

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 8 OF 14

DOCUMENTS

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DATE: JANUARY 6, 2022

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STATE OF NEVADA vs BRENDAN DUNCKLEY
DATE: JANUARY 6, 2022

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 STATE OF NEVADA vs BRENDAN DUNCKLEY
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Washoe County 3565
cya MFFRND

EXHIBIT 9

Incident Report RENO POLICE DEPARTMENT



Address
P.O. BOX 1900
Address
455 E 2ND ST
City State, Zip
Reno NV, 89505
Phone Number
775-334-2175
Fax Number

05-34027
DRAFT

Supplement No
0006

Reported Date
03/27/2007
Nature of Call
SEXASSLT
Author
BROOME, TOM

Administrative Information

Agency RENO POLICE DEPARTMENT	OCA # 05-34027	Supplement No 0006	Reported Date 03/27/2007	Reported Time 13:45	CAD Call No 052321447
Status REPORT TO FOLLOW	Nature of Call SEXUAL ASSAULT	Criminal Loc 4050 GARDELLA AV			
City RENO	Rep Dist J7I3	Area RN	Beet 44	From Date 08/20/2005	From Time 21:30
Emp # R1509/BROOME, TOM	Assignment Detectives - Days - Sex Crimes/Juv				
Author R1509	Assignment Detectives - Days - Sex Crimes/Juv		Approving Officer		
Approval Date	Approval Time				

ARRESTEE 1: DUNKLEY, BRENDAN

Involvement ARRESTEE	Seq # 1	Type INDIVIDUAL	Name DUNKLEY, BRENDAN	MNI 913249	Race WHITE	Sex MALE
Date of Birth 07/04/1976	Age 30	Juvenile? No	Height 5'08"	Weight 178#	Hair Color BROWN	Eye Color HAZEL
Type HOME	Address 4458 HIGHPLAINS DR				City RENO	
Phone Type HOME	Phone No (775) 787-1961					
Involvement ARRESTED	Arrest Type ARRESTED	Arrest Date 03/30/2007	Arrest Time 16:00:00	Status BOOKED	Dispo FELONY	
Arrest Location 455 E. SECOND STREET				City RENO		
NOC/Charge 00114		Level F	Charge Literal SEXUAL ASSAULT			

DETECTIVE 1: DETECTIVE TK BROOME

Involvement DETECTIVE	Seq # 1	Type INDIVIDUAL	Name :DETECTIVE TK BROOME
Work/School RENO POLICE SEX CRIMES UNIT		Position/Grade DETECTIVE	

SUBJECT 1: ANTHONY, MICHELLE

Involvement SUBJECT	Seq # 1	Type INDIVIDUAL	Name ANTHONY, MICHELLE	MNI 553376	Race WHITE
Sex FEMALE	Date of Birth 10/26/1986	Age 20	Juvenile? No	Height 5'06"	Weight 120#
			Hair Color BLONDE/STRAWBERRY	Eye Color BROWN	
Type ADDITIONAL	Address SOUTHERN NEVADA WOMENS PRISON			City NORTH LAS VEG	State NEVADA

SUBJECT 2: BROTHWELL, AMANDA

Involvement SUBJECT	Seq # 2	Type INDIVIDUAL	Name BROTHWELL, AMANDA	MNI 954694	Race WHITE
Sex FEMALE	Date of Birth 01/16/1982	Age 25	Juvenile? No	Height 5'04"	Weight 160#
			Hair Color BROWN	Eye Color BROWN	
Type HOME	Address 1608 1ST ST			City SPARKS	
Phone Type BUSINESS	Phone No (775) 550-5158				
Work/School ESSENTIAL PARKING CONTROL			Position/Grade OWNER		

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SUBJECT 3: VANDERBY, ASHLEY									
Involvement SUBJECT	Seq # 3	Type INDIVIDUAL	Name VANDERBY, ASHLEY				MNI 798178	Race WHITE	
Sex FEMALE	Date of Birth 08/14/1986	Age 20	Juvenile? No	Height 5'06"	Weight 165#	Hair Color BLONDE/STRAWBERRY	Eye Color BROWN		
Type ADDITIONAL	Address SILVER SPRINGS CONSERVATION CAMP						City SILVER SPRING	State NEVADA	
VICTIM 1: SEXTON, LURA									
Involvement VICTIM	Seq # 1	Type INDIVIDUAL	Name SEXTON, LURA				MNI 900549	Race WHITE	Sex FEMALE
Date of Birth 05/05/1987	Age 19	Juvenile? No	Height 5'08"	Weight 202#	Hair Color BLACK	Eye Color HAZEL			
Modus Operandi									
Crime Code(s) SEX CRIMES									
Narrative									

REFERENCE CASE: 07-9446 Sexual Assault Arrest

On March 12, 2007 I began an investigation into the above listed Sexual Assault, where the suspect was listed as Dunckley, Brendan. During that investigation I learned that many of the details in the 2007 case were similar to this case where Dunckley was also listed as a suspect. This case was suspended in 2005, the reasons are detailed in the investigation follow up. Dunckley was arrested on March 22, 2007 for the 2007 case, after which I began attempting to locate Lura Sexton the victim in this case. I learned that she was living in Yerington Nevada and I obtained a phone number. I contacted Lura on March 22, 07 and told her that I wanted to re-visit her case, explaining that there were similarities to a case that I was now investigating. Lura told me that she moved to Yerington partially because she feared the suspect. She has since moved on with her life and now has a child and is preparing to marry. Lura agreed to meet with me and assist in this investigation. She said that she was being truthful about what happened to her in 2005.

On March 27, 2005 I again contacted Lura and asked if she would participate in a taped phone interview. She agreed and was aware that the conversation was being recorded on audio tape.

PHONE INTERVIEW: Lura Sexton 3-27-07

I explained to Lura that I was investigating another case involving Brendan Dunckley. I asked if I could go over some of the points that caused difficulty in the previous case. I asked Lura to be honest with me about what occurred. I told Lura that in her case, Dunckley told me that he offered to use a condom during their "consensual" sexual encounter, however you told him that would not be necessary because you could not get pregnant. I told Lura that when we talked initially she told me that because of some miscarriages and illness that she could not get pregnant. I asked how that would come up in a conversation. Lura said that the night before her assault when she encountered Dunckley at the 7-11 they talked about him having another child. She said that she mentioned then that she could not get pregnant. Lura also said that Brendan was always talking to a mutual friend, Michelle Anthony. Lura explained that she met Brendan and his wife through Michelle when she was about 12 years old.

I told Lura that another thing that came up was that came up was that Brendan said that you said that the sex was great because you had not had sex for about a year. I told her that I believed that she also told me that it had been some time since she had sex and I thought that was also unusual to come up during a sexual assault. Lura said that she was dating someone at the time and she does not remember saying that.

I asked Lura if she had made previous reports of sexual assault involving other family members. Lura said that there was an allegation about her sister's boyfriend that was handled between the families. She said that she was also the victim of a Statutory Sexual Assault and the suspect went to prison. She said the suspect's name was Richard Rarick. I did locate a 2001 Sparks arrest of Richard Rarick for Statutory Sexual Assault.

I told Lura that Dunckley said that she had been treated for some mental issues. I asked if that was true. I asked Lura if she was treated for alcoholism. She said she drank but she was not an alcoholic.

I told Lura that I remembered that someone said that one of her friends make the comment as she drove away with Brendan was that they were going to have sex. Lura said that she does not remember that. I later found in

Report Officer R1509/BROOME, TOM	Printed At 04/02/2007 12:00	Page 2 of 5
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0006

Narrative

my investigative follow up, that Lura was the one who told me that she heard someone say that. She does not remember that now.

Lura said that after she was sexually assaulted by Dunckley she was extremely depressed for some time. She has since had a child and is engaged to be married. I asked Lura if she gave Dunckley her phone number. She said that she gave it to him the night before at the 7-11 and that was more for his wife Morgan not him.

I asked Lura if she remembered oral sex with the suspect that night. She said that she does not remember that. I asked Lura where the suspect said he was going when she went with him. She said Dunckley was going to boot a car. She said that he drove directly to the dirt lot behind the complex and had no intention on going to boot a car. Lura said that she asked Dunckley what he was doing. She said that the suspect tried to kiss her and she pushed him off. She said that he grabbed her neck and his phone rang. Lura said that he let her go. When he finished the phone call he grabbed her again then went around to the other side of the car, pulled her belt off removed her from the car, pulled down her pants and sexually assaulted her. She said that after it happened Dunckley asked if it was good for her. Lura said that she told him no. She said that the suspect was calling her names like Slut and Whore and wanted her to call him daddy when he was sexually assaulting her.

I asked Lura about her My Space site at the time. She said that she has never had anything directly on her site about one night stands. She thought it might be a link but she does not have that on her site. Lura said that she remembers talking to the DA about that. She said that there was a story about her and her friend Ashley being in a mental institution. Lura said that this was a joke by a friend relating to a school project.

I asked Lura if she had been drinking that night. She said that she had. Lura said that she went to the hospital that night after she told her friend what happened. I asked Lura if she was drunk that night. She said that she was not drunk but had been drinking. I asked Lura why she thinks the suspect sexually assaulted her. Lura said that she has never told anyone, but when she was 13 she and her friend Michelle Anthony stayed at Brendan and Morgan's house and they woke to find Brendan trying to touch them. I asked what she meant by trying to touch them. Lura said that Dunckley was trying to put his hand down her pants and trying to dry hump her friend. Lura said that was the last time before the assault that she had anything to do with Dunckley. Lura said that Michelle is currently in prison in Las Vegas for drug problems. Lura said that when this happened with Dunckley she and Michelle were not friends and she thought at one time that Michelle might have put Dunckley up to the assault.

I asked Lura if she has heard of Dunckley touching anyone else. Lura said that Michelle's daughter who was 5 at the time disclosed that Brendan touched her. Lura said that Michelle told her that Brendan has some daughters that he has touched in the past as well. Lura said that Michelle would know much more. Lura said that she would cooperate any way she could, however she does not want Dunckley to know where she lives under any circumstances. I ended the interview shortly thereafter.

DETAILS CONTINUED:

I have subsequently removed Lura's current address from the Tiberon Entry and will retain that information in the case file and make it available to the District Attorney in person. On March 28, 07 I made arrangements with the Warden at the Women's Prison in North Las Vegas Nevada to interview Michelle via telephone. I was only allowed to talk to her briefly on March 28, 07 which continued on March 29, 07. Both interviews were recorded on audio tape.

WITNESS INTERVIEWS: Michelle Anthony 3-28,29-2007

I asked Michelle permission to audio tape the interview she agreed. I told Michelle that I was looking into Lura's 2005 Sexual Assault and told her that Lura gave me some information and asked her to confirm this. I told Michelle that Lura told me that when she was 12 or 13 she woke to find Brendan trying to touch her and you. Michelle said that she remembered that but thought they were 16 or 17. I asked Michelle if anything else ever happened between her and Brendan. Michelle said that when she was 12 she was sleeping with Brendan and his wife and Brendan fondled her vagina at night. She said that Brendan told her not to tell. In a subsequent phone call with Michelle, she told me that she was lying next to Morgan and Dunckley reached over his wife to fondle her. I asked if anything else ever happened. Michelle said that her daughter told her when that someone was touching her vagina. She said that Brendan and Morgan were babysitting for her at the time. Michelle said that

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her daughter would not tolerate the CARES exam and the report went no where. I asked Michelle if anything else happened, if Brendan ever exposed himself or anything. Michelle asked me if this would go to court. I told her it might at some point. She said yes. At this point Michelle had to stop the conversation for a count at the prison. Her Case Worker assured me that she would call back the following day.

Michelle's case worker did facilitate a second phone call on March 29, 2007. I again asked Michelle for her permission to record the conversation. Michelle was very hesitant and said that the information that she had involved a friend of her's. Michelle said that this friend was possibly sexually assaulted by Dunckley when she was 12 years old. Michelle said that her friend told her that Dunckley may have had sex with her when she was 12 years old in a parking lot off of Neil Road, when Dunckley drove her home. She said that her friend was also incarcerated and she did not want to cause problems for her. I reminded Michelle about her experience with Dunckley and her friend Lura's experience with Dunckley. Michelle said that her friend's name was Ashley Vanderby and she was incarcerated at the Silver Springs Correctional Camp. I ended the interview shortly thereafter.

VICTIM INTERVIEW: Ashley Vanderby 3-29-2007

I contacted the Silver Springs Women's Camp and made arrangements to talk to Ashley Vanderby. I explained to Ashley my investigation and asked her permission to record the conversation. She agreed. I told Ashley that Michelle hesitantly told me that she might have had a sexual encounter with Brendan Dunckley. Ashley said that she like Michelle and Lura did hang around Morgan and Brendan when she was younger. Ashley said that when she was 12 years old she, Michelle Lura, Dunckley and his wife went to dinner at the Atlantis Casino. Ashley said that she made the comment after dinner, that she has never been in the elevator that looked out over Reno. Ashley said that Dunckley took her into the elevator alone. Ashley said that Dunckley pushed her into a corner and put his hand down her pants. She did not tell anyone. On another occasion Ashley reported that Dunckley drove her home. She said that at the time she was 12 years old and lived with her parents off of Longley Lane at the Bristlepoint apartments. Ashley said that Dunckley pulled over in the parking lot and started kissing her. She said that they then had sex. I asked Ashley if she was forced to have sex. Ashley said that she never said that it was forced, she said "but I was 12 years old." She said that she stayed away from Dunckley after this happened.

Ashley said that she was sexually active at the time, but she did not plan on having sex with the suspect. Ashley said that she remembers that Dunckley told her that he wanted to teach her stuff and not to tell anyone. I asked if Dunckley used a condom. She said that he did not. Ashley said that she only had sex with Dunckley the one time. I ended the interview shortly thereafter.

DETAILS CONTINUED:

At the beginning of my interview with Dunckley in the 07-9446 Sexual Assault, Dunckley told me that he talked to his wife and she knows everything and is upset but has forgiven him as she forgave him in this case. After listening to the Defendant's Jail calls after the 3-22-07 arrest, it is apparent that Morgan does not know that Dunckley has changed his story from a fabrication by the victim to a consensual sexual encounter. I also spoke with Detective Dixon with Special Investigations, who interviewed Dunckley regarding the business license for the booting company he now works for. Detective Dixon informed me that Amanda Brothwell, a 25 year old female actually holds the license for the booting company, however Dunckley spoke the majority of the time during the interview. Detective Dixon felt that Dunckley was somewhat manipulative in the interview.

Given the new information learned in the 07-9446 investigation and additional witnesses I drove to suspect Dunckley's residence on High Plains drive to place Dunckley under arrest for this Sexual Assault. Dunckley had posted bail for the 2007 case. Although I could see movement in the residence there was no answer. I phoned Dunckley who said that he was in a meeting and would meet me later. Shortly thereafter I received a call from Joel Barber a local attorney who advised that he represented Dunckley and did not want me to talk to him. I prepared an attempt to locate and distributed it to patrol officers, who attempted to locate Dunckley on March 30, 2007 to no avail. Detective Lopez contacted Joel Barber and advised him that we were seeking Dunckley to arrest him for the 2005 Sexual Assault. At approximately 1600 hours, Dunckley walked into the R.P.D. main station and surrendered himself. Detective Lampert facilitated the arrest.

On April 2, 2007 I monitored defendant Dunckley's phone calls from 911 Parr. In those calls Dunckley was clearly

**Incident Report
RENO POLICE DEPARTMENT****05-34027
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0006**Narrative**

manipulative of his wife and Amanda Brothwell in his attempts to get out of jail.

Investigation Continues. No further at this time.....

CR07-1728 DC-09900082155-015
STATE VS. BRENDAN DUNCLEY 3 Pages
District Court 11/07/2016 04:21 PM
Washoe County 3565
cx10 MFERNAND

EXHIBIT 10

EXHIBIT 10

V8. 882

**F A C S I M I L E
TRANSMITTAL MEMORANDUM
FAX. NO. (775) 325-6701
D.A. DVPT TEAM**

TO: DAVID O'MARA, ESQ.
775-323-4082

RE: DNA LAB RESULTS

FROM: Kelli Anne Vilorio
Deputy District Attorney

DATE: February 7, 2008

David-

Please see attached - as per our discussion.

Kelli Anne Vilorio

*This facsimile transmittal consists of 2 pages, including this memorandum.
Should you have any difficulties with the transmission or receipt of this/these document(s),
please call (775) 328-3288.*

V8. 882

Jan 28, 2008 4:55PM

me Lab

No. 9776 P. 3/2

L1806-07-1

WASHOE COUNTY SHERIFF'S OFFICE
MICHAEL HALEY, SHERIFF
FORENSIC SCIENCE DIVISION
911 PARR BLVD.
RENO, NV 89512-1000
PHONE (775) 328-2800
FAX (775) 328-2831



LABORATORY NUMBER: L1806-07-1
AGENCY: RENO P.D.
AGENCY CASE #: 07-9446
SUSPECT: DUNCKLEY, BRENDAN
VICTIM: HAMBRICK, JESSICA
PERSON REQUESTING: DET BROOME
DATE OF SUBMISSION: 4/6/2007
OFFENSE: SEXUAL ASSAULT

Received from the Washoe County Sheriff's Office Evidence Section on 04/09/2007

<u>CONTROL #</u>	<u>DESCRIPTION</u>
P149340	RPD Tag 070001934, Item 1: Genitals and control swabs
P149341	RPD Tag 070002369, Item 1: Reference saliva standard from Jessica Hambrick

RESULTS OF EXAMINATION:

For additional DNA results in this case refer to Laboratory report L4130-05, which includes the analysis of the Brendan Dunckley reference standard.

No DNA foreign to the source, Brendan Dunckley, was obtained from the genitals swab. No DNA results were obtained from the control swab.

PCR quantitation was completed at the 5p15.33 genetic locus. PCR amplification was completed at the following STR genetic loci: D8S1179, D21S11, D7S820, CSF1PO, D3S1358, TBO1, D13S317, D16S539, D2S1338, D19S433, vWA, TPOX, D18S51, D5S818, and PGA. The sex determining Amelogenin locus was also examined.

The above listed evidence was returned to the Washoe County Sheriff's Office Evidence Section.

JEFFREY M. ROLANDS, CRIMINALIST

5-21-7
Date

L1806-07-1

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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 BRENDAN DUNCKLEY,
1011 Petitioner,
12

Case No. CR07-1728

13 vs.
14

Dept. No. 4

15 THE STATE OF NEVADA,
1617 Respondent.
18
1920 ORDER
2122 On November 7, 2016, the Petitioner, Brendan Dunkley, in pro per, filed a *Petition*
23 *for Habeas Corpus to Exhaust State Claims*.
2425 This Court having reviewed the pleadings filed herein, in the interests of justice and
26 good cause appearing,
2728 IT IS HEREBY ORDERED that the State file a Response to the *Petition for Habeas*
Corpus to Exhaust State Claims within forty-five (45) days of the date of this order.DATED this 20 day of November, 2016.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 21st day of November, 2016, 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:

 Personal delivery to the following: [NONE]

X Electronically filed with the Clerk of the Court, using the eFlex system which constitutes effective service for all eFiled documents pursuant to the efile User Agreement:

Terrence McCarthy, Esq.
Chief Deputy District Attorney

X Transmitted document to the Second Judicial District Court mailing system in a sealed envelope for postage and certified mailing with the United States Postal Service in Reno, Nevada:

Brendan Dunckley
Inmate no. 1023236
Lovelock Correctional Center
1200 Prison Road
Lovelock, Nevada 89419

 Placed a true copy 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 21st day of November, 2016.



Return Of NEF**Recipients**

TERRENCE - Notification received on 2016-11-21 16:09:01.347.
MCCARTHY, ESQ.

DIV. OF PAROLE & - Notification received on 2016-11-21 16:09:01.55.
PROBATION

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

-

A filing has been submitted to the court RE: CR07-1728

Judge:

HONORABLE CONNIE J. STEINHEIMER

Official File Stamp:

11-21-2016:16:07:54

Clerk Accepted:

11-21-2016:16:08:24

Court:

Second Judicial District Court - State of Nevada
Criminal

Case Title:

STATE VS. BRENDAN DUNCKLEY (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.

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:

TERRENCE P. MCCARTHY, ESQ. for STATE
OF NEVADA
DIV. OF PAROLE & PROBATION

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

BRENDAN DUNCKLEY for BRENDAN
DUNCKLEY
STATE OF NEVADA for STATE OF NEVADA

1 CODE #2526
CHRISTOPHER J. HICKS
2 #7747
P. O. Box 11130
3 Reno, Nevada 89520-0027
(775) 328-3200
4 Attorney for Respondent

5
6 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,
7 IN AND FOR THE COUNTY OF WASHOE

8 * * *

9 BRENDAN DUNCKLEY,

10 Petitioner,

11 v.

Case No. CR07-1728

12 THE STATE OF NEVADA, ROBERT
LEGRAND,

Dept. No. 4

13 Respondent.

14 _____/

15 NOTICE OF CHANGE OF RESPONSIBLE ATTORNEY

16 COME NOW, Respondent, by and through Joseph R. Plater, Appellate Deputy, and hereby
17 provides notice to the Court, all parties, and their respective counsel that Joseph R. Plater,
18 Appellate Deputy, has replaced Terrence P. McCarthy, Chief Appellate Deputy, as the responsible
19 attorney for Respondent in all future matters related hereto.

20 Respondent herein requests that the Court and all parties herein update their service list
21 with Joseph R. Plater's name and address in order to facilitate timely service of all documents in
22 the matter.

23 / / /

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: January 5, 2017.

CHRISTOPHER J. HICKS
District Attorney

By /s/ JOSEPH R. PLATER
JOSEPH R. PLATER
Appellate Deputy
Nevada Bar No. 2771

CERTIFICATE OF MAILING

Pursuant to NRCP 5(b), I hereby certify that I am an employee of the Washoe County District Attorney's Office and that, on January 5, 2017, I deposited for mailing through the U.S. Mail Service at Reno, Washoe County, Nevada, postage prepaid, a true copy of the foregoing document, addressed to:

Brendan Dunckley #1023236
Lovelock Correctional Center
1200 Prison Road
Lovelock, NV 89419

/s/ DESTINEE ALLEN
DESTINEE ALLEN

1 CODE #1130
CHRISTOPHER J. HICKS
2 #7747
P.O. Box 11130
3 Reno, Nevada 89520
(775) 328-3200
4 Attorney for Respondent

5
6 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,
7 IN AND FOR THE COUNTY OF WASHOE

8 * * *

9 BRENDAN DUNCKLEY,

10 Petitioner,

11 v.

Case No. CR07-1728

12 THE STATE OF NEVADA, ROBERT
LEGRAND,

Dept. No. 4

13 Respondent.
14 _____/

15 ANSWER TO PETITION FOR WRIT OF HABEAS CORPUS
16 (POST-CONVICTION)

17 COMES NOW, Respondent, by and through counsel, to answer the petition filed on
18 November 7, 2016, as follows:

- 19 1. That Respondent denies any and all allegations contained in the petition.
20 2. That your affiant is informed and does believe that all relevant pleadings and
21 transcripts necessary to resolve the petition are currently available.
22 3. That aside from an unsuccessful appeal from his judgment of conviction, an
23 unsuccessful appeal from the denial of a motion to modify sentence, an unsuccessful appeal
24 from an order denying motion to withdraw guilty pleas, an unsuccessful petition for writ of
25 habeas corpus, and an unsuccessful appeal from the denial of his petition, Respondent is

26 / / /

1 informed and does believe that Petitioner has not applied for any other relief from this
2 conviction.

3 AFFIRMATION PURSUANT TO NRS 239B.030

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

6 DATED: January 5, 2017.

7 CHRISTOPHER J. HICKS
8 District Attorney

9 By /s/ JOSEPH R. PLATER
10 JOSEPH R. PLATER
Appellate Deputy

CERTIFICATE OF MAILING

Pursuant to NRCP 5(b), I hereby certify that I am an employee of the Washoe County District Attorney's Office and that, on January 5, 2017, I deposited for mailing through the U.S. Mail Service at Reno, Washoe County, Nevada, postage prepaid, a true copy of the foregoing document, addressed to:

Brendan Dunckley #1023236
Lovelock Correctional Center
1200 Prison Road
Lovelock, NV 89419

/s/ DESTINEE ALLEN
DESTINEE ALLEN

Return Of NEF**Recipients**

DIV. OF PAROLE & PROBATION - Notification received on 2017-01-05 14:50:48.485.
JOSEPH PLATER, III, ESQ. - Notification received on 2017-01-05 14:50:48.423.

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

-

A filing has been submitted to the court RE: CR07-1728

Judge:

HONORABLE CONNIE J. STEINHEIMER

Official File Stamp:

01-05-2017:14:15:50

Clerk Accepted:

01-05-2017:14:50:20

Court:

Second Judicial District Court - State of Nevada
Criminal

Case Title:

STATE VS. BRENDAN DUNCKLEY (D4)

Document(s) Submitted:

Notice of Change of Attorney

Filed By:

Joseph Plater

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

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

-

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

The following people were served electronically:

DIV. OF PAROLE & PROBATION

JOSEPH R. PLATER, III, 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.):

BRENDAN DUNCKLEY for BRENDAN
DUNCKLEY

STATE OF NEVADA for STATE OF NEVADA

Return Of NEF**Recipients**

DIV. OF PAROLE & PROBATION - Notification received on 2017-01-05 14:57:22.522.
JOSEPH PLATER, III, ESQ. - Notification received on 2017-01-05 14:57:22.444.

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

-

A filing has been submitted to the court RE: CR07-1728

Judge:

HONORABLE CONNIE J. STEINHEIMER

Official File Stamp:

01-05-2017:14:16:31

Clerk Accepted:

01-05-2017:14:55:50

Court:

Second Judicial District Court - State of Nevada
Criminal

Case Title:

STATE VS. BRENDAN DUNCKLEY (D4)

Document(s) Submitted:

Answer

Filed By:

Joseph Plater

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

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

-

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

The following people were served electronically:

DIV. OF PAROLE & PROBATION
JOSEPH R. PLATER, III, 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.):

BRENDAN DUNCKLEY for BRENDAN
DUNCKLEY
STATE OF NEVADA for STATE OF NEVADA

FILED

2017 JAN 11 AM 9:23

JUDICIAL DISTRICT COURT
CLERK

1 BRENDAN DUNCKLEY *1023236

2 LOVELOCK CORRECTIONAL CENTER

3 1200 PRISON ROAD

4 LOVELOCK, NEVADA 89419

5 PETITIONER IN PRO SE

6

7

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE

8

OF NEVADA IN AND FOR THE COUNTY OF WASHOE

9

10 BRENDAN DUNCKLEY,

11 PETITIONER,

CASE NUMBER : CR07-1728

12 vs.

DEPT. NUMBER : 4

13 STATE OF NEVADA,

14 RESPONDENTS,

MOTION TO GRANT PETITIONER'S UNOPPOSED

15

WRIT FOR HABEAS CORPUS TO EXHAUST STATE

16

CLAIMS

17

(NRS 34.480 AND NRS 34.500(2)(9))

18 THIS PETITIONER, BRENDAN DUNCKLEY, APPEARING IN PRO SE, DOES HEREBY

19 SUBMIT THIS MOTION TO GRANT PETITIONER'S UNOPPOSED WRIT FOR HABEAS CORPUS

20 TO EXHAUST STATE CLAIMS, PURSUANT TO DISTRICT COURT RULE (DCR) 13.3, AND

21 THIS COURT'S ORDER DATED NOVEMBER 20, 2016 FILED ON NOVEMBER 21, 2016 IN

22 THE ABOVE REFERENCED CASE BEFORE THE HONORABLE JUDGE C. STEINHEIMER. IN

23 CONNECTION WITH ALL THE PLEADINGS, PAPERS, FILINGS AND DOCUMENTS ON FILE HEREIN

24 ARE SUPPORTED BY THE FOLLOWING RELEVANT POINTS AND AUTHORITIES:

25 //

26

CR07-1728
STATE VS. BRENDAN DUNCKLEY
District Court
Washoe County
01/11/2017 09:23 AM
2490
NAR
DCJ010717

POINTS AND AUTHORITIES

1
2
3 ON NOVEMBER 20, 2016 THIS COURT ORDERED, DIRECTLY THAT THE
4 RESPONDENTS, WASHOE COUNTY DISTRICT ATTORNEY TO RESPOND TO THIS PETITIONER'S
5 INSTANT WRIT. TO DATE THE 45 DAY TIME PERIOD GIVEN THE STATE HAS NOW
6 EXPIRED WITH NO RESPONSE OR ANSWER OF ANY TYPE. AS SUCH THE PETITIONER'S
7 WRIT OF HABEAS CORPUS TO EXHAUST STATE CLAIMS SHOULD BE VIEWED AS
8 MERITORIOUS.

9 AS DCR 13.3 STATES: "WITHIN 10 DAYS [45 DAYS ORDERED BY THIS COURT]
10 AFTER SERVICE OF THE MOTION THE OPPOSING PARTY SHALL SERVE AND FILE
11 HIS WRITTEN OPPOSITION THERETO, TOGETHER WITH A MEMORANDUM OF POINTS
12 AND AUTHORITIES AND SUPPORTING AFFIDAVITS, IF ANY, STATING FACTS SHOWING
13 WHY THE MOTION SHOULD BE DENIED. FAILURE OF THE OPPOSING PARTY TO SERVE
14 AND FILE HIS MOTION, AND HIS WRITTEN OPPOSITION MAY BE CONSTRUED AS
15 AN ADMISSION THAT THE MOTION IS MERITORIOUS AND A CONSENT TO GRANTING
16 THE SAME." (EMPHASIS ADDED)

17 ADMISSION BY SILENCE WOULD BE THE PROPER LEGAL TERM: "IF A
18 STATEMENT IS MADE BY ANOTHER PERSON IN THE PRESENCE OF A PARTY TO
19 THE ACTION, CONTAINING ASSERTIONS OF FACTS WHICH, IF UNTRUE, THE
20 PARTY WOULD UNDER ALL THE CIRCUMSTANCES NATURALLY BE EXPECTED TO
21 DENY, THEIR FAILURE TO SPEAK [OR RESPOND] HAS TRADITIONALLY BEEN
22 RELEVABLE AGAINST HIM [THEM] AS AN ADMISSION." (BLACKS LAW DICTIONARY,
23 5TH EDITION, PAGE 44)

24 FURTHER IS CASE CITATION IN SUPPORT OF GRANTING THIS MOTION
25 AND VIEWING IT AS FULLY MERITORIOUS IS FOUND AT COLTON V. MURPHY,

1 (71 NEV. 71, 72) (NEV. 1955) "WHERE A PARTY ALLOWS AN ISSUE TO STAND UNCHALLENGED,
2 THIS COURT MAY INFER A CONCESSION THAT ARGUMENT HAS MERIT."

3 THE VERY PREMISE OF OUR ADVERSARY SYSTEM OF CRIMINAL JUSTICE IS THAT PARTISAN
4 ADVOCACY ON BOTH SIDES OF A CASE WILL BEST PROMOTE THE ULTIMATE OBJECTIVE,
5 THAT THE GUILTY BE CONVICTED AND THE INNOCENT GO FREE. (HERRING V. NEW YORK,
6 422 U.S. 853, 862, 45 L. ED. 2D 593, 95 S. CT. 2550 (1975)). THAT CONDUCT DID NOT
7 OCCUR IN 2008. THERE WAS ABSOLUTELY NO ADVERSARIAL NATURE. THESE "OFFICERS
8 OF THE COURT" REPEATEDLY INTRODUCED COMMENTS THEY ALL KNEW TO BE FALSE.
9 SUCH ACTIONS HAD A CLEAR EFFECT AND BEARING ON THE DECISIONS OF THIS COURT.
10 BELMONTES V. WOODFORD, 350 F.3d 861, 881 (9th CIR. 2003) DEMAND THAT THIS CONDUCT BE
11 DEEMED SERIOUS ENOUGH TO SET ASIDE THE CONVICTION. (SEE ALSO IMBLER V. PACHTMAN,
12 424 U.S. 667, 105 S. CT. 3375 (1985); STATE V. BENNETT, 81 P.3d 1, 119 NEV 589 (NEV. 2003);
13 US V. LAPAGE, 231 F.3d 488, 492 (9th CIR. 2000); US V. ALLI, 344 F.3d 1002, 1006 (9th CIR. 2003);
14 HIGH V. HEAD, 209 F.3d 1257 (GA. 2000); & PEOPLE V. TREVINO, 704 P.2d 719 (CA. 1985)).

15 CONCLUSION AND PRAYER FOR RELIEF

16 IN THE LEAST THIS PETITIONER HAS CLEARLY SHOWN BY A PREPONDERANCE OF EVIDENCE
17 THAT THERE CAN BE ABSOLUTELY NO CONFIDENCE THAT THIS INSTANT CASE IS WITHOUT OBVIOUS
18 CRUCIAL CONSTITUTIONAL ERROR FROM ALL THE "OFFICERS OF THE COURT" (EXCLUDING HER HONOR).
19 A MORE CLEARLY ESTABLISHED CASE OF MANIFEST INJUSTICE WOULD BE HARD TO FIND. PREJUDICE
20 IS NOT ONLY SHOWN, BUT PRESUMED BY THE EVIDENCE WILLFULLY WITHHELD FROM THIS COURT, AN
21 ACTUAL INTEREST OF JUSTICE DEMANDING A CORRECTION OF THIS MISARRANGE OF JUSTICE,
22 DEEMS IT NECESSARY TO TAKE NO FURTHER DELAY TO GRANT THIS WRIT.

23 THE VERY PEOPLE ENTRUSTED WITH UPHOLDING THE LAWS OF THE LAND CAN NOT JUSTIFY
24 THE CONDUCT OF THE PREVIOUS "OFFICERS" WHO KNOWINGLY AND INTENTIONALLY CONVICTED
25 AN INNOCENT MAN. THIS PETITIONER THEREFORE PRAYS FOR THE FOLLOWING RELIEF:

1 IN THE INTEREST OF JUSTICE AND GOOD CAUSE BEING SHOWN THE FOLLOWING
2 RELIEF IS HUMBL Y REQUESTED:

3 1) THIS COURT GRANT THIS WRIT OF HABEAS CORPUS, TO WITHDRAW (REVERSE)
4 THE GUILTY PLEA IN CASE CRO7-1728 PURSUANT TO NRS 34.480, NRS 34.500(2)(9);

5 2) THE ORDER BEING GIVEN FOR THE IMMEDIATE RELEASE FROM NDOC CUSTODY
6 FROM **LOVELOCK CORRECTIONAL CENTER, DIRECTLY**, A SPECIFIC ORDER TO THE
7 NDOC DIRECTOR THAT THIS PETITIONER'S RELEASE BE **IMMEDIATE**, WITHOUT
8 ANY DELAY;

9 3) AS THE EVIDENCE HAS NEGATED ALL "PROBABLE CAUSE", THE EGREGIOUS
10 CONDUCT OF ADA VILORIA, HATLESTAD, CLIFTON, D.A. GAMMICK, DAVID O'MARA,
11 TOM BROOME (RIPD RET.) WARRANT A **FULL DISMISSAL** OF ALL CHARGES IN
12 CASE CRO7-1728, **WITH PREJUDICE**.

13 4) AS DETECTIVE TOM BROOME'S CONDUCT IS TO BE VIEWED AS UNETHICAL
14 AND UNCONSTITUTIONAL: AN ORDER TO EXPUNGE ALL RELEVANT PUBLIC
15 RECORDS PERTAINING TO ANY ARREST IN CONNECTION TO CRO7-1728 AND/OR
16 RCR 2007-033884;

17 5) REMOVE ANY AND ALL "GENETIC MARKERS" FROM ANY AND ALL DATABASES,
18 SINCE DEFENDANT (PETITIONER) IS TO BE VIEWD AS AN INNOCENT
19 CITIZEN;

20 6) ANY AND ALL RIGHTS (CONSTITUTIONAL AND CIVIL) TO BE REINSTATED IN
21 DIRECT CONNECTION TO NRS 176A.860; 213.090; 213.155; 213.157;

22 7) AN ORDER TO WASHOE COUNTY DISTRICT ATTORNEY TO ENFORCE NRS 179A.160
23 FOR EXPUNGEMENT FROM "RECORD OF CRIMINAL HISTORY AND INFORMATION
24 RELATING TO PUBLIC SAFETY, CENTRAL REPOSITORY FOR NEVADA RECORDS OF
25 CRIMINAL HISTORY".

1 8) A COURT ORDER TO REQUIRE A SEAL OF ALL RECORDS IN DIRECT
2 RELATION TO THE INSTANT CASE(S) FROM PUBLIC ACCESS; BUT THIS PETITIONER
3 BE ALLOWED TO USE ANY AND ALL RECORDS, PLEADINGS, FILINGS, EXHIBITS,
4 ECT. IN ANY FUTURE CIVIL ACTION WITH THE FEDERAL COURTS, AND ANY
5 FURTHER RELIEF UNDER NRS 179.245 AND 179.255;

6 9) ANY OTHER RELIEF THAT THIS HONORABLE COURT DEEMS NECESSARY
7 IN THE INTEREST OF JUSTICE, SO LET IT BE ORDERED.

8 IN THE EVENT THAT THIS COURT DOES NOT SEE FIT TO ORDER A FULL DISMISSAL
9 OF THESE CHARGES WITH PREJUDICE; IT IS HEREBY RESPECTFULLY REQUESTED
10 OF THIS COURT THE FOLLOWING RELIEF:

11 1) A ORDER OF OFFICIAL RELEASE ON THE DEFENDANTS OWN RECOGNICENSE;
12 "OR" PENDING TRIAL, AS THIS PETITIONER HAS A VESTED INTEREST IN APPEARING;

13 2) THIS PETITIONER WOULD ALSO REQUEST THAT IF THE STATE INTENDS TO
14 PROCEED FOWARD WITH THESE CHARGES, A SPEEDY TRIAL BE HELD IN THE NEXT
15 60 DAYS.

16 THIS MOTION IS HEREBY SUBMITTED TO THIS COURT FOR ADJUDICATION OF THIS
17 MATTER, TO FINALLY RULE ON THE EVIDENCE AND THIS MISCARRAGE OF JUSTICE.

18
19 SUBMITTED THIS 4th DAY OF JANUARY, 2017

20

21

Brendan Dunchley #1023236

22

BRENDAN DUNCHLEY #1023236

23

PETITIONER IN PRO SE

24

25

26

CERTIFICATE OF SERVICE

THE UNDERSIGNED DOES HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THIS
 MOTION TO GRANT PETITIONER'S UNOPPOSED WRIT OF HABEAS CORPUS TO EXHAUST STATE CLAIMS,
 HAS BEEN SERVED UPON THE BELOW ADDRESSES, BY PLACING THE SAME INTO THE MAIL,
 THROUGH PRISON LAW LIBRARY STAFF, PURSUANT TO NRCPS:

CLERKS OF THE COURT	TERRENCE MCCARTHY, ESQ.
SECOND JUDICIAL DISTRICT	WASHOE COUNTY DISTRICT ATTORNEY OFFICE
P.O. Box 11130	P.O. Box 11130
RENO, NEVADA 89520	RENO NEVADA 89520

DATED THIS 4th DAY OF JANUARY, 2017

Brendan Dunchley #1023236

BRENDAN DUNKLEY #1023236

PETITIONER IN PRO SE

AFFIRMATION PURSUANT TO NRS 239B.030

THE UNDERSIGNED DOES HEREBY AFFIRM THAT THE PRECEEDING MOTION DOES NOT
 CONTAIN THE SOCIAL SECURITY NUMBER OF ANY PERSON IN RELATION TO DISTRICT
 COURT CASE NUMBER- CRO7PH128 / CRO7-1728.

DATED THIS 4th DAY OF JANUARY, 2017

Brendan Dunchley #1023236

BRENDAN DUNKLEY #1023236

PETITIONER IN PRO SE.

1 CODE #2645
CHRISTOPHER J. HICKS
2 #7747
P. O. Box 11130
3 Reno, Nevada 89520
(775)328-3200
4 Attorney for Respondent
5

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

8 * * *

9 BRENDAN DUNCKLEY,

10 Petitioner,

11 v.

Case No. CR07-1728

12 THE STATE OF NEVADA,

Dept. No. 4

13 Respondent.
14 _____/

15 OPPOSITION TO MOTION TO GRANT PETITIONER'S UNOPPOSED WRIT FOR HABEAS
16 CORPUS TO EXHAUST STATE CLAIMS

17 Petitioner moves the Court to grant his post-conviction petition for a writ of habeas
18 corpus. He asserts the State has not opposed his petition. The State filed an answer to the
19 petition on January 5, 2017. Thus, the petition is not unopposed. Further, the Court cannot
20 enter judgment against the State without a hearing. NRS 34.770; *Beets v. State*, 110 Nev. 339,
21 871 P.2d 357 (1994) (summary judgement cannot be entered in favor of a petitioner in light of
22 the statutory framework of deciding post-conviction habeas claims). Accordingly, the Court
23 should deny the motion.

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: January 23, 2017

CHRISTOPHER J. HICKS
District Attorney

By /s/ JOSEPH R. PLATER
JOSEPH R. PLATER
Appellate Deputy

CERTIFICATE OF MAILING

Pursuant to NRCP 5(b), I hereby certify that I am an employee of the Washoe County District Attorney's Office and that, on January 23, 2017, I deposited for mailing through the U.S. Mail Service at Reno, Washoe County, Nevada, postage prepaid, a true copy of the foregoing document, addressed to:

Brendan Dunckley #1023236
Lovelock Correctional Center
1200 Prison Road
Lovelock, NV 89419

/s/ DESTINEE ALLEN
DESTINEE ALLEN

Return Of NEF**Recipients**

DIV. OF PAROLE & PROBATION - Notification received on 2017-01-23 10:16:37.531.
JOSEPH PLATER, III, ESQ. - Notification received on 2017-01-23 10:16:36.86.

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

-

A filing has been submitted to the court RE: CR07-1728

Judge:

HONORABLE CONNIE J. STEINHEIMER

Official File Stamp:

01-23-2017:08:11:34

Clerk Accepted:

01-23-2017:10:15:51

Court:

Second Judicial District Court - State of Nevada
Criminal

Case Title:

STATE VS. BRENDAN DUNCKLEY (D4)

Document(s) Submitted:

Opposition to Mtn

Filed By:

Joseph Plater

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:

JOSEPH R. PLATER, III, ESQ. for STATE OF
NEVADA

DIV. OF PAROLE & PROBATION

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

BRENDAN DUNCKLEY for BRENDAN
DUNCKLEY

STATE OF NEVADA for STATE OF NEVADA

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 BRENDAN DUNCKLEY,
10Petitioner,
11vs.
12THE STATE OF NEVADA,
13Respondent.
14

Case No. CR07-1728

Dept. No. 4

15 ORDER
16

17 On November 7, 2016, the Petitioner, Brendan Dunkley, in pro per, filed a *Petition*
18 *for Habeas Corpus to Exhaust State Claims*. On November 21, 2016, the Court entered
19 an *Order* directing the State of Nevada to respond to the Petition within forty-five (45) days
20 of the date of the order. On January 5, 2017, the State of Nevada, by and through
21 Christopher J. Hicks, District Attorney, and Joseph Plater, Deputy District Attorney, filed an
22 *Answer*. On January 11, 2017, the Petitioner filed a *Motion to Grant Petitioner's*
23 *Unopposed Writ of Habeas Corpus to Exhaust Claims* wherein the Petitioner is requesting
24 that the Court render a decision on the *Petition for Habeas Corpus To Exhaust State*
25 *Claims*.

26 ///

27 ///

28 ///

///

1 This Court having reviewed the pleadings filed herein, in the interests of justice and
2 good cause appearing,

3 IT IS HEREBY ORDERED that an evidentiary hearing *Petition for Habeas Corpus*
4 *to Exhaust State Claims* is set for April 27, 2017 at 3:00 p.m.

5 DATED this 14 day of February, 2017.
6

7
8 Connie L. Steinheimer
9 DISTRICT JUDGE
10
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28

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 15th day of February, 2017, 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:

 Personal delivery to the following: [NONE]

 X Electronically filed with the Clerk of the Court, using the eFlex system which constitutes effective service for all eFiled documents pursuant to the efile User Agreement:

Joseph Plater, Esq.
Deputy District Attorney

 X Transmitted document to the Second Judicial District Court mailing system in a sealed envelope for postage and certified mailing with the United States Postal Service in Reno, Nevada:

Brendan Dunckley
Inmate no. 1023236
Lovelock Correctional Center
1200 Prison Road
Lovelock, Nevada 89419


 Placed a true copy 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 15th day of February, 2017.



Return Of NEF**Recipients**

DIV. OF PAROLE & PROBATION - Notification received on 2017-02-15 13:43:21.067.
JOSEPH PLATER, III, ESQ. - Notification received on 2017-02-15 13:43:20.973.

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

-

A filing has been submitted to the court RE: CR07-1728

Judge:

HONORABLE CONNIE J. STEINHEIMER

Official File Stamp:

02-15-2017:13:42:14

Clerk Accepted:

02-15-2017:13:42:50

Court:

Second Judicial District Court - State of Nevada
Criminal

Case Title:

STATE VS. BRENDAN DUNCKLEY (D4)

Document(s) Submitted:

Ord Setting Hearing

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.

-

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

The following people were served electronically:

JOSEPH R. PLATER, III, ESQ. for STATE OF
NEVADA

DIV. OF PAROLE & PROBATION

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

BRENDAN DUNCKLEY for BRENDAN
DUNCKLEY

STATE OF NEVADA for STATE OF NEVADA

CODE #1260
CHRISTOPHER J. HICKS
#7747
P.O. Box 11130
Reno, Nevada 89520-0027
(775) 328-3200
Attorney for Respondent

IN THE SECOND JUDICIAL DISTRICT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

BRENDAN DUNCKLEY,

Petitioner,

v.

Case No. CR07-1728

THE STATE OF NEVADA,

Dept. No. 4

Respondent.

_____ /

APPLICATION FOR ORDER TO PRODUCE PRISONER

COMES NOW, the State of Nevada, by and through CHRISTOPHER J. HICKS,
District Attorney of Washoe County, by JOSEPH R. PLATER, Appellate Deputy, and
alleges as follows:

1. That the above Petitioner, BRENDAN DUNCKLEY #1023236, is presently incarcerated at the Lovelock Correctional Center, Lovelock, Nevada.
2. That the above BRENDAN DUNCKLEY is scheduled for a post-conviction hearing before the Second Judicial District Court on April 27, 2017, at 3:00 p.m.

WHEREFORE, Applicant prays that an Order be made ordering the appearance of the said BRENDAN DUNCKLEY before the Second Judicial District Court, and from

time to time thereafter at such times and places as may be ordered and directed by the Court for such proceedings as thereafter may be necessary and proper in the premises, and directing the execution of said Order by the Warden of the Lovelock Correctional Center, Lovelock, Nevada.

AFFIRMATION

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

DATED: February 16, 2017.

CHRISTOPHER J. HICKS
District Attorney

By **/s/JOSEPH R. PLATER**
JOSEPH R. PLATER
Appellate Deputy

CERTIFICATE OF MAILING

Pursuant to NRCP 5(b), I hereby certify that I am an employee of the Washoe County District Attorney's Office and that, on February 16, 2017, I deposited for mailing through the U.S. Mail Service at Reno, Washoe County, Nevada, postage prepaid, a true copy of the foregoing document, addressed to:

Brendan Dunckley #1023236
Lovelock Correctional Center
1200 Prison Road
Lovelock, NV 89419

/s/ DESTINEE ALLEN
DESTINEE ALLEN

Return Of NEF**Recipients**

DIV. OF PAROLE & PROBATION - Notification received on 2017-02-16 15:27:31.826.
JOSEPH PLATER, III, ESQ. - Notification received on 2017-02-16 15:27:31.733.

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

-

A filing has been submitted to the court RE: CR07-1728

Judge:

HONORABLE CONNIE J. STEINHEIMER

Official File Stamp:

02-16-2017:15:12:18

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02-16-2017:15:26:51

Court:

Second Judicial District Court - State of Nevada
Criminal

Case Title:

STATE VS. BRENDAN DUNCKLEY (D4)

Document(s) Submitted:

Application Produce Prisoner

Filed By:

Joseph Plater

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The following people were served electronically:

DIV. OF PAROLE & PROBATION
JOSEPH R. PLATER, III, 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.):

STATE OF NEVADA for STATE OF NEVADA
BRENDAN DUNCKLEY for BRENDAN
DUNCKLEY