

# IN THE SUPREME COURT OF THE STATE OF NEVADA

PARNOLD KEITH ANDERSON,  
Appellant(s),

vs.

THE STATE OF NEVADA,  
Respondent(s),

Electronically Filed  
Jun 23 2021 03:29 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

Case No: A-21-827381-W  
*Related Case C-16-319021-1*  
Docket No: 82917

# RECORD ON APPEAL VOLUME 1

**ATTORNEY FOR APPELLANT**  
ARNOLD ANDERSON #85509,  
PROPER PERSON  
P.O. BOX 208  
INDIAN SPRINGS, NV 89070

**ATTORNEY FOR RESPONDENT**  
STEVEN B. WOLFSON,  
DISTRICT ATTORNEY  
200 LEWIS AVE.  
LAS VEGAS, NV 89155-2212

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A-21-827381-W

Arnold Anderson, Plaintiff(s)

vs.

Jerry Howell, Warden SDCC, Defendant(s)

I N D E X

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1 PCR  
2 ARNOLD ANDERSON # 85509  
3 Lovelock Correctional Center  
4 1200 Prison Road  
5 Lovelock, Nevada 89419

6 Petitioner In Pro Se

FILED  
JAN - 5 2021

CLERK OF COURT

IN THE DISTRICT COURT

CLARK COUNTY, NEVADA

\* \* \* \* \*

A-21-827381-W  
Dept. 12

9 ARNOLD ANDERSON, )

10 Petitioner, )

Case No. C-16-319021-1

11 -vs- )

Dept. No. 12

12 Jerry Howell Warden, )

13 Respondent. )

Date of Hearing: JANUARY 4, 2021  
Time of Hearing: 2:30 AM

14 PETITION FOR WRIT OF HABEAS CORPUS

15 (Post-Conviction Relief - NRS 34.735 Petition Form)

16 INSTRUCTIONS:

17 (1) This petition must be legibly handwritten or  
18 typewritten, signed by the petitioner and verified.

19 (2) Additional pages are not permitted except where noted  
20 or with respect to the facts which you rely upon to support your  
21 grounds for relief. No citation of authorities need be  
22 furnished. If briefs or arguments are submitted, they should be  
23 submitted in the form of a separate memorandum.

24 (3) If you want an attorney appointed, you must complete  
25 the Affidavit in Support of Request to Proceed in Forma  
26 Pauperis. You must have an authorized officer at the prison  
27 complete the certificate as to the amount of money and  
28 securities on deposit to your credit in any account in the  
institution.

(4) You must name as respondent the person by whom you are  
confined or restrained. If you are in a specific institution of  
the Department of Corrections, name the warden or head of the  
institution. If you are not in a specific institution of the  
Department but within its custody, name the Director of the  
Department of Corrections.

DEC 24 2020

CLERK OF THE COURT

LCCU FORM 24.080

1 (5) You must include all grounds or claims for relief which  
2 you may have regarding your conviction or sentence. Failure to  
3 raise all grounds in this petition may preclude you from filing  
future petitions challenging your conviction and sentence.

4 (6) You must allege specific facts supporting the claims in  
5 the petition you file seeking relief from any conviction or  
6 sentence. Failure to allege specific facts rather than just  
7 conclusions may cause your petition to be dismissed. If your  
petition contains a claim of ineffective assistance of counsel,  
that claim will operate to waive the attorney-client privilege  
for the proceeding in which you claim your counsel was  
ineffective.

8 (7) When the petition is fully completed, the original and  
9 one copy must be filed with the clerk of the state district  
10 court for the county in which you were convicted. One copy must  
11 be mailed to the respondent, one copy to the Attorney General's  
12 Office, and one copy to the district attorney of the county in  
which you were convicted or to the original prosecutor if you  
are challenging your original conviction or sentence. Copies  
must conform in all particulars to the original submitted for  
filing.

#### 13 PETITION

14 1. Name of institution and county in which you are presently  
15 imprisoned or where and how you are presently restrained of your  
liberty: Lovelock Correctional Center, Pershing County, Nevada.

16 2. Name and location of court which entered the judgment of  
17 conviction under attack: Eighth Judicial District Court In and  
for the County of Clark

18 3. Date of judgment of conviction: December 4, 2017

19 4. Case number: C-16-319021-1

20 5. (a) Length of sentence: 8 TO 20 years consecutive to 8 to 20  
21 years consecutive to 4 TO 10 years.

22 (b) If sentence is death, state any date upon which  
execution is scheduled: N/A

23 6. Are you presently serving a sentence for a conviction  
24 other than the conviction under attack in this motion?

25 Yes ☐ No ☒

26 If "yes," list crime, case number and sentence being  
27 served at this time:

28 7. Nature of offense involved in conviction being challenged:  
Attempt murder with weapon and battery causing substantial bodily harm

1  
2 8. What was your plea? (check one)

- 3 (a) Not guilty ☒  
4 (b) Guilty ☐  
5 (c) Guilty but mentally ill ☐  
6 (d) Nolo contendere ☐

7 9. If you entered a plea of guilty or guilty but mentally ill  
8 to one count of an indictment or information, and a plea of not  
9 guilty to another count of an indictment or information, or if a  
10 plea of guilty or guilty but mentally ill was negotiated, give  
11 details: N/A

12 10. If you were found guilty or guilty but mentally ill after  
13 a plea of not guilty, was the finding made by: (check one)

- 14 (a) Jury ☒ (b) Judge without a jury ☐

15 11. Did you testify at the trial? Yes ☐ No ☒

16 12. Did you appeal from the judgment of conviction?

17 Yes ☒ No ☐

18 13. If you did appeal, answer the following:

- 19 (a) Name of court: Nevada Supreme Court  
20 (b) Case number or citation: 74076  
21 (c) Result: oral argument. Affirmed withdrawn opinion, Affirmed.  
22 (d) Date of result: November 27, 2019.  
23 (Attach copy of order or decision, if available.)

24 14. If you did not appeal, explain briefly why you did not:  
25 SANDRA STEWART said she was going to appeal to the United States  
26 Supreme Court and did not.

27 15. Other than a direct appeal from the judgment of conviction  
28 and sentence, have you previously filed any petitions,  
applications or motions with respect to this judgment in any  
court, state or federal? Yes ☐ No ☒

16. If your answer to No. 15 was "yes," give the following  
information:

- 25 (a) (1) Name of court: N/A  
26 (2) Nature of proceeding: N/A  
27 (3) Grounds raised: N/A.  
28

1 (4) Did you receive an evidentiary hearing on your  
2 petition, application or motion? Yes \_\_\_ No ☒

3 (5) Result: N/A

4 (6) Date of result: N/A

5 (7) If known, citations of any written opinion or  
6 date of orders entered pursuant to such result: N/A

7 (b) As to any second petition, application or motion,  
8 give the same information:

9 (1) Name of court: N/A

10 (2) Nature of proceeding: N/A

11 (3) Grounds raised: N/A

12  
13 (4) Did you receive an evidentiary hearing on your  
14 petition, application or motion? Yes \_\_\_ No ☒

15 (5) Result: N/A

16 (6) Date of result: N/A

17 (7) If known, citations of any written opinion or  
18 date of orders entered pursuant to such result: N/A

19 (c) As to any third or subsequent additional applications  
20 or motions, give the same information as above, list them on a  
21 separate sheet and attach.

22 (d) Did you appeal to the highest state or federal court  
23 having jurisdiction, the result or action taken on any petition,  
24 application or motion?

25 (1) First petition, application or motion?  
26 Yes \_\_\_ No ☒

27 Citation or date of decision: N/A

28 (2) Second petition, application or motion?  
Yes \_\_\_ No ☒

Citation or date of decision: N/A

(3) Third or subsequent petitions, applications or  
motions? Yes \_\_\_ No ☒

Citation or date of decision: N/A

(e) If you did not appeal from the adverse action on any petition, application or motion, explain briefly why you did not. (You must relate specific facts in response to this question. Your response may be included on paper which is 8 1/2 by 11 inches attached to the petition. Your response may not exceed five handwritten or typewritten pages in length.)

Sandra Stewart said she was going to appeal to the United States supreme court and did not.

17. Has any ground being raised in this petition been previously presented to this or any other court by way of petition for habeas corpus, motion, application or any other postconviction proceeding? If so, identify:

(a) Which of the grounds is the same: Confrontation clause, Redundant charges ineffective counsel.

(b) The proceedings in which these grounds were raised: on Direct appeal.

(c) Briefly explain why you are again raising these grounds. (You must relate specific facts in response to this question. Your response may be included on paper which is 8 1/2 by 11 inches attached to the petition. Your response may not exceed five handwritten or typewritten pages in length.)

They were not properly addressed, Sandra failed to address Marco statement as being inadmissible.

18. If any of the grounds listed in Nos. 23(a), (b), (c) and (d), or listed on any additional pages you have attached, were not previously presented in any other court, state or federal, list briefly what grounds were not so presented, and give your reasons for not presenting them. (You must relate specific facts in response to this question. Your response may be included on paper which is 8 1/2 by 11 inches attached to the petition. Your response may not exceed five handwritten or typewritten pages in length.) Sandra Stewart appeal counsel failed to contact me about these issues and told me don't write long letters and said she will do it after reading transcripts

19. Are you filing this petition more than 1 year following the filing of the judgment of conviction or the filing of a decision on direct appeal? If so, state briefly the reasons for the delay. (You must relate specific facts in response to this question. Your response may be included on paper which is 8 1/2 by 11 inches attached to the petition. Your response may not exceed five handwritten or typewritten pages in length.)

This post conviction writ is timely, the remittur was issued March 19, 2020 This is timely.

20. Do you have any petition or appeal now pending in any court, either state or federal, as to the judgment under attack?

Yes \_\_\_ No ☒

If yes, state what court and the case number: N/A

21. Give the name of each attorney who represented you in the proceeding resulting in your conviction and on direct appeal:  
Kenneth G. Frizzell / Sandra L. Stewart

22. Do you have any future sentences to serve after you complete the sentence imposed by the judgment under attack?  
Yes \_\_\_ No ☒

If yes, specify where and when it is to be served, if you know: N/A

23. State concisely every ground on which you claim that you are being held unlawfully. Summarize briefly the facts supporting each ground. If necessary you may attach pages stating additional grounds and facts supporting same.

(a) Ground one: Confrontation Clause 6th Amendment

Supporting FACTS (Tell your story briefly without citing cases or law.): The confrontation clause was a smokescreen violated when Marco Rafalovich testified that Arndaeysae Anderson told him shots fired I deny it. It's a lie. This alleged conversation was not recorded. The recorded conversation I do have of Arndaeysae Anderson stated I was in California at the time of this shooting. Her alleged statement to Marco Rafalovich was not previous testimony to give me the right to confront. The district attorney violated the hearsay rule this violated a right to a fair trial, appeal counsel Sandra Stewart failed to address the inadmissibility of this story presented to the jury. This ground is continued.

(b) Ground two: Right TO Adequate Counsel 6th Amendment

Supporting FACTS (Tell your story briefly without citing cases or law.): Kenneth G. Frizzell was ineffective before trial he failed to give me Arndaeysae Andersons recorded statement before the judge gave a forfeiture hearing he failed to visit me in the jail he seen me 2 times I called his office over 26 times he wouldnt answer he failed at turning over my discovery so I could represent myself properly. he would send his investigator to the jail

1 he would not talk to me we had a complete break down  
2 in communication I yelled at him in court, he failed  
3 to file motions, he filed a faux writ to sabotage  
4 my speedy trial right. The writ he didn't give  
adequate arguments. This ground is continued.

5 (c) Ground three: Redundant charge. Double  
6 Jeopardy. Multiple punishments for the same  
offense violates 12 amendment.

7 Supporting FACTS (Tell your story briefly without  
8 citing cases or law.): The criminal complaint states  
9 Attempt murder with deadly weapon and  
10 Battery with deadly weapon by shooting at  
11 or into the body of Terry Borden. Two punishment  
12 provided for the same alleged offense. The state never  
13 provided the trial court with any medical evidence  
14 of any criteria of the elements of any one of  
15 these charges. This ground is continued.

16 (d) Ground four: Suspect already convicted  
17 of this victim.

18 Supporting FACTS (Tell your story briefly without  
19 citing cases or law.): On October 26, 2016 Arnold Anderson  
20 was arrested for Attempt Murder w/weapon  
21 of Terry Borden Robbery of Terry Borden w/weapon  
22 Conspiracy to commit Attempt + Murder of  
23 Terry Borden. She pled guilty of a lesser  
24 charge. This ground is continued.

25 WHEREFORE, petitioner prays that the court grant petitioner  
26 relief to which he may be entitled in this proceeding.

27 EXECUTED at Lovelock Correctional Center on the 9 day of  
28 the month of December of the year 2020.

Arnold Anderson

~~Alfred Anderson~~ # 85607

~~Donald Anderson~~ # 85607

~~Donald Anderson~~ # 85607

~~Donald Anderson~~ # 85607

P.O. Box 208

Petitioner In Pro Se

Indian Springs NV

89018

**CERTIFICATE OF SERVICE BY MAILING**

I, Arnold Anderson, hereby certify, pursuant to NRCP 5(b), that on this 9  
day of December, 2020, I mailed a true and correct copy of the foregoing, "writ  
post conviction relief"  
by placing document in a sealed pre-postage paid envelope and deposited said envelope in the  
United State Mail addressed to the following:

Warden Jerry Howell  
P.O. Box 208  
Indian Springs NV 89070.

Attorney General  
555 E Washington  
Las Vegas NV 89101

CC:FILE

DATED: this 9 day of December, 2020.

Arnold Anderson  
Arnel Anderson # 85507  
/In Propria Personam  
Post Office Box 208, S.D.C.C.  
Indian Springs, Nevada 89018  
IN FORMA PAUPERIS:

SANDRA L. STEWART  
Attorney At Law

140 Rancho Maria Street  
Las Vegas, NV 89148  
Phone: 702-526-1867 Fax: 702-736-7429  
E-Mail: nvatt@icloud.com

January 24, 2020

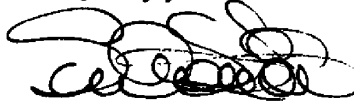
Arnold Anderson  
Inmate No. 85509  
**LOVELOCK STATE PRISON**  
1200 Prison Road  
Lovelock, NV 89419

Dear Mr. Anderson:

This will respond to your letter of January 16, 2020. In answer to your questions:

1. I didn't raise the issue of multiple punishments in the new Petition For Rehearing because the Court cited to case law in its second opinion which was on point which allowed sentencing for both allegations.
2. It doesn't matter that you said that you were not talking to your daughter. The issue on appeal, as I have stated before, is whether or not the trial judge made an error. She concluded that you were talking with your daughter, and there was evidence to support that. You (1) called your daughter's phone number (2) on her birthday, and (3) you were talking with a woman. Right or wrong, it was not **error** for the trial judge to conclude that you were talking with your daughter. So, on appeal, I had to make an argument going under that assumption. Since I had to assume that in my argument, it made no difference that the appellate court also assumed that. The issue on appeal is **why** you told (your daughter) to hide from the police, not whether or not it was your daughter you were talking to.

Very truly yours,



SANDRA L. STEWART

Exhibit A 1

**SANDRA L. STEWART**  
**Attorney At Law**

140 Rancho Maria Street  
Las Vegas, NV 89148  
Phone: 702-363-4656 Fax: 702-736-7429  
E-Mail: nvatt@icloud.com

March 29, 2018

Arnold Anderson  
Inmate No. 85509  
**ELY STATE PRISON**  
Post Office Box 1989  
Ely NV 89301

Dear Mr. Anderson:

This will respond to your letters of March 18 and March 19.

I wanted to let you know that I received them and that I have finished reading through the entire Appendix. I will be reviewing the various issues presented by the Appendix more fully and research those over the next week or so.

However, off the top of my head, here are my thoughts.

**APPEALABLE ISSUES**

1. The admission of your daughter's testimony through the police officer is something I will be researching and looking at very closely. That was a potential violation of the hearsay and Confrontation rules, which are often winning arguments to make on appeal. The problem which this argument is the jail call where you told your daughter to leave town, thereby **depriving yourself** of your Constitutional right to confront her at trial. Nevertheless, I will be arguing this issue. It's an important one. If they had actually admitted a signed affidavit, or a transcription of a recorded interview, that would be different, but to get her statements in through a police officer, I think was improper and should not have been allowed. And, they didn't need that when they had the testimony of two eye witnesses. So, in my mind, its probative value was outweighed by its prejudicial effect on the jury.

2. I will also be arguing that the jail call should not have been admitted. It was also highly prejudicial, and was not needed to make the state's case. The problem with that is that in your questioning, you "opened the door" for admission of that jail call because you asked about why she wasn't there, or something to that effect. As soon as you asked about that, then you "opened the door" for the state to explain why she wasn't there. That's one of the many pitfalls of representing yourself at trial. "Opening the door" is a difficult concept for most attorneys to grasp, and many accidentally violate that rule by asking some innocuous question. Nevertheless, I will be arguing in the brief, that it should not have been admitted. I think it's a close question.

exhibit B 5 of 4

3. I will be raising the issue of redundant claims. I agree with you that based on the charging documents, you were convicted twice for the same actions – attempted murder by shooting into a body, and battery by shooting into the same body. I just argued this issue in another case. It's referred to by the Nevada Supreme Court as a "unit of prosecution" issue. Here are a couple of cases that discuss that issue. *Washington v. State*, 376 P.3d 802, 806 (Nev. 2016); *Wilson v. State*, 121 Nev. 345, 355-356 (2005). (copies enclosed) It does not matter if another person is convicted of the same crime. That does not raise the issue of double jeopardy. Double jeopardy arises when one person is twice convicted of the same crime. Many times, co-defendants request to be tried separately. The fact that one is found guilty does not give the other one a pass. There can be three people involved in robbing a bank where someone is killed. All are guilty of that murder even though only one pulled the trigger. And, it doesn't matter if they are tried separately. They can all be convicted of the crime of murder. That is not double jeopardy.

4. I also agree with you that counsel should have been replaced. I agree with the judge that you have the right to counsel, but not the right to choose counsel, but your issues with Mr. Frizzell were longstanding, and in most cases I've seen, the judge will at least allow one replacement of counsel under these circumstances. You were basically given the choice of continuing with Mr. Frizzell who you could not communicate with, or defending yourself. I think that was unfair and that your 6<sup>th</sup> Amendment right to counsel was violated by the judge's refusal to appoint a different attorney for you under the circumstances that I saw which proceeded over a very long period of time, and what appeared to be numerous requests by you over and over again to be provided with the same documents. I think this is an important appealable issue, and I will be raising it.

5. Another issue that I am considering that I don't see mentioned in your letters is the jury instruction which you objected to that states that the jury's verdict must be unanimous. I agree that that suggests that a hung jury is not a possibility, and that it is misleading. It is a minor issue, but there have been more and more challenges I have seen in cases over that jury instruction, so I will be raising that issue. Good job in objecting to that.

#### **ISSUES I WILL BE RESEARCHING FURTHER**

6. I will be looking closely at discovery issues. I recall in reading through the Appendix that some of those were popping out at me. I felt that you were having to ask over and over again for the same documents, and that they were being provided to you very late, thereby impeding your ability to defend yourself.

7. As to the motion in limine, I will look at that again. But, if I recall correctly, the judge offered you additional time to respond to that. That would have cured the late filing. But, I will be looking at that more closely.

8. I don't recall you objecting to any jurors for cause. If you didn't object to a juror, then it could not be error for the judge to leave that person in place unless there was something about the juror that was so outrageous that the judge should have dismissed him/her on its own motion. I will look again at the jurors you mention, but I don't recall any objections by you to the jurors. Also, a juror's infirmities would have to appear in the record for me to raise them. You would have had to point those out. I can't take your word for it that a juror was on oxygen or that some physical ailment would impair her ability to serve on the jury.

### ISSUES THAT ARE NOT APPEALABLE

9. **THE ARREST WAS LEGAL.** There was probable cause for the car stop and arrest because two witnesses identified you as the shooter, and picked you out of a photo lineup. The police had already identified you as the registered owner of the car that was stopped, and two witnesses had identified that registered owner as the person who shot Bolden. So, there was probable cause to stop the car. It appeared from the testimony that the police wanted to wait to arrest when the car was in motion in the hope that they would find you and the gun in the vehicle. That was their right. For the same reason, there was probable cause to impound the car, and it was not searched until they obtained a search warrant. ***But even if your arrest was illegal***, that only gets you exclusion of the "fruit of the poisonous tree," which means if you had blurted out that you were guilty, that could be excluded at trial. But, there was nothing like that to exclude. You do not get your charges dismissed because of an illegal arrest. All you get is exclusion of evidence that would not have been obtained but for the illegal arrest – usually a confession. (See copy of article enclosed.)
10. The preliminary hearing is a non-issue. Once a case goes to trial, it's as if the preliminary hearing never occurred. Its only value at trial is for impeachment purposes. You went to trial and the jury found you guilty, so there is no argument that you were improperly bound over for trial when there is a guilty verdict. The argument is that since you were found guilty at trial, you were properly bound over for trial. If you had been acquitted, then the issue is pretty much moot unless you want to bring a civil rights action. It is not an appealable issue.
11. You waived your right to a speedy trial when you authorized Mr. Frizzell to file the habeas petition. You can't unwaive that.
12. The evidence ***does*** support the conviction. Not all evidence has to support the conviction. It doesn't matter if there is conflicting evidence. It doesn't matter if you think a witness is lying. It doesn't matter if a witness gives two different descriptions of you or the car, or misidentifies some one or some thing. You can bring that out on cross examination by showing prior inconsistent statements. You did that in many cases. It is for the jury to decide what is believable and what is not. I can't argue that the convictions were not supported by the evidence when two eye witnesses testified that you were the shooter. That would be a waste of time. Just from the testimony of those two witnesses, the jury could validly find you guilty of the crimes with nothing else. The photo array was not improper. It does not have to be a double blind.
13. The *Faretta* canvass was one of the most comprehensive ones I have seen in a long time. So, I can't argue that it was improper or insufficient in any way. As to your mental condition, I just had a case I argued to the Nevada Supreme Court where there was ***expert testimony*** that my client was actually a paranoid schizophrenic. I argued that he should not have been able to represent himself because of that. The Nevada Supreme Court did not agree. The right to represent oneself at trial is a Constitutional right, and it is very difficult to argue that it should have been denied. And, there was no expert testimony in your case that you were mentally unfit to proceed. So, that is not an appealable issue.
14. As to the bullet and blood spots, the state did not need expert testimony about those or DNA evidence. Witnesses testified that Bolden was shot and walked up the stairs dripping blood. The bullet was handed to state officials in a cup with Bolden's name on it. But, even if they never handed over a bullet or never saw a blood spot, there was enough evidence to convict with the witness testimony, alone. The blood spots and the bullet didn't prove anything. It was within the province of the jury to agree that as a result of being shot five times, Mr. Bolden suffered substantial bodily injury, especially after seeing the scar on his stomach area.
15. Insufficient use of the law library is not an appealable issue. The judge has no control over the prison and its rules. She explained all of that to you during the *Faretta* canvas. You also had Mr. Frizzell as standby counsel to do any research you wanted.

Your letters were 33 pages long, altogether. I hope I have addressed all the issues.

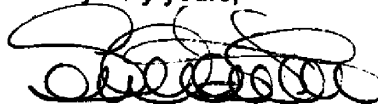
It's difficult to explain to someone how I do an appeal, but basically, I read through the Appendix, putting little post-its along the top with issues written on them. I may have little post-its for Confrontation, for instance, over all volumes of the Appendix in different places where it was discussed. When I finish reading through the entire Appendix, then I go back, and type up on separate sheets of paper, all the pertinent testimony and arguments that were made as to each separate issue that I have identified. I will have one page for Confrontation, one page for jail calls, etc. Then, I research each of those issues in the context of the testimony and argument that I have identified.

As of right now, I have finished reading through the Appendix. I am embarking on the next step which I just explained above. After I finish all of that, then I write the Opening Brief. Right now, I am on Step 2. I'm not sure how long that will take me – a week or two. I anticipate at this time that I will be able to file the Opening Brief by its due date of April 23<sup>rd</sup>.

You must understand that there is a strategy in writing appeals, and one of those is not to overwhelm the appellate court with minor issues that have little chance of success so that they devote time to considering those and perhaps don't spend as much time considering the important issues that have the best chance for success. I have to use my best judgment in deciding what to argue on appeal and what not to argue.

Between now and the time I file the Opening Brief, I will not have time to review and respond to more extremely lengthy letters. If you have an issue or two that you want me to consider that you can put on one sheet of paper, then I will read that. Otherwise, I really have to concentrate now on preparing the Opening Brief.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Sandra L. Stewart', with a large, stylized flourish at the end.

SANDRA L. STEWART

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

**VOLUNTARY STATEMENT**

PAGE 1

EVENT #: 160823-3561

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**SPECIFIC CRIME:**

**DATE OCCURRED:**

**TIME OCCURRED:**

**LOCATION OF OCCURRENCE:**

**CITY OF LAS VEGAS**

**CLARK COUNTY**

---

**NAME OF PERSON GIVING STATEMENT:** ANDERSON, ARNDAEYJAE

**DOB:** 8-3-1999

**SOCIAL SECURITY #:**

**RACE:**

**SEX:**

**HEIGHT:**

**WEIGHT:**

**HAIR:**

**EYES:**

**HOME ADDRESS:**

**PHONE 1:**

**WORK ADDRESS:**

**PHONE 2:**

---

The following is the transcription of a tape-recorded interview conducted by DETECTIVE G. Valenzuela, P#8396 with the LVMPD DTAC Investigations Section, on 10-26-2016, at 1042 hours. Present during this interview are Detective Valenzuela (Q) and Arndaeyjae Anderson (A). Also present is R. Kraft P#4554 (Q1).

Q: Operator, this is Detective G. Valenzuela. My P# is 8396, uh, con, conducting a taped interview with last uh name Anderson A-N-D-E-R-S-O-N, first name is Arndaeyjae. Her date of birth is 8-3-99, and we are currently at uh CCJH, in reference to event #160823-3561. Uh, today's date is 10-26-2016, and the time is 1042 hours. Also present is Detective R. Kraft. His P# is 4554. Alright, uh, Miss Anderson, you understand this interview is being recorded?

A: Yes.

Q: Alright. And uh, I'm going to read you your uh rights. Alright, um, you have the right to remain silent. Anything you say can be used against you in a court of law. You have the right to consult with an attorney before questioning. You have the right to the presence of an attorney during questioning. If you cannot afford

LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
**VOLUNTARY STATEMENT**  
PAGE 2

EVENT #: 160823-3561  
STATEMENT OF: ANDERSON, ARNDAEYJAE

an attorney, one will be appointed before the questioning. Do you understand these rights?

A: Yes.

Q: Do you wish your parent or guardian to be present?

A: No.

Q: No? Alright. Alright, Mrs. Anderson, so uh, basically what happened today is uh I went to court, and met with the district attorney who uh saw you in the courtroom and, and uh, the victim and witness who are part of this crime that I investigated stated that you were a part of the investigation and and that's why you're here today.

A: Okay.

Q: Um, uh, Arnold Anderson, what is he to you?

A: My father.

Q: Okay, so obviously Arnold Anderson, um, he was arrested for uh Attempted Murder, okay, and uh, basically the incident took place um over on 14<sup>th</sup> St., in August. Okay?

A: Okay.

Q: Um, the incident happened in plain daylight. Alright, there was still light out. It was six in the afternoon, the sun was still out. Alright. And there were multiple people there. Multiple people saw uh Arnold Anderson's vehicle in the area, and they saw what happened. Okay.

A: Okay.

Q: Um, and based on what happened today now we know that you were uh possibly there too. Do you remember the incident?

A: I was not at an incident like that.

Q: Okay. Um, so do you know what I'm talking about at all?

A: No.

Q: No, you don't know why your father's in jail?

A: No, I know the charges he has.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

**VOLUNTARY STATEMENT**

PAGE 3

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STATEMENT OF: ANDERSON, ARNDAEYJAE

Q: Okay, so that's basic...

A: But they're false charges that you guys put on him so...

Q: Why would we put false charges on him? And how do you know that?

— A: Because we were in CA.

Q: Okay. Um, you were with Arnold Anderson?

— A: Yes, in CA.

Q: Okay, um do you know Arnold Anderson by any other name?

A: No.

Q: Do you call him any nickname?

A: Dad.

Q: Huh?

A: Dad.

Q: Dad?

A: Yeah.

Q: Oh, okay. Um, okay I had another question for you. On uh Sep...the day uh Arnold was arrested, okay, um...

— A: These are so uncomfortable.

Q: Yeah, I know, I'm sorry. They are not made for comfort. Um, let me give you the exact date here. It happened in September, um, September 5<sup>th</sup>, 2016, um, happened early in the morning hours. Uh, do you remember being stopped by police with Arnold Anderson?

A: I've never been stopped by police in a car with him.

Q: Okay. Well I responded to the location of that stop, okay, and I made contact with you, who was the driver of the Camaro. Okay. Just hear me out.

A: Okay.

Q: During that incident, you gave a different name. Okay, and, and that name was Amajanae Walker, and the date of birth you gave us was 11-5-97.

A: I never gave nobody (inaudible).

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

**VOLUNTARY STATEMENT**

PAGE 4

EVENT #: 160823-3561

STATEMENT OF: ANDERSON, ARNDAEYJAE

Q: Alright, okay, well now I know you're a liar, okay, and I know I saw you, and we dealt with you continuously that morning, okay. So basically what's gonna happen is you're gonna be arrested today, okay, for uh Conspiracy to Commit Murder, okay. This is your last chance, you have, to get your version of the story out, okay, and after we leave today, that's it.

A: Okay.

Q: You're not going to have that chance.

A: Okay.

Q: Alright, so that's why I'm asking you if you want to come forward and tell your version of events.

A: I was in CA on that day.

Q: Okay.

A: Cause I know I looked at the court records. I know what day...

Q: How about on September 5<sup>th</sup>?

A: September 5<sup>th</sup>, I was probably at my grandma's.

Q: Well I can tell you you weren't at your grandma's that morning.

A: Okay, yes I was.

Q: Maybe after you were released, but that morning when you were stopped in the vehicle, okay, I dealt with you.

A: I was never stopped in a vehicle.

Q: Yes you were.

A: No I wasn't.

Q: Well I'm not going to sit here and argue. I know who I saw and what I learned that day.

A: Well I look like a lot of people, so you got the wrong person.

Q: Okay. Mr. Kraft, you have any questions?

Q1: Back in August, you said you were in CA?

A: Yes.

Q1: With your father?

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

**VOLUNTARY STATEMENT**

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STATEMENT OF: ANDERSON, ARNDAEYJAE

— A: For about a week and a half or so.

Q1: Okay. What part of CA?

A: Resido.

Q1: Resido?

A: Resida in LA.

Q1: Okay. Who lives out there?

A: His sister.

Q1: So you were visiting his sister?

A: Um-hum.

Q1: What's her name?

A: Latish.

Q1: Do you know how to spell it?

A: No. Just Latish.

Q1: Do you know her last name?

A: Anderson.

Q1: When did you guys travel out there?

→ A: Uh, let me think. It was like 8-20 probably, and then we came back on like the 29<sup>th</sup>, I don't know. It was around that time though. But I know on the day that this incident was supposed to have took place, we were in CA, we were at the beach.

Q1: Okay, you're giving specific dates, so how do you know these specific dates?

A: Cause I seen it the court records.

Q1: No, I'm saying as far as the dates that you traveled.

→ A: Cause, oh, cause I took pictures that day and they had got time stamped.

Q1: Okay. Where are these pictures?

A: With his attorney.

Q1: Okay. Was it pictures you took on your cell phone?

A: Uh, yeah.

Q1: Okay. And how did you guys get down there?

LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
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PAGE 6

EVENT #: 160823-3561  
STATEMENT OF: ANDERSON, ARNDAEYJAE

A: We drove.

Q1: In what?

A: I think a Ford Escort.

Q1: Whose Ford Escort?

A: His.

Q1: It's registered to him? And where is that car now?

A: Sold.

Q1: He sold it?

A: Yeah. Cause it got broke down, so we didn't need it.

Q1: Okay. When did you sell it?

A: I sold it early October probably. Early October; I don't know.

Q1: Okay. You live here in town?

A: Yes.

Q1: Where do you live?

A: With my grandma.

Q1: Where's that?

A: In North Town.

Q1: What's the address?

A: 2621 White Oak Rd., the address on my ID.

Q1: Okay, and where does your father live?

A: He lives at his mother's address.

Q1: Okay. Where is that?

A: 4831 Arid Ave.

Q1: What's the street?

A: Arid Ave.

Q1: What part of town is that?

A: Uh, I don't know. Probably North Town.

→ Q1: And he drives a black Camaro? (background talking) Does he have any other cars?

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

**VOLUNTARY STATEMENT**

PAGE 7

EVENT #: 160823-3561

STATEMENT OF: ANDERSON, ARNDAEYJAE

A: No, it sold. The Escort sold.

Q1: The Escort was the only other car?

A: Yeah.

Q1: Okay. So what was the purpose of you going down to CA?

A: To visit family and meet new people because after he was released from prison I just got to know him, and I wanted to see the part of my family I never met before, because my mom was hiding me from him. So, yeah.

Q1: Okay, and so you drove down...

A: No, I didn't drive.

Q1: He drove?

A: Yes.

Q1: Okay. Why did you take the Ford Escort?

A: I didn't take a Ford Escort.

Q1: Because you drove down in the Ford Escort.

A: No, I didn't drive. We drove in the car to CA, in the Escort. He drove. Not me. I don't have license to drive.

Q1: Well I'm not saying you drove yourself, but I'm saying the two of you drove to CA in the Escort, right?

A: Yeah.

Q1: What year was it?

A: What, the Escort?

Q1: Yeah.

A: 2001, I think.

Q1: Why didn't you take the Camaro?

→ A: Um, I don't know cause, oh, cause it's a gas saver, it's a smaller car.

Q1: Okay.

A: I was going to say I don't remember why we took it, but I just now remembered, cause it saves gas.

Q1: Does anybody else drive your father's car?

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

**VOLUNTARY STATEMENT**

PAGE 8

EVENT #: 160823-3561

STATEMENT OF: ANDERSON, ARNDAEYJAE

A: No. Not that I know of.

Q1: Not that you know of?

A: Right.

Q1: So nobody else has access to that vehicle?

A: I don't know.

Q1: Have you ever driven the car?

A: I've drove the Camaro one time, back in July, got pulled over cause I got in a car accident.

Q1: Okay. Did you get a ticket?

A: Yes.

Q1: Anything else?

Q: No, do you have any questions for us?

A: Nope.

Q: Alright. We're going to conclude the interview. Uh, same date. Time is 1051 hours. Same people present.

---

**THIS VOLUNTARY STATEMENT WAS COMPLETED AT CCJH ON THE 26TH DAY OF OCTOBER 2016, AT 1051 HOURS.**

GV:df

VS #16-2604

1 ARNOLD ANDERSON'S INDEX TO WRIT OF  
 2 Habeas Corpus Case Number C-16-319021-1  
 3 The following documents include, pages  
 4 1 thru-132 OF all grounds raised in the  
 5 post conviction writ. The 36 grounds raised  
 6 are. 1 inadmissible evidence confrontation clause. 2. Kenneth  
 7 Grizzel inadequate counsel. 3. Redundant conviction.  
 8 4. Suspect already convicted. 5. false evidence. 6. violation of fair  
 9 trial 7. lack of Probable cause. 8. unlawful detention 9. Jacob  
 10 Werner false evidence. 10. No arrest warrant 11. untimely writ  
 11 12. clerk issue told jury 13. Michael Khanke presented false  
 12 evidence 14. 2 prosecutors for trial 15. Juror questions  
 13 16. Juror wrote dick in his notes. 17. Discovery issues. 18.  
 14 racial Profiling 19. Car description 20. Right to confront  
 15 21. failed to address mental health. 22. misleading jury  
 16 instructions. 23. witness not subpoenaed 24. speedy trial  
 17 25 Brooke cornel false evidence 26. Jurors should of been excused.  
 18 27. Unlawful search 28. objections made at trial 29. prosecutorial  
 19 misconduct by Schwartz 30. Prosecutorial misconduct by Patel  
 20 31. Abuse of discretion 32. code of conduct 33. ineffective  
 21 counsel Sandra Stewart. 34. Gilberto Valenzuela. 35. insufficient  
 22 evidence 36. inadmissible evidence.  
 23 exhibits A- letter by Sandra Stewart 1 page  
 24 exhibit B- letter from Sandra Stewart. 4 pages  
 25 exhibit C- police statement by Arnoldack Anderson. 8 pages  
 26 exhibits A-B-C- equal 13 pages  
 27  
 28

1 Ground 1 continued. Violation of the 6<sup>th</sup> amendment Right to cross  
2 examine. Inadmissible confrontation clause. Ground 1 continued from page 8 of Writ.  
3 During trial the prosecutor called his investigator to lie at trial  
4 and provide inadmissible hearsay, to obtain a UNLAWFUL conviction.  
5 see ITAA 7 page 1411 line 22 marco Rafalovich is sworn in as states  
6 witness. Heres the admission that he work for Binu Palal see ITAA 7  
7 page 1412 line 13 Yes sir.  
8 This witness produced false testimony TO Benefit The District Attorney  
9 This false statement was extremely prejudicial and dangerous to make  
10 false allegations that are up in front of the Jury to deceive them The  
11 only recorded statement from Arndaejae Anderson is exhibit c a statement  
12 indicating I was in California the week of this alleged shooting, that contradict  
13 everything he stated. IN order for this to be a confrontation clause there  
14 has to be previous testimony. A criminal defendant has the right guaranteed  
15 by the United States constitution to confront and cross examine the  
16 witness against him. The exception to this rule is where the defendant  
17 has made the witness unavailable to testify and has given previous  
18 testimony at a previous judicial proceeding making her subject to  
19 cross examination. IN this case her statement to Officer Valenzuela  
20 do not match what Marco Rafalovich said and shouldn't of been  
21 able to testify to a lie. The court should of made his statement  
22 inadmissible hearsay. I objected to his statement which is a lie  
23 I objected see ITAA 7 page 1415 line 7 I objected to the  
24 witness saying she was told to say we were in California  
25  
26  
27  
28

1 This witness lied saying my alibi was rehearsed, it was not, the prosecutor  
2 led this witness into what he desired see TTA47 page 1428 line 2  
3 I objected to leading which came from see TTA47 page 1427 line 21  
4 Based on being a DA- it's your job to evaluate people? This was  
5 misleading to the jury. The trial court should of stopped this leading  
6 or leading questions, where I objected but said see TTA47 page 1428  
7 But I think I know why you're leading but go ahead. This was  
8 prejudicial. The trial court never referred to ArndaeYJae Anderson's  
9 statement see exhibit c  
10 Marco Rafalovich statement violated MY fair trial Right and  
11 should be inadmissible. see TTA47 page 1414 line 7 this statement  
12 should be inadmissible because it's a lie. He stated ArndaeYJae  
13 Anderson told him her and her father went down town to meet  
14 some people and shots were fired. This witness was asked if any  
15 recordings or written statement exist he stated see TTA47 page 1422  
16 line 15-16 NO sir it was not. This story he created was a lie  
17 to influence the jury, I suffered a unjust verdict.  
18 This witness was questioned about his duties as a investigator  
19 see TTA47 page 1424 line 6-8 he stated it's his job to come to  
20 court and say what some body told him. This court allowed  
21 this investigator to come to court and make a false statement  
22 in order to obtain a conviction through false testimony is a  
23 direct violation of the 6<sup>th</sup> amendment right to a fair trial  
24 and a violation of due process the 14<sup>th</sup> amendment.  
25 The trial court was well aware of this falacy  
26 The trial court was well aware that Marco Rafalovich  
27 would come to court and make this false statement.  
28

1 Being outweighed by the prejudicial value.  
2 The reflects see TTA 6 page 1261 lines 20-25 this record  
3 shows the court knew this was prejudicial. I mean everything  
4 that comes in is prejudicial but that phone call causes me  
5 great concern and I'm not although it would be relevant  
6 I think you run the risk of it being the prejudicial  
7 value being substantial outweighed by the probative value.  
8 I objected to this line 8 TTA 6 page 1261.  
9 This conversation is about the court being aware that marco  
10 Katalovich was coming to pollute the trial with his lies.  
11 The trial court knew it was unlawful and allowed it anyway.  
12 see TTA 6 page 1262 line 5. All right so you can have  
13 your witnesses here lined up regarding the statement.  
14 I objected again to marco Katalovich false testimony  
15 see TTA 6 page 1260 line 12 I objected that this was violating  
16 my right to a fair trial. MARCO Katalovich made this statement  
17 to influence the jury to return a guilty verdict by saying  
18 Alexander Jae Anderson said shots were fired I deny this lie.  
19 When asked who the victim is, the witness testified  
20 see TTA 7 page 1431 line 25 Paul I believe.  
21 When asked what were Alexander Jae Anderson's charges see  
22 TTA 7 page 1431 line 18 what were her charges?  
23 TTA 7 page 1431 line 19. I believe she had an attempt murder charge  
24 TTA 7 page 1431 line 20 on who?  
25 TTA 7 page 1431 line 21. I believe the victims in this case,  
26 This statement of the inadmissible hearsay was a violation  
27 of the hearsay rule. This violated the right to a fair trial. He lied.  
28 This violates due process of the 14<sup>th</sup> amendment.

1 when he stated that I was not in California, this lie polluted  
2 the trial. The only recorded statement of Arndae Jac. Anderson  
3 is exhibit C. Contrary to what the state said, which was a lie.

#### 4 Argument

5 in order for there to be a forfeiture of the confrontation clause  
6 there must be prior testimony given during a prior procedure. IN this  
7 case there is not any prior testimony, this is inadmissible hearsay  
8 see TTAA 5 page 1069 line 11 we haven't served her a subpoena as of  
9 yet. See TTAA 5 page 1068 line 3 she absconded probation a few  
10 months ago, she had a outstanding warrant. The fact that she  
11 was never served a subpoena instructing this alleged witness  
12 to come to court is not a witness. The district attorney violated  
13 the hearsay rule, and polluted the trial. I suffered a unlawful conviction.

#### 14 Points And Authority

15 Pursuant to the rule 804 the best evidence rule there must be prior testimony  
16 to allow hearsay. IN this case the hearsay is false and there is not any  
17 prior testimony. To prosecute a lie violates due process of the 14th amendment.  
18 pursuant to NRS. 51.005 hearsay is inadmissible except as provided IN title 14  
19 of NRS. It does not apply IN this case. Marco Rafalovich statement IN trial is a  
20 lie see Crawford v Washington 541 US 36 see Barber v Page 390 US 719  
21 their convictions were reversed because they did not have a  
22 prior opportunity to cross examine the witness. see Napue v  
23 Illinois 360 US 264 his convictions were reversed because  
24 the prosecutor presented lies to a jury. The supreme court  
25 held it's a violation of due process. The violation of the  
26 6th amendment violation right to confront and the violation of the  
27 14th amendment violation I suffered a unlawful conviction the  
28 only remedy is to reverse this conviction on the authority of the 14th amendment

1 Ground 2 continued. RIGHT TO Adequate Counsel.  
2 Ineffective Counsel Violated the right to the  
3 6th amendment

4 The right to counsel was violated when Kenneth G. Frizzel  
5 was appointed counsel. Counsel's standard of representation  
6 fell below the standard of the criteria set out by the  
7 American bar association. Counsel representation caused  
8 multiple conflicts between us. And I was forced to represent  
9 myself.

10 LAW SUIT.

11 I filed a civil rights complaint against Kenneth Frizzel  
12 because of his ineffectiveness see TTAA 1 page 216. A complaint  
13 was filed due to his inert actions. The trial court failed to  
14 remove him even though I filed multiple motions to do so.

15 see TTAA 1 page 109 see TTAA 2 page 225; see TTAA 3 page 595

16 see TTAA 2 page 379 see TTAA 2 page 382. The trial

17 court denied all motions to remove counsel all motions were timely  
18 before trial see Brown v. Brown The 9th Circuit held that

19 to compel one charged with a grievous charge to undergo  
20 a trial with the assistance of counsel with whom he has  
21 become irreconcilable with is to deprive him of effective

22 counsel. The record states in see TTAA 1 page 206 there is

23 a conflict see TTAA 1 page 210 I stated I don't want him

24 as counsel it's a conflict. I can't even talk to him see TTAA 2

25 page 247 I stated I called him 26 times see TTAA 2 page 247

26 counsel stated he's angry with me again. he wasn't doing

27 the things I requested. Why was I mad? Because counsel

28 failed. see TTAA 2 page 282.

5 of 132

1 I stated he's ineffective see ITAA 2 page 298 I stated  
2 on record counsel won't do anything. see ITAA 1 page 148  
3 counsel stated we got into it a bit over the phone. see Brown v  
4 crowen 424 F2d 1166.

### 5 CONFLICT

6 see Brad v Washington 2003 App Texas 1105 (2003) the court  
7 held that in order to determine whether an irreconcilable conflict  
8 exist, the Washington supreme court had adopted the 9th  
9 circuit 3 part test ① The factors include extent of conflict  
10 the adequacy of the inquiry the timeliness of the motion. There  
11 were many motions filed to dismiss counsel. see ITAA 2 page 248  
12 this motion was filed March 7, 2017 during this hearing  
13 the trial court asked "what's the problem with counsel?" I  
14 stated counsel failed to communicate with alibi witnesses  
15 not being able to talk to him after calling his office 26 times  
16 and counsel made 1 jail visit in 6 months. This relationship was  
17 ruined. trial was 135 days away. even though all the facts  
18 were drawn out in the motion and repeated at the hearing.  
19 The next conflict see ITAA 4 page 751 I yelled at counsel  
20 to get away from me the trial court stated don't yell at  
21 at anyone she knew of this conflict and refused to replace  
22 him. After multiple motions being filed. She did not replace  
23 him not one time.

### 24 HE FAILED AT HIS DUTIES

25 counsel failed to investigate my alibi with multiple  
26 notarized affidavits from witnesses to confirm  
27 I was in California during the week of this  
28 alleged shooting

1 See TTAA 8 page 1689 From Delena Jackson  
2 See TTAA 8 page 1688 Notarized statement from  
3 Latisha Anderson. See TTAA 8 page 1690 A statement  
4 from TRAY Shown COOLEY See TTAA 8 page 1691 A  
5 statement from LATUNAY Thomas all of  
6 which stated I was in California. Counsel did not  
7 contact none of them. If these witnesses were  
8 contacted and brought to trial the outcome would of  
9 been different.  
10 COUNSEL FAILED TO CHALLENGE charges of Attempt  
11 MURDER AND BATTERY CAUSING Substantial Bodily harm  
12 During the hearing of the writ he filed with arguments  
13 of oxley 38 NEV 379 A case about the killing of a cow  
14 that is not relevant to this case or charges. During the  
15 hearing on 12-13-2016 TTAA 1 page 149 he failed to  
16 argue charges of Attempt murder and Battery causing  
17 substantial Bodily harm. he only stated words of the  
18 robbery charge. he ignored the other charges. If counsel  
19 would of argued the double jeopardy charges being one  
20 and the same to reduce charges, I would of went to trial  
21 with less charges. I deny all of them.  
22 FAILED AT COMMUNICATION  
23 I called his office 26 times no answer when the trial court  
24 inquired about discovery issue s he stated, See TTAA 4 page 754  
25 he stated I sent my investigator over there I did not go with  
26 him. his investigator is not licensed to practice law and not  
27 assigned to present evidence at trial. Counsel failed to turn over  
28 ARNDAE JAE Anderson statement before the forfeiture hearing

1 If counsel would of turned over her statement the forfeiture  
2 hearing would of shown what she stated in my exhibit C  
3 If counsel would of filed motions things would of changed.

#### 4 Argument

5 If counsel would of challenged the redundant charges  
6 the verdict would be other wise and the jury would of not  
7 been misled. If counsel would of spoke to witness and filed  
8 appropriate motions I wouldnt of been forced to represent  
9 myself. Because of his inert actions this conviction  
10 surfaced. See State of Washington v Brady 2003 Washington  
11 The sixth amendment right to adequate counsel guaranteed  
12 by the united states constitution has been violated.

#### 13 Points And Authority

14 The remedy for a sixth amendment violation is a reversal  
15 see, PAUL V Hadd § 13 US 298 he was sentenced to death  
16 he claimed actual innocence his trial lawyer failed to  
17 investigate alibi witnesses, if he had done so the outcome  
18 would be different. Since counsel failed at his duties the court  
19 reversed his conviction. Kenneth Frizzel failed to challenge redundant  
20 charges I deny the charges. See Ronald Firestone v Nevada 120 Nev 13  
21 83 P3d. 279 counsel was ineffective and failed to challenge  
22 his multiple counts of leaving the scene of a accident the  
23 Nevada supreme court reversed his conviction and remanded the  
24 case. In this case the charges are Attempt murder shot at or into  
25 the body of Terry Belden - Battery with weapon causing substantial  
26 bodily harm BY shot at or into the body of the Terry Belden  
27 identical words. To establish ineffective assistance of  
28 counsel a petitioner must demonstrate that counsels performance

1 sell below a objective standard or reasonableness  
2 and that counsels deficient performance prejudiced  
3 the defense. The petitioner must show that omitted  
4 issues will have a reasonable probability of success.  
5 see Strickland v Washington 466 US 668 Counsel  
6 was so ineffective the Supreme court had to decide  
7 the matter. IN Arnold Andersons case the hearing  
8 for the faux writ Kenneth Frizzell denied me  
9 effective assistance of counsel by not challenging the  
10 charges. he stated. I'm not going to argue the writ see  
11 TTAA page 151 line 22, These words alone violated  
12 the right to effective counsel, a right protected by  
13 the United States Constitution. I ask this court  
14 to grant a new trial and reverse this judgement  
15 of conviction for this blatant 6th amendment right  
16 and the authority of Strickland v Washington supra  
17 A 6th amendment violation, of inadequate counsel  
18  
19 GROUND THREE REDUNDANT CONVICTION  
20 A VIOLATION OF THE 14TH AMENDMENT  
21 DUE PROCESS & 12TH amendment double jeopardy violation  
22 During the course of this prosecution I made a record of the  
23 redundant charge, which is attemp murder with a deadly weapon  
24 NRS. 200.010. NRS. 200.030. AND battery with weapon causing  
25 substantial bodily harm. I was convicted by jury of both  
26 charges. I moved to vacate sentencing due to double  
27 jeopardy. The court denied the motion see TTAA page 1767.  
28 The motion consist of the following that both charges are

1 are one and the same charges from allegations made  
2 by Terry Bolden. I deny any involvement of each charge  
3 see criminal complaint. TTAA page 13 & 14  
4 Count 1 Reads Attempt murder with the use of a deadly  
5 weapon, did willfully unlawfully feloniously  
6 with malice aforethought attempt to kill Terry Bolden  
7 a human being with the use of a deadly weapon  
8 to wit a firearm by shooting at or into  
9 the body of said Terry Bolden. NRS. 200.010, NRS. 200.030  
10 Count 3- NRS 200.481 Battery with use of a deadly  
11 weapon resulting in substantial bodily harm did  
12 willfully unlawfully and feloniously use of force  
13 or violence upon the person of another to wit  
14 Terry Bolden with the use of a deadly weapon to wit  
15 a firearm by shooting at or into the body of Terry Bolden  
16 I was sentenced to both counts from these allegations  
17 from the same date and same time. I deny any involvement.  
18 TRIAL COURT SAID I WONT Sentence you to both charges  
19 At sentencing the sentencing court said - see TTAA page 361  
20 line 5. The court But you would only be sentenced on one  
21 of them. The trial court knew the sentencing would be  
22 illegal and did sentenced me to both counts since these  
23 allegations are from the same date this exact action  
24 ripens into a double Jeopardy violation that violates  
25 the redundancy act, when a defendant receives multiple  
26 punishments for the same offense it violates  
27 due process that is not what comport to legislature  
28 intent.

1 The 14<sup>th</sup> amendment states no one will be denied  
2 liberty or property with out due process of law.  
3 I was denied due process by being sentenced to  
4 both counts. I deny any involvement.

5 ARGUMENT

6 Count 1 is worded identical to count 3 the state  
7 failed to list what the substantial injury was  
8 in the complaint. The charging document is  
9 insufficient for a conviction and both  
10 charges should be reversed for a new trial.

11 POINTS AND AUTHORITY

12 The 14<sup>th</sup> amendment is a right guaranteed by the  
13 United States Constitution, that no one will be  
14 deprived property or liberty with out due process  
15 of law. ARNOLD Anderson is suffering a due process 14<sup>th</sup> amendment  
16 violation by being unlawfully convicted of a redundant  
17 charge the attemp murder with weapon NRS 200-010. § NRS. 200.030  
18 two different elements of attemp murder and Battery  
19 of Terry Bolden NRS. 200.481 a statute that refers  
20 to taxi cab drivers this statute is not correct in  
21 the charging document Terry Bolden is not a health  
22 care provider. see Brayars v state 336 P3d 939  
23 the court reversed his redundant charges of unlawful  
24 user in possession of a fire arm, because use of a  
25 fire arm were redundant to possession of a fire arm.  
26 see Timothy Rutledge v United States 517 US 292 he  
27 was convicted of multiple punishments for the same  
28 offense unlawful distribution of cocaine and

1 conspiracy. The United States Supreme Court reversed his  
2 convictions because the courts may not prescribe greater  
3 punishments than legislature intent. The Supreme Court  
4 would adhere to the presumption that Congress intended  
5 one punishment for one offense. Arnold Anderson  
6 can not be convicted of ~~attempt~~ murder and Battery  
7 the conviction is unlawful and must be reversed.  
8 In accord with the principles in common law  
9 and federal jurisprudence the United States Supreme  
10 Court will presume that where two statutory provisions  
11 proscribe the same offense legislature does not  
12 intend to impose two punishments for that offense  
13 if the same act or transaction constitutes a violation  
14 of distinct statutory provisions the block burger test  
15 must apply whether there are two offenses or only  
16 one. Each provision requires proof of a fact which  
17 the other has not see HARRY Blackburger v United States  
18 284 US 299 the United States Supreme Court reversed  
19 his redundant conviction. In Arnold Anderson case  
20 the complaint reads shot at or into the body  
21 for counts 1 and 3. for both charges without  
22 a distinction of the two. This conviction must  
23 be reversed for a new trial for 1 count  
24 see Bachelder v US 442 US 114 the court reversed  
25 his conviction see Garcia v State 121 Nev 327  
26 his conviction was reversed for redundancy.

1 Redundant convictions do not comport with legislative  
2 intent see SKIBA v State 114 Nev 612 thus where a  
3 defendant is convicted of two offenses that as  
4 charged and be punished for multiple convictions  
5 for the same offense this illegal act must be reversed.  
6 The double jeopardy clause of the United States  
7 constitution 14<sup>th</sup> amendment and the Nevada  
8 Constitution article 1 § 8 protects against multiple  
9 punishments for the same offense and prohibits  
10 a conviction with a redundant conviction. The  
11 legislature never intended to permit the state to  
12 proliferate charges as to one course of alleged  
13 conduct by adorning it with chameleon attire.  
14 On the authority of the double jeopardy clause violation 12<sup>th</sup>  
15 ~~of~~ the 14<sup>th</sup> amendment and the 6<sup>th</sup> amendment  
16 right to a fair trial and BYARS v State 336 P3d 939  
17 and HARRY BLACKBURGER v United States v US 289-299  
18 a person can not be convicted of both a greater  
19 and lesser included offense it does not comport  
20 with the State of Nevada legislative intent. I  
21 deny both charges and that this conviction  
22 is unlawful. I ask this court to reverse  
23 this judgement of conviction for a new trial  
24 due to the 14<sup>th</sup> Amendment due process  
25 violation. And 12<sup>th</sup> amendment violation double jeopardy  
26 the remedy I seek is a new trial.

27  
28

1 Ground 4 continued  
2 Suspect already convicted in this case  
3 on September 1, 2017 Arnold Anderson was unlawfully  
4 convicted of Attempt murder of Terry Bolden  
5 and Battery causing substantial Bodily harm  
6 with weapon. On October 26, 2016 Arndae & Jae  
7 Anderson was arrested and charged with  
8 Attempted murder of Terry Bolden as a juvenile  
9 in Juvenile court. See ITAA7 page 1431  
10 line 15. The court he testified on redirect  
11 what her charges were. line 18 what were  
12 her charges line 19 I believe she had an  
13 attempt murder charge. line 20 on who?  
14 line 21. I believe the same victim in this  
15 case.  
16 To prove she was convicted of this same victim  
17 see ITAA7 page 1419 line 11; 12. I'm allowed  
18 she went to Caliente Youth center. line 14; 15  
19 the determination of that she was placed on  
20 probation.  
21 Since Arndae & Jae Anderson was arrested and  
22 charged with the shooting of Terry Bolden and  
23 pled to a lesser charge that mean someone  
24 is already convicted of this victim and  
25 is a Brady V Maryland violation see ITAA2  
26 page 421-422 The state refused to turn over her  
27 charging document and plea deal.  
28

1 It would should she was convicted of this same alleged  
2 victim Terry Bolden

### 3 Argument

4 Since someone is already convicted of this  
5 victim all charges against Arnold Anderson  
6 should be void.

### 7 Points And Authority

8 IN Brady v Maryland the state violated  
9 due process by convicting Brady and  
10 with held that the c/o defendant took a  
11 deal in a separate case. IN Arnold Anderson's  
12 case Arnold & Jae Anderson was convicted  
13 as a lone gun man not c/o defendant  
14 we are charged separately. The supreme  
15 court held that under the 14<sup>th</sup> amendment  
16 this violated due process when the state  
17 refused to give him material in his discovery  
18 that someone else pled guilty to the charges.  
19 The court reversed for a new trial see  
20 Brady v Maryland 376 us 83 the conviction was  
21 reversed for violating due process. this court  
22 must reverse this conviction because someone  
23 else has been convicted for the same victim.  
24 I ask this court to reverse this conviction on  
25 the authority of Brady v Maryland supra  
26 and a 14<sup>th</sup> amendment due process violation  
27 and a 12<sup>th</sup> amendment violation  
28

1 Ground 5 ~~CAHYN~~ King presented false evidence. A  
2 violation of The 6<sup>th</sup> amendment & 14<sup>th</sup> amendment  
3 due process and right to a fair trial.  
4 ~~CAHYN~~ King stated she arrived at a crime scene and shes a crimescene  
5 analyst see TTAA 6 page 1359 line 4.  
6 The state solicited testimony from this witness that was false  
7 evidence to influence the jur. 4. she answered questions in the  
8 affirmative to compel jurors to believe her testimony as true  
9 ~~she~~ testifying to items collected from a alleged crime scene  
10 to say its evidence related to a shooting on 8-23-16 if these items  
11 were not tested. How can you say its evidence?  
12 See TTAA 7 page 1370 line 6. it appears to be all  
13 sorts of holes. IN states exhibit 50 see TTAA 7 page 1372  
14 line 20 does the shorts have apparent blood? Yes it does  
15 see TTAA 7 page 1372 line 25 based on my training  
16 it was the size - see TTAA 7 page 1373 line 1-4 the  
17 damages to the clothing there is blood. see TTAA 7 page 1374  
18 line 3 shorts leg is there and in your training and experience  
19 what is that red substance - her response see TTAA 7 page 1374  
20 lines 5 that is blood.  
21 her training is in the field of firearms not scientific  
22 testing. see TTAA 7 page 1377 line 12 again with my training  
23 and experience it appears to be a bullet hole, but I've seen  
24 crazier things I wont say for 100% certainty that  
25 that any thing is again I indicate its a defect. see TTAA 7  
26 page 1378 line 20 so you cant associate that bullet  
27 with this hole in these shorts or to mr. Bolden see TTAA 7  
28 page 1378 line 22 she stated NO.

1 see TTA 7 page 1378 line 25 & 23 Did you analyze any  
2 of the stuff collected? line 25 blood test finger prints.

3 see TTA 7 page 1376 line 5 as far as laboratory  
4 analysis I'm not the person who conduct any of that.  
5 see TTA 7 page 1380 line 4 she stated again it's the  
6 laboratory job to test evidence, no one testified at  
7 trial from a laboratory that any of the states  
8 exhibits had gun shot residue or blood on any item.  
9 The state offered her testimony as if it was evidence  
10 which is false.

11 CONTRADICTION IS CAITLYN Kings testimony

12 When asked about states exhibit 58 a bullet in a cup see  
13 TTA 6 page 1366 line 6 when I arrived an officer  
14 was present at the hospital and directed me to a locker  
15 that contained items of clothing I was also approached  
16 by a nurse from trauma who handed me another item  
17 that was reportedly removed from the same person.

18 see TTA 6 page line 12-15 I'm going to show you what's been  
19 admitted to states exhibit 58. Can you tell us what this is?

20 her response see TTA 6 page 1366 line 16-18 this is  
21 what was handed to me by that surgical nurse it is a  
22 specimen cup it contained a bullet.

23 NOW ON CROSS EXAMINATION BY Arnold Anderson  
24 she states see TTA 7 page 1378 line 12 when she  
25 gave it to you did she say where it came from

26 see TTA 7 page 1378 line 14 no she did not

27 In her response to the state she said it came from surgery.

28 The next response see TTA 7 page 1378 line 18

1 You didnt see the line of chain of custody see TTAA 7 page 1378  
2 line 19 I did not the next lie is Jacob werner testified under oath  
3 that he received the same bullet. Caitlyn King testified under oath to  
4 the same bullet. Someone is lying or both and it's perjury.  
5 see TTAA 5 page 1109 line 21 Jacob werner (by Schwartz) lets start  
6 with No 58 what is it. Jacob werner response see TTAA 5 page 1109  
7 line 22 A plastic container TTAA 5 page 1109 line 23 and is that  
8 what was handed to you from one of medical personnel. his response  
9 see TTAA 5 page 1109 line 25 Yes see TTAA 5 page 1111 line 1 (Schwartz)  
10 and was the item provided to you this bullet after they performed  
11 surgery? Jacob werner response correct see TTAA 5 page 1111 line 11  
12 the one of the operating Nurses or staff handed me that.  
13 Same lie BY Caitlyn King  
14 See TTAA 6 page 1366 line 16-18 Caitlyn King testified to this exact  
15 story. see TTAA 6 page 1367 line 15 I objected to her story the  
16 state knew this was a lie about receiving this same bullet and  
17 said it's already admitted by another witness see TTAA 6 page 1367  
18 line 19 the state did not correct her lie.

### Argument

20 The state prosecutor knowingly presented this lie to the jury  
21 this false testimony as evidence violates due process, This  
22 case must be reversed to prevent false evidence as testimony  
23 to compel the jury to think this testimony is evidence is  
24 unlawful, two people testified about receiving this one bullet  
25 is false and misled the jury.

1 hearsay No one testified that yes I gave this bullet  
2 to Jacob Wermer and Carlton King and should be  
3 inadmissible I objected to that bullet, see TAA page 1367 line 15

4 points And Authority

5 A right to a fair trial by the 6<sup>th</sup> amendment  
6 was violated I received a violation of the  
7 14<sup>th</sup> amendment of due process when the  
8 state knowingly presented lies to a jury this  
9 fallacious testimony was prejudicial and the  
10 state did not correct either witness, pursuant to  
11 NRS 51.065 and NRS 52.235 requires proof of the  
12 original in this case it was a picture of a  
13 cup states exhibit 58. This prejudicial error made  
14 Arnold Anderson suffer a jury verdict of guilty  
15 due to a jury verdict the jury was not reasonable  
16 they should<sup>of</sup> caught these inconsistencies see Neil Wallack  
17 v state 106 Nev 470 796 P2d. 224 the Nevada supreme  
18 court reversed his judgement of conviction because a  
19 witness gave 2 different versions of events related to  
20 her rape. A prosecutor has a obligation as a matter of  
21 law to ensure defendants receive a fair trial  
22 guaranteed by the United States Constitution, See Napue v Illinois  
23 360 US 264 a conviction obtained through the use of  
24 false evidence known to be such by representatives of  
25 the state must fall under the 14<sup>th</sup> amendment in  
26 describing the rule the United States supreme court  
27 has discussed the use of false evidence including  
28 false testimony. The United States Constitution

1 Protects defendants against the use of perjured testimony  
2 Due process protects defendants against the knowing use  
3 of any false evidence by the state whether it be by  
4 document testimony or any other form of false evidence.  
5 Here the state said the bullet was already admitted  
6 by another witness in Arnold Anderson case  
7 he wanted the jury to think the false statement  
8 was evidence and did not correct it. I ask  
9 that this court reverse this judgement of  
10 conviction on the authority of a due process  
11 violation as in Napue v Illinois 360 US 264  
12 and Mahar v State 104 Nev 13 752 P2d 208.  
13 the courts reversed their conviction for a due process  
14 violation. Arnold Anderson has federally protected  
15 rights this violation of the 14th amendment  
16 is enough for a reversal, and grant a new trial.  
17 on the authority of Napue v Illinois supra and  
18 a violation of the 14th amendment due process  
19 violation, a prosecutor cannot knowingly  
20 present lies to a jury. I suffered a unlawful  
21 conviction. This case must be reversed for a  
22 new trial.

1 GROUND 6 A 14<sup>th</sup> amendment violation of Equal  
2 protection of the laws violated my right to a 6<sup>th</sup>  
3 amendment fair trial. The trial court delayed  
4 trial to wait for Juror #6 VANESSA TURLEY  
5 There was something special about Vanessa Turley when she was  
6 selected as Juror #6. She was picked above and before others due  
7 to her extremely familiarity with Brian Schwartz. See ITAA 5 page  
8 955 line 24-24 Juror Id #645 Vanessa Turley stated I want  
9 to amend my answer from earlier when you asked if we were  
10 ITAA 5 page 956 line 1 familiar with any of the counsel. See ITAA 5 page  
11 956 line 3 I do believe that a gentleman on the prosecutor side  
12 did subpoena me. Yes Brian Schwartz was familiar with her he  
13 served her the subpoena. See ITAA 5 page 974 line 12-13 The court  
14 were you the one that subpoenaed that juror?  
15 Brian Schwartz response. See ITAA 5 page 974 line 14 I think so  
16 now that she said that. The judge should of excused her but did not.  
17 This juror was apart of a community online she said she  
18 was a ctive member we had no way of knowing what it was  
19 or how often do she meet. See ITAA 5 page 1015 line 8 she stated  
20 I read all my news on the internet.  
21 The trial court should of excused this juror see ITAA 5 page 959  
22 line 22-24 the court any reason why you would not be completely  
23 fair and impartial? Her response see ITAA 5 page 959 line 24  
24 Turley stated actually my husband was convicted of a or  
25 actually accused of a crime the court failed to excuse her  
26 it seem like a prejudicial remark. she stated everything but  
27 a yes or no answer. she also has a criminal record. See ITAA  
28 5 page 957 line 7 I myself was convicted of a DUI

1 This Juror is familiar with the law, she should of been  
2 excused see TTAA 5 page 954 line 6 I work for a civil  
3 litigation law firm. she was biased she stated  
4 she work closely with law enforcement see TTAA 5 page 993  
5 line 23-24 I work collaboratively with the police department  
6 in the emergency room. A potential lawyer she stated see TTAA 5  
7 page 952 line 17-18 I'm waiting for my bar results.  
8 Trial was Delayed UNTIL This Juror came TO  
9 COURT, Regardless of The two alternates that  
10 could of finished the trial. Trial delayed 3 hours  
11 we are waiting for Vanessa Turkey to arrive see TTAA 7  
12 page 1497 line 15-17 ladies and gentlemen we will start  
13 tomorrow morning at 8:30 am  
14 see TTAA 7 page 1552 line 18 Vanessa Turkey is late.  
15 the court all right alright the reason why we haven't  
16 started yet is that Juror #6 apparently didn't realise  
17 what time we started we had been calling her just so you  
18 knew we have been calling her all morning.  
19 court started at 8:30.  
20 outside the presence of the jury Turkey was not present see  
21 TTAA 7 page 1550 the time is 9:25 am.  
22 After 3 hours Vanessa Turkey shows up. see TTAA 7 page 1574  
23 line 14 Juror #6 is here pause in proceeding TTAA 7 page 1574  
24 off record TTAA 7 page 1578 line 7 see TTAA 7 page 1380 line 24  
25 shows the time recessed.  
26 The courts failure to state why minorities were  
27 not called violates Batson V Kentucky and equal  
28 protection of the laws.

1 see ITA 4 page 870 line 1-4 IM not going to call adriana lopez  
2 she latin decent.

3 The african American lost with out a Record

4 see ITA 4 page 848 Prospective Juror 586 Chatavia McGowan

5 ITA 4 page 848 line 11 the court if you are on this panel you need  
6 to be here. she was never questioned again and was excused the  
7 court failed to make a record of why she was excused, this is  
8 racial bias. The next African American That was by passed

9 Armais Brumfield was prospective Juror # 571 and panel # 21  
10 he was passed up to go directly to Vanessa Turley # 645 who  
11 was panel # 34. Tawana Mateo was African American  
12 prospective # 574 panel # 22 was skipped so Vanessa Turley  
13 who is white can sit on the panel Jurors. These two were  
14 alternates Mateo and Brumfield they should of been Jurors. These  
15 two could of finished the trial when Turley was 3 hours late  
16 the trial court did not allow them to be selected after 8  
17 prempatory challenges. # 586 Chatavia McGowan and # 655  
18 Ladonna Bell were excused because they were black. This  
19 Court had 45 people to pick from only 4 where African American  
20

Argument

21 The trial court failed to allow the two african american  
22 to continue the trial when Turley Juror # 6 was 3 hours late  
23 and failed to make a record about why Ladonna Bell and  
24 Chatavia McGowan were excused this was racial  
25 bias and violated equal protection of the laws  
26 and this is a Batson violation. why was the  
27 trial delayed 3 hours  
28

1 And the alternates not continue the trial?

2 points And Authority

3 This is a batson violation excusing minorities

4 with out making a record violates equal protection

5 of the laws 14<sup>th</sup> amendment. See Batson V Kentucky

6 476 US 79 The state failed to explain why

7 certain jurors were removed, the United states

8 Supreme court reversed this case because it violated

9 equal protection of the laws, when a state prosecutor

10 use peremptory challenges to strike minorities is

11 a violation of due process. The state prosecutor in

12 Arnold Andersons case allowed juror #6 to be seated

13 ahead of Tawana matoe and Arnolds Bromfield who

14 are african american. To further the bias my trial

15 was on hold for 3 hours awaiting #6 juror

16 Vanessa torley to arrive who is white. This

17 purposeful discrimination to prevent two

18 african americans to continue the trial

19 showed racial bias and discrimination.

20 See McCarty V State of Nevada 371 P3d. 1002 the Nevada

21 supreme court reversed this case for a batson violation this court

22 used discrimination when it ignored the two black alternates

23 to continue Arnold Anderson trial and waited 3 hours

24 for the white juror to arrive. I suffered a 14<sup>th</sup> amendment

25 violation I ask this court to reverse this conviction and

26 grant a new trial for not giving me a fair trial when

27 no record was made of Tawana bell and chesteria ~~marciana~~

28 was excused with no record. ON the authority of the 14<sup>th</sup> amendment

1 violation of equal protection of the laws the court

2 must reverse this conviction. That's the only remedy.

3 GROUND 7 Preliminary Hearing forever

4 lost For A lack of Probable Cause A violation

5 OF the 14<sup>th</sup> amendment due process & equal Protection

6 These are preliminary hearing issues that violated due process

7 The Nevada revised statute indicate a defendant must

8 have a preliminary hearing within 15 days NRS. 171.206.

9 if from the evidence it appears to the magistrate that

10 there is probable cause to believe that an offense has been

11 committed and that the defendant committed it the magistrate

12 shall forthwith hold the defendant to answer in the district

13 court otherwise the magistrate shall discharge the defendant

14 the magistrate shall admit the defendant to bail as provided

15 in this title after concluding the proceeding.

16 My preliminary hearing was delayed

17 The statute for a preliminary hearing to be held within 15 days

18 is NRS. 171.196 preliminary examination waiver time

19 for conducting introduction of evidence and cross examination

20 of witness by defendant admissibility of hearsay evidence

21 subsection (2) if the defendant does not waive examination

22 the magistrate shall hear it within 15 days. I never waived.

23 hearsay evidence consisting of a statement by the alleged

24 victim of the offense is admissible at a preliminary

25 hearing if, (A) A sexual offense committed against a

26 child. IN Arnold Anderson's case the judge allowed Terry Bolden

27 the only witness called by the state to testify -

28

1 This case was bound over with out any evidence.

2 NRS. 171.196 Violated. The first Preliminary hearing  
3 was 9-21-16 see TAA1 page 31 line 18. The second one  
4 was october 5, 2016 see TAA1 page 36. The third one  
5 was october 12, 2016 see TAA1 page 43. The fourth  
6 one was october 26, 2016, the court should of dismissed  
7 the case. Pursuant to NRS. 178.556. this Preliminary  
8 hearing should of been dismissed for unnecessary delay. NO

9 Evidence relied on at Preliminary hearing

10 The state put Terry Borden on the stand who claimed  
11 he was homeless and owe some one money for drugs

12 see TAA1 page 5 see TAA3 page 516 he said he

13 owe some one money for drugs the state did not call

14 any officer or paramedic to testify to this allege shooting

15 the only witness Terry Borden a convicted felon who served

16 29 to 72 months for coercion see TAA1 page 145

17 Terry Borden's court minutes. At a preliminary hearing

18 the state must prove that there is at least slight or

19 marginal evidence such testimony is not enough.

20 see sheriff v hodes 96 Nev 184-606 p2d there must be

21 enough evidence to stand trial despite the low standard

22 a person can not stand trial with zero evidence.

23 a defendant is entitled to a writ of habeas corpus

24 when the preliminary hearing is totally

25 barren of evidence. see Williams v sheriff 92 Nev 543

1 Burden of proof shifted at the preliminary hearing  
2 During the examination the defendant took the witness stand  
3 and stated I was in California on 8-21-16 through 8-28-16  
4 pictures with the date of 8-23-16 of Arnold Anderson on the beach  
5 in California were admitted see TTAA1 page 64 could you read  
6 the date on this picture Terry Bolden see his response, 8-23-16 during  
7 the preliminary hearing Arnold Anderson testified the pictures  
8 were taken between 5:00 & 5:30 pm. During questioning Palal asked  
9 do you see anybody hear to support you see TTAA1 page 94 and  
10 again see TTAA1 page 88. Palal asked did I drive to California  
11 in a rental car I stated yes. this line of questioning about is  
12 anyone here to support me. shifts the burden of proof that now I  
13 must prove my innocence to him. The district attorney is to prove  
14 every element of every charge. See Barone v State 109 Nev 778 858 P2d 27  
15 The state did not prove attempt murder or battery causing substantial  
16 bodily harm and failed to prove a crime was committed question  
17 able. testimony by Terry Bolden, first he owe money for drugs  
18 then he owe money for a hotel room is insufficient to establish  
19 any charge. I deny all involvement in any story by Terry Bolden  
20

### Argument

21 On officer testified at the preliminary hearing or any medical expert  
22 testified to any injury. Attempt mean to try to do something and fail  
23 NRS. 200.010 is the unlawful killing of a human being with malice,  
24 expressed or implied by a control substance NRS. 200.030 murder  
25 of the first degree which is perpetrated by means of  
26 poison  
27  
28

1 King in want torture. The element of Battery with  
2 a deadly weapon causing substantial bodily harm with  
3 weapon is NRS 200.481. risk of death impairment  
4 disfigurement, the state failed to meet the burden by  
5 proving the elements of these charges of the criminal  
6 complaint. Count 1 shot at or into the body of Terry Boden  
7 Count 3 shot at or into the body of Terry Boden, none  
8 of this was proven at the preliminary hearing. I deny all allegations  
9  
10 points and authority  
11 The court should of dismissed all counts wet one element  
12 of either charge was offered see Salazar v state 119 Nev 224  
13 70 P3d. even The blockburger standard was ignored  
14 see Blockburger v United States 284 US 299 where the  
15 same act or transaction constitute a violation of  
16 different statutes each provision requires an act that  
17 the other has not. count 1 and count 3 read the same  
18 shot at or into the body. The court should of dismissed  
19 all counts or at least the duplicate, there was not  
20 any probable cause presented see Marvell Williams v Sheriff  
21 92 Nev 543 defendant was arrested for grand larceny  
22 at the preliminary hearing the state failed to  
23 present any evidence that a crime was committed.  
24 the Nevada supreme court reversed once his writ was  
25 filed. see Venturiera v state 91 Nev 356 his case  
26 was reversed for lack of probable cause and to  
27 establish a crime was committed. The evidence used  
28 or reviewed at a preliminary hearing must be legal  
evidence see Goldsmith v Sheriff 85 Nev 295 454 P2d 86 1969

1 During a preliminary hearing the only admissible  
2 Hearsay is sexual offenses, see NRS 171.196  
3 This prosecutor called Terry Bolden to say he was  
4 robbed and shot all of which I deny. The hearing  
5 did not have a medical expert or a investigating  
6 officer testify a crime was committed in  
7 Clark County Nevada or any crime at all.  
8 see state v Purcell 110 Nev 1389 in this case  
9 the state called one witness to testify that allegations  
10 of molestation occurred and testified specifically  
11 to the elements of lewdness with a minor. The  
12 Nevada supreme court reversed this case because  
13 the testimony was insufficient evidence to  
14 sustain a conviction. In this case Arnold Anderson's  
15 case must be reversed the absence of probable cause  
16 is grounds for a reversal see Lee v Sheriff 85 Nev 379  
17 NO good cause was shown to bound over preliminary  
18 hearing NOR was any good cause shown to continue  
19 the preliminary hearing. on the authority of the  
20 14<sup>th</sup> amendment violation of due process I ask  
21 this court to reverse this conviction, and grant  
22 a new trial.

23

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1 Ground 8 UNLAWFUL Detention Violates

2 the 4TH Amendment United States Constitution

3 A defendant has a right to be free from unlawful

4 detention. Arnold Anderson suffered a unlawful

5 detention the record will reflect the following.

6 UNLAWFUL detention

7 On September 5, 2010 defendant's car was stopped by

8 officer hafen see TTAA 7 page 1485 line 2 the stop

9 happened early in the morning right past midnight.

10 see police report TTAA 1 page 12 officer valenzuela and

11 menduza conducted a interview at 04:57 hours, at

12 least 4 hours has passed. During trial officer Justin

13 Duke gave sworn testimony that once the car was

14 stopped it lasted a couple of hours see TTAA 7 page 1400

15 line 3

16 Not placed under arrest

17 see TTAA 7 page 1399 line 10 Duke testified that

18 Arnold Anderson was not under arrest but detained.

19 This behavior alone violates the 4TH amendment

20 and unlawful detention pursuant to NRS. 171.123 (4).

21 Being held at a traffic stop and not under

22 arrest for multiple hours is unlawful.

23 Argument

24 The record shows the car stop lasted multiple

25 hours and Arnold Anderson was not under

26 arrest but detained, a citizen can only

27 be detained for 60 minutes anything past

28 that is unlawful.

1 points And authority

2 pursuant to NRS.171.123(4) allows an officer

3 to detain an individual for a reasonable

4 time but expressly states that in no event

5 shall the law enforcement officers detain

6 someone no longer than 60 minutes. This is

7 a clear expression of the legislature intent

8 to keep the detention within 60 minutes a

9 time frame according to NRS.171.123(4) a

10 detention longer than 60 minutes is unreasonable.

11 This rigid adherence to the one hour limit

12 was the clear intent of legislature. The

13 fourth amendment is clear a traffic stop

14 must be reasonable see Danny Rodriguez v United

15 states 135 Sct 1609 191. led. 2d. 492 in this case

16 officer struble tactics were unlawful in this

17 traffic stop he stopped the car for a traffic

18 stop and made Rodriguez wait for another

19 officer to come out to the traffic stop this

20 was unlawful the court reversed. see Dunaway

21 v New York 442 US 200 led 2d. 824 99 sct 2248

22 officers took defendant to the police station he

23 was not free to leave, the court reversed for

24 absence of probable cause. see Ruben Iomelli v state of

25 Nevada 114 Nev 779 961 P2d 750 the defendant

26 suffered a unlawful ~~detention~~ officers held him

27 past the 60 minute requirement pursuant to

28 NRS 171.123(4) while waiting for a warrant

1 The Nevada supreme court reversed his conviction  
2 because the legislature intent for the law a person  
3 must not be held past 60 minutes. See state of Nevada V  
4 Robert McKellips 118 Nev 465 49 P3d 655 officers  
5 stopped his vehicle for a DUI, the stop exceeded  
6 60 minutes, the Nevada supreme court reversed his judgement  
7 of conviction because the car stop exceeded 60 minutes,  
8 the petitioner was not free to leave and was not  
9 under arrest. In Arnold Anderson's case officer haffen  
10 stopped the vehicle and made me wait at the  
11 car stop for 3 hours until he contacted officer  
12 Valenzuela, I was not under arrest and not  
13 free to leave see TIAA7 page 1400 line 3 not under  
14 arrest detained, and it lasted a couple of hours TIAA7 page  
15 1399 line 10 pursuant to the 4th amendment this  
16 is unlawful. I suffered an unlawful detention  
17 and a unlawful arrest that led to this  
18 unlawful conviction. Pursuant to NRS 171.123(4)  
19 the detention is 60 minutes not a couple  
20 of hours. The remedy I seek is to reverse  
21 this judgement of conviction on the  
22 authority of NRS 171.123(4) and the  
23 4th amendment violation and grant  
24 a new trial.

1 GROUND 9 JACOB WERNER Presenting  
2 False evidence as testimony Violates <sup>6th amend</sup> fair trial  
3 The 14<sup>th</sup> amendment Due process Perjured testimony  
4 During trial officer Jacob Werner gave the  
5 Jury Perjured testimony. he wrote or stated  
6 in the police report Terry Boldens been confirmed  
7 one shot in the stomach. he did not state any other  
8 injuries see ITAA 1 page 2 This is 1<sup>st</sup> injury allegedly  
9 story changed at trial  
10 During trial he testified wounds to the head  
11 see ITAA 5 page 1101-line 9 3 injuries allegedly  
12 Terry Bolden stated more injuries 5 injuries  
13 allegedly see Trial Transcripts 446 page 1202 line 15  
14 The prosecutor state 3 injuries see ITAA 5 1086  
15 line 15 & 16 leg head stomach. The variation in wounds  
16 could and did impact the jury to a negative verdict.  
17 The police report stated shot once in the stomach.  
18 This prejudice made me suffer an unlawful conviction.  
19 The prosecutor has a duty to uphold the law but did not.

#### 20 Argument

21 The prosecutors is to ensure all defendants receive  
22 a fair trial as a matter of law. To purposely mislead  
23 the jury with various stories of injuries is away  
24 to influence the jury. This perjury violates the 6<sup>th</sup>  
25 amendment right to a fair trial and the  
26 right to due process. 14<sup>th</sup> amendment. This trial  
27 was polluted.  
28

1 The state failed to correct Terry Bolden or  
2 officer Werner, to provide false testimony  
3 to 1 injury 3 injuries to 5 injuries violates  
4 due process as a matter of law. A state  
5 prosecutor must not mislead the jury. I deny any involvement  
6 points and authority  
7 A conviction based on perjured testimony is  
8 a denial of due process. A conviction obtained  
9 through the use of false evidence known to  
10 be such by representatives of the state must fall  
11 under the due process clause of the 14<sup>th</sup> amendment  
12 and a violation of the 6<sup>th</sup> amendment right  
13 to a fair trial. The state allowed the testimony  
14 of Jacob Werner go uncorrected the police report  
15 he wrote is a sworn statement he said  
16 I shot in stomach then testified otherwise 3 injuries  
17 under oath. The prosecutor knew of this  
18 it is obvious he read the police report.  
19 Arnold Anderson suffered a tainted trial  
20 see Napue v Illinois 360 US 264 the supreme  
21 court reversed his conviction because the prosecutor  
22 knew a witness was lying and did not correct  
23 it. As in this case a lie is a lie no matter  
24 the lie. I suffered a unlawful conviction because  
25 the prosecutor did not correct Jacob Werner's  
26 testimony that was contrary to his police  
27 report. See Wallach v State 106 Nev 470 796 P2d 224  
28 The Nevada supreme court reversed his conviction

1 Because of a conflict in a witness testimony.  
2 The remedy I seek is to ask this court  
3 to reverse this judgement of conviction on  
4 the authority of the 14<sup>th</sup> amendment due  
5 process violation, and grant a new trial  
6 because Jacob Weiners conflicting testimony.  
7  
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1 GROUND 10. NO Arrest Warrant Issued

2 TO Arrest Arnold Anderson. A Violation of

3 the 4th amendment Unlawful Arrest.

4 ON August 23, 2016 Terry Bolden made allegations of being  
5 a shooting victim, NO ONE arrested that day.

6 ON September 5, 2016 Arnold Anderson was detained

7 absent any traffic infraction by Hatten See TTAA 1 page

8 6 there was not any probable cause to stop the vehicle.

9 The 4th amendment was violated when the car

10 was stopped absent probable cause the police report

11 say seen car followed it see TTAA 1 page 6

12 Argument

13 officer Hatten was not the investigating officer officer

14 Valenzuela stated he was see TTAA 7 page 1467 line 5

15 officer Hatten did not have probable cause to stop

16 or detain Arnold Anderson or to arrest with out a

17 warrant. See TTAA 2 page 421 line 4 No arrest warrant.

18 points And Authority

19 The 4th amendment is clear when it came to the arrest

20 of any citizen NO arrest shall be made but upon

21 probable cause see John Henry v US 361 US 98 the

22 court reversed his case because a officer stopped his

23 car and did not have probable cause to believe the

24 defendant was violating or has violated the law.

25 The requirements of an arrest with out warrant must

26 be strictly enforced since the standard set by the

27 4th amendment protects both the officer and the

28 citizen under the 4th amendment suspicion is not

1 enough for a officer to arrest a citizen without  
2 a warrant. IN Arnold Anderson case officer  
3 hafen stated, and Justin duke stated I had to  
4 contact detectives when he stopped the vehicle  
5 I was in. see TTAA7 page 1390  
6 This officer did not have any details to stop  
7 the vehicle see TTAA7 page 1409 line 22  
8 see Wong v United States 371 US 471 91 Fed 2d 441  
9 83 sct 407 officers arrested defendant absent  
10 arrest warrant based ON reasonable suspicion,  
11 but the 4th amendment was violated because  
12 officers failed to obtain a warrant, when  
13 they could of done so. The United States Supreme court  
14 reversed this case because his arrest was improper.  
15 The Nevada constitution article 1 § 8 states the right  
16 of the people to be secure in their own houses or  
17 persons, papers, and effects against unreasonable  
18 seizures and searches shall not be violated and  
19 no warrant shall issue but on probable cause  
20 supported by oath or affirmation see state v 11 Mod 312  
21 P3d. 467 129. The 4th amendment protects every  
22 citizen from unlawful arrest. Hafen and Duke's  
23 police report is absent Probable cause. He  
24 states seen car followed it Arnold Anderson  
25 placed in cuffs. This action alone violates  
26 the Terry stop. IT is proposed here that the  
27 definition of arrest has two parts  
28 a person is arrested if an officers conduct

1 Judged from the perspective of a reasonable  
2 officers exceeds the permissible scope of a  
3 lawful investigation stop, or if an officers  
4 conduct would make a reasonable person in the  
5 defendants position to believe that he or she is  
6 under arrest. See TTA 7 Page 1409 line 19-22  
7 did you have details to stop car personally  
8 I didn't. is okes words. he stopped my car  
9 and did not have probable cause and made me  
10 wait 3 hours while he contacted a detective  
11 See TTA 7 page 1390 line 1-5 Further the  
12 trial court stated this arrest is preserved for  
13 Appeal See TTA 4 page 777 line 24.  
14 The arrest is unlawful and the conviction I  
15 suffered is unlawful. The remedy I seek is  
16 to ask this court to reverse this judgement  
17 of conviction and grant a new trial  
18 on the authority of a 4th amendment  
19 violation of unlawful arrest and  
20 warrantless arrest. No arrest warrant  
21 was ever issued. See TTA 8 page 1603 line  
22 13; 14 or any arrest warrant at all, No.  
23 This is clearly a violation of the 4th  
24 amendment warrantless arrest, the  
25 only remedy is to reverse this judgement  
26 of conviction for a new trial, I suffered  
27 a warrantless arrest.  
28

1 Ground II Violation of Due process 14<sup>th</sup> amendment violation  
2 of equal protection of the laws. The untimely late writ.  
3 Kenneth Frizzel filed a pretend writ that was past the 21  
4 day deadline. see TTAA1 page 133 the filing date states  
5 December 8, 2016. Counsel was to file said writ 21 days  
6 after my first appearance in district court which was  
7 October 26, 2016 the deadline would be November 16, 2016 to  
8 file a pretrial writ. The trial court stated I won't hear it  
9 if it's not timely see Answer TTAA1 page 149.

10 Writ is late

11 Kenneth Frizzel stated on record that the writ was late  
12 TTAA1 page 131 the trial court stated You had 21 days, Frizzel  
13 stated No-No-No Yeah I was a little late.

14 I told the trial court to vacate the writ. It was late before  
15 it was heard see TTAA1 page 150.

16 Counsel filed this writ late to pretend it was timely  
17 it was not filing a late writ is the same  
18 as not filing one. That right is forever lost.

### 20 Argument

21 Counsel caused me prejudice by filing the pretrial  
22 writ late, he had 21 days to file it from  
23 10-26-16 to 11-16-16 Not 12-8-16 he was to file  
24 it on time a petition for a writ of habeas  
25 Corpus based on a alleged

1 lack of probable cause or otherwise challenging  
2 the courts right or jurisdiction to proceed to the  
3 trial of a criminal charge may not be considered  
4 unless the petition and charged supporting  
5 documents are filed within 21 days after the  
6 first appearance of the accused in district  
7 court. To show he was malicious he stated  
8 I'm not going to argue the writ see ITAA1 page 151  
9 Defendants right to that pretrial writ is now lost  
10 when you file it late its the same as not filing it.

#### 11 POINTS AND AUTHORITY

12 on December 22, 2016 the petition for a writ of  
13 habeas corpus was heard see ITAA1 page 150. The  
14 state failed to present any evidence that a crime was  
15 committed by anyone, the states only statement was  
16 a recitation of the allegations in the police report.  
17 in order for one to go to trial there must be evidence to  
18 support each and every element of every charge. see  
19 sheriff v provenza 97 nev 346 630 p2d 265. The  
20 Nevada supreme court allowed his writ to be granted  
21 for a lack of probable cause. Considerations of  
22 Judicial efficiency provide an independent basis  
23 in support to review probable cause factual determinations  
24 in pretrial matters must be reviewed see Kussman v District  
25 court 96 nev 54 612 p2d 679 see venturiera v state  
26 91 nev 356 535 p2d 1286 this defendants case was  
27 reversed for lack of probable cause. In Arnold  
28 Anderson's case the trial court erred in hearing

1 My writ when the record reflected it was late.  
2 The state failed to provide sufficient evidence  
3 of Attempt murder and Battery causing substantial  
4 bodily harm Terry Bolden's questionable testimony  
5 was insufficient. see state v Purcell 110 Nev 1389  
6 the states only witness testified to allegations  
7 of charges of lewd misconduct the Nevada Supreme  
8 court granted a new trial. IN Arnold Andersons  
9 case if the writ was timely filed contradicting  
10 Terry Bolden's statements he was shot over  
11 drug money then charged he owe money  
12 for a hotel room and counsel could of  
13 argued that the preliminary hearing was  
14 insufficient to stand trial, that state  
15 failed to provide medical evidence of  
16 a shooting a doctor testimony or a  
17 investigating officer it's possible the  
18 writ could of changed this proceeding.  
19 This prejudicial lack of effectiveness violated  
20 my right to have a pretrial writ heard  
21 in 21 days violated my right to due process  
22 and equal protection of the laws  
23 the 14<sup>th</sup> amendment. The only remedy  
24 is to grant a new trial and reverse  
25 this judgement of conviction on the  
26 authority of a due process violation  
27 I deny being involved in any story of Terry Bolden I deny and  
28 all allegations he changed his story. The only remedy is to grant a new trial.

1 Ground 12 6<sup>th</sup> Amendment violation  
2 OF THE Right to A fair trial was violated  
3 when court clerk said Defendant is guilty

4 The jury was read the instructions and  
5 at the beginning of trial the court clerk said  
6 Arnold Anderson is guilty.

7 See ITAA 5 page 1076 line 21

8 There's a reason the words are not documented,

9 Argument

10 I pled not guilty to all charges, the right  
11 to a fair trial was violated when the  
12 court clerk wrongfully influenced the  
13 jury.

14 points And Authority

15 The 6<sup>th</sup> amendment guarantees a right to  
16 a fair trial the clerk violated that  
17 right when she made that remark to  
18 the jury. I suffered a prejudiced trial  
19 because of that. The only remedy is  
20 to reverse this judgement of conviction  
21 on the authority of the 6<sup>th</sup> amendment  
22 right to a fair trial violation, I ask this  
23 court to grant a new trial.

24

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1 Ground 13 A violation of the 14<sup>th</sup> & 6<sup>th</sup> Fair trial  
 2 Amendment 7 due process. The state  
 3 presented false evidence to the jury  
 4 During trial the state relied on Michael Kahnke  
 5 to testify to the jury about a phone call  
 6 attempting to authenticate it through him. He  
 7 is not a employee of the telephone company  
 8 that provide services for inmates in the  
 9 Clark county detention center. The record  
 10 will reflect the following.  
 11 See TTAA 7 page 1441 line 19 sir how are you employed  
 12 His response see TTAA 7 page 1441 line 20  
 13 I'm a corrections officer with metro police.  
 14 This will reflect the jury knows I'm in jail.  
 15 See TTAA 7 page 1443 line 11-12 I'm going to  
 16 show you right there with regards to 9-28-17  
 17 what does that refer to.  
 18 His response by Michael Kahnke  
 19 See TTAA 7 page 1443 line 13 that would be  
 20 the date the call was made.  
 21 Now the jury know I'm an inmate  
 22 See TTAA 7 page 1443 line 25 and is this call  
 23 made by an inmate by the name of Arthur Anderson  
 24 I'm sorry Arnold Anderson? yes it would be  
 25 see TTAA 7 page 1444 line 2  
 26 I objected to this see TTAA 7 page 1444 line 14  
 27  
 28

1 The state failed to properly authenticate the  
2 phone call by a employee of the phone company.

3 Argument

4 The state relied on a corrections officer to  
5 make reference to a phone call I objected to  
6 this polluted the trial this allowed the jury  
7 to know I'm in jail. Pursuant to NRS 52.075  
8 a telephone conversation is sufficiently authenticated  
9 by evidence that a call was made to the number  
10 supplied by the telephone company for the person  
11 in question. Circumstances including self identification  
12 shows the person answering the one to be called.

13 pursuant to NRS 52.252 admissibility of a  
14 copy of recordings the custodian of records  
15 must verify that the copy is a true reproduction.

16 Michael Kahuke is a correctional officer he does not  
17 work for the phone company he work for metro  
18 police department. The state failed to properly  
19 authenticate the phone, and it was prejudicial

20 the jury knew for 100 percent I was in jail  
21 and now the presumption of innocence is gone.

22 The 14th amendment states all persons born or  
23 naturalized in the United States, No state shall  
24 make or enforce any law which shall abridge the  
25 privilege or immunities of citizens of the United  
26 States nor shall any state deprive any person  
27 of life liberty with out due process of law.

28

1 The 6<sup>th</sup> amendment states every accused shall enjoy  
2 the right to a fair trial, this right was violated  
3 when the state failed to properly authenticate  
4 the phone call and allow the jury to know I  
5 was in jail. This prejudicial value outweighed  
6 the probative value because it was false  
7 evidence; thus influenced the jury.

#### 8 POINTS AND AUTHORITY

9 The right to a fair trial protected by the 6<sup>th</sup> amendment; 14<sup>th</sup>  
10 was violated and the right to due process was  
11 violated with this introduction of false testimony as  
12 evidence. reversal is virtually automatic see Napue v  
13 Illinois 360 US 264 the supreme court reversed his  
14 case because the prosecutor violated due process  
15 presenting lies to a jury. Pursuant to NRS. 48.035  
16 michael Kahke testimony was misleading to  
17 the jury - pursuant to NRS. 48.035 provides that  
18 exclusion of relevant evidence on grounds of  
19 prejudice or confusion or waste of time is not  
20 allowed. The jury thought his testimony was evidence  
21 and returned a verdict of guilty by using his testimony  
22 as evidence that the phone call was authenticated  
23 this was confusing and misled the jury see Mahan v State  
24 104 Nev 1375 the Nevada supreme court reversed this case  
25 because the state misled the jury. On the authority of  
26 the 6<sup>th</sup> amendment violation and 14<sup>th</sup> amendment  
27 violation the only remedy is to reverse this  
28 case for a new trial, I suffered prejudice.

1 Ground 14 A violation of due process the 14<sup>th</sup> amendment  
2 A violation of the 6<sup>th</sup> amendment right to a fair trial. Two  
3 Prosecutors Prosecuted me it should of been one

4 During the trial I was prosecuted by Binu Palal and  
5 Bryan Schwartz.

6 Two prosecutors

7 The trial began August 28, 2017 see ITAA 4 page 776

8 the record will reflect two prosecutors see ITAA 4 page 534

9 line 9 Ladies and gentlemen my name is Binu Palal. With me  
10 is Bryan Schwartz we work for the clark county  
11 district attorney office. This was prejudicial and  
12 over kill. I did not have two attorneys I was pro-per.

### 13 Argument

14 A right to a fair trial was violated when two  
15 prosecutors argued the trial. pursuant to NRS. 175.151  
16 states the number of counsel who may argue  
17 the case if the indictment or information  
18 is for an offense punishable with death.  
19 two counsel on each side may argue the case  
20 to the jury but in such a case as well as  
21 in all other cases the counsel for the state  
22 must open and close and conclude the argument  
23 if it be for any other offense the  
24 court may.

1 IN its discretion restrict the argument to one  
2 counsel on each side. The statute provide that a judge  
3 instruct one or two to argue the case. This trial  
4 did not consist of the death penalty for allegations of  
5 count 1. Attempt murder with weapon  
6 count 2 Robbery with weapon  
7 count 3 Battery with weapon causing substantial bodily  
8 harm. The trial court never gave an instruction for two prosecutors  
9 The record will reflect two prosecutors opening and  
10 closing a trial that is a non death penalty punishment.  
11 see TTAA 8 page 1614 line 7 states closing argument  
12 see TTAA 8 page 1614 line 8 MR. SCHWARTZ is the  
13 first prosecutor to close his argument  
14 The record reflect the second prosecutor  
15 see TTAA 8 1639 line 22 states rebuttal closing  
16 argument see TTAA 8 page 1639 line 22 MR. PALAL  
17 The record reflects two prosecutors prosecuting  
18 Arnold Anderson. The record should also reflect  
19 this is not a case with the penalty of  
20 death as required in the statute of NRS. 175.151  
21 this was prejudicial and overkill that violated  
22 a right to a fair trial to have two prosecutors  
23 during trial and defense counsel as pro-per  
24 not even two defense counsels.

### points And Authority

25  
26 A prosecutor has an ability to ensure every  
27 defendant in a criminal proceeding receive  
28 a fair trial and be ethical and professional

1 This prosecution falls in a violation of the  
2 6th amendment right to a fair trial and a  
3 violation of the 14th amendment right to due  
4 process. See Asaph v State 102 Nev 316 721  
5 Pzd. 379 the Nevada Supreme court reversed  
6 this case for prosecutorial misconduct,  
7 misconduct is misconduct no matter how  
8 its manifested any violation of violating  
9 a defendants right violates due process  
10 and a right to a fair trial. Prosecutors have  
11 a duty to uphold law to obtain a rightful  
12 conviction as it is to prevent an unlawful  
13 conviction. This case must be reversed it was  
14 not a death penalty case pursuant to NRS 175.151  
15 The jury would assume any defendant being  
16 prosecuted must be in hot water this was  
17 unfair prejudice I did not have 2 counsels.  
18 This case must be reversed see New York v Johnson  
19 279 US 310 see Harry Berger 791 Fed 1314 295 US 78  
20 when prosecutors violate a right to due process  
21 of a defendants rights the only remedy is  
22 to reverse this conviction and grant a new  
23 trial. Arnold Anderson was not equal to two  
24 prosecutors while being tag teamed during  
25 trial. on the authority of the 6th amendment  
26 right to a fair trial violation and on the due process  
27 authority of a 14th amendment constitutional  
28 right violation I ask for a remedy of a new trial.

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1 Ground 15 Juror Questions Ignored. Violated  
2 the 6<sup>th</sup> amendment / 14<sup>th</sup> amendment of due process  
3 and equal protection of the laws

4 During trial some jurors asked questions during  
5 trial and the questions were ignored. IF the  
6 questions were answered the outcome could of  
7 been different. They had doubt.

8 see TTAA 6 page 1290 Dennis Ward Juror Number 12  
9 asked how did Terry get back to the apartment?

10 his notes were it's odd some one in pain  
11 could walk a flight of stairs see exhibit 4.

12 This same juror asked another question see TTAA 6

13 page 1291 why did AJ pay for a week 14. This

14 juror received no response. (I deny being AJ)

15 The next juror question ignored

16 see TTAA 6 page 1292 Glenna Amos Juror # 3

17 asked when did she go in the house. she received

18 no response. in the event these questions were

19 answered those jurors may have doubt and

20 could of voted not guilty. Dennis Ward already

21 had doubt when he stated it's odd someone

22 in pain could walk up a flight of stairs

23 out of revenge he could of voted guilty because

24 his questions were ignored.

25 see TTAA 6 page 1187 line 19 the court stated

26 I'm not going to ask it because I don't think

27 it's relevant exhibit #5

28

1 The trial court was to ensure these questions were  
2 answered, but ignored them

### 3 Argument

4 These questions should of been answered from these jurors  
5 If they were answered the outcome would of been  
6 different. I was deprived a fair trial

### 7 Points And Authority

8 The right to due process and equal protection of the laws  
9 were violated of the 14<sup>th</sup> amendment. When the  
10 Jurors questions were ignored. See Thomas v Stanley  
11 368 F3d 936 the court reversed his conviction because  
12 of the lack of interpretation of the Jurors Notes.

13 I suffered a unjust prejudicial verdict because of  
14 the trial court ignoring the jurors questions.

15 The remedy I seek is for this court to reverse  
16 the judgement of conviction on the authority  
17 of the 14<sup>th</sup> amendment violation, equal protection  
18 of the laws and a due process violation, and grant  
19 a new trial

1 Ground 16 6th amendment right to a fair trial

2 14th amendment equal protection of the laws

3 Juror David PENN wrote the word D \_ \_ K IN

4 his notes

5 ON 9-1-2017 the court received the jury notes

6 from juror number 8 DAVID PENN he wrote the

7 word click IN his jury note.

8 The trial court had an obligation to inquire

9 as to the word itself is he calling the

10 defendant a click? This shows extreme prejudice

11 he could of been a rebellious jury to corrupt

12 the panel see TTAA 8 page 1729 courts

13 exhibit 8

14 This word could have various meanings to this

15 jurors state of mind and if he had an

16 hidden agenda this was prejudicial and the

17 court failed to inquire but did not, inquire at all.

18 Argument

19 The accused shall enjoy the right to a fair

20 trial. The jury is to be impartial and not show

21 any bias. This juror was prejudicial if he would

22 of been excused and replaced. This same juror

23 was selected as a foreman on this trial

24 see TTAA 8 page 1650 line 6 the court Mr. PENN

25 you have been selected to be the foreperson juror # 8

26 Yes, I have. ON the exhibit IN question he put

27 his name and number ON the note to make

28 Sure the court knew he was biased.

1 This was not discovered until I received the trial transcripts.  
2 The trial court of this when the jurors turned in their notes  
3 after the verdict was read. This foreperson could of been vindictive.  
4 The trial courts failure to inquire allowed the trial to be contaminated.

#### 5 points And Authority

6 The right to a fair trial was violated when this juror wrote clik  
7 in his jury notes. The court failed to inquire about the notes.

8 This violates equal protection of the laws. Of the 14<sup>th</sup> amendment  
9 pursuant to NRS. 16.050(6) the existence of a state of mind in the juror  
10 evincing enmity or bias, the word clik is a derogatory word used

11 to describe Rudeness or a impolite manner of a individual the word  
12 is not used as a compliment. This proves the juror was impartial

13 and violated the 6<sup>th</sup> amendment right to have a trial by a

14 impartial jury. This judgement of conviction must be reversed

15 because of this jurors behavior he was contaminated and this

16 should of been detected in voir dire, he should of been excused

17 see Thomas moore v Stanley Knight 368 F 3d. 936. the court

18 reversed this case because of the interpretation of facts of a

19 jurors note. In my case the notes went to the trial court

20 after the verdict and failed to inquire about the state of

21 mind of this juror. I suffered a violation of the 6<sup>th</sup>

22 amendment right to have a impartial jury, and a 14<sup>th</sup>

23 amendment violation of due process and equal

24 protection of the laws. The remedy I seek is

25 for this court to reverse this judgement of conviction

26 and grant a new trial on the authority of the

27 6<sup>th</sup> amendment right to a fair trial violation and the

28 violation of the 14<sup>th</sup> amendment due process violation.

1 Ground 17 14<sup>th</sup> amendment violation due  
2 process. Discovery issues. Ignored

3 During the course of this criminal proceeding while I  
4 was representing myself, the documents I needed  
5 to prepare for trial was ignored. I filed several  
6 motions to get the documents I needed to prepare  
7 for a defense.

8 see the hearing TTAA 2 page 370 line 21-22 I  
9 stated to the court the completed police report from  
10 officer werner, he stated the victim was shot once  
11 in the stomach. I stated another report states other injuries  
12 that are inconsistent with each other the court stated  
13 see TTAA 2 page 371 line 3 so what if someone  
14 said he was shot once and someone said he was shot  
15 multiple times. this was the response from the trial court.  
16 I was denied this information.

17 ON 4-13-2017 see TTAA 2 page 448 a motion for  
18 discovery was heard during the hearing page TTAA 2 page 449  
19 I requested the photo array.

20 See TTAA 2 page 452 line 17 the state said I did  
21 not get the discovery after multiple request

22 see TTAA 2 page 453 line 20 did the state serve  
23 you with oppositions Frizzell NO. I was deprived  
24 the opportunity to review and defend and oppose  
25 motions.

26 see TTAA 4 page 714 line 21 I listed I did not  
27 receive items in discovery.

28

1 see TTAA 4 page 755 line 17 I haven't got  
2 crime scene photos.

3 See TTAA 4 page 800 line 19 when asked about  
4 body cam footage the court said she was not  
5 going to watch 40 minutes of video because  
6 I can't que it up. I was in the Clark County  
7 detention center I don't have a device to watch the  
8 videos at my leisure.

9 After filing multiple discovery motions I was  
10 deprived information to build a defense of  
11 the allegations. I deny.

12 see TTAA 4 page 754 line 1 I stated I needed  
13 to know what transcripts I needed.

14 Referring to phone calls see TTAA 4 page 754 line 23  
15 Grizzell stated he sent his investigator over there to  
16 sit with me to listen to phone calls he failed to  
17 attend so I would know which calls would be  
18 used during trial. I had no idea of what phone calls would be used

#### 19 MOTIONS Filed For Discovery

20 I filed multiple motions over a six month period  
21 to build a defense. I could not due to lack of  
22 discovery.

23 See TTAA 2 page 302

24 See TTAA 3 page 550

25 See TTAA 3 page 312

26 See TTAA 3 page 677

27 See TTAA 2 page 443

28 see TTAA 3 page 554

1 See TTAA 3 page 620

2 See TTAA 3 page 633

3 See TTAA 4 page 768

4 IF the state would of turned over ArnoldaeJae Anderson

5 plea agreement See TTAA 2 page 421 the jury

6 would of known someone was convicted for the

7 attempt murder charge and Battery causing substan

8 tial bodily harm with weapon of Terry Bolden

9 the jury would of acquitted me. Since I had to

10 continue to ask for discovery over and over I

11 was denied due process I did not receive all

12 the material I needed to defend myself against these allegations

### 13 Argument

14 I was denied due process because the state failed

15 to turn over discovery that was favorable the

16 plea agreement a color photo array a different

17 police report with 1 injury versus multiple. How could

18 one build a defense with inadequate discovery? See

19 Brady v Maryland 373 US 83 set 1194 due process

20 requires that the state turn over favorable evidence

21 if it is material to either guilt or punishment

22 the court reversed brady for this same reason. the

23 state prosecutor with holding favorable evidence.

24 See Kyles v. White 514 US 419. This judgement

25 must be reversed for the state's negligence

26 in turning over favorable discovery

27 which made the defendant suffer a unjust

28 verdict.

## POINTS AND AUTHORITY

Since the state failed to turn over discovery favorable to the defense it was prejudicial to the accused. See Brady v Maryland 373 US 83 the court reversed brady for doing that exact same thing. pursuant to NRS. 174.235 the state at the request of a defendant the prosecuting attorney shall permit the defendant to inspect and to copy written records statements confessions, scientific test etc. See ITAA2 page 421-422 The state failed to turn over such. The state failed to turn over material in the discovery Pursuant to NRS. 174.235 and violated the 14<sup>th</sup> amendment due process The 6<sup>th</sup> amendment right to a fair trial. if the state disregarded the right to a fair trial as shown above and violate those rights no substitute can cure the violation The only remedy is to grant a new trial. on the authority of the 6<sup>th</sup> fair trial amendment and 14<sup>th</sup> amendment due process violation a new trial must be granted by reversing this judgement of conviction and grant a new trial.

1 Ground 18 Racial Profiling violation of the 5<sup>th</sup>  
2 amendment and 14<sup>th</sup> amendment violation of  
3 due process and equal protection of the laws

4 Controversial Suspect description

5 on August 23, 2016 Terry Bolden gave a description  
6 of a suspect of 5'7 with short hair see ITA 3 page 519  
7 You can see Arnold Anderson is bald headed see ITA 6 page  
8 1287.

9 The photo line up was extremely prejudicial to  
10 depict Arnold Anderson as the only light skin  
11 black male; the line up was unconstitutional.

12 The court should of provided a fact finding  
13 hearing see people v Rolison 141 mis 2d. 318 533 NY

14 The defendant is entitled to a hearing when  
15 identification is a issue. see people v Acevedo 176  
16 Ad 2d 631

17 Argument

18 Terry boldens statement of a suspect with short  
19 hair versus being bald is a big difference

20 Arnold Anderson is bald, Rhonda Robinson  
21 stated the suspect is chubby, I am neither

22 one. The trial court should of had a fact

23 finding hearing about the description of  
24 the suspect but did not. The in court identification  
25 should be invalid; There are multiple discrepancies  
26 with the identification. The photo line up  
27 was suggestive and unconstitutional.

28

## Points And Authority

The supreme court views the witness degree of attention, the factors to be considered in determining for due process whether an identification of the accused was made under suggestive and unnecessary police identification procedures so unreliable. To include the opportunity of the witness degree of attention the accuracy of his prior description of the suspect and the level of certainty. see people v Rolison 141 mis 2d. 318 533 NY also see people v arevalo 176 Ad 2d. 631. A line up must be consistent with due process no attorney was present with valenzuela nor did he do a double blind photo line up to prevent prejudicial bias. see TTA 7 page 1494 line 17-24 valenzuela questioned about the double blind line up and did not do it. This ~~is~~ racial profiling is unconstitutional when this officer selected random black men for a line up and was not the same shade or color. This violates due process. I suffered a unjust verdict because of this. The supreme court states witness degree of attention in MANSON V Brathwaite 432 US 98 this was not challenged in my case. Due to the conflict in identification the only remedy is to grant a new trial and reverse this judgement of conviction on the authority of The constitutional violations of 14<sup>th</sup> amendment due processes 5<sup>th</sup> amendment racial Profiling.

1 Ground 19 Conflict in car description A violation of  
2 the 14<sup>th</sup> amendment due process and equal protection of  
3 the laws. Credibility Issues.

4 In terry boldens voluntary statement he stated the suspect  
5 car was a camry or camaro theres a contrast in those  
6 two cars see TTA 3 page 518

7 A different car

8 see TTA 6 page 1229 line 2 He stated the car could be  
9 a camry.

10 During trial he stated he had been in the car 2 or 3 times

11 see TTA 6 page 1230 line 15 He also stated the car

12 in question is a two seater see TTA 6 page 1230 line 8

13 this was obviously not true, the car is a 4 seater

14 see TTA 6 page 1289 Defense exhibit B the picture

15 shows the car as having two front seats and two back

16 seats. Terry bolden was not credible.

17 Two different stories

18 During a interview with terry bolden he told detective

19 valenzuela he owe some one money for drugs see TTA

20 3 page 516-515.

21 During the preliminary hearing he testified under

22 oath, that he met someone because he was homeless

23 and needed a place to live. The prosecutor failed to

24 correct this. Contradicting testimony.

25 I deny being involved in any of those stories. The

26 fact is he changed his story which is misleading

27 see second

1 story at trial see TTAA6 page 1199 the district attorney  
2 allowed this perjury to go uncorrected to allow  
3 him to say he met some one because he was  
4 homeless and he was possibly shot over a hotel  
5 fee instead of his first story he may have been  
6 shot over drugs both stories I deny. The prosecutor  
7 presented this story so Terry Bolden won't look like  
8 a bad person. This was told to the jury for  
9 sympathy.

#### 10 Points And Authority

11 prosecutor Binu Palal and Bryan Schwartz presented  
12 this conflicting story. The jury was misled and  
13 failed to determine the credibility of the witness  
14 See Walker v State 91 Nev 724 726 this is a direct  
15 violation of due process, a prosecutor has a special  
16 duty to commensurate with a unique power to  
17 ensure that defendants receive fair trials. It is  
18 as much his duty to refrain from improper  
19 methods calculated to produce a wrongful conviction  
20 as it is to use every legitimate method to  
21 bring a justified one. see Roger Lapage v US 231  
22 F.3d. 498 the court reversed his case because due process  
23 was violated. The right to a fair trial is a right  
24 and prosecutors must not use unlawful tactics  
25 to get a conviction. see Berger v United States 295 US  
26 789 Sect 629. The court reversed his case because  
27 the prosecutor used unlawful tactics to  
28 prosecute by charging him with 1 conspiracy

1 IN The indictment but charged him with two, the court reversed his convictions  
2 and remanded for a new trial. To prosecute a lie to the jury is perjury  
3 and violates due process. The record will reflect these prosecutors were well  
4 aware of the conflicting stories. See TTA 6 page 1199 line 9-12 the district  
5 attorney asked, without going into details were you asked to do something  
6 line 11 it's a yes or no line 19 I objected then again on see TTA 6 page 1199  
7 line 21 Palai say again yes or no, I don't want to go into details. The jury had a  
8 right to know about every allegation in this case. See Napue v Illinois 360 US 264  
9 in this case the prosecutor knowingly presented lies to the jury. When he allowed  
10 a witness to say he didn't receive consideration for his testimony. The district  
11 attorney knew this was false testimony. The United States Supreme court  
12 reversed his conviction stating it violated due process. In my case the prosecutor  
13 told the witness Terry Bolden yes or no to answer his question without  
14 stating details. The prosecutor was hiding something, he did not want  
15 the jury to know Terry Bolden's initial story is he owe someone money for  
16 drugs. I deny involvement in either story. If the jury would of known  
17 Terry Bolden told 2 different stories the outcome would of been different  
18 he would of been proven a liar. I suffered a unjust verdict because of  
19 this deception to the jury. A lie is a lie no matter the lie. A right to  
20 a fair trial was violated that's protected by the 6<sup>th</sup> amendment and  
21 a violation of the 14<sup>th</sup> amendment due process right was violated  
22 the remedy I seek is a new trial, on the authority of Napue v Illinois  
23 360 US 264 and the authority of the 6<sup>th</sup> amendment violation  
24 right to a fair trial and on the authority of the 14<sup>th</sup> amendment  
25 violation of due process.

1 Ground 20 Rhonda Robinsons Contradicting testimony  
2 is a perjury violation and a 14th amendment violation  
3 of due process and equal protection of the laws: 6<sup>th</sup>  
4 amendment violation Right to confront witness

5 Rhonda Robinson was questioned by detective mendoza she  
6 was asked what do the suspect look like she stated he was  
7 chubby see TTA46 page 1144. See inmate booking photo TTA41 page  
8 1 inmate booking photo. I dont match description she gave  
9 to officers. she was asked how long have you known the suspect  
10 she stated 2 or 3 months. see TTA45 page 1119 line 4 see Terry Bolden  
11 statement 2 or 3 weeks TTA43 page 516 Thats a big difference  
12 in time. I deny knowing both Terry Bolden and Rhonda Robinson  
13 when she was asked what were you doing before the fight she  
14 stated I was sitting in the car TTA45 page 1125 when asked did you  
15 ever get out of the car she responded no see TTA45 page 1125 Now  
16 she changes her story. when asked again see TTA45 page 1126  
17 so you were out of the car? yes sir. she just stated she was not  
18 out of there car - when asked how did you see the alleged fight  
19 she stated the following contradictions. I was in the car covered  
20 see TTA46 page 1170 line 8. The next answer was you agree you were  
21 hiding in the car. see TTA46 page 1169 line 20-21 she said yes. The next  
22 question is how is it that you can see an alleged shooting  
23 hiding in the car. The next answer is. I was looking out the back  
24 window see TTA46 page 1171 line 10. The purpose of pointing this  
25 out is to show her contradicting testimony. I deny her testimony  
26 The biased picture the state put on the screen of  
27 me see TTA45 page 1136 line 4  
28

1 Then asked her to identify me. I objected to this photo for lack of foundation  
2 No one testified who took this photo or where it came from.  
3 See TTAA 5 page 1137 line 19 the court should of denied it. I said its  
4 prejudicial the state replied. See TTAA 5 page 1137 line 21 I dont have a re-  
5 sponse to that.  
6 The Judge prevented me from questioning this witness  
7 See TTAA 6 page 1184 I asked the question did she ever pay Terry boldens  
8 debts and that she's paid his debts before. The Judge wasnt having it,  
9 this prevented the jury from knowing relevant information, I deny all allegations  
10 Rhonda Robinson description of the suspects car  
11 See TTAA 5 page 1132 states exhibit 29 show the car do not match  
12 the description she gave black rims See TTAA 5 page 1136 line 6  
13 When asked have you ever been inside this camaro she stated yes  
14 See TTAA 6 page 1147 line 17 ON this same can you describe the inside  
15 of the car TTAA 6 page 1147 line 19 No  
16 See TTAA 6 page 1148 I dont think I told him anything about the  
17 inside. See TTAA 6 page 1148 she had to read her statement that she  
18 gave was everything IN the inside is black leather. See TTAA 6 page 1148  
19 line 24 I proved she was lying by showing her pictures of the inside  
20 of the car. See TTAA 6 page 1149 line 18 Now once you see these  
21 photos do they match the description you gave the officer  
22 See TTAA 6 page 1149 line 22 her answer was No.  
23 Rhonda Robinson was not credible on the witness stand,  
24 the jury should of disregarded her testimony as not reliable.

1 The witness was rude and Confusing  
2 During questioning Rhonda Robinson was argumentative  
3 See TTA 6 page 1150 line 9. You didn't shoot Terry  
4 the line 8 + the court - Argue line 14 oh my Gosh  
5 line 15 I stated I didn't shoot Terry. line 18 the  
6 court stop or you're not going to question her any further.  
7 I had to object to the state leading this witness see TTA 4  
8 Spage 1139 line 24 the trial court agreed see TTA 5 page 1140  
9 line 1-2 you are getting leading Mr. Schwartz this leading  
10 influenced the jury.

### 11 Argument

12 Rhonda Robinson testimony during trial was inconsistent of multiple  
13 lies see TTA 6 page 1191 line 7-10 you admit to lying which is a  
14 untrue statement. The jury had a instruction to disregard a witness  
15 that is incredible they failed to obey it. she started contradictions  
16 about the suspect car and description, the prosecutor did not  
17 correct her inconsistencies. if this would of been corrected I would not  
18 guilty.

### 19 Points and Authority

20 It is the function of the jury to assess the weight of the evidence  
21 and determine the credibility of witnesses see Leaver v State 91 Nev  
22 724-726 P2d. 438-39 in Wallach v State 106 Nev 470 796 P2d 224  
23 the Nevada supreme court reversed his conviction ~~was~~ because  
24 the witness gave conflicting testimony. In my case the court told  
25 this witness don't respond see TTA 6 page 1157 line 19 the right to confront  
26 was violated when the judge told her not to respond. see Napue v  
27 Illinois 360 US 264 the supreme court reversed this case for uncorrected  
28 false testimony. I suffered a unjust verdict. The remedy I seek  
is to have this court grant a new trial for a 6th and 14th amendment

1 violation.

2 GROUND 21 A violation of equal protection of  
3 the laws 14<sup>th</sup> amendment. The court failed to  
4 inquire about my mental health before allowing me  
5 to represent myself.

6 When I elected to represent myself the court  
7 failed to inquire about mental health history or  
8 inquire about the guidelines or rule 253.

9 The first attempt to give me a canvass for proper was see IT  
10 AA 2 page 287 line 20 - The court would it be better if I give  
11 you a chance to think about it and come back in a week?

12 Defendant line 22 NO I want to finish talking about it  
13 today. The court line 23 well no were not. I'm just so you  
14 want to you can't even answer any of my questions.

15 see TTAA 2 page 327 lines 5-7 the court I just want to make  
16 clear so you understand that just because you are representing  
17 yourself doesn't mean you're going to be able to do stuff Grizzell  
18 did not do. you understand that?

19 see TTAA 2 page 338 line 12-13 the court this isn't entertaining  
20 this is boring.

21 see TTAA 2 page 352 you don't know any other defense besides  
22 I didn't do it. The court line 10 you understand that an attorney

23 can research the law for similar cases and present possible  
24 defenses. If I say I'm not guilty there are no other  
25 defense. It sounds like the court was trying to convince me  
26 of another way to defend myself. The trial court said she would deny

27 me an attorney see TTAA 2 page 353 line 8 if you say you  
28 want an attorney, I'll say we're going to keep going so it's too late.

1 This entire canvass consisted of everything but  
2 rule 253. she asked questions of do you know how to  
3 subpoena someone what school did I go to instead  
4 of questions about mental health.  
5 I had to inform the court about mental health issues.  
6 see TTAAG page 1159 line 24 I don't think I'm mentally  
7 fit to continue. The court you're what. the court failed  
8 to enquire about mental health. see TTAAG page 1301 line 12  
9 defendant I tried to jump off the top tier last night  
10 to kill myself. Defendant I'm depressed and my  
11 medicine is not working the trazedone I take for  
12 depression is not working. I stated I don't think  
13 I'm competent to finish. The court should of inquired  
14 about mental health during proper canvass but did not.  
15 see TTAAG page 1303 line 13 I said I had Psychological  
16 issues. The court interesting you would even say that.  
17 The court failed to order a mental health evaluation.  
18 see TTAAG page 1305 line 14-18 the court I'm going to  
19 continue until tomorrow and give you a chance to  
20 pull yourself together, we're going to keep going  
21 forward and we can do it with or without you.  
22 I can't self diagnose myself only mental health can.  
23 I informed the court about being on suicide watch  
24 Thursday August 31, 2017 see TTAAG page 1316 line 14-25  
25 because of my state of mind she's going to keep me on suicide  
26 watch I told her I'm not able to study for trial or have  
27 any legal material on suicide watch. This information  
28 was from me to tell the court.

1 The court said see ITA46 page 1317 I told her I don't  
2 understand what I was going through and that's what  
3 caused the depression. The court's response OK do you  
4 want to let him know what which witness is  
5 you're calling today? The court failed to order  
6 a mental health evaluation.

### 7 Argument

8 The court failed to order a mental health evaluation  
9 the defendant was forced to trial on suicide watch.  
10 This was extremely prejudicial, the court failed to inquire  
11 about mental health before or after the canvass, it was  
12 prejudicial error to force me through trial on suicide  
13 watch with limited material.

### 14 Points And Authority

15 I suffered a mental health breakdown and was not in a culpable  
16 frame of mind. This violates the 14<sup>th</sup> amendment due process  
17 and equal protection of the laws to force me to trial on suicide  
18 watch. Pursuant to rule 253 guidelines of proper in a criminal  
19 proceeding the district court should make a inquiry to (3) defendants  
20 health whether defendant is taking any medication  
21 or is under the influence of any alcohol or other drugs. (3)(c)  
22 defendants mental health history. If the court would of been  
23 aware of my mental health history I would not <sup>of</sup> been able to  
24 represent myself. The outcome would of been different if I had  
25 a lawyer. The remedy I seek is to have this court reverse this  
26 judgement of conviction due to the courts failure to inquire about  
27 my mental health history. on the authority of the 14<sup>th</sup> amendment  
28 violation of equal protection of the laws the remedy I seek is a new trial

1 GROUND 22 Jury instructions were misleading

2 IT Violated the 14<sup>th</sup> amendment due process and

3 equal protection of the laws. And A violation of the

4 6<sup>th</sup> amendment right to a fair trial.

5 During trial the trial court presented its own jury instructions

6 I objected to them and the trial court presented misleading

7 jury instructions any way. see TTAA 7 page 1559 line 16

8 Defendant I object to that one because its misleading

9 to a jury attempt murder if its not showing what the

10 statute of attempt is then what murder is.

11 The court ignored me and my objection

12 see TTAA 7 page 1539 line 24 any objection knowing now

13 they'll be instructed on what attempt is and then attempt murder

14 the jury was never instructed on the murder instruction, the

15 instruction read as Attempt murder is the performance of

16 an act or acts which tend but fail to kill a human being

17 when such acts are done with express malice namely

18 namely with the deliberate intention to unlawfully kill

19 thus in order to find the defendant guilty of attempt

20 murder you must find that the defendant had a specific

21 intent to kill. This was misleading there is no such thing

22 as attempt malice. The court erred and failed to instruct

23 the jury on the content of the charging document.

24 1. Attempt an act done to commit a crime and tending

25 but failing to accomplish it.

26 2. NRS. 200.010. Murder is the unlawful killing of a human being

27 with express malice or implied; caused by a controlled substance

28 NRS. 200.030. first degree murder which perpetrated

1 by means of poison lying in wait, torture, premeditated  
2 killing, the allegations in this case don't match the  
3 statute the jury was misled. The act of attempt murder an instruction  
4 on implied malice in relation of the crime of attempt murder  
5 is misleading to a jury, to be charged with attempt murder  
6 that is not by statute, there is no such thing as attempt  
7 murder in the first degree and third degree, one cannot  
8 attempt to kill with implied malice because there is no  
9 such criminal offense of an attempt to achieve an  
10 unintended result. see TTA 7 page 1559 line 13 I objected  
11 to the attempt murder instruction # 9

12 The next instruction I objected to was # 22 see TTA 7 page 1563  
13 line 13 I objected, it states your verdict must be unanimous  
14 this misled the jury to thinking if the vote is 10-2 either  
15 way it don't matter this misapplied the law to confuse them.  
16 The next instruction I objected to was # 14 see TTA 7 page 1565  
17 line 13 I objected to the battery this charge is not a part  
18 of the criminal complaint, if the jury was properly  
19 instructed they would of returned a verdict of not  
20 guilty on all charges, the jury was misled which equals  
21 a miscarriage of justice

## 22 Argument

23 In order for a defendant to have a fair trial it would start  
24 with having fair jury instructions that doesn't mislead  
25 the jury to a unjust verdict, that have the ~~defendants~~ defendants  
26 rights of due process violated and deprive him of  
27 of a 6<sup>th</sup> amendment right to a fair trial, these rights  
28 were violated, the only remedy is to grant a new trial.

## POINTS AND AUTHORITY

The 14<sup>th</sup> amendment states no one will be denied due process of. The 6<sup>th</sup> amendment states defendants will receive a fair trial. I was deprived a fair trial with misleading jury instructions. See MELVIN MC KAWAY V STATE OF NEVADA 110 NEV 250 871 P2d. 922. the supreme court reversed his judgement of conviction because the trial court did not instruct the jury on accidental homicide. That was misleading to the jury. IN this case against Arnold Anderson they should not been instructed on stating the verdict must be UNANIMOUS or a misleading attempt murder instruction. Pursuant to NRS. 48.035 states the jury will not be misled or confused on grounds of prejudice or confusion this jury was misled it violates due process see KEYS V STATE 104 NEV 736. 766 he was wrongfully convicted of attempt murder with an instruction of implied malice with intent to kill, the Nevada supreme court reversed for misleading the jury. See LONNIE RAY TAVARES V STATE OF NEVADA 117 NEV 725 30 P3d 1128 his conviction was reversed and remanded because the trial court failed to give a specific instruction the prosecutor had the burden of requesting an instruction. The trial court presented its own instructions disregarding my objections. The Nevada supreme court has emphasized that there is NO such criminal offense as an attempt to achieve an UN intended result the supreme court also reasoned that an attempt nature is a failure to accomplish ~~what one intended to do~~ what one intended to do because the natural and probable consequence doctrine permits a defendant to be convicted of a specific intent crime where he or she did not possess the statutory intent required for the offense.

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1 See Sonu Sharma v State of Nevada 118 Nev 648  
2 the Nevada statute requires proof of a specific intent  
3 to commit the alleged crime, the Nevada Supreme court  
4 reversed his conviction because of misleading jury  
5 instructions for attempt murder. Attempt under Nevada law is  
6 an act done but failing to commit Nev statute 193.330  
7 murder is the unlawful killing of a human being  
8 implied malice is insufficient to support a conviction - NRS. 200.010  
9 murder the unlawful killing poison lying in wait torture. The  
10 jury instructions did not have these elements. The record  
11 is absent of a medical report to support any injuries, or  
12 expert testimony, an instruction to mislead the jury  
13 was prejudicial that led to an unlawful conviction  
14 if the jury was instructed on the NRS. 200.010 &  
15 200.030 the verdict would be not guilty I deny  
16 all allegations I suffered due process for these  
17 misleading instructions. The only remedy to cure  
18 this is to grant a new trial and reverse the  
19 judgement of conviction on the authority of  
20 the 6th amendment right to a fair trial and  
21 the authority of the 14th amendment equal  
22 protection of the laws and Sonu Sharma v State  
23 118 Nev 648 a new trial must be granted.  
24 I deny any involvement in Terry Bolden's allegations, the  
25 jury was not properly instructed.

1 Ground 23 14th Amendment violation of Due process

2 ArndaeYJae Anderson never subpoenaed

3 The state prosecutors stated this witness would come to

4 court when this was not the case because the state

5 did not have communication with ArndaeYJae Anderson.

6 The referal will reflect the following.

7 No communication

8 see ITAA 5 page 1061 line 5 the court you cant find

9 her.

10 The states response see ITAA 5 page 1061 line 6-7 No we

11 cant theres been a warrant for her she absconded Probation.

12 The court ask the following see ITAA 5 page 1065 line 5-7

13 Do you have a material witness warrant? No we dont.

14 see ITAA 5 page 1069 line 7 the court You have no

15 indication that she will appear line 9 not that I'm

16 aware of.

17 The state see ITAA 5 page 1069 line 11 in fact we

18 havent been able to serve her a subpoena as of yet.

19 To prove this was never a witness see ITAA 5 page 1062

20 a few months ago she absconded probation, this

21 was 8-29-17 a few months ago would be

22 June or may months before trial.

23 Argument

24 ArndaeYJae Anderson was never in contact with

25 the state and was not a witness the state

26 knew she absconded probation and did not

27 have contact with her at all or what so ever

28 to present this to the court that she's a witness is a lie.

POINTS And Authority

And perjury. NRS. 174.345 states a subpoena may be served by a peace officer NRS. 289.027. Service of a subpoena must be made by delivery a copy to the named person. This alleged witness was never served a subpoena. See NRS. 199.120 a person taken a lawful oath or made affirmation in a judicial proceeding or in any other matter where by law who willfully makes an unqualified statement that which the person does not know to be true. This is perjury when the state prosecutor Binu Palal stated this Arndae Dae Anderson is a witness, a person he has not had contact with. A person who absconded probation months before trial and was never served a subpoena. The state prosecutor violated due process and equal protection of the laws. This fallacy may have created bias to the trial court to make the trial court think this person was a witness and was not. See Blufford Hayes v Jill Brown 9th Circuit 399 F3d 972. This case was reversed because the state prosecutor presented false evidence to the court and jury. The only remedy is to reverse this judgement of conviction for creating bias with the trial court of a faux witness. I ask this court to reverse this judgement of conviction and grant a new trial for a violation of the 6th amendment right to a fair trial, and a violation of the 14th amendment violation of due process and equal protection of the laws. I suffered a prejudicial trial.

1 Ground 24 6<sup>th</sup> amendment violation of

2 The speedy trial act. Violated

3 A defendant in a criminal proceeding has a constitutional  
4 right to have a fair and speedy trial guaranteed by

5 the United States Constitution. The accused shall enjoy

6 the right to a speedy trial by an impartial jury of

7 the state and district where in the crime shall be committed.

8 Support to prove speedy trial right has been violated

9 on October 31, 2016 the defendant appeared in district court

10 see TTAA1 page 107 line 17 the court you have a right to

11 a speedy trial within 60 days are you invoking that right?

12 My response see TTAA1 page 107 line 19 I'm invoking my right

13 to a speedy trial.

14 Counsel behaved as if he file a writ of habeas corpus the

15 right to a speedy trial is vacated not so. Kenneth Frizzell

16 filed a writ to sabotage defendant's right to a speedy trial

17 the writ was late and does not count.

18 I see TTAA1 page 131 line 17 the writ should be filed by

19 then, the court yeah you got 21 day - line 20 NO NO NO Yea

20 I was a little late it took a little bit for it to get done

21 Kenneth Frizzell, Counsel had 21 days from my first

22 district court appearance see TTAA1 page 107 October 31, 2016

23 to November 21, 2016 to have said writ done, however it

24 was filed 17 days late December 8, 2016 see TTAA1 page 133

25 it was heard December 22, 2016. see TTAA1 page 164

26 counsel's argument was about a co conspirator who may

27 have or not killed a cow. The trial court should of

28 disregarded the writ as late.

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1 See TTAA 1 page 148 Frizzel informed the court

2 I got a call from Arnold Andersen yesterday that  
3 he doesn't want to waive his speedy trial right.

4 2. See TTAA 1 page 149 Arnold Andersen stated on line 8-9

5 I'm ready to go to trial and I do not waive my right

6 to a speedy trial. I made it real clear I do not waive

7 my right. 3. See TTAA 1 page 150 line 22 I made the

8 record to vacate the writ to keep my right to a speedy trial.

9 See TTAA 1 page 151 line 18 I stated I don't want the

10 writ heard to further reflect I'm invoking my right to a

11 speedy trial. With all this above the trial court

12 refused to listen she knew the writ was late.

### 13 Argument

14 The speedy trial act 18 USC 3161 places the burden directly

15 on the district court to conduct whatever factual

16 inquiry is necessary to determine for itself if the

17 parties desire a continuance so whether the reasons

18 for granting such are sufficient to outweigh the best

19 interest of the public and the defendants. The defendants

20 right of a fair trial was violated this is a sixth

21 amendment violation, a late writ being heard is the

22 same as no writ being heard, the court failed to

23 inquire to me if I wanted to continue the trial

24 date. The reflection of the record I don't want

25 the writ heard and to vacate it say alot.

### 26 Points And Authority

27 Pursuant to NRS. 34.700 time for filing waiver

28 and consent of the accused date of trial

1 except as otherwise provided in subsection (3) A Pretrial petition  
2 for a writ of habeas corpus based on alleged lack of probable  
3 cause or otherwise challenging the courts right or jurisdiction  
4 to proceed to the trial of a criminal charge may not be  
5 considered unless (A) the petition and all supporting documents  
6 are filed 21 days after the first appearance in district court  
7 or (B) the petition contains a statement that the accused  
8 waives the 60 day limitation for bringing an accused to  
9 trial or (2) if the petition is not decided within 15 days  
10 before the date set for trial consents that the court may  
11 without notice or hearing continue the trial indefinitely or  
12 to a date designed by the court. In this case Arnold Anderson  
13 did not sign a consent stating to file the writ. Further  
14 the writ was to be heard 15 days before the trial date  
15 which was December 29, 2016 not December 22, 2016. This entire  
16 process violated due process and NRS 34.700 pursuant to  
17 NRS 178.556 UNNECESSARY delay if a defendant whose trial  
18 has not been postponed upon the defendants application is  
19 brought to trial within 60 days after the arraignment  
20 on the complaint for an offense triable the trial court should  
21 dismiss the charges. The right to a speedy trial belongs not  
22 only to the defendant but to society as well 18 USC 3161(h)(8)(A)  
23 recognized that the public has an interest in speedy trials  
24 independent of defendants interest Congress designed  
25 the speedy trial act 18 USC 3161 in part to protect  
26 the public interest in the speedy  
27  
28

1 Administration of Justice and it imposed the sanction  
2 of dismissal under 362 to compel courts and prosecutors  
3 to work in furtherance of that goal. The 6<sup>th</sup> amendment  
4 guarantees in all criminal prosecutions the accused  
5 shall enjoy the right to a speedy and public trial  
6 by an impartial jury. see Julienac v United States  
7 125 F3d 1997. The district court violated the speedy trial  
8 act the 9<sup>th</sup> circuit reversed this case because the  
9 district court had an obligation to make factual  
10 inquiries as to whether to delay the trial or not. IN  
11 my case the trial court did not inquire even though  
12 I made it clear to vacate the writ since it was  
13 late and I invoked my right to a speedy trial.  
14 Trial date was initiated see TTA4 page 107 line 17  
15 the first district court appearance, October 31, 2016. my  
16 trial was not heard until 8-27-2017 eight months  
17 later see first day of trial TTA4 page 775 trial day 1.  
18 I suffered unnecessary delays for trial my 6<sup>th</sup>  
19 amendment right to a speedy trial was violated  
20 when trial was 8 months later. on the authority  
21 of ~~the~~ speedy trial act 6<sup>th</sup> amendment I suffered.  
22 The only remedy is to reverse this judgement  
23 of conviction for a new trial.  
24  
25  
26  
27  
28

1 Ground 25 14<sup>th</sup> amendment violation of equal  
2 protection of the laws. Violation of due process  
3 The state presented false evidence by Laura Brooke Cornell  
4 ON August 23, 2016 Brooke Cornell a crime scene analyst stated  
5 she arrived at a crime scene to collect evidence of a shooting,  
6 she stated she collected items absent any test of ballistics or  
7 ~~scientific~~ testing, to connect it to any alleged shooting of August 23,  
8 2016. see TTAAG page 1334 line 17 when asked about the shooting  
9 she stated a man was in critical condition, we did not know  
10 if he was going to make it. I objected she's not a doctor to offer  
11 this testimony with out a medical expert is the same as false  
12 testimony. she stated that to appeal to the passions of the jury.  
13 see TTAAG page 1336 lines 1-6 she stated she collected 3 shell  
14 casings and there was blood leading from the driveway up the  
15 stairs. see TTAAG page 1350 line 12-13 ON cross examination  
16 I asked her "your function was to collect evidence" she stated ON  
17 correct ON line 13  
18 NONE of the items she collected were tested  
19 see TTAAG page 1351 line 2-4 I asked "you didn't analyze any  
20 of the evidence you collected?" see TTAAG page 1351 line 4 NO  
21 the lab does that.  
22 The state allowed her to testify that this is evidence of a  
23 shooting and evidence to a crime with out lab testing  
24 results, she stated nothing was tested. she should not  
25 testify to untested items.  
26 see TTAAG page 1340 line 4 the state asked you mentioned  
27 blood ON these vehicles see TTAAG page 1340 line 7  
28 that's correct

1 even though it was not tested.  
2 see TTA 6 page 1341 line 20 the state ask was there  
3 any pieces of evidence notated on these stairs?  
4 Her response TTA 6 page 1341 line 22 there were drops  
5 of blood going up the stairs.  
6 see TTA 6 page 1342 lines 5 the state ask about exhibit 14  
7 Just a close up of blood line 7 Yes  
8 she presents fallacy to the jury by saying a shirt with  
9 multiple holes in it a particular hole is a bullet hole  
10 see TTA 6 page 1352 line 1 shirt have multiple holes and  
11 tears in it states exhibit 48 line 2 correct line 3 so  
12 based on your experience how can you say that that's  
13 a bullet hole versus all the other holes in the shirt?  
14 she stated this fallacy with out gun shot residue or  
15 any testing this misled the jury.  
16 see TTA 6 page 1352 line 9 the same shirt most of it  
17 look like tears from cutting from the ends, cutting  
18 the shirt off.  
19 To further mislead the jury she offers this testimony  
20 see TTA 6 page 1353 this witness is questioned about her  
21 testimony of this untested blood trail appears okay and  
22 the trail of blood in the area where you were at, what  
23 appears to be blood you can't say how long it's been  
24 there.  
25 see TTA 6 page 1353 line 6 no we can't say how long it's  
26 been there we had witness say it wasn't there  
27 prior so that's - but there's no way to chemically  
28 say whether it was there 30 minutes one hour two days.

1 see TTAAG page 1353 line 10 So other witnesses in the area  
2 probably walked around and took a idea of what the  
3 steps looked like and was like hey that blood wasn't  
4 there yesterday its there today is that what you're saying?  
5 her response TTAAG page 1353 line 14 I'm saying  
6 the witness told the detectives that's what the detective  
7 told us.  
8 She offered hearsay which is inadmissible because  
9 no one testified to this when asked about these witnesses  
10 she said. see TTAAG page 1356 line 16 I'm what witness...  
11 I don't know the state did not correct this false testimony  
12 more hearsay - see TTAAG page 1353 line 17 I don't know either  
13 the detective said witnesses said this - This hearsay was  
14 reckless and polluted the trial. The court should<sup>e</sup> stepped it, but did  
15 not. This was prejudicial to influence the jury.  
16 see TTAAG page 1351 line 2 you didn't analyze the evidence  
17 see TTAAG page 1351 line 4 NO the forensic lab does that.  
18 the state and trial court allowed her to testify to  
19 hearsay and about evidence without it being tested.  
20 how can it be evidence if its not connected  
21 to a crime? OR tested?

## 22 Argument

23 The state failed to correct this testimony which was  
24 false evidence to influence the jury, this is  
25 a violation of the 6th amendment right to a fair  
26 trial and a violation of the 14th amendment due process  
27 I suffered a unjust verdict because of this influencing  
28 the jury to believe the stuff she collected is connected

1 To a crime, when nothing was tested.  
2 POINTS AND AUTHORITY  
3 pursuant to NRS 48.035 exclusion of relevant evidence on grounds  
4 of prejudice, confusion or waste of time. This is not admissible  
5 evidence if its probative value is substantially outweighed  
6 by the danger of unfair prejudice or confusion of the issues or of  
7 misleading the jury. The jury was misled with this evidence  
8 shell casing were not fingerprinted. A prosecutor has a duty to  
9 assure defendants receive fair trials a guarantee of the 6th  
10 amendment. This violation occurred because the state failed  
11 to test any of its exhibits, which is a violation of due process  
12 they acted in bad faith and I suffered undue prejudice  
13 the items collected could be exculpatory the blood if tested  
14 could lead to the identity of a suspect, or even if the shell  
15 casings were lifted for prints it could lead to the identity of a  
16 suspect, to present this to a jury as evidence violates due process  
17 see Napue v Illinois 360 US 264 see Boag v State 95 Nev  
18 911 a prosecuting presenting false evidence pollutes the right to  
19 a fair trial. The United States supreme court stated a violation  
20 of due process the only remedy is to reverse as they did in  
21 Napue v Illinois. I suffered a guilty verdict because of this  
22 due process violation when the state misrepresented evidence see  
23 Mahan v State 104 Nev 13 752 P2d, the Nevada supreme court  
24 reversed his case because the state prosecutor misrepresented  
25 evidence at trial. The remedy I seek is for this court  
26 to reverse this judgement of conviction and grant  
27 a new trial on the authority of Mahan v State supra  
28 and the 14th amendment due process violation

1 Ground 26 6<sup>th</sup> amendment violation right to a fair trial and  
2 violation of the 14<sup>th</sup> amendment equal protection of the laws  
3 These Jurors should of been excused.  
4 During the selection of the jury panel the trial court allowed the  
5 following jurors to participate in Arnold Andersons trial, these jurors  
6 were either on drugs or had a criminal record or had a family  
7 member arrested or had a felony, these jurors were biased  
8 some were victims of crimes. The record will reflect  
9 the following:  
10 Juror #651 miguel urarte became juror # 4 stated the following  
11 see TTAA 4 page 857 line 25 I speak english a little bit see TTAA  
12 4 page 858 line 1 I dont understand everything. This was prejudicial  
13 because the court did not appoint a interpreter. If he dont understand  
14 english he probably had a poor understanding of the entire trial.  
15 Juror 645 Vanessa turley became Juror #6 see TTAA 4 page 840 line 4  
16 are any of you acquainted with the deputies assigned to prosecute this  
17 case? she stated no. she lied then admitted she was familiar with  
18 Bryan Schwartz see TTAA 5 page 955 line 24-25 she states I  
19 want to amend my answer from earlier Juror #6 I do believe  
20 that a gentleman from the prosecution side did subpoena me  
21 for a person that I saw in the emergency room about six  
22 months ago. The state admits he was familiar with this  
23 Juror see TTAA 5 page 974 line 12 the court were you the one  
24 who subpoenaed that Juror? Schwartz answers, I think so  
25 now that she said that. This Juror should of been  
26 excused for cause.  
27 Juror convicted of a crime see TTAA 5 page 957 line 3  
28

1 The court have you or anyone close to you such as a family member  
2 ever been accused of a crime? See TTAAS page 957 line 7 I myself  
3 was convicted of a DUI Juror # 6 Vanessa Turley See TTAAS page 951  
4 line 18 Vanessa Turley You are going to become Juror # 6 the court  
5 selected her after 502 was excused. The trial court asked JAQUIN  
6 Escobar who became Juror # 7 have you ever served as a Juror  
7 see TTAAS page 920 line 7-8 his response 3 times. The court  
8 asked this same Juror have you ever served as a Juror this Juror  
9 stated NO mam see TTAAS page 920 line 7-8 TTAAS page 921 line 13  
10 this Juror was adamant about his poor understanding and his  
11 poor ability to understand english, his poor ability to understand  
12 english was prejudicial because he probably did not understand  
13 what took place during trial. If the court would of appointed  
14 a interpreter the outcome could of been different.

15 The Next Juror with Issues

16 Glenna Amos who became Juror # 3 stated the following  
17 enmity see TTAAS page 929 line 24-25 when my car was  
18 stolen I had a grandson that passed away and we had a  
19 pillow that we used to keep in the car see TTAAS page 930 line 8  
20 you know it was like that made me feel really bad. The court  
21 two different incidents when your house was broken into  
22 Yes Glenna Amos is still mad about her grandson pillow  
23 See TTAAS page 934 line 11

1 I was still kind of upset about my grandsons pillow.  
 2 This proves enmity she should of been excused for cause.  
 3 See TTA 4 page 848 line 23 Glenna Amos the only  
 4 thing that I was worried about is this - speaking  
 5 about her oxygen machine - I have to bring with me.  
 6 She was a elderly female who stated how hard it is to  
 7 bring her oxygen machine with her while suffering arthritis  
 8 see TTA 4 page 849 line 3 and would that be a problem  
 9 the court not to me. is it a problem for you? ms. Amos  
 10 sometimes because my arthritis bothers me where I  
 11 cant lift this into my car again talking about her  
 12 difficulties with her oxygen machine. line 12 I tried  
 13 to call to see if I could get dismissed ms. Amos tried  
 14 to excuse herself she did not want to serve on the jury  
 15 the court would not let her explain see TTA 4 page 850 line 2-3  
 16 No I dont think.  
 17 The court thank you and I appreciate you being here  
 18 thank you very much - After telling the court of her health issues  
 19 the court said see TTA 4 page 873 line 4-7 you're going  
 20 to be Juror # 3. This was extremely prejudicial.  
 21 The next Juror issue.  
 22 Deborah Mascote became # 10. see TTA 5 page 935 line 23. the  
 23 company I worked for was robbed I was called as a  
 24 witness so obviously she was a victim of robbery or  
 25 she was a witness to one. I was on trial for robbery.  
 26 how biased.  
 27 see TTA 5 page 942 line 20-21 sailey sneeden Juror # 5  
 28 I was arrested for domestic violence.

1 see TTAA 5 page 980 line 11 so you sat through a whole  
 2 trial and didn't get to do anything? Juror # 5 yes.  
 3 see TTAA 5 page 980 line 11 how did that make you feel?  
 4 her response on line 15 crappy line 17 that sucked.  
 5 Violent Juror  
 6 see TTAA 5 page 943 line 2 you were arrested for  
 7 battery dv? TTAA 5 page 943 line 5 yes line 7 I had probation  
 8 enmity is shown -  
 9 see TTAA 5 page 990 line 4-5 would you have resentment  
 10 against officers in this case? TTAA 5 page 990 line 7 Yeah  
 11 she had to state she could keep it separate, it seem like she  
 12 did not understand the question Schwartz asked it twice.  
 13 The next Juror issue  
 14 see TTAA 5 page 982 line 1 Jose Macedo is Juror # 1  
 15 I had a stolen credit card, see TTAA 5 page 981 line 21  
 16 Schwartz did you mention that earlier? I apologize  
 17 if I didn't catch that, this Juror should of been excused.  
 18 he further stated about being on drugs - see TTAA 5 page 985 line 14-16  
 19 I was high I was ~~stayed~~ that's why I did it, yes yes, yes  
 20 that's the reason I did it yes.  
 21 The same Juror speaking of not understanding english.  
 22 see TTAA 5 page 971 line 5 just my english sometimes  
 23 I don't understand like I say before.  
 24 Instead of the court assigning a interpreter - see TTAA 5 page 971  
 25 I think you're doing great.  
 26 Black Juror lost in the voir dire  
 27 see TTAA 4 page 848 line 11-17 Chatavia McGowan  
 28 the court if you are on this jury you need to be here.

1 The court failed to make a record of excusing her. Juror son  
2 is about to be a metro officer see ITAA 4 page 891 line 15-16  
3 ITAA 4 page 891 line 23 he's going to be hired as a police officer  
4 Juror showing enmity see ITAA 8 page 1648 line 19 I informed  
5 the court a Juror was shrugging his shoulders during my  
6 closing argument see ITAA 8 page 1648 line 23 this Juror was  
7 biased and should of been replaced. The trial court didnt do  
8 any thing about it.

### 9 Argument

10 This jury panel had 70% impartiality Some had criminal records  
11 a du1, on probation or had been a victim of crimes or  
12 committed one these jurors should of been excused for cause.

### 13 points And Authority

14 The 6<sup>th</sup> amendment guarantees the right to a fair trial with a jury  
15 thats impartial this jury was not. 70% of them had issues and  
16 should of been excused for cause. Glenna Amos was still mad about her  
17 grandson pillow she could of retaliated against me for it. NRS. 16.050  
18 states challenges for cause, having served as a Juror or been a  
19 witness on a previous trial, Deborah Mascote was a witness to her  
20 company being robbed. The statue states existence of state of mind  
21 evincing enmity, the Juror who shrugged his shoulders proves enmity,  
22 another Juror states he was stoned and had a fake credit card. Glenna Amos  
23 said she was still mad ITAA 5 page 934 line 11-12 these Jurors should of been  
24 excused. If I had Jurors who did not have a criminal record or was a  
25 victim of a crime the outcome would of been different. I suffered a UN  
26 just verdict. The only remedy is to reverse this judgement of conviction and  
27 grant a new trial on the authority of the 14<sup>th</sup> amendment violation of  
28 of equal protection of the laws And violation of the 6<sup>th</sup> amendment violation of impartial jury.

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1 Ground 27 A violation of the 4<sup>th</sup> amendment unlawful search and  
2 seizure

3 On September 5, 2016 officer J. Duke misled the court with his falacious  
4 affidavit for a search warrant, he stated being duly sworn that  
5 there is probable cause to believe that certain property will be found  
6 at the premises in a dark colored 2000 camaro located at ewing  
7 brothers 1200 N.A street Las Vegas NV 89101 see TTA 2 page 395 he further  
8 stated any unknown make model caliber 45 pistol miscellaneous pieces of  
9 ammunition magazines clips holsters cleaning kits parts expanded casings  
10 paperwork any paperwork storage disposition over any firearm or any of the  
11 aboved listed items, any unknown make model cellular phone and particles  
12 of personal property which would tend to establish the identity of  
13 person in control of said premises which items of property could  
14 consist in part of and include but not limited to papers documents  
15 and effects which tend to show possession dominion and control  
16 over said premises including but not limited to keys cancelled mail  
17 envelopes rental agreements and receipts utility and telephone bills  
18 perscription bottles vehicle registration vehicle repairs and gas  
19 receipt items which tend to show evidence of motive and/or the  
20 identity of the perpetrator such as photo graphs and undeveloped film  
21 insurance policies and letters and addresses and telephone records  
22 diaries governmental notices whether such items are written  
23 typed or stored on a computer disc objects which bear a persons  
24 name phone number or address. The property here in before  
25 described constitutes evidence which tends to demonstrate  
26 that the criminal offense of attempt murder, Robbery, battery  
27 causing substantial bodily harm has been committed. This  
28 was a complete deception to get a warrant.

1 see TTA 2 page 394

2 see TTA 2 page 408 he stated the 45 may be located  
3 inside of the vehicle. he had no idea if a gun was in  
4 the car. it was not.

5 see TTA 2 page 396 he said in support to affidavit  
6 the only thing he offered was repeated allegations from  
7 the police report which is misleading to get a warrant. He had  
8 no idea if those items were in the vehicle.

9 see TTA 2 page 411 he stated he believe items will be located  
10 this is not factual knowledge. The trial court should of had  
11 a Franks hearing. she denied the motion with out questioning  
12 the officer. The officer was not subpoenaed to testify

13 Argument

14 The 4th amendment requires a hearing be held at the defendants  
15 request to challenge the truthfulness of the statements  
16 made in the affidavit, and search warrant this false  
17 search must be void with the arrest to the extent as if  
18 probable cause was lacking on the face of the defendants  
19 where at the hearing the defendant will show a preponderance  
20 of evidence of perjury with false material set to one  
21 side the contents is insufficient to establish probable cause  
22 if probable cause in the warrant don't exist neither  
23 do the arrest. Officer J. Duke only call in this case was  
24 see TTA 1 page 11 on September 5, 2016 seen car stopped it.  
25 J. Duke misled the court to get a search warrant to  
26 unlawfully seize my vehicle. This violated the 4th  
27 amendment, to take a police report to a judge to get  
28 a warrant with lack of probable cause is insufficient.

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## Points And Authority

The 4<sup>th</sup> amendment is clear items to be seized and searched must be known. To seize a defendants car in a criminal proceeding subject to the ex parte issuance of a search warrant must make a preliminary showing if with a false statement knowingly and intentionally with reckless disregard for the truth was included in a false statement for probable cause the court must reverse see Franks v Delaware 438 US 154 where officers lied in the affidavit and the citizen was a victim of a bad search fruits of the poisonous tree the supreme court decided due process is violated if these hearings are not held to see what officers put in their affidavit to get the search warrant. The trial court did not inquire to J. J. Franks personally to question him about his falsity. The Franks hearing was denied see TTAA3 page 652. officers used a haul receipt found in the vehicle this was a violation of the 4<sup>th</sup> amendment see Mapp v Ohio 367 US 564 evidence obtained by a search and seizure in violation of the 4<sup>th</sup> amendment is inadmissible in state court as it is in federal court all evidence obtained in a 4<sup>th</sup> amendment violation is by virtue of the due process clause of the 14<sup>th</sup> amendment guaranteeing the right to privacy. The haul receipt states exhibit 39 was a violation of the 4<sup>th</sup> amendment to be used at trial. In Mapp v Ohio the U.S. supreme court reversed his conviction because the officer unlawfully seized explicit material and used it in a state criminal trial. this haul receipt in my case is from an illegal search. The 4<sup>th</sup> amendment requires a hearing at the defendants request

The court denied the motion. U.S. 199, 120 states a person having taken a lawful oath or affirmation in a judicial proceeding where by law subsection 1 states willfully makes a unqualified statement of that which the person does not know to be true see ITA 7 page 139/ line 15/16 J. Duke where was the investigating officer no. Then how would he know a gun or material may be inside the car and he appeared for a warrant with a recitation of allegations in the police report to ask for a search warrant which were allegations, his reckless disregard for the truth violated the 4<sup>th</sup> amendment. I suffered a unlawful conviction because of his lack of probable cause to get a search warrant. See William Beck v Ohio 379 US 89 the supreme court reversed his conviction because of the 4<sup>th</sup> amendment violation also see Katz V US. 389 US 347 this case was reversed for unlawful seizure see Franks v Delaware 438 US 154 officers lied in affidavit to get a warrant. In Arnold Anderson's case due process was violated 14<sup>th</sup> amendment, on the authority of the 4<sup>th</sup> amendment right to unlawful seizure of the car and its contents the only remedy is to reverse this judgement of conviction and grant a new trial on the authority of the 4<sup>th</sup> amendment violation unlawful search and seizure.

1 Ground 28 violation of the 6<sup>th</sup> amendment Right to a fair trial.  
2 Multiple objections made during trial.  
3 During trial I objected to the following issues which violated  
4 a right to a fair trial. See TTAA 5 page 1088 line 9 I objected to the  
5 state saying I shot Terry Bolden, I did not I pled not guilty. The  
6 state made these prejudicial remarks that influenced the jury. I objected  
7 to TTAA 5 page 1089 line 17 when the state lied and said this female  
8 handed me a firearm. These unproven statements misled the jury.  
9 I objected to excruciating pain see TTAA 5 page 1102 this witness  
10 is not a doctor, the court should not of allowed this false evidence  
11 it's hearsay. I objected to TTAA 5 page 1103 line 3-7 state allowed  
12 witness to say met at 711 I objected to this false hearsay this  
13 misled the jury. see TTAA 5 page 1120 line 6-12. I objected to the state  
14 leading this witness to say hung out, I objected to the leading  
15 its misleading to the jury. I objected to see TTAA 5 page 1126 line 24  
16 to the witness say run over. TTAA 5 page 1127 line 1 this false information  
17 misled and influenced the jury. see TTAA 5 page 1130 line 15 I objected  
18 to the hearsay witness stated hearsay when she said I heard some  
19 one say 200 dollars this was misleading to the jury. I objected to the  
20 in court identification TTAA 5 page 1130 line 24 the photo line up  
21 was unconstitutional see TTAA 5 page 1133 line 11-14 I objected  
22 to leading it swayed and misled the jury see TTAA 5 page 1136 line 15-19  
23 I objected to the picture NO one testified who took this  
24 picture states exhibit #61 see TTAA 5 page 1137 line 8  
25 I objected to states lack of foundation the state agreed  
26 no foundation. TTAA 5 page 1137 line 19 I said its prejudicial  
27 The state said I don't have a response see TTAA 5 page 1137  
28 line 21 everything I objected to violated a fair trial.

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1 See TTAAS page 1138 line 13-24 I objected to this false testimony  
2 saying Rhonda Robinson testified at the preliminary hearing she did not this  
3 was a lie see TTAAS page 1137 line 8 the prejudicial picture is hearsay  
4 I objected to it, the court should of denied the picture this was unlawful  
5 to show the jury this picture to mislead the jury see TTAAS page 1178  
6 line 7-15 I objected to the photo array I'm the only light skin black  
7 male see TTAAS page 1179 line 24 I objected to the in court identification  
8 it was unconstitutional see TTAAS page 1198 line 16-19 I objected to  
9 leading the state was influencing the jury with fallacy see TTAAS page  
10 1199 line 9-19 I objected to leading the state told the witness Terry Bolden  
11 to answer yes or no I don't want to get into details this influenced  
12 the jury he did not want them to know Terry Bolden told the police he owe  
13 money for drugs and never mentioned anything about owing money for  
14 a hotel room I deny both allegations this story misled the jury see TTAAS page 1204  
15 line 7-10 I objected to states exhibit 46 for lack of foundation see TTAAS page  
16 1205 line 18-21 I objected to the state leading you were in pain this  
17 influenced the jury see TTAAS page 1209 line 18-19 I objected to Terry Bolden  
18 showing a scar - no doctor to prove date of scar or how it got there see  
19 TTAAS page 1211 line 2-5 I objected to photo no foundation see TTAAS page  
20 1212 line 3-17 I objected to this witness saying seen car see TTAAS page  
21 1214 line 20-23 I objected to no foundation exhibit 68 see TTAAS page  
22 1215 line 1 I objected to officer showed a picture see TTAAS page 1238  
23 line 16-21 I objected to states exhibit 62 lack of foundation see TTAAS  
24 page 1241 line 20-22 I objected to saw car this was misleading and  
25 suggestive earnest larios testified to a 30 year difference in cars  
26 TTAAS page 1241 see TTAAS page 1260 line 8-13 I objected to jail phone call  
27 and prosecutor lies of hearsay I said I object court allowed it anyway see TTAAS page 1261  
28 line 20 the court knew the investigators story was a lie and would be prejudicial the

1 record states everything that comes in is prejudicial that phone call causes me great  
2 concern I think you run the risk of it being the prejudicial value being substantial  
3 outweighed by the probative value I objected the court knew it was prejudicial and  
4 allowed it anyway. see TTA 6 page 1334 line 17-21 I objected to a witness saying a  
5 male had been shot we didn't know if he's going to make it or not. This influenced the  
6 passions of the jury, by saying don't know if it's a possible homicide see TTA 6 page 1342  
7 line 5-19 witness saying blood I objected the fluid was never tested see TTA 7 page  
8 1330 Did you analyze items you collected? No it's the laboratory job. This influenced the jury  
9 false evidence see TTA 6 page 1346 line 14-17 I objected to photos exhibit 47 48. No date see  
10 TTA 6 page 1347 line 23-24 I objected to bloody shirt not tested this is presenting  
11 false evidence to the jury see TTA 6 page 1349 line 7-10 I objected to witness  
12 behaving as a expert and is not see TTA 6 page 1363 line 7-22 I objected to lack  
13 of foundation for all pictures see TTA 6 page 1367 line 9-21 I objected to the  
14 photo of the bullet witness Caitlyn King stated someone gave her this bullet Jacob  
15 Werner testified to the exact same bullet see TTA 5 page 1108 line 19 exhibit 58 see  
16 TTA 5 page 1109 line 23-25 is that what was handed to you (Werner) Yes I  
17 I objected to Caitlyn King story see TTA 6 page 1368 line 4 it's impossible for  
18 Jacob Werner and Caitlyn King to receive the same bullet at the same time see TT  
19 AA 7 page 1374 line 3-9 I objected to this witness saying blood it wasn't tested  
20 see TTA 7 page 1386 line 2-5 I objected to states exhibit 69 lack of foundation  
21 see TTA 7 page 1390 line 17-22 I objected to the witness saying someone  
22 else behavior this person was not on trial, it influenced the jury to think  
23 their behavior was criminal see TTA 7 page 1413 line 17-25 I objected to hearsay  
24 it's inadmissible no prior testimony given it was a lie and prejudicial see TT  
25 AA 7 page 1415 line 1-9 I objected to the hearsay Marco Rafalovich stated my  
26 alibi was false he lied. The record does not reflect such his statement was  
27 false. the trial court should of prevented this lie from him. There is no  
28 such evidence to support his false testimony. I deny all involvement

1 See ITAA7 page 1444 lines 14-20 I objected to the phone call being played it  
2 was not authenticated. These were prejudicial issues to pollute the trial. If negatively  
3 influenced the jury.

#### 4 Argument

5 In order to preserve appeal issues proper objections must be made  
6 the objections listed above were prejudicial and violated a right to a fair trial  
7 if these prejudicial objections were not in front of the jury a different  
8 outcome would be on the verdict form. This prejudice violated the 6th amend  
9 ment right to a fair trial. Allowing marco testimony and phone were prejudicial  
10

#### 10 Points And Authority

11 The state used misleading information to influence the jury to give a  
12 unjust verdict. To allow marco Kafalovich testimony to influence the  
13 jury with a lie violates due process when he stated hearsay of my  
14 alibi was questionable and not good. The prosecutor influenced the jury  
15 to bring a wrongful conviction it was not legitimate see Berger v United States  
16 295 US 78 the supreme court reversed his wrongful conviction because the  
17 prosecutor presented lies to a jury. The state in Anneke Anderson's case presented  
18 lies by marco Kafalovich and Ty King Jacob Werner the two stated a nurse gave  
19 them a bullet no nurse testified to such see ITAA6 page 1366 line 16 this was handed  
20 to me by a surgical nurse see ITAA5 page 1109 Jacob Werner a nurse handed me this.  
21 the state knew this was a lie and stated ITAA6 page 1367 line 20 this has  
22 been previously admitted by another witness. The state knew carl King was  
23 lying. The supreme court reversed Noye v. Williams 360 US 264 because the state  
24 knowingly presented lies to a jury. The court violated due process when she allowed  
25 hearsay testimony from marco Kafalovich which was a lie. Pursuant to NR 55.065  
26 hearsay is inadmissible unless the defendant had a prior opportunity to  
27 cross examine the witness I did not. Even though it's a lie the trial court  
28 shouldn't of allowed marco to testify.

1 pursuant to rule 804 the exception to hearsay is if there's former  
2 testimony. In this case it's not, because it's a lie. The 6<sup>th</sup> amendment  
3 right to confront a witness was violated, with the hearsay lie man  
4 testified see Crawford v Washington 541 US 36 the United States Supreme  
5 court reversed his conviction because the defendant did not have a <sup>previous</sup> ~~prior~~ <sup>is</sup>  
6 opportunity to cross examine his witness. The state violated his 6<sup>th</sup>  
7 amendment right to confront a witness against hearsay which violates  
8 equal protection of the laws. The 14<sup>th</sup> amendment states no one shall be  
9 deprived liberty or justice without equal protection of the laws. I was  
10 denied this due process, when the trial court played a telephone call  
11 without proper authentication see NRS 52.075<sup>(2)</sup> it states the self  
12 identification must show the person being called this was not proven.  
13 The pictures the state admitted violates NRS 52.245 it was unfair  
14 prejudice because no one authenticated the pictures. I objected to.  
15 This violates the right to a fair trial guaranteed by the 6<sup>th</sup> amendment  
16 when the court allowed every objection to proceed. This also violated  
17 the 14<sup>th</sup> amendment due process and equal protection of the laws  
18 the trial court should of intervened with every objection that  
19 was made. I suffered a prejudicial trial, the only remedy  
20 is to reverse this judgement of conviction and grant  
21 a new trial on the authority of the 6<sup>th</sup> amendment  
22 right to a fair trial violation and the 14<sup>th</sup> amendment  
23 violation of due process and equal protection of the laws.  
24 see Napue v Illinois 360 US 264 see Berg v US 295 US 78  
25 This court must reverse.

1 Ground 29. A violation of Due process and equal protection of the  
2 laws 14<sup>th</sup> Amendment Prosecutorial misconduct. BY Bryan Schwartz  
3 During the trial of Arnold Anderson Bryan Schwartz violated my due  
4 process rights by giving misleading jury instructions and presenting  
5 lies to the jury. The prosecutor made misstatements of witness  
6 testimony which were lies. The record will reflect the pollution of trial.  
7 See TTAAS page 1102 I objected to him saying Excruciating pain this officer  
8 is not a doctor. This influenced the jury. See TTAAS page 1103 line 7 I objected  
9 to hearsay this witness is telling a hearsay story I deny. This lie influenced  
10 the jury see TTAAS page 1120 line 10-12 I objected to leading this misled the  
11 jury to lead the witness to what he want the jury to believe. This falacy  
12 misled the jury. See TTAAS page 1121 line 19 I objected to leading again  
13 because the state is saying things instead of asking questions this falacy  
14 misled the jury. See TTAAS page 1146 I objected to Rhonda Robinson statement  
15 someone tried to run over, she cant speak on those allegations. I deny a)  
16 involvement see TTAAS page 1130 line 15 I objected to hearsay I objected  
17 to Schwartz stating AJ the defendant thats not my Name. see TTAAS  
18 page 1130 line 21-25 this lie to the jury this is the suspect AJ the  
19 defendant. I denied being called AJ. This polluted the jury to refer  
20 to me as the suspect and AJ. I objected to the photo array it was  
21 suggestive See TTAAS page 1131 lines 1-11. The state continues to  
22 lead this witness into the testimony of the states see TTAAS page  
23 1133 line 14 I objected to leading the state said same car. I  
24 questioned this witness about the car she said the following  
25 Rhonda Robinson was asked do these photos match  
26 the car you described? She said NO see TTAAS page  
27 1149 line 22  
28

1 During trial Schwartz walked over to the witness stand to show  
2 Rhonda Robinson a picture I objected to state exhibit 61 No one  
3 testified to where the picture came from. see TTAAS page 1136 line 19-25  
4 see TTAAS page 1137 line 5 the court all he has to do is lay a foundation  
5 this picture magically appeared. It was not authentic or authenticated  
6 I stated it's prejudicial see TTAAS page 1137 line 21 the state said he  
7 don't have a response see TTAAS page 1138 line 13-24 the state leads this  
8 witness into a lie by saying you testified previously on October 23, line 14  
9 she stated yes sir. I objected on line 14 that she never testified at the  
10 preliminary hearing. This jury was influenced by her lying. see TTAAS page 1139  
11 line 24 I objected to the state leading this witness again to mislead the jury.  
12 see TTAAS page 1140 line 1 the state continues to lead this witness  
13 everything he say she agree with him & finally the court states I mean  
14 you are leading TTAAS page 1140 line 3  
15 ONCE Rhonda Robinson was confronted about the car she described did not  
16 match the exhibits. she go into a erratic behavior. TTAAS page 1152 line 23-25  
17 then on TTAAS page 1153 line 7 she start to say I feared Carmine life  
18 this rehearsed testimony influenced the jury I asked this court to stop this  
19 witness from going on and on TTAAS page 1153 line 5 these allegations  
20 influenced the jury. All of her statement was false.  
21 The trial get out of control  
22 This witness became hostile see TTAAS page 1154 line 2-22 I asked  
23 do she remember telling the police that she knew Terry to be in debt  
24 with people and she's paid his debts before. which mean anybody  
25 could have a conflict with the alleged victim if he's known  
26 for owing people money. The trial court should of stopped  
27 the witness testimony.  
28 see TTAAS page 11625 line 15-16 the state says how do we know

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1 he tried to kill him because he pointed a gun, these false allegations  
2 influenced the jury see TTAAG page 1185 line 2 the police report states she  
3 paid his debts before see TTAAG page 1185 line 1 she stated the suspect was  
4 chubby see TTAAG page 1185 line 25 I asked for a mistrial I don't match  
5 her description see TTAAG page 1205 line 21 I objected to the state saying  
6 you were in pain this appealed to the passions of the jury I objected to  
7 photos TTAAG page 1211 line 5 I objected to the state saying you seen the  
8 car after the hospital TTAAG page 1212 line 3 I objected to states exhibit 68  
9 TTAAG page 1214 line 1 line 23 I objected to the in court in the photo lineup  
10 was unconstitutional TTAAG page 1215 line 1  
11 Terry bolden changes story see TTAAG page 1231 line 11 did you tell Valenzuela  
12 you met some one because you were going to sell dope not because you  
13 were homeless see TTAAG page 1231 line 17 see police report TTAAG page  
14 514-517 he never mentioned he was homeless I deny both allegations.  
15 Terry bolden description do not match his voluntary statement see TTAAG  
16 page 519 hair short suspect is 5'7. I am 6'FT and bald headed  
17 the description of a suspect is not the same as the people in the  
18 lineup Terry bolden is questioned about the car TTAAG page 1229 line 7  
19 he said car is a Camry or Camaro The court prevented me from cross  
20 examining him about being in debt with people it would show more  
21 suspects I am not one of them TTAAG page 1231 line 6 After numerous  
22 times prosecutor Schwartz was told to stop reading he did it anyway  
23 I objected see TTAAG page 1451 line 4-5 even the court said you are  
24 leading this influenced the jury Officer Valenzuela already had a  
25 suspect in mind before Terry bolden was shown the lineup see TTAAG  
26 page 512 if I were to show you... then changes the subject 8-29-16  
27 the unconstitutional lineup was 8-29-16 I objected to hearsay TTAAG  
28 page 1413 line 23-25 hearsay violation polluted the trial

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1 The state lied to the jury by saying the investigator said he did it  
2 see TAA 8 page 1623 line 1 this lie influenced the jury the false  
3 statement marco gave was shots fired. I objected to this false  
4 hearsay see TAA 7 page 1414 line 6 this misled the jury and tainted the  
5 trial. The state lied again and said Terry boldens BRAINS were on  
6 the ground see TAA 8 page 1625 line 21 to present this lie to the  
7 jury no facts in evidence this was a blatant lie.

8 late motion the state filed a motion during trial it left me no time  
9 to respond. The state wanted to exclude ~~any~~ alibi picture this motion should  
10 of been denied. All of these facts mentioned violates due process

### 11 Argument

12 The court must reverse this conviction it's unlawful for the state to  
13 present lies to a jury, it's prosecutorial misconduct. it violated the  
14 14th amendment.

### 15 points and Authority

16 The trial court prevent the jury from knowing terry bolden is a drug addict  
17 and did not want his first story he told officers to surface that he were  
18 mere 4 for dope not a hotel room. The state prosecuted a lie, I deny both  
19 stories. This still violates due process. See Neil v. Wicker v state 106 nev 470  
20 796 p2d 224. The Nevada supreme court reversed his conviction because  
21 the alleged victim gave inconsistent stories. The state in this case  
22 failed to correct terry boldens statement it violates due process. it was  
23 misleading to the jury to influence them. The prosecutor presented lies  
24 to the jury saying boldens brain was on the ground a prosecutor is to  
25 refrain from improper techniques to obtain a conviction, not Bryan  
26 Schwartz he lied to the jury to get a unlawful conviction  
27 see Berger v United States 295 US 78 the supreme court reversed  
28 his conviction for the state because it misled the jury.

1 Schwartz presented lies in his closing argument presented lies by saying  
2 TTA 8 Page 1620 line 25 TERRY said he knew he did not he said short hair.  
3 TTA 8 page 1628 line 6-7 the state said you heard it from his daughter  
4 that I committed this crime he lied I could not respond. See Mahan v State  
5 104 Nev 131 the Nevada supreme court reversed for improper remarks by the state  
6 to inject lies into trial violates due process. See Napue v Illinois 360 U.S. 264  
7 the United States supreme court reversed for the due process violation.  
8 the state presented lies marco said Anderson did it was a lie. The right to  
9 confront was violated. There is no previous testimony of such. This is  
10 prosecutorial misconduct to present lies to a jury. The state is not allowed  
11 to inject his personal opinion Schwartz stated TTA 8 page 1620 lines 17-18  
12 let's think about this for a moment the first time he see them is in court  
13 the court reversed this judgement of conviction see State v Murray 113 Nev  
14 11, 930, P2d 121 see Roger Lapage v US 231 F3d 488 see Aesop v State 102 Nev  
15 316 the learner he was inadmissible when he said Baldens brains are on  
16 the ground NRS 51.065 to present a lie was unconstitutional. The state offered  
17 false evidence see Blufford v Hayes 9th circuit 399 F3d 972 to mislead  
18 a jury violates NRS 48.035 lies are jury that prejudiced the defendant  
19 the state filed a motion during trial NRS 174.125 states motions filed not less  
20 than 10 days it should be filed. IT left me no time to respond. The state also  
21 misled the jury by saying allegations he tried to kill him because he aimed  
22 a gun. I deny all allegation the state failed to properly instruct the jury.  
23 on NRS 193.030 NRS 200.010, NRS 200.030. Based on all of these errors  
24 I suffered a unlawful conviction. The only remedy is to grant a new  
25 trial for the due process violations of the lies the state presented  
26 to get a unlawful conviction Brains on the ground and his daughter  
27 said he did kill false. I ask this court to reverse this judgement  
28 of conviction on the authority of the 14th amendment violations

1 Ground 30 Violation of due process 14<sup>th</sup> amendment prosecutorial  
2 misconduct BY BINU PALAI. 6<sup>th</sup> amendment violation Right to a  
3 fair trial.  
4 During trial BINU Palai violated due process during trial. I objected  
5 to the misconduct this prosecutor presented fallacy to the jury.  
6 The state lied to the jury and said MR. Anderson shot Terry Bolden IN  
7 his opening statement I objected see TTA 5 page 1088 line 9 this was  
8 prejudicial, the state said this female handed MR. Anderson the firearm  
9 I objected see TTA 5 page 1089 line 14 there wasnt a foundation for this  
10 hearsay picture and this lie was the state presented to the jury was  
11 prejudicial AND misled the jury. These statements were not proven  
12 at trial because it's a lie.

### 13 The Doubtful Jury

14 If these jurors would of known Terry Bolden's multiple stories the act  
15 come would be different.  
16 See TTA 6 page 1198 line 12 How did you meet AJ? I deny being this suspect  
17 see TTA 6 page 1198 line 19 I objected to leading. Terry Bolden first  
18 story was he met the person to sell dope see TTA 3 page 516 this  
19 next story is he met a person because he was homeless see TTA 4  
20 6 page 1199 line 14 the state ask were there strings attached?  
21 line 17 the court said say yes or no TTA 6 page 1199 I dont  
22 want to get into details. This was said to mislead the jury  
23 to think Terry Bolden was allegedly injured over a hotel  
24 payment instead of Narcotics that he owe money  
25 for. I deny both allegations, the state used the  
26 other story to get sympathy from the jury.

1 The prosecutor prosecuting multiple inconsistencies in injuries  
 2 The police report states it was confirmed that Terry Bolden  
 3 had been shot once in his stomach see TIAA1 page 7 the next  
 4 story the state allege he was shot 3 times see TIAA5 page 1086 line 15-16  
 5 During trial the wounds of Terry Bolden increase to five see  
 6 TIAA6 page 1202 line 14 Terry Bolden states yes he actually shot  
 7 me five times. No doctor testified to any injury.  
 8 Issue addressed about multiple stories of wounds  
 9 I addressed the court about credibility of wounds because the police  
 10 report said once. B. No. Patel said 3 times. Terry Bolden said 5  
 11 times. The trial court said so what. See TIAA 2 page 371 the trial  
 12 court said so what if someone said multiple times and someone said  
 13 once. No one knows. This was prejudicial to prosecute multiple stories  
 14 I objected to photo see TIAA6 page 1204 line 10 No foundation.  
 15 I objected to the state saying he was pain TIAA6 page 1204 line 18-21  
 16 I objected to Terry Bolden showing a scar TIAA6 page 1209 line 19  
 17 there wasn't any doctor testimony to say how the scar got there  
 18 or date of injury. This was prejudicial. I objected to  
 19 no proof by medical about scar TIAA6 page 1210 line 7-9  
 20 I objected to TIAA6 page 1211 lines. No foundation to exhibit 49 & 59  
 21 I objected to TIAA6 page 1214 line 22 No foundation in court I  
 22 objected TIAA6 page 1215 it was suggestive. I objected to TIAA6 page 1217  
 23 the person he speak of is not on trial. It was inadmissible hearsay. See TIAA6  
 24 page 1260 line 8 I objected to the inadmissible hearsay phone call  
 25 and statement by the prosecutors investigator it's prejudicial.  
 26 The court knew it was prejudicial to allow the investigator to  
 27 come and lie at trial. See TIAA6 page 1261 line 20 the  
 28 court I mean everything that comes in is prejudicial

1 TTAA6 page 1261 line 23 the court the prejudicial value being  
 2 outweighed by the probative value line 25 the state said  
 3 let me do this. He knew it was extremely prejudicial to  
 4 allow the phone call and the false hearsay by his investigator.  
 5 False evidence the witness states this is a blood stain  
 6 I objected TTAA6 page 1342 line 21 the stain was not tested.  
 7 I objected to TTAA6 page 1334 line 21 Brooke Cornell stating  
 8 he was in critical condition possible homicide, to state terrible  
 9 condition this was said to appeal to the passions of the jury  
 10 she's not a doctor. Facts not in evidence say it's blood TTAA6 page 1347  
 11 line 24. This was prejudicial to offer testimony to mislead the jury.  
 12 Two people 1 Bullet Fallacy. During trial two people lied and said  
 13 a nurse gave them the same bullet on different occasions. see TT  
 14 AA6 page 1367 line 15 I objected to the bullet No foundation of  
 15 who gave it. The nurse was not present to testify. Caitlyn King said she  
 16 gave her this bullet TTAA6 page 1366 line 16-18 the state knew this was  
 17 a lie he stated TTAA6 page 1367 line 19 this was already  
 18 admitted under another witness Jacob Werner. see TTAA5 page 1109  
 19 line 21-25 Jacob Werner this was handed to you by medical? Yes  
 20 what is this? exhibit 58. The bullet within a container.  
 21 Once Caitlyn King was asked about the bullet again she told  
 22 a different story see TTAA7 page 1378 line 12-13 once she gave  
 23 it to you did she tell you where it came from? No she did not.  
 24 Caitlyn King stated a surgical nurse gave her the bullet see TTAA6 page  
 25 1366 line 16-18 two different stories. The state misled the jury  
 26 to think these two witnesses received a bullet, this was  
 27 a lie and the nurse in question was not present to  
 28 testify to the story.

1 That hearsay violated the right to a fair trial to knowingly  
2 present a lie to the jury.

3 The next lie presented to the jury

4 The state prosecutor Binu Palal said Marco Rafalovich said  
5 I shot somebody this was a complete lie. see TTAA 8 page  
6 1645 line 13 that was false to mislead the jury.

7 Marco Rafalovich false testimony was shots fired  
8 by her father see TTAA 7 page 1444 line 7 (I deny his lie.)

9 Marco was questioned about this lie (I deny) I asked  
10 was the statement recorded or written down he said NO  
11 see TTAA 7 page 1442 line 15-18 this false testimony  
12 influenced the jury. IF these were not presented to the jury  
13 the verdict would of been not guilty.

14 Argument

15 The prosecutors misconduct was extremely prejudicial  
16 when Binu Palal presented lies to the jury to obtain a  
17 guilty verdict. see Blufford Hayes v. Jill Brown 9th

18 Circuit 399 F.3d. 972. This case was reversed because  
19 the prosecutor presented lies to the jury. Marco Rafalovich  
20 presented false testimony which is a lie and violates

21 rules of evidence and the confrontation clause 6<sup>th</sup> amendment  
22 this alleged witness the state speak of was never served

23 a subpoena and absconded probation months before  
24 trial. see TTAA 5 page 1066. The court ask do you have a  
25 material witness warrant NO we dont (state) see TTAA

26 5 page 1065 line 7. To offer testimony as evidence and  
27 say Marco is stating which she said violates the  
28 Confrontation clause and violates hearsay rules

1 Rule 904. It must be a prior testimony on record. There  
2 is not. The state presented a lie to the jury to say I  
3 shot Terry Warden was a lie. It violates due process  
4 see Napue v Illinois 360 US 264 The court reversed this  
5 case because the prosecutor presented lies to the jury it  
6 violated due process. The state knew Terry Warden story was  
7 questionable at first he stated he owe money for drugs then  
8 the story changed to he owe money for a hotel room I  
9 deny involvement in any story, the state did not correct his  
10 version of events. The state prosecuted me under a lie, see  
11 Wallach v State 106 Nev 470 where the victim changed  
12 her story that at first her clothes were taken off then she  
13 changed her story to her clothes had been ripped off, the  
14 court reversed his convictions. In my case the state presented  
15 pictures I objected to the phone call I objected to. This was  
16 unlawful tactics. and should be reversed see Berger v US 295 US 781  
17 the prosecutor injected his opinion in trial, the court reversed his  
18 conviction. In my case the prosecutor lied and stated Marco  
19 said I shot the victim was a lie. see Mosphy v State 102 Nev 316  
20 the court reversed his conviction because the state injected his opinion.  
21 see Crawford v Washington 541 US 36 the court reversed his conviction  
22 because he did not have a previous opportunity to cross examine a  
23 witness. In my case its Marco Ratalonch statement the lie he  
24 told the jury. Due to all of these violations by the prosecutor  
25 I suffered a guilty verdict from the lies the state  
26 allowed during trial. The only remedy is to reverse this  
27 conviction on the authority of the 14th amendment  
28 due process violation and Napue and grant a new trial

1 Ground 31 Abuse of Discretion A violation of The  
2 14<sup>th</sup> amendment equal protection of the laws

3 The trial court abused its discretion during trial while  
4 holding court hearings.

5 It offends my sense of fairness the trial court stated see ITAA2 page

6 331. see ITAA2 page 326 line 24 You file a alibi motion

7 and I determine it doesn't meet statutory requirements I will

8 strike it. see ITAA2 page 327 line 1 and you will not be able to

9 call that person as a witness.

10 The court discouraging remarks

11 see ITAA2 page 327 line 22 You don't get to do a bench

12 of stuff if I let you represent yourself.

13 Trickery TO Deceive me

14 see ITAA2 page 351 line 1 the court You didn't do it is your

15 defense right. I did not do it. You know there could be other

16 defenses that might be appropriate to bring up right?

17 There's no other defense but I didn't do it when I pled

18 Not guilty.

19 Limine motion

20 The state filed a motion in limine during trial see ITAA4

21 page 763 I did not have any time to respond the court heard

22 the motion the minute it was filed in open court.

23 The trial court tricked me out of the witness stand

24 see ITAA2 page 350 line 6-7 the court I mean they may be able

25 to bring in some felons beyond ten years. NES 50.095 say

26 otherwise.

27 The court could not stand to watch videos of evidence

28 see ITAA4 page 800 line 18 I will not watch 40 minutes of video

1 because you can't give it up. This was crucial evidence  
2 needed for trial. I didn't have the leisure to watch  
3 the videos. I don't have a dvd player.

4 Prejudicial Picture

5 see TTAAS page 1136 line 4 the states exhibit 61 I objected  
6 to the photo for lack of foundation and prejudicial  
7 value. the state walked over to the witness stand  
8 showed the witness a picture before it was published no  
9 one testified as to where this picture came from.

10 see TTAAS page 1137 line 19 I stated its prejudicial  
11 see TTAAS page 1137 line 21 the state responded I don't  
12 have a response to that. The court abused its discretion  
13 by allowing this photo without any authentication of  
14 who took the picture.

15 The Jury was not supposed to know I was in Jail.

16 see TTAAS page 1207 line 11 I stated I've been in Jail  
17 a whole year because of you lying on me. The trial court  
18 should of gave a mistrial. see TTAAS page 1211 line 5 I objected  
19 to states exhibits 49, 54.

20 Prejudicial Juror

21 see TTAAS page 870 line 23 I said I object to juror # 5  
22 April Griffin. The court what's your objection? I stated

23 see TTAAS page 871 her husband is a police. The court so what  
24 Rhonda Robinson heard phone call prior to trial

25 see TTAAS page 1140 line 21 you listened to this phone call  
26 prior to trial see TTAAS page 1140 line 23 yes I did.

27 see TTAAS page 1141 the phone call was made ~~then~~ played  
28 during trial before it was authenticated, she was able

1 To prepare which was prejudicial to rehearse testimony. The call  
2 operator was not present to testify.

### 3 Hostile witness

4 See TTA46 page 1153 line 3. If you can stop the witness  
5 she became extremely hostile on the stand when she was  
6 confronted the judge should have given a mistrial.

### 7 The jury was contaminated

8 During voir dire I made a mistake by saying I'm accused of  
9 charges in another courtroom see TTA45 page 1021 line 19-21  
10 after the jury heard this that same panel should have been excused  
11 but was not see TTA45 page 1022 line 6 were going to take a short  
12 recess

13 The following took place see TTA45 page 1023 line 3-8 the court  
14 I think that's prejudicial to you but I'm telling you you open  
15 this door you're going to have to walk through it and you  
16 can't get a mistrial or get a new panel after you contaminate  
17 them. You want to tell this jury you have prior bad acts and  
18 prior arrest - I stated that's not what I was getting at  
19 The court you just told them

20 Defendant I said accused

21 The court, it doesn't take a Einstein to figure out you had  
22 other charges pending. This court knew of the contamination  
23 and knew of the remedy which was to select a new panel,  
24 but did not this was prejudicial and the trial court  
25 abused its discretion by forcing me to trial with a  
26 contaminated jury panel.

27

28

## Argument

The trial court knew of the jury panel possibility of being a risk of being biased they were, the verdict came back guilty because they were pre biased. They should of been replaced. I suffered a unjust verdict.

## points And Authority

The right to a fair trial was violated when the trial court did not correct the panel of jurors. The 6<sup>th</sup> amendment states a trial by an impartial jury. The court misled me when it stated the state could use felonies older than 10 years, however NRS 52.253 states evidence of a conviction is admissible under this section if a period of more than 10 years has elapsed. (2)(b). The date of release of the witness from confinement. This case must be reversed because states exhibit 4954 was not authenticated. A picture not being authenticated is the same as presenting false evidence, a violation of due process. The 14<sup>th</sup> amendment another violation of due process, the state filed a motion in limine during trial, I was deprived the right to respond, NRS 174.124 (2)(a) states all motions subject to provisions of subsection (1) must be made in writing not less than 10 days notice to the opposite party. The state filed this motion during trial. The trial court denied me due process and I suffered a 14<sup>th</sup> amendment due process violation. A right to a fair trial was violated with all of the mentioned above. Failure to allow me the video access misleading me about taking the witness stand. The only remedy is to reverse this judgement of conviction and grant a new trial for the violations of the 6<sup>th</sup> and 14<sup>th</sup> amendment violations.

1 GROUND 32 The Trial court violated Judicial

2 Code of Conduct CANONS-14<sup>th</sup> Amendment due

3 process and equal protection of the laws

4 During trial the trial court violated its judicial duties, the  
5 record will reflect.

6 CANON 1 Rule 1.1 Compliance with the law, a Judge shall

7 comply with the law including the code of Judicial conduct.

8 The trial court did not comply with the law when Arnold Andersen  
9 was sentenced. The record reflects

10 See TTAA 2 page 360 line 16-18 You have to go to trial on both  
11 charges and you could be convicted of both, Now I would not  
12 sentence you on both. This court knew the charges are attempt

13 murder and Battery causing substantial harm, were duplicate  
14 allegations. The court knew legislative intent that one is not  
15 to receive multiple punishments for the same offense.

16 See TTAA 8 page 1805 line 17-23 multiple punishments for same  
17 allegations. The court sentence was 8 to 20 years consecutive  
18 to another 8 to 20 years that was count 1. Count 3 was  
19 4 to 10 years Battery with weapon causing substantial bodily  
20 harm consecutive to the attempt murder charge count 1.

21 The trial court violated Canon 2

22 Rule 2.3 Bias and Prejudice and harassment, A Judge  
23 shall perform the duties of judicial office including  
24 administrative duties with out bias or prejudice.

25 See TTAA 2 page 343 line 10 the court like I said I'm

26 going to bring you along kicking and screaming if I  
27 have to do you understand that? Defendant, What do

28 you mean? The court it mean I'm not going to stop

1 The court even if you say oh, I got to research, I'm going  
2 to say NO I told you  
3 TTAA 2 page 343 line 18 the court were going to go forward  
4 whether you like it or not, TTAA 2 page 343 line 24  
5 The court- you also understand you're not going to be able to  
6 bring a bunch of law books in here.  
7 To inform a proper defendant you can't bring in legal  
8 material is prejudicial  
9 More Prejudice  
10 See TTAA 3 page 642 line 22 the defendant, I haven't  
11 received any opposition from the state about the motions  
12 on file. The court's response I don't need an opposition from  
13 the state to rule on these, TTAA 3 page 642 line 24-25  
14 Bias statement made during canvass  
15 See TTAA 2 page 320 line 3-4 It's not in your best interest  
16 See TTAA 2 page 322 line 7-8 do you understand how bad a  
17 decision that could be for you you understand?  
18 The next canon violation Deorum and communication  
19 with jurors CANON 2 RULE 2.8(c) A judge shall not  
20 commend or criticize jurors for their verdict other  
21 than in a court order or a opinion in a proceeding.  
22 See TTAA 8 page 1647 line 14-15 the court I want to  
23 thank you very much for your willingness to serve.  
24 See TTAA 8 page 1647 line 16 thank you again very much  
25 again if I don't see you Ms. Mateo thank you very much  
26 See TTAA 8 page 1653 line 10-12 at this time ladies  
27 and gentlemen I'm going to discharge you from your service  
28 As jurors before I do excuse you I want to extend my gratitude

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1 and thanks to you once again. You worked very hard to  
2 come to a verdict I want to extend my thanks to you  
3 for your willingness to do that.

4 See TTA 8 page 1654 line 5-14

5 You're going to be discharged, I will come back there  
6 and PERSONALLY thank you I thank you very very much  
7 for your willingness to be here, for your patience throughout  
8 this process and for your very clear hard work in reaching  
9 this verdict today thank you very much. The trial court was  
10 wrong for congratulating jurors and thanking them repeatedly.

11 Another Decorum Violation

12 See TTA 2 page 371 line 3 so what if some said he was  
13 shot once so what if some one said he was shot multiple  
14 times, so what, I received this decorum instead of the  
15 trial court addressing the INCONSISTENCY IN INJURIES.

16 The next canon violation is canon 2

17 Rule 2.10 Judicial statements on pending and impending cases

18 ⑤ A judge shall not in connection with cases controversies or  
19 issues that are likely to come before the court make pledges promises  
20 or commitments that are inconsistent with impartial performance  
21 of the adjudicative duties. This canon was violated when the trial  
22 court stated. See TTA 2 page 357 line 5 I'm glad you're facing  
23 habitual treatment. see TTA 2 page 358 line 18 you will also  
24 be facing life with the possibility.

25 The court made a threat

26 See TTA 2 page 359 line 12 the court if you are convicted  
27 of one felony you are facing life without parole or life  
28 with the possibility of parole or a term of 25 years

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1 see ITA 42 page 359 line 5 the state if he's convicted of  
2 multiple your honor, the state would potentially ask you to run  
3 multiple sentences consecutive.

4 The court see ITA 42 page 359 line 8 that's true I mean  
5 that is true see ITA 4 page 788 line 14-17 the court you  
6 understand your facing habitual treatment if convicted  
7 which mean you are facing life with out the possibility  
8 of parole. see ITA 4 page 748 line 23 the court if you go  
9 to trial your maximum exposure is life with out parole.  
10 all of these threats were made with out even having  
11 a adjudication of habitual criminal.

12 Argument

13 This judicial conduct violates judicial code of  
14 conduct. I ask that this court reverse this judgement  
15 of conviction for stating extreme bias

16 points And Authority

17 The right to a fair trial was violated by way of  
18 the 6th amendment. The right to due process and  
19 equal protection of the laws were violated with  
20 threats of life and misleading me into not taking  
21 the witness stand, to threaten me with if  
22 convicted of one felony is life shows this trial  
23 court was bias. on the authority of the 6th  
24 amendment and 14th amendment, the remedy  
25 I seek is for this court to reverse this judgement  
26 of conviction and grant a new trial I  
27 suffered due process violations, and equal  
28 protection of the laws I request a new trial

1 Ground 33 6th Amendment violation RIGHT TO adequate  
2 counsel. Sandra Stewart was ineffective on Direct Appeal  
3 Sandra Stewart was assigned to do the direct appeal on  
4 December 7, 2017. she filed the direct appeal and failed  
5 to bring up the issues I wanted to raise in my appeal. she  
6 was ineffective appeal counsel she lied in the appeal  
7 and said I was talking to my daughter, I denied it  
8 and she lied. Her letters indicate don't write long  
9 letters only make the letters 1 page. she failed to  
10 communicate with me about my appeal.  
11 Sandra Stewart was ineffective on direct Appeal.  
12 1. on 9-A her petition for rehearing say I was talking  
13 to my daughter she lied see exhibit A Sandra Stewart's  
14 letter she knew I said I was not talking to my daughter  
15 in the jail phone call see TTAAS page 1063 line 18 the court  
16 tell us who you called. line 21 who was it, I stated a friend.  
17 line 20 it wasn't her I did not say Arndae Jay Anderson.  
18 see TTAAS page 1062 line 23 I stated I didn't say anything  
19 in reference to Arndae Jay Anderson. Name at all.  
20 2. IN the petition for rehearing dated 9-19 she states  
21 I don't challenge preponderance, ON page 5. I challenge  
22 every issue in this case, see exhibit B she states on page  
23 4 of her letter don't write long letters make one issue or two  
24 and write it on one piece of paper, how could I write  
25 a defense on one sheet of paper? this is ineffective she  
26 never talked strategy to me at all ever.  
27 3. on her petition for rehearing dated 11-27-19 she made the  
28 error saying Anderson's girlfriend said shooter

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1 The appeal court would assume this error was evidence and rule other wise  
2 Sandra Stewart lied in her petition for rehearing when she stated  
3 on 11-27-19 page 5 that Anderson's daughter said he was the shooter there  
4 is No testimony of this lie. Sandra Stewart lied to sabotage MY appeal. The ONLY  
5 recorded statement of ArndaeJae Anderson states I was in California  
6 at the time of this alleged shooting. see exhibit C Sandra Stewart failed to  
7 be effective on direct appeal she failed see the Nevada supreme court  
8 order dated September 5, 2019 She failed to challenge the admissibility of  
9 Marco Rafalovich statements to the evidentiary statutes, she failed to  
10 address the charges of attempt murder and battery causing substantial  
11 bodily harm as double jeopardy in her 11-27-19 petition for rehearing motion  
12 She failed to address the Nevada supreme court order dated 2-20-20 denying  
13 rehearing. The writ said victims plural as if multiple victims. the record  
14 reflect there is ONLY one alleged victim. she failed to attend oral  
15 argument on 2-20-19 She had another attorney attend one who is not  
16 familiar with this appeal. she failed to bring up Caitlyn King's false  
17 evidence as testimony, she failed to bring up the unconstitutional  
18 line up. she failed to bring up Laura Brooke Cornell false evidence as  
19 testimony. she failed to address Jacob Werner saying a nurse gave  
20 him a bullet the same testimony as Caitlyn King said the same nurse  
21 gave her the same bullet. she failed to address the preliminary  
22 hearing lack of probable cause, she failed to address No arrest  
23 warrant, she failed to address unlawful detention she failed to  
24 address unlawful search or the search warrant issues. If Sandra  
25 would of challenged these issues I would of  
26 got a reversal  
27  
28

- 1 18. She failed to address Rhonda Robinson's incredible testimony.
- 2 14. She failed to bring up Terry Bolden's incredible testimony, his
- 3 two different stories, 15. She failed to attack suspect description.
- 4 16. She failed to attack Speedy trial right the record shows I did
- 5 not waive it. See ITax page 149.
- 6 17. She failed to address all ineffectiveness of Ken Frizzell.
- 7 18. She failed to bring up all discovery issues.
- 8 19. She failed to address Michael Khawke's testimony, he's not a specialist.
- 9 20. She failed to bring up me being prosecuted by two prosecutors.
- 10 21. She failed to address judicial conduct of trial court.
- 11 22. She failed to address abuse of discretion issue.
- 12 23. She failed to address Margo Reta's testimony as inadmissible
- 13 evidence. 24. She failed to address jury issues.
- 14 24. Failed to address misleading jury instructions.
- 15 25. Failed to address Vanessa Turley, juror #6 met the da Schwartz
- 16 before. 26. She failed to address the clerk saying I was guilty
- 17 of the charges, this was a lie the clerk told the jury I pled not guilty.
- 18 27. She failed to address the juror who wrote dick in his
- 19 notebook. 28. She failed to address juror questions being ignored.
- 20 29. She failed to bring up any objections I made.
- 21 30. She failed to address insufficient evidence to support verdict.
- 22 31. She failed to address prosecutorial misconduct by Brian Pala.
- 23 32. She failed to address prosecutorial misconduct by Bryan Schwartz.
- 24 33. She failed to address someone else is convicted of the allegations.
- 25 34. She failed to address me being on suicide watch during trial.
- 26 If she would of addressed only of these issues to the appeal courts
- 27 and acted as an advocate for Arnold Anderson the outcome
- 28 would be different.

## Argument

Sandra Stewart denied me access to the court by lying when she said my girlfriend said I was the shooter this was a lie. She lied when she said I was talking to my daughter the record show I never said that she made it impossible to talk trial strategy when she said write 1 or 2 issues on 1 sheet of paper why would a lawyer tell your client something like this? she did this appeal with what she thought was the bare minimum and failed to go to the highest level of appeal. Her failure to address the confrontation clause to the United States Supreme Court was ineffective, and left this appeal in a dangerous nature the court was misled with her lies, she sabotaged my appeal. The Nevada Supreme Court said there are no laws on the confrontation clause in Nevada, why didn't she go to the next level of appeal if she would of not lied I would of received a reversal she failed to bring up my issues.

## Points And Authority

The sixth amendment states one is to have effective counsel, Sandra Stewart lied to the court which led to a denial of justice see Brown v Craven 424 F.2d 1166 the defendant was denied effective counsel the court reversed his conviction. This appeal counsel was ineffective a conflict existed when she told me to bring up 1 or 2 issues on 1 sheet of paper and don't write long letters. Her next actions made it impossible to talk about appeal issues she denied me justice see Clark v State 108 Nev 1992 this counsel was ineffective the court reversed for the 6th amendment violation. I suffered denials on my appeal the 6th amendment was violated. The only remedy is to reverse this conviction for a new trial on the authority of the 6th amendment.

1 right to adequate counsel.

2 Ground 34 Violation of Due process Gilberto Valenzuela  
3 offering false evidence. 14<sup>th</sup> Amendment violation

4 During trial Gilberto Valenzuela offered false evidence as  
5 testimony. If he didn't do so the outcome would be not guilty.

6 See TTA 7 page 1470 line 25 He said I assigned detectives to  
7 interview some victims the only alleged victim is Terry Belden

8 These small details can wrongfully influence the jury. See TTA 7 page  
9 1472 line 11 State what did he look like at the time? Valenzuela

10 stated he was groggy in pain, I objected line 15 this was a seed by  
11 the state to mislead the jury. TTA 7 page 1472 line 16-19 the state:

12 I actually agree your honor I'll stipulate to the striking of the  
13 record. This was misleading to have Valenzuela say he was in pain  
14 the trial court did not tell the jury to disregard that testimony, they  
15 can not unhear what they already heard.

16 See TTA 7 page 1469 line 14-16 And you said the blood splatter went  
17 some place, Valenzuela upstairs. This officer is testifying to stuff  
18 not in evidence, this blood was never tested.

19 Hearsay by Valenzuela

20 See TTA 7 page 1488 line 15 the state did Terry or Rhonda  
21 approach you regarding a female? Valenzuela Yes they did.

22 See TTA 7 page 1488 line 18 based on that did you take any action

23 See TTA 7 page 1488 line 19 Yes a person who handed me Anderson  
24 a firearm during the incident. I objected to this as hearsay see

25 TTA 7 page 1489 line 23-25 this statement violated hearsay  
26 and the state allowed the jury to hear hearsay the female is

27 not on trial. This is the state allowed the jury to hear

28 was prejudicial and not proven.

1 Phone call improper And prejudicial  
2 Gilberto valenzuela testified to a Jail call it was prejudicial  
3 And Not authenticated. Now the jury knows I was in Jail.  
4 See ITAA7 page 1491 line 8 was that a Phone call made  
5 by the defendant?  
6 see ITAA7 page 1491 line 10 yes it was  
7 see ITAA7 page 1491 line 11 I objected  
8 see ITAA7 page 1491 line 19 is every call made by an  
9 inmate associated with that particular inmate line 21 yes  
10 I am sure the jury knows inmate mean one whose  
11 incarcerated, and I'm in Jail. The jury should not know  
12 I am in Jail now the presumption of innocence is gone.  
13 The Prejudicial Photo Array  
14 in any investigation a officer is to do a double blind  
15 photo array to where the officer doing the photo array  
16 does not know the identity of the suspect, valenzuela  
17 did ~~the~~ unconstitutional photo array himself,  
18 see ITAA7 page 1494 line 10-14 defendant ask can you explain  
19 what a double blind photo array consist of? see ITAA7 page 1494  
20 line 14 valenzuela is when you get a detective that's  
21 not associated with the case to conduct a six pack.  
22 Yes the investigating officer  
23 see ITAA7 page 1494 line 7 you the investigating officer?  
24 see ITAA7 page 1494 line 9 yes he stated he did the  
25 photo array and the officer is not to know the identity  
26 of the suspect he did the photo array. see ITAA7 page 1495 line  
27 5 I chose to do the one I did. This proves it was  
28 unconstitutional and biased.

1 with pictures of black males that were not the same skin color  
2 or of men who was bald, no one had short hair. There's a big  
3 difference in short hair or bald.  
4 Valenzuela did not find any evidence to link anyone to a crime  
5 when the camaro was searched  
6 see ITAA 7 page 1582 line 13 did you find a firearm? No I did  
7 not line 16  
8 Terry Bolden stated two different cars Camry or Camaro see ITAA 3 page  
9 518  
10 Arnold Andersons car do not match the description see ITAA 7 page 1582  
11 line 19 when you viewed the camaro does it look a hundred percent black  
12 Detective Valenzuela No. This was obviously the wrong car I objected  
13 to the state leading Valenzuela see ITAA 8 page 1599 line 18 you didn't  
14 impound the car so that a higher probability of getting the registered  
15 owner? ITAA 8 page 1599 line 25 I objected to leading. This influenced  
16 the jury.  
17 This officer blatantly lied in front of the jury Valenzuela was  
18 asked how long do you have to write a police report? he stated on  
19 attempt murder there isn't one see ITAA 7 page 1587 line 2 This  
20 misled the jury, the requirement for a B felony is 4 years. The next  
21 lie Valenzuela told the jury was the police report was  
22 written the same day. see ITAA 7 page 1587 line 10 this was  
23 a lie. The police report was written over a 14 day period  
24 see ITAA 1 page 8 and 11 page 8 has the date of 8-23-16  
25 page 9 say 9-5-16. he lied again his arrest report, he said  
26 I was arrested at 321 N. 14<sup>th</sup> street see ITAA 1 page 8 arrest location  
27 see ITAA 7 page 1592 line 23-25 did you arrest me on 8-23-16  
28

1 NO.

2 This false testimony was prejudicial.

3

### Argument

4 This officer testified falsely his lies were prejudicial to help  
5 the state get a unlawful conviction. Presenting false evidence  
6 as testimony violates due process and equal protection of the laws.  
7 if he did not present lies to the jury the verdict would be not guilty.

8

### Points And Authority

9 These lies misled the jury, the photo lineup was unconstitutional  
10 and suggestive. see People v Rolison 141 mis 2d 318 533 NY this case  
11 lacked fact finding to identify a suspect. officer valenzuela offered  
12 testimony Terry balden was in pain, he's not a doctor this was inadmissible  
13 hearsay to get testimony of pain, see State v Purcell 110 Nev 1399  
14 the victim testified only to allegations of misconduct, the Nevada supreme  
15 court reversed his case for lack of evidence, insufficient evidence to  
16 support a conviction. see Martha Felix v State of Nevada 109 Nev 151 849  
17 12d the Nevada supreme court reversed his conviction for improperly  
18 admitting testimony about sexual abuse. It was misleading to the jury, the  
19 same in this case for the state to allow valenzuela to say  
20 someone allegedly gave me a firearm. A false statement. valenzuela  
21 should not testified about the phone call see NES 52.075 a call is verified  
22 by the number supplied by the phone company. Valenzuela do not work for  
23 the phone company. These prejudicial factors violated my right to a 6th  
24 fair trial and due process 14th amendment. I suffered undue  
25 prejudice. The only remedy available is to reverse this  
26 judgement of conviction and grant a new trial for a  
27 6th amendment fair trial violation and reverse on the  
28 authority of the 14th amendment equal protection of the law violation

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1 GROUND 35 A VIOLATION OF DUE PROCESS AND EQUAL PROTECTION  
2 OF THE LAWS 14TH AMENDMENT. EVIDENCE INSUFFICIENT TO SUPPORT  
3 VERDICT

4 During trial the state failed to support any element of any charge.  
5 On the criminal complaint. Insufficient evidence to support  
6 guilty verdict. The state called Terry Bolden a convicted felon and  
7 CSA agents who said they collected evidence. the items cannot be called  
8 evidence if the items were not tested. This is insufficient to support  
9 the verdict.

10 Terry Bolden's first story is he owe someone money for drugs see ITAA  
11 3 page 516 The next story is he owe money for a hotel room see ITAA 1 page  
12 56.

13 Questionable Injuries

14 The first injury is it's confirmed Terry Bolden was shot once in  
15 the stomach. see ITAA 1 page 2 on August 23, 2016.

16 The next injury The state say 3 injuries head leg stomach see IT  
17 AA 8 page 1024 line 25

18 The third list of injuries go to 5. injuries

19 Terry Bolden states 3 times in leg head and stomach see ITAA 6 page  
20 1205 line 15

21 These injuries we brought to the trial court's attention. The trial court  
22 said so what see ITAA 2 page 371 line 3 so what if someone said  
23 he was shot once and someone said multiple times so what.

24 In the event any of the injuries were true a doctor or medical  
25 expert could of testified to such. The state did not call any medical staff.  
26 to trial. This is insufficient. I deny all allegations, of all injuries.

27 Terry Bolden was asked how many times he's been in the suspect  
28 car he stated 2 or 3 times see ITAA 6 page 1230 line 13-15

1 Laura Brooke Cornell collected items that were not tested AND offered  
2 false evidence see TTA 6 page 1353 line 25 AND you haven't analyzed any  
3 of the stuff you collected? No we don't do that see TTA 6 page 1354 line 2 she  
4 she offered that this is a trail of blood with out testing. This is  
5 insufficient evidence.

#### Ernest Larios

7 his statement is insufficient evidence, he stated a 30 year gap in  
8 the description of the suspects car see TTA 6 page 1240 line 24-25  
9 is it fair to say you seen a car 70's 80's 90's see TTA 6 page 1241 line 1  
10 yes. This is insufficient evidence to support the verdict.

#### Two People 1 bullet insufficient evidence

12 this is false testimony by Caitlyn King stated a nurse gave her  
13 1 bullet see TTA 6 page 1366 states exhibit 58. she stated it came  
14 from trauma. she lied on the witness stand, I asked her did the nurse  
15 say where the bullet came from? No see TTA 7 page 1378 line 1. This  
16 is insufficient evidence as much as it is a lie.

#### Jacob werner Testify To the same bullet

18 Jacob werner see TTA 6 page 1367 line 20 states exhibit 49 can you tell  
19 me what this is? I objected the state said it's previously admitted under  
20 witness Jacob werner. The state knowingly presented this lie to the jury  
21 Now Jacob werner said he received the bullet from a nurse see TTA 5 page  
22 1108 line 4 he stated yes this was given to me by medical see TTA 5  
23 page 1109 line 21-25 schwartz stated lets start with exhibit 58-59-60  
24 what is that? A plastic container, schwartz and is that what  
25 was given to you by medical? Yes. Caitlyn King and Jacob werner  
26 both swore under oath to tell the whole truth and nothing  
27 but the truth, one of them or both of them are lying  
28 about receiving 1 bullet.

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1 IT'S impossible for two people to receive 1 bullet at the same time. The  
2 state did not call this alleged nurse to verify either story. It's hearsay

### 3 Argument

4 The state called Caitlyn King who did not test ANY item she collected  
5 the state called Laura Brooke Cornell who testified none of the items  
6 she collected were tested in a laboratory. The state failed to call ANY  
7 medical staff to testify to ANY injury to Terry Bolden's alleged  
8 story. The staff failed to prove ANY elements of attempt murder  
9 the state failed to prove ANY elements of battery causing  
10 substantial bodily harm. The state knowingly presented lies to  
11 the jury when King stated she received the same bullet as Jacob  
12 Werner. NOT because it was a picture of two bullets it was  
13 the same bullet 1 picture. This violated due process. I suffered a unjust trial

### 14 Points And Authority

15 Both witnesses Caitlyn King and Jacob Werner testified to a lie about  
16 receiving 1 bullet. The state prosecutor knowingly presented lies to the jury  
17 the state said the bullet was already admitted by another witness That page  
18 1367 lines 8-20. This is insufficient evidence. see Napue v Illinois 360 US 264  
19 the state presented lies to the jury the US Supreme court reversed his  
20 conviction stating presenting lies to a jury violates due process. see  
21 State v Purcell 110 Nev 1389 the states only alleged victim testified  
22 to sexual misconduct with out evidence, the Nevada supreme court  
23 reversed his conviction because the state failed to present evidence  
24 the Nevada supreme court granted a new trial. Pursuant to NRS  
25 199.200 a statement of what one knows does not know  
26 to be true is false. This is perjury also see Blufford v Jill  
27 Brown 9th circuit 399 F.3d 972

1 The state violated due process by presenting false evidence  
2 to the jury. The state violated due process the 14th circuit Reversal  
3 his conviction. deliberate deception to obtain a conviction  
4 by presenting false evidence violates due process reversal is  
5 virtually automatic. The state presented testimony of blood as  
6 evidence that was not tested. The state allowed two people  
7 to say I received one bullet to deceive the jury. If the  
8 state did not present this false evidence I would of  
9 been found Not guilty. I suffered a violation of the  
10 14th amendment due process and equal protection of the laws  
11 and the right to a fair trial. The only remedy is  
12 to reverse this judgement of conviction on the  
13 authority of the 14th amendment violation and  
14 Napue v Illinois 360 US 264 and grant a new  
15 trial, the state failed to present physical evidence  
16 or a doctor, or a medical report to prove any  
17 injury I deny all allegations of these allegations  
18 of Terry Bolden being shot, the testimony at  
19 trial by the states witnesses is insufficient  
20 to support a conviction. I ask this court to  
21 reverse and grant a new trial on the authority  
22 of Napue supra and the 14th amendment violation  
23 of due process and equal protection of the laws.  
24 The only remedy is to reverse this judgement  
25 of conviction and grant a new trial for  
26 these constitutional violations  
27  
28

1 Ground 36 violation of 14<sup>th</sup> amendment

2 equal protection of the laws. The state presented  
3 marco Rafalovich statement which is inadmissible  
4 evidence

5 During trial the state allowed marco Rafalovich to  
6 say a statement which is inadmissible and a lie  
7 see ITAA 7 page 1414 line 7 He stated Anderson  
8 Anderson told him her father went down town  
9 to meet some one and shots were fired. he was  
10 asked was this statement recorded no it was not  
11 see ITAA 7 page 1422 line 15-16.

12 This was a lie and should be inadmissible,  
13 I objected to this story see ITAA 6 page 1260 line 12

14 The trial court knew this falacious statement  
15 should be inadmissible. see ITAA 6 page 1261 lines 20-25

16 I mean everything that comes in is Prejudicial, I think  
17 you run the risk of the probative value being substantial  
18 outweighed by the Probative value. The trial court  
19 knew this was wrong. see exhibit C her statement say I was in California

20 Argument

21 The trial court was aware that this was Prejudicial  
22 to allow this hearsay lie from marco Rafalovich  
23 to influence the jury. If he did not present this  
24 lie, the jury would of found me Not guilty.

### Points And Authority

marco Ratalebourch false statement violates federal and state rule of evidence 804.

The state presented this lie to the jury it violates due process and is inadmissible there isn't a recording of this statement because it's a lie.

See exhibit C her statement states I was in California at the time of this alleged shooting. A state prosecutor must not present lies to a jury, see Napue V Illinois 360 US 264 this case was reversed for a inadmissible

lie that violated due process. I suffered a unlawful conviction ~~due~~ to this inadmissible lie. The only remedy is to reverse this judgement of conviction and grant a new trial on the authority of a 14<sup>th</sup> amendment violation and Napue V Illinois supra.

I ask this court to grant a new trial for this 14<sup>th</sup> amendment violation of due process and equal protection of the laws.

## CONCLUSION

I ask this honorable court to reverse this judgement of conviction and grant a new trial due to constitutional violations. I suffered a unlawful conviction on the following grounds Ground 1 inadmissible evidence of marco Rafalovich hearsay and inadmissible evidence, a violation of the 6<sup>th</sup> amendment confrontation clause. Ground 2 6<sup>th</sup> amendment violation of inadequate counsel (Ken Frizzell). Ground 3 Redundant conviction a violation of the 12<sup>th</sup> and 14<sup>th</sup> amendment. Ground 4 suspect already convicted 12<sup>th</sup> amendment violation. Ground 5 false evidence due process violation 14<sup>th</sup> amendment equal protection of the laws. Ground 6 14<sup>th</sup> amendment violation of equal protection of the laws. Ground 7 lack of probable cause at the preliminary hearing 14<sup>th</sup> amendment violation; equal protection of the laws. Ground 8 unlawful detention a violation of the 4<sup>th</sup> amendment. Ground 9 Jacob Werner presented false evidence a violation of the 14<sup>th</sup> amendment due process. Ground 10 A violation of the 4<sup>th</sup> amendment No arrest warrant. Ground 11 untimely writ a violation of the 14<sup>th</sup> amendment due process. Ground 12 A 6<sup>th</sup> amendment violation of the right to a fair trial the clerk lied to the jury and said defendant is guilty. Ground 13 A 6<sup>th</sup> and 14<sup>th</sup> amendment violation. Micheal Khanke presented false evidence to the jury. Ground 14 two prosecutors should be one. violates due process 14<sup>th</sup> amendment. violation of the 6<sup>th</sup> amendment right to a fair trial. Ground 15 Juror questions ignored 6<sup>th</sup> amendment violation right to a fair trial, and a 14<sup>th</sup> amendment violation due process and equal protection of the laws. Ground 16 A 6<sup>th</sup> amendment violation of the right to a impartial jury, this juror wrote Dick in his notes a violation of equal protection of the laws.

- 1 Ground 17 14<sup>th</sup> amendment due process violation discovery issues  
2 violated. Ground 18 5<sup>th</sup> Amendment violation racial profiling & 14<sup>th</sup>  
3 amendment due process and equal protection of the laws. Ground 19  
4 conflict in car description 14<sup>th</sup> amendment due process violation  
5 Ground 20 14<sup>th</sup> amendment violation due process and 6<sup>th</sup> amendment  
6 right to confront witness. Ground 21 14<sup>th</sup> amendment violation equal  
7 protection of the laws. court failed to address mental health issues  
8 Ground 22 misleading jury instruction & 6<sup>th</sup> & 14<sup>th</sup> amendment fair  
9 trial and equal protection of the laws. Ground 23 Due process  
10 violation 14<sup>th</sup> amendment witness not subpoenaed. Ground 24  
11 6<sup>th</sup> amendment violation of speedy trial. Ground 25 14<sup>th</sup> amendment  
12 due process violation false evidence by Laura Brooks Cornell  
13 Ground 26 violation of 6<sup>th</sup> amendment fair trial violation jurors  
14 should of been excused. 14<sup>th</sup> amendment equal protection of the laws  
15 Ground 27 violation of the 4<sup>th</sup> amendment unlawful search  
16 and seizure. Ground 28 6<sup>th</sup> amendment fair trial violation  
17 objections made during trial. Ground 29 Prosecutorial misconduct  
18 by Bryan Schwartz a due process violation of the 14<sup>th</sup> amendment  
19 Ground 30 prosecutorial misconduct by bilingual violation of  
20 due process 14<sup>th</sup> amendment. Ground 31 Abuse of discretion a  
21 violation of 14<sup>th</sup> amendment due process and equal protection  
22 of the laws. Ground 32 Judicial code of conduct a violation of  
23 Canons 14<sup>th</sup> amendment equal protection of the laws. Ground 33  
24 ineffective counsel Sandra Stewart violation of the 6<sup>th</sup>  
25 amendment adequate counsel. Ground 34 Gilberto Valenzuela  
26 offering false evidence violation of 14<sup>th</sup> amendment  
27 due process. Ground 35 insufficient evidence to support  
28 verdict due process of laws 14<sup>th</sup> amendment. Ground 36

1 violation of the 14th amendment equal protection of the laws  
2 inadmissible evidence. Based on all of these constitutional  
3 violations I ask this honorable court to reverse  
4 this judgement of conviction and grant a new trial  
5 if these violations didn't occur I would be found not  
6 guilty, therefore I ask for a reversal of the  
7 judgement of conviction and grant a new trial,

8 *Wale Anderson*

9 Date 12-9-20.

10 I declare under penalty of perjury that the above  
11 is true and correct to the best of my knowledge.

12 *Wale Anderson*

13 12-9-20

1 All EXhibits ARE INCLUDED

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131 of 132

ARNOLD ANDERSON  
85509  
P.O. BOX 208  
Indian Springs NV  
89070

Master  
12/22/2020  
USPS® **POSTAGE \$0.01**  
Z1  
011F

RECEIVED  
DEC 24 2020  
CLERK OF THE COURT



3rd floor  
Clerk of the Court  
200 Lewis Ave  
Las Vegas NV 89155

PPOW

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Arnold Anderson,

Petitioner,

vs.

Jerry Howell, Warden SDCC,

Respondent,

Case No: A-21-827381-W  
Department 12

**ORDER FOR PETITION FOR  
WRIT OF HABEAS CORPUS**

Petitioner filed a Petition for Writ of Habeas Corpus (Post-Conviction Relief) on January 05, 2021. The Court has reviewed the Petition and has determined that a response would assist the Court in determining whether Petitioner is illegally imprisoned and restrained of his/her liberty, and good cause appearing therefore,

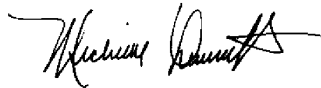
**IT IS HEREBY ORDERED** that Respondent shall, within 45 days after the date of this Order, answer or otherwise respond to the Petition and file a return in accordance with the provisions of NRS 34.360 to 34.830, inclusive.

**IT IS HEREBY FURTHER ORDERED** that this matter shall be placed on this Court's

Calendar on the 11th day of March, 2021, at the hour of

12:30 pm clock for further proceedings.

Dated this 19th day of January, 2021



District Court Judge  
**Michelle Leavitt**  
District Court Judge

1 **CSERV**

2  
3 DISTRICT COURT  
4 CLARK COUNTY, NEVADA

5  
6 Arnold Anderson, Plaintiff(s) CASE NO: A-21-827381-W  
7 vs. DEPT. NO. Department 12  
8 Jerry Howell, Warden SDCC,  
9 Defendant(s)

10  
11 **AUTOMATED CERTIFICATE OF SERVICE**

12 Electronic service was attempted through the Eighth Judicial District Court's  
13 electronic filing system, but there were no registered users on the case.

14 If indicated below, a copy of the above mentioned filings were also served by mail  
15 via United States Postal Service, postage prepaid, to the parties listed below at their last  
16 known addresses on 1/20/2021

17 Arnold Anderson #85509  
18 SDCC  
19 P.O. Box 208  
20 Indian Springs, NV, 89070  
21  
22  
23  
24  
25  
26  
27  
28

*Heather B. Shuman*  
CLERK OF THE COURT

27

DISTRICT COURT  
CLARK COUNTY NEVADA

A-21-827381-W  
C-16-319021-1  
Dept. XII

ARNOLD ANDERSON  
petitioner

CASE # C-16-319021-1

DEPT. 12

VS

SJCC WARDEN JERRY HOWELL

respondent

NOTICE OF MOTION

NOTICE OF MOTION

PLEASE TAKE NOTICE THAT THE PETITIONER WILL BRING  
THE ABOVE FOREGOING WRIT OF HABEAS CORPUS POST  
CONVICTION ON FOR A HEARING BEFORE THE COURT  
AT THE COURT ROOM ON THE 19TH DAY OF FEBRUARY  
2021 AT 8:30 AM IN DEPARTMENT 12.

*Arnold Anderson* pro se.

1-12-21.

CLERK OF THE COURT

JAN 25 2021

RECEIVED

ARNOLD ANDERSON, 85509

Petitioner/In Propria Persona  
Post Office Box 208, SDCC  
Indian Springs, Nevada 89070

IN THE EIGHTH JUDICIAL DISTRICT COURT OF  
THE STATE OF NEVADA IN AND FOR THE  
COUNTY OF CLARK

ARNOLD ANDERSON;

Petitioner,

vs.

JERRY HOWELL WARDEN AT SDCC

Respondent(s).

Case No. C-16-319021-1

Dept. No. 12

Docket \_\_\_\_\_

DATE OF HEARING 2-19-21

TIME OF HEARING 8:30AM

PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION)

INSTRUCTIONS:

- (1) This petition must be legibly handwritten or typewritten signed by the petitioner and verified.
- (2) Additional pages are not permitted except where noted or with respect to the facts which you rely upon to support your grounds for relief. No citation of authorities need be furnished. If briefs or arguments are submitted, they should be submitted in the form of a separate memorandum.
- (3) If you want an attorney appointed, you must complete the Affidavit in Support of Request to Proceed in Forma Pauperis. You must have an authorized officer at the prison complete the certificate as to the amount of money and securities on deposit to your credit in any account in the institution.
- (4) You must name as respondent the person by whom you are confined or restrained. If you are in a specific institution of the department of corrections, name the warden or head of the institution. If you are not in a specific institution of the department within its custody, name the director of the department of corrections.
- (5) You must include all grounds or claims for relief which you may have regarding your conviction and sentence.

1 (5) You must include all grounds or claims for relief which  
2 you may have regarding your conviction or sentence. Failure to  
3 raise all grounds in this petition may preclude you from filing  
future petitions challenging your conviction and sentence.

4 (6) You must allege specific facts supporting the claims in  
5 the petition you file seeking relief from any conviction or  
6 sentence. Failure to allege specific facts rather than just  
7 conclusions may cause your petition to be dismissed. If your  
petition contains a claim of ineffective assistance of counsel,  
that claim will operate to waive the attorney-client privilege  
for the proceeding in which you claim your counsel was  
ineffective.

8 (7) When the petition is fully completed, the original and  
9 one copy must be filed with the clerk of the state district  
10 court for the county in which you were convicted. One copy must  
11 be mailed to the respondent, one copy to the Attorney General's  
12 Office, and one copy to the district attorney of the county in  
which you were convicted or to the original prosecutor if you  
are challenging your original conviction or sentence. Copies  
must conform in all particulars to the original submitted for  
filing.

13 PETITION

14 1. Name of institution and county in which you are presently  
15 imprisoned or where and how you are presently restrained of your  
liberty: Lovelock Correctional Center, Pershing County, Nevada.

16 2. Name and location of court which entered the judgment of  
17 conviction under attack: Eighth Judicial District Court In and  
for the County of Clark

18 3. Date of judgment of conviction: December 4, 2017

19 4. Case number: C-16-319621-1

20 5. (a) Length of sentence: 8 TO 20 years consecutive to 8 to 20  
21 years consecutive to 4 TO 10 years.

22 (b) If sentence is death, state any date upon which  
execution is scheduled: N/A

23 6. Are you presently serving a sentence for a conviction  
24 other than the conviction under attack in this motion?

25 Yes ☐ No ☒

26 If "yes," list crime, case number and sentence being  
27 served at this time:

28 7. Nature of offense involved in conviction being challenged:  
Attempt Murder with weapon and Battery causing substantial bodily harm

1  
2 8. What was your plea? (check one)

- 3 (a) Not guilty ☒  
4 (b) Guilty \_\_\_\_\_  
5 (c) Guilty but mentally ill \_\_\_\_\_  
6 (d) Nolo contendere \_\_\_\_\_

7 9. If you entered a plea of guilty or guilty but mentally ill  
8 to one count of an indictment or information, and a plea of not  
9 guilty to another count of an indictment or information, or if a  
10 plea of guilty or guilty but mentally ill was negotiated, give  
11 details: n/a

12 10. If you were found guilty or guilty but mentally ill after  
13 a plea of not guilty, was the finding made by: (check one)

- 14 (a) Jury ☒ (b) Judge without a jury \_\_\_\_\_

15 11. Did you testify at the trial? Yes \_\_\_\_\_ No ☒

16 12. Did you appeal from the judgment of conviction?

17 Yes ☒ No \_\_\_\_\_

18 13. If you did appeal, answer the following:

- 19 (a) Name of court: Nevada Supreme Court  
20 (b) Case number or citation: 74076  
21 (c) Result: oral argument Affirmed withdrawn opinion, Affirmed.  
22 (d) Date of result: November 27, 2019.  
(Attach copy of order or decision, if available.)

23 14. If you did not appeal, explain briefly why you did not:

24 Sandra Stewart said she was going to appeal to the United States  
25 Supreme Court and did not.

26 15. Other than a direct appeal from the judgment of conviction  
27 and sentence, have you previously filed any petitions,  
28 applications or motions with respect to this judgment in any  
court, state or federal? Yes \_\_\_\_\_ No ☒

16. If your answer to No. 15 was "yes," give the following  
information:

- 25 (a) (1) Name of court: N/A  
26 (2) Nature of proceeding: N/A  
27 (3) Grounds raised: N/A  
28

1 (4) Did you receive an evidentiary hearing on your  
2 petition, application or motion? Yes \_\_\_ No ☒

3 (5) Result: N/A

4 (6) Date of result: N/A

5 (7) If known, citations of any written opinion or  
6 date of orders entered pursuant to such result: N/A.

7 (b) As to any second petition, application or motion,  
8 give the same information:

9 (1) Name of court: N/A

10 (2) Nature of proceeding: N/A

11 (3) Grounds raised: N/A

12  
13 (4) Did you receive an evidentiary hearing on your  
14 petition, application or motion? Yes \_\_\_ No ☒

15 (5) Result: N/A

16 (6) Date of result: N/A

17 (7) If known, citations of any written opinion or  
18 date of orders entered pursuant to such result: N/A

19 (c) As to any third or subsequent additional applications  
20 or motions, give the same information as above, list them on a  
21 separate sheet and attach.

22 (d) Did you appeal to the highest state or federal court  
23 having jurisdiction, the result or action taken on any petition,  
24 application or motion?

25 (1) First petition, application or motion?  
26 Yes \_\_\_ No ☒

27 Citation or date of decision: N/A

28 (2) Second petition, application or motion?  
Yes \_\_\_ No ☒

Citation or date of decision: N/A

(3) Third or subsequent petitions, applications or  
motions? Yes \_\_\_ No ☒

Citation or date of decision: N/A

(e) If you did not appeal from the adverse action on any petition, application or motion, explain briefly why you did not. (You must relate specific facts in response to this question. Your response may be included on paper which is 8 1/2 by 11 inches attached to the petition. Your response may not exceed five handwritten or typewritten pages in length.)

Sandra Stewart said she was going to appeal to the United States supreme court and did not.

17. Has any ground being raised in this petition been previously presented to this or any other court by way of petition for habeas corpus, motion, application or any other postconviction proceeding? If so, identify:

(a) Which of the grounds is the same: Confrontation clause, redundant charges, ineffective counsel.

(b) The proceedings in which these grounds were raised: on Direct appeal.

(c) Briefly explain why you are again raising these grounds. (You must relate specific facts in response to this question. Your response may be included on paper which is 8 1/2 by 11 inches attached to the petition. Your response may not exceed five handwritten or typewritten pages in length.)

They were not properly addressed, Sandra failed to address Marro statement as being inadmissible.

18. If any of the grounds listed in Nos. 23(a), (b), (c) and (d), or listed on any additional pages you have attached, were not previously presented in any other court, state or federal, list briefly what grounds were not so presented, and give your reasons for not presenting them. (You must relate specific facts in response to this question. Your response may be included on paper which is 8 1/2 by 11 inches attached to the petition. Your response may not exceed five handwritten or typewritten pages in length.) Sandra Stewart appeal counsel failed to contact me about these issues and told me don't write long letters and said she will do it after reading transcripts

19. Are you filing this petition more than 1 year following the filing of the judgment of conviction or the filing of a decision on direct appeal? If so, state briefly the reasons for the delay. (You must relate specific facts in response to this question. Your response may be included on paper which is 8 1/2 by 11 inches attached to the petition. Your response may not exceed five handwritten or typewritten pages in length.)

This post conviction writ is timely, the remittur was issued March 18, 2020 This is timely.

20. Do you have any petition or appeal now pending in any court, either state or federal, as to the judgment under attack?

Yes \_\_\_ No ☒

If yes, state what court and the case number: N/A

21. Give the name of each attorney who represented you in the proceeding resulting in your conviction and on direct appeal:  
Kenneth G. Frizzell / Sandra L Stewart

22. Do you have any future sentences to serve after you complete the sentence imposed by the judgment under attack?  
Yes \_\_\_ No ☒

If yes, specify where and when it is to be served, if you know: N/A

23. State concisely every ground on which you claim that you are being held unlawfully. Summarize briefly the facts supporting each ground. If necessary you may attach pages stating additional grounds and facts supporting same.

(a) Ground one: Confrontation Clause 6th Amendment

Supporting FACTS (Tell your story briefly without citing cases or law.): The confrontation clause was violated when Marco Rafalovich testified that Arnoldae Anderson told him that I denied it. It's a lie. This alleged conversation was not recorded. The recorded conversation I do have of Arnoldae Anderson stated I was in California at the time of this shooting. Her alleged statement to Marco Rafalovich was not previous testimony to give me the right to confront. The district attorney violated the hearsay rule this violated a right to a fair trial, appeal counsel Sandra Stewart failed to address the inadmissibility of this story presented to the jury. This ground is continued.

(b) Ground two: Right To Adequate Counsel 6th Amendment.

Supporting FACTS (Tell your story briefly without citing cases or law.): Kenneth G. Frizzell was ineffective before trial he failed to give me Arnoldae Anderson's recorded statement before the judge gave a forfeiture hearing he failed to visit me in the jail he seen me 2 times I called his office over 76 times he would not answer he failed at turning over my discovery so I could represent myself properly. he would send his investigator to the jail

1 he would not talk to me we had a complete break down  
2 in communication I yelled at him in court, he failed  
3 to file motions, he filed a faux writ to sabotage  
4 my speedy trial right The writ he didn't give  
adequate arguments. This ground is continued.

5 (c) Ground three: Redundant charge. Double  
6 Jeopardy. Multiple punishments for the same  
offense violates 12 amendment.

7 Supporting FACTS (Tell your story briefly without  
8 citing cases or law.): The criminal complaint states  
9 Attempt Murder with deadly weapon and  
10 Battery with deadly weapon by shooting at  
11 or into the body of Terry Bolden. Two punishments  
12 provided for the same alleged offense. The state never  
13 provided the trial court with any medical evidence  
14 or any criteria of the elements of any one of  
15 these charges. This ground is continued

16 (d) Ground four: Suspect already convicted  
17 of this victim.

18 Supporting FACTS (Tell your story briefly without  
19 citing cases or law.): On October 26, 2016 Arnold Anderson  
20 was arrested for Attempt Murder w/weapon  
21 of Terry Bolden Robbery of Terry Bolden w/weapon  
22 Conspiracy to commit Attempt + Murder of  
23 Terry Bolden. She pled guilty of a lesser  
24 charge. This ground is continued

25 WHEREFORE, petitioner prays that the court grant petitioner  
26 relief to which he may be entitled in this proceeding.

27 EXECUTED at Lovelock Correctional Center on the 9 day of  
28 the month of December of the year 2020.

Arnold Anderson  
Albuquerque #65504  
Lovelock Correctional Center  
Lovelock, Nevada 89703  
P.O. Box 208  
Petitioner In Pro Se  
Indian Springs NJ  
89078

**CERTIFICATE OF SERVICE BY MAILING**

I, ARNOLD ANDERSON, hereby certify, pursuant to NRCP 5(b), that on this 9  
day of December, 2020, I mailed a true and correct copy of the foregoing, "Writ  
Post convictions relief"  
by placing document in a sealed pre-postage paid envelope and deposited said envelope in the  
United State Mail addressed to the following:

Warden JERRY Howell

P.O. Box 208

Indian Springs NV 89070.

Attorney General

355 E Washington

Las Vegas NV 89101

CC:FILE

DATED: this 9 day of December, 2020.

ARNOLD ANDERSON

Arnel Anderson

# 85807

/In Propria Personam

Post Office Box 208, S.D.C.C.

Indian Springs, Nevada 89018

IN FORMA PAUPERIS:

SANDRA L. STEWART

Attorney At Law

140 Rancho Maria Street  
Las Vegas, NV 89148  
Phone: 702-526-1867 Fax: 702-736-7429  
E-Mail: nvatt@icloud.com

January 24, 2020

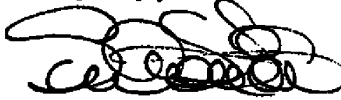
Arnold Anderson  
Inmate No. 85509  
**LOVELOCK STATE PRISON**  
1200 Prison Road  
Lovelock, NV 89419

Dear Mr. Anderson:

This will respond to your letter of January 16, 2020. In answer to your questions:

1. I didn't raise the issue of multiple punishments in the new Petition For Rehearing because the Court cited to case law in its second opinion which was on point which allowed sentencing for both allegations.
2. It doesn't matter that you said that you were not talking to your daughter. The issue on appeal, as I have stated before, is whether or not the trial judge made an error. She concluded that you were talking with your daughter, and there was evidence to support that. You (1) called your daughter's phone number (2) on her birthday, and (3) you were talking with a woman. Right or wrong, it was not *error* for the trial judge to conclude that you were talking with your daughter. So, on appeal, I had to make an argument going under that assumption. Since I had to assume that in my argument, it made no difference that the appellate court also assumed that. The issue on appeal is *why* you told (your daughter) to hide from the police, not whether or not it was your daughter you were talking to.

Very truly yours,



SANDRA L. STEWART

Exhibit A 1

**SANDRA L. STEWART**  
**Attorney At Law**

140 Rancho Maria Street  
Las Vegas, NV 89148  
Phone: 702-363-4656 Fax: 702-736-7429  
E-Mail: nvatt@icloud.com

March 29, 2018

Arnold Anderson  
Inmate No. 85509  
**ELY STATE PRISON**  
Post Office Box 1989  
Ely NV 89301

Dear Mr. Anderson:

This will respond to your letters of March 18 and March 19.

I wanted to let you know that I received them and that I have finished reading through the entire Appendix. I will be reviewing the various issues presented by the Appendix more fully and research those over the next week or so.

However, off the top of my head, here are my thoughts.

**APPEALABLE ISSUES**

1. The admission of your daughter's testimony through the police officer is something I will be researching and looking at very closely. That was a potential violation of the hearsay and Confrontation rules, which are often winning arguments to make on appeal. The problem with this argument is the jail call where you told your daughter to leave town, thereby **depriving yourself** of your Constitutional right to confront her at trial. Nevertheless, I will be arguing this issue. It's an important one. If they had actually admitted a signed affidavit, or a transcription of a recorded interview, that would be different, but to get her statements in through a police officer, I think was improper and should not have been allowed. And, they didn't need that when they had the testimony of two eye witnesses. So, in my mind, its probative value was outweighed by its prejudicial effect on the jury.
2. I will also be arguing that the jail call should not have been admitted. It was also highly prejudicial, and was not needed to make the state's case. The problem with that is that in your questioning, you "opened the door" for admission of that jail call because you asked about why she wasn't there, or something to that effect. As soon as you asked about that, then you "opened the door" for the state to explain why she wasn't there. That's one of the many pitfalls of representing yourself at trial. "Opening the door" is a difficult concept for most attorneys to grasp, and many accidentally violate that rule by asking some innocuous question. Nevertheless, I will be arguing in the brief, that it should not have been admitted. I think it's a close question.

exhibit B # 10 of 4

3. I will be raising the issue of redundant claims. I agree with you that based on the charging documents, you were convicted twice for the same actions – attempted murder by shooting into a body, and battery by shooting into the same body. I just argued this issue in another case. It's referred to by the Nevada Supreme Court as a "unit of prosecution" issue. Here are a couple of cases that discuss that issue. *Washington v. State*, 376 P.3d 802, 806 (Nev. 2016); *Wilson v. State*, 121 Nev. 345, 355-356 (2005). (copies enclosed) It does not matter if another person is convicted of the same crime. That does not raise the issue of double jeopardy. Double jeopardy arises when one person is twice convicted of the same crime. Many times, co-defendants request to be tried separately. The fact that one is found guilty does not give the other one a pass. There can be three people involved in robbing a bank where someone is killed. All are guilty of that murder even though only one pulled the trigger. And, it doesn't matter if they are tried separately. They can all be convicted of the crime of murder. That is not double jeopardy.

4. I also agree with you that counsel should have been replaced. I agree with the judge that you have the right to counsel, but not the right to choose counsel, but your issues with Mr. Frizzell were longstanding, and in most cases I've seen, the judge will at least allow one replacement of counsel under these circumstances. You were basically given the choice of continuing with Mr. Frizzell who you could not communicate with, or defending yourself. I think that was unfair and that your 6<sup>th</sup> Amendment right to counsel was violated by the judge's refusal to appoint a different attorney for you under the circumstances that I saw which proceeded over a very long period of time, and what appeared to be numerous requests by you over and over again to be provided with the same documents. I think this is an important appealable issue, and I will be raising it.

5. Another issue that I am considering that I don't see mentioned in your letters is the jury instruction which you objected to that states that the jury's verdict must be unanimous. I agree that that suggests that a hung jury is not a possibility, and that it is misleading. It is a minor issue, but there have been more and more challenges I have seen in cases over that jury instruction, so I will be raising that issue. Good job in objecting to that.

#### **ISSUES I WILL BE RESEARCHING FURTHER**

6. I will be looking closely at discovery issues. I recall in reading through the Appendix that some of those were popping out at me. I felt that you were having to ask over and over again for the same documents, and that they were being provided to you very late, thereby impeding your ability to defend yourself.

7. As to the motion in limine, I will look at that again. But, if I recall correctly, the judge offered you additional time to respond to that. That would have cured the late filing. But, I will be looking at that more closely.

8. I don't recall you objecting to any jurors for cause. If you didn't object to a juror, then it could not be error for the judge to leave that person in place unless there was something about the juror that was so outrageous that the judge should have dismissed him/her on its own motion. I will look again at the jurors you mention, but I don't recall any objections by you to the jurors. Also, a juror's infirmities would have to appear in the record for me to raise them. You would have had to point those out. I can't take your word for it that a juror was on oxygen or that some physical ailment would impair her ability to serve on the jury.

**ISSUES THAT ARE NOT APPEALABLE**

9. **THE ARREST WAS LEGAL.** There was probable cause for the car stop and arrest because two witnesses identified you as the shooter, and picked you out of a photo lineup. The police had already identified you as the registered owner of the car that was stopped, and two witnesses had identified that registered owner as the person who shot Bolden. So, there was probable cause to stop the car. It appeared from the testimony that the police wanted to wait to arrest when the car was in motion in the hope that they would find you and the gun in the vehicle. That was their right. For the same reason, there was probable cause to impound the car, and it was not searched until they obtained a search warrant. ***But even if your arrest was illegal***, that only gets you exclusion of the "fruit of the poisonous tree," which means if you had blurted out that you were guilty, that could be excluded at trial. But, there was nothing like that to exclude. You do not get your charges dismissed because of an illegal arrest. All you get is exclusion of evidence that would not have been obtained but for the illegal arrest – usually a confession. (See copy of article enclosed.)
10. The preliminary hearing is a non-issue. Once a case goes to trial, it's as if the preliminary hearing never occurred. Its only value at trial is for impeachment purposes. You went to trial and the jury found you guilty, so there is no argument that you were improperly bound over for trial when there is a guilty verdict. The argument is that since you were found guilty at trial, you were properly bound over for trial. If you had been acquitted, then the issue is pretty much moot unless you want to bring a civil rights action. It is not an appealable issue.
11. You waived your right to a speedy trial when you authorized Mr. Frizzell to file the habeas petition. You can't unwaive that.
12. The evidence ***does*** support the conviction. Not all evidence has to support the conviction. It doesn't matter if there is conflicting evidence. It doesn't matter if you think a witness is lying. It doesn't matter if a witness gives two different descriptions of you or the car, or misidentifies some one or some thing. You can bring that out on cross examination by showing prior inconsistent statements. You did that in many cases. It is for the jury to decide what is believable and what is not. I can't argue that the convictions were not supported by the evidence when two eye witnesses testified that you were the shooter. That would be a waste of time. Just from the testimony of those two witnesses, the jury could validly find you guilty of the crimes with nothing else. The photo array was not improper. It does not have to be a double blind.
13. The *Faretta* canvass was one of the most comprehensive ones I have seen in a long time. So, I can't argue that it was improper or insufficient in any way. As to your mental condition, I just had a case I argued to the Nevada Supreme Court where there was ***expert testimony*** that my client was actually a paranoid schizophrenic. I argued that he should not have been able to represent himself because of that. The Nevada Supreme Court did not agree. The right to represent oneself at trial is a Constitutional right, and it is very difficult to argue that it should have been denied. And, there was no expert testimony in your case that you were mentally unfit to proceed. So, that is not an appealable issue.
14. As to the bullet and blood spots, the state did not need expert testimony about those or DNA evidence. Witnesses testified that Bolden was shot and walked up the stairs dripping blood. The bullet was handed to state officials in a cup with Bolden's name on it. But, even if they never handed over a bullet or never saw a blood spot, there was enough evidence to convict with the witness testimony, alone. The blood spots and the bullet didn't prove anything. It was within the province of the jury to agree that as a result of being shot five times, Mr. Bolden suffered substantial bodily injury, especially after seeing the scar on his stomach area.
15. Insufficient use of the law library is not an appealable issue. The judge has no control over the prison and its rules. She explained all of that to you during the *Faretta* canvas. You also had Mr. Frizzell as standby counsel to do any research you wanted.

Your letters were 33 pages long, altogether. I hope I have addressed all the issues.

It's difficult to explain to someone how I do an appeal, but basically, I read through the Appendix, putting little post-its along the top with issues written on them. I may have little post-its for Confrontation, for instance, over all volumes of the Appendix in different places where it was discussed. When I finish reading through the entire Appendix, then I go back, and type up on separate sheets of paper, all the pertinent testimony and arguments that were made as to each separate issue that I have identified. I will have one page for Confrontation, one page for jail calls, etc. Then, I research each of those issues in the context of the testimony and argument that I have identified.

As of right now, I have finished reading through the Appendix. I am embarking on the next step which I just explained above. After I finish all of that, then I write the Opening Brief. Right now, I am on Step 2. I'm not sure how long that will take me – a week or two. I anticipate at this time that I will be able to file the Opening Brief by its due date of April 23<sup>rd</sup>.

You must understand that there is a strategy in writing appeals, and one of those is not to overwhelm the appellate court with minor issues that have little chance of success so that they devote time to considering those and perhaps don't spend as much time considering the important issues that have the best chance for success. I have to use my best judgment in deciding what to argue on appeal and what not to argue.

Between now and the time I file the Opening Brief, I will not have time to review and respond to more extremely lengthy letters. If you have an issue or two that you want me to consider that you can put on one sheet of paper, then I will read that. Otherwise, I really have to concentrate now on preparing the Opening Brief.

Very truly yours,



SANDRA L. STEWART

LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
**VOLUNTARY STATEMENT**  
PAGE 1

EVENT #: 160823-3561

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**SPECIFIC CRIME:**

**DATE OCCURRED:**

**TIME OCCURRED:**

**LOCATION OF OCCURRENCE:**

**CITY OF LAS VEGAS**

**CLARK COUNTY**

---

**NAME OF PERSON GIVING STATEMENT:** ANDERSON, ARNDAEYJAE

**DOB:** 8-3-1999

**SOCIAL SECURITY #:**

**RACE:**

**SEX:**

**HEIGHT:**

**WEIGHT:**

**HAIR:**

**EYES:**

**HOME ADDRESS:**

**PHONE 1:**

**WORK ADDRESS:**

**PHONE 2:**

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The following is the transcription of a tape-recorded interview conducted by DETECTIVE G. Valenzuela, P#8396 with the LVMPD DTAC Investigations Section, on 10-26-2016, at 1042 hours. Present during this interview are Detective Valenzuela (Q) and Arndaejjae Anderson (A). Also present is R. Kraft P#4554 (Q1).

Q: Operator, this is Detective G. Valenzuela. My P# is 8396, uh, con, conducting a taped interview with last uh name Anderson A-N-D-E-R-S-O-N, first name is Arndaejjae. Her date of birth is 8-3-99, and we are currently at uh CCJH, in reference to event #160823-3561. Uh, today's date is 10-26-2016, and the time is 1042 hours. Also present is Detective R. Kraft. His P# is 4554. Alright, uh, Miss Anderson, you understand this interview is being recorded?

A: Yes.

Q: Alright. And uh, I'm going to read you your uh rights. Alright, um, you have the right to remain silent. Anything you say can be used against you in a court of law. You have the right to consult with an attorney before questioning. You have the right to the presence of an attorney during questioning. If you cannot afford

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

**VOLUNTARY STATEMENT**

PAGE 2

EVENT #: 160823-3561

STATEMENT OF: ANDERSON, ARNDAEYJAE

an attorney, one will be appointed before the questioning. Do you understand these rights?

A: Yes.

Q: Do you wish your parent or guardian to be present?

A: No.

Q: No? Alright. Alright, Mrs. Anderson, so uh, basically what happened today is uh I went to court, and met with the district attorney who uh saw you in the courtroom and, and uh, the victim and witness who are part of this crime that I investigated stated that you were a part of the investigation and and that's why you're here today.

A: Okay.

Q: Um, uh, Arnold Anderson, what is he to you?

A: My father.

Q: Okay, so obviously Arnold Anderson, um, he was arrested for uh Attempted Murder, okay, and uh, basically the incident took place um over on 14<sup>th</sup> St., in August. Okay?

A: Okay.

Q: Um, the incident happened in plain daylight. Alright, there was still light out. It was six in the afternoon, the sun was still out. Alright. And there were multiple people there. Multiple people saw uh Arnold Anderson's vehicle in the area, and they saw what happened. Okay.

A: Okay.

Q: Um, and based on what happened today now we know that you were uh possibly there too. Do you remember the incident?

A: I was not at an incident like that.

Q: Okay. Um, so do you know what I'm talking about at all?

A: No.

Q: No, you don't know why your father's in jail?

A: No, I know the charges he has.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

**VOLUNTARY STATEMENT**

PAGE 3

EVENT #: 160823-3551

STATEMENT OF: ANDERSON, ARNDAEYJAE

Q: Okay, so that's basic...

A: But they're false charges that you guys put on him so...

Q: Why would we put false charges on him? And how do you know that?

A: Because we were in CA.

Q: Okay. Um, you were with Arnold Anderson?

A: Yes, in CA.

Q: Okay, um do you know Arnold Anderson by any other name?

A: No.

Q: Do you call him any nickname?

A: Dad.

Q: Huh?

A: Dad.

Q: Dad?

A: Yeah.

Q: Oh, okay. Um, okay I had another question for you. On uh Sep...the day uh Arnold was arrested, okay, um...

A: These are so uncomfortable.

Q: Yeah, I know, I'm sorry. They are not made for comfort. Um, let me give you the exact date here. It happened in September, um, September 5<sup>th</sup>, 2016, um, happened early in the morning hours. Uh, do you remember being stopped by police with Arnold Anderson?

A: I've never been stopped by police in a car with him.

Q: Okay. Well I responded to the location of that stop, okay, and I made contact with you, who was the driver of the Camaro. Okay. Just hear me out.

A: Okay.

Q: During that incident, you gave a different name. Okay, and, and that name was Amajanae Walker, and the date of birth you gave us was 11-5-97.

A: I never gave nobody (inaudible).

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

**VOLUNTARY STATEMENT**

PAGE 4

EVENT #: 160823-3561

STATEMENT OF: ANDERSON, ARNDAEYJAE

Q: Alright, okay, well now I know you're a liar, okay, and I know I saw you, and we dealt with you continuously that morning, okay. So basically what's gonna happen is you're gonna be arrested today, okay, for uh Conspiracy to Commit Murder, okay. This is your last chance, you have, to get your version of the story out, okay, and after we leave today, that's it.

A: Okay.

Q: You're not going to have that chance.

A: Okay.

Q: Alright, so that's why I'm asking you if you want to come forward and tell your version of events.

A: I was in CA on that day.

Q: Okay.

A: Cause I know I looked at the court records. I know what day...

Q: How about on September 5<sup>th</sup>?

A: September 5<sup>th</sup>, I was probably at my grandma's.

Q: Well I can tell you you weren't at your grandma's that morning.

A: Okay, yes I was.

Q: Maybe after you were released, but that morning when you were stopped in the vehicle, okay, I dealt with you.

A: I was never stopped in a vehicle.

Q: Yes you were.

A: No I wasn't.

Q: Well I'm not going to sit here and argue. I know who I saw and what I learned that day.

A: Well I look like a lot of people, so you got the wrong person.

Q: Okay. Mr. Kraft, you have any questions?

Q1: Back in August, you said you were in CA?

A: Yes.

Q1: With your father?

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

**VOLUNTARY STATEMENT**

PAGE 5

EVENT #: 160823-3561

STATEMENT OF: ANDERSON, ARNDAEYJAE

A: For about a week and a half or so.

Q1: Okay. What part of CA?

A: Resido.

Q1: Resido?

A: Resida in LA.

Q1: Okay. Who lives out there?

A: His sister.

Q1: So you were visiting his sister?

A: Um-hum.

Q1: What's her name?

A: Latish.

Q1: Do you know how to spell it?

A: No. Just Latish.

Q1: Do you know her last name?

A: Anderson.

Q1: When did you guys travel out there?

A: Uh, let me think. It was like 8-20 probably, and then we came back on like the 29<sup>th</sup>, I don't know. It was around that time though. But I know on the day that this incident was supposed to have took place, we were in CA, we were at the beach.

Q1: Okay, you're giving specific dates, so how do you know these specific dates?

A: Cause I seen it the court records.

Q1: No, I'm saying as far as the dates that you traveled.

A: Cause, oh, cause I took pictures that day and they had got time stamped.

Q1: Okay. Where are these pictures?

A: With his attorney.

Q1: Okay. Was it pictures you took on your cell phone?

A: Uh, yeah.

Q1: Okay. And how did you guys get down there?

LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
**VOLUNTARY STATEMENT**

PAGE 6

EVENT #: 160823-3561

STATEMENT OF: ANDERSON, ARNDAEYJAE

A: We drove.

Q1: In what?

A: I think a Ford Escort.

Q1: Whose Ford Escort?

A: His.

Q1: It's registered to him? And where is that car now?

A: Sold.

Q1: He sold it?

A: Yeah. Cause it got broke down, so we didn't need it.

Q1: Okay. When did you sell it?

A: I sold it early October probably. Early October; I don't know.

Q1: Okay. You live here in town?

A: Yes.

Q1: Where do you live?

A: With my grandma.

Q1: Where's that?

A: In North Town.

Q1: What's the address?

A: 2621 White Oak Rd., the address on my ID.

Q1: Okay, and where does your father live?

A: He lives at his mother's address.

Q1: Okay. Where is that?

A: 4831 Arid Ave.

Q1: What's the street?

A: Arid Ave.

Q1: What part of town is that?

A: Uh, I don't know. Probably North Town.

→ Q1: And he drives a black Camaro? (background talking) Does he have any other cars?

LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
**VOLUNTARY STATEMENT**  
PAGE 7

EVENT #: 160823-3561  
STATEMENT OF: ANDERSON, ARNDAEYJAE

A: No, it sold. The Escort sold.

Q1: The Escort was the only other car?

A: Yeah.

Q1: Okay. So what was the purpose of you going down to CA?

A: To visit family and meet new people because after he was released from prison I just got to know him, and I wanted to see the part of my family I never met before, because my mom was hiding me from him. So, yeah.

Q1: Okay, and so you drove down...

A: No, I didn't drive.

Q1: He drove?

A: Yes.

Q1: Okay. Why did you take the Ford Escort?

A: I didn't take a Ford Escort.

Q1: Because you drove down in the Ford Escort.

A: No, I didn't drive. We drove in the car to CA, in the Escort. He drove. Not me. I don't have license to drive.

Q1: Well I'm not saying you drove yourself, but I'm saying the two of you drove to CA in the Escort, right?

A: Yeah.

Q1: What year was it?

A: What, the Escort?

Q1: Yeah.

A: 2001, I think.

Q1: Why didn't you take the Camaro?

→ A: Um, I don't know cause, oh, cause it's a gas saver, it's a smaller car.

Q1: Okay.

A: I was going to say I don't remember why we took it, but I just now remembered, cause it saves gas.

Q1: Does anybody else drive your father's car?

LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
**VOLUNTARY STATEMENT**

PAGE 8

EVENT #: 160823-3561

STATEMENT OF: ANDERSON, ARNDAEYJAE

- A: No. Not that I know of.
- Q1: Not that you know of?
- A: Right.
- Q1: So nobody else has access to that vehicle?
- A: I don't know.
- Q1: Have you ever driven the car?
- A: I've drove the Camaro one time, back in July, got pulled over cause I got in a car accident.
- Q1: Okay. Did you get a ticket?
- A: Yes.
- Q1: Anything else?
- Q: No, do you have any questions for us?
- A: Nope.
- Q: Alright. We're going to conclude the interview. Uh, same date. Time is 1051 hours. Same people present.

---

**THIS VOLUNTARY STATEMENT WAS COMPLETED AT CCJH ON THE 26TH DAY OF OCTOBER 2016, AT 1051 HOURS.**

GV:df  
VS #16-2604

1 ARNOLD ANDERSON'S INDEX TO WRIT OF  
 2 Habeas Corpus Case Number C-16-319021-1  
 3 The following documents include, pages  
 4 1 thru 132 OF all grounds raised in the  
 5 post conviction writ. The 36 grounds raised  
 6 are. 1 inadmissible evidence confrontation clause. 2: Kenneth  
 7 Grizzel inadequate counsel. 3. Redundant conviction  
 8 4. Suspect already convicted 5. false evidence. 6. Violation of fair  
 9 trial 7. lack of Probable cause. 8. Unlawful detention 9. Jacob  
 10 Werner false evidence. 10. No arrest warrant 11. Untimely writ  
 11 12. clerk issue told jury 13. Michael Khanke presented false  
 12 evidence 14. 2 prosecutors for trial. 15. Juror questions  
 13 16. Juror wrote dick in his notes. 17. Discovery issues. 18.  
 14 racial Profiling 19. Car description 20. Right to confront  
 15 21. failed to address mental health. 22. misleading jury  
 16 instructions. 23. witness not subpoenaed 24. speed of trial  
 17 25 Brooke cornel false evidence 26 Jurors should of been excused.  
 18 27. Unlawful search 28. objection made at trial 29. prosecutorial  
 19 misconduct by Schwartz 30. prosecutorial misconduct by Patel  
 20 31. Abuse of discretion 32. code of conduct 33. ineffective  
 21 counsel Sandra Stewart. 34. Gilberto Valenzuela. 35. insufficient  
 22 evidence 36. inadmissible evidence.  
 23 exhibits A- letter by Sandra Stewart 1 page  
 24 exhibit B- letter from Sandra Stewart. 4 pages  
 25 exhibit C- police statement by Arnold & Jack Anderson. 8 pages  
 26 exhibits A-B-C- equal 13 pages  
 27  
 28

1 Ground 1 continued. Violation of the 6<sup>th</sup> amendment Right to cross  
2 examine. Inadmissible confrontation clause. Ground 1 continued from page 8 of writ.  
3 During trial the prosecutor called his investigator to lie at trial  
4 and provide inadmissible hearsay, to obtain a unlawful conviction.  
5 see TIAA 7 page 1411 line 22 marco Ratalovich is sworn in as states  
6 witness. Heres the admission that he work for Binu Palai see TIAA 7  
7 page 1412 line 13. Yes sir.  
8 This witness produced false testimony TO Benefit The District Attorney  
9 This false statement was extremely prejudicial and dangerous to make  
10 false allegations that are up in front of the jury to deceive them. The  
11 only recorded statement from Arndae Wae Anderson is exhibit C a statement  
12 indicating I was in California the week of this alleged shooting, that contradict  
13 everything he stated. IN order for this to be a confrontation clause there  
14 has to be previous testimony. A criminal defendant has the right guaranteed  
15 by the United States constitution to confront and cross examine the  
16 witness against him. The exception to this rule is where the defendant  
17 has made the witness unavailable to testify and has given previous  
18 testimony at a previous judicial proceeding making her subject to  
19 cross examination. IN this case her statement to Officer Valenzuela  
20 do not match what Marco Ratalovich said and shouldnt of been  
21 able to testify to a lie. The court should of made his statement  
22 inadmissible hearsay. I objected TO his statement which is a lie  
23 I objected see TIAA 7 page 1415 line 7 I objected to the  
24 witness saying she was told to say we were in California  
25  
26  
27  
28

1 This witness lied saying my alibi was rehearsed, it was not, the prosecutor  
2 led this witness into what he desired see TTA 7 page 1428 line 2

3 I objected to leading which came from see TTA 7 page 1427 line 21

4 Based on being a da- it's your job to evaluate people? This was  
5 misleading to the jury, the trial court should of stopped this leading  
6 or leading questions, where I objected but said see TTA 7 page 1428

7 But I think I know why you're leading but go ahead. This was  
8 prejudicial. The trial court never referred to ArndaeYJae Anderson's  
9 statement see exhibit c

10 Marco Rafalovich statement violated my fair trial right and  
11 should be inadmissible. see TTA 7 page 1414 line 7 this statement

12 should be inadmissible because it's a lie. He stated ArndaeYJae  
13 Anderson told him her and her father went down town to meet  
14 some people and shots were fired. This witness was asked if any  
15 recordings or written statement exist he stated see TTA 7 page 1422  
16 line 15-16 NO sir it was not. This story he created was a lie  
17 to influence the jury, I suffered a unjust verdict.

18 This witness was questioned about his duties as a investigator

19 see TTA 7 page 1424 line 6-8 he stated it's his job to come to  
20 court and say what some body told him. This court allowed  
21 this investigator to come to court and make a false statement  
22 in order to obtain a conviction through false testimony is a  
23 direct violation of the 6<sup>th</sup> amendment right to a fair trial  
24 and a violation of due process the 14<sup>th</sup> amendment.

25 The trial court was well aware of this falacy

26 The trial court was well aware that Marco Rafalovich  
27 would come to court and make this false statement.  
28

1 Being outweighed by the prejudicial value.  
2 The reflects see TTA 6 page 1261 lines 20-25 this record  
3 shows the court knew this was prejudicial. I mean everything  
4 that comes in is prejudicial but that phone call causes me  
5 great concern and I'm not although it would be relevant  
6 I think you run the risk of it being the prejudicial  
7 value being substantial outweighed by the probative value.  
8 I objected to this line 8 TTA 6 page 1261.  
9 This conversation is about the court being aware that marco  
10 Katsalovich was coming to pollute the trial with his lies.  
11 The trial court knew it was unlawful and allowed it anyway.  
12 see TTA 6 page 1262 line 5. All right so you can have  
13 your witness here lined up regarding the statement.  
14 I objected again to marco Katsalovich false testimony  
15 see TTA 6 page 1260 line 12 I objected that this was violating  
16 my right to a fair trial. MARCO Katsalovich made this statement  
17 to influence the jury to return a guilty verdict by saying  
18 Handeey Jae Anderson said shots were fired I deny this lie.  
19 When asked who the victim is, the witness testified  
20 see TTA 7 page 1431 line 25 Paul I believe.  
21 When asked what were Handeey Jae Anderson's charges see  
22 TTA 7 page 1431 line 18 what were her charges?  
23 TTA 7 page 1431 line 19. I believe she had an attempt murder charge  
24 TTA 7 page 1431 line 20 on who?  
25 TTA 7 page 1431 line 21. I believe the victims in this case,  
26 This statement of the inadmissible hearsay was a violation  
27 of the hearsay rule. This violated the right to a fair trial. He lied.  
28 This violates due process of the 14<sup>th</sup> amendment.

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1 when he stated that I was not in California, this lie polluted  
2 the trial. The only recorded statement of Arnold Jac. Andersson  
3 is exhibit C. Contrary to what the state said, which was a lie.

#### 4 Argument

5 In order for there to be a forfeiture of the confrontation clause  
6 there must be prior testimony given during a prior procedure. In this  
7 case there is not any prior testimony, this is inadmissible hearsay  
8 see ITAA 5 page 1064 line 11 we haven't served her a subpoena as of  
9 yet see ITAA 5 page 1068 line 3 she absconded probation a few  
10 months ago, she had a outstanding warrant. The fact that she  
11 was never served a subpoena instructing this alleged witness  
12 to come to court is not a witness. The district attorney violated  
13 the hearsay rule, and polluted the trial. I suffered a unlawful conviction.

#### 14 Points And Authority

15 Pursuant to the rule 804 the best evidence rule there must be prior testimony  
16 to allow hearsay. In this case the hearsay is false and there is not any  
17 prior testimony. To prosecute a lie violates due process of the 14<sup>th</sup> amendment  
18 pursuant to NRS. 51.005 hearsay is inadmissible except as provided in title 14  
19 of NRS. It do not apply in this case. Marco Rafalovich statement in trial is a  
20 lie see Crawford v Washington 541 US 36 see Barber v Page 390 US 719  
21 their convictions were reversed because they did not have a  
22 prior opportunity to cross examine the witness, see Napue v  
23 Illinois 360 US 264 his convictions were reversed because  
24 the prosecutor presented lies to a jury. The supreme court  
25 held it's a violation of due process. The violation of the  
26 6<sup>th</sup> amendment violation right to confront and the violation of the  
27 14<sup>th</sup> amendment violation I suffered a unlawful conviction the  
28 only remedy is to reverse this conviction on the authority of the 14<sup>th</sup> amendment

4 of 132

1 Ground 2 continued. Right To Adequate Counsel.  
2 Ineffective Counsel Violated the right to the  
3 6th amendment

4 The right to counsel was violated when Kenneth G. Frizze  
5 was appointed Counsel. Counsel's standard of representation  
6 fell below the standard of the criteria set out by the  
7 American bar association. Counsel representation caused  
8 multiple conflicts between us. And I was forced to represent  
9 myself.

10 LAW SUIT.

11 I filed a civil rights complaint against Kenneth Frizze  
12 because of his ineffectiveness see TTAA 1 page 216. A complaint  
13 was filed due to his inaction. The trial court failed to  
14 remove him even though I filed multiple motions to do so.

15 see TTAA 1 page 109 see TTAA 2 page 225 see TTAA 3 page 595

16 see TTAA 2 page 379 see TTAA 2 page 382. The trial

17 court denied all motions to remove counsel all motions were timely  
18 before trial. See Brown v. Brown The 9th Circuit held that

19 to compel one charged with a grievous charge to undergo  
20 a trial with the assistance of counsel with whom he has

21 become irreconcilable with is to deprive him of effective  
22 counsel. The record states in see TTAA 1 page 206 there is

23 a conflict see TTAA 1 page 210 I stated I don't want him  
24 as counsel it's a conflict. I can't even talk to him see TTAA 2

25 page 247 I stated I called him 26 times see TTAA 2 page 247

26 Counsel stated he's angry with me again. He wasn't doing  
27 the things I requested. Why was I mad? Because counsel

28 failed see TTAA 2 page 282.

5 of 132

1 I stated he's ineffective see ITAA 2 page 298 I stated  
2 on record counsel won't do anything. see ITAA 1 page 148  
3 counsel stated we got into it a bit over the phone. see Brown v  
4 crowen 424 F2d 1166.

### 5 CONFLICT

6 see Brad v Washington 2003 app texts 1105 (2003) the court  
7 held that in order to determine whether an irreconcilable conflict  
8 exist, the Washington supreme court had adopted the 9th  
9 circuit 3 part test ① The factors include extent of conflict  
10 the adequacy of the inquiry the timeliness of the motion. There  
11 were many motions filed to dismiss counsel. see ITAA 2 page 248  
12 this motion was filed March 7, 2017 during this hearing  
13 the trial court asked "what's the problem with counsel?" I  
14 stated counsel failed to communicate with alibi witnesses  
15 not being able to talk to him after calling his office 26 times  
16 and counsel made 1 jail visit in 6 months. This relationship was  
17 ruined. trial was 135 days away, even though all the facts  
18 were drawn out in the motion and repeated at the hearing.  
19 The next conflict see ITAA 4 page 751 I yelled at counsel  
20 to get away from me the trial court stated don't yell at  
21 at anyone she knew of this conflict and refused to replace  
22 him. After multiple motions being filed. She did not replace  
23 him not one time.

### 24 HE FAILED AT HIS DUTIES

25 Counsel failed to investigate my alibi with multiple  
26 notarized affidavits from witnesses to confirm  
27 I was in California during the week of this  
28 alleged shooting

1 See TTAA § page 1689 From Detena Jackson  
2 See TTAA § page 1688 Notarized statement from  
3 Latisha Anderson. See TTAA § page 1690 A statement  
4 from TRAY Shawn COLE. See TTAA § page 1691 A  
5 statement from LATUNAY Thomas all of  
6 which stated I was in California. Counsel did not  
7 contact none of them. If these witnesses were  
8 contacted and brought to trial the outcome would of  
9 been different.

10 COUNSEL FAILED TO CHALLENGE charges of Attempt  
11 MURDER AND BATTERY CAUSING substantial Bodily harm

12 During the hearing of the writ he filed with arguments  
13 of oxley 38 new 379 A case about the killing of a cow  
14 that is not relevant to this case or charges. During the  
15 hearing on 12-13-2016 TTAA § page 149 he failed to  
16 argue charges of Attempt murder and Battery causing  
17 substantial Bodily harm. he only stated words of the  
18 robbery charge. he ignored the other charges. If counsel  
19 would of argued the double jeopardy charges being one  
20 and the same to reduce charges, I would of went to trial  
21 with less charges. I deny all of them.

22 FAILED AT COMMUNICATION

23 I called his office 26 times No answer when the trial court  
24 inquired about discovery issues he stated, see TTAA § page 754  
25 he stated I sent my investigator over there I did not go with  
26 him. his investigator is not licensed to practice law and not  
27 assigned to present evidence at trial. Counsel failed to turn over  
28 ARNDAEBAE Anderson statement before the forfeiture hearing

1 If counsel would of turned over her statement the forfeiture  
2 hearing would of shown what she stated in my exhibit C  
3 if counsel would of filed motions things would of changed.

4 Argument

5 If counsel would of challenged the redundant charges  
6 the verdict would be other wise and the jury would of not  
7 been misled. If counsel would of spoke to witness and filed  
8 appropriate motions I wouldnt of been forced to represent  
9 myself. Because of his inert actions this conviction  
10 surfaced. See state of Washington v Brady 2003 Washington  
11 The sixth amendment right to adequate counsel guaranteed  
12 by the united states constitution has been violated.

13 POINTS AND AUTHORITY

14 The remedy for a sixth amendment violation is a reversal  
15 see, PAUL V HODD § 13 US 298 he was sentenced to death  
16 he claimed actual innocence his trial lawyer failed to  
17 investigate alibi witnesses, if he had done so the outcome  
18 would be different. Since counsel failed at his duties the court  
19 reversed his conviction. Kenneth Frizzer failed to challenge redundant  
20 charges I deny the charges. See Ronald Firestone v Nevada 120 Nev 13  
21 83 P3d 279 counsel was ineffective and failed to challenge  
22 his multiple counts of leaving the scene of a accident the  
23 Nevada supreme court reversed his conviction and remanded the  
24 case. In this case the charges are Attempt murder shot at or into  
25 the body of Terry Budden - Battery with weapon causing substantial  
26 bodily harm by shot at or into the body of the Terry Budden  
27 identical words. To establish ineffective assistance of  
28 counsel a petitioner must demonstrate that counsels performance

1 Cell below a objective standard or reasonableness  
2 and that counsels deficient performance prejudiced  
3 the defense. The petitioner must show that omitted  
4 issues will have a reasonable probability of success.  
5 see Strickland v Washington 466 US 668 Counsel  
6 was so ineffective the Supreme court had to decide  
7 the matter. IN Arnold Anderson's case the hearing  
8 for the faux writ Kenneth Frizzell denied me  
9 effective assistance of counsel by not challenging the  
10 charges. he stated. I'm not going to argue the writ see  
11 TTAA page 151 line 22, These words alone violated  
12 the right to effective counsel, a right protected by  
13 the United States Constitution. I ask this court  
14 to grant a new trial and reverse this judgement  
15 of conviction for this blatant 6th amendment right  
16 and the authority of Strickland v Washington supra  
17 a 6th amendment violation, of inadequate counsel

18  
19 **GROUND THREE REDUNDANT CONVICTION**  
20 **A VIOLATION OF THE 14TH AMENDMENT**  
21 **DUE PROCESS & 12TH amendment double jeopardy violation**

22 During the course of this prosecution I made a record of the  
23 redundant charge, which is ~~attemp~~ murder with a deadly weapon  
24 NRS. 200.010. NRS. 200.030. AND battery with weapon causing  
25 substantial bodily harm. I was convicted by jury of both  
26 charges. I moved to vacate sentencing due to double  
27 jeopardy. The court denied the motion see TTAA page 1767.

28 The motion consist of the following that both charges are

1 are one and the same charges from allegations made  
2 by Terry Bolden. I deny any involvement of each charge  
3 see criminal complaint. TTAA page 13 & 14  
4 Count 1 Reads Attempt murder with the use of a deadly  
5 weapon, did willfully unlawfully feloniously  
6 with malice aforethought attempt to kill Terry Bolden  
7 a human being with the use of a deadly weapon  
8 to wit a fire arm by shooting at or into  
9 the body of said Terry Bolden. NRS. 200.010. NRS. 200.030  
10 Count 3 - NRS 200.481 Battery with use of a deadly  
11 weapon resulting in substantial bodily harm did  
12 willfully unlawfully and feloniously use of force  
13 or violence upon the person of another to wit  
14 Terry Bolden with the use of a deadly weapon to wit  
15 a firearm by shooting at or into the body of Terry Bolden  
16 I was sentenced to both counts from these allegations  
17 from the same date and same time. I deny any involvement.  
18 TRIAL COURT SAID I WONT Sentence You to BOTH charges  
19 At sentencing the sentencing court said - see TTAA 2 page 361  
20 line 5. The court But You would ONLY be sentenced on one  
21 of them. The trial court knew the sentencing would be  
22 illegal and did sentenced me to both counts since these  
23 allegations are from the same date this exact action  
24 ripens into a double Jeopardy violation that violates  
25 the redundancy act, when a defendant receives multiple  
26 punishments for the same offense it violates  
27 due process that is not what comport to legislature  
28 intent.

1 The 14<sup>th</sup> amendment states no one will be denied  
2 liberty or property with out due process of law.  
3 I was denied due process by being sentenced to  
4 both counts. I deny any involvement.

5 ARGUMENT

6 Count 1 is worded identical to count 3 the state  
7 failed to list what the substantial injury was  
8 in the complaint. The charging document is  
9 insufficient for a conviction and both  
10 charges should be reversed for a new trial.

11 POINTS AND AUTHORITY

12 The 14<sup>th</sup> amendment is a right guaranteed by the  
13 United States Constitution, that no one will be  
14 deprived property or liberty with out due process  
15 of law. Arnold Anderson is suffering a due process 14<sup>th</sup> amendment  
16 violation by being unlawfully convicted of a redundant  
17 charge the attemp murder with weapon NRS 200-010. & NRS. 200.030  
18 two different elements of attemp murder and battery  
19 of Terry Bolden NRS. 200.481 a statute that refers  
20 to taxi cab drivers this statute is not correct in  
21 the charging document Terry Bolden is not a health  
22 care provider. see Byars v state 336 P3d 939  
23 the court reversed his redundant charges of unlawful  
24 user in possession of a fire arm, because use of a  
25 fire arm were redundant to possession of a fire arm.  
26 see Timothy Rutledge v United states 517 US 292 he  
27 was convicted of multiple punishments for the same  
28 offense unlawful distribution of cocaine and

1 conspiracy. The United States Supreme Court reversed his  
2 convictions because the courts may not prescribe greater  
3 punishments than legislature intent. The Supreme Court  
4 would adhere to the presumption that Congress intended  
5 one punishment for one offense. Arnold Anderson  
6 cannot be convicted of ~~attempt~~ murder and Battery  
7 the conviction is unlawful and must be reversed.  
8 In accord with the principles in common law  
9 and federal jurisprudence the United States Supreme  
10 Court will presume that where two statutory provisions  
11 proscribe the same offense legislature does not  
12 intend to impose two punishments for that offense  
13 if the same act or transaction constitutes a violation  
14 of distinct statutory provisions the blockburger test  
15 must apply whether there are two offenses or only  
16 one. Each provision requires proof of a fact which  
17 the other has not see HARRY Blackburger v United States  
18 284 US 299 the United States Supreme Court reversed  
19 his redundant conviction. In Arnold Anderson case  
20 the complaint reads shot at or into the body  
21 for counts 1 and 3. for both charges without  
22 a distinction of the two. This conviction must  
23 be reversed for a new trial for 1 count  
24 see Bachelder v US 442 US 114 the court reversed  
25 his conviction see Garcia v State 121 Nev 327  
26 his conviction was reversed for redundancy.

27  
28

1 Redundant convictions do not comport with legislative  
2 intent See SKID A V State 114 Nev 612 thus where a  
3 defendant is convicted of two offenses that as  
4 charged and be punished for multiple convictions  
5 for the same offense this illegal act must be reversed.  
6 The double jeopardy clause of the United States  
7 constitution 14<sup>th</sup> Amendment and the Nevada  
8 Constitution article 1 § 8 protects against multiple  
9 punishments for the same offense and prohibits  
10 a conviction with a redundant conviction. The  
11 legislature never intended to permit the state to  
12 proliferate charges as to one course of alleged  
13 conduct by adorning it with chameleon attire.  
14 On the authority of the double jeopardy clause violation 12<sup>th</sup>  
15 ~~of~~ the 14<sup>th</sup> amendment and the 6<sup>th</sup> amendment  
16 right to a fair trial and Bayars V State 336 P3d 939  
17 and Harry Blackburger V United States V US 289-299  
18 a person can not be convicted of both a greater  
19 and lesser included offense it does not comport  
20 with the State of Nevada legislative intent. I  
21 deny both charges and that this conviction  
22 is unlawful. I ask this court to reverse  
23 this judgement of conviction for a new trial  
24 due to the 14<sup>th</sup> Amendment due process  
25 Violation. And 12<sup>th</sup> amendment violation double jeopardy  
26 the remedy I seek is a new trial.

27  
28

1 GROUND 4 CONTINUED  
2 Suspect already convicted in this case  
3 ON September 1, 2017 ARNOLD Anderson was unlawfully  
4 convicted of Attempt murder of Terry Bolden  
5 And Battery causing substantial Bodily harm  
6 with weapons. ON October 26, 2016 ARNDAYSAE  
7 Anderson was arrested and charged with  
8 Attempted murder of Terry Bolden as a juvenile  
9 in juvenile court. See TIAA7 page 431  
10 line 15. The court he testified on redirect  
11 what her charges were. line 18 what were  
12 her charges line 19 I believe she had an  
13 attempt murder charge. line 20 ON who?  
14 line 21. I believe the same victim in this  
15 case.  
16 TO prove she was convicted of this same victim  
17 see TIAA7 page 419 line 11; 12 I'm allowed  
18 she went to Caliente Youth center. line 14; 15  
19 the determination of that she was placed on  
20 probation.  
21 Since ARNDAYSAE Anderson was arrested and  
22 charged with the shooting of Terry Bolden and  
23 pled to a lesser charge that mean someone  
24 is already convicted of this victim and  
25 is a Brady V Maryland violation see TIAA 2  
26 page 421-422 The state refused to turn over her  
27 charging document and plea deal.  
28

1 It would should she was convicted of this same alleged  
2 victim Terry Bolden

3 Argument

4 Since some one is already convicted of this  
5 victim all charges against Arnold Anderson  
6 should be void.

7 Points And Authority

8 IN Brady V Maryland the state violated  
9 due process by convicting Brady and  
10 with held that the c/o defendant took a  
11 deal in a sepearte case. IN Arnold Andersons  
12 case Arndae & Jae Anderson was convicted  
13 as a lone gun man not c/o defendant  
14 we are charged sepearte 14. The supreme  
15 court held that under the 14TH amendment  
16 this violated due process when the state  
17 refused to give him material in his discovery  
18 that some one else pled guilty to the charges.  
19 The court reversed for a new trial see  
20 Brady V Maryland 376 US 83 the conviction was  
21 reversed for violating due process, this court  
22 must reverse this conviction because some one  
23 else has been convicted for the same victim.  
24 I ask this court to reverse this conviction on  
25 the authority of Brady V Maryland supra  
26 and a 14TH amendment due process violation  
27 and a 12TH amendment violation  
28

1 Ground 5 ~~SAHYN~~ King presented false evidence. A  
2 violation of The 6<sup>th</sup> amendment & 14<sup>th</sup> amendment  
3 due process and right to a fair trial.  
4 Carthya King stated she arrived at a crime scene and she's a crime scene  
5 analyst see TTAA 6 page 1359 line 4.  
6 The state solicited testimony from this witness that was false  
7 evidence to influence the jury. She answered questions in the  
8 affirmative to compel jurors to believe her testimony as true  
9 ~~she~~ testifying to items collected from a alleged crime scene  
10 to say its evidence related to a shooting on 8-23-16 if these items  
11 were not tested. How can you say its evidence?  
12 See TTAA 7 page 1370 line 6. it appears to be all  
13 sorts of holes. IN states exhibit 50 see TTAA 7 page 1372  
14 line 9 does the shorts have apparent blood? Yes it does  
15 see TTAA 7 page 1372 line 25 based on my training  
16 it was the size - see TTAA 7 page 1373 line 1-4 the  
17 damages to the clothing there is blood see TTAA 7 page 1374  
18 line 3 shorts leg is there and in your training and experience  
19 what is that red substance - her response see TTAA 7 page 1374  
20 line 5 that is blood.  
21 her training is in the field of firearms not scientific  
22 testing. see TTAA 7 page 1377 line 12 again with my training  
23 and experience it appears to be a bullet hole, but I've seen  
24 crazier things I won't say for 100% certainty that  
25 that anything is again I indicate its a defect. see TTAA 7  
26 page 1378 line 70 so you can't associate that bullet  
27 with this hole in these shorts or to Mr. Bolden see TTAA 7  
28 page 1378 line 22 she stated No.

16 of 132

1 see TTAA 7 page 1378 line 25 & 23 did you analyze any  
 2 of the stuff collected? line 25 blood test finger prints.  
 3 see TTAA 7 page 1376 line 5 as far as laboratory  
 4 analysis I'm not the person who conduct any of that.  
 5 see TTAA 7 page 1380 line 4 she stated again it's the  
 6 laboratory job to test evidence, no one testified at  
 7 trial from a laboratory that any of the states  
 8 exhibits had gun shot residue or blood on any item.  
 9 The state offered her testimony as if it was evidence  
 10 which is false.  
 11 CONTRADICTION IS CALIFORNIA King's testimony  
 12 when asked about states exhibit 58 a bullet in a cup see  
 13 TTAA 6 page 1366 line 6 when I arrived an officer  
 14 was present at the hospital and directed me to a locker  
 15 that contained items of clothing I was also approached  
 16 by a nurse from trauma who handed me another item  
 17 that was reportedly removed from the same person.  
 18 see TTAA 6 page line 13-15 I'm going to show you what's been  
 19 admitted to states exhibit 58. CAN you tell us what this is?  
 20 her response see TTAA 6 page 1366 line 16-18 this is  
 21 what was handed to me by that surgical nurse it is a  
 22 specimen cup it contained a bullet.  
 23 NOW ON CROSS EXAMINATION BY Arnold Anderson  
 24 she states see TTAA 7 page 1378 line 12 when she  
 25 gave it to you did she say where it came from  
 26 see TTAA 7 page 1378 line 14 NO she did not  
 27 in her response to the state she said it came from surgery  
 28 The next response see TTAA 7 page 1378 line 18

1 You didnt see the line of chain of custody see TTA47 page 1378  
2 line 19 I did not the next lie is Jacob werner testified under oath  
3 that he received the same bullet carilyn king testified under oath to  
4 the same bullet. some one is lying or both and it's perjury.  
5 see TTA45 page 1109 line 21 Jacob werner (by Schwartz) lets start  
6 with No# 58 what is it. Jacob werner response see TTA45 page 1109  
7 line 22 A plastic container TTA45 page 1109 line 23 and is that  
8 what was handed to you from one of medical personnel. his response  
9 see TTA45 page 1109 line 25 yes see TTA45 page 1111 line 1 (schwartz)  
10 and was the item provided to you this bullet after they performed  
11 surgery? Jacob werner response correct see TTA45 page 1111 line 11  
12 the one of the operating Nurses or staff handed me that.  
13 same lie BY carilyn king  
14 see TTA46 page 1366 line 16-18 carilyn king testified to this exact  
15 story. see TTA46 page 1367 line 15 I objected to her story the  
16 state knew this was a lie about receiving this same bullet and  
17 said it's already admitted by another witness see TTA46 page 1367  
18 line 19 the state did not correct her lie.

### 19 Argument

20 The state prosecutor knowingly presented this lie to the jury  
21 this false testimony as evidence violates due process, This  
22 case must be reversed to prevent false evidence as testimony  
23 to compel the jury to think this testimony is evidence is  
24 unlawful, two people testified about receiving this one bullet  
25 is false and misled the jury.  
26  
27  
28

1 hearsay No one testified that yes I gave this bullet  
2 to Jacob Werner and Carlton King and should be  
3 inadmissible I objected to that bullet. see TAA page 1367 line 15  
4 points and Authority  
5 A right to a fair trial by the 6th amendment  
6 was violated I received a violation of the  
7 14th amendment of due process when the  
8 state knowingly presented lies to a jury this  
9 fallacious testimony was prejudicial and the  
10 state did not correct either witness. pursuant to  
11 NRS 51.065 and NRS 52.235 requires ~~proof~~ of the  
12 original in this case it was a picture of a  
13 cup states exhibit 58. This prejudicial error made  
14 Arnold Anderson suffer a jury verdict of guilty  
15 due to a jury verdict the jury was not reasonable  
16 they should<sup>of</sup> caught these inconsistencies see Neil Wallace  
17 v. State 106 Nev 470 796 P2d. 224 the Nevada supreme  
18 court reversed his judgement of conviction because a  
19 witness gave 2 different versions of events related to  
20 her rape. A prosecutor has a obligation as a matter of  
21 law to ensure defendants receive a fair trial  
22 guaranteed by the United States Constitution. See Napue v Illinois  
23 360 US 264 a conviction obtained through the use of  
24 false evidence known to be such by representatives of  
25 the state must fall under the 14th amendment in  
26 describing the rule the United States supreme court  
27 has discussed the use of false evidence including  
28 false testimony. The United States Constitution

1 Protects defendants against the use of perjured testimony  
2 Due process protects defendants against the knowing use  
3 of any false evidence by the state whether it be by  
4 document testimony or any other form of false evidence.  
5 Here the state said the bullet was already admitted  
6 by another witness in Arnold Anderson case  
7 he wanted the jury to think the false statement  
8 was evidence and did not correct it. I ask  
9 that this court reverse this judgement of  
10 conviction on the authority of a due process  
11 violation as in Napue v Illinois 360 US 264  
12 and Mahar v State 104 Nev 13 752 P2d 208.  
13 the courts reversed their conviction for a due process  
14 violation. Arnold Anderson has federally protected  
15 rights this violation of the 14th amendment  
16 is enough for a reversal, and grant a new trial.  
17 on the authority of Napue v Illinois supra and  
18 a violation of the 14th amendment due process  
19 violation, a prosecutor cannot knowingly  
20 present lies to a jury. I suffered an unlawful  
21 conviction. This case must be reversed for a  
22 new trial.

1 GROUND 6 A 14<sup>th</sup> amendment violation of Equal  
 2 protection of the laws Violated MY right to a 6<sup>th</sup>  
 3 Amendment fair trial. The trial court delayed  
 4 trial to wait for Juror #6 VANESSA TURLEY  
 5 There was something special about Vanessa Turkey when she was  
 6 selected as Juror #6. She was picked above and before others due  
 7 to her extremely familiarity with Brian Schwartz. See ITAA 5 page  
 8 955 line 24-24 Juror Id #645 Vanessa Turkey stated I want  
 9 to amend my answer from earlier when you asked if we were  
 10 ITAA 5 page 956 line 1 familiar with any of the counsel. See ITAA 5 page  
 11 956 line 3 I do believe that a gentleman on the prosecutor side  
 12 did subpoena me. Yes Brian Schwartz was familiar with her he  
 13 served her the subpoena. See ITAA 5 page 974 line 12-13 The court  
 14 were you the one that subpoenaed that juror?  
 15 Brian Schwartz response. See ITAA 5 page 974 line 14 I think so  
 16 now that she said that. The judge should of excused her but did not.  
 17 This Juror was apart of a community online she said she  
 18 was a ctive member we had no way of knowing what it was  
 19 or how often do she meet. See ITAA 5 page 1015 line 8 she stated  
 20 I read all my news on the internet.  
 21 The trial court should of excused this juror. See ITAA 5 page 959  
 22 line 22-24 the court any reason why you would not be completely  
 23 fair and impartial? Her response. See ITAA 5 page 959 line 24  
 24 Turkey stated actually my husband was convicted of a or  
 25 actually accused of a crime the court failed to excuse her  
 26 it seem like a prejudicial remark. she stated everything but  
 27 a yes or no answer. she also has a criminal record. See ITAA  
 28 5 page 957 line 7 I myself was convicted of a DUI

1 This Juror is familiar with the law, she should of been  
2 excused see TTAA 5 page 954 line 6 I work for a civil  
3 litigation law firm. she was biased she stated  
4 she work closely with law enforcement see TTAA 5 page 993  
5 line 23-24. I work collaboratively with the police department  
6 in the emergency room. A potential lawyer she stated see TTAA 5  
7 page 952 line 17-18 I'm waiting for my bar results.  
8 Trial was Delayed UNTIL This Juror came TO  
9 COURT, Regardless of The two alternates that  
10 could of finished the trial. Trial delayed 3 hours  
11 we are waiting for Vanessa turley to arrive see TTAA 7  
12 page 1497 line 15-17 ladies and gentlemen we will start  
13 tomorrow morning at 8:30 am  
14 see TTAA 7 page 1552 line 18 Vanessa turley is late.  
15 the court alright alright the reason why we havent  
16 started yet is that juror #6 apparently didnt realise  
17 what time we started we had been calling her just so you  
18 know we have been calling her all morning.  
19 court started at 8:30.  
20 outside the presence of the jury turley was not present see  
21 TTAA 7 page 1550 the time is 9:25 am.  
22 After 3 hours Vanessa turley shows up. see TTAA 7 page 1574  
23 line 14 Juror #6 is here pause in proceeding TTAA 7 page 1574  
24 off record TTAA 7 page 1578 line 7 see TTAA 7 page 1380 line 24  
25 shows the time recessed.  
26 The courts failure to state why minorities were  
27 not called violates Batson V Kentucky and equal  
28 protection of the laws.

1 Sec ITAA 4 page 870 line 1-4 IM not going to call adriana lopez  
2 she latin decent.

3 The african American lost without a Record

4 Sec ITAA 4 page 848 Prospective Juror 586 Chatavia McGowan

5 ITAA 4 page 848 line 11 the court if you are on this panel you need  
6 to be here. she was never questioned again and was excused the  
7 court failed to make a record of why she was excused, this is  
8 racial bias. The next African American That was by passed

9 Armaus Brumfield was prospective Juror # 571 and panel # 21  
10 he was passed up to go directly to Vanessa Turley # 645 who  
11 was panel # 34. Tawana Mateo was African American  
12 prospective # 574 panel # 22 was skipped so Vanessa Turley  
13 who is white can sit on the panel Jurors. These two were  
14 alternates Mateo and Brumfield they should of been Jurors. These  
15 two could of finished the trial when Turley was 3 hours late  
16 the trial court did not allow them to be selected after 8  
17 prempatory challenges. # 586 Chatavia McGowan and # 655  
18 Ladonna Bell were excused because they were black. This  
19 Court had 45 people to pick from only 4 where African American  
20

### Argument

21 The trial court failed to allow the two african American  
22 to continue the trial when Turley Juror # 6 was 3 hours late  
23 and failed to make a record about why Ladonna Bell and  
24 Chatavia McGowan were excused this was racial  
25 bias and violated equal protection of the laws  
26 and this is a Batson violation. Why was the  
27 trial delayed 3 hours  
28

1 And the alternates not continue the trial?  
2 points And Authority  
3 This is a batson violation excusing minorities  
4 with out making a record violates equal protection  
5 of the laws 14<sup>th</sup> amendment. See Batson V Kentucky  
6 476 US 79 The state failed to explain why  
7 certain jurors were removed, the United States  
8 Supreme court reversed this case because it violated  
9 equal protection of the laws, when a state prosecutor  
10 use peremptory challenges to strike minorities is  
11 a violation of due process. The state prosecutor in  
12 Arnold Andersons case allowed juror #6 to be seated  
13 ahead of Tawana Mateo and Armaus Brumfield who  
14 are african american. TO further the bias my trial  
15 was on hold for 3 hours awaiting #6 juror  
16 Vanessa Turley to arrive who is white. This  
17 purposeful discrimination to prevent two  
18 african americans to continue the trial  
19 showed racial bias and discrimination.  
20 See McCarty V State of Nevada 371 P3d 1002 the Nevada  
21 supreme court reversed this case for a batson violation this court  
22 used discrimination when it ignored the two black alternates  
23 to continue Arnold Anderson trial and waited 3 hours  
24 for the white juror to arrive. I suffered a 14<sup>th</sup> amendment  
25 violation I ask this court to reverse this conviction and  
26 grant a new trial for not giving me a fair trial when  
27 no record was made of Tawana Mateo and Armaus Brumfield  
28 was excused with no record. ON the authority of the 14<sup>th</sup> amendment

1 violation of equal protection of the laws the court  
2 must reverse this conviction. That's the only remedy.  
3 GROUND 7 Preliminary Hearing forever  
4 lost For A lack of probable cause A violation  
5 of the 14<sup>th</sup> amendment due process & equal protection  
6 These are preliminary hearing issues that violated due process  
7 The Nevada revised statute indicate a defendant must  
8 have a preliminary hearing within 15 days NRS. 171.206.  
9 If from the evidence it appears to the magistrate that  
10 there is probable cause to believe that an offense has been  
11 committed and that the defendant committed it the magistrate  
12 shall forthwith hold the defendant to answer in the district  
13 court otherwise the magistrate shall discharge the defendant  
14 the magistrate shall admit the defendant to bond as provided  
15 in this title after concluding the proceeding.  
16 My preliminary hearing was delayed  
17 The statute for a preliminary hearing to be held in 15 days  
18 is NRS. 171.196 preliminary examination waiver time  
19 for conducting introduction of evidence and cross examination  
20 of witness by defendant & admissibility of hearsay evidence  
21 Subsection (b) if the defendant does not waive examination  
22 the magistrate shall hear it in 15 days. I never waived.  
23 hearsay evidence consisting of a statement by the alleged  
24 victim of the offense is admissible at a preliminary  
25 hearing if, (a) A sexual offense committed against a  
26 child. IN Arnold Anderson's case the judge allowed Terry Bolden  
27 the only witness called by the state to testify -  
28

1 This case was bound over with out any evidence.  
2 NRS. 171.196 Violated. The first Preliminary hearing  
3 was 9-21-16 see TAA1 page 31 line 18. The second one  
4 was October 5, 2016 see TAA1 page 36. The third one  
5 was October 12, 2016 see TAA1 page 43. The fourth  
6 one was October 26, 2016. the court should of dismissed  
7 the case. Pursuant to NRS. 179.556. this Preliminary  
8 hearing should of been dismissed for unnecessary delay. NO  
9 Evidence relied on at Preliminary hearing  
10 The state put Terry Bouden on the stand who claimed  
11 he was homeless and owe some one money for drugs  
12 see TAA1 page 5 see TAA3 page 516 he said he  
13 owe some one money for drugs the state did not call  
14 any officer or paramedic to testify to this allege shooting  
15 the only witness Terry Bouden a convicted felon who served  
16 29 to 72 months for coercion see TAA1 page 145  
17 Terry Bouden's court minutes. At a preliminary hearing  
18 the state must prove that there is at least slight or  
19 marginal evidence such testimony is not enough.  
20 see Sheriff Rhodes 96 NEV 184-606 P2d there must be  
21 enough evidence to stand trial despite the low standard  
22 a person cannot stand trial with zero evidence.  
23 a defendant is entitled to a writ of habeas corpus  
24 when the preliminary hearing is totally  
25 barren of evidence. see Williams v Sheriff 92 NEV 543.

1 Burden of proof shifted at the Preliminary hearing  
2 During the examination the defendant took the witness stand  
3 and stated I was IN California ON 8-21-16 through 8-28-16 2  
4 pictures with the date of 8-23-16 of Arnold Anderson on the beach  
5 IN California were admitted see TTA 1 page 64 could you read  
6 the date on this picture Terry Bolden see his response 8-23-16 during  
7 the preliminary hearing Arnold Anderson testified the pictures  
8 were taken between 5:00 & 5:30 pm. During questioning Palal asked  
9 do you see anybody hear to support you see TTA 1 page 94 and  
10 again see TTA 1 page 88. Palal asked did I drive to California  
11 IN a rental car I stated Yes. this line of questioning about 15  
12 anyone here to support me shifts the burden of Proof that Now I  
13 must prove my INNOCENCE to him. The district attorney is to prove  
14 every element of every charge. See Barone v State 109 Nev 778 858 P2d 27  
15 The state did not prove attempt murder or battery causing substantial  
16 bodily harm and failed to prove a crime was committed question  
17 able testimony by Terry Bolden, first he owe money for drugs  
18 then he owe money for a hotel room is insufficient to establish  
19 any charge. I deny all involvement IN any story by Terry Bolden  
20

### Argument

21 ON officer testified at the preliminary hearing or any medical expert  
22 testified to any injury. Attempt mean to try to do something and fail  
23 NRS. 200.010 is the unlawful killing of a human being with malice,  
24 expressed or implied by a control substance NRS. 200.030 murder  
25 of the first degree which is perpetrated by means of  
26 poison  
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1 King, in want torture. The element of Battery with  
2 a deadly weapon causing substantial bodily harm with  
3 weapon IS.N.R.S. 200.481. risk of death impairment  
4 disfigurement, the state failed to meet the burden by  
5 proving the elements of these charges, of the criminal  
6 complaint. Count 1 shot at or into the body of Terry bolder  
7 Count 3 shot at or into the body of Terry bolder, none  
8 of this was proven at the preliminary hearing. I deny all allegations  
9 points and authority  
10 The court should of dismissed all counts not one element  
11 of either charge was offered see Silazar v state 119 Nev 224  
12 70 P3d. even The blockburger standard was ignored  
13 see Blockburger v united states 284 US 299 where the  
14 same act or transaction constitute a violation of  
15 different statutes each provision requires an act that  
16 the other has not. count 1 and count 3 read the same  
17 shot at or into the body. The court should of dismissed  
18 all counts or at least the duplicate, there was not  
19 any probable cause presented see Marvell Williams v sheriff  
20 92 Nev 543 defendant was arrested for grand larceny  
21 at the preliminary hearing the state failed to  
22 present any evidence that a crime was committed.  
23 the Nevada supreme court reversed once his writ was  
24 filed. see Venturiera v state 91 Nev 356 his case  
25 was reversed for lack of probable cause and to  
26 establish a crime was committed. The evidence used  
27 or received at a preliminary hearing must be legal  
28 evidence see Goldsmith v sheriff 85 Nev 295 454 P2d 86 1969

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1 During a preliminary hearing the only admissible  
2 Hearsay is sexual offenses, see NRS 171.196.  
3 This prosecutor called Terry Bolden to say he was  
4 robbed and shot all of which I deny. The hearing  
5 did not have a medical expert or a investigating  
6 officer testify a crime was committed in  
7 Clark County Nevada or any crime at all.  
8 See state v Purcell 110 Nev 1389 in this case  
9 the state called one witness to testify that allegations  
10 of molestation occurred and testified specifically  
11 to the elements of lewdness with a minor. The  
12 Nevada supreme court reversed this case because  
13 the testimony was insufficient evidence to  
14 sustain a conviction. In this case Arnold Anderson's  
15 case must be reversed the absence of probable cause  
16 is grounds for a reversal. See Lee v Sheriff 85 Nev 379  
17 No good cause was shown to bound over preliminary  
18 hearing nor was any good cause shown to continue  
19 the preliminary hearing. on the authority of the  
20 14th amendment violation of due process I ask  
21 this court to reverse this conviction, and grant  
22 a new trial.

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29 ~~22~~ of 132

1 Ground 8 UNLAWFUL Detention Violates

2 the 4TH Amendment United States Constitution

3 A defendant has a right to be free from unlawful  
4 detention. Arnold Anderson suffered a unlawful  
5 detention the record will reflect the following.

6 UNLAWFUL detention

7 On September 5, 2010 defendant's car was stopped by  
8 officer hafen see TTAA7 page 1485 line 2 the stop  
9 happened early in the morning right past midnight.

10 see police report TTAA1 page 12 officer Valenzuela and  
11 menduza conducted a interview at 04:57 hours, at  
12 least 4 hours has passed. During trial officer Justin  
13 Duke gave sworn testimony that once the car was  
14 stopped it lasted a couple of hours see TTAA7 page 1400  
15 line 3

16 Not placed under arrest

17 see TTAA7 page 1399 line 10 Duke testified that  
18 Arnold Anderson was not under arrest but detained.  
19 This behavior alone violates the 4TH amendment  
20 and unlawful detention pursuant to NRS. 171.123 (4).

21 Being held at a traffic stop and not under  
22 arrest for multiple hours is unlawful.

23 Argument

24 The record shows the car stop lasted multiple  
25 hours and Arnold Anderson was not under  
26 arrest but detained, a citizen can only  
27 be detained for 60 minutes anything past  
28 that is unlawful.

20 ~~30~~ of 132

1 points And authority

2 pursuant to NRS.171.123(4) allows an officer

3 to detain an individual for a reasonable

4 time but expressly states that in no event

5 shall the law enforcement officers detain

6 someone no longer than 60 minutes. This is

7 a clear expression of the legislature intent

8 to keep the detention within 60 minutes a

9 time frame according to NRS.171.123(4) a

10 detention longer than 60 minutes is unreasonable.

11 This rigid adherence to the one hour limit

12 was the clear intent of legislature. The

13 fourth amendment is clear a traffic stop

14 must be reasonable see Danny Rodriguez v United

15 states 135 Sct 1609 191. led. 2d. 492 in this case

16 officer struble tactics were unlawful in this

17 traffic stop he stopped the car for a traffic

18 stop and made Rodriguez wait for another

19 officer to come out to the traffic stop this

20 was unlawful the court reversed. see Dunaway v

21 New York 442 US 200 led 2d. 924 99 sct 2248

22 officers took defendant to the police station he

23 was not free to leave, the court reversed for

24 absence of probable cause. see Ruben Lomeli v State of

25 Nevada 114 Nev 779 961 P2d 750 the defendant

26 suffered a unlawful ~~detention~~ officers held him

27 past the 60 minute requirement pursuant to

28 NRS 171.123(4) while waiting for a warrant

1 The Nevada Supreme Court reversed his conviction  
2 because the legislature intent for the law a person  
3 must not be held past 60 minutes. See State of Nevada v  
4 Robert McKellips 118 Nev 465 49 P3d 655 officers  
5 stopped his vehicle for a DUI, the stop exceeded  
6 60 minutes, the Nevada Supreme Court reversed his judgement  
7 of conviction because the car stop exceeded 60 minutes,  
8 the petitioner was not free to leave and was not  
9 under arrest. In Arnold Anderson's case Officer Hatten  
10 stopped the vehicle and made me wait at the  
11 car stop for 3 hours until he contacted officer  
12 Valenzuela, I was not under arrest and not  
13 free to leave see TTA 7 page 1400 line 3 not under  
14 arrest detained. and it lasted a couple of hours TTA 7 page  
15 1399 line 10 pursuant to the 4th amendment this  
16 is unlawful. I suffered an unlawful detention  
17 and a unlawful arrest that led to this  
18 unlawful conviction pursuant to NRS 171.123(4)  
19 the detention is 60 minutes not a couple  
20 of hours. The remedy I seek is to reverse  
21 this judgement of conviction on the  
22 authority of NRS 171.123(4) and the  
23 4th amendment violation and grant  
24 a new trial.

1 GROUND 9 JACOB WERNER Presenting  
2 False evidence as testimony violates <sup>6th amend</sup> fair trial  
3 The 14<sup>th</sup> amendment Due process Perjured testimony  
4 During trial officer Jacob Werner gave the  
5 jury perjured testimony. he wrote or stated  
6 in the police report Terry Boldens been confirmed  
7 one shot in the stomach. he did not state any other  
8 injuries see TTA 1 page 2 This is 1<sup>st</sup> injury allegedly  
9 story changed at trial  
10 During trial he testified wounds to the head  
11 see TTA 5 page 1101-line 9 3 injuries allegedly  
12 Terry Bolden stated more injuries 5 injuries  
13 allegedly see Trial Transcripts A46 page 1202 line 15  
14 The prosecutor state 3 injuries see TTA 5 1086  
15 line 15 & 16 leg head stomach. The variation in wounds  
16 could and did impact the jury to a negative verdict.  
17 The police report stated shot once in the stomach.  
18 This prejudice made me suffer an unlawful conviction.  
19 The prosecutor has a duty to uphold the law but did not.

#### 20 Argument

21 The prosecutors is to ensure all defendants receive  
22 a fair trial as a matter of law. To purposely mislead  
23 the jury with various stories of injuries is away  
24 to influence the jury. This perjury violates the 6<sup>th</sup>  
25 amendment right to a fair trial and the  
26 right to due process. 14<sup>th</sup> amendment. This trial  
27 was polluted.

28

1 The state failed to correct Terry bolder or  
2 officer Werner, to provide false testimony  
3 to 1 injury 3 injuries to 5 injuries violates  
4 due process as a matter of law. A state  
5 prosecutor must not mislead the jury. I deny any movement  
6 points and authority  
7 A conviction based on Perjured testimony is  
8 a denial of due process. A conviction obtained  
9 through the use of false evidence known to  
10 be such by representatives of the state must fall  
11 under the due process clause of the 14<sup>th</sup> amendment  
12 and a violation of the 6<sup>th</sup> amendment right  
13 to a fair trial. The state allowed the testimony  
14 of Jacob Werner go uncorrected the police report  
15 he wrote is a sworn statement he said  
16 I shot in stomach then testified otherwise 3 injuries  
17 under oath. The prosecutor knew of this  
18 it is obvious he read the police report.  
19 Arnold Anderson suffered a tainted trial  
20 see Napue V Illinois 360 US 264 the supreme  
21 court reversed his conviction because the prosecutor  
22 knew a witness was lying and did not correct  
23 it. As in this case a lie is a lie no matter  
24 the lie. I suffered a unlawful conviction because  
25 the prosecutor did not correct Jacob Werners  
26 testimony that was contrary to his police  
27 report. see Wallach V State 106 Nev 470 796 P2d 224  
28 The Nevada supreme court reversed his conviction

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1 Because of a conflict in a witness testimony.

2 The remedy I seek is to ask this court

3 to reverse this judgement of conviction on

4 the authority of the 14<sup>th</sup> amendment due

5 process violation, and grant a new trial

6 because Jacob Weiners conflicting testimony.

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1 GROUND 10. NO Arrest Warrant Issued  
2 TO Arrest Arnold Anderson. A Violation of  
3 the 4th amendment Unlawful Arrest.

4 ON August 23, 2016 terre holden made allegations of being  
5 a shooting victim, NO one arrested that day.

6 ON September 5, 2016 Arnold Anderson was detained  
7 absent any traffic infraction by hafen see TTAA 1 page  
8 6 there was not any probable cause to stop the vehicle.

9 The 4th amendment was violated when the car  
10 was stopped absent probable cause the police report  
11 say seen car followed it see TTAA 1 page 6

12 Argument

13 officer hafen was not the investigating officer officer  
14 valenzuela stated he was see TTAA 7 page 1467 line 5  
15 officer hafen did not have probable cause to stop  
16 or detain Arnold Anderson. or to arrest with out a  
17 warrant. see TTAA 2 page 421 line 4 no arrest warrant.

18 points And Authority

19 The 4th amendment is clear when it came to the arrest  
20 of any citizen NO arrest shall be made but upon  
21 probable cause see John henry v US 361 US 98 the  
22 court reversed his case because a officer stopped his  
23 car and did not have probable cause to believe the  
24 defendant was violating or has violated the law.  
25 The requirements of an arrest with out warrant must  
26 be strictly enforced since the standard set by the  
27 4th amendment protects both the officer and the  
28 citizen under the 4th amendment suspicion is not

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1 enough for a officer to arrest a citizen without  
2 a warrant. IN Arnold Anderson case officer  
3 hafen stated, and Justin duke stated I had to  
4 contact detectives when he stopped the vehicle  
5 I was IN. see TTAA7 page 1390  
6 This officer did not have any details to stop  
7 the vehicle see TTAA7 page 1409 line 22  
8 see Wong v United States 371 US 471 91 Fed 2d 441  
9 83 sct 402 officers arrested defendant absent  
10 arrest warrant based ON reasonable suspicion,  
11 but the 4th amendment was violated because  
12 officers failed to obtain a warrant; when  
13 they could of done so. The United States supreme court  
14 reversed this case because his arrest was improper.  
15 The Nevada constitution article 1 § 8 states the right  
16 of the people to be secure in their own houses or  
17 persons, papers, and effects against unreasonable  
18 seizures and searches shall not be violated and  
19 NO warrant shall issue but ON probable cause  
20 supported by oath or affirmation see State v Lloyd 312  
21 P3d. 467 129. The 4th amendment protects every  
22 citizen from unlawful arrest. Hafen and Dukes  
23 police report is absent Probable cause. He  
24 states seen car followed it Arnold Anderson  
25 placed IN cuffs. This action alone violates  
26 the terry stop. IT is proposed here that the  
27 definition of arrest has two parts  
28 a person is arrested if an officers conduct

1 Judged from the perspective of a reasonable  
2 officers exceeds the permissible scope of a  
3 lawful investigation stop, or if an officers  
4 conduct would make a reasonable person in the  
5 defendants position to believe that he or she is  
6 under arrest. See TTA 7 page 1409 line 19-22  
7 did you have details to stop car personally  
8 I didn't. Is olives words, he stopped my car  
9 and did not have probable cause and made me  
10 wait 30 hours while he contacted a detective.  
11 See TTA 7 page 1390 line 1-5 Further the  
12 trial court stated this arrest is preserved for  
13 appeal See TTA 4 page 777 line 24.  
14 The arrest is unlawful and the conviction I  
15 suffered is unlawful. The remedy I seek is  
16 to ask this court to reverse this judgement  
17 of conviction and grant a new trial  
18 on the authority of a 4th amendment  
19 violation of unlawful arrest and  
20 warrantless arrest. No arrest warrant  
21 was ever issued. See TTA 8 page 1603 line  
22 13; 14 or any arrest warrant at all, No.  
23 This is clearly a violation of the 4th  
24 amendment warrantless arrest, the  
25 only remedy is to reverse this judgement  
26 of conviction for a new trial. I suffered  
27 a warrantless arrest.  
28

1 Ground II Violation of Due process 14<sup>th</sup> amendment + violation  
2 of Equal Protection of the laws. The untimely late writ.

3 Kenneth Frizzel filed a pretend writ that was past the 21  
4 day deadline. see TTAA1 page 133 the filing date states

5 December 8, 2016. Counsel was to file said writ 21 days

6 after my first appearance in district court which was

7 October 26, 2016 the dead line would be November 16, 2016 to

8 file a pretrial writ. The trial court stated I won't hear it

9 if it's not timely see Answer TTAA1 page 149.

10 Writ is late

11 Kenneth Frizzel stated on record that the writ was late

12 TTAA1 page 131 the trial court stated You had 21 days, Frizzel

13 stated NO-NO-NO Yeah I was a little late.

14 I told the trial court to vacate the writ. It was late before

15 It was heard see TTAA1 page 150.

16 Counsel filed this Writ late to pretend it was timely

17 it was not filing a late writ is the same

18 as not filing one. That right is forever lost.

### 19 Argument

20 Counsel caused me prejudice by filing the pretrial

21 writ late, he had 21 days to file it from

22 10-26-16 to 11-16-16 Not 12-8-16 he was to file

23 it on time a petition for a writ of habeas

24 Corpus based on a alleged

1 lack of probable cause or otherwise challenging  
2 the courts right or jurisdiction to proceed to the  
3 trial of a criminal charge may not be considered  
4 unless the petition and charged supporting  
5 documents are filed within 21 days after the  
6 first appearance of the accused in district  
7 court. TO show he was malicious he stated  
8 I'm not going to argue the writ see ITAA page 151  
9 Defendants right to that pretrial writ is now lost  
10 when you file it late its the same as not filing it.

#### 11 POINTS AND Authority

12 on December 22, 2016 the petition for a writ of  
13 habeas corpus was heard see ITAA page 150. The  
14 state failed to present any evidence that a crime was  
15 committed by anyone, the states only statement was  
16 a recitation of the allegations in the police report.  
17 in order for one to go to trial there must be evidence to  
18 support each and every element of every charge. see  
19 Sherriff v provenza 97 Nev 346 630 P2d 265 The  
20 Nevada supreme court allowed his writ to be granted  
21 for a lack of probable cause. Considerations of  
22 Judicial efficiency provide an independent basis  
23 in support to review probable cause factual determinations  
24 in pretrial matters must be reviewed see Kussman v District  
25 court 96 Nev 54 612 P2d 679 see venturiera v State  
26 91 Nev 356 535 P2d 1286 this defendants case was  
27 reversed for lack of probable cause. IN Arnold  
28 Anderson's case the trial court erred in hearing

1 My writ when the record reflected it was late.  
2 The state failed to provide sufficient evidence  
3 of Attempt murder and Battery causing substantial  
4 bodily harm Terry Bolden's questionable testimony  
5 was insufficient. see state v Purcell 110 Nev 1389  
6 the states only witness testified to allegations  
7 of charges of lewd misconduct the Nevada Supreme  
8 court granted a new trial. IN Arnold Andersons  
9 case if the writ was timely filed contradicting  
10 Terry Bolden's statements he was shot over  
11 drug money then charged he owe money  
12 for a hotel room and counsel could of  
13 argued that the preliminary hearing was  
14 insufficient to stand trial, that state  
15 failed to provide medical evidence of  
16 a shooting a doctor testimony or a  
17 investigating officer it's possible the  
18 writ could of changed this proceeding.  
19 This prejudicial lack of effectiveness violated  
20 my right to have a pretrial writ heard  
21 in 21 days violated my right to due process  
22 and equal protection of the laws  
23 the 14TH amendment. The only remedy  
24 is to grant a new trial and reverse  
25 this judgement of conviction on the  
26 authority of a due process violation  
27 I deny being involved in any story of Terry Bolden I deny any and  
28 all allegations he changed his story. The only remedy is to grant a new trial.

1 Ground 12 6<sup>TH</sup> AMENDMENT VIOLATION  
2 OF THE Right to A fair trial was violated  
3 When court clerk said Defendant is guilty  
4 The jury was read the instructions and  
5 at the beginning of trial the court clerk said  
6 Arnold Anderson is guilty.

7 See TTA 5 page 1076 line 21

8 There's a reason the words are not documented.

9 Argument

10 I pled not guilty to all charges, the right  
11 to a fair trial was violated when the  
12 court clerk wrongfully influenced the  
13 jury.

14 points and authority

15 The 6<sup>th</sup> amendment guarantees a right to  
16 a fair trial the clerk violated that  
17 right when she made that remark to  
18 the jury. I suffered a prejudiced trial  
19 because of that. The only remedy is  
20 to reverse this judgement of conviction  
21 on the authority of the 6<sup>th</sup> amendment  
22 right to a fair trial violation, I ask this  
23 court to grant a new trial.

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1 Ground 13 A violation of the 14<sup>th</sup> & 6<sup>th</sup> Fair trial  
 2 Amendment due process. The state  
 3 presented false evidence to the jury  
 4 During trial the state relied on Michael Kahnke  
 5 to testify to the jury about a phone call  
 6 attempting to authenticate it through him he's  
 7 not a employee of the telephone company  
 8 that provide services for inmates in the  
 9 Clark county detention center. The record  
 10 will reflect the following.  
 11 See TTAA 7 page 1441 line 19 sir how are you employed  
 12 His response see TTAA 7 page 1441 line 20  
 13 I'm a correction's officer with metro police.  
 14 This will reflect the jury knows I'm in jail.  
 15 See TTAA 7 page 1443 line 11 & 12 I'm going to  
 16 show you right there with regards to 9-28-17  
 17 what does that refer to.  
 18 His response by Michael Kahnke  
 19 See TTAA 7 page 1443 line 13 that would be  
 20 the date the call was made.  
 21 Now the jury know I'm a inmate  
 22 See TTAA 7 page 1443 line 25 and is this call  
 23 made by an inmate by the name of Arthur Anderson  
 24 I'm sorry Arnold Anderson? yes it would be  
 25 see TTAA 7 page 1444 line 2  
 26 I objected to this see TTAA 7 page 1444 line 14  
 27  
 28

1 The state failed to properly authenticate the  
2 phone call by a employee of the phone company.

3 Argument

4 The state relied on a corrections officer to  
5 make reference to a phone call I objected to  
6 this polluted the trial this allowed the jury  
7 to know I'm in jail. Pursuant to NRS 52.075  
8 a telephone conversation is sufficiently authenticated  
9 by evidence that a call was made to the number

10 supplied by the telephone company for the person  
11 in question. Circumstances including self identification  
12 shows the person answering the one to be called.

13 pursuant to NRS. 52.252 admissibility of a  
14 copy of recordings the custodian of records  
15 must verify that the copy is a true reproduction.

16 Michael Kahoke is a correctional officer he does not  
17 work for the phone company he work for metro  
18 police department. The state failed to properly

19 authenticate the phone, and it was prejudicial

20 the jury knew for 100 percent I was in jail

21 and now the presumption of innocence is gone.

22 The 14th amendment states all persons born or

23 naturalized in the united states. No state shall

24 make or enforce any law which shall abridge the

25 privilege or immunities of citizens of the united

26 states nor shall any state deprive any person

27 of life liberty with out due process of law.

28

1 The 6<sup>th</sup> amendment states every accused shall enjoy  
2 the right to a fair trial, this right was violated  
3 when the state failed to properly authenticate  
4 the phone call and allow the jury to know I  
5 was in jail. This prejudicial value outweighed  
6 the probative value because it was false  
7 evidence; this influenced the jury.

#### 8 points And Authority

9 The right to a fair trial protected by the 6<sup>th</sup> amendment's 14<sup>th</sup>  
10 was violated and the right to due process was  
11 violated with this introduction of false testimony as  
12 evidence reversal is virtually automatic see Napue v  
13 Illinois 360 US 264 the supreme court reversed his  
14 case because the prosecutor violated due process  
15 presenting lies to a jury. Pursuant to NRS. 48.035  
16 michael kabuke testimony was misleading to  
17 the jury - pursuant to NRS. 48.035 provides that  
18 exclusion of relevant evidence on grounds of  
19 prejudice or confusion or waste of time is not  
20 allowed. The jury thought his testimony was evidence  
21 and returned a verdict of guilty by using his testimony  
22 as evidence that the phone call was authenticated  
23 this was confusing and misled the jury see Mahan v state  
24 104 Nev 1375 the Nevada supreme court reversed this case  
25 because the state misled the jury. on the authority of  
26 the 6<sup>th</sup> Amendment violation and 14<sup>th</sup> amendment +  
27 violation the only remedy is to reverse this  
28 case for a new trial, I suffered prejudice.

1 Ground 14 A violation of due process the 14<sup>th</sup> amendment  
2 A violation of the 6<sup>th</sup> amendment right to a fair trial. Two  
3 Prosecutors Prosecuted me it should of been one.

4 During the trial I was prosecuted by Binu Palal and  
5 Bryan Schwartz.

6 Two prosecutors

7 The trial began August 28, 2017 see ITAA 4 page 776

8 the record will reflect two prosecutors see ITAA 4 page 534

9 line 9 Ladies and gentlemen my Name is Binu Palal. With me  
10 is Bryan Schwartz we work for the clark county  
11 district attorney office. This was prejudicial and  
12 over kill. I did not have two attorneys I was pro-per.

13 Argument

14 A right to a fair trial was violated when two  
15 prosecutors argued the trial. pursuant to NRS. 175.151  
16 states the number of counsel who may argue  
17 the case if the indictment or information  
18 is for an offense punishable with death.  
19 two counsel on each side may argue the case  
20 to the jury but in such a case as well as  
21 in all other cases the counsel for the state  
22 must open and close and conclude the argument  
23 if it be for any other offense the  
24 court may.

1. In its discretion restrict the argument to one  
 2. Counsel on each side. The statute provide that a Judge  
 3. instruct one or two to argue the case. This trial  
 4. did not consist of the death penalty for allegations of  
 5. count 1. Attempt murder with weapon  
 6. Count 2 Robbery with weapon  
 7. Count 3 Battery with weapon causing substantial bodily  
 8. harm. The trial court never gave an instruction for two prosecutors  
 9. The record will reflect two prosecutors opening and  
 10. closing a trial that is a non death penalty punishment.  
 11. see TTAA 8 page 1614 line 7 states closing argument  
 12. see TTAA 8 page 1614 line 8 MR. SCHWARTZ is the  
 13. first prosecutor to close his argument  
 14. The record reflect the second prosecutor  
 15. see TTAA 8 1639 line 22 states rebuttal closing  
 16. argument see TTAA 8 page 1639 line 22 MR. PALAL  
 17. The record reflects two prosecutors prosecuting  
 18. Arnold Anderson. The record should also reflect  
 19. this is not a case with the penalty of  
 20. death as required in the statute of NRS. 175.151  
 21. this was prejudicial and over kill that violated  
 22. a right to a fair trial to have two prosecutors  
 23. during trial and defense counsel as pro-per  
 24. not even two defense counsels.  
 25. points And Authority  
 26. A prosecutor has an ability to ensure every  
 27. defendant in a criminal proceeding receive  
 28. a fair trial and be ethical and professional

1 This prosecution falls in a violation of the  
2 6th amendment right to a fair trial and a  
3 violation of the 14th amendment right to due  
4 process. see Asaph v State 102 Nev 316 721  
5 P2d. 379 the Nevada Supreme court reversed  
6 this case for prosecutorial misconduct,  
7 misconduct is misconduct no matter how  
8 its manifested only violation of violating  
9 a defendants right violates due process  
10 and a right to a fair trial. Prosecutors have  
11 a duty to uphold law to obtain a rightful  
12 conviction as it is to prevent an unlawful  
13 conviction. This case must be reversed it was  
14 not a death penalty case pursuant to NRS.175.151.  
15 The jury would assume any defendant being  
16 prosecuted must be in hot water this was  
17 unfair prejudice I did not have 2 counsels.  
18 This case must be reversed see New York v Johnson  
19 279 US 310 see Harry Berger 791 Fed 1314 295 US 78  
20 when prosecutors violate a right to due process  
21 of a defendants rights the only remedy is  
22 to reverse this conviction and grant a new  
23 trial. Arnold Anderson was not equal to two  
24 prosecutors while being tag teamed during  
25 trial. on the authority of the 6th amendment  
26 right to a fair trial violation and on the due process  
27 authority of a 14th amendment constitutional  
28 right violation I ask for a remedy of a new trial.

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1 Ground 15 Juror Questions Ignored Violated  
2 the 6<sup>th</sup> Amendment / 14<sup>th</sup> Amendment of due process  
3 and equal protection of the laws  
4 During trial some jurors asked questions during  
5 trial and the questions were ignored. IF the  
6 questions were answered the outcome could of  
7 been different. They had doubt.  
8 see TTAA 6 page 1290 Dennis Ward Juror Number 12  
9 asked how did Terry get back to the apartment?  
10 his notes were it's odd some one in pain  
11 could walk a flight of stairs see exhibit 4.  
12 This same juror asked another question see TTAA 6  
13 page 1291 why did AJ pay for a week 14. This  
14 juror received no response. (I deny being AJ)  
15 The next juror question ignored  
16 see TTAA 6 page 1292 Glenna Amos Juror # 3  
17 asked when did she go in the house. she received  
18 no response. in the event these questions were  
19 answered these jurors may have doubt and  
20 could of voted not guilty. Dennis Ward already  
21 had doubt when he stated it's odd someone  
22 in pain could walk up a flight of stairs  
23 out of revenge he could of voted guilty because  
24 his questions were ignored.  
25 see TTAA 6 page 1187 line 19 the court stated  
26 I'm not going to ask it because I don't think  
27 it's relevant exhibit #5  
28

1 The trial court was to ensure these questions were  
2 answered, but ignored them

### 3 Argument

4 These questions should of been answered from these jurors  
5 If they were answered the outcome would of been  
6 different. I was deprived a fair trial

### 7 points And Authority

8 The right to due process and equal protection of the laws  
9 were violated of the 14<sup>th</sup> amendment. when the  
10 Jurors questions were ignored. See Thomas v Stanley  
11 368 F3d 936 the court reversed his conviction because  
12 of the lack of interpretation of the Jurors Notes.

13 I suffered a unjust prejudicial verdict because of  
14 the trial court ignoring the jurors questions.

15 The remedy I seek is for this court to reverse  
16 the judgement of conviction on the authority  
17 of the 14<sup>th</sup> amendment violation, equal protection  
18 of the laws and a due process violation, and grant  
19 a new trial

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1 Ground 16 6th amendment right to a fair trial  
2 14th amendment equal protection of the laws  
3 Juror David PENN wrote the word DICK IN  
4 his notes  
5 ON 9-1-2017 the court received the jury notes  
6 from juror number 8 David PENN he wrote the  
7 word dick in his jury note.  
8 The trial court had an obligation to inquire  
9 as to the word itself is he calling the  
10 defendant a dick? This shows extreme prejudice  
11 he could of been a rebellious jury to corrupt  
12 the panel see TTAA 8 page 1729 courts  
13 exhibit 8  
14 This word could have various meanings to this  
15 jurors state of mind and if he had an  
16 hidden agenda this was prejudicial and the  
17 court failed to inquire but did not inquire at all.  
18 Argument  
19 The accused shall enjoy the right to a fair  
20 trial. The jury is to be impartial and not show  
21 any bias. This juror was prejudicial if he would  
22 of been excused and replaced. This same juror  
23 was selected as a foreman on this trial  
24 see TTAA 8 page 1650 line 6 the court Mr. Penn  
25 you have been selected to be the foreperson juror # 8  
26 Yes I have. ON the exhibit in question he put  
27 his name and number ON the note to make  
28 sure the court knew he was biased.

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1 This was not discovered until I received the trial transcripts.  
2 The trial court of this when the jurors turned in their notes  
3 after the verdict was read. This foreperson could of been vindictive.  
4 The trial courts failure to inquire allowed the trial to be contaminated.  
5 Points And Authority  
6 The right to a fair trial was violated when this juror wrote dick  
7 in his jury notes. The court failed to inquire about the notes.  
8 This violates equal protection of the laws. Of the 14<sup>th</sup> amendment  
9 pursuant to NRS. 16.050 (6) the existence of a state of mind in the juror  
10 evincing enmity or bias, the word dick is a derogatory word used  
11 to describe rudeness or a impolite manner of a individual the word  
12 is not used as a compliment. This proves the juror was impartial  
13 and violated the 6<sup>th</sup> amendment right to have a trial by a  
14 impartial jury. This judgement of conviction must be reversed  
15 because of this jurors behavior he was contaminated and this  
16 should of been detected in voir dire, he should of been excused  
17 see Thomas moore v Stanley Knight 368 F 3d. 936. the court  
18 reversed this case because of the interpretation of facts of a  
19 jurors note. In my case the notes went to the trial court  
20 after the verdict and failed to inquire about the state of  
21 mind of this juror. I suffered a violation of the 6<sup>th</sup>  
22 amendment right to have a impartial jury, and a 14<sup>th</sup>  
23 amendment violation of due process and equal  
24 protection of the laws. The remedy I seek is  
25 for this court to reverse this judgement of conviction  
26 and grant a new trial on the authority of the  
27 6<sup>th</sup> amendment right to a fair trial violation and the  
28 violation of the 14<sup>th</sup> amendment due process violation.

1 Ground 17 14<sup>th</sup> amendment violation due  
2 process. Discovery issues ignored  
3 during the course of this criminal proceeding while I  
4 was representing myself, the documents I needed  
5 to prepare for trial was ignored. I filed several  
6 motions to get the documents I needed to prepare  
7 for a defense.  
8 see the hearing TTAA 2 page 370 line 21-22 I  
9 stated to the court the completed police report from  
10 officer Werners, he stated the victim was shot once  
11 in the stomach. I stated another report states other injuries  
12 that are inconsistent with each other the court stated  
13 see TTAA 2 page 371 line 3 so what if someone  
14 said he was shot once and someone said he was shot  
15 multiple times this was the response from the trial court.  
16 I was denied this information.  
17 ON 4-13-2017 see TTAA 2 page 448 a motion for  
18 discovery was heard during the hearing, page TTAA 2 page 449  
19 I requested the photo array.  
20 See TTAA 2 page 452 line 17 the state said I did  
21 not get the discovery after multiple request  
22 see TTAA 2 page 453 line 20 did the state serve  
23 you with oppositions Frizzell NO. I was deprived  
24 the opportunity to review and defend and oppose  
25 motions.  
26 see TTAA 4 page 714 line 21 I listed I did not  
27 receive items in discovery.  
28

1 see TTAA 4 page 755 line 17 I haven't got  
2 crime scene photos.  
3 See TTAA 4 page 800 line 19 when asked about  
4 body cam footage the court said she was not  
5 going to watch 40 minutes of video because  
6 I can't que it up. I was in the Clark County  
7 detention center. I don't have a device to watch the  
8 videos at my leisure.  
9 After filing multiple discovery motions I was  
10 deprived information to build a defense of  
11 the allegations. I deny.  
12 see TTAA 4 page 754 line 1 I stated I needed  
13 to know what transcripts I needed.  
14 Referring to phone calls see TTAA 4 page 754 line 23  
15 Grizzell stated he sent his investigator over there to  
16 sit with me to listen to phone calls he failed to  
17 attend so I would know which calls would be  
18 used during trial. I had no idea of what phone calls would be used  
19  
20 MOTIONS FILED FOR DISCOVERY  
21 I filed multiple motions over a six month period  
22 to build a defense. I could not due to lack of  
23 discovery.  
24 See TTAA 2 page 302  
25 See TTAA 3 page 550  
26 See TTAA 3 page 312  
27 See TTAA 3 page 677  
28 See TTAA 2 page 443  
29 See TTAA 3 page 554

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1 See TTAA 3 page 620

2 See TTAA 3 page 633

3 See TTAA 4 page 768

4 IF the state would of turned over Arnold & Jae Anderson

5 plea agreement see TTAA 2 page 421 the jury

6 would of known someone was convicted for the

7 attempt murder charge and battery causing substan

8 tal bodily harm with weapon of Terry Bolden

9 the jury would of acquitted me. Since I had to

10 continue to ask for discovery over and over I

11 was denied due process I did not receive all

12 the material I needed to defend myself against these allegations.

13 Argument

14 I was denied due process because the state failed

15 to turn over discovery that was favorable the

16 plea agreement a color photo array a different

17 police report with 1 injury versus multiple. How could

18 one build a defense with inadequate discovery? See

19 Brady v Maryland 373 US 83 set 1194 due process

20 requires that the state turn over favorable evidence

21 if it is material to either guilt or punishment

22 the court reversed brady for this same reason. the

23 state prosecutor with holding favorable evidence.

24 See Kyles v. White 514 US 419. This judgement

25 must be reversed for the state's negligence

26 in turning over favorable discovery

27 which made the defendant suffer a unjust

28 verdict.

1. Points And Authority

2 Since the state failed to turn over discovery  
3 favorable to the defense it was prejudicial  
4 to the accused. See Brady v Maryland 373 US 83  
5 the court reversed brady for doing that exact  
6 same thing. pursuant to NRS. 174.235 the state  
7 at the request of a defendant the prosecuting  
8 attorney shall permit the defendant to inspect and  
9 to copy written records statements confessions, scientific  
10 test etc. See ITAA page 421-422 The state failed  
11 to turn over such. The state failed to turn over material  
12 in the discovery pursuant to NRS. 174.235 and  
13 violated the 14<sup>th</sup> amendment due process The  
14 6<sup>th</sup> amendment right to a fair trial. If the  
15 state disregarded the right to a fair trial as shown  
16 above and violate those rights No substitute  
17 can cure the violation The only remedy is to  
18 grant a new trial on the authority of the 6<sup>th</sup> fair trial  
19 amendment and 14<sup>th</sup> amendment due process  
20 violation a new trial must be granted by  
21 reversing this judgement of conviction and grant  
22 a New trial.

1 Ground 18 Racial Profiling violation of the 5<sup>th</sup>  
2 amendment and 14<sup>th</sup> amendment violations of  
3 due process and equal protection of the laws  
4 Controversial Suspect description

5 on August 23, 2016 Terry Bolden gave a description  
6 of a suspect of 5'7 with short hair see TTA 3 page 519  
7 You can see Arnold Anderson is bald headed. see TTA 6 page  
8 1287.

9 The photo line up was extremely prejudicial to  
10 depict Arnold Anderson as the only light skin  
11 black male; the line up was unconstitutional.  
12 The court should of provided a fact finding  
13 hearing see people v Robinson 141 mis 2d. 318 533 NY  
14 The defendant is entitled to a hearing when  
15 identification is a issue. see people v Acevedo 176  
16 Ad 2d 631

### 17 Argument

18 Terry Boldens statement of a suspect with short  
19 hair versus being bald is a big difference  
20 Arnold Anderson is bald, Rhonda Robinson  
21 stated the suspect is chubby, I am neither  
22 one. The trial court should of had a fact  
23 finding hearing about the description of  
24 the suspect but did not. The in court identification  
25 should be invalid. There are multiple discrepancies  
26 with the identification. The photo line up  
27 was suggestive and unconstitutional.  
28

## POINTS AND Authority

1  
2 The supreme court views the witness degree  
3 of attention, the factors to be considered in  
4 determining for due process whether an identification  
5 of the accused was made under suggestive  
6 and unnecessary police identification procedures  
7 so unreliable. To include the opportunity of the  
8 witness degree of attention the accuracy of his  
9 prior description of the suspect and the level  
10 of certainty. see people v Rolison 141 Mis 2d. 318 533 NY  
11 also see People v arevalo 176 Ad 2d. 631. A line up  
12 must be consistent with due process. No attorney  
13 was present with Valenzuela nor did he  
14 do a double blind photo line up to prevent  
15 prejudicial bias. see TT 447 page 1494 line 17-24  
16 Valenzuela questioned about the double blind line  
17 up and did not do it. This ~~is~~ racial  
18 profiling is unconstitutional when this officer  
19 selected random black men for a line up  
20 and was not the same shade or color.  
21 This violates due process I suffered a unjust verdict  
22 because of this. The supreme court states witness  
23 degree of attention in MANSON V Brathwaite 432 US 98  
24 this was not challenged in my case. Due to the conflict  
25 in identification the only remedy is to grant  
26 a new trial and reverse this judgement of  
27 conviction on the authority of The constitutional  
28 violations of 14<sup>th</sup> amendment due process 5<sup>th</sup> amendment racial Profiling.

1 Ground 19 Conflict in car description. A violation of  
2 the 14<sup>th</sup> amendment due process and equal protection of  
3 the laws. Credibility Issues.

4 In Terry Bolden's voluntary statement he stated the suspect  
5 car was a Camry or Camaro there's a contrast in those  
6 two cars. see TTA 3 page 518

7 A different car

8 see TTA 6 page 1279 line 2 He stated the car could be  
9 a Camry.

10 During trial he stated he had been in the car 2 or 3 times

11 see TTA 6 page 1230 line 15 He also stated the car

12 in question is a two seater see TTA 6 page 1230 line 8

13 this was obviously not true, the car is a 4 seater

14 see TTA 6 page 1289 Defense exhibit B the picture

15 shows the car as having two front seats and two back

16 seats. Terry Bolden was not credible.

17 Two different stories

18 During a interview with Terry Bolden he told detective

19 Valenzuela he owe some one money for drugs see TTA

20 3 page 516-515.

21 During the preliminary hearing he testified under

22 oath, that he met someone because he was homeless

23 and needed a place to live. The prosecutor failed to

24 correct this. Contradicting testimony.

25 I deny being involved in any of those stories. The

26 fact is he changed his story which is misleading

27 see second

1 story at trial see TAA6 page 1199 the district attorney  
2 allowed this perjury to go uncorrected to allow  
3 him to say he met some one because he was  
4 homeless and he was possibly shot over a hotel  
5 fee instead of his first story he may have been  
6 shot over drugs both stories I deny. The prosecutor  
7 presented this story so Terry Bolden won't look like  
8 a bad person. This was told to the jury for  
9 sympathy.

#### 10 points And Authority

11 prosecutor Binu Palal and Bryan Schwartz presented  
12 this conflicting story. The jury was misled and  
13 failed to determine the credibility of the witness  
14 See Walker v State 91 Nev 724 726 this is a direct  
15 violation of due process, a prosecutor has a special  
16 duty to commensurate with a unique power to  
17 ensure that defendants receive fair trials. It is  
18 as much his duty to refrain from improper  
19 methods calculated to produce a wrongful conviction  
20 as it is to use every legitimate method to  
21 bring a justified one. see Roger Lapage v US 231  
22 F.3d 498 the court reversed his case because due process  
23 was violated. The right to a fair trial is a right  
24 and prosecutors must not use unlawful tactics  
25 to get a conviction. see Berger v United States 295 US  
26 785 set 629. The court reversed his case because  
27 the prosecutor used unlawful tactics to  
28 prosecute by charging him with 1 conspiracy

1 IN THE indictment but charged him with two, the court reversed his convictions  
2 and remanded for a new trial. TO prosecute a lie to the jury is perjury  
3 and violates due process. The record will reflect these prosecutors were well  
4 aware of the conflicting stories. see T.T.A. 6 page 1199 line 9-12 the district  
5 attorney asked, without going into details were you asked to do something  
6 line 11 it's a yes or no line 19 I objected then again on see T.T.A. 6 page 1199  
7 line 21 Palal say again yes or no, I don't want to go into details. The jury had a  
8 right to know about every allegation in this case. see Napue v Illinois 360 US 264  
9 in this case the prosecutor knowingly presented lies to the jury. When he allowed  
10 a witness to say he didn't receive consideration for his testimony. The district  
11 attorney knew this was false testimony. The United States Supreme court  
12 reversed his conviction stating it violated due process. In my case the prosecutor  
13 told the witness Terry Bolden yes or no to answer his question without  
14 stating details. The prosecutor was hiding something, he did not want  
15 the jury to know Terry Bolden's initial story is he owe someone money for  
16 drugs. I deny involvement in either story. IF the jury would of known  
17 Terry Bolden told 2 different stories the outcome would of been different  
18 he would of been proven a liar. I suffered a unjust verdict because of  
19 this deception to the jury. A lie is a lie no matter the lie. A right to  
20 a fair trial was violated that's protected by the 6th amendment and  
21 a violation of the 14th amendment due process right was violated  
22 the remedy I seek is a new trial, on the authority of Napue v Illinois  
23 360 US 264 and the authority of the 6th amendment violation  
24 right to a fair trial and on the authority of the 14th amendment  
25 violation of due process.

**PLEADING  
CONTINUES  
IN NEXT  
VOLUME**