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2 IN THE SUPREME COURT OF THE STATE OF NEVADA

3 Electronically Filed  
4 Nov 30 2020 03:38 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

5 SEAN MAURICE DEAN,  
Appellant,

6 vs.

CASE NO. 81209

7 THE STATE OF NEVADA,  
Respondent.

8 APPENDIX TO RESPONDENT'S BRIEF

9 Appeal From The Fourth Judicial District Court

10 Of The State of Nevada

11 In And For The County Of Elko

12 THE HONORABLE AARON D. FORD  
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14 CARSON CITY, NV 89701

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Elko County District Attorney  
16 MARK S. MILLS  
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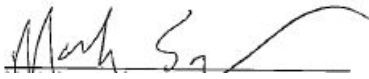
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TYLER J. INGRAM  
Elko County District Attorney

By:   
Mark S. Mills  
Deputy District Attorney  
Nevada Bar Number: 11660

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CERTIFICATE OF SERVICE

I certify that this document was filed electronically with the Nevada Supreme Court on the 30<sup>th</sup> day of November, 2020, Electronic Service of the APPENDIX TO RESPONDENT’S BRIEF shall be made in accordance with the Master Service List as follows:

Honorable Aaron D. Ford  
Nevada Attorney General

and

DAVID B. LOCKIE  
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ELKO, NV 89801  
Attorney for Appellant

/S/ Amanda Waugh  
Amanda Waugh  
CASEWORKER

DA#: AP-20-01134

+15-00909-0 PA  
Georgia

FILED

Case No. CR-FP-15-1508

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2016 SEP 29 AM 10:05

ELKO CO. DISTRICT COURT

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ELKO CO. DISTRICT ATTORNEY  
CLERK \_\_\_\_\_ DEPUTY JS

**IN THE FOURTH JUDICIAL DISTRICT COURT  
IN AND FOR THE COUNTY OF ELKO, STATE OF NEVADA**

STATE OF NEVADA,

Plaintiff,

v.

**PETITION FOR ADVICE  
AND INSTRUCTION**

SEAN MAURICE DEAN,

Defendant.

Comes now Gary D. Woodbury, the Court appointed attorney for the above-named Defendant and requests this Court to provide advice and instruction on how to proceed with respect the continuing representation of the Defendant at sentencing and on appeal.

Counsel informs the Court as follows:

1. Counsel was appointed by the Elko Justice Court to represent Defendant, who was found by the Elko Justice Court to be indigent, in the above-entitled case.

///

///



1 2. On March 7, 2016, Defendant entered a plea of not guilty to all charges at his arraignment  
2 before this Court.

3  
4 3. A jury trial in the above-entitled case was held commencing on June 21, 2016 and concluding  
5 on June 28, 2016.

6  
7 3. Defendant was convicted of all charges.

8  
9 4. Defendant's sentencing is set for September 29, 2016.

10  
11 5. Since Defendant's conviction, Counsel has received 5 letters from Defendant. The letters are  
12 dated July 8, 2016, July 18, 2016, August 31, 2016, September 15, 2016 and September 23,  
13 2016.

14  
15 5. On July 12, 2016, Counsel was informed that Defendant would not meet with and did not  
16 wish to have further personal conversations with Counsel.

17  
18 6. Counsel is informed that Defendant will not verbally communicate or meet with his appointed  
19 counsel, David Loreman, who represents Defendant in a separate criminal case pending in  
20 Department 1 of the Fourth Judicial District Court.

21  
22 7. The presentence report of the Nevada Division of Parole and Probation dated September 7,  
23 2016 indicates that Defendant declined to participate in a presentence interview.

24  
25 6. Counsel in the instant case and Defendant have not communicated since Defendant's  
26 conviction on June 28, except through an exchange of letters.

27  
28 7. Defendant's written communications to and from counsel have generally involved a request  
for a copy of Defendant's file, discussions regarding an appeal from Defendant's conviction,

1 advice from counsel and Defendant's rejection of that advice concerning the upcoming  
2 sentencing proceeding, and in the letter of September 15, non-specific allegations that  
3 Defendant's trial had not been properly conducted. Counsel responded in writing requesting that  
4 Defendant specify the problems he had identified.

5  
6 8. Defendant's letter of September 23, expresses his opinion that Counsel is racially biased  
7 toward African Americans and that a variety of decisions, acts, and omissions of Counsel before  
8 and during trial reflects that bias and effectively undermined a fair trial for Defendant.

9  
10 9. Prior to July 18, Defendant was advised by Counsel that he may request replacement counsel  
11 be appointed by the Court to appear on his behalf at his sentencing, and may request replacement  
12 counsel be appointed by the Court to prepare and file an appeal on his behalf. He was also  
13 informed that under some circumstances he would be allowed to represent himself.

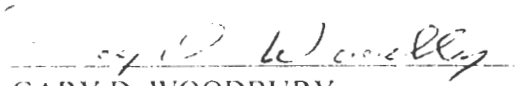
14 10. In his July 18 letter noted above, Defendant declined to request replacement counsel either  
15 for sentencing or appeal.

16  
17 11. Defendant imposed some initial requirements be met before deciding whether to appeal in his  
18 August 31, 2016 letter. Counsel attempted to address those requirements in a letter to Defendant  
19 on September 12, 2016. Defendant subsequently directed counsel to proceed with an appeal in  
20 his letter of September 15, 2016.

21  
22 Counsel is of the opinion that in light of Defendant's belief that Counsel is racially  
23 biased, that the record reflects that bias, and that Defendant was not competently and reasonably  
24 represented by Counsel at trial, that Counsel should be relieved from further representation of  
25 Defendant both at sentencing and on appeal.

26  
27 Based on the above, further advice and instruction from the Court is requested.  
28

1 Under Penalties of perjury, the undersigned declares that he is the Counsel for  
2 Defendant named in the foregoing case and knows the contents thereof; that the pleading is true  
3 of his own knowledge, except as to those matters stated on information and belief, and that as to  
4 such matters he believes it to be true.

5  
6   
7 GARY D. WOODBURY  
8 Attorney for Defendant  
9 State Bar No. 1915  
10  
11  
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By delivering to:

and

Kimberly Dawson  
KIMBERLY DAWSON



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2016 SEP 30 AM 8:43

ELKO CO DISTRICT COURT

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2016 SEP 30 3:41 PM  
ELKO CO DISTRICT ATTORNEY  
RECEIVED

1 Case No. CR-FP-2015-1508

2 Dept. II

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6 IN THE FOURTH JUDICIAL DISTRICT COURT OF THE STATE OF  
7 NEVADA, IN AND FOR THE COUNTY OF ELKO

8 00000

9 THE STATE OF NEVADA :

10 Plaintiff, :

11 v. :

: SENTENCING HEARING -

12 SEAN MAURICE DEAN, :

: CONTINUED

13 Defendant. :

14 \_\_\_\_\_/

15  
16 TRANSCRIPT OF PROCEEDINGS

17 BE IT REMEMBERED that the above-entitled matter  
18 came on for hearing on September 29, 2016, at the hour of  
19 1:48 p.m. of said day, before the HONORABLE ALVIN R.  
20 KACIN, District Judge.

21  
22  
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25 Reported by Lisa M. Manley, CCR #271



CERTIFIED  
COPY

1 Case No. CR-FP-2015-1508

2 Dept. II

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6 IN THE FOURTH JUDICIAL DISTRICT COURT OF THE STATE OF  
7 NEVADA, IN AND FOR THE COUNTY OF ELKO

8 00000

9 THE STATE OF NEVADA :

10 Plaintiff, :

11 v. : SENTENCING HEARING -

12 SEAN MAURICE DEAN, : CONTINUED

13 Defendant. :

14 \_\_\_\_\_/

15

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20 KACIN, District Judge.

21

22

23

24

25 Reported by Lisa M. Manley, CCR #271

1

PROCEEDINGS

2 THE COURT: This is Case CR-FP-2015-1508. State  
3 of Nevada is plaintiff. Sean Maurice Dean is the  
4 defendant.

5 Mr. Dean is here. He is with counsel Gary  
6 Woodbury.

7 Mark Mills, Elko County Deputy District Attorney,  
8 is here to represent the State.

9 Sara Macias is here from the Division of Parole  
10 and Probation's local office.

11 I think I know the answer to this question, but  
12 are the parties ready for sentencing?

13 MR. WOODBURY: We are not, Judge.

14 THE COURT: The State is?

15 MR. MILLS: Yes, Your Honor.

16 THE COURT: All right. Now, the defendant was  
17 convicted by an Elko County jury on the 28th of June this  
18 year of Count 1, attempted murder with the use of a deadly  
19 weapon; Count 2, battery with the use of a deadly weapon  
20 resulting in substantial bodily harm; and Count 5, battery  
21 with the use of a deadly weapon.

22 The Court ordered the pre-sentence investigation  
23 report, which was received, along with a statement from  
24 Bert Minter.

25 The parties, I assume, have gotten copies.

3

APPEARANCES

1

2

3 For the Plaintiff: MARK MILLS, ESQ.  
4 Deputy District Attorney  
5 540 Court Street  
6 2nd Floor  
7 Elko, Nevada 89801

8

9 For the Defendant: GARY D. WOODBURY, ESQ.  
10 1053 Idaho Street  
11 Elko, Nevada 89801

12

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1 I was prepared to go forward with sentencing  
2 today. The State provided a sentencing memorandum on  
3 September 16, filed that. Court reviewed that.

4 Apparently the State is seeking to have Mr. Dean  
5 adjudged an habitual criminal under NRS 207.010(1)(b)(1).

6 So this is a very serious matter. This is one of  
7 the more serious cases I think the Court would ever see in  
8 terms of sentencing with what the State is seeking. The  
9 State is seeking a life sentence without the possibility of  
10 parole for the habitual criminal adjudication.

11 So I am concerned because on today's date -- I  
12 think it was today -- at 10:05 a.m., Mr. Woodbury filed a  
13 paper. It's titled Petition for Advice and Instruction.

14 I have read that. I don't know if Mr. Dean has  
15 reviewed this or not.

16 MR. WOODBURY: He has, Your Honor.

17 THE COURT: Is that correct, Mr. Dean?

18 DEFENDANT DEAN: That's correct.

19 THE COURT: All right. Well, Mr. Woodbury  
20 basically, I think, is laying out in here that there has  
21 been a breakdown of communications between counsel and  
22 client.

23 Is that correct?

24 DEFENDANT DEAN: Yes, Your Honor. Whenever is  
25 appropriate for the Court, I would like to address the

4



1 Court, if I may, when it's entirely good for you.  
2 THE COURT: That's fine.  
3 Mr. Woodbury, we'll hear from him first, get his  
4 side of things, then I will hear from you about this issue.  
5 Will that work?  
6 DEFENDANT DEAN: (Nods head)  
7 THE COURT: Mr. Woodbury?  
8 MR. WOODBURY: I really don't have anything to  
9 add to the Petition, Your Honor. We served it on the  
10 prosecution, so they know what it is.  
11 And the rules of procedure, and the law  
12 generally, require me to keep confidential the bulk of the  
13 information, and I have attempted to do that.  
14 Mr. Dean is free to release whatever information  
15 he wants in his statement, of course, but I don't have  
16 anything further to add.  
17 THE COURT: Of course, I want to remind Mr. Dean  
18 that communications between his attorney and him are  
19 confidential.  
20 DEFENDANT DEAN: I understand that, Your Honor.  
21 This is way too serious for me to just --  
22 THE COURT: Mr. Dean, we're going to have to have  
23 you speak up. I assume you want to make a good record, as  
24 well, and the court reporter takes down what you say.  
25 DEFENDANT DEAN: Absolutely. If I may speak

5

1 freely?  
2 THE COURT: Okay. I just want to tell you, you  
3 can speak freely, I suppose, but I want to caution you  
4 that, you know, you have the right to an appeal. You are  
5 going to get convicted of something here because the Court  
6 has to sentence you eventually.  
7 You have the right to an appeal, right. Maybe  
8 there is a reversal, I don't know.  
9 I just want you to remember you have the Fifth  
10 Amendment right to remain silent still. And also you have  
11 the right to keep confidential your communications between  
12 your attorney and you.  
13 So with that caution, do you understand all that?  
14 DEFENDANT DEAN: I do. I think the Court needs to  
15 know what happened.  
16 THE COURT: Okay.  
17 DEFENDANT DEAN: And how I feel about it.  
18 THE COURT: Okay. That's fine. But I want you  
19 to understand what I just told you.  
20 Do you understand all that?  
21 DEFENDANT DEAN: I understand the attorney -- I  
22 understand.  
23 THE COURT: The attorney-client privilege?  
24 DEFENDANT DEAN: Yeah, I understand that. But I  
25 feel this is more important than that.

6

1 THE COURT: Okay. Well, go ahead then.  
2 DEFENDANT DEAN: I guess to give you a full  
3 understanding of how I feel, why I feel the way I feel, I  
4 have to start from the beginning.  
5 As you know, I never wanted to have this trial  
6 here in Elko, okay. I had my very specific reasons why I  
7 didn't want to have this trial in Elko; that being that  
8 since I moved here in 2012, I have had some very  
9 uncomfortable experiences here.  
10 It seem like every day I come out my house, going  
11 to the store or walking down the street, no matter if I was  
12 in the east end of Elko or the west end or down Mountain  
13 City Highway, or going towards anywhere, I always heard the  
14 "N" word, somebody called me a nigger, okay.  
15 So it was my experience from that that told me  
16 that this is how Elko is, you know what I'm saying? It  
17 didn't just come from Caucasians, it came from Native  
18 Americans, Mexicans alike.  
19 This was my experience every time -- seemed like  
20 every other day I came out the house I was hearing that.  
21 It was from people's cars, out they house, out they  
22 windows, it didn't make no difference. I heard it. It got  
23 so bad that every time I came out the house, I expected it.  
24 And it happened, okay.  
25 This is the reason why I brought it up.

7

1 The other reason is being -- as we all know,  
2 there is very few African Americans here in Elko, very few.  
3 And I say very few meaning there's very few citizens,  
4 actual citizens, that live here in Elko. I know this. You  
5 may see a few but they don't live here.  
6 So it was my general consensus when we went to go  
7 select a jury, the chances were that I was going to get an  
8 all-white jury. And this is why I asked Woodbury on two  
9 separate occasions, "I want you to approach the judge and  
10 tell him my apprehensions about having this" -- "having  
11 this trial here in Elko," for those very same reasons.  
12 First time I approached him, he just shrugged it  
13 off like, "So?" That was the first time. I just looked at  
14 him like, "Really?" You know what I'm saying?  
15 The second time was in May, beginning of May,  
16 when he came and visited me. He said to me -- he said,  
17 "Okay, that's a legitimate request. I will bring it forth  
18 to the Court."  
19 And he did that. Now, what you said was, you  
20 know, look, we're going to through the jury selection  
21 process, you know what I'm saying, and if we notice that  
22 there is people in the pool that's racist, I'm going to  
23 tell them to get up out of here, you know what I'm saying,  
24 and we'll go from here.  
25 But in hindsight, how is that to be? I mean -- I

8



1 mean, like, the Court ask them, "Are you racist?" They  
2 raise a hand, "Yeah, I'm a racist"? Come on, that's not --  
3 you know what I'm saying?

4 People here in Elko aren't using to living around  
5 African Americans. They don't know how we interact with  
6 people, how we live, how we go about our daily business.  
7 They don't know that.

8 The only thing they know is what happens on TV,  
9 how they depict African Americans on TV, radio, rap music,  
10 you know what I'm saying, what have you.

11 So they got this stereotype of every African  
12 American is violent, pimps, gangbangers, drug dealers and  
13 what have you.

14 So there is an inbred stereotype in them that the  
15 Court can't possibly say -- give any instruction to say,  
16 can you -- can you look at this case based on the facts  
17 presented, and that's it, and judge this case just on that.  
18 You know what I'm saying? Have those people relieve what  
19 is in they hearts, you know what I'm saying, from the  
20 get-go.

21 I mentioned this to Woodbury. I said, look, you  
22 can get up here and have everything in my favor go for me,  
23 man, but if these people are dead-set against me, man, it  
24 don't make no difference what you say, you know what I'm  
25 saying, they still going to convict me just because of they

9

1 told Woodbury, "I want to get rid of that dude."

2 There was another -- there was another girl that  
3 I wanted to get rid of because she kept looking at me. And  
4 I couldn't discern whether or not she had a crush on me or  
5 she just didn't like me. You know what I'm saying?

6 I told him, "I want her to go. And the guy that  
7 you got into conflict, I want him to go, too." You know  
8 what I'm saying?

9 He kept him on. I turned around and asked  
10 Woodbury, "I asked you to get rid of him. Why did you keep  
11 him?" Quote-unquote this is what you said to me, "Because  
12 I liked him."

13 "Whose trial is this, yours or mine? The end  
14 result is" -- "the consequence is going to be on me,  
15 whether good or bad." You know what I'm saying?

16 "You represent me. If I ask you to get rid of  
17 somebody, get rid of them." You know what I'm saying?

18 So he don't. Because he tell me, "Because I like  
19 him."

20 Okay. Let's go forward.

21 I got this yesterday. And you can see it was  
22 hand-delivered to me, okay, by Woodbury. Four-page letter,  
23 okay.

24 We started trial on Tuesday. Come Thursday, I  
25 came in here at eight o'clock, I get here at eight

11

1 beliefs.

2 Okay. Let's fast forward to the jury selection.  
3 Okay.

4 Now, we going to jury selection. And, as you  
5 know, Mr. Woodbury blatantly, with his little spiel,  
6 stereotype of African Americans, he went on and on, telling  
7 everybody "Look around, what do you see in here? There is  
8 nothing but white people, no" -- "few Mexican, few Native  
9 Americans, but mainly white."

10 Went on about, you know, stereotype, talking  
11 about African Americans like watermelon, all the rest of  
12 that stuff, and what have you. Very violent, what have  
13 you.

14 And in hindsight, in looking at it, I would say,  
15 look, okay, he did me a service by bringing that to they  
16 attention, made them aware, you know what I'm saying, of  
17 just what our stance was.

18 As I looked at it again, put myself in they  
19 position, if I was sitting in the jury pool and he would  
20 have made that spiel, I would have got offended. "What are  
21 you implying? Are you calling me a racist?"

22 One guy took offense to that, got into a verbal  
23 argument with Woodbury, you know what I'm saying? He was  
24 mad behind that, you know what I'm saying?

25 After Woodbury came back and sat down with me, I

10

1 o'clock in the morning. Deputy drops us off at eight  
2 o'clock. Come sit down.

3 Woodbury had a habit of leaving his -- his  
4 paperwork sitting right there. My notepad, you know what  
5 I'm saying, legal pad, happened to be on top.

6 I grabbed it, started leafing through it, looking  
7 through the notes and questions I wanted Woodbury to ask --  
8 that he never did -- and came across a green piece of  
9 paper, green like this. (indicating)

10 And I looked at it and couldn't believe what I  
11 read on it. It said, and I quote, Joseph Schenk -- you  
12 remember Joseph Schenk, you know what I'm saying? One of  
13 the witnesses, you know what I'm saying, that came to  
14 testify against me, half black and half white.

15 This is what Woodbury said in his note to  
16 himself, "Joseph Schenk, he's a nigger, too." Really? I  
17 just looked at him. So when he came in, I asked him, "What  
18 is this?" He looked at it and he's all, "Just my notes,"  
19 took it from me, nothing else was said.

20 You know, at that time, Thursday, we had been --  
21 we halfway through the trial, mind you, and I am wondering,  
22 "Okay, do I bring this to the Court's attention now," you  
23 know what I'm saying, "Or do I bring it later?"

24 Because here we have spent six and a half months  
25 of preparing for this trial and this just now came up. I

12



1 had no idea that this is the way he felt about African  
2 Americans.

3 Stop here. Let me read something to you that he  
4 wrote to me. This is four pages to the Court -- to me.

5 This is the title, I'm a Racist Bigot. This is  
6 the title of the section he wrote. This is what he wrote.  
7 "I don't recall exactly what was going on when I wrote Joe  
8 Schenk was a nigger too in my notes."

9 Let's proceed down further. He wrote, "I guess  
10 my point is, if you think me writing the word 'nigger' in  
11 my notes is racially significant, so be it. I have called  
12 you a lot worse names than that for getting hooked up and  
13 staying with a five-foot-nine fat lady who sells dope and  
14 gambles away everything she has got."

15 Are you serious? He just admitted -- he's  
16 admitting saying that.

17 If I had known he was prejudiced against African  
18 Americans, there is no way in hell I'm going to sit up here  
19 and have this man represent me. I apologize to the Court.  
20 This is just making me really upset, okay.

21 But I never would have done that. I would have  
22 had him excuse himself altogether, you know what I'm  
23 saying?

24 Because I don't want nobody who feels that way  
25 under the circumstances that I was being put under with the

13

1 potential of having an all-white jury represent me.

2 There is more things in here. I wrote Woodbury a  
3 seven-page letter in -- September the 20th I wrote it.

4 And five of those pages to Woodbury was  
5 expressing my feelings to him, you know what I'm saying?  
6 Various things that I asked him to bring -- to question the  
7 witnesses on that he never did; he just disregarded me.  
8 The things that I wanted him to present, he never did.

9 Point in case, let me read something else to you.

10 This is why -- about my injuries, okay. It was  
11 brought up, I think by Mr. Mills over there, about my  
12 injuries. It was more. And I say "injuries" because there  
13 was more than just one, okay.

14 When it was brought up, I turned around to  
15 Woodbury and I showed him the other injury that I got. And  
16 you know what he said to me? "Don't say nothing about it."  
17 Why?

18 That's a piece -- a significant piece of  
19 information that could have had a profound effect on the  
20 jury. Because there was a specific question asked, and  
21 that would have eradicated that whole -- that whole  
22 question that was asked. It would have answered it point  
23 blank.

24 It was more than one injury to me. I had a  
25 couple injuries on my hand. I asked him, showed them to

14

1 him, and he tells me, "don't say nothing about it," keep it  
2 under -- like keep it under wraps.

3 The other thing is the doctor. Now, Woodbury has  
4 been doing this a number of years. He is the ex-D.A. He  
5 been on both sides of the tracks. Many years under his  
6 belt as far as litigation is concerned.

7 There was a question in there asked, you know  
8 what I'm saying, about the doctor, when the doctor  
9 testified. After the doctor testified and gave his  
10 statement under oath, Woodbury came back up to me and he  
11 said, "Oops" -- this is what he said -- and I quote -- he  
12 said, "Oops, the D.A. got one over on us."

13 I turned around and looked at him, and I'm like,  
14 "What?"

15 And he's like, "I didn't know that the wound" --  
16 "one of the wounds on Bert Minter was three and a half  
17 inches deep."

18 Now, mind you, I got my discovery from there, you  
19 know what I'm saying?

20 Now, let's just say the doctor didn't specify  
21 that it was three and a half inches deep, okay. Just the  
22 fact that he had explored -- Mr. Minter had exploratory  
23 surgery should have indicated to you, you know what I'm  
24 saying, that there was something -- there was something  
25 else going on.

15

1 If he is having exploratory surgery, there is  
2 more than just scratches on him.

3 Let me read something he said over here.

4 I have got -- this is doctor's testimony. "I got  
5 caught with the doctor's testimony. The depth of the wound  
6 was not reported by him. I concluded it had to be  
7 superficial."

8 How are you going to make that conclusion? How  
9 do you make that conclusion, you know what I'm saying, when  
10 you get the medical report? This is what we got an  
11 investigator for, to investigate these things.

12 How do you miss that, with all your experience,  
13 when you read a medical report that said this man is doing  
14 exploratory surgery? He ain't doing exploratory surgery on  
15 superficial marks, he doing something that's came close to  
16 a vital organ or something. That's why he exploring. He  
17 ain't going to do exploratory surgery on no scratches.

18 He tells me he missed it. How do you miss that?  
19 That's significant.

20 There is more to this. He already acknowledged  
21 in here that he didn't -- I'm going to read -- "I realize I  
22 haven't answered all of your letters. What is clear is you  
23 are of the opinion that I am incompetent and/or that a  
24 racist bigot" -- "bigotry played a part in the quality of  
25 defense I provided. Either accusation requires me to

16



1 inform the Court."

2 Now, mind you, yes, I do feel that way. Giving  
3 you an example why I feel that way: If you are not  
4 prejudiced, if you don't have no prejudice in you, you not  
5 going to refer to African Americans as niggers, okay.  
6 That's a derogatory remark, it's the lowest name you can  
7 call an African American.

8 He could have easily have said, "Joseph Schenk,  
9 he is African American, too," or "Joseph Schenk, he is a  
10 black guy, too," or "Joseph Schenk shares the same  
11 nationality as Sean Dean."

12 He didn't say none of that. He specifically said  
13 "Joseph Schenk, he's a nigger, too."

14 Hold on, man, you know what I'm saying? That is  
15 how you feel about me? You know what I'm saying? And here  
16 we went through this trial, you know what I'm saying, and  
17 that's how you feel about me?

18 You racist. You prejudiced against me. You know  
19 what I'm saying?

20 Yeah, I feel like his -- his representation of me  
21 is -- was inadequate. It was -- there was a lot of things  
22 I asked him to bring to court -- before the court,  
23 questions that I wanted him to ask, common sense questions  
24 that would have made a lot of difference in this. He just  
25 disregarded me, period. He just didn't ask them.

17

1 He took this trial where he wanted it to go. I  
2 feel like my trial has been compromised, you know what I'm  
3 saying? Totally compromised, you know what I'm saying?  
4 Behind the circumstances.

5 I am glad he ain't going to be my lawyer no more.  
6 I don't want him to be my lawyer no more. Because I don't  
7 want nobody representing me that's prejudiced.

8 Let me tell you something else, Mr. Judge. You  
9 will probably appoint me another attorney. Let me tell  
10 you, I don't feel comfortable with nobody in Elko  
11 representing me behind this.

12 I can't even talk to my other lawyer, David  
13 Loreman, behind this. I haven't talked to him in I don't  
14 know how many months. I got another case I am fighting. I  
15 can't even bring myself to talk to him. That's why I  
16 didn't talk to P & P. I don't trust nobody.

17 After the trial I turned around and looked into  
18 in the audience. There was about ten or eleven suits out  
19 there, including the lieutenant from the sheriff's office,  
20 sitting in the audience.

21 My first -- my first impression was, "oh, these  
22 are cops," you know what I'm saying, "coming to see what  
23 happened in my trial."

24 It wasn't cops, it was defense lawyers.

25 Let me read what Mr. Woodbury said about that.

18

1 "I was informed by one of the suits that showed  
2 up at the verdict that the word was out on the street that  
3 we might have pulled it off. The suits were all defense  
4 lawyers. Nobody on this planet, including you, is totally  
5 racially neutral. But for the most part, it doesn't have  
6 much to do with anything."

7 First of all, let me address you, Mr. Woodbury.  
8 You don't know me like that, okay. You don't know me from  
9 the first, other than what -- the case that me and you have  
10 had together, both in 2013 and now. You don't know me like  
11 that.

12 I don't have a racist bone in my body, okay. I  
13 see people and I judge people how they treat me, and that's  
14 how I treat them, okay. So you making that statement is  
15 way out of line. You don't know me like that, okay.

16 And the second -- what's being implied, you know  
17 what I'm saying? The suits, you know what I'm saying?  
18 What's being said on the street? How do they know what's  
19 going to happen? How would they even know that, you know  
20 what I'm saying?

21 That don't even sit right with me, that statement  
22 right there. You know what I'm saying?

23 It's just for them reasons right there that I  
24 feel, you know what I'm saying, that my whole trial has  
25 been compromised. You know what I'm saying?

19

1 Just by -- just by that and -- right there, I  
2 just -- it ain't right, you know what I'm saying, that I  
3 was represented by some that's prejudiced against me.

4 That's all I have to say to the Court.

5 THE COURT: Okay. Well, Mr. Dean, it seems  
6 pretty clear that you don't want to go forward with  
7 Mr. Woodbury as your attorney.

8 DEFENDANT DEAN: I don't feel comfortable going  
9 forward with anyone representing me after all that's  
10 happened. I can't even talk to my lawyer behind me, Dave  
11 Loreman, on my other case because I don't feel comfortable.

12 THE COURT: We're going to get there.

13 What's the State's position on relieving  
14 Mr. Woodbury of his duty to represent or his appointment to  
15 represent Mr. Dean?

16 MR. MILLS: Your Honor, I don't necessarily  
17 oppose it. Sounds like there has been a significant  
18 breakdown in the relationship between Mr. Woodbury and his  
19 client.

20 Young versus Nevada, 120 Nev. 963, talks about  
21 motions for substitution of counsel. And it's a  
22 three-pronged test. The extent of the conflict is the  
23 first prong. Second prong is the adequacy of the inquiry.  
24 And prong three is the timeliness of the motion.

25 I think we have just heard about the extent of

20



1 the conflict and that there was an adequate inquiry.  
2 Then it goes on to say that, "A defendant is not  
3 entitled to have a particular attorney serve as counsel.  
4 If the complete collapse of the attorney-client  
5 relationship is evident, a refusal to substitute counsel  
6 violates a defendant's Sixth Amendment rights."

7 So that's the -- the conclusion, I think, that  
8 the Court has to -- the issue the Court has to decide is  
9 whether there has been that complete collapse of the  
10 attorney-client relationship, which would constitute a --  
11 you know, where refusal to substitute would constitute a  
12 Sixth Amendment violation.

13 Sounds like a pretty significant conflict to me.  
14 I'll submit it to your discretion.

15 THE COURT: All right. I thought counsel would  
16 cite that case. I have dealt with that issue in other  
17 cases, Mr. Dean.

18 So it seems pretty clear that at this time the  
19 Court has to relieve Mr. Woodbury of his appointment to  
20 represent you.

21 Now, the next question is going to be, do you  
22 want to represent yourself, or do you want to have counsel  
23 appointed for you?

24 I know you have already said you don't want local  
25 counsel. I take that to mean that you want counsel from

21

1 me to ask him?" You know what I'm saying?

2 That's acknowledging the fact that this  
3 proceeding, it's mine, you know what I'm saying? It's not  
4 his. He go home every day. Okay.

5 The outcome of that trial I just had was either I  
6 was going to spend the rest of my natural life in prison or  
7 go home. And he's representing me and prejudiced against  
8 me.

9 My whole case was -- my whole case was  
10 compromised behind that. The whole case.

11 THE COURT: All right. Mr. Dean, the impact of  
12 all of this that you are bringing out, I think, is going to  
13 have to be vetted at some point at some evidentiary  
14 hearing, I would imagine.

15 At this point, the only thing I know to do is to  
16 relieve Mr. Woodbury of his obligation or his appointment  
17 to represent you, then appoint you counsel.

18 You're telling me that you don't want to  
19 represent yourself. You can if you want. You actually  
20 have a Sixth Amendment right to represent yourself.

21 DEFENDANT DEAN: I understand that.

22 THE COURT: The choice is yours. You can  
23 represent yourself if you want.

24 Before I would allow you to do that, I would have  
25 to canvass you regarding that issue. Because to give up

23

1 outside this area?

2 DEFENDANT DEAN: Yes.

3 THE COURT: Okay. I don't think that was  
4 anything that was part of -- well, that's a new twist on  
5 this. That hasn't been presented to the Court previously.  
6 At least I don't think it was in this petition that was  
7 filed with the Court.

8 Of course, this is the first time I have heard  
9 from you on the issue, so go ahead.

10 DEFENDANT DEAN: Thank you.

11 Besides the change in my counsel, what I just  
12 said was the truth, okay. He confirmed it in his letter,  
13 okay.

14 He just got through representing me through my  
15 whole trial, okay. And I got convicted on that, okay.

16 Being as that this man is clearly prejudiced  
17 against African Americans, my trial is compromised. There  
18 is no way to look at that, you know what I'm saying, based  
19 on the fact that he just disregarded everything I asked him  
20 to ask the witnesses that were getting up on the stand.

21 I have gone to preliminary hearing with Dave  
22 Loreman, for example, in my other case. He asked his  
23 questions to the -- to the witnesses. And after he  
24 finished with everything, he turned around and asks me  
25 politely, respectfully, "do you have any questions you want

22

1 the right -- the Sixth Amendment right to counsel is a big  
2 deal. It's one of constitutional dimension, the lawyers  
3 say.

4 You don't want to do that, you want to have  
5 counsel appointed to represent you. I'm going to have to  
6 frankly noodle on that a little bit and get an attorney to  
7 represent you.

8 Now, how that attorney proceeds is going to be up  
9 to you and your attorney in light of the information that  
10 you have provided there.

11 Now, I don't -- I'm not going to sit up here and  
12 go through the procedure that I think maybe could happen in  
13 light of your disclosures here today, or whether we go  
14 straight to a sentencing hearing.

15 But the point is, this is something that a new  
16 attorney is going to have to consult with you on, and you  
17 and your attorney are going to have to decide how to  
18 proceed from here.

19 It's something that I can't do for you.

20 It's obviously something that Mr. Woodbury can't  
21 do for you at this point given the breakdown that's  
22 happened here between you and your counsel.

23 And the D.A. can't be involved with this either.

24 I asked the D.A. for -- the deputy district  
25 attorney for what he thinks the law is on this. He told

24

1 me. I agree with him. I don't think Mr. Woodbury should  
2 represent you anymore.

3 And we cannot go forward with the sentencing  
4 hearing today. We're simply unprepared for a sentencing  
5 hearing at this point.

6 The -- the issue for the Court is a very weighty  
7 one any time you're sentencing -- any time a judge is  
8 sentencing someone on charges as serious as this, and with  
9 one not even being probatable, that's the attempted murder  
10 with the use of a deadly weapon charge that you -- the jury  
11 returned a guilty verdict on.

12 Then the Court has to consider the habitual  
13 criminal count.

14 And there are a whole bunch of things that the  
15 Court has to consider in deciding what sort of sentence to  
16 impose for the deadly weapon enhancement on the first count  
17 that clearly no one is ready to address today.

18 The Court, among other things, in deciding what  
19 that enhancement would be, has to consider the facts and  
20 circumstances of the crime, the criminal history of the  
21 defendant, the impact of the crime on any victim,  
22 mitigating factors presented by the defense, and other  
23 relevant information. And it's a nonexhaustive list.

24 I was -- I set this hearing on a non-law and  
25 motion day, figuring we would have the time to go through

25

1 Elko's small.

2 THE COURT: It's small, yeah.

3 DEFENDANT DEAN: Yes, this is small, okay.

4 And I don't think -- I'm not going to sit here  
5 and say -- I am not naive, okay. I know it's going to get  
6 around, okay, of what just happened here, of what was said  
7 here. I know.

8 So I ask the Court, please assign me somebody  
9 outside this -- outside of Elko County.

10 THE COURT: No matter -- that may be true. No  
11 matter what happens here, we're going to have a transcript  
12 produced by our court reporter, and whoever your new  
13 counsel is is going to see exactly what was said here  
14 today.

15 DEFENDANT DEAN: Absolutely.

16 THE COURT: That is why we go on the record. The  
17 proceedings are supposed to be transparent.

18 Okay. Well, I think the only thing I can do at  
19 this point is continue the sentencing hearing, get new  
20 counsel to appoint you -- get new counsel appointed to you,  
21 go forward and set a new sentencing hearing.

22 So, do we have anything else for today?

23 MR. MILLS: No, Your Honor.

24 THE COURT: All right. Now, I intend to get  
25 right on this. Today is Thursday. I would think within

27

1 all that and I would have evidence regarding that.

2 I can't see, since Mr. Woodbury is going to be  
3 relieved of the appointment, going forward today.

4 You want to have counsel. I have to appoint  
5 counsel to represent you.

6 The way it works in Nevada now in the rural  
7 counties is basically the judge has to run somebody down  
8 and appoint somebody to represent you. The judges still to  
9 this day -- although there is a push to change all that,  
10 how that would work, the judge would be taken out of that  
11 loop.

12 But at this point, the judge is in that loop.  
13 And the judge has to get a new lawyer to represent you.

14 And the question is, yeah, should I listen to  
15 what you have to say and appoint somebody -- well, I always  
16 listen to what you have to say. But the question is  
17 whether I grant your request to appoint counsel from  
18 outside this area, which basically would mean going to  
19 Reno, I would think, or even Las Vegas.

20 But anyway -- yes, Mr. Dean?

21 DEFENDANT DEAN: In light of the fact that after  
22 the trial, when I turned around, seen no less than ten  
23 defense attorneys out there, I ask the Court, please, in  
24 light of all that -- they are colleagues, okay I am not  
25 naive to think that this is not going to get around Elko.

26

1 the next few days the Court will be able to get on the horn  
2 with somebody, get an appointment done.

3 I am not going to have you fill out a new  
4 application for counsel. I know you have been incarcerated  
5 for a long period of time and that you don't have the  
6 resources to hire your own counsel.

7 So I'm going to go ahead and get you an attorney.  
8 The attorney will be in contact with you.

9 I have to tell you, I don't know a lot of  
10 attorneys in Reno or elsewhere. If I decide to go that  
11 route, more than likely what I would do is contact whatever  
12 appointing authorities there are over there and consult  
13 with them.

14 It's a rather informal process.

15 Anything else?

16 MR. MILLS: No, Your Honor.

17 THE COURT: All right. I think I would expect,  
18 if I were you, to hear from your attorney by the end of  
19 next week.

20 Anything else for today?

21 MR. MILLS: No, Your Honor.

22 THE COURT: Mr. Dean?

23 DEFENDANT DEAN: No, thank you.

24 THE COURT: Procedurally you and your attorney  
25 are going to have to figure out how to go forward in light

28



1 of the information you have brought forward in court today.  
2 That's something that I definitely cannot  
3 interfere with.  
4 All right. Court's in recess.  
5 (WHEREUPON, the hearing was concluded at 2:24 p.m.)  
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1 STATE OF NEVADA )  
2 ) SS.  
3 COUNTY OF ELKO )  
4 I, LISA M. MANLEY, Official Court Reporter of the Fourth  
5 Judicial District Court, Dept. II, of the State of Nevada,  
6 in and for the County of Elko, do hereby certify that I was  
7 present in court during all the proceedings had in the  
8 matter of the State of Nevada, plaintiff, versus  
9 SEAN MAURICE DEAN, defendant, heard at Elko, Nevada, on  
10 September 29, 2016, and took verbatim stenotype notes  
11 thereof; and that the foregoing pages contain a full, true  
12 and correct transcription of my stenotype notes so taken,  
13 and a full, true and correct copy of all proceedings had.  
14  
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16

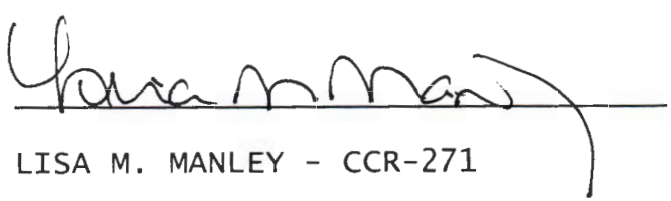
17 \_\_\_\_\_  
18 LISA M. MANLEY - CCR-271  
19 OFFICIAL COURT REPORTER  
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STATE OF NEVADA                    )  
  )  SS.  
COUNTY OF ELKO                    )

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Judicial District Court, Dept. II, of the State of Nevada,  
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thereof; and that the foregoing pages contain a full, true  
and correct transcription of my stenotype notes so taken,  
and a full, true and correct copy of all proceedings had.



LISA M. MANLEY - CCR-271  
OFFICIAL COURT REPORTER

- 1) SHANK IS A NIGGER TOO
- 2) Did anybody call PRINCE MISS  
The girl  $\Delta$  is Black
- 3) It's that anybody call PRINCE & he  
hasn't heard of a real Black nigger  
have certain characteristics
4. It's that anybody call PRINCE that  
thinks there is no truth to the  
EXISTENCE of these characteristics?
- 5 All the Defense is asking you to do  
is get your information from it  
WITNESS STAND - NOT FROM AN ASSUMPTION  
~~based on what~~ some undefined somebody  
what you might have heard from some  
undefined someone your age

opening

Def is in law  
OR  
looking for  
first name

Cut ~~Thompson~~  
by  
the judge

~~II~~ 4

IT WAS A SET UP

EXTRAORDINARY SWARM <sup>STARRING</sup>  
<sup>STARRING</sup> <sup>STARRING</sup>

Death as a first

stabbing in front of 4 witnesses  
a beating

He had to get rid  
of the knife

No blood on  $\Delta$

PETITIONER EXHIBIT NO: 2  
CASE NO.: CV-HC-17-711 / DEAN, Sean  
DISTRICT COURT: JUDGE ALVIN R. KACIN  
DATE MARKED: 11/19/19  
DATE ADMITTED: 11/20/19  
CLERK: DM

Greg,

This is in response to your letter of Sept 20 2016.

I really didn't want to get into this with you, but this has been eating at me like cancer.

First of all, what started off "Fucked up" is the stunt that punk-ass Mills pulled, with Denise's so-called "Anxiety" Attacks. Judge Kacin knew it was a dirty ass move also, just by his reaction. But regardless of that, the denial of our motion to bring up the bullshit the D.A.'s office let Denise, and Duff get away with, was totally bullshit. But these issues are only a small part of what's really got me fucked up right now.

When we really got down to putting this case together, there were two fronts we were going to attack with, the first being, trying to establish that Duff was mad, because Denise lied to him about my relationship with her, and the rest of the negative shit she filled his head with. At pretrial, you had Duff so fuckin' mad, he looked ready to attack you. But during trial, you didn't go at him at all, as a matter of fact, during the whole trial Greg, it seem to me, as if I was with you, that you were having trouble with the questions you wanted to ask, it was like you were pulling them out of the air at random, with no sense of where you wanted to go, especially with Denise and Duff I didn't even understand what, because I've seen you in action Greg, and the only thing I could see myself during trial, "What the hell is he doing?"

When Duff committed to deny he was angry,

with a large, open, that there was a big window, Now the  
light was shining on the pretty girl, because of the "text  
message", and the 2000000. I made towards her,  
that had the big 2000000. I made towards her,  
So now the girl was the girl.

[illegible]

But not knowing that I was up, she had her load  
credible, like her hands were clean. And we both know  
she's not true.

1981 - The first time I got my hands on a pink  
Keweenaw - 500,000. I took her to work over there  
in a brown paper bag. And that's not all!!

The other issue is the woman. After he finished testifying, you turn to me and say "oh, the D.A. got one out of us, I didn't know one of the women was. The witness was just the rock crew on the night! you're not really knowin' you're a witness. What's you gonna do?" "I don't believe they can get you for anything," he said, "I'm gonna go to court and I'll beat you out on it. I'll beat a head like you beating you didn't know a piece of female D.A. you know in cases like this, you got a 100% for. 100% for."





[illegible]

Also with the same thing, I have  
 some of the same thing, I have  
 yet I have



Let's look at some.

At peeling, you were effectively positioned over  
when the bull was on the ground, Duff  
was on his side, leaning on his left side,  
when Bull had reached the ground, the  
moment it was a wide mark, there's eyes all on the  
ground.

Righter making the statement, opened the door for  
in his suggestion that maybe the bull was that whole bull  
was on the ground, he was at least lying on his side.

① When we were on the ground one day, and you wanted  
to go off to the in the direction of the bull, you  
let you) you were then stepped back, you were  
back, then you were in the air, you were  
up, and you were in the air, you were  
of the ground, you were in the air, you were  
two or three feet off the ground, you were  
in the air, you were in the air, you were

② During the time you suggested that the bull was on the  
ground, fighting the bull, while the bull was  
shielding my 12345, you were on his left side, leaning  
me, you were on the ground, you were on the ground,  
was making the bull, you were on the ground, you were  
knife, the suggestion was that the bull was on the ground,  
you were on the ground, you were on the ground, you were  
jumped all over the ground, you were on the ground, you were

③ The suggestion was that the bull was on the ground,  
when the bull was on the ground, he was on the ground,  
life, the suggestion was that the bull was on the ground,  
knife, the suggestion was that the bull was on the ground,  
the suggestion was that the bull was on the ground,  
cheat, the suggestion was that the bull was on the ground,  
some, the suggestion was that the bull was on the ground,  
some, the suggestion was that the bull was on the ground,

[illegible]

I've been looking around Tim's place here. Look  
 It didn't have the former legal pad for nothing.  
 I was taken over by the police. I was taken over by them  
 And I was taken over by them. I thought on to, Kulture  
 enough of the thing. I was taken over by them.

like the cut I got Between my 2nd & 4th  
Finger, did I get that cut on my hand; Com-  
pletely missing huh? When I Insured you  
in Court, did I not have to be a Plaintiff?  
THIS IS what I'm talking about right here.  
There is something that could be made for the  
difference at hand. Because as of the date  
the 1st of January 2012, I was not a Plaintiff  
I was only a Defendant. I was only a  
2nd Defendant. I was only a Defendant  
because I was not the one who was  
suing you. I was only a Defendant  
because I was not the one who was  
suing you.

PETITIONER EXHIBIT NO: 3  
CASE NO.: CV-HC-17-711 / DEAN, Sean  
DISTRICT COURT: JUDGE ALVIN R. KACIN  
DATE MARKED: 11/19/19  
DATE ADMITTED: 11/26/19  
CLERK: DM

RECEIVED

JUN - 2 2017

Dear Sean:

I received your letter of September 23 today. I want to respond to it prior to sentencing.

#### PICKING ON DUFF

There is little consistency between what we try to accomplish at preliminary hearing and at trial. First, since getting bound over at preliminary hearing is practically a cinch, little consideration is given to the magistrate's reaction to the questioning or behavior I engage in before him.

My purpose is generally, as it was in your case, to pin down the witnesses to their positions, to explore and discover facts and circumstances, both those that appear in the reports, but also others that seem probable even though not written down, and to watch the witnesses behavior in response to questioning. I'm sure there are dozens of other things going on, but for my purposes in this letter, the above will suffice.

For the most part, conducting a good preliminary hearing sets the stage for a good trial. I didn't need to make Duff mad at me during trial. Had I done so, the jury would reasonably have concluded I was playing lawyer games with him and that he's actually a pitiful little soul who didn't deserve that kind of treatment, particularly from a lawyer who's showing off.

The things Denise did to Duff, particularly spending all his rental dough in slot machines, left virtually no possibility the jury would conclude he wasn't mad at her, and that when he said he wasn't, he was lying.

#### THE DOPE QUESTION

Over time I've done a number of trials involving folks in the drug world. I am also aware of and have had discussions with the involved lawyers about a number of other trials done by other folks as well that have drugs in the background. I will give you a small example of the trouble that engenders.

A few years ago a guy living in the drug world shot his best friend who also lived in the drug world. The virtually undisputed facts of the case and the law were that my guy, the shooter, had a perfect right to shoot his friend in self-defense. The jury convicted him in less than two hours. The general public these days has little regard for folks living in the drug world.

I knew all that when we started to look at Denise's drug stuff. The first problem was, I didn't have a unassailable way to keep you out of that world if I brought her into it. If I made her a drug seller or user, you were going to be in there

too. The question was whether the value we'd get by putting her in that world would outweigh the cost of the jury figuring you were in it too.

When we started looking at it, I was undecided whether to make Duff or Denise, or both of them, involved in the conspiracy to get you out of the picture. I ultimately settled on Duff leading the show. That decision was based on what I knew Denise would look like in front of the jury. You will recall me repeatedly asking why you hooked up with such a dumb woman.

I balanced that against the question of whether I could make her look smarter with the games she was playing with you on the texts.

My initial theory, which you know, was to have her throw you out of the house shortly after November 12 because your episode with Christina Hodges had the cops watching Denise's house trying to find you and that loused up her drug sales or alternatively that her drug supplier told her to get you out of the house or her supply was going to be cut off.

Step two was to have Denise decide she had to get rid of you for good because you wouldn't leave her alone, so she sat up the Sean and Duff fight to get you in jail.

Step three was it seemed like we needed to get Duff and Denise doped up enough to make them stabbing each other or themselves in order to get you gone believable to the jury.

Let me add that by the time of trial ended we had Duff lit up like a Christmas tree on the medications he was getting from his doctor.

There are probably a half a dozen more specific things I was thinking about too, but I'm running out of time. I want you to clearly understand that your credibility was directly on the line whether you testified or not. Your statement to the cops about the event was in evidence.

Kolsch never did come up with her supplier, or more precisely he did come up with her but there was no way to get her to talk. As a result, we were going to have to rely on Denise, Darrell Palmer, you and closing argument.

The decision to not put that stuff on was made just before the end of the trial. We were ready to do it, but when I weighed the advantages against the potential costs and how I thought we had done that far, and I made the decision not to.


#### THE DOCTOR'S TESTIMONY

I got caught with the Doctor's testimony. The depth of the wound was not reported by him. I concluded it had to be superficial. If you recall, he was essentially



speculating about the depth of the wound based on Duff's fat. The injury was minor because it didn't penetrate the perimortem, but the figure 3 ½ inches made me nervous. That happens. There wasn't any way to avoid the testimony in any event.

#### I'M A RACIST BIGOT


 I don't recall what exactly was going on when I wrote that Joe Schenk was a nigger too in my notes.

I spent a whole lot of hours thinking about your race and figuring out what to do to make sure you got a fair trial in Elko in front of a white jury. Actually, I went to some lengths to try to get you a better than fair trial.


I also spent a considerable period of time thinking about what to do with Schenk. He was, in some ways, the most difficult witness to handle because I had to put him in the conspiracy with Duff and/or Denise. Otherwise, he didn't have any axe to grind with you.

He was also a problem because Duff didn't seem to mind having Schenk for a son-in-law of sorts. There was a substantial period of time I was considering that Duff, finding himself in competition for Denise's affections, with you had probably thought about your race, but his acceptance of Schenk was a problem. Black men and white women are on the mind of lots of white guys and it was clear there were going to be white guys on the jury.

In the abstract, if the circumstances of the case had been different, I might well have played on black stereotyping by white jurors to get at him.

 So I guess my point is that if you think me writing the word nigger in my notes has racial significance, so be it. I've called you a lot worse names than that for getting hooked up and staying with a 5'9" fat lady who sells dope and gambles away everything she's got.

#### RACIST ELKO

 I was informed by one of the suits that showed up at the verdict that the word was out on the street that we might have pulled it off. The suits were all defense lawyers. Nobody on this planet, including you, is totally racially neutral, but for the most part it doesn't have much to do with anything.

I don't expect you to see it, but persuading a jury that a guy with six or 7 stab wounds, who's claiming his ex-wife's boyfriend with a half a dozen prior felony convictions did it, actually inflicted them on himself or had his ex wife inflict them is a pretty heavy load. That is particularly so when there are four eye-witnesses saying the boy friend did it.

## CLOSING

I realize I haven't answered all of your letter. What is clear is that you are of the opinion that I'm incompetent and/or that racial bigotry played a part in the quality of the defense I provided. Either accusation requires me to inform the court of your opinion and request to be relieved as your counsel.

I gave you a lecture before you got sentenced in the strangling case a few years ago, if you remember. The point of the lecture was that based on the number of conviction you had it was pretty clear you were a lousy criminal because you keep getting caught and convicted.

I told you that you were at a point where bad things were going to happen to you if you didn't stay a long ways away from situations that might go to hell. That independent of the facts, there would be a presumption that you were guilty as hell of something. What's good for Sean Dean wasn't in play anymore. Getting Sean Dean off the street was all that would be in play for prosecutors and judges the next time around.

You looked me right straight in the eye and told me you understood that. I think you did. There's no doubt a lot of fault in various places for you being in the pickle you're in. Some of it is yours.

Gary D. Woodbury

PETITIONER EXHIBIT NO: 4  
CASE NO.: CV-HC-17-711 / DEAN, Sean  
DISTRICT COURT: JUDGE ALVIN R. KACIN  
DATE MARKED: 11/19/19  
DATE ADMITTED: 11/20/19  
CLERK: DM



11. The Biggest Problem we're Facing is The DR. WARD SAID one of the
  12. STAB WOUNDS WENT IN 3 1/2 inches. THAT TENDS TO MAKE YOU LIABLE ON
- ALTERNATIVES - The ATTEMPTED MURDER CHARGES.

My QUESTION is whether you know, in a KNIFE FIGHT, whether you don't JUST STAB, you ALSO SLICE while the blade is in the guy?

I've NEVER KNOWN anyone Doing Just one or the other, it Depends on the person I guess, and how FAMILIAR they are with using A knife.

He NEVER been in a knife fight.

If your intent is to kill someone, Slicing someone isn't going to get the job done, you have to poke that person.

PETITIONER EXHIBIT NO: 19  
CASE NO.: CV-HC-17-711 / DEAN, Sean  
DISTRICT COURT: JUDGE ALVIN R. KACIN  
DATE MARKED: 11/19/19  
DATE ADMITTED: 11/20/19  
CLERK: DM