

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
Clerk of Supreme Court

THE STATE OF NEVADA,

Plaintiff,

vs.

MICHAEL TODD BOTELHO,

Defendant.

Sup. Ct. Case No. 83996

Case No. CR03-2156

Dept. 1

RECORD ON APPEAL

VOLUME 5 OF 12

DOCUMENTS

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| RETURN OF NEF | 10-28-15 | 4 | 640-642 |
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| RETURN OF NEF | 12-03-15 | 4 | 655-657 |
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| RETURN OF NEF | 01-15-16 | 5 | 710-712 |
| RETURN OF NEF | 01-15-16 | 5 | 717-719 |
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| RETURN OF NEF | 04-05-16 | 5 | 908-910 |
| RETURN OF NEF | 05-20-16 | 5 | 914-916 |
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IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE

FILED

2015 DEC 10 PM 4:21

JACQUELINE M. HUNT
CLERK OF THE COURT
BY: [Signature] DEPUTY

MICHAEL T. BOTELHO
 PETITIONER

VS

WASHOE COUNTY
 BOARD OF COUNTY
 COMMISSIONERS
 RESPONDENTS

IN REFERENCE AND CONJUNCTION WITH

CASE NO: CR03-2156

PETITION FOR EXTRAORDINARY WRIT OF MANDAMUS

COMES MICHAEL T. BOTELHO, PETITIONER IN PROPER PERSON, SO
 PRESENTING THIS PETITION FOR EXTRAORDINARY WRIT OF MANDAMUS
 BEFORE THIS HONORABLE COURT.

PETITIONER, MR. BOTELHO, RESPECTFULLY REQUESTS THAT THIS
 HONORABLE COURT SO ORDER THE WASHOE COUNTY BOARD OF
 COMMISSIONERS TO COMPLY WITH NEVADA REVISED STATUTORY LAW
 PURSUANT TO N.R.S. 282.090, WHICH CLEARLY STATES:

["ADDITIONAL BOND OF COUNTY" OR TOWNSHIP OFFICERS: SHOWING OF
 INSUFFICIENCY; EXECUTION AND FILING; OFFICE VACATED FOR FAILURE TO
 EXECUTE AND FILE BOND].

(1) WHENEVER THE SURETIES, OR ANY ONE OF THEM, ON THE OFFICIAL BOND
 OF ANY COUNTY OR TOWNSHIP OFFICER SHALL DIE; REMOVE WITHOUT THE
 STATE, BECOME INSOLVENT OR "INSUFFICIENT", OR THE PENALTY OF SUCH
 BOND SHALL BECOME INSUFFICIENT ON ACCOUNT OF RECOVERIES HAD
 THEREON, OR "OTHERWISE" THE BOARD OF COUNTY COMMISSIONERS OF
 THE PROPER COUNTY, OF ITS OWN MOTION, OR THE SHOWING OF ANY
 PERSON] SUPPORTED BY AFFIDAVIT, SHALL SUMMON THE OFFICER TO
 APPEAR BEFORE THE BOARD AT A TIME STATED, NOT LESS THREE (3)
 DAYS AFTER SERVICE OF SUCH SUMMONS, AND SHOW CAUSE WHY THE
 OFFICER SHOULD NOT EXECUTE AND DELIVER AN ADDITIONAL OFFICIAL
 BOND WITH "GOOD AND" SUFFICIENT SURETIES.

(2) SHOULD SUCH OFFICER, AFTER DUE NOTICE, FAIL TO APPEAR AT
 THE TIME APPOINTED, THE MATTER MAY BE HEARD AND DETERMINED IN THE
 OFFICER'S ABSENCE. IF, AFTER EXAMINATION, THE BOARD OF COUNTY

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 3645
 K. JONES

1 COMMISSIONERS SHALL BE OF THE OPINION THAT THE BOND OF SUCH
2 OFFICER HAS BECOME "INSUFFICIENT" FROM ANY CAUSE WHATSOEVER,
3 THE BOARD SHALL REQUIRE AN "ADDITIONAL" BOND, WITH SECURITY AS
4 MAY BE DEEMED NECESSARY.

5 (3) THE ADDITIONAL BOND SHALL BE EXECUTED AND FILED WITHIN SUCH
6 TIME AS THE BOARD OF COUNTY COMMISSIONERS MAY ORDER, AND IF
7 ANY OFFICER SHALL FAIL TO EXECUTE AND FILE SUCH ADDITIONAL BOND
8 WITHIN THE TIME SPECIFIED BY THE ORDER, THE OFFICER ~~BE~~ HELD BY THE
9 OFFICER "SHALL BECOME VACANT."

10 CAUSE OF ACTION

11 PETITIONER, MICHAEL T. BOTELHO, HAS RECENTLY OBTAINED PART
12 OF THE PUBLIC RECORD, A COPY OF MR. CHRISTOPHER HICKS, d.b.a,
13 WASHOE COUNTY DISTRICT ATTORNEYS' "OFFICIAL BOND" LSM0681928,
14 THAT IDENTIFIES MR. CHRISTOPHER HICKS AS PRINCIPAL "AND" ALSO
15 THE RLI INSURANCE COMPANY, AS THE "SOLE" [SINGLE] SURETY
16 UPON SUCH BOND. THEREFORE, THIS BOND IS CLEARLY "INVALID." A
17 CLEAR AND OBVIOUS VIOLATION OF VALID NEVADA LAW, PURSUANT TO
18 NRS 282.120 "NUMBER OF SURETIES ON OFFICIAL BOND" [UNLESS
19 OTHERWISE EXPRESSLY PROVIDED, THERE SHALL BE AT LEAST TWO(2)
20 SURETIES UPON THE OFFICIAL BOND OF EVERY OFFICER.

21 "AS A MATTER OF PUBLIC RECORD, MR. CHRISTOPHER HICKS
22 BOND CLEARLY AND INDISPUTABLY CONTAINS ONLY ONE(1) SINGLE
23 SURETY."

24 IN ADDITION, PURSUANT TO NRS 282.200 (ALL INCLUSIVE)
25 [FORFEITURE OF OFFICE OR APPOINTMENT UPON FAILURE TO FILE
26 NEW OR ADDITIONAL BOND, SUSPENSION OF FUNCTIONS OF OFFICE

27 (2) IF A NUMBER OF SURETIES ON ANY BOND OR UNDERTAKING,
28 REPRESENTING HALF OF THE PENALTY THEREOF, UNITE IN THE SAME,
THE RIGHT OF SUCH OFFICER OR PERSON TO EXERCISE THE DUTIES AND
FUNCTIONS OF SUCH OFFICE OR APPOINTMENT IMMEDIATELY
"CEASES" UNTIL THE OFFICER OR PERSON FILES AND HAS
ACCEPTED AND APPROVED A "NEW" OR "ADDITIONAL BOND" OR
UNDERTAKING.

1 ADDITIONALLY, TO FURTHER CONFIRM AND UNDISPUTIBLY PROVE THE
 2 NON VALIDITY OF MR. HICKS OFFICIAL BOND, THE BOARD OF COMMS¹
 3 BEING A PART OF PUBLIC RECORD AND REQUIRED TO BE KEPT ON FILE
 4 PURSUANT TO N.R.S. 282.080, [APPROVAL, FILING AND RECORDING OF
 5 OFFICIAL BOND]

6 (2) THE OFFICIAL BONDS OF ALL COUNTY AND TOWNSHIP OFFICERS SHALL
 7 BE APPROVED BY THE BOARD OF COUNTY COMMISSIONERS, AND FILED
 8 AND RECORDED IN THE OFFICE OF THE COUNTY CLERK OF THEIR
 9 RESPECTIVE COUNTIES.

10 IT IS A MATTER OF COURT RECORD, THAT MR. BOTEELHO, ON 8-17-
 11 2015, FILED MOTION FOR SHOW CAUSE HEARING IN THIS COURT, THUS,
 12 REQUIRING THIS COURT TO ORDER THE WASHOE COUNTY DISTRICT
 13 ATTORNEY, THE POSITION BEING INVALIDLY AND ILLEGALLY BEING
 14 HELD BY THE UNRECOGNIZED MR. CHRIS HICKS, d.b.a. WASHOE COUNTY
 15 DISTRICT ATTORNEY, TO RESPOND AND PROVE OTHERWISE, IT WAS NOT DONE
 16 PETITIONER CLEARLY ESTABLISHED AND PROVED BY A CONVINCING
 17 PREPONDERANCE OF THE EVIDENCE, THAT, MR. HICKS [IS] ILLEGALLY AND
 18 INVALIDLY HOLDING HIS POSITION AS W.C. DISTRICT ATTORNEY. THIS COURT
 19 HAD A DUTY TO ENSURE A JUST DETERMINATION BUT HAS THUS FAR FAILED
 20 TO ACT IN ACCORDANCE WITH NEVADA LAW, AS LAW AND JUSTICE REQUIRE.
 21 THIS HAS SERIOUSLY VIOLATED BOTEELHO'S 1ST, 5TH & 14TH AMENDMENT RIGHTS
 22 GUARANTEED BY OUR [STILL] VALID U.S. CONSTITUTION.

23 THIS ACTION/MANDAMUS IS BEING BROUGHT FORTH AS IT [RELATES]
 24 DIRECTLY TO BOTEELHO'S CASE CR03-2156, IN THIS COURT. THE WASHOE
 25 DISTRICT ATTORNEYS OFFICE HAD/HAS NO AUTHORITY TO ACT, INIATE OR
 26 RESPOND TO ANY ACTIONS, WHATSOEVER.

27 BY THE WASHOE COUNTY BOARD OF COMMISSIONERS FAILURE TO
 28 ABIDE BY NEVADA LAW AS REQUIRED, IT HAS CAUSED DIRECTLY [AND]
 INDIRECTLY, INJURY TO BOTEELHO, BEING UNLAWFULLY HELD.

1 AGAINST HIS WILL.

2 REQUESTED AND REQUIRED ACTION

3 PETITIONER, MR. BOTELHO, RESPECTFULLY REQUEST THIS STILL
4 HONORABLE COURT TO HEREBY ORDER AND ~~■~~ COMPEL THE WASHOE
5 COUNTY BOARD OF COMMISSIONERS TO COMPLY WITH THE CLEARLY
6 STIPULATED REQUIREMENTS OF NRS 282.090, IN ADDITION TO BOTELHO'S
7 AFFIDAVIT.

8 PETITIONER STRONGLY ASSERTS AND CHARGES THAT FOR THE CLEARLY
9 DOCUMENTED FACT, AND AS A MATTER OF PUBLIC RECORD, "THAT MR. HICKS
10 OFFICIAL BOND IS TRUELY AND LEGALLY "INVALID "[AND] "INSUFFICIENT",
11 AS IT CLEARLY CONTAINS ONLY ONE(1) SINGLE SURETY.

12 ACCORDINGLY, THE WASHOE COUNTY BOARD OF COMMISSIONERS [MUST], IS
13 HEREBY ~~■~~ COMPELLED TO SUMMON MR. CHRISTOPHER HICKS, d.b.a. WASHOE
14 COUNTY DISTRICT ATTORNEY, TO APPEAR BEFORE THIS BOARD, IN AN EFFORT
15 TO ADDRESS AND CORRECT THE DEFICIENCIES OF MR. HICKS OFFICIAL BOND.
16 AND/OR TO SHOW CAUSE WHY MR. HICKS SHOULD [NOT] BE REQUIRED TO
17 PROVIDE AND ["]~~POST~~ ["] AN ADDITIONAL BOND AS TO CONTAIN THE MINIMUM OF
18 TWO(2) SURETIES, IN AN EFFORT TO FULFILL AND TO COMPLY WITH THE
19 STATUTORY REQUIREMENTS, SEE NRS 282.120, NRS 282.200, NRS,
20 282.010, NRS 252.030 AND NRS 252.070.

21 FURTHERMORE THE PEOPLE OF NEVADA HAVE A RIGHT TO KNOW, AND
22 THERE NEEDS TO BE A DECREE PLACED UPON THE RECORD BY THIS
23 HONORABLE COURT, THAT UNTIL SUCH TIME THAT MR. HICKS DOES
24 ADDRESS AND CORRECTS HIS DEFICIENT "OFFICIAL BOND", THAT, THE
25 OFFICIAL RECORD EXPOSES, REVEALS AND DEMONSTRATES THAT
26 MR. HICKS, SINCE BEING ELECTED TO THE OFFICE OF WASHOE COUNTY
27 DISTRICT ATTORNEY, HAS TO THIS DATE, [N]EVER PERFECTED AND/OR
28 VALIDATED HIS OFFICE. AS A MATTER OF LAW, THIS RENDERS NOT ONLY

1 MR. HICKS OFFICIAL OFFICE "INVALID", BUT, AS "PUBLIC RECORD" AND
2 STATUTORY LAW DEFINE AND DEMAND, RENDERS THE ENTIRE WASHOE
3 COUNTY DISTRICT ATTORNEYS OFFICE "INVALID" IN ITS ENTIRETY.


4 DUE TO THE PROVISIONS OF NRS. 252.070, THE DISTRICT ATTORNEY
5 IS RESPONSIBLE UPON HIS/HER "VALID" OFFICIAL BOND OR "MAY" REQUIRE
6 EACH AND EVERY APPOINTED DEPUTY, TO POST THEIR OWN OFFICIAL BONDS.

7 ACCORDING TO PUBLIC RECORDS, NO OTHER OFFICIAL BONDS EXIST
8 NAMING ANY DEPUTY AS PRINCIPAL. THE SHOW CAUSE HEARING AND
9 RESPONSE WOULD HAVE CLEARLY PROVED THIS FACT, HAD THIS COURT NOT
10 COVERED FOR THE STATE, A CLEAR VIOLATION OF NV. LAW AND OUR NEVADA
11 AND UNITED STATES CONSTITUTION(S).

12 AS FOR THE CAUSE AND EFFECT, IF MR. HICKS BOND IS DEFICIENT AND
13 INVALID, IT DOES IN TURN, RENDER ALL OF HIS DEPUTIES OFFICIAL
14 OFFICES, TO BE [ALSO] "INVALID" AND TO BE WITHOUT ANY LEGAL
15 AUTHORITY WITHIN THEIR "INVALID" OFFICES.

16 DATED

RESPECTFULLY,



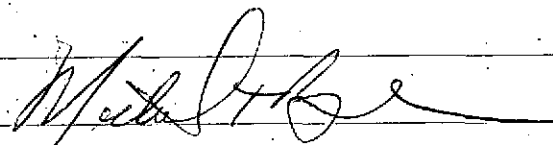
MICHAEL T. BOTELHO #80837
NNCC
P.O. BOX 7000
CARSON CITY, NV. 89702

AFFIRMATION AND CERTIFICATE OF SERVICE

I, MICHAEL T. BOTE LHO, PETITIONER IN PRO SE AND IN FORMA PAUPERIS, DO SWEAR UNDER THE PENALTY OF PERJURY, THAT THE FOREGOING MOTION/PETITION FOR EXTRAORDINARY WRIT OF MANDAMUS, IS TRUE AND CORRECT PURSUANT TO 28 USC 1746 AND 18 USC 1621. THIS DOCUMENT DOES NOT CONTAIN THE SOCIAL-SECURITY-NUMBER OF ANY PERSON.

I FURTHER ASSERT THAT I PLACED A TRUE AND COMPLETE COPY OF PETITION FOR WRIT OF MANDAMUS IN FIRST CLASS, PRE-PAID, U.S.P.S. MAIL SERVICES VIA PRISON MAIL BOX RULE, VIA LAW LIBRARY STAFF, TO THIS COURT AND AS ADDRESSED BELOW. BRASS SLIP # 2167658

DATED 12-7-2015



MICHAEL T. BOTE LHO # 80837
NNCC
P.O. BOX 7000
CARSON CITY, NV. 89702

COPY TO:

BOARD OF WASHOE COUNTY COMMISSIONERS
100 EAST 9TH ST.
P.O. BOX 11130
RENO, NV. 89502

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AFFIDAVIT

STATE OF NEVADA }
CARSON CITY COUNTY } SS. AFFIDAVIT OF MICHAEL T. BOTELHO
IN SUPPORT OF NRS 282.090

TO WHOM IT MAY CONCERN:

I, MICHAEL T. BOTELHO, THE UNDERSIGNED, DO HEREBY SWEAR UNDER THE PENALTY OF PERJURY, THAT THE ASSERTIONS OF THIS AFFIDAVIT ARE TRUE AND CORRECT.

THE AFFIANT, MR. BOTELHO, ASSERTS THAT HE RECENTLY OBTAINED, BY AND THROUGH THE WASHOE COUNTY CLERKS OFFICE, AN ACTUAL COPY OF MR. CHRIS HICKS' "OFFICIAL BOND" BEING "PUBLIC RECORD."

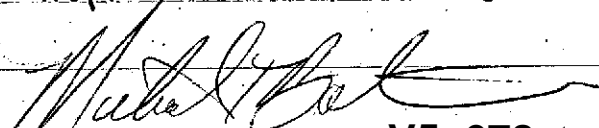
THE OFFICIAL BOND NUMBER IS LSM 0681928, NAMING MR. HICKS AS PRINCIPAL, AS IDENTIFYING THE RLI INSURANCE COMPANY AS THE "SOLE" [SINGLE] SURETY UPON SAID BOND IN VIOLATION OF NRS 282.120

AFTER AN EXTENSIVE SEARCH THROUGHOUT PUBLIC COUNTY RECORDS, NO OTHER OFFICIAL BONDS EXIST AND HAS BEEN CONFIRMED BY THE STATE IN ITS FAILURE TO RESPOND TO PETITIONERS SHOW CAUSE MOTION. THE FACTS ARE CLEAR AND TOTALLY UNDISPUTED. NO BOND(S) IDENTIFY EITHER MR. HICKS, NOR, ANY OTHER OFFICER WITHIN THE WASHOE COUNTY DISTRICT ATTORNEYS OFFICE. NOR IS THERE ANY PHANTOM BLANKET BOND PER NRS 282.163,

THEREFORE, PURSUANT TO NRS 282.090, THE AFFIANT, MR. BOTELHO, PRESENTS THIS AFFIDAVIT, AS MORE THAN ADEQUATE AUTHORITY TO OBLIGATE AND COMPEL, THIS WASHOE COUNTY BOARD OF COMMISSIONERS TO FOLLOW THE LAW AS THEY ARE DUTY BOUND TO DO.

THIS AFFIDAVIT'S INTENT IS TO PUT THE/THIS WASHOE COUNTY BOARD OF COMMISSIONERS, THAT THE PUBLIC RECORD IS DOCUMENTED, OF THE CLEAR AND OBVIOUSLY KNOWN DEFICIENCIES OF MR. HICKS' OFFICIAL BOND, SO TO AFFORD THIS BOARD OF COMMISSIONERS AND MR. HICKS, THE OPPORTUNITY TO CORRECT SUCH DEFICIENCIES.

DATED 12-7-2015


MICHAEL T. BOTELHO V5.678
NNCC, PO BOX 7000 CARSON, NV. 89702

INDEX OF EXHIBITSExhibit Number 1 Number of Pages 1Exhibit Description NRS 282.010 STATUTEExhibit Number 2 Number of Pages 1Exhibit Description NRS 282.090 STATUTE, NRS 282.200 STATUTEExhibit Number 3 Number of Pages 1Exhibit Description NRS 282.120 STATUTEExhibit Number 4 Number of Pages 1Exhibit Description NRS 252.070 STATUTE

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EXHIBIT 1

EXHIBIT 1

282.010. Oaths and official bonds of officers; when term of office begins.

1. Members of the Legislature and all officers, executive, judicial and ministerial, shall, before entering upon the duties of their respective offices, provide the official bond required by law, when such bond shall be required, and take and subscribe to the official oath.
2. All officers elected, except Senators and members of the Assembly, shall qualify, and execute and deliver their official bonds when required, as provided in this section, prior to the Tuesday after the first Monday in January ensuing their election.
3. All officers appointed to fill vacancies, in the cases provided by law, shall qualify and give bond when required, within 30 days from the time of their appointment.
4. The term of office of all officers, elected or appointed, shall begin from the time of their qualification, unless some other express provision is made by law.

History.

1866, p. 235; CL 1873, p. 2620; GS 1885, § 1657; CL 1900, § 1803; RL 1912, § 2786; CL 1929, § 4786.

NOTES TO DECISIONS**Failure to post bond.**

Where the State Treasurer was reelected, received his commission, and took the oath of office, but failed to deliver his bond within the time required by this section, he had relinquished all right to such office and could only hold over in office until the qualification of his successor under Const., Art. 5, §§ 2 and 19. *State v. Rhoades*, 6 Nev. 352, 1871 Nev. LEXIS 14 (Nev.

CR03-2156 DC-09900072447-012
STATE VS. MICHAEL TODD BOTTEL 3 Pages
District Court 12/10/2015 04:21 PM
Washoe County 3645
K JAMES

EXHIBIT 2

EXHIBIT 2

282.090. Additional bond of county or township officer: Showing of insufficiency; execution and filing; office vacated for failure to execute and file bond.

1. Whenever the sureties, or any one of them, on the official bond of any county or township officer shall die, remove without the State, become insolvent or insufficient, or the penalty of such bond shall become insufficient on account of recoveries had thereon, or otherwise, the board of county commissioners of the proper county, of its own motion, or on the showing of any person supported by affidavit, shall summon the officer to appear before the board, at a time stated, not less than 3 days after service of such summons, and show cause why the officer should not execute an additional official bond with good and sufficient sureties.

2. Should such officer, after due notice, fail to appear at the time appointed, the matter may be heard and determined in the officer's absence. If, after examination, the board of county commissioners shall be of the opinion that the bond of such officer has become insufficient, from any cause whatever, the board shall require an additional bond, with such security as may be deemed necessary.

3. The additional bond shall be executed and filed within such time as the board of county commissioners may order, and if any officer shall fail to execute and file such additional bond within the time specified by the order, the office held by the officer shall become vacant.

282.200. Forfeiture of office or appointment upon failure to file new or additional bond; suspension of functions of office.

1. If any officer or person fails within 10 days from the date of a personal service, or within 30 days from the date of the first insertion of a publication or posted service, to file a new or additional bond or undertaking, the office or appointment of the person or officer so failing shall become vacant, and such officer or person shall forfeit such office or appointment. The office or appointment shall be filled as in other cases of vacancy, and in the manner provided by law, and the person applying to be released from liability on the bond or undertaking shall not be liable thereon after the date provided for the vacating and forfeiting of such office or appointment.

2. If a number of sureties on any bond or undertaking, representing half the amount of the penalty thereof, unite in the same, or file and serve separate statements as provided in NRS 282.180 to 282.220, inclusive, the right of such officer or person to exercise the duties and functions of such office or appointment immediately ceases until the officer or person files and has accepted and approved a new or additional bond or undertaking.

3. Whenever, by operation of NRS 282.180 to 282.220, inclusive, the functions of any sheriff become suspended, the county clerk shall succeed to all the powers and discharge all the duties

of the sheriff of the county, during such suspension of the functions of the sheriff.

CR03-2156 DC-0900072447-013
STATE VS. MICHAEL TODD BOTEL 2 Pages
District Court 12/10/2015 04:21 PM
Washoe County 3645
KINNEC

EXHIBIT 3

EXHIBIT 3

282.120. Number of sureties on official bond.

Unless otherwise expressly provided, there shall be at least two sureties upon the official bond of every officer.

EXHIBIT 4

CR03-2156
STATE VS. MICHAEL TODD BOTTEL 2 Pages
District Court 12/10/2015 04:21 PM
Washoe County 3605
KIMRE

EXHIBIT 4

252.070. Deputies; clerical, investigational and operational staff.

1. All district attorneys may appoint deputies, who are authorized to transact all official business relating to those duties of the office set forth in NRS 252.080 and 252.090 to the same extent as their principals and perform such other duties as the district attorney may from time to time direct. The appointment of a deputy district attorney must not be construed to confer upon that deputy policymaking authority for the office of the district attorney or the county by which the deputy district attorney is employed.

2. District attorneys are responsible on their official bonds for all official malfeasance or nonfeasance of the deputies. Bonds for the faithful performance of their official duties may be required of deputies by district attorneys.

3. All appointments of deputies under the provisions of this section must be in writing and must, together with the oath of office of the deputies, be recorded in the office of the recorder of the county within which the district attorney legally holds and exercises his or her office. Revocations of those appointments must also be recorded as provided in this section. From the time of the recording of the appointments or revocations therein, persons shall be deemed to have notice of the appointments or revocations.

4. Deputy district attorneys of counties whose population is less than 100,000 may engage in the private practice of law. In any other county, except as otherwise provided in NRS 7.065 and this subsection, deputy district attorneys shall not engage in the private practice of law. An attorney appointed to prosecute a person for a limited duration with limited jurisdiction may engage in private practice which does not present a conflict with his or her appointment.

5. Any district attorney may, subject to the approval of the board of county commissioners, appoint such clerical, investigational and operational staff as the execution of duties and the operation of his or her office may require. The compensation of any person so appointed must be fixed by the board of county commissioners.

6. In a county whose population is 700,000 or more, deputies are governed by the merit personnel system of the county.

1864, p. 143; CL 1873, §§ 3068, 3069; GS 1885, §§ 2280, 2281; CL 1900, §§ 2452, 2453; 1905, p. 33; RL 1912, §§ 2849, 2850 1913, p. 108; RL 1912 (1919 Supp.), § 2848; CL 1929, §§ 4848-4850; 1961, p. 215; 1969, p. 1465; 1973, p. 678; 1979, p. 523; 1985, p. 260; 1989, ch. 89, § 8, p. 203; 1993, ch. 507, § 2, p. 2088; 1993, ch. 547, § 1, p. 2259; 1993, ch. 609, § 34, p. 2529; 1995, ch. 293, § 62(1), p. 675; 2001, ch. 370, § 34, p. 1745; 2005, ch. 209, § 6, p. 682; 2011, ch. 253, § 43, p. 1128.

NV CODE

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Code 1350

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

MICHAEL TODD BOTELHO,

Petitioner,

vs.

Case No. CR03-2156

JAMES BENEDETTI, WARDEN, STATE OF NEVADA,

Dept. No. 3

Respondents.

_____ /

CERTIFICATE OF CLERK AND TRANSMITTAL – RECORD ON APPEAL

I certify that I am an employee of the Second Judicial District Court of the State of Nevada, County of Washoe; that on the 16th day of December, 2015, I electronically filed Volumes 1 through 8 of the Record on Appeal in the above entitled matter to the Nevada Supreme Court and deposited Volume 9 containing sealed documents addressed to the Nevada Supreme Court 201 S. Carson Street, Suite 201, Carson City, Nevada 89701 in the Washoe County mailing system for postage and mailing in the United States Postal Service in Reno, Nevada.

I further certify that the transmitted record is a true and correct copy of the original pleadings on file with the Second Judicial District Court in accordance NRAP 11(2)(b).

Dated this 16th day of December, 2015.

Jacqueline Bryant
Clerk of the Court

By /s/Annie Smith
Annie Smith
Deputy Clerk

Return Of NEF**Recipients**

TERRENCE MCCARTHY, ESQ. - Notification received on 2015-12-16 11:23:03.598.
GARY HATLESTAD, ESQ. - Notification received on 2015-12-16 11:23:03.536.
JOHN PETTY, ESQ. - Notification received on 2015-12-16 11:23:03.676.
DIV. OF PAROLE & PROBATION - Notification received on 2015-12-16 11:23:03.629.
SEAN SULLIVAN, ESQ. - Notification received on 2015-12-16 11:23:03.567.

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

-

A filing has been submitted to the court RE: CR03-2156

Judge:

HONORABLE JEROME M. POLAHA

Official File Stamp:

12-16-2015:11:22:02

Clerk Accepted:

12-16-2015:11:22:31

Court:

Second Judicial District Court - State of Nevada
Criminal

Case Title:

STATE VS. MICHAEL TODD BOTELHO (D3)

Document(s) Submitted:

Certificate of Clerk

Filed By:

Deputy Clerk ASmith

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

GARY HOWARD HATLESTAD, ESQ.

JOHN REESE PETTY, ESQ. for MICHAEL TODD
BOTELHO

DIV. OF PAROLE & PROBATION

SEAN B. SULLIVAN, ESQ. for MICHAEL TODD
BOTELHO

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

MICHAEL TODD BOTELHO for MICHAEL TODD
BOTELHO

STATE OF NEVADA for STATE OF NEVADA

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

8 **MICHAEL TODD BOTELHO,**

Case No. CR03-2156

9 **Petitioner,**

Dept. No. 3

10 **vs.**

11
12 **JAMES BENEDETTI, STATE OF**
13 **NEVADA, et. al.,**

14 **Respondents.**
15 _____ /

16 **ORDER FOR RESPONSES**

17 Currently before the Court is a Petition for Writ of Extraordinary Mandamus ("the Petition")
18 filed by Petitioner MICHAEL TODD BOTELHO on December 10, 2015. The Court has reviewed
19 the Petition and finds that the Petition refers to a Motion for Order to Show Cause filed by the
20 Petitioner August 21, 2015, and thereafter never submitted to the Court for consideration. The Court
21 considers the Motion for Order to Show Cause submitted for consideration by reference in the
22 Petition.

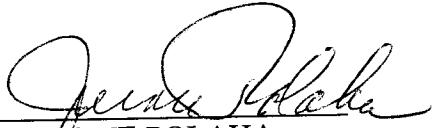
23 The Court has reviewed the Petition and has determined that a response would assist the
24 Court. The Court has also reviewed the Motion for Order to Show Cause and has likewise
25 determined that a response would assist the Court.

26 IT IS HEREBY ORDERED the Washoe County District Attorney's Office shall, within 30
27 days of the date of this Order, answer or otherwise respond to the Petition.
28

1 IT IS HEREBY FURTHER ORDERED the Washoe County District Attorney's Office
2 shall, within 30 days of the date of this Order, answer or otherwise respond to the Motion for Order
3 to Show Cause.

4 IT IS SO ORDERED.

5 Dated this 13th day of January, 2016.

6 
7 JEROME POLAHA
8 DISTRICT JUDGE
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CERTIFICATE OF MAILING


I hereby certify that I am an employee of the Second Judicial District Court of the State of Nevada, in and for the County of Washoe; that on the 13 day of January, 2016, I deposited for mailing a copy of the foregoing to:

The following was served via e-filing:

TERRENCE P. MCCARTHY, ESQ. for STATE
OF NEVADA
GARY HOWARD HATLESTAD, ESQ.
JOHN REESE PETTY, ESQ. for MICHAEL TODD
BOTELHO
SEAN B. SULLIVAN, ESQ. for MICHAEL TODD
BOTELHO

The following was served via USPS:

Michael Todd Botelho #80837
NNCC
P O Box 7000
Carson City, NV 89702



Return Of NEF**Recipients**

TERRENCE MCCARTHY, ESQ. - Notification received on 2016-01-13 15:52:04.268.
GARY HATLESTAD, ESQ. - Notification received on 2016-01-13 15:52:04.19.
JOHN PETTY, ESQ. - Notification received on 2016-01-13 15:52:04.33.
DIV. OF PAROLE & PROBATION - Notification received on 2016-01-13 15:52:04.299.
SEAN SULLIVAN, ESQ. - Notification received on 2016-01-13 15:52:04.236.

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

-

A filing has been submitted to the court RE: CR03-2156

Judge:

HONORABLE JEROME M. POLAHA

Official File Stamp:

01-13-2016:15:51:05

Clerk Accepted:

01-13-2016:15:51:34

Court:

Second Judicial District Court - State of Nevada
Criminal

Case Title:

STATE VS. MICHAEL TODD BOTELHO (D3)

Document(s) Submitted:

Order...

Filed By:

Judicial Asst. JUlleseit

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

GARY HOWARD HATLESTAD, ESQ.

JOHN REESE PETTY, ESQ. for MICHAEL TODD
BOTELHO

DIV. OF PAROLE & PROBATION

SEAN B. SULLIVAN, ESQ. for MICHAEL TODD
BOTELHO

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

MICHAEL TODD BOTELHO for MICHAEL TODD
BOTELHO

STATE OF NEVADA for STATE OF NEVADA

1 Code 3860

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6 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7 IN AND FOR THE COUNTY OF WASHOE
8

9 MICHAEL T. BOTELHO,

10 Petitioner

Case No. CR03-2156

11 vs.

Dept. No. 15

12 JAMES BENEDETTI, WARDEN,
13 STATE OF NEVADA, ET-AL,

14 Respondents
15 _____/

16 REQUEST FOR SUBMISSION
17
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JAN 13 2016

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

MICHAEL T. BOTELHO
 PETITIONER

-VS-

CASE NO: CRO3-2156, DEPT NO. 15

JAMES BENEDETTI, WARDEN,
 STATE OF NEVADA, ET-AL,
RESPONDENTS

REQUEST FOR SUBMISSION
SECOND NOTICE

COMES, MICHAEL T. BOTELHO, IN PROPER PERSON, FILING THIS REQUEST
 FOR SUBMISSION [SECOND NOTICE], IN THE ABOVE ENTITLED ACTION.

THIS REQUEST IS MADE DUE TO CHIEF JUDGE HARDY'S TOTAL DISREGARD OF
 BOTELHO'S EXTRAORDINARY WRIT OF MANDAMUS TO CHIEF JUDGE HARDY AS FILED
 VIA PRISON MAILBOX RULE ON 8-13-2015. THIS COURT, AND CHIEF JUDGE
 HARDY, HAVE COMPLETELY VIOLATED THEIR OATH OF OFFICE, THE PEOPLES TRUST,
 DISTRICT COURT RULES, N.R.C.P., NEVADA LAW, THE NEVADA AND UNITED STATES
 CONSTITUTION(S) AND BOTELHO'S 1ST, 5TH & 14TH AMENDMENT, INALIENABLE,
 CONSTITUTIONAL RIGHTS GUARANTEED BY OUR STILL [VALID] U.S. CONSTITUTION.

THIS COURT WILLFULLY DISREGARDED BOTELHO'S MANDAMUS, WONT RETURN A
 FILED COPY OF MANDAMUS, FURTHER IGNORING HIS FIRST "REQUEST FOR
 SUBMISSION". THE CLERK HAD BETTER START DOING YOUR JOB LEGALLY AND
 PROPERLY AS YOU, NOR ANY JUDGE, OR COURT IS ABOVE THE LAW. YOUR IMMUNITY
 DOES [NOT] GIVE ANY OF YOU THE GREEN LIGHT TO KNOWINGLY BREAK THE LAW!

AFFIRMATION AND CERTIFICATE OF SERVICE

I, MICHAEL T. BOTELHO, DO SWEAR UNDER PENALTY OF PERJURY, THAT SAID
 REQUEST FOR SUBMISSION (SECOND NOTICE) IS TRUE AND CORRECT PURSUANT
 TO 28 USC 1746 AND 18 USC 1621. THIS DOCUMENT DOES NOT CONTAIN THE
 S.S.N. OF ANY PERSON,

I FURTHER ASSERT THAT I PLACED A TRUE AND COMPLETE COPY OF REQUEST
 FOR SUBMISSION (SECOND REQUEST) AND AFFIDAVIT IN SUPPORT OF, IN
 FIRST CLASS MAIL, VIA PRISON MAILBOX RULE, TO THIS COURT, AND AS
 ADDRESSED BELOW. BRASS SLIP NO. 2167868 (COVERS COURT & D.A.)

DATED 1-8-2016

THE FRAUD AND IMPOSTER
 CHRIS HICKS, AKA W.C.D.A.
 P.O. BOX 11130
 RENO NV 89501-0130

Michael T. Botelho
 MICHAEL T. BOTELHO # 80837
 NNCC
 P.O. BOX 7000
 CARSON CITY, NV. 89501-7000

JAN 13 2016

1 Code 1075
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6 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7 IN AND FOR THE COUNTY OF WASHOE
8

9 MICHAEL T. BOTELHO,

10 Petitioner

Case No. CR03-2156

11 vs.

Dept. No. 15

12 JAMES BENEDETTI, WARDEN,
13 STATE OF NEVADA, ET-AL,

14 Respondents
15 _____ /

16 AFFIDAVIT
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JAN 13 2016

AFFIDAVIT

STATE OF NEVADA }
 CARSON COUNTY } SS: AFFIDAVIT OF MICHAEL T. BOTELHO
 IN SUPPORT OF REQUEST FOR SUBMISSION

TO WHOM IT CONCERNS:

I, MICHAEL T. BOTELHO, THE UNDERSIGNED, DO HEREBY SWEAR UNDER THE PENALTY OF PERJURY, THAT THE ASSERTIONS OF THIS AFFIDAVIT ARE TRUE AND CORRECT.

I, MICHAEL T. BOTELHO, ASSERTS THAT I FILED AN EXTRAORDINARY WRIT OF MANDAMUS TO CHIEF JUDGE DAVID HARDY, FOR THE NECESSARY RECUSAL OF THE INCOMPETENT, PREJUDICIAL AND BIASED JUDGE JEROME POLAHA, IN THE SECOND JUDICIAL DISTRICT COURT, WASHOE CO., NEVADA, ON 8-13-2015.

THE CHIEF JUDGE WILLFULLY DISREGARDED SAID MANDAMUS AND ITS PROVABLE AND INDISPUTIBLE FACTS REQUIRING JUDGE POLAHA'S RECUSAL. THE CHIEF JUDGE VIOLATED HIS OATH OF OFFICE, THE PEOPLES TRUST, RULES OF PROFESSIONAL CONDUCT & ETHICS, DISTRICT COURT RULES, NEVADA RULES OF CIVIL PROCEDURE, VALID NEVADA LAW, AND MY 1ST, 5TH AND 14TH AMENDMENT RIGHTS GUARANTEED BY OUR STILL VALID UNITED STATES CONSTITUTION, AS ALSO OUR NV. CONSTITUTION.

REGARDLESS OF CHIEF JUDGE HARDY'S FEELINGS IN THIS VERY SERIOUS MATTER, HE CHOSE NOT TO ACT AS REQUIRED, AS LAW AND JUSTICE REQUIRE.

I NEVER RECEIVED A FILED COPY OF MANDAMUS, EVEN AFTER INCLUDING AN EXTRA COPY TO BE STAMPED "FILED" AND RETURNED. I THEN FILED A "REQUEST FOR SUBMISSION" ON 9-8-2015, INCLUDED WAS A REQUEST FOR MY FILED COPY OF MANDAMUS. THIS WAS CONVENIENTLY RETURNED, UNOPENED, THOUGH PROPERLY ADDRESSED. I "RE-FILED" REQUEST OF SUBMISSION AGAIN, AND IT WAS CONVENIENTLY FILED ON 9-22-2015, USING SAME EXACT ADDRESS.

I AGAIN WAS DENIED A FILED COPY OF MY MANDAMUS. MY MANDAMUS WAS MANIPULATED, THUS, ALLOWING BIASED JUDGE POLAHA TO WRONGLY RULE 6 WEEKS LATER, PREJUDICALLY, WHEREIN HIS RULING HAS NO LEGALITY! THIS WAS PERPETRATED UPON ME, IN SPITE OF THE DOCUMENTED FACTS.

JAN 13 2016

POLAKA HAD NOW BEEN PROPERLY MOTIONED TO BE RECUSED 5 TIMES PREVIOUS TO HIS UNETHICAL, ILLEGAL AND INVALID RULING ON 9-15-2015, WHEREIN HE ABSOLUTELY KNEW HE VIOLATED NV. LAW AND DISTRICT COURT RULES AND WAS AN EGREGIOUS ABUSE OF DISCRETION.

I FILED JUDICIAL NOTICE TO CHIEF JUDGE HARDY, INFORMING HIM OF HIS VIOLATIONS IN THIS MATTER, ONLY TO BE TAMPERED WITH BY THE DEPUTY CLERK, K. JONES (IN MY OPINION, A CRIMINAL P.O.S.) IT WAS RETURNED, I FILED IT AGAIN, ONLY TO HAVE K. JONES INTERFERE IN MY CASE AGAIN, RETURNING IT.

ON 10-28-2015, I WAS FORCED TO FILE A "NOTICE" TO COURT CLERK JACQUILINE BRYANT CONCERNING K. JONES ACTIONS, AND OF COARSE, NO RESPONSE WITH JUSTIFICATION FOR THE CLERKS ACTIONS [COVERING OF COURSE]

ON 11-16-2015, I WAS FURTHER FORCED TO FILE MOTION TO ORDER COURT CLERK TO FORWARD DISPOSITION OF ALL RECORDS AND DOCKETING RECORD TO PETITIONER, INCLUDING THE VERY CRITICAL SHOW CAUSE MOTION THAT K. JONES DID THE SAME THING TO [OBSTRUCTION OF JUSTICE].

I BRING THIS AFFIDAVIT FORTH IN SUPPORT OF REQUEST FOR SUBMISSION (SECOND REQUEST) AS A RESULT OF THE CRIMINAL ACTIONS AND INTENTIONS OF THE CLERK AND FOR THIS COURTS PREMEDITATED, WILLFUL, DISREGARD OF MY 1ST, 5TH & 14TH AMENDMENT RIGHTS GUARANTEED BY OUR STILL VALID AND LAWFUL, NEVADA AND UNITED STATES CONSTITUTION(S). THIS COURT, THESE JUDGES AND CLERKS HAVE CLEARLY OBSTRUCTED JUSTICE AND WILLFULLY VIOLATED MY CONSTITUTIONAL RIGHTS IN THIS CASE. YOU ARE NOT ABOVE THE LAW YOU ARROGANT BASTARDS. THIS IS NOW A MATTER OF PUBLIC RECORD, I PROMISE YOU THAT!

DATED 1-8-2016



MICHAEL T. BOTELHO #80837
NNCC
P.O. BOX 7000
CARSON CITY, NV, 89703

Return Of NEF**Recipients**

TERRENCE MCCARTHY, ESQ. - Notification received on 2016-01-14 09:27:25.767.
GARY HATLESTAD, ESQ. - Notification received on 2016-01-14 09:27:25.689.
JOHN PETTY, ESQ. - Notification received on 2016-01-14 09:27:25.845.
DIV. OF PAROLE & PROBATION - Notification received on 2016-01-14 09:27:25.813.
SEAN SULLIVAN, ESQ. - Notification received on 2016-01-14 09:27:25.735.

***** IMPORTANT NOTICE - READ THIS INFORMATION *****

PROOF OF SERVICE OF ELECTRONIC FILING

-

A filing has been submitted to the court RE: CR03-2156

Judge:

HONORABLE JEROME M. POLAHA

Official File Stamp:

01-14-2016:08:35:05

Clerk Accepted:

01-14-2016:09:26:59

Court:

Second Judicial District Court - State of Nevada

Criminal

Case Title:

STATE VS. MICHAEL TODD BOTELHO (D3)

Document(s) Submitted:

Request for Submission

Affidavit in Support

Filed By:

Deputy Clerk KJones

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

GARY HOWARD HATLESTAD, ESQ.

JOHN REESE PETTY, ESQ. for MICHAEL TODD
BOTELHO

DIV. OF PAROLE & PROBATION

SEAN B. SULLIVAN, ESQ. for MICHAEL TODD
BOTELHO

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

MICHAEL TODD BOTELHO for MICHAEL TODD
BOTELHO

STATE OF NEVADA for STATE OF NEVADA

MICHAEL T. BOTELHO #80837
N.N.C.C.
Post Office Box 7000
Carson City, Nevada 89702-7000

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR COUNTY OF WASHOE

MICHAEL T. BOTELHO
Plaintiff

VS

BENEDOTTI, WARDEN
STATE OF NV, ET-AL
Respondent

Case No: CRD3-2156

REQUEST FOR SUBMISSION

Comes now, Plaintiff, MICHAEL T. BOTELHO (hereinafter "Plaintiff"),
appearing in proper person, and files this Request for Submission, in the above entitled action.

This Request is made pursuant to District Court Rules , whereas, Plaintiff respectfully
request that his

MOTION TO ORDER CLERK TO FORWARD DISPOSITION OF ALL RECORDS
AND DOCKETING RECORD TO PETITIONER., be

submitted to the appropriate Honorable Court for a review and a decision.

Dated this 11TH day of JANUARY, 2016



Proper Persona Plaintiff

JAN 14 2016

CERTIFICATE OF SERVICE BY MAIL

Pursuant to NRCP Rule 5 (b), I hereby certify that I am the Petitioner/Defendant named herein and that on this 11th day of JAN., 20 16, I mailed a true and correct copy of the foregoing REQUEST FOR SUBMISSION to the following:

TO: THE FRAUD AND IMPOSTER
"CHRIS HICKS"

PRETENDING TO BE "WASHOE,
COUNTY DISTRICT ATTORNEY
P.O. Box 11130
RENO, NV. 89520-0027

BY: 

AFFIRMATION
Pursuant to NRS 239b.030

The undersigned does hereby affirm that the preceding document.

REQUEST FOR SUBMISSION

Filed in case number: CRO3-2156 (Title of Document)

☒ Document does not contain the social security number of any person

Or

☐ Document contains the social security number of a person as required by:

☐ A specific state or federal law, to wit

Or

☐ For the administration of a public program

Or

☐ For an application for a federal or state grant

Or

☐ Confidential Family Court Information Sheet
(NRS 125.130, NRS 125.230, and NRS 125b.055)

DATE: 1-11-2016

Michael T. Botelho
(Signature)

MICHAEL T. BOTELHO
(Print Name)

pro-se
(Attorney for)

Return Of NEF**Recipients**

TERRENCE MCCARTHY, ESQ. - Notification received on 2016-01-15 08:33:11.475.
GARY HATLESTAD, ESQ. - Notification received on 2016-01-15 08:33:11.397.
JOHN PETTY, ESQ. - Notification received on 2016-01-15 08:33:11.553.
DIV. OF PAROLE & PROBATION - Notification received on 2016-01-15 08:33:11.506.
SEAN SULLIVAN, ESQ. - Notification received on 2016-01-15 08:33:11.443.

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

-

A filing has been submitted to the court RE: CR03-2156

Judge:

HONORABLE JEROME M. POLAHA

Official File Stamp:

01-15-2016:08:29:58

Clerk Accepted:

01-15-2016:08:32:32

Court:

Second Judicial District Court - State of Nevada
Criminal

Case Title:

STATE VS. MICHAEL TODD BOTELHO (D3)

Document(s) Submitted:

Request for Submission

Filed By:

Deputy Clerk KJones

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

GARY HOWARD HATLESTAD, ESQ.

JOHN REESE PETTY, ESQ. for MICHAEL TODD
BOTELHO

DIV. OF PAROLE & PROBATION

SEAN B. SULLIVAN, ESQ. for MICHAEL TODD
BOTELHO

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

MICHAEL TODD BOTELHO for MICHAEL TODD
BOTELHO

STATE OF NEVADA for STATE OF NEVADA

1 Code 3860
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6 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7 IN AND FOR THE COUNTY OF WASHOE
8

9 MICHEAL T. BOTELHO,

10 Plaintiff(s),

Case No. CR03-2156

11 vs.

Dept. No. 15

12 BENEDETTI, WARDEN
13 STATE OF NEVADA, ETAL,

14 Defendant(s).
15 _____ /

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

MICHAEL T. BOTELHO
 PETITIONER

- VS -

BENEDETTI, WARDEN,
 STATE OF NEVADA, ET-AL
 RESPONDENTS

CASE NO: CRO3-2156, DEPT. NO: 15

REQUEST FOR SUBMISSION
SECOND REQUEST

COMES, MICHAEL T. BOTELHO, IN PROPER PERSON, FILING THIS REQUEST FOR SUBMISSION (SECOND REQUEST), IN THE ABOVE ENTITLED ACTION.

THIS SECOND REQUEST IS MADE DUE THIS COURTS CLERK(S) AND CHIEF JUDGE HARDY'S TOTAL DISREGARD OF OATH OF OFFICE, DISTRICT COURT RULES, NRS, NEV. RULES OF CIVIL PROCEDURE, THE NV. CONSTITUTION, THE UNITED STATES CONSTITUTION, AND BOTELHO'S RIGHT TO REDRESS HIS GRIEVANCE UNDER THE 1ST AMENDMENT, AS ALSO HIS 5TH & 14TH AMENDMENT RIGHTS OF PROCEDURAL, AND SUBSTANTIVE DUE PROCESS GUARANTEED BY OUR [STILL] VALID NEVADA AND UNITED STATES CONSTITUTION(S) PURSUANT TO HIS RIGHTOUSLY BROUGHT [MOTION FOR SHOW CAUSE], THIS COURT HAS PROVED ONCE AGAIN, ITS WILLINGNESS TO COVER FOR AND PROTECT THE STATE REGARDLESS OF LAW AND JUSTICE, AS REQUIRED BY LAW AND OUR NV. AND U.S. CONSTITUTION(S).

THIS LESS THAN HONORABLE COURT, COURT CLERK AND CHIEF JUDGE HARDY HAS OBSTRUCTED JUSTICE BY ITS COMPLETE DISREGARD FOR BOTELHO'S PROVEN FACTS ASSERTED IN HIS MOTION FOR SHOW CAUSE, BECAUSE HAD THIS COURT, THE CLERK AND CHIEF JUDGE HARDY DONE YOUR REQUIRED DUTIES, BOTELHO'S CASE WOULD HAVE ALREADY BEEN VOIDED AND HE WOULD HAVE BEEN RELEASED.

YOUR IMMUNITY DOES NOT GIVE YOU THE RIGHT TO BREAK THE LAW, YOU ARE NOT ABOVE THE LAW, YOU CAN AND WILL BE ACCOUNTABLE! I PROMISE!
AFFIRMATION AND CERTIFICATE OF SERVICE

I, MICHAEL T. BOTELHO, SWEAR UNDER THE PENALTY OF PERJURY, THAT SAID REQUEST FOR SUBMISSION (SECOND) FOR MOTION FOR SHOW CAUSE HEARING IS TRUE AND CORRECT PER 28 USC 1746, 18 USC 1621. DOES NOT HAVE THE SSN OF ANY PERSON. I PLACED A TRUE AND COMPLETE COPY OF REQUEST AND AFFIDAVIT IN SUPPORT OF VIA BRISON MAIL BOX RULE TO,

FRAUD & IMPOSTER CHRIS HICKS
 PRETENDING TO BE W.C.D.A.
 BOX 11130

DATED 1-1-2016

MICHAEL T. BOTELHO #91837
 NNCC, P.O. BOX 714
 CARSON CITY, NV. 89707

JAN 14 2016

AFFIDAVIT

STATE OF NEVADA }
 CARSON COUNTY } ss. AFFIDAVIT IN SUPPORT OF BY MICHAEL T. BOTELHO,
 FOR SECOND REQUEST FOR SUBMISSION

TO WHOM IT CONCERNS:

I, MICHAEL T. BOTELHO, THE UNDERSIGNED, DO HEREBY SWEAR UNDER THE PENALTY OF PERJURY, THAT THE ASSERTIONS OF THIS AFFIDAVIT IN SUPPORT OF [SECOND] REQUEST FOR SUBMISSION ARE TRUE AND CORRECT.

I, ASSERT THAT I FILED A MOTION FOR SHOW CAUSE ON 8-17-2015, IN THIS COURT, TO CHALLENGE AND FACTUALLY PROVE THAT NEITHER RICHARD GAMMICK, FORMER WASHOE COUNTY DISTRICT ATTORNEY, NOR PRESENT, IMPERSONATING AS A PUBLIC OFFICIAL, UNDER NRS 199,430, CHRIS HICKS AND HIS DEPUTY DISTRICT ATTORNEYS, LEGALLY HOLD VALID PUBLIC TITLES/POSITIONS AS THE DIRECT RESULT OF THEIR CALCULATED DECEPTION AND KNOWING FAILURE TO OBTAIN A PROPER, VALID AND LAWFUL BOND TO HOLD OFFICE. (SEE SHOW CAUSE MOTION)

AS A RESULT OF THE FRAUD, MISREPRESENTATION, CONSPIRACY, COLLUSION, IMPERSONATING A PUBLIC OFFICIAL, VIOLATIONS OF OATH OF OFFICE, THE PEOPLES TRUST, VALID NEVADA LAW, PROFESSIONAL RULES OF CONDUCT, AND OBSTRUCTION OF JUSTICE, AS PERPETRATED BY THESE INDIVIDUALS PRETENDING TO HOLD OFFICE, THE STATE OF NEVADA UNLAWFULLY AND MALICIOUSLY BROUGHT A CRIMINAL ACTION AGAINST MICHAEL T. BOTELHO. THIS UNLAWFUL, CRIMINAL ACTION, RESULTED IN THE ILLEGAL ARREST, KIDNAPPING, CONVICTION AND CURRENT ILLEGAL AND UNCONSTITUTIONAL RESTRAINT OF MY GOD GIVEN LIBERTIES, PURSUANT TO NEVADA AND OUR UNITED STATES CONSTITUTION(S)

AS A MATTER OF PUBLIC RECORD, I HAVE NOT RECEIVED A FILED, STAMPED COPY OF MOTION FOR SHOW CAUSE. I FILED REQUEST FOR SUBMISSION ON 9-8-2015, FINALLY FILED ON 9-22-2015. STILL THIS COURT SHIRKED IT DUTIES AND USURPED ITS AUTHORITY. I FURTHER FILED FORMAL NOTICE TO COURT CLERK JACQUILINE BRYANT ABOUT THIS (NO RESPONSE).

THIS CRIMINAL CONDUCT, COVERING FOR THE STATE. SO MY CASE IS [NOT] VOIDED, IS OBSTRUCTION OF JUSTICE. THERE WILL BE CONSEQUENCES. V5. 715


MY MOTION FOR SHOW CAUSE, DOES, IN FACT, PROVE THAT MY ARREST AND CONVICTION ARE FACTUALLY AND LEGALLY [NULL AND VOID] MY 1ST, 4TH, 5TH, 6TH, 8TH AND 14TH AMENDMENT RIGHTS GUARANTEED BY OUR STILL VALID UNITED STATES CONSTITUTION HAVE BEEN AND ARE STILL BEING ILLEGALLY AND SYSTEMATICALLY DENIED BY THE WASHOE COUNTY SHERIFFS OFFICE, THE UNLAWFULLY OCCUPIED POSITION OF WASHOE COUNTY DISTRICT ATTORNEY AND THEIR DERIVATES, MY CRIMINALLY CULPABLE ATTORNEYS WHO BLINDLY IGNORED AND COERCED ME, COVERED FOR THE STATE AND THIS COURT. THIS COURT AND EVERY JUDGE IN IT, ESPECIALLY THE CHIEF JUDGE, DAVID HARDY ARE AND HAVE BEEN FULLY ADVISED OF THE STATES UNLAWFUL POSITION.

ITS OBVIOUS THAT JUDGE HARDY HAS ALLOWED JUDGE POLAHA AND THIS COURT TO COVER THESE FACTS UP BECAUSE IF IT DOESNT LET THIS BECOME PUBLIC, IT HOPES THAT ALL THOSE ILLEGALLY CONVICTED IN WASHOE COUNTY, WONT BE UNAVOIDABLY RELEASED AND PAID MILLIONS, AND THOSE WHO COVERED IT UP WILL ALL LOSE THEIR JOBS, THEIR PENSIONS AND EVEN THEIR OWN FREEDOM!

THIS COURT, THESE CLERKS AND THESE JUDGES HAD BETTER DECIDE WHICH SIDE OF THE LAW THEY CHOOSE TO STAND BY! YOU DO THE RIGHT THING OR PAY THE CONSEQUENCES. I SWEAR TO YOU DIRTY CORRUPT LOW LIFE CRIMINALS WILL BE EXPOSED ONE WAY OR THE OTHER! YOU WILL PAY FOR YOUR REPUGNANT ACTIONS IN THIS CASE AND OTHERS.

YOU HAD BETTER RESPOND AND FOLLOW THE LAW WHILE YOU STILL HAVE A CHANCE TO SAVE YOURSELVES!

DATED 1-11-2016


MICHAEL T. BOTELHO # 80837
NNCC
P.O. BOX 7000
CARSON CITY, NV. 89702
V5. 716

Return Of NEF**Recipients**

TERRENCE MCCARTHY, ESQ. - Notification received on 2016-01-15 08:47:15.272.
GARY HATLESTAD, ESQ. - Notification received on 2016-01-15 08:47:15.178.
JOHN PETTY, ESQ. - Notification received on 2016-01-15 08:47:15.365.
DIV. OF PAROLE & PROBATION - Notification received on 2016-01-15 08:47:15.319.
SEAN SULLIVAN, ESQ. - Notification received on 2016-01-15 08:47:15.225.

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

-

A filing has been submitted to the court RE: CR03-2156

Judge:

HONORABLE JEROME M. POLAHA

Official File Stamp:

01-15-2016:08:39:11

Clerk Accepted:

01-15-2016:08:46:48

Court:

Second Judicial District Court - State of Nevada
Criminal

Case Title:

STATE VS. MICHAEL TODD BOTELHO (D3)

Document(s) Submitted:

Request for Submission

Filed By:

Deputy Clerk KJones

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

GARY HOWARD HATLESTAD, ESQ.

JOHN REESE PETTY, ESQ. for MICHAEL TODD
BOTELHO

DIV. OF PAROLE & PROBATION

SEAN B. SULLIVAN, ESQ. for MICHAEL TODD
BOTELHO

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

MICHAEL TODD BOTELHO for MICHAEL TODD
BOTELHO

STATE OF NEVADA for STATE OF NEVADA

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

MICHAEL TODD BOTELHO,

Petitioner,

Case No. CR03-2156

Dept. No. 3

vs.

JAMES BENEDETTI, STATE OF
NEVADA, et. al,

Respondents.

**ORDER REGARDING MOTION TO ORDER COURT CLERK TO FORWARD
DISPOSITION OF ALL RECORDS IN THIS COURT AND DOCKETING RECORD TO
PETITIONER**

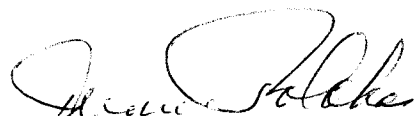
Currently before the Court is MICHAEL TODD BOTELHO's ("the Petitioner") Motion to Order Court Clerk to Forward Disposition of All Records in This Court and Docketing Record to Petitioner ("the Motion") filed November 24, 2015. The Motion was submitted for the Court's consideration January 15, 2016.

In the Motion, the Petitioner requests a true and correct docketing and disposition record from 2003 to the present time for purposes of appeal.

Please find attached a full case history for case numbers CR03-2156 and CR03P2156.

IT IS SO ORDERED.

Dated this 29th day of January, 2016.


JEROME POLAHA
DISTRICT JUDGE

**SECOND JUDICIAL DISTRICT COURT
COUNTY OF WASHOE**

Case History - CR03-2156

DEPT. D3

HON. JEROME M. POLAHA

Report Date & Time

1/15/2016

2:57:50PM

Case Description: STATE VS. MICHAEL TODD BOTELHO (D3)

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

Parties

| | |
|------|------------------------------------|
| APPE | MICHAEL TODD BOTELHO - @154004 |
| PNP | Div. of Parole & Probation - DPNP |
| RESP | STATE OF NEVADA - STATE |
| PATY | John Reese Petty, Esq. - 10 |
| PLTF | STATE OF NEVADA - STATE |
| DA | Terrence P. McCarthy, Esq. - 2745 |
| DEFT | MICHAEL TODD BOTELHO - @154004 |
| PD | Sean B. Sullivan, Esq. - 7534 |
| DATY | Gary Howard Hatlestad, Esq. - 1525 |

Charges

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

Plea Information

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

Sentences

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

Case ID: CR03-2156 Case Description: STATE VS. MICHAEL TODD BOTELHO (D3) Case Type: CRIMINAL Initial Filing Date: 10/8/2003

Release Information

Custody Status

Hearings

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

Case Description: STATE VS. MICHAEL TODD BOTELHO (D3)

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

Agency Cross Reference

Code Agency Description Case Reference I.D.

Case Description: STATE VS. MICHAEL TODD BOTELHO (D3)

| Case ID: | CR03-2156 | Case Type: | CRIMINAL | Initial Filing Date: | 10/8/2003 |
|----------|--------------------------------|------------|----------------|----------------------|-----------|
| DA | District Attorney's Office | | DA318167 | | |
| RJ | Reno Justice's Court | | RCR2003011479 | | |
| SC | Supreme Court | | SCN 43247 | | |
| SC | Supreme Court | | SCN 69046 | | |
| WC | Washoe County Sheriff's Office | | WCSOWC03008924 | | |

Actions

| Action Entry Date | Code | Code Description | Text |
|-------------------|------|-------------------------------|---|
| 10/8/2003 | 1795 | Indictment | |
| 10/8/2003 | 1300 | Bench Warrant Filed-Case Clsd | BAIL SET AT \$250,000.00 CASH ONLY |
| 10/8/2003 | 3370 | Order ... | ORDER STAYING JUSTICE COURT PROCEEDINGS (RJC) |
| 10/14/2003 | 3892 | Return of Service B/W | SERVED 10-10-03 |
| 10/15/2003 | 1325 | ** Case Reopened | |
| 10/15/2003 | 1250 | Application for Setting | 10-23-03 @08:30 |
| 10/20/2003 | 4185 | Transcript | GRAND JURY TRANSCRIPT 10-8-03 |
| 10/20/2003 | 1775 | General Receipt | GRAND JURY (DA) |
| 10/23/2003 | MIN | ***Minutes | ARRAIGNMENT |
| 10/30/2003 | 1810 | Inmate Request Form Filed | REQUEST RE: MISSED COURT DATE, REFERRED TO COUNSEL PER JUDGE POLAHA |
| 11/6/2003 | MIN | ***Minutes | |
| 11/6/2003 | MIN | ***Minutes | ENTRY OF PLEA |
| 11/6/2003 | 1280 | ** 60 Day Rule - Waived | |
| 11/20/2003 | 4185 | Transcript | 10/23/03 ARRAIGNMENT/ CONTINUED |
| 12/8/2003 | 1250 | Application for Setting | 12-11-03 @08:30 |
| 12/11/2003 | 1785 | Guilty Plea Memo/Agreement | |
| 12/11/2003 | MIN | ***Minutes | MOTION FOR HANGE OF PLEA |
| 12/22/2003 | 4185 | Transcript | 12/11/03 CHANGE OF PLEA |
| 1/12/2004 | 4185 | Transcript | 11/6/03 ENTRY OF PLEA |
| 1/26/2004 | 3839 | Request Agree Ord Recp Discv | |
| 1/26/2004 | 2528 | Not/Doc/Rc'd/Not/Cons/by Crt | CONFIDENTIAL PSYCHOLOGICAL / SUBSTANCE ABUSE EVALUATION TO BE FILED UNDER SEAL ***SE/ |
| 1/30/2004 | 4025 | Stip & Ord to Continue | SENTENCING TO 2-18-04 |
| 2/3/2004 | 2610 | Notice ... | NOTICE OF INTENT TO INTRODUCE PRIOR OR OTHER BAD ACT EVIDENCE AT SENTENCING HEARING |
| 2/11/2004 | 4500 | PSI - Confidential | |
| 2/13/2004 | 2645 | Opposition to Mtn ... | OPPOSITION TO STATE'S INTRODUCTION OF PRIOR OR OTHER BAD ACT EVIDENCE AT SENTENCING |
| 2/17/2004 | 1250 | Application for Setting | 3-11-04 @10:00 |
| 2/17/2004 | 2528 | Not/Doc/Rc'd/Not/Cons/by Crt | CONFIDENTIAL LETTERS FROM FAMILY TO BE FILED UNDER SEAL ***SEALED*** |
| 2/20/2004 | 3795 | Reply... | IN OPPOSITION TO DEFENDANT'S OPPOSITION TO STATE'S INTRODUCTION OF OTHER BAD ACT EVID |
| 2/24/2004 | 4025 | Stip & Ord to Continue | Sentencing reset for April 7, 2004. Motion Hearing set for March 11, 2004. |
| 3/11/2004 | MIN | ***Minutes | MOTIONS RE: MEDIA AND SEALING; RECUSAL OF JUDGE AND MARITAL PRIVILEGE |
| 3/31/2004 | 4185 | Transcript | 3/11/04 HEARING ON MOTIONS |
| 4/6/2004 | 1775 | General Receipt | GRAND JURY TRANSCRIPT - SEAN SULLIVAN, ESQ. |
| 4/7/2004 | 1850 | Judgment of Conviction | |
| 4/7/2004 | MIN | ***Minutes | ENTRY OF JUDGMENT AND IMPOSITION OF SENTENCE |

Case Description: STATE VS. MICHAEL TODD BOTELHO (D3)

| Case ID: | CR03-2156 | Case Type: | CRIMINAL | Initial Filing Date: | 10/8/2003 |
|-----------|-----------|--------------------------------|---|----------------------|-----------|
| 4/19/2004 | 4185 | Transcript | 4/7/04 SENTENCING | | |
| 4/22/2004 | 2295 | Mtn to Dismiss Counts ... | COUNT II | | |
| 4/28/2004 | 2905 | Ord for Dismissal of Counts | COUNT II | | |
| 4/30/2004 | 2515 | Notice of Appeal Supreme Court | | | |
| 4/30/2004 | 1310 | Case Appeal Statement | | | |
| 5/3/2004 | 1350 | Certificate of Clerk | | | |
| 5/3/2004 | 1365 | Certificate of Transmittal | | | |
| 5/6/2004 | 1187 | **Supreme Court Case No. ... | SUPREME COURT CASE NO. 43247 | | |
| 5/6/2004 | 1188 | Supreme Court Receipt for Doc | SUPREME COURT CASE NO. 43247 | | |
| 5/17/2004 | 2230 | Mtn Trial Trans. Public Exp | | | |
| 6/1/2004 | 3000 | Ord Trial Transcript/Public\$ | | | |
| 4/6/2005 | 4134 | Supreme Court Order Affirming | SUPREME COURT CASE NO. 43247 | | |
| 5/3/2005 | 4145 | Supreme Court Remittitur | SUPREME COURT CASE NO. 43247 | | |
| 5/3/2005 | 4111 | Supreme Ct Clk's Cert & Judg | SUPREME COURT CASE NO. 43247 | | |
| 5/3/2005 | 4134 | Supreme Court Order Affirming | SUPREME COURT CASE NO. 43247 | | |
| 7/13/2005 | 2260 | Mtn to Relieve Counsel | NOTICE OF MOTION AND MOTION FOR WITHDRAWAL OF ATTORNEY OF RECORD AND TRANSFER OF | | |
| 7/13/2005 | 1075 | Affidavit ... | OF DEFENDANT | | |
| 7/13/2005 | 1030 | Affidavit in Support... | MOTION FOR WITHDRAWAL OF ATTORNEY OF RECORD AND TRANSFER OF RECORDS | | |
| 8/18/2005 | 3860 | Request for Submission | DOCUMENT TITLE: MOTION FOR WITHDRAWAL OF ATTORNEY | | |
| 9/13/2005 | 3060 | Ord Granting Mtn ... | ORDER GRANTING MOTION TO WITHDRAW COUNSEL | | |
| 9/13/2005 | 1315 | ** Case Closed | | | |
| 6/12/2007 | FIE | **Document Filed in Error | file - filed in wrong case / put in "P" case. | | |
| 6/4/2012 | 4128 | Supreme Court Order Denying | SUPREME COURT CASE NO. 60556/ORDER DENYING PETITION - Transaction 2995756 - Approved By: NO | | |
| 6/4/2012 | NEF | Proof of Electronic Service | Transaction 2995817 - Approved By: NOREVIEW : 06-04-2012:16:43:46 | | |
| 7/31/2012 | 4128 | Supreme Court Order Denying | SUPREME COURT ORDER DENYING REHEARING - Transaction 3118134 - Approved By: NOREVIEW : 07-3 | | |
| 7/31/2012 | NEF | Proof of Electronic Service | Transaction 3118173 - Approved By: NOREVIEW : 07-31-2012:11:04:10 | | |
| 8/22/2012 | 4131 | Supreme Ct Not/Lieu/Remittitur | SUPREME COURT CASE NO. 60556/NOTICE IN LIEU OF REMITTITUR - Transaction 3168665 - Approved By | | |
| 8/22/2012 | NEF | Proof of Electronic Service | Transaction 3168719 - Approved By: NOREVIEW : 08-22-2012:14:27:23 | | |
| 7/24/2015 | 2300 | Mtn to Dismiss Pet | MOTION TO DISMISS PETITION FOR WRIT OF HABEAS CORPUS - Transaction 5060792 - Approved By: MC | | |
| 7/24/2015 | NEF | Proof of Electronic Service | Transaction 5060978 - Approved By: NOREVIEW : 07-24-2015:09:54:48 | | |
| 8/11/2015 | 2490 | Motion ... | MOTION TO STRIKE AND OPPOSITION TO RESPONDENT'S MOTION TO DISMISS PETITION FOR POST-C | | |
| 8/11/2015 | 1075 | Affidavit ... | | | |
| 8/13/2015 | 3795 | Reply... | REPLY TO OPPOSITION TO MOTION TO DISMISS, AND OPPOSITION TO MOTION TO STRIKE - Transacti | | |
| 8/13/2015 | NEF | Proof of Electronic Service | Transaction 5092474 - Approved By: NOREVIEW : 08-13-2015:12:21:06 | | |
| 8/13/2015 | 3860 | Request for Submission | Transaction 5091960 - Approved By: YLLOYD : 08-13-2015:12:26:07 | | |
| 8/13/2015 | NEF | Proof of Electronic Service | Transaction 5092489 - Approved By: NOREVIEW : 08-13-2015:12:26:52 | | |
| 8/13/2015 | 2526 | Notice of Change of Attorney | TERRENCE MCCARTHY OBO RESPONDENT IN PLACE OF GARY HATLESTAD - Transaction 5091963 - Ap | | |
| 8/13/2015 | NEF | Proof of Electronic Service | Transaction 5092514 - Approved By: NOREVIEW : 08-13-2015:12:41:02 | | |
| 8/19/2015 | 4330 | Writ of Mandamus | EXTRAORDINARY WRIT OF MANDAMUS FOR THE RECUSAL AND THE DISQUALIFICATION OF JUDGE P | | |

Case Description: STATE VS. MICHAEL TODD BOTELHO (D3)

| Case ID: | CR03-2156 | Case Type: | CRIMINAL | Initial Filing Date: | 10/8/2003 |
|------------|-----------|--------------------------------|--|----------------------|-----------|
| 8/21/2015 | 2490 | Motion ... | MOTION TO SHOW CAUSE | | |
| 8/25/2015 | 3790 | Reply to/in Opposition | REPLY TO OPPOSITION TO MOTION TO STRIKE | | |
| 8/27/2015 | 1020 | Addendum | ADDENDUM TO SHOW CAUSE MOTION | | |
| 9/16/2015 | 3060 | Ord Granting Mtn ... | ORDER GRANTING MOTION TO DISMISS PETITION AND DENYING MOTION TO STRIKE - Transaction 514 | | |
| 9/16/2015 | S200 | Request for Submission Complet | | | |
| 9/16/2015 | NEF | Proof of Electronic Service | Transaction 5143730 - Approved By: NOREVIEW : 09-16-2015:12:03:55 | | |
| 9/22/2015 | 2490 | Motion ... | MOTION TO VACATE JUDGMENT OF CONVICTION AND INR IV.P RULE 9 (6)FRAUD | | |
| 9/22/2015 | 1030 | Affidavit in Support... | | | |
| 9/22/2015 | 3860 | Request for Submission | DOCUMENT TITLE: REPLY AND OBJECTION TO OPPOSITION TO MOTION (PAPER ORDER NOT PROVIE | | |
| 9/25/2015 | 2645 | Opposition to Mtn ... | OPPOSITION TO "MOTION TO VACATE JUDGMENT OF CONVICTION AND NRCIV P. RULE 9 (b) FRAUD - | | |
| 9/25/2015 | NEF | Proof of Electronic Service | Transaction 5158987 - Approved By: NOREVIEW : 09-25-2015:10:33:51 | | |
| 9/28/2015 | S200 | Request for Submission Complet | | | |
| 10/1/2015 | 2175 | Mtn for Reconsideration | MOTION FOR RECONSIDERATION | | |
| 10/2/2015 | 2610 | Notice ... | JUDICIAL NOTICE | | |
| 10/6/2015 | 2645 | Opposition to Mtn ... | OPPOSITION TO MOTION FOR RECONSIDERATION - Transaction 5173465 - Approved By: TBRITTON : 10-6 | | |
| 10/6/2015 | NEF | Proof of Electronic Service | Transaction 5173760 - Approved By: NOREVIEW : 10-06-2015:09:56:34 | | |
| 10/9/2015 | 3795 | Reply... | REPLY AND OBJECTION TO OPPOSITION TO MOTION TO VACATE JUDGMENT OF CONVICTION FOR NF | | |
| 10/14/2015 | 3860 | Request for Submission | Transaction 5187258 - Approved By: YVILORIA : 10-14-2015:08:59:59 | | |
| 10/14/2015 | NEF | Proof of Electronic Service | Transaction 5187367 - Approved By: NOREVIEW : 10-14-2015:09:00:52 | | |
| 10/15/2015 | 3795 | Reply... | REPLY AND OBJECTION TO OPPOSTION TO MOTION FOR RECONSIDERATION | | |
| 10/19/2015 | 3860 | Request for Submission | Transaction 5193956 - Approved By: YVILORIA : 10-19-2015:09:23:13 | | |
| 10/19/2015 | NEF | Proof of Electronic Service | Transaction 5194069 - Approved By: NOREVIEW : 10-19-2015:09:24:17 | | |
| 10/19/2015 | 2515 | Notice of Appeal Supreme Court | Appellant, MICHAEL TODD BOTELHO, proper | | |
| 10/22/2015 | 1310E | Case Appeal Statement | Transaction 5200845 - Approved By: NOREVIEW : 10-22-2015:09:18:07 | | |
| 10/22/2015 | 1350 | Certificate of Clerk | CERTIFICATE OF CLERK AND TRANSMITTAL - NOTICE OF APPEAL - Transaction 5200845 - Approved By: I | | |
| 10/22/2015 | NEF | Proof of Electronic Service | Transaction 5200851 - Approved By: NOREVIEW : 10-22-2015:09:19:08 | | |
| 10/28/2015 | 1188 | Supreme Court Receipt for Doc | SUPREME COURT NO. 69046/RECEIPT FOR DOCUMENTS - Transaction 5210628 - Approved By: NOREVIEW | | |
| 10/28/2015 | NEF | Proof of Electronic Service | Transaction 5210645 - Approved By: NOREVIEW : 10-28-2015:14:33:16 | | |
| 11/13/2015 | NEF | Proof of Electronic Service | Transaction 5233405 - Approved By: NOREVIEW : 11-13-2015:08:59:30 | | |
| 11/13/2015 | 4126 | Supreme Ct Order Directing... | SUPREME COURT NO. 69046 / ORDER DIRECTING TRANSMISSION OF RECORD - Transaction 5233396 - | | |
| 11/24/2015 | 2490 | Motion ... | MOTION TO ORDER COURT CLERK TO FOWARD DISPOSITION OF ALL RECORDS IN THE THIS COURT A | | |
| 11/24/2015 | FIE | **Document Filed in Error | FIE - Duplicate Entry asmith 11/24/15 | | |
| 11/24/2015 | FIE | **Document Filed in Error | FIE - Duplicate Entry asmith 11/24/15 | | |
| 12/3/2015 | 3370 | Order ... | DENYING REQUEST TO DISQUALIFY JUDGE POLAHA - Transaction 5261438 - Approved By: NOREVIEW : | | |
| 12/3/2015 | NEF | Proof of Electronic Service | Transaction 5261445 - Approved By: NOREVIEW : 12-03-2015:11:17:16 | | |
| 12/10/2015 | NEF | Proof of Electronic Service | Transaction 5273823 - Approved By: NOREVIEW : 12-10-2015:15:33:00 | | |
| 12/10/2015 | 2842 | Ord Denying Motion | FOR RECONSIDERATION - Transaction 5273820 - Approved By: NOREVIEW : 12-10-2015:15:32:00 | | |
| 12/10/2015 | NEF | Proof of Electronic Service | Transaction 5273807 - Approved By: NOREVIEW : 12-10-2015:15:29:50 | | |
| 12/10/2015 | S200 | Request for Submission Complet | | | |

Case Description: STATE VS. MICHAEL TODD BOTELHO (D3)

| Case ID: | CR03-2156 | Case Type: | CRIMINAL | Initial Filing Date: | 10/8/2003 |
|------------|-----------|--------------------------------|--|----------------------|-----------|
| 12/10/2015 | 2842 | Ord Denying Motion | Transaction 5273801 - Approved By: NOREVIEW : 12-10-2015:15:28:51 | | |
| 12/10/2015 | S200 | Request for Submission Complet | | | |
| 12/10/2015 | 3645 | Petition ... | PETITION FOR EXTRADORDINARY WRIT OF MANDAMUS | | |
| 12/10/2015 | 3862 | **Criminal Submit | DOCUMENT TITLE: "NO S1 BUILT" PETITION FOR EXTRADORDINARY WRIT OF MANDAMUS (PAPER OF | | |
| 12/16/2015 | NEF | Proof of Electronic Service | Transaction 5281172 - Approved By: NOREVIEW : 12-16-2015:11:23:31 | | |
| 12/16/2015 | 1350 | Certificate of Clerk | CERTIFICATE OF CLERK AND TRANSMITTAL - RECORD ON APPEAL - Transaction 5281166 - Approved By | | |
| 1/13/2016 | 3370 | Order ... | ORDER FOR RESPONSE - Transaction 5319424 - Approved By: NOREVIEW : 01-13-2016:15:51:34 | | |
| 1/13/2016 | NEF | Proof of Electronic Service | Transaction 5319429 - Approved By: NOREVIEW : 01-13-2016:15:52:23 | | |
| 1/14/2016 | 1030 | Affidavit in Support... | AFFIDAVIT OF MICHAEL T. BOTELHO IN SUPPORT OF REQUEST FOR SUBMISSION - Transaction 531988 | | |
| 1/14/2016 | 3860 | Request for Submission | SECOND NOTICE WRIT OF MANDAMUS (PAPER ORDER NOT PROVIDED) - Transaction 5319889 - Approv | | |
| 1/14/2016 | NEF | Proof of Electronic Service | Transaction 5320067 - Approved By: NOREVIEW : 01-14-2016:09:27:44 | | |
| 1/15/2016 | 3860 | Request for Submission | MOTION TO ORDER CLERK TO FORWARD DISPOSITION OF ALL RECORDS AND DOCKETING RECORD | | |
| 1/15/2016 | NEF | Proof of Electronic Service | Transaction 5322344 - Approved By: NOREVIEW : 01-15-2016:08:33:40 | | |
| 1/15/2016 | 3860 | Request for Submission | SECOND REQUEST (PAPER ORDER NOT PROVIDED) - Transaction 5322376 - Approved By: KJONES : 01-1 | | |
| 1/15/2016 | NEF | Proof of Electronic Service | Transaction 5322403 - Approved By: NOREVIEW : 01-15-2016:08:47:45 | | |
| 1/15/2016 | S200 | Request for Submission Complet | | | |
| 1/15/2016 | S200 | Request for Submission Complet | | | |

**SECOND JUDICIAL DISTRICT COURT
COUNTY OF WASHOE**

Case History - CR03P2156

DEPT. D3

HON. JEROME M. POLAHA

Report Date & Time

1/15/2016

2:58:29PM

Case Description: POST: MICHAEL TODD BOTELHO (D3)

| | | | | | |
|-----------------|-----------|-------------------|-----------------|-----------------------------|----------|
| Case ID: | CR03P2156 | Case Type: | POST CONVICTION | Initial Filing Date: | 3/6/2006 |
|-----------------|-----------|-------------------|-----------------|-----------------------------|----------|

Parties

| | |
|------|-----------------------------------|
| RESP | STATE OF NEVADA - STATE |
| PETR | MICHAEL TODD BOTELHO - @154004 |
| DA | Terrence P. McCarthy, Esq. - 2745 |
| CAA | Mary Lou A. Wilson, Esq. - 3329 |

Charges

| | | | |
|-------------------|--------------------|--------------------|---------------------------|
| <i>Charge No.</i> | <i>Charge Code</i> | <i>Charge Date</i> | <i>Charge Description</i> |
|-------------------|--------------------|--------------------|---------------------------|

Plea Information

| | | | |
|-------------------|------------------|------------------|-------------------------|
| <i>Charge No.</i> | <i>Plea Code</i> | <i>Plea Date</i> | <i>Plea Description</i> |
|-------------------|------------------|------------------|-------------------------|

Release Information

Custody Status

Hearings

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

Event Extra Text:

Disposition:

D355 5/11/2007

PETITION DENIED, STATE TO PREPARE THE ORDER

Agency Cross Reference

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

Actions

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

Case Description: POST: MICHAEL TODD BOTELHO (D3)

| Case ID: | CR03P2156 | Case Type: | POST CONVICTION | Initial Filing Date: | 3/6/2006 |
|------------|-----------|--------------------------------|--|----------------------|----------|
| 6/5/2006 | 2715 | Ord Appointing Counsel | ORDER FOR RESPONSE AND APPOINTMENT OF COUNSEL | | |
| 6/27/2006 | 2610 | Notice ... | NOTICE OF APPEARANCE AND REQUEST FOR 45 DAYS TO FILE SUPPLEMENTAL PETITION TO RUN FI | | |
| 6/30/2006 | 2715 | Ord Appointing Counsel | AMENDED ORDER FOR RESPONSE AND APPOINTMENT OF COUNSEL | | |
| 7/17/2006 | 2610 | Notice ... | NOTICE OF DISCIPLINARY HEARING AND POSSIBLE MOTION TO CONTINUE SUBMISSION OF SUPPLEME | | |
| 7/25/2006 | 3862 | **Criminal Submit | DOCUMENT TITLE: EXPARTE REQUEST FOR DOCUMENTS TO BE COPIED BY THE WASHOE COUNTY (| | |
| 7/26/2006 | 1670 | Ex-Parte Mtn... | EXPARTE REQUEST FOR DOCUMENTS TO BE COPIED BY THE WASHOE COUNTY CLERK'S OFFICE IN : | | |
| 7/26/2006 | 2610 | Notice ... | OF FILE REVIEWED AND POTENTIAL EXHIBITS USED FOR SUPPLEMENTAL PETITION FOR WRIT OF HA | | |
| 7/28/2006 | 1675 | Ex-Parte Ord... | EXPARTE ORDER FOR DOCUMENTS TO BE COPIED BY THE WASHOE COUNTY CLERK'S OFFICE IN SU | | |
| 8/8/2006 | 4100 | Supplemental Petition | FOR WRIT OF HABEAS CORPUS (POST-CONVICTION) | | |
| 8/8/2006 | 1670 | Ex-Parte Mtn... | (SEALED) FOR APPROVAL OF FEES IN THE SUPPLEMENTAL PETITION FOR WRIT OF HABEAS CORPUS (| | |
| 8/9/2006 | 3862 | **Criminal Submit | DOCUMENT TITLE: EX PARTE APPLICATION FOR FEES/ SUPPLEMENTAL PETITION FOR WRIT OF HABI | | |
| 8/14/2006 | 1670 | Ex-Parte Mtn... | REQUESTING APPOINTMENT OF DR. MAHAFFEY FOR PSYCHOSEXUAL EVALUATION IN SUPPORT OF : | | |
| 8/14/2006 | 3862 | **Criminal Submit | DOCUMENT TITLE: EX PARTE MOTION REQUESTING APPOINTMENT OF DR. MAHAFFEY FOR PSYCHO | | |
| 8/23/2006 | 3370 | Order ... | (SEALED) EXPARTE ORDER FOR APPROVAL OF FEES IN THE SUPPLEMENTAL PETITION FOR WRIT OF | | |
| 9/6/2006 | 3060 | Ord Granting Mtn ... | ORDER GRANTING EX-PATE MOTION REQUESTING APPOINTMENT OF DR. MAHAFFEY FOR PSYCHOSI | | |
| 10/9/2006 | 2155 | Mtn Partial Dismissal ... | | | |
| 10/9/2006 | 1130 | Answer ... | ANSWER TO PETITION AND SUPPLEMENTAL PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVIC | | |
| 10/9/2006 | 3897 | Return | | | |
| 10/18/2006 | 2645 | Opposition to Mtn ... | OPPOSITION TO MOTION FOR PARTIAL DISMISSAL OF THE SUPPLEMENTAL PETITION FOR WRIT OF H | | |
| 10/26/2006 | 3795 | Reply... | REPLY TO OPPOSITION TO MOTION FOR PARTIAL DISMISSAL OF PETITION AND SUPPLEMENTAL PETI | | |
| 10/26/2006 | 3860 | Request for Submission | DOCUMENT TITLE: MOTION FOR PARTIAL DISMISSAL OF PETITION AND SUPPLEMENTAL PETITION FC | | |
| 12/14/2006 | 2610 | Notice ... | NOTICE OF INVESTIGATION AND AMENDED SUPPLEMENTAL PETITION FOR WRIT OF HABEAS CORPU: | | |
| 12/29/2006 | 3370 | Order ... | | | |
| 1/8/2007 | 1670 | Ex-Parte Mtn... | (SEALED) EXPARTE MOTION FOR APPROVAL OF FEES IN THE CONTINUED SUPPORT OF THE SUPPLE | | |
| 1/9/2007 | 1250 | Application for Setting | Evidentiary Hearing: May 11, 2007, at 1:30 pm, 2 hours | | |
| 1/9/2007 | 1675 | Ex-Parte Ord... | (SEALED) EXPARTE ORDER FOR APPROVAL OF FEES IN THE CONTINUED SUPPORT OF THE SUPPLEM | | |
| 4/12/2007 | 3340 | Ord to Produce Prisoner | | | |
| 4/12/2007 | 1260 | Application Produce Prisoner | | | |
| 4/30/2007 | 2610 | Notice ... | OF DR. MARTHA MAHAFFEY'S PSYCHOSEXUAL REPORT IN SUPPORT OF THE SUPPLEMENTAL PETITI | | |
| 5/11/2007 | MIN | ***Minutes | EVIDENTIARY HEARING | | |
| 5/22/2007 | 1670 | Ex-Parte Mtn... | (SEALED) EX PARTE MOTION FOR APPROVAL OF FEES IN THE PREPARATION AND COMPLETION OF T | | |
| 5/31/2007 | 1675 | Ex-Parte Ord... | (SEALED) FOR APPROVAL OF FEES IN THE PREPARATION AND COMPLETION OF THE EVIDENTIARY H | | |
| 5/31/2007 | 2515 | Notice of Appeal Supreme Court | missing at time of rebuild and qa - asmith 01/15/16 | | |
| 5/31/2007 | 2840 | Ord Denying ... | PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION) | | |
| 6/1/2007 | 3868 | Req to Crt Rptr - Rough Draft | | | |
| 6/1/2007 | 1310 | Case Appeal Statement | | | |
| 6/5/2007 | 1350 | Certificate of Clerk | | | |
| 6/5/2007 | 1365 | Certificate of Transmittal | | | |
| 6/11/2007 | 1188 | Supreme Court Receipt for Doc | SUPREME COURT CASE NO. 49586 | | |

V5.730

Case Description: POST: MICHAEL TODD BOTELHO (D3)

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

V5.730

CERTIFICATE OF MAILING

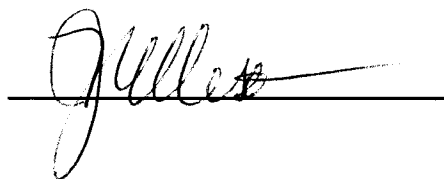
I hereby certify that I am an employee of the Second Judicial District Court of the State of Nevada, in and for the County of Washoe; that on the 2 day of February, 2016, I deposited for mailing a copy of the foregoing to:

The following was served via e-filing:

TERRENCE P. MCCARTHY, ESQ. for STATE
OF NEVADA

The following was served via USPS:

Michael Todd Botelho #80837
NNCC
P O Box 7000
Carson City, NV 89702

A handwritten signature in cursive script, appearing to read "J. Miller", is written over a horizontal line.

Return Of NEF**Recipients**

TERRENCE MCCARTHY, ESQ. - Notification received on 2016-02-02 16:26:57.331.
GARY HATLESTAD, ESQ. - Notification received on 2016-02-02 16:26:57.268.
JOHN PETTY, ESQ. - Notification received on 2016-02-02 16:26:57.393.
DIV. OF PAROLE & PROBATION - Notification received on 2016-02-02 16:26:57.362.
SEAN SULLIVAN, ESQ. - Notification received on 2016-02-02 16:26:57.3.

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

-

A filing has been submitted to the court RE: CR03-2156

Judge:

HONORABLE JEROME M. POLAHA

Official File Stamp:

02-02-2016:16:25:57

Clerk Accepted:

02-02-2016:16:26:26

Court:

Second Judicial District Court - State of Nevada
Criminal

Case Title:

STATE VS. MICHAEL TODD BOTELHO (D3)

Document(s) Submitted:

Order...

Filed By:

Judicial Asst. JUlleseit

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

GARY HOWARD HATLESTAD, ESQ.

JOHN REESE PETTY, ESQ. for MICHAEL TODD
BOTELHO

DIV. OF PAROLE & PROBATION

SEAN B. SULLIVAN, ESQ. for MICHAEL TODD
BOTELHO

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

MICHAEL TODD BOTELHO for MICHAEL TODD
BOTELHO

STATE OF NEVADA for STATE OF NEVADA

1
2
3
4
5 **IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
6 **IN AND FOR THE COUNTY OF WASHOE**
7

8 **MICHAEL TODD BOTELHO,**

Case No. CR03-2156

9 **Petitioner,**

Dept. No. 3

10 **vs.**

11 **JAMES BENEDETTI, STATE OF**
12 **NEVADA, et. al,**

13 **Respondents.**
14 _____ /

15 **ORDER DENYING REQUEST FOR SUBMISSION**

16 Currently before the Court is MICHAEL TODD BOTELHO's ("the Petitioner") Request for
17 Submission filed January 14, 2016, regarding the Petitioner's Petition for Writ of Extraordinary
18 Mandamus ("the Petition") directed to former Chief Judge the Honorable David A. Hardy.¹ The
19 Court has reviewed the Request for Submission and the accompanying Affidavit.

20 The Petitioner contends that Chief Judge Hardy ignored, or otherwise failed to rule on the
21 Petition. This contention is belied by the record. Chief Judge Hardy issued an Order denying the
22 Petition on December 3, 2015.

23 A review of the certificate of service included with the Order indicates that former counsel
24 for the Petitioner and the District Attorney's office were served a copy of Chief Judge Hardy's
25 Order by electronic filing, however; the Petitioner was not mailed a hardcopy. In light of this fact,
26 the Court has mailed a copy of the December 3, 2015, Order with this Order.
27

28 _____
¹ The Honorable Patrick Flanagan replaced the Honorable David A. Hardy as Chief Judge beginning January 4, 2016.

1 Accordingly, since the matter has already been decided, the Court need not take any further
2 action at this time. The Request for Submission filed January 14, 2016, is hereby DENIED.

3 IT IS SO ORDERED.

4 Dated this 2nd day of February, 2016.

5 
6 JEROME POLAHA
7 DISTRICT JUDGE
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CERTIFICATE OF MAILING

I hereby certify that I am an employee of the Second Judicial District Court of the State of Nevada, in and for the County of Washoe; that on the 2 day of February, 2016, I deposited for mailing a copy of the foregoing to:

The following was served via e-filing:

TERRENCE P. MCCARTHY, ESQ. for STATE
OF NEVADA

The following was served via USPS:

Michael Todd Botelho #80837
NNCC
P O Box 7000
Carson City, NV 89702



Return Of NEF**Recipients**

TERRENCE MCCARTHY, ESQ. - Notification received on 2016-02-02 16:32:48.477.
GARY HATLESTAD, ESQ. - Notification received on 2016-02-02 16:32:48.414.
JOHN PETTY, ESQ. - Notification received on 2016-02-02 16:32:48.523.
DIV. OF PAROLE & PROBATION - Notification received on 2016-02-02 16:32:48.508.
SEAN SULLIVAN, ESQ. - Notification received on 2016-02-02 16:32:48.445.

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

-

A filing has been submitted to the court RE: CR03-2156

Judge:

HONORABLE JEROME M. POLAHA

Official File Stamp:

02-02-2016:16:31:44

Clerk Accepted:

02-02-2016:16:32:17

Court:

Second Judicial District Court - State of Nevada
Criminal

Case Title:

STATE VS. MICHAEL TODD BOTELHO (D3)

Document(s) Submitted:

Ord Denying

Filed By:

Judicial Asst. JUlleseit

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JOHN REESE PETTY, ESQ. for MICHAEL TODD
BOTELHO

DIV. OF PAROLE & PROBATION

SEAN B. SULLIVAN, ESQ. for MICHAEL TODD
BOTELHO

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

MICHAEL TODD BOTELHO for MICHAEL TODD
BOTELHO

STATE OF NEVADA for STATE OF NEVADA

3880
HERBERT B. KAPLAN
Deputy District Attorney
Nevada State Bar 7395
P.O. Box 11130
Reno, NV 89520-0027
(775) 337-5700

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

* * *

MICHAEL TODD BOTELHO,

Petitioner,

vs.

Case No. CR03-2156

JAMES T. BENEDETTI, STATE OF
NEVADA, et. Al.

Dept. No. 3

Respondent.

RESPONSE TO PETITION FOR EXTRAORDINARY WRIT OF MANDAMUS

COMES NOW Christopher J. Hicks, Washoe County District Attorney, through Herbert B. Kaplan, Deputy District Attorney, and responds pursuant to the Order For Responses entered in this matter on January 13, 2016, to the Petition for Extraordinary Writ of Mandamus filed herein by Mr. Botelho on December 10, 2015.

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This Response is made pursuant to the Order For Responses entered in this matter on January 13, 2016, the Nevada Rules of Civil Procedure and is based on and supported by the attached Memorandum of Points and Authorities, as well as all papers and pleadings on file herein.

Dated this 3rd day of February, 2016.

CHRISTOPHER J. HICKS
District Attorney

By /s/ Herbert B. Kaplan
HERBERT B. KAPLAN
Deputy District Attorney
P.O. Box 11130
Reno, NV 89520-0027
(775) 337-5700

MEMORANDUM OF POINTS AND AUTHORITIES**I. Introduction**

There is no legal basis for a writ of mandamus to issue. Any argument that the Washoe County District Attorney is subject to the provisions of NRS 282.090 is misplaced. The specific provisions of NRS Chapter 252, not those general provisions contained in NRS Chapter 282, apply to that office. The bond of the Washoe County District Attorney is valid and in compliance with the relevant law. No action is appropriate or required under the circumstances. On that basis, the Petition must be denied without further consideration.

Even assuming, however, that Mr. Botelho is correct as to the alleged flaw in the bond, his claim that that flaw at any point in the process retroactively invalidates Mr. Hicks' office is without any legal support and, in fact, is in direct contravention of the relevant statutory provisions, case law and logic.

Mr. Botelho also fails to indicate or evidence in any manner whatsoever that he has submitted to the Washoe County Board of County Commissioners any affidavit for them to consider this issue in the first place. By the filing of his Petition prior to even submitting the matter to the Board of County Commissioners, Mr. Botelho is placing the cart before the horse. The Petition is premature and must be denied on that basis as well.

Moreover, it is clear that the instant petition is nothing more than Mr. Botelho's most recent attempt to collaterally attack his criminal conviction. In connection with Mr. Botelho's conviction, by an Indictment filed in this case on October 8, 2003, Mr. Botelho was charged with one count kidnapping in the first degree, a violation of NRS 200.310-1 and NRS 200.320, a felony; one count of battery with the intent to commit sexual assault on a child, a violation of NRS 200.400, a felony; and three counts of sexual assault on a child, a violation of NRS 200.366, a felony. On December 11, 2003, Mr. Botelho entered his guilty pleas to the kidnapping count as well as to the three counts of sexual assault on a child. In so doing, Mr. Botelho admitted to kidnapping the 14-year-old victim and perpetrating three distinct acts of

sexual assault upon her: forcing her to perform fellatio on him, subjecting her to cunnilingus, and subjecting her to vaginal intercourse. Mr. Botelho procured the victim's presence by fraudulently luring her to the location under the guise of an offer of a babysitting job.

The attempt to collaterally attack that conviction in this manner is curious in light of the fact that Mr. Hicks was not involved in Mr. Botelho's prosecution and in fact did not become the Washoe County District Attorney until January 2015, long after Mr. Botelho's conviction. Even assuming Mr. Hicks' bond is insufficient, it would have no impact on Mr. Botelho's conviction and incarceration. Accordingly, Mr. Botelho has no standing to pursue this matter. This Court must recognize the Petition for what it is and deny the same.

II. Statement of the Case

The instant Petition For Writ of Mandamus was initiated by Mr. Botelho on December 10, 2015, seeking for this Court to compel the Washoe County Board of County Commissioners (hereinafter referred to as "County Commission") to comply with the provisions of NRS 282.090 by summoning Christopher Hicks, the Washoe County District Attorney, to appear before that body to explain the alleged deficiency in his bond with regard to the number of sureties.¹ Mr. Botelho specifies that the Petition is "brought forth as it relates directly to Botelho's Case CR03-2156, in this Court."

On January 13, 2016, this Court entered its order requiring the Washoe County District Attorney's Office to respond to the Petition. In addition, it references the Motion for Order to Show Cause filed by Mr. Botelho in this action suggesting that Mr. Hicks and the Washoe County District Attorney's Office, including Terrance McCarthy², Deputy District Attorney, do not have standing in this case. Aside from that, the Motion does not include much more than the

¹ The writ of "[q]uo warranto generally is available to challenge an individual's right to hold office and to oust the individual from the office if the individual's claim to it is invalid or has been forfeited." *Lueck v. Teuton*, 125 Nev. 674, 678, 219 P.3d 895, 898 (2009). Mr. Botelho does not seek that remedy, but instead seeks only that stated herein.

² Mr. McCarthy is the Deputy District Attorney in the Appellate Division of the Washoe County District Attorney's Office assigned to handle Mr. Botelho's post conviction attacks on his conviction.

Petition in terms of allegations. The Petition itself was directed toward the County Commission, not the District Attorney's Office. The action in which the petition was filed is the criminal action that resulted in Mr. Botelho's criminal conviction. While the District Attorney's Office participated in that action by prosecuting the case on behalf of the State of Nevada, the Office was not a party to that action. Under the circumstances, it is inappropriate to require the District Attorney's Office to respond to Mr. Botelho's frivolous, flawed petition. However, the District Attorney's Office files this Response in compliance with that order in an effort to have this matter disposed of as quickly and as efficiently as possible.

II. Legal Analysis and Discussion

A. Standard for Writ of Mandamus

A writ of mandamus will issue when the respondent has a clear, present legal duty to act. NRS 34.160; *Gill v. St. ex rel. Booher*, 75 Nev. 448, 345 P.2d 421 (1959). Mandamus is a proper remedy to compel performance of an act when there is no plain, speedy, and adequate remedy at law in order to compel the performance of an act which the law requires as a duty resulting from an office. *See* NRS 34.160; NRS 34.170. The writ will not issue if the petitioner has a plain, speedy, and adequate remedy in the ordinary course of law. NRS 34.170. However, the issuance of a writ of mandamus is purely discretionary with the court. *See Hickey v. District Court*, 105 Nev. 729, 731, 782 P.2d 1336, 1338 (1989) (mandamus and prohibition); *State ex rel. Dep't Transp. v. Thompson*, 99 Nev. 358, 361, 662 P.2d 1338, 1339 (1983) (mandamus). Mandamus will not lie to control discretionary action, *Gragson v. Toco*, 90 Nev. 131, 520 P.2d 616 (1974), unless discretion is manifestly abused or is exercised arbitrarily or capriciously. *Henderson v. Henderson Auto*, 77 Nev. 118, 359 P.2d 743 (1961).

B. Bond Valid

Mr. Botelho's claim is frivolous, harassing and fatally flawed. He asserts that Mr. Hicks' bond is invalid as it allegedly fails to comply with the provisions of NRS 282.120. However, the provisions of NRS Chapter 282 do not apply to the office of Washoe County District Attorney,

aside from NRS 282.163. The provisions of NRS Chapter 282 apply to state officers with that exception.

NRS 252.030 applies to the bond of the office of district attorney and provides that “Unless a blanket fidelity bond is furnished by the county, before entering upon the duties of his or her office, the district attorney shall execute and file with the county clerk a bond to the county, conditioned for the faithful performance of his or her duties, the penalty of the bond to be fixed by the board of county commissioners.”

This is an issue of statutory analysis. Statutory analysis begins with the plain meaning rule. *We the People Nevada v. Secretary of State*, 124 Nev. 874, 881, 192 P.3d 1166, 1170–71 (2008). If the Legislature's intention is apparent from the face of the statute, there is no room for construction, and this court will give the statute its plain meaning. *Madera v. SIIS*, 114 Nev. 253, 257, 956 P.2d 117, 120 (1998). Statutes should be read as a whole, so as not to render superfluous words or phrases or make provisions nugatory. *Southern Nev. Homebuilders v. Clark County*, 121 Nev. 446, 449, 117 P.3d 171, 173 (2005). If the statute is ambiguous, meaning that it is capable of two or more reasonable interpretations, *In re Candelaria*, 126 Nev. 408, 412, 245 P.3d 518, 520 (2010), the court will “look to the provision's legislative history and the ... scheme as a whole to determine what the ... framers intended,” *We the People*, 124 Nev. at 881, 192 P.3d at 1171, and will examine “ ‘the context and the spirit of the law or the causes which induced the legislature to enact it.’ ” *Leven v. Frey*, 123 Nev. 399, 405, 168 P.3d 712, 716 (2007) (quoting *McKay v. Bd. of Supervisors*, 102 Nev. 644, 650–51, 730 P.2d 438, 443 (1986)); accord *State, Bus. & Indus. v. Granite Constr.*, 118 Nev. 83, 87, 40 P.3d 423, 426 (2002).

Here, the plain meaning of NRS 252.030 is clear and unambiguous--there is no requirement that the bond contain more than one surety. There is no need to go any further.

Indeed, a review of the relevant provisions regarding the county officials shows specific statutory authority regarding bonds of each. For instance, the provisions governing county recorders provides that

Each of the county recorders of the several counties, before entering upon the duties of office, shall:

1. Take the constitutional oath of office.
2. Enter into a bond in the penal sum of not less than \$10,000 nor more than \$50,000, at the discretion of the board of county commissioners ***with two or more sureties***, to be approved by the county clerk, conditioned for the faithful performance of his or her duties as county recorder, unless a blanket fidelity bond is furnished by the county.

NRS 247.020 (emphasis added).

The relevant provision for sheriffs similarly specifies the bond contain “two or more sureties.” NRS 248.020(2).

County assessors as well are required to have a bond with “two or more sufficient sureties.” NRS 250.030(1).

However, NRS 252.030 provides no such requirement as to the number of sureties on the bond of the office of the district attorney. Clearly, had the legislature wished or intended to require the county district attorneys to provide a bond with more than one surety, it would have provided for the same. It did not. There is no such requirement. Mr. Hicks’ bond is valid and in full compliance with the requirements of the law.

Moreover, even assuming the provisions of NRS Chapter 282 do apply to Mr. Hicks’ position, NRS 282.170(1) specifically provides as follows:

1. The State Treasurer and every district, county, township and city officer within the State of Nevada, who is required by law to give an official bond, may have a surety company, which has complied with all the laws of this state relating to surety companies, execute such bond for the faithful performance of the duties of the respective office.

NRS 282.170(1).

Mr. Hicks’ bond is executed by a surety company which has complied with all laws of the State of Nevada relating to surety companies. Indeed, there is no allegation to the contrary.

Finally, by virtue of the Bond Trust Fund Act of 1937, the State of Nevada has become surety on all official bonds in this state. *Hill v. Thomas*, 70 Nev. 389, 270 P.2d 179 (1954). As a

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result, there are two sureties on Mr. Hicks' bond—the State of Nevada and the surety company listed on his bond.

Again, Mr. Hicks' bond is in full compliance with the law. There is no basis in law or fact warranting the relief sought by Mr. Botelho. The Petition must accordingly be denied.

C. Mr. Botelho Has No Standing to Pursue Writ

Furthermore, NRS 34.170 specifically requires that the party seeking a writ of mandamus have some beneficial interest in the action. Mr. Botelho lacks standing to pursue the instant writ.

A writ of mandamus is an extraordinary use of judicial power—an extraordinary remedy, and it a court has complete discretion in deciding whether to consider a petition for a writ.

Johnson v. Eighth Judicial District Court ex rel. County of Clark, 124 Nev.245, 182 P.3d 94, (Nev. 2008). A writ of mandamus is not appropriate when the petitioner has adequate legal remedies and an “appeal is generally an adequate legal remedy that precludes writ relief.” *Pan v. Eighth Judicial District Court*, 120 Nev. 222, 223, 88 P.3d 840, 841 (2004).

The action sought to be compelled by Mr. Botelho, that the County Commission calls Mr. Hicks before it to explain the alleged deficiency in his bond with regard to the number of sureties, has no impact whatsoever on Mr. Botelho.

If this Court orders the County Commission to conduct that proceeding, all the Board could do, if it concludes that the bond has become insufficient in the first place, is “require an additional bond, with such security as may be deemed necessary.” NRS 282.090(2). Having that action take place would not have any impact on Mr. Botelho.

As a result, Mr. Botelho has no beneficial interest in this action. Instead, Mr. Botelho attempts to manufacture a beneficial interest, claiming that Mr. Hicks' office would become retroactively void, thus resulting in voiding the Deputy District Attorneys' actions in opposition to Mr. Botelho's motions for relief filed herein. The flaw in that reasoning is obvious in light of the fact that even NRS 282.090 allows first for any alleged flaw to be corrected and then, only upon a failure to correct the flaw once ordered to do so by the County Commission, the office

would then “become vacant.” NRS 282.090(3). Nothing provides for Mr. Hicks’ office to become void retroactively from the outset.

Mr. Botelho has no beneficial interest in the action sought and he has no standing to pursue to the same. The Petition must be denied on that basis.

D. No Action Required by the Washoe County Board of County Commissioners

Mr. Botelho claims, relying on NRS 282.090, that the County Commission should be mandated to take action against Mr. Hicks.

NRS 282.090 provides as follows:

1. Whenever the sureties, or any one of them, on the official bond of any county or township officer shall die, remove without the State, become insolvent or insufficient, or the penalty of such bond shall become insufficient on account of recoveries had thereon, or otherwise, the board of county commissioners of the proper county, of its own motion, or on the showing of any person supported by affidavit, shall summon the officer to appear before the board, at a time stated, not less than 3 days after service of such summons, and show cause why the officer should not execute an additional official bond with good and sufficient sureties.

NRS 282.090.

There is at this time no basis for any action by the County Commission and none that this Court has the ability to mandate under the circumstances, as there has not been any action or showing that there is any deficiency with Mr. Hicks’ bond. There is no evidence that the surety on Mr. Hicks’ bond has “become insolvent or insufficient” to warrant any action on the part of the County Commission.

Further, there is no evidence that this issue has ever been submitted for consideration to the County Commission. Extraordinary relief should not be ordered unless and until the ordinary remedies have failed and there would result a failure of justice. *State v. Storey County*, 22 Nev. 263, 264, 38 P. 668 (1895). Furthermore, it is well established that mandamus may not issue in anticipation of omission of a duty, but only after an actual default. *State ex rel. Piper v. Gracey*, 11 Nev. 223, 233-34 (1876).

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Court review may be taken only once the County Commission has taken some action or failed to take action required by law. In essence, Mr. Botelho has failed to exhaust his administrative remedies by failing to submit the issue to the County Commission. *First American Title Co. v. State of Nevada*, 91 Nev. 804, 543 P.2d 1344 (1975). Only after the County Commission fails to act on a duty required by law may mandamus issue. The instant Petition is premature and must be dismissed as a result.

E. No Basis for Invalidation of Office As Remedy

Further, even assuming Mr. Botelho is correct regarding the surety requirement, there is no support for the argument that a failure of this type “invalidates” the office. In that regard, Mr. Botelho’s reliance on NRS 282.200 is entirely misplaced.

In fact, NRS 282.070 plainly states that “[w]hensoever any official bond shall not contain the substantial matter, or condition or conditions, required by law, or there shall be any defect in the approval or filing thereof, such bond shall not be void so as to discharge such officer and the officer's sureties....” The bond thus appears to operate regardless of minor deficiencies.

Even assuming, however, that Mr. Hicks’ bond is, and has been, insufficient with respect to the number of sureties from the outset of his taking office, courts must strongly presume against any condition in which a public office is left wholly vacant for any length of time. . *Lueck v. Teuton*, 125 Nev. 674, 219 P.3d 895, (2009). Mr. Hicks, under those circumstances, would be deemed to have held the office of district attorney as a *de facto* officer. *State v. Wells*, 8 Nev. 105, 109 (1872) (noting that a district attorney appointed to fill a vacancy properly served “until the qualification of a successor ... because the presence of such an officer is necessary to the proper conduct of public business”); *Walcott v. Wells*, 21 Nev. 47, 57–58, 24 P. 367, 370–71 (1890); *Lueck v. Teuton*, *supra*.

Other courts have also recognized that under these conditions the district attorney acts as a *de facto* officer, reasoning that if one receives a majority of the legal votes cast, is declared by the proper canvassing board to be duly elected, is inducted into the office, and proceeds with the

performance of the duties connected therewith until the disability is adjudged by a proper tribunal, he is a de facto officer, whose acts performed in the discharge of his official duties are valid and binding. *See Darrow v. People*, 8 Colo. 417, 8 P. 661 (1885); *see also Glavino v. People*, 75 Colo. 94, 224 P. 225 (1924)(holding that the defendant was not entitled to withdraw his guilty plea on the ground that the *de facto* deputy district attorney was ineligible for office); *People v. Montoya*, 44 Colo.App. 234, 616 P.2d 156 (1980)(no basis for reversal of conviction where prosecutor held office in de facto capacity).

The remedy for the alleged flaw is not what Mr. Botelho hopes it to be. The fabricated defect to which Mr. Botelho refers does nothing to void the bond or Mr. Hicks' office, and under no circumstances would it cause either of those things to occur retroactively. Mr. Botelho's Petition is meritless and must be denied.

III. CONCLUSION

The instant Petition is baseless. It is nothing more than Mr. Botelho's latest attempt to collaterally attack his criminal conviction. Mr. Hicks' bond is in full compliance with the law and it, along with his office, is and continues to be valid. Accordingly, this Honorable Court must enter its Order denying the Petition, and to grant such other relief as the Court deems appropriate under the circumstances.

AFFIRMATION PURSUANT TO NRS 239B.030

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

Dated this 3rd day of February, 2016.

CHRISTOPHER J. HICKS
District Attorney

By /s/ Herbert B. Kaplan
HERBERT B. KAPLAN
Deputy District Attorney
P.O. Box 11130
Reno, NV 89520-0027
(775) 337-5700

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of the Office of the District Attorney of Washoe County, over the age of 21 years and not a party to nor interested in the within action. I certify that on this date, I deposited for mailing in the U.S. Mails, with postage fully prepaid, a true and correct copy of the foregoing Response in an envelope addressed to the following:

Michael T. Botelho
Inmate #80837
NNCC
PO Box 7000
Carson City, NV 89702

Dated this 3rd day February, 2016.

/s/ C. Theumer
C. Theumer

Return Of NEF**Recipients**

TERRENCE MCCARTHY, ESQ. - Notification received on 2016-02-03 14:21:47.857.
GARY HATLESTAD, ESQ. - Notification received on 2016-02-03 14:21:47.545.
JOHN PETTY, ESQ. - Notification received on 2016-02-03 14:21:48.388.
DIV. OF PAROLE & PROBATION - Notification received on 2016-02-03 14:21:48.138.
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A filing has been submitted to the court RE: CR03-2156

Judge:

HONORABLE JEROME M. POLAHA

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02-03-2016:14:20:54

Court:

Second Judicial District Court - State of Nevada
Criminal

Case Title:

STATE VS. MICHAEL TODD BOTELHO (D3)

Document(s) Submitted:

Response

Filed By:

Herbert Kaplan

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BOTELHO

STATE OF NEVADA for STATE OF NEVADA

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JACQUELINE BRYANT
CLERK OF THE COURTBY _____
DEPUTY

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

MICHAEL BOTELHO,

Plaintiff(s),

Case No. CR03-2156

vs.

Dept. No. 15

WASHOE COUNTY BOARD OF COMMISSIONERS, ET
AL.,

Defendant(s).

"MOTION" N.R.C.P. RULE 60(b)(1)(2)(3) RELIEF FROM ORDER

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IN AND FOR THE COUNTY OF WASHOE

MICHAEL T. BOTELHO,
PETITIONER

-VS-

WASHOE COUNTY

BOARD OF COUNTY
COMMISSIONERS,

RESPONDENTS.

CASE NO: CRO3-2156 (PROTEST)

DEPT. NO: 15

"MOTION"

N.R.C.P. RULE 60(b)(1)(2)(3) RELIEF FROM ORDER

COMES NOW, MICHAEL T. BOTELHO, PETITIONER, IN PROPER PERSON, BRINGING FORTH
THIS NECESSARY, INSTANT MOTION, PURSUANT TO N.R.C.P. 60(b)(1)(2)(3), BEFORE THIS [O]NCE
HONORABLE COURT.

CAUSE OF ACTION

FIRST AND FOREMOST, PETITIONER BROUGHT FORTH IN GOOD FAITH, THIS NECESSARY
MANDAMUS, AS A NEW ACTION AGAINST THE WASHOE COUNTY BOARD OF COUNTY
COMMISSIONERS, AS RESPONDENTS.

PETITIONER STATES "EMPHATICALLY", THAT HE USED CASE NO: CRO3-2156, AS A
[R]EFERENCE "ONLY". THERE WAS CLEARLY NO INSINUATION THAT THE MANDAMUS WAS
BROUGHT FORWARD UNDER THE GUISE OF CRO3-2156.

I (A) THEREFORE, AND AS SUCH, PURSUANT TO N.R.C.P. 60(b)(1), THIS COURT AND
[O]NCE HONORABLE DISTRICT COURT JUDGE JEROME POLAHA, HAS MISTAKENLY OR
INCORRECTLY IDENTIFIED THE WRONG CASE NO: CRO3-2156, IN THIS NEW ACTION
AGAINST THE WASHOE COUNTY BOARD OF COMMISSIONERS.

(B) THE RESPONDENT WAS MISTAKENLY OR INCORRECTLY IDENTIFIED AS JAMES
BENEDETTI, STATE OF NEVADA, ET-AL. PETITIONER, INFACIT, CLEARLY IDENTIFIED THE
RESPONDENT AS THE WASHOE COUNTY BOARD OF COUNTY COMMISSIONERS (EMPHASIS
STRONGLY ADDED).

(C) THE CAPTIONED ORDER [ORDER FOR RESPONSE(S)] IS INCORRECT AND INVALID.

(I) SEE MANDAMUS IN COURT RECORD (PG. 3, LINES 9-21) PETITIONER CLEARLY
REFERENCED THE MOTION FOR ORDER TO SHOW CAUSE, TO FURTHER SHOW THIS COURT

1 THE INVALIDITY OF THE WASHOE COUNTY DISTRICT ATTORNEY, CHRIS HICKS, AND HIS
 2 DEPUTIES, POSITIONS. POSITIONS BEING INVALIDLY AND UNLAWFULLY HELD, IN CLEAR
 3 CONTRAVENTION OF NEVADA LAW. THIS WAS ONLY A REFERENCE TO FURTHER ASSERT
 4 PETITIONERS CAUSE FOR SAID MANDAMUS TO COMPEL THE WASHOE COUNTY
 5 COMMISSIONERS TO COMPLY WITH NEVADA STATUTORY LAW IN REFERENCE TO THE
 6 FAILURE OF PERFECTING A VALID, LEGAL BOND OF COUNTY OR TOWNSHIP OFFICERS,
 7 PURSUANT TO NRS 282.090, NOTHING MORE. (EMPHASIS ADDED)

8 THEREFORE, THIS COURT [C]ANNOT CONSIDER THE MOTION FOR ORDER TO
 9 SHOW CAUSE SUBMITTED FOR CONSIDERATION BY REFERENCE IN PETITIONER'S
 10 MANDAMUS (EMPHASIS STRONGLY ADDED)

11 (2) AS SUCH, THE MOTION TO SHOW CAUSE IS NOT APPLICABLE TO THIS NEW
 12 CASE NUMBER, AND IS MOOT, RELATIVE TO THIS SEPERATE AND DISTINCT NEW CAUSE
 13 OF ACTION UNDER A NEW CASE. AS SUCH, THIS ORDER FILED ON 1-13-2016, BY
 14 JUDGE POLAHA, HAS NO FORCE AND EFFECT OF VALID LAW. (EMPHASIS STRONGLY ADDED),

15 (3) THIS COURT HAS NO DISCRETION TO ORDER ANY "RESPONSE" TO THE
 16 REFERENCED SHOW CAUSE MOTION, NOT RELEVANT TO THE NEW CASE AND THEREFORE
 17 "MOOT", AGAIN INVALIDATING THIS HIGHLY SUSPECT ORDER. (EMPHASIS STRONGLY ADDED).

18 (4) AS THIS MANDAMUS WAS CLEARLY DIRECTED AT THE WASHOE COUNTY BOARD
 19 OF COUNTY COMMISSIONERS TO RESPOND, THIS COURT AND THE [L]ESS THAN
 20 HONORABLE JUDGE POLAHA, HAD NO DISCRETION TO ORDER THE WASHOE COUNTY
 21 DISTRICT ATTORNEYS OFFICE TO RESPOND IN THIS NEW CASE, THE DISTRICT ATTORNEYS
 22 OFFICE HAS NO RIGHT OR DUTY TO RESPOND TO THIS ORDER, PERIOD (EMPHASIS ADDED).

23 II PURSUANT TO N.R.C.P. 60(b)(2), PETITIONER BRINGS FORTH "NEWLY DISCOVERED"
 24 EVIDENCE" TO FURTHER SUPPORT HIS BRINGING FORTH MANDAMUS AGAINST THE
 25 WASHOE COUNTY BOARD OF COUNTY COMMISSIONERS. SEE FOR EXAMPLE, THE INVALID,
 26 FRAUDULENT BOND OF CHRIS HICKS, MASQUERADING AS WASHOE COUNTY DISTRICT
 27 ATTORNEY, A CLEAR VIOLATION OF NRS 199.⁴³⁰ A RECORD OF PUBLIC INFORMATION
 28 THAT WILL [NOT] BE COVERED UP. SEE EXHIBIT 1, HEREIN. (EMPHASIS STRONGLY ADDED).

1 III PURSUANT TO N.R.C.P. 60(b)(3), PETITIONER ASSERTS (AND PROVES)

2 FRAUD, MISREPRESENTATION, OR OTHER MISCONDUCT OF AN ADVERSE PARTY.

3 (A) THIS COURT AND ONCE HONORABLE DISTRICT COURT JUDGE POLAHA, HAS
4 FRAUDULENTLY MISREPRESENTED THE FACTS IN THIS NEW, SEPERATE AND DISTINCT
5 CASE, NOW LEFT WITHOUT A VALID CASE NUMBER, WHEREIN JUDGE POLAHA
6 SPECIFICALLY, AND UNEQUIVOCALLY STATES "THE COURT HAS REVIEWED THE
7 PETITION" (THE MANDAMUS). SEE PAGE 1, LINES 17-18, THEREIN, IN COURT RECORD.

8 (1) PETITIONER ASSERTS THAT THIS BOGUS ORDER WAS THE RESULT OF A
9 CONCERTED ACTION BETWEEN THIS COURTS CLERK, JUDGE POLAHA, AND MOST LIKELY
10 IN COLLUSION WITH THE PRIVATE CITIZENS IMPERSONATING PUBLIC OFFICIALS IN THE
11 WASHOE COUNTY DISTRICT ATTORNEYS OFFICE, A CLEAR VIOLATION OF NRS 199. ⁴³⁰ ~~250~~ TO
12 CONVOLUTE PETITIONERS CAUSE OF ACTION, SO AS, TO KEEP THE REAL, INDISPUTABLE,
13 AND ARTICULABLE FACTS OF THIS NEW AND VERY SERIOUS ACTION, FROM THE PUBLIC'S
14 VIEW. THIS DONE INTENTIONALLY TO STEER THIS CASE FROM ITS ACTUAL AND LAWFUL
15 MERITS. (EMPHASIS ADDED).

16 (2) PETITIONER HAS, AS A MATTER OF PUBLIC COURT RECORD, AND AS A
17 MATTER OF INDISPUTABLE FACT, FILED AN EXTRAORDINARY WRIT OF MANDAMUS
18 AGAINST THE WASHOE COUNTY BOARD OF COUNTY COMMISSIONERS (EMPHASIS STRONGLY
19 ADDED). SEE MANDAMUS IN COURT RECORD.

20 THEREFORE, BY A SIMPLE PREPONDERANCE OF THE EVIDENCE, ANYBODY OF AVERAGE
21 INTELLIGENCE WOULD FIND THAT THIS COURT, DID AS A MATTER OF FACT, AND OF COURT
22 RECORD, ALTER THE ADVERSE PARTY IN THIS NEW CASE, BY CHANGING THE PARTY NAME,
23 BEING THE WASHOE COUNTY BOARD OF COUNTY COMMISSIONERS, RESPONDENTS, TO THE
24 [WASHOE COUNTY DISTRICT ATTORNEYS OFFICE, RESPONDENT] IN JUDGE POLAHAS ORDERED
25 RESPONSE. SEE PG. 1, LINES 25-26, THEREIN. AGAIN, ORDER IS INVALID.

26 PETITIONER ASSERTS THAT THIS WAS DONE WITH PREMEDITATION, AS MANDAMUS
27 WAS FACTUALLY AND INDISPUTABLY REVIEWED BY THE COURT CLERK, THIS COURT AND
28 JUDGE POLAHA, AS POLAHA HIMSELF STATED ON LINES 17-18 OF INVALID ORDER.

1 THEREFORE, IT WAS EGREGIOUS, CRIMINAL VIOLATION OF LAW, WITH THE
 2 KNOWING ALTERATION OF STATED ADVERSE PARTY (RESPONDENT) BEING WILLFULLY AND
 3 INTENTIONALLY CHANGED BY THIS COURT, THIS COURTS CLERK, AND JUDGE POLAHA
 4 (POLAHA LIED, PERIOD).

5 JUDGE POLAHA VIOLATED HIS OATH OF OFFICE [AGAIN], VIOLATED NEVADA JUDICIAL
 6 CANNONS, DISTRICT COURT RULES, NEVADA RULES OF CIVIL PROCEDURE, NEVADA LAW,
 7 THE NEVADA AND U.S. CONSTITUTION(S), AS WELL AS PETITIONERS DUE PROCESS RIGHTS
 8 UNDER THE 1ST, 5TH & 14TH AMENDMENTS OF THE UNITED STATES CONSTITUTION.

9 (3) JUDGE POLAHA KNEW THAT PETITIONER WAS ONLY REFERRING TO THE MOTION FOR
 10 SHOW CAUSE TO SUPPORT HIS POSITION IN BRINGING FORTH SAID MANDAMUS.

11 (a) PETITIONER POINTS TO THE FACTS THAT IN HIS PRISON LEGAL MAIL LOG
 12 THAT, HE FILED: (1) MOTION FOR SHOW CAUSE ON 8-17-2015; (2) REQUEST FOR SUBMISSION
 13 FOR SHOW CAUSE MOTION ON 9-8-2015, FINALLY BEING FILED ON 9-22-2015

14 (b) PETITIONER DID INFACIT FILE MOTION FOR SHOW CAUSE IN CASE NO: CRD3-2156,
 15 MICHAEL T. BOTELHO VS. BENEDETTI, STATE OF NEVADA, ET-AL, AS IT PERTAINED TO THAT CASE.

16 (c) THE RECORD IN THAT CASE PROVES THAT THIS COURT, THE COURT CLERK, AND
 17 POLAHA, IGNORED THIS MOTION, WHEN AFTER BEING PROPERLY SERVED WRIT OF MANDAMUS
 18 TO RECUSE JUDGE POLAHA, POLAHA ARBITRARILY AND CAPRICIOUSLY ACTED IN BAD FAITH.
 19 SEE STAHL V. WILLIAMS, IND. APP. 367 N.E. 2d 1120-24, BY "GENERALLY IMPLYING INVOLVING
 20 ACTUAL OR CONSTRUCTIVE FRAUD, AND/OR DESIGN TO MISLEAD ANOTHER, OR A NEGLECT OR
 21 [R]EFUSAL TO FULFILL SOME DUTY, NOT PROMPTED BY AN HONEST MISTAKE "AS TO ONE'S
 22 RIGHTS, OR DUTIES."

23 POLAHA HAS AGAIN ARBITRARILY AND CAPRICIOUSLY ACTED IN BAD FAITH WHEN HE
 24 ACTED BEYOND HIS AUTHORITY, ACTED AS AN APOLOGIST FOR THE STATE, PRACTICED LAW FROM
 25 THE BENCH WHEN HE SUA SPONTE DISMISSED BOTELHOS POST-CONVICTION WRIT OF
 26 HABEAS CORPUS AFTER KNOWINGLY ALLOWING THE HABEAS TO SIT IN HIS COURT FOR 5 1/2
 27 YEARS. THE VERY CASE IN WHICH THE SHOW CAUSE MOTION WAS SPECIFICALLY A PART OF.
 28 ITS AN INDISPUTABLE FACT THAT BOTELHO TRIED REPEATEDLY, VIA REQUESTS FOR

1 SUBMISSION, JUDICIAL NOTICE) TO CHIEF JUDGE HARDY, LETTERS TO THE COURT
 2 CLERK, JACQUELINE BRYANT, AND MOTION FOR RECORDS AND COURT DOCKET TO GET THIS
 3 HONORABLE COURT, COURT CLERKS, AND JUDGES TO FOLLOW THE LAW, COURT
 4 RULES, ETC., AS WELL AS PETITIONERS CONSTITUTIONAL DUE PROCESS RIGHTS, JUST TO
 5 HAVE A FILED COPY OF SAID MOTION FOR SHOW CAUSE AND TO HAVE THIS VERY
 6 SERIOUS AND CRUCIAL MOTION HEARD IN OPEN COURT AND ADJUDICATED ON THE MERITS.
 7 BUT, UNTIL 1-19-2016, WHEN PETITIONER RECEIVED THE FRAUDULENT ORDER DATED
 8 1-13-2016, DID PETITIONER EVEN KNOW THAT HIS MOTION FOR SHOW CAUSE WAS INFAC
 9 FILED, LET ALONE ON 8-21-2015. (EMPHASIS STRONGLY ADDED)

10 (d) PETITIONER ASSERTS AND PROVES THAT JUDGE POLAHA HAS [PERJURED]
 11 HIMSELF REPEATEDLY IN THIS NEW AND SEPERATE CASE, WHILE FURTHER [O]BSTRUCTING
 12 JUSTICE IN THIS NEW CASE / CAUSE OF ACTION, JUST AS HE SO GLEEFULLY AND
 13 REPEATEDLY DONE IN BOTELHO'S PREVIOUS CRIMINAL CASE. (EMPHASIS STRONGLY
 14 ADDED). I.E., BOTELHO DOES INFAC POSSESS A FILE STAMPED COPY OF REQUEST FOR
 15 SUBMISSION FOR MOTION FOR SHOW-CAUSE HEARING DATED 9-22-2015, SO, POLAHA
 16 AGAIN KNOWINGLY COMMITTED FRAUD, FRAUD UPON THE RECORD, FRAUD UPON THE COURT,
 17 OBSTRUCTED JUSTICE, WHEN HE STATED THE MOTION FOR SHOW CAUSE WAS "NEVER"
 18 SUBMITTED TO THE COURT. (ORDER, PG 1, LINE 19).

19 THUS, POLAHA FILED A FRAUDULENT, PERJURED ORDER IN THIS CASE, KNOWINGLY,
 20 AS A MATTER OF PUBLIC RECORD. (EMPHASIS STRONGLY ADDED)

21 THE RECORD CLEARLY PROVES THAT THIS COURT, AND CHIEF JUDGE HARDY AND
 22 JUDGE POLAHA TOTALLY DISREGARDED SHOW CAUSE MOTION IN ITS ENTIRETY, WITHOUT
 23 DUE PROCESS AND AN ADVERSARIAL HEARING AS LAW AND JUSTICE REQUIRE, PRIOR
 24 TO POLAHAS DISGRACEFUL ACT OF DISMISSAL OF BOTELHO'S HABEAS PETITION IN CASE
 25 NO: CRO3-2156. THIS ARBITRARY AND CAPRICIOUS ACT BY POLAHA RENDERED
 26 BOTELHO'S MOTION FOR SHOW CAUSE HEARING AS "Moot." PERIOD!

27 PETITIONER KNOWS SHOW CAUSE ^{IS} Moot AND IS IN NO WAY APPLICABLE TO THIS
 28 NEW CASE, NOW POLAHA IS TRYING TO MAKE IT PART OF THIS NEW CASE SO HE CAN

1 CONNECT THESE TWO DISTINCT AND SEPERATE CASES TOGETHER TO KEEP THIS
 2 FROM PUBLIC VIEW AND THUS, QUIETLY AND QUICKLY DISMISSED BY THE HIGHLY
 3 UNETHICAL, PREJUDICIAL, BIASED AND NOW PROVEN TO BE "[CRIMINAL]", JUDGE POLAHA.
 4 PETITIONER FURTHER ASSERTS THAT UNLESS POLAHA ALSO FRAUDULENTLY
 5 OBTAINED HIS SUPPOSED LAW DEGREE IN SOME BACK ALLEY, HE DEFINITELY KNOWS
 6 THAT HE HIMSELF RENDERED BOTELOHO'S SHOW-CAUSE MOTION [MOOT] BY HIS UNLAWFUL,
 7 DISGRACEFUL, ARBITRARY AND CAPRICIOUS, REFLAGANT DISMISSAL OF BOTELOHO'S
 8 HABEAS PETITION HE LET SIT FOR 5 1/2 YEARS. (A GROSS MISCARRIAGE OF JUSTICE, IN ITSELF),
 9 THIS SHOW CAUSE MOTION HAS NO BEARING UPON THIS NEW CASE. IF POLAHA STILL
 10 DOES NOT UNDERSTAND "MOOT", PLEASE REFER TO BLACKS LAW DICTIONARY!
 11 (EMPHASIS ADDED). THIS ALSO RENDERS POLAHAS BOGUS ORDERED RESPONSE TO
 12 THE SHOW CAUSE MOTION [ALSO "MOOT". (EMPHASIS STRONGLY ADDED)]

13 (B) THIS COURT, THE COURT CLERK, AND JUDGE POLAHA, KNOW THAT AS A MATTER
 14 OF COURT RECORD, THIS ACTION DOES "NOT" PERTAIN TO, OR INVOLVE THE FACTUALLY
 15 INVALIDATED POSITIONS ILLEGALLY HELD BY CHRIS HICKS AND HIS DEPUTIES (SEE
 16 NRS 199.430) OF THE WASHOE COUNTY DISTRICT ATTORNEYS OFFICE.

17 THE PROVEN TO BE CRIMINAL, JUDGE POLAHA KNOWS EXPLICITLY THAT THIS
 18 MANDAMUS IS AGAINST THE WASHOE COUNTY BOARD OF COUNTY COMMISSIONERS
 19 AND THIS COURT MUST BE SERVED BY THIS COURT UPON SAID BOARD OF COUNTY
 20 COMMISSIONERS, NOT THE DISTRICT ATTORNEYS OFFICE, AS A MATTER OF LAW.

21 (1) AGAIN, POLAHA COMMITTED FRAUD, FRAUD UPON THE RECORD, FRAUD UPON
 22 THE COURT, VIOLATED HIS OATH, NEVADA LAW, NEV. RULES OF CIVIL PROCEDURE,
 23 DISTRICT COURT RULES, OBSTRUCTED JUSTICE, COMMITTED PERJURY, VIOLATED THE
 24 NEVADA AND U.S. CONSTITUTION(S), AS WELL AS BOTELOHO'S CONSTITUTIONALLY
 25 GUARANTEED DUE PROCESS RIGHTS, AS ALREADY CLEARLY PROVEN!

26 (2) POLAHA, IT HAS BEEN CLEARLY SHOWN, HAS OBVIOUSLY CONSPIRED TO
 27 FORM AN ACT OF COLLUSION TO TRAP AND MISLEAD BOTELOHO INTO A
 28 CO-MINGLING OF TWO SEPERATE AND DISTINCTLY DIFFERENT CASES.

1 BY SO DOING, POLAHA IS ATTEMPTING TO LEAD BOTELHO DOWN A
 2 PATH AND AWAY FROM THE VERY SERIOUS MERITS OF THIS NEW CASE, THUS,
 3 POLAHA, ALTHOUGH PROVEN TO BE CRIMINAL, PREJUDICIAL AND BIASED, WOULD
 4 BE ABLE TO JUSTIFY, QUICKLY DISMISSING THIS VERY SERIOUS CASE THAT IS
 5 OF GREAT PUBLIC IMPORTANCE TO THE PEOPLE OF NEVADA.

6 (a) DOES THIS COURT COVER FOR ITSELF AND OTHERS IMPLICATED IN WRONG
 7 DOING? (1)

8 (b) DOES THIS COURT IN FACT UPHOLD THE LAWS AND CONSTITUTION(S) AS
 9 WRITTEN? OR IS THIS COURT AND ITS JUDICIARY, A SHAM?

10 (c) ARE THESE LAWS TO BE KNOWINGLY VIOLATED, AS IF NOT VALID?

11 (d) ISNT THIS COURT AND ITS JUDICIARY TO REMAIN IMPARTIAL AND
 12 FAIR ADJUDICATORS OF LAW AND OUR STILL VALID NV. AND U.S. CONSTITUTION(S)?

13 (e) DOES THE OATH OF OFFICE HAVE ANY CREDIBILITY?

14 (f) THIS COURT AND ITS JUDICIARY ARE NOT ABOVE THE LAW! YOUR
 15 UNEARNED ABSOLUTE IMMUNITY DOES NOT SHIELD YOU FROM PROSECUTION!

16 JUDGE POLAHA HAS AGAIN DELIBERATELY SHIRKED HIS DUTIES, ABROGATED HIS
 17 POWERS; HIS EGREGIOUS, ARBITRARY AND CAPRICIOUS ACTIONS HAVE IRREPARABLE
 18 DAMAGE TO BOTELHO, IN HIS WILLINGLY AND KNOWINGLY DISREGARDING THE
 19 PROPER AND LAWFUL ADMINISTRATION OF JUSTICE, THE LAW, HIS OATH OF OFFICE,
 20 BOTELHO'S DUE PROCESS RIGHTS, AND IS REPUGNANT TO OUR NEVADA AND U.S.
 21 CONSTITUTION(S), JUDICIAL CANNONS, COURT RULES, NRCR, AND OBSTRUCTED
 22 JUSTICE BY CONSPIRING TO FORM AN ACT OF COLLUSION AND IN EX PARTE
 23 COMMUNICATION WITH THE ILLEGAL OCCUPANTS OF THE W.C. DISTRICT ATTORNEYS
 24 OFFICE.

25 U.S. V. BROOKS, 145 F.3d 446 (1ST, 1998) "JUDGES MUST ONLY BE SCRUPULOUSLY
 26 FAIR IN THE ADMINISTRATION OF JUSTICE, BUT ALSO [M]UST FOSTER AN AURA OF
 27 FAIRNESS," AND SEE U.S. V. LE FLEUR, 917 F.2d 200 (9th 1991).

28 "ANY TIME AN ACTION TAKEN BY A JUDGE IS [N]OT AN ADJUDICATION BETWEEN

FOOT NOTE

(1) NOT ONLY IS JUDGE POLAHA'S ORDER
 FRAUDULENT, BUT SO IS CHRIS HICKS
 BOND.

1 THE PARTIES, IT IS LESS LIKELY THAT THE ACT IS A JUDICIAL ONE." SANTIAGO
2 V. CITY OF PHILADELPHIA, 435 F. SUPP. 136 (1977). BROWN V. NATIONS BANK CORP.,
3 188 F.3d 579 (5th 1999) THE GUARANTEE OF DUE PROCESS PROTECTS CITIZENS AGAINST
4 DELIBERATE HARM FROM GOVERNMENT OFFICIALS; N. CAROLINA V. PEARCE, 395 U.S.
5 711, 89 S. CT. 2072 (1969) VINDICTIVENESS ON THE PART OF A JUDGE. U.S. V. CLASSIC,
6 318 U.S. 299, 61 S. CT. 1031 "MISUSE OF POWER POSSESSED BY VIRTUE OF STATE LAW
7 AND MADE POSSIBLE ONLY BECAUSE THE WRONGDOER IS CLOTHED WITH THE AUTHORITY
8 OF STATE LAW, IS ACTION TAKEN 'UNDER COLOR OF STATE LAW.'" AND SEE MONROE
9 V. PAPE, 365 U.S. 167, 81 S. CT. 473.

10 SEE YICK WO V. HOPKINS, 6 S. CT. 1034; ALSO ROUSE V. BENSON, 193 F.3d 936
11 (8th 1994) "IMPAIRMENT, AND/OR, OBSTRUCTION OF THOSE WHO SEEK JUSTICE IN ANY
12 COURT IS A CRIME AND IS PUNISHABLE BY IMPRISONMENT UNDER U.S. CODE.

13 SEE BALLEW V. FOWLER, 285 KY. 149, 147 S.W. 2d 65, 66; AND SEE IN RE HUMBOLT
14 RIVER SYSTEMS, 17 NEV. 244, 362 P.2d 265, 267 (FRAUD BY CLERKS & JUDGES).

15 THE JUDGES AND COURT CLERKS ACTIONS IN THIS NEW CASE CLEARLY VIOLATE
16 THE PROVISIONS OF 42 U.S.C. § 1985 (3) AND 1986.

17 SEE U.S. V. FLOWERS, 764 F.2d 759 (11th 1985) "LIKE FACTS, COMMAND LIKE RESULTS".
18 SEE ALSO STANDING COMMITTEE V. YAGMAN, 55 F.3d 1430 (9th 1995) "TRUTH IS ABSOLUTE
19 DEFENSE." SEE MORLEY V. WALKER, 175 F.3d 756, 759 (9th 1999) "THE COURT TAKES AS
20 TRUE, ALL ALLEGATIONS."

21 PETITIONER FURTHER ASSERTS THAT THIS COURT, COURT CLERKS AND JUDGE POLAHA,
22 HAVE WILLFULLY DISREGARDED, BOAG V. MACDOUGAL, 454 U.S. 364, 102 S. CT. 700 (1982);
23 HAINES V. KERNER, 404 U.S. 579, 92 S. CT. 594 (1972) PRO SE LITIGANTS PLEADINGS [ARE
24 TO BE] CONSTRUED LIBERALLY AND HELD TO LESS STRAINTENT STANDARDS THAN
25 FORMAL PLEADINGS DRAFTED BY LAWYERS, AND SEE BLACKMON V. CRAWFORD, 305 F.
26 SUPP. 2d 117 (D. NEV. 2004); BALESTRELL V. PACIFICA POLICE DEPT., 901 F.2d 696 (9th 1990);
27 BATEMAN V. U.S. POSTAL SERVICE, 231 F.3d 1220-24 (9th 2002). ALSO, WARSHAW V. KOMA
28 CORP., 74 F.3d 955, 957 (9th 1996) COURT HAS A DUTY TO PUT ANY CASE LAW PERTINENT

TO MY CASE," THIS COURT ACTED WITH BIAS AND PREJUDICE AGAINST A PRO-SE PERSON AND PERPETRATED AN EGREGIOUS AND COMPLETE MISARRIAGE OF JUSTICE. THIS COURT, COURT CLERKS AND THE DISGRACEFUL JUDGE POLAHA, NEED TO UNDERSTAND YOUR PROBLEM "YOU CREATED IN THIS CASE," NOW A MATTER OF PUBLIC RECORD" SEE U.S. V. U.S. DIST. COURT FOR THE CENTRAL DIST. OF CALIF. 858 F2d 534 (9th 1998) "IF THE GOVERNMENT, POLICE, AND PROSECUTORS COULD ALWAYS BE TRUSTED TO DO THE RIGHT THING, THERE WOULD HAVE NEVER BEEN NEED FOR THE BILL OF RIGHTS," 9th CIRCUIT JUSTICE LEVENTHAL, AND HIS INTERPRETATION ON STRICT CRIMINAL LIABILITY.

RELIEF SOUGHT

(1) THE NEW CHIEF, PATRICK FLANAGAN, [M]UST HAVE THE DISHONORABLE, DISGRACEFUL, CRIMINAL, DISTRICT COURT JUDGE, JEROME POLAHA, RECUSED / REMOVED FROM THIS CASE, RETIRED AND PROSECUTED, AS A MATTER OF LAW, FOR HIS KNOWING, EGREGIOUS CRIMINAL VIOLATIONS OF STATE AND FEDERAL LAW. THESE INCLUDE, BUT ARE NOT LIMITED TO: FRAUD, PERJURY, FILING A FALSE COURT DOCUMENT, FRAUD UPON THE COURT, FRAUD UPON THE RECORD, CONSPIRACY, COLLUSION, VIOLATING HIS OATH OF OFFICE, NEVADA RULES OF CIVIL PROCEDURE, DISTRICT COURT RULES, NEVADA JUDICIAL CANNONS, OPPRESSION UNDER THE COLOR OF OFFICE, CONSPIRACY TO VIOLATE CIVIL RIGHTS, VIOLATIONS OF THE NEVADA AND UNITED STATES CONSTITUTION(S) AND BOTELHO'S GUARANTEED CONSTITUTIONAL RIGHTS UNDER THE NV. AND THE U.S. CONSTITUTION(S), AND MUCH MORE, ETC.... INCLUDING BAD FAITH (EMPHASIS STRONGLY ADDED).

THESE CALCULATED, ARBITRARY AND CAPRICIOUS, CRIMINAL ACTIONS, IN BAD FAITH, AND BEING REPUGNANT TO BOTH NV. AND OUR U.S. CONSTITUTION(S), RESULTED IN THE FRAUDULENT ORDER FILED ON 1-13-2016, IN THIS NEW AND DISTINCTLY DIFFERENT CASE. (EMPHASIS STRONGLY ASSERTED)

(2) CHIEF JUDGE FLANAGAN, MUST THEREFORE REPORT THESE SERIOUS CRIMES TO THE PROPER LAW ENFORCEMENT AUTHORITIES. THIS AS REQUIRED BY HIS

1 OATH OF OFFICE, NV. JUDICIAL CANNONS, RULES OF CONDUCT, AND MULTIPLE,
 2 NEVADA REVISED STATUTES AND FEDERAL U.S. CODE, ETC.,
 3 AS SUCH, PETITIONER NOW CAUTIONS CHIEF JUDGE FLANAGAN, THAT HE
 4 MUST REPORT THESE CRIMES. HIS FAILURE TO DO SO IMMEDIATELY ^{WILL} MAKE CHIEF
 5 JUDGE FLANAGAN DIRECTLY COMPLICIT IN ANY POTENTIAL COVER-UP, AND MAKE
 6 HIM INFECT, GUILTY OF THE CRIMES OF OBSTRUCTION OF JUSTICE AND MISPRISON
 7 OF FELONY, AS A MATTER OF LAW. (EMPHASIS STRONGLY ASSERTED)

8 (3) THE [F]RAUDULENT "ORDER" CONCOCKTED BY THE DISENGENUOUS, DISGRACED,
 9 CRIMINAL, DISTRICT COURT JUDGE "JEROME POLAHA", MUST BE IMMEDIATELY
 10 INVALIDATED, NULLIFIED, HAVING NO FORCE AND EFFECT OF LAW. PERIOD!

11 FURTHERMORE, PETITIONER ASSERTS THAT, IN ADDITION, THE SHOW CAUSE MOTION
 12 REFERRED TO IN POLAHA'S ILLEGAL ORDER IS PATENTLY [MOOT] AND CANNOT BE
 13 APPLIED TO THIS CASE. (EMPHASIS ADDED).

14 (4) THE COURT CLERK MUST BE "ORDERED TO IMMEDIATELY RE-CAPTION" THIS
 15 CASE AS ORIGINALLY FILED BY PETITIONER, AS, "MICHAEL T. BOTELHO V. WASHOE COUNTY
 16 BOARD OF COUNTY COMMISSIONERS", AS A MATTER OF PUBLIC RECORD (EMPHASIS ADDED).

17 (5) THIS COURT MUST ORDER THE COURT CLERK TO IMMEDIATELY AFFIX A NEW
 18 CASE NUMBER, AS THIS ACTION HAS ALREADY BEEN FILED AND ACTED UPON,
 19 REGARDLESS OF THIS COURTS, CLERK(S) AND THE CRIMINAL KNOWN AS JUDGE POLAHA.
 20 THIS CASE MUST MOVE FORWARD AS CORRECTED. THIS COURT HAS NO DISCRETION
 21 TO ACT OTHERWISE, AS A CONSEQUENCE OF ITS ACTIONS TO DATE IN THIS CASE.

22 (6) THIS COURT "MUST" NOW SERVE THE CORRECTED WRIT OF MANDAMUS UPON
 23 THE WASHOE COUNTY BOARD OF COUNTY COMMISSIONERS. (EMPHASIS STRONGLY ASSERTED)

24 (7) PETITIONER WARNS THIS COURT THAT THE WASHOE COUNTY DISTRICT ATTORNEYS
 25 OFFICE IN ITS ENTIRETY, [C]ANNOT ACT AS COUNSEL FOR THE BOARD OF COUNTY
 26 COMMISSIONERS, AS THE MANDAMUS CLEARLY POINTS OUT AND CLARIFIES THE
 27 INVALIDITY OF THE POSITIONS BEING ILLEGALLY, UNLAWFULLY HELD BY "PRIVATE
 28 CITIZENS." THEREIN, IMPERSONATING PUBLIC OFFICIALS, SEE NRS 199.430.

1 SPECIFICALLY, CHRIS HICKS, IMPERSONATING THE DISTRICT ATTORNEY, AND HIS
2 UNLAWFULLY APPOINTED DEPUTIES AND SUPPORTING STAFF. ⁽¹⁾

3 FURTHERMORE, THE ACTS AND ACTIONS OF THESE PRIVATE CITIZENS ARE
4 [N]EITHER DE JURE, NOR DE FACTO, BUT SIMPLY, ARE OF [NO] CONSEQUENCE, AND
5 ARE NULL AND VOID IN THEIR ENTIRETY.

6 (8) AS A DIRECT RESULT, THIS COURT LACKS JURISDICTION TO ENTERTAIN ANY
7 RESPONSE IN THIS CASE [AND] ANY OTHER CASE CONCERNING ANY MATTER, HAVING
8 ALREADY BEEN, OR YET TO BE, ILLEGALLY BROUGHT FORTH BY THESE PRIVATE
9 CITIZENS IMPERSONATING PUBLIC OFFICIALS, AS IF THEY ARE AND WERE VALIDLY
10 REPRESENTING THE WASHOE COUNTY DISTRICT ATTORNEYS OFFICE, AS WELL AS THE
11 PEOPLE OF WASHOE COUNTY AND THE STATE OF NEVADA, REGARDLESS OF ANY CASE
12 BEING CIVIL OR CRIMINAL.

13 THIS PETITIONER HAS BEEN DIRECTLY INTURED AND HAS AN IMMEDIATE STAKE IN
14 THE OUTCOME OF THIS CASE. THIS COURT MUST HOLD A DE NOVO HEARING IN OPEN
15 COURT, WITH PETITIONER, AND HIS FAMILY PRESENT, TO DETERMINE THE JURISDICTION
16 SO RAISED BY PETITIONER IN THIS CASE. THIS COURT WILL [NOT] COVER UP WHAT
17 THE STATE AND THIS COURT HAS BEEN DOING ILLEGALLY, ANY LONGER! (EMPHASIS
18 STRONGLY ADDED).

19 (9) PETITIONER HAS GIVEN THIS COURT THE UNDESERVED OPPORTUNITY TO SAVE
20 FACE BY, CHOOSING TO RELY UPON N.R.C.P. 60(b)(1) SUPRA, TO INVALIDATE THIS
21 FRAUDULENTLY ISSUED ORDER. BUT, THIS DOES [N]OT RELIEVE THIS COURT, NOR
22 CHIEF JUDGE FLANAGAN OF (HIS) DUTIES PURSUANT TO PETITIONERS DEMANDED
23 RELIEF HEREIN, REGARDLESS. EITHER WAY, GRANTING THE N.R.C.P. 60(b)(1) DOES NOT
24 NULLIFY THE CRIMINAL ACTIONS OF THIS COURT, THE COURT CLERKS, AND THE CRIMINAL
25 JUDGE POLAHA. AS SUCH, AS A MATTER OF LAW, MUST STILL BE ACTED UPON AND
26 REPORTED TO LAW ENFORCEMENT, AS WELL AS THE NEVADA ATTORNEY GENERAL, SO
27 HE CAN PREPARE THE REQUIRED "WRIT OF OUSTER" AND ALL NECESSARY CRIMINAL
28 CHARGES, THEREOF.

FOOT NOTE

(1) SEE CHRIS HICKS FRAUDULENT
BOND, EXHIBIT 1, HEREIN.

PETITIONER NOW STATES FOR THE COURT AND "PUBLIC" RECORD THAT:

THE PETITIONER, AND THE PEOPLE OF NEVADA, CANNOT AND WILL NOT TOLERATE THIS OR ANY OTHER COURT, COURT CLERK, OR JUDGE, TO COVER FOR, AND/OR COVER-UP THE RAMPANT, ON-GOING, CRIMINAL AND UNETHICAL, CORRUPT BEHAVIOR BY THIS, AND OTHER COURTS, ONCE HONORABLE COURTS, CLERKS AND JUDGES. ABSOLUTE IMMUNITY DOES NOT MAKE YOU, NOR YOUR KNOWING ACTIONS ABOVE THE LAW. DO YOUR SWORN TO, JOB, AS LAW AND JUSTICE REQUIRE, AS A MATTER OF LAW, PERIOD. NEVADA, ON NATIONAL NEWS IS RATED AS THE SECOND MOST CORRUPT STATE IN THE COUNTRY AND YOU ARE A BIG REASON WHY!

SEE ALSO EXHIBIT OF CHRIS HICKS INVALID, UNLAWFUL BOND, HEREIN.

SEE ALSO, INCLUDED AFFIDAVIT IN SUPPORT OF NRCP 60(b) MOTION, HEREIN.

AFFIRMATION & CERTIFICATION OF SERVICE

I, MICHAEL T. BOTELHO, PETITIONER IN PRO SE AND IN FORMA PAUPERIS, DO SWEAR UNDER THE PENALTY OF PERJURY, THAT THE FOREGOING MOTION, NRCP 60(b) (1)(2)(3) RELIEF FROM ORDER, IS TRUE AND CORRECT PURSUANT TO 28 USC 1746 AND 18 USC 1621. THIS DOCUMENT DOES NOT CONTAIN THE S-SN OF ANY PERSON. I FURTHER ASSERT THAT I PLACED A TRUE AND COMPLETE COPY OF NRCP 60(b) MOTION IN FIRST CLASS, PRE-PAID, U.S.P.S MAIL SERVICE, VIA PRISON MAIL BOX RULE, VIA LAW LIBRARY STAFF, TO THIS COURT AND AS ADDRESSED BELOW. SEE BRASS SLIP # 2168717.

COURTESY COPY TO:

DATED 1-25-2016 (1)
1-25-2016

THE FRAUD AND IMPOSTER CHRIS HICKS
WASHOE COUNTY DISTRICT ATTORNEYS OFFICE
P.O. BOX 11130
RENO, NV. 89520-0027

MICHAEL T. BOTELHO #80837
NNCC
P.O. Box 7000
CARSON CITY, NV. 89702

PETITIONER IN PRO-SE

(17) TOTAL PAGES, INCLUDING MOTION, EXHIBIT AND AFFIDAVIT IN SUPPORT OF.

(1) SENT BACK,
NO CASE NO,
RE-FILED 2-8-2016
BRASS # 2167349

12

INDEX OF EXHIBITS

Exhibit Number 1 Number of Pages 1 NRCP 60(b)2-NEWLY DISCOVERED EVIDENCE
Exhibit Description "FRAUD AND IMPOSTER", CHRIS HICKS ILLEGAL, FRAUDULENT, BOND

Exhibit Number _____ Number of Pages _____

Exhibit Description _____

Exhibit Number _____ Number of Pages _____

Exhibit Description _____

Exhibit Number _____ Number of Pages _____

Exhibit Description _____

Exhibit Number _____ Number of Pages _____

Exhibit Description _____

Exhibit Number _____ Number of Pages _____

Exhibit Description _____

Exhibit Number _____ Number of Pages _____

Exhibit Description _____

Exhibit Number _____ Number of Pages _____

Exhibit Description _____

Exhibit Number _____ Number of Pages _____

Exhibit Description _____

EXHIBIT ^{# 1} _____

CR03-2156 DC-09900074257-004
STATE VS. MICHAEL TODD BOTEL 4 Pages
District Court 02/17/2016 01:44 PM
Washoe County 2490
KIMMER

NEWLY DISCOVERED EVIDENCE

EXHIBIT ^{# 1} _____



RLI Insurance Company
P.O. Box 3967 Peoria IL 61612-3967
Phone: (309)692-1000 Fax: (309)683-1610

Official Bond And Oath

Bond No. LSM0681928

KNOW ALL MEN BY THESE PRESENTS:

That we, Christopher Hicks
as Principal, and RLI Insurance Company, a corporation duly
licensed to do business in the State of Nevada, as Surety, are held and firmly bound unto
the Washoe County - Attn: Doreen Ertell in the penal sum of
One Hundred Thousand and 00/100 DOLLARS
(\$ 100,000.00), to the payment of which sum, well and truly to be made, we jointly and severally bind ourselves
and our legal representatives firmly by these presents.

DATED this 5th day of December, 2014.

THE CONDITION OF THIS OBLIGATION IS SUCH, That whereas, the said Principal was duly ☒ elected ☐ appointed
to the office of District Attorney in the State of
Nevada for the term commencing on the 5th day of January, 2015 and ending on
January 5, 2019.

NOW THEREFORE, if the said Principal shall faithfully perform the duties of his said office, then this obligation shall be
void and of no effect.

This bond is executed by the Surety upon the following express conditions:

FIRST, the Surety shall not be liable hereunder for the loss of any public moneys or funds occurring through or resulting
from the failure of, or default in payment by, any banks or depositories in which any public moneys or funds have been
deposited, or may be deposited, or placed to the credit, or under the control of the Principal, whether or not such banks or
depositories were or may be selected or designated by the Principal or by other persons; or by reason of the allowance to, or
acceptance by the Principal or any interest on said public moneys or funds, any law, decision, ordinances, or statute to the
contrary notwithstanding.

SECOND, that the Surety shall not be liable for any loss or losses, resulting from the failure of the Principal to collect any
taxes, licenses, levies, assessments, etc., with the collections or which he may be chargeable by reason of his election or
appointment as aforesaid.

THIRD, that the Surety may, if it shall so elect, cancel this bond by giving thirty (30) days notice in writing to the Obligee
and this bond shall be deemed canceled at the expiration of said thirty (30) days; the Surety remaining liable, however,
subject to all the terms, conditions and provisions of this bond for any act or acts covered by this bond which may have been
committed by the Principal up to the date of such cancellation.

Countersigned at Reno, Nevada
WELLS FARGO INSURANCE SERVICES USA, INC.

Christopher Hicks

Principal

Margo L. May
Margo L. May
Attorney in Fact
Approving Officer

APPROVAL:

I have inspected the above Bond and do hereby certify
that the same is sufficient.

OFF 0107 (2/94)

Page 1 of 2
00000813-20,30

*This is to be the only one for the
State of Nevada. All other are void.*

50
PD

AFFIDAVIT

1 STATE OF NEVADA }
COUNTY OF CARSON } ss. AFFIDAVIT OF MICHAEL T. BOTELHO IN SUPPORT
2 OF NR60 (b) MOTION FOR RELIEF OF ORDER

3 TO WHOM IT MAY CONCERN:

4 I, MICHAEL T. BOTELHO, THE UNDERSIGNED, DO SWEAR UNDER THE PENALTY OF
5 PERJURY, THAT THE ASSERTIONS OF THIS AFFIDAVIT ARE TRUE AND CORRECT.

6 I ASSERT THAT I FILED WRIT OF MANDAMUS IN SECOND JUDICIAL DISTRICT
7 COURT, AS, MICHAEL T. BOTELHO, VS. WASHOE COUNTY BOARD OF COUNTY COMMISSIONERS,
8 CASE NO: WAS TO BE ASSIGNED. I ONLY USED CR03-2156 AS CLEARLY FOR
9 REFERENCE ONLY.

10 THIS COURT, COURT CLERK (K. JONES), AND THE CORRUPT JUDGE, JEROME
11 POLAHA FILED A FRAUDULENT INVALID ORDER, AND IN THE INVALID ORDER, ORDERED
12 THE WASHOE COUNTY DISTRICT ATTORNEYS OFFICE TO RESPOND IN 30 DAYS.

13 MY CASE CAPTION WAS CHANGED PURPOSEFULLY AND WITH CRIMINAL INTENTIONS.
14 MY MANDAMUS ORDER SHOWS THE RESPONDENTS TO BE BENEDETTI, STATE OF NV,
15 ET-AL WITH CASE NO: CR03-2156 (2156). THIS WAS NOT OVERSIGHT, BUT INTENTIONALLY
16 DONE TO CONVOLUTE THIS CASE AND CHANGE THE ARGUABLE MERITS OF FACT THEREIN.

17 THIS DICEPTION WAS PERPETRATED IN CONCERT WITH THE INVALIDLY HELD
18 POSITIONS OF CHRIS HICKS AND HIS DEPUTIES, IMPERSONATING PUBLIC OFFICIALS
19 WITHIN THE WASHOE COUNTY DISTRICT ATTORNEYS OFFICE, TO WIRE ME INTO
20 RESPONDING DIFFERENTLY, THUS LEADING THIS CASE TO BE SUMARILY DISMISSED
21 AS A RESULT.

22 ITS MY OPINION, AND A MATTER OF FACT, THAT THE ORDER IS INVALID, JUST AS
23 THE POSITIONS OF DISTRICT ATTORNEY AND DEPUTIES, STAFF ARE INVALID.
24 THE D.A.'S OFFICE IS FACTUALLY BEING RUN BY PRIVATE CITIZENS, NOT VALID OFFICIALS,
25 AS THE STATUTES CLEARLY DICTATE, SEE FRAUDULENT BOND EXHIBIT IN MOTION.

26 THEREFORE, PURSUANT TO NRS 282.090, I HAVE PRESENTED LAWFUL
27 AUTHORITY TO COMPEL AND OBLIGATE THE WASHOE COUNTY BOARD OF COUNTY
28 COMMISSIONERS TO FOLLOW THE LAW, THEY ARE DUTY BOUND TO FOLLOW.

1 BOTELHOS MANDAMUS, AS PRESENTED AND FILED BY THIS COURT CLEAR
 2 STATE THE PARTY ADVERSE, THEREIN. THIS COURT HAD A DUTY TO AFFIX
 3 A CASE NUMBER TO SAID MANDAMUS WHEN FILED AND SERVE IT UPON THE
 4 COUNTY COMMISSIONERS.

5 ITS MY CONTENTION, AND THE FACTS CLEARLY SUPPORT THE EFFORTS OF THIS
 6 COURT, THE COURT CLERK, AND THE CRIMINAL JUDGE POLAHA TO CHANGE THE
 7 DIRECTION OF THIS CASE, TO HAVE THE DISTRICT ATTORNEY ANSWER FOR THE STATE,
 8 THESE WERE CALCULATED EFFORTS TO AVOID THE WASHOE COUNTY BOARD OF
 9 COMMISSIONERS HAVING TO ADDRESS AND COMPEL (SUMMON) CHRIS HICKS, dba
 10 WASHOE CO. DISTRICT ATTORNEY (IMPERSONATING A PUBLIC OFFICIAL) TO APPEAR
 11 BEFORE THE BOARD, AS A MATTER OF PUBLIC RECORD (AND OPEN MEETING LAWS)
 12 TO ADDRESS HIS FACTUALLY, AND INDISPUTABLY INVALID, UNLAWFUL (ILLEGAL)
 13 BOND.

14 THIS WOULD HAVE VERY SERIOUS CONSEQUENCES FOR THE CITY, COUNTY AND
 15 STATE. THIS WOULD ALSO RESULT IN THE RELEASE OF MICHAEL T. BOTELHO, AS A
 16 RESULT OF HIS UNLAWFUL ARREST, KIDNAPPING AND ILLEGAL RESTRAINT NOW FOR
 17 12 1/2 YEARS. THIS COURT & POLAHA COLLABORATED WITH THE UNLAWFUL HELD
 18 ~~AND~~ POSITION OF DISTRICT ATTORNEY AND HIS OFFICE, IN MY OPINION, AND A JURY
 19 WILL BELIEVE IT TOO! JUST TO KEEP THIS HIDDEN. AS SUCH, THIS BOGUS,
 20 UNLAWFUL ORDER MUST BE CORRECTED VIA NRCP 60(b)(1)(2)(3) IMMEDIATELY.

21 I, MY WIFE AND KIDS (NEVADA TAX PAYERS) AND THE GOOD PEOPLE OF NEVADA
 22 HAVE A LEGAL AND CONSTITUTIONAL RIGHT TO KNOW OF THE CRIMINAL ACTS BEING
 23 PERPETRATED ON US ALL, BY THE CRIMINALS UNLAWFULLY ACTING AS THE WASHOE
 24 COUNTY DISTRICT ATTORNEY, HIS DEPUTIES, THIS COURT, THE COURT CLERK AND
 25 THE FELON KNOWN AS JUDGE JEROME POLAHA.

26 THIS ORDER MUST BE REMOVED AND THE WASHOE CO. Bd. OF COMMISSIONERS
 27 BE COMPELLED TO ACT UPON THIS LAWFUL MANDAMUS AND FOLLOW THE LAW AS
 28 REQUIRED, OR SUFFER THE COMING "LAWFUL" CONSEQUENCE

DATED 1-25-2016

2 OF 2

Michael T. Botelho
 MICHAEL T. BOTELHO #80837
 NNCC, P.O. Box 70005. 773
 CARSON CITY, NV, 89702

V5. 774 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE

FILED

MICHAEL T. BOTELHO
PETITIONER,

2016 Feb 19
CASE NO: CR03-2156 (TEMPORARY) PH 4: 06
DEPT. NO: 3 (TEMPORARY)

-VS-

WASHOE COUNTY BOARD
OF COUNTY COMMISSIONERS
RESPONDENTS

REPLY AND OBJECTION TO RESPONSE TO
PETITION FOR EXTRAORDINARY WRIT OF
MANDAMUS

7 COMES MICHAEL T. BOTELHO, IN PROPER PERSON, BRING FORTH THIS REPLY &
8 OBJECTION TO RESPONSE TO PETITION FOR EXTRAORDINARY WRIT OF MANDAMUS,
9 BEFORE THIS [ONCE] HONORABLE COURT, BY THE FRAUDS AND IMPOSTERS,
10 MASQUERADING AS PUBLIC SERVANTS IN THE WASHOE COUNTY DISTRICT ATTORNEYS
11 OFFICE.

12 FIRST AND FOREMOST, MR. BOTELHO ASSERTS, CLAIMS AND CHARGES THAT
13 THIS FRAUD AND IMPOSTER, A.K.A., MR. HERBERT, B. KAPLAN'S FEEBLE ATTEMPT
14 TO MATERIALLY MISDIRECT AND MISLEAD THIS COURT WITH HIS DELLUSIONAL
15 RANTINGS, FOR WHICH HAVE ABSOLUTELY NO CREDENCE IN THE TRUE FACTS,
16 AND TO SET THE RECORD STRAIGHT, IN OPPOSITION TO THIS BALD FACED LIE
17 COMPOSED OF A MULTITUDE OF FABRICATED, MISREPRESENTED AND OBVIOUSLY
18 PERJURED STATEMENTS. (EMPHASIS STRONGLY ASSERTED)

19 LEGAL ANALYSIS AND DISCUSSION

20 CHAPTER # 282, OF THE NEVADA REVISED STATUTES, IS THE PRIMARY AND
21 CONTROLLING STATUTE FOR ALL OFFICERS, ELECTED OR APPOINTED, THAT MANDATES
22 AND REQUIRES THAT THESE OFFICERS TO POST AN OFFICIAL BOND TO PERFECT AND
23 VALIDATE THEIR OFFICIAL PUBLIC OFFICE, MAKING NO DIFFERENCE IN THE FACT
24 THAT THESE PUBLIC OFFICERS ARE "STATE", "COUNTY", "IRRIGATION DISTRICT",
25 "TOWNSHIP", AND/OR "CITY OFFICIALS". [ABSOLUTE AND UNEQUIVICAL]

26 SEE N.R.S. 282.010(2) "ALL" OFFICERS ELECTED, EXCEPT SENATORS AND
27 MEMBERS OF THE ASSEMBLY, [SHALL] QUALIFY, AND EXECUTE, AND
28 DELIVER THEIR OFFICIAL BONDS, WHEN REQUIRED, AS PROVIDED IN THIS

V5. 774

1 SECTION, PRIOR TO THE TUESDAY AFTER THE FIRST MONDAY IN JANUARY,
2 ENSUING THEIR ELECTIONS, TO ENFORCE AND SUPPORT THIS STATUTORY
3 REQUIREMENT

4 AS ALLUDED TO, N.R.S. 282.010, IN OPINION OF THE ATTORNEY GENERAL, PLEASE
5 SEE, A.G.O. 195 (12-2-1960) "BEGINNING TERM OF DISTRICT ATTORNEY."

6 IN RESPONSE TO THIS FRAUD AND IMPOSTERS, OBVIOUSLY PERJURED STATEMENTS

7 B. BOND VALID????

8 THERE IS [N]O VAGUENESS OR AMBIGUITY TO N.R.S. 282.120, AND SINCE
9 IT HAS ALREADY BEEN PREVIOUSLY ESTABLISHED THAT N.R.S. CHAPTER 282, IS
10 THE PRIMARY AND CONTROLLING STATUTORY LAW, FOR "ALL" PUBLIC OFFICERS,

11 N.R.S. 282.120, CLEARLY AND WITHOUT QUESTION, MANDATES NRS. 282.120,
12 NUMBER OF SURETIES ON OFFICIAL BOND "[UNLESS OTHERWISE EXPRESSLY
13 PROVIDED] THERE SHALL BE AT LEAST (2) TWO SURETIES, UPON THE OFFICIAL
14 BOND OF "EVERY OFFICER".

15 MR. CHRISTOPHER HICKS BOND CONTAINS ONLY (1) SINGLE SURETY. THEREFORE,
16 AND AS SUCH, MR. BOTELHO SHALL "NOW" PRESENT AS FACT, THAT THERE IS "NO"
17 SUCH STATUTE THAT EXPRESSLY PROVIDES MR. CHRISTOPHER HICKS IS SO ALLOWED
18 TO CONTINUE WITHIN HIS "INVALID" OFFICIAL PUBLIC OFFICE, AS FOR THE FACT THAT
19 HIS BOND IS TRUELY "INVALID".

20 SECONDLY, N.R.S. 282.040 FORM; ALL OFFICIAL BONDS REQUIRED BY "LAW",
21 OF OFFICERS SHALL BE:

22 (2) MADE PAYABLE TO THE STATE OF NEVADA, THIS "FACT ALONE" RENDERES
23 MR. HICKS OFFICIAL BOND UTTERLY USELESS AND TRUELY [I]NVALID, MAKING
24 NO DIFFERENCE WHETHER THERE IS ONE OR ONE HUNDRED SURETIES.

25
26 THIS OFFICIAL BOND IS USELESS, WORTHLESS, AS TO "NOT" BEING MADE
27 PAYABLE TO THE STATE OF NEVADA.

1 MR. HICKS OBVIOUSLY "INVALID" BOND IS MADE PAYABLE TO WASHOE
2 COUNTY, ATTN: DOREEN ERTELL.

3 THEREFORE, THIS "INVALID" BOND IS TOTALLY USELESS, FOR ITS INTENDED
4 PURPOSE, TO PROTECT THE STATE. AS A MATTER OF FACT, ITS NOT WORTH THE
5 PAPER ITS WRITTEN UPON.

6 MR. KAPLAN'S FLIP FLOPPED PLEADINGS, REVEALS, EXPOSES, AND
7 DEMONSTRATES, IN MR. BOTELHO'S "OPINION", THIS UNCONTROVERTED "FRAUD AND
8 IMPOSTER", A.K.A. HERBERT B. KAPLAN'S PLEADINGS HAVE SO MANY "FRAUDULENT"
9 TWISTS AND TURNS IN THEM, THAT, HE COULD EASILY BE MISTAKEN AS A USED
10 CAR SALESMAN ON KIETSKE LANE IN RENO!

11 TO ADDRESS THIS OTHER KNOWINGLY BOLD FACED, PERJURED STATEMENT, EVEN
12 IF ASSUMING THE STATE OF NEVADA HAS ACCEPTED THE RESPONSIBILITY OF
13 INSURING ITSELF AS AN ADDITIONAL SURETY.

14 THIS BOND IS STILL DEFICIENT, AS PURSUANT TO N.R.S. 282.120, WHERE IT
15 EXPLICITLY STATES "THERE SHALL BE A MINIMUM OF (2) TWO SURETIES UPON
16 THE OFFICIAL BOND OF "EVERY" OFFICER. (PERIOD, REGARDLESS).

17 AND, NOWHERE CONTAINED ON MR. HICKS OFFICIAL "INVALID" BOND, IS THERE
18 ANY SUCH MENTION OR IDENTIFICATION THAT THE STATE OF NEVADA IS TO BE
19 IDENTIFIED AS A SURETY. (EMPHASIS STRONGLY ASSERTED).

20 SEE ALSO, THE (58TH) FIFTY-EIGHTH SESSION OF THE NEVADA LEGISLATURE,
21 CHAPTER 270, APPROVED, APRIL 24, 1975, DID SO ABOLISH THE SURETY TRUST
22 FUND AND AS SUCH, DID TRANSFER THE FUNDS ACCUMULATED UNDER THE
23 BOND TRUST FUND TO THE PUBLIC EMPLOYEES RETIREMENT SYSTEM, FOR WHICH
24 THIS ACT IN ESSENCE DENY'S AND PROHIBITS THE STATE OF NEVADA AS ACTING
25 AS A SURETY - UPON ANY BOND, BY AND THROUGH THE CLEARLY DOCUMENTED
26 FACT OF NON-APPROCIATION OF FUNDS TOWARDS THE BOND TRUST FUND.

27 MR. BOTELHO WOULD ALSO LIKE TO ASK (ASK) THIS "FRAUD AND IMPOSTER",
28 MR. KAPLAN, WHERE HE ACQUIRED HIS LEGAL EDUCATION? I'M THINKING MAYBE

"BOYDS", FOR WHICH WOULD MOST OBVIOUSLY REVEAL THIS MAN'S IGNORANCE AND/OR LACK OF INTELLIGENCE.

TO SAY MR. HERBERT KAPLAN'S LACK OF INTELLECTUAL UNDERSTANDING OF THE LAW AS IT IS WRITTEN, IS MOST OBVIOUS IN HIS PLEADINGS, AS HIS FRAUDULENT ATTEMPTS, THROUGH CLEARLY KNOWINGLY PERJURED STATEMENTS SHALL HAVE TRUE AND PROFOUND REPERCUSSIONS UPON HIM.

MR. KAPLAN'S DELUSIONAL AND "CRAZY" STATEMENTS THAT NRS CHAPTER 282 DOES NOT APPLY TO THE OFFICE OF THE WASHOE COUNTY DISTRICT ATTORNEYS, MAKES THIS PETITIONER WANT TO QUESTION MR. KAPLAN'S MENTAL COMPETENCE. MR. BOTEHO WOULD LIKE TO BRING TO THE ATTENTION OF THIS COURT, SEE THE FOLLOWING NEVADA REVISED STATUTES: NRS 282.010, 282.040, 282.080, 282.090, 282.120, 282.140, 282.150, 282.160, 282.163, 282.170, 282.180, 282.190, 282.200, 282.290, 282.330, 282.340 AND 282.350.

THESE STATUTES PREVIOUSLY MENTIONED, ALL PERTAIN TO, AND IDENTIFY COUNTY OFFICERS TO BE ACTUALLY IDENTIFIED AND NAMED WITHIN THESE STATUTES.

ON PG. 6, L. 3, AS PER MR. BOTEHO PRESENTED HE SHALL NOW REITERATE NRS CHAPTER 282, IS THE PRIMARY AND CONTROLLING STATUTE, REQUIRING [A]LL OFFICERS TO POST BOND AND PLEDGE TO AN OATH OF OFFICE. (EMPHASIS ADDED).

FURTHERMORE, EACH OFFICER HAS AN ADDITIONAL SECONDARY STATUTE THAT HAS A CURSORY STIPULATIVE REQUIREMENT THAT IS SO CATERED TOWARDS THIS PUBLIC OFFICIALS ^{INDIVIDUAL} INDIVIDUALIZED SPECIFIC, OFFICIAL PUBLIC OFFICE, AS FOR DUTIES AND FUNCTIONS OF THIS SPECIFIC PUBLIC OFFICE.

SUCH AS, N.R.S. CHAPTER 252, FOR THE COUNTIES DISTRICT ATTORNEYS, SEE N.R.S. CHAPTER 228, FOR THE ATTORNEY GENERAL, AND N.R.S. CHAPTER 226, FOR THE NEVADA STATE TREASURER, ETC., ETC., ETC.

AND ONCE AGAIN, MR. BOTEHO ASSERTS THAT [ALL] OFFICERS, IT MAKES "NO" DIFFERENCE WHETHER THIS PUBLIC OFFICIAL IS EITHER A "STATE", "COUNTY",

1 "IRRIGATION DISTRICT," TOWNSHIP OR CITY PUBLIC OFFICER. HE OR SHE
2 IS OBLIGATED TO COMPLY TO THE STATUTORY REQUIREMENTS OF THE
3 NEVADA REVISED STATUTES OF CHAPTER # 282.

4 THEREFORE, N.R.S. 282.120, IS VERY "CLEAR AND UNAMBIGUOUS," STATING
5 IN VERY EXPLICIT TERMS. "THERE SHALL BE AT LEAST (2) TWO SURETIES [UPON]
6 THE OFFICIAL BOND OF EVERY OFFICER.

7 ON PG. 6, L-22, N.R.S. 252.030, IS A SECONDARY CURSORY STATUTE
8 MERELY STATING "THE DISTRICT ATTORNEY IS REQUIRED TO POST A BOND AND
9 PLEDGE TO AN OATH OF OFFICE. NOWHERE," DOES IT STATE THAT THE DISTRICT
10 ATTORNEYS OFFICIAL BOND SHALL CONTAIN ANYTHING "BUT" THE [R]EQUIRED
11 MINIMUM OF (2) TWO SURETIES, PURSUANT TO N.R.S. 282.120.

12 ON PG. 7, L-16, MR. KAPLAN HAS REPEATEDLY PRESENTED STATUTORY LAW
13 IN A TWO-FACED MANNER, HE DISGRACEFULLY AND CONSISTENTLY PRESENTS
14 ARGUMENTS BASED UPON MISREPRESENTATION OF N.R.S. CHAPTER 282, ON
15 ONE SIDE OF HIS FACE, AND ON THE OTHER SIDE OF HIS FACE, HE ARGUES
16 AGAINST AND DENYS THE APPLICABILITY OF CHAPTER # 282, TOWARDS BOTH
17 PAST AND PRESENT "INVALID" DISTRICT ATTORNEYS (GAMMICK & HICKS).

18 FOR WHICH, SINCE THE YEAR OF 1996 ARE TRULY "INVALID" AND
19 WITHOUT ANY LEGAL OR LAWFUL AUTHORITY, PERIOD! (EMPHASIS STRONGLY ADDED),

20 N.R.S. 282.200, FORFEITURE OF OFFICE OR APPOINTMENT UPON FAILURE
21 TO FILE NEW OR ADDITIONAL BOND; SUSPENSION OF FUNCTIONS OF OFFICE
22 IN NOVEMBER OF 2014.

23 MR. HICKS WAS ELECTED TO THE OFFICIAL PUBLIC OFFICE, OR, AS THE
24 "NEW" WASHOE COUNTY DISTRICT ATTORNEY IN JANUARY OF 2015. MR. HICKS
25 PLEDGED HIS OATH OF OFFICE, AND KNOWINGLY AND WILLFULLY POSTED A
26 CLEARLY, LEGALLY DEFICIENT OFFICIAL BOND PRIOR TO ASSUMING THE
27 OFFICIAL OFFICE AS THE WASHOE COUNTY DISTRICT ATTORNEY.

1 THEREFORE, MR. CHRISTOPHER HICKS WAS THEN LEGALLY REQUIRED
2 TO POST A NEW, AND/OR, ADDITIONAL [VALID] OFFICIAL BOND, IN ORDER
3 TO LEGALLY PERFECT AND VALIDATE HIS OFFICIAL PUBLIC OFFICE.

4 N.R.S. 282.200, CLEARLY, WITHOUT ANY AMBIGUITY STATES:

5 (1) IF ANY OFFICER OR PERSON FAILS WITHIN 10 DAYS FROM THE DATE OF
6 A PERSONAL SERVICE, OR "WITHIN 30 DAYS FROM THE DATE OF THE FIRST
7 INSERTION OF A PUBLICATION OR POSTED SERVICE, TO FILE A "NEW" OR
8 ADDITIONAL BOND OR UNDERTAKING. THE OFFICE OR APPOINTMENT OF
9 THE PERSON OR OFFICER SO "FAILING" [S] SHALL BECOME "VACANT", AND
10 SUCH OFFICER OR PERSON [S] SHALL "FORFEIT" SUCH OFFICE OR
11 APPOINTMENT.

12 THE OFFICE OR APPOINTMENT [S] SHALL BE FILLED AS IN OTHER CASES OF
13 VACANCY, AND IN THE MANNER PROVIDED BY LAW, AND THE PERSON APPLYING
14 TO BE RELEASED FROM LIABILITY ON THE BOND OR UNDERTAKING, SHALL NOT
15 BE LIABLE THEREON AFTER THE DATE PROVIDED FOR THE VACATING AND
16 FORFEITING OF SUCH OFFICE OR APPOINTMENT.

17 FURTHERMORE, PURSUANT TO MR. HICKS OATH OF OFFICE, AS VERIFIED
18 AND WITNESSED VIA LORI DELANO (NOTARY PUBLIC), MR. HICKS [A] LLEGEDLY
19 SWORE TO HIS OATH OF OFFICE AND ASSUMED THE OFFICIAL PUBLIC OFFICE OF THE
20 WASHOE COUNTY DISTRICT ATTORNEY, ON DECEMBER 29, 2014.

21 THEREFORE, MR. HICKS HAD UNTIL JANUARY 29TH, 2015, TO POST A
22 NEW OR ADDITIONAL, OFFICIAL BOND, THAT COMPLYS TO STATUTORY
23 REQUIREMENTS AS FOR MR. HICKS FAILURE TO ABIDE BY THE [M]ANDATORY
24 STATUTORY LAW, AND AS SUCH, THE VIOLATION OF BOTH NRS 282.120, AND
25 NRS 282.040, INVOKES NRS 282.200, AND/OR NRS 283.040.

26 FOR WHICH PRESENTS THAT MR. HICKS [HAS] SO FORFEITED ALL
27 LEGAL OR LAWFUL RIGHTS TO SAID OFFICE, AND AS SUCH, RENDERS
28 MR. HICKS NEITHER DE JURE, NOR DE FACTO, WITHIN SAID INVALID "OFFICIAL
PUBLIC OFFICE.

1
2 IN ADDITION, N.R.S. 282.200 (2) ^{STATES IN PART,} IF A NUMBER OF SURETIES ON ANY BOND,
3 REPRESENTING "HALF" THE AMOUNT OF THE PENALTY THEREOF, UNITE IN THE
4 SAME, THE RIGHT OF SUCH OFFICER OR PERSON TO EXERCISE THE DUTIES
5 AND FUNCTIONS OF SUCH OFFICE OR APPOINTMENT "IMMEDIATELY CEASES" "!!!"
6 IT HAS LONG BEEN IN EXCESS OF 30 DAYS FROM THE DATE OF MR. HICKS
7 POSTED SERVICE, SEE N.R.S. 282.200 (1), FOR WHICH, PURSUANT TO THE
8 VERY CLEAR, OBVIOUS, AND UNAMBIGUOUS MEANING OF THESE STATUTORY
9 LAWS, N.R.S. 282.200 AND N.R.S. 283.040, MR. CHRISTOPHER HICKS HAS
10 FACTUALLY [FORFEITED] ALL LEGAL OR LAWFUL RIGHTS TO SAID OFFICIAL
11 PUBLIC OFFICE. AGAIN, MR. HICKS IS NEITHER DE FACTO, NOR, DE JURE,
12 WITHIN SAID "INVALID" OFFICIAL PUBLIC OFFICE.

13 FURTHERMORE, "NOW" THAT IT HAS BEEN CLEARLY ESTABLISHED AS FACT
14 THAT NEITHER PAST NOR PRESENT DISTRICT ATTORNEYS, THAT OF RICHARD
15 A. GAMMICK AND CHRISTOPHER HICKS HAS OR HAD "VALID" PUBLIC OFFICES.
16 AS SUCH, NEITHER PAST NOR PRESENT DISTRICT ATTORNEYS HAVE ANY
17 LEGAL OR LAWFUL AUTHORITY TO APPOINT ANY PERSONS TO ANY OFFICIAL
18 PUBLIC OFFICES, BEING "INVALID" THEMSELVES, MR. BOTE LHO PRESENTS
19 THAT MR. HERBERT KAPLAN'S POSITION IS ALSO "INVALID" AND WITHOUT ANY
20 AUTHORITY, AS KAPLAN IS [N]OW [G]UILTY OF IMPERSONATING A PUBLIC
21 OFFICIAL, SEE N.R.S. 199.430.

22 FOR WHICH, MR. BOTE LHO "NOW" DEMANDS, AS DOES JUSTICE REQUIRE,
23 THAT THIS ONCE HONORABLE COURT SO "ORDER" MR. HERBERT KAPLAN, BE
24 SO IMMEDIATELY AND WITHOUT DELAY, BE REMANDED TO CUSTODY AND
25 CHARGED CRIMINALLY WITH IMPERSONATING A PUBLIC OFFICIAL, NRS. 199.430.
26 AS WELL AS PERJURY, SEE N.R.S. 199.120. FURTHERMORE, MR. KAPLAN IS
27 GUILTY OF N.R.S. 199.145, STATEMENT MADE IN DECLARATION UNDER PENALTY OF
28 PERJURY (1) FALSE STATEMENT MADE BY PUBLIC OFFICIAL BUT NRS 199.430 APPLIES,

1 AND (2). WILLFULLY MAKES AN UNQUALIFIED STATEMENT OF WHICH HE DOES
2 NOT KNOW TO BE TRUE.

3 A CLEAR VIOLATION OF N.R.S. 199.200. STATEMENT OF WHAT ONE DOES NOT KNOW
4 TO BE TRUE. EVERY UNQUALIFIED STATEMENT OF THAT WHICH ONE DOES NOT KNOW TO
5 BE TRUE IS EQUIVALENT TO A STATEMENT OF THAT WHICH THE PERSON KNOWS TO
6 BE FALSE.

7 KAPLAN IS GUILTY OF VIOLATING N.R.S. 199.210, OFFERING FALSE EVIDENCE,
8 SEE SIRAGUSA V. BROWN, 114 NV. 1384, 971 P2d 801 (1998)

9 KAPLAN IS GUILTY OF NRS 199.340, CRIMINAL CONTEMPT (CONTEMPTUOUS
10 ACTS). [8] ASSUMING TO BE AN ATTORNEY OR OFFICER OF A COURT OR ACTING
11 AS SUCH, WITHOUT AUTHORITY.

12 KAPLAN IS GUILTY OF NRS 199.480(F)(g) CONSPIRACY AND NRS 199.490
13 (OVERT ACT NOT NECESSARY)

14 FURTHERMORE, KAPLAN IS GUILTY OF VIOLATING N.R.S. 197.120, FALSE
15 IMPERSONATION OF PUBLIC OFFICER; INTRUSION INTO AND REFUSAL TO
16 SURRENDER PUBLIC OFFICE. IN PART, STATING "THE PERSON HAS "NOT" BEEN
17 DULY ELECTED OR APPOINTED, [OR] WHO SHALL WILLFULLY EXERCISE ANY OF THE
18 FUNCTIONS OR PERFORMS ANY OF THE DUTIES OF SUCH OFFICER "WITHOUT" HAVING
19 DULY QUALIFIED THEREOF, AS REQUIRED BY LAW.

20 IS GUILTY OF VIOLATING N.R.S. 197.180, WRONGFUL EXERCISE OF OFFICIAL
21 POWER, ANY PERSON WHO WILLFULLY TAKES UPON HIMSELF TO EXERCISE OR OFFICIATE
22 IN ANY OFFICE OR PLACE OF ANOTHER, " " WITHOUT BEING LAWFULLY AUTHORIZED THERE TO.

23 FURTHER GUILTY OF N.R.S. 197.200, OPPRESSION UNDER COLOR OF OFFICE, (1) AN
24 OFFICER, OR PERSON PRETENDING TO BE AN OFFICER, WHO UNLAWFULLY AND MALICIOUSLY,
25 UNDER PRETENSE OR COLOR OF OFFICIAL AUTHORITY: (2) DOES ANY ACT WHEREBY THE
26 PERSON, PROPERTY, OR RIGHTS OF ANOTHER PERSON ARE INJURED, COMMITS OPPRESSION.

27 MR KAPLAN IS ALSO GUILTY OF COLLUSION, FRAUD, FRAUD UPON THE
28 COURT AND AS A FURTHER RESULT OF HIS ACTIONS, AND BY COVERING FOR

1 FOR HIS BOSS, CHRIS HICKS, IS NOW ESPECIALLY GUILTY OF OBSTRUCTION
2 OF JUSTICE.

3 AND, FOR THE RECORD, IN ADDITION TO THESE ASSERTED CRIMES IN FACT,
4 MR. BOTELHO HAS CLEARLY PROVEN BY MR. KAPLAN'S OWN WORDS, AND CHRIS
5 HICKS OWN OFFICIALLY DEFICIENT BOND, THAT:

6 (1) THERE MUST BE:

7 (a) FRAUD

8 (b) MISAPPROPRIATION OF FUNDS

9 (c) PRESUMED "THEFT" OF MONIES APPROPRIATED IN BUDGET FOR THE TWO (2)

10 REQUIRED SURETIES

11 (d) STATE CONSPIRACY AND COLLUSION TO PERFECT THIS DECEPTION AND

12 FRAUD

13 (2) THE PRIVATE CITIZEN, MR. CHRISTOPHER HICKS, KNOWINGLY CONSPIRED TO
14 FORM AN ACT OF COLLUSION WITH R. L. I. INSURANCE CO. IN PEORIA, ILLINOIS,
15 TO ORCHASTRATE THIS FRAUDULENT BOND, SEE BOND AS EXHIBIT FILED IN BOTELHOS
16 NRCP 60 (b) ON 1-25-2016 AND AGAIN ON 2-8-2016 (DUE TO THIS COURTS
17 FRAUD AND ALTERING FILED DOCUMENTS FILED BY BOTELHO, SEE 60(b)(9))

18 (a) THE BOND CLEARLY SPEAKS OF ONLY (1) ONE SINGLE SURETY (PERIOD). SORRY
19 ABOUT THAT MR. KAPLAN, GOTCHA AGAIN. SEE BOND, # LSM 068 1928

20 (b) THE BOND PRINCIPAL IS WASHOE COUNTY, [NOT] THE STATE OF NEVADA, AS
21 CLEARLY REQUIRED BY LAW IN NEVADA. THIS CLEARLY INVALIDATES SAID BOND.

22 (c) THE BOND IS FURTHER INVALID ON ITS FACE AS:

23 (1) "IF" THE SIGNATURE OF CHRISTOPHER HICKS "IS" IN FACT, THAT OF
24 CHRISTOPHER HICKS, IT WAS [N]OT DATED, NOR WAS IT WITNESSED "AND"
25 NOTARIZED BY A VALID NEVADA NOTARY PUBLIC, AS REQUIRED TO VALIDATE
26 THIS "STILL" INVALID, FRAUDULENT BOND, THIS CLEARLY INVALIDATES THIS FRAUDULENT
27 BOND, REGARDLESS, FURTHERMORE, AS A MATTER OF INDISPUTABLE FACT AND
28 PUBLIC RECORD, HYPOTHETICALLY SPEAKING, COULD HAVE BEEN SIGNED BY

1 MR. HICKS, IF IT WAS MR. HICKS ACTUALLY SIGNING DOCUMENT, EVEN ON 2-14-
2 2016, AS IT WAS NOT WITNESSED & NOTARIZED, NOR DATED BY NOTARY, AS IS
3 REQUIRED BY LAW, MR. HICKS KNEW THIS, OTHERWISE, I SUSPECT HE WAS
4 EITHER A FRAUD AND/OR INCOMPETENT TO CARRY OUT THE DUTIES AS DISTRICT
5 ATTORNEY, REGARDLESS.

6 (3) CLEARLY DELINEATED AT BOTTOM OF BOND, PG. 1 OF 2, IT SAYS "APPROVAL",
7 FURTHER, STATING "I HAVE INSPECTED THE ABOVE BOND AND DO HEREBY [C]ERTIFY
8 THAT THE SAME IS SUFFICIENT", THE LINE WITH APPROVING OFFICER BELOW THE
9 LINE, WAS NOT SIGNED AND APPROVED, AND THE CORRESPONDING TITLE OF APPROVING
10 OFFICER LEFT BLANK (UNTITLED). THIS FURTHER WOULD INVALIDATE THIS
11 FRAUDULENTLY INSPIRED AND CRIMINALLY CONCOCTED, "INVALID, UNLAWFUL BOND,"
12 WOULD NOT THE APPROVING OFFICER HAVE HAD TO HAVE HIS ACTION NOTARIZED AND
13 DATED AS WELL?

14 (A) WOULDNT THE APPROVING OFFICER HAVE BEEN FROM THE WASHOE COUNTY
15 BOARD OF COMMISSIONERS?, AS REQUIRED.

16 (B) THIS PROVES THAT THIS BOND WAS [N]OT SEEN, NOR, REVIEWED BY
17 THE BOARD OF COUNTY COMMISSIONERS, AS REQUIRED BY LAW.

18 (C) THE BOARD HAD A LAWFUL DUTY TO DETERMINE THE VALIDITY OF HICKS
19 OFFICIAL BOND, AND THAT OF FORMER D.A., RICHARD GAMMICK, AS WELL!

20 (D) THIS PROVES THAT THE WASHOE COUNTY BOARD OF COMMISSIONERS
21 SHIRKED THEIR DUTIES AND WHOLLY AND COMPLETELY DISREGARDED THE N.R.S.
22 STATUTE IN ITS ENTIRETY, SEE N.R.S.

23 (2) BOTE LHO WONDERS IF THE WASHOE COUNTY BOARD OF COMMISSIONERS
24 WAS ACTING IN CONSPIRACY TO FORM AN ACT OF COLLUSION WITH MR. HICKS,
25 AND HOW MANY OTHER COUNTY OFFICERS, OFFICIALS, ETC. ITS A VERY SERIOUS
26 AND LEGITIMATE POSSIBILITY. WAS THIS A JOINT, CRIMINAL ACTION?
27 THESE SERIOUS CRIMINAL ALLEGATIONS [M]UST BE OPENLY INVESTIGATED
28 AND THE PUBLIC MUST KNOW ABOUT IT.

1 (4) PG. 11, LINES 8-11, MR. KAPLAN AGAIN SHIRKS HIS DUTIES, MISDIRECTS, AND
 2 INTENTIONALLY DEFLECTS FROM THE FACTS PRESENTED. HE INTENTIONALLY
 3 SPINS THE FACTS, CALLING THE REMEDY A "FABRICATED DEFECT", THIS IS A CLEAR,
 4 PROVEN CONSPIRACY, COLLUSION, FRAUD, PERJURY, AND OBSTRUCTION, TO
 5 PROTECT THE STATE (I.E. HICKS, KAPLAN AND ALL OTHER DEPUTY D.A.S). THE FACT
 6 THAT MR. KAPLAN IS SO EAGER TO KNOWINGLY VIOLATE THE LAW IS ALARMING!
 7 ABSOLUTE IMMUNITY DOES NOT COVER CRIMINALS, ESPECIALLY THOSE IMPERSONATING
 8 PUBLIC OFFICIALS, THERE IS NO GET OUT OF JAIL FREE CARD FOR GAMMICK, HICKS,
 9 THE DEPUTY D.A.S, NOR ANYONE ELSE INVOLVED, PERIOD. A CRIME CANNOT BE SHIELDED
 10 BY IMMUNITY, EVEN MORE SO, WHEN THEY ARE IN FACT "NOT" PUBLIC OFFICIALS.
 11 THIS COURT HAS A CLEAR, UNDENIABLE, DUTY TO ACT. EMPHASIS STRONGLY ASSERTED.

12 (a) THE FABRICATED DEFECT IS OBVIOUS AND CLEAR, THE BOND IS FACTUALLY
 13 AND LEGALLY DEFECTIVE, THUS, RENDERING THE OFFICE "VACANT".

14 (b) KAPLAN SPEAKS OF RETROACTIVITY, BOTELHO NEVER SPOKE OF RETRO-
 15 ACTIVITY, PERIOD. CHRIS HICKS BOND IS INVALID AND FRAUDULENT ON ITS FACE.
 16 MR. HICKS "NEVER" PERFECTED HIS OATH OF OFFICE, NOR, ADHERED TO VALID NEVADA
 17 LAW. MR. HICKS [D]ID NOT, LEGALLY, LAWFULLY BECOME THE WASHOE COUNTY
 18 DISTRICT ATTORNEY. THE FRAUD, CONSPIRACY, COLLUSION, OBSTRUCTION, ETC.,
 19 PERPETRATED UPON THE PEOPLE OF WASHOE COUNTY, AND ULTIMATELY, THE
 20 STATE OF NEVADA.

21 (5) MR. KAPLAN'S CONCLUSIONS ARE HYSTERICAL, COMICAL AND COMPLETELY
 22 FALSE. THE POMPUS, ARROGANT, LYING AND CRIMINAL, MR. KAPLAN, STILL
 23 CONTINUES TO PROTECT HIMSELF AND THE STATE, REGARDLESS OF THE
 24 INDEFENSABLE FACTS PRESENTED BY BOTELHO, AND THE DANGER OF CRIMINAL
 25 PROSECUTION OF HIMSELF, MR. MCCARTHY AND EVERY DEPUTY D.A. AND D.A.
 26 CHRIS HICKS, IMPERSONATING (ILLEGALLY) PUBLIC OFFICIALS, IN THAT OFFICE,

27 MR. BOTELHO'S INTURY

28 MR. KAPLAN SYSTEMATICALLY DENIES, AND PROTECTS THE STATE AND

1 HIMSELF, AND FURTHER, CLAIMS MR. BOTE LHO HAS NO INJURY. THIS IS
2 AN UNEQUIVICAL, BOLD FACED LIE, AND WILL BE ACCOUNTABLE FOR SUCH!

3 MR. BOTE LHO ASSERTS, CLAIMS, AND CLEARLY PROVES THE FACTS AS PRESENTED
4 IN THIS CASE, PERIOD! BOTE LHO HAS FACTUALLY BEEN HELD [H]OSTAGE IN
5 VIOLATION OF HIS CONSTITUTIONAL RIGHTS SINCE 2003, AS A DIRECT RESULT
6 OF THE "FRAUD AND IMPOSTERS", FORMER d.b.a. WASHOE COUNTY DISTRICT ATTORNEY(S)
7 RICHARD GAMMICK, AND CURRENT "FRAUD AND IMPOSTER", IMPERSONATING A PUBLIC
8 OFFICIAL, CHRISTOPHER HICKS, d.b.a (W.C.D.A.) AND UNLAWFULLY BRINGING FORTH
9 CHARGES AGAINST BOTE LHO, AS PRIVATE CITIZENS (EMPHASIS STRONGLY ASSERTED).

10 (1) NEITHER R. GAMMICK, NOR, C. HICKS, LAWFULLY PERFECTED THEIR OATH OF OFFICE.
11 THEIR ACTS OF PERPETRATING FRAUDULENT, FICTICIOUS, INVALID BONDS UPON THE
12 TAXPAYERS, THE COUNTY CLERK, AND WITHOUT THE STATUTORY REQUIREMENTS
13 FULFILLED BY THE WASHOE COUNTY BOARD OF COMMISSIONERS, TO ENSURE THE
14 COMPLIANCE WITH, AND VALIDITY OF SAID FRAUDULENT BONDS

15 (2) BECAUSE GAMMICK AND HICKS HAVE PERPETRATED FRAUD, CONSPIRACY,
16 COLLUSION, OBSTRUCTION, KNOWINGLY IMPERSONATING A PUBLIC OFFICIAL,
17 OPPRESSION UNDER COLOR OF (UNLAWFULLY HELD) OFFICE & LAW, 42 USC 9
18 1985 & 1986, AND MORE, ETC....., WHILE FURTHER COMMITTING FEDERAL R.I.C.O.
19 CONSPIRACY AND COLLUSION WITH HARTFORD AND RLI INSURANCE COMPANIES
20 (BOND PROVIDERS), TO SAVE MONEY, TO PAY OFF THE INSURANCE COMPANIES
21 AND CONCOCT THE APPEARANCE OF VALIDLY ISSUED BONDS. (EMPHASIS ASSERTED).

22 THIS HAS, AS A MATTER OF STATE ², FEDERAL LAW, MADE GAMMICK, HICKS,
23 AND ALL THOSE INVOLVED [C]RIMINALS, AS A MATTER OF LAW, BY THEIR
24 KNOWINGLY, WILLFUL, CRIMINAL ACTS AND ACTIONS, WHICH CLEARLY NEGATED
25 ANY AND ALL LAWFUL CLAIMS TO THE OFFICE OF DISTRICT ATTORNEY, PERIOD.

26 THEREFORE, AND AS SUCH, THEIR UNLAWFUL ACTS AND DECISIONS ARE
27 SIMPLY VOID AB NERTO. THEY ARE [N]EITHER DE JURE, NOR, DE FACTO, BY
28 ALLOWING THE KNOWN CRIMINALS TO CONTINUE IN OFFICE, AND ALLOW THEIR ACTIONS

1 TO STAND, KNOWING THEY WERE FRAUDULENTLY BROUGHT FORTH, DOES [N]OT
2 MAKE THEIR ACTS DE JURE, NOR, DE FACTO, BUT SIMPLY VOID AB INEITO.
3 BY ALLOWING THESE CRIMINALS TO FURTHER IMPERSONATE PUBLIC OFFICIALS,
4 CLEARLY ACTING IN VIOLATION OF VALID LAW, IS CRIMINAL IN ITSELF, AND MEANS
5 AND PROVES THAT THIS COURT KNOWS THAT EVERY FURTHER ACT TAKEN BY
6 MR. HICKS, AND/OR HIS DEPUTIES (IS/ARE) IN FACT, FRAUDULENT, AND AGAIN,
7 VOID AB INEITO. IT FURTHER PROVES THIS COURTS CONSPIRACY TO LET THESE
8 CRIMES CONTINUE UNABATED, ALTHOUGH WITHOUT FORCE AND EFFECT OF
9 VALID LAW, REGARDLESS. (EMPHASIS STRONGLY ASSERTED).

10 FURTHER YET, THEIR CRIMINAL ACTS STARTED TAKING PLACE [PRIOR TO]
11 BEING SWORN IN, IN BAD FAITH, AND REPUGNANT TO THE NEVADA CONSTITUTION
12 AND CONTINUING THERE AFTER. THE INDIVIDUALS SWEARING IN GAMMICK,
13 HICKS, AS WELL AS THEIR DEPUTIES, KNEW FULL WELL THAT SAID BONDS
14 WERE, IN FACT DEFICIENT ON THEIR FACE. THESE BONDS WERE ISSUED
15 [P]RIOR TO BEING SWORN INTO OFFICE. BOTH GAMMICK AND HICKS, COMMITTED
16 MULTIPLE STATE AND FEDERAL CRIMES, CRIMES PERPETRATED TO UNLAWFULLY
17 PERFECT THEIR "ILLEGAL" AND "INVALID" BONDS, JUST TO SAVE THE STATE
18 AND COUNTY 50% OF THE ALREADY BUDGETED MONEY FROM TAXPAYERS, AS
19 REQUIRED TO LAWFULLY PERFECT A "TRULY" VALID BOND AND COMPLETION
20 OF THEIR OATH OF OFFICE, TO LEGALLY, LAWFULLY PERFORM THE DUTIES
21 OF SAID OFFICE.

22 (3) BY KNOWINGLY PROCURING "INVALID" BONDS, MR. GAMMICK AND MR. HICKS ACTIONS
23 KNOWINGLY SAVED THE STATE AND/OR COUNTY AN IMMEDIATE SAVINGS OF 50% PERCENT
24 OF THE ACTUAL COST OF A TRULY VALID BOND, BECAUSE ADDING THE SECOND SURETY
25 AS STATUTORILY REQUIRED WOULD HAVE COST AN ADDITIONAL \$100,000.00 ONE
26 HUNDRED THOUSAND DOLLARS. GAMMICK AND HICKS WERE OBVIOUSLY INSTRUCTED
27 BY OTHERS BEFORE THEM, AND/OR, OTHER STATE-COUNTY OFFICIALS, OTHERWISE,
28 WHY WOULD TWO (2) DIFFERENT AND HOPEFULLY COMPETENT, KNOWLEDGABLE

ATTORNEYS SEEKING THE TOP COP JOB OF WASHOE COUNTY DISTRICT ATTORNEY,
 (WHO WOULD HAVE GUESSED THEY WOULD BECOME CRIMINALS TO DO SO), YET
 THEY BOTH, INDISPUTEDLY VIOLATED NEVADA STATUTES TO OBTAIN THE VERY
 OFFICE IN CHARGE OF PROSECUTING CRIMES ALLEGEDLY PERPETRATED BY THE
 GENERAL PUBLIC, IN THIS COUNTY, IN THIS JURISDICTION.

(4) ACCORDINGLY, THE HARTFORD AND RLI INSURANCE COMPANIES (BOND PROVIDERS)
 HAVE, BY A SIMPLE PREPONDERANCE OF THE EVIDENCE, I.E. BONDS, ETC., HAVE
 BEEN CLEARLY PROVEN TO BE IMPLICATED AND COMPLICIT IN THE R.I.C.O.,
 CONSPIRACY & COLLUSION, ALONG WITH GAMMICK AND HICKS, AND THE STATE.

(a) BY THE INSURANCE COMPANIES KNOWINGLY, IN WRITING AND EXECUTING
 THESE SAID INVALID, FRAUDULENT BONDS, THEY RECEIVED PAY OFFS IN THE SUM OF
 \$100,000.00 FOR GAMMICK'S BOND, AND \$100,000.00 FOR CHRIS HICKS. A FRAUD, NOW
 PERPETRATED BY THE STATE AND INSURANCE COMPANIES, BY THE STATE-COUNTY,
 ISSUING THE MONEY TO SAID INSURANCE COMPANIES. SEC. RULES WERE ALSO
 VIOLATED, FINES AND CRIMINAL CHARGES ARE SURE TO FOLLOW A D.O.J. INVESTIGATION.

THE STATE, WASHOE COUNTY, GAMMICK, HICKS, AND BOTH HARTFORD AND RLI
 INSURANCE COMPANIES (BOND PROVIDERS) KNEW THEN, AND NOW IN 2016, THAT SAID
 INVALID, FRAUDULENT BONDS WERE THEN AND ARE NOW, STILL REMAIN "INVALID"
 AND CANNOT BE CLAIMED UPON. NO PERSON, NO COMPANY, NOR, CORPORATION CAN
 CLAIM UPON THIS INVALID BOND. THEREFORE, NEITHER THE INSURANCE COMPANIES,
 NOR THE STATE, THE COUNTY, NOR GAMMICK, NOR HICKS, CAN BE SUED AND
 CLAIMED UPON SAID [P]HONY, FRAUDULENT BONDS, THESE BONDS ARENT WORTH
 THE PAPER THEY WERE WRITTEN UPON. THE STATE AND INSURANCE COMPANIES
 KNEW THIS FACT WHEN THE BONDS WERE ISSUED.

(b) AS A DIRECT RESULT, THE INSURANCE COMPANIES KEEP "ALL" MONIES
 PAID TO THEM BY THE STATE-COUNTY, AND THE STATE/COUNTY ONLY PAID 50%
 FOR THE APPEARANCE OF VALID BOND(S), KNOWING THEY COULD [N]EVER BE
 CLAIMED UPON [EVER].

(C) THE BUDGET WAS IMPLEMENTED WITH CONSIDERATIONS FOR ALL NECESSARY BONDS, AND THE NECESSARY MONEY PROCURED FOR SUCH BONDS, AND AS A RESULT OF THE ACTIONS OF GAMMICK AND HICKS, THE STATE-COUNTY ONLY PAID FOR ONE [SINGLE] SURETY. SO, WHERE DID THE REST OF THE ALLEGEDLY APPROPRIATED MONEY FOR BONDS END UP GOING? INTO WHOSE POCKETS WERE LINED BY THIS & THESE FRAUDS????

(1) WAS THERE MISAPPROPRIATION OF FUNDS? ABSOLUTELY SO!

(2) WAS THERE THEFT OF FUNDS? WHERE DID IT GO??

(3) THIS AMOUNTS TO TAXPAYER FRAUD, AS A MATTER OF FACT & LAW.

(4) WHO ELSE WAS INVOLVED ???

(i) COUNTY COMMISSIONERS?

(ii) COUNTY CLERK?

(iii) COUNTY COMPTROLLER-TREASURER?

(iv) THE ATTORNEY GENERAL, THE SECRETARY OF STATE, COMPTROLLER, TREASURER, OR/AND, THE GOVERNOR ??? (YOU TELL THE D.O.J.)

WE ALL KNOW HOW CORRUPT NEVADA IS AND SO DO THE FEDS. GOVERNOR SANDOVAL, FOR INSTANCE, APPOINTED M. ASCUAGA TO THE STATE GAMING CONTROL BOARD WHILE STILL BEING ABLE TO ACT AS C.E.O. OF HER FAMILIES OWN CASINO. JUST A SAMPLE OF NO ETHICS AND VIOLATIONS OF NV. LAW BY OUR TWO-FACED GOVERNOR. (EMPHASIS STRONGLY ASSERTED). FURTHERMORE, THE NEVADA ATTORNEY GENERAL DID NOTHING, NOR DID THE GAMING CONTROL BOARD ITSELF. SO THIS PROVES CORRUPTION & FRAUD BY ALL THESE KINGS.

(E) LORI DELANO (NOTARY PUBLIC, # 13-10868-2) NOTARIZED "CHRISTOPHER HICKS, OATH OF OFFICE", AS SHE CLEARLY STATED "AS SUBSCRIBED AND SWORN TO, BEFORE ME, ON 29 DECEMBER, 2014. THIS NOTARY CLEARLY AND INDISPUTABLY WAS CALLED TO WITNESS, SWEAR UPON, AND GET PAID FOR, AND DID IN FACT DO JUST THAT. [NO] NOTARY PUBLIC CAN SWEAR ANY OFFICER/OFFICIAL, INTO ANY OFFICE. THIS WAS FRAUD, PERPETRATED BY MR. HICKS AND LORI DELANO (NOTARY PUBLIC).

(A) THIS IS FRAUD, AND FURTHERMORE, REPUGNANT TO THE NEVADA CONSTITUTION, AS MR. HICKS WAS SWORN IN PRIOR TO 2015, AND IN VIOLATION OF NV. LAW. BUT, IT IS A MATTER OF PUBLIC RECORD, SO SWEARS LORI DELANO, AS WILL HER PAYMENT! WHAT CONSTITUTION OR STATUTE GAVE HER AUTHORITY TO DO SO? WHY DID MR. HICKS CALL A NOTARY PUBLIC TO WITNESS THIS SWEARING OF OATH OF OFFICE IN 2014, AND BY A NOTARY PUBLIC? (CAN YOU SAY CONSPIRACY & COLLUSION, FOR 20th ALEX.).

(B) THIS CAUSES AN EVEN MORE SERIOUS PROBLEM & CONFLICT, AS THIS CLEARLY PROVES THAT GAMMICK AND HICKS WERE BOTH SWORN IN AS WASHOE COUNTY DISTRICT

1 ATTORNEY DURING GAMMICK'S ILLEGAL TERM, MEANING THERE WAS TWO(2) PRIVATE
2 CITIZENS PRETENDING TO BE THE W.C.D.A. AT THIS [SAME TIME]

3 (1) THIS WOULD INVALIDATE HICKS OATH OF OFFICE, REGARDLESS OF HIS ILLEGAL,
4 FRAUDULENT BOND PERPETRATED ON "WE THE PEOPLE". (PERIOD) (EMPHASIS ASSERTED)

5 (6) AS A DIRECT RESULT OF THE MANY CRIMINAL ACTIONS (CRIMES) AND INTENTIONS,
6 THE WASHOE COUNTY DISTRICT ATTORNEYS OFFICE WAS [WITHOUT] AUTHORITY TO ACT AND
7 HAD NO JURISDICTION TO ARREST, CHARGE, AND PROSECUTE ANY ACTION IN THE
8 NAME OF THE STATE, AGAINST MICHAEL T. BOTELHO. (EMPHASIS STRONGLY ASSERTED)

9 (1) AS A RESULT OF THE FRAUD, CONSPIRACY AND COLLUSION, PERPETRATED
10 TO UNLAWFUL PERFECT THE OATH OF OFFICE AND THE BOND, THE STATE WAS
11 PRECLUDED FROM BRINGING FORTH ANY ACTION AGAINST BOTELHO, NOR ABLE TO
12 PROSECUTE, CONVICT (BY FRAUD, LIES AND DECEPTION) AND FURTHER ARGUE AGAINST HIM
13 IN ANY RESULTING POST-CONVICTION ACTIONS TAKEN BY BOTELHO, TO GAIN HIS
14 RIGHTEOUS RELEASE FROM THE UNLAWFUL HOSTAGE TAKING, KIDNAPPING, AND STILL
15 KEEPING BOTELHO HOSTAGE IN PRISON NOW 12 1/2 YEARS LATER.

16 (2) HICK AND HIS FRAUDULENTLY APPOINTED DEPUTY DISTRICT ATTORNEYS (EACH
17 ONE A FRAUD AND IMPOSTER) WERE PRECLUDED FROM FILING MOTION TO DISMISS
18 BOTELHO HABEAS, AND PROHIBITED FROM FILING OR RESPONDING TO BOTELHO'S
19 ACTIONS BROUGHT FORTH IN 2015 AND 2016, REGARDLESS, THIS OFFICE IS VACANT IN
20 ITS ENTIRETY UNTIL AN APPOINTMENT TO FILL THE OFFICE TAKES PLACE, THEN THAT
21 INDIVIDUAL PROPERLY FILES A LAWFUL TWO(2) SURETY (UPON ITS FACE) BOND, THEN,
22 AND ONLY THEN, CAN NEW DEPUTY DISTRICT ATTORNEYS BE APPOINTED, AS A MATTER
23 OF LAW.

24 (3) THE STATE HAD ABSOLUTELY NO JURISDICTION OVER THE SUBJECT-
25 MATTER, NOR PERSONAL JURISDICTION OVER THE PARTIES TO ACT, [PERIOD]. THIS
26 COURT WAS LEFT WITH NO DISCRETION, AND ONLY LIMITED JURISDICTION TO
27 GRANT BOTELHO'S FRAUDULENTLY OBTAINED CRIMINAL CONVICTION AS NULL
28 & VOID, VOID AB INITIO. [THIS AS LAW AND JUSTICE FOR ALL, REQUIRE].

(4) A FRAUDULENTLY OBTAINED CONVICTION CAN NEVER GAIN VALIDITY
 OVERTIME, REGARDLESS OF BOTELHO ALLEGED CRIMES. THE CRIMES
 PERPETRATED BY THE STATE, AND AGAINST BOTELHO, TO GAIN THE CRIMINALLY
 INSPIRED OPPORTUNITY TO DO SO, MAKE THIS CONVICTION IRRELEVANT
 AND NULL & VOID, VOID AB INITIO.

A VOID JUDGMENT IS ONE THAT HAS BEEN PROCURED BY EXTRINSIC OR
 COLLATERAL FRAUD OR ENTERED BY A COURT THAT DID NOT HAVE JURISDICTION
 OVER THE SUBJECT-MATTER OR THE PARTIES. "ROOK V. ROOK, 233 Va. 92, 95,
 353 S.E.2d 756, 758 (1987). "THE LAW IS WELL-SETTLED THAT A VOID ORDER
 OR JUDGMENT IS VOID, EVEN BEFORE REVERSAL", VALLEY V. NORTHERN FIRE &
MARINE INS.CO., 254 U.S. 348, 41 S.CT. 116 (1920).

FOR THE COURT TO ACT WHEN IT HAS NO JURISDICTION TO DO SO IS FOR
 THE COURT TO ACT ULTRA VIRES, U.S. STEEL CO. V. CITIZENS FOR BETTER
ENVIRONMENT, 523 U.S. 83, 94, 118 S.CT. 1003; RUHRGAS V. MARATHON OIL, 526
 U.S. 574, 583, 119 S.CT. 1563.

(5) BOTELHO BROUGHT FORTH MOTION TO VACATE JUDGMENT OF CONVICTION
 FOR FRAUD IN 2015, AND FOR NEWLY DISCOVERED EVIDENCE AND FRAUD FURTHER
 PERPETRATED BY THE WASHOE COUNTY SHERIFFS OFFICE, AND THIS FRAUDULENTLY
 HELD, WASHOE COUNTY DISTRICT ATTORNEYS OFFICE, TO FURTHER PROVE THE
 OUTRAGEOUS CRIMES PERPETRATED BY THE STATE TO ILLEGALLY CONVICT
 BOTELHO, TO FURTHER PROVE THE STATES UTTER DISREGARD OF NEVADA LAW, THE
 NV. AND UNITED STATES CONSTITUTION(S), AND BOTELHO'S CONSTITUTIONAL RIGHTS
 GUARANTEED BY SAID NV. AND U.S. CONSTITUTION(S), AS WELL AS THE RIGHTS OF
 MARILOU BOTELHO (BOTELHO'S WIFE) AND TWO BOYS, LANCE AND TODD BOTELHO.

REMEDY:

BOTELHO WAS CLEARLY PROVEN BY AN INDISPUTABLE PREPONDERANCE OF
 THE EVIDENCE. FACTS THAT NEITHER RICHARD GAMMICK (FORMER W. CO. DIST. ATTY.)
 NOR, CHRISTOPHER HICKS, HAVE EVER VALIDLY, LAWFULLY HELD OFFICE

1 AND HAVE COMMITTED MANY EGREGIOUS FELONIES AND LESSER CRIMES TO
 2 CREATE THE APPEARANCE OF LAWFULLY PERFECTING THEIR ELECTED OFFICE,
 3 AND BOND. THESE FELONIES, BOTH STATE AND FEDERAL, NEGATED THE RIGHT
 4 TO OFFICE EVEN PRIOR TO TAKING THE OATH, FURTHER, AFTER TAKING THE OATH,
 5 THE CONTINUED R.I.C.O. CONSPIRACY, COLLUSION, FRAUD, FRAUD UPON THE COURT,
 6 FRAUD UPON THE RECORD, OBSTRUCTION OF JUSTICE, IMPERSONATING A PUBLIC
 7 OFFICIAL, OPPRESSION, FILING OF FALSE FRAUDULENT DOCUMENTS, FALSE ARREST,
 8 KIDNAPPING, PROSECUTION, HOSTAGE TAKING, CONVICTION, CONTINUED HOSTAGE
 9 HOLDING, NOW 12 1/2 YEARS, ALTERING/TAMPERING WITH RECORDS/DOCUMENTS,
 10 CARRYING A CONCEALED WEAPON UNDER FALSE PRETENSE OF BEING DISTRICT ATTORNEY
 11 AND ALSO HIS/THEIR DEPUTIES, THE UNLAWFUL USE OF A COUNTY VEHICLE BY
 12 PRIVATE CITIZENS, THE KNOWING, CONTINUING, VIOLATIONS OF RULES OF PROFESSIONAL
 13 CONDUCT (BY ATTORNEYS), THE KNOWING AND CONTINUAL VIOLATIONS OF THE NEV.
 14 AND U.S. CONSTITUTIONS, AS ALSO BOTELHO'S INALIENABLE RIGHTS GUARANTEED BY
 15 THE NV. AND U.S. CONSTITUTION(S), MISAPPROPRIATION OF FUNDS, THEFT, TAX PAYER
 16 FRAUD, ETC. AS CLEARLY PROVEN HEREIN AND BEYOND⁽¹⁾ THESE PROVEN FACTS,
 17 PROVE GAMMICKS AND HICKS INABILITY TO PERFECT THE OFFICE, AND TO LEGALLY
 18 PERFORM IN GOOD FAITH, THE DUTIES OF SAID OFFICE, BY ALLOWING THESE CRIMINAL
 19 ACTIONS TO BE CALLED DE JURE OR DE FACTO, ALLOWS THESE CRIMINALS TO CONTINUE
 20 TO ACT IN DEFIANCE OF THE LAW, FRAUDULENTLY, THUS, THEIR ACT CANNOT STAND,
 21 REGARDLESS.

22 ANY AND ALL CRIMES COMMITTED, LEFT BOTH GAMMICK AND HICKS, PRIVATE
 23 CITIZENS, CRIMINALS PRIOR TO, AND AFTERWARD, ACTING, AND PRETENDING TO
 24 LAWFULLY HOLD PUBLIC OFFICE, WITHOUT LAWFUL AUTHORITY AND JURISDICTION TO
 25 DO SO, IN ADDITION TO SAID FRAUDULENT, INVALID BOND.

26 BOTELHO HAS NEVER CONTESTED THE OFFICE ITSELF, ONLY THOSE FRAUD AND
 27 IMPOSTERS CRIMINALLY OCCUPYING THE POSITIONS THEREIN, AS THEY HAVE
 28 [NOT] BECOME PUBLIC SERVANTS, ONLY CRIMINALS PRETENDING TO BE.

1 THE CRIMES PERPETRATED UPON THE PEOPLE BY THESE FRAUDS, LEFT THE
2 ELECTED OFFICE VACANT, AS A CLEAR MATTER OF NEVADA STATUTE (S).

3 THE WASHOE COUNTY BOARD OF COMMISSIONERS, THE COUNTY CLERK, THE
4 COUNTY TREASURER, AND ULTIMATELY, THE STATE ATTORNEY GENERAL, THE
5 CONTROLLER, THE SECRETARY OF STATE, THE TREASURER, AND THE GOVERNOR,
6 HAD THE ULTIMATE STATUTORY AUTHORITY AND DUTY TO OVERSEE, REVIEW, AND
7 A.C.T., WHEN THEY BECAME AWARE OF THE CRIMINAL ACTIVITY BEING PERPETRATED
8 UPON THE CITIZENS OF WASHOE COUNTY, AND THE STATE OF NEVADA. THEY HAD
9 THE ABSOLUTE DUTY TO FILL THE VACANCY, BUT REMAINED SILENT, OTHERWISE,
10 IT WOULD EXPOSE THEIR BREACH OF DUTY, BAD FAITH, CONSPIRACY AND
11 COLLUSION, TO ALLOW THIS FRAUD TO CONTINUE UNABATED.

12 THE STATE WAS LEFT WITHOUT THE ABILITY TO ARREST, KIDNAP, HOLD
13 HOSTAGE, PROSECUTE, INDICT AND CONVICT BOTE LHO. AND FURTHER, HIS ILLEGAL
14 INCARCERATION, NOW OVER 12 1/2 YEARS, AS THE DIRECT RESULT OF SAID
15 CRIMES BY THE STATE AND THE LACK OF JURISDICTION OVER THE SUBJECT
16 MATTER AND THE PARTIES BY THE STATE, OVER BOTE LHO IN THIS MATTER. BECAUSE,
17 AS THE DISTRICT ATTORNEY (S) & HIS APPOINTED ASSISTANTS, UNLAWFULLY
18 APPOINTED BY PRIVATE CITIZENS [CRIMINALS], IMPERSONATING PUBLIC
19 OFFICIALS, DO [N]OT VALIDLY AND LAWFULLY HOLD THESE POSITIONS THEMSELVES,
20 PERIOD. THIS INVALIDATES AND NULLIFIES [VOID AB INITIO] THE DISTRICT
21 ATTORNEY(S) AND HIS DEPUTY DISTRICT ATTORNEYS AUTHORITY AND JURISDICTION TO
22 BRING FORTH ANY CIVIL OR CRIMINAL ACTIONS AGAINST BOTE LHO, PERIOD. !!!

23 FURTHERMORE, THE COPS AND THIS FRAUDULENTLY MISREPRESENTED
24 DISTRICT ATTORNEYS OFFICE COMMITTED EVEN FURTHER CRIMES TO
25 PROSECUTE BOTE LHO, AS BOTE LHO CLEARLY PROVED AND CHARGED IN HIS
26 RIGHTEOUSLY FILED MOTION TO VACATE JUDGMENT OF CONVICTION FOR
27 FRAUD, THIS LESS THAN HONORABLE COURT UNLAWFULLY IGNORED WHEN IT
28 AGAIN IGNORED THE LAW AND SHIRKED ITS LAWFUL AND CONSTITUTIONAL DUTIES.

1 TO HOLD AN IMMEDIATE DE NOVO REVIEW, FURTHER HOLDING ALL ACTIONS,
2 PROCEEDINGS IN ABEYANCE UNTIL THESE ALREADY PROVEN, INDISPUTED
3 CLAIMS AND CRIMINAL ALLEGATIONS SUPPORTED BY AFFIDAVIT AS REQUIRED
4 BY LAW, WERE HEARD ON THE MERITS IN THE PRESENCE OF BOTH PARTIES. THE
5 KNOWN, DISGRACED JUDGE POLAHA, AGAIN ABROGATED HIS POWERS, USURPED
6 HIS AUTHORITY AND CLEARLY ACTED BEYOND HIS JURISDICTION, IN BAD FAITH,
7 BY ACTING AT ALL, WORSE YET, POLAHA SUMMARILY DISMISSED THIS CRIMINAL
8 COMPLAINT TO PROTECT THOSE INVOLVED. POLAHA AND THIS COURT DONT GIVE
9 A DAMN ABOUT JUSTICE, ONLY PROTECTING THE STATE AT ALL COST, JUST
10 LIKE THEIR OATH STATES! THIS AGAIN PROVES FURTHER CONSPIRACY & COLLUSION,
11 BY JUDGE POLAHA (AGAIN) AND THIS COURT.

12 THE STATE HAD [N]O AUTHORITY, NOR JURISDICTION, IN 2003, NOR IN
13 2015 AND 2016, TO CONTINUE TO PERPETRATE THIS FRAUD BY BRINGING FORTH
14 ACTIONS, LIKE MOTION TO DISMIS HIS HABEAS FILED IN 2010 AND ALLOWED TO
15 SIT 5 1/2 YEARS, AND MORE, AS THE COURT RECORD REFLECTS.

16 AS A DIRECT RESULT OF THE ACTIONS DELINEATED HEREIN AND BEYOND, THIS
17 COURT HAD LITTLE DISCRETION TO DO ANYTHING OTHER THAN GRANT BOTELOH'S RELIEF
18 IN ITS ENTIRETY. BOTELOH'S CONVICTION IS, AS A MATTER OF LAW, NULL & VOID,
19 VOID AB INITIO, AND MUST BE RELEASED FROM PRISON, PERIOD.

20 MR. KAPLAN CAN CRY FOUL, LIKE A LITTLE GIRL, HE HAS BEEN CLEARLY
21 PROVEN A LIAR AND MUST BE PROSECUTED AS SUCH. THIS COURT CANNOT
22 CONTINUE TO COVER UP, AND FOR THE FELONIES COMMITTED BY THE STATE,
23 CHIEF JUDGE HARDY, AND POLAHA IN THIS CASE. FAILURE TO ACT WILL RESULT IN
24 FURTHER MISPRISON OF FELONY CHARGES, AS WELL AS VIOLATIONS OF CANNON 2,
25 AGAINST ANY JUDGE, [ANY JUDGE].

26 BOTELOH'S INJURY IS CLEAR. IT IS DISTINCT, DIRECT, AND ONGOING.
27 BOTELOH REMAINS ILLEGALLY HELD HOSTAGE BY THE STATE OF NEVADA AS A
28 DIRECT RESULT OF THE STATES ILLEGAL AND UNCONSTITUTIONAL ACTIONS

1 IN THIS CASE, NOW AGAINST HIS WILL FOR 12 1/2 YEARS.

2 THE STATE HAD NO VALID, LAWFUL AUTHORITY, NOR JURISDICTION, IN
3 2003, NOR DOES THE STATE HAVE IT NOW. THE STATE COMMITTED FRAUD,
4 CONSPIRACY, AND R.I.C.O. CONSPIRACY, COLLUSION, OBSTRUCTION, OPPRESSION,
5 FALSE ARREST, KIDNAPPING, FALSE IMPRISONMENT, PERJURY, FILING FALSE
6 DOCUMENTS, FRAUD UPON THE COURT & RECORD, IMPERSONATING PUBLIC
7 OFFICIALS, MISAPPROPRIATION OF TAX PAYER FUNDS, AND SO MUCH MORE, ETC.....

8 THE STATE IS THE PARTY THE MANDAMUS REQUIRES THE BOARD OF WASHOE
9 COUNTY COMMISSIONERS TO BRING BEFORE THE COMMISSIONERS. INSTEAD OF THE
10 FACT THAT THE STATE ACTORS ARE INFACT "FRAUDS AND IMPOSTERS".

11 FURTHERMORE, THE STATE CANNOT DEFEND ITSELF, REPRESENT ITSELF, AS
12 A MATTER OF LAW, REGARDLESS. IN ADDITION, BECAUSE THESE "FRAUDS AND
13 IMPOSTERS" ARE FACTUALLY [PRIVATE CITIZENS]. THEY "CANNOT" BE REPRESENTED
14 BY THE STATE, AS A MATTER OF LAW. ADDITIONALLY, THESE CRIMINALS [MUST]
15 OBTAIN THEIR OWN [P]RIVATE COUNSEL. THEY CANNOT GET AROUND THIS FACT.

16 " " AS ALL THE DISTRICT COURT JUDGES HAVE BEEN SERVED AND ARE ALL FACTUALLY
17 KNOWING OF THE FRAUD BEING PERPETRATED BY THESE PRIVATE CITIZENS
18 IMPERSONATING PUBLIC OFFICIALS AND THEIR FRAUDULENT BONDS, AS BROUGHT
19 FORTH IN OTHER CIVIL & CRIMINAL CASES, I.E. ARPINO V. STATE, ARPINO V. WASHOE
20 COUNTY BOARD OF COMMISSIONERS, AND OTHERS, ETC....., AS WELL, THE NEVADA
21 ATTORNEY GENERAL IS FULLY ADVISED & AWARE OF THE PROBLEM BUT WANTS NO
22 PART IN THESE MATTERS, AS SUCH, LEAVES THE DISTRICT COURT TO DO ITS
23 CONSTITUTIONAL AND STATUTORILY REQUIRED DUTIES.

24 [NO] LONGER CAN THIS ONCE HONORABLE COURT AND ITS JUDGES, CONTINUE TO
25 ACT WITH MALICIOUS INTENT, TO CONSPIRE TO FORM AN ACT OF COLLUSION TO
26 COVER-UP, COVER-FOR, TO SHIELD AND PROTECT THOSE INVOLVED IN THIS
27 EGBREGIOUS & CRIMINAL, TRAVESTY OF JUSTICE, AND REPUGNANT ACTIONS. THE
28 FACT THAT THEIR FRIENDS WILL BE HURT IS IRRELEVANT AND INCONSEQUENTIAL.

1 THIS ONCE HONORABLE COURT [M]UST ACT IN GOOD FAITH, AND
 2 ABOVE THE SLIGHTEST HINT OF FURTHER [I]MPROPRIETY, AND DISREGARD
 3 THE FRAUD AND IMPOSTERS (THE STATE) ILLEGAL AND INCONSEQUENTIAL
 4 RESPONSE IN THIS CRIMINAL-CIVIL MATTER, AND [M]UST ISSUE THIS WRIT OF
 5 MANDAMUS TO [AGAINST] THE WASHOE COUNTY BOARD OF COMMISSIONERS, TO
 6 COMPEL THE BOARD TO BRING FORTH THE PRIVATE CITIZEN CONTINUING TO
 7 IMPERSONATE PUBLIC OFFICIALS, CHIEFLY, CHRIS HICKS AND ALL HIS UNLAWFULLY
 8 APPOINTED DEPUTIES, FOR THEIR ONGOING CRIMES AND CRIMINAL CONSPIRACY,
 9 SO THIS SO FAR, UNETHICAL AND DELIBERATELY AVOIDING THEIR DUTIES UNDER
 10 NEVADA LAW, TO IMMEDIATELY FILL THE VACANCY(IES) WITHIN THE WASHOE
 11 COUNTY DISTRICT ATTORNEYS OFFICE, ESPECIALLY CHRIS HICKS [CRIMINAL].

12 FOR THE WASHOE COUNTY BOARD OF COMMISSIONERS TO FURTHER DISOBEY THE
 13 LAW AND ACT REPUGNANT TO THEIR SWORN DUTIES WILL DEMAND THEIR
 14 IMMEDIATE REMOVAL AND PROSECUTION, AS WELL.

15 REMEMBER, TO WEAR THAT BLACK ROBE IS A PRIVILEGE NOT TO BE
 16 TAKEN LIGHTLY AND MUST NOT BE FURTHER TARNISHED THAN IT ALREADY HAS,
 17 BY THE CROOKED & CORRUPT JUDGES PROTECTING YOUR OWN, TO DO SO IS
 18 IN BAD FAITH, IMMORAL, UNETHICAL, CORRUPT, CRIMINAL AND JUST DISPICABLE.

19 DATED 2-16-2016

Michael T. Botelho
 MICHAEL T. BOTELHO # 80837
 NNCC, P.O. BOX 7000
 CARSON CITY, NV. 89702

20 AFFIRMATION & CERTIFICATE OF SERVICE

21 I, MICHAEL T. BOTELHO, DO SWEAR UNDER PENALTY OF PERJURY, THAT THIS REPLY &
 22 OBJECTION TO RESPONSE TO MANDAMUS (BOTELHO V. W.C. Bd. OF COMMRS), IS TRUE AND
 23 CORRECT, PER 28 USC 1746 AND 18 USC 1621. THIS DOCUMENT DOES NOT CONTAIN THE S.S.N.
 24 OF ANY PERSON.

25 I FURTHER ASSERT, I PLACED TRUE & COMPLETE COPY OF REPLY & OBJECTION, IN FIRST
 26 CLASS MAIL, VIA PRISON MAIL BOX RULE, TO THIS COURT AND AS ADDRESSED BELOW.
 BRASS SLIP # 2142615.

27 COURTESY COPY TO DATED 2-16-2016

28 THE FRAUD AND IMPOSTER "CHRIS HICKS
 W.C. DISTRICT ATTORNEYS OFFICE
 P.O. BOX 11130
 RENO, NV. 89520-0027

Michael T. Botelho
 MICHAEL T. BOTELHO # 80837
 NNCC, P.O. BOX 7000
 CARSON CITY, NV. 89702

MICHAEL T. BOTELHO
#80837
N.N.C.C., P.O. BOX 7000
CARSON CITY, NEVADA 89102
IN PROPER PERSON

FILED

2016 MAR -2 PM 4:16

~~JOSEPHINE BRYANT~~
CLERK OF THE COURT
DEPUTY

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

MICHAEL T. BOTELHO

PLAINTIFF

CASE NO: CRO3-2156 (FRAUDULENT NO. GIVEN BY COURT CLERK)

VS.

WASHOE COUNTY BOARD
OF COUNTY COMMISSIONERS
DEPENDANTS

DEPT. NO: 15

JUDICIAL NOTICE

COMES MICHAEL T. BOTELHO, IN PROPER PERSON, BRINGING FORTH [JUDICIAL NOTICE] TO CHIEF JUDGE FLANAGAN, FOR THE FRAUD AND OBSTRUCTION PERPETRATED UPON BOTELHO IN THIS CRIMINAL MATTER, BY DEPUTY COURT CLERK, K. JONES, AND ULTIMATELY, HEAD CLERK, J. BRYANT. SEE EXHIBITS (1), (2), (3), (4), (5), (6) HEREIN. (1)

FOR THE PUBLIC RECORD, K. JONES, HAS INTERFERED AND OBSTRUCTED IN BOTELHO'S ORIGINAL, CRIMINAL CASE, CRO3-2156, AND, HAS CRIMINALLY DONE SO IN THIS DISTINCTLY SEPERATE CASE [NOT INVOLVING CRO3-2156. SEE EXHIBITS HEREIN. ON 2-22-2016, BOTELHO RECEIVED "RETURN NOTICE" SENT BY SOME [NOW] UNNAMED CLERK [SO AS TO "NOT" FURTHER IMPLICATE ANY SPECIFIC COURT CLERK]. SOME DOCUMENTS WERE "NOT" DATED AS RECEIVED BY COURT MAIL ROOM, SEE EXHIBIT (1). THE CLERK STATES "THE FILINGS ARE NOT FRAUDULENT AND ARE PART OF THE COURT RECORD." THIS IS CRIMINAL IN ITSELF. SEE AS FOLLOWS:

FOOTNOTE

(1) DO NOT REMOVE OR SEPERATE THE AFFIDAVIT IN SUPPORT OF V5. 796 NOTICE, AS IS ATTACHED TO THIS "NOTICE"

I

1 (1) THE CLERK HAS NO AUTHORITY, UNDER NEVADA ^{LAW,} TO PRACTICE LAW. BUT,
 2 ONLY TO OPEN, FILE AND CALENDER, FOR THE DISTRICT [J]UDGE TO RENDER ANY
 3 DECISIONS AS TO PLEADINGS / DOCUMENTS [SENT] TO THE COURT. SEE E.G.,
 4 BOWMAN V. EIGHTH JUDICIAL DISTRICT COURT, 102 NEV. 474, 728 P.2d 433 (1986), CLERK
 5 OF THE COURT HAS MINISTERIAL DUTY TO ACCEPT AND FILE DOCUMENTS, SHE HAS
 6 NO AUTHORITY TO PASS UPON VALIDITY OF INSTRUMENTS PRESENTED FOR FILING,
 7 SEE ALSO, HUEBNER V. STATE, 107 NEV. 328, 810 P.2d 1209 (1991), AND, HATHAWAY
 8 V. STATE OF NEVADA, 119 NEV. 248, 71 P.3d 503 (2003) "STATE CREATED IMPEDIMENTS."

9 (2) "RETURN NOTICE" FURTHER STATES "THE COURT IS UNABLE TO FILE STAMP
 10 DOCUMENTS AS PROVIDED AS THEY DO NOT COMPLY WITH WDCR 10. THE COVER-
 11 SHEETS WERE PREPARED AS A COURTESY."

12 (a) REFER BACK TO (1) SUPRA.

13 (b) THESE COVER SHEETS WERE "NOT" A COURTESY, THEY WERENT WORTH THE PAPER
 14 THEY WERE WRITTEN ^{UPON}. THIS COURT SUDDENLY DECIDES TO FOLLOW ITS RULES AT ITS
 15 LEISURE. FURTHERMORE, BOTELHO ASKED THE COURT CLERK TO (1) FILE THESE
 16 REQUESTS, AND (2) TO STAMP PLEADINGS DIRECTLY, NOT THESE [BLANK] REQUEST FOR
 17 SUBMISSION & AFFIDAVIT COURTESY SHEET. THOSE PROVED [NOTHING] WAS FILED.
 18 SEE ENCLOSED: TWO (2) DIFFERENT REQUESTS FOR SUBMISSION (SHOW CAUSE
 19 MOTION AND MANDAMUS TO RECUSE POLIHA, IN HIS CR03-2156 CASE), THERE IS
 20 NO PROOF THESE WERE FILED, AND, THE CLERK FURTHER SEPERATED ONE REQUEST
 21 FROM ITS ATTACHED AFFIDAVIT. SEE EXHIBIT # (2)

22 BOTELHO INCLUDED THESE TWO (2) REQUESTS FOR PROPER STAMP FILING AND
 23 RETURN TO HIM AS PREVIOUSLY REQUESTED. (EMPHASIS STRONGLY ADDED)

24 BOTELHO FURTHER PROVES HIS POINT, AS ALSO INCLUDED IN THESE RETURNED
 25 DOCUMENTS NOT PROPERLY FILED, WAS BOTELHO'S N.R.C.P. 60(b)(1)(2)(3), IN BOTELHO V.
 26 WASHOE COUNTY BOARD OF COUNTY COMMISSIONERS, THIS MOTION WAS FILED BUT WAS ⁽¹⁾
 27 STAMPED ON COVER SHEET, [N]OT THE PLEADING ITSELF. IN ADDITION, THE COVER-
 28 SHEET CLEARLY IDENTIFIED THE PLEADINGS STAMPED "FILED" ON 2-17-2016.

FOOTNOTE (1) IF NOT CORRECT, WHY
 WAS MOTION FILED, IF NOT COMPLAINT.

1 THIS PROVES ONE OF BOTELHO'S POINTS THAT HE HAS TRIED TWO (2) DIFFERENT
 2 TIMES AND SPENT ADDITIONAL POSTAGE (EXTORTION) NOW THREE (3) TIMES TO
 3 GET HIS REQUESTS FOR SUBMISSIONS RIGHTEOUSLY FILED. AGAIN SEE INCLUDED
 4 REQUEST(S) (2) OF THEM, STILL WAITING TO BE FILED, ALSO INCLUDED HEREIN.
 5 (3) THE FACT THAT THIS UNNAMED COURT CLERK HAD THE UNMITTIGATED GALL
 6 TO STATE THAT THE FILINGS ARE NOT FRAUDULENT AND ARE PART OF THE COURT
 7 RECORD, IS SUBORNATION OF PERJURY, FRAUD, OBSTRUCTION, OPPRESSION UNDER
 8 THE COLOR OF OFFICE, SEE 42 USC 1985 & 1986, FRAUD UPON THE RECORD, FRAUD
 9 UPON THE COURT, FILING FALSE DOCUMENTS, ALTERING BOTELHO'S PUBLICLY FILED
 10 DOCUMENTS, ETC....

11 (a) FURTHERMORE, PURSUANT TO NRS 7.285, COURT STAFF IS NOT PERMITTED
 12 TO GIVE LEGAL ADVICE. YET, THAT IS SPECIFICALLY WHAT THIS NOW UNNAMED
 13 CLERK JUST DID. SEE EXHIBIT (1), "THE FILINGS ARE NOT FRAUDULENT". THIS
 14 CLERK PRACTICED LAW, PERIOD. THIS CLERK HAD NO LEGAL AUTHORITY TO MAKE
 15 ANY DETERMINATION AND ADVISEMENT AS TO THE ILLEGALITY OF ANY ACCUSATIONS
 16 MADE IN ANY PLEADING, AS A MATTER OF LAW, THAT WAS FOR THIS ONCE HONORABLE
 17 COURT TO DECIDE, NOT SOME UNQUALIFIED, UNTRAINED IN THE LAW, COURT
 18 CLERK TO RULE UPON. FURTHER, PERJURING HIM/HER SELF. (EMPHASIS ADDED)

19 (b) THE CLERK SAID THAT ALL DOCUMENTS WERE RETURNED TO BOTELHO, BUT,
 20 DID NOT RETURN LETTER DATED 1-25-2016, TO CLERK, J. BRYANT, CONCERNING
 21 BOTELHO'S FILING OF HIS N.R.C.P. 60(b) MOTION IN MICHAEL T. BOTELHO V. WASHOE
 22 COUNTY BOARD OF COUNTY COMMISSIONERS. SEE EXHIBIT # (3)

23 (4) BOTELHO FILED EXHIBIT (3), LETTER WITH COURT CLERK BRYANT TO ENSURE
 24 THAT HIS NEW 60(b) MOTION WAS NOT AGAIN INTENTIONALLY [MISFILED]⁽¹⁾ UNDER
 25 CRO3-2156, WHICH K. JONES DID AFTER BOTELHO FILED WRIT OF MANDAMUS
 26 IN THIS "NEW" CASE / ACTION,

27 (a) FURTHERMORE, WHEN THE DISHONORABLE, KNOWN TO BE CRIMINAL,
 28 JUDGE POLAKA TOOK CONTROL OF THIS NEW CASE, HE CONSPIRED WITH K. JONES,

1 DEPUTY COURT CLERK, AND HAD THIS [CLERK BREAK THE LAW].

2 (i) POLA HAS ORDERED RESPONSE BY THE STATE WAS UNETHICAL, AN ABUSE OF
3 DISCRETION, ARBITRARY AND CAPRICIOUS, AND DISGRACEFUL.

4 (ii) THE NAME OF THE PARTY / RESPONDENTS WAS CRIMINALLY, KNOWINGLY,
5 FRAUDULENTLY ALTERED AND ENTERED INTO THE COURT RECORD AS MICHAEL T.
6 BOTELHO V. BENEDETTI, STATE OF NEVADA, ET-AL, WHEN, IT WAS IN FACT,
7 MICHAEL T. BOTELHO V. WASHOE COUNTY BOARD OF COUNTY COMMISSIONERS,

8 (iii) THE CLERK ASSIGNED AN OLD CRIMINAL CASE NUMBER, FRAUDULENTLY,
9 KNOWING THIS CASE WAS A SEPERATE AND DISTINCTLY DIFFERENT CASE,

10 (iv) WHEN BOTELHO FILED 60(b) MOTION ON 1-25-2016, ALONG WITH LETTER
11 TO CLERK (EXHIBIT(3)), K. JONES RETURNED HIS 60(b) MOTION STATING "THE
12 COURT DOES NOT HAVE A CIVIL CASE NUMBER IN THIS CASE. THAT WAS THE POINT,
13 THE CLERK PUT A CRIMINAL CASE NO. IN THIS MANDAMUS ACTION AND WAS
14 REQUIRED TO PUT A CIVIL CASE NO., AS WELL AS ACTERING THE DOCUMENTS. SEE
15 EXHIBIT # (4). IT HAS STILL [NOT] BEEN DONE. (EMPHASIS STRONGLY ASSERTED)

16 (v) FURTHER, THIS CLERK BY THEIR ACTIONS, AND KNOWING THAT BOTELHO SENT
17 COURTESY COPY OF 60(b) TO THE STATE ON 1-25-2016, ALLOWED THE PRIVATE
18 CITIZENS ACTING AS STATE OFFICIALS TO RESPOND TO POLA HAS BOGUS ORDER
19 FILED ON 1-13-2016. THEY RESPONDED ON 2-3-2016, BUT WAITED 8 DAYS TO
20 SEND RESPONSE TO BOTELHO. BY THE TIME THIS CLERK FORCED BOTELHO TO FILE
21 HIS 60(b) USING A BOGUS CASE NUMBER, ON [2-17-2016], THEY, THUS, ALLOWED THE
22 CROOKS AT THE DISTRICT ATTORNEYS OFFICE TO HAVE ALREADY RESPONDED. FURTHER,
23 THESE FRAUDS DID NOT ADDRESS THE MERITS AS PRESENTED, OF COURSE.

24 (5) AS EXHIBIT (5) CLEARLY REQUESTS, A NEW CASE NUMBER BE ASSIGNED, BUT
25 AGAIN, THE CLERK FAILED TO DO HIS / HER DUTIES, BY NOT ASSIGNING A NEW, PROPER,
26 CASE NUMBER. NOR, DID THE CLERK PROPERLY STAMP FILE BOTELHO'S 60(b) MOTION
27 DIRECTLY, ONLY A COVER-SHEET. THESE CLERKS, IN ADDITION, ARE "NOT" DOING THIS
28 TO THE STATES FILINGS. [NO EQUAL TREATMENT, PROTECTIONS],

1 THIS DOCUMENT WAS RETURNED, UN-ANSWERED, AND WAS NOT ADHERED
2 TO AS REQUESTED BY BOTELHO, THE PARTY FILING THE ACTION, AGAIN, ALSO
3 SEE EXHIBIT (6) WHICH WAS NOT ACKNOWLEDGED AS SUCH.

4 CHIEF JUDGE FLANAGAN, ITS ALREADY A MATTER OF PUBLIC RECORD, THAT
5 YOU HAVE BEEN MADE AWARE OF THE CRIMES PERPETRATED BY THE PRIVATE
6 CITIZENS, "FRAUDS AND IMPOSTERS," IMPERSONATING PUBLIC OFFICIALS AND
7 BRINGING FORTH CIVIL AND CRIMINAL ACTIONS, ILLEGALLY, AGAINST PEOPLE ARRESTED
8 IN WASHOE COUNTY, [EVERY] SINGLE JUDGE IN WASHOE COUNTY DISTRICT COURT IS
9 PERSONALLY AWARE AND KNOWING OF THE ON-GOING CRIMINAL ACTIONS BEING
10 PERPETRATED AGAINST THE GENERAL PUBLIC IN WASHOE COUNTY. [INDISPUTIBLE]

11 YOU CHIEF JUDGE FLANAGAN, ARE ALSO AWARE OF THE CRIMINAL ACTIONS & CRIMES
12 PERPETRATED UPON BOTELHO BY THE UNETHICAL, DISINGENUOUS, CRIMINAL DISTRICT
13 COURT JUDGE POLAHA. [i.e. SEE MANDAMUS TO CHIEF JUDGE HARDY TO RECALL POLAHA]
14 YOUR FAILURE TO ACT IN ACCORDANCE OF LAW AND JUDICIAL CANNONS, THE NV. AND
15 U.S. CONSTITUTION(S) WILL MAKE YOU COMPLICIT AND FURTHER GUILTY OF MISPRISON
16 OF FELONY. I KNOW YOU ARE QUITE FAMILIAR WITH JOHN ARPINO V. STATE OF
17 NEVADA, AND YOUR KNOWLEDGE AND CULPABILITY IN THAT CASE, AS WELL AS THE
18 ENTERED DEFAULT & FURTHER OBSTRUCTION BY N.D.O.C., THIS COURT AND THE
19 WASHOE COUNTY SHERIFF'S OFFICE, AND THE ATTORNEY GENERAL, TO STOP THIS AT
20 ALL COSTS. YOU STILL HAVE A CHANCE TO SAVE YOUR CAREER AND PENSION BY
21 HAVING THE COURAGE TO DO THE JOB THE PEOPLE HIRED YOU TO DO IN GOOD FAITH,
22 FOR THE PEOPLE, AND TO UPHOLD THE LAW AND OUR [STILL] VALID NV. AND U.S.
23 CONSTITUTION(S). TO WEAR THAT BLACK ROBE IS A BADGE OF THE HIGHEST HONOR,
24 NOT TO BE TAKEN LIGHTLY AND SULLIED AT A WHIM BECAUSE OF THE UNEARNED
25 ABSOLUTE IMMUNITY, WHICH BY YOUR KNOWINGLY CRIMINAL ACTIONS [NEGATE]!
26 TO FURTHER COVER FOR ANYBODY IN THIS CASE AND OTHERS, IS CRIMINAL AND
27 INDEFENSIBLE. (EMPHASIS STRONGLY ADDED). YOU [A]RE ACCOUNTABLE! YOU ARE
28 SADLY MISTAKEN IF YOU THINK YOU ARE ABOVE THE LAW AND ARE UNTOUCHABLE.

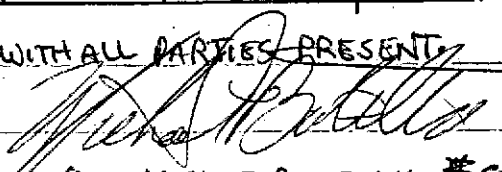
1 THE TYRANNICAL ACTIONS BY THIS CROOKED COURT MUST BE ADDRESSED,
 2 IMMEDIATELY! THIS IS STILL THE LAND OF FREEDOM AND DEMOCRACY, NOT THE
 3 TOLITARIAN SOCIALIST STATE AND COUNTRY [YOU] WANT IT TO BE. YOU ARE
 4 NOT ABOVE THE LAW, YOUR OATH, NOR, THE NV. AND U.S. CONSTITUTIONAL
 5 COMMANDS. IF YOU LIKE BEING A "CRIMINAL" JUDGE AND JUDICIARY, MOVE TO
 6 RUSSIA, OR SOMEWHERE ELSE!

7 IN THE MEANTIME, YOU, CHIEF JUDGE FLANAGAN HAVE BEEN SO ADVISED
 8 OF THE CRIMINAL ACTIONS TAKING PLACE IN THIS CASE OF MONUMENTAL
 9 IMPORTANCE TO THE PEOPLE OF WASHOE COUNTY AND STATEWIDE, AND ~~THE~~ THE
 10 RESULTING ILLEGAL AND UNCONSTITUTIONAL HOSTAGE HOLDING OF ME BY THE
 11 STATE, NOW FOR 12 1/2 YEARS. (EMPHASIS STRONGLY ASSERTED) "MY DIRECT INJURY."

12 THIS IS BEING INVESTIGATED BY THE UNITED STATES DEPT. OF JUSTICE, AND
 13 I PROMISE YOU THAT MY WIFE & 4 KIDS, MY SISTERS & BROTHER, WILL EXPOSE
 14 ANY AND ALL OF YOU CRIMINALS FOR ANY CONTINUED FAILURE TO ABIDE BY, AND
 15 FOLLOW THE LAW. THE WIDE SPREAD CORRUPTION IS ABOUT TO BECOME OPENLY
 16 EXPOSED ONCE AND FOR ALL, FOR THE WHOLE "WORLD" TO SEE. YOU HAVE
 17 A SLIM CLOSING WINDOW OF OPPORTUNITY TO DO JUSTICE AS REQUIRED FOR ALL,
 18 WHEREIN YOU ARE EITHER A WITNESS FOR THE PROSECUTION, OR BECOME A
 19 DEFENDANT, TAKEN AWAY IN CHAINS! YOU HAVE BEEN SO ADVISED OF MY
 20 CLAIMS, ASSERTIONS OF FACT, AND MY PROVABLE BELIEFS.

21 I AM SENDING THE "FRAUD AND IMPOSTERS", PRIVATE CITIZENS, IMPERSONATING
 22 PUBLIC OFFICIALS, AT THE WASHOE COUNTY DISTRICT ATTORNEYS OFFICE, A COPY OF
 23 SAID JUDICIAL NOTICE, EVEN THOUGH THEY HAVE NO RIGHT TO RESPOND, PERIOD!
 24 YOU MUST ORDER AN IMMEDIATE DE NOVO REVIEW WITH ALL PARTIES PRESENT.
 25 DATED 2-26-2016

26 COURTESY COPY TO:
 27 THE PRIVATE CITIZENS
 28 ACTING/IMPERSONATING
 PUBLIC OFFICIALS AT THE
 W.C.D.A.'S OFFICE.
 I.E. FRAUD & IMPOSTER,
 "CHRIS HICKS"


 MICHAEL T. BOTELHO #80837
 NNCC, P.O. BOX 7000
 CARSON CITY, NV. 89702

AFFIDAVIT

STATE OF NEVADA }
CARSON COUNTY } SS: AFFIDAVIT OF MICHAEL T. BOTE LHO
IN SUPPORT OF THIS JUDICIAL NOTICE, DATED 2-26-16.

TO WHOM IT CONCERNS:

I, MICHAEL T. BOTE LHO, THE UNDERSIGNED, DO HEREBY SWEAR UNDER THE PENALTY OF PERJURY, THAT THE ASSERTIONS AND BELIEFS OF THIS AFFIDAVIT, ARE TRUE AND CORRECT.

I ASSERT THAT I FILED A WRIT OF MANDAMUS, "MICHAEL T. BOTE LHO VS. WASHOE COUNTY BOARD OF COUNTY COMMISSIONERS ON 12-10-2015, AND WAITED FOR ASSIGNMENT OF CIVIL CASE NUMBER.

THIS LESS THAN HONORABLE COURT, AND YET AGAIN, EQUALLY DISHONORABLE, UNETHICAL, KNOWN TO BE CRIMINAL, JUDGE POLAHA, KNOWING THIS WAS AN EXTRAORDINARY WRIT OF MANDAMUS, THAT REQUIRED IMMEDIATE ATTENTION, LET THIS MANDAMUS SIT IDLE, ALMOST (60) DAYS, WHILE NO DOUBTEDLY HOLDING REPEATED EX PARTE COMMUNICATION(S) WITH THE FACTUALLY PROVEN TO BE, [FRAUDS AND IMPOSTERS], PRIVATE CITIZENS, IMPERSONATING PUBLIC OFFICIALS, AT THE WASHOE COUNTY DISTRICT ATTORNEYS OFFICE, TO FIGURE OUT HOW TO GET AROUND THE WRIT AND ITS FACTUALLY PROVEN LEGAL ASSERTIONS.

DISPICABLE JUDGE POLAHA, HAS BEEN CLEARLY AND REPEATEDLY PROVEN TO BE PREJUDICIAL AND VERY BIASED, UNETHICAL, AND KNOWN TO HAVE COMMITTED FRAUD, OBSTRUCTION, MISPRISON OF FELONY, CONSPIRACY AND MORE. SEE P. 6. PREVIOUSLY FILED MOTIONS TO RECUSE POLAHA, 3 TIMES BY BOTE LHO, SEE IN ADDITION, SUPPORTING AFFIDAVITS & JUDICIAL NOTICES AS FILED IN A CRIMINAL CASE, FRAUDULENTLY DISMISSED BY POLAHA, SEE OTHER CASE, CR03-2156, THEREIN.

THE KNOWN FELON, JUDGE POLAHA, ORDERED THE COURT CLERK TO ALTER THE PARTIES (RESPONDENTS) IN BOTE LHOS MANDAMUS, FURTHER ORDERING THE CLERK TO ASSIGN AN OLD CRIMINAL CASE NUMBER, EVEN THOUGH THE

1 CLERK KNEW THIS WAS CLEARLY FRAUD UPON THE RECORD, FRAUD UPON THE
 2 COURT, CRIMINAL ALTERING OF DOCUMENTS, AND COMPLICIT IN THE CONSPIRACY
 3 WITH JUDGE POLAHA TO FORM AN ACT OF COLLUSION. NOW BOTH THE DISGRACED
 4 CRIMINAL JUDGE POLAHA HAS CAUSED THE CLERK OF THIS COURT TO BECOME A
 5 [PROVEN] FELON, NOW SUBJECT TO REMOVAL, PROSECUTION, CONVICTION AND
 6 CIVIL LITIGATION IN THEIR OWN CAPACITY. SEE THE CRIMINALLY ALTERED,
 7 FELONEOUSLY "ORDERED" RESPONSE DATED ¹⁻¹³⁻²⁰¹⁶ 2-13-2016. (EMPHASIS STRONGLY ADDED)
 8 POLAHA ORDERED A "NON PARTY", THE "FRAUDS" AT THE WASHOE COUNTY DISTRICT
 9 ATTORNEYS OFFICE TO RESPOND KNOWING THAT THEY WERE NOT (1) A PARTY,
 10 AND, (2) THAT THE STATE IS FRAUDULENTLY ACTING, IMPERSONATING PUBLIC OFFICIALS,
 11 WITHOUT AUTHORITY TO SAY OR DO ANYTHING, AND CANNOT ACT, PERIOD.

12 THE STATE RESPONDED ANYWAY, WITHOUT PAUSE, COMMITTING YET MORE
 13 CRIMES, I.E. FRAUD, CONSPIRACY, COLLUSION, PERJURY, ETC.....

14 BOTEHO MADE (2) ATTEMPTS TO FILE N.R.C.P. 60(b)(1)(2)(3) MOTION WITH THIS
 15 COURT AND WAS TREATED HOSTILLY AND FRAUDULENTLY. BOTEHO HAS NOW
 16 BEEN COERCED INTO INSERTING THE COURT FORCED CRIMINAL CASE NO. NOT
 17 BELONGING TO THIS CASE, BEFORE THE CROOKED COURT WOULD FILE 60(b) MOTION.

18 CHIEF JUDGE FLANAGAN HAD BETTER SORT THIS OUT, FOLLOW THE [L]AW,
 19 AND HOLD AN IMMEDIATE DE NOVO REVIEW WITH ALL PARTIES PRESENT AND
 20 DO HIS JOB. BOTEHO SWEARS THAT HE/I, WILL MAKE SURE THE PEOPLE
 21 OF WASHOE COUNTY, AND STATEWIDE, ^{KNOW ABOUT,} THE ABSOLUTE CORRUPTION AND
 22 CRIMINAL ACTIVITY, ON-GOING IN THIS COURT, BY EVERY SINGLE DISTRICT
 23 COURT JUDGE, COURT CLERK, AND THE FRAUDS RUNNING A-MUCK IN THE
 24 WASHOE COUNTY DISTRICT ATTORNEYS OFFICE. I KNOW WITH ABSOLUTE CERTAINTY
 25 THAT THE ATTORNEY GENERAL OF NEVADA WANTS NO PART OF THIS, NOR N.D.I.,
 26 BUT, MY FAMILY WILL GUARANTEE THE U.S. DEPT. OF JUSTICE INVESTIGATES, AND
 27 FURTHERMORE, THE INTERNET IS A GREAT THING. WHATS ALREADY OUT THERE
 28 CAN AND WILL DESTROY YOUR CAREERS, ONE AND ALL!

2-26-2016

2

[Signature]
 MICHAEL T. V5.803 #8083
 NVCC, P.O. BOX 7000
 CARSON CITY, NV. 89702

INDEX OF EXHIBITSExhibit Number 1 Number of Pages 1Exhibit Description RETURN NOTICE, DATED 2-17-2016Exhibit Number 2 Number of Pages 1Exhibit Description LETTER TO COURT CLERK, DATED 1-25-2016Exhibit Number 3 Number of Pages 1Exhibit Description LETTER TO COURT CLERK, REF. TO NRCP 60(b), DATED 1-25-2016Exhibit Number 4 Number of Pages 1Exhibit Description RETURN NOTICE, DATED 1-29-2016Exhibit Number 5 Number of Pages 1Exhibit Description LETTER TO COURT CLERK, DATED 2-5-2016Exhibit Number 6 Number of Pages 2Exhibit Description JUDICIAL NOTICE, DATED 2-5-2016

Exhibit Number _____ Number of Pages _____

Exhibit Description _____

Exhibit Number _____ Number of Pages _____

Exhibit Description _____

Exhibit Number _____ Number of Pages _____

Exhibit Description _____

EXHIBIT 1

EXHIBIT 1

CR03-2156 DC-09900074695-016
STATE VS. MICHAEL TODD BOTEL 2 Pages
District Court 03/02/2016 04:16 PM
Washoe County 2610
EV, MEEFN00110

SECOND JUDICIAL DISTRICT COURT
75 COURT STREET
RENO, NV 89501
PHONE (775) 328-3110

RETURN NOTICE

Case No: CR03-2156

The Court is in receipt of your letter dated (various dates)

- ☐ If you are attempting to file a motion or other document, it must comply with District Court Rule 10.
- ☐ Your motion or other document will not be submitted to the court for consideration without the filing of a "Request for Submission" document, a copy of which is enclosed for your convenience.
- ☐ Pursuant to NRS 7.285, Court Staff is not permitted to give legal advice.
- ☐ Document submitted for filing must contain original signature(s).
- ☐ Other: File stamped motion, case histories, WDCR Rule 10, various letters.

All are being returned with this notice. The filings are not fraudulent and are part of the court record. The court is unable to file stamp documents as provided as they do not comply with WDCR 10. The coversheets were prepared as a courtesy. In the future, all documents will be returned for noncompliance with Rule 10.

Date: FEB 17 2016

By: Deputy Clerk assigned Inmate
Correspondence

EXHIBIT 1

CR03-2156
STATE VS. MICHAEL TODD BOTTEL 2 Pages
District Court 03/02/2016 04:16 PM
Washoe County 2610
MEEPROND

EXHIBIT 2

EXHIBIT 2

J. BRYANT, COURT CLERK

1-25-2016

CASE NO: CR03-2156

I GOT FILED COPIES OF REQUESTS FOR SUBMISSIONS (SECOND NOTICE), BOTH ON 1-21-2016. BUT I HAVE SERIOUS PROBLEMS WITH THE WAY THEY WERE DONE.

(A) (1) MY REQUEST FOR SUBMISSION (2ND NOTICE) FOR WRIT OF MANDAMUS TO RECUSE POLAHA WAS SENT AS ONE (1) DOCUMENT BUT WAS FILED AS TWO SEPERATE DOCUMENTS, TRANSACTION NO: 531989

(2) THIS DOCUMENT WAS SENT AS (1) DOCUMENT (REQUEST FOR SUBMISSION AND AFFIDAVIT IN SUPPORT OF) THE CLERK SEPERATED THIS SINGLE DOCUMENT INTO TWO SEPERATE FILINGS (a) SUBMISSION, (b) AFFIDAVIT

(3) FURTHERMORE, I NEEDED THIS DOCUMENT TO HAVE THE FILING STAMP DIRECTLY STAMPED ON THE FACE OF THE ORIGINAL DOCUMENT.

(4) AS RETURNED TO ME, IS UNACCEPTABLE (a) STAMP FILING A BLANK REQUEST FOR SUBMISSION AND THEN ALSO A BLANK AFFIDAVIT FORM IS UNETHICAL AND UNACCEPTABLE, (b) AS THIS COURT FILED THESE NOW TWO DOCUMENTS, IT LEAVES PETITIONER WITH "NO" FILE STAMPED COPY OF ANYTHING. IF I AM FORCED TO COPY AND RE-FILE THIS, NOW THESE DOCUMENTS - THEY DO NOT PROVE ANYTHING, DO NOT REFER TO WHAT WAS ACTUALLY FILED AND IS UNACCEPTABLE.

(B) THIS WAS ALSO DONE IN REQUEST FOR SUBMISSION (2ND NOTICE) AS RETURNED TO ME. (MOTION FOR SHOW CAUSE HEARING) TRANSACTION NO: 53-2376

PLEASE RE-STAMP THESE DOCUMENTS ON THEIR FACE, SO I HAVE ACTUAL PROOF OF WHAT I ACTUALLY DID FILE, AND RETURN TO ME. YOUR COOPERATION WILL BE APPRECIATED IN THIS MATTER. THIS UNFORTUNATE PROBLEM HAS UNNECESSARILY COST BOTH THE NV. TAX PAYERS AND ME ADDITIONAL POSTAGE EXPENSE

SINCERELY

C.C. FILE: (EXHIBIT # 2)

Michael T. Botelho
MICHAEL T. BOTELHO # 80837
NNEC, P.O. BOX 7005
CARSON CITY, NV. 89702

JAN 28 2016

EXHIBIT 3

EXHIBIT 3

CR03-2156
STATE VS. MICHAEL TODD BOTTEL 2 Pages
District Court 03/02/2016 04:16 PM
Washoe County
rva
DC-09900074895-018
MECPNOMIN

J. BRYANT, COURT CLERK

1-25-2016

REFERENCE TO: THIS ENCLOSED, NRCP 60(b)(1)(2)(3) MOTION

PLEASE STAMP FILE THE ORIGINAL AND COPY OF, ON THE FACE OF
THE ACTUAL ORIGINAL DOCUMENT AS FILED.

PETITIONER NEEDS THIS DONE, TO BE ABLE TO USE THESE
DOCUMENTS AS EXHIBITS IF NEEDED IN THE FUTURE, OTHERWISE, THIS
COURT WILL BE KNOWINGLY DENYING ME THE NECESSARY, ORIGINAL
FILED DOCUMENT AS ENTITLED TO.

YOUR COOPERATION IN THIS MATTER WILL BE GREATLY APPRECIATED.

Michael F. Botelho
Michael F. BOTELHO # 80837
NICE
P.O. BOX 7000
CARSON CITY, NV. 89702

P.S. ABSOLUTELY DO NOT PUT (WRITE IN) CRO3-2156,
ON THIS NRCP 60(b) MOTION AS IT IS NOT APPLICABLE
TO THIS CASE, PERIOD. THANKS AGAIN.

EXHIBIT (3)

C.C. FILE



CR03-2156 DC-09900074695-019
STATE VS. MICHAEL TODD BOTEL 2 Pages
District Court 03/02/2016 04:16 PM
Washoe County 2610
MEEPRC/NP

EXHIBIT 4

EXHIBIT 4

SECOND JUDICIAL DISTRICT COURT
75 COURT STREET
RENO, NV 89501
PHONE (775) 328-3110

RETURN NOTICE

Case No:

The Court is in receipt of your letter dated January 29, 2016

- ☐ If you are attempting to file a motion or other document, it must comply with District Court Rule 10.
- ☐ Your motion or other document will not be submitted to the court for consideration without the filing of a "Request for Submission" document, a copy of which is enclosed for your convenience.
- ☐ Pursuant to NRS 7.285, Court Staff is not permitted to give legal advice.
- ☐ Document submitted for filing must contain original signature(s).
- ☒ Other: MR. BOTELHO:

ENCLOSED ARE YOUR DOCUMENTS TO THE COURT, UNABLE TO
FILE WITHOUT A REQUIRED CASE NUMBER.

THE SECOND JUDICIAL DISTRICT COURT DOES NOT HAVE A CASE
CIVIL CASE NUMBER IN THIS MATTER.

THANK YOU

Date: JAN 29 2016

By: K. Jones

EXHIBIT (4)

CR03-2156 DC-09900074695-020
STATE VS. MICHAEL TODD BOTEH 2 Pages
District Court 03/02/2016 04:16 PM
Washoe County 2610
MFP/NOH/

EXHIBIT 5

EXHIBIT 5

J. BRYANT, COURT CLERK

2-5-2016

REFERENCE TO THE ENCLOSED "RE-FILING OF NRC P 60 (b) MOTION

AS THE CRIMINAL ACTIONS OF K. JONES HAS AGAIN AMOUNTED TO INTERFERENCE
IN THIS CASE "SEE 'RETURN NOTICE'" ALSO INCLUDED. THIS CLERK (FRAUD)
FRAUDULENTLY ALTERED DOCUMENTS IN THIS [NEW] CASE AND PURPOSELY
DID "NOT" ASSIGN A NEW CASE NUMBER, AS WAS CLEARLY REQUIRED.

I NOW AM ADDING CRO3-2156 TO THIS CASE [AGAINST] MY WILL,
JUST TO HAVE THE FRAUDULENT ORDER FILED ON 1-13-2016 NULLIFIED
AND "THEN" YOU WILL BE FORCED TO ASSERT THE "NOW" CASE NUMBER, AS
WAS SUPPOSED TO HAVE HAPPENED ON 12-10-2016 WHEN THIS NEW CAUSE
OF ACTION WAS FILED.

THIS / THESE DOCUMENTS (INCLUDING THE JUDICIAL NOTICE, THE 60 (b)
MOTION, THE EXHIBIT AND AFFIDAVIT) MUST ALL BE FILED TOGETHER AS
ONE SINGLE DOCUMENT AND SO RECOGNIZED. THIS DOCUMENT MUST BE
FILE STAMPED ON ITS FACE AND RETURNED TO ME, IMMEDIATELY, NOT
RECEIVED ON ONE DAY AND FILED, 2 OR 3 DAYS LATER. DO YOUR LAWFUL,
SWORN JOB FOR A CHANGE. QUIT COVERING AND PROTECTING THE STATE
AND THIS COURT (THAT MAKES YOU A CRIMINAL)

2-5-2016

FEB 10 2016

MICHAEL T. BOTELHO # 80837
NNCC, P.O. BOX 7000
CARSON CITY, NV. 89702

EXHIBIT (5)

C.C. FILE

CR03-2156 DC-09900074695-021
STATE VS. MICHAEL TODD BOTEL 3 Pages
District Court 03/02/2016 04:16 PM
Washoe County 2610
rvc MCECHNRP

EXHIBIT 6

EXHIBIT 6

JUDICIAL NOTICE

[O]NCE HONORABLE JUDGE POLAHA,

YOU ARE NOW ADVISED THAT COURT CLERK "K. JONES," HAS AGAIN,
INTERFERED IN ANOTHER CASE, SPECIFICALLY THIS ONE.

K. JONES HAD A LEGAL DUTY TO FILE DOCUMENT AND ASSIGN A "NEW"
CASE NUMBER. I.E. MANDAMUS FILED 12-10-2015. [MICHAEL T. BOTELHO VS
WASHOE COUNTY BOARD OF COUNTY COMMISSIONERS]. THIS MANDAMUS WAS
FILED BUT WITHOUT THE NECESSARY "NEW" CASE NUMBER.

K. JONES THEN FILED A FRAUDULENT COURT ORDER ON BEHALF OF THE
PROVEN TO BE, UNETHICAL AND CRIMINAL, JUDGE POLAHA, IN THIS ONCE HONORABLE
COURT. SEE ORDER FILED 1-13-2016, AND KNOWINGLY SIGNED BY JUDGE POLAHA.

THIS CLERK CLEARLY, WILLFULLY AND [UNLAWFULLY] CHANGED THE NAME OF
THE DEFENDANTS IN THE VOID ORDER TO THE STATE OF NEVADA AND FURTHER
ASSIGNED AN OLD CASE NUMBER TO THIS CLEARLY, COMPLETELY DIFFERENT AND
DISTINCT ACTION.

THIS CLERK KNOWINGLY ALTERED LEGAL COURT DOCUMENTS, AND IS FACTUALLY
INDISPUTABLE, IN SO DOING HAS COMMITTED MANY CRIMES, I.E., OBSTRUCTION
OF JUSTICE, FRAUD, FRAUD UPON THE RECORD, FRAUD UPON THE COURT, 42 USC
1985-1986, FILING FALSE DOCUMENTS IN COURT, CONSPIRED TO FORM AN ACT OF
COLLUSION WITH YOU (POLAHA) TO CHANGE THE CASE AND KEEP THE MERITS
AND BOGUS ARGUMENTS BY THE STATE, OFF THE PUBLIC RECORD. INTERFERENCE
DESIGNED WITH YOUR KNOWLEDGE AND SUPPORT, OR, ARE YOU GOING TO ACT
LIKE YOU DIDN'T KNOW. IF SO, IT PROVES YOU BLINDLY SIGN ANYTHING BEFORE
YOU, PROVING YOUR UTTER INCOMPETENCE AND INABILITY TO PERFORM YOUR
SWORN DUTIES AS REQUIRED BY LAW, OUR NV. CONSTITUTION AND OUR STILL
VALID UNITED STATES CONSTITUTION.

EXHIBIT (6)

NOW, AFTER FILING A NRCP 60 (b)(1)(2)(3) MOTION IN THIS COURT ON 1-25-2016, VIA PRISON MAIL BOX RULE, SEE ALSO HOUSTON V. JACKS (I'M SURE YOU HAVE HEARD OF IT!) AND ALREADY HAVING A FILED COPY OF MANDAMUS FROM 12-10-2015, WITHOUT THIS COURT ADDING A NEW REQUIRED CASE NUMBER, THIS, K. JONES, COURT CLERK IS STILL INTERFERING IN THIS NEW CASE.

K. JONES HAD BETTER START DOING THE JOB AS REQUIRED, THIS NOW PROVEN TO BE CRIMINAL, NOW INTERFERRED AGAIN, ON 2-3-2016, THIS "FRAUD" SENT MY NRCP 60 (b) MOTION BACK TO ME STATING IT CANNOT BE FILED "WITHOUT" A REQUIRED CASE NUMBER, FURTHER STATING THAT THE SECOND JUDICIAL DISTRICT COURT DOES NOT HAVE A CIVIL CASE NUMBER IN THIS MATTER. "ITS THIS CRIMINAL, NOW PRACTICING LAW AS A CLERK TO ASSIGN THIS NEW CASE NUMBER. THE CLERK IS STILL PLAYING GAMES TO PROTECT THE STATE AT ALL COSTS!"

I AM NOW INFORMING YOU, POLAHA, AND THIS ONCE HONORABLE COURT, THAT I AM RE-FILING MY 60 (b) MOTION, UNDER DURESS, IN FORMAL PROTEST, TO STOP THIS B.S. UNTIL THIS ONCE HONORABLE COURT PROPERLY RULES ON MY NRCP 60 (b) (1)(2)(3) RELIEF FROM "FRAUDULENT" ORDER AND PROPERLY MOVES THIS CASE FORWARD AND SERVES THE MANDAMUS TO THE COUNTY COMMISSIONERS, THEREFORE, CRD3-2156 WILL BE ON MOTION, THOUGH, I KNOW THIS IS BEING DONE BY YOU POLAHA AND THE CRIMINAL CLERK, K. JONES, TO KILL THIS CASE. YOU BETTER UNDERSTAND THIS "MY ADDING CRD3-2156, BY NO MEANS, MEANS, THAT I ACCEPT OR ACKNOWLEDGE THIS STRONG-ARMING OF MY CIVIL RIGHTS DUE TO THE CRIMES PERPETRATED BY K. JONES, AND YOU, POLAHA, IN THIS NEW AND ACTIVE CASE.

I AM SENDING THIS JUDICIAL NOTICE, ALSO TO THE [IMPOSTERS IMPERSONATING PUBLIC OFFICIALS AT THE WASHOE COUNTY DISTRICT ATTORNEYS OFFICE].

BRASS SLIP REF. NO: 2167349

DATED 2-5-2016

MICHAEL T. BOTELHO # 80837
NNCC P.O. BOX 7000
CARSON CITY, NV. V59867



CR03-2156 DC-09900074695-022
STATE VS. MICHAEL TODD BOTELHO 8 Pages
District Court 03/02/2016 04:18 PM
Washoe County 3860

MICHAEL T. BOTELHO # 80837
Post Office Box 7000
Carson City, Nevada 89702-7000

FILED

2016 MAR -2 PM 4:18

JACQUELINE BRYANT
CLERK OF THE COURT
BY [Signature]
DEPUTY

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR COUNTY OF WASHOE

MICHAEL T. BOTELHO
Plaintiff

Case No: CR03-2156

VS
BENEDETTI, WARDEN,
STATE OF NEVADA, ET AL
Respondent

REQUEST FOR SUBMISSION

Comes now, Plaintiff, MICHAEL T. BOTELHO (hereinafter "Plaintiff"),
appearing in proper person, and files this Request for Submission, in the above entitled action.

This Request is made pursuant to District Court Rules, whereas, Plaintiff respectfully
request that his REQUEST FOR SUBMISSION (SECOND REQUEST) FOR SHOW-
CAUSE MOTION, be
submitted to the appropriate Honorable Court for a review and a decision.

Dated this 11TH day of JANUARY, 2016

[Signature]
Proper Persona Plaintiff

CERTIFICATE OF SERVICE BY MAIL

Pursuant to NRCR Rule 5 (b), I hereby certify that I am the Petitioner/Defendant named herein and that on this 11th day of JANUARY, 20 16, I mailed a true and correct copy of the foregoing REQUEST FOR SUBMISSION to the following:
(SECOND REQUEST) FOR SHOW-CAUSE MOTION

FRAUD & MASTER
CHAS HICKS, AKA. W.C.D.A.
P.O. BOX 11130
RENO, NV. 89520-0027

BY: Michael D. Bottino

AFFIRMATION
Pursuant to NRS 239b.030

The undersigned does hereby affirm that the preceding document, REQUEST FOR SUBMISSION
(SECOND REQUEST) FOR SHOW-CAUSE MOTION.

Filed in case number: CRO3-2156 (Title of Document)

☒ Document does not contain the social security number of any person

Or

☐ Document contains the social security number of a person as required by:

☐ A specific state or federal law, to wit

Or

☐ For the administration of a public program

Or

☐ For an application for a federal or state grant

Or

☐ Confidential Family Court Information Sheet
(NRS 125.130, NRS 125.230, and NRS 125b.055)

DATE: 2-26-2016

Michael T. Beretta
(Signature)

MICHAEL T. BERETTA
(Print Name)

PROPER PERSON
(Attorney for)

1 Code 3860
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6 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7 IN AND FOR THE COUNTY OF WASHOE
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9 MICHEAL T. BOTELHO,

10 Plaintiff(s),

Case No. CR03-2156

11 vs.

Dept. No. 15

12 BENEDETTI, WARDEN
13 STATE OF NEVADA, ETAL,

14 Defendant(s).
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16 REQUEST FOR SUBMISSION
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V5. 822 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE

MICHAEL T. BOTELHO
PETITIONER

-VS-

BENEDETTI, WARDEN,
STATE OF NEVADA, ET AL
RESPONDENTS

CASE NO: CRO3-2156, DEPT. NO: 15

REQUEST FOR SUBMISSION
SECOND REQUEST

COMES, MICHAEL T. BOTELHO, IN PROPER PERSON, FILING THIS REQUEST FOR
SUBMISSION (SECOND REQUEST), IN THE ABOVE ENTITLED ACTION.

THIS SECOND REQUEST IS MADE DUE THIS COURTS CLERK(S) AND CHIEF
JUDGE HARDY'S TOTAL DISREGARD OF OATH OF OFFICE, DISTRICT COURT RULES, NRS
NEV. RULES OF CIVIL PROCEDURE, THE NV. CONSTITUTION, THE UNITED STATES
CONSTITUTION, AND BOTELHO'S RIGHT TO REDRESS HIS GRIEVANCE UNDER THE
1ST AMENDMENT, AS ALSO HIS 5TH & 14TH AMENDMENT RIGHTS OF PROCEDURAL, AND
SUBSTANTIVE DUE PROCESS GUARANTEED BY OUR [STILL] VALID NEVADA AND
UNITED STATES CONSTITUTION(S) PURSUANT TO HIS RIGHTOUSLY BROUGHT [MOTION
FOR SHOW CAUSE] THIS COURT HAS PROVED ONCE AGAIN, ITS WILLINGNESS TO COVER
FOR AND PROTECT THE STATE REGARDLESS OF LAW AND JUSTICE, AS REQUIRED
BY LAW AND OUR NV. AND U.S. CONSTITUTION(S).

THIS LESS THAN HONORABLE COURT, COURT CLERK AND CHIEF JUDGE HARDY
HAS OBSTRUCTED JUSTICE BY ITS COMPLETE DISREGARD FOR BOTELHO'S PROVEN
FACTS ASSERTED IN HIS MOTION FOR SHOW CAUSE, BECAUSE HAD THIS COURT,
THE CLERK AND CHIEF JUDGE HARDY DONE YOUR REQUIRED DUTIES, BOTELHO'S
CASE WOULD HAVE ALREADY BEEN VOIDED AND HE WOULD HAVE BEEN RELEASED

YOUR IMMUNITY DOES NOT GIVE YOU THE RIGHT TO BREAK THE LAW, YOU
ARE NOT ABOVE THE LAW. YOU CAN AND WILL BE ACCOUNTABLE! I PROMISE!

AFFIRMATION AND CERTIFICATE OF SERVICE

I, MICHAEL T. BOTELHO, SWEAR UNDER THE PENALTY OF PERJURY, THAT SAID REQUEST
FOR SUBMISSION (SECOND) FOR A MOTION FOR SHOW CAUSE HEARING IS TRUE AND
CORRECT PER 28 USC 1746, 18 USC 1621. DOES NOT HAVE THE SSN OF ANY PERSON.
I PLACED A TRUE AND COMPLETE COPY OF REQUEST AND AFFIDAVIT IN SUPPORT OF
VIA BRISON MAIL BOX RULE TO,

FRANK & IMPOSTER CHRIS HICKS
PRETENDING TO BE U.C.D.A.
BOX 11130
RENO, NV 89520-0027

DATED 1-11-2016

BRASS SLIP # 2169219

MICHAEL T. BOTELHO # 8083
NNCC, P.O. BOX 7019
CARSON CITY, NV. 89102

JAN 14 2016

1 Code 1075

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

10 Petitioner

Case No. CR03-2156

11 vs.

Dept. No. 15

12 JAMES BENEDETTI, WARDEN,
13 STATE OF NEVADA, ET-AL,

14 Respondents

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16 AFFIDAVIT
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JAN 13 2016

AFFIDAVIT

STATE OF NEVADA)
 CARSON COUNTY) ss. AFFIDAVIT IN SUPPORT OF BY MICHAEL T. BOTELHO,
 FOR SECOND REQUEST FOR SUBMISSION

TO WHOM IT CONCERNS:

I, MICHAEL T. BOTELHO, THE UNDERSIGNED, DO HEREBY SWEAR UNDER THE PENALTY OF PERJURY, THAT THE ASSERTIONS OF THIS AFFIDAVIT IN SUPPORT OF [SECOND] REQUEST FOR SUBMISSION ARE TRUE AND CORRECT.

I, ASSERT THAT I FILED A MOTION FOR SHOW CAUSE ON 8-17-2015, IN THIS COURT, TO CHALLENGE AND FACTUALLY PROVE THAT NEITHER RICHARD GAMMICK, FORMER WASHOE COUNTY DISTRICT ATTORNEY, NOR PRESENT, IMPERSONATING AS A PUBLIC OFFICIAL, UNDER NRS. 199, 430, CHRIS HICKS AND HIS DEPUTY DISTRICT ATTORNEYS, LEGALLY HOLD VALID PUBLIC TITLES/POSITIONS AS THE DIRECT RESULT OF THEIR CALCULATED DECEPTION AND KNOWING FAILURE TO OBTAIN A PROPER, VALID AND LAWFUL BOND TO HOLD OFFICE. (SEE SHOW CAUSE MOTION)

AS A RESULT OF THE FRAUD, MISREPRESENTATION, CONSPIRACY, COLLUSION, IMPERSONATING A PUBLIC OFFICIAL, VIOLATIONS OF OATH OF OFFICE, THE PEOPLES TRUST, VALID NEVADA LAW, PROFESSIONAL RULES OF CONDUCT, AND OBSTRUCTION OF JUSTICE, AS PERPETRATED BY THESE INDIVIDUALS PRETENDING TO HOLD OFFICE, THE STATE OF NEVADA UNLAWFULLY AND MALICIOUSLY BROUGHT A CRIMINAL ACTION AGAINST MICHAEL T. BOTELHO. THIS UNLAWFUL, CRIMINAL ACTION, RESULTED IN THE ILLEGAL ARREST, KIDNAPPING, CONVICTION AND CURRENT ILLEGAL AND UNCONSTITUTIONAL RESTRAINT OF MY GOD GIVEN LIBERTIES, PURSUANT TO NEVADA AND OUR UNITED STATES CONSTITUTION(S)

AS A MATTER OF PUBLIC RECORD, I HAVE NOT RECEIVED A FILED, STAMPED COPY OF MOTION FOR SHOW CAUSE. I FILED REQUEST FOR SUBMISSION ON 9-8-2015, FINALLY FILED ON 9-22-2015. STILL THIS COURT SHIRKED IT DUTIES AND USURPED ITS AUTHORITY. I FURTHER FILED FORMAL NOTICE TO COURT CLERK JACQUILINE BRYANT ABOUT THIS (NO RESPONSE).

THIS CRIMINAL CONDUCT, COVERING FOR THE STATE SO MY CASE IS [NOT] VOIDED, IS OBSTRUCTION OF JUSTICE. THERE WILL BE CONSEQUENCES.

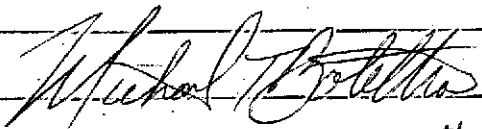
MY MOTION FOR SHOW CAUSE, DOES, IN FACT, PROVE THAT MY ARREST AND CONVICTION ARE FACTUALLY AND LEGALLY [NULL AND VOID] MY 1ST, 4TH, 5TH, 6TH, 8TH AND 14TH AMENDMENT RIGHTS GUARANTEED BY OUR STILL VALID UNITED STATES CONSTITUTION HAVE BEEN AND ARE STILL BEING ILLEGALLY AND SYSTEMATICALLY DENIED BY THE WASHOE COUNTY SHERIFFS OFFICE, THE UNLAWFULLY OCCUPIED POSITION OF WASHOE COUNTY DISTRICT ATTORNEY AND THEIR DEPUTIES, MY CRIMINALLY CULPABLE ATTORNEYS WHO BLINDLY IGNORED AND COERCED ME, COVERED FOR THE STATE AND THIS COURT. THIS COURT AND EVERY JUDGE IN IT, ESPECIALLY THE CHIEF JUDGE, DAVID HARDY ARE AND HAVE BEEN FULLY ADVISED OF THE STATES UNLAWFUL POSITION.

ITS OBVIOUS THAT JUDGE HARDY HAS ALLOWED JUDGE POLAHA AND THIS COURT TO COVER THESE FACTS UP BECAUSE IF IT DOESNT LET THIS BECOME PUBLIC, IT HOPES THAT ALL THOSE ILLEGALLY CONVICTED IN WASHOE COUNTY, WONT BE UNAVOIDABLY RELEASED AND PAID MILLIONS, AND THOSE WHO COVERED IT UP WILL ALL LOSE THEIR JOBS, THEIR PENSIONS AND EVEN THEIR OWN FREEDOM!

THIS COURT, THESE CLERKS AND THESE JUDGES HAD BETTER DECIDE WHICH SIDE OF THE LAW THEY CHOOSE TO STAND BY! YOU DO THE RIGHT THING OR PAY THE CONSEQUENCES. I SWEAR TO YOU DIRTY CORRUPT LOW LIFE CRIMINALS WILL BE EXPOSED ONE WAY OR THE OTHER! YOU WILL PAY FOR YOUR REPUGNANT ACTIONS IN THIS CASE AND OTHERS.

YOU HAD BETTER RESPOND AND FOLLOW THE LAW WHILE YOU STILL HAVE A CHANCE TO SAVE YOURSELVES!

DATED 1-11-2016


MICHAEL T. BOTELHO # 8083
NNCC
P.O. BOX 7000
CARSON CITY, NV. 89102

MICHAEL T. BOTELHO # 80837
 Post Office Box 7000
 Carson City, Nevada 89702-7000

FILED

2016 MAR -2 PM 4: 18

JACQUELINE BRYANT
 CLERK OF THE COURT
 BY [Signature]
 DEPUTY

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR COUNTY OF WASHOE

MICHAEL T. BOTELHO
 Plaintiff

Case No: CR03-2156

vs
BENEDETTI, WARDEN,
STATE OF NEVADA, ET-AL
 Respondent

REQUEST FOR SUBMISSION

Comes now, Plaintiff, MICHAEL T. BOTELHO (hereinafter "Plaintiff"),
 appearing in proper person, and files this Request for Submission, in the above entitled action.

This Request is made pursuant to District Court Rules, whereas, Plaintiff respectfully
 request that his
REQUEST FOR SUBMISSION [SECOND NOTICE] FOR EXTRAORDINARY WRIT OF MANDAMUS
TO RECALL JUDGE POLAKA (SEE ATTACHED COPY OF R.F.S., DATED 1-8-2016), be
 submitted to the appropriate Honorable Court for a review and a decision.

Dated this 26TH day of FEBRUARY, 20 16

FOR AS FILED 1-8-2016

[Signature]
 Proper Persona Plaintiff

CERTIFICATE OF SERVICE BY MAIL

Pursuant to NRCP Rule 5 (b), I hereby certify that I am the Petitioner/Defendant named herein and that on this 8th day of JANUARY, 20 16, I mailed a true and correct copy of the foregoing REQUEST FOR SUBMISSION to the following:
(SECOND REQUEST) FOR MANDAMUS TO
RECUSE POLAKA

FRAUD & IMPOSTER
CHRIS HICKS, A.K.A. W.C.D.A.
P.O. BOX 11130
RENO, NV. 89520-0027

BY: 

AFFIRMATION
Pursuant to NRS 239b.030

The undersigned does hereby affirm that the preceding document, REQUEST FOR SUBMISSION,
(SECOND REQUEST) MANDAMUS TO REUSE JUDGE POLANA.
(Title of Document)

Filed in case number: CR03-2156

☒ Document does not contain the social security number of any person

Or

☐ Document contains the social security number of a person as required by:

☐ A specific state or federal law, to wit

Or

☐ For the administration of a public program

Or

☐ For an application for a federal or state grant

Or

☐ Confidential Family Court Information Sheet
(NRS 125.130, NRS 125.230, and NRS 125b.055)

DATE: 2-26-2016

FOR AS FILED 1-8-2016

Michael T. Botelho
(Signature)

MICHAEL T. BOTELHO
(Print Name)

PROPER PERSON
(Attorney for)

1 Code 3860
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6 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7 IN AND FOR THE COUNTY OF WASHOE
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9 MICHAEL T. BOTELHO,

10 Petitioner

Case No. CR03-2156

11 vs.

Dept. No. 15

12 JAMES BENEDETTI, WARDEN,
13 STATE OF NEVADA, ET-AL,

14 Respondents
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16 REQUEST FOR SUBMISSION
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JAN 13 2016

V5. 830 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE

MICHAEL T. BOTELHO
PETITIONER

-VS-

CASE NO. CRO3-2156, DEPT NO. 15

JAMES BENEDETTI, WARDEN,
STATE OF NEVADA, ET-AL,
RESPONDENTS

REQUEST FOR SUBMISSION
SECOND NOTICE

COMES, MICHAEL T. BOTELHO, IN PROPER PERSON, FILING THIS REQUEST
FOR SUBMISSION [SECOND NOTICE], IN THE ABOVE ENTITLED ACTION.

THIS REQUEST IS MADE DUE TO CHIEF JUDGE HARDY'S TOTAL DISREGARD OF
BOTELHO'S EXTRAORDINARY WRIT OF MANDAMUS TO CHIEF JUDGE HARDY AS FILED
VIA PRISON MAILBOX RULE ON 8-13-2015. THIS COURT, AND CHIEF JUDGE
HARDY, HAVE COMPLETELY VIOLATED THEIR OATH OF OFFICE, THE PEOPLES TRUST,
DISTRICT COURT RULES, N.R.C.P., NEVADA LAW, THE NEVADA AND UNITED STATES
CONSTITUTION(S) AND BOTELHO'S 1ST, 5TH & 14TH AMENDMENT, INALIENABLE,
CONSTITUTIONAL RIGHTS GUARANTEED BY OUR STILL [VALID] U.S. CONSTITUTION.

THIS COURT WILLFULLY DISREGARDED BOTELHO'S MANDAMUS, WONT RETURN A
FILED COPY OF MANDAMUS, FURTHER IGNORING HIS FIRST "REQUEST FOR
SUBMISSION". THE CLERK HAD BETTER START DOING YOUR JOB LEGALLY AND
PROPERLY AS YOU, NOR ANY JUDGE, OR COURT IS ABOVE THE LAW. YOUR IMMUNITY
DOES [NOT] GIVE ANY OF YOU THE GREEN LIGHT TO KNOWINGLY BREAK THE LAW!

AFFIRMATION AND CERTIFICATE OF SERVICE

I, MICHAEL T. BOTELHO, DO SWEAR UNDER PENALTY OF PERJURY, THAT SAID
REQUEST FOR SUBMISSION (SECOND NOTICE) IS TRUE AND CORRECT PURSUANT
TO 28 USC 1746 AND 18 USC 1621. THIS DOCUMENT DOES NOT CONTAIN THE
S.S.N. OF ANY PERSON,

I FURTHER ASSERT THAT I PLACED A TRUE AND COMPLETE COPY OF REQUEST
FOR SUBMISSION (SECOND REQUEST) AND AFFIDAVIT IN SUPPORT OF, IN
FIRST CLASS MAIL, VIA PRISON MAILBOX RULE, TO THIS COURT, AND, AS
ADDRESSED BELOW. BRASS SLIP NO. 2167868 (COVERS COURT E.D.A.)

DATED 1-8-2016

JAN 13 2016

THE FRAUD AND IMPOSTER
CHRIS HICKS, AKA W.I.C.D.A.
P.O. BOX 11130
RENO, NV. 89520-0027

MICHAEL T. BOTELHO # 80837
NINCC
P.O. BOX 7000
CARSON CITY, NV. 89702

V5. 830

1 Code 1075
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6 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7 IN AND FOR THE COUNTY OF WASHOE
8

9 MICHAEL T. BOTELHO,

10 Petitioner

Case No. CR03-2156

11 vs.

Dept. No. 15

12 JAMES BENEDETTI, WARDEN,
13 STATE OF NEVADA, ET-AL,

14 Respondents
15

16 AFFIDAVIT
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JAN 13 2016

AFFIDAVIT

STATE OF NEVADA }
CARSON COUNTY } ss: AFFIDAVIT OF MICHAEL T. BOTELHO
IN SUPPORT OF REQUEST FOR SUBMISSION

TO WHOM IT CONCERNS:

I, MICHAEL T. BOTELHO, THE UNDERSIGNED, DO HEREBY SWEAR UNDER THE PENALTY OF PERJURY, THAT THE ASSERTIONS OF THIS AFFIDAVIT ARE TRUE AND CORRECT.

I, MICHAEL T. BOTELHO, ASSERTS THAT I FILED AN EXTRAORDINARY WRIT OF MANDAMUS TO CHIEF JUDGE DAVID HARDY, FOR THE NECESSARY RECUSAL OF THE INCOMPETENT, PREJUDICIAL AND BIASED JUDGE JEROME POLAHA, IN THE SECOND JUDICIAL DISTRICT COURT, WASHOE CO., NEVADA, ON 8-13-2015. THE CHIEF JUDGE WILLFULLY DISREGARDED SAID MANDAMUS AND ITS PROVABLE AND INDISPUTIBLE FACTS REQUIRING JUDGE POLAHA'S RECUSAL. THE CHIEF JUDGE VIOLATED HIS OATH OF OFFICE, THE PEOPLES TRUST, RULES OF PROFESSIONAL CONDUCT & ETHICS, DISTRICT COURT RULES, NEVADA RULES OF CIVIL PROCEDURE, VALID NEVADA LAW, AND MY 1ST, 5TH AND 14TH AMENDMENT RIGHTS GUARANTEED BY OUR STILL VALID UNITED STATES CONSTITUTION, AS ALSO OUR NV. CONSTITUTION.

REGARDLESS OF CHIEF JUDGE HARDY'S FEELINGS IN THIS VERY SERIOUS MATTER, HE CHOSE NOT TO ACT AS REQUIRED, AS LAW AND JUSTICE REQUIRE.

I NEVER RECEIVED A FILED COPY OF MANDAMUS, EVEN AFTER INCLUDING AN EXTRA COPY TO BE STAMPED "FILED" AND RETURNED. I THEN FILED A "REQUEST FOR SUBMISSION" ON 9-8-2015, INCLUDED WAS A REQUEST FOR MY FILED COPY OF MANDAMUS. THIS WAS CONVENIENTLY RETURNED, UNOPENED, THOUGH PROPERLY ADDRESSED. I "RE-FILED" REQUEST OF SUBMISSION AGAIN, AND IT WAS CONVENIENTLY FILED ON 9-22-2015, USING SAME EXACT ADDRESS.

JAN 13 2016

I AGAIN WAS DENIED A FILED COPY OF MY MANDAMUS. MY MANDAMUS WAS MANIPULATED, THUS, ALLOWING BIASED JUDGE POLAHA TO WRONGLY RULE 6 WEEKS LATER, PREJUDICALLY, WHEREIN HIS RULING HAS NO LEGALITY! THIS WAS PERPETRATED UPON ME, IN SPITE OF THE DOCUMENTED FACT THAT

POLAKA HAD NOW BEEN PROPERLY MOTIONED TO BE RECUSED 5 TIMES PREVIOUS TO HIS UNETHICAL, ILLEGAL AND INVALID RULING ON 9-15-2015, WHEREIN HE ABSOLUTELY KNEW HE VIOLATED NV. LAW AND DISTRICT COURT RULES AND WAS AN EGREGIOUS ABUSE OF DISCRETION.

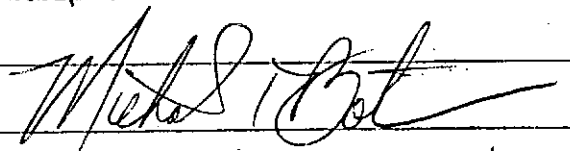
I FILED JUDICIAL NOTICE TO CHIEF JUDGE HARDY, INFORMING HIM OF HIS VIOLATIONS IN THIS MATTER, ONLY TO BE TAMPERED WITH BY THE DEPUTY CLERK, K. JONES (IN MY OPINION, A CRIMINAL P.O.S.) IT WAS RETURNED, I FILED IT AGAIN, ONLY TO HAVE K. JONES INTERFERE IN MY CASE AGAIN, RETURNING IT.

ON 10-28-2015, I WAS FORCED TO FILE A "NOTICE" TO COURT CLERK JACQUILINE BRYANT CONCERNING K. JONES ACTIONS, AND OF COURSE, NO RESPONSE WITH JUSTIFICATION FOR THE CLERKS ACTIONS [COVERING OF COURSE]

ON 11-16-2015, I WAS FURTHER FORCED TO FILE MOTION TO ORDER COURT CLERK TO FORWARD DISPOSITION OF ALL RECORDS AND DOCKETING RECORD TO PETITIONER, INCLUDING THE VERY CRITICAL SHOW CAUSE MOTION THAT K. JONES DID THE SAME THING TO [OBSTRUCTION OF JUSTICE].

I BRING THIS AFFIDAVIT FORTH IN SUPPORT OF REQUEST FOR SUBMISSION (SECOND REQUEST) AS A RESULT OF THE CRIMINAL ACTIONS AND INTENTIONS OF THE CLERK AND FOR THIS COURTS PREMEDITATED, WILLFUL, DISREGARD OF MY 1ST, 5TH & 14TH AMENDMENT RIGHTS GUARANTEED BY OUR STILL VALID AND LAWFUL, NEVADA AND UNITED STATES CONSTITUTION(S). THIS COURT, THESE JUDGES AND CLERKS HAVE CLEARLY OBSTRUCTED JUSTICE AND WILLFULLY VIOLATED MY CONSTITUTIONAL RIGHTS IN THIS CASE. YOU ARE NOT ABOVE THE LAW YOU ARROGANT BASTARDS. THIS IS NOW A MATTER OF PUBLIC RECORD, I PROMISE YOU THAT!

DATED 1-8-2016



MICHAEL T. BOTELHO #80837
NINCC
P.O. BOX 7000
CARSON CITY, NV. 89702

CODE: 2540

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

MICHAEL TODD BOTELHO,

Petitioner,

CASE NO: CR03-2156

vs.

DEPT. NO: 3

JAMES BENEDETTI,
THE STATE OF NEVADA, et.al,

Respondents.

_____ /

NOTICE OF ENTRY OF ORDER

PLEASE TAKE NOTICE that on the 16th day of September, 2015 the Court entered a decision or order in this matter, a true and correct copy of which is attached hereto.

You may appeal to the Supreme Court from the decision or order of the Court. If you wish to appeal, you must file a notice of appeal with the Clerk of this Court within thirty-three (33) days, after the date this notice is mailed to you. This notice was mailed on the 4rd day of March, 2016.

JACQUELINE BRYANT
Clerk of the Court

By /s/Kimberly Jones
Deputy Clerk

CERTIFICATE OF SERVICE

CASE NO. CR03-2156

Pursuant to NRCP 5(b), I certify that I am an employee of the Second Judicial District Court of the State of Nevada, County of Washoe; and that on the 4rd day of March, 2016, I electronically filed the Notice of Entry of Order with the Clerk of the Court by using the ECF system which will send a notice of electronic filing to:

Gary Hatlestad, Esq.
Terrance McCarthy, Esq.
John Petty, Esq.
Sean Sullivan, Esq.

I further certify that on the 4rd day of March, 2016, I deposited in the Washoe County mailing system for postage and mailing with the U.S. Postal Service in Reno, Nevada, a true and correct copy of the Notice of Entry of Order, addressed to:

Attorney General's Office
100 N. Carson St.
Carson City, NV 89701-4717

Michael Todd Botelho #80837
NNCC
PO BOX 7000
Carson City, NV 89702-7000

/s/ Kimberly Jones
Kimberly Jones

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6 **IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
7 **IN AND FOR THE COUNTY OF WASHOE**
8

9 **MICHAEL TODD BOTELHO,**

Case No. CR03-2156

10 **Petitioner,**

Dept. No. 3

11 **vs.**

12
13 **JAMES BENEDETTI, STATE OF**
14 **NEVADA, et. al,**

Respondents.

15 _____ /
16 **ORDER GRANTING MOTION TO DISMISS PETITION AND DENYING MOTION TO**
17 **STRIKE**

18 Currently before the Court is the Respondent's Motion to Dismiss Petition for Writ of
19 Habeas Corpus filed July 24, 2015. The Petitioner filed a Motion to Strike the State's motion and an
20 Opposition to it on August 11, 2015, and a Reply was filed August 13, 2015. The matter was
21 submitted for decision the same day. Because of the age of the file with the exception of the very
22 recent filings, and since nothing was done to advance the matter in 5 years, the Court reviewed the
23 entire file in an effort to fairly address the parties' issues especially concerning the reason for the
24 delay.

25 The procedural history of this matter is nothing to downplay. The Petitioner was convicted
26 on April 7, 2004, pursuant to guilty pleas to one count of first-degree kidnapping and three counts
27 of sexual assault on a child. The victim was a 14 year old girl who was enticed by the petitioner to
28 accompany him on a promise of a baby sitting job which resulted in her being driven by him to a
secluded area and sexually assaulted. He admitted in his probation investigation statement that he

1 had acted out a fantasy he had. Petitioner was sentenced to a combined term of 45 years to life for
2 his criminal actions. The Supreme Court of Nevada upheld the sentence and affirmed the
3 Petitioner's judgment of conviction in April of 2005.

4 Thereafter, the Petitioner filed his first Petition for Writ of Habeas Corpus (Post-Conviction)
5 on March 6, 2006. After appointing counsel, allowing a Supplemental Petition to be filed, and
6 conducting an evidentiary hearing, the Court denied the petitions on May 31, 2007. Earlier, on
7 December 29, 2006, this Court denied most of the grounds of the original *pro se* petition. Without a
8 hearing. The Petitioner subsequently appealed those dismissals and the Nevada Supreme Court
9 issued an Order of Affirmance on May 18, 2008, upon a finding that this Court did not err in
10 rejecting the claims presented in the First and Supplemental Petitions.

11 Subsequently, on January 27, 2010 the Petitioner filed his second, albeit untimely, Petition
12 for Writ of Habeas Corpus which is the subject of the instant motion¹. After some five years of
13 inaction, the Respondent filed the instant Motion to Dismiss.

14 In support of its motion, the Respondent argues that dismissal is warranted for want of
15 prosecution under NRCP 41(e) as the Petitioner has failed to bring the action to trial within five
16 years of filing the petition. Alternatively, it is asserted that the petition should be dismissed as it was
17 untimely filed and because it is successive in nature.

18 In opposition, the Petitioner's main contention is that the Court and the Respondent have
19 acted in concert and purposefully ignored his filings for the previous five years. Specifically, the
20 Petitioner claims that the Court has acted in concert with the Respondent in not taking any action on
21 the petition in violation of his constitutional rights. In doing so, the Petitioner asserts that he cannot
22 be found at fault for his failure to prosecute the matter as it was the clerk of this Court who never
23 informed him regarding the status of his case. As such, and based upon the Petitioner's belief that it
24 was the Respondent who has failed to act, it is asserted that dismissal would be inappropriate at this
25 time. The Court agrees with the State as to who has the burden of moving the case forward but also
26

27 ¹ On February 18, 2010, the Petitioner filed a motion for recusal of this Court but he failed to follow the requirements of NRS 1.235
28 in that he never personally served this Court with the motion notwithstanding he was granted the status of *in forma pauperis* and
could have had a sheriff deputy effect such service at no cost to him and he never submitted the matter for decision which would have
at least brought its pendency to the Court's attention. This was after the sentencing hearing when he and his lawyer were told what
statute controls judicial recusal procedure. That motion was procedurally ineffective and the Court was not made aware of it.

1 agrees with the Petitioner that it would be inappropriate and unfair to dismiss the successive petition
2 summarily for the NRC 41(e) reason put forth by the State. In reviewing the entire file it appears
3 that administrative peculiarities occurring over the time frame of this case resulted in this matter
4 languishing as it has. The review of the file and the Second Judicial Court's procedures in
5 processing filings revealed some flaws in the process which certainly are not Petitioner's fault. At
6 the time of the processing of the criminal case all such cases were numbered CR, indicating a
7 Criminal case and included a number indicating the year of its filing and a hyphen followed by a
8 number assigned to the particular case –i.e., CR03-2156. Post-conviction cases at the time were
9 designated with the letter 'P' after the year – CR03P – 2156. During the course of this case's
10 progress there were 3 different Court Administrators and a major change in the manner cases were
11 moved forward and finally the 'P' designation was abandoned and the originally assigned case
12 number remained even if there were post-conviction pleadings. What this meant was there had to
13 be a re-designation of those earlier cases into the original designated case file. While these cases
14 were being changed the Second Judicial District was converting from paper files to digital files.
15 Also involved in the situation was the fact that there were no 'Request for Submissions' filed on any
16 of the Petitioner's motions until the State's Reply to its motion for dismissal on August 13, 2015.²
17 Had there been such a request the matter would have been noted and forwarded to this Court for
18 decision. That is the only way this Court is made aware of a pending matter that must be decided
19 along with the 'open case history' sheet that normally indicates how many days a matter which is
20 awaiting decision have passed. Each judge has a 60 day limit for pending matters of open files.

21 What happened here apparently was that in May 2005 the Supreme Court issued its remitter
22 in Case No. 43247 –the criminal case appeal – CR03-2156 and on September 13, 2005 this Court
23 signed an order granting a motion to relieve counsel from further representation in this case. On
24 that date the criminal file was designated as being closed. That file was never designated 're-
25 opened' notwithstanding numerous subsequent filings and the merging of the post-conviction files
26 into the criminal files.

27
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² NCR 13 (4); WDCR 12 (4); also LCR 7 (f).

1 As for the 'P' file in this matter, it was opened on March 6, 2006 with the filing of
2 Petitioner's Petition and Points and Authorities. It contains the post-conviction filings up to
3 December 17, 2007 when it too was designated as being 'closed'. Although later Nevada Supreme
4 Court filings were placed into the file subsequently, that file was never re-opened nor was the 2010
5 petition brought to the Court's attention in any manner, notwithstanding NRS 34.740, until the State
6 requested submission on its motion to dismiss this year. Since the file was never re-opened, an
7 'open case' history was never set into motion. Additionally, the order granting petitioner *in forma*
8 *pauperis* status and transferring the case to Department 3, (this Court), was signed by the Chief
9 Judge on February 17, 2010 but there is no record of that order being served on or of this case
10 having been officially assigned to, Department 3 by the court administration.³

11 What all that means is that the Court was not aware of the petition filed in 2010 and hence, it
12 languished. Therefore the Court finds that the petitioner was not at fault for the 5 year period of
13 inaction in this matter and justice requires the Court to consider the petition on its merits. Hence the
14 State's motion to dismiss for undue delay pursuant to NRCP 41(e) is DENIED.

15 The Court turns next to the State's alternate argument for dismissal: the Petition was
16 untimely and is successive in nature. For this analysis the Court will disregard the 5 year delay and
17 consider the petition as of the date it was filed – January 27, 2010. NRS 34.726 requires petitions
18 for post-conviction relief to be filed within 1 year of the appellate court's remittitur; here the 2010
19 petition was filed in excess of 4 ½ years after the remittitur issued, hence the filing is untimely The
20 Court's processing delay occurred after the filing and had no effect on the petitioner's delay of 4 ½
21 years to filing. NRS 34.810 provides additional reasons for dismissal of petitions. Any petition that
22 presents arguments about anything other than the plea was involuntary or unknowing or without the
23 effective assistance of counsel must be dismissed. NRS 34.810 (1) (a).

24 A successive petition must be dismissed if it fails to allege new or different grounds for
25 relief and the prior determination was on the merits. An abuse of the writ finding results in a
26 dismissal when the grounds raised could have been included in the prior petition. NRS 34.810 (2).

27
28 ³ The usual procedure is for such assignments to be filed with the Clerk who then prepares a Notice of Case Assignment to whatever
department that gets the case. There is no record of that in the Court's file.

1 1. Successive Claims

2 The standards this Court must follow when considering a petition for post-conviction relief
3 are set out in NRS 34.720 et seq. and certain relevant case decisions of the Nevada Supreme Court.
4 As that Court pointed out, the Nevada Legislature never intended for petitioners to have multiple
5 opportunities to obtain post-conviction relief absent extraordinary circumstances. *Pelligrini v. State*,
6 117 Nev. 860, 876, 34 P.3d 519 (2001).

7 NRS 34.726 (1) requires that a petition that challenges the validity of conviction or sentence
8 must be filed within one year of the entry of judgment or after remitter from the Supreme Court
9 after appeal, unless good cause is shown for the delay. Good cause exists if the petitioner
10 demonstrates that the delay was not his fault and that the dismissal of the petition as untimely would
11 unduly prejudice him. NRS 34.745(4) and 34.810(2) require the court to dismiss second or
12 successive petitions found to be abusive of the writ process. NRS 34.810 requires dismissal for
13 other reasons also. An untimely or successive petition is procedurally barred and must be dismissed
14 absent a demonstration of good cause for the delay and undue prejudice. *Id.*; NRS 34.810(1)(b)(2).

15 Without good cause for the delay and prejudice, the procedural bar may be excused only if
16 the petitioner can demonstrate that a failure to consider his claims would result in a fundamental
17 miscarriage of justice. *Mazzan v. Warden*, 112 Nev. 838, 842, 921 P.2d 920, 922 (1996); *cf.* NRS
18 34.800(1

19 “Good cause” means a “substantial reason; one that affords a legal excuse”. *Colley v. State*,
20 105 Nev. 235, 236, 773 P.2d 1229, 1230 (1989). In order to demonstrate good cause, a Petitioner
21 must show that an impediment external to the defense prevented him or her from complying with
22 the state procedural default rules. *Pellegrini v. State*, 117 Nev. 860, 886–87, 34 P.3d 519, 537
23 (2001); *Lozada v. State*, 110 Nev. 349, 353, 871 P.2d 944, 946 (1994). An impediment external to
24 the defense may be demonstrated by a showing “that the factual or legal basis for a claim was not
25 reasonably available to counsel, or that ‘some interference by officials,’ made compliance
26 impracticable.” *Murray v. Carrier*, 477 U.S. 478, 488 (1986). “[T]he mere fact that counsel failed to
27 recognize the factual or legal basis for a claim, or failed to raise the claim despite recognizing it,
28 does not constitute cause for a procedural default.” *Id.* at 486. Prejudice can be shown by

1 demonstrating that the errors worked to a petitioner's actual and substantial disadvantage. *Hogan v.*
2 *Warden*, 109 Nev. 952, 959-960, 860 P.2d 710, 716 (1993).

3 The 2010 petition was untimely in as much as the date of conviction was April 7, 2004 and
4 the remittitur had been issued in May, 2005 and there was no good cause demonstrated in the
5 pleading other than petitioner's conclusory statement that his filing was timely because he was still
6 within the original 1 year window. The Court disagrees with his reasoning.

7 In Ground One of the Second Petition the Petitioner alleges that the decisions made by Post-
8 Conviction counsel in pursuit of the First Petition and Supplemental Petition were so faulty as to
9 constitute ineffective assistance of counsel. The Petitioner argues that these failures on the part of
10 Post-Conviction counsel leave him unable to exhaust all of his claims in state court and therefore
11 unable to pursue those claims in federal court. Thus, Petitioner in effect argues; the Court should
12 find that the instant successive petition is justified because Post-Conviction counsel's ineffective
13 assistance amounts to good cause for Petitioner's failure to bring all of the claims contained in the
14 instant successive Second Petition in the First Habeas Proceeding, and prejudice exists because the
15 Petitioner will be unable to pursue all of the claims from both the First Petition and the Second
16 Petition in federal court upon exhaustion of state remedies. This Court disagrees. Just as there is no
17 right to counsel in Post-Conviction proceedings under the U.S. Constitution or the Nevada
18 Constitution, there can be no constitutional claim of ineffective assistance of counsel in Post-
19 Conviction proceedings. *Pennsylvania v. Finley*, 492 U.S. 551 (1987); *Brown v. McDaniel*, 130
20 Nev. ____, 331 P.3d 867 (Nev. 2014); *McKague v. Whitley*, 112 Nev. 159, 164-165, 912 P.2d 255,
21 259 (1996). Hence the Petitioner has not demonstrated good cause for the successive claims in the
22 Second Petition.

23 2. New or Additional Claims

24 As far as any new or different grounds stated in the Second Petition, NRS 34.810 provides
25 for dismissal based on abusive filing of successive petitions. NRS 34.810 (2) states that a second or
26 successive petition must be dismissed if new and different grounds are alleged, and the judge finds
27 that the failure of the petitioner to assert those grounds in a prior petition constituted an abuse of the
28 writ." NRS 34.810 (3) provides that the petitioner has the burden of pleading specific facts that

1 demonstrate good cause for their failure to present the claim in the first petition and actual prejudice
2 to the petitioner.

3 The only claim listed in the Second Petition that could not have been brought in the First
4 Petition is the allegation regarding Post-Conviction Counsel. However, the argument has already
5 been considered and rejected, *supra*, as the ground for the Petitioner's argument that his successive
6 claims should be heard. Again, since there is no right to counsel in Post-Conviction proceedings
7 under the U.S. Constitution or the Nevada Constitution, there can be no constitutional claim of
8 ineffective assistance of counsel in Post-Conviction proceedings. *Pennsylvania v. Finley*;
9 *McCaughey v. Whitley*; *Brown v. McDaniel*, *supra*. Furthermore, this Court's December 29, 2006
10 Order dismissed all of the claims the Petitioner asserts that his counsel failed to pursue. Therefore,
11 the Petitioner's claim regarding Post-Conviction counsel's failure to litigate every claim in the First
12 Petition is baseless and need not be considered.

13 3. Additional Discussion

14 In any event, the Court finds that it would not have mattered if the Petitioner's Post-
15 Conviction counsel had pursued all of the claims in the First Petition, as the Petitioner's claims lack
16 merit. A selection of the claims which lack merit include, (1) any claim of ineffective assistance of
17 counsel relating to pretrial matters, (2) any claim arising from the use of testimonial evidence
18 considered at sentencing, (3) any claim alleging that the Petitioner's guilty plea was not entered
19 knowingly, intelligently, and voluntarily.

20 a. *Ineffective Assistance of Counsel in Pretrial Matters*

21 Throughout the two Petitions, the Petitioner makes numerous arguments in which he alleges
22 that trial counsel was ineffective based on pretrial actions. Many of these arguments are based on
23 allegations that trial counsel failed to secure the Petitioner's attendance at Grand Jury proceedings,
24 or failed to make various pretrial motions. Any of these arguments relating to anything other than
25 whether the Petitioner's guilty plea was knowingly, intelligently, and voluntarily entered are barred.

26 By pleading guilty a defendant waives all errors, including the deprivation of constitutional
27 rights that occurred prior to the entry of his guilty plea. *Tollet v. Henderson*, 411 U.S. 258, 267;
28 *Webb v. St.* 91 Nev. 469, 470, 538 P.2d 164 (1975). ' . . . [A] Guilty plea represents a break in the

1 chain of events which has preceded it in the criminal process. When a criminal defendant has
2 solemnly admitted in open court that he is in fact guilty of the offense with which he is charged, he
3 may not thereafter raise independent claims relating to the deprivation of constitutional rights that
4 occurred prior to the entry of the guilty plea. . . .’ *Webb*, at 470 (quoting *Cline v. State*, 90 Nev. 17,
5 518 P.2d 159 (1974)).

6 Therefore, at the moment the Petitioner pleaded guilty in open court, he foreswore any
7 claims for ineffective assistance of trial counsel based on anything other than trial counsel’s failure
8 to ensure that the Petitioner entered a knowing, intelligent, and voluntary plea.

9 *b. Knowing, Intelligent, and Voluntary Guilty Plea*

10 The Petitioner alleges that because he was not fully informed of the consequences of
11 pleading guilty, his guilty pleas were not entered knowingly, intelligently, and voluntarily. Among
12 those items that the Petitioner alleges he was unaware are; (i) that the Court had sole discretion to
13 impose consecutive or concurrent terms, (ii) in effect, that the Court had sole discretion as to the
14 appropriate sentence and that it was not bound by plea negotiations between the parties, (iii) that the
15 Court did not properly advise the Petitioner of the assorted statutory consequences of pleading
16 guilty (including, *inter alia*, lifetime registration on a list of known sex offenders, and lifetime post
17 release counseling), (iv) that his counsel allegedly promised him that he would receive less than the
18 maximum sentence if he did not proceed to trial, (v) a repetition of the allegations already disposed
19 of in the Court’s discussion of the testimonial evidence considered at sentencing, (vi) the Petitioner
20 reiterates the argument from the First Petition that he will be prejudiced in future parole proceedings
21 because of the lack of a baseline psychological report.

22 All of these allegations were raised and pleaded in the Petitioner’s First Petition or in the
23 Supplemental Petition. They were disposed of during those previous proceedings when the
24 Petitioner, through his counsel, either elected not to pursue them or were dismissed by this Court
25 and subsequently affirmed by the Nevada Supreme Court.

26 In addition, and more specifically, Items (i) - (iii) of these allegations are belied by the
27 record. Specifically, the Defendant’s signed and witnessed December 20, 2003 Guilty Plea
28 Memorandum indicates assent to Paragraph 12 of the Guilty Plea Memorandum, which states:

1 “12. I understand that the Court is not bound by the agreement
2 of the parties and that the matter of sentencing is to be
3 determined solely by the Court. I have discussed the charge(s)
4 with my attorney. All of the foregoing rights, waiver of rights,
5 elements, possible penalties, and consequences have been
6 carefully explained to me by my attorney. I am satisfied with
7 my counsel’s advice and representation leading to this
8 resolution of my case. I am aware that if I am not satisfied
9 with my counsel I should advise the Court at this time...”

10 The Transcript of Proceedings: Change of Plea dated December 11, 2003 (“the Transcript”),
11 also contradicts the Petitioner’s allegations. The Transcript shows that the Petitioner was thoroughly
12 canvassed by the Court before his guilty pleas were accepted and entered. According to lines one
13 through five of the Transcript, the Petitioner indicated that he had read and understood the Guilty
14 Plea Memorandum. At the Change of Plea hearing the Petitioner was again asked each of the
15 questions set out in the Guilty Plea Memorandum and answered each in the affirmative. Thus, the
16 Petitioner’s allegations are refuted in the Transcript in addition to the Guilty Plea Memorandum.
17 Specifically, as to (iv) the Transcript provides the Petitioner’s statement indicating that no promises
18 were made to him in return for his guilty plea.

19 ...
20 THE COURT: All right. Do you understand that what happens to you at sentencing is up to
21 the court?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: Okay. Now, in this regard, *did anybody make any promises to you in that*
24 *respect?*

25 THE DEFENDANT: No, sir.

26 (Transcript at 14) (Emphasis added).

27 ...

28 Allegation (iii) is likewise contradicted by the record. The Petitioner states that he was
unaware that he would be required to endure lifetime supervision if he is granted parole. The
Transcript states, specifically:

...

1 THE COURT: All right. And then the District Attorney reminded the court that pursuant to
2 NRS 176.093(1) lifetime supervision is required. That means that if you get out on parole
3 you are required to undergo supervision for life. Do you understand that?

4 THE DEFENDANT: Yes, sir.

5 ...

6 (The Transcript at 15).

7 Therefore, by the Petitioner's own statement; the Petitioner understood the consequences of
8 pleading guilty, all of the rights, waiver of rights, and possible penalties that were set to result from
9 his pleas; the Petitioner had not been promised anything by the Prosecutor or Defense Attorney in
10 return for his guilty pleas; understood the meaning of concurrent and consecutive terms; and
11 understood that the final sentencing decision belonged to the Court alone. The Court finds that the
12 Petitioner did, indeed, fully understand the consequences of his guilty pleas, including, but not
13 limited to; the nature of the waiver of his rights, the possible penalties, and the fact that the Court
14 had sole discretion to assign an appropriate sentence.

15 *c. Testimonial Evidence Considered at Sentencing*

16 The Petitioner asserts in several Grounds across the two petitions that the Court abused its
17 discretion by allowing improper testimony at the sentencing stage of the proceedings in the form of
18 the testimony of witness Detective Greg Herrera ("the Detective") regarding the content of
19 conversations the Detective held with the Petitioner's ex-wife, Melissa Botelho. The Petitioner
20 argues that the contents of the Detective's conversations with the Petitioner's ex-wife should have
21 been excluded from the sentencing hearing as a privileged communication under the marital
22 privilege evidentiary exception or alternatively as hearsay evidence.

23 Again, NRS 34.810 (1) (a) states that a court shall dismiss a petition if the conviction was
24 based upon a plea of guilty and the petition is not based upon an allegation that the plea was
25 involuntary or unknowing or entered without effective assistance of counsel. The sentencing aspect
26 of a case is well after the plea hearing; hence this is an additional ground to dismiss the petition.

27 ///

28

CONCLUSION

Accordingly, and good cause appearing,

Respondent's Motion to Dismiss Petition for Writ of Habeas Corpus filed July 24, 2015, is hereby GRANTED because the claims in the March 6, 2006 Petition were considered and dismissed and the Petitioner has failed to demonstrate that good cause and prejudice require the successive claims to be reheard and the sole original claim in the January 27, 2010 Petition to be considered. The Petition is procedurally barred as a matter of law under the provisions of NRCP 34.726(1) and NRS 34.810 (1)(a) and (2).

The Court finds the second petition is untimely, successive and constitutes an abuse of the writ process and must be and is, dismissed.⁴

Lastly, as a consequence of the above reasoning, Petitioner's motion to strike is DENIED.

IT IS SO ORDERED.

Dated this 15TH day of September, 2015.


JEROME POLAHA
DISTRICT JUDGE

⁴ Since the Second Petition was procedurally dismissed there was no need to have appointed counsel.

CERTIFICATE OF MAILING

I hereby certify that I am an employee of the Second Judicial District Court of the State of Nevada, in and for the County of Washoe; that on the 16 day of September, 2015, I deposited for mailing a copy of the foregoing to:

The following was served via e-filing:

Terrence P. McCarthy, Esq.

The following was served via USPS:

Michael Todd Botelho #80837
Northern Nevada Correctional Center
P.O. Box 7000
Carson City, NV 89702

Gillespie

Return Of NEF**Recipients**

TERRENCE MCCARTHY, ESQ. - Notification received on 2016-03-04 08:19:54.787.
GARY HATLESTAD, ESQ. - Notification received on 2016-03-04 08:19:54.709.
JOHN PETTY, ESQ. - Notification received on 2016-03-04 08:19:54.865.
DIV. OF PAROLE & PROBATION - Notification received on 2016-03-04 08:19:54.834.
SEAN SULLIVAN, ESQ. - Notification received on 2016-03-04 08:19:54.74.

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

-

A filing has been submitted to the court RE: CR03-2156

Judge:

HONORABLE JEROME M. POLAHA

Official File Stamp:

03-04-2016:08:18:46

Clerk Accepted:

03-04-2016:08:19:24

Court:

Second Judicial District Court - State of Nevada
Criminal

Case Title:

STATE VS. MICHAEL TODD BOTELHO (D3)

Document(s) Submitted:

Notice of Entry of Ord

Filed By:

Deputy Clerk KJones

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

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TERRENCE P. MCCARTHY, ESQ. for STATE
OF NEVADA

GARY HOWARD HATLESTAD, ESQ.

JOHN REESE PETTY, ESQ. for MICHAEL TODD
BOTELHO

DIV. OF PAROLE & PROBATION

SEAN B. SULLIVAN, ESQ. for MICHAEL TODD
BOTELHO

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

MICHAEL TODD BOTELHO for MICHAEL TODD
BOTELHO

STATE OF NEVADA for STATE OF NEVADA

CR03-2156
DC-09900074967-008
STATE VS. MICHAEL TODD BOTELHO
District Court 03/10/2016 02:36 PM
Washoe County 3860
MFFRQANIN

MICHAEL T. BOTELHO #80837
Post Office Box 7000
Carson City, Nevada 89702-7000

FILED

2016 MAR 10 PM 2:36

JACQUELINE DRYANT
CLERK OF THE COURT
BY [Signature]
DEPUTY

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

MICHAEL T. BOTELHO
Plaintiff

VS
WASHOE COUNTY BOARD OF
COUNTY COMMISSIONERS

Respondent

Case No: CR03-2156 (FRAUDULENT CASE NO.
ISSUED BY COURT CLERK)

REQUEST FOR SUBMISSION

Comes now, Plaintiff, MICHAEL T. BOTELHO (hereinafter "Plaintiff"),
appearing in proper person, and files this Request for Submission, in the above entitled action.

This Request is made pursuant to District Court Rules, whereas, Plaintiff respectfully
request that his N.R.C.P. 60 (b) (1)(2)(3) RELIEF FROM ORDER MOTION

_____, be
submitted to the appropriate Honorable Court for a review and a decision.

Dated this 7th day of MARCH, 20 16

[Signature]
Proper Persona Plaintiff

CERTIFICATE OF SERVICE BY MAIL

Pursuant to NRCP Rule 5 (b), I hereby certify that I am the Petitioner/Defendant named herein and that on this 7th day of MARCH, 20 16, I mailed a true and correct copy of the foregoing REQUEST FOR SUBMISSION to the following:
FOR N.R.C.P. 60(b) (1)(2)(3) MOTION

FRAUD & FELONY
CHRIS HICKS d.b.a.
P.O. BOX 11130
WASHOE CO. DISTRICT ATTORNEY
RENO, NV. 89520-0027

BY: 

AFFIRMATION
Pursuant to NRS 239b.030

The undersigned does hereby affirm that the preceding document, REQUEST FOR
SUBMISSION FOR NRCP 60 (6)(1)(2)(3) MOTION

Filed in case number: CR03-2156 (Title of Document)
(FRAUDULENT CASE NO. ISSUED BY COURT CLERK)

☒ Document does not contain the social security number of any person

Or

☐ Document contains the social security number of a person as required by:

☐ A specific state or federal law, to wit

Or

☐ For the administration of a public program

Or

☐ For an application for a federal or state grant

Or

☐ Confidential Family Court Information Sheet
(NRS 125.130, NRS 125.230, and NRS 125b.055)

DATE: 3-7-2016

Michael T. Botelho
(Signature)

MICHAEL T. BOTELHO
(Print Name)

PROPER PERSON
(Attorney for)

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

MICHAEL TODD BOTELHO,

Petitioner,

Case No. CR03-2156

Dept. No. 3

vs.

JAMES BENEDETTI, STATE OF
NEVADA, et. al,

Respondents.

ORDER

Currently before the Court are two requests for submission of pleadings filed by Petitioner MICHAEL TODD BOTELHO ("the Petitioner") in Case No. CR03-2156. The Petitioner filed both "Request for Submission (Second Notice) for Extraordinary Writ of Mandamus to Recuse Judge Polaha" and "Request for Submission (Second Request) for Show-Cause Motion" ("Show-Cause Submission") on March 2, 2016.

I. Recusal Submission

This Court is satisfied that it has properly disposed of the *Request for Submission (Second Notice) for Extraordinary Writ of Mandamus to Recuse Judge Polaha*. The Petition for Writ of Extraordinary Mandamus to Recuse Judge Polaha was properly referred to the previous Chief Judge, the Honorable David A. Hardy.¹ Chief Judge Hardy filed an Order denying the Petition for Writ of Extraordinary Mandamus to Recuse Judge Polaha on December 3, 2015. The Petitioner was inadvertently not mailed a copy of the December 3, 2015, Order at the time. The Court thereafter

¹ The Honorable Patrick Flanagan was elected to the position of Chief Judge and assumed the role on January 4, 2016.

1 explained this oversight in an Order Denying Request for Submission dated February 2, 2016, and
2 remedied the error by including a true and correct copy of the Chief Judge's December 3, 2015,
3 Order with the Court's Order Denying Request for Submission mailed to the Petitioner February 2,
4 2016.

5 Therefore, the Court finds that the *Request for Submission (Second Notice) for*
6 *Extraordinary Writ of Mandamus to Recuse Judge Polaha* is moot, as the matter has already been
7 considered and decided. The *Request for Submission (Second Notice) for Extraordinary Writ of*
8 *Mandamus to Recuse Judge Polaha* is therefore DENIED.

9 2. Show-Cause Submission

10 The Petitioner filed a *Motion to Show Cause* on August 21, 2015. The Court's record is
11 devoid of any Request for Submission of the *Motion to Show Cause* ("the Motion") until the instant
12 *Request for Submission (Second Request) for Show-Cause Motion* was filed on March 2, 2016.
13 However, the Court deemed the Motion submitted by reference, although not briefed, in the *Petition*
14 *for Writ of Extraordinary Mandamus* erroneously filed in Case No. CR03-2156 on December 10,
15 2015.² The Court accordingly ordered the State to respond to both the Motion and the *Petition for*
16 *Writ of Extraordinary Mandamus*. The State filed a Response on February 3, 2016. The Petitioner
17 then filed the instant *Request for Submission (Second Request) for Show-Cause Motion* on March 2,
18 2016.

19 The Court, in a companion Order, has severed the *Petition for Writ of Extraordinary*
20 *Mandamus* from this case, and ordered the Clerk of Court to open a new civil case file regarding
21 said petition. Therefore, the Court will only consider the *Motion to Show Cause* (noted *supra*, "the
22 Motion"), and those aspects of the State's Response which are pertinent to the Motion. The Court
23 makes no findings, at this time, as to any aspect of the Petitioner's *Petition for Writ of*
24 *Extraordinary Mandamus* improperly filed in CR03-2156.

25 In the Motion, the Petitioner asserts that the District Attorney's Office lacks standing to
26 proceed in this matter. The Petitioner asserts that NRS 282.010(2) requires "[a]ll officers elected,

27
28

² See Order Regarding Petitioner's Filings for a full discussion of the procedural issues involving the Petition, and the Court's remedy.

1 except Senators and members of the Assembly, shall qualify, and execute and deliver their official
2 bonds when required, as provided in this section, prior to the Tuesday after the first Monday in
3 January ensuing their election..." and that this requirement applies to District Attorneys for the
4 counties of the State of Nevada. The Petitioner further asserts that NRS 282.120 requires there be at
5 least two sureties on the official bond of every officer. The Petitioner argues that the bond executed
6 by the current District Attorney contains only one surety and is therefore invalid, causing the
7 District Attorney himself to become an invalid office holder under NRS 282.200(1), and all Deputy
8 District Attorneys to become invalid through application of NRS 252.070(2). Therefore, the
9 Petitioner argues, any pleadings filed by the State in his Post-Conviction action should be
10 disregarded.

11 Although the State's opposition is titled *Response to Petition for Extraordinary Writ of*
12 *Mandamus* ("the Response"), the State asserts in the Response that the arguments put forth in both
13 the Motion and the Petition are capable of being addressed in a single pleading. At this time, the
14 Court will consider the State's arguments only as they relate to the Motion. In the opposition, the
15 State asserts that the specific provisions of NRS Chapter 252 apply to the office of the Washoe
16 County District Attorney, not the general provisions of NRS Chapter 282. Specifically, the State
17 asserts that NRS 252.030 applies to the bond of the office of district attorney, and that principles of
18 statutory construction conclusively prove that the Washoe County District Attorney's official bond
19 is valid. The Court agrees with the State.

20 NRS 252.030 states, "[u]nless a blanket fidelity bond is furnished by the county, before
21 entering upon the duties of his or her office, the district attorney shall execute and file with the
22 county clerk a bond to the county, conditioned for the faithful performance of his or her duties, the
23 penalty of the bond to be fixed by the board of county commissioners."

24 This court begins its statutory analysis with the plain meaning rule. *Clark County v. S.*
25 *Nevada Health Dist.*, 128 Nev. Adv. Op. 58, 289 P.3d 212, 215 (2012) (citing *We the People*
26 *Nevada v. Secretary of State*, 124 Nev. 874, 881, 192 P.3d 1166, 1170–71 (2008)). If the
27 Legislature's intention is apparent from the face of the statute, there is no room for construction, and
28 this court will give the statute its plain meaning. *Id.* (citing *Madera v. SIIS*, 114 Nev. 253, 257, 956

1 P.2d 117, 120 (1998)). Statutes should be read as a whole, so as not to render superfluous words or
2 phrases or make provisions nugatory. *Id.* (citing *Southern Nev. Homebuilders v. Clark County*, 121
3 Nev. 446, 449, 117 P.3d 171, 173 (2005)). “If the statute is ambiguous, meaning that it is capable of
4 two or more reasonable interpretations, *In re Candelaria*, 126 Nev. 408, 412, 245 P.3d 518, 520
5 (2010), this court will “look to the provision's legislative history and the ... scheme as a whole to
6 determine what the ... framers intended,” *Id.* (quoting *We the People*, 124 Nev. at 881, 192 P.3d at
7 1171), and we will examine “ ‘the context and the spirit of the law or the causes which induced the
8 legislature to enact it.’ ” *Id.* (quoting *Leven v. Frey*, 123 Nev. 399, 405, 168 P.3d 712, 716 (2007)
9 (Additional citations omitted)).

10 In applying these principles, it is clear that NRS 252.030 applies to the office of the Washoe
11 County District Attorney. First, the plain language of the statute states that NRS 252.030 applies
12 specifically to the bond required to be executed before entering upon the duties of the office of
13 District Attorney. Second, if NRS 282.010 were applied, it appears that the District Attorney has
14 complied with its terms by filing, executing, and delivering the bond according to the terms of NRS
15 252.030. Finally, the State points to numerous examples of other statutes providing specific
16 requirements for the bonds of other public officials, specifically requiring two sureties on these
17 particular bonds. Notable examples include, NRS 247.020(2); NRS 248.020(2); and 250.303(1).
18 The Court finds that had it been the intent of the legislature to require District Attorneys to file a
19 bond subject to two sureties, the legislature would have made such requirement abundantly clear in
20 the language of NRS 252.030.

21 The Petitioner further asserts that the previous District Attorney, Mr. Richard Gammick, did
22 not properly file a bond upon entering the duties of his office. However, as noted, Petitioner relies
23 on an improper statute. In addition, had the statute proposed by the Petitioner been correct, the
24 Petitioner has only provided evidence of the current District Attorney's bond, and not provided any
25 evidence from which the Court could conclude that Mr. Gammick's bond was somehow improper.

26 The Court finds that the Washoe County District Attorney's Bond has been executed in
27 accordance with the provisions of NRS 252.030, the applicable statute. The Court finds that the
28

1 Washoe County District Attorney's official bond is valid. Therefore, the Court finds it unnecessary
2 to consider the remainder of the Petitioner's argument.

3 Therefore, and based on the foregoing,

4 IT IS ORDERED

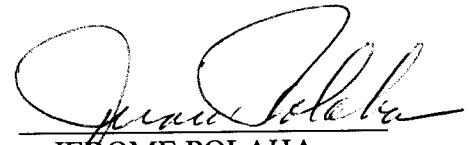
5 The *Request for Submission (Second Notice) for Extraordinary Writ of Mandamus to Recuse*
6 *Judge Polaha* filed March 2, 2016, is hereby DENIED.

7 IT IS FURTHER ORDERED

8 The *Show-Cause Motion* filed August 21, 2015, and submitted March 2, 2016, is hereby
9 DENIED.

10 IT IS SO ORDERED.

11 Dated this 15th day of March, 2016.


JEROME POLAHA
DISTRICT JUDGE

CERTIFICATE OF MAILING


I hereby certify that I am an employee of the Second Judicial District Court of the State of Nevada, in and for the County of Washoe; that on the 15 day of March, 2016, I deposited for mailing a copy of the foregoing to:

The following was served via e-filing:

TERRENCE P. MCCARTHY, ESQ. for STATE
OF NEVADA

The following was served via USPS:

Michael Todd Botelho #80837
NNCC
P O Box 7000
Carson City, NV 89702



Return Of NEF**Recipients**

TERRENCE MCCARTHY, ESQ. - Notification received on 2016-03-15 16:05:54.916.
GARY HATLESTAD, ESQ. - Notification received on 2016-03-15 16:05:54.838.
JOHN PETTY, ESQ. - Notification received on 2016-03-15 16:05:55.166.
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PROOF OF SERVICE OF ELECTRONIC FILING

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A filing has been submitted to the court RE: CR03-2156

Judge:

HONORABLE JEROME M. POLAHA

Official File Stamp:

03-15-2016:16:04:46

Clerk Accepted:

03-15-2016:16:05:23

Court:

Second Judicial District Court - State of Nevada
Criminal

Case Title:

STATE VS. MICHAEL TODD BOTELHO (D3)

Document(s) Submitted:

Order...

Filed By:

Judicial Asst. JUlleseit

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

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OF NEVADA

GARY HOWARD HATLESTAD, ESQ.

JOHN REESE PETTY, ESQ. for MICHAEL TODD
BOTELHO

DIV. OF PAROLE & PROBATION

SEAN B. SULLIVAN, ESQ. for MICHAEL TODD
BOTELHO

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

MICHAEL TODD BOTELHO for MICHAEL TODD
BOTELHO

STATE OF NEVADA for STATE OF NEVADA

1
2
3
4
5 **IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
6 **IN AND FOR THE COUNTY OF WASHOE**
7

8 **MICHAEL TODD BOTELHO,**

Case No. CR03-2156

9 **Petitioner,**

[]

10 **vs.**

Dept. No. 3

11
12 **JAMES BENEDETTI, STATE OF**
13 **NEVADA, et. al,**

Respondents.

14 _____ /
15 **ORDER REGARDING PETITIONER'S FILINGS**
16

17 Spurred by the Requests for Submission of the matters decided in the Court's companion
18 Order, the Court has reviewed recent filings in this case and found that the Petitioner apparently
19 intended to file a separate civil action against the Washoe County Board of Commissioners in the
20 form of a Petition for Writ of Extraordinary Mandamus ("the Petition")¹ as reflected in the
21 "*Motion*" *N.R.C.P. Rule 60(b)(1)(2)(3) Relief from Order* filed February 17, 2016, which, although
22 not formally submitted via a request for submission, the Court will deem submitted for purposes of
23 this Order.

24 The Court ordered a response to the Petition from the Washoe County District Attorney's
25 Office² after the Petition was filed in Case No. CR03-2156 due to the Petitioner's erroneous use of
26 the Post-Conviction case number in the caption of the Petition, failure to attach the required civil
27 cover sheet to the Petition, failure to submit a separate Motion to Proceed in Forma Pauperis,
28 _____

¹ Filed December 10, 2015.

² Order for Responses, filed January 13, 2016.

1 repeated references to a *Motion to Show Cause* filed in CR03-2156, and other assorted references to
2 proceedings in CR03-2156 in the Petition.³

3 It is the Court's understanding that the Petitioner attempted to improperly file the Petition
4 without the required supporting documentation, identified *supra*, on a previous occasion. The Court
5 thereafter returned the Petition to the Petitioner with a blank Application to Proceed in Forma
6 Pauperis and civil cover sheet for his convenience. The Petitioner then mailed the Petition to the
7 Court once more, refused to complete the supporting documentation provided by the Court, and
8 added the erroneous case number to the Petition at that time. The Petition was then filed into Case
9 No. CR03-2156. The Petitioner is respectfully reminded to abide by the Court's filing procedures in
10 the future to avoid further complications.

11 Based on the erroneous case number and other assorted errors, the Court interpreted the
12 Petition for Writ of Extraordinary Mandamus as relating to proceedings in this Post-Conviction
13 action and ordered a response as such. However, the Petitioner's later pleadings have made his
14 actual intent clear to the Court. Based on the record in this matter, the Court finds that the Petitioner
15 wishes to initiate a separate civil action against the Washoe County Board of County
16 Commissioners.

17 The Court finds that the *Petition for Extraordinary Writ of Mandamus* file stamped
18 December 10, 2015, should be filed in a separate civil action, in spite of the Petitioner's filing
19 errors. A review of this Court's January 13, 2016, Order for Responses clarifies that the Court
20 ordered a response from the District Attorney's office to both the Petition, and the *Motion to Show*
21 *Cause* filed August 21, 2015, which the Court deemed submitted by reference in the Petition. A
22 review of the District Attorney's *Response to Petition for Extraordinary Writ of Mandamus* ("the
23 Response") filed February 3, 2016, reveals that it is pertinent to the allegations in both the *Motion to*
24 *Show Cause* and the Petition. Therefore, a true and correct copy of the Response should be included
25 in the new case file. A review of the Petitioner's "*Motion*" *N.R.C.P. Rule 60(b)(1)(2)(3) Relief from*
26 *Order* ("Motion for Relief from Order") filed February 17, 2016, which has not yet been submitted,

27
28 ³ The Court notes an interlineation in the caption of the pleading titled "Petition for Writ of Extraordinary Mandamus" indicating that the Petition is to be taken "in reference and conjunction with" CR03-2156, which further led to the Petition being filed as a pleading in Case No. CR03-2156 rather than initiating a new action.

1 is captioned to reference the intended civil action. Therefore, a true and correct copy of the Motion
2 for Relief from Order should be included in the new case file. In addition, true and correct copies of
3 the Petitioner's *Reply and Objection to Response to Petition for Extraordinary Writ of Mandamus*
4 filed February 19, 2016, and the pleading titled *Judicial Notice* filed March 2, 2016, should also be
5 filed in the new case file.⁴

6 As the Petitioner's intent is now clear, it is the direction of the Court that the Clerk of the
7 Court shall open a new case file, assign a new civil case number to said file, and file any future
8 pleadings filed by the Petitioner against the Washoe County Board of County Commissioners, and
9 true and correct copies of the documents listed, *supra*, into the new civil case file. The case shall
10 then be randomly assigned to a Department according to standard court procedure.

11 The Court granted the Petitioner Forma Pauperis status in its Order to Proceed in Forma
12 Pauperis filed June 5, 2006. The Petitioner remains a prisoner, and as such; the Court extends in
13 Forma Pauperis status to the Petitioner in the separate civil action initiated by this Order. Therefore,
14 the filing fee for the civil action initiated by this Order is hereby waived.

15 Therefore, and based on the foregoing,

16 IT IS ORDERED

17 The Petitioner is GRANTED in Forma Pauperis status. The Clerk of the Court shall allow
18 MICHAEL TODD BOTELHO to commence this action without costs, and shall allow MICHAEL
19 TODD BOTELHO to file or issue any necessary writ, process, pleading or paper without charge.

20 IT IS FURTHER ORDERED

21 The Washoe County Sherriff's Office is hereby ORDERED to make personal service of any
22 necessary writ, process, pleading or paper on behalf of MICHAEL TODD BOTELHO without
23 charge.

24 In Forma Pauperis status does NOT include a waiver of a Plaintiff's obligation to pay
25 required jury fees.

26 IT IS FURTHER ORDERED

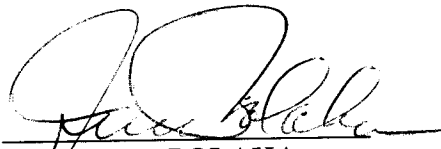
27 _____
28 ⁴ The Court makes no finding at this time as to whether the "Washoe County Board of County Commissioners" has
been properly served by the Petitioner pursuant to NRCP 4. The purpose of this Order is simply to initiate a new action
and consolidate the pleadings in this matter in a new case file.

1 The Clerk of the Court shall

- 2 1. Open a new civil case file captioned "MICHAEL TODD BOTELHO v. WASHOE
3 COUNTY BOARD OF COUNTY COMMISSIONERS,"
- 4 2. Assign a new civil case number to the file;
- 5 3. Interlineate the new case number into the brackets left empty in the caption of this
6 Order, and file this Order into both the new civil action and Case No. CR03-2156;
- 7 4. File into the civil case file true and correct copies of the following documents:
- 8 a. *Petition for Extraordinary Writ of Mandamus* file-stamped December 10, 2015,
- 9 b. *Order for Responses* file-stamped January 13, 2016,
- 10 c. *Response to Petition for Extraordinary Writ of Mandamus* file-stamped February
11 3, 2016,
- 12 d. *"Motion" N.R.C.P. Rule 60(b)(1)(2)(3) Relief from Order* file-stamped February
13 17, 2016,
- 14 e. *Reply and Objection to Response to Petition for Extraordinary Writ of*
15 *Mandamus* file-stamped February 19, 2016, and
- 16 f. *Judicial Notice* file-stamped March 2, 2016;
- 17 5. File any future pleadings captioned "MICHAEL TODD BOTELHO V. WASHOE
18 COUNTY BOARD OF COUNTY COMMISSIONERS" into the new file; and
- 19 6. Randomly assign the newly created civil action to any department of the Second Judicial
20 District Court of the State of Nevada pursuant to standard Court procedure.

21 IT IS SO ORDERED.

22 Dated this 15th day of March, 2016.

23 
24 JEROME POLAHA
25 DISTRICT JUDGE
26
27
28

CERTIFICATE OF MAILING

I hereby certify that I am an employee of the Second Judicial District Court of the State of Nevada, in and for the County of Washoe; that on the 15 day of March, 2016, I deposited for mailing a copy of the foregoing to:

The following was served via e-filing:

TERRENCE P. MCCARTHY, ESQ. for STATE
OF NEVADA

The following was served via USPS:

Michael Todd Botelho #80837
NNCC
P O Box 7000
Carson City, NV 89702

gillespie

Return Of NEF**Recipients**

TERRENCE MCCARTHY, ESQ. - Notification received on 2016-03-15 16:08:46.026.
GARY HATLESTAD, ESQ. - Notification received on 2016-03-15 16:08:45.979.
JOHN PETTY, ESQ. - Notification received on 2016-03-15 16:08:46.088.
DIV. OF PAROLE & PROBATION - Notification received on 2016-03-15 16:08:46.057.
SEAN SULLIVAN, ESQ. - Notification received on 2016-03-15 16:08:45.995.

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A filing has been submitted to the court RE: CR03-2156

Judge:

HONORABLE JEROME M. POLAHA

Official File Stamp:

03-15-2016:16:07:41

Clerk Accepted:

03-15-2016:16:08:14

Court:

Second Judicial District Court - State of Nevada
Criminal

Case Title:

STATE VS. MICHAEL TODD BOTELHO (D3)

Document(s) Submitted:

Order...

Filed By:

Judicial Asst. JUlleseit

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DIV. OF PAROLE & PROBATION

SEAN B. SULLIVAN, ESQ. for MICHAEL TODD
BOTELHO

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MICHAEL TODD BOTELHO for MICHAEL TODD
BOTELHO

STATE OF NEVADA for STATE OF NEVADA

CR03-2156
STATE VS. MICHAEL TODD BOTELHO
District Court
Washoe County
03/16/2016 08:37 AM
1930
MEEDMAN

Code

FILED

2016 MAR 16 AM 8:37

JACQUELINE BRYANT
CLERK OF THE COURTBY *[Signature]*
DEPUTY

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

STATE OF NEVADA,

Plaintiff(s),

Case No. CR03-2156

vs.

Dept. No. 3

MICHAEL TODD BOTELHO,

Defendant(s).

LETTER FROM DEFENDANT

ATTN: JACQUILINE BRYANT,

3-6-2016

I HAVE ASKED FOR SUBPOENA DUCES TECUMS SEVERAL TIMES. I DID FINALLY GET (3) OF THEM ON 3-4-2016, SO THANK YOU FOR THAT, BUT-

IN THIS PREVIOUS [RETURN NOTICE] DATED 2-3-2016, BY THE UNETHICAL AND QUITE FRANKLY, "CRIMINAL" & ALREADY TO HAVE BEEN PROVEN A FELON WITH OBSTRUCTION, CONSPIRACY, COLLUSION, OPPRESSION, FRAUD, FRAUD UPON THE RECORD, FRAUD UPON THE COURT, ALTERING DOCUMENTS, FILING FALSE INSTRUMENTS VIOLATIONS OF OATH OF OFFICE, VIOLATING THE NV. & U.S. CONSTITUTIONS, AS WELL AS MY CONSTITUTIONAL RIGHTS GUARANTEED BY SAID CONSTITUTION(S), THE PROVEN CRIMINAL KNOWN AS K. JONES, P.O.S., YOU HAVE A CHANCE TO GET RID OF K. JONES AND SAVE YOURSELF FROM CONSPIRACY AND COLLUSION CHARGES YOURSELF.

JUST [A]NOTHER EXAMPLE, SEE ENCLOSED RETURN NOTICE, PROVING IGNORANCE AND INCOMPETENCE BY K. JONES.

I WAS SENT MR. MILLERS DOCUMENTS AND HAD HIS CASE NO. CR14-1118, INTERJECTED INTO MY CASE. I DID NOT KNOW HIM. SEE ALSO LETTER RETURNED TO ME ALONG WITH THE COPY OF RETURN NOTICE THAT I SENT TO MAKE MY POINT. K. JONES AGAIN CHOSE TO IGNORE THIS POINT OF FACT AND REFUSED TO ADDRESS THIS SERIOUS ISSUE. AGAIN SEE EXHIBITS # (1) & (2) ENCLOSED AGAIN AND SEE THE LATEST RETURN NOTICE DATED 2-29-2016 (CONVENIENTLY, NOW AS UNNAMED CLERK TO PROTECT INDIVIDUAL DEPUTY CLERKS. IF YOU WANT TO PLAY THAT GAME, IT ON YOU, THEY ARE YOUR RESPONSIBILITY, ITS YOU WHO HAVE TO FACE THE COURT BOTH CRIMINALLY AND CIVILLY!

I DONT KNOW WHAT KIND OF CRIMINAL AND INCOMPETENT CIRCUS YOU RUN IN WASHOE COUNTY BUT ITS CLEAR WHY THE COURT IS A MESS AND THE FRAUD, CONSPIRACY AND ABUSE, ARE THE "NORM."

C.C. FILE

Michael T. Bote
MICHAEL T. BOTE LHS # 80837
NNCL, P.O. BOX 7000
CARSON CITY, NV, 89102
V5. 872

BOTELOHAS REFERENCE CASE NO: CR03-2156

2-17-2016

TO: CLERK, J. BRYANT,

I AM WRITING TO ASK YOU A QUESTION. ON 1-28-2016, I WROTE TO YOU ASKING FOR (3) SUBPOENA DUCES TECUM(S), FROM THE SECOND JUDICIAL DISTRICT COURT. I FURTHER ASKED TO BE PROVIDED WITH (3) ALREADY CERTIFIED, COURT SEALED & SIGNED, SO I COULD HAVE THEM SERVED IMMEDIATELY.

IN THE MEANTIME, K. JONES, SENT ME (3) BLANK (SUBPOENAS) NOT SUBPOENA DUCES TECUM(S). I WAS TOLD IN RETURN NOTICE FROM K. JONES, THAT "I WOULD HAVE TO DRAW UP MY OWN DUCES TECUMS", WHAT DOES THAT MEAN, AND, WHY WONT THIS COURT PROVIDE ME WITH SUCH?

FURTHERMORE, I KNOW FOR AN ABSOLUTE FACT THAT K. JONES SENT 7-8 [BLANK] SUBPOENAS ALREADY SIGNED AND EMBOSSED COURT SEAL TO ANOTHER INDIVIDUAL AT NNCC [I KNOW THIS FOR AN ABSOLUTE FACT!] SO WHY WAS K. JONES DOING THIS FOR ANOTHER INDIVIDUAL?

AND SHOCKINGLY, K. JONES ENCLOSED COPIES OF CURRENT DOCKET SHEETS FOR THE ABOVE MENTIONED CASE [AND] CASE NO: CR14-1118. FURTHER STATING "PLEASE SPECIFY WHAT RECORD(S) YOU ARE NEEDING IN ITS ENTIRETY, DATED 2-3-2016, by K. JONES.

EVEN MORE SO, SEE THIS EXHIBIT ENCLOSED, WHERE IT SAYS "OTHER" AND MR. MILLER IS NAMED. I DID NOT KNOW WHO MR. MILLER WAS UNTIL I ASKED AROUND. I CAN ASSURE YOU THAT HE WAS RIGHTFULLY PISSED OFF AT THE INCOMPETENCE AND TURNING OVER OF DOCUMENTS TO ANOTHER INDIVIDUAL HE DID NOT KNOW. FURTHERMORE, I WANT TO KNOW WHAT THE F.....^{ARE} YOU CLOWNS ARE DOING INJECTING SOMEONE ELSE'S^{CASE} INTO MY CASE?

DATED 2-17-2016

EXHIBIT # 1

Michael T. Botelho
MICHAEL T. BOTELOHA # 80837
NNCC, P.O. BOX 7000
CARSON CITY, NEV. 89702

SECOND JUDICIAL DISTRICT COURT
75 COURT STREET
RENO, NV 89501
PHONE (775) 328-3110

RETURN NOTICE

Case No: CR03-2156

The Court is in receipt of your letter dated N/A _____

- ☐ If you are attempting to file a motion or other document, it must comply with District Court Rule 10.
- ☐ Your motion or other document will not be submitted to the court for consideration without the filing of a "Request for Submission" document, a copy of which is enclosed for your convenience.
- ☐ Pursuant to NRS 7.285, Court Staff is not permitted to give legal advice.
- ☐ Document submitted for filing must contain original signature(s).
- ☒ Other: Enclosed are the 3 Subpoena Duces Tecum, signed and sealed. They have been left blank as the District Court has no way of knowing who is to be served.

Date: 2/29/16

By: Deputy Clerk assigned Inmate
Correspondence

EXHIBIT # 3

NO MENTION OF MR. MILLERS CASE!

SECOND JUDICIAL DISTRICT COURT
75 COURT STREET
RENO, NV 89501
PHONE (775) 328-3110

RETURN NOTICE

Case No: CR03-2156

The Court is in receipt of your letter dated February 3, 2016,

- ☐ If you are attempting to file a motion or other document, it must comply with District Court Rule 10.
- ☐ Your motion or other document will not be submitted to the court for consideration without the filing of a "Request for Submission" document, a copy of which is enclosed for your convenience.
- ☐ Pursuant to NRS 7.285, Court Staff is not permitted to give legal advice.
- ☐ Document submitted for filing must contain original signature(s).
- ☒ Other: MR. MILLER:

ENCLOSED ARE 3 COPIES OF SUBPOENA. DISTRICT COURT DOES NOT HAVE SUBPOENA DUCES TECUMS, YOU WILL HAVE TO CONFORM OR DRAW UP THE SUBPOENA DUCES TECUMS. THE COURT WILL ISSUE, DATE AND EMBOSS THE SUBPOENAS ONCE YOU HAVE FILL IN THE INFORMATION.

DISTRICT COURTS POLICIES ARE WE CAN NOT ISSUE, DATE, AND EMBOSS THE SUBPOENA UNTIL IT IS PROPERALY FILLED OUT. PLEASE SUBMIT YOUR SUBPOENAS BACK TO THE COURT ONCE THIS IS DONE

ENCLOSED ARE COPIES OF CURRENT DOCKET SHEETS FOR THE ABOVE MENTIONED CASE AND CASE CR14-1118. PLEASE SPECIFY WHAT RECORD(S) YOU ARE NEEDING IN ITS ENTIRETY

THANK YOU

Date: FEB - 3 - 16

By: K. Jones

EXHIBIT #1

CR03-2156
DC-0990075142-001
STATE VS. MICHAEL TODD BOTE 22 Pages
District Court 03/17/2016 11:19 AM
Washoe County
MEED/MLP

Code 1930

FILED

2016 MAR 17 AM 11:19

JACQUELINE BRYANT
CLERK OF THE COURT
BY: *[Signature]*
DEPUTY

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

STATE OF NEVADA,

Plaintiff(s),

Case No. CR032156

vs.

Dept. No. 3

MICHAEL TODD BOTELHO,

Defendant(s).

LETTER FROM DEFENDANT WITH ATTACHMENTS

////

////

////

HEAD COURT CLERK, JACQUILINE BRYANT

3-14-2016

THE QUALITY OF YOUR LEADERSHIP IS LACKING! THE BAD FAITH AND INCOMPETENCE, AS WELL AS THE ON-GOING DISREGARD OF THE OATH OF OFFICE, THE NEVADA STATUTES, NV. CIVIL RULES OF PROCEDURE, THE NV. AND U.S. CONSTITUTION(S) AND MY CONSTITUTIONAL RIGHTS, LASTLY, THE GARBAGE SPEWED ON ALL YOUR "RETURN NOTICES".

(1) I AM TIRED OF THE ON-GOING ABUSES & CRIMINAL ACTIONS BY YOU AND YOUR CLERKS! ARE YOU IN CHARGE, OR JUST COLLECTING AN UNDESERVED, UNEARNED, PAYCHECK? YOU WILL BE ACCOUNTABLE, I PROMISE YOU THAT! YOUR JOB DOES [NOT] CONSIST OF COVERING-UP, COVERING FOR, ALTERING PLEADINGS PRESENTED IN GOOD FAITH TO THE COURT, FILING FALSE, INCOMPLETE, AND OFTEN FRAUDULENT DOCUMENTS/PLEADINGS. I DON'T GIVE A DAMN WHAT SOME CRIMINALLY INSPIRED, SELF PROTECTING JUDGE TELLS YOU, YOU HAVE BECOME A CRIMINAL, IF NOT DIRECTLY, BY ASSOCIATION AND BEING IN CHARGE! YOU DON'T GET TO SCREW ME OR HELP SCREW ME JUST BECAUSE I AM IN PRISON! YOU WILL BE ACCOUNTABLE, I PROMISE YOU THAT! I AM TIRED OF THE FRAUD & OBSTRUCTION, CONSPIRACY AND COLLUSION I HAVE ALREADY PROVEN AND INDISPUTED, BY YOUR CORRUPT ACTS AND OMISSIONS! YOU HAD BETTER REVIEW ALL THE PREVIOUS LETTERS TO YOU & THE PREVIOUS "JUDICIAL NOTICES" YOUR LAME JUDGES IGNORE, IN CLEAR VIOLATION OF THEIR CODE OF CONDUCT/ETHICS AS WELL AS NV. LAW!

(2) W.D.C.R. I, STATES IN PART (2) THESE RULES DO [NOT] APPLY TO THE FOLLOWING MATTERS: (C) CRIMINAL MATTERS, EXCEPT AS OTHERWISE EXPRESSLY STATED. YOU HAVE REPEATEDLY ABUSED THIS RULE IN CRO3-2156

(3) W.D.C.R. 12, STATES IN PART: (4) IN PART-EITHER PARTY [MAY] NOTIFY THE FILING OFFICE TO SUBMIT THE MATTER FOR DECISION BY FILING AND SERVING ALL PARTIES WITH A WRITTEN REQUEST FOR SUBMISSION OF THE MOTION IN A FORM SUPPLIED BY THE FILING OFFICE.

(4) WDCR 12, IS IN DIRECT CONFLICT WITH THE ASSERTION MADE IN EVERY "RETURN NOTICE" YOUR OFFICE SENDS OUT: SEE BELOW THE SECOND BOX, CLEARLY STATES UNEQUIVOCALLY, "YOUR MOTION OR OTHER DOCUMENT WILL [N]OT BE SUBMITTED TO THE COURT FOR CONSIDERATION [WITHOUT] THE FILING OF A REQUEST FOR SUBMISSION" DOCUMENT, A COPY OF WHICH IS ENCLOSED FOR YOUR CONVENIENCE

(5) WDCR 15, WAS WILLFULLY VIOLATED BY YOUR OFFICE AND THIS CORRUPT COURT WHEN YOU SENT COURT ORDERS TO PARTIES NOT INVOLVED IN MY CASE FOR YEARS (ON PURPOSE) BUT PURPOSEFULLY DID [NOT] SEND THIS CRITICAL ORDER TO ME. THIS PROVES CONSPIRACY AND COLLUSION BY YOU, YOUR OFFICE AND FURTHER VIOLATION OF WDCR 15, MY CONSTITUTIONAL RIGHTS AND THE NV. & U.S. CONSTITUTIONS.

(6) WDCR 18, PAPERS WHICH DO NOT COMPLY WITH RULES. IT STATES "EXCEPT IN CRIMINAL CASES AND WRITS ARISING FROM CRIMINAL CASES, FILING OFFICE PERSONNEL SHALL REFUSE TO FILE ANY DOCUMENTS OR PLEADINGS WHICH IS NOT PROPERLY SIGNED BY ALL PARTIES PERSONS [OR] WHICH DOES NOT COMPLY WITH THESE RULES, NRCP, DIST. COURT RULES, OR APPLICABLE STATUTES."

YOUR OFFICE HAS REPEATEDLY ABUSED THIS RULE IN MY TWO (2) SEPERATE AND DISTINCT CASES. YOU HAD BETTER REVIEW YOUR ACTIONS IN THESE (2) SEPERATE CASES AND IS STILL ON-GOING!

(7) I FILED TWO (2) DIFFERENT REQUESTS FOR SUBMISSIONS WITH SUPPORTING AFFIDAVITS, ONE ON 1-8-2016, AND THE SECOND ON 1-11-2016. I HAVE MADE REPEATED ATTEMPTS TO GET THE "PIECE OF" K. JONES, TO PROPERLY FILE THESE TWO REQUESTS AND AGAIN IT WAS NOT DONE CORRECTLY. FURTHERMORE, YOUR OFFICE HAS ALTERED ACTUAL FILING DATES OF MY PLEADINGS. (SEE YOUR RECORDS SHOWING SUCH IN MY JUDICIAL NOTICES, PLEADINGS, AND LETTERS TO YOU, WHICH YOU IGNORE!

(a) I WAS TOLD BY YOUR OFFICE THAT ALL DOCUMENTS ARE NOW ELECTRONICALLY FILED AND ELECTRONICALLY FORWARDED TO ALL PARTIES. THIS IS GOOD FOR YOU BECAUSE YOU CAN ALTER, DELETE, CHANGE DATES & TIMES AND WHATS ACTUALLY BEEN FILED. HOW NICE FOR YOU!

(b) SOME OF MY ORIGINAL PLEADINGS/DOCUMENTS HAVE BEEN E-FILED, STAMPED & RETURNED TO ME. OTHERS ARE ONLY SENT BACK AS COPIES WITH RUBBER STAMP DATE FILING, & NOW WITH [NO] COURT CLERKS NAME TO HOLD THEM ACCOUNTABLE.

(c) THESE TWO (2) ORIGINAL REQUEST(S) FOR SUBMISSIONS WERE NEVER:

(1) STAMP FILED ON MY ORIGINAL DOCUMENTS, NOR, DID YOU EVEN STAMP FILE COPIES OF ORIGINAL DOCUMENTS

(2) YOU SEPERATED MY REQUESTS FOR SUBMISSION(S) FROM THEIR ATTACHED AFFIDAVITS AND E-FILED BLANK PAGES THAT CLEARLY PROVE [NOTHING] WAS FILED!

(3) I, AT EVEN MORE EXPENSE, KEEP SENDING THEM BACK TO YOU DEGENERATES TO CORRECT AND YOU SCREW ME AGAIN. THIS TIME, YOU PUT 3-2-2016 ON NEW REQUESTS FOR SUBMISSION FORMS., NOT THE [O]RIGINAL FILING DATES, NOR, DID I GET BACK THE ORIGINAL FORMS, BUT COPIES!

(4) YOU CHOSE TO STAMP FILE THESE DOCUMENTS THE OLD WAY (AND) WITHOUT A CLERKS NAME OR SIGNATURE, TO STOP ALLEGATIONS AGAINST INDIVIDUAL CLERKS FOR WRONGDOING. RATHER THAN COVERING FOR - JUST DO YOUR JOB OR LEAVE IN CHAINS AND SUED IN YOUR PERSONAL CAPACITY! AGAIN THESE ORIGINAL DOCUMENTS WERE [N]OT E-FILED, NOR, DID I GET THE ORIGINALS BACK. YOU CANNOT PLAY FAST AND LOOSE WITH THE JUDICIAL MASHINERY!

(8) YOU CANNOT PRACTICE LAW. ITS [NOT] YOUR PLACE TO MAKE ANY JUDICIAL DETERMINATION UPON ANY OF MY PLEADINGS, THAT IS FOR THE COURT TO DO, NOT SOME PEGON UNTRAINED IN THE LAW, COURT CLERK, YOU BETTER

START DOING THE JOB PROPERLY, LEGALLY, AND ETHICALLY, WHILE YOU STILL HAVE A JOB!

YOU CANNOT FORCE A PARTY TO FILE REQUEST FOR SUBMISSION, WITH ANY MOTION BEING FILED, AND FURTHER, YOU DO NOT HOLD THE "FRAUDS & FELONS" AT THE WASHOE COUNTY DISTRICT ATTORNEY OFFICE TO THIS B.S., SO DONT THINK YOU CAN FORCE IT ON ANYBODY ELSE.

AND, AGAIN YOU HAVE NOT ADDRESSED WHY A CERTAIN MR. MILLER, CASE NO. CR 14 - 1118, WHEREIN YOU INTERJECTED HIS NAME, HIS CASE AND HIS DOCUMENTS, INTO MY CASE, WITHOUT ANY REASON WHY. IS THIS CLERKS OFFICE REALLY THAT IGNORANT, INCOMPETENT AND STUPID? FURTHERMORE, WHEN QUESTIONED ABOUT THIS, THIS OFFICE [REFUSED] TO EVEN SPEAK OF ITS ACTIONS IN THIS MATTER. MY 13 YEAR OLD SON WOULD CLEARLY RUN THIS OFFICE BETTER THAN YOU, MS. BRYANT!

I WILL ASK ONE LAST TIME. ENCLOSED ARE BOTH (2) DIFFERENT REQUESTS FOR SUBMISSIONS:

- (1) ONE FOR SHOW CAUSE 2ND REQUEST
- (2) ONE FOR MANDAMUS TO CHIEF JUDGE HARDY TO RECUSE JUDGE POLAKA.

PLEASE DO WHAT SHOULD HAVE BEEN DONE THE FIRST-TIME FILE STAMP EACH ORIGINAL REQUEST FOR SUBMISSION WITH THE ORIGINAL JANUARY 2016 DATES ON EACH ORIGINAL REQUEST FOR SUBMISSION AND RE-ATTACH THE AFFIDAVITS TO EACH REQUEST (AS ONE SINGLE DOCUMENT) AS WAS STAPLED TOGETHER WHEN SENT TO YOU.

THEN RETURN ALL DOCUMENTS SENT TO YOU "AGAIN" AT MY UNAFFORDABLE EXPENSE, PROPERLY ATTACHED & DATE STAMPED. BUT THIS LETTER IS YOURS!

DATED 3-14-2016

C. C. FILE.

4

Michael T. Botelho
MICHAEL T. BOTELHO #8083
NNCC, P.O. BOX 880
CARSON CITY, NV 89702

MICHAEL T. BOTELO # 80837
 Post Office Box 7000
 Carson City, Nevada 89702-7000

FILED

2016 MAR -2 PM 4: 18

JACQUELINE BRYANT
 CLERK OF THE COURT

BY _____
 DEPUTY

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR COUNTY OF WASHOE

MICHAEL T. BOTELO
 Plaintiff

Case No: CR03-2156

VS
BENEDETTI, WARDEN,
STATE OF NEVADA, ET AL
 Respondent

REQUEST FOR SUBMISSION

Comes now, Plaintiff, MICHAEL T. BOTELO (hereinafter "Plaintiff"),
 appearing in proper person, and files this Request for Submission, in the above entitled action.

This Request is made pursuant to District Court Rules , whereas, Plaintiff respectfully
 request that his REQUEST FOR SUBMISSION (SECOND REQUEST) FOR SHOW-
CAUSE MOTION, be

submitted to the appropriate Honorable Court for a review and a decision.

Dated this 11TH day of JANUARY, 2016



Proper Persona Plaintiff

CERTIFICATE OF SERVICE BY MAIL

Pursuant to NRCPT Rule 5 (b), I hereby certify that I am the Petitioner/Defendant named hereto and that on this 11th day of JANUARY, 2016, I mailed a true and correct copy of the foregoing REQUEST FOR SUBMISSION to the following:
(SECOND REQUEST) FOR SHOW-CAUSE MOTION

FRAUD & IMPOSTER
CHARIS HICKS, AKA. W.C.D.A.
P.O. BOX 11130
RENO, NV. 89520-0027

BY

Wm. D. Goldthwaite

AFFIRMATION
Pursuant to NRS 239b.030

The undersigned does hereby affirm that the preceding document, REQUEST FOR SUBMISSION
(SECOND REQUEST) FOR SHOW-CAUSE MOTION

Filed in case number: CRO3-2156 (Title of Document)

☒ Document does not contain the social security number of any person

Or

☐ Document contains the social security number of a person as required by:

☐ A specific state or federal law, to wit

Or

☐ For the administration of a public program

Or

☐ For an application for a federal or state grant

Or

☐ Confidential Family Court Information Sheet
(NRS 125.130, NRS 125.230, and NRS 125b.055)

DATE: 2-26-2016

Michael T. Bette
(Signature)

MICHAEL T. BETTE
(Print Name)

PROPER PERSON
(Attorney for)

1 Code 3860
2
3
4
5

6 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7 IN AND FOR THE COUNTY OF WASHOE
8

9 MICHEAL T. BOTELHO,

10 Plaintiff(s),

Case No. CR03-2156

11 vs.

Dept. No. 15

12 BENEDETTI, WARDEN
13 STATE OF NEVADA, ETAL,

14 Defendant(s).
15 _____ /

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

MICHAEL T. BOTELHO
 PETITIONER

-VS-

BENEDETTI, WARDEN,
 STATE OF NEVADA, ET AL
 RESPONDENTS

CASE NO: CRO3-2156, DEPT. NO: 15

REQUEST FOR SUBMISSION
SECOND REQUEST

COMES, MICHAEL T. BOTELHO, IN PROPER PERSON, FILING THIS REQUEST FOR SUBMISSION (SECOND REQUEST), IN THE ABOVE ENTITLED ACTION.

THIS SECOND REQUEST IS MADE DUE THIS COURT'S CLERK(S) AND CHIEF JUDGE HARDY'S TOTAL DISREGARD OF OATH OF OFFICE, DISTRICT COURT RULES, NRS, NEV. RULES OF CIVIL PROCEDURE, THE NV. CONSTITUTION, THE UNITED STATES CONSTITUTION, AND BOTELHO'S RIGHT TO REDRESS HIS GRIEVANCE UNDER THE 1ST AMENDMENT, AS ALSO HIS 5TH & 14TH AMENDMENT RIGHTS OF PROCEDURAL, AND SUBSTANTIVE DUE PROCESS GUARANTEED BY OUR [STILL] VALID NEVADA AND UNITED STATES CONSTITUTION(S) PURSUANT TO HIS RIGHTOUSLY BROUGHT [MOTION FOR SHOW CAUSE], THIS COURT HAS PROVED ONCE AGAIN, ITS WILLINGNESS TO COVER FOR AND PROTECT THE STATE REGARDLESS OF LAW AND JUSTICE, AS REQUIRED BY LAW AND OUR NV. AND U.S. CONSTITUTION(S).

THIS LESS THAN HONORABLE COURT, COURT CLERK AND CHIEF JUDGE HARDY HAS OBSTRUCTED JUSTICE BY ITS COMPLETE DISREGARD FOR BOTELHO'S PROVEN FACTS ASSERTED IN HIS MOTION FOR SHOW CAUSE, BECAUSE HAD THIS COURT, THE CLERK AND CHIEF JUDGE HARDY DONE YOUR REQUIRED DUTIES, BOTELHO'S CASE WOULD HAVE ALREADY BEEN VOIDED AND HE WOULD HAVE BEEN RELEASED.

YOUR IMMUNITY DOES NOT GIVE YOU THE RIGHT TO BREAK THE LAW, YOU ARE NOT ABOVE THE LAW, YOU CAN AND WILL BE ACCOUNTABLE! I PROMISE!

AFFIRMATION AND CERTIFICATE OF SERVICE

I, MICHAEL T. BOTELHO, SWEAR UNDER THE PENALTY OF PERJURY, THAT SAID REQUEST FOR SUBMISSION (SECOND) FOR MOTION FOR SHOW CAUSE HEARING IS TRUE AND CORRECT PER 28 USC 1746, 18 USC 1621. DOES NOT HAVE THE SSN OF ANY PERSON. I PLACED A TRUE AND COMPLETE COPY OF REQUEST AND AFFIDAVIT IN SUPPORT OF VIA PRISON MAIL BOX RULE TO,

FRAUD & IMPOSTER CHRIS HICKS
 PRETENDING TO BE W.C.D.A.

DATED 1-11-2016

MICHAEL T. BOTELHO
 NNCC, P.O. BOX 2000
 V5. 885 837

JAN 14 2016

Code 1075

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

MICHAEL T. BOTELHO,

Petitioner

Case No. CR03-2156

vs.

Dept. No. 15

JAMES BENEDETTI, WARDEN,
STATE OF NEVADA, ET-AL,

Respondents

AFFIDAVIT

JAN 13 2016

AFFIDAVITSTATE OF NEVADA
CARSON COUNTY) SS. AFFIDAVIT IN SUPPORT OF BY MICHAEL T. BOTELHO,
) FOR SECOND REQUEST FOR SUBMISSION

TO WHOM IT CONCERNS:

I, MICHAEL T. BOTELHO, THE UNDERSIGNED, DO HEREBY SWEAR UNDER THE PENALTY OF PERJURY, THAT THE ASSERTIONS OF THIS AFFIDAVIT IN SUPPORT OF [SECOND] REQUEST FOR SUBMISSION ARE TRUE AND CORRECT.

I, ASSERT THAT I FILED A MOTION FOR SHOW CAUSE ON 8-17-2015, IN THIS COURT, TO CHALLENGE AND FACTUALLY PROVE THAT NEITHER RICHARD GAMMICK, FORMER WASHOE COUNTY DISTRICT ATTORNEY, NOR PRESENT, IMPERSONATING AS A PUBLIC OFFICIAL, UNDER NRS 199,430, CHRIS HICKS AND HIS DEPUTY DISTRICT ATTORNEYS, LEGALLY HOLD VALID PUBLIC TITLES/POSITIONS AS THE DIRECT RESULT OF THEIR CALCULATED DECEPTION AND KNOWING FAILURE TO OBTAIN A PROPER, VALID AND LAWFUL BOND TO HOLD OFFICE. (SEE SHOW CAUSE MOTION)

AS A RESULT OF THE FRAUD, MISREPRESENTATION, CONSPIRACY, COLLUSION, IMPERSONATING A PUBLIC OFFICIAL, VIOLATIONS OF OATH OF OFFICE, THE PEOPLES TRUST, VALID NEVADA LAW, PROFESSIONAL RULES OF CONDUCT, AND OBSTRUCTION OF JUSTICE, AS PERPETRATED BY THESE INDIVIDUALS PRETENDING TO HOLD OFFICE, THE STATE OF NEVADA UNLAWFULLY AND MALICIOUSLY BROUGHT A CRIMINAL ACTION AGAINST MICHAEL T. BOTELHO, THIS UNLAWFUL, CRIMINAL ACTION, RESULTED IN THE ILLEGAL ARREST, KIDNAPPING, CONVICTION AND CURRENT ILLEGAL AND UNCONSTITUTIONAL RESTRAINT OF MY GOD GIVEN LIBERTIES, PURSUANT TO NEVADA AND OUR UNITED STATES CONSTITUTION(S)

AS A MATTER OF PUBLIC RECORD, I HAVE NOT RECEIVED A FILED, STAMPED COPY OF MOTION FOR SHOW CAUSE. I FILED REQUEST FOR SUBMISSION ON 9-8-2015, FINALLY FILED ON 9-22-2015. STILL THIS COURT SHIRKED IT DUTIES AND USURPED ITS AUTHORITY. I FURTHER FILED FORMAL NOTICE TO COURT CLERK JACQUILINE BRANT ABOUT THIS (NO RESPONSE).

THIS CRIMINAL CONDUCT, COVERING FOR THE STATE SO MY CASE IS [NOT] VOIDED, IS OBSTRUCTION OF JUSTICE. THERE WILL BE CONSEQUENCES

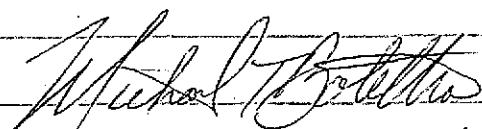
MY MOTION FOR SHOW CAUSE, DOES, IN FACT, PROVE THAT MY ARREST AND CONVICTION ARE FACTUALLY AND LEGALLY [NULL AND VOID] MY 1ST, 4TH, 5TH, 6TH, 8TH AND 14TH AMENDMENT RIGHTS GUARANTEED BY OUR STILL VALID UNITED STATES CONSTITUTION HAVE BEEN AND ARE STILL BEING ILLEGALLY AND SYSTEMATICALLY DENIED BY THE WASHOE COUNTY SHERIFFS OFFICE, THE UNLAWFULLY OCCUPIED POSITION OF WASHOE COUNTY DISTRICT ATTORNEY AND THEIR DEPUTIES, MY CRIMINALLY CULPABLE ATTORNEYS WHO BLINDLY IGNORED AND COERCED ME, COVERED FOR THE STATE AND THIS COURT. THIS COURT AND EVERY JUDGE IN IT, ESPECIALLY THE CHIEF JUDGE, DAVID HARDY ARE AND HAVE BEEN FULLY ADVISED OF THE STATES UNLAWFUL POSITION.

ITS OBVIOUS THAT JUDGE HARDY HAS ALLOWED JUDGE POLAHA AND THIS COURT TO COVER THESE FACTS UP BECAUSE IF IT DOESNT LET THIS BECOME PUBLIC, IT HOPES THAT ALL THOSE ILLEGALLY CONVICTED IN WASHOE COUNTY, WONT BE UNAVOIDABLY RELEASED AND PAID MILLIONS, AND THOSE WHO COVERED IT UP WILL ALL LOSE THEIR JOBS, THEIR PENSIONS AND EVEN THEIR OWN FREEDOM!

THIS COURT, THESE CLERKS AND THESE JUDGES HAD BETTER DECIDE WHICH SIDE OF THE LAW THEY CHOOSE TO STAND BY! YOU DO THE RIGHT THING OR PAY THE CONSEQUENCES. I SWEAR TO YOU DIRTY CORRUPT LOW LIFE CRIMINALS WILL BE EXPOSED ONE WAY OR THE OTHER! YOU WILL PAY FOR YOUR REPUGNANT ACTIONS IN THIS CASE AND OTHERS.

YOU HAD BETTER RESPOND AND FOLLOW THE LAW WHILE YOU STILL HAVE A CHANCE TO SAVE YOURSELVES!

DATED 1-11-2016


MICHAEL T. BOTELHO # 8083,
NNCC
P.O. BOX 7000
CARSON CITY, NV 89702
V5. 888

MICHAEL T. BOTELHO # 80837
 Post Office Box 7000
 Carson City, Nevada 89702-7000

FILED

2016 MAR -2 PH 4: 18

JACQUELINE BRYANT
 CLERK OF THE COURT

BY _____
 DEPUTY

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR COUNTY OF WASCOE

MICHAEL T. BOTELHO

Plaintiff

VS

BENEDETTI, WARDEN,
 STATE OF NEVADA, ET-AL

Respondent

Case No: CR03-2156

REQUEST FOR SUBMISSION

Comes now, Plaintiff, MICHAEL T. BOTELHO (hereinafter "Plaintiff"),
 appearing in proper person, and files this Request for Submission, in the above entitled action.

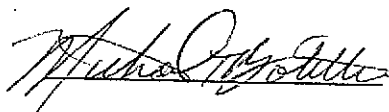
This Request is made pursuant to District Court Rules, whereas, Plaintiff respectfully
 request that his

REQUEST FOR SUBMISSION [SECOND NOTICE] FOR EXTRAORDINARY WRIT OF MANDAMUS
 TO RECUSE JUDGE POLANA [SEE ATTACHED COPY OF R.F.S., DATED 1-8-2016], be

submitted to the appropriate Honorable Court for a review and a decision.

Dated this 26th day of FEBRUARY, 20 16

FOR AS FILED 1-8-2016



Proper Persona Plaintiff

CERTIFICATE OF SERVICE BY MAIL

Pursuant to NRCP Rule 5 (b), I hereby certify that I am the Petitioner/Defendant named herein and that on this 8th day of JANUARY, 20 16, I mailed a true and correct copy of the foregoing REQUEST FOR SUBMISSION to the following:
(SECOND REQUEST) FOR MANDAMUS TO
RECUSE POLINA

FRAUD & IMPOSTER
CHRIS HICKS, A.K.A. W.C.D.A.
P.O. Box 11130
RENO, NV. 89520-0027

BY: 

AFFIRMATION
Pursuant to NRS 239b.030

The undersigned does hereby affirm that the preceding document, REQUEST FOR SUBMISSION,
(SECOND REQUEST) MANDAMUS TO REUSE JUDGE POLANA.

Filed in case number: CR03-2156 (Title of Document)

☒ Document does not contain the social security number of any person

Or

☐ Document contains the social security number of a person as required by:

☐ A specific state or federal law, to wit

Or

☐ For the administration of a public program

Or

☐ For an application for a federal or state grant

Or

☐ Confidential Family Court Information Sheet
(NRS 125.130, NRS 125.230, and NRS 125b.055)

DATE: 2-26-2016

FOR AS FILED 1-8-2016

Michael T. Botelho
(Signature)

MICHAEL T. BOTELHO
(Print Name)

PROPER PERSON
(Attorney for)

FILED
Electronically
2016-01-14 08:35:05 AM
Jacqueline Bryant
Clerk of the Court
Transaction # 5319889 : kjones

1 Code 3860
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6 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7 IN AND FOR THE COUNTY OF WASHOE
8

9 MICHAEL T. BOTELHO,

10 Petitioner

Case No. CR03-2156

11 vs.

Dept. No. 15

12 JAMES BENEDETTI, WARDEN,
13 STATE OF NEVADA, ET-AL,

14 Respondents
15

16 REQUEST FOR SUBMISSION
17
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JAN 13 2016

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

MICHAEL T. BOTELHO
 PETITIONER

-VS-

CASE NO. CR03-2156, DEPT NO. 15

JAMES BENEDETTI, WARDEN,
 STATE OF NEVADA, ET-AL,
 RESPONDENTS /

REQUEST FOR SUBMISSION
 SECOND NOTICE

COMES, MICHAEL T. BOTELHO, IN PROPER PERSON, FILING THIS REQUEST
 FOR SUBMISSION [SECOND NOTICE], IN THE ABOVE ENTITLED ACTION.

THIS REQUEST IS MADE DUE TO CHIEF JUDGE HARDY'S TOTAL DISREGARD OF
 BOTELHO'S EXTRAORDINARY WRIT OF MANDAMUS TO CHIEF JUDGE HARDY AS FILED
 VIA PRISON MAILBOX RULE ON 8-13-2015. THIS COURT, AND CHIEF JUDGE
 HARDY, HAVE COMPLETELY VIOLATED THEIR OATH OF OFFICE, THE PEOPLES TRUST,
 DISTRICT COURT RULES, N.R.C.P., NEVADA LAW, THE NEVADA AND UNITED STATES
 CONSTITUTION(S) AND BOTELHO'S 1ST, 5TH & 14TH AMENDMENT, INALIENABLE,
 CONSTITUTIONAL RIGHTS GUARANTEED BY OUR STILL [VALID] U.S. CONSTITUTION.

THIS COURT WILLFULLY DISREGARDED BOTELHO'S MANDAMUS, WONT RETURN A
 FILED COPY OF MANDAMUS, FURTHER IGNORING HIS FIRST "REQUEST FOR
 SUBMISSION". THE CLERK HAD BETTER START DOING YOUR JOB LEGALLY AND
 PROPERLY AS YOU, NOR ANY JUDGE, OR COURT IS ABOVE THE LAW. YOUR IMMUNITY
 DOES [NOT] GIVE ANY OF YOU THE GREEN LIGHT TO KNOWINGLY BREAK THE LAW!

AFFIRMATION AND CERTIFICATE OF SERVICE

I, MICHAEL T. BOTELHO, DO SWEAR UNDER PENALTY OF PERJURY, THAT SAID
 REQUEST FOR SUBMISSION (SECOND NOTICE) IS TRUE AND CORRECT PURSUANT
 TO 28 USC 1746 AND 18 USC 1621. THIS DOCUMENT DOES NOT CONTAIN THE
 S.S.N. OF ANY PERSON,

I FURTHER ASSERT THAT I PLACED A TRUE AND COMPLETE COPY OF REQUEST
 FOR SUBMISSION (SECOND REQUEST) AND AFFIDAVIT IN SUPPORT OF, IN
 FIRST CLASS MAIL, VIA PRISON MAILBOX RULE, TO THIS COURT, AND AS
 ADDRESSED BELOW. BRASS SLIP NO. 2167868 (COVERS COURT & D.A.)

DATED 1-8-2016

Michael T. Botelho
 MICHAEL T. BOTELHO # 80837
 NNCC
 P.O. BOX 7000
 CARSON CITY, NV. 89402

V5-893

THE FRAUD AND IMPOSTER
 CHRIS HICKS AKA W.C.D.A.
 P.O. BOX 11130
 DALLAS, TX 75201

JAN 13 2016

1 Code 1075
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6 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7 IN AND FOR THE COUNTY OF WASHOE
8

9 MICHAEL T. BOTELHO,

10 Petitioner

Case No. CR03-2156

11 vs.

Dept. No. 15

12 JAMES BENEDETTI, WARDEN,
13 STATE OF NEVADA, ET-AL,

14 Respondents
15

16 AFFIDAVIT
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JAN 13 2016

AFFIDAVITSTATE OF NEVADA
CARSON COUNTY} SS: AFFIDAVIT OF MICHAEL T. BOTELHO
IN SUPPORT OF REQUEST FOR SUBMISSION

TO WHOM IT CONCERNS:

I, MICHAEL T. BOTELHO, THE UNDERSIGNED, DO HEREBY SWEAR UNDER THE PENALTY OF PERJURY, THAT THE ASSERTIONS OF THIS AFFIDAVIT ARE TRUE AND CORRECT.

I, MICHAEL T. BOTELHO, ASSERTS THAT I FILED AN EXTRAORDINARY WRIT OF MANDAMUS TO CHIEF JUDGE DAVID HARDY, FOR THE NECESSARY RECUSAL OF THE INCOMPETENT, PREJUDICIAL AND BIASED JUDGE JEROME POLAHA, IN THE SECOND JUDICIAL DISTRICT COURT, WASHOE CO., NEVADA, ON 8-13-2015, THE CHIEF JUDGE WILLFULLY DISREGARDED SAID MANDAMUS AND ITS PROVABLE AND INDISPUTIBLE FACTS REQUIRING JUDGE POLAHA'S RECUSAL. THE CHIEF JUDGE VIOLATED HIS OATH OF OFFICE, THE PEOPLES TRUST, RULES OF PROFESSIONAL CONDUCT & ETHICS, DISTRICT COURT RULES, NEVADA RULES OF CIVIL PROCEDURE, VALID NEVADA LAW, AND MY 1ST, 5TH AND 14TH AMENDMENT RIGHTS GUARANTEED BY OUR STILL VALID UNITED STATES CONSTITUTION, AS ALSO OUR NV. CONSTITUTION.

REGARDLESS OF CHIEF JUDGE HARDY'S FEELINGS IN THIS VERY SERIOUS MATTER, HE CHOSE NOT TO ACT AS REQUIRED, AS LAW AND JUSTICE REQUIRE.

I NEVER RECEIVED A FILED COPY OF MANDAMUS, EVEN AFTER INCLUDING AN EXTRA COPY TO BE STAMPED "FILED" AND RETURNED. I THEN FILED A "REQUEST FOR SUBMISSION" ON 9-8-2015, INCLUDED WAS A REQUEST FOR MY FILED COPY OF MANDAMUS. THIS WAS CONVENIENTLY RETURNED, UNOPENED, THOUGH PROPERLY ADDRESSED. I RE-FILED REQUEST OF SUBMISSION AGAIN, AND IT WAS CONVENIENTLY FILED ON 9-22-2015, USING SAME EXACT ADDRESS.

I AGAIN WAS DENIED A FILED COPY OF MY MANDAMUS. MY MANDAMUS WAS MANIPULATED, THUS, ALLOWING BIASED JUDGE POLAHA TO WRONGLY RULE 6 WEEKS LATER, PREJUDICALLY, WHEREIN HIS RULING HAS NO LEGALITY! THIS WAS PERPETRATED UPON ME, IN SPITE OF THE DOCUMENTED FACT THAT

POLAKA HAD NOW BEEN PROPERLY MOTIONED TO BE RECUSED 5 TIMES PREVIOUS TO HIS UNETHICAL, ILLEGAL AND INVALID RULING ON 9-15-2015, WHEREIN HE ABSOLUTELY KNEW HE VIOLATED NV. LAW AND DISTRICT COURT RULES AND WAS AN EGREGIOUS ABUSE OF DISCRETION.

I FILED JUDICIAL NOTICE TO CHIEF JUDGE HARDY, INFORMING HIM OF HIS VIOLATIONS IN THIS MATTER, ONLY TO BE TAMPERED WITH BY THE DEPUTY CLERK, K. JONES (IN MY OPINION, A CRIMINAL P.O.S.) IT WAS RETURNED, I FILED IT AGAIN, ONLY TO HAVE K. JONES INTERFERE IN MY CASE AGAIN, RETURNING IT.

ON 10-28-2015, I WAS FORCED TO FILE A "NOTICE" TO COURT CLERK JACQUILINE BRYANT CONCERNING K. JONES ACTIONS, AND OF COARSE, NO RESPONSE WITH JUSTIFICATION FOR THE CLERKS ACTIONS (COVERING OF COURSE)

ON 11-16-2015, I WAS FURTHER FORCED TO FILE MOTION TO ORDER COURT CLERK TO FORWARD DISPOSITION OF ALL RECORDS AND DOCKETING RECORD TO PETITIONER, INCLUDING THE VERY CRITICAL SHOW CAUSE MOTION THAT K. JONES DID THE SAME THING TO [OBSTRUCTION OF JUSTICE].

I BRING THIS AFFIDAVIT FORTH IN SUPPORT OF REQUEST FOR SUBMISSION (SECOND REQUEST) AS A RESULT OF THE CRIMINAL ACTIONS AND INTENTIONS OF THE CLERK AND FOR THIS COURTS PREMEDITATED, WILLFUL, DISREGARD OF MY 1ST, 5TH & 14TH AMENDMENT RIGHTS GUARANTEED BY OUR STILL VALID AND LAWFUL, NEVADA AND UNITED STATES CONSTITUTION(S). THIS COURT, THESE JUDGES AND CLERKS HAVE CLEARLY OBSTRUCTED JUSTICE AND WILLFULLY VIOLATED MY CONSTITUTIONAL RIGHTS IN THIS CASE. YOU ARE NOT ABOVE THE LAW YOU ARROGANT BASTARDS. THIS IS NOW A MATTER OF PUBLIC RECORD, I PROMISE YOU THAT!

DATED 1-8-2016



MICHAEL T. BOTELHO #80837
NNCC
P.O. BOX 7000
CARSON CITY, NV 89502

JACQUILINE BRYANT, COURT CLERK

PURSUANT TO THIS PROPERLY FILED JUDICIAL NOTICE w/ SUPPORTING AFFIDAVIT, I HAVE AGAIN INCLUDED:

(1) REQUEST FOR SUBMISSION (SECOND REQUEST) MANDAMUS TO RECUSE JUDGE POLAHA, DATED 1-8-2016

(2) REQUEST FOR SUBMISSION (SECOND REQUEST) FOR SHOW CAUSE HEARING, DATED 1-11-2016

ENCLOSED IS "YOUR" FORMS FOR REQUEST(S) FOR SUBMISSION(S). THESE ARE DATED AS MY ORIGINAL R.F.S; YOU SEPERATED AND FILED UNMARKED, LEAVING ME WITH NO PROOF OF FILING ANYTHING. THEREFORE INCLUDED WITH ORIGINAL(S) ARE NEW FORM(S) STAPLED TO ORIGINAL (SECOND REQUESTS FOR SUBMISSION(S)), LEAVE ORIGINALS ATTACHED TO NEW FORMS AND REFILE ON DATES AS ORIGINALLY FILED, PLEASE. THIS GIVES ME THE REQUIRED PROOF OF FILING AS I CONTEMPLATE MY DUE PROCESS SUITS AGAINST THE INTENTIONAL DUE PROCESS & OBSTRUCTION VIOLATIONS AGAINST THE CLERK(S) OF THIS [ONCE] HONORABLE COURT.

PLEASE FILE STAMP AND RETURN THESE DOCUMENTS AS [CURRENTLY STAPLED TOGETHER] TO ME. YOUR COOPERATION WILL BE TAKEN INTO ACCOUNT.

2-26-2016

MICHAEL T. BOEHLER #80837
NNCC, P.O. Box 7000
CARSON CITY, NV. 89702

//

//

C.C. FILE:

FILED

2016 MAR 17 AM 11:21

JACQUELINE PRITCHETT
CLERK OF THE COURT
BY *[Signature]*
DEPUTYMICHAEL T. BOTELHO # 80837
N.N.C.C.
P.O. BOX 7000
CARSON CITY, NEV. 89702
IN PROPER PERSONIN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE

MICHAEL T. BOTELHO

PETITIONER

CASE NO: CRO3-2156

VS.

DEPT. NO: 3

BENEDETTI, WARDEN,
STATE OF NEVADA, ET AL.

RESPONDENTS

JUDICIAL NOTICE & AFFIDAVIT

PETITIONER BRINGS FORTH "JUDICIAL NOTICE" FOR THE FUGITIVE AND
 FRAUDULENT "NOTICE OF ENTRY OF ORDER", AND THE ADDITIONAL VIOLATION OF
 N.R.C.P. 11(b) REPRESENTATIONS TO COURT. (1) IT IS NOT BEING PRESENTED FOR ANY
 IMPROPER PURPOSE, SUCH AS TO HARASS OR TO CAUSE UNNECESSARY DELAY OR
 NEEDLESS INCREASE IN THE COST OF LITIGATION. AND SEE N.R.C.P. 11(c) SANCTIONS
 AGAINST PARTY RESPONSIBLE FOR VIOLATION. (1)(b) ON COURTS INITIATIVE, ALSO
 FOR THE VIOLATIONS OF NV. REVISED STATUTES, SEE SUPPORTING ATTACHED AFFIDAVIT.

PETITIONER ASSERTS AND BELIEVES, BASED IN PART ON INFORMATION ALREADY
 IN THE COURT RECORD, THAT, COURT CLERK KIM JONES, AGAIN, ACTING IN CONCERT
 WITH THE ALREADY PROVEN TO BE, IN THIS CASE, THE UNETHICAL, DISINGENUOUS,
 DISHONORABLE AND CRIMINAL, DISTRICT COURT JUDGE, JEROME POLAKA, HAVE

1 IN THEIR ON-GOING, SYSTEMATIC DEPRIVATION OF BOTELHO'S 1ST, 5-14TH
 2 AMENDMENT RIGHTS UNDER THE U.S. CONSTITUTION, AS ALSO FRAUD AND
 3 SABOTAGE (TRICKERY & DECEIT) TO DESTROY BOTELHO'S APPEAL OF POIAHA'S
 4 ILLEGAL, SHAM AND DISGRACEFUL DENIAL OF BOTELHO'S POST-CONVICTION HABEAS
 5 CORPUS, THE DIRTY, CORRUPT, JUDGE POIAHA LET SIT IN HIS COURT 5 YEARS, THEN
 6 DISMISSED WITHOUT A HEARING, AFTER EX PARTE COMMUNICATIONS WITH THE
 7 FRAUD AND IMPOSTERS (PRIVATE CITIZENS) ACTING AS THE DISTRICT ATTORNEY AND
 8 HIS DEPUTIES. BOTELHO HAS BEEN IN PRISON 12 1/2 YEARS NOW AND HIS
 9 INEFFECTIVE ASSISTANCE OF COUNSEL CLAIMS HAVE [N]EVER BEEN ADDRESSED
 10 IN COURT, NOR, ON THE MERITS (FACTUAL OR OTHERWISE), EVER! THANKS
 11 POIAHA FOR NOTHING!

12 K. JONES IS ABSOLUTELY AWARE OF THE FACT THAT I FILED MY
 13 "NOTICE OF APPEAL" ON OCT. 19, 2015. SHE ALSO KNOWS THAT MY "CASE
 14 APPEAL STATEMENT WAS FILED ON OCT. 22, 2015. FURTHER, ON OCT. 23, 2015,
 15 RECEIPT FOR DOCUMENTS WAS DOCKETED, AND ON NOV. 5, 2015, THE NV. SUPREME
 16 COURT ORDERED TRANSMISSION OF RECORD TO THE CLERK OF THIS COURT.

17 I DON'T BELIEVE KIM JONES IS AS IGNORANT, INCOMPETENT OR AS STUPID
 18 AS SHE LOOKS IN THE RECORD. I BELIEVE SHE IS ACTING AT THIS COURT'S
 19 DIRECTION, WHILE BEING TOLD SHE WILL HAVE NO ACCOUNTABILITY BECAUSE
 20 YOU POIAHA, YOU CROOKED JUDGE HAVE INSTRUCTED SO! YOUR ABSOLUTE
 21 IMMUNITY DOES NOT GIVE YOU THE RIGHT OR ABILITY TO MANIPULATE THE
 22 DOCKET, THE LAW, THE NV. & U.S. CONSTITUTION(S) WITHOUT CONSEQUENCE. YOUR
 23 DAY OF RECKONING WILL COME WHEN YOU ARE STRIPPED OF THAT BLACK ROBE
 24 YOU SO ENJOY SULLYING AND ARE TAKEN AWAY IN CHAINS!

25 YOU, POIAHA, AND KIM JONES, BOTH KNOW MY CASE IS ALREADY IN THE
 26 NV. SUPREME COURT, WHERE THEY WILL VIOLATE MY RIGHTS FURTHER, BUT WITH
 27 CERTAIN REPERCUSSIONS THIS TIME AROUND. FOR YOU TO ATTEMPT TO
 28 TRICK ME INTO FILING A NOTICE OF APPEAL WITH THIS FRAUDULENT AND

"
FUGITIVE NOTICE OF ENTRY OF ORDER" ON 3-4-2016, IS EGREGIOUS,
FRAUD UPON THE COURT, FRAUD UPON THE RECORD, OBSTRUCTION, CONSPIRACY
TO FORM AN ACT OF COLLUSION AND NUMEROUS OTHER VIOLATIONS OF NV,
LAW, THE OATH OF OFFICE, CODE OF CONDUCT, N.R.C.P. AND MORE, ETC.....

MY NOTICE OF APPEAL IS IN THE COURT RECORD, THE DOCKET RECORD,
AND WAS KNOWN TO KIM JONES [PRIOR] TO HER SHAM, FUGITIVE "NOTICE"

I WILL TAKE STEPS TO INSURE THE RIGHT AUTHORITIES ARE MADE AWARE
OF THIS CRAP AND THEIR WILL BE CONSEQUENCES, NOT EVERY JUDGE, CLERK,
DISTRICT ATTORNEY, NOR EVERY LAW ENFORCEMENT OFFICER IS CORRUPT,
EASILY BOUGHT & PAID FOR AND WILLING TO COVER-UP THE CRIMES OF THE
COURT, THE COUNTY AND THE STATE. (ESPECIALLY THIS COURT & COUNTY).

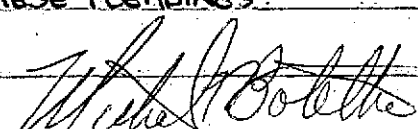
YOU HAVE BEEN SO ADVISED YOU POOR EXCUSE FOR A JUDGE AND PROVEN
TO BE A CRIMINAL AS MY FACTUAL ASSERTIONS & EXHIBITS ALREADY IN THE
COURT RECORD CLEARLY PROVE. YOU WANT AND CANNOT REFUTE THE TRUTH!
LIKE FACTS COMMAND LIKE RESULTS, SEE U.S. V. FLOWERS & U.S. V. CLAYBORNE.

CERTIFICATE OF SERVICE AND AFFIRMATION

I, MICHAEL T. BOTELHO, DO SWEAR UNDER THE PENALTY OF PERJURY THAT THE
FOREGOING "JUDICIAL NOTICE" IS TRUE AND CORRECT, PURSUANT TO 18 USC
1621, AND 28 USC 1746... AND THAT I PLACED INTO PRISON MAIL BOX, A TRUE AND
COMPLETE COPY OF "JUDICIAL NOTICE" TO THIS COURT AND AS ADDRESSED BELOW.
THERE IS NOT ANY S.S.N. OF ANY PERSON IN THESE PLEADINGS.

DATED 3-14-2016

[DO NOT SEPERATE AFFIDAVIT FROM
THIS JUDICIAL NOTICE]


MICHAEL T. BOTELHO #80837
NNCC, P.O. BOX 7400
CARSON CITY, NV. 89702

COPY TO:

FRAUD & FELONY
CHRIS HICKS, d.b.a.
WASHOE CO. DISTRICT ATTY
P.O. BOX 11130
RENO, NEVADA 89520-0027

* COURT CLERK - DO NOT
TAMPER WITH MY PLEADINGS AGAIN!

AFFIDAVIT

STATE OF NEVADA

COUNTY OF CARSON CITY

}

SS. AFFIDAVIT OF MICHAEL T. BOTE LHO, IN
SUPPORT OF JUDICIAL NOTICEDO NOT SEPERATE FROM JUDICIAL NOTICE

TO WHOM IT MAY CONCERN:

I, MICHAEL T. BOTE LHO, THE UNDERSIGNED, DO HEREBY SWEAR UNDER PENALTY OF PERJURY THAT THE ASSERTIONS OF THIS AFFIDAVIT ARE TRUE AND CORRECT.

I ASSERT AND BELIEVE THAT AGAIN, THE CRIMINAL KNOWN AS JUDGE POLAHA, HAVE AGAIN, ACTED AGAIN IN CONCERT TO OBSTRUCT, CORRUPT, TRICK AND DECEIVE BOTE LHO IN HIS GOOD FAITH EFFORTS TO GAIN HIS FREEDOM AS LAW AND JUSTICE REQUIRE FOR ALL, YET NOT ADMINISTERED IN 12 1/2 YEARS IN THIS EGREGIOUS AND CALCULATED MISCARRIAGE OF JUSTICE PERPETRATED UPON ME BECAUSE OF THE FRAUD, PERJURY, CONSPIRACY, COLLUSION, KIDNAPPING, HOSTAGE TAKING, FALSE ARREST, FALSE IMPRISONMENT, MALICIOUS & FRAUDULENT PROSECUTION WITHOUT JURISDICTION AND LAWFUL AUTHORITY TO ACT IN THIS CASE, THREATS AND COERCION OF MY WIFE AND TWO BABY BOYS, TO GAIN THIS FRAUDULENT CONVICTION AND THIS JUDGES CONSPIRACY & COLLUSION, OBSTRUCTION IN CONCERT WITH THE COURT CLERK AND THE FELONS IMPERSONATING PUBLIC OFFICIALS IN THE WASHOE COUNTY DISTRICT ATTORNEYS OFFICE, TO COVER UP THESE CLEARLY ALREADY ASSERTED, INDISPUTED AND CLEARLY PROVEN FACTS, CRIMINALLY COVERED UP & IGNORED TO PROTECT THE COPS, THE DISTRICT ATTORNEYS OFFICE, THE PUBLIC DEFENDERS OFFICE, THE COURT CLERKS, AND NOW JUDGE POLAHA, JUDGE HARDY AND CHIEF JUDGE FLANAGAN. THE RECORD IS CLEAR, THE LENGTHS GONE TO, TO CONVICT, COVER UP AND PROTECT IS BEYOND CRIMINAL AND REMAINS INDISPUTED AS IS CLEARLY IRREFUTABLE, PERIOD. THIS WILL NOT BE TOLERATED!

3-14-2016

Michael T. Botelho
MICHAEL T. BOTE LHO
V5. 901 80837
NNCC P.O. BOX 7000
CARSON CITY, NV. 89702

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

MICHAEL TODD BOTELHO,

Case No. CR03-2156

Petitioner,

vs.

Dept. No. 3

JAMES BENEDETTI, STATE OF
NEVADA, et. al,

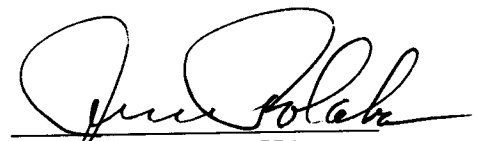
Respondents.

ORDER

On March 10, 2016, MICHAEL TODD BOTELHO filed a request to submit "*Motion*" *N.R.C.P. Rule 60(b)(1)(2)(3) Relief from Order* filed February 17, 2016. Said motion was addressed by the Court's March 15, 2016, Order Regarding Petitioner's Filings. The request for submission is therefore DENIED.

IT IS SO ORDERED.

Dated this 23rd day of March, 2016.


JEROME POLAHA
DISTRICT JUDGE

CERTIFICATE OF MAILING

I hereby certify that I am an employee of the Second Judicial District Court of the State of Nevada, in and for the County of Washoe; that on the 23 day of March, 2016, I deposited for mailing a copy of the foregoing to:

The following was served via e-filing:

TERRENCE P. MCCARTHY, ESQ. for STATE
OF NEVADA

The following was served via USPS:

Michael Todd Botelho #80837
NNCC
P O Box 7000
Carson City, NV 89702



Return Of NEF**Recipients**

TERRENCE MCCARTHY, ESQ. - Notification received on 2016-03-23 16:08:50.133.
GARY HATLESTAD, ESQ. - Notification received on 2016-03-23 16:08:49.758.
JOHN PETTY, ESQ. - Notification received on 2016-03-23 16:08:51.209.
DIV. OF PAROLE & PROBATION - Notification received on 2016-03-23 16:08:50.554.
SEAN SULLIVAN, ESQ. - Notification received on 2016-03-23 16:08:49.79.

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

-

A filing has been submitted to the court RE: CR03-2156

Judge:

HONORABLE JEROME M. POLAHA

Official File Stamp:

03-23-2016:16:06:25

Clerk Accepted:

03-23-2016:16:07:33

Court:

Second Judicial District Court - State of Nevada
Criminal

Case Title:

STATE VS. MICHAEL TODD BOTELHO (D3)

Document(s) Submitted:

Order...

Filed By:

Judicial Asst. JUlleseit

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

GARY HOWARD HATLESTAD, ESQ.

JOHN REESE PETTY, ESQ. for MICHAEL TODD
BOTELHO

DIV. OF PAROLE & PROBATION

SEAN B. SULLIVAN, ESQ. for MICHAEL TODD
BOTELHO

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

MICHAEL TODD BOTELHO for MICHAEL TODD
BOTELHO

STATE OF NEVADA for STATE OF NEVADA

**IN THE SUPREME COURT OF THE STATE OF NEVADA
OFFICE OF THE CLERK**

MICHAEL TODD BOTELHO,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

Supreme Court No. 69046
District Court Case No. CR032156

23

NOTICE OF TRANSFER TO COURT OF APPEALS

TO: Hon. Jerome M. Polaha, District Judge
Michael Todd Botelho
Attorney General/Carson City \ Adam Paul Laxalt, Attorney General
Washoe County District Attorney \ Terrence P. McCarthy, Deputy District Attorney
Jacqueline Bryant, Washoe District Court Clerk ✓

Pursuant to NRAP 17(b), the Supreme Court has decided to transfer this matter to the Court of Appeals. Accordingly, any filings in this matter from this date forward shall be entitled "In the Court of Appeals of the State of Nevada." NRAP 17(e).

DATE: April 01, 2016

Tracie Lindeman, Clerk of Court

By: Amanda Ingersoll
Chief Deputy Clerk

Notification List

Electronic
Washoe County District Attorney \ Terrence P. McCarthy, Deputy District Attorney
Attorney General/Carson City \ Adam Paul Laxalt, Attorney General

Paper
Hon. Jerome M. Polaha, District Judge
Michael Todd Botelho
Jacqueline Bryant, Washoe District Court Clerk

Return Of NEF**Recipients**

TERRENCE MCCARTHY, ESQ. - Notification received on 2016-04-05 09:09:19.583.
GARY HATLESTAD, ESQ. - Notification received on 2016-04-05 09:09:18.039.
JOHN PETTY, ESQ. - Notification received on 2016-04-05 09:09:21.362.
DIV. OF PAROLE & PROBATION - Notification received on 2016-04-05 09:09:20.675.
SEAN SULLIVAN, ESQ. - Notification received on 2016-04-05 09:09:19.131.

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

-

A filing has been submitted to the court RE: CR03-2156

Judge:

HONORABLE JEROME M. POLAHA

Official File Stamp:

04-05-2016:09:07:25

Clerk Accepted:

04-05-2016:09:08:40

Court:

Second Judicial District Court - State of Nevada
Criminal

Case Title:

STATE VS. MICHAEL TODD BOTELHO (D3)

Document(s) Submitted:

Supreme Court Notice

Filed By:

Deputy Clerk ASmith

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:

GARY HOWARD HATLESTAD, ESQ.

DIV. OF PAROLE & PROBATION

JOHN REESE PETTY, ESQ. for MICHAEL TODD
BOTELHO

TERRENCE P. MCCARTHY, ESQ. for STATE
OF NEVADA

SEAN B. SULLIVAN, ESQ. for MICHAEL TODD
BOTELHO

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

MICHAEL TODD BOTELHO for MICHAEL TODD
BOTELHO

STATE OF NEVADA for STATE OF NEVADA

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

MICHAEL TODD BOTELHO,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 69046

CR03-2156
D3**FILED**

MAY 18 2016

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from an order of the district court dismissing a postconviction petition for a writ of habeas corpus.¹ Second Judicial District Court, Washoe County; Jerome M. Polaha, Judge.

Appellant Michael Todd Botelho filed his petition on January 27, 2010, almost five years after issuance of the remittitur on direct appeal on April 29, 2005. *Botelho v. State*, Docket No. 43247 (Order of Affirmance, April 4, 2005). Thus, Botelho's petition was untimely filed. See NRS 34.726(1). Moreover, Botelho's petition was successive because he had previously filed a postconviction petition for a writ of habeas corpus, and it constituted an abuse of the writ as he raised claims new and different from those raised in his previous petition.² See NRS 34.810(2).

¹This appeal has been submitted for decision without oral argument and we conclude the record is sufficient for our review and briefing is unwarranted. NRAP 34(f)(3), (g).

²*Botelho v. State*, Docket No. 49586 (Order of Affirmance, May 16, 2008).

Botelho's petition was procedurally barred absent a demonstration of good cause and actual prejudice. *See* NRS 34.726(1) NRS 34.810(3).

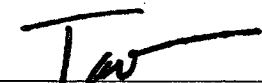
Botelho claimed he had good cause to overcome the procedural bars because his postconviction counsel for his prior petition did not properly exhaust state remedies for all of his claims and he was forced to proceed through counsel in the prior postconviction proceedings. We conclude Botelho did not demonstrate good cause to overcome the procedural bars.


Botelho's failure to exhaust state remedies in his earlier court proceedings did not demonstrate there was an impediment external to the defense that should excuse the procedural bars. *See Hathaway v. State*, 119 Nev. 248, 252, 71 P.3d 503, 506 (2003); *see also Colley v. State*, 105 Nev. 235, 236, 773 P.2d 1229, 1230 (1989), *abrogated by statute on other grounds as recognized by State v. Huebler*, 128 Nev. 192, 197 n.2, 275 P.3d 91, 95 n.2 (2012). To the extent Botelho claimed his postconviction counsel was ineffective and thus constituted good cause for this petition, that assertion also lacked merit as Botelho had no statutory right to postconviction counsel, and therefore, had no right to the effective assistance of counsel. *See McKague v. Warden*, 112 Nev. 159, 164-65 & n.5, 912 P.2d 255, 258 & n.5 (1996); *Crump v. Warden*, 113 Nev. 293, 303 & n.5, 934 P.2d 247, 253 & n.5 (1997); *see also Brown v. McDaniel*, 130 Nev. ___, ___ 331 P.3d 867, 870 (2014) (explaining that postconviction counsel's performance does not constitute good cause to excuse the procedural bars unless the appointment of postconviction counsel was

mandated by statute). Therefore, the district court did not err in dismissing the petition as procedurally barred. Accordingly, we

ORDER the judgment of the district court AFFIRMED.³


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Silver

cc: Hon. Jerome M. Polaha, District Judge
Michael Todd Botelho
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk

³On October 28, 2015, Botelho submitted a motion for the appointment of counsel. However, on December 2, 2015, Botelho submitted a motion requesting to withdraw his earlier motion for the appointment of counsel. In light of our disposition of this appeal, we decline to take action regarding these motions.

Return Of NEF**Recipients**

TERRENCE MCCARTHY, ESQ. - Notification received on 2016-05-20 10:13:36.908.

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******* IMPORTANT NOTICE - READ THIS INFORMATION *******
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-

A filing has been submitted to the court RE: CR03-2156

Judge:

HONORABLE JEROME M. POLAHA

Official File Stamp:

05-20-2016:10:12:20

Clerk Accepted:

05-20-2016:10:13:00

Court:

Second Judicial District Court - State of Nevada
Criminal

Case Title:

STATE VS. MICHAEL TODD BOTELHO (D3)

Document(s) Submitted:

Supreme Court Order Affirming

Filed By:

Deputy Clerk ASmith

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DIV. OF PAROLE & PROBATION

JOHN REESE PETTY, ESQ. for MICHAEL TODD
BOTELHO

TERRENCE P. MCCARTHY, ESQ. for STATE
OF NEVADA

SEAN B. SULLIVAN, ESQ. for MICHAEL TODD
BOTELHO

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

MICHAEL TODD BOTELHO for MICHAEL TODD
BOTELHO

STATE OF NEVADA for STATE OF NEVADA

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL TODD BOTELHO,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

Supreme Court No. 69046
District Court Case No. CR032156

D3

REMITTITUR

TO: Jacqueline Bryant, Washoe District Court Clerk ✓

Pursuant to the rules of this court, enclosed are the following:

Certified copy of Judgment and Opinion/Order.
Receipt for Remittitur.

DATE: June 14, 2016

Tracie Lindeman, Clerk of Court

By: Joan Hendricks
Deputy Clerk

cc (without enclosures):
Hon. Jerome M. Polaha, District Judge
Michael Todd Botelho
Washoe County District Attorney
Attorney General/Carson City

RECEIPT FOR REMITTITUR

Received of Tracie Lindeman, Clerk of the Supreme Court of the State of Nevada, the
REMITTITUR issued in the above-entitled cause, on June 20, 2016

Tracie Lindeman
District Court Clerk

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL TODD BOTELHO,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

Supreme Court No. 69046
District Court Case No. CR032156

D3

CLERK'S CERTIFICATE

STATE OF NEVADA, ss.

I, Tracie Lindeman, the duly appointed and qualified Clerk of the Supreme Court of the State of Nevada, do hereby certify that the following is a full, true and correct copy of the Judgment in this matter.

JUDGMENT

The court being fully advised in the premises and the law, it is now ordered, adjudged and decreed, as follows:

"ORDER the judgment of the district court AFFIRMED."

Judgment, as quoted above, entered this 18th day of May, 2016.

IN WITNESS WHEREOF, I have subscribed
my name and affixed the seal of the Supreme
Court at my Office in Carson City, Nevada this
June 14, 2016.

Tracie Lindeman, Supreme Court Clerk

By: Joan Hendricks
Deputy Clerk



IN THE COURT OF APPEALS OF THE STATE OF NEVADA

MICHAEL TODD BOTELHO,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

CR03-2156
No. 69046 03

FILED

MAY 18 2016

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from an order of the district court dismissing a postconviction petition for a writ of habeas corpus.¹ Second Judicial District Court, Washoe County; Jerome M. Polaha, Judge.

Appellant Michael Todd Botelho filed his petition on January 27, 2010, almost five years after issuance of the remittitur on direct appeal on April 29, 2005. *Botelho v. State*, Docket No. 43247 (Order of Affirmance, April 4, 2005). Thus, Botelho's petition was untimely filed. See NRS 34.726(1). Moreover, Botelho's petition was successive because he had previously filed a postconviction petition for a writ of habeas corpus, and it constituted an abuse of the writ as he raised claims new and different from those raised in his previous petition.² See NRS 34.810(2).

¹This appeal has been submitted for decision without oral argument and we conclude the record is sufficient for our review and briefing is unwarranted. NRAP 34(f)(3), (g).

²*Botelho v. State*, Docket No. 49586 (Order of Affirmance, May 16, 2008).


Botelho's petition was procedurally barred absent a demonstration of good cause and actual prejudice. *See* NRS 34.726(1) NRS 34.810(3).

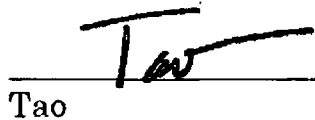
Botelho claimed he had good cause to overcome the procedural bars because his postconviction counsel for his prior petition did not properly exhaust state remedies for all of his claims and he was forced to proceed through counsel in the prior postconviction proceedings. We conclude Botelho did not demonstrate good cause to overcome the procedural bars.

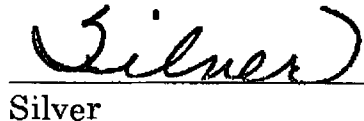
Botelho's failure to exhaust state remedies in his earlier court proceedings did not demonstrate there was an impediment external to the defense that should excuse the procedural bars. *See Hathaway v. State*, 119 Nev. 248, 252, 71 P.3d 503, 506 (2003); *see also Colley v. State*, 105 Nev. 235, 236, 773 P.2d 1229, 1230 (1989), *abrogated by statute on other grounds as recognized by State v. Huebler*, 128 Nev. 192, 197 n.2, 275 P.3d 91, 95 n.2 (2012). To the extent Botelho claimed his postconviction counsel was ineffective and thus constituted good cause for this petition, that assertion also lacked merit as Botelho had no statutory right to postconviction counsel, and therefore, had no right to the effective assistance of counsel. *See McKague v. Warden*, 112 Nev. 159, 164-65 & n.5, 912 P.2d 255, 258 & n.5 (1996); *Crump v. Warden*, 113 Nev. 293, 303 & n.5, 934 P.2d 247, 253 & n.5 (1997); *see also Brown v. McDaniel*, 130 Nev. ___, ___ 331 P.3d 867, 870 (2014) (explaining that postconviction counsel's performance does not constitute good cause to excuse the procedural bars unless the appointment of postconviction counsel was

mandated by statute). Therefore, the district court did not err in dismissing the petition as procedurally barred. Accordingly, we

ORDER the judgment of the district court AFFIRMED.³


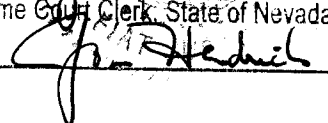
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Gibbons

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cc: Hon. Jerome M. Polaha, District Judge
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CERTIFIED COPY
This document is a full, true and correct copy of
the original on file and of record in my office.
DATE: June 14th, 2016
Supreme Court Clerk, State of Nevada
By  Deputy