

ORIGINAL

IN THE SUPREME COURT OF THE STATE OF NEVADA

PROPER PERSON
RECEIVED/ENTERED

FILED

DEC 06 2002

RENARD TRUMAN POLK,

Appellant,

APR 01 2003

JANETTE M. BLOOM
CLERK OF SUPREME COURT

vs.

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Richards*
CHIEF DEPUTY CLERK

Case No. 39457

THE STATE OF NEVADA,

Respondent.

MOTION FOR LEAVE TO FILE MOTION TO RELEASE PENDING APPEAL;
MOTION TO COMPEL SPECIFIC PERFORMANCE; AND JUDICIAL NOTICE

COME NOW, Appellant, RENARD T. POLK, in proper person, and hereby request this Honorable court for leave to file Appellant's proper person Motion To Release Pending Appeal; Motion to Compel Specific Performance; and Judicial Notice in the above-entitled matter.

THIS Motion is made and based upon the accompanying Motion To Release Pending Appeal, Motion To Compel Specific Performance, Judicial Notice, and all other papers, pleading, and documents on file herein.

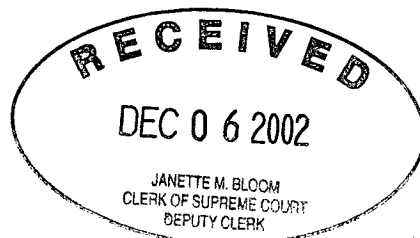
DATED this 22nd day of November of 2002.

Respectfully Submitted:

Renard T. Polk

Renard T. Polk, Appellant.
NDOC #72439
L.C.C. PO Box 359
Lovelock, Nevada 89419

In Proper Person.



02-20917

1 IN THE SUPREME COURT OF THE STATE OF NEVADA
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5 RENARD TRUMAN POLK,

6 Appellant,

7
8 vs.

Case No. 39457

9
10 THE STATE OF NEVADA,

11 Respondents.
12 _____/

13 **MOTION TO RELEASE PENDING APPEAL; MOTION TO COMPEL**
14 **SPECIFIC PERFORMANCE; AND JUDICIAL NOTICE**

15 COME NOW, Appellant, RENARD T. POLK, in proper person, and hereby
16 moves this Honorable Court for an ORDER, ordering Appellant's re-
17 lease from Prison pending this Appeal; furthermore, an ORDER, or-
18 dering Appellate Counsel David M. Shiecke, 302 E. Carson Avenue
19 Las Vegas Nevada 89101, to include Appellant's additional Meritori-
20 ous Issues, that were not raised by Appellate Counsel. Appellant is
21 further placing this Court on Judicial Notice that Appellant wishes
22 Appellate Counsel to raise Appellant's additional Meritorious Issues
23 or, allow this Appellant to file an Ander Brief in proper person,
24 in accord with Ander v. California, 386 U.S. 739, 87 S.Ct. 1396
25 (1967).

26 These Motion(s) are made and based on the accompanying decla-
27 rations, exhibits, and all papers and pleading on file herein.

28 DATED this 22nd day of November of 2002.

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Respectfully Submitted:

Renard T. Polk, Appellant
NDOC #72439
L.C.C.
PO Box 359
Lovelock, Nevada 89419

In Proper Person

STATEMENT OF FACTS

On March 3, of 1999, Appellant was unconditionally released from the Family and Youth services after being accredited for time served, pursuant to Case No. JJ04111X.

On March 14, of 1999, an arrest warrant was issued pursuant to the matter now before this court. (Dist. Ct. case No. 00-C-166490-C).

On April 15, of 1999, an erroneous arrest warrant was also issued by the Juvenile Court pursuant to case No. JJ04111X, for an **erroneous manufactured probation violation**, by Steve Barer and Gail Lassitter. However, this Appellant was **not** on any type of release Supervision from the Juvenile Court, as state above, the release was "unconditional."

On or about May and August of 1999, this Appellant was involuntarily committed to the Oasis Mental Health Facility on 6161 W. Charleston, for an attempted suicide, where he received treatment and was diagnosed with numerous **mental illnesses**. The Caseworker appropriated to represent the Appellant, neither assessed to see if the Appellant had any warrants, nor any cases pending in the legal system.

The Appellant sometime later, on August 14, of 1999, surrendered himself to the Las Vegas Metropolitan Police Department (LVMPD), by calling a Patrol unit to his place of location. After being booked into the Family and Youth Services, Det. Tomithy Moniot #4664, asked the Appellant would "[he] like to give a statement," pertaining to the case now on appeal. The Appellant answered in the negative.

After some **coercion** by the Det., the Appellant consented. However, prior to the questioning, the Appellant asked "why [he] was at the Juvenile Facility," in which Det. Moniot told the Appellant, for this case now on appeal. Approximately two (2) days later, the Appellant was sentenced to thirty (30) days in the Clark County Detention Center (CCDC), pursuant the **erroneous manufactured probation allocation and violation**.

During his stay at C.C.D.C, the Appellant was being forced to take ant-psychotic medication, against his will and better judgment, from August 24th to September 16th of 1999. Moreover, the State chose not to prosecute this Case now on appeal, even though an arrest warrant was issued for this Appellant. (See Exhibit F).

After this Appellant was released, he was arrested and detained again, for possession of a stolen vehicle, pursuant to Case No. 991860X; for approximately five (5) dyas. Moreover, the State again chose not to prosecute this Case now on appeal, or Case No. 991860X.

On February 23, 2000, this Appellant was stopped by Police, for a disturbance, in his neighborhood. The Police Officer notice that the Appellant had an active arrest warrant, for this Case in question, and Appellant was arrested and detained at C.C.D.C..

While in custody at C.C.D.C., the Officials there **would not** let this Appellant communicate with any law advocates. (i.e. Tribune, Judicial Compliance Committee, Nevada Bar Association, LVMPD Internal Affairs, and the Federal Bureau of Investigation.)

This Appellant has brought all these fact to Trial Counsel's and Appellate Counsel's attention, however, they both refuses to bring these and other facts to the Courts' attention.

On April 18, 2000, the Appellant was to enter a plea of guilty, however, this Appellant Changed his mind, when he became aware of possible derelictions by the State.

On August 1, 2000, the Appellant was sent to Lake Crossing, pursuant to NRS 178. 425. Thereafter, on November 8, 2000, the Appellant was sent back to C.C.D.C., after being declared competent to stand trial.

On November 22, 2000, Trial Counse Christopher Oram was ineffective

when he told the Dist. court he thought this Case was a Robbery.

On December 27, 2000, a hearing for Discovery was held to obtain the Statement Appellant had made during the arbitrary Juvenile proceeding. The State, at this Hearing, told the Trial court, and Appellant, that they were not in the possession of such a Statement by this Appellant. (This was a false statement by the State.) This matter regarding the Appellant's Statement was brought before the Trial court again, and the State again stated they were in possession of no such Statement.

On April 18, 2002, the Trial court conducted an O.R/bail reduction Hearing. During this Hearing, the State appropriated the Statement, which the Appellant made two (2) attempts to obtain, thereby having the Appellant's bail and possibility O.R. denied. Not to mention, at the same time, the State became aware of the Motion, this was the same time the Statement was located by the State!

On August 8, 2002, all Motion pending were heard (i.e. Writ of Habeas Corpus Petition, Plea change, and Motion to Admit Prior Bad Acts.) During this Hearing, this Appellant was asserting that he was bring denied Due Process of Law, pursuant to Federal Rules of Criminal Procedure (FRCP), rule 48(b). Yet, Judge Joseph T. Bonaventure, erroneously denied said Petition, on the basis of "Pre-Arraignment" delay. However, it was the Appellant that was asserting "Pre-Arrest" delay.

On October 4, 2002, a psychiatrist was allocated to asses whether the Appellant would be able go forward with an Insanity Defense. Moreover, the Psychiatrist, called to do the evaluation, neither tape recorded the interview, nor, questioned the Appellant as to any of the facts of the event in question.

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On January 3, 2002, a subsequent Writ of Habeas Corpus was filed in open court, however, the Appellant sent the Writ Petition in two (2) to three (3) weeks before the predetermined Trial date. This Writ Petition was however never heard. Nonetheless, the Petition brought forth the Following Issues: 1) Fed. Rul. Crim. Proc., rule 48(b); 2) Conspiracy to violate this Appellant's U.S. Const. XIV. amend. right to Due Process of Law; 3) Double Jeopardy; 4) voluntariness of the Appellant's Statement; 5) Egregious and Outrageous Government Conduct.

POINTS AND AUTHORITIES

Before a Due Process violation can be proved, certain parameters must be met, such as: A) Length of the Delay; B) Reason for the Delay; C) Substantial, Actual and Non-speculative prejudice and Deprivation of Constitutional Rights. FRCP 48(b).

A) Length of the Delay:

The U.S. Supreme Court held in Barker v. Wingo, 407 U.S. 514 (1972), "[T]he length of delay primary use is a triggering mechanism ... when weighing other reasons ..., unless, the delay is long enough to seem presumptively prejudicial which would require a dismissal"

This Appellant indicates it was seven (7) months of delay, after, the State had this Appellant in their custody, twice on other matters before prosecution of this Case. Moreover, reaching a decision before inquiring into the other parameters would be superfluous and gesture.

B) Reason for the Delay:

All cases in this situation have confirmed that the state is in a better position to give a reason for the delay. However, if it appears the delay gained a tactical advantage over the accused, this would be a violation of Due Process (reckless or intentional).

The fact remains the State knew, or should have known, that the Appellant was in custody on two different occasions after, the arrest warrant was issued for this Appellant. However, the State chose not, or neglected to prosecute this Case on both occasions. Even though the Appellant had given an alleged incriminating Statement.

In Tartaglia v. State, 791 P.2d 76, (Nev. 1990), the Nev. Supr. Ct. held: 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 Court has held that: "[W]hen the accused is 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." See Dickey v, Florida,

As stated previously, the Appellant was in custody on two occasions and the State chose not to prosecute this Appellant. Furthermore, the tactical advantage gained by the State is unchallenged.

The facts are irrefutable, this Appellant made two attempts by Motion(s) of discover, to obtain the Statement given by this Appellant during the Arbitrary Juvenile Proceedings with no success. Then, when the Appellant goes before the court for an O.R./and bail reduction hearing, the State suddenly locates the Statement! (See Exhibit G, p. 9 & 11.)

As this court can see, the State was in violation of Nevada Supreme Court Rule of Professional conduct rule; 179 "Special Responsibilities of the Prosecutor."

Furthermore, this Appellant truly believes that, had the Statement not been used to procure the denial of the Appellant's release, that the

State would have erroneously introduced It at the Trial. Not to mention, the Appellant could have challenged the voluntariness and admissibility of the Statement at the time the delay was taking place. See State v. Sergeant, 621 P.2d 209 (Nev. 1980).

C) Actual, Substantial and Non-speculative Prejudice and Deprivation of Constitutional Rights:

"[T]he burden of proof is on the accused, to show substantial prejudice by a preponderance of evidence ..., lost testimony, witnesses unavailability, and physical evidence ." Id. 619 F.2d at 810.

The Appellant asserts that he has lost expert witnesses testimony occasioned by this delay, due to the fact that the Appellant had been previously committed to the Oasis Mental Health Facility, before he surrendered himself. Not to mention, after the Appellant surrendered himself at C.C.D.C., he was force to take anti-psychotic medication, given raise to frame of mind during the delay before the appropriation to this Case. (See Exhibit E-2.) Again, the Appellant could have challenged the admissibility and trustworthiness, and also voluntariness of the Statement. Furthermore, Mental Health Records and Psychiatric testimony have become unavailable, due to the delay. (See Exhibit Q, p.14).

Wherefore, how could this Appellant possibly go forward with an Insanity Defense, if valuable information and factual determination have been lost due to the delay?

The Nevada Supreme Court (NSC), held in State v. Autry, 746 P.2d 637 (Nev. 1968), "[T]he statute of limitations does not define one's due process rights ..., the Due Process Clause of the [V. amend.] would require dismissal of information if it were shown at trial that the delay caused substantial prejudice to the accused right to a fair trial ..., if that

delay was used to gain a tactical advantage over the accused."

The Appellant's contention still stands, he was unable to present an Insanity Defense. Moreover, Trial counsel was remiss in his duty to raise these issues, which should have resulted in the dismissal of this case.

This Appellant has met other standards of "Pre-Arrest Delay," that other cases could not, yet, these cases were still dismissed.

II. The Appellant is being held in violation of NRS 62. 195, which states: criminal proceedings and other Juvenile proceeding ... based upon the same conduct ... are barred if the court has begun taking evidence or has accepted a child's admission of the facts alleged in the petition. No child may be prosecuted as a delinquent and later as an adult ... for the same offense.

The basis for the Appellant's discontent, rest in the fact that when he surrendered himself, Det. Moniot told him the reason he was at the Juvenile court, even though he was over eighteen years of age, was for the case now before this court. Moreover, when the arbitrary Juvenile proceeding were brought into question, the State said it was for [an alleged manufacture probation allocation and violation]. However, this Appellant was not on any type of release Supervision from the Juvenile court.

If it pleases the court, please take a look at Exhibit A, the court will notice the following filed stamp date of January 11th of 1999. On the same page, the court will also notice, that probation Officer stated: the Appellant has a Preliminary Hearing to be executed on January 27th of 1999, in the "Adult court system." There is not possible way this court, or that probation Officer could have known this, because the Appellant was not given that Preliminary Hearing until January 14th of 1999. (See Exhibit B.)

Moreover, how could the probation Officer prepare and file said report, on the 11th of January, and state the Preliminary Hearing is on the 27th of January, when the Appellant did not receive that Hearing until or after the 14th of January?

If this does not piques the court's attention, the fact remains that any time a delinquent is release on probation, a parental consent **must** legally bind the matter. However, this consent decree is not anywhere in the Appellant's Juvenile record, as specified in the ORDER for probation. (See Exhibit C, p.2 Ln 12.)

Wherefore, the fact that the probationary document are questionable, would require the Appellant to be sent back to the District court for Further proceedings. (This issue was also excluded from the appeal by Appellate counsel.)

III. The Appellant's Statement was Involuntary.

The fact remains, that when this Appellant surrendered himself, he continually asked the Det. for psychiatric help. Also, the Det. kept using the inference of a lie detector test, to illicit a statement from the Appellant.

Moreover, the Appellant frame of mind was in question, before and after the delay, due to the fact the Appellant's previous commitment to the Mental Health Facility, and the Mental Health Records at C.C.D.C. days after the Appellant gave his Statement to Det. Moniot.

An adult is presumed to be possessed of normal physical mental ability, but evidence either direct or circumstantial may overcome such a presumption.

Id. Vo v. Sham. Notwithstanding the Appellant has presented such evidence (See Exhibit E.)

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IV. This Appellant Statement should be excluded should this court reverse and remain this case. (See Reason of the Delay supra.)

VI. The Dis. Ct. Judge denied the Appellant's previous Petition on irrelevant grounds, without an Evidentiary Hearing.

During the Hearing for the Appellant's Writ Petition, Judge Bonaventure denied the Appellant's Petition on "Pre-Arraignment Delay," however, the Appellant was asserting "Pre-Arrest Delay." (See Fed. Rule. Crim. Proc. rule 48(b). (See Exhibit D, p. 7~~8~~11.108B.)

VII. The Conduct of Government Officials was so egregious that any further prosecution of this Case should be barred.

[I]t may some day be presented with a situation in which the conduct of law enforcement agents is so outrageous, that the due process principle would absolutely bar the government from invoking judicial process 103 Nev. 54 to obtain a conviction.

Id. 746 P.2d at 1092. Needless to say, when the State has intentionally delayed, violated rules of professional conduct, and offered false evidence, (falsely transcribed statement given by the Appellant) to procure the release on O.R. or bail reduction, this is a ripe situation to bar any future prosecution.

VIII. The Delay prejudiced the accused ability to present an Insanity Defense:

[W]hen prosecution has been delayed ..., determining Mens Rea at the time of the crime is increased. Passage of time makes any fact more difficult.

Id. 520 F.2d at 585. When the facts are as subtle as mind, the State's difficulty is immeasurably enhanced.

This case was dismissed on the sole fact that the prosecution delayed and they could not go forward with an Insanity Defense.

// This is the same contention this Appellant is presenting to this court.

Lastly, this Appellant is placing this Court on Judicial Notice that Appellant wishes Appellate Counsel to raise Appellant's additional Meritorious Issues or, allow this Appellant to file an Ander Brief in proper person, in accord with Ander v. California, 386 U.S. 739, 87 S.Ct. 1396(1967).

The Appeal which is before this Court concerns other questions of law that Appellate Counsel has excluded from this Appeal, at the contention of this Appellant, and Counsel has failed to do an adequate investigation into the Issues which should also be presented on this Appeal.

Additional Issues Appellant wants raised on the present Appeal: 1) whether Appellant's case has met the requirements for dismissal pursuant to Fed. Rul. Crim. Proc. rule 48(b); 2) whether the Appellant is being held in violation of NRS 62. 195 and the V. amend. Double Jeopardy Clause; 3) whether the Appellant's Statement was voluntary; 4) whether the State prejudice the Appellant by with-holding evidence favorable to the Appellant's defense, thereby compromising the release of the Appellant's on O.R. or Bail; 5) whether Trial counsel was ineffective; 6) whether the Dist. Ct. Judge denied the Appellant's Writ Petition on irrelevant grounds; 7) whether Government conduct in the prosecution of this case was so egregious and outrageous as to bar any future prosecution of this case, thus violating the Appellant's Equal Protection and Due Process rights; 8) whether the State delay prejudiced the Appellant's ability to present an Insanity Defense.

Wherefore, this Appellant asks that this Honorable Court take Judicial Notice of Appellate Counsel's inaction and grant this Appellant the opportunity to file and Ander Brief if Appellate Counsel refuses to raise Appellant's additional Meritorious Issues.

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CONCLUSION

WHEREFORE, for all arguments presented, the Appellant requests release pending appeal due to the fact, these Issues will either result in the dismissal of the case now on appeal, or reversal and remand for any further proceedings. Moreover, this Appellant surrendered himself then had multivolations sustained in this case.

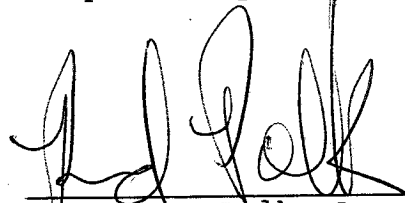
Furthermore, justice would be served by this Court taking Judicia Notice or Appellant's Issues, questions o law, and Counsel's failure to include them in the appeal. These questions of law and Issues are pertinent and a material development which should have an effect on the relief sought in this case.

This Appellant understands that due to the nature of this case it should be easy for the court to reach a "conclusion." However, the Appellant acted in submission by surrendering himself.

when is retribution and rehabilitation exacted. Rehabilitation begins with the criminal, retribution ends with life.

DATED this 22nd day of November of 2002.

Respectfully Submitted:

A handwritten signature in black ink, appearing to read 'Renard F. Polk', written over a horizontal line.

Renard F. Polk, Appellant.
NDOC #72439
L.C.C.
PO Box 359
Lovelock, Nevada 89419

In Proper Person

CERTIFICATE OF SERVICE BY MAIL

The undersigned does hereby certify that pursuant to NRCP 5 (b), that a true and correct copy of the foregoing Instrument was delivered to an Official at the L.C.C.'s law library and mailed to the following:

Stewart L. Bell ESQ.
Dist. Atty.
200 S. Third St.
PO Box 552212
Las Vegas, NV 89155-2212

Atty. David M. Shiecke
302 E. Carson Ave
Las Vegas, NV 89101

DATED this 26th day of November of 2002.

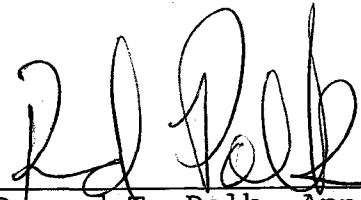

Renard F. Polk, Appellant.

Exhibit A

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

Shirley B. Paragiani

JAN 11 9 46 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

Date of Hearing: January 13, 1999

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 bracelet 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.

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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
sporadically when the need arose. At present, she does not experience any substantial problems
from the other children. Anna Lisa Edwards, the natural mother, has experienced both alcohol
and drugs abuse problems throughout the years. She is currently incarcerated in the Clark
County Jail on the charge of Driving under the Influence. The natural mother gave birth to
Renard when she was eighteen. The natural father Darrell Edwards is said to spend time with
Renard. He is employed by a temporary employment agency, Onsite Staffing.

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

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

15 Renard attends alternative Co Star High School enrolled in the 12th grade.

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

18 EVALUATION:


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

23 On December 21, 1998, Renard was arrested as an adult on a Charge of Sexual Assault.
24 He was detained and released on \$500.00 bail on December 24, 1998. He is scheduled for a
25 preliminary Plea Hearing on January 27, 1999.
26 ...
27 ...
28 ...

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
6 self defense. The Nevada Revised Statutes as applied to this case, does not allow for Renard
7 Polk to be sentenced to jail. Therefore, a recommendation for continued Formal Probation with
8 specific Orders is presented to the Court for consideration as recompense for the offense.

9 Submitted by:

10 
11 STEVE BARBER
12 Probation Officer
13 601 North Pecos Road
14 Las Vegas, Nevada 89101

15 
16 DAPHNA PARKER
17 Supervisor I

18 Date: 1-11-99

Exhibit B

IKLA

LODGING INQUIRY

06/06/2001 15:04

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.

Exhibit C

Shirley B. Piquero

EIGHTH JUDICIAL DISTRICT COURT
FAMILY DIVISION - JUVENILE
CLARK COUNTY, NEVADA MAR 10 2 18 PM '99

FILE

In the Matter of:

RENARD TURMAN POLK, AKA
RENARD TURMAN EDWARDS,

Date of Birth: October 14, 1980,

A Minor, 18 Years 5 Months of Age.

241117
CASE NO. J58683
DEPT. NO. F

FORMAL PROBATION ORDER

This matter having come on for hearing before the Family Court, Eighth Judicial District, County of Clark, State of Nevada, on petition of Steve Barber, Probation Officer, Probation Division, Clark County Department of Family and Youth Services, on this 3rd day of March, 1999, said minor being present in Court.

This matter having come on before this Court and good cause being shown;

IT IS HEREBY ORDERED that Renard Turman Polk, AKA Renard Turman Edwards, is continued a Ward of the Family Court, having been adjudicated a Delinquent Child and continued on Formal Probation for a period of five months, until August 3, 1999, or until the further Order of the Court.

IT IS FURTHER ORDERED that Renard Turman Polk, AKA Renard Turman Edwards, pay Restitution in the amount of \$500.00 as recommended by the Victims Assistance Program.

...
...

1
2 CASE NO. J58683

3 IT IS FURTHER ORDERED that Renard Turman Polk, AKA
4 Renard Turman Edwards, obtain employment, and substantiate
5 employment with the Probation Department and pay the Court
6 ordered Restitution from his earnings.

7 IT IS FURTHER ORDERED that Renard Turman Polk, AKA
8 Renard Turman Edwards, complete eighty hours of unpaid
9 community service work.

10 IT IS FURTHER ORDERED that Renard Turman Polk, AKA
11 Renard Turman Edwards, complete an Anger Control Class.

12 *IT IS FURTHER ORDERED that Renard Turman Polk, AKA
13 Renard Turman Edwards, and the parent(s) will abide by the
14 Terms of Probation and Parental Agreement as attached.*

15 The Director of Court Services, Clark County Family &
16 Youth Services Probation Department, is charged with the
17 execution of said Order.

18 THE COURT has advised the subject minor that pursuant
19 to N.R.S. 62.370, said subject minor may, after three years
20 have elapsed after termination of the Family Court's
21 jurisdiction, or since the minor has so appeared, petition the
22 Court for the sealing of all records relating to said minor;

23 ...

24 ...

25 ...

26 ...

27 ...

28 ...

1
2 CASE NO. J58683

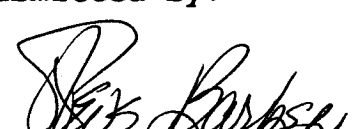
3 That, if the Court, after a hearing on said petition,
4 orders the records sealed, all proceedings theretofore
5 recounted in the records are deemed never to have taken place,
6 and the minor may, in response to any inquiry, reply that he
7 has no juvenile record whatsoever.

8 Dated this 9th day of March, 1999.

9
10 
11 JUVENILE HEARING MASTER
12 FERNANDO GUZMAN 3

13
14 
15 DISTRICT JUDGE - JUVENILE
16 ROBERT E. GASTON 3

17 Submitted by:

18 
19 STEVE BARBER
20 Probation Officer
21 601 North Pecos Road
22 Las Vegas, Nevada 89101

23
24
25
26
27
28 DATE: 3-3-99

Exhibit D

DISTRICT COURT
CLARK COUNTY, NEVADA

FILED

APR 25 12 14 PM '02

Shirley B. Pungione

CLERK

Original

THE STATE OF NEVADA,)
)
Plaintiff,)
)
vs.)
)
RENARD TRUMAN POLK,)
)
Defendant.)

Case No. C-166490
Dept. No. VI

REPORTER'S TRANSCRIPT
OF
PROCEEDINGS

BEFORE THE HONORABLE JOSEPH T. BONEVENTURE
DISTRICT COURT JUDGE

Taken on August 8, 2001
At 8:30 a.m.

APPEARANCES:

For the State:

MARY KAY HOLTHUS, ESQ.
Deputy District Attorney

For the Defendant:

CHRISTOPHER Oram, ESQ.
540 South Fourth Street

Reported by: TOM MERCER, CCR No. 33

CE05

RECEIVED

APR 25 2002

COUNTY CLERK

1 Las Vegas, Nevada, August 8, 2001

2

3

* * * * *

4

5

THE COURT: Page five, Renard Polk.

6

7

This was supposed to go to trial but defense wanted additional time to check out some different plea; is that correct?

9

MR. ORAM: Yes.

10

11

THE COURT: Have you made a decision or still thinking?

12

13

MR. ORAM: We plan on going forward with the insanity defense, Mr. Polk wants to do that.

14

THE COURT: How do we do that, take another plea?

15

16

17

MR. ORAM: I believe at some point he probably will need to be re-arraigned and enter a plea of not guilty by reason of insanity.

18

19

THE COURT: You let me know when you want to do that.

20

21

22

23

MR. ORAM: Maybe it would be easy to do that today if the Court has the time. I think we can do it right before trial, it's no secret what the defense is going to be, we have made it perfectly clear.

24

THE COURT: Do you have any comments on that?

25

MS. HOLTHUS: Truthfully, I don't know.

1 THE COURT: Why don't you check it out and we'll
2 do it maybe at calendar call.

3 MS. HOLTHUS: Sure.

4 THE COURT: But we are here on, looks to me like
5 three matters. The first one is the Defendant's motion for
6 pretrial writ of habeas corpus or dismissal of the Information.
7 I note from reading the pleadings it seems to me it was really
8 a proper person motion and Mr. Oram put a cover sheet on it and
9 it says through attorney Christopher Oram, he endorses the
10 defendant's motion of a pretrial writ of habeas corpus to
11 dismiss the information. I have that in front of me, it was
12 filed July 13, 2001. The State filed an opposition to that.
13 Do you have a copy of that, Mr. Oram?

14 MR. ORAM: Yes, Your Honor.

15 THE COURT: How do you want to proceed? Do you
16 want to make a comment? I'll hear from Mr. Polk.

17 MR. ORAM: I'll be very brief. My understanding
18 of Mr. Polk's argument is he was on probation or -- in juvenile
19 court apparently there was an allegation against him unrelated
20 to this case. Mr. Polk indicates he was not on probation. And
21 subsequently he gave a statement in this case and he was
22 sentenced to 30 days in jail by juvenile court for a revocation
23 of his probation.

24 THE COURT: On another unrelated case?

25 MR. ORAM: Right. Mr. Polk contends that he was

1 actually punished for this crime in juvenile court because he
2 was given 30 days in jail and he says they could not do that to
3 him because he was not on probation. I went and got the
4 records and it appears to me from juvenile court that he was on
5 probation, at least that's what the records reflect. However,
6 Mr. Polk indicates he believes those records are forged and he
7 believes the signature of Miss Shirley Paraguirre is incorrect.
8 I went so far yesterday at Mr. Polk's instruction to fax a
9 copy of one of those juvenile records to Miss Paraguirre and
10 with that, I believe it's Mr. Polk's contention if he's not on
11 probation they continue to punish him for this crime and,
12 therefore, it's double jeopardy.

13 THE COURT: The records show he was on probation.

14 MR. ORAM: What the records I have show, yes, but
15 he believes it's forgery.

16 THE COURT: Mr. Polk, do you want to say anything
17 regarding this writ?

18 THE DEFENDANT: Yes, Your Honor. My attorney, he
19 didn't get the records, okay. I went by my own means to get
20 the records in order to reflect things. I have some documents
21 I would like to show you if possible.

22 Now, at the time I wasn't on probation, Your
23 Honor, I don't know if it was Shirley B, or whoever it was, but
24 somebody erroneously put these documents in there. If you
25 look at E-A-1, the disposition report filed January 11, date of

1 hearing January 13, do you see that?

2 THE COURT: Uh-huh.

3 THE DEFENDANT: I wasn't arrested again for --I
4 believe I had a preliminary hearing for a matter of Frida
5 White incident, probably it was scheduled to go to your court
6 on the 2nd of -- let me gain my composure.

7 It was scheduled for initial arraignment in your
8 court on February 2, '99. Now, before that I had a preliminary
9 hearing. My P.O. prepared this disposition report on the 11th,
10 or somewhere in between there and the 13th. I wasn't arrested
11 again until the 14th to be on that preliminary hearing, because
12 I -- do you understand what I'm saying?

13 THE COURT: I'm trying to digest what you're
14 saying.

15 THE DEFENDANT: The disposition report was
16 prepared on the 11th. If you'll turn to page five, where it
17 says, I guess the arrest inquiry, logging sheet at CCDC, E-A-5.
18 As you can see, I was booked in on the 14th of '99, 1-14-99.
19 My P.O., or supposedly my probation officer prepared the
20 disposition report on the 11th. He stipulates in the report,
21 as I have highlighted on the report, I had the preliminary
22 hearing scheduled for January 27. I wasn't given that hearing
23 until the 14th when I was arrested again.

24 So how could he know I had a preliminary coming up
25 if he was preparing the report on the 11th? Because he

1 wouldn't have known, because any time after the 14th he would
2 have known when the preliminary was scheduled.

3 Not only that, it also says in the formal
4 probation that the parental decree should be attached. That's
5 nowhere in the files.

6 The thing about it is all I'm asking is for an at
7 least evidentiary hearing to see, at least establish or make
8 this concrete allegation, make this allegation concrete because
9 I wasn't on probation.

10 And the thing about it is I wasn't on probation,
11 okay. They took me to the juvenile courts. I turned myself
12 in. I declared inadequacy, do you understand? I didn't go
13 against the judicial system, I turned myself in; even went so
14 far to give a statement because the detective told me the
15 reason I was at juvenile courts was because of the sexual
16 assault case. I gave him the statement thinking I'm going to
17 get the charges that's going to be adjudicated in the juvenile
18 courts. They sentenced me to 30 days for erroneous probation
19 revocation.

20 I have a civil case filed, because I don't know
21 who is allocated in this thing but I know my P.O. was part of
22 it. I got sentenced 30 days to the CCDC, at which time they
23 forced giving me medication. I can't even remember half the
24 stuff they did to me, this is the only thing that's clear on my
25 conscience right now that I can remember.

1 When they was force giving me medication, the
2 thing about it is I'm walking the streets thinking the charges
3 that got adjudicated was sexual assault. I wasn't trying to
4 run from justice, I was trying to bring it about expeditiously,
5 do you understand?

6 So I'm asking you grant this motion on the facts
7 stipulated in the habeas corpus and prearrest delay.

8 Even if you don't understand the double jeopardy
9 issue which I'm trying to bring forth, the pre-arrest delay in
10 itself requires dismissal. Because in the pre-arrest delay,
11 which should have been post arrest delay because I was arrested
12 twice but the State chose not to prosecute. I was arrested for
13 erroneous probation violation, sentenced 30 days. Arrested
14 again for G.T.A. charge, they didn't prosecute then.

15 The Tartaglia (ph) case says the reason for delay
16 will weigh more heavily against the prosecution if they can't
17 come up with a reason to wait so long to file the motion.

18 The Autrey case says if the State tries to gain
19 advantage over me that requires dismissal because, I guess,
20 they say tactical advantage, recklessly or intentionally
21 doesn't matter, it's just the fact as you saw when we went for
22 the discovery motion we asked the prosecutor about the
23 statement I had gave, at which time they told us they didn't
24 have the statement. So we filed the bail reduction motion, I'm
25 not going to say erroneously, they did it properly, but it was

1 a tactical advantage, do you understand? They did it in order
2 to procure I wouldn't get released on O.R. when they told us
3 they didn't have the statement. But the same day they became
4 aware, the statement mysteriously pops up.

5 After that, not only that, but also in the Berman
6 case says if your constitutional rights have been violated
7 between this pre-arrest delay, that's automatic dismissal
8 because it's due process violations all in itself. And bring
9 it under the outrageous government conduct, which is Helus (ph)
10 versus State, or something like that, I don't know, I'm a
11 layman, I don't understand law too well, but I know what I
12 read.

13 All these due process violations, I had no ad
14 litem guardian when I was down at juvenile. They erroneously
15 put me on probation. The State failed to file, which they had
16 ample opportunity to file the charges.

17 Not only that, but everything I'm presenting to
18 you right now is by my own means. My lawyer is not even on my
19 side. As much as he tries to admit, this motion I prepared, he
20 didn't prepare, he's telling me its frivolous, meritless.
21 Maybe it is, but that's for you to decide.

22 So in conclusion, I just ask you grant this motion
23 because I wasn't trying to avoid justice.

24 And at the end of my motion it talks about the
25 pecking order and food chain. When an animal has declared

1 inadequacy, the other animal should not usurp, how do you say,
2 superiority over the animal because he's declared inadequacy.
3 It teaches you in nature and society. That when I'm in
4 subjection to you and I declare inadequacy, why do you have to
5 fight against me? I told you I need help, do you understand?
6 But I come before you now a changed man and it's not because of
7 no medication they was giving me, it's because I sat down and
8 thought about it in self reflect, looked on my own objectively
9 and subjectively. So I just submit the motion.

10 THE COURT: Thank you.

11 Miss Holthus?

12 MS. HOLTHUS: He says he wasn't on probation but
13 he had a probation officer. There's no double jeopardy. It is
14 a frivolous motion. There's no basis for anything he has
15 alleged.

16 We've proceeded as swiftly as we can. The fact we
17 didn't have that statement earlier worked to his benefit
18 because I made him an offer at preliminary hearing, not knowing
19 I had a confession, that I would never have made him had I had
20 a confession. And I have still left that offer on the table.
21 So, actually, it's worked to his benefit. If I had a benefit
22 at preliminary he would be looking at 20-to-life right now and
23 he's not. So he's actually had a benefit. As soon as I got
24 that statement, I'd been looking for it, as soon as I got it
25 they got it.

1 I don't remember what his other stuff was but he's
2 never been administered any medication that we are aware of.

3 THE COURT: All right. I don't mind anybody
4 filing motions, and if I grant the motion or deny the motion
5 it's always good to have a motion on record because I'm not
6 saying that you're going to be convicted, Mr. Polk, that's not
7 up to me, it's up to a jury of 12 people, not me. So you're
8 either going to be found not guilty and walk out of the
9 courtroom or found guilty, not by me but a jury, and I'm going
10 to have to sentence you.

11 But if you have motions like this on file its a
12 good checks and balance matter because the supreme court, if it
13 goes bad your way, the supreme court always has the last word
14 on this, they can look at it and determine all the facts that
15 you presented and perhaps give you a different result, I don't
16 know, that's up to the supreme court.

17 As I said, I'm not even thinking it's going to be
18 on appeal, you might be found not guilty and so be it. But you
19 have this motion on file, I did review it and I find, in my
20 humble opinion, there's no double jeopardy violation as to the
21 instant matter.

22 And the previous matter, of which the defendant
23 cites to involve different victims and occurred at different
24 times, this Court finds that the defendant has not been
25 subjected to prearrest delay either, as the defendant's

1 preliminary hearing was set within the time so allowed by
2 statute. And additionally, the defendant argues that his First
3 Amendment rights were violated due to being forced to take
4 medication. There's no evidence in the record to support this
5 allegation. There's no evidence in the report submitted to the
6 Court by the three doctors who evaluated Mr. Polk's that any
7 medications were administered to him. However, if such
8 medications were given the defendant, the United States Supreme
9 Court has allowed the compulsion of medication to prison
10 inmates.

11 So I read everything and based upon this
12 foregoing, I'm not going to grant the motion for pretrial writ
13 of habeas corpus for dismissal. I'm going to deny it and don't
14 see the need for an evidentiary hearing. The facts are here
15 and I'll attach this memorandum of notice of supporting
16 documents to the motion, Miss Clerk, and make sure this is a
17 matter of record if it's appealed. File it with his motion,
18 all right.

19 As far as the State's motion to admit evidence of
20 other crimes, acts or wrongs, Miss Holthus filled a motion on
21 that. Mr. Oram opposed that. I'll hear from you, Miss
22 Holthus, on that.

23 MS. HOLTHUS: Judge, with respect to the one
24 incident obstructing a police officer, obviously that wasn't a
25 situation where he gave fake identification to police officers.

1 It's our position that would be evidence of consciousness of
2 guilt. We are not offering it for any improper purpose, but
3 rather the fact he was aware he was wanted for sexual assault
4 and it's kind of the guilty-mind argument.

5 I would also suggest our motion, in light of his
6 not guilty by reason of insanity defense, is even more
7 compelling with respect to that, in terms of his knowledge of
8 what he knew right from wrong and how he was thinking, what his
9 intent was. That carries over into the Frida White incident.
10 That was '98, that was in 1998, all three young women, all
11 three being forced to have sex with this young man. His
12 intent, the fact this was not an accident or mistake are all in
13 issue. Now with his insanity plea, that would be that much
14 more important to the jury.

15 Based upon that and the supreme court ruling in
16 these cases where the State can offer for sexual aberration
17 rather than just bad character, in this case clearly he has an
18 emotional propensity for sexual aberration, that is raping
19 young women and should be admissible.

20 THE COURT: I might want to hear from Frida White
21 down the road, because there was no conviction.

22 MS. HOLTHUS: He was initially prosecuted in the
23 district court, eventually he was to plead guilty to coercion,
24 he may be right it may be in here and at sentencing we realized
25 he was 17.

1 THE COURT: She's available to testify if I needed
2 to show by clear and convincing evidence that it happened?

3 MR. ORAM: Right. I'll make her available for the
4 Petrocelli hearing at the Court's convenience.

5 THE COURT: I'm just saying, whatever my ruling
6 is.

7 MR. ORAM: There's no need for evidentiary
8 hearing in this motion. First of all, this is an adult lady.
9 According to the allegation, assuming the facts the State has
10 put forward, this young lady, who is approximately Mr. Polk's
11 age, is what I would call -- they were kissing together and
12 then the young lady claims it went too far, she didn't want to
13 go any farther than kissing. That's completely different than
14 what they have charged in the instant case. What they are
15 charging in the instant case, as the Court knows, is two young
16 sisters, very young sisters, that apparently allege they were
17 being molested by Mr. Polk. That's completely different.
18 First of all, they are young females, versus a female his age,
19 an adult female.

20 Secondly, in the instant case Mr. Polk is accused
21 of sexually molesting his natural sisters. This was an
22 incident where it was sort of a couple. They were on a bed and
23 kissing and she was consenting to that.

24 Under the cases cited by the State and in my
25 opposition, there has to be a common scheme or plan. In the

1 Willet case, for example, there was a same criminal act
2 occurring by the defendant at the Eddie Lee Boys Home. What's
3 happening is they are bringing in the prior bad acts of maybe a
4 guy charged with sexually molesting some children from that
5 home, apparently he had done something similar previously and
6 therefore they found that was a common scheme or plan.

7 In the Allen case the same thing, the defendant
8 would show young children pornographic movies then molest them.
9 There's no common scheme or plan here. I don't understand how
10 the State thinks they can get this in under 48.056. All they
11 are trying to do is show look, Mr. Polk was previously charged
12 with something of a sexual nature, therefore, he's a bad guy,
13 you should find him guilty and shouldn't find him insane.

14 With that I would ask the motion be denied.

15 THE COURT: Any response to that, Miss Holthus?
16 It's not a common plan, scheme?

17 MS. HOLTHUS: The common plan or scheme is not a
18 necessary requirement. What the supreme court says is we don't
19 want bad character. The fact he robbed a bank ten years ago to
20 somehow affect our ruling in the trial in a sex case when you
21 have specific emotional propensity for sexual aberration, in
22 this case his sexual aberration is forced sex with young women.
23 That's the common plan or scream. Its less likely someone is
24 going to be three times accused of having sex with a young
25 woman against her will than if it happens one time. It makes

1 perfect sense and the supreme court said they will uphold it
2 and the prejudice is outweighed by the probative value.

3 Again, I would reiterate the fact he's putting his
4 mental state at issue opens up a whole other argument for that
5 bringing in Frida White. Because he's going to say he was
6 insane when he raped his sisters, but I suspect Frida, who will
7 be a little older because she was probably 18 at the time, can
8 articulate better where the defendant was coming from. So for
9 that reason I would ask the Court to allow the evidence.

10 THE COURT: All right. The State again wishes to
11 introduce this evidence of the defendant's past sexual acts
12 committed upon an adult to show a common scheme or plan. The
13 defense argues that because the prior bad acts were committed
14 on an adult and the present case involves children, they are
15 not similar, I believe that's what you argue. Additionally,
16 the State wishes to introduce the defendant's giving of false
17 information to the police to show consciousness of guilt. In
18 the instant case the defendant gave false information to the
19 police, the defense claims it would only tend to show
20 prohibited character evidence of the defendant, I got that from
21 the brief, I believe.

22 The Nevada Supreme Court has long held that
23 evidence of previous criminal conduct will be more liberally
24 admitted in cases of aberrant sexual conduct. McMichael versus
25 State, 94 Nevada 184, 1978 case. Here the defendant has

1 demonstrated a propensity for sexual aberration and has
2 developed and used a common plan or scheme to sexually assault
3 women no matter what their age. In both instances the
4 defendant, without consent and against the victims' will,
5 undressed himself and victim, restrained the victim and
6 penetrated the victim.

7 Additionally, the State wishes to introduce the
8 defendant's prior giving of false information to the police.
9 Donnell versus state, 92 Nevada, 680, a 1976 case, held proof
10 of relevant intent is allowed by means of prior bad acts.

11 Here the defendant's conduct, I believe it was on
12 February 23, 2000, where the State claims he knowingly,
13 intentionally gave false information to the police, is
14 indicative of the defendant's consciousness of guilt and
15 intent. Therefore, based on the foregoing, the State's motion
16 to admit evidence of other crimes, acts or wrongs is hereby
17 granted, with the caveat that the Court wants to be convinced
18 by clear and convincing evidence by Frida White. I'd like to
19 hear her on the witness stand. So if you have her available,
20 perhaps at calendar call or whatever, we can have a short
21 Petrocelli hearing to convince the Court there's clear and
22 convincing evidence. And, of course, Mr. Oram will have a
23 right to cross examine and we'll go from there. All right?

24 MS. HOLTHUS: Sure.

25 THE COURT: There was one other that I seen in the

1 file, Mr. Oram, it was filed August 6 at 1:56 p.m. it's sort
2 of a motion to endorse defendant's memorandum of notice in
3 support of dismissal.

4 And again, it's your cover sheet with proper
5 person memorandum of notice in support of dismissal. The
6 defendant argues again outrageous government conduct. He again
7 says something about fraudulent documents, maybe the same thing
8 he showed me here, and he threatened civil suits to everybody,
9 he's going to sue everybody, sue everybody involved with civil
10 suits for many derelictions and constitutional violations
11 sustained by the defendant.

12 Of course, that's his right to do, I don't care
13 what he does but it's nothing to me. Did you want to add
14 anything to that? I don't see any difference.

15 MR. ORAM: I believe it was just an extension
16 from the other one.

17 THE COURT: I just wanted to clarify that. So,
18 for the record, pursuant to my previous order, this motion
19 that's styled a motion to endorse defendant's memorandum notice
20 in support of dismissal, will also hereby be denied.

21 I just want to clear the record up and I want to
22 preserve any rights that Mr. Polk has, I want everything
23 preserved and filed. As I said, I'm not saying he's going to
24 be convicted of this, even though his confessions and -- but if
25 he is, at least he received his rights. I'm not predicting. A

1 lot of defendants think when I say "appeal" they think I'm
2 predicting. I'm just a referee here, we hear the evidence, the
3 jury of his own peers will decide whether or not he's guilty or
4 not guilty, and whatever decision is I'll abide by it, of
5 course, and do the appropriate thing. So I don't want to give
6 anybody the wrong impression.

7 So that being said, I think we've resolved all
8 these issues. I know you have a preliminary hearing to go to
9 Miss Holthus.

10 MS. HOLTHUS: I do.

11 THE COURT: I'm sorry I held you here but I wanted
12 to give Mr. Polk an opportunity to say whatever he wants.

13 MR. ORAM: Mr. Miss Peterson is here.

14 MS. HOLTHUS: She's here to get me.

15 MR. ORAM: A statement was made by Mr. Polk that
16 I'm not on his side. I think I need to make a record. In fact
17 he's correct, he's said I made a statement I believed the
18 motion was frivolous. I did make that statement. However,
19 I've been working with him, going to see him especially before
20 the trial. I'm going to be asking the Court in an ex parte
21 order to appoint an expert psychiatrist to see him and I'll be
22 going forward and doing the best I can pursuant to the
23 Strickland standard, trying to meet the Strickland standard,
24 and I wanted that to be on the record.

25 THE COURT: Mr. Polk, I consider Mr. Oram one of

1 the best criminal attorneys in town. In fact, I think that's
2 all he does is criminal law. The last trial I had he got a
3 verdict of not guilty. The man is experienced, I mean, I
4 couldn't imagine the trials this man's had. He's sharp, he's
5 good in front of a jury and you're very, very, very lucky to
6 have a man of Mr. Oram's caliber on your side. You're
7 extremely lucky. Try to get along with him the best you can
8 and he's going to try to get along with you and do the best he
9 can. I know you have to go. I could stay here all morning but
10 I know you're busy and I think we resolved these things.

11 MR. Oram: Thank you, Your Honor.

12 ATTEST: Full, true and accurate transcript of
13 proceedings.

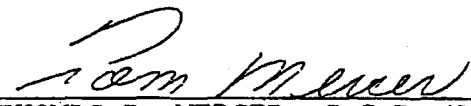
14
15 
16 THOMAS D. MERCER, C.C.R. No. 33
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Exhibit E

INTAKE MENTAL HEALTH/SUICIDE QUESTIONNAIRE

☒ Past History

☐ Hallucinations: ☐ Auditory ☐ Visual ☐ Other

☐ Substance Abuse ☒ Drugs Type Alcohol / Halluc /

☒ Alcohol Last Use 7/2 ☐

☐ Suicidal Ideation

YES NO

When 12 wks

☒ Psych Hospitalizations: When/where/why?

Mental Health on Charleston & Jones

☐ Present Status

☐ Hallucinations: ☐ Auditory ☐ Visual ☐ Other

☐ Substance Abuse ☐ Drugs Type 8

☐ Alcohol Last Use 8 ☐

☐ Suicidal Ideation

YES NO

When 8

☐ Any Suicidal attempts:

☐ In Custody

☐ Prior to Arrest

☐ Current Medications

Compliant with Meds? Yes NO

ASSESSMENT

Findings requiring Immediate Referral

☐ O dystonias/EPS

☐ O Made attempt at suicide in Custody

☐ O Poses Immediate threat to others

Or self

Findings Requiring Referral

☐ o Suicidal ideation in past 12 Months

☐ o Current RXs for psych

☐ o Known Mental Problems

PLAN

☐ Suicide Watch

☐ Referral to Psych Call

☐ Segregation or Isolation

☐ Immediate call to Psych Services

☐ Immediate call to Psychiatrist / Medical Doctor

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

Medical Records

EMSA CORRECTIONAL CA MENTAL HEALTH REPORT

Inmate Name: Polk, Renard Date: 9/3/99 ☒ Resident ☐ Non-Resident
 ID#: 1521718 Housing: 5B117 ☐ Employed ☐ Unemployed
 SS#: _____ DOB/Age: 10/14/80, 18 ☐ Receiving Disability ☐ SSI
☒ Male ☐ Female Marital Status: ☐ Married ☒ Single ☐ Divorced ☐ SSDI ☐ VA
 Current Charges: prob. viol.

A. Presenting Problem: Officer Smith ref. - I'm requesting meds.

B. Current Mental Status:

Quality of Affect:

☐ Labile ☐ Sarcastic
☐ Elated/Euphoric ☐ Depressed ☐ Anxious
☒ Flat ☐ Frightened ☐ Apathetic
☐ Agitated ☐ 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:
☐ Family History of Mental Illness:
☒ Medications Prescribed in past:
☐ Currently Receiving Medications:

☒ Psych Hospitalizations
☐ Civilly Committed
☒ Suicidal History
☐ Present Ideation no

drank bottle rubbing alcohol 3 mos. ago - last seen by private psychiatrist, Dr. Ali who referred to m. Health 2 mos. ago
placed on risperdal
(I'm says did not help w/ voices)

D. Substance Use/Abuse:

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

E. Mental Health Status Summary: I'm is an dent, oriented 10 y/o b/m who is experiencing auditory hallucinations which appear to be drug-induced. I'm states that he did large amounts of acid along w many other drugs. Has flashbacks
 Diagnostic Impression
 Axis I: substance-induced
 Axis II: psychosis

F. Recommendations and Treatment Plan:

1) psychiatric eval.
2) HTC
3) P/u PRN

Report Completed By: Jack Mann, LCSW

pronounced memory problem
Denies
 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.
☐ Remove from Suicide Watch
☐ Observe for Suicidal Behavior
 Medical Records

Involuntary Administration of Psychotropic Medications

INMATE NAME

Bill, Renard

ID#

1521718

1. Inmate is suffering from a mental illness which creates: (circle those that apply)

- ☒ A. an immediate threat of bodily harm to self or others
- ☐ B. serious destruction of property
- ☒ C. extreme deterioration of functioning secondary to psychiatric illness

2. Behavior exhibited:

- A. Banging head on wall, door, bars, etc.
- B. Assaultive
- C. Threatening/attempted suicide
- D. Other (describe) Thought disorder
suicidal ideation

3. Less restrictive measures employed (circle)

- | | | | |
|---|-----------|----------------------|------------------------|
| <input type="radio"/> A. Restraints: | Effective | Not effective | Would not be effective |
| <input checked="" type="radio"/> B. Isolation: | Effective | <u>Not effective</u> | Would not be effective |
| <input checked="" type="radio"/> C. Medication offered but inmate refused | | | |
| <input checked="" type="radio"/> D. Individual counseling | | | |
| <input checked="" type="radio"/> E. Constant observation | | | |

4. Inmate will receive a one-time order of:

- A. Prolixin & Benadryl
- B. Prolixin & Benadryl & Ativan
- C. Haldol & Benadryl
- D. Haldol & Benadryl & Ativan

Signature of Primary Doctor _____

Date _____

Signature of Secondary Doctor _____

Date _____

This order may be renewed in 2-4 hours after the doctor has been called.
Inmate to be seen during next Psych Call

Inmate to be seen on a weekly basis while medications are involuntarily administered

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

☒ 5. Inmate remains a danger to him/herself &/or others and has either not responded to the medications specified in # 4 or a one-time dose will be ineffective and requires a long-acting dose:

- ☒ A. Prolixin Decanoate & Benadryl
- ☐ B. Prolixin Dec. & Benadryl & Ativan
- ☐ C. Haldol Dec. & Benadryl
- ☐ D. Haldol Dec. & Benadryl & Ativan

Medical Records

Signature of Primary Doctor _____

Date

9-9-99

Signature of Secondary Doctor _____

Date

9/9/99

REFUSAL OF TREATMENT FORM

Institution: CCDC

Name: Pork Renard ID# 1521718

D.O.B. 10/14/80

I, _____ have, this day, knowing that I have a condition
(Name of Inmate)

requiring medical care as indicated below:

- Respirator
- | | |
|---|---|
| <input checked="" type="checkbox"/> A. Refused medication. | <input type="checkbox"/> E. Refused X-Ray services. |
| <input type="checkbox"/> B. Refused dental care. | <input type="checkbox"/> F. Refused other diagnostic tests. |
| <input type="checkbox"/> C. Refused an outside medical appointment. | <input type="checkbox"/> G. Refused physical examination. |
| <input type="checkbox"/> D. Refused laboratory services. | <input type="checkbox"/> H. Other (Please specify) |

Reason For Refusal

I don't need my medicine.

Potential Consequences Explained

yes

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.

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 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

Patient Signature

[Signature]


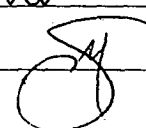
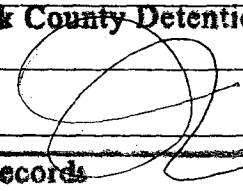
Date

Time

2200

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.

PROGRESS NOTES

Date/Time	Inmate's Name: 1521716 Polk Ronald	D.O.B.: 10/14/88
9-7-99	CD - speed + alcohol f-bx - hall. mum fls	
		
9-8-99	Request to see IM. He is ^{Voices - "Come be my heavenly father"} hallucinating. SI. Has difficulty formulating thoughts. E impaired memory. Could not recall seeing Drs. or being offered meds. Officer felt more comfortable having IM on psych. module. IM reads Bible + able to say push button for officer + talk to cellmates if cannot control. SI. Plan: IM moved to 2B5V; refer to Psychiatry. Seen by Manis + Eymann.	
9-9-99	Pt has SI and is psychotic + will require meds	Jack Mann, LCSW
		
<div data-bbox="889 1506 1588 1932" data-label="Text"> <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 align="center"> Medical Records</p> </div>		

INSTITUTION / FACILITY: _____

NAME: POLK, RENARD

I.D. #: 1521718

BLOOD PRESSURE AND WEIGHT RECORD

INSTRUCTIONS: _____

[illegible]

Exhibit F

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
DECLARATION OF WARRANT/SUBPOENAS
(N.R.S. 171.106)
(N.R.S. 53 amended 07/13/93)

EVENT: 990313-0217

STATE OF NEVADA)
) ss:
COUNTY OF CLARK)

David E. Dunn, being first duly sworn, deposes and says:

That he is a police officer with the Las Vegas Metropolitan Police Department, being so employed for a period of 30 years, assigned to investigate the crime(s) of SEXUAL ASSAULT ON A MINOR (7 COUNTS committed on or about 03-12-99, which investigation has developed RENARD TURMAN POLK as the perpetrator thereof.

THAT DECLARANT DEVELOPED THE FOLLOWING FACTS IN THE COURSE OF THE INVESTIGATION OF SAID CRIME TO WIT:

1. That on 3-12-99 ANNA LISA POLK, DOB 11-10-88 became the victim of a Sexual Assault. That the suspect is known to her as he is her brother, Renard 18 years of age.
2. That Anna stated that Renard has been having ANAL intercourse with her since she was five years of age. That every time Renard would catch Anna alone he would drag her into his bedroom, or into the bathroom.
That once in the bathroom or bedroom he would tell her to take off her clothing and her would remove his. That Renard would then make her lay on the floor and have ANAL intercourse with her. That on other occasions he would sit in a chair and then force her to sit on his penis.
3. That Renard never did anything else to her in the way of sexual activity. That he would always do the same thing to her and would never vary.
4. That the last time she was assaulted by Renard was March 12, 1999. That Renard took her into his bedroom and told her to remove her clothing, while he removed his clothing. That he then forced her to lay on the floor. That he then put his penis into her rectum, with force and against her will.
5. That ANNA stated Renard would, after forcing her to the floor, put his hand over her mouth to prevent her from crying out. That he threaten ANNA saying that he would kill her if she ever told anyone about what he was doing.
7. That there are two siblings, JAHALA CHATMAN, and her sister JAMILA. That they were both interviewed as to what may or may not have taken place. That jamila was interviewed and it was found she had not been the victim of a sex crime. That Jamila

DATE: 3-16-99

Exhibit G

CRIMINAL COURT MINUTES

99-C-156363-C STATE OF NEVADA vs Polk, Renard T

02/08/99 08:30 AM 00 INITIAL ARRAIGNMENT

HEARD BY: Joseph T. Bonaventure, Judge; Dept. 6

OFFICERS: NORMA CHATY, Relief Clerk
ROBERT MINTUN, Reporter/Recorder

PARTIES: STATE OF NEVADA
003776 Monroe, Vicki J.

001 D1 Polk, Renard T
006769 Oronoz, James

Y
Y

N
Y

GUILTY PLEA AGREEMENT FILED IN OPEN COURT. NEGOTIATIONS: Defendant to plead guilty, pursuant to Alford, to Information; the State to agree not to oppose probation if recommended by P&P; if there is no recommendation, the State retains the right to argue and will not oppose release of defendant on his own recognizance. DEFENDANT POLK ARRAIGNED and PLED GUILTY, pursuant to Alford to COERCION (F). The State made an offer of proof. COURT ACCEPTED plea and ORDERED, matter referred to P & P and set for sentencing. Pursuant to negotiations, FURTHER ORDERED, Defendant released on an O.R.

O.R.

5/10/99 8:30 A.M. SENTENCING

03/08/99 08:30 AM 00 P&P'S REQUEST DEFT'S STATUS

HEARD BY: Joseph T. Bonaventure, Judge; Dept. 6

OFFICERS: NORA PENA, Court Clerk
ROBERT MINTUN, Reporter/Recorder

PARTIES: STATE OF NEVADA
003726 Guymon, Gary L.

001 D1 Polk, Renard T
PUBDEF Public Defender
005114 Rusley, Eric W.

Y
Y

N
Y
Y

Robert Lawson of P & P present. Mr. Rusley stated deft is not here, he talked to him on Friday to be here and does not know where the deft. is. Mr. Guymon advised he would like to send the case back to Justice Court and can reach the client through Mr. Rusley. COURT ORDERED, Will allow Defendant to WITHDRAW GUILTY PLEA and REFER matter back to JUVENILE COURT since deft. was never certified; date of 5/10th VACATED.

CASE CLOSED

CRIMINAL COURT MINUTES

99-C-156363-C STATE OF NEVADA

vs Polk, Renard T

CONTINUED FROM PAGE: 001

04/12/99 09:00 AM 00 MINUTE ORDER RE: RE DISMISSAL

HEARD BY: Joseph T. Bonaventure, Judge; Dept. 6

OFFICERS: NORA PENA, Court Clerk

PARTIES: NO PARTIES PRESENT

Pursuant to representations of Robert Teuton, Chief Deputy District Attorney, Juvenile Division, the State is not going to proceed in this case, CASE DISMISSED.

CASE DISMISSED AND CLOSED

CLERK'S NOTE: Minute order created pursuant to representations of Clerk's Office, Juvenile Division.

CRIMINAL COURT MINUTES

00-C-166490-C STATE OF NEVADA vs Polk, Renard T

04/18/00 08:00 AM 00 INITIAL ARRAIGNMENT

HEARD BY: Joseph T. Bonaventure, Judge; Dept. 6

OFFICERS: CONNIE KALSKI, Court Clerk
ROBERT MINTUN, Reporter/Recorder

PARTIES: STATE OF NEVADA
003814 Holthus, Mary Kay
001 D1 Polk, Renard T
004349 Oram, Christopher R.

Y
Y
Y
Y

Mr. Oram advised the matter was negotiated, however, Defendant now wishes to proceed to trial. Negotiations stated by Ms. Holthus. COURT ORDERED, matter CONTINUED for Arraignment and filing of an Amended Information.

CUSTODY

4/25/00 8:00 AM ARRAIGNMENT CONTINUED & FILING OF AMENDED INFORMATION.

04/25/00 08:00 AM 00 ALL PENDING MOTIONS 4/25/00

HEARD BY: Joseph T. Bonaventure, Judge; Dept. 6

OFFICERS: NORA PENA, Court Clerk
ROBERT MINTUN, Reporter/Recorder

PARTIES: STATE OF NEVADA
004630 Hendricks, Craig L.
001 D1 Polk, Renard T
004349 Oram, Christopher R.

Y
Y
Y
Y

FILING OF AMENDED INFORMATION...ARRAIGNMENT CONTINUED

Mr. Oram advised matter was negotiated in Justice Court, the deft. has indicated reservations and moved to have his client psychologically evaluated but he does not want the plea offer to go away. Mr. Hendricks advised he did not have the file but had no objection to going along with it. Court directed counsel to have deft. evaluated by a doctor and ORDERED, matter set for further proceedings.

CUSTODY

5/23/00 8:00 AM FURTHER PROCEEDINGS: EVALUATION

CRIMINAL COURT MINUTES

00-C-166490-C STATE OF NEVADA

vs Polk, Renard T

CONTINUED FROM PAGE: 001

05/23/00 08:30 AM 00 FURTHER PROCEEDINGS: PSYCHOLOGICAL
EVALUATION

HEARD BY: Joseph T. Bonaventure, Judge; Dept. 6

OFFICERS: NORA PENA, Court Clerk
ROBERT MINTUN, Reporter/Recorder

PARTIES: STATE OF NEVADA
003814 Holthus, Mary Kay
001 D1 Polk, Renard T
004349 Oram, Christopher R.

Y
Y
Y
Y

Mr. Oram advised he received the order back and requested more time for a psychological evaluation. COURT ORDERED, matter CONTINUED.

CUSTODY

CONTINUED TO: 06/13/00 08:30 AM 01

06/13/00 08:30 AM 01 FURTHER PROCEEDINGS: PSYCHOLOGICAL
EVALUATION

HEARD BY: Joseph T. Bonaventure, Judge; Dept. 6

OFFICERS: CONNIE KALSKI, Court Clerk
ROBERT MINTUN, Reporter/Recorder

PARTIES: STATE OF NEVADA
003814 Holthus, Mary Kay
001 D1 Polk, Renard T
004349 Oram, Christopher R.

Y
Y
Y
Y

Mr. Oram advised the psychological evaluation is not yet completed and requested another ten days. COURT ORDERED, matter CONTINUED.

CUSTODY

CONTINUED TO: 06/27/00 08:30 AM 02

CRIMINAL COURT MINUTES

00-C-166490-C STATE OF NEVADA

vs Polk, Renard T

CONTINUED FROM PAGE: 002

06/27/00 08:30 AM 02 FURTHER PROCEEDINGS: PSYCHOLOGICAL
EVALUATION

HEARD BY: Joseph T. Bonaventure, Judge; Dept. 6

OFFICERS: NORA PENA, Court Clerk
DEBRA VAN BLARICOM, Reporter/Recorder

PARTIES: STATE OF NEVADA
000477 Bell, Stewart L.
003814 Holthus, Mary Kay

001 D1 Polk, Renard T
004349 Oram, Christopher R.

Y
Y
Y

Y
Y

Mr. Oram advised this is from a special unit with Mary Kay Holthus, he has a report that recommends the Deft. be sent to Lakes Crossing and has heard nothing from the State. Upon Court's inquiry, Mr. Oram agreed he would need a second psych report. Deft's mother present, asked for an O.R. release. Court stated "no" because the Court needs to be satisfied with Deft's mental status. Mr. Oram requested 3 weeks. COURT ORDERED, matter CONTINUED.

CUSTODY

CONTINUED TO: 07/18/00 08:30 AM 03

07/18/00 08:30 AM 03 FURTHER PROCEEDINGS: PSYCHOLOGICAL
EVALUATION

HEARD BY: Joseph T. Bonaventure, Judge; Dept. 6

OFFICERS: NORA PENA, Court Clerk
ROBERT MINTUN, Reporter/Recorder

PARTIES: STATE OF NEVADA
004630 Hendricks, Craig L.

001 D1 Polk, Renard T
004349 Oram, Christopher R.

Y
Y

Y
Y

Mr. Oram advised he doesn't have the report, the doctor saw the Deft. yesterday, he will call the doctor this morning to get the report and requested one week continuance. COURT ADMONISHED MR. ORAM regarding 6 continuances and ORDERED, matter continued.

CUSTODY

CONTINUED TO: 08/01/00 08:30 AM 04

CRIMINAL COURT MINUTES

00-C-166490-C STATE OF NEVADA

vs Polk, Renard T

CONTINUED FROM PAGE: 003

08/01/00 08:30 AM 04 FURTHER PROCEEDINGS: PSYCHOLOGICAL
EVALUATION

HEARD BY: Joseph T. Bonaventure, Judge; Dept. 6

OFFICERS: NORA PENA, Court Clerk
ROBERT MINTUN, Reporter/Recorder

PARTIES: STATE OF NEVADA
003814 Holthus, Mary Kay
001 D1 Polk, Renard T
004349 Oram, Christopher R.

Y
Y
Y
Y

Mr. Oram advised pursuant to Dr. Jurasky's report he would need more time to exam the Deft. and states he is mentally ill. However Mr. Oram requested Deft. be sent to Lakes Crossing. Ms. Holthus concurred with Mr. Oram and noted the doctor came up with weird conclusions. Pursuant to NRS 178.425, COURT ORDERED, defendant REMANDED to the custody of the Administrator of the Mental Hygiene and Mental Retardation Division for the Department of Human Resources for detention and treatment at a secure facility operated by the Mental Hygiene and Mental Retardation Division.

CUSTODY - LAKES CROSSING

11/02/00 08:30 AM 00 AT THE REQUEST OF COURT ADMINISTRATION:
STATUS CHECK

HEARD BY: Joseph T. Bonaventure, Judge; Dept. 6

OFFICERS: NORA PENA, Court Clerk
ROBERT MINTUN, Reporter/Recorder

PARTIES: STATE OF NEVADA
005218 Peterson, Tamara M.
001 D1 Polk, Renard T
004349 Oram, Christopher R.

Y
Y
N
Y

Ms. Peterson advised deft is not present but at Lakes Crossing and moved to file ORDER OF FINDINGS OF COMPETENCY AND ORDER TO TRANSPORT DEFENDANT IN OPEN COURT. Orders executed in open court. Ms. Peterson advised Deft. waived before negotiations then was going to back out, she asked to file the amended information but can wait pursuant to Court's suggestion. Mr. Oram advised the Deft. has had an opportunity to have a psych evaluation and may come down and want the deal. No objection by Ms. Peterson and advised the deal is still open. COURT ORDERED; Deft. found competent and Deft. to be transported; matter set for negotiations and/or trial setting.

CRIMINAL COURT MINUTES

00-C-166490-C STATE OF NEVADA

vs Polk, Renard T

CONTINUED FROM PAGE: 004

CUSTODY

11/22/00 8:30 AM NEGOTIATIONS AND/OR TRIAL SETTING

11/22/00 08:30 AM 00 NEGOTIATIONS AND/OR TRIAL SETTING

HEARD BY: Joseph T. Bonaventure, Judge; Dept. 6

OFFICERS: NORA PENA, Court Clerk
ROBERT MINTUN, Reporter/RecorderPARTIES: STATE OF NEVADA
003814 Holthus, Mary Kay
001 D1 Polk, Renard T
004349 Oram, Christopher R.Y
Y
Y
Y

Court advised has declared Deft. competent. Mr. Oram requested to set a trial date because he wanted to talk with the Deft. Ms. Holthus moved to file an Amended Information. After review of it, Mr. Oram advised he thought this was a robbery. Ms. Holthus advised if there is a problem she can file another one. CONFERENCE AT THE BENCH. AMENDED INFORMATION FILED IN OPEN COURT. Upon Court's inquiry, Deft. advised his TRUE MIDDLE NAME is TRUMAN. COURT SO ORDERED. DEFENDANT POLK ARRAIGNED, PLED NOT GUILTY and WAIVED THE 60-DAY RULE. COURT ORDERED, matter set for trial.

CUSTODY

3/22/01 8:30 AM CALENDAR CALL

3/26/01 9:30 AM JURY TRIAL

12/27/00 08:30 AM 00 DEFT'S MOTION FOR DISCOVERY

HEARD BY: Joseph T. Bonaventure, Judge; Dept. 6

OFFICERS: SHARRY FRASCARELLI, Relief Clerk
CARRIE HANSEN, Reporter/RecorderPARTIES: STATE OF NEVADA
005873 Benedict, Susan M.
001 D1 Polk, Renard T
004349 Oram, Christopher R.Y
Y
Y
Y

Mr. Oram advised he talked with Ms. Holthus regarding information he is seeking on statements the Deft may have made concerning this case. Further, the Deft states he has previously been charged with this identical charge.

CRIMINAL COURT MINUTES

00-C-166490-C STATE OF NEVADA

vs Polk, Renard T

CONTINUED FROM PAGE: 005

Mr. Oram advised as long as the information he is requesting is provided within two weeks, he will take this motion off calendar. COURT SO ORDERED and advised matter can be placed back on calendar if necessary. FURTHER ORDERED, trial date STANDS.

CUSTODY

03/22/01 08:00 AM 00 CALENDAR CALL

HEARD BY: Joseph T. Bonaventure, Judge; Dept. 6

OFFICERS: CAROLE D'ALOIA, Court Clerk
ROBERT MINTUN, Reporter/Recorder

PARTIES: STATE OF NEVADA
003814 Holthus, Mary Kay
001 D1 Polk, Renard T
004349 Oram, Christopher R.

Y
Y
Y
Y

Upon Court's inquiry, Ms. Holthus advised she will not be ready for trial until Tuesday of next week since she is in trial. Mr. Oram advised he does not object to matter being continued as he has his investigator out looking for witnesses. Mr. Oram also advised he filed a motion that is calendared for Monday and will need to supplement that motion. COURT ORDERED, TRIAL DATE VACATED AND RESET AND 3/26/01 DATE VACATED.

CUSTODY

7/26/01 8:30 AM CALENDAR CALL

7/30/01 9:30 AM JURY TRIAL

CRIMINAL COURT MINUTES

00-C-166490-C STATE OF NEVADA

vs Polk, Renard T

CONTINUED FROM PAGE: 006

04/18/01 08:00 AM 00 DEFT'S MOTION FOR O.R. RELEASE OR BAIL
REDUCTION

HEARD BY: Joseph T. Bonaventure, Judge; Dept. 6

OFFICERS: CAROLE D'ALOIA, Court Clerk
JANICE LISTON, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	003776 Monroe, Vicki J.	Y
	003814 Holthus, Mary Kay	Y
	001 D1 Polk, Renard T	Y
	004349 Oram, Christopher R.	Y

Discussion between Court and Mr. Oram regarding a statement made by Defendant. Ms. Holthus explained she has been looking for the statement and it was finally located and she just received a copy from Metro Records and presented a copy to Mr. Oram. Statements by Court regarding the history of this case. COURT ORDERED, motion DENIED, BAIL STANDS AS SET. Statements by Defendant.

CUSTODY

07/23/01 08:30 AM 00 STATE'S MOTION: ADMIT EVIDENCE OF OF
OTHER CRIMES ACTS AND WRONGS

HEARD BY: John S. McGroarty, Judge; Dept. 16

OFFICERS: Carole D'Aloia, Court Clerk
Diann Prock, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	001 D1 Polk, Renard T	Y

COURT ORDERED, matter CONTINUED FOR JUDGE BONAVENTURE'S DECISION.

CUSTODY

CLERK'S NOTE: CLERK NOTIFIED MS. HOLTHUS VIA E-MAIL REGARDING THE 7/26/01 CONTINUANCE DATE. CLERK ALSO PHONED MR. ORAM'S OFFICE AND LEFT A MESSAGE ON HIS VOICEMAIL WITH THE 7/26/01 CONTINUANCE DATE. CD

CONTINUED TO: 07/26/01 08:30 AM 01

CRIMINAL COURT MINUTES

00-C-166490-C STATE OF NEVADA

vs Polk, Renard T

CONTINUED FROM PAGE: 007

07/26/01 08:30 AM 00 ALL PENDING MOTIONS 7/26/01

HEARD BY: Joseph T. Bonaventure, Judge; Dept. 6

OFFICERS: Carole D'Aloia, Court Clerk
Shawn Ott, Reporter/RecorderPARTIES: STATE OF NEVADA
003814 Holthus, Mary Kay
001 D1 Polk, Renard T
004349 Oram, Christopher R.

Y

Y

Y

Y

STATE'S MOTION TO ADMIT EVIDENCE OF OTHER CRIMES, ACTS, OR WRONGS...CALENDAR
CALL

Mr. Oram advised matter cannot be resolved and Defendant wants to proceed to trial. Ms. Holthus stated she has not received a witness list from defense counsel. Statements by Mr. Oram regarding the Supreme Court overturning the statute precluding the insanity defense. Court noted Mr. Oram filed a motion to continue the trial, which Ms. Holthus stated she did not receive. COURT ORDERED, TRIAL VACATED AND RESET. Court further noted Mr. Oram filed a motion to dismiss and, upon Court's inquiry, Ms. Holthus advised she needed two weeks to respond. Court admonished counsel for filing all these last minute motions stating they should have been filed a while ago and not the week before trial. COURT ORDERED, Ms. Holthus to file an opposition by 8/6/01, and instructed counsel to file any other motions by that same date, and matter set for ARGUMENT/DECISION.

CUSTODY

8/8/01 8:30 AM ARGUMENT/DECISION: MOTION TO DISMISS

8/8/01 8:30 AM ALL PRETRIAL MOTIONS

10/4/01 8:30 AM CALENDAR CALL

10/9/01 9:30 AM JURY TRIAL

CONTINUED ON PAGE: 009

CRIMINAL COURT MINUTES

00-C-166490-C STATE OF NEVADA

vs Polk, Renard T

CONTINUED FROM PAGE: 008

08/08/01 08:30 AM 00 ALL PENDING MOTIONS 8/8/01

HEARD BY: Joseph T. Bonaventure, Judge; Dept. 6

OFFICERS: Carole D'Aloia, Court Clerk
Tom Mercer, Reporter/RecorderPARTIES: STATE OF NEVADA
003814 Holthus, Mary Kay
001 D1 Polk, Renard T
004349 Oram, Christopher R.Y
Y
Y
YARGUMENT/DECISION MOTION TO ENDORSE DEFT'S MOTION OF PRE-TRIAL WRIT OF
HABEAS CORPUS FOR DISMISSAL OF THE INFORMATION...STATE'S MOTION TO ADMIT
EVIDENCE OF OTHER CRIMES, ACTS, OR WRONGS...ALL PRETRIAL MOTIONS

Court noted this matter was to have gone to trial but defense had filed a motion for additional time to seek out a different plea and inquired if a decision had been made. Mr. Oram advised he was going forward with an insanity defense. Discussion between Court and counsel regarding Defendant entering another plea, and it was decided that could be done at Calendar Call. As to Defendant's Motion to Endorse Defendant's Pre-Trial Writ of Habeas Corpus for Dismissal of the Information, Court noted this was prepared by the Defendant and Mr. Oram filed the motion with the proper endorsement. Statements by Defendant in support of his motion, Ms. Holthus stated her oppositions and Court stated its findings and, ORDERED, motion DENIED. Defendant presented a Memorandum of Notice Supporting Documents and, COURT ORDERED, motion DENIED and advised Defendant all motions should be filed by his attorney. As to State's Motion to Admit Evidence of Other Crimes, Acts, or Wrongs, COURT ORDERED, motion GRANTED with the caveat that the State present clear and convincing evidence in support of their motion. Court instructed Ms. Holthus to have Freda White present at Calendar Call and it will conduct a brief Petrocelli Hearing. Statement by Defendant. COURT FURTHER ORDERED, TRIAL DATE STANDS.

CUSTODY

CRIMINAL COURT MINUTES

00-C-166490-C STATE OF NEVADA vs Polk, Renard T

CONTINUED FROM PAGE: 009

10/04/01 08:30 AM 00 CALENDAR CALL

HEARD BY: Joseph T. Bonaventure, Judge; Dept. 6

OFFICERS: GEORGETTE BYRD/GB, Relief Clerk
Tom Mercer, Reporter/Recorder

PARTIES: STATE OF NEVADA
000477 Bell, Stewart L.
003814 Holthus, Mary Kay

001 D1 Polk, Renard T
004349 Oram, Christopher R.

N
Y
Y

Y
Y

Mr. Oram stated he is ready for trial, however in September he heard the defendant was in a mental facility where there was a form with boxes checked indicating they did not know who this person is. Subsequent to that, we received jail records from 1999 and it mentions 6161 W. Charleston which leads me to believe the defendant is accurate to his statement. We are requesting to obtain those records for the psychiatrist and further requested a continuance.

Ms. Benedict DDA stated she is ready for trial and further stated counsel is only talking about a couple weeks of records, they may not even be available. The doctor should be able to evaluate the defendant bases on what he has. Ms. Benedict further stated she is having logistical problems. The victims are in foster care and the foster parents have stated they cannot bring the kids to Nevada and we will have to go through the case worker. We are still waiting for that information from the case worker.

Court noted this is a three year old case, and the facts presented do not convince the court that there are any records and the doctor should go with what he has.

Mr. Oram stated the defendant prepared a Pro Per Writ Mandamus yesterday without his knowledge and he is requesting to address it to the Court. Counsel approached. Upon Court's inquiry, the defendant stated he does not have a copy for the Court. COURT ORDERED, it will address defendant's writ on Monday afternoon after the petrocelli hearing. FURTHER ORDERED, trial will proceed on Monday at 9:30 where a jury will be picked. Counsel to present clear and convincing evidence at the petrocelli hearing calendared for 1:00PM on Monday.

CUSTODY

10/08/01 9:30 AM TRIAL BY JURY

10/08/01 1:00 PM PETROCELLI HEARING/DEFT'S WRIT MANDAMUS

CRIMINAL COURT MINUTES

00-C-166490-C STATE OF NEVADA

vs Polk, Renard T

CONTINUED FROM PAGE: 010

10/08/01 08:30 AM 00 ALL PENDING MOTIONS 10-8-01

HEARD BY: Joseph T. Bonaventure, Judge; Dept. 6

OFFICERS: Keith Reed, Relief Clerk
Tom Mercer, Reporter/RecorderPARTIES: STATE OF NEVADA
005218 Peterson, Tamara M.
001 D1 Polk, Renard T
004349 Oram, Christopher R.Y
Y
Y
Y

JURY TRIAL...PETROCELLI HEARING: DEFT'S WRIT OF MANDAMUS

Mr. Oram noted the State is having witness problems, specifically with the two accusers and he would have no objection and stipulate to continuing the trial for him to perform additional investigations. Ms. Peterson concurred stating she could not have her witnesses here until Friday. Upon stipulation of counsel, COURT ORDERED, trial VACATED and RESET; Petrocelli Hearing and Deft's Writ of Mandamus CONTINUED.

CUSTODY

1-3-02 8:30 AM CALENDAR CALL

1-7-02 9:30 AM JURY TRIAL...PETROCELLI HEARING: DEFT'S WRIT OF MANDAMUS

01/03/02 08:30 AM 00 CALENDAR CALL

HEARD BY: Joseph T. Bonaventure, Judge; Dept. 6

OFFICERS: Nora Pena, Court Clerk
Tom Mercer, Reporter/RecorderPARTIES: STATE OF NEVADA
003814 Holthus, Mary Kay
005218 Peterson, Tamara M.
001 D1 Polk, Renard T
004349 Oram, Christopher R.Y
Y
Y
Y
Y

DEFT'S PRETRIAL PETITION WRIT OF HABEAS CORPUS FILED IN OPEN COURT

Parties announced ready for trial. Court advised it didn't have the Writ of Mandamus and ORDERED, Writ OFF CALENDAR.

DEFT'S PRE-TRIAL PETITION FOR WRIT OF HABEAS CORPUS: Matter submitted by Mr. Oram. Ms. Holthus advised the Court previously ruled on the Deft's Pre-Trial

CONTINUED ON PAGE: 012

CRIMINAL COURT MINUTES

00-C-166490-C STATE OF NEVADA

vs Polk, Renard T

CONTINUED FROM PAGE: 01

Writ of Habeas Corpus and she has not responded to the Writ filed today. Court advised it finds no double jeopardy violation, the Deft. has not been subjected to pre-arraignment delay nor has his first amendment rights have been violated due to forced medication and ORDERED, Renewed Petition of Writ DENIED and Trial STANDS for Monday at 9:30 AM.

STATE'S MOTION TO ADMIT EVIDENCE OF OTHER CRIMES, ACTS OR WRONGS: Argument by Ms. Holthus regarding the Deft's arrest by Metro Police and the sexual assault allegations by Freda White; she advised there are other issues of allegations by two other victims in another event which the State wishes to introduce as to the Deft's bad acts and she will have both children present for Mr. Oram to question. Ms. Holthus indicated the Court's Order expires Monday night. Mr. Oram advised after the jury is picked he can talk with the young ladies during lunch with Ms. Holthus present then they can argue the matter later. Court advised it will accommodate any way counsel request. Witness Officer John W. Schutt, sworn and testified. Argument by Ms. Holthus regarding the Deft. giving a false name to the Officer. Opposition by Mr. Oram and requested limiting instructions to the Officers testimony. Court stated it's findings and ORDERED, motion GRANTED and State precluded from allowing testimony by the Officer regarding any fight with Lopez or the Deft's prior juvenile arrest. Witness Freda A. White, sworn and testified. Argument by Ms. Holthus. Opposition by Mr. Oram to admit bad acts. Reply by Ms. Holthus. Court stated it's findings based on direct testimony and cross examination ORDERED, motion DENIED as to Freda White.

Mr. Oram advised he wanted the record to reflect he advised his client of the offer by the State but the Deft. wanted to invoke his right and proceed to trial, he also advised his client of the ramifications. Ms. Holthus advised she will withdraw the offer today with the State having the right to argue.

Court read a letter received by the Deft. and acknowledged his issues with no avail; further directed Mr. Oram to have his client dressed out and be prepared for a possible Miller Hearing.

CUSTODY

1/07/02 9:30 AM JURY TRIAL

CRIMINAL COURT MINUTES

00-C-166490-C STATE OF NEVADA vs Polk, Renard T

CONTINUED FROM PAGE: 012

01/07/02 09:30 AM 00 TRIAL BY JURY

HEARD BY: Joseph T. Bonaventure, Judge; Dept. 6

OFFICERS: Carole D'Aloia, Court Clerk
Tom Mercer, Reporter/Recorder

PARTIES: STATE OF NEVADA
005218 Peterson, Tamara M.
003814 Holthus, Mary Kay

001 D1 Polk, Renard T
004349 Oram, Christopher R.

Y
Y
Y

Y
Y

Jury panel sworn. Introductions by counsel. Jury of twelve plus one alternate selected and sworn. Court invoked exclusionary rule. OUTSIDE THE PRESENCE OF THE JURY, Ms. Peterson moved to file Second Amended Information. Over the objections of Mr. Oram, COURT ORDERED, Second Amended Information FILED IN OPEN COURT. Miller Hearing, OUTSIDE THE PRESENCE OF THE JURY, to determine if prior allegations of sexual assault or abuse of victims is relevant in this matter. After hearing testimony, COURT ORDERED, motion DENIED. JURY PRESENT. Opening statements by counsel. Testimony and exhibits presented (see worksheet). OUTSIDE THE PRESENCE OF THE JURY, Court noted there was a disturbance in the hallway in front of the jury and admonished Ms. Leola Grays. Second Amended Information AMENDED BY INTERLINEATION on line page one, line 27, to reflect "...sixteen years..." Jury admonished and recessed for the evening.

CUSTODY

CONTINUED TO: 01/08/02 09:30 AM 01

01/08/02 09:30 AM 01 TRIAL BY JURY

HEARD BY: Joseph T. Bonaventure, Judge; Dept. 6

OFFICERS: Carole D'Aloia, Court Clerk
Tom Mercer, Reporter/Recorder

PARTIES: STATE OF NEVADA
005218 Peterson, Tamara M.
003814 Holthus, Mary Kay

001 D1 Polk, Renard T
004349 Oram, Christopher R.

Y
Y
Y

Y
Y

Jury present. Testimony and exhibits continued (see worksheet). OUTSIDE THE PRESENCE OF THE JURY, Mr. Oram stated his objection to the discussion of Defendant's medical records. Court instructed counsel to have jury

CONTINUED ON PAGE: 014

CRIMINAL COURT MINUTES

00-C-166490-C STATE OF NEVADA

vs Polk, Renard T

CONTINUED FROM PAGE: 013

instructions ready by tomorrow. Court advised Defendant of his constitutional right to not take the stand and asked Defendant if he understood, to which Defendant responded yes. Mr. Oram advised Defendant will probably testify. Testimony and exhibits continued (see worksheet). State rests. Defense witness testifies (see worksheet). Defense rests. Jury admonished and recessed for the evening.

CONTINUED TO: 01/09/02 09:30 AM 02

01/09/02 09:30 AM 02 TRIAL BY JURY

HEARD BY: Joseph T. Bonaventure, Judge; Dept. 6

OFFICERS: Carole D'Aloia, Court Clerk
Tom Mercer, Reporter/Recorder

PARTIES: STATE OF NEVADA
003814 Holthus, Mary Kay
005218 Peterson, Tamara M.

001 D1 Polk, Renard T
004349 Oram, Christopher R.

Y
Y
Y

Y
Y

OUTSIDE THE PRESENCE OF THE JURY, Mr. Oram moved for a mistrial and stated his reasons. COURT ORDERED, motion DENIED. Instructions settled. Second Amended Information AMENDED BY INTERLINEATION on page 1, line 25 and page 2, line 4 to reflect "...did on or between..." Jury present. Court instructed jury. Closing arguments by counsel. At the hour of 11:15 AM the jury retired to deliberate. Court thanked and excused the alternate.

CONTINUED TO: 01/10/02 08:30 AM 03

CRIMINAL COURT MINUTES

00-C-166490-C STATE OF NEVADA vs Polk, Renard T

CONTINUED FROM PAGE: 014

01/10/02 08:30 AM 03 TRIAL BY JURY

HEARD BY: Joseph T. Bonaventure, Judge; Dept. 6

OFFICERS: Carole D'Aloia, Court Clerk
Tom Mercer, Reporter/RecorderPARTIES: STATE OF NEVADA
004286 Herndon, Douglas W.
003649 Kephart, William D.

001 D1 Polk, Renard T
004349 Oram, Christopher R.

Jury returned at 8:30 AM to continue deliberations. At the hour of 11:15 AM, the jury returned with a verdict of GUILTY of COUNT I - ATTEMPT SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN (F), GUILTY OF COUNT II - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN (F) and NOT GUILTY of COUNT III. Jury polled. COURT ORDERED, matter set for SENTENCING in SIXTY (60) DAYS. Court thanked and exused the jury.

CUSTODY

3/14/02 8:30 AM SENTENCING

03/14/02 08:30 AM 00 SENTENCING

HEARD BY: Joseph T. Bonaventure, Judge; Dept. 6

OFFICERS: Alona Candito, Court Clerk
Shawn Ott, Reporter/RecorderPARTIES: STATE OF NEVADA
003814 Holthus, Mary Kay

001 D1 Polk, Renard T
004349 Oram, Christopher R.

P & P represented by Officer Lizura. Pursuant to the jury verdict, Defendant POLK ADJUDGED GUILTY OF - COUNT I - ATTEMPT SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN (F) AND COUNT II - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE (F). Statements by counsel and Defendant. Mr. Oram requested to be relieved as counsel after sentencing and Mr. Schieck be appointed. Opposition by Ms. Holthus. Statements by Defendant's mother and the Court. Statement by Defendant.

COURT ORDERED, in addition to \$25. Assessment Fee and \$250. D.N.A. Fee, Defendant POLK SENTENCED TO A TERM OF:

COUNT I - a MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS and a MINIMUM of

CRIMINAL COURT MINUTES

00-C-166490-C STATE OF NEVADA

vs Polk, Renard T

CONTINUED FROM PAGE: 015

FORTY-EIGHT (48) MONTHS in the Nevada Department of Corrections (NDC) and Defendant is Ordered to pay \$1,493.40 Restitution. COURT ORDERED, a SPECIAL SENTENCE of LIFETIME SUPERVISION is imposed to commence upon release from any term of probation, parole or imprisonment. Additionally, the Deft. is ORDERED to submit to a blood or saliva test to determine genetic status.

COUNT II - a MAXIMUM of LIFE in the NDC with a MINIMUM of TWO HUNDRED FORTY (240) MONTHS; COUNT II TO RUN CONSECUTIVELY TO COUNT I.

691 days credit for time served.

FURTHER, matter CONTINUED for Mr. Oram's Motion to Withdraw as Counsel / Appoint Appellate Counsel.

03/20/02 08:30 AM 00 CHRISTOPHER ORAM'S MOTION TO WITHDRAW
AS COUNSEL / APPOINT APP. COUNSEL

HEARD BY: Joseph T. Bonaventure, Judge; Dept. 6

OFFICERS: Melissa Davis, Relief Clerk
Tom Mercer, Reporter/Recorder

PARTIES: STATE OF NEVADA
003814 Holthus, Mary Kay
001 D1 Polk, Renard T
004349 Oram, Christopher R.

Y
Y
Y
Y

Mr. Oram advised his duties have been completed on this case and requested Mr. Schieck be appointed as appellate counsel. Objection by the State as to who will be appointed to represent Defendant on appeal. Upon Court's inquiry, Defendant waived any conflict with Mr. Schieck being appointed. COURT ORDERED, Mr. Schieck appointed as counsel, clerk to notify. Defendant inquired of the credit or time served he was given at sentencing. Court advised Defendant that a motion must be filed addressing that issue.

NDC

CLERK'S NOTE: Clerk called and advised Mr. Schieck's office of the appointment of counsel./md