

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.

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Sup. Ct. Case No. 83996

Case No. CR03-2156

Dept. 1

RECORD ON APPEAL

VOLUME 6 OF 12

DOCUMENTS

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DATE: JANUARY 26, 2022

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 DISTRICT CASE NO: CR03-2156  
 THE STATE OF NEVADA vs MICHAEL TODD BOTELHO  
 DATE: JANUARY 26, 2022

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 DATE: JANUARY 26, 2022

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**Return Of NEF****Recipients**

**TERRENCE MCCARTHY, ESQ.** - Notification received on 2016-06-20 10:05:27.62.  
**GARY HATLESTAD, ESQ.** - Notification received on 2016-06-20 10:05:27.51.  
**JOHN PETTY, ESQ.** - Notification received on 2016-06-20 10:05:27.776.  
**DIV. OF PAROLE & PROBATION** - Notification received on 2016-06-20 10:05:27.698.  
**SEAN SULLIVAN, ESQ.** - Notification received on 2016-06-20 10:05:27.573.

**\*\*\*\*\* 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:**

06-20-2016:10:04:06

**Clerk Accepted:**

06-20-2016:10:04:41

**Court:**

Second Judicial District Court - State of Nevada  
Criminal

**Case Title:**

STATE VS. MICHAEL TODD BOTELHO (D3)

**Document(s) Submitted:**

Supreme Court Remittitur  
Supreme Ct Clk's Cert & Judg  
Supreme Court Order Affirming

**Filed By:**

Deputy Clerk YViloria

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

DC-09500081753-007  
CR03-2156  
STATE VS. MICHAEL TODD BOTELHO  
District Court  
Washoe County  
10/25/2016 03:24 PM  
1260  
MFRNAND  
nnc

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

FILED

2016 OCT 25 PM 3:24

JACQUELINE BRYANT  
CLERK OF THE COURT  
BY *[Signature]*  
DEPUTY

IN THE RENO JUSTICE COURT TOWNSHIP, COUNTY OF WASHOE  
STATE OF NEVADA

MICHAEL T. BOTELHO  
PETITIONER

RCR CASE NO: 2003-011479 CP03-2156

-VS-

DEPT NO. 1

D3

RENO JUSTICE COURT  
RESPONDENTS

NOTICE OF MOTION AND MOTION TO TRANSPORT

COMES NOW, MICHAEL T. BOTELHO, PETITIONER IN PROPER PERSON, AND REQUESTS THAT THIS HONORABLE COURT ORDER TRANSPORTATION FOR HIS PERSONAL APPEARANCE FOR HIS MOTION TO DISMISS ALL CHARGES WITH PREJUDICE FOR LACK OF SUBJECT-MATTER-JURISDICTION OF DISTRICT COURT, WHEREIN THIS CASE STILL REMAINS IN RENO JUSTICE COURT TO THIS DAY.

MY PRESENCE AT THIS HEARING IS ESSENTIAL AS I WAS DENIED DUE PROCESS AND EQUAL PROTECTION THEREIN ENSURING A HEARING AND MY PRESENCE AT SAID HEARING 13 YEARS AGO, TO DENY ME AGAIN WOULD RESULT IN THE FURTHERANCE OF THE TRAVESTY OF JUSTICE IN THIS CASE. AND, THE PROHIBITION AGAINST EX-PARTE COMMUNICATION (AS THIS COURT HAS PREVIOUSLY AND KNOWINGLY VIOLATED) REQUIRES THAT I BE PRESENT AT ANY HEARING AT WHICH THE STATE IS PRESENT, AND IS A CRITICAL STAGE OF THE PROCEEDINGS, AT WHICH THE ISSUE(S) CONCERNING THE CLAIMS RAISED THEREIN ARE CONSTITUTIONALLY REQUIRED TO BE ADDRESSED, AND SEE THE 5<sup>TH</sup> & 14<sup>TH</sup> AMENDMENTS OF OUR [STILL] VALID UNITED STATES CONSTITUTION.

## AFFIDAVIT

STATE OF NEVADA )  
 )  
 COUNTY OF CARSON )

RCR CASE NO. 2003-011479, DEPT 1

ss. Affidavit of: MICHAEL T. BOTELO # 80937

IN SUPPORT OF MOTION TO DISMISS IN JUSTICE COURT  
ON 10-12-2016, AS STAMP FILED, THEREIN.

To whom it may concern:

I, MICHAEL T. BOTELO, the undersigned, do hereby swear under the penalty of perjury that the assertions of this affidavit are true and correct. SEE NRS 209.165 AND 28 USC 1746.

YOU, RENO JUSTICE COURT CLERK(S) ARE NOW ON NOTICE THAT I DO NOT APPRECIATE YOUR DECEPTION, CALLING MY ALLEGED FAILURE TO SERVE DOCUMENTS ON OPPOSING PARTY, AS EX PARTE COMMUNICATION, CITING JCRCP RULE 5, THEREIN.

MY MOTION CLEARLY STATED ON PAGE 13 (AFFIRMATION AND CERTIFICATE OF SERVICE) THAT A COPY OF MOTION TO DISMISS WAS SENT TO OPPOSING PARTY VIA NDOC BRASS SLIP. THAT WAS MY PROOF OF SERVICE. YOU BETTER READ IT AGAIN AND DO YOUR JOB! YOU CITED JCRCP RULE 5, YOU SHOULD READ IT YOURSELF! I FOLLOWED RULE 5, SEE 5(b)(2)(B)(4), AND NRCF 5, AS WELL! ALSO, AS I AM AN INDIGENT PRO SE PETITIONER BRINGING FORTH A CRIMINAL ACTION AND YOU ALSO HAD A DUTY TO SERVE UPON MY BEHALF, REGARDLESS. I DID MY PART, NOW DO YOURS AND QUIT OBSTRUCTING.

AFTER WHAT THIS COURT HAS ALREADY DONE TO ME FOR THE LAST 13 YEARS, THIS IS FURTHER PROOF OF OBSTRUCTION BY THE STATE AND THIS "JUSTICE COURT", AND OF MY 1ST AMENDMENT RIGHT OF ACCESS TO THE COURT.

MY WIFE HAS BEEN INFORMED AND IS PREPARING TO NOTIFY THE DEPT OF JUSTICE, AND US ATTORNEY DANIEL BOGDEN, AND FORWARD A COPY OF SAID MOTION AND ITS AFFIDAVIT, AS WELL AS A COPY OF THIS, ALSO, FOR THIS COURTS ACTIONS UP TO THIS POINT. FURTHERMORE MY WIFE WILL INFORM THE LOCAL T.V. NEWS MEDIA AND SOCIAL MEDIA, TOO! REMEMBER THE LOCAL TV STATIONS BROADCAST WHAT THE FIRST JUDICIAL DISTRICT COURT CLERK DID TO A PRO SE LITIGANT AND HOW THEY TRIED TO COVER IT UP. MY WIFE WILL SHOW HOW MY CASE IS [STILL] IN JUSTICE COURT AND THAT I MUST BE RELEASED AS A RESULT. YOU KNOW HOW THAT WILL MAKE YOU LOOK, ALL OF YOU.

AS STATED IN MOTION TO DISMISS, THE WCDA IS A FRAUD AND IMPOSTER WITHOUT A "VALID" "LAWFUL" BOND WITH TWO(2) SEPERATE AND DISTINCT SURETIES UPON SAID BOND, AND IS NOT THE DISTRICT ATTORNEY. NOW YOU CAN PROVE TO ME, MY WIFE AND THE PEOPLE OF WASHOE COUNTY THAT EACH AND EVERY JUSTICE OF THE PEACE IN WASHOE COUNTY FILED A VALID LAWFUL BOND WITH TWO(2) SEPERATE AND DISTINCT SURETIES UPON SAID BOND, OR PROVE TO ME, MY WIFE, AND THE PEOPLE OF WASHOE COUNTY THAT THEY HAVE NOT CONSPIRED TO COMMIT FRAUD, OR FOLLOW THE LAW, HEAR THE CRITICAL JURISDICTIONAL MOTION (ON ITS LAWFUL MERITS) WITH ME TRANSPORTED AND PRESENT FOR SAID "PUBLIC" HEARING, AS REQUIRED.

DATED 10-18-2016

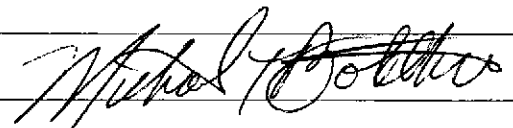
*Michael T. Botello*  
 MICHAEL T. BOTELO # 80937  
 NCC, PO BOX 7000  
 CARSON CITY, NV 89707

AFFIRMATION AND CERTIFICATE OF SERVICE.

I, MICHAEL T. BOTELHO, THE UNDERSIGNED, DO HEREBY SWEAR UNDER THE PENALTY OF PERJURY THAT THE MOTION TO TRANSPORT DOES NOT CONTAIN THE S.S.N. OF ANY PERSON AND THAT I, PURSUANT TO FRCP 5(b), I HEREBY CERTIFY THAT I AM THE PETITIONER NAMED HEREIN AND THAT I MAILED A TRUE AND CORRECT COPY OF SAID MOTION, VIA PRISON MAIL BOX RULE, VIA PRISON BRASS SLIP TO THIS COURT ONLY.

AS A PRO SE, INFORMAL PAUPER'S LITIGANT I REQUEST THE JUSTICE COURT CLERK FORWARD A COPY TO THE NEVADA ATTORNEY GENERAL. THIS JUSTICE COURT AND ITS PREVIOUS ACTIONS/IN ACTIONS HAS ALREADY COST ME 13 YEARS AND THOUSANDS IN COURT COPY WORK AND POSTAGE, AS A RESULT, COSTING ME YET FURTHER INCOME FOR THOSE LOST 13 YEARS, FOR ME AND MY FAMILY.

DATED 10-16-2016



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

//

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//

C.C. FILE

CR03-2156  
DC-09900084591-084  
STATE VS. MICHAEL TODD BOTELHO 3 Pages  
District Court 05/16/2017 11:05 AM  
Washoe County 3370

FILED

2017 MAY 16 AM 11:05

JACQUELINE BRYANT  
CLERK OF THE COURT  
BY *M. Chole*  
DEPUTY

FILED

17 MAY 11 PM 5:24

DEXTER THOMAS  
RENO JUSTICE COURT  
BY *[Signature]*  
DEPUTY

IN THE JUSTICE COURT OF RENO TOWNSHIP  
COUNTY OF WASHOE, STATE OF NEVADA

MICHAEL T. BOTELHO,

Case No. RCR 2003-011479

Plaintiff,

Dept. No. 1

vs.

CR03-2156  
D3

**ORDER FORWARDING  
DOCUMENTS TO  
DISTRICT COURT**

RENO JUSTICE COURT,

Defendant.

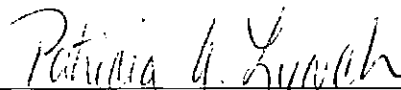
MICHAEL T. BOTELHO ("BOTELHO") was convicted of a number of serious felonies in the Second Judicial District Court and is currently serving time in prison. While the charges were originally in Justice Court, a superseding Indictment was filed, and all proceedings in Justice Court were stayed by the District Court on October 8, 2003. BOTELHO sent previous correspondence to this court, which was properly forwarded to the District Court as the Justice Court has no jurisdiction and is under the stay issued by the District Court.

BOTELHO's latest correspondence, received by this court on November 2, 2016, was inadvertently sent to the District Attorney's Office for a response. The court, more appropriately, should have forwarded BOTELHO's correspondence directly to the District Court. Additionally, there is no such case as "MICHEL T. BOTELHO V. RENO JUSTICE COURT."

THEREFORE, any and all documents and motions filed by BOTELHO from November

1 2, 2016, in Reno Justice Court are to be forwarded to District Court as the Justice Court has no  
2 jurisdiction in this case.

3 DATED this 10th day of May 2017

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6 JUSTICE OF THE PEACE  
7 DEPARTMENT NO. 1  
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## CERTIFICATE OF MAILING


Pursuant to NRCP 5(b), I certify that I am an employee of the Reno Justice Court, in the County of Washoe, State of Nevada; that on the date and manner indicated below, I deposited in the County mailing system and/or for postage and mailing with the United States Postal Service in Reno, Nevada, a true copy of the attached document addressed to:

Washoe County District Attorney's Office  
Terrence P. McCarthy, Esq.  
Chief Appellate Deputy  
P.O. Box 11130  
Reno, NV 89520-0027  
(Interoffice)

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

Second Judicial District Court  
75 Court St.  
Reno, NV 89501  
(Interoffice)

DATED this 11th day of May 2017

  
Wendy Pearson, Secretary to  
Patricia A. Lynch, Justice of the Peace  
Reno Justice Court, Department 1

CR03-2156  
 DC-09900084591-085  
 STATE VS. MICHAEL TODD BOTELHO 3 Pages  
 District Court 05/16/2017 11:08 AM  
 Washoe County 3880  
 Reno, NV

CODE #3880  
 CHRISTOPHER J. HICKS  
 #7747  
 P. O. Box 11130  
 Reno, Nevada 89520-0027  
 (775) 328-3200  
 Attorney for Respondent

FILED

2017 MAY 16 AM 11:08

JACQUELINE DRYANT  
 CLERK OF THE COURT  
 BY *M. Cholet*  
 DEPUTY

FILED

17 MAR 16 AM 9:13

DEXTER THOMAS  
 RENO JUSTICE COURT  
 BY *[Signature]*  
 DEPUTY

IN THE JUSTICE COURT OF RENO TOWNSHIP,  
 IN AND FOR THE COUNTY OF WASHOE, STATE OF NEVADA

\* \* \*

MICHAEL T. BOTELHO,  
 Petitioner,  
 v.  
 RENO JUSTICE COURT,  
 Respondent.

CR03-2156

D3

Case No. RCR2003-011479

Dept. No. 1

RESPONSE TO "MOTION GRANTING MOTION TO DISMISS ALL CHARGES..."

The undersigned is in receipt of a document captioned as a "motion granting motion..." (whatever that is) styled as Botelho v. Reno Justice Court, but filed in the same court as the respondent. That makes little sense. If there was a lawsuit pending between Botelho and the Reno Justice Court, it would certainly not be pending in the Reno Justice Court. There is however, no such lawsuit.

Botelho claims he has previously moved to dismiss his criminal charges. That does not appear to be true. He has previously moved to be transported to this court in support of a motion of some sort, but that is not the same as a motion to dismiss the charges. Furthermore, that motion was also styled as "Botelho v. Reno Justice Court," but it was nevertheless filed in Reno Justice Court. The record also shows various bits of "correspondence" from Botelho but that is also not the same as a motion to dismiss.

1 The State is unaware of any litigation pending in any court that would involve Botelho  
2 and the Reno Justice Court as parties. Therefore, whatever he is seeking, it should be denied.

3 To the extent that Botelho is suggesting that this court somehow has authority to vacate  
4 the convictions entered by the Second Judicial District Court, based on the superceding  
5 Indictment, he is incorrect. To the extent that he is attempting to argue that there is some legal  
6 significance to the prior criminal Complaint filed in RCR2003-011479, he is incorrect. The  
7 record of the court reveals that there was a superceding Indictment and that consequently the  
8 district court stayed the proceedings in this court on October 8, 2003. This court lacks the  
9 authority to overrule the district court.

10 The State is not sure what the petitioner is seeking, or from whom he is seeking the  
11 relief, or the grounds of the motion, but whatever it is this court should deny the motion.

12 AFFIRMATION PURSUANT TO NRS 239B.030

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

15 DATED: March 16, 2017.

16 CHRISTOPHER J. HICKS  
17 District Attorney

18 By /s/ TERRENCE P. McCARTHY  
19 TERRENCE P. McCARTHY  
20 Chief Appellate Deputy  
21  
22  
23  
24  
25  
26

CERTIFICATE OF MAILING

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

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

/s/ DESTINEE ALLEN  
DESTINEE ALLEN

MICHAEL T. BOTELHO  
# 80837

N.N.C.C.

P.O. BOX 7000

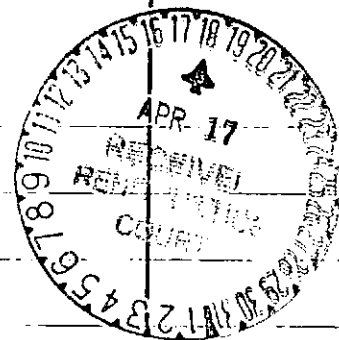
CARSON CITY, NEV. 89702

IN PROPER PERSON

FILED

2017 MAY 16 AM 11:14

JACQUELINE BRYANT  
CLERK OF THE COURT



IN THE RENO JUSTICE COURT, TOWNSHIP, COUNTY OF WASHOE,  
STATE OF NEVADA

MICHAEL T. BOTELHO  
PETITIONER

CR03-2156

D3

CASE NO. RCR 2003-011479

VS.

DEPT. NO. I

RENO JUSTICE COURT,  
STATE OF NEVADA  
DEFENDANTS

REQUEST FOR SUBMISSION

COMES NOW, MICHAEL T. BOTELHO, PETITIONER IN PROPER PERSON, AND FILES  
THIS NECESSARY REQUEST FOR SUBMISSION IN THE ABOVE ENTITLED ACTION.

THIS REQUEST IS MADE PURSUANT TO PREVIOUSLY FILED MOTION GRANTING  
MOTION TO DISMISS ALL CHARGES WITH PREJUDICE & DISTRICT COURTS WANT  
OF SUBJECT MATTER JURISDICTION, WHERE THIS CASE [STILL REMAINS] IN THIS  
JUSTICE COURTS JURISDICTION, TO GRANT BOTELHO'S NECESSARY VOID JUDGE-  
MENT AS A MATTER OF LAW, FOR THIS INTENTIONAL, GROSS MISCARriage OF JUSTICE.

AFFIRMATION AND CERTIFICATE OF SERVICE

I, MICHAEL T. BOTELHO, DO SWEAR UNDER THE PENALTY OF PERJURY, THAT REQUEST  
FOR SUBMISSION DOES NOT CONTAIN THE S.S.N. OF ANY PERSON. I CERTIFY THAT  
PURSUANT TO FRCP 5(b), I FURTHER CERTIFY THAT I MAILED A TRUE AND  
COMPLETE COPY OF SAID REQUEST, VIA PRISON MAIL BOX RULE VIA BRASS SLIP  
NO. 2252346, TO THIS COURT AND TO THE PARTY BELOW.

DATED 4-13-2017

COPY TO

NV: ATTORNEY GENERAL  
100 N. CARSON ST.  
CARSON CITY, NV. 89701-4717

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

IN PROPER PERSON

CR03-2156  
STATE VS. MICHAEL TODD BOTELHO  
District Court  
Washoe County  
DOC

DC-09900084632-008  
05/22/2017 04:32 PM  
2610  
RRDRIGU

FILED

MICHAEL T. BOTELHO  
#80837

NNCC

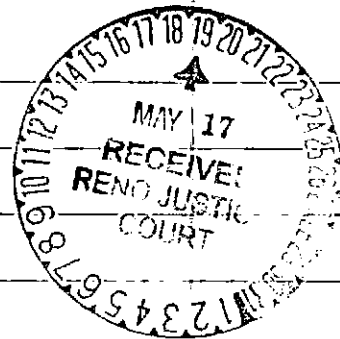
PO BOX 7000

CARSON CITY, NV. 89702

2017 MAY 22 PM 4:32

JACQUELINE BRYANT  
CLERK OF THE COURTBY *[Signature]*  
DEPUTY

IN PROPER PERSON

IN THE RENO JUSTICE COURT TOWNSHIP, COUNTY OF WASHOE  
STATE OF NEVADAMICHAEL T. BOTELHO  
PETITIONERCR03-2156  
CASE NO. RCR 2003-011479

-VS-

DEPT. NO. I

03

RENO JUSTICE COURT,  
STATE OF NEVADA  
DEFENDANTSJUDICIAL NOTICE

ATTN: [ALL] RENO JUSTICE(S) OF THE PEACE, WASHOE COUNTY.

YOU ARE [AGAIN], HEREIN ADVISED OF YOUR COURT CLERK(S) INTENTIONAL AND DELIBERATE WRONG DOINGS AND DELIBERATELY REPEATED FAILURES TO FILE EACH AND [EVERY] DOCUMENT AS REQUIRED BY LAW AND COURT RULES, AND [AGAIN] SEE BOWMAN V 8<sup>TH</sup> JUD. DIST. CT. 729P2d443, AS CLEARLY ELUDED TO IN NOTICE OF MOTION AND MOTION TO TRANSPORT (2<sup>ND</sup> ATTEMPT) RECEIVED IN RENO JUSTICE COURT ON 11-16-2016, YET THE COURT CLERKS [STILL] REFUSE TO STAMP DOCUMENTS [FILED] SINCE, AND HERE IN 2017, AS [FILED], BY STAMPING EVERY DOCUMENT AS ONLY [RECEIVED], NOT BEING FILED AS CLEARLY REQUIRED BY LAW.

BUT, THE ONE AND [ONLY] TIME THE STATE RESPONDED TO THIS ACTION, THE JUSTICE COURT CLERK IMMEDIATELY STAMPED THE STATES RESPONSE AS [FILED], SHOWING OBVIOUS PARTIALITY TO THE STATE, AND BIAS TOWARD BOTELHO. WHEN BOTELHO MAILED NECESSARY MOTION TO STRIKE ON 3-27-2017, AND FIRST REQUEST FOR SUBMISSION ON 4-13-2017, THE CLERK [AGAIN] SHIRKED THEIR REQUIRED DUTY BY STAMPING BOTELHOS COURT DOCUMENTS AS [RECEIVED]. THIS WAS IN BLATENT DISREGARD FOR

THEIR SWORN OATH, NEVADA LAW, COURT RULES, AND THE NEVADA SUPREME COURT DIRECTIVE FOR DOCUMENT FILINGS, SEE BOWMAN, SUPRA, AS ELUDED TO IN BOTELHOS FIRST JUDICIAL NOTICE, ALSO STAMPED "RECEIVED" IN THIS CASE, BY THIS COURTS CLERKS. THIS COURT IS AWARE OF THESE CLERKS ACTIONS BUT HAVE FAILED TO ADDRESS THE KNOWN ACTIONS BY THESE CLERKS. THE CLERKS REPEATED ACTIONS HAVE KNOWINGLY AND WILLFULLY EXPOSED BOTELHO TO VIOLATION(S) OF HIS NEVADA AND UNITED STATES CONSTITUTIONAL RIGHTS OF EQUAL ACCESS, EQUAL PROTECTION, EQUAL TREATMENT AND DUE PROCESS OF LAW AND ACTIVELY VIOLATED THEIR OATH TO FOLLOW AND ABIDE BY THE NV. AND U.S. CONSTITUTION(S) (NOW GOING ON 14 YEARS IN THIS TRAVESTY OF JUSTICE BY THIS COURT, WHERE BOTELHO STILL REMAINS IN JUSTICE COURT JURISDICTION, AS A PRE-TRIAL DETAINEE). [EMPHASIS ASSERTED]

BOTELHO RESPECTFULLY DEMANDS THAT THIS COURTS RECORD BE PRESERVED FOR APPEAL IN ITS ENTIRETY ESPECIALLY SINCE THIS COURTS CLERKS HAVE PREVIOUSLY ALTERED DOCUMENTS, AND THIS COURTS [DOCKET] SINCE 2003, AS PREVIOUSLY EXPOSED IN THIS CASE, AS WELL AS WITHHOLDING AND DENYING COURT DOCUMENT REQUESTS INITIALLY FOR ALLEGED ARREST WARRANT AND STILL WILL [NOT] PRODUCE BOTELHOS JUSTICE COURT ARRAIGNMENT TRANSCRIPTS, WHICH THIS COURTS CLERKS STATE "THEY DO [NOT] HAVE THEM." HAVE THESE CLERKS BEEN ACTING ON THEIR OWN OR HAVE THEIR ACTIONS BEEN INFLUENCED BY THE JUDICIARY, TO HINDER, DELAY AND DENY BOTELHO HIS KNOWN NECESSARY RELIEF, AT ALL COST? THE APPEARANCE IS ENOUGH TO FULLY SUPPORT THESE ASSERTIONS AND FACTS IN THIS COURTS RECORD. THIS COURT [M]UST REVIEW BOTELHOS PREVIOUS DOCUMENTS AND "JUDICIAL NOTICE" AS THEY CLEARLY AND MATERIALLY PROVE THE PROBATIVE FACTS IN THE COURT RECORD. BOTELHO ALSO ASKED FOR THE 2016-2017 JUSTICE COURT DOCKET IN THIS CASE BUT IT WAS IGNORED, WHY? THEY SENT 2003 DOCUMENTS INSTEAD, NOT INCOMPETENCE, JUST DELIBERATE!

YOU ARE [AGAIN] ADVISED THAT THIS COURT IS BOUND BY ITS OATH, NEVADA LAW, CODE OF CONDUCT/ETHICS, THE NV. AND U.S. CONSTITUTION(S) AND BOTELHOS UNDENIABLE AND [I]NALIENABLE, NV. AND U.S. CONSTITUTIONAL RIGHTS, RIGHTS THAT HAVE

BEEN SYSTEMATICALLY IGNORED AND DENIED BY THIS COURT SINCE 2003. THIS COURT [CANNOT] IGNORE STARE DECISIS CASELAW OF THE NV. SUPREME COURT, FEDERAL CIRCUITS AND OUR U.S. SUPREME COURT, NOR THE NEVADA AND THE U.S. CONSTITUTION(S), REGARDLESS OF WHETHER THIS COURT LIKES OR DISLIKES THE [REQUIRED] NECESSARY RESULTING RELIEF, AS REQUIRED, AS A CLEAR, NON-DISCRETIONARY MATTER OF LAW, AS JUSTICE [R]EQUIRES. THIS CASE IS NOT A POLITICAL FOOTBALL BUT A CASE THAT MUST BE VOIDED AS A MATTER OF LAW [I.] THE FLAGRANT DISOBEDIENCE OF THE LAW, THE CONSTITUTION(S) AND BOTELHO'S CONSTITUTIONAL RIGHTS [CANNOT] BE JUSTIFIED BY THE ACTIONS OF THE STATE AND THIS COURTS [PAST] ACTIONS SINCE 2003, IN THIS CASE.

THIS HONORABLE COURT MUST FOLLOW THE LAW AND GRANT BOTELHO'S NECESSARY, REQUIRED VOID JUDGMENT AND ORDER BOTELHO IMMEDIATE RELEASE AFTER VOIDING HIS JUDGMENT. THE RAMIFICATIONS OF BOTELHO'S NECESSARY VOID JUDGMENT AND RELEASE, WHERE THIS CASE [STILL REMAINS] IN THIS [JUSTICE COURTS JURISDICTION] ALMOST 14 YEARS LATER ARE THIS COURTS OWN MAKING, ARE POTENTIALLY STAGGERING TO THE STATE, BUT THAT IS [NOT] THE COURTS CONCERN, NOR ITS BUSINESS TO CONSIDER. BOTELHO RESPECTFULLY REMINDS THIS HONORABLE COURT TO FOLLOW THE LAW AND RULE AS IT KNOWS IT [MUST].

LAST, BOTELHO REMINDS THIS COURT THAT HE [FILED] MOTION TO DISMISS ALL CHARGES WITH PREJUDICE 7-8 MONTHS AGO, AS HE REMAINS IN JUSTICE COURTS JURISDICTION AS A PRE-TRIAL DETAINEE WITHOUT A MANDATORY, LAWFUL AND CONSTITUTIONAL ARRAIGNMENT, NOR VALID ARREST, AND WITHOUT GIVING HIM HIS MANDATORY, PROCEDURAL, LAWFUL AND CONSTITUTIONAL JUSTICE COURT PRELIMINARY EXAMINATION AS REQUIRED BY THE FILING OF A CRIMINAL COMPLAINT AND AS PRELIMINARY HEARING WAS ORDERED BY THIS JUSTICE COURT, AND [NEVER] HELD, NEVER WAIVED OR STAYED BY JUSTICE COURT.

THESE FACTS HAVE [NEVER] BE DISPUTED OR DENIED BY THE STATE. IT IS A MATTER OF FACT IN THIS COURTS RECORD, SIMPLY STATING "MR. BOTELHO IS INCORRECT" IS



NOT AN ARGUMENT, NOR DEFENSE, NOR IS NOT DEFENDING POINTS, OR LEGAL FACT WHICH REQUIRE "AUTOMATIC" VOID JUDGMENT RELIEF. THE STATES WILFUL FAILURE TO FOLLOW RULES OF PROCEDURE AS CLEARLY AVERED TO IN MOTION TO STRIKE PROVE CLEARLY [.]

THE SYSTEMATIC DEPRIVATION OF BOTELHO'S CONSTITUTIONAL RIGHTS SINCE 2003, AND THE COURTS CONTEMPT FOR THE RULE OF LAW MUST NOW COME TO AN END IN 2017. TO DO ANYTHING LESS THAN GRANT BOTELHO HIS REQUIRED "AUTOMATIC", NECESSARY RELIEF OF VOID JUDGMENT IN THIS CASE WOULD AMOUNT TO TYRRANY AND DISINGENUOUS IN THE EYES OF THE LAW AND EVERYTHING WE AS AMERICANS HOLD DEAR. [JUSTICE FURTHER DELAYED IS JUSTICE DENIED] • (EMPHASIS STRONGLY ASSERTED)

DATED 5-9-2017



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

COPY FORWARDED TO RESPONDENT/DEFENDANTS COUNSEL

NV. ATTORNEY GENERAL  
100 N. CARSON ST  
CARSON CITY, NV. 89701-4717

\* IN ENVELOPE WITH 2ND REQUEST  
FOR SUBMISSION.

CR03-2156  
DC-09900084632-009  
STATE VS. MICHAEL TODD BOTELHO 1 Page  
District Court 05/22/2017 04:33 PM  
Washoe County  
3860  
PROPRIETARY

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

IN PROPER PERSON

FILED

2017 MAY 22 PM 4:33

JACQUELINE BRYANT  
CLERK OF THE COURT  
BY *[Signature]*  
DEPUTY



IN THE RENO JUSTICE COURT TOWNSHIP, COUNTY OF WASHOE  
STATE OF NEVADA

MICHAEL T. BOTELHO  
PETITIONER

CASE NO. RCR 2003-011479

-VS-

DEPT. NO. I

CR03-2156

03

RENO JUSTICE COURT,  
STATE OF NEVADA  
DEFENDANT'S

SECOND REQUEST FOR SUBMISSION

COMES NOW, MICHAEL T. BOTELHO, PETITIONER IN PROPER PERSON, AND IS NOW [FORCED] TO  
FILE A [SECOND] REQUEST FOR SUBMISSION IN THE ABOVE ENTITLED ACTION.

THIS REQUEST IS [AGAIN] MADE TO PREVIOUSLY FILED MOTION GRANTING MOTION TO  
DISMISS ALL CHARGES WITH PREJUDICE. DISTRICT COURTS WANT OF SUBJECT-MATTER-  
JURISDICTION, WHERE THIS CASE [STILL REMAINS] IN THIS JUSTICE COURT'S JURISDICTION, TO  
GRANT BOTELHO'S NECESSARY VOID JUDGMENT AS A MATTER OF LAW, FOR THIS INTENTIONAL  
GROSS MISARRIAGE OF JUSTICE [.]

AFFIRMATION AND CERTIFICATE OF SERVICE

I, MICHAEL T. BOTELHO, DO SWEAR UNDER THE PENALTY OF PERJURY, THAT SECOND REQUEST  
FOR SUBMISSION DOES NOT CONTAIN THE S.S.N. OF ANY PERSON, PURSUANT TO FRCP 5 (b).  
I FURTHER CERTIFY THAT I MAILED A TRUE AND COMPLETE CORRECT COPY OF SAID SECOND  
REQUEST, VIA PRISON MAIL BOX RULE, VIA BRASS SLIP NO. 2251056, TO THIS COURT  
AND TO THE PARTY BELOW:

DATED 5-9-2017

COPY TO

NV ATTORNEY GENERAL  
100 N. CARSON ST.  
CARSON CITY, NV. 89701-4717

*[Signature]*  
MICHAEL T. BOTELHO # 80837  
NNCC  
P.O. Box 7000  
CARSON CITY, NV. 89702  
IN PROPER PERSON



DC-09900084632-104  
STATE VS. MICHAEL TODD BOTE 14 Pages  
District Court 06/02/2017 02:27 PM  
3795  
Washoe County  
Magistrate

1 MICHAEL T. BOTEELHO  
#80337  
2 NNCC P.O. Box 7000  
CARSON CITY, NV 89702

3 IN PROPER PERSON

FILED

2017 JUN -2 PM 2:27

JACQUELINE BRYANT  
CLERK OF THE COURT

BY *[Signature]*  
DEPUTY

4  
5 IN THE RENO JUSTICE COURT TOWNSHIP, COUNTY OF WASHOE  
6 STATE OF NEVADA

7 MICHAEL T. BOTEELHO  
PETITIONER

CRO3-2156  
CASE NO. RCR 2003-011479 03

8 -VS- DEPT. NO. 1

9 RENO JUSTICE COURT,  
STATE OF NEVADA,  
10 DEFENDANTS /

REPLY AND OBJECTION TO ORDER FORWARDING  
DOCUMENTS TO DISTRICT COURT

11 COMES NOW, MICHAEL T. BOTEELHO, PETITIONER IN PROPER PERSON, BRINGING FORTH  
12 NECESSARY REPLY AND OBJECTION TO THIS COURTS ARBITRARY AND CAPRICIOUS  
13 ORDER FORWARDING DOCUMENTS TO DISTRICT COURT, FILED IN JUSTICE COURT ON  
14 MAY 11, 2017, RECEIVED BY BOTEELHO MAY 15, 2017. (EMPHASIS STRONGLY ADDED)  
15 MAGISTRATE PATRICIA LYNCH'S DEFECTIVE ORDER IS CONTRARY TO LAW, IS FALSE,  
16 MISREPRESENTED, AND MADE IN KNOWN DIRECT CONTRAVENTION OF NV. & U.S.  
17 CONSTITUTION(S) AND BOTEELHOS CONSTITUTIONAL RIGHTS.  
18 BOTEELHOS CRIMINAL CASE STILL [REMAINS] IN JUSTICE COURT JURISDICTION AS AN  
19 ABSOLUTE FACT IN LAW. SEE SPECIFICALLY, NRS. 172.175(1)(a). BOTEELHOS SUPERSEDING  
20 INDICTMENT AND DISTRICT COURTS UNLAWFUL ORDER STAYING MANDATORY JUSTICE COURT  
21 PRELIMINARY EXAMINATION ARE [VOID] FROM THEIR [I]NCEPTION AS A WELL SETTLED  
22 MATTER OF LAW. JUSTICE COURT AS A MATTER OF LAW [REMAINS] THE COURT OF JURISDICTION  
23 THIS COURT HAS IN 2003, AND HERE IN 2017, AGAIN ALSO VIOLATED AND IGNORED THE  
24 COMMANDS OF NEVADA CONSTITUTION, ARTICLE 6, SECTION 6; ALSO VIOLATING  
25 ARTICLE I, SECTIONS 2 AND 8, THEREIN, AND FURTHER VIOLATING OUR UNITED STATES  
26 CONSTITUTION, SEE 1<sup>ST</sup>, 5<sup>TH</sup> AND 14<sup>TH</sup> AMENDMENTS, AND SPECIFICALLY THE 5<sup>TH</sup> AND 14<sup>TH</sup>  
27 EQUAL PROTECTION AND DUE PROCESS CLAUSE(S), THEREIN. (EMPHASIS ADDED)  
28 THE SUPERCEDING INDICTMENT IS "VOID", AND OF NO LEGAL CONSEQUENCE [.]

1 BOTELHO ASSERTS THAT J.O.P. LYNCH KNOWINGLY SHIRKED HER STATUTORY,  
 2 CONSTITUTIONAL AND JURISDICTIONAL DUTIES TO HOLD THE NECESSARY DE NOVO  
 3 REVIEW HEARING TO MAKE A [L]AWFUL [D]ETERMINATION ON THE MERITS OF  
 4 BOTELHOS LAWFULLY PRESENTED JURISDICTIONAL & CONSTITUTIONAL CHALLENGE IN  
 5 RENO JUSTICE COURT WHERE HIS CRIMINAL CASE [STILL REMAINS] AND STARE  
 6 DECISIS FULLY SUPPORTS AS A WELL SETTLED FACT IN LAW [.] THIS COURT HAS  
 7 BEEN VIOLATING PROCEDURAL DUE PROCESS AND BEING ALLOWED TO GET AWAY WITH  
 8 IT FOR SO LONG AND FINALLY BEING CALLED OUT FOR ITS UNLAWFUL ACTIONS  
 9 THAT IT MUST COVER IT UP OR RISK EXPOSURE AND HAVE TO GRANT BOTELHO  
 10 HIS LONG OVERDUE (13 1/2 YRS) NECESSARY RELIEF, AS A MATTER OF LAW.  
 11 J.O.P. LYNCH'S ORDER [IS] CONTRARY TO LAW, AND REPUGNANT TO THE COMMANDS OF  
 12 OUR NEV. AND U.S. CONSTITUTION(S), AND VIOLATES BOTELHOS PROCEDURAL DUE PROCESS  
 13 RIGHTS YET [A]GAIN. J.O.P. LYNCH FURTHER MISREPRESENTED THE FACTS IN A SIGNIFICANT  
 14 WAY, WAS UNTRUTHFUL, AND AMOUNTS TO ACTUAL [F]RAUD UPON THE COURT AND  
 15 THE RECORD. THE SHAM, POORLY DESIGNED ORDER FURTHER LEFT BOTELHO  
 16 [W]ITHOUT AN APPEALABLE ORDER, AMOUNTING TO OBSTRUCTION OF JUSTICE AS  
 17 BOTELHO FILED MOTION TO DISMISS IN JURISDICTIONAL CHALLENGE ON OCT. 12, 2016,  
 18 IN JUSTICE COURT. J.O.P. LYNCH SPECIFICALLY EXCLUDED THIS FACT FROM THAT  
 19 MANIPULATED, DECEPTIVE ORDER, DATES WERE MANIPULATED, THE RECORD WAS TOO!  
 20 HER WILLFUL FAILURE TO SUPPORT HER UNTRUTHFUL, SHAM ORDER WITH THE  
 21 NECESSARY FACTS, FINDINGS AND CONCLUSIONS OF LAW, WAS BECAUSE SHE HAD  
 22 NO CONCLUSION(S) OF LAW TO SUPPORT HER SHAM ORDER BECAUSE BOTELHO  
 23 LEGALLY AND FACTUALLY PROVED HIS JURISDICTIONAL CLAIM, BUT LYNCH WAS NOT  
 24 WILLING TO DO HER SWORN DUTY AND GRANT RELIEF, AND HAD NO LAW TO SUPPORT  
 25 HER FICTICIOUS POSITION. WITHOUT HER FACTS, FINDINGS & CONCLUSIONS OF LAW,  
 26 BOTELHO WAS [I]NTENTIONALLY DENIED THE OPPORTUNITY TO APPEAL, AS HE  
 27 WAS LEFT WITHOUT AN ADEQUATE, SPEEDY REMEDY IN LAW, DESIGNED TO PREVENT  
 28 JUSTICE COURT FROM RULING AS REQUIRED IN THIS CASE, AS A MATTER OF LAW.

(I) SPECIFICALLY SEE, NRS 172.175(1)(a) THE CASE OF EVERY PERSON IMPRISONED  
IN THE JAIL OF THE COUNTY, ON A CRIMINAL CHARGE, AGAINST WHOM AN  
INDICTMENT HAS NOT BEEN FOUND, OR AN INFORMATION, OR [COMPLAINT] FILED,  
BECAUSE BOTELHO'S CRIMINAL CASE WAS FILED BY WAY OF "CRIMINAL COMPLAINT,"  
SEPTEMBER 11, 2003, IN THIS RENO JUSTICE COURT BY THE STATE, THE DISTRICT  
COURT WAS WITHOUT JURISDICTIONAL AUTHORITY TO SEIZE JURISDICTION OVER  
THE SUBJECT-MATTER, OR THE PARTY (BOTELHO). THE FACT THAT THERE WAS IN FACT  
A SUPERCEDING INDICTMENT AND THE DISTRICT COURT STAYED BOTELHO'S MANDATORY  
JUSTICE COURT PRELIMINARY EXAMINATION ON OCT. 8, 2003, HAVE NO LEGAL  
CONSEQUENCE, AND NO WEIGHT, AS A MATTER OF LAW, THE MANDATORY  
PROCEDURAL DUE PROCESS, JUSTICE COURT PRELIMINARY EXAMINATION WAS  
[N]EVER WAIVED BY BOTELHO, NOR WAS DISMISSED, AND BOTELHO'S CASE WAS  
[N]EVER TRANSFERRED BY JUSTICE COURT TO DISTRICT AT ANY TIME, PERIOD [.]  
BOTELHO'S CASE WAS [N]EVER ORDERED TO BE BOUND OVER TO DISTRICT COURT  
BY JUSTICE COURT MAGISTRATE. [EMPHASIS ASSERTED]  
BOTELHO RESPECTFULLY DEMANDS "RENO JUSTICE COURT" TO PRODUCE AND  
PROVIDE BOTELHO WITH ANY 2003 [BIND-OVER] ORDER TRANSFERRING  
JURISDICTION TO SECOND JUDICIAL DISTRICT COURT, BY RENO JUSTICE COURT.  
JUSTICE DEMANDS SAID ORDER BE PRODUCED, OR THE CLEAR AND UNAMBIGUOUS  
COMMANDS OF NRS 172.175(1)(a) WERE VIOLATED, AND INDICTMENT IS [VOID].  
THE DISTRICT COURT COMMITTED AN "ULTRA VIRES ACT" WHEN IT UNLAWFULLY  
AND UNCONSTITUTIONALLY SEIZED JURISDICTION FROM JUSTICE COURT. THE  
DISTRICT COURT HAD NO AUTHORITY TO CONVENE A GRAND JURY IN THIS CASE.  
THE STATE AND DISTRICT COURTS CONTEMPT FOR NRS 172.175, AND BOTELHO'S  
PROCEDURAL DUE PROCESS, VOIDS BOTELHO'S INDICTMENT, REGARDLESS [.]  
STATUTORY INTERPRETATION QUESTIONS ARE SUBJECT TO DE NOVO REVIEW.  
SEE WEBB V. SHULL, 128 NV. —, —, 270 P3d 1266, 1268 (2012). WHEN A STATUTE'S  
LANGUAGE IS CLEAR, THIS COURT WILL APPLY THE PLAIN LANGUAGE IN

1 INTERPRETING THE STATUTE. Id.; [THIS COURT REFUSES TO DO SO, NOR, EVEN  
2 MAKE TO REQUIRED RULING] SEE ALSO OTAK NEVADA, LLC V. DIST. COURT,  
3 127 NV. —, —, 260 P3d 408, 411 (2011) (EXPLAINING THAT WHEN A STATUTORY  
4 PHRASE IS CLEAR AND UNAMBIGUOUS, THIS COURT [MUST] GIVE EFFECT TO  
5 THAT CLEAR MEANING AND WILL [NOT] CONSIDER SOURCES BEYOND THE  
6 LANGUAGE OF THE STATUTE TO INTERPRET IT),  
7 STATE V. STEVENSON, 465 P2d 720, "A COURT LACKS JURISDICTION TO ACT  
8 UPON OFFENSES WHICH ARE NOT BROUGHT BEFORE IT IN THE MANNER PROVIDED  
9 BY LAW." SEE COTTON V. U.S., 535 U.S. 625, 122 S. CT 1781 (2001) "WHEN A COURT  
10 [WITHOUT] JURISDICTION CONVICTS AND SENTENCES A DEFENDANT, THE 'CONVICTION  
11 AND SENTENCE' ARE [V]OID FROM THEIR [I]NCEPTION AND REMAIN VOID LONG  
12 AFTER A DEFENDANT HAS FULLY SUFFERED THEIR DIRECT FORCE."  
13 "FOR THE COURT TO ACT WHEN IT HAS [NO] JURISDICTION TO DO SO IS FOR THE  
14 COURT TO ACT "ULTRA VIRES," U.S. STEEL CO. V. CITIZENS FOR BETTER  
15 ENVIRONMENT, 523 U.S. 83, 94, 118 S. CT 1003; RUHRGAS V. MARATHON OIL,  
16 526 U.S. 574, 583, 119 S. CT 1653. U.S. V. COTTON, SUPRA, "SUBJECT-MATTER-JURISDICTION,  
17 BECAUSE IT INVOLVES A COURTS POWER TO HEAR A CASE, CAN [N]EVER BE FORFEITED  
18 OR WAIVED;" [AS WAS DONE TO BOTELHO]; MARGOLD V. DIST. COURT, 109 NV. 804,  
19 858 P2d 33 (1993); CITY OF KENOSHA V. BRUNO, 412 U.S. 507, 93 S. CT 2222, 2225,  
20 SEE EX PARTE MING, 42 NEV. 472. "WHEN JURISDICTION OVER A CERTAIN CRIMINAL  
21 CASE IS CONFERRED UPON JUSTICE COURT, THEY BECOME CASES "OTHERWISE  
22 PROVIDED BY LAW AND ARE BY PLAIN LANGUAGE OF THE CONSTITUTION, [E]XCEPTED  
23 FROM JURISDICTION OF THE DISTRICT COURT." FURTHER ACCUSATIONS ARE STILL  
24 TREATED AS MISDEMEANORS WHEN THE PRELIMINARY EXAMINATION HAS BEEN  
25 ORDERED IN JUSTICE COURT, AS WAS ORDERED FOR OCT. 9, 2003, AND WAS [N]EVER  
26 HELD, WAIVED, TRANSFERRED (BOUND OVER) AS A MATTER OF COURT RECORD [O].  
27 PROCEDURES IN CRIMINAL CASES ARE TO BE FOLLOWED BY EVERY DISTRICT  
28 ATTORNEY AND [E]VERY COURT IN THE STATE OF NEVADA. THERE CAN BE NO

1 PROTECTIONS OF THE 14<sup>TH</sup> AMENDMENT, OF DUE PROCESS AND EQUAL PROTECTION,  
2 IF A DISTRICT ATTORNEY OR A COURT ARE ALLOWED TO INSTITUTE THEIR OWN  
3 PROCEDURES. SEE U.S. V. BROADWELL, 959 F2d 242 (9<sup>TH</sup> 1992) "ONCE JURISDICTION  
4 HAS PROPERLY BEEN CHALLENGED, JURISDICTION CANNOT BE WAIVED, CONFERRED,  
5 OR ASSUMED, IT [M]UST BE PROVEN STATUTORILY TO EXIST "PRIOR TO" ANY  
6 CONSTITUTIONAL CHALLENGE OR SCRUTINY." [J.O.P. LYNCH REFUSED TO COMPLY  
7 WITH THIS COMMANDS] AND FURTHER, "BECAUSE THE ERROR IS JURISDICTIONAL,  
8 THE DEFENDANT (BOTE LHO) NEED [N]OT SHOW CAUSE AND PREJUDICE," SEE U.S. V.  
9 GRIFFEN, 303 U.S. 226-229, 58 SCT. 601 (1938); AND KELLY V. U.S., 29 F3d 1107 (7<sup>TH</sup> 1994).  
10 KELLY EXPOUNDS ON BROADWELL.

11 (II) BOTE LHO WAS "ALLEGEDLY" ARRAIGNED ON 9-25-2003, PURSUANT TO A  
12 CRIMINAL COMPLAINT FILED BY THE STATE ON 9-11-2003. BOTE LHO NEVER SAW THE  
13 COMPLAINT PRIOR TO ARRAIGNMENT AND BOTE LHO WAS [N]EVER FORMALLY READ  
14 THE CHARGES RESULTING IN ARREST AND DEPRIVATION OF HIS RIGHTS, THE COURT DID  
15 HOWEVER, ORDER BOTE LHO TO APPEAR IN RENO JUSTICE COURT WITHIN 15 DAYS  
16 FOR HIS MANDATORY JUSTICE COURT PRELIMINARY EXAMINATION ON 10-9-2003.  
17 BOTE LHO HAS TRIED REPEATEDLY TO GET JUSTICE COURT ARRAIGNMENT TRANSCRIPTS  
18 FROM JUSTICE COURT AS THEY WERE NOT IN BOTE LHO'S CASE FILE, AND THE CLERK  
19 OF JUSTICE COURT SAYS THEY DO NOT POSSESS SAID TRANSCRIPT. THE STATE,  
20 MY WORTHLESS APPOINTED COUNSEL, NOR JUSTICE COURT ENSURED THE VIDEO  
21 ARRAIGNMENT WAS PRESERVED AND TRANSCRIBED FOR THE RECORD. [.] BOTE LHO  
22 ASSERTS, THIS HAPPENED BECAUSE THERE WOULD HAVE BEEN PROOF THAT EVEN THE  
23 JUSTICE COURT FAILED TO PROPERLY ACQUIRE JURISDICTION OVER THE SUBJECT-  
24 MATTER, OR THE PARTY (BOTE LHO), AS A MATTER OF FACT, IN LAW.

25 (III) ADDITIONALLY, SEE NRS. 171.196, IN SUPPORT OF JUSTICE COURTS JUAISDICTION,  
26 NRS 171.196, [PRELIMINARY EXAMINATION] (2) IF THE DEFENDANT DOES NOT [WAIVE]  
27 EXAMINATION, THE MAGISTRATE [S] HALL HEAR THE EVIDENCE WITHIN 15 DAYS,  
28 UNLESS GOOD CAUSE SHOWN, THE MAGISTRATE EXTENDS SUCH TIME.

1 THE DISTRICT COURTS UNCONSTITUTIONAL SEIZURE OF JURISDICTION BY ITS  
 2 "ULTRA VIRES ACT" AND SUPERSEDING INDICTMENT, ARE VOID AT [I]NCEPTION, AND  
 3 SEE STATE V. STEVENSON, SUPRA; COTTON V. U.S., SUPRA; U.S. STEEL V. CITIZENS  
 4 FOR BETTER ENVIRENMENT, SUPRA; RUHARGAS V. MARATHONE OIL, SUPRA; MARGOLD  
 5 V. DIST. COURT, SUPRA; CITY OF KENOSHA V. BRUNO, SUPRA; AND SEE EX PARTE  
 6 MING, SUPRA, HEREIN. AGAIN, BOTELHO NEVER WAIVED HIS PRELIMINARY EXAMINATION.  
 7 AND, THE RIGHT TO A PRELIMINARY EXAMINATION IS A LEGISLATIVE GRANT OF  
 8 A [S]UBSTANTIAL [RIGHT] TO PROTECT THE ACCUSED FROM IMPROVIDENT AND  
 9 GROUNDLESS CHARGES, AZBILL V. FISHER, 442 P2d 916 (1969). THE JUSTICE COURTS  
 10 ROLE AT A PRELIMINARY HEARING IS TO DETERMINE WHETHER THERE IS PROBABLE  
 11 CAUSE TO FIND THAT AN OFFENSE HAS BEEN COMMITTED AND THAT THE DEFENDANT  
 12 HAS COMMITTED IT. THE [J]USTICE COURT FINDS PROBABLE CAUSE, [THEN] COURT  
 13 [M]UST ORDER THE DEFENDANT BOUND OVER FOR TRIAL IN THE DISTRICT COURT."  
 14 STATE V. JUSTICE COURT, 112 NV 803, 806, 919 P2d 401, 402. BOTELHO WAS DENIED  
 15 HIS CONSTITUTIONALLY MANDATED JUSTICE COURT PRELIMINARY EXAMINATION BY  
 16 THE UNLAWFUL SEIZURE OF JURISDICTION BY THE DISTRICT COURT.  
 17 FURTHER, NRS. 171.196 (6) HAD BOTELHO RECEIVED HIS [M]ANDATORY PRELIM  
 18 HEARING, HE WOULD HAVE SHOWN THAT THERE WAS [NO] COMPETENT, LEGAL  
 19 EVIDENCE GIVING RISE TO PROBABLE CAUSE, BECAUSE DISTRICTS COURTS UNLAWFUL  
 20 SEIZURE OF JURISDICTION ~~SH~~ TOOK PLACE PRIOR TO BOTELHOS PRELIMINARY  
 21 EXAMINATION IN JUSTICE COURT. SEE STATE V. SARGENT, 122 NV 210, 128 P3d 1052,  
 22 1055, "NRS 171.196, AUTHORIZES THE JUSTICE COURT TO CONDUCT A PRELIMINARY  
 23 EXAMINATION. A PRELIMINARY HEARING [M]UST BE HELD UNLESS THE DEFENDANT  
 24 WAIVES IT." SEE WOERNER V. JUSTICE COURT OF RENO TOWNSHIP, 116 NV 518, 1 P3d  
 25 377 (2000). UNDER NRS. 171.196, IN PART, STATES "IF THE DEFENDANT WAIVES  
 26 PRELIMINARY EXAMINATION, THE MAGISTRATE [S]HALL IMMEDIATELY HOLD HIM  
 27 TO ANSWER IN DISTRICT COURT. THIS NEVER TOOK PLACE. HEWITT V. HELMS, 459 US  
 28 469, 103 Sct 864 (1983)" DUE PROCESS PROTECTION MAY ARISE FROM MANDATORY



LANGUAGE IN A STATE STATUTE."

SEE NRS 66.070 SPECIFICALLY, "THE [J]USTICE COURT [M]UST SUSPEND ALL FURTHER PROCEEDINGS IN THE ACTION TO CERTIFY THE PLEADINGS TO THE CLERK OF THE DISTRICT COURT. AND SEE NV. DISTRICT COURT RULE 22, TRANSFER OF CERTAIN CASES TO DISTRICT COURT FROM JUSTICE COURT. UNDER NRS 66.070, GROUNDS FOR DISMISSAL OF ACTION, THIS RULE APPLIED IN 2003, AND [MUST] NOT BE DISREGARDED [.]

(1) THE PLAINTIFF SHALL CAUSE THE PAPERS IN A CASE CERTIFIED TO THIS COURT UNDER THE PROVISIONS OF NRS 66.070 TO BE FILED IN THE OFFICE OF THIS COURT WITHIN 15 DAYS OF THE DAY UPON WHICH THE ORDER OF THE JUSTICE OF THE PEACE IS MADE DIRECTING THE TRANSFER OF THE CASE.

(2) IF THE PAPERS ARE NOT SO FILED, THE CASE [SHALL] BE DISMISSED.

IN COMPLIANCE WITH NRS 66.070, THE JUSTICE COURT [N]EVER "ORDERED" BOTELHO'S CRIMINAL CASE "TRANSFERRED" TO THE DISTRICT COURT, AND BOTELHO WAS [N]EVER SERVED WITH A "BIND-OVER ORDER" AND PURSUANT TO NRS. 172.175, THE DISTRICT COURT'S ULTRA VIRES SEIZURE OF JURISDICTION, AND THE SUPERSEDING INDICTMENT ARE VOID FROM INCEPTION, AS A [C]LEAR AND [U]NAMBIGUOUS MATTER OF LAW, PERIOD [.] THE SUPERSEDING INDICTMENT IS FATAALLY DEFECTIVE TO BOTELHO CRIMINAL CASE WHICH [STILL REMAINS IN JUSTICE COURT IN 2017], IN FACT, IS A MATTER OF LAW, AND SEE STATUTORY CONSTRUCTION ARGUMENT (WEBB V. SHULL, SUPRA, AND OTAK, NEV. SUPRA), (IV) SEE NEVADA CONSTITUTION, ARTICLE 6, SECTION 6, IN PART, IN PLAIN LANGUAGE, THE DISTRICT COURT IS THE APPELLATE COURT FOR JUSTICE COURT, FURTHERMORE, ARTICLE 6, SECTION 6, WAS AMENDED IN 1987, TO INCLUDE "THERE IS [NO] [C]ONCURRENT JURISDICTION BETWEEN THE JUSTICE COURT AND THE DISTRICT COURT." THE DISTRICT COURT VIOLATED THE COMMANDS OF ARTICLE 6, SECTION 6, AND THE DISTRICT COURT ACTED ULTRA VIRES "WITH NO CONSTITUTIONAL AUTHORITY TO SEIZE JURISDICTION, AND IN VIOLATION OF NRS 172.175(1)(a) AND SUPPORTING DUE PROCESS STATUTES AVERED HEREIN. THE SUPERSEDING INDICTMENT IS VOID ON ITS FACE AND IS A LEGAL [NULLITY].

1 THE JUSTICE COURT ALLOWED THE DISTRICT COURT TO "USURP" ITS AUTHORITY BY  
 2 DISREGARDING THE RULING IN KTB, INC. V. SECOND JUDICIAL DIST. COURT, 103 NV.  
 3 473, 745 P2d 700 (1987). "[NO] CONCURRENT JURISDICTION BETWEEN JUSTICE  
 4 COURT AND DISTRICT COURT [S] HALL EXIST," STATE V. KOPP, 118 NV 199, 43 P3d 340  
 5 (2002).

6 THE JUSTICE COURT HAS "WHOLLY DISREGARDED" BOTELHOS PROCEDURAL DUE  
 7 PROCESS, AND THE NV. CONSTITUTION, ARTICLE I, SECTION 2, IN 2003, AND NOW IN  
 8 2017, AS IT PLAINLY COMMANDS, "THE COURTS ARE SUBSERVIENT TO THE U.S.  
 9 SUPREME COURT RULINGS." J.O.P. LYNCH FURTHER IGNORED BOTELHOS RIGHTS AND  
 10 PROTECTION(S) UNDER THE EQUAL PROTECTION AND DUE PROCESS CLAUSE(S) OF THE  
 11 5<sup>TH</sup> AND 14<sup>TH</sup> AMENDMENTS TO THE U.S. CONSTITUTION, "AND THE NEV. CONSTITUTION,  
 12 ARTICLE I, SECTION 8, AND WHERE THE NV. CONSTITUTION "PROVIDES" A  
 13 [GREATER] PROTECTION OF BOTELHOS CONSTITUTIONAL RIGHTS, SEE WILSON V. STATE,  
 14 170 P3d 975, 980 (NV. 2007). THIS COURT HAS AGAIN VIOLATED BOTELHOS ACCESS TO  
 15 THE COURT UNDER THE FIRST AMENDMENT TO THE U.S. CONSTITUTION AND [CLEARLY]  
 16 OBSTRUCTED JUSTICE IN THIS CRIMINAL CASE, NOW REMAINING IN JUSTICE COURT  
 17 ALMOST 14 YEARS. SEE RAND V. ROWLAND, 154 F3d 952 (9<sup>TH</sup> 1998); EDWARDS V. CALIF.,  
 18 314 U.S. 160, 62 S.Ct. 164; CHAMBERS V. FLORIDA, 309 U.S. 227, 60 S.Ct. 472; AND SEE  
 19 POWELL V. ALABAMA, 287 U.S. 45, 53 S.Ct. 55. "EQUAL PROTECTION".

20 (V) JO P LYNCH, AND THIS JUSTICE COURT HAVE ALSO "WHOLLY DISREGARDED" THE  
 21 COMMANDS OF NRS 1.080, "EVERY PERSON HELD TO APPEAR AT THE COURT [SHALL]  
 22 APPEAR AT THE PLACE SO APPOINTED," [EMPHASIS ADDED]; NRS 169.035 "THIS TITLE  
 23 IS INTENDED TO PROVIDE FOR THE JUST DETERMINATION OF [E]VERY CRIMINAL  
 24 PROCEEDINGS, ITS PROVISIONS [S] HALL BE CONSTRUED TO SECURE SIMPLICITY IN  
 25 PROCEDURE, AND FAIRNESS IN ADMINISTRATION OF JUSTICE, SEE ALSO NRS 0.025,  
 26 (1)(C) "MUST" EXPRESSES A REQUIREMENT WHEN; AND (1)(d) "SHALL" IMPOSES A DUTY TO  
 27 ACT. THIS COURT HAS RECKLESSLY DISREGARDED EACH AND EVERY NV. STATUTE, ALSO  
 28 THE NV. AND U.S. CONSTITUTION(S), AS WELL AS BOTELHOS CONSTITUTIONAL RIGHTS [.]

1 THE USE OF THE WORD "[S]HALL IMPOSES A DUTY TO ACT." NRS 0.025(1)(d). SEE  
 2 ALSO S.N.E.A. V. DAINES, 108 NV 15, 19, 824 P2d 276, 278 (1992) ("[S]HALL IS MANDATORY  
 3 UNLESS THE STATUTE DEMANDS A DIFFERENT CONSTRUCTION TO CARRY OUT THE  
 4 CLEAR INTENT OF THE LEGISLATURE"); WASHOE MED. CENTER V. DISTRICT COURT, 122 NV  
 5 1298, 1303, 148 P3d 790, 793 (2006) ("[S]HALL IS MANDATORY AND DOES NOT DENOTE  
 6 JUDICIAL DISCRETION"); GOUDGE V. STATE, 287 P3d 301, 304; OTAK, NEVADA, 260 P3d  
 7 408, 411; JOHANSON V. DIST. COURT, 124 NV 245, 249-250, 182 P3d 94, 97 (2008).  
 8 FURTHER, THESE OFFENSIVE COURT ACTIONS ARE REPUGNANT TO THE 5<sup>TH</sup> AMEND.  
 9 TO THE U.S. CONSTITUTION, AND NV. CONSTITUTION, ARTICLE 6, SECTION 4, EACH  
 10 [C]OMMANDS THAT NO PERSON [S]HALL BE DEPRIVED OF HIS LIBERTY [W]ITHOUT  
 11 DUE PROCESS OF LAW. THIS STARTED IN 2003, AND CONTINUES IN 2017, BECAUSE  
 12 BOTE LHO IS NOT WEALTHY, NOT BEING ABLE TO PAY FOR "HIS REQUIRED JUSTICE AND  
 13 RELIEF CLEARLY REQUIRED AS A MATTER OF FACT, IN LAW. (EMPHASIS STRONGLY ADDED)  
 14 BECAUSE OF HARDSHIP ALONE, THE LEGAL JURISDICTION OF A COURT OF THE UNITED  
 15 STATES MAY NOT BE [A]BROGATED BY THE COURT ITSELF (AS DONE HERE), SEE COHENS  
 16 V. VIRGINIA, 6 WHEAT, 19 U.S. 264, 404, "THE MODE OF ACQUIRING JURISDICTION [M]UST  
 17 BE COMPLIED WITH, OR THE PROCEEDINGS WILL BE A NULLITY." THE COURT HAS  
 18 IGNORED [M]UST AND [S]HALL IN THE COMMANDS OF PROCEDURAL DUE PROCESS,  
 19 AND IGNORED THE [C]OMMANDS OF THE NV. & U.S. CONSTITUTION(S) AND "WELL SETTLED"  
 20 STARE DECISIS. HIS CASE [S]TILL REMAINS IN JUSTICE COURT JURISDICTION [.]  
 21 SEE IN RE MARRIAGE OF HAMPSHIRE, 934 P2d 58 (1997) "A JUDGMENT IS VOID IF  
 22 THE COURT ACTED IN A MANNER INCONSISTENT WITH DUE PROCESS, A VOID  
 23 JUDGMENT IS A NULLITY AND MAY BE VACATED AT ANY TIME." SEE BOSCH OLDSMOBILE,  
 24 INC., 909 F2d 657, 661 (1<sup>ST</sup> 1990); U.S. V. BROADWELL, SUPRA; AND KELLY V. U.S., SUPRA.  
 25 AS STATED IN MOTION TO DISMISS, FILED 10-12-2016, "JURISDICTION CAN BE  
 26 CHALLENGED IN [ANY COURT] AT ANY TIME, BY EITHER PARTY. SEE LOUISVILLE &  
 27 NASHVILLE RAILROAD CO. V. MOTTLEY, 211 U.S. 149, 29 S. CT. 42 (1908). DEFECTS  
 28 IN SUBJECT-MATTER-JURISDICTION REQUIRE [C]ORRECTION "REGARDLESS" OF

1 WHETHER THE ERROR WAS RAISED IN DISTRICT COURT. "MAINE V. THIBOUTOT, 100 SCT.  
 2 250. SEE LANDRETH V. MALIK, 251 P3d 163 (2011) "AS AN INITIAL MATTER, WHETHER A  
 3 COURT LACKS SUBJECT-MATTER JURISDICTION" CAN BE RAISED BY THE PARTIES  
 4 AT ANY TIME, OR SUA SPONTE BY A COURT OF REVIEW, AND [CANNOT] BE CONFERRED  
 5 BY THE PARTIES. "SWAN V. SWAN, 106 NV. 464, 469, 479, 96 SCT. 221, 224 (1990).  
 6 HOWEVER, IF THE DISTRICT COURT LACKS SUBJECT-MATTER JURISDICTION, THE  
 7 JUDGMENT IS RENDERED [VOID]. "STATE INDUS. INSUR. SYS. V. SLEEPER, 100 NV. 267,  
 8 269, 679 P2d 1273, 1274 (1984), SEE COTTON V. U.S. SUPRA, SEE CHAMBERS V.  
 9 ARMONTROUT, 16 F3d 257, 260 (8<sup>TH</sup> 1994) "RELIEF FROM VOID JUDGMENT IS [NOT]  
 10 DISCRETIONARY." SEE WILLIAMSON V. BERRY, 8 HOW 945, 540 LED 1170, 1189 (1850).  
 11 "COURTS ARE CONSTITUTED BY AUTHORITY AND THEY "CANNOT" GO BEYOND THAT  
 12 POWER DELEGATED TO THEM. IF THEY ACT BEYOND THEIR AUTHORITY, AND CERTAINLY,  
 13 IN CONTRAVENTION OF IT, THEIR JUDGMENTS AND ORDERS ARE REGARDED AS  
 14 NULLITIES, AND THIS EVEN [PRIOR] TO REVERSAL."  
 15 J.O.P. LYNCH'S ARBITRARY, CAPRICIOUS, UNAPPEALABLE ORDER HAS CONFERRED  
 16 JURISDICTION UPON DISTRICT COURT IN PLAIN ERROR. A COURT [C]ANNOT CONFER  
 17 JURISDICTION WHERE NONE EXISTED AND [C]ANNOT MAKE VOID PROCEEDINGS  
 18 VALID. IT IS CLEAR AND WELL ESTABLISHED LAW THAT A VOID ORDER CAN BE  
 19 CHALLENGED IN [ANY] COURT. "OLD WAYNE MUT'L ASSOC. V. McDONOUGH, 204  
 20 US 8, 27 SCT. 236 (1907). SEE ARBAUGH V. Y&H CORP. 546 US 500, 126 SCT 1235  
 21 (2006) "IF A COURT DOES NOT HAVE JURISDICTION OVER A PARTY, THEN IT MAY "NOT"  
 22 CREATE THAT JURISDICTION BY JUDICIAL FIAT. COMPAGNIE DES BAUXITES de  
 23 GUINEA V. INSUR. CORP. OF IRELAND, 454 US 963, 102 SCT 502 (1981).  
 24 SIMPLY STATING IN ITS ORDER "SUPERSEDING INDICTMENT" DOES NOT CONFER  
 25 JURISDICTION UPON DISTRICT COURT. PROCEDURAL DUE PROCESS WAS VIOLATED  
 26 IN [J]USTICE COURT, DISTRICT <sup>COURT</sup> [N]EVER PROPERLY ACQUIRED JURISDICTION.  
 27 AND ITS SUPERSEDING INDICTMENT, CONVICTION AND SENTENCE ARE NULLITIES,  
 28 AND ARE VOID AS A MATTER OF LAW. JURISDICTION REMAINS IN JUSTICE COURT.

1 SEE GALLOWAY V. TRUESDELL, 83 NV. 13, 422 P2d 237, 243 (1967) A JUDICIAL  
 2 FUNCTION IS THE EXERCISE OF JUDICIAL AUTHORITY TO HEAR AND DETERMINE  
 3 QUESTIONS OF JUSTICE. MOORE V. ORR, 30 NV. 458, 98 P2d 398 (1908) IT IS THE  
 4 DUTY TO MAINTAIN THE SUPREMACY OF THE CONSTITUTION. THIS COURTS OBVIOUS  
 5 CONTEMPT FOR LAW AND OUR CONSTITUTION(S) ARE ACTS IN BAD FAITH, AND  
 6 HAS NO STANDING IN ITS BOGUS ORDER FORWARDING DOCUMENTS TO DISTRICT  
 7 COURT. J.O.P. KNOWS JURISDICTION [IS] LAWFULLY IN JUSTICE COURT AND  
 8 IS DOING HER PART TO PROTECT THIS CONSTITUTIONALLY, STATUTORILY, AND  
 9 JURISDICTIONALLY [IS] EFFECTIVE, VOID CRIMINAL CASE, THE CASE THIS COURT  
 10 SCREWED UP ON IN 2003, CAUSING THIS CASE IN 2016, THE CRIMINAL CASE IS  
 11 A NULLITY, AND VOID, NO MATTER HOW J.O.P. LYNCH ATTEMPTS TO [SPIN] IT [.]  
 12 THIS IS THE COURTS LATEST "STATE CREATED IMPEDIMENT" TO FURTHER OBSTRUCT  
 13 AND DENY JUSTICE, SEE HATHAWAY V. STATE, 119 NV. 248, 71 P3d 503 (2003). SEE  
 14 STAHL V. WILLIAMS, IND. APP. 367, N.E. 2d 1120-1124, BY "GENERALLY IMPLYING,  
 15 INVOLVING ACTUAL OR CONSTRUCTIVE FRAUD, AND/OR DESIGN TO [M]ISLEAD  
 16 ANOTHER, OR A NEGLECT, OR [R]EFUSAL TO FULFILL SOME DUTY, NOT PRESENTED  
 17 BY AN HONEST MISTAKE "AS TO ONES RIGHTS, OR DUTIES."  
 18 BOTELHO ASSERTS AND THE COURT RECORD CONFIRMS THAT HE [N]EVER "WAIVED"  
 19 HIS [M]ANDATORY JUSTICE COURT PRELIMINARY EXAMINATION, AND THAT JUSTICE  
 20 COURT REMAINED [S]ILENT AS DISTRICT COURT VIOLATED THE COMMANDS OF NRS 172.175  
 21 (1)(a), AS WELL AS NRS 171.196, AND SPECIFIC NV. CONSTITUTIONAL COMMANDS, WHEN ITS  
 22 "ULTRA VIRES ACT" OF UNLAWFUL SEIZURE OF JURISDICTION OVER BOTELHOS CRIMINAL  
 23 CASE, WHEN IT HAD [NEITHER] JURISDICTION OVER THE SUBJECT MATTER, NOR THE  
 24 PARTY (BOTELHO), RESULTING IN A SUPERSEDING INDICTMENT IN DISTRICT COURT AND  
 25 ITS ORDER STAYING JUSTICE COURT PROCEEDINGS, OCT. 8, 2003, WERE VOID AND A  
 26 NULLITY, THE INDICTMENT IS FATAALLY DEFECTIVE, AND OF NO LEGAL CONSEQUENCE [.]  
 27 J.O.P. LYNCH'S NON-BINDING, IMPROPER, NON-APPEALABLE ORDER ONLY "REAFFIRMED"  
 28 BOTELHOS CLAIMS [WITHOUT] EXPLANATION AS BOTELHO CLAIMED "THE SUPERCEDING

1. INDICTMENT AND DISTRICT COURT ORDER STAYING JUSTICE COURT PROCEEDINGS  
 2. WERE VOID AB INITIO AND OF NO LEGAL EFFECT AS THE PROCEEDINGS WERE  
 3. HAD WITHOUT PROPER, LAWFUL JURISDICTION PURSUANT TO NRS 172.175;  
 4. ARTICLE 6, SECTION 6, NV. CONSTITUTION "THERE IS NO CONCURRENT JURISDICTION  
 5. BETWEEN JUSTICE AND DISTRICT COURTS," AND IN VIOLATION OF NRS 171.196,  
 6. NRS 169.035, NRS 1.080 AND NRS 0.025, THEREIN. LYNCH FAILED TO SUPPORT  
 7. OTHERWISE, GIVING RISE TO HER [C]OMPLETE FAILURE TO PROVIDE FACTS,  
 8. FINDINGS AND CONCLUSIONS OF LAW, WHICH DO [NOT] EXIST IN THIS CASE [C] THIS IS  
 9. WHY SHE DID NOT PROVIDE ANY AND CONVENIENTLY LEFT BOTE LHO WITHOUT AN  
 10. APPEALABLE ORDER BY [D]ESIGN. HER ACTIONS ARE REPUGNANT, ARBITRARY AND  
 11. CAPRICIOUS, AND ACTIVELY ABROGATED AND SHIRKED HER SWORN DUTY. SEE  
 12. KOON V. U.S., <sup>5</sup> 618 US 81, 100, 116 S.Ct. 2035 (1996). ("THE ABUSE OF DISCRETION STANDARD  
 13. INCLUDES REVIEW TO DETERMINE THAT THE DISCRETION WAS [N]OT GUIDED BY  
 14. ERRONEOUS CONCLUSIONS.") ALTHOUGH, THE CONCLUSIONS WERE "NON-EXISTANT"  
 15. IN BOTE LHO'S CASE, FOR OBVIOUS REASONS. BOTE LHO ASSERTS "THIS COURTS  
 16. ARROGANCE IS ONLY OUTWEIGHED BY THIS COURTS IGNORANCE."  
 17. JUST BECAUSE J.O.P. LYNCH IS COVERING FOR THE DISTRICT COURTS UNLAWFUL,  
 18. AND PROCEDURALLY, FATAALLY DEFECTIVE INDICTMENT, ULTIMATE CONVICTION AND  
 19. SENTENCE, IS [I]RRELEVANT, AND DOES NOT MAKE IT TRUE. (EMPHASIS ADDED)  
 20. JURISDICTION [STILL REMAINS] IN [J]USTICE COURT, REGARDLESS, AND ITS [J]USTICE  
 21. COURTS DUTY TO VOID THIS CASE, AS A CLEAR MATTER OF FACT, IN LAW, AS LAW AND  
 22. JUSTICE REQUIRE, NO MATTER HOW IT PAINS JUSTICE COURT TO DO SO.  
 23. NRS 172.175, IS THE CONTROLLING STATUTE, AND IN HARMONY WITH NV. CONSTITUTION, ARTICLE  
 24. 6, SECTION 6, ITS COMMANDS ARE [A]BSOLUTE AND [NON] DISCRETIONARY, AS ARE ALL  
 25. SUPPORTING STATUTES (I.E. NRS 171.196, NRS 66.070, NRS 169.035, NRS 1.080, NRS 0.025  
 26. AND DISTRICT COURT RULE 22); AS ARE (NV. CONSTITUTION, ARTICLE I, SECTIONS 2 AND 8,  
 27. AND ARTICLE 6, SECTION 4, ALONG WITH THE 1ST, 5<sup>th</sup> & 14<sup>th</sup> AMENDMENTS TO THE UNITED STATES  
 28. CONSTITUTION).

1 THIS PROVES, AND WELL SETTLED [STARE DECISIS] FURTHER SUPPORTS AND [P]ROVES  
 2 THAT JURISDICTION DOES [STILL REMAIN] IN JUSTICE COURT AS A MATTER OF LAW,  
 3 [R]EGARDLESS OF SUPERSEDING INDICTMENT, AS IT IS VOID, AND A LEGAL NULLITY [.]  
 4 SEE HEWITT V. HELMS, 459 U.S. 469, 103 S.Ct. 864 (1983) "DUE PROCESS PROTECTION MAY  
 5 ARISE FROM MANDATORY LANGUAGE IN A STATE STATUTE."

6 THE PROBATIVE, LEGAL FACTS ARE CLEAR AND "REMAIN" [U]NDISPUTED AS A MATTER  
 7 OF FACT, AND IN LAW. WE ARE A NATION OF LAWS, AND NO COURTS UNLAWFUL  
 8 ACTIONS OR EXCUSES, ARE [A]BOVE THE LAW. THIS IS A DEMOCRACY, WITH STATE AND  
 9 U.S. CONSTITUTION(S), AND [M]UST BE FOLLOWED.

10 THIS ORDER WAS MADE IN KNOWN [D]ISREGARD FOR THE LAW, BOTH CONSTITUTION(S)  
 11 AND BOTELHOS PROCEDURAL DUE PROCESS RIGHTS. THIS ORDER MUST BE WITHDRAWN,  
 12 OR VOIDED, AND THIS JUSTICE COURT [M]UST "ACT" IN ACCORDANCE OF LAW, AND THE  
 13 JURISDICTION JUSTICE COURT [S]TILL "RETAINS" IN THIS CRIMINAL CASE AND GRANT  
 14 BOTELHO HIS LONG OVERDUE, NECESSARY VOID JUDGMENT, REGARDLESS OF ITS  
 15 OBVIOUS OBSTRUCTION AND CONTEMPT FOR THE RULE OF LAW, IN THIS CASE.

16 NRS 172.175, NV. CONST. ART. 6, SECT 6; AND EX PARTE MING, SUPRA, ARE CONTROLLING  
 17 IN THIS WELL DECIDED AND [S]ETLED POINT AND FACT IN LAW. THIS COURT HAS [NO]  
 18 DISCRETION, BUT TO ACT, AND FOLLOW THE LAW, PURSUANT TO STARE DECISIS, HEREIN.  
 19 AND IN MOTION TO DISMISS RIGHTFULLY FILED IN THIS JUSTICE COURT ON 10-12-2016.

20 THE COURTS DECISION WAS BASED ON UNREASONABLE FACT-FINDING PROCESS. THIS  
 21 GIVES RISE TO A CONSTITUTIONALLY INTOLLERABLE APPEARANCE OF BIAS. "PERRY  
 22 V. SCHWARZENEGGER, 630 F.3d 909 (9th Cir. 2017). THIS ORDER MUST BE WITHDRAWN AND  
 23 JUSTICE COURT [MUST] DO WHAT IT MUST, BY ITSELF VOIDING BOTELHOS CRIMINAL CASE

24 DATED 5-21-2017

25 AFFIRMATION & CERTIFICATE OF SERVICE

26 I, MICHAEL T. BOTELHO, DO SWEAR UNDER PENALTY OF PERJURY,  
 27 THAT REPLY AND OBJECTION TO ORDER FORWARDING DOCUMENTS  
 TO DISTRICT COURT DOES NOT CONTAIN S.S.N. OF ANY PERSON.  
 I CERTIFY THAT I, PURSUANT TO FRCP 5(b), I CERTIFY THAT  
 I MAILED A TRUE, COMPLETE COPY, VIA PRISON MAILBOX RULE,  
 TO PARTIES LISTED BELOW:

28 COPIES TO THE FOLLOWING:

(1) ATTY. GENERAL  
 100 N. CARSON ST.  
 CARSON CITY, NV 89701-4717

(2) COURTESY COPY TO  
 SECOND JUDICIAL DIST. COURT  
 75 COURT ST.  
 RENO, NV. 89502

*Michael T. Botelho*

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

\* BOTELHO HAS 12 ADDITIONAL  
 DOCUMENTS FILED IN J. CT.  
 BUT ONLY ONE WAS FORWARDED  
 TO DIST. CT. WHY?

JUSTICE OF THE PEACE, PATRICIA LYNCH

5-23-2017

I, MICHAEL T. BOTELHO, DO RESPECTFULLY SUBMIT AND REQUEST THAT [YOU] REVIEW THIS "REPLY AND OBJECTION" BEFORE YOU DISMISS IT. THIS PLEADING DEMONSTRATES CLEARLY THE JURISDICTION RENO JUSTICE (F) ACTUALLY RETAINS AS THE SUPERSEDING INDICTMENT IS SO OBVIOUSLY VOID.

YOU HAVE AN OPPORTUNITY TO CORRECT YOUR [ERROR] AND FULFILL THE DUTIES, LAWS AND NV. & U.S. CONSTITUTION(S) YOU SWORE TO UPHOLD, AS WELL AS PROMISES MADE TO THE [P]EOPLE WHO ELECTED YOU, NOT THE DONORS AND FRIENDS YOU ARE PROTECTING AS A RESULT OF YOUR ORDER.

REMEMBER, YOU FAILED TO HOLD A DE. NOVO REVIEW, A FACT FINDING DETERMINATION [P]RIOR TO YOUR ORDER! AND REMEMBER, I WAS ARRESTED IN CALIF. TWICE WITHOUT A WARRANT OF ARREST, BROUGHT TO THIS COURT, UNDER OUT OF STATE (DECLARATION OF PROBABLE CAUSE IN CALIF. BY WASHOE CO. COPS) AND DID NOT "FORMALLY READ CHARGES", YOU KNOW THIS, SUBSEQUENTLY, JURISDICTION WAS [N]EVER PROPERLY ACQUIRED, AS THIS CASE IS NOT ONLY VOIDABLE IN JUSTICE COURT, BUT SIMPLY VOID.

PLEASE AGAIN, READ THE PLEADING BEFORE YOU JUST GIVE IT TO THE CLERK, MY FAMILY IS PREPARED TO MAKE THIS VERY PUBLIC AND EXPOSE THOSE IN THIS COVER-UP, OTHERWISE!

RESPECTFULLY, SUBMITTED

*Michael T. Botelho* # 80837



**FILED**

JUN 14 2017

JACQUELINE BRYANT SLERK  
By: *[Signature]*  
DEPUTY CLERK

1 MICHAEL T. BOTELHO  
# 80837  
2 NNCC, P.O. BOX 7000  
CARSON CITY, NV. 89702  
3 IN PROPER PERSON  
4

5 IN THE RENO JUSTICE COURT TOWNSHIP, COUNTY OF WASHOE,  
6 STATE OF NEVADA

7 MICHAEL T. BOTELHO  
PETITIONER

CR03-2156  
CASE NO. RER-03-01479

8 VS.

DEPT. NO. *X* D3

9 RENO JUSTICE COURT,  
10 STATE OF NEVADA,  
DEFENDANTS

NOTICE OF APPEAL AND DESIGNATION  
OF RECORD ON APPEAL

11  
12 NOTICE IS HEREBY GIVEN THAT MICHAEL T. BOTELHO, PETITIONER IN PROPER  
13 PERSON AND IN FORMA PAUPERIS, HEREBY APPEALS THE ORDER ENTERED IN THIS  
14 COURT ON 5-11-2017, AND RECEIVED BY BOTELHO ON 5-15-2017, 4:15 P.M., AND HEREIN  
15 DESIGNATES THE ENTIRE RECORD ON APPEAL, TO BE CERTIFIED BY THE CLERK OF THE  
16 DISTRICT COURT, [ALL] MOTIONS, NOTICES, AFFIDAVITS, PLEADINGS, EXHIBITS AND  
17 TRANSCRIPTS. SEE ALSO [INCLUDED] AFFIDAVIT FILED HEREIN, IN SUPPORT OF  
18 NOTICE OF APPEAL.

19 DATED 6-10-2017

*Michael T. Botelho*  
PETITIONER, IN PROPER PERSON

20  
21 AFFIRMATION AND CERTIFICATE OF SERVICE

22 I, MICHAEL T. BOTELHO, SWEAR UNDER PENALTY OF PERJURY, THAT ALL STATEMENTS ARE  
23 TRUE AND CORRECT, PURSUANT TO NRS 209.165 AND 18 USC 1621. THIS DOCUMENT DOES NOT  
24 CONTAIN THE S.S.N. OF ANY PERSON. AND, FURTHER CERTIFY THAT I MAILED TRUE AND  
25 COMPLETE COPY OF N.O.A. AND SUPPORTING AFFIDAVIT TO THIS COURT, AND AS ADDRESSED  
26 BELOW BY PLACING IN U.S. MAIL, VIA PRISON MAILBOX RULE, VIA BRASS SLIP.  
DATED 6-10-2017

27 COPY TO

28 NV. ATTY. GENERAL  
100 N. CARSON ST  
CARSON CITY, NV. 89701-4717

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

V6. 955

AFFIDAVIT

STATE OF NEVADA )  
 )  
 COUNTY OF CARSON )

SS. AFFIDAVIT OF: MICHAEL T. BOTELHO, IN SUPPORT OF  
 NOTICE OF APPEAL

TO WHOM IT MAY CONCERN:

I, MICHAEL T. BOTELHO, THE UNDERSIGNED, DO SWEAR UNDER THE PENALTY OF PERJURY THAT THE ASSERTIONS OF THIS AFFIDAVIT ARE TRUE AND CORRECT, PURSUANT TO NRS 208.165


THIS AFFIDAVIT IS GIVEN AS A DIRECT RESULT OF THE JUSTICE COURTS ARBITRARY AND CAPRICIOUS, SHAM ORDER FORWARDING DOCUMENTS TO THE DISTRICT COURT, MADE IN BAD FAITH, MAKING ORDER VOID AB INITIO. BOTELHO IS FORCED TO FILE AFFIDAVIT IN SUPPORT OF NOTICE OF APPEAL (N.O.A.), THE FRAUDULENT, ULTRA VIRES ACT RESULTING IN SUPERSEDING INDICTMENT & DISTRICT COURT ORDER STAYING JUSTICE COURT PRELIMINARY EXAMINATION ARE NOT VOIDABLE, BUT SIMPLY VOID AT [I]NCEPTION, AS THE JURISDICTION OF THIS CRIMINAL CASE, AS A MATTER OF UNDISPUTED "LEGAL FACT" AND STARE DECISIS, [STILL REMAINS] IN JUSTICE COURT 13 1/2 YEARS NOW, WHERE BOTELHO [STILL REMAINS] A PRE-TRIAL DETAINEE NOT HAVING RECEIVED MANDATED JUSTICE COURT PRELIMINARY EXAMINATION, AS IT WAS NEVER WAIVED, SUSPENDED NOR BOUND OVER TO DISTRICT COURT BY JUSTICE COURT. THE <sup>VIOLATIONS OF</sup> PROCEDURAL DUE PROCESS OF NRS 171.196, NRS 172.175, NRS 1.080, AND NRS 1.080, AS WELL AS BOTELHOS 13 1/2 YEAR [D]ENIAL OF HIS CONSTITUTIONAL DUE PROCESS AND EQUAL PROTECTION RIGHTS IN JUSTICE COURT, SEE NV. CONSTITUTION, ART. I, SECT. 8(5) AND THE 5<sup>TH</sup> & 14<sup>TH</sup> AMENDMENTS TO OUR STILL [V]ALID U.S. CONSTITUTION, FURTHER NV. CONSTITUTION, ART. 6, SECT. 4, COMMAND THAT [NO] PERSON [S] HALL BE DEPRIVED OF HIS LIBERTY WITHOUT DUE PROCESS OF LAW, AS DONE IN BOTELHOS CASE SINCE 2003 AND NOW IN 2017. THIS IS JUSTICE COURT JURISDICTION AS A MATTER OF LEGAL FACT IN THE COURT RECORD. FURTHERMORE, BECAUSE THE JUSTICE COURT VIOLATED NV. LAW, PROCEDURAL DUE PROCESS AT BOTELHOS JUSTICE COURT ARRAIGNMENT BY [N]OT READING FORMAL CHARGES IN CRIMINAL COMPLAINT, JURISDICTION OVER

THE SUBJECT-MATTER WAS [N]EVER PROPERLY ACQUIRED BY THE JUSTICE COURT, RENDERING BOTELHOS CRIMINAL CASE VOID AB INITIO, FROM ITS [I]NCEPTION. JOP LYNCH KNEW THIS CASE IS FATALY DEFECTIVE AND HAS INFACCT COVERED FOR THE COURT BY HER SHAM ORDER.

J.O.P. LYNCH FRAUDULENTLY MISREPRESENTED MATERIAL, PROBATIVE FACTS OF THE CASE BY "OMITTING" THE [LEGAL FACTS WHICH TRIGGERED A PARTICULAR CONSEQUENCE], WITH INTENT TO DECEIVE. THIS SHAM ORDER CALLS INTO QUESTION J.O.P. LYNCH'S KNOWLEDGE OF THE LAW, HER INTEGRITY, AND CREDIBILITY. THIS BAD FAITH ORDER WAS PREJUDICIAL & BIASED, WHEREIN SHE ALSO FAILED TO HOLD THE REQUIRED DE NOVO HEARING AND DETERMINATION ON THE MERITS, ON THE "LEGAL FACTS" IN JUSTICE COURT RECORD, PURSUANT TO NRS 171.196, 172.175, 1.080, 0.025, AND EX PARTE MING. THE COURT WAS PROVIDED WITH PRIMA FACIE EVIDENCE AND LEGAL FACTS, YET WERE [W]HOLLY IGNORED IN HER SHAM ORDER, IN HER "NON-PERFORMANCE OF HER SWORN STATUTORY AND CONSTITUTIONAL DUTIES TO FOLLOW NEVADA LAW, THE NEV. AND U.S. CONSTITUTION(S), AND BOTELHOS [I]NALIENABLE CONSTITUTIONAL RIGHTS, AND FOLLOW "WELL DECIDED" STARE DECISIS. THE DICTA IN HER SHAM ORDER AMOUNTS TO ACTUAL MALICE WITH INTENT TO INFLICT FURTHER HARM AND DELAY THROUGH FALSEHOOD, ALSO KNOWN AS MALICE IN FACT. THE ORDER FURTHER SHOWS A CALOUS DISREGARD FOR, AND CONTEMPT FOR THE LAW, THE CONSTITUTION(S) AND MY GUARANTEED CONSTITUTIONAL RIGHTS,

THE JURISDICTION OF THIS CASE [M]UST AND [S]HALL REMAIN IN RENO JUSTICE COURT AS A LEGAL FACT IN LAW, AND THIS CASE [M]UST BE RETURNED TO JUSTICE COURT WHERE J.O.P. LYNCH [M]UST FOLLOW THE LAW, NO MATTER WHAT SHE MAY "THINK" AS SHE CANNOT LEGISLATE FROM THE BENCH. ALL SHE CAN DO IS GRANT BOTELHO (ME) MY [R]EQUIRED RELIEF AS LAW AND JUSTICE REQUIRE, AS A MATTER OF LAW, REGARDLESS

DATED 6-10-2017

  
MICHAEL T. BOTELHO # 80337  
NNCC, P.O. BOX 7000  
CARSON CITY, NV. 8960957

Code 1310

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, STATE OF  
NEVADA, et al.,

Respondents.

---

CASE APPEAL STATEMENT

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

1. Appellant is Michael T. Botelho.
2. This appeal is from an order entered by the Honorable Judge Jerome Polaha.
3. Appellant is representing himself in Proper Person on appeal. The Appellant's address is:  
  
Michael T. Botelho #80837  
N.N.C.C.  
P.O. Box 7000  
Carson City, Nevada 89702
4. Respondent is the State of Nevada. Respondent is represented by the Washoe County District Attorney's Office:  
  
Terrance McCarthy, Esq., SBN: 2745  
P.O. Box 11130  
Reno, Nevada 89520
5. Respondent's attorney is not licensed to practice law in Nevada: n/a

6. Appellant is represented by appointed counsel in District Court.
7. Appellant is not represented by appointed counsel on appeal.
8. Appellant was granted leave to proceed in forma pauperis in the District Court filed on February 17, 2010.
9. Proceeding commenced by the filing of an Indictment on October 8, 2003.
10. This is a criminal proceeding and the Appellant is appealing the Order forwarding Documents to District Court filed May 16, 2017.
11. The case has been the subject of a previous appeal to the Supreme Court:  
Supreme Court No: 43247, 49586 and 69046.
12. This case does not involve child custody or visitation.
13. This is not a civil case involving the possibility of a settlement.

Dated this 20th day of June, 2017.

Jacqueline Bryant  
Clerk of the Court

By: /s/ Yvonne Vilorio  
Yvonne Vilorio  
Deputy Clerk

Code 1350

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,

Dept. No. 3

vs.

JAMES BENEDETTI, STATE OF  
NEVADA, et al.,

Respondents.

\_\_\_\_\_ /

**CERTIFICATE OF CLERK AND TRANSMITTAL – NOTICE OF APPEAL**

I certify that I am an employee of the Second Judicial District Court of the State of Nevada, County of Washoe; that on the 20th day of June, 2017, I electronically filed the Notice of Appeal in the above entitled matter to the Nevada Supreme Court.

I further certify that the transmitted record is a true and correct copy of the original pleadings on file with the Second Judicial District Court.

Dated this 20th day of June, 2017

Jacqueline Bryant  
Clerk of the Court

By /s/ Yvonne Vilorio  
Yvonne Vilorio  
Deputy Clerk

**Return Of NEF****Recipients**

**TERRENCE MCCARTHY, ESQ.** - Notification received on 2017-06-20 09:40:53.559.

**JOHN PETTY, ESQ.** - Notification received on 2017-06-20 09:40:53.7.

**DIV. OF PAROLE & PROBATION** - Notification received on 2017-06-20 09:40:53.622.

**SEAN SULLIVAN, ESQ.** - Notification received on 2017-06-20 09:40:53.481.

\*\*\*\*\* 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

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06-20-2017:09:39:48

Clerk Accepted:

06-20-2017:09:40:21

Court:

Second Judicial District Court - State of Nevada  
Criminal

Case Title:

STATE VS. MICHAEL TODD BOTELHO (D3)

Document(s) Submitted:

Case Appeal Statement  
Certificate of Clerk

Filed By:

Deputy Clerk YViloria

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BOTELHO  
TERRENCE P. MCCARTHY, ESQ. for STATE  
OF NEVADA  
JOHN REESE PETTY, ESQ. for MICHAEL TODD  
BOTELHO  
DIV. OF PAROLE & PROBATION

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

GARY HOWARD HATLESTAD, ESQ.



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.  
RENO JUSTICE COURT,  
Respondent.

**Supreme Court No. 73331**  
District Court Case No. CR032156

03

**RECEIPT FOR DOCUMENTS**

TO: Michael Todd Botelho  
Washoe County District Attorney \ Terrence P. McCarthy, Deputy District Attorney  
Jacqueline Bryant, Washoe District Court Clerk ✓

You are hereby notified that the Clerk of the Supreme Court has received and/or filed the following:

06/26/2017 Appeal Filing Fee waived. Criminal.

06/26/2017 Filed Notice of Appeal/Proper Person. Appeal docketed in the Supreme Court this day.

DATE: June 26, 2017

Elizabeth A. Brown, Clerk of Court  
lh

**Return Of NEF****Recipients**

**TERRENCE MCCARTHY, ESQ.** - Notification received on 2017-06-27 10:53:16.657.

**JOHN PETTY, ESQ.** - Notification received on 2017-06-27 10:53:16.781.

**DIV. OF PAROLE & PROBATION** - Notification received on 2017-06-27 10:53:16.719.

**SEAN SULLIVAN, ESQ.** - Notification received on 2017-06-27 10:53:16.578.

\*\*\*\*\* 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:

06-27-2017:10:52:06

Clerk Accepted:

06-27-2017:10:52:44

Court:

Second Judicial District Court - State of Nevada  
Criminal

Case Title:

STATE VS. MICHAEL TODD BOTELHO (D3)

Document(s) Submitted:

Supreme Court Receipt for Doc

Filed By:

Deputy Clerk YViloria

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

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**The following people were served electronically:**

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BOTELHO  
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OF NEVADA  
JOHN REESE PETTY, ESQ. for MICHAEL TODD  
BOTELHO  
DIV. OF PAROLE & PROBATION

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

GARY HOWARD HATLESTAD, ESQ.

MICHAEL TODD BOTELHO for MICHAEL TODD  
BOTELHO

STATE OF NEVADA for STATE OF NEVADA

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

9 **MICHAEL TODD BOTELHO,**

10 **Petitioner,**

**Case No. CR03-2156**

11 **vs.**

**Dept. No. 3**

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

14 **Respondents.**

15 \_\_\_\_\_ /  
16 **ORDER**

17 Currently before the Court is Michael T. Botelho's ("Petitioner") *Motion Granting Motion*  
18 *to Dismiss All Charges With Prejudice For The Lack of Subject Matter Jurisdiction of District*  
19 *Court ("the Motion")* filed February 13, 2017. The State filed a *Response to "Motion Granting*  
20 *Motion to Dismiss All Charges..." ("Response")* on March 16, 2017. The Petitioner submitted the  
21 matter for consideration on May 22, 2017.

22  
23 **RELEVANT FACTUAL AND PROCEDURAL HISTORY**

24 This case was first brought before the Reno Justice Court, Case No. RCR2003-011479,  
25 Department 1 by criminal complaint on September 12, 2003. On October 8, 2003 the Petitioner was  
26 indicted by a grand jury on one count of kidnapping in the first degree, one count of battery with  
27 intent to commit sexual assault on a child, and three counts of sexual assault on a child. The same  
28

1 day, this Court issued an *Order Staying Proceedings*, ordering all further proceedings on the  
2 Criminal Complaint issued against the Petitioner in the Reno Justice Court be stayed pending final  
3 determination of the Indictment.

4 Pursuant to a guilty plea, Judgment was entered against Petitioner on April 7, 2004 on one  
5 count of kidnapping and three counts of sexual assault on a child. Petitioner was sentenced to a  
6 prison term of life with the possibility of parole for kidnapping and prison terms of life with the  
7 possibility of parole for each county of sexual assault. The terms for two counts of sexual assault  
8 were imposed to run concurrently to one another and consecutively to the term for kidnapping. The  
9 term for the remaining count of sexual assault was imposed to run consecutively to the two  
10 concurrent terms for sexual assault.  
11

12 The Motion currently pending before this Court was filed February 13, 2017 in the Reno  
13 Justice Court, Case No. RCR2003-011479, Department 1. The State filed the Response thereto on  
14 March 16, 2017. On May 16, 2017, Justice Patricia Lynch issued an *Order Forwarding Documents*  
15 *to District Court* ("Justice Court Order"). The Justice Court Order indicates that while charges in  
16 this case were originally filed in Justice Court, a superseding indictment was filed and all  
17 proceedings in Justice Court were stayed by the District Court on October 8, 2003 and there is no  
18 such case titled "Michael T. Bothelo v. Reno Justice Court." Therefore, the Justice Court ordered all  
19 documents and motions filed by the Petitioner from November 2, 2016 in Reno Justice Court  
20 forwarded to the District Court, as the Justice Court had no jurisdiction to hear the case.  
21

22 Petitioner filed a request for submission of the Motion in Justice Court on May 16, 2017. On  
23 May 22, 2017, Petitioner filed a document titled *Judicial Notice* and thereafter filed the *Second*  
24 *Request for Submission*.<sup>1</sup> On June 2, 2017, Petitioner filed the *Reply and Objection to Order*  
25  
26  
27

28 <sup>1</sup> Petitioner states he was "forced" to file a second request for submission to this Court, however, this Court had no knowledge of Petitioner's filings, including the first request for submission, as they were filed in Justice Court.

1 *Forwarding Documents to District Court* (“Reply”). This Court now takes the matter for  
2 consideration.

### 3 ANALYSIS

4 The title of the motion before the Court is “Motion Granting Motion to Dismiss All Charges  
5 With Prejudice.” While confusing and nonspecific, this Court must consider the Motion by  
6 examining the substance of the pleading, not just the title. *See Nev. Power Co. v. Eighth Judicial*  
7 *Dist. Court*, 120 Nev. 948, 960, 102 P.3d 578, 586 (2004) (stating that when considering a claim,  
8 this court “must look at the substance of the claim[ ], not just the label[ ] used in the ... complaint”).

9  
10 Upon further review of the Motion, it appears Petitioner argues that the Reno Justice Court  
11 still maintains jurisdiction over his case, even after the superseding Indictment and Stay of the  
12 Justice Court proceedings. He claims “that jurisdiction over the subject-matter and the parties [still  
13 remains] ‘not’ adjudicated in this justice court since 2003, and again in 2017.” [Mot. 2:10-11]. On  
14 October 12, 2016, Petitioner states he filed a *Motion to Dismiss* in Justice Court.<sup>2</sup> [Mot. 4:27].  
15 Thereafter, the Justice Court had a mandatory obligation to make an immediate determination of  
16 jurisdiction. [Mot. 3:11-12]. However, there was no response from the State, no hearing, and no  
17 ruling from the Justice Court. [Mot. 3:13-14]. Petitioner requests this Court to “make this [nunc pro  
18 tunc] order granting Botelhos (sic) required relief, as a void judgment, and/or, dismiss all charges  
19 with prejudice, and all additional relief sought in this and my previous motion....” [Aff. 3:28, 4:1-  
20 2].  
21  
22

23 In the Response, the State contends the Motion makes little sense and there is currently no  
24 case pending in the Reno Justice Court. [Resp. 1:17-20]. Further, Petitioner asserts he previously  
25 moved to dismiss his criminal charges, however the State contends that assertion is false. [Resp.  
26  
27

28 <sup>2</sup> Petitioner asserts he filed a *Motion to Dismiss*, including an affidavit, on October 12, 2016. However, neither this Court nor the Reno Justice Court is in receipt of such documents.



1 1:21-23]. The State is unaware of any proceedings involving the Petitioner and the Reno Justice  
2 Court currently pending. [Resp. 2:1-2]. To the extent Petitioner requests this Court to vacate the  
3 convictions entered by the Second Judicial District Court, Petitioner's request should be denied.  
4 [Resp. 2:3-5]. The State further argues that to the extent Petitioner is arguing there is some legal  
5 significance to the prior complaint filed in the Reno Justice Court, he is incorrect, as there was a  
6 superseding indictment. [Resp. 2:5-8].

8 In the Reply, Petitioner argues that pursuant to NRS 172.175(1)(a), this Court does not have  
9 jurisdiction over the subject matter of the case because his case was first filed by way of criminal  
10 complaint in the Reno Justice Court. [Reply 3:4-7]. He further states that the superseding indictment  
11 and Stay of Justice Court proceedings have no legal consequence. [Reply 3:7-10]. He never waived  
12 his right to a preliminary hearing and his case was not transferred to the District Court by the Justice  
13 of the Peace.<sup>3</sup> [Reply 3:11-15]. Petitioner essentially argues that jurisdiction over his case remains  
14 in Justice Court, as this District Court was not properly conferred jurisdiction over the matter.  
15 [Reply 10:24-28].

17 "[J]ustice courts are courts of limited jurisdiction and have only the authority granted by  
18 statute." *State of Nevada v. Justice Court*, 112 Nev. 803, 805, 919 P.2d 401, 402 (1996) (citing  
19 *Parsons v. District Court*, 110 Nev. 1239, 1243, 885 P.2d 1316, 1319 (1994)). NRS 4.370(3) states  
20 that "[j]ustices courts have jurisdiction of all misdemeanors and no other criminal offenses except  
21 as otherwise provided by specific statute." Justice [REDACTED] courts also have jurisdiction to  
22 conduct preliminary examinations in felony complaints. NRS 171.196.

25  
26 <sup>3</sup> In Nevada, felonies may be prosecuted by either indictment or information. Nev. Const. art. 1, § 8; NRS 173.015; NRS  
27 252.110; NRS 453.200; *See also Cairns v. Sheriff, Clark Cty.*, 89 Nev. 113, 116, 508 P.2d 1015, 1017 (1973). Here, the  
28 prosecution made the tactical decision to prosecute the Petitioner by way of indictment, which is permitted under  
Nevada law. Therefore, Petitioner's argument that he failed to get a preliminary examination is meritless and  
unavailing.

1 As indicated above, the State initially proceeded against the Petitioner by means of a  
2 criminal complaint filed in justice court. However, the state presented the case to a grand jury and  
3 obtained an indictment. When the district court accepted the indictment, it stayed any further  
4 proceedings on the criminal complaint pending final determination of the indictment. It is  
5 established Nevada law that a grand jury can return an indictment even though a criminal complaint  
6 had been filed previously. *Hall v. Sheriff, Washoe Cty.*, 86 Nev. 456, 458, 470 P.2d 422, 423  
7 (1970). Further, “[w]hile ordinarily the state dismisses a criminal complaint when an indictment is  
8 returned, such a dismissal is not automatic upon return of an indictment. There is no authority for  
9 the proposition that an indictment obtained while a criminal complaint is pending automatically  
10 replaces the complaint.” *Sheriff, Washoe Cty. v. Dhadda*, 115 Nev. 175, 183, 980 P.2d 1062, 1067  
11 (1999) (holding that neither a return of an indictment nor the granting of a writ of habeas corpus  
12 automatically extinguish a pending criminal complaint). Thus, the Indictment in this case did not  
13 automatically dismiss the criminal complaint filed in the Reno Justice Court, and it appears no  
14 dismissal of the criminal complaint was sought by the prosecutor in this case. As indicated by the  
15 Reno Justice Court Order transferring all documents to this Court, the Stay imposed by this Court is  
16 still in effect. However, this is merely a procedural glitch and has no impact whatsoever on the  
17 Petitioner’s Judgment of Conviction.  
18  
19  
20

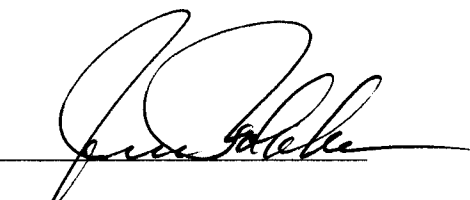
21 The Nevada Supreme Court has held that provisions under the Nevada Constitution disfavor  
22 concurrent jurisdiction between the district and justice courts. *State v. Kopp*, 118 Nev. 199, 203, 43  
23 P.3d 340, 342–43 (2002). Once a district court properly obtains original jurisdiction over a  
24 defendant by virtue of a felony or gross misdemeanor charge, its jurisdiction is maintained to  
25 convict and sentence. *Kimball v. State*, 100 Nev. 190, 191, 678 P.2d 675, 676 (1984). Thus, once  
26 this Court accepted jurisdiction over the case by way of indictment and a judgment of conviction  
27  
28

1 was entered, the case was fully adjudicated on the facts. Therefore, the justice court proceedings  
2 have been adjudicated and must be dismissed.

3 Accordingly, and good cause appearing,

4 IT IS HEREBY ORDERED that Petitioner's Motion is DENIED it in its entirety.

5  
6 Dated this 27<sup>th</sup> day of June, 2017.

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8   
9 JEROME POLAHA  
10 DISTRICT JUDGE  
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CERTIFICATE OF MAILING

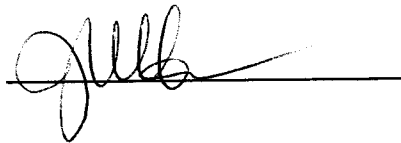
1  
2 I certify that I am an employee of the SECOND JUDICIAL DISTRICT COURT of the  
3 STATE OF NEVADA, COUNTY OF WASHOE; that on the 27 day of June, 2017 I did the  
4 following:

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

7 TERRENCE P. MCCARTHY, ESQ

8 ☒ Transmitted document to the Second Judicial District Court mailing system in a sealed  
9 envelope for postage and mailing by Washoe County using the United States Postal Service in  
10 Reno, Nevada:

11 MICHAEL TODD BOTELHO #80837  
12 NNCC  
13 P O BOX 7000  
14 CARSON CITY, NV 89702



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**TERRENCE MCCARTHY, ESQ.** - Notification received on 2017-06-27 16:23:02.372.

**JOHN PETTY, ESQ.** - Notification received on 2017-06-27 16:23:02.496.

**DIV. OF PAROLE & PROBATION** - Notification received on 2017-06-27 16:23:02.418.

**SEAN SULLIVAN, ESQ.** - Notification received on 2017-06-27 16:23:02.091.

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

**Judge:**

HONORABLE JEROME M. POLAHA

**Official File Stamp:**

06-27-2017:16:21:34

**Clerk Accepted:**

06-27-2017:16:22:13

**Court:**

Second Judicial District Court - State of Nevada  
Criminal

**Case Title:**

STATE VS. MICHAEL TODD BOTELHO (D3)

**Document(s) Submitted:**

Ord Denying Motion

**Filed By:**

Judicial Asst. JUlleseit

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BOTELHO

TERRENCE P. MCCARTHY, ESQ. for STATE  
OF NEVADA

JOHN REESE PETTY, ESQ. for MICHAEL TODD  
BOTELHO

DIV. OF PAROLE & PROBATION

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

GARY HOWARD HATLESTAD, ESQ.

MICHAEL TODD BOTELHO for MICHAEL TODD  
BOTELHO

STATE OF NEVADA for STATE OF NEVADA

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

3 IN PROPER PERSON

FILED

JUN 30 2017

JACQUELINE BRYANT, CLERK  
By: *[Signature]*  
DEPUTY CLERK

4  
5  
6 IN THE SUPREME COURT OF THE STATE OF NEVADA

7  
8 MICHAEL T. BOTELHO  
9 APPELLANT

CR03-2156  
NEV. SUPREME COURT CASE NO. 73331

10 -VS-

RENO JUSTICE COURT CASE NO. RC03-011479

11 RENO JUSTICE COURT,  
STATE OF NEVADA,  
12 RESPONDENTS,

13  
14 NOTICE OF WITHDRAWAL OF APPEAL

15  
16 COMES NOW, MICHAEL T. BOTELHO, APPELLANT, IN PROPER PERSON, AND  
17 IN FORMA PAUPERIS, HEREIN RESPECTFULLY INFORMING THE NEVADA SUPREME  
18 COURT OF BOTELHO'S NOTICE OF WITHDRAWAL OF APPEAL OF THIS JUSTICE  
19 COURT CASE, EFFECTIVE IMMEDIATELY.

20  
21 DATED 6-29-2017

*[Signature]*  
MICHAEL T. BOTELHO # 80837  
22 NNCC, P.O. BOX 7000  
23 CARSON CITY, NEVADA 89702  
24 IN PROPER PERSON  
25  
26  
27  
28




AFFIRMATION AND CERTIFICATE OF SERVICE

I, MICHAEL T. BOTELHO, DO SWEAR UNDER THE PENALTY OF PERJURY THAT NOTICE OF WITHDRAWAL OF APPEAL IS TRUE AND CORRECT, PURSUANT TO NRS 208.165 AND 28 USC 1746. THIS DOCUMENT DOES NOT CONTAIN THE S.S.N. OF ANY PERSON.

I FURTHER CERTIFY THAT I MAILED A TRUE AND COMPLETE COPY OF NOTICE OF WITHDRAWAL OF APPEAL TO THIS COURT, AND TO PARTIES AS ADDRESSED BELOW, BY PLACING SAME IN U.S. MAIL, VIA PRISON MAILBOX RULE, PURSUANT TO FRCP 5(b), VIA NDOC BRASS T SLIP

DATED 6-29-2017

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

COPIES MAILED TO:

- (1) NEVADA ATTORNEY GENERAL (IN LIEU OF DIA)  
100 N. CARSON ST.  
CARSON CITY, NEV. 89701-4717
- (2) SECOND JUDICIAL DISTRICT COURT  
75 COURT STREET  
RENO, NEVADA 89501

## IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL TODD BOTELHO,  
Appellant,  
vs.  
RENO JUSTICE COURT,  
Respondent.

CR03-2156  
No. 73331

**FILED**

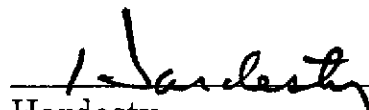
JUL 17 2017

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY  DEPUTY CLERK

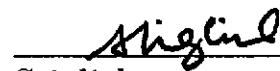
*ORDER DISMISSING APPEAL*

This is a pro se appeal from a justice court order forwarding documents to the district court.

Appellant filed this pro se appeal on June 14, 2017. On July 3, 2017, appellant filed a motion for a voluntary dismissal of this appeal. Cause appearing, the motion is granted. See NRAP 42(b). Accordingly, we ORDER this appeal DISMISSED.

, J.  
Hardesty

, J.  
Parraguirre

, J.  
Stiglich

cc: Patricia A. Lynch, Justice of the Peace  
Hon. Jerome Polaha  
Michael Todd Botelho  
Attorney General/Carson City  
Washoe County District Attorney  
Washoe District Court Clerk  
Reno Justice Court

**Return Of NEF****Recipients**

**TERRENCE MCCARTHY, ESQ.** - Notification received on 2017-07-19 11:17:10.985.

**JOHN PETTY, ESQ.** - Notification received on 2017-07-19 11:17:11.609.

**DIV. OF PAROLE & PROBATION** - Notification received on 2017-07-19 11:17:11.219.

**SEAN SULLIVAN, ESQ.** - Notification received on 2017-07-19 11:17:10.907.

\*\*\*\*\* 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:

07-19-2017:11:14:59

Clerk Accepted:

07-19-2017:11:16:42

Court:

Second Judicial District Court - State of Nevada  
Criminal

Case Title:

STATE VS. MICHAEL TODD BOTELHO (D3)

Document(s) Submitted:

Supreme Ct Ord Dismiss Appeal

Filed By:

Deputy Clerk PMSewell

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:**

SEAN B. SULLIVAN, ESQ. for MICHAEL TODD  
BOTELHO

TERRENCE P. MCCARTHY, ESQ. for STATE  
OF NEVADA

JOHN REESE PETTY, ESQ. for MICHAEL TODD  
BOTELHO

DIV. OF PAROLE & PROBATION

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

GARY HOWARD HATLESTAD, ESQ.

MICHAEL TODD BOTELHO for MICHAEL TODD  
BOTELHO

STATE OF NEVADA for STATE OF NEVADA

DC-0950008497-088  
STATE VS. MICHAEL TODD BOTE 16 Pages  
District Court 07/21/2017 10:49 AM  
Washoe County 2610  
CR03-2156  
MICHAEL TODD BOTE 16 Pages  
District Court 07/21/2017 10:49 AM  
Washoe County 2610

1 MICHAEL T. BOTE LHO  
# 80837  
2 NNCC, PO BOX 7000  
CARSON CITY, NV. 89702  
3 IN PROPER PERSON

FILED

2017 JUL 21 AM 10:49

JACQUELINE BRYANT  
CLERK OF THE COURT  
STATE OF NEVADA  
DEPUTY

4  
5 IN THE SECOND JUDICIAL DISTRICT COURT,  
COUNTY OF WASHOE

7 MICHAEL T. BOTE LHO  
8 PETITIONER

CR03-2156  
JUSTICE COURT CASE NO. RCR03-011479

-VS-

JUSTICE COURT DEPT. NO. I

10 RENO JUSTICE COURT,  
STATE OF NEVADA, ETAL  
11 DEFENDANTS /

JUDICIAL NOTICE AND AFFIDAVIT.

13 TO CHIEF JUDGE, P. FLANAGAN OF THE SECOND JUDICIAL DISTRICT COURT,

14 I, MICHAEL T. BOTE LHO, FILE THIS JUDICIAL NOTICE-AFFIDAVIT, PURSUANT TO

15 NRS 47.130, SEE THOMAS V. BIBLE, 694 F. SUPP. 750 (1988), AFFD 896 F.2d 1955 (9th 1990)

16 AND FURTHERMORE, I, MICHAEL T. BOTE LHO, DO SWEAR UNDER THE PENALTY OF

17 PERJURY, SEE NRS 209.165, 18 USC 1621 AND 28 USC 1746, THAT THIS JUDICIAL NOTICE-

18 AFFIDAVIT, ARE INFACIT TRUE AND CORRECT. (COURT RECORD IS INDISPUTIBLE)

19 THIS IS FILED IN REGARDS TO JUDGE POLAHAS FRAUDULENT, ODIUS, SHAM

20 ORDER FILED 6-27-2017, AS A RESULT OF, AND COVERING FOR AND COVERING [UP]

21 THE STATES FATALY DEFECTIVE CASE SINCE 2003, TO AVOID BOTE LHOS NECESSARY

22 RELEASE, AND POLAHAS PREJUDICIAL BIAS<sup>s</sup> IN THIS CRIMINAL CASE CONTROVERSY.

23 THE HISTORICAL RECORD OF THIS CASE, SUPPORTED BY MATERIAL, LEGAL FACTS

24 AND LEGAL EVIDENCE, BOTH IN THE COURT RECORD, AND ALWAYS SUPPORTED BY

25 AFFIDAVIT(S) GIVEN UNDER PENALTY OF PERJURY, HAVE REPEATEDLY PROVEN POLAHAS

26 BIAS AND PREJUDICE AGAINST BOTE LHO SINCE 2003, AND CONTINUING IN 2017,

27 AS WELL AS POLAHAS CRIMES, TO PROTECT THE STATE, THIS CASE, AND NOW

28 POLAHAS OWN CAREER AND REQUIRED FELONY PROSECUTION, THEREIN.

1 I HAVE PREVIOUSLY, AND HEREIN [AGAIN] RE-ASSERT, CLAIM AND [CHARGE]  
 2 JUDGE POLAHA WITH CONSPIRACY, COLLUSION, AIDING & ABETTING<sup>(1)</sup>, FRAUD,  
 3 PERJURY, TAMPERING WITH COURT DOCUMENTS, FILING FRAUDULENT & FALSE  
 4 ACTIONS<sup>(2)</sup>, FRAUD UPON THE RECORD, FRAUD UPON THE COURT, OFFERING  
 5 FALSE FACTS & EVIDENCE, OFFERING FALSE INFORMATION, OPPRESSION  
 6 UNDER COLOR OF LAW & AND OF OFFICE, CONDUCT CONSTITUTING CRIMES,  
 7 FALSE IMPRISONMENT<sup>(1)</sup>, KIDNAPPING<sup>(1)</sup>, ACCESSORY AFTER THE FACT<sup>(1)</sup>,  
 8 R.I.C.O., MISPRISON OF FELONY, OFFERED FALSE INSTRUMENT(S) FOR FILING  
 9 (SEE ESPECIALLY 6-27-2017, ORDER), HE ALTERED, DEFACED RECORDS OR  
 10 INSTRUMENTS, HE CONCEALED, INTURED, ALTERED PUBLIC (COURT) RECORDS  
 11 AND DOCUMENTS, HE INTURED, FALSIFIED RECORDS OR PAPERS, HE FAILED TO  
 12 PERFORM HIS DUTY, HE FAILED TO APPLY COMMON LAW, REFUSED TO RULE  
 13 ON LEGAL EVIDENCE & CLAIMS & CHARGES, HE REFUSED TO FOLLOW COMMANDS  
 14 OF NRS 0.025 AND NRS 1.030 THEREIN [SUPPORTED BY COURT RECORDS  
 15 AND AFFIDAVIT(S) THEREIN].

16 I FURTHER [C]HARGE JUDGE POLAHA WITH: WILLFUL, REPEATED VIOLATION(S)  
 17 OF PROCEDURAL STATUTES; COVERING UP EVIDENCE; SUGGESTING TO STATE TO  
 18 GET AROUND SPOUSAL PRIVILEGE BY HEARSAY WITNESS - A COP WHO THEN  
 19 PERJURED HIMSELF - A CLASS D FELONY, - WITHOUT CONSEQUENCE, FOR ACTS  
 20 KNOWN TO NEVER HAVE TAKEN PLACE; HE KNOWINGLY ACCEPTED A COERCED  
 21 GUILTY PLEA FROM AN INCOMPETENT DEFENDANT AND TRIED TO COVER IT UP  
 22 ALMOST 2 YEARS LATE[R]; BOTEHO WAS [N]EVER GIVEN COMPETENCY EVAL.  
 23 & COURT DETERMINATION PRIOR TO ACCEPTING PLEA. POLAHA INTENTIONALLY  
 24 CONVICTED, SENTENCED AND INCARCERATED AN INCOMPETENT DEFENDANT, HE  
 25 FAILED TO ALLOW ME TO RIGHTLY WITHDRAW GUILTY PLEA.

26 POLAHA HAS REPEATEDLY ACTED WITH MALICE IN LAW BY <sup>NOT</sup> ABIDING BY HIS  
 27 OATH, IGNORED COURT RULES, JUDICIAL CANNONS, NV. RULES OF CIVIL

#### FOOTNOTES

28 (1) KNOWN ABOUT COVERING UP  
 UNLAWFUL ARREST, FALSE IMPRISONMENT,  
 KIDNAPPING, MAKES POLAHA JUST AS  
 GUILTY.

(2) 6-27-17, ORDER ALTERING  
 PARTIES & JURISDICTION

1 AND APPELLATE PROCEDURE(S). HE DISREGARDED NEVADA REVISED STATUTES,  
 2 THE COMMANDS OF NEVADA § UNITED STATES CONSTITUTION(S) AND MY  
 3 [I]NALIENABLE RIGHTS GUARANTEED BY OUR STILL VALID NV. § U.S.  
 4 CONSTITUTION(S).

5 THE INTENT WAS CRIMINAL IN NATURE, TO PROTEST THE MULTIPLE FELONEOUS  
 6 WRONGDOING(S) BY THE WASHOE COUNTY SHERIFFS OFFICE (W.C.S.O.); THE  
 7 WASHOE COUNTY DISTRICT ATTORNEYS OFFICE (W.C.D.A.); THE WASHOE COUNTY  
 8 PUBLIC DEFENDERS OFFICE (W.C.P.D.); THE WASHOE COUNTY CRIME LAB (WCCL);  
 9 POST-CONVICTION ATTORNEYS - 2 OF THEM; RENO JUSTICE COURT; 4 DIFFERENT  
 10 JUSTICE(S) OF THE PEACE (J.O.P.'S) 3 IN 2003, AND J.O.P. LYNCH IN 2017); THE  
 11 LYON COUNTY SHERIFFS OFFICE (LCSO); THE SECOND JUDICIAL DISTRICT  
 12 COURT; DISTRICT COURT JUDGE(S) ADAMS IN 2003, POLAHA STARTING IN 2003  
 13 AND CONTINUING IN 2017, FORMER "CHIEF" JUDGE HARDY, AND CURRENT "CHIEF"  
 14 JUDGE FLANAGAN, THEREIN. [EMPHASIS STRONGLY ASSERTED]

15 JURISDICTION WAS UNLAWFULLY [SEIZED] BY DISTRICT COURT ON 10-8-2003,  
 16 FROM JUSTICE COURT AND POLAHA CONTINUES TO SKEW FACTS § COVER  
 17 UP FACTS IN LAW TO JUSTIFY THE UNLAWFUL USURPATION § ULTRA VIRES  
 18 ACTS BY DISTRICT COURT. THE LEGAL FACT REMAINS THAT I AM [STILL] A  
 19 PRE-TRIAL DETAINEE IN [J]USTICE COURT JURISDICTION, AND STILL UNLAWFULLY  
 20 INCARCERATED IN 2017.

21 THESE ARE [NOT] BARE § NAKED ALLEGATION(S) BUT LEGAL CLAIMS § [CHARGES]  
 22 SUPPORTED BY COURT RECORD, EXHIBITS AND AFFIDAVIT(S) IGNORED TO PROTECT  
 23 THOSE INVOLVED. MY POST CONVICTION HABEAS CORPUS EXPOSED SOME OF THIS BUT  
 24 POLAHA COVERED IT UP BY SAYING THERE WAS NO MERIT. (HE IS THE CRIMINAL IN  
 25 THIS CASE). THE ONLY POLAHA DID, WHAT IS OBVIOUS FRAUD, CONSPIRACY, COLLUSION,  
 26 AND OBSTRUCTION OF JUSTICE, TO COVER FOR HIS KNOWINGLY ACCEPTING MY  
 27 MISREPRESENTED, COERCED GUILTY PLEA [AFTER] POLAHA WAS INFORMED BY  
 28 COUNSEL THAT HE THOUGHT I WAS SUFFERING FROM PTSD DURING DISTRICT



1 COURT ARRAIGNMENT, YET POLAHA FAILED TO ORDER A COMPETENCY EVALUATION,  
 2 FAILED TO HOLD A COMPETENCY HEARING AND MAKE THE STATUTORILY REQUIRED  
 3 DETERMINATION THEREIN. POLAHA THEN KNOWINGLY ACCEPTED COERCED, AND  
 4 MANIPULATED PLEA, CONVICTED ME, SENTENCED ME, PUT ME IN PRISON, HE  
 5 THEN CHANGED MY SENTENCE STRUCTURE, GIVING ME MORE TIME, AFTER THE FACT  
 6 IN MY J.O.C. AND MORE. THE POST-CONVICTION HABEAS EXPOSED THESE LEGAL  
 7 FACTS, MORE - YET POLAHA COVERED THEM UP BY SAYING HE FINDS NO MERIT!

(I) 8 IN 2011, ON 12-20-2011, I FILED A SUBJECT-MATTER-JURISDICTION CHALLENGE,  
 9 WITH NO STATE RESPONSE, NO HEARING. ON 2-21-2012, I FILED MOTION FOR  
 10 JUDGMENT, AGAIN WITHOUT RESPONSE, OR DE NOVO HEARING, DETERMINATION, IN  
 11 DISTRICT COURT. A WILLEFUL DISREGARD FOR RULES, STATUTES & MY CONSTITUTIONAL  
 12 DUE PROCESS RIGHTS. ON 3-26-2012, I FILED MANDAMUS IN NV. SUPREME  
 13 COURT TO COMPEL DISTRICT COURT TO ACT & GRANT NECESSARY RELIEF. THE  
 14 NV. S. CT. CHOSE TO FURTHER PROTECT THOSE INVOLVED BY STATING "WITHOUT  
 15 REVIEWING MERITS, WE DECLINE ORIGINAL JURISDICTION (TO ENTERTAIN IT), THUS  
 16 AGAIN VIOLATING NV. CONSTITUTION, NV. STATUTES & MY CONSTITUTIONAL RIGHTS.

(2) 17 ON 9-22-2015, I FILED MOTION TO VACATE (J.O.C.) FOR FRAUD AND LACK OF  
 18 S-M-J, THE STATE OPPOSED BUT FAILED TO DISPUTE OR DENY FRAUD, NEWLY  
 19 DISCOVERED EVIDENCE (IE FRAUDULENT FICTICIOUS SUBPOENA & UNLAWFULLY  
 20 SEIZED THEREIN & AS A DIRECT RESULT THEREINAFTER, THREATS, COERCION,  
 21 INTIMIDATION, OPPRESSION, THEFT, EXTORTION, FALSE IMPRISONMENT, OF BOTELHO'S  
 22 WIFE & TWO BABY BOYS DURING SEARCH WHERE SEARCH WARRANT WAS PROCURED  
 23 BY PERJURED AFFIDAVIT AND PERFECTED BY ENTERING HOME BUT NOT GIVING COPY  
 24 OF S.W. TO MARILOU BOTELHO, AFTER SHE ASKED TO READ IT PRIOR TO SEARCH,  
 25 WCSO ILLEGALLY [S]ERVED WARRANT THEMSELVES, WOULD NOT LET HER READ  
 26 IT OR GIVE IT TO HER UNTIL THEY WERE DONE HOURS LATER, AFTER COMMITTING  
 27 MANY FELONIES TO PROCURE D.N.A. FROM HER & OUR TWO BABY BOYS.  
 28 THEY ALSO STOLE MY SWEAT SHIRT & BADGE AFTER TAKING PHOTOS. THE SEARCH

1 WARRANT WAS FINALLY GIVEN TO HER WHEN THEY WERE LEAVING, BUT THEN  
2 BROKE "MORE" LAWS BECAUSE NO AFFIDAVIT WAS INCLUDED AND SHE WAS  
3 [NOT] GIVEN COPY OF ITEMIZED PROPERTY TAKEN. WCSO THEN FALSIFIED  
4 S.W. RETURN BY LEAVING OUT TAKEN SWEAT SHIRT & BADGE AND MENTION OF  
5 FELONEOUSLY PROCURED D.N.A. FROM MY WIFE & BABY BOYS. WCSO ALSO  
6 FAILED TO COMPLY WITH J.O.P.'S ORDER TO BRING FORTH TO [HIM] PROPERTY  
7 SEIZED AND J.O.P. FAILED TO SIGN [OR] FILE FRAUDULENT RETURN. THE  
8 FOLLOW UP POLICE REPORTS AND WC CRIME LAB REPORTS & EVIDENCE LOGS  
9 WERE FRAUDULENTLY FALSIFIED TO PROTECT UNLAWFULLY, FELONEOUSLY  
10 STOLEN D.N.A. EVIDENCE, MAKING WCSO, WCCL, LYSO, COMPLICIT IN  
11 R.I.C.O. CONSPIRACY TO COLLECT DNA EVIDENCE, COVER IT UP SO CAN USE  
12 TO CONVICT ME, OF COURSE.  
13 THERE WAS NO EVIDENTIARY HEARING, NO DE NOVO REVIEW, NO CALLING  
14 OF WITNESSES OF THOSE INVOLVED (I.E. COPS, CRIME LAB TECHS, NOR MY  
15 WIFE [WHO STILL REMAINS SCARED TO DEATH OF POLICE, TO THIS DAY AS A  
16 RESULT OF WHAT THEY DID]). THE STATE AND POLAHA COVERED FOR,  
17 COVERED UP THE FACTS, OUT OF SIGHT FROM PUBLIC EYES & EARS, TO  
18 PROTECT THOSE INVOLVED. THIS MOTION PROVED [D]OZENS OF FELONIES  
19 WERE COMMITTED BY THE WCSO, WCDA, WCPD, WC CRIME LAB, & THEREIN  
20 JUDGE POLAHA, AND PROVED [ENTIRE] BODY OF EVIDENCE GATHERED FROM  
21 THE BEGINNING OF THIS CASE WAS THE DIRECT RESULT OF FRAUDULENT,  
22 CRIMINAL MEANS AND [IS] FRUITS OF POISONOUS TREE. THE WCDA KNEW  
23 THIS, POLAHA KNEW THIS AND IF HE DID HIS JOB, LOTS OF COPS, LAB  
24 TECHS, SEVERAL DEPUTY DISTRICT ATTORNEYS WOULD LOSE THEIR CAREERS,  
25 BE PROSECUTED AND BOITELHO WOULD BE [A]UTOMATICALLY RELEASED. SO  
26 POLAHA DISMISSED MOTION, EVEN AFTER I FILED MANDAMUS WITH C.J. HARDY  
27 TO RECUSE POLAHA, WHICH HARDY IGNORED, THEN LET POLAHA AGAIN  
28 COMMIT MORE CRIMES BY COVERING IT UP & STILL RULING IN CASE.

(3) 1 ON 1-27-2010, I REFILED ORIGINAL POST-CONVICTION HABEAS CORPUS  
 2 PURSUANT TO FEDERAL U.S. DISTRICT COURT ORDER. I ALSO FILED  
 3 MOTIONS FOR APPOINTMENT OF COUNSEL, IN FORMA PAUPERIS STATUS,  
 4 AND MOTION TO RECUSE POLAHA. THE COURT NEVER RULED ON SAID  
 5 MOTIONS, OF COURSE. POLAHA LET PETITION SIT IN HIS COURT FOR (5 YEARS)  
 6 THEN LET STATE RESPOND AFTER 5 YEARS, ASKING TO DISMISS PETITION.  
 7 IN THOSE 5 PREVIOUS YEARS I FILED SEVERAL REQUESTS FOR SUBMISSION,  
 8 STATUS CHECKS, WRIT OF MANDAMUS, MOTION TO VACATE, S-M-J CHALLENGE,  
 9 YET STILL LET PETITION SIT THEN SUMMARILY DISMISSED IT AGAIN WITHOUT  
 10 A VALID STATE RESPONSE, WITHOUT AN EVIDENTIARY HEARING - EVEN AFTER  
 11 MOTION TO VACATE WAS FILED WITH NEWLY DISCOVERED EVIDENCE OF  
 12 FRAUD, OBSTRUCTION, CONSPIRACY WAS LEGALLY [PROVEN] THEREIN. AGAIN  
 13 VIOLATING NV LAW, COURT RULES, FEDERAL COURT ORDER, AND MY DUE  
 14 PROCESS RIGHTS. AGAIN, DONE TO COVER FOR, COVER UP & PROTECT THOSE  
 15 PROVEN CRIMINALS [FRIENDS OF HIS] CAREERS AND BOTELHO'S TRULY  
 16 UNLAWFULLY PROCURED CONVICTION. [THESE ARE INDISPUTED FACTS IN THIS  
 17 COURTS RECORD].

(4) 18 ON 10-12-2016, I FILED MOTION TO DISMISS ALL CHARGES WITH PREJUDICE IN  
 19 RENO JUSTICE COURT AND SUPPORTED BY AFFIDAVIT. MOTION WAS FILED AS  
 20 MICHAEL T. BOTELHO VS. RENO JUSTICE COURT, CASE NO. RCR03-011479,  
 21 AS I LEGALLY REMAIN A PRETRIAL DETAINEE HELD ILLEGALLY WITHOUT DUE  
 22 PROCESS PRELIMINARY HEARING AND MORE ILLEGAL, BEING NEVER READ FORMAL  
 23 CHARGES & ELEMENTS THEREIN, THUS, NO COURT HAD PROPERLY ACQUIRED  
 24 JURISDICTION OVER SUBJECT-MATTER, NOR BOTELHO, REGARDLESS. THE <sup>STATE</sup> FAILED  
 25 TO ARGUE DEFENSES, FAILED TO RESPOND, PERIOD. [.] I FILED MOTION TO  
 26 TRANSPORT FOR MOTION TO DISMISS HEARING, AGAIN STATE FAILED TO RESPOND.  
 27 I THEN FILED MULTIPLE REQUESTS FOR SUBMISSION. J.O.P. LYNCH CLEARLY  
 28 DID NOT WANT TO DO HER DUTY TO HEAR, DETERMINE & RULE ON THE LEGAL CLAIMS

1 THEREIN. SHE DID NOT WANT TO BE THE MAGISTRATE WHO ULTIMATELY ORDERED  
 2 BOTELHOS NECESSARY RELIEF AND THROW THOSE INVOLVED, INTO JEOPARDY,  
 3 SO CHOSE TO JUST IGNORE HER OATH, COURT RULES, NEVADA LAW, THE NV,  
 4 U.S. CONSTITUTION(S) AND BOTELHOS CONSTITUTIONAL DUE PROCESS RIGHTS, AND  
 5 JUST IGNORE BOTELHOS JUSTICE COURT DOCKETED MOTION ENTIRELY. I  
 6 WAITED 4 MONTHS THEN FILED MOTION GRANTING MOTION (MOTION FOR  
 7 JUDGMENT ON PLEADINGS).

(5) 8 ON 2-17-2017, I FILED MOTION GRANTING MOTION IN "JUSTICE" COURT, THE COURT  
 9 CLERK THEN TOOK IT UPON HERSELF TO MAKE SURE THE STATE RESPONDED TO  
 10 MOTION AND THE STATE RESPONDED - ALBEIT - FALSELY, OFF POINT, IGNORING CHARGES  
 11 AND ARGUING INCOHERENTLY ABOUT WHATEVER. THE STATE HAD NO RIGHT TO  
 12 RESPOND AT THAT POINT 4 MONTHS LATER PURSUANT TO RULE 5 AVERED TO  
 13 IN MOTION GRANTING MOTION FILED IN [JUSTICE] COURT, AND HAD ADMITTED  
 14 CONFESSION OF ERROR AS A RESULT, I FILED A MOTION TO STRIKE BUT WAS  
 15 IGNORED OF COURSE, TO PROTECT THOSE INVOLVED.

(6) 16 J.O.P. LYNCH FAILED TO DO HER SWORN STATUTORY & CONSTITUTIONAL DUTY  
 17 AND REFUSED TO HOLD DE NOVO HEARING AND RULE ON MOTION TO DISMISS  
 18 [AND] MOTION GRANTING MOTION TO DISMISS.

(7) 19 INSTEAD, ON 5-11-2017, J.O.P. LYNCH FILED BAD FAITH ORDER FORWARDING  
 20 DOCUMENTS TO DISTRICT COURT. SHE WHOLLY LEFT OUT MOTION TO DISMISS  
 21 & MOTION GRANTING MOTION TO DISMISS CLAIMS THEREIN, FURTHER FAILING TO  
 22 SUPPORT SHAM ORDER WITH POINTS & AUTHORITIES & CONCLUSIONS OF LAW. THIS  
 23 WAS DONE TO MAKE IT IMPOSSIBLE FOR DISTRICT COURT (BEING COURT OF  
 24 FINAL APPELLATE JURISDICTION FROM CASES ARISING IN JUSTICE COURT)  
 25 TO MAKE A RULING IF BOTELHO FILED N.O.A. IN [J]USTICE COURT TO APPEAL  
 26 [TO] [D]ISTRICT COURT FOR FINAL APPELLATE JURISDICTION. AGAIN, THIS WAS  
 27 DONE TO PROTECT THIS CASE & THOSE INVOLVED [.]

(8) 1 IN THE MEANTIME, AFTER FILING DEFECTIVE BAD FAITH ORDER FORWARDING  
 2 DOCUMENTS IN [J]USTICE COURT. JUSTICE COURT CLERK FORWARDED ORDER  
 3 TO DISTRICT COURT. DIST. COURT CLERKS INTENTIONALLY [RE-FILED] JUSTICE COURT  
 4 ORDER AS IF IT WAS AN ORIGINAL [DISTRICT] COURT ORDER AND ALTERED A  
 5 THE FILED DOCUMENT (I.E. FRAUD, FILING FALSE CERTIFICATE, RECORD OR  
 6 INSTRUMENT OR ORDER, FRAUD UPON THE RECORD, FRAUD UPON THE  
 7 COURT, CONSPIRACY TO ALTER JURISDICTION OF ORDER, AS THE DISTRICT  
 9 COURT CLERK THEN TOOK JUSTICE COURT FILED N.O.A. CONTESTING ORDER  
 9 FORWARDING DOCUMENTS TO DISTRICT COURT AND [RE-FILED] N.O.A. AS IF  
 10 I WAS APPEALING ORDER FILED IN DISTRICT COURT - THUS ENSURING SAID  
 11 APPEAL WOULD GO TO NV. SUPREME COURT & DISMISSED FOR LACK OF  
 12 JURISDICTION), THIS I [C]HARGE WAS CONSPIRACY & COLLUSION BETWEEN  
 13 DISTRICT COURT CLERK AND JUDGE POLAHA TO PROTECT, SHIELD AND COVER-  
 14 UP WHAT HAD BEEN BROUGHT TO JUSTICE COURT (BOTELOS MOTION TO  
 15 DISMISS, MOTION GRANTING MOTION TO DISMISS & SHAM ORDER FORWARDING  
 16 DOCUMENTS [TO] [D]ISTRICT COURT). THIS WAS R.I.C.O. FRAUD & CONSPIRACY  
 17 AND I [DONT] HAVE TO SHOW CAUSE, HARM OR PREJUDICE.

(9) 18 ON 6-27-2017, THE CRIMINAL ALSO KNOWN AS (A.K.A.) JUDGE POLAHA, FILED  
 19 A FRAUDULENT, ALTERED AND CRIMINALLY MANIPULATED SHAM, BAD FAITH  
 20 ORDER DISMISSING BOTELOS FILED IN JUSTICE COURT (WHERE JUSTICE  
 21 COURT WAS A PARTY) MOTION GRANTING MOTION TO DISMISS. MOTION WAS  
 22 FILED IN JUSTICE COURT AS MICHAEL T. BOTELO V. RENO JUSTICE COURT,  
 23 A JURISDICTIONAL AND CONSTITUTIONAL CHALLENGE FILED 10-12-2016, IN THE  
 24 PROPER JURISDICTION [JUSTICE COURT], CASE NO. RCRO3-011479.  
 25 POLAHA KNEW HE HAD NO JURISDICTION TO RULE, PERIOD. HE KNEW SAID  
 26 MOTION WAS TO HAVE BEEN ADDRESSED AND RULED ON [A]FTER A FULL  
 27 DE NOVO REVIEW AND HEARING ON THE RECORD IN OPEN [J]USTICE COURT.  
 28 HE KNEW HE [MUST] ORDER MOTION BACK DOWN TO JUSTICE COURT FOR

1 DISPOSAL.

2 POLAHA DELIBERATELY ACTED IN BAD FAITH, COMMITTED AN ULTRA VIRES ACT,  
3 USURPING AUTHORITY HE DID [NOT] HAVE BY FRAUDULENTLY ALTERING THE  
4 JURISDICTION OF THE ACTION AS PRESENTED. I FILED MOTION GRANTING MOTION  
5 (MOTION FOR JUDGEMENT ON PLEADINGS) IN "RENO JUSTICE COURT," PARTIES  
6 BEING: MICHAEL T. BOTELHO V. RENO JUSTICE COURT, STATE OF NEVADA. HE  
7 [CHANGED] PARTIES TO - MICHAEL T. BOTELHO V. JAMES BENEDETTI, STATE OF NV,  
8 ET-AL. POLAHA CHANGED THE JUSTICE COURT CASE NO. & DEPT. NO. TO A  
9 DISTRICT COURT CASE & DEPT. NO.. THIS WAS DONE WITH MALICE AFORETHOUGHT,  
10 ACTING WITH MALFEASANCE AND TURPITUDE IN HIS BAD FAITH, FALSIFIED,  
11 "FILED" VOID AB INITIO ORDER DISMISSING MOTION GRANTING MOTION, TO  
12 GIVE THE DISMISSAL THE APPEARANCE OF A VALID DISTRICT COURT ORDER FOR  
13 A MOTION FILED IN [DISTRICT COURT].

14 POLAHA COMMITTED FRAUD UPON THE COURT, FRAUD UPON THE RECORD, HE  
15 TAMPERED WITH COURT DOCUMENTS,<sup>2</sup> RECORDS, HE FILED A FALSE & FRAUDULENT  
16 DOCUMENT, HE CONSPIRED<sup>2</sup> COLLUDED WITH COURT CLERKS AND MOST CERTAINLY  
17 T.O.P. LYNCH, TO COVER FOR, COVER UP, AND PROTECT THE GUILTY, IN THIS  
18 [P]ROVEN FATAALLY DEFECTIVE CASE. HE FURTHER COMMITTED PERJURY IN ORDER,  
19 POLAHAS ORDER WAS NOT ONLY FRAUDULENT, FICTITIOUS, AND VOID ON ITS  
20 FACE, BUT THE [SCIENTER] AND HIS MATERIALLY DEFRAUDING THE FACTS, THE COURT  
21 THE PEOPLE OF WASHOE COUNTY, THE STATE OF NEVADA, AND BOTELHO OF THE FACTS  
22 OF THE CASE, THE RECORD, TO ASSURE THE DESIRED COVER UP TO PROTECT THE  
23 STATE & POLAHAS OWN ASS! HIS MALFEASANCE IS ONLY OUTDONE BY HIS PERVERTED  
24 EFFORTS TO METER JUSTICE AS HE SEES FIT, BEING ABOVE THE LAW, YOU KNOW!  
25 THE STATEMENTS OF MATERIAL, LEGAL MISREPRESENTATIONS & FACTS IN LAW,  
26 THE CONSTITUTION AND THE COURT RECORD IS NOT ONLY DELIBERATE AND  
27 PREMEDITATED, BUT IS DECEITFUL, IS INTRINSIC FRAUD, IS IN BAD FAITH, SHOWS  
28 AN OBVIOUS LACK OF INTEGRITY, IS MALICE IN FACT, IS EXPRESS MALICE UNDER

1 COLOR OF LAW.

2 POLAHA FRAUDULENTLY MISREPRESENTED FACTS IN THE RECORD AND OMITTED  
3 FACTS IN THE RECORD & POINTS OF LAW WHICH WOULD HAVE CONTRADICTED HIS  
4 SHAM, BAD FAITH ORDER. EVEN MORE, HE LIED THEREIN, MAKING HIS CONSPIRACY  
5 TO COVER FOR, COVER UP, AND PROTECT THOSE CRIMINALLY INVOLVED IN THIS  
6 FELONEOUSLY CONTRIVED CONVICTION & ILLEGAL & UNCONSTITUTIONAL 14 YEAR  
7 INCARCERATION. POLAHA'S AT TIMES, SEEMINGLY INCOHERENT BARBBLING IN  
8 6-27-2017, SHOWS HE WAS MANIPULATING FACTS, COURT RECORD, NV. LAW AND  
9 OUR NV. & U.S. CONSTITUTIONS.

10 POLAHA KNEW HE LIED AND FAILED TO ORDER THE ENTIRE RECORD STARTING  
11 WITH 10-12-2016 MOTION TO DISMISS. POLAHA USED FOOTNOTES PROVING MY  
12 POINT 12 (PG 2) (1) PETITIONER STATES HE WAS "FORCED" TO FILE A SECOND  
13 REQUEST FOR SUBMISSION TO THIS COURT, HOWEVER, THIS COURT HAD NO  
14 KNOWLEDGE OF PETITIONERS FILINGS, INCLUDING THE FIRST REQUEST FOR  
15 SUBMISSION, AS THEY WERE FILED IN JUSTICE COURT. SO HE FAILED TO ORDER  
16 ENTIRE RECORD FROM JUSTICE COURT. THIS FURTHER PROVES HE ACTED  
17 IN BAD FAITH AND THAT JUSTICE COURT J.O.P. LYNCH AND HER CLERKS  
18 FURTHER TAMPERED WITH JUSTICE COURT RECORD.

19 POLAHA PROVES MY POINT IN OPENING OF ORDER. HE STATES "CURRENTLY  
20 BEFORE THE COURT IS M.T.B.'s MOTION GRANTING MOTION TO DISMISS ALL  
21 CHARGES WITH PREJUDICE, FILED 2-13-2017." SO WHERE IS THE MOTION TO  
22 DISMISS WHICH PRE-DATED THIS MOTION? WHERE, WHERE, WHERE? BOTELHO  
23 FILED MOTION TO DISMISS IN JUSTICE COURT ON 10-12-2016 AND I HAVE AN  
24 [ORIGINAL] "FILED" STAMPED COPY, WHY DIDNT POLAHA; CAN YOU SAY  
25 CONSPIRACY, FRAUD & COLLUSION? HE SAID HE HAD NO KNOWLEGE OF  
26 PETITIONERS FILINGS YET DID NOT ORDER COMPLETE RECORD, HE DID NOT EVEN  
27 QUESTION THE RECORD AND FAILED TO ADDRESS VITAL CONCERN<sup>o</sup> NOR HEU  
28 A DE NOVO HEARING AND WITH BOTELHO PRESENT IN OPEN COURT,

1 POLAHA RULED WITHOUT JURISDICTION, SEE [ORD 33.16-17] AND KNEW HE  
 2 DID NOT HAVE THE ENTIRE COURT RECORD. HE KNEW MOTION GRANTING  
 3 MOTION TO DISMISS WAS PREDICATED ON MOTION TO DISMISS FILED IN JUSTICE  
 4 COURT ON 10-12-2016. THIS WAS OBSTRUCTION AND DERELICTION OF DUTY, AND  
 5 AN ULTRA VIRES ACT<sup>2</sup>; USURPATION OF AUTHORITY. HE KNEW HE DID NOT POSSESS.  
 6 HE KNEW I FILED MOTION TO DISMISS WITH AFFIDAVIT<sup>3</sup>; MOTION TO TRANSFER  
 7 WITH AFFIDAVIT, ON 10-12-2016 AND 10-16-2016, RESPECTIVELY; AND DID NOT  
 8 QUESTION WHY JUSTICE COURT [IMPROPERLY] ORDERED ALL DOCUMENTS AND  
 9 MOTIONS FILED BY BOTELHO FROM [11-2-2016] BE FORWARDED TO DISTRICT  
 10 COURT AND FURTHERMORE, WHY 11-2-2016? NOTHING WAS FILED OR TOOK PLACE  
 11 ON 11-2-2016, SO WHY DID JOP LYNCH INTENTIONALLY DEVIATE FROM INITIAL  
 12 MOTION TO DISMISS FILED IN JUSTICE COURT ON 10-12-2016 [OF WHICH I HAVE  
 13 AN [O]RIGINAL<sup>4</sup> "FILED" STAMPED COPY]. THE JUSTICE COURT CLERKS DID NOT  
 14 FORWARD ALL [16] DOCUMENT I HAVE FILED STAMPED COPIES OF! AND WHY NOT?  
 15 WHY DID POLAHA WILLFULLY NEGLECT TO (1) RETURN MOTION FOR JUSTICE COURT  
 16 DE NOVO REVIEW, AND (2) SINCE HE CHOSE TO USURP AUTHORITY AGAIN<sup>5</sup>, WHY  
 17 DID HE REFUSE TO ASK FOR THE COMPLETE JUSTICE COURT RECORD, TO MAKE  
 18 AN INFORMED, LEGALLY FACTUAL RULING (ALBEIT, VOID AB INITIO)?  
 19 POLAHA KNEW JUSTICE COURT CLERK REFUSED TO SEND ME 2016-17 DOCKET  
 20 FOR OBVIOUS REASONS, INCLUDING TAMPERING WITH FILED INSTRUMENTS, THE  
 21 JUSTICE COURT DOCKET, FAILING TO FOLLOW FILING PROCEDURES AND PRACTICING  
 22 LAW<sup>6</sup>; ACTING IN CONCERT WITH J.O.P. LYNCH TO CONTROL DIRECTION<sup>7</sup>; OUTCOME  
 23 OF THIS CRIMINALLY, AND JURISDICTIONALLY, FATAALLY DEFECTIVE CASE [.]  
 24 POLAHA KNEW THAT BOTELHO FILED N.O.A. IN JUSTICE COURT ON 6-12-2017,  
 25 REGARDING IMPROPER JUSTICE COURT ORDER FORWARDING ALL DOCUMENTS  
 26 AND MOTIONS TO DISTRICT COURT. POLAHA [K]NEW<sup>8</sup> DISTRICT COURT CLERK  
 27 THEN RE-FILED N.O.A. IN DISTRICT COURT AND ALTERED N.O.A. THEREIN.



1 POLAHA KNEW OF DISTRICT COURTS CLERK ALTERING <sup>1</sup> & REFILEING N.O.A.  
 2 TO GIVE THE APPEARANCE OF FILING NOA IN A DISTRICT COURT RULING, SO  
 3 AS TO ENSURE THE APPEAL WOULD [N]EVER BE ADDRESSED BY NEV. SUPREME  
 4 COURT [OR] HE COLLUDED WITH DISTRICT COURT CLERK (EITHER WAY  
 5 C.J. FANAGAN YOU MUST HOLD A HEARING IN OPEN COURT WITH ME THERE),  
 6 AND DO YOU JOB OR JOIN THE DEFENDANTS WITH FURTHER CRIMINAL CHARGES.  
 7 I WAS [FORCED] TO WITHDRAW N.O.A. AS A DIRECT RESULT OF THIS FRAUD,  
 8 FRAUD UPON THE COURT <sup>2</sup> AND THE RECORD, CONSPIRACY <sup>3</sup> & COLLUSION, TO  
 9 COVER FOR, COVER-UP, AND PROTECT YOU CRIMINALLY INVOLVED FRIENDS].

10 POLAHA'S LIES AND SUBTRAFIGE IN HIS ANALYSIS IS LAUGHIBLE AND  
 11 DELIBERATE. MY MOTION GRANTING MOTION TO DISMISS (MOTION FOR JUDGMENT  
 12 ON PLEADINGS) WAS [NOT] CONFUSING <sup>4</sup> & NON SPECIFIC. THE MOTION WAS  
 13 CLEAR, SPECIFIC AND SUPPORTED BY OVERWHELMING POINTS, AUTHORITIES,  
 14 STATUTES <sup>5</sup> & CONSTITUTIONAL COMMANDS. ITS OBVIOUS POLAHA USED THE  
 15 SAME BARBLE <sup>6</sup> & SUBTRAFIGE AS THE CRIMINALLY COMPROMISED T. MCCARTHY.  
 16 POLAHA LIED ABOUT MY MOTION TO DISMISS <sup>7</sup> AFFIDAVIT NOT IN RECEIPT OF  
 17 JUSTICE COURT, AGAIN FRAUD UPON THE [R]ECORD AND THE COURT [7] SEE  
 18 [ORD 3:16-17] THEREIN, YET SAID THERE WAS NO RESPONSE FROM THE STATE, NO  
 19 HEARING AND ~~KNOW~~ NO RULING FROM JUSTICE COURT, AND STILL FAILED TO  
 20 SEND CASE BACK TO JUSTICE COURT.

21 POLAHA, AT [ORD. 3: 23-25) SAYS IN THE RESPONSE <sup>8</sup>, "THE STATE CONTENDS THE  
 22 MOTION MAKES LITTLE SENSE AND THERE IS NO CASE PENDING IN RENO JUSTICE  
 23 COURT (RESP: 17-20). THIS RESPONSE WAS SUBTRAFIGE, KNOWN LIES, AND BARBLE  
 24 FROM AN INCOMPETENT ATTORNEY AT [B]EST AND DONE TO PROTECT THE STATE  
 25 AND THIS FATAALLY DEFECTIVE CASE AT [ALL COSTS]. FURTHER, AS A MATTER OF  
 26 PUBLIC RECORD, NEITHER W.C.D.A GAMMICK, NOR PRESENT [PRIVATE PERSON]  
 27 FRAUD CHRIS HICKS NEVER LAWFULLY ACQUIRED THE POSITION OF W.C.D.A.  
 28 BECAUSE THEY DEFRAUDED THE TAXPAYERS, FAILED TO KNOWINGLY PERFECT

1. THEIR OATH<sup>1</sup> OFFICE. THE WASHOE CO. BOARD OF COMMR'S KNOW IT<sup>1</sup> & FAILED TO  
 2. CORRECT IT. GAMMICK [AND] HICKS FAILED TO CORRECT THEIR DEFICIENT  
 3. BONDS KNOWING THEY VIOLATED MULTIPLE NV. STATUTES REQUIRING [TWO]  
 4. SEPERATE<sup>1</sup> & DISTINCT SURETIES UPON THEIR OFFICIAL BOND, THEY ARE PRIVATE  
 5. PERSONS IMPERSONATING PUBLIC OFFICIALS. THEY KNOW IT, THE COUNTY  
 6. COMMR'S KNOW IT, THE JUDGES<sup>1</sup>, ALL A.D.A.'S AND W.C.D.'S KNOW IT, THE  
 7. COUNTY CLERKS, TREASURER<sup>1</sup>, RECORDER ALL KNOW IT. THE GOVERNOR KNOWS  
 8. IT, SO DOES THE SECRETARY OF STATE AND THE NV. ATTORNEY GENERAL<sup>1</sup>. THIS  
 9. IS AN ONGOING R.I.C.O. CRIMINAL ENTERPRISE, THEREIN ALSO CONSPIRACY,  
 10. COLLUSION, DEFRAUDING TAXPAYERS, MISAPPROPRIATION OF FUNDS, THEFT  
 11. (WHERE DID APPROPRIATED MONEY GO?), FRAUD, IMPERSONATING PUBLIC OFFICIALS,  
 12. FILING OF PERJURED, FALSE DOCUMENTS IN COURT BY PRIVATE PERSONS IMPERSONATING  
 13. PUBLIC OFFICERS. THIS INVALIDATES [ALL] CRIMINAL<sup>1</sup> CIVIL ACTIONS FROM THE  
 14. W.C.D.A.'S OFFICE AND A.D.A.'S POSITIONS WERE FRAUDULENTLY HIRED AND WORK  
 15. UNDER INVALID BONDS OF PRIVATE CITIZENS, THEREFOR A.D.A.'S ACTIONS ARE  
 16. [NOT] COVERED, REGARDLESS. THE ACTS<sup>1</sup> & ACTIONS BY GAMMICK, HICKS AND  
 17. [E]VERY ASST. DEPUTY DISTRICT ATTORNEYS' ACTIONS ARE NOT DE FACTO, NOR  
 18. DE JURE, BUT SIMPLY VOID.  
 19. IN STATE RESPONSE, INSPIRE OF PREVIOUSLY WAIVING ABILITY TO ARGUE AND  
 20. DEFEND THEIR POSITION IN THIS CASE, IN MOTION TO DISMISS FILED IN JUSTICE  
 21. COURT ON 10-12-2016<sup>(1)</sup>, DID SO. MCCARTHY INCOHERENTLY MISREPRESENTED THE  
 22. FACTS, POINTS<sup>1</sup> & AUTHORITIES<sup>1</sup> & DIDNT ARGUE CLAIMS, IN SUPPORTING THE STATES  
 23. BAD FAITH POSITION. HE LIED IN SHAM RESPONSE STATING<sup>1</sup> THE STATE CONTENDS  
 24. THAT ASSERTION IS FALSE [ABOUT FILED MOTION TO DISMISS] I DEMAND HE  
 25. BE PROSECUTED<sup>1</sup>! FURTHER, HE COMMITTED FRAUD UPON THE COURT<sup>1</sup> & THE  
 26. RECORD, THEREIN. THIS IS NOW THE LAW OF THIS CASE, AND CANNOT DISPUTE  
 27. THIS, EVER AGAIN.

28

FOOTNOTE  
 (1) THE STATE WAIVED ITS  
 ABILITY TO ARGUE

1 POLAHA CONTRADICTED HIMSELF ABOUT JURISDICTION MULTIPLE TIMES AND  
 2 MADE MY CLAIMS AND ARGUMENTS FOR ME, SEE [ORD 4:10-16], AND FOOTNOTE  
 3 THEREIN, AT BOTTOM OF PAGE, POLAHA MADE MY ARGUMENTS FOR ME AS I LEGALLY  
 4 REMAIN IN JUSTICE COURT JURISDICTION AS A PRE-TRIAL DETAINEE HELD  
 5 UNLAWFULLY ALMOST 14 YEARS, WITH DOUBLE JEOPARDY ATTACHED, AS MY  
 6 CRIMINAL COMPLAINT HAS [NEVER BEEN DISMISSED] NOR WAS I GIVEN MY  
 7 STATUTORILY MANDATED JUSTICE COURT PRELIMINARY EXAMINATION, NOR  
 8 WAS IT WAIVED, STAYED OR DISMISSED BY [J]USTICE COURT MAGISTRATE. THUS,  
 9 DISTRICT COURT NEVER [P]ROPERLY ACQUIRED JURISDICTION LIKE THE  
 10 FRAUDULENT ORDER IMPLIES, AND YOU C.J. FLANAGAN KNOW THIS!

11 POLAHA CALLED THE DISTRICT COURT STAY [MERELY A PROCEDURAL GLITCH],  
 12 THIS "PROCEDURAL GLITCH" IS FATAALLY DEFECTIVE TO THIS CASE AND POLAHA IS  
 13 PLAYING THIS GLITCH OFF AS IF STATUTORY<sup>1</sup> & CONSTITUTIONAL COMMANDS DO  
 14 [NOT] MATTER IN THIS CRIMINAL CASE, HE DOESN'T EVEN SPEAK OF DOUBLE  
 15 JEOPARDY, AND, MY J.O.C. IS VOID FOR MULTIPLE REASONS ELUDED TO HERE IN,  
 16 PREVIOUSLY, POLAHA STATED "THE NV. SUPREME COURT HAS HELD THAT  
 17 [P]ROVISIONS UNDER THE NV. CONSTITUTION DISFAVOR CONCURRENT JURISDICTION  
 18 BETWEEN DISTRICT<sup>2</sup> & JUSTICE COURTS." KOPP, 118 NV.199, 43 P3d 340 (2002). HE  
 19 MISREPRESENTED KOPP, KOPP DOES NOT SAY "DISFAVORS" CONCURRENT  
 20 JURISDICTION. KOPP, IN PART SAYS NV. CONSTITUTION, ARTICLE 6, SECTION 6,  
 21 WAS AMENDED IN 1987, SAYING THERE IS [NO] CONCURRENT JURISDICTION  
 22 BETWEEN THE DISTRICT AND JUSTICE COURT, FURTHERMORE, DISTRICT COURT  
 23 IS COURT OF FINAL APPELLATE JURISDICTION FROM CASES ARISING IN  
 24 JUSTICE COURT, [AS MY CRIMINAL CASE CLEARLY DID], AND SEE KTB, INC. V  
 25 SECOND JUD. DIST. COURT, 103 NV. 473, 745 P2d 700 (1987). A CLEAR AND  
 26 FRAUDULENT MISREPRESENTATION OF KOPP. [EMPHASIS STRONGLY ASSERTED]  
 27 THESE ARE FACTS DEMONSTRATED BY THE COURT RECORD AND ONLY ADDITIONAL  
 28 FELONIES<sup>3</sup> & VIOLATIONS OF NV. LAW AND THE NV.<sup>4</sup> U.S. CONSTITUTION(S) CAN

1 CONTINUE TO COVER FOR, COVER UP AND PROTECT THOSE INVOLVED IN  
2 THIS MOST SERIOUS PERVERSION OF JUSTICE IN ANY CRIMINAL CASE IN NV.  
3 HISTORY. THE CRIMES, INJUSTICES, IRREVERSIBLE HARM, INJURY AND PREJUDICE  
4 PERPETRATED UPON BOTELHO, HIS WIFE AND TWO BOYS, TO SECURE THIS  
5 MOST PERVERTED CONVICTION IS AN ABOMINATION TO NV. LAW, OUR TWO  
6 CONSTITUTION(S) AND EVERYTHING OUR COURTS OF [J]USTICE ARE TO BE  
7 WATCHFUL FOR, NOT TAKE GLEEFUL PART IN TO PROTECT THOSE INVOLVED.  
8 POLAHA HAS [N]EVER ACTED AS A NEUTRAL AND DETACHED JUDGE/REFEREE,  
9 BUT A CO-CONSPIRATOR, IN COLLUSION WITH THE STATE TO FRAUDULENTLY  
10 AND FELONEOUSLY SECURE, AND COVER UP THIS MOST EGREGIOUS AND GROSS  
11 MISCARRIAGE OF JUSTICE. THERE IS NO GREATER CRIME THAN THOSE WHO  
12 ARE ENTRUSTED WITH THOSE DUTIES TO FOLLOW<sup>1</sup> UPHOLD OUR LAWS AND  
13 CONSTITUTIONAL COMMANDS, TO BECOME CRIMINALS THEMSELVES, ACTING  
14 ABOVE<sup>2</sup> BEYOND THE LAW, COMMITTING MULTIPLE FELONIES<sup>3</sup> & MISDEMEANORS,  
15 TO EFFECT THE DESIRED PROSECUTION, CONVICTION, AND INCARCERATION  
16 OF AN INDIVIDUAL AND THINKING ABSOLUTE IMMUNITY WILL COVER THESE  
17 CRIMES.  
18 POLAHA HAS [AGAIN] SUBVERTED<sup>4</sup> PERVERTED JUSTICE, HAS OBSTRUCTED  
19 JUSTICE, COVERED FOR, COVERED UP, DELAYED<sup>5</sup> DENIED JUSTICE WITH MALICE  
20 IN LAW AND IN BAD FAITH. THESE ARE THE FACTS AS CHARGED IN THIS JUDICIAL  
21 NOTICE-AFFIDAVIT, JUST LOOK AT "COMPLETE" COURT RECORD, EXHIBITS,  
22 OTHER JUDICIAL NOTICES, AND AFFIDAVITS WHICH HAVE BEEN IGNORED,  
23 COVERED UP, WITHOUT "CONSEQUENCES, TO PROTECT THE STATE AND POLAHAS  
24 OWN ASS!  
25 CHIEF JUDGE FLANAGAN, YOU KNOW WHAT HAS BEEN GOING ON AND FAILED  
26 TO ACT IN ACCORDANCE WITH NV. LAW, YOU JUDICIAL CANNONS, ETC., ....  
27 [AND] YOU HAVE KNOWN ABOUT HICKS [INVALID BOND] AND HIS FRAUDULENTLY  
28 IMPERSONATING A PUBLIC OFFICIAL<sup>6</sup> & COLLECTING TAX PAYER DOLLARS.

1 ALSO KNOWING THAT A.D.A.'s APPOINTED FRAUDULENTLY BY A PRIVATE PERSON  
 2 ARE NOT WORKING UNDER A VALID BOND, NOR ARE THEIR JOBS VALIDLY HELD  
 3 BEING HIRED BY A PRIVATE PERSON INVALIDATES THERE JOBS AND EVERY  
 4 ACTION INITIATED OR ARGUED BY W.C.D.A.'s OFFICE. YOU HAVE FAILED TO ACT  
 5 UPON THESE FACTS, AS WELL. THIS MAKES YOU AN ACCESSORY AFTER THE  
 6 FACT, AND THEREFORE, NOW A CO-CONSPIRATOR [YOURSELF], AND GUILTY  
 7 OF 18 USC 4, MISPRISON OF FELONY, FOR FAILURE TO REPORT THESE CRIMES.  
 8 THIS JUDICIAL NOTICE-AFFIDAVIT IS A MATTER OF PUBLIC RECORD AND  
 9 PUBLIC IMPORTANCE AND WILL BE USED IN A STATE/FEDERAL R.I.C.O.  
 10 COMPLAINT & PROSECUTION. MY FAMILY RECEIVED THIS DOCUMENT AND WILL  
 11 SPEAK TO OUT OF STATE ATTORNEY PARTNER SHIPS WHO SPECIALIZE IN  
 12 R.I.C.O. CASES. IT WONT BODE WELL FOR "ALL" INVOLVED AND WILL NOT BE  
 13 COVERED UP AGAIN. THESE ARE THE FACTS, SO HELP ME GOD!  
 14 IF YOU C.J. FLANAGAN, HAVE ANY HONOR LEFT, SELF RESPECT, MORALS,  
 15 OR REGARD FOR THE LAW AND CONSTITUTION(S) YOU SWORE TO UPHOLD AND  
 16 WORRY ABOUT PUBLIC TRUST AND YOUR CAREER, YOU C.J. FLANAGAN, WILL  
 17 DO YOUR SWORN DUTY TO ACT UPON THIS LEGAL, FACTUAL INFORMATION  
 18 AND [C]HARGES LEVELED HEREIN.  
 19 YOU STILL HAVE THE ABILITY & THE TIME TO MAKE THIS RIGHT AS LAW AND  
 20 JUSTICE REQUIRES, OR SUFFER THE CONSEQUENCES, BEING A DEFENDANT  
 21 IN FUTURE PROSECUTION. SO HELP ME GOD!  
 22 YOU HAVE BEEN SO ADVISED.

23  
 24  
 25  
 26  
 27  
 28

DATED 7-19-2017

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

CR03-2156  
STATE VS. MICHAEL TODD BOTELHO  
District Court  
Washoe County  
DC-099000084936-015  
MICHAEL TODD BOTELHO 4 Pages  
07/21/2017 04:03 PM  
2515  
dmscfjfl

FILED

2017 JUL 21 PM 4:00

JACQUELINE BRYANT  
CLERK OF THE COURT

BY



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

9 MICHAEL T. BOTELHO  
10 PETITIONER

RENO JUSTICE COURT CASE NO. RCR03-011479  
SECOND JUDICIAL DIST. COURT CASE NO. CR03-2156

11 . VS.

12 RENO JUSTICE COURT,  
13 STATE OF NEVADA,  
14 DEFENDANTS

NOTICE OF APPEAL AND DESIGNATION  
OF RECORD ON APPEAL

15 NOTICE IS HEREBY GIVEN THAT MICHAEL T. BOTELHO, PETITIONER IN  
16 PROPER PERSON AND IN FORMA PAUPERIS, HEREBY APPEALS THE ORDER  
17 DISMISSING BOTELHOS MOTION GRANTING MOTION TO DISMISS ENTERED IN THIS  
18 COURT ON 6-27-2017 AND RECEIVED BY BOTELHO ON 6-30-2017, 4:30 P.M.,  
19 AND HEREIN DESIGNATES THE [E]NTIRE RECORD ON APPEAL, TO BE [C]ERTIFIED  
20 BY THE CLERK OF THE DISTRICT COURT [ALL] MOTIONS, NOTICES, AFFIDAVITS,  
21 PLEADINGS, LETTERS, REQUESTS FOR SUBMISSION, JUSTICE COURT 2016-2017  
22 DOCKET, EXHIBITS AND TRANSCRIPTS. SEE ALSO [I]NCLUDED AFFIDAVIT  
23 AND EXHIBIT FILED HEREIN, IN SUPPORT OF NOTICE OF APPEAL. I AM GOING  
24 TO WITHHOLD EXHIBIT.

25 DATED 7-18 - 2017

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

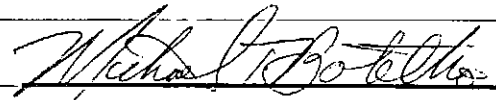
IN PROPER PERSON

AFFIRMATION AND CERTIFICATE OF SERVICE

I, MICHAEL T. BOTELHO, DO SWEAR UNDER THE PENALTY OF PERJURY THAT ALL STATEMENTS IN NOTICE OF APPEAL AND DESIGNATION OF RECORD ON APPEAL, APPEALING ORDER DISMISSING MOTION GRANTING MOTION FILED BY DISTRICT COURT ON 6-27-2017, THAT ARE TRUE AND CORRECT, PURSUANT TO NRS 208.165, 18 USC 1621, AND 28 USC 1746.

I FURTHER CERTIFY THAT I MAILED COMPLETE COPY OF NOTICE OF APPEAL AND SUPPORTING AFFIDAVIT WITH EXHIBIT, TO THIS COURT, AND AS ADDRESSED BELOW, BY PLACING SAME IN U.S. MAIL, VIA PRISON MAILBOX RULE, HOUSTON V. LACKS, VIA PRISON BRASS (FOR POSTAGE). I AM WITHHOLDING EXHIBIT

DATED 7-18-2017



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

IN PROPER PERSON

COPIES MAILED TO:

- (1) NEV. ATTORNEY GENERAL  
100 N. CARSON ST.  
CARSON CITY, NV. 89701-4717

(IN LIEU OF WCDA HICKS, WITHOUT VALID BOND)

(2)

AFFIDAVIT

STATE OF NEVADA )  
 ) SS. AFFIDAVIT OF: MICHAEL T. BOTELHO, IN SUPPORT  
 COUNTY OF CARSON ) OF NOTICE OF APPEAL

TO WHOM IT CONCERNS:

I, MICHAEL T. BOTELHO, THE UNDERSIGNED, DO SWEAR UNDER THE PENALTY OF PERJURY THAT THE ASSERTIONS AND CLAIMS OF THIS AFFIDAVIT ARE TRUE AND CORRECT, PURSUANT TO NRS 208.165, NRS 191.145, 18 USC 1621 AND 28 USC 1746, THIS AFFIDAVIT IS GIVEN AS A RESULT OF JUDGE POLAHA'S FRAUDULENT MISREPRESENTATION(S) OF LEGAL FACTS AND HIS BAD FAITH ORDER MADE ON 6-27-2017, IN SECOND JUDICIAL DIST. COURT. (SEE SCIENTER IN BLACK'S LAW)

FURTHERMORE, POLAHA HAS SYSTEMATICALLY VIOLATED MY CONSTITUTIONAL DUE PROCESS AND EQUAL PROTECTION RIGHTS UNDER THE 5<sup>th</sup> AND 14<sup>th</sup> AMENDMENTS OF OUR [STILL VALID] U.S. CONSTITUTION, AND OUR NV. CONSTITUTION, ART. I, SECT. 8, AND ART. 6, SECT. 4, THEREIN, ALSO, SINCE 2003. POLAHA HAS BEEN MOTIONED TO BE RECUSED 5 TIMES, TWICE IN 2003, ONCE IN 2005-06, ONCE IN 2010, AND BY MANDAMUS IN 2015, YET STILL ACTED REGARDLESS, PROVING BIAS AND PREJUDICE AGAINST BOTELHO AND HIS CRIMINAL CASE, IN HIS ALREADY PROVEN TO BE ARBITRARY, CAPRICIOUS RULINGS, AND IN TAMPERING WITH HIS J.O.C., AND ALTERING THE OUTCOME OF MY POST-CONVICTION HABEAS PETITION BY FRAUD, OBSTRUCTION, PERJURY AND MORE (SEE PSYCH EVAL ORDERED 3 YRS AFTER KNOWING OF QUESTIONS OF COMPETENCY BEFORE MY COERCED GUILTY PLEA SO AS TO PREVENT ME FROM BRINGING UP CERTAIN ISSUES, EVEN AFTER THE FED. DIST. COURT ORDERED MY HABEAS BACK DOWN, POLAHA LET IT SIT 5 MORE YEARS AND DISMISSED [WITHOUT A DE NOVO REVIEW ON THE MERITS BECAUSE HAD POLAHA FOLLOWED THE LAW IN 2003, 2004, 2005-06, 2010 AND 2015, AND AGAIN IN 2017, I WOULD HAVE BEEN ORDERED RELEASED AS A MATTER OF LAW.



REGARDLESS OF POLAHAS DICTUM, LIES, FRAUDULENTLY MISREPRESENTED ORDER, BOTELHO'S CASE STILL REMAINS IN JUSTICE COURT, WHERE I AM A JUSTICE COURT PRE-TRIAL DETAINEE, IN LIMBO AND UNLAWFULLY HELD IN PRISON SINCE 2003.

THE [LEGAL FACTS] ARE BOTELHO WAS CRIMINALLY KIDNAPPED ACROSS STATE LINES BY WASH CO COPS, ARRESTED WITHOUT AUTHORITY, NOR JURISDICTION, WITHOUT AN ARREST WARRANT. BOTELHO WAS BROUGHT TO NV. PURSUANT TO A JUSTICE COURT CRIMINAL COMPLAINT, WHERE ACCUSATIONS ARE TREATED AS MISDEMEANORS. I WAS VIDEO ARRAIGNED IN JUSTICE COURT WITHOUT THE J.O.P. READING CHARGES AND ELEMENTS OF CRIMES ALLEGED IN COMPLAINT. BOTELHO WAS GIVEN JUSTICE COURT PRELIMINARY HEARING DATE BUT WAS NOT ALLOWED TO ATTEND, AS THE GRAND JURY INDICTED ME BEFORE PRELIM, BUT [N]EVER ACQUIRED JURISDICTION AS JURISDICTION OVER SUBJECT-MATTER OR OVER BOTELHO NEVER PROPERLY TOOK PLACE IN JUSTICE COURT AND THE STATE KNEW IT. THE JOP NEVER SUSPENDED, NOR DID HE BIND OVER ME TO DISTRICT COURT, NOR DID I WAIVE PRELIMINARY HEARING. THE DISTRICT COURT'S ULTRA VIRES ACT OF SEIZING JURISDICTION AND THEN ISSUING SUPERSEDING INDICTMENT IS IRRELEVANT, AS INDICTMENT AND DISTRICT COURT ORDER SUSPENDING JUSTICE COURT PRELIMINARY HEARING WAS UNLAWFUL AND UNCONSTITUTIONAL MAKING THEM NULL AND VOID FROM [I]NCEPTION. THIS IS WHY POLAHA HAS AGAIN LIED, COVERED FOR THE STATE, AND WHOLLY DISREGARDED NV. CONSTITUTION, ART 6, SECT 6, "NO CONCURRENT JURISDICTION BETWEEN JUSTICE AND DISTRICT COURT, CONTRARY TO HIS ORDER THAT JUSTICE COURT CRIMINAL COMPLAINT DID NOT HAVE TO BE DISMISSED EVER, LET ALONE PRIOR TO BE CHARGED IN DISTRICT COURT AND INDICTED WHILE SAME CHARGES STILL PENDING IN JUSTICE COURT. NO ONE IS ABOVE THE LAW JUDGE POLAHA.

DATED 7-18-2017

PS. WITHHELD EXHIBIT

4 OF 4 PLUS EXHIBIT

*Michael T. Botelho*  
MICHAEL T. BOTELHO  
# 80 V6.1003  
NNEC, P.O. BOX 9000  
CARSON CITY, NV. 89702

Code 1310

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

**MICHAEL TODD BOTELHO,**  
  
**Petitioner,**  
  
**vs.**  
  
**JAMES BENEDETTI, STATE OF NEVADA, et. al,**  
  
**Respondents.**

**Case No. CR03-2156**  
  
**Dept. No. 3**

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**CASE APPEAL STATEMENT**

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

1. Appellant is Michael T. Botelho.
2. This appeal is from an order entered by the Honorable Judge Jerome Polaha.
3. Appellant is representing himself in Proper Person on appeal. The Appellant's address is:  
  
Michael T. Botelho #80837  
N.N.C.C.  
P.O. Box 7000  
Carson City, Nevada 89702
4. Respondent is the State of Nevada. Respondent is represented by the Washoe County District Attorney's Office:  
  
Terrance McCarthy, Esq., SBN: 2745  
P.O. Box 11130  
Reno, Nevada 89520
5. Respondent's attorney is not licensed to practice law in Nevada: n/a

6. Appellant is represented by appointed counsel in District Court.
7. Appellant is not represented by appointed counsel on appeal.
8. Appellant was granted leave to proceed in forma pauperis in the District Court filed on February 17, 2010.
9. Proceeding commenced by the filing of an Indictment on October 8, 2003.
10. This is a criminal proceeding and the Appellant is appealing Order filed June 27, 2017.
11. The case has been the subject of a previous appeal to the Supreme Court:  
Supreme Court No: 43247, 49586, 69046 and 73331
12. This case does not involve child custody or visitation.
13. This is not a civil case involving the possibility of a settlement.

Dated this 24th day of July, 2017.

Jacqueline Bryant  
Clerk of the Court

By: /s/ Yvonne Vilorio  
Yvonne Vilorio  
Deputy Clerk

Code 1350

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,

Dept. No. 3

vs.

JAMES BENEDETTI, STATE OF NEVADA, et. al,

Respondents.

\_\_\_\_\_ /

**CERTIFICATE OF CLERK AND TRANSMITTAL – NOTICE OF APPEAL**

I certify that I am an employee of the Second Judicial District Court of the State of Nevada, County of Washoe; that on the 24th day of July, 2017, I electronically filed the Notice of Appeal in the above entitled matter to the Nevada Supreme Court.

I further certify that the transmitted record is a true and correct copy of the original pleadings on file with the Second Judicial District Court.

Dated this 24th day of July, 2017

Jacqueline Bryant  
Clerk of the Court

By /s/ Yvonne Vilorio  
Yvonne Vilorio  
Deputy Clerk

**Return Of NEF****Recipients**

**TERRENCE MCCARTHY, ESQ.** - Notification received on 2017-07-24 14:16:05.54.

**JOHN PETTY, ESQ.** - Notification received on 2017-07-24 14:16:05.68.

**DIV. OF PAROLE & PROBATION** - Notification received on 2017-07-24 14:16:05.602.

**SEAN SULLIVAN, ESQ.** - Notification received on 2017-07-24 14:16:05.477.

**\*\*\*\*\* 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:**

07-24-2017:14:14:59

**Clerk Accepted:**

07-24-2017:14:15:33

**Court:**

Second Judicial District Court - State of Nevada  
Criminal

**Case Title:**

STATE VS. MICHAEL TODD BOTELHO (D3)

**Document(s) Submitted:**

Case Appeal Statement  
Certificate of Clerk

**Filed By:**

Deputy Clerk YViloria

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:**

SEAN B. SULLIVAN, ESQ. for MICHAEL TODD  
BOTELHO

TERRENCE P. MCCARTHY, ESQ. for STATE  
OF NEVADA

JOHN REESE PETTY, ESQ. for MICHAEL TODD  
BOTELHO

DIV. OF PAROLE & PROBATION

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

GARY HOWARD HATLESTAD, ESQ.

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.

JAMES BENEDETTI, WARDEN; AND THE  
STATE OF NEVADA,

Respondents.

**Supreme Court No. 73593**

District Court Case No. CR032156

03

**RECEIPT FOR DOCUMENTS**

TO: Michael Todd Botelho

Washoe County District Attorney \ Terrence P. McCarthy, Deputy District Attorney

Jacqueline Bryant, Washoe District Court Clerk ✓

You are hereby notified that the Clerk of the Supreme Court has received and/or filed the following:

08/01/2017      Appeal Filing Fee waived. Criminal.

08/01/2017      Filed Notice of Appeal/Proper Person. Appeal docketed in the  
Supreme Court this day.

DATE: August 01, 2017

Elizabeth A. Brown, Clerk of Court

lh



**Return Of NEF****Recipients**

**TERRENCE MCCARTHY, ESQ.** - Notification received on 2017-08-02 11:40:47.893.

**JOHN PETTY, ESQ.** - Notification received on 2017-08-02 11:40:48.189.

**DIV. OF PAROLE & PROBATION** - Notification received on 2017-08-02 11:40:48.111.

**SEAN SULLIVAN, ESQ.** - Notification received on 2017-08-02 11:40:47.83.

**\*\*\*\*\* 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:**

08-02-2017:11:39:22

**Clerk Accepted:**

08-02-2017:11:40:09

**Court:**

Second Judicial District Court - State of Nevada  
Criminal

**Case Title:**

STATE VS. MICHAEL TODD BOTELHO (D3)

**Document(s) Submitted:**

Supreme Court Receipt for Doc

**Filed By:**

Deputy Clerk YViloria

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

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

-

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BOTELHO

TERRENCE P. MCCARTHY, ESQ. for STATE  
OF NEVADA

JOHN REESE PETTY, ESQ. for MICHAEL TODD  
BOTELHO

DIV. OF PAROLE & PROBATION

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GARY HOWARD HATLESTAD, ESQ.

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.  
JAMES BENEDETTI, WARDEN; AND  
THE STATE OF NEVADA,  
Respondents.

CR03-2156  
No. 73593 D3

FILED

AUG 17 2017

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

## ORDER DISMISSING APPEAL

This is a pro se appeal from a district court order denying a "motion to dismiss all charges with prejudice for the lack of subject matter jurisdiction of district court." Second Judicial District Court, Washoe County; Jerome M. Polaha, Judge.

Because no statute or court rule permits an appeal from the aforementioned order, we lack jurisdiction. *Castillo v. State*, 106 Nev. 349, 352, 792 P.2d 1133, 1135 (1990). Accordingly, we

ORDER this appeal DISMISSED.<sup>1</sup>

Douglas, J.  
Douglas

Gibbons, J.  
Gibbons

Pickering, J.  
Pickering

<sup>1</sup>In light of this order, we take no action on the pro se documents filed on August 11 and 16, 2017.

cc: Hon. Jerome M. Polaha, District Judge  
Michael Todd Botelho  
Attorney General/Carson City  
Washoe County District Attorney  
Washoe District Court Clerk

**Return Of NEF****Recipients**

**TERRENCE MCCARTHY, ESQ.** - Notification received on 2017-08-18 16:28:55.922.

**JOHN PETTY, ESQ.** - Notification received on 2017-08-18 16:28:56.047.

**DIV. OF PAROLE & PROBATION** - Notification received on 2017-08-18 16:28:55.985.

**SEAN SULLIVAN, ESQ.** - Notification received on 2017-08-18 16:28:55.829.

**\*\*\*\*\* 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:**

08-18-2017:16:25:58

**Clerk Accepted:**

08-18-2017:16:28:14

**Court:**

Second Judicial District Court - State of Nevada  
Criminal

**Case Title:**

STATE VS. MICHAEL TODD BOTELHO (D3)

**Document(s) Submitted:**

Supreme Ct Ord Dismis Appeal

**Filed By:**

Deputy Clerk YViloria

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.

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BOTELHO

TERRENCE P. MCCARTHY, ESQ. for STATE  
OF NEVADA

JOHN REESE PETTY, ESQ. for MICHAEL TODD  
BOTELHO

DIV. OF PAROLE & PROBATION

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GARY HOWARD HATLESTAD, ESQ.

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.  
JAMES BENEDETTI, WARDEN; AND THE  
STATE OF NEVADA,  
Respondents.

**Supreme Court No. 73593**  
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: September 12, 2017

Elizabeth A. Brown, Clerk of Court

By: Jessica Rodriguez  
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 Elizabeth A. Brown, Clerk of the Supreme Court of the State of Nevada, the  
REMITTITUR issued in the above-entitled cause, on Sept 13, 2017

Jerome M. Polaha  
District Court Clerk

**IN THE SUPREME COURT OF THE STATE OF NEVADA**

MICHAEL TODD BOTELHO,  
Appellant,  
vs.  
JAMES BENEDETTI, WARDEN; AND THE  
STATE OF NEVADA,  
Respondents.

**Supreme Court No. 73593**  
District Court Case No. CR032156

03

**CLERK'S CERTIFICATE**

STATE OF NEVADA, ss.

I, Elizabeth A. Brown, 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 this appeal DISMISSED."

Judgment, as quoted above, entered this 17th day of August, 2017.

IN WITNESS WHEREOF, I have subscribed  
my name and affixed the seal of the Supreme  
Court at my Office in Carson City, Nevada this  
September 12, 2017.

Elizabeth A. Brown, Supreme Court Clerk

By: Jessica Rodriguez  
Deputy Clerk



## IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL TODD BOTELHO,  
Appellant,  
vs.  
JAMES BENEDETTI, WARDEN; AND  
THE STATE OF NEVADA,  
Respondents.

CR03-2156  
No. 73593 03

**FILED**

AUG 17 2017

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

*ORDER DISMISSING APPEAL*

This is a pro se appeal from a district court order denying a "motion to dismiss all charges with prejudice for the lack of subject matter jurisdiction of district court." Second Judicial District Court, Washoe County; Jerome M. Polaha, Judge.

Because no statute or court rule permits an appeal from the aforementioned order, we lack jurisdiction. *Castillo v. State*, 106 Nev. 349, 352, 792 P.2d 1133, 1135 (1990). Accordingly, we

ORDER this appeal DISMISSED.<sup>1</sup>

Douglas, J.  
Douglas

Gibbons, J.  
Gibbons

Pickering, J.  
Pickering

<sup>1</sup>In light of this order, we take no action on the pro se documents filed on August 11 and 16, 2017.

cc: Hon. Jerome M. Polaha, District Judge  
Michael Todd Botelho  
Attorney General/Carson City  
Washoe County District Attorney  
Washoe District Court Clerk

THE COURT STATE  
CERTIFIED COPY

This document is a full, true and correct copy of  
the original on file and of record in my office.

DATE: 06/12/2017

Supreme Court Clerk, State of Nevada

By Rodriguez Deputy

**Return Of NEF****Recipients**

**TERRENCE MCCARTHY, ESQ.** - Notification received on 2017-09-13 14:01:22.541.

**JOHN PETTY, ESQ.** - Notification received on 2017-09-13 14:01:22.712.

**DIV. OF PAROLE & PROBATION** - Notification received on 2017-09-13 14:01:22.634.

**SEAN SULLIVAN, ESQ.** - Notification received on 2017-09-13 14:01:22.494.

**\*\*\*\*\* 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:**

09-13-2017:14:00:11

**Clerk Accepted:**

09-13-2017:14:00:52

**Court:**

Second Judicial District Court - State of Nevada  
Criminal

**Case Title:**

STATE VS. MICHAEL TODD BOTELHO (D3)

**Document(s) Submitted:**

Supreme Court Remittitur  
Supreme Ct Clk's Cert & Judg  
Supreme Ct Ord Dismis Appeal

**Filed By:**

Deputy Clerk YViloria

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:**

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BOTELHO

TERRENCE P. MCCARTHY, ESQ. for STATE  
OF NEVADA

JOHN REESE PETTY, ESQ. for MICHAEL TODD  
BOTELHO

DIV. OF PAROLE & PROBATION

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

GARY HOWARD HATLESTAD, ESQ.

MICHAEL TODD BOTELHO for MICHAEL TODD  
BOTELHO

STATE OF NEVADA for STATE OF NEVADA



FILED

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

MICHAEL T. BOTELHO

PETITIONER

VS.

BENEDETTI, WARDEN,  
STATE OF NEVADA ET AL  
RESPONDENT

JUSTICE COURT CASE NO. RCRC3-2156

DISTRICT COURT CASE NO. CRC3-2156

MOTION FOR IMMEDIATE ISSUANCE OF CONTEMPT OF COURT  
AND REMAND TO CUSTODY FOR WILLFUL FAILURE TO COMPLY WITH  
COMMANDS OF NRCP RULE 45 SUBPENA [DUCESS TECUM]

JACQUELINE BRYANT  
CLERK OF THE COURT

COMES NOW MICHAEL T. BOTELHO PETITIONER IN PROPER PERSON AND IN FORMA PAUPERIS

BRINGING FORTH THIS NECESSARY MOTION FOR ISSUANCE OF CONTEMPT OF COURT AND

REMAND TO CUSTODY FOR THE WILLFUL FAILURE TO COMPLY WITH NRCP RULE 45 AND THE

SUBPENA DUCES TECUM. (EMPHASIS ASSERTED)

CHARLES PALAN, CHIEF RECORDS OFFICER OF WASHOE CO. SHERIFFS OFFICE, WAS LAWFULLY

SERVED SUBPENA DUCES TECUM ON NOV. 11, 2017, FOR THE PRODUCTION OF DOCUMENTS;

PURSUANT TO NRCP 45 (b)(1), SERVICE HAD BEEN NOTARIZED IMMEDIATELY BEFORE SERVICE  
UPON CHARLES PALAN.

CHARLES PALAN FAILED TO MAKE "OBJECTION" TO SUBPENA DUCES TECUM WITHIN 14 DAYS

[A]FTER SERVICE OF SUBPENA, SEE NRCP 45 (c)(2)(B), AS PROVED AND DEMONSTRATED AND  
[C]ANNOT DO SO NOW OR IN THE FUTURE [.]

PURSUANT TO NRCP 45 (d)(1), CHARLES PALAN WILLFULLY FAILED TO RESPOND TO SUBPENA  
TO PRODUCE DOCUMENTS AS CLEARLY COMMANDED IN THE DEMAND AS "SHALL" PRODUCE THEM].

PETITIONER ASSERTS AND [C]HARGES THAT IT HAS BEEN 60 DAYS SINCE CHARLES

PALAN WAS LAWFULLY SERVED AND WILLFULLY FAILED TO COMPLY WITH SUBPENA DUCES

TECUM [.] AS SUCH, PETITIONER RESPECTFULLY DEMANDS AND LAW AND JUSTICE FER [ALL]

SO [R]EQUIRES, THAT CHARLES PALAN BE [C]IMMEDIATELY "CHARGED" WITH CONTEMPT OF

COURT PURSUANT TO NRCP 45 (e) FOR FAILURE BY ANY PERSON [L]THOUT ADEQUATE

EXCUSE TO OBEY A SUBPENA SERVED UPON THAT PERSON AND MAY BE DEEMED CONTEMPT

OF THE COURT FROM WHICH THE SUBPENA ISSUED. PETITIONER FURTHER DEMANDS

THAT PURSUANT TO NRS 199.340 (CRIMINAL CONTEMPT) THAT THESE ELEMENTS THEREIN HAVE

CR03-2156  
DC-0990085943-057  
STATE VS. MICHAEL TODD BOTEL  
District Court  
Washoe County  
01/10/2018 02:31 PM  
2490  
PPRNTG11

1 BEEN MET AS NRS 197.340 STATES - EVERY PERSON<sup>"</sup> WHO SHALL COMMIT<sup>"</sup> A CONTEMPT OF  
 2 COURT OF [ANY] ONE OF THE FOLLOWING KINDS [SHALL] BE GUILTY OF A MISDEMEANOR.  
 3 SEE (4) WILLFUL DISOBEDIENCE TO THE LAWFUL PROCESS OR MANDATE OF A COURT; AND (5)  
 4 RESISTANCE WILLFULLY OFFERED TO ITS LAWFUL PROCESS OR MANDATE.

5 REQUIRED RELIEF

6 AS ~~GOOD~~ CAUSE APPEARS AND THE LEGAL FACTS HAVE SHOWN<sup>"</sup> AND THE NECESSARY  
 7 ELEMENT(S) OF NRCP RULE 45 HAVE BEEN WILLFULLY AND WHOLLY VIOLATED WITH<sup>"</sup> ABSOLUTE  
 8 DISREGARD<sup>"</sup> OF ITS [K]NOWN CONSEQUENCE(S) AND IN CLEAR VIOLATION OF [CRIMINAL]  
 9 NRS 197.340 CRIMINAL CONTEMPT STATUTE.

10 PETITIONER BOTEELHO RESPECTFULLY [D]EMANDS THAT THIS COURT COMPLY WITH THE LAW  
 11 AND ORDER IMMEDIATE REMAND TO CUSTODY, ALL PENALTIES, AND [AGAIN] DEMAND THE  
 12 PRODUCTION OF SAID DOCUMENT<sup>"</sup> WITHOUT OBJECTION<sup>"</sup> TO PETITIONER AS LAW AND  
 13 JUSTICE REQUIRE, AND WITHOUT FURTHER VIOLATIONS OF BOTEELHO'S CONSTITUTIONAL RIGHTS  
 14 OF DUE PROCESS AND EQUAL PROTECTION OF [ALL] OF THE LAWS THEREIN [.]

15 AFFIRMATION AND CERTIFICATE OF SERVICE

16 I MICHAEL T. BOTEELHO DOE HEREBY SWEAR UNDER PENALTY OF PERJURY, PER. NRS 208.165  
 17 AND 28 USC 1746, THAT THE STATEMENTS AND FACTS ASSERTED IN MOTION FOR CONTEMPT OF  
 18 COURT ARE TRUE AND CORRECT TO THE BEST OF MY PERSONAL KNOWLEDGE AND FURTHER  
 19 ASSERT THIS TO BE MY INCLUDED [AFFIDAVIT] AS SUCH, ALSO! THIS DOCUMENT DOES NOT  
 20 CONTAIN SSN OF ANY PERSON, AND IS COMPLIANT WITH FRCP 5(b).

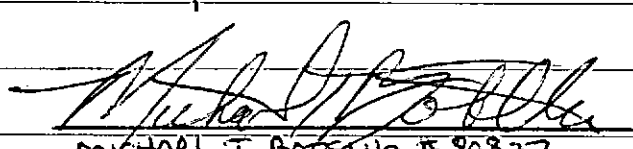
21 I FURTHER CERTIFY THAT I MAILED A COMPLETE COPY OF SAID MOTION IN U.S. MAIL BY  
 22 MAILBOX RULE, AND APPLY HOUSTON V. LACKS AS SUCH, VIA PRISON MAIL BOX VIA

23 BRASS SLIP NO. # 2251159 TO:

24 DATED 1-9 - 2018

25 SENT TO:

26 FRAUD AND IMPOSTER CHRIS HICKS  
 27 CIVILIAN ACTING UNLAWFULLY AS ETC.  
 28 DISTRICT ATTORNEY  
 P.O. BOX 11130-88  
 RENO NV. 89520-0027

  
 MICHAEL T. BOTEELHO # 80837  
 NICE P.O. BOX 7000  
 CARSON CITY NV. 89702  
 IN PROPER PERSON

2645  
KEITH G. MUNRO  
Deputy District Attorney  
Nevada State Bar 5074  
P.O. Box 11130  
Reno, NV 89520-0027  
(775) 337-5700

ATTORNEY FOR WASHOE COUNTY

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

\* \* \*

MICHAEL T. BOTELHO,

Petitioner,

Justice Court Case No. RCR03-011479

vs.

Case No. CR03-2156

BENEDETTI, WARDEN  
STATE OF NEVADA et al,

Dept. No. 3

\_\_\_\_\_  
Respondent. /

**OPPOSITION TO MOTION**

Washoe County, by and through counsel, opposes the Nevada-Rules-of-Civil-Procedure-Rule-45 motion filed on January 10, 2018. Washoe County objected to a “subpoena” because there was not a pending case. Ex. 1. Reverification of that fact after receiving this motion reveals that there is not a pending case. Ex. 2. Therefore, the subpoena is deficient and should not be enforced.

//

//

//

//

//

//

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 12th day of January, 2018.

CHRISTOPHER J. HICKS  
District Attorney

By /s/ Keith G. Munro  
KEITH G. MUNRO  
Deputy District Attorney  
P.O. Box 11130  
Reno, NV 89520-0027  
(775) 337-5700

ATTORNEYS FOR WASHOE COUNTY

**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 Motion to Dismiss in an envelope addressed to the following:

Michael T. Botelho #80837  
Northern Nevada Correctional Center  
PO Box 7000  
Carson City, NV 89702

Dated this 12th day January, 2018.

/s/B. Bull  
B. Bull

**EXHIBIT INDEX**

		No. of Pages
EXHIBIT 1	Letter to Botelho from Charles Palian	1 page
EXHIBIT 2	Affidavit of Terrance P. McCarthy Second Judicial District Court Docket CR03-2156	11 pages

EXHIBIT INDEX

**EXHIBIT 1**

Chuck Allen, Sheriff

WASHOE COUNTY  
**SHERIFF**



January 3, 2018

Michael Botelho  
c/o Robyn Martin  
370 E. Lassen Ave # 29  
Chico, CA 95973

Re: Subpoena dated February 29, 2016  
State of Nevada vs Michael Todd Botelho  
Case # CR03-2156

Dear Mr. Botelho:

Regarding the above referenced subpoena, there is no active litigation pending regarding this case.

Therefore, you have not presented a valid subpoena.

CHUCK ALLEN, SHERIFF



By:

A handwritten signature in black ink, appearing to read "Charles Palian".

Charles Palian, Administrative Supervisor  
Administrative Division  
(775) 328-3070

one agency, one team, one family



**EXHIBIT 2**

AFFIDAVIT OF TERRENCE P. McCARTHY, CHIEF APPELLTE DEPUTY

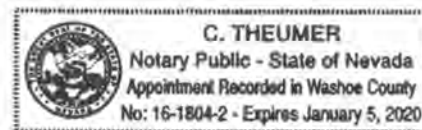
I, Terrence P. McCarthy do hereby swear upon information and belief and penalty of perjury that the assertions of this affidavit are true.

1. I am an attorney, employed as the Chief Appellate Deputy of the Washoe County District Attorney. In that capacity I have handled litigation involving Michael Botelho.
2. I have examined the court docket in case number CR03-2156 of the Second Judicial District Court. I find no litigation pending in that case. There have been various fugitive documents filed, such as a motion to dismiss all charges. It appears that each has been denied. There is no habeas corpus petition pending and the underlying criminal case has led to a final judgment.
3. Exhibit 1 is a true and correct copy of the Court's docket sheet.

  
(Signature)

Terrence P. McCarthy  
(Printed name)

Subscribed and sworn to before me  
on this 12<sup>th</sup> day of January, 2018  
by Terrence P. McCarthy.



  
NOTARY PUBLIC

Second Judicial District Court  
State of Nevada  
Washoe County

Electronic Filing

## Case Summary for Case: CR03-2156

STATE VS. MICHAEL TODD BOTELHO (D3)

Case Number CR03-2156

Case Type CRIMINAL

Opened 10-08-2003

Status CLOSED

Show/Hide Participants

Plaintiff

STATE OF NEVADA et al

Defendant

MICHAEL TODD BOTELHO et al

Judge

HONORABLE JEROME M. POLAHA - Division D3

File Date	Case History
01-10-2018 Court	Motion Filed Motion ... MOTION FOR IMMEDIATE ISSUANCE OF CONTEMPT OF COURT AND REMAND TO CUSTODY FOR WILLFUL FAILURE TO COMPLY WITH COMMANDS OF NRCP RULE 45 SUBPOENA (DUKES TECUM)
09-11-2017	Notice of Electronic Filing Filed Proof of Electronic Service Transaction 6297579 - Approved By: NOREVIEW : 09-13-2017:14:01:50
09-11-2017	Supreme Court Remittitur Filed Supreme Court Remittitur SUPREME COURT NO. 73593 / REMITTITUR - Transaction 6297576 - Approved By: NOREVIEW : 09-13-2017:14:00:52
09-13-2017	Supreme Ct Clk's Cert & Judg Filed Supreme Ct Clk's Cert & Judg SUPREME COURT NO. 73593 / CLERK'S CERTIFICATE & JUDGMENT - Transaction 6297576 - Approved By: NOREVIEW : 09-13-2017:14:00:52
09-13-2017	Supreme Ct Ord Dismiss Appeal Filed Supreme Ct Ord Dismiss Appeal SUPREME COURT NO. 73593 / ORDER DISMISSING APPEAL - Transaction 6297576 - Approved By: NOREVIEW : 09-13-2017:14:00:52
08-18-2017	Notice of Electronic Filing Filed Proof of Electronic Service Transaction 6258210 - Approved By: NOREVIEW : 08-18-2017:16:29:28
08-18-2017	Supreme Ct Ord Dismiss Appeal Filed Supreme Ct Ord Dismiss Appeal SUPREME COURT NO. 73593 / ORDER DISMISSING APPEAL - Transaction 6258201 - Approved By: NOREVIEW : 08-18-2017:16:28:14
08-02-2017	Notice of Electronic Filing Filed Proof of Electronic Service Transaction 6228103 - Approved By: NOREVIEW : 08-02-2017:11:41:15
08-02-2017	Supreme Court Receipt for Doc Filed Supreme Court Receipt for Doc SUPREME COURT NO. 73593 / RECEIPT FOR DOCUMENTS - Transaction 6228091 - Approved By: NOREVIEW : 08-02-2017:11:40:09
07-24-2017	Notice of Electronic Filing Filed Proof of Electronic Service Transaction 6210879 - Approved By: NOREVIEW : 07-24-2017:14:16:26
07-24-2017	Case Appeal Statement Filed Case Appeal Statement Transaction 6210873 - Approved By: NOREVIEW : 07-24-2017:14:15:33
07-24-2017	Certificate of Clerk Filed Certificate of Clerk CERTIFICATE OF CLERK AND TRANSMITTAL - NOTICE OF APPEAL - Transaction 6210873 - Approved By: NOREVIEW : 07-24-2017:14:15:33
07-21-2017 Court	Notice/Appeal Supreme Court Filed Notice of Appeal Supreme Court ORDER DISMISSING FILED ON 6/30/17
07-21-2017 Court	Notice Filed Notice ... JUDICIAL NOTICE AND AFFIDAVIT
07-19-2017	Notice of Electronic Filing Filed Proof of Electronic Service Transaction 6203204 - Approved By: NOREVIEW : 07-19-2017:11:17:41

07-19-2017	Supreme Ct Ord Dismis Appeal Filed Supreme Ct Ord Dismis Appeal SUPREME COURT NO. 73331 / ORDER DISMISSING APPEAL - Transaction 6203196 - Approved By: NOREVIEW : 07-19-2017:11:16:42
06-30-2017 Court	Notice Filed Notice ... NOTICE OF WITHDRAWAL OF APPEAL Original filed with Supreme Court
06-27-2017	Notice of Electronic Filing Filed Proof of Electronic Service Transaction 6169787 - Approved By: NOREVIEW : 06-27-2017:16:23:31
06-27-2017	Ord Denying Motion Filed Ord Denying Motion ORDER DENYING PETITIONER'S MOTION IN ITS ENTIRETY - Transaction 6169776 - Approved By: NOREVIEW : 06-27-2017:16:22:13
06-27-2017	Notice of Electronic Filing Filed Proof of Electronic Service Transaction 6168350 - Approved By: NOREVIEW : 06-27-2017:10:53:45
06-27-2017	Supreme Court Receipt for Doc Filed Supreme Court Receipt for Doc SUPREME COURT NO. 73331 / RECEIPT FOR DOCUMENTS - Transaction 6168338 - Approved By: NOREVIEW : 06-27-2017:10:52:44
06-20-2017	Notice of Electronic Filing Filed Proof of Electronic Service Transaction 6156716 - Approved By: NOREVIEW : 06-20-2017:09:41:09
06-20-2017	Case Appeal Statement Filed Case Appeal Statement Transaction 6156711 - Approved By: NOREVIEW : 06-20-2017:09:40:21
06-20-2017	Certificate of Clerk Filed Certificate of Clerk CERTIFICATE OF CLERK AND TRANSMITTAL NOTICE OF APPEAL - Transaction 6156711 - Approved By: NOREVIEW : 06-20-2017:09:40:21
06-14-2017 Court	Notice/Appeal Supreme Court Filed Notice of Appeal Supreme Court Appellant Deft Michael Todd Botelho
06-02-2017 Court	Reply Filed Reply... REPLY AND OBJECTION TO ORDER FORWARDING DOCUMENTS TO DISTRICT COURT
05-22-2017 Court	Request for Submission Filed Request for Submission DOCUMENT TITLE: SECOND REQUEST FOR SUBMISSION PARTY SUBMITTING: MICHAEL BOTELHO DATE SUBMITTED: 5/22/17 SUBMITTED BY: RODRIGU DATE RECEIVED JUDGE OFFICE:
05-22-2017 Court	Notice Filed Notice ... JUDICIAL NOTICE (document was originally sent to RJC, RJC then forwarded to 2nd Judicial-rodriugu)
05-16-2017	Request for Submission Filed Request for Submission NO 51 BUILT - REQUEST FOR SUBMISSION SUBMITTED AT PRIOR COURT
05-16-2017	Response Filed Response... RESPONSE TO "MOTION GRANTING MOTION TO DISMISS ALL CHARGES..."
05-16-2017	Order... Filed Order ... ORDER FORWARDING DOCUMENTS TO DISTRICT COURT
05-25-2016 Court	Application Produce Prisoner Filed Application Produce Prisoner NOTICE OF MOTION AND MOTION TO TRANSPORT
06-20-2016	Notice of Electronic Filing Filed Proof of Electronic Service Transaction 5569143 - Approved By: NOREVIEW : 06-20-2016:10:06:03
06-20-2016	Supreme Court Remittitur Filed Supreme Court Remittitur SUPREME COURT NO. 69046 / REMITTITUR - Transaction 5569137 - Approved By: NOREVIEW : 06-20-2016:10:04:41
06-20-2016	Supreme Ct Clk's Cert & Judg

	Filed Supreme Ct Clk's Cert & Judg SUPREME COURT NO. 69046 / CLERK'S CERTIFICATE & JUDGMENT - Transaction 5569137 - Approved By: NOREVIEW : 06-20-2016:10:04:41
06-20-2016	Supreme Court Order Affirming Filed Supreme Court Order Affirming SUPREME COURT NO. 69046 / ORDER OF AFFIRMANCE - Transaction 5569137 - Approved By: NOREVIEW : 06-20-2016:10:04:41
05-20-2016	Notice of Electronic Filing Filed Proof of Electronic Service Transaction 5525063 - Approved By: NOREVIEW : 05-20-2016:10:14:15
05-20-2016	Supreme Court Order Affirming Filed Supreme Court Order Affirming SUPREME COURT NO. 69046/ORDER OF AFFIRMANCE - Transaction 5525050 - Approved By: NOREVIEW : 05-20-2016:10:13:00
04-05-2016	Notice of Electronic Filing Filed Proof of Electronic Service Transaction 5449474 - Approved By: NOREVIEW : 04-05-2016:09:10:01
04-05-2016	Supreme Court Notice Filed Supreme Court Notice SUPREME COURT NO. 69046/NOTICE OF TRANSFER TO COURT OF APPEALS - Transaction 5449460 - Approved By: NOREVIEW : 04-05-2016:09:08:40
03-23-2016	Notice of Electronic Filing Filed Proof of Electronic Service Transaction 5432569 - Approved By: NOREVIEW : 03-23-2016:16:09:32
03-23-2016	Order... Filed Order ... DENYING MOTION FOR RELIEF FROM ORDER - Transaction 5432554 - Approved By: NOREVIEW : 03-23-2016:16:07:33
03-17-2016 Court	Notice Filed Notice ... JUDICIAL NOTICE & AFFIDAVIT
03-17-2016 Court	Letters ... Filed Letters ... (LETTER FROM DEFENDANT WITH ATTACHMENTS)
03-16-2016 Court	Letters ... Filed Letters ... LETTER FROM DEFENDANT
03-15-2016	Notice of Electronic Filing Filed Proof of Electronic Service Transaction 5418216 - Approved By: NOREVIEW : 03-15-2016:16:09:13
03-15-2016	Order... Filed Order ... ORDER REGARDING PETITIONER'S FILINGS - Transaction 5418211 - Approved By: NOREVIEW : 03-15-2016:16:08:14
03-15-2016	Notice of Electronic Filing Filed Proof of Electronic Service Transaction 5418203 - Approved By: NOREVIEW : 03-15-2016:16:06:24
03-15-2016	Order... Filed Order ... Request for Sub (2nd Notice) for Ext Writ of Mand to Recuse Judge Polaha filed March 2, 2016, is DENIED; Show-Cause Motion filed August 21, 2015, and submitted March 2, 2016, is DENIED.- Transaction 5418196 - Approved By: NOREVIEW : 03-15-2016:16:05:23
03-10-2016 Court	Request for Submission Filed Request for Submission DOCUMENT TITLE: REQUEST FOR SUBMISSION - RELIEF FROM ORDER MOTION (NO PAPER ORDER PROVIDED) PARTY SUBMITTING: MICHAEL T. BOTELHO DATE SUBMITTED: 03/11/16 SUBMITTED BY: M. FERNANDEZ DATE RECEIVED JUDGE OFFICE:
03-04-2016	Notice of Electronic Filing Filed Proof of Electronic Service Transaction 5400168 - Approved By: NOREVIEW : 03-04-2016:08:20:22
03-04-2016	Notice of Entry of Ord Filed Notice of Entry of Ord Transaction 5400162 - Approved By: NOREVIEW : 03-04-2016:08:19:24
03-03-2016 Court	Request for Submission Filed Request for Submission DOCUMENT TITLE: REQUEST FOR SUBMISSION (SECOND NOTICE) FOR EXTRAORDINARY WRIT OF MANDAMUS TO RECUSE JUDGE POLAHA(SEE ATTACHED COPY OF R.F.S. DATED 1-8-2016)(NO PAPER ORDER PROVIDED) PARTY

	SUBMITTING: MICHAEL TODD BOTELHO DATE SUBMITTED: 03/02/16 SUBMITTED BY: M. FERNANDEZ DATE RECEIVED JUDGE OFFICE:
03-02-2016 Court	<p><b>Request for Submission</b></p> <p>Filed</p> <p>Request for Submission DOCUMENT TITLE: REQUEST FOR SUBMISSION (SECOND REQUEST) FOR SHOW-CAUSE MOTION (NO PAPER ORDER PROVIDED) PARTY SUBMITTING: MICHAEL TODD BOTELHO DATE SUBMITTED: 03/02/16 SUBMITTED BY: MFERNANDEZ DATE RECEIVED JUDGE OFFICE:</p>
03-02-2016 Court	<p><b>Notice</b></p> <p>Filed</p> <p>Notice ... JUDICIAL NOTICE</p> <ul style="list-style-type: none"> <li>- Exhibit 1</li> <li>- Exhibit 2</li> <li>- Exhibit 3</li> <li>- Exhibit 4</li> <li>- Exhibit 5</li> <li>- Exhibit 6</li> </ul>
02-10-2016 Court	<p><b>Reply</b></p> <p>Filed</p> <p>Reply... REPLY AND OBJECTION TO RESPONSE TO PETITION FOR EXTRAORDINARY WRIT OF MANDAMUS</p>
02-17-2016 Court	<p><b>Motion</b></p> <p>Filed</p> <p>Motion ... "MOTION" N.R.C.P RULE 60(b)(1)(2)(3) RELIEF FROM ORDER</p> <ul style="list-style-type: none"> <li>- Exhibit 1</li> </ul>
02-03-2016	<p><b>Notice of Electronic Filing</b></p> <p>Filed</p> <p>Proof of Electronic Service Transaction 5351530 - Approved By: NOREVIEW : 02-03-2016:14:22:29</p>
02-03-2016	<p><b>Response</b></p> <p>Filed</p> <p>Response... RESPONSE TO PETITION FOR EXTRAORDINARY WRIT OF MANDAMUS - Transaction 5351474 - Approved By: YVILORIA : 02-03-2016:14:20:54</p>
02-02-2016	<p><b>Notice of Electronic Filing</b></p> <p>Filed</p> <p>Proof of Electronic Service Transaction 5349889 - Approved By: NOREVIEW : 02-02-2016:16:33:06</p>
02-02-2016	<p><b>Ord Denying</b></p> <p>Filed</p> <p>Ord Denying ... REQUEST FOR SUBMISSION/COPY OF JUDGE HARDY'S 12-3-15 ORDER ALSO PROVIDED WITH THIS ORDER - Transaction 5349888 - Approved By: NOREVIEW : 02-02-2016:16:32:17</p>
02-02-2016	<p><b>Notice of Electronic Filing</b></p> <p>Filed</p> <p>Proof of Electronic Service Transaction 5349853 - Approved By: NOREVIEW : 02-02-2016:16:27:17</p>
02-02-2016	<p><b>Order...</b></p> <p>Filed</p> <p>Order ... ORDER REGARDINNG MOTION TO ORDER COURT CLERK TO FORWARD DISPOSITION OF ALL RECORDS IN THIS COURT AND DOCKETING RECORD TO PETITIONER - Transaction 5349849 - Approved By: NOREVIEW : 02-02-2016:16:26:26</p>
01-15-2016	<p><b>Notice of Electronic Filing</b></p> <p>Filed</p> <p>Proof of Electronic Service Transaction 5322403 - Approved By: NOREVIEW : 01-15-2016:08:47:45</p>
01-15-2016 Court	<p><b>Request for Submission</b></p> <p>Filed</p> <p>Request for Submission SECOND REQUEST (PAPER ORDER NOT PROVIDED) - Transaction 5322376 - Approved By: KJONES : 01-15-2016:08:46:48 PARTY SUBMITTING: MICHAEL BOTELHO DATE SUBMITTED: JAN, 15, 2015 SUBMITTED BY: KJONES DATE RECEIVED JUDGE OFFICE:</p>
01-15-2016	<p><b>Notice of Electronic Filing</b></p> <p>Filed</p> <p>Proof of Electronic Service Transaction 5322344 - Approved By: NOREVIEW : 01-15-2016:08:33:40</p>
01-15-2016 Court	<p><b>Request for Submission</b></p> <p>Filed</p> <p>Request for Submission MOTION TO ORDER CLERK TO FORWARD DISPOSITION OF ALL RECORDS AND DOCKETING RECORD TO PETITIONER (PAPER ORDER NOT PROVIDED) - Transaction 5322321 - Approved By: KJONES : 01-15-2016:08:32:32 PARTY SUBMITTING: MICHAEL BOTELHO DATE SUBMITTED: JAN, 14, 2016 SUBMITTED BY: KJONES DATE RECEIVED JUDGE OFFICE:</p>
01-14-2016	<p><b>Notice of Electronic Filing</b></p> <p>Filed</p> <p>Proof of Electronic Service Transaction 5320067 - Approved By: NOREVIEW : 01-14-2016:09:27:44</p>
01-14-2016 Court	<p><b>Request for Submission</b></p> <p>Filed</p> <p>Request for Submission SECOND NOTICE WRIT OF MANDAMUS (PAPER ORDER NOT PROVIDED) - Transaction 5319889 - Approved By: KJONES : 01-14-2016:09:26:59 PARTY SUBMITTING: MICHAEL BOTELHO DATE SUBMITTED: JAN, 13, 2016 SUBMITTED BY: KJONES DATE RECEIVED JUDGE OFFICE:</p>

01-14-2016 Court	Affidavit in Support Filed Affidavit in Support... AFFIDAVIT OF MICHAEL T. BÔTELHO IN SUPPORT OF REQUEST FOR SUBMISSION - Transaction 5319889 - Approved By: KJONES : 01-14-2016:09:26:59
01-13-2016	Notice of Electronic Filing Filed Proof of Electronic Service Transaction 5319429 - Approved By: NOREVIEW : 01-13-2016:15:52:23
01-13-2016	Order... Filed Order ... ORDER FOR RESPONSE - Transaction 5319424 - Approved By: NOREVIEW : 01-13-2016:15:51:34
12-16-2015	Notice of Electronic Filing Filed Proof of Electronic Service Transaction 5281172 - Approved By: NOREVIEW : 12-16-2015:11:23:31
12-16-2015	Certificate of Clerk Filed Certificate of Clerk CERTIFICATE OF CLERK AND TRANSMITTAL - RECORD ON APPEAL - Transaction 5281166 - Approved By: NOREVIEW : 12-16-2015:11:22:31
12-10-2015 Court	Petition Filed Petition ... PETITION FOR EXTRADORDINARY WRIT OF MANDAMUS - Exhibit 1 - Exhibit 2 - Exhibit 3 - Exhibit 4
12-10-2015	Notice of Electronic Filing Filed Proof of Electronic Service Transaction 5273823 - Approved By: NOREVIEW : 12-10-2015:15:33:00
12-10-2015	Ord Denying Motion Filed Ord Denying Motion FOR RECONSIDERATION - Transaction 5273820 - Approved By: NOREVIEW : 12-10-2015:15:32:00
12-10-2015	Notice of Electronic Filing Filed Proof of Electronic Service Transaction 5273807 - Approved By: NOREVIEW : 12-10-2015:15:29:50
12-10-2015	Ord Denying Motion Filed Ord Denying Motion Transaction 5273801 - Approved By: NOREVIEW : 12-10-2015:15:28:51
12-03-2015	Notice of Electronic Filing Filed Proof of Electronic Service Transaction 5261445 - Approved By: NOREVIEW : 12-03-2015:11:17:16
12-03-2015	Order... Filed Order ... DENYING REQUEST TO DISQUALIFY JUDGE POLAHA - Transaction 5261438 - Approved By: NOREVIEW : 12-03-2015:11:16:04
12-04-2015 Court	Motion Filed Motion ... MOTION TO ORDER COURT CLERK TO FOWARD DISPOSITION OF ALL RECORDS IN THE THIS COURT AND DOCKETING RECORD TO PETITIONER
11-13-2015	Notice of Electronic Filing Filed Proof of Electronic Service Transaction 5233405 - Approved By: NOREVIEW : 11-13-2015:08:59:30
11-13-2015	Supreme Ct Order Directing Filed Supreme Ct Order Directing... SUPREME COURT NO. 69046 / ORDER DIRECTING TRANSMISSION OF RECORD - Transaction 5233396 - Approved By: NOREVIEW : 11-13-2015:08:58:32
10-28-2015	Notice of Electronic Filing Filed Proof of Electronic Service Transaction 5210645 - Approved By: NOREVIEW : 10-28-2015:14:33:16
10-28-2015	Supreme Court Receipt for Doc Filed Supreme Court Receipt for Doc SUPREME COURT NO. 69046/RECEIPT FOR DOCUMENTS - Transaction 5210628 - Approved By: NOREVIEW : 10-28-2015:14:31:49
10-22-2015	Notice of Electronic Filing Filed Proof of Electronic Service Transaction 5200851 - Approved By: NOREVIEW : 10-22-2015:09:19:08
10-09-2015	Case Appeal Statement



	Filed
	Case Appeal Statement Transaction 5200845 - Approved By: NOREVIEW : 10-22-2015:09:18:07
	Certificate of Clerk
10-22-2015	Filed
	Certificate of Clerk CERTIFICATE OF CLERK AND TRANSMITTAL -NOTICE OF APPEAL - Transaction 5200845 - Approved By: NOREVIEW : 10-22-2015:09:18:07
	Notice/Appeal Supreme Court
10-19-2015	Filed
	Notice of Appeal Supreme Court Appellant, MICHAEL TODD BOTEHO, proper
	Notice of Electronic Filing
10-19-2015	Filed
	Proof of Electronic Service Transaction 5194069 - Approved By: NOREVIEW : 10-19-2015:09:24:17
	Request for Submission
10-19-2015 Plaintiff	Filed by: TERRENCE P. MCCARTHY, ESQ. Request for Submission Transaction 5193956 - Approved By: YVILORIA : 10-19-2015:09:23:13 DOCUMENT TITLE: PETITIONER'S MOTION FOR RE-CONSIDERATION FILED 10-1-15 PARTY SUBMITTING: TERRENCE P MCCARTHY DATE SUBMITTED: OCTOBER 19, 2015 SUBMITTED BY: YVILORIA DATE RECEIVED JUDGE OFFICE:
10-15-2015 Court	Reply Filed Reply... REPLY AND OBJECTION TO OPPOSITION TO MOTION FOR RECONSIDERATION
	Notice of Electronic Filing
10-14-2015	Filed
	Proof of Electronic Service Transaction 5187367 - Approved By: NOREVIEW : 10-14-2015:09:00:52
	Request for Submission
10-14-2015 Plaintiff	Filed by: TERRENCE P. MCCARTHY, ESQ. Request for Submission Transaction 5187258 - Approved By: YVILORIA : 10-14-2015:08:59:59 DOCUMENT TITLE: MOTION TO VACATE JUDGMENT OF CONVICTION AND NRCIV P RULE 9(b) FRAUD, FILED 9-22-15 PARTY SUBMITTING: TERRENCE P. MCCARTHY DATE SUBMITTED: OCTOBER 14, 2015 SUBMITTED BY: YVILORIA DATE RECEIVED JUDGE OFFICE:
10-09-2015 Court	Reply Filed Reply... REPLY AND OBJECTION TO OPPOSITION TO MOTION TO VACATE JUDGMENT OF CONVICTION FOR NRC (V.P. 9 (B) FRAUD.
	Notice of Electronic Filing
10-06-2015	Filed
	Proof of Electronic Service Transaction 5173760 - Approved By: NOREVIEW : 10-06-2015:09:56:34
	Opposition to Mtn
10-06-2015 Plaintiff	Filed by: TERRENCE P. MCCARTHY, ESQ. Opposition to Mtn ... OPPOSITION TO MOTION FOR RECONSIDERATION - Transaction: 5173465 - Approved By: TBRITTON : 10-06-2015:09:55:36
10-05-2015 Court	Notice Filed Notice ... JUDICIAL NOTICE
	Mtn for Reconsideration
10-01-2015 Court	Filed Mtn for Reconsideration MOTION FOR RECONSIDERATION
	Notice of Electronic Filing
09-25-2015	Filed
	Proof of Electronic Service Transaction 5158987 - Approved By: NOREVIEW : 09-25-2015:10:33:51
	Opposition to Mtn
09-25-2015 Plaintiff	Filed by: TERRENCE P. MCCARTHY, ESQ. Opposition to Mtn ... OPPOSITION TO "MOTION TO VACATE JUDGMENT OF CONVICTION AND NRCIV P. RULE 9 (b) FRAUD - Transaction 5158544 - Approved By: TBRITTON : 09-25-2015:10:32:13
	Motion
09-22-2015 Court	Filed Motion ... MOTION TO VACATE JUDGMENT OF CONVICTION AND INR IV.P RULE 9 (6)FRAUD - Exhibit 1 - Exhibit 2 - Exhibit 3 - Exhibit 4 - Exhibit 5
09-22-2015 Court	Affidavit in Support Filed Affidavit in Support ...
09-22-2015 Court	Request for Submission Filed



Request for Submission DOCUMENT TITLE: REPLY AND OBJECTION TO OPPOSITION TO MOTION (PAPER ORDER NOT PROVIDED)  
PARTY SUBMITTING: MICHAEL TODD BOTELHO DATE SUBMITTED: SEPT. 22, 2015 SUBMITTED BY: KJONES DATE RECEIVED  
JUDGE OFFICE:

Notice of Electronic Filing

Filed

Proof of Electronic Service Transaction 5143730 - Approved By: NOREVIEW : 09-16-2015:12:03:55

Ord Granting Mtn

Filed

Ord Granting Mtn ... ORDER GRANTING MOTION TO DISMISS PETITION AND DENYING MOTION TO STRIKE - Transaction 5143723 - Approved By: NOREVIEW : 09-16-2015:12:02:57

Addendum

Filed

Addendum ADDENDUM TO SHOW CAUSE MOTION  
- Exhibit 1

Reply to/in Opposition

Filed

Reply to/in Opposition REPLY TO OPPOSITION TO MOTION TO STRIKE

Motion

Filed

Motion ... MOTION TO SHOW CAUSE

Writ of Mandamus

Filed

Writ of Mandamus EXTRAORDINARY WRIT OF MANDAMUS FOR THE RECUSAL AND THE DISQUALIFICATION OF JUDGE POLAHA, DEPT. NO. 3

Notice of Electronic Filing

Filed

Proof of Electronic Service Transaction 5092514 - Approved By: NOREVIEW : 08-13-2015:12:41:02

Notice of Electronic Filing

Filed

Proof of Electronic Service Transaction 5092489 - Approved By: NOREVIEW : 08-13-2015:12:26:52

Notice of Electronic Filing

Filed

Proof of Electronic Service Transaction 5092474 - Approved By: NOREVIEW : 08-13-2015:12:21:06

Notice of Change of Attorney

Filed by: TERRENCE P. MCCARTHY, ESQ.

Notice of Change of Attorney TERRENCE MCCARTHY OBO RESPONDENT IN PLACE OF GARY HATLESTAD - Transaction 5091963 - Approved By: YLLOYD : 08-13-2015:12:40:12

Request for Submission

Filed

Request for Submission Transaction 5091960 - Approved By: YLLOYD : 08-13-2015:12:26:07 DOCUMENT TITLE: MOTION TO DISMISS PETITION FOR WRIT OF HABEAS CORPUS (NO PAPER ORDER) PARTY SUBMITTING: TERRENCE MCCARTHY ESQ DATE SUBMITTED: 8/13/15 SUBMITTED BY: YLLOYD DATE RECEIVED JUDGE OFFICE:

Reply

Filed

Reply... REPLY TO OPPOSITION TO MOTION TO DISMISS, AND OPPOSITION TO MOTION TO STRIKE - Transaction 5091958 - Approved By: YLLOYD : 08-13-2015:12:19:48

Motion

Filed

Motion ... MOTION TO STRIKE AND OPPOSITION TO RESPONDENT'S MOTION TO DISMISS PETITION FOR POST-CONVICTION WRIT OF HABEAS CORPUS  
- Exhibit 1  
- Exhibit 2  
- Exhibit 3  
- Exhibit 4

Affidavit

Filed

Affidavit ...

Notice of Electronic Filing

Filed

Proof of Electronic Service Transaction 5060978 - Approved By: NOREVIEW : 07-24-2015:09:54:48

Mtn to Dismiss Pet

Filed

Mtn to Dismiss Pet MOTION TO DISMISS PETITION FOR WRIT OF HABEAS CORPUS - Transaction 5060792 - Approved By: MCHOLICO : 07-24-2015:09:53:38

Notice of Electronic Filing

Filed

Proof of Electronic Service Transaction 3168719 - Approved By: NOREVIEW : 08-22-2012:14:27:23

08-22-2012	Supreme Ct Not/Lieu/Remittitur Filed Supreme Ct Not/Lieu/Remittitur SUPREME COURT CASE NO. 60556/NOTICE IN LIEU OF REMITTITUR - Transaction 3168665 - Approved By: NOREVIEW : 08-22-2012:14:20:36
07-31-2012	Notice of Electronic Filing Filed Proof of Electronic Service Transaction 3118173 - Approved By: NOREVIEW : 07-31-2012:11:04:10
07-31-2012	Supreme Court Order Denying Filed Supreme Court Order Denying SUPREME COURT ORDER DENYING REHEARING - Transaction 3118134 - Approved By: NOREVIEW : 07-31-2012:10:59:46
06-04-2012	Notice of Electronic Filing Filed Proof of Electronic Service Transaction 2995817 - Approved By: NOREVIEW : 06-04-2012:16:43:46
06-04-2012	Supreme Court Order Denying Filed Supreme Court Order Denying SUPREME COURT CASE NO. 60556/ORDER DENYING PETITION - Transaction 2995756 - Approved By: NOREVIEW : 06-04-2012:16:37:07
04-13-2005	Ord Granting Mtn Filed Ord Granting Mtn ..., ORDER GRANTING MOTION TO WITHDRAW COUNSEL
08-18-2005	Request for Submission Filed Request for Submission DOCUMENT TITLE: MOTION FOR WITHDRAWAL OF ATTORNEY PARTY SUBMITTING: M. BOTELHO DATE SUBMITTED: 8-18-05 SUBMITTED BY: GVELARDE DATE RECEIVED JUDGE'S OFFICE:
07-13-2005	Affidavit Filed Affidavit ... OF DEFENDANT
07-13-2005	Affidavit in Support Filed Affidavit in Support... MOTION FOR WITHDRAWAL OF ATTORNEY OF RECORD AND TRANSFER OF RECORDS
07-13-2005	Mtn to Relieve Counsel Filed Mtn to Relieve Counsel NOTICE OF MOTION AND MOTION FOR WITHDRAWAL OF ATTORNEY OF RECORD AND TRANSFER OF RECORDS
05-03-2005	Supreme Court Order Affirming Filed Supreme Court Order Affirming SUPREME COURT CASE NO. 43247
05-03-2005	Supreme Ct Clk's Cert & Judg Filed Supreme Ct Clk's Cert & Judg SUPREME COURT CASE NO. 43247
05-03-2005	Supreme Court Remittitur Filed Supreme Court Remittitur SUPREME COURT CASE NO. 43247
04-06-2005	Supreme Court Order Affirming Filed Supreme Court Order Affirming SUPREME COURT CASE NO. 43247
05-01-2004	Ord Trial Transcript/Public\$ Filed Ord Trial Transcript/Public\$
05-01-2004	Mtn Trial Trans. Public Exp Filed Mtn Trial Trans. Public Exp
05-06-2004	Supreme Court Receipt for Doc Filed Supreme Court Receipt for Doc SUPREME COURT CASE NO. 43247
05-03-2004	Certificate of Transmittal Filed Certificate of Transmittal
05-03-2004	Certificate of Clerk Filed Certificate of Clerk
04-30-2004	Notice/Appeal Supreme Court

	Filed
	Notice of Appeal Supreme Court
	Case Appeal Statement
04-08-2004	Filed
	Case Appeal Statement
	Ord for Dismissal of Counts
04-28-2004	Filed
	Ord for Dismissal of Counts COUNT II
	Mtn to Dismiss Counts
08-22-2004	Filed
	Mtn to Dismiss Counts ... COUNT II
	Transcript
04-19-2004	Filed
	Transcript 4/7/04 SENTENCING : this document can only be accessed at the court
	Judgment of Conviction
04-07-2004	Filed
	Judgment of Conviction
	***Minutes
04-07-2004	Filed
	***Minutes ENTRY OF JUDGMENT AND IMPOSITION OF SENTENCE
	General Receipt
04-06-2004	Filed
	General Receipt GRAND JURY TRANSCRIPT - SEAN SULLIVAN, ESQ.
	Transcript
03-31-2004	Filed
	Transcript 3/11/04 HEARING ON MOTIONS : this document can only be accessed at the court
	***Minutes
03-11-2004	Filed
	***Minutes MOTIONS RE: MEDIA AND SEALING; RECUSAL OF JUDGE AND MARITAL PRIVILEGE
	Stip & Ord to Continue
02-24-2004	Filed
	Stip & Ord to Continue Sentencing reset for April 7, 2004. Motion Hearing set for March 11, 2004.
	Reply
02-20-2004	Filed
	Reply... IN OPPOSITION TO DEFENDANT'S OPPOSITION TO STATE'S INTRODUCTION OF OTHER BAD ACT EVIDENCE; DEFENDANT'S MOTION TO SEAL; AND ANSWER TO DEFENDANT'S MOTION TO RECUSE AND TRANSFER CASE
	Application for Setting
02-17-2004	Filed
	Application for Setting 3-11-04 @10:00
	Not/Doc/Rc'd/Not/Cons/by Crt
02-17-2004	Filed
	Document withheld. Document Security Level Exceeded
	Opposition to Mtn
02-13-2004	Filed
	Opposition to Mtn ... OPPOSITION TO STATE'S INTRODUCTION OF PRIOR OR OTHER BAD ACT EVIDENCE AT SENTENCING HEARING; DEFENDANT'S MOTION TO HAVE THE MATTER SEALED, TO RECUSE THE PRESENT SENTENCING COURT, AND TO HAVE THE MATTER TRANSFERRED TO ANOTHER COURT FOR SENTENCING PURPOSES.
	PSI - Confidential
02-11-2004	Filed
	PSI - Confidential
	Notice
02-03-2004	Filed
	Notice ... NOTICE OF INTENT TO INTRODUCE PRIOR OR OTHER BAD ACT EVIDENCE AT SENTENCING HEARING
	Stip & Ord to Continue
01-30-2004	Filed
	Stip & Ord to Continue SENTENCING TO 2-18-04
	Not/Doc/Rc'd/Not/Cons/by Crt
01-28-2004	Filed
	Document withheld. Document Security Level Exceeded
	Request Agree Ord Recp Discv
01-26-2004	Filed
	Request Agree Ord Recp Discv
01-12-2004	Transcript

	Filed
	Transcript 11/6/03 ENTRY OF PLEA : this document can only be accessed at the court
11-28-2003	Transcript
	Filed
	Transcript 12/11/03 CHANGE OF PLEA : this document can only be accessed at the court
12-11-2003	Guilty Plea Memo/Agreement
	Filed
	Guilty Plea Memo/Agreement
12-13-2003	***Minutes
	Filed
	***Minutes MOTION FOR HANGE OF PLEA
12-18-2003	Application for Setting
	Filed
	Application for Setting 12-11-03 @08:30
11-30-2003	Transcript
	Filed
	Transcript 10/23/03 ARRAIGNMENT/ CONTINUED : this document can only be accessed at the court
11-06-2003	***Minutes
	Filed
	***Minutes ENTRY OF PLEA
11-06-2003	***Minutes
	Filed
	***Minutes
10-08-2003	Inmate Request Form Filed
	Filed
	Inmate Request Form Filed REQUEST RE: MISSED COURT DATE, REFERRED TO COUNSEL PER JUDGE POLAHA
10-23-2003	***Minutes
	Filed
	***Minutes ARRAIGNMENT
10-20-2003	General Receipt
	Filed
	General Receipt GRAND JURY (DA)
10-20-2003	Transcript
	Filed
	Transcript GRAND JURY TRANSCRIPT 10-8-03 : this document can only be accessed at the court
10-15-2003	Application for Setting
	Filed
	Application for Setting 10-23-03 @08:30
10-14-2003	Return of Service B/W
	Filed
	Return of Service B/W SERVED 10-10-03
10-08-2003	Order...
	Filed
	Order ... ORDER STAYING JUSTICE COURT PROCEEDINGS (RJC)
10-08-2003	Bench Warrant Filed-Case Clsd
	Filed
	Bench Warrant Filed-Case Clsd BAIL SET AT \$250,000.00 CASH ONLY
10-08-2003	Indictment
	Filed
	Indictment

**Return Of NEF****Recipients**

**TERRENCE MCCARTHY, ESQ.** - Notification received on 2018-01-12 12:05:02.71.

**JOHN PETTY, ESQ.** - Notification received on 2018-01-12 12:05:02.835.

**DIV. OF PAROLE & PROBATION** - Notification received on 2018-01-12 12:05:02.772.

**SEAN SULLIVAN, ESQ.** - Notification received on 2018-01-12 12:05:02.476.

**\*\*\*\*\* 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:**

01-12-2018:11:19:59

**Clerk Accepted:**

01-12-2018:12:04:29

**Court:**

Second Judicial District Court - State of Nevada  
Criminal

**Case Title:**

STATE VS. MICHAEL TODD BOTELHO (D3)

**Document(s) Submitted:**

Opposition to Mtn

- \*\*Continuation

- \*\*Continuation

**Filed By:**

Keith Munro

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:**

SEAN B. SULLIVAN, ESQ. for MICHAEL TODD  
BOTELHO

TERRENCE P. MCCARTHY, ESQ. for STATE  
OF NEVADA

JOHN REESE PETTY, ESQ. for MICHAEL TODD  
BOTELHO

DIV. OF PAROLE & PROBATION

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

GARY HOWARD HATLESTAD, ESQ.

MICHAEL TODD BOTELHO for MICHAEL TODD  
BOTELHO

STATE OF NEVADA for STATE OF NEVADA

CODE No. 3860  
CHRISTOPHER J. HICKS  
#7747  
P. O. Box 11130  
Reno, Nevada 89520-0027  
(775) 328-3200  
Attorney for Respondent

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

IN AND FOR THE COUNTY OF WASHOE

\* \* \*

MICHAEL T. BOTELHO,

Petitioner,

v.

Case No. CR03-2156

BENEDETTI, WARDEN  
STATE OF NEVADA et al,

Dept. No. 3

Respondent.

\_\_\_\_\_ /

REQUEST FOR SUBMISSION

It is requested that **Petitioner's Motion for Immediate Issuance of Contempt of Court** filed January 10, 2018, be submitted to the Court for decision.

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: February 15, 2018.

CHRISTOPHER J. HICKS  
District Attorney

By /s/ Keith G. Munro  
KEITH G. MUNRO  
Deputy District Attorney



CERTIFICATE OF MAILING

Pursuant to NRCP 5(b), I hereby certify that I am an employee of the Washoe County District Attorney's Office and that, on February 15, 2018, I deposited for mailing through the U.S. Mail Service at Reno, Washoe County, Nevada, postage prepaid, a true copy of the foregoing document, addressed to:

Michael T. Botelho #80837  
Northern Nevada Correctional Center  
PO Box 7000  
Carson City, NV 89702

/s/ MARGARET FORD  
MARGARET FORD

**Return Of NEF****Recipients**

**TERRENCE MCCARTHY, ESQ.** - Notification received on 2018-02-15 09:01:12.981.

**JOHN PETTY, ESQ.** - Notification received on 2018-02-15 09:01:14.417.

**DIV. OF PAROLE & PROBATION** - Notification received on 2018-02-15 09:01:13.668.

**SEAN SULLIVAN, ESQ.** - Notification received on 2018-02-15 09:01:12.513.

**\*\*\*\*\* 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:**

02-15-2018:08:12:02

**Clerk Accepted:**

02-15-2018:09:00:10

**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:**

Keith Munro

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:**

SEAN B. SULLIVAN, ESQ. for MICHAEL TODD  
BOTELHO

TERRENCE P. MCCARTHY, ESQ. for STATE  
OF NEVADA

JOHN REESE PETTY, ESQ. for MICHAEL TODD  
BOTELHO

DIV. OF PAROLE & PROBATION

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

GARY HOWARD HATLESTAD, ESQ.

MICHAEL TODD BOTELHO for MICHAEL TODD  
BOTELHO

STATE OF NEVADA for STATE OF NEVADA

MICHAEL T. BOTELHO # 80837  
 NNCL P.O. BOX 7000  
 CARSON CITY, NV. 89702  
 IN PROPER PERSON

IN THE RENO JUSTICE COURT TOWNSHIP IN THE  
 STATE OF NEVADA

STATE OF NEVADA

VS.

MICHAEL T. BOTELHO  
 DEFENDANT

District Court: CR03-011479  
 JUSTICE COURT CASE NO. RCR03-011479  
 DEPT. NO. I

NOTICE OF APPEAL AND DESIGNATION OF  
RECORD ON APPEAL

NOTICE IS HEREBY GIVEN THAT MICHAEL T. BOTELHO PETITIONER IN PROPER PERSON  
 AND IN FORMA PAUPERIS HEREBY APPEALS THIS [FRAUDULENT] ORDER [ALLEGEDLY  
 FILED IN JULY 2017 BUT NOT [R]ECEIVED BY BOTELHO UNTIL 1-16-2018, AND HEREIN  
 DESIGNATES THE "ENTIRE" RECORD ON APPEAL TO BE CERTIFIED BY THE CLERK OF  
 THE DISTRICT COURT (FOR ONCE!) [ALL] MOTION(S), NOTICE(S), AFFIDAVITS, PLEADINGS,  
 EXHIBITS AND [ALL] TRANSCRIPTS.

### AFFIRMATION

I MICHAEL T. BOTELHO DO HEREBY SWEAR UNDER THE PENALTY OF PERJURY THAT  
 ALL STATEMENTS ARE TRUE AND CORRECT PURSUANT TO NRS 208.165, 18 USC 164 AND  
 28 USC 1746. THIS DOCUMENT DOES NOT CONTAIN THE S.S.N. OF ANY PERSON. I FURTHER  
 CERTIFY THAT I MAILED A COMPLETE AND TRUE ORIGINAL N.C.A. TO THIS COURT BY  
 PLACING SAME IN U.S. MAIL VIA PRISON MAIL BOX (PRISON MAILBOX RULE) VIA BRASS SLIP,  
 # 2302785.

DATED 2-6-2018

*Michael T. Botelho*  
 MICHAEL T. BOTELHO # 80837  
 NNCL, P.O. Box 7000  
 CARSON CITY, NV. 89702  
 IN PROPER PERSON

**Code 1310**

**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**

**Dept. No. 3**

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

**Respondents.**

---

**CASE APPEAL STATEMENT**

This case appeal statement is filed pursuant to N.R.A.C.P. 3(f).

1. Appellant is Michael T. Botelho
2. This appeal is from an order entered by the Honorable Judge Jerome Polaha.
3. Appellant is representing himself in Proper Person on appeal. The Appellant's address is:  
Michael T. Botelho #80837  
N.N.C.C.  
P.O. Box 7000  
Carson City, Nevada 89702
4. Respondent is the State of Nevada. Respondent is represented by: the Washoe County District Attorney's Office  
Terrance McCarthy, Esq., SBN 2745  
P.O. Box 30083  
Reno, NV 89520
5. Respondent's attorney is not licensed to practice law in Nevada: n/a
6. Appellant is represented by appointed counsel in District Court.

7. Appellant is not represented by appointed counsel on appeal.
8. Appellant was granted leave to proceed in forma pauperis in the District Court filed on February 17, 2010.
9. Proceeding commenced by an Indictment filed on October 8, 2003.
10. This is a criminal proceeding and the Appellant's Notice of Appeal does not designate the Judgment, order or part thereof being appealed as required by N.R.A.C.P. 3 (C)(1)(B). It appears that Appellant is appealing the Order filed June 27, 2017.
11. The case has been the subject of a previous appeal to the Supreme Court:  
Supreme Court No. 43247, 49586, 69046, 7331, and 73593
12. This case does not involve child custody or visitation.
13. This is not a civil case involving the possibility of a settlement.

Dated this 21st day of February, 2018.

Jacqueline Bryant  
Clerk of the Court

By: /s/ Yvonne Vilorio  
Yvonne Vilorio  
Deputy Clerk

Code 1350

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,

Dept. No. 3

vs.

JAMES BENEDETTI, STATE OF NEVADA, et al.,

Respondents.

\_\_\_\_\_ /

**CERTIFICATE OF CLERK AND TRANSMITTAL – NOTICE OF APPEAL**

I certify that I am an employee of the Second Judicial District Court of the State of Nevada, County of Washoe; that on the 21st day of February, 2018, I electronically filed the Notice of Appeal in the above entitled matter to the Nevada Supreme Court.

I further certify that the transmitted record is a true and correct copy of the original pleadings on file with the Second Judicial District Court.

Dated this 21st day of February, 2018

Jacqueline Bryant  
Clerk of the Court

By /s/ Yvonne Vilorio  
Yvonne Vilorio  
Deputy Clerk



**Return Of NEF****Recipients**

**TERRENCE MCCARTHY, ESQ.** - Notification received on 2018-02-21 10:15:55.271.

**JOHN PETTY, ESQ.** - Notification received on 2018-02-21 10:15:55.412.

**DIV. OF PAROLE & PROBATION** - Notification received on 2018-02-21 10:15:55.334.

**SEAN SULLIVAN, ESQ.** - Notification received on 2018-02-21 10:15:55.209.

**\*\*\*\*\* 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:**

02-21-2018:10:14:50

**Clerk Accepted:**

02-21-2018:10:15:23

**Court:**

Second Judicial District Court - State of Nevada  
Criminal

**Case Title:**

STATE VS. MICHAEL TODD BOTELHO (D3)

**Document(s) Submitted:**

Case Appeal Statement  
Certificate of Clerk

**Filed By:**

Deputy Clerk YViloria

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:**

SEAN B. SULLIVAN, ESQ. for MICHAEL TODD  
BOTELHO

JOHN REESE PETTY, ESQ. for MICHAEL TODD  
BOTELHO

DIV. OF PAROLE & PROBATION

TERRENCE P. MCCARTHY, ESQ. for STATE  
OF NEVADA

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

GARY HOWARD HATLESTAD, ESQ.

STATE OF NEVADA for STATE OF NEVADA  
MICHAEL TODD BOTELHO for MICHAEL TODD  
BOTELHO

**IN THE SUPREME COURT OF THE STATE OF NEVADA  
OFFICE OF THE CLERK**

MICHAEL TODD BOTELHO,  
Appellant,

vs.

JAMES BENEDETTI, WARDEN; AND THE  
STATE OF NEVADA,  
Respondents.

**Supreme Court No. 75191**  
District Court Case No. CR032156

03

**RECEIPT FOR DOCUMENTS**

TO: Michael Todd Botelho  
Washoe County District Attorney \ Terrence P. McCarthy, Deputy District Attorney  
Jacqueline Bryant, Washoe District Court Clerk ✓

You are hereby notified that the Clerk of the Supreme Court has received and/or filed the following:

02/27/2018 Appeal Filing Fee waived. Criminal.

02/27/2018 Filed Notice of Appeal/Proper Person. Appeal docketed in the Supreme Court this day.

DATE: February 27, 2018

Elizabeth A. Brown, Clerk of Court  
lh

**Return Of NEF****Recipients**

**TERRENCE MCCARTHY, ESQ.** - Notification received on 2018-02-28 13:55:50.036.

**JOHN PETTY, ESQ.** - Notification received on 2018-02-28 13:55:50.192.

**DIV. OF PAROLE & PROBATION** - Notification received on 2018-02-28 13:55:50.114.

**SEAN SULLIVAN, ESQ.** - Notification received on 2018-02-28 13:55:49.958.

**\*\*\*\*\* 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:**

02-28-2018:13:54:33

**Clerk Accepted:**

02-28-2018:13:55:03

**Court:**

Second Judicial District Court - State of Nevada  
Criminal

**Case Title:**

STATE VS. MICHAEL TODD BOTELHO (D3)

**Document(s) Submitted:**

Supreme Court Receipt for Doc

**Filed By:**

Deputy Clerk YViloria

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:**

SEAN B. SULLIVAN, ESQ. for MICHAEL TODD  
BOTELHO

JOHN REESE PETTY, ESQ. for MICHAEL TODD  
BOTELHO

DIV. OF PAROLE & PROBATION

TERRENCE P. MCCARTHY, ESQ. for STATE  
OF NEVADA

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

GARY HOWARD HATLESTAD, ESQ.

STATE OF NEVADA for STATE OF NEVADA

MICHAEL TODD BOTELHO for MICHAEL TODD  
BOTELHO

MICHAEL T. BOTELHO # 30337  
 NNCC P.O. BOX 7000  
 CARSON CITY NEV. 89702

IN PROPER PERSON

FILED

2018 FEB-28 PM 4:33

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

JACQUEL BRYANT  
 CLERK OF THE COURT

DEPT

CR03-2156

JUSTICE COURT CASE NO. BCRO3-011479 D3

JUSTICE COURT DEPT. NO. 1

MICHAEL T. BOTELHO  
 APPELLANT

- VS -

STATE OF NEVADA  
 RESPONDENT

JUDICIAL NOTICE

FED. EVIDENCE RULE 201

AS A MATTER OF PUBLIC IMPORTANCE & PUBLIC RECORD, THIS "ONCE"  
 HONORABLE COURT IS [A]GAIN CAUGHT COMMITTING FRAUD AND OBSTRUCTION  
 OF JUSTICE IN BOTELHO'S JUSTICE COURT NOTICE OF APPEAL (N.O.A.) BY  
 SECOND JUD. DIST. COURT CLERK'S TAMPERING WITH BOTELHO'S JUSTICE COURT  
 N.O.A. TO [A]GAIN PREVENT BOTELHO'S APPEAL FROM BEING DECIDED ON  
 THE MERITS IN THIS COURT - SO THE PUBLIC WON'T KNOW!

JUSTICE [DEMANDS] THAT THIS COURT TAKE [I]MEDIATE ACTION TO  
 CORRECT THIS FRAUD, OBSTRUCTION AND WILLFUL VIOLATION OF BOTELHO'S  
 STATE AND FEDERAL SUBSTANTIVE AND PROCEDURAL DUE PROCESS RIGHTS,  
 AND THE [DELIBERATE] ATTEMPT TO CIRCUMVENT BOTELHO'S GUARANTEED  
 NEV. CONSTITUTIONAL RIGHT OF APPEAL UNDER ARTICLE 6, SECTION 6. THIS COURT  
 KNOWS IT IS THE COURT OF [F]INAL APPELLATE JURISDICTION FOR CASES ARISING  
 FROM JUSTICE COURT!

THIS COURTS CLERK HAS [AGAIN] COMMITTED STATE AND FEDERAL CRIMES,  
 OBVIOUSLY AT SOMEONE'S DIRECTION, TO ENSURE THIS APPEAL IS [NEVER]  
 HEARD BY THIS, NOR BY THE NV. SUPREME COURT. THIS CLERK WILL FORWARD THIS  
 JUSTICE COURT N.O.A. TO THE NV. SUPREME SINCE THIS COURTS CLERK ALTERED  
 THE CASE NO. AND THE JURISDICTION AS IF IT WAS INITIALLY FILED IN DISTRICT

CR03-2156  
 DC-06900089275-012  
 STATE: NV, MICHAEL TODD BOTELHO, 2 Pages  
 District: Court 02/28/2018 04:33 PM  
 Washoe County  
 2510  
 CLERK



THIS DISTRICT COURT. THIS WAS DONE SO WHEN THE NV. SUPREME COURT RECEIVED THIS APPEAL IT WOULD JUST DISMISS IT, NOT HAVING JURISDICTION, SO TO ENSURE THE ABSOLUTE GROSS & FUNDAMENTAL MISCARRIAGE OF JUSTICE & COVER UP WHAT HAS BEEN DONE [.]

BOTELHO CHARGES THAT THIS CLERK [A]GAIN ALTERED BOTELHO'S N.O.A. IN DOING SO COMMITTED STATE AND FEDERAL CRIME(S) OF FRAUD, WIRE FRAUD, MAIL FRAUD, OBSTRUCTION OF JUSTICE, OBSTRUCTION OF ADMINISTRATION OF JUSTICE, CONSPIRACY, FALSIFYING COURT DOCUMENTS, FILING FRAUDULENT COURT DOCUMENTS, ALTERING THE DOCKET ENTRIES, AS WELL AS COMMITTING MISPRISON OF CLERK. THE ELEMENTS OF THESE CRIMES ARE FACTUALLY EVIDENT, SEE FILED N.O.A.

NOT ONLY MUST THIS COURT DO ITS "SWORN DUTY TO APPLY THE LAW AND THE NV. U.S. CONSTITUTION(S)" BUT TO DO ANYTHING LESS THAN REPORT THESE CLEAR AND OBVIOUS CRIMES TO PROTECT YOUR OWN WILL MAKE YOU JUST AS CULPABLE AND GUILTY OF MISPRISON OF FELONY.

THERE ARE STATE AND FEDERAL R.U.L.O. STATUTE(S) FOR GOOD REASON! FIX WHAT HAS OCCURRED IMMEDIATELY AND THEN DO YOUR DUTY AND REPORT THESE CRIMES, OR I SWEAR TO GOD THERE WILL BE HELL TO PAY FOR YOUR CIVIL AND CRIMINAL ACTIONS! THIS COURT WILL NOT COVER THIS UP [A]GAIN [.] ADDITIONALLY BOTELHO SEEKS FILE STAMPED COPY OF JUDICIAL NOTICE!

THIS JUDICIAL NOTICE IS GIVEN UNDER THE PENALTY OF PERJURY, SEE NRS. 208.165 AND 18 USC 1621.

DATED 2-26-2018

*Michael T. Botelho*  
MICHAEL T. BOTELHO # 80837  
NNCL P.O. BOX 7000  
CARSON CITY, NV. 89702  
IN PROPER PERSON

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

9 **MICHAEL T. BOTELHO,**

10 **Petitioner,**

11 **vs.**

**Case No. CR03-2156**

12 **BENEDETTI, WARDEN**  
13 **STATE OF NEVADA et al.,**

**Dept. No. 3**

14 **Respondent.**  
15 \_\_\_\_\_ /

16 **ORDER**

17 Currently before the Court is MICHAEL T. BOTELHO'S ("Petitioner") MOTION FOR  
18 IMMEDIATE ISSUANCE OF CONTEMPT OF COURT filed January 10, 2018. RESPONDENT  
19 WASHOE COUNTY filed an OPPOSITION on January 12, 2018. The matter was submitted to the  
20 Court for consideration on February 15, 2018.

21  
22 Upon review of the record and pleadings, Petitioner's Motion is without merit, as there is no  
23 pending action in the case. The last action taken was the Supreme Court's dismissal of the appeal in  
24 September of 2017, and nothing has been filed since.  
25


26 //

27 //

Accordingly, and good cause appearing,

IT IS HEREBY ORDERED that the Petitioner's MOTION FOR IMMEDIATE ISSUANCE  
OF CONTEMPT OF COURT is DENIED.

Dated this 6th day of March, 2018.

  
JEROME POLAHA  
DISTRICT JUDGE

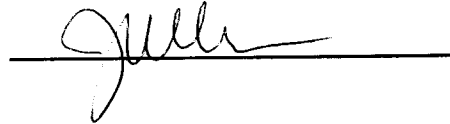
**CERTIFICATE OF MAILING**

I certify that I am an employee of the SECOND JUDICIAL DISTRICT COURT of the STATE OF NEVADA, COUNTY OF WASHOE; that on the 8 day of March, 2018, I did the following:

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

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

☒ Transmitted document to the Second Judicial District Court mailing system in a sealed envelope for postage and mailing by Washoe County using the United States Postal Service in Reno, Nevada:  
MICHAEL T. BOTELHO #80837  
NNCC PO Box 7000  
Carson City, NV 89702



**Return Of NEF****Recipients**

**TERRENCE MCCARTHY, ESQ.** - Notification received on 2018-03-08 12:01:16.801.

**JOHN PETTY, ESQ.** - Notification received on 2018-03-08 12:01:16.957.

**DIV. OF PAROLE & PROBATION** - Notification received on 2018-03-08 12:01:16.879.

**SEAN SULLIVAN, ESQ.** - Notification received on 2018-03-08 12:01:16.707.

**\*\*\*\*\* 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:**

03-08-2018:12:00:10

**Clerk Accepted:**

03-08-2018:12:00:45

**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

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:**

SEAN B. SULLIVAN, ESQ. for MICHAEL TODD  
BOTELHO

JOHN REESE PETTY, ESQ. for MICHAEL TODD  
BOTELHO

DIV. OF PAROLE & PROBATION

TERRENCE P. MCCARTHY, ESQ. for STATE  
OF NEVADA

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

GARY HOWARD HATLESTAD, ESQ.

STATE OF NEVADA for STATE OF NEVADA

MICHAEL TODD BOTELHO for MICHAEL TODD  
BOTELHO

1 **CODE 2540**  
2  
3  
45 **IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**  
6 **IN AND FOR THE COUNTY OF WASHOE**  
78 **MICHAEL T. BOTELHO,**9 **Petitioner,****Case No: CR03-2156**10 **vs.**11 **BENEDETTI, WARDEN,**  
12 **STATE OF NEVADA, ET AL,****Dept. No: 3**13 **Respondents.**  
14 \_\_\_\_\_15 **NOTICE OF ENTRY OF ORDER**  
1617 PLEASE TAKE NOTICE that on March 8, 2018, the Court entered a decision or  
18 order in this matter, a true and correct copy of which is attached hereto.19 You may appeal to the Supreme Court from the decision or Order of the Court. If  
20 you wish to appeal, you must file a Notice of Appeal with the Clerk of this Court within  
21 thirty-three (33) days after the date this notice is mailed to you. This Notice was deposited  
22 in the Washoe County mailing system for postage and mailing with the U.S. Postal Service  
23 in Reno, Nevada on March 19, 2018.  
2425 Dated March 19, 2018.  
2627 JACQUELINE BRYANT  
Clerk of the Court28 /s/ SM Wolfe



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; that on March 19, 2018, I electronically filed the Notice of Entry of Order with the Court System which will send a notice of electronic filing to the following:

SEAN SULLIVAN, ESQ. for MICHAEL TODD BOTELHO

JOHN PETTY, ESQ. for MICHAEL TODD BOTELHO

DIV. OF PAROLE & PROBATION

TERRENCE MCCARTHY, ESQ. for STATE OF NEVADA

I further certify that on March 19, 2018, I deposited in the Washoe County mailing system for postage and mailing with the U.S. Postal Service in Reno, Nevada, a true copy of the attached document, addressed to:

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

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

The undersigned does hereby affirm that pursuant to NRS 239B.030 and NRS 603A.040, the preceding document does not contain the personal information of any person.

Dated March 19, 2018.

/s/ SM Wolfe  
Deputy Clerk

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

9 **MICHAEL T. BOTELHO,**

10 **Petitioner,**

11 **vs.**

**Case No. CR03-2156**

12 **BENEDETTI, WARDEN**  
13 **STATE OF NEVADA et al.,**

**Dept. No. 3**

14 **Respondent.**  
15 \_\_\_\_\_ /

16 **ORDER**

17 Currently before the Court is MICHAEL T. BOTELHO'S ("Petitioner") MOTION FOR  
18 IMMEDIATE ISSUANCE OF CONTEMPT OF COURT filed January 10, 2018. RESPONDENT  
19 WASHOE COUNTY filed an OPPOSITION on January 12, 2018. The matter was submitted to the  
20 Court for consideration on February 15, 2018.

21  
22 Upon review of the record and pleadings, Petitioner's Motion is without merit, as there is no  
23 pending action in the case. The last action taken was the Supreme Court's dismissal of the appeal in  
24 September of 2017, and nothing has been filed since.  
25


26 //

27 //

Accordingly, and good cause appearing,

IT IS HEREBY ORDERED that the Petitioner's MOTION FOR IMMEDIATE ISSUANCE  
OF CONTEMPT OF COURT is DENIED.

Dated this 6th day of March, 2018.

  
JEROME POLAHA  
DISTRICT JUDGE

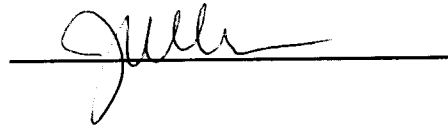
**CERTIFICATE OF MAILING**

I certify that I am an employee of the SECOND JUDICIAL DISTRICT COURT of the STATE OF NEVADA, COUNTY OF WASHOE; that on the 8 day of March, 2018, I did the following:

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

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

☒ Transmitted document to the Second Judicial District Court mailing system in a sealed envelope for postage and mailing by Washoe County using the United States Postal Service in Reno, Nevada:  
MICHAEL T. BOTELHO #80837  
NNCC PO Box 7000  
Carson City, NV 89702



**Return Of NEF****Recipients**

**TERRENCE MCCARTHY, ESQ.** - Notification received on 2018-03-19 11:35:46.246.

**JOHN PETTY, ESQ.** - Notification received on 2018-03-19 11:35:46.386.

**DIV. OF PAROLE & PROBATION** - Notification received on 2018-03-19 11:35:46.308.

**SEAN SULLIVAN, ESQ.** - Notification received on 2018-03-19 11:35:46.183.

**\*\*\*\*\* 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:**

03-19-2018:11:34:35

**Clerk Accepted:**

03-19-2018:11:35:16

**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 SWolfe

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:**

SEAN B. SULLIVAN, ESQ. for MICHAEL TODD  
BOTELHO

JOHN REESE PETTY, ESQ. for MICHAEL TODD  
BOTELHO

DIV. OF PAROLE & PROBATION

TERRENCE P. MCCARTHY, ESQ. for STATE  
OF NEVADA

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

GARY HOWARD HATLESTAD, ESQ.

STATE OF NEVADA for STATE OF NEVADA

MICHAEL TODD BOTELHO for MICHAEL TODD  
BOTELHO

MICHAEL T. BOTELHO # 80837  
 NNCC P.O. BOX 7000  
 CARSON CITY NV. 89702  
 IN PROPER PERSON

FILED

2018 APR -4 PM 1:02

JACQUELINE 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  
 APPEALANT

COURT CASE NO. CR03-2156

VS.

DEPT. NO. 3

STATE OF NEVADA  
 RESPONDENT /

NOTICE OF APPEAL DESIGNATION OF RECORD

NOTICE IS HEREBY GIVEN THAT MICHAEL T. BOTELHO PETITIONER IN PROPER  
 PERSON AND IN FORMA PAUPERIS HEREBY APPEALS THE BAD FAITH ORDER DISMISSING  
 BOTELHO'S MOTION FOR CONTEMPT ENTERED IN THIS "UN" HONORABLE COURT ON 3-8-2018,  
 AND HEREIN DESIGNATES THE [E]NTIRE RECORD ON APPEAL TO BE [E]RTIFIED BY THE  
 CLERK OF THIS DISTRICT COURT [ALL] MOTIONS, NOTICES, AFFIDAVITS, PLEADINGS, LETTERS,  
 AND TRANSCRIPTS. SEE INCLUDED AFFIDAVIT FILED HEREIN. IN SUPPORT OF N.O.A.

DATED 4-2-2018

*Michael T. Botelho*  
 MICHAEL T. BOTELHO # 80837  
 N.N.C.C. P.O. BOX 7000  
 CARSON CITY NEV. 89702  
 IN PROPER PERSON.

CR03-2156  
 STATE VS. MICHAEL TODD BOTELHO 3 Pages  
 District Court 04/04/2018 01:02 PM  
 Washoe County  
 NNCC  
 VVTT ORTC



AFFIRMATION AND CERTIFICATE OF SERVICE

I, MICHAEL T. BOTELHO, DO SWEAR UNDER PENALTY OF PERJURY THAT ALL STATEMENTS IN NOTICE OF APPEAL AND DESIGNATION OF RECORD ON APPEAL, HEREIN APPEALING DENIAL OF MOTION FOR CONTEMPT FILED BY THE WIDELY KNOWN TO BE DISHONORABLE SECOND JUDICIAL DIST. COURT ON 3-8-2018, ARE TRUE AND CORRECT PURSUANT TO NRS 208.165, 18 USC 1621 AND 28 USC 1746. THIS N.D.A. DOES NOT CONTAIN THE S.S.N. OF ANY PERSON.

I FURTHER CERTIFY THAT I MAILED A COMPLETE COPY OF NOA AND SUPPORTING AFFIDAVIT TO THIS COURT (POSTAGE BRASS SLIP NO. 2304157) AND TO THE ADDRESSED BELOW (POSTAGE BRASS SLIP NO. 2304169) BY PLACING SAME IN U.S. MAIL, VIA PRISON MAILBOX RULE (HOUSTON V. LACKS).

DATED 4-2-2018

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

IN PROPER PERSON

COPY MAILED TO:

WASHOE CO. DISTRICT ATTORNEY  
ATTN. CHRIS HICKS (ACTING WITHOUT VALID LAWFUL BOND)  
P.O. BOX 11130  
RENO NV. 89520-

AFFIDAVIT

STATE OF NEVADA )  
 ) SS. AFFIDAVIT OF:  
 COUNTY OF CARSON )

MICHAEL T. BATELHO IN SUPPORT OF  
 NOTICE OF APPEAL

TO WHOM THIS CONCERNS:

I, MICHAEL T. BATELHO, THE UNDERSIGNED, DO SWEAR UNDER THE PENALTY OF PERJURY, THAT ALL ASSERTIONS AND CLAIMS OF THIS AFFIDAVIT ARE TRUE AND CORRECT, PURSUANT TO NRS. 208.165, 184.561621 AND 284.561746.

THIS AFFIDAVIT IS GIVEN IN SUPPORT OF N.O.A. AS THE RESULT OF DISTRICT JUDGE PALAHAS ON GOING EFFORTS TO COVER FOR, SHIELD AND PROTECT THOSE INVOLVED IN THIS PERVERTED FUNDAMENTAL MISCARRIAGE OF JUSTICE SINCE 2003 AND FULLY SUPPORTED BY EVERY MOTION, PLEADING, EXHIBIT AND HABEAS CORPUS AND UNLAWFUL, INVALID, VOID, UNCONSTITUTIONAL CONVICTION, AND, SEE FRAUDULENT PSYCHOSEXUAL EVAL. ORDERED BY ALIADA 2-3 YRS AFTER THE FACT, COSTING \$5000.<sup>00</sup> FOR A \$500.<sup>00</sup> EVALUATION WHICH WAS GIVEN THAT WAS NOT APPLICABLE TO COVER UP THE INCOMPETENCY ISSUE(S) AND MAKING THE GUILTY PLEA VOID AND NOT HEARING ATTEMPT TO WITHDRAW PLEA, AS WELL AS THE CRIMES (FELONIES) COMMITTED BY THE W.C. SHERIFFS OFFICE INCLUDING TAMPERED WITH STATEMENTS, FRAUD, THEFT, COERCION, OPPRESSION, INTIMIDATION, KIDNAPPING, OBSTRUCTION OF JUSTICE; THE DISTRICT ATTORNEY KNOWING ABOUT IT THEN USING PERTURBED AFFIDAVITS FOR CRIMINAL COMPLAINT AND INVALID INDICTMENT AND INCOMPETENT EVIDENCE GIVEN THEREIN. FURTHERMORE, THE FRAUD, OBSTRUCTION AND COERCION BY TRIAL COUNSEL W.C. P.D. SEAN SULLIVAN AND WILLFUL FAILURE TO ADDRESS INEFFECTIVE ASST. CLAIMS FOR OBVIOUS REASONS, SO AS TO PROTECT THIS ILL-GOTTEN FRAUDULENT, VOID AND UNCONSTITUTIONAL CONVICTION AND SENTENCE THEREIN [.] THIS WILL NO DOUBT BE ANOTHER ATTEMPT TO DENY DUE PROCESS AND KEEP THIS LATEST ACTION SILENCED.

DATED 4-2-2018

(3 OF 3)

*Michael T. Batelho*  
 MICHAEL T. BATELHO # 80837  
 NNCC, P.O. Box 7000  
 CARSON-CITY, NV 89702  
 IN PROPER PERSON 1084

**Code 1310**

**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. 3**

**BENEDETTI, WARDEN**

**STATE OF NEVADA, et al.,**

**Respondent.**

\_\_\_\_\_ /

**CASE APPEAL STATEMENT**

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

1. Appellant is Michael T. Botelho.
2. This appeal is from an order entered by the Honorable Judge Jerome Polaha.
3. Appellant is representing himself in Proper Person on appeal. The Appellant's address is:  
  
Michael T. Botelho #80837  
N.N.C.C. P.O. Box 7000  
Carson City, Nevada 89702
4. Respondent is the State of Nevada. Respondent is represented by the Washoe County District Attorney's Office:  
  
Terrance McCarthy, Esq., SBN: 2745  
P.O. Box 11130  
Reno, Nevada 89520
5. Respondent's attorney is not licensed to practice law in Nevada: n/a

6. Appellant is represented by retained counsel in District Court.
7. Appellant is not represented by retained counsel on appeal.
8. Appellant was granted leave to proceed in forma pauperis in the District Court filed on February 17, 2010.
9. Proceeding commenced by the filing of an Indictment on October 8, 2003.
10. This is a criminal proceeding and the Appellant is appealing the Order filed March 8, 2018.
11. The case has been the subject of a previous appeal to the Supreme Court:  
Supreme Court No: 43247, 49586, 69046, 73331, 73593 and 75191
12. This case does not involve child custody or visitation.
13. This is not a civil case involving the possibility of a settlement.

Dated this 5th day of April, 2018.

Jacqueline Bryant  
Clerk of the Court

By: /s/ Yvonne Vilorio  
Yvonne Vilorio  
Deputy Clerk

Code 1350

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

MICHAEL T. BOTELHO,

Case No. CR03-2156

Petitioner,

Dept. No. 3

vs.

BENEDETTI, WARDEN  
STATE OF NEVADA, et al.,

Respondent.

\_\_\_\_\_ /

**CERTIFICATE OF CLERK AND TRANSMITTAL – NOTICE OF APPEAL**

I certify that I am an employee of the Second Judicial District Court of the State of Nevada, County of Washoe; that on the 5th day of April, 2018, I electronically filed the Notice of Appeal in the above entitled matter to the Nevada Supreme Court.

I further certify that the transmitted record is a true and correct copy of the original pleadings on file with the Second Judicial District Court.

Dated this 5th day of April, 2018

Jacqueline Bryant  
Clerk of the Court

By /s/ Yvonne Vilorio  
Yvonne Vilorio  
Deputy Clerk

**Return Of NEF****Recipients**

**TERRENCE MCCARTHY, ESQ.** - Notification received on 2018-04-05 08:25:46.639.

**JOHN PETTY, ESQ.** - Notification received on 2018-04-05 08:25:46.779.

**DIV. OF PAROLE & PROBATION** - Notification received on 2018-04-05 08:25:46.701.

**SEAN SULLIVAN, ESQ.** - Notification received on 2018-04-05 08:25:46.561.

**\*\*\*\*\* 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:**

04-05-2018:08:24:31

**Clerk Accepted:**

04-05-2018:08:25:08

**Court:**

Second Judicial District Court - State of Nevada

Criminal

**Case Title:**

STATE VS. MICHAEL TODD BOTELHO (D3)

**Document(s) Submitted:**

Case Appeal Statement

Certificate of Clerk

**Filed By:**

Deputy Clerk YViloria

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

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-

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

**The following people were served electronically:**

SEAN B. SULLIVAN, ESQ. for MICHAEL TODD  
BOTELHO

JOHN REESE PETTY, ESQ. for MICHAEL TODD  
BOTELHO

DIV. OF PAROLE & PROBATION

TERRENCE P. MCCARTHY, ESQ. for STATE  
OF NEVADA

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

GARY HOWARD HATLESTAD, ESQ.

STATE OF NEVADA for STATE OF NEVADA  
MICHAEL TODD BOTELHO for MICHAEL TODD  
BOTELHO



MICHAEL T. BOTELHO # 80837  
 NNCL P.O. Box 7000  
 CARSON CITY, NV. 89702  
 IN PROPER PERSON

FILED

2018 APR -6 PM 2:59

IN THE SECOND JUDICIAL DISTRICT COURT OF  
 STATE OF NEVADA

JACQUELINE BRYANT  
 CLERK OF THE COURT  
 BY: *[Signature]*  
 DEPUTY

CR03-2156 D3

MICHAEL T. BOTELHO # 80837  
 VICTIM

" JUSTICE COURT " CASE NO. RC03-011479

" JUSTICE COURT " DEPT. NO. 1

-VS-

STATE OF NEVADA ET AL.  
 RESPONDANT /

JUDICIAL NOTICE TO DISTRICT JUDGE POLAHA  
 FEDERAL RULE OF EVIDENCE RULE 201

YOU, JUDGE POLAHA, ARE NOTIFIED AGAIN, OF YET FURTHER OBSTRUCTION OF  
 JUSTICE, CONSPIRACY AND MAIL FRAUD PERPETRATED BY YOUR DISTRICT COURT CLERK  
 IN COLLUSION WITH THE JUSTICE COURT. THIS IS LEGAL FACT THAT YOU KEEP  
 FAILING TO ACT UPON SO AS TO PROTECT THOSE INVOLVED! AND YOURSELF!

ON 2-26-2018, I WROTE TO JUSTICE COURT ADMINISTRATOR DEXTER THOMAS, THAT  
 LETTER AND NOTIFICATION INFORMED HIM OF MOTION TO COMPEL I FILED (PRISON MAILBOX  
 RULE) IN NOVEMBER 2017. I ALSO ASKED FOR (4) JUSTICE COURT STAMPED & SIGNED  
 SUBPOENA DUCES TECUM(S) AND INFORMED HIM OF THE INSUFFICIENCY OF THE JUSTICE  
 COURT CLERKS BOND. INSTEAD OF ACTING ACCORDINGLY, HE HELD ONTO SAID  
 DOCUMENT FOR MORE THAN 30 DAYS THEN FORWARDED THE DOCUMENT TO THE  
 PREVIOUSLY PROVEN TO BE COMPROMISED SECOND JUDICIAL DISTRICT COURT CLERK.  
 THIS CLERK STATED IN RETURN NOTICE THAT THE 2ND J.D.C.T. RECEIVED THE "LETTER"  
 MARCH 29, 2018.

THE CLERK KNEW THE LETTER WAS WRITTEN TO THE JUSTICE COURT ABOUT MY "JUSTICE"  
 COURT CASE NO. RC03-011479, I KNOW EVEN YOU CAN UNDERSTAND WHAT THAT  
 MEANS. THE DISTRICT COURT CLERK READ THE LETTER AND [PRETENDED] THAT IT  
 WAS WRITTEN TO THE DISTRICT COURT THEN HAD THE NERVE TO SEND TO ME THE  
 FOLLOWING DOCUMENTS FROM MY BOGUS DISTRICT COURT CASE:

- (1) THE CLERK STATED "THE DOCUMENTS YOU HAVE REQUESTED ARE ENCLOSED"  
 (a) THAT WAS A LIE.....!  
 (b) HAD THE NERVE TO SAY MY CASE ONLY EXISTED IN 2<sup>ND</sup> JUD. DIST. COURT."
- (2) SENT WAS "DISTRICT" COURT DOCKET SHEETS, WHICH I DID "NOT" ASK FOR!
- (3) SENT WAS (4) "DISTRICT" COURT SUBPOENA FORMS AGAIN NOT ASKED FOR!  
 (a) ALSO THEY WERE NOT SIGNED, NOR EMBESS STAMPED, REGARDLESS!
- (4) THE CLERK FURTHER STATED "NO MOTION WAS FOUND FILED IN NOVEMBER 2017."  
 (a) OBVIOUSLY I DID NOT FILE SAID MOTION TO COMPEL IN DISTRICT COURT AS THIS CLERK WAS FULLY AWARE OF THE LEGAL FACT THAT SAID MOTION WAS A JUSTICE COURT MOTION [IN] JUSTICE COURT BECAUSE OF SAID LETTER-DOCUMENT.  
 (b) THIS CLERK KNEW NO JURISDICTION BY DIST. COURT EXISTED IN THIS MATTER!  
 (c) THIS CLERK KNEW THIS WAS FURTHER DILATORY AND OBSTRUCTIVE TACTICS USED TO CONTINUE TO PREVENT THE LEGAL FACTS AND TRUTH IN THIS CASE FROM COMING TO LIGHT-TO PROTECT THIS CASE AND THOSE INVOLVED.
- (5) THE DISTRICT COURT CLERK EVEN RETURNED THE "ORIGINAL LETTER/DOCUMENT I WROTE TO THE JUSTICE COURT ADMINISTRATOR". THIS PROVED THAT A CONSPIRACY TOOK PLACE AND HE/SHE USED THIS LETTER TO FURTHER OBSTRUCT THE NECESSARY JUSTICE IN THIS CASE THEN RETURNED IT TO ME UNSTAMPED SO THERE WOULD BE NO TRAIL BACK TO THE CLERK BUT THE RETURN NOTICE AND THE REDICULOUS DOCUMENTS SENT TO ME PROVE THE ACTS AND ACTIONS THEREIN.

UNFORTUNATELY, YOU JUDGE POLAKA, HAVE A WELL "DOCUMENTED" HISTORY OF PREJUDICE, BIAS, PROTECTING THOSE INVOLVED, IGNORING "ALL" THE LEGAL FACTS AND MY CONSTITUTIONAL AND STATUTORY RIGHTS, REGARDLESS, AS WELL AS THE FRAUD "YOU" COMMITTED BY FURTHER COVERING UP THE COMPETENCY ISSUE AND THE TAINTED/VOID, GUILTY PLEA, AS WELL AS THE REPEATED N.O.A. CRIMES WITH YOUR KNOWING

YOU JUDGE POLAKA HAVE BEEN SO ADVISED OF WHAT IS NOW TAKING PLACE RIGHT UNDER YOUR NOSE AND PROBABLY WITH YOUR BLESSING!

YOU AND THIS COURT ARE FACTUALLY COMPROMISED AS DEFINED BY BLACKS LAW DEFINITION. THIS IS A MATTER OF RECORD IN MY CASE. (EMPHASIS ASSERTED)

DATED 4-4-2018

*Michael T. Petelko*  
 MICHAEL T. PETELKO # 80837  
 NNCC, P.O. BOX 7800  
 CARSON-CITY, NV-89702  
 IN PROPER PER V6. 1092

AFFIDAVIT

STATE OF NEVADA }  
COUNTY OF CARSON }

S.S. AFFIDAVIT OF: MICHAEL T. BOTELHO IN  
SUPPORT OF JUDICIAL NOTICE

TO: DISTRICT JUDGE PALAHA

I, MICHAEL T. BOTELHO, THE UNDERSIGNED, DO SWEAR UNDER PENALTY OF PERJURY,  
THAT [ALL] ASSERTION(S) AND CLAIMS OF THIS AFFIDAVIT ARE TRUE AND CORRECT,  
PURSUANT TO NRS. 209.165, 18 USC 1621 AND 28 USC 1746. EVEN THOUGH IGNORED BY YOU!

THIS AFFIDAVIT IS GIVEN IN SUPPORT OF NECESSARY "JUDICIAL NOTICE" AS A  
DIRECT RESULT OF THE DISTRICT COURT CLERK'S ON-GOING EFFORTS TO COVER-UP  
THIS [P]ERVERTED FUNDAMENTAL MISCARRIAGE OF JUSTICE SINCE 2003 AND  
SUPPORTED BY EVERY MOTION, JUDICIAL NOTICE(S), PLEADINGS AND EXHIBITS AS WELL  
AS THE APPEALS THIS DISTRICT COURT HAS TAMPERED WITH TO PREVENT THE TRUTH AND  
ALL THE LEGAL FACTS FROM BEING LAWFULLY AND [C]ORRECTLY ADDRESSED IN THE  
NECESSARY FAIR AND EQUAL JUSTICE [R]EQUIRED BY LAW [.]

THE DISTRICT COURT CLERK IS [A]GAIN GUILTY OF COMPROMISING AND OBSTRUCTING  
MY EFFORTS TO OBTAIN THE JUSTICE FOR "ALL" AS REQUIRED BY LAW. THE CLERK HAD NO  
AUTHORITY, NOR JURISDICTION IN THIS MATTER, YET CHOSE TO COMPROMISE MY  
LEGAL EFFORTS, COMMIT FRAUD OF MAIL 18 USC 1341, FALSIFY THE FACTS, LIE AND FAKE  
THE APPEARANCE OF DOING HIS/HER DUTY AND THEREBY ALTERING THE RECORD AND  
FORWARDING WRONG DOCUMENTS AND SUBPOENAS, KNOWING THEY WERE FROM THE  
WRONG COURT JURISDICTION, NOR SIGNED? STAMPED AS REQUIRED, MAKING THEM  
UNUSABLE, REGARDLESS! THIS IS OUTRIGHT MAIL FRAUD, TAMPERING WITH DOCUMENTS,  
CONSPIRACY, OBSTRUCTION OF JUSTICE AND ITS MY BELIEF THAT THE CLERK  
ACTED UNDER SOMEONE ELSE'S DIRECTION, PRESUMABLY JUDGE PALAHA, BECAUSE OF  
HIS REPEATED EFFORTS TO LIE DISTORT THE TRUTH OR JUST IGNORE THE TRUTH, FACTS  
AND RECORD INCLUDING AFFIDAVITS TO PROTECT THE CASE AND ULTIMATELY HIMSELF.

DATED 4-4-2018

3

Michael T. Botelho  
MICHAEL T. BOTELHO # 80837  
NCC P.O. BOX 706  
CARSON CITY, NV. 89102  
V6. 1093

**IN THE SUPREME COURT OF THE STATE OF NEVADA  
OFFICE OF THE CLERK**

MICHAEL TODD BOTELHO,  
Appellant,  
vs.  
BENEDETTI, WARDEN; AND THE STATE OF  
NEVADA,  
Respondents.

**Supreme Court No. 75527**  
District Court Case No. CR032156

03

**RECEIPT FOR DOCUMENTS**

TO: Michael Todd Botelho  
Washoe County District Attorney \ Terrence P. McCarthy, Deputy District Attorney  
Jacqueline Bryant, Washoe District Court Clerk ✓

You are hereby notified that the Clerk of the Supreme Court has received and/or filed the following:

04/06/2018 Appeal Filing Fee waived. Criminal.

04/06/2018 Filed Notice of Appeal/Proper Person. Appeal docketed in the Supreme Court this day.

DATE: April 06, 2018

Elizabeth A. Brown, Clerk of Court  
lh

**Return Of NEF****Recipients**

**TERRENCE MCCARTHY, ESQ.** - Notification received on 2018-04-09 13:53:43.068.

**JOHN PETTY, ESQ.** - Notification received on 2018-04-09 13:53:43.879.

**DIV. OF PAROLE & PROBATION** - Notification received on 2018-04-09 13:53:43.816.

**SEAN SULLIVAN, ESQ.** - Notification received on 2018-04-09 13:53:42.99.

**\*\*\*\*\* 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:**

04-09-2018:13:52:41

**Clerk Accepted:**

04-09-2018:13:53:10

**Court:**

Second Judicial District Court - State of Nevada  
Criminal

**Case Title:**

STATE VS. MICHAEL TODD BOTELHO (D3)

**Document(s) Submitted:**

Supreme Court Receipt for Doc

**Filed By:**

Deputy Clerk YViloria

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

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-

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

**The following people were served electronically:**

SEAN B. SULLIVAN, ESQ. for MICHAEL TODD  
BOTELHO

JOHN REESE PETTY, ESQ. for MICHAEL TODD  
BOTELHO

DIV. OF PAROLE & PROBATION

TERRENCE P. MCCARTHY, ESQ. for STATE  
OF NEVADA

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

GARY HOWARD HATLESTAD, ESQ.

STATE OF NEVADA for STATE OF NEVADA

MICHAEL TODD BOTELHO for MICHAEL TODD  
BOTELHO

MICHAEL T. BOTELHO # 80837  
 NVCC P.O. Box 7000  
 CARSON CITY, NV. 89702  
 IN PROPER PERSON

FILED

45

2018 APR 11 AM 9:41

*Smw...*  
 JACQUELINE BRYANT  
 CLERK OF THE COURT

IN THE SECOND JUDICIAL DISTRICT COURT OF WASHOE COUNTY  
 STATE OF NEVADA. BY

CR03-2156

MICHAEL T. BOTELHO  
 PETITIONER

" JUSTICE " COURT CASE NO. RCRO3-011479 D3

" JUSTICE " COURT DEPT. NO. 1

VS.

STATE OF NEVADA  
 RESPONDENT /

MOTION TO TRANSPORT

COMES MICHAEL T. BOTELHO, PETITIONER, IN PROPER PERSON AND IN FORMA PAUPERIS,  
 BRINGING FORTH NECESSARY MOTION TO TRANSPORT HIM TO SECOND JUD. DIST. COURT  
 FOR IN PERSON DUE PROCESS HEARING REGARDING JUDICIAL NOTICE PRESENTED TO  
 JUDGE POLANA, AND THE EVIDENCE AND CLAIMS ASSERTED THEREIN, ON APRIL 4, 2018;  
 PURSUANT TO FEDERAL RULES OF EVIDENCE RULE 201. AND AS LAW AND JUSTICE  
 REQUIRE TO ESTABLISH THE FACTS AS PRESENTED IN JUDICIAL NOTICE.

BOTELHO HAS A RIGHT TO BE PRESENT AND HEARD ON THE FACTS PRESENTED IN  
 JUDICIAL NOTICE. SEE U.S. V. RITCHIE, 342 F3d 903 (2003); AMADASI V. CHRIST HOSP.  
514 F3d 504 (2008); AND IN RE KING RESOURCES V. BAER, 657 F2d 1326 (1980)  
 FED. RULE OF EVID. 201 PROVIDES THAT A COURT MAY TAKE JUDICIAL NOTICE OF AN  
 ADJUDICATIVE FACT. FURTHERMORE THE PARTIES ARE ENTITLED UPON TIMELY REQUEST  
 TO AN OPPORTUNITY TO BE HEARD AS TO THE PROPRIETY OF TAKING JUDICIAL  
 NOTICE. SEE RULE 201 (2) OPPORTUNITY TO BE HEARD.

THE DISTRICT COURT CLERK HAS YET AGAIN INTERFERED WITH AND OBSTRUCTED IN  
 BOTELHO'S CASE, HAS CONSPIRED AND LIED, AND COMMITTED MAIL FRAUD, AND THIS COURT  
 MUST NOT SUBVERT THE NECESSARY HEARING AND FACT FINDING PROCESS YET AGAIN, SO  
 AS TO [A]GAIN IGNORE, ALTER AND WHOLLY DENY THE RELEVANT MATERIAL FACTS TO  
 AGAIN PROTECT THOSE INVOLVED, INCLUDING JUDGE POLANA, TO PROTECT THE FRAUDULENT

CR03-2156  
 DC-099000086544-019  
 STATE VS. MICHAEL TODD BOTELHO 3 Pages  
 District Court 04/11/2018 09:41 AM  
 Washoe County 2490  
 DOC



CONVICTION.

JUDGE POLAKA HAS A LONG DOCUMENTED HISTORY OF TWISTING AND IGNORING FACTS AND PRESENTED [I]LEGAL EVIDENCE AND HAS EACH TIME HID BEHIND HIS BLACK ROBE HE SO UNJUSTLY WEARS, WHILE IGNORING RULES, STATUTES, CODE OF ETHICS AND CONDUCT, AS WELL AS BOTELHO'S NV. & U.S. CONSTITUTIONAL RIGHTS INCLUDING PROCEDURAL AND SUBSTANTIVE DUE PROCESS OF LAW, TO PROTECT HIMSELF AND OTHERS, TO PROTECT THIS CONVICTION GLEENED BY POLAKA'S PERVERTED FUNDAMENTAL MISCARriage OF JUSTICE

THE FACTS ARE IN THE COURT RECORD, REGARDLESS OF HOW MUCH THE CLERK ALTERS & TAMPERS WITH IT TO KEEP THE PUBLIC AT BAY FROM ITS UNLAWFUL ACTION(S) AND NECESSARY PROSECUTION OF THOSE INVOLVED.

BOTELHO MUST BE TRANSFERRED TO OPEN COURT ON THE RECORD TO EXPOSE WHAT HAS BEEN DONE TO HIM YET AGAIN, AS LAW AND JUSTICE CLEARLY REQUIRE!

AFFIRMATION & CERTIFICATE OF SERVICE

I, MICHAEL T. BOTELHO DO SWEAR UNDER PENALTY OF PERJURY THAT ALL STATEMENTS IN MOTION TO TRANSFER FOR IN PERSON HEARINGS ARE TRUE AND CORRECT PURSUANT TO NRS 208.165, 18 USC 1621 AND 28 USC 1746. THIS MOTION DOES NOT CONTAIN THE S.S.N. OF ANY PERSON.

I FURTHER CERTIFY THAT I MAILED A COMPLETE COPY OF MOTION TO TRANSFER & AFFIDAVIT TO THIS COURT AND AS ADDRESSED BELOW BY PLACING SAME IN U.S. MAIL VIA PRISON MAILBOX RULE (HOUSTON V. LACKS)

DATED 4-5-2018

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

SENT TO:

WASHOE CO. DISTRICT ATTORNEY  
ATTN: CHRIS HICKS - ACTING WITHOUT LAWFUL BOND  
P.O. BOX 11130  
RENO, NV, 89520

IN PROPER PERSON

AFFIDAVIT

STATE OF NEVADA }  
 COUNTY OF CARSON } SS. AFFIDAVIT OF: MICHAEL T. BOTELHO IN SUPPORT OF  
 MOTION TO TRANSPORT ABOUT EVIDENCE  
 PERTAINING TO JUDICIAL NOTICE.

TO JUDGE PALAHA

I, MICHAEL T. BOTELHO, THE UNDERSIGNED, DO SWEAR UNDER PENALTY OF PERJURY,  
 THAT ALL ASSERTIONS AND CLAIMS OF THIS AFFIDAVIT ARE TRUE AND CORRECT, PURSUANT  
 TO NRS 208.165, 1845C 1621 AND 2845C 1746.

THIS AFFIDAVIT IS GIVEN IN SUPPORT OF MOTION TO TRANSPORT FOR DETERMINATION  
 ON THE MERITS OF JUDICIAL NOTICE "MAILBOX" FILED ON 4-4-2018.

I AM FORCED TO DEMAND TRANSPORT FOR HEARING IN OPEN COURT ON ACTS &  
 ACTION(S) AGAIN PERPETRATED AGAINST ME. THE DISTRICT COURT CLERK HAS AGAIN BEEN  
 COMPROMISED, THEREIN OBSTRUCTING JUSTICE, LYING AND ACTING WITHOUT AUTHORITY,  
 AND JURISDICTION TO KEEP ME FROM GETTING TO THE TRUTH AND THEREIN  
 EXPOSING THE FRAUD PERPETRATED BY W.C. SHERIFFS OFFICE, THE PROSECUTOR,  
 MY FORMER ATTORNEY(S) AND JUDGE PALAHA HIMSELF.

FRAUD, OBSTRUCTION OF JUSTICE, CONSPIRACY AND MISPRISON OF FELONY HAS  
 REPEATEDLY OCCURRED AND THE DISTRICT COURT CLERK HAS BEEN INVOLVED FROM  
 THE BEGINNING AND I ASSERT THAT IT WAS MOST LIKELY DONE UNDER JUDGE  
 PALAHAS DIRECTION. THE TIME OF COVERING UP AND COVERING FOR THOSE INVOLVED  
 MUST BE AT AN END OTHERWISE THE LAW OUR CONSTITUTION'S & DEMOCRACY  
 ARE A JOKE AND NON-EXISTANT! I PRAY THAT OUR JUSTICE SYSTEM IN NEVADA  
 IS NOT YET COMPLETELY COMPROMISED AND CORRUPTED!

THIS HEARING IS NECESSARY TO PROVE WHAT'S HAPPENED YET AGAIN. FOR THE  
 ALREADY PROVEN TO BE DISGRACED JUDGE PALAHA TO AGAIN DO ANY LESS, WILL  
 FURTHER PROVE HIS COVERING UP AND OBSTRUCTING JUSTICE INSPIE OF WHAT THE  
 LAW & JUSTICE CLEARLY REQUIRE AS A MATTER OF LAW.

DATED 4-5-2018

*Michael T. Botelho*  
 MICHAEL T. BOTELHO # 80837  
 NINEL P.O. BOX 1100  
 CARSON CITY, NV 89701

## IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL TODD BOTELHO,  
Appellant,  
vs.  
JAMES BENEDETTI, WARDEN; AND  
THE STATE OF NEVADA,  
Respondents.

CR03-2156  
No. 75191 03

FILED

APR 16 2018

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is a pro se appeal from a district court “[fraudulent] order [a]llegedly filed in July 2017 but not [r]eceived...until 1-16-2018.” Second Judicial District Court, Washoe County; Jerome M. Polaha, Judge.

This court’s review of this appeal reveals a jurisdictional defect. Review of the district court minute entries do not indicate that the district court entered any appealable order from which this court can exercise its appellate jurisdiction. To the extent that appellant appeals from the order denying a “motion to dismiss all charges with prejudice for the lack of subject matter jurisdiction of district court,” the notice of appeal was untimely filed, and no statute or court rule provides for an appeal from such an order. *Lozada v. State*, 110 Nev. 349, 352, 871 P.2d 944, 946 (1994) (an untimely notice of appeal fails to vest jurisdiction in this court); *Castillo v. State*, 106 Nev. 349, 352, 792 P.2d 1133, 1135 (1990) (right to appeal is

statutory; where no statute or court provides for an appeal, no right to appeal exists). Accordingly, we

ORDER this appeal DISMISSED.<sup>1</sup>

Cherry, J.  
Cherry

Parraguirre, J.  
Parraguirre

Stiglich, J.  
Stiglich

cc: Hon. Jerome M. Polaha, District Judge  
Michael Todd Botelho  
Attorney General/Carson City  
Washoe County District Attorney  
Washoe District Court Clerk

---

<sup>1</sup>Given this order, we take no action on the pro se document filed on March 13, 2018.

**Return Of NEF****Recipients**

**TERRENCE MCCARTHY, ESQ.** - Notification received on 2018-04-17 14:58:40.137.

**JOHN PETTY, ESQ.** - Notification received on 2018-04-17 14:58:43.319.

**DIV. OF PAROLE & PROBATION** - Notification received on 2018-04-17 14:58:42.383.

**SEAN SULLIVAN, ESQ.** - Notification received on 2018-04-17 14:58:38.296.

\*\*\*\*\* 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:

04-17-2018:14:56:21

Clerk Accepted:

04-17-2018:14:57:20

Court:

Second Judicial District Court - State of Nevada  
Criminal

Case Title:

STATE VS. MICHAEL TODD BOTELHO (D3)

Document(s) Submitted:

Supreme Ct Ord Dismis Appeal

Filed By:

Deputy Clerk YViloria

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:**

SEAN B. SULLIVAN, ESQ. for MICHAEL TODD  
BOTELHO

JOHN REESE PETTY, ESQ. for MICHAEL TODD  
BOTELHO

DIV. OF PAROLE & PROBATION

TERRENCE P. MCCARTHY, ESQ. for STATE  
OF NEVADA

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

GARY HOWARD HATLESTAD, ESQ.

STATE OF NEVADA for STATE OF NEVADA

MICHAEL TODD BOTELHO for MICHAEL TODD  
BOTELHO

## IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL TODD BOTELHO,  
Appellant,  
vs.  
BENEDETTI, WARDEN; AND THE  
STATE OF NEVADA,  
Respondents.

CR03-2156  
No. 75527 03**FILED**

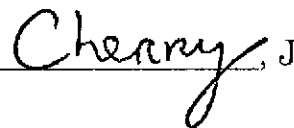
MAY 11 2018

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY  DEPUTY CLERK*ORDER DISMISSING APPEAL*

This is a pro se appeal from a district court order denying a motion for immediate issuance of contempt of court. Second Judicial District Court, Washoe County; Jerome M. Polaha, Judge.

Because no statute or court rule permits an appeal from the aforementioned order, we lack jurisdiction. *Castillo v. State*, 106 Nev. 349, 352, 792 P.2d 1133, 1135 (1990). Accordingly, we

ORDER this appeal DISMISSED.

 J.  
Cherry

 J.  
Parraguirre

 J.  
Stiglich

cc: Hon. Jerome M. Polaha, District Judge  
Michael Todd Botelho  
Attorney General/Carson City  
Washoe County District Attorney  
Washoe District Court Clerk



**Return Of NEF****Recipients**

**TERRENCE MCCARTHY, ESQ.** - Notification received on 2018-05-15 09:57:05.178.

**JOHN PETTY, ESQ.** - Notification received on 2018-05-15 09:57:05.334.

**DIV. OF PAROLE & PROBATION** - Notification received on 2018-05-15 09:57:05.256.

**SEAN SULLIVAN, ESQ.** - Notification received on 2018-05-15 09:57:05.116.

**\*\*\*\*\* 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:**

05-15-2018:09:55:59

**Clerk Accepted:**

05-15-2018:09:56:39

**Court:**

Second Judicial District Court - State of Nevada  
Criminal

**Case Title:**

STATE VS. MICHAEL TODD BOTELHO (D3)

**Document(s) Submitted:**

Supreme Ct Ord Dismis Appeal

**Filed By:**

Deputy Clerk YViloria

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:**

SEAN B. SULLIVAN, ESQ. for MICHAEL TODD  
BOTELHO

JOHN REESE PETTY, ESQ. for MICHAEL TODD  
BOTELHO

DIV. OF PAROLE & PROBATION

TERRENCE P. MCCARTHY, ESQ. for STATE  
OF NEVADA

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

GARY HOWARD HATLESTAD, ESQ.

STATE OF NEVADA for STATE OF NEVADA

MICHAEL TODD BOTELHO for MICHAEL TODD  
BOTELHO

**IN THE SUPREME COURT OF THE STATE OF NEVADA**

MICHAEL TODD BOTELHO,  
Appellant,  
vs.  
JAMES BENEDETTI, WARDEN; AND THE  
STATE OF NEVADA,  
Respondents.

**Supreme Court No. 75191**  
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: May 11, 2018

Elizabeth A. Brown, Clerk of Court

By: Amanda Ingersoll  
Chief 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 Elizabeth A. Brown, Clerk of the Supreme Court of the State of Nevada, the  
REMITTITUR issued in the above-entitled cause, on MAY 15 2018.

  
District Court Clerk

**IN THE SUPREME COURT OF THE STATE OF NEVADA**

MICHAEL TODD BOTELHO,  
Appellant,  
vs.  
JAMES BENEDETTI, WARDEN; AND THE  
STATE OF NEVADA,  
Respondents.

**Supreme Court No. 75191**  
District Court Case No. CR032156

D3

**CLERK'S CERTIFICATE**

STATE OF NEVADA, ss.

I, Elizabeth A. Brown, 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 this appeal DISMISSED."

Judgment, as quoted above, entered this 16th day of April, 2018.

IN WITNESS WHEREOF, I have subscribed  
my name and affixed the seal of the Supreme  
Court at my Office in Carson City, Nevada this  
May 11, 2018.

Elizabeth A. Brown, Supreme Court Clerk

By: Amanda Ingersoll  
Chief Deputy Clerk



## IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL TODD BOTELHO,  
Appellant,  
vs.  
JAMES BENEDETTI, WARDEN; AND  
THE STATE OF NEVADA,  
Respondents.

CR03-2156  
No. 75191 03

FILED

APR 16 2018

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

## ORDER DISMISSING APPEAL

This is a pro se appeal from a district court "[fraudulent] order [a]llegedly filed in July 2017 but not [r]eceived...until 1-16-2018." Second Judicial District Court, Washoe County; Jerome M. Polaha, Judge.

This court's review of this appeal reveals a jurisdictional defect. Review of the district court minute entries do not indicate that the district court entered any appealable order from which this court can exercise its appellate jurisdiction. To the extent that appellant appeals from the order denying a "motion to dismiss all charges with prejudice for the lack of subject matter jurisdiction of district court," the notice of appeal was untimely filed, and no statute or court rule provides for an appeal from such an order. *Lozada v. State*, 110 Nev. 349, 352, 871 P.2d 944, 946 (1994) (an untimely notice of appeal fails to vest jurisdiction in this court); *Castillo v. State*, 106 Nev. 349, 352, 792 P.2d 1133, 1135 (1990) (right to appeal is:

statutory; where no statute or court provides for an appeal, no right to appeal exists). Accordingly, we

ORDER this appeal DISMISSED.<sup>1</sup>

Cherry, J.  
Cherry

Parraguirre, J.  
Parraguirre

Stiglich, J.  
Stiglich

cc: Hon. Jerome M. Polaha, District Judge  
Michael Todd Botelho  
Attorney General/Carson City  
Washoe County District Attorney  
Washoe District Court Clerk

---

<sup>1</sup>Given this order, we take no action on the pro se document filed on March 13, 2018.

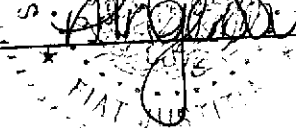
**CERTIFIED COPY**

This document is a true and correct copy of  
the original on file and on record in my office.

DATE: 5/11/18

Supreme Court Clerk, State of Nevada

By [Signature] Deputy





**Return Of NEF****Recipients**

**TERRENCE MCCARTHY, ESQ.** - Notification received on 2018-05-15 09:59:54.895.

**JOHN PETTY, ESQ.** - Notification received on 2018-05-15 09:59:55.035.

**DIV. OF PAROLE & PROBATION** - Notification received on 2018-05-15 09:59:54.957.

**SEAN SULLIVAN, ESQ.** - Notification received on 2018-05-15 09:59:54.832.

**\*\*\*\*\* 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:**

05-15-2018:09:58:31

**Clerk Accepted:**

05-15-2018:09:59:08

**Court:**

Second Judicial District Court - State of Nevada  
Criminal

**Case Title:**

STATE VS. MICHAEL TODD BOTELHO (D3)

**Document(s) Submitted:**

Supreme Court Remittitur  
Supreme Ct Clk's Cert & Judg  
Supreme Ct Ord Dismis Appeal

**Filed By:**

Deputy Clerk YViloria

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.

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BOTELHO

JOHN REESE PETTY, ESQ. for MICHAEL TODD  
BOTELHO

DIV. OF PAROLE & PROBATION

TERRENCE P. MCCARTHY, ESQ. for STATE  
OF NEVADA

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STATE OF NEVADA for STATE OF NEVADA

MICHAEL TODD BOTELHO for MICHAEL TODD  
BOTELHO

**IN THE SUPREME COURT OF THE STATE OF NEVADA**

MICHAEL TODD BOTELHO,  
Appellant,  
vs.  
BENEDETTI, WARDEN; AND THE STATE OF  
NEVADA,  
Respondents.

**Supreme Court No. 75527**  
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 05, 2018

Elizabeth A. Brown, Clerk of Court

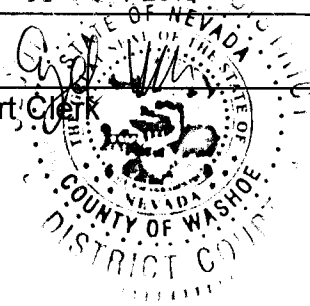
By: Amanda Ingersoll  
Chief Deputy Clerk

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 Elizabeth A. Brown, Clerk of the Supreme Court of the State of Nevada, the  
REMITTITUR issued in the above-entitled cause, on JUN 06 2018

District Court Clerk



**IN THE SUPREME COURT OF THE STATE OF NEVADA**

MICHAEL TODD BOTELHO,  
Appellant,  
vs.  
BENEDETTI, WARDEN; AND THE STATE OF  
NEVADA,  
Respondents.

**Supreme Court No. 75527**  
District Court Case No. CR032156

03

**CLERK'S CERTIFICATE**

STATE OF NEVADA, ss.

I, Elizabeth A. Brown, 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 this appeal DISMISSED."

Judgment, as quoted above, entered this 11th day of May, 2018.

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 05, 2018.

Elizabeth A. Brown, Supreme Court Clerk

By: Amanda Ingersoll  
Chief Deputy Clerk



## IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL TODD BOTELHO,  
Appellant,  
vs.  
BENEDETTI, WARDEN; AND THE  
STATE OF NEVADA,  
Respondents.

CR03.2156  
No. 75527 03

**FILED**

MAY 11 2018

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY [Signature]  
DEPUTY CLERK

## ORDER DISMISSING APPEAL

This is a pro se appeal from a district court order denying a motion for immediate issuance of contempt of court. Second Judicial District Court, Washoe County; Jerome M. Polaha, Judge.

Because no statute or court rule permits an appeal from the aforementioned order, we lack jurisdiction. *Castillo v. State*, 106 Nev. 349, 352, 792 P.2d 1133, 1135 (1990). Accordingly, we

ORDER this appeal DISMISSED.

Cherry, J.  
Cherry

Parraguirre, J.  
Parraguirre

Stiglich, J.  
Stiglich

cc: Hon. Jerome M. Polaha, District Judge  
Michael Todd Botelho  
Attorney General/Carson City  
Washoe County District Attorney  
Washoe District Court Clerk

**CERTIFIED COPY**

This document is a full, true and correct copy of  
the original on file and of record in my office.

DATE: \_\_\_\_\_  
Supreme Court Clerk, State of Nevada  
By \_\_\_\_\_ Deputy

