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IN THE SUPREME COURT OF THE STATE OF NEVADA

FREDYS MARTINEZ,)
)
Appellant,)
)
vs.)
)
THE STATE OF NEVADA,)
)
Respondent.)
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)

Case No: 75760

APPELLANT'S APPENDIX
Volume IV

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1 THE COURT: Come on up, Officer.

2 **ARTURO CHAVEZ,**

3 having been first duly sworn as a witness, testified as follows:

4 THE CLERK: Thank you. Please be seated.

5 THE COURT: State your name, please, Officer, and spell your name for
6 the court reporter.

7 THE WITNESS: My name is Arturo Chavez, A-r-t-u-r-o. Last name of
8 C-h-a-v-e-z.

9 THE COURT: Go ahead.

10 **DIRECT EXAMINATION**

11 **BY MS. NYICOS:**

12 Q Mr. Chavez, how are you employed?

13 A With the Las Vegas Metropolitan Police Department..

14 Q And in what capacity?

15 A I am a sexual assault detective.

16 Q And how long have you been so employed?

17 A With Metro, 16 years now, and with the sexual assault unit, a
18 little over five years now.

19 Q And as a sex assault detective, can you just briefly tell me what
20 your job duties entail.

21 A Primary duties is to investigate any sex crimes, sexual assaults,
22 loitering with a purpose -- I mean, excuse me. I was working Vice.

23 Q Okay.

24 A Exploitation of children, anything to do with sexually related
25 crimes.

1 Q Okay. And that would encompass child victims as well as adult
2 victims?

3 A That is correct.

4 Q Okay. Now, directing your attention specifically to August 16th
5 of 2006, were you on duty that day?

6 A Yes, I was.

7 Q And do you work with a specific partner all the time or how does
8 that generally work?

9 A The majority of the time, yes, I do have a partner.

10 Q And what's your partner's name?

11 A Detective Goddard.

12 Q Is that G-o-d-d-a-r-d?

13 A That is correct. Yes.

14 Q And was he working with you that day?

15 A Yes, he was.

16 Q Now, where were you called out to?

17 A We were called out to Mesquite, Nevada.

18 Q Were you also aware of an initial call that was made down in Las
19 Vegas, Nevada, earlier that day?

20 A That is correct. Yes, there was.

21 Q Okay. And what was the nature of that call?

22 A It was the kidnapping.

23 Q Now, do you respond to kidnappings?

24 A No, robbery detail does.

25 Q Okay. So you were called out to respond to Mesquite, Nevada,

1 and why is that?

2 A After they apprehended the subject that kidnapped the victim,
3 she stated she was sexually assaulted --

4 MS. HAMERS: Judge, I'm going to object to the conclusion that
5 someone was kidnapped --

6 THE COURT: Alleged. Alleged.

7 MS. HAMERS: -- and also to the continued use of the term "victim."

8 THE COURT: Alleged kidnapping.

9 THE WITNESS: Alleged kidnapping.

10 THE COURT: Okay.

11 BY MS. NYICOS:

12 Q So it wasn't until later that day up in Mesquite that there was
13 any knowledge that this was sexually related crime?

14 A That is correct.

15 Q Okay. And did you respond to Mesquite, Nevada?

16 A Yes, we did.

17 Q Where did you go first when you got up there?

18 A First we went to the hospital.

19 Q And do you recall the name of that hospital up there?

20 A Mesa View, I believe it was, Mesa View Hospital.

21 Q And who did you come into contact with at Mesa View Hospital?

22 A I made contact with two individuals at the time, Bianca, the
23 victim --

24 THE COURT: Alleged victim.

25 THE WITNESS: Alleged victim. Excuse me. And also the -- her

1 boyfriend.

2 BY MS. NYICOS:

3 Q And her boyfriend, did he have a name?

4 A Yes, Jose'.

5 Q Now, when you made contact with Bianca, was this in an exam
6 room?

7 A Yes.

8 Q Okay. And to your knowledge, had she already been examined
9 by a nurse or was she waiting for one?

10 A She was waiting for one.

11 Q Okay. And what was her demeanor when you spoke to her?

12 A She was crying. She had red eyes, puffy eyes, upset. But at the
13 same time she was calm in a way.

14 Q And was she able to give you an account of the events that
15 occurred that day?

16 A Yes, she did.

17 Q And was this interview that you conducted with Bianca, was this
18 in English or in Spanish?

19 A It was done in Spanish.

20 Q And do you speak Spanish fluently?

21 A Yes, I do.

22 Q Okay. Now, is that your primary language?

23 A Yes, it is.

24 Q Okay. And --

25 THE COURT: You don't want us to get you an interpreter here to help

1 you with your questions?

2 THE WITNESS: No, no, I'll be fine. Thank you.

3 BY MS. NYICOS:

4 Q All right. So after speaking with Bianca, where did your
5 investigation take you next?

6 A After speaking with Bianca?

7 Q Yes.

8 A After I got her statement --

9 Q Uh-huh.

10 A -- we then -- Detective Goddard and myself then proceeded to go
11 to the -- Mesquite's jail, detain facility.

12 Q Okay. And did you come into contact with anyone you see in
13 the courtroom today at the Mesquite holding facility?

14 A Yes.

15 Q Okay. Could you point to him and describe something's he's
16 wearing.

17 A I think he's wearing a white shirt, and he has a brown -- a
18 multicolor brown tie.

19 THE COURT: The record will reflect identification of the Defendant
20 Freddy Martinez.

21 MS. NYICOS: Thank you.

22 BY MS. NYICOS:

23 Q And did you conduct an interview with Freddy Martinez at the
24 Mesquite holding facility?

25 A No.

1 Q Okay. Did you later conduct an interview with Freddy Martinez?

2 A Yes, we did.

3 Q Okay.

4 A Yes, I did.

5 Q Where did that interview take place?

6 A That occurred here in Las Vegas, Nevada.

7 Q Now, when you made contact with the Defendant in the
8 Mesquite holding facility, what did you do with him at that point?

9 A At that point we put him in the car, in the backseat of the car. I
10 sat with him in the backseat of the car, at which time I did read him his rights
11 in English and in Spanish. He speaks both languages. And then we drove out
12 here to Las Vegas. And once we got here to Las Vegas, we took him to our
13 sexual assault office, and, once again, we interviewed him there, and, once
14 again, read him his rights in Spanish and in English.

15 Q Okay. Now, you said you read him his rights?

16 A Correct.

17 Q Are those found in -- do you read those from a card or do you
18 recite those from memory?

19 A On him we did it -- I did it on memory.

20 Q And what are those rights?

21 A He has a right to remain silent. Anything you say can and will be
22 used against you in a court of law. He has a right to an attorney. If you can't
23 afford an attorney, one will be appointed to you at no cost. Once you wish to
24 stop all interviews, all interviews stop.

25 Q Okay.

1 A Do you understand your rights.

2 Q And you said you gave him those rights in English and in
3 Spanish?

4 A In Spanish, correct.

5 Q In Spanish?

6 A In Spanish also.

7 Q Okay. And twice?

8 A Twice.

9 Q So the first time in the car before you brought him back to Las
10 Vegas?

11 A Correct.

12 Q And the second time at the sex assault detail office?

13 A That is correct.

14 Q Now, the second time you gave him those rights at the sex
15 assault detail office, did he indicate to you that he understood those rights?

16 A Yes.

17 Q Did he indicate to you that he wished to speak with you?

18 A Yes.

19 Q And did you then interview the Defendant?

20 A Yes, I did.

21 Q Okay. And just as an overview, what did the Defendant tell
22 you?

23 A Basically he stated that he had been having a sexual relationship
24 with Bianca for the last 16 years, that he was very in love with her. That about
25 a month ago she moved out of the house or out of the trailer. She -- he also

1 said that he suspected that she was dating someone else. That one day he
2 was walking, he was going to use a payphone, and he observed Bianca going
3 into this residence where she at the time was living.

4 He stated that -- that that morning -- the early morning hours he
5 was waiting for her to come out. At approximately 5:00, 5:30 in the morning,
6 she came out about three times. She came outside. She started the car, like
7 warming up the car. She came in and out.

8 Q Did he tell you if he had something in his hand while he was
9 waiting?

10 A He stated that when he walked up to the car to Bianca, he took
11 out a knife.

12 Q What else did he tell you?

13 A He said he saw Bianca the third time by the car. He had a knife
14 in his hand. He walked towards the car. He approached the car where Bianca
15 was at. At this time her -- he wasn't sure if it was her boyfriend or friend came
16 out. Pointed this -- the knife at him, and he then walked towards the victim,
17 told the victim to get in the car --

18 MS. HAMERS: Judge, same objection. I'd ask that the witness be
19 admonished to quit saying the word "victim."

20 THE WITNESS: I do. Bianca.

21 THE COURT: I think he understood the alleged victim. We've already
22 made that determination, but it's kind of a natural thing to do. Go ahead.

23 THE WITNESS: Okay.

24 BY MS. NYICOS:

25 Q Okay. And he got in the car with Bianca?

1 A He got in the car with Bianca, correct.

2 Q What did he tell you happened once he got in the car with
3 Bianca?

4 A Well, first he stated that he sat in the passenger seat and made
5 her drive. He had a knife and pointed a knife at her thigh. He then had her
6 drive just around the corner. He then switched, told her to get in the backseat.
7 He then jumped into the driver's seat. He then proceeded to drive.

8 He was asking her or telling her, You're mine. You're going to be
9 -- you know, you're going to be with me, tell me the truth. Do you love me or
10 are you with somebody else? He did admit that they got into an altercation or
11 -- in the vehicle. That she did not want to put on her seatbelt. That he did
12 grab her seatbelt and try to put it on her so that she wouldn't get out of the
13 car. At one point I asked if there was any fighting because she had a red mark,
14 and he did state that -- he said, No, well, maybe I did, but it was during the
15 altercation.

16 Q Over the seatbelt?

17 A Over the seatbelt, correct.

18 Q Okay. Did he also talk to you about stopping the car along the
19 I-15?

20 A Yes, he did.

21 Q And what did he tell you about that?

22 A And he did proceed to go to Mesquite because he had a job up
23 there in Mesquite, and they were driving to Mesquite. He also said that she
24 wasn't going to see her son, that her son was going to stay where -- at her
25 mom's -- at his mom's house, and her brother was going to take care of her

1 son. And then they stopped at the side of the road, and he admitted to say
2 that he had sexual relations with Bianca.

3 Q Okay. Did he tell you whether or not this was a consensual
4 sexual relation they had?

5 A He said he took it. He took it because there was -- she was his.
6 And there was several times I told him, Why would you force yourself? Why
7 would you force someone to do something like that? He goes, She's mine.

8 Q And that's what he said to you?

9 A She's mine, correct.

10 MS. NYICOS: Court's indulgence. Pass the witness.

11 THE COURT: Cross?

12 MS. HAMERS: Yes.

13 **CROSS-EXAMINATION**

14 **BY MS. HAMERS:**

15 Q Good afternoon.

16 A Good afternoon.

17 Q The interview you had with Mr. Martinez was recorded; right?

18 A Yes. That's correct.

19 Q Well, let me try to start at the beginning. You first come into
20 contact with Mr. Martinez in Mesquite; right?

21 A Correct.

22 Q And you do -- actually do a number of interviews in this case?

23 A Correct.

24 Q With Jose', Bianca, Mr. Martinez?

25 A Martinez.

1 Q Anyone else?
2 A No.
3 Q Okay. Do you interview Bianca before you interview Mr.
4 Martinez?
5 A Yes. That's correct.
6 Q Do you interview Bianca after you interview Jose'?
7 A No, no, that's correct. I interviewed Bianca before Mr. Martinez.
8 Q Before Mr. Martinez?
9 A Correct.
10 Q Jose' Castillo, was that before or after --
11 A I'm sorry.
12 Q That's okay.
13 A Jose' was first, Bianca was second and then Martinez.
14 Q Okay. That's exactly what I was getting at. It's the order I had
15 in mine as well. When you interview Bianca, she tells you she doesn't have a
16 sexual relationship with Mr. Martinez; right?
17 A That is correct.
18 Q And she does admit to you that she was hiding Jose' from
19 Freddy?
20 A That is correct.
21 Q And when you're talking to her, when she talks about Jose', she
22 calls him the man that lives with the family?
23 MS. NYICOS: Judge, I'm going to object. This is all hearsay. He's
24 asking her what Bianca told him. I mean, she's asking him what Bianca told
25 him.

1 MS. HAMERS: Judge --

2 THE COURT: Go ahead.

3 MS. HAMERS: -- I believe it's an inconsistent statement. She testified
4 that he was her boyfriend and what she told police when she was interviewed
5 was different.

6 MS. NYICOS: She admitted to telling the police that on cross, so it's
7 not really inconsistent.

8 MS. HAMERS: It is.

9 THE COURT: Overruled. I'll let her get it in.

10 BY MS. HAMERS:

11 Q She told you that he was the man that lived at the apartment
12 where she lived with a family?

13 A At first, correct, and then during the middle of the interview, she
14 admitted it was her boyfriend.

15 Q When you asked her directly, He's your boyfriend; right?

16 A That is correct.

17 Q Okay. So before that she had said, He's the man that lives with
18 the family?

19 A That's correct.

20 Q And she told you that she went to live with a family when she
21 left the trailer with Freddy?

22 A That's correct.

23 Q She didn't tell you that she went to live with her boyfriend Jose'?

24 A Correct.

25 Q Okay. And she said that she had done that four months prior to

1 that August 16th date?

2 A Three to four months.

3 Q Three to four months?

4 A Correct.

5 Q A matter of months. Certainly not years prior?

6 A Correct.

7 Q Okay. You also asked her about why she was at Freddy's house
8 the previous Monday; right?

9 A Correct.

10 Q Because you and -- I'm kind of assuming by taking her statement
11 and Jose's statement that that was based on information you had from Jose'?

12 A Which part? I'm sorry.

13 Q Well, you -- in your interview with Ms. Hernandez, you start
14 talking to her about why she was at Freddy's house on a previous occasion.

15 A Why she drove --

16 Q She doesn't bring that up.

17 A Why she drove by, correct.

18 Q Right.

19 A Right.

20 Q But she doesn't bring that up, you do. So I'm assuming that was
21 based on information you had from the previous interview with Jose' since he
22 was interviewed first?

23 A That is correct, yes.

24 Q Okay. So he had given you that information and then you ask
25 Ms. Hernandez about it?

1 A That is correct, yes.

2 Q Okay. And she tells you she wasn't going there. She was just
3 driving by; right?

4 A That is correct.

5 Q And that Freddy is just a brother to her?

6 A Sees him as a brother, correct.

7 Q Okay. In this case did you ultimately end up impounding
8 clothing?

9 A Detective Goddard did.

10 Q Detective Goddard did?

11 A Correct.

12 Q Did you see that clothing?

13 A Detective Goddard is the one that -- that did the clothing.

14 Q Okay.

15 A The clothing.

16 Q Are you aware of what the condition of that clothing was?

17 THE COURT: Are you talking about the clothing of the alleged victim or
18 the clothing of the Defendant?

19 MS. HAMERS: I actually think that they impounded both.

20 THE COURT: Yeah. Well, I mean, the answer may be different --

21 MS. HAMERS: I'll ask him specifically --

22 THE COURT: There you go.

23 BY MS. HAMERS:

24 Q The alleged victim, are you aware of the condition of that
25 clothing?

1 A No. Detective Goddard did that.

2 Q Are you aware of the condition of it, is what I'm asking now? I

3 realize he impounded it, but you were working on the case.

4 A No.

5 Q Okay. Mr. Martinez's clothing?

6 A What he was wearing, yes. Oh, actually, no --

7 Q You weren't aware of that?

8 A He was -- what he was wearing, actually, it was in a bag. I do

9 apologize. It was in a bag in a locker in Mesquite.

10 Q Okay.

11 A Detective Goddard -- Detective Goddard was the primary

12 investigator in this case.

13 Q Sure.

14 A Okay.

15 Q So you weren't aware of the condition of that clothing?

16 A Correct.

17 Q Okay. Now, you interview Jose' Castillo; right?

18 A Correct.

19 Q And he told you that he had seen --

20 MS. NYICOS: Objection; hearsay.

21 THE COURT: Why isn't that hearsay?

22 MS. HAMERS: Well, Judge, it's really not for the truth. It's his

23 investigation and why he did what he did and why he asked these people the

24 questions he did.

25 THE COURT: As a result of talking to Jose' Castillo, why did you --

1 MS. HAMERS: Well, okay.

2 BY MS. HAMERS:

3 Q As a result of your conversation with Jose', why were you
4 asking Bianca these questions about her relationship with Freddy?

5 A As a detective it makes you prove or disprove a case.

6 Q Okay. But you were asking questions not about this specific
7 incident, but about her relationship in total with Mr. Martinez; is that correct?

8 A That is correct.

9 Q And why is that?

10 A To gain knowledge, to gain knowledge of the relationship.
11 What's the relationship or was there a relationship? Just to gain knowledge at
12 this time.

13 Q Okay. But after she had initially denied that there was a
14 relationship, you continued to question her about that; didn't you?

15 A Correct, yes.

16 Q In fact, you told her, It's okay. You don't have to feel like you
17 have to hide that?

18 A Correct.

19 Q Was there a reason that you asked those additional questions?

20 A Based on experience, there's, you know, numerous times where
21 a person -- they do have a sexual relationship with a person, but they don't
22 want to mention anything due to the fact that maybe they won't believe them
23 later on. And that's why I was trying to get more information.

24 Q You just wanted to make sure she was being honest with you?

25 A That is correct.

1 Q Okay. Now, when you interview Mr. Martinez, he tells you he
2 went there to talk to Bianca about the truth; right?

3 A Correct.

4 Q And he doesn't say he went there to sexually assault her, does
5 he?

6 A No.

7 Q He tells you he had the knife to scare Jose'; right?

8 A He had a knife, correct.

9 Q And he told you that he had the knife to scare Jose'?

10 A He said he used it to scare Jose', correct.

11 Q Okay. And that Jose' ran away when he pulled a knife on him?

12 A Correct.

13 Q Okay. And he told you that he took her on the trip to Mesquite
14 to make Jose' mad, to make Jose' come after him?

15 A Correct, at one point he did say that.

16 Q Okay. And he admitted to being with Ms. Hernandez that day?

17 A Yes, he did.

18 Q He admitted to getting in a car with her?

19 A Yes, he did.

20 Q He admitted to having a knife?

21 A Yes, he did.

22 Q He admitted to going all the way to Mesquite?

23 A Yes, he did.

24 Q He admitted to having sex with her?

25 A Yes, he did.

1 Q But he told you that the sex was not forced, nor without her
2 consent?

3 A No, he -- he said that he took it.

4 Q And you recorded this statement; right?

5 A Yes.

6 MS. HAMERS: Court's indulgence.

7 BY MS. HAMERS:

8 Q I'm going to show you a transcript of that interview. Do you
9 prefer to see it in English or Spanish?

10 A English.

11 Q English, I would assume. I'm going to show you what we've
12 now labeled page 12, a transcript. I just want you to read down here to
13 yourself.

14 A Which part? Okay. From this line? Martinez?

15 Q Yes, just to yourself.

16 A Okay. [Reading document]. Okay.

17 Q Thanks. After reading that, is it true that he told you that it was
18 neither forced nor without her consent?

19 A Yes. At first he did, correct.

20 Q Okay. And you testified today -- I want to try to get your words
21 right here -- that he several times said -- that several times when he was asked,
22 Why would you force that, why would you do that? And he said he took it
23 because she was his; is that right?

24 A Correct.

25 Q I mean, that's what you testified to today?

1 A Correct.

2 Q Do you have a copy of this same transcript in front of you that I
3 just handed you?

4 A Yes, I believe so.

5 Q Okay. Can you show me where in that transcript that sentence.

6 A Maybe look on page 14. Here's, Something made me --
7 something made me take --

8 MS. HAMERS: Sorry. Court's indulgence. It's my fault. I'm trying to
9 find the right page here.

10 THE WITNESS: Okay.

11 THE COURT: Detective, what page and what line?

12 THE WITNESS: It's page number 14. It's the middle of the page under
13 Martinez.

14 THE COURT: What's it say?

15 THE WITNESS: It says, For her to forgive me, forgive me. What we
16 did in the backseat, it happened without -- you know, it being my intention, but
17 I don't know. I don't know. Something in me made me take it. Forgive me for
18 that, but --

19 BY MS. HAMERS:

20 Q Where it says, That it wasn't -- and it wasn't -- that everything
21 that went on that day wasn't against her, that I am sorry and to forgive me. I
22 showed it to her and returned her keys to her car, and she was driving. It is
23 not harm that I want to do, but always with her first.

24 A Right after that, correct. If you go -- when you past Logandale
25 from there, what happened, the next line, and then you have Martinez.

1 Q So you passed Logandale from there, what do we know?

2 A And then right after that you have Martinez.

3 Q For her to forgive -- to forgive what we did in the backseat. It
4 happened without it being my intention, but I don't know. I don't know.

5 Something in me made me take -- forgive me for that, but, is that what you're
6 referring to?

7 A Correct.

8 Q Okay. And so when you testified today that he several times,
9 when you asked him, Why would you force yourself on someone, and he said,
10 Because she was mine to take, that's what you're referring to?

11 A No. There's another portion somewhere here, Why did you force
12 yourself on her. Also there is a --

13 Q Let's go ahead and take them one step at a time.

14 A Okay.

15 Q Where do you see, Why did you force it on her?

16 A There -- which page?

17 Q Please.

18 A I don't know. [Looking through document].

19 MS. NYICOS: And, Judge, just so the record is clear, we're all fumbling
20 around because this is not a normal transcript. This has no line numbers and
21 no pages numbers.

22 THE COURT: Okay.

23 THE WITNESS: I believe it's by number 13, we start talking about -- I
24 started mentioning it, Why did you take her by force?

25 THE COURT: What was his response?

1 THE WITNESS: He said she stole both, in the car and her. Page 13.

2 Okay. What I'm telling you, you cannot take -- you know, take by force or --

3 BY MS. HAMERS:

4 Q And that's you?

5 A Pardon me?

6 Q So you're quoting right now? That's you?

7 A That's what I'm saying, correct. [Reading]. That's what I'm
8 telling you. You cannot take, you know, by force. That's what I'm telling you.
9 Officer, it's nothing against her. It's nothing, and she doesn't tell me the truth.
10 I want to find out the reactions. Okay. Yes. Like I'm mad. If you are
11 gentleman, and you are with a woman. When a man has sexual relations with
12 a woman, you have to react when another rooster comes and takes a woman
13 when she is with you. He has to respond, react. Has to -- what, what?
14 What's happening here?

15 Q And I'm going to stop you.

16 A [Reading]. And I did it, but he did not react. I'm sorry?

17 Q What -- is there something in there that you're saying says that
18 he forced himself on her? That's what I'm trying to find out.

19 A I think you couldn't -- you can't force a woman, and he's the one
20 that's saying, you know, it's -- he does not say he -- it just says he has nothing
21 against her. It's nothing, and she doesn't tell me the truth. I just wanted to
22 react.

23 Q Okay. So you --

24 A And I'm the one that said, Why did you force her? He goes, I
25 didn't want to -- to --

1 MS. NYICOS: Judge, to make this just a little bit easier, perhaps we
2 can mark one and just move to admit it.

3 THE COURT: Do you want it in?

4 MS. NYICOS: That way we can just read it -- read from it without -- I
5 mean, it's Defendant's statement.

6 THE COURT: It's up to Ms. Hamers. Do you want it in or no?

7 MS. HAMERS: Judge, that's fine. I just don't know if there will be -- if
8 we have a little need to do anything with it before doing that.

9 THE COURT: So do you want to figure that out tonight and decide
10 tomorrow?

11 MS. HAMERS: Yes. So if we can just reserve those issues.

12 THE COURT: You got it. Just be ready first thing in the morning.

13 BY MS. HAMERS:

14 Q But I would still like to ask this officer -- I'm sorry. It's
15 detective?

16 A Yes, ma'am.

17 Q I'm sorry, this detective. So that he doesn't say there that he
18 forced her. Where is it that he says, Because it was mine to take? I believe
19 you testified today he said that several times.

20 A He said it -- correct. He said, She was mine. Maybe I read it in
21 the officer's report.

22 Q And let's talk about that because I know exactly what you're
23 referring to, or at least I think I do, in the arrest report. You didn't write that
24 report; right?

25 A No.

1 Q Officer Goddard --
2 A Goddard.
3 Q -- did?
4 A That is correct.
5 Q But he certainly did it with your input?
6 A Correct, yes.
7 Q And you certainly reviewed it after that?
8 A Correct. After he typed it, correct. Yes.
9 Q And you reviewed it after that?
10 A Yes.
11 Q And if there was something inaccurate, you would've told him
12 that?
13 A That is correct.
14 Q And he wouldn't have included it in his report?
15 A That is correct. Yes.
16 Q And in that report he talks about this very recorded interview
17 that you did with Mr. Martinez?
18 A Yes, he does.
19 Q And what he says is, Detective Chavez asks him, and in quotes,
20 Why did you rape her? He replied, in quotes, I was mad?
21 A That's correct.
22 Q Right? That's on page six and seven of that report?
23 A That is -- that is correct.
24 Q But that question and answer is actually nowhere in that
25 interview, is it?

1 A Not in this interview. That is correct.

2 Q Okay. And when Officer -- is he a detective as well?

3 A Yes.

4 Q I'll quit calling him officer.

5 A Yes.

6 Q When Detective Goddard put down in the report, he puts in, in
7 particular, about what was done during this interview in Las Vegas with Mr.
8 Martinez; correct?

9 A Correct.

10 Q But it's not in there?

11 A Not at this statement. This is not all there, correct.

12 MS. HAMERS: Okay. Court's indulgence.

13 BY MS. HAMERS:

14 Q And you already read a little bit of this, so I'm kind of going
15 backwards. Mr. Martinez told you something about when a man is with a
16 woman and another rooster comes around, he should do something about it?

17 A Correct.

18 Q And he's actually -- what he's talking about or in the context of
19 your interview when he's saying that, he's talking about Jose' should react
20 when he goes and takes off with Bianca?

21 A Correct.

22 Q Okay. And when he says that he told Bianca that she wasn't
23 returning to Las Vegas and that someone else was going to take care of her
24 son, he tells you that he told her that so that she would tell him the truth?

25 A Correct. Correct. He mentioned that.

1 MS. HAMERS: Court's indulgence. That's all, Judge.

2 THE COURT: Anything else?

3 MS. NYICOS: Yes, please, Judge.

4 **REDIRECT EXAMINATION**

5 **BY MS. NYICOS:**

6 Q Now, the interview you have in front of you, the transcript, okay,
7 is that a Las Vegas Metropolitan Police Department certified transcript?

8 A No, it's not.

9 Q Okay. And that was actually one that was provided to you from
10 me that I had gotten from the Defense; is that correct?

11 A That is correct.

12 Q All right. And you reviewed this transcript yesterday and today;
13 correct?

14 A That is correct.

15 Q Did you notice things that were perhaps not included in this
16 transcript that you distinctly recall being said in this interview?

17 A Yes, I do.

18 Q Okay. And a normal Metropolitan Police transcript that we
19 would normally work with, there's places where there's a parenthesis, and it'll
20 say "inaudible," and there's places where there will be a long dash to indicate
21 that some things were being said that weren't being picked up?

22 A That is correct. Yes.

23 Q Do you see anything like that in this transcript?

24 A Not like that. I see little dots.

25 Q Ellipses?

1 A I see little dots in between wordings or sentences.

2 Q Okay. Now, in particular, is there something that sticks out in

3 your mind that you distinctly recall having occurred during this interview that is

4 not in this transcript?

5 A Yes, I do.

6 Q Okay. And what is that?

7 A One of them is that, why did he pull her out of the car or

8 something of that sort because I remember that I asked him why did he pull her

9 out of the car, and I phrased it no, But I said, we -- yes, we saw it and when

10 you pulled her out of the car. And he said, I was just angry. I was mad. And

11 that's what I recall that happened. It was in the interview that I don't see here.

12 Q Okay. And also with respect to the segment that Ms. Hamers

13 read to you out of the arrest report, do you recall that conversation taking

14 place?

15 A I remember he said he was mad.

16 Q Now, with the exception of those two things, is this overall a fair

17 and accurate --

18 A Overall --

19 Q -- statement?

20 A -- it's pretty accurate, yes. There's --

21 Q Now, this interview was conducted in Spanish as well; correct?

22 A That is correct.

23 Q Did you conduct any interviews in English?

24 A No.

25 Q Okay. Now, how many interviews have you conducted in

1 Spanish throughout your career?

2 A Wow. I can't give a number, to be honest. It's a lot.

3 Q Are most of your interviews done in Spanish?

4 A It seems that way.

5 Q Okay. Now, in your experience, are there sometimes language
6 barriers?

7 A Absolutely.

8 Q Things that possibly get lost in translation when this gets put
9 down into English?

10 A Absolutely.

11 Q Now, Ms. Hamers asked you about questioning Jose' Castillo and
12 questioning Bianca regarding her relationship with Mr. Martinez?

13 A Yes.

14 Q And Mr. Martinez also related to you that he had had a sexual
15 relationship with her for over the span of 16 years?

16 A Yes. That's correct.

17 Q And you said that you ask these questions to determine whether
18 a relationship actually exists or not?

19 A That is correct. Yes.

20 Q Based on your conversations with Mr. Castillo, with Bianca
21 Hernandez and with Freddy Martinez, do you yourself believe a relationship --

22 MS. HAMERS: Judge, I'm going to object.

23 THE COURT: Sustained.

24 MS. NYICOS: Okay.

25 THE COURT: It's up to the jury to decide if there was and what effect

1 that would have on the testimony.

2 MS. NYICOS: Okay. That's fine.

3 BY MS. NYICOS:

4 Q During your conversation with Mr. Martinez, the Defendant,
5 however, were you under the impression that a relationship was still ongoing?

6 A Absolutely not.

7 Q And what was Mr. Martinez telling you that led you to believe
8 that?

9 A That there was no relationship?

10 Q That there -- that it was over?

11 A He says she -- she moved out, you know, a month ago, that he
12 wanted to find out if she was seeing someone else. I think the day before that
13 incident or -- I'm sorry. Three days before that incident, I mean, he saw
14 another man with Bianca, that he followed them in his car, pulled in front of
15 them to approach --

16 MS. HAMERS: I'm going to object at this point.

17 MS. NYICOS: Okay.

18 THE COURT: Well, there's nothing to object to there, but that will be
19 the end of that testimony. Go ahead.

20 MS. NYICOS: That's fine. Okay.

21 BY MS. NYICOS:

22 Q And could you have done some more investigation to determine
23 whether or not there once was a relationship?

24 A I mean, there's always more. There's always more we -- yes.

25 Q Okay. That's fine. Did you do that in this case?

1 A No.

2 Q And why is that?

3 MS. HAMERS: Judge, I'm going to object. She's going to the -- she's
4 trying to get the same exact conclusion as to his opinion as to whether or not
5 there was a relationship.

6 MS. NYICOS: Judge, that's not what I'm doing.

7 THE COURT: No, no. Overruled this time. It is different, saying, Why
8 didn't you do further investigation?

9 BY MS. NYICOS:

10 Q Why didn't you investigate into this relationship further?

11 A Because it was clear to me that there was no relationship -- at
12 least for about a month, if there was a relationship. I mean, definitely there
13 was no relationship. She had a relationship with someone else.

14 Q Would the existence of a relationship between the Defendant and
15 Bianca change your opinion as to how to charge the case?

16 A Absolutely not.

17 THE COURT: You're talking about a relationship a long time ago

18 MS. NYICOS: Any.

19 THE COURT: -- or a relationship on August 16th?

20 MS. NYICOS: Any.

21 MS. HAMERS: Judge, I'm going to object. That's his opinion of
22 whether or not that changes what the charges are.

23 THE COURT: Overruled. That's different than his opinion on -- as to
24 who's truthful or whether or not a person is guilty of the charges. Go ahead.
25 You can answer, Officer.

1 THE WITNESS: Those charges would definitely apply, I mean, in this
2 case for -- for what we had.

3 MS. NYICOS: Okay. Nothing further.

4 THE COURT: Anything else?

5 MS. HAMERS: Sorry, Judge.

6 THE COURT: Well, it has to relate to this.

7 MS. HAMERS: It does.

8 ***RECROSS-EXAMINATION***

9 ***BY MS. HAMERS:***

10 Q Ms. Nyicos asked you about this unusual transcript that you've
11 been shown in court today and that Ms. Nyicos gave you a copy of; correct?

12 A Correct.

13 Q Unusual in the sense that it wasn't prepared by Metro?

14 A It is different, correct. Unusual.

15 Q Okay. And usually when there's a recoded interview, a
16 transcript is prepared by Metro?

17 A That is correct.

18 Q And in this case, even when the report was written, it says,
19 Refer to transcript anticipating that Metro would prepare one?

20 A That is correct.

21 Q But Metro didn't prepare one in this case; is that correct?

22 A I don't know.

23 Q Were you the lead detective on this case?

24 A No, I was not.

25 Q And so is that information that Mr. Goddard would know?

1 A That is correct.

2 Q And what you're saying is, that there was information in that
3 interview where you actually asked Mr. Martinez, Why did you rape her? And
4 he said because he was mad, and that somehow didn't make it into the
5 transcript?

6 A No, I said -- I recall, Why were you mad when you raped her? He
7 said, I was mad. He goes, Yes, I saw -- we were able to see that you pulled
8 her out of the car mad. And he said, Yes, I was mad.

9 Q Of the -- so --

10 A Of that -- I can't recall exactly the words, what was said --

11 Q If I played that interview for you, would it refresh your
12 recollection as to exactly what was said?

13 A Absolutely.

14 MS. HAMERS: Okay. I'd ask to do that at this time.

15 THE COURT: It's in Spanish; right?

16 MS. HAMERS: It is in Spanish, and I have a transcript in Spanish he
17 could look at. I don't know any other way to do it at this point if he's going to
18 say it's not in the transcript.

19 THE COURT: Well, is it the case that there are spots in the
20 transcription where what was said wasn't loud enough or wasn't clear enough
21 that it couldn't come through?

22 MS. HAMERS: That's not my understanding.

23 MS. NYICOS: It's my understanding.

24 THE COURT: What does the dot, dot, dot mean?

25 MS. HAMERS: I'm sorry?

1 THE COURT: You said that in the transcript there are places where
2 there are just a bunch of dots in between words or sentences. Is that true?

3 MS. HAMERS: Okay. Yeah, there are -- there are dots.

4 THE COURT: What does that mean? Does that mean that there is
5 something there, but they couldn't understand what it is?

6 MS. HAMERS: I can't speak for what exactly that means. I mean, I
7 think he could tell me if he listened to the interview whether or not there's
8 something there that's not being picked up. If he's saying, Yeah, that's what
9 was said there, and now we can't hear it on the interview --

10 THE COURT: Okay. Why don't we have him do it tonight. Why don't
11 have him listen --

12 MR. BATEMAN: May we approach?

13 THE COURT: Yes, sir.

14 [Bench conference; not transcribed.]

15 THE COURT: Okay. You know, we're not going to have you sit here
16 while he goes through a tape in Spanish for some period of time. What we're
17 going to do is direct him -- he can listen to it or they can all listen to it together
18 or they can get an interpreter and figure it out on their time and not yours. And
19 then we can ask a few questions in the morning so we can sort of clear up any
20 misunderstanding. With that in mind, he's excused now; is that right?

21 MS. NYICOS: For now, yes.

22 THE COURT: But we need him back at 9:00 tomorrow?

23 MS. NYICOS: 9:00 tomorrow.

24 THE COURT: All right. Now, do you have any other -- is that okay,
25 Detective?

1 THE WITNESS: That's okay.

2 THE COURT: Okay. Thanks. You're excused, but don't leave
3 because these lawyers are going to need to get with you and kind of define
4 what needs to be done. They don't want you to work all night, but we need to
5 have you do some work tonight. Now, do you have any other witnesses
6 today?

7 MS. NYICOS: No, Judge, he would've been the last one for the day.

8 THE COURT: Okay. What have you got? A couple tomorrow?

9 MS. NYICOS: One, possibly two, tomorrow.

10 THE COURT: And then the Defense. Okay. Well, this is about where
11 we expected to be. We sort of expected to be here tonight. The State has one
12 or two witnesses tomorrow. I'm sure the nurse who can't be here today and
13 the Defense. But we're every bit of halfway or more in the case because
14 picking a jury and doing opening statements takes a little longer than reading
15 the instructions and doing closing statements, and we're a little more than half
16 the witnesses. So we're just fine on time in terms of being done exactly when
17 we are supposed to. So that said, we'll get out just a little bit early tonight.

18 Again, don't talk about the case with each other or anybody else.
19 Please, please, please. When you go home and they want to know what's
20 going on, just say, It's a sexual assault case. I swore that I wouldn't talk about
21 the details. Tomorrow night I'll tell you everything I know, but give me a break
22 tonight.

23 Don't read, watch or listen to any report on the case. I'm sure
24 there's none. There's no reporters in here. I keep a close eye out for that. So
25 if you want to read the paper and have a cup of coffee in the morning, don't

1 worry that you're going run across something. If you do, just skip it, but that
2 isn't going to happen. Please keep an open mind until all the evidence is in.
3 Have a nice night. You'll put -- yes, sir.

4 JUROR NUMBER 10: Do we leave these here?

5 THE COURT: Yeah, you can leave that stuff and your badges on your
6 chair. Lisa will take charge of it. She will have it on your chair when we get
7 together tomorrow. We'll pick up at 9:00 tomorrow.

8 Why don't we start earlier? Well, the truth is that, while I'm in
9 trial on one case, my job is to manage about a thousand cases in the
10 courthouse. Each judge has about a thousand they manage. So from 8:00 till,
11 you know, 9:00, 10:00, whatever length of time it takes, we do pretrial issues
12 and post-trial issues on cases. Usually anywhere from ten to 50 in the
13 morning, and usually it takes us till 9:30 or so.

14 As it is tomorrow, we only have three or four, and it's going to
15 be very quick at 8:30, but I'm going to make the lawyers be here early so that
16 we can argue about the jury instructions and not waste your time when that
17 comes around. So if we get you here at 9:00, we should be able to sail right
18 through other than lunch and get this case to you mid to late afternoon.

19 Okay. Have a nice evening. We'll see you promptly at 9:00.
20 Give yourself a little extra time because the elevators are lousy in this building.
21 They're leaving, Lisa. If you'll take charge of them.

22 [Jury exits the courtroom at 4:35 p.m.]

23 [Out of the presence of the jury.]

24 THE COURT: Okay. The record should reflect that the jury has exited.
25 Anything else to be on the record?

1 MS. HAMERS: Yes, Judge, we should make a record about the witness
2 who testified, Mr. Artheris [phonetic]. Mr. Paulson spoke to him, so I'll let him
3 make a record on that.

4 THE COURT: Go ahead, Ron.

5 MR. PAULSON: That's true, Judge. We learned that during the
6 break --

7 THE COURT: In fact, before we start, let's start this: Right after lunch
8 Lisa came to me and said, I saw one of our jurors -- I believe it was Number 9 --
9 making chitchat with a person and said, Who are you or something. Are you a
10 witness in the case? And he said yes, and she was concerned. So I brought
11 everybody to the bench and said, What do you want to do? And Mr. Bateman,
12 said, Well, it's not a real important witness. If you want, we won't call him.
13 That will eliminate the problem.

14 Everybody sort seemed that that was okay, so we did nothing,
15 and we went back with that understanding. Then two witnesses down the
16 road, the representation was, We've worked this out, and it's okay to call
17 them. Now, Mr. Paulson, we're then to you.

18 MR. PAULSON: That's correct, Judge. I went out to the hallway and
19 spoke to Mr. McPheeters. I asked him if he, indeed, had a conversation with
20 one of the jurors. He informed me that as far as he was concerned, the juror
21 didn't know that he was a witness. He had -- he didn't really know or didn't
22 indicate to me that he had any idea that she was a juror in this particular case.

23 THE COURT: That's why we have them wear a red badge. Maybe we
24 need to have some lights around it.

25 MR. PAULSON: He said that that their conversation simply consisted

1 of him asking if it was as cold in this room as it was out in the hallway. She
2 indicated yes. They had a brief conversation about Las Vegas because he was
3 from a little further north. That was the extent of the conversation. I was
4 confident that they never discussed anything to do with this particular case,
5 and there wasn't any --

6 THE COURT: So you were relating the issues, and you told Mr.
7 Bateman, and we put the witness on?

8 MR. PAULSON: That's correct.

9 THE COURT: Okay. Well, I think, again, I appreciate the
10 professionalism of you guys. I mean, this is the way you handle it. When we
11 have something that comes to our attention that could be untoward, you
12 honestly share it with everybody and decide how to come up with a solution
13 that's practical and works, and I think that was a reasonable solution.

14 I also think this: He said virtually nothing, so if we would've left
15 him off, it wouldn't have made a whip bit of difference in the trial. He saw a
16 guy that he can't identify that was Hispanic approach somebody twice and get
17 gas and put it in a white car on the same day that this occurred. So it added
18 nothing and detracted nothing. So how do we handle this? I'm sure it
19 wouldn't have made a whip bit of difference. Thank you. Anything else?

20 MS. HAMERS: No, Judge.

21 THE COURT: Okay. I gave you what I think is my best last set of
22 instructions after we've had a couple submissions by everybody. So let's get
23 together at 8:45. We'll do the instructions. We'll be ready at 9:00. We'll put
24 this officer back on unless you guys agree that you don't need him. If you
25 don't need him, you don't need him, but I want Kathleen and you guys to get

1 together with the officer and make sure that you have instructions to what you
2 need, what you want him to do, whether you want to be present, how you
3 want to handle it so we don't get tomorrow at 9:00 with a jury here and we
4 say, Well, Judge, he needed to do this, that and the other.

5 So you're driving the train, Ms. Hamers. Whatever you want him
6 to do. If you want to be there; if you want to have a Spanish-speaking
7 investigator from your office there. However you want to do it to ensure that
8 we get the best testimony we can. You orchestrate it, but let's make sure
9 everybody's clear on what's going to happen so we don't waste the jury's
10 time.

11 MS. HAMERS: Okay.

12 THE COURT: He'll go at 9:00, and then we'll go with the nurse, and if
13 you have something else, fine. I would expect we need your witnesses here by
14 a little earlier than 9:30. The nurse ain't going to take long.

15 MS. HAMERS: A couple things.

16 THE COURT: Yeah.

17 MS. HAMERS: I have -- based on what happens today, I have a couple
18 more instructions to submit. I can do that probably by ten after 5:00 today. I
19 can send them to you and to Ms. Nyicos, so we can still be ready to deal with
20 those tomorrow morning.

21 THE COURT: Perfect. You fax them over. When I get into work at
22 5:45 in the morning, I will -- that was a joke. I don't get in till 6:00. When I
23 get in in the morning, I'll look at them and see if they're good to go. If they're
24 good to go, I'll put them in the set. If they're not, you know, you can
25 obviously make a record, and we'll be ready to go at 8:45.

1 MS. HAMERS: And -- okay. So as far as the detective and the
2 interview on the tape, he's going to go home and watch it. He'll pick out --

3 THE COURT: Here's what's happening: You and Ms. Nyicos and he
4 are going to go outside, and you're going to reach some agreement on exactly
5 what you want done and whether you want somebody there or you don't want
6 somebody there and what you want to do in the morning. We're going to try
7 to get him on and off in a few minutes at 9:00 in the morning. So you guys go
8 out and figure out what you want.

9 MR. BATEMAN: Ron and I don't have to be a part of this; do we?

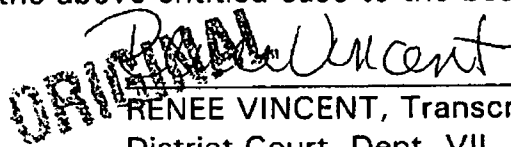
10 THE COURT: Well, I mean, at least one counsel -- at least one counsel
11 from each side. You can have two. You can have an investigator. Do
12 whatever you want, but Ms. Hamers is driving the train. I want her to be
13 satisfied that he can either point out or say, I can't hear this or do whatever. I
14 mean, she's entitled to kind of get into that. So let her sort of decide how it's
15 going to go, and then let's make sure everybody is on the same page of how
16 it's going.

17 MS. HAMERS: Thank you, Judge.

18 THE COURT: Okay. Have a good night. We'll see you at 8:45.

19
20 [Proceedings adjourned at 4:42 p.m.]

21
22 ATTEST: I hereby certify that I have truly and correctly transcribed the
23 audio/video proceedings in the above-entitled case to the best of my ability.

24 
25 RENEÉ VINCENT, Transcriber
District Court, Dept. VII
(702) 671-4339

C226586

11/5/08

Fredys. A. Martinez #1361243

I would like to have from the Court ~~at~~ the Nevada.
District Court and Las Vegas Nevada I ~~am~~ need.
The CRIMINAL, COURT, MINUTES Please Can you.
Get that For my Please thank you and God bless you.

Fredys. A. Martinez #1361243

~~CE~~ CASE NO. C226586

DEPT-NO. VII

~~Fredys. A. Martinez~~

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11/14/08

12. 18. 08

Fredys.A.Martinez

Kathleen. M. Hamers

Hello esteemed attorney Kathleen M. H. I hope that upon receipt of this letter you are in good health in the company of family friends and co-workers and brother and sisters in Jesus Christ After this short greeting I continue to the following

Kathleen my most sincere wish is to wish you a Merry Christmas and a Happy New Year in the company of all your loved ones and may God bless you all and shower you all with compassion and [unintelligible] and your cases and work places May God keep you safe and free you from all danger and illness With nothing further to say.

If possible if sister Maria the interpreter could read you the following [unintelligible] it is a story that [unintelligible]

[Signature]

#1

12 . 18 . 08

Fredys. Arcangel Martinez Matamoros

Hello Ms. Attorney Kathleen M. Hamers I hope that upon receipt of this letter you are in good health and in the company of co-workers friends family members and brothers and sisters in Jesus Christ After this short greeting I continue to the following Kathleen may your heart not feel sadness because of me because you know you could have done more for me because you take me to trial without you asking me questions about this and that I wrote you all the things in detail since the day of my arrest in Spanish to the attorney Kedric Bassett Since the day of my arrest Where I was and where she was Bianca with the car and the car keys But the Mesquite police and Detective Chabes [sic] hid these things from you and the detective The black woman did not even worry about going to the place to investigate the place of my arrest But the police and the laws have made me into a criminal without being one like they did to Mr. Jesus Christ and they killed him In his case he had to go through all that to fulfill the word of God Being the same in my case I too had to have a worldly trial but we will also have a celestial one and there our soul and our heart will be strong before God giving testimony of the Good and the Bad But if we are regretful of heart and baptize them in the name of the Father the Son and the Holy Spirit He will forgive our sins then Jesus Christ will speak with God like you did with me in this trial here on earth But Jesus Christ has a detective who is the Holy Spirit who is the spirit of God In him I trust and serve I give thanks to God and to you for freeing me from her Bianca and for life sexually Even if she may need my help some day I will help her

#2

12. 18. 08

in this trial I put my family a bit [unintelligible] Rene Martinez Dabid Martinez Franklin Martinez Genifer Martinez and Bianca Marina Hernandez against Jose Quiros Castillo Alias he wanted and of his family because I had already investigated something regarding them and we are not to their liking. I have always been the most spoiled and loved and pampered in the family Maybe Bianca believes that Franklin and Dabid and the rest who found out about this trial will be hated because they did not attend I forgive them like I forgive Bianca and my entire family I forgive them because only Jesus Christ and God may judge us I have family members who work the same job as Bianca and maybe in the same company I would have been able to [unintelligible] the detention of my letters and of my calls and send some other way so they could speak to her She would have disrupted the prosecutors' work and hers but where would my faith in God have ended up If you recall she came to that trial dressed in blue in a nurse's uniform and with the jewels I bought her That was so I could see that she still works in the same and the jewels to show that I still with her day and night like she told me one day that a man like me had never existed before me and would never exist after me because I was special to her and she for me even though to her I am number one she for me was never close to being it and she never was because she aborted my son in the year [unintelligible] and she lied to my brother Dabid She told them that it was from a rape I knew nothing about this until she told me that she and my brother were in agreement to do the abortion of my son but he did not know it was of his blood

#3

12. 18. 08.

To this day he throws those things in her face but he knows she lied to him he who has sinned like her against his own blood It was in San Diego California Here in Las Vegas I fought against a disease that she got after I sent her to get brain X-rays and they discovered a brain tumor My brother got very mad at me and he kicked me out of the apartment I slept in the car or around there in some corner of the closet [unintelligible] outside because I was more interested in keeping watch over her in the hospital and of Franklin at school Always looking after both of them night and day until she got out of the hospital I cared for her as if she were a tender little child I cooked special foods she would ask for and I would give them and I would spoon feed her My brother Dabid wanted her to die but I and her son and other Christian brothers and sisters prayed to God for her health It got to such an extreme that the blood and skin stuck to her bones People were disgusted by her and as she approached the house I would take her out so she could get some sun and fresh air outside and the wind would drag her along I would feel her as I hugged her but I never abandoned her or him But now that she is a bit fat and that I would send her to the beauty salons so she would be beautiful and forget the trauma of the past You can see everything she does to me for not having thought everything through I know and I am certain that her intention was not to send me to prison but to jail and have a partial separation because I had determined to go to my country to see my mother since I had distanced myself from her All that she has and carries is mine The cars TV Furniture Decorations Jewelry and material things and even under garments she has Is memory of me I spoiled her because of the cruel past she had I was different from all other men in her life

#4

12. 18. 08

She and Jose and Franklin went one day and took out all the things from the trailer One day that I was playing soccer because I played in the major league in Las Vegas Mesquite Pahrump under the pretext that they were going to move the trailers and they moved the stuff to an apartment where Jose Castillo's mother lived and that some lady had a heart condition and that Bianca was the only one who cared for her since she is a nurse for the disabled and that Jose Castillo was a homosexual and that he was just her friend She also has friends who are prostitutes I never got involved with her friendships After this illness she told me that she wanted to live the last days of her life doing what she liked to do which is going to dances and I like to go to church I was not able to go to dances with her and she and her friends could not go to church with me because we had sexual relations I would ask her to go to church more and she would say no that I pray to God for her I and the Christian brothers and sisters have prayed to Jesus Christ for her for her health and her work He has given it all to her because she says that God listens to me A month before [unintelligible] the trailer she was in a bad mood and aggressive with me because I no longer wanted to give her my money And since I did not give her money and she did not go to work I knew she had another man or lover I wanted him to take responsibility for her of the bills and medical care and I be free and dedicate myself to my young lady whom she did not know there was another woman who had chosen me She is very beautiful and young. Bianca you too are beautiful but she is beautiful inside and out I was put to the test in that family and there was no man who could compare to me at such a level of comparison to the hands of angels or angels up to

#5

12. 18. 08

Jose Castillo's family think the same way All that happened and has happened I had a premonition about some things and I told them to Bianca in the trailer one morning when we were going to have sex before going to work but she was mad and she told me Hurry Fredys let's do it because it's getting late for me for work I told her Bianca my love I am afraid of ejaculating inside of you and you calling the police and accusing me of something which she did a month later I told her I did not want to go to jail anymore and everything I was afraid of happened but that was the end of a story. And another story would start The fight on how to reach the reign of heaven of God and of my liberation from vices of prisons and all Evil. Kathleen I always look into parts of my future and I saw myself when I did not yet have this problem I saw myself with my family returning from [unintelligible - Friguel 15 North] coming down the Moapa incline the Indian reservation one evening with my wife and my children because at that moment I said Look when I came to work here these houses were not here nor these houses or this city is in the middle of Las Vegas and Mesquite That day I was in a black or dark green brand new truck but it was new The woman who was with me told the children who were 16 and seven years old She told them Look your Dad comes around here to work and this was not here She is my [unintelligible] and it's three children It looked like a Christian family The family I have asked God for My Christian family ever since my youth But I had to face this entire situation for sixteen years I profess my love for this young lady telling her not to worry about Bianca That she focus on her studies

#6

12. 18. 08

Kathleen you extended a hand to seal a deal with a person who has been made out to be a criminal without him being one I make many things happen with nature if my heart is sad or angry Things will always happen in nature Kathleen. You when you offered me that deal for ten to life and I told you if I took that deal I would not be able to buy a house for my family That day I felt your heart Forgive me for making it sad and that very moment you felt my heart yes an angel's heart that [unintelligible] two times but but that was asking God saying [unintelligible] father or Father help me I had already seen myself in that cell the one before going to trial I had also already seen myself in the prisons Kathleen this is a story from the past the present and future I am going to extend your hand if you are still working there to say good-bye to you It is something I owe you for liberating me from her I longed for this separation for many years I am going to be deported I lost my immigration status I do not know where they will deport me to Canada Spain or Mexico I do not know but I have to go through Las Vegas to look for my girlfriend Yes Kathleen my girlfriend She stayed there She knew about Bianca Her family realized it first that Bianca had another name but they told me I understand it because they know how much I have suffered because of her and they introduced me to one and another young lady and I rejected them all Only one I did not reject and she looks like the woman who is with family with me in the future at 20 or something else I had lost my family because of Bianca but I have recovered a part the most important ones the Christian family and brothers and sisters in Christ Kathleen I am not a criminal God knows it.

12.18.08

Fredys, A. Martinez.

Kathleen M. Hamers.

hola estimada abogada Kathleen M. H. espero que
al recibir esta carta se encuentre viende salud
al lado de toda su familia amigos y compañeros de
trabajo y hermanos en Jesucristo des pues de este
carto salud. paso a lo siguiente.

Kathleen mis mas sin seros deseos es desiarle que
pase una Feliz Navidad y un prospero año nuevo alado
de todas sus seres queridos y que dios los bendiga
y dere me de sus misericordia y miseraciones
con todas y sus cosas y lugares de trabajo que Dios
la cuide y la libre de todo peligro y en fermedades
sin mas que decirle.

Si fuera posible que la hermana maria la interprete
le lea las siguientes a las es una istoria que esta este
tambien en buena parte en ella

~~Alfreda Rodriguez~~

#1

12.18.08

Fredys ArCangel Martinez Matamoros.

hola señetita abogada Kathleen M. Hamers espero que al recibir esta carta se encuentre bien de salud al lado de quienes la rodean de un compañero de trabajo amigos familiares y hermanos en Jesucristo despues de esta carta saludo para a lo siguiente Kathleen que su corazón no se sienta triste por causa mia por que usted sabe que pude a ser mas por mi por que me daba a un juicio sin que usted me hiciera pregunta de esto a de aquello Me escribi todas las cosas detalladas desde el dia de mi arresto en español al abogado Kedric Bassett desde el dia de mi arresto andonde estaba yo y donde estaba ella Bianca con el cara y las llaves del cara pero la policía de mesquite y el detective chabes le escondieron estas cosas a usted y la detective la mujer matona ella quisiera se reprocho por ir a embestigar el lugar de mi arresto pero la policía y las lles me an echo un criminal sin setla como isietan al señor Jesucristo y lo mataron en su casa tenia que pasar todo este para que se cumpliera la palabra de Dios siendo el mismo en mi caso No tambien tenia que tener un juicio terrenal pero tambien hemos a tener otro selestial y alli nuestra alma en nuestra catasamba a estar frente a frente con Dios dando testimonio de lo bueno y lo malo pero si los arrepentimos de corazón y los bautizamos en el nombre del padre y el espíritu y el espíritu santo el perdona nuestras pecados entonces Jesucristo va a ablar con Dios así como lo hizo usted con miigo en este juicio a qui en la tierra pero Jesucristo tiene un detective que es el espíritu santo que es el espíritu de Dios No en el confio y al lesito Me da gracias a Dios y a usted por haberme librado de ella de Bianca y es de por vida sexualmente aun que si ella algun dia necesita mi alluda la alludare

#2

12.18.08

en este juicio lo había un poco seguros a mi familia
 a Rene Martinez, David Martinez, Franklin Martinez,
 Benifer Martinez y a Bianca Marina Hernandez en
 contra de Jose Quirós Castillo alias el quico y
 de su familia por que lo había embestigado algo.
 con respecto a ella y nosamos de su grado. lo siem-
 pre esida el familiar mas consetido querido y mimado de
 toda la familia. tal ves Bianca cree que Franklin y
 David y los demas que se entetaron de este juicio ban
 a ser odiados por que no asitieron los perdono a
 ellos como tambien perdono a Bianca y todo mi fami-
 lia los perdono a ellos por que solo Jesucristo y Dios
 son los que pueden juzgar a nosotros. lo tengo parien-
 tes que trabajan el mismo trabajo de Bianca y tol-
 ves en la misma compañia de trabajo. lleubiera podido
 es quibar el a la detención de mis cartas y de mis llama-
 das y cambiar por otra forma para que a blara con
 ella ella ubiera perturbado el trabajo de los Fiscales y
 el jallo para endonde ubiera quedado mi fe. en Dios.
 si usted se acuerda ella bina a ese juicio vestida de azul
 con el uniforme de enfermera y con las jallas que lo le
 sempre eso era para que ella mirara que todabia traba-
 ja en la misma y las jallas para demostrarme que todabia. lo
 estoi en ella dia y noche como ella me dijo un dia que no
 abia existido un ambe como lo antes de mi nile ira
 a existir des pues de mi. porque lo era algo especial
 para ella y ella lo es para mi aunque lo. para ella sea
 el numero uno ella para mina estubo a punto de serlo
 y lo fue por que ella aborto a mi hijo en el año 1999.
 y le echo una mantita a mi hermano David les dije que
 era de una violasion lo no supe nada de esto asta que ella
 me lo dijo que mi hermano e y ella se puso con de acuerdo
 para a ser el aborto de mi hijo pero el basabia que era su sangre

#3

12.18.08

asta el día de aí el le echa en cara esas cosas pero
 ella sabe que le mienta a él que él que a pecado co-
 mo ella en contra de su propia sangre es el eso. Fue
 en San Diego California aquí en las legas lla luche
 contra una enfermedad que le vino des pues que la man-
 de que le y si era unos ralloj. En el cerebro y le descubri-
 era un tumor en el cerebro mi hermano se enojó mucho
 contra mí y me robó del apartamento lla dormía en el
 carro por allí en un tik con del close de era mientras fuera
 porque me interesaba mas estar pendiente de ella en el
 ospital y de Franklin en la escuela siempre cuidando
 los a los dos de día y de noche asta que salió del ospital
 lla la cuidaba como si fuera un niño. Tiera la casaba
 comidas especiales que ella me pedia y se las daba en la
 boca mi hermano dand que tía que ella se muriera pero
 lla y su hijo y otros hermanos cristianos le pediamos aplos
 por su salud lla ego aun estema que la sangre la car-
 ne la piel se le pega a la los quesos la jente le
 tibia as co de ella y de a ser car se a la casa lla la
 sacaba para que agatara sol y aire afuera y el vicio
 to la atastraba lla la sustentaba abrasandola pero nunca la
 alas abandonaba a pero esto que lla esta gordita y que lla
 la mandaba a los salones de belleza para que estuviera boni-
 ta y olidara el tra ma del pasado lla be usted todo lo
 que me ase por no a ber pensado bien las cosas. lla se y tati
 segure que la intension de ella me era mandarme ami ala
 prigion sino ala Carcel y tener una se para si se parcial
 por que lla me la abia pro puesto que lla fuera a mi país a ber
 a mi mamá que por ella me abia distan siado, tade la que ella
 tiene y carga es mia los Catos TV muebles adornos joyas
 y cosas materiales y asta la topa intetior que carga es
 recuerdo mio lla la consentia por su pasado Cruel que tu-
 ba lla fui la ditetensia entre los hombres en subida

#4

12-18-08

ella y Jose y Franklin fueran un dia y sacaron todas las cosas de la tralla un dia que ella andaba entrenando futbol pelota por que llo jugaba en la liga mayor en las becas mesquite Patuk con el pretexto de que iban a mover las trailas llos pasaron al este apartamento donde habia la mamá de Jose Castillo y que esta señora esta enferma del corason y que ella Bianca sola la cuidaba como ella es enfermera de personas desahilitadas y que Jose Castillo era como sexual y que solo era su amigo ella tambien tiene amigas prostitutas Hanuaca me meti con sus amistades despues de esta enfermedad ella me dijo que queria vivir los ultimos dias de subida asiendo lo que le gusto que es ir a los bailes y a mi me gusta ir a la iglesia llo no podia ir a los bailes con ella por los amigos de nosotros y ella no podia venir a la iglesia conmigo por que teniamos relaciones sexuales llo le pedia a ella que fuera mas a la iglesia i ella decia que no que llo pidiera por ella a Dios llo ilos hermanos cristianos como pedia en otras cosas por ella por su salud y su trabajo a Jesucristo todo se lo a dado por que ella dice que ami si me escucha dias un mes antes de ser presa era tralla ella andaba de mal humor y agresiva conmigo por que llo llo no queria darle mi dinero y idela forma que llo le daba dinero era si no iba a trabajar llo llo sabia que tenia otro amante o amante lo que llo buscaba que este se hiciera responsable de ella de los bailes y cuidado medico x llo ser libre y dediarme a mi muchacha lo cual ella no sabia que habia otra que me habia elijido ami es muy hermosa y joven Bianca es bonita tu tambien eres hermosa pero ella es hermosa por dentro y por fuera llo fui puesto a prueba en esa familia no hubo hombre que se comparara ami al grado de compararme con manos de angel o angel x as ta la

#5

12.18.08

la Familia de Jose Castillo piensan de la misma manera todo lo que peso ya peso de lo presentia unas cosas y las dije a Bianca en la trailla una mañana que y habamos atener relaciones sexuales antes de irnos al trabajo pero ella andaba enojada y me dijo a purese Fredys habamos a aserlo porque seme asetarde para el trabajo lo le dije Bianca amorcito no ten gomiado de haculac a dentro de usted y usted llame a la Polisia y me acuse de algo lo cual lo iso un mes des pues lo le dije lo llama quieto ir ala Cat Cel mas y todo paso de las Casas que tenia miedo pero esa era la el Final de una istoria y Camensatio atra istoria la lu Chopo como al censar el teino de los Cielos de Dios y de miliberasion de los bisios de las Prisiones y de toda mal dad. Kathleeen lo mito siempe parte de mi futuro y lo me mite. Cuando todavia no estaba en este problema me mite con mi familia regresando del Friguel 15 norte bajando la bajada de moapa la teferkasion india un atardecer con mi esposa y mis hijos porque lo dije en ese momento lo dije miken cuando lo venia a trabajar por aqui no estaba estas Casas ni estas Casas o sea esta ciudad es a media de las vegas y meskita es dia de venango en un atteca negro a verde as cura nueva como del año pero es nueva la mujer que viene conmigo le dije a los niños que tienen de edad de 16 años y siete ella les dije miren su papá por a qui venia a trabajar y no estaba esta a qui ella es mi se lasosita y son tres niños semita una Familia Cristiana la Familia que le e pedido a Dios mi Familia Cristiana des de mi Jumbentu Jumbentu pero no tenia que enfrentar toda esta Situasion por diez seis años a esta muchacha lo le de clare mi amor que era de ella dandole a entender que lo no se pro sufara de Bianca que se de di cara a su estudio

6

12.18.08

Kathleen usted extendió sumaria para sellar un trato con una persona que lo anecho criminal sin serlo. No ago que pase muchas cosas con la naturaleza simicotazon esta triste o enojado siempre por las cosas que pasan en la naturaleza Kathleen. usted cuando usted me ofrecio aquel día de diez abida y le dije que si agaraba ese día no iba a poder comprar una casa para mi familia. No ese día sentí tu corazón perdoname por haberlo puesto triste y ese mismo momento tu sentiste a mi catazon si un catazon de angel que se estremeció dos veces pero pero eso fué pidiendo a llun a Dios diciéndo aya-padte o sea padre alludame. No la me avia visto en esa celda que esta va antes de ir al juicio tambien. No me avia visto en las prisiones Kathleen esto es una historia del pasado el presente y el futuro. No voy a estrechar tu mano si todavia trabajas ahi para para despidirme de ti es algo que te de va pat a verme librado de ella por muchos años bus que esta separacion no iba a ser de portado perdi mis papeles nose donde me hallan a deportar a Canada España o Mexico nose. pero no tengo que pasar por las Vegas para buscar a mi novia si Kathleen me avia se queda ahi ella sabia de Bianca la familia de ella se dieron cuenta primero que Bianca tenia otro amante pero no me la dieron a mi. No lo entiendo porque ellos saben como es su vida. Por ella y me presentaron una y otra y otra muchachas y todas las rechazé solo a una no y es pat esida a la mujer que viene en familia con migo en el futuro a 20 o algunas. No avia perdido a mi familia por Bianca pero no recupere una parte los mas importantes a los cristianos de familia y hermanos en Cristo Kathleen. No hay un criminal Dios los ave.

1.28.09

Fredys.A.Martinez #1003276

Kathleen.m.Hamers.

Hello dear lawyer Kathleen I hope that this letter finds you in good health surrounded by your friends coworkers family and in Jesus Christ hands after this short greeting I move to the following Kathleen I need your help please ask my appeal lawyer (illegible) from the Supreme Court the lawyer Kedric Bassett and to ask him please if he received the appeal or not because I am sending him letter all year explaining the details from the day of my arrest from the trial and my sentence that how they violated my civil rights the police the detectives the DA and the judge all the letters I wrote them in Spanish the ones that I sent him and I made copies to send them to the civil rights the consul and the embassy of my country also copies of what the DA are doing and also to my country I have witness and proof that you all didn't look because you had no trust in my only in the money but I trusted in God and then in her and I continue until my death when I got out of here I can sue her for what they did and stole from me Kathleen I need that you find out this and to write me I will be waiting for your answer a week if I don't get and answer from you or from him to him I left him messages in his office but it seems that he doesn't care I will file the following appeals to U. S. District Court and to the Federal Court I am trusting in God that is why I haven't fired him God bless you in everything

Signature on the side.

1.28.09.

Fredys A. Martinez #1003276.

Kathleen M. Hamers.

hola estimada abogada Kathleen espero que al recibir de esta carta se encuentre bien de salud al lado de quienes la rodean amigos compañeros de trabajo familiares y hermanos en Jesucristo des pues de esta carta saludo poro a los siguiente Kathleen necesito su ayuda de que por favor le pre guente a mi abogado de apelacion de Juizi de la Suprema corte al abogado Kedric Bassett y que le pre guente por favor que si ella me negaron la apelacion o no por que lle la estan mandando cartas todo el año explicandole los detalles desde el dia de mi arresto del Juizio y de mi senten sia de como me violaron mis derechos sibilos los Policias los detectives los Fiscales y el juez todas las cartas las ise en español las que le mande a el y les saque copias para mandarlas a los detectos sibilos al Consul y a la Embajada de mi pais tambien copias de lo que estan asiendo los Fiscales y tambien para mi pais lle tengo testigos y pruebas que ustedes no buscaton por que no confiaban en lle solo en el director Petrollo Confia en dios y si go Confia en do a esta mi muerte lle al salir de aqui le puede a ser una contra demanda a ella por lo que me isieron y metebaton Kathleen lle necesito que me abetigue esta y que me escriba para atras boia esperar su tes puesta una semana si no tengo tes puesta de usted o de el a el lle le de je un mensaje en su ofisina pero como que no le importa lle boia meter las siguientes apelaciones a la V.S. District Court y a la Corte Federal esta Confia en Dios por eso no lo e des pedido que dios la vendiga a todo.

2 . 5 . 2009

Fredys. A. Martinez #1003276

For: Kathleen N.M. Hamers [sic]

Hello esteemed attorney I hope that upon receipt of this letter you are in good health and in the company of family friends co-workers and brothers and sisters in Jesus Christ After this short greeting I pass to the following Kathleen I was able to contact Kedric Bassett and he told me that the Supreme Court has not denied my appeal of the trial So I am going to halt all the paperwork that I have already filled out except for the dates that I have for the next appeals I am very glad it is still in the process I want to ask you forgiveness because sometimes I bother you so you will ["help me" possibly - right margin is cut off] Perhaps after this appeal I will no longer bother you I do not know when they will give me an attorney [male] or an attorney [female] in my next appeal But I will continue to write You know on what dates I write Dates that are not emergencies just happiness Right now I am being punished and have been since September because I fought with [right margin cut off] It was not my fault I won the fight But on the other hand I lost my Violent Person Program and the Drug Program and Alcohol Program and I was practically finished that is to say I was going to graduate from them and besides I have to pay the medical expenses of almost four thousand dollars I think I will only pay fifty-three dollars but I am still in the hole Even if I finish my punishment on January twenty I continue in the hole because there are no beds for me The doctor assigned me to the bottom bed because of the medical dispute I have with the state I am disputing two fights at the same time against the state That is why I am looking for help from those from my country Because I know nothing about the laws Kathleen may God bless you and protect you from all evil and may he extend your days of life

[Author's signature appears in lower left-hand margin]

R.S. 29:

Fredys A. Martinez #1007276.

Para:

Kathleen M. Hamers.

hola estimada abogada espero que al recibir esta carta
se encuentre bien de salud al lado de familiares amigos
compañeros de trabajo y hermanos en Jesucristo des
pues de este corta saludar pozo ala siguiente, Kathleen
lla con se gí comunicarme con, Kedit C. Bassett.
y me dijo que la Suprema Corte había negado la
apelación de juicio así que de tengo de todo
los papeles que ella traigo llevo para sin fecha
que tengo para las próximas apelaciones me alegro
mucho que todavía esta empujando la quita pedirle
disculpa por que a veces la molesto para que me alu
tal vez des pues de esta apelación lla a la buelta a
molestar porque nose de donde me den el abogado a
la abogada en mi próxima apelación pero lla le sigue
escribiendo usted sabe en cuales fechas le escribo
fechas que nose he emergencias solo alegria lla aorta
estoy castigado desde September porque me palia para
no fue mi culpa llo gane la pelea pero por atrolado por di
mis programas de hombre violento y de drogas y alcohol
que lla casi los terminaba o sea me grandaba de ellos
y a parte tengo que pagar los gastos medicos de casi
cuatro mil dolares solo mente creo que voy a pagar
cinco mil dolares pero sigo en el alle aunque llo
termina mi castigo en enero veinte sigo en el alle porque
no ai camas para mi porque el doctor me xina la cama
de abajo por el pleito medico que tengo con el estado
son dos peleas que estoy peliando a la vez contra el
estado por eso estoy buscando alluda con los de mi
pais porque llo nose nada de ellos, Kathleen que Dios la vea
diga y la proteja de todo mal y que le alarques sus dias de vida

Log Number

50N028694791

NEVADA DEPARTMENT OF CORRECTIONS
INFORMAL GRIEVANCE

NAME: Fredys A. Martinez I.D. NUMBER: 1003276

INSTITUTION: LCC UNIT: G.A. 56.A

GRIEVANT'S STATEMENT: The Reason I'm writing this is the grievant is cause Mrs sparks legal lady did not allow me to get legal copy's because I got one set in Spanish and the other in English I feel shes very unprofessional she lost her temper and acted very racist and bias towards me. I still need my legal copy's please help ...

SWORN DECLARATION UNDER PENALTY OF PERJURY

INMATE SIGNATURE: [Signature] DATE: 3.14.09 TIME: 12:14 P.M.

GRIEVANCE COORDINATOR SIGNATURE: [Signature] DATE: 3-14-09 TIME: 11:30 AM

GRIEVANCE RESPONSE: You will receive copy work, if any future problems, come see me CCS Bureau. Grievance Resolved.

CASEWORKER SIGNATURE: [Signature] DATE: 3-24-09

☐ GRIEVANCE UPHELD ☐ GRIEVANCE DENIED ☐ ISSUE NOT GRIEVABLE PER AR 740

GRIEVANCE COORDINATOR APPROVAL: _____ DATE: _____

☒ INMATE AGREES ☐ INMATE DISAGREES

INMATE SIGNATURE: [Signature] DATE: 3-24-09

FAILURE TO SIGN CONSTITUTES ABANDONMENT OF THE CLAIM. A FIRST LEVEL GRIEVANCE MAY BE PURSUED IN THE EVENT THE INMATE DISAGREES.

Original: To inmate when complete, or attached to formal grievance
Copy: To Grievance Coordinator
Pink: Inmate's receipt when formal grievance filed
Gold: Inmate's initial receipt

RECEIVED

MAR 18 2009

Levelock Correctional Center
DOC 309 (12/01)

Lovelock correctional center

1200 prison RD

Lovelock NV. 89419

Case NO. 49608

for: my Appellant Lawyer: Kedric Bassett

Hillo me Kedric, The reason I'm writing this letter is because the lady supervisor of the legal library of Lovelock correctional prison refused to give me the right to make legal copy's, so I put a Grievance the number ~~10~~ of the Grievance. Case is #20062869479 I put the Grievance because she denied making legal copy's I was sending to my counsel and embassy of Honduras, Now the caseworker of my unit Mr. Base, CCS, is helping me by making himself responsible to make sure I get my copies so that's how he resolved my Grievance, but that same day 3-24-09, I send to request those copy's and my Grievance copy. ~~this~~ this was a Nevada Department of Corrections copy work request with the ~~date~~ date of 3-11-09, but they refused to give me my copy's. My request was given back to me with the excuse that they did not do the copy's cause they sayd I needed to put ~~a~~ a Name and ID Number. So that it could confirm my Appent. the caseworker sayd that only my lawyer could receive this copy's, so I Ask of you to please call here and request this legal copy's of mine, and you could get them ~~there~~ there fax, and please can you mail them to my counsel of Honduras the LA branch and the Embassy of Honduras in Washington. D.C. Thank you and God bless you.

3.27.09

~~[Signature]~~

FPD NOTATION:

- Spanish document received from client.
- English translation by Maria Tiscareno on 02/13/12 and attached behind Spanish version.
- Scanned into Summation under FPD docid only.

3. 27. 09

Case No. 49608

Fredys.A.Martinez #1003276

for my appellate attorney

Kedric Bassett

Hello Attorney Kedric The reason for this letter is because the lady from the law library of the Lovelock Prison did not want to make me some copies and I filed a grievance The number is 20062869479 Because she did not make my copies to send them to my consulate and the embassy of my country The case worker CCS Baze saw to it that my copies were made and for the grievance but that same day 3.24.09 I also sent to have copies of grievance made and also of the form that is filled out for the copies Nevada Department of Corrections Copy Work Request with this date of 3.11.09 but they did not make copies nor did they return my form because she crossed out my explication that I sent on the form and on a small piece of yellow paper where they want you to put name and number of ID to confuse me in my appeal The caseworker said that they would only give the copy to my attorney I told him to ask for it by fax and that it be sent to the Honduran consulate of Los Angeles and the Honduran Embassy in Washington D.C. Thank you and may God bless you

3.27.09

Case No. 49608.

Fredys A. Martinez #1003276.
Para mi abogado. De apelacion.
Kedric Bassett.

Ola abogado kedric el motivo de esta carta es porque la señora de la libreria legal de la Prision de Love Lock no me quiso sacar unas copias y le puse un agrime. d. Grievance el numero es. 20062869479. Por que no me sacó mis copias para mandar selas a mi consul y a mi Embajada de mi Pais el trabajador de caso CCS Daze. se iso responsable para que me isieran mis copias y para el Grievance. Pero ese mismo dia 3.24.09. mande a sa carlas tambien al Grievance tambien a la forma que se lleva para las copias Nevada Department of Corrections Copy Work Request con la fecha de esta es del 3.11.09 pero no me le sacaron copias hi me regresaron la forma porque ella fallo mi explicacion que le mande y escribio en la forma y en un pedasito de papel amarillo en don de quieren que meta un hombre y humeto de aidi para que me con funda en mi apelacion el trabajador de caso dise que sola mente a mi abogado leba a dar esa copia hote pido que la pida por fax y que sela mande al consul de los angeles de Honduras y a la Embajada de Honduras en Washington, D.C. gracias y que Dios los bendiga

~~Fredys A. Martinez~~

My NAME is Freddy A. MARTINEZ ID# 1341243, I'm requesting an appeal of my case, because the District Attorney during my trial accused me of talking Bianca that she would never again see Franklin. I never said that to her that's a lie. The reason is because she had the keys to the car when I was been arrested.

The Mesquite Police Department fail to turn over, and withheld important evidence and documentation from my Public Defender MRS. Kathleen Hamers. The other person that also withheld was the lecture that brought me to Las Vegas from Mesquite, because when I was arrested I was behind of the apartment complex which was at the rear of the complex.

Bianca was at the front of the complex by the main office.

I was making the payments on the car, we traded a Mitsubishi van which was under her name. I also have 1978 car which is also under her name.

The District Attorney is accusing me of stealing the 2002 Ford Focus which is her name too. even though I was the one making the payments, this was said during my trial, but Bianca was using the car for her job.

On that day the car had gas and she had the car keys. During this time I was unloading cement from a truck with other co-workers. The knife that was found on me it use to cut plastic on the job.

I'm asking the Supreme Court to have mercy on me.

May 18, 2009

Log Number 2006 28 78156

**NEVADA DEPARTMENT OF CORRECTIONS
INFORMAL GRIEVANCE**

NAME: MARTIN, J. FRANK I.D. NUMBER: 1007276

INSTITUTION: Ch. C. C. UNIT: 4-B-37

GRIEVANT'S STATEMENT: This grievance is about towards the
Supervisor of the library room lady Mrs. because
she wants to remove the name of the supervisor from
the door and she is a supervisor because she did not
work there before it was a lady's room.

SWORN DECLARATION UNDER PENALTY OF PERJURY

INMATE SIGNATURE: [Signature] DATE: 7/24/09 TIME: 7:37 PM.

GRIEVANCE COORDINATOR SIGNATURE: [Signature] DATE: 7-20-09 TIME: 11:00 am

GRIEVANCE RESPONSE: See Attached

CASEWORKER SIGNATURE: [Signature] DATE: 7/27/09

☐ GRIEVANCE UPHELD ☐ GRIEVANCE DENIED ☐ ISSUE NOT GRIEVABLE PER AR 740

GRIEVANCE COORDINATOR APPROVAL: [Signature] DATE: 8/3/09

☐ INMATE AGREES ☒ INMATE DISAGREES

INMATE SIGNATURE: [Signature] DATE: 7-7-09

FAILURE TO SIGN CONSTITUTES ABANDONMENT OF THE CLAIM. A FIRST LEVEL GRIEVANCE MAY BE PURSUED IN THE EVENT THE INMATE DISAGREES.

Original: To inmate when complete
Canary: To Grievance Coordinator
Pink: Inmate's receipt when formal grievance filed
Gold: Inmate's initial receipt

RECEIVED RECEIVED RECEIVED
AUG 2 6 2009 AUG 11 2009 JUL 22 2009

Lovelock Correctional Center Grievances Lovelock Correctional Center Grievances Lovelock Correctional Center Grievances

DOC 3091 (12/01)

**NEVADA DEPARTMENT OF CORRECTIONS
GRIEVANT'S STATEMENT CONTINUATION FORM**

NAME: MARTINEZ, Fredys I.D. NUMBER: 1003276INSTITUTION: L.C.C. UNIT #: U.B.37-A

GRIEVANCE #: _____ GRIEVANCE LEVEL: _____

GRIEVANT'S STATEMENT CONTINUATION: PG. 2 OF 2

It is the only way I communicate with my lawyers
I feel sad I have to fight off 2 state workers, comrades,
but it is the only way I free my self from been threaten
from the legal lady supervisor that she going to write me up
I don't know why they accepted there position at Authority. If
they are not prepared spiritually and mentally, and don't
act professionally, she only tried to intimidate us Hispanics
she thinks that because we are Hispanics she going to step all
over us twisting the law and violating my rights, civil rights
as well, and our rights as prisoners and she discriminated me
for been Hispanic in tied of putting grievances but because of
people like her unprofessional, I must put grievances so that the
supervisors of this institution may see what's going on down
here and the discrimination on us Hispanics.

Thank you and God bless.

Original:
Pink:Attached to Grievance
Inmate's Copy**RECEIVED**

AUG 11 2009

AUG 26 2009

Levelock Correctional Center
GrievancesLevelock Correctional Center
Grievances**RECEIVED**

AUG 28 2009

Levelock Correctional Center
Grievances

DOC - 3097 (01/02)

#2

LOG NUMBER: 2006-2878156NEVADA DEPARTMENT OF CORRECTIONS
SECOND LEVEL GRIEVANCENAME: MARTINEZ, Fredys I.D. NUMBER: 1003236INSTITUTION: L.C.C. UNIT: 4.P.P.AI REQUEST THE REVIEW OF THE GRIEVANCE, LOG NUMBER _____ ON THE
SECOND LEVEL. THE ORIGINAL COPY OF MY GRIEVANCE AND ALL SUPPORTING DOCUMENTATION
IS ATTACHED FOR REVIEW.

SWORN DECLARATION UNDER PENALTY OF PERJURY

INMATE SIGNATURE: [Signature] DATE: 8-26-09WHY DISAGREE: you suspended my grievance with the subsequentCE of my release on July 21, 2009. I was not given a professionaland reasonable legal review for my lawyer and my counsel and embassy letters.So called "I need to see" "I need" It was professional for you for a personover the level of duties and the only witness was her assistant miss spark...GRIEVANCE COORDINATOR SIGNATURE: [Signature] DATE: 8-26-09

SECOND LEVEL RESPONSE: _____

GRIEVANCE UPHOLD _____ GRIEVANCE DENIED _____ ISSUE NOT GRIEVABLE PER AR 740

SIGNATURE: _____ TITLE: _____ DATE: _____

GRIEVANCE COORDINATOR SIGNATURE: [Signature] DATE: 9/1/09INMATE SIGNATURE: [Signature] DATE: 8-26-09

THIS ENDS THE FORMAL GRIEVANCE PROCESS

Original:	To inmate when complete, or attached to formal grievance.
Carbon:	To Grievance Coordinator
Pink:	Inmate's receipt when formal grievance filed
Gold:	Inmate's initial receipt

RECEIVED

AUG 26 2009

Linn County Correctional Center
Grievance

NEVADA DEPARTMENT OF CORRECTIONS GRIEVANT'S STATEMENT CONTINUATION FORM

NAME: Martinez, Fredy I.D. NUMBER: 1009276
INSTITUTION: L-66 UNIT #: KR-37A
GRIEVANCE #: 2006 28 78166 GRIEVANCE LEVEL: 1
GRIEVANT'S STATEMENT CONTINUATION: PG. 2 OF 2

from a problem we had before and base fixed it. In fact it was the same problem in writing the original grievance about regarding my legal letters (making copies), from Spanish to English that are suggest to be private with in my lawyers and I. Base investigated my case and found out that legal copies don't go against the AR Rules, that the state has made up to oppress and cover our rights and cover all the misconduct against us prisoners. from the day we get arrested in the courts and go trials and now to this day you all violate our rights. we as Hispanic are specially been treated unjustly and unfairly the system is bias towards us and metellan is racist. I'm not saying all persons working in this system are racist, but they must follow the systems rules, even on the lunch break. the C/O insist we speak English I don't know English and I have no access to school cause this unit is another example of how oppressive and how the system warden and seniors can run there prison, no education, no [redacted], and all we see is the same [redacted], and they talk to us with an offensive and dirty words like C/O metellan, [redacted] treats us and sayed that day of July 21st. Thank you so much. God Bless you.

Fredy Martinez 8.10.09

Original: Attached to Grievance
Pink: Inmate's Copy

RECEIVED

AUG 26 2009

Lowell Correctional Center
Grievance

RECEIVED

AUG 11 2009

Lowell Correctional Center
Grievance
DOC - 3097 (01/02)

#9

**NEVADA DEPARTMENT OF CORRECTIONS
GRIEVANT'S STATEMENT CONTINUATION FORM**

NAME: MARTINEZ, Fredys ID. NUMBER: 1007276
 INSTITUTION: L.C.C. UNIT #: 4.B.33.A
 GRIEVANCE #: 20062878156 GRIEVANCE LEVEL: 2
 GRIEVANT'S STATEMENT CONTINUATION: PG. 2 OF 2

On that persist time that she called my papers "crap" Mr. ROSAS was not present the S/O had another duties to attend he stepped out of the office so he did not hear those words. Mrs. packman took advantage of my lack of English and ignorance of the AR Rules and Law, she was abusive with her tone of language and she said many unprofessional things to me, so you want me to put a number and name of the person who is translating my letters from ^{Spanish} ~~English~~ to English but this is to use it against us Hispanics who were prisoners or when we are free, you are breaking your own AR rules by making us we can't write each other but you want to have us when getting assistance putting other inmate name and number on my documents, you ask us ~~named~~ to get other prisoners names and numbers. So why you contradict your self. So you make our legal process more difficult from state and things don't and the process of recruitment of military service, my rights have been violated civil and humane please help me with this matter. I need my copies of my legal paper work with no other inmate name and ~~your~~ number on it but my own cause you can use it against me on all my legal process.

Original: Attached to Grievance
 Pink: Inmate's Copy

Thank you God, Bless

RECEIVED

AUG 28 2009

Lowell Correctional Center
 DO#10000001/02

7-21-09

Martinez A. F. edys

1. este agrime es en contra de la supervisora de la
2. libreria legal de L.C.C. por que quiere anular
3. la firma del trabajador de casa el señor
4. Ba ZE, de un trato que tuvimos de un agrimen
5. porque no querian sacarme las copias a mis cartas
~~6. que es de la unica manera que me comunico con mis~~
~~Abogados y que Dios los bendiga.~~

6. que es de la unica manera que me comunico
7. con mis Abogados me da pena enfrentar
8. a los compañeros de trabajo en este
9. agrimen pero es la unica manera que
10. me libre de amenazas de que me ban a
11. dar un fallo en un mes para que acepten esos
12. puestos de tra bajos sino estan preparados
13. psicológicos y mental y profesionalmente
14. que tratan de intimidar a nosotros
15. los ispanos que creen que porque somos
16. ispanos nos ban a pisotear forsiendo las
17. leyes y violando mis derechos civiles y
18. del preso y descontinuéndome por ser ispano
estoy cansado de poner agrimes pero por causa
de estas personas inparafernales tengo que
asertlo para que los superiores de esta institucion
tomen atencion en lo que pasa con los ispanos
Gracias y que Dios los bendiga.

FPD NOTATION:

- Spanish document received from client.
- English translation by Maria Tiscareno on 02/13/12 and attached behind Spanish version.
- Scanned into Summation under FPD docid only.

7-21-09

Martinez,A.Frodys

1. This grievance is against the supervisor of the
2. L.C.C. law library because she wants to abolish
3. the signature [or "the firm"?] of the case worker Mr.
4. Baze, of an agreement we had of a grievance
5. because they do not want to make copies of my letters.
6. It's the only way I communicate
7. with my attorneys I am embarrassed to confront
8. two coworkers in this
9. grievance but it is the only way
10. I can free myself of threats that they are going
11. to give me a write-up I do not know why they take
12. these jobs if they are not prepared
13. psychologically and mentally and professionally
14. they try to intimidate us
15. the Hispanics They think that because we are
16. Hispanic they can step all over us Twisting
17. the laws and violating my civil rights and
18. the inmates and discriminating against me for

being Hispanic

I am tired of filing grievances but because of these unprofessional people I must do it so the superiors of
this institution will take notice of what happens with the Hispanics

Thank you and may God bless you.

Fredys A. MARTI, 2 #1003276
CASE NO. C 226586 X

Date. 12.29.09

Dept. no. XIV

C 226586

To: Clark County Clerk of the Court,

I would like to receive a up dated
docket sheet on the above case, to confirm if
there was a Notice of Appeal filed to the
Nevada Supreme Court. Please. Thank You.

Sincerely,

~~Fredys A. Martinez~~

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

Sent 11/21/10
Gulbert

RECEIVED

JAN 05 2010

CLERK OF THE COURT

Fredys A. MARTINEZ # 1003276
1200 Prison Rd
Lovelock Correctional Center
Lovelock, Nevada 89419

**PRIMATE LEGAL
MAIL CONFIDENTIAL**

LEGAL MAIL 8915504500

Steven D. Grienson
Clerk of the Court
200 Lewis Ave., 3rd floor
Las Vegas, Nevada

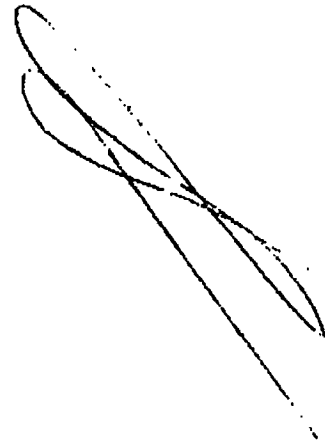
89155-1160



RECEIVED

DEC 29 2009

LCC Law Library

A handwritten signature in black ink, consisting of a series of loops and a long, sweeping stroke extending downwards and to the right.



Office of the Public Defender

308 So. Third St. • Second Floor • PO Box 552610 • Las Vegas NV 89155-2610

(702) 455-4685 • Fax (702) 455-8112

Philip J. Kohn, Public Defender • Daren S. Richards, Assistant Public Defender

January 25, 2010

Freddy Martinez,
NDOC No. 1003276
Lovelock Correctional Center (LLCC)
1200 Prison Road
Lovelock, NV 89419

RE: Freddy A. Martinez v. State of Nevada
Case No. 49608

Dear Mr. Martinez:

Enclosed please find a copy of the Contents of your file.

Very truly yours,

PHILIP J. KOHN
CLARK COUNTY PUBLIC DEFENDER

KEDRIC BASSETT
Deputy Public Defender

KAB/dmd
Encl.

Part #3

1 . 30 . 2010

I was sending letters to my appellate trial attorney the entire year of 2009 asking him for information of how my appellate trial case was going in the Supreme Court But he never answered me in any of those letters He did not even send me the papers he resolved in court I do not know if I am still in court If they denied it or if the time has passed for the following appeals If that is the case I ask that they reopen my case again in the court [sic] justice court [sic] I ask them for an attorney and an interpreter because I do not read nor write English and I do not have money for legal copies nor to pay a translator for my letters I do not even know the process of the law in any cases I ask them to help me in my following step in my appeal of trial I was thinking of firing Kedric Bassett for not keeping me informed regarding the appeal of the trial I was sending him legal letters and medical complaints against the institution for violating my rights for being Hispanic Also against the legal library but I can not make copies of those other papers I send them copies [OR, I can send you] copies of some of these papers because I can not get rid of the originals or of the other copies I have. Thank you for your time God bless you in everything and for everything. Thank you.

parte #3

1.30.2010

Credex Arce del martinez, 2010-05-19-22

Yo a mi abogado de apelacion de Juicio le estube mandando cartas todo el año 2009 pidiendole informasion de como iba mi caso de apelacion de Juicio en la Suprema Corte pero el nunca me contesto ninguna de esas cartas ni me manda los papeles de que resolvio en la Corte. Ahora si todavia estoi en la Corte, si la llegaren asi. Ha se paso el tiempo para las siguientes apelaciones pero si asi fuera. Holes pido que se abra mi caso otra vez en la Corte Pesada, Javis Cort. Holes pido un abogado y un interprete porque no lo leo ni escribo ingles, y ni tengo dinero para copias legales, y ni para pagar traductor de mis cartas yo hice el proceso de la ley en los casos de ninguna clase. Holes pido que me ayuden en mi siguiente paso de mi apelacion de Juicio, abia pensado despedir ya a Kedric Bassett por no haberme mantenido informado respecto a la apelacion de Juicio yo le estube mandando cartas legales y que las de medico contra medicos y contra la institucion por violar mis derechos por si. Pero tambien contra la de la libreria legal para no poder sacarle copias a esos otros papeles. Holes mando unas copias de algunos de estos papeles por que no puedo desasirme de los originales o de algunas copias que tengo, gracias por su tiempo. Dios les ven diga entodo y por todo Gracias.

2.1.2010

Fredys. A. Martinez #1003276

for my appellate attorney of case in the Supreme Court.

Kedric A. Bassett.

I received the letter you sent me on January 26, 2010, where you tell me that you have sent me all the paperwork regarding my case. The last letter I received from you was May 23, 2008. During all this time I have been sending you legal letters. Look at the [unintelligible] with, Bianca and the mistakes of how they have violated my rights and how the police of Mesquite [sic - Mesquite] have hidden information that benefits me and of my Mesquite witnesses that they did not schedule them and, you, and, you, Kedric, have not answered my letters or my telephone calls the entire year of 2009. I have been asking you for information about how my case was going in the Supreme Court. You did not answer at all and it was your responsibility to explain to me because I do not write English and I do not even read it. I do not know if my case has already been closed or if it is still open. My attorney, Kathleen M.H. I am giving you a letter because you never answered my letters. In that letter I was asking for some paperwork copies of the direct appeal. And you did not send them. I have been thinking of firing you if you have affected my appeals process that are continuing in court. Thank you.

[appears in left-hand margin: God bless you always in everything you do. Signature of author.]

9.1.2012

~~Redric A. Bassett~~

Redric A. Bassett # 1007376

Parara mi abogado de apelacion de juicio en la Suprema Corte.

Redric A. Bassett.

Yo recibí la carta que me mandó en Enero 26 2010, en donde me dice que me mandan todos los papeles referente al caso la última carta que me recibió de usted fue mayo 23, 2008 en el transcurso de todo este tiempo le he estado

mandando cartas legales mi hija Sonia con Bianca y de los herotes de como me amañaba mis documentos y como los policías de Mesquite me escondido información que me faltaba de mi y de mi

testigos que no los citaron los de Mesquite y usted y usted, Redric, no a contestado mis cartas ni mis llamadas de teléfono en donde de todo el

año 2009 le estado pidiendo información de como iba mi caso en la Suprema Corte. Usted

no me contestó nada y era su responsabilidad en explicar me por que no me escribió inglés

ni lo leo ni no se cómo se escribe pero así

todavía está al tanto, mi abogada, Kathleen M. H.

le entre ya a usted una carta porque usted nunca

me contestó mis cartas en esa carta le pedía unos

papeles las copias de la directa apelación que las

mandó a pensarlo en des pedirlo si usted no afectado

mi proceso de apelaciones que están en las cortes

Dios les bendiga entodo y siempre. Redric Bassett

FROM: FREDY'S A. MARTINEZ
#1007276
C/O LOVELOCK CORR. CTR.
1200 PRISON RD
LOVELOCK, NV 89419

TO: COURT CLERK
C/O SUPREME COURT OF NEVADA
201 S. CARSON ST Suite 201
CARSON CITY, NV 89701

2 FEB. 2010

RE: CASE # 0224586 / DOCKET ENTRY

DEAR CLERK,

COULD YOU PLEASE SEND TO ME,
AT THE ABOVE NOTED ADDRESS, AN UP-TO-DATE
DOCKET ENTRY SHEET PLUS A COPY OF MY
DIRECT APPEAL

THANK YOU FOR YOUR HELP

SINCERELY, ~~Fredy's A. Martinez~~

FREDY'S A. MARTINEZ

FROM: FREDY A. MARTINEZ
#100276
c/o LOVELOCK CORR. CTR.
1200 PRISON RD
LOVELOCK, NV 89419

TO: COURT CLERK
c/o District Court

2 FEB. 2010

RE: CASE # C226586 / DOCKET ENTRY

DEAR CLERK,

Could You PLEASE SEND TO ME AT
THE ABOVE NOTED ADDRESS, AND UP-TO-DATE
DOCKET ENTRY SHEET PLUS THE COURT MINUTES
IN & FROM MY CASE,

THANK YOU FOR YOUR HELP,

SINCERELY, ~~FREDY A. MARTINEZ~~
FREDY A. MARTINEZ

T: OFFICE OF THE CLERK
NEVADA SUPREME COURT.
201 S. CARSON ST. #201.
CARSON CITY, NV. 89701.

DATE: 2.17.2010

DEAR CLERK OF THE COURT.

THIS IS A REQUEST FOR A CURRENT
COPY OF MY CASE DOCKET SHEET.
PLEASE SEND TO:
FREDY S. A. MARTINEZ #1003276.

CASE #49608

LOVE LOCK CORRECTIONAL CENTER.
1200 PRISON ROAD.
LOVE LOCK, NV 89419.

THANK YOU FOR YOUR COOPERATION.
IN THIS MATTER

SINCERELY.

~~Fredy S. A. Martinez~~
Fredy S. A. Martinez

RE: FREDY A. MARTINEZ V. NEVADA, NEV. SUP. CT. CASE NO. 49608

Dear Court Clerk,

Please concerning the above caption Case would you advise me the following:

1. What is the status of the Appeal,
2. And if a Decision had been render would you provide me a copy of it,
3. Also would you provide me a copy of stating everything that was filed before this Court,
4. Could you also provide me a copy of the Opening Brief,

Thank you very much for all your time and assistance, Thank You!

Sincerely,

~~DATE: 2.17.2010~~
RETURN to the
Nevada Supreme Court.
I need the COPY OF MY

PAPER OF MY CASE on the
STATE OF NEVADA.

LEGAL

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

RETURN TO THE NEVADA Supreme Court: This letter.

DATE: 2.24.2010.

Fredy A. Martinez #1003276.

~~Fredy A. Martinez~~

Please I need this COPY. Thank you very much for all.

DECLARATION OF FREDYS MARTINEZ

I, Fredys Martinez, being first duly sworn, depose and say:

1. On June 26, 2007, I was transferred to the custody of the Nevada Department of Corrections ("NDOC") and admitted to the High Desert State Prison ("HDSP") as a new commitment.

2. I was 34 years of age at the time of my commitment. My primary language is Spanish. I do not read or write English. I have a 6th grade level of education from Honduras.

3. My movement/transfer history within the NDOC during the relevant time periods are as follows:

06/26/07	Transferred from County Jail to HDSP
08/25/07	Transferred from HDSP to Lovelock Correctional Center ("LCC")
10/11/07	Transferred from LCC to No. NV Correctional Center ("NNCC")
10/30/07	Transferred from NNCC to LCC
02/17/11	Transferred from LCC to NNCC
10/18/11	Transferred from NNCC to LCC

4. In 2007, LCC instituted a paging system to access the law library. Inmates were no longer allowed direct access to the law library or to the inmate law clerks who ran the law library. Requests had to be specific (e.g., you had to know the name and citation of the case you were requesting) and written on the appropriate form.

5. On September 21, 2008, I was placed in administrative segregation at LCC while a matter I was involved in was being investigated. My restrictions in administrative segregation were even more severe. I could only request by kite that an inmate law clerk visit the segregation unit where I was housed. The law clerk could deny my request. No general requests for help would be acknowledged. The law clerks were not allowed direct access to the segregated inmates and, under the supervision of corrections officers, could only deliver materials through the food hole at the door. During my time in segregation, I could not have any letters or grievances translated from Spanish to English. If I did obtain legal materials through my requests, those materials would not be translated from English to Spanish.

6. On January 28 and February 5, 2009, I wrote my trial attorney, Kathleen Hammers, and asked for her assistance in obtaining a copy of my appeal documents from Kedric

1 Bassett. I also wrote to Kedric Basset on March 27, 2009 requesting the same and explained the
2 problems I was having with the law library and asked for his assistance. I received some
3 paperwork from Kedric Bassett in late January of 2010 but was unable to translate them without
4 assistance.

5 7. In March and July of 2009, I had to file a grievance against the law library
6 supervisor for refusing to copy my legal paperwork and translating my letters from Spanish into
7 English. After getting out of the hole, inmate Geraldo Castillo, NDOC # 87304, helped to
8 translate my letters and grievances.

9 8. In early 2010, I befriended an English speaking inmate, Gene Allen, on the yard,
10 with whom I communicated with through other inmates (including Gerardo Castillo) on the yard
11 who could interpret between us, and he encouraged me to write to the court to find out the status
12 of my appeal. In 2010, I wrote to both the Nevada Supreme Court and the district court to find
13 out the status of my case.

14 9. It was not until then that I learned of the status of my appeal and had the Order
15 dismissing my direct appeal translated for me.

16 10. On February 3, 2010, I filed an Inmate request to the law library for two complete
17 copies of State Habeas Corpus documents, including appointment of counsel, which I received
18 that same day.

19 11. Shortly thereafter in April of 2010, Mr. Allen assisted me in preparing my proper
20 person Motion to Vacate the Judgment of Conviction and state Petition for Writ of Habeas
21 Corpus. Again, I communicated with Mr. Allen through another inmate on the yard who
22 interpreted for us.

23 12. Mr. Allen also assisted me in preparing my federal habeas petition.

24 13. Since I have been in prison, I have not had access to Spanish - speaking law
25 clerks. I have also been denied access to legal materials written in Spanish.

26 14. During my state court proceedings, I was a pro se litigant. I was also a pro se
27 litigant in federal court until a Federal Public Defender was appointed to represent me.

28 ///

1 I declare, under penalty of perjury, the information contained in the foregoing paragraphs
2 to be true and correct and that this declaration was executed on the 2 day of November, 2012.

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4 FREDYS MARTINEZ
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DECLARACIÓN DE FREDYS MARTÍNEZ

Yo, Fredys Martínez, habiendo prestado juramento, declaro y digo:

1. El 26 de junio de 2007, me trasladaron a la custodia del Nevada Department of Corrections ("NDOC") y me admitieron a High Desert State Prison ("HDSP") como nuevo recluso.

2. Yo tenía 34 años de edad cuando me admitieron como recluso. Mi idioma principal es español. Yo no leo ni escribo inglés. Yo tengo un nivel de educación de sexto grado de Honduras.

3. Mi historial de movimiento/traslado dentro del NDOC durante los plazos pertinentes es como sigue:

06/26/07 [26 de junio de 2007]	Traslado de Cárcel del Condado a HDSP
08/25/07 [25 de agosto de 2007]	Traslado de HDSP a Lovelock Correctional Center ("LCC")
10/11/07 [11 de octubre de 2007]	Traslado de LCC a No. NV Correctional Center ("NNCC")
10/30/07 [30 de octubre de 2007]	Traslado de NNCC a LCC
02/17/11 [17 de febrero de 2011]	Traslado de LCC a NNCC
10/18/11 [18 de octubre de 2011]	Traslado de NNCC a LCC

4. En 2007, LCC inicio un sistema de buscar por pager para poder obtener acceso a la biblioteca legal. A los presos ya no les permitían acceso directo a la biblioteca legal o a presos ayudantes legales quienes manejaban la biblioteca legal. Las solicitudes tenían que ser específicos (e.g., uno tenía que saber el nombre y la citación del caso que uno solicitaba) y escritos en el formulario correcto.

5. El 21 de septiembre de 2008, me pusieron bajo segregación administrativa en LCC mientras que investigaban un asunto en el cual yo estaba involucrado. Mis restricciones en segregación administrativa eran hasta más severos. Sólo por medio de kite podía yo solicitar que un preso ayudante legal visitara la unidad de segregación donde yo estaba detenido. El preso ayudante legal podía negar mi solicitud. No reconocían solicitudes generales pidiendo ayuda. A los presos ayudantes legales no les permitían acceso directo a los presos segregados y, bajo la supervisión de oficiales correccionales, sólo podían entregar materiales a través del hoyo de comida en la puerta. Durante mi tiempo en segregación, no podía conseguir que me tradujeran ni mis cartas ni quejas formales del español al inglés. Si obtenía materiales legales por medio de mis solicitudes, esos materiales no eran traducidos del inglés al español.

6. El 28 de enero y el 5 de febrero de 2009, yo le escribí a mi abogada de primera

1 instancia, Kathleen Hammers, y pedí su ayuda para obtener una copia de mis documentos de
2 apelación de Kedric Bassett. También le escribí a Kedric Basset el 27 de marzo de 2009 solicitando
3 lo mismo y le expliqué los problemas que tenía con la biblioteca legal y le pedí su ayuda. Yo recibí
4 algunos documentos de Kedric Bassett a fines de enero de 2010 pero no los pude traducir sin ayuda.

5 7. En marzo y julio de 2009, yo tuve que presentar un motivo de queja en contra del
6 supervisor de la biblioteca legal por negarse a sacar copia de mi papeleo legal y a traducir mis cartas
7 de español a inglés. Después de salir del hoyo, el preso Gerardo Castillo, NDOC # 87304, me ayudó
8 a traducir mis cartas y quejas formales.

9 8. A principios de 2010, me hice amigo de un preso quien hablaba inglés, Gene Allen,
10 en la yarda, con quien yo me comunicaba por medio de otros presos (incluyendo Gerardo Castillo)
11 en la yarda quien nos interpretaba, y él me animó a escribirle al juez para enterarme del estado de
12 mi apelación. En 2010, yo le escribí a la Corte Suprema de Nevada y al tribunal de distrito para
13 enterarme del estado de mi caso.

14 9. No me enteré del estado de mi apelación hasta ese entonces. Me enteré del estado de
15 mi apelación y me tradujeron el Mandato cual declaró sin lugar mi apelación directa.

16 10. El 3 de febrero de 2010, yo presenté una solicitud de preso a la biblioteca legal para
17 dos copias completas de los documentos de Hábeas Corpus Estatal, incluyendo designación de
18 abogado, cual recibí ese mismo día.

19 11. Poco después en abril de 2010, el Sr. Allen me ayudó a preparar mi Petición para
20 Anular el Fallo Condenatorio en persona propia y Petición Estatal para un Auto de Hábeas Corpus.
21 Nuevamente, yo me comuniqué con el Sr. Allen por medio de otro preso en la yarda quien nos
22 interpretaba.

23 12. El Sr. Allen también me ayudó a preparar mi petición federal de hábeas.

24 13. Desde que he estado en prisión, no he tenido acceso a presos ayudantes legales
25 quienes hablan español. También me han negado acceso a materiales legales escritos en español.

26 14. Durante mis actuaciones legales en el tribunal estatal, yo era litigante por mi mismo.
27 También era litigante por mi mismo en el tribunal federal hasta que designaron a un Defensor
28

1 Público Federal para que me representara.

2 Yo declaro, so pena de perjurio, que la información cual se contiene en los párrafos
3 antedichos es verdadera y correcta y que esta declaración se firmó el día 21 de noviembre de 2012.

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7 FREDYS MARTINEZ
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District of Nevada
COUNSEL PARTIES OF RECORDNO
COPY

FEB - 1 2011

01-27-2011

Motion to Investigation. CV-Case No: 00777-ECR-
that I been pursuing my
CLERK US DISTRICT COURT
DISTRICT OF NEVADA
BY: DEPUTY

ECR-(VPC)

Fredys Martinez.

Petitioner, pro se.

Vs.

Jack Palmer, et.al.

Respondent.

Petition for a
Writ of Habeas Corpus
Pursuant to 28 U.S.C. § 2254
by a person in state custody

Comes now, Petitioner, in pro se,

Fredys A. Martinez #1003276 ~~Fredys Martinez~~This motion I've wrote to the Clerk of
the Court District of Nevada DistrictIn response to the letter I've received
on: 01-20-2011. As I was through the
reading of the Detective Chavez Report,
the one he'd gave to the Las Vegas Police
and to the Division of Parole and Probation.
Report No CC# C226586 Page 7.Detective Chavez is accusing me that I was
going to kill Ms. Bianca Marina Hernandez,
and then I was going to kill myself.All this is dirtiness that he had invented,
for he is the one that was forcing me to
sign and made myself guilty for a crime that
I'd never committed. All this is a farce
he Mr. Chavez had made against me. This
Detective Chavez gave to my Lawyer Ms.
Kathleen M. Hamers a compact disc (CD)
of the interrogation that he Mr. Chavez did
to me but the recording is pretty bad, it can

When my Lawyer told me about me was going to kill Ms. Bianca I've told her that that was a total lie. So she send the Compact Disc to a recording studio to clean it up. So she my Lawyer could know who was lying. a week later my Lawyer came back to visit me. and I asked her that who was lying, me or Detective Chavez?

And her answer was: That it was not rare for her that the Police always lie. (Police Man)

My Lawyer has all this proof or evidence. but the reason that she did not use them in my trial, was that the Judge; Stewar L. Bell did not permit that my Lawyer unmasked this Detective (Mr. Chavez). in front of the Jury. Also this Judge was trying to use my interpreters or the suppost to be Victim's interpreters.

My Lawyer told the Judge that he suppost to have his own interpreter. but he did not have one. As you can see the court was not prepared for the two day Judgment. and now I know that the reason was that I was just another Hispanic or Latino ignorant about all the corruption of the suppost to be Law.

All this when I was hopping for the Jury to hear my innocence through the declaration so they the Jury could see how this Detective Chavez was fosing me to delcler myself guilty of all the accusations against me.

Because all we the hispanics are in this ~~state~~ ^{state} is merchandise (Human Merchandise)

Honorable members of the Court.

The motive of the motions that I'm doing through the Habeas Post Conviction.

Is because I don't read neither speak English and because I was in the hole I had no access to anybody who could help me.

but all this time I was writing letters to the Lawyer; Kedrid A. Bassett. but they were in Spanish, also my phone calls were in Spanish for two years. 2008 and 2009 I was writing and calling until I made it to level one, and finally somebody help me to make my letters in English for the lawyer Kedrid A. Bassett, and this one letter was the only one that Lawyer Bassett answer to me. on January 26th 2010 since the year December fifth 2007.

The following are all dates when I was writing to everybody;

To Kedrid A. Bassett; 11-15-07 + 11-16-07 + 6-7-08
12/23/07 - 02/05/08 6/30/09 2/01/2010
a notarized letter on June-30-09 to Kedrid.

To Habeas Corpus Court 01-16-2010

To the F.B.I 12-30-2009 this one was sendad to the Habeas Corpus Court.

The followin could be applicable to my situation Pace vs Diguglielmo. 544 U.S. 408 417 (2005) Seccion 2444(d) is subject to equitable. Only if he shows (1) that he has been pursuing his rights diligently, and (2) That some extraordinary circumstance stood in his way and prevented timely filing. Thank you God Bless.

#1

CASE NO. C226586

01.28.2011 C V-00777 ECR-VPC.

3/18/08

Fredy A. Martinez #1023276.
También para los abogados de Derechos Civiles.
mi abogado Fredy Bassett.

~~Fredy Bassett~~ Para
Abogado el motivo de estas cartas es para
Ponerla al tanto de lo que paso ese día de mi arresto y
lo que paso en mi juicio de las mentiras de Bianca y
de las mentiras de la Fiscal y acusaciones y de las
Peticiones ^{de mi parte} que en oculto el reporte de tallado de esc.
Día y la declaración de mis compañeros de trabajo
y la declaración del suplet del trabajo en donde lle.
Estaba trabajando cuando ami me arrestaron. Hoho.
Estaba con Bianca ella siempre me daba tanto amor.
Trabajo y luego se fue a casa para ir a la casa de.
Pues que me de Java con mis amigos compañeros.
De trabajo pero ella me conseria para mis kites etc.
Esa el primer día que me daba tanto amor kites por que
mi otro gato que está también nombre de ella estaba malo.
Me le pide ami abogado que exija todo la declaración.
y reporte de lo que paso el día de mi ^{06.16.06} arresto y come.
y donde estaba lle y que estaba así chdo y con quién.
Estaba lle por que lle no estaba con Bianca ni estaba.
Con ella ni estaba en el gato ni tenía las llaves del.
Gato sino que ella tenía el gato y las llaves del.
Gato y ese gato tenía gasolina lleno la se cuete a.
Ella ella finjó de secuestro por que la akia de su vida.
Bicte que tenía otro marido y se quería justificar.
Finiendo un secuestro por que así le avi dicho. →

#2

Derrechos civiles.

01.28.2011 CV-00777-ECR - VPC. CASE NO. C226586.

3/18/08

Fredys A. Martinez #1003276,
Tamvich para los abogados de los derechos civiles.
Pata mi abogado Redric Bassett.

De que no era su cuñado. he les avi a dicho a esa familia que no era su amante o marido. Por eso. Si lei años. A mi me avi dicho que cuidava ala. mamá de ese hombre en las noches des. Pues del. traka jo. Por que estava desavilitada muí en forma. Como ella es en forma de jente desavilitada nome. meti ch sutta vado y he cuidava su jo ch las noches y ami. me avi dicho que ese hombre era homosexual por eso. Ella tramo todo este problema ella si empte savia. que lle usava una cuchichita pata uso de mi trabajo. para uso en caso de un accidente de trafico cuando. se atokan los cinturones de seguridad de carro ella sabia. que si empte estava en mi vicio por eso a finido. Todo esto los atuhones los dos que tiche chlapichas. selos y so. Pat estat pata liando en el carro finiendo. una violen sia domestica la marca que tiche ch. El puño es por que ella me venia pegando ch las. manos y aga fando el volante pata aser me cho car y. quello tuviera un accidente y it ala car cel y quedat. Ella liue de mi y ella llevar me todas mis cosa materiales. No ch tan ses le agate el puño y me sali dela calle. Para que ella se tranquilisara y que no me isiraser un. accidente el 06-16-06- ai una llamada de un celular. que se iso entre las 5:30 A.M. y 6:00 A.M. este porte. → 3

#3

Derechos Civiles.

CASE NO. 226586.

01.28.2011

CV-00777-ECR-VPC.

3/18/08

Ft. dya A. Martinez # Log 3276.
 Tambien para los derechos civiles abogados.
 Para mi abogado Kestil Bassett.

La Polisia de las Vegas lo tiene tambien a cultaron.
 Esa informacion en mi juicio lo mismo que la llamada.
 De la limpiadora de apartamentos de mesquite y so.
 y todas las Pte guentas que les asian de en donde.
 Estavalle la otra persona que llamo ala Polisia que es.
 Jose Castillo esta fue la persona que primero llamo la Polisia.
 ella vino al juicio pero me acusa de nada el me mitor.
 quello y va para don de ellos a pte guentar de qui si el esta.
 el atamante de Bianca por que ella se ~~esta acostumbrado a estas~~ ^{esta acostumbrado a estas} cosas.
 tambien a cosas ilegales.
 mi Pais y tambien aqui para poder pagarle el colote, al.
 padre de su hijo a es. Con didas mias por que tiene.
 una enfermedad terminal cuando lleve de lucha.
 De esto me dolio mucho pero ella si siempre venia por mi.
 Dinero para pagar sus viles y los viles del carro cuando.
 me di cuenta de que este hombre era sumario de o no vio ella.
 bino con el y me saco todas las cosas que estavamos.
 pagando y las paso al apartamento del Furtos los.
 Dos que las sacaron sin de simcha da ellas cosas que
 Aviamos estado comprando y ala Jaf que esta se las.
 queda posible las aiga empeñado en este año del.
 2006. Ha voi a poner una demanda y una contra-
 demanda en contra de Bianca de Jose Castillo de.
 los Polisias de mesquite y de la corte del distrito del
 Juez y de la Fiscal por aver violado mis derechos. →

4

#4

Derechos civiles.

CASE NO. 6226586.

01.28.2011

CV-00777 ECR-VPC.

3/18/08

Fredy A. Martinez #1003276
Tambien Para los abogados de los derechos civiles.
Para mi abogado Kedric Bassett.

En el Juicio del 2007 se violaron mis derechos.
No quiero otro juicio sino que reparen sus faltas.
que así crea su contra mia en este Juicio por que el
Jurado tenía que escuchar y ver todas las evidencias.
Sobre tenía que salir a escuchar una declaración.
Afuera del de la corte ni a espaldas del Jurado.
ni en mis espaldas y esto que juramentaron que
y van a testar el Juicio en el nombre de Dios.
Tambien le voy a dar estas cartas a los de los derechos civiles.
las mismas que le es te mandando a usted que me esta.
Re presentando en mi apelación de Juicio se tan que.
me van a de testar para que haga con este proceso.
pero no me voy a testar para que se haga justicia.
y que se juzgen los cul pable y culpados por la com.
tratar un abogado que me represente ante el Jefe.
cuando lleve a qui y me represente y me proteja.
mientras sease justicia por que no me pudiese quedar aqui.
En este país des pues que se me haga justicia me yte del.
país pero piliate con los abogados de los derechos.
unos y con los abogados de paga que me.
Representen el Jefe se que al go mi di fisil.
pero no imposible con la alude de Dios y misericordia.
Kedric Bassett usted nose preocupes usted a su.
Trabajo los otros no estan del lado de nosotros.

5

#5

DERECHOS CIVILES.

CASE NO. C226586.

01.28.2011 CV-00777 ECR-VPC.

3/18/08

Fredys A. Martinez #1003276-
 Tamviera para los abogados de los derechos civiles.
 Para mi abogado Ketric Bassett.

Tan bien la Fiscal me esta cobrando dos secuestro.
 el primero es de secuestro en primer lugar grado
 NRS 200-320 el otro es N.R.S. 200.310 estos son los dos.
 Cotos que me estan cobrando por un delito lo cual
 no lo meti tan bien me estan cobrando mi propio caso
 lo cual lo hacia al nombre de Bianca y ella tenia las llaves
 del caso y ella estaba en el caso.
 El detective Chavez le dijo a mi abogada que ella
 Abia amenazado de muerte a Bianca que estaba.
 En esa grabacion que meisi con cuando me tras la.
 Dato de mes kite a las veces mi abogada me dijo que.
 Ese detective avia entrecado una grabacion susia.
 que se podia oir niente de lo que se decia en esa gra-
 vacion el detective Chavez me esta asiendo forzado.
 De que me aga culpable de algo que no soy culpable.
 En esa misma grabacion es donde le dije a mi abogada
 Kathleen M. Hamers. que no decia que iba a matar.
 A Bianca lo cual es mentira de ese detective.
 Bianca vino al juicio y dijo que ella en algun momento.
 trate de aserle dano ese detective entubutandose
 de mi en el juicio tan bien asian falta interpretes.
 Para mi juicio para interpretar al Jurado la declaracion.
 y este juez no quiso que se oiera esta declaracion.
 En mi juicio si era el Jurado que necesitava oirla. →

#6

Tamvi Pata 16.
Derechos Civiles.

CASE NO. C226586.

01-28-2011 CV-00777 ECR-VPC.

3/18/08

Fredys A. Martinez #1003276
Tamvi Pata los abogados de los Derechos Civiles.
Pata mi abogado Ketic Bassett.

lo cual lo del Confia de ese agente porque manipula a las personas de ambos lados pone palabras en sus mentes y los atemoriza lo mismo la Fiscal.

La Fiscal me esta acusando de que lo me intente. Es la par de los Policias es mentitas que demuestre que me estaba es capando y donde que Patrulla de Oficial me perseguia la Fiscal es tamintiendo y a bla si- pte cuas porque al Juizi se presentaton dos Policias y les preguntaton de que sitate de. Escapar de la Polisia ello dijo que no la Fiscal. Estamintiendo y levantando falsos testimonios contra mi Frente al Jurado la Fiscal tamvich me esta.

Acusando de que lo yva amehando a Bianca con una arma en la Cavesa Frente al Jurado eso es mentitas por que Bianca testifico que en ningun momento trate de aserle daño, en el cuerpo de la Fiscal que le yva apuntando a una llamada de un celular que se le yso a la Polisia de las Vegas en la Calle Nclis. Esci el año 06-16-06 tamvich estamintiendo la Fiscal tamvich me esta acusando de que lo amehase a Bianca de que lo non ca iba aver a subio Franklin eso es mentitas de la Fiscal en donde esta el reporte de la Polisia de mesquite. Aquic le quitolas llaves la Polisia de mesquite las llaves. Del Caro Pata tomarle Fotos al vaul del Caro. →

7

#7

Derechos civiles.

CASE NO. C226586.

01.28.2011 CV-00777 ECR-VPC.

3/18/08

Ft. Lys. A. Martinez #1003276,
También para los abogados de los Derechos civiles.
Para mi abogado Ketric Bassett.

A un golpe de gasolina a dor de esta esc t e p o t t e .
De quich tenía las llaves a quic le quito las llaves la-
Policia y el carotchia gasolina y ella tenía dinero.
Y llo estaba traba jando en la parte de atras en esa.
Contrusion y ella estaba al Frente de la Contrusion.
Tan vien la Fis cal y mi avogada notra jo todas las
Pruvas y evidencias y el te p o t t e de tallado del dia.
De mi atesto uno de los oficiales de Polisia cuando
Le p t e g u n t a r o n q u e p o r q u e s e a v i e n d o la navaja.
En su bolsillo dijo que para evidencias Pero donde esta.
El te p o t t e de el dia de mi atesto de tallado con los.
Testigos que estaban alli ese dia a dor de esta esa-
Evi de cia tan importante y el te p o t t e de la limpiadora.
De los apartamientos mis compañeros de trabajo el.
Supe del t t a q u e en don de esta esa de claracion esas.
Evidencias llo esa navaja la uso para cortar el plastico.
que usamos en las ventanas los emplastados del.
Esta co d e e m p l a s t a d o s en un accidente hola uso.
Para las timar al p t o j i m o llo se quite peliando asta.
que se aga justisi llo se las t t a n p a s de los jueces cuando
unova a apclaciones de Juisi nos atc motisan de.
darnos mas años o otto Juisi Perollo holes a g a r o .
otto Juisi les peli ate asta que se aga justisia.
aun des pues de 10 o 20 o 30 años se quite peliando.

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5
6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**
8

9 FREDYS MARTINEZ,

10 Petitioner,

11 vs.

12 JACK PALMER, et al.,

13 Respondents.
14

Case No. 3:10-CV-00777-ECR-(VPC)

ORDER

15 Petitioner has submitted an application to proceed in forma pauperis (#1) and a
16 petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The court finds that petitioner is
17 unable to pay the filing fee. The court has reviewed the petition pursuant to Rule 4 of the Rules
18 Governing Section 2254 Cases in the United States District Courts. Petitioner needs to show cause
19 why the court should not dismiss this action as untimely.

20 Congress has limited the time in which a person can petition for a writ of habeas
21 corpus pursuant to 28 U.S.C. § 2254:

22 A 1-year period of limitation shall apply to an application for a writ of habeas corpus
23 by a person in custody pursuant to the judgment of a State court. The limitation
24 period shall run from the latest of—

25 (A) the date on which the judgment became final by the conclusion of direct review
26 or the expiration of the time for seeking such review;

27 (B) the date on which the impediment to filing an application created by State action
28 in violation of the Constitution or laws of the United States is removed, if the
applicant was prevented from filing by such State action;

(C) the date on which the constitutional right asserted was initially recognized by the
Supreme Court, if the right has been newly recognized by the Supreme Court and
made retroactively applicable to cases on collateral review; or

(D) the date on which the factual predicate of the claim or claims presented could
have been discovered through the exercise of due diligence.