

FILED

Case No: RCR03-011479 AND
CR03-2156

Dept. No: 1

2021 DEC 20 PM 3: 36

ALICIA L. LERUD
CLERK OF THE COURT

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF WASHINGTON
Elizabeth A. Brown
Clerk of Supreme Court

MICHAEL T. Botelho
Petitioner/Plaintiff,

VS.

NOTICE OF APPEAL

SECOND JUD. DIST. COURT,
Respondent/Defendant,

NOTICE IS HEREBY GIVEN that: MICHAEL T. BOTELHO

hereby appeals the judgement entered in this Honorable court on or about the 6th day of

DECEMBER, 20 21

DATED this 14th, day of DECEMBER, 20 21

Michael T. Botelho

Petitioner / Plaintiff

MICHAEL T. Botelho #80837

(Print Name) In Proper Persona

1 Code 1310
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. CR03-2156

11 **vs.**

Dept. No. 1

12 **MICHAEL TODD BOTELHO,**

13 **Defendant.**
14 _____/

15 **CASE APPEAL STATEMENT**

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

- 17 1. Appellant is Michael Botelho.
18 2. This appeal is from an order entered by the Honorable Judge Kathleen Drakulich.
19 3. Appellant is representing himself in Proper Person on appeal. The Appellant's
20 address is:
21 Michael Botelho #80837
22 NNCC
23 P.O. Box 7000
Carson City, NV 89702
24 4. Respondent is the State of Nevada. Respondent is represented by the Washoe
25 County District Attorney's Office:
26 Jennifer P. Noble, Esq., SBN: 9446
27 P.O. Box 11130
Reno, Nevada 89520
28 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.
9. Proceeding commenced by the filing of an Indictment filed on October 8th, 2003.
10. This is a criminal proceeding and the Appellant is appealing the Order Denying 1)
Defendant's Motion and 2) Application filed on December 6th, 2021.
11. The case has been the subject of a previous appeal to the Supreme Court.
Supreme Court No.: 43247, 49586, 69046, 73331, 73593, 75191, 75527, 77004.
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 21st day of December, 2021.

Alicia L. Lerud
Clerk of the Court
By: /s/ azamora
Amanda Zamora
Deputy Clerk

CASE NO. CR03-2156

STATE OF NEVADA VS. MICHAEL TODD BOTELHO

DATE, JUDGE
OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

10/23/03

ARRAIGNMENT

HONORABLE

Deputy District Attorney Kelli Vilorio represented the State.

JEROME M.

Defendant was present with counsel, Deputy Public Defender Sean

11/06/03

POLAHA

Sullivan. Probation Officer Pat Cerniglia was also present.

8:30 a.m.

DEPT. NO. 3

TRUE NAME: MICHAEL TODD BOTELHO. Defendant handed a

Entry of Plea

P. Meacham

copy of the Information; waived reading.

(Clerk)

Defendant requested time in which to enter a plea; Counsel for the

J. Dotson

State joined in that motion.

COURT ORDERED: Matter continued.

Defendant remanded to the custody of the Sheriff.

CR03-2156
STATE VS. MICHAEL TODD BOTELHO
District Court
Washoe County
DC-09900071966-001
Page 1
10/23/2003 09:30 AM
MIN

**SECOND JUDICIAL DISTRICT COURT
COUNTY OF WASHOE**

Case History - CR03-2156

DEPT. D1

HON. KATHLEEN DRAKULICH

Report Date & Time

12/21/2021

2:17:00PM

Case Description: STATE VS. MICHAEL TODD BOTELHO (D1)			
Case ID:	CR03-2156	Case Type:	CRIMINAL
		Initial Filing Date:	10/8/2003

Parties

APPE	MICHAEL TODD BOTELHO - @154004
PATY	John Reese Petty, Esq. - 10
PNP	Div. of Parole & Probation - DPNP
RESP	STATE OF NEVADA - STATE
PLTF	STATE OF NEVADA - STATE
DA	Marilee Cate, Esq. - 12563
DA	Jennifer P. Noble, Esq. - 9446
DEFT	MICHAEL TODD BOTELHO - @154004
PD	Sean B. Sullivan, Esq. - 7534
DATY	Gary Howard Hatlestad, Esq. - 1525

Charges

Charge No.	Charge Code	Charge Date	Charge Description
1	F610	10/8/2003	IND KIDNAPPING IN THE FIRST DEGREE
2	F110	10/8/2003	IND BATTERY WITH INTENT TO COMMIT SEXUAL ASSAULT ON A CHILD
3	F1000	10/8/2003	IND SEXUAL ASSAULT ON A CHILD
4	F1000	10/8/2003	IND SEXUAL ASSAULT ON A CHILD
5	F1000	10/8/2003	IND SEXUAL ASSAULT ON A CHILD

Plea Information

Charge No.	Plea Code	Plea Date	Plea Description
3	F1000	12/11/2003	PLED GUILTY
4	F1000	12/11/2003	PLED GUILTY
5	F1000	12/11/2003	PLED GUILTY
2	F110	11/6/2003	PLED NOT GUILTY
1	F610	12/11/2003	PLED GUILTY

Sentences

Date	Charge No.	Charge Desc	Time Served	Sentence Text
4/7/2004	1	Life With Poss of Parole		NDOC LIFE WITH POSSIBILITY OF PAROLE AFTER A MINIMUM OF 5 YEARS HAS BEEN SERVED WITH A SPECIAL SENTENCE OF LIFETIME SUPERVISION TO COMMENCE ANY TERM OF PROBATION, OR ANY TERM OF IMPRISONMENT OR AFTER ANY PERIOD OF RELEASE ON PAROLE + \$632.00 RESTITUTION + FEES
4/7/2004	3	Life With Poss of Parole		NDOC LIFE WITH POSSIBILITY OF PAROLE AFTER A MINIMUM OF 20 YEARS HAS BEEN SERVED TO BE SERVED CONSECUTIVELY TO THE SENTENCE IMPOSED IN COUNT I.
4/7/2004	4	Life With Poss of Parole		NDOC LIFE WITH POSSIBILITY OF PAROLE AFTER A MINIMUM OF 20 YEARS HAS BEEN SERVED TO BE SERVED CONCURRENTLY WITH THE SENTENCES IMPOSED IN COUNTS 1 AND 3.

Case Description: STATE VS. MICHAEL TODD BOTELHO (D1)

Case ID:	CR03-2156	Case Type:	CRIMINAL	Initial Filing Date:	10/8/2003
4/7/2004	5 - Life With Poss of Parole	NDOC LIFE WITH POSSIBILITY OF PAROLE AFTER A MINIMUM OF 20 YEARS HAS BEEN SERVED TO BE SERVED CONSECUTIVELY TO THE SENTENCES IMPOSED IN COUNTS 1, 3 AND 4.			

Release Information

Custody Status

Hearings

	Department	Event Description	Sched. Date & Time		Disposed Date
1	D3	ARRAIGNMENT	10/23/2003	08:30:00	10/23/2003
Event Extra Text:			Disposition: D455 10/23/2003		
	Department	Event Description	Sched. Date & Time		Disposed Date
2	D3	ENTRY OF PLEA	11/6/2003	08:30:00	11/6/2003
Event Extra Text:			Disposition: D725 11/6/2003 COUNTS I, II, III, IV, AND V OF THE INDICTMENT		
	Department	Event Description	Sched. Date & Time		Disposed Date
3	D3	CHANGE OF PLEA	12/11/2003	08:30:00	12/11/2003
Event Extra Text:			Disposition: D655 12/11/2003 COUNTS 1, 3, 4 AND 5 OF THE INFORMATION		
	Department	Event Description	Sched. Date & Time		Disposed Date
4	D3	SENTENCING	2/11/2004	09:30:00	1/28/2004
Event Extra Text: SET FOR 2 HOURS - CLOSED HEARING			Disposition: D870 1/28/2004 Reset for February 18, 2004		
	Department	Event Description	Sched. Date & Time		Disposed Date
5	D3	SENTENCING	2/18/2004	10:00:00	2/17/2004
Event Extra Text:			Disposition: D870 2/17/2004 Reset for Motions Hearing on March 11, 2004, at 10:00 and Sentencing on April 7, 2004.		
	Department	Event Description	Sched. Date & Time		Disposed Date
6	D3	HEARING...	3/11/2004	10:00:00	3/11/2004
Event Extra Text: ON MOTION			Disposition: D430 3/11/2004		
	Department	Event Description	Sched. Date & Time		Disposed Date
7	D3	SENTENCING	4/7/2004	08:30:00	4/7/2004
Event Extra Text:			Disposition: D765 4/7/2004		

Case Description: STATE VS. MICHAEL TODD BOTELHO (D1)								
Case ID:	CR03-2156		Case Type:	CRIMINAL		Initial Filing Date:	10/8/2003	
	Department		Event Description		Sched. Date & Time		Disposed Date	
8	D3	MOTION TO CONFIRM TRIAL			7/15/2004	08:30:00	12/11/2003	
Event Extra Text:					Disposition: D845 12/11/2003			
	Department		Event Description		Sched. Date & Time		Disposed Date	
9	D3	TRIAL - JURY			7/26/2004	08:30:00	12/11/2003	
Event Extra Text: 4 DAYS					Disposition: D845 12/11/2003			
	Department		Event Description		Sched. Date & Time		Disposed Date	
10	D3	Request for Submission			8/13/2015	12:26:00	9/16/2015	
Event Extra Text: MOTION TO DISMISS PETITION FOR WRIT OF HABEAS CORPUS					Disposition: S200 9/16/2015			
	Department		Event Description		Sched. Date & Time		Disposed Date	
11	D3	Request for Submission			9/23/2015	11:02:00	9/28/2015	
Event Extra Text: REPLY AND OBJECTION TO OPPOSITION TO MOTION (PAPER ORDER NOT PROVIDED)					Disposition: S200 9/28/2015			
	Department		Event Description		Sched. Date & Time		Disposed Date	
12	D3	Request for Submission			10/14/2015	09:04:00	12/10/2015	
Event Extra Text: MOTION TO VACATE JUDGMENT OF CONVICTION AND NRCIV P RULE 9(b) FRAUD, FILED 9-22-15 -					Disposition: S200 12/10/2015			
	Department		Event Description		Sched. Date & Time		Disposed Date	
13	D3	Request for Submission			10/19/2015	09:25:00	12/10/2015	
Event Extra Text: PETITIONER'S MOTION FOR RE-CONSIDERATION FILED 10-1-15 -					Disposition: S200 12/10/2015			
	Department		Event Description		Sched. Date & Time		Disposed Date	
14	D3	Request for Submission			1/14/2016	10:48:00	1/15/2016	
Event Extra Text: ECOND NOTICE WRIT OF MANDAMUS (PAPER ORDER NOT PROVIDED)					Disposition: S200 1/15/2016			
	Department		Event Description		Sched. Date & Time		Disposed Date	
15	D3	Request for Submission			1/15/2016	08:55:00	1/15/2016	
Event Extra Text: SECOND REQUEST (PAPER ORDER NOT PROVIDED)					Disposition: S200 1/15/2016			

Case Description: STATE VS. MICHAEL TODD BOTELHO (D1)					
Case ID:	CR03-2156	Case Type:	CRIMINAL	Initial Filing Date:	10/8/2003
Department		Event Description	Sched. Date & Time		Disposed Date
16	D3	Request for Submission	1/15/2016	08:41:00	1/19/2016
Event Extra Text: MOTION TO ORDER CLERK TO FORWARD DISPOSITION OF ALL RECORDS AND DOCKETING RECORD TO PETITIONER (PAPER ORDER NOT PROVIDED)			Disposition: S200 1/19/2016		
Department		Event Description	Sched. Date & Time		Disposed Date
17	D3	Request for Submission	3/2/2016	16:44:00	3/15/2016
Event Extra Text: REQUEST FOR SUBMISSION (SECOND NOTICE) FOR EXTRAORDINARY WRIT OF MANDAMUS TO RECUSE JUDGE POLAHA(SEE ATTACHED COPY OF R.F.S, DATED 1-8-2016)(NO PAPER ORDER PROVIDED)			Disposition: S200 3/15/2016		
Department		Event Description	Sched. Date & Time		Disposed Date
18	D3	Request for Submission	3/2/2016	16:42:00	3/15/2016
Event Extra Text: REQUEST FOR SUBMISSION (SECOND REQUEST) FOR SHOW-CAUSE MOTION (NO PAPER ORDER PROVIDED)			Disposition: S200 3/15/2016		
Department		Event Description	Sched. Date & Time		Disposed Date
19	D3	Request for Submission	3/11/2016	08:19:00	3/23/2016
Event Extra Text: REQUEST FOR SUBMISSION - RELIEF FROM ORDER MOTION (NO PAPER ORDER PROVIDED)			Disposition: S200 3/23/2016		
Department		Event Description	Sched. Date & Time		Disposed Date
20	D3	Request for Submission	5/22/2017	16:53:00	6/27/2017
Event Extra Text: SECOND REQUEST FOR SUBMISSION			Disposition: S200 6/27/2017		
Department		Event Description	Sched. Date & Time		Disposed Date
21	D3	Request for Submission	2/15/2018	09:41:00	3/6/2018
Event Extra Text: MOTION FOR IMMEDIATE ISSUANCE OF CONTEMPT OF COURT (NO ORDER PROVIDED)			Disposition: S200 3/6/2018		
Department		Event Description	Sched. Date & Time		Disposed Date
22	D1	Request for Submission	10/8/2021	08:16:00	12/6/2021
Event Extra Text: MOTION FOR THE APPOINTMENT OF CONFLICT-FREE COUNSEL DUE TO THE ABANDONMENT OF PETITIONER'S CONFLICTED AND COMPROMISED COUNSEL FROM THE WASHOE COUNTY PUBLIC DEFENDERS OFFICE IN PETITIONERS (STILL PENDING) PROSECUTION BY FELONY CRIMINAL COMPLAINT IN 2020 FILED APRIL 21, 2020 AND THE MOTION TO MODIFY OR CORRECT ILLEGAL SENTENCE FILED MARCH 12, 2021			Disposition: S200 12/6/2021 SUBMISSION OF MOTION FOR THE APPOINTMENT OF CONFLICT-FREE COUNSEL DUE TO THE ABANDONMENT OF PETITIONER'S CONFLICTED AND COMPROMISED COUNSEL FROM THE WASHOE COUNTY PUBLIC DEFENDERS OFFICE IN PETITIONERS (STILL PENDING) PROSECUTION BY FELONY CRIMINAL COMPLAINT IN 2020 FILED APRIL 21, 2020 AND THE MOTION TO MODIFY OR CORRECT ILLEGAL SENTENCE FILED MARCH 12, 2021 VACATED (SEE ORDER ISSUED 12/6/21)		

Case Description: STATE VS. MICHAEL TODD BOTELHO (D1)

Case ID: CR03-2156 Case Type: CRIMINAL Initial Filing Date: 10/8/2003

Department	Event Description	Sched. Date & Time		Disposed Date
23 D1	Request for Submission	11/15/2021	15:37:00	12/1/2021
Event Extra Text: MOTION TO TRANSPORT AND PRODUCE INMATE		Disposition: S200 12/1/2021 SUBMISSION OF MOTION TO TRANSPORT AND PRODUCE INMATE VACATED (SEE ORDER ISSUED 12/1/21)		

Agency Cross Reference

Code	Agency Description	Case Reference I.D.
DA	District Attorney's Office	DA318167
RJ	Reno Justice's Court	RCR2003011479
SC	Supreme Court	SCN 75527
SC	Supreme Court	SCN 77004
SC	Supreme Court	SCN 43247
SC	Supreme Court	SCN 75191
SC	Supreme Court	SCN 73593
SC	Supreme Court	SCN 73331
SC	Supreme Court	SCN 69046
WC	Washoe County Sheriff's Office	WCSOWC03008924

Actions				
Action Entry Date	Code	Code Description	Text	
10/8/2003	1300	Bench Warrant Filed-Case Clsd	BAIL SET AT \$250,000.00 CASH ONLY	
10/8/2003	1795	Indictment		
10/8/2003	3370	Order ...	ORDER STAYING JUSTICE COURT PROCEEDINGS (RJC)	
10/14/2003	3892	Return of Service B/W	SERVED 10-10-03	
10/15/2003	1325	** Case Reopened		
10/15/2003	1250	Application for Setting	10-23-03 @08:30	
10/20/2003	1775	General Receipt	GRAND JURY (DA)	
10/20/2003	4185	Transcript	GRAND JURY TRANSCRIPT 10-8-03	
10/23/2003	MIN	***Minutes	ARRAIGNMENT	
10/30/2003	1810	Inmate Request Form Filed	REQUEST RE: MISSED COURT DATE, REFERRED TO COUNSEL PER JUDGE POLAHA	
11/6/2003	1280	** 60 Day Rule - Waived		
11/6/2003	MIN	***Minutes		
11/6/2003	MIN	***Minutes	ENTRY OF PLEA	
11/20/2003	4185	Transcript	10/23/03 ARRAIGNMENT/ CONTINUED	
12/8/2003	1250	Application for Setting	12-11-03 @08:30	
12/11/2003	1785	Guilty Plea Memo/Agreement		
12/11/2003	MIN	***Minutes	MOTION FOR HANGE OF PLEA	
12/22/2003	4185	Transcript	12/11/03 CHANGE OF PLEA	
1/12/2004	4185	Transcript	11/6/03 ENTRY OF PLEA	
1/26/2004	2528	Not/Doc/Rc'd/Not/Cons/by Crt	CONFIDENTIAL PSYCHOLOGICAL / SUBSTANCE ABUSE EVALUATION TO BE FILED UNDER SEAL ***SEA	
1/26/2004	3839	Request Agree Ord Recp Discv		
1/30/2004	4025	Stip & Ord to Continue	SENTENCING TO 2-18-04	
2/3/2004	2610	Notice ...	NOTICE OF INTENT TO INTRODUCE PRIOR OR OTHER BAD ACT EVIDENCE AT SENTENCING HEARING	

Case Description: STATE VS. MICHAEL TODD BOTELHO (D1)				
Case ID:	CR03-2156	Case Type:	CRIMINAL	Initial Filing Date: 10/8/2003
2/11/2004	4500	PSI - Confidential		
2/13/2004	2645	Opposition to Mtn ...	OPPOSITION TO STATE'S INTRODUCTION OF PRIOR OR OTHER BAD ACT EVIDENCE AT SENTENCING H	
2/17/2004	1250	Application for Setting	3-11-04 @10:00	
2/17/2004	2528	Not/Doc/Rc'd/Not/Cons/by Crt	CONFIDENTIAL LETTERS FROM FAMILY TO BE FILED UNDER SEAL ***SEALED***	
2/20/2004	3795	Reply...	IN OPPOSITION TO DEFENDANT'S OPPOSITION TO STATE'S INTRODUCTION OF OTHER BAD ACT EVIDI	
2/24/2004	4025	Stip & Ord to Continue	Sentencing reset for April 7, 2004. Motion Hearing set for March 11, 2004.	
3/11/2004	MIN	***Minutes	MOTIONS RE: MEDIA AND SEALING; RECUSAL OF JUDGE AND MARITAL PRIVILEGE	
3/31/2004	4185	Transcript	3/11/04 HEARING ON MOTIONS	
4/6/2004	1775	General Receipt	GRAND JURY TRANSCRIPT - SEAN SULLIVAN, ESQ.	
4/7/2004	1850	Judgment of Conviction		
4/7/2004	MIN	***Minutes	ENTRY OF JUDGMENT AND IMPOSITION OF SENTENCE	
4/19/2004	4185	Transcript	4/7/04 SENTENCING	
4/22/2004	2295	Mtn to Dismiss Counts ...	COUNT II	
4/28/2004	2905	Ord for Dismissal of Counts	COUNT II	
4/30/2004	1310	Case Appeal Statement		
4/30/2004	2515	Notice of Appeal Supreme Court		
5/3/2004	1365	Certificate of Transmittal		
5/3/2004	1350	Certificate of Clerk		
5/6/2004	1188	Supreme Court Receipt for Doc	SUPREME COURT CASE NO. 43247	
5/6/2004	1187	**Supreme Court Case No. ...	SUPREME COURT CASE NO. 43247	
5/17/2004	2230	Mtn Trial Trans. Public Exp		
6/1/2004	3000	Ord Trial Transcript/Public\$		
4/6/2005	4134	Supreme Court Order Affirming	SUPREME COURT CASE NO. 43247	
5/3/2005	4145	Supreme Court Remittitur	SUPREME COURT CASE NO. 43247	
5/3/2005	4111	Supreme Ct Clk's Cert & Judg	SUPREME COURT CASE NO. 43247	
5/3/2005	4134	Supreme Court Order Affirming	SUPREME COURT CASE NO. 43247	
7/13/2005	1030	Affidavit in Support...	MOTION FOR WITHDRAWAL OF ATTORNEY OF RECORD AND TRANSFER OF RECORDS	
7/13/2005	1075	Affidavit ...	OF DEFENDANT	
7/13/2005	2260	Mtn to Relieve Counsel	NOTICE OF MOTION AND MOTION FOR WITHDRAWAL OF ATTORNEY OF RECORD AND TRANSFER OF F	
8/18/2005	3860	Request for Submission	DOCUMENT TITLE: MOTION FOR WITHDRAWAL OF ATTORNEY	
9/13/2005	3060	Ord Granting Mtn ...	ORDER GRANTING MOTION TO WITHDRAW COUNSEL	
9/13/2005	1315	** Case Closed		
6/12/2007	FIE	**Document Filed in Error	fie - filed in wrong case / put in "P" case.	
6/4/2012	NEF	Proof of Electronic Service	Transaction 2995817 - Approved By: NOREVIEW : 06-04-2012:16:43:46	
6/4/2012	4128	Supreme Court Order Denying	SUPREME COURT CASE NO. 60556/ORDER DENYING PETITION - Transaction 2995756 - Approved By: NOI	
7/31/2012	4128	Supreme Court Order Denying	SUPREME COURT ORDER DENYING REHEARING - Transaction 3118134 - Approved By: NOREVIEW : 07-31-	
7/31/2012	NEF	Proof of Electronic Service	Transaction 3118173 - Approved By: NOREVIEW : 07-31-2012:11:04:10	
8/22/2012	4131	Supreme Ct Not/Lieu/Remittitur	SUPREME COURT CASE NO. 60556/NOTICE IN LIEU OF REMITTITUR - Transaction 3168665 - Approved By	
8/22/2012	NEF	Proof of Electronic Service	Transaction 3168719 - Approved By: NOREVIEW : 08-22-2012:14:27:23	

Case Description: STATE VS. MICHAEL TODD BOTELHO (D1)				
Case ID:	CR03-2156	Case Type:	CRIMINAL	Initial Filing Date: 10/8/2003
7/24/2015	NEF	Proof of Electronic Service	Transaction 5060978 - Approved By: NOREVIEW : 07-24-2015:09:54:48	
7/24/2015	2300	Mtn to Dismiss Pet	MOTION TO DISMISS PETITION FOR WRIT OF HABEAS CORPUS - Transaction 5060792 - Approved By: MC	
8/11/2015	2490	Motion ...	MOTION TO STRIKE AND OPPOSITION TO RESPONDENT'S MOTION TO DISMISS PETITION FOR POST-C	
8/11/2015	1075	Affidavit ...		
8/13/2015	3860	Request for Submission	Transaction 5091960 - Approved By: YLLOYD : 08-13-2015:12:26:07	
8/13/2015	NEF	Proof of Electronic Service	Transaction 5092514 - Approved By: NOREVIEW : 08-13-2015:12:41:02	
8/13/2015	NEF	Proof of Electronic Service	Transaction 5092489 - Approved By: NOREVIEW : 08-13-2015:12:26:52	
8/13/2015	3795	Reply...	REPLY TO OPPOSITION TO MOTION TO DISMISS, AND OPPOSITION TO MOTION TO STRIKE - Transaction	
8/13/2015	NEF	Proof of Electronic Service	Transaction 5092474 - Approved By: NOREVIEW : 08-13-2015:12:21:06	
8/13/2015	2526	Notice of Change of Attorney	TERRENCE MCCARTHY OBO RESPONDENT IN PLACE OF GARY HATLESTAD - Transaction 5091963 - App	
8/19/2015	4330	Writ of Mandamus	EXTRAORDINARY WRIT OF MANDAMUS FOR THE RECUSAL AND THE DISQUALIFICATION OF JUDGE PC	
8/21/2015	2490	Motion ...	MOTION TO SHOW CAUSE	
8/25/2015	3790	Reply to/in Opposition	REPLY TO OPPOSITION TO MOTION TO STRIKE	
8/27/2015	1020	Addendum	ADDENDUM TO SHOW CAUSE MOTION	
9/16/2015	S200	Request for Submission Complet		
9/16/2015	3060	Ord Granting Mtn ...	ORDER GRANTING MOTION TO DISMISS PETITION AND DENYING MOTION TO STRIKE - Transaction 514:	
9/16/2015	NEF	Proof of Electronic Service	Transaction 5143730 - Approved By: NOREVIEW : 09-16-2015:12:03:55	
9/22/2015	3860	Request for Submission	DOCUMENT TITLE: REPLY AND OBJECTION TO OPPOSITION TO MOTION (PAPER ORDER NOT PROVIDI	
9/22/2015	2490	Motion ...	MOTION TO VACATE JUDGMENT OF CONVICTION AND INR IV.P RULE 9 (6)FRAUD	
9/22/2015	1030	Affidavit in Support...		
9/25/2015	2645	Opposition to Mtn ...	OPPOSITION TO "MOTION TO VACATE JUDGMENT OF CONVICTION AND NRCIV P. RULE 9 (b) FRAUD - T	
9/25/2015	NEF	Proof of Electronic Service	Transaction 5158987 - Approved By: NOREVIEW : 09-25-2015:10:33:51	
9/28/2015	S200	Request for Submission Complet		
10/1/2015	2175	Mtn for Reconsideration	MOTION FOR RECONSIDERATION	
10/2/2015	2610	Notice ...	JUDICIAL NOTICE	
10/6/2015	NEF	Proof of Electronic Service	Transaction 5173760 - Approved By: NOREVIEW : 10-06-2015:09:56:34	
10/6/2015	2645	Opposition to Mtn ...	OPPOSITION TO MOTION FOR RECONSIDERATION - Transaction 5173465 - Approved By: TBRITTON : 10-0	
10/9/2015	3795	Reply...	REPLY AND OBJECTION TO OPPOSITION TO MOTION TO VACATE JUDGMENT OF CONVICTION FOR NR	
10/14/2015	3860	Request for Submission	Transaction 5187258 - Approved By: YVILORIA : 10-14-2015:08:59:59	
10/14/2015	NEF	Proof of Electronic Service	Transaction 5187367 - Approved By: NOREVIEW : 10-14-2015:09:00:52	
10/15/2015	3795	Reply...	REPLY AND OBJECTION TO OPPOSTION TO MOTION FOR RECONSIDERATION	
10/19/2015	2515	Notice of Appeal Supreme Court	Appellant, MICHAEL TODD BOTELHO, proper	
10/19/2015	3860	Request for Submission	Transaction 5193956 - Approved By: YVILORIA : 10-19-2015:09:23:13	
10/19/2015	NEF	Proof of Electronic Service	Transaction 5194069 - Approved By: NOREVIEW : 10-19-2015:09:24:17	
10/22/2015	1350	Certificate of Clerk	CERTIFICATE OF CLERK AND TRANSMITTAL - NOTICE OF APPEAL - Transaction 5200845 - Approved By: N	
10/22/2015	1310E	Case Appeal Statement	Transaction 5200845 - Approved By: NOREVIEW : 10-22-2015:09:18:07	
10/22/2015	NEF	Proof of Electronic Service	Transaction 5200851 - Approved By: NOREVIEW : 10-22-2015:09:19:08	
10/28/2015	1188	Supreme Court Receipt for Doc	SUPREME COURT NO. 69046/RECEIPT FOR DOCUMENTS - Transaction 5210628 - Approved By: NOREVIE	
10/28/2015	NEF	Proof of Electronic Service	Transaction 5210645 - Approved By: NOREVIEW : 10-28-2015:14:33:16	

Case Description: STATE VS. MICHAEL TODD BOTELHO (D1)				
Case ID:	CR03-2156	Case Type:	CRIMINAL	Initial Filing Date: 10/8/2003
11/13/2015	NEF	Proof of Electronic Service	Transaction 5233405 - Approved By: NOREVIEW : 11-13-2015:08:59:30	
11/13/2015	4126	Supreme Ct Order Directing...	SUPREME COURT NO. 69046 / ORDER DIRECTING TRANSMISSION OF RECORD - Transaction 5233396 - /	
11/24/2015	FIE	**Document Filed in Error	FIE - Duplicate Entry asmith 11/24/15	
11/24/2015	FIE	**Document Filed in Error	FIE - Duplicate Entry asmith 11/24/15	
11/24/2015	2490	Motion ...	MOTION TO ORDER COURT CLERK TO FOWARD DISPOSTION OF ALL RECORDS IN THE THIS COURT AI	
12/3/2015	3370	Order ...	DENYING REQUEST TO DISQUALIFY JUDGE POLAHA - Transaction 5261438 - Approved By: NOREVIEW : 1	
12/3/2015	NEF	Proof of Electronic Service	Transaction 5261445 - Approved By: NOREVIEW : 12-03-2015:11:17:16	
12/10/2015	NEF	Proof of Electronic Service	Transaction 5273823 - Approved By: NOREVIEW : 12-10-2015:15:33:00	
12/10/2015	S200	Request for Submission Complet		
12/10/2015	3862	**Criminal Submit	DOCUMENT TITLE: "NO S1 BUILT" PETITION FOR EXTRADORDINARY WRIT OF MANDAMUS (PAPER OR	
12/10/2015	2842	Ord Denying Motion	FOR RECONSIDERATION - Transaction 5273820 - Approved By: NOREVIEW : 12-10-2015:15:32:00	
12/10/2015	3645	Petition ...	PETITION FOR EXTRADORDINARY WRIT OF MANDAMUS	
12/10/2015	S200	Request for Submission Complet		
12/10/2015	NEF	Proof of Electronic Service	Transaction 5273807 - Approved By: NOREVIEW : 12-10-2015:15:29:50	
12/10/2015	2842	Ord Denying Motion	Transaction 5273801 - Approved By: NOREVIEW : 12-10-2015:15:28:51	
12/16/2015	NEF	Proof of Electronic Service	Transaction 5281172 - Approved By: NOREVIEW : 12-16-2015:11:23:31	
12/16/2015	1350	Certificate of Clerk	CERTIFICATE OF CLERK AND TRANSMITTAL - RECORD ON APPEAL - Transaction 5281166 - Approved By:	
1/13/2016	NEF	Proof of Electronic Service	Transaction 5319429 - Approved By: NOREVIEW : 01-13-2016:15:52:23	
1/13/2016	3370	Order ...	ORDER FOR RESPONSE - Transaction 5319424 - Approved By: NOREVIEW : 01-13-2016:15:51:34	
1/14/2016	1030	Affidavit in Support...	AFFIDAVIT OF MICHAEL T. BOTELHO IN SUPPORT OF REQUEST FOR SUBMISSION - Transaction 531988	
1/14/2016	NEF	Proof of Electronic Service	Transaction 5320067 - Approved By: NOREVIEW : 01-14-2016:09:27:44	
1/14/2016	3860	Request for Submission	SECOND NOTICE WRIT OF MANDAMUS (PAPER ORDER NOT PROVIDED) - Transaction 5319889 - Approve	
1/15/2016	NEF	Proof of Electronic Service	Transaction 5322403 - Approved By: NOREVIEW : 01-15-2016:08:47:45	
1/15/2016	NEF	Proof of Electronic Service	Transaction 5322344 - Approved By: NOREVIEW : 01-15-2016:08:33:40	
1/15/2016	S200	Request for Submission Complet		
1/15/2016	S200	Request for Submission Complet		
1/15/2016	3860	Request for Submission	MOTION TO ORDER CLERK TO FORWARD DISPOSITION OF ALL RECORDS AND DOCKETING RECORD 1	
1/15/2016	3860	Request for Submission	SECOND REQUEST (PAPER ORDER NOT PROVIDED) - Transaction 5322376 - Approved By: KJONES : 01-1	
1/19/2016	S200	Request for Submission Complet		
2/2/2016	3370	Order ...	ORDER REGARDINNG MOTION TO ORDER COURT CLERK TO FORWARD DISPOSITION OF ALL RECORE	
2/2/2016	2840	Ord Denying ...	REQUEST FOR SUBMISSION/COPY OF JUDGE HARDY'S 12-3-15 ORDER ALSO PROVIDED WITH THIS OF	
2/2/2016	NEF	Proof of Electronic Service	Transaction 5349853 - Approved By: NOREVIEW : 02-02-2016:16:27:17	
2/2/2016	NEF	Proof of Electronic Service	Transaction 5349889 - Approved By: NOREVIEW : 02-02-2016:16:33:06	
2/3/2016	NEF	Proof of Electronic Service	Transaction 5351530 - Approved By: NOREVIEW : 02-03-2016:14:22:29	
2/3/2016	3880	Response...	RESPONSE TO PETITION FOR EXTRAORDINARY WRIT OF MANDAMUS - Transaction 5351474 - Approved	
2/17/2016	2490	Motion ...	"MOTION" N.R.C.P RULE 60(b)(1)(2)(3) RELIEF FROM ORDER	
2/19/2016	3795	Reply...	REPLY AND OBJECTION TO RESPONSE TO PETITION FOR EXTRAORDINARY WRIT OF MANDAMUS	
3/2/2016	3860	Request for Submission	DOCUMENT TITLE: REQUEST FOR SUBMISSION (SECOND REQUEST) FOR SHOW-CAUSE MOTION (NO	
3/2/2016	3860	Request for Submission	DOCUMENT TITLE: REQUEST FOR SUBMISSION (SECOND NOTICE) FOR EXTRAORDINARY WRIT OF M.	

Case Description: STATE VS. MICHAEL TODD BOTELHO (D1)				
Case ID:	CR03-2156	Case Type:	CRIMINAL	Initial Filing Date: 10/8/2003
3/2/2016	2610	Notice ...	JUDICIAL NOTICE	
3/4/2016	2540	Notice of Entry of Ord	Transaction 5400162 - Approved By: NOREVIEW : 03-04-2016:08:19:24	
3/4/2016	NEF	Proof of Electronic Service	Transaction 5400168 - Approved By: NOREVIEW : 03-04-2016:08:20:22	
3/4/2016	FIE	**Document Filed in Error	Transaction 5400108 - Approved By: NOREVIEW : 03-04-2016:07:53:38	
3/4/2016	FIE	**Document Filed in Error	Transaction 5400109 - Approved By: NOREVIEW : 03-04-2016:07:54:37	
3/10/2016	3860	Request for Submission	DOCUMENT TITLE: REQUEST FOR SUBMISSION - RELIEF FROM ORDER MOTION (NO PAPER ORDER P	
3/15/2016	S200	Request for Submission Complet		
3/15/2016	S200	Request for Submission Complet		
3/15/2016	NEF	Proof of Electronic Service	Transaction 5418203 - Approved By: NOREVIEW : 03-15-2016:16:06:24	
3/15/2016	3370	Order ...	ORDER REGARDING PETITIONER'S FILINGS - Transaction 5418211 - Approved By: NOREVIEW : 03-15-2016:16:09:13	
3/15/2016	NEF	Proof of Electronic Service	Transaction 5418216 - Approved By: NOREVIEW : 03-15-2016:16:09:13	
3/15/2016	3370	Order ...	Request for Sub (2nd Notice) for Ext Writ of Mand to Recuse Judge Polaha filed March 2, 2016, is DENIED; Sho	
3/16/2016	1930	Letters ...	LETTER FROM DEFENDANT	
3/17/2016	1930	Letters ...	LETTER FROM DEFENDANT WITH ATTACHMENTS	
3/17/2016	2610	Notice ...	JUDICIAL NOTICE & AFFIDAVIT	
3/23/2016	3370	Order ...	DENYING MOTION FOR RELIEF FROM ORDER - Transaction 5432554 - Approved By: NOREVIEW : 03-23-2016:16:09:32	
3/23/2016	NEF	Proof of Electronic Service	Transaction 5432569 - Approved By: NOREVIEW : 03-23-2016:16:09:32	
3/23/2016	S200	Request for Submission Complet		
4/5/2016	4133	Supreme Court Notice	SUPREME COURT NO. 69046/NOTICE OF TRANSFER TO COURT OF APPEALS - Transaction 5449460 - Ap	
4/5/2016	NEF	Proof of Electronic Service	Transaction 5449474 - Approved By: NOREVIEW : 04-05-2016:09:10:01	
5/20/2016	4134	Supreme Court Order Affirming	SUPREME COURT NO. 69046/ORDER OF AFFIRMANCE - Transaction 5525050 - Approved By: NOREVIEW : 05-20-2016:10:14:15	
5/20/2016	NEF	Proof of Electronic Service	Transaction 5525063 - Approved By: NOREVIEW : 05-20-2016:10:14:15	
6/20/2016	NEF	Proof of Electronic Service	Transaction 5569143 - Approved By: NOREVIEW : 06-20-2016:10:06:03	
6/20/2016	4145	Supreme Court Remittitur	SUPREME COURT NO. 69046 / REMITTITUR - Transaction 5569137 - Approved By: NOREVIEW : 06-20-2016:10:06:03	
6/20/2016	4134	Supreme Court Order Affirming	SUPREME COURT NO. 69046 / ORDER OF AFFIRMANCE - Transaction 5569137 - Approved By: NOREVIEW : 06-20-2016:10:06:03	
6/20/2016	4111	Supreme Ct Clk's Cert & Judg	SUPREME COURT NO. 69046 / CLERK'S CERTIFICATE & JUDGMENT - Transaction 5569137 - Approved By: NOREVIEW : 06-20-2016:10:06:03	
10/25/2016	1260	Application Produce Prisoner	NOTICE OF MOTION AND MOTION TO TRANSPORT	
5/16/2017	3880	Response...	RESPONSE TO "MOTION GRANTING MOTION TO DISMISS ALL CHARGES..."	
5/16/2017	3370	Order ...	ORDER FORWARDING DOCUMENTS TO DISTRICT COURT	
5/16/2017	3860	Request for Submission	NO S1 BUILT - REQUEST FOR SUBMISSION SUBMITTED AT PRIOR COURT	
5/22/2017	2610	Notice ...	JUDICIAL NOTICE	
5/22/2017	3860	Request for Submission	DOCUMENT TITLE: SECOND REQUEST FOR SUBMISSION	
6/2/2017	3795	Reply...	REPLY AND OBJECTION TO ORDER FORWARDING DOCUMENTS TO DISTRICT COURT	
6/14/2017	2515	Notice of Appeal Supreme Court	Appellant Deft Michael Todd Botelho	
6/20/2017	NEF	Proof of Electronic Service	Transaction 6156716 - Approved By: NOREVIEW : 06-20-2017:09:41:09	
6/20/2017	1310E	Case Appeal Statement	Transaction 6156711 - Approved By: NOREVIEW : 06-20-2017:09:40:21	
6/20/2017	1350	Certificate of Clerk	CERTIFICATE OF CLERK AND TRANSMITTAL - NOTICE OF APPEAL - Transaction 6156711 - Approved By: NOREVIEW : 06-20-2017:09:40:21	
6/27/2017	1188	Supreme Court Receipt for Doc	SUPREME COURT NO. 73331 / RECEIPT FOR DOCUMENTS - Transaction 6168338 - Approved By: NOREVIEW : 06-27-2017:10:06:03	
6/27/2017	2842	Ord Denying Motion	ORDER DENYING PETITIONER'S MOTION IN ITS ENTIRETY - Transaction 6169776 - Approved By: NOREVIEW : 06-27-2017:10:06:03	

Case Description: STATE VS. MICHAEL TODD BOTELHO (D1)				
Case ID:	CR03-2156	Case Type:	CRIMINAL	Initial Filing Date: 10/8/2003
6/27/2017	NEF	Proof of Electronic Service	Transaction 6169787 - Approved By: NOREVIEW : 06-27-2017:16:23:31	
6/27/2017	S200	Request for Submission Complet		
6/27/2017	NEF	Proof of Electronic Service	Transaction 6168350 - Approved By: NOREVIEW : 06-27-2017:10:53:45	
6/30/2017	2610	Notice ...	NOTICE OF WITHDRAWAL OF APPEAL	
7/19/2017	4127	Supreme Ct Ord Dismiss Appeal	SUPREME COURT NO. 73331 / ORDER DISMISSING APPEAL - Transaction 6203196 - Approved By: NOREV	
7/19/2017	NEF	Proof of Electronic Service	Transaction 6203204 - Approved By: NOREVIEW : 07-19-2017:11:17:41	
7/21/2017	2610	Notice ...	JUDICIAL NOTICE AND AFFIDAVIT	
7/21/2017	2515	Notice of Appeal Supreme Court	ORDER DISMISSING FILED ON 6/30/17	
7/24/2017	1350	Certificate of Clerk	CERTIFICATE OF CLERK AND TRANSMITTAL - NOTICE OF APPEAL - Transaction 6210873 - Approved By: N	
7/24/2017	1310E	Case Appeal Statement	Transaction 6210873 - Approved By: NOREVIEW : 07-24-2017:14:15:33	
7/24/2017	NEF	Proof of Electronic Service	Transaction 6210879 - Approved By: NOREVIEW : 07-24-2017:14:16:26	
8/2/2017	1188	Supreme Court Receipt for Doc	SUPREME COURT NO. 73593 / RECEIPT FOR DOCUMENTS - Transaction 6228091 - Approved By: NOREVII	
8/2/2017	NEF	Proof of Electronic Service	Transaction 6228103 - Approved By: NOREVIEW : 08-02-2017:11:41:15	
8/18/2017	NEF	Proof of Electronic Service	Transaction 6258210 - Approved By: NOREVIEW : 08-18-2017:16:29:28	
8/18/2017	4127	Supreme Ct Ord Dismiss Appeal	SUPREME COURT NO. 73593 / ORDER DISMISSING APPEAL - Transaction 6258201 - Approved By: NOREV	
9/13/2017	NEF	Proof of Electronic Service	Transaction 6297579 - Approved By: NOREVIEW : 09-13-2017:14:01:50	
9/13/2017	4111	Supreme Ct Clk's Cert & Judg	SUPREME COURT NO. 73593 / CLERK'S CERTIFICATE & JUDGMENT - Transaction 6297576 - Approved By:	
9/13/2017	4145	Supreme Court Remittitur	SUPREME COURT NO. 73593 / REMITTITUR - Transaction 6297576 - Approved By: NOREVIEW : 09-13-2017	
9/13/2017	4127	Supreme Ct Ord Dismiss Appeal	SUPREME COURT NO. 73593 / ORDER DISMISSING APPEAL - Transaction 6297576 - Approved By: NOREV	
1/10/2018	2490	Motion ...	MOTION FOR IMMEDIATE ISSUANCE OF CONTEMPT OF COURT AND REMAND TO CUSTODY FOR WILLF	
1/12/2018	2645	Opposition to Mtn ...	Transaction 6479437 - Approved By: SWILLIAM : 01-12-2018:12:04:29	
1/12/2018	NEF	Proof of Electronic Service	Transaction 6479653 - Approved By: NOREVIEW : 01-12-2018:12:05:18	
2/15/2018	NEF	Proof of Electronic Service	Transaction 6533732 - Approved By: NOREVIEW : 02-15-2018:09:02:30	
2/15/2018	3860	Request for Submission	- Transaction 6533580 - Approved By: PMSEWELL : 02-15-2018:09:00:10	
2/16/2018	2515	Notice of Appeal Supreme Court		
2/21/2018	1310E	Case Appeal Statement	Transaction 6541544 - Approved By: NOREVIEW : 02-21-2018:10:15:23	
2/21/2018	1350	Certificate of Clerk	CERTIFICATE OF CLERK AND TRANSMITTAL - NOTICE OF APPEAL - Transaction 6541544 - Approved By: N	
2/21/2018	NEF	Proof of Electronic Service	Transaction 6541550 - Approved By: NOREVIEW : 02-21-2018:10:16:13	
2/28/2018	2610	Notice ...	JUDICIAL NOTICE (FED. EVIDENCE RULE 201)	
2/28/2018	1188	Supreme Court Receipt for Doc	SUPREME COURT NO. 75191 / RECEIPT FOR DOCUMENTS - Transaction 6554576 - Approved By: NOREVII	
2/28/2018	NEF	Proof of Electronic Service	Transaction 6554582 - Approved By: NOREVIEW : 02-28-2018:13:56:16	
3/6/2018	S200	Request for Submission Complet		
3/8/2018	NEF	Proof of Electronic Service	Transaction 6567605 - Approved By: NOREVIEW : 03-08-2018:12:01:45	
3/8/2018	2840	Ord Denying ...	PETITIONER'S MOTION FOR IMMEDIATE ISSUANCE OF CONTEMPT OF COURT IS DENIED - Transaction 6	
3/19/2018	2540	Notice of Entry of Ord	Transaction 6583209 - Approved By: NOREVIEW : 03-19-2018:11:35:16	
3/19/2018	NEF	Proof of Electronic Service	Transaction 6583215 - Approved By: NOREVIEW : 03-19-2018:11:36:12	
4/4/2018	2515	Notice of Appeal Supreme Court		
4/5/2018	1350	Certificate of Clerk	CERTIFICATE OF CLERK AND TRANSMITTAL - NOTICE OF APPEAL - Transaction 6613307 - Approved By: N	
4/5/2018	NEF	Proof of Electronic Service	Transaction 6613311 - Approved By: NOREVIEW : 04-05-2018:08:26:16	

Case Description: STATE VS. MICHAEL TODD BOTELHO (D1)				
Case ID:	CR03-2156	Case Type:	CRIMINAL	Initial Filing Date: 10/8/2003
4/5/2018	1310E	Case Appeal Statement	Transaction 6613307 - Approved By: NOREVIEW : 04-05-2018:08:25:08	
4/6/2018	2610	Notice ...	JUDICIAL NOTICE TO DISTRICT COURT JUDGE POLAHA FEDERAL RULE OF EVIDENCE 201	
4/9/2018	NEF	Proof of Electronic Service	Transaction 6619060 - Approved By: NOREVIEW : 04-09-2018:13:54:13	
4/9/2018	1188	Supreme Court Receipt for Doc	SUPREME COURT NO. 75527 / RECEIPT FOR DOCUMENTS - Transaction 6619053 - Approved By: NOREVIEW	
4/11/2018	2490	Motion ...	MOTION TO TRANSPORT	
4/17/2018	4127	Supreme Ct Ord Dismiss Appeal	SUPREME COURT NO. 75191 / ORDER DISMISSING APPEAL - Transaction 6634081 - Approved By: NOREVIEW	
4/17/2018	NEF	Proof of Electronic Service	Transaction 6634103 - Approved By: NOREVIEW : 04-17-2018:15:01:00	
5/15/2018	NEF	Proof of Electronic Service	Transaction 6679514 - Approved By: NOREVIEW : 05-15-2018:09:57:36	
5/15/2018	4127	Supreme Ct Ord Dismiss Appeal	SUPREME COURT NO. 75191 / ORDER DISMISSING APPEAL - Transaction 6679523 - Approved By: NOREVIEW	
5/15/2018	4145	Supreme Court Remittitur	SUPREME COURT NO. 75191 / REMITTITUR - Transaction 6679523 - Approved By: NOREVIEW : 05-15-2018	
5/15/2018	NEF	Proof of Electronic Service	Transaction 6679527 - Approved By: NOREVIEW : 05-15-2018:10:00:25	
5/15/2018	4111	Supreme Ct Clk's Cert & Judg	SUPREME COURT NO. 75191 / CLERK'S CERTIFICATE & JUDGMENT - Transaction 6679523 - Approved By: NOREVIEW	
5/15/2018	4127	Supreme Ct Ord Dismiss Appeal	SUPREME COURT NO. 75527 / ORDER DISMISSING APPEAL - Transaction 6679509 - Approved By: NOREVIEW	
6/6/2018	NEF	Proof of Electronic Service	Transaction 6715443 - Approved By: NOREVIEW : 06-06-2018:14:07:16	
6/6/2018	4127	Supreme Ct Ord Dismiss Appeal	SUPREME COURT NO. 75527 / ORDER DISMISSING APPEAL - Transaction 6715439 - Approved By: NOREVIEW	
6/6/2018	4111	Supreme Ct Clk's Cert & Judg	SUPREME COURT NO. 75527 / CLERK'S CERTIFICATE AND JUDGMENT - Transaction 6715439 - Approved By: NOREVIEW	
6/6/2018	4145	Supreme Court Remittitur	SUPREME COURT NO. 75527 / REMITTITUR - Transaction 6715439 - Approved By: NOREVIEW : 06-06-2018	
9/24/2018	1188	Supreme Court Receipt for Doc	SUPREME COURT NO. 77004 / RECEIPT FOR DOCUMENTS - Transaction 6894985 - Approved By: NOREVIEW	
9/24/2018	NEF	Proof of Electronic Service	Transaction 6895001 - Approved By: NOREVIEW : 09-24-2018:14:16:42	
10/9/2018	NEF	Proof of Electronic Service	Transaction 6918489 - Approved By: NOREVIEW : 10-09-2018:13:22:56	
10/9/2018	4133	Supreme Court Notice	SUPREME COURT NO. 77004 / NOTICE OF TRANSFER TO THE COURT OF APPEALS - Transaction 691848	
10/19/2018	1930	Letters ...	LETTER FROM DEFENDANT	
10/31/2018	1930	Letters ...	LETTER FROM DEFENDANT	
1/18/2019	NEF	Proof of Electronic Service	Transaction 7075662 - Approved By: NOREVIEW : 01-18-2019:11:24:49	
1/18/2019	4128	Supreme Court Order Denying	SUPREME COURT NO. 77004 / ORDER DENYING PETITION - Transaction 7075658 - Approved By: NOREVIEW	
2/13/2019	4131	Supreme Ct Not/Lieu/Remittitur	SUPREME COURT NO. 77004 / NOTICE IN LIEU OF REMITTITUR - Transaction 7117103 - Approved By: NOREVIEW	
2/13/2019	NEF	Proof of Electronic Service	Transaction 7117110 - Approved By: NOREVIEW : 02-13-2019:14:08:56	
2/21/2020	1930	Letters ...	DFX: DOES NOT CONTAIN REQUIRED AFFIRMATION DOCUMENT	
4/21/2020	2490	Motion ...	MOTION FOR APPOINTMENT OF CONFLICT FREE COUNSEL DUE TO ABANDONMENT BY PETITIONERS	
4/21/2020	NEF	Proof of Electronic Service	Transaction 7844572 - Approved By: NOREVIEW : 04-21-2020:15:47:18	
4/22/2020	NEF	Proof of Electronic Service	Transaction 7845461 - Approved By: NOREVIEW : 04-22-2020:10:45:10	
4/22/2020	1312	Case Assignment Notification	RANDOMLY REASSIGNED TO D1 FROM D3 DUE TO ADMINISTRATIVE ORDER FILED 6/3/19 - Transaction 7845461	
3/12/2021	2383	Mtn to Modify/Correct Sentence	MOTION TO CORRECT ILLEGAL SENTENCE AND/OR MODIFY SENTENCE - Transaction 8340728 - Approved By: NOREVIEW	
3/12/2021	NEF	Proof of Electronic Service	Transaction 8340734 - Approved By: NOREVIEW : 03-12-2021:15:17:32	
4/2/2021	3373	Other ...	OTHER - DOCUMENT FROM DEFENDANT ENTITLED "JUDICIAL NOTICE TO CHIEF JUDGE, AND COMPLAINT FOR RECALL OF JUDGE"	
4/2/2021	NEF	Proof of Electronic Service	Transaction 8375424 - Approved By: NOREVIEW : 04-02-2021:14:10:28	
7/28/2021	NEF	Proof of Electronic Service	Transaction 8565079 - Approved By: NOREVIEW : 07-28-2021:06:52:25	
7/28/2021	3320	Ord to File ...	ORDER TO RESPOND - Transaction 8565078 - Approved By: NOREVIEW : 07-28-2021:06:51:25	
9/13/2021	NEF	Proof of Electronic Service	Transaction 8643540 - Approved By: NOREVIEW : 09-13-2021:15:12:23	

Case Description: STATE VS. MICHAEL TODD BOTELHO (D1)				
Case ID:	CR03-2156	Case Type:	CRIMINAL	Initial Filing Date: 10/8/2003
9/13/2021	2526	Notice of Change of Attorney	MARILEE CATE DA IN PLACE OF JENNIFER NOBLE DA - Transaction 8643466 - Approved By: YVILORIA : 05	
9/13/2021	2645	Opposition to Mtn ...	OPPOSITION TO MOTION FOR APPOINTMENT OF COUNSEL - Transaction 8643466 - Approved By: YVILOF	
9/13/2021	2645	Opposition to Mtn ...	OPPOSITION TO MOTION TO MODIFY OR CORRECT ILLEGAL SENTENCE - Transaction 8643466 - Approve	
10/8/2021	NEF	Proof of Electronic Service	Transaction 8687319 - Approved By: NOREVIEW : 10-08-2021:08:23:43	
10/8/2021	3860	Request for Submission	Transaction 8687317 - Approved By: NOREVIEW : 10-08-2021:08:22:46	
10/28/2021	2610	Notice ...	JUDICIAL NOTICE TO HONORABLE DISTRICT COURT JUDGE DRAKULICH	
11/15/2021	3860	Request for Submission	DOCUMENT TITLE: MOTION TO TRANSPORT AND PRODUCE INMATE	
11/15/2021	2490	Motion ...	MOTION TO TRANSPORT AND PRODUCE INMATE	
11/15/2021	2610	Notice ...		
11/30/2021	1930	Letters ...	LETTER FROM DEFENDANT MICHAEL TODD BOTELHO	
12/1/2021	S200	Request for Submission Complet	SUBMISSION OF MOTION TO TRANSPORT AND PRODUCE INMATE VACATED (SEE ORDER ISSUED 12/1,	
12/1/2021	2842	Ord Denying Motion	ORDER DENYING MOTION TO TRANSPORT AND PRODUCE INMATE - Transaction 8773349 - Approved By:	
12/1/2021	NEF	Proof of Electronic Service	Transaction 8773351 - Approved By: NOREVIEW : 12-01-2021:07:25:36	
12/6/2021	2840	Ord Denying ...	ORDER DENYING 1) DEFENDANT'S MOTION AND 2) APPLICATION - Transaction 8780860 - Approved By: N	
12/6/2021	2540	Notice of Entry of Ord	Transaction 8781219 - Approved By: NOREVIEW : 12-06-2021:09:58:30	
12/6/2021	F230	Other Manner of Disposition		
12/6/2021	S200	Request for Submission Complet	SUBMISSION OF MOTION FOR THE APPOINTMENT OF CONFLICT-FREE COUNSEL DUE TO THE ABAND	
12/6/2021	NEF	Proof of Electronic Service	Transaction 8780863 - Approved By: NOREVIEW : 12-06-2021:08:14:12	
12/6/2021	NEF	Proof of Electronic Service	Transaction 8781224 - Approved By: NOREVIEW : 12-06-2021:10:01:33	
12/20/2021	1600	Designation Record on Appeal		
12/20/2021	2515	Notice of Appeal Supreme Court		
12/21/2021	NEF	Proof of Electronic Service	Transaction 8808195 - Approved By: NOREVIEW : 12-21-2021:14:16:30	
12/21/2021	FIE	**Document Filed in Error	DOCUMENT FILED IN ERROR- CLERK ERROR AZAMORA Transaction 8808154 - Approved By: NOREVIEW	
12/21/2021	1365	Certificate of Transmittal	CERTIFICATE OF CLERK IN TRANSMITTAL - NOTICE OF APPEAL - Transaction 8808154 - Approved By: NOI	
12/21/2021	1310E	Case Appeal Statement	Transaction 8808191 - Approved By: NOREVIEW : 12-21-2021:14:15:31	
12/21/2021	NEF	Proof of Electronic Service	Transaction 8808156 - Approved By: NOREVIEW : 12-21-2021:14:06:51	

**SECOND JUDICIAL DISTRICT COURT
COUNTY OF WASHOE**

Case History - CR03P2156

DEPT. D3

HON. TAMMY RIGGS

Report Date & Time

12/21/2021

2:07:40PM

Case Description: POST: MICHAEL TODD BOTELHO (D3)					
Case ID:	CR03P2156	Case Type:	POST CONVICTION	Initial Filing Date:	3/6/2006

Parties

RESP	STATE OF NEVADA - STATE
PETR	MICHAEL TODD BOTELHO - @154004
DA	Jennifer P. Noble, Esq. - 9446
CAA	Mary Lou A. Wilson, Esq. - 3329

Charges

<i>Charge No.</i>	<i>Charge Code</i>	<i>Charge Date</i>	<i>Charge Description</i>
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Plea Information

<i>Charge No.</i>	<i>Plea Code</i>	<i>Plea Date</i>	<i>Plea Description</i>
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Release Information

Custody Status

Hearings

<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>	<i>Disposed Date</i>
1 D3	EVIDENTIARY HEARING	5/11/2007 13:30:00	5/11/2007

Event Extra Text:

Disposition:
D355 5/11/2007
PETITION DENIED, STATE TO PREPARE THE ORDER

Agency Cross Reference

<i>Code</i>	<i>Agency Description</i>	<i>Case Reference I.D.</i>
SC	Supreme Court	SCN 49586

Actions

<i>Action Entry Date</i>	<i>Code</i>	<i>Code Description</i>	<i>Text</i>
3/6/2006	1955	Memorandum Points&Authorities	IN SUPPOR OF PETITION FOR POST CONVICTION
3/6/2006	2385	Mtn Proceed Forma Pauperis	
3/6/2006	3565	Pet Post-Conviction Relief	
3/6/2006	1670	Ex-Parte Mtn...	FOR APPOINTMENT OF COUNSEL
3/6/2006	1030	Affidavit in Support...	OF MOTION TO PROCEED IN FORMA PAUPERIS
3/6/2006	2180	Mtn for Recusal	
4/4/2006	3862	**Criminal Submit	DOCUMENT TITLE: MOTION TO PROCEED IN FORMA PAUPERIS / POST CONVICTION
6/5/2006	3370	Order ...	ORDER TO PROCEED IN FORMA PAUPERIS

Case Description: POST: MICHAEL TODD BOTELHO (D3)				
Case ID:	CR03P2156	Case Type:	POST CONVICTION	Initial Filing Date: 3/6/2006
6/5/2006	2715	Ord Appointing Counsel	ORDER FOR RESPONSE AND APPOINTMENT OF COUNSEL	
6/27/2006	2610	Notice ...	NOTICE OF APPEARANCE AND REQUEST FOR 45 DAYS TO FILE SUPPLEMENTAL PETITIOIN TO RUN FR	
6/30/2006	2715	Ord Appointing Counsel	AMENDED ORDER FOR RESPONSE AND APPOINTMENT OF COUNSEL	
7/17/2006	2610	Notice ...	NOTICE OF DICIPLINARY HEARING AND POSSIBLE MOTION TO CONTINUE SUBMISSION OF SUPPLEME	
7/25/2006	3862	**Criminal Submit	DOCUMENT TITLE: EXPARTE REQUEST FOR DOCUMENTS TO BE COPIED BY THE WASHOE COUNTY C	
7/26/2006	1670	Ex-Parte Mtn...	EXPARTE REQUEST FOR DOCUMENTS TO BE COPIED BY THE WASHOE COUNTY CLERK'S OFFICE IN S	
7/26/2006	2610	Notice ...	OF FILE REVIEWED AND POTENTIAL EXHIBITS USED FOR SUPPLEMENTAL PETITION FOR WRIT OF HAI	
7/28/2006	1675	Ex-Parte Ord...	EXPARTE ORDER FOR DOCUMENTS TO BE COPIED BY THE WASHOE COUNTY CLERK'S OFFICE IN SUI	
8/8/2006	4100	Supplemental Petition	FOR WRIT OF HABEAS CORPUS (POST-CONVICTION)	
8/8/2006	1670	Ex-Parte Mtn...	(SEALED) FOR APPROVAL OF FES IN THE SUPPLEMENTAL PETITION FOR WRIT OF HABEAS CORPUS (I	
8/9/2006	3862	**Criminal Submit	DOCUMENT TITLE: EX PARTE APPLICATION FOR FEES/ SUPPLEMENTAL PETITION FOR WRIT OF HABE	
8/14/2006	1670	Ex-Parte Mtn...	REQUESTING APPOINTMENT OF DR. MAHAFFEY FOR PSYCHOSEXUAL EVALUATION IN SUPPORT OF S	
8/14/2006	3862	**Criminal Submit	DOCUMENT TITLE: EX PARTE MOTION REQUESTING APPOINTMENT OF DR. MAHAFFEY FOR PSYCHO	
8/23/2006	3370	Order ...	(SEALED) EXPARTE ORDER FOR APPROVAL OF FEES IN THE SUPPLEMENTAL PETITION FOR WRIT OF	
9/6/2006	3060	Ord Granting Mtn ...	ORDER GRANTING EX-PATE MOTION REQUESTING APPOINTMENT OF DR. MAHAFFEY FOR PSYCHOSE	
10/9/2006	2155	Mtn Partial Dismissal ...		
10/9/2006	1130	Answer ...	ANSWER TO PETITION AND SUPPLEMENTAL PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVIC	
10/9/2006	3897	Return		
10/18/2006	2645	Opposition to Mtn ...	OPPOSITION TO MOTION FOR PARTIAL DISMISSAL OF THE SUPPLEMENTAL PETITION FOR WRIT OF H/	
10/26/2006	3795	Reply...	REPLY TO OPPSOTION TO MOTION FOR PARTIAL DISMISSAL OF PETITION AND SUPPLEMENTAL PETITI	
10/26/2006	3860	Request for Submission	DOCUMENT TITLE: MOTION FOR PARTIAL DISMISSAL OF PETITION AND SUPPLEMENTAL PETITION FO	
12/14/2006	2610	Notice ...	NOTICE OF INVESTIGATION AND AMENDED SUPPLEMENTAL PETITION FOR WRIT OF HABEAS CORPUS	
12/29/2006	3370	Order ...		
1/8/2007	1670	Ex-Parte Mtn...	(SEALED) EXPARTE MOTION FOR APPROVAL OF FEES IN THE CONTINUED SUPPORT OF THE SUPPLEN	
1/9/2007	1250	Application for Setting	Evidentiary Hearing: May 11, 2007, at 1:30 pm, 2 hours	
1/9/2007	1675	Ex-Parte Ord...	(SEALED) EXPARTE ORDER FOR APPROVAL OF FEES IN THE CONTINUED SUPPORT OF THE SUPPLEM	
4/12/2007	3340	Ord to Produce Prisoner		
4/12/2007	1260	Application Produce Prisoner		
4/30/2007	2610	Notice ...	OF DR. MARTHA MAHAFFEY'S PSYCHOSEXUAL REPORT IN SUPPORT OF THE SUPPLEMENTAL PETITIC	
5/11/2007	MIN	***Minutes	EVIDENTIARY HEARING	
5/22/2007	1670	Ex-Parte Mtn...	(SEALED) EX PARTE MOTION FOR APPROVAL OF FEES IN THE PREPARATION AND COMPLETION OF TH	
5/31/2007	1675	Ex-Parte Ord...	(SEALED) FOR APPROVAL OF FEES IN THE PREPARATION AND COMPLETION OF THE EVEDENTIARY HI	
5/31/2007	2515	Notice of Appeal Supreme Court	missing at time of rebuild and qa - asmith 01/15/16	
5/31/2007	2840	Ord Denying ...	PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION)	
6/1/2007	3868	Req to Crt Rptr - Rough Draft		
6/1/2007	1310	Case Appeal Statement		
6/5/2007	1350	Certificate of Clerk		
6/5/2007	1365	Certificate of Transmittal		
6/11/2007	1188	Supreme Court Receipt for Doc	SUPREME COURT CASE NO. 49586	

Case Description: POST: MICHAEL TODD BOTELHO (D3)				
Case ID:	CR03P2156	Case Type:	POST CONVICTION	Initial Filing Date: 3/6/2006
6/11/2007	4185	Transcript	WRIT OF HABEAS CORPUS 5/11/07	
6/11/2007	1187	**Supreme Court Case No. ...	SUPREME COURT CASE NO. 49586	
6/12/2007	2540	Notice of Entry of Ord		
6/25/2007	3370	Order ...	PAYMENT OF TRANSCRIPT FEES GRANTED AND THAT THE NEVADA STATE PUBLIC DEFENDER PAY SH	
9/17/2007	1670	Ex-Parte Mtn...	FOR APPROVAL OF FEES IN THE APPELLANT'S OPENING BRIEF AND APPELLANT'S APPENDIX IN THE D	
9/20/2007	1675	Ex-Parte Ord...	FOR APPROVAL OF FEES IN THE APPELLANT'S OPENING BRIEF AND APPELANT'S APPENDIX IN THE DE	
11/5/2007	1325	** Case Reopened		
11/5/2007	1670	Ex-Parte Mtn...	EXPARTE MOTION FOR FEES IN THE PREPARATION AND COMPLETION OF THE REPLY BRIEF IN THE DI	
11/5/2007	3862	**Criminal Submit		
12/17/2007	1315	** Case Closed		
12/17/2007	1675	Ex-Parte Ord...	EXPARTE ORDER FOR FEES IN THE PREPARATION AND COMPLETION OF THE REPLY BRIEF IN THE DE	
5/19/2008	4134	Supreme Court Order Affirming	SUPREME COURT CASE NO. 49586	
6/11/2008	4134	Supreme Court Order Affirming	SUPREME COURT CASE NO. 49586	
6/11/2008	4145	Supreme Court Remittitur	SUPREME COURT CASE NO. 49586	
6/11/2008	4111	Supreme Ct Clk's Cert & Judg	SUPREME COURT CASE NO. 49586	
1/27/2010	2385	Mtn Proceed Forma Pauperis	MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS	
1/27/2010	3860	Request for Submission	DOCUMENT TITLE: IFP/MOTION FOR APPOINTMENT OF COUNSEL/PETITION FOR WRIT OF HABEAS CO	
1/27/2010	3585	Pet Writ Habeas Corpus	PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION)	
1/27/2010	1030	Affidavit in Support...	AFFIDAVIT IN SUPPORT OF REQUEST TO PROCEED IN FORMA PAUPERIS	
1/27/2010	2490	Motion ...	MOTION FOR APPOINTMENT OF COUNSEL PURSUANT TO NRS 34.750	
2/17/2010	3335	Ord Proceed Forma Pauperis	AND REFERRING MATTER TO D3 FOR DETERMINATIONAS TO WHETHER COUNSEL SHOULD BE APPOII	
2/17/2010	NEF	Proof of Electronic Service	Transaction 1326388 - Approved By: NOREVIEW : 02-17-2010:12:06:13	
2/18/2010	2180	Mtn for Recusal		
2/18/2010	1030	Affidavit in Support...	AFFIDAVIT OF PETITIONER IN SUPPORT OF MOTION FOR RECUSAL	
12/28/2011	2490	Motion ...	PETITIONERS MOTION FOR WRIT OF QUO WARRANTO AND SUPPORTING MEMORANDUM IN SUPPORT	
3/6/2012	2490	Motion ...	PETITIONER'S MOTION TO CORRECT CLERKS ERROR AND AS A MATTER OF LAW, ISSUE A DIRECTED \	

2840

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

THE STATE OF NEVADA,

Plaintiff,

vs.

Case No.: CR03-2156

Dept. No.: 1

MICHAEL TODD BOTELHO,

Defendant.

ORDER DENYING 1) DEFENDANT’S MOTION AND 2) APPLICATION

Michael Todd Botelho (“Mr. Botelho”) has filed (1) *Motion for Appointment of Conflict Free Counsel due to Abandonment by Petitioner’s Conflicted and Compromised Counsel from the WCPD Office in Petitioners [Still Pending] Prosecution by Felony Criminal Complaint in 2020* (“Application”) filed April 21, 2020; (2) *Affidavit and Criminal Complaint* (“Motion”) filed under the title cover “Motion to Modify or Correct Illegal Sentence” on March 12, 2021; and, (3) *Judicial Notice of Chief Judge, and Criminal Complaint Against the Court Clerk and Deputy Clerks, et al.* filed April 2, 2021. On July 28, 2021, this Court issued an *Order to Respond*. On September 13, 2021, the State of Nevada filed (1) *Opposition to Motion for Appointment of Counsel*; and, (2) *Opposition to Motion to Modify or Correct Illegal Sentence* and submitted the matter to the Court for consideration on October 8, 2021.

///

///

1 **I. Background**

2 On December 11, 2003, Mr. Botelho pleaded guilty to one count of kidnapping and three
3 counts of sexual assault on a child. His conviction was affirmed on April 4, 2005, by the Nevada
4 Supreme Court.

5 **II. Relevant Legal Authority**

6 **a. Modification of a Sentence**

7 While a district court generally lacks jurisdiction to modify a defendant's sentence after the
8 defendant begins to serve it, NRS 176A.400(3); *Passanisi v. State*, 108 Nev. 318, 322, 831 P.2d 1371,
9 1373 (1992), a district court may nevertheless grant a post-conviction motion to modify a sentence in
10 limited circumstances, *id.* at 322-23, 831 P.2d at 1373-74; *see also Edwards v. State*, 112 Nev. 704,
11 707, 918 P.2d 321, 324 (1996). The district court may modify a sentence when: (1) the court made a
12 material mistake of fact about the defendant's criminal record; and (2) the mistake worked to the
13 defendant's extreme detriment. *Edwards*, 112 Nev. at 708, 918 P.2d at 324; *Passanisi*, 108 Nev. at
14 322-23, 831 P.2d at 1373-74. The district court should summarily deny a motion to modify a sentence
15 that raises claims that fall outside the proper scope of such a motion. *Edwards*, 112 Nev. at 708-09
16 n.2, 918 P.2d at 325 n.2.

17 **III. Analysis**

18 **a. Modification of Sentence**

19 Although titled as a motion, Mr. Botelho's Motion appears to be criminal complaint against
20 various individuals involved in the original investigation, the district attorney, and members of this
21 Court. *See generally* Mot. Due to the nature of Mr. Botelho's arguments the Court refuses to further
22 articulate them.¹ *Johnson v. State*, 133 Nev. 571, 578, 402 P.3d 1266, 1275 (2017) (declining to
23 consider a claim that was not supported by cogent argument or authority).

24 The State asserts the current proceeding is a criminal action by the State against Defendant;
25 therefore, Mr. Botelho's claims against various individuals can be dispensed with as this matter is not
26 a civil case. Second Opp. at 2:4-9. Further, the State claims Mr. Botelho's arguments regarding the

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28 ¹ Mr. Botelho's Motion contains curse words or language that is improper for this Court to review. "No good dirty piece
of [expletive] cop" Mot. at 3, "It will be exposed I Fuc.... Promise you that (emphasis added)" *Id.* at 4, "Dirtiest of all
District Judge Polaha" *Id.* at 6, "That piece of [expletive] cop" *Id.* at 8, "This [expletive] is going to stop." *Id.* at 12.

1 alleged improper conduct against the detective involved in his case and his lawyer, fall outside the
2 permissible scope of a motion to modify or correct a sentence. *Id.* at 3:6-17.

3 In consideration of the foregoing arguments, and the operative legal authority, this Court finds
4 good cause to deny the Motion because Mr. Botelho's pleading is clearly a complaint alleging
5 misconduct against various individuals involved in his criminal proceedings. This is apparent from
6 his statement, "This must be given to the Chief Judge as the court is a Party involved in this Criminal
7 Affidavit and Complaint."² See Mot. Further, the document is entitled "Affidavit and Criminal
8 Complaint" and lists various parties in which he seeks relief against. *Id.* A criminal complaint filed
9 by a Defendant is clearly outside of the narrow scope of the inherent authority of district courts to
10 modify a sentence. See *Edwards*, 112 Nev. at 708-09 n.2, 918 P.2d at 325 n.2. ("If a motion to correct
11 an illegal sentence or to modify a sentence raises issues outside of the very narrow scope of the
12 inherent authority recognized in this Opinion, the motion should be summarily denied."). Therefore,
13 the Court must deny the Motion.

14 **b. Appointment of Counsel**

15 As to the Application, the Court denies Defendant's request. Pursuant to NRS 34.750(1), a
16 court has discretion to appoint post-conviction counsel if the "court is satisfied that the allegation of
17 indigency is true" and upon consideration of the following factors: whether "(a) [t]he issues presented
18 are difficult; (b) [t]he petitioner is unable to comprehend the proceedings; or (c) [c]ounsel is necessary
19 to proceed with discovery." This Court has denied Defendant's Motion; therefore, Defendant is not
20 entitled to counsel as there is not a petition or an application pending in this Court. See NRS 34.750(1)
21 (stating counsel may be appointed if the petition is not dismissed summarily). Therefore, the Court
22 denies Defendant's Application.

23 Based upon the foregoing and good cause appearing,

24 IT IS HEREBY ORDERED that Mr. Botelho's *Motion for Appointment of Conflict Free*
25 *Counsel due to Abandonment by Petitioner's Conflicted and Compromised Counsel from the WCPD*
26 *Office in Petitioners [Still Pending] Prosecution by Felony Criminal Complaint in 2020* is DENIED.

27
28 ² The Court does not find recusal is warranted given this Court is not adjudicating Mr. Botelho's claims on the merits, but
is instead evaluating whether they are properly before this Court as filed. See NRS 1.235; see also NCJC 2.11.

1 IT IS HEREBY FURTHER ORDERED that Mr. Botelho's *Affidavit and Criminal Complaint*
2 is DENIED.

3 IT IS SO ORDERED.

4 DATED this 6th day of December, 2021.



KATHLEEN M. DRAKULICH
DISTRICT JUDGE

1 **CERTIFICATE OF SERVICE**

2 CASE NO. CR03-2156

3 I certify that I am an employee of the SECOND JUDICIAL DISTRICT COURT of the
4 STATE OF NEVADA, COUNTY OF WASHOE; that on the 6th day of December, 2021, I
5 electronically filed the **ORDER DENYING 1) DEFENDANT'S MOTION AND 2)**
6 **APPLICATION** with the Clerk of the Court by using the ECF system.

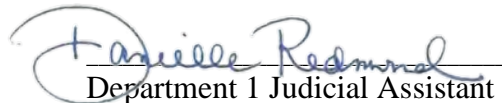
7 I further certify that I transmitted a true and correct copy of the foregoing document by the
8 method(s) noted below:

9 **Electronically filed with the Clerk of the Court by using the ECF system which will send a notice**
10 **of electronic filing to the following:**

11 JENNIFER NOBLE, ESQ. for STATE OF NEVADA

12 **Deposited in a sealed envelope with postage for mailing using the United States Postal Service**
13 **in Reno, Nevada:**

14
15 MICHAEL T. BOTELHO (80837)
16 NNCC
17 P.O. BOX 7000
18 CARSON CITY, NV 89702
19
20
21
22
23
24
25
26
27
28


Danielle Redmond
Department 1 Judicial Assistant

1 **CODE 2540**

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

8 **STATE OF NEVADA,**

9 **Plaintiff,**

Case No: CR03-2156

10 **vs.**

Dept. No: 1

11
12 **MICHAEL TODD BOTELHO,**

13 **Defendant.**

14 **/**

15 **NOTICE OF ENTRY OF ORDER**
16

17 PLEASE TAKE NOTICE that on December 6, 2021, the Court entered a decision or
18 order in this matter, a true and correct copy of which is attached hereto.

19 Dated December 6, 2021.
20

21 **ALICIA LERUD**

22 **Clerk of the Court**

23 **/s/N. Mason**

24 **N. Mason-Deputy Clerk**
25
26
27
28

1 **CERTIFICATE OF SERVICE**

2 Case No. CR03-2156

3 Pursuant to NRCP 5 (b), I certify that I am an employee of the Second
4 Judicial District Court; that on December 6, 2021, I electronically filed the Notice of Entry of
5 Order with the Court System which will send a notice of electronic filing to the following:

6
7 SEAN SULLIVAN, ESQ. for MICHAEL TODD BOTELHO
8 DIV. OF PAROLE & PROBATION
9 JOHN PETTY, ESQ. for MICHAEL TODD BOTELHO
10 MARILEE CATE, ESQ. for STATE OF NEVADA

11 I further certify that on December 6, 2021, I deposited in the Washoe
12 County mailing system for postage and mailing with the U.S. Postal Service in Reno,
13 Nevada, a true copy of the attached document, addressed to:

14
15 Attorney General's Office
16 100 N. Carson Street
17 Carson City, NV 89701-4717

18 Michael T. Botelho (#80837)
19 N. Nevada Correctional Center
20 P. O. Box 7000
21 Carson City, NV 89702

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

24 Dated December 6, 2021.

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

2840

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

Plaintiff,

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4 DATED this 6th day of December, 2021.



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DISTRICT JUDGE

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2 CASE NO. CR03-2156

3 I certify that I am an employee of the SECOND JUDICIAL DISTRICT COURT of the
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6 **APPLICATION** with the Clerk of the Court by using the ECF system.

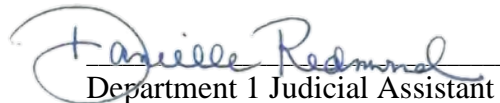
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15 MICHAEL T. BOTELHO (80837)
16 NNCC
17 P.O. BOX 7000
18 CARSON CITY, NV 89702
19
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21
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27
28


Danielle Redmond
Department 1 Judicial Assistant

THE IND 10-8-03

AI. _____
2AI. _____
2INF. _____

LANGUAGE:

Y STATUS: CUSTODY ☒] NIC ☐] BAIL ☐ \$ _____ OR ☐] OR ☐] W/COURT SERVICES
E: 10-23-03 DEPT. NO. 3 REPORTER: J. Patson CLERK: P. Meacham
WE: _____
10 DAY RULE: YES ☒] NO ☐] DATE: 11-6-03
BY: Pat Cerniglia
TY ☐] By: _____ GUILTY ☐] ALFORD ☐] NC ☐] TO: _____
D TO JUSTICE COURT FOR FURTHER PROCEEDINGS: _____

7] HANDED COPY
7] WAIVED READING
7] REQUESTED TIME TO PLEA
[] REFERRED TO DRUG COURT
[] ACCEPTED TO DRUG COURT
[] WAIVED PSI

MOTION FOR PSYCH. EVAL: DATE: _____ DEPT. NO. _____ APPTD. DRS.: _____ & _____

REPORT ON PSYCH. EVAL: DATE: DEPT. NO. REPORTER: _____ CLERK: _____

COURT FOUND DEFT:[] COMPETENT [] REMANDED J.C. [] INCOMPETENT; DEFT REMANDED LAKES

ENTRY OF PLEA: DATE: 11-6-03 DEPT. NO.* 3 REPORTER: J. Schonlau CLERK: P. Moacham
NOT GUILTY ☒ By: Def. GUILTY ☐ ALFORD ☐ NC ☐ TO: Indictment Cts-5
☐ WAIVED PSI P & P Ref: Linda Shupley Waived 60-day Rule Yes ☒ No ☐ 11-6-03

CHANGE OF PLEA: DATE: 12-11-63 DEPT. NO. 3 REPORTER: J. Dolson CLERK: A. Patterson
GUILTY ☒ ALFORD ☐ NC ☐ TO: Elements 1, 3, 4 & 5 of Information
☐ WAIVED PSI P & P Ref: L. Shipley TRIAL DATE OF: 7-26-64 VACATED

[illegible]

CRIMINAL PROGRESS SHEET CONTINUED

CASE NO. CR03-2156

JUDGMENT DEFERRED: DATE: _____ DEPT. NO. _____ REPORTER: _____ CLERK: _____

NRS 453 [] NRS 458 [] PROBATION: _____ \$25 AAF [] \$60 CAF [] \$150 DNA []

RESTITUTION: \$ _____ ATTY. FEES: \$ _____

CASE TRANSFERRED TO DEPT. 7/DIVERSION COURT [] DEPT. _____ RETAINED JURISDICTION []

REVOKE DEFERRED STATUS: DATE: _____ DEPT. NO. _____ REPORTER: _____ CLERK: _____

GRANTED [] DEFT FORMALLY SENTENCED

DATE: _____ DEPT. NO. _____ REPORTER: _____ CLERK: _____

[] 190 DAY REGIMENTAL DISCIPLINE - CONTINUED TO: _____ FOR: SENTENCING

SENTENCING: DATE: 4-7-04 DEPT. NO. 3 REPORTER: J. Dotson CLERK: C. Partum

DISPOSITION Count 1: Life with poss. of parole after 5 yrs. Count 2: Life with
poss. of parole after 20 years served consecutive to Count 1. Count 4: Life with
poss. of parole after 20 years served concurrent Count 3. Count 5: Life with
poss. of parole after 20 years served consecutive in Count 3 & 4. Special
condition of life time supervision of every release on parole or probation term

\$25 AAF [X] \$60 CAF [] \$150 DNA [X] \$ _____ PSE FEE [] \$35 DBA [] ATTY FEES: \$ 500.00

FINE: \$ _____ RESTITUTION: \$ 632.00 BAIL EXONERATED: [] TIME SERVED: 197 days

PROBATION REVOKED: [] DATE: _____ DEPT. NO. _____ REPORTER: _____ CLERK: _____

TIME SERVED REVO: _____

MOTIONS: 5-11-07 (J. Dotson) Pet for Post Conviction
relief Denied, State to prepare the Order.

CASE NO. CR03-2156

STATE OF NEVADA VS. MICHAEL TODD BOTELHO

DATE, JUDGE
OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

11/06/03

ENTRY OF PLEA

HONORABLE

Deputy District Attorney Kelli Vilorio represented the State.

JEROME M.

Defendant was present with counsel, Deputy Public Defender Sean

07/15/04

POLAHA

Sullivan. Probation Officer Linda Shipley was also present.

8:30 a.m.

DEPT. NO. 3

Defendant entered a plea of Not Guilty to Kidnapping in the First

Motion/Confirm

P. Meacham

Degree, Battery with Intent to Commit Sexual Assault on a Child, and

(Clerk)

3 counts of Sexual Assault on a Child as contained in Counts 1 – 5 of
the Indictment.

07/26/04

J. Schonlau

Defendant waived the 60 day rule.

8:30 a.m.

(Reporter)

COURT ORDERED: Matter set for trial.

Jury Trial

Defendant remanded to the custody of the Sheriff.

4 days

CR03-2156
STATE VS. MICHAEL TODD BOTELHO
District Court
Washoe County
DC-09900071886-023
Page
11/06/2003 09:21 AM
MIN
ACMTTL

DATE, JUDGE
OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

120/11/03

MOTION FOR CHANGE OF PLEA

HONORABLE

Deputy District Attorney Kelli Vilorio represented the State.

JEROME M.

Defendant was present with counsel, Deputy Public Defender Sean Sullivan. Probation Officer Linda Shipley was also present.

POLAHA

Defendant moved to withdraw his former plea of Not Guilty; MOTION GRANTED.

DEPT. NO. 3

C. Patterson

(Clerk)

Defendant entered a plea of Guilty to Kidnapping In the First Degree and 3 counts of Sexual Assault on a Child as contained in Counts 1, 3, 4 and 5 of the Indictment. Plea negotiations stated.

J. Dotson

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

Court ordered Presentence Investigation and matter continued for entry of judgment and imposition of sentence. Trial date of July 26, 2004 ordered vacated.

Defendant remanded to the custody of the Sheriff.

02/11/04

9:30 a.m.

Sentencing

2 hours

Closed Hrg.

CR03-2156
DC-09900071886-022
STATE VS. MICHAEL TODD BOTELHO Page
District Court 12/11/2003 09:13 AM
Washoe County
MIN
NEW

DATE, JUDGE
OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

03/11/04

MOTIONS RE: MEDIA AND SEALING; RECUSAL OF JUDGE AND
MARITAL PRIVILEGE

HONORABLE

Deputy District Attorney Bruce Hahn represented the State.

JEROME M.

Defendant was present with counsel, Deputy Public Defender Sean

POLAHA

Sullivan. Probation Officer Pat Cerniglia was also present.

DEPT. NO. 3

Court and counsel met in chambers (not reported) regarding the
media issue relative to this part of the motion.

C. Patterson

(Clerk)

J. Dotson

(Reporter)

COURT ORDERED: This part of the motion to be argued relative to
the press being allowed in the courtroom. After decision on it, rest of
motions will be heard. The Court called the media representatives
(Reno Gazette Journal and The Nevada Appeal) in chambers and
advise of status. The Court further advised them that if the ruling is
they will be barred from Courtroom a recess of one hour would be
taken to allow them time to contact counsel.04/07/04
08:30 am
Sentencing


CR03-2156
STATE VS. MICHAEL TODD BOTELHO
District Court
Washoe County
DC-09900071886-021
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04/07/2004 09:11 AM
MIN

Court, counsel and Defendant convened in the Courtroom on the
record. Defense counsel presented argument in support of sealing
the records and barring the media; State opposed; Defense replied.**COURT ORDERED:** Media permitted in courtroom during
remainder of this proceeding.Press present. Defense counsel addressed the Court arguing in
support of recusal of this Judge. The Court admonished counsel that
proper procedure for this type of hearing has not been followed.
Defense counsel advised he will withdraw the motion if the Court
believes it can be impartial. State opposed recusal and submitted
the matter. Defense submitted.**COURT ORDERED:** **DENIED.** This judge will remain on case.Counsel for the State submitted the motion regarding marital
privilege on the pleadings and papers. Defense counsel opposed;
State replied.**COURT ORDERED:** Ex-wife will not be called. The State is free to
bring other witness who have information on the subject matter.
Defendant remanded to the custody of the Sheriff.

CASE NO. CR03-2156

STATE OF NEVADA VS. MICHAEL TODD BOTELHO

DATE, JUDGE

OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

04/07/04

ENTRY OF JUDGMENT AND IMPOSITION OF SENTENCE

HONORABLE

Deputy District Attorney Bruce Hahn represented the State.

JEROME M.

Defendant was present and represented by counsel, Deputy Public

POLAHA

Defender Sean Sullivan. Probation Officer Joan Weald was also

DEPT. NO. 3

present.

C. Patterson

Defense counsel addressed the Court moved that the

(Clerk)

Defendant's handwritten statement not be attached to the copy of the

PSI sent to the prison. **GRANTED.** Counsel further objected the

State's notice to present prior bad acts and presented a letter filed

under seal. Defense called Marylou

Coelho, Defendant's Mother and Defendant's sister who made

statements behalf of the Defendant. Counsel for the State

addressed the Court called officer Greg Herrera who was sworn and

examined. No cross examination conducted; witness excused. The

State argued in support of the PSI. Victim Jane Doe was called and

sworn and read a statement into the record. No cross examination;

witness excused. The State called the mother of Jane Doe who read

a statement into the record; questioned by the Defense and excused.

Defendant addressed the Court on his own behalf.

COURT ORDERED: Defendant adjudged guilty and sentenced to

imprisonment in the Nevada Department of Corrections for a term of

Life with the possibility of parole after a minimum of five (5) years as

been served, with credit for one hundred ninety-seven (197) days

time served. It is further ordered that Michael Todd Botelho is guilty

of the crime of Sexual Assault on a Child, a violation of NRS

200.366, a felony, as charged in Count III of the Indictment, and that

he be punished by imprisonment in the Nevada Department of

Corrections for a term of Life with the possibility of parole after a

minimum of twenty (20) years as been served, to be served

consecutively to the sentence imposed in Count I. It is further

ordered that Michael Todd Botelho is guilty of the crime of Sexual

Assault on a Child, a violation of NRS 200.366, a felony, as charged

in Count IV of the Indictment, and that he be punished by

imprisonment in the Nevada Department of Corrections for a term of

Life with the possibility of parole after a minimum of twenty (20) years

has been served, to be served concurrently to the sentences

imposed in Count III. It is further ordered that Michael Todd Botelho

is guilty of the crime of Sexual Assault on a Child, a violation of NRS

200.366, a felony, as charged in Count V of the Indictment, and that

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STATE VS. MICHAEL TODD BOTELHO
District Court
Washoe County
DC-09900071886-020
2 Pages
04/07/2004 09:07 AM
MINI

CASE NO. CR03-2156

STATE OF NEVADA VS. MICHAEL TODD BOTELHO

DATE, JUDGE

PAGE 2

OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

04/07/04

ENTRY OF JUDGMENT AND IMPOSITION OF SENTENCE

HONORABLE

JEROME M.

POLAHA

DEPT. NO. 3

C. Patterson

(Clerk)

J. Dotson

(Reporter)

he be punished by imprisonment in the Nevada Department of Corrections for a term of Life with the possibility of parole after a minimum of twenty (20) years as been served, to be served consecutively to the sentences imposed in Counts I and IV. It is further ordered that a special sentence of Lifetime supervision commence after any period of probation, or any term of imprisonment or after any period of release on parole. It is further ordered that the Defendant pay the statutory Twenty-five Dollar (\$25.00) administrative assessment, submit to a DNA analysis test for the purpose of determining genetic markers and pay a testing fee of One Hundred Fifty Dollars (\$150.00), reimburse the Washoe County Public Defender's Office in the amount of Five Hundred Dollars (\$500.00) for legal services rendered and pay restitution in the amount of Six Hundred Thirty-two Dollars (\$632.00). Defendant remanded to the custody of the Sheriff

CASE NO. CR03P2156

POST: MICHAEL TODD BOTELHO

DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

05/11/07
HONORABLE
JEROME M.
POLAHA
DEPT. NO. 3
P. Meacham
(Clerk)
J. Dotson
(Reporter)

EVIDENTIARY HEARING
Deputy District Attorney Terrence McCarthy represented the State. Defendant (Petitioner) was present with counsel, Mary Lou Wilson, Esq.. Probation Officer was not present.
Court advised that there are 17 claims named in the petition and the Court will hear argument re: claims 7 and 15 and the supplemental petition.
Petitioner's counsel addressed the Court advising that Dr. Martha Mahaffey is present today and will testify re: her report.
Petitioner calls Dr. Martha Mahaffey who was sworn and examined. Cross-Examination was conducted, no Re-Direct and the witness was excused.
Petitioner rests.
Respondent rests.
Petitioner's counsel addressed the Court arguing in support of the petition advising that Dr. Mahaffey's report may have led the Court to give a lesser sentence if it had been presented during sentencing.
COURT ORDERED: Court finds that the report would not have made any difference in the sentence, the petition is **DENIED**. State's counsel will prepare the order and include the lack of evidence re: prior defense counsel Sullivan in the order.

Defendant remanded to the custody of the Dept. of Prisons.

DC-9900000999-259
CR03P2156
POST: MICHAEL TODD BOTELHO (D. 1 Page
District Court 05/11/2007 03:19 PM
Washoe County MTN
PMF:archdr

Code 1350

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. CR03-2156

vs.

Dept. No. 1

MICHAEL TODD BOTELHO,

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 21ST day of December, 2021, I electronically filed the Notice of Appeal in the above entitled matter to the Nevada Supreme Court.

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

Dated this 21ST day of December, 2021.

Alicia L. Lerud
Clerk of the Court
By /s/azamora
Amanda Zamora
Deputy Clerk