

FILED

AUG 16 2021

ALICIA L. LERUD, CLERK

By: J. Wilson
DEPUTY CLERK

Electronically Filed
Aug 18 2021 11:45 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

1 CODE \$2515

2 Name: William J. McCaffrey

3 Address: 735 S Center St. Unit 4

4 Yerington, NV. 89447

5 Telephone: 775-379-6388

6 Email: Zgate102@live.com

7 Self-Represented Litigant

8 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

9 IN AND FOR THE COUNTY OF WASHOE

10 * * * * *

11 WILLIAM J. MCCAFFREY)

Case No. CR09-1325

12 Petitioner,)

Dept. No. 8

13 -vs-)

14 THE STATE OF NEVADA)

15 Respondent.)

16 NOTICE OF APPEAL

17 NOTICE IS GIVEN that Petitioner, WILLIAM J. MCCAFFREY
18 in pro se, hereby appeals to the Nevada Supreme Court the
19 Findings of Fact, Conclusions of Law and Order denying /
20 dismissing Petition for Writ of Habeas Corpus, which was filed /
21 entered on the 9th day of August, 2021.

22 Dated this 16th day of August, 2021.

23 William J. McCaffrey

24 Name: William J. McCaffrey

25 Address: 735 S. Center St. Unit 4

Yerington, NV. 89447

26 Telephone: 775-379-6388

27 Email: Zgate102@live.com

28 Self-Represented Litigant

CERTIFICATE OF SERVICE

I do certify that I mailed a true and correct copy of the foregoing NOTICE OF APPEAL to the below address(es) on this 16th day of August, 2021, by placing same in the U.S. Mail

CHRISTOPHER J. HICKS
#7747
One South Sierra Street
Reno, Nevada 89501
(775) 328-3200
District Attorney 7th Judicial District
Attorney for Respondent

William J. McCaffrey
Name: William J. McCaffrey
Address: 75 S. Center St. Unit 4
Yerington, NV. 89447
Telephone: 775-374-6388
Email: 2gate102@live.com
Self-Represented Litigant

AFFIRMATION PURSUANT TO NRS 239B.030

The undersigned does hereby affirm that the preceding NOTICE OF APPEAL filed in District Court Case No. CR091325 does not contain the social security number of any person.

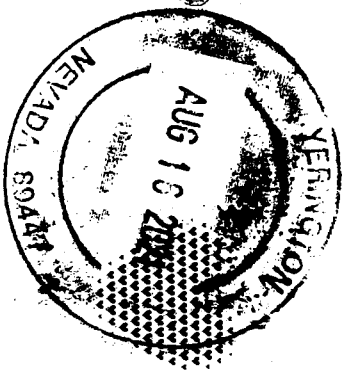
Dated this 16th day of August, 2021.

William J. McCaffrey
William J. McCaffrey

Petitioner In Pro Se

William S. McCaffrey
735 S. Center St. Unit 4
Vernon, NV. 89447

RECEIVED
16 2021
MAIL DESK



Christopher J. Hicks
7747
One South Sierra Streets
Reno, Nevada 89501
(975) 328-320
District Attorney & Juvenile County, NV
Attorney for Respondent

Code 1310

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE

WILLIAM J. MCCAFFREY,

Petitioner,

Case No. CR09-1325

vs.

Dept. No. 8

THE STATE OF NEVADA,

Respondent.

CASE APPEAL STATEMENT

This case appeal statement is filed pursuant to NRAP 3(f).

1. Appellant is William J. McCaffrey.
2. This appeal is from an order entered by the Honorable Judge Barry L. Breslow.
3. Appellant is representing himself in Proper Person on appeal. The Appellant's address is:

William J. McCaffrey
735 S. Center St. Unit #4
Yerington, NV 89447
4. Respondent is the State of Nevada. Respondent is represented by the Washoe County District Attorney's Office:

Jennifer P. Noble, Esq., SBN: 9446
P.O. Box 11130
Reno, Nevada 89520
5. Respondent's attorney is not licensed to practice law in Nevada: n/a

6. Appellant is represented by appointed counsel in District Court.
7. Appellant is not represented by appointed counsel on appeal.
8. Appellant was granted leave to proceed in forma pauperis in the District Court on January 5th, 2021.
9. Proceeding commenced by the filing of an Information on July 13th, 2009.
10. This is a criminal proceeding and the Appellant is appealing the Order Granting Motion to Dismiss Post-Conviction Petition filed August 9th, 2021.
11. The case has been the subject of a previous appeal to the Supreme Court.
Supreme Court No.: 54873 and 66541
12. This case does not involve child custody or visitation.
13. This is not a civil case involving the possibility of a settlement.

Dated this 17th day of August, 2021.

Alicia Lerud, Interim
Clerk of the Court
By: /s/ Y.Viloria
Y.Viloria
Deputy Clerk

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE

WILLIAM J. MCCAFFREY,

Petitioner,

Case No. CR09-1325

vs.

Dept. No. 8

THE STATE OF NEVADA,

Respondent.

/

ORDER GRANTING *MOTION TO PROCEED INFORMA PAUPERIS*

Before the Court is Petitioner, WILLIAM J. MCCAFFREY's, *Motion to Proceed Informa Pauperis* filed October 20, 2020. A hearing was subsequently held on January 5, 2021.

Pursuant to Nevada Supreme Court's Order ADKT No. 411, a person will be deemed indigent who is unable, without substantial hardship to himself or his dependents, to obtain competent qualified legal counsel on his own.

The Court finds that pursuant to NRS 171.188, Petitioner has insufficient assets and/or income to proceed absent a grant of *forma pauperis* status.

IT IS HEREBY ORDERED, pursuant to NRS 171.188 petitioner is granted leave to proceed in forma pauperis.

IT IS HEREBY FURTHER ORDERED that the Court allow petitioner to bring such action without costs and file or issue any necessary writ, process, pleading or paper without charge, with the exception of jury fees.

1 IT IS HEREBY FURTHER ORDERED that the Sheriff or any other appropriate
2 officer within the state make personal service of any necessary writ, process, pleading
3 or paper without charge for petitioner.

4 **IT IS SO ORDERED.**

5 Dated: January 5, 2021.



6 BARRY L. BRESLOW
7 District Judge
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CERTIFICATE OF SERVICE

I hereby certify that I am an employee of the Second Judicial District Court of the State of Nevada, in and for the County of Washoe; and that on this date I electronically filed the foregoing with the Clerk of the Court system which will send a notice of electronic filing to the following:

REBECCA DRUCKMAN, ESQ. for STATE OF NEVADA

DIV. OF PAROLE & PROBATION

MARY LOU WILSON, ESQ. for WILLIAM MCCAFFREY

MARILEE CATE, ESQ. for STATE OF NEVADA

Further, I certify that I deposited in the county mailing system for postage and mailing with the U.S. Postal Service in Reno, Nevada, a true copy of the foregoing addressed to:

WILLIAM J. MCCAFFREY

735 CENTER ST., UNIT 4

YERINGTON, NV 89447

DATED this 5 day of January, 2021.



Judicial Assistant

**SECOND JUDICIAL DISTRICT COURT
COUNTY OF WASHOE**

Case History - CR09-1325

DEPT. D8

HON. BARRY L. BRESLOW

Report Date & Time

8/17/2021

3:44:16PM

Case Description: STATE VS. WILLIAM JOSEPH MCCAFFREY (D8)

Case ID:	CR09-1325	Case Type:	CRIMINAL	Initial Filing Date:	7/2/2009
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Parties

ATTY	Krista D. Meier, Esq. - 8105
PNP	Div. of Parole & Probation - DPNP
PLTF	STATE OF NEVADA - STATE
DA	Jennifer P. Noble, Esq. - 9446
DA	Marilee Cate, Esq. - 12563
DA	Rebecca Druckman, Esq. - 3714
DEFT	WILLIAM JOSEPH MCCAFFREY - @1165714
PD	Donald K. White, Esq. - 10467
CAA	Scott W. Edwards, Esq. - 3400
CAA	Mary Lou A. Wilson, Esq. - 3329

Charges

<i>Charge No.</i>	<i>Charge Code</i>	<i>Charge Date</i>	<i>Charge Description</i>
1	F925	7/13/2009	INF PROMOTION OF SEXUAL PERFORMANCE OF A MINOR

Plea Information

<i>Charge No.</i>	<i>Plea Code</i>	<i>Plea Date</i>	<i>Plea Description</i>
1	F925	8/14/2009	PLED GUILTY

Sentences

<i>Date</i>	<i>Charge No.</i>	<i>Charge Desc</i>	<i>Time Served</i>	<i>Sentence Text</i>
10/7/2009	1	Life With Poss of Parole	NSP LIFE WITH PAROLE ELIGIBILITY AFTER 5 YEARS HAS BEEN SERVED; FEES; LIFETIME SUPERVISION	

Release Information

Custody Status

8/14/2009	CUSTODY - WCJ	DEFENDANT'S BAIL REDUCED TO \$50,000.00 BONDABLE
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Hearings

<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>	<i>Disposed Date</i>
1 D8	ARRAIGNMENT	7/15/2009 08:30:00	7/15/2009

Event Extra Text:

Disposition:
D455 7/15/2009

<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>	<i>Disposed Date</i>
2 D8	ARRAIGNMENT	8/5/2009 08:30:00	8/4/2009

Event Extra Text:

Disposition:
D844 8/4/2009
Reset to 8/14/09 at 8:30

Case Description: STATE VS. WILLIAM JOSEPH MCCAFFREY (D8)**Case ID: CR09-1325****Case Type: CRIMINAL****Initial Filing Date: 7/2/2009**

	<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
3	D8	ARRAIGNMENT	8/14/2009	08:30:00	8/14/2009
	Event Extra Text:		Disposition: D655 8/14/2009 INFORMATION		
	<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
4	D8	SENTENCING	9/25/2009	08:30:00	9/25/2009
	Event Extra Text:		Disposition: D845 9/25/2009		
	<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
5	D8	SENTENCING	10/7/2009	08:30:00	10/7/2009
	Event Extra Text:		Disposition: D765 10/7/2009		
	<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
6	D8	Request for Submission	6/25/2014	12:35:00	6/25/2014
	Event Extra Text: MOTION FOR APPOINTMENT OF COUNSEL AND APPLICATION TO PROCEED IN FORMA PAUPERIS		Disposition: S200 6/25/2014		
	<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
7	D8	Request for Submission	8/4/2014	11:35:00	9/9/2014
	Event Extra Text: MOTION FOR REMISSION OF FEES AND COSTS (NO PAPER ORDER PROVIDED)		Disposition: S200 9/9/2014		
	<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
8	D8	Request for Submission	12/12/2014	16:56:00	1/21/2015
	Event Extra Text: MOTION FOR MODIFICATION OF SENTENCE		Disposition: S200 1/21/2015		
	<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
9	D8	Request for Submission	10/26/2020	09:30:00	11/23/2020
	Event Extra Text: MOTION TO WD ATTORNEY OF RECORD AND TRANSFER RECORDS		Disposition: S200 11/23/2020		
	<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
10	D8	Request for Submission	10/26/2020	09:30:00	11/23/2020
	Event Extra Text: MOTION TO PROCEED INFORMA PAUPERIS		Disposition: S200 11/23/2020		

Case Description: STATE VS. WILLIAM JOSEPH MCCAFFREY (D8)**Case ID: CR09-1325****Case Type: CRIMINAL****Initial Filing Date: 7/2/2009**

	<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
11	D8	HEARING...	1/5/2021	11:00:00	1/5/2021
	Event Extra Text:		Disposition: D260 1/5/2021 MOTION TO PROCEED INFORMA PAUPERIS - GRANTED.		
	<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
12	D8	Request for Submission	2/9/2021	16:35:00	4/5/2021
	Event Extra Text: MOTION FOR EXTENSION OF TIME		Disposition: S200 4/5/2021		
	<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
13	D8	Request for Submission	2/19/2021	09:04:00	4/5/2021
	Event Extra Text: MOTION		Disposition: S200 4/5/2021		
	<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
14	D8	Request for Submission	2/19/2021	09:05:00	4/5/2021
	Event Extra Text: OPPOSITION TO MOTION		Disposition: S200 4/5/2021		
	<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
15	D8	Request for Submission	2/19/2021	09:02:00	4/5/2021
	Event Extra Text: WRIT OF HABEAS CORPUS POST CONVICTION		Disposition: S200 4/5/2021		
	<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
16	D8	Request for Submission	4/2/2021	15:28:00	4/5/2021
	Event Extra Text: MOTION FOR JUDICIAL ACTION (NO ORDER PROVIDED)		Disposition: S200 4/5/2021		
	<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
17	D8	Request for Submission	5/5/2021	15:30:00	5/18/2021
	Event Extra Text: EX PARTE EMERGENCY MOTION		Disposition: S200 5/18/2021		
	<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
18	D8	STATUS HEARING	5/11/2021	10:00:00	4/8/2021
	Event Extra Text:		Disposition: D844 4/8/2021		

Case Description: STATE VS. WILLIAM JOSEPH MCCAFFREY (D8)

Case ID:	CR09-1325	Case Type:	CRIMINAL	Initial Filing Date:	7/2/2009
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Department	Event Description	Sched. Date & Time	Disposed Date
19 D8	STATUS HEARING	5/18/2021 10:00:00	5/18/2021

Event Extra Text:

Disposition:
D260 5/18/2021
PETR HAS 30 DAYS TO RESPOND TO THE STATE'S MOTION
TO DISMISS, STATE WILL HAVE 10 COURT DAYS TO REPLY
TO THE RESPONSE.

Department	Event Description	Sched. Date & Time	Disposed Date
20 D8	Request for Submission	6/21/2021 15:05:00	8/9/2021

Event Extra Text: MOTION TO DISMISS POST-CONVICTION
PETITION

Disposition:
S200 8/9/2021

Agency Cross Reference

Code	Agency Description	Case Reference I.D.
DA	District Attorney's Office	DA404826
PC	PCN number	PCNWASO0001808C
SC	Supreme Court	SCN 54873
SC	Supreme Court	SCN 66541
SJ	Sparks Justice's Court	SJC09CR1348
WC	Washoe County Sheriff's Office	WC09003932

Actions

Action Entry Date	Code	Code Description	Text
7/7/2009	1491	Pretrl Srvc Assessment Report	
7/13/2009	4265	Waiver of Preliminary Exam	
7/13/2009	1800	Information	
7/15/2009	MIN	***Minutes	ARRAIGNMENT - Transaction 900178 - Approved By: NOREVIEW : 07-15-2009:16:13:53
8/12/2009	3370	Order ...	Order unsealing BW served on or about June 10, 2009
8/14/2009	1785	Guilty Plea Memo/Agreement	Transaction 969879 - Approved By: NOREVIEW : 08-14-2009:11:35:00
8/14/2009	MIN	***Minutes	ARRAIGNMENT - Transaction 970516 - Approved By: NOREVIEW : 08-14-2009:14:04:07
8/25/2009	4185	Transcript	MOTION TO CONTINUE - JULY 15, 2009 - Transaction 993731 - Approved By: TPRINCE : 08-25-2009:10:45:35
9/8/2009	4185	Transcript	ARRAIGNMENT - AUG. 14, 2009 - Transaction 1023070 - Approved By: TWHITE : 09-08-2009:10:58:35
9/23/2009	4500	PSI - Confidential	SEPTEMBER 11, 2009 - Transaction 1062791 - Approved By: NOREVIEW : 09-23-2009:13:55:28
10/7/2009	NEF	Proof of Electronic Service	Transaction 1087171 - Approved By: NOREVIEW : 10-07-2009:14:55:11
10/7/2009	MIN	***Minutes	SENTENCING - Transaction 1087152 - Approved By: NOREVIEW : 10-07-2009:14:52:39
10/9/2009	NEF	Proof of Electronic Service	Transaction 1092032 - Approved By: NOREVIEW : 10-09-2009:15:33:00
10/9/2009	1850	Judgment of Conviction	10/7/09 - Transaction 1091978 - Approved By: NOREVIEW : 10-09-2009:15:25:28
10/31/2009	2520	Notice of Appearance	JOHN PETTY, DEP. P.D. obo WILLIAM JOSEPH MCCAFFREY - Transaction 1129205 - Approved By: MPURD
11/2/2009	1310	Case Appeal Statement	Transaction 1130140 - Approved By: MPURDY : 11-02-2009:12:58:20
11/2/2009	2515	Notice of Appeal Supreme Court	Transaction 1130139 - Approved By: MPURDY : 11-02-2009:12:57:20
11/2/2009	NEF	Proof of Electronic Service	Transaction 1129235 - Approved By: NOREVIEW : 11-02-2009:08:12:41
11/2/2009	NEF	Proof of Electronic Service	Transaction 1130198 - Approved By: NOREVIEW : 11-02-2009:13:00:30
11/2/2009	NEF	Proof of Electronic Service	Transaction 1130249 - Approved By: NOREVIEW : 11-02-2009:13:14:49

Case Description: STATE VS. WILLIAM JOSEPH MCCAFFREY (D8)				
Case ID:	CR09-1325	Case Type:	CRIMINAL	Initial Filing Date: 7/2/2009
11/4/2009	1187	**Supreme Court Case No. ...	SUPREME COURT CASE NO. 54873	
11/4/2009	1365	Certificate of Transmittal	Transaction 1134620 - Approved By: NOREVIEW : 11-04-2009:08:40:06	
11/4/2009	NEF	Proof of Electronic Service	Transaction 1135001 - Approved By: NOREVIEW : 11-04-2009:09:58:16	
11/4/2009	4109	Supreme Ct Accept - eFile Doc	SUPREME COURT CASE NO. 54873- Transaction 1134989 - Approved By: NOREVIEW : 11-04-2009:09:57:14	
11/4/2009	1350	Certificate of Clerk	Transaction 1134620 - Approved By: NOREVIEW : 11-04-2009:08:40:06	
11/4/2009	NEF	Proof of Electronic Service	Transaction 1134633 - Approved By: NOREVIEW : 11-04-2009:08:41:47	
11/5/2009	1188	Supreme Court Receipt for Doc	SUPREME COURT CASE NO. 54873 - Transaction 1137830 - Approved By: NOREVIEW : 11-05-2009:14:43:40	
11/5/2009	NEF	Proof of Electronic Service	Transaction 1137848 - Approved By: NOREVIEW : 11-05-2009:14:46:49	
11/10/2009	3370	Order ...	ORDER GRANTING MOTION FOR TRANSCRIPTS AT PUBLIC EXPENSE - Transaction 1143240 - Approved E	
11/10/2009	NEF	Proof of Electronic Service	Transaction 1143241 - Approved By: NOREVIEW : 11-10-2009:09:19:38	
11/22/2009	4185	Transcript	SENTENCING - 10-07-09 - Transaction 1164765 - Approved By: AZION : 11-23-2009:08:33:29	
11/23/2009	NEF	Proof of Electronic Service	Transaction 1165202 - Approved By: NOREVIEW : 11-23-2009:08:44:29	
7/20/2010	NEF	Proof of Electronic Service	Transaction 1609390 - Approved By: NOREVIEW : 07-20-2010:12:59:53	
7/20/2010	4134	Supreme Court Order Affirming	SUPREME COURT CASE NO.54873/ORDER OF AFFIRMANCE - Transaction 1609365 - Approved By: NOREVIEW	
8/19/2010	NEF	Proof of Electronic Service	Transaction 1668117 - Approved By: NOREVIEW : 08-19-2010:13:46:44	
8/19/2010	4111	Supreme Ct Clk's Cert & Judg	SUPREME COURT CASE NO. 54873/CLERK'S CERTIFICATE - Transaction 1668074 - Approved By: NOREVIEW	
8/19/2010	4145	Supreme Court Remittitur	SUPREME COURT CASE NO. 54873/REMITTITUR - Transaction 1668074 - Approved By: NOREVIEW : 08-19-	
8/19/2010	4134	Supreme Court Order Affirming	SUPREME COURT CASE NO. 54873/ORDER OF AFFIRMANCE - Transaction 1668074 - Approved By: NOREVIEW	
6/10/2014	3862	**Criminal Submit	DOCUMENT TITLE: NO S1 BUILT - APPLICATION TO PROCEED IN FORMA PAUPERIS (PAPER ORDER PF	
6/10/2014	2383	Mtn to Modify/Correct Sentence		
6/10/2014	2385	Mtn Proceed Forma Pauperis	APPLICATION TO PROCEED IN FORMA PAUPERIS	
6/10/2014	2490	Motion ...	MOTION FOR APPOINTMENT OF COUNSEL	
6/10/2014	1075	Affidavit ...	AFFIDAVIT OF ASSISTANCE BY CERTIFIED PARALEGAL, RICHARD BRAWNER	
6/23/2014	2520	Notice of Appearance	JOSEPH PLATER, DA / STATE - Transaction 4487978 - Approved By: MCHOLICO : 06-23-2014:14:09:34	
6/23/2014	NEF	Proof of Electronic Service	Transaction 4488139 - Approved By: NOREVIEW : 06-23-2014:14:10:34	
6/23/2014	NEF	Proof of Electronic Service	Transaction 4488574 - Approved By: NOREVIEW : 06-23-2014:15:49:08	
6/23/2014	NEF	Proof of Electronic Service	Transaction 4488583 - Approved By: NOREVIEW : 06-23-2014:15:50:59	
6/23/2014	3035	Ord Grant in Forma Pauperis	Transaction 4488567 - Approved By: NOREVIEW : 06-23-2014:15:48:08	
6/23/2014	2715	Ord Appointing Counsel	ORDER GRANTING APPOINTMENT OF COUNSEL - Transaction 4488579 - Approved By: NOREVIEW : 06-23-	
6/23/2014	2645	Opposition to Mtn ...	OPPOSITION TO MOTION FOR MODIFICATION OF SENTENCE - Transaction 4487978 - Approved By: MCHC	
6/25/2014	3860	Request for Submission	DOCUMENT TITLE: MOTION FOR APPOINTMENT OF COUNSEL AND APPLICATION TO PROCEED IN FOR	
6/25/2014	S200	Request for Submission Complet		
7/9/2014	3795	Reply...	REPLY TO OPPOSITION TO MOTION FOR MODIFICATION OF SENTENCE	
7/10/2014	3645	Petition ...	PETITION FOR REMISSION OF FEES AND COURT COSTS	
7/16/2014	NEF	Proof of Electronic Service	Transaction 4519203 - Approved By: NOREVIEW : 07-16-2014:11:11:08	
7/16/2014	2715	Ord Appointing Counsel	RECOMMENDATION AND ORDER FOR APPOINTMENT OF COUNSEL - Transaction 4519192 - Approved By:	
7/24/2014	2650	Opposition to ...	OPPOSITION TO PETITION FOR REMISSION OF FEES AND COURT COSTS - Transaction 4532208 - Approv	
7/24/2014	NEF	Proof of Electronic Service	Transaction 4532440 - Approved By: NOREVIEW : 07-24-2014:15:54:34	
7/31/2014	3795	Reply...	TO OPPOSITION TO PETITION FOR REMISSION OF FEES AND COSTS	

Case Description: STATE VS. WILLIAM JOSEPH MCCAFFREY (D8)				
Case ID:	CR09-1325	Case Type:	CRIMINAL	Initial Filing Date: 7/2/2009
8/1/2014	3860	Request for Submission	DOCUMENT TITLE: MOTION FOR REMISSION OF FEES AND COSTS (NO PAPER ORDER PROVIDED)	
8/13/2014	2610	Notice ...	NOTICE OF INFORMATION REGARDING PSYCHOSEXUAL EVALUATIONS - Transaction 4560631 - Approver	
8/13/2014	2610	Notice ...	NOTICE OF PAROLE OF PETITIONER - Transaction 4560251 - Approved By: MCHOLICO : 08-13-2014:15:04:	
8/13/2014	NEF	Proof of Electronic Service	Transaction 4560451 - Approved By: NOREVIEW : 08-13-2014:15:05:36	
8/13/2014	NEF	Proof of Electronic Service	Transaction 4560642 - Approved By: NOREVIEW : 08-13-2014:15:59:49	
9/9/2014	NEF	Proof of Electronic Service	Transaction 4597401 - Approved By: NOREVIEW : 09-09-2014:10:27:56	
9/9/2014	2842	Ord Denying Motion	Transaction 4597397 - Approved By: NOREVIEW : 09-09-2014:10:26:54	
9/9/2014	S200	Request for Submission Complet		
9/18/2014	NEF	Proof of Electronic Service	Transaction 4612710 - Approved By: NOREVIEW : 09-18-2014:09:50:13	
9/18/2014	NEF	Proof of Electronic Service	Transaction 4612717 - Approved By: NOREVIEW : 09-18-2014:09:51:02	
9/18/2014	2515	Notice of Appeal Supreme Court	Transaction 4612234 - Approved By: YVILORIA : 09-18-2014:09:48:52	
9/18/2014	1310	Case Appeal Statement	Transaction 4612241 - Approved By: YVILORIA : 09-18-2014:09:49:15	
9/18/2014	3868	Req to Crt Rptr - Rough Draft	Transaction 4612243 - Approved By: YVILORIA : 09-18-2014:09:50:03	
9/18/2014	NEF	Proof of Electronic Service	Transaction 4612708 - Approved By: NOREVIEW : 09-18-2014:09:49:50	
9/19/2014	1350	Certificate of Clerk	CERTIFICATE OF CLERK AND TRANSMITTAL - NOTICE OF APPEAL - Transaction 4614593 - Approved By: N	
9/19/2014	NEF	Proof of Electronic Service	Transaction 4614601 - Approved By: NOREVIEW : 09-19-2014:08:17:08	
9/23/2014	1188	Supreme Court Receipt for Doc	SUPREME COURT NO. 66541 / RECEIPT FOR DOCUMENTS - Transaction 4619665 - Approved By: NOREVII	
9/23/2014	NEF	Proof of Electronic Service	Transaction 4619668 - Approved By: NOREVIEW : 09-23-2014:12:32:25	
9/24/2014	1670	Ex-Parte Mtn...	(SEALED) EXPARTE MOTION FOR PAYMENT OF INTERIM ATTORNEY FEES IN SUPPORT OF THE PETITIC	
9/24/2014	NEF	Proof of Electronic Service	Transaction 4622807 - Approved By: NOREVIEW : 09-24-2014:16:24:40	
10/14/2014	2777	Ord Approving ...	RECOMMENDATION AND ORDER FOR PAYMENT OF ATTORNEY'S FEES - Transaction 4651088 - Approved	
10/14/2014	NEF	Proof of Electronic Service	Transaction 4651093 - Approved By: NOREVIEW : 10-14-2014:12:46:57	
10/22/2014	4127	Supreme Ct Ord Dismiss Appeal	SUPREME COURT NO. 66541/ORDER DISMISSING APPEAL - Transaction 4664128 - Approved By: NOREVIE	
10/22/2014	NEF	Proof of Electronic Service	Transaction 4664131 - Approved By: NOREVIEW : 10-22-2014:14:48:54	
11/12/2014	NEF	Proof of Electronic Service	Transaction 4692627 - Approved By: NOREVIEW : 11-12-2014:16:22:12	
11/12/2014	4145	Supreme Court Remittitur	SUPREME COURT NO. 66541/REMITTITUR - Transaction 4692625 - Approved By: NOREVIEW : 11-12-2014:1	
11/12/2014	4111	Supreme Ct Clk's Cert & Judg	SUPREME COURT NO. 66541/CLERK'S CERTIFICATE AND JUDGMENT - Transaction 4692625 - Approved B	
11/12/2014	4127	Supreme Ct Ord Dismiss Appeal	SUPREME COURT NO. 66541/ORDER DISMISSING APPEAL - Transaction 4692625 - Approved By: NOREVIE	
12/10/2014	2610	Notice ...	NOTICE OF NO SUPPLEMENTAL PETITION FOR WRIT OF HABEAUS CORPUS (POST CONVICTION) - Tra	
12/11/2014	NEF	Proof of Electronic Service	Transaction 4731451 - Approved By: NOREVIEW : 12-11-2014:09:12:10	
12/12/2014	3860	Request for Submission	MOTION FOR MODIFICATION OF SENTENCE (NO PAPER ORDER PROVIDED) - Transaction 4734727 - App	
12/12/2014	NEF	Proof of Electronic Service	Transaction 4734952 - Approved By: NOREVIEW : 12-12-2014:16:52:05	
12/18/2014	1670	Ex-Parte Mtn...	EX PARTE MOTION FOR PAYMENT OF INTERIM ATTORNEY FEES IN SUPPORT OF THE PETITION FOR W	
12/18/2014	NEF	Proof of Electronic Service	Transaction 4743540 - Approved By: NOREVIEW : 12-18-2014:16:05:59	
1/13/2015	NEF	Proof of Electronic Service	Transaction 4770679 - Approved By: NOREVIEW : 01-13-2015:10:03:44	
1/13/2015	2777	Ord Approving ...	RECOMMENDATION AND ORDER FOR PAYMENT OF INTERIM ATTORNEY'S FEES - Transaction 4770664 -	
1/21/2015	S200	Request for Submission Complet		
1/21/2015	NEF	Proof of Electronic Service	Transaction 4782754 - Approved By: NOREVIEW : 01-21-2015:16:28:14	
1/21/2015	2842	Ord Denying Motion	Transaction 4782747 - Approved By: NOREVIEW : 01-21-2015:16:27:22	

Case Description: STATE VS. WILLIAM JOSEPH MCCAFFREY (D8)				
Case ID:	CR09-1325	Case Type:	CRIMINAL	Initial Filing Date: 7/2/2009
1/21/2015	F230	Other Manner of Disposition		
2/12/2015	3897	Return	RETURNED MAIL - Transaction 4815659 - Approved By: YLLOYD : 02-12-2015:13:33:20	
2/12/2015	NEF	Proof of Electronic Service	Transaction 4815821 - Approved By: NOREVIEW : 02-12-2015:13:34:15	
4/6/2015	1670	Ex-Parte Mtn...	EX PARTE MOTION FOR APPROVAL OF COMPLETED INVESTIGATION FEES IN SUPPORT OF THE SUPPL	
4/6/2015	NEF	Proof of Electronic Service	Transaction 4893665 - Approved By: NOREVIEW : 04-06-2015:10:44:28	
4/7/2015	NEF	Proof of Electronic Service	Transaction 4895661 - Approved By: NOREVIEW : 04-07-2015:11:02:26	
4/7/2015	3370	Order ...	REFERRING MATTER TO BOB BELL - Transaction 4895654 - Approved By: NOREVIEW : 04-07-2015:11:01:23	
4/15/2015	NEF	Proof of Electronic Service	Transaction 4908826 - Approved By: NOREVIEW : 04-15-2015:16:56:33	
4/15/2015	2777	Ord Approving ...	RECOMMENDATION AND ORDER GRANTING INVESTIGATIVE FEES - Transaction 4908821 - Approved By:	
8/11/2015	PAYRC	**Payment Received	A Payment of -\$23.92 was made on receipt DCDC510074.	
9/4/2015	PAYRC	**Payment Received	A Payment of -\$21.93 was made on receipt DCDC513215.	
10/6/2015	PAYRC	**Payment Received	A Payment of -\$21.93 was made on receipt DCDC516755.	
11/2/2015	PAYRC	**Payment Received	A Payment of -\$23.93 was made on receipt DCDC519646.	
12/24/2015	PAYRC	**Payment Received	A Payment of -\$19.93 was made on receipt DCDC525099.	
2/5/2016	PAYRC	**Payment Received	A Payment of -\$19.93 was made on receipt DCDC529545.	
3/8/2016	PAYRC	**Payment Received	A Payment of -\$21.93 was made on receipt DCDC532986.	
4/13/2016	PAYRC	**Payment Received	A Payment of -\$21.93 was made on receipt DCDC536958.	
5/13/2016	PAYRC	**Payment Received	A Payment of -\$21.93 was made on receipt DCDC540322.	
6/14/2016	PAYRC	**Payment Received	A Payment of -\$21.93 was made on receipt DCDC543311.	
7/12/2016	PAYRC	**Payment Received	A Payment of -\$21.93 was made on receipt DCDC546057.	
8/9/2016	PAYRC	**Payment Received	A Payment of -\$21.93 was made on receipt DCDC548960.	
9/8/2016	PAYRC	**Payment Received	A Payment of -\$21.93 was made on receipt DCDC551823.	
10/10/2016	PAYRC	**Payment Received	A Payment of -\$16.24 was made on receipt DCDC554854.	
11/8/2016	PAYRC	**Payment Received	A Payment of -\$22.00 was made on receipt DCDC557614.	
12/9/2016	PAYRC	**Payment Received	A Payment of -\$22.00 was made on receipt DCDC560397.	
1/12/2017	PAYRC	**Payment Received	A Payment of -\$22.77 was made on receipt DCDC562913.	
2/10/2017	PAYRC	**Payment Received	A Payment of -\$22.00 was made on receipt DCDC565934.	
3/7/2017	PAYRC	**Payment Received	A Payment of -\$22.78 was made on receipt DCDC568533.	
4/19/2017	PAYRC	**Payment Received	A Payment of -\$21.98 was made on receipt DCDC572822.	
5/8/2017	PAYRC	**Payment Received	A Payment of -\$21.99 was made on receipt DCDC574431.	
6/15/2017	PAYRC	**Payment Received	A Payment of -\$21.99 was made on receipt DCDC577997.	
7/11/2017	PAYRC	**Payment Received	A Payment of -\$21.99 was made on receipt DCDC580246.	
8/9/2017	PAYRC	**Payment Received	A Payment of -\$21.99 was made on receipt DCDC583067.	
9/7/2017	PAYRC	**Payment Received	A Payment of -\$23.00 was made on receipt DCDC585857.	
10/4/2017	PAYRC	**Payment Received	A Payment of -\$23.00 was made on receipt DCDC588283.	
11/7/2017	PAYRC	**Payment Received	A Payment of -\$25.00 was made on receipt DCDC591575.	
11/7/2017	PAYRC	**Payment Received	A Payment of -\$23.00 was made on receipt DCDC591577.	
12/14/2017	PAYRC	**Payment Received	A Payment of -\$23.00 was made on receipt DCDC594910.	
1/18/2018	PAYRC	**Payment Received	A Payment of -\$23.00 was made on receipt DCDC597814.	

Case Description: STATE VS. WILLIAM JOSEPH MCCAFFREY (D8)				
Case ID:	CR09-1325	Case Type:	CRIMINAL	Initial Filing Date: 7/2/2009
2/7/2018	PAYRC	**Payment Received	A Payment of -\$23.00 was made on receipt DCDC599815.	
2/28/2018	PAYRC	**Payment Received	A Payment of -\$25.00 was made on receipt DCDC602000.	
4/5/2018	PAYRC	**Payment Received	A Payment of -\$21.00 was made on receipt DCDC605498.	
5/2/2018	PAYRC	**Payment Received	A Payment of -\$23.00 was made on receipt DCDC607980.	
6/7/2018	PAYRC	**Payment Received	A Payment of -\$23.00 was made on receipt DCDC611327.	
7/10/2018	PAYRC	**Payment Received	A Payment of -\$23.00 was made on receipt DCDC614082.	
8/8/2018	PAYRC	**Payment Received	A Payment of -\$23.00 was made on receipt DCDC616758.	
9/11/2018	PAYRC	**Payment Received	A Payment of -\$23.00 was made on receipt DCDC619590.	
10/4/2018	PAYRC	**Payment Received	A Payment of -\$23.00 was made on receipt DCDC621667.	
11/13/2018	PAYRC	**Payment Received	A Payment of -\$23.00 was made on receipt DCDC624551.	
12/13/2018	PAYRC	**Payment Received	A Payment of -\$23.00 was made on receipt DCDC626740.	
1/10/2019	PAYRC	**Payment Received	A Payment of -\$23.00 was made on receipt DCDC628571.	
2/21/2019	PAYRC	**Payment Received	A Payment of -\$23.00 was made on receipt DCDC631485.	
3/6/2019	PAYRC	**Payment Received	A Payment of -\$23.00 was made on receipt DCDC632455.	
4/9/2019	PAYRC	**Payment Received	A Payment of -\$23.00 was made on receipt DCDC635108.	
5/1/2019	PAYRC	**Payment Received	A Payment of -\$25.00 was made on receipt DCDC636764.	
6/5/2019	PAYRC	**Payment Received	A Payment of -\$21.00 was made on receipt DCDC639071.	
7/5/2019	PAYRC	**Payment Received	A Payment of -\$23.00 was made on receipt DCDC641041.	
8/2/2019	PAYRC	**Payment Received	A Payment of -\$23.00 was made on receipt DCDC642890.	
10/28/2019	2490	Motion ...	MOTION FOR WITHDRAWAL OF ATTORNEY AND TRANSFER OF RECORDS	
4/20/2020	PAYRC	**Payment Received	A Payment of -\$17.00 was made on receipt DCDC658130.	
10/2/2020	PAYRC	**Payment Received	A Payment of -\$18.67 was made on receipt DCDC664330.	
10/20/2020	NEF	Proof of Electronic Service	Transaction 8123545 - Approved By: NOREVIEW : 10-20-2020:09:14:08	
10/20/2020	1520	Declaration	DECLARATION IN SUPPORT OF PETITION FOR WRIT OF HABEAS CORPUS (POST CONVICTION RELIEF	
10/20/2020	1215	Application Appoint Counsel	MOTION FOR APPOINTMENT OF COUNSEL - Transaction 8123544 - Approved By: NOREVIEW : 10-20-2020:	
10/20/2020	1047	Affidavit of Poverty	AFFIDAVIT OF POVERTY IN SUPPORT OF MOTION TO PROCEED IN FORMA PAUPERIS - Transaction 8123	
10/20/2020	2385	Mtn Proceed Forma Pauperis	Transaction 8123544 - Approved By: NOREVIEW : 10-20-2020:09:13:15	
10/20/2020	3565	Pet Post-Conviction Relief	PETITION FOR WRIT OF HABEAS CORPUS (POST CONVICTION RELIEF) - Transaction 8123544 - Approver	
10/26/2020	3860	Request for Submission	Transaction 8132170 - Approved By: NOREVIEW : 10-26-2020:08:04:11	
10/26/2020	NEF	Proof of Electronic Service	Transaction 8132172 - Approved By: NOREVIEW : 10-26-2020:08:05:11	
10/26/2020	3860	Request for Submission	Transaction 8132170 - Approved By: NOREVIEW : 10-26-2020:08:04:11	
11/10/2020	PAYRC	**Payment Received	A Payment of -\$16.68 was made on receipt DCDC665789.	
11/23/2020	S200	Request for Submission Complet		
11/23/2020	NEF	Proof of Electronic Service	Transaction 8175538 - Approved By: NOREVIEW : 11-23-2020:16:37:13	
11/23/2020	3242	Ord Setting Hearing	Transaction 8175523 - Approved By: NOREVIEW : 11-23-2020:16:35:51	
11/23/2020	S200	Request for Submission Complet		
11/24/2020	2590	Notice Withdrawal of Attorney	JOHN PETTY, PD / DEFT - Transaction 8176494 - Approved By: NOREVIEW : 11-24-2020:11:20:59	
11/24/2020	NEF	Proof of Electronic Service	Transaction 8176207 - Approved By: NOREVIEW : 11-24-2020:09:50:18	
11/24/2020	4300	Withdrawal of Counsel	SEAN SULLIVAN, PD / DEFT - Transaction 8176206 - Approved By: NOREVIEW : 11-24-2020:09:49:27	

Case Description: STATE VS. WILLIAM JOSEPH MCCAFFREY (D8)				
Case ID:	CR09-1325	Case Type:	CRIMINAL	Initial Filing Date: 7/2/2009
11/24/2020	PAYRC	**Payment Received	A Payment of -\$18.68 was made on receipt DCD666306.	
11/24/2020	NEF	Proof of Electronic Service	Transaction 8176496 - Approved By: NOREVIEW : 11-24-2020:11:21:48	
12/4/2020	PAYRC	**Payment Received	A Payment of -\$16.68 was made on receipt DCD666693.	
1/5/2021	3335	Ord Proceed Forma Pauperis	Transaction 8231883 - Approved By: NOREVIEW : 01-05-2021:16:40:27	
1/5/2021	NEF	Proof of Electronic Service	Transaction 8231888 - Approved By: NOREVIEW : 01-05-2021:16:41:27	
1/5/2021	NEF	Proof of Electronic Service	Transaction 8229858 - Approved By: NOREVIEW : 01-05-2021:08:49:56	
1/5/2021	2526	Notice of Change of Attorney	MARILEE CATE DA IN PLACE OF JENNIFER NOBLE DA - Transaction 8229748 - Approved By: YVILORIA : 01	
1/8/2021	PAYRC	**Payment Received	A Payment of -\$16.69 was made on receipt DCD668011.	
2/4/2021	NEF	Proof of Electronic Service	Transaction 8279568 - Approved By: NOREVIEW : 02-04-2021:11:50:09	
2/4/2021	2300	Mtn to Dismiss Pet	MOTION TO DISMISS POST-CONVICTION PETITION - Transaction 8279559 - Approved By: YVILORIA : 02-04	
2/4/2021	2645	Opposition to Mtn ...	OPPOSITION TO MOTION FOR APPOINTMENT OF COUNSEL - Transaction 8279559 - Approved By: YVILORIA : 02-04	
2/9/2021	PAYRC	**Payment Received	A Payment of -\$18.00 was made on receipt DCD669383.	
2/9/2021	3860	Request for Submission	DFX: NOT ABLE TO FIND SUCH A MOTION; CASE STILL SHOWS BOTH A PD AND CAA STILL ASSOCIATED	
2/9/2021	NEF	Proof of Electronic Service	Transaction 8287679 - Approved By: NOREVIEW : 02-09-2021:16:26:18	
2/19/2021	NEF	Proof of Electronic Service	Transaction 8302671 - Approved By: NOREVIEW : 02-19-2021:09:02:43	
2/19/2021	3860	Request for Submission	OPPOSITION TO MOTION - Transaction 8302657 - Approved By: KHUDSON : 02-19-2021:09:01:29	
2/19/2021	3860	Request for Submission	MOTION - Transaction 8302657 - Approved By: KHUDSON : 02-19-2021:09:01:29	
2/19/2021	3860	Request for Submission	WRIT OF HABEAS CORPUS (POST CONVICTION) - Transaction 8302657 - Approved By: KHUDSON : 02-19-2021:09:01:29	
2/19/2021	3795	Reply...	REPLY IN SUPPORT OF MOTION FOR APPOINTMENT OF COUNSEL - Transaction 8302657 - Approved By: KHUDSON : 02-19-2021:09:01:29	
2/22/2021	NEF	Proof of Electronic Service	Transaction 8305595 - Approved By: NOREVIEW : 02-22-2021:11:15:35	
2/22/2021	MIN	***Minutes	1/5/21 HEARING - Transaction 8305579 - Approved By: NOREVIEW : 02-22-2021:11:14:10	
3/2/2021	PAYRC	**Payment Received	A Payment of -\$18.66 was made on receipt DCD670247.	
3/31/2021	3373	Other ...	EXHIBIT (1) OF "OPPOSITION TO THE STATE'S MOTION TO DISMISS" - Transaction 8369904 - Approved By: KHUDSON : 03-31-2021:10:28:42	
3/31/2021	NEF	Proof of Electronic Service	Transaction 8369947 - Approved By: NOREVIEW : 03-31-2021:10:28:42	
3/31/2021	2490	Motion ...	MOTION FOR JUDICIAL ACTION ON PETITION - Transaction 8369920 - Approved By: CAGUILAR : 03-31-2021:10:20:44	
3/31/2021	NEF	Proof of Electronic Service	Transaction 8369909 - Approved By: NOREVIEW : 03-31-2021:10:20:44	
4/2/2021	NEF	Proof of Electronic Service	Transaction 8375871 - Approved By: NOREVIEW : 04-02-2021:15:31:37	
4/2/2021	3860	Request for Submission	DFX: DEFENDANT REPRESENTED BY ATTORNEY ; MOTION FOR JUDICIAL ACTION (NO ORDER PROVIDED)	
4/2/2021	PAYRC	**Payment Received	A Payment of -\$18.66 was made on receipt DCD671989.	
4/5/2021	2682	Ord Addressing Motions	Transaction 8377802 - Approved By: NOREVIEW : 04-05-2021:13:46:57	
4/5/2021	NEF	Proof of Electronic Service	Transaction 8377807 - Approved By: NOREVIEW : 04-05-2021:13:47:52	
4/5/2021	S200	Request for Submission Completed		
4/5/2021	S200	Request for Submission Completed		
4/5/2021	S200	Request for Submission Completed		
4/5/2021	S200	Request for Submission Completed		
4/5/2021	S200	Request for Submission Completed		
4/8/2021	NEF	Proof of Electronic Service	Transaction 8384616 - Approved By: NOREVIEW : 04-08-2021:10:07:49	
4/8/2021	3242	Ord Setting Hearing	Transaction 8384613 - Approved By: NOREVIEW : 04-08-2021:10:06:49	
4/9/2021	2715	Ord Appointing Counsel	Transaction 8388253 - Approved By: NOREVIEW : 04-09-2021:14:48:57	

Case Description: STATE VS. WILLIAM JOSEPH MCCAFFREY (D8)				
Case ID:	CR09-1325	Case Type:	CRIMINAL	Initial Filing Date: 7/2/2009
4/9/2021	NEF	Proof of Electronic Service	Transaction 8388260 - Approved By: NOREVIEW : 04-09-2021:14:50:24	
5/3/2021	1670	Ex-Parte Mtn...	DFX: DEFENDANT REPRESENTED BY ATTORNEY; EX PARTE EMERGENCY MOTION - Transaction 842502	
5/3/2021	NEF	Proof of Electronic Service	Transaction 8425072 - Approved By: NOREVIEW : 05-03-2021:16:13:16	
5/4/2021	PAYRC	**Payment Received	A Payment of -\$14.67 was made on receipt DCDC673501.	
5/5/2021	NEF	Proof of Electronic Service	Transaction 8429812 - Approved By: NOREVIEW : 05-05-2021:15:33:03	
5/5/2021	3860	Request for Submission	DFX: DEFENDANT REPRESENTED BY ATTORNEY; EX PARTE EMERGENCY MOTION (NO ORDER PROVI	
5/18/2021	S200	Request for Submission Complet		
6/1/2021	PAYRC	**Payment Received	A Payment of -\$18.67 was made on receipt DCDC674836.	
6/7/2021	MIN	***Minutes	5/18/21 STATUS HEARING - Transaction 8483216 - Approved By: NOREVIEW : 06-07-2021:16:42:47	
6/7/2021	NEF	Proof of Electronic Service	Transaction 8483221 - Approved By: NOREVIEW : 06-07-2021:16:43:52	
6/9/2021	3880	Response...	RESPONSE TO MOTION TO DISMISS POST-CONVICTION PETITION - Transaction 8487859 - Approved By: :	
6/9/2021	NEF	Proof of Electronic Service	Transaction 8487891 - Approved By: NOREVIEW : 06-09-2021:15:31:38	
6/10/2021	NEF	Proof of Electronic Service	Transaction 8489910 - Approved By: NOREVIEW : 06-10-2021:14:49:12	
6/10/2021	1670	Ex-Parte Mtn...	EX PARTE MOTION FOR PAYMENT OF ATTORNEY'S FEES - Transaction 8489841 - Approved By: YVILORIA	
6/11/2021	2610	Notice ...	RECOMMENDATION OF ADMINISTRATOR FOR PAYMENT OF ATTORNEY FEES – Post-Conviction - Transac	
6/14/2021	NEF	Proof of Electronic Service	Transaction 8492859 - Approved By: NOREVIEW : 06-14-2021:07:25:50	
6/21/2021	3795	Reply...	REPLY IN SUPPORT OF THE STATE'S MOTION TO DISMISS POST-CONVICTION PETITION - Transaction 8:	
6/21/2021	3860	Request for Submission	Transaction 8504723 - Approved By: SACORDAG : 06-21-2021:15:04:17	
6/21/2021	NEF	Proof of Electronic Service	Transaction 8504889 - Approved By: NOREVIEW : 06-21-2021:15:05:32	
7/1/2021	PAYRC	**Payment Received	A Payment of -\$20.00 was made on receipt DCDC676407.	
7/13/2021	2777	Ord Approving ...	Transaction 8540236 - Approved By: NOREVIEW : 07-13-2021:11:25:38	
7/13/2021	NEF	Proof of Electronic Service	Transaction 8540239 - Approved By: NOREVIEW : 07-13-2021:11:26:28	
8/2/2021	PAYRC	**Payment Received	A Payment of -\$16.63 was made on receipt DCDC677745.	
8/9/2021	NEF	Proof of Electronic Service	Transaction 8585726 - Approved By: NOREVIEW : 08-09-2021:14:37:20	
8/9/2021	S200	Request for Submission Complet		
8/9/2021	F230	Other Manner of Disposition		
8/9/2021	3060	Ord Granting Mtn ...	Transaction 8585717 - Approved By: NOREVIEW : 08-09-2021:14:36:11	
8/10/2021	2540	Notice of Entry of Ord	Transaction 8587148 - Approved By: NOREVIEW : 08-10-2021:10:37:25	
8/10/2021	NEF	Proof of Electronic Service	Transaction 8587150 - Approved By: NOREVIEW : 08-10-2021:10:38:24	
8/16/2021	2515	Notice of Appeal Supreme Court		
8/17/2021	NEF	Proof of Electronic Service	Transaction 8600312 - Approved By: NOREVIEW : 08-17-2021:15:40:09	
8/17/2021	1310E	Case Appeal Statement	CASE APPEAL STATEMENT - Transaction 8600307 - Approved By: NOREVIEW : 08-17-2021:15:39:07	
8/17/2021	1350	Certificate of Clerk	CERTIFICATE OF CLERK AND TRANSMITTAL - NOTICE OF APPEAL - Transaction 8600307 - Approved By: N	

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE

WILLIAM J. MCCAFFREY, Case No. CR09-1325
Petitioner, Dept. No. 8
vs.
THE STATE OF NEVADA,
Respondent.

ORDER GRANTING MOTION TO DISMISS POST-CONVICTION PETITION

Before the Court is a *Motion to Dismiss Post-Conviction Petition* (“*Motion to Dismiss*”) filed by Respondent THE STATE OF NEVADA (the “State”) on February 4, 2021. On June 9, 2021, Petitioner WILLIAM J. MCCAFFREY (“Petitioner”) filed a *Response to Motion to Dismiss Post-Conviction Petition*, to which the State replied on June 21, 2021.

Having reviewed the briefing, the record, and the applicable authorities, the Court **GRANTS** the State’s *Motion to Dismiss* for the reasons set forth below.

BACKGROUND

According to the record, a *Guilty Plea Memorandum* was filed in this case on August 14, 2009. Therein, Petitioner pled guilty to Promotion of Sexual Performance of a Minor, a violation of NRS 200.720 and NRS 200.750, a felony. The *Judgment of Conviction* was filed on October 9, 2009. Petitioner appealed, and the Supreme Court of the State of Nevada affirmed Petitioner’s conviction. *See Order of Affirmance*, filed July 15, 2010. The remittitur was issued on August 10, 2010, and filed with this Court on August 19, 2010. On

1 October 20, 2020, Petitioner filed a *Petition for Writ of Habeas Corpus* (the “*Petition*”). The
2 State subsequently filed a *Motion to Dismiss*, in which the State argues that the *Petition* must be
3 dismissed as Petitioner failed to overcome the procedural bars set forth in NRS 34.726. The
4 Court agrees.

5 DISCUSSION

6 I. The One-Year Procedural Bar

7 Pursuant to NRS 34.726(1), a post-conviction petition must be filed within one-year of
8 remittitur, absent a demonstration of good cause for the delay. For the purposes of
9 NRS 34.726(1), good cause exists if Petitioner demonstrates, to the satisfaction of this Court, the
10 two following prongs: (1) that the delay was not the fault of the petitioner; and (2) dismissal of
11 the petition as untimely will unduly prejudice the petitioner. *Id.* The Nevada Supreme Court has
12 explained good cause that requires a petitioner to demonstrate some obstacle external to the
13 defense prevented him from filing his claims within one year. *Pellegrini v. State*, 117 Nev. 860
14 (2001). To show undue prejudice, “a petitioner must show that errors in the proceedings
15 underlying the judgment worked to the petitioner’s actual and substantial disadvantage.” *Harris*
16 *v. State*, 113 Nev. 683, 688 (2017).

17 Here, the *Petition* is untimely as it was filed more than ten years after the Nevada
18 Supreme Court issued remittitur. Thus, this Court turns to whether Petitioner has demonstrated
19 good cause for the delay and undue prejudice.

20 In an attempt to demonstrate good cause for the delay, Petitioner asserts three main
21 grounds as to why he failed to timely file the *Petition*: (1) because he is untrained in the law;
22 (2) due to alleged deficiencies of his prior post-conviction counsel; and (3) based on the theory
23 that former Detective Dennis Carry fabricated evidence in this case. None of these reasons are
24 sufficient to overcome Petitioner’s burden under Nevada law.

25 First, our appellate courts have reiterated that being untrained in the law is not a sufficient
26 excuse to overcome the procedural bar. *See Phelps v. Nev. Dep’t of Prisons*, 104 Nev. 656, 660
27 (1988) (*overruled on other grounds as recognized in Gallimort v. State*, 476 P.3d 435 (2020));
28

1 *See also Boney v. State*, 484 P.3d 280 (Nev. App. 2021). Thus, Petitioner’s claim that he is
2 unlearned in the law fails to meet a sufficient demonstration of adequate cause for the delay.

3 Second, Petitioner asserts that he was unable to timely file the Petition because he was
4 unable to obtain his files from his post-conviction counsel, Mary Lou Wilson.

5 The governing jurisprudence holds that a claim of ineffective assistance of counsel may
6 constitute adequate cause if the claim is not procedurally defaulted. *Hathaway v. State*, 119 Nev.
7 248, 252–53 (2003). The Supreme Court has explained: “[i]n other words, a petitioner must
8 demonstrate cause for raising the ineffective assistance of counsel claim in an untimely fashion.
9 In terms of a procedural time-bar, an adequate allegation of good cause would sufficiently
10 explain why a petition was filed beyond the statutory time period.” *Id.*

11 Here, placing blame on Ms. Wilson is insufficient to meet adequate cause because
12 Ms. Wilson was not appointed as counsel to Petitioner’s case until July 16, 2014—about four
13 years after the Nevada Supreme Court issued remittitur. Even if a post-conviction petition were
14 filed at that time, it would have been difficult for Ms. Wilson to overcome the time bar as
15 Ms. Wilson’s appointment occurred well over the one-year procedural bar.

16 Additionally, the Nevada Supreme Court has “consistently held that the ineffective
17 assistance of post-conviction counsel in a noncapital case may not constitute “good cause” to
18 excuse procedural defaults.” *Brown v. McDaniel*, 130 Nev. 565, 569 (2014). Because this is a
19 noncapital case, any deficient performance by Ms. Wilson does not constitute adequate cause to
20 excuse Petitioner’s procedural default.

21 Finally, Petitioner fails to explain how his theory that a former detective fabricated
22 evidence was unknown to him at the time remittitur was issued. The Nevada Supreme Court has
23 clarified that all claims reasonably available must be made within the one-year period for filing a
24 post-conviction habeas petition:

25 In order to demonstrate good cause, a petitioner must show that an
26 impediment external to the defense prevented him or her from
27 complying with the state procedural default rules. An impediment
28 external to the defense may be demonstrated by a showing “that the
factual or legal basis for a claim was not reasonably available to
counsel, or that ‘some interference by officials,’ made compliance

1 impracticable.”... Thus, a claim or allegation that was reasonably
2 available to the petitioner during the statutory time period would not
constitute good cause to excuse the delay.

3 *Hathaway v. State*, 119 Nev. 248, 252–53 (2003).

4 As the State points out, when Petitioner pled guilty, he was in the unique position of
5 knowing which offenses he did or did not commit. Thus, Petitioner should have been reasonably
6 alerted at that time if he believed evidence was fabricated. Instead of raising that issue at the
7 time, Petitioner decided to plea guilty. Because such a claim was reasonably available to
8 Petitioner, it is subject to the one-year statutory period. Thus, Petitioner’s claim that a detective
9 fabricated evidence fails to demonstrate good cause.¹

10 In sum, the Court finds that Petitioner’s allegations of good cause lack merit to
11 demonstrate to the Court’s satisfaction that adequate cause to excuse his delay. Therefore, the
12 *Petition* is dismissed as procedurally time-barred.

13 **II. Petitioner’s New Claims**

14 In the *Response to Motion to Dismiss Post-Conviction Petition*, Petitioner asserts nine
15 new claims, which are not responsive to the State’s *Motion to Dismiss*. Rather, they are an
16 expansion to the *Petition* and thus subject to the same procedural bars set forth in
17 NRS 32.726(1). The claims, as asserted by Petitioner, include:

18
19 ¹ In addition to the three main grounds discussed above, Petitioner contends that adequate cause
20 exists because he received a life sentence and by asserting a claim of innocence. The Court has
21 reviewed the record, and Petitioner was not sentenced to life in prison. Rather, Petitioner is
22 subject to lifetime supervision. The Court is unaware of any authority that suggests that lifetime
23 supervision constitutes good cause. Furthermore, Petitioner’s claim of innocence is not
24 sufficient to meet adequate cause because he pled guilty to a legal fiction—a crime he did not
25 commit—to secure the benefit of a reduced sentence on the charge and the dismissal of two
charges. *See Hargrove v. State*, 100 Nev. 498, 503 (1984) (examining an innocence claim in a
post sentence motion to withdraw a plea and finding that the claim was without merit and
academic because the defendant in that case pleaded guilty to a lesser offense to receive a
benefit). Therefore, both of these grounds fail to meet adequate cause.

26 More generally, Petitioner’s underlining grounds for relief stem from his plea counsel’s
27 negotiations and performance at sentencing. Petitioner fails to explain how these claims were
28 unknown to him at the time remitter was issued. *See Hathaway v. State*, 119 Nev. 248, 252–53
(2003).

1 **Claim 1:** the guilty plea memorandum was defective because it did not contain a proper
2 certification by Petitioner’s counsel.

3 **Claim 2:** the 48-hour rule was violated.

4 **Claim 3:** Petitioner’s *Miranda* Rights were violated.

5 **Claim 4:** Petitioner would not have pled guilty if he had known Detective Carry was a
6 “bad cop.”

7 **Claim 5:** counsel for Petitioner, John Petty, had no discussion with Petitioner about
8 appeals.

9 **Claim 6:** time was lost due to Attorney Wilson’s abandonment of this case.

10 **Claim 7:** the 60-minute rule was violated.

11 **Claim 8:** defense counsel and the district attorney colluded against Petitioner.

12 **Claim 9:** the search warrant was illegal.

13 The Nevada Supreme Court has explained that no evidentiary hearing is required where
14 claims are bare, naked, or belied by the record and do not include specific allegations that show a
15 petitioner is entitled to relief. *See Hargrove*, 100 Nev. at 502. The Court has thoroughly
16 reviewed each of the nine claims in Petitioner’s *Response* and finds them to be nothing more
17 than mere conclusory assertions with no factual specificity or legal authority to demonstrate how
18 each claim overcomes the procedural bar. For instance, Petitioner asserts that his appellate
19 counsel did not discuss his appeal, his defense attorney conspired with the district attorney, and
20 former Detective Carry was a “bad cop.” No additional factual allegations are included to
21 connect the allegation to the relief Petitioner claims he is entitled to relief. Nor has Petitioner
22 explained why it has taken so long to assert his claims pursuant to NRS 34.726(1). Because the
23 claims are bare, naked, conclusory and/or are belied by the record, they do not present a
24 cognizable basis for relief, and thus fail to overcome the procedural bars.²

25 ² The Court notes that five of the claims asserted in Petitioner’s *Response*—Claim 2 (the 48-hour
26 rule violation); Claim 3 (*Miranda* violation); Claim 4 (Detective Dennis Carry is a “bad cop”);
27 Claim 8 (collusion between the State and his attorney); and Claim 9 (illegal search warrant)—
28 concern events that occurred before the plea was entered. By pleading guilty, Petitioner waived
 those claims. *Kirksey v. State*, 112 Nev. 980 (1996) (explaining that “[w]hen a criminal
 defendant has solemnly admitted in open court that he is in fact guilty of the offense with which

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CONCLUSION

For the foregoing reasons, the Court **GRANTS** the State's *Motion to Dismiss*
Post-Conviction

IT IS SO ORDERED.

DATED this 9 day of August, 2021.



BARRY L. BRESLOW
District Judge

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he is charged, he may not thereafter raise independent claims relating to the deprivation of constitutional rights that occurred prior to the entry of the guilty plea.”).

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REBECCA DRUCKMAN, ESQ. for STATE OF NEVADA
SCOTT EDWARDS, ESQ. for WILLIAM MCCAFFREY
MARILEE CATE, ESQ. for STATE OF NEVADA
DONALD WHITE, ESQ. for WILLIAM MCCAFFREY
DIV. OF PAROLE & PROBATION
KRISTA MEIER, ESQ.
MARY LOU WILSON, ESQ. for WILLIAM MCCAFFREY

Christine Kuhl
Judicial Assistant

1 **CODE 2540**

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4
5 **IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
6 **IN AND FOR THE COUNTY OF WASHOE**
7

8 **STATE OF NEVADA,**

9 **Plaintiff,**

Case No: CR09-1325

10 **vs.**

Dept. No: 8

11
12 **WILLIAM JOSEPH MCCAFFREY,**

13 **Defendant.**
14 _____/

15 **NOTICE OF ENTRY OF ORDER**
16

17 PLEASE TAKE NOTICE that on August 9, 2021, the Court entered a decision or
18 order in this matter, a true and correct copy of which is attached hereto.

19 Dated August 10, 2021.
20

21 _____
22 **ALICIA LERUD**

Clerk of the Court

23 _____
24 **/s/N. Mason**

N. Mason-Deputy Clerk
25
26
27
28

1 **CERTIFICATE OF SERVICE**

2 Case No. CR09-1325

3 Pursuant to NRCP 5 (b), I certify that I am an employee of the Second
4 Judicial District Court; that on August 10, 2021, I electronically filed the Notice of Entry of
5 Order with the Court System which will send a notice of electronic filing to the following:

6
7 REBECCA DRUCKMAN, ESQ. for STATE OF NEVADA
8 SCOTT W. EDWARDS, ESQ. for WILLIAM JOSEPH MCCAFFREY
9 MARILEE CATE, ESQ. for STATE OF NEVADA
10 DONALD K. WHITE, ESQ. for WILLIAM JOSEPH MCCAFFREY
11 DIV. OF PAROLE & PROBATION
12 KRISTA D. MEIER, ESQ.
13 MARY LOU A. WILSON, ESQ. for WILLIAM JOSEPH MCCAFFREY

14 I further certify that on August 10, 2021, I deposited in the Washoe
15 County mailing system for postage and mailing with the U.S. Postal Service in Reno,
16 Nevada, a true copy of the attached document, addressed to:

17 Attorney General's Office
18 100 N. Carson Street
19 Carson City, NV 89701-4717

20 William J. McCaffrey (#91477)
21 735 S. Center St., #4
22 Yerington, NV 89447

23 The undersigned does hereby affirm that pursuant to NRS 239B.030 and NRS 603A.040, the
24 preceding document does not contain the personal information of any person.

25 Dated August 10, 2021.

26 /s/N. Mason
27 N. Mason- Deputy Clerk
28

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE

WILLIAM J. MCCAFFREY, Case No. CR09-1325
Petitioner, Dept. No. 8
vs.
THE STATE OF NEVADA,
Respondent.

ORDER GRANTING MOTION TO DISMISS POST-CONVICTION PETITION

Before the Court is a *Motion to Dismiss Post-Conviction Petition* (“*Motion to Dismiss*”) filed by Respondent THE STATE OF NEVADA (the “State”) on February 4, 2021. On June 9, 2021, Petitioner WILLIAM J. MCCAFFREY (“Petitioner”) filed a *Response to Motion to Dismiss Post-Conviction Petition*, to which the State replied on June 21, 2021.

Having reviewed the briefing, the record, and the applicable authorities, the Court **GRANTS** the State’s *Motion to Dismiss* for the reasons set forth below.

BACKGROUND

According to the record, a *Guilty Plea Memorandum* was filed in this case on August 14, 2009. Therein, Petitioner pled guilty to Promotion of Sexual Performance of a Minor, a violation of NRS 200.720 and NRS 200.750, a felony. The *Judgment of Conviction* was filed on October 9, 2009. Petitioner appealed, and the Supreme Court of the State of Nevada affirmed Petitioner’s conviction. *See Order of Affirmance*, filed July 15, 2010. The remittitur was issued on August 10, 2010, and filed with this Court on August 19, 2010. On

1 October 20, 2020, Petitioner filed a *Petition for Writ of Habeas Corpus* (the “*Petition*”). The
2 State subsequently filed a *Motion to Dismiss*, in which the State argues that the *Petition* must be
3 dismissed as Petitioner failed to overcome the procedural bars set forth in NRS 34.726. The
4 Court agrees.

5 DISCUSSION

6 I. The One-Year Procedural Bar

7 Pursuant to NRS 34.726(1), a post-conviction petition must be filed within one-year of
8 remittitur, absent a demonstration of good cause for the delay. For the purposes of
9 NRS 34.726(1), good cause exists if Petitioner demonstrates, to the satisfaction of this Court, the
10 two following prongs: (1) that the delay was not the fault of the petitioner; and (2) dismissal of
11 the petition as untimely will unduly prejudice the petitioner. *Id.* The Nevada Supreme Court has
12 explained good cause that requires a petitioner to demonstrate some obstacle external to the
13 defense prevented him from filing his claims within one year. *Pellegrini v. State*, 117 Nev. 860
14 (2001). To show undue prejudice, “a petitioner must show that errors in the proceedings
15 underlying the judgment worked to the petitioner’s actual and substantial disadvantage.” *Harris*
16 *v. State*, 113 Nev. 683, 688 (2017).

17 Here, the *Petition* is untimely as it was filed more than ten years after the Nevada
18 Supreme Court issued remittitur. Thus, this Court turns to whether Petitioner has demonstrated
19 good cause for the delay and undue prejudice.

20 In an attempt to demonstrate good cause for the delay, Petitioner asserts three main
21 grounds as to why he failed to timely file the *Petition*: (1) because he is untrained in the law;
22 (2) due to alleged deficiencies of his prior post-conviction counsel; and (3) based on the theory
23 that former Detective Dennis Carry fabricated evidence in this case. None of these reasons are
24 sufficient to overcome Petitioner’s burden under Nevada law.

25 First, our appellate courts have reiterated that being untrained in the law is not a sufficient
26 excuse to overcome the procedural bar. *See Phelps v. Nev. Dep’t of Prisons*, 104 Nev. 656, 660
27 (1988) (*overruled on other grounds as recognized in Gallimort v. State*, 476 P.3d 435 (2020));
28

1 *See also Boney v. State*, 484 P.3d 280 (Nev. App. 2021). Thus, Petitioner’s claim that he is
2 unlearned in the law fails to meet a sufficient demonstration of adequate cause for the delay.

3 Second, Petitioner asserts that he was unable to timely file the Petition because he was
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5 The governing jurisprudence holds that a claim of ineffective assistance of counsel may
6 constitute adequate cause if the claim is not procedurally defaulted. *Hathaway v. State*, 119 Nev.
7 248, 252–53 (2003). The Supreme Court has explained: “[i]n other words, a petitioner must
8 demonstrate cause for raising the ineffective assistance of counsel claim in an untimely fashion.
9 In terms of a procedural time-bar, an adequate allegation of good cause would sufficiently
10 explain why a petition was filed beyond the statutory time period.” *Id.*

11 Here, placing blame on Ms. Wilson is insufficient to meet adequate cause because
12 Ms. Wilson was not appointed as counsel to Petitioner’s case until July 16, 2014—about four
13 years after the Nevada Supreme Court issued remittitur. Even if a post-conviction petition were
14 filed at that time, it would have been difficult for Ms. Wilson to overcome the time bar as
15 Ms. Wilson’s appointment occurred well over the one-year procedural bar.

16 Additionally, the Nevada Supreme Court has “consistently held that the ineffective
17 assistance of post-conviction counsel in a noncapital case may not constitute “good cause” to
18 excuse procedural defaults.” *Brown v. McDaniel*, 130 Nev. 565, 569 (2014). Because this is a
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2 available to the petitioner during the statutory time period would not
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4 As the State points out, when Petitioner pled guilty, he was in the unique position of
5 knowing which offenses he did or did not commit. Thus, Petitioner should have been reasonably
6 alerted at that time if he believed evidence was fabricated. Instead of raising that issue at the
7 time, Petitioner decided to plea guilty. Because such a claim was reasonably available to
8 Petitioner, it is subject to the one-year statutory period. Thus, Petitioner’s claim that a detective
9 fabricated evidence fails to demonstrate good cause.¹

10 In sum, the Court finds that Petitioner’s allegations of good cause lack merit to
11 demonstrate to the Court’s satisfaction that adequate cause to excuse his delay. Therefore, the
12 *Petition* is dismissed as procedurally time-barred.

13 **II. Petitioner’s New Claims**

14 In the *Response to Motion to Dismiss Post-Conviction Petition*, Petitioner asserts nine
15 new claims, which are not responsive to the State’s *Motion to Dismiss*. Rather, they are an
16 expansion to the *Petition* and thus subject to the same procedural bars set forth in
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19 ¹ In addition to the three main grounds discussed above, Petitioner contends that adequate cause
20 exists because he received a life sentence and by asserting a claim of innocence. The Court has
21 reviewed the record, and Petitioner was not sentenced to life in prison. Rather, Petitioner is
22 subject to lifetime supervision. The Court is unaware of any authority that suggests that lifetime
23 supervision constitutes good cause. Furthermore, Petitioner’s claim of innocence is not
24 sufficient to meet adequate cause because he pled guilty to a legal fiction—a crime he did not
25 commit—to secure the benefit of a reduced sentence on the charge and the dismissal of two
charges. *See Hargrove v. State*, 100 Nev. 498, 503 (1984) (examining an innocence claim in a
post sentence motion to withdraw a plea and finding that the claim was without merit and
academic because the defendant in that case pleaded guilty to a lesser offense to receive a
benefit). Therefore, both of these grounds fail to meet adequate cause.

26 More generally, Petitioner’s underlining grounds for relief stem from his plea counsel’s
27 negotiations and performance at sentencing. Petitioner fails to explain how these claims were
28 unknown to him at the time remitter was issued. *See Hathaway v. State*, 119 Nev. 248, 252–53
(2003).

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2 certification by Petitioner’s counsel.

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6 “bad cop.”

7 **Claim 5:** counsel for Petitioner, John Petty, had no discussion with Petitioner about
8 appeals.

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13 The Nevada Supreme Court has explained that no evidentiary hearing is required where
14 claims are bare, naked, or belied by the record and do not include specific allegations that show a
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16 reviewed each of the nine claims in Petitioner’s *Response* and finds them to be nothing more
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18 each claim overcomes the procedural bar. For instance, Petitioner asserts that his appellate
19 counsel did not discuss his appeal, his defense attorney conspired with the district attorney, and
20 former Detective Carry was a “bad cop.” No additional factual allegations are included to
21 connect the allegation to the relief Petitioner claims he is entitled to relief. Nor has Petitioner
22 explained why it has taken so long to assert his claims pursuant to NRS 34.726(1). Because the
23 claims are bare, naked, conclusory and/or are belied by the record, they do not present a
24 cognizable basis for relief, and thus fail to overcome the procedural bars.²

25 ² The Court notes that five of the claims asserted in Petitioner’s *Response*—Claim 2 (the 48-hour
26 rule violation); Claim 3 (*Miranda* violation); Claim 4 (Detective Dennis Carry is a “bad cop”);
27 Claim 8 (collusion between the State and his attorney); and Claim 9 (illegal search warrant)—
28 concern events that occurred before the plea was entered. By pleading guilty, Petitioner waived
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CONCLUSION

For the foregoing reasons, the Court **GRANTS** the State's *Motion to Dismiss*
Post-Conviction

IT IS SO ORDERED.

DATED this 9 day of August, 2021.



BARRY L. BRESLOW
District Judge

28

he is charged, he may not thereafter raise independent claims relating to the deprivation of constitutional rights that occurred prior to the entry of the guilty plea.”).

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DIV. OF PAROLE & PROBATION
KRISTA MEIER, ESQ.
MARY LOU WILSON, ESQ. for WILLIAM MCCAFFREY

Christine Kuhl
Judicial Assistant

CASE NO. CR09-1325

STATE OF NEVADA VS. WILLIAM JOSEPH MCCAFFREY

DATE, JUDGE OFFICERS OF COURT PRESENT	APPEARANCES-HEARING	CONTINUED TO
7/15/09 HONORABLE STEVEN R. KOSACH DEPT. NO. 8 G. Glide (Clerk) I. Zihn (Reporter)	<u>ARRAIGNMENT</u> Deputy District Attorney Zach Young represented the State. Defendant was present with counsel, Deputy Public Defender Sean Sullivan. Probation Officer Laura Pappas was also present. Counsel for the Defendant moved to continue this matter; no objection; SO ORDERED. Counsel for the Defendant moved to unseal the search warrant in this case; counsel for the State requested time to speak with Steven Barker; COURT ORDERED: Motion to be submitted in writing. COURT ORDERED: Matter continued for trial by jury. Defendant is remanded to the custody of the Sheriff.	8/5/09 8:30 a.m. Arraignment

CASE NO. CR09-1325

STATE OF NEVADA VS. WILLIAM JOSEPH MCCAFFREY

DATE, JUDGE
OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

8/14/09

ARRAIGNMENT

HONORABLE

Deputy District Attorney Steven Barker represented the State.

9/25/09

STEVEN R.

Defendant was present with counsel, Deputy Public Defender Sean

8:30 a.m.

KOSACH

Sullivan. Probation Officer Anita Pickerell was also present.

Sentencing

DEPT. NO. 8

TRUE NAME: WILLIAM JOSEPH MCCAFFREY. Defendant handed
a copy of the Information; waived reading.

G. Glide

Defendant entered a plea of Guilty to Promotion of Sexual

(Clerk)

Performance of a Minor as contained in the Information. Plea

I. Zihn

negotiations stated.

(Reporter)

Court interrogated the Defendant, advised him of his rights, found
that there was a factual basis for the plea and that the Defendant
understood the elements of the offense and the possible punishment
therefore; Court further found that the plea was knowing, voluntary
and intelligent, that the Defendant was competent to enter the plea
and accepted same.

Counsel for the Defendant moved for an O/R release or in the
alternative a reduction in bail to \$25,000.00 bondable on behalf of his
client; objection to release on O/R; COURT ORDERED: Defendant's
bail reduced to \$50,000.00 bondable; O/R denied.

Court ordered Presentence Investigation and matter continued for
entry of judgment and imposition of sentence.

Defendant is remanded to the custody of the Sheriff.

CASE NO. CR09-1325

STATE OF NEVADA VS. WILLIAM JOSEPH MCCAFFREY

DATE, JUDGE
OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

10/7/09
HONORABLE
STEVEN R.
KOSACH
DEPT. NO. 8
G. Glide
(Clerk)
I. Zihn
(Reporter)

ENTRY OF JUDGMENT AND IMPOSITION OF SENTENCE

Deputy District Attorney Steven Barker represented the State. Defendant was present with counsel, Deputy Public Defender Sean Sullivan. Probation Officer Heidi Poe was also present. Respective counsel addressed the Court. Probation Officer and the Defendant addressed the Court. Kevin McCaffrey addressed the Court. The Defendant, having entered a plea of Guilty, and no sufficient cause being shown by Defendant as to why judgment should not be pronounced against him, the Court rendered judgment as follows: That William Joseph McCaffrey is guilty of the crime of Promotion of Sexual Performance of a Minor, a violation of NRS 200.720 and NRS 200.750, a felony, as charged in the Information, and that he be punished by imprisonment in the Nevada State Prison for a term of life with parole eligibility after a minimum of five (5) years has been served, with credit for one hundred twenty (120) days time served. It is further ordered that the Defendant shall pay the statutory Twenty-Five Dollar (\$25.00) administrative assessment fee, the One Hundred Fifty Dollar (\$150.00) DNA testing fee, the Nine Hundred Fifty Dollar (\$950.00) psychosexual evaluation fee and reimburse the County of Washoe the sum of Two Thousand Five Hundred Dollars (\$2,500.00) for legal representation. Pursuant to NRS 176.0931, the Court hereby imposes a special sentence of lifetime supervision to commence after any period of probation, or any term of imprisonment or any period of release on parole. Defendant is remanded to the custody of the Sheriff.

CASE NO. CR09-1325

STATE OF NEVADA VS. WILLIAM JOSEPH MCCAFFREY

DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

01/05/2021
HONORABLE
BARRY
BRESLOW
DEPT. NO. 8
A. DeGayner
(Clerk)
I. Zihn
(Reporter)

HEARING

Deputy District Attorney Marilee Cate represented the State. Petitioner was present, in pro per. Deputy Public Defender John Petty was also present at the request of the Court.

This hearing was held remotely because of the closure of the courthouse at 75 Court Street in Reno, Washoe County, Nevada due to the National and Local emergency caused by COVID-19. The Court and all the participants appeared via simultaneous audiovisual transmission. The court was physically located in Reno, Washoe County, Nevada which was the site of the court session. Counsel acknowledged receipt of Notice that the hearing was taking place pursuant to Nevada Supreme Court Rules – Part 9 relating to simultaneous audiovisual transmissions and all counsel stated they had no objection to going forward in this manner.

11:00 a.m. – Court convened with Court, counsel and Petitioner present.

DPD Petty addressed and advised the Court that he had previously filed a notice of withdrawal of counsel. DPD Petty confirmed that he was appellate counsel for an appeal filed in 2009 with an affirmance of conviction filed in 2010.

COURT ORDERED: The Court confirmed that DPD Petty's role in this case ended 10 years ago. DPD Petty was thanked and excused from any further involvement in this case.

DPD Petty advised the Court that DPD Sullivan complete representation of the Petitioner prior to DPD Petty and requested the DPD Sullivan also be excused from this matter; no objections stated by DDA Cate.

Petitioner McCaffrey advised the Court that he may ask the Court to have DPD Sullivan release his e-mails as he believes DPD Sullivan's e-mails may be important to this case.

COURT ORDERED: The Court accepts the notice of withdrawal of DPD Sean Sullivan. DPD Sullivan shall have no further obligation to this case.

The Court reviewed the filings by the Petitioner in this case.

DDA Cate advised the Court that appointment of counsel is discretionary and noted concerns about the current petition to include that the Petitioner is out of custody and the time of the filing. DDA Cate advised that the State can file a Motion to Dismiss and an Objection to Appointment of Counsel simultaneously.

In response to inquiry of the Court, DDA Cate advised that she has seen other departments handle the Motion to Proceed Informa Pauperis on post-conviction matters. DDA Cate argued that there may be discovery issues wherein the Petitioner is not entitled to e-mails. DDA Cate argued that the State does not believe the Petitioner is entitled to discovery. DDA Cate advised that the Petitioner is entitled to the case file and the State will not object to that.

Petitioner McCaffrey advised the Court that he does believe the files he has are incomplete.

COURT ORDERED: The State of Nevada shall file any response or opposition within 30 days of today. The Petitioner shall have 30 days from the filing of the State's response or opposition to file a response. The State shall file a reply within 20 days of the Petitioner's response. The Court does not find reason for counsel to be appointed at this time. Motion to Proceed Informa Pauperis – GRANTED. Petitioner to file a notice of the category of files in his possession.

DDA Cate advised the Court that the State does not have the Petitioner's prior attorney's file, the State has what the State would have provided in discovery and the State is unable to say what might exist in his prior attorney's file.

Petitioner McCaffrey advised the Court that CAA Mary Lou Wilson indicated that she would represent him in the modification of sentence petition, and she indicated that she lost his file.

DDA Cate advised the Court that the Petitioner is entitled to what CAA Wilson would have but the State does not see how that would impact his response to the State's motion and it is unnecessary at this point as it is not relevant to the State's motion. DDA Cate suggested that, if the Court denies the State's motion, the Petitioner's request for his file can proceed and the State can determine if it can help at all.

COURT ORDERED: The Petitioner does not have to file a notice of the files in his possession pending the State's upcoming motion. The Court will set a hearing, if necessary, after briefing.

11:30 a.m. – Court stood in recess.

CASE NO. CR09-1325

WILLIAM JOSEPH McCaffrey VS. STATE OF NEVADA

DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

05/18/2021
HONORABLE
BARRY
BRESLOW
DEPT. NO. 8
A. DeGayner
(Clerk)
I. Zihn
(Reporter)

STATUS HEARING

Deputy District Attorney Marilee Cate represented the State. Petitioner was present, represented by Scott Edwards, Esq.

This hearing was held remotely because of the closure of the courthouse at 75 Court Street in Reno, Washoe County, Nevada due to the National and Local emergency caused by COVID-19. The Court and all the participants appeared via simultaneous audiovisual transmission. The court was physically located in Reno, Washoe County, Nevada which was the site of the court session. Counsel acknowledged receipt of Notice that the hearing was taking place pursuant to Nevada Supreme Court Rules – Part 9 relating to simultaneous audiovisual transmissions and all counsel stated they had no objection to going forward in this manner.

9:59 a.m. – Court convened with Court, Petitioner and counsel present.

The Court addressed the procedural status of the case. The Court wants to give ATTY Edwards time to respond to the State's Motion to Dismiss and to review the case to determine if there is anything that ATTY Edwards wants to pursue.

COURT ORDERED: Petitioner McCaffrey to stop filing in the case, pleadings to be filed through counsel.

ATTY Edwards advised the Court that he has requested a response from the Petitioner as to his understanding of the Motion to Dismiss.

COURT ORDERED: The Court directed the Petitioner to work with ATTY Edwards directly.

ATTY Edwards confirmed that 30 days would be enough time to work with the Petitioner and review the case.

DDA Cate offered no objection to 30 days for the Petitioner to file an opposition to the Motion to Dismiss and, if additional time is necessary, the State will work with ATTY Edwards on a stipulation. DDA Cate requested 10 days to reply to the Petitioner's opposition.

COURT ORDERED: ATTY Edwards to file a response to the State's Motion to Dismiss and bring forward anything counsel believes is properly before the Court at this time.

Petitioner McCaffrey addressed the Court on his own behalf.

The Court advised the Petitioner that the Court has ordered ATTY Edwards to work with the Petitioner directly, not through a third-party, and to meet either by zoom or in-person as quickly as possible.

ATTY Edwards advised the Court that, if he can work with the Petitioner directly, it would make it easier, as he has been speaking only to a third party so far.

Petitioner McCaffrey provided his contact information to ATTY Edwards.

COURT ORDERED: Petitioner has 30 days to respond to the State's Motion to Dismiss. The State has 10 days from the filing of the response to file a reply and submit. The parties can stipulate to move the deadlines. If the Petitioner pursues any other issues, the State will have the standard time allowed by law to respond. Petitioner McCaffrey should not file anything independently. The Court encourages direct conversation between ATTY Edwards and the Petitioner. The Court will either decide on the papers or set the matter for hearing.

ATTY Edwards advised the Court that he will endeavor to move the case along expeditiously.

Court stood in recess.

Code 1350

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE

WILLIAM J. MCCAFFREY,

Petitioner,

Case No. CR09-1325

vs.

Dept. No. 8

THE STATE OF NEVADA,

Respondent.

CERTIFICATE OF CLERK AND TRANSMITTAL – NOTICE OF APPEAL

I certify that I am an employee of the Second Judicial District Court of the State of Nevada, County of Washoe; that on the 17th day of August, 2021, I electronically filed the Notice of Appeal in the above entitled matter to the Nevada Supreme Court.

I further certify that the transmitted record is a true and correct copy of the original pleadings on file with the Second Judicial District Court.

Dated this 17th day of August, 2021.

Alicia Lerud, Interim

Clerk of the Court

By /s/Y.Viloria

Y.Viloria

Deputy Clerk