

CR03-2156  
DC-09900086165-010  
STATE VS. MICHAEL TODD BOTELHO 1 Page  
District Court 02/16/2018 02:27 PM  
Washoe County  
ncc  
2515  
VUT/qet/c

MICHAEL T. BOTELHO # 80837  
NNCL P.O. BOX 7000  
CARSON CITY, NV. 89702  
IN PROPER PERSON

FILED  
FEB 2018  
2018 FEB 16 PM 2:27  
CLERK OF THE COURT  
ELIZABETH A. BROWN

IN THE RENO JUSTICE COURT TOWNSHIP IN THE  
STATE OF NEVADA

STATE OF NEVADA  
VS.  
MICHAEL T. BOTELHO  
DEFENDANT

District Court  
JUSTICE COURT CASE NO.  
DEPT. NO. I

Electronically Filed  
Feb 27 2018 10:36 a.m.  
Elizabeth A. Brown  
Clerk of Supreme Court


NOTICE OF APPEAL AND DESIGNATION OF  
RECORD ON APPEAL

NOTICE IS HEREBY GIVEN THAT MICHAEL T. BOTELHO PETITIONER IN PROPER PERSON  
AND IN FORMA PAUPERIS HEREBY APPEALS THIS [FRAUDULENT] ORDER [ALLEGEDLY  
FILED IN JULY 2017 BUT NOT [R]ECEIVED BY BOTELHO UNTIL 1-16-2018, AND HEREIN  
DESIGNATES THE "ENTIRE" RECORD ON APPEAL TO BE CERTIFIED BY THE CLERK OF  
THE DISTRICT COURT (FOR ONCE!) [ALL] MOTION(S), NOTICE(S), AFFIDAVITS, PLEADINGS,  
EXHIBITS AND [ALL] TRANSCRIPTS.

AFFIRMATION

I MICHAEL T. BOTELHO DO HEREBY SWEAR UNDER THE PENALTY OF PERJURY THAT  
ALL STATEMENTS ARE TRUE AND CORRECT PURSUANT TO NRS 208.165, 18 USC 164 AND  
28 USC 1746. THIS DOCUMENT DOES NOT CONTAIN THE S.S.N. OF ANY PERSON. I FURTHER  
CERTIFY THAT I MAILED A COMPLETE AND TRUE ORIGINAL N.C.A. TO THIS COURT BY  
PLACING SAME IN U.S. MAIL VIA PRISON MAIL BOX (PRISON MAILBOX RULE) VIA BRASS SLIP,  
# 2302785.

DATED 2-6-2018

  
MICHAEL T. BOTELHO # 80837  
NNCL, P.O. Box 7000  
CARSON CITY, NV. 89702  
IN PROPER PERSON

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 **MICHAEL TODD BOTELHO,**

9 **Petitioner,**

**Case No. CR03-2156**

10 **vs.**

**Dept. No. 3**

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

12 **Respondents.**

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 Michael T. Botelho
- 17 2. This appeal is from an order entered by the Honorable Judge Jerome Polaha.
- 18 3. Appellant is representing himself in Proper Person on appeal. The Appellant's
- 19 address is:
- 20 Michael T. Botelho #80837
- 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 is 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 February 17, 2010.
- 4 9. Proceeding commenced by an Indictment filed on October 8, 2003.
- 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 June
- 8 27, 2017.
- 9 11. The case has been the subject of a previous appeal to the Supreme Court:
- 10 Supreme Court No. 43247, 49586, 69046, 7331, and 73593
- 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 21st day of February, 2018.

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

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 16<sup>th</sup> 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 18<sup>th</sup> 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 17<sup>th</sup> 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

2/21/2018

10:49:07AM

**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 &amp; Time</i>		<i>Disposed Date</i>
1	D3	ARRAIGNMENT	10/23/2003	08:30:00	10/23/2003
Event Extra Text:			<b>Disposition:</b> D455 10/23/2003		
	<i>Department</i>	<i>Event Description</i>	<i>Sched. Date &amp; Time</i>		<i>Disposed Date</i>
2	D3	ENTRY OF PLEA	11/6/2003	08:30:00	11/6/2003
Event Extra Text:			<b>Disposition:</b> D725 11/6/2003 COUNTS I, II, III, IV, AND V OF THE INDICTMENT		
	<i>Department</i>	<i>Event Description</i>	<i>Sched. Date &amp; Time</i>		<i>Disposed Date</i>
3	D3	CHANGE OF PLEA	12/11/2003	08:30:00	12/11/2003
Event Extra Text:			<b>Disposition:</b> D655 12/11/2003 COUNTS 1, 3, 4 AND 5 OF THE INFORMATION		
	<i>Department</i>	<i>Event Description</i>	<i>Sched. Date &amp; 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			<b>Disposition:</b> D870 1/28/2004 Reset for February 18, 2004		
	<i>Department</i>	<i>Event Description</i>	<i>Sched. Date &amp; Time</i>		<i>Disposed Date</i>
5	D3	SENTENCING	2/18/2004	10:00:00	2/17/2004
Event Extra Text:			<b>Disposition:</b> 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 &amp; Time</i>		<i>Disposed Date</i>
6	D3	HEARING...	3/11/2004	10:00:00	3/11/2004
Event Extra Text: ON MOTION			<b>Disposition:</b> D430 3/11/2004		
	<i>Department</i>	<i>Event Description</i>	<i>Sched. Date &amp; Time</i>		<i>Disposed Date</i>
7	D3	SENTENCING	4/7/2004	08:30:00	4/7/2004
Event Extra Text:			<b>Disposition:</b> 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	
	Department		Event Description		Sched. Date & Time		Disposed Date	
8	D3	MOTION TO CONFIRM TRIAL			7/15/2004	08:30:00	12/11/2003	
Event Extra Text:					Disposition: D845 12/11/2003			
	Department		Event Description		Sched. Date & Time		Disposed Date	
9	D3	TRIAL - JURY			7/26/2004	08:30:00	12/11/2003	
Event Extra Text: 4 DAYS					Disposition: D845 12/11/2003			
	Department		Event Description		Sched. Date & Time		Disposed Date	
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					Disposition: S200 9/16/2015			
	Department		Event Description		Sched. Date & Time		Disposed Date	
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)					Disposition: S200 9/28/2015			
	Department		Event Description		Sched. Date & Time		Disposed Date	
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 -					Disposition: S200 12/10/2015			
	Department		Event Description		Sched. Date & Time		Disposed Date	
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 -					Disposition: S200 12/10/2015			
	Department		Event Description		Sched. Date & Time		Disposed Date	
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)					Disposition: S200 1/15/2016			
	Department		Event Description		Sched. Date & Time		Disposed Date	
15	D3	Request for Submission			1/15/2016	08:55:00	1/15/2016	
Event Extra Text: SECOND REQUEST (PAPER ORDER NOT PROVIDED)					Disposition: S200 1/15/2016			

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

<b>Case ID:</b>	<b>CR03-2156</b>	<b>Case Type:</b>	<b>CRIMINAL</b>	<b>Initial Filing Date:</b>	<b>10/8/2003</b>
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<i>Department</i>	<i>Event Description</i>	<i>Sched. Date &amp; 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)		<b>Disposition:</b> S200 1/19/2016		

<i>Department</i>	<i>Event Description</i>	<i>Sched. Date &amp; 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)		<b>Disposition:</b> S200 3/15/2016		

<i>Department</i>	<i>Event Description</i>	<i>Sched. Date &amp; 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)		<b>Disposition:</b> S200 3/15/2016		

<i>Department</i>	<i>Event Description</i>	<i>Sched. Date &amp; 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)		<b>Disposition:</b> S200 3/23/2016		

<i>Department</i>	<i>Event Description</i>	<i>Sched. Date &amp; Time</i>		<i>Disposed Date</i>
20 D3	Request for Submission	5/22/2017	16:53:00	6/27/2017
Event Extra Text: SECOND REQUEST FOR SUBMISSION		<b>Disposition:</b> S200 6/27/2017		

**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 73593
SC	Supreme Court	SCN 43247
SC	Supreme Court	SCN 73331
SC	Supreme Court	SCN 69046
WC	Washoe County Sheriff's Office	WCSOWC03008924

<b>Actions</b>				
<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)	

Case Description: STATE VS. MICHAEL TODD BOTELHO (D3)				
Case ID:	CR03-2156	Case Type:	CRIMINAL	Initial Filing Date: 10/8/2003
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	
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/Re'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/Re'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	

Case Description: STATE VS. MICHAEL TODD BOTELHO (D3)			
Case ID:	CR03-2156	Case Type:	CRIMINAL
			Initial Filing Date: 10/8/2003
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
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: NOI
7/31/2012	4128	Supreme Court Order Denying	SUPREME COURT ORDER DENYING REHEARING - Transaction 3118134 - Approved By: NOREVIEW : 07-31-2012:11:04:10
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	2300	Mtn to Dismiss Pet	MOTION TO DISMISS PETITION FOR WRIT OF HABEAS CORPUS - Transaction 5060792 - Approved By: MC
7/24/2015	NEF	Proof of Electronic Service	Transaction 5060978 - Approved By: NOREVIEW : 07-24-2015:09:54:48
8/11/2015	1075	Affidavit ...	
8/11/2015	2490	Motion ...	MOTION TO STRIKE AND OPPOSITION TO RESPONDENT'S MOTION TO DISMISS PETITION FOR POST-C
8/13/2015	3795	Reply...	REPLY TO OPPOSITION TO MOTION TO DISMISS, AND OPPOSITION TO MOTION TO STRIKE - Transaction
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	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
8/13/2015	3860	Request for Submission	Transaction 5091960 - Approved By: YLLOYD : 08-13-2015:12:26:07
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	NEF	Proof of Electronic Service	Transaction 5143730 - Approved By: NOREVIEW : 09-16-2015:12:03:55
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:
9/22/2015	3860	Request for Submission	DOCUMENT TITLE: REPLY AND OBJECTION TO OPPOSITION TO MOTION (PAPER ORDER NOT PROVID
9/22/2015	1030	Affidavit in Support...	
9/22/2015	2490	Motion ...	MOTION TO VACATE JUDGMENT OF CONVICTION AND INR IV.P RULE 9 (6)FRAUD
9/25/2015	2645	Opposition to Mtn ...	OPPOSITION TO "MOTION TO VACATE JUDGMENT OF CONVICTION AND NRCIV P. RULE 9 (b) FRAUD - T
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	

Case Description: STATE VS. MICHAEL TODD BOTELHO (D3)				
Case ID:	CR03-2156	Case Type:	CRIMINAL	Initial Filing Date: 10/8/2003
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	NEF	Proof of Electronic Service	Transaction 5187367 - Approved By: NOREVIEW : 10-14-2015:09:00:52	
10/14/2015	3860	Request for Submission	Transaction 5187258 - Approved By: YVILORIA : 10-14-2015:08:59:59	
10/15/2015	3795	Reply...	REPLY AND OBJECTION TO OPPOSTION TO MOTION FOR RECONSIDERATION	
10/19/2015	NEF	Proof of Electronic Service	Transaction 5194069 - Approved By: NOREVIEW : 10-19-2015:09:24:17	
10/19/2015	3860	Request for Submission	Transaction 5193956 - Approved By: YVILORIA : 10-19-2015:09:23:13	
10/19/2015	2515	Notice of Appeal Supreme Court	Appellant, MICHAEL TODD BOTELHO, proper	
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	2490	Motion ...	MOTION TO ORDER COURT CLERK TO FOWARD DISPOSTION OF ALL RECORDS IN THE THIS COURT AI	
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	
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	S200	Request for Submission Complet		
12/10/2015	3645	Petition ...	PETITION FOR EXTRADORDINARY WRIT OF MANDAMUS	
12/10/2015	2842	Ord Denying Motion	Transaction 5273801 - Approved By: NOREVIEW : 12-10-2015:15:28:51	
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	NEF	Proof of Electronic Service	Transaction 5273807 - Approved By: NOREVIEW : 12-10-2015:15:29:50	
12/10/2015	NEF	Proof of Electronic Service	Transaction 5273823 - Approved By: NOREVIEW : 12-10-2015:15:33:00	
12/16/2015	1350	Certificate of Clerk	CERTIFICATE OF CLERK AND TRANSMITTAL - RECORD ON APPEAL - Transaction 5281166 - Approved By:	
12/16/2015	NEF	Proof of Electronic Service	Transaction 5281172 - Approved By: NOREVIEW : 12-16-2015:11:23:31	
1/13/2016	NEF	Proof of Electronic Service	Transaction 5319429 - Approved By: NOREVIEW : 01-13-2016:15:52:23	
1/13/2016	3370	Order ...	ORDER FOR RESPONSE - Transaction 5319424 - Approved By: NOREVIEW : 01-13-2016:15:51:34	
1/14/2016	1030	Affidavit in Support...	AFFIDAVIT OF MICHAEL T. BOTELHO IN SUPPORT OF REQUEST FOR SUBMISSION - Transaction 531988	
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	
1/15/2016	NEF	Proof of Electronic Service	Transaction 5322403 - Approved By: NOREVIEW : 01-15-2016:08:47:45	

Case Description: STATE VS. MICHAEL TODD BOTELHO (D3)				
Case ID:	CR03-2156	Case Type:	CRIMINAL	Initial Filing Date: 10/8/2003
1/15/2016	NEF	Proof of Electronic Service	Transaction 5322344 - Approved By: NOREVIEW : 01-15-2016:08:33:40	
1/15/2016	S200	Request for Submission Complet		
1/15/2016	S200	Request for Submission Complet		
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		
2/2/2016	3370	Order ...	ORDER REGARDINNG MOTION TO ORDER COURT CLERK TO FORWARD DISPOSITION OF ALL RECOR	
2/2/2016	2840	Ord Denying ...	REQUEST FOR SUBMISSION/COPY OF JUDGE HARDY'S 12-3-15 ORDER ALSO PROVIDED WITH THIS OF	
2/2/2016	NEF	Proof of Electronic Service	Transaction 5349853 - Approved By: NOREVIEW : 02-02-2016:16:27:17	
2/2/2016	NEF	Proof of Electronic Service	Transaction 5349889 - Approved By: NOREVIEW : 02-02-2016:16:33:06	
2/3/2016	NEF	Proof of Electronic Service	Transaction 5351530 - Approved By: NOREVIEW : 02-03-2016:14:22:29	
2/3/2016	3880	Response...	RESPONSE TO PETITION FOR EXTRAORDINARY WRIT OF MANDAMUS - Transaction 5351474 - Approved	
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	S200	Request for Submission Complet		
3/15/2016	S200	Request for Submission Complet		
3/15/2016	NEF	Proof of Electronic Service	Transaction 5418203 - Approved By: NOREVIEW : 03-15-2016:16:06:24	
3/15/2016	3370	Order ...	ORDER REGARDING PETITIONER'S FILINGS - Transaction 5418211 - Approved By: NOREVIEW : 03-15-201	
3/15/2016	NEF	Proof of Electronic Service	Transaction 5418216 - Approved By: NOREVIEW : 03-15-2016:16:09:13	
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	
3/16/2016	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	3370	Order ...	DENYING MOTION FOR RELIEF FROM ORDER - Transaction 5432554 - Approved By: NOREVIEW : 03-23-20	
3/23/2016	NEF	Proof of Electronic Service	Transaction 5432569 - Approved By: NOREVIEW : 03-23-2016:16:09:32	
3/23/2016	S200	Request for Submission Complet		
4/5/2016	4133	Supreme Court Notice	SUPREME COURT NO. 69046/NOTICE OF TRANSFER TO COURT OF APPEALS - Transaction 5449460 - Ap	
4/5/2016	NEF	Proof of Electronic Service	Transaction 5449474 - Approved By: NOREVIEW : 04-05-2016:09:10:01	
5/20/2016	4134	Supreme Court Order Affirming	SUPREME COURT NO. 69046/ORDER OF AFFIRMANCE - Transaction 5525050 - Approved By: NOREVIEW :	
5/20/2016	NEF	Proof of Electronic Service	Transaction 5525063 - Approved By: NOREVIEW : 05-20-2016:10:14:15	
6/20/2016	NEF	Proof of Electronic Service	Transaction 5569143 - Approved By: NOREVIEW : 06-20-2016:10:06:03	

Case Description: STATE VS. MICHAEL TODD BOTELHO (D3)				
Case ID:	CR03-2156	Case Type:	CRIMINAL	Initial Filing Date: 10/8/2003
6/20/2016	4145	Supreme Court Remittitur	SUPREME COURT NO. 69046 / REMITTITUR - Transaction 5569137 - Approved By: NOREVIEW : 06-20-2016	
6/20/2016	4134	Supreme Court Order Affirming	SUPREME COURT NO. 69046 / ORDER OF AFFIRMANCE - Transaction 5569137 - 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:	
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	
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	NEF	Proof of Electronic Service	Transaction 6156716 - Approved By: NOREVIEW : 06-20-2017:09:41:09	
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	
6/27/2017	2842	Ord Denying Motion	ORDER DENYING PETITIONER'S MOTION IN ITS ENTIRETY - Transaction 6169776 - Approved By: NOREVI	
6/27/2017	S200	Request for Submission Complet		
6/27/2017	NEF	Proof of Electronic Service	Transaction 6169787 - Approved By: NOREVIEW : 06-27-2017:16:23:31	
6/27/2017	1188	Supreme Court Receipt for Doc	SUPREME COURT NO. 73331 / RECEIPT FOR DOCUMENTS - Transaction 6168338 - Approved By: NOREVII	
6/27/2017	NEF	Proof of Electronic Service	Transaction 6168350 - Approved By: NOREVIEW : 06-27-2017:10:53:45	
6/30/2017	2610	Notice ...	NOTICE OF WITHDRAWAL OF APPEAL	
7/19/2017	NEF	Proof of Electronic Service	Transaction 6203204 - Approved By: NOREVIEW : 07-19-2017:11:17:41	
7/19/2017	4127	Supreme Ct Ord Dismis Appeal	SUPREME COURT NO. 73331 / ORDER DISMISSING APPEAL - Transaction 6203196 - Approved By: NOREV	
7/21/2017	2610	Notice ...	JUDICIAL NOTICE AND AFFIDAVIT	
7/21/2017	2515	Notice of Appeal Supreme Court	ORDER DISMISSING FILED ON 6/30/17	
7/24/2017	1350	Certificate of Clerk	CERTIFICATE OF CLERK AND TRANSMITTAL - NOTICE OF APPEAL - Transaction 6210873 - Approved By: N	
7/24/2017	1310E	Case Appeal Statement	Transaction 6210873 - Approved By: NOREVIEW : 07-24-2017:14:15:33	
7/24/2017	NEF	Proof of Electronic Service	Transaction 6210879 - Approved By: NOREVIEW : 07-24-2017:14:16:26	
8/2/2017	NEF	Proof of Electronic Service	Transaction 6228103 - Approved By: NOREVIEW : 08-02-2017:11:41:15	
8/2/2017	1188	Supreme Court Receipt for Doc	SUPREME COURT NO. 73593 / RECEIPT FOR DOCUMENTS - Transaction 6228091 - Approved By: NOREVII	
8/18/2017	4127	Supreme Ct Ord Dismis Appeal	SUPREME COURT NO. 73593 / ORDER DISMISSING APPEAL - Transaction 6258201 - Approved By: NOREV	
8/18/2017	NEF	Proof of Electronic Service	Transaction 6258210 - Approved By: NOREVIEW : 08-18-2017:16:29:28	
9/13/2017	4145	Supreme Court Remittitur	SUPREME COURT NO. 73593 / REMITTITUR - Transaction 6297576 - Approved By: NOREVIEW : 09-13-2017	
9/13/2017	4127	Supreme Ct Ord Dismis Appeal	SUPREME COURT NO. 73593 / ORDER DISMISSING APPEAL - Transaction 6297576 - Approved By: NOREV	
9/13/2017	4111	Supreme Ct Clk's Cert & Judg	SUPREME COURT NO. 73593 / CLERK'S CERTIFICATE & JUDGMENT - Transaction 6297576 - Approved By:	
9/13/2017	NEF	Proof of Electronic Service	Transaction 6297579 - Approved By: NOREVIEW : 09-13-2017:14:01:50	
1/10/2018	2490	Motion ...	MOTION FOR IMMEDIATE ISSUANCE OF CONTEMPT OF COURT AND REMAND TO CUSTODY FOR WILLI	
1/12/2018	NEF	Proof of Electronic Service	Transaction 6479653 - Approved By: NOREVIEW : 01-12-2018:12:05:18	
1/12/2018	2645	Opposition to Mtn ...	Transaction 6479437 - Approved By: SWILLIAM : 01-12-2018:12:04:29	
2/15/2018	NEF	Proof of Electronic Service	Transaction 6533732 - Approved By: NOREVIEW : 02-15-2018:09:02:30	

Case Description: STATE VS. MICHAEL TODD BOTELHO (D3)				
Case ID:	CR03-2156	Case Type:	CRIMINAL	Initial Filing Date: 10/8/2003
2/15/2018	3860	Request for Submission	- Transaction 6533580 - Approved By: PMSEWELL : 02-15-2018:09:00:10	
2/16/2018	2515	Notice of Appeal Supreme Court		
2/21/2018	NEF	Proof of Electronic Service	Transaction 6541550 - Approved By: NOREVIEW : 02-21-2018:10:16:13	
2/21/2018	1310E	Case Appeal Statement	Transaction 6541544 - Approved By: NOREVIEW : 02-21-2018:10:15:23	
2/21/2018	1350	Certificate of Clerk	CERTIFICATE OF CLERK AND TRANSMITTAL - NOTICE OF APPEAL - Transaction 6541544 - Approved By: N	



**SECOND JUDICIAL DISTRICT COURT  
COUNTY OF WASHOE**

**Case History - CR03P2156**

**DEPT. D3**

**HON. JEROME M. POLAHA**

Report Date & Time

2/21/2018

10:48:47AM

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

**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 &amp; Time</i>		<i>Disposed Date</i>
1	D3	EVIDENTIARY HEARING	5/11/2007	13:30:00	5/11/2007
Event Extra Text:			<b>Disposition:</b> 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 \	

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2  
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5  
6 **IN THE SECOND JUDICIAL DISTRICT COURT OF**  
7 **THE STATE OF NEVADA IN AND FOR THE**  
8 **COUNTY OF WASHOE**

9 **MICHAEL TODD BOTELHO,**

10 **Petitioner,**

**Case No. CR03-2156**

11 **vs.**

**Dept. No. 3**

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

14 **Respondents.**

15 \_\_\_\_\_ /  
16 **ORDER**

17 Currently before the Court is Michael T. Botelho's ("Petitioner") *Motion Granting Motion*  
18 *to Dismiss All Charges With Prejudice For The Lack of Subject Matter Jurisdiction of District*  
19 *Court ("the Motion")* filed February 13, 2017. The State filed a *Response to "Motion Granting*  
20 *Motion to Dismiss All Charges..." ("Response")* on March 16, 2017. The Petitioner submitted the  
21 matter for consideration on May 22, 2017.

22  
23 **RELEVANT FACTUAL AND PROCEDURAL HISTORY**

24 This case was first brought before the Reno Justice Court, Case No. RCR2003-011479,  
25 Department 1 by criminal complaint on September 12, 2003. On October 8, 2003 the Petitioner was  
26 indicted by a grand jury on one count of kidnapping in the first degree, one count of battery with  
27 intent to commit sexual assault on a child, and three counts of sexual assault on a child. The same  
28

1 day, this Court issued an *Order Staying Proceedings*, ordering all further proceedings on the  
2 Criminal Complaint issued against the Petitioner in the Reno Justice Court be stayed pending final  
3 determination of the Indictment.

4 Pursuant to a guilty plea, Judgment was entered against Petitioner on April 7, 2004 on one  
5 count of kidnapping and three counts of sexual assault on a child. Petitioner was sentenced to a  
6 prison term of life with the possibility of parole for kidnapping and prison terms of life with the  
7 possibility of parole for each county of sexual assault. The terms for two counts of sexual assault  
8 were imposed to run concurrently to one another and consecutively to the term for kidnapping. The  
9 term for the remaining count of sexual assault was imposed to run consecutively to the two  
10 concurrent terms for sexual assault.  
11

12 The Motion currently pending before this Court was filed February 13, 2017 in the Reno  
13 Justice Court, Case No. RCR2003-011479, Department 1. The State filed the Response thereto on  
14 March 16, 2017. On May 16, 2017, Justice Patricia Lynch issued an *Order Forwarding Documents*  
15 *to District Court* ("Justice Court Order"). The Justice Court Order indicates that while charges in  
16 this case were originally filed in Justice Court, a superseding indictment was filed and all  
17 proceedings in Justice Court were stayed by the District Court on October 8, 2003 and there is no  
18 such case titled "Michael T. Bothelo v. Reno Justice Court." Therefore, the Justice Court ordered all  
19 documents and motions filed by the Petitioner from November 2, 2016 in Reno Justice Court  
20 forwarded to the District Court, as the Justice Court had no jurisdiction to hear the case.  
21

22 Petitioner filed a request for submission of the Motion in Justice Court on May 16, 2017. On  
23 May 22, 2017, Petitioner filed a document titled *Judicial Notice* and thereafter filed the *Second*  
24 *Request for Submission*.<sup>1</sup> On June 2, 2017, Petitioner filed the *Reply and Objection to Order*  
25  
26  
27

28 <sup>1</sup> Petitioner states he was "forced" to file a second request for submission to this Court, however, this Court had no knowledge of Petitioner's filings, including the first request for submission, as they were filed in Justice Court.

1 *Forwarding Documents to District Court* (“Reply”). This Court now takes the matter for  
2 consideration.

### 3 ANALYSIS

4 The title of the motion before the Court is “Motion Granting Motion to Dismiss All Charges  
5 With Prejudice.” While confusing and nonspecific, this Court must consider the Motion by  
6 examining the substance of the pleading, not just the title. *See Nev. Power Co. v. Eighth Judicial*  
7 *Dist. Court*, 120 Nev. 948, 960, 102 P.3d 578, 586 (2004) (stating that when considering a claim,  
8 this court “must look at the substance of the claim[ ], not just the label[ ] used in the ... complaint”).

9  
10 Upon further review of the Motion, it appears Petitioner argues that the Reno Justice Court  
11 still maintains jurisdiction over his case, even after the superseding Indictment and Stay of the  
12 Justice Court proceedings. He claims “that jurisdiction over the subject-matter and the parties [still  
13 remains] ‘not’ adjudicated in this justice court since 2003, and again in 2017.” [Mot. 2:10-11]. On  
14 October 12, 2016, Petitioner states he filed a *Motion to Dismiss* in Justice Court.<sup>2</sup> [Mot. 4:27].  
15 Thereafter, the Justice Court had a mandatory obligation to make an immediate determination of  
16 jurisdiction. [Mot. 3:11-12]. However, there was no response from the State, no hearing, and no  
17 ruling from the Justice Court. [Mot. 3:13-14]. Petitioner requests this Court to “make this [nunc pro  
18 tunc] order granting Botelhos (sic) required relief, as a void judgment, and/or, dismiss all charges  
19 with prejudice, and all additional relief sought in this and my previous motion...” [Aff. 3:28, 4:1-  
20 2].  
21  
22

23 In the Response, the State contends the Motion makes little sense and there is currently no  
24 case pending in the Reno Justice Court. [Resp. 1:17-20]. Further, Petitioner asserts he previously  
25 moved to dismiss his criminal charges, however the State contends that assertion is false. [Resp.  
26  
27

---

28 <sup>2</sup> Petitioner asserts he filed a *Motion to Dismiss*, including an affidavit, on October 12, 2016. However, neither this Court nor the Reno Justice Court is in receipt of such documents.

1 1:21-23]. The State is unaware of any proceedings involving the Petitioner and the Reno Justice  
2 Court currently pending. [Resp. 2:1-2]. To the extent Petitioner requests this Court to vacate the  
3 convictions entered by the Second Judicial District Court, Petitioner's request should be denied.  
4 [Resp. 2:3-5]. The State further argues that to the extent Petitioner is arguing there is some legal  
5 significance to the prior complaint filed in the Reno Justice Court, he is incorrect, as there was a  
6 superseding indictment. [Resp. 2:5-8].  
7

8 In the Reply, Petitioner argues that pursuant to NRS 172.175(1)(a), this Court does not have  
9 jurisdiction over the subject matter of the case because his case was first filed by way of criminal  
10 complaint in the Reno Justice Court. [Reply 3:4-7]. He further states that the superseding indictment  
11 and Stay of Justice Court proceedings have no legal consequence. [Reply 3:7-10]. He never waived  
12 his right to a preliminary hearing and his case was not transferred to the District Court by the Justice  
13 of the Peace.<sup>3</sup> [Reply 3:11-15]. Petitioner essentially argues that jurisdiction over his case remains  
14 in Justice Court, as this District Court was not properly conferred jurisdiction over the matter.  
15 [Reply 10:24-28].  
16

17  
18 “[J]ustice courts are courts of limited jurisdiction and have only the authority granted by  
19 statute.” *State of Nevada v. Justice Court*, 112 Nev. 803, 805, 919 P.2d 401, 402 (1996) (citing  
20 *Parsons v. District Court*, 110 Nev. 1239, 1243, 885 P.2d 1316, 1319 (1994)). NRS 4.370(3) states  
21 that “[j]ustices courts have jurisdiction of all misdemeanors and no other criminal offenses except  
22 as otherwise provided by specific statute.” Justice [REDACTED] courts also have jurisdiction to  
23 conduct preliminary examinations in felony complaints. NRS 171.196.  
24

25  
26 <sup>3</sup> In Nevada, felonies may be prosecuted by either indictment or information. Nev. Const. art. 1, § 8; NRS 173.015; NRS  
27 252.110; NRS 453.200; *See also Cairns v. Sheriff, Clark Cty.*, 89 Nev. 113, 116, 508 P.2d 1015, 1017 (1973). Here, the  
28 prosecution made the tactical decision to prosecute the Petitioner by way of indictment, which is permitted under  
Nevada law. Therefore, Petitioner's argument that he failed to get a preliminary examination is meritless and  
unavailing.

1 As indicated above, the State initially proceeded against the Petitioner by means of a  
2 criminal complaint filed in justice court. However, the state presented the case to a grand jury and  
3 obtained an indictment. When the district court accepted the indictment, it stayed any further  
4 proceedings on the criminal complaint pending final determination of the indictment. It is  
5 established Nevada law that a grand jury can return an indictment even though a criminal complaint  
6 had been filed previously. *Hall v. Sheriff, Washoe Cty.*, 86 Nev. 456, 458, 470 P.2d 422, 423  
7 (1970). Further, “[w]hile ordinarily the state dismisses a criminal complaint when an indictment is  
8 returned, such a dismissal is not automatic upon return of an indictment. There is no authority for  
9 the proposition that an indictment obtained while a criminal complaint is pending automatically  
10 replaces the complaint.” *Sheriff, Washoe Cty. v. Dhadda*, 115 Nev. 175, 183, 980 P.2d 1062, 1067  
11 (1999) (holding that neither a return of an indictment nor the granting of a writ of habeas corpus  
12 automatically extinguish a pending criminal complaint). Thus, the Indictment in this case did not  
13 automatically dismiss the criminal complaint filed in the Reno Justice Court, and it appears no  
14 dismissal of the criminal complaint was sought by the prosecutor in this case. As indicated by the  
15 Reno Justice Court Order transferring all documents to this Court, the Stay imposed by this Court is  
16 still in effect. However, this is merely a procedural glitch and has no impact whatsoever on the  
17 Petitioner’s Judgment of Conviction.  
18  
19  
20

21 The Nevada Supreme Court has held that provisions under the Nevada Constitution disfavor  
22 concurrent jurisdiction between the district and justice courts. *State v. Kopp*, 118 Nev. 199, 203, 43  
23 P.3d 340, 342–43 (2002). Once a district court properly obtains original jurisdiction over a  
24 defendant by virtue of a felony or gross misdemeanor charge, its jurisdiction is maintained to  
25 convict and sentence. *Kimball v. State*, 100 Nev. 190, 191, 678 P.2d 675, 676 (1984). Thus, once  
26 this Court accepted jurisdiction over the case by way of indictment and a judgment of conviction  
27  
28

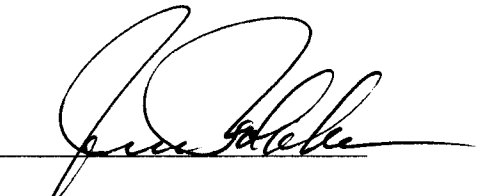


1 was entered, the case was fully adjudicated on the facts. Therefore, the justice court proceedings  
2 have been adjudicated and must be dismissed.

3 Accordingly, and good cause appearing,

4 IT IS HEREBY ORDERED that Petitioner's Motion is DENIED it in its entirety.  
5

6 Dated this 27<sup>th</sup> day of June, 2017.  
7

8   
9 JEROME POLAHA  
10 DISTRICT JUDGE  
11  
12  
13  
14  
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**CERTIFICATE OF MAILING**

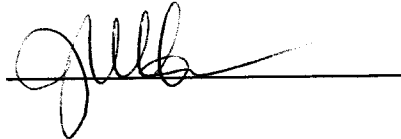
I certify that I am an employee of the SECOND JUDICIAL DISTRICT COURT of the STATE OF NEVADA, COUNTY OF WASHOE; that on the 27 day of June, 2017 I did the following:

☒ 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:

TERRENCE P. MCCARTHY, ESQ

☒ Transmitted document to the Second Judicial District Court mailing system in a sealed envelope for postage and mailing by Washoe County using the United States Postal Service in Reno, Nevada:

MICHAEL TODD BOTELHO #80837  
NNCC  
P O BOX 7000  
CARSON CITY, NV 89702



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

POLAHA

Sullivan. Probation Officer Pat Cerniglia was also present.

DEPT. NO. 3

TRUE NAME: MICHAEL TODD BOTELHO. Defendant handed a

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.

11/06/03

8:30 a.m.

Entry of Plea

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: \_\_\_\_\_  
D TO JUSTICE COURT FOR FURTHER PROCEEDINGS: \_\_\_\_\_

7 ] HANDED COPY  
7 ] WAIVED READING  
7 ] 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: Doft GUILTY ☐ ALFORD ☐ NC ☐ TO: Indictment Ct-5  
☐ WAIVED PSI P & P Ref: Linda Shupley Waived 60-day Rule Yes ☒ No ☐ 11-6-03

CHANGE OF PLEA: DATE: 12-11-03 DEPT. NO. 3 REPORTER: J. Dolson CLERK: C. Patton  
GUILTY ☒ ALFORD ☐ NC ☐ TO: Elements 1, 3, 4 & 5 of Information  
☐ WAIVED PSI P & P Ref: A. Shipley TRIAL DATE OF: 7-26-04 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 living within 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  
the Indictment.

07/26/04

J. Schonlau

Defendant waived the 60 day rule.

8:30 a.m.

(Reporter)

**COURT ORDERED:** Matter set for trial.

Jury Trial

Defendant remanded to the custody of the Sheriff.

4 days

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. Dotson

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  
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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  
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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.

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POST: MICHAEL TODD BOTELHO (D. 1 Page)  
District Court 05/11/2007 03:19 PM  
Washoe County  
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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 **MICHAEL TODD BOTELHO,**

**Case No. CR03-2156**

7  
8 **Petitioner,**

**Dept. No. 3**

9 **vs.**

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

11 **Respondents.**

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 21st day of February, 2018, I electronically filed the Notice of  
16 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 21st day of February, 2018

20 Jacqueline Bryant  
21 Clerk of the Court

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