

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 7 OF 12

DOCUMENTS

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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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 SUPREME COURT NO: 83996  
 DISTRICT CASE NO: CR03-2156  
 THE STATE OF NEVADA vs MICHAEL TODD BOTELHO  
 DATE: JANUARY 26, 2022

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 SUPREME COURT NO: 83996  
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 THE STATE OF NEVADA vs MICHAEL TODD BOTELHO  
 DATE: JANUARY 26, 2022

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APPEAL INDEX  
 SUPREME COURT NO: 83996  
 DISTRICT CASE NO: CR03-2156  
 THE STATE OF NEVADA vs MICHAEL TODD BOTELHO  
 DATE: JANUARY 26, 2022

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**Return Of NEF**

<b>Recipients</b>	
<b>TERRENCE MCCARTHY, ESQ.</b>	- Notification received on 2018-06-06 14:06:51.417.
<b>JOHN PETTY, ESQ.</b>	- Notification received on 2018-06-06 14:06:51.463.
<b>DIV. OF PAROLE &amp; PROBATION</b>	- Notification received on 2018-06-06 14:06:51.448.
<b>SEAN SULLIVAN, ESQ.</b>	- Notification received on 2018-06-06 14:06:51.401.

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

06-06-2018:14:05:44

**Clerk Accepted:**

06-06-2018:14:06:15

**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 Dismiss Appeal

**Filed By:**

Deputy Clerk CVera

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,  
Petitioner,  
vs.  
THE SECOND JUDICIAL DISTRICT COURT  
OF THE STATE OF NEVADA, IN AND FOR  
THE COUNTY OF WASHOE,  
Respondent.

**Supreme Court No. 77004**  
District Court Case No. CR032156

D3

**RECEIPT FOR DOCUMENTS**

TO: Michael Todd Botelho  
Jacqueline Bryant, Washoe District Court Clerk ✓

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

- 09/21/2018      Petition Filing Fee waived. Criminal.
- 09/21/2018      Filed Proper Person Petition for Writ. Application for Extraordinary Writ of Mandamus to Compel the Second Judicial District Court to Comply with Nevada Law the U.S. and Nevada Constitution(s) and Order Botelhos Immediate Release on Double Jeopardy Grounds.

DATE: September 21, 2018

Elizabeth A. Brown, Clerk of Court  
lh

**Return Of NEF**

<b>Recipients</b>	
<b>JENNIFER NOBLE, ESQ.</b>	- Notification received on 2018-09-24 14:15:54.064.
<b>JOHN PETTY, ESQ.</b>	- Notification received on 2018-09-24 14:15:55.327.
<b>DIV. OF PAROLE &amp; PROBATION</b>	- Notification received on 2018-09-24 14:15:55.296.
<b>SEAN SULLIVAN, ESQ.</b>	- Notification received on 2018-09-24 14:15:54.032.

\*\*\*\*\* 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:

09-24-2018:14:14:13

Clerk Accepted:

09-24-2018:14:15:00

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 CVera

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

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-

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

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SEAN B. SULLIVAN, ESQ. for MICHAEL TODD  
BOTELHO

JENNIFER P. NOBLE, 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.

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,  
Petitioner,  
vs.  
THE SECOND JUDICIAL DISTRICT COURT  
OF THE STATE OF NEVADA, IN AND FOR  
THE COUNTY OF WASHOE,  
Respondent.

**Supreme Court No. 77004**  
District Court Case No. CR032156

D3

**NOTICE OF TRANSFER TO THE COURT OF APPEALS**

TO: Michael Todd Botelho  
Attorney General/Carson City \ Adam Paul Laxalt, Attorney General  
Jacqueline Bryant, Washoe District Court Clerk

Pursuant to NRAP 17(b), the Supreme Court has decided to transfer this matter to the Court of Appeals. Accordingly, any filings in this matter from this date forward shall be entitled "In the Court of Appeals of the State of Nevada." NRAP 17(e).

DATE: October 04, 2018

Elizabeth A. Brown, Clerk of Court

By: Amanda Ingersoll  
Chief Deputy Clerk

Notification List

Electronic  
Attorney General/Carson City \ Adam Paul Laxalt, Attorney General

Paper  
Michael Todd Botelho  
Jacqueline Bryant, Washoe District Court Clerk

**Return Of NEF**

<b>Recipients</b>	
<b>JENNIFER NOBLE, ESQ.</b>	- Notification received on 2018-10-09 13:22:22.168.
<b>JOHN PETTY, ESQ.</b>	- Notification received on 2018-10-09 13:22:22.215.
<b>DIV. OF PAROLE &amp; PROBATION</b>	- Notification received on 2018-10-09 13:22:22.199.
<b>SEAN SULLIVAN, ESQ.</b>	- Notification received on 2018-10-09 13:22:22.152.

\*\*\*\*\* 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:** 10-09-2018:13:21:10  
**Clerk Accepted:** 10-09-2018:13:21:53  
**Court:** Second Judicial District Court - State of Nevada  
Criminal  
**Case Title:** STATE VS. MICHAEL TODD BOTELHO (D3)  
**Document(s) Submitted:** Supreme Court Notice  
**Filed By:** Deputy Clerk 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  
JENNIFER P. NOBLE, 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.  
STATE OF NEVADA for STATE OF NEVADA

MICHAEL TODD BOTELHO for MICHAEL TODD  
BOTELHO

CR03-2156 DC-0900087532-041  
STATE VS. MICHAEL TODD BOTELHO 2 Pages  
District Court 10/19/2018 08:49 AM  
Washoe County 1930

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Code 1930

FILED

2018 OCT 19 AM 8:49

JACQUELINE BRYANT  
CLERK OF THE COURT  
BY [Signature]  
DEPUTY

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

STATE OF NEVADA ,

Plaintiff(s),

Case No. CR03-2156

vs.

Dept. No. 3

MICHAEL T BOTELHO,

Defendant(s).

LETTER FROM DEFENDANT

V7. 1134 MICHAEL T. BOTELHO # 80837  
NINCC P.O. BOX 7000  
CARSON CITY, NV. 89702  
IN PROPER PERSON

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

Michael T. Botelho  
VICTIM/PETITIONER

JUSTICE COURT CASE NO. RCRC03-011479

DEPT. NO. I

-VS-

CHUCK ALLEN, SHERIFF  
STATE OF NEVADA ET AL.  
RESPONDENTS

JUDICIAL NOTICE TO JUSTICE OF PEACE FOR THIS  
COURTS CLERKS FAILURE TO DO HER SWORN STATUTORY  
AND CONSTITUTIONAL DUTY TO FILE, DOCKET AND MOVE  
THIS NECESSARY ACTION FORWARD AS MATTER OF RIGHT.

RE: MOTION TO PRODUCE ARREST WARRANT AND ARRAIGNMENT TRANSCRIPT FROM SEPT, 2003.

I PURSUANT TO PRISON MAILBOX RULE [HOUSTON V. LACKS] FILED SAID MOTION TO  
PRODUCE ON NOVEMBER 13, 2017. THE CLERK FAILED TO PROVIDE "FILED" COPY, NOR DID  
ANYTHING ELSE. I WAS FORCED TO WRITE THIS COURTS CLERK ON JAN. 5, 2018, AND AGAIN  
THIS "CLERK" FAILED TO RESPOND, NOR TAKE TAKE CORRECTIVE ACTION. I FURTHER SOUGHT  
(4) SUBPOENA DUCES TECUMS FROM THIS COURT, AND AGAIN, THIS CLERK [DENIED] MY RIGHT  
TO SAID SUBPOENA DUCES TECUMS, AS WELL (.) I DONT KNOW WHAT KIND OF KANGAROO  
COURT YOU ARE RUNNING BUT I KNOW THIS - YOUR CLERK, NOR YOUR DEPUTY CLERKS  
ARE PROPERLY AND LAWFULLY BONDED, THEREFORE, ARE LIABLE AS WELL AS IS WASHOE  
COUNTY FOR FAILURE TO SECURE LAWFULL BONDS) WITH [TWO] SURETIES AND SO ARE  
THE BONDS) OF EACH AND EVERY J.D.P. IN WASHOE COUNTY! YOU ARE ALL PERSONALLY  
LIABLE AND NOT COVERED UNDER W.C. UMBRELLA BOND - DO YOU REALLY WANT MY  
FAMILY TO EXPOSE THE FRAUD AND UNLAWFULLY HOLDING OFFICE AS A PRIVATE CITIZEN?  
QUIT OBSTRUCTING JUSTICE AND MY ASSERTED NV. CONST. ART. I, SECTS I, AND 8,  
AND MY U.S. CONSTITUTIONAL RIGHTS GUARANTEED BY THE 1ST, 5TH AND 14TH AMENDMENTS,  
AND DO YOUR FREAKIN JOBS YOU SWORE TO DO AND TO FOLLOW J.C.T. RULES, NV. STATUTES  
THE NV ? U.S. CONSTITUTION(S) AND MY ASSERTED CONSTITUTIONAL RIGHTS THEREIN,

YOU HAVE BEEN DULY NOTIFIED!

DATED OCT. 6 2018

C-C-FILE!

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

V7. 1134

MICHAEL T. BOTELHO  
NNCL P.O. Box 7000  
CARSON CITY, NV. 89702

CR03-2156 DC-09900087582-093  
STATE VS. MICHAEL TODD BOTEL  
District Court 10/31/2018 04:16 PM  
Washoe County 1930 /

1 IN PROPER PERSON

FILED

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

2018 OCT 31 PM 4:16

[DO NOT ALTER THIS COURT HEADING]

JACQUELINE BRYANT  
CLERK OF THE COURT

5 MICHAEL T. BOTELHO  
VICTIM/PETITIONER

RENO JUSTICE COURT CASE NO. RCR03-0114  
[DO NOT ALTER CASE NO.]

BY  
DEPUTY

7 .VS.

JUDICIAL NOTICE [FED. RULE EVIDENCE 201]

9 CHUCK ALLEN SHERIFF  
WASHOE CO. STATE OF NEV.  
DEFENDANTS

TO: THE CHIEF JUDGE OF 2ND JUDICIAL DIST. COURT AND TO CHIEF  
JUSTICE OF THE PEACE OF RENO JUSTICE COURT TO NOTIFY YOU  
OF STATE AND FEDERAL CRIMES BY YOUR COURT CLERKS IN  
CONNECTION WITH THIS CASE IN YOUR NEVADA COURTS

11 YOU, CHIEF JUDGE OF SECOND JUDICIAL DIST. COURT AND THE CHIEF JUSTICE OF THE  
12 PEACE OF RENO JUSTICE COURT ARE NOW ON [NOTICE] AND SUBJECT TO PENALTY OF  
13 MISPRISON OF FELONY IF YOU FAIL TO ACT AND REPORT ALL ALLEGED STATE AND FEDERAL  
14 CRIMES COMMITTED BY THE CLERKS OF BOTH OF YOUR COURTS IN THIS CASE AND  
15 IMMUNITY CANNOT SAVE YOU!

16 I, MICHAEL T. BOTELHO, PETITIONER AND COMPLAINANT, DO ASSERT AND [CHARGE]  
17 THAT YOUR COURT CLERKS ~~ON-GOING~~ ACTING IN CONCERT TO FORM AN ACT OF COLLUSION  
18 TO OBSTRUCT JUSTICE (18 USC 1503) IN THIS CRIMINAL CASE SINCE 2003, AND MORE  
19 SPECIFICALLY, 2012, 2013, 2015, 2016, 2017, AND NOW IN 2018, ARE AT AN END! AGAIN, THEY  
20 TAMPARED WITH, ALTERED AND COMMITTED U.S. MAIL FRAUD (18 USC 1701-1708, ALL INCLUSIVE);  
21 COMMITTED WIRE FRAUD (18 USC 1341-1346 (AND VIOLATED 9TH AMEND. THEREIN)); COMMITTED  
22 FRAUD UPON THE COURT (18 USC 91); MADE FALSE STATEMENTS OR ENTRIES (18 USC 1001);  
23 THEY IMPARTED OR CONVEYED FALSE INFORMATION (18 USC 35); DID ALTER THE RECORD OR  
24 PROCESS FOR COURT RECORDS [AGAIN] (18 USC 1506); DEPRIVED MY RIGHTS UNDER COLOR OF  
25 LAW (18 USC 242); THEY CONSPIRED AGAINST RIGHTS, TO INTJURE, OPPRESS, THREATEN OR  
26 INTIMIDATE (18 USC 241); VIOLATED THEIR OATH OF OFFICE (18 USC 951); PRACTICED LAW (28  
27 USC 955); VIOLATED 42 USC 1985 AND 1986; HAVE VIOLATED THE HOBBS ACT; OPERATED AS  
28 A CRIMINAL ENTERPRISE, SEE R.I.C.O. (18 USC 1951-1968); THEY HAVE VIOLATED

1 NRS 197.200 (OPPRESSION UNDER COLOR OF OFFICE); VIOLATED NRS 281.360 (FAILURE  
 2 BY PUBLIC OFFICIAL OR EMPLOYEE TO PERFORM DUTY); VIOLATED NRS 199.220 (DESTROYING  
 3 EVIDENCE, ALTER, ERASE, OR CONCEAL); REPEATEDLY VIOLATED NRS 199.210 (OFFERING  
 4 FALSE EVIDENCE) REPEATEDLY VIOLATED NRS 199.200 (STATEMENT OF WHAT ONE DOES  
 5 NOT KNOW TO BE TRUE); REPEATEDLY VIOLATED NRS 199.230 (PREVENTING OR DISUADING  
 6 PERSON FROM TESTIFYING OR [P]RODUCING EVIDENCE); VIOLATED NRS 199.120  
 7 (PENALTIES); VIOLATED 197.180 (WRONGFUL EXERCISE OF OFFICIAL POWER); REPEATEDLY  
 8 VIOLATED NRS 197.140 (PUBLIC OFFICER MAKING FALSE CERTIFICATE); VIOLATED NRS 197.120  
 9 (FALSE IMPERSONATION OF PUBLIC OFFICER) (NO [LAWFUL BOND WITH TWO SURETIES]);  
 10 VIOLATED NRS 193.050 (CONDUCT OF CONSTITUTING CRIME, PROHIBITED OR UNLAWFUL  
 11 ACTS); HAVE 20-30 TIMES, VIOLATED NRS 205.090 (FORGERY); VIOLATED NRS 205.095  
 12 (OTHER ACTS CONSTITUTING FORGERY (DOCKETS, TRANSFER OF RECORDS)); REPEATEDLY  
 13 VIOLATED NRS 205.110 (LITTERING FORGED INSTRUMENTS); VIOLATED NRS 199.480  
 14 (CONSPIRACY); SEE NRS 199.490 (COVERT ACT NOT NECESSARY); SEE NRS 207.400  
 15 (UNLAWFUL ACTS, PENALTIES); REPEATEDLY (OFFERED FALSE INSTRUMENT FOR FILING  
 16 OR RECORD); REPEATEDLY VIOLATED NRS 239.320 (INJURY TO, CONCEALMENT, OR  
 17 FALSIFICATION OF RECORDS OR PAPERS BY PUBLIC OFFICER); REPEATEDLY VIOLATED  
 18 NRS 239.310 (REMOVING, INJURING OR CONCEALING PUBLIC RECORDS, DOCUMENTS);  
 19 VIOLATED NRS 239.300 [DOZENS OF TIMES] (STEALING, ALTERING OR DEFACING DOCUMENTS,  
 20 RECORDS OR INSTRUMENTS); VIOLATED NRS 207.190 (COERCION); VIOLATED NRS 207.230  
 21 (ACTING WITHOUT LAWFUL AUTHORITY (NO [V]ALID BONDS)); VIOLATED NRS 207.390  
 22 (RACKETEERING ACTIVITY) SEE NRS 207.360 ("CRIME RELATED TO RACKETEERING"  
 23 DEFINED) VIOLATED NRS 199.430 (IMPERSONATION OF PUBLIC OFFICIALS (NO VALID  
 24 BONDS)); VIOLATED 18 USC 1512 REPEATEDLY (TAMPERING WITH A WITNESS, VICTIM, OR  
 25 INFORMANT); AND STILL MORE!

26 ADDITIONALLY, THESE CLERKS HAVE REPEATEDLY FAILED TO FOLLOW FILING  
 27 PROCEDURES AND WHOLLY DISREGARDED THE NEVADA AND UNITED STATES  
 28 CONSTITUTION(S) AND DELIBERATELY DISREGARDED MY [ASSERTED] COMMON

1 LAW RIGHTS, MY ASSERTED NEV. CONSTITUTIONAL RIGHTS UNDER ART. I, SECTIONS I, AND  
2 ART. 4, SECTION 21, AND MY ASSERTED INALIGNABLE 1<sup>ST</sup>, 5<sup>TH</sup> AND 14<sup>TH</sup> AMENDMENT  
3 RIGHTS GUARANTEED BY OUR STILL VALID UNITED STATES CONSTITUTION.  
4 THE LAST CRIME(S) WERE PERPETRATED BY THESE CLERK(S) STARTING ON OCT. 11, 2018.  
5 I SENT A JUDICIAL NOTICE BY PRE-PAID FIRST CLASS POSTAGE, VIA NDOC BRASS SLIP NO.  
6 2235353, ON OCT. 9, 2018. THE ENVELOPE WAS ADDRESSED TO RENO JUSTICE COURT  
7 AND STAMPED "RECEIVED" OCT. 11, 2018. IT WAS STAMPED [AGAIN] AS "RECEIVED" ON OCT.  
8 12, 2018, WITH THE OFFICIAL "RENO JUSTICE COURT STAMP. THE ENVELOPE WAS OPENED  
9 BUT THE CLERK REFUSED TO STAMP "FILED" RENO JUSTICE COURT JUDICIAL NOTICE.  
10 THUS, THE CLERK FAILED TO DOCUMENT JUDICIAL NOTICE ABOUT CLERKS PREVIOUS  
11 WRONG DOING IN RENO JUSTICE COURT RECORD "AGAIN". THE JUSTICE COURT CLERK  
12 OPENED ENVELOPE, READ THE JUDICIAL NOTICE ABOUT THE CLERK THEN PUT DOCUMENT  
13 BACK INTO ENVELOPE AND DEFACED ENVELOPE BY CROSSING OUT RENO JUSTICE COURT  
14 IN PURPLE INK AND ADDING 2JDC (SECOND JUDICIAL DISTRICT COURT) ON THE FRONT  
15 IN TWO PLACES, THEN THE CLERK WROTE OVER THE PURPLE INK IN BLACK MARKER,  
16 MY LEGAL DOCUMENT WAS THEN FORWARDED BY HAND DELIVERY TO THE DISTRICT  
17 COURT CLERK. I HAVE THE ORIGINAL ENVELOPE AS IT WAS RETURNED TO ME. IT WAS  
18 NOT SENT BY U.S. MAIL AND WAS [NOT] STAMPED RECEIVED BY DISTRICT COURT  
19 CLERK. THIS ENVELOPE IS AN EXHIBIT FOR THE U.S. POSTAL INSPECTOR AND F. B. I,  
20 OUTSIDE OF THIS STATE FOR OBVIOUS REASONS!

21 YOUR DISTRICT CLERK WILLFULLY TOOK POSSESSION OF MY RENO JUSTICE  
22 COURT DOCUMENT WITH RENO JUSTICE COURT HEADING AND COMPLAINT NO. AND  
23 PARTIES, BOTELHO/PLAINTIFF V. CHUCK ALLEN, SHERIFF, WASHOE CO/DEFENDANT. IT WAS  
24 READ AND ALTERED/TAMPHERED WITH/DELETED AND CHANGED, WHEN THE CLERK  
25 ELECTRONICALLY CHANGED THE COURT HEADING AND JURISDICTION, THEN CHANGED  
26 THE CASE NO. TO A DISTRICT COURT CASE NUMBER AND FURTHER CHANGED THE  
27 PARTIES BY MAKING THE STATE OF NEVADA THE PLAINTIFF AND MAKING ME THE  
28 DEFENDANT. THIS WAS NO MERE [ERROR], BUT CALCULATED CRIMINAL ACTS.

1 THE DISTRICT COURT CLERK DID NOT EVEN STAMP AS "FILED" FOR OBVIOUS  
 2 CONSPIRATORY, OBSTRUCTIVE AND FRAUDULENT REASONS. THE DOCUMENT  
 3 WAS NOT ENTERED INTO DISTRICT COURT RECORD, AS IT WAS. THE CLERK THEN  
 4 ALTERED THE RETURN NOTICE BY LYING IN FABRICATED DOCUMENT BY FURTHER  
 5 STATING IT WAS: (1) RECEIVED BY DISTRICT COURT ON OCT. [19], 2018 - A WEEK  
 6 LATER, AND (2) THAT FILE-STAMPED COPIES ARE ENCLOSED. I WAS SENT A COPY,  
 7 BUT, IT WAS [NOT] FILED (AGAIN - I HAVE THE ENCLOSED, NOT-FILED COPY).  
 8 I, AND MY FAMILY ARE FED UP WITH THE CRAP, THE LIES, CONSPIRACY, OBSTRUCTION  
 9 OF JUSTICE, FRAUD, COVER-UPS AND VIOLATIONS OF MY CONSTITUTIONAL RIGHTS,  
 10 ONE AFTER THE OTHER BY THIS COURT AND ITS PRIVATE CITIZENS FALSELY ACTING  
 11 AS CLERKS WITHOUT THE LAWFULLY [R]EQUIRED BONDS WITH [TWO] SURETIES. THE  
 12 WIRE AND MAIL FRAUD, THE [R.I.C.O.] CRIMINAL ENTERPRISE ACTING TO COVER  
 13 FOR AND COVER UP ALL THAT HAS BEEN DONE TO ME [AND] MY FAMILY, BY THIS  
 14 COURT AND CLERKS SINCE 2003, THESE ARE MATERIAL AND UNDISPUTIBLE  
 15 LEGAL FACTS IN EVIDENCE INSIDE AND OUTSIDE THIS COURTS FACTUALLY "HIGHLY  
 16 MANIPULATED" COURT AND DOCKET RECORD. I HAVE IRREFUTABLE PROOF AND  
 17 ALSO MULTIPLE APPEALS MANIPULATION PROOF THAT IS BEING PRODUCED FOR  
 18 FEDERAL INVESTIGATIVE PURPOSES!

19 I AM ASSERTING AGAIN MY FIRST AMENDMENT RIGHT OF MY HONEST [OPINION]  
 20 SUPPORTED BY THIS COURTS OWN MANIPULATED AND CONTRADICTORY RECORD. I  
 21 FURTHER ADVISE YOU, PURSUANT TO NRS 193.240 (RESISTANCE BY PARTY ABOUT TO  
 22 BE INJURED), THAT YOU HAD BETTER TAKE IMMEDIATE ACTION AGAINST THESE ROGUE, PRIVATE  
 23 INDIVIDUALS ACTING AS COURT CLERKS AND INFORM THE NECESSARY LAW ENFORCEMENT  
 24 AGENCIES SO A FULL AND COMPREHENSIVE CRIMINAL INVESTIGATION IS INITIATED OR THE  
 25 CONSEQUENCES TO YOUR OWN LIBERTY WILL BE IN CERTAIN JEOPARDY FOR YOUR ACTS  
 26 OF MISPRISON OF FELONY (1 BUSCH) AND FAILURE TO DO YOUR SWORN FREAKEN DUTY!  
 27 YOU ARE ALSO ON NOTICE THAT IF YOU FAIL TO DO WHAT YOU MUST, THAT IMMUNITY  
 28 WILL NOT SHIELD ANY OF YOU FOR YOUR KNOWN CRIMINAL ACTS IF YOU FAIL TO DO

1 WHAT IS REQUIRED OF YOU, REGARDLESS OF THE LEGAL AND CIVIL CONSEQUENCES.  
 2 MY FAMILY [WILL] ENSURE THAT A CRIMINAL COMPLAINT IS RECEIVED AND  
 3 EVIDENCE GIVEN TO THE U.S. POSTAL INSPECTOR, BOTH IN WASHINGTON D.C. AND IN  
 4 ANOTHER STATE AND ALSO THE F.B.I. THERE WILL BE NO MORE COVER-UPS. THIS  
 5 IS HAPPENING, I PROMISE YOU! NEV. POSTAL AUTHORITIES (D. ROOP) AND THEN  
 6 WORTHLESS U.S. ATTORNEY (D. BOGDEN) WERE NOTIFIED AND FAILED TO ACT. THE GOOD  
 7 OLD BOYS WANT GET THAT CHANCE AGAIN. I AND MY FAMILY ARE VICTIMS OF THE UNLAW-  
 8 SEARCH, SEIZURE AND ARREST AND THREATS AGAINST MY WIFE AND CHILDREN BY W. CO.  
 9 SHERIFFS DEPUTIES, AS WELL AS BY THIS COURT AND JUSTICE COURT, AS WELL AS THE  
 10 CRIMINAL ACTS BY CIVILIANS ACTING AS CLERKS AND DISTRICT JUDGE POLANA, TO  
 11 PROTECT THOSE INVOLVED AND COVER UP TO PROTECT THE WILDLY UNLAWFUL AND  
 12 CONSTITUTIONAL CONVICTION AND BELD HELD 15 YEARS WITHOUT DUE PROCESS, AS  
 13 A MATTER OF FACT IN THE LAW OF THESE CASE(S).

14 MY FAMILY IS GOING TO EXPOSE YOU TO SOCIAL MEDIA AND MULTIPLE NEWS  
 15 ORGANIZATIONS INSIDE AND OUTSIDE OF NEVADA SO THAT YOU CANNOT COVER IT UP  
 16 AGAIN! IF YOU FAIL TO ACT, YOU BE EXPOSED AND CRUCIFIED. EVEN A NEVADA  
 17 NEWSPAPER EXPOSED THE FRAUD PERPETRATED BY OUR LAME, CORRUPT, ATTORNEY  
 18 GENERAL LAXALT!

19 I AM SO SICK AND TIRED OF THE TURBANICAL TREATMENT BY YOUR CROOKED  
 20 AND DISHONORABLE CORRUPTION AND ITS TIME TO ACT. I HAVE EXERCISED MY  
 21 CONSTITUTIONAL RIGHTS TO MY OPINION, THE FACTS AND CRIMINAL CHARGES LEVELED  
 22 BEFORE THE GOVERNMENT UNDER NV. CONST. ART. I, SECTION I, AND THE 1ST AMENDMENT  
 23 OF OUR GREAT U.S. CONSTITUTION AND FURTHER DEMAND THE EQUAL PROTECTION AND  
 24 TREAT UNDER THE 5<sup>TH</sup> AND 14<sup>TH</sup> AMENDMENT! YOU HAVE BEEN SO ADVISED! UNDER PENALTY  
 25 OF PERJURY PER 18 USC 1621 AND 28 USC 1746, THAT THESE CRIMES WERE COMMITTED,  
 26 SO HELP ME GOD!

27 DATED OCT. 29, 2018

*Michael T. Bostick*

28 C.C. FILE COPY TO: RT. CT, FAMILY, FBI, POSTAL INSPECTOR AND OTHERS!

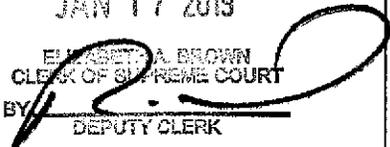
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

MICHAEL TODD BOTELHO,  
Petitioner,  
vs.  
THE SECOND JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
WASHOE,  
Respondent.

No. 77004-COA

CR03-2156  
03 FILED

JAN 17 2019

EMERSON A. BROWN  
CLERK OF SUPREME COURT  
BY  DEPUTY CLERK

ORDER DENYING PETITION

This original petition for a writ of mandamus seeks an order directing the Second Judicial District Court to issue an order directing Michael Todd Botelho's immediate release on double jeopardy grounds. Because Botelho had a plain, speedy, and adequate remedy at law for challenging his judgment of conviction, we conclude this court's intervention by way of an extraordinary writ is not warranted. See NRS 34.170. Accordingly, without deciding the merit of the claim raised, we

ORDER the petition DENIED.<sup>1</sup>

  
\_\_\_\_\_, A.C.J.  
Douglas

  
\_\_\_\_\_, J.  
Tao

  
\_\_\_\_\_, J.  
Gibbons

<sup>1</sup>We have reviewed all documents filed in this matter, and we conclude no relief based upon those filings is warranted.

cc: Michael Todd Botelho  
Attorney General/Carson City  
Washoe District Court Clerk

**Return Of NEF**

<b>Recipients</b>	
<b>JENNIFER NOBLE, ESQ.</b>	- Notification received on 2019-01-18 11:24:20.962.
<b>JOHN PETTY, ESQ.</b>	- Notification received on 2019-01-18 11:24:21.008.
<b>DIV. OF PAROLE &amp; PROBATION</b>	- Notification received on 2019-01-18 11:24:20.977.
<b>SEAN SULLIVAN, ESQ.</b>	- Notification received on 2019-01-18 11:24:20.93.

\*\*\*\*\* 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:** 01-18-2019:11:23:18  
**Clerk Accepted:** 01-18-2019:11:23:51  
**Court:** Second Judicial District Court - State of Nevada  
Criminal  
**Case Title:** STATE VS. MICHAEL TODD BOTELHO (D3)  
**Document(s) Submitted:** Supreme Court Order Denying  
**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  
JENNIFER P. NOBLE, 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.  
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,  
Petitioner,  
vs.  
THE SECOND JUDICIAL DISTRICT COURT  
OF THE STATE OF NEVADA, IN AND FOR  
THE COUNTY OF WASHOE,  
Respondent.

**Supreme Court No. 77004**  
District Court Case No. CR032156

03

**NOTICE IN LIEU OF REMITTITUR**

TO THE ABOVE-NAMED PARTIES:

The decision and Order of the court in this matter having been entered on January 17th, 2019, and the period for the filing of a petition for rehearing having expired and no petition having been filed, notice is hereby given that the Order and decision entered herein has, pursuant to the rules of this court, become effective.

DATE: February 12, 2019

Elizabeth A. Brown, Clerk of Court

By: Amanda Ingersoll  
Chief Deputy Clerk

cc: Michael Todd Botelho  
Attorney General/Carson City  
Jacqueline Bryant, Washoe District Court Clerk

**Return Of NEF**

<b>Recipients</b>	
<b>JENNIFER NOBLE, ESQ.</b>	- Notification received on 2019-02-13 14:08:26.155.
<b>JOHN PETTY, ESQ.</b>	- Notification received on 2019-02-13 14:08:26.217.
<b>DIV. OF PAROLE &amp; PROBATION</b>	- Notification received on 2019-02-13 14:08:26.186.
<b>SEAN SULLIVAN, ESQ.</b>	- Notification received on 2019-02-13 14:08:25.874.

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

02-13-2019:14:07:15

**Clerk Accepted:**

02-13-2019:14:07:51

**Court:**

Second Judicial District Court - State of Nevada  
Criminal

**Case Title:**

STATE VS. MICHAEL TODD BOTELHO (D3)

**Document(s) Submitted:**

Supreme Ct Not/Lieu/Remittitur

**Filed By:**

Deputy Clerk YViloria

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**The following people were served electronically:**

SEAN B. SULLIVAN, ESQ. for MICHAEL TODD  
BOTELHO

JENNIFER P. NOBLE, 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.

STATE OF NEVADA for STATE OF NEVADA

MICHAEL TODD BOTELHO for MICHAEL TODD  
BOTELHO

CR03-2156 DC-09900069248-374  
STATE VS. MICHAEL TODD BOTELHO  
District Court 02/21/2020 01:11 PM  
Washoe County 1930

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Code 1930

FILED

2020 FEB 21 PM 1:17

JUDGE  
CLERK  
BY *[Signature]*

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

THE STATE OF NEVADA,

Plaintiff(s),

Case No. CR03-2156

vs.

Dept. No. 3

MICHAEL TODD BOTELHO,

Defendant(s).

LETTER FROM DEFENDANT

TO: CHIEF JUDGE, SECOND JUDICIAL DIST. COURT

THIS IS AN AFFIDAVIT FOR CRD3-2156 AND JUDICIAL NOTICE AS TO WHAT IS COMING

I AM GIVING YOU A CHANCE TO CORRECT WHAT HAS OCCURRED IN MY CASE AND TAKE IMMEDIATE CORRECTIVE ACTION AND DO WHAT YOU MUST AS A DIRECT RESULT OF THE FRAUDULENT ILLEGAL AND UNCONSTITUTIONAL CONVICTION AS A RESULT OF DIRTY COPS AND W.C. DISTRICT ATTORNEY ALONG WITH THE DIRTY AND UNLAWFUL ACTIONS OF THE DISGRACED JUDGE JEROME POLAHA AND DONE IN VIOLATION OF NRS 178.562(1) WHICH MAKES MY ILLICIT AND UNCONSTITUTIONAL CONVICTION NULL & VOID, REGARDLESS AND PREJUDICE HAS ATTACHED, REGARDLESS!

IF YOU STILL CHOOSE TO DISGRACE THE JUDICIARY I WILL EXPOSE YOU AND COME AFTER YOU IN COURT AND MY FAMILY WILL EXPOSE THE ONGOING CLEAR AND PRESENT DANGER IN WASHOE COUNTY. THE LAW AND CONSTITUTION STILL MATTER AND SO DO MINE AND MY FAMILIES INALIENABLE NU. U.S. CONSTITUTIONAL RIGHTS REGARDLESS OF YOUR POLITICS AND PREJUDICIAL BIAS.

THIS COURT HAS REPEATEDLY SHOWN ITS DISDAIN FOR THE LAW AND PEOPLES CONSTITUTIONAL RIGHTS IN WASHOE COUNTY AND FOR NEVADAS STARE DECISES DOCTRINE. YOU CHIEF JUDGE HAVE ONE OPPORTUNITY TO FINALLY CORRECT THIS PERVERTED MANIFEST & FUNDAMENTAL MISCARRIAGE OF JUSTICE AND ALSO CLEAN UP YOUR CORRUPT DISTRICT COURTS IN WASHOE COUNTY!

RESPECTFULLY SUBMITTED,

DATED 2-10-2020

Michael + Bobella

C.C. FILE. 

AFFIDAVIT

STATE OF NEVADA

S.S. AFFIDAVIT OF:

COUNTY OF CARSON

MICHAEL TODD BOTELHO, FOR CRIMES COMMITTED BY WASHOE COUNTY SHERIFFS DETECTIVES; DISTRICT ATTORNEYS GAMMICK, VILLORIA AND HICKS; AND BY SECOND JUDICIAL DISTRICT COURT JUDGE POLAHA AND 2015 CHIEF JUDGE HARDY; AND OTHERS INVOLVED IN 2003-04, 2006 AND IN 2015.

CASE NO. CR03-2156, AND JUDICIAL NOTICE AFFIRMATION ON PG 29'

THIS AFFIDAVIT IS BEING SENT TO THE SAME STATE AND FEDERAL AGENCIES, T.V. STATIONS AND NEWSPAPER, AS WAS LISTED IN THE FIRST NOTARIZED AFFIDAVITS SENT AUGUST 13, 2019, EXPOSING TERRORIST THREATS MADE TO ME BY WASHOE COUNTY SHERIFFS OFFICE (WCSO) DETECTIVE, DENNIS CARRY, IN 2003-04, TO FORCE ME TO PLEAD GUILTY AND TO FORCE ME TO PLEAD TO CRIMES I DID NOT COMMIT, AND TO FURTHER FORCE ME TO KEEP QUIET ABOUT WHAT I MAY HAVE HEARD ABOUT MY CASE OR I WOULD NEVER GET OUT OF PRISON ALIVE! I AM NOW FURTHER EXPOSING WHY DET. CARRY'S CRIMES AND TERRORIST THREATS WERE MADE TO ME IN 2003-04, AND HIS CRIMINAL INTENT OF HIS TERRORIST THREATS. THEY WERE MADE TO ME BECAUSE OF THE PREVIOUS CRIMES AND TERRORIST THREATS COMMITTED BY DET. CARRY AND THE (WCSO) AGAINST ME, MY WIFE MARILOU, AND OUR TWO BABY BOYS IN 2003, TO PROCURE AN ILLEGAL AND UNCONSTITUTIONAL CONVICTION. THESE ARE BEING EXPOSED BECAUSE DET. CARRY HAS NOW BEEN EXPOSED AS A DIRTY COP TRYING TO COVER UP HIS CRIMES IN 2018-19, JUST LIKE HE DID IN 2003-04. THE WASHOE COUNTY DISTRICT ATTORNEY (WCDA) HICKS AND SECOND JUDICIAL DISTRICT COURT (SJDCT) JUDGE POLAHA AND CHIEF JUDGE HARDY COVERED UP " " THOSE CRIMES WHEN I FILED MOTION TO VACATE J.O.C. FOR FRAUD AND NEWLY DISCOVERED EVIDENCE ON SEPT. 22, 2015, AND OBSTRUCTED JUSTICE AND DENIED ME CONSTITUTIONAL DUE PROCESS OF LAW, WITHOUT AN EVIDENTIARY HEARING TO MAKE A LAWFULL DETERMINATION ON THE MERITS OF CHARGES AND CLAIMS PRESENTED AND THEY REFUSED TO FURTHER DO THEIR DUTY BY NOT REPORTING THEM TO AUTHORITIES. BUT, I HAVE EXPOSED DET. CARRY'S PROPENSITY TO COMMIT AND COVER UP CRIMES AND HIS PROPENSITIES HAVE BEEN EXPOSED IN 2019, AND FURTHER PROVE CARRY WAS A DIRTY COP SINCE AT LEAST 2003, AND THIS IS WHY HE THREATENED ME TO PLEAD GUILTY AND THREATENED MY LIFE TO KEEP ME QUIET ABOUT HIS CRIMES AND THOSE BY THE (WCSO). THIS WILL NOT BE IGNORED AND COVERED UP AGAIN! I AM NO LONGER AFRAID!

I RELUCTANTLY EXPOSED NEWLY DISCOVERED EVIDENCE OF STATE AND FEDERAL CRIMES IN 2015 MOTION TO VACATE INSPITE OF CARRYS PAST TERRORIST THREATS HE MADE TO ME, MY WIFE MARILOU, AND OUR TWO BABY BOYS, AND EXPOSED HIS CRIMINAL INTENT AND WHY HE AND THE (WCSO) COMMITTED THOSE CRIMES AND TERRORIST THREATS AGAINST MY FAMILY.

BUT I WITHHELD EXPOSING THE TERRORIST THREATS THAT CARRY MADE TO [ME] IN 2003-04, AND HIS CRIMES COMMITTED AGAINST ME TO PROTECT MY WIFE, MY KIDS AND MYSELF, UNTIL I HAD HAD ENOUGH AND EVEN THOUGH I WAS STILL SCARED FOR MY FAMILY AND MYSELF I FINALLY EXPOSED CARRYS TERRORIST THREATS IN THE AUGUST 13, 2019, AFFIDAVIT IN RESPONSE TO CARRY BEING EXPOSED ON T.V. FOR HIS 2018-2019 CRIME SPREE. I AM NOW EXPOSING WHY DET. CARRY THREATENED ME AND FORCED ME TO PLEAD GUILTY IN 2003. CARRY DID IT TO COVER-UP THOSE CRIMES COMMITTED IN 2003, AS I DETAILED IN PART IN 2015 MOTION TO VACATE. SEE IN COURT RECORD, BUT, MANY MORE CRIMES AND CONSTITUTIONAL VIOLATIONS WERE PERPETRATED AGAINST ME, AND THE DIGNITY OF THE STATE OF NEVADA AND THE UNITED STATES OF AMERICA, BY CERTAIN DIRTY (WCSO) COPS, DIRTY (WCDA'S) AND ASST. DISTRICT ATTORNEYS, AND THOSE DIRTY CORRUPT JUDGES IN THE SECOND JUDICIAL DISTRICT COURT AS THEY HID BEHIND THEIR IMMUNITY TO COMMIT MORE CRIMES, AND MUST BE INVESTIGATED BY BOTH STATE AND FEDERAL GRAND JURYS! SEE 2006 HABEAS PETITION AND SHAM ORDER FROM THE FRAUDULENT EVIDENTIARY HEARING, AND SEE 2015 MOTION TO VACATE AND THE FRAUD PERPETRATED BY WCDA HICKS AND DISTRICT JUDGE POLAHA, AND WHAT DISTRICT JUDGE CHIEF JUDGE HARDY DID TO PROTECT POLAHA BY WITHHOLDING AN EXTRAORDINARY WRIT OF MANDAMUS UNTIL POLAHA FRAUDULENTLY RULED AGAINST MOTION TO VACATE. WHERE NO CRIMES WERE DISPUTED, NOR WERE THEY REPORTED, NOR INVESTIGATED!

BOTH THE FIRST AND NOW THIS SECOND AFFIDAVIT WILL BE EXPOSED TO THE PUBLIC VIA THE INTERNET BY MY FAMILY TO PROVE JUST HOW DIRTY AND CORRUPT THE (WCSO) THE (WCDA'S OFFICE) AND THE DISTRICT COURT ARE IN WASHOE COUNTY, AND TO PREVENT THESE EXPOSED AND PREVIOUSLY EXPOSED DIRTY COPS, DISTRICT ATTORNEYS AND JUDGES FROM [AGAIN] COVERING UP THOSE STATE AND FEDERAL CRIMES PERPETRATED AGAINST ME, MY WIFE AND KIDS IN 2003-04, AND THOSE IGNORED AND COVERED-UP IN THE SHAM HABEAS EVIDENTIARY HEARING AND THOSE CRIMES PROVEN WITHOUT

DISPUTE IN 2015 MOTION TO VACATE! THERE IS A CLEAR AND PRESENT DANGER IN WASHOE COUNTY AND IT IS BECAUSE WCSO COPS, PROSECUTORS AND JUDGES ARE ACTIVELY PROTECTING ITS DIRTY COPS, PROSECUTORS AND JUDGES, THEREIN! THE RECORD IN MY CASE PROVES BY A PREPONDANCE OF THE EVIDENCE THAT THIS IS FACTUALLY TRUE!

(WCSO) DET. CARRY TERRORISTICALLY THREATENED AND COERCED ME INTO TAKING A GUILTY PLEA AND THREATENED MY LIFE BECAUSE HE WAS GREATLY AFRAID THAT I WOULD TAKE MY CASE TO JURY TRIAL AND THAT HIS STATE AND FEDERAL CRIMES AND THOSE PERPETRATED BY OTHER (WCSO) DETECTIVES IN MY CASE, INCLUDING, BUT NOT LIMITED TO, DETECTIVE COMMANDER, CAPTAIN CRAIG CALLAHAN, DET. DAVID NIKOLEY AND DET. GREG HERERA; ALONG WITH THOSE PROSECUTORS FROM THE WASHOE COUNTY DISTRICT ATTORNEYS OFFICE, INCLUDING, BUT NOT LIMITED TO, RICHARD GAMMICK (DISTRICT ATTORNEY), ALICE MAEZ (POSITION UNKNOWN) AND ASSISTANT DISTRICT ATTORNEY, KELLI ANN VILLORIA; AND (3) DIFFERENT RENO JUSTICE COURT MAGISTRATES (IN COURT RECORD); WOULD BE EXPOSED IN OPEN COURT, FOR THE CRIMES PERPETRATED UPON ME AND MY FAMILY, INCLUDING BUT NOT LIMITED TO, WHAT CARRY AND THE (WCSO) HAD DONE TO MY WIFE MARILLO AND OUR TWO BABY BOYS AT OUR HOME IN DAYTON. CARRY'S CRIMINAL [INTENT] WAS CLEAR AND OBVIOUS! HE WAS GREATLY AFRAID THAT HE AND OTHERS WOULD THEN BE SUSPENDED, INVESTIGATED, FIRED AND PROSECUTED, BOTH STATE AND FEDERALLY, FOR THEIR CRIMES WHICH RESULTED IN ILLEGALLY AND UNCONSTITUTIONALLY OBTAINED TAINTED, INADMISSIBLE FRUITS OF THE POISONOUS TREE EVIDENCE. CARRY KNEW THAT MY CRIMINAL CASE WOULD HAVE BEEN DISMISSED WITH PREJUDICE! CARRY KNEW THAT THE CRIMES WERE PERPETRATED FROM THE VERY BEGINNING OF THE (WCSO) INVESTIGATION WHEN CAPTAIN CALLAHAN AND DET. NIKOLEY CONSPIRED TO DISREGARD NEV. LAW AND COURT PROCEDURES WHEN THEY USED A COMPUTER TO FRAUDULENTLY DESIGN A FAKE AND FRAUDULENT (WCSO) ADMINISTRATIVE SUBPOENA ON A FRAUDULENT FISHING EXPEDITION TO DETERMINE WHO I WAS BY ILLEGALLY OBTAINING MY CUSTOMER INFORMATION AND PHONE RECORDS, BY FAX (WIRE FRAUD), OUT OF STATE, TO VERIZON WIRELESS, IN NEW JERSEY (SEE PAGES 1-9 IN MOTION TO VACATE). CARRY KNEW THAT THE CRIMES PERPETRATED BY

THE (WCSO) DETECTIVES AND KNOWN BY THEIR (WCSO) CHAIN OF COMMAND, WAS EVIDENCE FRAUDULENTLY OBTAINED BY CRIMINAL MEANS AND BY CRIMINAL INTENT, AND WAS TAINTED INADMISSIBLE EVIDENCE AND KNEW THAT ALL DERIVATIVE EVIDENCE OBTAINED WAS EQUALLY TAINTED INADMISSIBLE FRUITS OF THE POISONOUS TREE EVIDENCE AND THAT THE (WCSO AND WLOA) HAD ZERO LEGAL EVIDENCE THAT COULD BE OR SHOW PROBABLE CAUSE TO CONVICT ME AT TRIAL. CARRY KNEW OF THE OTHER CRIMES PERPETRATED UPON ME BY THE (WCSO) AND (WLOA) TO PERJURE THEMSELVES IN RENO AND DAYTON JUSTICE COURTS TO, BY CRIMINAL MEANS, WITH THE CRIMINAL INTENT TO FRAUDULENTLY PROCURE:

(1) A D.N.A. SEIZURE ORDER FOR MY DNA OUT OF DAYTON JUSTICE COURT (DJC); (2) A SEARCH WARRANT FROM (DJC); (3) A CRIMINAL COMPLAINT AND A NEVER SEEN, NEVER FACTUALLY ISSUED NOR GIVEN TO (WCSO) COPS AND NEVER USED ALLEGED ARREST WARRANT OUT OF RENO JUSTICE COURT (RJC). CARRY KNEW THAT DET. HERERA CAUSED ME TO BE ILLEGALLY ARRESTED IN SUSANVILLE CALIF. WHEN HERERA LIED TO CALIF. COPS ABOUT HAVING A NEW ARREST WARRANT, NOR DID HE FAX THEM ONE! WHEN I WAS ILLEGALLY ARRESTED IN CALIF. ON SEPT. 16, 2003, CARRY AND HERERA CAME TO CALIF. AND INTERROGATED ME KNOWING I HAD ALREADY ASKED FOR AN ATTORNEY WHEN I WAS BOOKED! YET CARRY AND HERERA COERCED ME INTO SPEAKING TO THEM BEFORE THEY THEN TURNED ON THE TAPE RECORDER. SEE 2006 HABEAS PETITION IN COURT RECORD! WHEN I ASKED CARRY AND HERERA FOR THE ARREST WARRANT THEY SAID THEY DID NOT HAVE OR NEED ONE! YET THEY LIED, (HERERA) LIED TO HAVE ME ILLEGALLY ARRESTED AND HELD AGAINST MY WILL AND WITHOUT A GUAM ABOUT DOING IT! CARRY KNEW THAT I DIDNT HAVE A LAWFUL COURT HEARING IN LASSEN SUPERIOR COURT AND THAT NO DOCUMENTS WERE PRESENTED TO THE COURT TO JUSTIFY MY ILLEGAL ARREST AND DETAINED AGAINST MY WILL! CARRY KNEW HE AND HERERA STILL HAD NO LAWFUL AUTHORITY, NOR JURISDICTION, TO COME BACK TO CALIFORNIA AND ILLEGALLY RE-ARREST ME AGAIN WITHOUT AN ARREST WARRANT WHEN NO LAWFULL HEARING WAS HELD AND NO DOCUMENTS .I.E. ARREST WARRANT, NEVADA CRIMINAL COMPLAINT, NOR GOVERNORS EXTRADITION WARRANT WAS PRESENTED TO THE CALIF. COURT. YET THEY AGAIN ARRESTED ME AGAINST MY ~~WIF~~ WILL AND KIDNAPPED ME ACROSS STATE LINES AND TAKE ME TO W.C. JAIL. THEY STILL TRIED TO FURTHER QUESTION

TOOK

ME ON THE TRIP BACK TO RENO, SEE 2006 HABEAS. CARRY AND HERERA BOTH KNEW BEFORE THEY AGAIN INTERROGATED ME AT THE WASHOE COUNTY JAIL (WCJ), [BEFORE] BOOKING, THAT I HAD ASKED FOR AN ATTORNEY IN CALIF. BEFORE THEY COERCED ME TO SPEAK TO THEM SO CARRY KNEW WHAT MY INTENTIONS WERE AND THAT THEY EQUALLY APPLIED IN NEVADA- YET I WAS AGAIN COERCED INTO SPEAKING TO THEM AGAIN [BEFORE] I WAS THEN TAKEN INTO AN INTERROGATION ROOM [BEFORE BOOKING], WHERE I WAS THEN VIDEO AND AUDIO TAPED AND AGAIN I SPOKE TO THEM [AFTER] WHAT WAS SAID TO ME [BEFORE] I WENT INTO THE INTERROGATION ROOM!

NOW THAT I HAVE THE ATTENTION OF THE (WCSO) AND LT. CALDWELL, WHO SPOKE TO ME IN 2019, YOU AND OTHERS MUST LOOK AT 2006 HABEAS PETITION AND STATEMENT EXHIBITS IN COURT RECORD WHERE CARRY AND HERERA, OR ONE OR THE OTHER, THEN TOOK MY COERCED STATEMENT AND TAMPERED WITH EVIDENCE WHEN MY STATEMENT WAS CRIMINALLY ALTERED BY ADDING THEIR OWN CHOSEN WORDS TO IT IN DOZENS OF PLACES [AFTER IT HAD BEEN TRANSCRIBED]. OF COURSE, GAMMICK, VILLORIA AND PALAHA IGNORED THAT TOO, AND WAS NOT REPORTED TO ANYONE! SEE 2006 COURT RECORD IN ITS ENTIRETY.

CARRY KNEW THAT I WAS NEVER LAWFULLY ARRAIGNED IN (RTC) IN 48-72 HOURS, AFTER I WAS ILLEGALLY BROUGHT BACK TO RENO. CARRY KNEW THAT I WAS NEVER READ THE CHARGES OR CRIMINAL ELEMENTS IN THE CRIMINALLY PROCURED CRIMINAL COMPLAINT. HE KNEW THAT NO TRANSCRIPT OF ALLEGED HEARING EXISTS IN (RTC) RECORD! CARRY KNEW THAT I WAS NOT GIVEN AN ASKED FOR ATTORNEY FOR MORE THAN 7 DAYS AFTER I WAS ILLEGALLY BOOKED INTO (WCJ). YET HE KNEW I HAD AGAIN ASKED FOR AN ATTORNEY! CARRY KNEW THAT HE AND HERERA ILLEGALLY AND UNCONSTITUTIONALLY TRIED TO FURTHER QUESTION ME [THREE MORE TIMES] AFTER I HAD AGAIN DEMANDED COUNSEL AT BOOKING AND AFTER HE KNEW I ASKED FOR COUNSEL IN CALIF. BEFORE CARRY AND HERERA INTERROGATED ME THERE! SEE 2006 HABEAS AND WHERE THAT, LIKE EVERYTHING ELSE, WAS IGNORED, COVERED UP AND NOT REPORTED TO THE PROPER AUTHORITIES! CARRY KNEW THAT HIS PARTNER IN CRIME, DET. HERERA, COLLUDED WITH ADA VILLORIA TO CONSPIRE WITH ONE OF THREE DIFFERENT (RTC) MAGISTRATES WHO TOOK PART IN MY CASE TO BRING AN ILLEGAL AND UNCONSTITUTIONAL EX PARTE MOTION IN THE MAGISTRATES CHAMBERS TO INCREASE MY BAIL WHEN HERERA FOUND OUT I WAS IN THE PROCESS OF BAILING OUT. CARRY KNEW I WAS NOT GIVEN MANDATORY 5 DAY DUE PROCESS NOTICE AND DID NOT YET HAVE COUNSEL, AND THAT IT WAS NOT HELD IN OPEN COURT AND

THAT NO HEARING TOOK PLACE, AND I DID NOT RECEIVE MY DUE PROCESS TO ATTEND!  
 THERE WAS NO REQUIRED DUE PROCESS DETERMINATION MADE AS TO MY ABILITY TO PAY THE  
 ILLEGALLY PROPOSED BAIL INCREASE AND WAS DENIED MY DUE PROCESS RIGHT TO RESPOND  
 TO VILLORIA'S PROPOSED BAIL INCREASE! YET, CARRY KNEW VILLORIA CONSPIRED CRIMINALLY,  
 WITH THE (RJC) MAGISTRATE AND GOT HIM TO VIOLATE COURT RULES, JUDICIAL CANONS AND  
 ETHICS, ALONG WITH NEVADA CRIMINAL STATUTES, HIS SWORN OATH AND MY SUBSTANTIVE AND  
 PROCEDURAL DUE PROCESS CONSTITUTIONAL RIGHTS, WHEN THE MAGISTRATE UNLAWFULLY AND  
 UNCONSTITUTIONALLY RAISED MY BAIL FROM \$75,000 BOND TO \$250,000 CASH ONLY BAIL, HE  
 ALSO KNEW I WAS NOT GIVEN THE DUE PROCESS RIGHT TO APPEAL THE ARBITRARY AND  
 CAPRICIOUS, ILLEGAL AND UNCONSTITUTIONAL BAIL INCREASE. CARRY FURTHER KNEW  
 THAT BECAUSE OF THAT PREJUDICIAL BAIL INCREASE, IT MADE IT IMPOSSIBLE FOR ME TO  
 GATHER INFORMATION AND EFFECTIVELY PREPARE MY DEFENSE AND FURTHER PREVENTED  
 ME FROM BEING WITH MY WIFE AND KIDS, AND TO BE ABLE TO RUN MY PERSONAL AFFAIRS  
 IN ORDER AS A DIRECT RESULT! CARRY KNEW I WAS NOT BEING GIVEN MY MANDATORY DUE  
 PROCESS (RJC) PRELIMINARY EXAMINATION WHERE THIS COULD HAVE ALL BEEN EXPOSED!  
 CARRY KNEW ADA VILLORIA WAS GOING TO TAKE ME TO THE (WCGT) SO NONE OF IT WOULD  
 BE EXPOSED AND COULD <sup>NOT</sup> ILLEGALLY BE USED AGAINST ME IN THAT (WCGT) SETTING. CARRY  
 AND HERERA WERE THE LEAD DETECTIVES ON MY CASE AND KNEW EVERY ASPECT OF WHAT  
 WAS ILLEGALLY DONE AND OF THOSE CRIMES HE AND OTHERS COMMITTED! THAT IS WHY  
 CARRY INITIALLY THREATENED ME BEFORE I WAS GOING TO GO APPEAR BEFORE THE (WCGT),  
 WHICH VILLORIA PREVENTED ME FROM DOING, BECAUSE I WOULD THEN HAVE FOUND OUT  
 WHAT THE STATE HAD AGAINST ME! THAT'S ANOTHER REASON CARRY THREATENED ME TO PLEAD  
 GUILTY BECAUSE IT WOULD NOT BE EXPOSED UNTIL YEARS LATER! AND, IT WOULD BE TOO  
 LATE TO BRING IT UP! CARRY FURTHER KNEW THAT ADA VILLORIA ACTED IN BAD FAITH  
 AND COMMITTED PERJURY AND FURTHER CONSPIRED WITH THE (WCSO) TO WILLFULLY PRESENT  
 KNOWN CRIMINALLY AND FRAUDULENTLY OBTAINED TAINTED, INADMISSIBLE FRUITS OF THE  
 POISONOUS TREE EVIDENCE BEFORE THE (WCGT), WHERE CARRY AND VILLORIA KNEW FOR A  
 LEGAL FACT THAT ONLY [LEGAL EVIDENCE] WAS PERMISSIBLE TO BE PRESENTED TO THE (WCGT).  
 CARRY KNEW THAT VILLORIA CONSPIRED WITH THE (WCSO) AND LYON COUNTY SHERIFFS OFFICE  
 (LCSO) DEPUTIES, WHO SHE PUT ON THE STAND KNOWING THEY WOULD FALSELY TESTIFY  
 AS TO HOW IT ALL CAME ABOUT AND THEY DID! BUT THE W.C. CRIME LAB WITNESS THOUGHT MY

DNA RESULTS WERE ODD! BUT NOTHING MORE CAME OF THAT INFORMATION, VILLORIA CONSPIRED TO PUSH FOR AN ILLEGAL INDICTMENT AT ALL COSTS! THE COPS ON THE STAND WERE WILLING CRIMINAL CO-CONSPIRATORS WORKING WITH ADA VILLORIA TO ILLEGALLY PROCURE AN UNLAWFUL INDICTMENT, REGARDLESS OF THE LAW! CARRY KNEW THAT THE COPS ON THE STAND PERJURED THEMSELVES AND ACTED IN BAD FAITH! CARRY KNEW THE GRAND JURY INDICTMENT WAS ILLEGALLY PROCURED, AND ALSO KNEW THE GRAND JURY INDICTMENT WITH IDENTICAL CHARGES WAS IN VIOLATION OF NRS 178.562, AND THAT I COULD NEVER BE LAWFULLY CONVICTED OF THE CHARGES IN EITHER THE CRIMINAL COMPLAINT, NOR THE INDICTMENT WITH IDENTICAL CHARGES! CARRY KNEW THAT IF HE COULD FORCE ME TO PLEAD GUILTY THAT I WOULD NEVER BE ABLE TO LATER BRING UP THE STATE AND FEDERAL CRIMES AN UNCONSTITUTIONAL VIOLATIONS AND TERRORIST THREATS AS THE SECOND JUDICIAL DISTRICT COURT (SJD.C.), AND THE DIRTY (W.C.D.A) GAMMICK, WOULD NOT LET THEM BE EXPOSED TO THE PUBLIC, OTHER LAW ENFORCEMENT AGENCIES, THE NEWS MEDIA AND OTHER STATE AND FEDERAL PROSECUTORS, BECAUSE CARRY KNEW WHAT ALL W.C. COPS AND PROSECUTORS KNEW, THAT THE COURTS IN WASHOE COUNTY PROTECTS THEIR OWN AND THEIR CONVICTIONS, AT ANY PRICE! THIS FACT WAS LATER PROVEN BY THE DIRTY CONSPIRATORY DISTRICT JUDGE POLAHA, WHERE NEITHER HE, THE DIRTY CONSPIRATORY (W.C.D.A) GAMMICK, NOR MY COMPROMISED AND CONSPIRATORY POST-CONVICTION ATTORNEY MARILOU WILSON, ADDRESSED THE FACTS ON THEIR MERITS IN THE SHAM EVIDENTIARY HEARING AND FAILED TO REPORT THOSE CRIMES THEREIN. SEE 2006 ENTIRE COURT RECORD! AS FURTHER PROOF, SEE WHERE NEITHER MY GUILTY PLEA, NOR INEFFECTIVE ASSISTANCE OF COUNSEL CLAIMS WERE DELIBERATELY NEVER ADDRESSED AS WAS FACTUALLY REQUIRED! THE FRAUD AND CONSPIRACY CONTINUED WHEN POLAHA DELIBERATELY ADDRESSED ONLY ONE GROUND AND DID SO FRAUDULENTLY, WHERE POLAHA HIMSELF COMMITTED CRIMINAL FRAUD UPON [AND] BY THE COURT WHEN HE, THE W.C.D.A AND ATTORNEY WILSON, COLLUDED TO COMMIT FRAUD BY PUTTING A PSYCHOLOGIST ON THE STAND AND BEING QUESTIONED AFTER POLAHA ORDERED A FRAUDULENT SHAM EVALUATION! MY CONFLICTED PUBLIC DEFENDER HAD PREVIOUSLY TOLD THE DISTRICT COURT JUDGE POLAHA DURING DISTRICT COURT ARRAIGNMENT UPON THE ILLEGALLY GOTTEN INDICTMENT WITH IDENTICAL CHARGES IN 2003, AFTER <sup>ALREADY</sup> SPENDING ALMOST 60 DAYS IN JAIL WITHOUT A READING OF CHARGES, THAT HE THOUGHT THAT I HAD SOME FORM OF PTSD BUT POLAHA FAILED TO ORDER A COMPETENCY EVALUATION IN 2003.

YET, HE STILL ACCEPTED MY COERCED UNKNOWING AND UNINTELLIGENTLY GIVEN GUILTY PLEA  
 INSPITE OF BEING DONE IN KNOWN VIOLATION OF NRS 178.562(1), REGARDLESS! BUT,  
 WHEN I BROUGHT UP THE COMPETENCY ISSUE IN MY 2006 HABEAS PETITION POLAHA KNEW  
 HE GOT CAUGHT! POLAHA WAS SO CONCERNED ABOUT IT THAT HE TOOK CRIMINALLY  
 FRAUDULENT ACTION BY DELIBERATELY ORDERING THE WRONG AND NOT-APPLICABLE  
 PSYCHO-SEXUAL EVALUATION WHICH WAS NOT APPLICABLE TO MY COMPETENCY  
 CONCERNS, 2 1/2 YEARS AFTER THE FACT. THE PSYCHO-SEXUAL EVALUATION ONLY APPLIED  
 TO OFFENDERS OF PROBATIONABLE SEX OFFENSES AND I DID NOT HAVE THAT KIND OF  
 CRIME AND HE FACTUALLY KNEW IT DID NOT APPLY, AS DID (W/CD) GAMMICK AND MY  
 HABEAS ATTORNEY MARILOU WILSON. POLAHA DELIBERATELY ORDERED THE WRONG  
 EVALUATION IN COLLUSION WITH DR. MAHAFFREY, THE WIFE OF A (W/CD) ASST. DISTRICT  
 ATTORNEY! POLAHA MADE THE ORDER TO GIVE HER \$5000.00 PLUS EXPENSES, FOR  
 PAYMENT AND EXPENSES, FOR AN ILLEGALLY GIVEN AND INAPPLICABLE EVALUATION  
 THAT NV. STATUTE ONLY GRANTED HUNDREDS [NOT] THOUSANDS OF DOLLARS, REGARDLESS!  
 THIS WAS MISAPPROPRIATION AND ABUSE OF TAX-PAYER MONEY. THIS R.I.C.O.  
 CONSPIRACY OCCURRED AS DID CRIMINAL FRAUD, WIRE FRAUD, BANK FRAUD, COMPUTER  
 FRAUD AND OBSTRUCTION OF JUSTICE! THEY BOTH KNEW WHAT THEY DID HAD CRIMINAL  
 CONSEQUENCES BUT CONSPIRED TO SEE IT THROUGH TO CONCLUSION, WHILE MY  
 COMPLICIT ATTORNEY REMAINED SILENT! I HAVE NEVER BEEN GIVEN THE REQUIRED  
 COMPETENCY EVALUATION, WHICH REQUIRED EVALUATION BY [TWO] DIFFERENT  
 DOCTORS! POLAHA AND MAHAFFREY KNEW I WAS ONLY EVALUATED BY ONLY ONE  
 DOCTOR, WHICH PROVES MORE CRIMINAL FRAUD ON DR. MAHAFFREY'S PART, AS SHE  
 KNEW TWO DIFFERENT DOCTORS WERE REQUIRED IN EVERY EVALUATION, REGARDLESS!  
 THIS FRAUDULENTLY ADDRESSED ISSUE WAS THE ONLY CLAIM ADDRESSED IN THE SHAM  
 2006 EVIDENTIARY HEARING, WHERE ALSO, NEITHER MY COERCED UNKNOWING AND  
 UNINTELLIGENTLY GIVEN GUILTY PLEA, [NOR] MY INEFFECTIVE ASST. OF COUNSEL CLAIMS  
 WERE EVEN ADDRESSED! HAD THEY BEEN ADDRESSED AS WAS REQUIRED BY LAW, MY  
 CASE WOULD HAVE HAD A DIFFERENT ENDING! POLAHA'S ORDER OF DENIAL WAS A  
 SHAM WHERE HE AND DR. MAHAFFREY PERPETRATED FRAUD UPON THE COURT AND  
 DELIBERATELY OBSTRUCTED JUSTICE. MY COMPETENCY HAS NEVER BEEN LAWFULLY  
 ADDRESSED AND MY CASE MUST BE VACATED WITH PREJUDICE AND IS VOID REGARDLESS,

SEE NRS 178.562(1)! HAD POLAHA NOT ACTED CRIMINALLY AND IN BAD FAITH, MY CASE WOULD HAVE BEEN DISMISSED WITH PREJUDICE, BUT NEITHER POLAHA, NOR GAMMICK WAS GOING TO LET THAT HAPPEN! SEE 2006 HABEAS PETITION AND COURT RECORD THEREIN. THIS FURTHER EXPLAINS WHY (WCD) HICKS AND JUDGE POLAHA CONSPIRED TO FURTHER COMMIT FRAUD AND OBSTRUCTION OF JUSTICE TO COVER UP THE INITIAL CRIMES AND CONSTITUTIONAL VIOLATIONS EXPOSED IN 2015 MOTION TO VACATE! IT ALSO PROVES FURTHER, WHY I WAS STILL HESITANT IN 2015, TO EXPOSE CARRYS TERRORIST CRIMES AND THREATS HE MADE TO ME IN 2003-04, TO COERCE ME INTO PLEADING GUILTY IN THE FIRST PLACE! HAD I EXPOSED THIS IN 2015, IT WOULD HAVE BEEN COVERED UP TOO! AND, MAYBE I WOULD HAVE BEEN TERRORIZED AGAIN OR MAYBE EVEN DEAD!

WHAT CARRY DID NOT KNOW IN 2003-04, WHEN HE MADE HIS TERRORIST THREATS AND PERPETRATED STATE AND FEDERAL CRIME(S) TO FORCE ME TO PLEAD GUILTY AND KEEP MY MOUTH SHUT WAS THAT I DID NOT KNOW ABOUT ANYTHING THAT HAD OCCURRED IN MY CASE BECAUSE MY WIFE WAS AFRAID TO TELL ME WHAT CARRY AND THE (WCSO) HAD DONE TO HER AND OUR BABY BOYS, AND BECAUSE MY DISLOYAL, COMPLICIT, COMPROMISED AND CONFLICTED WASHOE COUNTY PUBLIC DEFENDER (WCPD), SEAN SULLIVAN, DID NOT TELL ME ABOUT ANY OF IT WHEN HE WAS MY PIECE OF SHIT ATTORNEY, OTHERWISE HE WOULDNT HAVE LIED TO ME AND COERCED ME INTO THE UNKNOWING AND UNINTELLIGENTLY GIVEN GUILTY PLEA!

I HONESTLY DO NOT KNOW IF SULLIVAN, GAMMICK OR VILTORIA KNEW THAT CARRY THREATENED ME TO PLEAD GUILTY, BUT IT DOES NOT MATTER, REGARDLESS! BUT, SUSPICIOUSLY ENOUGH, NOT LONG AFTER CARRY THREATENED ME TO PLEAD GUILTY, MY ATTORNEY TOLD ME THAT HE TALKED TO ADA VILTORIA ABOUT A GUILTY PLEA PROPOSAL AND HE SHOWED IT TO ME. THE TOP PAGE SAID THAT SULLIVAN HAD WRITTEN HER A LETTER STATING THAT I WANTED TO NEGOTIATE A PLEA! THAT WAS NOT TRUE AS I HAD ALREADY PLED [NOT] GUILTY IN DISTRICT COURT AND MY TRIAL WAS SCHEDULED IN 2004 SOMETIME! I ASKED SULLIVAN TO SHOW ME THE LETTER BUT HE [REFUSED], SEE 2006 HABEAS COURT RECORD! EVEN THOUGH CARRY HAD ALREADY THREATENED ME TO PLEAD GUILTY, I HAD STILL NOT ASKED SULLIVAN TO PLEAD ME OUT AND WAS NOT DISPUTED! BUT, SINCE CARRY HAD ALREADY THREATENED ME TO TAKE A GUILTY PLEA, I TOLD SULLIVAN I WOULD LOOK AT THE PROPOSED PLEA AGREEMENT. WHEN I READ THE AGREEMENT I DID NOT REALLY UNDERSTAND IT AS I THINK AND FEEL THAT I WAS PROBABLY

INCOMPETENT AND SULLIVAN LIED TO ME ABOUT WHAT IT MEANT AND HOW IT WOULD AFFECT ME. SEE UNDISPUTED CLAIMS IN 2006 HABEAS RECORD, WHERE POLAHA COVERED THAT UP TOO! SULLIVAN TOLD ME THAT HE HAD PERSONALLY SPOKEN TO ADA VILLORIA AND THAT SHE SAID EVEN THOUGH THE PLEA AGREEMENT LEFT SENTENCING OPEN TO ARGUE, THAT SHE HAD VERBALLY AGREED TO SEEK ON COUNT (1) A TERM OF 5 TO 15 YEARS; TO DISMISS COUNT (2); AND TO RUN COUNTS (3)(4) & (5) TOGETHER FOR A TERM OF 5 TO 20 YEARS, BUT WOULD RUN CONSECUTIVE TO COUNT (1) 5 TO 15 YEARS. THIS, I WOULD DO A MINIMUM OF 10 YEARS BEFORE I WAS THEN ELIGIBLE FOR PAROLE! BUT, HE TOLD ME THAT IF I WORKED, PROGRAMMED OR WENT TO SCHOOL, THAT I WOULD GET AN ADDITIONAL AMOUNT OF TIME OFF OF THE 10 YEARS AND I COULD BE HOME IN 7 1/2 TO 8 YEARS! THAT PIECE OF SHIT LIED TO ME ABOUT THAT TOO, BECAUSE IT WAS NOT LAWFUL IN 2003 TO GET ADDITIONAL TIME OFF THE FRONT OF MY SENTENCES! I WAS ALREADY SCARED TO DEATH BY CARRY'S THREATS WHEN I TOLD SULLIVAN THAT I WAS NOT GUILTY OF ALL OF THE CHARGES THAT HE AND VILLORIA WANTED ME TO PLEAD GUILTY TO! HE THEN TOLD ME THAT IT DID NOT MATTER, BECAUSE IF I WENT TO TRIAL, THE STATE WOULD PROVE ME GUILTY ON ONE COUNT AND THAT THE JURY WOULD JUST PRESUME THAT I WAS GUILTY OF ALL OF THE CHARGES, AND THEN POLAHA WOULD PUNISH ME FOR TAKING MY CASE TO TRIAL BY GIVING ME MAXIMUM TIME ON EVERY COUNT. THAT SCARED ME EVEN MORE ESPECIALLY AFTER WHAT CARRY HAD SAID TO ME! POLAHA LATER DID THAT TO ME, REGARDLESS! NEITHER SULLIVAN, NOR VILLORIA, NOR THE (WCOA) WOULD EVER GIVE ME THE ALLEGED LETTER SULLIVAN ALLEGEDLY WROTE, AND IT HAS NEVER SURFACED! WHY IS THAT? AND, WHY DIDNT MY HABEAS COUNSEL OR POLAHA ASK THAT QUESTION AT THE SHAM FRAUDULENT 2006 EVIDENTIARY HEARING? I THEN ASKED WHY THE PLEA OFFER WAS ONLY GOOD FOR 10 DAYS SINCE SULLIVAN BROUGHT IT TO ME WITH A COUPLE OF DAYS LEFT AND HE SAID HE BROUGHT IT AS SOON AS HE COULD. I DECLARE THAT HE DID THAT ON PURPOSE TOO! IT WAS FURTHER COERCION TO GET ME TO PLEAD GUILTY AS I THEN SAID I WANTED TO SEE THE POLICE REPORTS AND ALL THE EVIDENCE BEING USED AGAINST ME AND HE TOLD ME "I DO NOT HAVE THE POLICE REPORTS AND EVIDENCE IN MY POSSESSION" AND THEN I ASKED TO SEE THE W.C. GRAND JURY TRANSCRIPTS, AS THEY WERE NEVER GIVEN TO ME AT THE DISTRICT COURT ARRAIGNMENT, AS WAS CLEARLY

REQUIRED BY SECOND JUD. DIST. COURT RULE 3(a)(1). BUT SULLIVAN EVEN TOLD ME HIS COPY WAS INCOMPLETE! HOW WOULD THAT HAPPEN AND WHY WOULDN'T HE HAVE MADE THE EFFORT TO GET THEM BEFORE HE TRIED TO PLEAD ME OUT? I THEN REALIZED THAT HE MUST HAVE DONE SO DELIBERATELY, TO GET ME TO PLEAD GUILTY AT THE LAST MINUTE, WITHOUT SHOWING ME ONE SINGLE DOCUMENT AND THAT SCARED AND CONFUSED ME EVEN MORE, AND CONSIDERING THAT SULLIVAN WAS THE ONE WHO TOLD THE DISTRICT COURT THAT HE THOUGHT I HAD COMPETENCY ISSUES, I WAS PUT IN A NO-WIN SITUATION BY MY OWN DIRTY ATTORNEY IN COLLUSION WITH ADA VILLORIA! HE TOLD ME HE NEEDED MY ANSWER RIGHT AWAY BUT I STILL TOLD HIM I WOULD HAVE TO DISCUSS IT WITH MY WIFE AND I WOULD LET HIM KNOW THE NEXT DAY, THE [LAST DAY] THE PLEA OFFER WAS GOOD TIL! SO I CALLED MY WIFE THAT EVENING AND TOLD HER WHAT SULLIVAN HAD TOLD ME - THAT IF I TOOK THE DEAL I WOULD DO 10 YEARS BEFORE I GO TO THE PAROLE BOARD, BUT IF I WORKED PROGRAMMED OR WENT TO SCHOOL, I WOULD BE OUT IN 7 1/2 TO 8 YEARS! SO MY WIFE AND I BOTH RELUCTANTLY AGREED THAT I WOULD TAKE THE DEAL! I NEVER TOLD HER THEN THAT CARRY HAD THREATENED ME PREVIOUSLY TO GET ME TO PLEAD GUILTY FOR OBVIOUS REASONS INCLUDING THE FACT THAT MY CALLS WERE RECORDED AND MONITORED - AND WHAT IF CARRY FOUND OUT I TOLD MY WIFE WHAT HE DID TO ME, I COULD NOT CHANCE IT! THAT CALL WAS RECORDED BUT I AM QUITE SURE THAT THE (WCSD), OR CARRY, OR HERERA, QUICKLY DELETED IT SO I COULD NOT PROVE WHAT SULLIVAN AND VILLORIA HAD DONE TO COERCE ME TO PLEAD GUILTY! I THEN VERY RELUCTANTLY SIGNED THE COERCED BY LIES, GUILTY PLEA, AS AN INCOMPETENT VICTIM, THE GUILTY PLEA, PROCURED BY FRAUD AND CONSPIRACY, AND IN VIOLATION OF NRS 178.562(1), WHICH VOIDS MY CONVICTION, REGARDLESS! EVEN ACTING IN BAD FAITH, HOW COULD SULLIVAN AND VILLORIA GET AWAY WITH THAT? ITS BECAUSE POLAHA COVERED IT ALL UP AFTER I FILED 2006 HABEAS PETITION IN THE SECOND JUDICIAL DIST. COURT. SEE SHAM 2006 EVIDENTIARY HEARING: BAD FAITH COVER UP BY POLAHA! POLAHA PROTECTED THE (WCSD), THE (WCDA) AND EVEN HIMSELF IN 2006, AND DELIBERATELY REFUSED TO LAWFULLY ADDRESS THE GUILTY PLEA AND INEFFECTIVE ASST. OF COUNSEL CLAIMS. THUS MY CLAIMS ARE ACCEPTED BY THE STATE AND THE COURT AS TRUE AND CORRECT AND FACTUALLY UNDISPUTED!

SULLIVAN KNEW THAT IF I SAW WHAT SULLIVAN REALLY HAD AND I FOUND OUT WHAT THE (WCSD AND WCDA) HAD REALLY DONE TO ME AND MY FAMILY, IN MY CASE, THAT

I WOULD NEVER HAVE BEEN FORCED TO PLEAD GUILTY AND I WOULD HAVE TAKEN MY CASE TO TRIAL REGARDLESS OF CARRYS TERRORIST THREATS! YET, WITHOUT SHOWING ME EVEN ONE SINGLE DOCUMENT, SULLIVAN AND VILLORIA HAD COLLUDED, AND SULLIVAN CONSPIRED WITH VILLORIA, TO LIE AND COERCE ME, ESPECIALLY SINCE I WAS VERY LIKELY INCOMPETENT, INTO AN UNKNOWING AND UNINTELLIGENTLY GIVEN GUILTY PLEA BASED ON LIES AND BAD FAITH DECEITFULNESS, EVEN AS BOTH KNEW ABOUT THE [D]OZENS OF STATE AND FEDERAL CRIMES AND CONSTITUTIONAL VIOLATIONS THAT WERE PERPETRATED AGAINST ME, MY WIFE AND BABY BOYS, BY THE (WCSO) AND (WCDA), INCLUDING BY ADA VILLORIA, TO HURRY TO CLOSE MY CASE SO IT WOULD REMAIN HIDDEN FROM ME AND THE [PUBLIC], WHILE KNOWING I HAD A COMPETENCY ISSUE AND THAT PURSUANT TO NRS 178.562, TURPIN V. STATE, AND SHERIFF, WASHOE COUNTY V. DHADDA (1999), I COULD NOT LAWFULLY BE PROSECUTED, NOR CONVICTED WHEN TWO CASES WITH IDENTICAL CHARGES WERE PENDING AT THE SAME TIME, REGARDLESS! AND, THAT FACT WAS DELIBERATELY WITHHELD FROM ME BY SULLIVAN, GAMMICK, VILLORIA, THE WASHOE COUNTY SHERIFF, JUDGE POLAHA AND THE CHIEF JUDGE IN 2003-04, AS CRIMINAL FRAUD WAS [AGAIN] PERPETRATED UPON ME THE DISTRICT COURT AND THE STATE OF NEVADA AND WAS [ALSO] PERPETRATED [BY THE DISTRICT COURT ITSELF] AGAINST ME,

WHEN CARRY MADE TERRORIST THREATS TO ME TO FORCE ME TO PLEAD GUILTY IN 2003, I DID NOT KNOW ABOUT WHAT HAD OCCURRED IN MY CASE AND I CERTAINLY DID NOT KNOW ABOUT WHAT CARRY AND THE (WCSO) HAD DONE TO MY WIFE MARILOU, AND OUR TWO BABY BOYS, DURING AN ILLEGAL SEARCH AND SEIZURE AT OUR HOME IN DAYTON, NEV. SEE PGS 9-16, IN 2015 MOTION TO VACATE, IN COURT RECORD. MY WIFE WAS SO AFRAID TO SAY ANYTHING THAT SHE DID NOT TELL ME FOR ALMOST 12 YEARS AND BECAME NEWLY DISCOVERED EVIDENCE IN JULY OF 2015. I DID NOT YET KNOW WHY CARRY HAD THREATENED ME TO PLEAD GUILTY OR WHY HE HAD THREATENED MY LIFE AS I WASNT TOLD ANYTHING BY MY P.O.S. ATTORNEY, SEAN SULLIVAN, AND I HAD A COMPETENCY ISSUE AND WAS SCARED AND CONFUSED ABOUT WHAT WAS GOING ON! MY CONSPIRATORY W.C. PUBLIC DEFENDER (WCPD), SEAN SULLIVAN, DID NOT SHARE INFORMATION, DISCOVERY, NOR FACTS IN EVIDENCE WITH ME EVER! YET NOT ONLY CARRY, BUT ALSO SULLIVAN AND ADA VILLORIA CONSPIRED TO COERCE ME INTO AN UNKNOWING AND UNINTELLIGENTLY GIVEN GUILTY PLEA! SEE 2006 HABEAS PETITION IN DISTRICT COURT RECORD! FURTHERMORE, CARRY, (WCOA) GAMMICK, ADA VILLORIA AND SULLIVAN, ALL KNEW THAT THE INFORMATION, CRIMES COMMITTED BY CARRY, THE WCSO AND THE (WCOA'S OFFICE), AGAINST ME AND MY FAMILY, THE DISCOVERY, THE CONSTITUTIONAL VIOLATIONS, AND SURROUNDING FACTS WERE HIGHLY CRITICAL AND BENEFICIAL TO [ME], MAKING THE EVIDENCE [EXCULPATORY], AND THE STATE AND MY P.O.S. ATTORNEY HAD A DUTY TO DISCLOSE THE EVIDENCE AND SURROUNDING FACTS UNDER THE CIRCUMSTANCES OF MY CASE, YET WOULD NOT DO SO, TO PROTECT THOSE INVOLVED AND THIS ILLEGAL AND UNCONSTITUTIONAL RAILROAD JOB! SO IT WAS ALMOST 12 YEARS BEFORE I FINALLY FOUND OUT ABOUT THE CONSPIRACY, FRAUD AND OTHER STATE AND FEDERAL CRIMES PERPETRATED UPON MY FAMILY AND I, AND I REALIZED WHAT CARRY HAD MEANT AND WHY HE MADE THOSE TERRORIST THREATS TO ME IN 2003-04. IN JULY OF 2015, OR THERE ABOUT, I WAS TALKING TO MY WIFE, MARILOU BOTELOHO, ABOUT THE (WCSO) ADMINISTRATIVE SUBPOENA THAT I HAD JUST FOUND OUT WAS FAKE AND FRAUDULENT, AND WAS PROVEN AS SUCH IN 2015 MOTION TO VACATE, PGS 1-9, AS NEWLY DISCOVERED EVIDENCE, AND THE STATE DID NOT DISPUTE THAT FACT! THAT IS WHEN MARILOU RELUCTANTLY TOLD ME ABOUT THE TERRORIST THREATS (WCSO) DET. CARRY HAD MADE TO HER [AND] OUR TWO BABY BOYS IN 2003, WHEN CARRY MADE TERRORIST THREATS TO HER, THUS, COMMITTING STATE AND FEDERAL CRIMES TO FRAUDULENTLY "EXTORT AND STEAL", UNDER EXTREME DURESS,

THE D.N.A. OF HERSELF AND THE BABY BOYS, AGAINST THEIR WILL, BECAUSE MARILOU HAD EXERCISED HER CONSTITUTIONAL RIGHTS! THIS OCCURRED DURING THE ILLEGALLY CARRIED OUT SEARCH AND UNCONSTITUTIONAL SEIZURE [S] AT OUR HOME IN DAYTON, LYON COUNTY, NEVADA, BY CARRY AND THE (WCSO), USING AN ILLEGALLY PROCURED, ILLEGALLY AND UNCONSTITUTIONALLY EXECUTED AND EXCEEDED SEARCH WARRANT; AND DONE SO WITHOUT JURISDICTION TO DO SO! SEE Pgs 9-16, IN 2015 MOTION TO VACATE IN COURT RECORD, AND SEE LYON CTY. SEARCH WARRANT IN LYON COUNTY AND WASHOE CTY. COURT RECORD! SEE WHERE CARRY LIED TO PROCURE WARRANT AND HE KNEW THE DAYTON JUSTICE COURT (DJC) MAGISTRATE WOULD NOT ALLOW DNA TO BE TAKEN FROM MY INNOCENT WIFE AND BABY BOYS, SO CARRY TOOK THE LAW INTO HIS OWN HANDS EVEN AS THE (WCSO) LOOKED ON. NO CRIMES OR CONSTITUTIONAL VIOLATIONS WERE DISPUTED BY (WCOA) CHRIS HICKS! BUT HICKS AND JUDGE POLAHA COLLUDED TO FORM AN ACT OF CONSPIRACY WITH THE CRIMINAL INTENT TO IGNORE THEM AND COVER THEM UP. SO NO EVIDENTIARY HEARING WOULD EXPOSE WHAT OCCURRED AND WOULD BE COVERED-UP AND JUSTICE WOULD AGAIN BE OBSTRUCTED, SUBVERTED AND PERVERTED; SO THEY WOULD REMAIN UNKNOWN TO THE PUBLIC AND OTHER STATE AND FEDERAL LAW ENFORCEMENT AGENCIES, AND OTHER STATE AND FEDERAL PROSECUTORS! POLAHA, HICKS, AND CHIEF JUDGE HARDY ALSO VIOLATED THEIR SWORN OATH, JUDICIAL CANNONS AND CODE OF CONDUCT, AND VIOLATED NRS 291.360 AND 18 USC 4 MISPRISON OF FELONY, FOR FAILING TO PERFORM THEIR DUTIES AND FOR FAILING TO REPORT THOSE CRIMES AND SUPPORTED ACCUSATIONS TO ALL PROPER AUTHORITIES, SO THE NECESSARY STATE AND FEDERAL GRAND JURIES COULD BEGIN THEIR NECESSARY INVESTIGATIONS! THERE IS A VERY REAL, CLEAR AND PRESENT DANGER IN WASHOE COUNTY!

IT FINALLY DAWNED ON ME WHY MY WIFE NEVER TOLD ME BEFORE 2015 ABOUT WHAT CARRY AND THE (WCSO) HAD DONE TO HER AND OUR BABY BOYS! IT WAS BECAUSE SHE WAS ALREADY SCARED TO DEATH JUST LIKE I HAD BEEN; AND WAS EVEN MORE SO AFTER LEARNING THAT FORMER (WCSO) DET. BOTELLO HAD BEEN KILLED TO SHUT HIM UP FOR BEING A WHISTLEBLOWER AFTER HAVING BEEN FIRED TWICE FROM TWO OTHER LAW ENFORCEMENT AGENCIES THANKS TO THE DIRTY, DISPICABLE ACTIONS OF THE (WCOA) DICK GAMMICK! I THEN REALIZED THAT WE HAD [BOTH] LIVED IN CONSTANT FEAR OF CARRY AND THE (WCSO) SINCE 2003! I HAD FINALLY

UNDERSTOOD IN MAJOR PART WHY DET. CARRY HAD MADE TERRORIST THREATS TO ME TO FORCE ME TO PLEAD GUILTY AND TO KEEP MY MOUTH SHUT ABOUT MY CASE, OR I WOULD DIE IN PRISON! MY WIFE WAS SO TERRORIFIED THAT SHE SECRETLY TOOK OUR BABY BOYS TO MANILLA, PHILIPPINES, IN 2004, TO LIVE WITH WITH HER SISTER AND THEY STAYED THEIR ALMOST 13 YEARS! MARILOU WAS EVEN AFRAID TO TELL [ME] THAT SHE HAD MOVED OUR BABY BOYS TO MANILLA UNTIL SHE HAD ALREADY DONE SO! BUT, SHE NEVER TOLD ME [WHY] SHE HAD DONE SO UNTIL AROUND JULY OF 2015! MARILOU HAD THOUGHT THAT IF OUR BOYS WERE OUT OF THE COUNTRY, THEN CARRY, NOR ANYONE ELSE FROM THE (WCSO), WOULD AGAIN BE ABLE TO THREATEN HER [AND] OUR BABY BOYS BY USING OUR BABY BOYS AS [BAIT AND LEVERAGE] IN ANY WAY AND TRY TO TAKE OUR BABY BOYS AS A RESULT OF MARILOU TRYING TO EXERCISE HER [AND] OUR BABY BOYS CONSTITUTIONAL RIGHTS! I KNOW THESE FACTS BECAUSE WE HAVE TALKED ABOUT THEM! EVEN THOUGH MARILOU HAD TAKEN OUR BOYS TO MANILLA SHE WAS STILL SCARED OF CARRY AND THE (WCSO) AND WHAT THEY MIGHT DO IN THE MEANTIME, AS SHE HAD TROUBLE EATING AND SLEEPING AND CRIED EVERY TIME I SPOKE TO HER AS SHE WAS COMPLETELY [A]LONE FOR ALMOST 13 YEARS BECAUSE SHE WAS SCARED AND STILL WORRIED ABOUT OUR BOYS AND MISSED THEM TERRIBLY, LIKE ANY LOVING MOTHER WOULD! I JUST DID NOT KNOW THAT SHE WAS SCARED UNTIL 2015, ALL THOSE YEARS LATER! SHE WAS RIGHTLY SCARED ABOUT WHAT CARRY OR THE (WCSO) MIGHT TRY TO DO TO HER, LIKE COMING BACK TO OUR HOME AND FURTHER TERRORIZING HER, OR GOING TO HER WORKPLACE AND CAUSING A SCENE AND THREATEN TO COST HER HER JOB OR HARASS HER, AND CAUSE HER TO APPEAR TO BE INVOLVED IN SOMETHING AND PURPOSEFULLY CAUSE HER TO LOSE HER JOB, AND BE FINANCIALLY UNABLE TO KEEP OUR HOME AND BE UNABLE TO FINANCIALLY SUPPORT OUR BOYS IN THE PHILIPPINES, AS HERERA HAD ALREADY PUT OUR CREDIT AND FINANCES IN JEOPARDY, FOREVER! SEE 2015 MOTION TO VACATE AND ATTEMPT TO LOCATE FLYER HE PUT OUT PUBLICLY IN 2003!

AGAIN, MARILOU'S FEARS BECAME EVEN MORE REAL WHEN SHE FOUND OUT WHAT HAPPENED TO FORMER (WCSO) DET. BOTELLO, BECAUSE HE WAS AN HONEST COP AND A WHISTLE BLOWER, AND SHE HEARD THE DIRTY (WCOA) GAMMICK ON T.V., NOT BEING CONCERNED ABOUT THE SERIOUS ALLEGATIONS AGAINST THE W.C. CRIME LAB; BUT WAS BRAGGING ABOUT GETTING BOTELLO FIRED FROM TWO DIFFERENT LAW ENFORCEMENT AGENCIES BECAUSE HE

WAS A WHISTLE-BLOWER; OUT OF RETALIATION FOR EXPOSING THE W.C. CRIME LAB FOR  
 FAKING AND MANIPULATING D.N.A. AND OTHER FORENSIC RESULTS AND REPORTS, AND  
 FOR LYING ABOUT THEM WHEN TESTIFYING DURING CRIMINAL TRIALS IN WASHOE  
 COUNTY! THAT MADE MARILOU EVEN MORE FEARFUL TO TELL ME WHAT CARRY AND THE  
 (WCSO) HAD DONE TO HER AND TO OUR BABY BOYS IN 2003. THAT SCARED ME TOO, AS I  
 HAD NOT FORGOT ABOUT THE TERRORIST THREATS MADE BY CARRY TO ME IN 2003-04,  
 AND ABOUT HIS DEATH THREAT! MARILOU AND I BOTH KNOW THE ONLY REASON THAT  
 THE PUBLIC FOUND OUT ABOUT BOTELLO BEING A WHISTLE-BLOWER WAS BECAUSE  
 BOTELLO WAS MURDERED TO SHUT HIM UP AND BECAUSE DIRTY GAMMICK COULD NO  
 LONGER CONTROL THE NARRATIVE AT THAT POINT! WE BOTH FOUND OUT MANY MONTHS  
 LATER THAT (WCSA) GAMMICK WAS CLEARED OF ANY CRIMINAL WRONG-DOING IN  
 BOTELLO'S DEATH BUT THE PUBLIC KNEW IT HAD TO HAPPEN THAT WAY, OTHERWISE  
 MANY CRIMINAL CONVICTIONS IN WASHOE COUNTY WOULD HAVE HAD TO BE RE-OPENED;  
 SO GAMMICK AND THE W.C. CRIME LAB HAD TO BOTH <sup>BE</sup> PROTECTED! YET HIS DEATH AND  
 CLEARING GAMMICK HAD NO BEARING ON WHETHER THE W.C. CRIME LAB WAS IN FACT  
 DIRTY AND CORRUPT! AS PROOF OF THAT, I ASSERT THAT GAMMICK NEVER BEFORE OR  
 AFTER BOTELLO'S DEATH, CONVENED A W.C. GRAND JURY (WCGJ) TO INVESTIGATE HIS  
 SERIOUS CRIMINAL ALLEGATIONS! GAMMICK DID NOT EVEN QUESTION THE POSSIBILITY  
 AND AFTER BOTELLO'S DEATH, WHEN GAMMICK HIMSELF WAS LOOSELY BEING INVESTIGATED  
 IN BOTELLO'S DEATH, GAMMICK NEVER DISPLAYED HIS IMPARTIALITY REGARDING  
 BOTELLO'S ALLEGATIONS OR SHOW CONCERN FOR THEIR PLAUSIBILITY, THAT THERE WAS  
 ANY WRONG-DOING BY THE W.C. CRIME LAB! HE MADE NO EFFORT TO DO HIS SWORN DUTY  
 AND FIND OUT THE TRUTH OF THE ALLEGATIONS! GAMMICK JUST LET THE ALLEGATIONS  
 DIE JUST LIKE BOTELLO DID! WHAT A COVER-UP! BOTELLO WAS AN HONORABLE, HERO  
 COP, WHERE THERE ARE NOT MANY IN WASHOE COUNTY! AND, HE DIED FOR DOING WHAT  
 WAS RIGHT "REGARDLESS OF THE CONSEQUENCES". INSTEAD, ONCE BOTELLO WAS  
 WAS DEAD, GAMMICK WAS SATISFIED THAT THE W.C. CRIME LAB WOULD BE IN THE CLEAR  
 ON GAMMICK'S WATCH, WITHOUT AN INVESTIGATION TO ASCERTAIN THE TRUTHFULNESS  
 OF THE SERIOUS ALLEGATIONS MADE AGAINST THE CRIME LAB! THERE IS STILL A CLEAR  
 AND PRESENT DANGER IN WASHOE COUNTY BECAUSE THE DIRTY COPS, THE DIRTY  
 PROSECUTORS AND DIRTY JUDGES PROTECT THEIR OWN AT ALL COSTS,  
 REGARDLESS OF WHAT THEY HAVE DONE TO ANYONE!

EVEN THE COMPROMISED NEV. ATTORNEY GENERAL, LORTEZ-MASTO, SHOWED NO CONCERN WHEN BOTELLO WAS KILLED! HE WORKED FOR MASTO AS AN EXPERIENCED INVESTIGATOR WHEN HE WAS MURDERED! SHE DID NOT EVEN CONVENE A STATE GRAND JURY TO INVESTIGATE HIS DEATH [OR] TO INVESTIGATE HIS SERIOUS ALLEGATIONS! INSTEAD, SHE FURTHER PROTECTED THE STATE AND WASHOE COUNTY, BECAUSE HER ALLEGIANCE WAS [NOT] TO THE PEOPLE OF THE STATE OF NEVADA WHO ELECTED HER, BUT "IT WAS TO THE STATE ITSELF," AND TO THE NEVADA COURTS THEMSELVES, SO SHE DID HER PART TO PROTECT THOSE INVOLVED BY NOT INVESTIGATING AND "EXPOSING THE TRUTH"! AS PROOF, JUST LOOK AT HER SWORN OATH IN THE NV. CONSTITUTION! THAT SCARED ME AND IT SCARED MARILOU EVEN MORE! THAT IS FURTHER REASON THAT MARILOU DIDNT SAY ANYTHING TO ANYONE, EVEN ME, UNTIL AROUND JULY OF 2015! SHE WAS AGAIN EVEN MORE AFRAID BECAUSE BOTELHO WAS KILLED IN DAYTON WHERE SHE LIVES, AND BECAUSE SHE KNEW CARRY AND THE (WCSO) WERE CAPABLE OF DOING THE SAME THING, AND SHE WAS AFRAID OF WHAT THEY MIGHT DO TO HER AND OUR BOYS, WHEN SHE WAS GOING TO BRING THEM HOME! OF COURSE, I DID NOT KNOW THAT SHE HAD BEEN LIVING WITH THOSE TERRIBLE FEARS UNTIL SHE TOLD ME IN 2015! I HAD ALWAYS THOUGHT THAT I WAS THE ONLY ONE LIVING IN FEAR OF CARRY AND THE (WCSO)! BUT THAT ALL CHANGED IN 2015, AFTER MARILOU RELUCTANTLY TOLD ME WHAT CARRY AND THE (WCSO) HAD DONE TO HER AND OUR BABY BOYS AND THIS WAS AFTER THE BOYS HAD ALREADY BEEN CAUTIOUSLY BROUGHT HOME TO DAYTON, FROM THE PHILIPPINES! MARILOU WAITED UNTIL OUR BOYS WERE TEENAGERS BEFORE SHE CAUTIOUSLY BROUGHT THEM HOME, [ESPECIALLY] AFTER WHAT HAPPENED TO BOTELHO AND THE FACT THAT IT HAPPENED IN DAYTON, FOR BEING A WHISTLE-BLOWER! MARILOU WAS THEN FINANCIALLY SUPPORTING AND TRYING TO SAFELY RAISE OUR BOYS. THEN SHE ALSO BECAME AFRAID THAT CARRY OR THE (WCSO) MIGHT EVEN GO TO THEIR SCHOOL AND CAUSE PROBLEMS FOR THEM AND MY WIFE SO THAT SHE WOULD BE FORCED TO TAKE THEM OUT OF PUBLIC SCHOOL! MARILOU AND I BOTH KNEW WHAT WAS DONE TO DESTROY BOTELLO [AND] HIS FAMILY [EVEN BEFORE] HE WAS THEN MURDERED, TO SHUT HIM UP! CARRY HAD CAUSED ME SEVERE EMOTIONAL AND MENTAL DISTRESS FOR YEARS, BUT AT THE SAME TIME I STILL DIDNT KNOW THAT P.O.S. CARRY AND THE (WCSO) HAD DONE THE SAME THING TO MY WIFE, INCLUDING CAUSING HER SEVERE ANGUISH OVER HAVING SENT THE BOYS AWAY

IN 2004, BECAUSE OF CARRY AND THE (WCSO)! I KNOW FOR A FACT THAT MY WIFE AND KIDS HAVE SUFFERED PERMANENT IRREPAIRABLE DAMAGE TO THEIR MOTHER AND SON RELATIONSHIPS BECAUSE OF THAT P.O.S. CARRY AND THE (WCSO)! OUR BOYS CALL MARILOU MOM, BUT [DO NOT] CONSIDER HER TO BE THEIR MOTHER BECAUSE WHEN THE BOYS WERE 11 AND 12 YEARS OLD, THEY HAD STILL THOUGHT THAT MARILOU'S SISTER WAS THEIR MOTHER, AND IT DESTROYED THEM WHEN THEY FOUND OUT MARILOU WAS THEIR MOM! IT WAS DONE FOR THEIR OWN SAFETY AND THEY HAVE ALL PAID A HEAVY PRICE FOR WHAT CARRY AND THE (WCSO) DID TO THEM AND TO US! BECAUSE OF WHAT CARRY AND THE (WCSO) DID, I DIDNT GET TO SEE OUR BOYS FOR 13 YEARS! CARRY IS A BIGGER PIECE OF SHIT THAN ANY CRIMINAL BECAUSE HE IS A COP! MY WIFE AND I HAVE STRUGGLED WITH THE POTENTIAL DANGERS THAT LIED AHEAD AT THAT POINT AND WHAT STILL MAY LIE AHEAD FOR ME, MY WIFE AND BOYS, AS A RESULT!

I ALWAYS THOUGHT THAT MARILOU WAS A MESS AND CRIED ALL THE TIME BECAUSE SHE WAS ALL ALONE, WHICH WAS ALSO SCARY, BUT WAS TRUE, BUT IT WAS SO MUCH MORE THAN THAT AS SHE DELIBERATELY SENT OUR OWN BABY BOYS AWAY FOR THEIR OWN SAFETY! COULD YOU EVER IMAGINE DOING THAT FOR YOUR OWN CHILDREN FOR 13 YEARS? IT REMINDS ME OF WHAT PARENTS DID IN WORLD WAR II TO PROTECT THEIR CHILDREN! SADLY I DID NOT KNOW THAT PART UNTIL 2015! WE ARE ALL STILL SUFFERING IN 2020 FOR WHAT CARRY, THE (WCSO), AND THE (WCOA) HAVE DONE TO US AND FOR SUBSTANTIALLY CAUSING AND ENSURING MY ILLEGAL AND UNCONSTITUTIONAL CONVICTION, AND DONE SO BY THE DISTRICT COURT IN BAD FAITH, IN VIOLATION OF NRS 178.562(1), NO LESS! I KNEW I HAD TO DO SOMETHING TO EXPOSE WHAT CARRY AND THE (WCSO) HAD DONE TO MY WIFE, OUR BOYS AND I, WITHOUT PUTTING US IN FURTHER POTENTIAL DANGER AND WHILE TRYING TO MINIMIZE WHAT MIGHT OCCUR WHEN "I BECAME THE WHISTLE-BLOWER"! I KNEW I STILL COULD NOT EXPOSE CARRY'S TERRORIST THREATS HE MADE TO ME AND WHAT HE FORCED ME TO DO IN 2003-04, NOT EVEN TO MARILOU, ESPECIALLY AFTER ALL THAT SHE HAD ALREADY SUFFERED AND FOR THEIR OWN SAFETY! THEREFORE, IT BECAME MY RESPONSIBILITY TO TRY TO PUT AN END TO IT WHILE STILL HOLDING BACK THE TERRORIST THREATS CARRY MADE TO ME IN 2003-04, TO FORCE ME TO PLEAD GUILTY AND TO KEEP MY MOUTH SHUT, OR I WOULD DIE IN PRISON, ESPECIALLY MORE SO, AFTER KNOWING WHAT HAPPENED TO BOTE LLO FOR BEING A HERO AND AN [HONORABLE] COP; SOMETHING (WCSO) IS VERY SHORT ON! I STILL HAD TO TRY KEEP MY FAMILY SAFE AT THE SAME TIME. SEE 2015 MOTION TO VACATE!

MY WIFE WAS STILL SCARED WHEN I TOLD HER I WAS GOING TO EXPOSE WHAT CARRY AND THE (WCSO) HAD DONE TO HER AND OUR BABY BOYS DURING THE ILLEGAL SEARCH AND ABOUT THE TERRORIST THREATS MADE BY CARRY, AND THE CRIMES HE COMMITTED AGAINST HER [AND] OUR TWO BABY BOYS, TO FRAUDULENTLY EXTORT, EXTORT AND STEAL D.N.A. FROM [THEIR PERSONS], AGAINST THEIR WILL! SEE PAGES 9-16, IN 2015 MOTION TO VACATE, WHEN IT WAS NEVER DISPUTED, BUT IT WAS COVERED UP, NEVER REPORTED BY HICKS OR POLAHA, AND WAS NEVER INVESTIGATED, TO PROTECT THOSE INVOLVED AND THIS VERY ILLEGAL CONVICTION! THANKFULLY THOUGH NEITHER MARILOU, OUR BOYS, NOR I, HAVE [YET] TO BE THREATENED OR HARASSED BY CARRY OR THE (WCSO) UP TO THIS POINT IN 2020, THANK GOD! BUT, I HAVE BEEN SCREWED WITH BY THE NEV. DEPT. OF CORRECTIONS CONCERNING MY AUGUST 13, 2019, AFFIDAVIT, WHEN I FINALLY EXPOSED CARRY, SEE HEREIN LATER!

WHEN I FINISHED WRITING MY 2015 MOTION TO VACATE I SENT MARILOU A COPY SO SHE WOULD KNOW WHAT I HAD EXPOSED! BUT I STILL DID NOT TELL HER YET ABOUT THE TERRORIST THREATS AND CRIMES COMMITTED BY CARRY TO FORCE ME TO PLEAD GUILTY AND KEEP MY MOUTH SHUT, OR I WOULD NEVER GET OUT OF PRISON ALIVE! BUT, I COULD NOT TELL HER THAT BECAUSE I WAS AFRAID OF WHAT MIGHT HAPPEN TO THEM OR MYSELF, AND BECAUSE MY MAIL AND PHONE CALLS WERE BEING MONITORED AND CARRY WOULD HAVE FOUND OUT! IT WAS LATE 2014 WHEN I FOUND OUT ABOUT THE (WCSO) ADMINISTRATIVE SUBPOENA BEING A SHAM, A FAKE AND FRAUDULENT, AND FRAUDULENTLY [USED] DOCUMENT USED ON AN ILLEGAL FISHING EXPEDITION TO [I]LLEGALLY BUILD THE CRIMINAL CASE AGAINST ME, TO PROVIDE ILLEGAL, TAINTED, INADMISSIBLE FRUITS OF THE POISONOUS TREE EVIDENCE, USED TO ILLEGALLY ARREST ME AS A DIRECT RESULT OF THE CRIMES PERPETRATED BY THE (WCSO) AND CARRY! SEE PAGES 1-9, IN 2015 MOTION TO VACATE, THIS RESULTING EVIDENCE AND ALL DERIVATIVE TAINTED EVIDENCE WAS ILLEGALLY AND UNCONSTITUTIONALLY USED AS PROBABLE CAUSE FOR A SEARCH WARRANT ILLEGALLY PROCURED, EXECUTED AND EXCEEDED, IN ANOTHER JURISDICTION, WHERE EGREGIOUS STATE AND FEDERAL CRIMES AND CONSTITUTIONAL VIOLATIONS WERE DELIBERATELY PERPETRATED UPON MY VERY INNOCENT WIFE AND BABY BOYS, AND ULTIMATELY AGAINST ME AS A DIRECT RESULT, TO UNLAWFULLY ARREST, PROSECUTE AND ILLEGALLY AND UNCONSTITUTIONALLY CONVICT ME! I ALSO BELIEVE THAT IF I HAD EXPOSED CARRY'S THREATS MADE TO ME

IN 2015 MOTION TO VACATE, THAT IT WOULD HAVE ALSO BEEN COVERED-UP, NOT REPORTED, NOR INVESTIGATED; JUST LIKE MY 2015 MOTION TO VACATE WAS, AND THEN CARRY WOULD HAVE TAKEN IT OUT ON ME, [OR] MY WIFE AND KIDS AND THAT [WOULD HAVE BEEN] COVERED-UP AS WELL! I ALSO DID NOT BRING UP EXTORTION IN MOTION TO VACATE BECAUSE IT DID NOT THEN OCCUR TO ME THAT WHAT CARRY AND THE [WCS] DID TO MY WIFE AND KIDS TO FRAUDULENTLY STEAL THEIR D.N.A. FROM THEIR OWN BODIES FIT THE ELEMENTS OF EXTORTION, BUT THEY DO (3 COUNTS); AND WHEN CARRY THREATENED ME TO PLEAD GUILTY, AND IT WAS EXTORTION, TOO!

I SPECIFICALLY FILED THE MOTION TO VACATE WITH CHIEF JUDGE HARDY OF THE SECOND JUDICIAL DISTRICT COURT. I THEN IMMEDIATELY FILED WITH C.J. HARDY, AN EXTRAORDINARY WRIT OF MANDAMUS TO COMPEL THE NECESSARY RECUSAL OF JUDGE POLAHA. I THEN FILED REQUEST FOR SUBMISSION FOR MANDAMUS TO COMPEL POLAHA'S NECESSARY RECUSAL WITH WITH C.J. HARDY, SEE COURT RECORD IN 2015, CASE NO. CR03-2156. HARDY WILLFULLY SHIRKED HIS SWORN DUTIES AND ACTED IN BAD FAITH WHEN HE DELIBERATELY FAILED TO ACT IN ACCORDANCE OF LAW, COURT RULES, JUDICIAL CANNONS AND MY STATUTORY AND CONSTITUTIONAL SUBSTANTIVE AND PROCEDURAL DUE PROCESS RIGHTS, WHEN HE ILLEGALLY AND UNCONSTITUTIONALLY WITHHELD ENTERTAINING THE WRIT OF MANDAMUS AND THE REQUEST FOR SUBMISSION TO ENTERTAIN THE WRIT OF MANDAMUS TO FORCE HARDY TO FIRST MAKE THE [R]EQUIRED RULING UPON THE NECESSARY MANDAMUS TO RECUSE POLAHA. C.J. HARDY FACTUALLY SHIRKED HIS DUTIES AND ACTED IN BAD FAITH WHEN HE WILLFULLY STOOD BY AS CHIEF JUDGE, WHEN HE CONSPIRED TO IGNORE THE EXTRAORDINARY WRIT OF MANDAMUS AND ALLOWED [OR] DIRECTED THE DIRTY, BIASED AND PREJUDICIAL JUDGE POLAHA TO [FIRST] ARBITRARILY AND CAPRICIOUSLY USURP HIS AUTHORITY AND ABUSE HIS POWER, AND FURTHER EXERCISE HIS BIAS AND PREJUDICE AGAINST ME, TO FIRST FRAUDULENTLY AND ILLEGALLY ENTERTAIN THE 2015 MOTION TO VACATE AND FRAUDULENTLY DENIED IT, AND DID SO WITHOUT THE NECESSARY EVIDENTIARY HEARING, INSPITE OF HARDY AND POLAHA BOTH KNOWING AS A MATTER OF LAW THAT THE MOTION TO VACATE COULD NOT LAWFULLY BE RULED UPON UNTIL THE EXTRAORDINARY WRIT OF MANDAMUS WAS [FIRST] LAWFULLY RULED UPON! HARDY AND POLAHA BOTH KNEW THAT POLAHA COULD [NOT] RULE UPON MOTION TO VACATE UNDER ANY CIRCUMSTANCES UNTIL THE MANDAMUS WAS FIRST RULED UPON, REGARDLESS! POLAHA ALSO KNEW THAT IF THE MANDAMUS WAS GRANTED, POLAHA COULD NOT RULE ON THE MOTION, REGARDLESS!

WHAT OCCURRED WAS CONSPIRATORY, FRAUDULENT AND SUBVERSIVE, AS BOTH HARDY AND POLAHA WERE EXPERIENCED JUDGES AND KNEW THAT POLAHA COULD NOT ACT IN BAD FAITH TO RULE UPON MOTION TO VACATE, AND USURP THE POWER AND AUTHORITY GRANTED HIM UNTIL THE MANDAMUS WAS FIRST ADJUDICATED, REGARDLESS! HARDY AND POLAHA BOTH KNEW THAT AN EVIDENTIARY HEARING WAS NECESSARY TO MAKE A LAWFULL DETERMINATION ON THEIR MERITS IN THE MANDAMUS TO COMPEL POLAHAS NECESSARY RECUSAL, AND IT WAS [REQUIRED BEFORE] THE MOTION TO VACATE COULD THEN BE ADJUDICATED! YET, THAT NEVER OCCURRED AS HARDY NOT ONLY FAILED TO ADDRESS THE MANDAMUS AND REQUEST FOR SUBMISSION BUT HE WILLFULLY FAILED TO REPORT THE CRIMES IN MOTION TO VACATE TO STATE AND FEDERAL AUTHORITIES, AND HAVE THE WASHOE COUNTY GRAND JURY (WCGJ) INVESTIGATE THE CRIMINAL WRONG-DOINGS BY THE (WCSD) AND THE (WLOA'S OFFICE)! HARDY KNEW POLAHA HAD BEEN ASKED BY MOTION (3) PREVIOUS TIMES, YET HE REFUSED TO RECUSE HIMSELF, NOR CONSIDERED MY CONSTITUTIONAL DUE PROCESS RIGHT TO AN UNBIASED AND IMPARTIAL JUDGE! HARDY KNEW THAT IN 2004, [B]EFORE POLAHA UNLAWFULLY AND UNCONSTITUTIONALLY CONVICTED ME, THAT MY CONFLICTED AND COMPROMISED PUBLIC DEFENDER, SEAN SULLIVAN, VERBALLY MOTIONED POLAHA IN OPEN COURT DURING SHAM BAD ACTS HEARING AND DURING THE ILLEGALLY HELD SENTENCING HEARING, TO RECUSE HIMSELF, AND POLAHA SCOLDED SULLIVAN, TELLING HIM THAT HAD SULLIVAN FIRST FILED THE MOTION WITH THE COURT, THAT POLAHA WOULD HAVE THEN RECUSED HIMSELF, BUT SINCE SULLIVAN DID NOT DO SO, POLAHA SAID HE WOULD [NOT] RECUSE HIMSELF! POLAHA KNEW HE STILL HAD A DUTY TO STEP DOWN, BUT INSTEAD, SCOLDED SULLIVAN AND INSINUATED THAT SULLIVAN HAD GIVEN ME INEFFECTIVE ASSISTANCE OF COUNSEL IN 2004! BUT LATER, POLAHA IGNORED MY GUILTY PLEA AND INEFFECTIVE ASSISTANCE OF COUNSEL CLAIMS IN POLAHAS SHAM, BAD FAITH AND FRAUDULENT EVIDENTIARY HEARING REGARDING MY 2006 HABEAS CORPUS PETITION, SEE COURT RECORD! HARDY ALSO KNEW THAT WHEN I FILED MY POST-CONVICTION WRIT OF HABEAS CORPUS, I ALSO FILED A MOTION TO RECUSE POLAHA. HARDY ALSO KNEW THE MOTION TO RECUSE WAS NOT PROPERLY ADJUDICATED AS POLAHA RULED ON THE MOTION HIMSELF AND DENIED IT WITHOUT A HEARING, STATING POLAHA WAS NOT PROPERLY SERVED AND THAT WAS A F.U.C. . . . **LIE!** POLAHA THEN WENT ON IN 2006 TO FURTHER BREAK THE LAW AND FRAUDULENTLY SCREW ME JUST LIKE HE DID IN 2004!

HARDY KNEW THESE FACTS IN EVIDENCE IN THE COURT RECORD AND STILL SHIRKED HIS DUTIES AS CHIEF JUDGE, IN BAD FAITH IN 2015! INSTEAD, THE COURT RECORD ITSELF PROVES HIS CRIMINAL INTENT AS HARDY COLLUDED WITH POLAHA TO FIRST ALLOW POLAHA TO ILLEGALLY RULE AND HE DID RULE AGAINST ME, AND WITHOUT THE NECESSARY EVIDENTIARY HEARING, WHILE PRACTICING HIS BIAS AND PREJUDICE AGAINST ME! HARDY DID IN FACT CONSPIRE WITH POLAHA UNDER HARDY'S SUPERVISION, TO FURTHER SUBVERT, PERVERT AND OBSTRUCT JUSTICE TO CRIMINALLY FURTHER THE DELIBERATE MANIFEST AND FUNDAMENTAL MISCARriage OF JUSTICE IN THIS CASE! AND THE DIRTY (LUCDA) HICKS, SILENTLY STOOD BY IN BAD FAITH, SHIRKING HIS OWN DUTIES, AND LET IT OCCUR! THEN POLAHA AND HICKS SILENTLY STOOD BY AS C.J. HARDY THEN AGAIN SHIRKED HIS DUTYS WHEN HE ACTED IN DELIBERATE BAD FAITH BY DISMISSING THE WRIT OF MANDAMUS TO COMPEL POLAHAS RECLUSAL AS [Moot] BECAUSE POLAHA HAD ALREADY RULLED IN 2015 MOTION TO VACATE! SEE 2015 COURT RECORD! IF I HAD EXPOSED CARRYS TERRORIST THREATS AND CRIMES AGAINST ME IN 2003-04, HARDY, HICKS AND POLAHA WOULD HAVE MADE SURE THAT WAS COVERED-UP, TOO!

THIS IS ALL I NEED TO SHOW AS PROOF OF THEIR CRIMINAL INTENT, AS IT IS SELF-EXPLANATORY BY THE COURT RECORD ITSELF! I HAVE AGAIN PROVEN THAT CAUSE AND PREJUDICE HAVE OCCURRED, AS HAS A TRAVESTY OF JUSTICE! SEE MANDAMUS, MOTION TO VACATE AND SHAM ORDERS GIVEN BY HARDY AND POLAHA IN 2015 COURT RECORD. IN 2015, POLAHA, HARDY AND HICKS, ALL KNEW I HAD BEEN COERCED INTO AN UNKNOWING AND UNINTELLIGENTLY GIVEN GUILTY PLEA WHEN I WAS INCOMPETENT IN 2003, REGARDLESS OF CARRYS THREATS MADE TO ME IN 2003-04! AS WAS EXPOSED AND NEVER DISPUTED IN 2006 HABEAS PETITION AND WAS FRAUDULENTLY COVERED-UP IN POLAHA'S SHAM EVIDENTIARY HEARING THEREIN, SEE COURT RECORD! IT FURTHER PROVES [WHY] MY GUILTY PLEA, NOR INEFFECTIVE ASSISTANCE OF COUNSEL CLAIMS WERE NEVER DISPUTED AND NEVER ADDRESSED IN SHAM 2006 EVIDENTIARY HEARING, SEE COURT RECORD! THESE FACTS WERE FURTHER EXPOSED BY THE CRIMES EXPOSED AND NEVER DISPUTED OR REFUTED AND WERE CRIMINALLY COVERED-UP IN THE SHAM DENIAL OF MY 2015 MOTION TO VACATE IN POLAHAS CHAMBERS; WITHOUT AN IMPARTIAL AND UNBIASED JUDGE; WITHOUT THE NECESSARY EVIDENTIARY HEARING; WITHOUT MY CONSTITUTIONAL, SUBSTANTIVE AND PROCEDURAL DUE PROCESS OF LAW; AND WITHOUT REPORTING WHAT WAS EXPOSED, THEREIN!

HARDY, POLAHA AND HICKS DISPICABLY COLLUDED AND CONSPIRED TO FURTHER THE CONSPIRACY TO COMMIT FRAUD, AND FRAUD UPON AND BY THE DISTRICT COURT, AND OBSTRUCT JUSTICE UNDER THE COLOR OF OFFICE, NRS 197.200, TO KEEP THESE DANGEROUS FACTS FROM BECOMING EXPOSED TO THE PUBLIC; THE MEDIA [ESPECIALLY SINCE BOTELLO PREVIOUSLY EXPOSED THE W.C. CRIME LAB FOR WRONG-DOING] AND WAS KILLED FOR IT; STATE AND FEDERAL LAW ENFORCEMENT AGENCIES; AND OTHER STATE AND FEDERAL PROSECUTORS, WHO WOULD THEN CONVENE STATE AND FEDERAL GRAND JURYS TO INVESTIGATE; AND OTHER VICTIMS OF THEIR THREATS, AND/OR CRIMES, TO KEEP THEM FROM KNOWING WHAT THE (WCSO), THE (WCSA) AND THE SECOND JUDICIAL DISTRICT COURT HAD PREVIOUSLY DONE TO ME, TO MY WIFE AND BABY BOYS IN 2003-04! AND, THEY DID JUST THAT AND KEPT MY ILLEGAL AND UNCONSTITUTIONAL CONVICTION INTACT! HARDY, POLAHA AND HICKS ACTED WITH CRIMINAL INTENT AND COMMITTED YET MORE CRIMES TO [FURTHER] PROTECT THOSE ALREADY INVOLVED IN 2015! SEE 2015 ENTIRE COURT RECORD! THESE ARE NOT BARE AND NAKED ALLEGATIONS, BUT ARE LEGAL FACTS IN EVIDENCE IN THE COURT RECORD! (EMPHASIS ASSERTED)

IF I HAD REPORTED CARRY'S TERRORIST THREATS AND CRIMES PERPETRATED AGAINST ME IN 2003-04, TO FORCE ME TO PLEAD GUILTY AND KEEP MY MOUTH SHUT, OR I WOULD NEVER MAKE IT OUT OF PRISON ALIVE, IN THE 2015 MOTION TO VACATE, HARDY, POLAHA AND HICKS WOULD HAVE COVERED THAT UP TOO! AND I, OR SOMEONE ELSE IN MY FAMILY MIGHT BE DEAD ALREADY JUST LIKE BOTELLO! THAT IS WHY I DIDNT DO SO IN 2015! JUST LOOK AT WHAT OCCURRED IN 2003, 2004, 2006, 2015, AND ALSO SEE IN 2017, WHERE POLAHA AGAIN SHIRKED HIS DUTIES AND SAID THAT THE FACT THAT MY 2003 CRIMINAL COMPLAINT STILL REMAINS PENDING "WAS A MERE PROCEDURAL GLITCH"! WELL, ACCORDING TO NRS 178.562(1), AND SHERIFF, WASHOE COUNTY V. DHADDA, 115 NV. 175, 980 P2d 1062 (1999), THAT'S HORSE SHIT! ITS NOT THE CRIMINALS THE PEOPLE OF WASHOE COUNTY HAVE TO WORRY ABOUT, ITS THE CRACKED COPS, DISTRICT ATTORNEYS AND JUDGES THE PEOPLE HAVE TO WORRY ABOUT! THAT IS WHY I WITHHELD CARRY'S TERRORIST THREATS MADE TO ME IN 2003-04, BASED ON THE DIRTY! CORRUPT DISTRICT COURTS TAINTED FACTUAL HISTORY IN MY CASE! ITS NOW A GREAT THING FOR ME [AND] MY FAMILY, THAT THE P.O.S. COP, DENNIS CARRY, WAS FINALLY EXPOSED, NOT BY A WHISTLE-BLOWER, BUT BECAUSE OF HIS OWN NEED TO CONTINUE

TO COMMIT CRIMES, JUST LIKE HE HAS DONE SINCE AT LEAST 2003<sup>11</sup>, AND SHOWS HIS CRIMINAL INTENT TO [AGAIN] COVER THEM UP IN 2018-19, JUST LIKE THAT PIECE OF SHIT HAD DONE TO ME [AND] MY FAMILY IN 2003-04! AND, JUST LIKE I SAID IN 2006, AND ALSO IN 2015 COURT RECORD!

HARDY, POLAHA AND HICKS IN 2015, HAD AN ETHICAL, MORAL AND LEGAL DUTY TO FOLLOW AND APPLY THE LAW AND MY NEV. AND U.S. CONSTITUTIONAL SUBSTANTIVE AND PROCEDURAL DUE PROCESS RIGHTS, AND THOSE OF MY WIFE AND KIDS, TOO! YET THEY VIOLATED THE LAW AND THOSE RIGHTS AT THEIR LEISURE! THE INDISPUTABLE LEGAL FACTS AND PREVIOUSLY UNDISPUTED FACTS IN EVIDENCE IN THE DISTRICT COURTS RECORD PROVE THEIR CRIMINAL INTENT TO KEEP WHAT CARRY, THE (WCSD), THE (WCDA), AND OTHERS DID IN 2003, 2004 AND 2006, SECRET FROM EVERYONE! THEIR CRIMINAL INTENT WAS CLEAR AND SELF-SERVING AS THE STATE AND FEDERAL CRIMES AND CONSTITUTIONAL VIOLATIONS WERE [WHOLLY IGNORED AND, THIS COVERED UP] BY THOSE ALSO INVOLVED (HARDY, POLAHA AND HICKS), TO FURTHER PROTECT THOSE DIRTY COPS, DISTRICT ATTORNEYS AND JUDGES FROM EXPOSURE TO PROSECUTION AND HAVING MY CASE THROWN OUT, WHICH WILL OCCUR, REGARDLESS! THEY WERE ALSO AFRAID THEN AND CERTAINLY NOW IN 2020, THAT OTHER CRIMINAL CASE(S) WILL HAVE TO ALSO BE VACATED OR OVER-TURNED AS A RESULT! THAT IS NOW A FOREGONE CONCLUSION, AND YOU DIRTY SONS A BITCHES WILL PAY FOR WHAT [YOU HAVE DONE]! HARDY, POLAHA AND HICKS CRIMINAL INTENT WAS TO PROTECT CARRY, THE (WCSD) AND THEIR CRIMINAL ACTORS AND CO-CONSPIRATORS; THE (WCDA'S OFFICE) AND THEIR CRIMINAL ACTORS AND CO-CONSPIRATORS, FROM EXPOSURE TO THE PUBLIC AND THE MEDIA, ALONG WITH STATE AND FEDERAL LAW ENFORCEMENT AGENCIES AND OTHER STATE AND FEDERAL PROSECUTORS; TO PREVENT THEIR CERTAIN TO FOLLOW SUSPENSIONS, BEING INVESTIGATED BEING FIRED, AND BEING STATE [AND] FEDERALLY PROSECUTED! IT WAS ALSO DONE TO FURTHER PREVENT MY CASE FROM [LAWFULLY BEING THROWN OUT] AND DISMISSED WITH PREJUDICE, AND BECAUSE POLAHA FACTUALLY COVERED IT UP IN 2006 SHAM AND FRAUDULENT EVIDENTIARY HEARING; AND THEY KNEW FOR A LEGAL AND INDISPUTABLE FACT THAT PURSUANT TO NRS 178.562(1); TURPIN V. STATE 87 NV 236, 434 P2d 1083 (1971); AND SHERIFF WASHOE COUNTY V. DHADDA 980 P2d 1062 (1999), THAT MY ILLEGAL AND UNCONSTITUTIONAL CONVICTION IS IN DIRECT CONFLICT WITH NRS 178.562 AND IS LEGALLY NULL AND VOID, REGARDLESS! HOW DO YOU LIKE ME NOW!

THEY ALSO KNEW THAT MULTIPLE WASHOE COUNTY AND STATE AGENCIES WOULD BE HELD LIABLE FOR MILLIONS OF DOLLARS AND LAWSUITS WOULD BE FILED! I PROMISE YOU ALL THAT EACH FAMILY MEMBER WILL FILE SEPERATE LAWSUITS. AND THAT, BECAUSE THE INJURIES STARTED IN 2003, AND STILL REMAIN ON-GOING, THAT THERE IS NO STATUTE OF LIMITATIONS! THEY ALSO INTENDED TO ALSO PROTECT POLAHA FOR HIS PAST BAD FAITH AND FRAUDULENT CRIMINAL ACTS AND ACTIONS THAT CAUSED WHAT INITIALLY OCCURRED AND LATER PROTECTED MY ILLEGAL AND UNCONSTITUTIONAL CONVICTION! THEY ARE EQUALLY GUILTY OF VIOLATING NRS 281.360, FOR FAILING TO PERFORM THEIR DUTIES AS PUBLIC OFFICIALS AND ARE GUILTY IN ADDITION TO COMMITTING YET MORE STATE AND FEDERAL CRIMES, OF MISPRISON OF FELONY, 18 USC 4, FOR FAILING TO REPORT THE ASSERTED AND PROVEN WITHOUT DISPUTE, CRIMES AVERRED IN THE 2015 MOTION TO VACATE, TO ALL THE NECESSARY AUTHORITIES!

THE SHIT IS GOING TO HIT THE FAN I PROMISE YOU THAT!

I FINALLY WROTE TO MARILOU IN 2017, AND FINALLY TOLD HER THAT IN 2003, CARRY HAD MADE TERRORIST THREATS AND COMMITTED STATE AND FEDERAL CRIMES AGAINST ME WHEN HE FORCED ME TO PLEAD GUILTY AND KEEP MY MOUTH SHUT ABOUT MY CASE OR I WILL NOT MAKE IT OUT OF PRISON ALIVE! MARILOU WAS STUNNED AND TERRORIFIED AND UNDERSTOOD WHY I PLED GUILTY, ESPECIALLY AFTER WHAT CARRY HAD DONE TO HER AND OUR BABY BOYS IN 2003, IN OUR OWN HOME! SHE ALSO UNDERSTOOD WHY I WITHHELD THESE FACTS IN MY 2015 MOTION TO VACATE, ESPECIALLY AFTER WHAT HAPPENED TO BOTELLO AND HIS FAMILY FOR BEING A HERO WHISTLE-BLOWER! SHE ALSO KNEW I WAS MENTALLY INCOMPENT IN 2003 AND THAT POLAHA ILLEGALLY AND UNCONSTITUTIONALLY CONVICTED ME AND THEN COVERED IT UP IN FRAUDULENT 2006 EVIDENTIARY HEARING, AND HIS SHAM INVALID DENIAL! AND, WOULD HAVE DONE THE SAME IF I HAD EXPOSED IT 2015 REGARDLESS, AND I WOULD HAVE PUT OUR FAMILY IN EXTREME DANGER AT THAT TIME! SO MY WIFE AND I HAD VERY GOOD REASON NOT TO EXPOSE WHAT CARRY HAD DONE TO ME AND FORCED ME TO DO IN 2003-04!

BUT, AFTER THAT PIECE OF SHIT DIRTY (WCSO) SGT. CARRY, HAD BEEN [FINALLY] CAUGHT AND EXPOSED AS THE DIRTY COP I HAD BEEN SAYING HE REALLY WAS, ON T.V. IN 2019, FOR TRYING TO COVER UP THE CRIME OF BEING MARRIED TO TWO WOMEN AT THE SAME TIME AND THAT ONE OF HIS WIVES WAS A FEDERAL MAGISTRATE JUDGE IN RENO, NEVADA, AND WAS CAUGHT SNEAKING INTO THE COURT HOUSE TO ERASE, ALTER, DESTROY AND DELETE PUBLIC COUNTY AND STATE COURT RECORDS AND DOCUMENTS AND HIS CRIMINAL INTENT WAS CLEAR AS HE [AGAIN] CHOSE TO COMMIT YET MORE CRIMES IN 2018-19, TO COVER UP HIS PREVIOUS CRIMES! CARRY'S CRIMINAL INTENTIONS WERE TO PROTECT HIMSELF AND HIS JUDGE WIFE AT ALL COSTS, JUST LIKE HE DID IN 2003 AND 2004! CARRY COMMITTED MULTIPLE STATE AND FEDERAL CRIMES AND I FURTHER BELIEVE HIS JUDGE WIFE KNEW WHAT HE WAS GOING TO DO AND MAY HAVE CONSPIRED WITH CARRY BEFORE THE FACT, MAKING HER AN [A]CCESSORY BEFORE THE FACT; AND SEE NRS 199.480 AND NRS 199.490! CARRY WAS ATTEMPTING TO COVER UP CRIMES BY COMPUTER AND ARE THUS, FEDERAL WIRE AND COMPUTER FRAUD, AND A HOST OF NEVADA CRIMINAL STATUTORY VIOLATIONS! IF HIS SHIT IS COVERED UP I WILL DESTROY HIM IN OPEN COURT, I SWEAR TO GOD. SO WHEN CARRY WAS FINALLY PUBLICLY EXPOSED AS A DIRTY (WCSO) COP IN 2019 I

HAD TO FINALLY END OUR NIGHTMARE INSPITE OF THE DANGER, ONLY BECAUSE THAT PILE OF SHIT HAD ALREADY BEEN EXPOSED ON HIS OWN! MY WIFE AND I ARE STILL AFRAID OF WHAT MIGHT HAPPEN TO US, BUT JUST NOT SO MUCH NOW! I TOLD MY WIFE THAT I WAS WRITING AND SENDING AFFIDAVITS TO EVERYONE AND THAT THIS WILL NOT BE COVERED-UP AGAIN! I TOLD HER TO PLEASE JUST BE VIGILENT AND CAREFUL, AND WATCH OUT FOR HERSELF AND THE BOYS!

EVERYTHING HAD CHANGED AFTER THAT DIRTY COP, SGT. CARRY, WAS EXPOSED AS THE DIRTY COP I HAVE SAID SINCE 2006, THAT HE ALWAYS WAS! I HAD EXPOSED "SOME" OF THOSE CRIMES AND CONSTITUTIONAL VIOLATIONS IN 2006 POST-CONVICTION WRIT OF HABEAS CORPUS, AND FURTHER EXPOSED NEWLY DISCOVERED EVIDENCE IN 2015 MOTION TO VACATE, BUT WAS COVERED UP BY THE (WICDA), HICKS AND C/J HARDY, ALONG WITH JUDGE POLUHA (SEE THEIR CRIMINAL INTENT AND CRIMES DETAILED HEREIN), AND SEE 2015 COURT RECORD AS CLEAR PROOF THEREIN! BUT, NOW THAT CARRY'S TRUE NATURE AS A DIRTY COP HAS BEEN PUBLICLY EXPOSED AND HIS PROPENSITY TO COMMIT MORE CRIMES TO COVER UP HIS [INITIAL] CRIMES AS A DIRTY COP HAVE BEEN EXPOSED AS A LEGAL FACT IN EVIDENCE, WHAT HE DID TO ME IN 2003-04 WILL NOT BE AGAIN COVERED UP IN 2019-2020! THAT FIRST AFFIDAVIT ON AUGUST 13, 2019, AND NOW THIS SECOND AFFIDAVIT, WILL EXPOSE ALL OF IT, AS FURTHER SUPPORTED BY THE 2003-04, 2006, 2015 AND 2017, SECOND JUDICIAL DISTRICT COURT RECORD! THE DIRTY COP HAS NO POWER OR AUTHORITY OVER ME, MY WIFE OR BOYS, ANYMORE! MARILOU AND I BOTH KNOW WHY CARRY COMMITTED THOSE CRIMES IN 2003-04, AS HE FACTUALLY MADE THEM TO COVER UP HIS PAST CRIMES AND THOSE OF THE (WCSO) AND THE (WICDA'S OFFICE) IN MY CRIMINAL CASE(S) IN 2003, JUST LIKE CARRY WAS [AGAIN] TRYING TO DO IN HIS EXPOSED 2018-19 CRIME SPREE! AGAIN, SEE AUGUST 13, 2019, AFFIDAVIT AND ABSORB WHAT IS EXPOSED HEREIN, IN 2015 MOTION TO VACATE AND IN 2006 HABEAS PETITION!

CARRY KNEW THAT HAD I TAKEN MY CASE TO TRIAL (BUT IT WOULD HAVE BEEN DISMISSED BEFORE IT WENT THAT FAR), THAT DOZEN[S] OF STATE [AND] FEDERAL CRIMES AND CONSTITUTIONAL VIOLATIONS BY CARRY THE (WCSO AND WICDA'S OFFICE) AND RENO JUSTICE COURT MAGISTRATE WOULD HAVE BEEN EXPOSED, AS WELL AS THE COLLUSION AND R.I.C.O. CONSPIRACY BETWEEN THE (WCSO) AND THE (WICDA'S OFFICE)! HE ALSO KNEW THE EXPOSURE OF THE TAINTED, INADMISSIBLE FRUITS OF THE POISONOUS TREE

EVIDENCE USED AS PROBABLE CAUSE WOULD HAVE BEEN THROWN OUT AND MY CASE WOULD HAVE BEEN THROWN OUT WITH PREJUDICE AND MY CASE WOULD HAVE ENDED WITH A VERY DIFFERENT OUTCOME AND "WILL STILL OCCUR", REGARDLESS!

THIS IS WHY (WCSO) DET. CARRY THREATENED TERRORIST THREATS AGAINST ME IN 2003-04 WHEN HE FORCED ME TO PLEAD GUILTY AGAINST MY WILL AND TOLD ME NO MATTER WHAT I MAY HAVE HEARD ABOUT MY CASE "I BEST LEAVE IT ALONE OR IT WILL GET WORSE FOR ME" AND THAT "HE WOULD ENSURE THAT I NEVER GET OUT OF PRISON ALIVE"!

SINCE (WCSO) LT. CALDWELL AND ONE OF HIS SGT'S WAS SENT BY (WCSO) CHAIN OF COMMAND AND RESPONDED TO MY AUGUST 13, 2019 AFFIDAVIT AND CAME TO SEE ME ON SEPT. 12, 2019, AT N. NEV. CORRECTIONAL CENTER AND ASKED ME ABOUT DENNIS CARRY, I AM FURTHER EXPOSING TO THEM AND EVERYONE ELSE, HOW CARRY'S TERRORIST THREATS AND CRIMES AND HIS CRIMINAL INTENT OF HIS TERRORIST THREATS MADE TO ME IN 2003-04 TIES THE TERRORIST THREATS AND CRIMES TOGETHER, AS WAS COMMITTED BY CARRY AND THE (WCSO), AGAINST MY WIFE AND BABY BOYS IN 2003; AND AS WERE FACTUALLY ASSERTED & PROVEN IN 2015 MOTION TO VACATE FOR FRAUD AND THE STATE DID NOT DISPUTE THE CLAIMS! THESE ARE LEGAL FACTS AND ARE THE LAW OF THIS CASE, AND CAN NEVER BE DISPUTED IN THE FUTURE, AS A MATTER OF LAW! SEE ALSO THE AUGUST 13, 2019 AFFIDAVIT!

INSPIRE OF THE REAL THREATENED DANGER, AFTER DISCUSSING IT WITH MY WIFE ON DEC. 14, 2019, AND THEN DISCUSSING IT WITH MY MOTHER ON JAN. 11, 2020, I KNEW IT MUST ALL NOW BE EXPOSED, NO MATTER WHAT MIGHT OCCUR! MY WIFE AND I, ALONG WITH OUR TWO BOYS HAVE SUFFERED WITH THE POSSIBILITY OF THAT P.D.S. CARRY, OR CARRY HAVING SOMEONE ELSE POSSIBLY CARRY OUT CARRY'S TERRORIST THREATS AGAINST ME, MY WIFE MARILOU, AND/OR, TWO BOYS FOR THE LAST 16 1/2 YEARS. BUT, ENOUGH IS ENOUGH! NOW CARRY, THE (WCSO), THE (WCSO'S OFFICE), AND POLAHA AND L.J. HARDY, ARE GOING TO PAY FOR THEIR CRIMES AND DIRTY DEEDS TO CONCEAL THIS TRAVESTY, THIS MANIFEST AND FUNDAMENTAL MISCARRIAGE OF JUSTICE! JUSTICE WILL PREVAIL AFTER 16 1/2 YEARS OF BULLSHIT!

## CONCLUSION!

I, MICHAEL TODD BOTELHO, THE UNDERSIGNED [V]ICTIM OF AN ILLEGAL AND UNCONSTITUTIONAL CONVICTION DO SWEAR UNDER THE PENALTY OF PERJURY THAT THESE FACTUAL ASSERTIONS AND PROVEN CRIMES EXPOSED IN 2015 MOTION TO VACATE AND THOSE ADDITIONALLY EXPOSED IN THIS SECOND NECESSARY AFFIDAVIT MADE IN FURTHER SUPPORT OF THE FIRST AFFIDAVIT, ARE IN FACT TRUE AND CORRECT, PURSUANT TO 18 USC 1621, 28 USC 1746, AND NRS 208.165.

I MUST NOW ALSO ASSERT AND CHARGE THAT NOW THAT AFTER 16 YEARS OF BEING IGNORED AND COVERED-UP AND NOW THAT I FINALLY HAVE THE FULL ATTENTION OF THE WASHOE COUNTY SHERIFFS OFFICE, AND OTHERS; STARTING WITH (WCSO) LT. CALDWELL, AND A SGT, WHO WERE SENT BY THEIR (WCSO) CHAIN OF COMMAND TO FIRST SPEAK TO ME ON SEPT. 12, 2019, AT NORTHERN NEV. CORRECTIONAL CENTER (NNCC), OF THE NEV. DEPT. OF CORRECTIONS (NDOC), HERE IN CARSON CITY, NEVADA, REGARDING STATE AND FEDERAL CRIMES WHICH I ASSERTED AGAINST THE DIRTY (WCSO) DET. SGT. DENNIS CARRY OF THE WCSO CYBERCRIMES UNIT IN MY FIRST AFFIDAVIT DETAILING HIS CRIMES AND HIS INTENT TO DO TO ME, AND AS I PRESUMED, MY WIFE AND KIDS; HARM BY UNKNOWN MEANS BY FORCING ME TO PLEAD GUILTY AND WHEN HE TOLD ME NO MATTER WHAT I MIGHT HAVE HEARD ABOUT MY CASE "I BEST LEAVE IT ALONE OR IT WILL GET WORSE FOR ME" [FROM PGS 2-3, FROM AUGUST 13, 2019, FIRST AFFIDAVIT]. THESE COPS ASKED ME QUESTIONS ABOUT CARRY AND I TOLD THEM SOME OF WHAT I REMEMBERED AT THAT MOMENT WITHOUT THE BENEFIT OF MY NOTES SINCE I DID NOT KNOW I WAS BEING INTERVIEWED BY THE COPS. I WAS UNDER THE IMPRESSION THAT I WAS CALLED TO NNCC OPERATIONS REGARDING A COMPLAINT ABOUT LEGAL MAIL SO I BROUGHT THE LEGAL MAIL WITH ME, SO I TOOK ADVANTAGE OF THE SITUATION SINCE THE INTERVIEW WAS BEING RECORDED AND QUITE BY ACCIDENT, WAS RELATIVE TO THE REASON THE (WCSO) WAS INTERVIEWING ME. SO I SHOWED THE TWO (WCSO) COPS MY LEGAL MAIL CONTAINING THE SAME AFFIDAVIT BEING MAILED TO THE RENO POLICE DEPT. (RPD) BECAUSE (RPD) WAS ALLEGEDLY

CONDUCTING THE INVESTIGATION INTO SGT. CARRY. I SHOWED THEM THE DEFINITIVE PROOF THAT THE LEGAL MAIL HAD BEEN TAMPERED WITH AND CLEARLY ALTERED, SOMETHING TO U.S. POST WILL [NEVER DO]. I SHOWED THEM THAT IT HAD NEVER LEFT NNCC. I SHOWED THEM WHERE I HAD ORIGINALLY TAPED AND SEALED THE ENVELOPE CLOSED AND SHOWED THEM WHERE THE NNCC MAILROOM, UNDER SOMEONES DIRECTION HAD OPENED MY LEGAL MAIL TO SEE WHAT I WAS SENDING THEN RE-TAPED THE ENVELOPE CLOSED IN A DIFFERENT PLACE. SOMEONES FINGER PRINT IS ON THE TAPE AND SOMEONE FROM NNCC HAS THEIR HANDWRITING IN TWO DIFFERENT COLORS (BLACK AND BLUE) ON THE ENVELOPE. (WCSD) KNEW AT THAT POINT THAT (RPD) NEVER RECEIVED THE AFFIDAVIT.

NOW THAT THESE TWO (WCSD) COPS HAVE KNOWLEDGE THAT (NDOC) DID OR MOST LIKELY COMMITTED STATE AND FEDERAL CRIMES OF R.I.C.O. CONSPIRACY TO COMMIT MAIL FRAUD; CONSPIRACY, NRS 199.480 AND NRS 199.490; COLLUSION; OBSTRUCTION, ALTERING, AND DESTROYING U.S. POSTAL SERVICE PROPERTY; AND ALSO HAVE COMMITTED COMPUTER, WIRE AND BANK FRAUD, BECAUSE THE U.S. MAIL WAS NEVER DELIVERED TO THE U.S. POST OFFICE, BUT IT HAD BEEN POST MARKED BY THE NNCC MAILROOM BUT NEVER LEFT THE NNCC YARD, IT BECAME PROPERTY OF THE U.S. POST OFFICE WHEN THE U.S. POSTAGE WAS PLACED UPON THE LEGAL MAIL. COMPUTER WIRE AND BANK FRAUD OCCURRED WHEN I WAS CHARGED BY COMPUTER, BY A WIRE CONNECTION TO AN UNKNOWN BANK BACK EAST A BANK WHO THEN RECEIVED THE PRICE OF THE U.S. POSTAGE AS TAKEN FROM OUR INMATE WELFARE FUND THEN I WAS CHARGED BY NDOC TO PAY IT BACK TO NDOC. THE NAME OF THE BANK IS DELIBERATELY WITHHELD FROM INMATES BY NDOC AND NDOC NOW REFUSES TO GIVE INMATES PAPER MONTHLY ACCOUNT (BANK) STATEMENTS SO WE/I HAVE NO DEFINITIVE PAPER TRAIL. AND, NDOC IS NOW COMMITTING THE CRIME OF FEDERAL EXTORTION AS NDOC DICTATES THAT IF WE WANT A PAPER COPY OF OUR BANK ACCOUNT MONTHLY STATEMENT WE MUST PAY NDOC \$ 2.00<sup>00</sup> (TWO DOLLARS) TO RECEIVE WHAT WE ARE FREELY ENTITLED TO. NDOC IS EXPOSED TO COMPUTER, WIRE AND BANK FRAUD, WHEN IT CHARGES US \$ 2.<sup>00</sup> FOR OUR BANK STATEMENTS.

NOW THAT THESE TWO (WCSO) COPS HAVE DIRECT KNOWLEDGE OF STATE AND FEDERAL CRIMES PERPETRATED BY THE (NDOC), BECAUSE NINCC WAS WORRIED THAT I MAY BE TELLING (RPD) ABOUT NDOC CRIMES, AS THEY ARE SCARED BY WHISTLEBLOWERS; THESE (W.C.S.O) COPS ARE NOW [CULPABLE] FOR NOW FAILING TO DO THEIR SWORN DUTY AND INFORM THE NV. ATTORNEY GENERAL, THE U.S. ATTORNEY FOR NEVADA AND THE U.S. POSTAL AUTHORITIES. NOW THEY AND ALL THOSE (WCSO) PERSONNEL IN THE CHAIN OF COMMAND WHO HEARD THE AUDIO TAPE OR HAVE READ THE INTERVIEW TRANSCRIPTS ARE AND/OR WILL BE GUILTY OF CONCEALING THE R.I.C.O. CONSPIRACY TO COMMIT FRAUD; OBSTRUCTION OF JUSTICE; GUILTY OF FAILING TO REPORT THE THEFT OF U.S. MAIL BY NDOC AND .55¢ FROM MY BANK ACCT.; GUILTY OF FAILING TO REPORT COMPUTER WIRE AND BANK FRAUD; GUILTY OF MISPRISON OF FELONY AND NRS 281.360, FOR FAILING TO PERFORM THEIR DUTY BY REPORTING THESE CRIMES; AND MORE! AND (WCSO) WILL BE SUED IN OPEN COURT!

AS ALSO RELATIVE TO THIS CASE I FILED AN INFORMAL GRIEVANCE ABOUT MY LEGAL MAIL BUT NINCC COVERED IT UP BECAUSE THEY WERE GUILTY. THE GRIEVANCE IS IN THE NDOC FILES THOUGH AND I HAVE A COPY AS EVIDENCE. WHEN NDOC DENIED THE INFORMAL GRIEVANCE WITHOUT SPEAKING TO ME OR INVESTIGATING THE ALLEGED CRIMES, THEY BECAME CULPABLE (ESPECIALLY A.W.P. LISA WALSH) OF ADDITIONAL CRIMES OF OBSTRUCTION OF JUSTICE; COLLUSION; CONSPIRACY TO COVER-UP AND CONTINUE THE R.I.C.O. FRAUD; CONSPIRACY, UNDER NRS 199.480 AND NRS 199.490; MISPRISON OF FELONY FOR NOT REPORTING THE ORIGINAL CRIMES AND GUILTY OF VIOLATING NRS 281.360 FOR FAILING TO PERFORM THEIR DUTY AND REPORT THE CRIMES. THEY ARE GUILTY OF VIOLATING (NDOC) RULES AND REGULATIONS INCLUDING BUT NOT LIMITED TO: A.R. 339, 340 AND 341, AND ARE SUBJECT TO TERMINATION FOR FAILURE TO REPORT CRIMES OR ACCUSATIONS OF CRIMES.

I THEN SHOWED (NINCC) UNIT 2 CASEWORKER CCS IRVIN THE ACTUAL LEGAL MAIL AND SHOWED HER WHAT WAS DONE AND THAT IT FACTUALLY NEVER LEFT THE YARD AND NEVER CAME BACK TO NINCC AS NINCC FALSELY ASSERTED. CCS IRVIN ACKNOWLEDGED THAT

IT DID NOT LEAVE AND COME BACK TO NNCC. I RESPECT HER HONESTY! LLS IRVIN TOLD ME TO FILE A FIRST LEVEL GRIEVANCE AND REQUEST AN I.G. INVESTIGATION. I DID SO ON NOV. 7, 2019, AND OF COURSE NOTHING CAME OF IT!

HERE ARE SERIOUS QUESTIONS TO Ponder: (1) IF (RPD) WAS REALLY INVESTIGATING (WCSO) SGT. CARRY'S 2018-19 CRIMINAL ACTS, WHY DIDNT (WCSO) COORDINATE WITH (RPD) TO INFORM (RPD) OF (WCSO) INTENT TO INTERVIEW ME, AND WHY? (2) WHY WAS (WCSO) SOLELY CONDUCTING THE INTERVIEW WHEN (WCSO) KNEW THE CRIMES AND COVER-UP SPOKEN OF IN THE FIRST AFFIDAVIT WERE FACTUALLY RELEVANT TO (RPD'S) INVESTIGATION TO SHOW SGT. CARRY'S PROPENSITY TO COMMIT AND COVER UP HIS PAST CRIMES TO SHOW THAT IT WAS [NOT] THE FIRST TIME SGT. CARRY HAD DONE SO AND WAS SIGNIFICANTLY AND MATERIALLY RELEVANT TO HIS 2018-19 CRIMINAL ACTS BEING INVESTIGATED BY (RPD)? (3) AFTER I TOLD AND SHOWED (WCSO) LT. CALDWELL AND THE SGT. THAT (RPD) NEVER RECEIVED THE AFFIDAVIT ABOUT SGT. CARRY, WHY DIDNT (WCSO) THEN SHARE THE AFFIDAVIT WITH (RPD)? (4) DID (WCSO) EVEN INFORM (RPD) THAT THEY HAD ALREADY INTERVIEWED ME REGARDING SGT. CARRY AND THE AFFIDAVIT? (5) DID (WCSO) SHARE THE INTERVIEW AUDIO OR TRANSCRIPTS OF INTERVIEW WITH (RPD)? I ASSERT AND CHARGE THAT THEY DID NOT, AS THEY WERE DELIBERATELY WITHHELD FROM (RPD). OTHERWISE (RPD) WOULD HAVE THEN INTERVIEWED ME AND ASKED ME QUESTIONS OF THEIR OWN! (6) DID LT. CALDWELL AND THE (WCSO) DELIBERATELY WITHHOLD MATERIAL EVIDENCE FROM (RPD) TO PREVENT (RPD) FROM FURTHER UNCOVERING AND EXPOSING KNOWN CRIMINAL WRONG DOING BY [BOTH] THE WASHOE COUNTY SHERIFFS OFFICE AND SGT. CARRY, DATING BACK TO 2003 IN MY CASE, WHICH (WCSO) KNOWS RESULTED IN AN ILLEGAL AND UNCONSTITUTIONAL CONVICTION? (7) DID THE (WCSO) DELIBERATELY WITHHOLD THE AFFIDAVIT AND INTERVIEW TRANSCRIPTS FROM THE (RPD) TO KEEP THE INFORMATION AND MATERIAL EVIDENCE TO THEMSELVES TO PREVENT THE PUBLIC AND (RPD) AND OTHERS FROM FINDING OUT ABOUT OTHER CRIMINAL ACTS AND ACTIONS BY THE (WCSO) AND SGT. CARRY AS THEY OCCURRED IN 2003-04, BY ATTEMPTING TO CONTROL THEIR CRIMINAL CULPABILITY AND CIVIL LIABILITY AND TO HELP THE DIRTY (WCSO)

CHRIS HICKS, PROTECT MY ILLEGAL AND UNCONSTITUTIONAL CONVICTION AND HOPEFULLY PREVENT MORE WASHOE COUNTY CRIMINAL CASES FROM BEING RE-OPENED AND EXPOSING YET MORE CRIMINAL WRONG-DOING AS WAS PERPETRATED BY THE DIRTY AND CORRUPT (WCSO) AND TO PROTECT THOSE FELLOW OFFICERS INVOLVED, THAT WERE PREVIOUSLY IGNORED AND COVERED-UP. THE (WCSO) IS NOW CRIMINALLY COMPLICIT IN THE CONSPIRACY TO OBSTRUCT JUSTICE AND FOR ITS FAILURE TO REPORT THE CRIMES AND POTENTIAL CRIMES TO THE NECESSARY AGENCIES AND AUTHORITIES.

MANY CRIMINAL CASE(S) WILL BE RE-OPENED BECAUSE OF THE PAST CRIMES AND CRIMINAL ACTS BY THE (WCSO) AND SGT. CARRY, AND BECAUSE ALSO OF THE DELIBERATE FAILURE TO REPORT THESE CRIMES WHICH WOULD HAVE HAD SIGNIFICANT IMPACT IN MANY CASES BY THE DIRTY COPS, DISTRICT ATTORNEYS AND DISTRICT COURT JUDGES POLAHA, HARDY, AND OTHERS! THE LACK OF INTEGRITY AND GOOD FAITH COUPLED WITH THE SECRECY AND LACK OF TRANSPARANCY SPEAK FOR THEMSELVES.

MY FIRST AFFIDAVIT FIRST INFORMED THE (WCSO), THE (WCSO'S OFFICE), THE NEVADA ATTORNEY GENERAL, AND ATTEMPTED TO NOTIFY (RPD), AND FEDERAL AGENCIES AND THE U.S. ATTORNEY FOR NEVADA, THAT ANY ATTEMPT TO FURTHER IGNORE OR COVER-UP THESE CRIMES EXPOSED HEREIN AND IN THE 2015 MOTION TO VACATE WILL RESULT IN MORE CRIMES TO THOSE NOW EXPOSED TO THE AUGUST 13, 2019, AFFIDAVIT, AND NOW TOO, TO THOSE WHO NOW HAVE KNOWLEDGE OF CRIMES EXPOSED IN THIS SECOND AFFIDAVIT, INCLUDING, BUT NOT LIMITED TO: LT. CALDWELL AND THE SGT. WITH HIM DURING THE WCSO INTERVIEW, AND AS THEY STATED THEY WERE LOOKING INTO MY 2015 MOTION TO VACATE ALONG WITH THEIR CHAIN OF COMMAND, AND OTHERS, WILL BE CRIMINALLY CULPABLE AND CIVILLY LIABLE FOR THEIR CRIMES OF CONSPIRACY, OBSTRUCTION AND MISPRISON OF FELONY, AND OF VIOLATING NRS 281.360, FOR FAILING TO DO THEIR DUTY BY FAILING TO REPORT THESE CRIMES. FURTHERMORE, NEITHER QUALIFIED, NOR ABSOLUTE IMMUNITY PROTECTS THOSE INVOLVED IN CRIMES REGARDLESS OF WHO THEY ARE OR WHAT THEIR POSITION IS OR WAS AT THE TIME THEY WERE OR ARE COMMITTED!

DATED 2-10-2020

33

*Michael Todd Bestelho*

MICHAEL TODD BESTELHO #7801183  
NWCC P.O. BOX 7000  
SPRINGFIELD NV 89701

V7 1184  
MICHAEL T. BATTELHO - 2023 /  
PO. BOX 7000  
CARSON CITY, NEV. 89702  
IN PROPER PERSON

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Clerk of the Court  
Transaction # 7844567 : bblough

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

5  
6 MICHAEL TODD BATTELHO,  
7 REAL PARTY IN INTEREST,  
8 PETITIONER

INDICTMENT CASE NO. CR03-2156  
CRIMINAL COMPLAINT CASE NO. RCR2003-011479  
[ STILL PENDING ]

9 . VS.

10 SECOND JUDICIAL DISTRICT COURT  
11 THE STATE OF NEVADA, ET-AL,  
12 DEFENDANT

MOTION FOR APPOINTMENT OF CONFLICT-FREE COUNSEL  
DUE TO THE ABANDONMENT BY PETITIONERS CONFLICTED  
AND COMPROMISED COUNSEL FROM THE WASHOE COUNTY  
PUBLIC DEFENDERS OFFICE IN PETITIONERS [ STILL  
13 PENDING ] PROSECUTION BY FELONY CRIMINAL COMPLAINT  
14 IN 2020.

15 COMES NOW, MICHAEL T. BATTELHO, PETITIONER, VICTIM AND REAL PARTY IN INTEREST, AND  
16 FORCED TO PROCEED IN PROPER PERSON, BEING IN IN FORMA PAUPERIS, TO BRING FORTH  
17 THIS NECESSARY MOTION FOR APPOINTMENT OF CONFLICT-FREE COUNSEL, NOT ON THE  
18 WASHOE COUNTY PUBLIC DEFENDERS OFFICE ALTERNATE ATTORNEYS LIST, DUE TO THE  
19 ABANDONMENT BY HIS CONFLICTED AND COMPROMISED ATTORNEY OF RECORD, SEAN SULLIVAN,  
20 OF THE WASHOE COUNTY PUBLIC DEFENDERS OFFICE WHO STILL REPRESENTS PETITIONER IN HIS  
21 [STILL PENDING.] PROSECUTION BY FELONY CRIMINAL COMPLAINT [EMPHASIS ADDED].

22 THIS MOTION PRESENTS STATUTORY AND CONSTITUTIONAL CONCERNS REGARDING  
23 PETITIONERS DUE PROCESS AND EQUAL PROTECTION RIGHTS AND WILL AFFECT EVERY CITIZEN  
24 ACCUSED OF CRIMES IN THE STATE OF NEVADA AND THE COURTS ABUSE OF POWER [.]

25 MEMORANDUM OF POINTS AND AUTHORITIES

26 I. STATEMENT OF THE [STILL-PENDING] CASE

27 THIS FORCED ACTION BY PETITIONER IS DUE TO THE ABANDONMENT BY HIS CONFLICTED  
28 AND CONSPIRATORY PUBLIC DEFENDER WHERE COUNSEL REFUSED TO CONFER WITH  
PETITIONER TRUTHFULLY AND DELIBERATELY WITHHELD CRUCIAL INADMISSIBLE FRUITS OF

1 POISONOUS TREE EVIDENCE, WITHHELD CRIMINAL WRONG DOING AND CRIMES COMMITTED  
 2 BY THE WASHOE COUNTY SHERIFFS OFFICE; THE WASHOE COUNTY CRIME LAB; THE WASHOE  
 3 COUNTY DISTRICT ATTORNEYS OFFICE AND THE RENO JUSTICE COURT. HE REFUSED TO EXPLAIN  
 4 TO, AND INFORM BOTELHO ABOUT HIS STATUTORY AND CONSTITUTIONAL SUBSTANTIVE AND  
 5 PROCEDURAL DUE PROCESS AND EQUAL PROTECTION RIGHTS INVOLVED IN HIS CASE [.]  
 6 COUNSEL REFUSED TO PRESENT MOTIONS TO THE COURT TO CONTEST THE UNLAWFUL ARREST,  
 7 (UNDER THE CIRCUMSTANCES, WITHOUT AN ARREST WARRANT AND DONE OUT OF STATE BY THE  
 8 (W.C.S.D.) AGAINST BOTELHOS WILL); TO SUPPRESS COERCED STATEMENTS TAKEN UNDER DURESS,  
 9 AND WHILE INCOMPETENT; TO SUPPRESS ILLEGAL INADMISSIBLE FRUITS OF THE POISONOUS  
 10 TREE EVIDENCE SEIZED BY "CRIMINAL WRONG DOING" AND ALL DERIVATIVE EVIDENCE GLEANED  
 11 AS A [D]IRECT RESULT. HE FAILED TO MOVE TO DISMISS FELONY COMPLAINT BASED ON  
 12 CRIMINAL MISCONDUCT AND ILLEGAL EVIDENCE FRAUDULENTLY PROCURED THEREIN. HE  
 13 FAILED TO INFORM BOTELHO ABOUT THE FRAUDULENTLY PROCURED COMPLAINT AND INDICTMENT  
 14 USING KNOWN CRIMINAL ACTS OF PROCURING ILLEGALLY OBTAINED AND INADMISSIBLE  
 15 EVIDENCE WHILE ADA VILORIA PERJURED HERSELF WHILE VIOLATING NEVADA AND FEDERAL  
 16 CRIMINAL STATUTES BY FAILING TO PERFORM THE STATES DUTY AND ALSO REPORT THE CRIMES.  
 17 [SEE MISPRISON OF FELONY] WHICH EQUALLY APPLIES TO SEAN SULLIVAN [.] HE FAILED TO  
 18 TELL BOTELHO ABOUT THE ILLEGAL EX-PARTE BAIL INCREASE, WITHOUT NOTICE, WITHOUT DUE  
 19 PROCESS HEARING, WITHOUT APPOINTED COUNSEL, NOR BOTELHO, WITHOUT THE RIGHT TO  
 20 RESPOND OR OBJECT WITHOUT LAWFULL DETERMINATION AS TO ABILITY TO PAY INCREASE  
 21 AND WITHOUT THE "OPPORTUNITY TO CONSTITUTIONALLY APPEAL" THE BAD FAITH ORDER TO  
 22 INCREASE BAIL [SUBSTANTIALLY] AS WAS PERPETRATED BY THE CO-CONSPIRATORS, ADA  
 23 VILORIA AND A RENO JUSTICE COURT MAGISTRATE. HE REFUSED TO DISCUSS THE MATTER  
 24 AND WOULD NOT APPEAL THE BAD FAITH VOID ORDER. HE FAILED TO INFORM BOTELHO ABOUT  
 25 HIS RIGHT TO HIS PRELIMINARY EXAMINATION PER NRS 171.196, AND FAILED TO ENSURE HE  
 26 RECEIVED HIS REQUIRED HEARING IN 15 DAYS PER NRS 171.196(2). SULLIVAN REFUSED TO  
 27 DISCUSS AND FILE A COMPETENCY EVALUATION REQUEST. HE FAILED TO CONTEST THE UNLAWFUL  
 28 BRINGING OF ANOTHER PROSECUTION WITH THE SAME CHARGES IN VIOLATION OF NRS 178.562(1).

1 HE FAILED TO ENSURE THAT BOTELHO ATTENDED THE ALBEIT UNLAWFUL GRAND JURY  
 2 PROCEEDING PETITIONER WAS INVITED TO APPEAR BEFORE AND BOTELHO SIGNED A DOCUMENT  
 3 STATING THAT HE WOULD ATTEND. THUS, BOTELHO WAS DENIED THE CREATED DUE PROCESS  
 4 RIGHT TO APPEAR. COUNSEL DID NOT COME SEE BOTELHO UNTIL DAYS LATER BUT [R.] REFUSED  
 5 TO ANSWER BOTELHO WHEN COUNSEL WAS ASKED WHY HE DIDNT TELL BOTELHO SOONER  
 6 THAT BOTELHO HAD BEEN INDICTED AND WITH THE SAME CHARGES AS W STILL PENDING  
 7 COMPLAINT, NOR WHY BOTELHO DID NOT GET TO APPEAR BEFORE THE GRAND JURY. HE ALSO  
 8 FAILED TO INFORM BOTELHO THAT HIS MANDATED PRELIMINARY EXAMINATION HAD BEEN  
 9 SUA SPONTE "STAYED" ILLEGALLY BY THE DISTRICT COURT WHEN THE INDICTMENT WAS ILLEGALLY  
 10 FILED ON OCT. 8, 2003, AND THAT THE COURT ALSO ORDERED A [BENCH WARRANT] AND THAT  
 11 BOTELHO WAS UNKNOWINGLY AND UNLAWFULLY REARRESTED WHILE STILL IN CUSTODY, THAT  
 12 VERY DAY. COUNSEL [N.] NEVER SPOKE OF BOTELHOS REQUIRED PRELIMINARY EXAMINATION,  
 13 NOR ABOUT BOTELHOS STATUTORY AND CONSTITUTIONAL SUBSTANTIVE AND PROCEDURAL  
 14 DUE PROCESS RIGHTS THEREIN, TO BOTELHO. HE NEVER PROVIDED BOTELHO GRAND JURY  
 15 TRANSCRIPTS UNTIL 2005-06. SULLIVAN FAILED TO TELL BOTELHO THAT A.D.A. VILORIA  
 16 DECEIVED THE GRAND JURY AND PRESENTED KNOWN TO BE INCOMPETENT AND ILLEGAL,  
 17 INADMISSIBLE FRUITS OF THE POISONOUS TREE EVIDENCE IN VIOLATION OF NRS 172.135(2), AND  
 18 KNEW THAT TWO WITNESSES WITHHELD EVIDENCE OF CRIMES PERPETRATED BY THE COPS AND  
 19 THE STATE TO HELP INDICT BOTELHO. SULLIVAN EVEN FAILED TO INFORM BOTELHO THAT  
 20 A.D.A. VILORIA [LIED] TO THE GRAND JURY WHEN SHE INFORMED THEM THAT BOTELHO HAD  
 21 BEEN ENVTED TO APPEAR BEFORE THE GRAND JURY BUT CHOSE NOT TO APPEAR! AGAIN, IT  
 22 WAS 2005-06 WHEN BOTELHO FOUND THAT OUT! SULLIVAN FAILED TO INFORM BOTELHO OF  
 23 THE REQUIREMENTS OF NRS 178.562(1), NRS 178.568 AND NRS 178.610, AND FAILED TO MOTION  
 24 THE DISTRICT COURT TO DISMISS INDICTMENT WITH PREJUDICE FOR VIOLATING THE PLAIN  
 25 COMMANDS OF NRS 178.562(1), NRS 178.568 AND NRS 178.610. HE FAILED TO INFORM  
 26 BOTELHO THAT HIS SUBSTANTIVE AND PROCEDURAL DUE PROCESS AND EQUAL PROTECTION  
 27 RIGHTS WERE VIOLATED THEREIN. SULLIVAN FAILED TO MOVE THE DISTRICT COURT TO DISMISS  
 28 THE INDICTMENT ON THE ADDITIONAL GROUNDS THAT THE D.A. PRESENTED ALL [BLIT.] LEGAL

1 AND COMPETENT EVIDENCE TO SHOW PROBABLE CAUSE IN VIOLATION OF NRS 172.135(2).  
 2 SULLIVAN FAILED TO INFORM THE COURT AND LAW ENFORCEMENT (BOTH STATE AND FEDERAL),  
 3 AND OTHERS ABOUT THE CRIMINAL WRONG-DOINGS AND [C]RIMES COMMITTED BY THE  
 4 WASHOE COUNTY SHERIFFS OFFICE AND THE WASHOE COUNTY DISTRICT ATTORNEYS OFFICE  
 5 THROUGHOUT THE [ENTIRETY] OF THESE CASES. THUS, SULLIVAN IS ALSO GUILTY OF  
 6 FAILING TO PERFORM HIS PUBLIC DUTY AND REPORT SUCH IN VIOLATION OF NRS 281.360 AND  
 7 IS EQUALLY GUILTY OF VIOLATING 18 USC 4 [MISPRISON OF FELONY.] IN HIS DELIBERATE INDIFFERENCE!

8 SADLY, THESE ARE [NOT] BARE, NAKED ALLEGATIONS BUT ARE FACTS IN EVIDENCE AND  
 9 ARE SUPPORTED BY THE COURT RECORD AND EXHIBITS PREVIOUSLY PRESENTED TO THE  
 10 PROVEN TO BE BIASED AND PREJUDICIAL DISTRICT COURT JUDGE, JEROME POLAHA. SEE FOR  
 11 EXAMPLE: 2005 HABEAS CORPUS PETITION AND MOTION TO RECUSE. SEE SHAM? FRAUDULENT  
 12 HABEAS EVIDENTIARY HEARING AND MANIPULATED TRANSCRIPTS. SEE 2015 MOTION TO VACATE  
 13 JUDGMENT OF CONVICTION FOR FRAUD AND NEWLY DISCOVERED EVIDENCE WITH EXHIBITS AND  
 14 SHAM DENIAL BY POLAHA THEREIN. SEE 2015 MANDAMUS TO COMPEL POLAHAS RECUSAL TO CHIEF  
 15 JUDGE HARDY AND HIS "DELIBERATE" [OBSTRUCTION OF JUSTICE AND DENIAL OF DUE PROCESS OF  
 16 LAW], AS IT DIRECTLY RELATED TO 2015 MOTION TO VACATE, AND SEE 2015 JUDICIAL  
 17 NOTICE TO C.J. HARDY, THEREIN. SEE ALSO 2017 MOTION TO DISMISS AND POLAHAS BAD  
 18 FAITH "SHAM" ORDER OF DENIAL EXTENDING THE FUNDAMENTAL MIS CARRIAGE OF JUSTICE!

19 SULLIVANS BAD FAITH, DELIBERATE INDIFFERENCE, CONFLICT, CONSPIRACY AND WILLFUL  
 20 DISREGARD OF BOTELHO'S STATUTORY AND CONSTITUTIONAL SUBSTANTIVE AND PROCEDURAL  
 21 DUE PROCESS AND EQUAL PROTECTION RIGHTS [GO EVEN FURTHER] BEYOND WHAT IS AVERRED  
 22 HEREIN BUT BOTELHO WILL CONCLUDE WITH THE REASON FOR SEEKING APPOINTMENT OF  
 23 CONFLICT-FREE COUNSEL TO "FURTHER REPRESENT" BOTELHO IN HIS STILL PENDING PROSECUTION  
 24 BY COMPLAINT WITH THE SAME CHARGES IN 2020. IF HIS ABANDONMENT ISNT CLEAR YET THIS  
 25 WILL FURTHER ESTABLISH SEAN SULLIVANS ABANDONMENT OF HIS CLIENT AND HIS BEST  
 26 INTERESTS. NOT ONLY DID SULLIVAN REPEATEDLY, WITHOUT HESITATION, WITHHOLD FACTS AND  
 27 EVIDENCE "FROM BOTELHO, BUT HE LIED AND MISREPRESENTED [EVERYTHING] HE DID TELL HIM  
 28 (SEE HABEAS RECORD). AND, WHEN THE STATE ILLEGALLY BROUGHT ANOTHER OR SECOND

1 PROSECUTION BY INDICTMENT WITH THE SAME CHARGES IN VIOLATION OF NRS 178.562(1),  
 2 NRS 178.568 AND NRS 178.610, FAILED TO FILE MOTION TO DISMISS PURSUANT TO BROADHEAD  
 3 V. SHERIFF 87 NV. 219, 484 P2d 1092; AND SHERIFF, WASHOE COUNTY V. DHADDA 115 NV. 175,  
 4 980 P2d 1062 (1999). SULLIVAN WENT EVEN FURTHER TO SELL BOTELHO OUT BY ACTING IN  
 5 COLLUSION WITH ADA VILORIA TO ORCHAstrate A FARSE " TO FORCE " BOTELHO TO  
 6 UNLAWFULLY PLEAD GUILTY BY FRAUD, LIES AND COERCION (SEE 2005-06 HABEAS); AND  
 7 TOLD BOTELHO " TO KEEP HIS MOUTH SHUT OR THE JUDGE WOULD TAKE IT OUT ON HIM."  
 8 SULLIVAN TOOK ADVANTAGE OF BOTELHOS CONFUSION AND COMPETENCY ISSUES TO PLEAD  
 9 HIM OUT ON THE ILLEGALLY BROUGHT AND ILLEGALLY [MAINTAINED] INDICTMENT WITH THE  
 10 SAME CHARGES AND KNOWING BOTELHO SAID HE WAS NOT GUILTY OF ALL CHARGES. SULLIVAN,  
 11 VILORIA AND JUDGE POLAHA KNEW BOTELHO'S STATUTORY AND CONSTITUTIONAL DUE PROCESS  
 12 AND EQUAL PROTECTION RIGHTS WERE DISREGARDED AND VIOLATED! EACH WAS AWARE THAT  
 13 PROSECUTION BY INDICTMENT WITH SAME CHARGES WAS ILLEGALLY BROUGHT THEN ILLEGALLY  
 14 MOVED FORWARD UPON AND KNEW THAT GUILTY PLEA WAS PERPETRATED BY FRAUD, LIES  
 15 AND COERCION, AND WAS [ILLEGALLY ACCEPTED] BY THE COURT INSPITE OF BEING UNKNOWNING  
 16 AND UNINTELLIGENTLY GIVEN AND NEVER REFUTED; AND VIOLATED NRS 178.562(1)! SULLIVAN,  
 17 VILORIA AND JUDGE POLAHA PERPETRATED FRAUD UPON THE COURT [AND] BOTELHO!  
 18 WHEN TWO PROSECUTIONS WITH SAME CHARGES WERE PENDING, NRS 178.562(1), NRS 178.  
 19 568, AND NRS 178.610, WERE WILLFULLY VIOLATED, IMPORTANT PROCEDURAL STATUTES AND  
 20 BOTELHOS CONSTITUTIONAL SUBSTANTIVE AND PROCEDURAL DUE PROCESS AND EQUAL  
 21 PROTECTION RIGHTS WERE DISREGARDED AND THEY KNEW THE PLEA WAS [INFIRM] AND  
 22 WAS GIVEN IN KNOWN VIOLATION OF NRS 178.562(1), REGARDLESS!  
 23 IN ADDITION TO DELIBERATELY DISREGARDING IMPORTANT PROCEDURAL COMMANDS AND  
 24 STATUTE[S] WHEN THE ILLEGALLY BROUGHT PROSECUTION BY INDICTMENT WITH THE SAME  
 25 CHARGES WAS FILED THE COURT THEREIN UNLAWFULLY "SUA SPONTE" STAYED THE PREVIOUSLY  
 26 PENDING PROSECUTION BY CRIMINAL COMPLAINT WITH THE SAME CHARGES AND [V]IOLATED  
 27 NRS 178.562(1), [AGAIN]. THIS, SULLIVAN STILL REMAINS BOTELHOS CONFLICTED,  
 28 COMPROMISED AND DISLOYAL ATTORNEY OF RECORD AND COMPLETELY [ABANDONED] HIM

1 IN THIS [STILL PENDING] PROSECUTION BY CRIMINAL COMPLAINT WITH THE SAME  
 2 CHARGES IN 2020 (EMPHASIS ADDED). BOTELHO'S CASE REMAINS PENDING IN 2020 AND  
 3 SULLIVAN [IS] STILL HIS WORTHLESS, DISPICABLE, CONFLICTED AND CONSPIRATORY  
 4 ATTORNEY OF RECORD, AN IRREFUTABLE FACT IN LAW AND EVIDENCE [.]

5 SULLIVAN WAS APPOINTED COUNSEL IN BOTELHO'S PROSECUTION BY CRIMINAL COMPLAINT  
 6 IN OCTOBER 2003, AND HAS FAILED TO PROTECT BOTELHO'S BEST INTERESTS AND CONSTITUTIONAL  
 7 AND STATUTORY SUBSTANTIVE AND PROCEDURAL DUE PROCESS RIGHTS AND EQUAL PROTECTION  
 8 RIGHTS THEREIN, AS WELL AS VIOLATING HIS OATH, FAILING TO DO HIS DUTIES AND COMPLY  
 9 WITH CONFERRED STATUTORY AND CONSTITUTIONAL STATUTES, POLICIES AND PROCEDURES,  
 10 AND EQUALLY VIOLATED CODE OF CONDUCT AND ETHICS AS PROVIDED BY THE NEV. SUPREME  
 11 COURT THE NEVADA AND AMERICAN BAR ASSOCIATIONS. SULLIVAN ACTED IN [B]AD  
 12 FAITH AND SHIRKED HIS DUTIES TO BOTELHO. HE FAILED TO DO ANYTHING HE WAS ASKED TO DO!

13 ITS BOTELHO'S BELIEF THAT SULLIVAN EVEN KNEW ABOUT WASHOE COUNTY SHERIFFS,  
 14 DETECTIVE DENNIS CARRY, THREATENING BOTELHO IN 2003 TO FORCE BOTELHO TO TAKE  
 15 THE UNWANTED GUILTY PLEA BY MEANS OF TERRORIST THREATS, COERCION, INTIMIDATION,  
 16 TO COVER UP PREVIOUS CRIMES HE AND OTHER(S) COMMITTED AGAINST BOTELHO, HIS WIFE,  
 17 MARILOU, AND THEIR TWO BABY BOYS IN 2003-04. [SEE 2015 MOTION TO VACATE FOR FRAUD  
 18 AND 2019 AFFIDAVITS FILED WITH THE SECOND JUDICIAL DISTRICT COURT, AND SENT TO  
 19 THE WASHOE COUNTY SHERIFFS AND DISTRICT ATTORNEYS OFFICE(S), ALONG WITH BEING  
 20 SENT TO THE NEVADA ATTORNEY GENERAL, THE NEV. GOVERNOR AND [OTHER(S)!]].

21 PETITIONER HAS CLEARLY ESTABLISHED THAT COUNSELS LACK OF PERFORMANCE AMOUNTED  
 22 TO ABANDONMENT AND PREJUDICED BOTELHO IN 2003 AND IS STILL ON-GOING IN 2020. IT  
 23 IS CLEAR BY AN OVERWHELMING PREPONDERANCE OF THE EVIDENCE THAT, BUT FOR  
 24 COUNSELS DELIBERATE CONFLICTED AND CONSPIRATORY ACTIONS [AND] ABANDONMENT, THAT  
 25 THERE WOULD HAVE BEEN AND STILL [IS] THE PROBABILITY THAT THE OUTCOME [WILL]  
 26 BE DIFFERENT. SEE E.G. NRS 178.562(1), NRS 178.568, NRS 178.610, TURPIN V. SHERIFF, 87 NV  
 27 236, 484 P2d 1083 (1971); BROADHEAD V. SHERIFF, 87 NV 219, 484 P2d 1092 (1971); SHERIFF,  
 28 WASHOE COUNTY V. DHADDA, 115 NV 175, 980 P2d 1062 (1997); AND THOMPSON V. STATE, 125 NEV.

1 807, 221 P3d 708, 125 NEV. ADV. REP. 59 (2009) [EN BANC] THEREIN. BOTELHO HAS SHOWN  
 2 'CAUSE AND PREJUDICE'. SEE ALSO BAD FAITH ORDER MADE IN 2017 DISTRICT COURT  
 3 RECORD BY THE PREJUDICED AND BIASED, CO-CONSPIRATOR AND ACCOMPLICE, THE UNFIT  
 4 FOR OFFICE, JUDGE JEROME POLAHA, WHERE HE SAID IN HIS BAD FAITH DENIAL OF 2017  
 5 MOTION TO DISMISS THAT THE FACT THAT BOTELHOS CRIMINAL COMPLAINT PROSECUTION WAS  
 6 STILL PENDING IN 2017 WAS "A MERE PROCEDURAL SLITCH" AND WAS MADE WITHOUT  
 7 LAWFULL FACTS, FINDINGS AND CONCLUSIONS OF LAW FOR OBVIOUS REASONS, INSTEAD OF  
 8 CORRECTING THE PLAIN ERROR RESULTING IN AN EGREGIOUS MANIFEST AND FUNDAMENTAL  
 9 [M]ISARRIAGE OF JUSTICE AND ORDERING BOTH CASE(S) DISMISSED WITH PREJUDICE,  
 10 AND ALSO ORDERING BOTELHOS NECESSARY IMMEDIATE AND UNCONDITIONAL RELEASE [.]  
 11 THAT MOTION SHOULD HAVE BEEN MADE BY HIS CONFLICTED ATTORNEY WHO HAD  
 12 [ABANDONED] BOTELHO IN THIS STILL PENDING CASE BACK IN 2003. [EMPHASIS ADDED].  
 13 THE LEGAL FACTS IN LAW AND EVIDENCE ARE CLEAR AND [I]RREFUTIBLE :

14 (1) PETITIONER IS STILL REPRESENTED BY HIS CONFLICTED AND CONSPIRATORY COUNSEL  
 15 OF RECORD WHO HAS ABANDONED HIS CLIENT IN THIS STILL PENDING PROSECUTION.

16 (2) PETITIONER HAS [N]EVER BEEN [LAWFULLY] DEEMED TO BE COMPETENT THANKS TO  
 17 SULLIVAN AND THE EQUALLY CONSPIRATORY ACTIONS OF DISTRICT JUDGE POLAHA IN 2003-04,  
 18 AND SEE 2006 [SHAM AND FRAUDULENT] EVIDENTIARY HEARING REGARDING COMPETENCY  
 19 AND [I.A.C.] ISSUE. SEE (2) AFFIDAVITS SENT TO THIS COURT IN 2019-2020; SEE COURT RECORD.

20 (3) THE MERITS OF THE CLAIMS IN THIS ACTION ARE OF CONSTITUTIONAL DIMENSION AND  
 21 PETITIONER MUST SUCCEED IN THIS ACTION [EMPHASIS ADDED].

22 (4) PETITIONER REMAINS UNLAWFULLY AND UNCONSTITUTIONALLY HELD AGAINST HIS WILL  
 23 DUE TO COUNSEL'S ABANDONMENT AND [DUE TO JUDGE POLAHA'S BAD FAITH ACTS [.]

24 (5) THE ISSUES PRESENTED INVOLVES A COMPLEXITY THAT PETITIONER IS UNABLE TO  
 25 ARGUE AND IS [NOT REQUIRED TO] BECAUSE BOTELHOS CASE IS STILL PENDING AND HE IS  
 26 STILL REPRESENTED IN THIS CASE INSPITE OF HIS ADILS ATTORNEYS [ABANDONMENT]  
 27 SINCE 2003 AND STILL REMAINS ON-GOING IN 2020!

28 (6) PETITIONER IS STILL ENTITLED TO CONFLICT-FREE COUNSEL AS PETITIONER IS

1 STILL ENTITLED TO REPRESENTATION IN THIS [STILL PENDING] CASE AS A MATTER OF RIGHT!

2 (6) PETITIONER KNOWS THAT BECAUSE HE IS NOT AN ATTORNEY HE IS NOT ALLOWED TO  
3 PLEAD BEFORE THE COURT WHILE STILL REPRESENTED, THUS MAKING IT ALL THE MORE  
4 NECESSARY TO CORRECT AND RE-APPOINT NEW CONFLICT-FREE COUNSEL.

5 (7) THE ENDS OF JUSTICE WILL BE SERVED BY THE NECESSARY APPOINTMENT OF  
6 CONFLICT-FREE COUNSEL TO REPRESENT BOTELHO IN THIS [STILL PENDING CASE] [.]  
7 BOTELHO MUST STILL BE REPRESENTED BY COUNSEL UNDER THE EXTRAORDINARY  
8 CIRCUMSTANCES IN THIS EGREGIOUS MISARRIAGE OF JUSTICE PERPETRATED UPON  
9 BOTELHO BY SULLIVAN, ADA VILORIA AND JUDGE PALAHA [EMPHASIS ADDED].

10 (8) BOTELHO HAS BEEN IRREPARABLY DAMAGED AND PREJUDICED BY SULLIVAN'S  
11 CONFLICTED AND CONSPIRATORY ACTS AND ACTIONS IN COLLUSION WITH ADA VILORIA AND  
12 JUDGE PALAHA; AND SULLIVAN'S ABANDONMENT THEREIN [.]

13 (9) BOTELHO NEED NOT CITE AUTHORITY BECAUSE HE IS STILL DEPENDANT ON APPOINTED  
14 COUNSEL TO ARGUE FOR HIM SO ITS THE COURTS OBLIGATION TO APPOINT PETITIONER  
15 NEW CONFLICT-FREE COUNSEL SO COUNSEL CAN THEN PROPERLY AND CONSTITUTIONALLY  
16 REPRESENT BOTELHO AS THE PLAIN CIRCUMSTANCES CLEARLY REQUIRE!

### 17 III CONCLUSION

18 BASED UPON THE FACTS IN LAW AND EVIDENCE OF THIS STILL ON-GOING PROSECUTION,  
19 BY CRIMINAL COMPLAINT WITH THE SAME CHARGES; PETITIONER REQUESTS THIS ONCE  
20 HONORABLE COURT GRANT HIS NECESSARY MOTION TO APPOINT THE NECESSARY CONFLICT-  
21 FREE COUNSEL NOT FROM THE WASHOE COUNTY PUBLIC DEFENDERS OFFICE ALTERNATIVE  
22 LIST, TO PROPERLY REPRESENT BOTELHO IN THIS [STILL PENDING] PROSECUTION BY  
23 CRIMINAL COMPLAINT [WITH THE SAME CHARGES] IN 2020; AND TO CORRECT THE  
24 CONSEQUENCES OF THE STATES VIOLATING NRS 178.562(1); NRS 178.568; NRS 178.610,  
25 AND NRS 171.196. PETITIONER FURTHER "DEMANDS" TO BE TRANSPORTED AND AGAIN MUST BE  
26 REPRESENTED IN PERSON AND MUST AND [S.] SHALL BE GIVEN HIS CONSTITUTIONAL DUE  
27 PROCESS OF LAW AND BECAUSE THIS IS STILL "A CRITICAL STAGE OF THE PROCEEDINGS  
28 AND WAS STILL ALSO DENIED HIS MANDATORY PRELIM. EXAM, AS REQUIRED BY NRS 171.196 [.]

1 THEREFORE THIS COURT MUST BE MOVED TO EXERCISE ITS JURISDICTION TO DO  
2 WHAT IT KNOWS IT MUST UNDER THESE EXTRAORDINARY CIRCUMSTANCES AND ORDER  
3 THE NECESSARY APPOINTMENT OF CONFLICT-FREE COUNSEL NOT ON THE WASHOE COUNTY  
4 PUBLIC DEFENDERS OFFICE ALTERNATE ATTORNEY LIST TO FURTHER REPRESENT BOTELHO  
5 IN THIS MANIFEST AND FUNDAMENTAL MISCARRIAGE OF JUSTICE AND FLAGRANT DISREGARD  
6 FOR BOTELHOS STATUTORY AND CONSTITUTIONAL SUBSTANTIVE AND PROCEDURAL DUE  
7 PROCESS AND EQUAL PROTECTION RIGHTS [EMPHASIS ADDED].

8 AFFIRMATION AND CERTIFICATE OF SERVICE

9 I, MICHAEL T. BOTELHO, SWEAR UNDER THE PENALTY OF PERJURY THAT THE ABOVE FACTS,  
10 STATEMENTS AND ASSERTIONS ARE TRUE AND CORRECT OF MY OWN KNOWLEDGE, PURSUANT  
11 TO NRS 208.165, 28 USC 1746 AND 18 USC 1621; AND WAS FORCED TO DO SO WITHOUT THE BENEFIT  
12 OF A NOTARY PUBLIC DUE TO THE NV. DEPT. OF CORRECTIONS [.] THIS DOCUMENT DOES NOT  
13 CONTAIN THE SOCIAL-SECURITY-NUMBER OF ANY PERSON.

14 DATED 4-20 - 2020

Michael T. Botelho  
PETITIONER, IN PRO SE

15  
16 I DO CERTIFY THAT I MAILED A TRUE AND CORRECT COPY OF MOTION FOR APPOINTMENT  
17 OF CONFLICT-FREE COUNSEL TO THIS COURT AND AS ADDRESSED TO BELOW, BY PLACING  
18 SAID MOTION IN U.S. MAIL VIA PRISON MAILBOX RULE, NRC P 5(b) AND FRCP 5(b). SEE ALSO  
19 BRASS SLIP NO. 2454429 FOR SERVICE TO WASHOE COUNTY PUBLIC DEFENDERS OFFICE  
20 AND BRASS SLIP NO. 2431953 FOR SERVICE TO THIS SECOND JUDICIAL DISTRICT COURT.

21 DATED 4-20 - 2020

Michael T. Botelho  
PETITIONER, IN PRO SE

22  
23  
24 SENT ALSO TO:

25 WASHOE COUNTY PUBLIC DEFENDERS OFFICE  
26 ATTN: THE DISPICABLE SEAN SULLIVAN  
P.O. BOX 11130  
27 RENO, NEVADA 89520-0027  
28

**Return Of NEF**

<b>Recipients</b>	
<b>JENNIFER NOBLE, ESQ.</b>	- Notification received on 2020-04-21 15:46:54.895.
<b>JOHN PETTY, ESQ.</b>	- Notification received on 2020-04-21 15:46:54.942.
<b>DIV. OF PAROLE &amp; PROBATION</b>	- Notification received on 2020-04-21 15:46:54.926.
<b>SEAN SULLIVAN, ESQ.</b>	- Notification received on 2020-04-21 15:46:54.88.

\*\*\*\*\* 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:** 04-21-2020:15:44:52  
**Clerk Accepted:** 04-21-2020:15:46:21  
**Court:** Second Judicial District Court - State of Nevada  
Criminal  
**Case Title:** STATE VS. MICHAEL TODD BOTELHO (D3)  
**Document(s) Submitted:** Motion  
**Filed By:** Deputy Clerk BBlough

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  
JENNIFER P. NOBLE, 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.  
STATE OF NEVADA for STATE OF NEVADA

MICHAEL TODD BOTELHO for MICHAEL TODD  
BOTELHO

CODE 1312

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

STATE OF NEVADA,

Plaintiff,

Case No: CR03-2156

Dept. No: 3

vs.

MICHAEL TODD BOTELHO,

Defendant.

\_\_\_\_\_ /

CASE ASSIGNMENT NOTIFICATION

I hereby certify the above-entitled matter has been randomly reassigned to  
Department 1, from Department 3.

Additional information:

On June 3, 2019, ADMINISTRATIVE ORDER 2019-06 was filed.

Dated April 22, 2020.

\_\_\_\_\_  
JACQUELINE BRYANT

Clerk of the Court

By \_\_\_\_\_ /s/N. Mason

N. Mason- Deputy Clerk

**CERTIFICATE OF SERVICE**

Case No. CR03-2156

I certify that I am an employee of the Second Judicial District Court; that on April 22, 2020, I electronically filed the Case Assignment Notification with the clerk of the Court System which will send a notice of electronic filing to the following:

HONORABLE KATHLEEN DRAKULICH

SEAN B. SULLIVAN, ESQ. for MICHAEL TODD BOTELHO

JENNIFER P. NOBLE, ESQ. for STATE OF NEVADA

JOHN REESE PETTY, ESQ. for MICHAEL TODD BOTELHO

DIV. OF PAROLE & PROBATION

Pursuant to NRCP 5 (b), I certify that I am an employee of the Second Judicial District Court, and that on April 22, 2020, 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:

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

Dated April 22, 2020.

**/s/N. Mason**

N. Mason

Deputy Clerk

**Return Of NEF**

<b>Recipients</b>	
<b>JENNIFER NOBLE, ESQ.</b>	- Notification received on 2020-04-22 10:44:42.075.
<b>DIV. OF PAROLE &amp; PROBATION</b>	- Notification received on 2020-04-22 10:44:42.153.
<b>JOHN PETTY, ESQ.</b>	- Notification received on 2020-04-22 10:44:42.138.
<b>SEAN SULLIVAN, ESQ.</b>	- Notification received on 2020-04-22 10:44:42.06.

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

PROOF OF SERVICE OF ELECTRONIC FILING

-

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

Judge:

HONORABLE KATHLEEN DRAKULICH

Official File Stamp:

04-22-2020:10:43:40

Clerk Accepted:

04-22-2020:10:44:10

Court:

Second Judicial District Court - State of Nevada

Criminal

Case Title:

STATE VS. MICHAEL TODD BOTELHO (D1)

Document(s) Submitted:

Case Assignment Notification

Filed By:

Deputy Clerk NMason

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:**

JENNIFER P. NOBLE, ESQ. for STATE OF NEVADA

SEAN B. SULLIVAN, ESQ. for MICHAEL TODD BOTELHO

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.

STATE OF NEVADA for STATE OF NEVADA

MICHAEL TODD BOTELHO for MICHAEL TODD  
BOTELHO

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**Code 2373**

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

**THE STATE OF NEVADA,**

**Plaintiff(s),**

**Case No. CR03-2156**

**vs.**

**Dept. No. 1**

**MICHAEL TODD BOTELHO,**

**Defendant(s).**

\_\_\_\_\_ /

**MOTION TO MODIFY OR CORRECT ILLEGAL SENTENCE**

3-9-2021

COURT CLERK,

THIS MUST BE GIVEN TO THE CHIEF JUDGE AS THE COURT IS A PARTY INVOLVED IN THIS CRIMINAL AFFIDAVIT AND COMPLAINT.

IT IS ALSO NOTARIZED AND NAMES PARTY'S INVOLVED INCLUDING THOSE ACCESSORIES AND OBSTRUCTIONISTS GUILTY OF CRIMES AGAINST ME AND MY WIFE AND TWO KIDS!

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

11

11

C.C. FILE

AFFIDAVIT AND CRIMINAL COMPLAINT

STATE OF NEVADA

S.S. AFFIDAVIT OF:

COUNTY OF CARSON

MICHAEL TODD BOTELHO, FORMALLY ACCUSING THE WASHOE COUNTY SHERIFFS AND DISTRICT ATTORNEYS OFFICES AND THE RENO POLICE DEPT. FOR WILLFULLY FAILING TO INVESTIGATE AND WILLFULLY DISREGARDED STATE AND FEDERAL CRIMES AND COVER-UPS AND WERE FURTHER DISREGARDED AND IN MAJOR PART COVERED-UP BY THE CHIEF JUDGE AND JUDGE PALAMA OF THE SECOND JUDICIAL DISTRICT COURT, TO FURTHER PROTECT THEMSELVES AND OTHERS INVOLVED, INCLUDING BUT NOT LIMITED TO: THIS FRAUDULENT, SHAM, VOID CONVICTION, THE DIRTY COP-W.I.C.S.O. LT. DENNIS CARRY AND OTHERS FROM PROSECUTION AND TERMINATION FOR ON-GOING CRIMES COMMITTED IN 2003, 04, 06, 2012, 2015, 2017, 2019, 2020 AND 2021 BY THOSE INVOLVED [6] [UNDER PENALTY OF PERJURY, SEE PG 12] AND NOTARIZATION

REFERENCE: CRIMINAL COMPLAINT CASE NO. RCR 2003-011479, FILED SEPT. 12, 2003, NEVER DISMISSED

REFERENCE: INDICTMENT CASE NO. CR03-2156, FILED OCT. 8, 2003, "WITH THE SAME CHARGES"

THIS NECESSARY [THIRD] CRIMINAL AFFIDAVIT AND INSTANT [CRIMINAL COMPLAINT] IS BROUGHT AGAINST THOSE PARTY'S HEREIN ACCUSED (AND OTHERS) AS LISTED IN THE FIRST NOTARIZED AFFIDAVITS SENT AUGUST 13, 2019 (ABOUT THE DIRTY W.I.C.S.O. LT. DENNIS CARRY), AND THE SECOND AFFIDAVITS SENT ON FEBRUARY 10, 2020, WHICH FURTHER EXPOSED CARRY AND OTHER CRIMINAL ACTORS INVOLVED, WHO PARTICIPATED IN, AND/OR, COVERED-UP, AND/OR, WHOLLY DISREGARDED, AND/OR, FAILED TO INVESTIGATE, AND/OR, REPORT THE STATE AND FEDERAL CRIMES. THESE INCLUDE [BUT ARE NOT LIMITED TO] THE DOMESTIC TERRORIST THREATS MADE TO ME WHEN CARRY COERCED ME BY INSINUATING A DEATH THREAT AND FORCED ME TO KEEP QUIET AND TAKE A GUILTY PLEA WHICH MY COMPROMISED AND CONFLICTED PUBLIC DEFENDER HAD ALREADY DECIDED TO BRING ABOUT [WITHOUT MY KNOWLEDGE OR PERMISSION]. I WAS FORCED TO KEEP QUIET ABOUT ALL THAT W.I.C.S.O. DET. CARRY AND OTHERS HAD DONE TO ME [AND] TO MY WIFE AND TWO BABY BOYS IN 2003, TO COVER UP THE STATE AND FEDERAL CRIMES AND PROTECT HIMSELF, THE OTHERS INVOLVED, AND THE ILLICIT, FRAUDULENT, SHAM AND PREJUDICIAL CONVICTION [BY INDICTMENT], NO LESS. SEE THE (TWO) PREVIOUS CRIMINAL AFFIDAVITS SENT TO THESE PARTY'S, AND, SEE IN PART THE 2006 HABEAS PETITION AND SPECIFICALLY THE 2015 MOTION TO VACATE FOR FRAUD AND INCLUDED AFFIDAVIT, THEREIN. SEE 2019 MOTION FOR APPOINTMENT OF CONFLICT-

FOOTNOTE  
(1) SEE 2006 HABEAS AND 2019 MOTION FOR CONFLICT-FREE COUNSEL.

FREE COUNSEL AND AFFIDAVIT, THEREIN, BECAUSE MY LYING, DECEITFUL, COMPLICIT, COMPROMISED AND CONFLICTED W.C. PUBLIC DEFENDER, SEAN SULLIVAN, WHO PLAINLY PARTICIPATED IN THE ILLICIT, FRAUDULENT, SHAM AND NULL AND VOID CONVICTION AND COVER-UP, THEREIN, IN THE SECOND JUDICIAL DISTRICT COURT, SEE RECORD, THEREIN. THESE ARE LEGAL FACTS AND HAVE [NEVER BEEN DISPUTED], NOR REFUTED BY ANYONE INVOLVED AND FURTHER PROVE THE CHARGES LEVELED, HEREIN. THE FACTS HAVE BEEN SUPPORTED BY FORMER W.C.S.O. LT. CARRYS ON-GOING CRIMINAL ACTS AND CRIMES AFTER FINALLY BEING CAUGHT (AGAIN COMMITTING CRIMES AND ATTEMPTING TO COVER THEM UP), BEING ARRESTED AND CHARGED IN JANUARY 20, 2021, FOR HIS 2019-2020 CRIMES WHILE HIS 2003-04 CRIMES ARE DELIBERATELY AND CONVENIENTLY IGNORED. HE TRIED TO COVER UP HIS 2019-2020 CRIMES JUST LIKE HE DID IN 2003-04 FOR HIMSELF AND [OTHERS], THEN. THESE 2019-20 CRIMES AND ATTEMPTED COVER-UP THEREIN FURTHER SUBSTANTIATED MY FACTUAL CLAIMS AND CHARGES LEVELED AGAINST HIM AND OTHERS AS THEY EXPOSED HIS [P]ROPENSITY TO COMMIT AND COVER-UP CRIMES BACK IN 2003-04, AS WELL AS IN 2019-2020. WHAT OTHER CRIMES DID HE AND <sup>OTHERS</sup> COMMIT IN OTHER CASES WHETHER PEOPLE WERE CONVICTED OR NOT? (EMPHASIS ASSERTED). AGAIN SEE TWO PREVIOUS CRIMINAL AFFIDAVITS AND 2015 MOTION TO VACATE. CARRY DID WHAT HE DID TO ME AND MY WIFE AND BABY BOYS TO PROTECT HIMSELF AND OTHERS INVOLVED IN MY ILLICIT, FRAUDULENT, SHAM CONVICTION WHICH WAS STRICTLY PROHIBITED, REGARDLESS.

DENNIS CARRY WAS A DISPICABLE DIRTY PIECE OF SHIT..... COP IN 2003 AND CONTINUED TO BE A DIRTY PIECE OF SHIT... COP UNTIL HE WAS CAUGHT IN THE ACT IN 2019-2020 AND WAS TO PUBLIC TO FURTHER COVER-UP BY THE W.C. SHERIFFS OFFICE. HE WAS CAUGHT TRYING TO DO THE SAME TYPE OF THING IN 2019-20 (I.E. COMMITTING CRIMES AND TRYING TO COVER THEM UP TOO, JUST LIKE IN 2003-04). YET THESE PARTYS HAVE SYSTEMATICALLY IGNORED AND FAILED TO INVESTIGATE THESE VERY SERIOUS CRIMINAL FACTUAL CLAIMS TO PROTECT THEMSELVES FURTHER, AND OTHERS AS WELL AS PROTECT MY ILLICITLY OBTAINED FRAUDULENT AND SHAM CONVICTION. MY CONVICTION IS NULL AND VOID, REGARDLESS!

AS FURTHER PROOF OF THE W.C. SHERIFFS OFFICE INVOLVEMENT AND AT LEAST TWO INVESTIGATORS INVOLVED, INCLUDING BUT NOT LIMITED TO: LT. CALDWELL AND A SGT. WHO WAS WITH HIM WHEN THEY CAME TO N.N.C.C. IN 2019 TO BASICALLY ASK ONE QUESTION, AND NOTHING MORE. SEE AUGUST 13, 2019, AFFIDAVIT IN YOUR POSSESSION. IT WAS NOT MUCH OF AN INTERVIEW, THEY JUST CONVENIENTLY SCRATCHED THE SURFACE. IN FACT, THEY SEEMED TO BE MORE CONCERNED ABOUT WHAT I HAD STATED ABOUT A FORMER W.C. SHERIFFS OFFICER "BOTELLO" WHO HAD BEEN [M]URDERED TO SHUT HIM UP ABOUT CRIMES HE REPORTED ABOUT THE W.C. SHERIFFS CRIME LAB. THEY DIDNT EVEN BRING A COPY OF THE FIRST AFFIDAVIT AND I WASNT GIVEN AN OPPORTUNITY TO BRING MY COPY, REGARDLESS. SEE AFFIDAVIT, [SECOND] ONE, FOR EXPLICIT ADDITIONAL INFORMATION AND FACTS. I EVEN ASKED N.N.C.C. ADMINISTRATION FOR THE SGT'S NAME BECAUSE I FORGOT IT BUT THEY SAID THEY DID [NOT HAVE HIS NAME] THAT WAS AN INTENTIONAL LIE BY NDOC STAFF AS EVERY VISITOR IS SIGNED AND LOGGED IN [.] IF THE COPS WERE MAKING AN URGENT INVESTIGATIVE EFFORT THERE WOULD HAVE BEEN MANY MORE [R]ELEVANT QUESTIONS BUT NONE WERE ASKED. MORE SPECIFICALLY, WHEN THE SECOND CRITICAL AFFIDAVIT WHICH WAS RECEIVED BY THE W.C.S.O ON ABOUT FEB. 10-12, 2020, AN AFFIDAVIT WHICH FURTHER PUT MY LIFE AND THE LIVES OF MY PRECIOUS WIFE AND TWO BOYS IN VERY REAL DANGER, WHY DID NOBODY COME TO DO A REAL, NECESSARY INTERVIEW WITH ME AND EVEN [MOROSE] MY WIFE MARILOU AFTER WHAT THAT NO GOOD DIRTY PIECE OF SHIT COP DID TO HER AND OUR TWO [BABY BOYS] IN 2003, WITH THE HELP OF OTHERS. SEE 2015 MOTION TO VACATE, 2019 MOTION FOR COUNSEL AND THE FIRST [TWO AFFIDAVITS]. AT THAT POINT, REGARDLESS OF WHAT CARRY DID IN 2019-20 THE W.C.S.O. AND THE JUST AS DIRTY DISTRICT ATTORNEY HAD A LEGAL, ETHICAL AND DEPT. POLICY TO FURTHER INVESTIGATE BUT FAILED TO DO. INSTEAD OF FOLLOWING THE LAW, POLICY AND PROCEDURE AND FULFILLING THEIR ETHICAL AND SWORN OATH AND OBLIGATION TO UPHOLD NEVADA LAW AND THE NV. AND U.S. CONSTITUTIONS AND THE RIGHTS OF ME, MY WIFE AND TWO BOYS, THEY - THEY FAILED TO INVESTIGATE FURTHER, THUS RESULTING IN A FACTUAL [COVER-UP].

THIS AGAIN DONE TO PROTECT AGAINST FURTHER EMBARRASSMENT TO THE W.C.S.O. AND TO FURTHER PROTECT OTHER OFFICERS, THE DISTRICT ATTORNEYS OFFICE; TO PROTECT MY ILLIGITIMATE, FRAUDULENT, SHAM AND UNCONSTITUTIONAL CONVICTION. ITS OBVIOUS THAT BY THEIR FAILURE TO DO THEIR SWORN DUTY THAT THEY COMMITTED MORE CRIMES, INCLUDING BUT NOT LIMITED TO, [CONSPIRACY] AND MORE. AND MISPRISON OF FELONY 18 USC 4 ALSO OCCURRED, THE ELEMENTS HAVE BEEN MET! BY FAILING TO ACT THEY WERE EQUALLY IN ESSENCE FURTHER PROTECTING OTHER OFFICERS, ETC., AND THUS PROTECTING THE W.C.S.O. FROM CIVIL LITIGATION AND PROTECTING OTHER POTENTIAL CONVICTIONS FROM BEING THROWN OUT WHEN THE WRONG-DOING WAS EXPOSED! IT WILL BE EXPOSED I FLIC... PROMISE YOU THAT (EMPHASIS ADDED).

ALTHOUGH THE 2003-04 CRIMES AND CRIMINAL ACTS WERE NOT DIRECTLY RELATED TO CARRY'S AND OTHERS CRIMES (I.E. HIS JUDGE WIFE) WHICH I AM QUITE CERTAIN WAS NEVER INVESTIGATED TO HONESTLY AND LEGALLY DETERMINE IF SHE WAS COMPLICIT OR INVOLVED IN ANY WAY. OF COURSE YOU DID NOT WANT TO POTENTIALLY DESTROY HER JUDGSHIP AND POSSIBLY PUT HER IN PRISON. OF COURSE YOU WOULD NOT EXPOSE JUST HOW CORRUPT AND DIRTY THE COPS, THE DISTRICT ATTORNEYS AND JUDGES ARE. WHAT WOULD THE PUBLIC THINK! THEY DONT EVEN KNOW THAT YOU HAVE [NOT BEEN] TRANSPARENT [.] DID CARRY'S WIFE KNOW SHE WAS MARRIED TO A MAN ALREADY MARRIED? WAS SHE REALLY THAT IGNORANT AND STUPID? OF COURSE NOT, SHE HAD TO KNOW AND IS GUILTY OF 18 USC 4, "MISPRISON OF FELONY" FOR FAILING TO REPORT THE FELONIES OR SHE WAS FRICKEN GUILTY OF CONSPIRACY IN SOME FASHION EVEN IF IT WAS TELLING HIM WHAT TO DO OR AT LEAST DISCUSSING WHAT TO DO ABOUT IT. THATS THE FACT OF THE MATTER, REGARDLESS! CAN YOU SAY IGNORE, DONT ASK AND DONT TELL ANYONE! TALK ABOUT PROTECTION!

THOSE 2003-04 CRIMES WERE AND [ARE] RELEVANT TO HIS / THEIR 2019-2020 CRIME SPREE BECAUSE THEY SHOW A PATTERN OF COMMITTING CRIMES AND THEN ATTEMPTING TO COVER THEM UP BY ANY MEANS NECESSARY AS FAR BACK AS 2003!

THE R.P.D. HAD AN OBLIGATION TO INVESTIGATE IN THE INTEREST OF JUSTICE THE 2003-04 CRIME SPREE ALTHOUGH NOT RELEVANT TO THE 2019-2020 CRIME SPREE BECAUSE THE INJURIES CAUSED BY THOSE CRIMES AND ORCHASTRATED COVER-UP ARE [STILL ON-GOING] AND WOULD HAVE ESTABLISHED AND PROVEN THAT [CARRY'S] PROPENSITY TO COMMIT AND COVER UP CRIMES WAS AN ON-GOING PATTERN OF CRIMINAL ACTIVITY AND ADDITIONALLY ESTABLISHED THAT THEY WOULD BE USED AGAINST HIM IN HIS PROSECUTION TO SHOW PROOF OF MOTIVE, OPPORTUNITY, INTENT, PREPARATION, PLAN, KNOWLEDGE, AND IDENTITY, ALONG WITH EVIDENCE OF OTHER CRIMES, WRONGS AND ACTS. THESE SUBSTANTIATED CRIMES, WRONGS AND ACTS WOULD HAVE BEEN USED AGAINST CARRY AND OTHERS TO AID IN HIS ULTIMATE CONVICTION STILL UPCOMING AND [WILL BE USED] AS AGGRAVATING FACTORS IN SENTENCING OR THE PUBLIC WILL BE MADE VERY AWARE OF LAW ENFORCEMENTS AND THE STATES ON-GOING [COVER-UP] OF WHAT HE AND OTHERS DID IN 2003-04. THIS EQUALLY AMOUNTS TO FAILURE TO REPORT A CRIME AND ALL ARE GUILTY OF MISPRISON OF FELONY, TOO!

CRIMES WERE COMMITTED BY THE W.C. DISTRICT ATTORNEYS OFFICE INCLUDING BY ALICE MAEZ, UNDER THE SUPERVISION OF THE WELL-KNOWN DIRTY DISTRICT ATTORNEY, RICHARD GAMMICK, AND KELLYANN VILLORIA, AND LATER CONSPIRED TO COVER-UP THE W.C.S.D. AND W.C.D.A.'S CRIMES BY THEN CHIEF JUDGE DAVID HARDY IN COLLUSION WITH THE DIRTY COMPROMISED DISTRICT JUDGE JEROME POLAHA WHILE IGNORED BY W.C.D.A. CHRIS HICKS, WHO BY THE WAY HAVE NEVER FILED A LAWFUL BOND WITH TWO REQUIRED SURETIES JUST LIKE GAMMICK AND THEIR CONVICTIONS ARE A SHAM, REGARDLESS. SEE 2015 MOTION TO VACATE AND SWORN AFFIDAVIT; SEE 2015 MANDAMUS AND AFFIDAVIT SENT TO CHIEF JUDGE HARDY WHO MANIPULATED MY 2015 MANDAMUS AND AFFIDAVIT IN COLLUSION WITH JUDGE POLAHA TO FURTHER ALLOW POLAHA TO UNDERMINE THE LAW, THE N.U. AND U.S. CONSTITUTIONS; THE SUBSTANTIAL, FUNDAMENTAL, CONSTITUTIONAL RIGHTS OF MY WIFE, TWO BOYS AND MYSELF, WHILE ALSO VIOLATING THEIR SWORN OATH, COMMITTING PERJURY THEREIN; WHILE VIOLATING COURT RULES OF PROCEDURE, THEIR JUDICIAL CODE OF

CONDUCT, ETHICS AND JUDICIAL CANNONS AND MY SUBSTANTIAL, FUNDAMENTAL SUBSTANTIVE AND PROCEDURAL DUE PROCESS CONSTITUTIONAL RIGHTS WHILE FURTHER "OBSTRUCTING JUSTICE." SEE ALSO THE TWO PREVIOUS 2019-2020 AFFIDAVITS SENT TO EVERY DIRTY PARTICIPANT INVOLVED! AND, SEE ENTIRE COURT RECORD, TOO [.]

THE DISTRICT ATTORNEYS OFFICE HAS ALSO COMMITTED CRIME AFTER CRIME UNDER THE COLOR OF LAW ALONG WITH THE W.C.S.D AND HAS BEEN COMPLICIT IN AND COVERED-UP WHAT THE COPS HAD DONE IN 2003 AND WHAT THE STATE ITSELF HAD DONE, INCLUDING, BUT NOT LIMITED TO, <sup>TO</sup> FORCE A GUILTY PLEA WHILE COVERING UP ALL THAT OCCURRED AND PROTECTING ITSELF SO AS NOT TO JEOPARDIZE THIS ILLICIT, FRAUDULENT, SHAM AND NULL CONVICTION. THE STATE FURTHER IGNORED AND COVERED-UP WHAT WAS CLAIMED IN 2006 HABEAS IN CONCERT WITH JUDGE PALAHA IN 2006-07, 2012, 2015 AND 2017. SEE THE 2007 SHAM, FRAUDULENT, MANIPULATED EVIDENTIARY HEARING AND MANIPULATED TRANSCRIPTS (AND WHAT'S NOT THERE). SEE 2019 MOTION FOR COUNSEL AND AFFIDAVIT. THE THE DIRTY SCANDALOUS CONSPIRATORY SECOND JUDICIAL DISTRICT COURT, ITS CHIEF JUDGES AND THE DIRTIEST OF ALL DISTRICT JUDGE PALAHA WHO WILLFULLY REFUSED TO ORDER THE STATE TO RESPOND TO THE MERITS AND FACTS UNDER THE CIRCUMSTANCES SURROUNDING THESE FACTS AND THEIR DIRECT CONNECTION TO THIS ILLICITLY GAINED FRAUDULENT NULL CONVICTION AND HOLD A NECESSARY [EVIDENTIARY HEARING] BECAUSE IT WOULD HAVE EXPOSED THE STATE AND FEDERAL CRIMES OF THOSE INVOLVED IN THIS FORCED, COERCED, ILLICIT AND FRAUDULENT SHAM CONVICTION WHICH INCLUDES FALSE ARREST, FALSE IMPRISONMENT, KIDNAPPING ACROSS STATE LINES AND FORCING AN UNWANTED GUILTY PLEA BY TERRORIST THREATS BY OPPRESSION AND COERCION. THESE AND [MORE] WOULD HAVE BEEN EXPOSED TO THE PUBLIC AND WOULD HAVE AND STILL [WILL NULLIFY MY CONVICTION], REGARDLESS! W.C.D.A. HICKS AND THE SECOND JUDICIAL DISTRICT COURT HAVE FURTHER COLLUDED AND CONSPIRED TO PROTECT THOSE INVOLVED AGAIN IN 2015, 2017 AND 2019, AND AS FURTHER EXPOSED BY THE FIRST TWO AFFIDAVITS IN 2019 AND 2020, AND TO FURTHER PROTECT THIS ILLIGITIMATE, SHAM AND NULL CONVICTION. THERE WAS A LETTER-JUDICIAL NOTICE ADDRESSED SPECIFICALLY TO THE SECOND JUDICIAL DIST. COURT CHIEF JUDGE WITH THE SECOND MORE INVOLVED AFFIDAVIT

SENT TO HIM ON FEB. 10, 2020; [B]UT THE COURT CLERK HAS REPEATEDLY MANIPULATED MY COURT DOCUMENTS SENT TO THE DISTRICT COURT, WHICH INCLUDE, BUT ARE NOT LIMITED TO: MULTIPLE JUDICIAL NOTICES, LETTERS TO THE CLERK, AFFIDAVIT(S), APPEALS, MOTIONS; THE 2006 HABEAS REFILED IN 2012, REQUEST [S] FOR SUBMISSION(S), 2012 MOTION TO RECLUSE, THE 2015 MANDAMUS TO CHIEF JUDGE DAVID HARDY, THE CO-CONSPIRATOR ACTING IN COLLUSION WITH JUDGE JEROME POLAHA TO [P]REVENT POLAHA FROM BEING RECLUSED FOR HIS BIASED, PREJUDICIAL AND CRIMINAL ACTS UP TO THAT POINT AS WAS NECESSARY IN RELATION TO THE 2015 MOTION TO VACATE FOR FRAUD AND LACK OF JURISDICTION, AND MORE, AS WAS FILED BY ME IN THE PERVERTED, BAD FAITH AND FUNDAMENTAL MISCARRIAGE OF JUSTICE. YET THE CLERK WILLFULLY CHOSE TO DO SO AGAIN. THE CLERK DID SEND ME A FILED COPY OF THE SECOND HIGHLY-DETAILED AFFIDAVIT BUT [AGAIN] CHOSE "NOT TO FILE" THE INCLUDED JUDICIAL NOTICE / LETTER TO THE CHIEF JUDGE. INSTEAD, THE CLERK SENT ME TWO ADDITIONALLY MANIPULATED COURT DOCUMENTS. ONE WAS TITLED "RETURN NOTICE" WHERE SHE ONLY ACKNOWLEDGED "A LETTER" BUT WILLFULLY FAILED TO IDENTIFY IT AS A "JUDICIAL NOTICE ADDRESSED TO THE CHIEF JUDGE," NO LESS! HENCE, THE CONTINUALLY MANIPULATED COURT RECORD STARTING SEPT. 11, 2003, WILL ONLY SHOW IT AS A LETTER AND FAILS TO INDICATE WHAT IT WAS, "A JUDICIAL NOTICE ADDRESSED TO THE CHIEF JUDGE," AND MORE SPECIFICALLY, FAILS TO SHOW RELATION TO THE SECOND AFFIDAVIT WHICH ALSO EXPOSED THE DISTRICT COURTS INVOLVEMENT. THE CLERK THEN "AGAIN MANIPULATED THE RECORD" WHEN THE SECOND AFFIDAVIT WAS STAMPED "FILED" BUT WILLFULLY FAILED TO INCLUDE THE AFFIDAVIT AS "RECEIVED BY THE COURT" IN THE ALSO [M]ANIPULATED [RETURN NOTICE]. AS FURTHER PROOF THE CLERK ALSO SENT ME A SECOND DOCUMENT TITLED BOTELHO V. THE STATE OF NEVADA AND THE SUB HEADING WAS LABELED AS [A LETTER FROM DEFENDANT], BUT AGAIN IT WILLFULLY FAILED TO ACKNOWLEDGE THE LETTER AS "JUDICIAL NOTICE" AND FURTHER FAILED TO ACKNOWLEDGE THAT IT WAS SPECIFICALLY ADDRESSED AND SENT TO THE CHIEF JUDGE AND STILL FURTHER DELIBERATELY FAILED TO ACKNOWLEDGE THE "SECOND AFFIDAVIT" SENT SPECIFICALLY WITH THE JUDICIAL NOTICE, SPECIFICALLY SENT TO THE CHIEF JUDGE [.] THE CHIEF JUDGE HAS NEVER SEEN THE JUDICIAL NOTICE, NOR THE DAMNING SECOND AFFIDAVIT I AM QUITE SURE, OTHERWISE HE IS FURTHER GUILTY OF REPORTING WHAT OCCURRED AND HOLDING AN EVIDENTIARY HEARING,

↑ FAILING TO REPORT

NOR SOUGHT TO EMPANEL A GRAND JURY AND IS NOW COMPLICIT IN [OBSTRUCTING JUSTICE].

SEE THE COURTS OWN RECORD WHICH INCLUDES AFFIDAVITS FILED BY ME IN 2006 FOR MOTION TO RECLUSE PALAHA, MOTION FOR APPOINTMENT OF COUNSEL AND 2006 HABEAS PETITION, AND FURTHER AFFIDAVITS RELATED TO FURTHER FILINGS IN 2012, 2015, 2017, 2019, 2020 AND 2021. AND, SEE 2019 MOTION FOR COUNSEL AND THE AFFIDAVIT, THEREIN, WHICH [F]URTHER EXPOSED MY PUBLIC DEFENDER, SEAN SULLIVAN FOR CRIMES WHICH RELATE TO MY FRAUDULENT 2003 CASE AND WHAT THE COPS, THE DISTRICT ATTORNEY AND THE DISTRICT COURT DID, THEREIN [E]. THE CHIEF JUDGE HAS FURTHER FAILED TO ACT, THEREIN TOO! HE HAS FURTHER SHIRKED HIS DUTIES AND ACTED IN BAD FAITH WHILE AGAIN OBSTRUCTING JUSTICE TO PROTECT THOSE INVOLVED IN THIS ILLICIT, FRAUDULENT, NULL AND VOID CONVICTION! SEE THE FIRST AFFIDAVIT SENT AUGUST 13, 2019, WHICH STATES HOW W.I.C.S.O. DIRTY DET. DENNIS CARRY FORCED, THREATENED AND COERCED ME TO PLEAD GUILTY AND KEEP MY MOUTH SHUT OR I WONT MAKE IT OUT OF PRISON ALIVE [AND MORE] WHICH HAS BEEN SYSTEMATICALLY IGNORED REGARDLESS OF CARRY'S 2019-2020 CRIME SPREE AND THE SECOND CRIMINAL AFFIDAVIT SENT BY ME ON FEB. 10, 2020, WHICH ALSO GREATLY DETAILED THE CRIMES PERPETRATED BY THAT PIECE OF SHIT COP AND OTHERS DID TO ME [MY WIFE MARILOU AND OUR TWO BABY BOYS] IN 2003; AND ALSO SEE 2015 MOTION TO VACATE WHERE THE DIRTY CONSPIRATORY CHIEF JUDGE DAVID HARDY IN COLLUSION WITH JUDGE PALAHA DISREGARDED THEIR SWORN DUTIES AND OUR CONSTITUTIONAL RIGHTS TO PROTECT OTHERS AND THIS ILLICITLY AND FRAUDULENTLY OBTAINED CONVICTION. WHEN LOOKING AT THE DISTRICT COURTS [ENTIRE] COURT RECORD SOME DATES HAVE BEEN ENTERED AT A LATER DATE AND ARE LEGALLY INCORRECT. THIS OCCURRED FROM THE VERY BEGINNING STARTING WITH THE REVD JUSTICE COURTS OWN RECORD ON SEPT. 11, 2003. SOME COURT DOCUMENTS AND ALLEGED FILINGS WERE ADDED LATER BY COMPUTER, SEE (I.E. SEPT. 11, 2003, COMPUTER ENTRY AND THE HAND WRITTEN ADDITION AGAIN DONE LATER!), IT CONCERNED THE SHAM WARRANT OF ARREST THAT DID NOT EXIST IN 2003. SEE 2015 MOTION TO VACATE. SOME DOCUMENTS HAVE NEVER BEEN FILED AT ALL, I.E. MULTIPLE

JUDICIAL NOTICES AND LETTERS TO CLERK (TELLING HER TO DO HER JOB AND FOLLOW HER OATH OF OFFICE AND COMPLY WITH THE MANDATE IN BOWMAN V. 8<sup>TH</sup> JUD. DIST. COURT), AND, SOME AFFIDAVITS TOO! I HAVE COPIES AND WILL PRESENT THEM IN ANY GRAND JURY INVESTIGATION AND EVIDENTIARY HEARING [ON THE MERITS]. SOME HAVE BEEN HELD ON TO AND FILED AT A LATER DATE. SOME WERE IMPROPERLY STAMPED "RECEIVED" BUT WERE NOT FILED AND WERE RETURNED WITH A "BOGUS RETURN NOTICE" WITH SOME BULLSHIT [LIE] BECAUSE THE CLERK PRACTICED LAW IN VIOLATION OF THE LAW. AGAIN SEE BOWMAN COURT HOLDING. AND SOME DOCUMENTS HAVE BEEN "DELIBERATELY MISLABELED". SEE FOR EXAMPLE BUT NOT LIMITED TO THE FEB. 10, 2020, SECOND AFFIDAVIT AND JUDICIAL NOTICE, THEREIN, IN THE TWO BOGUS DOCUMENTS SENT ON FEB. 24, 2020, "THE RETURN NOTICE AND LETTER TO DEFENDANT." THESE ARE LEGAL FACTS BOTH INSIDE AND OUTSIDE OF THIS CRIMINALLY MANIPULATED AND ALTERED COURT RECORD.

REGARDLESS, THE COURT CLERK AND CHIEF JUDGE(S) ALONG WITH DISTRICT JUDGE POLAHA HAVE WILLFULLY AND DELIBERATELY FAILED TO UPHOLD THEIR SWORN OATH BY SHIRKING THEIR DUTIES; FAILING TO ABIDE BY NEVADA LAW, COURT RULES, NV. DOCTRINE(S) OF PRECEDENTS AND STARE DECISIS, AND MY NV. AND U.S. CONSTITUTIONAL SUBSTANTIAL AND FUNDAMENTAL RIGHTS TO ACCESS TO THE COURTS; AND SUBSTANTIVE AND PROCEDURAL DUE PROCESS OF LAW [.] FURTHERMORE, THE CLERK IS NOT LAWFULLY BONDED AS THE BOND [DOES NOT] CONTAIN THE [TWO SURETTES REQUIRED] AND IS UNDER THE SUPERVISION OF WHO? THE JUDGES OF COURSE, SO THEY [ARE] THEREFORE COMPLICIT, REGARDLESS, AND IS [INDISPUTABLE [.] SO LIKE OTHER DOCUMENTS, THE JUDICIAL NOTICE/LETTER [AND] AFFIDAVIT WERE [N]EVER PRESENTED TO THE CHIEF JUDGE, [AND/OR] AGAIN, THE CHIEF JUDGE [AGAIN] SHIRKED HIS SWORN DUTIES, FAILED TO UPHOLD NV. LAW, FAILED TO FOLLOW HIS CODE OF CONDUCT, ETHICS AND JUDICIAL CANNONS ALONG WITH COURT RULES, HE FAILED TO UPHOLD THE NEV. AND U.S. CONSTITUTION(S) AND THE SUBSTANTIAL FUNDAMENTAL CONSTITUTIONAL RIGHTS OF ACCESS TO THE COURTS AND THE SUBSTANTIVE AND PROCEDURAL DUE PROCESS RIGHTS OF MYSELF AND MY WIFE MARILOU AND OUR TWO BOYS, LANCE AND TODD. THEY ARE BOTH GUILTY OF MISPRISON OF FELONY 18 USC 4 AND [OBSTRUCTION OF JUSTICE] 18 USC 1503. THEY BOTH WILLFULLY FAILED TO DO THEIR SWORN DUTY NRS 281.360;

THEY BOTH COMMITTED PERJURY WHEN THEY VIOLATED THEIR SWORN OATH OF OFFICE, AND FAILED TO UPHOLD NV. LAW, THE NV. AND U.S. CONSTITUTION(S) AND ME AND MY FAMILIES CONSTITUTIONAL RIGHTS, THEREIN. THE CHIEF JUDGE FAILED TO ADDRESS [AND] FURTHER FAILED TO REPORT THE CRIMES AND POTENTIAL CRIMES [TO ANYONE]. (EMPHASIS ASSERTED). THEY ARE ALSO GUILTY OF COLLUSION, CONSPIRACY AND OPPRESSION OF OUR SUBSTANTIAL FUNDAMENTAL CIVIL RIGHTS UNDER THE COLOR OF LAW AND OF OFFICE! AND, SO MUCH MORE!

IN ADDITION TO DENNIS GARRYS 2003-04 CRIME SPREE AND THOSE OTHERS INVOLVED THEREIN, THIS FURTHER PROVES THE CHIEF JUDGES AND COURT CLERKS PROPENSITY TO [F]URTHER COMMIT ADDITIONAL [CRIMES] TO PROTECT W.C. SHERIFFS OFFICE AND DETECTIVES, THEREIN; ALONG WITH THE CRIME LAB, THE W.C. DISTRICT ATTORNEYS OFFICE, INCLUDING RICHARD GANNICK, ALICE MAEZ, KELLY ANN VILORIA, CHRIS HICKS, AND OTHERS; THE W.C. PUBLIC DEFENDERS OFFICE, INCLUDING BUT NOT LIMITED TO, SEAN SULLIVAN, JOHN REESE PETTY, JEREMY BASLER AND MICHAEL SPECCHIO AND THE SECOND JUDICIAL DISTRICT COURT AND RENO JUSTICE COURT INCLUDING BUT NOT LIMITED TO: 2003 DISTRICT COURT CHIEF JUDGE, 2015 CHIEF JUDGE HARDY, 2019-2020 CHIEF JUDGE, 2017 CHIEF JUDGE, DISTRICT COURT JUDGES BRENT ADAMS AND JEROME POJAH AND DISTRICT COURT CLERKS FROM 2003 TO PRESENT; JUSTICE COURT CLERKS FROM 2003 UNTIL 2018 AND (3) DIFFERENT JUSTICES OF THE PEACE IN 2003, AND ONE J.D.P. PATRICIA LYNCH IN 2017-18. AND, TO COVER FOR THEM AND TO FURTHER PROTECT THIS ILLICIT, FRAUDULENT, VOID CONVICTION. THE CHIEF JUDGE FAILED TO ORDER THE NECESSARY EVIDENTIARY HEARING; HE FAILED TO CONTACT LAW ENFORCEMENT AND THE ATTORNEY GENERALS OFFICE OF NEVADA; NOR WAS A WASHOE CTY GRAND JURY, NOR STATE GRAND JURY EMPANNELED TO INVESTIGATE THE FACTS PRESENTED TO THE CHIEF JUDGE, THE W.C. SHERIFFS AND DISTRICT ATTORNEYS OFFICES, THE COURT AND OTHERS TO DETERMINE THE "LEGAL FACTS" THEREIN! [EMPHASIS ADDED].

YOU HAD BETTER DO YOUR JOBS BECAUSE I AND MY FAMILY WILL MAKE EVERYTHING PUBLIC ON SOCIAL MEDIA AND THE PUBLIC LAWSUITS THAT WILL BE COMING WILL FURTHER EXPOSE THE CRIMES AND [LOW-GOING COVER-UP] PERPETRATED BY THOSE INVOLVED AS EXPOSED HEREIN AND IN 2015, 2017, 2019, 2020 COURT DOCUMENTS. THE OBSTRUCTION OF

JUSTICE; CONSPIRACY; COLLUSION; MISPRISON OF FELONY; 18 USCS 241 & 242 OPPRESSION OF  
 CIVIL RIGHTS; NRS 281, 360 FAILURE TO PERFORM THEIR SWORN DUTIES; THE CONSCIOUS  
 DISREGARD FOR THE LAW AND SUBSTANTIAL, FUNDAMENTAL CONSTITUTIONAL RIGHTS;  
 THE CRIMINAL FRAUD; THE ACTUAL, EXPRESS AND IMPLIED MALICE AND MALICE IN LAW;  
 THE ILLICIT, FICTICIOUS AND FRAUDULENT, SHAM ADMINISTRATIVE SUBPOENA ACROSS  
 STATE AND FEDERAL JURISDICTIONS ACCOMPLISHED BY COMPUTER AND WIRE FRAUD;  
 TAMPERING WITH SWORN DOCUMENTS AND EVIDENCE (SEE 2015 MOTION TO VACATE AND  
 THE CRIMINAL ACTS AND ACTIONS PERPETRATED BY W.C.S.D. DET GREG HERERA ABOUT  
 EVIDENCE AND LACK OF CHAIN OF CUSTODY). SEE THE COVERING-UP OF MY ILLEGAL,  
 FRAUDULENT ARREST ACROSS STATE LINES (CALIF.) WITHOUT AN ARREST WARRANT  
 AND HERERA LIE TO CALIF. LAW ENFORCEMENT WHEN NO WANTS AND WARRANTS EVER  
 EXISTED IN NCIC FEDERAL, NOR STATE DATABASES; I WAS FALSELY IMPRISONED IN CALIF.  
 BASED [S]OLELY UPON A LIE AND FALSE ASSERTION MADE BY HERERA WITHOUT ANY  
 COOPERATION TO CALIF. LAW ENFORCEMENT I WAS OVERWHELMED AND COERCED INTO  
 MULTIPLE INTERROGATIONS AFTER PREVIOUSLY ASKING FOR APPT. OF COUNSEL UPON  
 INITIAL ARREST IN CALIF. AND MULTIPLE TIMES IN RENO BY HERERA AND THAT SCUMBAG  
 DENNIS CARRY; I WAS KIDNAPPED ACROSS STATE LINES WITHOUT AN ARREST WARRANT IN  
 EXISTANCE PERJURY WAS COMMITTED TO OBTAIN A TAINTED SEARCH WARRANT IN [LYON  
 COUNTY] BY SCUMBAG CARRY AND PERJURY WAS COMMITTED IN OBTAINING A CRIMINAL  
 COMPLAINT AND GRAND JURY INDICTMENT BY A.D.A. KELLY ANN VILLORIA. PERJURY ALSO  
 OCCURRED IN GRAND JURY TESTIMONY GIVEN BY COPS AND CRITICAL KNOWN TO BE INADMISSIBLE  
 FRUITS OF POISONOUS TREE WAS [EXTENSIVELY USED] AND USED TO OBTAIN COMPLAINT;  
 THE FRAUDULENTLY FABRICATED LONG AFTER THE FACT (ARREST WARRANT) ILLICIT, NEVER  
 LAWFULLY PERFECTED AND [N]EVER USED FICTICIOUS ARREST WARRANT; THE ILLEGAL AND  
 UNCONSTITUTIONAL EX PARTE BAIL INCREASE DONE IN CHAMBERS BY ADA VILLORIA AND A  
 CONSPIRATORY J.D.P. WHEN NO NOTICE WAS GIVEN AND I WAS [STILL NOT APPOINTED  
 COUNSEL] WHERE I WAS NOT GIVEN A LAWFUL DUE PROCESS COURT HEARING, NOR GIVEN  
 AN OPPORTUNITY TO OBJECT AND WAS FURTHER DENIED OPPORTUNITY TO APPEAL THE  
 CRIMINAL AND <sup>UN</sup>CONSTITUTIONAL ACTS RESULTING IN A BAIL INCREASE FROM \$ 75,000 CASH [OR]  
 BOND TO \$ 250,000 CASH ONLY BAIL; THEY HAS COVERED-UP THE TERRORIST THREATS;

INTIMIDATION, OPPRESSION AND COERCION TO FORCE ME TO PLEAD GUILTY AND KEEP [QUIET] ABOUT WHAT HE HAD DONE. THEY HAVE DISREGARDED AND FURTHER COVERED-UP THE DOMESTIC TERRORIST THREATS, THE LIES, INTIMIDATION, THE OPPRESSION [AND MORE] THAT WERE MADE AGAINST MY WIFE MARILOU AND OUR TWO BABY BOYS IN 2003 TO FORCE HER AGAINST HER WILL TO [INUNLUNTARILY SIGN A DNA WAIVER] THAT CARRY FORCED HER TO SIGN [AFTER SHE FLATLY REFUSED TO SIGN [V]OLUNTARILY] RIGHT BEFORE CARRY THREATENED HER. HE STOLE THEIR D.N.A FROM THEIR BODIES (THIS IS NOT PROPERTY, THIS WAS FROM THEIR BODIES) AND COMMITTED THEFT AND VIOLATED AGAIN NRS 281.360, THEN ENTERED FALSE INFORMATION IN HIS REPORTS MADE RELETIVE TO THE ILLEGALLY OBTAINED D.N.A. ALONG WITH ILLIGITIMATELY CARRYING OUT THE SEARCH WARRENT IN [LYON COUNTY] AND THOSE ACCESSORIES INVOLVED THEREIN, AND SO MUCH MORE! SEE 2015 MOTION TO VACATE AND 2019 AND 2020 CRIMINAL AFFIDAVITS THEREIN [EVERYTHING] THAT WAS ILLIGITIMATELY USED BY THE W.C.S.D. AND THE STATE WAS TAINTED KNOWN TO BE ILLIGITIMATE EVIDENCE, BEING INADMISSIBLE FRUITS OF THE POISONOUS TREE YET IT WAS COVERED UP TO PROTECT THOSE CRIMINAL ACTORS INVOLVED AND TO PROTECT THIS ILLICIT AND FRAUDULENTLY PROCURED NULL & VOID CONVICTION, AT ALL COSTS! THIS BULLSHIT IS GOING TO STOP!

I, MICHAEL TODD BOTELHO, THE UNDERSIGNED VICTIM, DO SWEAR UNDER THE PENALTY OF PERJURY THAT THE CRIMES AND ASSERTIONS OF THIS [NOW THIRD AFFIDAVIT] MADE IN COOPERATION OF CRIMINAL AFFIDAVITS MADE 8-13-2019 AND 2-10-2020 ARE TRUE AND CORRECT PURSUANT TO 18 USC 1621 28 USC 1746 AND NRS 208.165. I FURTHER DEMAND AN EVIDENTIARY HEARING AS A MATTER OF JUSTICE AND DUE PROCESS RIGHT TO STOP THIS GROSSLY FUNDAMENTAL MISCARRIAGE OF JUSTICE [.]

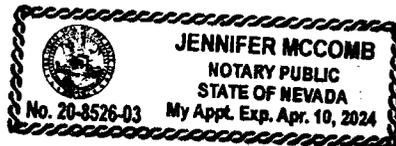
DATED MARCH 9, 2021

*Michael Todd Botelho*  
 MICHAEL TODD BOTELHO # 80837  
 N.I.C.C. P.O. Box 7000  
 CARSON CITY NEV 89702

County of Carson  
 State of NV

On 3/9/21, Michael Todd Botelho, appeared & signed this document.

*Jennifer McComb*  
 NOTARY Signature 12 OF 12



**Return Of NEF**

<b>Recipients</b>
<b>JENNIFER NOBLE, ESQ.</b> - Notification received on 2021-03-12 15:16:57.879.
<b>DIV. OF PAROLE &amp; PROBATION</b> - Notification received on 2021-03-12 15:16:58.152.
<b>JOHN PETTY, ESQ.</b> - Notification received on 2021-03-12 15:16:58.019.
<b>SEAN SULLIVAN, ESQ.</b> - Notification received on 2021-03-12 15:16:57.509.

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-

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

Judge:

HONORABLE KATHLEEN DRAKULICH

**Official File Stamp:** 03-12-2021:15:15:40  
**Clerk Accepted:** 03-12-2021:15:16:22  
**Court:** Second Judicial District Court - State of Nevada  
Criminal  
**Case Title:** STATE VS. MICHAEL TODD BOTELHO (D1)  
**Document(s) Submitted:** Mtn to Modify/Correct Sentence  
**Filed By:** Deputy Clerk BBlough

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**The following people were served electronically:**

JENNIFER P. NOBLE, ESQ. for STATE OF NEVADA  
SEAN B. SULLIVAN, ESQ. for MICHAEL TODD BOTELHO  
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.  
STATE OF NEVADA for STATE OF NEVADA

MICHAEL TODD BOTELHO for MICHAEL TODD  
BOTELHO

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Code 3373

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

THE STATE OF NEVADA,

Plaintiff(s),

Case No. CR03-2156

vs.

Dept. No. 1

MICHAEL T BOTELHO,

Defendant(s).

\_\_\_\_\_ /

OTHER - DOCUMENT FROM DEFENDANT ENTITLED  
"JUDICIAL NOTICE TO CHIEF JUDGE, AND COMPLAINT AGAINST COURT CLERK  
AND DEPUTY CLERKS, ET AL..."[SIC]

V7~~m1219~~ MICHAEL T. BOTELHO # 80837  
N.N.C.C. P.O. BOX 7000  
CARSON CITY, NEV. 89702  
IN PROPER PERSON

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

MICHAEL T. BOTELHO

PLAINTIFF

CASE NO. CRD3-2156

CASE NO. RCRD3-011479

VS.

THE STATE OF NEVADA,  
SECOND JUDICIAL DISTRICT  
COURT, AND COURT CLERKS,  
ET-AL.

JUDICIAL NOTICE TO CHIEF JUDGE, AND  
CRIMINAL COMPLAINT AGAINST THE COURT  
CLERK AND DEPUTY CLERKS, ET-AL.....

DEFENDANTS

COMES NOW MICHAEL T. BOTELHO, [THE VICTIM] OF FRAUD AND OTHER STATE AND FEDERAL CRIMES, AND CONSTITUTIONAL VIOLATIONS OF BOTELHO DUE PROCESS BY THE COURT CLERK AND HER DEPUTY CLERKS, REQUIRES THE PLAINTIFF TO FILE NECESSARY JUDICIAL NOTICE TO THE CHIEF JUDGE AND NECESSARY CRIMINAL COMPLAINT. THIS [SHALL BE] PRESENTED TO THE CHIEF JUDGE [E] PER NEVADA LAW. SEE NRS 47.150(2) "A JUDGE OR COURT [SHALL TAKE JUDICIAL NOTICE (IF REQUIRED BY A PARTY) AND SUPPLIED WITH THE NECESSARY INFORMATION"]. SEE ALSO, NRS 47.130, MATTERS OF [FACT]; NRS 47.140, MATTERS OF [LAW]; AND FURTHERMORE, SEE NRS 47.160, WHICH PROVIDES THE PARTY [AN OPPORTUNITY TO BE HEARD] [.] ADDITIONALLY, IT CREATES A DUE PROCESS RIGHT TO BE HEARD AND BOTELHO DEMANDS THAT AN "EVIDENTIARY HEARING" TAKE PLACE IN [S]HORT ORDER.

ON MARCH 9, 2021, I SENT A NOTARIZED AFFIDAVIT AND CRIMINAL COMPLAINT WITH A SHORT COVER LETTER ADDRESSED TO THE COURT CLERK STATING THAT THE CRIMINAL AFFIDAVIT AND CRIMINAL COMPLAINT [M]UST BE GIVEN TO THE [CHIEF JUDGE] AS THE COURT [ITSELF] IS A PARTY [I]NVOLVED IN THIS

CRIMINAL AFFIDAVIT AND COMPLAINT. ON 3-12-2021, AFTER DIRECTION FROM [SOMEONE ELSE] THE DEPUTY CLERK [C]ONSPIRED TO COMMIT FRAUD UPON THE COURT AND DID IN FACT COMMIT FRAUD [U]PON THE COURT BY THE CLERK(S) OWN DESIGN(S), OR WAS A JUDGE OR EVEN THE CHIEF JUDGE, GUILTY OF DIRECTING THE COURTS OWN CLERKS TO COMMIT FRAUD IN FACT; FRAUDULENT CONCEALMENT; FRAUD UPON THE COURT AND [C]ONSTRUCTIVE FRAUD. BOTELHO, THE PEOPLE, AND THE COURT ITSELF WAS [DEFRAUDED] BY ITS [OWN COURT CLERKS] WHEN THE CLERK [DID NOT] STAMP "FILED" UPON MY 12 PAGE LEGAL COURT INSTRUMENT ITSELF, NOR THE LETTER TO THE COURT CLERK, NOT A DEPUTY CLERK. INSTEAD, AFTER DISCUSSION WITH AN UNKNOWN CO-CONSPIRATOR, THE DEPUTY CLERK BY DELIBERATE DESIGN MALICIOUSLY STAMPED "FILED A [C]OURT COMPLETE[R] GENERATED, SEPERATE PAGE SHOWING THE CASE HEADING AS THE STATE OF NEVADA .VS. MICHAEL TODD BOTELHO , CASE NO. CR03-2156, AND "WILLFULLY" WROTE THE FOLLOWING: [MOTION TO MODIFY OR CORRECT ILLEGAL SENTENCE"] (EMPHASIS ASSERTED) [.] BOTELHO [C]HARGES THAT THIS WAS DONE TO FURTHER[R] "PROTECT THOSE CRIMINAL ACTORS [A]LREADY INVOLVED" AND "TO PROTECT MY ILLICIT, FRAUDULENT AND SHAM, VOID CONVICTION" AT ALL COST BY ALSO OPPRESSING MY SUBSTANTIAL, FUNDAMENTAL DUE-PROCESS RIGHTS AND [OBSTRUCTING JUSTICE, 18 USC 1503]! THE CLERK ALSO COLLUDED AND CONSPIRED WITH THE HEAD COURT CLERK [OR] A DISTRICT COURT JUDGE [OR] MAYBE EVEN THE CHIEF JUDGE TO FURTHER CALL THE COURT DOCUMENT A "MOTION TO MODIFY OR CORRECT ILLEGAL SENTENCE" AND FURTHER ENTER IT FALSELY AS SUCH SO A DISTRICT COURT JUDGE COULD THEN DENY THE [F]RAUDULENTLY "ENTERTAIN"; THE FRAUDULENTLY CONCEALED MOTION TO CORRECT ILLEGAL SENTENCE SO I COULD [NEVER] FILE A LEGITIMATE MOTION TO CORRECT AN ILLEGAL SENTENCE [IN THE FUTURE]. THIS WAS DISCUSSED AND CARRIED OUT TO DO JUST THAT BY DESIGN BY THOSE CO-CONSPIRATORS INVOLVED, THEREIN [.] THE CLERK LIED ALSO IN THE "RETURN NOTICE" WHEN THE CLERK STATED THAT "MY STAMP FILED COPIES ARE ENCLOSED". YET, I

" [N]EVER RECEIVED A FILE STAMPED COPY OF 12 PAGE AFFIDAVIT!!" I ONLY RECEIVED A FALSIFIED AND FRAUDULENT [PIECE OF PAPER] STATING THAT I FILED [A MOTION TO MODIFY OR CORRECT ILLEGAL SENTENCE]. I FURTHER ASSERT THAT THE COURT CLERK NOT ONLY ENTERED THE FRAUDULENT, [FICTITIOUS] MOTION TO CORRECT ILLEGAL SENTENCE [INTO] THE COURT RECORD (WHICH ESTABLISHES MORE STATE AND FEDERAL CRIMES COMMITTED) AND DID [N]OT ENTER THE NOTARIZED CRIMINAL AFFIDAVIT AND CRIMINAL COMPLAINT AND ASSERT THAT THIS COURT AND ITS COURT CLERKS CAN AND [HAVE] ALREADY MANIPULATED THE COURT RECORD BOTH [BEFORE AND AFTER THE FACT]. ONE CLICK OF A COMPUTER MOUSE AND COMPUTER FRAUD AND WIRE FRAUD OCCURS AND I CHARGE THAT THE CLERK WILL DO SO [AGAIN] TO TRY [COVER-UP] WHAT THEY HAVE [A]LREADY DONE IN THIS MATTER, [B]UT, ITS TOO LATE BECAUSE I HAVE THE DOCUMENTS ALREADY IN HAND. YOU DIRTY, CORRUPT, CRIMINAL BASTARDS WILL BE EXPOSED, SO HELP ME GOD!

I FURTHER CHARGE THAT EITHER THE CHIEF JUDGE [IS] COMPLICIT IN THE FOLLOWING ASSERTED STATE AND FEDERAL CRIMES AND CONSTITUTIONAL VIOLATIONS [OR] HAD KNOWLEDGE OF WHAT HAS AND [C]ONTINUES TO OCCUR IN HIS SECOND JUDICIAL DISTRICT COURT; [OR] HE IS ALREADY COMPROMISED AND ACTING IN BAD FAITH; [OR] IS INCOMPETENT AND UNFIT AS CHIEF JUDGE AND AS ANY KIND OF JUDGE BECAUSE YOU HAVE VIOLATED YOUR SWORN OATH OF OFFICE; YOUR JUDICIAL CANNONS; CODE OF ETHICS AND CONDUCT; COURT RULES AND NEVADA AND UNITED STATES [LAW] AND HAVE THEREIN COMMITTED [PERJURY] PURSUANT TO YOUR [S]WORN OATH OF OFFICE (A CLASS D FELONY), JUST LIKE THE COURT CLERKS HAVE DONE AND MAKES YOU GUILTY OF CONSPIRACY AND OBSTRUCTION OF JUSTICE (CRIMINAL OFFENSES) AS WELL.

FURTHERMORE, SEE NRS 3.026 (1)(b)(1) AND (2) AS YOU WERE [R]EQUIRED TO, AS PART OF YOUR CHIEF JUDGE DUTIES [ENSURE THAT] THESE SUBSECTIONS WERE NOT [V]IOLATED, YET YOU HAVE ALLOWED IT TO OCCUR "REPEATEDLY" [.]

IT IS QUITE OBVIOUS THAT YOU KNOW WHAT IS GOING ON OR YOU, THE CHIEF JUDGE, ARE INVOLVED; OTHERWISE YOU ARE A CRIMINAL ACTOR AND A CO-CONSPIRATOR, REGARDLESS. YOU ARE GUILTY OF VIOLATING NRS 281, 360 (FAILURE BY PUBLIC OFFICIAL OR EMPLOYEE TO PERFORM YOUR DUTIES) BY YOUR MALFEASANCE, NON-FEASANCE AND NON-PERFORMANCE THEREIN. YOU EITHER ALLOWED FRAUD UPON THE COURT TO OCCUR SEE 18 USC 9 OR YOU PARTICIPATED AND EITHER YOU AND THE COURT CLERK AND DEPUTY CLERK(S) ARE GUILTY OF CONSPIRACY AGAINST RIGHTS, TO INJURE, OPPRESS, THREATEN OR INTIMIDATE AND SEE 18 USC 241, YOU ARE ALL GUILTY OF VIOLATING 18 USC 242, DEPRIVATION OF RIGHTS UNDER COLOR OF LAW. YOU ARE GUILTY OF KNOWING ABOUT AND NOT ACTING TO STOP THE CLERKS, WHICH STILL MAKES YOU A CO-CONSPIRATOR, OR YOU DIRECTED THE CLERKS OR OTHERS TO MAKE FALSE AND FRAUDULENT ENTRIES BY THE CLERKS SEE 18 USC 1001. SEE ALSO NRS 199.480(3)(a) TO COMMIT OTHER CRIMES THAN THOSE IN (1)(2) AND WHERE NO PUNISHMENT IS OTHERWISE PROSCRIBED BY LAW, SEE (3)(f) TO COMMIT ANY ACT INJURIOUS TO [OR] FOR PERVERSION OF LAW OR CORRUPTION OF PUBLIC JUSTICE [OR] DUE ADMINISTRATION OF THE LAW. YOU WERE INVOLVED, KNEW ABOUT WHAT THE CLERKS WERE GUILTY OF AND STILL ACTED IN BAD FAITH BY ALLOWING THE CRIMES TO OCCUR [R]EGARDLESS [O.] YOU AND THOSE INVOLVED ARE SUBJECT TO NRS 199.490, AN OVERTACT NOT NECESSARY IN ANY PROVISIONS FOR VIOLATING NRS 199.480 [O.] ALSO NRS 199.480 WAS VIOLATED, SEE (3)(c) WHERE THE FRAUDULENT AND FICTITIOUS MOTION TO CORRECT ILLEGAL SENTENCE UPON FALSELY INSTITUTE OR MAINTAIN ANY ACTION OR PROCEEDING; AND FURTHERMORE SEE NRS 199.480(3)(g) BECAUSE THE FRAUD WAS PERPETRATED TO "ACCOMPLISH ANY CRIMINAL [OR] UNLAWFUL PURPOSE [O.] AS THE CHIEF JUDGE OVERSEES AND DIRECTS THE COURT CLERKS YOU AND THE CLERKS ARE ALSO GUILTY OF VIOLATING 18 USC 2384, SEDITION CONSPIRACY [TO HINDER [OR] DELAY THE EXECUTION OF ANY LAW OF THE UNITED STATES. THE CHIEF JUDGE PARTICIPATED IN AND/OR KNEW THE COURT CLERKS VIOLATED NRS 239.300(1) AND (3) WHEN BOTELHUS DOCUMENTS / INSTRUMENTS AND THE COURT RECORD WAS [ALTERED]. NRS 239.310

WAS VIOLATED [W] THE CLERK(S) ALTERED [AND] CONCEALED BOTELHO'S  
 CRIMINAL AFFIDAVIT AND COMPLAINT BEING PUBLIC RECORDS AND DOCUMENTS  
 AND [ARE GUILTY OF] A NEVADA CLASS C FELONY. THE CLERKS ARE GUILTY OF  
 VIOLATING 18 USC 35 WHEN THEY "IMPARTED AND/OR CONVEYED [F]ALSE INFORMATION.  
 THEY ARE GUILTY OF VIOLATING THEIR OATH OF OFFICE, SEE NV. STATUTE \_\_\_\_\_  
 AND 28 USC 951. THE CLERKS ALSO PRACTICED LAW IN VIOLATION OF 28 USC 955 [ ]  
 THE CLERKS WILLFULLY VIOLATED 18 USC 1503 (OBSTRUCTION OF JUSTICE) AND  
18 USC 1506, WHEN THEY [A]LTERED THE COURT RECORD [.] THEY VIOLATED  
NRS 239.320, WHEN THEY INJURED, CONCEALED OR FALSIFIED RECORDS [OR]  
 PAPERS BY PUBLIC OFFICER (IF MUTILATES, ALTERS, DESTROYS, ERASES [OR]  
 FALSIFIES [IS GUILTY OF A CLASS "C" FELONY]. THEY VIOLATED NRS 239.330  
 WHEN THEY [O]FFERED FALSE INSTRUMENT FOR [FILING OR RECORD] INTO [ANY]  
 PUBLIC OFFICE. THEY ARE GUILTY OF A CLASS "D" [FELONY] PER NRS 205.090  
 [FORGERY] WHEN A PERSON WHO FALSELY [M]AKES, [A]LTERS, FORGES OR  
 COUNTERFEIT(S) ANY RECORD OR AUTHENTIC MATTER OF A PUBLIC NATURE, AS WAS  
 CLEARLY DONE TO BOTELHO'S PUBLIC COURT INSTRUMENT(S) FOR FILING [.]  
NRS 205.095 WAS WILLFULLY VIOLATED (OTHER ACTS CONSTITUTING FORGERY)  
 "EVERY PERSON WHO, [WITH THE INTENT] TO "INJURE OR DEFRAUD", SHALL:  
 (1) MAKE FALSE ENTRY IN ANY PUBLIC RECORD; (2) FAILS TO MAKE A [TRUE ENTRY]  
 OF [ANY] MATERIAL MATTER IN ANY PUBLIC RECORD; AND (3) FORGES ANY  
 LETTER OR WRITTEN..... THEY ARE GUILTY OF "UTTERING A FORGED INSTRUMENT  
 BY MAKING IT A "MOTION TO CORRECT ILLEGAL SENTENCE NRS 205.110,  
 AS WAS [E]LECTRONICALLY FILED ON 3-12-2021 [.] THEY ARE GUILTY OF  
 WILLFULLY "MAKING FALSE CERTIFICATE" (EVERY PUBLIC OFFICER WHO, BEING  
 AUTHORIZED BY LAW TO MAKE OR GIVE A CERTIFICATE OR OTHER WRITING,  
 [SHALL KNOWINGLY] MAKE AND DELIVER AS [TRUE] SUCH A CERTIFICATE OR  
 WRITING CONTAINING ANY STATEMENT WHICH THE PUBLIC OFFICER [KNOWS TO  
 BE FALSE] SHALL BE GUILTY OF A GROSS MISDEMEANOR WHERE NOT  
 [E]XPRESSLY PRESCRIBED BY LAW [.] PER NRS 197.140 • NRS 197.200(1)(d) WAS

COMMITTED AS "OPPRESSION UNDER COLOR OF OFFICE" FACTUALLY OCCURRED, TOO!  
 SEE NRS 197.180 [WRONGFUL EXERCISE OF OFFICIAL [P]OWER] AND IS SUBSTANTIATED  
 OVER AND OVER AGAIN. THE CLERKS AND EITHER THE CHIEF JUDGE OR SOME OTHER  
 DISTRICT JUDGE VIOLATED NRS 193.050(2) AND (3) [CONDUCT CONSTITUTING CRIME],  
 IT IS AN ACT WHICH IS [D]ECLARED TO BE [UNLAWFUL] BY ANY STATUTE OR LIKE  
 ENACTMENT, [IS PROHIBITED]. SEE NRS 193.040 [WHAT INTENT TO DEFRAUD IS  
 SUFFICIENT], (1) IT [SHALL BE] MADE AN ELEMENT OF OFFENCE, IT [SHALL BE]  
 SUFFICIENT IF AN INTENT [APPEARS TO] DEFRAUD ANY PERSON. NRS 197.220  
 WAS VIOLATED, [OTHER VIOLATIONS BY OFFICERS] "EVERY PUBLIC OFFICER OR  
 OTHER PERSON WHO [SHALL WILLFULLY DISOBEY ANY PROVISION OF LAW]  
 REGULATING HIS OFFICIAL CONDUCT FOR WHICH NO OTHER PUNISHMENT IS  
 PROVIDED IS GUILTY OF A GROSS MISDEMEANOR. THE CLERKS ARE CLEARLY GUILTY  
 OF VIOLATING 18 USC 2076 CLERK OF THE DISTRICT COURT WHO [WILLFULLY REFUSES]  
 OR NEGLECTS TO MAKE OR FORWARD ANY REPORT, CERTIFICATE, STATEMENT OR  
DOCUMENT AS [R]EQUIRED BY LAW. THERE WAS NO NEGLECT, IT WAS DONE MALICIOUSLY  
 AND IN BAD FAITH, AND THE LEGAL FACTS ARE UNDISPUTABLE [EMPHASIS ASSERTED].  
 THE CHIEF JUDGE AND COURT CLERKS ARE GUILTY OF STATE [AND] FEDERAL PERJURY  
 BY WILLFULLY VIOLATING THEIR OATHS [S] OF OFFICE [S] 18 USC 1621 C. THE  
 CLERKS [AND OTHERS] ARE GUILTY OF VIOLATING 42 USC 1985 AND 1986, CONSPIRACY  
 TO INTERFERE WITH CIVIL RIGHTS.

MULTIPLE COURT PERSONNEL, I.E. CLERKS AND JUDGE(S) ARE GUILTY OF  
 FAILING TO REPORT FELONIES AND ARE SUBJECT TO 18 USC 4 [MISPRISON OF FELONY]  
 REGARDING AFFIDAVIT #1 SENT TO THIS COURT AUGUST 13, 2019, AND THE SECOND  
 AFFIDAVIT SENT ON FEB. 11, 2020. THEY RELATED TO CRIMES BY W.C.S.O. AND  
 W.C.D.A.'S OFFICES AND THIS VERY COURT. THIS JUDICIAL NOTICE AND CRIMINAL  
 COMPLAINT ARE NECESSARY FOR THE CRIMINAL [NOTARIZED] AFFIDAVIT AND COMPLAINT  
 FILED [BUT WAS NOT FILED] WHEN IT WAS DELIVERED TO THIS COURT ON MARCH 12,  
 2021, AS IT RELATED TO PREVIOUS CRIMES IN MY CASE AND ABOUT THE CROOKED,  
 DIRTY COP FROM THE WASHOE COUNTY SHERIFFS OFFICE NAMED [DENNIS CARRY]

ABOUT HIS 2003-04 CRIMES AGAINST BOTELHO, HIS WIFE MARILOU AND THEIR TWO BABY BOYS AND FOR COERCING AND [T]HREATENING BOTELHO INTO AN [UNWANTED] UNENFORCEABLE GUILTY PLEA UNDER THREAT OF DEATH. SEE 2019 AND 2020 AFFIDAVITS IN THIS COURTS RECORD. SEE 2015 MOTION TO VACATE AND HOW CARRY'S AND OTHERS INVOLVED HAVE HAD A [P]ROBENSITY TO COMMIT STATE AND FEDERAL CRIMES SINCE AT LEAST 2003. CARRY HAS CONTINUALLY COMMITTED AND COVERED-UP CRIMES AS A MATTER OF FACT SINCE AT LEAST 2003, HIS 2019-2020 ARE NOTHING COMPARED TO HIS 2003-04 CRIMES AND THIS COURT STILL CONTINUES TO COVER IT UP!

SEE ALSO, 18 USC 1512 [TAMPERING WITH A WITNESS VICTIM OR INFORMANT] (3) TO HINDER DELAY OR PREVENT THE COMMUNICATION TO A LAW ENFORCEMENT OFFICER [OR] JUDGE OF THE UNITED STATES OF INFORMATION RELATING TO THE COMMISSION OR [POSSIBLE] COMMISSION OF A [F]EDERAL OFFENSE. THIS HAS [R]EPEATEDLY OCCURRED AND HAS "NEVER BEEN DEALT WITH". THE CHIEF JUDGE AND COURT CLERKS HAVE REPEATEDLY ACTED IN BAD FAITH AND PERJURED THEMSELVES JUST BY FAILING TO [P]ERFORM THEIR "SWORN DUTIES" NOT ONLY ON THE THE THIRD CRIMINAL AFFIDAVIT AND COMPLAINT BUT [IS] PLAIN LEGAL FACT THAT "NOTHING WAS DONE" UPON THE 2019, NOR 2020 CRIMINAL AFFIDAVITS. THERE HAS BEEN PLAIN MALFEASANCE [AND] NONFEASANCE, ALONG WITH NON-PERFORMANCE BY THE CLERK [S] AND [CHIEF] JUDGE IN 2003, 2006-7, 2015, 2017, 2019, 2020 AND 2021 (EMPHASIS ADDED) [.] THERE IS PLAIN, OVERWHELMING [PROBABLE CAUSE] TO SHOW THAT FRAUD, FRAUD UPON THE COURT BY THE COURT [ITSELF], WILLFUL OBSTRUCTION OF JUSTICE ARE STILL ON-GOING, AND INCLUDE CRIMINAL CONSPIRACY; CONSPIRACY TO INTERFERE WITH CIVIL RIGHTS UNDER THE COLOR OF LAW, OPPRESSION OF CIVIL RIGHTS, AND SO MUCH MORE AS DETAILED HEREIN ABOVE. CONSPIRACY IS A SPECIFIC INTENT CRIME AND HAS BEEN PROVEN BY LEGAL FACTS IN THE COURTS OWN HANDS AND THE FRAUDULENT TAMPERING WITH THE ADMINISTRATION OF JUSTICE IN THE MANNER INDISPUTABLY SHOWING (SHOWN) INVOLVING MORE THAN AN INTJURY TO BOTELHO. IT IS A WRONG AGAINST THE INSTITUTIONS SET UP TO PROTECT AND SAFEGUARD THE PUBLIC INSTITUTIONS IN

WHICH FRAUD [C]ANNOT BE TOLERATED [YET]" THE VERY SAME COURT  
 [ITSELF] HAS REPEATEDLY DONE JUST THAT. THE SECOND JUDICIAL DISTRICT COURT  
 ITSELF HAS NO INTEGRITY, NO HONOR, NO HUMILITY; IT HAS ACTED WITH NON-  
 PERFORMANCE, MALFEASANCE, NONFEASANCE, IN BAD FAITH SINCE 2003; IT HAS  
 SHIRKED ITS SWORN DUTIES; COMMITTED MULTIPLE STATE AND FEDERAL CRIMES;  
 IT HAS ACTED WITH MALICE, BIAS AND PREJUDICE AGAINST DEFENDANTS, INFORMANTS  
 AND VICTIMS LIKE BOTELHO AND HIS WIFE AND TWO BOYS; IT HAS DECEIVED THE  
 PEOPLE OF WASHOE COUNTY AND THE STATE OF NEVADA; IT HAS LACKED TRANSPARANCY;  
 IT HAS KNOWINGLY AND WILLFULLY AND FRAUDULENTLY CONVICTED PEOPLE, INCLUDING  
 BUT NOT LIMITED TO, MICHAEL TODD BOTELHO, SEE 2006 STATE HABEAS, 2015 MOTION TO  
 VACATE CONVICTION FOR FRAUD; 2019, 2020 AND 2021 (3-12-2021) CRIMINAL  
 AFFIDAVITS. THIS COURT, UNDER THE BAD FAITH SUPERVISION OF DIRTY, COMPROMISED  
 CRIMINAL ACTORS (ie, DISTRICT JUDGES, CHIEF JUDGES AND COURT CLERKS) HAVE  
 WILLFULLY VIOLATED AND [DISREGARDED] NEVADA AND FEDERAL LAW, THEIR  
 [SWORN TO] OATH OF OFFICE(S), DISTRICT COURT RULES, JUDICIAL CANNONS, RULES  
 OF CONDUCT, NEVADA SUPREME COURT RULES, THE NEVADA AND UNITED STATES  
 CONSTITUTION(S) AND DEFENDANTS AND PLAINTIFFS SUBSTANTIAL, FUNDAMENTAL  
 CONSTITUTIONAL RIGHTS, ESPECIALLY IN BOTELHO'S CASE, TO PROTECT THOSE  
 INVOLVED, INCLUDING EACH OTHER, AND THIS FRAUDULENT, ILLICITLY OBTAINED  
 NULL AND VOID CONVICTION BY COWARDLY HIDIN[G] BEHIND IMMUNITY  
 THAT WAS [LOST] WHEN THEY [COMMITTED CRIMES], REGARDLESS!  
 THIS COURT HAS DEFRAUDED BOTELHO AND DISRESPECTED THE COURT ITSELF  
 AND BOTELHO. BOTELHO [D]EMANDS AND [M]UST RECEIVE CONFLICT-FREE  
 COUNSEL TO ASSIST HIM IN HIS DEMANDED EVIDENTARY HEARING AND A  
 STATE AND COUNTY [GRAND JURY] MUST BE EMPANNELED TO DO AN  
 INVESTIGATION INTO THE COURTS CRIMINAL ACTS AND ACTIONS PERPETRATED  
 IN BOTELHO'S CASE AGAINST BOTELHO, CAUSING ADDITIONAL INJURIES TO  
 BOTELHO HIS WIFE AND THEIR TWO BOYS. [EMPHASIS STRONGLY ADDED].  
 THIS WILL NOT BE COVERED-UP BY THE COURT NOR OUR DISENGENUOUS  
 NV. ATTORNEY GENERAL, AARON FORD, WHO JUST TURNS HIS HEAD! . . .

MICHAEL TODD BOTELHO, THE [VICTIM AND PLAINTIFF], FILING THIS NECESSARY JUDICIAL NOTICE TO THE CHIEF JUDGE (ALBEIT HE CANNOT BE TRUSTED), AND CRIMINAL COMPLAINT, AS THE UNDERSIGNED, BOTELHO HAS PERSONAL KNOWLEDGE AND BELIEF, AND DOCUMENTED FACTS INSIDE THIS COURTS OWN RECORD THAT THE ALLEGATIONS IN THIS JUDICIAL NOTICE AND CRIMINAL COMPLAINT ARE [TRUE] AND [C]ORRECT. BOTELHO FURTHER ASSERTS THAT HE IS ALSO "COMBINING THIS JUDICIAL NOTICE AND COMPLAINT" AS AN [AFFIDAVIT]. AS SUCH, I, MICHAEL T. BOTELHO, [S]WEAR UNDER THE PAINS AND PENALTY OF PERJURY THAT THE CRIMES AND ACCUSATIONS ASSERTED AND CHARGED IN THIS JUDICIAL NOTICE, CRIMINAL COMPLAINT AND COMBINED AFFIDAVIT ARE MADE IN COOPERATION OF CRIMINAL AFFIDAVIT #1 MADE 8-13-2019, #2 AFFIDAVIT MADE FEB. 10-2020, AND #3 CRIMINAL AFFIDAVIT AND COMPLAINT I SENT TO THE [S] SECOND JUDICIAL DISTRICT COURT ON MARCH 9, 2021, BUT WAS NEVER FILED! THESE FACTS, ASSERTIONS AND [CHARGES] ARE TRUE AND CORRECT PURSUANT TO 18 USC 1621, 28 USC 1746 AND NRS 208.165, SINCE I DID NOT HAVE TIME TO HAVE IT NOTARIZED.

AGAIN, I DEMAND AN IMMEDIATE FULL AND FAIR EVIDENTIARY HEARING ON THE MERITS; TO HAVE THE NV. ATTORNEY GENERAL INVESTIGATE AND TO EMPANEL A STATE GRAND JURY BASED ON THE OVERWHELMING PROBABLE CAUSE AND LEGAL FACTS PRESENTED HEREIN TO CORRECT THIS PERVERTED FUNDAMENTAL AND GROSS MISCARRIAGE OF JUSTICE AND DUE PROCESS OF LAW.

THIS IS ONLY BEING SENT TO THIS SECOND JUDICIAL DISTRICT COURT [AT THIS TIME], BUT WILL BE EXPOSED TO OTHERS, INCLUDING SOCIAL MEDIA!

DATED 3-25-2021

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

**Return Of NEF**

<b>Recipients</b>
<b>JENNIFER NOBLE, ESQ.</b> - Notification received on 2021-04-02 14:10:00.881.
<b>DIV. OF PAROLE &amp; PROBATION</b> - Notification received on 2021-04-02 14:10:01.131.
<b>JOHN PETTY, ESQ.</b> - Notification received on 2021-04-02 14:10:01.09.
<b>SEAN SULLIVAN, ESQ.</b> - Notification received on 2021-04-02 14:10:00.843.

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

-

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

Judge:

HONORABLE KATHLEEN DRAKULICH

**Official File Stamp:** 04-02-2021:14:08:51  
**Clerk Accepted:** 04-02-2021:14:09:25  
**Court:** Second Judicial District Court - State of Nevada  
Criminal  
**Case Title:** STATE VS. MICHAEL TODD BOTELHO (D1)  
**Document(s) Submitted:** Other ...  
**Filed By:** Deputy Clerk BBlough

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:**

JENNIFER P. NOBLE, ESQ. for STATE OF NEVADA  
SEAN B. SULLIVAN, ESQ. for MICHAEL TODD BOTELHO  
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.  
STATE OF NEVADA for STATE OF NEVADA

MICHAEL TODD BOTELHO for MICHAEL TODD  
BOTELHO

3320

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

THE STATE OF NEVADA,

Plaintiff,

vs.

Case No.: CR03-2156

Dept. No.: 1

MICHAEL TODD BOTELHO,

Defendant.

\_\_\_\_\_ /

**ORDER TO RESPOND**

Currently before the Court is Michael Todd Botelho’s (“Mr. Botelho”) *Motion for Appointment of Conflict Free Counsel due to Abandonment by Petitioner’s Conflicted and Compromised Counsel from the WCPD Office in Petitioners [Still Pending] Prosecution by Felony Criminal Complaint in 2020* filed April 21, 2020; *Affidavit and Criminal Complaint* filed under the title cover “Motion to Modify or Correct Illegal Sentence” on March 12, 2021; and, *Judicial Notice of Chief Judge, and Criminal Complaint Against the Court Clerk and Deputy Clerks, et al.* filed April 2, 2021. The State of Nevada has not filed a response.

Based upon the foregoing and good cause appearing,

IT IS HEREBY ORDERED that the State shall file responsive points and authorities to the aforementioned pleadings within forty-five (45) days from the issuance of this Order.

///

///

IT IS HEREBY FURTHER ORDERED that Mr. Botelho shall have ten (10) days to file a reply after the State's responses are filed. Thereafter, the State shall submit the matter to the Court for its review.

IT IS SO ORDERED.

DATED this 28<sup>th</sup> day of July, 2021.



---

KATHLEEN M. DRAKULICH  
DISTRICT JUDGE

**CERTIFICATE OF SERVICE**

CASE NO. CR03-2156

I certify that I am an employee of the SECOND JUDICIAL DISTRICT COURT of the STATE OF NEVADA, COUNTY OF WASHOE; that on the 28<sup>th</sup> day of July, 2021, I electronically filed the **ORDER TO RESPOND** with the Clerk of the Court by using the ECF system.

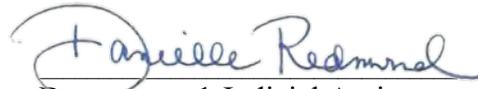
I further certify that I transmitted a true and correct copy of the foregoing document by the method(s) noted below:

**Electronically filed with the Clerk of the Court by using the ECF system which will send a notice of electronic filing to the following:**

JENNIFER NOBLE, ESQ. for STATE OF NEVADA

**Deposited in a sealed envelope with postage for mailing using the United States Postal Service in Reno, Nevada:**

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

  
Danielle Redmond  
Department 1 Judicial Assistant

**Return Of NEF**

<b>Recipients</b>
<b>JENNIFER NOBLE, ESQ.</b> - Notification received on 2021-07-28 06:51:56.376.
<b>DIV. OF PAROLE &amp; PROBATION</b> - Notification received on 2021-07-28 06:51:56.463.
<b>JOHN PETTY, ESQ.</b> - Notification received on 2021-07-28 06:51:56.435.
<b>SEAN SULLIVAN, ESQ.</b> - Notification received on 2021-07-28 06:51:56.348.

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

PROOF OF SERVICE OF ELECTRONIC FILING

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

**Judge:**

HONORABLE KATHLEEN DRAKULICH

**Official File Stamp:**

07-28-2021:06:50:53

**Clerk Accepted:**

07-28-2021:06:51:25

**Court:**

Second Judicial District Court - State of Nevada

Criminal

**Case Title:**

STATE VS. MICHAEL TODD BOTELHO (D1)

**Document(s) Submitted:**

Ord to File

**Filed By:**

Judicial Asst. DRedmond

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SEAN B. SULLIVAN, ESQ. for MICHAEL TODD BOTELHO

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.

STATE OF NEVADA for STATE OF NEVADA

MICHAEL TODD BOTELHO for MICHAEL TODD  
BOTELHO

CODE No. 2526  
CHRISTOPHER J. HICKS  
#7747  
One South Sierra Street  
Reno, Nevada 89501  
(775) 328-3200  
districtattorney@da.washoecounty.us  
Attorney for Plaintiff

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

\* \* \*

THE STATE OF NEVADA,

Plaintiff,

Case No. CR03-2156

v.

Dept. No. 1

MICHAEL TODD BOTELHO,

Defendant.

\_\_\_\_\_ /

NOTICE OF CHANGE OF RESPONSIBLE ATTORNEY

COMES NOW, Plaintiff, by and through Marilee Cate, Appellate Deputy, and hereby provides notice to the Court, all parties, and their respective counsel that Marilee Cate, Appellate Deputy, has replaced Jennifer P. Noble, Chief Appellate Deputy, as the responsible attorney for Plaintiff in all future matters related hereto.

The State requests that the Court and all parties herein update their service list and add Marilee Cate's name and address in order to facilitate timely service of all documents in the matter.

///

///

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: September 13, 2021.

CHRISTOPHER J. HICKS  
District Attorney

By /s/ MARILEE CATE  
MARILEE CATE  
Appellate Deputy  
Nevada Bar No. 12563

**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 September 13, 2021, 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  
P.O. Box 7000  
Carson City, NV 89702

/s/ Tatyana Kazantseva  
TATYANA KAZANTSEVA

CODE No. 2645  
CHRISTOPHER J. HICKS  
#7747  
One South Sierra Street  
Reno, Nevada 89501  
(775) 328-3200  
districtattorney@da.washoecounty.us  
Attorney for Plaintiff

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

IN AND FOR THE COUNTY OF WASHOE

\* \* \*

THE STATE OF NEVADA,

Plaintiff,

Case No. CR03-2156

v.

Dept. No. 1

MICHAEL TODD BOTELHO,

Defendant.

\_\_\_\_\_ /

OPPOSITION TO MOTION TO MODIFY OR CORRECT ILLEGAL SENTENCE

COMES NOW, the State of Nevada, by and through Marilee Cate, Appellate Deputy District Attorney, and opposes Michael Todd Botelho’s Motion to Modify or Correct Illegal Sentence, filed on March 12, 2021. This Opposition is based on the pleadings and papers on file with this Court and the following points and authorities.

MEMORANDUM OF POINTS AND AUTHORITIES

Defendant Michael Todd Botelho ("Defendant") pleaded guilty to one count of kidnapping and three counts of sexual assault on a child on December 11, 2003. His conviction was affirmed on April 4, 2005 by the Nevada Supreme Court. Thereafter, Defendant unsuccessfully pursued an untimely post-conviction petition, as well as various motions attacking his sentence, the court, and other individuals previously

involved in this case. Most recently, on March 12, 2021, Botelho filed an "Affidavit and Criminal Complaint" filed under the heading of a motion to modify or correct illegal sentence.

To the extent that Defendant is attempting to levy claims against individuals involved in the original investigation, the district attorney, or this Court, the claims can easily be dispensed with. This is not a civil action; it is a criminal action by the State against Defendant. Title 14 of the Nevada Revised Statutes does not permit a defendant to pursue a criminal complaint.

To the extent that Defendant is arguing for a new sentence or to withdraw his plea based on his allegations about alleged criminal acts committed by the detective involved in this case, the prosecutor, or the Court, Defendant has chosen the wrong procedural vehicle to assert his claims. After a sentence is imposed the district court has limited jurisdiction to alter it. A district court has jurisdiction to modify a sentence only if “(1) the district court actually sentenced appellant based on a materially false assumption of fact that worked to appellant’s extreme detriment, and (2) the particular mistake at issue was of the type that would rise to the level of a violation of due process.” *Passanisi v. State*, 108 Nev. 318, 323, 831 P.2d 1371, 1374 (1992). Defendant's motion does not fall within the categories discussed in *Passanisi*; therefore, his motion to modify must be denied.

Similarly, the court cannot simply correct his sentence, unless it is facially illegal. *Edwards v. State*, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996). “An illegal sentence for purposes of ... NRS 176.555... [is] one at variance with the controlling sentencing statute, or illegal in the sense that the court goes beyond its authority by acting without jurisdiction or imposing a sentence in excess of the statutory maximum provided. *Id.*

Defendant does not contend his sentence was facially illegal. He pleaded guilty and raised a challenge to the sentence imposed by the district court in his direct appeal. See Order of Affirmance, filed herein on April 5, 2005. Defendant's conviction was affirmed despite his sentencing challenge; thus, his motion to correct his sentence must also be denied.

Defendant also levies several claims of improper conduct against the detective involved in his case and his former attorney in other some respects. These claims are not proper for resolution in a motion to modify sentence. In *Edwards*, the Nevada Supreme Court noted that motions to modify or correct have been filed with increasing frequency in an effort to circumvent the procedural requirements and defaults discussed in Chapter 34 of the Nevada Revised Statutes. 112 Nev. at 708, n. 2. Defendant's motion could have been summarily dismissed because it presents claims outside of the permissible scope in a motion to modify or correct sentence. See *id.* (Providing that a motion to modify or correct a sentence that raises issues outside the very narrow scope of issues permissible may be summarily denied.) As such, the State submits that Defendant's motion must be denied.

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: September 13, 2021.

CHRISTOPHER J. HICKS  
District Attorney

By /s/ MARILEE CATE  
MARILEE CATE  
Appellate Deputy

**CERTIFICATE OF MAILING**

Pursuant to NRCP 5(b), I hereby certify that I am an employee of the Washoe County District Attorney's Office and that, on September 13, 2021, 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  
P.O. Box 7000  
Carson City, NV 89702

/s/ Tatyana Kazantseva  
TATYANA KAZANTSEVA

CODE No. 2645  
CHRISTOPHER J. HICKS  
#7747  
One South Sierra Street  
Reno, Nevada 89501  
(775) 328-3200  
districtattorney@da.washoecounty.us  
Attorney for Plaintiff

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

IN AND FOR THE COUNTY OF WASHOE

\* \* \*

THE STATE OF NEVADA,

Plaintiff,

Case No. CR03-2156

v.

Dept. No. 1

MICHAEL TODD BOTELHO,

Defendant.

\_\_\_\_\_ /

OPPOSITION TO MOTION FOR APPOINTMENT OF COUNSEL

COMES NOW, the State of Nevada, by and through Marilee Cate, Appellate Deputy District Attorney, and opposes Michael Todd Botelho’s (“Defendant”) *Motion for the Appointment of Conflict-Free Counsel Due to the Abandonment of Petitioner’s Conflicted and Compromised Counsel from the Washoe County Public Defenders Office in Petitioners (Still Pending) Prosecution by Felony Criminal Complaint in 2020*, filed on April 21, 2020. This Opposition is based on the pleadings and papers on file with this Court and the following points and authorities.

MEMORANDUM OF POINTS AND AUTHORITIES

Defendant seeks appointment of counsel, but has not filed a post-conviction petition pursuant to Chapter 34. NRS 34.750 makes the appointment of counsel

discretionary *only* if a post-conviction petition has been filed. In exercising its discretion, this Court “may consider, among other things, the severity of the consequences facing the petitioner and whether: (a) The issues presented are difficult; (b) The petitioner is unable to comprehend the proceedings; or (c) Counsel is necessary to proceed with discovery.” NRS 34.750 (1).

Even Defendant filed a post-conviction petition based on the arguments asserted in his motion to modify or correct; he should not be appointed counsel. His conviction occurred in 2003. Remittitur from his direct appeal was issued in 2005, so a petition filed now would be untimely by over fifteen years. *See* NRS 34.726. Defendant has also previously pursued post-conviction relief, so any petition filed now would be considered abusive or successive as well. *See* NRS 34.810(2). Even a cursory review of his arguments suggests that his claims have been available to him for some time, so he would be unable to show good cause, or the actual prejudice required to pursue an untimely or successive petition now. For example, Defendant contends that the detective covered up crimes in 2003 and was a dirty cop then but was only caught in 2019. However, Defendant in this case was in the unique position of knowing exactly what he did and what the evidence was against him. He chose to enter a plea in 2003. If he believed evidence was fabricated, he could have gone to trial. He chose not to do so. In other words, he was aware of the genesis of his claims back in 2003 and did not timely present them. Moreover, the doctrine of laches would apply. *See* NRS 34.800. Thus, the issues presented here are not difficult and Defendant would not be entitled to discovery on his claims (because they are procedurally barred, and he would not be entitled to an evidentiary hearing). As such, Defendant's motion for appointment of counsel should be denied.

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: September 13, 2021.

CHRISTOPHER J. HICKS  
District Attorney

By /s/ MARILEE CATE  
MARILEE CATE  
Appellate Deputy

**CERTIFICATE OF MAILING**

Pursuant to NRCP 5(b), I hereby certify that I am an employee of the Washoe County District Attorney's Office and that, on September 13, 2021, 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  
P.O. Box 7000  
Carson City, NV 89702

/s/ Tatyana Kazantseva  
TATYANA KAZANTSEVA

**Return Of NEF**

<b>Recipients</b>
<b>MARILEE CATE, ESQ.</b> - Notification received on 2021-09-13 15:11:55.945.
<b>DIV. OF PAROLE &amp; PROBATION</b> - Notification received on 2021-09-13 15:11:56.036.
<b>JOHN PETTY, ESQ.</b> - Notification received on 2021-09-13 15:11:56.005.
<b>SEAN SULLIVAN, ESQ.</b> - Notification received on 2021-09-13 15:11:55.916.

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

PROOF OF SERVICE OF ELECTRONIC FILING

-

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

**Judge:**

HONORABLE KATHLEEN DRAKULICH

**Official File Stamp:**

09-13-2021:14:44:10

**Clerk Accepted:**

09-13-2021:15:11:27

**Court:**

Second Judicial District Court - State of Nevada  
Criminal

**Case Title:**

STATE VS. MICHAEL TODD BOTELHO (D1)

**Document(s) Submitted:**

Notice of Change of Attorney

Opposition to Mtn

Opposition to Mtn

**Filed By:**

Marilee Cate

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

MARILEE CATE, 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.

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

CODE No. 3860  
CHRISTOPHER J. HICKS  
#7747  
One South Sierra Street  
Reno, Nevada 89501  
(775) 328-3200  
districtattorney@da.washoecounty.us  
Attorney for Plaintiff

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

\* \* \*

THE STATE OF NEVADA,

Plaintiff,

Case No. CR03-2156

v.

Dept. No. 1

MICHAEL TODD BOTELHO,

Defendant.

\_\_\_\_\_ /

REQUEST FOR SUBMISSION

It is requested that the *Motion for the Appointment of Conflict-Free Counsel Due to the Abandonment of Petitioner’s Conflicted and Compromised Counsel from the Washoe County Public Defenders Office in Petitioners (Still Pending) Prosecution by Felony Criminal Complaint in 2020*, filed on April 21, 2020, and the *Motion to Modify or Correct Illegal Sentence*, filed on March 12, 2021, be submitted to the Court for decision.

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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: October 8, 2021.

CHRISTOPHER J. HICKS  
District Attorney

By /s/ MARILEE CATE  
MARILEE CATE  
Appellate Deputy

**CERTIFICATE OF MAILING**

Pursuant to NRCP 5(b), I hereby certify that I am an employee of the Washoe County District Attorney's Office and that, on October 8, 2021, 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  
P.O. Box 7000  
Carson City, NV 89702

/s/ Tatyana Kazantseva  
TATYANA KAZANTSEVA

**Return Of NEF**

<b>Recipients</b>
<b>MARILEE CATE, ESQ.</b> - Notification received on 2021-10-08 08:23:17.668.
<b>DIV. OF PAROLE &amp; PROBATION</b> - Notification received on 2021-10-08 08:23:17.75.
<b>JOHN PETTY, ESQ.</b> - Notification received on 2021-10-08 08:23:17.722.
<b>SEAN SULLIVAN, ESQ.</b> - Notification received on 2021-10-08 08:23:17.64.

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

-

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

**Judge:**

HONORABLE KATHLEEN DRAKULICH

**Official File Stamp:** 10-08-2021:08:16:58  
**Clerk Accepted:** 10-08-2021:08:22:46  
**Court:** Second Judicial District Court - State of Nevada  
Criminal  
**Case Title:** STATE VS. MICHAEL TODD BOTELHO (D1)  
**Document(s) Submitted:** Request for Submission  
**Filed By:** Marilee Cate

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  
MARILEE CATE, 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.  
STATE OF NEVADA for STATE OF NEVADA

MICHAEL TODD BOTELHO for MICHAEL TODD  
BOTELHO

V7.11254 MICHAEL TODD BOTELHO # 80937  
NACV. P.O. BOX 7000  
CARSON CITY, NEV. 89702  
IN PRO SE [ABANDONED BY COUNSEL]

FILED

2021 OCT 28 PM 4:21  
ALICIA L. LERUD

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
IN AND FOR THE COUNTY OF WASHOE BY ~~ALICIA L. LERUD~~  
CLERK

MICHAEL TODD BOTELHO  
REAL PARTY IN INTEREST

CRIMINAL COMPLAINT CASE NO. RC03-011479  
[ STILL PENDING ]

PETITIONER/PLAINTIFF

INDICTMENT CASE NO. CR03-2156  
[NOW] DEPT. 1

- VS -

JUDICIAL NOTICE % TO

SECOND JUDICIAL DISTRICT COURT,  
THE STATE OF NEVADA; ET-AL

YOUR HONORABLE DISTRICT COURT  
JUDGE DRAKULICH  
NOW DEPT. NO. 1

DEFENDANTS

I, MICHAEL T. BOTELHO, PETITIONER/PLAINTIFF, ALSO A VICTIM AND REAL PARTY  
IN INTEREST BRINGS THIS JUDICIAL NOTICE FOR MULTIPLE REASONS. HE IS BEING  
FORCED TO PROCEED WITHOUT COUNSEL AT THIS POINT BECAUSE HIS DISLOYAL,  
COMPROMISED AND CONFLICTED WASHOE COUNTY PUBLIC DEFENDER, SEAN SULLIVAN,  
ABANDONED BOTELHO IN 2003 IN HIS [STILL PENDING] PROSECUTION BY  
CRIMINAL COMPLAINT WITH THE SAME CHARGES, THE STATES CHOSEN MEANS  
OF CRIMINAL PROSECUTION. [EMPHASIS ADDED]

AND, BECAUSE BOTELHO WAS APPOINTED A PUBLIC DEFENDER IN THIS STILL-  
PENDING CASE BOTELHO IS [P]ROHIBITED FROM FILING COURT DOCUMENTS  
AS THEY ARE DEEMED TO BE FLIGHTIVE DOCUMENTS AS THE NV. SUPREME COURT  
DEFINES THEM AND YET DUE TO SULLIVAN'S [A]BANDONMENT IN THIS  
STILL PENDING CASE BOTELHO IS BEING FORCED TO RESPOND TO THE STATES  
ILLGITTIMENT RESPONSES TO THIS COURTS INCORRECT AND INVALID ORDER  
BASED WHOLLY UPON CRIMINAL FRAUD, FRAUD UPON THE COURT, FRAUD  
PERPETRATED BY THIS COURTS OWN CLERKS, AND MORE [e]

THEN ON OCT. 12, 2021, BOTELHO RECEIVED THE COMPROMISED STATES

1 REQUEST FOR SUBMISSION UPON ITS BOGUS RESPONSE(S) TO THIS COURTS  
 2 OWN INVALID ORDER TO RESPOND.

3 + THIS SOLE MOTION FOR APPT. OF CONFLICT-FREE COUNSEL IN BOTELHO'S STILL-  
 4 PENDING PROSECUTION BY CRIMINAL COMPLAINT WITH THE SAME CHARGES IS  
 5 OF STATE-WIDE IMPORTANCE. AS A MATTER OF FACT IN LAW AND EVIDENCE,  
 6 BOTELHO NEVER FILED MOTION FOR CORRECTION OF ILLEGAL SENTENCE, AND  
 7 THE CRIMINAL COMPLAINT AND FIRST JUDICIAL NOTICE TO THIS COURTS OWN  
 8 CHIEF JUDGE WAS ABOUT CRIMES COMMITTED BY THE W.C.S.O. AND MORE SPECIFICALLY  
 9 ABOUT DENNIS CARRY AND OTHERS, INCLUDING A.D.A. VILLORIA AND BOTH  
 10 HAVE [Z]ERO RELEVANCE TO BOTELHO'S SOLE MOTION FOR APPT. OF COUNSEL.  
 11 THEREFORE, THIS COURTS ORDER TO RESPOND IS [V]OID ON ITS FACE AND  
 12 THE STATES RESPONSE WAS BOGUS AND PACKED WITH LIES BUT IS ALSO VOID  
 13 IN ITS ENTIRETY. THIS COURT AND ITS OWN CLERKS ARE DIRECTLY  
 14 RESPONSE(ABLE) FOR THE FRAUD PERPETRATED BY THE CLERKS AND MOST-  
 15 LIKELY IN COLLUSION WITH ANOTHER [.] (EMPHASIS ASSERTED)

16 (1) NOT ONLY MUST THE STATES RESPONSE(S) AND "REQUEST FOR  
 17 SUBMISSION" BE DISREGARDED AND VOIDED BUT ALSO THIS COURTS OWN  
 18 ORDER FOR THE STATES RESPONSE(S), THEREIN.

19 (2) BOTELHO HAS BEEN TAKEN BY AMBULANCE TO CARSON TAHOE EMERGENCY  
 20 ROOM TWICE, THE LAST TIME BEING JULY 8, 2021, AND WAS THEN PLACED IN  
 21 NNCC'S OWN PRISON HOSPITAL UNTIL OCT. 8, 2021, AND WAS IN NO SHAPE TO  
 22 READ OR WRITE ANYTHING FOR MOST OF HIS 3 MONTH STAY. ADDITIONALLY,  
 23 HE HAD NO ACCESS TO CASE LAW OR LAW CLERKS BECAUSE IT WAS A HOSPITAL,  
 24 AND BECAUSE OF THE MULTIPLE INFIRMERY QUARANTINES AND THOSE ON  
 25 THE NNCC YARD, TOO! ALSO THE LAW CLERKS WERE [NOT] IN THE LAW  
 26 LIBRARY MOST OF THE TIME BECAUSE OF COVID AS WELL AS THE ASSISTANT  
 27 LAW LIBRARY SUPERVISOR QUITTING AND LEAVING THE LAW LIBRARY  
 28 SHORT HANDED, REGARDLESS [.] AND, ON OCT. 6, 2021, BOTELHO WAS TOLD

1 NO BODY CAN GET CASE LAW UNTIL FURTHER NOTICE, REGARDLESS. THEREFORE, BOTELHO  
 2 WOULD NOT HAVE BEEN ABLE TO RESPOND TO THE STATES INVALID RESPONSES,  
 3 REGARDLESS [.]  
 4 (3) THE INCORRECT, INVALID ORDER TO RESPOND GAVE THE STATE 45 DAYS TO RESPOND  
 5 TO THE FICTICIOUS AND FRAUDULENT MOTION TO CORRECT ILLEGAL SENTENCE  
 6 FRAUDULENTLY CREATED BY THIS COURTS OWN CLERKS. BOTELHO ADVISES JUDGE  
 7 DRAKULICH THAT HE FILED MOTION FOR APPT. OF COUNSEL ON APRIL 21, [2020], WHEREIN  
 8 THIS DISTRICT COURT, CHIEF JUDGE AND COURT CLERKS DENIED BOTELHO HIS RIGHT  
 9 TO REDRESS HIS GRIEVANCES BEFORE THIS COURT AND DID SO FOR "16 MONTHS" AND THEREIN  
 10 ALSO VIOLATED BOTELHO'S CONSTITUTIONAL RIGHTS TO DUE PROCESS, EQUAL PROTECTION,  
 11 EQUAL TREATMENT AND RIGHT TO COUNSEL, TO HELP BOTELHO CORRECT THIS [M]ANIFEST AND  
 12 FUNDAMENTAL MISCARRIAGE OF JUSTICE CREATED BY THIS COURT [ITSELF]. THEREFORE,  
 13 BOTELHO WAS [UN]ABLE TO RESPOND TO THE STATES VOID & BOGUS RESPONSES TO THIS  
 14 16 MONTH DELAYED ORDER, REGARDLESS.

15 (4) THE STATE FAILED TO INFORM BOTELHO IN CERTIFICATE(S) OF MAILINGS THAT THEIR  
 16 BOGUS AND INVALID RESPONSES TO THIS COURTS ORDER WERE FORWARDED TO THIS  
 17 COURT. BOTELHO MUST PRESUME THAT THE COMPROMISED AND COMPLICITE STATE  
 18 DID NOT SEND COPIES TO THIS COURT AND VIOLATED THE INVALID, VOID ORDER,  
 19 REGARDLESS. AND AS THEY LIED AND WITHHELD THIS FROM BOTELHO EITHER WAY,  
 20 BOTELHO WAS PUT AGAIN AT ANOTHER SUBSTANTIAL DISADVANTAGE AND WITHOUT  
 21 HIS COMPROMISED, CONFLICTED PETTYLOGGER ATTORNEY, SEAN SULLIVAN [.] AND, IF  
 22 THE STATE DID FORWARD RESPONSES AND REQUEST FOR SUBMISSION TO THIS  
 23 COURT THEY WILLFULLY WITHHELD THIS FACT FROM BOTELHO. WORSE YET, IF  
 24 THE STATE DID INFACT FORWARD THEIR VOID RESPONSES AND REQUEST FOR  
 25 SUBMISSION TO THIS COURT WITHOUT INFORMING BOTELHO. IT ALSO MEANS THAT  
 26 THIS <sup>COURT</sup> KNOWS WHAT WAS [A]GAIN DONE TO BOTELHO WITHOUT HIS PETTYLOGGER  
 27 ATTORNEY, S. SULLIVAN, AND THIS COURT FAILED TO FORWARD FILED COPIES OF  
 28 SUCH TO BOTELHO, AS SUCH BOTELHO CANNOT RESPOND, REGARDLESS [.]

1 (5) THIS COURT [C] ANNOT BRING THIS CONSOLIDATION INTO A SINGLE ACTION.  
 2 ESPECIALLY WHEN THEY ARE [N]OT PART OF BOTELHO'S DELAYED MOTION FOR APPT,  
 3 OF [R]EPLACEMENT COUNSEL, REGARDLESS! (EMPHASIS ASSERTED)  
 4 (6) BOTELHO WAS ONLY INFORMING THIS COURTS CHIEF JUDGE WHEN HE FILED JUDICIAL  
 5 NOTICE TO CHIEF JUDGE AND CRIMINAL COMPLAINT AGAINST ITS OWN CLERKS, HAVING NO  
 6 RELEVANCE TO MOTION FOR CONFLICT FREE COUNSEL. BOTELHO WAS ONLY INFORMING THE  
 7 OBVIOUSLY LESS THAN HONORABLE CHIEF JUDGE ABOUT HIS DISTRICT COURTS [P]REVIOUS  
 8 FICTICIOUS AND FRAUDULENT [FILING] OF "MOTION TO CORRECT ILLEGAL SENTENCE. SEE  
 9 JUDICIAL NOTICE FILED 4-2-2021. THE JUDICIAL NOTICE WAS FILED IN RESPONSE TO  
 10 THE CLERKS FICTICIOUS, FRAUDULENT AND FRAUD UPON THIS COURT [BY THIS COURT],  
 11 FILING ON 3-12-2021, WHICH WAS SPECIFICALLY LABELLED AS "AFFIDAVIT AND  
 12 CRIMINAL COMPLAINT". THE CLERK ACTED ON HER OWN [OR] IN [C]OLLUSION WITH  
 13 ANOTHER [I.E. CHIEF JUDGE [OR] OTHER] AND FILED IT AS MOTION TO CORRECT  
 14 ILLEGAL SENTENCE. THEREFORE IT STANDS TO REASON THAT THE CHIEF JUDGE SIGNED  
 15 OFF ON COLLUSION, CONSPIRACY, FRAUD, COMPUTER FRAUD, WIRE FRAUD, FRAUD  
 16 UPON THE COURT [BY THE COURT "ITSELF"], AS WELL AS A MULTITUDE OF OTHER  
 17 STATE FELONIES GROSS MISDEMEANORS AND COURT RULE VIOLATIONS WHICH  
 18 FACTUALLY OCCURRED. SEE AUG. 13, 2019; MARCH 12, 2021; AND APRIL 2, 2021,  
 19 COURT FILINGS AND HAVE NO PART OF MOTION FOR COUNSEL. THEY WERE  
 20 ABOUT DIRTY COPS, A.D.A. VILLORIA AND THIS COURTS OWN CLERKS. AND, THIS COURTS  
 21 OWN CLERKS FAILED TO FILE THE AUGUST 13, 2019, AFFIDAVIT AND FAILED TO SEND ME  
 22 A COPY, BUT I STILL HAVE ONE! SEE AFFIDAVIT SENT ON 2-10-2020 BUT CLERK  
 23 WAITED TO FILE IT UNTIL 2-21-2020, FOR OBVIOUS REASONS (ALSO A VIOLATION).  
 24 AND THE CLERK FILED A CLEAN SHEET PAPER, CALLING IT A "LETTER" AND "STAMP".  
 25 FILED THE CLEAN SHEET BUT WILLFULLY FAILED TO STAMP "FILED" UPON AFFIDAVIT  
 26 ITSELF. SEE THEREIN [C.] BOTELHO HAS EVERY DOCUMENT TO PROVE THESE  
 27 LEGAL FACTS IN EVIDENCE. ADDITIONALLY BOTELHO WROTE A ONE PAGE NOTICE  
 28 AND INCLUDED IT WITH THE 3-12-2021, FILING BUT WAS NOT FILED, NOR ADDRESSED.

1 (7) THE 3 AFFIDAVITS BOTELHO SENT THIS COURT WAS SO THAT THIS OBVIOUSLY  
 2 LESS THAN HONORABLE COURT WOULD BE FURTHER INFORMED OF THE CRIMES  
 3 COMMITTED AGAINST BOTELHO, HIS WIFE AND TWO BABY BOYS IN 2003, AND BECAUSE  
 4 BOTELHO AND HIS WIFE MARILYN ARE [NO LONGER AFRAID] OF THAT P.O.'S DIRTY  
 5 COP D. CARRY, AND OTHERS. THEY ALSO SUPPORT BOTELHO'S PREVIOUS 2006 HABEAS,  
 6 AND SEE MADE SPECIFICALLY 2015 MOTION TO VACATE. NO EVID. HEARING WAS HELD,  
 7 IN 2015 MOTION TO VACATE SO JUDGE POLAHA COULD CONTINUE TO PROTECT HIMSELF,  
 8 OTHERS AND BOTELHO VOID AND FRAUDULENT CONVICTION EVEN AFTER WHAT  
 9 POLAHA DID TO BOTELHO IN HIS [SHAM] EVID. HEARINGS IN 2006 ON HIS POST-CONV.  
 10 HABEAS.

11 (8) JUDGE DRAKULICH I MUST FURTHER YOU THAT NOT ONLY CAN I NOT BUT I WILL  
 12 NOT GET CAUGHT UP IN THE CRIMINAL FRAUD AND FRAUD UPON THIS COURT [BY] THIS  
 13 COURT AND THE STATES COLLUSION IN FURTHERING SUCH FRAUD. SO I WILL NOT  
 14 GIVE AN ANSWER TO THE STATES INVALID UNLAWFUL AND VOID RESPONSE(S).

15 (9) BUT BOTELHO WILL FURTHER INFORM THIS COURT OF THE CLERKS FURTHER  
 16 FRAUD, COLLUSION, CONSPIRACY AND FRAUD UPON THIS COURT, AND BY THIS COURT  
 17 ITSELF.

18 (a) THIS COURT WILLFULLY WITHHELD THE STILL-PENDING PROSECUTION BY CRIMINAL  
 19 COMPLAINT AND CASE NO. FROM THEIR FRAUDULENT COVER SHEETS AND CITED DEPT.  
 20 1 WHEN IT WAS DEPT. 3. BOTELHO HAS NEVER RECEIVED NOTICE OF DEPARTMENT, NOR  
 21 JUDGE CHANGE, NOR [WHY] IT OCCURRED, OR WHEN. (EMPHASIS ADDED)

22 (b) HOW DID THE COMPROMISED DISTRICT ATTORNEYS OFFICE COME TO KNOW ABOUT  
 23 THE DEPT. AND JUDGE CHANGE? BOTELHO KNOWS THIS COURT AND THE STATE WAS  
 24 HAVING EX-PARTE COMMUNICATIONS ABOUT BOTELHO'S CASE(S) BEFORE YOU, JUDGE  
 25 DRAKULICH ORDERED THE STATE TO RESPOND TO THE INVALID VOID ORDER TO RESPOND.  
 26 BOTELHO THINKS THIS ALL OCCURRED BEFORE YOU, JUDGE DRAKULICH WERE INVOLVED, AT  
 27 LEAST FOR THE TIME BEING.

28 (c) BOTELHO NEVER HAD NOTICE OF CHANGES AND WAS SYSTEMATICALLY DENIED DUE

1 DUE PROCESS EQUAL TREATMENT AND PROTECTIONS AND WAS DENIED ABILITY TO RESPOND  
2 TO SUCH CHANGES AND NO REASON WAS STATED IN THIS STILL PENDING CRIMINAL  
3 CASE.

4 (d) THIS COURT AND THE STATE KNEW BOTELHO COULD NOT RESPOND TO THE STATES  
5 RESPONSE(S) BECAUSE HE IS STILL REPRESENTED BY COUNSEL IN THIS CRIMINAL COMPLAINT  
6 PROSECUTION INSPITE OF HIS COMPROMISED AND CONFLICTED PETTYBOSSER ATTORNEY,  
7 SEAN SULLIVAN, ABANDONED HIM AND THE ORDER ~~IS~~ IS MADE IN BAD FAITH BY  
8 [SOMEONE] BEFORE YOU J. DRAKULICH TOOK OVER (THE PARTICULARS BOTELHO IS  
9 REFERRING TO). [EMPHASIS ASSERTED].

10 (10) YOUR HONORABLE DISTRICT JUDGE DRAKULICH BOTELHO HAS NO ABILITY TO RESPOND  
11 AND IS DEPENDANT ON COUNSEL WHO ABANDONED HIM AFTER SULLIVAN LIED AND  
12 HELPED COERCE BOTELHO INTO A PLEA BOTELHO COULD NOT MAKE BECAUSE BOTELHS  
13 PROSECUTION BY COMPLAINT WAS STILL PENDING. SULLIVAN, ADA VILLORIA AND THE  
14 HIGHLY COMPROMISED AND COMPLICIT AND BIASED JUDGE. POLANA, ALL ACTED IN  
15 COLLUSION TO OBTAIN A FRAUDULENT VOID CONVICTION WITHOUT JURISDICTION TO  
16 DO SO UNDER THE CIRCUMSTANCES OF BOTELHS 2021 STILL PENDING PROSECUTION  
17 BY COMPLAINT. [B]UT THE MOTION TO ADPT. CONFLICT FREE COUNSEL WAS AND IS  
18 [NOT] ABOUT THE FRAUDULENT CONVICTION UPON INDICTMENT. BOTELHO WAS AND  
19 IS [B]NLY TRYING TO CORRECT THE MANIFEST AND FUNDAMENTAL MISGARRIAGE OF  
20 JUSTICE INVOLVING HIS STILL-PENDING PROSECUTION BY FELONY COMPLAINT  
21 IN 2021. BOTELHS CASE IS A DEAD BANG WINNER. (EMPHASIS ASSERTED).

22 BOTELHO FURTHER RESPECTFULLY [D]EMANDS AN OPEN-COURT  
23 EVIDENTIARY HEARING WITH BOTELHS PRESENCE IN COURT SO AS TO PREVENT  
24 FURTHER WRONG DOING BY THIS DISTRICT COURT AND THE STATE ~~THEM~~  
25 THEMSELVES.

26 JUDGE DRAKULICH YOU MUST NOT RULE UNTIL THESE DEFICIENCIES ARE  
27 CORRECTED AND SINCE THIS COURT HAS DEPRIVED BOTELHO FOR 18 YEARS, ITS  
28 NOT NEW TO HIM BUT WILL COST WASHBE COUNTY \$ 18 MILLION AND COUNTING!

1 BOTELHO IS FURTHER INFORMING YOUR HONORABLE DISTRICT JUDGE,  
 2 DRAKULICH THAT BECAUSE HE HAS NO WAY OF MAKING COPIES AT THIS TIME  
 3 THAT HE [CANNOT] SEND COPIES TO OTHER PARTY'S AND BESIDES,  
 4 THIS IS SPECIFICALLY JUDICIAL NOTICE TO JUDGE DRAKULICH, ANYWAY.  
 5 BOTELHO FURTHER INFORMS YOU AND THIS COURT THAT BECAUSE HE  
 6 IS UNABLE TO MAKE COPIES FOR EVEN HIMSELF, THAT THIS IS THE  
 7 [ONLY COPY] AND THEREFORE HE RESPECTFULLY REQUESTS THAT THE COURT  
 8 CLERK RETURN A "COMPLETE" FILED COPY OF JUDICIAL NOTICE,  
 9 NOTICE OF TRANSPORT AND MOTION TO TRANSPORT, TO BOTELHO.  
 10 YOUR COOPERATION WILL BE APPRECIATED. INCLUDED PAGES TOTAL  
 11 [11] PAGES.

12  
 13 ATTN: JUDGE DRAKULICH

14 THIS JUDICIAL NOTICE IS BEING SENT ONLY TO THIS COURT AND  
 15 IS TRUE AND CORRECT TO BOTELHO'S KNOWLEDGE, UNDER PENALTY OF PERJURY,  
 16 DATED OCT. 14, 2021, RESPECTFULLY SUBMITTED,

17  
 18 Michael T. Botelho # 80837  
 19 MICHAEL T. BOTELHO # 80837  
 20 NIXE P.O. BOX 7000  
 CARSON CITY, NEV. 89702

21 AFFIRMATION

22 THE UNDERSIGNED DOES HEREBY AFFIRM THAT THE JUDICIAL NOTICE FILED  
 23 CASE NO. RCR03-011474 DOES NOT CONTAIN THE SOCIAL SECURITY NO. OF ANY  
 24 PERSON PER NAS 239 B.030 AND 603-A.040

STAMP →

FILED

NOV 15 2021

ALICIA L. LERND, CLERK  
By: [Signature]  
DEPUTY CLERK

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

MICHAEL T. BOTELHO,  
Petitioner.

vs.

2ND JUD. DIST. CT., ETAL.  
Defendent.

Case No. RCR03-01479 ←

Dept. No. 1

CASE NO. LR03-2156

NOTICE OF MOTION AND  
MOTION TO TRANSPORT PRISONER

DATE: \_\_\_\_\_  
TIME: \_\_\_\_\_

COMES NOW, MICHAEL T. BOTELHO, Petitioner in Pro Per and notices this Honorable Court of his Motion to Transport Prisoner, (N.R.S. 174.325 (1)).

Petitioner is currently housed within the Nevada Department of Corrections at N.N.C.C. P.O. BOX. 7000, CARSON CITY, and request this Honorable Court to issue it's **Order** to transport petitioner for the purpose of prosecuting his MOTION FOR APPT. OF CONFLICT-FREE COUNSEL

This Motion is made and based upon but not limited to any and all papers, pleadings, transcripts, and all other evidence now or hereinafter on file in Case No. RCR03-01479

AND CRO3-2156 → SEE YOUR COURT NOTICE

STAMP  
→

FILED

NOV 15 2021

ALICIA J. LERUD, CLERK  
By: *[Signature]*  
DEPUTY CLERK

1 MICHAEL T. BOTELHO # 80937  
/In Propria Personam  
2 UNK, P.O. Box 7000  
CARSON CITY, NV. 89702

DISTRICT COURT

NEVADA

8 MICHAEL TADD BOTELHO )  
9 Petitioner, )  
10 vs. )  
11 SECOND JUD. DIST. COURT )  
STATE OF NEVADA, et al )  
12 Respondent(s). )  
13 DEFENDANTS )

Case No. RCR03-011479  
Dept. No. 1  
Docket \_\_\_\_\_  
CASE NO. CR03-2156

MOTION TO TRANSPORT AND PRODUCE INMATE

Date of Hearing: \_\_\_\_\_

Time of Hearing: \_\_\_\_\_

"ORAL ARGUMRNT REQUESTED, Yes X No \_\_\_\_"

18 COMES NOW, MICHAEL T. BOTELHO, in proper  
19 person and moves this Honorable Court for an ORDER to transport  
20 and produce inmate.

21 This motion is made and based uopn NRS 209.274, and all papers  
22 and pleadings on file with the Clerk of the Court, which are  
23 hereby incorporated by this reference.

24 The motion of Petitioner, MICHAEL T. BOTELHO, states  
25 the following:

26 1. That he is the Petitioner in the above-entitled action:

27 ...



**CERTIFICATE OF SERVICE BY MAIL**

Pursuant to N.R.C.P. Rule 5 (b), I hereby certify that I am the petitioner/Defendant named herein and that on this 14<sup>th</sup> day of OCTOBER 2021, I mailed a true a correct copy of the foregoing document to the following:

*BECALUSE BOTELHO HAS NO ABILITY TO HAVE COPIES MADE, THIS IS HIS ONLY COPY. AND FURTHER REQUESTS THAT HE BE GIVEN FILED COPY OF NOTICE AND MOTION FOR TRANSPORT.*

*Michael Botelho*

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RECEIVED 11-3-21  
BACK

SECOND JUDICIAL DISTRICT COURT  
COUNTY OF WASHOE, STATE OF NEVADA

AFFIRMATION  
Pursuant to NRS 239B.030 and 603A.040

The undersigned does hereby affirm that the preceding document, \_\_\_\_\_

MOTION TO TRANSPORT AND PRODUCE INMATE  
(Title of Document)

filed in case number: RCRO3-611479, CRO3-2156

Document does not contain the personal information of any person

- OR -

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

A specific state or federal law, to wit:

\_\_\_\_\_  
(State specific state or federal law)

- or -

For the administration of a public program

- or -

For an application for a federal or state grant

- or -

Confidential Family Court Information Sheet  
(NRS 123.130, NRS 125.230, and NRS 125B.055)

10-24-21  
Date: BACK DATED TO 10-14-21  
BECAUSE IT SHOULD STILL  
HAVE BEEN STAMPED "FILED"  
ON 10-14-21

Michael T. Boyle  
(Signature)

MICHAEL T. BOYLE  
(Print Name)

AND COUNSEL SHOULD HAVE  
DONE THIS  
\_\_\_\_\_  
(Attorney for)

NKCC P.O. BOX 7007  
CARSON CITY, NV. 89702

ABANDONED BY COUNSEL

1 CODE 3860

STAMP FILED

NOV 15 2021

ALICIA J. LERUD, CLERK

By: *[Signature]*  
DEPUTY CLERK

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

8  
9 MICHAEL TODD BATELHO

10 Plaintiff,

11 vs.

Case No. RCRO3-011479

12 SECOND JUD. DISTRICT COURT

Dept. No. 1

13 Defendant.

CASE NO. CRD.3-2156

14  
15 REQUEST FOR SUBMISSION OF MOTION

16 It is requested that the motion for MOTION TO TRANSPORT

17 AND PRODUCE EVIDENCE.

18 \_\_\_\_\_, which was filed on the 20<sup>th</sup> day of

19 OCTOBER, 2021, in the above-entitled matter be submitted to the Court

20 for decision.

21 The undersigned certifies that a copy of this request has been mailed to all  
22 counsel of record.

23 DATED this 24<sup>th</sup> day of OCTOBER, 2021.

24  
25  
26 *[Signature]*  
27 \_\_\_\_\_  
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Code 1930

FILED  
2021 NOV 30 AM 10:50  
AUCIA LEE RUD  
CLERK OF THE COURT  
BY *[Signature]*  
DEPUTY

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

THE STATE OF NEVADA,

Plaintiff(s),

vs.

MICHAEL TODD BOTELHO,

Defendant(s).

Case No. CR03-2156

Dept. No. 1

LETTER FROM THE DEFENDANT

ATTN: HEAD COURT CLERK

THIS NOTICE CONCERNS ROSELHO V. 2ND JUD. DIST. COURT, ET-AL; CASE(S)  
 RC03-011479 AND CR03-2156 AND THE REPEATED [INTERFERENCE] OF MY  
 DUE PROCESS OF LAW. THIS NOTICE TO THE HEAD CLERK IS REGARDING  
 NDOC AND NJCC AND THEIR [R]EPEATED VIOLATIONS OF MY CONSTITUTIONAL  
 DUE PROCESS OF LAW REGARDING OBSTRUCTION OF MY LEGAL DOCUMENTS TO THIS  
 DISTRICT COURT AND WERE AND CONTINUES REGARDING TIME SENSITIVE  
 DOCUMENTS. EVERY DOCUMENT SENT TO THIS COURT SINCE AT LEAST MAY OF  
 2021. I HAVE PROOF OF EVERY VIOLATION OF TITLE 18 REGARDING TAMPERING WITH,  
 RETARDING OBSTRUCTING AND DELAYING TIME SENSITIVE LEGAL MAIL BY NNCC  
 AND ITS MAIL ROOM. U.S. POSTAL MAIL HAS BEEN SCREWED WITH [W]ILLFULLY!  
 THESE ARE FEDERAL [F]ELONIES! THESE ACTIONS AND FEDERAL CRIMES ARE  
 COMMITTED ALSO CONTRARY TO NDOC ADMINISTRATIVE REGULATION,  
 A.R. 722.

I AM ONLY GOING TO EXPOSE TO YOU THIS LAST CRIMINAL ACT BY NNCC  
 MAILROOM. ON 11-4-21 I SENT THIS COURT 7 PAGES INCLUDING (1 PG. RETURN  
 NOTICE); (4 PGS MOTION TO TRANSPORT AND PRODUCE INMATE) (1 PG. NOTICE OF  
 MOTION AND MOTION TO TRANSPORT); AND (1 PG. REQUEST FOR SUBMISSION). THE  
 U.S. POSTAGE NDOC BRASS SLIP WAS SIGNED DATED AND PUT IN U.S. POSTAL  
 MAILBOX ON 11-4-21 AND IS ALSO SUPPORTED BY VIDEO CAMERA. THE NNCC  
 MAILROOM AGAIN OVERCHARGED ME ON U.S. POSTAGE RATE (BRASS SLIP NO.  
 2377812) AND HELD ONTO MY TIME SENSITIVE LEGAL MAIL FOR SOME TIME  
 AS THE CLERK SENT THESE FILED DOCUMENTS BACK TO ME SHOWING A RECEIVED  
 DATE OF 11-15-2021 [11 DAYS LATER]. THE FILED DATE WAS 11-15-2021 AND  
 ALSO INCLUDED ONE EXTRA RETURN NOTICE WHICH BROUGHT THEIR U.S.  
 POSTAGE STAMPED PAYMENT AMOUNT OF \$ .75 CENTS FOR 8 PAGES [AND]  
 IT TOOK ONLY 2 DAYS TO COME BACK TO ME. YET I WAS CHARGED \$ 1.36  
 FOR ONLY 7 PAGES. THAT AMOUNTS TO [A]NOTHER WILLFUL OVERCHARGING

OF U.S. POSTAGE AGAINST MY FINANCIAL ACCOUNT FOR .61 CENTS. FIRST CLASS POSTAGE [MUST] REMAIN THE SAME REGARDLESS OF WHO WAS CHARGED FOR U.S. FIRST CLASS POSTAGE USING METERED MAIL, [R]EGARDLESS!

AND, I SPECIFICALLY ASKED THE COURT CLERK TO SEND BACK TO ME THE ORIGINAL ENVELOPE AS PROOF BUT YOU CHOSE NOT TO DO AS ASKED BY A COURT LITIGANT!

NOW THAT YOU HAVE BEEN INFORMED BY ME A COURT LITIGANT THAT MY U.S. POSTAL LEGAL MAIL HAS BEEN REPEATEDLY WITHHELD BY THE NNCC MAILROOM AMOUNTING TO DELAYS IN THE COURT RECEIVING MY TIME SENSITIVE LEGAL DOCUMENTS AND WILLFULLY OVER CHARGING ME U.S. POSTAGE AMOUNTS OVER AND OVER AGAIN, I REQUEST THAT YOU INFORM DISTRICT JUDGE DRABULICH ABOUT THE DUE PROCESS VIOLATIONS AND INFORM THE PROPER AUTHORITIES SO THESE CONSTITUTIONAL VIOLATION(S) AND FEDERAL FELONIES CAN BE INVESTIGATED IN A TIMELY MANNER!

I AM ALSO SEEKING A "FILED" COPY OF THIS NECESSARY LETTER TO THE COURT CLERK TO BE SENT BACK TO ME AND THE ORIGINAL ENVELOPE IT WAS SENT IN!

RESPECTFULLY SUBMITTED,

DATED 11-19-2021

BRASS SLIP NO. 2438673

 #80837  
MICHAEL T. BOTEELHO  
NNCC P.O. BOX 7000  
CARSON CITY NV.

C.C. COPY FILE

2 OF 2

2840

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

THE STATE OF NEVADA,

Plaintiff,

vs.

Case No.: CR03-2156

Dept. No.: 1

MICHAEL TODD BOTELHO,

Defendant.

\_\_\_\_\_ /

**ORDER DENYING MOTION TO TRANSPORT AND PRODUCE INMATE**

Currently before the Court is Michael Todd Botelho’s (“Mr. Botelho”) *Motion to Transport and Produce Inmate* filed and submitted on November 15, 2021. The State of Nevada has not filed a response. Mr. Botelho is requesting to be produced for a hearing in this matter. At this time, no hearing has been set. Accordingly, this Court finds good cause to deny the Motion.

Based upon the foregoing and good cause appearing,

IT IS HEREBY ORDERED that is Michael Todd Botelho’s *Motion to Transport and Produce Inmate* is DENIED. Should this Court set a hearing, then Michael Todd Botelho will be transported and produced for the hearing.

IT IS SO ORDERED.

DATED this 1<sup>st</sup> day of December, 2021.

  
\_\_\_\_\_  
KATHLEEN M. DRAKULICH  
DISTRICT JUDGE

**CERTIFICATE OF SERVICE**

CASE NO. CR03-2156

I certify that I am an employee of the SECOND JUDICIAL DISTRICT COURT of the STATE OF NEVADA, COUNTY OF WASHOE; that on the 1<sup>st</sup> day of December, 2021, I electronically filed the **ORDER DENYING MOTION TO TRANSPORT AND PRODUCE INMATE** with the Clerk of the Court by using the ECF system.

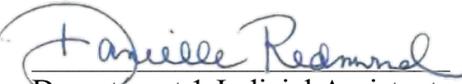
I further certify that I transmitted a true and correct copy of the foregoing document by the method(s) noted below:

**Electronically filed with the Clerk of the Court by using the ECF system which will send a notice of electronic filing to the following:**

MARILEE CATE, ESQ. for STATE OF NEVADA

**Deposited in a sealed envelope with postage for mailing using the United States Postal Service in Reno, Nevada:**

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

  
Danielle Redmond  
Department 1 Judicial Assistant

**Return Of NEF**

<b>Recipients</b>
<b>MARILEE CATE, ESQ.</b> - Notification received on 2021-12-01 07:25:17.596.
<b>DIV. OF PAROLE &amp; PROBATION</b> - Notification received on 2021-12-01 07:25:17.688.
<b>JOHN PETTY, ESQ.</b> - Notification received on 2021-12-01 07:25:17.661.
<b>SEAN SULLIVAN, ESQ.</b> - Notification received on 2021-12-01 07:25:17.563.

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

-

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

**Judge:**

HONORABLE KATHLEEN DRAKULICH

<b>Official File Stamp:</b>	12-01-2021:07:18:30
<b>Clerk Accepted:</b>	12-01-2021:07:24:46
<b>Court:</b>	Second Judicial District Court - State of Nevada Criminal
<b>Case Title:</b>	STATE VS. MICHAEL TODD BOTELHO (D1)
<b>Document(s) Submitted:</b>	Ord Denying Motion
<b>Filed By:</b>	Judicial Asst. DRedmond

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  
DIV. OF PAROLE & PROBATION  
JOHN REESE PETTY, ESQ. for MICHAEL TODD  
BOTELHO  
MARILEE CATE, 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.):

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

GARY HOWARD HATLESTAD, ESQ.

2840

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

THE STATE OF NEVADA,

Plaintiff,

vs.

Case No.: CR03-2156

Dept. No.: 1

MICHAEL TODD BOTELHO,

Defendant.

\_\_\_\_\_ /

**ORDER DENYING 1) DEFENDANT’S MOTION AND 2) APPLICATION**

Michael Todd Botelho (“Mr. Botelho”) has filed (1) *Motion for Appointment of Conflict Free Counsel due to Abandonment by Petitioner’s Conflicted and Compromised Counsel from the WCPD Office in Petitioners [Still Pending] Prosecution by Felony Criminal Complaint in 2020* (“Application”) filed April 21, 2020; (2) *Affidavit and Criminal Complaint* (“Motion”) filed under the title cover “Motion to Modify or Correct Illegal Sentence” on March 12, 2021; and, (3) *Judicial Notice of Chief Judge, and Criminal Complaint Against the Court Clerk and Deputy Clerks, et al.* filed April 2, 2021. On July 28, 2021, this Court issued an *Order to Respond*. On September 13, 2021, the State of Nevada filed (1) *Opposition to Motion for Appointment of Counsel*; and, (2) *Opposition to Motion to Modify or Correct Illegal Sentence* and submitted the matter to the Court for consideration on October 8, 2021.

///

///

**I. Background**

On December 11, 2003, Mr. Botelho pleaded guilty to one count of kidnapping and three counts of sexual assault on a child. His conviction was affirmed on April 4, 2005, by the Nevada Supreme Court.

**II. Relevant Legal Authority****a. Modification of a Sentence**

While a district court generally lacks jurisdiction to modify a defendant's sentence after the defendant begins to serve it, NRS 176A.400(3); *Passanisi v. State*, 108 Nev. 318, 322, 831 P.2d 1371, 1373 (1992), a district court may nevertheless grant a post-conviction motion to modify a sentence in limited circumstances, *id.* at 322-23, 831 P.2d at 1373-74; *see also Edwards v. State*, 112 Nev. 704, 707, 918 P.2d 321, 324 (1996). The district court may modify a sentence when: (1) the court made a material mistake of fact about the defendant's criminal record; and (2) the mistake worked to the defendant's extreme detriment. *Edwards*, 112 Nev. at 708, 918 P.2d at 324; *Passanisi*, 108 Nev. at 322-23, 831 P.2d at 1373-74. The district court should summarily deny a motion to modify a sentence that raises claims that fall outside the proper scope of such a motion. *Edwards*, 112 Nev. at 708-09 n.2, 918 P.2d at 325 n.2.

**III. Analysis****a. Modification of Sentence**

Although titled as a motion, Mr. Botelho's Motion appears to be criminal complaint against various individuals involved in the original investigation, the district attorney, and members of this Court. *See generally* Mot. Due to the nature of Mr. Botelho's arguments the Court refuses to further articulate them.<sup>1</sup> *Johnson v. State*, 133 Nev. 571, 578, 402 P.3d 1266, 1275 (2017) (declining to consider a claim that was not supported by cogent argument or authority).

The State asserts the current proceeding is a criminal action by the State against Defendant; therefore, Mr. Botelho's claims against various individuals can be dispensed with as this matter is not a civil case. Second Opp. at 2:4-9. Further, the State claims Mr. Botelho's arguments regarding the

<sup>1</sup> Mr. Botelho's Motion contains curse words or language that is improper for this Court to review. "No good dirty piece of [expletive] cop" Mot. at 3, "It will be exposed I Fuc.... Promise you that (emphasis added)" *Id.* at 4, "Dirtiest of all District Judge Polaha" *Id.* at 6, "That piece of [expletive] cop" *Id.* at 8, "This [expletive] is going to stop." *Id.* at 12.

alleged improper conduct against the detective involved in his case and his lawyer, fall outside the permissible scope of a motion to modify or correct a sentence. *Id.* at 3:6-17.

In consideration of the foregoing arguments, and the operative legal authority, this Court finds good cause to deny the Motion because Mr. Botelho's pleading is clearly a complaint alleging misconduct against various individuals involved in his criminal proceedings. This is apparent from his statement, "This must be given to the Chief Judge as the court is a Party involved in this Criminal Affidavit and Complaint."<sup>2</sup> *See Mot.* Further, the document is entitled "Affidavit and Criminal Complaint" and lists various parties in which he seeks relief against. *Id.* A criminal complaint filed by a Defendant is clearly outside of the narrow scope of the inherent authority of district courts to modify a sentence. *See Edwards*, 112 Nev. at 708-09 n.2, 918 P.2d at 325 n.2. ("If a motion to correct an illegal sentence or to modify a sentence raises issues outside of the very narrow scope of the inherent authority recognized in this Opinion, the motion should be summarily denied."). Therefore, the Court must deny the Motion.

**b. Appointment of Counsel**

As to the Application, the Court denies Defendant's request. Pursuant to NRS 34.750(1), a court has discretion to appoint post-conviction counsel if the "court is satisfied that the allegation of indigency is true" and upon consideration of the following factors: whether "(a) [t]he issues presented are difficult; (b) [t]he petitioner is unable to comprehend the proceedings; or (c) [c]ounsel is necessary to proceed with discovery." This Court has denied Defendant's Motion; therefore, Defendant is not entitled to counsel as there is not a petition or an application pending in this Court. *See* NRS 34.750(1) (stating counsel may be appointed if the petition is not dismissed summarily). Therefore, the Court denies Defendant's Application.

Based upon the foregoing and good cause appearing,

IT IS HEREBY ORDERED that Mr. Botelho's *Motion for Appointment of Conflict Free Counsel due to Abandonment by Petitioner's Conflicted and Compromised Counsel from the WCPD Office in Petitioners [Still Pending] Prosecution by Felony Criminal Complaint in 2020* is DENIED.

<sup>2</sup> The Court does not find recusal is warranted given this Court is not adjudicating Mr. Botelho's claims on the merits, but is instead evaluating whether they are properly before this Court as filed. *See* NRS 1.235; *see also* NCJC 2.11.

IT IS HEREBY FURTHER ORDERED that Mr. Botelho's *Affidavit and Criminal Complaint* is DENIED.

IT IS SO ORDERED.

DATED this 6<sup>th</sup> day of December, 2021.



---

KATHLEEN M. DRAKULICH  
DISTRICT JUDGE

**CERTIFICATE OF SERVICE**

CASE NO. CR03-2156

I certify that I am an employee of the SECOND JUDICIAL DISTRICT COURT of the STATE OF NEVADA, COUNTY OF WASHOE; that on the 6<sup>th</sup> day of December, 2021, I electronically filed the **ORDER DENYING 1) DEFENDANT'S MOTION AND 2) APPLICATION** with the Clerk of the Court by using the ECF system.

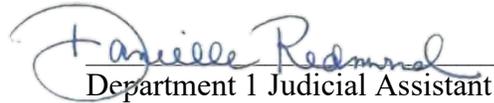
I further certify that I transmitted a true and correct copy of the foregoing document by the method(s) noted below:

**Electronically filed with the Clerk of the Court by using the ECF system which will send a notice of electronic filing to the following:**

JENNIFER NOBLE, ESQ. for STATE OF NEVADA

**Deposited in a sealed envelope with postage for mailing using the United States Postal Service in Reno, Nevada:**

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

  
Danielle Redmond  
Department 1 Judicial Assistant

**Return Of NEF**

<b>Recipients</b>
<b>MARILEE CATE, ESQ.</b> - Notification received on 2021-12-06 08:13:44.722.
<b>DIV. OF PAROLE &amp; PROBATION</b> - Notification received on 2021-12-06 08:13:44.823.
<b>JOHN PETTY, ESQ.</b> - Notification received on 2021-12-06 08:13:44.777.
<b>SEAN SULLIVAN, ESQ.</b> - Notification received on 2021-12-06 08:13:44.694.

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

-

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

**Judge:**

HONORABLE KATHLEEN DRAKULICH

**Official File Stamp:** 12-06-2021:08:07:21  
**Clerk Accepted:** 12-06-2021:08:13:08  
**Court:** Second Judicial District Court - State of Nevada  
Criminal  
**Case Title:** STATE VS. MICHAEL TODD BOTELHO (D1)  
**Document(s) Submitted:** Ord Denying  
**Filed By:** Judicial Asst. DRedmond

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  
DIV. OF PAROLE & PROBATION  
JOHN REESE PETTY, ESQ. for MICHAEL TODD  
BOTELHO  
MARILEE CATE, 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.):

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

GARY HOWARD HATLESTAD, ESQ.

CODE 2540

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

STATE OF NEVADA,

Plaintiff,

Case No: CR03-2156

vs.

Dept. No: 1

MICHAEL TODD BOTELHO,

Defendant.

\_\_\_\_\_ /

NOTICE OF ENTRY OF ORDER

PLEASE TAKE NOTICE that on December 6, 2021, the Court entered a decision or order in this matter, a true and correct copy of which is attached hereto.

Dated December 6, 2021.

\_\_\_\_\_  
ALICIA LERUD  
Clerk of the Court

\_\_\_\_\_  
/s/N. Mason  
N. Mason-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 December 6, 2021, 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  
DIV. OF PAROLE & PROBATION  
JOHN PETTY, ESQ. for MICHAEL TODD BOTELHO  
MARILEE CATE, ESQ. for STATE OF NEVADA

I further certify that on December 6, 2021, 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)  
N. Nevada Correctional Center  
P. O. 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 December 6, 2021.

/s/N. Mason  
N. Mason- Deputy Clerk

2840

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

THE STATE OF NEVADA,

Plaintiff,

vs.

Case No.: CR03-2156

Dept. No.: 1

MICHAEL TODD BOTELHO,

Defendant.

\_\_\_\_\_ /

**ORDER DENYING 1) DEFENDANT’S MOTION AND 2) APPLICATION**

Michael Todd Botelho (“Mr. Botelho”) has filed (1) *Motion for Appointment of Conflict Free Counsel due to Abandonment by Petitioner’s Conflicted and Compromised Counsel from the WCPD Office in Petitioners [Still Pending] Prosecution by Felony Criminal Complaint in 2020* (“Application”) filed April 21, 2020; (2) *Affidavit and Criminal Complaint* (“Motion”) filed under the title cover “Motion to Modify or Correct Illegal Sentence” on March 12, 2021; and, (3) *Judicial Notice of Chief Judge, and Criminal Complaint Against the Court Clerk and Deputy Clerks, et al.* filed April 2, 2021. On July 28, 2021, this Court issued an *Order to Respond*. On September 13, 2021, the State of Nevada filed (1) *Opposition to Motion for Appointment of Counsel*; and, (2) *Opposition to Motion to Modify or Correct Illegal Sentence* and submitted the matter to the Court for consideration on October 8, 2021.

///

///

**I. Background**

On December 11, 2003, Mr. Botelho pleaded guilty to one count of kidnapping and three counts of sexual assault on a child. His conviction was affirmed on April 4, 2005, by the Nevada Supreme Court.

**II. Relevant Legal Authority****a. Modification of a Sentence**

While a district court generally lacks jurisdiction to modify a defendant's sentence after the defendant begins to serve it, NRS 176A.400(3); *Passanisi v. State*, 108 Nev. 318, 322, 831 P.2d 1371, 1373 (1992), a district court may nevertheless grant a post-conviction motion to modify a sentence in limited circumstances, *id.* at 322-23, 831 P.2d at 1373-74; *see also Edwards v. State*, 112 Nev. 704, 707, 918 P.2d 321, 324 (1996). The district court may modify a sentence when: (1) the court made a material mistake of fact about the defendant's criminal record; and (2) the mistake worked to the defendant's extreme detriment. *Edwards*, 112 Nev. at 708, 918 P.2d at 324; *Passanisi*, 108 Nev. at 322-23, 831 P.2d at 1373-74. The district court should summarily deny a motion to modify a sentence that raises claims that fall outside the proper scope of such a motion. *Edwards*, 112 Nev. at 708-09 n.2, 918 P.2d at 325 n.2.

**III. Analysis****a. Modification of Sentence**

Although titled as a motion, Mr. Botelho's Motion appears to be criminal complaint against various individuals involved in the original investigation, the district attorney, and members of this Court. *See generally* Mot. Due to the nature of Mr. Botelho's arguments the Court refuses to further articulate them.<sup>1</sup> *Johnson v. State*, 133 Nev. 571, 578, 402 P.3d 1266, 1275 (2017) (declining to consider a claim that was not supported by cogent argument or authority).

The State asserts the current proceeding is a criminal action by the State against Defendant; therefore, Mr. Botelho's claims against various individuals can be dispensed with as this matter is not a civil case. Second Opp. at 2:4-9. Further, the State claims Mr. Botelho's arguments regarding the

<sup>1</sup> Mr. Botelho's Motion contains curse words or language that is improper for this Court to review. "No good dirty piece of [expletive] cop" Mot. at 3, "It will be exposed I Fuc.... Promise you that (emphasis added)" *Id.* at 4, "Dirtiest of all District Judge Polaha" *Id.* at 6, "That piece of [expletive] cop" *Id.* at 8, "This [expletive] is going to stop." *Id.* at 12.

alleged improper conduct against the detective involved in his case and his lawyer, fall outside the permissible scope of a motion to modify or correct a sentence. *Id.* at 3:6-17.

In consideration of the foregoing arguments, and the operative legal authority, this Court finds good cause to deny the Motion because Mr. Botelho's pleading is clearly a complaint alleging misconduct against various individuals involved in his criminal proceedings. This is apparent from his statement, "This must be given to the Chief Judge as the court is a Party involved in this Criminal Affidavit and Complaint."<sup>2</sup> *See Mot.* Further, the document is entitled "Affidavit and Criminal Complaint" and lists various parties in which he seeks relief against. *Id.* A criminal complaint filed by a Defendant is clearly outside of the narrow scope of the inherent authority of district courts to modify a sentence. *See Edwards*, 112 Nev. at 708-09 n.2, 918 P.2d at 325 n.2. ("If a motion to correct an illegal sentence or to modify a sentence raises issues outside of the very narrow scope of the inherent authority recognized in this Opinion, the motion should be summarily denied."). Therefore, the Court must deny the Motion.

**b. Appointment of Counsel**

As to the Application, the Court denies Defendant's request. Pursuant to NRS 34.750(1), a court has discretion to appoint post-conviction counsel if the "court is satisfied that the allegation of indigency is true" and upon consideration of the following factors: whether "(a) [t]he issues presented are difficult; (b) [t]he petitioner is unable to comprehend the proceedings; or (c) [c]ounsel is necessary to proceed with discovery." This Court has denied Defendant's Motion; therefore, Defendant is not entitled to counsel as there is not a petition or an application pending in this Court. *See* NRS 34.750(1) (stating counsel may be appointed if the petition is not dismissed summarily). Therefore, the Court denies Defendant's Application.

Based upon the foregoing and good cause appearing,

IT IS HEREBY ORDERED that Mr. Botelho's *Motion for Appointment of Conflict Free Counsel due to Abandonment by Petitioner's Conflicted and Compromised Counsel from the WCPD Office in Petitioners [Still Pending] Prosecution by Felony Criminal Complaint in 2020* is DENIED.

<sup>2</sup> The Court does not find recusal is warranted given this Court is not adjudicating Mr. Botelho's claims on the merits, but is instead evaluating whether they are properly before this Court as filed. *See* NRS 1.235; *see also* NCJC 2.11.

IT IS HEREBY FURTHER ORDERED that Mr. Botelho's *Affidavit and Criminal Complaint* is DENIED.

IT IS SO ORDERED.

DATED this 6<sup>th</sup> day of December, 2021.



---

KATHLEEN M. DRAKULICH  
DISTRICT JUDGE

**CERTIFICATE OF SERVICE**

CASE NO. CR03-2156

I certify that I am an employee of the SECOND JUDICIAL DISTRICT COURT of the STATE OF NEVADA, COUNTY OF WASHOE; that on the 6<sup>th</sup> day of December, 2021, I electronically filed the **ORDER DENYING 1) DEFENDANT'S MOTION AND 2) APPLICATION** with the Clerk of the Court by using the ECF system.

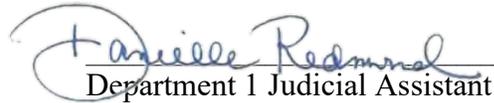
I further certify that I transmitted a true and correct copy of the foregoing document by the method(s) noted below:

**Electronically filed with the Clerk of the Court by using the ECF system which will send a notice of electronic filing to the following:**

JENNIFER NOBLE, ESQ. for STATE OF NEVADA

**Deposited in a sealed envelope with postage for mailing using the United States Postal Service in Reno, Nevada:**

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

  
Danielle Redmond  
Department 1 Judicial Assistant

**Return Of NEF**

<b>Recipients</b>
<b>MARILEE CATE, ESQ.</b> - Notification received on 2021-12-06 09:59:03.455.
<b>DIV. OF PAROLE &amp; PROBATION</b> - Notification received on 2021-12-06 09:59:03.572.
<b>JOHN PETTY, ESQ.</b> - Notification received on 2021-12-06 09:59:03.536.
<b>SEAN SULLIVAN, ESQ.</b> - Notification received on 2021-12-06 09:59:03.109.

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

-

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

**Judge:**

HONORABLE KATHLEEN DRAKULICH

<b>Official File Stamp:</b>	12-06-2021:09:57:53
<b>Clerk Accepted:</b>	12-06-2021:09:58:30
<b>Court:</b>	Second Judicial District Court - State of Nevada Criminal
<b>Case Title:</b>	STATE VS. MICHAEL TODD BOTELHO (D1)
<b>Document(s) Submitted:</b>	Notice of Entry of Ord
<b>Filed By:</b>	Deputy Clerk NMason

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  
DIV. OF PAROLE & PROBATION  
JOHN REESE PETTY, ESQ. for MICHAEL TODD  
BOTELHO  
MARILEE CATE, 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.):

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

GARY HOWARD HATLESTAD, ESQ.

FILED

Case No: RCR03-011479 AND  
CR03-2156

2021 DEC 20 PM 3: 36

Dept. No: 1

Alicia L. Lerud  
CLERK OF THE COURT  
BY [Signature]  
DEPUTY

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

Michael T. Botelho )  
Petitioner/Plaintiff, )

VS. )

NOTICE OF APPEAL

SECOND JUD. DIST. COURT, )  
Respondent/Defendant, )

NOTICE IS HEREBY GIVEN that: MICHAEL T. BOTELHO

hereby appeals the judgement entered in this Honorable court on or about the 6<sup>th</sup> day of

DECEMBER, 20 21

DATED this 14<sup>th</sup>, day of DECEMBER, 20 21

Michael Botelho  
Petitioner / Plaintiff

MICHAEL T. Botelho # 80837  
(Print Name) In Proper Persona

Case No: RLRL3-011479 AND

CR03-2156

Dept No: ONE

FILED

2021 DEC 20 PM 3:39

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

ALICIA LERUD  
CLERK OF THE COURT  
BY [Signature]  
DEPUTY

Michael T. Botelho )  
Petitioner / Plaintiff )

-VS-

DESIGNATION OF RECORD  
ON APPEAL

SECOND JUD. DIST. COURT )  
Respondent / Defendant )

COMES NOW, Michael T. Botelho Petitioner/Plaintiff herein designates the

record on appeal to be certified by the Clerk of the Court and transcribed to the Clerk of the Nevada  
Supreme Court.

All Motions, Pleading, and Transcripts. [ALL OF THEM.]

Dated this 14<sup>th</sup> day of DECEMBER, 20 21

Michael T. Botelho  
Petitioner / Plaintiff

Michael T. Botelho  
(Print Name) In Proper Persona

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PURSUANT TO N.R.S. 208.165, I understand that a false statement or answer to any question  
In this declaration will subject me to penalties of perjury, I DECLARE UNDER PENALTY OF  
PERJURY UNDER THE LAWS OF THE STATE OF NEVADA THAT THE FOREGOING  
IS TRUE AND CORRECT. See N.R.S. 208.165.

Signed at UNIT 3, NWCC  
(Location)

Michael O. Peltola  
(Signature)

12-14-2021  
(Date)

80937  
(Inmate Number)

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CERTIFICATE OF SERVICE BY MAIL

Pursuant to F.R.C.P. Rule 5(b), I hereby certify that I am the petitioner/Defendant named herein and that on this 14<sup>th</sup> day of DECEMBER 20 21, I deposited in the United States

Mails in Carson City, Nevada a true a correct copy of the foregoing addressed to:

THE SECOND JUDICIAL DISTRICT  
CLERK

75 COURT ST. RENO, NV 89501

Michael G. Bette



AS I HAVE NO WAY OF MAKING COPIES ALL I CAN DO IS SEND THIS TO YOU, (ONE) ORIGINAL DOCUMENTS AND I NEED A FILED COPY RETURNED W/ THE ORIGINAL ENVELOPE I SENT TO YOU., THANKS M.T.B.

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**AFFIRMATION**  
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding document, \_\_\_\_\_

NOTICE OF APPEAL

(Title of Document)

filed in case number: RCR03-011479 AND CRO3-2156

Document does not contain the social security number of any person

-OR-

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

A specific state or federal law, to wit:

\_\_\_\_\_  
(State specific state or federal law)

-or-

For the administration of a public program

-or-

For an application for a federal or state grant

-or-

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

Date: DECEMBER 14, 2021

*Michael T. Prose*

(Signature)

MICHAEL T. PROSE # 80837

(Print Name)

PROSE

(Attorney for)

Code 1350

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

THE STATE OF NEVADA,

Plaintiff,

vs.

Case No. CR03-2156

Dept. No. 1

MICHAEL TODD BOTELHO,

Defendant.

\_\_\_\_\_ /

**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 December, 2021, 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 December, 2021.

Alicia L. Lerud  
Clerk of the Court  
By /s/azamora  
Amanda Zamora  
Deputy Clerk

**Return Of NEF**

<b>Recipients</b>	
<b>JENNIFER NOBLE, ESQ.</b>	- Notification received on 2021-12-21 14:06:21.897.
<b>MARILEE CATE, ESQ.</b>	- Notification received on 2021-12-21 14:06:21.952.
<b>JOHN PETTY, ESQ.</b>	- Notification received on 2021-12-21 14:06:21.925.
<b>DIV. OF PAROLE &amp; PROBATION</b>	- Notification received on 2021-12-21 14:06:21.87.
<b>SEAN SULLIVAN, ESQ.</b>	- Notification received on 2021-12-21 14:06:21.842.

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

-

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

**Judge:**

HONORABLE KATHLEEN DRAKULICH

<b>Official File Stamp:</b>	12-21-2021:14:05:13
<b>Clerk Accepted:</b>	12-21-2021:14:05:50
<b>Court:</b>	Second Judicial District Court - State of Nevada Criminal
<b>Case Title:</b>	STATE VS. MICHAEL TODD BOTELHO (D1)
<b>Document(s) Submitted:</b>	Certificate of Transmittal Case Appeal Statement
<b>Filed By:</b>	Deputy Clerk AZamora

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:**

MARILEE CATE, ESQ. for STATE OF NEVADA  
DIV. OF PAROLE & PROBATION  
JENNIFER P. NOBLE, ESQ. for STATE OF  
NEVADA  
SEAN B. SULLIVAN, ESQ. for MICHAEL TODD  
BOTELHO  
JOHN REESE PETTY, 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.):

GARY HOWARD HATLESTAD, ESQ.

MICHAEL TODD BOTELHO for MICHAEL TODD  
BOTELHO

STATE OF NEVADA for STATE OF NEVADA

Code 1310

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

**THE STATE OF NEVADA,**

**Plaintiff,**

**vs.**

**Case No. CR03-2156**

**Dept. No. 1**

**MICHAEL TODD BOTELHO,**

**Defendant.**

\_\_\_\_\_ /

**CASE APPEAL STATEMENT**

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

- 1. Appellant is Michael Botelho.
- 2. This appeal is from an order entered by the Honorable Judge Kathleen Drakulich.
- 3. Appellant is representing himself in Proper Person on appeal. The Appellant's address is:

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

- 4. Respondent is the State of Nevada. Respondent is represented by the Washoe County District Attorney's Office:

Jennifer P. Noble, Esq., SBN: 9446  
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 not granted leave to proceed in forma pauperis in the District Court.
9. Proceeding commenced by the filing of an Indictment filed on October 8th, 2003.
10. This is a criminal proceeding and the Appellant is appealing the Order Denying 1) Defendant's Motion and 2) Application filed on December 6<sup>th</sup>, 2021.
11. The case has been the subject of a previous appeal to the Supreme Court.  
Supreme Court No.: 43247, 49586, 69046, 73331, 73593, 75191, 75527, 77004.
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 21<sup>st</sup> day of December, 2021.

Alicia L. Lerud  
Clerk of the Court  
By: /s/ azamora  
Amanda Zamora  
Deputy Clerk

**Return Of NEF**

<b>Recipients</b>	
<b>JENNIFER NOBLE, ESQ.</b>	- Notification received on 2021-12-21 14:16:02.061.
<b>MARILEE CATE, ESQ.</b>	- Notification received on 2021-12-21 14:16:02.124.
<b>JOHN PETTY, ESQ.</b>	- Notification received on 2021-12-21 14:16:02.09.
<b>DIV. OF PAROLE &amp; PROBATION</b>	- Notification received on 2021-12-21 14:16:02.029.
<b>SEAN SULLIVAN, ESQ.</b>	- Notification received on 2021-12-21 14:16:01.998.

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

PROOF OF SERVICE OF ELECTRONIC FILING

-

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

Judge:

HONORABLE KATHLEEN DRAKULICH

Official File Stamp:	12-21-2021:14:14:50
Clerk Accepted:	12-21-2021:14:15:31
Court:	Second Judicial District Court - State of Nevada Criminal
Case Title:	STATE VS. MICHAEL TODD BOTELHO (D1)
Document(s) Submitted:	Case Appeal Statement
Filed By:	Deputy Clerk AZamora

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:**

MARILEE CATE, ESQ. for STATE OF NEVADA  
DIV. OF PAROLE & PROBATION  
JENNIFER P. NOBLE, ESQ. for STATE OF  
NEVADA  
SEAN B. SULLIVAN, ESQ. for MICHAEL TODD  
BOTELHO  
JOHN REESE PETTY, 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.):**

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.  
THE STATE OF NEVADA,  
Respondent.

**Supreme Court No. 83996**  
District Court Case No. CR032156

**RECEIPT FOR DOCUMENTS**

TO: Michael Todd Botelho  
Washoe County District Attorney \ Jennifer P. Noble  
Alicia L. Lerud, Washoe District Court Clerk ✓

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

- 12/29/2021 Appeal Filing Fee waived. Criminal. (SC)
- 12/29/2021 Filed Notice of Appeal/Proper Person. Appeal docketed in the Supreme Court this day. (SC)

DATE: December 29, 2021

Elizabeth A. Brown, Clerk of Court  
lh

**Return Of NEF**

<b>Recipients</b>	
<b>JENNIFER NOBLE, ESQ.</b>	- Notification received on 2022-01-03 15:50:14.565.
<b>MARILEE CATE, ESQ.</b>	- Notification received on 2022-01-03 15:50:15.128.
<b>JOHN PETTY, ESQ.</b>	- Notification received on 2022-01-03 15:50:15.093.
<b>DIV. OF PAROLE &amp; PROBATION</b>	- Notification received on 2022-01-03 15:50:13.725.
<b>SEAN SULLIVAN, ESQ.</b>	- Notification received on 2022-01-03 15:50:13.281.

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

PROOF OF SERVICE OF ELECTRONIC FILING

-

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

Judge:

HONORABLE KATHLEEN DRAKULICH

Official File Stamp:

01-03-2022:15:48:35

Clerk Accepted:

01-03-2022:15:49:27

Court:

Second Judicial District Court - State of Nevada

Criminal

Case Title:

STATE VS. MICHAEL TODD BOTELHO (D1)

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:**

MARILEE CATE, ESQ. for STATE OF NEVADA

DIV. OF PAROLE & PROBATION

JENNIFER P. NOBLE, ESQ. for STATE OF  
NEVADA

SEAN B. SULLIVAN, ESQ. for MICHAEL TODD  
BOTELHO

JOHN REESE PETTY, 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.):**

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.  
THE STATE OF NEVADA,  
Respondent.

No. 83996

**FILED**

**JAN 18 2022**

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

**ORDER DIRECTING TRANSMISSION OF RECORD  
AND REGARDING BRIEFING**

Having reviewed the documents on file in this pro se appeal, this court has concluded that its review of the complete record is warranted. See NRAP 10(a)(1). Accordingly, the clerk of the district court shall have 30 days from the date of this order to transmit to the clerk of this court a certified copy of the complete trial court record of this appeal. See NRAP 11(a)(2). The record shall include copies of documentary exhibits submitted in the district court proceedings, but shall not include any physical, non-documentary exhibits or the original documentary exhibits. The record shall also include any presentence investigation reports submitted in a sealed envelope identifying the contents and marked confidential. See NRS 176.156(5).

Within 120 days, appellant may file either (1) a brief that complies with the requirements in NRAP 28(a) and NRAP 32; or (2) the "Informal Brief Form for Pro Se Parties" provided by the supreme court clerk. NRAP 31(a)(1). If no brief is submitted, the appeal may be decided on the record on appeal. NRAP 34(g). Respondent need not file a response to any brief filed by appellant, unless ordered to do so by this court. NRAP

46A(c). This court generally will not grant relief without providing an opportunity to file a response. *Id.*

It is so ORDERED.

 C.J.

cc: Michael Todd Botelho  
Attorney General/Carson City  
Washoe County District Attorney  
Washoe District Court Clerk

**Return Of NEF**

<b>Recipients</b>	
<b>JENNIFER NOBLE, ESQ.</b>	- Notification received on 2022-01-20 13:06:53.864.
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\*\*\*\*\* IMPORTANT NOTICE - READ THIS INFORMATION \*\*\*\*\*

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-

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

Judge:

HONORABLE KATHLEEN DRAKULICH

Official File Stamp:

01-20-2022:13:05:40

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01-20-2022:13:06:16

Court:

Second Judicial District Court - State of Nevada

Criminal

Case Title:

STATE VS. MICHAEL TODD BOTELHO (D1)

Document(s) Submitted:

Supreme Ct Order Directing

Filed By:

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**The following people were served electronically:**

MARILEE CATE, ESQ. for STATE OF NEVADA

DIV. OF PAROLE & PROBATION

JENNIFER P. NOBLE, ESQ. for STATE OF  
NEVADA

SEAN B. SULLIVAN, ESQ. for MICHAEL TODD  
BOTELHO

JOHN REESE PETTY, 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.):**

GARY HOWARD HATLESTAD, ESQ.

MICHAEL TODD BOTELHO for MICHAEL TODD  
BOTELHO

STATE OF NEVADA for STATE OF NEVADA