

FILED

2022 MAR 31 AM 11:44

CLERK OF THE COURT  
Electronically Filed  
MAR 04 2022 09:01 a.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

1 Charles Maki # 42820

2 L.C.C. 1200 Prison Rd.

3 Lovelock, NV 89419-510

4

5

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

7 IN AND FOR THE COUNTY OF WASHOE

8

9 CHARLES MAKI,

10 Petitioner,

11 VS.

Case No. CR94-0345

12 THE STATE OF NEVADA

13

14 Respondent,

15

16 NOTICE OF APPEAL

17

18 "Comes Now," Petitioner, Charles MAKI, In Pro Se;

19 And Filed this NOTICE OF APPEAL From an order of

20 the Court Granting Respondent's Motion to dismiss-

21 Petitioner's Petition. The ORDER was (Filed on March/15/2022).

22 Petitioner Filed his Petition on (August/17/2021)

23 Dated This 28<sup>th</sup> DAY OF MARCH 2022

24

25

SIGNATURE Charles Maki

26

Charles Maki Doc No. 42820

27

28

CERTIFICATE OF SERVICE

I hereby certify that I Filed A True and Correct copy of the Notice of Appeal, by Presenting same to the Lovelock Correctional Center's Free Staff Law Library Clerk For mailing by U.S. Postal Services - Postage Prepaid and addressed as follows.

DATED THIS 28<sup>th</sup> DAY OF MARCH 2022

second Judicial District Court

Washoe County 75 Court St.

Reno, Nevada 89501

SIGNATURE charles maki

Charles Maki # 42820

1 Code 1310

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IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

7

IN AND FOR THE COUNTY OF WASHOE

8

9

**CHARLES MAKI,**

10

**Petitioner,**

**Case No. CR94-0345**

11

**vs.**

**Dept. No. 8**

12

**THE STATE OF NEVADA,**

13

**Respondent.**

14

15

**CASE APPEAL STATEMENT**

16

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

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1. Appellant is Charles Maki.

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2. This appeal is from an order entered by the Honorable Judge Barry L. Breslow.

19

3. Appellant is representing himself in Proper Person on appeal. The Appellant's address is:

20

21

Charles Maki #42820  
Lovelock Correctional Center  
1200 Prison Rd.  
Lovelock, Nevada 89419-5110

22

23

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  
P.O. Box 11130  
Reno, Nevada 89520

27

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5. Respondent's attorney is not licensed to practice law in Nevada: NA

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 Information on February 10<sup>th</sup>, 1994.
10. This is a criminal proceeding and the Appellant is appealing the Order Granting Motion to Dismiss Petition filed March 15<sup>th</sup>, 2022.
11. The case has been the subject of a previous appeal to the Supreme Court.  
Supreme Court No.: 63845, 66144, 67717, 67800, 69049 and 78260
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 31st day of March, 2022.

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

**SECOND JUDICIAL DISTRICT COURT  
COUNTY OF WASHOE**

Case History - CR94-0345

DEPT. D8

HON. BARRY L. BRESLOW

Report Date & Time

3/31/2022

3:42:58PM

**Case Description: STATE VS CHARLES JOSEPH MAKI (D8)**

<b>Case ID:</b>	<b>CR94-0345</b>	<b>Case Type:</b>	<b>CRIMINAL</b>	<b>Initial Filing Date:</b>	<b>2/10/1994</b>
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**Parties**

PATY	Robert C. Bell, Esq. - 1362
APPD	CHARLES MAKI - @395024
PLTF	STATE OF NEVADA - STATE
DA	Jennifer P. Noble, Esq. - 9446
DEFT	CHARLES MAKI - @395024
CAA	Robert Story, Esq. - 1268

**Charges**

Charge No.	Charge Code	Charge Date	Charge Description
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**Plea Information**

Charge No.	Plea Code	Plea Date	Plea Description
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**Release Information**

*Custody Status*

**Hearings**

	Department	Event Description	Sched. Date & Time		Disposed Date
1	D8	Request for Submission	4/7/2014	14:35:00	4/17/2014

Event Extra Text: MOTION FOR ENLARGEMENT OF TIME IN WHICH TO PREPARE AND FILE THE SUPPLEMENTAL PETITION FOR WRIT OF HABEAS CORPUS (NO PAPER ORDER PROVIDED)

**Disposition:**  
S200 4/17/2014  
GRANTED

	Department	Event Description	Sched. Date & Time		Disposed Date
2	D8	Request for Submission	2/17/2015	09:28:00	3/18/2015

Event Extra Text: MOTION FOR APPOINTMENT OF COUNSEL, AFFIDAVIT IN SUPPORT OF THE MOTION FOR APPOINTMENT OF COUNSEL

**Disposition:**  
S200 3/18/2015

	Department	Event Description	Sched. Date & Time		Disposed Date
3	D8	Request for Submission	4/21/2015	08:34:00	4/21/2015

Event Extra Text: MOTION FOR APPOINTMENT OF COUNSEL (NO PAPER ORDER)

**Disposition:**  
S200 4/21/2015

Case Description: STATE VS CHARLES JOSEPH MAKI (D8)

Case ID: CR94-0345 Case Type: CRIMINAL Initial Filing Date: 2/10/1994

	Department	Event Description	Sched. Date & Time		Disposed Date
4	D8	Request for Submission	9/14/2015	08:00:00	10/7/2015
Event Extra Text: DEFTS MT TO AMEND JUDGMENT OF CONVICTION			Disposition: S200 10/7/2015		

	Department	Event Description	Sched. Date & Time		Disposed Date
5	D8	Request for Submission	12/7/2018	09:18:00	12/17/2018
Event Extra Text: REQUEST TO SUBMIT MOTION			Disposition: S200 12/17/2018		

	Department	Event Description	Sched. Date & Time		Disposed Date
6	D8	Tickle Start Code	1/18/2019	07:00:00	1/17/2019
Event Extra Text: STATE RESPONSE?			Disposition: T200 1/17/2019		

	Department	Event Description	Sched. Date & Time		Disposed Date
7	D8	Request for Submission	11/2/2021	10:19:00	12/16/2021
Event Extra Text: PETITION FOR ACTUAL/FACTUAL INNOCENCE			Disposition: S200 12/16/2021		

	Department	Event Description	Sched. Date & Time		Disposed Date
8	D8	Request for Submission	2/7/2022	14:02:00	3/15/2022
Event Extra Text: MOTION TO DISMISS PETITION			Disposition: S200 3/15/2022		

	Department	Event Description	Sched. Date & Time		Disposed Date
9	D8	Tickle Start Code	2/16/2022	07:00:00	2/7/2022
Event Extra Text: HAS PETITON BEEN BRIEFED AND SUBMITTED			Disposition: T200 2/7/2022		

Agency Cross Reference

Code	Agency Description	Case Reference I.D.
SC	Supreme Court	SCN 78260
SC	Supreme Court	SCN 69049
SC	Supreme Court	SCN 63845
SC	Supreme Court	SCN 67717
SC	Supreme Court	SCN 66144
SC	Supreme Court	SCN 67800

Actions

Action Entry Date	Code	Code Description	Text
1/1/1994	1315	** Case Closed	
2/10/1994	1250	Application for Setting	
2/10/1994	1800	Information	

Case Description: STATE VS CHARLES JOSEPH MAKI (D8)				
Case ID:	CR94-0345	Case Type:	CRIMINAL	Initial Filing Date: 2/10/1994
2/16/1994	MIN	***Minutes		
2/16/1994	MIN	***Minutes	CRIMINAL PROGRESS SHEET	
2/18/1994	1250	Application for Setting		
2/18/1994	3700	Proceedings		
2/23/1994	4185	Transcript		
3/4/1994	2490	Motion ...		
3/4/1994	2490	Motion ...		
3/10/1994	2645	Opposition to Mtn ...		
3/10/1994	2645	Opposition to Mtn ...	OPPOSITION TO STATE'S MOTION TO DETERMINE ADMISSIBILITY OF OUT OF COURT STATEMENTS OF	
3/11/1994	MIN	***Minutes		
3/18/1994	3980	Stip and Order...		
3/21/1994	2270	Mtn to Compel...		
3/25/1994	2480	Mtn to Suppress...		
3/25/1994	4185	Transcript		
3/31/1994	2645	Opposition to Mtn ...		
4/1/1994	MIN	***Minutes		
4/4/1994	2245	Mtn in Limine		
4/4/1994	2245	Mtn in Limine		
4/6/1994	4050	Stipulation ...		
4/11/1994	1930	Letters ...		
4/11/1994	MIN	***Minutes		
4/11/1994	MIN	***Minutes		
4/11/1994	MIN	***Minutes		
4/12/1994	4245	Verdict(s)...		
4/12/1994	4245	Verdict(s)...		
4/12/1994	4245	Verdict(s)...		
4/12/1994	4245	Verdict(s)...		
4/12/1994	4235	Unused Verdict Form(s)...		
4/12/1994	4245	Verdict(s)...		
4/12/1994	4245	Verdict(s)...		
4/12/1994	4245	Verdict(s)...		
4/12/1994	4245	Verdict(s)...		
4/12/1994	4245	Verdict(s)...		
4/12/1994	4245	Verdict(s)...		
4/12/1994	1890	Jury Question, Court Response		
4/12/1994	1885	Jury Instructions		
4/12/1994	1880	Judgment		
4/12/1994	4235	Unused Verdict Form(s)...		
5/2/1994	4500	PSI - Confidential	* SEALED *	
5/9/1994	4185	Transcript	SUPPRESSION HEARING	

Case Description: STATE VS CHARLES JOSEPH MAKI (D8)				
Case ID:	CR94-0345	Case Type:	CRIMINAL	Initial Filing Date: 2/10/1994
5/12/1994	2610	Notice ...		
5/17/1994	1880	Judgment		
5/17/1994	MIN	***Minutes		
5/18/1994	3370	Order ...		
5/18/1994	3370	Order ...		
6/2/1994	4185	Transcript	SENTENCING	
6/3/1994	1600	Designation Record on Appeal		
6/3/1994	3870	Request		
6/3/1994	2515	Notice of Appeal Supreme Court		
6/9/1994	2230	Mtn Trial Trans. Public Exp		
6/13/1994	3370	Order ...		
7/11/1994	3370	Order ...		
7/11/1994	1600	Designation Record on Appeal		
7/11/1994	4050	Stipulation ...		
8/30/1994	4185	Transcript	APRIL 11 & 12, 1994	
11/7/1994	3980	Stip and Order...		
11/7/1994	3735	Receipt		
12/7/1994	3735	Receipt		
9/13/1995	3932	Seizure Order ...		
10/27/1995	4145	Supreme Court Remittitur		
10/27/1995	1350	Certificate of Clerk		
10/27/1995	2855	Ord Dismiss Appeal/Remand		
4/10/1996	2490	Motion ...		
4/10/1996	2610	Notice ...		
4/18/1996	4300	Withdrawal of Counsel		
7/11/1997	MIN	***Minutes		
7/18/1997	MIN	***Minutes		
4/23/2012	PAYVD	**Payment Voided	Receipt Number DCDC357265 has been voided.	
4/23/2012	PAYRC	**Payment Received	A Payment of -\$0.05 was made on receipt DCDC357287.	
4/23/2012	PEND	**Pending Court Deposit		
6/13/2012	PAYRC	**Payment Received	A Payment of -\$0.21 was made on receipt DCDC363705.	
8/15/2012	PAYRC	**Payment Received	A Payment of -\$0.05 was made on receipt DCDC372409.	
9/19/2012	PAYRC	**Payment Received	A Payment of -\$0.15 was made on receipt DCDC377095.	
10/19/2012	PAYRC	**Payment Received	A Payment of -\$0.11 was made on receipt DCDC381431.	
12/13/2012	PAYRC	**Payment Received	A Payment of -\$1.61 was made on receipt DCDC388347.	
8/2/2013	1600	Designation Record on Appeal		
8/2/2013	2515	Notice of Appeal Supreme Court		
8/2/2013	4330	Writ of Mandamus	WRIT OF PROHIBITION/WRIT OF MANDAMUS	
8/2/2013	1215	Application Appoint Counsel	MOTION FOR APPOINTMENT OF COUNSEL	



Case Description: STATE VS CHARLES JOSEPH MAKI (D8)				
Case ID:	CR94-0345	Case Type:	CRIMINAL	Initial Filing Date: 2/10/1994
8/2/2013	3860	Request for Submission	NO S1 DONE - REFERRED TO BOB BELL	
8/2/2013	1030	Affidavit in Support...	AFFIDAVIT IN SUPPORT OF MOTION FOR APPOINTMENT OF COUNSEL/WRIT OF PROHIBITION/WRIT OF	
8/20/2013	1310E	Case Appeal Statement	Transaction 3934711 - Approved By: NOREVIEW : 08-20-2013:09:30:45	
8/20/2013	NEF	Proof of Electronic Service	Transaction 3934720 - Approved By: NOREVIEW : 08-20-2013:09:32:45	
8/20/2013	1350	Certificate of Clerk	CERTIFICATE OF CLERK AND TRANMITTAL - NOTICE OF APPEAL - Transaction 3934711 - Approved By: NC	
8/26/2013	NEF	Proof of Electronic Service	Transaction 3949155 - Approved By: NOREVIEW : 08-26-2013:09:41:15	
8/26/2013	1188	Supreme Court Receipt for Doc	SUPREME COURT NO. 63845/RECEIPT FOR DOCUMENTS - Transaction 3949041 - Approved By: NOREVIEW	
10/1/2013	4127	Supreme Ct Ord Dismiss Appeal	SUPREME COURT NO. 63845/ORDER DISMISSING APPEAL - Transaction 4035340 - Approved By: NOREVIEW	
10/1/2013	NEF	Proof of Electronic Service	Transaction 4035364 - Approved By: NOREVIEW : 10-01-2013:15:43:31	
11/5/2013	4127	Supreme Ct Ord Dismiss Appeal	SUPREME COURT CASE NO 63845/ORDER DISMISSING APPEAL - Transaction 4115061 - Approved By: NO	
11/5/2013	NEF	Proof of Electronic Service	Transaction 4115085 - Approved By: NOREVIEW : 11-05-2013:11:52:16	
11/5/2013	4145	Supreme Court Remittitur	SUPREME COURT NO. 63845/REMITTITUR - Transaction 4115061 - Approved By: NOREVIEW : 11-05-2013:1	
11/5/2013	4111	Supreme Ct Clk's Cert & Judg	SUPREME COURT NO. 63845/CLERKS CERTIFICATE AND JUDGMENT - Transaction 4115061 - Approved By:	
12/30/2013	1215	Application Appoint Counsel	MOTION FOR APPOINTMENT OF COUNSEL PURSUANT TO NRS 34.750	
12/30/2013	2385	Mtn Proceed Forma Pauperis	* SEALED *	
12/30/2013	3565	Pet Post-Conviction Relief	PETITION FOR WRIT OF HABEAS CORPUS POST-CONVICTION	
12/30/2013	3862	**Criminal Submit	DOCUMENT TITLE: MOTION FOR LEAVE TO PROCEED IN FORMA PAUERIS and MOTION FOR APPOINTM	
1/7/2014	2715	Ord Appointing Counsel	ORDER GRANTING APPOINTMENT OF COUNSEL - Transaction 4240992 - Approved By: NOREVIEW : 01-07	
1/7/2014	NEF	Proof of Electronic Service	Transaction 4241000 - Approved By: NOREVIEW : 01-07-2014:17:00:11	
1/7/2014	3335	Ord Proceed Forma Pauperis	ORDER GRANTING IN FORMA PAUPERIS - Transaction 4240986 - Approved By: NOREVIEW : 01-07-2014:16	
1/7/2014	NEF	Proof of Electronic Service	Transaction 4240994 - Approved By: NOREVIEW : 01-07-2014:16:58:44	
1/29/2014	2715	Ord Appointing Counsel	RECOMMENDATION AND ORDER FOR APPOINTMENT OF COUNSEL - Transaction 4279970 - Approved By:	
1/29/2014	NEF	Proof of Electronic Service	Transaction 4279994 - Approved By: NOREVIEW : 01-29-2014:10:52:21	
3/10/2014	NEF	Proof of Electronic Service	Transaction 4335832 - Approved By: NOREVIEW : 03-10-2014:12:43:57	
3/10/2014	1665	Ex-Parte Application...	* SEALED * EX PARTE APPLICATION FOR INTERIM CLAIM FOR FEES - Transaction 4335512 - Approved By:	
3/26/2014	NEF	Proof of Electronic Service	Transaction 4359861 - Approved By: NOREVIEW : 03-26-2014:08:30:23	
3/26/2014	S3370	Sealed Order	* SEALED * RECOMMENDATION AND ORDER FOR PAYMENT OF ATTORNEY'S FEES - Transaction 435985	
3/31/2014	2075	Mtn for Extension of Time	MOTION FOR ENLARGEMENT OF TIME IN WHICH TO PREPARE AND FILE THE SUPPLEMENTAL PETITIO	
3/31/2014	NEF	Proof of Electronic Service	Transaction 4366116 - Approved By: NOREVIEW : 03-31-2014:12:15:55	
4/7/2014	3860	Request for Submission	MOTION FOR ENLARGEMENT OF TIME IN WHICH TO PREPARE AND FILE THE SUPPLEMENTAL PETITIO	
4/7/2014	NEF	Proof of Electronic Service	Transaction 4376237 - Approved By: NOREVIEW : 04-07-2014:14:27:58	
4/14/2014	1665	Ex-Parte Application...	* SEALED * EX PARTE APPLICATION FOR INTERIM CLAIM FOR FEES - Transaction 4385116 - Approved By:	
4/14/2014	NEF	Proof of Electronic Service	Transaction 4385230 - Approved By: NOREVIEW : 04-14-2014:11:49:54	
4/17/2014	3060	Ord Granting Mtn ...	ORDER GRANTING MOTION FOR ENLARGEMENT OF TIME IN WHICH TO PREPARE AND FILE THE SUPP	
4/17/2014	NEF	Proof of Electronic Service	Transaction 4392049 - Approved By: NOREVIEW : 04-17-2014:16:29:32	
4/17/2014	S200	Request for Submission Complet	GRANTED	
4/29/2014	S3370	Sealed Order	* SEALED * RECOMMENDATION AND ORDER FOR PAYMENT OF INTERIM ATTORNEY'S FEES - Transactio	
4/29/2014	NEF	Proof of Electronic Service	Transaction 4407082 - Approved By: NOREVIEW : 04-29-2014:10:04:30	
6/30/2014	2610	Notice ...	NOTICE TO COURT OF NO SUPPLEMENT - Transaction 4497448 - Approved By: SHAMBRIG : 06-30-2014:12	

Case Description: STATE VS CHARLES JOSEPH MAKI (D8)			
Case ID:	CR94-0345	Case Type:	CRIMINAL
			Initial Filing Date: 2/10/1994
6/30/2014	NEF	Proof of Electronic Service	Transaction 4497542 - Approved By: NOREVIEW : 06-30-2014:12:14:32
7/7/2014	NEF	Proof of Electronic Service	Transaction 4505988 - Approved By: NOREVIEW : 07-07-2014:15:28:35
7/7/2014	2922	Ord Dismiss Post Conviction	Transaction 4505983 - Approved By: NOREVIEW : 07-07-2014:15:27:34
7/18/2014	1600	Designation Record on Appeal	
7/18/2014	2610	Notice ...	NOTICE TO COURT
7/18/2014	2515	Notice of Appeal Supreme Court	
7/21/2014	1665	Ex-Parte Application...	* SEALED * EX PARTE APPLICTION FOR INTERIM CLAIM FOR FEES - Transaction 4526360 - Approved By: I
7/22/2014	NEF	Proof of Electronic Service	Transaction 4526813 - Approved By: NOREVIEW : 07-22-2014:08:12:05
7/24/2014	NEF	Proof of Electronic Service	Transaction 4530958 - Approved By: NOREVIEW : 07-24-2014:08:40:10
7/24/2014	1310E	Case Appeal Statement	Transaction 4530955 - Approved By: NOREVIEW : 07-24-2014:08:39:10
7/24/2014	1350	Certificate of Clerk	CERTIFICATE OF CLERK AND TRANSMITTAL - NOTICE OF APPEAL - Transaction 4530955 - Approved By: N
8/6/2014	1600	Designation Record on Appeal	DESIGNATION OF RECORD ON APPEAL SUPPLEMENTAL - BRIEF
8/14/2014	NEF	Proof of Electronic Service	Transaction 4562530 - Approved By: NOREVIEW : 08-14-2014:15:57:08
8/14/2014	S3370	Sealed Order	* SEALED * RECOMMENDATION AND ORDER FOR PAYMENT OF INTERIM ATTORNEY'S FEES - Transactio
8/20/2014	4126	Supreme Ct Order Directing...	SUPREME COURT NO. 66144/ORDER DIRECTING TRANSMISSION OF RECORD - Transaction 4569172 - App
8/20/2014	NEF	Proof of Electronic Service	Transaction 4569174 - Approved By: NOREVIEW : 08-20-2014:09:25:48
9/10/2014	2545	Notice of Entry ...	Transaction 4600031 - Approved By: NOREVIEW : 09-10-2014:12:18:37
9/10/2014	NEF	Proof of Electronic Service	Transaction 4600036 - Approved By: NOREVIEW : 09-10-2014:12:19:26
9/22/2014	NEF	Proof of Electronic Service	Transaction 4617882 - Approved By: NOREVIEW : 09-22-2014:14:03:39
9/22/2014	1350	Certificate of Clerk	CERTIFICATE OF CLERK AND TRANSMITTAL - RECORD ON APPEAL - Transaction 4617873 - Approved By:
12/18/2014	NEF	Proof of Electronic Service	Transaction 4742199 - Approved By: NOREVIEW : 12-18-2014:10:03:21
12/18/2014	4134	Supreme Court Order Affirming	SUPREME COURT NO. 66144/ORDER OF AFFIRMANCE - Transaction 4742172 - Approved By: NOREVIEW :
1/12/2015	4134	Supreme Court Order Affirming	SUPREME COURT NO. 66144/ORDER OF AFFIRMANCE - Transaction 4768575 - Approved By: NOREVIEW :
1/12/2015	4111	Supreme Ct Clk's Cert & Judg	SUPREME COURT NO. 66144/CLERK'S CERTIFICATE AND JUDGMENT - Transaction 4768575 - Approved B
1/12/2015	4145	Supreme Court Remittitur	SUPREME COURT NO. 66144/REMITTUTUR - Transaction 4768575 - Approved By: NOREVIEW : 01-12-2015
1/12/2015	NEF	Proof of Electronic Service	Transaction 4768579 - Approved By: NOREVIEW : 01-12-2015:09:28:00
2/17/2015	1030	Affidavit in Support...	AFFIDAVIT IN SUPPORT OF MOTION FOR THE APPOINTMENT OF COUNSEL / WRIT OF PROHIBITION / W
2/17/2015	4330	Writ of Mandamus	WRIT OF PROHIBITION / WRIT MANDAMUS
2/17/2015	2490	Motion ...	MOTION FOR APPOINTMENT OF COUNSEL
2/17/2015	3860	Request for Submission	DOCUMENT TITLE: MOTION FOR APPOINTMENT OF COUNSEL, AFFIDAVIT IN SUPPORT OF THE MOTIO
3/18/2015	F230	Other Manner of Disposition	
3/18/2015	2840	Ord Denying ...	PETITION AND MOTION FOR APPOINTMENT OF COUNSEL - Transaction 4867385 - Approved By: NOREVIE
3/18/2015	S200	Request for Submission Complet	
3/18/2015	NEF	Proof of Electronic Service	Transaction 4867396 - Approved By: NOREVIEW : 03-18-2015:16:11:38
3/27/2015	2515	Notice of Appeal Supreme Court	
4/2/2015	NEF	Proof of Electronic Service	Transaction 4889267 - Approved By: NOREVIEW : 04-02-2015:09:41:09
4/2/2015	1350	Certificate of Clerk	CERTIFICATE OF CLERK AND TRANSMITTAL - NOTICE OF APPEAL - Transaction 4889258 - Approved By: N
4/2/2015	2490	Motion ...	MOTION TO THE COURT (A STATE CREATED INMPEDEMENT - DENING (sic) ACCESS TO THE COURT, IN
4/2/2015	1310E	Case Appeal Statement	Transaction 4889258 - Approved By: NOREVIEW : 04-02-2015:09:40:06

Case Description: STATE VS CHARLES JOSEPH MAKI (D8)				
Case ID:	CR94-0345	Case Type:	CRIMINAL	Initial Filing Date: 2/10/1994
4/9/2015	NEF	Proof of Electronic Service	Transaction 4899046 - Approved By: NOREVIEW : 04-09-2015:09:06:47	
4/9/2015	1188	Supreme Court Receipt for Doc	SUPREME COURT NO. 67717 / RECEIPT FOR DOCUMENTS - Transaction 4899041 - Approved By: NOREVIEW : 04-09-2015:09:06:47	
4/17/2015	1600	Designation Record on Appeal		
4/17/2015	3860	Request for Submission	DOCUMENT TITLE: MOTION FOR APPOINTMENT OF COUNSEL (NO PAPER ORDER)	
4/17/2015	2515	Notice of Appeal Supreme Court	APPELLANT CHARLES MAKI, REC'D DOCUMENTS FROM SUPREME COURT 4/17/15	
4/20/2015	1350	Certificate of Clerk	CERTIFICATE OF CLERK AND TRANSMITTAL - NOTICE OF APPEAL - Transaction 4913697 - Approved By: NOREVIEW : 04-20-2015:09:14:39	
4/20/2015	NEF	Proof of Electronic Service	Transaction 4913704 - Approved By: NOREVIEW : 04-20-2015:09:15:37	
4/20/2015	1310E	Case Appeal Statement	Transaction 4913697 - Approved By: NOREVIEW : 04-20-2015:09:14:39	
4/21/2015	S200	Request for Submission Complet		
4/21/2015	1600	Designation Record on Appeal		
4/21/2015	2515	Notice of Appeal Supreme Court	Appellant, Charles Maki	
4/23/2015	1310E	Case Appeal Statement	Transaction 4920552 - Approved By: NOREVIEW : 04-23-2015:12:23:28	
4/23/2015	NEF	Proof of Electronic Service	Transaction 4920554 - Approved By: NOREVIEW : 04-23-2015:12:24:29	
4/23/2015	1350	Certificate of Clerk	CERTIFICATE OF CLERK AND TRANSMITTAL - NOTICE OF APPEAL - Transaction 4920552 - Approved By: NOREVIEW : 04-23-2015:12:23:28	
4/24/2015	NEF	Proof of Electronic Service	Transaction 4921874 - Approved By: NOREVIEW : 04-24-2015:08:32:52	
4/24/2015	1188	Supreme Court Receipt for Doc	SUPREME COURT NO. 67800 / RECEIPT FOR DOCUMENTS - Transaction 4921868 - Approved By: NOREVIEW : 04-24-2015:08:32:52	
4/30/2015	1188	Supreme Court Receipt for Doc	SUPREME COURT NO. 67717/RECEIPT FOR DOCUMENTS - Transaction 4932202 - Approved By: NOREVIEW : 04-30-2015:16:17:28	
4/30/2015	1188	Supreme Court Receipt for Doc	SUPREME COURT NO. 67717/RECEIPT FOR DOCUMENTS - Transaction 4932202 - Approved By: NOREVIEW : 04-30-2015:16:17:28	
4/30/2015	NEF	Proof of Electronic Service	Transaction 4932206 - Approved By: NOREVIEW : 04-30-2015:16:17:28	
5/5/2015	4126	Supreme Ct Order Directing...	SUPREME COURT NO. 67717/ORDER DIRECTING TRANSMISSION OF RECORD - Transaction 4938558 - Approved By: NOREVIEW : 05-05-2015:14:12:14	
5/5/2015	NEF	Proof of Electronic Service	Transaction 4938561 - Approved By: NOREVIEW : 05-05-2015:14:12:14	
5/8/2015	NEF	Proof of Electronic Service	Transaction 4944616 - Approved By: NOREVIEW : 05-08-2015:10:44:47	
5/8/2015	1350	Certificate of Clerk	AMENDED CERTIFICATE OF CLERK AND TRANSMITTAL - RECORD ON APPEAL - Transaction 4945269 - Approved By: NOREVIEW : 05-08-2015:14:30:56	
5/8/2015	NEF	Proof of Electronic Service	Transaction 4945273 - Approved By: NOREVIEW : 05-08-2015:14:30:56	
5/8/2015	1350	Certificate of Clerk	CERTIFICATE OF CLERK AND TRANSMITTAL - RECORD ON APPEAL - Transaction 4944612 - Approved By: NOREVIEW : 05-08-2015:14:30:56	
5/28/2015	NEF	Proof of Electronic Service	Transaction 4972926 - Approved By: NOREVIEW : 05-28-2015:10:53:34	
5/28/2015	1230	Application for Fees	* SEALED * APPLICATION FOR INTERIM CLAIM FOR FEES - Transaction 4972878 - Approved By: YLLOYD : 05-28-2015:10:53:34	
6/19/2015	NEF	Proof of Electronic Service	Transaction 5009352 - Approved By: NOREVIEW : 06-19-2015:15:05:19	
6/19/2015	2777	Ord Approving ...	* SEALED * ORDER FOR PYAMENT OF INTERIM ATTORNEY'S FEES - Transaction 5009346 - Approved By: NOREVIEW : 06-19-2015:15:05:19	
7/24/2015	NEF	Proof of Electronic Service	Transaction 5060671 - Approved By: NOREVIEW : 07-24-2015:08:54:00	
7/24/2015	4134	Supreme Court Order Affirming	SUPREME COURT NO. 67717/ORDER OF AFFIRMANCE - Transaction 5060670 - Approved By: NOREVIEW : 07-24-2015:08:54:00	
7/24/2015	4128	Supreme Court Order Denying	SUPREME COURT NO. 67800/ORDER DENYING PETITION - Transaction 5060670 - Approved By: NOREVIEW : 07-24-2015:08:54:00	
8/19/2015	4134	Supreme Court Order Affirming	SUPREME COURT NO. 67717 / ORDER OF AFFIRMANCE - Transaction 5101958 - Approved By: NOREVIEW : 08-19-2015:15:13:05	
8/19/2015	4111	Supreme Ct Clk's Cert & Judg	SUPREME COURT NO. 67717 / CLERK'S CERTIFICATE & JUDGMENT - Transaction 5101958 - Approved By: NOREVIEW : 08-19-2015:15:13:05	
8/19/2015	4145	Supreme Court Remittitur	SUPREME COURT NO. 67717 / REMITTITUR - Transaction 5101958 - Approved By: NOREVIEW : 08-19-2015:15:13:05	
8/19/2015	4131	Supreme Ct Not/Lieu/Remittitur	SUPREME COURT NO. 67800 / NOTICE IN LIEU OF REMITTITUR - Transaction 5101958 - Approved By: NOREVIEW : 08-19-2015:15:13:05	
8/19/2015	NEF	Proof of Electronic Service	Transaction 5101961 - Approved By: NOREVIEW : 08-19-2015:15:13:05	
8/25/2015	2490	Motion ...	DEFENDANTS' MOTION TO AMEND JUDGMENT OF 5/17/1994 TO COMPORT WITH NRS 176.105	
9/11/2015	3860	Request for Submission	DOCUMENT TITLE: DEFENDANT'S MOTION TO AMEND JUDGMENT OF CONVICTION (PAPER ORDER NC	

Case Description: STATE VS CHARLES JOSEPH MAKI (D8)				
Case ID:	CR94-0345	Case Type:	CRIMINAL	Initial Filing Date: 2/10/1994
10/7/2015	NEF	Proof of Electronic Service	Transaction 5177502 - Approved By: NOREVIEW : 10-07-2015:15:51:46	
10/7/2015	S200	Request for Submission Complet		
10/7/2015	2842	Ord Denying Motion	Transaction 5177498 - Approved By: NOREVIEW : 10-07-2015:15:50:53	
10/19/2015	2515	Notice of Appeal Supreme Court	Appellant, CHARLES J MAKI, proper	
10/22/2015	NEF	Proof of Electronic Service	Transaction 5200993 - Approved By: NOREVIEW : 10-22-2015:09:42:23	
10/22/2015	1310E	Case Appeal Statement	Transaction 5200988 - Approved By: NOREVIEW : 10-22-2015:09:41:20	
10/22/2015	1350	Certificate of Clerk	CERTIFICATE OF CLERK AND TRANSMITTAL - NOTICE OF APPEAL - Transaction 5200988 - Approved By: N	
10/28/2015	1188	Supreme Court Receipt for Doc	SUPREME COURT NO. 69049/RECEIPT FOR DOCUMENTS - Transaction 5210600 - Approved By: NOREVIEW	
10/28/2015	NEF	Proof of Electronic Service	Transaction 5210611 - Approved By: NOREVIEW : 10-28-2015:14:26:34	
12/10/2015	NEF	Proof of Electronic Service	Transaction 5273668 - Approved By: NOREVIEW : 12-10-2015:15:10:11	
12/10/2015	4126	Supreme Ct Order Directing...	SUPREME COURT NO. 69049 / ORDER DIRECTING TRANSMISSION OF RECORD - Transaction 5273663 - /	
12/30/2015	1350	Certificate of Clerk	CERTIFICATE OF CLERK AND TRANSMITTAL - RECORD ON APPEAL - Transaction 5298090 - Approved By:	
12/30/2015	NEF	Proof of Electronic Service	Transaction 5298094 - Approved By: NOREVIEW : 12-30-2015:08:57:28	
11/21/2016	NEF	Proof of Electronic Service	Transaction 5815233 - Approved By: NOREVIEW : 11-21-2016:08:21:02	
11/21/2016	4134	Supreme Court Order Affirming	SUPREME COURT NO. 69049 / ORDER OF AFFIRMANCE - Transaction 5815231 - Approved By: NOREVIEW	
12/15/2016	NEF	Proof of Electronic Service	Transaction 5857494 - Approved By: NOREVIEW : 12-15-2016:16:44:30	
12/15/2016	4111	Supreme Ct Clk's Cert & Judg	SUPREME COURT NO. 69049 / CLERK'S CERTIFICATE & JUDGMENT - Transaction 5857486 - Approved By:	
12/15/2016	4145	Supreme Court Remittitur	SUPREME COURT NO. 69049 / REMITTITUR - Transaction 5857486 - Approved By: NOREVIEW : 12-15-2016	
12/15/2016	4134	Supreme Court Order Affirming	SUPREME COURT NO. 69049 / ORDER OF AFFIRMANCE - Transaction 5857486 - Approved By: NOREVIEW	
7/19/2018	2490	Motion ...	MOTION FOR LEAVE TO PRESENT SECOND RFEQUEST FOR PETITION FOR WRIT OF HABEAS CORPUS	
7/23/2018	2490	Motion ...	ON TO PRODUCE TRANSCRIPTS AT STATE EXPENSE	
12/7/2018	2383	Mtn to Modify/Correct Sentence		
12/7/2018	3860	Request for Submission	DOCUMENT TITLE: REQUEST TO SUBMIT MOTION (NO ORDER PROVIDED)	
12/17/2018	NEF	Proof of Electronic Service	Transaction 7026827 - Approved By: NOREVIEW : 12-17-2018:11:18:08	
12/17/2018	3320	Ord to File ...	ORDER DIRECTING STATE TO RESPOND - Transaction 7026816 - Approved By: NOREVIEW : 12-17-2018:11	
12/17/2018	S200	Request for Submission Complet		
12/20/2018	NEF	Proof of Electronic Service	Transaction 7034704 - Approved By: NOREVIEW : 12-20-2018:14:29:30	
12/20/2018	2840	Ord Denying ...	REQUEST FOR LEAVE AND DENYING MOTION FOR TRANSCRIPTS - Transaction 7034696 - Approved By: N	
1/2/2019	3373	Other ...	DFX: EXHIBITS ALPHABETIC AND NO EXHIBIT COVER SHEETS OR INDEX	
1/2/2019	3585	Pet Writ Habeas Corpus	1ST AMENDMENT PETITION: BRADY VIOLATION	
1/2/2019	2490	Motion ...	MOTION TO INCORPORATE ALL (THE) TRIAL - PRELIM - SENTENCING - POST CONVICTION INTO HEABA	
1/2/2019	1955	Memorandum Points&Authorities	DFX: EXHIBITS ALPHABETIC AND NO EXHIBIT COVERS OR INDEX	
1/16/2019	NEF	Proof of Electronic Service	Transaction 7069948 - Approved By: NOREVIEW : 01-16-2019:09:06:33	
1/16/2019	2645	Opposition to Mtn ...	OPPOSITION TO MOTION TO MODIFY SENTENCE - Transaction 7069816 - Approved By: CVERA : 01-16-201	
1/17/2019	T200	Tickle End Code		
1/24/2019	3790	Reply to/in Opposition	PETITIONER'S RESPONSE TO OPPOSITION TO MOTION TO MODIFY SENTENCE; " MOTION TO STRIKE F	
2/4/2019	F230	Other Manner of Disposition		
2/4/2019	NEF	Proof of Electronic Service	Transaction 7099910 - Approved By: NOREVIEW : 02-04-2019:10:27:08	
2/4/2019	2842	Ord Denying Motion	Transaction 7099905 - Approved By: NOREVIEW : 02-04-2019:10:26:01	

Case Description: STATE VS CHARLES JOSEPH MAKI (D8)				
Case ID:	CR94-0345	Case Type:	CRIMINAL	Initial Filing Date: 2/10/1994
2/11/2019	2540	Notice of Entry of Ord	Transaction 7112174 - Approved By: NOREVIEW : 02-11-2019:11:43:57	
2/11/2019	NEF	Proof of Electronic Service	Transaction 7112175 - Approved By: NOREVIEW : 02-11-2019:11:44:47	
2/15/2019	NEF	Proof of Electronic Service	Transaction 7121831 - Approved By: NOREVIEW : 02-15-2019:14:16:01	
2/15/2019	2540	Notice of Entry of Ord	Transaction 7121827 - Approved By: NOREVIEW : 02-15-2019:14:15:03	
2/15/2019	NEF	Proof of Electronic Service	Transaction 7120900 - Approved By: NOREVIEW : 02-15-2019:10:59:56	
2/15/2019	2922	Ord Dismiss Post Conviction	ORDER DISMISSING SUCCESSIVE PETITION FOR WRIT OF HABES CORPUS - Transaction 7120897 - Appi	
2/28/2019	2515	Notice of Appeal Supreme Court	NOTICE OF APPEAL - 2-4-19 AND 2-15-19	
3/1/2019	1350	Certificate of Clerk	CERTIFICATE OF CLERK AND TRANSMITTAL - NOTICE OF APPEAL - Transaction 7142523 - Approved By: N	
3/1/2019	1310E	Case Appeal Statement	CASE APPEAL STATEMENT - Transaction 7142523 - Approved By: NOREVIEW : 03-01-2019:08:53:43	
3/1/2019	NEF	Proof of Electronic Service	Transaction 7142529 - Approved By: NOREVIEW : 03-01-2019:08:54:41	
3/1/2019	2515	Notice of Appeal Supreme Court	NOTICE OF APPEAL - ORDERS 2/4/19 AND 2/15/19	
3/4/2019	1350	Certificate of Clerk	CERTIFICATE OF CLERK AND TRANSMITTAL - NOTICE OF APPEAL - Transaction 7145320 - Approved By: N	
3/4/2019	NEF	Proof of Electronic Service	Transaction 7145322 - Approved By: NOREVIEW : 03-04-2019:10:39:43	
3/4/2019	1310E	Case Appeal Statement	CASE APPEAL STATEMENT - Transaction 7145320 - Approved By: NOREVIEW : 03-04-2019:10:38:55	
3/6/2019	1187	**Supreme Court Case No. ...	SUPREME COURT NO. 78260 - MAKI	
3/7/2019	1188	Supreme Court Receipt for Doc	SUPREME COURT NO. 78260 / RECEIPT FOR DOCUMENTS - Transaction 7154349 - Approved By: NOREVIEW	
3/7/2019	NEF	Proof of Electronic Service	Transaction 7154363 - Approved By: NOREVIEW : 03-07-2019:14:12:24	
4/24/2019	4126	Supreme Ct Order Directing...	SUPREME COURT NO. 78260 / ORDER DIRECTING TRANSMISSION OF RECORD - Transaction 7236122 - /	
4/24/2019	NEF	Proof of Electronic Service	Transaction 7236126 - Approved By: NOREVIEW : 04-24-2019:14:03:27	
4/25/2019	1350	Certificate of Clerk	CERTIFICATE OF CLERK AND TRANSMITTAL - RECORD ON APPEAL - Transaction 7237878 - Approved By:	
4/25/2019	NEF	Proof of Electronic Service	Transaction 7237883 - Approved By: NOREVIEW : 04-25-2019:11:21:35	
10/17/2019	NEF	Proof of Electronic Service	Transaction 7543302 - Approved By: NOREVIEW : 10-17-2019:11:24:07	
10/17/2019	4133	Supreme Court Notice	SUPREME COURT NO. 78260 / NOTICE OF TRANSFER TO COURT OF APPEALS - Transaction 7543288 - A	
12/30/2019	NEF	Proof of Electronic Service	Transaction 7659199 - Approved By: NOREVIEW : 12-30-2019:13:31:57	
12/30/2019	4134	Supreme Court Order Affirming	SUPREME COURT NO. 78260 / ORDER OF AFFIRMANCE - Transaction 7659195 - Approved By: NOREVIEW	
1/22/2020	4145	Supreme Court Remittitur	SUPREME COURT NO. 78260 / REMITTITUR - Transaction 7698411 - Approved By: NOREVIEW : 01-22-2020	
1/22/2020	NEF	Proof of Electronic Service	Transaction 7698439 - Approved By: NOREVIEW : 01-22-2020:14:21:25	
1/22/2020	4134	Supreme Court Order Affirming	SUPREME COURT NO. 78260 / ORDER OF AFFIRMANCE - Transaction 7698411 - Approved By: NOREVIEW	
1/22/2020	4111	Supreme Ct Clk's Cert & Judg	SUPREME COURT NO. 78260 / CLERK'S CERTIFICATE & JUDGMENT - Transaction 7698411 - Approved By:	
8/17/2021	NEF	Proof of Electronic Service	Transaction 8600504 - Approved By: NOREVIEW : 08-17-2021:16:10:09	
8/17/2021	3645	Petition ...	PETITION FOR ACTUAL INNOCENCE - Transaction 8600492 - Approved By: BBLOUGH : 08-17-2021:16:09:17	
10/21/2021	2490	Motion ...	MOTION FOR SUBMISSION OF THE RECORD	
11/2/2021	3860	Request for Submission	DOCUMENT TITLE: PETITION FOR ACTUAL/FACTUAL INNOCENCE (NO ORDER PROVIDED)	
12/16/2021	NEF	Proof of Electronic Service	Transaction 8801493 - Approved By: NOREVIEW : 12-16-2021:14:42:11	
12/16/2021	3320	Ord to File ...	ORDER FOR STATE TO RESPOND - Transaction 8801488 - Approved By: NOREVIEW : 12-16-2021:14:41:08	
12/16/2021	S200	Request for Submission Complet		
1/18/2022	2300	Mtn to Dismiss Pet	MOTION TO DISMISS PETITION - Transaction 8846774 - Approved By: SACORDAG : 01-18-2022:09:35:08	
1/18/2022	NEF	Proof of Electronic Service	Transaction 8846852 - Approved By: NOREVIEW : 01-18-2022:09:36:30	
2/4/2022	2645	Opposition to Mtn ...	PETITIONER'S MOTION IN OPPOSITION TO RESPONDENT'S MOTION TO DISMISS PETITION	

**Case Description: STATE VS CHARLES JOSEPH MAKI (D8)**

<b>Case ID:</b>	<b>CR94-0345</b>	<b>Case Type:</b>	<b>CRIMINAL</b>	<b>Initial Filing Date:</b>	<b>2/10/1994</b>
<u>2/7/2022</u>	3790	Reply to/in Opposition	REPLY IN SUPPORT OF MOTION TO DISMISS PETITION - Transaction 8884226 - Approved By: SACORDAG		
<u>2/7/2022</u>	3860	Request for Submission	Transaction 8884226 - Approved By: SACORDAG : 02-07-2022:13:57:58		
<u>2/7/2022</u>	T200	Tickle End Code			
<u>2/7/2022</u>	NEF	Proof of Electronic Service	Transaction 8884283 - Approved By: NOREVIEW : 02-07-2022:13:59:09		
<u>3/15/2022</u>	3060	Ord Granting Mtn ...	ORDER GRANTING MOTION TO DISMISS PETITION Transaction 8946966 - Approved By: NOREVIEW : 03-15-2022:13:09:19		
<u>3/15/2022</u>	F135	Adj Motion to Dismiss by DEFT			
<u>3/15/2022</u>	S200	Request for Submission Complet			
<u>3/15/2022</u>	NEF	Proof of Electronic Service	Transaction 8946971 - Approved By: NOREVIEW : 03-15-2022:13:09:19		
<u>3/31/2022</u>	2515	Notice of Appeal Supreme Court	ORDER 3/15/2022		
<u>3/31/2022</u>	NEF	Proof of Electronic Service	Transaction 8975579 - Approved By: NOREVIEW : 03-31-2022:15:39:25		
<u>3/31/2022</u>	1350	Certificate of Clerk	CERTIFICATE OF CLERK AND TRANSMITTAL - NOTICE OF APPEAL - Transaction 8975576 - Approved By: NOREVIEW : 03-31-2022:15:38:58		
<u>3/31/2022</u>	1310	Case Appeal Statement	CASE APPEAL STATEMENT - Transaction 8975576 - Approved By: NOREVIEW : 03-31-2022:15:38:58		

SECOND JUDICIAL DISTRICT COURT  
COUNTY OF WASHOE

Case History - CR94P0345

DEPT. D8

HON. BARRY L. BRESLOW

Report Date & Time

3/31/2022

3:42:30PM

Case Description: POST: CHARLES JOSEPH MAKI (D8)

Case ID: CR94P0345 Case Type: POST CONVICTION Initial Filing Date: 5/9/1996

Parties

PETR CHARLES MAKI - @395024  
RESP E. (WARDEN) MCDANIEL - @420191  
DA Jennifer P. Noble, Esq. - 9446  
CAA Robert Story, Esq. - 1268

Charges

Charge No. Charge Code Charge Date Charge Description

Plea Information

Charge No. Plea Code Plea Date Plea Description

Release Information

Custody Status

Hearings

Department	Event Description	Sched. Date & Time	Disposed Date
1			
	Event Extra Text:	Disposition:	

Agency Cross Reference

Code Agency Description Case Reference I.D.

Actions

Action Entry Date	Code	Code Description	Text
1/1/1994	1315	** Case Closed	
5/9/1996	2385	Mtn Proceed Forma Pauperis	
5/9/1996	3565	Pet Post-Conviction Relief	PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION)
5/9/1996	1368	Certificate ...	FINANCIAL CERTIFICATE
5/9/1996	1030	Affidavit in Support...	
5/29/1996	3370	Order ...	
8/5/1996	3980	Stip and Order...	
8/20/1996	4105	Supplemental ...	SUPPLEMENTAL POINTS AND AUTHORITIES IN SUPPORT OF PETITION FOR WRIT OF HABEAS CORPUS

Case Description: POST: CHARLES JOSEPH MAKI (D8)				
Case ID:	CR94P0345	Case Type:	POST CONVICTION	Initial Filing Date: 5/9/1996
8/23/1996	1130	Answer ...	ANSWER TO PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION)	
9/30/1996	1400	Claim...	* SEALED * INTERIM CLAIM FOR COMPENSATION AND REQUEST FOR ORDER GRANTING ATTORNEY'S	
10/8/1996	3370	Order ...		
11/25/1996	2490	Motion ...	MOTION TO WITHDRAW AS COUNSEL	
12/4/1996	2490	Motion ...	MOTION FOR THE APPOINTMENT OF COUNSEL	
12/5/1996	3860	Request for Submission		
12/11/1996	3860	Request for Submission		
1/16/1997	3370	Order ...		
1/29/1997	3370	Order ...		
5/20/1997	1250	Application for Setting		
6/3/1997	3340	Ord to Produce Prisoner		
6/3/1997	1260	Application Produce Prisoner		
7/15/1997	1260	Application Produce Prisoner		
7/16/1997	3340	Ord to Produce Prisoner		
7/24/1997	1750	Findings, Conclusions & Judg		
7/28/1997	2540	Notice of Entry of Ord		
8/4/1997	3370	Order ...	* SEALED * ORDER GRANTING ATTORNEY FEES	
8/18/1997	2515	Notice of Appeal Supreme Court		
8/18/1997	2515	Notice of Appeal Supreme Court		
8/19/1997	1310	Case Appeal Statement		
8/19/1997	1350	Certificate of Clerk		
8/19/1997	1365	Certificate of Transmittal		
8/26/1997	2515	Notice of Appeal Supreme Court		
2/10/1998	4185	Transcript		
6/17/1998	3370	Order ...	* SEALED *	
6/27/2000	1670	Ex-Parte Mtn...	* SEALED * EX PARTE MOTION FOR ORDER ALLOWING INTERIM PAYMENT OF ATTORNEY'S FEES AND I	
7/14/2000	2777	Ord Approving ...	* SEALED * ORDER APPROVING FEES AND COSTS OF COURT-APPOINTED ATTORNEY	
11/9/2000	4134	Supreme Court Order Affirming		
11/9/2000	1350	Certificate of Clerk		
11/9/2000	4145	Supreme Court Remittitur		
12/3/2008	3860	Request for Submission	DOCUMENT TITLE: MOTION FOR TRIAL COURT RECORDS	
12/3/2008	2490	Motion ...	MOTION FOR TRIAL COURT RECORDS: CHARLES MAKI	
1/30/2009	2840	Ord Denying ...	ORDER DENYING MOTION FOR TRIAL COURT RECORDS	



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

CHARLES MAKI,

Petitioner,

vs.

Case No. CR94-0345

Dept. No. 8

THE STATE OF NEVADA

Respondent.

**ORDER GRANTING MOTION TO DISMISS PETITION**

Before the Court is a *Petition for Actual Factual Innocence* (hereinafter, "*Petition*") filed by Petitioner, CHARLES MAKI, on August 17, 2021. Respondent, THE STATE OF NEVADA, did not file a responsive pleading, and Petitioner submitted the *Petition* on November 2, 2021.

The Court considered the *Petition*, and found a response from the State would be beneficial; Accordingly, the Court issued an *Order for State to Respond* on December 16, 2021. A *Motion to Dismiss Petition* was filed by Respondent on January 18, 2021, to which the Petitioner filed an *Opposition* on February 4, 2022. The Respondent filed a *Reply* on February 7, 2022, and thereafter submitted this matter for decision.

Having reviewed the pleadings and relevant authorities, the Court finds, and orders as follows:

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1                   **ANALYSIS**

2                   Petitions of factual innocence are required to comply with the provisions enumerated in  
3 NRS 34.960; An assertion of factual innocence under oath by Petitioner must aver, with  
4 supporting affidavits or other credible documents, that:

5                   (a) Newly discovered evidence exists that is specifically identified, and if credible,  
6                   establishes a bona fide issue of factual innocence;

7                   (b) The newly discovered evidence identified by the Petitioner:

8                   (1) Establishes innocence and is material to the case and the determination of factual  
9                   innocence;

10                  (2) Is not merely cumulative of evidence that was known, is not reliant solely upon  
11                  recantation of testimony by a witness against the Petitioner and is not merely  
12                  impeachment evidence; and

13                  (3) Is distinguishable from any claims made in any previous petitions;

14                  (d) When viewed with all other evidence in the case, regardless of whether such evidence  
15                  was admitted during trial, the newly discovered evidence demonstrates the factual  
16                  innocence of the petitioner.  
17

18                  Here, Petitioner asserts counsel was ineffective for failing to introduce his medical  
19 records during trial. Petitioner argues medical records would have demonstrated he suffered  
20 from a medical condition that rendered him incapable of committing the charged crime.

21 *Opposition*, 2: 18-25. The medical records are not newly discovered evidence. Petitioner has  
22 raised this claim as well as additional ineffective assistance claims in his previous petitions for  
23 writ of habeas corpus. The Nevada Court of Appeals and the Nevada Supreme Court have  
24 affirmed the dismissal of Petitioner's prior petitions as procedurally barred. *See* Order of  
25 Affirmance, Docket No. 66144, December 11, 2014; Order of Affirmance, Docket No. 78260-  
26 COA, December 27, 2019. The Court is not inclined to deviate from the Nevada Court of  
27 Appeals, and the Nevada Supreme Court's findings.  
28

1 Furthermore, Petitioner argues the State “fails to acknowledge the facts” and highlights  
2 facts he wishes the Court would consider. However, he cites to his trial transcript, specifically  
3 the trial attorney’s closing argument. *Opposition*, 2:4-8. These facts are not novel information,  
4 nor are they exculpatory evidence.

5 Defendant Maki’s Petition does not meet the statutory requirements specified in NRS  
6 34.900 and does not present allegations of newly discovered evidence. Therefore, the Motion to  
7 Dismiss is **GRANTED**.

8 **IT IS SO ORDERED.**

9 **DATED** this 15 day of March, 2022.

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12 BARRY L. BRESLOW  
13 District Judge  
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JENNIFER NOBLE, ESQ.  
ROBERT BELL, ESQ.  
ROBERT STORY, ESQ.

Charles J. Maki, #42820  
Lovelock Correctional Center  
1200 Prison Road  
Lovelock, Nevada 89419

C Kuhl  
Judicial Assistant

DATE, JUDGE  
OFFICERS OF  
COURT PRESENT

## APPEARANCES - HEARING

## CONT'D TO

2/16/94

ARRAIGNMENT

HONORABLE

STEVEN R.

KOSACH

DEPT. NO. 8

L. Romero

(Clerk)

I. Zihn

(Reporter)

Deputy District Attorney Dan Greco was present for the State. Defendant present with counsel, Deputy Public Defender, Janet Schmuck.

TRUE NAME: CHARLES JOSEPH MAKI.

Copy of Information handed to the Defendant; reading waived. Defendant waived time in which to enter a plea; entered a plea of Not Guilty to the offenses charged in the Information. Defendant did waive the 60-day rule.

COURT ORDERED: Matter continued for trial by jury; Defendant was remanded to the custody of the sheriff.

4/1/94

9:00 a.m.

Motion to

Confirm

4/11/94

Jury

Trial

CR94-0345 DC-9900039406-057  
STATE VS CHARLES JOSEPH MAKI 1 Page  
District Court 02/16/1994 02 12 PM  
Washoe County MIN

DC-9900039406-064  
CR94-0345  
STATE VS CHARLES JOSEPH MAKI 2 Pages  
District Court 02/16/1994 02:21 PM  
Washoe County  
100%

# CRIMINAL PROGRESS SHEET

CR94-0345

CHARLES JOSEPH MAKI

Arrest Date: 2/16/94

STATUS: Custody ☒ NIC ☐  
Bail ☐ OR ☐

Bail Amount: \_\_\_\_\_

Date Inf/Ind filed: 2/10/94

Amended Inf. filed: \_\_\_\_\_

Dept. No: 8 Reporter: I. Zahn

True Name: ☒ \_\_\_\_\_

Handed Copy ☒

Waived Reading ☒

Not Guilty ☒ By: Info

Requested Time to Plea ☐

Waived PSI ☐

Guilty ☐ Nolo ☐ To: \_\_\_\_\_

Waived 60 Day: Yes ☒

Juv. Ref. \_\_\_\_\_

P & P Ref. \_\_\_\_\_

Date \_\_\_\_\_ No ☐

Continued To: \_\_\_\_\_

4/1/94 @ 9:00am

For: Info to confirm

4/1/94 @ 10:00am

For: Trial - Confirmed

7/18/94 @ 10:00

For: Post-Conviction

For: \_\_\_\_\_

For: \_\_\_\_\_

Sentencing Date: 5/17/94

Dept. No. 8

Reporter: I. Zahn

Disposition: NSP Life w/ the possibility of parole on Count III; NSP Life w/ the possibility of parole to be served consecutive to Count III; Count V. NSP Life w/ the possibility of parole to be served consecutive to Count III; Count VI: NSP 10 yrs to be served consecutive to Count III; Count VII: NSP 10 yrs to be served consecutive to Count III; (over ->) Time Served: 118 days Bail Exonerated ☐

Motions: \_\_\_\_\_

SENTENCING - DISPO CONT'D: COUNT VIII: NSP 10 yrs to be served consecutive to Count III; ~~and~~ Count IX: NSP 10 yrs to be served consecutive to Count III; and, Count X: NSP 10 yrs to be served consecutive to Count III. It is further ordered that Defendant effect restitution in the amount of \$ 526<sup>00</sup>. \$ 25<sup>00</sup> AAF.

DATE, JUDGE  
OFFICERS OF

COURT PRESENT

APPEARANCES - HEARING

CONT'D TO

03/11/94

EVIDENTIARY MOTIONS

HONORABLE

STEVEN R.

KOSACH

DEPT. NO. 8

S. Hopper

(Clerk)

I. Zihn

(Reporter)

Deputy District Attorney Dan Greco was present for the State. Defendant present with counsel, Deputy Public Defender Janet Cobb Schmuck. Counsel Greco addressed the Court and reviewed the contents of the video tape for the evidentiary motion.

Detective James Stegmair was called by Counsel Greco, sworn and testified.

State's Exhibit A was marked for identification; offered and ordered admitted.

The video tape was played for the Court.

Witness was further direct examined; cross examined; re-direct examined.

Counsel Greco presented arguments for the allowance of the video tape.

Counsel Schmuck presented arguments to not allow the video tape.

COURT ORDERED: Motion to allow the video tape into evidence during trial is granted.

Counsel Greco moved to release State's Exhibit A to the District Attorney's office; no objections; SO ORDERED.

Counsel Schmuck addressed the Court regarding discovery of the Saint's examination; COURT ORDERED GRANTED. Defendant was remanded to the custody of the Sheriff.

04/01/94

9:00 a.m.

Motion to  
confirm

04/11/94

10:00 a.m.

Jury Trial

CR94-0345  
STATE VS CHARLES JOSEPH MAKI 1 Page  
District Court 03/11/1994 02 12 PM  
Washoe County MTN  
DC-9900039406-056  
ivoc.



DATE, JUDGE  
OFFICERS OF  
COURT PRESENT

## APPEARANCES - HEARING

## CONT'D TO

4/1/94

MOTION TO CONFIRM TRIAL DATE/MOTION TO SUPPRESS

HONORABLE

Deputy District Attorney Dan Greco was present

STEVEN R.

for the State. Defendant present with counsel,

4/11/94

KOSACH

Deputy Public Defender, Janet Schmuck. James

Jury

DEPT. NO. 8

Roundtree was present for the State Division of

Trial

L. Romero

Parole and Probation.

(Clerk)

Respective counsel addressed the Court.

I. Zihn

Counsel for the defendant addressed the Court

(Reporter)

and moved to withdraw the defendant's former

plea of Not Guilty to Sexual Assault On A Child

Under The Age of Fourteen Years and Lewdness

With A Child Under the Age of Fourteen Years as

charged in Counts I, V, VI, &amp; IX of the

Information and enter pleas of Guilty. Counsel

for the defendant stated the negotiations.

The defendant addressed the Court and stated

that he was innocent. The Court interrogated

the Defendant and did not accept his pleas of

guilty.

COURT ORDERED: Trial date of 4/11/94 confirmed.

At 9:50 a.m. Court ordered recess.

At 10:15 a.m. Court reconvened with all parties

present.

Counsel for the defendant presented argument for

her motion to suppress.

Counsel for the State presented arguments

against the defendant's motion.

Tape of the defendant's confession played for

the Court.

COURT ORDERED: Motion to suppress denied.

Defendant was remanded to the custody of the

sheriff.

CR94-0345  
STATE VS CHARLES JOSEPH MAKI  
District Court  
Washoe County  
MIN  
1000

DC-9900039406-058  
Page 1  
04/01/1994 02:13 PM  
MIN  
1000

CR94-0345  
STATE VS CHARLES JOSEPH MAKI  
District Court  
Washoe County  
MTN  
DC-9900039406-063  
1 Page  
04/11/1994 02 13 PM  
JY057

CASE NO. CR94-0345

STATE OF NEVADA

-VS-

CHARLES JOSEPH MAKI

TRIAL DATE April 11, 1994

JUDGE Steven Kosach

DEPT. NO. 8

CLERK L. Romero

REPORTER I. Zihn

D..A. Dan Greco

DEFT'S ATTY. Janet Schmuck

Court Appointed  
Public Defender XX

VERDICTS Count I: Not Guilty; Count II: Hung; Counts III-X; Guilty

SENTENCING DATE May 13, 1994

PAGE 1

DATE, JUDGE  
OFFICERS OF  
COURT PRESENT

APPEARANCES-HEARING

4/11/94  
HONORABLE  
STEVEN R.  
KOSACH  
DEPT. NO. 8  
L. Romero  
(Clerk)  
I. Zihn  
(Reporter)JURY TRIAL

Plaintiff, State of Nevada, was being represented by Deputy District Attorney, Dan Greco. The defendant, Charles Joseph Maki, was present with counsel, Deputy Public Defender, Janet Cobb Schmuck.

Counsel Schmuck presented her motions in limine to exclude any evidence as to the defendant's prior convictions and/or bad acts. COURT ORDERED: Motions granted.

Counsel Schmuck addressed the Court as to the pictures from the SAINTS exam. Counsel Schmuck moved for a continuance or in the alternative, that the pictures not be admitted.

Opposition and argument by counsel Greco.

COURT ORDERED: Motion for continuance denied. Motion for the admittance of the pictures taken under advisement.

At 10:45 a.m. the prospective jurors were brought into the courtroom. Court addressed the prospective jurors. Roll of the prospective jurors was called. Court explained the elements to the prospective jurors. Prospective jurors were sworn to answer questions touching upon their qualifications to serve as trial jurors in this case.

The Information was read by the Clerk.

Jurors were polled and questioned by the Court.

At 12:00 Court ordered recess. Prospective jurors admonished.

At 12:10 p.m. Court reconvened with all parties and prospective jurors present.

Following the process of jury selection, the persons listed below were sworn to try this case:

Marianne Dortch	Jill Young
Terry Bradley	Randall Reed
Merrilee Soileau	Vincent Cordi
Joe Sambrano	James Roets
Loretta McNabb	Patricia Hedges-Johnson
Leann Morgan	Sharon Suarez
Nancy Fritz-Alternate	

At 12:50 p.m. Court ordered recess. Jurors were admonished and excused.

At 2:20 p.m. Court reconvened with all parties present. Court noted that the Jury was present.

State's exhibits 1, 2 & 3 were marked for identification.

Defendant's exhibits A-F were marked for identification.

Counsel Greco presented opening statements.

Counsel Schmuck presented opening statements.

At 2:42 p.m. the jurors were admonished and excused. Outside the presence of the jury. Desiree Menees was called by counsel Greco; sworn and testified. Counsel Greco moved for competency; no objections; SO ORDERED.

At 2:45 p.m. the jury was brought back into the courtroom.

Desiree Menees, heretofore sworn, resumed the stand. Counsel

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DC-9900039406-059  
STATE VS CHARLES JOSEPH MAKI 5 Pages  
District Court 04/11/1994 02:13 PM  
Washoe County MTN

Greco continued with direct examination. Cross examination by counsel Schmuck. Redirect examination; recross examination and excused.

At 2:20 p.m. the jurors were admonished and excused. Outside the presence of the jury, Summer Menees was called by counsel Greco; sworn and testified. Counsel Greco moved for competency; no objections; SO ORDERED.

The jury was brought back into the courtroom. Summer Menees, heretofore sworn, resumed the stand. Counsel Greco continued with direct examination; cross examination.

Gary Menees was called by counsel Greco; sworn and testified; cross examined; redirect examined and excused.

At 4:20 p.m. Jurors were admonished and excused. Court ordered recess.

At 4:30 p.m. Court reconvened with all parties present.

Kathy Peele was called by counsel Greco; sworn and testified; cross examination; redirect examination; recross examination and excused.

State's exhibits 4 & 5 were marked for identification; offered into evidence; objections; overruled; ordered admitted and so marked.

At 5:30 p.m. Jurors were admonished and excused. Court ordered recess.

---

DATE, JUDGE  
OFFICERS OF  
COURT PRESENT

PAGE 3

APPEARANCES-HEARING

4/12/94  
HONORABLE  
STEVEN R.  
KOSACH  
DEPT. NO. 8  
L. Romero  
(Clerk)  
I. Zihn  
(Reporter)

JURY TRIAL CONTINUED

At 10:00 a.m. Plaintiff, State of Nevada, was being represented by counsel, Deputy District Attorney, Dan Greco. Defendant, Charles Joseph Maki, was present with counsel, Deputy Public Defender, Janet Cobb Schmuck.

Court noted that the jury was present.

Detective Jim Stegmaier was called by counsel Greco; sworn and testified.

State's exhibit 2 previously marked for identification was offered into evidence; no objections; ordered admitted and so marked. State's exhibit 2 was played for the jury.

State's exhibit 3 previously marked for identification was offered into evidence; objections; overruled; ordered admitted and so marked, State's exhibit 3 was played for the jury.

Cross examination by counsel Schmuck. Redirect examination. State rested.

At 11:30 a.m. Jurors were admonished and excused. Court ordered recess.

At 1:30 p.m. Court reconvened with all parties present. Court noted that the jury was present.

Michael O'Brien called by counsel Schmuck; sworn and testified. Defendant's exhibits A-F previously marked for identification were offered into evidence; no objections; ordered admitted and so marked.

Danielle Johnson was called by counsel Schmuck; sworn and testified; cross examined.

Defense rested.

Summer Menees, heretofore sworn, was called to the stand as a rebuttal witness by counsel Greco. Counsel Greco began direct examination.

Desiree Menees, heretofore sworn, was called to the stand as a rebuttal witness by counsel Greco. Counsel Greco began direct examination.

At 1:52 p.m. Jurors were admonished and excused. Outside the presence of the jury, Counsel Greco addressed the Court stating that he had hearsay evidence that he wanted to present through the witness, Gary Menees. Opposition and argument by counsel Schmuck. Counsel Greco withdrew his request.

At 1:55 p.m. the jury entered the courtroom. Court noted that the jury was present.

State rested.

At 2:00 p.m. Jurors were admonished and excused. Court and counsel met in chambers to discuss and settle jury instructions.

At 2:45 p.m. in chambers, Court and counsel settled on jury instructions 1-33.

At 3:00 p.m. All parties were present. Court noted that the jury was present.

Court read instructions 1-33.

4/12/94

JURY TRIAL CONTINUED

Cont'd  
HONORABLE  
STEVEN R.  
KOSACH  
DEPT. NO. 8  
L. Romero  
(Clerk)  
I. Zihn  
(Reporter)

Counsel Greco presented closing arguments.  
Counsel Schmuck presented closing arguments.  
Counsel Greco presented rebuttal arguments.  
At 4:05 p.m. the Bailiff was sworn to take the jury into deliberation.  
At 11:30 p.m. All parties were present. The jury entered the courtroom. Court noted that the jury was present.  
The following verdicts were read by the Clerk:

We, the jury in the above entitled matter, find the defendant, Charles Joseph Maki, not guilty of Count I: Sexual Assault On a Child Under The Age of Fourteen Years.

Dated this 12th day of April, 1994.

Vincent Cordi  
Foreman

We, the jury in the above entitled matter, find the defendant, Charles Joseph Maki, guilty of Count III: Sexual Assault On A Child Under The Age Of Fourteen Years.

Dated this 12th day of April, 1994.

Vincent Cordi  
Foreman

We, the jury in the above entitled matter, find the defendant, Charles Joseph Maki, guilty of Count IV: Sexual Assault On A Child Under The Age Of Fourteen Years.

Dated this 12th day of April, 1994.

Vincent Cordi  
Foreman

We, the jury in the above entitled matter, find the defendant, Charles Joseph Maki, guilty of Count V: Sexual Assault On A Child Under The Age Of Fourteen Years.

Dated this 12th day of April, 1994.

Vincent Cordi  
Foreman

We, the jury in the above entitled matter, find the defendant, Charles Joseph Maki, guilty of Count VI: Lewdness With A Child Under The Age Of Fourteen Years.

Dated this 12th day of April, 1994.

Vincent Cordi  
Foreman

4/12/94

JURY TRIAL CONTINUED

Cont'd  
HONORABLE  
STEVEN R.  
KOSACH  
DEPT. NO. 8  
L. Romero  
(Clerk)  
I. Zihn  
(Reporter)

We, the jury in the above entitled matter, find the defendant,  
Charles Joseph Maki, guilty of Count VII: Lewdness With A Child  
Under The Age of Fourteen Years.

Dated this 12th day of April, 1994.

Vincent Cordi  
Foreman

We, the jury in the above entitled matter, find the defendant,  
Charles Joseph Maki, guilty of Count VIII: Lewdness With A  
Child Under The Age Of Fourteen Years.

Dated this 12th day of April, 1994.

Vincent Cordi  
Foreman

We, the jury in the above entitled matter, find the defendant,  
Charles Joseph Maki, guilty of Count IX: Lewdness With A Child  
Under The Age Of Fourteen Years.

Dated this 12th day of April, 1994.

Vincent Cordi  
Foreman

We, the jury in the above entitled matter, find the defendant,  
Charles Joseph Maki, guilty of Count X: Lewdness With A Child  
Under The Age Of Fourteen Years.

Dated this 12th day of April, 1994.

Vincent Cordi  
Foreman

At 11:36 p.m. the Jury was thanked and excused. Sentencing was  
set for May 13, 1994 at 9:00 a.m.

DATE, JUDGE  
OFFICERS OF  
COURT PRESENT

## APPEARANCES-HEARING

## CONT'D TO

05/17/94  
HONORABLE  
STEVEN R.  
KOSACH  
DEPT. NO. 8  
S. Hopper  
(Clerk)  
I. Zihn  
ReporterENTRY OF JUDGMENT AND IMPOSITION OF SENTENCE

Deputy District Attorney Dan Greco was present for the State. Defendant present with counsel, Deputy Public Defender Janet Cobb Schmuck. Officer Robert Tucker was present for the State Dept of Parole and Probation.

Counsel Greco addressed the Court and reviewed motion for other bad acts evidence to be admitted. Counsel Schmuck addressed the Court regarding motion as entered and presented objections with arguments thereto; Counsel Greco presented response.

COURT ORDERED: Motion for other bad acts evidence to be admitted granted.

Joslyn Coombs was called by Counsel Greco, sworn and testified.

During testimony under direct examination, court took recess and ordered Defendant's mouth taped shut.

Witness was further direct examined.

State's Exhibit 1 was marked for identification and offered; objections and arguments presented thereto; COURT ORDERED ADMITTED.

Witness was further direct examined; cross examined; re-direct examined and excused.

Counsel Schmuck addressed the Court regarding P.S.I. corrections and presented arguments regarding sentencing; presented letters from the Defendant to the Court.

Counsel Greco presented arguments for sentencing.

Officer Tucker addressed the Court.

Defendant addressed the Court after tape was removed.

COURT ORDERED: Judgment entered. The Defendant is sentenced to Life with the possibility of Parole in the Nevada State Prison for Sexual Assault On A Child Under The Age Of Fourteen Years as charged in Count III of the Information; sentenced to Life with the Possibility of Parole in the Nevada State Prison to run consecutive to Count III for Sexual Assault On A Child Under The Age Of Fourteen Years as charged in Count IV of the Information; sentenced to Life with the Possibility of Parole in the Nevada State Prison to run consecutive to Count III for Sexual Assault On A Child Under The Age Of Fourteen Years as charged in Count V of the Information; sentenced to ten (10) years in the Nevada State Prison to run consecutive to Count III for Lewdness With A Child Under The Age Of Fourteen Years as

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JOSEPH MAKI 2 Pages  
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JYOC  
MTN



CASE NO. CR94-0345

STATE OF NEVADA -VS- CHARLES MAKI

DATE, JUDGE  
OFFICERS OF  
COURT PRESENT

APPEARANCES-HEARING

CONT'D TO

05/17/94

Cont'd.

ENTRY OF JUDGMENT AND IMPOSITION OF SENTENCE -

CONTINUED

charged in Count VI of the Information; sentenced to ten (10) years in the Nevada State Prison to run consecutive to Count III for Lewdness With A Child Under The Age Of Fourteen Years as charged in Count VII of the Information; sentenced to ten (10) years in the Nevada State Prison to run consecutive to Count III for Lewdness With A Child Under The Age Of Fourteen Years as charged in Count IX of the Information; and, sentenced to two (10) years in the Nevada State Prison to run consecutive to Count III for Lewdness With A Child Under The Age Of Fourteen Years as charged in Count X of the Information. Defendant is hereby given credit for one hundred eighteen (118) days time served. The Defendant is to pay the Twenty-Five Dollar (\$25.00) administrative assessment fee. Defendant was remanded to the custody of the Sheriff.

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DATE, JUDGE  
OFFICERS OF

COURT PRESENT

APPEARANCES - HEARING

CONT'D TO

7/11/97

HONORABLE

STEVEN R.

KOSACH

DEPT. NO. 8

L. Romero

(Clerk)

D. Phipps

(Reporter)

POST CONVICTION HEARING

Deputy District Attorney Terry McCarthy was present for the State. Defendant was present with counsel, Joe Plater.

Counsel Plater addressed the Court as to the matter of the continuance previously granted by the Court. Counsel Plater further asked leave of the Court to have the defendant housed at the Washoe County Jail until Friday, July 18. Response by the State.

COURT ORDERED: Matter to be heard on July 18, 1997. Defendant to be housed at the Washoe County Jail. Defendant was remanded to the custody of the sheriff.

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STATE VS CHARLES JOSEPH MAKI  
District Court  
Washoe County  
MTN  
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JND

**DATE, JUDGE  
OFFICERS OF****COURT PRESENT**

7/18/97

HONORABLE  
STEVEN R.

KOSACH

DEPT. NO. 8

L. Romero  
(Clerk)S. Koetting  
(Reporter)**APPEARANCES-HEARING****POST CONVICTION HEARING**

Petitioner, Charles J. Maki, was present with counsel, Joe Plater. Respondent, E.K. McDaniel, Warden of a Nevada State Prison, was not present being represented by counsel, Deputy District Attorney, Terry McCarthy.

Counsel Plater moved for the rule of exclusion; SO ORDERED.

Charles J. Maki was called by counsel Plater; sworn and testified; cross examined; redirect examined; recross examined.

State's A, B.1 and B.2 were marked for identification; exhibits B.1 & B.2 were offered into evidence; no objections; ordered admitted and so marked.

At 11:15 a.m. Court ordered recess.

At 11:30 a.m. Court reconvened with all parties present.

Michael Ray Freed was called by counsel Plater; sworn and testified; cross examined.

Janet Cobb Schmuck was called by counsel Plater; sworn and testified.

At 12:00 Court ordered recess.

At 2:00 p.m. Court reconvened with all parties present.

Janet Cobb Schmuck, previously sworn, resumed the stand. Counsel Plater continued with direct examination; cross examination; redirect examination..

State's exhibit A, previously marked for identification, was offered into evidence; ordered admitted and so marked.

At 3:10 p.m. Court ordered recess.

At 3:25 p.m. Court reconvened with all parties present.

Counsel McCarthy placed two stipulations on the record.

Exhibits 1-4 were marked for identification; stipulated into evidence.

Closing arguments presented by respective counsel.

COURT ORDERED: Petition for post conviction relief denied.

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STATE VS CHARLES JOSEPH MAKI 1 Page  
District Court 07/18/1997 02:11 PM  
Washoe County MTN

Code 1350

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

**CHARLES MAKI,**

**Petitioner,**

**Case No. CR94-0345**

**vs.**

**Dept. No. 8**

**THE STATE OF NEVADA,**

**Respondent.**

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**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 31st day of March, 2022, 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 31st day of March, 2022.

Alicia L. Lerud  
Clerk of the Court  
By /s/Y.Viloria  
Y.Viloria  
Deputy Clerk