

FILED

Renard T. Polk  
330 South Casino Dr.  
Las Vegas NV 89101

DEC 18 2001

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY W. Wasado  
DEPUTY CLERK

In The Supreme Court of the State of Nevada

Polk Renard Truman  
~Petitioner~  
-VS-  
Clark County 8<sup>th</sup> Judicial  
District Court  
~Respondent~  
~AND~  
The State of Nevada  
~Real Party in Interest~

No. 38941  
"Fast Track Statement-  
Original Habeas  
Corpus"  
Case No. 00-C-166490-C

Comes Now the petitioner Renard Truman Polk pursuant to N.R.S.  
and Prays this Honorable Court Fast Track this Original Habeas this court has relevant  
jurisdiction of relief set forth herein pursuant to N.R.S.: N.R.A.P 3 C (a) (2)

This Fast Track Statement is written and filed in proper person the said  
petitioner represented by co-counsel Chris Oran 520 South 4th St (702) 584-1464.

Eighth Judicial District of Nevada Clark County 00-C-166490-C: August  
27, 2001: This court has jurisdiction pursuant to N.R.S. chapter 34 : Upon the  
denial of the lower court Writ of Habeas Corpus, this being an original new action  
fast tracked:

The petitioner believes that he is being deprived of his freedom for  
invalid and illegal reasons.

Polk believes that his confinement is illegal because: 01-01307

RECEIVED

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
DEPUTY CLERK

Ground 1.) Double Jeopardy (allocated as a conspiracy.)

Ground 2.) Prosecutorial Misconduct (encompassing)

A. Federal Rules of Criminal Procedure: rule 48(b)

Pre-Accusation Delay. Dismissal for Unnecessary Delay.

B. Conspiracy. 42 § U.S.C. 1986, 1985

Ground 3.) Egregious and Outrageous Government Conduct.

It is respectfully requested of this Court to grant this Petition before the proposed trial date on January 7, 2002.

### ~ Procedural History ~

On August 14 1999 the petitioner surrendered himself to case number 00-C-166490-C thereafter the petitioner was taken to the juvenile courts and sentenced under an erroneous probation violation, after being told he was there for case number 00-C-166490-C.

Upon the third arrest of the petitioner the state pursues case number 00-C-166490-C.

The petitioner was then sent to Lakes Crossing in Sparks NV for psychological evaluation. After the petitioner's a Discovery Motion was filed to secure the statement the petitioner had given during the arbitrary juvenile proceedings, upon the hearing allocated the state said they had no such statement.

An O.R. Bail Reduction was filed and denied on the basis of the non-existing statement the petitioner gave, mysteriously appearing.

Thereafter a Petrocelli Motion was granted on behalf of the state on prejudicial grounds.

### ~ Statement of Facts ~

The petitioner surrendered himself on August 14 1999 and sentenced to (30) days county time

Three months after the petitioner's release on September 16, 1999 he was

1 cited for case number . 9914650X Possession of Stolen Vehicle.

2 The state chose not to pursue this allegation at that time.

3 Thereafter on February 23 2000 the petitioner was stopped for a disturbance  
4 in the neighborhood he was located at.

5 At which time the questioning officer noticed an arrest warrant for  
6 case number 00-C-166490-C.

7 During due proceedings the petitioner was adjudged incompetent and sent to  
8 the Lakes Crossing facility in Sparks Nevada for evaluation on August 23 2000.

9 On November 6 2000 the petitioner returned adjudged competent and continued  
10 due course.

11 Soon after a Motion for Discovery was filed to acquire the statement which  
12 the petitioner had given to the detective a year earlier.

13 During the hearing of the discovery motion the state said, "they had no such statement."

14 Sometime later the petitioner filed an O.R. Bail reduction.

15 Nonetheless when the state becomes aware of the such the statement that the  
16 state didn't have mysteriously appears.

17 Then a Petrocelli Motion was argued and granted on prejudicial grounds.

## 18 ~ Points, Authorities and Argument. ~

### 19 [Double Jeopardy.]

20 The first argument in relevance is N. R.S. 62.145 which states: "Criminal proceedings  
21 and other juvenile proceeding based upon the same offense in the Petition alleging  
22 delinquency or an offense based upon the same conduct are barred if the Courts have  
23 begun taking evidence or accepts a child's admission of the facts alleged in  
24 the Petition. No child may be prosecuted as a juvenile and later as an adult."

25 So as this Honorable Court can see the subsequent prosecution of case C-166490-C

1 is in violation of N.R.S. 62.195 and the Double Jeopardy Clause of the Fifth Amendment.

2 The issue stands that when the petitioner surrendered himself on August 14 1999  
3 detective T. Moniot #4664 told the petitioner that case number 00-C-166490-C was under  
4 juvenile jurisdiction.

5 However since the juvenile courts didn't have proper jurisdiction over such detrimental  
6 allegations the state appropriates falsified documents and information to the Juvenile  
7 Magistrate and Your Honorable Court.

8 If the Court would like to understand the petitioner's logic, the petition would  
9 ask this Honorable Court to look at, Exhibit A: "Dispositional Report."

10 The Court will notice the following highlighted dates:

11 pg.1 Time Filed stamp January 11 1999 and stipulation by primary probation  
12 officer for case number 99-C-156363-C for a Preliminary Hearing on January 27 1999  
13 pg.3 line 21.

14 Now if the Court will look at Exhibit B: "A Criminal Complaint" for case number  
15 C-156363-C the court will notice on pg.1 hand written notes by the assigned attorney  
16 and the following highlighted date January 6 1999 Preliminary Hearing scheduled.

17 Lastly if the Court will glance at Exhibit C: "A Lodging Inquiry" at the Clark  
18 County Detention Center and notice the highlighted date for case number C-156363-C under  
19 its Justice Court case number 96F17396X with the following arrest date January 14  
20 1999.

21 The fact is, how is the petitioner's old primary probation officer preparing a  
22 "Dispositional Report" to place the petitioner on probation for the juvenile courts and  
23 stipulates the petitioner's "Preliminary Hearing" in the adult courts when the petitioner  
24 hadn't been given that hearing until after the "Report" was completed.

25 The Dispositional Report was prepared and filed on the 11th of January and in the  
26 report the probation officer says the petitioner has a court date in the adult system  
27 coming up on January 27.

28 However the petitioner wasn't given this court date until the 14th of

January because the petitioner evaded the one allocated on January 6.

The petitioner's contention is the fact of the state manufacturing evidence and falsifying documents to hide the fact of false imprisonment and error in their prosecution.

Under the Double Jeopardy Clause of the Fifth Amendment, this would be double jeopardy by double punishment for the same offense.

Being that the first punishment was unjustified and the second even if proper would be in violation of N.R.S. 62.195 and The Double Jeopardy Clause of the Fifth Amendment.

Even if the state wants to argue the relevant charges were a probation violation, they would be required to produce the Parental Consent Decree as specified in the formal probation order.

Nevertheless Double Jeopardy still stands on the basis of the state using the new allegation of case number C-166440-C to violate the petitioner then holding it was enough evidence or probable cause to say the petitioner had committed a crime while on probation.

So in order to procure the revocation the state introduces the petitioner's incriminating statement to show a new crime had been committed.

Held in the 47 Am Jur 2d, "transfer of a juvenile's case from juvenile court to an adult court after a juvenile adjudicatory hearing violates double jeopardy..... not limited in scope to preliminary or probable cause hearing."

In the least this would require an Evidentiary Hearing to substantiate such serious violations.

## **[Prosecutorial Misconduct.]**

The next issue the petitioner brings to this court's attention is that of Prosecutorial Misconduct on Delays which is Dismissal for Unnecessary Delay or Federal Rules of Criminal Procedure: rule 48(b).

This case is under a Pre-Accusation Delay. **State v. Autry 746 P.2d 637**

The following issues are brought into spectrum in this type of Delay:

A.) Length of Delay. B.) Reason for Delay. C.) Prejudice to the accused defense and deprivation of constitutional rights.

A.) Length of Delay.

First the petitioner would like to specify the Courts held in **Barker v. Wingo 407 U.S. 514 '72**, "the length of delay **primary use** is a triggering mechanism when **wieghing** the other reasons..... unless the delay is long enough to seem presumptively prejudicial."

The petitioner indicates it has been (34) thirty-four months from the date of the alleged crime on March 16 1999 to the surrender of the petitioner on August 14 1999 released on September 16 1999, Thereafter the arrest of the petitioner on November 24 1999 for case number 99F18650X, And upon the third arrest on February 23 2000 the state decides to pursue case number 00-C-166490-C to the proposed trial date on January 7 2002.

Seven months before the accusation are completely attributable to the state.

The New Supreme Court also concluded in situations such as this **State v. Autry 746 P.2d 637, 640 '87**, "the statutes of limitations does not defines ones due process rights.... the **Due Process** clause of the Fifth Amendment would require a **dismissal** of the information if it were shown at trial the **delay** caused **substantial prejudice** to the accused right to a fair trial.... that the delay was used to gain a tactical advantage over the accused."

So with inquiring into the other parameters or reasons before reaching a decision would be frivolous in gesture.

B.) Reason for Delay.

In this parameter the Supreme Court concluded, "the prosecutor is in the best position to give a reason for the delay." **Prosecutorial Misconduct C.B.C B.I. Goshnang. 8-7.**

11 However it was also held by the Nev. Supreme Court, "if the delay was used as a  
12 device to gain a tactical advantage over the accused or to harrass the defendant  
13 would violate due process." U.S. v. Huntley 976 F.2d 1287, 1290 (9th Cir).

14 The petitioner believes this was an intentional delay to gain a tactical advantage.

15 The fact stands that during the thirty day stay at the clark county  
16 detention center from August 17 '99 to September 16 '99, the petitioner was being forced  
17 to take anti-psychotic medication and had the state pursued the relevant charges to  
18 many rights and protections would have been incorporated into the proceedings.

19 Take for example the Riggins v. Nevada 112 S.Ct. 1810.

20 The Supreme Court deduced Riggins had an undeniable liberty interest and  
21 due process right that encompassed 1.) showing true mental veracity of the accused  
22 and 2.) ability to assist counsel. pg. 1819

23 In Rennie v. Klien 462 F. Supp 1131.

24 The constitutional issues addressed were First Amendment and Due Process  
25 rights.

26 Which the Supreme Court held was, "the freedom of expression both the right to  
27 think and communicate. .... "and keeping the government from interfering with  
28 mentation." pg. 1144

29 And again the of "assistance of counsel." pg. 1146

30 The other tactical advantage the court witnessed during the discovery period.

31 How the prosecutor's "tactics" procured the denial of the O.R. Bail reduction  
32 Motion.

33 Also, the petitioner truly believes had the statement not been used to secure the  
34 denial of the O.R. Motion, the stat would have erroneously introduced it at the time of  
35 trial.

36 Which is a discovery violation, since the state told the Court and the Defense  
37 they had no such statement.

38 Not to mention the petitioner could have, "challenged the voluntary and

trustworthiness of the statement. **State v. Sargent 621 P.2d 209**

The petitioner stipulates these were required factual determinations.

That all facts in relevance has denied the petitioner equal protections of the law. the petitioner has been denied rights a normal minded person is entitled to.

If this is not sufficient the Supreme Court held in **Dickey v. Florida 398 U.S. 30 '70**, "when the accused is all available to the state.... the prosecutor's good faith decision not to serve him is **intolerable** as a matter of fact and **impermissible** as a matter of law."

Which is more the New Supreme Court concluded in **Tartaglia v. State 791 P.2d 76 N.M. '10**, "the reason for delay will weigh more heavily against the state, where the state **fails to locate** a defendant who's imprisoned in its own facility."

The petitioner contends the fact he was housed at the clark county detention center for thirty on case number. 99JJ0041X after he had given the incriminating statement August 14 1999.

Then shortly after his release cited and arrested for case number  
The state had ample opportunity to prosecute the relevant charges.  
Conspiracy?

C.) Prejudice to the accused defense and deprivation of constitutional rights. **Berman v. Sherriff 659 P.2d 296**

In **U.S. v. Lavasco 431 U.S. 790** the Courts stated that, "if the delay hampered the accused defense.... would require a dismissal."

Which in the **B.L. Gershman Prosecutorial Misconduct C.B.C.** the Courts also deduced, "the defense must establish actual, substantial and non-speculative prejudice." pg. 8-8

Being that of lost evidence or witnesses essential to the defense.

The petitioner has lost factual assessments, expert testimony and pertinent



documentary evidence.

That in all due respect how is the petitioner possibly suppose to put on an Insanity Defense when there has been lost psychiatric testimony and lost documentary records to establish the such occasioned by the delay.

The state would even be in agreement, that no amount of psychiatric testimony now would establish anything.

Being that petitioner is one in many whos come to a place of mental stability after psychotic ideations and past mental health history.

More over the Courts specified in *Geelan v. U.S.* 520 F.2d 585 9th. Cir '75, "when prosecution is delayed..... determining Mens Rea (emphasis added) at the time of the crime is increased. Passage of time makes any fact more difficult. When the fact is as subtle as a mental state, the difficulty is immeasurably enhanced."

The petitioner's contention is the fact that the Court granted a Motion for the state to show prior bad acts, common scheme or plan and frame of mind.

How is the court granting the state an element of common law such as criminal intent and frame of mind.

Yet the petitioner asserts this area of law has been prejudice and compromised due to the delay.

Another denial of equal protections.

And to say the petitioner's frame of mind is not in question would be frivolous because the medical records the petitioner does have during the delay proves beyond a preponderance that it was. (See Exhibit D.)

The constitutional deprivations the petitioner has brought forth are:

a.) Equal Protections; the required factual determinations during the delay to challenge the trustworthiness of the statement and the impossibility of the petitioner to put on an Insanity Defense due to lost psychiatric testimony and unavailable mental health records occasioned by the delay.

b.) Double Jeopardy; that of the arbitrary juvenile proceedings and subsequent punishment of case number 00-C-166490-C.

c.) Forced Anti-Psychotic Medication; during the delay to suppress memory and mentation.

d.) Falsified documentation; false probationary document.

e.) Discovery Violation; prosecutor introducing the "non-existing" statement to secure an OR. Bail reduction denial after telling the Courts and a Discovery Motion filed that the state had no such statement.

Still other various violations the cares not to bring forth since this is more than adequate to establish a "due process" violation.

The petitioner has met the burden of proof other cases could not and even then these cases were remanded or dismissed just on the issues brought forth.

Not to further mention in cases in this area of delay the Courts puts alot of emphasis on fact of the "accused impeding arrest and fleeing justice" in old A.L.R. case citings.

The petitioner surrendered himself, and truly believes as the Sup. Court. of New and U.S. said this case "violates those concepts of fair play and decency that lies at the base of our judicial system."

## [Conspiracy.]

The first conspiracy the petitioner believes that took place is that certain government officials falsified state documentation to gain a greater sentence conviction based upon the facts of case number 00-C-166490-C, since the juvenile courts didn't have proper jurisdiction to sentence the petitioner to a substantial amount of time.

So the state knew that to re-prosecute the facts of the relevant charges would be double jeopardy and in a fraudulent scheme to violate the petitioner's due process rights the state allocates falsified documents to the Courts to make it appear that

1 the petitioner was at the facility behind a probation violation.

2 Or the second conspiracy is that the state found out about the petitioner  
3 being forced psychotropic medication and in a scheme to violate the petitioner's equal  
4 protection rights the state decides not to prosecute the relevant charges because to  
5 many rights would have been implemented into the proceedings.

6 Explaining the Pre-Arrest Delay

7 However this would require an Evidentiary Hearing.

## 9 [Egregious and Outrageous Government Conduct.]

10  
11 Needless to say the petitioner has cited numerous Due Process violations.

12 a.) Arbitrary Juvenile Proceedings.

13 b.) Falsified Documents.

14 c.) Forced Anti-Psychotic Medication.

15 d.) Discovery Violation.

16 and other violations that would be tedious to put forth into this motion.

17 It was held in *Hillis v. U.S.* 746 P.2d 1092, "it may someday  
18 be presented with a situation in which the conduct of the law enforcement  
19 agents is so outrageous that due process principles would absolutely bar  
20 the government from invoking judicial process 103 Nev. 54 to obtain a conviction."

21 Aside from everything specified herein this could undoubtedly be one of  
22 those instances.

## 23 ~ Conclusion ~

24  
25 If the Court agrees this is the first case of it's kind in Pre-Arrest / Pre-Accusation  
26 Delay situations where the petitioner has actually proven non-speculative, actual and substantial  
27 prejudice where as other cases in this area couldn't show how lost testimony or documentar  
28

1 evidence could be essential to thier defense.

2 However this petitioner has. being that the lost psychiatric testimony can never be  
3 given now because of the delay and the lost mental health records.

4 So how can the petitioner now put on an insanity defense if there's only the  
5 documents of forced medication to give rise to the petitioner's mind state during the  
6 delay.

7 As stated before, no amount of psychiatric testimony would establish anything now.

8 Furthermore its numerous cases that involve this issue yet defense attorney's care not  
9 to address it, because no cases have really met the burden of proving Prejudicial Re-  
10 Accusation Delay, until now.

11 The Courts talk alot about the accused fleeing justice, the petitioner turned himself in.

12 The state probably couldn't give ample reason for the delay.

13 Plus the petitioner has yet to come across any case study dealing with false imprisonment  
14 due to an unfounded probation violation as grounds for a Double Jeopardy by collateral estoppel.

15 Not to mention with all the Due Process violations stipulated this would in the  
16 least be Outrageous Government Conduct, also the fact of the petitioner's ineffective  
17 counsel wasn't even brought forth due to long-windedness of this motion.

18 "Has the meaning of Due Process taken a turn to mean the "process  
19 due" an individual who's socially challenged, reputably unqualified, financially impoverished  
20 and politically destitute has no right to have the law practiced in his or her  
21 corner effectively that only those with the "luxury of recourses" systematically  
22 receive adequate counsel to allocate the Equal Protections of the law that  
23 the poor man's counsel superfluously avoids, frivolously overlooks and detrimentally  
24 underminds.

25 Why should "protocols" and "obligations" impede judicial process.

26 We let the real criminals hide behind the barrier of immunity in order  
27 to continue this vicious cycle of civil rights deprivations.

28 No where in the law does it say people who are sworn to uphold

1 the such May of thier own descretion violate it ,as a matter of law I'll  
2 show you contrary."

3 "Ergo, the rich man buys his freedom, while the poor man pays for his  
4 incarceration."

5  
6 ~Verification~  
7

8 I recognize that pursuant to N.R.A.P. 3C I am responsible for filing  
9 a timely fast track statement, or failing to raise material issues or arguments  
10 in the fast track statement, or failing to cooperate fully with appellate counsel  
11 during the course of appeal. I therefore certify that the information provided  
12 in this fast track statement is true and complete to the best of my knowledge  
13 information and belief.  
14

15  
16  
17 Dated this 12 day of Dec 2001.  
18  
19  
20  
21

22 Arduously Supplicated,

23 Renard T. Polk.

24 *Renard T. Polk*

25  
26 Renard T. Polk

27 330 South Casino Dr.

28 Las Vegas NV 89101

Exhibit A

EIGHTH JUDICIAL DISTRICT COURT  
FAMILY DIVISION - JUVENILE  
CLARK COUNTY, NEVADA

Shirley B. Paraguirre

JAN 11 5 45 PM '99

In the Matter of:

RENARD TURMAN POLK, AKA  
RENARD TURMAN EDWARDS,

Date of Birth: October 14, 1980,

A Minor, 18 Years 3 Months of Age.

CASE NO.: J58683  
DEPT. NO.: F

FILED

DISPOSITIONAL REPORT

Time of Hearing:  
Courtroom: #11

REASON FOR HEARING:

At the Contested Hearing on December 18, 1998, Renard Polk, represented by the Public Defender's Office, was found guilty of Petition #3, Count 2 - Attempted Robbery and Petition #3, Count 3 - Battery, amended to read "by punching him in the nose".

The Court ruled that the State failed to prove Petition #3, Count 1 - Battery with Substantial Bodily Harm.

RECOMMENDATION:

- 1) Wardship continued, having been adjudicated a Delinquent Youth;
- 2) Formal Probation continued for five months;
- 3) Restitution as recommended by the Victims Assistance Program in the amount of \$500.00;
- 4) Renard Polk to obtain employment, and substantiate employment with the Probation Department and pay the Court Ordered Restitution from his earnings;
- 5) Eighty hours of community service;
- 6) Completion of an Anger Control Class.

WHEREABOUTS OF MINOR:

Renard Polk resides with his maternal grandmother, Gloria Polk..

The subject minor was detained upon his arrest on September 20, 1998. At a subsequent Hearing on October 8, 1998, Renard was released on the Electronic Monitor.

On December 21, 1998 Renard Polk was arrested as an adult on the Charge of Sexual Assault. The Clark County Detention Center contacted the Continuum of Care Program and the electronic ankle monitor was removed and the equipment was removed from the home. On December 24, 1998, Renard Polk was released from the Clark County Detention Center on bail. Renard's next Hearing is scheduled for January 27, 1999.

1 LEGAL RESIDENCE: 1325 Nay Court, Las Vegas, Nevada 89104; telephone: 352-0377.

2 PRIOR RECORD: Please see Exhibits "A-1" and "A-2" – Family & Youth Services Records  
3 Printout.

4 OFFENSE REPORT: Please see Exhibit "B" – Family and Youth Services Declaration of Arrest,  
5 Exhibit "C" - Las Vegas Metropolitan Police Department Arrest Report, Exhibit "D" - Las Vegas  
6 Metropolitan Police Department Incident Report, Exhibit "E" - Las Vegas Metropolitan Police  
7 Department Voluntary Statement, Exhibit "F" - Las Vegas Metropolitan Police Department  
8 Property Report and Exhibit "G" - Jack Close & Associates Physical Therapy and Rehabilitation  
9 Center Initial Evaluation.

10 On September 20, 1998, at approximately 0730 hours, Officers working as a marked  
11 patrol unit were dispatched on a call in reference to an attempted robbery that occurred on  
12 September 19, 1998, at 2030 hours. The victim, Daniel Huff, was unable to file a report on  
13 September 19, 1998, due to the fact that he was hospitalized all night after the robbery incident.

14 Huff stated on September 19, 1998, at approximately 2030 hours, he was walking west  
15 bound on Colorado Street when he was approached by suspects, Wyatt Peterson and Renard  
16 Polk. Huff said Peterson asked for drugs and money. When Huff said he did not have either  
17 both Peterson and Polk demanded money and Huff's shoes. As Peterson squared off in front of  
18 Huff, Polk circled to the rear of Huff. As Huff turned to face Polk, Polk struck him in the face  
19 with either his fists or unknown object. This caused Huff to fall down to the ground where Polk  
20 attempted to remove Huff's brand new shoes. An unknown neighbor came out and stated the  
21 Police were being called which caused Peterson and Polk to walk briskly west bound on  
22 Colorado.

23 On September 20, 1998, Officers did both talk to Peterson and Polk. After being read his  
24 Rights per Miranda, Peterson admitted that he and Polk did in fact push Huff down to the  
25 ground. Polk however after being read his Rights, denied the whole incident. Both Polk and  
26 Peterson were positively listed as suspects by Huff. Wyatt Peterson and Renard Polk were  
27 placed under arrest and transported to Family and Youth Booking where they were charged  
28 accordingly.

18 VICTIM INFORMATION: Please see Exhibit "H".

19 The Victims Witness Administrator has recommended that the minors involved be  
20 ordered to pay Restitution in the amount of \$500.00 each.

21 PRIOR SERVICES:

22 Renard Polk first came to the attention of the Court during 1994 when his mother was  
23 arrested and he and the other children were placed into Child Haven. In March, 1995, Neglect  
24 Supervision was initiated on the Charge of Destitution. Wardship was terminated on December  
25 27, 1995. In March, 1997, Renard Polk was placed on a Consent Decree on a Charge contained  
26 in amended Petition #1 - Trespass as amended from Attempted Burglary. The Informal  
27 Supervision was closed in July, 1997. Renard was placed on Formal Probation on December 9,  
28 1997, on the amended Charge of Petty Larceny as amended from Grand Larceny. He has paid  
\$200.00 in ordered Restitution.

1 SOCIAL HISTORY: Please see Exhibit "I" - Family Data Sheet. (Unless otherwise indicated,  
2 background material is based solely on information provided by the parties themselves.)

3 Gloria Polk, the maternal grandmother and guardian was unable to be present for a  
4 presentencing interview due to her medical condition. Social history information was obtained  
5 during a telephone interview.

6 Mrs. Polk has raised Renard since birth. In addition she is raising the five other children  
7 born to her daughter, Anna Lisa Edwards. Jamila Chatman age thirteen; Jahala Chatman age  
8 twelve; Anna Lisa Polk age ten; Javan Polk age seven and Richard Chatman age four. Jamila  
9 and Jahala have been cared for full time since 1991, although prior to this they were in her home  
10 sporadically when the need arose. At present, she does not experience any substantial problems  
11 from the other children. Anna Lisa Edwards, the natural mother, has experienced both alcohol  
12 and drugs abuse problems throughout the years. She is currently incarcerated in the Clark  
13 County Jail on the charge of Driving under the Influence. The natural mother gave birth to  
14 Renard when she was eighteen. The natural father Darrell Edwards is said to spend time with  
15 Renard. He is employed by a temporary employment agency, Onsite Staffing.

16 Gloria Polk states she receives five hundred twenty six dollars per month for the guardian  
17 ship of the children. She also receives three hundred dollars plus in food stamps. Mrs. Polks  
18 husband Archie Polk died as a result of an accident while employed as a Longshoreman in 1968.  
19 She receives approximately six hundred dollars per month in death benefits.

20 Since 1994, Gloria Polk has undergone two surgeries for cancer. Her most recent surgery  
21 was in 1996. She is presently undergoing chemotherapy treatments.

22 Renard attends alternative Co Star High School enrolled in the 12<sup>th</sup> grade.

23 PSYCHOLOGICAL EVALUATION: Please see Exhibit "J" - Family and Youth Services  
24 Psychological Evaluation.

25 EVALUATION:

26 Eighteen-year three-month of age Renard Turman Polk is before the Court on a sustained  
27 allegations contained in Petition #3, Count 2 - Attempted Robbery and Petition #3, Count 3 -  
28 Battery, amended to read "by punching him in the nose". The Court ruled the State failed to  
prove Petition #3, Count 1 - Battery with Substantial Bodily Harm.

On December 21, 1998, Renard was arrested as an adult on a Charge of Sexual Assault.  
He was detained and released on \$500.00 bail on December 24, 1998. He is scheduled for a  
preliminary Plea Hearing on January 27, 1999.



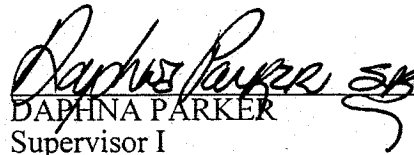
1 EVALUATION: (Continued)

2 Justification for commitment is present based on the severity of the attack and the  
3 sustained injuries to the victim. However, due to Renard Polk's age of majority, commitment to  
4 a Juvenile Institution, in all likelihood, would not be feasible. The Police reports revealed that  
5 the victim was at a gross disadvantage. Two perpetrators attacking one individual is no act of  
self defense. The Nevada Revised Statutes as applied to this case, does not allow for Renard  
Polk to be sentenced to jail. Therefore, a recommendation for continued Formal Probation with  
specific Orders is presented to the Court for consideration as recompense for the offense.

6 Submitted by:

7   
8

9 STEVE BARBER  
10 Probation Officer  
601 North Pecos Road  
Las Vegas, Nevada 89101

  
DAPHNA PARKER  
Supervisor I

11 Date: 1-11-99  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Exhibit B

JUSTICE COURT, LAS VEGAS TOWNSHIP

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

CASE NO. 98F17396X

-vs-

RENARD TURMAN POLK,

Defendant.

CRIMINAL COMPLAINT

The Defendant above named having committed the crime of SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE (Felony - NRS 200.364, 200.366), in the manner following, to-wit: That the said Defendant, on or about the 18th day of July, 1998, at and within the County of Clark, State of Nevada, did then and there wilfully, unlawfully, and feloniously sexually assault and subject FREDIA WHITE, a female child under sixteen years of age, to sexual penetration, to-wit: sexual intercourse, by inserting his penis into the vagina of the said FREDIA WHITE, against her will, or under conditions in which Defendant knew, or should have known, that the said FREDIA WHITE was mentally or physically incapable of resisting or understanding the nature of Defendant's conduct.

All of which is contrary to the form, force and effect of Statutes in such cases made and provided and against the peace and dignity of the State of Nevada. Said Complainant makes this declaration subject to the penalty of perjury.

12/11/98

98F17396X/lks  
LVMPD EV#9810241797  
SX ASSLT - F  
(TK7)

Bul sent at \$1,000

IKLA

LODGING INQUIRY

06/06/2001 15:04

**Exhibit C**

ID NO: 01521718 LODGING: 005 TRUE NAME: POLK, RENARD TURMAN  
FACILITY: CCDC IN CUSTODY: 11/08/2000 RELEASED:  
CURRENT HOUSING: 3A34L PROP NUMBER: 02079 EARLIEST RELEASE:  
ACTIVE CHARGES: 003 DETAINERS: 0 NO BAIL: 003 CASH ONLY: 0  
TOTAL BAIL- CASH: \$0 SURETY: \$0 PROPERTY: \$0

LG CASE NUM	CT CHARGE LITERAL	BK-DTE	RL-DTE	REL/RSN	EVENT #
05 99F04726X	* 01 SEXUAL ASSAULT VICTI	110800			
	* 02 SEXUAL ASSAULT VICTI	110800			
	* 03 SEXUAL ASSAULT VICTI	110800			
04 00M04291X	01 OBSTRUCTING A PUBLIC	022300	022500	48 HOUR DELAY	0002232160
99F04726X	01 SEXUAL ASSAULT VICTI	022300	082300	COM/LAKES CROS	9903130217
	02 SEXUAL ASSAULT VICTI	022300	082300	COM/LAKES CROS	9903130217
	03 SEXUAL ASSAULT VICTI	030600	082300	COM/LAKES CROS	
03 99JJ0041X	01 PROBATION VIOLATION	081799	091699	TIME SERVED	
02 98F17396X	01 SEXUAL ASSAULT	011499	020899	REL OWN RECOGN	

PRESS ENTER TO VIEW MORE CHARGES

IKLA

LODGING INQUIRY

06/06/2001 15:04

ID NO: 01521718 LODGING: 005 TRUE NAME: POLK, RENARD TURMAN

LG CASE NUM	CT CHARGE LITERAL	BK-DTE RL-DTE REL/RSN	EVENT #
01 98F17396X	01 SEXUAL ASSAULT	122298 122498 BOND POSTED	9810241797
*** END OF CHARGES ***			

END OF CHARGES FOR ID NO. PRESS PF7 TO VIEW PREVIOUS CHARGES OR ENTER NEW ID.

**REFUSAL OF TREATMENT FORM**Institution: CCDCName: Pork Renard

ID#

1521718D.O.B. 10/14/80I, \_\_\_\_\_ have, this day, knowing that I have a condition  
(Name of Inmate)

requiring medical care as indicated below:

- ☒ A. ~~Refused medication.~~ *Respirator* ☐ E. Refused X-Ray services.
- ☐ B. Refused dental care. ☐ F. Refused other diagnostic tests.
- ☐ C. Refused an outside medical appointment. ☐ G. Refused physical examination.
- ☐ D. Refused laboratory services. ☐ H. Other (Please specify)

Reason For Refusal

I don't need my medicine.

I hereby certify that this is a full, true  
And correct copy of the original hard  
Copy on file with EMSA/Correctional  
Care, Clark County Detention Center.

Potential Consequences Explained

405**Medical Records**

I acknowledge that I have been fully informed of and understand the above treatment recommendations and the risks involved in refusing them. I hereby release and agree to hold harmless the state, statutory authority, all correctional personnel, medical/health personnel from all responsibility and any ill effects which may result from this refusal and I shall personally assume responsibility for my welfare.

I have read this form and certify that I understand its contents.

Witness Signature

[Signature]

Witness Signature

8/17/89

Date

Patient Signature

[Signature]2200

Time

NOTE: A refusal by the inmate to sign requires the signatures of at least one witness in addition to that of the medical staff member.



# EMSA CORRECTIONAL CARE MENTAL HEALTH REPORT

Inmate Name: Polk, Renard

Date: 9/3/99

ID#: 1521718

Housing: 5B117

SS#: \_\_\_\_\_

DOB/Age: 10/14/80, 18

☒ Male  
☐ Female

Marital Status:

☐ Married ☒ Single  
☐ Divorced

Current Charges: prob. viol.

was homeless  
☒ Resident ☐ Non-Resident  
☐ Employed ☐ Unemployed  
☐ Receiving Disability ☐ SSI  
☐ SSDI  
☐ VA

## A. Presenting Problem:

Officer Smith ref. - I'm requesting meds.

## B. Current Mental Status:

### Quality of Affect:

☐ Elated/Euphoric ☐ Labile ☐ Sarcastic  
☒ Flat ☐ Depressed ☐ Anxious  
☐ Agitated ☐ Frightened ☐ Apathetic  
☐ Pressured ☐ Appropriate

### Thought Progression:

☐ Illogical  
☐ Incoherent  
☒ Coherent  
☐ Rational  
☐ Vague  
☐ Confused

### Orientation:

☒ Time  
☒ Place  
☒ Person  
☒ Situation

☒ Hallucinating: ☒ Audio ☐ Visual ☐ Tactile  
☐ Delusional ☐ Paranoid ☐ Grandiose

## C. Treatment History:

☒ Previous MH Treatment History: drank bottle rubbing alcohol 3 mos. ago  
☐ Family History of Mental Illness:  
☒ Medications Prescribed in past:  
☐ Currently Receiving Medications:  
☒ Psych Hospitalizations  
☐ Civilly Committed  
☒ Suicidal History  
☐ Present Ideation no

last seen by psychiatrist, Dr. All: who referred to: Mr. Health 2 mos. ago  
placed on risperdal  
(I'm says did not help & voices)

## D. Substance Use/Abuse:

meth  
☐ Narcotics ☒ Hallucinogens  
☐ Drug/Alcohol Treatment ☐ Depressants ☒ Cannabis  
☐ Other ☐ Stimulants ☒ Alcohol

## E. Mental Health Status Summary:

I'm is an adult, oriented 18 y/o b/m who is experiencing auditory hallucinations which appear to be drug-induced. I'm stating that he did large amounts of acid along to many other drugs. Has flashbacks +  
Diagnostic Impression  
Axis I: substance-induced psychosis  
Axis II: polysubstance abuse

## F. Recommendations and Treatment Plan:

1) psychiatric eval  
2) HTC  
3) P/A PRN

Preannounced memory problems.  
Denies SI/atk & consent for safety.  
I hereby certify that this is a full, true  
And correct copy of the original hard  
Copy on file with EMSA/Correctional  
Care, Clark County Detention Center

☐ Implement Suicide Watch  
☐ Remove from Suicide Watch  
☐ Observe for Suicidal Behavior

Report Completed By: Jack Mammesw

Medical Records

**PHYSICIAN'S ORDERS**

<p>INMATE NAME:</p> <p>ID #:</p> <p>D.O.B. / /</p> <p>ALLERGIES:</p> <p>Use Last Date / /</p>	<p>DIAGNOSIS (If Chg'd)</p>
<p>INMATE NAME:</p> <p>ID #:</p> <p>D.O.B. / /</p> <p>ALLERGIES:</p> <p>Use Fourth Date / /</p>	<p>DIAGNOSIS (If Chg'd)</p>
<p>INMATE NAME:</p> <p>ID #:</p> <p>D.O.B. / /</p> <p>ALLERGIES:</p> <p>Use Third Date / /</p>	<p>DIAGNOSIS (If Chg'd)</p> <div data-bbox="852 903 1559 1333" style="border: 2px solid black; padding: 10px; margin: 10px;"> <p>I hereby certify that this is a full, true and correct copy of the original hard Copy on file with EMSA/Correctional Care, Clark County Detention Center.</p> <p><i>[Signature]</i></p> <p>EMSA RECORDS</p> </div>
<p>INMATE NAME: <b>POLK Renard</b></p> <p>ID #:</p> <p>D.O.B. / / <b>9/100</b></p> <p>ALLERGIES:</p> <p>Use Second Date <b>9.9.99</b></p>	<p>DIAGNOSIS (If Chg'd)</p> <p><i>Polysom Dec 3 7.5 mg 1.m. -&gt; now</i></p> <p><i>Benadryl 50 mg 1.m.</i></p> <p><i>Cylofen 2mg po 9 AM X 90D</i></p> <p><i>Minidril 50 mg 1.m. 540 po</i></p> <p><i>for 2ss X 190D</i></p> <p><i>1 FU 11</i></p> <p><i>Noted</i></p>
<p>INMATE NAME: <b>POLK Renard</b></p> <p>ID #: <b>152178</b></p> <p>D.O.B. / / <b>900</b></p> <p>ALLERGIES:</p> <p>Use First Date <b>9.17.99</b></p>	<p>DIAGNOSIS</p> <p><i>Melland 50 mg po 8 AM</i></p> <p><i>100 mg po 8 PM X 90D</i></p> <p><i>FU 3 mus</i></p> <p><i>DC - 1.m. refused</i></p> <p><i>Noted</i></p>



Prolixin Dec  
57.5  
Benadryl 50mg IM

Now

Negative 2mg PO 4 AM  
x 900

12/2 1830

→ DD A F (15/15)

Benadryl 50mg IM q4  
for ERS

PRN

I hereby certify that this is a full, true  
And correct copy of the original hard  
Copy of file with MSA Correctional  
Care, Clark County Detention Center.

Medical Record

ERGY			
NOSIS			
SICIAN ME	Desmanes	PHYSICIAN PHONE NO.	
ILITY ME	CEDC	SECTION	
TENT ME	TOIK RENARD	PATIENT NO.	1521718
		ROOM NO.	2B05

NURSE'S SIGNATURE	INITIAL	NURSE'S SIGNATURE	INITIAL
<i>[Signature]</i>	<i>[Initials]</i>	<i>[Signature]</i>	<i>[Initials]</i>

CERTIFICATE OF SERVICE

CASE NAME R enard T, Polk

CASE NO. 00-C-166490-C

I HEREBY CERTIFY that on this 10 day of Dec., 200 01, I caused to be served the:

(Describe the document(s) being served)

(Habeas Corpus)

(check the items that apply)

X by placing a true copy thereof in a sealed envelope, with postage thereon fully prepaid, and causing the same to be mailed by first class mail to the person at the address set forth below.

\_\_\_\_\_ by causing to be personally delivered a true copy thereof to the person at the address set forth below.

\_\_\_\_\_ by FEDERAL EXPRESS/AIRBORNE EXPRESS to the person at the address set forth below.

\_\_\_\_\_ by certified mail-return receipt requested to the person at the address set forth below.

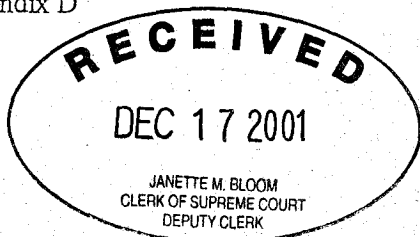
\_\_\_\_\_ by telefaxing, with acknowledgement of receipt to the person at the address set forth below.

ADDRESS OF THE PERSON BEING SERVED

I declare under penalty of perjury that the foregoing is true and correct. Executed on December, 10, 20001.

Signed: Rd Polk

Appendix D



1 I Renard T. Polk do declare that the foregoing information was sent  
2 to the folowing agencies by sending a certificare of service pertaining  
3 to the relevant documents.

4 The legal committies are:

- 5 1.) Nevada Bar Assocacion. 530 South Third St. LV, NV 89101
- 6 2.) N.A.A.C.P. 4805 Mt. Hope Dr. Baltimore, MD 21215
- 7 3.) A.C.L.U. 3255 S. Third Street LV, NV 89101
- 8 4.) Attorney General State Carson City ,NV 89710
- 9 5.) First Judicial District Bar Assc. P.O. Box 3363 Carson City NV 89702
- 10 6.) D.A. Office 200 South Third Street. LV, NV 89101
- 11 7.) Governor's Office Exuc. Chamb. Cap. Cplx. Carson City, NV 89710

12  
13  
14  
15  
16  
17 I Renard Polk Do adhere under the  
18 penalty of perjury the foregoing certificate statement  
19 is true correct and accurate to the best of my knowledge.  
20  
21  
22  
23  
24  
25  
26  
27  
28