

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

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Elizabeth A. Brown
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THE STATE OF NEVADA, ,

PLAINTIFF,

vs.

BRENDAN DUNCKLEY,

DEFENDANT.

Sup. Ct. Case No. 83867

Case No. CR07-1728

Dept. 4

RECORD ON APPEAL

VOLUME 7 OF 14

DOCUMENTS

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APPEAL INDEX
 SUPREME COURT NO: 83867
 DISTRICT CASE NO: CR07-1728
 STATE OF NEVADA vs BRENDAN DUNCKLEY
 DATE: JANUARY 6, 2022

PLEADING	DATE FILED	VOL.	PAGE NO.
ACCEPTANCE OF ELECTRONIC DOCUMENT SUBMITTED FOR FILING	03-02-10	3	407
ACCEPTANCE OF ELECTRONIC DOCUMENT SUBMITTED FOR FILING	06-09-10	3	449
ACCEPTANCE OF ELECTRONIC DOCUMENT SUBMITTED FOR FILING	06-09-10	3	450
ACCEPTANCE OF ELECTRONIC DOCUMENT SUBMITTED FOR FILING	06-09-10	3	451
ACCEPTANCE OF ELECTRONIC DOCUMENT SUBMITTED FOR FILING	06-09-10	3	452
ACCEPTANCE OF ELECTRONIC DOCUMENT SUBMITTED FOR FILING	06-09-10	3	453
ACCEPTANCE OF ELECTRONIC DOCUMENT SUBMITTED FOR FILING	06-09-10	3	454
AFFIDAVIT IN SUPPORT OF APPLICATION TO PROCEED IN FORMA PAUPERIS	07-21-09	10	2-3
AFFIDAVIT IN SUPPORT OF MOTION FOR WITHDRAWAL OF ATTORNEY OF RECORD AND TRANSFER OF RECORDS	07-07-09	3	301-303
AMENDED INFORMATION	02-28-08	2	205-208
ANSWER TO PETITION AND SUPPLEMENTAL PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION)	05-05-10	12	624-626
ANSWER TO PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION)	01-05-17	8	891-893
APPLICATION FOR ORDER TO PRODUCE PRISONER	02-16-17	8	914-916
APPLICATION FOR ORDER TO PRODUCE PRISONER	05-20-21	9	1081-1083
APPLICATION FOR ORDER TO PRODUCE PRISONER	10-07-10	12	634-636
APPLICATION FOR ORDER TO PRODUCE THE PRISONER	02-23-17	9	926-929
APPLICATION FOR SETTING	07-03-07	2	4-5
APPLICATION FOR SETTING	09-26-07	2	177
APPLICATION FOR SETTING	10-08-07	2	178
APPLICATION FOR SETTING	01-24-11	4	540-541
APPLICATION FOR SETTING	03-11-11	4	543-544
APPLICATION FOR SETTING	07-01-10	12	632
APPLICATION FOR SETTING	11-03-10	12	647-648
APPLICATION FOR SETTING	03-11-11	12	653-654
APPLICATION TO PROCEED IN FORMA PAUPERIS	07-21-09	10	1

APPEAL INDEX
 SUPREME COURT NO: 83867
 DISTRICT CASE NO: CR07-1728
 STATE OF NEVADA vs BRENDAN DUNCKLEY
 DATE: JANUARY 6, 2022

PLEADING	DATE FILED	VOL.	PAGE NO.
BAIL BOND POSTED	07-24-07	2	161-166
BAIL BOND POSTED	07-24-07	2	167-169
CASE APPEAL STATEMENT	09-09-08	3	273-276
CASE APPEAL STATEMENT	03-01-10	3	401-402
CASE APPEAL STATEMENT	12-30-11	4	708-712
CASE APPEAL STATEMENT	05-19-17	9	968-969
CASE APPEAL STATEMENT	11-30-21	9	1150-1151
CASE APPEAL STATEMENT	12-30-11	13	813-817
CERTIFICATE OF CLERK	09-10-08	3	277
CERTIFICATE OF CLERK	03-02-10	3	404
CERTIFICATE OF CLERK – RECORD ON APPEAL	06-09-10	3	446
CERTIFICATE OF CLERK AND TRANSMITTAL	08-17-17	9	1003
CERTIFICATE OF CLERK AND TRANSMITTAL	09-05-12	13	844
CERTIFICATE OF CLERK AND TRANSMITTAL – NOTICE OF APPEAL	12-30-11	4	714
CERTIFICATE OF CLERK AND TRANSMITTAL – NOTICE OF APPEAL	05-19-17	9	970
CERTIFICATE OF CLERK AND TRANSMITTAL – NOTICE OF APPEAL	11-30-21	9	1152
CERTIFICATE OF CLERK AND TRANSMITTAL – NOTICE OF APPEAL	12-30-11	13	820
CERTIFICATE OF CLERK AND TRANSMITTAL – RECORD ON APPEAL	08-31-17	9	1010
CERTIFICATE OF MAILING	02-22-17	9	923
CERTIFICATE OF SERVICE	02-17-10	3	398
CERTIFICATE OF TRANSMITTAL	09-10-08	3	278
CERTIFICATE OF TRANSMITTAL	03-02-10	3	405
CERTIFICATE OF TRANSMITTAL – RECORD ON APPEAL	06-09-10	3	447
CORRECTED ORDER	05-31-11	4	567-569
COURT SERVICES REPORT	07-03-07	2	1-3
DEFENDANTS RESPONSE TO STATES OPPOSITION TO MOTION TO WITHDRAW GUILTY PLEA, SUPPLEMENTAL TO MOTION TO WITHDRAW	11-03-10	4	495-508

APPEAL INDEX
 SUPREME COURT NO: 83867
 DISTRICT CASE NO: CR07-1728
 STATE OF NEVADA vs BRENDAN DUNCKLEY
 DATE: JANUARY 6, 2022

PLEADING	DATE FILED	VOL.	PAGE NO.
GUILTY PLEA AND SUPPLEMENTAL IN CONSIDERATION OF MOTION TO WITHDRAW GUILTY PLEA			
DESIGNATION OF RECORD ON APPEAL	05-16-17	9	961-964
EX PARTE APPLICATION FOR INTERIM CLAIM FOR FEES	04-01-10	14	28-37
EX PARTE APPLICATION FOR INTERIM CLAIM FOR FEES	06-30-10	14	38-45
EX PARTE APPLICATION FOR INTERIM CLAIM FOR FEES	11-01-10	14	49-57
EX PARTE APPLICATION FOR INTERIM CLAIM FOR FEES	02-10-11	14	64-72
EX PARTE APPLICATION FOR INTERIM CLAIM FOR FEES	06-21-11	14	76-85
EX PARTE APPLICATION FOR INTERIM CLAIM FOR FEES	02-03-12	14	89-98
EX PARTE APPLICATION FOR INTERIM CLAIM FOR FEES	01-03-13	14	102-113
EX PARTE MOTION FOR APPOINTMENT OF COUNSEL AND REQUEST FOR EVIDENTIARY HEARING	07-21-09	10	4-6
FINDINGS OF FACT, CONCLUSIONS OF LAW AND JUDGMENT	06-29-17	9	976-982
FINDINGS OF FACT, CONCLUSIONS OF LAW AND JUDGMENT	12-29-11	13	787-793
GUILTY PLEA MEMORANDUM	03-06-08	2	211-217
INFORMATION	07-12-07	2	6-10
JUDGMENT	08-11-08	2	239-240
LETTER FROM DEFENDANT	06-17-20	9	1029-1040
MINUTES – ARRAIGNMENT	07-18-07	2	12
MINUTES - CONFERENCE CALL – TELEPHONIC DECISION – 08-12-11	08-18-11	4	695
MINUTES - CONFERENCE CALL – TELEPHONIC DECISION – 08-12-11	08-18-11	13	785
MINUTES – CRIMINAL PROGRESS SHEET	07-12-07	2	11
MINUTES - ENTRY OF JUDGMENT AND IMPOSITION OF SENTENCE – 08-05-08	09-16-08	3	280
MINUTES - EVIDENTIARY HEARING ON PETITION FOR HABEAS CORPUS TO EXHAUST STATE CLAIMS/ORAL ARGUMENTS ON MOTION TO DISMISS PETITION – 04-27-17	08-08-17	9	996
MINUTES - MOTION FOR WITHDRAWAL OF GUILTY PLEA – 06-03-11	07-26-11	4	693
MINUTES - MOTION TO CONFIRM TRIAL DATE/ARRAIGNMENT ON AMENDED INFORMATION	06-26-08	2	234

APPEAL INDEX
 SUPREME COURT NO: 83867
 DISTRICT CASE NO: CR07-1728
 STATE OF NEVADA vs BRENDAN DUNCKLEY
 DATE: JANUARY 6, 2022

PLEADING	DATE FILED	VOL.	PAGE NO.
MINUTES - MOTION TO CORRECT ILLEGAL SENTENCE	10-04-21	9	1108
MINUTES - PETITION FOR WRIT OF HABEAS CORPUS (POST CONVICTION) – 06-3-11	07-26-11	13	782-783
MOTION FOR DEFAULT BENCH DECISION FOR THE MOTION(S) TO WITHDRAW GUILTY PLEA, AND SUPPLEMENTALS IN CONSIDERATION OF MOTION TO WITHDRAW PLEA	03-18-11	4	546-553
MOTION FOR FEES FOR COPY COSTS	10-25-10	12	641-646
MOTION FOR JUDGMENT IN THE INTEREST OF JUSTICE	11-25-09	3	382-390
MOTION FOR MODIFICATION OF SENTENCE	07-08-09	3	304-337
MOTION FOR ORDER TO PRODUCE THE PRISONER	10-11-10	12	637
MOTION FOR RECONSIDERATION OF SETTING	03-28-11	4	554-559
MOTION FOR SETTING OF ORAL ARGUMENTS ON MOTION(S) TO WITHDRAW PLEA	01-21-11	4	533-539
MOTION FOR SUBMISSION BASED UPON THE MOTIONS ON FILE	06-01-21	9	1090-1094
MOTION FOR SUBMISSION OF MOTION TO WITHDRAW DEFENDANTS' GUILTY PLEA, MEMORANDUM, SUPPLEMENTAL TO MOTION TO WITHDRAW GUILTY PLEA, AND SUPPLEMENT IN CONSIDERATION OF MOTION TO WITHDRAW GUILTY PLEA	11-17-10	4	512-518
MOTION FOR WITHDRAWAL OF GUILTY PLEA	03-03-10	3	409-423
MOTION TO ALLOW LEAVE TO FILE A BELATED NOTICE OF INTENT TO SEEK ADMISSION OF OTHER BAD ACT EVIDENCE FOR REBUTTAL PURPOSES	02-04-08	2	182-188
MOTION TO CORRECT AN ILLEGAL SENTENCE	12-24-20	9	1041-1049
MOTION TO DISMISS PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION)	03-01-17	9	930-937
MOTION TO GRANT PETITIONER'S UNOPPOSED WRIT FOR HABEAS CORPUS TO EXHAUST STATE CLAIMS	01-11-17	8	898-903
MOTION TO STRIKE STATES OPPOSITION TO DEFENDANTS MOTION(S) TO WITHDRAW GUILTY PLEA MEMORANDUM	12-30-10	4	519-524
MOTION TO SUBMIT MOTION TO WITHDRAW GUILTY PLEA ANS ALSO DEFENDANTS SUPPLEMENTAL MOTION TO WITHDRAW GUILTY PLEA	09-21-10	3	475-478
NOTICE OF AND ORDER FOR AUDIO/VISUAL HEARING	06-17-21	9	1097-1100
NOTICE OF APPEAL	09-08-08	3	270-272
NOTICE OF APPEAL	03-01-10	3	399-400

APPEAL INDEX
 SUPREME COURT NO: 83867
 DISTRICT CASE NO: CR07-1728
 STATE OF NEVADA vs BRENDAN DUNCKLEY
 DATE: JANUARY 6, 2022

PLEADING	DATE FILED	VOL.	PAGE NO.
NOTICE OF APPEAL	12-30-11	4	700-706
NOTICE OF APPEAL	05-16-17	9	957-960
NOTICE OF APPEAL	11-29-21	9	1148
NOTICE OF APPEAL	12-30-11	13	795-806
NOTICE OF CHANGE OF ADDRESS	11-05-10	4	509-511
NOTICE OF CHANGE OF ADDRESS	05-16-17	9	965-967
NOTICE OF CHANGE OF ADDRESS	02-16-12	13	835-837
NOTICE OF CHANGE OF RESPONSIBLE ATTORNEY	01-05-17	8	888-890
NOTICE OF CHANGE OF RESPONSIBLE ATTORNEY	01-04-21	9	1052-1053
NOTICE OF DOCUMENT RECEIVED BUT NOT CONSIDERED BY THE COURT	08-05-08	2	235-238
NOTICE OF ENTRY OF ORDER	06-30-17	9	985-993
NOTICE OF ENTRY OF ORDER	11-08-21	9	1140-1145
NOTICE OF ENTRY OF ORDER	01-11-12	13	824-832
NOTICE OF INTENT TO SEEK ADMISSION OF OTHER ACTS EVIDENCE FOR PURPOSES OF REBUTTAL	02-04-08	2	189-200
NOTICE OF MOTION AND MOTION FOR WITHDRAWAL OF ATTORNEY OF RECORD AND TRANSFER OF RECORDS	07-07-09	3	297-300
NOTICE REGARDING TRANSCRIPT AT PUBLIC EXPENSE	01-11-12	14	26-27
OPPOSITION TO MOTION FOR MODIFICATION OF SENTENCE	11-04-09	3	361-363
OPPOSITION TO MOTION TO CORRECT AN ILLEGAL SENTENCE	01-04-21	9	1054-1058
OPPOSITION TO MOTION TO GRANT PETITIONER'S UNOPPOSED WRIT FOR HABEAS CORPUS TO EXHAUST STATE CLAIMS	01-23-17	8	904-906
OPPOSITION TO MOTION TO STRIKE STATE'S OPPOSITION TO MOTION TO WITHDRAW GUILTY PLEA AND SUPPLEMENT IN CONSIDERATION OF MOTION TO WITHDRAW GUILTY PLEA	01-03-11	4	525-527
OPPOSITION TO MOTION TO WITHDRAW GUILTY PLEA, SUPPLEMENT TO MOTION TO WITHDRAW GUILTY PLEA AND SUPPLEMENT IN CONSIDERATION OF MOTION TO WITHDRAW GUILTY PLEA	10-21-10	4	490-493
ORDER	10-23-09	3	354-356
ORDER	10-27-09	3	358-359

APPEAL INDEX
 SUPREME COURT NO: 83867
 DISTRICT CASE NO: CR07-1728
 STATE OF NEVADA vs BRENDAN DUNCKLEY
 DATE: JANUARY 6, 2022

PLEADING	DATE FILED	VOL.	PAGE NO.
ORDER	02-10-10	3	391-393
ORDER	04-12-10	3	438-440
ORDER	04-23-10	3	442-444
ORDER	07-08-10	3	461-463
ORDER	10-15-10	4	480-482
ORDER	01-07-11	4	529-531
ORDER	05-31-11	4	563-565
ORDER	11-21-16	8	884-885
ORDER	02-15-17	8	909-911
ORDER	03-28-17	9	952-954
ORDER	04-12-21	9	1071-1073
ORDER	05-19-21	9	1076-1078
ORDER	09-10-21	9	1103-1105
ORDER	10-28-09	12	587-588
ORDER DENYING MOTION TO CORRECT AN ILLEGAL SENTENCE	11-05-21	9	1134-1137
ORDER DENYING MOTION TO WITHDRAW GUILTY PLEAS	12-29-11	4	697-698
ORDER GRANTING IN FORMA PAUPERIS	10-28-09	12	584-586
ORDER GRANTING STIPULATION FOR CONTINUANCE OF HEARING DATE	03-11-11	12	655-656
ORDER TO PRODUCE PRISONER	02-21-17	9	919-920
ORDER TO PRODUCE PRISONER	10-12-11	12	638-639
ORDER TO PRODUCE PRISONER VIA SIMULTANEOUS AUDIO/VISUAL TRANSMISSION	05-20-21	9	1086-1087
ORDER TO SET	06-17-10	12	628-630
PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION)	07-21-09	10	7-83
PETITION FOR WRIT OF HABEAS CORPUS TO EXHAUST STATE CLAIMS	11-07-16	5, 6, 7, 8	734-883
PRESENTENCE INVESTIGATION REPORT	08-05-08	14	1-25

APPEAL INDEX
 SUPREME COURT NO: 83867
 DISTRICT CASE NO: CR07-1728
 STATE OF NEVADA vs BRENDAN DUNCKLEY
 DATE: JANUARY 6, 2022

PLEADING	DATE FILED	VOL.	PAGE NO.
PRETRIAL ORDER	07-20-07	2	155-160
PROCEEDINGS	07-19-07	2	13-154
PROOF OF SERVICE OF ELECTRONIC FILING	10-23-09	3	357
PROOF OF SERVICE OF ELECTRONIC FILING	10-27-09	3	360
PROOF OF SERVICE OF ELECTRONIC FILING	11-04-09	3	364
PROOF OF SERVICE OF ELECTRONIC FILING	11-25-09	3	381
PROOF OF SERVICE OF ELECTRONIC FILING	02-10-10	3	394
PROOF OF SERVICE OF ELECTRONIC FILING	03-01-10	3	403
PROOF OF SERVICE OF ELECTRONIC FILING	03-02-10	3	406
PROOF OF SERVICE OF ELECTRONIC FILING	03-02-10	3	408
PROOF OF SERVICE OF ELECTRONIC FILING	03-04-10	3	425
PROOF OF SERVICE OF ELECTRONIC FILING	03-18-20	3	434
PROOF OF SERVICE OF ELECTRONIC FILING	04-12-10	3	441
PROOF OF SERVICE OF ELECTRONIC FILING	04-23-10	3	445
PROOF OF SERVICE OF ELECTRONIC FILING	06-09-10	3	448
PROOF OF SERVICE OF ELECTRONIC FILING	06-09-10	3	455-456
PROOF OF SERVICE OF ELECTRONIC FILING	06-16-10	3	458
PROOF OF SERVICE OF ELECTRONIC FILING	07-08-10	3	464
PROOF OF SERVICE OF ELECTRONIC FILING	09-16-10	3	474
PROOF OF SERVICE OF ELECTRONIC FILING	09-21-10	4	479
PROOF OF SERVICE OF ELECTRONIC FILING	10-15-10	4	483
PROOF OF SERVICE OF ELECTRONIC FILING	10-15-10	4	489
PROOF OF SERVICE OF ELECTRONIC FILING	10-21-10	4	494
PROOF OF SERVICE OF ELECTRONIC FILING	01-03-11	4	528
PROOF OF SERVICE OF ELECTRONIC FILING	01-07-11	4	532
PROOF OF SERVICE OF ELECTRONIC FILING	01-24-11	4	542

APPEAL INDEX
 SUPREME COURT NO: 83867
 DISTRICT CASE NO: CR07-1728
 STATE OF NEVADA vs BRENDAN DUNCKLEY
 DATE: JANUARY 6, 2022

PLEADING	DATE FILED	VOL.	PAGE NO.
PROOF OF SERVICE OF ELECTRONIC FILING	03-11-11	4	545
PROOF OF SERVICE OF ELECTRONIC FILING	05-31-11	4	566
PROOF OF SERVICE OF ELECTRONIC FILING	05-31-11	4	570
PROOF OF SERVICE OF ELECTRONIC FILING	07-13-11	4	692
PROOF OF SERVICE OF ELECTRONIC FILING	07-26-11	4	694
PROOF OF SERVICE OF ELECTRONIC FILING	08-18-11	4	696
PROOF OF SERVICE OF ELECTRONIC FILING	12-29-11	4	699
PROOF OF SERVICE OF ELECTRONIC FILING	12-30-11	4	707
PROOF OF SERVICE OF ELECTRONIC FILING	12-30-11	4	713
PROOF OF SERVICE OF ELECTRONIC FILING	12-30-11	4	715
PROOF OF SERVICE OF ELECTRONIC FILING	01-03-12	4	721
PROOF OF SERVICE OF ELECTRONIC FILING	01-09-12	4	723
PROOF OF SERVICE OF ELECTRONIC FILING	01-11-12	4	724
PROOF OF SERVICE OF ELECTRONIC FILING	01-24-13	4	727
PROOF OF SERVICE OF ELECTRONIC FILING	02-14-13	5	733
PROOF OF SERVICE OF ELECTRONIC FILING	10-28-09	12	589
PROOF OF SERVICE OF ELECTRONIC FILING	12-14-09	12	593
PROOF OF SERVICE OF ELECTRONIC FILING	03-17-10	12	596
PROOF OF SERVICE OF ELECTRONIC FILING	05-05-10	12	627
PROOF OF SERVICE OF ELECTRONIC FILING	06-17-10	12	631
PROOF OF SERVICE OF ELECTRONIC FILING	07-01-10	12	633
PROOF OF SERVICE OF ELECTRONIC FILING	10-12-10	12	640
PROOF OF SERVICE OF ELECTRONIC FILING	11-03-10	12	649
PROOF OF SERVICE OF ELECTRONIC FILING	02-14-11	12	652
PROOF OF SERVICE OF ELECTRONIC FILING	03-11-11	12	657
PROOF OF SERVICE OF ELECTRONIC FILING	03-11-11	12	658

APPEAL INDEX
 SUPREME COURT NO: 83867
 DISTRICT CASE NO: CR07-1728
 STATE OF NEVADA vs BRENDAN DUNCKLEY
 DATE: JANUARY 6, 2022

PLEADING	DATE FILED	VOL.	PAGE NO.
PROOF OF SERVICE OF ELECTRONIC FILING	06-21-11	12	659
PROOF OF SERVICE OF ELECTRONIC FILING	07-13-11	13	781
PROOF OF SERVICE OF ELECTRONIC FILING	07-26-11	13	784
PROOF OF SERVICE OF ELECTRONIC FILING	08-18-11	13	786
PROOF OF SERVICE OF ELECTRONIC FILING	12-29-11	13	794
PROOF OF SERVICE OF ELECTRONIC FILING	12-30-11	13	812
PROOF OF SERVICE OF ELECTRONIC FILING	12-30-11	13	818
PROOF OF SERVICE OF ELECTRONIC FILING	12-30-11	13	819
PROOF OF SERVICE OF ELECTRONIC FILING	12-30-11	13	821
PROOF OF SERVICE OF ELECTRONIC FILING	01-09-12	13	823
PROOF OF SERVICE OF ELECTRONIC FILING	01-11-12	13	833
PROOF OF SERVICE OF ELECTRONIC FILING	02-03-12	13	834
PROOF OF SERVICE OF ELECTRONIC FILING	02-16-12	13	838
PROOF OF SERVICE OF ELECTRONIC FILING	03-12-12	13	839
PROOF OF SERVICE OF ELECTRONIC FILING	08-13-12	13	841
PROOF OF SERVICE OF ELECTRONIC FILING	09-04-12	13	843
PROOF OF SERVICE OF ELECTRONIC FILING	09-05-12	13	845
PROOF OF SERVICE OF ELECTRONIC FILING	01-03-13	13	846
PROOF OF SERVICE OF ELECTRONIC FILING	01-24-13	13	852
PROOF OF SERVICE OF ELECTRONIC FILING	02-06-13	13	853
PROOF OF SERVICE OF ELECTRONIC FILING	02-14-13	13	862
RECOMMENDATION AND ORDER FOR APPOINTMENT OF COUNSEL	12-14-09	12	590-592
RECOMMENDATION AND ORDER FOR PAYMENT OF INTERIM ATTORNEY'S FEES	07-16-10	14	46-48
RECOMMENDATION AND ORDER FOR PAYMENT OF INTERIM ATTORNEY'S FEES	11-15-10	14	61-63
RECOMMENDATION AND ORDER FOR PAYMENT OF INTERIM ATTORNEY'S FEES	03-08-11	14	73-75

APPEAL INDEX
 SUPREME COURT NO: 83867
 DISTRICT CASE NO: CR07-1728
 STATE OF NEVADA vs BRENDAN DUNCKLEY
 DATE: JANUARY 6, 2022

PLEADING	DATE FILED	VOL.	PAGE NO.
RECOMMENDATION AND ORDER FOR PAYMENT OF INTERIM ATTORNEY'S FEES	07-01-11	14	86-88
RECOMMENDATION AND ORDER FOR PAYMENT OF INTERIM ATTORNEY'S FEES	03-12-12	14	99-101
RECOMMENDATION AND ORDER FOR PAYMENT OF INTERIM ATTORNEY'S FEES	02-06-13	14	114-116
RECOMMENDATION AND ORDER GRANTING DEFENSE FEES	11-09-10	14	58-60
REQUEST FOR CONTINUANCE, STIPULATION AND ORDER	03-03-08	2	209-210
REQUEST FOR ROUGH DRAFT TRANSCRIPT	10-13-08	3	282-285
REQUEST FOR ROUGH DRAFT TRANSCRIPT	01-03-12	4	716-720
REQUEST FOR ROUGH DRAFT TRANSCRIPT	12-30-11	13	807-811
REQUEST FOR SUBMISSION	11-25-09	3	379-380
REQUEST FOR SUBMISSION	02-17-10	3	395-397
REQUEST FOR SUBMISSION	05-09-11	4	560-562
REQUEST FOR SUBMISSION	03-14-17	9	948-949
REQUEST FOR SUBMISSION OF MOTION	09-30-09	3	352-353
REQUEST FOR SUBMISSION OF MOTION	03-22-10	3	435-437
REQUEST FOR SUBMISSION OF MOTION	06-17-10	3	459-460
REQUEST FOR SUBMISSION OF MOTION	02-08-21	9	1067-1068
REQUEST, STIPULATION AND ORDER RE PRE-PRELIMINARY HEARING AND PRE-TRIAL RECIPROCAL DISCOVERY (FELONY AND GROSS MISDEMEANOR CASES)	02-25-08	2	201-204
RESPONSE TO DEFENDANT'S NOTICE AND MOTION FOR WITHDRAWAL OF ATTORNEY OR RECORD AND TRANSFER OF RECORDS	07-23-09	3	338-347
RESPONSE TO STATE'S MOTION TO DISMISS	03-13-17	9	940-947
RESPONSE TO STATES OPPOSITION	01-26-21	9	1061-1066
RESPONSE TO STATES OPPOSITION TO MOTION FOR MODIFICATION OF SENTENCE	11-13-09	3	365-378
RETURN OF NEF	11-21-16	8	886-887
RETURN OF NEF	01-05-17	8	894-895

APPEAL INDEX
 SUPREME COURT NO: 83867
 DISTRICT CASE NO: CR07-1728
 STATE OF NEVADA vs BRENDAN DUNCKLEY
 DATE: JANUARY 6, 2022

PLEADING	DATE FILED	VOL.	PAGE NO.
RETURN OF NEF	01-05-17	8	896-897
RETURN OF NEF	01-23-17	8	907-908
RETURN OF NEF	02-15-17	8	912-913
RETURN OF NEF	02-16-17	8	917-918
RETURN OF NEF	02-21-17	9	921-922
RETURN OF NEF	02-22-17	9	924-925
RETURN OF NEF	03-01-17	9	938-939
RETURN OF NEF	03-14-17	9	950-951
RETURN OF NEF	03-28-17	9	955-956
RETURN OF NEF	05-19-17	9	971-972
RETURN OF NEF	05-23-17	9	974-975
RETURN OF NEF	06-29-17	9	983-984
RETURN OF NEF	06-30-17	9	994-995
RETURN OF NEF	08-08-17	9	997-998
RETURN OF NEF	08-17-17	9	1001-1002
RETURN OF NEF	08-17-17	9	1004-1005
RETURN OF NEF	08-29-17	9	1008-1009
RETURN OF NEF	08-31-17	9	1011-1012
RETURN OF NEF	01-19-18	9	1014-1015
RETURN OF NEF	04-12-18	9	1019-1020
RETURN OF NEF	05-09-18	9	1027-1028
RETURN OF NEF	12-24-20	9	1050-1051
RETURN OF NEF	01-04-21	9	1059-1060
RETURN OF NEF	02-08-21	9	1069-1070
RETURN OF NEF	04-12-21	9	1074-1075
RETURN OF NEF	05-19-21	9	1079-1080

APPEAL INDEX
 SUPREME COURT NO: 83867
 DISTRICT CASE NO: CR07-1728
 STATE OF NEVADA vs BRENDAN DUNCKLEY
 DATE: JANUARY 6, 2022

PLEADING	DATE FILED	VOL.	PAGE NO.
RETURN OF NEF	05-20-21	9	1084-1085
RETURN OF NEF	05-20-21	9	1088-1089
RETURN OF NEF	06-01-21	9	1095-1096
RETURN OF NEF	06-17-21	9	1101-1102
RETURN OF NEF	09-10-21	9	1106-1107
RETURN OF NEF	10-04-21	9	1109-1110
RETURN OF NEF	11-04-21	9	1132-1133
RETURN OF NEF	11-05-21	9	1138-1139
RETURN OF NEF	11-08-21	9	1146-1147
RETURN OF NEF	11-30-21	9	1153-1154
RETURN OF NEF	12-10-21	9	1156-1157
RETURN OF NEF	12-16-21	9	1160-1161
STIPULATION AND ORDER FOR EXTENSION OF TIME IN WHICH TO FILE SUPPLEMENTAL PETITION	03-17-10	12	594-595
STIPULATION AND ORDER VACATING HEARING	10-19-07	2	179-181
STIPULATION FOR CONTINUANCE OF HEARING DATE	02-14-11	12	650-651
SUPPLEMENT TO MOTION TO WITHDRAW GUILTY PLEA	03-04-10	3	426-432
SUPPLEMENTAL IN CONSIDERATION OF MOTION TO WITHDRAW GUILTY PLEA	07-14-10	3	465-471
SUPPLEMENTAL PETITION FOR WRIT OF HABEAS CORPUS (POST CONVICTION)	03-23-10	12	597-623
SUPPORTING DOCUMENTATION FOR PETITIONERS POST-CONVICTION WRIT OF HABEAS CORPUS PETITION – PART II	07-21-09	10	84-209
SUPPORTING DOCUMENTATION FOR PETITIONERS POST-CONVICTION WRIT OF HABEAS CORPUS PETITION – PART III	07-21-09	11	210-301
SUPPORTING DOCUMENTATION FOR PETITIONERS POST-CONVICTION WRIT OF HABEAS CORPUS PETITION – PART IV	07-21-09	11	302-443
SUPPORTING DOCUMENTATION FOR PETITIONERS POST-CONVICTION WRIT OF HABEAS CORPUS PETITION – PART V	07-21-09	12	444-583
SUPREME COURT CLERK’S CERTIFICATE & JUDGMENT	06-03-09	3	291
SUPREME COURT CLERK’S CERTIFICATE & JUDGMENT	10-15-10	4	485

APPEAL INDEX
 SUPREME COURT NO: 83867
 DISTRICT CASE NO: CR07-1728
 STATE OF NEVADA vs BRENDAN DUNCKLEY
 DATE: JANUARY 6, 2022

PLEADING	DATE FILED	VOL.	PAGE NO.
SUPREME COURT CLERK'S CERTIFICATE & JUDGMENT	02-14-13	5	731
SUPREME COURT CLERK'S CERTIFICATE & JUDGMENT	05-09-18	9	1022
SUPREME COURT CLERK'S CERTIFICATE & JUDGMENT	02-14-13	13	855
SUPREME COURT NOTICE OF TRANSFER TO COURT OF APPEALS	01-19-18	9	1013
SUPREME COURT NOTICE TO FILE DOCKETING STATEMENT AND REQUEST TRANSCRIPTS	10-06-08	3	281
SUPREME COURT ORDER DIRECTING ENTRY AND TRANSMISSION OF WRITTEN ORDER	08-17-17	9	999-1000
SUPREME COURT ORDER DIRECTING TRANSMISSION OF RECORD	03-18-10	3	433
SUPREME COURT ORDER DIRECTING TRANSMISSION OF RECORD	08-29-17	9	1006-1007
SUPREME COURT ORDER DIRECTING TRANSMISSION OF RECORD AND REGARDING BRIEFING	12-16-21	9	1158-1159
SUPREME COURT ORDER GRANTING MOTION AND DIRECTING DISTRICT COURT CLERK TO TRANSMIT DOCUMENTS UNDER SEAL	08-13-12	13	840
SUPREME COURT ORDER GRANTING MOTION AND DIRECTING DISTRICT COURT CLERK TO TRANSMIT DOCUMENTS UNDER SEAL	09-04-12	13	842
SUPREME COURT ORDER OF AFFIRMANCE	05-11-09	3	286-289
SUPREME COURT ORDER OF AFFIRMANCE	06-03-09	3	292-296
SUPREME COURT ORDER OF AFFIRMANCE	09-16-10	3	472-473
SUPREME COURT ORDER OF AFFIRMANCE	10-15-10	4	486-488
SUPREME COURT ORDER OF AFFIRMANCE	01-24-13	4	725-726
SUPREME COURT ORDER OF AFFIRMANCE	02-14-13	5	728-730
SUPREME COURT ORDER OF AFFIRMANCE	04-12-18	9	1016-1018
SUPREME COURT ORDER OF AFFIRMANCE	05-09-18	9	1023-1026
SUPREME COURT ORDER OF AFFIRMANCE	01-24-13	13	847-851
SUPREME COURT ORDER OF AFFIRMANCE	02-14-13	13	856-861
SUPREME COURT RECEIPT FOR DOCUMENTS	09-15-08	3	279
SUPREME COURT RECEIPT FOR DOCUMENTS	03-04-10	3	424
SUPREME COURT RECEIPT FOR DOCUMENTS	06-16-10	3	457
SUPREME COURT RECEIPT FOR DOCUMENTS	01-09-12	4	722

APPEAL INDEX
 SUPREME COURT NO: 83867
 DISTRICT CASE NO: CR07-1728
 STATE OF NEVADA vs BRENDAN DUNCKLEY
 DATE: JANUARY 6, 2022

PLEADING	DATE FILED	VOL.	PAGE NO.
SUPREME COURT RECEIPT FOR DOCUMENTS	05-23-17	9	973
SUPREME COURT RECEIPT FOR DOCUMENTS	12-10-21	9	1155
SUPREME COURT RECEIPT FOR DOCUMENTS	01-09-12	13	822
SUPREME COURT REMITTITUR	06-03-09	3	290
SUPREME COURT REMITTITUR	10-15-10	4	484
SUPREME COURT REMITTITUR	02-14-13	5	732
SUPREME COURT REMITTITUR	05-09-18	9	1021
SUPREME COURT REMITTITUR	02-14-13	13	854
TRANSCRIPT OF PROCEEDINGS – ARRAIGNMENT – JULY 17, 2007	08-16-07	2	170-176
TRANSCRIPT OF PROCEEDINGS – MOTION TO CORRECT ILLEGAL SENTENCE – JUNE 25, 2021	11-04-21	9	1111-1131
TRANSCRIPT OF PROCEEDINGS - MOTION TO WITHDRAW PLEA - FRIDAY, JUNE 3, 2011	07-13-11	4	571-691
TRANSCRIPT OF PROCEEDINGS - MOTION TO WITHDRAW PLEA - FRIDAY, JUNE 3, 2011	07-13-11	13	660-780
TRANSCRIPT OF PROCEEDINGS – SENTENCING – AUGUST 5, 2008	09-05-08	3	241-269
TRANSCRIPT OF PROCEEDINGS –MOTION TO CONFIRM TRIAL – MARCH 6, 2008	04-02-08	2	218-233
WITHDRAWAL OF ATTORNEY	07-23-09	3	348-351

CR07-1728 DC-09900082155-007
STATE VS. BRENDAN DUNCKLEY 19 Pages
District Court 11/07/2016 04:21 PM 3555
Washoe County
MFR/NANJ

EXHIBIT 2

EXHIBIT 2

Dear District Attorney Gamache,

In recent research I came across an interesting piece of information. With regards to the American Bar Association Model Rules and Standards. Namely Standard 3-2.5 entitled "Prosecutor's Handbook. Especially of interest is subsection (b) second sentence "This handbook" should be available to the public, except for subject matters declared "Confidential",...."

You see I would be greatly interested in obtaining a copy of that handbook. If needed I will make sure it is promptly returned.

You may even be able to shed some light on the very reason that I wish to view the handbook that as subsection (a) states "The objectives of these policies as to discretion and procedures should be to achieve a fair, efficient, and effective enforcement of the criminal law."

I find it of real importance that the ABA used the term discretion in this paragraph. Webster's dictionary defines discretion as being "Tactful; Prudent." So maybe you can help me understand why it was felt to be tactful or prudent to allow release of a criminal complaint directly pertaining to a case that at the time of release had not yet been before a court, to render its decision as to guilt. There fore lending the accused the right of presumption of innocence until proven guilty.

That is a serious fundamental right anyone accused of a crime is automatically granted just for being an American citizen. Just the simple mistake of accidentally releasing such information in itself could be rendered a "harmless error" not to be considered a intentional violation of the accused Sixth Amendment right to a "fair and just trial"

But unfortunately, that is not the case here. The fact that a Detective working the case in which the criminal complaints were pertained to intentionally released the material to a third party attorney dealing with a Civil matter. The release of that evidence and entering it into a Civil Matter now made all the complaints that of Public Record. Being that the detective who released the confidential paperwork was a member of the Reno Police Department and the lead detective in the same referenced Criminal Matter he is considered a member of the prosecutorial investigation team, and subsequently all his actions has direct bearing on your office.

I also am curious as to what would warrant a detective to intentionally violate the accused right of innocence and release the said documents to the accused ex-wife's attorney, who at the time was in a nine year custody battle. That would under normal scrutiny constitute in the least malice intent on hindering the constitutional rights of the accused to a fair and just trial. Having such confidential information in the public I am sure you could agree would definitely prejudice the accused.

Also, knowing your impeccable reputation and that of your colleagues in your charge for striving to ensure that justice is done, I am sure you are familiar with the Standard set forth by the American Bar Association 4.41 which states "Effective investigation by the lawyer has an important bearing on competent representation at trial, for without adequate investigation the lawyer is not in a position to make the best use of such mechanisms as cross-examination or impeachment of adverse witnesses at trial." I understand the premise of this Standard is geared towards the defense counsel, but it can and also does apply to you the State.

The reason for that line of reference is to bring up the fact that the "Prosecution's duty is never to merely

convict, but to see that justice is done by seeking truth of the matter, and to ensure that jury tries cases solely on basis of actual facts presented to them." (People v. Maestra)

The fact that the opinion stated above used the words "seeking" and "actual facts" renders the fact that the prosecution investigated the charge, not simply taking the word of the complainant. That is the fact of severe relevance in the same case involving the aforementioned detective and accused. In (State v. Estes) it states "Prosecutor is expected to be diligent and leave no stone unturned, but nevertheless expected to be fair" (State v. Estes 725 P.2d, #128, 111 10Amu 423). That brings up the other reason to my letter. Which I would like to express my appreciation for your taking the time to read. But I digress.

In the referenced case that your office filed and subsequently obtained a plea deal or as referred to a Guilty Plea Memorandum. The case no is CR07-1728. Upon review you will notice that the record has charge 1 happening in the time frame of August 14, 1998 to August 13, 2000. As you will notice from the transcripts in the Preliminary Hearing the "victim" in count 1 stated she was sure it was when she was (12) twelve years old, as affirmed by your ADA Victoria in the Sentencing transcript (Pg 13; 19-21). "But he calls Ashley 14 years old at the time. ~~for~~ when we all know she was 12." She is the representation of the state and therefore making it the states contention to her age of the attack being 12 years old. (August 14, 1998 to August 13, 1999). Again supported by record of sentencing hearing (Pg 11; 24 - Pg 12; 1, Pg 16; 17, Pg 17; 12) The reason for bringing you this letter is this: Had your office and including the police department, as well as my own attorney appointed to me by your office done even the simplest basic investigation in the allegation you would have seen that in actuality I was not even a resident in the state of Nevada until 2000. And in 1998 at the time

the alleged incident occurred I was attending college in New York at the Culinary Institute of America in Hyde Park, NY. From 11/11/96 until 2/23/99. The information is easily verified by the college. That would have surely come up in a residential history search. Then that leaves 2/23/99 until the "victim's" thirtieth birthday 8/11/99. Well how amazed would you be to know that during that time frame I resided in Oakhurst, Ca with my former wife. And in August 1999 she filed for divorce and I was served papers in Fresno Ca. Again extremely simple information to have obtained if a due diligent investigation was in fact done. In the matter of the location of the alleged incident the said vehicle would have shown that I had not purchased and registered the said vehicle till 6/1/00. Therefore how could a crime have been committed by me in a state 3,000 miles away from my location in a vehicle I won't purchase for two years. If any evidence was deemed relevant I think this would. Not to mention "relevant in the favor of the accused" as mentioned in Brady v. Maryland. Now if you did not actually know including all members of your team including the police in the least we have a warranted example of prosecutorial misconduct. But if your office actually did know and still attempted to prosecute the case would warrant a serious case of malicious prosecution, and Brady violation, due process violation, Sixth, Fourteenth Amendment violation to say the least.

But still pursuing a conviction the ADA proceeded to bring forward a deal that to my knowledge and belief was for probation as noted in the Guilty Plea Memorandum pg. 4:25 & ps 5:2 both sites with initials of myself, my counsel and ADA Velous. But the fact that the state fought hard to obtain the max bears a problem in regards

the validity of the original plea bargain. Especially when your ADA stated in the sentencing hearing transcripts "We did craft this creative plea bargain so this defendant could have the right to posture himself to ask the Court for sentencing. That's what he required before he came to you and admitted his conduct and entered his plea of guilt." (Pg 12; 6-9 sentencing hearing transcripts)

You see the problem is that plea bargains are in fact protected under contract law. In a basic breakdown the agreement should be of benefit to both parties involved. Example; a defendant looking at the death penalty for a capital crime signs a deal and it takes the death penalty off the table. All sides benefited the State gained a conviction and saved the tax payers the expense and the accused was not to be put to death. In my case if I went to trial I would be facing 10 to life and 2 to 20 years. I got 30 to life and 2 to 10. But the state fought and argued to 2 to 20 (Pg 9 17:30-5) Therefore I gave up four protected rights 1) Remain silent 2) Bring witnesses on my own behalf. 3) Face my accusers and cross examine them 4) Right to a trial by my peers. I gave it all up and I feel that had the attorney involved on both sides of the deal been even slightly competent to have exercised due diligence in pre-trial investigation and entered the relevant evidence it would have seriously changed my mind in accepting the deal and had demanded going to trial.

You I am sure would agree that once you verify the information I have given you so as to meet the Giles standards could be considered substantial evidence. Black's dictionary defines Substantial evidence as "evidence that a reasonable person could accept as adequate and sufficient to support a conclusion of defendant's guilt or innocence beyond

a reasonable doubt."

All the information I have given to you as to the Giles Standards I had handed over to my appointed attorney of record. For that and all the information in this letter along with documented evidence ~~etc~~; the released police complaints with R.P.D. Detective Tom Brown's signatures on each in addition to the clerk stamp of Superior Court of California Madera County in reference to *Dunckley v Dunckley*, College transcripts, court documentation of the location of residency, divorce paperwork, Department of Motor Vehicles record of registration. Just think how I easily obtained all this information and documentation independently how much more so should all involved in this case have done so as well.

I will leave you with a final citation of due relevance to the point at hand: "Thus, the system of criminal justice is adversarial in nature and prosecutors have a duty and are expected to be diligent and leave no stone unturned, he is required to be fair and has a duty to avoid any misrepresentation of the facts and unnecessary inflammatory tactics." (*State v. Griffiths* 610 P.2d 522, 101 IDemo 163)

With my stating all that I wished, in order to help me process my next step in filing all this information by means of a Post Conviction writ of Habeas Corpus. Which I have no reason to believe will be denied due to serious relevant evidence and dare I say, respectfully though your total lack of any physical evidence to the allegations, which I did not commit. I just wanted to allow you the opportunity to view this information which I truly believe you to feel is a gross miscarriage of justice that demands an immediate remedy of. Once again as I stated earlier I am respectfully appreciative of your taking the time to read my letter. I am a learner and I apologize if at any time I unknowingly bastardized the legal field of

references and records. Your response is greatly appreciated..

Cordially Yours.

Brendan Dunckley

Brendan Dunckley
INMATE # 1023236
L.C.C.
1200 Prison Road
Love Lake, Nevada. 89419

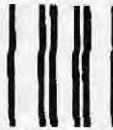
CASE Reference NO: CV07-1728
CASE Reference NO: 52383

P.S. Copies of this letter are as follows.

- CC: Brendan Dunckley
- Morgan Dunckley
- NEVADA Supreme Court Clerk
- David O'Mara Esq.
- District Attorney Richard Hammick

Documents included:

- C.I.A. transcripts
- DMV. Registration information
- RPO reports 07-19-07, 08/10/07 AND 8/20/07 Evidence Stamped and stamped 5/25/07 (R.P) (re: 2002)
- MADONIA Superior Court minutes notes reports
- Proof of Service of Summons Dated 8/16/07 AT RESIDENCY IN FRESNO, CA.



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Brendan Dunchley (1023236)

L.C.C.

1200 Prison Road

Lowell, Nevada 89419

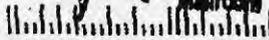
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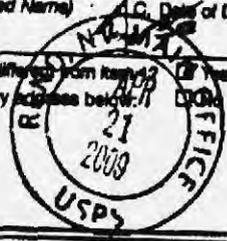
1. Article Addressed to:
 MR. Richard Gammich
 Washoe County District Attorney
 P.O. Box 30083
 Reno, Nevada 89520

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 X Thomas J. Frugo Agent Addressee

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4. Restricted Delivery? (Extra Fee) Yes

2. Article Number
 (Transfer from service label) 7007 0710 0005 2300 2620

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Total Postage & Fees	\$ 566



Sent To: Brendan Wherley 1023236-48-508
Richard Gammick W.C.D.A.
 Street, Apt. No. or PO Box No. P.O. Box 30038
 City, State, ZIP+4 RENO, NV 89520

PS Form 3800, August 2005 See Reverse for Instructions

74

V7. 84274

Dear Mr. Hatlestad;

June 15, 2009

First of all allow me to congratulate you on your victory in having my conviction affirmed by the State Supreme Court. With that being respectfully and genuinely stated I feel that some information needs desperately to be conveyed to you.

You see on April 21, 2009 a gentleman by the name of Thomas J. Frugoli accepted a certified letter from me. With Id number (7007-0710-0005-2300-2620). For your edification I have enclosed the letter (a copy that is) also the documents that originally were enclosed with the said letter.

As you read the letter you will see that in comparison to the alleged testimony of Ashley V, at the preliminary hearing she claims that the incident in Court 1 of the order of conviction occurred when she was twelve years old. Specific windows of offense would place it August 14, 1998 until her thirteenth birthday of August 14, 1999. The State argued repeatedly (ADA Victoria) that the crime occurred on a twelve year old little girl. (Sentencing Transcript pg 12/line 1; pg 13/line 19(b) to 21; pg 16/line 17; and again on pg 17/line 17). No allegation or contention was ever made by the state that any other act occurred except during her twelfth year of life.

Except there is a serious flaw and problem with that allegation, I have mentioned this to my attorney but he failed to fix it or use the evidence I presented him. Also unfortunate is the fact that the State too had in its possession evidence to show not only that the testimony of Ashley V. was perjured but that the State had evidence proving the absolute impossibility of the crime occurring.

For the record allow me to detail and break down the allegation to you. Ashley testified that after spending

the night at my house with my girlfriend/wife Morgan (in Reno) I drove her home the following morning. While driving her home on Longly Lane (Reno) I pulled over into a parking lot and she and I had consensual sex in the back seat of my Ford Focus, then I drove her home. The second incident occurred (by her testimony) shortly afterward at the Atlantis Hotel & Casino (Reno) in an elevator. When asked by Mr. David Clifton how old she was when these incidents occurred, she responded she was twelve years old, asked if she is certain she answered in the affirmative. Meaning with a birth date of August 14, 1986 her twelfth year would consist of August 14, 1998 until August 13, 1999. With that being said here where the problem lies and again I told this to my attorney and recently sent the enclosed letter and documents.

First you will see a letter/transcript from the Culinary Institute of America located in Hyde Park, New York. There you will see the time I was in fact enrolled in college, dated 11/11/96 - 02/23/1999. So there is documented proof up until February 23, 1999 I was in fact in Hyde Park, New York attending college. So that would rule out 8/14/98 until 2/23/99 by the rules of Gile. (Evidence that proves I could not have committed the crime due to being in a location so far away that under normal circumstances I could not have been in the location of the crime.)

Next you will find a DMV print out dated December, 05, 2008 showing that the vehicle in the allegation my Ford Focus was in fact not even purchased, or registered until 6/5/00. So how did we have consensual sex in it in 1998-99 when I did not even own it until 2000.

Third, you will see that the State in fact knew that I was not even in the area of Reno when Ashley alleges that the incident occurred. Enclosed you will find a Reno Police Department 'draft' dated 4/19/07. Created by Detective Tom Broome of RPD Sex crimes division. Please note the second page with the conversation between Detective Tom Broome and my ex-wife Jenny Drackley. She mentions we met in N.Y. then later moved to Madera California, our marriage broke up in July of 1999 while living in Oakhurst California, a allegation and investigation was done by Madera County Sheriff department with me. A copy of that Detective Broome obtained. So Detective Broome knew that I was in fact residing in Madera County California in 1999 at least until July with my wife Jenny. Not as alleged residents in Washoe County, Reno with Magan. Yet the State never corrected known perjured testimony and continued to allow it to go uncorrected all the way up to sentencing, and beyond. (letter 4/21/08). As a note you will see a 'EXHIBIT D' stamp on the back of the report, that is because that was one of four criminal reports Detective Tom Broome released to my ex-wife's attorney Kenneth Ballard in Oakhurst Co. to use for an ongoing custody case. That was released 5/25/07. A full six weeks before my preliminary hearing proving the State had knowledge that I was in fact innocent of counts alleged from Ashley. But Nobody fixed it not the State nor my attorney who also had the reports released by Detective Broome. (The hearing for the exhibit was June 22, 2007, Prelim. hearing was 7/21/07)

Finally enclosed in the original letter is a copy of a Summons of Family Law & Proof of Service for divorce dated 8/16/99. Notice I was served at my residency at 2:45pm at 255 East Neese, #257, FRESNO, CALIFORNIA. Two days

after Ashley turned thirteen. Again proving beyond a reasonable doubt that I could not have committed the crime as testified by the "Victim". Since her testimony is in fact all the evidence the State has that these incidents ever occurred and I proved by documented, verifiable evidence to the contrary, the conviction can not stand. It would continue to allow a manifest injustice to go uncorrected.

As an added area of interest I did not mention in the previous letter, Ashley testified that Morgan my girlfriend/wife was pregnant as was her friend Michelle Anthony. Yet Michelle daughter Brooklyn was born September 25, 2000 and our son Jacob was born January 12, 2001. Either they both had really long pregnancies or again the allegations could not have occurred.

Please take notice that even Dr. Story vacates report on page 3 second paragraph shows I did not move to Reno until 2000. And in the PSI report page 3 under education I graduated H.S. in 1994 and attended the Culinary Institute of America until 1999.

I hope that you see the gross manifest injustice, prosecutorial misconduct, Brady violations, and gross bad faith negligence that has occurred here. I humbly request that the DA do their duty and set the record straight and request a reversal and vacating of Court 1 and allowing me to reverse and set aside my Guilty Plea Memorandum, and plea over to Court 2. I hope you realize I am going to include both letters in my writ of Habeas Corpus. I just felt it necessary to once again bring to the DA's attention so they can take it upon yourselves to fix and correct this problem. Davens the court has-

and in the interest of justice.

Besides is it not the ultimate duty of the Prosecutor to not seek a conviction by any and all means but to see that justice is done and obtained. Is it not why the Prosecutors are held to a higher standard to be diligent and leave no stone unturned. After all you the DA represent the State and all its people.

So, Mr. Hattestad. can you in good conscience and good faith simply ignore this information as David Clifton, Kelli Anne Victoria, and Thomas S. Frusoli not to mention also Detective Tom Broome have all done on repeated and numerous occasions. I included Detective Tom Broome because as you are I'm sure aware the misconducts by an investigating law enforcement agent is indistinguishable from misconduct by prosecuting attorneys.

Please know I truly respected your brief for the Supreme Court. I know you did not know about this information, because for my attorney to have added it in appeal would have meant admitting his ineffectiveness in acting as an advocate. But it does not excuse his actions or that of Mr Clifton and especially Mrs Victoria. As you are aware being the Chief Appellate Deputy it is the duty and obligation of a prosecuting attorney to obtain Brady evidence (evidence favorable to the defendant). Even if she is not in direct possession of said evidence, she had and still has a duty to learn of any favorable evidence known to other government agents, including the Police (ie Det. Broome, report 4/19/07) if those agents are involved in the investigation. Detective Broome was the lead detective.

I pray that you will do the right thing and allow an innocent man to return to his family. I again request that you vacate/dissolve and expunge Court I and allow the Guilty Plea to be reversed and allow

me to plead anew for Court 2. You can see that had my attorney done his job and investigated the crime, interviewed Ashley or Jessina, he would see it was impossible to commit Court 1. Therefore he could not give adequate and accurate legal advice. So... I plan on having the Guilty Plea reversed on that and numerous other grounds.

I just felt in the interest of justice you would do what is right and fix this SERIOUS situation. This is the second letter bringing the evidence to light I am humbly requesting you set the record straight.

I Thank you for taking the time in reading my letter, and once again congratulations on a well written and eloquent brief. Please note after reviewing my records the letter 4/21/08 was the second a first was mailed 1/16/08 regular first class mail w/ track slip (Ndoc receipt) #1421887

Sincerely,



BRENDAN DUNKLEY #1023236
L.C.C.
1200 Prison Road
Love Lock, Nevada 89419.

Case No: CRO7-1728

cc: Writ of Habeas Corpus
Personal copy.
Catherine Curley Maito NV. ATTORNEY.

enclosed: CIA Transcript
DMV Printout.
RPD. Draft # 4119107
Summons of Family Law
Proof of Service #116100
Letter to DA Garrison
Copy of Certif. Receipt
of Thomas J. Fugoli: sig.

Continuation:

As an additional side note to help the courts and the taxpayers further court expense and time, I would like to make a humble request and possible solution. As of June 8, 2009 I represent myself pro per. Because I know that the overwhelming evidence I am in possession of will almost certainly in the least reverse my guilty plea memorandum, but prove blatant and obvious malicious disregard for my constitutional rights on the part of ADA Victoria as well as Detective Tom Browne. There is a total of 150-160 pages of documentation proving malice, prosecutorial misconduct, ineffective assistance of counsel, police harassment, Miranda violations, inappropriately obtained evidence, perjured testimony, Brady violations, and that's just with the few pages I have given to you in this letter. Any of which will grant reversal of the deal and prove actual innocence in regards to Count 1.

So here as the chief appellate counsel you are aware that I only need to prove it with probable preponderance, except I can prove it all beyond a reasonable doubt. Or create enough reasonable doubt to a jury. So I propose the following deal for the States consideration: Guilty Plea reversed and set aside Count 1 (NRS, 201.230) dismissed on ground of insufficient evidence and actual and factual innocence, Count 2 (NRS 193.330) be amended to Assault (due to the fact the "victim" Jessica has yet to come forward since the prelim, and her testimony is inconsistent from 3/26/07 to 7/2/07 lacking credibility), So Amend Count 2 to Assault Gross Misdemeanor or at most a 'E' felony with credit for time served. I am released and allowed to leave Nevada (Reno) forever. In exchange I do not sue federally the County or D.A.'s office for the blatant Civil rights and Constitutional violations on the part of the O.A.'s office.

If that deal is accepted as a binding agreement w/ the judges signature. I will agree to sign it. Preventing your office from being flooded with appeals that ADA Victoria and Detective Tom Browne handled. Dist
and know how many other innocent people the
V7.849 81

(Cont)

or in the alternative:

Reverse the Guilty plea Memorandum and dismiss count 1 on grounds of actual/factual innocence. Allowing me to plead anew for Count 2 and we proceed to trial. I would retain the right to file a lawsuit in regards to count 1's violations. Did you know my seven year old is in therapy because of the sentence I was given for a charge the state knew I could not have committed. But I digress, back to the proposed deal:

#1 - Guilty Plea Memorandum Reversed, Count 1 dismissed on grounds of insufficient evidence and actual/factual innocence. Count 2 (NRS 193.330) Amended to Assault (GM. or 'E' Felony) with credit for time served (as of 6/15/09 = 419 Days = 1yr 59 Days as per AR 520 start calculation w/30). Released and record is expunged for count 1 (NRS 201.230). In exchange defendant (me) will agree to obtain from suing the State, County and DA office, for civil rights and constitutional violations. Binding Agreement with sentence to be credit time served. (No Surprises).

(Or)

#2 Guilty Plea Memorandum reversed, Count 1 (NRS 201.230) dismissed on grounds of insufficient evidence and actual/factual innocence, Count 2 Allowed to plead anew to (NRS, 193.330) and return to a not guilty stage. Bail being allowed. And proceeding with trial -

I look forward to your response in this matter.





CR07-1728 DC-09900082155-008
STATE VS. BRENDAN DUNCKLEY 3 Pages
District Court 11/07/2016 04:21 PM
Washoe County 3565
MFRNAND

EXHIBIT 3

EXHIBIT 3

V7. 852

Jim Gibbons
Governor



Ginny Lewis
Director

555 Wright Way
Carson City, Nevada 89711-0900
Telephone (775) 684-4368
www.dmvnv.com

December 05, 2008

BRENDAN DUNCKLEY
1200 PRISON RD
LOVELOCK NV 89419

This is to certify that the records have been searched for the following;

VIN; 1FALP5244PG247860
Year/Make; 1993 FORD TAURUS GL 4 DR SEDAN
Plate; 631KWM

The records of the Dept of Motor Vehicles indicate that the above referenced
Was registered in Nevada State. We show this vehicle has been register from
06-05-2000 to 06-05-2001 under the name of Brendan Dunckley.

If you have any further questions regarding this request please feel free to
contact me at the above listed phone number.

Sincerely,

Pam Mendoza
Record Section

V7. 852

STATE OF NEVADA
DEPARTMENT OF MOTOR VEHICLES
CENTRAL SERVICES - RECORDS DIVISION
555 Wright Way
Carson City, Nevada 89711-0250
(775)684-4590

REQUEST DATE : 12/05/2008 SUP. TRAN. ID : 45905961

BRENDAN DUNCHLEY
1200 PRISON RD
LOVELOCK NV 89419-5110

VEHICLE REGISTRATION DATA

I - VEHICLE DATA

YEAR : 1993 MAKE : FORD MODEL : TAG CYL : 06
VIN : 1FALP5244PG247860 VEHCL TYPE : VEH-SEDAN 4 DR

II - REGISTRATION INFORMATION

EXPIRATION DATE : 06/05/2001
PLATE NUMBER : 631KWM DECAL NUMBER : M39555

OWNER TYPE : REGISTERED COMBN TYPE : NONE
NAME : BRENDAN THOMAS DUNCKLEY
MAIL ADDRESS : 4458 HIGHPLAINS DR
CITY/STATE : RENO NV 89523-9176
PHYS ADDRESS : 4458 HIGHPLAINS DR
CITY/STATE : RENO NV 89523-9176

LAST TRANSACTION DATE:06/06/2001

NAME/ADDRESS AT THE TIME OF REGISTRATION

NAME : BRENDAN T DUNCKLEY
MAIL ADDRESS : 811 PLUMAS ST
CITY/STATE : RENO NV 89509-1739

END DT : 06/13/2002

PAGE NO: 1** LAST PAGE **

CR07-172B DC-09900082155-009
STATE VS. BRENDAN DUNCKLEY 2 Pages
District Court 11/07/2016 04:21 PM
Washoe County 3565
MFFRMAN/D

EXHIBIT 4

EXHIBIT 4

The Culinary Institute of America

1946 Campus Dr, Hyde Park, NY 12538-1499 Phone 845.451.1267 Fax 845.905.4032 www.ciachef.edu

UNOFFICIAL

CEEB Code: 003301

DUNCKLEY, BRENDAN, T
44782 SILVER SPUR CT
AHWAHNEE, CA 93601

Student ID: 36556
Birth Date: 07/04/1976
Date Issued: Dec 8, 2006

Page 1 of 2

Major: Culinary Arts

Degree(s) Conferred:

Assoc. in Occupational Studies in Culinary Arts awarded Jan 22, 1999

Course Number	Section	Course Title	Cred Course	Cred Ernd	Grd	Rep	Abs
Semester 0 (11/11/1996 - 02/23/1999)							
A1D-2B	1A	- CULINARY MATH	1.5	1.5	C-		0
A1K-2B	0Q	- INTRO. TO GASTRONOMY	1.5	1.5	C-		0
B1C-2B	1B	- CUL. FRENCH	0.0	0.0	B		0
B1E-2B	17	- FOOD PURCHASING	1.5	1.5	C-		1
B1G-2B	0Q	- SANITATION	1.5	1.5	B-		0
C1A-2B	1D	- MEAT FABRICATION	1.5	1.5	A-		0
C1F-2B	0Q	- MEAT IDENTIFICATION	1.5	1.5	B-		0
B1F-2B	0Q	- NUTRITION	1.5	1.5	B+		0
D1A-2B	1D	- SKILL DEV. I	3.0	3.0	B		0
E1A-2B	1F	- SKILL DEV. II	3.0	3.0	A-		0
F2A-2B	1I	- INTRO. HOT FOODS	3.0	3.0	C+		0
F2B-2A	0V	- SUPERVISORY DEV.	1.5	1.5	C		0
G2B-2B	1L	- AMERICAN CUISINE	1.5	1.5	D		0
G2A-2B	1J	- SEAFOOD COOKERY	1.5	1.5	C		0
H2C-2B	0X	- CHARCUTERIE	1.5	1.5	D		1
H2B-2B	0X	- ORIENTAL	1.5	1.5	B		0
I2F-2B	0Y	- LUNCH COOKERY	1.5	1.5	D		0
I2E-2B	0X	- BREAKFAST COOKERY	1.5	1.5	C-		0
J2A-2B	1O	- GARDE MANGER	3.0	3.0	C		0
J2B-2B	0X	- TERM. II PRACTICAL	0.0	0.0	P		0
00-2B	31	- EXTERNSHIP	6.0	6.0	C		0
L4G-A	18	- BREAD BAKING	1.5	1.5	B		0
L4C-A	1J	- COST CONTROL	1.5	1.5	D		1
L4F-A	18	- PASTRY SKILLS DEV	1.5	1.5	B+		0
M4A-A	24	- PATISSERIE	3.0	3.0	B+		0
N4D-A	1S	- MENUS/FAC. PLANNING	1.5	1.5	B		0
N4E-A	1R	- MGMT. WINES&SPIRITS	3.0	3.0	D		0
N4F-A	1J	- RESTAURANT LAW	0.0	0.0	B+		0
P4A-A	28	- INT'L COOKERY	1.5	1.5	B+		0
P4D-A	1T	- ADV. CUL. PRINCIPLES	1.5	1.5	C		0
CA5Q01-A	04	- CLAS BANQUET CUISINE	1.5	1.5	D		0
CA5Q03-A	04	- INTRO TO CATERING	0.0	0.0	B		0
CA5Q02-A	04	- INTRO TO TABLE SERV	1.5	1.5	A		0
CA5R01-A	04	- A' LA CARTE SERVICE	1.5	1.5	B-		0
CA5R02-A	04	- ST. ANDREW'S KITCHEN	1.5	1.5	C		0
CA5S02-A	04	- 5TH SEM COSTING EXAM	0.0	0.0	P		0
CA5S01-A	04	- DE MEDICI KITCHEN	1.5	1.5	D		0
CA5S04-A	04	- 5TH SEM COOKING EXAM	0.0	0.0	P		0
CA5S03-A	04	- TABLE D'HOTE SERVICE	1.5	1.5	C		0
CA5T01-A	04	- FORMAL SERVICE	1.5	1.5	C+		1
CA5T02-A	04	- ESCOFFIER KITCHEN	1.5	1.5	C-		1
CA5U02-A	05	- AM BOUNTY SERVICE	1.5	1.5	C		0
CA5U01-A	06	- AM BOUNTY KITCHEN	1.5	1.5	D		0

EXHIBIT 5



DC-09500082155-010
10 Pages
BRENDAN DUNCKLEY
STATE VS. 04:21 PM
District Court 11/07/2016 3565
Washoe County
MFRNAND
EXR

EXHIBIT 5

09860549222000000000

*(TY2000)

PAGE 0005 OF 0006

DOCUMENT TYPE: W-2
PAYEE ENTITY DATA:
BRENDAN T DUNCKLEY
800 GENTRY WAY, #10
RENO
STATE: NV ZIP: 89502-0000

ACCOUNT NUMBER: N/A
PAYER ENTITY DATA: 880402426
RENO HILTON RESORT INC
2500 E SECOND STREE
RENO NV 89595

PENSION INDICATOR: UNANSWERED

STATUTORY EMPLOYEE IND: NO

TYPE OF EMPLOYMENT: ALL OTHERS
WAGES.....\$6,828+
TX WITHELD.....\$816+
FICA TX WH.....\$423+
T FICA WAG.....\$6,828+
MEDCARE WH.....\$99+
MEDCARE WG.....\$6,828+

***** TAXPAYER COPY *****

09860549222000000000

*(TY2000)

PAGE 0006 OF 0006

DOCUMENT TYPE: W-2
PAYEE ENTITY DATA:
BRENDAN T DUNCKLEY
811 PLUMAS ST.
RENO
STATE: NV ZIP: 89509-0000

ACCOUNT NUMBER: N/A
PAYER ENTITY DATA: 952858475
SUPERSTORES OF AMERICA IN
60 8996 MIRAMAR RD STE
SAN DIEGO CA 92126

PENSION INDICATOR: UNANSWERED

STATUTORY EMPLOYEE IND: NO

TYPE OF EMPLOYMENT: ALL OTHERS
WAGES.....\$1,634+
TX WITHELD.....\$84+
FICA TX WH.....\$101+
T FICA WAG.....\$1,634+
MEDCARE WH.....\$23+
MEDCARE WG.....\$1,634+

***** TAXPAYER COPY *****

09860549221999000000

(TY1999)

PAGE 0001 OF 0006

DOCUMENT TYPE: W-2
PAYEE ENTITY DATA:
BRENDON T DUNCKLEY
44782 SILVER SPUR CT.
AHWAHNEE
STATE: CA ZIP: 93601-0000

ACCOUNT NUMBER: N/A
PAYER ENTITY DATA: 770039563
ELDERBERRY HOUSE INC
P O BOX 2413
OAKHURST CA 93644

PENSION INDICATOR: UNANSWERED

STATUTORY EMPLOYEE IND: NO

TYPE OF EMPLOYMENT: ALL OTHERS
WAGES.....\$150+
FICA TX WH.....\$9+
T FICA WAG.....\$150+
MEDCARE WH.....\$2+
MEDCARE WG.....\$150+

***** TAXPAYER COPY *****

09860549221999000000

(TY1999)

PAGE 0002 OF 0006

DOCUMENT TYPE: W-2
PAYEE ENTITY DATA:
B DUNCKLEY

STATE: ** ZIP: 00000-0000

ACCOUNT NUMBER: N/A
PAYER ENTITY DATA: 770160750
CASTILLOS MEXICAN RESTAURANT

PENSION INDICATOR: UNANSWERED

STATUTORY EMPLOYEE IND: NO

TYPE OF EMPLOYMENT: ALL OTHERS
WAGES.....\$343+
TX WITHELD.....\$10+
FICA TX WH.....\$21+
T FICA WAG.....\$343+
MEDCARE WH.....\$4+
MEDCARE WG.....\$343+

***** TAXPAYER COPY *****

09860549221999000000

(TY1999)

PAGE 0005 OF 0006

DOCUMENT TYPE: W-2
PAYEE ENTITY DATA:
BRENDAN DUNCKLEY
455 E NEES #112
FRESNO
STATE: CA ZIP: 93720-0000

ACCOUNT NUMBER: N/A
PAYER ENTITY DATA: 940481510
FORT WASHINGTON GOLF & COUNTRY
10272 N MILLBROOK
FRESNO CA 937203499

PENSION INDICATOR: UNANSWERED

STATUTORY EMPLOYEE IND: NO

TYPE OF EMPLOYMENT: ALL OTHERS
WAGES.....\$411+
FICA TX WH.....\$25+
T FICA WAG.....\$411+
MEDCARE WH.....\$5+
MEDCARE WG.....\$411+

***** TAXPAYER COPY *****

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(TY1999)

PAGE 0006 OF 0006

DOCUMENT TYPE: W-2
PAYEE ENTITY DATA:
BRENDAN T DUNCKLEY
455 E. NESS APT. 112
FRESNO,
STATE: CA ZIP: 93720-0000

ACCOUNT NUMBER: N/A
PAYER ENTITY DATA: 941272509
HARRIS FARMS INC.
ROUTE 1 BOX 400
COALINGA CA 93210

PENSION INDICATOR: UNANSWERED

STATUTORY EMPLOYEE IND: NO

TYPE OF EMPLOYMENT: ALL OTHERS
WAGES.....\$415+
TX WITHELD.....\$31+
FICA TX WH.....\$25+
T FICA WAG.....\$415+
MEDCARE WH.....\$6+
MEDCARE WG.....\$415+

***** TAXPAYER COPY *****

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*(TY1998)

PAGE 0001 OF 0007

DOCUMENT TYPE: W-2
PAYEE ENTITY DATA:
BRENDAN T DUNCKLEY
RR4 BOX 74
RED HOOK NY
STATE: ** ZIP: 00000-0000

ACCOUNT NUMBER: N/A
PAYER ENTITY DATA: 060653264
THE CULINARY INSTITUTE OF AMERICA
433 ALBANY POST RD
HYDE PARK NY 12538

PENSION INDICATOR: UNANSWERED

STATUTORY EMPLOYEE IND: NO

TYPE OF EMPLOYMENT: ALL OTHERS
WAGES.....\$229+

***** TAXPAYER COPY *****

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*(TY1998)

PAGE 0002 OF 0007

DOCUMENT TYPE: W-2
PAYEE ENTITY DATA:
BRENDAN T DUNCKLEY
RR4 BOX 73
RED HOOK
STATE: NY ZIP: 12571-0000

ACCOUNT NUMBER: N/A
PAYER ENTITY DATA: 141709328
GUIDO RESTAURANT CORP
RR 3 BOX 409M DBA MARINER S HARBOR
RED HOOK NY 12571

PENSION INDICATOR: UNANSWERED

STATUTORY EMPLOYEE IND: NO

TYPE OF EMPLOYMENT: ALL OTHERS
WAGES.....\$2,806+
TX WITHELD.....\$20+
FICA TX WH.....\$173+
T FICA WAG.....\$2,806+
MEDCARE WH.....\$40+
MEDCARE WG.....\$2,806+

***** TAXPAYER COPY *****

09860549221998000000

(TY1998)

PAGE 0003 OF 0007

DOCUMENT TYPE: W-2
PAYEE ENTITY DATA:
BRENAN T DUNCKLEY
44782 SILVER SPUR CT
AHWAHNEE
STATE: CA ZIP: 93601-0000

ACCOUNT NUMBER: N/A
PAYER ENTITY DATA: 770039563
ELDERBERRY HOUSE INC
P O BOX 2413
OAKHURST CA 93644

PENSION INDICATOR: UNANSWERED

STATUTORY EMPLOYEE IND: NO

TYPE OF EMPLOYMENT: ALL OTHERS
WAGES.....\$983+
TX WITHELD.....\$6+
FICA TX WH.....\$60+
T FICA WAG.....\$983+
MEDCARE WH.....\$14+
MEDCARE WG.....\$983+

***** TAXPAYER COPY *****

09860549221998000000

(TY1998)

PAGE 0004 OF 0007

DOCUMENT TYPE: W-2
PAYEE ENTITY DATA:
B T DUNCKLEY

STATE: ** ZIP: 00000-0000

ACCOUNT NUMBER: N/A
PAYER ENTITY DATA: 770394564
YOGESHWAR INVESTMENT CORP

PENSION INDICATOR: UNCHK (UNRELIABLE)

STATUTORY EMPLOYEE IND: NO

TYPE OF EMPLOYMENT: ALL OTHERS
WAGES.....\$1,162+
FICA TX WH.....\$72+
T FICA WAG.....\$1,162+
MEDCARE WH.....\$16+
MEDCARE WG.....\$1,162+

***** TAXPAYER COPY *****

09860549221998000000

*(TY1998)

PAGE 0005 OF 0007

DOCUMENT TYPE: W-2
PAYEE ENTITY DATA:
BRENDAN DUNCKLEY

STATE: ** ZIP: 00000-0000

ACCOUNT NUMBER: N/A
PAYER ENTITY DATA: 770403314
OKA JAPANESE RESTAURANT
OAKHURST, CA.

PENSION INDICATOR: UNCHK (UNRELIABLE)

STATUTORY EMPLOYEE IND: NO

TYPE OF EMPLOYMENT: ALL OTHERS
WAGES.....\$768+
TX WITHELD.....\$41+
FICA TX WH.....\$47+
T FICA WAG.....\$588+
T FICA TIP.....\$180+
MEDCARE WH.....\$11+
MEDCARE WG.....\$768+

***** TAXPAYER COPY *****

09860549221998000000

*(TY1998)

PAGE 0006 OF 0007

DOCUMENT TYPE: W-2
PAYEE ENTITY DATA:
BRENDAN DUNCKLEY
44782 SILVER SPUR CO
AHWAHNEE

STATE: CA ZIP: 93601-0000

ACCOUNT NUMBER: N/A
PAYER ENTITY DATA: 770438661
GOLD CREEK CHEVRON FOOD MART
P O BOX 997 P O BOX 997
COARSEGOLD CA 93614

PENSION INDICATOR: UNANSWERED

STATUTORY EMPLOYEE IND: NO

TYPE OF EMPLOYMENT: ALL OTHERS
WAGES.....\$786+
FICA TX WH.....\$48+
T FICA WAG.....\$786+
MEDCARE WH.....\$11+
MEDCARE WG.....\$786+

***** TAXPAYER COPY *****

09860549221998000000

*(TY1998)

PAGE 0007 OF 0007

DOCUMENT TYPE: 1098-T

PAYEE ENTITY DATA:

DUNCKLEY BRENDAN T
44782 SILVER SPUR CT
AHWAHNEE

STATE: CA ZIP: 93601-0000

GRTR THAN OR EQ TO HALF TIME STUDENT
NOT A GRADUATE STUDENT

ACCOUNT NUMBER: N/A

PAYER ENTITY DATA: 06-0653264
THE CULINARY INSTITUTE OF AMERICA
433 ALBANY POST RD
HYDE PARK NY12538

***** TAXPAYER COPY *****

09860549221997000000

*(TY1997)

PAGE 0001 OF 0004

DOCUMENT TYPE: W-2

PAYEE ENTITY DATA:

BRENDAN T DUNCKLEY
RR4 BOX 74
RED HOOK NY

STATE: ** ZIP: 00000-0000

PENSION INDICATOR: UNANSWERED

ACCOUNT NUMBER: N/A

PAYER ENTITY DATA: 060653264
THE CULINARY INSTITUTE OF AMERICA
651 SOUTH ALBANY POST ROA
HYDE PARK NY 12538

STATUTORY EMPLOYEE IND: NO

TYPE OF EMPLOYMENT: ALL OTHERS

WAGES.....\$585+

TX WITHELD.....\$4+

***** TAXPAYER COPY *****

09860549221997000000

(TY1997)

PAGE 0002 OF 0004

DOCUMENT TYPE: W-2

PAYEE ENTITY DATA:

BRENDAN DUNCKLEY
RR4 BOX OLD RT 199
REDHOOK

STATE: NY ZIP: 12571-0000

ACCOUNT NUMBER: N/A

PAYER ENTITY DATA: 141766034
SUMMIT INNS OPERATING CORP.
DBA BEST WESTERN INN 679 SOUTH ROAD
POUGHKEEPSIE NY 12601

PENSION INDICATOR: UNANSWERED

STATUTORY EMPLOYEE IND: NO

TYPE OF EMPLOYMENT: ALL OTHERS

WAGES.....\$99+
TX WITHELD.....\$7+
FICA TX WH.....\$6+
T FICA WAG.....\$99+
MEDCARE WH.....\$1+
MEDCARE WG.....\$99+

***** TAXPAYER COPY *****

09860549221997000000

(TY1997)

PAGE 0003 OF 0004

DOCUMENT TYPE: W-2

PAYEE ENTITY DATA:

BRENDAN T DUNCKLEY
RR4 BOX 73
RED HOOK NY

STATE: ** ZIP: 00000-0000

ACCOUNT NUMBER: N/A

PAYER ENTITY DATA: 363747040
GUINNESS HLDS MNCHSTR PRPTY C&P VT
PO BOX 46
MANCHESTER VILLAG (VT) 0525

PENSION INDICATOR: UNANSWERED

STATUTORY EMPLOYEE IND: NO

TYPE OF EMPLOYMENT: ALL OTHERS

WAGES.....\$1,817+
TX WITHELD.....\$160+
FICA TX WH.....\$112+
T FICA WAG.....\$1,817+
MEDCARE WH.....\$26+
MEDCARE WG.....\$1,817+

***** TAXPAYER COPY *****

09860549221997000000

*(TY1997)

PAGE 0004 OF 0004

DOCUMENT TYPE: W-2
PAYEE ENTITY DATA:
BRENDAN T DUNCKLEY
44782 SILVER SPUR CT
AHWAHNEE
STATE: CA ZIP: 93601-0000

ACCOUNT NUMBER: N/A
PAYER ENTITY DATA: 770039563
ELDERBERRY HOUSE INC
P O BOX 2413
OAKHURST CA 93644

PENSION INDICATOR: UNANSWERED

STATUTORY EMPLOYEE IND: NO

TYPE OF EMPLOYMENT: ALL OTHERS
WAGES.....\$3,708+
TX WITHELD.....\$48+
FICA TX WH.....\$229+
T FICA WAG.....\$3,708+
MEDCARE WH.....\$53+
MEDCARE WG.....\$3,708+

***** TAXPAYER COPY *****

EXHIBIT 6

CR07-172B DC-09900082155-011
STATE VS. BRENDAN DUNCKLEY 3 Pages
District Court 11/07/2016 04:21 PM
Washoe County 3565
MFR/NAD

EXHIBIT 6



Reno Police Department

P.O. Box 1900
RENO, NV 89505
Sex Crimes/Child Abuse Unit
Phone 775-785-8605
Fax 775-785-8607



DATE: April 18, 2007

From

TO: Madera County Sheriff
Madera, CA

Fax: 559-675-7605

To

FROM: Mary Lou Mullins, Police Assistant for
Detective Tom Broome

SUBJECT: 1999-10667
Brendan Dunckley
dob 7/4/76

SS:

NUMBER OF PAGES SENT (Including cover sheet):

This document contains confidential material not of a public nature and is not to be disseminated without the express permission of the office of the Chief of Police of the Reno Police Department. Any unlawful dissemination of this material could result in criminal, civil or administrative sanction.

Rita

Detective Tom Broome is investigating a sexual assault case involving Brendan Dunckley. Understand there was a Fraud case investigated by your agency. Please forward a copy of your report 1999-10667 as soon as possible.

If you have any questions, please call.

Thank you for your assistance

Mary Lou Mullins

9 pages total

99010667
REPORT NUMBER

**Madera County
Sheriff's Department
INCIDENT REPORT**



NARRATIVE

REPORTED BY 9504

REPORT FILED
This copy was filed by the Madera County Sheriff's Office on: APR 18 2007
for the official use of: DA
Other: PROD. 2
and may not be revealed to any unauthorized persons. **CONFIDENTIAL: UNLAWFUL RELEASE OR POSSESSION OF THIS INFORMATION IS A MISDEMEANOR.**

***** THE FOLLOWING NARRATIVE IS CONVERTED FROM A PREVIOUS AS400 CASE
DESCRIPTION: ORIGINAL NARRATIVE/H.WEAVER

Reporting Officer: HARDIN O. WEAVER #9504
Date of this Report: 07-19-99

ON THE ABOVE DATE AT APPROXIMATELY 2110 HOURS I WAS DISPATCHED TO 44782 SILVER SPUR TRAIL IN AHWAHNEE IN REGARDS TO A POSSIBLE CREDIT CARD FRAUD. WHEN I ARRIVED I CONTACTED THE R/P, LYNN HAYS, WHO TOLD ME THE FOLLOWING.

SHE HAD BEEN RECEIVING PHONE CALLS FROM PEOPLE WHO HAS STAYED AT HER BED AND BREAKFAST INN, TELL HER THAT THERE WERE CHARGES ON THEIR CREDIT CARDS THAT WERE NOT THEIRS. ONE OF THE CARD HOLDERS WAS DAVE KEVANE. HIS CREDIT CARD ACCOUNT WAS TURNED OVER TO CREDIT CARD SERVICES, 1-800-542-2255, FOR INVESTIGATION. AN INVESTIGATOR THERE WAS ABLE TO LINK A TRAIL OF CREDIT CARD NUMBERS AND PHONE NUMBERS BACK TO BRENDAN DUNCKLEY. LYNN SAID WHEN SHE CONFRONTED BRENDAN, BRENDAN ADMITTED TO UTILIZING THE FORMER CUSTOMER'S CREDIT CARD ACCOUNT NUMBERS WITHOUT THEIR KNOWLEDGE. HE CHARGED TO THESE ACCOUNTS SEVERAL DIFFERENT PAID PHONE SERVICES AND PAID INTERNET SERVICE SITES. NEXT I CONTACTED BRENDAN.

AFTER READING HIM HIS MIRANDA WARNING HE ADMITTED TO ME THAT HE OBTAINED AND USED THE CREDIT CARD ACCOUNT NUMBERS OF SEVERAL ACCOUNTS WITHOUT THE KNOWLEDGE OR PERMISSION OF THE CARD HOLDER. I TRANSPORTED BRENDAN TO THE OAKHURST SUB-STATION TO BE FURTHER INTERVIEWED. HE GAVE ME HIS E-MAIL ADDRESS, b_lewis42@hotmail.com and b_lewis43@hotmail.com WITH THE PASSWORDS OF allen and culinary. I REQUESTED THAT DEPUTY ADKINS ATTEMPT TO OBTAIN ANY INFORMATION FROM THESE E-MAIL ADDRESSES HE COULD. WITH THE PERMISSION OF BRENDAN DEPUTY ADKINS PRINTED THE MAIL FROM BOTH ADDRESSES. THE PRINTOUTS WERE OF INTERNET BILLING COMPANY RECEIPTS. NEXT I RECONTACTED THE R/P.

I ASKED LYNN TO PUT TOGETHER INFORMATION OF ALL THE CREDIT CARD ACCOUNT NUMBERS THAT WERE REPORTED TO HER AS BEING UTILIZED WITHOUT THE CARD HOLDERS PERMISSION. SHE SAID TOMORROW SHE WOULD BE ABLE TO SUPPLY ME WITH THE ACCOUNT NUMBERS, CARD HOLDER'S NAMES, ADDRESSES, AND PHONE NUMBERS. IN SOME CASES EVEN THE AMOUNT THAT WAS FRAUDULENTLY CHARGED.

AT THIS TIME I HAVE NOT SPOKEN WITH A CARD HOLDER OR A CREDIT CARD COMPANY TO SEE IF THEY WANT TO PURSUE CHARGES AGAINST BRENDAN. HARD COPIES OF THE INTERNET SERVICES RECEIPTS ARE BOOKED INTO PROPERTY AS POSSIBLE EVIDENCE AND PLACED INTO THE MAILBOX.

END OF NARRATIVE.

H.WEAVER #9504

EXHIBIT 7



CR07-1728 DC-09900082155-012
STATE VS. BRENDAN DUNKLEY 4 Pages
District Court 11/07/2016 04:21 PM
Washoe County 3565
EX7 MFRNAND

EXHIBIT 7

SUMMONS - FAMILY LAW

CITACION JUDICIAL--DERECHO DE FAMILIA

NOTICE TO RESPONDENT (Name): BRENDAN THOMAS
AVISO AL DEMANDADO (Nombre): DUNCKLEY

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

FILED
MADERA SUPERIOR COURT

AUG 18 1999

You are being sued. A usted le estan demandando.

PETITIONER'S NAME IS: JENNY ANN DUNCKLEY
EL NOMBRE DEL DEMANDANTE ES:

CLERK

CASE NUMBER (Numero del Caso)

Cv03749

Jessie Ochoa

DEPUTY

You have **30 CALENDAR DAYS** after this Summons and Petition are served on you to file a Response (form 1282) at the court and serve a copy on the petitioner. A letter or phone call will not protect you.

Usted tiene 30 DIAS CALENDARIOS despues de recibir oficialmente esta citacion judicial y peticion, para completar y presentar su formulario de Respuesta (Response form 1282) ante la corte. Una carta o una llamada telefonica no le ofrecera proteccion.

If you do not file your Response on time, the court may make orders affecting your marriage, your property, and custody of your children. You may be ordered to pay support and attorney fees and costs. If you cannot pay the filing fee, ask the clerk for a fee waiver form.

Si usted no presenta su Respuesta a tiempo, la corte puede expedir ordenes que afecten su matrimonio, su propiedad y que ordenen que usted pague manencion, honorarios de abogado y las costas. Si no puede pagar las costas por la presentacion de la demanda, pida al actuario de la corte que le de un formulario de exoneracion de las mismas (Waiver of Court Fees and Costs).

If you want legal advice, contact a lawyer immediately.

Si desea obtener consejo legal, comuniquese de inmediato con un abogado.

NOTICE The restraining orders on the back are effective against both husband and wife until the petition is dismissed, a judgment is entered, or the court makes further orders. These orders are enforceable anywhere in California by any law enforcement officer who has received or seen a copy of them.

AVISO Las prohibiciones judiciales que aparecen al reverso de esta citacion son efectivas para ambos conyuges, tanto el esposo como la esposa, hasta que la peticion sea rechazada, se dicte una decision final o la corte expida instrucciones adicionales. Dichas prohibiciones pueden hacerse cumplir en cualquier parte de California por cualquier agente del orden publico que las haya recibido o que haya visto una copia de ellas.

1. The name and address of the court is: (El nombre y direccion de la corte es)
Superior Court of California, County of Madera
209 West Yosemite Ave.
Madera, CA 93637

2. The name, address, and telephone number of petitioner's attorney, or petitioner without an attorney, is:
(El nombre, la direccion y el numero de telefono del abogado del demandante, o del demandante que no tiene abogado, es)
KENNETH R. BALLARD
Attorney at Law
40327 Stagecoach Road, #1
Oakhurst, CA 96344
559-683-2122

Janet M. Gallagher

Date (Fecha) ⁵⁰⁰⁶² AUG 16 1999 Clerk (Actuario), by Dianna Ochoa, Deputy



NOTICE TO THE PERSON SERVED: You are served

- a. as an individual.
- b. on behalf of respondent
under: CCP 416.60 (minor) CCP 416.90 (individual)
 CCP 416.70 (ward or conservatee) other:
- c. by personal delivery on (date):

(Read the reverse for important information)
(Lea el reverso para obtener informacion de importancia)

WARNING: California law provides that, for purposes of division of property upon dissolution of marriage or legal separation, property acquired by the parties during marriage in joint form is presumed to be community property. If either party to this action should die before the jointly held community property is divided, the language of how title is held in the deed (i.e., joint tenancy, tenants in common, or community property) will be controlling and not the community property presumption. You should consult your attorney if you want the community property presumption to be written into the recorded title to the property.

ADVERTENCIA: Para los efectos de la division de bienes al momento de una separacion legal o de la disolucion de un matrimonio, las leyes de California disponen que se presuman como bienes de la sociedad conyugal aquellos adquiridos en forma conjunta por las partes durante el matrimonio. Si cualquiera de las partes de esta accion muriese antes de que se dividan los bienes en tenencia conjunta de la sociedad conyugal, prevalecera el lenguaje relativo a la tenencia de los derechos de propiedad contenido en la escritura -- como, por ejemplo, copropiedad con derechos de sucesion (joint tenancy), tenencia en comun (tenants in common) o bienes de la sociedad conyugal (community property) -- y no la presuncion de que los bienes son de la sociedad conyugal. Usted debe consultar a su abogado o abogada si desea que la presuncion de que los bienes son de la sociedad conyugal se especifique en el titulo de propiedad inscrito.

STANDARD RESTRAINING ORDERS--FAMILY LAW

PROHIBICIONES JUDICIALES ESTANDARES--DERECHO DE FAMILIA

STANDARD FAMILY LAW RESTRAINING ORDERS

Starting immediately, you and your spouse are restrained from

1. removing the minor child or children of the parties, if any, from the state without the prior written consent of the other party or an order of the court;
2. cashing, borrowing against, canceling, transferring, disposing of, or changing the beneficiaries of any insurance or other coverage including life, health, automobile, and disability held for the benefit of the parties and their minor child or children; and
3. transferring, encumbering, hypothecating, concealing, or in any way disposing of any property, real or personal, whether community, quasi-community, or separate, without the written consent of the other party or an order of the court, except in the usual course of business or for the necessities of life.

You must notify each other of any proposed extraordinary expenditures at least five business days prior to incurring these extraordinary expenditures and account to the court for all extraordinary expenditures made after these restraining orders are effective. However, nothing in the restraining orders shall preclude you from using community property to pay reasonable attorney fees in order to retain legal counsel in the action.

PROHIBICIONES JUDICIALES ESTANDARES--DERECHO DE FAMILIA

A usted y a su conyuge se les prohíbe

1. que saquen del estado al hijo o hijos menores de las partes, si los hay, sin el consentimiento previo por escrito de la otra parte o sin una orden de la corte; y
2. que cobren en efectivo, usen como colateral para prestamos, cancelen, transfieran, descontinuen o cambien los beneficiarios de, cualquier poliza de seguro u otras coberturas de seguro, inclusive los de vida, salud, automovil e incapacidad mantenido para el beneficio de las partes y su hijo o hijos menores; y
3. que transfieran, graven, hipotequen, escondan o de cualquier otra manera enajenen cualquier propiedad mueble o inmueble, ya sean bienes de la sociedad conyugal, quasi conyugales o bienes propios de los conyuges, sin el consentimiento por escrito de la otra parte o sin una orden de la corte, excepto en el curso normal de los negocios o para atender a las necesidades de la vida.

Ustedes deben notificarse entre si sobre cualquier gasto extraordinario propuesto, por lo menos con cinco dias de antelacion a la fecha en que se van a incurrir dichos gastos extrordinarios y responder ante la corte por todo gasto extraordinario hecho despues de que estas prohibiciones judiciales entren en vigor. Sin embargo, nada de lo contenido en las prohibiciones judiciales le impedira que use bienes de la sociedad conyugal para pagar honorarios razonables de abogados con el fin de obtener representacion legal durante el proceso.

MARRIAGE OF (last name, first name of parties):
DUNCKLEY, Jenny and Brendan

CASE NUMBER:
CV03749

Serve a copy of the documents on the person to be served. Complete the proof of service. Attach it to the original documents. File them with the court.

PROOF OF SERVICE OF SUMMONS (Family Law)

1. I served the Summons with Standard Restraining Orders (Family Law), **blank Response**, and Petition (Family Law) on respondent (name): **BRENDAN THOMAS DUNCKLEY**

- a. with (1) blank Confidential Counseling Statement
- (2) Order to Show Cause and Application
- (3) blank Responsive Declaration
- (4) completed and blank Income and Expense Declarations
- (5) completed and blank Property Declarations
- (6) Other (specify):

b. By leaving copies with (name and title or relationship to person served):

c. By delivery at home business

(1) Date of: 8/16/99
(2) Time of: 2:45 p.m.

(3) Address:
455 E. Ness, #257
Fresno, CA
(2) Place of:

d. By mailing (1) Date of:

2. Manner of service: (Check proper box)

a. **Personal service.** By personally delivering copies to the person served. (CCP 415.10)

b. **Substituted service on natural person, minor, incompetent.** By leaving copies at the dwelling house, usual place of abode, or usual place of business of the person served in the presence of a competent member of the household or a person apparently in charge of the office or place of business, at least 18 years of age, who was informed of the general nature of the papers, and thereafter mailing (by first-class mail, postage prepaid) copies to the person served at the place where the copies were left. (CCP 415.20(b)) **(Attach separate declaration stating acts relied on to establish reasonable diligence in first attempting personal service.)**

c. **Mail and acknowledge service.** By mailing (by first-class mail or airmail) copies to the person served, together with two copies of the form of notice and acknowledgment and a return envelope, postage prepaid, addressed to the sender. (CCP 415.30) **(Attach completed acknowledgment of receipt.)**

d. **Certified or registered mail service.** By mailing to address outside California (by registered or certified airmail with return receipt requested) copies to the person served. (CCP 415.40) **(Attach signed return receipt or other evidence of actual delivery to the person served.)**

e. Other (specify code section):
 Additional page is attached.

3. The NOTICE TO THE PERSON SERVED on the summons was completed as follows (CCP 412.30, 415.10, and 474):

a. as an individual

b. on behalf of Respondent

under CCP 416.90 (Individual) CCP 416.70 (Ward or Conservatee) CCP 416.60 (Minor)
 Other (specify):

c. by personal delivery on (date): 8/16/99

4. At the time of service I was at least 18 years of age and not a party to this action.

5. Fee for service: \$35.00

6. Person serving:

a. Not a registered California process server.

b. Registered California process server.

c. Employee or independent contractor of a registered California process server.

d. Exempt from registration under Bus. & Prof. Code section 22350(b).

e. California sheriff, marshal, or constable.

f. Name, address, and telephone number and, if applicable, county of registration and number:
40327 Stagecoach Road, #1
Oakhurst, CA 93644

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 8/16/99

(For California sheriff, marshal, or constable use only)
I certify that the foregoing is true and correct.

Date:

W. Irving Curtis

(SIGNATURE)



(SIGNATURE)

EXHIBIT 8



CR07-1728 DC-09900082155-013
STATE VS. BRENDAN DUNCKLEY 2 Pages
District Court 11/07/2016 04:21 PM
Washoe County 3665
cxa MFERNAND

EXHIBIT 8

O'MARA
LAW FIRM, PC

P.O. Box 2270
311 E. Liberty Street
Reno, Nevada 89505
(Tel) 775-323-1321
(Fax) 775-323-4082

January 2, 2008

CLIENT PICK-UP

Mr. Brendan Dunckley
4458 Highplains Dr.
Reno, Nevada 89523

Re: State of Nevada v. Brendan Dunckley, Case No. CR07-1728

Dear Mr. Dunckley,

As we discussed today, January 2, 2008, I need the following information in order to prepare your case for trial. Please provide me with the following documents as soon as possible, but no later than Tuesday, January 8, 2008.

← ① Information regarding the Ford Taurus you purchased, including any documents showing the date you purchased the vehicle and the date you sold the vehicle.

← ② Information that would show you were living in New York or Fresno, California during the period in question. For example, any billing statements, time cards from work, or bank statements showing you lived outside of Reno Nevada during the periods of January 1, 1998 through the date you arrived in Reno.

Additionally, please review the transcript of your preliminary hearing as soon as possible. As you review the transcript, please take notes or make any comments you feel would be helpful in your defense.

Further, I will contact the District Attorney and open up informal discussion regarding a plea deal in this case. If the District Attorney makes an offer, I will notify you of the terms.

If you have any questions, please do not hesitate to contact me.

Very truly yours,

David C. O'Mara

:do

Enclosures

WILLIAM M. O'MARA • BRIAN O. O'MARA • DAVID C. O'MARA

Letter from v. v. v.