

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

Electronically Filed  
Feb 04 2022 11:39 a.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

CHARLES SKAGGS,

Petitioner,

vs.

Sup. Ct. Case No. 83888

Case No. CR18-2148

Dept. 9

THE STATE OF NEVADA,

Respondent.

---

RECORD ON APPEAL

VOLUME 2 OF 5

DOCUMENTS

APPELLANT

Charles Skaggs, #111743  
NNCC  
P.O. Box 7000  
Carson City, NV 89702

RESPONDENT

Washoe County District  
Attorney's Office  
Jennifer P. Noble, Esq. #9446  
P.O. Box 30083  
Reno, Nevada 89502-3083

APPEAL INDEX  
SUPREME COURT NO: 83888  
DISTRICT CASE NO: CR18-2148  
CHARLES SKAGGS vs THE STATE OF NEVADA  
DATE: FEBRUARY 4, 2022

PLEADING	DATE FILED	VOL.	PAGE NO.
APPLICATION FOR SETTING	12-18-18	2	20
BAIL BOND POSED	12-24-18	2	37-39
BAIL BOND POSTED	12-24-18	2	40-42
BINDOVER BOND	12-18-18	2	16-19
CASE APPEAL STATEMENT	05-20-19	2	108-109
CASE APPEAL STATEMENT	04-22-21	4	523-524
CASE APPEAL STATEMENT	12-06-21	4	632-633
CERTIFICATE OF CLERK AND TRANSMITTAL - NOTICE OF APPEAL	12-06-21	4	631
CERTIFICATE OF CLERK AND TRANSMITTAL – NOTICE OF APPEAL	05-20-19	2	110
CERTIFICATE OF CLERK AND TRANSMITTAL – NOTICE OF APPEAL	04-22-21	4	525
DOCUMENT SUBMITTED BY DEFENSE TO BE CONSIDERED AT SENTENCING	04-12-19	2	82-84
DOCUMENT SUBMITTED BY DEFENSE TO BE CONSIDERED AT SENTENCING	04-16-19	2	87-90
DOCUMENT SUBMITTED BY DEFENSE TO BE CONSIDERED AT SENTENCING	04-16-19	2	93-96
EX PARTE MOTION FOR PAYMENT OF ATTORNEY’S FEES	07-09-20	5	28-34
EX PARTE MOTION FOR PAYMENT OF ATTORNEY’S FEES	07-14-21	5	38-44
GUILTY PLEA MEMORANDUM	01-09-19	2	47-52
INFORMATION	12-20-18	2	26-28
INFORMATION	12-20-18	2	32-34
JUDGMENT OF CONVICTION	04-18-19	2	99-100
LETTER FROM DEFENDANT	03-24-20	2	187-188
MINUTES – ARRAIGNMENT 01-09-19	01-16-19	2	55
MINUTES – ENTRY OF JUDGMENT AND IMPOSITION OF SENTENCE	05-06-19	2	103
MINUTES – SENTENCING – 4-17-19	01-08-20	2	182-183
MOTION FOR APPOINTMENT OF COUNSEL	02-08-21	4	424-425

APPEAL INDEX  
 SUPREME COURT NO: 83888  
 DISTRICT CASE NO: CR18-2148  
 CHARLES SKAGGS vs THE STATE OF NEVADA  
 DATE: FEBRUARY 4, 2022

PLEADING	DATE FILED	VOL.	PAGE NO.
MOTION FOR APPOINTMENT OF COUNSEL PURSUANT TO NRS 34.750	10-22-19	2	174-175
MOTION FOR DISCOVERY NRS 34.780, NRS 34.930	01-26-21	3	402-410
MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS	10-22-19	5	24-27
MOTION SEEKING CONSENT OF THE COURT, WDCR 23(I) TO APPEAR	08-14-20	3	266-269
MOTION TO CORRECT ILLEGAL SENTENCE AND/OR MODIFY SENTENCE	05-08-20	3	194-197
MOTION TO CORRECT ILLEGAL SENTENCE AND/OR MODIFY SENTENCE OR IN THE ALTERNATIVE TO CORRECT CLERICAL ERROR	01-26-21	3	397-401
MOTION TO DISMISS IN PART	01-25-21	3	381-393
MOTION TO LIFT STAY ORDERED 4/28/2021	06-07-21	4	544-549
MOTION TO RECONSIDER	11-29-21	4	613-628
MOTION TO WITHDRAW AS COUNSEL	08-24-20	3	273-280
MOTION TO WITHDRAW PLEA OF GUILT ON CHANGE OF ASSAULT WITH DEADLY WEAPON	01-21-21	3	345-377
NON-OPPOSITION TO MOTION TO WITHDRAW AS COUNSEL	09-01-20	3	284-290
NOTICE OF APPEAL	05-16-19	2	106-107
NOTICE OF APPEAL	04-21-21	4	518-519
NOTICE OF APPEAL	12-03-21	4	629-630
NOTICE OF APPEARANCE	05-31-19	2	114-115
NOTICE OF BINDOVER	12-18-18	2	1
NOTICE OF CHANGE OF RESPONSIBLE ATTORNEY	05-18-20	3	201-202
NOTICE OF ENTRY OF ORDER	07-24-20	3	254-258
NOTICE OF ENTRY OF ORDER	04-02-21	4	505-509
NOTICE OF ENTRY OF ORDER	04-02-21	4	510-514
NOTICE OF ENTRY OF ORDER	11-10-21	4	604-609
OPPOSITION TO MOTION FOR APPOINTMENT OF COUNSEL	02-12-21	4	443-447
OPPOSITION TO MOTION FOR DISCOVERY	02-01-21	3	415-417

APPEAL INDEX  
SUPREME COURT NO: 83888  
DISTRICT CASE NO: CR18-2148  
CHARLES SKAGGS vs THE STATE OF NEVADA  
DATE: FEBRUARY 4, 2022

PLEADING	DATE FILED	VOL.	PAGE NO.
OPPOSITION TO MOTION TO MOTION TO CORRECT ILLEGAL SENTENCE AND/OR MODIFY SENTENCE	05-18-20	3	203-205
OPPOSITION TO MOTION TO WITHDRAW PLEA OF GUILT ON CHARGE OF ASSAULT WITH A DEADLY WEAPON	02-01-21	3	411-414
ORDER	04-28-21	4	529-531
ORDER (1) GRANTING APPLICATION TO PROCEED IN FORMA PAUPERIS AND (2) GRANTING MOTION FOR APPOINTMENT OF COUNSEL	12-02-19	2	176-178
ORDER APPROVING ATTORNEY'S FEES (POST CONVICTION)	07-15-20	3	244
ORDER APPROVING ATTORNEY'S FEES (POST CONVICTION)	08-09-21	4	582
ORDER DENYING MOTION FOR DISCOVERY	04-01-21	4	493-495
ORDER DENYING MOTION TO CORRECT ILLEGAL SENTENCE AND/OR MODIFY SENTENCE	07-23-20	3	248-250
ORDER DENYING MOTION TO WITHDRAW PLEA OF GUILT	04-01-21	4	499-501
ORDER GRANTING MOTION SEEKING CONSENT OF THE COURT TO APPEAR	12-08-20	3	339-341
ORDER GRANTING MOTION TO DISMISS IN PART	11-09-21	4	597-600
ORDER GRANTING MOTION TO LIFT STAY	08-31-21	4	591-593
ORDER GRANTING MOTION TO WITHDRAW AS COUNSEL	10-26-20	3	304-306
ORDER REVOKING SUPERVISED BAIL	03-08-19	2	63
PETITION FOR WRIT OF HABEAS CORPUS (POST CONVICTION)	10-22-19	2	128-173
PRESENTENCE INVESTIGATION REPORT	02-26-19	5	5-17
PRETRIAL SERVICES ASSESSMENT REPORT	12-19-18	5	1-4
PRETRIAL SERVICES COURT NOTE – CURRENT SUPERVISION	01-04-19	2	43-44
PRETRIAL SERVICES COURT NOTE – PRIOR SUPERVISION	03-08-19	2	66-67
PRETRIAL SERVICES COURT NOTE – PRIOR SUPERVISION	04-11-19	2	76-77
PROCEEDINGS	12-18-18	2	2-15
RECOMMENDATION AND ORDER APPOINTING COUNSEL (POST CONVICTION)	04-23-20	3	189-190
RECOMMENDATION OF ADMINISTRATOR FOR PAYMENT OF ATTORNEY FEES (POST CONVICTION)	07-14-20	5	35-37

APPEAL INDEX  
SUPREME COURT NO: 83888  
DISTRICT CASE NO: CR18-2148  
CHARLES SKAGGS vs THE STATE OF NEVADA  
DATE: FEBRUARY 4, 2022

PLEADING	DATE FILED	VOL.	PAGE NO.
RECOMMENDATION OF ADMINISTRATOR FOR PAYMENT OF ATTORNEY FEES (POST CONVICTION)	08-02-21	5	45-47
RECOMMENDATION REVOKING SUPERVISED BAIL	03-07-19	2	60
REPLY TO OPPOSITION FOR DISCOVERY	02-16-21	4	458-459
REPLY TO RESPONSE OF STATE TO MOTION TO CORRECT ILLEGAL SENTENCE	02-16-21	4	460-469
REPLY TO STATE OPPOSITION TO MOTION TO WITHDRAW PLEA TO FALSE CHARGE	02-16-21	4	453-454
REPLY TO STATE'S OPPOSITION TO PLAINTIFF'S MOTION FOR APPOINTMENT OF COUNSEL	02-22-21	4	480-484
REPLY TO STATES OPPOSITION TO MOTION TO CORRECT ILLEGAL SENTENCE AND/OR MODIFY SENTENCE	05-27-20	3	209-229
REQUEST FOR DISCOVERY PURSUANT TO NRS 174.245	12-20-18	2	29-31
REQUEST FOR SUBMISSION	05-29-20	3	233-234
REQUEST FOR SUBMISSION	07-24-20	3	262
REQUEST FOR SUBMISSION	09-15-20	3	299-300
REQUEST FOR SUBMISSION	02-08-21	4	438-439
REQUEST FOR SUBMISSION	02-12-21	4	448-449
REQUEST FOR SUBMISSION	02-19-21	4	473-474
REQUEST FOR SUBMISSION	02-19-21	4	475-476
REQUEST FOR SUBMISSION	02-26-21	4	488-489
REQUEST FOR SUBMISSION	06-18-21	4	566-572
REQUEST FOR SUBMISSION	08-31-21	4	586-587
REQUEST FOR SUBMISSION OF MOTION	02-08-21	4	437
REQUEST FOR SUBMISSION OF MOTION	06-15-21	4	560-562
REQUEST FOR SUBMISSION OF MOTION TO WITHDRAW AS COUNSEL	09-10-20	3	294-295
RESPONSE AND OBJECTIONS TO MOTION TO DISMISS	02-08-21	4	426-436
RESPONSE TO MOTION TO CORRECT ILLEGAL SENTENCE AND/OR MODIFY SENTENCE	02-01-21	3	418-420

APPEAL INDEX  
SUPREME COURT NO: 83888  
DISTRICT CASE NO: CR18-2148  
CHARLES SKAGGS vs THE STATE OF NEVADA  
DATE: FEBRUARY 4, 2022

PLEADING	DATE FILED	VOL.	PAGE NO.
RETURN OF NEF	12-18-18	2	21-22
RETURN OF NEF	12-19-18	2	23-24
RETURN OF NEF	12-20-18	2	35-36
RETURN OF NEF	01-04-19	2	45-46
RETURN OF NEF	01-09-19	2	53-54
RETURN OF NEF	01-16-19	2	56-57
RETURN OF NEF	02-26-19	2	58-59
RETURN OF NEF	03-07-19	2	61-62
RETURN OF NEF	03-08-19	2	64-65
RETURN OF NEF	03-08-19	2	68-69
RETURN OF NEF	03-12-19	2	74-75
RETURN OF NEF	04-11-19	2	78-79
RETURN OF NEF	04-12-19	2	80-81
RETURN OF NEF	04-12-19	2	85-86
RETURN OF NEF	04-16-19	2	91-92
RETURN OF NEF	04-16-19	2	97-98
RETURN OF NEF	04-18-19	2	101-102
RETURN OF NEF	05-06-19	2	104-105
RETURN OF NEF	05-20-19	2	111-113
RETURN OF NEF	06-03-19	2	116-118
RETURN OF NEF	06-03-19	2	120-122
RETURN OF NEF	08-26-19	2	125-127
RETURN OF NEF	12-02-19	2	179-181
RETURN OF NEF	01-08-20	2	184-186
RETURN OF NEF	04-23-20	3	191-193
RETURN OF NEF	05-08-20	3	198-200

APPEAL INDEX  
 SUPREME COURT NO: 83888  
 DISTRICT CASE NO: CR18-2148  
 CHARLES SKAGGS vs THE STATE OF NEVADA  
 DATE: FEBRUARY 4, 2022

PLEADING	DATE FILED	VOL.	PAGE NO.
RETURN OF NEF	05-18-20	3	206-208
RETURN OF NEF	05-27-20	3	230-232
RETURN OF NEF	05-29-20	3	235-237
RETURN OF NEF	07-09-20	3	238-240
RETURN OF NEF	07-14-20	3	241-243
RETURN OF NEF	07-15-20	3	245-247
RETURN OF NEF	07-23-20	3	251-253
RETURN OF NEF	07-24-20	3	259-261
RETURN OF NEF	07-24-20	3	263-265
RETURN OF NEF	08-14-20	3	270-272
RETURN OF NEF	08-24-20	3	281-283
RETURN OF NEF	09-01-20	3	291-293
RETURN OF NEF	09-10-20	3	296-298
RETURN OF NEF	09-15-20	3	301-303
RETURN OF NEF	10-26-20	3	307-309
RETURN OF NEF	11-24-20	3	336-338
RETURN OF NEF	12-08-20	3	342-344
RETURN OF NEF	01-21-21	3	378-380
RETURN OF NEF	01-25-21	3	394-396
RETURN OF NEF	02-01-21	4	421-423
RETURN OF NEF	02-08-21	4	440-442
RETURN OF NEF	02-12-21	4	450-452
RETURN OF NEF	02-16-21	4	455-457
RETURN OF NEF	02-16-21	4	470-472
RETURN OF NEF	02-19-21	4	477-479
RETURN OF NEF	02-22-21	4	485-487

APPEAL INDEX  
SUPREME COURT NO: 83888  
DISTRICT CASE NO: CR18-2148  
CHARLES SKAGGS vs THE STATE OF NEVADA  
DATE: FEBRUARY 4, 2022

PLEADING	DATE FILED	VOL.	PAGE NO.
RETURN OF NEF	02-26-21	4	490-492
RETURN OF NEF	04-01-21	4	496-498
RETURN OF NEF	04-01-21	4	502-504
RETURN OF NEF	04-02-21	4	515-517
RETURN OF NEF	04-21-21	4	520-522
RETURN OF NEF	04-22-21	4	526-528
RETURN OF NEF	04-28-21	4	532-534
RETURN OF NEF	04-29-21	4	536-538
RETURN OF NEF	05-13-21	4	541-543
RETURN OF NEF	06-07-21	4	550-552
RETURN OF NEF	06-09-21	4	557-559
RETURN OF NEF	06-15-21	4	563-565
RETURN OF NEF	06-18-21	4	573-575
RETURN OF NEF	07-14-21	4	576-578
RETURN OF NEF	07-14-21	4	579-581
RETURN OF NEF	08-09-21	4	583-585
RETURN OF NEF	08-31-21	4	588-590
RETURN OF NEF	08-31-21	4	594-596
RETURN OF NEF	11-09-21	4	601-603
RETURN OF NEF	11-10-21	4	610-612
RETURN OF NEF	12-07-21	4	634-636
RETURN OF NEF	12-14-21	4	638-640
RETURN OF NEF	01-25-22	4	643-645
SUBSTANCE ABUSE EVALUATION TO BE FILED UNDER SEAL PER HIPAA	04-12-19	5	18-23



APPEAL INDEX  
 SUPREME COURT NO: 83888  
 DISTRICT CASE NO: CR18-2148  
 CHARLES SKAGGS vs THE STATE OF NEVADA  
 DATE: FEBRUARY 4, 2022

PLEADING	DATE FILED	VOL.	PAGE NO.
SUPPLEMENTAL PETITION FOR WRIT OF HABEAS CORPUS (POST CONVICTION) (NON-DEATH PENALTY) DISCOVERY REQUEST FOR NRS 34.780 NRAP 4C LATE UNTIMELY APPEAL REQUESTED	11-24-20	3	310-335
SUPREME COURT CLERK'S CERTIFICATE & JUDGMENT	06-09-21	4	554
SUPREME COURT ORDER DISMISSING APPEALS	08-26-19	2	123-124
SUPREME COURT ORDER DISMISSING APPEALS	06-09-21	4	555-556
SUPREME COURT RECEIPT FOR DOCUMENTS	06-03-19	2	119
SUPREME COURT RECEIPT FOR DOCUMENTS	04-29-21	4	535
SUPREME COURT RECEIPT FOR DOCUMENTS	12-14-21	4	637
SUPREME COURT REMITTITUR	06-09-21	4	553
SUPREME ORDER CONSOLIDATING APPEALS, DIRECTING TRANSMISSION OF RECORDS, AND REGARDING BRIEFING	01-25-22	4	641-642
SUPREME ORDER DISMISSING APPEALS	05-13-21	4	539-540
VICTIM IMPACT STATEMENT	03-12-19	2	70-73
WAIVER OF PRELIMINARY EXAMINATION	12-20-18	2	25

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

STATE OF NEVADA,

Plaintiff,

vs.

Case No. BIND-2018

CHARLES A SKAGGS,

Defendant.

**NOTICE OF BINDOVER**

DEFENDANT'S NAME: Charles A Skaggs

AKA's: Charles A Sakggs, Charles Skaggs,  
Charles Anthony Skaggs, Charles  
Anthony Skaggs, Chucky Skaggs,  
Charles Williams

DATE OF BIRTH: 08/20/1986

DATE OF BINDOVER: 12/18/2018

JUSTICE COURT: Reno Justice Court

J/C Case Number: RCR2018-098084 DA Case Number: 18-9352

Co-Defendant(s): NO

DAS Supervision: NO

PROSECUTING ATTORNEY: Dianne Drinkwater

DEFENSE COUNSEL: Public Defender

☐ BAIL BOND FORFEITURE                      ☐ BAIL BOND ☐ CASH BAIL  
Start Date

1 **Code 3700**  
2  
3  
4  
5

6 **IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**  
7 **IN AND FOR THE COUNTY OF WASHOE**  
8

9 **THE STATE OF NEVADA,**

10 **Plaintiff,**

**Case No.**

11 **vs.**

**Dept. No.**

12 **Charles A Skaggs,**

13 **Defendant.**  
14 \_\_\_\_\_/

15 **PROCEEDINGS**  
16  
17  
18  
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21  
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25  
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27  
28

RENO CRIMINAL  
**CASE SUMMARY**  
**CASE NO. RCR2018-098084**

**The State of Nevada**  
**vs.**  
**Charles Anthony Skaggs**

Location: **Reno Criminal**  
Judicial Officer: **Pearson, Scott**  
Filed on: **08/22/2018**  
Case Number History: **RPC2018-030904**  
Agency Number: **RP18-016583**  
District Attorney Number: **18-9352**  
Probable Cause Number: **RPD0041321C**

**CASE INFORMATION**

Offense	Statute	Deg	Date	Case Type:	Felony
1. Assault, w/use of deadly weapon ACN: RP18-016583	NRS 200.471.2b	B	08/12/2018	Case Status:	<b>08/22/2018 Active</b>
Arrest: RPD - Reno Police Department					
2. Robbery ACN: RP18-016583	NRS 200.380	B	08/12/2018		
Arrest: RPD - Reno Police Department					
3. Violate temp PO against domestic violence ACN: RP18-016583	NRS 33.100	M	08/12/2018		
Arrest: RPD - Reno Police Department					
4. Domestic battery, 1st ACN: RP18-016583	NRS 200.485.1a	M	08/12/2018		
Arrest: RPD - Reno Police Department					

**Bonds**

Bail Bond #BB5737254 \$5,000.00  
9/21/2018 Surety Bond Posted  
Counts: 1, 2, 3, 4

Bail Bond #AD00984546 \$40,000.00  
9/21/2018 Surety Bond Posted  
Counts: 1, 2, 3, 4

**DATE**

**CASE ASSIGNMENT**

**Current Case Assignment**

Case Number RCR2018-098084  
Court Reno Criminal  
Date Assigned 08/22/2018  
Judicial Officer Pearson, Scott



**PARTY INFORMATION**

		Lead Attorneys
<b>Plaintiff</b>	<b>The State of Nevada</b>	<b>Drinkwater, Dianne</b> 775-328-3200(W)
<b>Defendant</b>	<b>Skaggs, Charles Anthony</b> <i>Also Known As Williams, Charles</i> <i>Also Known As Skaggs, Chucky</i>	<b>Public Defender</b> <i>Court Appointed</i> 775-337-4800(W)

**DATE**

**EVENTS & ORDERS OF THE COURT**

**INDEX**

08/18/2018	Probable Cause Affidavit Reviewed by Judge (Judicial Officer: Lynch, Patricia )	
08/18/2018	 Court Found Probable Cause	
08/18/2018	 Washoe County Pretrial Services Assessment Report	
08/18/2018		Instrument#

RENO CRIMINAL  
**CASE SUMMARY**  
**CASE NO. RCR2018-098084**

9

	Nevada Pre-trial Risk Assessment High
08/18/2018	Public Defender Appointed
08/18/2018	Bail Set (Judicial Officer: Lynch, Patricia ) <i>per Judge Lynch - \$45,000.00 (\$40,000.00 - F, \$5,000.00 - M) with conditions as recommended; no contact with victim</i>
08/20/2018	<b>1st Appearance</b> (9:30 AM) (Judicial Officer: Sullivan, Ryan)
08/20/2018	<b>Probable Cause Findings/Hearings</b> (12:00 PM) (Judicial Officer: Judge, Probable Cause)
08/22/2018	<b>72 Hour</b> (9:30 AM) (Judicial Officer: Sferrazza, Peter) <i>Parties Present: Plaintiff                      The State of Nevada</i> <i>Defendant    Skaggs, Charles Anthony</i> <i>Deputy District Attorney                  Wilson, Cheryl V.H.</i>
08/22/2018	Criminal Complaint Filed <i>Bail Set \$45,000.00</i>
08/23/2018	<b>Arraignment</b> (9:30 AM) (Judicial Officer: Lynch, Patricia) <i>Parties Present: Public Defender          Nielson, Priscilla Hayes</i> <i>Defendant    Skaggs, Charles Anthony</i>
08/23/2018	Bail Set (Judicial Officer: Lynch, Patricia ) <i>Bail Set at \$45000.00 or 15% Cash with conditions as recommended, no contact with victim.</i> <i>Defendant Remanded to the Custody of the Washoe County Sheriff.</i>
09/21/2018	Surety Bond Posted <i>AD00984546, Action Bail Bonds, \$40,000.00</i>
09/21/2018	Surety Bond Posted <i>BB5737254, Action Bail Bonds, \$5,000.00</i>
11/13/2018	<b>CANCELED Mandatory Status Conference</b> (1:30 PM) (Judicial Officer: Hascheff, Pierre) <i>Vacated</i> <i>08/30/2018                  Continued to 09/13/2018 - MSC Reset/Continuance - The State of Nevada;</i> <i>Skaggs, Charles Anthony</i> <i>09/13/2018                  Continued to 11/13/2018 - MSC Reset/Continuance - The State of Nevada;</i> <i>Skaggs, Charles Anthony</i>
11/30/2018	Request to lift No Contact Order <i>Forwarded to DA and PD</i>
12/04/2018	Request to lift No Contact Order GRANTED <i>Per Judge Sferrazza</i>
12/18/2018	<b>CANCELED Preliminary Hearing</b> (1:30 PM) (Judicial Officer: Sullivan, Ryan) <i>Waived</i> <i>to be set with other cases</i>
12/18/2018	Copy of Waiver of Preliminary Examination Received <i>Charges: 1, 2</i>
12/18/2018	Notice of Bindover
12/18/2018	Proceedings Certified to the Second Judicial District Court
03/04/2019	

RENO CRIMINAL  
**CASE SUMMARY**  
**CASE NO. RCR2018-098084**



**CANCELED Mandatory Status Conference** (1:30 PM) (Judicial Officer: Sullivan, Ryan)

*Waived*

*trailing misdemeanors set with RCR2018-098138*

DATE

FINANCIAL INFORMATION

**Defendant** Skaggs, Charles Anthony

Total Charges

100.00

Total Payments and Credits

100.00

**Balance Due as of 12/18/2018**

**0.00**

V2. 6

ARREST REPORT AND  
DECLARATION OF PROBABLE CAUSE

RPD0041321C

COURT OF JURISDICTION \_\_\_\_\_

CASE # 18-16583

RJC

PHOTO # \_\_\_\_\_

FILED

20 Aug 2018 8:19 am

Dexter Thomas  
Reno Justice Court

## PRINT CLEARLY

ARRESTEE'S (Last, First, Middle)  
NAME

AKA/ALIAS

SKAGGS, CHARLES A

RESIDENCE (Street, City, State, Zip)  
ADDRESS

## RACE

☒ White  
☐ Black  
☐ Unknown

## SEX

☒ Male  
☐ Female

## ETHNICITY

☐ Hispanic  
☒ Non-Hispanic  
☐ Unknown

## DOB

8/20/1960

## POB

## AGE

## HT

6'01"

## WT

225

## HAIR

BLK

## EYES

BRN

OCCUPATION &  
BUS ADDRESS

HOME PHONE

DRIV LIC  
STATE NVARRESTEE'S VEH ☐ Stored ☐ Left at Scene  
☐ Not Applicable ☐ Impounded ☐ Field to Oth Per

BUS PHONE

SCARS, MARKS, TATTOOS

SAME LISTED

ARREST DATE 8-17-18 TIME 1511 LOCATION LOCUST ST / BROADWAY AVE RENO, NV

OFFENSE DATE 08/12/18 TIME 0756 LOCATION 540 BRINKBY AVE, RENO, NV

NRS/ORD #	NOC	BAIL	WARRANT # & DATE	CHARGE	F=Felony, G=Gross Misd, M=Misd F-G-M
200.380	50137			1 ROBBERY	F
200.471	50201			2 ASSAULT W/ DEADLY WEAPON	F
200.591				3	
33.100	52916			4 VIOLATION DOMESTIC TPO	M
200.485	50235			5 DOMESTIC BATTERY 1st	M
				6	
				7	
				8	

## ARRESTING OFFICER(S)

IND ID # OVERBY, B 14635

## PRIVATE PERSON MAKING

HE ARREST (Citizen Arrest)

## TRANSPORTING OFFICER(S)

AND ID # SPD HAMMERSTONE

## REVIEWING SUPERVISOR

AND ID # J. Hodges 11996

The undersigned, OFFICER OVERBY, B, a police officer, of \_\_\_\_\_, hereby declares under penalty of perjury, that the above-named defendant has been arrested on probable cause and is subject to detention for the above-listed offense(s). Either personally or upon information and belief this officer learned the following facts and circumstances which support the arrest and detention:

SEE ATTACHED DECLARATION

18 AUG 17 PM 5:09

REL TO

DATE

BY

DISSEMINATION IS RESTRICTED TO CRIMINAL JUSTICE AGENCIES ONLY.

SECONDARY DISSEMINATION TO NON-CRIMINAL AGENCIES IS PROHIBITED.

WHEREFORE, Declarant requests that a finding be made by a magistrate that probable cause exists to hold said person for preliminary hearing (if charge is felony or gross misdemeanor) or for trial (if charge is a misdemeanor).

age 1 of 2

DECLARANT

I.D.# 14635

REVIEWED FOR PROBABLE CAUSE (PC)

PC FOUND ☒ PC NOT FOUND ☐ DATE TIME

DEFENDANT ORDERED RELEASED, DATE

11 30 am, Aug 18 2018

MAGISTRA

MAGISTRA

V2.6

## DECLARATION SUPPLEMENT

Page: 2CASE# 18-16583

On 08/12/18 at approximately 0811 hours, I (Officer Overby) and Officer Jenkins responded to the area of 2707 S. Virginia St, Reno NV (Peppermill Casino) on the report of GTA that just occurred. Upon arrival officers contacted the victim and reporting party, Nicole DUTRA. She provided officers with the following Statements;

Nicole states that she was working all night and her ex-boyfriend, Charles SKAGGS repeatedly called her. Nicole has an active TPO against Charles that was served on 07/13/18 and expires 8/21/18. According to Nicole, after getting off of work around 0500 hours, Charles demanded she come over to his mother's house located at 540 Brinkby Ave, Reno NV (Golden Apartments). Nicole went over to the house and once inside the residence she stated that Charles was going crazy. Nicole says that Charles grabbed her cell phone and began to go through the phone, when she asked for it back he began to hit himself in the head with the Cell phone. Nicole says that Charles grabbed her purse from the back bedroom, Charles charged at her making her run down the hallway in fear. Charles then pushed her out of the way, causing her to fall over a chair, while he still retained her purse. Charles's mother attempted to intervene, at which point Charles reverts back to the back bedroom where he grabs a hammer and begins aggressively swinging it at Nicole and his mother. While he is swinging the hammer at approximately 5ft away from Nicole, he makes the statement "I'll fuck you up" causing Nicole to become very scared for her safety. Charles then ran out the front door with Nicole's purse and keys that belong to her and Charles, 2009 Cadillac Escalade.

Upon contact with Nicole, I observed that she was hysterically crying had drops of blood on her legs and had no property with her. I also learned that an outside neighboring agency has PC for stalking and TPO violation x2 against SKAGGS related to incidents involving Nicole. Was also contacted in area of 540 Brinkby Ave, coupled with Charles violent background which includes robbery and ADW there is probable cause to arrest Charles SKAGGS for ADW, ROBBERY, DOMESTIC BATTERY and TPO violation.

18 AUG 17 PM 5:09

WHEREFORE, Declarant requests that a finding be made by a magistrate that probable cause exists to hold said person for preliminary hearing (if charge is a felony or gross misdemeanor) or for a trial (if charge is a misdemeanor).

REVIEWED FOR PROBABLE CAUSE (PC).

DECLARANT Overby.BI.D.# 14635PC FOUND ☐ PC NOT FOUND ☐

DATE: \_\_\_\_\_, MAGISTRATE PAGE \_\_\_\_\_ OF \_\_\_\_\_  
DEFENDANT ORDERED RELEASED, DATE: \_\_\_\_\_, MAGISTRATE



DA #18-9352

RPD RP18-016583

FILED

18 AUG 22 AM 10:12

IN THE JUSTICE COURT OF RENO TOWNSHIP  
IN AND FOR THE COUNTY OF WASHOE, STATE OF NEVADA

\* \* \*

THE STATE OF NEVADA,

Plaintiff,

Case No.: RCR2018- 098084

v.

Dept. No.: 4

CHARLES ANTHONY SKAGGS,  
also known as  
CHARLES WILLIAMS,  
also known as  
CHUCKY SKAGGS,

Defendant.

CRIMINAL COMPLAINT

DIANNE DRINKWATER of the County of Washoe, State of Nevada,  
verifies and declares upon information and belief and under penalty  
of perjury, that CHARLES ANTHONY SKAGGS also known as CHARLES  
WILLIAMS also known as CHUCKY SKAGGS, the defendant above-named, has  
committed the crime(s) of:

COUNT I. ASSAULT WITH USE OF DEADLY WEAPON, a violation of  
NRS 200.471, a category B felony, (50201) in the manner following, to  
wit:

That the said defendant, CHARLES ANTHONY SKAGGS, on or  
about August 12th, 2018, within the County of Washoe, State of  
Nevada, did intentionally place NICOLE RENEE DUTRA, in reasonable  
apprehension of immediate bodily harm, with the use of, or present  
ability to use, a deadly weapon, to wit: a hammer, in that said  
defendant did swing a hammer at DUTRA while threatening to cause her

1     bodily injury.

2             COUNT II. ROBBERY, a violation of NRS 200.380, a category B  
3     felony, (50137) in the manner following, to wit:

4             That the said defendant, CHARLES ANTHONY SKAGGS, on or  
5     about August 12th, 2018, within the County of Washoe, State of  
6     Nevada, did willfully and unlawfully take personal property, to wit,  
7     a purse and its contents from the person or in the presence of NICOLE  
8     RENEE DUTRA at 540 Brinkby Ave, Washoe County, Nevada, against her  
9     will, and by means of force or violence or fear of immediate or  
10    future injury to her person.

11            COUNT III. VIOLATE TEMPORARY ORDER FOR PROTECTION AGAINST  
12    DOMESTIC VIOLENCE, a violation of NRS 33.100, a misdemeanor, (52916)  
13    in the manner following, to wit:

14            That the said defendant CHARLES ANTHONY SKAGGS, on or about  
15    August 12th, 2018, within the County of Washoe, State of Nevada, did  
16    willfully and unlawfully violate a Temporary Order for Protection  
17    Against Domestic Violence issued by the Honorable #Lance White,  
18    Hearing Master of the Second Judicial District Court, on July 10,  
19    2018, by contacting DUTRA by telephone and/or threatening her with a  
20    hammer, after having been duly served with the Order.

21            COUNT IV. DOMESTIC BATTERY, FIRST OFFENSE, a violation of  
22    NRS 200.485 and NRS 33.018, a misdemeanor, (50235) in the manner  
23    following, to wit:

24            That the said defendant, CHARLES ANTHONY SKAGGS, on or  
25    about August 12th, 2018, within the County of Washoe, State of  
26    Nevada, did willfully and unlawfully use force or violence upon the

1 person of NICHOLE DUTRA, a person with whom he has had or is having a  
2 dating relationship at 540 Brinkby Ave, Reno, Washoe County, Nevada.

3  
4 AFFIRMATION PURSUANT TO NRS 239B.030

5 The undersigned does hereby affirm that the preceding  
6 document does not contain the social security number of any person.

7  
8 DATED this 22<sup>nd</sup> day of August, 2018.

9  
10   
11 \_\_\_\_\_  
12 DIANNE DRINKWATER  
13 DEPUTY DISTRICT ATTORNEY  
14  
15  
16  
17  
18  
19  
20  
21  
22

23 PCN: RPD0041321C-SKAGGS

24 Custody: X  
25 Bailed:  
26 Warrant:

District Court Dept:  
District Attorney: DRINKWATER  
Defense Attorney:  
Bail \$45,000 w/ conditions  
Restitution:

\*

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

STATE OF NEVADA,

Plaintiff,

vs.

Case No. BIND-2018

CHARLES A SKAGGS,

Defendant.

**NOTICE OF BINDOVER**

DEFENDANT'S NAME: Charles A Skaggs

AKA's: Charles A Sakggs, Charles Skaggs,  
Charles Anthony Skaggs, Charles  
Anthony Skaggs, Chucky Skaggs,  
Charles Williams

DATE OF BIRTH: 08/20/1986

DATE OF BINDOVER: 12/18/2018

JUSTICE COURT: Reno Justice Court

J/C Case Number: RCR2018-098084 DA Case Number: 18-9352

Co-Defendant(s): NO

DAS Supervision: NO

PROSECUTING ATTORNEY: Dianne Drinkwater

DEFENSE COUNSEL: Public Defender

☐ BAIL BOND FORFEITURE ☐ BAIL BOND ☐ CASH BAIL  
Start Date

IN THE JUSTICE COURT OF  
 WASHOE COUNTY, STATE OF NEVADA  
 EN EL TRIBUNAL DE JUSTICIA DEL  
 CONDADO DE WASHOE, ESTADO DE NEVADA

THE STATE OF NEVADA,  
 EL ESTADO DE NEVADA,

Plaintiff/ Demandante,

*Charles Skaggs*  
 vs.

Defendant/Acusado

) APPLICATION FOR APPOINTMENT  
 ) OF PUBLIC DEFENDER

) SOLICITUD DE ASIGNACIÓN DEL DEFENSOR  
 ) PÚBLICO

) CASE NO. *RPD18-17027*

) CAUSA No.

) PCN

I hereby apply for appointment of the Washoe County Public Defender and **declare under penalty of perjury**: (1) I am indigent and I am without financial means to hire an attorney. Mediante la presente solicito la asignación del Defensor Público del Condado de Washoe y **declaro bajo pena de perjurio**: (1) que soy indigente y (2) que no tengo los medios económicos para contratar a un abogado.

I receive government assistance ☒ yes ☐ no, specifically *Medicare*.  
 Recibo ayuda del gobierno ☐ sí ☐ no, específicamente

My weekly household income is \_\_\_\_\_ the total number of people in my household is \_\_\_\_\_ and my total assets are \_\_\_\_\_.  
 Los ingresos semanales de mi familia son de \_\_\_\_\_ el número de personas que viven en mi hogar es \_\_\_\_\_ y mi capital total es de \_\_\_\_\_.

*[Signature]*  
 DEFENDANT/ACUSADO

WITNESSED: *8/17/18* 20\_\_\_\_\_  
 TESTIGO

*[Signature]*  
 COURT STAFF or JUDGE  
 PERSONAL JUDICIAL O JUEZ

**ORDER**

The Court has reviewed this Application executed under penalty of perjury. Good cause appearing it is hereby ordered that:

☐ the Application is DENIED. The Court finds the Defendant is not indigent.

Comment:

☒ the Application is GRANTED. The Court finds that the Defendant is without means to employ an attorney or otherwise determines that representation by the Washoe County Public Defender is required. Reimbursement may be ordered by the Justice Court or District Court at a later time. The Washoe County Public Defender is appointed to represent the Defendant on the following condition(s):

DATED: \_\_\_\_\_ 20\_\_\_\_

*Ratina G. Lynch*  
 JUSTICE OF THE PEACE

<sup>1</sup> (\$467/1, \$633/2, \$799/3, \$965/4, \$1,132/5)

RENO JUSTICE COURT  
1 South Sierra Street  
Reno Nevada 89501

APPLICATION TO MODIFY "NO  
CONTACT" ORDER

CASE NUMBER: RCR2018-098084

DEFENDANT: Charles A Skaggs

PERSON REQUESTING MODIFICATION: Nicole B Dutra

PLEASE ATTACH A COPY OF YOUR DRIVER'S LICENSE. ph. 636-4239

Reason for request:

I want to still have a relationship and contact with Charles because he has gotten mental and addiction help and back to his normal self. I still want him to be a part of my life.

Is there a Child Protective Services ("CPS") case open? ☐ Yes ☒ No

Has CPS informed you they do not want the Defendant living with the children at this time or until they complete their investigation? ☐ Yes ☐ No

\*If Yes, when will the investigation be completed? \_\_\_\_\_

Will the Defendant be living with the Applicant? ☐ Yes ☒ No

Is there a TPO or have you applied for a TPO in any Court?

☒ Yes, Case No.: \_\_\_\_\_ ☐ No

There was a TPO in place but it is no longer in place.

Disclaimer: Any order from this Court only applies to the criminal case. This court does not have the power to change an order out of family court (such as a protection order). If you are working with Washoe County Human Services Agency ("CPS"), you should talk to your social worker about how changes in the no contact order may impact the placement of your children.

11-29-18  
(Date)

Nicole Dutra  
(Type or print name)

Nicole Dutra  
(Applicant's signature)

☐ Granted:

☐ Denied (set hearing):

Date:

Time:

\_\_\_\_\_  
Justice of the Peace

cc: Court Services/DAS/CPS

DA

PD

APD

NEVADA  
NOT FOR FEDERAL OFFICIAL USE  
DRIVER LICENSE

1 DUTRA  
2 NICOLE RENEE  
8 2234 CANNONBALL RD  
SPARKS, NV 89431-4293

15 Sex F 16 Hgt 5'06" 17 Wgt 140 18 Eyes BLU  
9 Class C 9a End NONE 19 Hair BLK 4a Iss 08/14/2018  
12 Restr NONE 15 DO 000142785470601212941

4d DL NO 0803328785  
3 DOB 01/29/1991  
4b Exp 01/29/2022

*Nicole Dutra*

RENO JUSTICE COURT  
1 South Sierra Street  
Reno Nevada 89501

APPLICATION TO MODIFY "NO  
CONTACT" ORDER

CASE NUMBER: RCR2018-098084

DEFENDANT: Charles A Skaggs

PERSON REQUESTING MODIFICATION: Nicole R Dutra

PLEASE ATTACH A COPY OF YOUR DRIVER'S LICENSE. ph. 636-4239

Reason for request:

I want to still have a relationship and contact with Charles because he has gotten mental and addiction help and back to his normal self. I still want him to be a part of my life.

Is there a Child Protective Services ("CPS") case open? ☐ Yes ☒ No

Has CPS informed you they do not want the Defendant living with the children at this time or until they complete their investigation? ☐ Yes ☐ No

\*If Yes, when will the investigation be completed? \_\_\_\_\_

Will the Defendant be living with the Applicant? ☐ Yes ☒ No

Is there a TPO or have you applied for a TPO in any Court?

☒ Yes, Case No.: \_\_\_\_\_ ☐ No

There was a TPO in place but it is no longer in place.

Disclaimer: Any order from this Court only applies to the criminal case. This court does not have the power to change an order out of family court (such as a protection order). If you are working with Washoe County Human Services Agency ("CPS"), you should talk to your social worker about how changes in the no contact order may impact the placement of your children.

11-29-18  
(Date)

Nicole Dutra  
(Type or print name)

Nicole Dutra  
(Applicant's signature)

☒ **Granted:**

☐ **Denied (set hearing):** **Date:**


**Time:**

[Signature]  
Justice of the Peace

cc: Court Services/DAS/CPS  
DA  
PD  
APD



KCR2018-098084



**ACCREDITED SURETY AND CASUALTY CO., INC.**  
4798 Broad St., Suite 200  
Orlando, FL 32814  
(800) 432-2799 Fax (407) 679-4553

Action Arms, Inc.  
dba ACTION BAIL BONDS  
(775) 322-7997  
575 E. Parr Blvd.  
Reno, NV 89512

(PLACE BAIL AGENT'S ADDRESS STAMP HERE)

---

Reno Justice COURT  
Municipal Judge, Judicial District

Reno Washoe  
(City, Township, County)

STATE OF NEVADA

---

State of Nevada Plaintiff

vs.

BAIL BOND No. BB-5737254  
(POWER OF ATTORNEY WITH THIS NUMBER MUST BE ATTACHED)  
(BOND NOT VALID IF MORE THAN ONE (1) POWER OF ATTORNEY HAS BEEN ATTACHED)

Skaggs, Charles Defendant

An order having been made on the 20th day of September, 2018  
by Reno Justice Court  
Municipal Judge, Justice of the Peace, District Judge  
Reno Washoe State of Nevada  
(of the City of Township of, and for the County of)

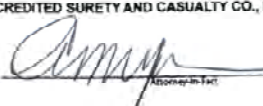
that the defendant be held to answer (or for examination) upon a charge of Viol Domestic Violence  
TPO Dom Battery, 1st

upon which he/she has been duly admitted

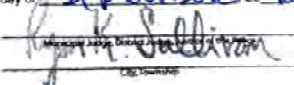
to bail in the sum of Five Thousand dollars.

Now we, ACCREDITED SURETY AND CASUALTY CO., INC., a Florida corporation, as Surety, duly authorized to transact business as Surety in the State of Nevada, hereby undertake that the above named defendant will appear and answer the charge above mentioned, in whatever court it may be prosecuted, and shall at all times render him/herself amenable to the orders and the process of the Court, and if convicted, shall appear for judgement and render him/herself in execution thereof, or if he/she fails to perform any of these conditions, that we will pay to the State of Nevada the sum of \$ 5,000

ACCREDITED SURETY AND CASUALTY CO., INC.

By  Attorney-in-Fact

Action Arms, Inc.  
dba ACTION BAIL BONDS  
(775) 322-7997  
575 E. Parr Blvd.  
Reno, NV 89512

Defendant notified to appear:  
Date 11/21/18 1:30 A.M.  
approved by me 11/21/18 2:15 P.M.  
day of September 20 18  
  
Clerk of Court

NOTE: This is an Appearance Bond and cannot be construed as a guarantee for failure to provide payments, back alimony payments, FINES, or Wage Law claims, nor can it be as a Bond on Appeal

Skaggs, Charles (Defendant)

**WARNING: THIS FORM CONTAINS WATERMARKS, MICROPRINT, SECURITY LINES, BLUE BACKGROUND AND A SECURITY VOID BACKGROUND PATTERN.**

**Accredited**  
ACCREDITED SURETY AND CASUALTY COMPANY, INC.  
P.O. Box 14655 • Omaha, NE 68114 • 402-462-2799 • toll service@accredited-hc.com

**POWER OF ATTORNEY**  
POWER NUMBER **BB-5737254**  
POWER LIMIT **\$6,000.00**

**THIS POWER EXPIRES IF NOT USED BY: December 31, 2018**

KNOW ALL MEN BY THESE PRESENTS that ACCREDITED SURETY AND CASUALTY COMPANY, INC., a corporation duly organized and existing under the laws of the State of Florida and by the authority of a resolution adopted by the Board of Directors does hereby make, constitute and appoint the named agent its true and lawful Attorney-in-Fact for it and in its name, place and stead, to execute, seal and deliver for and on its behalf and as its act and deed, as survey, a bail bond only. Authority of such Attorney-in-Fact is limited to appearance bonds only and cannot be construed to guarantee defendants future and lawful conduct, adherence to travel limitation, fines, restitution, payments or penalties, or any other condition imposed by a court not specifically related to court appearance.

This Power of Attorney is by use with a Bail Bond only. Not valid if used in connection with Federal or Immigration Bonds. A separate Power of Attorney must be attached to each bond executed. This power is void if altered or erased, if used with other powers of this company or in combination with powers from any other surety company, or if used to furnish bail in excess of the stated limit amount of this power. This Power of Attorney must be filed with the bond and retained as a part of the court records. The said Attorney-in-Fact is hereby authorized to insert in the Power of Attorney the name of the person on whose behalf this bond was given.

**THE OBLIGATION OF THE COMPANY SHALL NOT EXCEED THE SUM OF: SIX THOUSAND (\$6,000) DOLLARS**

Date Executed: September 20th year 2018  
Bond Amount: \$5,000 Gross Premium Charged: \_\_\_\_\_  
Defendant: Shiggs, Charles  
DOB: \_\_\_\_\_ SSN (if Required) \_\_\_\_\_  
Appearance Date & Time: to date of 11/5/18 @ 120 pm  
Said: Parade City: Reno  
County: Washoe Court: Justice  
Case # 18-165383  
Offense: Viol Domestic Violence TPO, Don Bally 1st

IN WITNESS WHEREOF, said ACCREDITED SURETY AND CASUALTY COMPANY, INC. by virtue of authority conferred by its Board of Directors, has caused these presents to be signed with its corporate seal, signed by its President, on this 20th day of September, 2018.

\_\_\_\_\_  
Todd M. Campbell, President

Agent Name: Debra M. Sparta  
Agent (Printed): \_\_\_\_\_  
Signature: [Signature]  
Agent: \_\_\_\_\_  
License No.: 501911

Agent: Action Bail Bonds (775) 322-7997  
Mail Address: 575 E. Parr Blvd., Reno, NV 89512


City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

MB-561 (8/77)

**COURT COPY - ORIGINAL**

**FOR STATE USE ONLY**  
**NOT VALID FOR IMMIGRATION OR FEDERAL BONDS**





**CERTIFICATE OF DISCHARGE**  
**ACCREDITED SURETY AND CASUALTY COMPANY, INC.**  
P.O. Box 140855 • Orlando, FL 32814 • 800-432-2799 • [ball.service@accredited-inc.com](mailto:ball.service@accredited-inc.com)

**THIS POWER EXPIRES IF NOT USED BY: December 31, 2018**

POWER NUMBER	BB - 5737254
POWER LIMIT	\$6,000.00

This is to certify that on or about the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, I examined the records of \_\_\_\_\_ Court / Case No. \_\_\_\_\_ and found that the bond with corresponding power number above has been discharged by reason of the following disposition: ☐ Pled Guilty ☐ Found Guilty ☐ Case Dismissed ☐ Forfeiture Paid ☐ Other \_\_\_\_\_

Date of Discharge \_\_\_\_\_ Person rendering decision \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

Witness my hand and official seal this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

COURT OFFICIAL SIGNATURE \_\_\_\_\_

COURT OFFICIAL PRINTED NAME \_\_\_\_\_

COURT OFFICIAL TITLE \_\_\_\_\_

**THE OBLIGATION OF THE COMPANY SHALL NOT EXCEED THE SUM OF: SIX THOUSAND (\$6,000) DOLLARS**

**TO THE CLERK OF THE COURT**

Please check your records for the disposition of the bond listed above. When the bond has been exonerated, please enter the date of exoneration, sign and return this form to the executing agent.

Date Executed MONTH September DAY 20th YEAR 2018

Bond Amount \$5,000 Gross Premium Charged \_\_\_\_\_

Defendant Spasgs, Charles

DOB \_\_\_\_\_ SS# (If Required) \_\_\_\_\_

Appearance Date & Time no date set 11/21/18 1:30 pm

State Nevada City Reno

County Washoe Court justice

Case # 18-1405383

Offense Viol Domestic Violence TPO, Dom Battery 1st

Agent Name (Printed) Angela M. Ybarra

Agent Signature [Signature]

Agent License No. 501911

Mail Address Action Bail Bonds (775) 322-7997  
575 E. Parr Blvd., Reno, NV 89512

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

ASC-351 (8/17)

**DISCHARGE COPY**

V2. 19



# WASHOE COUNTY SHERIFF

  
Chuck Allen, Sheriff

## Washoe County Detention Facility

*PS  
\$5,000  
Bond*

POSTED ON: 9/20/2018 @ 3:21:44PM

INMATE NAME: SKAGGS, CHARLES A

WC H07 13

BOOKING NUMBER: 1813289

DOB: 8/20/1986

DRIVER'S LICENSE: 

OLS STATE: NV

BAIL RECEIPT # B169130 ARRESTING AGENCY/CASE #: RPD 180016583 SKAGGS, CHARLES A

NOC: 52916 CHARGE LITERAL: VIOL DOMESTIC VIOLENCE TPO

LEVEL: MISDEMEANOR PCN: RPD0041321C

COURT: RJC ONE SOUTH SIERRA ST, RENO, NV 89520

COURT CASE #: 18-98084

COURT DATE/TIME: 11/13/2018 at 1330

WARRANT #:

WARRANT AGENCY:

BAIL AMOUNT: \$ 5,000.00

POSTED BY: ACTION BAIL BONDS

ADDRESS:

COURT BOND FEE: \$

*50 -*

INT:

*KA 018*

Referenced Charges: See Charge # 3 for Bail Amount, Court Date/Time and Court Address

NOC: 50235 CHARGE LITERAL: DOM BATTERY, IST

COURT: RJC

PCN: RPD0041321C

ARRESTING AGENCY/CASE #: RPD 180016583

4

CHUCK ALLEN, SHERIFF CLERK: *KA 018* W2998

TOTAL BAIL POSTED: \$ 5000.00

NOTICE: NRS 178.528: Disposition of the bail is up to the court in which this case is terminated:

This receipt must be presented to the court for any refund.

SIGNED:



1  
2  
3  
4 **SECOND JUDICIAL DISTRICT COURT**  
5 **STATE OF NEVADA**  
6 **IN AND FOR THE COUNTY OF WASHOE**  
7

8  
9 **STATE OF NEVADA,**

10 **Plaintiff,**

**Case No. CR18-2148**

11 **vs.**

**Dept No. D9**

12 **CHARLES ANTHONY SKAGGS**

13 **Defendant.**  
14

15 **APPLICATION FOR SETTING**

16 **TYPE OF ACTION:**

Criminal

17 **MATTER TO BE HEARD:**

Arraignment

18 **DATE OF APPLICATION:**

12/18/2018

19 **COUNSEL FOR DEFENDANT(S):**

Biray Dogan, Esq.  
Joanna L. Roberts, Esq.

20  
21  
22  
23 Setting at 09:00:00 on 1/9/2019  
24

## Return Of NEF

### Recipients

**DIANNE DRINKWATER, ESQ.** - Notification received on 2018-12-18 15:10:31.371.

**JOANNA ROBERTS, ESQ.** - Notification received on 2018-12-18 15:10:31.668.

**BIRAY DOGAN, ESQ.** - Notification received on 2018-12-18 15:10:31.324.

**DIV. OF PAROLE & PROBATION** - Notification received on 2018-12-18 15:10:31.356.

\*\*\*\*\* IMPORTANT NOTICE - READ THIS INFORMATION \*\*\*\*\*  
PROOF OF SERVICE OF ELECTRONIC FILING

-

A filing has been submitted to the court RE: CR18-2148

Judge:

HONORABLE SCOTT N. FREEMAN

Official File Stamp:

12-18-2018:15:09:13

Clerk Accepted:

12-18-2018:15:09:52

Court:

Second Judicial District Court - State of Nevada  
Criminal

Case Title:

STATE VS. CHARLES A SKAGGS (D9)

Document(s) Submitted:

Application for Setting - eFile

Filed By:

Deputy Clerk SHigginbotham

You may review this filing by clicking on the following link to take you to your cases.

This notice was automatically generated by the courts auto-notification system.

-

If service is not required for this document (e.g., Minutes), please disregard the below language.

**The following people were served electronically:**

JOANNA L. ROBERTS, ESQ. for CHARLES  
ANTHONY SKAGGS

BIRAY DOGAN, ESQ. for CHARLES ANTHONY  
SKAGGS

DIANNE DRINKWATER, ESQ. for STATE OF  
NEVADA

DIV. OF PAROLE & PROBATION

**The following people have not been served electronically and must be served by traditional means (see Nevada Electronic Filing Rules.):**

**Return Of NEF****Recipients**

**DIANNE DRINKWATER, ESQ.** - Notification received on 2018-12-19 15:39:34.554.

**JOANNA ROBERTS, ESQ.** - Notification received on 2018-12-19 15:39:34.57.

**BIRAY DOGAN, ESQ.** - Notification received on 2018-12-19 15:39:34.507.

**DIV. OF PAROLE & PROBATION** - Notification received on 2018-12-19 15:39:34.523.



\*\*\*\*\* IMPORTANT NOTICE - READ THIS INFORMATION \*\*\*\*\*  
PROOF OF SERVICE OF ELECTRONIC FILING

-

**A filing has been submitted to the court RE:** CR18-2148

**Judge:**

HONORABLE SCOTT N. FREEMAN

**Official File Stamp:**

12-19-2018:14:19:33

**Clerk Accepted:**

12-19-2018:15:38:51

**Court:**

Second Judicial District Court - State of Nevada  
Criminal

**Case Title:**

STATE VS. CHARLES A SKAGGS (D9)

**Document(s) Submitted:**

Pretrl Srvcs Assessment Report

**Filed By:**

Deputy Clerk JHults

You may review this filing by clicking on the following link to take you to your cases.

This notice was automatically generated by the courts auto-notification system.

-

If service is not required for this document (e.g., Minutes), please disregard the below language.

**The following people were served electronically:**

JOANNA L. ROBERTS, ESQ. for CHARLES  
ANTHONY SKAGGS

BIRAY DOGAN, ESQ. for CHARLES ANTHONY  
SKAGGS

DIANNE DRINKWATER, ESQ. for STATE OF  
NEVADA

DIV. OF PAROLE & PROBATION

**The following people have not been served electronically and must be served by traditional means (see Nevada Electronic Filing Rules.):**

# In the Justice Court of Reno Township

County of Washoe, State of Nevada

CR18-2148

THE STATE OF NEVADA,

Plaintiff,

vs.

No. RCR18 098084

Charles A. Skaggs

Defendant.

## Waiver of Preliminary Examination

I, the Defendant in the above-entitled action, being fully advised of my rights in the premises, hereby waive my preliminary examination on the charge of ADW NRS 200.471 in the above entitled action, and consent that I may be remanded to the Second Judicial District Court of the State of Nevada, for further proceedings therein.

DATE: 12.18.18

Charles Skaggs

The D agrees to waive his Preliminary Examination to Negotiations. Specifically, he will be expected to plead guilty to the reduced charge of Attempted ADW category C Felony. The State agrees to cap of 12 to 32 to incarceration to RCR18 098055. The state will dismiss RCR18 098138. The state will further dismiss all other charges, cases, & enhancements stemming from the arrest in this case.

CODE 1800  
Christopher J. Hicks  
#7747  
P.O. Box 11130  
Reno, NV 89520  
(775) 328-3200

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

\* \* \*

THE STATE OF NEVADA,

Plaintiff,

v.

CHARLES ANTHONY SKAGGS,  
also known as  
CHARLES WILLIAMS,  
also known as  
CHUCKY SKAGGS,

Defendant.

Case No.: CR18-2148

Dept. No.: D09

\_\_\_\_\_ /

INFORMATION

CHRISTOPHER J. HICKS, District Attorney within and for the  
County of Washoe, State of Nevada, in the name and by the authority  
of the State of Nevada, informs the above entitled Court that CHARLES  
ANTHONY SKAGGS, also known as CHARLES WILLIAMS, also known as CHUCKY  
SKAGGS, the defendant above-named, has committed the crime(s) of:

ATTEMPTED ASSAULT WITH THE USE OF A DEADLY WEAPON, a  
violation of NRS 199.330 being an attempt to violate NRS 200.471, a  
category C felony, (56698) in the manner following:

That the said defendant, CHARLES ANTHONY SKAGGS, on or about August 12th, 2018, within the County of Washoe, State of Nevada, did willfully, unlawfully and intentionally attempt to place NICOLE RENEE DUTRA, in reasonable apprehension of immediate bodily harm, with the use of, or present ability to use, a deadly weapon, to wit: a hammer, in that said defendant did swing a hammer at DUTRA while threatening to cause her bodily injury.

All of which is contrary to the form of the Statute in such case made and provided, and against the peace and dignity of the State of Nevada.

CHRISTOPHER J. HICKS  
District Attorney  
Washoe County, Nevada

By: /s/ Dianne Drinkwater  
DIANNE DRINKWATER  
7375  
DEPUTY DISTRICT ATTORNEY

The following are the names of such witnesses as are known  
to me at the time of the filing of the within Information:

JAMES HAMMERSTONE, SPARKS POLICE DEPARTMENT  
JOSEPH HODGES, RENO POLICE DEPARTMENT  
NICOLE RENEE DUTRA  
JANET SKAGGS  
ADAM JENKINS, RENO POLICE DEPARTMENT  
BLAKE OVERBY, RENO POLICE DEPARTMENT

AFFIRMATION PURSUANT TO NRS 239B.030

The party executing this document hereby affirms that this  
document submitted for recording does not contain the social security  
number of any person or persons pursuant to NRS 239B.030.

CHRISTOPHER J. HICKS  
District Attorney  
Washoe County, Nevada

By: /s/ Dianne Drinkwater  
DIANNE DRINKWATER  
7375  
DEPUTY DISTRICT ATTORNEY

CODE 3870  
Christopher J. Hicks  
#7747  
P.O. Box 11130  
Reno, NV 89520  
(775) 328-3200

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

\* \* \*

THE STATE OF NEVADA,

Plaintiff,

Case No: CR18-2148

v.

Dept: D09

CHARLES ANTHONY SKAGGS,  
also known as  
CHARLES WILLIAMS,  
also known as  
CHUCKY SKAGGS,

Defendant

\_\_\_\_\_ /

REQUEST FOR DISCOVERY PURSUANT TO NRS 174.245

The State hereby requests notice and disclosure of evidence relating to the defense in the above-entitled case pursuant to NRS 174.245, including any:

(a) Written or recorded statements made by a witness the defendant intends to call during the case in chief of the defendant, or copies thereof, within the possession, custody or control of the defendant, the existence of which is known, or by the exercise of due diligence may become known, to the defendant;

(b) Results or reports of physical or mental examinations, scientific tests or scientific experiments that the defendant intends to introduce in evidence during the case in chief of the defendant, or copies thereof, within the possession, custody or control of the defendant, the existence of which is known, or by the exercise of due diligence may become known, to the defendant; and

(c) Books, papers, documents or tangible objects that the defendant intends to introduce in evidence during the case in chief of the defendant, or copies thereof, within the possession, custody or control of the defendant, the existence of which is known, or by the exercise of due diligence may become known, to the defendant.

AFFIRMATION PURSUANT TO NRS 239B.030

The undersigned does hereby affirm that the preceding document does not contain the social security number of any person.

Dated this 20th day of December, 2018.

CHRISTOPHER J. HICKS  
District Attorney  
Washoe County, Nevada

By: /s/ Dianne Drinkwater  
DIANNE DRINKWATER  
7375  
DEPUTY DISTRICT ATTORNEY

CERTIFICATE OF SERVICE BY E-FILING

Pursuant to NRCP 5(b), I certify that I am an employee of the Washoe County District Attorney's Office and that, on this date, I electronically filed the foregoing with the Clerk of the Court. A notice will be sent electronically to the following:

PUBLIC DEFENDER  
BIRAY DOGAN, ESQ.

Dated this 20th day of December, 2018

/s/Gloria M. Lozano-Garcia\_  
GLORIA M. LOZANO-GARCIA



DA #18-9352

RPD RP18-016583

FILED  
Electronically  
CR18-2148  
2018-12-20 01:44:34 PM  
Jacqueline Bryant  
Clerk of the Court  
Transaction # 7034528 : jalvarez

CODE 1800  
Christopher J. Hicks  
#7747  
P.O. Box 11130  
Reno, NV 89520  
(775) 328-3200

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

\* \* \*

THE STATE OF NEVADA,

Plaintiff,

Case No.: CR18-2148

v.

Dept. No.: D09

CHARLES ANTHONY SKAGGS, *TN & bylms*  
also known as  
CHARLES WILLIAMS,  
also known as  
CHUCKY SKAGGS,

Defendant.

INFORMATION

CHRISTOPHER J. HICKS, District Attorney within and for the  
County of Washoe, State of Nevada, in the name and by the authority  
of the State of Nevada, informs the above entitled Court that CHARLES  
ANTHONY SKAGGS, also known as CHARLES WILLIAMS, also known as CHUCKY  
SKAGGS, the defendant above-named, has committed the crime(s) of:

ATTEMPTED ASSAULT WITH THE USE OF A DEADLY WEAPON, a  
violation of NRS 199.330 being an attempt to violate NRS 200.471, a  
category C felony, (56698) in the manner following:

1           That the said defendant, CHARLES ANTHONY SKAGGS, on or  
2 about August 12th, 2018, within the County of Washoe, State of  
3 Nevada, did willfully, unlawfully and intentionally attempt to place  
4 NICOLE RENEE DUTRA, in reasonable apprehension of immediate bodily  
5 harm, with the use of, or present ability to use, a deadly weapon, to  
6 wit: a hammer, in that said defendant did swing a hammer at DUTRA  
7 while threatening to cause her bodily injury.

8  
9           All of which is contrary to the form of the Statute in such  
10 case made and provided, and against the peace and dignity of the  
11 State of Nevada.

12  
13           CHRISTOPHER J. HICKS  
14           District Attorney  
15           Washoe County, Nevada

16           By: /s/ Dianne Drinkwater  
17           DIANNE DRINKWATER  
18           7375  
19           DEPUTY DISTRICT ATTORNEY  
20  
21  
22  
23  
24  
25  
26

1           The following are the names of such witnesses as are known  
2 to me at the time of the filing of the within Information:

3 JAMES HAMMERSTONE, SPARKS POLICE DEPARTMENT  
4 JOSEPH HODGES, RENO POLICE DEPARTMENT  
5 NICOLE RENEE DUTRA  
6 JANET SKAGGS  
7 ADAM JENKINS, RENO POLICE DEPARTMENT  
8 BLAKE OVERBY, RENO POLICE DEPARTMENT

9                   AFFIRMATION PURSUANT TO NRS 239B.030

10           The party executing this document hereby affirms that this  
11 document submitted for recording does not contain the social security  
12 number of any person or persons pursuant to NRS 239B.030.

13  
14 CHRISTOPHER J. HICKS  
15 District Attorney  
16 Washoe County, Nevada

17 By: /s/ Dianne Drinkwater  
18 DIANNE DRINKWATER  
19 7375  
20 DEPUTY DISTRICT ATTORNEY  
21  
22  
23  
24  
25

26 PCN: RPD0041321C-SKAGGS

**Return Of NEF****Recipients**

**DIANNE DRINKWATER, ESQ.** - Notification received on 2018-12-20 14:27:33.749.

**JOANNA ROBERTS, ESQ.** - Notification received on 2018-12-20 14:27:33.765.

**BIRAY DOGAN, ESQ.** - Notification received on 2018-12-20 14:27:33.687.

**DIV. OF PAROLE & PROBATION** - Notification received on 2018-12-20 14:27:33.718.

\*\*\*\*\* IMPORTANT NOTICE - READ THIS INFORMATION \*\*\*\*\*  
PROOF OF SERVICE OF ELECTRONIC FILING

-

**A filing has been submitted to the court RE:** CR18-2148

**Judge:**

HONORABLE SCOTT N. FREEMAN

**Official File Stamp:**

12-20-2018:13:44:34

**Clerk Accepted:**

12-20-2018:14:26:56

**Court:**

Second Judicial District Court - State of Nevada  
Criminal

**Case Title:**

STATE VS. CHARLES A SKAGGS (D9)

**Document(s) Submitted:**

Waiver of Preliminary Exam  
Information  
Request

**Filed By:**

Dianne Drinkwater

You may review this filing by clicking on the following link to take you to your cases.

This notice was automatically generated by the courts auto-notification system.

-

If service is not required for this document (e.g., Minutes), please disregard the below language.

**The following people were served electronically:**

JOANNA L. ROBERTS, ESQ. for CHARLES  
ANTHONY SKAGGS

BIRAY DOGAN, ESQ. for CHARLES ANTHONY  
SKAGGS

DIANNE DRINKWATER, ESQ. for STATE OF  
NEVADA

DIV. OF PAROLE & PROBATION

**The following people have not been served electronically and must be served by traditional means** (see Nevada Electronic Filing Rules.):

V2 37  
CP18-2148 DC-09900087617-034  
STATE VS. CHARLES A. SKAGGS ( 3 Pages )  
District Court 12/24/2018 11:09 AM  
Washoe County  
BAIL  
DNICHOLS  
DOC



ACCREDITED SURETY AND  
CASUALTY CO., INC.  
4798 Broad St. Suite 200  
Orlando, FL 32814  
(800) 432-2799 Fax (407) 629-4553

CR18-2148  
(09)

Action Annie's, Inc.  
dba ACTION BAIL BONDS  
(775) 322-7997  
575 E. Parr Blvd.  
Reno, NV 89512

(PLACE BAIL AGENT'S ADDRESS STAMP HERE)

Reno Justice  
Municipal, Justice, Judicial District  
Reno Washoe  
(City, Township, County)

FILED COURT

DEC 24 2018

STATE OF NEVADA

JACQUELINE BRYANT, CLERK  
By: DEPUTY CLERK

State of Nevada

Plaintiff

BAIL BOND No. BB-5737254

(POWER OF ATTORNEY WITH THIS NUMBER MUST BE ATTACHED)  
(BOND NOT VALID IF MORE THAN ONE (1) POWER OF ATTORNEY  
HAS BEEN ATTACHED)

vs.

Skaggs, Charles

Defendant

An order having been made on the 20th day of September, 2018  
by Reno Justice Court  
(Municipal Judge, Justice of the Peace, District Judge)  
Reno Washoe, State of Nevada,  
(of the City of, Township of, In and for the County of)

that the defendant be held to answer (or for examination) upon a charge of Viol Domestic Violence  
TPO Dom Battery, 1st  
upon which he/she has been duly admitted  
to bail in the sum of Five Thousand dollars.

Now we, ACCREDITED SURETY AND CASUALTY CO., INC., a Florida corporation, as Surety, duly authorized to transact business as Surety in the State of Nevada, hereby undertake that the above named defendant will appear and answer the charge above mentioned, in whatever court it may be prosecuted, and shall at all times render him/herself amendable to the orders and the process of the Court, and if convicted, shall appear for judgement and render him/herself in execution thereof, or if he/she fails to perform any of these conditions, that we will pay to the State of Nevada the sum of \$ 5,000

ACCREDITED SURETY AND CASUALTY CO., INC

Defendant notified to appear:

Date No date set @ 1:30 A.M.  
11/13/18 P.M.

approved by me this 21st  
day of September 2018

Mark K. Sullivan  
Municipal Judge, District Judge, Justice of the Peace  
City, Township

By

*[Signature]*  
Attorney-in-Fact

Action Annie's, Inc.  
dba ACTION BAIL BONDS  
(775) 322-7997  
575 E. Parr Blvd.  
Reno, NV 89512

NOTE: This is an Appearance Bond and cannot be construed as a guarantee for failure to provide payments, back alimony payments FINES, or Wage Law claims, nor can it be as a Bond on Appeal

V2. 37

Skaggs, Charles Anthony



WARNING: THIS FORM CONTAINS "UV" FIBERS, MICROPRINT SIGNATURE LINES, BLUE BACKGROUND AND A SECURITY VOID BACKGROUND PATTERN


**POWER OF ATTORNEY**  
**ACCREDITED SURETY AND CASUALTY COMPANY, INC.**

 A Randall & Quilter Group Company  
 P.O. Box 140865 • Orlando, FL 32814 • 800-432-2799 • bail.service@accredited-inc.com

POWER NUMBER

BB -5737254

POWER LIMIT

\$6,000.00

**THIS POWER EXPIRES IF NOT USED BY:** December 31, 2018

KNOW ALL MEN BY THESE PRESENTS that ACCREDITED SURETY AND CASUALTY COMPANY, INC., a corporation duly organized and existing under the laws of the State of Florida and by the authority of a resolution adopted by the Board of Directors does hereby make, constitute and appoint the named agent its true and lawful Attorney-in-Fact for it and in its name, place and stead, to execute, seal and deliver for and on its behalf and as its act and deed, as surety, **a bail bond only**. Authority of such Attorney-in-Fact is limited to appearance bonds only and cannot be construed to guarantee defendant's future and lawful conduct, adherence to travel limitation, fines, restitution, payments or penalties, or any other condition imposed by a court not specifically related to court appearance.

**This Power of Attorney is for use with a Bail Bond only. Not valid if used in connection with Federal or Immigration Bonds. A separate Power of Attorney must be attached to each bond executed. This power is void if altered or erased, if used with other powers of this company or in combination with powers from any other surety company, or if used to furnish bail in excess of the stated face amount of this power. This Power of Attorney must be filed with the bond and retained as a part of the court records. The said Attorney-in-Fact is hereby authorized to insert in the Power of Attorney the name of the person on whose behalf this bond was given.**

**THE OBLIGATION OF THE COMPANY SHALL NOT EXCEED THE SUM OF:** SIX THOUSAND (\$6,000) DOLLARSDate Executed MONTH September DAY 20<sup>th</sup> YEAR 20 18Bond Amount \$5,000 Gross Premium Charged \_\_\_\_\_Defendant Skaggs, Charles

DOB \_\_\_\_\_ SS# (If Required) \_\_\_\_\_

Appearance Date & Time no date set 11/13/18 @ 1:30 pmState Nevada City RenoCounty Washoe Court JusticeCase # 18-165383Offense Viol Domestic Violence TPO, Dom Battery 1st

IN WITNESS WHEREOF said ACCREDITED SURETY AND CASUALTY COMPANY, INC. by virtue of authority conferred by its Board of Directors, has caused these presents to be sealed with its corporate seal, signed by its President, on this 6th day of December, 2016

Todd M. Campbell  
 Todd M. Campbell, President
Agent Name (Printed) Adella M. Ybarra NPAgent Signature Amy NPAgent License No. 501911 NPAgent Mail Address Action Bail Bonds (775) 322-7997575 E. Parr Blvd., Reno, NV 89512

City

State

Zip

FOR STATE USE ONLY

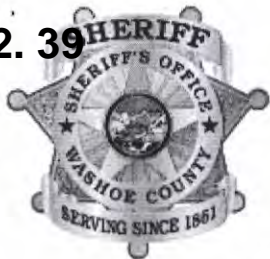
NOT VALID FOR IMMIGRATION OR FEDERAL BONDS

ASC-351 (9/17)

COURT COPY - ORIGINAL



V2. 39



# WASHOE COUNTY SHERIFF

  
Chuck Allen, Sheriff

## Washoe County Detention Facility

PS  
\$5,000  
Bond

POSTED ON: 9/20/2018 @ 3:21:44PM

INMATE NAME: SKAGGS, CHARLES A

WC H07 13

BOOKING NUMBER: 1813289

DOB: 8/20/1986

DRIVER'S LICENSE: 

OLS STATE: NV

BAIL RECEIPT # B169130 ARRESTING AGENCY /CASE #: RPD 180016583 SKAGGS, CHARLES A

NOC: 52916 CHARGE LITERAL: VIOL DOMESTIC VIOLENCE TPO

LEVEL: MISDEMEANOR PCN: RPD0041321C

COURT: RJC ONE SOUTH SIERRA ST, RENO, NV 89520

COURT CASE #: 18-98084

COURT DATE/TIME: 11/13/2018 at 1330

WARRANT #:

WARRANT AGENCY:

BAIL AMOUNT: \$ 5,000.00

POSTED BY: ACTION BAIL BONDS

ADDRESS:

COURT BOND FEE: \$

50~

INT:

KA 218

CR18-2148  
(D9)

Referenced Charges: See Charge # 3 for Bail Amount, Court Date/Time and Court Address

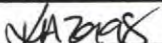
NOC: 50235 CHARGE LITERAL: DOM BATTERY, 1ST

COURT: RJC

PCN: RPD0041321C

ARRESTING AGENCY/CASE #: RPD 180016583

4

CHUCK ALLEN, SHERIFF CLERK:  W2998

TOTAL BAIL POSTED: \$ 5000.00

NOTICE: NRS 178.528: Disposition of the bail is up to the court in which this case is terminated:

This receipt must be presented to the court for any refund.

SIGNED: 



CR18-2148  
DC-09500087617-037  
STATE VS. CHARLES A SKAGGS ( 3 Pages  
District Court 12/24/2018 11:26 AM  
Washoe County BAIL  
DOC



ACCREDITED SURETY AND  
CASUALTY CO., INC.  
4798 Broad St. Suite 200  
Orlando, FL 32814  
(800) 432-2799 Fax (407) 629-4553

Action Annie's, Inc.  
dba ACTION BAIL BONDS  
(775) 322-7997  
575 E. Parr Blvd.  
Reno, NV 89512

(PLACE BAIL AGENT'S ADDRESS STAMP HERE)

Reno Justice  
Municipal, Justice, Judicial District  
Reno Washoe  
(City, Township, County)

FILED COURT

DEC 24 2018

JACQUELINE BRYANT, CLERK  
By: DEPUTY CLERK

STATE OF NEVADA

State of Nevada

Plaintiff

vs.

BAIL BOND No. AD-00984546

(POWER OF ATTORNEY WITH THIS NUMBER MUST BE ATTACHED)  
(BOND NOT VALID IF MORE THAN ONE (1) POWER OF ATTORNEY  
HAS BEEN ATTACHED)

Skaggs, Charles  
Defendant

An order having been made on the 20<sup>th</sup> day of September, 2018  
by Reno Justice Court  
Municipal Judge, Justice of the Peace, District Judge  
Reno Washoe  
(of the City of, Township of, in and for the County of) State of Nevada,

that the defendant be held to answer (or for examination) upon a charge of Robbery, Assault,  
W/DW

upon which he/she has been duly admitted  
to bail in the sum of Forty Thousand dollars.

Now we, ACCREDITED SURETY AND CASUALTY CO., INC., a Florida corporation, as Surety, duly authorized to transact business as Surety in the State of Nevada, hereby undertake that the above named defendant will appear and answer the charge above mentioned, in whatever court it may be prosecuted, and shall at all times render him/herself amenable to the orders and the process of the Court, and if convicted, shall appear for judgement and render him/herself in execution thereof, or if he/she fails to perform any of these conditions, that we will pay to the State of Nevada the sum of \$40,000

ACCREDITED SURETY AND CASUALTY CO., INC

Defendant notified to appear:

Date 11/13/18 @ 1:30 P.M.

approved by me this 21<sup>st</sup>

day of September 20 18

Ryan K. Sullivan  
Municipal Judge, District Judge, Justice of the Peace  
City, Township

By

Attorney-in-Fact

Action Annie's, Inc.  
dba ACTION BAIL BONDS  
(775) 322-7997  
575 E. Parr Blvd.  
Reno, NV 89512

NOTE: This is an Appearance Bond and cannot be construed as a guarantee for failure to provide payments, back alimony payments  
FINES, or Wage Law claims, nor can it be as a Bond on Appeal

Skaggs, Charles Anthony



WARNING: THIS FORM CONTAINS "UV" FIBERS, MICROPRINT SIGNATURE LINES, BLUE BACKGROUND AND A SECURITY VOID BACKGROUND PATTERN


**POWER OF ATTORNEY**  
**ACCREDITED SURETY AND CASUALTY COMPANY, INC.**

 A Randall & Quilter Group Company  
 P.O. Box 140855 • Orlando, FL 32814 • 800-432-2799 • bail.service@accredited-inc.com

POWER NUMBER

**AD-00984546**

POWER LIMIT

**\$53,000.00****THIS POWER EXPIRES IF NOT USED BY:****December 31, 2018**

KNOW ALL MEN BY THESE PRESENTS that ACCREDITED SURETY AND CASUALTY COMPANY, INC., a corporation duly organized and existing under the laws of the State of Florida and by the authority of a resolution adopted by the Board of Directors does hereby make, constitute and appoint the named agent its true and lawful Attorney-in-Fact for it and in its name, place and stead, to execute, seal and deliver for and on its behalf and as its act and deed, as surety, **a bail bond only**. Authority of such Attorney-in-Fact is limited to appearance bonds only and cannot be construed to guarantee defendant's future and lawful conduct, adherence to travel limitation, fines, restitution, payments or penalties, or any other condition imposed by a court not specifically related to court appearance.

**This Power of Attorney is for use with a Bail Bond only. Not valid if used in connection with Federal or Immigration Bonds. A separate Power of Attorney must be attached to each bond executed. This power is void if altered or erased, if used with other powers of this company or in combination with powers from any other surety company, or if used to furnish bail in excess of the stated face amount of this power. This Power of Attorney must be filed with the bond and retained as a part of the court records. The said Attorney-in-Fact is hereby authorized to insert in the Power of Attorney the name of the person on whose behalf this bond was given.**

**THE OBLIGATION OF THE COMPANY SHALL NOT EXCEED THE SUM OF:****FIFTY-THREE THOUSAND (\$53,000.00) DOLLARS**Date Executed MONTH September DAY 20th YEAR 20 18Bond Amount 40,000 Gross Premium Charged \_\_\_\_\_Defendant Skaggs, Charles

DOB \_\_\_\_\_ SS# (If Required) \_\_\_\_\_

Appearance Date & Time 11/13/18 @ 1:30 pmState Nevada City RenoCounty Washoe Court JusticeCase # 18-16583Offense Robbery, Assault w/DW**FOR STATE USE ONLY****NOT VALID FOR IMMIGRATION OR FEDERAL BONDS**

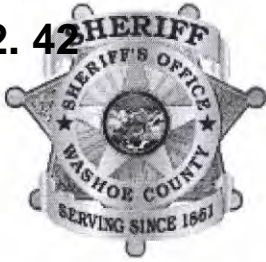
IN WITNESS WHEREOF said ACCREDITED SURETY AND CASUALTY COMPANY, INC. by virtue of authority conferred by its Board of Directors, has caused these presents to be sealed with its corporate seal, signed by its President, on this 6th day of December, 2016

  
 Todd M. Campbell, President
Agent Name (Printed) Agatha M. Ybarra MPAgent Signature [Signature] MPAgent License No. 501911 MP
 Agent Mail Address Action Bail Bonds (775) 322-7997  
575 E. Parr Blvd., Reno, NV 89512

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_



V2. 42



# WASHOE COUNTY SHERIFF

  
Chuck Allen, Sheriff

## Washoe County Detention Facility

*RSC  
\$40,000-  
Bond*


POSTED ON: 9/20/2018 @ 3:20:46PM

INMATE NAME: SKAGGS, CHARLES A

WC H07 13

BOOKING NUMBER: 1813289

DOR: 8/20/1986

DRIVER'S LICENSE: 

OLS STATE: NV

BAIL RECEIPT # B169129 ARRESTING AGENCY /CASE #: RPD 180016583 SKAGGS, CHARLES A


NOC: 50137 CHARGE LITERAL: ROBBERY

LEVEL: FELONY

PCN: RPD0041321C

COURT: RJC ONE SOUTH SIERRA ST, RENO, NV 89520

COURT CASE #: 18-98084

COURT DATE/TIME: 11/13/2018 at 1330 

WARRANT #:

WARRANT AGENCY:

BAIL AMOUNT: \$ 40,000.00 

*CR18-2148*

POSTED BY: ACTION BAIL BONDS

ADDRESS:

COURT BOND FEE: \$ 50 INT: WABAS

Referenced Charges: See Charge # 1 for Bail Amount, Court Date/Time and Court Address

NOC: 50201 CHARGE LITERAL: ASSAULT, W/DW

COURT: RJC

PCN: RPD0041321C

ARRESTING AGENCY/CASE #: RPD 180016583

2

CHUCK ALLEN, SHERIFF CLERK: WABAS W2998

TOTAL BAIL POSTED: \$ 40000.00

NOTICE: NRS 178.528: Disposition of the bail is up to the court in which this case is terminated:

This receipt must be presented to the court for any refund.

SIGNED: 

1  
2 Code: 1476  
3  
4  
5

6 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
7 IN AND FOR THE COUNTY OF WASHOE  
8

9 STATE OF NEVADA,

10 Plaintiff(s),

Case No. CR18-2148

11 vs

Dept. No. 9

12 CHARLES ANTHONY SKAGGS  
13

14 Defendant(s).  
15 \_\_\_\_\_ /

16 PRETRIAL SERVICES COURT NOTE – CURRENT SUPERVISION  
17

18  
19 This document does not contain the Social Security Number of any person.  
20  
21

22 Signature:   
23 \_\_\_\_\_

24 Print: Carl Hinxman  
25 \_\_\_\_\_  
26  
27  
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**CURRENT SUPERVISION FOR THIS CASE:**Supervised by: Carl H.**OUT OF CUSTODY BY WAY OF:**☐ O/R☒ Supervised BailRelease Date: 09/20/18**COMPLIANCE:**☒ **Compliant** – *checking in as instructed and presents no issues at this time*☐ **Semi-compliant** – see below  
(Compliant more often than not)☐ **Non-compliant** – see below  
(Please address if defendant appears)☐ *Pending Warrant*☐ Positive alcohol test(s) \_\_\_\_\_ ☐ Positive drug test(s) \_\_\_\_\_☐ Missed check-in(s) (PBT, UA, In-person, Telephone) \_\_\_\_\_☐ Rearrested – (traffic, LSM, no drugs/alcohol/violence) Date: \_\_\_\_\_**CONDITIONS:**☒ Obey All Laws☐ No Driving Unless Legal☒ Alcohol Testing☒ Random Schedule☐ Set Schedule☒ Drug Testing☒ Random Schedule☐ Set Schedule☐ Test Prior to Court☐ Defendant has a valid medical Marijuana card State: \_\_\_\_\_☐ No Contact with: ☐ Alleged Victim ☐ Co-defendant ☐ Other \_\_\_\_\_☒ In-Person Check in: ☐ M ☒ T ☐ W ☒ TH ☐ F

\_\_\_\_ Alternating In-Person/Telephone

☐ Telephone Check in: ☐ M ☐ T ☐ W ☐ TH ☐ F☐ Boot Camp: ☐ Completed - Date: \_\_\_\_\_ ☐ Did Not Complete☐ Counseling:☐ In-patient Program Name: \_\_\_\_\_☐ Still in program ☐ Completed Program Dates: \_\_\_\_\_☐ Out-patient ☐ AA/NA ☐ Other: \_\_\_\_\_☐ Electronic Monitoring:☐ SCRAM ☐ Remote Breath ☐ GPS ☐ HA☐ Comply with Outside Agency: \_\_\_\_\_☐ Other: \_\_\_\_\_**ADDITIONAL COURT NOTES:**

Last negative UA was on January 3, 2018

**Return Of NEF****Recipients**

**DIANNE DRINKWATER, ESQ.** - Notification received on 2019-01-04 15:37:19.819.

**JOANNA ROBERTS, ESQ.** - Notification received on 2019-01-04 15:37:19.835.

**BIRAY DOGAN, ESQ.** - Notification received on 2019-01-04 15:37:19.07.

**DIV. OF PAROLE & PROBATION** - Notification received on 2019-01-04 15:37:19.788.

\*\*\*\*\* IMPORTANT NOTICE - READ THIS INFORMATION \*\*\*\*\*  
PROOF OF SERVICE OF ELECTRONIC FILING

-

A filing has been submitted to the court RE: CR18-2148

Judge:

HONORABLE SCOTT N. FREEMAN

Official File Stamp:

01-04-2019:15:35:22

Clerk Accepted:

01-04-2019:15:36:23

Court:

Second Judicial District Court - State of Nevada  
Criminal

Case Title:

STATE VS. CHARLES A SKAGGS (D9)

Document(s) Submitted:

Current Supervision for this Case

Filed By:

Pretrial Off. CHinxman

You may review this filing by clicking on the following link to take you to your cases.

This notice was automatically generated by the courts auto-notification system.

-

If service is not required for this document (e.g., Minutes), please disregard the below language.

**The following people were served electronically:**

JOANNA L. ROBERTS, ESQ. for CHARLES  
ANTHONY SKAGGS

BIRAY DOGAN, ESQ. for CHARLES ANTHONY  
SKAGGS

DIANNE DRINKWATER, ESQ. for STATE OF  
NEVADA

DIV. OF PAROLE & PROBATION

**The following people have not been served electronically and must be served by traditional means (see Nevada Electronic Filing Rules.):**

1 CODE 1785  
2 Christopher J. Hicks  
3 #7747  
4 P.O. Box 11130  
5 Reno, NV 89520  
6 (775) 328-3200

ORIGINAL

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

\* \* \*

9 THE STATE OF NEVADA,

10 Plaintiff,

11 v.

Case No. CR18-2148

Dept. No. D09

12 CHARLES ANTHONY SKAGGS,  
13 also known as  
14 CHARLES WILLIAMS,  
15 also known as  
16 CHUCKY SKAGGS,

17 Defendant.

18 GUILTY PLEA MEMORANDUM

19 1. I, CHARLES ANTHONY SKAGGS, also known as CHARLES  
20 WILLIAMS, also known as CHUCKY SKAGGS, understand that I am charged  
21 with the offense(s) of: ATTEMPTED ASSAULT WITH THE USE OF A DEADLY  
22 WEAPON, a violation of NRS 199.330 being an attempt to violate NRS  
23 200.471, a category C felony.

24 2. I desire to enter a plea of guilty to the offense(s)  
25 of, ATTEMPTED ASSAULT WITH THE USE OF A DEADLY WEAPON, a violation of  
26 NRS 200.471, a category C felony, as more fully alleged in the charge  
filed against me.



1           3. By entering my plea of guilty I know and understand  
2 that I am waiving the following constitutional rights:

3           A. I waive my privilege against self-incrimination.

4           B. I waive my right to trial by jury, at which trial the  
5 State would have to prove my guilt of all elements of the offenses  
6 beyond a reasonable doubt.

7           C. I waive my right to confront my accusers, that is, the  
8 right to confront and cross examine all witnesses who would testify  
9 at trial.

10          D. I waive my right to subpoena witnesses for trial on my  
11 behalf.

12          4. I understand the charge(s) against me and that the  
13 elements of the offense(s) which the State would have to prove beyond  
14 a reasonable doubt at trial are that on August 12th, 2018, or  
15 thereabout, in the County of Washoe, State of Nevada, I did,  
16 willfully, unlawfully and intentionally attempt to place NICOLE RENEE  
17 DUTRA, in reasonable apprehension of immediate bodily harm, with the  
18 use of, or present ability to use, a deadly weapon, to wit: a hammer,  
19 in that I did swing a hammer at DUTRA while threatening to cause her  
20 bodily injury.

21          5. I understand that I admit the facts which support all  
22 the elements of the offense(s) by pleading guilty. I admit that the  
23 State possesses sufficient evidence which would result in my  
24 conviction. I have considered and discussed all possible defenses  
25 and defense strategies with my counsel. I understand that I have the  
26 right to appeal from adverse rulings on pretrial motions only if the

1 State and the Court consent to my right to appeal in a separate  
2 written agreement. I understand that any substantive or procedural  
3 pretrial issue(s) which could have been raised at trial are waived by  
4 my plea.

5 6. I understand that the consequences of my plea of guilty  
6 are that I may be imprisoned for a period of 1 to 5 years in the  
7 Nevada State Department of Corrections. I am eligible for probation.  
8 I may also be fined up to \$10,000.00.

9 7. In exchange for my plea of guilty, the State, my  
10 counsel and I have agreed to recommend the following: The State will  
11 recommend no more that 12 to 32 months in the Nevada State Department  
12 of Corrections and will also recommend the sentence in this case run  
13 concurrent to any imposed in CR18-2149. The State will dismiss the  
14 charges in RCR 2018-098138 and will not file any additional charges  
15 or enhancements arising from the arrest in this case. I will also  
16 plead guilty pursuant to negotiations in CR18-2149.

17 8. I understand that, even though the State and I have  
18 reached this plea agreement, the State is reserving the right to  
19 present arguments, facts, and/or witnesses at sentencing in support  
20 of the plea agreement.

21 9. I also agree that I will make full restitution in this  
22 matter, as determined by the Court. Where applicable, I additionally  
23 understand and agree that I will be responsible for the repayment of  
24 any costs incurred by the State or County in securing my return to  
25 this jurisdiction.

26 ///

1           10. I understand that the State, at their discretion, is  
2 entitled to either withdraw from this agreement and proceed with the  
3 prosecution of the original charges or be free to argue for an  
4 appropriate sentence at the time of sentencing if I fail to appear at  
5 any scheduled proceeding in this matter OR if prior to the date of my  
6 sentencing I am arrested in any jurisdiction for a violation of law  
7 OR if I have misrepresented my prior criminal history. I understand  
8 and agree that the occurrence of any of these acts constitutes a  
9 material breach of my plea agreement with the State. I further  
10 understand and agree that by the execution of this agreement, I am  
11 waiving any right I may have to remand this matter to Justice Court  
12 should I later withdraw my plea.

13           11. I understand and agree that pursuant to the terms of  
14 the plea agreement stated herein, any counts which are to be  
15 dismissed and any other cases charged or uncharged which are either  
16 to be dismissed or not pursued by the State, may be considered by the  
17 court at the time of my sentencing.

18           12. I understand that the Court is not bound by the  
19 agreement of the parties and that the matter of sentencing is to be  
20 determined solely by the Court. I have discussed the charges, the  
21 facts and the possible defenses with my attorney. All of the  
22 foregoing rights, waiver of rights, elements, possible penalties, and  
23 consequences, have been carefully explained to me by my attorney. My  
24 attorney has not promised me anything not mentioned in this plea  
25 memorandum, and, in particular, my attorney has not promised that I  
26 will get any specific sentence. I am satisfied with my counsel's

1 advice and representation leading to this resolution of my case. I  
2 am aware that if I am not satisfied with my counsel I should advise  
3 the Court at this time. I believe that entering my plea is in my  
4 best interest and that going to trial is not in my best interest. My  
5 attorney has advised me that if I wish to appeal, any appeal, if  
6 applicable to my case, must be filed within thirty days of my  
7 sentence and/or judgment.

8 13. I understand that this plea and resulting conviction  
9 will likely have adverse effects upon my residency in this country if  
10 I am not a U. S. Citizen. I have discussed the effects my plea will  
11 have upon my residency with my counsel.

12 14. I offer my plea freely, voluntarily, knowingly and  
13 with full understanding of all matters set forth in the Information  
14 and in this Plea Memorandum. I have read this plea memorandum  
15 completely and I understand everything contained within it.

16 15. My plea of guilty is voluntary and is not the result  
17 of any threats, coercion or promises of leniency.

18 16. I am signing this Plea Memorandum voluntarily with  
19 advice of counsel, under no duress, coercion, or promises of  
20 leniency.

21 ///

22 ///

23 ///

24 ///

25 ///

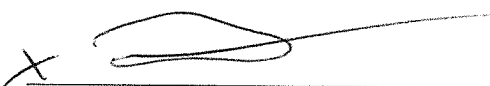
26 ///

1 17. I do hereby swear under penalty of perjury that all of  
2 the assertions in this written plea agreement document are true.

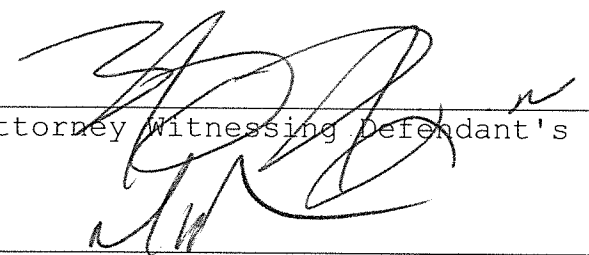
3 AFFIRMATION PURSUANT TO NRS 239B.030


4 The undersigned does hereby affirm that the preceding  
5 document does not contain the social security number of any person.

6 DATED this 9<sup>th</sup> day of JAN., 2019

7  
8   
DEFENDANT

9  
10 TRANSLATOR/INTERPRETER

11   
Attorney Witnessing Defendant's Signature

12  
13   
14 Prosecuting Attorney

**Return Of NEF****Recipients**

**DIANNE DRINKWATER, ESQ.** - Notification received on 2019-01-09 13:02:51.544.

**JOANNA ROBERTS, ESQ.** - Notification received on 2019-01-09 13:02:51.575.

**BIRAY DOGAN, ESQ.** - Notification received on 2019-01-09 13:02:51.497.

**DIV. OF PAROLE & PROBATION** - Notification received on 2019-01-09 13:02:51.529.

\*\*\*\*\* IMPORTANT NOTICE - READ THIS INFORMATION \*\*\*\*\*  
PROOF OF SERVICE OF ELECTRONIC FILING

-

**A filing has been submitted to the court RE:** CR18-2148

**Judge:**

HONORABLE SCOTT N. FREEMAN

**Official File Stamp:**

01-09-2019:13:01:44

**Clerk Accepted:**

01-09-2019:13:02:20

**Court:**

Second Judicial District Court - State of Nevada  
Criminal

**Case Title:**

STATE VS. CHARLES A SKAGGS (D9)

**Document(s) Submitted:**

Guilty Plea Memo/Agreement

**Filed By:**

Court Clerk LGillings

You may review this filing by clicking on the following link to take you to your cases.

This notice was automatically generated by the courts auto-notification system.

-

If service is not required for this document (e.g., Minutes), please disregard the below language.

**The following people were served electronically:**

JOANNA L. ROBERTS, ESQ. for CHARLES  
ANTHONY SKAGGS

BIRAY DOGAN, ESQ. for CHARLES ANTHONY  
SKAGGS

DIANNE DRINKWATER, ESQ. for STATE OF  
NEVADA

DIV. OF PAROLE & PROBATION

**The following people have not been served electronically and must be served by traditional means (see Nevada Electronic Filing Rules.):**

CASE NO. CR18-2148

STATE OF NEVADA VS. CHARLES ANTHONY SKAGGS

DATE, JUDGE  
OFFICERS OF  
COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

1/9/19  
HON. SCOTT N.  
FREEMAN  
DEPT. NO. 9  
L. Sabo  
(Clerk)  
J. Kernan  
(Reporter)  
O. Reynolds  
(Bailiff)  
None  
(Court Services)

ARRAIGNMENT

Deputy D.A. Katherine Lyon represented the State.  
Defendant was present with counsel, Biray Dogan, Deputy P.D.  
Probation Specialist, Heather Lutzow, was present.  
TRUE NAME: CHARLES ANTHONY SKAGGS. Defendant was in  
receipt of a copy of the Information, waived formal reading, waived  
time in which to enter a plea, and pled Guilty to Attempted Assault  
With the Use of a Deadly Weapon, as charged in the Information.  
Counsel for Defendant stated plea negotiations to the Court and  
provided the Court with a Guilty Plea Memorandum.  
At the direction of the Court, the Defendant was placed under oath;  
the Court canvassed the Defendant, informed him of his rights and  
stated the possible penalties thereto.  
Counsel for State stated elements of the charge the State was  
prepared to prove at the time of trial.  
Court made finding that the Defendant is aware of his rights and  
knowingly waives them, that there is a factual basis for the entry of  
plea and the Court accepts the plea and enters a formal finding of  
guilt on the record.  
COURT ORDERED: Matter continued for entry of judgment and  
imposition of sentence. The Court ordered a P.S.I. Report and  
directed Defendant to be prepared to pay the Administrative  
Assessment Fee at time of sentencing.  
Defendant remained on supervised bail.

3/13/19  
9:00 a.m.  
Sentencing



**Return Of NEF****Recipients**

**DIANNE DRINKWATER, ESQ.** - Notification received on 2019-01-16 15:57:08.49.

**JOANNA ROBERTS, ESQ.** - Notification received on 2019-01-16 15:57:09.473.

**BIRAY DOGAN, ESQ.** - Notification received on 2019-01-16 15:57:08.1.

**DIV. OF PAROLE & PROBATION** - Notification received on 2019-01-16 15:57:08.147.

\*\*\*\*\* IMPORTANT NOTICE - READ THIS INFORMATION \*\*\*\*\*  
PROOF OF SERVICE OF ELECTRONIC FILING

-

A filing has been submitted to the court RE: CR18-2148

Judge:

HONORABLE SCOTT N. FREEMAN

Official File Stamp:

01-16-2019:15:52:57

Clerk Accepted:

01-16-2019:15:55:08

Court:

Second Judicial District Court - State of Nevada  
Criminal

Case Title:

STATE VS. CHARLES ANTHONY SKAGGS (TN)  
(D9)

Document(s) Submitted:

\*\*\*Minutes

Filed By:

Court Clerk LSabo

You may review this filing by clicking on the following link to take you to your cases.

This notice was automatically generated by the courts auto-notification system.

-

If service is not required for this document (e.g., Minutes), please disregard the below language.

**The following people were served electronically:**

DIV. OF PAROLE & PROBATION

DIANNE DRINKWATER, ESQ. for STATE OF  
NEVADA

JOANNA L. ROBERTS, ESQ. for CHARLES  
ANTHONY SKAGGS

BIRAY DOGAN, ESQ. for CHARLES ANTHONY  
SKAGGS

**The following people have not been served electronically and must be served by traditional means** (see Nevada Electronic Filing Rules.):

## Return Of NEF

### Recipients

**DIANNE DRINKWATER, ESQ.** - Notification received on 2019-02-26 16:26:57.142.

**JOANNA ROBERTS, ESQ.** - Notification received on 2019-02-26 16:26:57.875.

**BIRAY DOGAN, ESQ.** - Notification received on 2019-02-26 16:26:57.079.

**DIV. OF PAROLE & PROBATION** - Notification received on 2019-02-26 16:26:57.11.

\*\*\*\*\* IMPORTANT NOTICE - READ THIS INFORMATION \*\*\*\*\*  
PROOF OF SERVICE OF ELECTRONIC FILING

-

**A filing has been submitted to the court RE:** CR18-2148

**Judge:**

HONORABLE SCOTT N. FREEMAN

**Official File Stamp:**

02-26-2019:16:21:54

**Clerk Accepted:**

02-26-2019:16:25:43

**Court:**

Second Judicial District Court - State of Nevada  
Criminal

**Case Title:**

STATE VS. CHARLES ANTHONY SKAGGS (TN)  
(D9)

**Document(s) Submitted:**

PSI - Confidential

**Filed By:**

Div. of Parole & Probation

You may review this filing by clicking on the following link to take you to your cases.

This notice was automatically generated by the courts auto-notification system.

-

If service is not required for this document (e.g., Minutes), please disregard the below language.

**The following people were served electronically:**

DIV. OF PAROLE & PROBATION

DIANNE DRINKWATER, ESQ. for STATE OF  
NEVADA

JOANNA L. ROBERTS, ESQ. for CHARLES  
ANTHONY SKAGGS

BIRAY DOGAN, ESQ. for CHARLES ANTHONY  
SKAGGS

**The following people have not been served electronically and must be served by traditional means (see Nevada Electronic Filing Rules.):**

1  
2  
3  
4  
5  
6 **IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**  
7 **IN AND FOR THE COUNTY OF WASHOE**  
8

9 **STATE OF NEVADA,**

**Case No. CR18-2148**

10 **Plaintiff,**

**Dept. No. 9**

11 **vs.**

12 **CHARLES ANTHONY SKAGGS,**

13 **Defendant.**  
14 \_\_\_\_\_/

15 **RECOMMENDATION REVOKING SUPERVISED BAIL**

16 The Defendant, CHARLES ANTHONY SKAGGS, was ordered to check in twice a week  
17 and obey all laws while under the supervision of Pretrial Services. The Defendant has failed to  
18 check in as required and was also arrested on new felony charges on 03/07/19. Therefore, it is this  
19 Officer's recommendation that the Defendant's Supervised Bail be revoked. Original bail for this  
20 case was set at \$40,000.00.

21 Dated this 7th day of March, 2019.

22  
23   
24 **CARL HINXMAN**  
25 **Pretrial Services Officer**  
26  
27  
28

**Return Of NEF****Recipients**

**DIANNE DRINKWATER, ESQ.** - Notification received on 2019-03-07 08:39:51.585.

**JOANNA ROBERTS, ESQ.** - Notification received on 2019-03-07 08:39:52.537.

**BIRAY DOGAN, ESQ.** - Notification received on 2019-03-07 08:39:50.041.

**DIV. OF PAROLE & PROBATION** - Notification received on 2019-03-07 08:39:50.681.

\*\*\*\*\* IMPORTANT NOTICE - READ THIS INFORMATION \*\*\*\*\*  
PROOF OF SERVICE OF ELECTRONIC FILING

-

A filing has been submitted to the court RE: CR18-2148

Judge:

HONORABLE SCOTT N. FREEMAN

Official File Stamp:

03-07-2019:08:38:03

Clerk Accepted:

03-07-2019:08:38:46

Court:

Second Judicial District Court - State of Nevada  
Criminal

Case Title:

STATE VS. CHARLES ANTHONY SKAGGS (TN)  
(D9)

Document(s) Submitted:

Pretrl Services Recommendation

Filed By:

Pretrial Off. CHinxman

You may review this filing by clicking on the following link to take you to your cases.

This notice was automatically generated by the courts auto-notification system.

-

If service is not required for this document (e.g., Minutes), please disregard the below language.

**The following people were served electronically:**

DIV. OF PAROLE & PROBATION

DIANNE DRINKWATER, ESQ. for STATE OF  
NEVADA

JOANNA L. ROBERTS, ESQ. for CHARLES  
ANTHONY SKAGGS

BIRAY DOGAN, ESQ. for CHARLES ANTHONY  
SKAGGS

**The following people have not been served electronically and must be served by traditional means** (see Nevada Electronic Filing Rules.):

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

STATE OF NEVADA,

Case No. CR18-2148

Plaintiff,

Dept. No. 9

vs.

CHARLES ANTHONY SKAGGS,

Defendant.

ORDER REVOKING SUPERVISED BAIL

Based upon the previously filed recommendation by Pretrial Services, IT IS HEREBY  
ORDERED that Charles Anthony Skagg's Supervised Bail, in the above-referenced case, is hereby  
revoked and bail is set at \$ 20,000.00 cash only with Pretrial Services supervision.

Dated this 8<sup>th</sup> day of March 2019.

  
DISTRICT JUDGE



**Return Of NEF****Recipients**

**DIANNE DRINKWATER, ESQ.** - Notification received on 2019-03-08 10:38:57.659.

**JOANNA ROBERTS, ESQ.** - Notification received on 2019-03-08 10:38:57.69.

**BIRAY DOGAN, ESQ.** - Notification received on 2019-03-08 10:38:57.596.

**DIV. OF PAROLE & PROBATION** - Notification received on 2019-03-08 10:38:57.628.

\*\*\*\*\* IMPORTANT NOTICE - READ THIS INFORMATION \*\*\*\*\*  
PROOF OF SERVICE OF ELECTRONIC FILING

-

A filing has been submitted to the court RE: CR18-2148

Judge:

HONORABLE SCOTT N. FREEMAN

Official File Stamp:

03-08-2019:10:37:48

Clerk Accepted:

03-08-2019:10:38:29

Court:

Second Judicial District Court - State of Nevada  
Criminal

Case Title:

STATE VS. CHARLES ANTHONY SKAGGS (TN)  
(D9)

Document(s) Submitted:

Ord Revoking Pretrial Release

Filed By:

Judicial Asst. BWard

You may review this filing by clicking on the following link to take you to your cases.

This notice was automatically generated by the courts auto-notification system.

-

If service is not required for this document (e.g., Minutes), please disregard the below language.

**The following people were served electronically:**

DIV. OF PAROLE & PROBATION

DIANNE DRINKWATER, ESQ. for STATE OF  
NEVADA

JOANNA L. ROBERTS, ESQ. for CHARLES  
ANTHONY SKAGGS

BIRAY DOGAN, ESQ. for CHARLES ANTHONY  
SKAGGS

**The following people have not been served electronically and must be served by traditional means (see Nevada Electronic Filing Rules.):**

1  
2 Code: 3698  
3  
4  
5

6 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
7 IN AND FOR THE COUNTY OF WASHOE  
8

9 STATE OF NEVADA,

10 Plaintiff(s),

Case No. CR18-2148

11 vs

Dept. No. 9

12 CHARLES ANTHONY SKAGGS  
13

14 Defendant(s).  
15 \_\_\_\_\_ /  
16

17 PRETRIAL SERVICES COURT NOTE – PRIOR SUPERVISION  
18

19 This document does not contain the Social Security Number of any person.  
20  
21

22 Signature:  \_\_\_\_\_  
23

24 Print: Carl Hinxman  
25  
26  
27  
28

**PRIOR SUPERVISION FOR THIS CASE**Supervised by: Carl H.*(Defendant did NOT comply on this case.)*☐ **OUT OF CUSTODY –**☐ ACTIVE WARRANT (*this case*)☐ REVOKED & POSTED BOND (*this case*)☐ No Supervision ☐ DAS supervision☒ **IN CUSTODY ON** (*check all that apply*):☒ **Revocation** (*this case*)Current Financial Bail \$ 20,000.00 ☒ Cash Only ☐ NO Bail Hold☒ Supervision Ordered: ☐ None ☒ Pretrial Services ☐ DAS☐ Specific Conditions of Release: \_\_\_\_\_☐ **Warrant** (*this case*)☐ FTA ☐ Non-ComplianceCurrent Financial Bail \$ \_\_\_\_\_ ☐ Cash Only ☐ NO Bail Hold☐ Supervision Ordered: ☐ None ☐ Pretrial Services ☐ DAS☐ Specific Conditions of Release: \_\_\_\_\_☒ **New / Unrelated Cases**\* Charge(s): Numerous Top Charge: \_\_\_\_\_☐ Local Court: \_\_\_\_\_ ☐ Outside Jurisdiction (Extraditable): \_\_\_\_\_☐ Pre-adjudication ☐ Post-adjudication Must Release Date: \_\_\_\_\_Bail \$ \_\_\_\_\_ ☐ Cash Only ☐ NO Bail Hold

\* Charge(s): \_\_\_\_\_ Top Charge: \_\_\_\_\_

☐ Local Court: \_\_\_\_\_ ☐ Outside Jurisdiction (Extraditable): \_\_\_\_\_☐ Pre-adjudication ☐ Post-adjudication Must Release Date: \_\_\_\_\_Bail \$ \_\_\_\_\_ ☐ Cash Only ☐ NO Bail Hold**REASON DEFENDANT WAS NOT COMPLIANT FOR THIS CASE:**☐ FTA'd Court: \_\_\_\_\_ Date: \_\_\_\_\_☒ Rearrested Date: 03/07/19 Charge Level: \_\_\_\_\_ Bail: \$ \_\_\_\_\_☐ New Charge(s): \_\_\_\_\_☐ Revoked Date: \_\_\_\_\_☐ Missed check-ins/tests ☐ Positive test(s) ☐ Violation of NCO**ADDITIONAL COURT NOTES:**

Numerous pending charges / cases. Defer to the DA

**Return Of NEF****Recipients**

**DIANNE DRINKWATER, ESQ.** - Notification received on 2019-03-08 13:33:48.788.

**JOANNA ROBERTS, ESQ.** - Notification received on 2019-03-08 13:33:49.085.

**BIRAY DOGAN, ESQ.** - Notification received on 2019-03-08 13:33:48.476.

**DIV. OF PAROLE & PROBATION** - Notification received on 2019-03-08 13:33:48.757.

\*\*\*\*\* IMPORTANT NOTICE - READ THIS INFORMATION \*\*\*\*\*  
PROOF OF SERVICE OF ELECTRONIC FILING

-

**A filing has been submitted to the court RE:** CR18-2148

**Judge:**

HONORABLE SCOTT N. FREEMAN

**Official File Stamp:**

03-08-2019:13:32:27

**Clerk Accepted:**

03-08-2019:13:33:08

**Court:**

Second Judicial District Court - State of Nevada  
Criminal

**Case Title:**

STATE VS. CHARLES ANTHONY SKAGGS (TN)  
(D9)

**Document(s) Submitted:**

Prior Supervision for this Case

**Filed By:**

Pretrial Off. CHinxman

You may review this filing by clicking on the following link to take you to your cases.

This notice was automatically generated by the courts auto-notification system.

-

If service is not required for this document (e.g., Minutes), please disregard the below language.

**The following people were served electronically:**

DIV. OF PAROLE & PROBATION

DIANNE DRINKWATER, ESQ. for STATE OF  
NEVADA

JOANNA L. ROBERTS, ESQ. for CHARLES  
ANTHONY SKAGGS

BIRAY DOGAN, ESQ. for CHARLES ANTHONY  
SKAGGS

**The following people have not been served electronically and must be served by traditional means (see Nevada Electronic Filing Rules.):**

1 **Code**

2

3

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6

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

7

**IN AND FOR THE COUNTY OF WASHOE**

8

9

**STATE OF NEVADA,**

10

**Plaintiff(s),**

**Case No. CR18-2148**

11

**vs.**

**Dept. No. 9**

12

**CHARLES SKAGGS,**

13

**Defendant(s).**

14

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**VICTIM IMPACT STATEMENT**

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Nevada Department of  
**Public Safety**  
NEVADA STATE POLICE

# **VICTIM IMPACT STATEMENT**



Case #: CR18-2148

Return to: Jill Berryman

PLEASE DESCRIBE HOW YOU WERE IMPACTED BY THIS CRIME. Note extent of injuries, property damage or loss, physical disabilities, funeral expenses or psychological/adjustment problems. Attach documentation (i.e. estimates, insurance claims, medical bills, etc.). You may use the back of this page or attach additional pages for your comments.

Ever since Charles got out of prison in 2017 he has shown me that he does not have a good bone in his body. He has destroyed 2 of my vehicles, stolen thousands of dollars from me and thousands of dollars worth of property. Stolen my dog who I treasure very much, destroyed countless phones and my tablet (I-Pad), he has stolen money from my bank account via WU and Moneygram. He has threatened me countless times, some time's threats about guns which made me fear for my life. He destroyed my security camera which made me not feel safe. I have gotten threats from him and his family that they will harm me if I go to court. He has stalked me countless times aggressively and made me live in fear for a long time. He attacked me in my home with a knife and threatened to kill me and follow me to work. He has been selling drugs and taking drugs and he turns very scary. He is the most dangerous type of person there is and he has proven to everyone that will never change. He is an extreme danger to society, especially women. He made a group message twice asking to come and physically harm me and shared my

*Mia*

Signature

*Dina*

Print Name

01/09/2019

Page 3 of 3

NPP (SF014) (-) Victim Impact PSI



address and my parents address. He has shared intimate images of me multiple times without my consent. I have forgiven him time after time and I regret it every time. My family and I have lived in fear and terror for the past year due to Charles' actions. These crimes have completely destroyed me mentally and emotionally. I have been through more than anyone should ever have to go through due to his actions and I have extreme depression as a result. I had to hide from Charles for a while and could not go home. I am very grateful that he is in custody and I can live my life without having to constantly be worried about him causing more harm to me. It would be very much appreciated if you could impose the maximum sentence possible so he can't hurt any more people. Thank you.

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SECOND JUDICIAL DISTRICT COURT  
COUNTY OF WASHOE, STATE OF NEVADA

AFFIRMATION  
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding document, \_\_\_\_\_

VICTIM IMPACT STATEMENT  
(Title of Document)

filed in case number: CR18-2148



Document does not contain the social security number of any person

-OR-



Document contains the social security number of a person as required by:



A specific state or federal law, to wit:

\_\_\_\_\_  
(State specific state or federal law)

-OR-



For the administration of a public program

-OR-



For an application for a federal or state grant

-OR-



Confidential Family Court Information Sheet  
(NRS 125.130, NRS 125.230 and NRS 125B.055)

Date: 12 Mar 19

[Signature]  
(Signature)

James Williams  
(Print Name)

Representative People + Probation  
(Attorney for)

**Return Of NEF****Recipients**

**DIANNE DRINKWATER, ESQ.** - Notification received on 2019-03-12 13:43:15.004.

**JOANNA ROBERTS, ESQ.** - Notification received on 2019-03-12 13:43:15.363.

**BIRAY DOGAN, ESQ.** - Notification received on 2019-03-12 13:43:14.942.

**DIV. OF PAROLE & PROBATION** - Notification received on 2019-03-12 13:43:14.973.

\*\*\*\*\* IMPORTANT NOTICE - READ THIS INFORMATION \*\*\*\*\*  
PROOF OF SERVICE OF ELECTRONIC FILING

-

**A filing has been submitted to the court RE:** CR18-2148

**Judge:**

HONORABLE SCOTT N. FREEMAN

**Official File Stamp:**

03-12-2019:11:46:31

**Clerk Accepted:**

03-12-2019:13:42:31

**Court:**

Second Judicial District Court - State of Nevada  
Criminal

**Case Title:**

STATE VS. CHARLES ANTHONY SKAGGS (TN)  
(D9)

**Document(s) Submitted:**

Statement

**Filed By:**

Div. of Parole & Probation

You may review this filing by clicking on the following link to take you to your cases.

This notice was automatically generated by the courts auto-notification system.

-

If service is not required for this document (e.g., Minutes), please disregard the below language.

**The following people were served electronically:**

DIV. OF PAROLE & PROBATION

DIANNE DRINKWATER, ESQ. for STATE OF  
NEVADA

JOANNA L. ROBERTS, ESQ. for CHARLES  
ANTHONY SKAGGS

BIRAY DOGAN, ESQ. for CHARLES ANTHONY  
SKAGGS

**The following people have not been served electronically and must be served by traditional means (see Nevada Electronic Filing Rules.):**

1  
2 Code: 3698  
3  
4  
5

6 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
7 IN AND FOR THE COUNTY OF WASHOE  
8

9 STATE OF NEVADA,

10 Plaintiff(s),

Case No. CR18-2148

11 vs

Dept. No. 9

12 CHARLES ANTHONY SKAGGS  
13

14 Defendant(s).  
15 \_\_\_\_\_ /  
16

17 PRETRIAL SERVICES COURT NOTE – PRIOR SUPERVISION  
18

19 This document does not contain the Social Security Number of any person.  
20  
21

22 Signature: \_\_\_\_\_  
23 \_\_\_\_\_

24 Print: Carl Hinxman  
25  
26  
27  
28

**PRIOR SUPERVISION FOR THIS CASE**Supervised by: Carl H.*(Defendant did NOT comply on this case.)*☐ **OUT OF CUSTODY –**☐ ACTIVE WARRANT (*this case*)☐ REVOKED & POSTED BOND (*this case*)☐ No Supervision ☐ DAS supervision☒ **IN CUSTODY ON** (*check all that apply*):☒ **Revocation** (*this case*)Current Financial Bail \$ 20,000.00 ☒ Cash Only ☐ NO Bail Hold☒ Supervision Ordered: ☐ None ☒ Pretrial Services ☐ DAS☐ Specific Conditions of Release: \_\_\_\_\_☐ **Warrant** (*this case*)☐ FTA☐ Non-ComplianceCurrent Financial Bail \$ \_\_\_\_\_ ☐ Cash Only ☐ NO Bail Hold☐ Supervision Ordered: ☐ None ☐ Pretrial Services ☐ DAS☐ Specific Conditions of Release: \_\_\_\_\_☒ **New / Unrelated Cases**\* Charge(s): BDW Top Charge: \_\_\_\_\_☒ Local Court: SJC ☐ Outside Jurisdiction (Extraditable): \_\_\_\_\_☒ Pre-adjudication ☐ Post-adjudication Must Release Date: \_\_\_\_\_Bail \$ 20,000.00 ☒ Cash Only ☐ NO Bail Hold\* Charge(s): Poss. of Firearm, Trafficking Top Charge: \_\_\_\_\_☒ Local Court: RJC ☐ Outside Jurisdiction (Extraditable): \_\_\_\_\_☒ Pre-adjudication ☐ Post-adjudication Must Release Date: \_\_\_\_\_Bail \$ 50,000.00 ☐ Cash Only ☐ NO Bail Hold**REASON DEFENDANT WAS NOT COMPLIANT FOR THIS CASE:**☐ FTA'd Court: \_\_\_\_\_ Date: \_\_\_\_\_☒ Rearrested Date: 03/07/19 Charge Level: \_\_\_\_\_ Bail: \$ \_\_\_\_\_☒ New Charge(s): See above☒ Revoked Date: 03/08/19☒ Missed check-ins/tests ☐ Positive test(s) ☐ Violation of NCO**ADDITIONAL COURT NOTES:**

**Return Of NEF****Recipients**

**DIANNE DRINKWATER, ESQ.** - Notification received on 2019-04-11 11:37:09.175.

**JOANNA ROBERTS, ESQ.** - Notification received on 2019-04-11 11:37:09.471.

**BIRAY DOGAN, ESQ.** - Notification received on 2019-04-11 11:37:09.128.

**DIV. OF PAROLE & PROBATION** - Notification received on 2019-04-11 11:37:09.159.

\*\*\*\*\* IMPORTANT NOTICE - READ THIS INFORMATION \*\*\*\*\*  
PROOF OF SERVICE OF ELECTRONIC FILING

-

**A filing has been submitted to the court RE:** CR18-2148

**Judge:**

HONORABLE SCOTT N. FREEMAN

**Official File Stamp:**

04-11-2019:11:36:04

**Clerk Accepted:**

04-11-2019:11:36:32

**Court:**

Second Judicial District Court - State of Nevada  
Criminal

**Case Title:**

STATE VS. CHARLES ANTHONY SKAGGS (TN)  
(D9)

**Document(s) Submitted:**

Current Supervision for this Case

**Filed By:**

Pretrial Off. CHinxman

You may review this filing by clicking on the following link to take you to your cases.

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**The following people were served electronically:**

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SKAGGS

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NEVADA

DIV. OF PAROLE & PROBATION

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ANTHONY SKAGGS

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**DIANNE DRINKWATER, ESQ.** - Notification received on 2019-04-12 10:23:59.19.  
**JOANNA ROBERTS, ESQ.** - Notification received on 2019-04-12 10:23:59.206.  
**BIRAY DOGAN, ESQ.** - Notification received on 2019-04-12 10:23:59.128.  
**DIV. OF PAROLE & PROBATION** - Notification received on 2019-04-12 10:23:59.159.

\*\*\*\*\* IMPORTANT NOTICE - READ THIS INFORMATION \*\*\*\*\*

PROOF OF SERVICE OF ELECTRONIC FILING

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**A filing has been submitted to the court RE:** CR18-2148

**Judge:**

HONORABLE SCOTT N. FREEMAN

**Official File Stamp:**

04-12-2019:10:21:55

**Clerk Accepted:**

04-12-2019:10:23:24

**Court:**

Second Judicial District Court - State of Nevada

Criminal

**Case Title:**

STATE VS. CHARLES ANTHONY SKAGGS (TN)  
(D9)

**Document(s) Submitted:**

Evaluations

**Filed By:**

Biray Dogan, esq.

You may review this filing by clicking on the following link to take you to your cases.

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SKAGGS

DIANNE DRINKWATER, ESQ. for STATE OF  
NEVADA

DIV. OF PAROLE & PROBATION

JOANNA L. ROBERTS, ESQ. for CHARLES  
ANTHONY SKAGGS

**The following people have not been served electronically and must be served by traditional means (see Nevada Electronic Filing Rules.):**

1 CODE 1930  
2 WASHOE COUNTY PUBLIC DEFENDER  
3 BIRAY DOGAN, #10566  
4 350 S. CENTER ST., 5TH FL  
5 RENO, NV 89501  
6 (775) 337-4800  
7 ATTORNEY FOR DEFENDANT  
8

9  
10 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
11  
12 IN AND FOR THE COUNTY OF WASHOE  
13

14 THE STATE OF NEVADA,  
15  
16 Plaintiff,

17 vs.

Case No. CR18-2148

18 CHARLES ANTHONY SKAGGS,  
19  
20 Defendant.  
21

Dept. No. 9

22  
23  
24  
25  
26  
**DOCUMENT SUBMITTED BY DEFENSE TO BE CONSIDERED AT  
SENTENCING**

See Attached Document.

**AFFIRMATION PURSUANT TO NRS 239B.030**

The undersigned does hereby affirm that the following document does not  
contain the social security number of any person.

Dated this 12th day of April, 2019.

JOHN L. ARRASCADA  
Washoe County Public Defender

By: /s/Biray Dogan  
BIRAY DOGAN  
Deputy Public Defender

Justine Keith

575 Keats Circle

Reno, Nevada 89506

The Honorable Judge Scott Freeman

556 California Ave.

Reno, Nevada 89509

April 08, 2019

Your Honor,

I am writing this letter to you in regards to Charles Anthony Skaggs.

I have known Charles for 10 years now. I also have known Nicole Renee Dutra for 14 years. Charles is a great man and is a good person. He truly has been such a good friend to my family and I. He has done so much for me in the years that I have known him. From always making sure that his friends and family are taken care of before his self he has always been there for everyone before his self. He is one of the nicest and most caring people I know.

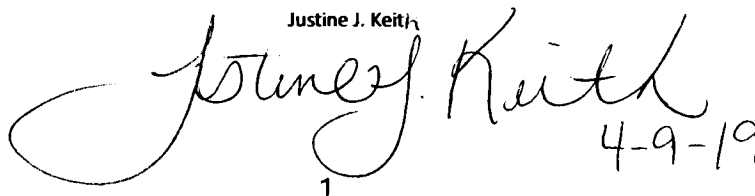
Yes, he has had a past of drug abuse. Which is huge problem for him. As knowing him as someone who is a sober, working normal part of society he is someone who doesn't deserve to my belief to be incarcerated for a long period of time. I am asking you to please consider not giving him consecutive sentencing? Yes, Your Honor I understand that he is going to have to go to prison, I just ask you to please give him a chance to re-take control over his life.

Charles did such an amazing job the last time he was incarcerated he got his high school diploma he fought fires for 3 years and did not have one write up the whole time he was incarcerated last time. He got out of prison and was being a good part of society, he was working and was doing what he was supposed to do. As a good friend of his I honestly believe that he deserves more for his life, he is young still he has so much potential to do good in his life. He had so much support from family and friends that are here in Reno. With a lighter sentence it may still be possible that Charles will be able to go places still with his life. Please I ask you not to take away too many more years of his life, he in my view and knowing the Charles I know from the years I have known him he truly wants more for his life than to spend the rest of his younger years being incarcerated.

Charles and I have spoke about what he wants to do with his time that he is going to spend in a correctional facility and he is dedicated to trying to make the best of the time he will be spending inside of a prison. In the period of him being in the Washoe County Detention Center he has already spoke to me about how he is signing up for classes in anger management and domestic violence. I believe in Charles and I know that he is capable of doing things the right way as long as he is able to stay sober. Which with the love and support from my family and Charles family and all of his sober friends. He has a great chance of doing so when he is out. Charles has a big heart and has a pure heart and he has always been someone who can light up the room and bring laughter and is always the one to make someone smile. Your honor, and is a huge part of my life and I hope you can please take my letter into consideration when making the judgement to send Charles to prison. I ask you to please not give Charles a consecutive sentencing. I want more for our life than him being incarcerated for so many years. I will be here to support him when he gets out and can make sure that he is capable of staying on the proper way of living. I want to thank you for taking the time to read this letter. Please contact me if you have any questions or if you would like any further information.

Sincerely

Justine J. Keith

4-9-19  
1

CERTIFICATE OF SERVICE

I certify that I am an employee of the WASHOE COUNTY PUBLIC DEFENDER'S OFFICE, and that on the 12th day of April, 2019, I electronically served, a true copy of the attached document, addressed to:

DEPUTY DISTRICT ATTORNEY  
Electronic Service

DEPARTMENT OF PAROLE & PROBATION  
Electronic Service

/s/Linda Gray  
LINDA GRAY

**Return Of NEF****Recipients**

**DIANNE DRINKWATER, ESQ.** - Notification received on 2019-04-12 10:30:22.641.

**JOANNA ROBERTS, ESQ.** - Notification received on 2019-04-12 10:30:22.656.

**BIRAY DOGAN, ESQ.** - Notification received on 2019-04-12 10:30:22.578.

**DIV. OF PAROLE & PROBATION** - Notification received on 2019-04-12 10:30:22.609.

\*\*\*\*\* IMPORTANT NOTICE - READ THIS INFORMATION \*\*\*\*\*  
PROOF OF SERVICE OF ELECTRONIC FILING

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**A filing has been submitted to the court RE:** CR18-2148

**Judge:**

HONORABLE SCOTT N. FREEMAN

**Official File Stamp:**

04-12-2019:10:27:12

**Clerk Accepted:**

04-12-2019:10:29:57

**Court:**

Second Judicial District Court - State of Nevada  
Criminal

**Case Title:**

STATE VS. CHARLES ANTHONY SKAGGS (TN)  
(D9)

**Document(s) Submitted:**

Letters ...

**Filed By:**

Biray Dogan, esq.

You may review this filing by clicking on the following link to take you to your cases.

This notice was automatically generated by the courts auto-notification system.

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If service is not required for this document (e.g., Minutes), please disregard the below language.

**The following people were served electronically:**

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SKAGGS

DIANNE DRINKWATER, ESQ. for STATE OF  
NEVADA

DIV. OF PAROLE & PROBATION

JOANNA L. ROBERTS, ESQ. for CHARLES  
ANTHONY SKAGGS

**The following people have not been served electronically and must be served by traditional means (see Nevada Electronic Filing Rules.):**

1 CODE 1930  
2 WASHOE COUNTY PUBLIC DEFENDER  
3 BIRAY DOGAN, #10566  
4 350 S. CENTER ST., 5TH FL  
5 RENO, NV 89501  
6 (775) 337-4800  
7 ATTORNEY FOR DEFENDANT

8  
9  
10 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

11  
12 IN AND FOR THE COUNTY OF WASHOE

13  
14 THE STATE OF NEVADA,

15  
16 Plaintiff,

17  
18 vs.

Case No. CR18-2148

19  
20 CHARLES ANTHONY SKAGGS,

Dept. No. 9

21  
22 Defendant.

23  
24  
25  
26  
DOCUMENT SUBMITTED BY DEFENSE TO BE CONSIDERED AT  
SENTENCING

See Attached Document.

AFFIRMATION PURSUANT TO NRS 239B.030

The undersigned does hereby affirm that the following document does not  
contain the social security number of any person.

Dated this 16th day of April, 2019.

JOHN L. ARRASCADA  
Washoe County Public Defender

By: /s/Biray Dogan  
BIRAY DOGAN  
Deputy Public Defender



**V2. 88**

Chucky

From: Kasey Johnson (johnsonk@reno.gov)

To: msbssldy@yahoo.com

Date: Friday, April 12, 2019, 12:40 PM PDT



Your Honor,

Thank you for taking the time to read this letter. My name is Kasey Johnson and I am a Program Assistant for the City of Reno, and have been associated with them for over Charles Skaggs 20 years. I have watched him go thru things in life that were not fair however, Charles is an amazing man, father, brother, son, Nephew and Uncle to a loving family.

Furthermore, I have always seen him help his Mother with whatever is needed, as well as his sisters and family when he could. He was a child of circumstance, meaning he comes from a family of addition with no treatment offered. I feel the system as failed him. He has NEVER gone thru a program. However that didn't stop him from coming to our shelter and making a difference here. This incident I feel is a huge cry for help. He always said, I have to break the cycle or it will never change. Charles always tried to make a difference where he could, talking to clients, helping them pray and genuinely taking the time needed to make a difference. I truly believe him going to prison will only make things worse for him. Charles is in desperate need of therapy and to be guided in a direction that he can continue doing to volunteer work he was doing here at our shelter.

I understand that Charles has to face his charges, however the girlfriend has a huge part in how things have played out for him. He is highly remorseful and has so much life in front of him if given the right options. I have learned in this profession that incarceration can work for a certain population, and he doesn't fall in to the category that would make him better by doing time, we have gone down that road all his life.

Thank you for taking time to read this letter. Kindly consider his situation, when making your decision.

Yours sincerely,

**Kasey Johnson**  
**Rapid Re-Housing**  
**City of Reno Community Development**  
**P.O Box 1900**  
**Reno, NV 89505**  
**Tel: 775.334.3809**  
**Fax: 775.334.2549**  
**email: [johnsonk@reno.gov](mailto:johnsonk@reno.gov)**

**V2. 89**

## Reference Letter for Charles Skaggs

From: Alisha Vigil (msbssldy@yahoo.com)

To: msbssdy@yahoo.com

Date: Friday, April 12, 2019, 1:41 PM PDT

Dear Judge,

My name is Alisha Vigil. I am Charles Skaggs's older sister. As we know Charles has a bit of mental illness and an obvious addiction to street drugs. I have many times tried to steer him in a positive direction and unfortunately he chose to be around women that prefer the opposite. Although, he has this illness he has never been subject to treatment outside of prison and I believe if he would have went to restitution center or salvation army center this outcome would have been totally different. Charles is actually a very loving caring man with a great sense of humor. Growing up we have had many good times and I appreciate the time we are able to spend with him when he is home. My children and grandchildren love him very much and my entire family is hurt by this. I find it very saddening that he is constantly being taken from his family behind stupid decisions related to his drug abuse. I really wish there was an opportunity for a drug/mental health program that he could enter into even at the expense of his family.

The problem that I see and have heard about is his relationship with Nicole Dutra has been very abusive on both parts. When he was released on bail she came looking for him. I begged him to speak to her he swore she was not using still and everything would be fine. Well that was a lie. Very quickly they fell into the same situation. They are very vocal on facebook with their relationship as well as telling everyone. What I find appalling is Nicole gets mad at him and calls the detective that she is in daily contact with to set him up. How is this allowed when she is providing the drugs. She is the one with the income. As you know Nicole is a stripper, call girl/prostitute in Lake Tahoe. She also works at Wild Orchid and has multiple illegal on-line web sites to solicit for sex. (eros for sex) (dating with benefits) The detectives allow her to be a sex worker, a drug user and seller. She was arrested in Lake Tahoe for getting into a fight and trying to fight a police officer. But from my understanding and what she is telling everyone is that she was offered for those charges to be dropped if she testifies against Charles and if she is willing to write a letter to victims advocate saying she wanted him to have the max sentence she would receive \$4,000.00. This is bribery. How is this legal? It is obviously true because her drug charges have now been dismissed. Charles was incarcerated when she was arrested for possession with cocaine

Charles recently left Nicole and started dating Justine. Nicole begged him to come back and said if he didn't she would call the detective again. Why is given this much power. At what point does someone say she is at fault too. I chose not to speak to them and she calls me crying saying how mad she is he left her and why does he do her so wrong she does the same thing to him. I have many texts from her beginning him to come back to her. and her threatening him. She had the audacity to put in a statement to victims services that he kidnapped her dog and threatened her. Nicole does the threatening. She said my family threatened her. Again Lies!!! No one has ever threatened her. She hunts him down at my mother's and my son's. She called my son 4 days ago pleading with him to forgive her because she didn't mean to do this and she now feels bad. Her exact words were I wrote the letter when I was mad and now I can't take it back and I can't go to court because I agreed to work with the police and set team to get my charges dropped..

This man's future is on the line and her and the detective keep playing with his life. At what point does someone say let me help you Charles let's get you in a program for your drug abuse let's get you away from Nicole. Let me help instead of allowing her to give him drugs and then setting him up.. I don't get it..seems like entrapment.

I apologize if I am ranting but this needs to be said. The detectives' actions need to be questioned as well.

At the end of the day this man does not need to be locked up for 15 years because he has an addiction. I can understand 4 years with maybe a 2 year drug program after release but more than that doesn't seem fitting for the crime. He is a good man with 4 wonderful children and a family that loves him very much.

Please consider running his sentences together,

Thank You, Alisha Vigil

**V2. 89**<sub>1/1</sub>

CERTIFICATE OF SERVICE

I certify that I am an employee of the WASHOE COUNTY PUBLIC DEFENDER'S OFFICE, and that on the 16th day of April, 2019, I electronically served, a true copy of the attached document, addressed to:

DEPUTY DISTRICT ATTORNEY  
Electronic Service

DEPARTMENT OF PAROLE & PROBATION  
Electronic Service

/s/Linda Gray  
LINDA GRAY

**Return Of NEF****Recipients**

**DIANNE DRINKWATER, ESQ.** - Notification received on 2019-04-16 10:26:34.446.

**JOANNA ROBERTS, ESQ.** - Notification received on 2019-04-16 10:26:34.477.

**BIRAY DOGAN, ESQ.** - Notification received on 2019-04-16 10:26:34.383.

**DIV. OF PAROLE & PROBATION** - Notification received on 2019-04-16 10:26:34.415.

\*\*\*\*\* IMPORTANT NOTICE - READ THIS INFORMATION \*\*\*\*\*  
PROOF OF SERVICE OF ELECTRONIC FILING

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**A filing has been submitted to the court RE:** CR18-2148

**Judge:**

HONORABLE SCOTT N. FREEMAN

**Official File Stamp:**

04-16-2019:09:36:07

**Clerk Accepted:**

04-16-2019:10:26:04

**Court:**

Second Judicial District Court - State of Nevada  
Criminal

**Case Title:**

STATE VS. CHARLES ANTHONY SKAGGS (TN)  
(D9)

**Document(s) Submitted:**

Letters ...

**Filed By:**

Biray Dogan, esq.

You may review this filing by clicking on the following link to take you to your cases.

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If service is not required for this document (e.g., Minutes), please disregard the below language.

**The following people were served electronically:**

BIRAY DOGAN, ESQ. for CHARLES ANTHONY  
SKAGGS

DIANNE DRINKWATER, ESQ. for STATE OF  
NEVADA

DIV. OF PAROLE & PROBATION

JOANNA L. ROBERTS, ESQ. for CHARLES  
ANTHONY SKAGGS

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1 CODE 1930  
2 WASHOE COUNTY PUBLIC DEFENDER  
3 BIRAY DOGAN, #10566  
4 350 S. CENTER ST., 5TH FL  
5 RENO, NV 89501  
6 (775) 337-4800  
7 ATTORNEY FOR DEFENDANT

8  
9 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
10  
11 IN AND FOR THE COUNTY OF WASHOE

12 THE STATE OF NEVADA,  
13  
14 Plaintiff,

15 vs.

Case No. CR18-2148

16 CHARLES ANTHONY SKAGGS,  
17  
18 Defendant.

Dept. No. 9

19  
20 **DOCUMENT SUBMITTED BY DEFENSE TO BE CONSIDERED AT**  
21 **SENTENCING**

22 See Attached Document.

23 **AFFIRMATION PURSUANT TO NRS 239B.030**

24 The undersigned does hereby affirm that the following document does not  
25 contain the social security number of any person.

26 Dated this 16th day of April, 2019.

JOHN L. ARRASCADA  
Washoe County Public Defender

By: /s/Biray Dogan  
BIRAY DOGAN  
Deputy Public Defender

to whom it may concern,  
I am the victim in Charles Skaggs' cases  
and I do believe I know him better than  
almost anyone. I submitted a victim impact  
statement to be used for Charles' sentencing.  
In the moment I wrote certain words I was  
in a state of very much anger towards him  
for the mistakes he has made. He really has  
made a lot of mistakes and done some bad  
things. I am not in communication with him  
but I know that he understands what he  
has done and that he is remorseful and probably  
confused about why any of it happened. I say  
that because of the extent of the drug addiction  
he was in. I said that he didn't have a good  
bone in his body, in that moment that was how  
I felt because I was angry but we shared  
over 6 years together and he was sober all  
of that time and when he's not on drugs  
he really is an outstanding man, father, boyfriend,  
son, uncle etc. The times he was sober he worked  
very hard at a great job sometimes 7 days  
a week to give us a good life, he was home every  
night, so loving and responsible. Fights and  
arguments were very minor, he treated me and  
everyone else with complete respect. I want  
you to know that he really does have potential  
and he can be a great addition to society.  
Prison will not help him, I just know it won't  
because I know him. He has some mental issues  
and severe anxiety, if his mental health was  
treated I truly believe he wouldn't resort to  
drugs. I know for a fact that if he did not



drugs there is no way he would do any of the bad things he has done and would have never committed any of these crimes. I know Charles and the person he was when he was on drugs is not Charles at all, it was a total stranger. I would be very happy to see him get some help for his addiction and mental health. I haven't talked to him personally and no one has encouraged me to write this letter. This is just the way I truly feel about this situation. My last letter was about him on drugs. This statement is about the real him. He really does have a heart of gold, his crimes don't reflect that because he was so deep into drugs that he was out of his mind. He needs to learn other coping skills and get on a medication that makes him feel okay. I forgive him for everything he has done, because I know the real him. In my victim impact statement I said please give him the maximum sentence, that was extremely harsh, after cooling down and thinking hard about this I would like to see him do the minimum time because I know it will be enough. As long as he goes to a drug treatment program following his sentence, I know he can do great. I know that he deserves a second chance. Please consider his true character and not him on drugs.

Thank you,  
Nicole Dutra



CERTIFICATE OF SERVICE

I certify that I am an employee of the WASHOE COUNTY PUBLIC DEFENDER'S OFFICE, and that on the 16th day of April, 2019, I electronically served, a true copy of the attached document, addressed to:

DEPUTY DISTRICT ATTORNEY  
Electronic Service

DEPARTMENT OF PAROLE & PROBATION  
Electronic Service

/s/Linda Gray  
LINDA GRAY

**Return Of NEF****Recipients**

**DIANNE DRINKWATER, ESQ.** - Notification received on 2019-04-16 14:05:39.172.

**JOANNA ROBERTS, ESQ.** - Notification received on 2019-04-16 14:05:39.75.

**BIRAY DOGAN, ESQ.** - Notification received on 2019-04-16 14:05:39.126.

**DIV. OF PAROLE & PROBATION** - Notification received on 2019-04-16 14:05:39.141.

\*\*\*\*\* IMPORTANT NOTICE - READ THIS INFORMATION \*\*\*\*\*  
PROOF OF SERVICE OF ELECTRONIC FILING

-

**A filing has been submitted to the court RE:** CR18-2148

**Judge:**

HONORABLE SCOTT N. FREEMAN

**Official File Stamp:**

04-16-2019:13:48:20

**Clerk Accepted:**

04-16-2019:14:05:02

**Court:**

Second Judicial District Court - State of Nevada  
Criminal

**Case Title:**

STATE VS. CHARLES ANTHONY SKAGGS (TN)  
(D9)

**Document(s) Submitted:**

Letters ...

**Filed By:**

Biray Dogan, esq.

You may review this filing by clicking on the following link to take you to your cases.

This notice was automatically generated by the courts auto-notification system.

-

If service is not required for this document (e.g., Minutes), please disregard the below language.

**The following people were served electronically:**

BIRAY DOGAN, ESQ. for CHARLES ANTHONY  
SKAGGS

DIANNE DRINKWATER, ESQ. for STATE OF  
NEVADA

DIV. OF PAROLE & PROBATION

JOANNA L. ROBERTS, ESQ. for CHARLES  
ANTHONY SKAGGS

**The following people have not been served electronically and must be served by traditional means (see Nevada Electronic Filing Rules.):**

1 CODE 1850  
2  
3  
4  
5

6 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
7 IN AND FOR THE COUNTY OF WASHOE  
8

9 STATE OF NEVADA,

10 Plaintiff,

11 vs.

Case No. CR18-2148

12 CHARLES ANTHONY SKAGGS,

Dept. No. 9

13 Defendant.  
14 \_\_\_\_\_/

15 JUDGMENT OF CONVICTION

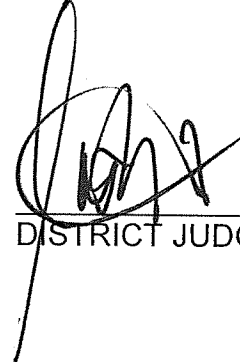
16 The Defendant entered a plea of guilty and no legal cause being shown as to why  
17 judgment should not be pronounced against him, the Court rendered judgment as follows:

18 That Charles Anthony Skaggs is guilty of the crime of Attempted Assault with the  
19 Use of a Deadly Weapon, a violation of NRS 199.330 being an attempt to violate NRS  
20 200.471, a category C felony, as charged in the Information, and that he be punished by  
21 imprisonment in the Nevada Department of Corrections for the minimum term of twelve  
22 (12) months to a maximum term of thirty-two (32) months.

23 The Defendant is further ordered to pay the statutory Twenty-Five Dollar (\$25.00)  
24 administrative assessment fee, the Three Dollar (\$3.00) administrative assessment fee for  
25 obtaining a biological specimen and conducting a genetic marker analysis, and reimburse  
26 the County of Washoe the sum of Five Hundred Dollars (\$500.00) for legal representation  
27 by the Washoe County Public Defender's Office. The Defendant is give seventy-seven  
28 (77) days credit for time served.

1 Any fine, fee administrative assessment, or restitution imposed today (as reflected  
2 in this judgment of conviction) constitutes a lien, as defined in Nevada Revised Statutes  
3 176.275. Should you not pay these fines, fees, or assessments, collection efforts may be  
4 undertaken against you.

5 Dated this 17<sup>th</sup> day of April, 2019.

  
DISTRICT JUDGE

**Return Of NEF****Recipients**

**DIANNE DRINKWATER, ESQ.** - Notification received on 2019-04-18 14:23:40.265.

**JOANNA ROBERTS, ESQ.** - Notification received on 2019-04-18 14:23:40.296.

**BIRAY DOGAN, ESQ.** - Notification received on 2019-04-18 14:23:40.218.

**DIV. OF PAROLE & PROBATION** - Notification received on 2019-04-18 14:23:40.249.

\*\*\*\*\* IMPORTANT NOTICE - READ THIS INFORMATION \*\*\*\*\*

PROOF OF SERVICE OF ELECTRONIC FILING

-

**A filing has been submitted to the court RE:** CR18-2148

**Judge:**

HONORABLE SCOTT N. FREEMAN

**Official File Stamp:**

04-18-2019:14:21:42

**Clerk Accepted:**

04-18-2019:14:22:54

**Court:**

Second Judicial District Court - State of Nevada  
Criminal

**Case Title:**

STATE VS. CHARLES ANTHONY SKAGGS (TN)  
(D9)

**Document(s) Submitted:**

Judgment of Conviction

**Filed By:**

Court Clerk MConway

You may review this filing by clicking on the following link to take you to your cases.

This notice was automatically generated by the courts auto-notification system.

-

If service is not required for this document (e.g., Minutes), please disregard the below language.

**The following people were served electronically:**

BIRAY DOGAN, ESQ. for CHARLES ANTHONY  
SKAGGS

DIANNE DRINKWATER, ESQ. for STATE OF  
NEVADA

DIV. OF PAROLE & PROBATION

JOANNA L. ROBERTS, ESQ. for CHARLES  
ANTHONY SKAGGS

**The following people have not been served electronically and must be served by traditional means (see Nevada Electronic Filing Rules.):**

CASE NO. CR18-2148  
CASE NO. CR18-2149STATE OF NEVADA VS. CHARLES ANTHONY SKAGGS  
STATE OF NEVADA VS. CHARLES ANTHONY SKAGGSDATE, JUDGE  
OFFICERS OF  
COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

3/13/19  
HON. SCOTT N.  
FREEMAN  
DEPT. NO. 9  
L. Sabo  
(Clerk)  
A. Trevino  
(Reporter)  
B. Pelfrey  
(Bailiff)  
None  
(Court Services)**ENTRY OF JUDGMENT AND IMPOSITION OF SENTENCE**

Deputy D.A. Sean Alexander represented the State.  
Defendant was present with counsel, Biray Dogan, Deputy P.D.  
Probation Specialist, Billy Jennings, was present.  
Counsel for Defendant informed the Court that counsel had not had  
an opportunity to review the PSI Report with Defendant; further,  
Defendant was re-arrested on new charges and has a hearing at  
Reno Justice Court this afternoon. Therefore, defense counsel  
requested a 30-day continuance.  
Counsel for State indicated that the State was prepared to proceed  
to sentencing but understands the need for a continuance.  
**COURT ORDERED:** Matter continued for sentencing.  
Defendant was remanded to the custody of the Sheriff.

4/17/19  
9:00 a.m.  
Cont'd Sent.  
CR18-2148  
CR18-2149



**Return Of NEF****Recipients**

**DIANNE DRINKWATER, ESQ.** - Notification received on 2019-05-06 14:02:28.284.

**JOANNA ROBERTS, ESQ.** - Notification received on 2019-05-06 14:02:28.3.

**BIRAY DOGAN, ESQ.** - Notification received on 2019-05-06 14:02:28.222.

**DIV. OF PAROLE & PROBATION** - Notification received on 2019-05-06 14:02:28.253.

\*\*\*\*\* IMPORTANT NOTICE - READ THIS INFORMATION \*\*\*\*\*

PROOF OF SERVICE OF ELECTRONIC FILING

-

**A filing has been submitted to the court RE:** CR18-2148

**Judge:**

HONORABLE SCOTT N. FREEMAN

**Official File Stamp:**

05-06-2019:14:01:22

**Clerk Accepted:**

05-06-2019:14:01:56

**Court:**

Second Judicial District Court - State of Nevada

Criminal

**Case Title:**

STATE VS. CHARLES ANTHONY SKAGGS (TN)  
(D9)

**Document(s) Submitted:**

\*\*\*Minutes

**Filed By:**

Court Clerk LSabo

You may review this filing by clicking on the following link to take you to your cases.

This notice was automatically generated by the courts auto-notification system.

-

If service is not required for this document (e.g., Minutes), please disregard the below language.

**The following people were served electronically:**

BIRAY DOGAN, ESQ. for CHARLES ANTHONY  
SKAGGS

DIANNE DRINKWATER, ESQ. for STATE OF  
NEVADA

DIV. OF PAROLE & PROBATION

JOANNA L. ROBERTS, ESQ. for CHARLES  
ANTHONY SKAGGS

**The following people have not been served electronically and must be served by traditional means (see Nevada Electronic Filing Rules.):**

Charles Skaggs

(Name)

1117743

(I.D. No.)

Northern Nevada Correctional Center  
 Post Office Box 7000  
 Carson City, Nevada 89702

**FILED**

MAY 16 2019

JACQUELINE BRYANT, CLERK

By: [Signature]  
DEPUTY CLERK

IN THE Second JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
 IN AND FOR THE COUNTY OF Washoe

Charles Skaggs

Petitioner/Defendant,

vs.

2nd judicial court

Respondent/Plaintiff

Case No.: CR-18-2148  
CR-18-2149  
 Dept. No. 9

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN that I, Charles Skaggs appeal the  
 Judgment / Order entered on the 17<sup>th</sup> day of April, 2019 by this  
 court.

Dated this 5 day of 10, 2019.

Charles Skaggs

(Signature)

CR18-2148  
 DC-0990008491-002  
 STATE VS. CHARLES ANTHONY SK 2 Pages  
 District Court 05/16/2019 08:30 AM  
 Washoe County 2515

CERTIFICATE OF SERVICE BY MAIL

Pursuant to NRCP Rule 5(b), I hereby certify that I am the Defendant named herein and that on this 13<sup>th</sup> day of May, 2019, I mailed a true and correct copy of the foregoing NOTICE OF APPEAL to the following:

Washoe County District Attorney

Po Box 11130

Reno, NV 89502

Clerk of the Court  
Second Judicial Court  
75 Court Street  
Reno, NV 89501

Charles Steaggs

(Signature)

AFFIRMATION PURSUANT TO NRS 239B.030

\*\* I certify that the foregoing document DOES NOT contain the social security number of any persons.

5.10.19  
(Date)

Charles Steaggs  
(Signature)

Code 1310

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
IN AND FOR THE COUNTY OF WASHOE  
STATE OF NEVADA,  
Plaintiff,  
vs.  
CHARLES ANTHONY SKAGGS,  
Defendant.  
\_\_\_\_\_/

Case No. CR18-2148

Dept. No. 9

**CASE APPEAL STATEMENT**

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

1. Appellant is Charles Anthony Skaggs.
2. This appeal is from an order entered by the Honorable Judge Freeman.
3. Appellant is representing himself in Proper Person on appeal. The Appellant's address is:  
Charles Anthony Skaggs #1117743  
N.N.C.C.  
7000 PO Box 7000  
Carson City, NV 89702
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 not granted leave to proceed in forma pauperis in the District Court on .
9. Proceeding commenced by the filing of an information filed December 20<sup>th</sup> , 2018.
10. This is a criminal proceeding and the Appellant is appealing the Judgment of Conviction filed April 18<sup>th</sup> , 2019.
11. The case has not been the subject of a previous appeal to the Supreme Court:  
Supreme Court No: N/A
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 20<sup>th</sup> day of May, 2019.

Jacqueline Bryant  
Clerk of the Court

By: /s/ Cynthia Vera  
Cynthia Vera  
Deputy Clerk

Code 1350

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

STATE OF NEVADA,

Case No. CR18-2148

Plaintiff,

Dept. No. 9

vs.

CHARLES ANTHONY SKAGGS,

Defendant.

\_\_\_\_\_ /

**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 20<sup>th</sup> day of May, 2019, 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 20<sup>th</sup> day of May, 2019

Jacqueline Bryant  
Clerk of the Court

By /s/ Cynthia Vera  
Cynthia Vera  
Deputy Clerk

**Return Of NEF****Recipients**

**DIANNE DRINKWATER, ESQ.** - Notification received on 2019-05-20 09:04:09.154.

**JENNIFER NOBLE, ESQ.** - Notification received on 2019-05-20 09:04:09.123.

**JOANNA ROBERTS, ESQ.** - Notification received on 2019-05-20 09:04:09.217.

**BIRAY DOGAN, ESQ.** - Notification received on 2019-05-20 09:04:09.092.

**DIV. OF PAROLE & PROBATION** - Notification received on 2019-05-20 09:04:09.186.



\*\*\*\*\* IMPORTANT NOTICE - READ THIS INFORMATION \*\*\*\*\*  
PROOF OF SERVICE OF ELECTRONIC FILING

-

**A filing has been submitted to the court RE:** CR18-2148

**Judge:**

HONORABLE SCOTT N. FREEMAN

**Official File Stamp:**

05-20-2019:09:02:33

**Clerk Accepted:**

05-20-2019:09:03:42

**Court:**

Second Judicial District Court - State of Nevada  
Criminal

**Case Title:**

STATE VS. CHARLES ANTHONY SKAGGS (TN)  
(D9)

**Document(s) Submitted:**

Case Appeal Statement  
Certificate of Transmittal

**Filed By:**

Deputy Clerk CVera

You may review this filing by clicking on the following link to take you to your cases.

This notice was automatically generated by the courts auto-notification system.

-

If service is not required for this document (e.g., Minutes), please disregard the below language.

**The following people were served electronically:**

DIANNE DRINKWATER, ESQ. for STATE OF  
NEVADA

DIV. OF PAROLE & PROBATION

JENNIFER P. NOBLE, ESQ. for STATE OF  
NEVADA

JOANNA L. ROBERTS, ESQ. for CHARLES  
ANTHONY SKAGGS

BIRAY DOGAN, ESQ. for CHARLES ANTHONY  
SKAGGS

**The following people have not been served electronically and must be served by traditional means** (see Nevada Electronic Filing Rules.):

1 CODE NO. 2520  
2 WASHOE COUNTY PUBLIC DEFENDER  
3 JOHN REESE PETTY, State Bar Number 0010  
4 350 South Center Street, 5th Floor  
5 Reno, Nevada 89501  
6 (775) 337-4827  
7 jperry@washoecounty.us  
8 Attorney for Defendant

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

10 IN AND FOR THE COUNTY OF WASHOE

11 THE STATE OF NEVADA,

12 Plaintiff,

13 vs.

Case No. CR18-2148

14 CHARLES ANTHONY SKAGGS,

Dept. No. 9

15 Defendant.

16 **NOTICE OF APPEARANCE**

17 John Reese Petty, Chief Deputy Washoe County Public Defender, gives  
18 notice of his appearance as appellate counsel for Defendant, CHARLES  
19 ANTHONY SKAGGS, in this case.

20 The undersigned hereby affirms, pursuant to NRS 239B.030, that this  
21 document does not contain the social security number of any person.

22 DATED: May 31, 2019.

23 JOHN L. ARRASCADA  
24 WASHOE COUNTY PUBLIC DEFENDER

25 By: /s/ John Reese Petty  
26 JOHN REESE PETTY, Chief Deputy

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of the Washoe County Public Defender's Office, Reno, Washoe County, Nevada, and that on this date I forwarded a true copy of the foregoing document addressed to:

JENNIFER P. NOBLE  
Chief Appellate Deputy  
Washoe County District Attorney's Office  
(e-mail)

CHARLES ANTHONY SKAGGS (#1117743)  
Northern Nevada Correctional Center  
P.O. Box 7000  
Carson City, Nevada 89702

DATED this 31st day of May 2019.

/S/ John Reese Petty  
JOHN REESE PETTY

**Return Of NEF****Recipients**

**DIANNE DRINKWATER, ESQ.** - Notification received on 2019-06-03 08:52:12.096.

**JENNIFER NOBLE, ESQ.** - Notification received on 2019-06-03 08:52:12.002.

**JOANNA ROBERTS, ESQ.** - Notification received on 2019-06-03 08:52:11.971.

**BIRAY DOGAN, ESQ.** - Notification received on 2019-06-03 08:52:11.94.

**JOHN PETTY, ESQ.** - Notification received on 2019-06-03 08:52:12.064.

**DIV. OF PAROLE & PROBATION** - Notification received on 2019-06-03 08:52:12.033.

\*\*\*\*\* IMPORTANT NOTICE - READ THIS INFORMATION \*\*\*\*\*

PROOF OF SERVICE OF ELECTRONIC FILING

-

**A filing has been submitted to the court RE:** CR18-2148

**Judge:**

HONORABLE SCOTT N. FREEMAN

**Official File Stamp:**

05-31-2019:16:55:26

**Clerk Accepted:**

06-03-2019:08:51:46

**Court:**

Second Judicial District Court - State of Nevada

Criminal

**Case Title:**

STATE VS. CHARLES ANTHONY SKAGGS (TN)  
(D9)

**Document(s) Submitted:**

Notice of Appearance

**Filed By:**

John Reese Petty

You may review this filing by clicking on the following link to take you to your cases.

This notice was automatically generated by the courts auto-notification system.

-

If service is not required for this document (e.g., Minutes), please disregard the below language.

**The following people were served electronically:**

JENNIFER P. NOBLE, ESQ. for STATE OF  
NEVADA

BIRAY DOGAN, ESQ. for CHARLES ANTHONY  
SKAGGS

DIV. OF PAROLE & PROBATION

JOHN REESE PETTY, ESQ. for CHARLES  
ANTHONY SKAGGS

JOANNA L. ROBERTS, ESQ. for CHARLES  
ANTHONY SKAGGS

DIANNE DRINKWATER, ESQ. for STATE OF  
NEVADA

**The following people have not been served electronically and must be served by traditional means** (see Nevada Electronic Filing Rules.):

**IN THE SUPREME COURT OF THE STATE OF NEVADA  
OFFICE OF THE CLERK**

CHARLES ANTHONY SKAGGS,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

**Supreme Court No. 78845**  
District Court Case No. CR182148

09

**RECEIPT FOR DOCUMENTS**

TO: Hon. Scott N. Freeman, District Judge  
Washoe County District Attorney \ Jennifer P. Noble  
Washoe County Public Defender \ Biray Dogan\Joanna L. Roberts  
Charles Skaggs  
Jacqueline Bryant, Washoe District Court Clerk

You are hereby notified that the Clerk of the Supreme Court has received and/or filed the following:

05/30/2019 Appeal Filing fee waived.

05/30/2019 Filed Notice of Appeal/Proper Person Fast Track. Filed certified copy of proper person notice of appeal. (Fast track notice issued to trial counsel.)

DATE: May 30, 2019

Elizabeth A. Brown, Clerk of Court  
rw



**Return Of NEF****Recipients**

**DIANNE DRINKWATER, ESQ.** - Notification received on 2019-06-03 14:26:57.877.

**JENNIFER NOBLE, ESQ.** - Notification received on 2019-06-03 14:26:57.799.

**JOANNA ROBERTS, ESQ.** - Notification received on 2019-06-03 14:26:57.767.

**BIRAY DOGAN, ESQ.** - Notification received on 2019-06-03 14:26:57.736.

**JOHN PETTY, ESQ.** - Notification received on 2019-06-03 14:26:57.845.

**DIV. OF PAROLE & PROBATION** - Notification received on 2019-06-03 14:26:57.814.

\*\*\*\*\* IMPORTANT NOTICE - READ THIS INFORMATION \*\*\*\*\*  
PROOF OF SERVICE OF ELECTRONIC FILING

-

**A filing has been submitted to the court RE:** CR18-2148

**Judge:**

HONORABLE SCOTT N. FREEMAN

**Official File Stamp:**

06-03-2019:14:25:46

**Clerk Accepted:**

06-03-2019:14:26:27

**Court:**

Second Judicial District Court - State of Nevada  
Criminal

**Case Title:**

STATE VS. CHARLES ANTHONY SKAGGS (TN)  
(D9)

**Document(s) Submitted:**

Supreme Court Receipt for Doc

**Filed By:**

Deputy Clerk YViloria

You may review this filing by clicking on the following link to take you to your cases.

This notice was automatically generated by the courts auto-notification system.

-

If service is not required for this document (e.g., Minutes), please disregard the below language.

**The following people were served electronically:**

JENNIFER P. NOBLE, ESQ. for STATE OF  
NEVADA

BIRAY DOGAN, ESQ. for CHARLES ANTHONY  
SKAGGS

DIV. OF PAROLE & PROBATION

JOHN REESE PETTY, ESQ. for CHARLES  
ANTHONY SKAGGS

JOANNA L. ROBERTS, ESQ. for CHARLES  
ANTHONY SKAGGS

DIANNE DRINKWATER, ESQ. for STATE OF  
NEVADA

**The following people have not been served electronically and must be served by traditional means** (see Nevada Electronic Filing Rules.):

IN THE SUPREME COURT OF THE STATE OF NEVADA

CHARLES ANTHONY SKAGGS,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 78845

CR18-2148  
D9

CHARLES ANTHONY SKAGGS,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 78847 CR18-2149

**FILED**

D9

AUG 23 2019

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

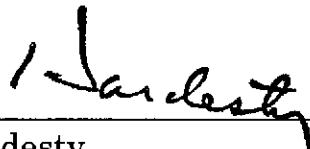
*ORDER DISMISSING APPEALS*


These are direct appeals from judgments of conviction. Second Judicial District Court, Washoe County; Scott N. Freeman, Judge.

Appellant's counsel has filed a notice of voluntary withdrawal of these appeals. Counsel advises this court that he has informed appellant of the legal consequences of voluntarily withdrawing these appeals, including that appellant cannot hereafter seek to reinstate these appeals, and that any issues that were or could have been brought in these appeals

are forever waived. Having been so informed, appellant consents to a voluntary dismissal of these appeals. Cause appearing, this court

ORDERS these appeals DISMISSED.<sup>1</sup>

, J.  
Hardesty

, J.  
Stiglich

, J.  
Silver

cc: Hon. Scott N. Freeman, District Judge  
Washoe County Public Defender  
Attorney General/Carson City  
Washoe County District Attorney  
Washoe District Court Clerk

---

<sup>1</sup>Because no remittitur will issue in these matters, see NRAP 42(b), the one-year period for filing post-conviction habeas corpus petitions under NRS 34.726(1) shall commence to run from the date of this order.

**Return Of NEF****Recipients**

**JENNIFER NOBLE, ESQ.** - Notification received on 2019-08-26 14:03:39.159.

**JOANNA ROBERTS, ESQ.** - Notification received on 2019-08-26 14:03:39.065.

**BIRAY DOGAN, ESQ.** - Notification received on 2019-08-26 14:03:39.05.

**DIV. OF PAROLE & PROBATION** - Notification received on 2019-08-26 14:03:39.174.

**JOHN PETTY, ESQ.** - Notification received on 2019-08-26 14:03:39.128.

**AMANDA SAGE, ESQ.** - Notification received on 2019-08-26 14:03:39.096.

\*\*\*\*\* IMPORTANT NOTICE - READ THIS INFORMATION \*\*\*\*\*  
PROOF OF SERVICE OF ELECTRONIC FILING

-

**A filing has been submitted to the court RE:** CR18-2148

**Judge:**

HONORABLE SCOTT N. FREEMAN

**Official File Stamp:**

08-26-2019:14:02:28

**Clerk Accepted:**

08-26-2019:14:03:08

**Court:**

Second Judicial District Court - State of Nevada  
Criminal

**Case Title:**

STATE VS. CHARLES ANTHONY SKAGGS (TN)  
(D9)

**Document(s) Submitted:**

Supreme Ct Ord Dismis Appeal

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ANTHONY SKAGGS

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ANTHONY SKAGGS

AMANDA C. SAGE, ESQ. for STATE OF  
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Charles A. Skaggs

(Name)

1117743

(I.D. Number)

Northern Nevada Correctional Center  
Post Office Box 7000  
Carson City, NV 89702

Petitioner, In Proper Person

FILED

ORIGINAL

2019 OCT 22 PM 1:14

JACQUELINE T. TAYLOR  
CLERK OF DISTRICT COURT  
BY \_\_\_\_\_  
DE \_\_\_\_\_

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADAIN AND FOR THE COUNTY OF WASHOECHARLES A. SKAGGS

Petitioner,

vs.

ISIDRO BACA, Warden, Northern  
Nevada Correctional Center  
Respondent.

Case No.:

CR 18-2148CR 18-2149

Dept. No.:

9

**PETITION FOR WRIT OF HABEAS  
CORPUS (POST-CONVICTION)**  
(Non Death Penalty)

**INSTRUCTIONS:**

**\* EVIDENTIARY HEARING \***  
**REQUESTED**

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 Motion for Leave 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

1 institution. If you are not in a specific institution of the department but within its custody, name the  
2 director of the department of corrections.

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

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

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

# PETITION

17  
18 1. Name of institution and county in which you are presently imprisoned or where and  
19 how you are presently restrained of you liberty: Northern NV Correctional Center, County  
of Carson City

20 2. Name and location of court which entered the judgment of conviction under attack:

21 2<sup>nd</sup> Jud. Dist. Ct./Washoe Co.; Reno, NV

22 3. Date of judgment of conviction: 4/18/19

CR18-2148

23 4. Case Number: CR18-2149

24 5. (a) Length of sentence: \_\_\_\_\_

25 CR18-2148 ⇒ 12-32 mos. (\$25 Admin Assess, \$3 DNA, \$500 Att. Fee)

26 Credit 77 days served; Consecutive to:

27 CR18-2149 ⇒ 48-120 mos. (\$10000 Fine, \$25 Admin Assess, \$3 DNA,

28 \$500 Att., \$60 Chem. Anal. Fee); Credit Zero days. V2. 129

6. Are you presently serving a sentence for a conviction other than the conviction under attack in this motion? Yes \_\_\_\_\_ No X

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

N/A

7. Nature of offense involved in conviction being challenged: \_\_\_\_\_

CR18-2148 ⇒ Attempted Assault w/ Deadly Weapon

CR18-2149 ⇒ Possession of a Trafficking Qty of controlled substance

8. What was your plea? (check one)

(a) Not guilty \_\_\_\_\_ (c) Guilty but mentally ill \_\_\_\_\_

(b) Guilty X (d) Nolo contendere \_\_\_\_\_

9. If you entered a plea of guilty to one count of an indictment or information, and a plea of not guilty to another count of an indictment of information, or if a plea of guilty was negotiated, give details: CR2148 ⇒ Assault w/DW dropped to Attempt; Robbery,

TPO/EPO Violations, & Domestic Battery dismissed;

CR2149 ⇒ Level of trafficking dropped one level; Possession,

Possession For sales, & CCW dismissed.

10. If you were found guilty after a plea of not guilty, was the finding made by: (check one)

(a) Jury \_\_\_\_\_

N/A

(b) Judge without a jury \_\_\_\_\_

11. Did you testify at the trial? Yes \_\_\_\_\_ No N/A

12. Did you appeal from the judgment of conviction?

Yes X No \_\_\_\_\_

13. If you did appeal, answer the following:

(a) Name of court: NV Supreme Court

(b) Case number or citation: 78845 / 78847

(c) Result: Order Dismissing Appeals

(d) Date of result: 8/23/19

(Attach copy of order or decision, if available)

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

Appeal, but appeal w/drawn by counsel as issues  
more cognizable on habeas corpus

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

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

- (a) (1) Name of court: N/A  
(2) Name of proceeding: N/A  
(3) Grounds raised: N/A

(4) Did you receive an evidentiary hearing on your petition, application or motion? Yes \_\_\_\_\_ No X N/A

(5) Result: N/A

(6) Date of result: N/A

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

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

(1) Name of court: N/A

(2) Nature of proceeding: N/A

(3) Grounds raised: N/A

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

(5) Result: N/A

(6) Date of result: N/A

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

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

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

(1) First petition, application or motion?

Yes \_\_\_\_\_ No \_\_\_\_\_ N/A

(2) Second petition, application or motion?

Yes \_\_\_\_\_ No \_\_\_\_\_ N/A

(3) Third or subsequent petitions, applications or motions?

Yes \_\_\_\_\_ No \_\_\_\_\_ N/A

Citation or date of decision.

(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)

N/A

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 post-conviction proceeding? If so, identify:

(a) Which of the grounds is the same: N/A

(b) The proceedings in which these grounds were raised: N/A

(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 ½ by 11 inches attached to the petition. Your response may not exceed five handwritten or typewritten pages in length.)

N/A

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 ½ by 11 inches attached to the petition. Your response may not exceed five handwritten or typewritten pages in length.)

Not Appropriately raised on direct appeal b/c guilty plea taken, so there is no trial record

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 ½ by 11 inches attached to the petition. Your response may not exceed five handwritten or typewritten pages in length.)

No. This Petition is Timely Filed

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 X

If yes, state what court and the case number:

21. Give the name of each attorney who represented you in the proceeding resulting in your conviction and on direct appeal: Pretrial through sentencing → Birey Dogan  
Appeal → John Reese Petty

22. Do you have any future sentences to serve after you complete the sentence imposed by the judgment under attack:

Yes \_\_\_\_\_ No x

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:

PETITIONER'S 6<sup>TH</sup> and 14<sup>TH</sup> AMENDMENT RIGHTS UNDER THE  
US CONSTITUTION, AND HIS RIGHTS UNDER NY CONST. ART 1  
§ 8, TO EFFECTIVE ASSISTANCE OF COUNSEL<sup>^</sup>, AND DUE PROCESS OF LAW  
WERE VIOLATED WHERE: COUNSEL FAILED TO INVESTIGATE THE  
 (continued below)

Supporting Facts:

FACTS OF THE CASES AND/OR TO INTERVIEW IMPORTANT  
WITNESSES NECESSARY TO FORMULATE A DEFENSE, BEFORE  
CONVINCING PETITIONER THAT IT WAS IN HIS BEST INTEREST  
TO ACCEPT A GUILTY PLEA.

In Case No. CR 2148, the victim stated that Petitioner's  
mother and cousin (actually Petitioner's nephew) witnessed  
the incidents in question. Petitioner informed his attorney  
that his mother, Janet Skaggs, and his nephew, Samuel  
Stellingweeth, as well as several neighbors, did in fact,  
witness parts of the incidents. These people could have  
testified that: (1) Petitioner never pushed the victim into  
a chair; (2) The victim's purse and keys were never taken  
by the Petitioner - the victim stated her purse was in

(continued, P. 20)

(b) Ground Two:

PETITIONERS 4<sup>th</sup>, 6<sup>th</sup>, and 14<sup>th</sup> AMENDMENT RIGHTS UNDER  
THE US CONSTITUTION, AND HIS RIGHTS UNDER NV. CONST.  
ART. 1§8, TO PROTECTION FROM UNREASONABLE SEARCH  
AND SEIZURE, TO EFFECTIVE ASSISTANCE OF COUNSEL, AND  
(Continued below)

Supporting Facts:

TO DUE PROCESS OF LAW, WERE VIOLATED WHERE: COUNSEL  
CONVINCED PETITIONER TO WAIVE HIS PRELIMINARY HEARING  
AND ACCEPT A PLEA WITHOUT SEEKING SUPPRESSION OF  
QUESTIONABLY-OBTAINED EVIDENCE.

At the time of his arrest, Petitioner was receiving a ride  
from a friend, in what he presumed was her vehicle. He had  
no knowledge of what was in the vehicle. Detectives witnessed  
Petitioner purchase a small amount of cocaine, for personal  
use, and recognized Petitioner as a subject of a warrant.  
Police executed a traffic stop and did a vehicle search  
incident to arrest. There was a bag of methamphetamine  
in the vehicle, which the Petitioner believed to be  
approximately 2oz, as he has experience with the  
drug culture and could make a fair estimate. Petitioner  
carried his drugs on his person and knew nothing of  
the other drugs in the vehicle until the police pulled  
them out. The driver and other passenger turned  
out to not be the registered owners, and it is there-  
fore questionable whether they had standing to consent  
to a vehicle search without police obtaining a search

(continued, P. 25)



(c) Ground Three:

PETITIONER'S 6<sup>TH</sup> AND 14<sup>TH</sup> AMENDMENT RIGHTS UNDER  
THE US CONSTITUTION, AND HIS RIGHTS UNDER NV. CONST.  
ART. 188, TO EFFECTIVE ASSISTANCE OF COUNSEL AND  
TO DUE PROCESS OF LAW, WERE VIOLATED WHERE:

Supporting Facts:

COUNSEL NEVER FULLY ADVISED PETITIONER AS TO THE  
DIRECT CONSEQUENCES OF ENTERING INTO THE PLEA CONTRACT  
AND THE REQUIREMENTS PETITIONER WAS EXPECTED TO  
MEET IN ORDER TO FULFILL THE PLEA CONTRACT.

Counsel for Petitioner did no investigation on these cases,  
save for reviewing the prosecutor's files. Counsel immediately  
advised Petitioner to waive his preliminary hearing and  
enter pleas on both cases because "the evidence was stacked  
against him and he had no defenses." Petitioner was never  
fairly informed of the nature of the charges originally against  
him, as he was never arraigned on them. He could not  
make a knowing and intelligent entry of a plea where he  
did not know the true nature of the offenses against  
him, where counsel advised him to waive his preliminary,  
so he was unaware of the evidence against him, and  
his counsel would not investigate to formulate defenses.  
Further, counsel asked for Petitioner to be admitted to  
bail pending sentencing, but counsel failed to inform  
Petitioner that if Petitioner violated terms of bail in  
any way, the State could nullify the plea agreement.

(continued, P. 29)

(d) Ground Four:

PETITIONER'S 6<sup>TH</sup> and 14<sup>TH</sup> AMENDMENT RIGHTS UNDER THE US CONSTITUTION, AND HIS RIGHTS UNDER NV CONST. ART. 1 §8 TO EFFECTIVE ASSISTANCE OF COUNSEL, TO AN IMPARTIAL JUDGE, AND TO DUE PROCESS OF LAW,

Supporting Facts:

WERE VIOLATED WHERE: THE COURT NEVER FULLY ADVISED PETITIONER ON ALL CONSEQUENCES AND RAMIFICATIONS OF ACCEPTING THE PLEA CONTRACT AND THE REQUIREMENTS PETITIONER WAS EXPECTED TO MEET IN ORDER TO FULFILL THE PLEA CONTRACT, THE COURT MERELY ACCEPTED COUNSEL'S STATEMENT THAT HE EXPLAINED THE ENTIRE AGREEMENT TO PETITIONER, AND COUNSEL FAILED TO CHALLENGE WHEN THE COURT DID NOT SO ADVISE THE PETITIONER.

The Judge, when arraigning Petitioner on negotiated charges, with recommended sentences, Petitioner acknowledged that he had discussed the terms of the Guilty Plea Agreement with his attorney. However, Petitioner believed that the attorney had discussed the entire Guilty Plea Agreement with Petitioner, which he later discovered the attorney did not do. The Court went through an abbreviated colloquy with Petitioner, but did not go into detail about the provision #10 of the Guilty Plea Memorandum. Based on the judge's statements at the acceptance of the Guilty Plea, Petitioner believed that, taking this coupled with counsel's advice, that he merely had to "show up" for sentencing in order

(continued, P. 33)

(e) Ground Five:

PETITIONER'S 6<sup>TH</sup> & 14<sup>TH</sup> AMENDMENT RIGHTS UNDER THE US CONSTITUTION, AND HIS RIGHTS UNDER NV CONST. ART. 1§8 TO EFFECTIVE ASSISTANCE OF COUNSEL AND TO DUE PROCESS OF LAW, WERE VIOLATED WHERE: COUNSEL

Supporting Facts:

PROVED INEFFECTUAL WHERE COUNSEL FAILED TO CHALLENGE PETITIONER'S COMPETENCY TO ACCEPT A PLEA, GIVEN PETITIONER'S PSYCHIATRIC TREATMENT WITH MEDICATIONS THAT WERE NOT STABILIZED AT THE TIME OF ENTRY OF HIS PLEA.

At the time of his offense and at the time of his entrance of guilty plea, Plaintiff was receiving treatment from Alta Vista Mental Health and was on psychiatric medications for depression, antisocial personality disorder, and anxiety. Petitioner was additionally diagnosed with Use Disorders for Amphetamine, Alcohol, Cocaine, and Cannabis. Petitioner was being treated with <sup>Zoloft</sup> Prozac & Vioxx. The Combination made Plaintiff manic-happy, carefree, and careless. It made him not care about risk-taking and willing to not put thought into anything, and not put effort into understanding the plea agreements or its consequences, or the ramifications if he violated any provisions of the Agreement. Petitioner just accepted what the lawyer said and what his lawyer told him to do because the lawyer said there was nothing the Petitioner could do to Fight the crime. In his dazed state,

(continued, P. 36)

#6

Ground: PETITIONER'S 6<sup>TH</sup> and 14<sup>TH</sup> AMENDMENTS RIGHTS UNDER THE US CONSTITUTION, AND HIS RIGHTS UNDER NV CONSTITUTIONAL ART. 1 § 8, TO EFFECTIVE ASSISTANCE OF COUNSEL, AND TO DUE PROCESS OF LAW, WERE VIOLATED WHERE: COUNSEL NEVER EXPLAINED THE OPTIONS TO PETITIONER AFTER THE PLEA AGREEMENT WAS "VIOLATED". HE MERELY SAID IT WAS ON TO  
(continued below)

## Supporting Facts:

SENTENCING WITH NO DEAL, AND MERELY CHOSE TO ARGUE FOR THE ORIGINAL SENTENCE, DESPITE PETITIONER DESIRING TO WITHDRAW PLEA.

The Plea Agreement had been "violated" upon rearrest of Petitioner, although it was never explained fully, by counsel or the Court, that if he was rearrested, his plea agreement would be voided. Upon rearrest, when Petitioner appeared for sentencing, counsel explained that, because he had "violated" the plea agreement, he was going on to sentencing "with no deal." Petitioner stated that he wished to withdraw his plea if there were no deal. Counsel did not explain that Petitioner had the right to withdraw his plea, and in fact, did not attempt to withdraw Petitioner's plea on his behalf. Rather, Counsel chose to argue for the original sentence, without "Global Resolution" for the new and existing charges. This could not feasibly be considered a reasonable strategic decision on the part of counsel.

A court has held that a case should be remanded  
(Continued, P. 39)

1 Ground: <sup>#7</sup> PETITIONER'S 6<sup>TH</sup> AND 14<sup>TH</sup> AMENDMENT RIGHTS UNDER THE  
2 US CONSTITUTION, AND HIS RIGHTS UNDER NV. CONST. ART. 1§8,  
3 TO EFFECTIVE ASSISTANCE OF COUNSEL AND TO DUE PROCESS OF LAW  
4 WERE VIOLATED WHERE: COUNSEL ALLOWED THE DISTRICT ATTOR-  
5 NEY TO BOLSTER THE VICTIM IMPACT LETTER FOR SENTENCING,  
6 FAILED USE MITIGATING EVIDENCE IN REGARD TO THE VICTIM IMPACT  
(continued below)

7 Supporting Facts:

8 LETTER AT SENTENCING, AND FAILED TO ADEQUATELY CHALLENGE  
9 THE VICTIM'S INCONSISTENT STATEMENTS OR APPRISE THE  
10 COURT OF THE MOTIVES BEHIND SAID INCONSISTENT STATEMENTS.

11  
12 Petitioner requested counsel speak to the victim prior  
13 to his plea. Counsel Failed to interview the victim to assess  
14 her credibility, due to her inconsistent police statements.  
15 This would have been a simple task for counsel, as the vic-  
16 tim had been going to Court and supporting Petitioner before  
17 entry of the plea, all the way up to a few weeks before  
18 sentencing. A few weeks before sentencing, Petitioner  
19 and the victim ended their relationship and the victim  
20 was going through financial problems due to her addiction  
21 issues.

22 The victim then sought assistance from the District  
23 Attorney's Victim Advocate. The victim wrote a "malicious"  
24 victim impact letter, as required of her by the victim advocate in  
25 order to obtain financial assistance, for use at the Peti-  
26 tioner's sentencing. This letter was written March 12, 2019.  
27 The victim subsequently text-messaged over the telephone  
28 (continued p. 40)

Ground: <sup>4</sup>8 PETITIONER'S 6<sup>TH</sup> AND 14<sup>TH</sup> AMENDMENT RIGHTS UNDER THE  
 US CONSTITUTION, AND HIS RIGHTS UNDER NV. CONST. ART. 1§8, TO  
 EFFECTIVE ASSISTANCE OF COUNSEL AND TO DUE PROCESS OF LAW WERE  
 VIOLATED WHERE: COUNSEL FAILED TO ARGUE INCONSISTENCIES  
 IN THE VICTIM'S STATEMENTS/LETTERS, FAILED TO SHOW COERCION  
 OF THE VICTIM BY THE DA'S VICTIM ADVOCATE, FAILED TO  
 (continued below)

Supporting Facts:

SHOW VICTIM'S SUPPORT OF PETITIONER, AND ACTED AS A  
 "SECOND PROSECUTOR" IN ARGUING TO THE COURT UNADJUDICATED  
 CHARGES WHICH HE SHOULD HAVE KNOWN WOULD BE AGGRA-  
 VATORS.

At sentencing, counsel showed his incompetence by  
 elaborating on Petitioner's new and unadjudicated  
 charges to attempt to use future penalties as mitigators.  
 This was based on information provided to him by the  
 State. These crimes were unadjudicated and any com-  
 petent counsel would know that if they were brought  
 up, they would be aggravators. Further, counsel failed  
 to object where Deputy D.A. Lee argued at sentencing that  
 Petitioner had new charges with the same victim, knowing  
 that those charges were, or were scheduled to be, dismissed.

Counsel failed to bolster support for Petitioner at sen-  
 tencing by subpoenaing the victim, and bringing out testi-  
 mony showing that the victim was coerced by the DA's  
 Office Victim Advocate to write the First Victim Impact  
 letter; and rather than bring out testimony showing  
 (continued, p. 42)

FACTUAL BACKGROUND (CONT'D) AND MEMORANDUM OF POINTS AND AUTHORITIES

There are three ways in which a Sixth Amendment ineffective counsel claim may be brought: (1) the lawyer was actually ineffective; (2) constructively ineffective; or, that he had a conflict of interest<sup>+</sup> that caused him to be actually ineffective. Petitioner would allege that counsel was ineffective due to a combination of each of the three forms. Each type of claim requires Petitioner to prove different things.

1. Actual Ineffectiveness: The Strickland Test

In general, to show ineffective assistance of counsel under the US Constitution (USCA C.A. 6), Petitioner must pass the two-part Strickland test. See, STRICKLAND v. WASHINGTON, 466 US 668, 687, 104 S.Ct 2052, 2064 (1984) (establishing Federal standard for ineffective assistance of counsel). The first part of this test, the "deficient performance prong," requires proof that the lawyer's performance was "deficient." See, STRICKLAND, *supra*. The Court must decide whether the lawyer's representation fell below an "objective standard of reasonableness." These basic professional standards could include, but are not limited to, a duty of loyalty, a duty to avoid conflicts of interest, a duty to advocate the Defendant's cause, the duty to consult with defendant on important decisions and to keep defendant informed of important developments during the prosecution, and a duty to use a level of skill and knowledge that makes the trial truly adversarial. See, STRICKLAND, *supra*, @ 688-89 (outlining these duties but noting that they neither exhaustively define the obligations

1 of counsel nor form a checklist for judicial evaluation of  
 2 attorney performance. ") The Court must determine whether  
 3 the lawyer acted in a way that other lawyers would think  
 4 is acceptable.

5 Since this standard can apply differently in different  
 6 situations, Petitioner identifies within the body of this  
 7 PETITION those specific things that counsel did [or did not do]  
 8 that were so bad that he was denied the right to counsel.  
 9 STRICKLAND, supra, ¶690 (in deciding the ineffectiveness claim,  
 10 the judge must look at the reasonableness of counsel's con-  
 11 duct based on facts of the particular case, viewed at the  
 12 time of counsel's conduct).

13 When the Court finds the lawyer's representation fell  
 14 below this "objective standard of reasonableness," it will  
 15 apply the second part of the STRICKLAND test. The second part,  
 16 the "prejudice prong," requires Petitioner to prove there is  
 17 a "reasonable probability that, but for counsel's unpro-  
 18 fessional errors, the result of the proceeding would have  
 19 been different." See, STRICKLAND, supra; WILLIAMS v. TAYLOR,  
 20 529 US 362, 390-91, 120 S.Ct 1495, 1511-12 (2000) (holding that anal-  
 21 ysis of the prejudice prong should focus solely on whether there  
 22 was reasonable probability that but for counsel's errors, the  
 23 result of the proceeding would have been different); and, WIG-  
 24 GINSON v. SMITH, 539 US 510, 534, 123 S.Ct 2527, 2542 (2003). The  
 25 ineffective counsel claim can only be won if both prongs  
 26 are met. STRICKLAND, supra, ¶700. The "prejudice prong" only  
 27 requires a showing of a "reasonable probability."

28 Petitioner, when requesting this Court to evaluate this



1 this case, would humbly and respectfully request this  
 2 Honorable Court to consider the TOTAL EFFECT of all coun-  
 3 sel's errors. See, MACKAY v. RUSSELL, No. 02-4237, 148 Fed. App'x  
 4 3551, 369 (6<sup>th</sup> Cir, 8/9/05) (state court unreasonably applies  
 5 STRICKLAND when it fails to consider the cumulative effect  
 6 of counsel's errors).

7 2. Constructive Ineffectiveness: The Cronie Standard  
 8 The second type of ineffective counsel claim available under  
 9 the Sixth Amendment is a "constructive denial" of assistance of  
 10 counsel as described in UNITED STATES v. CRONIE, 466 US 648, 658,  
 11 104 S. Ct 2039, 2046 (1984) (recognizing a right where performance of  
 12 counsel deprived defendant of a fair trial). Constructive ineffec-  
 13 tive assistance can be claimed where the circumstances of the  
 14 case were so unfair that prejudice and ineffective assistance  
 15 can be presumed. See, CRONIE, supra. Under CRONIE, unlike  
 16 STRICKLAND, actual prejudice does not have to be proven.

17 The CRONIE standard applies in three situations. See,  
 18 CRONIE, supra, @ 659-62; and, BELL v. CONE, 535 US 685, 695-  
 19 98, 122 S. Ct 1843, 1850-52 (2002). First, prejudice may be pre-  
 20 sumed if you were completely denied counsel during a "critical  
 21 stage" of trial. See, WRIGHT v. VAN PATTON, 128 S. Ct 743, 746,  
 22 (2008); RICKMAN v. BELL, 131 F.3d 1150, 1156-60 (6<sup>th</sup> Cir, 1997);  
 23 and, JAVOR v. US, 724 F.2d 831, 833-34 (9<sup>th</sup> Cir, 1984).

24 The second way to claim ineffective assistance under  
 25 CRONIE is to show that the attorney "entirely failed to subject  
 26 the prosecution's case to meaningful adversarial testing." See,  
 27 CRONIE, supra, @ 648; See also, STATE v. CARTER, 270 Kan 426,  
 28 440-41, 14 P.3d 1138, 1148 (2000, Kan.) (Finding that a breakdown

exists in the adversarial system of justice when counsel premised the defense on the defendant's guilt against his client's wishes). The attorney's failure to test the State's case must have been "complete," meaning he put up no opposition whatsoever. See, POWELL v. ALABAMA, 287 US 45, 56-58, 53 S.Ct. 55, 59-60 (1932).

Finally, a CRONIC claim can be made if the circumstances of the case made it highly unlikely any lawyer could have provided effective assistance. See, CRONIC, *supra*, and POWELL, *supra*. If the case is found to fall within this provision, i.e., Petitioner's counsel was provided no opportunity to investigate the facts or prepare due to appointment immediately before advising Petitioner to enter plea, then Petitioner does not have to prove his lawyer's performance was deficient.

### 3. Conflicts of Interest

The third type of Sixth Amendment ineffectiveness claim argues that counsel provided the ineffective assistance due to a conflict of interest. To show that counsel had a conflict of interest, Petitioner must demonstrate that there was an actual conflict of interest that "adversely affected" the lawyer's performance. See, CUYLER v. SULLIVAN, 446 US 335, 350, 100 S.Ct. 1768, 1719 (1980); - See also, US v. TORIZZO, 786 F.2d 52, 57-58 (2<sup>nd</sup> Cir. 1986) (applying CUYLER and finding that defendant's trial counsel had a conflict of interest because he had previously represented the State's key witness on a related matter and effectively failed to cross-examine this witness after the

1 trial judge had told him that he might encounter ethi-  
 2 cal problems if he pursued certain lines of questioning.)  
 3 The conflict must be actual, not just potential, which  
 4 means that the lawyer must have taken some action  
 5 or refrained from acting in some way, which harmed  
 6 Petitioner and benefited another person. See, MICKENS  
 7 v. TAYLOR, 535 US 162, 174-76, 122 S. Ct 1237, 1245-46  
 8 (2002) (holding that CUYLER applied to petitioner's claim  
 9 that counsel was conflicted because he represented the  
 10 victim in an unrelated case); See also, LIPSON v. US, 233  
 11 F.3d 942 (7<sup>th</sup> Cir, 2000) (Sixth Amendment rights violated  
 12 where lawyer paid by codefendant). The Petitioner  
 13 is not required to show prejudice if the lawyer had  
 14 an actual conflict of interest that adversely affected  
 15 him, because prejudice is presumed.

16 MICKENS, supra, delineates that an "actual conflict" is a "con-  
 17 flict that affected counsel's performance -- as opposed to a mere  
 18 'theoretical' division of loyalties." In HALL v. US, it is shown that,  
 19 an actual conflict of interest exists "if the defense counsel was  
 20 faced with a choice between advancing his own interests above  
 21 those of his client". See, 371 F.3d 969, 973 (7<sup>th</sup> Cir, 2004); also,  
 22 MOSS v. US, 323 F.3d 445, 463 (6<sup>th</sup> Cir, 2003). The Nevada Sup-  
 23 reme Court adopted this same reasoning in the earlier case of  
 24 CLARK v. STATE, 108 Nev 324 (Nev, 1992), when it held:

25 " ... it would be foolish to ignore the very real possibility that  
 26 a lawyer may not be capable of properly balancing the obligation  
 27 to expend the proper amount of time in an appointed criminal matter  
 28 where the fees involved are nominal, with his personal concerns  
 to earn a decent living by devoting his time to matters wherein he  
 will be reasonably compensated. OKEECHOBEE CO. v. JENNINGS,  
 473 So. 2d 1314, 1318 (Fla. Dist. Ct. App, 1985)

1 The Nevada Supreme Court has continued to recognize such a  
 2 divided loyalty conflicts of interest. See, PENA v. STATE, 2012 Nev  
 3 unpub LEXIS 1507; SIMPSON v. STATE, 2015 Nev. unpub LEXIS 1047;  
 4 and, WILLIAMS v. STATE, 2016 Nev. unpub LEXIS 483. The Ninth  
 5 Circuit has also recognized the same reasoning in several  
 6 cases. See, TINKER v. MOORE, 255 F.3d 1331, 2001 US App LEXIS  
 7 15100; US v. LITTLE DOG, 744 Fed. Appx. 374 (2018); JAKES v. NEVEN,  
 8 2018 US Dist LEXIS 57970 (9<sup>th</sup> Cir, 2018); and, BRYANT v. NEVEN,  
 9 2018 US Dist LEXIS 67597 (9<sup>th</sup> Cir, 2018).

#### 10 11 GROUND 1, CONT'D

12 the vehicle, and witnesses would testify that Petitioner has his  
 13 own keys to the vehicle, as he was an owner of the vehicle; (3)  
 14 that Petitioner never said "I'll fuck you up." while he had  
 15 the hammer; (4) That Petitioner never swung the hammer  
 16 at or toward his mother and Ms. Dutra; (5) his mother  
 17 never told Ms. Dutra that Petitioner has her with a hammer;  
 18 and, (6) the Petitioner left his mother's residence with  
 19 nothing. They also would say they never saw Petitioner  
 20 come out of the bedroom and threaten anyone with the  
 21 hammer as the victim claimed.

22 Had the attorney chosen to interview witnesses, and/or  
 23 the victim, he would have discovered that the victim  
 24 lied about the assault with a hammer, as well as  
 25 taking her purse and keys out of the residence. Pet  
 26itioner's mother attempted to contact the attorney to talk  
 27 to him about this, and the attorney failed to return  
 28 the call. The Attorney never gave Petitioner the option

1 to formulate a defense, or even to investigate the case,  
2 but merely advised Petitioner he should take a plea  
3 based upon the prosecutor's file.

4 In case no. CR2149, despite being requested to do so  
5 by Petitioner, counsel failed to: (1) listen to jail calls cited in  
6 police reports; (2) interview the other witnesses in the car at the  
7 time of Petitioner's arrest and vehicle search; (3) research who  
8 the registered owner of the vehicle and request a background  
9 check on them; (4) request an independent lab weigh and test  
10 the drugs found in the case; (5) request the body cam footage of  
11 the search and arrest; and/or (6) investigate Petitioner's state  
12 of mind at the time of his arrest and phone calls.

13 Had counsel completed any or all of these [requested] tasks,  
14 Petitioner could have formulated a defense by proving that:  
15 (1) the amount of drugs in his possession did not amount  
16 to trafficking or an amount suitable for sales; (2) he was  
17 not the owner or driver of the vehicle, was merely getting  
18 a ride, and had no constructive possession or control of  
19 anything in the vehicle; (3) that Petitioner's state of mind  
20 was highly altered at the time of his search, arrest, and  
21 jail phone calls, which negated any intent on the part  
22 of Petitioner.

23 All of these failings of counsel, taken individually,  
24 or cumulatively, affected Petitioner's considerations in  
25 regard to deciding whether to take a plea, where Pe-  
26 titioner felt forced when counsel did not investigate  
27 and recommended that his only shot would be in  
28 accepting a plea.

1 Evaluating in terms of STRICKLAND, *supra*, prejudice results  
 2 where Petitioner felt "forced" to accept a plea bargain due to  
 3 counsel's unwillingness to investigate and advising him  
 4 that his only shot was to accept a plea. When an attorney  
 5 advises his client to plea bargain to an offense which the  
 6 attorney has not investigated, such conduct is always unreason-  
 7 able. WOODWARD v. COLLINS, 898 F.2d 1027, 1029 (5<sup>th</sup> Cir, 1990);  
 8 RILEY v. PAYNE, 352 F.3d 1313 (9<sup>th</sup> Cir, 2003); and, WIGGINS v.  
 9 SMITH, 123 S. Ct 2527 (2003).

10 Though there may be unusual cases when an attorney  
 11 can make a rational decision that investigation is unneces-  
 12 sary, as a general rule, an attorney must investigate a  
 13 case in order to provide minimally competent representation.  
 14 CRISP v. DUCKWORTH, 743 F.2d 580, 583 (7<sup>th</sup> Cir, 1984); AMALOV.  
 15 RYAN, 2011 US Dist. LEXIS 75386 (9<sup>th</sup> Cir, 2011); and, COLEMAN v.  
 16 SWARTZTHOUT, 2013 US Dist. LEXIS 70550 (9<sup>th</sup> Cir, 2013). An investi-  
 17 gation consisting solely of reviewing the prosecutor's file "falls  
 18 short of what a reasonably competent attorney would have  
 19 done." KIRKSEY v. STATE, 112 Nev 980 (Nev, 1996); THOMAS v. LOCKHART,  
 20 738 F.2d 304, 308 (8<sup>th</sup> Cir, 1984); and, FLETCHER v. BLADES, 2019 US Dist.  
 21 LEXIS 1807 (9<sup>th</sup> Cir, 2019).

22 At a minimum, counsel has the duty to interview potential  
 23 witnesses & to make an independent investigation of the facts  
 24 & circumstances of the case. NEALY v. CABANA, 764 F.2d 1173, 1177  
 25 (5<sup>th</sup> Cir, 1985); and, CORBRAY v. CARTER, 2006 US Dist LEXIS 100453  
 26 (9<sup>th</sup> Cir, 2006). This duty to investigate includes the obligation  
 27 to investigate all witnesses who may have information con-  
 28 cerning his/her client's guilt or innocence. BRYANT v. SCOTT,

1 28 F.3d 1411, 1419 (5<sup>th</sup> Cir, 1994); and, CAPLES v. NEVIN, 2011 US  
2 Dist LEXIS 60635 (9<sup>th</sup> Cir, 2011). In MONTGOMERY v. PETERSON, 846  
3 F.2d 407, 413 (7<sup>th</sup> Cir, 1988), the 7<sup>th</sup> Circuit determined that counsel  
4 has a duty to contact a potential witness unless counsel "can make  
5 a rational decision that investigation is unnecessary." See also,  
6 PRENTISS v. MCWHIRTER, 63 F.2d 712 (9<sup>th</sup> Cir, 1933); and, WOOD v.  
7 CARPENTER, 101 US 135 (1879). However, counsel could not make  
8 such a decision in this case. The rendition of events pro-  
9 pounded by the victim and the Petitioner are in stark contrast.  
10 Police reports indicate the victim claimed Petitioner's mother,  
11 nephew, and neighbors as witnesses, yet counsel chose not  
12 to interview these people even though police also did not.  
13 Where police did not interview these witnesses, it was incum-  
14 bent upon counsel to do so to discover "why?"

15 Counsel's failure to contact the only other witness(es) aside  
16 from police who saw events surrounding the arrests was  
17 ineffective assistance. See, WORKMAN v. TATE, 957 F.2d 1339  
18 (6<sup>th</sup> Cir, 1992); and, WALKER v. MARTEL, 2011 US Dist LEXIS 75430  
19 (9<sup>th</sup> Cir 2011). The failure to interview eyewitnesses to a crime  
20 may strongly support a claim of IAC, and when alibi witnesses  
21 are involved, it is unreasonable for counsel not to try to con-  
22 tact the witnesses and ascertain whether their testimony would  
23 aid the defense. BRYANT, supra.; and, GROOMS v. SOLEM, 923  
24 F.2d 88, 91 (8<sup>th</sup> Cir, 1991). An attorney's failure to investigate  
25 potential alibi witnesses is not a "strategic choice" that  
26 precludes a claim of ineffective counsel. See, NEELY, supra.  
27 It is ineffective assistance where counsel "made absolutely  
28 no attempt" to communicate with crucial witnesses that

1 would have testified that the Petitioner did not commit a crime.  
 2 TOWNS v. SMITH, 395 F.3d 251, 259 (6<sup>th</sup> Cir, 2005); and, HOSTETTER v.  
 3 BELLEQUE, 2006 US Dist LEXIS 30024 (2006, 9<sup>th</sup> Cir). Counsel has  
 4 a duty to investigate all witnesses who allegedly possessed know-  
 5 ledge concerning the Petitioner's guilt or innocence. See, KEMP v.  
 6 LEGGETT, 635 F.2d 453, 454 (5<sup>th</sup> Cir, 1981); GAINES v. HOPPER, 575  
 7 F.2d 1147, 1149 (5<sup>th</sup> Cir, 1978); US v. VERGARA, 714 F.2d 21, 23  
 8 (5<sup>th</sup> Cir, 1983); HENDERSON v. SARGENT, 926 F.2d 706-711 (8<sup>th</sup> Cir, 1991);  
 9 LAWRENCE v. ARMONTROUT, 900 F.2d 127, 130 (8<sup>th</sup> Cir, 1990).

10 It is ineffective assistance where counsel failed to in-  
 11 vestigate witness(es) that could have swung the case in his  
 12 client's favor. ADAMS v. BELTRAND, 453 F.3d 428, 436 (7<sup>th</sup> Cir,  
 13 2006); and, MOLINA v. MADDEN, 2017 US Dist LEXIS 49630 (9<sup>th</sup> Cir,  
 14 2017). Finally, defense counsel's preparation for trial amounted  
 15 to "total failure to actively advocate his client's cause," where  
 16 he conducted no independent investigation. RICKMAN v. BELL,  
 17 131 F.3d 1150, 1157 (6<sup>th</sup> Cir, 1997)

18 Under STRICKLAND, there was deficient performance, and  
 19 many circuits agree that counsel failure to investigate or  
 20 conduct witness interviews falls well below an objective  
 21 standard of reasonableness. In this respect, counsel caused  
 22 Petitioner enough harm that Petitioner believe counsel would  
 23 put forward no defense, where counsel failed to conduct  
 24 any investigation, said a plea was his best shot, and  
 25 purported it would be a waste of his valuable time to  
 26 investigate, thereby causing Petitioner to feel forced into  
 27 a plea. Counsel was therefore ineffective under STRICKLAND.

28 Under CRONIC and RICKMAN, counsel can be presumed



1 to be ineffective where he was lacking at a "critical stage  
 2 of the proceeding," namely, meaningful pretrial adversarial  
 3 testing. Counsel totally failed to subject the prosecutor's  
 4 case file to any investigation or adversarial testing, even  
 5 advising Petitioner to waive a preliminary examination.

6 Finally, under COTLER and MICKENS, Petitioner has  
 7 shown that counsel had a conflict - personal obligation  
 8 of time/finance when he claimed it would be a waste  
 9 of his time to investigate witness. Under CLARK, such  
 10 reasoning, where counsel was faced with a choice between  
 11 advancing his own interests above those of his client, is  
 12 a conflict that "adversely affects the lawyer's performance."

13 Accordingly, Petitioner has shown ineffective assist-  
 14 ance of counsel under all three tests for ineffectiveness.  
 15 Petitioner need only show ineffectiveness under one test.  
 16 In this regard, Petitioner has advanced a showing of harm  
 17 and prejudice and Petitioner should be entitled to a  
 18 hearing on the merits of this issue

19

## 20 GROUND 2, CONT'D

21

22 warrant.

23 Petitioner was highly intoxicated on alcohol, narcotics,  
 24 and psychotropics at the time of his arrest. Washoe County  
 25 jail had to admit him to the infirmary for psychiatric  
 26 evaluation. Though Washoe County Jail did not sedate Petitioner,  
 27 Petitioner was highly intoxicated at the time of his question-  
 28 ing to the point where his will was overborne. Similarly,

1 Petitioner was highly intoxicated at the time of his jail  
2 calls, to the point where anything said could have been  
3 twisted to conform to the prosecution's cases. It was  
4 highly unprofessional for counsel to fail to listen to/  
5 watch the jail phone calls, body camera footage of Petitioner's  
6 interview, and body camera footage of Petitioner's arrest  
7 and vehicle search. Had counsel investigated these issues  
8 he would have found that the State's summaries, via  
9 its detectives, were woefully inaccurate and skewed in  
10 the prosecution's favor. Further, counsel's failure to  
11 seek suppression of the methamphetamine, the jail  
12 phone calls, and Petitioner's interrogation in custody  
13 was ineffectiveness of counsel and prejudiced Petitioner  
14 in that he was forced to face numerous serious charges,  
15 namely, trafficking, robbery, and assault, that may not  
16 have existed were it not for this evidence, and thusly,  
17 Petitioner was not in the most favorable position he  
18 should have been when considering whether to plea or  
19 to go to trial.

20 The US Supreme Court determined that it is ineffective-  
21 ness when counsel fails to perform certain pretrial func-  
22 tions. It found ineffectiveness of counsel where counsel  
23 failed to conduct discovery and failed to file a timely  
24 motion to suppress. Where defense counsel's failure to litigate  
25 a Fourth Amendment claim, Petitioner must show that there  
26 is a reasonable probability that the outcome would have been  
27 different absent the excludable evidence in order to demon-  
28 strate actual prejudice. See KIMMELMAN v. MORRISON 477 US

1 365, 385-391, 106 S.Ct 2574, 2588-91 (1986). However, where  
 2 counsel fails to conduct pretrial discovery and to file a  
 3 motion to suppress, counsel is absent at a "critical stage  
 4 of the proceedings," and "failed entirely to subject the pro-  
 5 secution's case to meaningful adversarial testing," and  
 6 therefore, under CRONIC, prejudice is to be presumed.

7 The Supreme Court has held that the voluntariness of a  
 8 "confession" is not a factual question, but a legal question  
 9 that requires independent consideration in a habeas proceeding.  
 10 See, MILLER v. FENTON, 474 US 104, 110-112, 106 S.Ct 445, 449-51  
 11 (1985). In MILLER, the police got a confession by questioning  
 12 a suspect with mental problems & telling him he would receive  
 13 medical help rather than punishment if he confessed.

14 When a Petitioner claims his confession was involuntary,  
 15 the question is whether his will was overborne by the circum-  
 16 stances surrounding the confession. DICKERSON v. UNITED STATES,  
 17 530 US 428, 434, 120 S.Ct 2326, 2331 (2000). The Seventh Circuit  
 18 explained that police are allowed to pressure, cajole, conceal  
 19 facts, actively mislead, and commit minor acts of fraud, but  
 20 are not allowed to magnify a suspect's fears, ignorance, anxieties,  
 21 or uncertainties to the point where rational decision becomes  
 22 impossible. UNITED STATES v. RUTLEDGE, 900 F.2d 1127, 1130-31 (7<sup>th</sup>  
 23 Cir, 1990). A Petitioner's taped confession given to police was in-  
 24 voluntarily given in response to a police officer's false promises of  
 25 leniency and Petitioner's attorney's failure to seek suppression  
 26 of this evidence is objectively unreasonable given the possibility  
 27 of attaining a superior plea bargain. MOORE v. CZERNIAK, 534  
 28 F.3d 1128, 1138 n-10 (9<sup>th</sup> Cir, 2008). An attorney's failure to move

1 For suppression of confessions that were primary evidence  
2 against Petitioner states a claim of ineffective assistance  
3 SMITH v. WAINWRIGHT, 777 F.2d 609 (11<sup>th</sup> Cir, 1985). Finally,  
4 a Court has remanded a case for an evidentiary on a claim  
5 that an attorney was ineffective for failing to seek suppression  
6 of drugs discovered after a warrant obtained to search  
7 the "premises" of a home that was a two-family dwelling;  
8 the warrant, where defendant did not have control over  
9 the "premises" was overbroad. UNITED STATES v. MATO, 905  
10 F.2d 30, 32-33 (2<sup>nd</sup> Cir, 1990).

11 In this case, Petitioner's will was overborne by drugs,  
12 alcohol, and psychotropics at the time of his arrest, jail  
13 calls, and questioning. He believed he was seeking "to  
14 clear things up" according to the officer. At the time of  
15 his arrest, he was merely receiving a ride. He had no con-  
16 trol over the vehicle or its contents. Indeed, the vehicle  
17 did not even belong to the driver. Petitioner did not  
18 know there were drugs [methamphetamine] in the vehicle -  
19 he had his personal use cocaine on his person. Had counsel  
20 investigated and sought suppression, there would have only  
21 been evidence to support the least serious charges against  
22 him, and even those charges counsel advised him to plea  
23 to would not have stood.

24 Accordingly, counsel should be deemed ineffective  
25 under all three tests. Petitioner has advanced a showing  
26 of harm and prejudice under at least one of the three  
27 tests, and thus, Petitioner should be afforded an eviden-  
28 tiary hearing on the merits of this issue.

GROUND 3, CONT'D

Petitioner believed he merely had to "show up" for sentencing, and did not know that if he got rearrested, the State did not have to abide by the plea agreement. Counsel advised Petitioner to sign the Plea Agreement, stating he had explained everything in it to Petitioner, and Petitioner was not given time to fully read the Guilty Plea Agreement. Where Petitioner believed he was pleading guilty on a promise of concurrent terms amounting to a sentence of no more than three (3) to ten (10) years, and he received consecutive sentences of a total of five (5) to fourteen (14) years, eight (8) months, Petitioner was woefully advised inadequately as to the consequences of his plea, and did not enter the plea knowingly and voluntarily with full knowledge of the nature of the charges against him and the potential defenses available to him. If counsel had properly advised Petitioner as to his defenses and an investigation done, as to the nature of the original offenses against him, and the consequences of the plea and violating bail terms, Petitioner would not have pled guilty to charges that may have been negated had counsel properly investigated.

The United States Supreme Court held that the two-prong STRICKLAND standard is "applicable to ineffective assistance claims arising out of the plea process," and that if a defendant claims that he pleaded guilty because of ineffective assistance of counsel, the second prong of the STRICKLAND test would be satisfied by showing "a reasonable probability that, but for counsel's errors, he would not have pleaded guilty and would have

1 insisted on going to trial." HILL v. LOCKHART, 474 US 52, 57, 106 S.Ct.  
 2 366, 370 (1985); and, UNITED STATES v. HANSEL, 70 F.3d 6, 8 (2<sup>nd</sup> Cir.  
 3 1995).

4 It is common holding in jurisprudence that a guilty plea  
 5 is unconstitutional if a defendant pleads guilty involuntarily.  
 6 A petitioner is entitled to a hearing to determine whether or not  
 7 his guilty plea was voluntary even though he had declared in open  
 8 court that his plea was given voluntarily and knowingly. See,  
 9 FONTAINE v. UNITED STATES, 411 US 213-15, 93 S.Ct 1461-63 (1973). A peti-  
 10 tioner is entitled to a hearing on the issue of whether his  
 11 guilty plea, which was based on the prosecutor's unkept  
 12 promises was made involuntarily. FAIR v. ZANT, 715 F.2d 1519,  
 13 1520-22 (11<sup>th</sup> Cir, 1983); MACHIBRODA v. UNITED STATES, 368 U.S.  
 14 487, 494, 82 S.Ct 510, 514; and, BOYKIN v. ALABAMA, 395 U.S. 238,  
 15 23 L.Ed 2d 274 (1969).

16 Where the Petitioner pleaded guilty as part of a plea  
 17 bargain agreement that was broken, the plea was unconsti-  
 18 tutional. When pleas rest on an implied promise or an  
 19 agreement by a prosecutor that he will make sentencing  
 20 recommendations, such promises must be fulfilled, consistent  
 21 with Due Process. SANTOBELLO v. NEW YORK, 404 US 257, 262, 92 S.Ct  
 22 495, 499 (1971). If a prosecutor says he will make a sentencing  
 23 recommendation in exchange for a guilty plea, but then ac-  
 24 tually recommends a harsher sentence in court, the plea  
 25 bargain has been broken and the Petitioner is entitled to  
 26 resentencing or withdrawal of his guilty plea. BROWN v. POOLE,  
 27 337 F.3d 1155, 1160-61 (9<sup>th</sup> Cir, 2003); and, JOHNSON v. BETO, 466 F.2d  
 28 478, 479-80 (5<sup>th</sup> Cir, 1972).

1 A plea is unconstitutional if the Petitioner pleaded guilty  
2 without understanding the consequences of pleading guilty. A  
3 court ruled a Defendant was entitled to a hearing on whether  
4 he was aware of the maximum possible sentence at the time  
5 of his guilty plea and, if not, whether he would have pled guilty  
6 had he known. JONES v. UNITED STATES, 440 F.2d 466, 468 (2d Cir,  
7 1971). The Supreme Court has held that affirmative misadvice  
8 by an attorney and a failure to advise about the advantages  
9 & disadvantages of a guilty plea are treated the same when  
10 assessing whether counsel's performance was deficient.  
11 Erroneous advice regarding risks of deportation or any other  
12 such risks associated with pleading guilty states a claim of  
13 ineffective assistance. PADILLA v. KENTUCKY, 559 US \_\_\_\_ (2010).

14 When an attorney advises his client to plea bargain  
15 to an offense which the attorney has not investigated, such  
16 conduct is always unreasonable. See, WOODARD v. COLLINS,  
17 898 F.2d 1027, 1029 (5<sup>th</sup> Cir, 1990). A defendant challenging  
18 his attorney's conduct during plea bargaining must show  
19 that counsel did not attempt to learn the facts of the case  
20 and failed to make a good-faith estimate of a likely sen-  
21 tence. He must also show that his lawyer's deficiency  
22 was a decisive factor in his decision to plead guilty. SHORT v.  
23 UNITED STATES, 471 F.3d 686, 692 (6<sup>th</sup> Cir, 2006). It is ineffec-  
24 tive assistance where counsel failed to advise a defendant  
25 of an innocent-possession defense to a felon in possession  
26 of a firearm charge. UNITED STATES v. MOONEY, 497 F.3d 1397  
27 (4<sup>th</sup> Cir, 2007).

28 Further, it is ineffective assistance where the attorney

1 Failed to advise a defendant of the available options  
2 & possible consequences of pleading guilty or going to  
3 trial. BECKHAM v. WAINWRIGHT, 639 F.2d 262, 267 (5th Cir,  
4 1980). In the context of a claim that counsel failed to  
5 conduct an adequate investigation prior to the entry of  
6 a guilty plea, prejudice is demonstrated by showing that  
7 the defendant would have insisted on going to trial  
8 instead of pleading guilty. UNITED STATES v. KAUFFMAN, 109  
9 F.3d 186, 191 (3d Cir, 1997).

10 CRONIC, *supra* is implicated where counsel's assis-  
11 tance was absent at a critical stage of the proceedings,  
12 i.e., counsel failed to conduct any investigation prior  
13 to advising Petitioner that it was in his best interest to  
14 enter a guilty plea. Further, CUTLER, *supra*, is implicated  
15 where a conflict of interest arises where the Petitioner  
16 alleged that the attorney misadvised him and forced him to  
17 plead guilty. A defendant's allegation that the attorney  
18 coerced him into pleading guilty states a conflict of in-  
19 terest claim where the attorney could not argue for  
20 or against the defendant's motion to withdraw his guilty  
21 plea and the defendant was adversely affected by the  
22 conflict given the attorney's statement he would  
23 "leave the sentencing where it properly belongs, in the  
24 hands of the Court. See, LOPEZ v. SCULLY, 558 F.3d 38 (2d  
25 Cir, 1995).

26 Particularized allegations that counsel threatened not  
27 to investigate the case or file pretrial motions if the defendant  
28 did not accept a plea warranted an evidentiary hearing.



1 UNITED STATES V. DAVIS, 239 F.3d 283, 287 (2d Cir, 2001). There  
2 is a conflict at sentencing where the attorney told the  
3 Court that the defendant had alleged that the attorney forced  
4 the defendant to plead; the attorney failed to pursue a  
5 downward departure because of the conflict. US v. SHORTER,  
6 54 F.3d 1245 (7<sup>th</sup> Cir, 1995).

7 In this case, it was shown that counsel did no investi-  
8 gation on Petitioner's case, and without any investigation,  
9 deprive Petitioner of effective counsel at a critical stage,  
10 i.e., plea negotiations and advising Petitioner to enter  
11 a guilty plea. Counsel misled Petitioner about the evidence  
12 being stacked against him, when he did no investigation  
13 to determine whether defenses existed to the charges  
14 against. Further, counsel failed to explain all the ramifica-  
15 tions of the terms of the plea agreement with Petitioner,  
16 the counsel claimed he did, resulting in Petitioner un-  
17 knowingly violating the plea agreement, and given that,  
18 counsel then refused to file, or put forth a verbal, motion  
19 to withdraw the guilty plea.

20 Accordingly, counsel should be deemed ineffective un-  
21 der all three tests. Petitioner has advanced a showing  
22 of harm and prejudice under at least one of the  
23 three tests, and thus, Petitioner should be afforded  
24 an evidentiary hearing on the merits of this issue.

25

26

#### GROUND 4, CONT'D

27 For the State to comply with the Guilty Plea Agreement.  
28 The attorney, knowing that he did not describe this provision

1 to Petitioner, and knowing that the Court did not explain  
2 the provision, counsel was ineffective in not advising  
3 the Court that Petitioner was not advised of the  
4 ramifications of the "rearrest" provision. This is  
5 especially true where counsel was aware of Petitioner's  
6 prior criminal record and knew the Petitioner truly  
7 needed to be aware of such a provision that could  
8 negate the plea negotiations.

9 In FONTAINE, supra., the US Supreme Court ruled that  
10 a Petitioner is entitled to a hearing to determine whether  
11 or not his guilty plea was voluntary, even though he de-  
12 clared in open court that his plea was given knowingly  
13 and voluntarily. It was also held that a guilty plea is  
14 not voluntary where a trial judge tells a defendant he could  
15 plead guilty but later withdraw his plea if he did not  
16 want to accept the sentence, but then refused to allow  
17 withdrawal of the plea after sentencing. See, FAIR V. ZANT,  
18 715 F.2d 1519, 1520-22 (11th Cir. 1983). In this vein, where the  
19 Court proceeded to sentencing without allowing defend-  
20 ant the opportunity to withdraw his plea or plea  
21 anew when it became aware that the State considered  
22 the Plea Agreement violated, but counsel and the court  
23 curtailed Petitioner's right to Due Process of law - parti-  
24 cularly where the rearrest provision was never explained  
25 to Petitioner.

26 In BROWN V. POORE, supra., the 9th Circuit held that if a  
27 prosecutor says he will make a sentencing recommen-  
28 dation in exchange for a guilty plea, Petitioner labors

1 under the belief that the prosecutor will urge the Court  
2 to follow the recommendation. When the Court describes  
3 the State's recommendation as part of the guilty plea collo-  
4 quy, Petitioner, in his medicated state, believed the Court  
5 endorsed said sentence. Indeed, counsel advised Petitioner  
6 that "it was a good sign that the judge delineated the recom-  
7 mended sentence." The US Supreme Court, at one time, held  
8 that a rehearing should be ordered, in such a case, to de-  
9 termine whether the trial judge misled the Petitioner about  
10 a maximum possible sentence. MARVEL V. UNITED STATES, 350 US  
11 262, 85 S.Ct 953 (1965).

12 A plea is involuntary where the Court did not straight-  
13 forwardly tell Petitioner that if he was rearrested he could  
14 not withdraw his plea, and that the state could, on its  
15 own, seek an enhanced sentence. INNES V. DALSHHEIM, 864  
16 F.2d 974 (2d Cir, 1988). The Nevada Supreme Court held that  
17 the Court must inform the Defendant of the consequences  
18 of his guilty plea, including status provisions, such as  
19 the rearrest provision in Petitioner's case. MEYER V. STATE,  
20 603 P.2d 1044 (Nev, 1979)

21 Accordingly, it should be deemed that the Court  
22 did not properly advise Petitioner of the ramifications  
23 of his plea, consistent with dictates of Due Process,  
24 and that counsel was ineffective in not requesting  
25 the Court to do so, and that in such instance, the  
26 Court was not an impartial tribunal. Petitioner has  
27 advanced a showing of prejudice, and thus, Petitioner  
28 should be afforded an evidentiary hearing on the merits of the issue.

GROUND 5, CONT'D

1 Petitioner did not think to question his lawyer's advice,  
2 and indeed the involuntary intoxication from the combi-  
3 nation of prescribed medications led Petitioner's entry  
4 of said plea to be unknowing and involuntary.

5 The US S. Ct held that Petitioner is entitled to a hearing  
6 to determine whether or not his guilty plea was voluntary  
7 even though he had declared in open court that his plea was  
8 given voluntarily and knowingly. Fontaine, supra. A Defendant  
9 must be able to consult rationally with lawyer and understand  
10 the proceedings. Dusky v. US, 362 US 402 (1960). A Petitioner's  
11 competency level to choose to plead guilty is the same stan-  
12 dard as it is to stand trial. Godinez v. Moran, 509 US 389,  
13 398-400 (1993). Involuntary intoxication from psychiatric  
14 medications or forced use of antipsychotic medications during  
15 plea proceedings or trial renders those proceedings unconstitu-  
16 tional. Riggins v. Nevada, 504 US 127, 133-38 (1992). In such cir-  
17 cumstances, there is a right to a Court-appointed psychia-  
18 trist. Ake v. Oklahoma, 470 US 68, 83 (1985); also, NRS 175.271.

19 Police reports showed that Petitioner had mental in-  
20 stability. Indeed, he was under psychiatric evaluation at  
21 the time of interrogation, and a substance abuse evalu-  
22 ation was conducted for this Court listing a diagnosis.  
23 Petitioner was diagnosed with depression, anxiety, antisocial  
24 personality disorder, Amphetamine Use disorder, Alcohol use dis-  
25 order, cocaine use disorder, and cannabis use disorder. The com-  
26 bination of disorders and combinations of medications  
27 which create Serotonin syndrome and disorganized thoughts,

1 calling into question Petitioner's competency to accept a plea.

2 A Court may not accept a guilty plea from an individual  
3 that is mentally incompetent. Failure to investigate competency  
4 is prejudicial if there is a reasonable probability that the Petitioner  
5 was incompetent to plead guilty. Boucillon v. Collins, 907  
6 F.2d 589, 592 (5<sup>th</sup> Cir, 1990). A failure to timely investigate  
7 a client's mental state falls well below an objective standard  
8 of reasonableness where a defendant exhibits severe emotional/  
9 mental problems. McLuckie v. Abbott, 337 F.3d 1193, 1199 (10<sup>th</sup> Cir,  
10 2003). A Court has remanded a case for a hearing on a  
11 claim that an attorney was ineffective for failing to in-  
12 vestigate a defendant's competency despite known signs of  
13 instability. Becton v. Barnett, 920 F.2d 1190 (4<sup>th</sup> Cir, 1990).

14 It was ineffective assistance where counsel failed to  
15 seek a competency determination for a defendant who  
16 was heavily medicated and where 3 experts had diagnosed  
17 him as suffering from psychiatric disorders. Bort v. Uchman,  
18 422 F.3d 557 (7<sup>th</sup> Cir, 2005). A failure to investigate alibi  
19 witnesses coupled with a failure to investigate defendant's  
20 competency was ineffective assistance and rendered the de-  
21 fendant's plea unknowing and involuntary, in Thomas v.  
22 Lockhart, 738 F.2d 304 (8<sup>th</sup> Cir, 1984).

23 Counsel's failure to pursue the possibility of establishing  
24 the Petitioner's mental instability constituted ineffective assis-  
25 tance. Evans v. Lewis, 855 F.2d 631, 636-39 (9<sup>th</sup> Cir, 1988). It  
26 is ineffective assistance where counsel failed to conduct any  
27 investigation at all into his client's reported psychiatric  
28 history. Seidel v. Merkle, 146 F.3d 750, 755 (9<sup>th</sup> Cir, 1998), Petr-

1 Petitioner's situation is similar to that in DEUTSCHER v. WHITLEY,  
2 884 F.2d 1152, 1159-60 (9<sup>th</sup> Cir, 1989), in which counsel made no  
3 tactical decision not to investigate the defendant's possible men-  
4 tal impairment — he simply failed to do so. Further, it has  
5 been ruled that counsel is ineffective when he fails to follow-  
6 up on multiple psychological disorders, and failing to investi-  
7 gate a defendant's use of drugs, (DANIELS v. WOODFORD, 420  
8 F.3d 1181, 1202-1210 (9<sup>th</sup> Cir, 2005)), particularly when a defendant  
9 was using drugs around the time of a guilty plea. See, US v.  
10 GUTIERREZ, 839 F.2d 648 (10<sup>th</sup> Cir, 1988) (remanding for an evidentiary  
11 hearing to resolve whether guilty plea was involuntary due to defendant's  
12 drug use). A plea, simply, is unknowing and involuntary  
13 where a defendant lacks mental competence to plead.

14 In this instance, Petitioner suffered from several psy-  
15 chiatric disorders at the time of his plea. As a result, he took  
16 a combination of prescribed medications, however, said combi-  
17 nation of medications resulted in Serotonin Syndrome, thus  
18 greatly exacerbating hallucinatory thought disorder, and created  
19 a manic, carefree, risk-taking attitude in which Petitioner  
20 truly was not aware of his surroundings or circumstances.  
21 He truly, at that time, did not understand the advice  
22 and explanations of counsel, and was not able to know-  
23 ingly and voluntarily.

24 Accordingly, it should be deemed that counsel was  
25 ineffective in failing to investigate Petitioner's mental  
26 state at the time of plea, and that Petitioner's mental  
27 state was such that he could not enter a knowing &  
28 voluntary guilty plea. As such, Petitioner should be granted

1 an evidentiary hearing on the merits of this issue.

3 GROUND 6, CONT'D

5 For an evidentiary hearing and appointment of new counsel  
6 where the prisoner alleged that he was pressured into  
7 pleading guilty, which if true, prevented counsel from  
8 effectively advocating the Petitioner's request to with-  
9 draw his plea. UNITED STATES v. SANCHEZ-BARRETO, 93 F.3d 17  
10 (1<sup>st</sup> Cir. 1996). A Petitioner's allegation that his attorney  
11 coerced him into pleading guilty stated a conflict of interest  
12 claim where his attorney could not argue for or against the  
13 Petitioner's motion to withdraw his guilty plea; therefore,  
14 the Petitioner was adversely affected by such a conflict, given  
15 the attorney's statement he would "leave the sentencing  
16 where it properly belongs - in the hands of the court." LOPER  
17 v. SCOUTY, 55 F.3d 38 (2<sup>d</sup> Cir. 1995).

18 Where there are particularized allegations that counsel  
19 threatened not to investigate the case or file pretrial motions  
20 if the defendant did not accept a plea, an evidentiary  
21 hearing is warranted. US v. DAVIS, 239 F.3d 283, 287 (2<sup>nd</sup> Cir.  
22 2001). An evidentiary hearing should be held to deter-  
23 mine whether counsel "pressured" a Petitioner into accept-  
24 ing a plea based on a conflict. HALL v. US, 371 F.3d 969  
25 (7<sup>th</sup> Cir. 2004).

26 Finally, there is a conflict at sentencing where an  
27 attorney told the Court that the Petitioner had alleged that  
28 the attorney forced the Petitioner to plead, and where the

1 the attorney failed to pursue a downward departure because  
2 of the conflict.

3 Accordingly, it should be deemed that counsel was ineffec-  
4 tive in failing to file a motion to withdraw plea on be-  
5 half of Petitioner, and that a conflict existed where  
6 counsel failed to do so after requested to do so by Peti-  
7 tioner and counsel merely made a half-hearted attempt  
8 to argue for the original sentence. As such, Petitioner  
9 should be granted an evidentiary hearing on the merits  
10 of this issue.

11

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#### GROUND 7, CONT'D

13 to the girlfriend of Petitioner's nephew that she had to assist  
14 the prosecution in order to get financial assistance. This  
15 occurred on April 3, 2019, and included another text message  
16 where the victim stated that she had contact the police to  
17 try to "set [Petitioner] up." Petitioner had been provided screen  
18 shots of these texts and had requested counsel to subpoena  
19 the screen shots, phone records, and/or telephones of these  
20 screen shots to prove that Victim only made statements  
21 against Petitioner for purposes of financial compensation.

22 Then, on April 16, 2019, the victim provided another  
23 truthful letter, this time in full support of Petitioner.  
24 Counsel did file said letter with the Court. However, at the time  
25 of sentencing, counsel failed to argue elaboratively that the  
26 victim supported him, as well as the circumstances behind "why?"  
27 she had written the first letter attacking him. He did not request  
28 or subpoena her to appear in Court and testify truthfully to



1 her support. He did not argue when the District Attorney tried to  
2 engender sympathy by speaking as to how the victim was a  
3 victim in so many (unadjudicated) cases.

4 Courts have found that the failure to present a character  
5 witness in the penalty phase is not the result of a strategic  
6 decision made after a reasonable investigation. KING v. STRICKLAND,  
7 748 F.2d 1462, 1464 (11<sup>th</sup> Cir, 1984). A purportedly strategic decision  
8 is not objectively reasonable when the attorney has failed to in-  
9 vestigate his options and make a reasonable choice between them.  
10 RAMONER v. BERGHUIZ, 490 F.3d 482, 488 (6<sup>th</sup> Cir, 2007). This would  
11 be especially true where the victim is the character witness,  
12 as the victim's assessment of the offender would hold great  
13 weight in these circumstances.

14 It was ineffective assistance where the attorney failed to  
15 prepare for the penalty phase proceedings. BLAKE v. KEMP, 758  
16 F.2d 523, 535 (11<sup>th</sup> Cir, 1985). Defense counsel's preparation  
17 for the penalty phase amounted to a "total failure to actively  
18 advocate his client's cause." ZICKMAN v. BELL, 131 F.3d 1150, 1157  
19 (6<sup>th</sup> Cir, 1997).

20 Counsel's failure to file a suppression motion was ineffective  
21 assistance where the motion, if it had been filed, would have  
22 allowed the attorney to bargain for a lower sentence. MOORE  
23 v. CZERNIAK, 534 F.3d 1128 (9<sup>th</sup> Cir, 2008). Counsel must ordi-  
24 narily "investigate possible methods for impeaching prosecution  
25 witnesses." HOORS v. ALLSBROOK, 785 F.2d 1214, 1221 (4<sup>th</sup> Cir, 1986).  
26 Counsel's failure to interview witnesses, such as Petitioner's  
27 nephew's girlfriend, that could testify that the government's  
28 principal witness planned to lie about Petitioner's involvement

1. in a drug trafficking scheme states a claim of ineffective assis-  
2. tance. RIVERA ALICIA v. US, 404 F.3d 1 (1<sup>st</sup> Cir, 2005). Petitioner  
3. provided screen shots to counsel proving that victim had been  
4. contacting police in an attempt to "set [Petitioner] up," and counsel  
5. chose to do nothing with this information, though it would  
6. have changed Petitioner's plea or could have ameliorated  
7. his sentence.

8. Accordingly, it should be deemed that counsel was ineffec-  
9. tive where he essentially acted as a second prosecutor  
10. in failing to call a character witness and/or impeach a  
11. witness (which he should have subpoenaed) with inconsis-  
12. tent statements, either of which would have ameliora-  
13. ted Petitioner's sentence, and, as such, Petitioner should  
14. be granted an evidentiary hearing on the merits of this  
15. issue.

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GROUND 8, CONT'D

18. the victim's support of Petitioner counsel merely filed her  
19. new support letter with the Court.

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A misrepresentation by counsel to the Court that he had reviewed  
the presentence report, and its criminal history contents, with the  
Client prior to sentencing casts doubt on counsel's competence  
and constitutes ineffective assistance. US v. BOWE, 743 F.2d 1169,  
1173, n. 2 (7<sup>th</sup> Cir, 1984). A Court has remanded a case for hearing  
to determine whether the Nevada Supreme Court's erroneously affirmed  
a defendant's sentence based on counsel's comment at sentencing  
that the defendant had stipulated to two 15-yr terms, when, in  
fact, he had stipulated to two 6-to-15-year sentencing caps. DAVIS v.

1 GRIGAS, 443 F.3d 1155 (9<sup>th</sup> Cir, 2006). Where counsel assured Petitioner  
2 he would be able to get the original "pled-for" sentence, counsel  
3 misrepresented the potential sentence.

4 Where the attorney failed to prepare for the penalty phase  
5 proceedings, because he believed he would get client the previously  
6 dealt-for sentence, it was ineffective assistance. See BLAKE,  
7 supra; and, RICKMAN, supra. Where counsel failed to inter-  
8 view or subpoena witnesses that could testify that the victim  
9 has lied about Petitioner's involvement in the crimes, and counsel's  
10 failure to call character witnesses, was ineffective assistance.  
11 See, RIVER ALICEA, supra; and KING, supra.

12 It is ineffective assistance at sentencing where counsel  
13 fails to object to incriminating/inculpatory statements. US v  
14 BAIRD, 218 F.3d 221 (3<sup>rd</sup> Cir, 2000). Where counsel stipulated to  
15 the State's recitation of events without investigating or challenging  
16 the government is ineffective assistance. US v. SMACK, 347 F.3d 533  
17 (3<sup>rd</sup> Cir, 2003). The attorney's failure to object to, [or] the use of,  
18 a second, unchanged offense, or offenses, to boost Petitioner's  
19 sentence was ineffective assistance. ALANIZ v. US, 351 F.3d  
20 365. (8<sup>th</sup> Cir, 2003)

21 Accordingly, it should be deemed that counsel was ineffective  
22 where he essentially acted as a "second prosecutor" at sentencing,  
23 and as such, inadvertently and incompetently succeeded at  
24 achieving a greater penalty for Petitioner, based namely on  
25 unadjudicated offenses, and as such, Petitioner should  
26 be granted an evidentiary hearing on the merits of this issue.

27 111

28 111

1 WHEREFORE, petitioner prays that the court grant petitioner  
2 Relief to which he may be entitled in this proceeding.

3 EXECUTED at Carson City, Nevada on the 17<sup>th</sup>  
4 Day of October, 20 19.

7  
8 Charles Skaggs

9 Charles A. Skaggs # 1117743  
10 Petitioner

VERIFICATION

Under penalty of perjury, the undersigned declares that he is the petitioner named in the foregoing petition and knows the contents thereof; that the pleading is true of his own knowledge, except as to those matters stated on information and belief, and as to such matters he believes them to be true.

Charles Skaggs

Petitioner

Charles A. Skaggs

CERTIFICATE OF SERVICE BY MAIL

I do certify that I mailed a true and correct copy of the foregoing PETITION FOR WRIT OF HABEAS CORPUS to the below addresses on this 17<sup>th</sup> day of October 2019, by placing the same into the hands or prison law library staff for posting in the U.S. Mail, pursuant to N.R.C.P. 5:

Matthew Lee, D. DA

Washoe County DA's Office

PO Box 11130

Reno, NV 89520

\_\_\_\_\_, Nevada 89 \_\_\_\_\_

Charles Skaggs

Signature of Petitioner In Pro Se

Charles A. Skaggs.

AFFIRMATION  
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding document. Motion To Proceed  
IFP, Petition For Habeas Corpus, And Motion For Counsel  
\_\_\_\_\_  
(Title of Document)

filed in case number: CR 18-2148 & CR 18-2149

☒ Document does not contain the social security number of any person

-OR-

☐ Document contains the social security number of a person as required by:

☐ A specific state or federal law, to wit:

\_\_\_\_\_  
(State specific state or federal law)

-or-

☐ For the administration of a public program

-or-

☐ For an application for a federal or state grant

-or-

☐ Confidential Family Court Information Sheet  
(NRS 125.130, NRS 125.230 and NRS125B.055)

Date: 10/17/19

Charles Skaggs  
(Signature)

Charles A. Skaggs  
(Print Name)

In Pro Se  
(Attorney for)

CR18-2148  
STATE VS. CHARLES ANTHONY SK 2 Pages  
District Court 10/22/2019 01:32 PM  
Washoe County  
1215  
b2 b7c

Charles Skaggs, NDOC # 1117743  
1/2 NNCC, PO Box 7000  
Carson City, NV 89702

ORIGINAL

FILED

2019 OCT 22 PM 1:32

JACQUELINE E. [unclear]  
CLERK OF THE COURT

BY

IN THE 2<sup>nd</sup> JUDICIAL DISTRICT COURT OF THE STATE OF NEVADAIN AND FOR THE COUNTY OF WASHOECHARLES A. SKAGGSPetitioner/Plaintiff,

vs.

ISIDRO BACA, Warden - NNCC(Respondent/Defendant)Case No(s): CR18-2148  
CR18-2149MOTION FOR APPOINTMENT  
OF COUNSEL PURSUANT TO  
NRS 34.750Petitioner, Charles A. Skaggs, pursuant to NRS 34.750(1) (2) request the Honorable Court to appoint counsel to represent him in this habeas corpus petition for the following reasons:

1. Petitioner is not able to afford counsel, see motion to proceed In Forma Pauperis and Affidavit in support filed with the court.
2. The issues involved in this matter are very complex.
3. The issues involved in this case will require investigation which the petitioner cannot do while confined in prison.
4. Petitioner has very limited knowledge of the law and processes thereof.
5. The ends of justice would best be served in this case if an attorney was appointed to represent the petitioner.

Dated this 17<sup>th</sup> day of October, 2019./s/ Charles Skaggs  
Charles A Skaggs, P

AFFIRMATION  
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding document. Motion To Proceed  
IFP, Petition For Habeas Corpus, And Motion For Committal

(Title of Document)

filed in case number: CR 18-2148 & CR 18-2149

Document does not contain the social security number of any person

-OR-



Document contains the social security number of a person as required by:



A specific state or federal law, to wit:

(State specific state or federal law)

-or-



For the administration of a public program

-or-



For an application for a federal or state grant

-or-

Confidential Family Court Information Sheet  
(NRS 125.130, NRS 125.230 and NRS125B.055)Date: 10/17/19Charles Skaggs  
(Signature)Charles A-Skaggs  
(Print Name)In Pro Se  
(Attorney for)



1 CODE: 3060  
2  
3

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

7 CHARLES A. SKAGGS,

8 Petitioner,

9 v.

10 ISIDRO BACH, WARDEN,

11 Respondent.  
12

Case No.: CR18-2148

CR18-2149

Dept. No.: 9

13 **ORDER (1) GRANTING APPLICATION TO PROCEED IN FORMA PAUPERIS AND**  
14 **(2) GRANTING MOTION FOR APPOINTMENT OF COUNSEL**

15 On October 22, 2019, Petitioner CHARLES A. SKAGGS filed a *Motion for Leave to*  
16 *Proceed Informa Pauperis*, a *Motion for Appointment of Counsel*, and a *Petition for Writ of Habeas*  
17 *Corpus Post-Conviction*.

18 First, the Court addresses Petitioner's *Motion for Leave to Proceed in Forma Pauperis*.  
19 Petitioner is currently serving a sentence in a correctional institution. Pursuant to ADKT No. 411<sup>1</sup>  
20 and NRS 171.188, the Court finds that the Petitioner lacks sufficient income and ability to earn  
21 income with which to pay the costs associated with post-conviction matters. Accordingly,  
22 Petitioner is GRANTED leave to proceed in *forma pauperis*.

23 Second, the Court addresses Petitioner's *Motion for Appointment of Counsel*. Pursuant to  
24 NRS 34.750(1), a court has discretion to appoint post-conviction counsel if the "court is satisfied  
25 that the allegation of indigency is true" and upon consideration of the following factors: whether  
26

27 <sup>1</sup> Pursuant to Nevada Supreme Court's Order ADKT No. 411, a person will be deemed indigent who is unable, without  
28 substantial hardship to himself or his dependents, to obtain competent qualified legal counsel on his own. Under this  
standard, a presumption of substantial hardship attaches to those persons currently serving a sentence in a correctional  
institution or housed in a mental health facility.

1 “(a) [t]he issues presented are difficult; (b) [t]he petitioner is unable to comprehend the  
2 proceedings; or (c) [c]ounsel is necessary to proceed with discovery.” Upon consideration of the  
3 motions submitted, the Court finds that the issues presented in Petitioner’s case satisfies the  
4 requirements of NRS 34.750(1)(a). Accordingly, the *Motion for Appointment of Counsel* is  
5 GRANTED.

6 Accordingly, and good cause appearing, the Court’s order is as follows:

7 IT IS HEREBY ORDERED, pursuant to NRS 171.188, Petitioner’s *Motion for Leave to*  
8 *Proceed in Forma Pauperis* is GRANTED.

9 IT IS FURTHER ORDERED, pursuant to NRS 34.750(1), Petitioner’s *Motion for*  
10 *Appointment of Counsel* is GRANTED and the above entitled matter is referred to Krista Meier,  
11 Esq., Administrator of the Court Appointed Counsel, for the appointment of counsel to represent  
12 Appellant in this matter.

13 IT IS FURTHER ORDERED that Petitioner’s counsel shall have forty-five (45) days from  
14 the date the counsel is appointed to supplement said petition.

15 IT IS FURTHER ORDERED that Respondent shall have sixty (60) days after the date of  
16 receiving the Petitioner’s supplement to answer or otherwise respond to said supplement.  
17 Respondent shall then submit the matter to the Court for consideration.

18 DATED: this 2 day of December, 2019.

19  
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21 \_\_\_\_\_  
22 DISTRICT JUDGE  
23  
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CERTIFICATE OF SERVICE

Pursuant to NRCp 5(b), I certify that I am an employee of the Second Judicial District Court of the State of Nevada, County of Washoe; that on this 2nd day of December, 2019, I deposited in the County mailing system for postage and mailing with the United States Postal Service in Reno, Nevada, a true copy of the attached document addressed to:

Charles Skaggs, #1117743  
NNCC  
P.O. Box 7000  
Carson City, NV 89702

Further, I certify that on the 2nd day of December, 2019, I electronically filed the foregoing with the Clerk of the Court electronic filing system, which will send notice of electronic filing to the following:

JENNIFER NOBLE, ESQ. for STATE OF NEVADA  
DIV. OF PAROLE & PROBATION  
BIRAY DOGAN, ESQ. for CHARLES ANTHONY SKAGGS  
JOHN PETTY, ESQ. for CHARLES ANTHONY SKAGGS  
JOANNA ROBERTS, ESQ. for CHARLES ANTHONY SKAGGS  
AMANDA SAGE, ESQ. for STATE OF NEVADA  
KRISTA MEIER, ESQ.

  
\_\_\_\_\_  
Judicial Assistant

**Return Of NEF****Recipients**

**JENNIFER NOBLE, ESQ.** - Notification received on 2019-12-02 13:32:02.283.

**KRISTA MEIER, ESQ.** - Notification received on 2019-12-02 13:32:02.236.

**JOANNA ROBERTS, ESQ.** - Notification received on 2019-12-02 13:32:02.22.

**BIRAY DOGAN, ESQ.** - Notification received on 2019-12-02 13:32:02.189.

**DIV. OF PAROLE & PROBATION** - Notification received on 2019-12-02 13:32:02.33.

**AMANDA SAGE, ESQ.** - Notification received on 2019-12-02 13:32:02.298.

**JOHN PETTY, ESQ.** - Notification received on 2019-12-02 13:32:02.267.

\*\*\*\*\* IMPORTANT NOTICE - READ THIS INFORMATION \*\*\*\*\*

PROOF OF SERVICE OF ELECTRONIC FILING

-

**A filing has been submitted to the court RE:** CR18-2148

**Judge:**

HONORABLE SCOTT N. FREEMAN

**Official File Stamp:**

12-02-2019:13:30:40

**Clerk Accepted:**

12-02-2019:13:31:25

**Court:**

Second Judicial District Court - State of Nevada

Criminal

**Case Title:**

STATE VS. CHARLES ANTHONY SKAGGS (TN)  
(D9)

**Document(s) Submitted:**

Ord Appointing Administrator

**Filed By:**

Judicial Asst. BWard

You may review this filing by clicking on the following link to take you to your cases.

This notice was automatically generated by the courts auto-notification system.

-

If service is not required for this document (e.g., Minutes), please disregard the below language.

**The following people were served electronically:**

JENNIFER P. NOBLE, ESQ. for STATE OF  
NEVADA

DIV. OF PAROLE & PROBATION

BIRAY DOGAN, ESQ. for CHARLES ANTHONY  
SKAGGS

JOHN REESE PETTY, ESQ. for CHARLES  
ANTHONY SKAGGS

JOANNA L. ROBERTS, ESQ. for CHARLES  
ANTHONY SKAGGS

AMANDA C. SAGE, ESQ. for STATE OF  
NEVADA

KRISTA D. MEIER, ESQ.

**The following people have not been served electronically and must be served by traditional means** (see Nevada Electronic Filing Rules.):

CASE NO. CR18-2148  
CASE NO. CR18-2149

STATE OF NEVADA vs. CHARLES ANTHONY SKAGGS  
STATE OF NEVADA vs. CHARLES ANTHONY SKAGGS

DATE, JUDGE  
OFFICERS OF  
COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

04/17/2019  
HONORABLE  
SCOTT N.  
FREEMAN  
DEPT. NO. 9  
M. Conway  
(Clerk)  
J. Kernan  
(Reporter)

**SENTENCING**

Deputy District Attorney Matt Lee was present in Court on behalf of the State.

Deputy Public Defender Biray Dogan was present in Court, on both cases, on behalf of Defendant Charles Anthony Skaggs, who was present, in custody.

Parole and Probate Specialist Sara Currence was present in Court on behalf of the Department of Public Safety, Parole and Probation.

Specialist Currence addressed the Court and indicated the Division had no additions or corrections to the Pre-Sentence Investigative Report (PSI) in either case.

Counsel Dogan addressed the Court and had no additions or corrections to the PSIs. Counsel Dogan argued in support of imposing concurrent sentences and argued in support of 12-32 months in Case No. CR18-2148 and 3-10 years in Case No. CR18-2149. Counsel Dogan acknowledge that the Defendant has charges pending in a federal case and noted for the record that the Defendant has friends and family support in the courtroom. Counsel Lee addressed the Court and argued in support of 24-60 months in Case No. CR18-2148 and argued in support of 4-10 years and a fine of \$1000.00 in Case No. CR18-2149, to run consecutive. Counsel Lee further advised the Court that the victim is not present (CR18-2148).

The Defendant addressed the Court on his own behalf.

**COURT FINDS, AS TO CASE NO. CR18-2148** Charles Anthony Skaggs is guilty of the crime of Attempted Assault with the Use of a Deadly Weapon, a violation of NRS 199.330 being an attempt to violate NRS 200.471, a category C felony, as charged in the Information.

**COURT ORDERED** he be punished by imprisonment in the Nevada Department of Corrections for the minimum term of twelve (12) months to a maximum term of thirty-two (32) months.

**COURT FURTHER ORDERED** pay the statutory Twenty-Five Dollar (\$25.00) administrative assessment fee, the Three Dollar (\$3.00) administrative assessment fee for obtaining a biological specimen and conducting a genetic marker analysis, and reimburse the County of Washoe the sum of Five Hundred Dollars (\$500.00) for legal representation by the Washoe County Public Defender's Office. The Defendant is given seventy-seven (77) days credit for time served.

**COURT FINDS, AS TO CASE NO. CR18-2149** Charles Anthony Skaggs is guilty of the crime of Possession of a Trafficking Quantity of a Controlled Substance, a violation of NRS 453.3385(1)(b), as charged in the Information.

**COURT FURTHER ORDERED** he be punished by imprisonment in the Nevada Department of Corrections for the minimum term of forty-eight (48) months to a maximum term of one hundred twenty (120), to run consecutive to the sentence imposed in Case No. CR18-2148.

**COURT FURTHER ORDERED** Defendant is further ordered to pay a fine in the amount of Ten Thousand Dollars (\$10,000.00), the statutory Twenty-Five Dollar (\$25.00) administrative assessment fee, the Sixty Dollar (\$60.00) chemical/drug analysis assessment fee, the Three Dollar (\$3.00) administrative assessment fee for obtaining a biological specimen and conducting a genetic marker analysis, and reimburse the County of Washoe the sum of Five Hundred Dollars (\$500.00) for legal representation by the Washoe County Public Defender's Office. The Defendant is given zero (0) days credit for time served.

Any fine, fee administrative assessment, or restitution imposed today (as reflected in this judgment of conviction) constitutes a lien, as defined in Nevada Revised Statutes 176.275. Should you not pay these fines, fees, or assessments, collection efforts may be undertaken against you.

The Defendant is remanded to the custody of the Sheriff.



**Return Of NEF****Recipients**

**JENNIFER NOBLE, ESQ.** - Notification received on 2020-01-08 11:14:03.256.

**KRISTA MEIER, ESQ.** - Notification received on 2020-01-08 11:14:03.209.

**JOANNA ROBERTS, ESQ.** - Notification received on 2020-01-08 11:14:03.178.

**BIRAY DOGAN, ESQ.** - Notification received on 2020-01-08 11:14:03.147.

**DIV. OF PAROLE & PROBATION** - Notification received on 2020-01-08 11:14:03.318.

**AMANDA SAGE, ESQ.** - Notification received on 2020-01-08 11:14:03.287.

**JOHN PETTY, ESQ.** - Notification received on 2020-01-08 11:14:03.225.

\*\*\*\*\* IMPORTANT NOTICE - READ THIS INFORMATION \*\*\*\*\*

PROOF OF SERVICE OF ELECTRONIC FILING

-

**A filing has been submitted to the court RE:** CR18-2148

**Judge:**

HONORABLE SCOTT N. FREEMAN

**Official File Stamp:**

01-08-2020:11:10:39

**Clerk Accepted:**

01-08-2020:11:13:10

**Court:**

Second Judicial District Court - State of Nevada

Criminal

**Case Title:**

STATE VS. CHARLES ANTHONY SKAGGS (TN)  
(D9)

**Document(s) Submitted:**

\*\*\*Minutes

**Filed By:**

Court Clerk MConway

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If service is not required for this document (e.g., Minutes), please disregard the below language.

**The following people were served electronically:**

JENNIFER P. NOBLE, ESQ. for STATE OF  
NEVADA

DIV. OF PAROLE & PROBATION

BIRAY DOGAN, ESQ. for CHARLES ANTHONY  
SKAGGS

JOHN REESE PETTY, ESQ. for CHARLES  
ANTHONY SKAGGS

JOANNA L. ROBERTS, ESQ. for CHARLES  
ANTHONY SKAGGS

AMANDA C. SAGE, ESQ. for STATE OF  
NEVADA

KRISTA D. MEIER, ESQ.

**The following people have not been served electronically and must be served by traditional means** (see Nevada Electronic Filing Rules.):

Code 1930

FILED

2020 MAR 24 PM 1:06

JACQUELINE DAVANT  
CLERK OF THE COURT

BY

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

THE STATE OF NEVADA,

Plaintiff(s),

vs.

CHARLES ANTHONY SKAGGS,

Defendant(s).

Case No. CR18-2148

Dept. No. 9

LETTER FROM DEFENDANT

3/18/20

To whom it may concern:

I was granted my motion for appointment of counsel regarding my writ of Habeas Corpus for Post-conviction relief on December 2nd, 2019. This was almost 4 months ago. The paperwork says that Krista Meier is suppose to Appoint me counsel. I have tried to reach out to her and the Alt. Public Defenders office says that she no longer works there. I believe that my case has fallen through the cracks. Can you please look into this matter for me.