

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

Electronically Filed
Feb 04 2022 11:39 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

CHARLES SKAGGS,

Petitioner,

vs.

Sup. Ct. Case No. 83888

Case No. CR18-2148

Dept. 9

THE STATE OF NEVADA,

Respondent.

RECORD ON APPEAL

VOLUME 3 OF 5

DOCUMENTS

APPELLANT

Charles Skaggs, #111743
NNCC
P.O. Box 7000
Carson City, NV 89702

RESPONDENT

Washoe County District
Attorney's Office
Jennifer P. Noble, Esq. #9446
P.O. Box 30083
Reno, Nevada 89502-3083

APPEAL INDEX
SUPREME COURT NO: 83888
DISTRICT CASE NO: CR18-2148
CHARLES SKAGGS vs THE STATE OF NEVADA
DATE: FEBRUARY 4, 2022

PLEADING	DATE FILED	VOL.	PAGE NO.
APPLICATION FOR SETTING	12-18-18	2	20
BAIL BOND POSED	12-24-18	2	37-39
BAIL BOND POSTED	12-24-18	2	40-42
BINDOVER BOND	12-18-18	2	16-19
CASE APPEAL STATEMENT	05-20-19	2	108-109
CASE APPEAL STATEMENT	04-22-21	4	523-524
CASE APPEAL STATEMENT	12-06-21	4	632-633
CERTIFICATE OF CLERK AND TRANSMITTAL - NOTICE OF APPEAL	12-06-21	4	631
CERTIFICATE OF CLERK AND TRANSMITTAL – NOTICE OF APPEAL	05-20-19	2	110
CERTIFICATE OF CLERK AND TRANSMITTAL – NOTICE OF APPEAL	04-22-21	4	525
DOCUMENT SUBMITTED BY DEFENSE TO BE CONSIDERED AT SENTENCING	04-12-19	2	82-84
DOCUMENT SUBMITTED BY DEFENSE TO BE CONSIDERED AT SENTENCING	04-16-19	2	87-90
DOCUMENT SUBMITTED BY DEFENSE TO BE CONSIDERED AT SENTENCING	04-16-19	2	93-96
EX PARTE MOTION FOR PAYMENT OF ATTORNEY’S FEES	07-09-20	5	28-34
EX PARTE MOTION FOR PAYMENT OF ATTORNEY’S FEES	07-14-21	5	38-44
GUILTY PLEA MEMORANDUM	01-09-19	2	47-52
INFORMATION	12-20-18	2	26-28
INFORMATION	12-20-18	2	32-34
JUDGMENT OF CONVICTION	04-18-19	2	99-100
LETTER FROM DEFENDANT	03-24-20	2	187-188
MINUTES – ARRAIGNMENT 01-09-19	01-16-19	2	55
MINUTES – ENTRY OF JUDGMENT AND IMPOSITION OF SENTENCE	05-06-19	2	103
MINUTES – SENTENCING – 4-17-19	01-08-20	2	182-183
MOTION FOR APPOINTMENT OF COUNSEL	02-08-21	4	424-425

APPEAL INDEX
SUPREME COURT NO: 83888
DISTRICT CASE NO: CR18-2148
CHARLES SKAGGS vs THE STATE OF NEVADA
DATE: FEBRUARY 4, 2022

PLEADING	DATE FILED	VOL.	PAGE NO.
MOTION FOR APPOINTMENT OF COUNSEL PURSUANT TO NRS 34.750	10-22-19	2	174-175
MOTION FOR DISCOVERY NRS 34.780, NRS 34.930	01-26-21	3	402-410
MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS	10-22-19	5	24-27
MOTION SEEKING CONSENT OF THE COURT, WDCR 23(I) TO APPEAR	08-14-20	3	266-269
MOTION TO CORRECT ILLEGAL SENTENCE AND/OR MODIFY SENTENCE	05-08-20	3	194-197
MOTION TO CORRECT ILLEGAL SENTENCE AND/OR MODIFY SENTENCE OR IN THE ALTERNATIVE TO CORRECT CLERICAL ERROR	01-26-21	3	397-401
MOTION TO DISMISS IN PART	01-25-21	3	381-393
MOTION TO LIFT STAY ORDERED 4/28/2021	06-07-21	4	544-549
MOTION TO RECONSIDER	11-29-21	4	613-628
MOTION TO WITHDRAW AS COUNSEL	08-24-20	3	273-280
MOTION TO WITHDRAW PLEA OF GUILT ON CHANGE OF ASSAULT WITH DEADLY WEAPON	01-21-21	3	345-377
NON-OPPOSITION TO MOTION TO WITHDRAW AS COUNSEL	09-01-20	3	284-290
NOTICE OF APPEAL	05-16-19	2	106-107
NOTICE OF APPEAL	04-21-21	4	518-519
NOTICE OF APPEAL	12-03-21	4	629-630
NOTICE OF APPEARANCE	05-31-19	2	114-115
NOTICE OF BINDOVER	12-18-18	2	1
NOTICE OF CHANGE OF RESPONSIBLE ATTORNEY	05-18-20	3	201-202
NOTICE OF ENTRY OF ORDER	07-24-20	3	254-258
NOTICE OF ENTRY OF ORDER	04-02-21	4	505-509
NOTICE OF ENTRY OF ORDER	04-02-21	4	510-514
NOTICE OF ENTRY OF ORDER	11-10-21	4	604-609
OPPOSITION TO MOTION FOR APPOINTMENT OF COUNSEL	02-12-21	4	443-447
OPPOSITION TO MOTION FOR DISCOVERY	02-01-21	3	415-417

APPEAL INDEX
 SUPREME COURT NO: 83888
 DISTRICT CASE NO: CR18-2148
 CHARLES SKAGGS vs THE STATE OF NEVADA
 DATE: FEBRUARY 4, 2022

PLEADING	DATE FILED	VOL.	PAGE NO.
OPPOSITION TO MOTION TO MOTION TO CORRECT ILLEGAL SENTENCE AND/OR MODIFY SENTENCE	05-18-20	3	203-205
OPPOSITION TO MOTION TO WITHDRAW PLEA OF GUILT ON CHARGE OF ASSAULT WITH A DEADLY WEAPON	02-01-21	3	411-414
ORDER	04-28-21	4	529-531
ORDER (1) GRANTING APPLICATION TO PROCEED IN FORMA PAUPERIS AND (2) GRANTING MOTION FOR APPOINTMENT OF COUNSEL	12-02-19	2	176-178
ORDER APPROVING ATTORNEY'S FEES (POST CONVICTION)	07-15-20	3	244
ORDER APPROVING ATTORNEY'S FEES (POST CONVICTION)	08-09-21	4	582
ORDER DENYING MOTION FOR DISCOVERY	04-01-21	4	493-495
ORDER DENYING MOTION TO CORRECT ILLEGAL SENTENCE AND/OR MODIFY SENTENCE	07-23-20	3	248-250
ORDER DENYING MOTION TO WITHDRAW PLEA OF GUILT	04-01-21	4	499-501
ORDER GRANTING MOTION SEEKING CONSENT OF THE COURT TO APPEAR	12-08-20	3	339-341
ORDER GRANTING MOTION TO DISMISS IN PART	11-09-21	4	597-600
ORDER GRANTING MOTION TO LIFT STAY	08-31-21	4	591-593
ORDER GRANTING MOTION TO WITHDRAW AS COUNSEL	10-26-20	3	304-306
ORDER REVOKING SUPERVISED BAIL	03-08-19	2	63
PETITION FOR WRIT OF HABEAS CORPUS (POST CONVICTION)	10-22-19	2	128-173
PRESENTENCE INVESTIGATION REPORT	02-26-19	5	5-17
PRETRIAL SERVICES ASSESSMENT REPORT	12-19-18	5	1-4
PRETRIAL SERVICES COURT NOTE – CURRENT SUPERVISION	01-04-19	2	43-44
PRETRIAL SERVICES COURT NOTE – PRIOR SUPERVISION	03-08-19	2	66-67
PRETRIAL SERVICES COURT NOTE – PRIOR SUPERVISION	04-11-19	2	76-77
PROCEEDINGS	12-18-18	2	2-15
RECOMMENDATION AND ORDER APPOINTING COUNSEL (POST CONVICTION)	04-23-20	3	189-190
RECOMMENDATION OF ADMINISTRATOR FOR PAYMENT OF ATTORNEY FEES (POST CONVICTION)	07-14-20	5	35-37

APPEAL INDEX
SUPREME COURT NO: 83888
DISTRICT CASE NO: CR18-2148
CHARLES SKAGGS vs THE STATE OF NEVADA
DATE: FEBRUARY 4, 2022

PLEADING	DATE FILED	VOL.	PAGE NO.
RECOMMENDATION OF ADMINISTRATOR FOR PAYMENT OF ATTORNEY FEES (POST CONVICTION)	08-02-21	5	45-47
RECOMMENDATION REVOKING SUPERVISED BAIL	03-07-19	2	60
REPLY TO OPPOSITION FOR DISCOVERY	02-16-21	4	458-459
REPLY TO RESPONSE OF STATE TO MOTION TO CORRECT ILLEGAL SENTENCE	02-16-21	4	460-469
REPLY TO STATE OPPOSITION TO MOTION TO WITHDRAW PLEA TO FALSE CHARGE	02-16-21	4	453-454
REPLY TO STATE'S OPPOSITION TO PLAINTIFF'S MOTION FOR APPOINTMENT OF COUNSEL	02-22-21	4	480-484
REPLY TO STATES OPPOSITION TO MOTION TO CORRECT ILLEGAL SENTENCE AND/OR MODIFY SENTENCE	05-27-20	3	209-229
REQUEST FOR DISCOVERY PURSUANT TO NRS 174.245	12-20-18	2	29-31
REQUEST FOR SUBMISSION	05-29-20	3	233-234
REQUEST FOR SUBMISSION	07-24-20	3	262
REQUEST FOR SUBMISSION	09-15-20	3	299-300
REQUEST FOR SUBMISSION	02-08-21	4	438-439
REQUEST FOR SUBMISSION	02-12-21	4	448-449
REQUEST FOR SUBMISSION	02-19-21	4	473-474
REQUEST FOR SUBMISSION	02-19-21	4	475-476
REQUEST FOR SUBMISSION	02-26-21	4	488-489
REQUEST FOR SUBMISSION	06-18-21	4	566-572
REQUEST FOR SUBMISSION	08-31-21	4	586-587
REQUEST FOR SUBMISSION OF MOTION	02-08-21	4	437
REQUEST FOR SUBMISSION OF MOTION	06-15-21	4	560-562
REQUEST FOR SUBMISSION OF MOTION TO WITHDRAW AS COUNSEL	09-10-20	3	294-295
RESPONSE AND OBJECTIONS TO MOTION TO DISMISS	02-08-21	4	426-436
RESPONSE TO MOTION TO CORRECT ILLEGAL SENTENCE AND/OR MODIFY SENTENCE	02-01-21	3	418-420

APPEAL INDEX
SUPREME COURT NO: 83888
DISTRICT CASE NO: CR18-2148
CHARLES SKAGGS vs THE STATE OF NEVADA
DATE: FEBRUARY 4, 2022

PLEADING	DATE FILED	VOL.	PAGE NO.
RETURN OF NEF	12-18-18	2	21-22
RETURN OF NEF	12-19-18	2	23-24
RETURN OF NEF	12-20-18	2	35-36
RETURN OF NEF	01-04-19	2	45-46
RETURN OF NEF	01-09-19	2	53-54
RETURN OF NEF	01-16-19	2	56-57
RETURN OF NEF	02-26-19	2	58-59
RETURN OF NEF	03-07-19	2	61-62
RETURN OF NEF	03-08-19	2	64-65
RETURN OF NEF	03-08-19	2	68-69
RETURN OF NEF	03-12-19	2	74-75
RETURN OF NEF	04-11-19	2	78-79
RETURN OF NEF	04-12-19	2	80-81
RETURN OF NEF	04-12-19	2	85-86
RETURN OF NEF	04-16-19	2	91-92
RETURN OF NEF	04-16-19	2	97-98
RETURN OF NEF	04-18-19	2	101-102
RETURN OF NEF	05-06-19	2	104-105
RETURN OF NEF	05-20-19	2	111-113
RETURN OF NEF	06-03-19	2	116-118
RETURN OF NEF	06-03-19	2	120-122
RETURN OF NEF	08-26-19	2	125-127
RETURN OF NEF	12-02-19	2	179-181
RETURN OF NEF	01-08-20	2	184-186
RETURN OF NEF	04-23-20	3	191-193
RETURN OF NEF	05-08-20	3	198-200

APPEAL INDEX
SUPREME COURT NO: 83888
DISTRICT CASE NO: CR18-2148
CHARLES SKAGGS vs THE STATE OF NEVADA
DATE: FEBRUARY 4, 2022

PLEADING	DATE FILED	VOL.	PAGE NO.
RETURN OF NEF	05-18-20	3	206-208
RETURN OF NEF	05-27-20	3	230-232
RETURN OF NEF	05-29-20	3	235-237
RETURN OF NEF	07-09-20	3	238-240
RETURN OF NEF	07-14-20	3	241-243
RETURN OF NEF	07-15-20	3	245-247
RETURN OF NEF	07-23-20	3	251-253
RETURN OF NEF	07-24-20	3	259-261
RETURN OF NEF	07-24-20	3	263-265
RETURN OF NEF	08-14-20	3	270-272
RETURN OF NEF	08-24-20	3	281-283
RETURN OF NEF	09-01-20	3	291-293
RETURN OF NEF	09-10-20	3	296-298
RETURN OF NEF	09-15-20	3	301-303
RETURN OF NEF	10-26-20	3	307-309
RETURN OF NEF	11-24-20	3	336-338
RETURN OF NEF	12-08-20	3	342-344
RETURN OF NEF	01-21-21	3	378-380
RETURN OF NEF	01-25-21	3	394-396
RETURN OF NEF	02-01-21	4	421-423
RETURN OF NEF	02-08-21	4	440-442
RETURN OF NEF	02-12-21	4	450-452
RETURN OF NEF	02-16-21	4	455-457
RETURN OF NEF	02-16-21	4	470-472
RETURN OF NEF	02-19-21	4	477-479
RETURN OF NEF	02-22-21	4	485-487

APPEAL INDEX
SUPREME COURT NO: 83888
DISTRICT CASE NO: CR18-2148
CHARLES SKAGGS vs THE STATE OF NEVADA
DATE: FEBRUARY 4, 2022

PLEADING	DATE FILED	VOL.	PAGE NO.
RETURN OF NEF	02-26-21	4	490-492
RETURN OF NEF	04-01-21	4	496-498
RETURN OF NEF	04-01-21	4	502-504
RETURN OF NEF	04-02-21	4	515-517
RETURN OF NEF	04-21-21	4	520-522
RETURN OF NEF	04-22-21	4	526-528
RETURN OF NEF	04-28-21	4	532-534
RETURN OF NEF	04-29-21	4	536-538
RETURN OF NEF	05-13-21	4	541-543
RETURN OF NEF	06-07-21	4	550-552
RETURN OF NEF	06-09-21	4	557-559
RETURN OF NEF	06-15-21	4	563-565
RETURN OF NEF	06-18-21	4	573-575
RETURN OF NEF	07-14-21	4	576-578
RETURN OF NEF	07-14-21	4	579-581
RETURN OF NEF	08-09-21	4	583-585
RETURN OF NEF	08-31-21	4	588-590
RETURN OF NEF	08-31-21	4	594-596
RETURN OF NEF	11-09-21	4	601-603
RETURN OF NEF	11-10-21	4	610-612
RETURN OF NEF	12-07-21	4	634-636
RETURN OF NEF	12-14-21	4	638-640
RETURN OF NEF	01-25-22	4	643-645
SUBSTANCE ABUSE EVALUATION TO BE FILED UNDER SEAL PER HIPAA	04-12-19	5	18-23

APPEAL INDEX
 SUPREME COURT NO: 83888
 DISTRICT CASE NO: CR18-2148
 CHARLES SKAGGS vs THE STATE OF NEVADA
 DATE: FEBRUARY 4, 2022

PLEADING	DATE FILED	VOL.	PAGE NO.
SUPPLEMENTAL PETITION FOR WRIT OF HABEAS CORPUS (POST CONVICTION) (NON-DEATH PENALTY) DISCOVERY REQUEST FOR NRS 34.780 NRAP 4C LATE UNTIMELY APPEAL REQUESTED	11-24-20	3	310-335
SUPREME COURT CLERK'S CERTIFICATE & JUDGMENT	06-09-21	4	554
SUPREME COURT ORDER DISMISSING APPEALS	08-26-19	2	123-124
SUPREME COURT ORDER DISMISSING APPEALS	06-09-21	4	555-556
SUPREME COURT RECEIPT FOR DOCUMENTS	06-03-19	2	119
SUPREME COURT RECEIPT FOR DOCUMENTS	04-29-21	4	535
SUPREME COURT RECEIPT FOR DOCUMENTS	12-14-21	4	637
SUPREME COURT REMITTITUR	06-09-21	4	553
SUPREME ORDER CONSOLIDATING APPEALS, DIRECTING TRANSMISSION OF RECORDS, AND REGARDING BRIEFING	01-25-22	4	641-642
SUPREME ORDER DISMISSING APPEALS	05-13-21	4	539-540
VICTIM IMPACT STATEMENT	03-12-19	2	70-73
WAIVER OF PRELIMINARY EXAMINATION	12-20-18	2	25

1 CODE 2715
2
3
4

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

6
7 IN AND FOR THE COUNTY OF WASHOE

8 CHARLES A. SKAGGS,
9

10 Petitioner,

11 vs.

Case No. CR18-2148
CR18-2149

12 ISIDRO BACH, WARDEN,

Dept. No. 9

13 Respondent.
14 -----/

15 **RECOMMENDATION AND ORDER APPOINTING COUNSEL**
16 **(POST CONVICTION)**

17 The Petitioner, CHARLES SKAGGS, having been granted Forma Pauperis Status, and
18 Chief District Court Judge Scott N. Freeman, having determined there is a basis to appoint
19 counsel for Petitioner and having referred the matter to the Appointed Counsel Administrator
20 accordingly, this Administrator makes the following recommendations:

21 IT IS HEREBY RECOMMENDED that Lyn E. Beggs, Esq., be appointed to represent
22 Petitioner on his Petition for Writ of Habeas Corpus (Post-Conviction), and that counsel be
23 paid pursuant to NRS 7.115 through NRS 7.165 by the State Public Defender in an amount
24 recommended by this Administrator and then approved by the Court.
25
26

1 IT IS FURTHER RECOMMENDED that Petitioner's counsel have ten (10) days from
2 the date of the Court's Order to designate what portions of the Court file counsel requests be
3 provided to her by the Clerk of the Court.

4 IT IS FURTHER RECOMMENDED that newly appointed counsel shall be placed as
5 attorney of record in Case Number CR18-2148 and CR18-2149.

6 IT IS FURTHER RECOMMENDED that counsel have forty-five (45) days from the
7 date of the receipt of record to either supplement the Petition for Writ of Habeas Corpus or to
8 file a Notice indicating that the original Petition should stand as filed.

9 IT IS FURTHER RECOMMENDED that the State of Nevada should be ordered to
10 respond to Petitioner within sixty (60) days from the date of filing and service of either the
11 Petition to Supplement or Petitioner's Notice of Non-Supplementation.

12 Dated this 8th day of April, 2020.

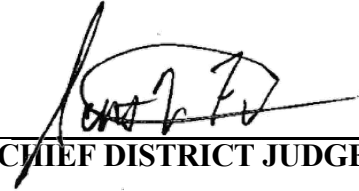
13 /S/Krista Meier _____
14 KRISTA MEIER, ESQ.
15 APPOINTED COUNSEL ADMINISTRATOR

16 **ORDER**

17 Pursuant to the Nevada Supreme Court Order in ADKT 411 and the Second Judicial
18 District Court's Model Plan to address ADKT 411, good cause appearing and in the interests of
19 justice,

20 IT IS HEREBY ORDERED that the recommendations of the Administrator are
21 confirmed, approved and adopted. As such, Lyn E. Beggs shall be appointed to represent
22 Petitioner on his Petition for Writ of Habeas Corpus (Post-Conviction).

23 DATED this 23rd day of April, 2019.

24 
25 _____
26 CHIEF DISTRICT JUDGE

Return Of NEF**Recipients**

JENNIFER NOBLE, ESQ. - Notification received on 2020-04-23 15:01:23.637.
KRISTA MEIER, ESQ. - Notification received on 2020-04-23 15:01:23.7.
JOANNA ROBERTS, ESQ. - Notification received on 2020-04-23 15:01:23.559.
BIRAY DOGAN, ESQ. - Notification received on 2020-04-23 15:01:23.528.
LYN BEGGS, ESQ. - Notification received on 2020-04-23 15:01:23.606.
JOHN PETTY, ESQ. - Notification received on 2020-04-23 15:01:23.731.
AMANDA SAGE, ESQ. - Notification received on 2020-04-23 15:01:23.668.
DIV. OF PAROLE & PROBATION - Notification received on 2020-04-23 15:01:23.59.

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

PROOF OF SERVICE OF ELECTRONIC FILING

-

A filing has been submitted to the court RE: CR18-2148

Judge:

HONORABLE SCOTT N. FREEMAN

Official File Stamp:

04-23-2020:15:00:13

Clerk Accepted:

04-23-2020:15:00:53

Court:

Second Judicial District Court - State of Nevada
Criminal

Case Title:

STATE VS. CHARLES ANTHONY SKAGGS (TN)
(D9)

Document(s) Submitted:

Ord Appointing Counsel

Filed By:

Judicial Asst. BWard

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:

LYN E. BEGGS, ESQ. for CHARLES ANTHONY
SKAGGS

DIV. OF PAROLE & PROBATION

BIRAY DOGAN, ESQ. for CHARLES ANTHONY
SKAGGS

AMANDA C. SAGE, ESQ. for STATE OF
NEVADA

JOANNA L. ROBERTS, ESQ. for CHARLES
ANTHONY SKAGGS

JOHN REESE PETTY, ESQ. for CHARLES
ANTHONY SKAGGS

KRISTA D. MEIER, ESQ.

JENNIFER P. NOBLE, 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.):

CHARLES SKAGGS

(Name)

1117743

(I.D. No.)

Northern Nevada Correctional Center
Post Office Box 7000
Carson City, NV 89702

Defendant, In Proper Person

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

Defendant.

vs.

THE STATE OF NEVADA,

Plaintiff

Case No.: CR18-2148Dept. No.. 9**MOTION TO CORRECT ILLEGAL
SENTENCE AND/OR
MODIFY SENTENCE**

COMES NOW, Defendant, CHARLES SKAGGS, in his proper person and requests that this Honorable Court correct his illegal sentence and/or modify sentence.

This Motion is based upon all papers and pleadings on file herein as well as the following Memorandum of Points and Authorities.

Respectfully submitted this 4th day of May, 20 20.

Charles Skaggs

Defendant, In Proper Person

MEMORANDUM OF POINTS AND AUTHORITIES

BRIEF STATEMENT OF FACTS AND CASE HISTORY

By way of The charging INFORMATION PETITIONER WAS prosecuted pursuant to N.R.S. 199.330 "Buying or Promising reward by Justice or Constable" which states:

N.R.S. 199.330 Buying or Promising reward by justice or constable.

"Every justice of the peace or constable who shall, directly or indirectly, buy or be interested in buying anything in action for the purpose of commencing a suit thereon before a justice of the peace, or who shall give or promise any valuable consideration to any person as an inducement to bring, or as a consideration for having brought, a suit before a justice of the peace, shall be guilty of a misdemeanor."

As a result of the prosecution by way of INFORMATION for the violation of N.R.S. 199.330 the sentencing court imposed a sentence of 12-32 months stating: "You'll be sentenced to 32 months in Nevada Department of Corrections with Parole eligibility after 12 months."

ON the 17th day of April 2019 the Sentencing court, in compliance with the Concepts of Due-Process (U.S.C.A) and Nev. Const. Art 1 section 8 Following the Statutory Authority relied upon for Prosecution ISSUED A JUDGEMENT OF CONVICTION, Reliance upon which is PREDICATED by the State's Authority, Finding SKAGGS

1 Guilty of N.R.S. 199.330 A MISDEMEANOR. Proposed Remedy: SKAGGS seeks AN Amended J.O.C. Setting the Sentence for the described Misdemeanor at No more than one Year.

1. MISDEMEANOR CONVICTIONS ARE LIMITED -2-
STATUTORILY TO NO MORE THAN ONE
YEAR

POINTS AND AUTHORITIES

This court retains jurisdiction to modify a Judgment of Conviction at any time. *Passanisi v. State*, 108 Nev. 318, 831 P.2d 1371 (1992). Defendant was denied due process of law when this

court: UPON PROSECUTION FOR A MISDEMEANOR described and stated Authority pursuant to N.R.S. 199.330 - The Resulting Sentence of 12-32mo. is in excess of the Statutory maximum

This court may modify the sentence based on the foregoing reasons. *Warden v. Peters*, 83 Nev. 298, 429 P.2d 549 (1967) as referenced in *Edwards v. State*, 112 Nev. 704, 918 P.2d 321 (1996).

The stated Authority constituting the OFFENSE charged must state the citation of the statute see N.R.S. 173.075 AND is relied upon pursuant to N.R.S. 176.05 in order to set forth the FINDING. The Sentencing Court is limited in Sentencing matters only by the AVAILABLE Sentence described by the Statute Relied upon for Prosecution. The MAXIMUM Sentence pursuant to a FINDING of Guilt for the Described MISDEMEANOR pursuant to N.R.S. 199.330 is ONE YEAR

Lastly, this court may entertain a Motion to Correct Illegal Sentence at any time when the sentence is facially illegal or based on a lack of jurisdiction. *Edwards, Supra*. Accordingly, this Court should modify Defendant's sentence and/or correct his illegal sentence, and enter a new judgment of conviction *nunc pro tunc*.

CONCLUSION

Wherefore, based upon the foregoing, the instant Motion should be granted.

CERTIFICATE OF SERVICE

I, CHARLES SKAGGS certify that on this date I did serve a true and correct copy of the foregoing Motion upon Respondent(s), via U.S. Mail, by placing same in the United States Postal Service (Prison Mail System), postage being fully prepaid, and addressed to:

WASHOE County District Attorney

P.O. Box 11130

Reno Nevada 89520

Dated this 4th day of May, 2020.

By: Charles Skaggs

Defendant, In Proper Person

AFFIRMATION PURSUANT TO NRS 239B.030

** I certify that the foregoing document DOES NOT contain the social security number of any Persons.

(Date)

(Signature)

Return Of NEF**Recipients**

JENNIFER NOBLE, ESQ. - Notification received on 2020-05-08 14:38:13.584.
KRISTA MEIER, ESQ. - Notification received on 2020-05-08 14:38:13.632.
JOANNA ROBERTS, ESQ. - Notification received on 2020-05-08 14:38:13.514.
BIRAY DOGAN, ESQ. - Notification received on 2020-05-08 14:38:13.49.
LYN BEGGS, ESQ. - Notification received on 2020-05-08 14:38:13.56.
JOHN PETTY, ESQ. - Notification received on 2020-05-08 14:38:13.657.
AMANDA SAGE, ESQ. - Notification received on 2020-05-08 14:38:13.608.
DIV. OF PAROLE & PROBATION - Notification received on 2020-05-08 14:38:13.537.

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

-

A filing has been submitted to the court RE: CR18-2148

Judge:

HONORABLE SCOTT N. FREEMAN

Official File Stamp:

05-08-2020:14:37:05

Clerk Accepted:

05-08-2020:14:37:43

Court:

Second Judicial District Court - State of Nevada
Criminal

Case Title:

STATE VS. CHARLES ANTHONY SKAGGS (TN)
(D9)

Document(s) Submitted:

Mtn to Modify/Correct Sentence

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:

LYN E. BEGGS, ESQ. for CHARLES ANTHONY
SKAGGS

DIV. OF PAROLE & PROBATION

BIRAY DOGAN, ESQ. for CHARLES ANTHONY
SKAGGS

AMANDA C. SAGE, ESQ. for STATE OF
NEVADA

JOANNA L. ROBERTS, ESQ. for CHARLES
ANTHONY SKAGGS

JOHN REESE PETTY, ESQ. for CHARLES
ANTHONY SKAGGS

KRISTA D. MEIER, ESQ.

JENNIFER P. NOBLE, 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.):

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. CR18-2148

vs.

Dept. No. 9

CHARLES SKAGGS,
Defendant.

_____/

NOTICE OF CHANGE OF RESPONSIBLE ATTORNEY

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

Plaintiff herein requests that the Court and all parties herein update their service list with Kevin Naughton'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: May 18, 2020.

CHRISTOPHER J. HICKS
District Attorney

By /s/ Kevin Naughton
KEVIN NAUGHTON
Appellate Deputy
Nevada Bar No. 12834

CERTIFICATE OF SERVICE

I hereby certify that this document was filed electronically with the Second Judicial District Court on May 18, 2020. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

Lyn Beggs, Esq.

/s/ Tatyana Kazantseva
TATYANA KAZANTSEVA

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 May 18, 2020, 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:

Charles Skaggs, #1117743
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. CR18-2148
CR18-2149

vs.

CHARLES SKAGGS,

Dept. No. 9

Defendant.

_____ /

**OPPOSITION TO MOTION TO MOTION TO CORRECT ILLEGAL SENTENCE
AND/OR MODIFY SENTENCE**

COMES NOW, the State of Nevada, by and through CHRISTOPHER J. HICKS,
District Attorney, and Kevin Naughton, Appellate Deputy, and hereby opposes the
Motion to Correct Illegal Sentence and/or Modify Sentence filed by Charles Skaggs
(hereinafter, "Defendant") on May 8, 2020.

Memorandum of Points and Authorities

Statement of the Case

Defendant Charles Skaggs pled guilty and was convicted of Attempted Assault
with the Use of a Deadly Weapon. He was sentenced to 12 to 32 months in prison. See
Judgment of Conviction filed April 18, 2019.

On October 22, 2019, the Defendant filed a post-conviction Petition for Writ of Habeas Corpus and sought the appointment of counsel. Counsel, Lyn Beggs, Esq., was appointed on April 23, 2020.

On May 8, 2020, the Defendant filed his Motion to Correct Illegal Sentence and/or Modify Sentence. This Opposition follows.

Argument

The Defendant is represented by counsel, Lyn Beggs. Until such time as Ms. Beggs withdraws as counsel of record, the Defendant may not file documents in proper person. *See generally* S.C.R. 46; L.C.R. 11; WDCR 3(6); WDCR 23(1). Thus, any filing on behalf of the Defendant done in proper person is a fugitive document and should not be considered.¹

Conclusion

As the Defendant is represented by counsel, his fugitive filing 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: May 18, 2020.

CHRISTOPHER J. HICKS
District Attorney

By /s/ Kevin Naughton
KEVIN NAUGHTON
Appellate Deputy

¹ The State would note, however, that the Defendant's premise appears to generally be correct. NRS 199.330 is an incorrect citation to the Attempt statute. The citation, which was first made in the Information filed by the State, should refer to NRS 193.330(1)(a)(4). The Court retains jurisdiction to correct such a clerical mistake at any time pursuant to NRS 176.565. The Defendant's claim that the Court should sentence him to no more than a year on a misdemeanor conviction should be ignored, as this Court does not have original jurisdiction over misdemeanor offenses. NRS 4.370(3).

CERTIFICATE OF SERVICE

I hereby certify that this document was filed electronically with the Second Judicial District Court on May 18, 2020. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

Lyn Beggs, Esq.

/s/ Tatyana Kazantseva
TATYANA KAZANTSEVA

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 May 18, 2020, 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:

Charles Skaggs #1117743
Northern Nevada Correctional Center
P.O. Box 7000
Carson City, NV 89702

/s/ Tatyana Kazantseva
TATYANA KAZANTSEVA

Return Of NEF**Recipients**

KRISTA MEIER, ESQ. - Notification received on 2020-05-18 10:11:31.004.

JOANNA ROBERTS, ESQ. - Notification received on 2020-05-18 10:11:30.888.

BIRAY DOGAN, ESQ. - Notification received on 2020-05-18 10:11:30.847.

LYN BEGGS, ESQ. - Notification received on 2020-05-18 10:11:31.029.

KEVIN NAUGHTON, ESQ. - Notification received on 2020-05-18 10:11:30.947.

JOHN PETTY, ESQ. - Notification received on 2020-05-18 10:11:31.055.

AMANDA SAGE, ESQ. - Notification received on 2020-05-18 10:11:30.976.

DIV. OF PAROLE & PROBATION - Notification received on 2020-05-18 10:11:30.917.

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

-

A filing has been submitted to the court RE: CR18-2148

Judge:

HONORABLE SCOTT N. FREEMAN

Official File Stamp:

05-18-2020:09:46:51

Clerk Accepted:

05-18-2020:10:11:03

Court:

Second Judicial District Court - State of Nevada
Criminal

Case Title:

STATE VS. CHARLES ANTHONY SKAGGS (TN)
(D9)

Document(s) Submitted:

Notice of Change of Attorney
Opposition to Mtn

Filed By:

Kevin Naughton

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:

LYN E. BEGGS, ESQ. for CHARLES ANTHONY
SKAGGS

KEVIN P. NAUGHTON, ESQ. for STATE OF
NEVADA

DIV. OF PAROLE & PROBATION

BIRAY DOGAN, ESQ. for CHARLES ANTHONY
SKAGGS

AMANDA C. SAGE, ESQ. for STATE OF
NEVADA

JOANNA L. ROBERTS, ESQ. for CHARLES
ANTHONY SKAGGS

JOHN REESE PETTY, ESQ. for CHARLES
ANTHONY SKAGGS

KRISTA D. MEIER, ESQ.

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

ORIGINAL

FILED
Electronically
CR18-2148
2020-05-27 03:23:10 PM
Jacqueline Bryant
Clerk of the Court
Transaction # 7895401 : bblough

CHARLES SKAGGS

(Name)

1117243 (1117743)

(I.D. No.)

Northern Nevada Correctional Center

Post Office Box 7000

Carson City, NV 89702

Movant, In Proper Person

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

CHARLES SKAGGS

Plaintiff/Movant

vs.

THE STATE OF NEVADA

Defendant/Respondent

Case No.: CR18-2148

REPLY TO STATES OPPOSITION TO
MOTION TO CORRECT ILLEGAL SENTENCE
AND/OR MODIFY SENTENCE

COMES NOW, CHARLES SKAGGS, in proper person and herein
above respectfully moves this Honorable Court for a(n) ORDER vacating Judgment
as this court did not have ORIGINAL Jurisdiction over misdemeanor
OFFENSES N.R.S. 4.370(3) with finding that JEOPARDY is attached with Prejudice

REPLY
The instant motion is made and based upon all papers and pleadings on file herein as well
as the following Memorandum of Points and Authorities and attached exhibits (where
applicable).

MEMORANDUM OF POINTS AND AUTHORITIES

The Respondent for the state relies entirely on the premise that because SKAGGS was appointed Counsel in an unrelated Post-conviction Petition for writ of HABEAS CORPUS, this filing should be considered a fugitive document and should not be considered. The Respondent is merely attempting to provide tactical cover for his mishandling of this instant case. The Adverse INFERENCES Proffered are designedly intended to be misleading and bring about an unjust and ILLEGAL Outcome. At the time SKAGGS filed the instant MOTION TO CORRECT on May 8, 2020 NO Attorney had filed NOTICE OF APPEARANCE ON SKAGGS BEHALF, any claim that Attorney LYN Beggs represents SKAGGS is Not supported by the record. The Respondents claim that "until such time as Ms. Beggs withdraws as Counsel of record, the Defendant may not file documents in proper person." Constitutes a SANCTIONABLE ACT. Before Ms. Beggs CAN withdraw, she would first HAVE to file a NOTICE OF APPEARANCE. The Respondents Adverse Inferences Continue where at Footnote 1 of the OPPOSITION the state Concedes that SKAGGS premise is correct, The State's Reliance on a Misdemeanor Citation for Authority to provide the Process requirements pursuant to Due-process when proceeding in a prosecution pursuant to a Charging information ABSOLUTELY limits any and All resulting CONVICTIONS to the stated Misdemeanor Citation. DESPITE this acknowledgment by the Respondent, the Respondents INFERENCE that the Court CAN simply Change the statement IN the CHARGING INFORMATION striking the Authority Relied upon N.R.S. 199.330 for process Requirements AND bring about a Different Conviction pursuant to N.R.S. 193.330 without Due process is a clear CASE OF ABUSE OF Authority and a BREACH

1 of the Public Trust that should not be ignored. The Respondents Proposition
 2 in order to CORRECT HIS Admitted or Claimed ERROR FOUND in the Charging
 3 information Rely's on CHAPTER 176 of the Nevada Revised Statute, which
 4 is limited ENTIRELY to Judgment and Execution and cannot be utilized
 5 to EFFECT change to a charging Information. THERE SIMPLY IS NO
 6 WAY to Substitute the stated MISDEMEANOR STATUTE N.R.S. 199.330
 7 with a FELONY STATUTE N.R.S. 193.330 AFTER SKAGGS HAS NEARLY
 8 expired the Sentence. ~~NEVADA CONSTITUTION~~ ARTICLE 1
 9 Section 8 prevents this expressly and U.S.C. Due-Process

10 The Respondents Adverse Inference is a Request to this Court
 11 to "SUPERIMPOSE" a Felony Conviction after a Conviction for
 12 a misdemeanor is stated, where NO Felony was charged or Prosecuted.

13 The Respondant is correct in one thing as stated in footnote
 14 1 in Opposition "... If This Court does not have Original Jurisdiction
 15 over Misdemeanor OFFENSES, citing N.R.S. 4.37d(3) " Despite this clear
 16 acknowledgment of the Complete mess the Respondant has CREATED
 17 The Respondant is Asking this Court to take Action to Cover-up
 18 HIS ACTIONS in this CASE and simply Convert the misdemeanor Conviction
 19 into A Felony Conviction without due-process and Admittedly where
 20 this Court CANNOT AdJUDICATE Guilt to A Misdemeanor in the
 21 First instance

22 SKAGGS did attempt to Resolve this matter by agreeing to
 23 plead Guilty to a Misdemeanor Petit larceny charge in a
 24 letter submitted to the Respondent BEFORE proceeding with this
 25 instant motion Attached for this Courts Convenience at EXHIBIT 1 The underlying
 26 facts of this case involve the destruction of a USED cell phone, despite
 27 the states reliance for the element of THE USE of A DEADLY weapon in the
 28 assault statute, the plea deal was withdrawn, ⁽¹⁾ Page 2 item No. 4 is the

EXHIBIT 1 letter to Respondent

page 3

(1) Page 2 of Guilty Plea mem. Attached for courts
 Convenience at EXHIBIT 4

1 Basis Relied upon to satisfy the elements clause, The reality is I was faced
 2 with either agreeing to this Deal or Face a trial, Once the Plea deal was
 3 withdrawn The element of USE of A DEADLY WEAPON Could not be met. SKAGGS
 4 DID NOT ALLOCUTE to this Component. SKAGGS is not attempting to litigate
 5 or Re-litigate, But Rather in an Effort to describe the prejudice and
 6 deficiencies of the Respondents Prosecution. The Question of this Courts acceptance
 7 of the plea, SKAGGS will not Delve into at this Juncture, However we must look
 8 closely to the Adjudication and Sentencing April 17 2019 an excerpt of
 9 the transcript is provided for the Courts Convenience at Exhibit 2. No
 10 Adjudication of Guilt is articulated the Court simply Refers to case No. 18-
 11 CR18-2148 and Sentences SKAGGS to A HARSHER sentence by causing
 12 it to be Conservative, AND By Reference this Courts Reliance on
 13 a simple statement for sentencing stating: "In case number CR18-
 14 2148," the Court adopts the charging statute utilized N.R.S.
 15 199.330 A MISDEMEANOR Reliance in this way Corrupted the proceedings

16 The Mis-handling of SKAGGS Case by the Respondent, followed by
 17 the ADVERSE INFERENCES have and continue to cause legal issues
 18 Because SKAGGS Judgment of Conviction is reliant and determinate on
 19 N.R.S. 199.330 A MISDEMEANOR Conviction there is NO BASIS that it would lawfully
 20 provide the statutory authority needed for N.D.O.C. to maintain custody
 21 of SKAGGS The Potential liability to the state as it impairs the Classification
 22 of OFFENDERS is only ONE prejudicial Aspect, SKAGGS addresses this in a
 23 Grievance attached for this Courts Convenience at EXHIBIT 3. In ORDER
 24 To Preserve EXISTANCE SKAGGS ASSERTS that ANY Parole Consideration
 25 that has already occurred or will occur becomes A prejudicial
 26 Factor, Because SKAGGS J.O.C. only Identifies A MISDEMEANOR Conviction
 27 But states A 3 year Sentence the N.D.O.C. Did CAUSE SKAGGS to be
 28 Considered for Parole For A Completely unrelated, unchanged, and

Exhibit 2: Excerpt of Sent. Trans.

Exhibit 3: N.D.O.C. Grievance

Un-contemplated "Assault on a Police officer/Attempt" Not because SKAGGS has
Ever even been involved, Convicted or charged with any Violence on a Police Officer, but
Solely as a result of the J.D.C.'s failure to provide the Basis for a felony conviction, YET
providing a command to imprison for a 3yr sentence. The N.D.C. in a desperate attempt
to satisfy the illegal command, Applied a fictitious felony statute, unrelated to SKAGGS case,
and due to the specific Nature of the representation involving a Police Officer, PreJudice
is apparent. Because of the Unique nature of SKAGGS J.D.C. it is not merely voidable, BUT
is Absolutely VOID, the proper vehicle is this instant motion and not a POST-CONVICTION
Writ of HABEAS as suggested by the Respondent. During this period of National Crisis related
to Covid-19, SKAGGS acknowledges the need to maintain Fiscal JurisPrudence, Notwithstanding
the Suffering and Related Deaths - SKAGGS has made a Good faith effort to resolve this matter
proposing a stipulated Agreement for the destruction of the cell phone in question. The ARROGANCE
and disregard for limited Public Resources, causes the Respondent to intentionally misrepresent the
law through Adverse INFERENCE and to attempt to FURTHER ENSNARE this Court in a scheme
to Convert a charging INFO. AFTER adjudication/ And/or Convert an admitted invalid J.D.C. and
cause it to represent a felony Conviction that has not had the benefit of Due-Process. SKAGGS
is a Playful man and urges this Court NOT to reward the Respondent for his misconduct, to Send
a message that this Court will not serve as puppet or surrender its Judgment to the Respondent
SKAGGS PRAYS THAT this Court Vacate or set ASIDE the Invalid JUDGMENT with PreJudice
in case No CR 18-2148 and Admonish the Respondent. SKAGGS Request the Court direct the Clerk.

Dated this 22 day of may, 2020.

By: Ch
Charles Skaggs

CERTIFICATE OF SERVICE

I, CHARLES SKAGGS certify that on this date I did serve a true and correct copy of the foregoing Motion upon Respondent(s), via U.S. Mail, by placing same in the United States Postal Service (Prison Mail System), postage being fully prepaid, and addressed to:

CHRISTOPHER J. HICKS District Atty. Washoe Co.
ONE SOUTH SIERRA STREET
RENO NV. 89501

AND

Dated this 22 day of may, 2020.

By:

Charles Skaggs
 Charles Skaggs
 Movant, In Proper Person

AFFIRMATION PURSUANT TO NRS 239B.030

** I certify that the foregoing document DOES NOT contain the social security number of any Persons.

5/22/20
 (Date)

Charles Skaggs
 (Signature)
 Charles Skaggs

1

INDEX OF EXHIBITS

2

EXHIBIT NO

Description of Exhibit

No. of Pages

3

1

LETTER TO RESPONDENT FOR STATE

ONE (1)

4

2

EXCERPT OF TRANSCRIPT (SENTENCING)

ONE (1)

5

3

N.D.O.C. GRIEVANCE AND FINAL

Seven (7)

6

AGENCY ORDER/Reliance on

7

Court Decision to SKAGGS Prejudice

8

4

Page 2 of withdrawn Guilty Plea

ONE (1)

9

MEMORANDUM

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

EXHIBIT 1

EXHIBIT 1

CHARLES ANTHONY SKAGGS
P.O. Box 7000 N.N.C.C.
CARSON CITY NV. 89102

MARCH 25, 2020

OFFICE OF THE DISTRICT ATTORNEY, WASHOE COUNTY NEVADA

RE: Case No.: CR18-2148

Dear Sirs

I am writing to alert your office that as a result of a significant mis-step in my case (Case No.: CR18-2148) the CHARGING INFORMATION relied on, And Resulting JUDGMENT OF CONVICTION, utilize for authority, a Nev. Rev. STAT. that does not remotely relate to the facts of my case and does result in a Conviction for a misdemeanor pursuant to N.R.S. 199.330 Buying or Promising reward by Justice or Constable

The resulting J.O.C. cannot be simply changed to reflect a statute for authority that is not Contemplated in the Charging Information. This presents Significant legal issues, and is no fault of my own.

As a result of the unique Circumstances now faced, and in the interest of Fiscal Jurisprudence, and in order to provide your office with FIRST opportunity to Resolve the Problem described Please consider the Following Proposed Remedy:

1) A stipulated agreement to plead Guilty to a violation of N.R.S. 205.240 Petit Larceny A misdemeanor in Case No.: CR18-2148 Resulting in A New Judgment of Conviction for Case No.: CR18-2148

For your Consideration I have included My J.O.C., N.R.S. 199.330, CHARGING INFORMATION Case No.: CR18-2148 and the Completed Grievance #2006-30-98442 Constituting Final agency Order

As I do have a Consecutive 4-10 yr Sentence in NV. This will serve to eliminate any potential Civil-liability for the State (N.D.O.C.)

Time Sensitive
C.C. to File

Respectfully Submitted
Charles Skaggs

V3. 217

EXHIBIT 2

EXHIBIT 2

1 consequences and that's part of the issue of getting
2 through them to turn your life around. So I'm going to
3 give you those consequences now.

4 THE DEFENDANT: Yes, sir.

5 THE COURT: In addition to \$25.00
6 Administrative Assessment fee, \$3.00 DNA fee, \$500 in
7 attorney's fees, \$60.00 chemical analysis fee, in
8 CR18-2149, you're sentenced to a maximum term of 120
9 months in Nevada Department of Corrections, with parole
10 eligibility after 48 months. You're going to be fined
11 \$10,000.

12 In case number CR18-2148, in addition to the
13 fines and fees of \$25.00, \$3.00 and \$500, I'm going to
14 follow the recommendation of your lawyer to this degree,
15 and you'll be sentenced to 32 months in Nevada
16 Department of Corrections with parole eligibility after
17 12 months. However, those sentences will run
18 consecutive to each other, and not concurrent.

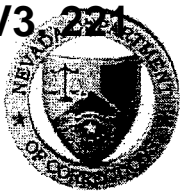
19 And so I've shown you some mercy in the second
20 case, but you'll have some time to do for what you've
21 done.

22 And I'll give you credit for time served,
23 which is?

24 MS. CURRENCE: On 2148 it will be 77 days, and

EXHIBIT 3

EXHIBIT 3



Nevada Department of Corrections

Improper Grievance Memo

TO: Skaggs, Charles

NDOC# 1117743

FROM: Lisa Walsh, AWP NNCC *mlh*

DATE: March 19, 2020

RE: Improper Grievance # 2006-30- 98442

Not Accepted

The attached grievance is being returned to you for the following reason(s):

NOT ACCEPTED - If not accepted do to any of the reasons in this box, the grievance may NOT proceed to the next level Per AR 740.03,5 and 740.04,G.

☒ Non-grievable issues

- ☒ State and federal court decision
- ☐ State, federal and local laws and regulations
- ☐ Parole Board decision
- ☐ Lacks standing

Mr. Skaggs you are grieving the NDOC regarding your JOC. Per AR 740.03 3. Section D. "Only inmate claims arising out of, or relating to, issues within the authority and control of the Department may be submitted for review and resolution. Non grievable issues include: State and federal court decisions. State, federal and local laws and regulations." Mr. Skaggs you may petition the court for an amended JOC. DO NOT RESUBMIT

REJECTED - After correcting the deficiencies(s) listed below; you may re-submit your grievance at the same level unless specified. Failure to re-submit the grievance through the prescribed timeframe shall constitute abandonment.

- ☐ The grievance contains more than one (1) appropriate issue. Only 1 issue is allowed per grievance.
- ☐ No factual harm/loss noted **and/or** no remedy requested.
- ☐ More than two (2) continuation forms (DOC 3097) per grievance
- ☐ Alteration of the grievance forms or continuation forms
- ☐ Other: specify:

LCST
Witness Signature

3-24-20
Date

3/24/20
Inmate Signature

[Signature]
Date

cc: Original – Inmate
Copy - Grievance File

Log Number 200630 98442NEVADA DEPARTMENT OF CORRECTIONS
INFORMAL GRIEVANCENAME: CHARLES SKAGGS I.D. NUMBER: 1117743INSTITUTION: N.N.C.C. UNIT: 10-A-6-H

GRIEVANT'S STATEMENT: I am Grieving the N.D.D.C.'s Confinement of
my person to a State prison where NO FELONY Conviction
exist as Relied on in My Judgment of Conviction. The sole
Conviction identified in My Judgment of Conviction for CASE No.:
CR-18-2148 is For N.R.S. 199.330 (see cont.)

SWORN DECLARATION UNDER PENALTY OF PERJURY

INMATE SIGNATURE: Charles Skaggs DATE: 3/11/20 TIME: 11:20 AMGRIEVANCE COORDINATOR SIGNATURE: [Signature] DATE: 3/12/20 TIME: 11:31 AM

GRIEVANCE RESPONSE: _____

CASEWORKER SIGNATURE: [Signature] DATE: 3-24-2020
☐ GRIEVANCE UPHELD ☐ GRIEVANCE DENIED ☐ ISSUE NOT GRIEVABLE PER AR 740
GRIEVANCE COORDINATOR APPROVAL: [Signature] DATE: 3/23/20
☐ INMATE AGREES ☒ INMATE DISAGREES
INMATE SIGNATURE: Charles Skaggs DATE: 3/24/20

FAILURE TO SIGN CONSTITUTES ABANDONMENT OF THE CLAIM. A FIRST LEVEL GRIEVANCE MAY
 BE PURSUED IN THE EVENT THE INMATE DISAGREES.

Original: To inmate when complete, or attached to formal grievance
 Canary: To Grievance Coordinator
 Pink: Inmate's receipt when formal grievance filed
 Gold: Inmate's initial receipt

P14
 3/12/20
 [Signature]

**NEVADA DEPARTMENT OF CORRECTIONS
GRIEVANT'S STATEMENT CONTINUATION FORM**

NAME: CHARLES SKAGGS I.D. NUMBER: 1117743

INSTITUTION: N.N.C.C. UNIT #: 10-A 6 H

GRIEVANCE #: _____ GRIEVANCE LEVEL: INFORMAL

GRIEVANT'S STATEMENT CONTINUATION: PG. Two OF Three

N.R.S. 199.330 BUYING OR PROMISING REWARD BY JUSTICE OR CONSTABLE

"EVERY Justice of the Peace or constable who shall, directly or indirectly,
buy or be interested in buying anything in action for the purpose of commencing
a suit thereon before a justice of the peace, or who shall give or promise
any valuable consideration to any person as an inducement to bring,
or as a consideration for having brought, a suit before a justice of the
peace, shall be guilty of a misdemeanor."

It is the Duty of the N.D.C. to calculate OFFENDERS sentences, My
Conviction of N.R.S. 199.330 does not permit the N.D.C. to maintain
lawful custody and to calculate any sentence pursuant to a conviction
for N.R.S. 199.330 because it is A MISDEMEANOR, To be confined to
a State Prison There must FIRST be A Felony conviction allowing
a sentence of imprisonment to a State Prison SEE N.R.S. 193.180

The N.D.C. Must ONLY RELY ON the cited Authority
Contained in My J.O.C. in ORDER to determine if A felony
is present. The TEXT Describing a sentence is NOT

Original: Attached to Grievance
Pink: Inmate's Copy

**NEVADA DEPARTMENT OF CORRECTIONS
GRIEVANT'S STATEMENT CONTINUATION FORM**

NAME: CHARLES SKAGGS I.D. NUMBER: 1117743

INSTITUTION: N.N.C.C. UNIT #: 10A 6H

GRIEVANCE #: _____ GRIEVANCE LEVEL: INTERNAL

GRIEVANT'S STATEMENT CONTINUATION: PG. THREE OF THREE

The Authority - The stated N.R.S. is in fact the Actual Authority, N.D.O.C.'s Authority for purposes of imprisonment in ORDER TO ESTABLISH the Custody and Classification of OFFENDER First requires an identified Felony Conviction This Means that the N.D.O.C. is NOT PROPERLY reflecting my Conviction as stated in my J.O.C. to be for N.R.S. 199.330. THE N.D.O.C. is limited to the stated AUTHORITY, and not the text which is in conflict with the stated authority, The N.D.O.C. must effectively "TRICK" the computer into accepting a felony conviction to present. The stated Misdemeanor Conviction contained in my J.O.C. pursuant to N.R.S. 199.330 is NOT a mere clerical error Because the process relied upon is Also limited in My Charging information to only contemplate the Authority pursuant to a prosecution for and resulting conviction for a Misdemeanor N.R.S. 199.330

PROPOSED REMEDY (admin claim attached)

N.D.O.C. Must limit the calculation of my sentence to the only Felony Conviction pursuant to CASE No.: CR18-2149 "Possession of a Trafficking Quantity of a Controlled Substance" N.R.S. 453.3385(1)(b)

Original: Attached to Grievance
Pink: Inmate's Copy

NEVADA DEPARTMENT OF CORRECTIONS ADMINISTRATIVE CLAIM FORM

THIS FORM MUST BE COMPLETED PER NRS 41.036, 41.0322,
209.243 AND ADMINISTRATIVE REGULATION 740

DO NOT SEND DIRECTLY TO ATTORNEY GENERAL'S OFFICE,
BOARD OF EXAMINERS, OR DIRECTOR

This form is to be attached to your grievance form for any injuries or any other claim (except property) arising out of a tort alleged to have occurred during your incarceration as a result of an act or omission of the Department of Corrections or any of its agents, former officers, employees or contractors.

The following information is necessary to fairly evaluate your claim. Please provide complete information. If you need more space, attach a separate sheet of paper. You may submit additional evidence if available. Such additional evidence will be returned.

CLAIM IN THE AMOUNT OF \$ T.B.D. is hereby made against the Department of Corrections, based upon the following facts:

1. NAME OF CLAIMANT (Please print full name)		2. I.D. #	3. INSTITUTION
CHARLES SKAGGS		1117743	N.N.C.C.
4. AMOUNT OF CLAIM	5. DATE AND DAY OF OCCURRENCE		6. TIME (a.m. or p.m.)
TO BE DETERMINED	ONGOING		ONGOING
7. PLACE OF OCCURRENCE			
N.D.O.C.			

DOC 3095 (12/01)

8. Describe here, in complete detail, exactly how your claim loss or damage occurred and why you believe the institution is responsible or liable:

The N.D.C. is intentionally misrepresenting my conviction pursuant to CASE NO.: CR-18-2148 as a Felony conviction where the stated Authority contained in My J.O.C. is a conviction for N.R.S. 199.330 A MISDEMEANOR this is a violation of my Personal liberty

9. Witnesses. Be sure to include any staff member who may have been involved in, or has any knowledge of, your alleged loss; also, list any inmate who has actual knowledge of facts pertinent to your claim:

N.D.C. Timekeeper (JANE or John Doe)

N.D.C. CASEWORKER UNIT 10 N.N.C.C.

N.D.C. OFFENDER MANAGEMENT DIVISION dept head Sharon Meyle

N.D.C. DIRECTOR of PRISONS CHARLES DAVIELS

10. Other pertinent information:

The Process Relied upon for Prosecution of my CASE NO.: CR18-2148 is limited by the stated statutory Authority Relied on which is N.R.S. 199.330 a misdemeanor charge - The Charged Violation Resulted in a J.O.C. Stating SAME A Conviction for a ~~felony~~ violation of N.R.S. 199.330 A MISDEMEANOR - This is Not AND could Not be considered a clerical error NO charge for any felony was presented

STATE OF Nevada)
) SS
COUNTY OF Carson)

I, Charles Skaggs, do hereby swear under penalty of perjury that I am the claimant named above, that I have read the foregoing claim and know the contents thereof, that the same is true of my own knowledge, except those matters stated upon information and belief, and as to those matters, I believe them to be true, and that THIS IS MY ENTIRE CLAIM AGAINST THE STATE OF NEVADA/DEPARTMENT OF CORRECTIONS.

I FULLY UNDERSTAND THAT I WILL HAVE TO SIGN A GENERAL RELEASE OF ALL CLAIMS IN THE PRESENCE OF A NOTARY PUBLIC FOR THE EXACT AMOUNT I AM CLAIMING BEFORE ANY PAYMENT WILL BE OFFERED TO ME. THIS GENERAL RELEASE WILL BECOME EFFECTIVE ONLY UPON ACTUAL PAYMENT OF THE CLAIM BY THE STATE OF NEVADA.

DATED this 11th day of March, 2020

Charles Skaggs
Signature of Claimant

NOTICE

NEVADA REVISED STATUTE 197.160 provides that every person who knowingly presents a false or fraudulent claim is guilty of a gross misdemeanor, and is subject to criminal penalties of imprisonment of up to one year, and a fine of up to \$2,000.00.

EXHIBIT 4

FILED
Electronically
CR18-2148
2020-05-27 03:23:10 PM
Jacqueline Bryant
Clerk of the Court
Transaction # 7895401 : bblough

EXHIBIT 4

1 3. By entering my plea of guilty I know and understand
2 that I am waiving the following constitutional rights:

3 A. I waive my privilege against self-incrimination.

4 B. I waive my right to trial by jury, at which trial the
5 State would have to prove my guilt of all elements of the offenses
6 beyond a reasonable doubt.

7 C. I waive my right to confront my accusers, that is, the
8 right to confront and cross examine all witnesses who would testify
9 at trial.

10 D. I waive my right to subpoena witnesses for trial on my
11 behalf.

12 4. I understand the charge(s) against me and that the
13 elements of the offense(s) which the State would have to prove beyond
14 a reasonable doubt at trial are that on August 12th, 2018, or
15 thereabout, in the County of Washoe, State of Nevada, I did,
16 willfully, unlawfully and intentionally attempt to place NICOLE RENEE
17 DUTRA, in reasonable apprehension of immediate bodily harm, with the
18 use of, or present ability to use, a deadly weapon, to wit: a hammer,
19 in that I did swing a hammer at DUTRA while threatening to cause her
20 bodily injury.

21 5. I understand that I admit the facts which support all
22 the elements of the offense(s) by pleading guilty. I admit that the
23 State possesses sufficient evidence which would result in my
24 conviction. I have considered and discussed all possible defenses
25 and defense strategies with my counsel. I understand that I have the
26 right to appeal from adverse rulings on pretrial motions only if the

Return Of NEF**Recipients**

KRISTA MEIER, ESQ. - Notification received on 2020-05-27 15:25:47.345.

JOANNA ROBERTS, ESQ. - Notification received on 2020-05-27 15:25:47.227.

BIRAY DOGAN, ESQ. - Notification received on 2020-05-27 15:25:47.2.

LYN BEGGS, ESQ. - Notification received on 2020-05-27 15:25:47.373.

KEVIN NAUGHTON, ESQ. - Notification received on 2020-05-27 15:25:47.288.

JOHN PETTY, ESQ. - Notification received on 2020-05-27 15:25:47.4.

AMANDA SAGE, ESQ. - Notification received on 2020-05-27 15:25:47.318.

DIV. OF PAROLE & PROBATION - Notification received on 2020-05-27 15:25:47.257.

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

-

A filing has been submitted to the court RE: CR18-2148

Judge:

HONORABLE SCOTT N. FREEMAN

Official File Stamp:

05-27-2020:15:23:10

Clerk Accepted:

05-27-2020:15:25:13

Court:

Second Judicial District Court - State of Nevada
Criminal

Case Title:

STATE VS. CHARLES ANTHONY SKAGGS (TN)
(D9)

Document(s) Submitted:

Reply to/in Opposition

- **Continuation
- **Continuation
- **Continuation
- **Continuation

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:

LYN E. BEGGS, ESQ. for CHARLES ANTHONY
SKAGGS

KEVIN P. NAUGHTON, ESQ. for STATE OF
NEVADA

DIV. OF PAROLE & PROBATION

BIRAY DOGAN, ESQ. for CHARLES ANTHONY
SKAGGS

AMANDA C. SAGE, ESQ. for STATE OF
NEVADA

JOANNA L. ROBERTS, ESQ. for CHARLES
ANTHONY SKAGGS

JOHN REESE PETTY, ESQ. for CHARLES
ANTHONY SKAGGS

KRISTA D. MEIER, ESQ.

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

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. CR18-2148
CR18-2149

vs.

Dept. No. 9

CHARLES SKAGGS,

Defendant.

_____ /

REQUEST FOR SUBMISSION

It is requested that the Motion to Correct Illegal Sentence and/or Modify Sentence, filed on May 8, 2020, be submitted to the Court for decision.

AFFIRMATION PURSUANT TO NRS 239B.030

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

DATED: May 29, 2020.

CHRISTOPHER J. HICKS
District Attorney

By /s/ Kevin Naughton
KEVIN NAUGHTON
Appellate Deputy

CERTIFICATE OF SERVICE

I hereby certify that this document was filed electronically with the Second Judicial District Court on May 29, 2020. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

Lyn Beggs, Esq.

/s/ Tatyana Kazantseva
TATYANA KAZANTSEVA

Return Of NEF**Recipients**

KRISTA MEIER, ESQ. - Notification received on 2020-05-29 14:41:15.588.

JOANNA ROBERTS, ESQ. - Notification received on 2020-05-29 14:41:15.493.

BIRAY DOGAN, ESQ. - Notification received on 2020-05-29 14:41:15.468.

LYN BEGGS, ESQ. - Notification received on 2020-05-29 14:41:15.613.

KEVIN NAUGHTON, ESQ. - Notification received on 2020-05-29 14:41:15.541.

JOHN PETTY, ESQ. - Notification received on 2020-05-29 14:41:15.636.

AMANDA SAGE, ESQ. - Notification received on 2020-05-29 14:41:15.563.

DIV. OF PAROLE & PROBATION - Notification received on 2020-05-29 14:41:15.517.

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

-

A filing has been submitted to the court RE: CR18-2148

Judge:

HONORABLE SCOTT N. FREEMAN

Official File Stamp:

05-29-2020:14:39:38

Clerk Accepted:

05-29-2020:14:40:41

Court:

Second Judicial District Court - State of Nevada
Criminal

Case Title:

STATE VS. CHARLES ANTHONY SKAGGS (TN)
(D9)

Document(s) Submitted:

Request for Submission

Filed By:

Kevin Naughton

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:

LYN E. BEGGS, ESQ. for CHARLES ANTHONY
SKAGGS

KEVIN P. NAUGHTON, ESQ. for STATE OF
NEVADA

DIV. OF PAROLE & PROBATION

BIRAY DOGAN, ESQ. for CHARLES ANTHONY
SKAGGS

AMANDA C. SAGE, ESQ. for STATE OF
NEVADA

JOANNA L. ROBERTS, ESQ. for CHARLES
ANTHONY SKAGGS

JOHN REESE PETTY, ESQ. for CHARLES
ANTHONY SKAGGS

KRISTA D. MEIER, ESQ.

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

Return Of NEF**Recipients**

KRISTA MEIER, ESQ. - Notification received on 2020-07-09 16:49:52.478.

JOANNA ROBERTS, ESQ. - Notification received on 2020-07-09 16:49:52.299.

BIRAY DOGAN, ESQ. - Notification received on 2020-07-09 16:49:52.252.

LYN BEGGS, ESQ. - Notification received on 2020-07-09 16:49:52.515.

KEVIN NAUGHTON, ESQ. - Notification received on 2020-07-09 16:49:52.387.

JOHN PETTY, ESQ. - Notification received on 2020-07-09 16:49:52.609.

AMANDA SAGE, ESQ. - Notification received on 2020-07-09 16:49:52.435.

DIV. OF PAROLE & PROBATION - Notification received on 2020-07-09 16:49:52.347.

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

-

A filing has been submitted to the court RE: CR18-2148

Judge:

HONORABLE SCOTT N. FREEMAN

Official File Stamp:

07-09-2020:16:46:51

Clerk Accepted:

07-09-2020:16:49:23

Court:

Second Judicial District Court - State of Nevada
Criminal

Case Title:

STATE VS. CHARLES ANTHONY SKAGGS (TN)
(D9)

Document(s) Submitted:

Ex-Parte Mtn

- **Continuation

Filed By:

Lyn E Beggs

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:

LYN E. BEGGS, ESQ. for CHARLES ANTHONY
SKAGGS

DIV. OF PAROLE & PROBATION

BIRAY DOGAN, ESQ. for CHARLES ANTHONY
SKAGGS

JOHN REESE PETTY, ESQ. for CHARLES
ANTHONY SKAGGS

KEVIN P. NAUGHTON, ESQ. for STATE OF
NEVADA

JOANNA L. ROBERTS, ESQ. for CHARLES
ANTHONY SKAGGS

AMANDA C. SAGE, ESQ. for STATE OF
NEVADA

KRISTA D. MEIER, ESQ.

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

Return Of NEF**Recipients**

KRISTA MEIER, ESQ. - Notification received on 2020-07-14 15:46:49.682.

JOANNA ROBERTS, ESQ. - Notification received on 2020-07-14 15:46:49.527.

BIRAY DOGAN, ESQ. - Notification received on 2020-07-14 15:46:49.498.

LYN BEGGS, ESQ. - Notification received on 2020-07-14 15:46:49.723.

KEVIN NAUGHTON, ESQ. - Notification received on 2020-07-14 15:46:49.608.

JOHN PETTY, ESQ. - Notification received on 2020-07-14 15:46:49.762.

AMANDA SAGE, ESQ. - Notification received on 2020-07-14 15:46:49.647.

DIV. OF PAROLE & PROBATION - Notification received on 2020-07-14 15:46:49.563.

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

-

A filing has been submitted to the court RE: CR18-2148

Judge:

HONORABLE SCOTT N. FREEMAN

Official File Stamp:

07-14-2020:15:40:08

Clerk Accepted:

07-14-2020:15:46:14

Court:

Second Judicial District Court - State of Nevada
Criminal

Case Title:

STATE VS. CHARLES ANTHONY SKAGGS (TN)
(D9)

Document(s) Submitted:

Notice

Filed By:

Krista Meier, Esq.

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:

LYN E. BEGGS, ESQ. for CHARLES ANTHONY
SKAGGS

DIV. OF PAROLE & PROBATION

BIRAY DOGAN, ESQ. for CHARLES ANTHONY
SKAGGS

JOHN REESE PETTY, ESQ. for CHARLES
ANTHONY SKAGGS

KEVIN P. NAUGHTON, ESQ. for STATE OF
NEVADA

JOANNA L. ROBERTS, ESQ. for CHARLES
ANTHONY SKAGGS

AMANDA C. SAGE, ESQ. for STATE OF
NEVADA

KRISTA D. MEIER, ESQ.

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

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

CHARLES ANTHONY SKAGGS,

Petitioner,

vs.

Case No. CR18-2148
CR18-2149

Dept. No. 1

STATE OF NEVADA,

Respondent.

-----/

ORDER APPROVING ATTORNEY'S FEES
(Post-Conviction)

Pursuant to the Nevada Supreme Court Order in ADKT 411 and the Second Judicial District Court's Model Plan to address ADKT 411, good cause appearing and in the interests of justice, IT IS HEREBY ORDERED that the recommendations of the Administrator are hereby confirmed, approved and adopted as to the amount of \$1,010.00. This amount may not be the same as the Administrator's recommendation. Counsel is notified that she may request a prove-up hearing for any non-approved amounts before the Chief Judge of the District.

Counsel, Lyn E. Beggs, Esq., shall be reimbursed by the State of Nevada Public Defender's Office attorney fees in the amount of \$1,010.00.

DATED this 15th day of July, 2020.



CHIEF DISTRICT JUDGE

Return Of NEF**Recipients**

KRISTA MEIER, ESQ. - Notification received on 2020-07-15 12:38:59.152.

JOANNA ROBERTS, ESQ. - Notification received on 2020-07-15 12:38:59.055.

BIRAY DOGAN, ESQ. - Notification received on 2020-07-15 12:38:59.03.

LYN BEGGS, ESQ. - Notification received on 2020-07-15 12:38:59.176.

KEVIN NAUGHTON, ESQ. - Notification received on 2020-07-15 12:38:59.104.

JOHN PETTY, ESQ. - Notification received on 2020-07-15 12:38:59.199.

AMANDA SAGE, ESQ. - Notification received on 2020-07-15 12:38:59.128.

DIV. OF PAROLE & PROBATION - Notification received on 2020-07-15 12:38:59.079.

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

-

A filing has been submitted to the court RE: CR18-2148

Judge:

HONORABLE SCOTT N. FREEMAN

Official File Stamp:

07-15-2020:12:37:48

Clerk Accepted:

07-15-2020:12:38:27

Court:

Second Judicial District Court - State of Nevada
Criminal

Case Title:

STATE VS. CHARLES ANTHONY SKAGGS (TN)
(D9)

Document(s) Submitted:

Ord Approving

Filed By:

Judicial Asst. BWard

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:

LYN E. BEGGS, ESQ. for CHARLES ANTHONY
SKAGGS

DIV. OF PAROLE & PROBATION

BIRAY DOGAN, ESQ. for CHARLES ANTHONY
SKAGGS

JOHN REESE PETTY, ESQ. for CHARLES
ANTHONY SKAGGS

KEVIN P. NAUGHTON, ESQ. for STATE OF
NEVADA

JOANNA L. ROBERTS, ESQ. for CHARLES
ANTHONY SKAGGS

AMANDA C. SAGE, ESQ. for STATE OF
NEVADA

KRISTA D. MEIER, ESQ.

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

1 CODE: 3370

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

7 THE STATE OF NEVADA,
8
9 Plaintiff,

Case No.: CR18-2148
CR18-2149
Dept. No.: 9

10 v.

11 CHARLES SKAGGS,
12 Defendant.
13
14

15
16 **ORDER DENYING MOTION TO CORRECT ILLEGAL SENTENCE AND/OR MODIFY**
17 **SENTENCE**

18 The Court is in receipt of Defendant CHARLES SKAGGS' ("Defendant") *Motion to Correct*
19 *Illegal Sentence and/or Modify Sentence* filed May 8, 2020. Plaintiff THE STATE OF NEVADA
20 ("The State") filed its *Opposition to Motion to Correct Illegal Sentence and/or Modify Sentence* on
21 May 18, 2020. Defendant filed his *Reply to States Opposition* May 27, 2020.

22 WDCR 23(1) states: "When a party has appeared by counsel, that individual cannot
23 thereafter appear on his/her own behalf in the case without the consent of the court. Counsel who has
24 appeared for any party shall represent that party in the case and shall be recognized by the court and
25 by all parties as having control of the client's case, until counsel withdraws, another attorney is
26 substituted, or until counsel is discharged by the client in writing, filed with the filing office, in
27 accordance with SCR 46 and this rule. The court in its discretion may hear a party in open court
although the party is represented by counsel."

28 ///

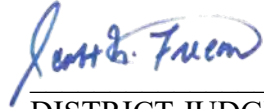
1 A review of the record reveals that Defendant filed a *Post-Conviction Petition for Writ of*
2 *Habeas Corpus* and sought the appointment of counsel on October 22, 2019. A *Recommendation*
3 *and Order Appointing Counsel* was filed April 23, 2020. Defendant thereafter filed the instant
4 *Motion*, pro per, on May 8, 2020. Pursuant to WDCR 23(1), any document filed by Defendant, pro
5 per, while he is represented by counsel is a fugitive document and will not be considered by the
6 Court.

7 THEREFORE, and good cause appearing,

8 IT IS HEREBY ORDERED Defendant CHARLES SKAGGS' ("Defendant") *Motion to*
9 *Correct Illegal Sentence and/or Modify Sentence* is denied.

10 IT IS SO ORDERED.

11 DATED this 23rd day of July 2020.

12 
13 _____

14 DISTRICT JUDGE
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of the Second Judicial District Court of the State of Nevada, County of Washoe; that on this 23rd day of July, 2020, I deposited for mailing with the United States Postal Service in Reno, Nevada, a true copy of the attached document addressed to:

Charles Skaggs, #1117743
NNCC
P.O. Box 7000
Carson City, NV 89702

Further, I certify that on the 23rd day of July, 2020, I electronically filed the foregoing with the Clerk of the Court electronic filing system, which will send notice of electronic filing to the following:

LYN BEGGS, ESQ. for CHARLES ANTHONY SKAGGS
DIV. OF PAROLE & PROBATION
JOHN PETTY, ESQ. for CHARLES ANTHONY SKAGGS
BIRAY DOGAN, ESQ. for CHARLES ANTHONY SKAGGS
KEVIN NAUGHTON, ESQ. for STATE OF NEVADA
JOANNA ROBERTS, ESQ. for CHARLES ANTHONY SKAGGS
AMANDA SAGE, ESQ. for STATE OF NEVADA
KRISTA MEIER, ESQ.



Judicial Assistant

Return Of NEF**Recipients**

KRISTA MEIER, ESQ. - Notification received on 2020-07-23 10:54:03.113.

JOANNA ROBERTS, ESQ. - Notification received on 2020-07-23 10:54:03.01.

BIRAY DOGAN, ESQ. - Notification received on 2020-07-23 10:54:02.984.

LYN BEGGS, ESQ. - Notification received on 2020-07-23 10:54:03.138.

KEVIN NAUGHTON, ESQ. - Notification received on 2020-07-23 10:54:03.061.

JOHN PETTY, ESQ. - Notification received on 2020-07-23 10:54:03.164.

AMANDA SAGE, ESQ. - Notification received on 2020-07-23 10:54:03.087.

DIV. OF PAROLE & PROBATION - Notification received on 2020-07-23 10:54:03.036.

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

PROOF OF SERVICE OF ELECTRONIC FILING

-

A filing has been submitted to the court RE: CR18-2148

Judge:

HONORABLE SCOTT N. FREEMAN

Official File Stamp:

07-23-2020:10:52:57

Clerk Accepted:

07-23-2020:10:53:33

Court:

Second Judicial District Court - State of Nevada

Criminal

Case Title:

STATE VS. CHARLES ANTHONY SKAGGS (TN)
(D9)

Document(s) Submitted:

Ord Denying Motion

Filed By:

Judicial Asst. BWard

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:

LYN E. BEGGS, ESQ. for CHARLES ANTHONY
SKAGGS

DIV. OF PAROLE & PROBATION

JOHN REESE PETTY, ESQ. for CHARLES
ANTHONY SKAGGS

BIRAY DOGAN, ESQ. for CHARLES ANTHONY
SKAGGS

KEVIN P. NAUGHTON, ESQ. for STATE OF
NEVADA

JOANNA L. ROBERTS, ESQ. for CHARLES
ANTHONY SKAGGS

AMANDA C. SAGE, ESQ. for STATE OF
NEVADA

KRISTA D. MEIER, ESQ.

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

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: CR18-2148

vs.

CR18-2149

Dept. No: 9

CHARLES ANTHONY SKAGGS,

Defendant.

_____ /

NOTICE OF ENTRY OF ORDER

PLEASE TAKE NOTICE that on July 23, 2020, the Court entered a decision or order in this matter, a true and correct copy of which is attached hereto.

Dated July 24, 2020.

JACQUELINE BRYANT

Clerk of the Court

/s/N. Mason

N. Mason-Deputy Clerk

CERTIFICATE OF SERVICE

Case No. CR18-2148, CR18-2149

Pursuant to NRCP 5 (b), I certify that I am an employee of the Second Judicial District Court; that on July 24, 2020, I electronically filed the Notice of Entry of Order with the Court System which will send a notice of electronic filing to the following:

LYN E. BEGGS, ESQ. for CHARLES ANTHONY SKAGGS
DIV. OF PAROLE & PROBATION
JOHN REESE PETTY, ESQ. for CHARLES ANTHONY SKAGGS
BIRAY DOGAN, ESQ. for CHARLES ANTHONY SKAGGS
KEVIN P. NAUGHTON, ESQ. for STATE OF NEVADA
JOANNA L. ROBERTS, ESQ. for CHARLES ANTHONY SKAGGS
AMANDA C. SAGE, ESQ. for STATE OF NEVADA
KRISTA D. MEIER, ESQ.

I further certify that on July 24, 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:

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

Charles Skaggs (#1117743)
NNCC
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 July 24, 2020.

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

1 CODE: 3370

2

3

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

5 IN AND FOR THE COUNTY OF WASHOE

6

7 THE STATE OF NEVADA,

8 Plaintiff,

9 v.

10 CHARLES SKAGGS,

11 Defendant.

12

13

14

15

Case No.: CR18-2148

CR18-2149

Dept. No.: 9

16 **ORDER DENYING MOTION TO CORRECT ILLEGAL SENTENCE AND/OR MODIFY**

17 **SENTENCE**

18 The Court is in receipt of Defendant CHARLES SKAGGS' ("Defendant") *Motion to Correct*

19 *Illegal Sentence and/or Modify Sentence* filed May 8, 2020. Plaintiff THE STATE OF NEVADA

20 ("The State") filed its *Opposition to Motion to Correct Illegal Sentence and/or Modify Sentence* on

21 May 18, 2020. Defendant filed his *Reply to States Opposition* May 27, 2020.

22 WDCR 23(1) states: "When a party has appeared by counsel, that individual cannot

23 thereafter appear on his/her own behalf in the case without the consent of the court. Counsel who has

24 appeared for any party shall represent that party in the case and shall be recognized by the court and

25 by all parties as having control of the client's case, until counsel withdraws, another attorney is

26 substituted, or until counsel is discharged by the client in writing, filed with the filing office, in

27 accordance with SCR 46 and this rule. The court in its discretion may hear a party in open court

28 although the party is represented by counsel."

///

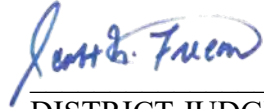
1 A review of the record reveals that Defendant filed a *Post-Conviction Petition for Writ of*
2 *Habeas Corpus* and sought the appointment of counsel on October 22, 2019. A *Recommendation*
3 *and Order Appointing Counsel* was filed April 23, 2020. Defendant thereafter filed the instant
4 *Motion*, pro per, on May 8, 2020. Pursuant to WDCR 23(1), any document filed by Defendant, pro
5 per, while he is represented by counsel is a fugitive document and will not be considered by the
6 Court.

7 THEREFORE, and good cause appearing,

8 IT IS HEREBY ORDERED Defendant CHARLES SKAGGS' ("Defendant") *Motion to*
9 *Correct Illegal Sentence and/or Modify Sentence* is denied.

10 IT IS SO ORDERED.

11 DATED this 23rd day of July 2020.

12 
13 _____

14 DISTRICT JUDGE
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of the Second Judicial District Court of the State of Nevada, County of Washoe; that on this 23rd day of July, 2020, I deposited for mailing with the United States Postal Service in Reno, Nevada, a true copy of the attached document addressed to:

Charles Skaggs, #1117743
NNCC
P.O. Box 7000
Carson City, NV 89702

Further, I certify that on the 23rd day of July, 2020, I electronically filed the foregoing with the Clerk of the Court electronic filing system, which will send notice of electronic filing to the following:

LYN BEGGS, ESQ. for CHARLES ANTHONY SKAGGS
DIV. OF PAROLE & PROBATION
JOHN PETTY, ESQ. for CHARLES ANTHONY SKAGGS
BIRAY DOGAN, ESQ. for CHARLES ANTHONY SKAGGS
KEVIN NAUGHTON, ESQ. for STATE OF NEVADA
JOANNA ROBERTS, ESQ. for CHARLES ANTHONY SKAGGS
AMANDA SAGE, ESQ. for STATE OF NEVADA
KRISTA MEIER, ESQ.



Judicial Assistant

Return Of NEF**Recipients**

KRISTA MEIER, ESQ. - Notification received on 2020-07-24 11:39:03.297.

JOANNA ROBERTS, ESQ. - Notification received on 2020-07-24 11:39:03.202.

BIRAY DOGAN, ESQ. - Notification received on 2020-07-24 11:39:03.177.

LYN BEGGS, ESQ. - Notification received on 2020-07-24 11:39:03.321.

KEVIN NAUGHTON, ESQ. - Notification received on 2020-07-24 11:39:03.249.

JOHN PETTY, ESQ. - Notification received on 2020-07-24 11:39:03.344.

AMANDA SAGE, ESQ. - Notification received on 2020-07-24 11:39:03.274.

DIV. OF PAROLE & PROBATION - Notification received on 2020-07-24 11:39:03.226.

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

PROOF OF SERVICE OF ELECTRONIC FILING

-

A filing has been submitted to the court RE: CR18-2148

Judge:

HONORABLE SCOTT N. FREEMAN

Official File Stamp:

07-24-2020:11:37:58

Clerk Accepted:

07-24-2020:11:38:33

Court:

Second Judicial District Court - State of Nevada

Criminal

Case Title:

STATE VS. CHARLES ANTHONY SKAGGS (TN)
(D9)

Document(s) Submitted:

Notice of Entry of Ord

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:

LYN E. BEGGS, ESQ. for CHARLES ANTHONY
SKAGGS

DIV. OF PAROLE & PROBATION

JOHN REESE PETTY, ESQ. for CHARLES
ANTHONY SKAGGS

BIRAY DOGAN, ESQ. for CHARLES ANTHONY
SKAGGS

KEVIN P. NAUGHTON, ESQ. for STATE OF
NEVADA

JOANNA L. ROBERTS, ESQ. for CHARLES
ANTHONY SKAGGS

AMANDA C. SAGE, ESQ. for STATE OF
NEVADA

KRISTA D. MEIER, ESQ.

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

CHARLES SKAGGS #111743
Post Office Box 7000
Carson City, Nevada 89702-7000

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR COUNTY OF WASHOE

CHARLES SKAGGS
Plaintiff

vs

THE STATE OF NEVADA
Respondent

Case No: CR18-2148

REQUEST FOR SUBMISSION

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

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

MOTION TO CORRECT ILLEGAL SENTENCE AND/OR MODIFY SENTENCE, be
submitted to the appropriate Honorable Court for a review and a decision.

Dated this TWENTIETH day of JULY, 2020

Charles Skaggs

Proper Persona Plaintiff

Return Of NEF**Recipients**

KRISTA MEIER, ESQ. - Notification received on 2020-07-24 14:26:58.662.

JOANNA ROBERTS, ESQ. - Notification received on 2020-07-24 14:26:58.571.

BIRAY DOGAN, ESQ. - Notification received on 2020-07-24 14:26:58.548.

LYN BEGGS, ESQ. - Notification received on 2020-07-24 14:26:58.685.

KEVIN NAUGHTON, ESQ. - Notification received on 2020-07-24 14:26:58.616.

JOHN PETTY, ESQ. - Notification received on 2020-07-24 14:26:58.707.

AMANDA SAGE, ESQ. - Notification received on 2020-07-24 14:26:58.639.

DIV. OF PAROLE & PROBATION - Notification received on 2020-07-24 14:26:58.594.

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

PROOF OF SERVICE OF ELECTRONIC FILING

-

A filing has been submitted to the court RE: CR18-2148

Judge:

HONORABLE SCOTT N. FREEMAN

Official File Stamp:

07-24-2020:14:25:50

Clerk Accepted:

07-24-2020:14:26:27

Court:

Second Judicial District Court - State of Nevada

Criminal

Case Title:

STATE VS. CHARLES ANTHONY SKAGGS (TN)
(D9)

Document(s) Submitted:

Request for Submission

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:

LYN E. BEGGS, ESQ. for CHARLES ANTHONY
SKAGGS

DIV. OF PAROLE & PROBATION

JOHN REESE PETTY, ESQ. for CHARLES
ANTHONY SKAGGS

BIRAY DOGAN, ESQ. for CHARLES ANTHONY
SKAGGS

KEVIN P. NAUGHTON, ESQ. for STATE OF
NEVADA

JOANNA L. ROBERTS, ESQ. for CHARLES
ANTHONY SKAGGS

AMANDA C. SAGE, ESQ. for STATE OF
NEVADA

KRISTA D. MEIER, ESQ.

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

CHARLES SKAGGS
(Name)

1117743
(I.D. No.)

Northern Nevada Correctional Center
Post Office Box 7000
Carson City, NV 89702

Movant, In Proper Person

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

CHARLES SKAGGS

Plaintiff/Movant

vs.

THE STATE OF NEVADA

Defendant/Respondent

Case No.: CR 18-2148

MOTION SEEKING CONSENT OF
the Court, WDCR 23(1) to Appear

COMES NOW, CHARLES SKAGGS, in proper person and herein
above respectfully moves this Honorable Court for a(n) ORDER GRANTING THIS
Courts Consent to appear on Petitioners own behalf pursuant to
WDCR 23(1) providing petitioner may appear on own behalf with Consent of Court

The instant motion is made and based upon all papers and pleadings on file herein as well
as the following Memorandum of Points and Authorities and attached exhibits (where
applicable).

MEMORANDUM OF POINTS AND AUTHORITIES

Petitioner SKAGES filed a "MOTION TO CORRECT ILLEGAL SENTENCE and/or Modify sentence" filed May 8 2020. Respondent for the State filed its OPPOSITION TO MOTION TO CORRECT ILLEGAL SENTENCE and/or MODIFY SENTENCE May 27, 2020. THIS COURTS ORDER DENYING MOTION TO CORRECT ILLEGAL SENTENCE AND/OR MODIFY SENTENCE was filed on July 23 2020. This Courts ORDER TO DENY SKAGES MOTION Relies on WDCR 23(1) "When a party has appeared by Counsel, that individual cannot thereafter appear on his/her own behalf in the case without the Consent of the Court. Counsel who has APPEARED for any party shall represent that party in the case and shall be recognized by the Court"

The Courts Order supra Concludes "Pursuant to WDCR 23(1) any document filed by Defendant, pro per, while he is represented by Counsel is a fugitive document and will not be considered by the Court."

This Court has CONFIRMED the APPOINTMENT of Counsel (see ORDER supra) with the APPEARANCE of Counsel. Despite the appointment of Counsel filed April 23 2020 ORDER appointing Counsel NO APPEARANCE of COUNSEL HAS OR HAD BEEN FILED when SKAGES filed his MOTION to CORRECT. WDCR 23(1) Does NOT ALLOW this court to RECOGNISE COUNSEL UNTIL ACTUAL APPEARANCE. Additionally WDCR 23(1) Does NOT CONTEMPLATE NOR PROVIDE AUTHORITY FOR THIS COURTS ORDER TO DENY, claiming "Pursuant to WDCR 23(1), any document filed by Defendant, pro per, while he is represented by Counsel is a FUGITIVE document and will not be considered by the Court" [No such exclusion of any document contemplated]. In fact WDCR 23(1) specifically rebutes this claim stating;

"When a party has appeared by Counsel, that individual cannot thereafter appear on his/her own behalf in the case WITHOUT CONSENT OF THE COURT."

The issue Identified in SKAGGS MOTION describes a FUNDAMENTAL MISCARRIAGE of JUSTICE BECAUSE the Prosecution did proceed in THIS DISTRICT COURT on a Charging Information that was RELIANT on a MISDEMEANOR AUTHORITY, AND as Pointed out by the RESPONDENT FOR the STATE, THIS COURT NEVER had Jurisdiction to Proceed in the First instance see Respondents OPPOSITION. Despite these Facts, SKAGGS correctly points to WDCR 23(1) AND SEEKS This Courts Order Granting Consent to Appear Pro Prio in the MOTION TO CORRECT ILLEGAL SENTENCE AND/OR MODIFY SENTENCE, OR IN the ALTERNATIVE SKAGGS ASKS this Court to ACT SUE ESPONTE to Correct the FUNDAMENTAL MISCARRIAGE of Justice Related to SKAGGS MOTION to CORRECT. SKAGGS Request that this Court direct that the Production of the ORDER Requested be produced by this Court where SKAGGS CANNOT Produce a document TYPED FOR This Courts Permanent Records. SKAGGS Request is not meant to withdraw counsel, only to be Given Consent on this matter

Dated this 9th day of AUGUST, 2020.

By: Charles Skaggs

CERTIFICATE OF SERVICE

I, CHARLES SKAGGS certify that on this date I did serve a true and correct copy of the foregoing Motion upon Respondent(s), via U.S. Mail, by placing same in the United States Postal Service (Prison Mail System), postage being fully prepaid, and addressed to:

CHRISTOPHER HICKS
WASHOE CO. DIST. ATT. OFFICE
ONE SOUTH SIERRA STREET
RENO NV. 89501

AND

Dated this 10th day of August, 2020.

By: Charles Skaggs

Movant, In Proper Person

AFFIRMATION PURSUANT TO NRS 239B.030

** I certify that the foregoing document DOES NOT contain the social security number of any Persons.

8-10-2020
 (Date)

Charles Skaggs
 (Signature)

Return Of NEF**Recipients**

KRISTA MEIER, ESQ. - Notification received on 2020-08-14 15:21:19.28.

JOANNA ROBERTS, ESQ. - Notification received on 2020-08-14 15:21:19.185.

BIRAY DOGAN, ESQ. - Notification received on 2020-08-14 15:21:19.16.

LYN BEGGS, ESQ. - Notification received on 2020-08-14 15:21:19.306.

KEVIN NAUGHTON, ESQ. - Notification received on 2020-08-14 15:21:19.232.

JOHN PETTY, ESQ. - Notification received on 2020-08-14 15:21:19.33.

AMANDA SAGE, ESQ. - Notification received on 2020-08-14 15:21:19.256.

DIV. OF PAROLE & PROBATION - Notification received on 2020-08-14 15:21:19.209.

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

-

A filing has been submitted to the court RE: CR18-2148

Judge:

HONORABLE SCOTT N. FREEMAN

Official File Stamp:

08-14-2020:15:19:12

Clerk Accepted:

08-14-2020:15:20:49

Court:

Second Judicial District Court - State of Nevada
Criminal

Case Title:

STATE VS. CHARLES ANTHONY SKAGGS (TN)
(D9)

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:

LYN E. BEGGS, ESQ. for CHARLES ANTHONY
SKAGGS

AMANDA C. SAGE, ESQ. for STATE OF
NEVADA

DIV. OF PAROLE & PROBATION

KRISTA D. MEIER, ESQ.

JOHN REESE PETTY, ESQ. for CHARLES
ANTHONY SKAGGS

BIRAY DOGAN, ESQ. for CHARLES ANTHONY
SKAGGS

JOANNA L. ROBERTS, ESQ. for CHARLES
ANTHONY SKAGGS

KEVIN P. NAUGHTON, 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.):

CODE: 2490
Lyn E. Beggs
Bar no. 6248
316 California Ave. #863
Reno, NV 89509
(775)432-1918
Attorney for Petitioner

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

CHARLES ANTHONY SKAGGS,

Petitioner,

Case No: CR18-2148
CR18-2149

vs.

Dept. 9

STATE OF NEVADA,

Respondent.

_____ /

MOTION TO WITHDRAW AS COUNSEL

COMES NOW the undersigned counsel and moves to withdraw as counsel in this matter pursuant to Nevada Supreme Court Rule 46(2) based on the following and the Declaration under Penalty of Perjury attached hereto as Exhibit 1.

Counsel was appointed on April 23, 2020 pursuant to a Recommendation and Order in both the above referenced cases to represent Petitioner on his Petition for Writ of Habeas Corpus (post-conviction). Pursuant to the Order, the undersigned counsel, as counsel of record in these matters, began a review of records in both cases to determine if a supplemental petition is necessary to be filed.

During the pendency of counsel's review, Petitioner filed a Motion to Correct Illegal Sentence and/or Modify Sentence in pro per. The State filed an Opposition on May 18, 2020 and Petitioner filed a Reply on May 27, 2020. On July 23, 2020, this Court denied the pro per motion as it was a fugitive document as Petitioner is currently represented by the undersigned counsel.

As set forth in Exhibit 1, counsel has attempted to discuss this matter with Petitioner both telephonically and in writing to explain that as he is represented by counsel, pro per filings will be considered by the Court as fugitive documents. Petitioner has now filed a Motion for Consent of Court to Appear in pro per on August 14, 2020 seeking the consent of this Court for Petitioner to appear in pro per on his original Motion to Correct Illegal Sentence, arguing in essence that he was not represented at the time that he filed the motion as a Notice of Appearance was not filed by counsel, disregarding this Court's Order appointing counsel.

Petitioner claims that he is not seeking the withdrawal of counsel, rather he wishes leave to represent himself on his original pro per motion. Nevada Rule of Professional Conduct (NRPC) 2.1 provides that "in representing a client, a lawyer shall exercise independent professional judgment and render candid advice." Further NRPC 3.1 states that "a lawyer shall not bring or defend a proceeding, or assert or controvert an issue therein, unless there is a basis in law and fact for doing so that is not frivolous." Petitioner's insistence on apparently bifurcating representation in this matter so that he brings the issues he wishes to, regardless of the advice of counsel renders it impossible for the undersigned counsel to continue representing Petitioner without a violation of the Nevada Rules of Professional Conduct as Petitioner clearly wishes to dictate what issues are presented to the Court.

Based on the above and the attached Exhibit 1, the undersigned requests that this Court enter an Order allowing the withdrawal of counsel pursuant to Nevada Supreme Court Rule 46(2).

Affirmation Pursuant to NRS 239B.030

The undersigned affirms that this Motion to Withdraw as Counsel does not contain the social security number of any person.

DATED this 24th day of August, 2020.



Lyn E. Beggs, Esq.
Nevada Bar No. 6248
Attorney for Petitioner

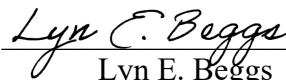
CERTIFICATE OF SERVICE

I certify that on the 24th day of August, 2020, I electronically filed the foregoing with the Clerk of the Court system which will send a notice of electronic filing to the following:

Kevin Naughton, Esq.
Washoe County District Attorney's Office
P.O. Box 11130
Reno, NV 89520

and by USPS First Class Mail to the following:

Charles Anthony Skaggs, #1117743
NNCC
PO Box 7000
Carson City NV 89702



Lyn E. Beggs
Nevada Bar No. 6248

Exhibit List

Exhibit 1: Declaration Under Penalty of Perjury

EXHIBIT 1

DECLARATION OF UNDER PENALTY OF PERJURY

I, LYN E. BEGGS, do hereby declare under penalty of perjury that the assertions of this declaration are true.

1. I am an attorney licensed in the State of Nevada and was appointed pursuant to a Court Order to represent Petitioner Charles Anthony Skaggs regarding a Petition for Writ of Habeas Corpus filed in cases CR18-2148 and CR18-2149.
2. During the time of representing Petitioner Skaggs, he filed a Motion to Correct Illegal Sentence in pro per as well as a pro per Reply to the State's Motion to Dismiss. I attempted both in writing and by phone to explain to Petitioner Skaggs that as he is represented by counsel he is unable to file pro per motions. Petitioner Skaggs has continued to argue that as a Notice of Appearance was not filed in this matter, he may file pro per motions despite the Order appointing counsel.
3. Via written correspondence sent July 23, 2020 to Petitioner Skaggs, I again attempted to explain that I was counsel of record and had the ethical and professional responsibility to ultimately determine what issues were presented to the Court in potentially supplementing his petition.
4. Subsequently, Petitioner Skaggs filed another pro per motion on August 14, 2020, now seeking leave to appear in pro per on his original motion while retaining counsel for purposes of the Petition for Writ of Habeas Corpus; apparently wishing to bifurcate representation in this matter. Based on Petitioner Skaggs continued desire to pursue the issues raised in his Motion to Correct Illegal Sentence in pro per despite previous attempts to address this issue with him, I do not believe that I can continue representing Petitioner Skaggs as he clearly has evidenced a desire to dictate what issues are raised

in this matter and wishes to be both self-represented and represented by counsel which is untenable.

5. For the foregoing reasons, the undersigned Counsel no longer believes that representation of Petitioner Skaggs is possible at this time and has filed a Motion to Withdraw in this matter.

Signed this August 24, 2020.



Lyn E. Beggs

Return Of NEF**Recipients**

KRISTA MEIER, ESQ. - Notification received on 2020-08-24 13:53:03.599.

JOANNA ROBERTS, ESQ. - Notification received on 2020-08-24 13:53:03.505.

BIRAY DOGAN, ESQ. - Notification received on 2020-08-24 13:53:03.482.

LYN BEGGS, ESQ. - Notification received on 2020-08-24 13:53:03.623.

KEVIN NAUGHTON, ESQ. - Notification received on 2020-08-24 13:53:03.552.

JOHN PETTY, ESQ. - Notification received on 2020-08-24 13:53:03.646.

AMANDA SAGE, ESQ. - Notification received on 2020-08-24 13:53:03.576.

DIV. OF PAROLE & PROBATION - Notification received on 2020-08-24 13:53:03.529.

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

-

A filing has been submitted to the court RE: CR18-2148

Judge:

HONORABLE SCOTT N. FREEMAN

Official File Stamp:

08-24-2020:12:44:04

Clerk Accepted:

08-24-2020:13:52:29

Court:

Second Judicial District Court - State of Nevada
Criminal

Case Title:

STATE VS. CHARLES ANTHONY SKAGGS (TN)
(D9)

Document(s) Submitted:

Motion

- **Continuation

Filed By:

Lyn E Beggs

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:

LYN E. BEGGS, ESQ. for CHARLES ANTHONY
SKAGGS

AMANDA C. SAGE, ESQ. for STATE OF
NEVADA

DIV. OF PAROLE & PROBATION

KRISTA D. MEIER, ESQ.

JOHN REESE PETTY, ESQ. for CHARLES
ANTHONY SKAGGS

BIRAY DOGAN, ESQ. for CHARLES ANTHONY
SKAGGS

JOANNA L. ROBERTS, ESQ. for CHARLES
ANTHONY SKAGGS

KEVIN P. NAUGHTON, 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.):

CHARLES SKAGGS
(Name)

1117743
(I.D. No.)

Northern Nevada Correctional Center
Post Office Box 7000
Carson City, NV 89702

Movant, In Proper Person

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

CHARLES SKAGGS

Plaintiff/Movant

vs.

STATE OF NEVADA

Defendant/Respondent

Case No.: CR18-2148

DEPT: 9

NON OPPOSITION MOTION TO
MOTION TO WITHDRAW AS COUNSEL

COMES NOW CHARLES SKAGGS, Petitioner, in proper person and herein
above respectfully moves this Honorable Court for a(n) ORDER GRANTING IN PART
WITHDRAWAL OF COUNSEL RELATED ONLY TO CASE NO.: CR18-2148
BASED ON THE FOLLOWING DECLARATION UNDER PENALTY OF PERJURY ATTACHED AS EXHIBIT 1
AND The instant motion is made and based upon all papers and pleadings on file herein as well
as the following Memorandum of Points and Authorities and attached exhibits (where
applicable).

MEMORANDUM OF POINTS AND AUTHORITIES

Comes now Petitioner SKAGGS in support in part, pursuant to ATTORNEY BEGG'S MOTION TO WITHDRAW AS COUNSEL IN CASE No. 1: CR 18-2149 filed 8-24-2020 in the above entitled case. Upon Review of attorney Beggs MOTION petitioner desires to make a record of OBJECTIONS to MANY ADVERSE INFERENCES' and FLAT OUT MIS-STATEMENTS Beggs asks this court to Rely on in making its decision. The issue before this court relates to a proceeding in District Court that relied upon a Misdemeanor authority where this court did not possess subject matter Jurisdiction in the First instance, but none-the-less did produce a Judgment of Conviction utilizing and determine on a Misdemeanor Authority for a Conviction - But Commencing a Three year Sentence for an uncharged Felony described, SKAGGS was improperly recieved into the state-prison without a Felony Authority for Conviction AND subsequently presented to the Board of Parole Commissioners to be Considered for parole for Assault Police officer w/u DW. SKAGGS underlying facts Do NOT support any such Crime, nor does the J.O.C. But For the Errors contained in the J.O.C. as a result of this Court proceeding without Jurisdiction and producing a J.O.C. that cites a misdemeanor Statute for authority, But stating facts of an un-charged Attempt Assault with/u DW, SKAGGS is Further INJURED. Common Law Jurisprudence demands that all those involved take steps and action to Correct this clear violation of law.

Skaggs points to Attorney Beggs claim in her Motion, that Petitioner is ASKING this court to disregard the ORDER appointing Counsel when seeking Consent to be Heard on Petitioner's Motion

TO CORRECT ILLEGAL SENTENCE and/or Modify. SKAGGS objects to this Obvious Attempt to Confuse the Court, this claim by Beggs is Factually ^{wrong} and simply a lie and Misrepresentation of the Facts

Although Beggs cites Nevada Rules of Professional Conduct (NRPC) 2.1 and 3.1. Beggs does Not state AN Opinion as to whether or Not Beggs Opinion is one way or another, Frivolous, or Not. The Slippery Adverse Inferences' do not set out an opinion on the Basis of law Relied upon by SKAGGS in his Motion. What is clear is the OPINION of the Respondent for the State Establishing that SKAGGS BASIS in Law AND FACTS ARE IN FACT CORRECT see STAGS oppositen filed in this case (see future) Beggs Claim of Bifurcation of Representation is Completely without Merit. SKAGGS Motion to Correct does not implicate the HABEAS, Beggs Representation would be limited to,

Attorney Beggs Had Not AND I Believe Still Has Not APPEARED on the record as Attorney in any Capacity - the Record is clear on this point Despite the SEALED Billing statements to this Court, Beggs CANNOT withdraw until Appearance Has happened. SKAGGS Submits that Attorney Beggs has Not Set forth ANY Basis of Opinion as Required by NRPC 2.1 or 3.1 to Allow for withdrawal However SKAGGS Request Beggs Be Withdrawn but only on case No. CR18-2148

Dated this 27th day of AUGUST, 2020.

By: Charles Skaggs

CERTIFICATE OF SERVICE

I, CHARLES SKAGGS certify that on this date I did serve a true and correct copy of the foregoing Motion upon Respondent(s), via U.S. Mail, by placing same in the United States Postal Service (Prison Mail System), postage being fully prepaid, and addressed to:

LYN BEGG'S ATTORNEY
316 CALIFORNIA AVE # 863
RENO NV
89509

AND

WASHOE CO. DIST. ATTORNEY
P.O. Box 1130
RENO NV
89520

Dated this 27 day of AUG, 20 20.

By: Charles Skaggs
 Movant, In Proper Person

AFFIRMATION PURSUANT TO NRS 239B.030

** I certify that the foregoing document DOES NOT contain the social security number of any Persons.

8-27-2020
 (Date)

Charles Skaggs
 (Signature)

EXHIBIT LIST

EXHIBIT 1 : Counter Declaration Under Penalty of Perjury

Exhibit Cover Page

EXHIBIT NUMBER _____

DECLARATION UNDER PENALTY OF PERJURY

I Charles Skaggs do hereby Declare under Penalty of Perjury that the assertions of this Declaration are True N.R.S. 208.105

- 1.) Attorney Beggs was appointed regarding Petitioner's SKAGGS Proceedings related to Petition for writ of HABEAS CORPUS filed in CASE No.: CR18-2148 CR18-2149
- 2.) ORDER Granting appointment of Counsel was filed April 23 2020.
At the time (MAY 8, 2020) of SKAGGS Filing MOTION TO CORRECT ILLEGAL SENTENCE pro-per NO Attorney Including Beggs had appeared on Skaggs behalf
- 3.) WDCR 23(1) Requires actual APPEARANCE by Counsel, stating in relevant part "Counsel who has appeared for any party, . . . shall be recognised by the court, . . ."
- 4.) It is Petitioner's belief and understanding that BEFORE Counsel may withdraw, Counsel must first NOTICE APPEARANCE TO THE COURT
- 5.) Attorney Beggs record in declaration @ 3 relates to Supplementing Petition for HABEAS CORPUS And Does NOT address SKAGGS Motion TO Correct
- 6.) Attorney Beggs does not set forth an Opinion that SKAGGS MOTION TO CORRECT is either Frivolous or without a BASIS in Law, Only Protest that "Petitioner wishes to Dictate what issues are presented to the Court"
- 7.) Respondent For the state expressly states that Petitioner's Premise in Law is Correct see Respondent's OPPOSITION TO MOTION TO CORRECT ILLEGAL SENTENCE AND/OR MODIFY SENTENCE CASE CR18-2148 at Footnote '09 & "The state would note, however, that the defendant's Premise appears to generally be Correct"
- 8.) I Believe Attorney Beggs has not made a Record sufficiently Satisfying APPEARANCE Requirements Contemplated by WDCR 23(1) AND HAS NOT SET FORTH A Clear record of opinion that would Provide Consideration for withdrawal under NRDC 2.1 or 3.1
- 9.) I Do not Believe Attorney Beggs will act in the Best interest of my LEGAL RIGHTS AND ISSUES Related to CASE No.: CR18-2148
- 10.) I Believe Attorney Beggs should be Removed From Appointment only Related to CASE No.: CR18-2148

Aug. 27, 2020

Charles Skaggs
CHARLES SKAGGS

Return Of NEF**Recipients**

KRISTA MEIER, ESQ. - Notification received on 2020-09-01 08:56:47.959.

JOANNA ROBERTS, ESQ. - Notification received on 2020-09-01 08:56:47.862.

BIRAY DOGAN, ESQ. - Notification received on 2020-09-01 08:56:47.837.

LYN BEGGS, ESQ. - Notification received on 2020-09-01 08:56:47.983.

KEVIN NAUGHTON, ESQ. - Notification received on 2020-09-01 08:56:47.911.

JOHN PETTY, ESQ. - Notification received on 2020-09-01 08:56:48.007.

AMANDA SAGE, ESQ. - Notification received on 2020-09-01 08:56:47.935.

DIV. OF PAROLE & PROBATION - Notification received on 2020-09-01 08:56:47.886.

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

-

A filing has been submitted to the court RE: CR18-2148

Judge:

HONORABLE SCOTT N. FREEMAN

Official File Stamp:

09-01-2020:08:44:13

Clerk Accepted:

09-01-2020:08:56:20

Court:

Second Judicial District Court - State of Nevada
Criminal

Case Title:

STATE VS. CHARLES ANTHONY SKAGGS (TN)
(D9)

Document(s) Submitted:

Non-Opposition

- **Continuation

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:

LYN E. BEGGS, ESQ. for CHARLES ANTHONY
SKAGGS

AMANDA C. SAGE, ESQ. for STATE OF
NEVADA

DIV. OF PAROLE & PROBATION

KRISTA D. MEIER, ESQ.

JOHN REESE PETTY, ESQ. for CHARLES
ANTHONY SKAGGS

BIRAY DOGAN, ESQ. for CHARLES ANTHONY
SKAGGS

JOANNA L. ROBERTS, ESQ. for CHARLES
ANTHONY SKAGGS

KEVIN P. NAUGHTON, 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.):

CODE: 1670
Lyn E. Beggs
Bar no. 6248
316 California Ave. #863
Reno, NV 89509
(775)432-1918
Attorney for Petitioner

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

CHARLES ANTHONY SKAGGS,

Petitioner,

Case No: CR18-2148
CR18-2149

vs.

Dept. 9

STATE OF NEVADA,

Respondent.

_____ /

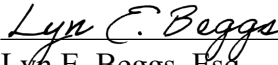
REQUEST FOR SUBMISSION OF MOTION TO WITHDRAW AS COUNSEL

COMES NOW, the undersigned counsel, and requests that the Motion to Withdraw as filed August 24, 2020 be submitted for decision.

Affirmation Pursuant to NRS 239B.030

The undersigned affirms that this Request for Submission does not contain the social security number of any person.

DATED this 10th day of September, 2020.

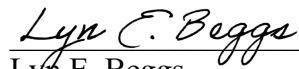


Lyn E. Beggs, Esq.
Nevada Bar No. 6248
Attorney for Petitioner

CERTIFICATE OF SERVICE

I certify that on the 10th day of September, 2020, I electronically filed the foregoing with the Clerk of the Court system which will send a notice of electronic filing to the following:

Kevin Naughton, Esq.
Washoe County District Attorney's Office
P.O. Box 11130
Reno, NV 89520



Lyn E. Beggs
Nevada Bar No. 6248

Return Of NEF**Recipients**

KRISTA MEIER, ESQ. - Notification received on 2020-09-10 16:53:08.743.

JOANNA ROBERTS, ESQ. - Notification received on 2020-09-10 16:53:08.657.

BIRAY DOGAN, ESQ. - Notification received on 2020-09-10 16:53:08.634.

LYN BEGGS, ESQ. - Notification received on 2020-09-10 16:53:08.765.

KEVIN NAUGHTON, ESQ. - Notification received on 2020-09-10 16:53:08.699.

JOHN PETTY, ESQ. - Notification received on 2020-09-10 16:53:08.786.

AMANDA SAGE, ESQ. - Notification received on 2020-09-10 16:53:08.722.

DIV. OF PAROLE & PROBATION - Notification received on 2020-09-10 16:53:08.678.

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

PROOF OF SERVICE OF ELECTRONIC FILING

-

A filing has been submitted to the court RE: CR18-2148

Judge:

HONORABLE SCOTT N. FREEMAN

Official File Stamp:

09-10-2020:16:50:28

Clerk Accepted:

09-10-2020:16:52:36

Court:

Second Judicial District Court - State of Nevada

Criminal

Case Title:

STATE VS. CHARLES ANTHONY SKAGGS (TN)
(D9)

Document(s) Submitted:

Request for Submission

Filed By:

Lyn E Beggs

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:

LYN E. BEGGS, ESQ. for CHARLES ANTHONY
SKAGGS

AMANDA C. SAGE, ESQ. for STATE OF
NEVADA

DIV. OF PAROLE & PROBATION

KRISTA D. MEIER, ESQ.

JOHN REESE PETTY, ESQ. for CHARLES
ANTHONY SKAGGS

BIRAY DOGAN, ESQ. for CHARLES ANTHONY
SKAGGS

JOANNA L. ROBERTS, ESQ. for CHARLES
ANTHONY SKAGGS

KEVIN P. NAUGHTON, 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.):

CHARLES SKAGGS
(Name)

1117743
(I.D. No.)

Northern Nevada Correctional Center
Post Office Box 7000
Carson City, NV 89702

Movant, In Proper Person

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

CHARLES SKAGGS

Plaintiff/Movant

vs.

THE STATE OF NEVADA

Defendant/Respondent

Case No.: CR18-2148

Dept. No.: 9

REQUEST FOR SUBMISSION

COMES NOW, CHARLES SKAGGS, in proper person, and respectfully requests submission of his pleading, to wit: MOTION SEEKING CONSENT OF COURT & APPEAL, WDCR 23(1), filed in this court on 8-14-2020, for adjudication on the merits.

This request is made pursuant to the applicable District Court Rules, and Nevada Rules of Civil Procedure.

Respectfully submitted this 10th day of September, 2020.

By: Charles Skaggs
CHARLES SKAGGS

CERTIFICATE OF SERVICE

I, CHARLES SKAGGS certify that on this date I did serve a true and correct copy of the foregoing pleading upon Respondent(s), via U.S. Mail, by placing same in the United States Postal Service (Prison Mail System), postage being fully prepaid, and addressed to:

WASHOE CO DIST. ATT.
P.O. Box 11130
 Reno NV. 89520

AND

Dated this 10th day of Sept., 2020.

By: Charles Skaggs
CHARLES SKAGGS
 Movant, In Proper Person

AFFIRMATION PURSUANT TO NRS 239B.030

** I certify that the foregoing document DOES NOT contain the social security number of any Persons.

Sept. 10th 2020
 (Date)

Charles Skaggs
 (Signature)

Return Of NEF**Recipients**

KRISTA MEIER, ESQ. - Notification received on 2020-09-15 09:18:10.647.

JOANNA ROBERTS, ESQ. - Notification received on 2020-09-15 09:18:10.553.

BIRAY DOGAN, ESQ. - Notification received on 2020-09-15 09:18:10.53.

LYN BEGGS, ESQ. - Notification received on 2020-09-15 09:18:10.67.

KEVIN NAUGHTON, ESQ. - Notification received on 2020-09-15 09:18:10.599.

JOHN PETTY, ESQ. - Notification received on 2020-09-15 09:18:10.693.

AMANDA SAGE, ESQ. - Notification received on 2020-09-15 09:18:10.623.

DIV. OF PAROLE & PROBATION - Notification received on 2020-09-15 09:18:10.575.

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

-

A filing has been submitted to the court RE: CR18-2148

Judge:

HONORABLE SCOTT N. FREEMAN

Official File Stamp:

09-15-2020:09:17:06

Clerk Accepted:

09-15-2020:09:17:41

Court:

Second Judicial District Court - State of Nevada
Criminal

Case Title:

STATE VS. CHARLES ANTHONY SKAGGS (TN)
(D9)

Document(s) Submitted:

Request for Submission

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:

AMANDA C. SAGE, ESQ. for STATE OF
NEVADA

LYN E. BEGGS, ESQ. for CHARLES ANTHONY
SKAGGS

KRISTA D. MEIER, ESQ.

JOANNA L. ROBERTS, ESQ. for CHARLES
ANTHONY SKAGGS

BIRAY DOGAN, ESQ. for CHARLES ANTHONY
SKAGGS

JOHN REESE PETTY, ESQ. for CHARLES
ANTHONY SKAGGS

DIV. OF PAROLE & PROBATION

KEVIN P. NAUGHTON, 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.):

1 CODE: 3347
2
3
4

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

8
9 CHARLES ANTHONY SKAGGS,

10 Petitioner,

11 vs.

12 STATE OF NEVADA,
13

14 Respondent.
15

Case No.: CR18-2148

CR18-2149

Dept. No.: 9

16 **ORDER GRANTING MOTION TO WITHDRAW AS COUNSEL**

17 The Court is in receipt of LYN E. BEGGS, Esq.'s (hereafter "Ms. Beggs") *Motion to*
18 *Withdraw as Counsel* filed August 24, 2020. On September 1, 2020, Petitioner CHARLES
19 ANTHONY SKAGGS (hereafter "Skaggs") filed a *Non-Opposition Motion to Motion to Withdraw*
20 *as Counsel*. Upon review of the record, the Court finds good cause appears to GRANT Ms. Beggs'
21 *Motion*.

22 Ms. Beggs was appointed on April 23, 2020 to represent Skaggs on his Petition for Writ of
23 Habeas Corpus (Post-Conviction). While Ms. Beggs was actively reviewing Skaggs' record to
24 determine if a supplemental petition was necessary, Skaggs filed a fugitive *Motion to Correct Illegal*
25 *Sentence and/or Modify Sentence* in pro per. This Court denied the pro per motion on July 23, 2020
26 finding it was a fugitive document as Skaggs was represented by Ms. Beggs at the time of the filing
27 of that motion. A Petitioner represented by council may not file pleadings in pro per. Ms. Beggs
28 asserts she has attempted to explain to Skaggs that "as he is represented by counsel, pro per filings
will be considered by the Court as fugitive documents." *Mot. p. 2:5-8*.

1 Upon review of the record, it appears Skaggs has chosen to ignore the advice of Ms. Beggs
2 and has now filed a *Motion for Consent of Court to Appear in Pro Per*. Skaggs appears to claim that
3 while he is not seeking the withdraw of Ms. Beggs, he wishes to represent himself on his original pro
4 per motion. Ms. Beggs asserts Skaggs disregard for advice of counsel makes it impossible for her to
5 continue in her representation without violating the Nevada Rules of Professional Conduct. *Id.* p.
6 2:21-25.

7 Pursuant to NRPC 2.1, “in representing a client, a lawyer shall exercise independent
8 professional judgment and render candid advice.” Moreover, pursuant to Nevada Supreme Court
9 Rule 46(2), “The attorney in an action or special proceeding may be changed . . . upon the order of
10 the court or judge thereof on the application of the attorney or the client.”

11 The Court finds Ms. Beggs rendered advice to Skaggs which Skaggs ultimately ignored. The
12 Court finds Skaggs disregard for counsel’s professional judgment and advice makes it impossible for
13 Ms. Beggs to continue in her representation of Skaggs. Therefore, pursuant to Nevada Supreme
14 Court Rule 46(2), the court grants Ms. Beggs *Motion*.

15 THEREFORE, and good cause appearing, IT IS HEREBY ORDERED LYN E. BEGGS,
16 *Motion to Withdraw as Counsel* is granted.

17 IT IS SO ORDERED.

18 DATED this 26th day of October 2020.

19 
DISTRICT JUDGE

1 CERTIFICATE OF SERVICE

2

3 Pursuant to NRCP 5(b), I certify that I am an employee of the Second Judicial District Court
4 of the State of Nevada, County of Washoe; that on this 26th day of October, 2020, I deposited for
5 mailing with the United States Postal Service in Reno, Nevada, a true copy of the attached document
6 addressed to:

7
8 Charles Skaggs, #1117743
9 NNCC
10 P.O. Box 7000
11 Carson City, NV 89702

12 Further, I certify that on the 26th day of October, 2020, I electronically filed the
13 foregoing with the Clerk of the Court electronic filing system, which will send notice of electronic
14 filing to the following:

15
16 AMANDA SAGE, ESQ. for STATE OF NEVADA
17 KRISTA MEIER, ESQ.
18 KEVIN NAUGHTON, ESQ. for STATE OF NEVADA
19 DIV. OF PAROLE & PROBATION
20 BIRAY DOGAN, ESQ. for CHARLES ANTHONY SKAGGS
21 JOHN PETTY, ESQ. for CHARLES ANTHONY SKAGGS
22 JOANNA ROBERTS, ESQ. for CHARLES ANTHONY SKAGGS
23 LYN BEGGS, ESQ. for CHARLES ANTHONY SKAGGS

24
25 

26 _____
27 Judicial Assistant
28

Return Of NEF**Recipients**

KRISTA MEIER, ESQ. - Notification received on 2020-10-26 13:01:10.408.

JOANNA ROBERTS, ESQ. - Notification received on 2020-10-26 13:01:10.306.

BIRAY DOGAN, ESQ. - Notification received on 2020-10-26 13:01:10.284.

LYN BEGGS, ESQ. - Notification received on 2020-10-26 13:01:10.434.

KEVIN NAUGHTON, ESQ. - Notification received on 2020-10-26 13:01:10.351.

JOHN PETTY, ESQ. - Notification received on 2020-10-26 13:01:10.457.

AMANDA SAGE, ESQ. - Notification received on 2020-10-26 13:01:10.376.

DIV. OF PAROLE & PROBATION - Notification received on 2020-10-26 13:01:10.328.

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

-

A filing has been submitted to the court RE: CR18-2148

Judge:

HONORABLE SCOTT N. FREEMAN

Official File Stamp:

10-26-2020:12:59:55

Clerk Accepted:

10-26-2020:13:00:34

Court:

Second Judicial District Court - State of Nevada
Criminal

Case Title:

STATE VS. CHARLES ANTHONY SKAGGS (TN)
(D9)

Document(s) Submitted:

Ord Withdrawal of Counsel

Filed By:

Judicial Asst. BWard

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:

AMANDA C. SAGE, ESQ. for STATE OF
NEVADA

KRISTA D. MEIER, ESQ.

KEVIN P. NAUGHTON, ESQ. for STATE OF
NEVADA

DIV. OF PAROLE & PROBATION

BIRAY DOGAN, ESQ. for CHARLES ANTHONY
SKAGGS

JOHN REESE PETTY, ESQ. for CHARLES
ANTHONY SKAGGS

JOANNA L. ROBERTS, ESQ. for CHARLES
ANTHONY SKAGGS

LYN E. BEGGS, ESQ. for CHARLES ANTHONY
SKAGGS

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

Charles A Skaggs

(Name)

111 7743

(I.D. Number)

Northern Nevada Correctional Center
Post Office Box 7000
Carson City, NV 89702

*Per NRS 239B, 030 this document
does not contain any persons SS#.*
Petitioner, In Proper Person

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

Charles A. Skaggs

Petitioner,

vs.

ISIDRO BACA, Warden

Respondent.

Case No.: CR-18-2149
CR-18 2148

Dept. No.: 9

**SUPPLEMENTAL
PETITION FOR WRIT OF HABEAS
CORPUS (POST-CONVICTION)**

(Non Death Penalty)

INSTRUCTIONS:

1. This petition must be legibly handwritten or typewritten, signed by the petitioner and verified.
2. Additional pages are not permitted except where noted or with respect to the facts which you rely upon to support your grounds for relief. No citation of authorities need be furnished. If briefs or arguments are submitted, they should be submitted in the form of a separate memorandum.
3. If you want an attorney appointed, you must complete the Affidavit in Support of Motion for Leave to Proceed In Forma Pauperis. You must have an authorized officer at the prison complete the certificate as to the amount of money and securities on deposit to your credit in any account in the institution.
4. You must name as Respondent the person by whom you are confined or restrained. If you are in a specific institution of the department of corrections, name the warden or head of the

*4A. This supplements the original petition filed Oct. 22 2019
which is here by incorporated as more fully prosecuted*

*Discovery Requested Per
NRS 34.780
NRAP 4a Late-Untimely Appeal
REQUESTED*

1 institution. If you are not in a specific institution of the department but within its custody, name the
2 director of the department of corrections.

3 (5) You must include all grounds or claims for relief which you may have regarding your
4 conviction or sentence. Failure to raise all grounds in this petition may preclude you from filing
5 future petitions challenging your conviction and sentence.

6 (6) You must allege specific facts supporting the claims in the petition you file seeking
7 relief from any conviction or sentence. Failure to allege specific facts rather than just conclusions
8 may cause your petition to be dismissed. If your petition contains a claim of ineffective assistance of
9 counsel, that claim will operate to waive the attorney-client privilege for the proceeding in which you
10 claim your counsel was ineffective.

11 (7) When the petition is fully completed, the original and copy must be filed with the
12 clerk of the state district court for the county in which you were convicted. One copy must be mailed
13 to the respondent, one copy to the attorney general's office, and one copy to the district attorney of
14 the county in which you were convicted or to the original prosecutor if you are challenging your
15 original conviction or sentence. Copies must conform in all particulars to the original submitted for
16 filing.

17 PETITION

18 1. Name of institution and county in which you are presently imprisoned or where and
19 how you are presently restrained of your liberty: Northern NV Correctional Center, County
of Carson City

20 2. Name and location of court which entered the judgment of conviction under attack:

21 2nd Juct. Dist. Ct/Washoe Co.; Reno, NV

22 3. Date of judgment of conviction: 4/18/19

23 4. Case Number: CR18-2148
CR18-2149

24 5. (a) Length of sentence: _____

25 CR18-2148 ⇒ 12-32 mos. (\$25 Admin Assess, \$3 DNA, \$500 Att. Fee)

26 Credit 77 days served; Consecutive to:

27 CR18-2149 ⇒ 48-120 mos. (\$10000 Fine, \$25 Admin Assess, \$3 DNA,

28 \$500 Att., \$60 Chem. Anal. Fee); Credit Zero days.

6. Are you presently serving a sentence for a conviction other than the conviction under attack in this motion? Yes _____ No X

If "yes", list crime, case number and sentence being served at this time:

N/A

7. Nature of offense involved in conviction being challenged: _____

CR18-2148 ⇒ Attempted Assault w/Deadly Weapon

CR18-2149 ⇒ Possession of a Trafficking Qty of controlled substance

8. What was your plea? (check one)

(a) Not guilty _____ (c) Guilty but mentally ill _____

(b) Guilty X (d) Nolo contendere _____

9. If you entered a plea of guilty to one count of an indictment or information, and a plea of not guilty to another count of an indictment of information, or if a plea of guilty was negotiated, give details: CR2148 ⇒ Assault w/DW dropped to Attempt; Robbery,

TPO/EPO Violations, & Domestic Battery dismissed;

CR2149 ⇒ Level of trafficking dropped one level; Possession,

Possession For sales, & CCW dismissed.

10. If you were found guilty after a plea of not guilty, was the finding made by: (check one)

(a) Jury _____

N/A

(b) Judge without a jury _____

11. Did you testify at the trial? Yes _____ No N/A

12. Did you appeal from the judgment of conviction?

Yes X No _____

13. If you did appeal, answer the following:

(a) Name of court: NV Supreme Court

(b) Case number or citation: 78845 / 78847

(c) Result: Order Dismissing Appeals

(d) Date of result: 8/23/19

(Attach copy of order or decision, if available)

14. If you did not appeal, explain briefly why you did not:

Appeal, but appeal w/drawn by counsel as issues
more cognizable on habeas corpus

15. Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any petitions, applications or motions with respect to this judgment in any court, state or federal? Yes _____ No X

16. If you answer to No. 15 was "yes," give the following information:

- (a) (1) Name of court: N/A
 (2) Name of proceeding: N/A
 (3) Grounds raised: N/A

(4) Did you receive an evidentiary hearing on your petition, application or motion? Yes _____ No X N/A

(5) Result: N/A

(6) Date of result: N/A

(7) If known, citations of any written opinion or date of orders entered pursuant to such result:

(b) As to any second petition, application or motion, give the same information:

(1) Name of court: N/A

(2) Nature of proceeding: N/A

(3) Grounds raised: N/A

(4) Did you receive an evidentiary hearing on your petition, application or motion? Yes _____ No X

(5) Result: N/A

(6) Date of result: N/A

(7) If known, citations of any written opinion or date of orders entered pursuant to such result: N/A

(c) As to any third or subsequent additional applications or motions, give the same information as above, list them on a separate sheet and attach. N/A

(d) Did you appeal to the highest state or federal court having jurisdiction, the result or action taken on any petition, application or motion? N/A

(1) First petition, application or motion?

Yes _____ No _____ N/A

(2) Second petition, application or motion?

Yes _____ No _____ N/A

(3) Third or subsequent petitions, applications or motions?

Yes _____ No _____ N/A

Citation or date of decision.

(e) If you did not appeal from the adverse action on any petition, application or motion, explain briefly why you did not. (You must relate specific facts in response to this question. Your response may be included on paper which is 8 1/2 by 11 inches attached to the petition. Your response may not exceed five handwritten or typewritten pages in length)

N/A

17. Has any ground being raised in this petition been previously presented to this or any other court by way of petition for habeas corpus, motion, application or any other post-conviction proceeding? If so, identify:

(a) Which of the grounds is the same: N/A

(b) The proceedings in which these grounds were raised: N/A

(c) Briefly explain why you are again raising these grounds. (You must relate specific facts in response to this question. Your response may be included on paper which is 8 ½ by 11 inches attached to the petition. Your response may not exceed five handwritten or typewritten pages in length.)

N/A

18. If any of the grounds listed in Nos. 23(a), (b), (c) and (d), or listed on any additional pages you have attached, were not previously presented in any other court, state or federal, list briefly what grounds were not so presented, and give your reasons for not presenting them. (You must relate specific facts in response to this question. Your response may be included on paper which is 8 ½ by 11 inches attached to the petition. Your response may not exceed five handwritten or typewritten pages in length.)

Not Appropriately raised on direct appeal b/c guilty plea taken, so there is no trial record

19. Are you filing this petition more than 1 year following the filing of the judgment of conviction or the filing of a decision on direct appeal? If so, state briefly the reasons for the delay. (You must relate specific facts in response to this question. Your response may be included on paper which is 8 ½ by 11 inches attached to the petition. Your response may not exceed five handwritten or typewritten pages in length.)

No. This Petition is Timely Filed

20. Do you have any petition or appeal now pending in any court, either state or federal, as to the judgment under attack? Yes _____ No X

If yes, state what court and the case number:

21. Give the name of each attorney who represented you in the proceeding resulting in your conviction and on direct appeal: Pretrial through sentencing ⇒ Brian Degan

Appeal ⇒ John Reese Petty

18 (continued)

The petitioner had filed eight grounds on Oct. 22 2019, after being fraudulently misinformed by public defender John Petty Reese, and by this undue influence, the petitioner was wrongfully convinced to drop his direct appeal which was timely filed; after learning that many of the facts alleged in his original habeas corpus petition in fact constituted allegations of government misconduct by the police investigators, the district attorney and the judicial branch; these are issues which should have been presented under direct review, and therefore this issue is presented newly in ground nine (9) and thereafter; the plaintiff certifies that it was only after several months of study that he chanced upon the principles of law which require non-6th Amendment issues to be presented in direct review

In addition, the clear error of the charging documents by the district attorney and judicial error in failing to fix that error sua sponte has had, and will continue to have prejudicial effects in his future dealings with the criminal justice system -- his parole was considered wrongfully as is the petitioners PSI and prison classification process. The attorney Lyn Beggs has withdrawn as counsel for her political opposition to this issue.

22. Do you have any future sentences to serve after you complete the sentence imposed by the judgment under attack:

Yes _____ No X

23. State concisely every ground on which you claim that you are being held unlawfully. Summarize briefly the facts supporting each ground. If necessary you may attach pages stating additional grounds and facts supporting same.

(a) Ground NINE All prior paragraphs of Grounds 1-8 incorporated here as minutely developed
 John Petty Reese violated the 6th Amendment of U.S. Const. by his conflict-of-interest-caused undue influence which was relied on by petitioner as reasonable and good cause to withdraw his timely filed direct appeal. Rule 4(c) et seq is invoked to seek the district court's order to file an untimely appeal.

Supporting Facts:

- 1.) The decision to plead guilty at arraignment was in exchange for the sentence of 3 to 10 yrs w/ no possibility of probation, and possibility of a fine up to 10K, and the state was released from the burden of the expense of jury trial;
- 2.) however, there were backroom deals cut to add conditions to the legally binding contract of the "plea deal," which were never conveyed in writing or verbally to the defendant by any of the parties to the case, being the state of Nevada and the private person on whose behalf the state was prosecuting; this condition kept secret by government was: if the defendant party committed any further violations of the law between the arraignment and sentencing that
 - a) the "deal" would be nullified and the defendant could withdraw plea formally and go to trial, because
 - b.) the judge could use crimes accused of as aggravators;

a)

Ground Nine (continued)

- 3.) County of Washoe's paid attorney representing indigent defendants are bound to the ethical standards of the Nevada Rules of Professional Conduct and the spirit of ADR 411; these government policies are aimed to insure citizens of Nevada have counsel who are guided in the manner in which the 6th Amendment of the United States is to be carried out in the privileges it secures those accused of crimes;
- 4.) the defendant pled guilty on 1-9-19;
- 5.) he received his sentence on 4-17-19
- 6.) in the interim of 3 mos. the petitioner picked up federal charges;
- 7.) there is no statute or any written code known to the petitioner that requires, suggests, permits or allows the judge to utilize the facts of a subsequent case to pass judgment on an antecedent case as done here;
- 8.) at all times herein, from Jan. 9 to April 2019 BIRAY DOGAN committed fraudulent concealment of the statutory right to withdraw plea by defendants;
- 9.) NRPC Rule 4, Communication states at Rule 4(a)(3) "A lawyer shall keep the client reasonably informed about status of the matter;" Therefore when the petitioner received federal charges, and the plea deal went down the drain, had the defendant been advised of the use of aggravators

23 a) Ground nine (continued)

9) (cont.)

by the sentencing court he would have gone to trial

10) Because these allegations raise issues of judicial misconduct of not advising the defendant that it was going to use the federal charges as aggravators, and the very constitutionality of the practice, usage and customs of the Washoe County system of criminal justice which gives the judge "discretion" to follow the plea or not, (without statute cited in the colloquy transcript) and no statutory authority to use "aggravators" of events post facto to the tortious acts being punished, this matter ought to have been brought to the Nevada Supreme Court on Direct Review;

11.) The lawyer DOGAN failed to preserve the constitutional challenge of the county criminal practice of dishonoring plea deals, yet covers-up the tracks of his fraudulent concealment by arguing the Original Agreement should be honored;

12.) JOHN REESE PETTY, appellate counsel also used undue influence to fraudulently conceal the issue getting the convicted petitioner to withdraw his appeal

13.) both PETTY and DOGAN are fiscally conflicted because they are county employees paid through district attorney;

(b) Ground TEN

JOHN REESE PETTY, because he is under fiscal control of the
 alshoe County District Attorney, violates the 6th Amendment
 when he failed to correct the BI and the original charging
 information and judgment of conviction on direct appeal,
 but rather used undue influence on petitioner to withdraw Appeal
 SCN 78345
 Supporting Facts: All prior paragraphs incorporated as more fully developed.

14.) But for the prosecutorial ministerial misconduct
 and judicial ministerial misconduct, the public registry
 of criminal records has been falsified, contrary to criminal
 statutes of NRS 197.130, False Reports;

15.) Both the prosecutor's information and the Judgment
 of Conviction wrongfully say the petitioner was charged
 with and was convicted for NRS 149.330, Buying or
 promising a reward by justice or constable;

16.) this is a grossly incorrect clerical oversight
 which calls the competence of the criminal administrators
 into question -- the court, district attorney and
 public defenders (being in the pay of the D.A.) all
 missed the error;

17.) the parole board used this heinous falsehood as a determinative
 factor to deny the petitioner's parole;

18.) the sentencing court of the U.S. District Court will
 be pressured by the U.S. Attorney to aggravate his sentence
 as it is considered a crime of violence;

19.) the petitioner asked his court appointed Attorney to fix this
 she refused and quit; he also notified this court by motion
 of this issue, which was dismissed because he had an attorney
 who refused to represent the issue;

20. the factual disjunction between the criminal statute and the title of the correct verbiage of statute, makes it look as though he attempted harm on an official of the state when in fact is that it was a domestic dispute, see Exhibit 1 text of 199.330

21. Sentencing attorney BIRAY DOGAN was ineffective to miss this error at the pre-arraignment stage;

22. Lyn E. Beggs ineffective for dismissing the gravity of the error and abandoning the petitioner;

23. the District Attorney is violating NRPC Advocate Rule 8, special responsibilities of a Prosecutor by recognizing and conceding the clerical error yet opposing its correction and failing to do what it needs to do to preserve the integrity of the criminal administration of justice

"The prosecutor in a criminal case shall:
(a) Refrain from prosecuting a charge that the prosecutor knows is not supported by probable cause." See Exhibit 2 Opposition, FN 1 pg 2

24. there is no probable cause for any act by defendant towards or as a constable or justice;

25. it is prosecutorial ministerial misconduct to make fast and loose with the accurate prosecution of the law, therefore PETTY was ineffective for abusing his power of influence to get Staggs to drop a matter of the permanent criminal record and abusive of discretion, needing to be on direct ~~NB 321~~;

(e) Ground *ELEVEN*

Skaggs denied fundamental due process right to notice and opportunity to correct the PSI when the Nevada Department of Public Safety failed to afford him an opportunity to correct errors, and Appellate Counsel violates 6th Amendment for not raising on Appeal that Sentencing Judge abuses discretion for not enforcing ^{law}.

Supporting Facts: All prior paragraphs incorporated here as more fully developed.

26) Pre-Sentence Investigation Reports are required to be produced by state's Dept. of Public Safety, to be created by police agents of the Division of Parole and Probation;

27) NRS 176.156 (1)(b) requires each party shall be given opportunity to fix the factual errors in the report;

28) Kethaner was NOT given notice and opportunity by the Division, nor did judge, D.A or Public Defender catch the factual error in the PSI.

29.) Errors in the PT is a matter for Direct Review,

30.) therefore John Keese Petty was violative of the U.S. Const. 6th Amendment for his fraudulent concealment of the clerical error which has prejudicial long term effects at all future proceedings on petitioner;

31.) Petty failed to contact the District Attorney within the six-months, nor did any other lawyer assigned, and paid by the district attorney, seek to represent the factual issue under the spirit of NRS 176.156(1)(b).

(c) Ground TWELVE

John Reese Petty fell below constitutional standards when he failed to raise on direct appeal to challenge the custom, practice usage and constitutionality of any and all state statutes which authorize the undue influence of enticing prejudicial victim impact statement that weaponizes, skews and politicizes sentencing procedures. All prior paragraph incorporated here as more developed.

32.) at Exhibit 3 the accused public defender says that the standard of "shocking the conscience" can't be met in this case, Exhibit 3

33.) if the practice of the Department of Public Safety and its war-on-crime ally, the Washoe County District Attorney and the statutorily created Advisory Council for Prosecuting Attorneys (NRS 241A.040) which is to entice angry domestic partners to destroy human relations by paying for creative "impact" statements, does NOT shock the conscience of the court and the public, it is because the conscience of the public mind has been prodded by the constant barrage of propaganda that normalizes the destruction of due process protection.

34.) the victim impact statement which the state paid to bolster and inflame the judges violates NRPC Rule 8 (F) Advocacy prohibits practices of generating "comments that have a substantial likelihood of heightening public condemnation"

35.) the female component of this domestic partnership actually modified her statement, and this made the statement palpably questionable, and the failure to object by the sentencing counsel DOGAN caused the standard of review to be less strict

1 WHEREFORE, petitioner prays that the court grant petitioner
2 Relief to which he may be entitled in this proceeding, *including Late Appeal per NRAP 4(c).*

3 EXECUTED at Carson City, NV, Nevada on the 17

4 Day of November, 20 20.

5
6
7
8 Charles Skaggs
9 Charles Skaggs
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

VERIFICATION

Under penalty of perjury, the undersigned declares that he is the petitioner named in the foregoing petition and knows the contents thereof; that the pleading is true of his own knowledge, except as to those matters stated on information and belief, and as to such matters he believes them to be true. *No persons social security number is in this document per NRS 239B.030*

Chas SL

Petitioner
Charles Skaggs

CERTIFICATE OF SERVICE BY MAIL

I do certify that I mailed a true and correct copy of the foregoing PETITION FOR WRIT OF HABEAS CORPUS to the below addresses on this 17 day of November 2020, by placing the same into the hands or prison law library staff for posting in the U.S. Mail, pursuant to N.R.C.P. 5:

*Washoe Co. District Attorney
PO Box 11130
Reno NV 89720*

_____, Nevada 89 _____

Chas SL

Signature of Petitioner, In Pro Se
Charles Skaggs

INDEX OF EXHIBITSExhibit Number 1 Number of Pages 1Exhibit Description NRS 199.330Exhibit Number 2 Number of Pages 3Exhibit Description State's Opposition and Cognizance of Clerical Error.Exhibit Number 3 Number of Pages 2Exhibit Description Letter of John Reese Petty dtd 08/09/19Exhibit Number 4 Number of Pages _____

Exhibit Description _____

Exhibit Number _____ Number of Pages _____

Exhibit Description _____

Exhibit Number _____ Number of Pages _____

Exhibit Description _____

Exhibit Number _____ Number of Pages _____

Exhibit Description _____

Exhibit Number _____ Number of Pages _____

Exhibit Description _____

Exhibit Number _____ Number of Pages _____

Exhibit Description _____

EXHIBIT 1

NRS Title 15 Ch. 199.330
Buying or Promising Reward by Justice or
Constable

NEVADA STATUTES

Title 15. Crimes and Punishments.

Chapter 199. Crimes Against Public Justice.

Other Offenses

199.330. Buying or promising reward by justice or constable.

Every justice of the peace or constable who shall, directly or indirectly, buy or be interested in buying anything in action for the purpose of commencing a suit thereon before a justice of the peace, or who shall give or promise any valuable consideration to any person as an inducement to bring, or as a consideration for having brought, a suit before a justice of the peace, shall be guilty of a misdemeanor.

EXHIBIT 2

*State's Opposition to Petitioner's
Request to Fix the Clerical Error
in the Record*

1 CODE No. 2645
CHRISTOPHER J. HICKS
2 #7747
One South Sierra Street
Reno, Nevada 89501
3 (775) 328-3200
districtattorney@da.washoecounty.us
4 Attorney for Plaintiff

5
6 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,

7 IN AND FOR THE COUNTY OF WASHOE

8 * * *

9 THE STATE OF NEVADA,

10 Plaintiff,

Case No. CR18-2148

11 vs.

CR18-2149

12 CHARLES SKAGGS,

Dept. No. 9

13 Defendant.
_____ /

14 **OPPOSITION TO MOTION TO CORRECT ILLEGAL SENTENCE**
15 **AND/OR MODIFY SENTENCE**

16 COMES NOW, the State of Nevada, by and through CHRISTOPHER J. HICKS,
17 District Attorney, and Kevin Naughton, Appellate Deputy, and hereby opposes the
18 Motion to Correct Illegal Sentence and/or Modify Sentence filed by Charles Skaggs
19 (hereinafter, "Defendant") on May 8, 2020.

20 **Memorandum of Points and Authorities**

21 **Statement of the Case**

22 Defendant Charles Skaggs pled guilty and was convicted of Attempted Assault
23 with the Use of a Deadly Weapon. He was sentenced to 12 to 32 months in prison. See
24 Judgment of Conviction filed April 18, 2019.

1 On October 22, 2019, the Defendant filed a post-conviction Petition for Writ of
2 Habeas Corpus and sought the appointment of counsel. Counsel, Lyn Beggs, Esq., was
3 appointed on April 23, 2020.

4 On May 8, 2020, the Defendant filed his Motion to Correct Illegal Sentence
5 and/or Modify Sentence. This Opposition follows.

6 Argument

7 The Defendant is represented by counsel, Lyn Beggs. Until such time as Ms.
8 Beggs withdraws as counsel of record, the Defendant may not file documents in proper
9 person. *See generally* S.C.R. 46; L.C.R. 11; WDCR 3(6); WDCR 23(1). Thus, any filing
10 on behalf of the Defendant done in proper person is a fugitive document and should not
11 be considered.¹

12 Conclusion

13 As the Defendant is represented by counsel, his fugitive filing should be denied.

14 AFFIRMATION PURSUANT TO NRS 239B.030

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

17 DATED: May 18, 2020.

18 CHRISTOPHER J. HICKS
District Attorney

19 By /s/ Kevin Naughton
20 KEVIN NAUGHTON
Appellate Deputy

21 ¹ The State would note, however, that the Defendant's premise appears to
22 generally be correct. NRS 199.330 is an incorrect citation to the Attempt statute. The
23 citation, which was first made in the Information filed by the State, should refer to NRS
24 193.330(1)(a)(4). The Court retains jurisdiction to correct such a clerical mistake at any
time pursuant to NRS 176.565. The Defendant's claim that the Court should sentence
him to no more than a year on a misdemeanor conviction should be ignored, as this
Court does not have original jurisdiction over misdemeanor offenses. NRS 4.370(3).

CERTIFICATE OF SERVICE

I hereby certify that this document was filed electronically with the Second Judicial District Court on May 18, 2020. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

Lyn Beggs, Esq.

/s/ Tatyana Kazantseva
TATYANA KAZANTSEVA

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 May 18, 2020, 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:

Charles Skaggs #1117743
Northern Nevada Correctional Center
P.O. Box 7000
Carson City, NV 89702

/s/ Tatyana Kazantseva
TATYANA KAZANTSEVA

EXHIBIT 3

Aug 19 2019 Letter Advising "No Issues"



WASHOE COUNTY

PUBLIC DEFENDER

350 S. CENTER ST.
RENO, NV 89501-2103
(775) 337-4800
(800) 762-8031
FAX: (775) 337-4856
www.washoecounty.us/defender

August 9, 2019

Mr. Charles Anthony Skaggs (#1117743)
Northern Nevada Correctional Center
P.O. Box 7000
Carson City, Nevada 89702

Re: Appeal docket number 78845 c/w 78847

Dear Mr. Skaggs:

I just received your letter dated July 30, 2019, which was obviously written before I mailed to you (on July 31, 2019), copies of the transcripts of your arraignment and sentencing hearings. I want to turn to your letter but first I want to reiterate some of things I have noted about the direct appeal.

As I have mentioned to you, a successful sentencing appeal requires that the record demonstrate that the district court abused its sentencing discretion. Here the court imposed sentences that are well within statutory limits. Additionally, it does not appear that the judge relied upon palpable or highly suspect evidence when determining his sentence. Had he done so, that would constitute an abuse of discretion under *Silks v. State*, 92 Nev. 91, 545 P.2d 1149 (1976). An abuse of discretion can also occur if the district court's decision is arbitrary or capricious or if it exceeds the bounds of law or reason. *Crawford v. State*, 121 Nev. 744, 121 P.3d 582 (2005). None of those conditions are present in your case. Finally, although significant, the sentences imposed by the court are not so unreasonably disproportionate as to shock the conscience. *Culverson v. State*, 95 Nev. 433, 596 P.2d 220 (1979). Thus, on direct appeal the appellate court will affirm the district court's sentences. Accordingly, I am again requesting your permission to have the direct appeal dismissed.

A dismissal of these appeals would not prevent you from seeking collateral relief in a petition for post-conviction relief under Chapter 34 of the Nevada Revised Statutes. Accepting, for the purposes of this letter (because I was not involved in the cases prior to appeal) the statements you make in your letter concerning your representation as true, you might have a plausible claim for ineffective assistance of counsel, which must be raised in a post-conviction proceeding. This office does not handle post-conviction proceedings; it would constitute a conflict of interest if we did.

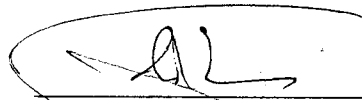
Page 2

Conversely, your letter does not point to issues that can be raised on direct appeal because most of what you write involves circumstances outside of the transcripts. For example, should a suppression issue have been raised, did you fully understand the consequences of the plea, did the district attorney influence the victim impact statement.

Finally you ask if there is a way to go back before the court for a re-sentencing. The answer is no. In Nevada a district court is without jurisdiction to modify a sentence once the judgment has been signed and filed by the court clerk. *Miller v. Hayes*, 95 Nev. 927, 604 P.2d 117 (1979). But if you are successful in post-conviction, and depending on what you relief you are asking for, you can get either a trial or a new sentencing hearing.

Please call me at (775) 337-4827 or write to me at the address on this letter. I do accept collect phone calls when I am in my office.

Sincerely,

A handwritten signature in black ink, appearing to be "JR" or "JRB", enclosed within a large, hand-drawn oval.

JOHN REESE BETTY
Chief Deputy, Appellate Division

Return Of NEF**Recipients**

KRISTA MEIER, ESQ. - Notification received on 2020-11-24 09:25:32.45.

JOANNA ROBERTS, ESQ. - Notification received on 2020-11-24 09:25:32.147.

BIRAY DOGAN, ESQ. - Notification received on 2020-11-24 09:25:32.123.

KEVIN NAUGHTON, ESQ. - Notification received on 2020-11-24 09:25:32.172.

DIV. OF PAROLE & PROBATION - Notification received on 2020-11-24 09:25:32.474.

AMANDA SAGE, ESQ. - Notification received on 2020-11-24 09:25:32.426.

JOHN PETTY, ESQ. - Notification received on 2020-11-24 09:25:32.196.

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

-

A filing has been submitted to the court RE: CR18-2148

Judge:

HONORABLE SCOTT N. FREEMAN

Official File Stamp:

11-24-2020:09:24:29

Clerk Accepted:

11-24-2020:09:24:59

Court:

Second Judicial District Court - State of Nevada
Criminal

Case Title:

STATE VS. CHARLES ANTHONY SKAGGS (TN)
(D9)

Document(s) Submitted:

Supplemental ...

Filed By:

Deputy Clerk KHudson

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:

AMANDA C. SAGE, ESQ. for STATE OF
NEVADA

KEVIN P. NAUGHTON, ESQ. for STATE OF
NEVADA

KRISTA D. MEIER, ESQ.

DIV. OF PAROLE & PROBATION

BIRAY DOGAN, ESQ. for CHARLES ANTHONY
SKAGGS

JOHN REESE PETTY, ESQ. for CHARLES
ANTHONY SKAGGS

JOANNA L. ROBERTS, ESQ. for CHARLES
ANTHONY SKAGGS

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

1 CODE: 3347
2
3
4

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

8
9 CHARLES ANTHONY SKAGGS,

10 Petitioner,

11 vs.

12 STATE OF NEVADA,

13 Respondent.
14
15

Case No.: CR18-2148

Dept. No.: 9

16 **ORDER GRANTING MOTION SEEKING CONSENT OF THE COURT TO APPEAR**

17 The Court is in receipt of Petitioner CHARLES ANTHONY SKAGGS (hereafter
18 “SKAGGS”) *Motion Seeking Consent of the Court, WDCR 23(1) to Appear* filed August 14, 2020.
19 No *Opposition* or *Response* was filed.

20 The Court has also thoroughly reviewed LYN E. BEGGS, Esq.’s (hereafter “Ms. Beggs”) *21 Motion to Withdraw as Counsel* and Skaggs *Non-Opposition Motion to Motion to Withdraw as 22 Counsel*. On October 26, 2020, this Court entered its *Order Granting Motion to Withdraw as 23 Counsel*.

24 Ms. Beggs was appointed on April 23, 2020 to represent Skaggs on his Petition for Writ of
25 Habeas Corpus (Post-Conviction). While Ms. Beggs was actively reviewing Skaggs’ record to
26 determine if a supplemental petition was necessary, Skaggs filed a *Motion to Correct Illegal 27 Sentence and/or Modify Sentence* in pro per. This Court denied the pro per motion on July 23, 2020
28 finding it was a fugitive document as Skaggs was represented by Ms. Beggs at the time of the filing

1 of that motion. Ms. Beggs asserts she has attempted to explain to Skaggs that “as he is represented
2 by counsel, pro per filings will be considered by the Court as fugitive documents.” *Mot.* p. 2:5-8.

3 Upon review of the record, it appears Skaggs has chosen to disregard the advice of Ms.
4 Beggs and has now filed the instant motion. Skaggs appears to claim that while he is not seeking the
5 withdraw of Ms. Beggs, he wishes to represent himself on his original pro per motion.

6 Pursuant to granting Ms. Beggs *Motion to Withdraw as Counsel*, this Court finds good cause
7 appears to grant the instant motion. As such, Petitioner may represent himself on his original pro per
8 motion.

9 THEREFORE, and good cause appearing, IT IS HEREBY ORDERED CHARLES
10 ANTHONY SKAGGS, *Motion Seeking Consent of the Court, WDCR 23(1) to Appear* is granted.

11 IT IS SO ORDERED.

12 DATED this 8th day of December 2020.

13 
14 DISTRICT JUDGE

CERTIFICATE OF SERVICE

Pursuant to NRCp 5(b), I certify that I am an employee of the Second Judicial District Court of the State of Nevada, County of Washoe; that on this 8th day of December, 2020, I deposited for mailing with the United States Postal Service in Reno, Nevada, a true copy of the attached document addressed to:

Charles Skaggs, #1117743
NNCC
Post Office Box 7000
Carson City, N V 89702

Further, I certify that on the 8th day of December, 2020, I electronically filed the foregoing with the Clerk of the Court electronic filing system, which will send notice of electronic filing to the following:

AMANDA SAGE, ESQ. for STATE OF NEVADA
KEVIN NAUGHTON, ESQ. for STATE OF NEVADA
KRISTA MEIER, ESQ.
DIV. OF PAROLE & PROBATION
BIRAY DOGAN, ESQ. for CHARLES ANTHONY SKAGGS
JOHN PETTY, ESQ. for CHARLES ANTHONY SKAGGS
JOANNA ROBERTS, ESQ. for CHARLES ANTHONY SKAGGS



Judicial Assistant

Return Of NEF**Recipients**

KRISTA MEIER, ESQ. - Notification received on 2020-12-08 11:38:05.07.

JOANNA ROBERTS, ESQ. - Notification received on 2020-12-08 11:38:04.98.

BIRAY DOGAN, ESQ. - Notification received on 2020-12-08 11:38:04.956.

KEVIN NAUGHTON, ESQ. - Notification received on 2020-12-08 11:38:05.003.

DIV. OF PAROLE & PROBATION - Notification received on 2020-12-08 11:38:05.092.

AMANDA SAGE, ESQ. - Notification received on 2020-12-08 11:38:05.048.

JOHN PETTY, ESQ. - Notification received on 2020-12-08 11:38:05.025.

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

-

A filing has been submitted to the court RE: CR18-2148

Judge:

HONORABLE SCOTT N. FREEMAN

Official File Stamp:

12-08-2020:11:36:56

Clerk Accepted:

12-08-2020:11:37:36

Court:

Second Judicial District Court - State of Nevada
Criminal

Case Title:

STATE VS. CHARLES ANTHONY SKAGGS (TN)
(D9)

Document(s) Submitted:

Ord Granting Mtn

Filed By:

Judicial Asst. BWard

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:

AMANDA C. SAGE, ESQ. for STATE OF
NEVADA

KEVIN P. NAUGHTON, ESQ. for STATE OF
NEVADA

KRISTA D. MEIER, ESQ.

DIV. OF PAROLE & PROBATION

BIRAY DOGAN, ESQ. for CHARLES ANTHONY
SKAGGS

JOHN REESE PETTY, ESQ. for CHARLES
ANTHONY SKAGGS

JOANNA L. ROBERTS, ESQ. for CHARLES
ANTHONY SKAGGS

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

Charles Skaggs in proper
 NUCC PO BOX 7000
 Carson City NV 89702

FILED
 Electronically
 CR18-2148
 2021-01-21 07:55:38 AM
 Jacqueline Bryant
 Clerk of the Court
 Transaction # 8256372 : khudson

SECOND JUDICIAL DISTRICT COURT County of Washoe

Charles Skaggs
 Petitioner/Morant

Case No CR-18-2148

VS

STATE OF NEVADA
 Respondent

Motion to Withdraw
 Plea of Guilt on Charge
 of Assault w/ Deadly Weapon

Per NRS 239B.030 NO PERSON'S SOCIAL SECURITY # IN DOCUMENT

Now comes petitioner in proper to file this motion to vacate sentence and judgment of conviction and allow the petitioner to withdraw the plea and take the matter back to justice court to argue the facts justify a domestic dispute if anything at all, by use of affirmative defenses. This is based on the following memorandum and is meant to advance the relief sought in his Petition for Writ of Habeas Corpus filed Oct. 22 2019 and his Supplemental Petition ~~for~~ for Writ of Habeas Corpus filed 11-24-2020;

Respectfully submitted, Charles Skaggs
 Charles Skaggs

Date: 12/28/20

Memorandum of Points and Authorities

1. The petitioner's original writ Ground 1 is attached here, and it deals with the Case no CR 2148, Exhibit 1
 2. This case is a domestic dispute case between the petitioner and ~~Ms.~~ ^{Ms.} Dutra, which was spin-doctored by the Reno Police and subsequent district attorneys into a felony of assault;
 3. at all times the petitioner denied the alleged assault to the police;
 4. the police carried out its acts of spin-doctoring by acts of omission in its investigation, which excludes material witnesses to the events, (see Exhibit 2) who are stage-managed out of the police reports so as to conceal all possible exculpatory explanations which would call the so-called "victims" account into question;
 5. the DA's, being deprived of the names and accounts of percipient witnesses named in the habeas (Exhibit 1) Janet Skaggs and Samuel Stellingworth, fail to send in their own investigators to test the accounts of the police reports, but take those reports to be the 4-corners of the truth;
- Not for Withdrawal - 2 -
Plea

- 6.) A careful evaluation of the RPD 18-16583 the officer, Overby, narrates a feeble attempt by un-named officers to contact mother Janette -- this SHOULD have cued the Washoe County District Attorney, this court, and the public defender at direct appeal to investigate further into the truth of the events under the common law principle of audita altera parte (hear both sides)
- 7.) It is critical to note that ~~there~~ with instrument the incomplete investigation by RPD (which takes statements of the two parties, Skaggs and Dutra) ~~the~~ produces a conclusion ~~at~~ at page 4 of 4 of Narrative 18-16583
- "There is probable cause to arrest Charles Skaggs with ADW¹, ROBBERY DOMESTIC BATTERY, and TPO violation"
- It is critical because one can deduce a county administrative policy to allow the executive branch's gun-toting police investigators to make a discretionary, final agency decision without any checks and balances of that power by appropriately trained lawyers of the district attorney's office, or public defenders office; this power exceeds its ministerial investigative, peace keeping function;
- ↓ Assault Deadly Weapon
 Mot. to Withdraw Plea - 3 -

- 8.) not a single District Attorney - managed public defender raised this issue of reverse engineered charge-loading, from which can be deduced a policy of the County administration of justice that public defenders REFRAIN from zealous advocacy of pre-trial accused especially when it comes to female "victims" due to the expanded "victims rights" granted in the Amendment to the Nevada Constitution; it is necessary to note that without a "constitutional" provision, victims (under the common law of Anglo-American jurisprudence) HAVE NO RIGHTS, because ~~rights~~ rights flow from duties and the state is not liable, and has not a single duty to any victim of interpersonal tort; even under this constitutional victimology, that state is not liable for its failure to protect "victims;"
- 9.) the Washoe County District Attorney is in a position of power and control over the Washoe County Public Defender's office and is the fiscal managers of all money from the County Commissioners; 1
- 10.) From this relation of influence and control there can be inferred an institutional conflict of interest by public defenders;
- Motion to Withdraw Plea - 4 -

- 12) the Washoe County Public Defender, because of its conflict-of-interest, engaged in acts of omission ^{by not} ~~and~~ demanding a full investigation by police, DA or with their own investigators;
- 13) this act of omission in full investigation to challenge the "assault" charge constitutes insidious silent consent to the police and DA's misconduct of engineering a charge of felony out of a misdemeanor domestic dispute;
- 14) the insidious silent consent of the defense advocate to the ministerial misconduct of the police investigation constitutes per se undue influence of learned helplessness -- the implicit message of the public defender in its inactions is "We can't do anything, you might as well give up."
- 15) the petitioner at all times during the operation of the legal machinations of the administration, attempted to direct the Washoe County Public Defender's attention to the contributory negligence of Ms Dutra by her physical aggressions against the petitioner, clearly narrated in police interview (see Exhibit 3)
- 16) the petitioner at all times attempted to redirect the so-called public defender's attention

16) (continued)

to the ~~the~~ government inducements to the complaining Nicole Dutra to get on board with the politically motivated, factually unsupportable charge of Assault w/ Deadly Weapon by its useⁿ of tax-dollars as bait; the petitioner provides at Exhibit 4 a document communication of Dutra which illustrates the severe financial inducements to go along with the government policy of charge-stacking based on the spin-doctoring of its investigators;

17. At all times during the legal proceedings the ~~plaintiff's~~ petitioner attempted to direct the Washoe County Public Defender to use discovery to investigate the prosecutrix Nicole Dutra; the petitioner was ignored and believes it was due to the undue influence of the county prosecutor's policy letter attached here at Exhibit 5, which states in its last paragraph that
- "a victim has the right to refuse an interview or deposition request unless under a court order"

which is an implicit carve out of an exception to the due process protections and safeguards by the criminal administration of justice

Motenti Withmiller

-5-

17 (continued)

and places undue influence on the Washoe County Public Defender, who then put undue pressure on the accused by ~~the~~ the tacit agreement implied in its refusal to investigate Dubra;

18 Finally the public defender and court and district attorney refused to slow down the juggernaut of injustice when Nicole Dubra attempted to recant her victimological statement ~~and~~ in support of the state prosecution; the recant ~~was~~ was given to all parties and the petitioner believes it was possibly placed into the courts hand at some point.

wherefore this court is requested to approve by signature the proposed order attached herewith.

Respectfully submitted, Charles Skaggs
 Dated: 12/25/20 Charles Skaggs

Certificate of Service

The foregoing was served by U.S. Mail on the Washoe County District Attorney, PO Box 1180 Reno NV 89520 on date at 12/27/20

Charles Skaggs

Charles Skaggs

Mot. for Withdrawal of Plea - 7 -

Motion to Withdraw Plea CR 18 2148
INDEX OF EXHIBITS

No.	Description	# pgs
1	Pgs 7, 20, 21, 22, 23, 24, 25, Ground One of Petition for Writ of Habeas Corpus	7
2	Reno PD Police Investigation Narrative of Nicole Dutra	4
3	Reno PD Police Narrative of Charles Skaggs	3
4	Nicole Dutra -- Evidence of Undue Influence of State use of tax money to become states witness	2
5	Letter of Washoe County induction of compliance to due process safeguards forfeiture and exceptions for constitutionally created "victims"	1

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 withdraw plea

(Title of Document)

filed in case number: CR 18 - 2148

☒

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)

Date: 1/11/2021

Charles Skaggs
(Signature)

Charles Skaggs
(Print Name)

in proper
(Attorney for)

EXHIBIT 1

*Ground One of Petition for
Writ of Habeas Corpus*

22. Do you have any future sentences to serve after you complete the sentence imposed by the judgment under attack:

Yes _____ No x

23. State concisely every ground on which you claim that you are being held unlawfully. Summarize briefly the facts supporting each ground. If necessary you may attach pages stating additional grounds and facts supporting same.

(a) Ground One:

PETITIONER'S 6TH and 14TH AMENDMENT RIGHTS UNDER THE
US CONSTITUTION, AND HIS RIGHTS UNDER NY CONST. ART 1
§ 8, TO EFFECTIVE ASSISTANCE OF COUNSEL^{AND DUE PROCESS OF LAW}, WERE VIOLATED WHERE: COUNSEL FAILED TO INVESTIGATE THE
 (continued below)

Supporting Facts:

FACTS OF THE CASES AND/OR TO INTERVIEW IMPORTANT
WITNESSES NECESSARY TO FORMULATE A DEFENSE, BEFORE
CONVINCING PETITIONER THAT IT WAS IN HIS BEST INTEREST
TO ACCEPT A GUILTY PLEA.

In Case No. CR 2148, the victim stated that Petitioner's
mother and cousin (actually Petitioner's nephew) witnessed
the incidents in question. Petitioner informed his attorney
that his mother, Janet Skaggs, and his nephew, Samuel
Stellingweeth, as well as several neighbors, did in fact,
witness parts of the incidents. These people could have
testified that: (1) Petitioner never pushed the victim into
a chair; (2) The victim's purse and keys were never taken
by the Petitioner - the victim stated her purse was in

(continued, P. 20)

The Nevada Supreme Court has continued to recognize such a divided loyalty conflicts of interest. See, PENA v. STATE, 2012 Nev. unpub LEXIS 1507; SIMPSON v. STATE, 2015 Nev. unpub LEXIS 1047; and, WILLIAMS v. STATE, 2016 Nev. unpub LEXIS 483. The Ninth Circuit has also recognized the same reasoning in several cases. See, TINKER v. MOORE, 255 F.3d 1331, 2001 US App LEXIS 15100; US v. LITTLE DOG, 744 Fed. Appx. 374 (2018); SAKES v. NEVEN, 2018 US Dist LEXIS 57970 (9th Cir. 2018); and, BRYANT v. NEVEN, 2018 US Dist LEXIS 67597 (9th Cir. 2018).

GROUND 1, CONT'D

the vehicle, and witnesses would testify that Petitioner has his own keys to the vehicle, as he was an owner of the vehicle; (3) that Petitioner never said "I'll fuck you up." while he had the hammer; (4) That Petitioner never swung the hammer at or toward his mother and Ms. Dutra; (5) his mother never told Ms. Dutra that Petitioner his here with a hammer, and, (6) the Petitioner left his mother's residence with nothing. They also would say they never saw Petitioner come out of the bedroom and threaten anyone with the hammer as the victim claimed.

Had the attorney chosen to interview witnesses, and/or the victim, he would have discovered that the victim lied about the assault with a hammer, as well as taking her purse and keys out of the residence. Petitioner's mother attempted to contact the attorney to talk to him about this, and the attorney failed to return the call. The Attorney never gave Petitioner the option

1 to formulate a defense, or even to investigate the case,
2 but merely advised Petitioner he should take a plea
3 based upon the prosecutor's file.

4 In case no. CR2149, despite being requested to do so
5 by Petitioner, counsel failed to: (1) listen to jail calls cited in
6 police reports; (2) interview the other witnesses in the car at the
7 time of Petitioner's arrest and vehicle search; (3) research who
8 the registered owner of the vehicle and request a background
9 check on them; (4) request an independent lab weigh and test
10 the drugs found in the case; (5) request the body cam footage of
11 the search and arrest; and/or (6) investigate Petitioner's state
12 of mind at the time of his arrest and phone calls.

13 Had counsel completed any or all of these [requested] tasks,
14 Petitioner could have formulated a defense by proving that:
15 (1) the amount of drugs in his possession did not amount
16 to trafficking or an amount suitable for sales; (2) he was
17 not the owner or driver of the vehicle, was merely getting
18 a ride, and had no constructive possession or control of
19 anything in the vehicle; (3) that Petitioner's state of mind
20 was highly altered at the time of his search, arrest, and
21 jail phone calls, which negated any intent on the part
22 of Petitioner.

23 All of these failings of counsel, taken individually
24 or cumulatively, affected Petitioner's considerations in
25 regard to deciding whether to take a plea, where Pe-
26 titioner felt forced when counsel did not investigate
27 and recommended that his only shot would be in
28 accepting a plea.

1 Evaluating in terms of STRICKLAND, *supra*, prejudice results
 2 where Petitioner felt "forced" to accept a plea bargain due to
 3 counsel's unwillingness to investigate and advising him
 4 that his only shot was to accept a plea. When an attorney
 5 advises his client to plea bargain to an offense which the
 6 attorney has not investigated, such conduct is always unreason-
 7 able. WOODWARD v. COLLINS, 828 F.2d 1027, 1029 (5th Cir, 1990);
 8 RILEY v. PAYNE, 352 F.3d 1313 (9th Cir, 2003); and, WIGGINS v.
 9 SMITH, 123 S.Ct 2527 (2003).

10 Though there may be unusual cases when an attorney
 11 can make a rational decision that investigation is unneces-
 12 sary, as a general rule, an attorney must investigate a
 13 case in order to provide minimally competent representation.
 14 CRISP v. DUCKWORTH, 743 F.2d 580, 583 (7th Cir, 1984); AMALOV.
 15 RYAN, 2011 US Dist. LEXIS 75386 (9th Cir, 2011); and, COLEMAN v.
 16 SWARTZTHOUT, 2013 US Dist. LEXIS 70550 (9th Cir, 2013). An investi-
 17 gation consisting solely of reviewing the prosecutor's file "falls
 18 short of what a reasonably competent attorney would have
 19 done." KIRKSEY v. STATE, 112 Nev 980 (Nev, 1996); THOMAS v. LOCKHART,
 20 738 F.2d 304, 308 (8th Cir, 1984); and, FLETCHER v. BLADES, 2019 US Dist.
 21 LEXIS 1807 (9th Cir, 2019).

22 At a minimum, counsel has the duty to interview potential
 23 witnesses & to make an independent investigation of the facts
 24 & circumstances of the case. NEALY v. CABANA, 764 F.2d 1173, 1177
 25 (5th Cir, 1985); and, CORBRAY v. CARTER, 2006 US Dist LEXIS 100453
 26 (9th Cir, 2006). This duty to investigate includes the obligation
 27 to investigate all witnesses who may have information con-
 28 cerning his/her client's guilt or innocence. BRYANT v. SCOTT,

1 28 F.3d 1411, 1419 (5th Cir, 1994); and, CAPLES v. NEVIN, 2011 US
2 Dist LEXIS 60635 (9th Cir, 2011). In MONTGOMERY v. PETERSON, 846
3 F.2d 407, 413 (7th Cir, 1988), the 7th Circuit determined that "counsel
4 has a duty to contact a potential witness unless counsel 'can make
5 a rational decision that investigation is unnecessary.'" See also,
6 PRENTISS v. McWHIRTER, 63 F.2d 712 (9th Cir, 1933); and, WOOD v.
7 CARPENTER, 101 US 135 (1879). However, counsel could not make
8 such a decision in this case. The rendition of events pro-
9 pounded by the victim and the Petitioner are in stark contrast.
10 Police reports indicate the victim claimed Petitioner's mother,
11 nephew, and neighbors as witnesses, yet counsel chose not
12 to interview these people even though police also did not.
13 Where police did not interview these witnesses, it was incum-
14 bent upon counsel to do so to discover "why?"

15 Counsel's failure to contact the only other witness(es) aside
16 from police who saw events surrounding the arrests was
17 ineffective assistance. See, WORKMAN v. TATE, 957 F.2d 1339
18 (6th Cir, 1992); and, WALKER v. MARTEL, 2011 US Dist LEXIS 75430
19 (9th Cir, 2011). The failure to interview eyewitnesses to a crime
20 may strongly support a claim of IAC, and when alibi witnesses
21 are involved, it is unreasonable for counsel not to try to con-
22 tact the witnesses and ascertain whether their testimony would
23 aid the defense. BRYANT, supra.; and, GROOMS v. SOLEM, 923
24 F.2d 88, 91 (8th Cir, 1991). An attorney's failure to investigate
25 potential alibi witnesses is not a "strategic choice" that
26 precludes a claim of ineffective counsel. See, NEALY, supra.

27 It is ineffective assistance where counsel "made absolutely
28 no attempt" to communicate with crucial witnesses that

would have testified that the Petitioner did not commit a crime. TOWNS v. SMITH, 395 F.3d 251, 259 (6th Cir, 2005); and, HOSTETTER v. BELLEQUE, 2006 US Dist LEXIS 30024 (2006, 9th Cir). Counsel has a duty to investigate all witnesses who allegedly possessed knowledge concerning the Petitioner's guilt or innocence. See, KEMP v. LEGGETT, 635 F.2d 453, 454 (5th Cir, 1981); GAINES v. HOPPER, 575 F.2d 1147, 1149 (5th Cir, 1978); US v. VERGARA, 714 F.2d 21, 23 (5th Cir, 1983); HENDERSON v. SARGENT, 926 F.2d 706-711 (8th Cir, 1991); LAWRENCE v. ARMONTROUT, 900 F.2d 127, 130 (8th Cir, 1990).

It is ineffective assistance where counsel failed to investigate witness(es) that could have swung the case in his client's favor. ADAMS v. BELTRAND, 453 F.3d 428, 436 (7th Cir, 2006); and, MOLINA v. MADDEN, 2017 US Dist LEXIS 49630 (9th Cir, 2017). Finally, defense counsel's preparation for trial amounted to "total failure to actively advocate his client's cause," where he conducted no independent investigation. RICKMAN v. BELL, 131 F.3d 1150, 1157 (6th Cir, 1997).

Under STRICKLAND, there was deficient performance, and many circuits agree that counsel failure to investigate or conduct witness interviews falls well below an objective standard of reasonableness. In this respect, counsel caused Petitioner enough harm that Petitioner believe counsel would put forward no defense, where counsel failed to conduct any investigation, said a plea was his best shot, and purported it would be a waste of his valuable time to investigate, thereby causing Petitioner to feel forced into a plea. Counsel was therefore ineffective under STRICKLAND.

Under CRONIC and RICKMAN, counsel can be presumed

1 to be ineffective where he was lacking at a "critical stage
2 of the proceeding," namely, meaningful pretrial adversarial
3 testing. Counsel totally failed to subject the prosecutor's
4 case file to any investigation or adversarial testing, even
5 advising Petitioner to waive a preliminary examination.

6 Finally, under COTLER and MICKENS, Petitioner has
7 shown that counsel had a conflict - personal obligation
8 of time/finance when he claimed it would be a waste
9 of his time to investigate witness. Under CLARK, such
10 reasoning, where counsel was faced with a choice between
11 advancing his own interests above those of his client, is
12 a conflict that "adversely affects the lawyer's performance."

13 Accordingly, Petitioner has shown ineffective assist-
14 ance of counsel under all three tests for ineffectiveness.
15 Petitioner need only show ineffectiveness under one test.
16 In this regard, Petitioner has advanced a showing of harm
17 and prejudice and Petitioner should be entitled to a
18 hearing on the merits of this issue

19

20 GROUND 2, CONT'D

21

22 warrant.

23 Petitioner was highly intoxicated on alcohol, narcotics,
24 and psychotropics at the time of his arrest. Washoe County
25 jail had to admit him to the infirmary for psychiatric
26 evaluation. Though Washoe County Jail did not sedate Petitioner,
27 Petitioner was highly intoxicated at the time of his question-
28 ing to the point where his will was overborne. Similarly,

EXHIBIT 2

Narrative of Nicole Dutra
18-16583

18-16583

Supplement No
ORIG

RENO POLICE DEPARTMENT



P.O. BOX 1900
455 E 2ND ST
Reno NV 89502
Phone
775-334-2175
Fax

Reported Date
08/12/2018
Rpt/Incident Typ
ROBBERY
Emp #
OVERBY, BLAKE GREGORY

Administrative Information

Agency RENO POLICE DEPARTMENT	OCA # 18-16583	Supplement No ORIG	Reported Date 08/12/2018	Reported Time 07:56	CAD Call No 182240324
Status REPORT TO FOLLOW	Rpt/Incident Typ ROBBERY (UCR)				
Location BRINKBY AV/LYMBERY ST				City RENO	
ZIP Code 89502	Rep Dist K2D5	Area RS	Beat 86	From Date 08/12/2018	From Time 07:56
Emp # R14635/OVERBY, BLAKE GREGORY			Assignment Patrol - Days - Team 13		Author R14635
Assignment Patrol - Days - Team 13		RMS Transfer Successful	Prop Trans Stat Successful	Approving Officer R10980	
Approval Date 08/19/2018		Approval Time 13:46:47			
Arrest/PC Report Yes		Written Statement Yes			

# Offenses	Offense	Description	Complaint Type	AC	Use	Bias	Loc
1	200.380	ROBBERY	F				
#Pr	MOE	Act	Weapon/Force	IBRS	No	Cargo?	
2	200.471	ASSAULT W/DEADLY WEA	F				
#Pr	MOE	Act	Weapon/Force	IBRS	No	Cargo?	
3	33.100	TPO/EPO VIOLATION DO	M				
#Pr	MOE	Act	Weapon/Force	IBRS	No	Cargo?	
4	200.485	BATTERY - DOMESTIC	M				
#Pr	MOE	Act	Weapon/Force	IBRS	No	Cargo?	

Person Summary

Invl	Invl No	Type	Name	MNI
LEP	1	P	; OVERBY, B RPD	
Race	Sex	DOB		
LEP	2	P	; JENKINS, A RPD	
Race	Sex	DOB		
SUS	1	I	SKAGGS, CHARLES A	923846
Race	Sex	DOB		
W	M			
VIC	1	I	DUTRA, NICOLE	1119701
Race	Sex	DOB		
W	F			

Property Summary

Involvement PIC
Description Article: Other (none of the above) PHOTOS Nicole Dutra and blood on legs

Report Emp #
R14635/OVERBY, BLAKE GREGORY

Printed At
08/22/2018 06:45

Page 1 of 4

18-16583

Supplement No
ORIG

RENO POLICE DEPARTMENT

LAW ENFORCEMENT PERSONNEL 1: ;OVERBY,B RPD

Involvement	Invl No	Type	PRN
LAW ENFORCEMENT PERSONNEL	1	POLICE OFFICER (RPD/UNR ONLY)	
Name			3660045
;OVERBY,B RPD			

LAW ENFORCEMENT PERSONNEL 2: ;JENKINS,A RPD

Involvement	Invl No	Type	PRN
LAW ENFORCEMENT PERSONNEL	2	POLICE OFFICER (RPD/UNR ONLY)	
Name			3660046
;JENKINS,A RPD			

SUSPECT 1: SKAGGS,CHARLES A

Involvement	Invl No	Type	Name
SUSPECT 1	1	INDIVIDUAL	SKAGGS,CHARLES A
MNI	Race	Sex	DOB
923846	WHITE	MALE	
Age	Juvenile?	Height	Weight
31	No	6'01"	225#
Hair Color	Eye Color	PRN	
BLACK	BROWN	3660047	

Type	Address
HOME	
City	State
RENO	Nevada
ZIP Code	Date
89509	08/12/2018

Type	ID No
FBI NUMBER	

Type	ID No
FBI NUMBER	

Type	ID No	OLS
OPERATOR LICENSE		Nevada

Type	ID No
JACKET NUMBER	527528

Type	ID No
JACKET NUMBER	R622736

Type	ID No
STATE NV IDENTIFICATION NUMBER (SID ONLY)	

Type	ID No
STATE NV IDENTIFICATION NUMBER (SID ONLY)	

Type	ID No
SOCIAL SECURITY NUMBER	

VICTIM 1: DUTRA,NICOLE

Involvement	Invl No	Type	Name
VICTIM 1	1	INDIVIDUAL	DUTRA,NICOLE
MNI	Race	Sex	DOB
1119701	WHITE	FEMALE	
Age	Juvenile?	Height	Weight
27	No	5'06"	120#
Hair Color	PRN		
BLONDE/STRAWBERRY	3660048		

Eye Color	Means of Attack	Extent of Injury	Urn Violence	PRN
BLUE	PUSH	NO VISIBLE INJURY	Yes	3660048

Type	ID No
FBI NUMBER	

Type	ID No
FBI NUMBER	

Type	ID No	OLS
OPERATOR LICENSE		Nevada

Type	ID No	OLS
OPERATOR LICENSE		Nevada

Type	ID No
JACKET NUMBER	606767

Type	ID No
JACKET NUMBER	R1119701

Type	ID No
STATE NV IDENTIFICATION NUMBER (SID ONLY)	

Type	ID No
STATE NV IDENTIFICATION NUMBER (SID ONLY)	

Type	ID No
SOCIAL SECURITY NUMBER	

Type	ID No
SOCIAL SECURITY NUMBER	

Type	ID No
SOCIAL SECURITY NUMBER	

18-16583

Supplement No
ORIG

RENO POLICE DEPARTMENT

Phone Type ALL CELLULAR AND/OR MOBILE PHONES		Date 08/12/2018	
Phone Type ALL CELLULAR AND/OR MOBILE PHONES		Date 08/12/2018	
Property			
Prop # 1	Involvement Veripic Pictures Only	Invl Date 08/12/2018	In Custody? Security No No
Description Nicole Dutra and blood on legs			Type A
Cat Other (none of the above)	Article Photographs	Entered Date 08/12/2018	Entered Time RMS Transfer 14:15 Successful
Control R10477 0822180638			
Modus Operandi			
Physical Evidence Photos	Premise Type APARTMENT/CONDOMINIUM	Crime Code(s) Robbery	
Narrative			

On 08/12/18 at approximately 0811 hours, I (Officer Overby) and Officer Jenkins responded to the area of 2707 S. Virginia St, Reno NV (Peppermill Casino) on the report of GTA that just occurred. Upon arrival officers contacted the victim and reporting party, Nicole DUTRA. She provided officers with the following Statements;

Nicole states that she works as a dancer and was working all night. While she was at work her ex-boyfriend, Charles SKAGGS repeatedly kept attempting to called her. Nicole has an active TPO against Charles that was served on 07/13/18 and expires 8/21/18. According to Nicole, after getting off of work around 0500 hours, Charles demanded she come over to his mother's house located at [REDACTED]. Nicole went over to the house and once inside the residence she stated that Charles was going crazy. Nicole explained to officers that Charles uses narcotics and becomes very violent while he is high. Once in the apartment Nicole says that Charles grabbed her cell phone and began to go through the phone wondering who she had been talking to. Nicole explained that around 0730 hours she asked for her phone back and he began to hit himself in the head with the Cell phone ultimately breaking the phone. Nicole says that while they are in the back bed room, Charles grabbed her black Michael Kors purse and attempted to leave with it. Nicole explains that her now broken cell phone, money, wallet and two sets of car keys to a 2009 Black Cadillac Escalade. Now in possession of Nicole's Purse, Charles charges at Nicole who is standing in front of the bedroom door attempting to stop Charles from leaving with her property. Charles who is now charging at Nicole makes her run down the hallway in fear of being battered by Charles. Charles continues to run after Nicole pushes her out of the way and into a chair that is in the living room, causing her to fall over the chair, while he still retained Nicole's purse. Charles's mother identified as Janet Skaggs attempted to intervene. According to Nicole, she stated that Janet pleaded with Charles to leave Nicole alone and the two got into a verbal argument. Charles then reverts back to the back bedroom where he grabs a hammer and begins aggressively swinging it at Nicole and his mother. Nicole says that Janet stated that Charles had hit her with the hammer and while Charles is swinging the hammer at an approximate distance of just 5ft away from Nicole, he makes the statement "I'll fuck you up" causing Nicole to become very scared for her safety. Charles then ran out the front door with Nicole's purse and keys that belong to her and Charles, 2009 Cadillac Escalade.

When asked why she is still in contact with Charles even though she has a TPO against him, she explained that they have been together for roughly 6 years. She stayed with him when he went to prison for an unrelated ADW, Home invasion charge. Nicole says that he often times becomes violent and she will leave him, they wont talk for a few days and then he always is able to talk his way back into her life.

Upon contact with Nicole, I observed that she was crying she had drops of blood on her legs and had no property with her.

Officers asked Nicole where the blood on her legs had come from, she responded by saying she wasn't sure. It could either be from her (she stated she didn't think she was injured), from Charles mother Janette (Nicole says she was struck with the hammer) or from Charles (breaking the phone against his head.) Officers did not notice any other visible injury to Nicole. Photographs were taken of her overall appearance as well as the blood drops that Officers observed on her legs.

Report Emp #
R14635/OVERBY, BLAKE GREGORY

Printed At
08/22/2018 06:45

Page 3 of 4

18-16583

Supplement No
ORIG**RENO POLICE DEPARTMENT****Narrative**

Nicole explained that Charles took her cell phone which was inside of her purse. Officers attempted to use the find my Iphone app however after initially activating the tracker on the Iphone, it suddenly and unexpectedly stopped. The app displayed a message that read, Iphone offline.

Nicole stated that Charles, mother Janette and his cousin witnessed the whole incident, however did not want Nicole to call the police. According to Nicole, when she left the apartment looking for someone to call the police, Janette followed her out of the apartment pleading with her not to call the police.

Nicole provided an address of [REDACTED], Reno NV as a possible location where Charles maybe staying. This location checked negative.

Nicole was uncertain as the apartment number of Janette Skaggs how ever she stated it was right on the corner of Brinkby and Lymbery, Reno NV and was dark gray in color. She does remember that the apartment number started with a 2. Officers found prior history for a relative of Charles whos address was [REDACTED] Based on this information Officers attempted to contact Janette at the apartment however an unknown male answered the door and stated that there is no Janette Skaggs that lives at that address.

I also learned that Sparks Police has PC for stalking and TPO violation x 2 against SKAGGS related to incidents involving Nicole.

Based on the circumstances that when contacted Nicole was crying hysterically, she had visible blood on her person, she had no property with her what so ever and she was contacted in the area of the [REDACTED] Reno NV. Along with this, Charles has a violent background which includes robbery and convictions of ADW and home invasion.

There is probable cause to arrest Charles SKAGGS for ADW, ROBBERY, DOMESTIC BATTERY and TPO violation.

By the time of completion of this report, SKAGGS has not been located yet.

.....
On 08/13/18 Officer Jenkins contacted Dan Dutra, Nicole's father on the phone number that she provided to officers. According to Dan, Nicole was contacted at some point last night by Charles. Supposedly Charles left their vehicle, the 2009 Black Cadillac Escalade at an unknown location and told her to come pick it up. Dan was unable to provide any information where Nicole went to pick the car up and was unsure if she called sparks Police to meet her at the location. Dan did stated that all of Nicole's property that was stolen in the robbery yesterday morning was still missing. Offices have been unsuccessful in attempting to speak with Nicole.

On 08/13/18 at approximately 1145 hours Officer Jenkins and I (Officer Overby) contacted management for the Golden Apartments where we learned that Charles's mother Janette Skaggs lives at [REDACTED]. Officers attempted to knock on the door several times in hopes of talking with Janette but were unsuccessful.

However Officers observed several things at the apartment that were consistent with Nicole's description of the apartment on the morning of 08/12/18 when the incident occurred. According to Nicole, she stated that she was unsure of what apartment number Janette was living in but did state that it started with a 2 and was in the Golden Apartment complex. She also stated that on the outside porch was a bicycle, officers observed a bicycle sitting on the porch on apartment [REDACTED]. Nicole also stated that due to Charles history of narcotics use he is very paranoid and has a camera on the porch, When officers viewed the open porch, sitting on a chair right in the middle of porch was a black security camera. Another consistency that Nicole stated and was confirmed during our follow up today was that she told officers that Charles, relative Samuel also lives at the residence. When we spoke with management they confirmed that Janette and Samuel are on the lease together in the apartment.

As of completion of this report, Charles Skaggs has still not been located.

Report Emp #

R14635/OVERBY, BLAKE GREGORY

Printed At

08/22/2018 06:45

Page 4 of 4

AFFIRMATION PAGE
INSTRUCTIONS

Every document filed with the Court has to have an Affirmation page attached to the back of it stating whether or not the document has a social security number written in it.

At the top of the attached Affirmation page, there are two lines where you are to **write the name of the document that is attached to the Affirmation page**. There are two lines because some documents' titles are very long. The names of most documents are found in the middle of the page, in all capital letters and underlined.

Some Family Court documents have their titles in different places. The "Civil (Family Related) Cover Sheet" title is at the top, center of the page. The "Confidential Family Court Information Sheet" title is at the top, right side of the page. The "Family Court Motion/Opposition Notice" title is in a box on the top, right side of the page. So, check the top center and top right of your documents for these titles.

The next line on the Affirmation page asks for the case number. If your case is not new, you should have a case number. **Write the case number in the blank**. If your case is new and does not yet have a case number, do not write anything on that line.

Next, you will **mark** either **the box** next to the phrase that says the document "does not contain the social security number of any person" or the box next to the phrase that says the document "contains the social security number of a person . . ."

In most Family Court cases, the only document that contains social security numbers in the "Confidential Family Court Information Sheet." For that document, you will mark the box that says there are social security numbers in the document and the last box before the date and signature lines, to indicate that the document contains social security numbers because it is the "Confidential Family Court Information Sheet."

If your document contains a social security number as required by some other law, select the box next to the appropriate phrase. If a specific State or Federal law requires the document to include a social security number, write the name of or cite of the applicable law on the line provided.

Finally, **write in the date, sign the signature line, and print your name** on the lines that say "Date," "Signature," and "Print Name." Leave the "Attorney for" line blank.

EXHIBIT 3

Police Investigation Narrative Skaggs

RENO POLICE DEPARTMENT



P.O. BOX 1900

455 E 2ND ST

Reno NV 89502

Phone 775-334-2175

Fax

18-16583

Supplement No
0002

Reported Date

08/20/2018

Rpt/Incident Typ

ROBBERY

Emp #

OVERBY, BLAKE GREGORY

Administrative Information

Agency RENO POLICE DEPARTMENT	OCA # 18-16583	Supplement No 0002	Reported Date 08/20/2018	Reported Time 14:57	CAD Call No 182240324
Status REPORT TO FOLLOW	Rpt/Incident Typ ROBBERY (UCR)				
Location BRINKBY AV/LYMBERY ST					City RENO
ZIP Code 89502	Rep Dist K2D5	Area RS	Beat 86	From Date 08/12/2018	From Time 07:56
Emp # R14635/OVERBY, BLAKE GREGORY			Assignment Patrol - Days - Team 13		Author R14635
Approval Date 08/24/2018		Approval Time 12:13:01			
# Offenses 1	Offense SUPPLEMENT	Description SUPPLEMENT		Complaint Type	AC Use Bias Loc
#PT	MOE	Act	Weapon/Force	IBRS	No Cargo?

LAW ENFORCEMENT PERSONNEL 1: ;OVERBY,B RPD

Involvement LAW ENFORCEMENT PERSONNEL	Invt No 1	Type POLICE OFFICER (RPD/UNR ONLY)
Name ;OVERBY, B RPD	PRN 3663995	

Narrative

During the course of this investigation I was wearing a body worn camera that was recording. Below is a summary of the events that took place during this investigation. This is not a verbatim account of what occurred and for statements and actions of the involved parties refer to the video recording.

On 08/18/18 at approximately 0725 hours, I (Officer Overby) arrived at 911 Parr Blvd, Reno NV to conduct a recorded interview with Charles SKAGGS who was arrested on charges related to case 18-16583.

Upon arrival at the WCSO, I became aware that Charles was admitted to the infirmary unit for a psychological evaluation. I requested jail deputies contact the infirmary and check whether or not Charles was sedated, they stated that he was not. Based on this information, I proceeded with my request to interview Charles.

Charles was brought into the WCSO interview room; upon contact Charles appeared tired but coherent and aware. I introduced myself to Charles and explained to him that I was hoping to speak with him in regards to the charges related to case 18-16583. I explained to him what he was charged him related to my case. I advised him that I was not interviewing him with questions specific to his other charges. Due to Charles being in custody and I was going to be asking him specific questions related to his charges, I read Charles his Miranda Rights verbatim from a card kept on my person. Charles stated that he understood his rights. I asked Charles if he was willing to speak to me about the incident that took place on 08/12/18 and his involvement in the incident. Charles acknowledged that he would answer questions.

I asked Charles to explain to me what occurred in the early morning hours on 08/12/18 between his girlfriend Nicole DUTRA and him. Charles explained to me that he and Nicole had been using drugs pretty heavily in the days leading up to the incident. Charles says that neither he nor Nicole had really slept much for several days. Nicole was working several private parties on the night of 08/11/18 into the morning of 08/12/18. Charles explains that he attempted to call Nicole several times to find out where she was, because according to Charles, Nicole told him that she was only working one show around 1900 hours and he was worried.

Report Emp #
R14635/OVERBY, BLAKE GREGORY

Printed At
08/27/2018 13:40

Page 1 of 3

18-16583

Supplement No
0002**RENO POLICE DEPARTMENT****Narrative**

I clarified with Charles that he understood he has an active TPO against him filed by Nicole. Charles stated that he understood that and added that Nicole doesn't take the TPO serious so why should he.

I redirected Charles back to explaining the incident.

After Nicole didn't show up back at home (Janette SKAGGS house, Charles became concerned and attempted to call her several times. Around 0500 hours on 08/12/18 Charles says that Nicole got off of work dropped her co-worker off and then arrived at his mother's house. Once in the house, Charles stated that he grabbed Nicole's cell phone (I-Phone X) and proceeded to go through the phone. Charles says that he and Nicole have serious trust issues and it is not uncommon to go through each other's phone to see who they were talking to.

Charles continues to tell me that he and Nicole are lying on his bed back to back going through each other's phone. Charles estimates that after about an hour or so, Nicole got off the bed and asked Charles for her phone back because she was going to leave. According to Charles he told Nicole "no, I'm not done with it yet." After being told that she wasn't going to get the phone back, Charles says that Nicole jumps on him while he is on the bed. Charles describes Nicole, straddling him and forcefully attempting to get her phone back. Charles explains to me that while Nicole is straddling him attempting to get her phone, Charles begins to smack himself in the head with the phone attempting to break it. After being unsuccessful in breaking the phone, Charles says that he gets up off the bed, still holding the phone.

I asked Charles why he was trying to break the phone to which he replied that Nicole upset him and because she wanted the phone so bad he felt that an easy way to get back at Nicole would be to break her phone.

I ask Charles to explain to me how he got off the bed. I ask Charles if he pushes Nicole off of him. Initially he says no, he demonstrates to me that he uses his left arm almost as a shield against Nicole while he gets up from the bed. He later states that he did what he had to do in order to get up and get Nicole off of him.

Once off of the bed, Charles would later explain that he clenches Nicole's cell phone in his hand and sticks his free arm and hand out and makes the statement along the lines of, don't touch me or your you'll fucking get it. Charles then places Nicole's cell phone on the dresser next to the bed, pulls out a hammer that was on the ground in between the bed and the dresser and proceeds to smash Nicole's cell phone with the hammer. According to Charles he says that after smashing Nicole's cell phone, he then places the hammer on the dresser.

Charles says that immediately after doing this Nicole is seen running out of the bedroom and into the hallway yelling for Janette to help stop Charles.

To clarify with Charles, I ask if he threatened Nicole with the hammer. He replied that in no way did he threaten Nicole with the hammer. I asked Charles that given the statement that Charles made, his sign of aggression against Nicole and according to Charles, Nicole being under the influence of narcotics, could Nicole have perceived him grabbing the hammer as a threat towards her. He replied that it's possible that given the circumstances and her possibly being under the influence she could have perceived the hammer as a threat against her. Explaining why she ran out of the hallway and into the living room asking Janette for help stopping Charles.

Charles explains that Janette rushes into the bed room and grabs Charles telling him to stop. The way that Charles explains it, Janette rushes in and grabs him similar to a bear hug. Attempting to restrain Charles, he responds by breaking free of his mother's grip and in doing so, Janette falls to the ground. Charles says that at some point his mom hurts her arm.

I explained to Charles that when Nicole met with officers she had visible blood drops on her legs. I asked Charles where the blood could have come from. He was unsure, later explained that after falling to the ground, Janette had a large amount of blood on her night gown, he explains that this had to be where the blood on Nicole came from.

Charles continues telling me that after Nicole runs out of the room and down the hallway to the living room Charles follows her. I asked Charles if he was running after her, he responded that yes he was running after Nicole. He explains that because of her behavior he wasn't sure what she was going to do or what she was

Report Emp #
R14635/OVERBY, BLAKE GREGORY

Printed At:
08/27/2018 13:40

Page 2 of 3

18-16583

Supplement No
0002**RENO POLICE DEPARTMENT****Narrative**

running towards.

Charles says that while Nicole is running to the living room she tripped over a chair in the living room. He says that she fell over the chair and then moved over to the couch where Charles met with her. Nicole and Charles continued to yell at each other. Charles says that while he is in the living room he punches a fan or similar type object that is sitting on the coffee table.

Charles then explains that he leaves the apartment and gets inside of the black Cadillac escalade that he and Nicole share ownership of. Charles says that Nicole followed him out of the apartment and attempted to open the door of the car, but Charles locked the doors causing Nicole to break the handle of the door. Charles then says that he drove off.

I asked Charles where he got the car key, according to Nicole she had both sets of car keys in her purse, that she brought inside of the house. Charles told me that he had the spare set of keys on his person in his pocket. I explain to Charles that according to Nicole, she brought her purse inside of the apartment with her when she arrived. She states that she left the purse on the bed and Charles had taken the purse from her, when she attempted to get it back Charles shoved her over the chair in the livingroom causing her to fall down. After driving away, Charles says that he was going to give Nicole's property back to her but heard on the police scanner that officers were checking addresses associated to Charles so he didn't want to get in trouble.

I asked Charles if he returned all of Nicole's property which he explained that he still has her purse and work clothes. I asked if Charles could tell me where her property was so that I could return it to her, he explained that he would arrange for her stuff to be returned and refused to tell me where her property was.

I asked Charles what was inside of the car that belonged to Nicole, he explained everything. I told Charles that Nicole stated there was roughly \$2,000-\$3,000 in cash in a plastic bag in the car. When Charles was arrested he had roughly \$900 in cash on him. Charles stated that he spent the rest of Nicole's money because he could go home because everyone was looking for him.

No further information at this time.

Report Emp #

R14635/OVERBY, BLAKE GREGORY

Printed At

08/27/2018 13:40

Page 3 of 3

EXHIBIT

17

*Evidence Showing Motivation
of Profit to Put SKaggs Behind
Bars*

8:57



< 355



+1 (775) 636-4239 >

Wed, Apr 3, 8:52 PM

In order to get assistance from
victim advocates unless I assist with
prosecution

Damn what do you need it for again

Financial compensation

You could probably get it on your
own

Money comes east

Easy

To bitches like us

My mortgage is behind 2 months
my car 3 months, IRS 3 months,
credit cards all behind. I need a lot
of help

Car insurance not paid, phone not
paid, everything. I hate him he
ruined my life I had everything

I just read the paperwork I'll make
an appt and go in there and see
exactly what I need to do



iMessage



8:58



< 365



+1 (775) 636-4239 >

My mortgage is behind 2 months
my car 3 months, IRS 3 months,
credit cards all behind. I need a lot
of help

Car insurance not paid, phone not
paid, everything. I hate him he
ruined my life I had everything

I just read the paperwork I'll make
an appt and go in there and see
exactly what I need to do

I went to the bank today they won't
take any fees off. I just put it on a
hold so nothing else can come out
for now

I'll send him a couple emails. I hate
him with a passion he is such a
scumbag

Yeah or sucks I'm going to have to
talk to the advocate and see exactly
what they would expect from me if
they were to help.

Don't fall for all of his crying and
shit he's a psychopath it's all an act

Thursday 2:32 PM



iMessage



EXHIBIT

5

Washoe County District Attorney
Victims Rights Policy of Discouraging
Confrontation in Violation of US
Constitution



One South Sierra Street
Reno, Nevada 89501

Christopher J. Hicks
District Attorney

775.328.3200
washoecounty.us/da

November 30, 2018

RE: Victim Rights in State of Nevada v. CHARLES ANTHONY SKAGGS
DA #: 18-9352; Agency #: RP18-016583

Dear Defense Attorney:

As you know, Nevada voters approved an amendment to Nevada's Constitution concerning victim rights on November 6, 2018. This amendment is commonly referred to as Marsy's Law. The complete text of the amendment is set forth in Article 1, section 8A, of the Nevada Constitution. While all of the rights in Marsy's Law are important, there are two particular victim rights that you need to be aware of related to the discovery process in this case.

Pursuant to Marsy's Law, a victim has the right "[t]o prevent disclosure of confidential information or records to the defendant which could be used to locate or harass the victim or the victim's family." Nev. Const. art. I, § 8A(1)(d). Our office is obligated to provide you with statements of witnesses in all cases, as well as the contact information for witness we intend to call at trial. See NRS 174.234; NRS 174.235. As you may see in the discovery packet that accompanies this notice, and in future discovery packets, we will continue to provide you with witness statements in their original form. We will also continue to comply with our notice of witness obligations if this case is set for trial. Please be aware of Nev. Const. art. I, § 8A(1)(d) and take whatever action you deem necessary to ensure that your client does not receive confidential information or records from the victim(s) in this case that could be used to locate or harass said victim(s).

Please also be aware that a victim has the right "[t]o refuse an interview or deposition request, unless under court order, and to set reasonable conditions on the conduct of any such interview to which the victim consents." Nev. Const. art. I, § 8A(1)(e).

Thank you,

DIANNE DRINKWATER
DEPUTY District Attorney

SECOND JUDICIAL DISTRICT COURT
County of Washoe

Charles Skaggs
Petitioner

Case No. CR 18-2148

PROPOSED

VS

ORDER

STATE OF NEVADA

Having before it Motion to Withdraw Plea of Guilt on Charge of Assault w/ Deadly Weapon, the Court finds good cause showing, herewith orders:

1. The conviction and sentence of petitioner Charles Skaggs in Case No. CR 18 2148 for Assault with Deadly Weapon is VACATED with prejudice;
2. Further the Division of Parole and Probation is ordered to strike all mention of the conviction in the PSI;
3. the Dept. of Public Safety and its Division of Records of Criminal Repository is Ordered to strike the conviction from its records.

SO ORDERED

Dated:

District Court Judge

Return Of NEF**Recipients**

KRISTA MEIER, ESQ. - Notification received on 2021-01-21 08:01:10.178.

JOANNA ROBERTS, ESQ. - Notification received on 2021-01-21 08:01:10.044.

BIRAY DOGAN, ESQ. - Notification received on 2021-01-21 08:01:10.019.

KEVIN NAUGHTON, ESQ. - Notification received on 2021-01-21 08:01:10.068.

DIV. OF PAROLE & PROBATION - Notification received on 2021-01-21 08:01:10.203.

AMANDA SAGE, ESQ. - Notification received on 2021-01-21 08:01:10.153.

JOHN PETTY, ESQ. - Notification received on 2021-01-21 08:01:10.094.

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

-

A filing has been submitted to the court RE: CR18-2148

Judge:

HONORABLE SCOTT N. FREEMAN

Official File Stamp:

01-21-2021:07:55:38

Clerk Accepted:

01-21-2021:08:00:38

Court:

Second Judicial District Court - State of Nevada
Criminal

Case Title:

STATE VS. CHARLES ANTHONY SKAGGS (TN)
(D9)

Document(s) Submitted:

Motion

- **Continuation
- **Continuation
- **Continuation
- **Continuation
- **Continuation

Filed By:

Deputy Clerk KHudson

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:

AMANDA C. SAGE, ESQ. for STATE OF
NEVADA

KEVIN P. NAUGHTON, ESQ. for STATE OF
NEVADA

KRISTA D. MEIER, ESQ.

DIV. OF PAROLE & PROBATION

BIRAY DOGAN, ESQ. for CHARLES ANTHONY
SKAGGS

JOHN REESE PETTY, ESQ. for CHARLES
ANTHONY SKAGGS

JOANNA L. ROBERTS, ESQ. for CHARLES
ANTHONY SKAGGS

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

CODE No. 2300
CHRISTOPHER J. HICKS
#7747
One South Sierra Street
Reno, Nevada 89501
(775) 328-3200
districtattorney@da.washoecounty.us
Attorney for Respondent

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

IN AND FOR THE COUNTY OF WASHOE

* * *

CHARLES SKAGGS,

Petitioner,

Case No. CR18-2148
CR18-2149

vs.

Dept. No. 9

THE STATE OF NEVADA,

Respondent.

_____ /

MOTION TO DISMISS IN PART

COMES NOW, the State of Nevada, by and through CHRISTOPHER J. HICKS, District Attorney, and Kevin Naughton, Appellate Deputy, and moves this Honorable Court to dismiss the Petition for Writ of Habeas Corpus (Post-Conviction) and the Supplemental Petition filed by Petitioner Charles Skaggs. This Motion is based on the pleadings and papers on file with this Court, and the following points and authorities.

MEMORANDUM OF POINTS AND AUTHORITIES

Procedural History

In case number CR18-2148, Petitioner Charles Skaggs ("Skaggs") pled guilty and was convicted of Attempted Assault with the Use of a Deadly Weapon. He was

sentenced to 12 to 32 months in prison. *See* Judgment of Conviction filed April 18, 2019.

In case number CR18-2149, Skaggs pled guilty and was convicted of Possession of a Trafficking Quantity of a Controlled Substance and sentenced to 48 to 120 months in prison, to run consecutive to the sentence in CR18-2148. *See* Judgment of Conviction filed April 18, 2019.

Skaggs filed notice of appeal in both of his cases but later voluntarily withdrew his appeals. *See* Order Dismissing Appeals filed August 23, 2019, in Nevada Supreme Court docket numbers 78845 and 78847.

On October 22, 2019, Skaggs filed a post-conviction Petition for Writ of Habeas Corpus (“Petition”) in both of his cases and sought the appointment of counsel. Counsel, Lyn Beggs, Esq., was appointed on April 23, 2020.

On May 8, 2020, Skaggs filed a Motion to Correct Illegal Sentence and/or Modify Sentence in both cases. The State opposed the motions and they were denied in an order filed July 23, 2020.

On August 24, 2020, Ms. Beggs filed a Motion to Withdraw as Counsel. The motions were granted and Ms. Beggs was withdrawn as counsel pursuant to an order filed October 26, 2020.

On November 25, 2020, Skaggs filed a Supplemental Petition for Writ of Habeas Corpus (Post-Conviction) (“Supplemental Petition”). This Motion to Dismiss follows.

Argument

1. Applicable authorities

A district court reviews claims of ineffective assistance of trial counsel under Strickland v. Washington, 466 U.S. 668, 686-87 (1984); *see also* Kirksey v. State, 112

Nev. 980, 987, 923 P.2d 1102, 1107 (1996). Under Strickland, to prevail on a claim of ineffective assistance of trial counsel, a defendant must establish two elements: (1) counsel provided deficient performance, and (2) “the deficient performance prejudiced the defense.” Kirksey, 112 Nev. 987, 923 P.2d at 107. To prove deficient performance, a defendant must show that counsel's performance fell below an objective standard of reasonableness. *Id.*

To prove prejudice, a defendant must demonstrate “a reasonable probability that, but for counsel's errors, the result of the trial would have been different.” *Id.* at 988, 923 P.2d at 1107. “A reasonable probability is a probability sufficient to undermine confidence in the outcome.” Strickland, 466 U.S. at 694. Counsel's performance is measured by an objective standard of reasonableness which takes into consideration prevailing professional norms and the totality of the circumstances. Strickland, 466 U.S. at 688; *accord*, Homick v. State, 112 Nev. 304, 913 P.2d 1280 (1996). An insufficient showing on either element of the Strickland standard requires denial of the claim. Kirksey, 112 Nev. at 988, 923 P.2d at 1107.

The court's review of counsel's performance must be highly deferential, with every effort being taken to eliminate the distorting effects of hindsight. Strickland, 466 U.S. at 689, 691. In making a fair assessment of counsel's performance, the trial court must reconstruct the circumstances of counsel's challenged conduct and evaluate that challenged act or omission from counsel's perspective at the time, while remaining perfectly mindful that counsel is “strongly presumed to have rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment.” *Id.* at 689-90. Accordingly, trial counsel's strategic or tactical decisions will be “virtually unchallengeable absent extraordinary circumstances.” Doleman v. State,

112 Nev. 843, 848, 921 P.2d 278, 280 (1996) *quoting* Howard v. State, 106 Nev. 713, 722, 800 P.2d 175, 180 (1990).

A petitioner must demonstrate the facts underlying a claim of ineffective assistance of counsel by a preponderance of the evidence, and a district court's factual findings regarding a claim of ineffective assistance of counsel are entitled to deference on appeal. Means v. State, 120 Nev. 1001, 1012, 103 P.3d 25, 33 (2004); Riley v. State, 110 Nev. 638, 647, 878 P.2d 272, 278 (1994). Habeas claims must consist of more than bare allegations, and an evidentiary hearing on a habeas petition is mandated only if a petitioner asserts specific factual allegations not belied or repelled by the record. Hargrove v. State, 100 Nev. 498, 686 P.2d 222 (1984); Nika v. State, 124 Nev. 1272, 198 P.3d 839 (2008).

2. Petition Ground One¹

Skaggs asserts that his trial counsel, Mr. Biray Dogan, was ineffective for failing to investigate the case or interview witnesses prior to advising Skaggs to plead guilty. Skaggs asserts that had Mr. Dogan investigated, he would have learned that his mother and his nephew witnessed portions of the events giving rise to the charges in CR18-2148 and their versions would have contradicted the version presented by the victim. Skaggs also claims that had Mr. Dogan investigated the facts surrounding CR18-2149, he would have learned that he had a viable defense because the weight of the drugs would not have crossed the trafficking threshold, he did not have actual or constructive possession

¹ The Petition set forth eight grounds for relief and the Supplemental Petition four additional grounds. Skaggs numbered the four additional grounds in the Supplemental Petition sequentially following the original eight grounds. The State will maintain that sequential numbering for ease of comprehension.

over any of the drugs located in the vehicle he was riding in, and his state of mind was altered thus negating any intent.

Skaggs' claims are partially belied by the record. At his arraignment, Skaggs told the Court that he had committed both crimes with the intent described in the Information. See Transcript of Proceedings - Arraignment January 9, 2019 ("Arraignment") pp. 7-8. Moreover, Skaggs appears to misunderstand the intent element associated with his trafficking charge. "[T]he state is not required to prove that the defendant was aware of the amount of illegal drugs he possessed, or that the defendant was aware that the amount of illegal drugs he possessed might subject him to a charge of trafficking." State v. Second Judicial Dist. Ct., 109 Nev. 1030, 1033, 842 P.2d 733, 735 (1992). Instead, the state is required to prove the amount of the substance beyond a reasonable doubt and that "the criminal defendant knowingly or intentionally possessed, sold, manufactured, deliver or brought into this state a controlled substance." Id at 1032-1033, 842 P.2d at 735.

Moreover, NRS 34.810(1)(a) requires that the court dismiss a petition if it determines that "[t]he petitioner's conviction was upon a plea of guilty... and the petition is not based upon an allegation that the plea was involuntarily or unknowingly entered or that the plea was entered without effective assistance of counsel." The Nevada Court of Appeals recently issued an opinion indicating that "to fall within the scope of NRS 34.810(1)(a), an ineffective-assistance claim must challenge events that affected the validity of the guilty plea." Gonzales v. State, 136 Nev. Adv. Op. 60 (Nev. App. October 1, 2020), 2020 WL 5889017 at *5.

"The application of procedural bars is mandatory" unless a petitioner can demonstrate good cause and actual prejudice or actual innocence. Branham v. Baca, 134

Nev. 814, 815, 434 P.3d 313, 315 (Nev. App. 2018) *citing* State v. Eighth Judicial Dist. Court (Riker), 121 Nev., 225, 231, 112 P.3d 1070, 1074 (2005) and Pellegrini v. State, 117 Nev. 860, 887, 34 P.3d 519, 537 (2001); *see also* State v. Haberstroh, 119 Nev. 173, 180, 69 P.3d 676, 681 (2003).

Skaggs does not explicitly allege that his pleas were entered involuntarily or unknowingly as a result of Mr. Dogan's alleged failure to investigate. Read charitably, the Court might infer that this is what Skaggs intended to allege. If Skaggs alleges that his pleas were entered involuntarily or unknowingly, they should proceed to an evidentiary hearing. If Skaggs is simply complaining that he believes Mr. Dogan was ineffective but that ineffectiveness had no bearing on his pleas, the claim is procedurally barred and should be dismissed. Moreover, to the extent that Skaggs claims he did not commit his crime at all, they are belied by his explicit admissions during his arraignment and should be dismissed. Hargrove, *supra*, Nika, *supra*.

3. Petition Ground Two

Skaggs alleges that he received ineffective assistance from Mr. Dogan as a result of Mr. Dogan urging him to waive his preliminary hearing and enter into a plea negotiation without first seeking to suppress evidence. Again, as with Ground One, Skaggs does not allege that his plea was entered unknowingly or involuntarily as a result of Mr. Dogan's actions. If the Court charitably infers that Skaggs alleges that his pleas were involuntarily or unknowingly entered as a result of Mr. Dogan's alleged ineffectiveness, this claim should proceed to an evidentiary hearing. If Mr. Skaggs merely asserts that Mr. Dogan was ineffective, the claim is procedurally barred and must be dismissed. NRS 34.810(1)(a), Gonzales, *supra*.

///

4. Petition Ground Three

Skaggs alleges that Mr. Dogan was ineffective for failing to advise him of the consequences of his guilty plea, particularly the clause contained in paragraph 10 of the Guilty Plea Memorandum (“GPM”) allowing the State to “be free to argue for an appropriate sentence at the time of sentencing if I fail to appear at any scheduled proceeding in this matter OR if prior to the date of my sentencing I am arrested in any jurisdiction for a violation of law....” GPM filed January 9, 2019. However, this claim is belied by the record and should be dismissed. Skaggs signed the GPM which acknowledged that “I have read this plea memorandum completely and I understand everything contained within it.” GPM, p. 5. Additionally, at his arraignment, Skaggs responded affirmatively to the Court’s questions whether he had read the GPM, completely understood the GPM’s terms and conditions, discussed it with his attorney, and was in agreement with all of the provisions contained in the GPM. Arraignment, pp. 4-5.

At the conclusion of the arraignment, the Court briefly addressed Skaggs’ custody status, noted that he was out on bail, and explicitly told him “No violations, no use, not causing any problems between now and sentencing. All right?” Arraignment, p. 12. When Skaggs responded merely that he would “show up,” the Court told Skaggs that he was “going to put your best foot forward at sentencing also” and “put yourself in the best possible light you can for me.”

Therefore, in addition to the express terms of the GPM allowing the State to argue for an appropriate sentence if he was arrested prior to sentencing, Skaggs affirmed to the Court that he had read the GPM, understood and accepted all of its terms, and acknowledged that he would not have any violations before sentencing. The

record thus belies Skaggs' claim that he was unaware of the terms of his deal and this claim should be dismissed. Hargrove, *supra*, Nika, *supra*.

5. Petition Ground Four

Ground Four essentially restates the allegations contained in Ground Three that Skaggs was not informed of the provisions of paragraph 10 of the GPM. Skaggs slightly alters the claim to suggest that the Court is somehow responsible for failing to highlight that particular portion of the GPM to him. As noted above, the claim that Skaggs was unaware of the provisions of paragraph 10 is clearly belied by the record, in multiple ways, and must be dismissed. Hargrove, *supra*, Nika, *supra*.

6. Petition Ground Five

Skaggs alleges that Mr. Dogan allegedly provided ineffective assistance of counsel for failing to challenge his competency to enter a plea due to his mental state and the medications he was taking. While the State does not believe that Skaggs will be able to make a sufficient showing to satisfy the Strickland standard, the State acknowledges that Skaggs has alleged sufficient facts to warrant an evidentiary hearing on this claim.

7. Petition Ground Six

Skaggs alleges that Mr. Dogan was allegedly ineffective for failing to explain his options after he violated the terms of his plea agreement by committing new criminal acts prior to sentencing. NRS 34.810(1)(a) requires that the court dismiss a petition if it determines that "[t]he petitioner's conviction was upon a plea of guilty... and the petition is not based upon an allegation that the plea was involuntarily or unknowingly entered or that the plea was entered without effective assistance of counsel." *See also Gonzales*, *supra*. Because this claim is entirely based upon alleged ineffectiveness occurring after Skaggs' committed new criminal acts subsequent to his arraignment in

these cases, the claim is procedurally barred and must be dismissed.

8. Petition Ground Seven

Skaggs alleges that Mr. Dogan was allegedly ineffective at sentencing for failing to object to the State's "bolstering" of the victim's impact statement and for failing to challenge inconsistencies contained within the statement. Because this claim is based entirely upon actions that occurred at sentencing, and because Skaggs pled guilty in both of his cases, the claim is procedurally barred and must be dismissed. NRS 34.810(1)(a), Gonzales, *supra*.

9. Petition Ground Eight

Skaggs alleges that he received ineffective assistance of counsel at sentencing because Mr. Dogan failed to point out inconsistencies related to the victim's statements, that she supported him during the pendency of the case, and for discussing his new arrests. Again, because these claims are based entirely upon actions at sentencing, they are procedurally barred and must be dismissed. NRS 34.810(1)(a), Gonzales, *supra*.

10. Supplemental Petition Ground Nine

Skaggs alleges that he received ineffective assistance of counsel from appellate counsel, John Petty, because Mr. Petty convinced him to withdraw his appeal and proceed to post-conviction proceedings despite Skaggs' belief that he had appealable issues. He also alleges that Mr. Dogan was ineffective for failing to keep him apprised of the fact that the State was free to argue for an appropriate sentence following his arrest on new charges. Because Skaggs pled guilty, "to fall within the scope of NRS 34.810(1)(a), an ineffective-assistance claim must challenge events that affected the validity of the guilty plea." Gonzales, *supra*. As Skaggs' claim is based upon alleged ineffective assistance related to his withdrawn appeal and post-plea arrest for new

criminal conduct, this claim is procedurally barred and must be dismissed. *Id*, NRS 34.810(1)(a).

11. Supplemental Petition Ground Ten

Skaggs alleges that he received ineffective assistance from Mr. Petty because he “is under fiscal control of the Washoe County District Attorney” and failed to seek correction of the incorrect statutory citation contained in the charging document, the PSI, and the judgment of conviction. Because this portion of the claim does not challenge the validity of his guilty pleas, it is procedurally barred and must be dismissed. NRS 34.810(1)(a), Gonzales, *supra*.

In another section of this claim, Skaggs alleges that Mr. Dogan was ineffective for failing to challenge the incorrect statutory citation prior to arraignment. Skaggs does not specifically allege that his plea was involuntarily or unknowingly entered as a result of this alleged ineffectiveness. If the Court charitably interprets this portion of the claim to assert that his plea was not validly entered, this portion of the claim should proceed to a hearing. Otherwise, this part of the claim is procedurally barred and must be dismissed.

Skaggs also alleges that Ms. Beggs was ineffective for dismissing the gravity of this alleged error and “abandoning” Skaggs. “[T]here is no constitutional or statutory right to the assistance of counsel in noncapital post-conviction proceedings,” and “[w]here there is no right to counsel there can be no deprivation of effective assistance of counsel.” Brown v. McDaniel, 130 Nev. 565, 569, 331 P.3d 867, 870 (2014) *quoting* McKague v. Warden, 112 Nev. 159, 164-65, 912 P.2d 255, 258 (1996). As this is not a capital case, Skaggs does not enjoy the right to post-conviction counsel and therefore Ms. Beggs could not be ineffective. This portion of the claim must be dismissed.

12. Supplemental Petition Ground Eleven

Skaggs claims that he received ineffective assistance from Mr. Petty for failing to raise an issue on direct appeal related to an error contained in his PSI. Again, this claim is not based upon the validity of his plea and is procedurally barred and must be dismissed. NRS 34.810(1)(a), Gonzales, *supra*.

13. Supplemental Petition Ground Twelve

Skaggs alleges that Mr. Petty provided ineffective assistance of counsel by failing to challenge the “undue influence” of the victim impact statement in this case. He alleges that the fact that the victim’s impact statement was “paid for” should “shock the conscience.” Skaggs is mixing legal standards here. The “shock the conscience” standard relates to a sentence that is so disproportionate to an offense “as to shock the conscience.” Culverson v. State, 95 Nev. 433, 435, 596, P.2d 220, 222 (1979) (internal citation omitted). Thus, the “shock the conscience” standard is inapplicable as to the quality of evidence received at sentencing. Moreover, a victim in Nevada, at the time Skaggs was sentenced, had the statutory right to “[r]easonably express any views concerning the crime, the person responsible, the impact of the crime on the victim and the need for restitution.” NRS 176.015(3)(b). Skaggs may not have liked what his victim had to say in this case, but she had the absolute right to say it. Skaggs again alleges that Mr. Dogan was ineffective for failing to point out to the Court that the victim had modified her impact statement. In addition to seeking to apply the wrong legal standard, this claim does not allege that his plea was invalid and is procedurally barred. NRS 34.810(1)(a), Gonzales, *supra*.

///

///

Conclusion

Skaggs' Petition and Supplemental Petition are replete with procedurally barred claims. By pleading guilty, Skaggs cut off his ability to allege ineffective assistance of counsel related to anything other than the validity of his pleas. Although Skaggs fails to directly connect several of his assignments of ineffective assistance of counsel to the validity of his pleas, this Court could reasonably find that he has made sufficient allegations to warrant an evidentiary hearing on parts of Grounds One, Two, and Ten, and the entirety of Ground Five. All of the other claims are either belied by the record or procedurally barred and must be dismissed.

AFFIRMATION PURSUANT TO NRS 239B.030

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

DATED: January 25, 2021.

CHRISTOPHER J. HICKS
District Attorney

By /s/ Kevin Naughton
KEVIN NAUGHTON
Appellate Deputy

CERTIFICATE OF MAILING

Pursuant to NRCP 5(b), I hereby certify that I am an employee of the Washoe County District Attorney's Office and that, on January 25, 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:

Charles Skaggs, #1117743
Northern Nevada Correctional Center
P.O. Box 7000
Carson City, NV 89702

/s/ Tatyana Kazantseva
TATYANA KAZANTSEVA

Return Of NEF**Recipients**

KRISTA MEIER, ESQ. - Notification received on 2021-01-25 08:46:57.656.
JOANNA ROBERTS, ESQ. - Notification received on 2021-01-25 08:46:57.548.
BIRAY DOGAN, ESQ. - Notification received on 2021-01-25 08:46:57.512.
KEVIN NAUGHTON, ESQ. - Notification received on 2021-01-25 08:46:57.578.
DIV. OF PAROLE & PROBATION - Notification received on 2021-01-25 08:46:57.682.
AMANDA SAGE, ESQ. - Notification received on 2021-01-25 08:46:57.63.
JOHN PETTY, ESQ. - Notification received on 2021-01-25 08:46:57.605.

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

-

A filing has been submitted to the court RE: CR18-2148

Judge:

HONORABLE SCOTT N. FREEMAN

Official File Stamp:

01-25-2021:08:18:42

Clerk Accepted:

01-25-2021:08:46:26

Court:

Second Judicial District Court - State of Nevada
Criminal

Case Title:

STATE VS. CHARLES ANTHONY SKAGGS (TN)
(D9)

Document(s) Submitted:

Mtn to Dismiss

Filed By:

Kevin Naughton

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:

AMANDA C. SAGE, ESQ. for STATE OF
NEVADA

KEVIN P. NAUGHTON, ESQ. for STATE OF
NEVADA

KRISTA D. MEIER, ESQ.

DIV. OF PAROLE & PROBATION

BIRAY DOGAN, ESQ. for CHARLES ANTHONY
SKAGGS

JOHN REESE PETTY, ESQ. for CHARLES
ANTHONY SKAGGS

JOANNA L. ROBERTS, ESQ. for CHARLES
ANTHONY SKAGGS

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

CR18-2148
STATE VS. CHARLES ANTHONY SKAGGS
District Court
Washoe County
01/26/2021 03:24 PM
2383

Charles Skaggs
(Name)
93782
(I.D. No.)
Northern Nevada Correctional Center
Post Office Box 7000
Carson City, NV 89702

Defendant, In Proper Person *Per NRS 239B.030*
No persons SS# is in this document

FILED

JAN 26 2021

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

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

Charles Skaggs
Defendant.

vs.

THE STATE OF NEVADA,
Plaintiff

Case No.: CR18-2148
Dept. No. 9

**MOTION TO CORRECT ILLEGAL
SENTENCE AND/OR
MODIFY SENTENCE OR**

In the Alternative, To
CORRECT CLERICAL ERROR

COMES NOW, Defendant, Charles Skaggs, in his proper person and requests that
this Honorable Court correct his illegal sentence and/or modify sentence.

This Motion is based upon all papers and pleadings on file herein as well as the following
Memorandum of Points and Authorities, *PER NRS 239B.030, No person's*
Social Security No. is in this Document.

Respectfully submitted this 17 day of January 2021.

[Signature]
Defendant, In Proper Person
Charles Skaggs

MEMORANDUM OF POINTS AND AUTHORITIESBRIEF STATEMENT OF FACTS AND CASE HISTORY

- 1) The defendant filed a Motion to Correct Illegal Sentence on May 8 2020, and thereby notifying this court of the slovenly errors of the Alaska County District Attorney who somehow managed to put into the charging document a misdemeanor charge upon which the court pronounced a felony sentence;
- 2) On or about May 18 2020, the STATE filed an opposition while admitting to its clerical error at footnote 1 on page 2, pointing out "the court retains jurisdiction to correct a such a clerical mistake;
- 3) the defendant replied to state opposition on 05-27-20;
- 4) the Court ordered denial of Motion on 07-24 notifying all parties by Notice; the court called motion "fugitive";
- 5) the appointed counsel had refused to make the attempt to correct the errors, apparently required to wear the hat of the STATE's interest, not her clients;
- 6) the conflicted counsel moved the court to withdraw and was granted and the court gave leave to defendant to proceed in pro personis on 12-08-20;

MEMORANDUM OF POINTS AND AUTHORITIES (continued)

BRIEF STATEMENT OF FACTS AND CASE HISTORY

7.) By way of The charging INFORMATION PETITIONER WAS PROSECUTED pursuant to N.R.S. 199.330 "Buying or Promising reward by Justice or Constable" which states:

N.R.S. 199.330 Buying or Promising reward by justice or constable.

"Every justice of the peace or constable who shall, directly or indirectly, buy or be interested in buying anything in action for the purpose of commencing a suit thereon before a justice of the peace, or who shall give or promise any valuable consideration to any person as an inducement to bring, or as a consideration for having brought, a suit before a justice of the peace, shall be guilty of a misdemeanor."

As a result of the prosecution by way of INFORMATION for the violation of N.R.S. 199.330 the sentencing court imposed a sentence of 12-32 months stating, "You'll be sentenced to 32 months in Nevada Department of Corrections with Parole eligibility after 12 months."

8.) ON the 17th day of April 2019 the sentencing court, in compliance with the Concepts of Due-Process (U.S.C.A) and Nev. Const. Art 1 section 15 Following the Statutory Authority relied upon for Prosecution ISSUED A JUDGMENT OF CONVICTION, Reliance upon which is PREDICATED by the stated Authority, Finding SKAGGS ¹ Guilty of N.R.S. 199.330 A MISDEMEANOR. Proposed Remedy: SKAGGS seeks

that Amended J.O.C. Setting the Sentence for the described Misdemeanor at No more than One Year.

1. MISDEMEANOR CONVICTIONS ARE Limited 3
STATUTORILY to NO MORE THAN ONE
YEAR

POINTS AND AUTHORITIES

This court retains jurisdiction to modify a Judgment of Conviction at any time. *Passanisi v. State*, 108 Nev. 318, 831 P.2d 1371 (1992). Defendant was denied due process of law when this

court: failed to take note of the clerical error, which creates a false factual record on PSE Parole Board, DPS/JPP and prison records, and the charge makes defendant look like something he is not;
This court may modify the sentence based on the foregoing reasons. *Warden v. Peters*, 83 Nev.

298, 429 P.2d 549 (1967) as referenced in *Edwards v. State*, 112 Nev. 704, 918 P.2d 321 (1996).

Additionally, this court was obligated to adhere to the Guilty Plea Agreement per the CONTRACT CLAUSE and *Santabello v. New York*, 404 U.S. 257, 92 S.Ct. 495 (1971). "When the State enters into a plea agreement it is held to the most meticulous standards of both promise and performance." *Sparks v. State*, 121 Nev. 107, 110 P.3d 486 (2005).

Lastly, this court may entertain a Motion to Correct Illegal Sentence at any time when the sentence is facially illegal or based on a lack of jurisdiction. *Edwards, Supra*. Accordingly, this Court should modify Defendant's sentence and/or correct his illegal sentence, and enter a new judgment of conviction *nunc pro tunc*. The petitioner is entitled to at least an order for correction, as he has a fair expectation that the government does not make false representations on any government document; this issue also rises to the level of the public interest in accurate charging documents, because of the collateral affects

CONCLUSION

Wherefore, based upon the foregoing, the instant Motion should be granted, and the Judgment of Conviction for CR15-214 should be corrected or modified in a manner consistent with due process and truthful
4

CERTIFICATE OF SERVICE

I, Charles Skaggs certify that on this date I did serve a true and correct copy of the foregoing Motion upon Respondent(s), via U.S. Mail, by placing same in the United States Postal Service (Prison Mail System), postage being fully prepaid, and addressed to:

Nashua County District Attorney
One So. Sierra
Reno NV 89501

Dated this 17th day of January, 2021.

By: Ch Skaggs
Defendant, In Proper Person
Charles Skaggs

AFFIRMATION PURSUANT TO NRS 239B.030

** I certify that the foregoing document DOES NOT contain the social security number of any Persons.

1/17/21
(Date)

Ch Skaggs
(Signature)
Charles Skaggs

CR18-2148
DC-0950009252-537
STATE VS. CHARLES ANTHONY SK 5 Pages
District Court 01/26/2021 04:05 PM
Washoe County 2045

Charles Skaggs

(Name)

1147743

(I.D. No.)

Northern Nevada Correctional Center

Post Office Box 7000

Carson City, NV 89702

Movant, In Proper Person

Per NRS 239B.030 No persons
SS# is in this Document

FILED

JAN 26 2021

JACQUELINE BRYANT, CLERK
By: [Signature]
DEPUTY CLERK

SECOND JUDICIAL DISTRICT COURT
County of Washoe

Charles Skaggs

Petitioner

vs.
STATE OF NEVADA

Respondent

Case No.: CR18-2148

CR18-2149

Motion for Discovery
NRS 34.780; NRS 34.930
et sequeter

COMES NOW, Charles Skaggs, in proper person and herein
above respectfully moves this Honorable Court for a(n) Order Granting Discovery
for the petitioner, Charles Skaggs, per the Nevada Rules
of Civil Procedure by virtue of permission of NRS 34.780

The instant motion is made and based upon all papers and pleadings on file herein as well
as the following Memorandum of Points and Authorities and attached exhibits (where
applicable), and declaration and proposed Order.

Per NRS 239B.030 No persons Social Security Number is in this
document.

[Signature]
Charles Skaggs

MEMORANDUM OF POINTS AND AUTHORITIES

1. The plaintiff was charged, by clerical error, to a crime cited in all charging and sentencing documents as 199.330 "Buying or promising reward by a justice or constable"
2. There is no factual premise supporting the charge of this misdemeanor and is belied by the fact that the petitioner is now was either a justice of peace or a constable;
- 3.) the police declaration of probable cause mentions no "promising of reward," and falsely spin-doctored a litany of false over-zealous charges out of a domestic dispute motivated by "virtuous victim" totem effectuated by the police-endorsed passage of the Constitutional pre-emption of all male use affirmative defenses in the cases of private disputes between domestic partners; See Exhibit 1
- 4.) the police loaded untrue charges based on the prejudicial omission and deliberate discounting of potential witnesses with exculpatory evidence; the excessive charges alleged were Robbery, Assault w/ Deadly Weapon, Violation of TPO and Domestic Battery
- 5.) the plaintiff believes evidence exists which exonerates all charges arising out of the domestic dispute which occurred when the FEMALE violated the TPO by going to the domicile of the petitioner;

MEMORANDUM OF POINTS AND AUTHORITIESBRIEF STATEMENT OF FACTS AND CASE HISTORY

6) in order for the petitioner to prosecute his claim of factual innocence of the charges under NRS 34.900 et seq, it is necessary to obtain following relevant evidence material to my claims:

a) all work product (handwritten notes), "Chronos" and/or case notes, Memos to file, from the files of the Washoe County Public Defender;

b) all phone logs, emails and other communications between the Washoe County Public Defenders office and District Attorney regarding case-2148 and CR-18-2149

c) electronic copy on CD of the body cams of all officers interacting with any and all witnesses, the accused and the prosecutrix;

d) any and all investigative notes and communications with the investigating police agencies in this case

e) all exculpatory evidence or information in possession of the police or prosecutor;

- 7.) in addition to this request for documents, the plaintiff wishes to be approved of 25 interrogatories to interrogate, under penalty of perjury both the Washoe County Public Defender and the District Attorney and the Chief of Police, all proportioned reasonably to the discovery of policies of the government-criminal administration of justice regarding charge loading, negotiations protected by U.S. Supreme Court's *Lafayette v. Cooper* and *Missouri v. Frye* decision as to the "critical stage" under 6th Amendment; it will be very important to allow 25 questions each, for a total of 75, so that meaningful follow-up can be exercised based on disclosures made in responses to initial queries;
- 8.) in addition 20 admissions are requested from the respondents including the WCDA, WCPD and from the PD;
- 9.) Attached at Exhibit 2 is a request for evidence from Public Defender, to which they have not responded; wherefore, an order is requested to allow discovery;

Dated this 20th day of January, 2021.

By: Chloe 82
Charles Skaggs

Index of Exhibits
motion for Discovery

No.Descriptionno. pgs.

1

Police Dedication Prob. Cans

1

2

Request for Documents

1

CR18-2148
STATE VS. CHARLES ANTHONY SK 2 Pages
District Court 01/26/2021 04:05 PM
Washoe County 2045

EXHIBIT 1

Police Declaration of Probable Cause
RPD 0041321C / 18-16583

ORIGINAL

ARREST REPORT AND
DECLARATION OF PROBABLE CAUSE

RPD0041321C

COURT OF JURISDICTION _____

CASE # 18-16583

RJC

PHOTO # _____

R62273

PRINT CLEARLY

ARRESTEE'S (Last, First, Middle)
NAME

AKA/ALIAS

SKAGGS, CHARLES A

RESIDENCE (Street, City, State, Zip)
ADDRESS

RACE <input checked="" type="checkbox"/> White <input type="checkbox"/> Black <input type="checkbox"/> Unknown		<input type="checkbox"/> Indian <input type="checkbox"/> Asian	SEX <input checked="" type="checkbox"/> Male <input type="checkbox"/> Female	ETHNICITY <input type="checkbox"/> Hispanic <input checked="" type="checkbox"/> Non-Hispanic <input type="checkbox"/> Unknown	AGE 601	HT 225	WT 225	HAIR BLK	EYES BRO
OCCUPATION & BUS ADDRESS					HOME PHONE				
DEFENSE COUNSEL					BUS PHONE				
NEXT OF KIN					SCARS, MARKS, TATTOOS				
					SAME LISTED				

ARREST DATE 8-11-18 TIME 1511 LOCATION LOWST ST / BROADWAY AVE REJO, NV

OFFENSE DATE 08/12/18 TIME 0756 LOCATION REJO, NV

NRS/ORD #	NOC	BAIL	WARRANT # & DATE	CHARGE	F= Felony, G=Gross Misd, M=Misd F-G-M
200.380	50137			1 ROBBERY	F
200.471	50201			2 ASSAULT W/ DEADLY WEAPON	F
200.5A1				3	
33.100	52916			4 VIOLATION DOMESTIC TPO	M
200.485	50235			5 DOMESTIC BATTERY 1st	M
				6	
				7	
				8	

ARRESTING OFFICER(S)

AND ID # OVERBY, B 14635

PRIVATE PERSON MAKING
THE ARREST (Citizen Arrest)

TRANSPORTING OFFICER(S)

AND ID # SPD HAMMERSTONE

REVIEWING SUPERVISOR
AND ID # J. Hedges 11996

The undersigned, OFFICER OVERBY, B, a police officer, of _____, hereby declares under penalty of perjury, that the above-named defendant has been arrested on probable cause and is subject to detention for the above-listed offense(s). Either personally or upon information and belief this officer learned the following facts and circumstances which support the arrest and detention:

SEE ATTACHED DECLARATION

18 AUG 27 PM 5:09

RELS TO _____ DATE _____ BY _____
DISSEMINATION IS RESTRICTED TO CRIMINAL JUSTICE AGENCIES ONLY SECONDARY DISSEMINATION TO NON-CRIMINAL AGENCIES IS PROHIBITED.

WHEREFORE, Declarant requests that a finding be made by a magistrate that probable cause exists to hold said person for preliminary hearing (if charge is a felony or gross misdemeanor) or for trial (if charge is a misdemeanor).

Page 1 of 2 DECLARANT B. Overby I.D.# 14635

REVIEWED FOR PROBABLE CAUSE (PC)

PC FOUND ☐ PC NOT FOUND ☐ DATE _____ TIME _____, MAGISTRATE

DEFENDANT ORDERED RELEASED, DATE _____, MAGISTRATE

CR19-2149
STATE VS. CHARLES ANTHONY SK 2 Pages
District Court 01/26/2021 04:05 PM
Washoe County 2045

EXHIBIT 2

Request for Documents to PD 1-13-21

Charles Skaggs
NNCC PO Box 2000
Carson City, NV 89702

1-13-2021

Washoe Co. Public Defender
PO Box 11130
Reno NV 89520

Re: Case No CR18-2148 / NRS 34.280
NRS 239 Request

Please consider this a formal request for all Case Note entries (Chronos) Memos to File (privileged and confidential) copies of all handwritten notes, work product and e-mail correspondence between any official of Public ~~Def~~ Defenders Office and the district attorney regarding charging decisions, investigations of police and negotiations for a plea deal;

In addition, I would like a copy of the tables of contents for any desk manual or another book or record or internal management procedure and policy statements (IMPPs) or operational regulations which serve as guidelines to assist your staff in representation of your indigent clients.

Very respectfully

Charles Skaggs
Charles Skaggs

1-14-21

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. CR18-2148

vs.

Dept. No. 9

CHARLES SKAGGS,

Defendant.

_____ /

**OPPOSITION TO MOTION TO WITHDRAW PLEA OF GUILT ON
CHARGE OF ASSAULT WITH A DEADLY WEAPON**

COMES NOW, the State of Nevada, by and through CHRISTOPHER J. HICKS,
District Attorney, and Kevin Naughton, Appellate Deputy, and hereby opposes the
Motion to Withdraw Plea of Guilt on Charge of Assault with a Deadly Weapon filed by
Charles Skaggs on January 21, 2021.

Memorandum of Points and Authorities

Procedural History

The Defendant, Charles Skaggs ("Skaggs"), pled guilty and was convicted of
Attempted Assault with the Use of a Deadly Weapon. He was sentenced to 12 to 32
months in prison. See Judgment of Conviction filed April 18, 2019.

Skaggs filed a notice of appeal but later voluntarily withdrew his appeal. *See* Order Dismissing Appeals filed August 23, 2019, in Nevada Supreme Court docket numbers 78845 and 78847.

On October 22, 2019, the Defendant filed a post-conviction Petition for Writ of Habeas Corpus (“Petition”) in both of his cases (this case and CR18-2149) and sought the appointment of counsel. Counsel, Lyn Beggs, Esq., was appointed on April 23, 2020.

On May 8, 2020, the Defendant filed a Motion to Correct Illegal Sentence and/or Modify Sentence in both cases. The State opposed and the Motions were denied in an order filed July 23, 2020.

On August 24, 2020, Ms. Beggs filed a Motion to Withdraw as Counsel. Ms. Beggs’ motion was granted, and she was withdrawn as counsel pursuant to an order filed October 26, 2020.

On November 25, 2020, Skaggs filed a Supplemental Petition for Writ of Habeas Corpus (Post-Conviction) (“Supplemental Petition”). The State filed a Motion to Dismiss in Part on January 25, 2021.

On January 21, 2021, the Defendant filed the instant Motion. This Opposition follows.

Argument

“A post-conviction petition for a writ of habeas corpus is the *exclusive remedy* for challenging the validity of a conviction or sentence aside from direct review of a judgment of conviction on appeal and remedies which are incident to the proceedings in the trial court.” Harris v. State, 130 Nev. 435, 437, 329 P.3d 619, 621 (2014) (quotation and citation omitted, emphasis in original). “[A]fter sentence has been imposed, the

statutory post-conviction habeas petition takes the place of a motion to withdraw a guilty plea.” *Id.* The Defendant’s Motion seeks to withdraw his guilty plea and “is meant to advance the relief sought in his Petition for Writ of Habeas Corpus filed Oct. 22, 2019 and his Supplemental Petition for Writ of Habeas Corpus filed 11-24-2020.” Motion, p. 1. As the Defendant currently has a post-conviction habeas petition pending before this Court and he acknowledges that the instant Motion seeks to further the same relief sought in his Petition and Supplemental Petition, the Motion should be denied.

Conclusion

The Defendant is currently seeking to unwind his guilty plea in the only way currently available to him – a post-conviction habeas petition. Post-conviction motions to withdraw guilty pleas are not “incident to the proceedings” and therefore must proceed as post-conviction habeas petitions. *See Harris, supra.* As the Defendant’s Motion acknowledges that it seeks the same relief sought in Ground One of his Petition, the instant Motion is both procedurally defective and duplicative and 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: February 1, 2021.

CHRISTOPHER J. HICKS
District Attorney

By /s/ Kevin Naughton
KEVIN NAUGHTON
Appellate Deputy
Nevada Bar No. 12834

CERTIFICATE OF MAILING

Pursuant to NRCP 5(b), I hereby certify that I am an employee of the Washoe County District Attorney's Office and that, on February 1, 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:

Charles Skaggs #1117743
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 Respondent

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

IN AND FOR THE COUNTY OF WASHOE

* * *

CHARLES SKAGGS,

Petitioner,

Case No. CR18-2148
CR18-2149

vs.

THE STATE OF NEVADA,

Dept. No. 9

Respondent.

_____ /

OPPOSITION TO MOTION FOR DISCOVERY

COMES NOW, the State of Nevada, by and through CHRISTOPHER J. HICKS, District Attorney, and Kevin Naughton, Appellate Deputy, and hereby opposes the Motion for Discovery filed by Charles Skaggs (hereinafter, "Petitioner") on January 26, 2021.

Memorandum of Points and Authorities

Argument

The Petitioner seeks an order from this Court authorizing him to obtain "all work product" from the Washoe County Public Defender's Office, "all phone logs, emails and other communications between the Washoe County Public Defender's Office and District Attorney," an "electronic copy on CD of the body cams of all officers interacting

with any and all witnesses,” “any and all investigative notes and communications with the investigating police agencies in this case,” and “all exculpatory evidence or information in possession of the police or prosecutor.” Additionally, he seeks to lodge 25 interrogatories to the Washoe County Public Defender’s Office, the Washoe County District Attorney’s Office, and “the Chief of Police” as well as “20 admissions” from the same entities. The Petitioner’s request for discovery is tied to his post-conviction petitions for writs of habeas corpus that are currently pending before this Court.

The Nevada Rules of Civil Procedure govern discovery in post-conviction habeas corpus proceedings. NRS 34.780(1). However, discovery is only available “[a]fter the writ has been granted and a date set for the hearing....” NRS 34.780(2). As the Petitioner’s petitions have not yet been granted and a date has not been set for a hearing, he is not entitled to discovery at this time.

Conclusion

The Petitioner’s request for discovery is premature. Should this Court grant the Petitions and set the matter for a hearing, the Petitioner may seek discovery “if, and to the extent that, the judge or justice for good cause grants leave to do so.” NRS 34.780(2). Therefore, the Motion for Discovery must be dismissed at this time.

AFFIRMATION PURSUANT TO NRS 239B.030

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

DATED: February 1, 2021.

CHRISTOPHER J. HICKS
District Attorney

By /s/ Kevin Naughton
KEVIN NAUGHTON
Appellate Deputy

CERTIFICATE OF MAILING

Pursuant to NRCP 5(b), I hereby certify that I am an employee of the Washoe County District Attorney's Office and that, on February 1, 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:

Charles Skaggs #1117743
Northern Nevada Correctional Center
P.O. Box 7000
Carson City, NV 89702

/s/ Tatyana Kazantseva
TATYANA KAZANTSEVA

CODE No. 3880
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. CR18-2148

vs.

Dept. No. 9

CHARLES SKAGGS,

Defendant.

_____ /

**RESPONSE TO MOTION TO CORRECT ILLEGAL SENTENCE
AND/OR MODIFY SENTENCE**

COMES NOW, the State of Nevada, by and through CHRISTOPHER J. HICKS, District Attorney, and Kevin Naughton, Appellate Deputy, and hereby responds to the Motion to Correct Illegal Sentence and/or Modify Sentence filed by Charles Skaggs on January 26, 2021.

Memorandum of Points and Authorities

Statement of the Case

Defendant Charles Skaggs pled guilty and was convicted of Attempted Assault with the Use of a Deadly Weapon. He was sentenced to 12 to 32 months in prison. See Judgment of Conviction filed April 18, 2019.

On October 22, 2019, the Defendant filed a post-conviction Petition for Writ of Habeas Corpus and sought the appointment of counsel. Counsel, Lyn Beggs, Esq., was appointed on April 23, 2020.

On May 8, 2020, the Defendant filed a Motion to Correct Illegal Sentence and/or Modify Sentence. The State opposed and the Court entered an Order Denying Motion to Correct Illegal Sentence and/or Modify Sentence on July 23, 2020.

Ms. Beggs sought to withdraw as counsel for Skaggs and the Court granted the request in an Order Granting Motion to Withdraw as Counsel on October 26, 2020. Since that time, Skaggs has represented himself in his post-conviction proceedings.

On January 26, 2021, Skaggs filed the instant Motion to Correct Illegal Sentence and/or Modify Sentence or In the Alternative, to Correct Clerical Error. This Response follows.

Argument

As noted in a footnote to the State's Opposition the first time Skaggs filed his Motion to Correct or Modify, it appears that the State incorrectly referred to NRS 199.330 in describing the offense Skaggs committed in the Information. That same incorrect citation was then repeated throughout the proceedings, and ultimately in the Judgment of Conviction. To the extent that Skaggs requests that this Court correct the clerical error in the Judgment of Conviction to reflect the appropriate attempt statute, NRS 193.330(1)(a)(4), the State has no objection. See Motion, p. 4.

Conclusion

The State is not opposed to Skaggs's request that the Court correct the clerical error, promulgated by the State's incorrect citation to the attempt statute in the Information.

AFFIRMATION PURSUANT TO NRS 239B.030

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

DATED: February 1, 2021.

CHRISTOPHER J. HICKS
District Attorney

By /s/ Kevin Naughton
KEVIN NAUGHTON
Appellate Deputy
Nevada Bar No. 12834

CERTIFICATE OF MAILING

Pursuant to NRCP 5(b), I hereby certify that I am an employee of the Washoe County District Attorney's Office and that, on February 1, 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:

Charles Skaggs #1117743
Northern Nevada Correctional Center
P.O. Box 7000
Carson City, NV 89702

/s/ Tatyana Kazantseva
TATYANA KAZANTSEVA