SERVED CONSECUTIVELY TO THE SENTENCES IMPOSED IN COUNTS 1, 3 AND 4.

Report Does Not Contain Sealed Cases or Confidential Information

Case Description: STATE VS. MICHAEL TODD BOTELHO (D3)

Case ID: CR03-2156

Case Type: CRIMINAL

Initial Filing Date: 10/8/2003

Release Information

Custody Status

Hearings

	<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
1	D3	ARRAIGNMENT	10/23/2003	08:30:00	10/23/2003
Event Extra Text:			Disposition: D455 10/23/2003		
	<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
2	D3	ENTRY OF PLEA	11/6/2003	08:30:00	11/6/2003
Event Extra Text:			Disposition: D725 11/6/2003 COUNTS I, II, III, IV, AND V OF THE INDICTMENT		
	<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
3	D3	CHANGE OF PLEA	12/11/2003	08:30:00	12/11/2003
Event Extra Text:			Disposition: D655 12/11/2003 COUNTS 1, 3, 4 AND 5 OF THE INFORMATION		
	<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
4	D3	SENTENCING	2/11/2004	09:30:00	1/28/2004
Event Extra Text: SET FOR 2 HOURS - CLOSED HEARING			Disposition: D870 1/28/2004 Reset for February 18, 2004		
	<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
5	D3	SENTENCING	2/18/2004	10:00:00	2/17/2004
Event Extra Text:			Disposition: D870 2/17/2004 Reset for Motions Hearing on March 11, 2004, at 10:00 and Sentencing on April 7, 2004.		
	<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
6	D3	HEARING...	3/11/2004	10:00:00	3/11/2004
Event Extra Text: ON MOTION			Disposition: D430 3/11/2004		
	<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
7	D3	SENTENCING	4/7/2004	08:30:00	4/7/2004
Event Extra Text:			Disposition: D765 4/7/2004		

Case Description: STATE VS. MICHAEL TODD BOTELHO (D3)

Case ID: CR03-2156 **Case Type:** CRIMINAL **Initial Filing Date:** 10/8/2003

	<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
8	D3	MOTION TO CONFIRM TRIAL	7/15/2004	08:30:00	12/11/2003
Event Extra Text:			<i>Disposition:</i> D845 12/11/2003		

	<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
9	D3	TRIAL - JURY	7/26/2004	08:30:00	12/11/2003
Event Extra Text: 4 DAYS			<i>Disposition:</i> D845 12/11/2003		

	<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
10	D3	Request for Submission	8/13/2015	12:26:00	9/16/2015
Event Extra Text: MOTION TO DISMISS PETITION FOR WRIT OF HABEAS CORPUS			<i>Disposition:</i> S200 9/16/2015		

	<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
11	D3	Request for Submission	9/23/2015	11:02:00	9/28/2015
Event Extra Text: REPLY AND OBJECTION TO OPPOSITION TO MOTION (PAPER ORDER NOT PROVIDED)			<i>Disposition:</i> S200 9/28/2015		

	<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
12	D3	Request for Submission	10/14/2015	09:04:00	12/10/2015
Event Extra Text: MOTION TO VACATE JUDGMENT OF CONVICTION AND NRCIV P RULE 9(b) FRAUD, FILED 9-22-15 -			<i>Disposition:</i> S200 12/10/2015		

	<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
13	D3	Request for Submission	10/19/2015	09:25:00	12/10/2015
Event Extra Text: PETITIONER'S MOTION FOR RE-CONSIDERATION FILED 10-1-15 -			<i>Disposition:</i> S200 12/10/2015		

	<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
14	D3	Request for Submission	1/14/2016	10:48:00	1/15/2016
Event Extra Text: ECOND NOTICE WRIT OF MANDAMUS (PAPER ORDER NOT PROVIDED)			<i>Disposition:</i> S200 1/15/2016		

	<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
15	D3	Request for Submission	1/15/2016	08:55:00	1/15/2016
Event Extra Text: SECOND REQUEST (PAPER ORDER NOT PROVIDED)			<i>Disposition:</i> S200 1/15/2016		

Case Description: STATE VS. MICHAEL TODD BOTELHO (D3)

Case ID:	CR03-2156	Case Type:	CRIMINAL	Initial Filing Date:	10/8/2003
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<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
16 D3	Request for Submission	1/15/2016	08:41:00	1/19/2016
Event Extra Text: MOTION TO ORDER CLERK TO FORWARD DISPOSITION OF ALL RECORDS AND DOCKETING RECORD TO PETITIONER (PAPER ORDER NOT PROVIDED)		Disposition: S200 1/19/2016		

<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
17 D3	Request for Submission	3/2/2016	16:44:00	3/15/2016
Event Extra Text: REQUEST FOR SUBMISSION (SECOND NOTICE) FOR EXTRAORDINARY WRIT OF MANDAMUS TO RECUSE JUDGE POLAHA(SEE ATTACHED COPY OF R.F.S, DATED 1-8-2016)(NO PAPER ORDER PROVIDED)		Disposition: S200 3/15/2016		

<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
18 D3	Request for Submission	3/2/2016	16:42:00	3/15/2016
Event Extra Text: REQUEST FOR SUBMISSION (SECOND REQUEST) FOR SHOW-CAUSE MOTION (NO PAPER ORDER PROVIDED)		Disposition: S200 3/15/2016		

<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
19 D3	Request for Submission	3/11/2016	08:19:00	3/23/2016
Event Extra Text: REQUEST FOR SUBMISSION - RELIEF FROM ORDER MOTION (NO PAPER ORDER PROVIDED)		Disposition: S200 3/23/2016		

Agency Cross Reference

<i>Code</i>	<i>Agency Description</i>	<i>Case Reference I.D.</i>
DA	District Attorney's Office	DA318167
RJ	Reno Justice's Court	RCR2003011479
SC	Supreme Court	SCN 43247
SC	Supreme Court	SCN 69046
WC	Washoe County Sheriff's Office	WCSOWC03008924

Actions

<i>Action Entry Date</i>	<i>Code</i>	<i>Code Description</i>	<i>Text</i>
10/8/2003	1300	Bench Warrant Filed-Case Clsd	BAIL SET AT \$250,000.00 CASH ONLY
10/8/2003	1795	Indictment	
10/8/2003	3370	Order ...	ORDER STAYING JUSTICE COURT PROCEEDINGS (RJC)
10/14/2003	3892	Return of Service B/W	SERVED 10-10-03
10/15/2003	1325	** Case Reopened	
10/15/2003	1250	Application for Setting	10-23-03 @08:30
10/20/2003	1775	General Receipt	GRAND JURY (DA)
10/20/2003	4185	Transcript	GRAND JURY TRANSCRIPT 10-8-03
10/23/2003	MIN	***Minutes	ARRAIGNMENT
10/30/2003	1810	Inmate Request Form Filed	REQUEST RE: MISSED COURT DATE, REFERRED TO COUNSEL PER JUDGE POLAHA
11/6/2003	1280	** 60 Day Rule - Waived	
11/6/2003	MIN	***Minutes	
11/6/2003	MIN	***Minutes	ENTRY OF PLEA

Case Description: STATE VS. MICHAEL TODD BOTELHO (D3)				
Case ID:	CR03-2156	Case Type:	CRIMINAL	Initial Filing Date: 10/8/2003
11/20/2003	4185	Transcript	10/23/03	ARRAIGNMENT/ CONTINUED
12/8/2003	1250	Application for Setting	12-11-03	@08:30
12/11/2003	1785	Guilty Plea Memo/Agreement		
12/11/2003	MIN	***Minutes		MOTION FOR HANGE OF PLEA
12/22/2003	4185	Transcript	12/11/03	CHANGE OF PLEA
1/12/2004	4185	Transcript	11/6/03	ENTRY OF PLEA
1/26/2004	2528	Not/Doc/Rc'd/Not/Cons/by Crt		CONFIDENTIAL PSYCHOLOGICAL / SUBSTANCE ABUSE EVALUATION TO BE FILED UNDER SEAL ***SEA
1/26/2004	3839	Request Agree Ord Recp Discv		
1/30/2004	4025	Stip & Ord to Continue		SENTENCING TO 2-18-04
2/3/2004	2610	Notice ...		NOTICE OF INTENT TO INTRODUCE PRIOR OR OTHER BAD ACT EVIDENCE AT SENTENCING HEARING
2/11/2004	4500	PSI - Confidential		
2/13/2004	2645	Opposition to Mtn ...		OPPOSITION TO STATE'S INTRODUCTION OF PRIOR OR OTHER BAD ACT EVIDENCE AT SENTENCING H
2/17/2004	1250	Application for Setting	3-11-04	@10:00
2/17/2004	2528	Not/Doc/Rc'd/Not/Cons/by Crt		CONFIDENTIAL LETTERS FROM FAMILY TO BE FILED UNDER SEAL ***SEALED***
2/20/2004	3795	Reply...		IN OPPOSITION TO DEFENDANT'S OPPOSITION TO STATE'S INTRODUCTION OF OTHER BAD ACT EVIDI
2/24/2004	4025	Stip & Ord to Continue		Sentencing reset for April 7, 2004. Motion Hearing set for March 11, 2004.
3/11/2004	MIN	***Minutes		MOTIONS RE: MEDIA AND SEALING; RECUSAL OF JUDGE AND MARITAL PRIVILEGE
3/31/2004	4185	Transcript	3/11/04	HEARING ON MOTIONS
4/6/2004	1775	General Receipt		GRAND JURY TRANSCRIPT - SEAN SULLIVAN, ESQ.
4/7/2004	1850	Judgment of Conviction		
4/7/2004	MIN	***Minutes		ENTRY OF JUDGMENT AND IMPOSTION OF SENTENCE
4/19/2004	4185	Transcript	4/7/04	SENTENCING
4/22/2004	2295	Mtn to Dismiss Counts ...		COUNT II
4/28/2004	2905	Ord for Dismissal of Counts		COUNT II
4/30/2004	1310	Case Appeal Statement		
4/30/2004	2515	Notice of Appeal Supreme Court		
5/3/2004	1365	Certificate of Transmittal		
5/3/2004	1350	Certificate of Clerk		
5/6/2004	1188	Supreme Court Receipt for Doc		SUPREME COURT CASE NO. 43247
5/6/2004	1187	**Supreme Court Case No. ...		SUPREME COURT CASE NO. 43247
5/17/2004	2230	Mtn Trial Trans. Public Exp		
6/1/2004	3000	Ord Trial Transcript/Public\$		
4/6/2005	4134	Supreme Court Order Affirming		SUPREME COURT CASE NO. 43247
5/3/2005	4145	Supreme Court Remittitur		SUPREME COURT CASE NO. 43247
5/3/2005	4111	Supreme Ct Clk's Cert & Judg		SUPREME COURT CASE NO. 43247
5/3/2005	4134	Supreme Court Order Affirming		SUPREME COURT CASE NO. 43247
7/13/2005	1030	Affidavit in Support...		MOTION FOR WITHDRAWAL OF ATTORNEY OF RECORD AND TRANSFER OF RECORDS
7/13/2005	1075	Affidavit ...		OF DEFENDANT
7/13/2005	2260	Mtn to Relieve Counsel		NOTICE OF MOTION AND MOTION FOR WITHDRAWAL OF ATTORNEY OF RECORD AND TRANSFER OF F

Case Description: STATE VS. MICHAEL TODD BOTELHO (D3)				
Case ID:	CR03-2156	Case Type:	CRIMINAL	Initial Filing Date: 10/8/2003
8/18/2005	3860	Request for Submission	DOCUMENT TITLE: MOTION FOR WITHDRAWAL OF ATTORNEY	
9/13/2005	3060	Ord Granting Mtn ...	ORDER GRANTING MOTION TO WITHDRAW COUNSEL	
9/13/2005	1315	** Case Closed		
6/12/2007	FIE	**Document Filed in Error	fie - filed in wrong case / put in "P" case.	
6/4/2012	NEF	Proof of Electronic Service	Transaction 2995817 - Approved By: NOREVIEW : 06-04-2012:16:43:46	
6/4/2012	4128	Supreme Court Order Denying	SUPREME COURT CASE NO. 60556/ORDER DENYING PETITION - Transaction 2995756 - Approved By: NO	
7/31/2012	4128	Supreme Court Order Denying	SUPREME COURT ORDER DENYING REHEARING - Transaction 3118134 - Approved By: NOREVIEW : 07-3	
7/31/2012	NEF	Proof of Electronic Service	Transaction 3118173 - Approved By: NOREVIEW : 07-31-2012:11:04:10	
8/22/2012	4131	Supreme Ct Not/Lieu/Remittitur	SUPREME COURT CASE NO. 60556/NOTICE IN LIEU OF REMITTITUR - Transaction 3168665 - Approved By	
8/22/2012	NEF	Proof of Electronic Service	Transaction 3168719 - Approved By: NOREVIEW : 08-22-2012:14:27:23	
7/24/2015	NEF	Proof of Electronic Service	Transaction 5060978 - Approved By: NOREVIEW : 07-24-2015:09:54:48	
7/24/2015	2300	Mtn to Dismiss Pet	MOTION TO DISMISS PETITION FOR WRIT OF HABEAS CORPUS - Transaction 5060792 - Approved By: MC	
8/11/2015	2490	Motion ...	MOTION TO STRIKE AND OPPOSITION TO RESPONDENT'S MOTION TO DISMISS PETITION FOR POST-C	
8/11/2015	1075	Affidavit ...		
8/13/2015	3860	Request for Submission	Transaction 5091960 - Approved By: YLLOYD : 08-13-2015:12:26:07	
8/13/2015	NEF	Proof of Electronic Service	Transaction 5092514 - Approved By: NOREVIEW : 08-13-2015:12:41:02	
8/13/2015	NEF	Proof of Electronic Service	Transaction 5092489 - Approved By: NOREVIEW : 08-13-2015:12:26:52	
8/13/2015	3795	Reply...	REPLY TO OPPOSITION TO MOTION TO DISMISS, AND OPPOSITION TO MOTION TO STRIKE - Transactio	
8/13/2015	NEF	Proof of Electronic Service	Transaction 5092474 - Approved By: NOREVIEW : 08-13-2015:12:21:06	
8/13/2015	2526	Notice of Change of Attorney	TERRENCE MCCARTHY OBO RESPONDENT IN PLACE OF GARY HATLESTAD - Transaction 5091963 - App	
8/19/2015	4330	Writ of Mandamus	EXTRAORDINARY WRIT OF MANDAMUS FOR THE RECUSAL AND THE DISQUALIFICATION OF JUDGE PC	
8/21/2015	2490	Motion ...	MOTION TO SHOW CAUSE	
8/25/2015	3790	Reply to/in Opposition	REPLY TO OPPOSITION TO MOTION TO STRIKE	
8/27/2015	1020	Addendum	ADDENDUM TO SHOW CAUSE MOTION	
9/16/2015	S200	Request for Submission Complet		
9/16/2015	3060	Ord Granting Mtn ...	ORDER GRANTING MOTION TO DISMISS PETITION AND DENYING MOTION TO STRIKE - Transaction 514:	
9/16/2015	NEF	Proof of Electronic Service	Transaction 5143730 - Approved By: NOREVIEW : 09-16-2015:12:03:55	
9/22/2015	3860	Request for Submission	DOCUMENT TITLE: REPLY AND OBJECTION TO OPPOSITION TO MOTION (PAPER ORDER NOT PROVID	
9/22/2015	2490	Motion ...	MOTION TO VACATE JUDGMENT OF CONVICTION AND INR IV.P RULE 9 (6)FRAUD	
9/22/2015	1030	Affidavit in Support...		
9/25/2015	2645	Opposition to Mtn ...	OPPOSITION TO "MOTION TO VACATE JUDGMENT OF CONVICTION AND NRCIV P. RULE 9 (b) FRAUD - 1	
9/25/2015	NEF	Proof of Electronic Service	Transaction 5158987 - Approved By: NOREVIEW : 09-25-2015:10:33:51	
9/28/2015	S200	Request for Submission Complet		
10/1/2015	2175	Mtn for Reconsideration	MOTION FOR RECONSIDERATION	
10/2/2015	2610	Notice ...	JUDICIAL NOTICE	
10/6/2015	NEF	Proof of Electronic Service	Transaction 5173760 - Approved By: NOREVIEW : 10-06-2015:09:56:34	
10/6/2015	2645	Opposition to Mtn ...	OPPOSITION TO MOTION FOR RECONSIDERATION - Transaction 5173465 - Approved By: TBRITTON : 10-C	
10/9/2015	3795	Reply...	REPLY AND OBJECTION TO OPPOSITION TO MOTION TO VACATE JUDGMENT OF CONVICTION FOR NR	
10/14/2015	3860	Request for Submission	Transaction 5187258 - Approved By: YVILORIA : 10-14-2015:08:59:59	

Case Description: STATE VS. MICHAEL TODD BOTELHO (D3)				
Case ID:	CR03-2156	Case Type:	CRIMINAL	Initial Filing Date: 10/8/2003
10/14/2015	NEF	Proof of Electronic Service	Transaction 5187367 - Approved By: NOREVIEW : 10-14-2015:09:00:52	
10/15/2015	3795	Reply...	REPLY AND OBJECTION TO OPPOSITION TO MOTION FOR RECONSIDERATION	
10/19/2015	2515	Notice of Appeal Supreme Court	Appellant, MICHAEL TODD BOTELHO, proper	
10/19/2015	3860	Request for Submission	Transaction 5193956 - Approved By: YVILORIA : 10-19-2015:09:23:13	
10/19/2015	NEF	Proof of Electronic Service	Transaction 5194069 - Approved By: NOREVIEW : 10-19-2015:09:24:17	
10/22/2015	1350	Certificate of Clerk	CERTIFICATE OF CLERK AND TRANSMITTAL - NOTICE OF APPEAL - Transaction 5200845 - Approved By: N	
10/22/2015	1310E	Case Appeal Statement	Transaction 5200845 - Approved By: NOREVIEW : 10-22-2015:09:18:07	
10/22/2015	NEF	Proof of Electronic Service	Transaction 5200851 - Approved By: NOREVIEW : 10-22-2015:09:19:08	
10/28/2015	1188	Supreme Court Receipt for Doc	SUPREME COURT NO. 69046/RECEIPT FOR DOCUMENTS - Transaction 5210628 - Approved By: NOREVIEW	
10/28/2015	NEF	Proof of Electronic Service	Transaction 5210645 - Approved By: NOREVIEW : 10-28-2015:14:33:16	
11/13/2015	NEF	Proof of Electronic Service	Transaction 5233405 - Approved By: NOREVIEW : 11-13-2015:08:59:30	
11/13/2015	4126	Supreme Ct Order Directing...	SUPREME COURT NO. 69046 / ORDER DIRECTING TRANSMISSION OF RECORD - Transaction 5233396 -	
11/24/2015	FIE	**Document Filed in Error	FIE - Duplicate Entry asmith 11/24/15	
11/24/2015	FIE	**Document Filed in Error	FIE - Duplicate Entry asmith 11/24/15	
11/24/2015	2490	Motion ...	MOTION TO ORDER COURT CLERK TO FOWARD DISPOSTION OF ALL RECORDS IN THE THIS COURT AI	
12/3/2015	3370	Order ...	DENYING REQUEST TO DISQUALIFY JUDGE POLAHA - Transaction 5261438 - Approved By: NOREVIEW : 1	
12/3/2015	NEF	Proof of Electronic Service	Transaction 5261445 - Approved By: NOREVIEW : 12-03-2015:11:17:16	
12/10/2015	NEF	Proof of Electronic Service	Transaction 5273823 - Approved By: NOREVIEW : 12-10-2015:15:33:00	
12/10/2015	S200	Request for Submission Complet		
12/10/2015	3862	**Criminal Submit	DOCUMENT TITLE: "NO S1 BUILT" PETITION FOR EXTRADORDINARY WRIT OF MANDAMUS (PAPER OR	
12/10/2015	2842	Ord Denying Motion	FOR RECONSIDERATION - Transaction 5273820 - Approved By: NOREVIEW : 12-10-2015:15:32:00	
12/10/2015	3645	Petition ...	PETITION FOR EXTRADORDINARY WRIT OF MANDAMUS	
12/10/2015	S200	Request for Submission Complet		
12/10/2015	NEF	Proof of Electronic Service	Transaction 5273807 - Approved By: NOREVIEW : 12-10-2015:15:29:50	
12/10/2015	2842	Ord Denying Motion	Transaction 5273801 - Approved By: NOREVIEW : 12-10-2015:15:28:51	
12/16/2015	NEF	Proof of Electronic Service	Transaction 5281172 - Approved By: NOREVIEW : 12-16-2015:11:23:31	
12/16/2015	1350	Certificate of Clerk	CERTIFICATE OF CLERK AND TRANSMITTAL - RECORD ON APPEAL - Transaction 5281166 - Approved By:	
1/13/2016	3370	Order ...	ORDER FOR RESPONSE - Transaction 5319424 - Approved By: NOREVIEW : 01-13-2016:15:51:34	
1/13/2016	NEF	Proof of Electronic Service	Transaction 5319429 - Approved By: NOREVIEW : 01-13-2016:15:52:23	
1/14/2016	NEF	Proof of Electronic Service	Transaction 5320067 - Approved By: NOREVIEW : 01-14-2016:09:27:44	
1/14/2016	3860	Request for Submission	SECOND NOTICE WRIT OF MANDAMUS (PAPER ORDER NOT PROVIDED) - Transaction 5319889 - Approve	
1/14/2016	1030	Affidavit in Support...	AFFIDAVIT OF MICHAEL T. BOTELHO IN SUPPORT OF REQUEST FOR SUBMISSION - Transaction 531988	
1/15/2016	S200	Request for Submission Complet		
1/15/2016	NEF	Proof of Electronic Service	Transaction 5322403 - Approved By: NOREVIEW : 01-15-2016:08:47:45	
1/15/2016	S200	Request for Submission Complet		
1/15/2016	NEF	Proof of Electronic Service	Transaction 5322344 - Approved By: NOREVIEW : 01-15-2016:08:33:40	
1/15/2016	3860	Request for Submission	MOTION TO ORDER CLERK TO FORWARD DISPOSITION OF ALL RECORDS AND DOCKETING RECORD 1	
1/15/2016	3860	Request for Submission	SECOND REQUEST (PAPER ORDER NOT PROVIDED) - Transaction 5322376 - Approved By: KJONES : 01-1	
1/19/2016	S200	Request for Submission Complet		

Case Description: STATE VS. MICHAEL TODD BOTELHO (D3)				
Case ID:	CR03-2156	Case Type:	CRIMINAL	Initial Filing Date: 10/8/2003
2/2/2016	NEF	Proof of Electronic Service	Transaction 5349889 - Approved By: NOREVIEW : 02-02-2016:16:33:06	
2/2/2016	NEF	Proof of Electronic Service	Transaction 5349853 - Approved By: NOREVIEW : 02-02-2016:16:27:17	
2/2/2016	3370	Order ...	ORDER REGARDINNG MOTION TO ORDER COURT CLERK TO FORWARD DISPOSITION OF ALL RECORD	
2/2/2016	2840	Ord Denying ...	REQUEST FOR SUBMISSION/COPY OF JUDGE HARDY'S 12-3-15 ORDER ALSO PROVIDED WITH THIS OF	
2/3/2016	3880	Response...	RESPONSE TO PETITION FOR EXTRAORDINARY WRIT OF MANDAMUS - Transaction 5351474 - Approved	
2/3/2016	NEF	Proof of Electronic Service	Transaction 5351530 - Approved By: NOREVIEW : 02-03-2016:14:22:29	
2/17/2016	2490	Motion ...	"MOTION" N.R.C.P RULE 60(b)(1)(2)(3) RELIEF FROM ORDER	
2/19/2016	3795	Reply...	REPLY AND OBJECTION TO RESPONSE TO PETITION FOR EXTRAORDINARY WRIT OF MANDAMUS	
3/2/2016	3860	Request for Submission	DOCUMENT TITLE: REQUEST FOR SUBMISSION (SECOND REQUEST) FOR SHOW-CAUSE MOTION (NO	
3/2/2016	3860	Request for Submission	DOCUMENT TITLE: REQUEST FOR SUBMISSION (SECOND NOTICE) FOR EXTRAORDINARY WRIT OF M	
3/2/2016	2610	Notice ...	JUDICIAL NOTICE	
3/4/2016	2540	Notice of Entry of Ord	Transaction 5400162 - Approved By: NOREVIEW : 03-04-2016:08:19:24	
3/4/2016	NEF	Proof of Electronic Service	Transaction 5400168 - Approved By: NOREVIEW : 03-04-2016:08:20:22	
3/4/2016	FIE	**Document Filed in Error	Transaction 5400108 - Approved By: NOREVIEW : 03-04-2016:07:53:38	
3/4/2016	FIE	**Document Filed in Error	Transaction 5400109 - Approved By: NOREVIEW : 03-04-2016:07:54:37	
3/10/2016	3860	Request for Submission	DOCUMENT TITLE: REQUEST FOR SUBMISSION - RELIEF FROM ORDER MOTION (NO PAPER ORDER P	
3/15/2016	3370	Order ...	Request for Sub (2nd Notice) for Ext Writ of Mand to Recuse Judge Polaha filed March 2, 2016, is DENIED; Shc	
3/15/2016	NEF	Proof of Electronic Service	Transaction 5418203 - Approved By: NOREVIEW : 03-15-2016:16:06:24	
3/15/2016	S200	Request for Submission Complet		
3/15/2016	NEF	Proof of Electronic Service	Transaction 5418216 - Approved By: NOREVIEW : 03-15-2016:16:09:13	
3/15/2016	S200	Request for Submission Complet		
3/15/2016	3370	Order ...	ORDER REGARDING PETITIONER'S FILINGS - Transaction 5418211 - Approved By: NOREVIEW : 03-15-2016	
3/16/2016	1930	Letters ...	LETTER FROM DEFENDANT	
3/17/2016	1930	Letters ...	LETTER FROM DEFENDANT WITH ATTACHMENTS	
3/17/2016	2610	Notice ...	JUDICIAL NOTICE & AFFIDAVIT	
3/23/2016	S200	Request for Submission Complet		
3/23/2016	NEF	Proof of Electronic Service	Transaction 5432569 - Approved By: NOREVIEW : 03-23-2016:16:09:32	
3/23/2016	3370	Order ...	DENYING MOTION FOR RELIEF FROM ORDER - Transaction 5432554 - Approved By: NOREVIEW : 03-23-2016	
4/5/2016	NEF	Proof of Electronic Service	Transaction 5449474 - Approved By: NOREVIEW : 04-05-2016:09:10:01	
4/5/2016	4133	Supreme Court Notice	SUPREME COURT NO. 69046/NOTICE OF TRANSFER TO COURT OF APPEALS - Transaction 5449460 - Ap	
5/20/2016	NEF	Proof of Electronic Service	Transaction 5525063 - Approved By: NOREVIEW : 05-20-2016:10:14:15	
5/20/2016	4134	Supreme Court Order Affirming	SUPREME COURT NO. 69046/ORDER OF AFFIRMANCE - Transaction 5525050 - Approved By: NOREVIEW :	
6/20/2016	4111	Supreme Ct Clk's Cert & Judg	SUPREME COURT NO. 69046 / CLERK'S CERTIFICATE & JUDGMENT - Transaction 5569137 - Approved By:	
6/20/2016	4145	Supreme Court Remittitur	SUPREME COURT NO. 69046 / REMITTITUR - Transaction 5569137 - Approved By: NOREVIEW : 06-20-2016	
6/20/2016	NEF	Proof of Electronic Service	Transaction 5569143 - Approved By: NOREVIEW : 06-20-2016:10:06:03	
6/20/2016	4134	Supreme Court Order Affirming	SUPREME COURT NO. 69046 / ORDER OF AFFIRMANCE - Transaction 5569137 - Approved By: NOREVIEW	
10/25/2016	1260	Application Produce Prisoner	NOTICE OF MOTION AND MOTION TO TRANSPORT	
5/16/2017	3880	Response...	RESPONSE TO "MOTION GRANTING MOTION TO DISMISS ALL CHARGES..."	
5/16/2017	3860	Request for Submission	NO S1 BUILT - REQUEST FOR SUBMISSION SUBMITTED AT PRIOR COURT	

Case Description: STATE VS. MICHAEL TODD BOTELHO (D3)			
Case ID:	CR03-2156	Case Type:	CRIMINAL
		Initial Filing Date:	10/8/2003
5/16/2017	3370	Order ...	ORDER FORWARDING DOCUMENTS TO DISTRICT COURT
5/22/2017	3860	Request for Submission	DOCUMENT TITLE: SECOND REQUEST FOR SUBMISSION
5/22/2017	2610	Notice ...	JUDICIAL NOTICE
6/2/2017	3795	Reply...	REPLY AND OBJECTION TO ORDER FORWARDING DOCUMENTS TO DISTRICT COURT
6/14/2017	2515	Notice of Appeal Supreme Court	Appellant Deft Michael Todd Botelho
6/20/2017	1310E	Case Appeal Statement	Transaction 6156711 - Approved By: NOREVIEW : 06-20-2017:09:40:21
6/20/2017	1350	Certificate of Clerk	CERTIFICATE OF CLERK AND TRANSMITTAL - NOTICE OF APPEAL - Transaction 6156711 - Approved By: N
6/20/2017	NEF	Proof of Electronic Service	Transaction 6156716 - Approved By: NOREVIEW : 06-20-2017:09:41:09

**SECOND JUDICIAL DISTRICT COURT
COUNTY OF WASHOE**

Case History - CR03P2156

DEPT. D3

HON. JEROME M. POLAHA

Report Date & Time

6/20/2017

9:42:16AM

Case Description: POST: MICHAEL TODD BOTELHO (D3)			
Case ID:	CR03P2156	Case Type:	POST CONVICTION
		Initial Filing Date:	3/6/2006

Parties

PETR	MICHAEL TODD BOTELHO - @154004
RESP	STATE OF NEVADA - STATE
DA	Terrence P. McCarthy, Esq. - 2745
CAA	Mary Lou A. Wilson, Esq. - 3329

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	D3	EVIDENTIARY HEARING	5/11/2007	13:30:00	5/11/2007
Event Extra Text:			Disposition: D355 5/11/2007 PETITION DENIED, STATE TO PREPARE THE ORDER		

Agency Cross Reference

<i>Code</i>	<i>Agency Description</i>	<i>Case Reference I.D.</i>
SC	Supreme Court	SCN 49586

Actions

<i>Action Entry Date</i>	<i>Code</i>	<i>Code Description</i>	<i>Text</i>
3/6/2006	1955	Memorandum Points&Authorities	IN SUPPOR OF PETITION FOR POST CONVICTION
3/6/2006	2385	Mtn Proceed Forma Pauperis	
3/6/2006	3565	Pet Post-Conviction Relief	
3/6/2006	1670	Ex-Parte Mtn...	FOR APPOINTMENT OF COUNSEL
3/6/2006	1030	Affidavit in Support...	OF MOTION TO PROCEED IN FORMA PAUPERIS
3/6/2006	2180	Mtn for Recusal	
4/4/2006	3862	**Criminal Submit	DOCUMENT TITLE: MOTION TO PROCEED IN FORMA PAUPERIS / POST CONVICTION
6/5/2006	3370	Order ...	ORDER TO PROCEED IN FORMA PAUPERIS

Case Description: POST: MICHAEL TODD BOTELHO (D3)				
Case ID:	CR03P2156	Case Type:	POST CONVICTION	Initial Filing Date: 3/6/2006
6/5/2006	2715	Ord Appointing Counsel	ORDER FOR RESPONSE AND APPOINTMENT OF COUNSEL	
6/27/2006	2610	Notice ...	NOTICE OF APPEARANCE AND REQUEST FOR 45 DAYS TO FILE SUPPLEMENTAL PETITIOIN TO RUN FR	
6/30/2006	2715	Ord Appointing Counsel	AMENDED ORDER FOR RESPONSE AND APPOINTMENT OF COUNSEL	
7/17/2006	2610	Notice ...	NOTICE OF DICIPLINARY HEARING AND POSSIBLE MOTION TO CONTINUE SUBMISSION OF SUPPLEME	
7/25/2006	3862	**Criminal Submit	DOCUMENT TITLE: EXPARTE REQUEST FOR DOCUMENTS TO BE COPIED BY THE WASHOE COUNTY C	
7/26/2006	1670	Ex-Parte Mtn...	EXPARTE REQUEST FOR DOCUMENTS TO BE COPIED BY THE WASHOE COUNTY CLERK'S OFFICE IN S	
7/26/2006	2610	Notice ...	OF FILE REVIEWED AND POTENTIAL EXHIBITS USED FOR SUPPLEMENTAL PETITION FOR WRIT OF HAI	
7/28/2006	1675	Ex-Parte Ord...	EXPARTE ORDER FOR DOCUMENTS TO BE COPIED BY THE WASHOE COUNTY CLERK'S OFFICE IN SUI	
8/8/2006	4100	Supplemental Petition	FOR WRIT OF HABEAS CORPUS (POST-CONVICTION)	
8/8/2006	1670	Ex-Parte Mtn...	(SEALED) FOR APPROVAL OF FES IN THE SUPPLEMENTAL PETITION FOR WRIT OF HABEAS CORPUS (I	
8/9/2006	3862	**Criminal Submit	DOCUMENT TITLE: EX PARTE APPLICATION FOR FEES/ SUPPLEMENTAL PETITION FOR WRIT OF HABE	
8/14/2006	1670	Ex-Parte Mtn...	REQUESTING APPOINTMENT OF DR. MAHAFFEY FOR PSYCHOSEXUAL EVALUATION IN SUPPORT OF S	
8/14/2006	3862	**Criminal Submit	DOCUMENT TITLE: EX PARTE MOTION REQUESTING APPOINTMENT OF DR. MAHAFFEY FOR PSYCHO:	
8/23/2006	3370	Order ...	(SEALED) EXPARTE ORDER FOR APPROVAL OF FEES IN THE SUPPLEMENTAL PETITION FOR WRIT OF	
9/6/2006	3060	Ord Granting Mtn ...	ORDER GRANTING EX-PATE MOTION REQUESTING APPOINTMENT OF DR. MAHAFFEY FOR PSYCHOSE	
10/9/2006	2155	Mtn Partial Dismissal ...		
10/9/2006	1130	Answer ...	ANSWER TO PETITION AND SUPPLEMENTAL PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVIC	
10/9/2006	3897	Return		
10/18/2006	2645	Opposition to Mtn ...	OPPOSITION TO MOTION FOR PARTIAL DISMISSAL OF THE SUPPLEMENTAL PETITION FOR WRIT OF H/	
10/26/2006	3795	Reply...	REPLY TO OPPSOTION TO MOTION FOR PARTIAL DISMISSAL OF PETITION AND SUPPLEMENTAL PETITI	
10/26/2006	3860	Request for Submission	DOCUMENT TITLE: MOTION FOR PARTIAL DISMISSAL OF PETITION AND SUPPLEMENTAL PETITION FO	
12/14/2006	2610	Notice ...	NOTICE OF INVESTIGATION AND AMENDED SUPPLEMENTAL PETITION FOR WRIT OF HABEAS CORPUS	
12/29/2006	3370	Order ...		
1/8/2007	1670	Ex-Parte Mtn...	(SEALED) EXPARTE MOTION FOR APPROVAL OF FEES IN THE CONTINUED SUPPORT OF THE SUPPLEM	
1/9/2007	1250	Application for Setting	Evidentiary Hearing: May 11, 2007, at 1:30 pm, 2 hours	
1/9/2007	1675	Ex-Parte Ord...	(SEALED) EXPARTE ORDER FOR APPROVAL OF FEES IN THE CONTINUED SUPPORT OF THE SUPPLEM	
4/12/2007	3340	Ord to Produce Prisoner		
4/12/2007	1260	Application Produce Prisoner		
4/30/2007	2610	Notice ...	OF DR. MARTHA MAHAFFEY'S PSYCHOSEXUAL REPORT IN SUPPORT OF THE SUPPLEMENTAL PETITIC	
5/11/2007	MIN	***Minutes	EVIDENTIARY HEARING	
5/22/2007	1670	Ex-Parte Mtn...	(SEALED) EX PARTE MOTION FOR APPROVAL OF FEES IN THE PREPARATION AND COMPLETION OF TH	
5/31/2007	1675	Ex-Parte Ord...	(SEALED) FOR APPROVAL OF FEES IN THE PREPARATION AND COMPLETION OF THE EVEDENTIARY HI	
5/31/2007	2515	Notice of Appeal Supreme Court	missing at time of rebuild and qa - asmith 01/15/16	
5/31/2007	2840	Ord Denying ...	PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION)	
6/1/2007	3868	Req to Crt Rptr - Rough Draft		
6/1/2007	1310	Case Appeal Statement		
6/5/2007	1350	Certificate of Clerk		
6/5/2007	1365	Certificate of Transmittal		
6/11/2007	1188	Supreme Court Receipt for Doc	SUPREME COURT CASE NO. 49586	

Case Description: POST: MICHAEL TODD BOTELHO (D3)				
Case ID:	CR03P2156	Case Type:	POST CONVICTION	Initial Filing Date: 3/6/2006
6/11/2007	4185	Transcript	WRIT OF HABEAS CORPUS 5/11/07	
6/11/2007	1187	**Supreme Court Case No. ...	SUPREME COURT CASE NO. 49586	
6/12/2007	2540	Notice of Entry of Ord		
6/25/2007	3370	Order ...	PAYMENT OF TRANSCRIPT FEES GRANTED AND THAT THE NEVADA STATE PUBLIC DEFENDER PAY SH	
9/17/2007	1670	Ex-Parte Mtn...	FOR APPROVAL OF FEES IN THE APPELLANT'S OPENING BRIEF AND APPELLANT'S APPENDIX IN THE D	
9/20/2007	1675	Ex-Parte Ord...	FOR APPROVAL OF FEES IN THE APPELLANT'S OPENING BRIEF AND APPELANT'S APPENDIX IN THE DE	
11/5/2007	1325	** Case Reopened		
11/5/2007	1670	Ex-Parte Mtn...	EXPARTE MOTION FOR FEES IN THE PREPARATION AND COMPLETION OF THE REPLY BRIEF IN THE DI	
11/5/2007	3862	**Criminal Submit		
12/17/2007	1315	** Case Closed		
12/17/2007	1675	Ex-Parte Ord...	EXPARTE ORDER FOR FEES IN THE PREPARATION AND COMPLETION OF THE REPLY BRIEF IN THE DE	
5/19/2008	4134	Supreme Court Order Affirming	SUPREME COURT CASE NO. 49586	
6/11/2008	4134	Supreme Court Order Affirming	SUPREME COURT CASE NO. 49586	
6/11/2008	4145	Supreme Court Remittitur	SUPREME COURT CASE NO. 49586	
6/11/2008	4111	Supreme Ct Clk's Cert & Judg	SUPREME COURT CASE NO. 49586	
1/27/2010	2385	Mtn Proceed Forma Pauperis	MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS	
1/27/2010	3860	Request for Submission	DOCUMENT TITLE: IFP/MOTION FOR APPOINTMENT OF COUNSEL/PETITION FOR WRIT OF HABEAS CO	
1/27/2010	3585	Pet Writ Habeas Corpus	PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION)	
1/27/2010	1030	Affidavit in Support...	AFFIDAVIT IN SUPPORT OF REQUEST TO PROCEED IN FORMA PAUPERIS	
1/27/2010	2490	Motion ...	MOTION FOR APPOINTMENT OF COUNSEL PURSUANT TO NRS 34.750	
2/17/2010	3335	Ord Proceed Forma Pauperis	AND REFERRING MATTER TO D3 FOR DETERMINATIONAS TO WHETHER COUNSEL SHOULD BE APPOII	
2/17/2010	NEF	Proof of Electronic Service	Transaction 1326388 - Approved By: NOREVIEW : 02-17-2010:12:06:13	
2/18/2010	2180	Mtn for Recusal		
2/18/2010	1030	Affidavit in Support...	AFFIDAVIT OF PETITIONER IN SUPPORT OF MOTION FOR RECUSAL	
12/28/2011	2490	Motion ...	PETITIONERS MOTION FOR WRIT OF QUO WARRANTO AND SUPPORTING MEMORANDUM IN SUPPOR	
3/6/2012	2490	Motion ...	PETITIONER'S MOTION TO CORRECT CLERKS ERROR AND AS A MATTER OF LAW, ISSUE A DIRECTED \	

CR03-2156
DC-09900084591-084
STATE VS. MICHAEL TODD BOTELHO 3 Pages
District Court 05/16/2017 11:05 AM
Washoe County 3370
NAN

FILED

2017 MAY 16 AM 11:05

JACQUELINE ORIENT
CLERK OF THE COURT
BY *M. Chole*
DEPUTY

FILED

17 MAY 11 PM 5:24

DEXTER THOMAS
RENO JUSTICE COURT
BY *[Signature]*
DEPUTY

IN THE JUSTICE COURT OF RENO TOWNSHIP
COUNTY OF WASHOE, STATE OF NEVADA

MICHAEL T. BOTELHO,

Plaintiff,

vs.

RENO JUSTICE COURT,

Defendant.

Case No. RCR 2003-011479

Dept. No. 1

CR03-2156
D3

**ORDER FORWARDING
DOCUMENTS TO
DISTRICT COURT**

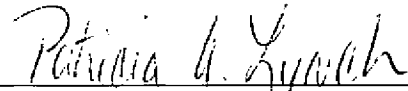
MICHAEL T. BOTELHO ("BOTELHO") was convicted of a number of serious felonies in the Second Judicial District Court and is currently serving time in prison. While the charges were originally in Justice Court, a superseding Indictment was filed, and all proceedings in Justice Court were stayed by the District Court on October 8, 2003. BOTELHO sent previous correspondence to this court, which was properly forwarded to the District Court as the Justice Court has no jurisdiction and is under the stay issued by the District Court.

BOTELHO's latest correspondence, received by this court on November 2, 2016, was inadvertently sent to the District Attorney's Office for a response. The court, more appropriately, should have forwarded BOTELHO's correspondence directly to the District Court. Additionally, there is no such case as "MICHEL T. BOTELHO V. RENO JUSTICE COURT."

THEREFORE, any and all documents and motions filed by BOTELHO from November

1 2, 2016, in Reno Justice Court are to be forwarded to District Court as the Justice Court has no
2 jurisdiction in this case.

3 DATED this 10th day of May 2017

4 
5

6 JUSTICE OF THE PEACE
7 DEPARTMENT NO. 1
8
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CERTIFICATE OF MAILING

Pursuant to NRCP 5(b), I certify that I am an employee of the Reno Justice Court, in the County of Washoe, State of Nevada; that on the date and manner indicated below, I deposited in the County mailing system and/or for postage and mailing with the United States Postal Service in Reno, Nevada, a true copy of the attached document addressed to:

Washoe County District Attorney's Office
Terrence P. McCarthy, Esq.
Chief Appellate Deputy
P.O. Box 11130
Reno, NV 89520-0027
(Interoffice)

Michael Botelho, #80837
Northern Nevada Correctional Center
P.O. Box 7000
Carson City, NV 89702

Second Judicial District Court
75 Court St.
Reno, NV 89501
(Interoffice)

DATED this 11th day of May 2017



Wendy Pearson, Secretary to
Patricia A. Lynch, Justice of the Peace
Reno Justice Court, Department 1

CASE NO. CR03-2156

STATE OF NEVADA VS. MICHAEL TODD BOTELHO

DATE, JUDGE
OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

10/23/03

ARRAIGNMENT

HONORABLE

Deputy District Attorney Kelli Vilorio represented the State.

JEROME M.

Defendant was present with counsel, Deputy Public Defender Sean

11/06/03

POLAHA

Sullivan. Probation Officer Pat Cerniglia was also present.

8:30 a.m.

DEPT. NO. 3

TRUE NAME: MICHAEL TODD BOTELHO. Defendant handed a

Entry of Plea

P. Meacham

copy of the Information; waived reading.

(Clerk)

Defendant requested time in which to enter a plea; Counsel for the

J. Dotson

State joined in that motion.

COURT ORDERED: Matter continued.

Defendant remanded to the custody of the Sheriff.

CR03-2156
STATE VS. MICHAEL TODD BOTELHO
District Court
Washoe County
DC-09900071966-001
Page 1
10/23/2003 09:30 AM
MIN

THE IND 10-8-03

Al. _____

2A1. _____

2INF._____

LANGUAGE:

Y STATUS: CUSTODY ☒] NIC ☐] BAIL ☐ \$ _____ OR ☐] OR ☐] W/COURT SERVICES
 E: 10-22-03 DEPT. NO. 3 REPORTER: J. Dotson CLERK: P. Meacham
 WE: _____
 10 DAY RULE: YES ☒] NO ☐] DATE: 11-6-03
 BY: Pat Cerniglia
 TY ☐] By: _____ GUILTY ☐] ALFORD ☐] NC ☐] TO: _____
 TO JUSTICE COURT FOR FURTHER PROCEEDINGS: _____

[☒] HANDED COPY
 [☒] WAIVED READING
 [☒] REQUESTED TIME TO PLEA
 [☐] REFERRED TO DRUG COURT
 [☐] ACCEPTED TO DRUG COURT
 [☐] WAIVED PSI

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: 11-6-03 DEPT. NO.* 3 REPORTER: J. Schonlau CLERK: P. Moacham
NOT GUILTY ☒ By: Def GUILTY ☐ ALFORD ☐ NC ☐ TO: Indictment Ct-5
☐ WAIVED PSI P & P Ref: Linda Shuploy Waived 60-day Rule Yes ☒ No ☐ 11-6-03

CHANGE OF PLEA: DATE: 12-11-63 DEPT. NO. 3 REPORTER: J. Dolson CLERK: A. Patterson
GUILTY ☒ ALFORD ☐ NC ☐ TO: Elements 1, 3, 4 & 5 of Information
☐ WAIVED PSI P & P Ref: 2 Shipley TRIAL DATE OF: 7-26-64 VACATED

[illegible]

CRIMINAL PROGRESS SHEET CONTINUED

CASE NO. CR03-2156

JUDGMENT DEFERRED: DATE: _____ DEPT. NO. _____ REPORTER: _____ CLERK: _____

NRS 453 [] NRS 458 [] PROBATION: _____ \$25 AAF [] \$60 CAF [] \$150 DNA []

RESTITUTION: \$ _____ ATTY. FEES: \$ _____

CASE TRANSFERRED TO DEPT. 7/DIVERSION COURT [] DEPT. _____ RETAINED JURISDICTION []

REVOKE DEFERRED STATUS: DATE: _____ DEPT. NO. _____ REPORTER: _____ CLERK: _____

GRANTED [] DEFT FORMALLY SENTENCED

DATE: _____ DEPT. NO. _____ REPORTER: _____ CLERK: _____

[] 190 DAY REGIMENTAL DISCIPLINE - CONTINUED TO: _____ FOR: SENTENCING

SENTENCING: DATE: 4-7-04 DEPT. NO. 3 REPORTER: J. Dotson CLERK: C. Patterson

DISPOSITION Count 1: Life with poss. of parole after 5 yrs. Count 2: Life with
poss. of parole after 20 years served consecutive to Count 1. Count 4: Life with
poss. of parole after 20 years served concurrent Count 3. Count 5: Life with
poss. of parole after 20 years served consecutive to Count 3 & 4. Special
condition of lifetime supervision of being released on parole or probation term.

\$25 AAF [X] \$60 CAF [] \$150 DNA [X] \$ _____ PSE FEE [] \$35 DBA [] ATTY FEES: \$ 500.00

FINE: \$ _____ RESTITUTION: \$ 632.00 BAIL EXONERATED: [] TIME SERVED: 197 days

PROBATION REVOKED: [] DATE: _____ DEPT. NO. _____ REPORTER: _____ CLERK: _____

TIME SERVED REVO: _____

MOTIONS: 5-11-07 (J. Dotson) Pet for Post Conviction
relief Denied, State to prepare the Order.

CASE NO. CR03-2156

STATE OF NEVADA VS. MICHAEL TODD BOTELHO

DATE, JUDGE
OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

11/06/03

ENTRY OF PLEA

HONORABLE

Deputy District Attorney Kelli Vioria represented the State.

JEROME M.

Defendant was present with counsel, Deputy Public Defender Sean

07/15/04

POLAHA

Sullivan. Probation Officer Linda Shipley was also present.

8:30 a.m.

DEPT. NO. 3

Defendant entered a plea of Not Guilty to Kidnapping in the First

Motion/Confirm

P. Meacham

Degree, Battery with Intent to Commit Sexual Assault on a Child, and

(Clerk)

3 counts of Sexual Assault on a Child as contained in Counts 1 – 5 of

07/26/04

J. Schonlau

the Indictment.

8:30 a.m.

(Reporter)

Defendant waived the 60 day rule.

Jury Trial

COURT ORDERED: Matter set for trial.

4 days

Defendant remanded to the custody of the Sheriff.

CR03-2156
STATE VS. MICHAEL TODD BOTELHO
District Court
Washoe County
DC-09900071886-023
Page 1
11/06/2003 09:21 AM
MIN
NCMTL

DATE, JUDGE
OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

120/11/03

MOTION FOR CHANGE OF PLEA

HONORABLE

Deputy District Attorney Kelli Vilorio represented the State.

JEROME M.

Defendant was present with counsel, Deputy Public Defender Sean Sullivan. Probation Officer Linda Shipley was also present.

POLAHA

Defendant moved to withdraw his former plea of Not Guilty; MOTION GRANTED.

DEPT. NO. 3

Defendant entered a plea of Guilty to Kidnapping In the First Degree and 3 counts of Sexual Assault on a Child as contained in Counts 1, 3, 4 and 5 of the Indictment. Plea negotiations stated.

C. Patterson

Court interrogated the Defendant, advised him of his rights, found that there was a factual basis for the plea and that the Defendant understood the elements of the offense and the possible punishment therefore; Court further found that the plea was knowing, voluntary and intelligent, that the Defendant was competent to enter the plea and accepted same.

(Clerk)

Court ordered Presentence Investigation and matter continued for entry of judgment and imposition of sentence. Trial date of July 26, 2004 ordered vacated.

J. Dntson

Defendant remanded to the custody of the Sheriff.

02/11/04

9:30 a.m.

Sentencing

2 hours

Closed Hrg.



CR03-2156
DC-09900071986-022
STATE VS. MICHAEL TODD BOTELHO Page
District Court 12/11/2003 09:13 AM
Washoe County

DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

03/11/04
HONORABLE
JEROME M.
POLAHA
DEPT. NO. 3
C. Patterson
(Clerk)
J. Dotson
(Reporter)

MOTIONS RE: MEDIA AND SEALING; RECUSAL OF JUDGE AND
MARITAL PRIVILEGE

Deputy District Attorney Bruce Hahn represented the State.
Defendant was present with counsel, Deputy Public Defender Sean
Sullivan. Probation Officer Pat Cerniglia was also present.
Court and counsel met in chambers (not reported) regarding the
media issue relative to this part of the motion.

04/07/04
08:30 am
Sentencing

COURT ORDERED: This part of the motion to be argued relative to
the press being allowed in the courtroom. After decision on it, rest of
motions will be heard. The Court called the media representatives
(Reno Gazette Journal and The Nevada Appeal) in chambers and
advise of status. The Court further advised them that if the ruling is
they will be barred from Courtroom a recess of one hour would be
taken to allow them time to contact counsel.

Court, counsel and Defendant convened in the Courtroom on the
record. Defense counsel presented argument in support of sealing
the records and barring the media; State opposed; Defense replied.

COURT ORDERED: Media permitted in courtroom during
remainder of this proceeding.

Press present. Defense counsel addressed the Court arguing in
support of recusal of this Judge. The Court admonished counsel that
proper procedure for this type of hearing has not been followed.
Defense counsel advised he will withdraw the motion if the Court
believes it can be impartial. State opposed recusal and submitted
the matter. Defense submitted.

COURT ORDERED: **DENIED.** This judge will remain on case.

Counsel for the State submitted the motion regarding marital
privilege on the pleadings and papers. Defense counsel opposed;
State replied.

COURT ORDERED: Ex-wife will not be called. The State is free to
bring other witness who have information on the subject matter.
Defendant remanded to the custody of the Sheriff.

CR03-2156
STATE VS. MICHAEL TODD BOTELHO
District Court
Washoe County
DC-09900071886-021
Page
04-07-2004 09:11 AM
03/11/04
JMD

CASE NO. CR03-2156

STATE OF NEVADA VS. MICHAEL TODD BOTELHO

DATE, JUDGE

OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

04/07/04

HONORABLE

JEROME M.

POLAHA

DEPT. NO. 3

C. Patterson

(Clerk)

ENTRY OF JUDGMENT AND IMPOSITION OF SENTENCE

Deputy District Attorney Bruce Hahn represented the State.

Defendant was present and represented by counsel, Deputy Public

Defender Sean Sullivan. Probation Officer Joan Weald was also present.

Defense counsel addressed the Court moved that the

Defendant's handwritten statement not be attached to the copy of the

PSI sent to the prison. **GRANTED.** Counsel further objected the State's notice to present prior bad acts and presented a letter filed under seal. Defense called Marylou

Coelho, Defendant's Mother and Defendant's sister who made

statements behalf of the Defendant. Counsel for the State

addressed the Court called officer Greg Herrera who was sworn and

examined. No cross examination conducted; witness excused. The

State argued in support of the PSI. Victim Jane Doe was called and

sworn and read a statement into the record. No cross examination;

witness excused. The State called the mother of Jane Doe who read

a statement into the record; questioned by the Defense and excused.

Defendant addressed the Court on his own behalf.

COURT ORDERED: Defendant adjudged guilty and sentenced to

imprisonment in the Nevada Department of Corrections for a term of

Life with the possibility of parole after a minimum of five (5) years as

been served, with credit for one hundred ninety-seven (197) days

time served. It is further ordered that Michael Todd Botelho is guilty

of the crime of Sexual Assault on a Child, a violation of NRS

200.366, a felony, as charged in Count III of the Indictment, and that

he be punished by imprisonment in the Nevada Department of

Corrections for a term of Life with the possibility of parole after a

minimum of twenty (20) years as been served, to be served

consecutively to the sentence imposed in Count I. It is further

ordered that Michael Todd Botelho is guilty of the crime of Sexual

Assault on a Child, a violation of NRS 200.366, a felony, as charged

in Count IV of the Indictment, and that he be punished by

imprisonment in the Nevada Department of Corrections for a term of

Life with the possibility of parole after a minimum of twenty (20) years

has been served, to be served concurrently to the sentences

imposed in Count III. It is further ordered that Michael Todd Botelho

is guilty of the crime of Sexual Assault on a Child, a violation of NRS

200.366, a felony, as charged in Count V of the Indictment, and that

CR03-2156
STATE VS. MICHAEL TODD BOTELHO
District Court
Washoe County
DC-09900071886-020
TODD BOTELHO 2 Pages
04/07/04 09:07 AM
MINI

CASE NO. CR03-2156

STATE OF NEVADA VS. MICHAEL TODD BOTELHO

DATE, JUDGE

PAGE 2

OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

04/07/04

ENTRY OF JUDGMENT AND IMPOSITION OF SENTENCE

HONORABLE

JEROME M.

POLAHA

DEPT. NO. 3

C. Patterson

(Clerk)

J. Dotson

(Reporter)

he be punished by imprisonment in the Nevada Department of Corrections for a term of Life with the possibility of parole after a minimum of twenty (20) years as been served, to be served consecutively to the sentences imposed in Counts I and IV. It is further ordered that a special sentence of Lifetime supervision commence after any period of probation, or any term of imprisonment or after any period of release on parole. It is further ordered that the Defendant pay the statutory Twenty-five Dollar (\$25.00) administrative assessment, submit to a DNA analysis test for the purpose of determining genetic markers and pay a testing fee of One Hundred Fifty Dollars (\$150.00), reimburse the Washoe County Public Defender's Office in the amount of Five Hundred Dollars (\$500.00) for legal services rendered and pay restitution in the amount of Six Hundred Thirty-two Dollars (\$632.00). Defendant remanded to the custody of the Sheriff

DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

05/11/07
HONORABLE
JEROME M.
POLAHA
DEPT. NO. 3
P. Meacham
(Clerk)
J. Dotson
(Reporter)

EVIDENTIARY HEARING
Deputy District Attorney Terrence McCarthy represented the State. Defendant (Petitioner) was present with counsel, Mary Lou Wilson, Esq.. Probation Officer was not present.
Court advised that there are 17 claims named in the petition and the Court will hear argument re: claims 7 and 15 and the supplemental petition.
Petitioner's counsel addressed the Court advising that Dr. Martha Mahaffey is present today and will testify re: her report.
Petitioner calls Dr. Martha Mahaffey who was sworn and examined. Cross-Examination was conducted, no Re-Direct and the witness was excused.
Petitioner rests.
Respondent rests.
Petitioner's counsel addressed the Court arguing in support of the petition advising that Dr. Mahaffey's report may have led the Court to give a lesser sentence if it had been presented during sentencing.
COURT ORDERED: Court finds that the report would not have made any difference in the sentence, the petition is **DENIED**. State's counsel will prepare the order and include the lack of evidence re: prior defense counsel Sullivan in the order.

Defendant remanded to the custody of the Dept. of Prisons.

CR03P2156
DC-8900000999-259
POST: MICHAEL TODD BOTELHO (D. 1 Page)
District Court 05/11/2007 03:19 PM
Washoe County
MTN
PMF:ARCHD

1 **Code 1350**

2
3
4 **IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
5 **IN AND FOR THE COUNTY OF WASHOE**

6 **MICHAEL TODD BOTELHO,**

Case No. CR03-2156

7
8 **Petitioner,**

Dept. No. 3

9 **vs.**

10 **JAMES BENEDETTI, STATE OF**
11 **NEVADA, et al.,**

12 **Respondents.**

13 _____/
14 **CERTIFICATE OF CLERK AND TRANSMITTAL – NOTICE OF APPEAL**

15 I certify that I am an employee of the Second Judicial District Court of the State of Nevada,
16 County of Washoe; that on the 20th day of June, 2017, I electronically filed the Notice of Appeal in
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 20th day of June, 2017

20 Jacqueline Bryant
21 Clerk of the Court

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