

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

Electronically Filed
Apr 28 2022 11:42 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

THE STATE OF NEVADA,

Plaintiff,

vs.

MARC PAUL SCHACHTER,

Defendant.

Sup. Ct. Case No. 84547

Case No. CR14-1044

Dept. 4

RECORD ON APPEAL

VOLUME 2 OF 10

DOCUMENTS

APPELLANT

Marc Schachter #91445
S.D.C.C. PO Box 208
Indian Springs, NV 89018

RESPONDENT

Washoe County District
Attorney's Office
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Reno, Nevada 89502-3083

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DISTRICT CASE NO: CR14-1044
THE STATE OF NEVADA vs MARC PAUL SCHACHTER
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Code 3700

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

THE STATE OF NEVADA,

Plaintiff,

vs.

Marc Paul Shachter,

Defendant.

Case No. CR14-1044

Dept. No. 4

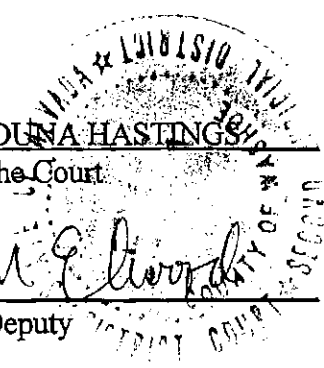
PROCEEDINGS

STATE OF NEVADA vs. Marc Paul Schachter - RCR2014-077569

July 03, 2014

Received of Justice of the Peace of Reno Township Documents to be filed:

1. CRIMINAL CASE SUMMARY
2. ARREST REPORT AND DECLARATION OF PROBABLE CAUSE
3. APPLICATION FOR APPOINTMENT OF PUBLIC DEFENDER
4. WASHOE COUNTY PRETRIAL SERVICES ASSESSMENT REPORT
5. DETERMINATION OF INDIGENCY REPORT
6. CRIMINAL COMPLAINT
7. APPLICATION FOR APPOINTMENT OF PUBLIC DEFENDER
8. AMENDED CRIMINAL COMPLAINT


JOEY ORDUNA HASTINGS
Clerk of the Court

By 
Deputy

CERTIFICATE OF CLERK

I hereby certify that the enclosed documents are certified as true and correct copies of the original documents on file with the Reno Justice Court.

Dated on this the 3rd day of July, 2014.

Steve Tuttle
Court Administrator

By: 
Deputy Clerk

RENO CRIMINAL
CASE SUMMARY
CASE NO. RCR2014-077569

The State of Nevada
vs.
Marc Paul Schachter

§
§
§
§
§
§
§
§

Location: **Reno Criminal**
Judicial Officer: **Lynch, Patricia**
Filed on: **06/13/2014**
Case Number History: **RPC2014-010856**
Agency Number: **RP14-010834**
District Attorney Number: **14-12219**
Probable Cause Number: **RPD1412193C**

CASE INFORMATION

Offense	Deg	Date	Case Type:	Felony
1. Att robbery ACN: RP14-010834 Arrest: RPD - Reno Police Department	B	06/09/2014	Case Status:	07/01/2014 Bound Over
2. Burglary, 1st ACN: RP14-010834 Arrest: RPD - Reno Police Department	B	06/09/2014	Case Flags:	In Custody

Statistical Closures

07/01/2014 Preliminary Hearing - Bindover

DATE

CASE ASSIGNMENT

Current Case Assignment

Case Number	RCR2014-077569
Court	Reno Criminal
Date Assigned	06/13/2014
Judicial Officer	Lynch, Patricia

PARTY INFORMATION





Lead Attorneys

Plaintiff	The State of Nevada	Bogale, Zelalem
Defendant	Schachter, Marc Paul <i>Also Known As Schacter, Marc Paul</i>	Public Defender <i>Court Appointed</i> 775-337-4800(W)

DATE

EVENTS & ORDERS OF THE COURT

INDEX


06/10/2014	Probable Cause Affidavit Reviewed by Judge
06/10/2014	 Court Found Probable Cause
06/10/2014	 Public Defender Denied
06/10/2014	Probable Cause Findings/Hearings (12:00 PM) (Judicial Officer: Judge, Probable Cause)
06/12/2014	 72 Hour (10:00 AM) (Judicial Officer: Clifton, David) <i>Parties Present: Defendant Schachter, Marc Paul</i>
06/13/2014	 Criminal Complaint Filed \$20,000.00
06/16/2014	Bail Set (Judicial Officer: Hascheff, Pierre) <i>Bail Set at \$20,000.00. Defendant Remanded to the Custody of the Washoe County Sheriff.</i>


CASE SUMMARY

CASE NO. RCR2014-077569


06/16/2014 **Arraignment (10:00 AM)** (Judicial Officer: Hascheff, Pierre)
Parties Present: Defendant Schachter, Marc Paul


06/23/2014 **Hearing Result** (Judicial Officer: Lynch, Patricia)
Defendant appeared without counsel before the Honorable Patricia Lynch, the State was represented by Kristin Erickson, Esq. State moves to have Defendant to be re-interviewed for the appointment of the Public Defender. Defendant opposes. Defendant refuses to have the Public Defender appointed. Defendant is GRANTED the appointment of the Public Defender. Mandatory Status Conference is set for June 30, 2014 1:30 PM and the Preliminary Hearing is set for July 1, 2014 at 1:30 PM. Defendant requests that discovery is sent to him and Public Defender, State indicates that discovery shall be sent to the PD's office today

06/23/2014  **Public Defender Appointed**

06/23/2014  **Motion Hearing (1:30 PM)** (Judicial Officer: Lynch, Patricia)
Parties Present: Plaintiff The State of Nevada
Defendant Schachter, Marc Paul
Deputy District Attorney Erickson, Kristin L.

06/30/2014 **Hearing Result:** (Judicial Officer: Lynch, Patricia)
Defendant present in custody with Defense Attorney Leslie and District Attorney Bogale. Defendant is requesting to represent himself, although his request was denied by the court on a prior occasion. Court DENIES request but will consider self-representation at the beginning of prelim tomorrow. Defendant remanded to Washoe County Jail. Prelim Hearing on 7/01/2014, at 1:30 p.m.


06/30/2014  **Motion Hearing (1:30 PM)** (Judicial Officer: Lynch, Patricia)
Parties Present: Plaintiff The State of Nevada
Defendant Schachter, Marc Paul
Public Defender Leslie, James Briand
Deputy District Attorney Bogale, Zelalem


07/01/2014  **Amended Criminal Complaint Filed**
\$40,000.00 - Changed DA, added Ct. II

07/01/2014 **Hearing Result** (Judicial Officer: Lynch, Patricia)
The Defendant present in custody together with attorney Jim Leslie, Esq. and the State was represented by Zelalem Bogale before the Honorable Patricia Lynch. The Defendant duly arraigned on Amended Criminal Complaint. The Defendant requests to represent himself. The Court finds the Defendant competent to waive his right to counsel. The Public Defender, Jim Leslie is hereby removed from the case. Preliminary Hearing proceeded.

07/01/2014 **Disposition** (Judicial Officer: Lynch, Patricia)
 1. Att robbery
 Bound Over
 2. Burglary, 1st
 Bound Over

07/01/2014 Bound Over

07/01/2014  **Notice of Bindover**

07/01/2014  **Preliminary Hearing (1:30 PM)** (Judicial Officer: Lynch, Patricia)
Court MAY consider self-representation before prelim on 7/01/2014
Parties Present: Plaintiff The State of Nevada
Public Defender LESLIE, JAMES
Defendant Schachter, Marc Paul
Deputy District Attorney Bogale, Zelalem

RENO CRIMINAL
CASE SUMMARY
CASE NO. RCR2014-077569

07/03/2014	Judgment Commitment Filed <i>Felony commitment</i>
07/03/2014	Proceedings Certified to the Second Judicial District Court

ARREST REPORT AND
DECLARATION OF PROBABLE CAUSE

10854

DA

RJC
RHH
ROP

COURT OF JURISDICTION

RSEILED

RPD1412193C

CASE # 14-10834

PHOTO #

2014 JUN 10 AM 8:52 R 610790

PRINT CLEARLY

ARRESTEE'S (Last, First, Middle)

NAME SCHACHTER, MARC PAUL

AKA/ALIAS

RENO JUSTICE COURT

RESIDENCE (Street, City, State, Zip)

ADDRESS

1650 E 4th ST #7 Reno, NV

DEPUTY

RACE

☒ White
☐ Black
☐ Unknown☐ Indian
☐ Asian

SEX

☒ Male
☐ Female

ETHNICITY

☐ Hispanic
☒ Non-Hispanic
☐ Unknown

DOB

4-5-67

POB

NEW YORK

AGE

44

HT

5'10

WT

160

HAIR

BRN

EYES

BRN

OCCUPATION &

BUS ADDRESS

REFUSED

HOME PHONE

REFUSED

DRIV LIC

#

0803601944

DRIV LIC

STATE NV

ID

NONE

ARRESTEE'S VEH

Not Applicable

☐ Stolen☐ Impounded☐ Left at Scene☐ Held to Off Per

BUS PHONE

NEXT OF KIN

REFUSED

SCARS, MARKS, TATTOOS

NONE

ARREST DATE 6-9-14 TIME 1155 LOCATION 5260 W 7th ST Reno, NV

OFFENSE DATE 6-9-14 TIME 1152 LOCATION 5260 W 7th ST Reno, NV

NRS/ORD #	NOC	BAIL	WARRANT # & DATE	CHARGE	F=Felony, G=Gross Misd, M=Misd F-G-M
200-380	50144	10,000		1 ATTEMPTED ROBBERY	IF
				2	
				3	
				4	
				5	
				6	
				7	
				8	

ARRESTING OFFICER(S)

AND ID #

WEST 10177 / DANIS 9464

PRIVATE PERSON MAKING

THE ARREST (Citizen Arrest)

TRANSPORTING OFFICER(S)

AND ID #

REVIEWING SUPERVISOR

AND ID #

WEST / DANIS

6/9/14 4/84

RPD

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

SEE supplement

RELS TO

RJC

DATE

6/9/14

BY

SRL

DISSEMINATION IS RESTRICTED TO CRIMINAL JUSTICE AGENCIES ONLY.

SECONDARY DISSEMINATION TO NON-CRIMINAL AGENCIES IS PROHIBITED.

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

Page 1 of 2 DECLARANT WEST, T I.D.# 10177

REVIEWED FOR PROBABLE CAUSE (PC)

PC FOUND ☒PC NOT FOUND ☐

DATE 6/10/14

TIME 3:50 PM

MAGISTRATE

DEFENDANT ORDERED RELEASED, DATE

MAGISTRATE

S-308 (REVISED 3/06)

V2. 6

CASE# 14-10834

On 06/09/2014 I responded to 5260 W 7th St on the report of a petit larceny where the suspect was fighting security. Upon arrival I observed two Wal-Mart loss prevention employees attempting to detain Arrestee Marc Schachter in the north side of the parking lot. Upon detaining Mark and speaking with Wal-Mart loss prevention employees Alejandro Monroy and Anna Young it was learned Marc had entered Wal-Mart removed a backpack from the shelf and began placing other products in the backpack. Marc approached a register on the north side of the store and paid for two items that were not in the backpack. As Marc exited the store Alejandro and Anna contacted Marc who began denying stealing anything. As Alejandro attempted to take the backpack from Marc, Marc began pushing and shoving Alejandro away from him and attempting to flee in an effort to retain the stolen property. The struggle continued for approximately one minute with Marc continuing to push and elbow Alejandro in an effort steal the property. Alejandro was finally able to get the backpack from Marc shortly before police arrived. The stolen property totaled \$99.61 and had already been recovered by Alejandro upon our arrival. Based on Marc physically fighting with Alejandro to retain stolen property he was transported and booked at the WCSO without incident for the listed charged of attempted robbery.

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

REVIEWED FOR PROBABLE CAUSE (PC)

DECLARANT

ID# 1077

PC FOUND ☐PC NOT FOUND ☐

DATE

MAGISTRATE

DEFENDANT ORDERED RELEASED, DATE:

MAGISTRATE

IN THE JUSTICE COURT OF
WASHOE COUNTY, STATE OF NEVADA

THE STATE OF NEVADA,

Plaintiff,

vs.

Marc Schachter

Defendant.

APPLICATION FOR APPOINTMENT
OF PUBLIC DEFENDER

CASE NO.

PCN

14-10834

I hereby apply for appointment of the Washoe County Public Defender and **declare under penalty of perjury**: (1) I am indigent; and (2) I am without financial means to hire an attorney. I further declare under penalty of perjury the financial and employment information I provided verbally to Pretrial Services with this application is true and accurate to the best of my knowledge.

refused
DEFENDANT

WITNESSED: June 9 2014 [Signature]
PRETRIAL SERVICES OFFICER

ORDER

The Court has reviewed the Defendant's answers to the Financial Inquiry to Determine Eligibility assessment and this Application executed under penalty of perjury. Good cause appearing it is hereby ordered that:

☐ the Application is DENIED. Defendant is not indigent.

Comment:

Denied by Judge Pearson

3:45 PM, Jun 10, 2014

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

DATED: _____ 20__.

JUSTICE OF THE PEACE

Washoe County Pretrial Services Assessment Report

Case Filing

Filed Name SCHACTER, MARC PAUL
--

Arrest

Booked Name SCHACHER, MARC PAUL	Arresting Agency RENO JUSTICE COURT	Booking Number 14-09450	Arrest Date 06/09/2014
---	---	-----------------------------------	----------------------------------

Case Number	NOC	Type	Description	Counts	Court	Bail Amt/Type
14-10834	50144	F	ATT ROBBERY	1	RJC	10,000 B

Defendant Information

Sex M	Race WHITE	Birthdate 04/05/1967	Age 47	Height 5' 10"	Weight 160	SS Number On File
Address REFUSED TO ANSWER UNKNOWN, NV				Residence County: 02 Yr 00 Mo		Born NEW YORK CITY, NY, UNITED STATES
Telephone (775) -		Time at Current Address		Primary Language ENGLISH		
Lives With		Relationship		ID Number	Type	Expiration Date
Marital Status DIVORCED		How Long		Military Service NONE		
Discharge						
Employment/Support Status Unknown		Employer		How Long		
Occupation		Employer Telephone				

Defendant Justice Identifier Codes/Criminal History

FBI Number	SID Number							
Arrests	Violent Fels	Felonies	Violent Misc	Misdemeanors	MMSD	Traffic	DUI	Pending

Comments

THE DEFENDANT REFUSED TO ANSWER ANY QUESTIONS AND WALKED AWAY FROM THE INTERVIEW.
LB

Assessment Status

	Assessment FELONY NR	Initials LBIDDING
--	--------------------------------	-----------------------------

Incident No. 000050081

Page 1

Determination of Indigency Report

06/10/2014
Page 1 of 1**Client:** SCHACTER, MARC PAUL
Case#: 14-10834**SSN:** On File
DOB: 04/05/1967**Identification****Court:**

RENO JUSTICE COURT

Charge(s):

ATT ROBBERY

Address:

REFUSED TO ANSWER UNKNOWN, NV

Occupation and Employer:**Length:****Phone:**

775 -

Financial Information

Asset	0
Expense	0
Income	0
Liability	0

SUMMARY:	ASSETS:	0	INCOME:	0
	LIABILITIES:	0	EXPENSES:	0
	NET WORTH:	0	CASH FLOW:	0

Determination: NO DETERMINATION MADE**Recommendation**

The above constitutes my recommendation to the court. I have explained my recommendation to the party.

Screening Agent/Witness:**Date:** _____**Comments:**

THE DEFENDANT REFUSED TO ANSWER ANY QUESTIONS.

DA #14-12219

RPD RP14-010834

FILED

2014 JUN 13 PM 1:08

STEVE TUTTLE
RENO JUSTICE COURTBY: *Steve Tuttle*

IN THE JUSTICE COURT OF RENO

IN AND FOR THE COUNTY OF WASHOE, STATE OF NEVADA

* * *

THE STATE OF NEVADA,

Plaintiff,

Case No.: RCR2014-077569

v.

Dept.No.: /

MARC PAUL SCHACHTER,

Also known as

MARC PAUL SCHACHTER,

Also known as

MARC PAUL SCHACHTER,

Defendant

CRIMINAL COMPLAINT

ROY L. STRALLA of the County of Washoe, State of Nevada, verifies and declares upon information and belief and under penalty of perjury, that MARC PAUL SCHACHTER also known as MARC PAUL SCHACHTER also known as MARC PAUL SCHACHTER, the defendant above-named, has committed the crime(s of:

ATTEMPTED ROBBERY, a violation of NRS 193.330, being an attempt to violate NRS 200.380, a felony, in the manner following, to wit:

That the said defendant on or about the 9th day of June, 2014, at Reno Township, within the County of Washoe, State of Nevada, did willfully and unlawfully attempt to rob loss prevention personnel at Walmart, located at 5260 W 7th St, Reno, Nevada with the use of force and violence, in that the defendant used physical force upon

said persons to retain property he had just stolen from said location
in order to facilitate his escape.

AFFIRMATION PURSUANT TO NRS 239B.030

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

DATED this 13 day of June, 2014.



ROY L. STRALLA
DEPUTY DISTRICT ATTORNEY

PCN: RPD1412193C-SCHACHTER

Custody: X
Bailed:
Warrant:

District Court Dept: D04
District Attorney: STRALLA
Defense Attorney:
Bail \$20,000.00
Restitution:

IN THE JUSTICE COURT OF
WASHOE COUNTY, STATE OF NEVADA

THE STATE OF NEVADA,

Plaintiff,

vs.

Marc Paul Schacter

Defendant.

APPLICATION FOR APPOINTMENT
OF PUBLIC DEFENDER

CASE NO.

REC. 2014.071569

PCN

I hereby apply for appointment of the Washoe County Public Defender and declare under penalty of perjury: (1) I am indigent and I am without financial means to hire an attorney.

My weekly household income is 0 the total people in my household is 1

I receive government assistance yes ☒ no and my total assets are 0

X
DEFENDANT

WITNESSED:

20

CLERK or JUDGE

ORDER

The Court has reviewed the Defendant's answers to the Financial Inquiry to Determine Eligibility assessment and this Application executed under penalty of perjury. Good cause appearing it is hereby ordered that:

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

Comment:

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

Appointed over D's refusal - A looking at habitual criminal status

DATED:

6/23 2014.

Patricia A. Lynch
JUSTICE OF THE PEACE

¹ (\$418/1, \$565/2, \$712/3, \$839/4)

FILED

DA #14-12219

RPD RP14-010834

2014 JUL -1 AM 9:03

IN THE JUSTICE COURT OF RENO, ^{RENO TOWNSHIP} ~~RENO JUSTICE COURT~~
IN AND FOR THE COUNTY OF WASHOE, ^{BY} *M. Bogale* STATE OF NEVADA

* * *

THE STATE OF NEVADA,

Plaintiff,

Case No. RCR2014-077569

v.

Dept.No. 1

MARC PAUL SCHACHTER,
also known as
MARC PAUL SCHACTER,
also known as
MARC PAUL SCHACHTER,

Defendant.

AMENDED CRIMINAL COMPLAINT

ZELALEM BOGALE of the County of Washoe, State of Nevada,
verifies and declares upon information and belief and under penalty
of perjury, that MARC PAUL SCHACHTER also known as MARC PAUL SCHACTER
also known as MARC PAUL SCHACHTER, the defendant above-named, has
committed the crimes of:

COUNT I. ATTEMPTED ROBBERY, a violation of NRS 193.330,
being an attempt to violate NRS 200.380, a felony, in the manner
following:

That the said defendant MARC PAUL SCHACHTER, on or about
the 9th day of June, 2014, at Reno Township, within the County of
Washoe, State of Nevada, did willfully and unlawfully attempt to rob
loss prevention personnel at Walmart located at 5260 West 7th Street
with the use of force and violence, in that the defendant used

///

1 physical force upon said persons to retain property he had just
2 stolen from said location in order to facilitate his escape.

3 COUNT II. BURGLARY, a violation of NRS 205.060, a felony,
4 in the manner following:

5 That the said defendant MARC PAUL SCHACHTER, on or about
6 the 9th day of June, 2014, at Reno Township, within the County of
7 Washoe, State of Nevada, did willfully and unlawfully enter a certain
8 Walmart located at 5260 West 7th Street with the intent then and
9 there to commit larceny therein.

10 AFFIRMATION PURSUANT TO NRS 239B.030

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

13
14 DATED this 1 day of July, 2014.

15 
16 _____
17 ZELALEM BOGALE
18 DEPUTY DISTRICT ATTORNEY

19 PCN: RPD1412193C-SCHACHTER

20 Custody:
21 Bailed:
22 Warrant:

23 *

24 District Court Dept: D04
25 District Attorney: ERICKSON
26 Defense Attorney:
Bail \$40,000
Restitution:
J

1 Code 1491

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. CR14-1044

11 vs.

Dept. No. 4

12 MARC PAUL SCHACHTER,

13 Defendant.

14 _____ /
15 COURT SERVICES REPORT
16
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18
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Washoe County Pretrial Services Assessment Report

Case Filing

Filed Name SCHACTER, MARC PAUL
--

Arrest

Booked Name SCHACHER, MARC PAUL	Arresting Agency RENO JUSTICE COURT	Booking Number 14-09450	Arrest Date 06/09/2014
---	---	-----------------------------------	----------------------------------

Case Number	NOC	Type	Description	Counts	Court	Bail Amt/Type
14-10834	50144	F	ATT ROBBERY	1	RJC	10,000 B

Defendant Information

Sex M	Race WHITE	Birthdate 04/05/1967	Age 47	Height 5' 10"	Weight 160	SS Number On File
Address REFUSED TO ANSWER UNKNOWN, NV				Residence County: 02 Yr 00 Mo		Born NEW YORK CITY, NY, UNITED STATES
Telephone (775) -		Time at Current Address		Primary Language ENGLISH		
Lives With		Relationship		ID Number	Type	Expiration Date
Marital Status DIVORCED		How Long		Military Service NONE		
Discharge						
Employment/Support Status Unknown		Employer		How Long		
Occupation		Employer Telephone				

Defendant Justice Identifier Codes/Criminal History

FBI Number	SID Number							
Arrests	Violent Fels	Felonies	Violent Misd	Misdemeanors	MMSD	Traffic	DUI	Pending

Comments

**THE DEFENDANT REFUSED TO ANSWER ANY QUESTIONS AND WALKED AWAY FROM THE INTERVIEW.
LB**

Assessment Status

Risk Score 0	Assessment FELONY NR	Initials LBIDDING
------------------------	--------------------------------	-----------------------------

Client: SCHACTER, MARC PAUL**Case#:** 14-10834**SSN:** On File**DOB:** 04/05/1967**Identification****Court:**

RENO JUSTICE COURT

Charge(s):

ATT ROBBERY

Address:

REFUSED TO ANSWER UNKNOWN, NV

Length:**Phone:**

775 -

Occupation and Employer:**Financial Information**

Asset	0
Expense	0
Income	0
Liability	0

SUMMARY:	ASSETS:	0	INCOME:	0
	LIABILITIES:	0	EXPENSES:	0
	NET WORTH:	0	CASH FLOW:	0

Determination: NO DETERMINATION MADE**Recommendation****The above constitutes my recommendation to the court. I have explained my recommendation to the party.****Screening Agent/Witness:****Date:** _____**Comments:**

THE DEFENDANT REFUSED TO ANSWER ANY QUESTIONS.

Return Of NEF**Recipients**

JAMES LESLIE, ESQ. - Notification received on 2014-07-03 11:17:34.434.

**JOSEPH
GOODNIGHT, ESQ.** - Notification received on 2014-07-03 11:17:34.746.

**KELLY KOSSOW,
ESQ.** - Notification received on 2014-07-03 11:17:34.621.

**DIV. OF PAROLE &
PROBATION** - Notification received on 2014-07-03 11:17:34.996.

**NICKOLAS
GRAHAM, ESQ.** - Notification received on 2014-07-03 11:17:35.058.

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

-

A filing has been submitted to the court RE: CR14-1044

Judge:

HONORABLE CONNIE J. STEINHEIMER

Official File Stamp:

07-03-2014:10:05:46

Clerk Accepted:

07-03-2014:11:17:03

Court:

Second Judicial District Court - State of Nevada
Criminal

Case Title:

STATE VS. MARC PAUL SCHACHTER (D4)

Document(s) Submitted:

Court Services Report

Filed By:

Pretrial Off. AKaufman

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

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

-

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

The following people were served electronically:

NICKOLAS J. GRAHAM, ESQ. for STATE OF
NEVADA

DIV. OF PAROLE & PROBATION

KELLY ANN KOSSOW, ESQ. for STATE OF
NEVADA

JOSEPH GOODNIGHT, ESQ. for MARC PAUL
SCHACHTER

JAMES B. LESLIE, ESQ. for MARC PAUL
SCHACHTER

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

DA #14-12219
RPD RP14-010834

1 CODE 1800
2 Richard A. Gammick
3 #001510
4 P.O. Box 11130
5 Reno, NV 89520
6 (775) 328-3200
7 Attorney for State of Nevada

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

12 * * *

13 THE STATE OF NEVADA,

14 Plaintiff,

Case No.: CR14-1044

15 v.

Dept. No.: D04

16 MARC PAUL SCHACHTER,
17 also known as
18 MARC PAUL SCHACTER,

19 Defendant.

20 INFORMATION

21 RICHARD A. GAMMICK, District Attorney within and for the
22 County of Washoe, State of Nevada, in the name and by the authority
23 of the State of Nevada, informs the above entitled Court that MARC
24 PAUL SCHACHTER also known as MARC PAUL SCHACTER, the defendant above
25 named, has committed the crimes of:

26 COUNT I. ATTEMPTED ROBBERY, a violation of NRS 193.330,
being an attempt to violate NRS 200.380, a felony, in the manner
following:

That the said defendant MARC PAUL SCHACHTER, on or about
the 9th day of June, 2014, and before the filing of this Information,

1 within the County of Washoe, State of Nevada, did willfully and
2 unlawfully attempt to rob loss prevention personnel at Walmart
3 located at 5260 West 7th Street with the use of force and violence,
4 in that the defendant used physical force upon said persons to retain
5 property he had just stolen from said location in order to facilitate
6 his escape.

7 COUNT II. BURGLARY, a violation of NRS 205.060, a felony,
8 in the manner following:

9 That the said defendant MARC PAUL SCHACHTER, on or about
10 the 9th day of June, 2014, and before the filing of this Information,
11 within the County of Washoe, State of Nevada, did willfully and
12 unlawfully enter a certain Walmart located at 5260 West 7th Street
13 with the intent then and there to commit larceny therein.

14 COUNT III. BEING A HABITUAL CRIMINAL, as defined in NRS
15 207.010, in the manner following:

16 That the said defendant, MARC PAUL SCHACHTER, is a habitual
17 criminal in that the said defendant, prior to the date alleged in the
18 other counts of this Information, has previously been convicted of
19 the following criminal offenses:

20 1. GRAND LARCENY.

21 That on or about November 4, 2009, the said defendant, MARC
22 PAUL SCHACHTER, was convicted in Washoe County, State of Nevada, of
23 the crime of Grand Larceny, a felony under the laws of the State of
24 Nevada.

25 ///

26 ///

1 2. GRAND LARCENY.

2 That on or about April 18, 2006, the said defendant, MARC
3 PAUL SCHACHTER, was convicted in Douglas County, State of Nevada, of
4 the crime of Grand Larceny, a felony under the laws of the State of
5 Nevada.

6 3. ATTEMPTED BURGLARY.

7 That on or about June 18, 1987, the said defendant, MARC
8 PAUL SCHACHTER, was convicted in the Suffolk County Supreme Court of
9 the crime of Attempted Burglary, a felony under the laws of the situs
10 of the crime or the State of Nevada.

11 4. FORGERY.

12 That on or about June 18, 1987, the said defendant, MARC
13 PAUL SCHACHTER, was convicted in the Suffolk County Supreme Court of
14 the crime of Forgery, a felony under the laws of the situs of the
15 crime or the State of Nevada.

16 5. PETIT LARCENY.

17 That on or about July 13, 1989, the said defendant, MARC
18 PAUL SCHACHTER, was convicted in the Suffolk County 1st District
19 Court of the crime of Petit Larceny, a misdemeanor under the laws of
20 the situs of the crime or the State of Nevada.

21 6. TAKING A VEHICLE WITHOUT THE OWNER'S CONSENT.

22 That on or about February 13, 1991, the said defendant,
23 MARC PAUL SCHACHTER, was convicted in the Los Angeles County Superior
24 Court of the crime of Taking a Vehicle Without the Owner's Consent, a
25 felony under the laws of the situs of the crime or the State of
26 Nevada.

1 7. TAKING A VEHICLE WITHOUT THE OWNER'S CONSENT.

2 That on or about April 1, 1992, the said defendant, MARC
3 PAUL SCHACHTER, was convicted in the Santa Clara County Superior
4 Court of the crime of Taking a Vehicle Without the Owner's Consent, a
5 felony under the laws of the situs of the crime or the State of
6 Nevada.

7 8. PETTY THEFT WITH PRIOR JAIL.

8 That on or about February 13, 1996, the said defendant,
9 MARC PAUL SCHACHTER, was convicted in the Palo Alto Municipal Court
10 of the crime of Petty Theft with Prior Jail, a misdemeanor under the
11 laws of the situs of the crime or the State of Nevada.

12
13 All of which is contrary to the form of the Statute in such
14 case made and provided, and against the peace and dignity of the
15 State of Nevada.

16
17 RICHARD A. GAMMICK
18 District Attorney
19 Washoe County, Nevada

20
21 By: /s/ ZELALEM BOGALE
22 ZELALEM BOGALE
23 12937
24 Deputy District Attorney

1 The following are the names and addresses of such witnesses
2 as are known to me at the time of the filing of the within
3 Information:
4

5 ANTHONY DANIELS, RENO POLICE DEPARTMENT
6 NICHOLAS REED, RENO POLICE DEPARTMENT
7 TERRY WEST, RENO POLICE DEPARTMENT
8 ALEJANDRO MONROY, C/O WALMART, 5260 W 7TH ST., RENO, NV 89523
9 ANNA LISA YOUNG, 1855 EL RANCHO DR #366 SPARKS, NV 89431
10

11 The party executing this document hereby affirms that this
12 document submitted for recording does not contain the social security
13 number of any person or persons pursuant to NRS 239B.230.
14

15 RICHARD A. GAMMICK
16 District Attorney
17 Washoe County, Nevada
18

19 By/s/ ZELALEM BOGALE
20 _____
21 ZELALEM BOGALE
22 12937
23 Deputy District Attorney
24

25
26 PCN: RPD1412193C-SCHACHTER

Return Of NEF**Recipients**

JAMES LESLIE, ESQ. - Notification received on 2014-07-10 15:10:30.366.

ZELALEM BOGALE, ESQ. - Notification received on 2014-07-10 15:10:30.335.

JOSEPH GOODNIGHT, ESQ. - Notification received on 2014-07-10 15:10:30.459.

KELLY KOSSOW, ESQ. - Notification received on 2014-07-10 15:10:30.428.

DIV. OF PAROLE & PROBATION - Notification received on 2014-07-10 15:10:30.491.

NICKOLAS GRAHAM, ESQ. - Notification received on 2014-07-10 15:10:30.522.

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

-

A filing has been submitted to the court RE: CR14-1044

Judge:

HONORABLE CONNIE J. STEINHEIMER

Official File Stamp:

07-10-2014:14:03:26

Clerk Accepted:

07-10-2014:15:10:00

Court:

Second Judicial District Court - State of Nevada
Criminal

Case Title:

STATE VS. MARC PAUL SCHACHTER (D4)

Document(s) Submitted:

Information

Filed By:

Zelalem Bogale

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

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

-

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

The following people were served electronically:

NICKOLAS J. GRAHAM, ESQ. for STATE OF
NEVADA

KELLY ANN KOSSOW, ESQ. for STATE OF
NEVADA

JOSEPH GOODNIGHT, ESQ. for MARC PAUL
SCHACHTER

JAMES B. LESLIE, ESQ. for MARC PAUL
SCHACHTER

DIV. OF PAROLE & PROBATION

ZELALEM BOGALE, ESQ. for STATE OF
NEVADA

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

DA #14-12219
RPD RP14-010834

1 CODE 1800
2 Richard A. Gammick
3 #001510
4 P.O. Box 11130
5 Reno, NV 89520
6 (775) 328-3200
7 Attorney for State of Nevada

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

12 * * *

13 THE STATE OF NEVADA,

14 Plaintiff,

Case No. CR14-1044

15 v.

Dept. No. 4

16 MARC PAUL SCHACHTER,
17 also known as
18 MARC PAUL SCHACTER,

19 Defendant.

20 /

21 AMENDED INFORMATION

22 RICHARD A. GAMMICK, District Attorney within and for the
23 County of Washoe, State of Nevada, in the name and by the authority
24 of the State of Nevada, informs the above entitled Court that MARC
25 PAUL SCHACHTER also known as MARC PAUL SCHACTER, the defendant above
26 named, has committed the crimes of:

COUNT I. ATTEMPTED ROBBERY, a violation of NRS 193.330,
being an attempt to violate NRS 200.380, a felony, in the manner
following:

That the said defendant MARC PAUL SCHACHTER, on or about
the 9th day of June, 2014, and before the filing of this Information,

1 within the County of Washoe, State of Nevada, did willfully and
2 unlawfully attempt to rob loss prevention personnel at Walmart
3 located at 5260 West 7th Street with the use of force and violence,
4 in that the defendant used physical force upon said persons to retain
5 property he had just stolen from said location in order to facilitate
6 his escape.

7 COUNT II. BURGLARY, a violation of NRS 205.060, a felony,
8 in the manner following:

9 That the said defendant MARC PAUL SCHACHTER, on or about
10 the 9th day of June, 2014, and before the filing of this Information,
11 within the County of Washoe, State of Nevada, did willfully and
12 unlawfully enter a certain Walmart located at 5260 West 7th Street
13 with the intent then and there to commit larceny therein, after
14 having been previously convicted of Grand Larceny, a felony, on
15 November 4, 2009 in Washoe County, Nevada.

16 COUNT III. BEING A HABITUAL CRIMINAL, as defined in NRS
17 207.010, in the manner following:

18 That the said defendant, MARC PAUL SCHACHTER, is a habitual
19 criminal in that the said defendant, prior to the date alleged in the
20 other counts of this Information, has previously been convicted of
21 the following criminal offenses:

22 1. GRAND LARCENY.

23 That on or about November 4, 2009, the said defendant, MARC
24 PAUL SCHACHTER, was convicted in Washoe County, State of Nevada, of
25 the crime of Grand Larceny, a felony under the laws of the State of
26 Nevada.

1 2. GRAND LARCENY.

2 That on or about April 18, 2006, the said defendant, MARC
3 PAUL SCHACHTER, was convicted in Douglas County, State of Nevada, of
4 the crime of Grand Larceny, a felony under the laws of the State of
5 Nevada.

6 3. ATTEMPTED BURGLARY.

7 That on or about June 18, 1987, the said defendant, MARC
8 PAUL SCHACHTER, was convicted in the Suffolk County Supreme Court of
9 the crime of Attempted Burglary, a felony under the laws of the situs
10 of the crime or the State of Nevada.

11 4. FORGERY.

12 That on or about June 18, 1987, the said defendant, MARC
13 PAUL SCHACHTER, was convicted in the Suffolk County Supreme Court of
14 the crime of Forgery, a felony under the laws of the situs of the
15 crime or the State of Nevada.

16 5. PETIT LARCENY.

17 That on or about July 13, 1989, the said defendant, MARC
18 PAUL SCHACHTER, was convicted in the Suffolk County 1st District
19 Court of the crime of Petit Larceny, a misdemeanor under the laws of
20 the situs of the crime or the State of Nevada.

21 6. TAKING A VEHICLE WITHOUT THE OWNER'S CONSENT.

22 That on or about February 13, 1991, the said defendant,
23 MARC PAUL SCHACHTER, was convicted in the Los Angeles County Superior
24 Court of the crime of Taking a Vehicle Without the Owner's Consent, a
25 felony under the laws of the situs of the crime or the State of
26 Nevada.

1 7. TAKING A VEHICLE WITHOUT THE OWNER'S CONSENT.

2 That on or about April 1, 1992, the said defendant, MARC
3 PAUL SCHACHTER, was convicted in the Santa Clara County Superior
4 Court of the crime of Taking a Vehicle Without the Owner's Consent, a
5 felony under the laws of the situs of the crime or the State of
6 Nevada.

7 8. PETTY THEFT WITH PRIOR JAIL.

8 That on or about February 13, 1996, the said defendant,
9 MARC PAUL SCHACHTER, was convicted in the Palo Alto Municipal Court
10 of the crime of Petty Theft with Prior Jail, a misdemeanor under the
11 laws of the situs of the crime or the State of Nevada.

12
13
14 All of which is contrary to the form of the Statute in such
15 case made and provided, and against the peace and dignity of the
16 State of Nevada.

17
18 RICHARD A. GAMMICK
19 District Attorney
20 Washoe County, Nevada

21
22 By: /s/ ZELALEM BOGALE
23 ZELALEM BOGALE
24 12937
25 Deputy District Attorney
26

1 The following are the names and addresses of such witnesses
2 as are known to me at the time of the filing of the within
3 Information:
4

5 ANTHONY DANIELS, RENO POLICE DEPARTMENT
6 NICHOLAS REED, RENO POLICE DEPARTMENT
7 TERRY WEST, RENO POLICE DEPARTMENT
8 ALEJANDRO MONROY, C/O WALMART 5260 W 7TH ST RENO, NV 89523
9 ANNA LISA YOUNG, 1855 EL RANCHO DR #366 SPARKS, NV 89431

10 The party executing this document hereby affirms that this
11 document submitted for recording does not contain the social security
12 number of any person or persons pursuant to NRS 239B.230.

13 RICHARD A. GAMMICK
14 District Attorney
15 Washoe County, Nevada

16 By/s/ ZELALEM BOGALE
17 _____
18 ZELALEM BOGALE
19 12937
20 Deputy District Attorney

21
22
23
24
25
26 PCN: RPD1412193C-SCHACHTER

Return Of NEF**Recipients**

JAMES LESLIE, ESQ. - Notification received on 2014-07-14 16:39:54.325.

ZELALEM BOGALE, ESQ. - Notification received on 2014-07-14 16:39:54.278.

JOSEPH GOODNIGHT, ESQ. - Notification received on 2014-07-14 16:39:54.918.

KELLY KOSSOW, ESQ. - Notification received on 2014-07-14 16:39:54.387.

DIV. OF PAROLE & PROBATION - Notification received on 2014-07-14 16:39:54.965.

NICKOLAS GRAHAM, ESQ. - Notification received on 2014-07-14 16:39:55.011.

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

-

A filing has been submitted to the court RE: CR14-1044

Judge:

HONORABLE CONNIE J. STEINHEIMER

Official File Stamp:

07-14-2014:15:11:37

Clerk Accepted:

07-14-2014:16:39:25

Court:

Second Judicial District Court - State of Nevada
Criminal

Case Title:

STATE VS. MARC PAUL SCHACHTER (D4)

Document(s) Submitted:

Amended Information

Filed By:

Zelalem Bogale

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

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

-

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

The following people were served electronically:

NICKOLAS J. GRAHAM, ESQ. for STATE OF
NEVADA

KELLY ANN KOSSOW, ESQ. for STATE OF
NEVADA

JOSEPH GOODNIGHT, ESQ. for MARC PAUL
SCHACHTER

JAMES B. LESLIE, ESQ. for MARC PAUL
SCHACHTER

DIV. OF PAROLE & PROBATION

ZELALEM BOGALE, ESQ. for STATE OF
NEVADA

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

CASE NO. CR14-1044 **STATE OF NEVADA VS. MARC PAUL SCHACHTER**

DATE, JUDGE

OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONT'D TO

7/17/14

ARRAIGNMENT

HONORABLE

Deputy District Attorney Nathan MacLellan was present on behalf of the State.

7/24/14

ELLIOTT A.

Defendant was present, in-custody. Chief Deputy Public Defender Jim Leslie

9:00 a.m.

SATTLER

was also present. Lynette Dix was present on behalf of the Division of Parole

Cont'd

DEPT. NO.10

and Probation. Pretrial Services Officer Matt Scheiber was present in the

Arraignment/

M. Merkouris

gallery.

Faretta hrg

(Clerk)

Counsel Leslie advised the Court that a Faretta hearing was conducted in

D. Gustin

Justice Court, and Judge Lynch found that the Defendant was competent to

(Reporter)

represent himself; and he further stated that he is not entirely sure what his role in this case will be.

COURT noted that Judge Steinheimer may wish to conduct her own Faretta canvass of the Defendant.

Defendant stated that the Court's reluctance to allow him to represent himself has caused unnecessary delays in this case, and he has not been provided with all of his discovery.

COURT ORDERED: Matter continued to July 24, 2014 at 9:00 a.m.

Defendant remanded to the custody of the Sheriff.

Return Of NEF**Recipients**

JAMES LESLIE, ESQ. - Notification received on 2014-07-17 13:38:48.466.

ZELALEM BOGALE, ESQ. - Notification received on 2014-07-17 13:38:48.419.

JOSEPH GOODNIGHT, ESQ. - Notification received on 2014-07-17 13:38:48.56.

KELLY KOSSOW, ESQ. - Notification received on 2014-07-17 13:38:48.529.

DIV. OF PAROLE & PROBATION - Notification received on 2014-07-17 13:38:48.591.

NICKOLAS GRAHAM, ESQ. - Notification received on 2014-07-17 13:38:48.638.

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

-

A filing has been submitted to the court RE: CR14-1044

Judge:

HONORABLE CONNIE J. STEINHEIMER

Official File Stamp:

07-17-2014:13:37:42

Clerk Accepted:

07-17-2014:13:38:19

Court:

Second Judicial District Court - State of Nevada
Criminal

Case Title:

STATE VS. MARC PAUL SCHACHTER (D4)

Document(s) Submitted:

***Minutes

Filed By:

Court Clerk MMerkouris

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The following people were served electronically:

NICKOLAS J. GRAHAM, ESQ. for STATE OF
NEVADA

KELLY ANN KOSSOW, ESQ. for STATE OF
NEVADA

JOSEPH GOODNIGHT, ESQ. for MARC PAUL
SCHACHTER

JAMES B. LESLIE, ESQ. for MARC PAUL
SCHACHTER

DIV. OF PAROLE & PROBATION

ZELALEM BOGALE, ESQ. for STATE OF
NEVADA

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

1 **CODE**
2
3
4
56 **IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
7 **IN AND FOR THE COUNTY OF WASHOE**
89 **STATE OF NEVADA,**10 **Plaintiff,****Case No. CR14-1044**11 **vs.****Dept. No. 4**12 **MARC PAUL SCHACHTER,**13 **Defendant.**
14 _____ /15 **ORDER OF SELF-REPRESENTATION AND APPOINTMENT OF STAND-BY COUNSEL**
16

17 An Arraignment was held in the above entitled matter on July 24, 2014, at the hour
18 of 1:30 p.m., in the Second Judicial District Court; the State of Nevada was represented by
19 Zelalem Bogale, Esq., Deputy District Attorney, and the Defendant, Marc Paul Schachter,
20 was present. The defendant having requested self-representation and the Court having
21 canvassed the Defendant regarding such request, the Court found that the Defendant was
22 voluntarily requesting self-representation and the Defendant was found to be competent to
23 waive his legal and constitutional right to be represented by an attorney; the Defendant is
24 able to prepare and present a defense; the Defendant is waiving the right to counsel freely,
25 voluntarily, and knowingly; and has a full appreciation and understanding of the waiver and
26 its consequences. The Court also determined that appointment of stand-by counsel was
27 appropriate as it was requested by the Defendant and given the voiced discovery
28 concerns.

Therefore, with good cause appearing,

IT IS HEREBY ORDERED that Defendant shall represent himself in these proceedings.

IT IS HEREBY FURTHER ORDERED that the Washoe County Public Defender's Office is appointed as stand-by counsel.

Dated this 30 day of July, 2014.

Connie I. Steinheimer
DISTRICT JUDGE

CERTIFICATE OF SERVICE

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 July, 2014, I filed the attached document with the Clerk of the Court.

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

☒ I electronically filed with the Clerk of the Court, using the ECF which sends an immediate notice of the electronic filing to the following registered e-filers for their review of the document in the ECF system:

Zelalem Bogale, Esq.
Deputy District Attorney

James Leslie, Esq.
Chief Deputy Public Defender

☐ Deposited in the Washoe County mailing system in a sealed envelope for postage and mailing with the United States Postal Service in Reno, Nevada:
[NONE]

☒ Placing a true copy thereof in a sealed envelope for service via hand-delivery:

Marc Schachter
Inmate
Washoe County Jail

DATED this 31st day of July, 2014.



Return Of NEF**Recipients**

JAMES LESLIE, ESQ. - Notification received on 2014-07-31 08:52:34.426.

ZELALEM BOGALE, ESQ. - Notification received on 2014-07-31 08:52:34.379.

JOSEPH GOODNIGHT, ESQ. - Notification received on 2014-07-31 08:52:34.551.

KELLY KOSSOW, ESQ. - Notification received on 2014-07-31 08:52:34.504.

DIV. OF PAROLE & PROBATION - Notification received on 2014-07-31 08:52:34.598.

NICKOLAS GRAHAM, ESQ. - Notification received on 2014-07-31 08:52:34.645.

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

-

A filing has been submitted to the court RE: CR14-1044

Judge:

HONORABLE CONNIE J. STEINHEIMER

Official File Stamp:

07-31-2014:08:51:31

Clerk Accepted:

07-31-2014:08:52:03

Court:

Second Judicial District Court - State of Nevada
Criminal

Case Title:

STATE VS. MARC PAUL SCHACHTER (D4)

Document(s) Submitted:

Order...

Filed By:

Court Clerk MTrabert

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

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NEVADA

KELLY ANN KOSSOW, ESQ. for STATE OF
NEVADA

JOSEPH GOODNIGHT, ESQ. for MARC PAUL
SCHACHTER

JAMES B. LESLIE, ESQ. for MARC PAUL
SCHACHTER

DIV. OF PAROLE & PROBATION

ZELALEM BOGALE, ESQ. for STATE OF
NEVADA

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

1 CODE 3696
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. CR14-1044

11 vs.

Dept. No. 4

12 MARC PAUL SCHACHTER,

13 Defendant.
14 _____/

15 PRETRIAL ORDER
16

17 Good cause appearing and in the interests of justice, the Court hereby notices
18 all counsel of the following supplemental requirements of trial in Department IV, to
19 those found in WDCR, LCR and Nevada Revised Statutes.

20 **I. PRETRIAL MOTIONS**

21 A. Counsel will file a stipulation with regard to Discovery and submit it to the
22 Court for Order. If a stipulation cannot be reached between counsel, a motion for
23 discovery shall be filed within fifteen (15) days of the date of this Order. Opposing
24 counsel shall have ten (10) days to respond. The moving party must formally submit
25 the matter to the Court for the Court to consider the motion. If counsel wish an oral
26 hearing on the matter they shall set such hearing after the time for filing an opposition
27 has ended or an opposition has actually been filed.
28

B. All motions by any party must be in writing. Any motion which should be

1 addressed prior to trial, including but not limited to motions to dismiss, motions to
2 suppress evidence, motions in limine, motions to sever, motions for continuance,
3 motions regarding jury selection, and motions regarding prior bad acts or other acts
4 evidence shall be filed, personally served or served by the e-flex system of the Court
5 upon opposing counsel no later than August 22, 2014, and answers shall be filed and
6 personally served or served by the e-flex system of the Court on opposing counsel no
7 later than August 28, 2014. The parties are to formally submit all motions they want
8 decided on the pleadings and record. If necessary an evidentiary hearing is set for
9 August 28, 2014 at 3:00 p.m. for those motions counsel specifically requests oral
10 argument upon or that must have evidence presented in Open Court.

11 C. Except upon a showing of good cause and unforeseen circumstances, the
12 Court will not entertain any pretrial motions, including motions in limine filed or orally
13 presented after this deadline.

14 II. TRIAL STATEMENT

15 A. A trial statement on behalf of each party shall be delivered to Department
16 Four of the Second Judicial District Court no later than 5:00 p.m. on Thursday of the
17 week prior to trial, where it shall be held confidential until such time as the Trial
18 commences. Upon commencement of the Trial, the Trial Statement shall be filed and
19 served on opposing counsel.

20 B. The trial statement will address

21 1. Any practical matters which should be addressed prior to trial (e.g.,
22 suggestions or special requests as to the order of witnesses or evidence, view of the
23 premises, availability of audio or visual equipment).

24 2. All proposed general voir dire questions for the Court or counsel to ask
25 of the jury shall be included. Failure to include could result in the Court greatly
26 restricting counsel's verbal participation in the voir dire of the jury panel.
27
28

III. JURY INSTRUCTIONS

All proposed jury instructions are required to be prepared and served pursuant to this Order.

A. The parties are required to each submit their instructions to the Court in chambers no later than 5:00 p.m. on Friday of the week prior to trial. The parties shall serve their proposed instructions on the other party at the close of the prosecutor's case.

B. All instructions should be short, concise, understandable, and neutral statements of law and gender. Argumentative or formula instructions are improper, will not be given, and should not be submitted.

C. The parties are required to submit the jury instructions in the below described format.

1. All proposed jury instructions shall be in clear, legible type on clean, white, heavy paper, 8 ½ by 11 inches in size, and not lighter than 16-lb. Weight with a black border line and no less than 24 numbered lines.

2. The last instruction **only** shall bear the signature line with the words "District Judge" typed thereunder placed on the right half of the page, a few lines below the last line of text.

3. The designation "Instruction No. "shall be at the last line, lower left hand corner of the last page of each instruction.

4. The original instructions shall not bear any markings identifying the attorney submitting the same, and shall not contain any citations of authority.

5. The authorities for instructions must be attached to the original instructions by a separate copy of the instruction including the citation.

6. The parties should also note on the separate copy of the instruction any modifications made on the instructions from statutory authority, Nevada Pattern Jury Instructions, Devitt and Blackmar, CALCRIM or other form instructions, specifically stating the modification made to the original form instructions and the authority supporting the modification.

D. Failure to comply with any of the above directions may subject the noncomplying party and/or its attorneys, to sanctions.

E. Instructions will be settled at the close of the evidence. Jury instructions offered during the trial will be considered by the Court only in the event that the Court deems the instruction appropriate in view of unanticipated matters occurring during trial.

///

///

IV. MISCELLANEOUS

A. This case has been set for a **jury trial of five (5) days, to commence on September 22, 2014, at 10:00 a.m.** A **Motion to Confirm Hearing** has been set for **September 11, 2014, at 9:00 a.m.** The Court expects that all counsel will cooperate to conclude the case within the time set. Trial counsel are strongly encouraged to meet and confer regarding the order of witnesses, stipulated exhibits and any other matters which will expedite trial of the case.

B. The Court will allow notes to be taken by jurors during the trial unless a party objecting to this procedure includes such objection in their trial statement.

C. All exhibits will be marked in one numbered series (Exhibit 1, 2, 3, etc.), no matter which side is offering the particular exhibit. Once trial exhibits are marked by the Clerk, they shall remain in the custody of the Clerk. When marking the exhibits with the Clerk, counsel must advise the Clerk of all exhibits which may be admitted without objection. In any case which involves fifteen or more document exhibit pages, the exhibits shall be placed in a loose-leaf binder behind a tab noting the number of each exhibit. The binder shall be clearly marked on the front and side with the case caption and number, but no identification as to the party producing the binder. All document exhibits shall be in **one** binder no matter which party is offering the exhibits.

At the time set for marking the trial exhibits, counsel for the Plaintiff shall provide the Courtroom Clerk with the binder containing the number tabs. Counsel for all parties shall provide all exhibits, no matter when marked, even if marked during the course of trial, in a condition appropriate for inclusion in the evidence binder.

Dated this 5 day of August, 2014.


DISTRICT JUDGE

CERTIFICATE OF SERVICE

I certify that I am an employee of the SECOND JUDICIAL DISTRICT COURT of the STATE OF NEVADA, COUNTY OF WASHOE; that on the 5th day of August, 2014, I filed the attached document with the Clerk of the Court.

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

X I electronically filed with the Clerk of the Court, using the ECF which sends an immediate notice of the electronic filing to the following registered e-filers for their review of the document in the ECF system:

Zelalem Bogale, Esq.
Deputy District Attorney

James Leslie, Esq.
Chief Deputy Public Defender
As Stand-By Counsel

X Deposited in the Washoe County mailing system in a sealed envelope for postage and mailing with the United States Postal Service in Reno, Nevada:

Marc Schachter
Inmate
Washoe County Jail
911 Parr Blvd.
Reno, Nevada 89512

_____ Placing a true copy thereof in a sealed envelope for service via:

_____ Reno/Carson Messenger Service – [NONE]

_____ Federal Express or other overnight delivery service [NONE]

_____ Inter-Office Mail [NONE]

DATED this 5th day of August, 2014.

Marc Schachter

Return Of NEF**Recipients**

JAMES LESLIE, ESQ. - Notification received on 2014-08-05 16:16:24.436.

ZELALEM BOGALE, ESQ. - Notification received on 2014-08-05 16:16:24.389.

JOSEPH GOODNIGHT, ESQ. - Notification received on 2014-08-05 16:16:24.529.

KELLY KOSSOW, ESQ. - Notification received on 2014-08-05 16:16:24.498.

DIV. OF PAROLE & PROBATION - Notification received on 2014-08-05 16:16:24.56.

NICKOLAS GRAHAM, ESQ. - Notification received on 2014-08-05 16:16:24.779.

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

-

A filing has been submitted to the court RE: CR14-1044

Judge:

HONORABLE CONNIE J. STEINHEIMER

Official File Stamp:

08-05-2014:16:15:14

Clerk Accepted:

08-05-2014:16:15:52

Court:

Second Judicial District Court - State of Nevada
Criminal

Case Title:

STATE VS. MARC PAUL SCHACHTER (D4)

Document(s) Submitted:

Pre-Trial Order

Filed By:

Court Clerk MTrabert

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

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The following people were served electronically:

NICKOLAS J. GRAHAM, ESQ. for STATE OF
NEVADA

KELLY ANN KOSSOW, ESQ. for STATE OF
NEVADA

JOSEPH GOODNIGHT, ESQ. for MARC PAUL
SCHACHTER

JAMES B. LESLIE, ESQ. for MARC PAUL
SCHACHTER

DIV. OF PAROLE & PROBATION

ZELALEM BOGALE, ESQ. for STATE OF
NEVADA

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

1 IN THE SECOND JUDICIAL DISTRICT COURT
2 STATE OF NEVADA, COUNTY OF WASHOE
3 THE HONORABLE CONNIE J. STEINHEIMER, DISTRICT JUDGE
4

5 THE STATE OF NEVADA,)
6 Plaintiff,)
7 vs.)
8 MARC PAUL SCHACHTER,)
9 Defendant.)
10

Case No. CR14-1044

Dept. No. 4

11 TRANSCRIPT OF PROCEEDINGS

12 ARRAIGNMENT

13 JULY 24, 2014
14

15 APPEARANCES:

16 For the Plaintiff: ZELALEM BOGALE, ESQ.
17 Deputy District Attorney
18 One South Sierra St., 4th Floor
19 Reno, Nevada

20 For the Defendant: IN PROPRIA PERSONA
21

22 Reported by: ROMONA MALNERICH, CCR #269
23 MOLEZZO REPORTERS
24 (775) 322-3334

1 RENO, NEVADA, THURSDAY, JULY 24, 2014, 9:00 A.M.

2 --o0o--

3
4 THE COURT: Marc Schachter.

5 MR. BOGALE: Zelalem Bogale on behalf of the
6 State, your Honor. Good afternoon.

7 THE COURT: Good afternoon.

8 Mr. Schachter, this is the time set for an
9 arraignment on an Information that was filed against you
10 by the State on July 14th, 2014. Did the previous judge
11 give you a copy of that Information?

12 THE DEFENDANT: No. The amended complaint, I
13 have, but not a new Information.

14 THE COURT: Okay. I have before me an Amended
15 Information, which was filed on the date I just told you.
16 Did you get a copy of the Information that was filed, not
17 the amended one?

18 THE DEFENDANT: I've never had anything that was
19 filed. An amended, no. I got one the day of my
20 preliminary -- the second count wasn't filed.

21 THE COURT: Okay. So what I'm going to do is
22 I'm going to have the bailiff hand you a copy of the
23 charges against you, so you have those.

24 Now, it's my understanding that the lower court,

1 before your preliminary hearing, determined that you could
2 represent yourself. Did you request that?

3 THE DEFENDANT: Yes, I did, your Honor.

4 THE COURT: And why did you request that you
5 wanted to represent yourself?

6 THE DEFENDANT: I feel that the case is -- not
7 only am I factually innocent, but the case is better
8 handled by me than the Public Defender's Office. I can't
9 afford to pay for a lawyer. My previous experience with
10 the Washoe County Public Defender's Office has been
11 horrendous, your Honor.

12 THE COURT: Have you previously been represented
13 by Mr. Leslie or Mr. Goodnight?

14 THE DEFENDANT: I have.

15 THE COURT: Okay. And you think you have some
16 issues there?

17 THE DEFENDANT: Some issues with Mr. Leslie,
18 certainly, but issues with going to trial with other
19 public defenders, yes.

20 THE COURT: with other public defenders?

21 THE DEFENDANT: Yes.

22 THE COURT: well, I'm going to ask you a series
23 of questions. How old are you?

24 THE DEFENDANT: Forty-seven, your Honor.

1 THE COURT: And what's your level of education?

2 THE DEFENDANT: Graduated high school.

3 THE COURT: When you graduated from high school,
4 did you graduate with a particular GPA or any special
5 certificates?

6 THE DEFENDANT: I graduated with just over a
7 three GPA and a SAT score of 1140.

8 THE COURT: So what's your background and prior
9 experience and familiarity with legal proceedings?

10 THE DEFENDANT: I've been to trial three times,
11 including an acquittal in L.A. County. And I've been a
12 criminal defendant, as you may or may not be aware, on
13 several occasions.

14 THE COURT: Well, is that the only experience
15 you have, is being a defendant in court?

16 THE DEFENDANT: Yes, your Honor.

17 THE COURT: Have you ever done any legal
18 research of any kind?

19 THE DEFENDANT: Yes, your Honor.

20 THE COURT: And what kind of legal research have
21 you done?

22 THE DEFENDANT: Legal research as to my own
23 cases, but I've read the NRS through those cases,
24 researched those cases, to jeopardize those cases or the

1 individual facts of those cases, and I wrote briefs and
2 petitions. I appeared before you on a petition for writ
3 of habeas corpus and a motion for reconsideration on a
4 professional error three years ago here.

5 THE COURT: Sorry, I don't remember. A lot of
6 people come through here.

7 Did you do that yourself? Did you represent
8 yourself?

9 THE DEFENDANT: Yes, your Honor.

10 THE COURT: On the habeas?

11 THE DEFENDANT: On the habeas and the
12 reconsideration for --

13 THE COURT: Were you successful on that?

14 THE DEFENDANT: No, you denied both of them.

15 THE COURT: would that be a reason to not
16 represent yourself? I mean, part of your concern about
17 the Public Defender is that you haven't been successful.
18 Now, you weren't successful representing yourself. So is
19 that a reason not to represent yourself?

20 THE DEFENDANT: There are other reasons why I'd
21 prefer to represent myself. But if the Court would like
22 to know, I would feel more comfortable outside the
23 presence of defense counsel or the State, because they
24 tend to reveal defense strategy at this time.

1 THE COURT: Tell me a little bit about your
2 health. Do you have any health issues?

3 THE DEFENDANT: No, your Honor.

4 THE COURT: Are you taking any medications?

5 THE DEFENDANT: No, your Honor.

6 THE COURT: Have you ever been diagnosed with
7 any mental health issue?

8 THE DEFENDANT: No, your Honor.

9 THE COURT: How many times have you been
10 incarcerated?

11 THE DEFENDANT: A lot. I'm gonna say over 20.

12 THE COURT: Over 20?

13 THE DEFENDANT: Yeah.

14 THE COURT: And you've never been diagnosed with
15 any mental health issue?

16 THE DEFENDANT: No, your Honor.

17 THE COURT: Have you been diagnosed with drug or
18 alcohol addiction?

19 THE DEFENDANT: I have admitted to drug use.

20 THE COURT: Has anyone threatened you or coerced
21 you in any way about giving up your right to have an
22 attorney appointed?

23 THE DEFENDANT: No, your Honor.

24 THE COURT: Do you understand that an attorney

1 will be appointed to represent you and that you will not
2 have to pay for it?

3 THE DEFENDANT: Yes, your Honor.

4 THE COURT: At the end of the case, you might be
5 assessed a small amount, but it would be nothing like what
6 you would have to do to pay an attorney. Do you
7 understand that?

8 THE DEFENDANT: Yes.

9 THE COURT: What are the elements of the charges
10 that you're charged with?

11 THE DEFENDANT: The attempted robbery is to
12 unlawfully take property belonging to another person and
13 using force or violence to retain that property. The
14 burglary is the intent prior to entering the building --
15 intent prior to entering the building to commit larceny or
16 some other kind. And the habitual, I guess they would
17 have to prove multiple convictions.

18 THE COURT: Yes, they'd have to show that you
19 were convicted multiple times, but there's more to it than
20 that.

21 THE DEFENDANT: Honestly, your Honor, they
22 notified me at the preliminary that they were gonna file
23 the habitual, but I haven't had a chance to research that.

24 THE COURT: Do you know what the possible

1 penalties are for these offenses?

2 THE DEFENDANT: The intent to robbery, I believe
3 it was six years, and the burglary holds a 10-year, and
4 the habitual would hold a 10-to-life.

5 THE COURT: And there is the possibility,
6 depending upon the individual, for life without, which is
7 the maximum penalty. Do you understand that?

8 THE DEFENDANT: Yes, your Honor.

9 THE COURT: what do you think the total amount
10 of time that you could receive on these charges is, if you
11 are convicted? And I don't have the habitual before me,
12 so I don't know what it's charged as.

13 THE DEFENDANT: I'm not sure I understand the
14 question.

15 THE COURT: what do you think the total amount
16 of time you could be sentenced to is, if you were
17 convicted of everything?

18 THE DEFENDANT: Oh, I would say 10 to life. And
19 then you inform me that there's also life without. So I'd
20 say the life without is obviously the maximum penalty.

21 THE COURT: But do you understand everything
22 could be stacked?

23 THE DEFENDANT: well, they can't be stacked
24 further than the life without. You only get one life.

1 THE COURT: well, that's true, but they've
2 sentenced people previously to more than one life --

3 THE DEFENDANT: So, obviously, there's the
4 maximum on each one, and I just said the six and the ten.
5 So that's 16, plus the life without. Right?

6 THE COURT: Right.

7 Can you tell the Court what your understanding
8 is of the pleas that are available to you?

9 THE DEFENDANT: I can plead guilty, not guilty,
10 or no contest, nolo contendere.

11 THE COURT: And what are the possible defenses
12 that would be available to these charges?

13 THE DEFENDANT: I don't know about all the
14 possible charges, but I know I'm not factually guilty of
15 the robbery or any larceny. That's the defense that I'm
16 really concerned about at this point, your Honor.

17 THE COURT: I'm very concerned about the
18 habitual criminal charge, because I really don't think you
19 understand that. There are specific defenses that could
20 be put forth on that, and it's very clear that you don't
21 understand what those are.

22 THE DEFENDANT: But do you agree, your Honor,
23 that if I'm factually innocent of the two other charges,
24 that we really wouldn't have to discuss the habitual?

1 THE COURT: I would agree with that if the jury
2 finds you not guilty. In your mind, you are innocent, but
3 I can't tell you that a jury will not find you guilty just
4 because, in your mind, you think you are innocent.

5 THE DEFENDANT: No, I understand that.

6 THE COURT: So I think you have to go through
7 this case assuming a worst-case scenario, which would be
8 that you are found guilty of the underlying charges and
9 you face being sentenced as a habitual criminal, with a
10 significant potential penalty. And there are some
11 interesting and specialized defenses to that, but I don't
12 see that you understand that at all.

13 THE DEFENDANT: I'm not opposed to -- I don't
14 know how the workings of this court or this district goes
15 with the pro-per inmates, but I'm not opposed to a
16 co-counsel or standby counsel at this point. I just don't
17 see the need for it, other than hearings. I don't believe
18 this case will go to trial, your Honor. I believe that
19 once all the Brady and discovery is out there, that the
20 case is dismissed, hopefully, but I have no objection to
21 having a standby counsel appointed.

22 THE COURT: Do you understand that there's no
23 promises that this case will be dismissed?

24 THE DEFENDANT: No, of course not. Look, I'm

1 the one that was there; I know what happened, your Honor.
2 So I believe that as long as the State cooperates with
3 discovery and Brady, that they'll be able to see -- the
4 State will be able to see for themselves that the case is
5 not good.

6 THE COURT: Do you understand that any
7 possibility of arguing that you had ineffective assistance
8 of counsel is lost if you're your own attorney?

9 THE DEFENDANT: Yes, except for when Mr. Leslie
10 was appointed in the justice court. Right?

11 THE COURT: No. You went through the lower
12 court representing yourself.

13 THE DEFENDANT: No. I was improperly denied on
14 June 23rd, and then on July 1st, we had the -- whatever it
15 was.

16 THE COURT: So when was your preliminary
17 hearing?

18 THE DEFENDANT: July 1st.

19 THE COURT: So you were not represented by
20 counsel at the prelim.

21 THE DEFENDANT: No, your Honor, but I was
22 improperly denied on the 23rd. Mr. Leslie was appointed
23 on the 23rd. On the 30th, we had a mandatory status
24 conference, where I do believe there was some issues of

1 his competence. Then on the 1st, after more discussion,
2 we finally had the Farretta waiver.

3 THE COURT: Okay. What I'm talking about is --
4 because that is such a short period of time and the
5 damages to you is going to be very hard to prove, even if
6 he were ineffective. The issue that you are going to be
7 dealing with is whether or not you were effective at your
8 preliminary hearing or in this court.

9 THE DEFENDANT: I agree with you, but the law is
10 what Mechanical versus Wiggins says, is that there's no
11 harmless error review on a --

12 THE COURT: Wait. What?

13 THE DEFENDANT: There is no harmless error
14 review on a Farretta violation.

15 THE COURT: Farretta violation?

16 THE DEFENDANT: Farretta -- on a
17 self-representation violation. So there's no harmless
18 review. So the moment that the improper denial is made,
19 the violation is there.

20 THE COURT: All right. So what does that mean?

21 THE DEFENDANT: That means that on review from
22 the appellate court or from this court, there would be a
23 reversal.

24 THE COURT: You think you can get your case

1 reversed if you go to a jury trial representing yourself,
2 because the lower court judge delayed appointing you -- or
3 allowing you to represent yourself for four days prior to
4 your prelim?

5 THE DEFENDANT: I don't know if I can get it
6 reversed, but it's an issue.

7 THE COURT: Yeah, but it's not going to -- if
8 you're thinking that, that would be a good reason for you
9 to not represent yourself, because that's kind of not good
10 thinking.

11 THE DEFENDANT: I'm just putting it out there,
12 your Honor. You asked me about the violation and the --

13 THE COURT: No. What I asked you is, do you
14 understand that when you represent yourself, you're
15 waiving any right to complain about ineffective assistance
16 of counsel, and you brought up this earlier time, and what
17 I meant was for your representation. In other words, the
18 most critical time in your case is the preliminary
19 hearing, perhaps, but from the time you get to district
20 until the time you are found guilty or innocent, that's
21 the most critical point. And you represented yourself
22 through that point. So any claim of ineffective
23 assistance of counsel, you have none.

24 THE DEFENDANT: I understand that, your Honor.

1 THE COURT: And if you represented yourself,
2 you've lost any opportunity to complain about any error
3 that happens in your trial that you failed to object to.

4 THE DEFENDANT: I understand that, your Honor.

5 THE COURT: You're held to the same standard as
6 though you were a lawyer. So if you're in trial and you
7 don't make the proper objections, you've waived those
8 objections and you cannot get a new trial based on that
9 error.

10 THE DEFENDANT: I understand that, your Honor.

11 THE COURT: If you are found guilty, how long do
12 you have to appeal?

13 THE DEFENDANT: Thirty days.

14 THE COURT: Did you request standby counsel,
15 before you --

16 THE DEFENDANT: No. The State asked for it and
17 Judge Lynch denied it.

18 THE COURT: Okay. Do you want standby counsel?

19 THE DEFENDANT: As I said, your Honor, under
20 Farretta, I can't say no. The Court has the right to
21 appoint him, with or without my objection. So I'm not
22 objecting to it, but, like I said, I don't know how the
23 Court works this pro per. If that's my only access to
24 file the motions and other legal research, is through a

1 standby counsel -- which is what Washoe Legal Services
2 told me -- then, of course, I would prefer to have standby
3 counsel, but I don't know what the Court -- I don't
4 understand the exact workings of how the Court deals with
5 the pro-per defendant, as far as the access, as far as
6 research, defense tools and stuff like that.

7 THE COURT: I will tell you, because our Public
8 Defender's Office is so professional, we don't have very
9 many people deciding to represent themselves. It's
10 usually a very, very bad idea. If you look at history --
11 you can go back to Shakespeare's time and you can go back
12 to Mark Twain and you can see history is replete with
13 circumstances where it is foolhardy to represent yourself.
14 And if you're given an opportunity to have a professional,
15 well-trained Public Defender's Office represent you --
16 which I daresay is probably a little bit different than
17 L.A. County -- you should take that advantage. Most
18 people do. So when you say what do we do, we don't have a
19 standard, because most defendants in Washoe County choose
20 not to represent themselves, because they understand it is
21 not the best thing to do. But I do know that you have
22 limited access to legal research at the jail, and Washoe
23 Legal Services only provides legal research for you in
24 civil cases. I don't think they'll do it for you in a

1 criminal case.

2 THE DEFENDANT: Well, like I said, they told me
3 that it has to come through standby counsel.

4 THE COURT: So they told you they wouldn't do
5 anything for you.

6 THE DEFENDANT: They'd do some, but they said
7 they are not the appropriate vehicle for full access to
8 the courthouse.

9 THE COURT: Is there anything I've said that's
10 maybe got you thinking, "I shouldn't represent myself. It
11 would be better that somebody who's trained in the law,
12 who understands the legal process represent me"?

13 THE DEFENDANT: If it wasn't the Washoe Public
14 Defender's Office, I would be more inclined to say yes,
15 your Honor, but my experience with them is, like I said,
16 is horrendous. So --

17 THE COURT: Do you understand that if you
18 proceed to represent yourself and go to a jury trial, you
19 will have to conduct yourself in the same manner as an
20 attorney?

21 THE DEFENDANT: I do, your Honor.

22 THE COURT: You understand that?

23 THE DEFENDANT: Uh-huh.

24 THE COURT: Have you represented yourself

1 before?

2 THE DEFENDANT: In muni and justice court, yes,
3 your Honor.

4 THE COURT: But never in a trial.

5 THE DEFENDANT: No, your Honor.

6 THE COURT: Have you always had court-appointed
7 counsel?

8 THE DEFENDANT: Except for the lower court,
9 yeah.

10 I should take that back. I have had a paid-for
11 attorney. So they're not always court-appointed.

12 THE COURT: Has anyone in any way told you that
13 you couldn't have an attorney or that they wouldn't
14 represent you?

15 THE DEFENDANT: No, your Honor.

16 THE COURT: Have you talked to any lawyer about
17 the consequences of self-representation?

18 THE DEFENDANT: No, your Honor.

19 THE COURT: Do you understand that with an
20 attorney on the other side who is an experienced,
21 professional counsel, you will definitely be at a
22 disadvantage, both in skill, training and ability?

23 THE DEFENDANT: Yes, your Honor.

24 THE COURT: And you will not be entitled to any

1 special library privileges or research privileges if you
2 don't have counsel.

3 THE DEFENDANT: That, I wasn't aware of, but if
4 that's what the court orders.

5 THE COURT: Do you understand that your
6 effectiveness for the defense side is diminished if you're
7 trying to have a dual role as the defendant and defense
8 counsel, that the effectiveness of a defense is greatly
9 diminished in that circumstance?

10 THE DEFENDANT: Diminished in some aspects, but
11 not in others.

12 THE COURT: I don't know of a single one where
13 it isn't diminished.

14 THE DEFENDANT: I can tell you, as the person
15 who was involved in the alleged incident, it's much easier
16 for me to know when the witness is lying or when he's
17 being untruthful than for me to stop and interrupt my
18 lawyer and explain to him that's not true. Your Honor,
19 what this case is gonna come down to is, the witness is
20 lying. There's no easier way for me to show that he's
21 lying than for me to be the one --

22 THE COURT: But you understand that when you
23 cross-examine, you can't say "You're lying."

24 THE DEFENDANT: No, of course not, your Honor.

1 But I know exactly when he's lying.

2 THE COURT: That may be, but a defense attorney
3 that's skilled is much more likely to prove to the jury
4 that the person's lying than you will, because you're
5 going to get emotional and you're going to want to say,
6 "Oh, you're lying" and I'm going to sustain the objection
7 from the State and I'm going to stop you from saying that
8 and you're not going to be able to do it, and your
9 questions are not going to be succinct enough to prove the
10 person's a liar. That's what's going to happen here.
11 I've seen it.

12 THE DEFENDANT: Be that as it may, your Honor --
13 again, my experience with the Public Defender's Office
14 here is, they won't prove anything.

15 THE COURT: Okay. At this point, it does appear
16 that you understand the nature of the proceedings and that
17 you're voluntarily exercising your right to represent
18 yourself, in spite of my admonishments of you that I think
19 it's a bad idea. I'm telling you right now, you shouldn't
20 do it and it's, honestly, foolhardy for you to do it,
21 especially with these significant penalties that you're
22 facing if you are found guilty.

23 So I am going to allow you to represent
24 yourself, because the constitution tells me that no matter

1 how foolish you are, you have a right to be foolish and
2 you are exercising that right, but I am going to appoint
3 standby counsel, because of our situation with the law
4 library, lack of legal research resources. So I'm gonna
5 have to appoint standby counsel.

6 You've previously been represented by the public
7 defender. Correct?

8 THE DEFENDANT: Yes, your Honor.

9 THE COURT: But did you request the public
10 defender ever in justice court?

11 THE DEFENDANT: On this case?

12 THE COURT: Did you fill out an affidavit of
13 indigence or anything?

14 THE DEFENDANT: I refused to fill out the
15 application in booking, but Justice Lynch took a small
16 oath that I was indigent and asked me about my finances.

17 THE COURT: So she did that and she found you
18 indigent?

19 THE DEFENDANT: Yes.

20 THE COURT: So then, because you're indigent,
21 I'll appoint the Washoe County Public Defender's Office as
22 standby counsel. If they have a conflict, they'll have to
23 notify the Court and go through the regular process.

24 So, Mr. Leslie, since you're present -- I don't

1 know if it'll be you or Mr. Goodnight or someone else, but
2 I will give you notice now that I'm appointing standby
3 counsel. So he's been handed a copy of the Information.

4 Do you have any questions, sir, about the
5 arraignment at this point that you would like to consult
6 standby counsel on?

7 THE DEFENDANT: No, your Honor.

8 I waive the formal reading, and my name is
9 correct on line 12.

10 THE COURT: Okay. Are you ready to enter a
11 plea?

12 THE DEFENDANT: Yes, your Honor.

13 THE COURT: Have there been any negotiations in
14 this case?

15 THE DEFENDANT: No, your Honor.

16 THE COURT: Has anyone made any offers to you?

17 THE DEFENDANT: Yeah, in justice court.

18 THE COURT: And what was that offer that was
19 offered to you?

20 THE DEFENDANT: One to five.

21 THE COURT: To plead to something that would
22 carry a one-to-five penalty?

23 THE DEFENDANT: Uh-huh.

24 THE COURT: Is that "yes"?

1 THE DEFENDANT: That's "yes."

2 THE COURT: And not go forward with the habitual
3 criminal?

4 THE DEFENDANT: And the burglary.

5 THE COURT: And you rejected that offer?

6 THE DEFENDANT: I did, your Honor.

7 THE COURT: And that's based on your actual
8 innocence.

9 THE DEFENDANT: Exactly.

10 THE COURT: Did you want any time to speak to
11 standby counsel about your rejection of the offer?

12 THE DEFENDANT: No, your Honor.

13 THE COURT: Then, how do you plead to the
14 charges?

15 THE DEFENDANT: Not guilty to all of them, your
16 Honor.

17 THE COURT: You have a right to have a trial
18 within 60 days of today's date. Do you wish to waive that
19 right or do you want to have your trial quickly?

20 THE DEFENDANT: I don't wish to waive it. I'm
21 not inclined to waive it, because I have issues with
22 discovery right now. Your Honor, I have nothing. I have
23 two pages that are for this case, for the instant case,
24 and almost 50 pages of prior history, which I understand

1 go to the habitual, but, again, I would like to --

2 THE COURT: Counsel for the State, how are you
3 going to provide him with the discovery?

4 MR. BOGALE: Your Honor, we previously provided
5 the Public Defender's Office with discovery and they told
6 the State that they would actually transfer those things;
7 it would just go from their office to him. I don't know
8 the process of that, I don't know how well that's
9 happened. If he needs us to re-duplicate efforts and give
10 him everything that we've given the Public Defender's
11 office, I'm happy to do that.

12 THE COURT: I think you should do that, and I
13 order that you do that by Monday of next week. So you
14 have until Monday to get that done. I don't know how much
15 copying there is, but he should be personally served
16 within the jail with the discovery.

17 And then, sir, I'm going to enter a pretrial
18 order that will give you deadlines to file motions and
19 things that you can do, but if you don't file your motions
20 by that deadline, you will have waived your right to do
21 it, unless you show cause why you didn't do it. And as I
22 told you when I decided to let you do this, the fact that
23 you don't have access to a law library is not going to be
24 a basis for continuing things out.

1 THE DEFENDANT: No, no, no.

2 THE COURT: And standby counsel, of course, will
3 be available to you to answer questions procedurally.
4 He's not responsible for your defense, but he will --
5 whoever it is, whoever the public defender is you're
6 provided with, will be available to assist in legal
7 research, if you request it.

8 THE DEFENDANT: I do have an ex parte motion and
9 a declaration --

10 THE COURT: First off, there's no such thing as
11 an ex parte motion. An ex parte motion means that you're
12 giving me a motion that the other side doesn't get to see.

13 THE DEFENDANT: Exactly.

14 THE COURT: well, what kind of a motion do you
15 think, as a criminal defendant, you can make that the
16 other side can't see?

17 THE DEFENDANT: For defense tools.

18 THE COURT: For what?

19 THE DEFENDANT: I'm asking for an investigator.

20 THE COURT: well, standby counsel will help you
21 with that, I think.

22 THE DEFENDANT: Me too.

23 MR. LESLIE: I'm not so sure, your Honor.

24 THE COURT: I don't know. I'll have to find out

1 about that. I know if standby counsel is the Alternate
2 Public Defender or the conflict group, then that's sort of
3 run through them, but I don't know. We'll see.

4 So you want an investigator.

5 THE DEFENDANT: Yes, your Honor.

6 THE COURT: Let's get a trial date for you.
7 You're not waiving your right to a speedy trial?

8 THE DEFENDANT: Not at this moment, your Honor.
9 Like I said, as long as I get discovery timely, then, in
10 the future, I won't have any problem waiving it.

11 THE COURT: Well, do you want to wait and look
12 at the discovery that you get from the State and come back
13 and see me in a week, before we set the trial?

14 THE DEFENDANT: Yes, that would be preferable,
15 your Honor.

16 THE COURT: Okay, why don't we do that. And
17 then you can also -- I can do a little research on your
18 request for an investigator. So let's continue this over.

19 You'll get the discovery, counsel, to him and
20 then we'll set it for trial next time we all are together.

21 MR. BOGALE: Is the defendant also going to be
22 arraigned on the Amended Information? I don't know if he
23 has been.

24 THE COURT: We can do that now. I think we've

1 done everything on it except for setting the trial. I
2 think we arraigned him already. So we've done all of
3 that; we just didn't set trial. So what we're going to do
4 is we're going to continue for trial setting purposes
5 only -- you've already been arraigned -- and for purposes
6 of your request for an investigator.

7 THE DEFENDANT: And discovery issues. Right?

8 THE COURT: Right. So we'll get a date for you
9 to come back and see me.

10 THE CLERK: July 31st at 9:00 a.m.

11 THE DEFENDANT: Thank you, your Honor.

12 THE COURT: Did you want to file the document?
13 Do you want that filed in?

14 THE DEFENDANT: Yeah, if the Court wants it.

15 THE COURT: Okay. Hand it to the bailiff and
16 she'll give it to the clerk.

17 THE DEFENDANT: There's a motion and a
18 declaration.

19 THE COURT: If it should be ex parte, we'll file
20 it in and keep it ex parte. If it shouldn't be, we'll
21 serve the State.

22 THE DEFENDANT: Thank you, your Honor.

23 MR. BOGALE: Thank you, your Honor.

24 THE COURT: Okay, thank you.

(End of proceedings.)

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STATE OF NEVADA)
COUNTY OF WASHOE) ss.

I, ROMONA MALNERICH, official reporter of the
Second Judicial District Court of the State of Nevada,
in and for the County of washoe, do hereby certify:

That as such reporter, I was present in Department No. 4 of the above court on Thursday, July 24, 2014, at the hour of 9:00 a.m. of said day, and I then and there took verbatim stenotype notes of the proceedings had and testimony given therein upon the Arraignment in the case of THE STATE OF NEVADA, Plaintiff, versus MARC PAUL SCHACHTER, Defendant, Case No. CR14-1044.

That the foregoing transcript, consisting of pages numbered 1 to 27, both inclusive, is a full, true and correct transcript of my said stenotype notes, so taken as aforesaid, and is a full, true and correct statement of the proceedings had and testimony given upon the Arraignment in the above-entitled action to the best of my knowledge, skill and ability.

DATED: At Reno, Nevada, this 7th day of August,
2014.

Romona Malnerich

ROMONA MALNERICH, CCR #269

Return Of NEF**Recipients**

JAMES LESLIE, ESQ. - Notification received on 2014-08-11 21:12:19.343.

ZELALEM BOGALE, ESQ. - Notification received on 2014-08-11 21:12:19.312.

JOSEPH GOODNIGHT, ESQ. - Notification received on 2014-08-11 21:12:19.436.

KELLY KOSSOW, ESQ. - Notification received on 2014-08-11 21:12:19.405.

DIV. OF PAROLE & PROBATION - Notification received on 2014-08-11 21:12:19.468.

NICKOLAS GRAHAM, ESQ. - Notification received on 2014-08-11 21:12:19.499.

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

-

A filing has been submitted to the court RE: CR14-1044

Judge:

HONORABLE CONNIE J. STEINHEIMER

Official File Stamp:

08-11-2014:21:11:08

Clerk Accepted:

08-11-2014:21:11:48

Court:

Second Judicial District Court - State of Nevada
Criminal

Case Title:

STATE VS. MARC PAUL SCHACHTER (D4)

Document(s) Submitted:

Transcript

Filed By:

Romona Malnerich

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

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

-

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

The following people were served electronically:

NICKOLAS J. GRAHAM, ESQ. for STATE OF
NEVADA

KELLY ANN KOSSOW, ESQ. for STATE OF
NEVADA

JOSEPH GOODNIGHT, ESQ. for MARC PAUL
SCHACHTER

JAMES B. LESLIE, ESQ. for MARC PAUL
SCHACHTER

DIV. OF PAROLE & PROBATION

ZELALEM BOGALE, ESQ. for STATE OF
NEVADA

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

1 CODE 1250
2 WASHOE COUNTY PUBLIC DEFENDER
3 JIM LESLIE, SBN #4464
4 P.O. BOX 11130
5 RENO, NV 89520-0027
6 (775) 337-4800
7 ATTORNEY FOR: DEFENDANT

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

10 IN AND FOR THE COUNTY OF WASHOE

11 THE STATE OF NEVADA,

12 Plaintiff,

13 vs.

Case No. CR14-1044

14 MARC PAUL SCHACHTER

Dept. No. 4

15 Defendant.

16 _____ /

17 **APPLICATION FOR SETTING**

18 TYPE OF ACTION: Criminal

19 MATTER TO BE HEARD: Review / Status Hearing

20 DATE OF APPLICATION: 08/14/2014

21 COUNSEL FOR PLAINTIFF: Kristin A. Erickson

22 COUNSEL FOR DEFENDANT: Jim Leslie

23 CUSTODY STATUS: In Custody

24
25 Setting at 9:00 AM, on the 21st day of August, 2014.
26

Return Of NEF**Recipients**

JAMES LESLIE, ESQ. - Notification received on 2014-08-14 15:09:48.625.

ZELALEM BOGALE, ESQ. - Notification received on 2014-08-14 15:09:48.594.

JOSEPH GOODNIGHT, ESQ. - Notification received on 2014-08-14 15:09:48.937.

KELLY KOSSOW, ESQ. - Notification received on 2014-08-14 15:09:48.906.

DIV. OF PAROLE & PROBATION - Notification received on 2014-08-14 15:09:48.968.

NICKOLAS GRAHAM, ESQ. - Notification received on 2014-08-14 15:09:48.999.

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

-

A filing has been submitted to the court RE: CR14-1044

Judge:

HONORABLE CONNIE J. STEINHEIMER

Official File Stamp:

08-14-2014:14:54:39

Clerk Accepted:

08-14-2014:15:09:13

Court:

Second Judicial District Court - State of Nevada
Criminal

Case Title:

STATE VS. MARC PAUL SCHACHTER (D4)

Document(s) Submitted:

Application for Setting

Filed By:

James B. Leslie

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

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-

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

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NEVADA

KELLY ANN KOSSOW, ESQ. for STATE OF
NEVADA

JOSEPH GOODNIGHT, ESQ. for MARC PAUL
SCHACHTER

JAMES B. LESLIE, ESQ. for MARC PAUL
SCHACHTER

DIV. OF PAROLE & PROBATION

ZELALEM BOGALE, ESQ. for STATE OF
NEVADA

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

CASE NO. CR14-1044

**TITLE: THE STATE OF NEVADA VS. MARC
PAUL SCHACHTER**

**DATE, JUDGE
OFFICERS OF**

COURT PRESENT**APPEARANCES-HEARING****CONT'D TO**

<p>7/24/14 HONORABLE CONNIE STEINHEIMER DEPT. NO.4 M. Stone (Clerk) R. Malnerich (Reporter)</p>	<p><u>CONTINUED ARRAIGNMENT</u> Deputy District Attorney Zelalem Bogale, Esq., represented the State. Defendant present representing himself. Chief Deputy Public Defender James Leslie, Esq., present as stand-by counsel. A copy of the Amended Information was handed to the Defendant. Court canvassed the Defendant as to self-representation. Upon finding the defendant competent to represent himself and voluntarily requesting such, COURT ENTERED ORDER allowing the defendant to represent himself. COURT FURTHER ENTERED ORDER appointing the Washoe County Public Defender's Office as stand-by counsel. Defendant acknowledged receipt of a copy of the Information; indicated to the Court that name as set forth on same was his true name; waived reading and entered a plea of not guilty to the charges set forth therein. Defendant invoked the 60-Day Rule and COURT ORDERED this matter set for jury trial within 60 days of the date of this hearing. Defendant provided the Court with a Motion for Appointment of Investigator. COURT directed the Clerk to file such ex-parte and under seal. Discussion ensued regarding the exchange of discovery. COURT ORDERED the State to provide all discovery to the Defendant no later than July 28, 2014. Trial would be set thereafter. Defendant remanded to the custody of the Sheriff.</p>	<p>7/31/14 9:00 a.m. Motion to Set Trial</p>
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Return Of NEF**Recipients**

JAMES LESLIE, ESQ. - Notification received on 2014-08-18 09:39:24.446.

ZELALEM BOGALE, ESQ. - Notification received on 2014-08-18 09:39:24.306.

JOSEPH GOODNIGHT, ESQ. - Notification received on 2014-08-18 09:39:24.556.

KELLY KOSSOW, ESQ. - Notification received on 2014-08-18 09:39:24.524.

DIV. OF PAROLE & PROBATION - Notification received on 2014-08-18 09:39:24.587.

NICKOLAS GRAHAM, ESQ. - Notification received on 2014-08-18 09:39:24.618.

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

-

A filing has been submitted to the court RE: CR14-1044

Judge:

HONORABLE CONNIE J. STEINHEIMER

Official File Stamp:

08-18-2014:09:37:30

Clerk Accepted:

08-18-2014:09:38:46

Court:

Second Judicial District Court - State of Nevada
Criminal

Case Title:

STATE VS. MARC PAUL SCHACHTER (D4)

Document(s) Submitted:

***Minutes

Filed By:

Court Clerk MTrabert

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

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-

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

The following people were served electronically:

NICKOLAS J. GRAHAM, ESQ. for STATE OF
NEVADA

KELLY ANN KOSSOW, ESQ. for STATE OF
NEVADA

JOSEPH GOODNIGHT, ESQ. for MARC PAUL
SCHACHTER

JAMES B. LESLIE, ESQ. for MARC PAUL
SCHACHTER

DIV. OF PAROLE & PROBATION

ZELALEM BOGALE, ESQ. for STATE OF
NEVADA

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

CASE NO. CR14-1044

**TITLE: THE STATE OF NEVADA VS. MARC
PAUL SCHACHTER**

**DATE, JUDGE
OFFICERS OF**

COURT PRESENT

APPEARANCES-HEARING

CONT'D TO

<p>7/31/14 HONORABLE CONNIE STEINHEIMER DEPT. NO.4 M. Stone (Clerk) E. Stubbs (Reporter)</p>	<p><u>MOTION TO SET TRIAL</u> Deputy District Attorney Kristin Erickson, Esq., represented the State. Defendant present representing himself. Chief Deputy Public Defender James Leslie, Esq., present as stand-by counsel. Discovery ongoing and Defendant continued to invoke the 60-Day Rule COURT ORDERED this matter set for jury trial. All pre-trial motions must be filed no later than August 22, 2014, all responses must be filed no later than August 28, 2014, and replies will not be allowed. Pre-trial motions hearing set. Discussion ensued regarding the outstanding Motion for Investigator. Counsel Leslie advised the Court that the Washoe County Public Defender's Office would accept responsibility for the investigator at this time and will do so until granted leave by the Court to modify. Defendant remanded to the custody of the Sheriff.</p>	<p>8/28/14 2:00 p.m. Pre-Trial Motions 9/11/14 9:00 a.m. Motion to Confirm Trial Date 9/22/14 10:00 a.m. Jury Trial</p>
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Return Of NEF**Recipients**

JAMES LESLIE, ESQ. - Notification received on 2014-08-19 13:48:09.341.

ZELALEM BOGALE, ESQ. - Notification received on 2014-08-19 13:48:09.107.

JOSEPH GOODNIGHT, ESQ. - Notification received on 2014-08-19 13:48:09.903.

KELLY KOSSOW, ESQ. - Notification received on 2014-08-19 13:48:09.606.

DIV. OF PAROLE & PROBATION - Notification received on 2014-08-19 13:48:09.934.

NICKOLAS GRAHAM, ESQ. - Notification received on 2014-08-19 13:48:09.981.

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

-

A filing has been submitted to the court RE: CR14-1044

Judge:

HONORABLE CONNIE J. STEINHEIMER

Official File Stamp:

08-19-2014:13:47:02

Clerk Accepted:

08-19-2014:13:47:39

Court:

Second Judicial District Court - State of Nevada
Criminal

Case Title:

STATE VS. MARC PAUL SCHACHTER (D4)

Document(s) Submitted:

***Minutes

Filed By:

Court Clerk MTrabert

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

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

-

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The following people were served electronically:

NICKOLAS J. GRAHAM, ESQ. for STATE OF
NEVADA

KELLY ANN KOSSOW, ESQ. for STATE OF
NEVADA

JOSEPH GOODNIGHT, ESQ. for MARC PAUL
SCHACHTER

JAMES B. LESLIE, ESQ. for MARC PAUL
SCHACHTER

DIV. OF PAROLE & PROBATION

ZELALEM BOGALE, ESQ. for STATE OF
NEVADA

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

CODING 2390
V2.98

MARC SCHACHTER
#1409450
911 PARR BLVD
RENO, NV 89512

IN PRO PER

FILED
Electronically
2014-08-21 03:27:49 PM
Joey Orduna Hastings
Clerk of the Court
Transaction # 4572307 : mcholino

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

THE STATE OF NEVADA,
PLAINTIFF,

v.

CASE No.: CR-14-1044
DEPT. No.: 4

MARC PAUL SCHACHTER,
DEFENDANT,

MOTION TO DISMISS CASE ON GROUNDS THAT THE STATE
HAS LOST AND/OR DESTROYED MATERIAL EXONERATORY EVIDENCE

THE DEFENDANT, MARC SCHACHTER, IN PRO PER, COMES NOW
TO MOVE THIS COURT TO DISMISS THE ABOVE
CAPTIONED CASE FOR THE FAILURE TO PROVIDE
CONSTITUTIONALLY-GUARANTEED ACCESS TO EVIDENCE.

THIS MOTION IS BASED ON THE UNDERLYING FACTS OF THIS
CASE, THE NEVADA REVISED STATUTES (NRS), ARIZONA V.
YOUNGBLOOD, 488 US 51, 109 S.Ct. 333, 102 L.ed.2d. 281 (1988),
CALIFORNIA V. TROMBETTA, 467 US 479, 104 S.Ct. 2528, 81 L.ed.2d. 413 (1984)
AND PENNSYLVANIA V. RITCHIE, 480 US 39, 107 S.Ct. 989, 94 L.ed.2d 40
(1987).

V2.98

BACKGROUND

ON 6-9-14, THE DEFENDANT WAS ARRESTED BASED ON STATEMENTS FROM ALEX MONROY AND ANNA YOUNG THAT THEY OBSERVED THE DEFENDANT SELECT A BACKPACK FROM A SHELF, PLACE ITEMS IN THE BACKPACK, AND EXIT THE STORE WITHOUT PAYING FOR THE BACKPACK OR THE ITEMS INSIDE THE BACKPACK. A SINGLE PICTURE OF THE BACKPACK AND ITEMS WAS INCLUDED IN THE STATES DISCOVERY, BUT NO MENTION OF THE PICTURE EXISTS IN THE POLICE REPORTS OR THE WITNESS' STATEMENT. A TRAINING RECEIPT WAS ALSO PROVIDED IN THE DISCOVERY SHOWING THE VALUE OF THE ITEMS, BUT THE BACKPACK LISTED ON THE TRAINING RECEIPT IS NOT THE SAME AS THE BACKPACK IN THE PICTURE. THE BACKPACK TAKEN FROM THE DEFENDANT BY MR. MONROY AND ANNA YOUNG WAS CUSTOMIZED BY THE DEFENDANT, THE BACKPACK WAS GIVEN TO WAL-MART FOR RE-SALE ACCORDING TO TESTIMONY.

POINTS AND AUTHORITIES

IN 1988, THE US SUPREME COURT IMPOSED TWO RIGOROUS STANDARDS FOR CLAIMS, IN WHICH, THE DEFENDANT CANNOT EVIDENCE LOST OR DESTROYED BY THE PROSECUTION WOULD HAVE BEEN EXCULPATORY AND MATERIAL. [SEE ARIZONA V. YOUNGBLOOD (1988), SUPRA]

FIRST, THE DEFENDANT CANNOT GAIN RELIEF, IF THE LOST OR DESTROYED EVIDENCE WAS OF SUCH A NATURE THAT THE DEFENDANT CAN REPLACE IT WITH "COMPARABLE EVIDENCE BY OTHER REASONABLY AVAILABLE MEANS." [SEE TRONBETTA, SUPRA] IN THE INSTANT CASE, BECAUSE THE BACKPACK WAS CUSTOMIZED, IT THEREFORE CANNOT BE REPLACED BY OTHER MEANS. SECOND, THE DEFENSE MUST SHOW "BAD FAITH" BY THE POLICE OR PROSECUTOR IN THEIR FAILURE TO PRESERVE THE EVIDENCE. UNDER NRS 205.290 THE POLICE HAVE THE OBLIGATION AND DUTY TO INVENTORY AND SAFEKEEP THE "ALLEGEDLY STOLEN" PROPERTY UNTIL IT IS DELIVERED TO THE PROSECUTOR. IN THE INSTANT CASE, IT APPEARS FROM ALL REPORTS THAT THE POLICE NEVER TOOK (OR HAD) CUSTODY OF THE "ALLEGEDLY STOLEN" PROPERTY AT ANY TIME. ACCORDING TO THE POLICE REPORTS AND THE WITNESS STATEMENT, MR. MONROY AND MS. YOUNG HAD POSSESSION OF THE "PROPERTY" WHEN THE POLICE FIRST ARRIVED, THEN MS YOUNG TOOK THE "PROPERTY" TO CUSTOMER SERVICE WHERE IT WAS TO BE RE-SOLD. SINCE THE OUTSET OF THIS CASE, THE DEFENDANT HAS ADMITTED ABOUT RECEIVING THE DISCOVERY AND ATTEMPTING TO OBTAIN BOTH THE BACKPACK OR AT THE VERY LEAST THE VIDEO(S) TO PROVE HE HAD THE BACKPACK IN HIS POSSESSION WHEN HE ENTERED THE STORE THEREBY REUTTING MR MONROY AND MS. YOUNG'S STATEMENT. BOTH THE PROSECUTOR AND THE COURT

HAVE USED THE DEFENDANT'S DESIRE TO REPRESENT HIMSELF AS AN EXCUSE TO DELAY OR RESTRICT THE DEFENSE FROM USING THE SUBPOENA POWER TO COLLECT FURTHER EXCULPATORY EVIDENCE THAT WOULD ALSO PROVE THE BACKPACK WAS IN HIS POSSESSION PRIOR TO ENTERING THE STORE AND THAT IT WAS CUSTOMIZED WHICH IN TURN PROVES THE BACKPACK ITSELF MATERIAL AND EXCULPATORY. IN PENNSYLVANIA V. RITCHIE (1987), SUPRA, THE HIGH COURT AFFIRMED THE AVAILABILITY OF THE SUBPOENA POWER TO OBTAIN POTENTIALLY EXCULPATORY EVIDENCE AND THE PROHIBITION AGAINST GOVERNMENTAL ACTIONS THAT INTERFERE WITH THE DEFENSE'S UTILIZATION OF THAT SUBPOENA POWER. WHEN THIS DISTRICT COURT ACCEPTED THE DEFENDANT'S WAIVER OF ASSISTANCE TO COUNSEL (JULY 24, 2014 @ 1:30), THE COURT STATED IT WAS APPOINTING "STAND-BY" COUNSEL BECAUSE THERE WAS NO LAW LIBRARY AT THE WAHOE CO. JAIL. AT THAT TIME, THE DEFENDANT ALSO SUBMITTED A MOTION FOR AN INVESTIGATOR. WHILE THE COURT "DRAGS ITS FEET" AND DELAYS MAKING DECISIONS, THE STATE WITHHOLDS "BRADY" MATERIAL AND THE STAND-BY LAWYER IS IN PLEA NEGOTIATIONS WITH HIMSELF AND THE SHERIFF'S DEPARTMENT PLAYS CENSOR TO WHAT DISCOVERY THE DEFENDANT CAN SEE, THEREBY PROHIBITING THE DEFENDANT FROM OBTAINING EXCULPATORY EVIDENCE THAT WOULD EXONERATE HIM.

CONCLUSION AND PRAYER FOR RELIEF.

IT MAKES NO SENSE THAT THE JUSTICE COURT AND NOW THE DISTRICT COURT WOULD SPEND SO MUCH TIME PROTECTING THEMSELVES FROM APPELLATE REVIEW AND WARNING THE DEFENDANT OF THE PERILS OF SELF-REPRESENTATION, WHILE THEY IGNORE HIS OTHER SIXTH AMENDMENT AND DUE PROCESS RIGHTS. MR. SCHACHTER HAS MAINTAINED HIS INNOCENCE THROUGHOUT THESE PROCEEDINGS AND CONTINUES TO DO SO. EITHER THE EVIDENCE THAT IS STILL AVAILABLE (DESPITE THE STATE AND COURT INTERFERENCE; AND THE POLICE'S DISREGARD FOR THE LAW) SHOULD BE GIVEN FULL PRIORITY TO BE GATHERED BY ALL PARTIES OR THESE CHARGES SHOULD BE DISMISSED.

THE DEFENDANT, MARC SCHACHTER, IN PRO PER PLAYS THAT THIS COURT DISMISS THIS CASE FOR THE REASONS STATED ABOVE AND PURSUANT TO THE LAW.

AFFIRMATION PURSUANT TO NRS 239B.030

THE UNDERSIGNED HEREBY AFFIRMS THAT THIS MOTION DOES NOT CONTAIN THE SOCIAL SECURITY NUMBER(S) OF ANY PERSON(S).

DATE: August 6, 2014

x Marc Schachter
MARC SCHACHTER V2.102 PER

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of the Washoe County Public Defender's Office, Reno, Washoe County, Nevada; that on this 21st day of August, 2014, I electronically filed the foregoing documents with the Clerk of the Court by using the ECF system which will send a notice of electronic filing to the following:

ZELALEM BOGALE
DEPUTY DISTRICT ATTORNEY

/s/ DEBBIE BRUNNER
DEBBIE BRUNNER

CODE 2490
MARC SCHACHTER
#1409450
911 PARK BLVD.
RENO, NV 89512
IN PRO PER

FILED
Electronically
2014-08-21 03:27:49 PM
Joey Orduna Hastings
Clerk of the Court
Transaction # 4572307 : mcholino

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

THE STATE OF NEVADA,
PLAINTIFF,

v.

MARC PAUL SCHACHTER,
DEFENDANT,

CASE NO: CR-14-1044

DEPT. NO: 4

MOTION TO ADVISE WITNESSES FOR THE STATE OF
THEIR PRIVILEGE AGAINST SELF-INCRIMINATION

THE DEFENDANT, MARC SCHACHTER, IN PRO PER, HEREBY
MOVES THIS COURT THAT PROSECUTION WITNESSES
MONROY AND YOUNG SHOULD BE MADE AWARE
OF THEIR POTENTIAL CRIMINAL LIABILITY AND
THAT THEIR PRIVILEGE AGAINST SELF-INCRIMINATION
REQUIRES THE WITNESS TO EXERCISE THE PRIVILEGE
AT THE POINT OF COMPELSION, BEFORE MAKING
ANY STATEMENT.

AT TRIAL, THE DEFENSE WILL SHOW THAT
PROSECUTION WITNESSES ALEX MONROY AND
ANNA YOUNG KNOWINGLY MADE FALSE

STATEMENTS TO THE POLICE ON JUNE 9, 2014 IN REGARDS TO AN ALLEGED THEFT BY THE DEFENDANT. AT THE POINT IN WHICH THOSE STATEMENTS ARE SHOWN TO BE FALSE, THE TWO WITNESSES, MR. MONROY AND MS. YOUNG ARE CRIMINALLY LIABLE NOT JUST TO A PERJURY CHARGE, BUT TO MUCH MORE SEVERE AND SERIOUS ROBBERY, BURGLARY, FALSE IMPRISONMENT/KIDNAP CHARGES WITH A POTENTIAL 30 PLUS YEARS IN PRISON OR A LIFE SENTENCE.

BECAUSE OF THE SEVERITY OF THEIR EXPOSURE THE WITNESSES SHOULD BE MADE AWARE THAT IN ANSWERING THE FIRST QUESTION THEY WAIVE THEIR PRIVILEGE. (ROGERS V. U.S., 340 US 367, (1951)). AGAINST SELF-INCRIMINATION.

AFFIRMATION PURSUANT TO NRS 239B.030

THE UNDERSIGNED HEREBY AFFIRMS THIS MOTION DOES NOT CONTAIN ANY SOCIAL SECURITY NUMBER(S) OR ANY PERSON(S).

DATE: August 19, 2014

X Marc Schachter
MARC SCHACHTER,

IN PRO PER

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of the Washoe County Public Defender's Office, Reno, Washoe County, Nevada; that on this 21st day of August, 2014, I electronically filed the foregoing documents with the Clerk of the Court by using the ECF system which will send a notice of electronic filing to the following:

ZELALEM BOGALE
DEPUTY DISTRICT ATTORNEY

/s/ DEBBIE BRUNNER
DEBBIE BRUNNER

CODE 2183
V2. 107
MARC SCHACHTER
#1409450
911 PARK BLVD
RENO, NV 89512
IN PROPER

FILED
Electronically
2014-08-21 03:27:49 PM
Joey Orduna Hastings
Clerk of the Court
Transaction # 4572307 : mcholino

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

STATE OF NEVADA,
PLAINTIFF

v.

MARC PAUL SCHACHTER,
DEFENDANT

CASE NO. CR-14-1044
DEPT. NO. 4

MOTION FOR PRELIMINARY HEARING TRANSCRIPTS

THE DEFENDANT, MARC SCHACHTER, IN PRO PER, COMES
NOW AND MOVES THIS COURT TO PROVIDE THE
INDIGENT PRO PER DEFENDANT WITH THE
TRANSCRIPTS FROM THE JULY 1, 2014 PRELIMINARY
HEARING HELD IN DEPT. 1 OF THE RENO JUSTICE
COURT AT 1:30 PM.

THESE TRANSCRIPTS ARE REQUESTED BY THE
DEFENSE TO FURTHER IMPEACH THE TESTIMONY
OF WITNESS A. MONROY.

AS THE DEFENDANT REMAINS INDIGENT AND
WITHOUT FUNDS, HE FURTHER REQUEST THIS

COURT TO PROVIDE THE DEFENDANT THESE TRANSCRIPTS AT THE STATES EXPENSE.

THIS MOTION IS MADE PURSUANT TO THE NRS,
THE DEFENDANT'S "FREE-STANDING" DUE PROCESS RIGHTS,
AND ESTABLISHED CASE LAW. [NOTE: DEFENDANT
APOLOGIZES FOR LACK OF MORE SPECIFIC AUTHORITY, BUT
IS UNABLE DUE TO LACK OF ACCESS TO LEGAL MATERIALS
AT THIS TIME.]

DATE: August 17, 2014

SUBMITTED,
X Marc Schachter
MARC SCHACHTER, PRO PER

AFFIRMATION PURSUANT TO NRS 239B.030

THE UNDERSIGNED HEREBY AFFIRMS THAT THE FOREGOING
MOTION DOES NOT CONTAIN ANY SOCIAL SECURITY
NUMBERS) OF ANY PERSON(S).

DATE: August 17, 2014

X Marc Schachter
MARC SCHACHTER
IN PRO PER

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of the Washoe County Public Defender's Office, Reno, Washoe County, Nevada; that on this 21st day of August, 2014, I electronically filed the foregoing documents with the Clerk of the Court by using the ECF system which will send a notice of electronic filing to the following:

ZELALEM BOGALE
DEPUTY DISTRICT ATTORNEY

/s/ DEBBIE BRUNNER
DEBBIE BRUNNER

COD V2.110
MARC SCHACHTER
#1409450
911 PARK BL
RENO, NV 89512
IN PRO PER

FILED
Electronically
2014-08-21 03:27:49 PM
Joey Orduna Hastings
Clerk of the Court
Transaction # 4572307 : mcholino

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

THE STATE OF NEVADA,
PLAINTIFF,

v.

MARC PAUL SCHACHTER,
DEFENDANT, /

CASE NO: CR-14-1044
DEPT. NO: 4

MOTION TO COMPEL THE STATE TO PROVIDE EXCULPATORY
MATERIAL ("BRADY") IN ITS POSSESSION.

THE ABOVE NAMED DEFENDANT, MARC SCHACHTER, IN PRO PER,
COMES NOW AND MOVES THIS COURT TO COMPEL THE
STATE TO PROVIDE THE DEFENDANT WITH THE
FOLLOWING EXCULPATORY MATERIALS:

ALL RENO POLICE DISPATCH AND 9-1-1
EMERGENCY CALL TRANSCRIPTS AND RECORDS
PERTAINING TO THIS CASE, INCLUDING BUT
NOT LIMITED TO THE DEFENDANTS 911 CALL,
ANNA YOUNG'S 911 CALL, OTHER WITNESSES
AT THE SCENE, AND RENO POLICE DISPATCH
AND COMMUNICATION TRANSCRIPTS.

THESE MATERIALS ARE EITHER MENTIONED
IN THE POLICE REPORTS FILED IN THIS CASE
OR PERSONALLY KNOWN BY THE DEFENDANT.

THIS MOTION IS MADE PURSUANT TO THE
UNDERLYING FACTS OF THIS CASE, THE
NEVADA REVISED STATUTES, THE CONSTITUTION OF
THE UNITED STATES AND BRADY V. MARYLAND,
373 U.S. 83 (1963).

Date: August 2, 2014

Marc Schachter

MARC SCHACHTER

IN PRO PER

AFFIRMATION PURSUANT TO NRS 239B.030

THE UNDERSIGNED DOES HEREBY AFFIRM THAT THE PRECEDING
MOTION DOES NOT CONTAIN ANY PERSON(S) SOCIAL SECURITY
NUMBER(S).

Date: August 2, 2014

Marc Schachter

MARC SCHACHTER

IN PRO PER

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of the Washoe County Public Defender's Office, Reno, Washoe County, Nevada; that on this 21st day of August, 2014, I electronically filed the foregoing documents with the Clerk of the Court by using the ECF system which will send a notice of electronic filing to the following:

ZELALEM BOGALE
DEPUTY DISTRICT ATTORNEY

/s/ DEBBIE BRUNNER
DEBBIE BRUNNER

CODE V2.113
MARC SCHACHTER
#1409450
911 PARR BLVD.
RENO, NV 89512
PRO PER

FILED
Electronically
2014-08-21 03:27:49 PM
Joey Orduna Hastings
Clerk of the Court
Transaction # 4572307 : mcholic

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

THE STATE OF NEVADA,
PLAINTIFF,

v.

CASE No.: CR-14-1044
DEPT. No: 4

MARC PAUL SCHACHTER,
DEFENDANT

MOTION AND ORDER TO OBTAIN MATERIAL AND EXCULPATORY
VIDEO RECORDING

THE DEFENDANT, MARC SCHACHTER, IN PRO PER, COMES NOW
AND RESPECTFULLY MOVES THIS COURT TO ORDER THE
STATE TO OBTAIN A CERTAIN MATERIAL AND EXCULPATORY
VIDEO RECORDING AS DESCRIBED BELOW.

THIS MOTION AND ORDER IS BASED ON THE UNDERLYING
FACTS OF THIS CASE AND THE POINTS AND AUTHORITIES
CITED, INCLUDED HEREIN.

THERE WERENTLY EXISTS MATERIAL AND EXCULPATORY VIDEO RECORDING OF THE DEFENDANT, MARC SCHACHTER, ENTERING THE WAL-MART (STORE #3264) LOCATED AT 5260 W. 7TH STREET RENO, NV. ON JUNE 9, 2014 AT APPROXIMATELY 11:00AM [10:55AM - 11:15AM]. THE DEFENDANT ENTERED THE WAL-MART THROUGH THE "GENERAL MERCHANDISE" ENTRANCE WITH THE SAME BACKPACK THE STATE'S WITNESS, ALEX MONROY, TESTIFIED AND DECLARES HE OBSERVED DEFENDANT SELECT FROM A SHELF AND STEAL. THE VIDEO WILL SHOW MR MONROY PERJURED HIMSELF

APART FROM THE RESPONSIBILITIES IMPOSED BY THE MORE SPECIFIC CONSTITUTIONAL GUARANTEES, THE PROSECUTION IS SUBJECT TO DUE PROCESS REQUIREMENTS RELATING TO ITS ROLE AS THE REPRESENTATIVE OF THE STATE, "WHOSE INTEREST IN A CRIMINAL PROSECUTION IS NOT THAT IT SHALL WIN A CASE, BUT THAT JUSTICE SHALL BE DONE." BERGER V. U.S., 295 U.S. 78, 55 S.Ct. 629, 79 L.Ed. 1314 (1935). BUILDING ON THIS OBLIGATION, A SERIES OF CASES HOLD THE PROSECUTION MUST CORRECT ANY MATERIAL PERJURED TESTIMONY OF ITS WITNESSES WHEN IT KNOWS, OR SHOULD KNOW FROM INFORMATION THAT IT HAS RECEIVED, THAT THE TESTIMONY IS FALSE. [SEE GIGLIO V. U.S., 405 U.S. 150, 92 S.Ct. 763, 31 L.Ed. 2d. 104 (1972)]

CONCLUSION

FROM THE OUTSET OF THIS CASE, THE DEFENDANT, MR. SCHACHTER, HAS MAINTAINED HIS INNOCENCE. AT EACH AND EVERY COURT APPEARANCE MR. SCHACHTER HAS MADE IT ABUNDANTLY CLEAR HIS DESIRE TO REPRESENT HIMSELF AND HIS DESIRE TO EXAMINE THE EVIDENCE AGAINST HIM IN ORDER TO SHOW HIS INNOCENCE.

ALTHOUGH MR. SCHACHTER HAS NOT WAIVED ANY TIME CONSTRAINTS IN EITHER JUSTICE COURT OR DISTRICT COURT, THIS CASE ENTERS ITS EIGHTH WEEK AND SEVENTH COURT APPEARANCE AND THE DEFENDANT STILL HAS NOT RECEIVED FULL DISCOVERY (DESPITE TWO COURT ORDERS) INCLUDING "BRADY" MATERIAL IN THE STATE'S POSSESSION. FURTHER, IT HAS BEEN 30 DAYS SINCE THE FIRST "FARETTA WAIVER" WAS ACCEPTED, BUT THE DEFENDANT IS STILL REDUCED TO HAND-WRITTEN (IN PENCIL) PLEADINGS USING A SINGLE CITE BOOK AND A BLACK'S LAW DICTIONARY. IN ADDITION, THE WASHOE COUNTY SHERIFF'S DEPARTMENT NOW INFORMS ME, THEY WILL NOT ALLOW ME TO VIEW THE RECORDED PORTION OF THE DISCOVERY WITHOUT A COURT-ORDER.

WHILE MR. SCHACHTER REALIZES AND APPRECIATES HIS INNOCENCE AND HIS DESIRE TO REPRESENT HIMSELF HAS UPSET THE "NATURAL FLOW" OF JUSTICE AND THE NORMAL STATUS QVO OF THE COURTHOUSE; THE ACTUAL NET RESULT OF ALL THE WELL-INTENDED WARNINGS AND PRECAUTIONS HAS BEEN A DELAY (PERHAPS, A PREJUDICIAL DELAY) IN OBTAINING THE EXCULPATORY EVIDENCE THAT WILL EXONERATE HIM.

IT IS FOR THE ABOVE REASONS THE DEFENDANT, MARC SCHACHTER, PRAYS THAT THE COURT WILL ATTEMPT TO "LEVEL THE PLAYING FIELD" BY ORDERING THE VIDEO RECORDING, AS SPECIFIED ON PAGE 2 AND/OR ANY OTHER EVIDENCE THE COURT DEEMS APPROPRIATE.

DATE: July 30, 2014

Marc Sch

MARC SCHACHTER, PRO PR

AFFIRMATION PURSUANT TO NRS 239B.030

PURSUANT TO NRS 239B.230, THIS DOCUMENT DOES NOT CONTAIN THE SOCIAL SECURITY NUMBERS OF ANY PERSON(S).

DATE: July 30, 2014

Marc Sch

MARC SCHACHTER

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of the Washoe County Public Defender's Office, Reno, Washoe County, Nevada; that on this 21st day of August, 2014, I electronically filed the foregoing documents with the Clerk of the Court by using the ECF system which will send a notice of electronic filing to the following:

ZELALEM BOGALE
DEPUTY DISTRICT ATTORNEY

/s/ DEBBIE BRUNNER
DEBBIE BRUNNER

CODE 2050
V2. 118
MARCE SCHACHTER
#1409450
911 PARR BWD.
RENO, NV 89512
IN PRO PER

FILED
Electronically
2014-08-21 03:27:49 PM
Joey Orduna Hastings
Clerk of the Court
Transaction # 4572307 : mcholino

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.: CR-14-1044

MARC PAUL SCHACHTER,
DEFENDANT.

DEPT. NO.: 4

MOTION FOR THE PRODUCTION OF "REPLACEMENT" AND/OR
"SUBSTITUTE" LOST/DESTROYED EVIDENCE

THE DEFENDANT, MARC SCHACHTER, IN PRO PER, COMES NOW
AND MOVES THIS COURT TO PROVIDE THE DEFENDANT
WITH A "REPLACEMENT" SET OF THE ITEMS THE
STATE ACCUSES THE DEFENDANT OF STEALING.

IN THE AMENDED INFORMATION DATED 7-14-14, THE STATE
ALLEGES DEFENDANT STOLE PROPERTY FROM WALMART.
ACCORDING TO THE POLICE REPORTS AND WITNESS STATEMENT
THE PROPERTY WAS TAKEN TO CUSTOMER SERVICE AND
A TRAINING RECEIPT WAS ISSUED SHOWING THE ITEMS
AND THE PRICE OF THE ITEMS. AT NO TIME WERE
THE ITEMS IN THE POSSESSION OF THE POLICE.

V2. 118

THE TRAINING RECEIPT LISTS FOUR (4) ITEMS:

- | | |
|-------------------------------|----------|
| (1) ICY HOT #004116708045H | \$ 24.88 |
| (2) HEATING PAD #002704574400 | 29.84 |
| (3) HMR. COWL #03815190030C | 5.92 |
| (4) BACKPACK #002096858979 | 34.97 |

ACCORDING TO TESTIMONY AT THE PRELIMINARY HEARING THE PROPERTY WAS RETURNED TO THE STOCK FOR SALE. WHILE THE DEFENDANT ARGUES IN A SEPARATE MOTION THAT THE PROPERTY WAS LEGALLY HIS AND HE HAD POSSESSION OF SAID PROPERTY WHEN HE ENTERED THE STORE, THE CHARGES SHOULD BE DISMISSED UPON A SHOWING OF BAD FAITH IN FAILING TO SAFEKEEP THE PROPERTY AND THE EXCULATORY NATURE OF THE PROPERTY. THE DEFENDANT ALSO MOVES THE COURT, THAT BARRING A DISMISSAL OF THE CHARGES, THE COURT WILL ORDER THE STATE TO PROVIDE 'REPLACEMENT' OR SUBSTITUTE ITEMS THAT THE DEFENSE CAN SHOW THE JURY TO AID HIS DEFENSE.

THE PARTY EXECUTING THIS DOCUMENT HEREBY AFFIRMS IT DOES NOT CONTAIN THE SOCIAL SECURITY NUMBER(S) OF ANY PERSON(S), PURSUANT TO NRS 239B.030

Date: August 12, 2014

X Marc
MARC SCHWARTZ

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of the Washoe County Public Defender's Office, Reno, Washoe County, Nevada; that on this 21st day of August, 2014, I electronically filed the foregoing documents with the Clerk of the Court by using the ECF system which will send a notice of electronic filing to the following:

ZELALEM BOGALE
DEPUTY DISTRICT ATTORNEY

/s/ DEBBIE BRUNNER
DEBBIE BRUNNER

CODE 2245
V2. 121
MARC SCHACHTER
#1409450
911 PARK BLVD.
RENO, NV 89512
PRO PER

FILED
Electronically
2014-08-21 03:27:49 PM
Joey Orduna Hastings
Clerk of the Court
Transaction # 4572307 : mcholino

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

THE STATE OF NEVADA,
PLAINTIFF,

V.

CASE NO: CR-14-1044

DEPT. NO: 4

MARC PAUL SCHACHTER,
DEFENDANT.

MOTION IN LIMINE RE: SURVEILLANCE VIDEO EVIDENCE

THE DEFENDANT, MARC SCHACHTER, IN PRO PER COMES NOW
AND MOVES THIS COURT FOR AN ORDER IN LIMINE
LIMITING THE STATE'S SURVEILLANCE VIDEO EVIDENCE
FOR IMPEACHMENT PURPOSES ONLY.

ON JUNE 10, 2014, RENO POLICE DETECTIVE REED (R9473)
OBTAINED "1 DISK OF SURVEILLANCE VIDEO" FROM WALMART
EMPLOYEE ANNA YOUNG. THE DISK WAS BOOKED INTO
THE RENO POLICE EVIDENCE SOMETIME LATER. [SEE RENO
POLICE REPORT DATED 6/10/14 PAGE 3 OF 5]. PURSUANT TO THIS
COURT'S ORDER ON 7-25-14, THE DISTRICT ATTORNEY
PROVIDED "EVERYTHING DISCOVERABLE IN OUR FILE" TO
THE WASHOE COUNTY SHERIFF'S OFFICE FOR DELIVERY

V2. 121

TO THE DEFENDANT. [NOTE: IT INCLUDED TWO (2) DVD DISKS WHICH WERE WITHHELD FROM DEFENDANT BY THE SHERIFF UNTIL AUGUST 8, 2014.] THE DISKS WERE LABELED WITH THE DEFENDANT'S NAME, CASE NUMBER, DATE OF INCIDENT AND DISK #1, DISK #2. THERE WAS NO "CHAIN OF CUSTODY" INFORMATION EITHER WITH THE DISKS OR INCLUDED IN THE DISCOVERY.

UPON REVIEW OF THE VIDEO AND THE VIDEO FILES CONTAINED ON THE DISK, THE FILES SHOW THE DISK WAS EDITED ON SATURDAY JUNE 14, 2014. EACH DISK WAS EDITED AT DIFFERENT TIMES THE EDITING ON THE SATURDAY FOLLOWING THE DEFENDANT'S ARREST IS COMPLETELY SEPARATE FROM THE ORIGINAL EDITING FROM WALMART. BECAUSE THE ORIGINAL WALMART FOOTAGE APPEARS TO BE EDITED IN AN ARBITRARY MANNER, IT IS IMPOSSIBLE FOR THE DEFENDANT (WITH HIS LIMITED TECHNICAL SKILLS) TO ASCERTAIN EXACTLY WHAT WAS EDITED AFTER IT WAS IN THE STATE'S CUSTODY.

THE STATE SHOULD BE REQUIRED TO ALLOW THE DEFENDANT FULL AND COMPLETE ACCESS TO THE ORIGINAL UNEDITED SINGLE DISK AS DETECTIVE REED RECEIVED IT FROM MS. YOUNG IN ACCORDANCE WITH THE NRS SECTION 174 ET. SEQ., LOCAL COURT

RULES REGARDING DISCOVERY AND BRADY V. MARYLAND,
373 US 83 (1963).

IN THE ALTERNATIVE, THE DEFENSE WOULD REQUEST
LIMITING THE USE OF THE OR ANY EDITED
SURVEILLANCE VIDEO FOR IMPEACHMENT PURPOSES ONLY.
BECAUSE EVEN THE EDITED VIDEO IS EXCULPATORY
IN NATURE, THE DEFENDANT SHOULD NOT BE
PUNISHED FOR THE STATE'S WRONGS.

THE US SUPREME COURT HAS LONG HELD THAT EVEN
EVIDENCE THAT HAS BEEN EXCLUDED FOR BEING
OBTAINED ILLEGALLY, CAN BE USED FOR THE
IMPEACHMENT OF BOTH THE DEFENDANT AND
WITNESSES. [SEE: WALDER V. U.S., 347 US 62, (1954); HARRIS V. N.Y.,
401 US 222, (1971)] IF ILLEGALLY OBTAINED EVIDENCE
CAN BE USED TO IMPEACH A DEFENDANT, IT IS
REASONABLE TO ASSUME EXCLUDED EVIDENCE CAN
BE USED TO IMPEACH A STATE WITNESS.

IN THE INSTANT CASE, IF THE STATE WERE
ALLOWED TO USE THE EDITED VIDEO IN ITS
CASE-IN-CHIEF, THE DEFENSE WOULD BE
ENTITLED TO CALL THE PROSECUTOR AS
A WITNESS TO ESTABLISH WHAT WAS EDITED
AFTER IT WAS IN THE STATE'S CUSTODY.

THE DEFENDANT CONTINUES TO MAKE EVERY EFFORT TO OBTAIN THE FULL AND COMPLETE UNEDITED VIDEO FOR THE ENTIRE TIME I WAS IN THE STORE INCLUDING THE MOMENT I ENTERED THE WALMART. AS THAT VIDEO WILL EXONERATE ME FULLY. OBVIOUSLY IF THOSE VIDEOS BECOME AVAILABLE TO THE DEFENDANT, IT WOULD RENDER THIS MOTION MOOT.

ADDITIONALLY, THE DEFENDANT WOULD REQUEST A PRE-TRIAL PREVIEW OF ANY VIDEO THE STATE INTENDS TO INTRODUCE AT TRIAL TO MAKE SURE IT MATCHES WITH THE DEFENDANTS COPY.

AFFIRMATION PURSUANT TO NRS 239B.030

THE UNDERSIGNED DOES HEREBY AFFIRM THAT THIS MOTION DOES NOT CONTAIN ANY SOCIAL SECURITY NUMBER(S) OF ANY PERSON(S).

DATE: August 18, 2014

X Marc Schachter
MARC SCHACHTER,

IN PROPER

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of the Washoe County Public Defender's Office, Reno, Washoe County, Nevada; that on this 21st day of August, 2014, I electronically filed the foregoing documents with the Clerk of the Court by using the ECF system which will send a notice of electronic filing to the following:

ZELALEM BOGALE
DEPUTY DISTRICT ATTORNEY

/s/ DEBBIE BRUNNER
DEBBIE BRUNNER

CODE 1590
V2. 126
MARC SCHACHTER
#1409450
911 PARK BLVD
RENO, NV 89512
IN PRO PER

FILED
Electronically
2014-08-21 03:27:49 PM
Joey Orduna Hastings
Clerk of the Court
Transaction # 4572307 : mcholino

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

THE STATE OF NEVADA,
PLAINTIFF

V.

MARC PAUL SCHACHTER,
DEFENDANT.

CASE NO.: CR-14-1044
DEPT. NO.: 4

DEMAND FOR LEGAL MATERIALS AND LEGAL SUPPLIES

THE DEFENDANT, MARC SCHACHTER, IN PRO PER, RESPECTFULLY
DEMANDS THE DISTRICT COURT PROVIDE THIS INDIGENT
PRO SE DEFENDANT WITH THE MATERIALS AND SUPPLIES
NEEDED TO DEFEND HIMSELF IN THE ABOVE CAPTIONED
CRIMINAL PROCEEDING.

THIS DEMAND IS MADE PURSUANT TO THE UNDERLYING FACTS
OF THIS CASE, THIS SIXTH AMENDMENT TO THE US
CONSTITUTION, DEFENDANT'S FREE-STANDING DUE PROCESS
RIGHTS, STATE LAW AND WELL-SETTLED CASE LAW.

ON JULY 1, 2014 JUDGE LYNCH (DEPT. 1 RENO JUSTICE
COURT) ACCEPTED DEFENDANT'S WAIVER OF ASSISTANCE

V2. 126

TO COUNSEL AND ALLOWED THE DEFENDANT TO REPRESENT HIMSELF. THE COURT DENIED THE STATES REQUEST TO APPOINT "STAND-BY" COUNSEL. ON JULY 24, 2014 THE DISTRICT COURT FOLLOWING A LENGTHY CANVASS AGAIN ACCEPTED DEFENDANTS PRO SE WAIVER, BUT JUDGE STEINHEIMER APPOINTED "STAND-BY" COUNSEL BECAUSE THE WASHOE COUNTY JAIL LACKED A LAW LIBRARY. [NOTE: IT WAS NOT REQUESTED BY DEFENDANT AS STATED IN THE COURT-ORDER DATE 7-30-14] OVER THE DEFENDANT'S OBJECTION, CHIEF, PUBLIC DEFENDER JAMES LESLIE WAS APPOINTED STAND-BY COUNSEL. MR. LESLIE APPEARS UNABLE OR UNWILLING TO PROVIDE THE DEFENDANT WITH THE NECESSARY LEGAL MATERIALS OR LEGAL SUPPLIES.

THE FACT THAT THE DEFENDANT HAS EXERCISED BOTH HIS RIGHT TO SELF-REPRESENTATION AND HIS RIGHT TO A SPEEDY TRIAL DOES NOT IN ANY WAY EXCUSE THE DISTRICT COURT FROM ITS OBLIGATION THAT THE DEFENDANT RECEIVE A FAIR TRIAL.

THE DEFENDANT CAN HARDLY BE EXPECTED TO ADHERE TO THE PRETRIAL ORDER DATED 8/5/14 WHEN STAND-BY COUNSEL HAS NOT PROVIDED THE DEFENDANT WITH THE REQUESTED NRS, LOCAL COURT RULES, SPECIFIC CASES, NUMBER 24 PAPER,

COPIES, POSTAGE, CALCRIM JURY INSTRUCTIONS OR METHOD TO FILE SUBPOENAS. DEFENDANT HAS ALSO NOT BEEN NOTICED ABOUT THE STATUS OF THE INVESTIGATOR. IT TOOK TWO COURT ORDERS AND TWO GRIEVANCES JUST TO GET THE SHERIFF'S DEPARTMENT TO MAKE DEFENDANT'S DISCOVERY AVAILABLE.

WHILE DEFENDANT'S CHOICE TO SELF-REPRESENTATION MAY PRECLUDE A CLAIM OF INEFFECTIVE ASSISTANCE OF COUNSEL, A COURT-APPOINTED STAND-BY COUNSEL THAT FAILS TO FILL THE VOID FOR A LACK OF A LAW LIBRARY VIOLATES THE DEFENDANT'S RIGHT TO PROCEED PRO SE BECAUSE IT INTERFERES WITH THE DEFENDANT'S OWN ACTIONS IN SUCH A WAY AS TO DEPRIVE HIM OF "ACTUAL CONTROL OVER THE CASE HE CHOSE TO PRESENT TO THE JURY." McKASKLE V. WIGGINS, 465 US 168, 104 S.Ct. 944, 79 L.Ed.2d 122 (1984),

A WAIVER OF ASSISTANCE TO COUNSEL IS NOT A WAIVER OF THE ENTIRE SIXTH AMENDMENT. THIS COURT NEED ONLY TO LOOK AT ANY OTHER JURISDICTION OR THE FEDERAL COURT TO REALIZE A INDIGENT PRO SE CRIMINAL DEFENDANT IS ENTITLED TO ACCESS TO BOTH LEGAL RESEARCH MATERIALS AND THE LEGAL SUPPLIES NECESSARY TO DEFEND HIMSELF ACCORDING TO THE LAW.

CONCLUSION

THE DEFENDANT, MARC SCHACHTER, DEMANDS THAT THIS COURT MAKE THE APPROPRIATE LEGAL MATERIALS AND LEGAL SUPPLIES AVAILABLE TO THE DEFENDANT FORTHWITH AND WITHOUT DELAY IN ACCORDANCE WITH THE CONSTITUTION OF THIS STATE AND THE CONSTITUTION OF THE UNITED STATES.

DATE: August 9, 2014

X Marc Schachter
MARC SCHACHTER, PRO PER

AFFIRMATION PURSUANT TO NRS 239B.030

I, THE UNDERSIGNED, DO HEREBY AFFIRM THAT THIS DEMAND DOES NOT CONTAIN THE SOCIAL SECURITY NUMBER(S) OF ANY PERSON(S).

DATE: August 9, 2014

X Marc Schachter
MARC SCHACHTER, PRO PER

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of the Washoe County Public Defender's Office, Reno, Washoe County, Nevada; that on this 21st day of August, 2014, I electronically filed the foregoing documents with the Clerk of the Court by using the ECF system which will send a notice of electronic filing to the following:

ZELALEM BOGALE
DEPUTY DISTRICT ATTORNEY

/s/ DEBBIE BRUNNER
DEBBIE BRUNNER

CODE 1020
V2.131
MARCO SCHACHTER
#1409450
911 PARK BLVD
RENO, NV 89512
IN PROPER

FILED
Electronically
2014-08-21 03:27:49 PM
Joey Orduna Hastings
Clerk of the Court
Transaction # 4572307 : mcholic

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

THE STATE OF NEVADA,
PLAINTIFF,

V.

CASE No.: CR-14-1044

DEPT. No.: 4

MARC PAUL SCHACHTER,
DEFENDANT.

1

ADDENDUM TO DEMAND FOR LEGAL MATERIALS
AND LEGAL SUPPLIES

THE FOLLOWING IS A LIST OF THE LEGAL
MATERIALS AND SUPPLIES REQUESTED BY THE
DEFENDANT IN HIS DEMAND DATED AUGUST 9, 2014.

NEVADA REVISED STATUTES (NRS) - CONDENSED SOFT COVER
NRS WITH CASE NOTES FOR SECTIONS: 193.350, 200.380,
205.060, 207.010, 207.016, 205.290, 205.295.

LOCAL COURT RULES (LCR, WDCR)

NEVADA PATTERN JURY INSTRUCTIONS, DEVITT AND BLACKMAR
JURY INSTRUCTIONS AND CALCRIM JURY INSTRUCTIONS

CRIMINAL PRACTICE AND PROCEDURE GUIDES (C.E.B., UNR, UNLV)

FIVE (5) BLANK SUBPOENA FORMS

V2.131

FOUR (4) BLANK SUBPOENA DUCES TECUM FORMS

ACCESS TO A TYPEWRITER

16 16. BLACK BORDER 24+ NUMBERED PAPER

ENVELOPES (LEGAL AND 9X12)

POSTAGE

ACCESS TO COPY MACHINE

CASES:

WALKER V. US, 347 US 62, 74 S.Ct. 354, 98 L.ed. 503 (1954)

ARIZONA V. YOUNGBLOOD, 488 US 51, 109 S.Ct. 333, 102 L.ed.2d. 281 (1988)

KYLES V. WHITLEY, 514 US 419, 115 S.Ct. 1555, 131 L.ed.2d 490 (1995)

US V. BAGLEY, 473 US 667, 105 S.Ct. 3375, 87 L.ed.2d 481 (1985)

CALIF. V. TROMBETTA, 467 US 479, 104 S.Ct. 2528, 81 L.ed.2d. 413 (1984)

PENN. V. RITCHIE, 480 US 39, 107 S.Ct. 989, 94 L.ed.2d 40 (1987)

WEATHERFORD V. BURSEY, 429 US 545, 97 S.Ct. 837, 51 L.ed.2d. 30 (1977)

APPENDI V. NEW JERSEY, 530 US 466, 120 S.Ct. 2348, 147 L.ed.2d. 435 (2000)

AFFIRMATION PURSUANT TO NRS 239B.030

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

DATED this 21st day of August, 2014.

/s/DEBBIE BRUNNER
DEBBIE BRUNNER

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of the Washoe County Public Defender's Office, Reno, Washoe County, Nevada; that on this 21st day of August, 2014, I electronically filed the foregoing documents with the Clerk of the Court by using the ECF system which will send a notice of electronic filing to the following:

ZELLALEM BOGALE
DEPUTY DISTRICT ATTORNEY

/s/ DEBBIE BRUNNER
DEBBIE BRUNNER

COD 2380
V2. 135
MARC SCHACHTER
#1409450
911 PARR BLVD
RENO, NV 89512
IN PRO PER

FILED
Electronically
2014-08-21 03:34:29 PM
Joey Orduna Hastings
Clerk of the Court
Transaction # 4572327 : mcholino

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

THE STATE OF NEVADA,
PLAINTIFF,

v.

CASE No.: CR-14-1044
DEPT. No.: 4

MARC PAUL SCHACHTER,
DEFENDANT,

MOTION TO DISMISS CASE ON GROUNDS THAT THE STATE
HAS LOST AND/OR DESTROYED MATERIAL EXONERATORY EVIDENCE

THE DEFENDANT, MARC SCHACHTER, IN PRO PER, COMES NOW
TO MOVE THIS COURT TO DISMISS THE ABOVE
CAPTIONED CASE FOR THE FAILURE TO PROVIDE
CONSTITUTIONALLY-GUARANTEED ACCESS TO EVIDENCE.

THIS MOTION IS BASED ON THE UNDERLYING FACTS OF THIS
CASE, THE NEVADA REVISED STATUTES (NRS), ARIZONA V.
YOUNGBLOOD, 488 US 51, 109 S.Ct. 333, 102 L.ed.2d. 281 (1988),
CALIFORNIA V. TROMBETTA, 467 US 479, 104 S.Ct. 2528, 81 L.ed.2d. 413 (1984)
AND PENNSYLVANIA V. RITCHIE, 480 US 39, 107 S.Ct. 989, 94 L.ed.2d 40
(1987).

BACKGROUND

ON 6-9-14, THE DEFENDANT WAS ARRESTED BASED ON STATEMENTS FROM ALEX MONROY AND ANNA YOUNG THAT THEY OBSERVED THE DEFENDANT SELECT A BACKPACK FROM A SHELF, PLACE ITEMS IN THE BACKPACK, AND EXIT THE STORE WITHOUT PAYING FOR THE BACKPACK OR THE ITEMS INSIDE THE BACKPACK. A SINGLE PICTURE OF THE BACKPACK AND ITEMS WAS INCLUDED IN THE STATES DISCOVERY, BUT NO MENTION OF THE PICTURE EXISTS IN THE POLICE REPORTS OR THE WITNESS' STATEMENT. A TRAINING RECEIPT WAS ALSO PROVIDED IN THE DISCOVERY SHOWING THE VALUE OF THE ITEMS, BUT THE BACKPACK LISTED ON THE TRAINING RECEIPT IS NOT THE SAME AS THE BACKPACK IN THE PICTURE. THE BACKPACK TAKEN FROM THE DEFENDANT BY MR. MONROY AND ANNA YOUNG WAS CUSTOMIZED BY THE DEFENDANT, THE BACKPACK WAS GIVEN TO WAL-MART FOR RE-SALE ACCORDING TO TESTIMONY.

POINTS AND AUTHORITIES

IN 1988, THE US SUPREME COURT IMPOSED TWO RIGOROUS STANDARDS FOR CLAIMS, IN WHICH, THE DEFENDANT CANNOT EVIDENCE LOST OR DESTROYED BY THE PROSECUTION WOULD HAVE BEEN EXCULPATORY AND MATERIAL. [SEE ARIZONA V. YOUNGBLOOD (1988), SUPRA]

FIRST, THE DEFENDANT CANNOT GAIN RELIEF, IF THE LOST OR DESTROYED EVIDENCE WAS OF SUCH A NATURE THAT THE DEFENDANT CAN REPLACE IT WITH "COMPARABLE EVIDENCE BY OTHER REASONABLY AVAILABLE MEANS." [SEE TRONBETTA, SUPRA] IN THE INSTANT CASE, BECAUSE THE BACKPACK WAS CUSTOMIZED, IT THEREFORE CANNOT BE REPLACED BY OTHER MEANS. SECOND, THE DEFENSE MUST SHOW "BAD FAITH" BY THE POLICE OR PROSECUTOR IN THEIR FAILURE TO PRESERVE THE EVIDENCE. UNDER NRS 205.290 THE POLICE HAVE THE OBLIGATION AND DUTY TO INVENTORY AND SAFEKEEP THE "ALLEGEDLY STOLEN" PROPERTY UNTIL IT IS DELIVERED TO THE PROSECUTOR. IN THE INSTANT CASE, IT APPEARS FROM ALL REPORTS THAT THE POLICE NEVER TOOK (OR HAD) CUSTODY OF THE "ALLEGEDLY STOLEN" PROPERTY AT ANY TIME. ACCORDING TO THE POLICE REPORTS AND THE WITNESS STATEMENT, MR. MONROY AND MS. YOUNG HAD POSSESSION OF THE "PROPERTY" WHEN THE POLICE FIRST ARRIVED, THEN MS YOUNG TOOK THE "PROPERTY" TO CUSTOMER SERVICE WHERE IT WAS TO BE RE-SOLD. SINCE THE OUTSET OF THIS CASE, THE DEFENDANT HAS ADMITTED ABOUT RECEIVING THE DISCOVERY AND ATTEMPTING TO OBTAIN BOTH THE BACKPACK OR AT THE VERY LEAST THE VIDEO(S) TO PROVE HE HAD THE BACKPACK IN HIS POSSESSION WHEN HE ENTERED THE STORE THEREBY REUTING MR MONROY AND MS. YOUNG'S STATEMENT. BOTH THE PROSECUTOR AND THE COURT

HAVE USED THE DEFENDANT'S DESIRE TO REPRESENT HIMSELF AS AN EXCUSE TO DELAY OR RESTRICT THE DEFENSE FROM USING THE SUBPOENA POWER TO COLLECT FURTHER EXCULPATORY EVIDENCE THAT WOULD ALSO PROVE THE BACKPACK WAS IN HIS POSSESSION PRIOR TO ENTERING THE STORE AND THAT IT WAS CUSTOMIZED WHICH IN TURN PROVES THE BACKPACK ITSELF MATERIAL AND EXCULPATORY. IN PENNSYLVANIA V. RITCHIE (1987), SUPRA, THE HIGH COURT AFFIRMED THE AVAILABILITY OF THE SUBPOENA POWER TO OBTAIN POTENTIALLY EXCULPATORY EVIDENCE AND THE PROHIBITION AGAINST GOVERNMENTAL ACTIONS THAT INTERFERE WITH THE DEFENSE'S UTILIZATION OF THAT SUBPOENA POWER. WHEN THIS DISTRICT COURT ACCEPTED THE DEFENDANT'S WAIVER OF ASSISTENCE TO COUNSEL (JULY 24, 2014 @ 1:30), THE COURT STATED IT WAS APPOINTING "STAND-BY" COUNSEL BECAUSE THERE WAS NO LAW LIBRARY AT THE WAJHUE CO. JAIL. AT THAT TIME, THE DEFENDANT ALSO SUBMITTED A MOTION FOR AN INVESTIGATOR. WHILE THE COURT "DRAGS ITS FEET" AND DELAYS MAKING DECISIONS, THE STATE WITHHOLDS "BRADY" MATERIAL AND THE STAND-BY LAWYER IS IN PLEA NEGOTIATIONS WITH HIMSELF AND THE SHERIFF'S DEPARTMENT PLAYS CENSOR TO WHAT DISCOVERY THE DEFENDANT CAN SEE, THEREBY PROHIBITING THE DEFENDANT FROM OBTAINING EXCULPATORY EVIDENCE THAT WOULD EXONERATE HIM.

CONCLUSION AND PRAYER FOR RELIEF.

IT MAKES NO SENSE THAT THE JUSTICE COURT AND NOW THE DISTRICT COURT WOULD SPEND SO MUCH TIME PROTECTING THEMSELVES FROM APPELLATE REVIEW AND WARNING THE DEFENDANT OF THE PERILS OF SELF-REPRESENTATION, WHILE THEY IGNORE HIS OTHER SIXTH AMENDMENT AND DUE PROCESS RIGHTS. MR. SCHACHTER HAS MAINTAINED HIS INNOCENCE THROUGHOUT THESE PROCEEDINGS AND CONTINUES TO DO SO. EITHER THE EVIDENCE THAT IS STILL AVAILABLE (DESPITE THE STATE AND COURT INTERFERENCE; AND THE POLICE'S DISREGARD FOR THE LAW) SHOULD BE GIVEN FULL PRIORITY TO BE GATHERED BY ALL PARTIES OR THESE CHARGES SHOULD BE DISMISSED.

THE DEFENDANT, MARC SCHACHTER, IN PRO PER PLAYS THAT THIS COURT DISMISS THIS CASE FOR THE REASONS STATED ABOVE AND PURSUANT TO THE LAW.

AFFIRMATION PURSUANT TO NRS 239B.030

THE UNDERSIGNED HEREBY AFFIRMS THAT THIS MOTION DOES NOT CONTAIN THE SOCIAL SECURITY NUMBER(S) OF ANY PERSON(S).

DATE: August 6, 2014

x Marc Schachter
MARC SCHACHTER V2.1439 PER

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of the Washoe County Public Defender's Office, Reno, Washoe County, Nevada; that on this 21st day of August, 2014, I electronically filed the foregoing documents with the Clerk of the Court by using the ECF system which will send a notice of electronic filing to the following:

ZELALEM BOGALE
DEPUTY DISTRICT ATTORNEY

/s/ DEBBIE BRUNNER
DEBBIE BRUNNER

Return Of NEF**Recipients**

JAMES LESLIE, ESQ. - Notification received on 2014-08-21 16:53:49.582.

ZELALEM BOGALE, ESQ. - Notification received on 2014-08-21 16:53:49.551.

JOSEPH GOODNIGHT, ESQ. - Notification received on 2014-08-21 16:53:49.675.

KELLY KOSSOW, ESQ. - Notification received on 2014-08-21 16:53:49.644.

DIV. OF PAROLE & PROBATION - Notification received on 2014-08-21 16:53:49.707.

NICKOLAS GRAHAM, ESQ. - Notification received on 2014-08-21 16:53:49.738.

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

-

A filing has been submitted to the court RE: CR14-1044

Judge:

HONORABLE CONNIE J. STEINHEIMER

Official File Stamp:

08-21-2014:15:27:49

Clerk Accepted:

08-21-2014:16:53:17

Court:

Second Judicial District Court - State of Nevada
Criminal

Case Title:

STATE VS. MARC PAUL SCHACHTER (D4)

Document(s) Submitted:

Mtn to Dismiss Case

Motion

Motion

Mtn to Compel

Motion

Motion

Mtn in Limine

Demand

Addendum

Filed By:

James B. Leslie

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

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

-

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

The following people were served electronically:

NICKOLAS J. GRAHAM, ESQ. for STATE OF
NEVADA

KELLY ANN KOSSOW, ESQ. for STATE OF
NEVADA

JOSEPH GOODNIGHT, ESQ. for MARC PAUL
SCHACHTER

JAMES B. LESLIE, ESQ. for MARC PAUL
SCHACHTER

DIV. OF PAROLE & PROBATION

ZELALEM BOGALE, ESQ. for STATE OF
NEVADA

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

Return Of NEF**Recipients**

JAMES LESLIE, ESQ. - Notification received on 2014-08-22 07:54:13.97.

ZELALEM BOGALE, ESQ. - Notification received on 2014-08-22 07:54:13.939.

JOSEPH GOODNIGHT, ESQ. - Notification received on 2014-08-22 07:54:14.064.

KELLY KOSSOW, ESQ. - Notification received on 2014-08-22 07:54:14.032.

DIV. OF PAROLE & PROBATION - Notification received on 2014-08-22 07:54:14.095.

NICKOLAS GRAHAM, ESQ. - Notification received on 2014-08-22 07:54:14.126.

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

-

A filing has been submitted to the court RE: CR14-1044

Judge:

HONORABLE CONNIE J. STEINHEIMER

Official File Stamp:

08-21-2014:15:34:29

Clerk Accepted:

08-22-2014:07:53:41

Court:

Second Judicial District Court - State of Nevada
Criminal

Case Title:

STATE VS. MARC PAUL SCHACHTER (D4)

Document(s) Submitted:

Mtn to Dismiss Case

Filed By:

James B. Leslie

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SCHACHTER

JAMES B. LESLIE, ESQ. for MARC PAUL
SCHACHTER

DIV. OF PAROLE & PROBATION

ZELALEM BOGALE, ESQ. for STATE OF
NEVADA

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CODE 2305
MARC SCHACHTER
#1409450
911 PARK BLD.
RENO, NV 89512
IN PRO PER

FILED
Electronically
2014-08-22 08:25:59 AM
Joey Orduna Hastings
Clerk of the Court
Transaction # 4572920 : mcholino

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

STATE OF NEVADA,
PLAINTIFF,

✓

MARC PAUL SCHACHTER,
DEFENDANT.

CASE NO: CR-14-1044

DEPT NO: 4

MOTION TO DISMISS CASE FOR PREJUDICIAL DELAY
CAUSING LOSS OF EXCULPATORY MATERIAL EVIDENCE

THE DEFENDANT, MARC SCHACHTER, IN PRO PER, COMES
NOW AND MOVES THIS COURT TO DISMISS THE ABOVE
CAPTIONED CASE ON THE GROUNDS THAT THE
STATE, THE JUSTICE COURT, THE DISTRICT COURT AND
WASHOE COUNTY SHERIFF CAUSED THE DEFENDANT
TO LOSE EXCULPATORY MATERIAL VIDEO EVIDENCE.

THIS MOTION IS BASED ON THE FOLLOWING UNDISPUTED
FACTS AND THE POINTS AND AUTHORITIES
CONTAINED HEREIN.

//
//

FACTS

ON 6/23/14 (RTC/DEPT 1) JUDGE LYNCH DENIES PRO PER REQUEST APPOINTS PUBLIC DEFENDER. DEFENDANT INVOKES 15-DAY RULE AND REQUESTS DISCOVERY.

ON 6/26/14 PUBLIC DEFENDER RECEIVES PARTIAL DISCOVERY.

ON 6/30/14 (RTC/DEPT 1) AT MANDATORY STATUS CONF. DDA BOGALIE ADMITS TO COURT HAD PUBLIC DEFENDER NOT BEEN APPOINTED DEFENDANT WOULD HAVE RECD REDACTED DISCOVERY 6/27/14.

ON 7/1/14 (RTC/DEPT. 1) P.D. JIM USUE GIVES PARTIAL REDACTED DISCOVERY TO DEFENDANT (NO DDJ, STATEMENT, P/C ARREST DEC.) JUDGE LYNCH ACCEPTS PRO PER WAIVER.

ON 7/10/14, DEFENDANT REQUESTS EARLIEST POSSIBLE ARRAIGNMENT DATE - COURT ADVISES PRO PER DEFENDANT IT, "CANNOT TAKE ACTION ON UNSOLICITED CORRESPONDENCE AS YOU ARE REPRESENTED BY COUNSEL."

ON 7/17/14 (2JDC/DEPT 10) JUDGE SADLER POSTPONES ARRAIGNMENT 7 DAYS. DEFENDANT ADVISES COURT OF TIME-SENSITIVE VIDEO ISSUES. COURT STATES, "ONE-WEEK WON'T HURT."

ON 7/24/14 (2JDC/DEPT 4), DEFENDANT SUBMITS EX PARTE MOTION FOR INVESTIGATOR WITH NOTICE OF TIME-SENSITIVE VIDEO EVIDENCE ISSUE.

JUDGE STEINHEIMER ORDERS STATE TO TURN OVER ALL DISCOVERY TO DEFENDANT.

ON 7/28/14, STATE DELIVERS DISCOVERY TO JAIL SHERIFFS DEPT. WITHHOLDS VIDEO DISKS PENDING COURT ORDER OF PRO PER STATUS.

ON 7/31/14 (2JDC/D4) JUDGE STEINHEIMER FILES PRO PER COURT ORDER. STAND-BY COUNSEL ADVISES COURT HE WILL CHECK ON STATUS OF INVESTIGATOR. ON 8/7/14 (WCT) DEFENDANT FILES TWO (2) GRIEVANCES CONCERNING ACCESS TO VIDEO DISK DISCOVERY.

ON 8/11/14 (WCT) GRIEVANCE ANSWERED, ACCESS TO DVD GRANTED. GRIEVANCE STATES, "WCSID WAS DELAYED IN RECEIVING THE COURT ORDER OF PRO PER STATUS."

ON 8/20/14 (WCT), INVESTIGATOR LARRY CARLSON INFORMS DEFENDANT VIDEO FROM THREE (3) SEPARATE SOURCES IS UNAVAILABLE DUE TO LENGTH OF TIME SINCE INCIDENT.

POINTS AND AUTHORITIES

THE LOSS OF THIS VIDEO EVIDENCE IS CRITICAL TO THE DEFENSE BECAUSE HAD IT BEEN AVAILABLE, IT WOULD SHOW THE DEFENDANT WAS IN POSSESSION OF THE MERCHANDISE HE

IS ACCUSED OF STEALING FROM WALMART, IN AN UNINTERRUPTED CHAIN OF VIDEO TAPES FOR THE 20 MINUTES PRIOR TO ENTERING THE WALMART. THERE WAS VIDEO FROM MY HOTEL (LOST) AT FOURTH ST. AND LAKE ST. AT RTC BUS STATION (PENDING) ON #4 BUS (NO LONGER AVAILABLE), ENTERING WALMART (NOT AVAILABLE) AND ADDITIONAL VIDEO INSIDE WALMART (PENDING). ALL THE OTHER REMAINING EVIDENCE INCLUDING THE OTHER VIDEO EVIDENCE SUPPORTS MY INNOCENCE, EVEN MR. GANNICK HIMSELF WOULD NOT BE SO BOLD AS TO ACCUSE A PERSON OF STEALING WHILE THERE WAS SEPARATE, INDEPENDANT VIDEO EVIDENCE SHOWING THE DEFENDANT WITH THE VERY ITEM HE IS ACCUSED OF STEALING FOR THE ENTIRE 20 MINUTES PRIOR TO THE ALLEGED THEFT. IT MAKES NO DIFFERENCE WHEATHER THE DEFENSE ARGUES THE RIGHT TO USE THE SUBPOENA POWER ESTABLISHED IN PENN. V. RITCHIE, 480 US 39, 107 S. CT. 989, 94 L. ED. 2D. 40 (1987) WAS VIOLATED BY STATE AND COURT ACTION AS WAS THE CASE IN WEBB V. TEXAS, 409 US 95, 93 S. CT. 351, 34 L. ED. 2D 330 (1972) AND U.S. V. VALENZUELA-BERNAL, 458 US 858, 102 S. CT. 3440, 73 L. ED. 2D. 1193 (1982) IN WHICH THE HIGH COURT STATED, "DEFENDANT MUST BE GIVEN THE OPPORTUNITY

TO ESTABLISH A DUE PROCESS VIOLATION BY SHOWING THAT THE EVIDENCE LOST WOULD BE BOTH MATERIAL AND FAVORABLE."

OR, THE DEFENSE ARGUES THAT THE COURTS' INABILITY TO COME TO TERMS ON THE DEFENDANT'S RIGHT TO SELF-REPRESENTATION IN A TIMELY MANNER RESULTED IN A "STATE INTERFERENCE" THAT DENIED THE OPPORTUNITY TO PARTICIPATE FULLY AND FAIRLY IN THE FACT-FINDING PROCESS [SEE HERRING V. N.Y., 422 US 853, 95 S.Ct. 2550, 45 LEd.2d. 593 (1975)] AND THEREBY DEPRIVED THE PRO PER DEFENDANT "ACTUAL CONTROL OVER THE CASE HE CHOSE TO PRESENT TO THE JURY." [SEE McKASKLE V. WIGGINS, 465 US 168, 104 S.Ct. 944, 79 LEd.2d. 122 (1984)]

IN EITHER CASE, THE VERY PEOPLE ENTRUSTED WITH RESPONSIBILITY TO INSURE THE DEFENDANT'S CONSTITUTIONALLY PROTECTED RIGHT TO A FAIR AND JUST PROCEEDING HAVE FAILED. THE STATE HAS FAILED TO KEEP THE ITEMS THE DEFENDANT IS ACCUSED OF STEALING, HAVE EDITED THE VIDEO THAT IS AVAILABLE AND IS RESPONSIBLE FOR THE DELAY THAT PREVENTS THE

DEFENDANT FROM EXONERATION, AS THE FACTS CLEARLY DEMONSTRATE VIRTUALLY EVERY WEEK THE STATE AND/OR THE COURT ITSELF HAS PREVENTED THE DEFENDANT THE ABILITY TO COLLECT THE EVIDENCE NEEDED FOR HIS DEFENSE. NEITHER THE STATE NOR THE COURT SHOULD BE ALLOW TO USE THE DEFENDANTS RIGHT TO SELF-REPRESENTATION AND SPEEDY-TRIAL AS AN EXCUSE TO VIOLATE HIS OTHER CONSTITUTIONAL RIGHTS. DEFENDANT HEREBY PRAYS THIS COURT TO DISMISS THIS CASE FORTHWITH.

AFFIRMATION PURSUANT TO NRS 239B.030

THE UNDERSIGNED HEREBY AFFIRMS THIS MOTION DOES NOT CONTAIN ANY SOCIAL SECURITY NUMBER(S) OR ANY PERSON(S).

DATE August 20, 2014

x/Marc J. L.
MARC SCHNEIDER,

PRO PER.

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of the Washoe County Public Defender's Office, Reno, Washoe County, Nevada; that on this 21st day of August, 2014, I electronically filed the foregoing documents with the Clerk of the Court by using the ECF system which will send a notice of electronic filing to the following:

ZELALEM BOGALE
DEPUTY DISTRICT ATTORNEY

/s/ DEBBIE BRUNNER
DEBBIE BRUNNER

Return Of NEF**Recipients**

JAMES LESLIE, ESQ. - Notification received on 2014-08-22 09:00:42.699.

ZELALEM BOGALE, ESQ. - Notification received on 2014-08-22 09:00:42.652.

JOSEPH GOODNIGHT, ESQ. - Notification received on 2014-08-22 09:00:42.792.

KELLY KOSSOW, ESQ. - Notification received on 2014-08-22 09:00:42.761.

DIV. OF PAROLE & PROBATION - Notification received on 2014-08-22 09:00:42.824.

NICKOLAS GRAHAM, ESQ. - Notification received on 2014-08-22 09:00:42.87.

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

-

A filing has been submitted to the court RE: CR14-1044

Judge:

HONORABLE CONNIE J. STEINHEIMER

Official File Stamp:

08-22-2014:08:25:59

Clerk Accepted:

08-22-2014:09:00:13

Court:

Second Judicial District Court - State of Nevada
Criminal

Case Title:

STATE VS. MARC PAUL SCHACHTER (D4)

Document(s) Submitted:

Mtn to Dismiss Case

Filed By:

James B. Leslie

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

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

-

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

The following people were served electronically:

NICKOLAS J. GRAHAM, ESQ. for STATE OF
NEVADA

KELLY ANN KOSSOW, ESQ. for STATE OF
NEVADA

JOSEPH GOODNIGHT, ESQ. for MARC PAUL
SCHACHTER

JAMES B. LESLIE, ESQ. for MARC PAUL
SCHACHTER

DIV. OF PAROLE & PROBATION

ZELALEM BOGALE, ESQ. for STATE OF
NEVADA

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

1 CODE
2 Richard A. Gammick
3 #001510
4 P.O. Box 11130
5 Reno, NV 89520
6 (775) 328-3200
7 Attorney for Plaintiff

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

12 * * *

13 THE STATE OF NEVADA,

14 Plaintiff,

Case No. CR14-1044

15 v.

Dept. No. 4

16 MARC PAUL SCHACHTER,

17 Defendant.

18 _____/
19 NOTICE OF STATE'S INTENT TO IMPEACH DEFENDANT'S CREDIBILITY WITH HIS
20 PRIOR FELONY CONVICTIONS IF HE DECIDES TO TESTIFY

21 The State of Nevada, by and through RICHARD A. GAMMICK, Washoe
22 County District Attorney and ZELALEM BOGALE, Deputy District
23 Attorney, hereby files a notice of intent to impeach Defendant Marc
24 Paul Schachter's credibility with his prior felonies convictions if
25 he decides to testify.

26 The State has obtained certified copies of several of
Defendant's prior felony convictions. This document shall serve as
notice to Defendant that, should he decide to testify in his own
defense, the State will impeach his credibility as a witness with his
prior felony convictions in accordance with NRS 50.095.

AFFIRMATION PURSUANT TO NRS 239B.030

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

Dated this 22nd day of August, 2014.

RICHARD A. GAMMICK
District Attorney
Washoe County, Nevada

By/s/ ZELALEM BOGALE
ZELALEM BOGALE
Deputy District Attorney

CERTIFICATE OF SERVICE BY E-FILING

I certify that I am an employee of the Washoe County District Attorney's Office and that, on this date, I electronically filed the foregoing with the Clerk of the Court by using the ECF system which will send a notice of electronic filing to the following:

WASHOE COUNTY PUBLIC DEFENDER

DATED this 22ND day of AUGUST, 2014.

/s/KIM PACE
KIM PACE

1 CODE
2 Richard A. Gammick
3 #001510
4 P.O. Box 11130
5 Reno, NV 89520
6 (775) 328-3200
7 Attorney for Plaintiff

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

12 * * *

13 THE STATE OF NEVADA,

14 Plaintiff,

Case No. CR14-1044

15 v.

Dept. No. 4

16 MARC PAUL SCHACHTER,

17 Defendant.

18 MOTION IN LIMINE REGARDING DEFENDANT'S EXAMINATION OF WITNESSES

19 The State of Nevada, by and through RICHARD A. GAMMICK, Washoe
20 County District Attorney and ZELALEM BOGALE, Deputy District
21 Attorney, hereby files a motion in limine regarding the form of
22 Defendant Marc Paul Schachter's questions.

23 INTRODUCTION

24 A jury trial in this case is presently scheduled for September
25 22, 2014 on an Amended Information charging Defendant with Attempted
26 Robbery, Burglary, and Behavior as a Habitual Criminal. Pursuant to
the court's July 31, 2014 Order of Self-Representation and
Appointment of Stand-By Counsel after a *Faretta* hearing,¹ Defendant is

¹ *Faretta v. California*, 422 U.S. 806 (1975) (recognizing a defendant's Sixth Amendment right to conduct his own defense).

1 his own attorney. The Washoe County Public Defender's Office has been
2 appointed as stand-by counsel.

3 The State files this motion as a preemptive measure to ensure
4 that, given Defendant's pro per status, his questions and form of
5 questioning are legally appropriate.

6 ARGUMENT

7 Under *Faretta* and its progeny, a pro per defendant "is entitled
8 to preserve actual control over the case he chooses to present to the
9 jury." *McKaskle v. Wiggins*, 465 U.S. 168, 178 (1984). Part of a pro
10 per defendant's right to preserve actual control over his case is his
11 right to "control the questioning of witnesses." See *id.* Based on
12 Defendant's pro per status and these legal precedents, the State
13 presumes Defendant will be the person asking questions on behalf of
14 the defense, notwithstanding appointment of stand-by counsel.

15 Under NRS 50.115(1), "[t]he judge shall exercise reasonable
16 control over the mode and order of interrogating witnesses and
17 presenting evidence: (a) To make the interrogation and presentation
18 effective for the ascertainment of the truth; (b) To avoid needless
19 consumption of time; and (c) To protect witnesses from undue
20 harassment or embarrassment." The remaining three subsections of
21 this statutory provision refer to the scope of cross-examination, the
22 appropriate use of leading questions, and adverse parties. See
23 *generally* NRS 50.115.

24 The State files this motion to ensure Defendant's compliance
25 with the provisions of NRS 50.115, and to prevent Defendant from
26 testifying (or expressing disagreement—verbally or otherwise—with

1 testimony) while asking questions, either on direct examination or
2 cross examination. Nevada law allows for questions from counsel and
3 testimony from witnesses. Just as it is inappropriate for witnesses
4 to ask questions of counsel while testifying, it is similarly
5 inappropriate for counsel to testify while asking questions of
6 witnesses.

7 CONCLUSION

8 Therefore, the State requests that this motion be granted to
9 limit Defendant to asking questions while examining witnesses.

10 AFFIRMATION PURSUANT TO NRS 239B.030

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

13 Dated this 22nd day of AUGUST, 2014.

14 RICHARD A. GAMMICK
15 District Attorney
16 Washoe County, Nevada

17
18 By/s/ ZELALEM BOGALE
19 ZELALEM BOGALE
20 Deputy District Attorney
21
22
23
24
25
26

CERTIFICATE OF SERVICE BY E-FILING

I certify that I am an employee of the Washoe County District Attorney's Office and that, on this date, I electronically filed the foregoing with the Clerk of the Court by using the ECF system which will send a notice of electronic filing to the following:

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DATED this 22ND day of AUGUST, 2014.

/s/ KIM PACE
KIM PACE

1 CODE
2 Richard A. Gammick
3 #001510
4 P.O. Box 11130
5 Reno, NV 89520
6 (775) 328-3200
7 Attorney for Plaintiff

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

12 * * *

13 THE STATE OF NEVADA,

14 Plaintiff,

Case No. CR14-1044

15 v.

Dept. No. 4

16 MARC PAUL SCHACHTER,

17 Defendant.

18 _____/
19 MOTION IN LIMINE REGARDING PRIOR BAD ACTS, IF ANY, OF THE
20 STATE'S WITNESSES

21 The State of Nevada, by and through RICHARD A. GAMMICK, Washoe
22 County District Attorney and ZELALEM BOGALE, Deputy District
23 Attorney, hereby files a motion in limine regarding prior bad acts,
24 if any, of the State's witnesses.

25 INTRODUCTION

26 A jury trial in this case is presently scheduled for September
22, 2014 on an Amended Information charging Defendant with Attempted
Robbery, Burglary, and Behavior as a Habitual Criminal. Pursuant to
the court's July 31, 2014 Order of Self-Representation and

1 Appointment of Stand-By Counsel after a *Faretta* hearing,¹ Defendant is
2 his own attorney. The Washoe County Public Defender's Office has been
3 appointed as stand-by counsel.

4 The State intends to call several witnesses to prove all of the
5 elements of each of the charges mentioned above. The State files
6 this motion to preclude any unlawful reference from Defendant to any
7 prior bad act(s), if any, of any of the State's witnesses.

8 ARGUMENT

9 "Evidence of other crimes, wrongs or acts is not admissible to
10 prove the character of a person in order to show that the person
11 acted in conformity therewith. It may, however, be admissible for
12 other purposes, such as proof of motive, opportunity, intent,
13 preparation, plan, knowledge, identity, or absence of mistake or
14 accident." NRS 48.045.

15 The State knows of no prior bad acts that have been committed by
16 any of the witnesses it intends to call. However, Defendant is not a
17 lawyer. He has not been legally trained to follow the rules of
18 evidence, to elicit testimony properly, or appropriately present or
19 attack the character of a witness. Thus, should any such information
20 emerge, the State asks the court to preclude Defendant from
21 referencing any prior bad act of a witness for an improper purpose,
22 such as to prove the witness acted in conformity with the character
23 expressed by that act.

24 ///

25 ///

26 ¹ *Faretta v. California*, 422 U.S. 806 (1975) (recognizing a defendant's Sixth Amendment right to conduct his own defense).

Therefore, the State requests that this motion be granted to preclude Defendant from improperly impugning the character of any of the State's witnesses for an improper purpose.

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

RICHARD A. GAMMICK
District Attorney
Washoe County, Nevada

By/s/ ZELALEM BOGALE
ZELALEM BOGALE
Deputy District Attorney

CERTIFICATE OF SERVICE BY E-FILING

I certify that I am an employee of the Washoe County District Attorney's Office and that, on this date, I electronically filed the foregoing with the Clerk of the Court by using the ECF system which will send a notice of electronic filing to the following:

WASHOE COUNTY PUBLIC DEFENDER

DATED this 22ND day of AUGUST, 2014.

/s/ KIM PACE

KIM PACE

Return Of NEF**Recipients**

JAMES LESLIE, ESQ. - Notification received on 2014-08-22 15:44:56.888.

ZELALEM BOGALE, ESQ. - Notification received on 2014-08-22 15:44:56.841.

JOSEPH GOODNIGHT, ESQ. - Notification received on 2014-08-22 15:44:57.418.

KELLY KOSSOW, ESQ. - Notification received on 2014-08-22 15:44:57.184.

DIV. OF PAROLE & PROBATION - Notification received on 2014-08-22 15:44:57.449.

NICKOLAS GRAHAM, ESQ. - Notification received on 2014-08-22 15:44:57.481.

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PROOF OF SERVICE OF ELECTRONIC FILING

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A filing has been submitted to the court RE: CR14-1044

Judge:

HONORABLE CONNIE J. STEINHEIMER

Official File Stamp:

08-22-2014:15:33:38

Clerk Accepted:

08-22-2014:15:44:26

Court:

Second Judicial District Court - State of Nevada
Criminal

Case Title:

STATE VS. MARC PAUL SCHACHTER (D4)

Document(s) Submitted:

Notice

Mtn in Limine

Filed By:

Zelalem Bogale

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NEVADA

KELLY ANN KOSSOW, ESQ. for STATE OF
NEVADA

JOSEPH GOODNIGHT, ESQ. for MARC PAUL
SCHACHTER

JAMES B. LESLIE, ESQ. for MARC PAUL
SCHACHTER

DIV. OF PAROLE & PROBATION

ZELALEM BOGALE, ESQ. for STATE OF
NEVADA

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

Return Of NEF**Recipients**

JAMES LESLIE, ESQ. - Notification received on 2014-08-22 15:55:28.646.

ZELALEM BOGALE, ESQ. - Notification received on 2014-08-22 15:55:28.615.

JOSEPH GOODNIGHT, ESQ. - Notification received on 2014-08-22 15:55:29.333.

KELLY KOSSOW, ESQ. - Notification received on 2014-08-22 15:55:28.912.

DIV. OF PAROLE & PROBATION - Notification received on 2014-08-22 15:55:29.458.

NICKOLAS GRAHAM, ESQ. - Notification received on 2014-08-22 15:55:29.785.

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PROOF OF SERVICE OF ELECTRONIC FILING

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A filing has been submitted to the court RE: CR14-1044

Judge:

HONORABLE CONNIE J. STEINHEIMER

Official File Stamp:

08-22-2014:15:38:59

Clerk Accepted:

08-22-2014:15:54:31

Court:

Second Judicial District Court - State of Nevada
Criminal

Case Title:

STATE VS. MARC PAUL SCHACHTER (D4)

Document(s) Submitted:

Mtn in Limine

Filed By:

Zelalem Bogale

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KELLY ANN KOSSOW, ESQ. for STATE OF
NEVADA

JOSEPH GOODNIGHT, ESQ. for MARC PAUL
SCHACHTER

JAMES B. LESLIE, ESQ. for MARC PAUL
SCHACHTER

DIV. OF PAROLE & PROBATION

ZELALEM BOGALE, ESQ. for STATE OF
NEVADA

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

CODE 1130
MARE SCHACHTER
#1409450
911 PARK BLVD
RENO, NV 89512
IN PRO PER

FILED
Electronically
2014-08-26 08:06:18 AM
Joey Orduna Hastings
Clerk of the Court
Transaction # 4576970 : shambrig

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

THE STATE OF NEVADA,

PLAINTIFF

V.

CASE NO: CR-14-1044

MARE PAUL SCHACHTER,
DEFENDANT.

DEPT. 4

ANSWER TO MOTION IN LIMINE RE: PRIOR BAD ACTS OF
THE STATES WITNESSES

PURSUANT TO THIS COURT'S AUGUST 5, 2014 PRETRIAL
ORDER, THE STATE HAS FILED A MOTION IN
LIMINE RE: PRIOR BAD ACTS, IF ANY, OF THE STATE'S
WITNESSES. THE FOLLOWING IS THE DEFENDANT'S
ANSWER.

BECAUSE THE MOTION IS COMPLETELY CONTRARY
TO ALL LEGAL AUTHORITY AND THEORY
INCLUDING BUT NOT LIMITED TO THE
CONSTITUTION OF THE UNITED STATES SIXTH
AMENDMENT CONFRONTATION CLAUSE, THE
DEFENDANT RESPECTFULLY REQUESTS THE
COURT DENY THE STATES MOTION.

AFFIRMATION PER NRS 239B.030

THE UNDERSIGNED HEREBY AFFIRMS THIS
DOCUMENT DOES NOT CONTAIN THE SOCIAL
SECURITY NUMBER(S) OF ANY PERSON(S).

DATE AUGUST 23, 2014

X Marc Sch
Marc Schacter, Pres Per

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of the Washoe County Public Defender's Office, Reno, Washoe County, Nevada; that on this 26th day of August, 2014, I electronically filed the foregoing documents with the Clerk of the Court by using the ECF system which will send a notice of electronic filing to the following:

ZELALEM BOGALE
DEPUTY DISTRICT ATTORNEY

/s/ DEBBIE BRUNNER
DEBBIE BRUNNER

CODE V2.177
MARK SCHACHTER
#1409450
911 PARK BLVD
RENO, NV 89512
IN PRO PER

FILED
Electronically
2014-08-26 08:07:02 AM
Joey Orduna Hastings
Clerk of the Court
Transaction # 4576971 : shambrig

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

STATE OF NEVADA,
PLAINTIFF,

✓

MARK PAUL SCHACHTER,
DEFENDANT,

CASE NO: CR 14-1044
DEPT.: 4

ANSWER TO STATE'S MOTION IN LIMINE RE DEFENDANT'S EXAMINATION
OF WITNESSES

PURSUANT TO A PRETRIAL ORDER DATED AUGUST 5, 2014, THE STATE
FILED MOTION IN LIMINE AS, "A PREEMPTIVE MEASURE TO ENSURE
THAT... HIS QUESTIONS ARE LEGALLY APPROPRIATE." UNLIKE MR.
BOGARE, THE DEFENDANT ACKNOWLEDGES THAT THIS COURT DOES
NOT NEED ANY UNSOLICITED ADVICE IN HOW TO CONDUCT A
TRIAL.

THE DEFENDANT WOULD, HOWEVER, POINT OUT TO THE
STATE THAT IT IS THE RESPONSIBILITY OF THE
PARTIES TO MAKE TIMELY OBJECTIONS OR ASK
THE COURT FOR RULINGS ON A PARTICULAR ISSUE.
NRS 50.115 NOTWITHSTANDING, THE TRIAL COURT

V2.177

DOES NOT MAKE RULINGS OR DECISIONS ON
UNSOLICITED OR UNASKED MATTERS.

ADDITIONALLY, THE STATE DOES NOT EXPLAIN
HOW, OR BY WHAT MEANS, IT WOULD HAVE
THE COURT ENSURE ITS REQUEST.

AFFIRMATION PURSUANT TO NRS 239B.030

THE UNDERSIGNED HEREBY AFFIRMS THAT THIS DOCUMENT
DOES NOT CONTAIN ANY SOCIAL SECURITY NUMBERS) OF
ANY PERSON(S).

DATE: August 23, 2014

✓ Marc Schachter
MARC SCHACHTER, PEPPER

CERTIFICATE OF SERVICE

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ZELALEM BOGALE
DEPUTY DISTRICT ATTORNEY

/s/ DEBBIE BRUNNER
DEBBIE BRUNNER

Return Of NEF**Recipients**

JAMES LESLIE, ESQ. - Notification received on 2014-08-26 08:24:33.198.

ZELALEM BOGALE, ESQ. - Notification received on 2014-08-26 08:24:33.151.

JOSEPH GOODNIGHT, ESQ. - Notification received on 2014-08-26 08:24:33.323.

KELLY KOSSOW, ESQ. - Notification received on 2014-08-26 08:24:33.276.

DIV. OF PAROLE & PROBATION - Notification received on 2014-08-26 08:24:33.369.

NICKOLAS GRAHAM, ESQ. - Notification received on 2014-08-26 08:24:33.401.

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

-

A filing has been submitted to the court RE: CR14-1044

Judge:

HONORABLE CONNIE J. STEINHEIMER

Official File Stamp:

08-26-2014:08:06:18

Clerk Accepted:

08-26-2014:08:23:58

Court:

Second Judicial District Court - State of Nevada
Criminal

Case Title:

STATE VS. MARC PAUL SCHACHTER (D4)

Document(s) Submitted:

Answer

Filed By:

James B. Leslie

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

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-

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NEVADA

JOSEPH GOODNIGHT, ESQ. for MARC PAUL
SCHACHTER

JAMES B. LESLIE, ESQ. for MARC PAUL
SCHACHTER

DIV. OF PAROLE & PROBATION

ZELALEM BOGALE, ESQ. for STATE OF
NEVADA

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

Return Of NEF**Recipients**

JAMES LESLIE, ESQ. - Notification received on 2014-08-26 08:25:41.701.

ZELALEM BOGALE, ESQ. - Notification received on 2014-08-26 08:25:41.67.

JOSEPH GOODNIGHT, ESQ. - Notification received on 2014-08-26 08:25:41.842.

KELLY KOSSOW, ESQ. - Notification received on 2014-08-26 08:25:41.795.

DIV. OF PAROLE & PROBATION - Notification received on 2014-08-26 08:25:41.873.

NICKOLAS GRAHAM, ESQ. - Notification received on 2014-08-26 08:25:41.92.

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PROOF OF SERVICE OF ELECTRONIC FILING

-

A filing has been submitted to the court RE: CR14-1044

Judge:

HONORABLE CONNIE J. STEINHEIMER

Official File Stamp:

08-26-2014:08:07:02

Clerk Accepted:

08-26-2014:08:25:10

Court:

Second Judicial District Court - State of Nevada
Criminal

Case Title:

STATE VS. MARC PAUL SCHACHTER (D4)

Document(s) Submitted:

Answer

Filed By:

James B. Leslie

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

-

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NEVADA

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NEVADA

JOSEPH GOODNIGHT, ESQ. for MARC PAUL
SCHACHTER

JAMES B. LESLIE, ESQ. for MARC PAUL
SCHACHTER

DIV. OF PAROLE & PROBATION

ZELALEM BOGALE, ESQ. for STATE OF
NEVADA

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

DA# 14-12219

Team 3/Desk 1

FILED
Electronically
2014-08-26 09:51:25 AM
Joey Orduna Hastings
Clerk of the Court
Transaction # 4577364 : shambrig

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

8 * * *

9 THE STATE OF NEVADA,

10 Plaintiff,

Case No.: CR-14-1044

11 v.

Dept. No.: 201 4

12 MARC PAUL SCHACHTER
13 also known as
14 MARC PAUL SCHACTER,

15 Defendant.

16 REQUEST, STIPULATION AND ORDER RE PRE-PRELIMINARY HEARING AND PRE-
17 TRIAL RECIPROCAL DISCOVERY (FELONY AND GROSS MISDEMEANOR CASES)

18 I. DEFENDANT'S REQUEST FOR PRE-PRELIMINARY HEARING DISCOVERY

19 Pursuant to NRS 171.1965, the Defendant requests copies of
20 any and all of the following items which come into the possession or
21 custody of the prosecuting attorney not less than two (2) judicial
22 days before the scheduled preliminary hearing: written or recorded
23 statements or confessions made by the Defendant; written or recorded
24 statements made by a witness or witnesses; reports of statements or
25 confessions; results or reports of physical or mental examinations,
26 scientific tests or scientific experiments made in connection with

1 the case; and books, papers, documents or tangible objects that the
2 prosecuting attorney intends to introduce into evidence during the
3 State's case in chief at the preliminary hearing.

4 **II. DEFENDANT'S REQUEST FOR PRE-TRIAL DISCOVERY**

5 Pursuant to NRS 174.235 through 174.295 the Defendant
6 requests copies of any and all of the following items within the
7 custody of the State, the existence of which is known, or by the
8 exercise of due diligence may become known, to the prosecuting
9 attorney: written or recorded statements or confessions made of the
10 Defendant; written or recorded statements made by a witness the
11 prosecuting attorney intends to call during the case in chief of the
12 State; results or reports of physical or mental examinations,
13 scientific tests or scientific experiments made in connection with
14 the particular case; and books, papers, documents or tangible objects
15 that the prosecuting attorney intends to introduce during the case in
16 chief of the State.

17 **III. STATE'S REQUEST FOR PRE-TRIAL DISCOVERY**

18 Pursuant to NRS 174.235 through 174.295 the State requests
19 copies of any and all of the following items within the possession,
20 custody or control of the Defendant, the existence of which is known,
21 or by the exercise of due diligence may become known, to the
22 Defendant: written or recorded statements made by a witness the
23 Defendant intends to call during the case in chief of the Defendant;
24 results or reports of physical or mental examinations, scientific
25 tests or scientific experiments that the Defendant intends to
26 introduce into evidence during the case in chief of the Defendant;

1 and books, papers, documents or tangible objects that the Defendant
2 intends to introduce into evidence during the case in chief of the
3 Defendant.

4 IV. WAIVER OF TIME REQUIREMENTS

5 By the execution of the instant request and stipulation,
6 both the State and the Defendant expressly waive the requirement that
7 the parties requests for pre-trial discovery must be made within
8 thirty (30) days of the District Court arraignment, pursuant to NRS
9 174.285. The parties stipulate and agree that said requests are
10 timely and satisfactorily made by the execution of the instant
11 request and stipulation.

12 V. ADDITIONAL STIPULATIONS

13 The parties agree to comply with the witness notification
14 provisions, including the expert witness notification provisions, of
15 Chapters 173 and 174 of the Nevada Revised Statutes.

16 The State agrees to provide the Defendant with all
17 exculpatory materials pursuant to Brady v. Maryland, 373 U.S. 83
18 (1963), and the provisions of this Request, Stipulation, and Order
19 are not intended to affect any obligation placed on the prosecuting
20 attorney by the Constitution of this state or the Constitution of the
21 United States to disclose exculpatory evidence, or other materials
22 required by law, to the defendant.

23 ///

24 ///

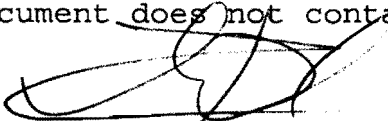
25 ///

26 ///

1 The State and the Defendant shall have a continuing duty to
2 disclose copies of all discovery items noted supra.

3 AFFIRMATION PURSUANT TO NRS 239B.030

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

6 
7 KRISTIN L. ERICKSON ZELEME T. BOGALE

DATE

8 
9 PUBLIC DEFENDERS OFFICE

DATE

10 *Defendant Pro Per*

11 Good cause appearing, the above stipulations are hereby
12 ratified and approved. The parties shall comply with the terms of
13 this document.

14 IT IS SO ORDERED.

15 Connie S. Steinberg
DISTRICT JUDGE

16 8/25/14
DATE

Return Of NEF**Recipients**

JAMES LESLIE, ESQ. - Notification received on 2014-08-26 09:54:58.005.

ZELALEM BOGALE, ESQ. - Notification received on 2014-08-26 09:54:57.974.

JOSEPH GOODNIGHT, ESQ. - Notification received on 2014-08-26 09:54:58.099.

KELLY KOSSOW, ESQ. - Notification received on 2014-08-26 09:54:58.068.

DIV. OF PAROLE & PROBATION - Notification received on 2014-08-26 09:54:58.13.

NICKOLAS GRAHAM, ESQ. - Notification received on 2014-08-26 09:54:58.161.

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A filing has been submitted to the court RE: CR14-1044

Judge:

HONORABLE CONNIE J. STEINHEIMER

Official File Stamp:

08-26-2014:09:51:25

Clerk Accepted:

08-26-2014:09:54:27

Court:

Second Judicial District Court - State of Nevada
Criminal

Case Title:

STATE VS. MARC PAUL SCHACHTER (D4)

Document(s) Submitted:

Request Agree Ord Recp Discv

Filed By:

Judicial Asst. AKay

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KELLY ANN KOSSOW, ESQ. for STATE OF
NEVADA

JOSEPH GOODNIGHT, ESQ. for MARC PAUL
SCHACHTER

JAMES B. LESLIE, ESQ. for MARC PAUL
SCHACHTER

DIV. OF PAROLE & PROBATION

ZELALEM BOGALE, ESQ. for STATE OF
NEVADA

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

1 CODE 1040
2 Richard A. Gammick
3 #001510
4 P.O. 30083
5 Reno, NV. 89520-3083
6 (775)328-3200
7 Attorney for Plaintiff

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

12 * * *

13 THE STATE OF NEVADA,

14 Plaintiff,

15 v.

16 Case No.: CR14-1044

17 Dept. No.: D04

18 MARC PAUL SCHACHTER,
19 also known as
20 MARC PAUL SCHACTER,

21 Defendant.

22 AFFIDAVIT OF SERVICE

23 STATE OF NEVADA)
24) :ss.
25 COUNTY OF WASHOE)

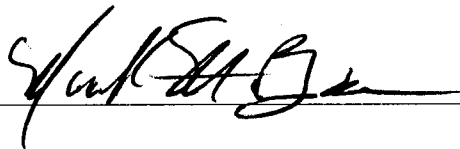
26 I, MICHELLE BAYS, do hereby swear under penalty of perjury that
the assertions of this affidavit are true.

That affiant is, and was on the day when she served the within
a citizen of the United States, over 21 years of age, and not a party
to, nor interested in, the within action; that affiant received the
MOTION IN LIMINE REGARDING PRIOR BAD ACTS, IF ANY, OF THE STATE'S
WITNESSES, NOTICE OF STATE'S INTENT TO IMPEACH DEFENDANT'S

1 CREDIBILITY WITH HIS PRIOR FELONY CONVICTIONS IF HE DECIDES TO
 2 TESTIFY and MOTION IN LIMINE REGARDING DEFENDANT'S EXAMINATION OF
 3 WITNESSES on the 22nd day of August, 2014, and personally served the
 4 same upon MARC PAUL SCHACHTER, also known as MARC PAUL SCHACTER on
 5 the 22nd day of August, 2014, by delivering personally to MARC PAUL
 6 SCHACHTER, also known as MARC PAUL SCHACTER c/o the Washoe County
 7 Jail, in County of Washoe, State of Nevada, a copy of the said
 8 documents.

9 AFFIRMATION PURSUANT TO NRS 239B.030

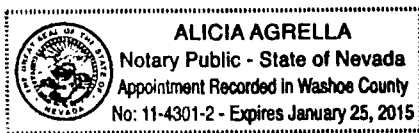
10 The undersigned does hereby affirm that the preceding
 11 document does not contain the social security number of any person.

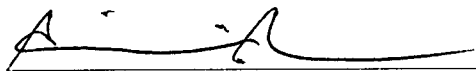
12 
 13 _____

14
 15 STATE OF NEVADA)
 16) : ss.
 17 COUNTY OF WASHOE)

18 Subscribed and sworn to before me

19 this 26th day of August, 2014.



21 
 22 NOTARY PUBLIC

Return Of NEF**Recipients**

JAMES LESLIE, ESQ. - Notification received on 2014-08-26 16:18:44.891.

ZELALEM BOGALE, ESQ. - Notification received on 2014-08-26 16:18:44.86.

JOSEPH GOODNIGHT, ESQ. - Notification received on 2014-08-26 16:18:45.0.

KELLY KOSSOW, ESQ. - Notification received on 2014-08-26 16:18:44.969.

DIV. OF PAROLE & PROBATION - Notification received on 2014-08-26 16:18:45.031.

NICKOLAS GRAHAM, ESQ. - Notification received on 2014-08-26 16:18:45.062.

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A filing has been submitted to the court RE: CR14-1044

Judge:

HONORABLE CONNIE J. STEINHEIMER

Official File Stamp:

08-26-2014:15:14:59

Clerk Accepted:

08-26-2014:16:18:12

Court:

Second Judicial District Court - State of Nevada
Criminal

Case Title:

STATE VS. MARC PAUL SCHACHTER (D4)

Document(s) Submitted:

Affidavit of Service

Filed By:

Zelalem Bogale

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

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NEVADA

KELLY ANN KOSSOW, ESQ. for STATE OF
NEVADA

JOSEPH GOODNIGHT, ESQ. for MARC PAUL
SCHACHTER

JAMES B. LESLIE, ESQ. for MARC PAUL
SCHACHTER

DIV. OF PAROLE & PROBATION

ZELALEM BOGALE, ESQ. for STATE OF
NEVADA

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CR14-1044
STATE VS. MARC PAUL SCHACHTER 7 Pages
District Court 08/27/2014 09:31 AM
Washoe County 4105
hnc

Code 4105

FILED

14 AUG 27 AM 9:31

JOEY BRADNA HASTINGS
CLERK OF THE COURT

BY S. Williams
DEPUTY

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

THE STATE OF NEVADA,

Plaintiff,

vs.

MARC PAUL SCHACHTER,

Defendant.

Case No. CR14-1044

Dept. No. 4

SUPPLEMENTAL PROCEEDINGS

STATE OF NEVADA vs. Marc Paul Schachter - RCR2014-077569

August 27, 2014

Received of Justice of the Peace of Reno Township Documents to be filed:

1. TRANSCRIPT OF PRELIMINARY HEARING DATED JULY 1, 2014
2. NOTICE OF ELECTRONIC RECORDING MALFUNCTION

JOEY ORDUNA HASTINGS

Clerk of the Court

By

Deputy

CERTIFICATE OF CLERK

I hereby certify that the enclosed documents are certified as true and correct copies of the original documents on file with the Reno Justice Court.

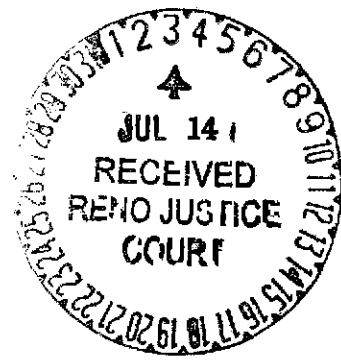
Dated on this the 27th day of August, 2014.

Steve Tuttle

Court Administrator

By:

Deputy Clerk



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5 IN THE JUSTICE COURT OF THE STATE OF NEVADA

6 IN AND FOR THE COUNTY OF WASHOE

7 THE HONORABLE PATRICIA A. LYNCH, JUSTICE OF THE PEACE

8
9 THE STATE OF NEVADA,

10 Plaintiff,

11 vs.

Case No. RCR2014-077569

Dept. No. 1

12 MARC PAUL SCHACHTER,

13 Defendant.

14 _____ /
15 TRANSCRIPT OF PROCEEDINGS
16 JAVS Recorded Preliminary Hearing
17 July 1, 2014

18 APPEARANCES:

19 For the Plaintiff:

ZELALEM BOGALE, ESQ.
Deputy District Attorney
One South Sierra Street

20 For the Defendant In Propria Persona:

MARC PAUL SCHACHTER

21
22
23
24
25 (JAVS ELECTRONICALLY RECORDED)

26 Transcribed by: Wendy L. Pearson

RENO, NEVADA; TUESDAY, JULY 1, 2014

--oOo--

(The entire proceeding contained nothing but a loud static buzz sound.)

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1 STATE OF NEVADA)
2) ss.
3 COUNTY OF WASHOE)

4 I, WENDY L. PEARSON, do hereby state that I was not present for the Preliminary
5 Hearing in the Reno Justice Court for the above-entitled matter on Tuesday, July 1, 2014, but
6 transcribed the proceedings given upon the matter captioned herein from the JAVS
7 electronically recorded audio media;

8 That the foregoing transcript, consisting of pages 1 and 2, is a full, true and correct
9 transcription of said JAVS electronically recorded audio media.

10
11 DATED: At Reno, Nevada, this 3rd day of July, 2014
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16 WENDY L. PEARSON
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FILED

2014 AUG 27 AM 7:49

STEVE TUTTLE
RENO JUSTICE COURT
BY DS
CLERKIN THE JUSTICE COURT OF RENO TOWNSHIP
COUNTY OF WASHOE, STATE OF NEVADA

THE STATE OF NEVADA,

Plaintiff,

vs.

Case No. RCR2014-077569

MARC PAUL SCHACHTER,

Dept. No. 1

Defendant.

NOTICE OF ELECTRONIC RECORDING MALFUNCTION

Please take notice that on July 1, 2014, the Preliminary Hearing was held in The State of Nevada vs. Marc Paul Schachter.

As per NRS 4.400, the designated clerk of the court operated the sound recording equipment in proper manner:

NRS 4.400 Operation of equipment; transcription of recordings; use of transcript.

1. Each justice of the peace shall appoint and, with the approval of the board of county commissioners, fix the compensation of a suitable person, who need not be a certified court reporter and may have other responsibilities in the court to operate the sound recording equipment. The person so appointed shall subscribe to an oath that the person will so operate it as to record all of the proceedings.
2. The justice of the peace may designate the same or another person to transcribe the recording into a written transcript. The person so designated shall subscribe to an oath that the person


1 has correctly transcribed it. The transcript may be used for all
2 purposes for which transcripts are used and is subject to
3 correction in the same manner as other transcripts.

4 The sound recording equipment was turned on at the commencement of the Preliminary
5 Hearing and recorded nothing but static noise throughout the entirety of the proceeding in the
6 above-entitled case on the referenced date and was materially or extensively defective due to
7 equipment failure.

8 Attached hereto is a certified transcript of proceedings in this case.

9 I HEREBY SUBSCRIBE that the recording equipment was operated in proper manner
10 to the best of my knowledge and ability.

11 DATED this 27th day of August 2014.

12 
13 Court Clerk of
14 Reno Justice Court
15
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25
26

1 CODE 2650
2 Richard A. Gammick
3 #001510
4 P.O. Box 11130
5 Reno, NV 89520
6 (775) 328-3200
7 Attorney for Plaintiff

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

11 * * *

12 THE STATE OF NEVADA,

13 Plaintiff,

Case No. CR14-1044

14 v.

Dept. No. 4

15 MARC PAUL SCHACHTER,

16 Defendant.

17 _____/

18 OMNIBUS OPPOSITION TO DEFENDANT'S PRETRIAL MOTIONS

19 The State of Nevada, by and through RICHARD A. GAMMICK, Washoe
20 County District Attorney and ZELALEM BOGALE, Deputy District
21 Attorney, hereby files an omnibus opposition to all of Defendant Marc
22 Paul Schachter's pretrial motions.¹

23 INTRODUCTION

24 A jury trial in this case is presently scheduled for September
25 22, 2014 on an Amended Information charging Defendant with Attempted
26 Robbery, Burglary, and Behavior as a Habitual Criminal. Pursuant to

¹ The State is aware that WCDR 10(9) states: "Any motion, opposition, reply, etc., must be filed as a separate document unless it is pleaded in the alternative." In an effort to promote judicial economy and conserve judicial resources, however, the State has included all of the oppositions to Defendant's pretrial motions in this one document. If the court desires the State to file each opposition separately, the State will do so.

1 the court's July 31, 2014 Order of Self-Representation and
2 Appointment of Stand-By Counsel after a *Faretta* hearing,² Defendant is
3 his own attorney. The Washoe County Public Defender's Office has
4 been appointed as stand-by counsel.

5 ARGUMENT

6 As a general matter, none of Defendant's motions contain
7 adequate factual allegations or relevant legal authorities to warrant
8 relief. Nevertheless, the State will address each of Defendant's
9 pretrial motions in turn, beginning with the motions filed on August
10 21, 2014 and concluding with the motion filed on August 22, 2014.

11 A. August 21, 2014 Motions

12 1. Motion to Compel the State to Provide Exculpatory Material
13 ("Brady") in its Possession

14 In this motion, Defendant seeks an order to obtain the 911 calls
15 and dispatch records from this case.

16 The State discovered this evidence by hand delivery to the
17 Washoe County Sheriff at the jail on August 22, 2014. Therefore,
18 this motion should be denied as moot.

19 2. Motion in Limine Re: Surveillance Video Evidence

20 In this motion, Defendant seeks an order limiting use of the
21 surveillance video from Walmart for impeachment purposes only because
22 the video files he received were allegedly "edited" on June 14, 2014
23 before they were discovered to him.

24 First, Defendant fails to sufficiently explain why he believes
25 the video files were "edited." If he is referring to the "date

26 ² *Faretta v. California*, 422 U.S. 806 (1975) (recognizing a defendant's Sixth Amendment right to conduct his own defense).

1 modified" category in the file as the basis for his contention, that
2 does not necessarily amount to editing, particularly editing done for
3 the purpose of distorting evidence, which appears to be the
4 implication here. For example, the "date modified" category can
5 refer to when that file on that particular disc was initially
6 created, or uploaded to another computer system.

7 Second, the State received the video files in question on June
8 26, 2014, so the alleged editing, if any, to which Defendant refers
9 could not have been done by the State, and the State should not be
10 sanctioned as a result. The State has the same video files that
11 Defendant has. If Defendant wants video files other than the ones he
12 shares with the State, he may attempt to obtain them on his own.
13 This motion should be denied.

14 3. Motion for Production of Replacement and/or Substitute
15 Lost/Destroyed Evidence

16 In this motion, Defendant seeks an order requiring the
17 production or duplication of the actual items he stole from Walmart.
18 The basis for his motion is that these items were alleged
19 "lost/destroyed."

20 These items were not lost/destroyed by the police or the State,
21 they were restocked by Walmart pursuant to company policy. In fact,
22 Defendant admits "at no time were the items in the possession of the
23 police." (Mot. at 1.) In addition, showing the items would not make
24 any fact of consequence in the case more or less probably. See NRS
25 48.015 (defining relevant evidence).

26 For these reasons, this motion should be denied.

1 4. Motion and Order to Obtain Material and Exculpatory Video
2 Recording

3 In this motion, Defendant wants surveillance video allegedly
4 showing him walking into Walmart with the backpack he is accused of
5 stealing.

6 Under *Brady v. Maryland*, 373 U.S. 83 (1963), the State "has no
7 obligation to produce information which it does not possess or of
8 which it is unaware." *Sanchez v. United States*, 50 F.3d 1448, 1453
9 (9th Cir. 1995). And Defendant bears the burden of producing "some
10 evidence" to support an inference that the State "possessed or knew
11 about material favorable to the defense and failed to disclose it."
12 *United States v. Price*, 566 F.3d 900, 910 (9th Cir. 2009).

13 The State does not possess or know about the video Defendant
14 seeks to obtain. Therefore, this motion should be denied.

15 5. Motion for Preliminary Hearing Transcripts

16 In this motion, Defendant seeks an order requiring the
17 production of the transcripts of the preliminary hearing in this
18 case.

19 The State recently learned that because a malfunction occurred
20 during the preliminary hearing, the hearing was not recorded and
21 therefore cannot be transcribed. (See Ex. 1, Notice of Electronic
22 Recording Malfunction (Reno Justice Court, Aug. 27, 2014).)
23 Therefore, this motion should be denied as moot.

24 ///

25 ///

26 ///

1 6. Motion to Advise Witnesses for the State of Their Privilege
2 Against Self-Incrimination

3 In this motion, Defendant seeks an order advising certain
4 prospective witnesses for the State, who allegedly made false
5 statements to the police in this case according to Defendant, that
6 they could perjure themselves if they testify similarly.

7 First, the Fifth Amendment to the United States Constitution
8 suffices to advise anyone, including these witnesses, of the
9 privilege against self-incrimination, so an order to the same effect
10 would be needlessly redundant. Second, these prospective witnesses
11 are not facing criminal charges, so the privilege is inapplicable.
12 Finally, there is no competent evidence that their statements to the
13 police were false.

14 For these reasons, this motion should be denied.

15 7. Demand for Legal Materials and Legal Supplies

16 In this demand, Defendant seeks an order allowing him to access
17 legal materials and supplies.

18 This motion appears to be directed toward the court (and the
19 Washoe County Sheriff (jail)) rather than the State. The State
20 therefore takes no position on this motion and defers to the court.

21 8. Addendum to Demand for Legal Materials and Legal Supplies

22 Because this addendum is an extension of the demand directly
23 above, the State similarly takes no position on this addendum and
24 defers to the court.

25 ///

26 ///

1 9. Motion to Dismiss Case on Grounds that the State has Lost
2 and/or Destroyed Material Exculpatory Evidence

3 This motion closely resembles the motion enumerated above as
4 number four (4). The State therefore refers to and incorporates
5 herein the points made in response to that motion, and urges the
6 court to deny this motion.

7 10. Motion to Dismiss Case on Grounds that the State has Lost
8 and/or Destroyed Material Exculpatory Evidence

9 It is the State's understanding that this motion is a duplicate
10 of the motion directly above. The State therefore refers to and
11 incorporates herein the points made in response to that motion, and
12 urges the court to deny this motion.

13 B. FILED AUGUST 22, 2014

14 1. Motion to Dismiss Case for Prejudicial Delay Causing Loss of
15 Exculpatory Material Evidence

16 In this motion, Defendant seeks an order dismissing this case
17 because the court allegedly delayed in "coming to terms" with his
18 self-representation, and that the court and the Washoe County Sheriff
19 (jail) delayed in allowing him to view discovery provided to him by
20 the State.

21 Because Defendant fails to make any allegations of delay or
22 impropriety against the State, the court should not punish the State
23 with a dismissal of this case. This motion should be denied.

24 ///

25 ///

26 ///

AFFIRMATION PURSUANT TO NRS 239B.030

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

Dated this 28th day of August, 2014.

RICHARD A. GAMMICK
District Attorney
Washoe County, Nevada

By/s/ ZELALEM BOGALE
ZELALEM BOGALE
Deputy District Attorney

CERTIFICATE OF FORWARDING

I hereby certify that I am an employee of the Washoe County District Attorney's Office and that, on this date, I forwarded a true copy of the foregoing document, through the Washoe County interagency mail, addressed to:

MARK PAUL SCHACHTER Booking #1409450
C/O WASHOE COUNTY SHERIFF
911 PARR BLVD
RENO, NV

DATED this 28th day of August, 2014.

/s/KIM PACE
KIM PACE

INDEX OF EXHIBITS

EXHIBIT 1

SUPPLEMENTAL PROCEEDINGS

7 PAGES

EXHIBIT 1

EXHIBIT 1

CR14-1044
STATE VS. MARC PAUL SCHACHTER 7 Pages
District Court 08/27/2014 09:31 AM
Washoe County
4105
CHAMBERS

Code 4105

FILED

14 AUG 27 AM 9:31

JOEY GRADINA HASTINGS
CLERK OF THE COURTBY S. Williams
DEPUTY

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

THE STATE OF NEVADA,

Plaintiff,

vs.

MARC PAUL SCHACHTER,

Defendant.

Case No. CR14-1044Dept. No. 4SUPPLEMENTAL PROCEEDINGS

STATE OF NEVADA vs. Marc Paul Schachter - RCR2014-077569

August 27, 2014

Received of Justice of the Peace of Reno Township Documents to be filed:

1. TRANSCRIPT OF PRELIMINARY HEARING DATED JULY 1, 2014
2. NOTICE OF ELECTRONIC RECORDING MALFUNCTION

JOEY ORDUNA HASTINGS
Clerk of the Court

By

S. Williams
Deputy

CERTIFICATE OF CLERK

I hereby certify that the enclosed documents are certified as true and correct copies of the original documents on file with the Reno Justice Court.

Dated on this the 27th day of August, 2014.

Steve Tuttle
Court Administrator

By: *Debbie Mancy*
Deputy Clerk



1
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5 IN THE JUSTICE COURT OF THE STATE OF NEVADA
6 IN AND FOR THE COUNTY OF WASHOE
7 THE HONORABLE PATRICIA A. LYNCH, JUSTICE OF THE PEACE
8

9 THE STATE OF NEVADA,

10 Plaintiff,

11 vs.

Case No. RCR2014-077569

Dept. No. 1

12 MARC PAUL SCHACHTER,

13 Defendant.
14 _____ /

15 TRANSCRIPT OF PROCEEDINGS
16 JAVS Recorded Preliminary Hearing
17 July 1, 2014

18 APPEARANCES:

19 For the Plaintiff:

ZELALEM BOGALE, ESQ.
Deputy District Attorney
One South Sierra Street

20 For the Defendant In Propria Persona:

MARC PAUL SCHACHTER

21
22
23
24
25 (JAVS ELECTRONICALLY RECORDED)

26 Transcribed by: Wendy L. Pearson

RENO, NEVADA; TUESDAY, JULY 1, 2014

--oOo--

(The entire proceeding contained nothing but a loud static buzz sound.)

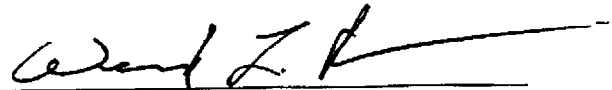
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1 STATE OF NEVADA)
2) ss.
3 COUNTY OF WASHOE)

4 I, WENDY L. PEARSON, do hereby state that I was not present for the Preliminary
5 Hearing in the Reno Justice Court for the above-entitled matter on Tuesday, July 1, 2014, but
6 transcribed the proceedings given upon the matter captioned herein from the JAVS
7 electronically recorded audio media;

8 That the foregoing transcript, consisting of pages 1 and 2, is a full, true and correct
9 transcription of said JAVS electronically recorded audio media.

10
11 DATED: At Reno, Nevada, this 3rd day of July, 2014
12
13
14

15 

16 WENDY L. PEARSON
17
18
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FILED

2014 AUG 27 AM 7:49

STEVE BUTLE
RENO JUSTICE COURT
BY DS
CLERKIN THE JUSTICE COURT OF RENO TOWNSHIP
COUNTY OF WASHOE, STATE OF NEVADA

THE STATE OF NEVADA,

Plaintiff,

vs.

Case No. RCR2014-077569

MARC PAUL SCHACHTER,

Dept. No. 1

Defendant.

NOTICE OF ELECTRONIC RECORDING MALFUNCTION

Please take notice that on July 1, 2014, the Preliminary Hearing was held in The State of Nevada vs. Marc Paul Schachter.

As per NRS 4.400, the designated clerk of the court operated the sound recording equipment in proper manner:

NRS 4.400 Operation of equipment; transcription of recordings; use of-transcript.

1. Each justice of the peace shall appoint and, with the approval of the board of county commissioners, fix the compensation of a suitable person, who need not be a certified court reporter and may have other responsibilities in the court to operate the sound recording equipment. The person so appointed shall subscribe to an oath that the person will so operate it as to record all of the proceedings.
2. The justice of the peace may designate the same or another person to transcribe the recording into a written transcript. The person so designated shall subscribe to an oath that the person

1 has correctly transcribed it. The transcript may be used for all
2 purposes for which transcripts are used and is subject to
3 correction in the same manner as other transcripts.

4 The sound recording equipment was turned on at the commencement of the Preliminary
5 Hearing and recorded nothing but static noise throughout the entirety of the proceeding in the
6 above-entitled case on the referenced date and was materially or extensively defective due to
7 equipment failure.

8 Attached hereto is a certified transcript of proceedings in this case.

9 I HEREBY SUBSCRIBE that the recording equipment was operated in proper manner
10 to the best of my knowledge and ability.

11 DATED this 27th day of August 2014.

12 
13 Court Clerk of
14 Reno Justice Court
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Return Of NEF**Recipients**

JAMES LESLIE, ESQ. - Notification received on 2014-08-28 16:43:47.321.

ZELALEM BOGALE, ESQ. - Notification received on 2014-08-28 16:43:47.274.

JOSEPH GOODNIGHT, ESQ. - Notification received on 2014-08-28 16:43:47.805.

KELLY KOSSOW, ESQ. - Notification received on 2014-08-28 16:43:47.773.

DIV. OF PAROLE & PROBATION - Notification received on 2014-08-28 16:43:47.836.

NICKOLAS GRAHAM, ESQ. - Notification received on 2014-08-28 16:43:47.867.

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

PROOF OF SERVICE OF ELECTRONIC FILING

-

A filing has been submitted to the court RE: CR14-1044

Judge:

HONORABLE CONNIE J. STEINHEIMER

Official File Stamp:

08-28-2014:16:41:40

Clerk Accepted:

08-28-2014:16:43:15

Court:

Second Judicial District Court - State of Nevada
Criminal

Case Title:

STATE VS. MARC PAUL SCHACHTER (D4)

Document(s) Submitted:

Opposition to

- **Continuation

Filed By:

Zelalem Bogale

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

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

-

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

The following people were served electronically:

NICKOLAS J. GRAHAM, ESQ. for STATE OF
NEVADA

KELLY ANN KOSSOW, ESQ. for STATE OF
NEVADA

JOSEPH GOODNIGHT, ESQ. for MARC PAUL
SCHACHTER

JAMES B. LESLIE, ESQ. for MARC PAUL
SCHACHTER

DIV. OF PAROLE & PROBATION

ZELALEM BOGALE, ESQ. for STATE OF
NEVADA

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

4185

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

THE HONORABLE CONNIE J. STEINHEIMER, DISTRICT JUDGE

--oOo--

THE STATE OF NEVADA,

Plaintiff,

Case No. CR14-1044

vs.

Dept. No. 4

MARC PAUL SCHACHTER,

Defendant.

TRANSCRIPT OF PROCEEDINGS
MOTION TO SET TRIAL
Thursday, July 31, 2014

APPEARANCES:

For the State:

KRISTIN L. ERICKSON, ESQ.
Chief Deputy District Attorney
One South Sierra Street
Reno, Nevada

For the Defendant:

In Proper Persona
JAMES LESLIE, ESQ.
Chief Deputy Public Defender
P.O. Box 30083
Reno, Nevada

The Defendant:

MARC PAUL SCHACHTER

Reported By:

EVELYN J. STUBBS, CCR #356

1 RENO, NEVADA; THURSDAY, JULY 31, 2014; 9:42 A.M.

2 --o0o--

3
4 THE COURT: Marc Schachter.

5 MS. ERICKSON: Good morning, Your Honor. Kristin
6 Erickson on behalf of the State.

7 THE COURT: Good morning.

8 THE DEFENDANT: Good morning, Your Honor.

9 THE COURT: Good morning, Mr. Schachter. It's time
10 to set this matter for trial. You wanted to have your trial,
11 you thought, within 60 days of your original arraignment; is
12 that true?

13 THE DEFENDANT: No, Your Honor.

14 THE COURT: Okay.

15 THE DEFENDANT: We had discussed, if my recollection
16 is -- about discovery, there's still discovery issues right
17 now. There's still -- standby counsel issues are still --

18 THE COURT: Right.

19 THE DEFENDANT: And investigator issues. So I
20 can't --

21 THE COURT: Okay. Stop there. Do you want the trial
22 within 60 days or do you want to waive that right?

23 THE DEFENDANT: Your Honor, I can't make that
24 decision until you tell me what you're going to do on the

1 investigator and on the --

2 THE COURT: Well, we're going to set the trial within
3 60 days. And then we'll see where we're going to go after
4 that.

5 THE DEFENDANT: Okay.

6 THE COURT: Because I don't have any news on the
7 investigator.

8 THE DEFENDANT: Okay. The thing is, I just don't
9 know what the turnaround time is, because there's no law
10 library. And Mr. Leslie's standing in for the law library. I
11 don't know what -- how long it's going to take me to prepare
12 the motion to get ready for trial.

13 THE COURT: It may take you a while.

14 THE DEFENDANT: Especially, without discovery.

15 THE COURT: It may take you a while, but it's your
16 choice. You make the decision whether you want the trial in
17 60 days or not. If you don't, you're silent, I set the trial
18 within 60 days, because you have to affirmatively waive that.

19 THE DEFENDANT: Yes, Your Honor. I understand. I
20 just -- I would -- if I set it, is the Court going to have a
21 huge issue if I want to waive it two weeks from now? That's
22 what I'm saying. I don't want to be locking in to --

23 THE COURT: I don't like a lot of continuances and
24 changes in the calendar, but I probably will not have a huge

1 issue two weeks from now, if you have a good reason and you
2 request it be continued. But the State might have a complaint
3 about it, and I'll have to hear their side too.

4 THE DEFENDANT: Yes, Your Honor.

5 THE COURT: They subpoena witnesses and do all sorts
6 of things. So you kind of have to decide which one it is.

7 THE DEFENDANT: Well at this time, Your Honor, I'm
8 not interested in waiving it.

9 THE COURT: Okay.

10 THE CLERK: September 22nd at 10:00 o'clock for
11 trial, with a motion to confirm September 11th at
12 9:00 o'clock.

13 THE COURT: And Mr. Schachter, you must file, and the
14 State must file all pretrial motions no later than
15 August 22nd. Oppositions must be filed by August 29th. No
16 replies will be allowed. And we'll set a pretrial motion
17 hearing date.

18 THE CLERK: Pretrial motion, September 5th at 9:00.

19 THE COURT: Okay. And then if you want to get on
20 calendar for a change of plea or a continuance of your trial,
21 you have to do that swiftly. And Mr. Leslie can assist you in
22 the communications with the district attorney's office to get
23 on calendar.

24 MS. ERICKSON: I'm sorry, Your Honor. September 5

1 doesn't work for the counsel's side.

2 THE COURT: Just that week don't work?

3 MS. ERICKSON: Just that day.

4 I'm sorry, Your Honor. It's 9-2 to 9-5 that
5 counsel's not available.

6 THE COURT: So it's that week.

7 MS. ERICKSON: Yeah, it is that week. Thank you.
8 I'm sorry.

9 THE COURT: That's okay. We'll move the opposition
10 date. The opposition to the motions will have to be no later
11 than August 28th. Oral arguments will be set at 3:00 o'clock
12 August 28th.

13 MS. ERICKSON: Thank you, Your Honor.

14 MR. LESLIE: And, Your Honor, I just realized, you
15 appointed the public defender as standby. So we'll have to
16 find someone else besides myself or Mr. Goodnight. I'll be in
17 a two-week murder trial starting September 22nd or 23rd. It's
18 a Department 9 case, that's why it didn't pop into my head.

19 THE COURT: Oh, okay.

20 THE DEFENDANT: Your Honor, I'm willing to push out a
21 couple weeks. I'm not -- like I say, I'm not hard and fast on
22 60 days, but no more than the second week in October or so.

23 THE COURT: Well, once you waive the right to trial
24 within 60 days, you can't later complain if other things bring

1 up continuances. That happens.

2 MR. LESLIE: And, Your Honor, we'll just find
3 somebody else in our office. There's got to be somebody that
4 wants to get the experience. We'll get somebody.

5 THE COURT: Okay. And then if you decide you want to
6 waive it, we'll move it out.

7 Okay? Thank you.

8 THE DEFENDANT: Your Honor, I've still got issues
9 with discovery.

10 THE COURT: So you need to file a motion for
11 discovery; is that what you're saying?

12 THE DEFENDANT: I thought you ordered the District
13 Attorney's office to turn over all the discovery last week.

14 MS. ERICKSON: Your Honor, all the discovery was
15 hand-delivered to the jail on Friday.

16 THE DEFENDANT: Your Honor, the jail won't give it to
17 me without a court order.

18 THE COURT: I think what the clerk was told is that
19 you needed an order. And I don't know why the jail is
20 requiring a written order when it's ordered in court and it's
21 in the minutes that you may self-represent. But they have
22 required that, and such an order was prepared by the clerk and
23 signed by me.

24 So you should -- the jail should have that and you

1 should be able to see your discovery. Now there may be other
2 issues, and if there are standby counsel will have to assist
3 you.

4 THE DEFENDANT: Your Honor, we don't know who standby
5 counsel is right now.

6 THE COURT: Well, it's Mr. Leslie. He's fine.
7 Contact him. He may not be the person in the courtroom during
8 the trial, but right now he is.

9 THE DEFENDANT: Your Honor, I have an objection to
10 Mr. Leslie. That's my problem here.

11 THE COURT: Well, I don't get involved with who the
12 public defender assigns to assist you. That's an
13 administrative right the public defender has.

14 THE DEFENDANT: Okay.

15 MR. LESLIE: Thank you, Your Honor.

16 THE COURT: You're welcome.

17 MS. ERICKSON: Thank you, Your Honor.

18 THE DEFENDANT: Are we going to hear on the
19 investigator?

20 THE COURT: I think you need to --

21 MR. LESLIE: Your Honor, for the time being, we'll --

22 THE COURT: Okay. You did file something. I'm
23 sorry. I didn't realize that.

24 Yes, Mr. Leslie?

1 MR. LESLIE: For the time being, we'll accept his
2 request for investigation. We need to research whether or not
3 we're obligated to do that. If we're not, well get back to
4 the Court within days advising the Court that --

5 THE COURT: So for now you're agreeing that if he has
6 a request for investigations to be done, your investor will do
7 it?

8 MR. LESLIE: To be real specific; he needs to provide
9 the written request for investigation, what it is he wants
10 done, checked out, tracked down, as it where.

11 In the meantime we'll finish doing our research on
12 whether standby counsel entails using our resources. In other
13 words, taking them from a case that we're representing someone
14 on and devoting them to this case, where he's representing
15 himself. If we believe that's inappropriate, we will be back
16 in front of the Court probably before the end of next week.

17 THE COURT: Okay. I think he's got something for
18 you.

19 MR. LESLIE: Okay. And it looks like he's just
20 handed me two handwritten pages. So we will take a look at
21 those and be in dialogue with him.

22 THE COURT: Okay. Thank you. Anything else?

23 THE DEFENDANT: Thank you, Your Honor.

24 THE COURT: Okay. Thank you, sir.

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(Proceedings Concluded)

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1 STATE OF NEVADA)
) ss.
2 COUNTY OF WASHOE)

3
4 I, EVELYN J. STUBBS, official reporter of the
5 Second Judicial District Court of the State of Nevada, in and
6 for the County of Washoe, do hereby certify:

7 That as such reporter I was present in Department
8 No. 4 of the above court on THURSDAY, JULY 31, 2014, at the
9 hour of 9:42 a.m. of said day, and I then and there took
10 stenotype notes of the proceedings had and testimony given
11 therein upon the MOTION TO SET TRIAL of the case of THE STATE
12 OF NEVADA, Plaintiff, vs. MARC PAUL SCHACHTER, Defendant, Case
13 No. CR14-1044.

14 That the foregoing transcript, consisting of pages
15 numbered 1 to 8, inclusive, is a full, true and correct
16 transcript of my said stenotype notes, so taken as aforesaid,
17 and is a full, true and correct statement of the proceedings
18 had and testimony given therein upon the above-entitled action
19 to the best of my knowledge, skill and ability.

20 DATED: At Reno, Nevada, this 2nd day of September,
21 2014.

22
23 /s/ Evelyn Stubbs
24 EVELYN J. STUBBS, CCR #356

Return Of NEF**Recipients**

JAMES LESLIE, ESQ. - Notification received on 2014-09-02 23:41:36.666.

ZELALEM BOGALE, ESQ. - Notification received on 2014-09-02 23:41:36.635.

JOSEPH GOODNIGHT, ESQ. - Notification received on 2014-09-02 23:41:36.76.

KELLY KOSSOW, ESQ. - Notification received on 2014-09-02 23:41:36.729.

DIV. OF PAROLE & PROBATION - Notification received on 2014-09-02 23:41:36.791.

NICKOLAS GRAHAM, ESQ. - Notification received on 2014-09-02 23:41:36.822.

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

-

A filing has been submitted to the court RE: CR14-1044

Judge:

HONORABLE CONNIE J. STEINHEIMER

Official File Stamp:

09-02-2014:23:40:36

Clerk Accepted:

09-02-2014:23:41:06

Court:

Second Judicial District Court - State of Nevada
Criminal

Case Title:

STATE VS. MARC PAUL SCHACHTER (D4)

Document(s) Submitted:

Transcript

Filed By:

Lynn Stubbs

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

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

-

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

The following people were served electronically:

NICKOLAS J. GRAHAM, ESQ. for STATE OF
NEVADA

KELLY ANN KOSSOW, ESQ. for STATE OF
NEVADA

JOSEPH GOODNIGHT, ESQ. for MARC PAUL
SCHACHTER

JAMES B. LESLIE, ESQ. for MARC PAUL
SCHACHTER

DIV. OF PAROLE & PROBATION

ZELALEM BOGALE, ESQ. for STATE OF
NEVADA

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

CASE NO. CR14-1044

**TITLE: THE STATE OF NEVADA VS. MARC
PAUL SCHACHTER**

**DATE, JUDGE
OFFICERS OF**

COURT PRESENT

APPEARANCES-HEARING

CONT'D TO

8/21/14

STATUS HEARING REGARDING DISCOVERY

HONORABLE

Deputy District Attorney Zelalem Bogale, Esq., represented the State.

9/3/14

CONNIE

Defendant present representing himself. Chief Deputy Public Defender

1:15 p.m.

STEINHEIMER

James Leslie, Esq., present as stand-by counsel for the Defendant.

Pre-Trial

DEPT. NO.4

Defendant handed counsel Leslie the pre-trial motions he wished filed.

Motions

M. Stone

Counsel Leslie shall electronically file those documents on behalf of the

(Clerk)

Defendant.

9/22/14

J. Schonlau

Defendant signed the reciprocal discovery stipulation and provided such to counsel Leslie for submission to the Court.

10:00 a.m.

(Reporter)

Jury Trial

Upon Motion by the defendant and no objection being presented, **COURT ENTERED ORDER** directing the Washoe County Sheriff to allow the Defendant to bring any legal documents and/or discovery in his possession at the Washoe County Jail to his Court hearings.

State's counsel advised the Court and the Defendant that any redactions made to written discovery were only as to Social Security Numbers of Witnesses.

Upon request of counsel Leslie, **COURT ORDERED** that State to provide the Defendant with their proposed Jury Instructions no later than September 12, 2014.

COURT FURTHER ENTERED ORDER resetting the Pre-Trial Motions hearing currently set for August 28, 2014 to September 3, 2014 at 1:15 p.m. Counsel Leslie noted for the record that his office has provided the defendant with any statutes requested, rules of practice, criminal and local rules, and any U.S. Supreme Court cases requested. In addition, his office has provided all supplies requested that are allowed by the Washoe County Jail.

Court recessed.

Return Of NEF**Recipients**

JAMES LESLIE, ESQ. - Notification received on 2014-09-09 16:22:32.66.

ZELALEM BOGALE, ESQ. - Notification received on 2014-09-09 16:22:32.629.

JOSEPH GOODNIGHT, ESQ. - Notification received on 2014-09-09 16:22:32.77.

KELLY KOSSOW, ESQ. - Notification received on 2014-09-09 16:22:32.738.

DIV. OF PAROLE & PROBATION - Notification received on 2014-09-09 16:22:32.816.

NICKOLAS GRAHAM, ESQ. - Notification received on 2014-09-09 16:22:32.848.

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

-

A filing has been submitted to the court RE: CR14-1044

Judge:

HONORABLE CONNIE J. STEINHEIMER

Official File Stamp:

09-09-2014:16:21:28

Clerk Accepted:

09-09-2014:16:22:00

Court:

Second Judicial District Court - State of Nevada
Criminal

Case Title:

STATE VS. MARC PAUL SCHACHTER (D4)

Document(s) Submitted:

***Minutes

Filed By:

Court Clerk MTrabert

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NEVADA

KELLY ANN KOSSOW, ESQ. for STATE OF
NEVADA

JOSEPH GOODNIGHT, ESQ. for MARC PAUL
SCHACHTER

JAMES B. LESLIE, ESQ. for MARC PAUL
SCHACHTER

DIV. OF PAROLE & PROBATION

ZELALEM BOGALE, ESQ. for STATE OF
NEVADA

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

CASE NO. CR14-1044

**TITLE: THE STATE OF NEVADA VS. MARC
PAUL SCHACHTER**

DATE, JUDGE
OFFICERS OF

PAGE ONE

COURT PRESENT

APPEARANCES-HEARING

CONT'D TO

9/3/14 **PRE-TRIAL MOTIONS**

HONORABLE DEPT. NO.4 M. Stone (Clerk) J. Schonlau (Reporter)

Deputy District Attorney Matthew Lee, Esq., represented the State. Defendant present representing himself. Chief Deputy Public Defender James Leslie, Esq., present as stand-by counsel for the Defendant. Counsel Leslie again advised the Court that he would be in a Murder trial in another department the week this trial is scheduled but is attempting to assign new stand-by counsel for the defendant. Motion to Dismiss Case on Grounds that the State has Lost and/or Destroyed Material Exculpatory Evidence by Defendant; presented argument. Based on the arguments presented by defendant in the above Motion, stand-by counsel Leslie advised the Court that his office has sent subpoenas for all witnesses requested by the Defendant. Defendant presented further argument. **COURT ENTERED ORDER** denying the Motion to Dismiss Case on Grounds that the State has Lost and/or Destroyed Material Exculpatory Evidence with leave to renew as a Motion for Directed Verdict if deemed appropriate. Motion for Preliminary Hearing Transcript by the Defendant; presented argument; objection and argument by defense counsel; reply by Defendant. **COURT** advised the Defendant that it is inappropriate to dismiss case based on the lack of a preliminary hearing transcript since there were equipment malfunction with the JAVS system. The remedy would be for a remand to Justice Court for a new preliminary hearing, although the Defendant would waive his rights to a speedy trial by doing so. Defendant advised the Court that he is not willing to waive his speedy trial rights. Motion deemed moot due to the equipment malfunction in producing a Preliminary Hearing Transcript. Motion to Advise Witnesses for the State of Their Privilege Against Self-Incrimination by Defendant; presented argument. State's counsel submitted matter on the written briefs. Motion in Limine regarding Surveillance Video Evidence by Defendant; presented argument. **COURT** advised counsel for the State and the Defendant that the above Motion is converted into a Motion regarding Discovery. **COURT ENTERED ORDER** that the original surveillance Video shall be produced and viewed by the Defendant in Court on September 11, 2014. The State must provide the proper equipment for viewing the video. Further, **COURT** advised the State that the officer who has custody of the

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**TITLE: THE STATE OF NEVADA VS. MARC
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9/3/14

PRE-TRIAL MOTIONSJ. Schonlau
(Reporter)

video and/or any Wal-Mart Employee may need to be subpoenaed in order to authenticate the video.

Motion for Legal Materials and Legal Supplies as well as its addendum deemed moot as stand-by counsel Leslie advised the Court at the last hearing that the Defendant has been provide all materials and supplies allowed.

COURT noted the all the Motions to Dismiss filed by the Defendant regarding any exculpatory evidence is all encompassed in the argument presented previously in this hearing.

Motion to Compel the State to Provide Exculpatory Material ("Brady") in its Possession by Defendant. State's counsel advised the Court that the 911 Call Log and Audio of Call were provided to the Defendant. Further, discussion ensued regarding the Audio of Call and service on the Defendant. **COURT** directed the State to re-serve the Audio of the 911 Call on the Defendant at the Washoe County Jail.

Motion for Production of Replacement and/or Substitute Lost/Destroyed Evidence by Defendant; presented argument. **COURT** advised the State that without providing information as to who photographed the items and when the items were photographed, the photographs would not be allowed into evidence. Any further argument on a Motion to Exclude Photographs/Evidence shall be heard at the ongoing pre-trial motions hearing on September 11, 2014.

Defendant again advised the Court that he is unwilling to waive his right to a preliminary hearing transcript and unwilling to waive his speedy trial rights. Discussion ensued regarding impeachment of the Defendant should he choose to testify. State's counsel advised the Court that the State has showed both the Defendant and his stand-by counsel the prior convictions the State intends to utilize. Stand-by counsel requested additional time to advise the Defendant regarding his prior conviction(s) and their use for impeachment purposes. **COURT** directed the State to make copies of the prior conviction(s) for the Court's use during further hearing on this matter on September 11, 2014.

Motion in Limine regarding Defendant's Examination of Witnesses submitted by the State on the pleadings without oral arguments. **COURT ENTERED ORDER** granting Motion. The Defendant shall not testify during examination of any witnesses. Should an issue arise, the State shall request a hearing outside the presence of the Jury.

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**TITLE: THE STATE OF NEVADA VS. MARC
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9/3/14

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(Reporter)

COURT advised counsel for the State and the Defendant that the issues to be argued at the September 11, 2014 hearing are the issues regarding the Motion to Dismiss regarding Lost/Destroyed Evidence and the Motion in Limine regarding Prior Convictions.

State's counsel agreed to provide the State's Proposed Jury Instructions to the Defendant at the September 11, 2014 hearing.

Defendant advised the Court that he is willing to waive his right to stand-by counsel during the Jury Trial. **COURT** did not allow such waiver as stand-by counsel will assist in judicial resources for the Defendant during the trial.

Discussion ensued regarding the surveillance videos previously received by the Defendant in discovery. Defendant requested both be placed into evidence for safekeeping.

9/11/14**10:00 a.m.****Ongoing****Pre-Trial****Motions/****Motion to****Confirm Trial****Date****9/22/14****10:00 a.m.****Jury Trial**

EXHIBITS A and B marked by the Defendant.

Court recessed. Defendant remanded to the custody of the Sheriff.

ExhibitsTitle: **THE STATE OF NEVADA VS. MARC PAUL SCHACHTER**PLTF: **THE STATE OF NEVADA** PATY: **ZELALEM BOGALE, ESQ.**DEFT: **MARC P. SCHACHTER** DATY: **PRO PER**Case No: **CR14-1044**Dept. No: **4** Clerk: **M. Stone**Date: **9/3/2014**

Exhibit No.	Party	Description	Marked	Offered	Admitted
A.	Defendant	CD – “Disc 1; DA 14-12219; Schachter, Marc; 7/24/14 KP”	9/3/14		
B.	Defendant	CD - “Disc 2; DA 14-12219; Schachter, Marc; 7/24/14”	9/3/14		

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

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A filing has been submitted to the court RE: CR14-1044

Judge:

HONORABLE CONNIE J. STEINHEIMER

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09-10-2014:10:04:44

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09-10-2014:10:05:17

Court:

Second Judicial District Court - State of Nevada
Criminal

Case Title:

STATE VS. MARC PAUL SCHACHTER (D4)

Document(s) Submitted:

***Minutes

- **Continuation

Filed By:

Court Clerk MTrabert

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JOSEPH GOODNIGHT, ESQ. for MARC PAUL
SCHACHTER

JAMES B. LESLIE, ESQ. for MARC PAUL
SCHACHTER

DIV. OF PAROLE & PROBATION

ZELALEM BOGALE, ESQ. for STATE OF
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