

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

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**RODERICK SKINNER,**

**Petitioner,**

**vs.**

**WARDEN FRANKLIN, NNCC,  
STATE OF NEVADA ET AL,**

**Respondents.**

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**Sup. Ct. Case No. 86846, 86893**

**Case No. CR14-0644**

**Dept. 8**

**RECORD ON APPEAL**

**VOLUME 3 OF 16**

**DOCUMENTS**

**APPELLANT**

**Roderick Skinner #1126964  
Northern Nevada Correctional Center  
P.O. Box 7000  
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**RESPONDENT**

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1 Code No. 4185

2  
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4  
5 IN THE SECOND JUDICIAL DISTRICT COURT  
6 OF THE STATE OF NEVADA  
7 IN AND FOR THE COUNTY OF WASHOE  
8 THE HONORABLE DAVID A. HARDY

9 -o0o-

10 STATE OF NEVADA, )  
11 Plaintiff, ) Case No. CR14-0644  
12 vs. ) Dept. No. 15  
13 RODERICK STEPHEN SKINNER, )  
14 Defendant. )  
15 \_\_\_\_\_ )

16 TRANSCRIPT OF PROCEEDINGS  
17 Sentencing  
18 Thursday, September 4, 2014  
19 RENO, NEVADA  
20

21  
22  
23  
24 Reported By: RANDI LEE WALKER, CCR #137

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KATE BENZLER

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1           RENO, NEVADA, THURSDAY, SEPTEMBER 4, 2014, 1:30 P.M.

2                               -o0o-

3  
4           THE COURT: This is a continuation of the Skinner  
5 sentencing. I am not sure who needs to go first.  
6 Counsel, will you remind me?

7           MR. FREY: Your Honor, I think that we were close  
8 to the conclusion of the Defense's presentation of its  
9 witnesses. My sense was that the State was prepared to  
10 present its witnesses. I don't think we have concluded  
11 argument, though, from the Defense, from our perspective.

12           THE COURT: I prefer you conclude any witnesses  
13 that you may have, and then argue the case. And then  
14 after it's submitted, I'll turn to the State.

15           MR. FREY: Well, we don't have any other  
16 witnesses to present at this juncture, Your Honor. I  
17 would like to reserve argument until after the witnesses  
18 testify, but I can proceed. Are the witnesses in the  
19 courtroom?

20           THE COURT: I don't have any idea.

21           MS. DRUCKMAN: Judge, what I would indicate is  
22 that we do have the P&P Officer, who is going to be cross-  
23 examined, I assume, by Mr. Frey; I will be asking some  
24 direct questions about the scoring concerns; and then the

1 other issue that I thought Mr. Frey was still to address  
2 was the issue of supervision, from his perspective.

3 THE COURT: I think, then, that you ought to hear  
4 it before you argue it. So if you'll yield to the State,  
5 then.

6 MR. FREY: That's fine.

7 THE COURT: Call your witnesses, Ms. Druckman.

8 MS. DRUCKMAN: The first witness is Kate Benzler.

9  
10 KATE BENZLER,  
11 called as a witness by the State,  
12 who, having been first duly sworn, was examined  
13 and testified as follows:  
14

15 MR. FREY: Your Honor, if I could, as witnesses  
16 trickle in, to the extent the Rule of Exclusion is  
17 applicable, I think this may be an appropriate  
18 circumstance to limit the exposure of the witnesses to the  
19 other aspects of today's proceeding.

20 THE COURT: I'm not sure if the Rule of Exclusion  
21 applies to sentencing proceedings.

22 MS. DRUCKMAN: Actually, I have seen it in both,  
23 Your Honor.

24 THE COURT: To the extent it's applied, it is

1 denied.

2 You may continue, Ms. Druckman.

3 DIRECT EXAMINATION

4 BY MS. DRUCKMAN:

5 Q Can you inform the Court of your occupation and  
6 assignment?

7 A I am a Parole & Probation Specialist III, with  
8 the Division of Parole & Probation. And I specifically  
9 investigate the sex cases.

10 Q Can you please state for the Court your training  
11 and experience that qualifies you to hold that position?

12 A Outside of my Associates Degree, I have had  
13 numerous rankings, including interview and interrogation,  
14 both in the general sense, as well as the sexual deviant.

15 And then I have been writing the PSIs, including  
16 sex offenses, since approximately 2008.

17 Q Were you the author of the presentence-  
18 investigation report dated July 10, 2014?

19 A Yes.

20 Q And in particular, did you apply the Division's  
21 criteria to forming your opinion and the scores?

22 A Yes.

23 Q And briefly could you describe to the Court the  
24 overlay of the scoring, to the Court?

1           A     The scoring is based on our interview with the  
2 defendant. We do not typically reach out and verify their  
3 social history, which would include employability, recent  
4 employment, or previous employment.

5                     I do have it all written down, I don't have it  
6 off the top of my head: but family situation, their  
7 criminal history, supervision history.

8                     Essentially, everything that -- there isn't  
9 anything in the scoring that isn't laid out in the  
10 pre-sentence investigation.

11           Q     So is there a matrix that you use to apply scores  
12 to these different areas, and then form a conclusion that  
13 you provide to the Court?

14           A     We do have a matrix that provides a score for us;  
15 but with the scoring, it will fall into three categories:  
16 either incarceration, borderline, or probation. And at  
17 that point, we do have the discretion to deviate from any  
18 one of those scoring, depending on what they fall in, and  
19 the circumstances of the case.

20           Q     Well, first concerning the defendant's family  
21 background, can you briefly describe to the Court what  
22 sort of points that are normally awarded in that area?

23           A     The highest point -- and, again, I don't have  
24 my --



1 Q Would you like to get that?

2 A Please.

3 MR. FREY: What are we talking about, Your Honor?

4 MS. DRUCKMAN: Her --

5 THE COURT: It's a probability scoring matrix of  
6 some type.

7 MR. FREY: Oh.

8 THE COURT: Do you have it here?

9 THE WITNESS: Yes, Your Honor, I do.

10 THE COURT: Go ahead and grab it real quick.

11 MS. DRUCKMAN: It would be very difficult to  
12 answer questions without being able to look at it.

13 THE COURT: Show it to Ms. Druckman, if you  
14 would, and then Ms. Druckman will share it with Mr. Frey,  
15 so we all know what you're reviewing.

16 MS. DRUCKMAN: For the Court's information, this  
17 document that was being shown and referred to by the  
18 witness is actually part of counsel's memorandum of  
19 sentencing.

20 THE COURT: Okay.

21 BY MS. DRUCKMAN:

22 Q All right. We were talking about family  
23 background.

24 A Okay. In a family situation, the highest scoring

1 he could receive would be three points. And that's for  
2 constructive support. It then goes down the line to  
3 two points for moderately supportive; one point for  
4 non-supportive/non-existent; and zero points for  
5 disruptive, which is why I scored him zero points for  
6 disruptive.

7 Q Can you briefly describe the basis for that  
8 disruptive scoring?

9 A Certainly. His disclosure in writing, in his  
10 presentence-investigation questionnaire, was that from  
11 birth he had suffered abuse from his mother; his father  
12 had suffered abuse from his mother. So the disruption  
13 started at birth.

14 And then he goes on. And it appears that he  
15 stabilized, from the best that I could tell from my  
16 interview, that he had stabilized.

17 And then he was injured in the accident --

18 Q Can I briefly interrupt you? So in terms of the  
19 first family background of being raised in the abusive  
20 home, in his written statements he indicated that his  
21 mother was abusive and hit and punched him and hit him  
22 with flower pots. If she was nice, it didn't last. His  
23 parents fought a lot. And that he basically had an  
24 accident on a motorcycle, and became suicidal at that

1 time.

2 Could you describe those facts and circumstances  
3 to the Court, please?

4 A Certainly. As I said, he appeared to stabilize  
5 through his employment as a police officer in Queensland.

6 Q But prior to that, concerning this suicide  
7 attempt, could you describe that to the Court?

8 A I believe the suicide attempt was after his  
9 accident as a police officer. But that one, I -- again, I  
10 believe he said he was suicidal at that point.

11 Q Can you describe -- when you say he "appeared to  
12 stabilize," had he gained employment as a police officer?

13 A There was no information to the contrary. He --  
14 from after his childhood, it appears in 1979 he gained  
15 employment as a police officer.

16 And I believe it was 1986 or 1987 that he  
17 suffered the amputation from the accident, while on duty.

18 And it appears at that point is where things --  
19 the stabilized lifestyle appears to have disintegrated  
20 again.

21 He was married, and had two children.

22 Q Was Courtney one of those children?

23 A Yes, Courtney was one of them.

24 Q Who was the other one at that time?

1           A     He has Courtney, who is 23; and then he  
2 represented he has a Roderick Skinner, who is -- or a  
3 Broderick Skinner, that is age 19.

4           Q     Currently. But at that time, they were in their  
5 teens?

6           A     Yes, they were. They were significantly younger.  
7 Then he went through a divorce there, and indicated that  
8 he moved to Vietnam, where he married another female  
9 there, and had a child.

10                  And his representation to the Division was that  
11 after he had that child, that child was kidnapped and  
12 taken into a village. And the mother, his second wife,  
13 was under some obligation to go with the family.

14                  And at that point, he then moves to Thailand.  
15 While still married to the female in Vietnam, he moves to  
16 Thailand, engages in another relationship, wherein Sophie  
17 Skinner was produced. And he left Thailand, to come to  
18 the United States.

19           Q     So let me just stop you there. So he has a very  
20 dysfunction upbringing, becomes a police officer, and he  
21 has this life-disrupting accident?

22           A     Yes.

23           Q     And he attempts suicide. How does he attempt  
24 suicide?

1           A     I don't remember at this time.

2           Q     Was it weed killer in strawberry milk? Does that  
3 ring a bell?

4           A     Yes.

5           Q     Can you describe the facts and circumstances the  
6 defendant explained to you about that?

7           A     That he -- I remember him saying that he had  
8 ingested the weed killer, and the strawberry milk was an  
9 attempt to make it more palatable. However, it was the  
10 strawberry milk that prevented any absorption of the weed  
11 killer.

12          Q     So he lived?

13          A     Yes.

14          Q     Concerning this Vietnamese woman that he married  
15 after he divorced Lynn, the mother of Courtney and  
16 Broderick, what was the Vietnamese woman's name? Do you  
17 remember her name?

18          A     Lynn.

19          Q     And what was the name of the son that was  
20 conceived in that union in Vietnam?

21          A     Roderick, I believe.

22          Q     Was it John or Roderick?

23          A     Oh, maybe it was John Roderick, or Roderick John.

24          Q     And he said that his son John, or Roderick, was

1 kidnapped?

2 A Yes.

3 Q But was that in fact a child that was taken by  
4 the woman and her family back into rural Vietnam?

5 A I have no confirmation of that, other than his  
6 representation. Initially his representation was that he  
7 was kidnapped. But when he was challenged and pressed  
8 further for it -- for the information -- I believe he gave  
9 me an explanation, at one point, that the oldest son, of  
10 the oldest daughter, is to be taken back -- and I can't  
11 remember if he said they were going to -- that the child  
12 was brought back for work purposes -- but that it was  
13 customary for the oldest male child to be removed and  
14 taken back. And then he goes into the discussion about  
15 Lynn, and her going back with her family.

16 Q And so he's still married to the second wife  
17 named Lynn, the Vietnamese wife. Where did he say he went  
18 after that?

19 A Thailand.

20 Q And with whom did he go?

21 A I believe he went alone. And it wasn't until he  
22 went to Thailand that he met Bin, which is Sophie's  
23 mother.

24 Q Did he, in fact, marry Bin?

1           A     No. He was still married to Lynn.

2           Q     But he conceived Sophie with her?

3           A     Yes.

4           Q     And did he state what his goal was concerning his  
5 Vietnamese family?

6           A     Ultimately, that his wife would -- his  
7 girlfriend -- I'm sorry -- or Sophie's mother would return  
8 to Australia, upon his return.

9           Q     Can you describe to the Court whether you felt  
10 this was a stable family, or a chaotic sort of family  
11 background?

12          A     Oh, I absolutely felt that it was disruptive.  
13 And just based on -- as I said, he has a wife in one  
14 country, where his child is abducted.

15                 And it isn't that -- that wasn't any fault of his  
16 own; however, it's still disruptive.

17                 And then he goes onto Thailand, while still  
18 married in Vietnam, to have another child, with another  
19 woman. And then severs that relationship -- whether  
20 actually ending the relationship -- and coming over to the  
21 United States, by himself, with the daughter, and again  
22 having another set of -- another broken home, with another  
23 child.

24          Q     In terms of your contacts with different persons

1 in Social Services, was there any indication that Bin, the  
2 Vietnamese mother of Sophie, has any intent of returning  
3 to mother of Sophie?

4 A Not based on -- not based on the information that  
5 was provided by Social Services; as well, information  
6 that, after our last continuance, was received from  
7 Australia.

8 Q And did anything about your opinion change when  
9 you heard the testimony of Courtney Skinner, the daughter  
10 of the defendant?

11 A No. Because my assessment in describing his  
12 family support as disruptive had to do with the marriages;  
13 and the several broken homes; and the consistent moving;  
14 and the raising of a child, where the mother is not  
15 involved in any way. So Courtney wasn't a factor into it.

16 I do recognize that he appears to have one  
17 stable -- or appeared to, at that time -- have one stable  
18 person. But the overall picture was still disruptive.

19 Q Now let's discuss the scoring on the  
20 employability criteria. Can you briefly describe why  
21 employability is a factor that you consider in making a  
22 recommendation to the Court?

23 A The Division looks at -- and as part of our  
24 scoring, I'm going to flip to that page here. One would



1 be given two points, which would be the maximum points  
2 allotted in that section for readily -- or for employment  
3 that's not needed; one point, if employability could be  
4 developed; and zero points if he's unemployable.

5 I did score him as unemployable. And that was  
6 based on the representation that he made during our  
7 interview. And that was after his accident in 1986 or  
8 1987, with the police department. He was able to return  
9 to work in a desk or clerical capacity. And he stated to  
10 me that he could no longer do it because of the physical  
11 ailments, including the Crohn's Disease and whatnot, that  
12 he was no longer able to continue working. But,  
13 certainly, that he has not worked -- or has not worked  
14 since 1989.

15 Q How old, then, are his skills if he hasn't worked  
16 since 1989?

17 MR. FREY: Your Honor, I'd object. The question  
18 is vague.

19 MS. DRUCKMAN: I can ask a better question, Your  
20 Honor.

21 THE COURT: Certainly.

22 BY MS. DRUCKMAN:

23 Q So he obtained some sort of Police Academy or  
24 POST standard for the Australian police service --

1 A Yes.

2 Q -- prior to his being employed as a police  
3 officer; correct?

4 A Yes.

5 Q And that was, what, 25 years ago?

6 A Actually, he would have received that in 1979,  
7 which would have been 35 years ago.

8 Q And he hasn't worked since 1989, when he had this  
9 accident; correct?

10 A That's correct.

11 Q So he hasn't used any of those initial  
12 skill-based --

13 A That's correct.

14 Q -- for almost 25 years; correct?

15 A That's correct.

16 Q And did he describe holding any other employment  
17 to you, whether continuous, part-time or other?

18 A No, only that he -- after the accident, that he  
19 had returned to the Queensland Police Department, where he  
20 remained until 1989, when he said he could no longer,  
21 because of his physical ailments, no longer work.

22 Q So did he tell you that he's retired?

23 A No. He actually -- he described it as  
24 Disability.

1           Q     So given the fact that past behavior's often  
2     predictive of future behavior, do you believe that he will  
3     be employed?

4           A     No.

5           Q     So can you describe to the Court why you scored  
6     him as you did?

7           A     For exactly that reason, he -- and based, again,  
8     on his assertion that he was employed after the accident,  
9     and was unable to continue working because of his physical  
10    ailments, and that he has not been employed in the  
11    25 years since.

12          Q     Now concerning his claim that he was a driving  
13    instructor for a period of time after his accident, did he  
14    disclose that to you in any form?

15          A     No.

16          Q     Well, let's discuss the issue of truthfulness --  
17    I guess before we go to that, we can address this issue of  
18    supervision resources, if you wish. Do you wish to  
19    address that now, or go to truthfulness?

20          A     Whichever you prefer.

21          Q     Well, I would like to go to truthfulness, as the  
22    next one. You have to give sort of like an eyeball or an  
23    evaluation of your belief in his truthfulness with the  
24    process. Can you address that, for the Court?

1           A     Yes. And I'm just looking here to see where I  
2     had scored him. Under Honesty and Cooperation, I scored  
3     him with one point as reluctant -- one would receive  
4     two points, at the highest level, for being candid during  
5     the interview; one point for being reluctant; and no  
6     points for being deceptive. And I did put him in the --  
7     score him as reluctant in that.

8           Q     Can you explain to the Court what factors  
9     impacted your scoring him as reluctant -- reluctantly  
10    truthful, I guess I would call it?

11           MR. FREY: Your Honor, the prosecutor is doing a  
12    lot of leading. But I'd like to leave the  
13    characterizations of Mr. Skinner's interview to Ms.  
14    Benzler, not to the prosecutor.

15           THE COURT: Overruled. Continue.

16           THE WITNESS: When it came to discussing  
17    particularly the instant offense, he was -- of course he  
18    denies the offense in its entirety, and so that was a big  
19    portion of it there.

20           But, like I said, I had to -- I had to challenge  
21    him on a lot of the information he was providing,  
22    specifically about the abduction of his child; as he  
23    initially stated that the child was just abducted. But it  
24    wasn't until he was challenged.

1           So -- for lack of a better way to put it -- I  
2 felt like I had to drag some of the information out of  
3 him, because he wasn't forthcoming with the information.

4           Q     In terms of his written statement that he  
5 provided to you -- that's attached to the PSI -- when you  
6 reviewed that, did it appear to you that he was  
7 acknowledging that he had committed immoral and illegal  
8 conduct, and that his dishonor must be his own?

9           A     Absolutely. In both his written statement --  
10 which was provided to the Court -- and in the  
11 questionnaire itself, he repeatedly admitted culpability  
12 -- or acknowledged culpability for the instant offense.  
13 However, during the interview, and verbally, he denied it  
14 in its entirety.

15          Q     And to the sexual evaluator, did you review that  
16 paperwork?

17          A     Yes.

18          Q     Do you think he was straightforward with the  
19 evaluator?

20          A     No. In fact, the evaluator noted that in the  
21 evaluation.

22          Q     Specifically, how did he note that?

23          A     That he believes that he was not -- he was not  
24 providing full disclosure, as far as historical events,

1 and that he had denied -- he was denying the instant  
2 offense. And the evaluator stated that he believes once  
3 the instant offense has been adjudicated, and he could no  
4 longer be held accountable for past acts, that he would be  
5 more inclined to open up and disclose any past acts, or  
6 any thoughts or feelings of pedophilia, paraphilia, any of  
7 that.

8 Q So based on all of that, do you feel that your  
9 estimation of his truthfulness, as pertains to your  
10 scoring, is appropriate?

11 A Yes.

12 Q Now, the defendant has presented with many  
13 medical issues, which the Defense is claiming could be  
14 more effectively treated in Australia. How does his  
15 medical issues impact your scoring?

16 A His medical issues did impact the employability.  
17 And, again, that was by his assertion that he was unable  
18 to continue working because of those.

19 And I don't believe there was anywhere else that  
20 those came into -- that his medical issues came into.

21 Q Do you have any reason to believe that the  
22 defendant's medical issues cannot be effectively treated  
23 in America?

24 A I wouldn't be able to speak to that. I could

1     only assume that they would, but --

2           Q     Now in terms of supervision resources, the  
3     Defense has indicated that it would like the Court to  
4     place the defendant on a grant of probation, and release  
5     him to the Australian authorities through ICE.

6           Have you done some research about whether or not  
7     there's any effective supervision, for probationary terms,  
8     if such a probation is granted by this Court?

9           A     Yes.

10          Q     Can you describe for the Court what efforts you  
11     made in that regard?

12          A     The Division reached out to Mr. Frey. Mr. Frey  
13     provided the Division with his contact, who is the lead  
14     detective in the Sex Crimes Unit over in Queensland,  
15     Australia, and we were able to e-mail him. His name is  
16     Lee Shepherd.

17                 And I specifically asked him -- I briefly  
18     explained the offense, and specifically asked some of the  
19     more concerning aspects: whether or not he would be  
20     monitored around children; whether or not there would be  
21     any internet monitoring; whether or not they would ensure  
22     that he continued to -- or began, and continued and  
23     completed sex-offender counseling.

24                 And of utmost concern was that he not be allowed

1 to travel internationally -- specifically to Vietnam and  
2 Thailand -- during his term of probation. And if he  
3 should violate any of those conditions, if they would be  
4 willing to remand him to custody for the United States  
5 to -- or for Washoe County or the Division -- whomever it  
6 may be -- to extradite him back. And they said they would  
7 not be able to monitor any of his conditions, or take him  
8 into custody for us.

9 MS. DRUCKMAN: Thank you.

10 I have no further questions.

11 THE COURT: Mr. Frey.

12 CROSS-EXAMINATION

13 BY MR. FREY:

14 Q Have you had any contact with Mr. Shepherd today?

15 A No.

16 Q Yesterday?

17 A Yes.

18 Q Can you describe to me what the nature of that  
19 communication was that you had with him? Did you exchange  
20 an e-mail with him?

21 A I did.

22 Q Now I supplied you with his contact information;  
23 correct?

24 A Yes.



1           Q     And I think that was right after the last hearing  
2     that we had?

3           A     Yes.

4           Q     And you kept me in the loop, and you have  
5     forwarded me some of your correspondence with  
6     Mr. Shepherd; correct?

7           A     My supervisor has, yes.

8           Q     To your knowledge, have you forwarded me your  
9     latest communications with Mr. Shepherd?

10          A     No.

11          Q     So that's something we haven't been privy to,  
12     then, myself and Mr. Skinner?

13          A     I don't know. I did not forward anything to you.

14          Q     Let's talk about resource availability. Now you  
15     understand that under the Australian registration law that  
16     if Mr. Skinner was to travel internationally, that the  
17     local authorities would notify the Australian federal  
18     police who, in turn, would notify the destination country  
19     that a sex offender is about to arrive in their country.  
20     Is that your understanding?

21          A     My understanding was that he needed to -- that he  
22     would be required to notify the Australian authorities  
23     prior to any travel. That was the extent of my  
24     understanding.

1 Q So you would agree that there's a mechanism in  
2 place to report up, so to speak, within Australia, and  
3 then out to the destination country?

4 A It would be a self-report.

5 Q And the destination country would be free to  
6 accept or reject the --

7 A That I'm unaware of. I'm not aware of how that  
8 would work; only that he would be required to report that  
9 himself.

10 Q Now you have been a probation officer for a  
11 number of years; is that right?

12 A I am a Parole & Probation Specialist. I am not a  
13 sworn officer.

14 Q As a specialist, you have had a chance to work in  
15 this jurisdiction and in Clark County?

16 A Yes.

17 Q In Clark County, when there's an individual that  
18 is convicted of a sex offense and is granted probation,  
19 what's the typical way a judge would handle that  
20 particular case?

21 A I don't even know how to answer that. I  
22 wouldn't -- I didn't attend court in Clark County.

23 Q Well, in your experience have you seen a judge  
24 grant probation to an individual and then keep their case

1 open, so that if the person were to come back to the  
2 United States -- legally or illegally -- they would be  
3 subject to arrest, or at least subject to the sex-offender  
4 registration and notification requirements?

5 A If they returned to the United States, yes.

6 Q So in your experience, you have seen judges do  
7 that?

8 A Yes.

9 Q And in your experience, that appears to be the  
10 norm, versus asking a foreign jurisdiction to take an  
11 individual into custody and have him extradited back to  
12 the States?

13 A I'm not aware of how the supervision works with  
14 sex cases. When I say, "Yes, I have seen this," it is  
15 with other crimes, not specifically sex cases.

16 Q Have you ever been involved in a case in which a  
17 foreign government has agreed to arrest somebody who has  
18 been placed on probation in the United States, extradite  
19 them back to the U.S. for a probation violation?

20 A I have not, no.

21 Q Do you know how many countries out of, roughly.  
22 196 countries in the world today, actually have a  
23 systematized body of sex-offender registration and  
24 notification laws?

1           A     I do not.

2           Q     Let's talk about the scoring instrument. When  
3 was the first time you reached out to verify some of the  
4 information Mr. Skinner provided to you?

5           A     I didn't, to my knowledge, reach out to verify  
6 any information.

7           Q     Have you taken any steps to verify that he  
8 actually was at one point in time employed with the  
9 Queensland Police Force?

10          A     The Queensland Police Force, Lee Shepherd, did  
11 confirm that he was, in fact, a police officer; that he  
12 was, in fact, injured on the job. But he would not and  
13 could not verify any type of compensation.

14          Q     When did you do that? Before or after you  
15 produced the PSI?

16          A     After.

17          Q     Had you taken any steps to verify anything  
18 contained in the PSI before you filed it with the Court?

19          A     No.

20          Q     Regarding the instrument, how old is that scoring  
21 instrument?

22          A     I don't know.

23          Q     Who developed that scoring instrument?

24          A     I don't know.

1           Q     When was the last time that instrument was  
2 validated?

3           A     I don't know.

4           Q     You mentioned that if an individual -- correct me  
5 if I'm wrong -- falls within the borderline category, you  
6 have discretion to recommend probation or recommend  
7 against probation; is that right?

8           A     We have discretion, regardless of where they  
9 fall.

10          Q     How is that discretion typically exercised? For  
11 example, are there any criteria that govern how you  
12 exercise that discretion? Any guidelines, principles? Or  
13 is it simply committed to your subjective determination?

14          A     We would base any deviation, from either  
15 incarceration or probation, on the facts of the case,  
16 social history, maybe employment, previous employment. So  
17 that deviation can be done. Take, for example, somebody  
18 may score out to probation; however, it's a mandatory  
19 prison case. That would be a case that would be deviated.  
20 So it would just depend on several different factors.

21          Q     The factors you mentioned -- social history,  
22 employment, et cetera -- those are actually part of the  
23 objective criteria used to come up with the initial score;  
24 correct?

1 A Yes.

2 Q So you're saying that after objectively  
3 considering those criteria, you would add another layer of  
4 subjective assessment to come to a conclusion as to  
5 whether or not to deviate?

6 A Yes.

7 Q This isn't a mandatory prison case; correct?

8 A Correct.

9 Q It's probation-eligible, subject to, of course,  
10 what the Judge decides?

11 A Correct.

12 Q So did you make any decision to deviate in this  
13 case?

14 A No.

15 Q The score that you compiled, and the  
16 recommendation based on that score, is a product of your  
17 consideration of those objective criteria?

18 A Yes.

19 Q With respect to the employment category, you  
20 would agree that the instrument actually allows you -- in  
21 fact, it appears it requires you score somebody a two, if  
22 employment is not needed?

23 A No, there's no requirement to score a person as a  
24 two if -- I'm just looking again here. That's correct.

1 If it's not needed, then we would -- if it's not needed,  
2 or if they are readily employed, then we would score a two  
3 -- or would have the option of scoring a two.

4 Q It's come to light that Mr. Skinner has a  
5 pension; correct?

6 A His assertion was that he receives Disability.

7 Q But to your knowledge, when scoring this, you  
8 knew that he had some sort of fixed-income stream;  
9 correct?

10 A Based on his assertion.

11 Q In fact, he said that -- according to you -- that  
12 he hasn't been employed for 25 years?

13 A Yes.

14 Q So it would appear that whatever fixed-income  
15 stream he has, has been able to support him; is that fair?

16 A He also stated that he was unemployable, that he  
17 was unable to work.

18 Q That's not my question. You'd agree that the  
19 fixed-income stream has allowed Mr. Skinner to lead a life  
20 up to this point, from the time that he suffered that  
21 accident while on the job?

22 A If I remember correctly, no -- the answer is no.

23 Q So do you have any knowledge as to whether or not  
24 Mr. Skinner has been living on the streets?

1           A     Based on his assertion, he is bringing in \$2,000  
2     a month. And his expenditures total exactly \$2,000 a  
3     month.

4           Q     So it appears he's not in debt; correct?

5           A     I cannot remember at this point if he had written  
6     that -- if he had indicated that he had any debt or not.  
7     But that would be included in the PSI.

8           Q     If it's not included, then that's something --

9           A     That he didn't disclose any debt.

10          Q     And to your knowledge, he has no debt?

11          A     If it wasn't indicated in the PSI, then, no.

12          Q     To your knowledge, he wasn't arrested here while  
13     living on the streets; correct?

14          A     That was my understanding.

15          Q     To your knowledge, he's never lived on the  
16     streets, or been homeless; true?

17          A     He didn't disclose any.

18          Q     Did you administer any sort of IQ Test to Mr.  
19     Skinner?

20          A     No.

21          Q     Did you do any aptitude testing with Mr. Skinner?

22          A     No.

23                 MR. FREY: If I could have a brief moment, Your  
24     Honor?



1 THE COURT: Yes, sir.

2 BY MR. FREY:

3 Q You didn't arrange for Mr. Skinner to see an  
4 occupational therapist, for example?

5 A No.

6 Q As you stated just a few moments ago, Mr. Skinner  
7 told you that he hadn't worked, because of his disability?

8 A That he was unable to work, as a result of his  
9 ailments.

10 Q What sort of interrogation training have you  
11 received?

12 A I have taken three different -- four different  
13 classes for interview and interrogation: the basic  
14 eight-hour class; I believe I took a two-day class; a  
15 week-long class; as well as a three-day class,  
16 specifically for the interview and interrogation and  
17 understanding of the sexual deviant.

18 Q And who provided those classes?

19 A I can't remember, off the top of my head, who the  
20 agencies were.

21 Q Was that instruction part of -- for example, the  
22 Reed technique?

23 A I'm sorry?

24 Q Do you know what sort of group or outfit or

1 company provided that instruction?

2 A I wouldn't be able to tell you exactly which  
3 company provided each individual one. I do have my  
4 training certificates at the office, but I don't have  
5 them --

6 Q When was your last training?

7 A I believe it was July of 2014.

8 Q You mentioned you had to challenge Mr. Skinner.  
9 Do you recall that?

10 A Yes.

11 Q That you had to drag some information out of him?  
12 Do you recall that?

13 A Yes.

14 Q Did you have to bring some of your training and  
15 interrogation to bear on your interview with Mr. Skinner?

16 A No, not necessarily.

17 Q Was the goal of your interview to have Mr.  
18 Skinner admit to all of the allegations contained in the  
19 District Attorney's file?

20 A Not at all.

21 Q What was the goal of your interview with Mr.  
22 Skinner?

23 A To obtain the information, the social history.  
24 And you'll note at the top of the PSI: "As related by the

1 defendant." Unfortunately, the defendant was providing  
2 vague answers. So when I say I was "dragging information  
3 out of him," I was attempting to obtain clarifying  
4 information.

5 Q So you had to challenge him to get the clarifying  
6 information?

7 A Absolutely.

8 Q The same information that you did not verify  
9 subsequent to the interview?

10 A Yes.

11 Q With regard to Mr. Skinner's family, you had  
12 listed a series of events pertaining to his young son, and  
13 then his daughter, Sophie. Do you recall that testimony?

14 A Yes.

15 Q Did you know that he had a daughter -- a  
16 biological daughter in Australia named Courtney, before  
17 you e-filed the PSI?

18 A Yes.

19 Q Did you reach out to Courtney at all?

20 A No.

21 Q Did you feel that that was something that you  
22 perhaps should have done?

23 A No.

24 Q Why not?

1           A     Because, again, underneath the social history --  
2     the social history is related by the defendant and  
3     unverified.

4           Q     You would agree with me that if there's a source  
5     that's available that you could use to verify that  
6     information, it would be a good idea to take advantage of  
7     that resource; is that fair?

8           A     That isn't -- again, everything -- and it states  
9     clearly on the PSI that this is as related by the  
10    defendant. And we do not verify this information.

11          Q     Do you know why P&P doesn't bother to verify that  
12    information?

13          A     I don't.

14          Q     Is that something that's just been P&P's practice  
15    since you have been with them?

16          A     I can't answer that. I don't know if they are --  
17    if it's a common practice or -- I couldn't answer that.

18          Q     You heard Courtney testify?

19          A     I did.

20          Q     Regardless of the content of the testimony, do  
21    you agree that with somebody that appears to love an  
22    individual, that may be afforded a grant of supervision,  
23    it is certainly a positive thing for the person that's  
24    going to be supervised?

1           A     Not necessarily.

2           Q     So are you saying that a person is more amenable  
3 to supervision if they have nobody in their life that  
4 loves them?

5           A     No.

6           Q     Would you agree with me that if there's a  
7 daughter who loves her father, even though her father is  
8 soon to stand convicted of a child-pornography offense,  
9 that that's a factor that would make somebody more  
10 amenable to supervision versus less?

11           MS. DRUCKMAN: I'm going to object to the form of  
12 the question. It's unintelligible.

13           THE COURT: I'm lost in the question a little  
14 bit.

15           MR. FREY: I will rephrase it.

16           THE COURT: Please.

17 BY MR. FREY:

18           Q     Does having a loved one in your life help  
19 somebody with supervision or hurt supervision?

20           A     It certainly can. But because someone has a  
21 person in their life that loves them, doesn't mean that  
22 they are amenable to supervision.

23           Q     But as a general matter, would it be a positive  
24 thing for somebody to have loved ones in their life?

1           A     It would certainly be a positive thing. But,  
2 again, that doesn't make somebody amenable to probation.

3           Q     Just as a general matter, is it better than have  
4 nobody in your life, and being isolated without loved  
5 ones?

6           A     It could be, depending on the function of the  
7 relationship.

8           Q     But all things being equal, somebody in your life  
9 that loves, that may pick you up, take you to the police  
10 station to check in, that may assist with medical needs,  
11 et cetera, having that person in your life to assist you  
12 with your obligations is probably a better thing than  
13 having nobody?

14          A     It could be.

15          Q     Have you reached out to Mr. Skinner's ex-wife at  
16 all?

17          A     No.

18          Q     Have you reached out to anybody associated with  
19 Mr. Skinner at all in this case?

20          A     No.

21          Q     When we're talking about the category of resource  
22 availability, what does "resource availability" mean to  
23 you?

24          A     Whether or not he has access to, say,

1 sex-offender counseling; or if a person has substance-  
2 abuse concerns, if there's access to that.

3 Q Now, sex-offender counseling here in the State of  
4 Nevada, would that be something that P&P would facilitate?

5 A We would make the referral, I believe.

6 Q So then the availability of that resource would  
7 be dependent upon P&P? Meaning: P&P would make it  
8 available to the person who's obligated to do the  
9 counseling?

10 A If we had that ability, yes.

11 Q Has there ever been a situation in which somebody  
12 has not had that resource made available to them, even  
13 though it's been imposed by the Court?

14 A I couldn't answer that; and largely because I am  
15 not a supervision officer.

16 Q But P&P wouldn't be ordered to make that resource  
17 available and then not comply with that order; right?

18 A Again, I couldn't -- I don't do the supervision.

19 Q Resource availability is really about: Does this  
20 person have resources over and above the resources that  
21 he's going to get as a matter of his sentence; right?  
22 Meaning, like: Can this person support himself? Can this  
23 person find proper medical care? Does this person have a  
24 car? Things of that nature?

1           A     No.

2           Q     Explain to me -- It's got to be more than just:  
3 Does this person have sex-offender counseling. What does  
4 resource availability mean?

5           A     The resources that they would need, like I said,  
6 sex-offender counseling, or substance-abuse counseling,  
7 domestic-violence counseling, whatever the counseling  
8 would be, specific to their offense.

9           Q     Can you explain your scoring, then, of this  
10 category "Resource Availability," and how you arrived at  
11 that score? Knowing what you knew then, when you produced  
12 the PSI, how did you arrive at that scoring?

13          A     There's two options: Either the defendant will  
14 be sentenced to prison, in which case sex-offender  
15 counseling will not be an option to him. If he's  
16 sentenced to probation in this case, he is going to be  
17 deported, at which point we don't have resources here that  
18 would assist us in this.

19          Q     But at this point in time, you didn't know about  
20 the sex-offender-registration laws in Australia; correct?

21          A     Correct.

22          Q     You didn't know whether or not that resource  
23 would be available; but you, nevertheless, scored him down  
24 in that category?



1           A     It still, regardless of -- we don't have any  
2 supervision. I knew, going into this, that we were not  
3 going to be able to maintain supervision in Australia, as  
4 we don't in any other country. So coming into the scoring  
5 portion, what he may or may not attend there, cannot be  
6 verified here. Therefore, the resources are unavailable.

7           Q     Cannot be verified? Or simply was not verified  
8 in this instance?

9           A     Well, he hasn't received probation, so at this  
10 point -- and it cannot be verified.

11          Q     So --

12          A     Because we will not be able to supervise him  
13 while he's in Australia.

14          Q     So this would be the same score for anybody of a  
15 different nationality, so to speak; right?

16          A     I can't speak to any other cases except this one,  
17 when it comes to this.

18          Q     But you would agree that that score, with respect  
19 to resource availability, is because you believed that you  
20 couldn't supervise him if he went to prison, because he  
21 would be in prison; and if he was on probation, because he  
22 would be in another country; correct?

23          A     We would not be able to determine what resources  
24 he was or was not receiving. And in his case,

1 specifically, the sex-offender counseling.

2 Q Now after the first hearing, I put you in touch  
3 with the Queensland authorities; correct?

4 A Yes.

5 Q And you followed up with them?

6 A Yes.

7 Q On several occasions?

8 A Yes.

9 Q To verified certain things?

10 A Actually, I followed up with them on one  
11 occasion. I sent out an initial e-mail, like I said  
12 before, briefly describing this case. In describing this  
13 case, asking about supervision, specifically to some of  
14 the Court's inquiries.

15 And I received a response from him -- "him" being  
16 Mr. Shepherd. He then described to me -- and stated that  
17 they would not be able to enforce our conditions -- or the  
18 conditions that I outlined. And that supervision would --  
19 I'm sorry -- registration would last approximately  
20 five years. And that he would be required to self-report,  
21 on four occasions in a year, to the police department, as  
22 far as his address, any employment.

23 It's very similar to our registration, except  
24 ours is annually, unless they move.

1 Q So you did verify supervision conditions with the  
2 Queensland authorities?

3 A I asked if they would be able to enforce those  
4 conditions, in which they responded they were not.

5 Q That's not my question, again. You did verify  
6 with the Queensland authorities the details regarding Mr.  
7 Skinner's potential supervision? You did?

8 A Yes.

9 Q By e-mail?

10 A By e-mail.

11 Q And you just gave a long answer about what would  
12 and would not map onto or would be the same as his  
13 supervision here in the United States.

14 A Okay.

15 Q Right?

16 A I asked specific questions of him, and he  
17 responded with answers to each of my questions.

18 Q So can you or can you not do the same thing  
19 before producing a PSI? You stated that you cannot verify  
20 this information, but yet you verified the information  
21 after the last hearing.

22 MS. DRUCKMAN: Your Honor, at this time I'm going  
23 to object to this line of questioning as really being  
24 irrelevant. It is not typically required of a P&P Officer

1 to verify the information given by the defendant in a PSI,  
2 and nor is it required of them to verify what another  
3 jurisdiction does concerning receiving a registerable sex  
4 offender into their jurisdiction.

5 THE COURT: Several times I have overruled  
6 Mr. Frey's objections because this proceeding is much  
7 different than a fact-finding, evidentiary proceeding.

8 I believe Mr. Frey is eliciting information to  
9 potentially create a record of some type in which another  
10 court is asked to review P&P practices.

11 It's overruled.

12 You may continue, Mr. Frey.

13 BY MR. FREY:

14 Q So, ma'am, you verified details about Mr.  
15 Skinner's potential supervision; correct?

16 A Yes.

17 Q And that was through Mr. Lee Shepherd, with the  
18 Queensland Police Force?

19 A Yes.

20 Q And you did that after you produced the PSI;  
21 correct?

22 A Yes.

23 Q Are you familiar with the training that Mr.  
24 Skinner received when he entered into the police force?

1           A     He just asserted that he attended a police  
2 academy.

3           Q     Are you familiar with the training he received?

4           A     No.

5           Q     There's a suggestion by the prosecutor that  
6 whatever skills he may have acquired at that point, he  
7 certainly has not used them in 25 years. Do you recall  
8 that?

9           A     Yes.

10          Q     But you don't know what skills those are; right?

11          A     It would probably be the police academy, or as  
12 his employment for that police officer.

13          Q     And beyond that, you don't know what those skills  
14 are; correct?

15          A     No.

16          Q     How much contact have you had with CPS prior to  
17 today's hearing?

18          A     With CPS?

19          Q     Yes.

20          A     On this case, none.

21          Q     Do you recall mentioning CPS in your testimony  
22 just a little while ago?

23          A     In which part? I have not had any contact with  
24 them.

1 Q So then your understanding about Mr. Skinner's  
2 children abroad, that's not information that's coming to  
3 you by way of CPS?

4 A Which part, specifically?

5 Q Any part. Have you been in communication with  
6 CPS at all? Because in one of your answers, you stated  
7 that you had learned information from CPS. Have you had  
8 contact with CPS at all?

9 A No, I have not had contact with CPS. However,  
10 CPS has provided information to others.

11 Q Who are those other people?

12 A My supervisor spoke with CPS. And then I believe  
13 that -- I believe that was the extent of the CPS.

14 Q Your supervisor at some point told you about what  
15 CPS told them -- told her?

16 A Yes.

17 Q Correct?

18 A Yes.

19 Q And we don't know where CPS learned that  
20 information? Or at least you don't; correct?

21 A Which information, specifically?

22 Q Anything about Mr. Skinner's two children,  
23 Thailand, and Vietnam?

24 A Most of that was reported by Mr. Skinner.

1           Q     But the information you learned from CPS came by  
2 way of your supervisor; correct?

3           A     Yes.

4           Q     And you don't know who your supervisor spoke to  
5 from CPS?

6           A     I don't.

7           Q     You don't know who gave CPS that information  
8 which was, in return, related to your supervisor;  
9 and then, in turn, was related to you?

10          A     I don't.

11               MR. FREY: I'd pass the witness at this time,  
12 Judge.

13               THE COURT: Redirect?

14               MS. DRUCKMAN: Yes, Your Honor.

15  
16                               RE-DIRECT EXAMINATION

17 BY MS. DRUCKMAN:

18           Q     Concerning conversations regarding Courtney, in  
19 the course of your contacts with Lee Shepherd of  
20 Queensland PD, did certain information become available to  
21 you concerning -- ongoing investigation concerning Sophie?

22           A     Yes.

23               MR. FREY: Your Honor --  
24

1 BY MS. DRUCKMAN:

2 Q And could you briefly describe what that is?

3 THE COURT: Hold on.

4 MR. FREY: Your Honor, this is my objection: At  
5 this point, I don't know the extent or breadth of the  
6 communication between Mr. Shepherd and the Division.  
7 Obviously I put everyone in touch. And then it appears  
8 that I have also been connected to the loop, and then left  
9 out of the loop. So I don't know exactly what information  
10 is about to be elicited. I have a notion of what's about  
11 to be elicited. But my objection would be that this, at  
12 least in part, is going to contain information that I am  
13 not privy to. And so that would be my objection,  
14 initially.

15 The second part of my objection is that, frankly,  
16 this information is based upon sources, the reliability of  
17 which I cannot test. And they are sources that are  
18 overbroad, sources that apparently have been transmitting  
19 information second-, third-, and fourth-hand, and now it's  
20 about to be relayed in open court. And it is, in my view,  
21 evidence that is suspect, if not highly impalpable. And  
22 is not subject to cross-examination. So I object to it.

23 THE COURT: How does it differ from any of the  
24 favorable information that you have acquired from



1 Australia, if it's double- and tripled-layered hearsay,  
2 incapable of examination?

3 MR. FREY: I believe we had an Australian witness  
4 here to testify to a number of things.

5 THE COURT: Excluding that.

6 MR. FREY: Courtney Skinner testified, by way of  
7 a phone call. I submitted substantiating documentation.  
8 I submitted medical records.

9 If the Court could direct me to a certain  
10 instance in any of my pleadings that requires further  
11 substantiation, I could certainly address that.

12 But this information, I think, is highly suspect  
13 and impalpable. That's the legal standard --

14 THE COURT: You've made arguments about -- I  
15 anticipate you're going to make arguments about what  
16 supervision means in Australia.

17 MR. FREY: According to your wishes, I have  
18 researched that, and I'm prepared to present my view of  
19 what supervision will look like.

20 THE COURT: How does your view of supervision  
21 differ in its potential grasp of what the State is  
22 eliciting?

23 MR. FREY: Well, I don't know, Your Honor. I'm  
24 just looking for a ruling on my objection at this point.

1 That's something that I definitely will get into, I think  
2 in some depth. But at this point, I think that the  
3 prosecution is going to reference a matter that I think is  
4 unsubstantiated, and has no place in a sentencing  
5 proceeding because of its origin, because of the inability  
6 to test its reliability, because of its --

7 THE COURT: How do you know so much about it, if  
8 you don't know what it is?

9 MR. FREY: Well, I received on an e-mail --

10 MS. DRUCKMAN: I previously cc'd to him the  
11 subject of this question.

12 MR. FREY: So I'm going to object to the  
13 production of any of this evidence at this point because  
14 of those concerns.

15 THE COURT: I overrule the objection. I do not  
16 believe it's highly suspect. I believe it is appropriate  
17 in a sentencing hearing.

18 BY MS. DRUCKMAN:

19 Q In the course of your communications with the  
20 Queensland PD, did you become aware of a pending  
21 investigation concerning the child Sophie Skinner?

22 A Yes.

23 Q What did you become aware of?

24 A Subsequent to the e-mail I received regarding --

1 or the answers to my questions regarding supervision, I  
2 had sent an e-mail back, thanking him for the information.

3 And so about 8:30 in the morning, on Wednesday  
4 morning, about 2:47, Wednesday afternoon, I received an  
5 e-mail from the Queensland Police Department, asking about  
6 any history that Mr. Skinner may have with  
7 sexually-transmitted diseases.

8 And he stated the reason he was asking is because  
9 Sophie Skinner was presented to a hospital in, I believe,  
10 Brisbane, Australia, and it was determined by the doctor  
11 that she had obtained a sexually-transmitted disease.

12 Q And was that -- what type of disease?

13 A Genital warts.

14 Q Is that caused by the human papillomavirus?

15 A Yes.

16 Q Is it the opinion of Dr. Lukahanus, of the  
17 Kapilaha Medical Center, that that sexually-transmitted --

18 MR. FREY: For the record, I would object.  
19 That's leading. And I'm going to object based upon that  
20 this witness isn't qualified to necessarily speak to the  
21 medical opinion of a doctor. This is exactly my concern.

22 I have no you ability to traverse the good  
23 doctor's opinion when you introduce certain testimony in  
24 this fashion.

1           So my objection is that it's an absolutely  
2       leading question. And, number two, I don't think it's an  
3       appropriate one, concerning those concerns.

4           THE COURT: Thank you. You may proceed.

5       BY MS. DRUCKMAN:

6           Q     Please continue.

7           A     The police report was filed with the Queensland  
8       Police Department by the doctor who diagnosed the genital  
9       warts on the victim, and stated that the genital warts  
10      were obtained by and through sexual abuse.

11          Q     As of right now, are you aware of who brought the  
12      child to the doctor for examination in Australia?

13          A     The Queensland Police Department related that  
14      Courtney Skinner presented the child to the hospital.

15          Q     And you were present during her oral testimony in  
16      court?

17          A     Yes.

18          Q     Did she at any point in time make the Court or  
19      anyone aware of the circumstances concerning Sophie  
20      Skinner?

21          A     No.

22          Q     Given the nature of that information, is there  
23      any other information that you've received that might have  
24      a bearing on your recommendation to the Court?

1           A     Yes. The Queensland Police Department also made  
2     us aware of a 2008 report that they had received --

3           MR. FREY: Objection, Your Honor, for the record.  
4     I need to object to this. This is information -- it's new  
5     to me. Same concerns; same objection.

6           THE COURT: Very well.

7           You may continue, Ms. Druckman.

8           MR. FREY: Is it overruled, Your Honor? Just so  
9     the record is clear.

10          THE COURT: I will allow our record to be clear:  
11     I have overruled every objection that's been tendered so  
12     far. When I say "you may proceed," it's an indication  
13     that the objection is noted for the record, it's  
14     contemporaneously made, and it is overruled.

15          Please continue.

16          MS. DRUCKMAN: Thank you, Your Honor.

17     BY MS. DRUCKMAN:

18          Q     Concerning what the Queensland PD told you about  
19     a 2008 contact concerning Mr. Skinner, would you provide  
20     the Court with that information?

21          A     They received information that Mr. Skinner was  
22     planning to travel to Thailand in 2008, to engage in  
23     child-sex tourism.

24          The reporting party also stated that they had

1 viewed or seen child pornography on Mr. Skinner's  
2 computer. And that at one point, Mr. Skinner had  
3 solicited this person to build a more-secure computer for  
4 him, for those purposes.

5 MS. DRUCKMAN: I have no further questions.

6 THE COURT: Mr. Frey.

7  
8 RECROSS EXAMINATION

9 BY MR. FREY:

10 Q Do you know when Sophie Skinner was presented to  
11 the doctor?

12 A In March of 2014.

13 Q Where did you get that information?

14 A From the Queensland Police Department.

15 Q From who, specifically?

16 A Lee Shepherd.

17 Q When did you receive that information?

18 A I believe -- well, it was the day after the  
19 Tuesday hearing. I believe that was the 27th of August,  
20 at approximately 2:47.

21 Q Did you say March, 2014?

22 A Yes.

23 Q Do you know how long the incubation period is for  
24 genital warts?

1 A I don't.

2 Q Have you ever met this doctor?

3 A I have not.

4 Q Have you ever spoken to this doctor, personally?

5 A I have not.

6 Q Do you know if anyone in the Queensland Police  
7 Force has spoken to this doctor, personally?

8 A I don't know.

9 Q Do you know when the doctor made this report?

10 A It would be in the police report that you have  
11 there. I don't recall, off the top of my head, the date  
12 of the report.

13 Q When you say the police report, do you mean a  
14 portion of the e-mail string entitled "General Report?"

15 A I believe so.

16 MR. FREY: May I approach the witness, Your  
17 Honor?

18 THE COURT: Yes.

19 BY MR. FREY:

20 Q Ms. Benzler, I'm handing you what we've just  
21 described as the general report contained within the  
22 e-mail string. Is that the report you have been referring  
23 to in your testimony?

24 A Yes.

1 Q Take a look at that paragraph, and tell me  
2 whether or not you see the date March 2014 there.

3 A I don't.

4 Q If I could retrieve that from you. Now, you were  
5 here for Courtney Skinner's testimony. You never heard me  
6 once ask about that particular issue, did you?

7 A I don't recall that, no.

8 Q You never heard the D.A. ask about that  
9 particular issue?

10 A About the genital warts?

11 Q The genital warts.

12 A No.

13 Q Where did you learn about this 2008 incident?

14 A From the Queensland Police Department, as well.

15 Q When, exactly, did they communicate that to you?

16 A I don't remember the exact day. But it was  
17 between the first contact with him, which would have been,  
18 I believe -- I want to say the 27th of August, and  
19 yesterday. But I don't remember exactly when.

20 Q Is there a reason why that information wasn't  
21 given to the Defense before today?

22 A I don't know.

23 Q Was it you that received the e-mail, Ms.  
24 Druckman, or your supervisor?



1           A     There's been a chain of e-mails, and there's been  
2 people included in it. I could not say for certain who  
3 received this information. I know that I received the  
4 information.

5           Q     Do you know who made the initial report regarding  
6 the 2008 incident?

7           A     I don't.

8           Q     Do you know how long Mr. Skinner has been in  
9 custody?

10          A     I just calculated his credit for time served. I  
11 believe it's 377 days. But, again, I would have to go  
12 look at my PSI for that.

13          Q     Well over a year? Or over a year?

14          A     Over a year, yes.

15               MR. FREY: That's it, Your Honor.

16               THE COURT: Thank you. You're free to step down.

17                       (The witness was excused.)

18               MS. DRUCKMAN: Laura Pappas, please.

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1 LAURA PAPPAS,  
2 called as a witness by the State,  
3 who, having been first duly sworn, was examined  
4 and testified as follows:  
5

6 DIRECT EXAMINATION

7 BY MS. DRUCKMAN:

8 Q Please state your name, and spell it for our  
9 Court Reporter.

10 A Laura Pappas: L-a-u-r-a P-a-p-p-a-s.

11 Q Can you please state your occupation and  
12 assignment?

13 A I am a Parole & Probation Supervisor, in Reno,  
14 Nevada. I supervise seven investigators.

15 Q Can you please describe your training and  
16 experience that qualifies you to hold your position?

17 A I have a Bachelor's Degree in Criminal Justice.  
18 And I have a Minor in Psychology.

19 I was a Parole & Probation Officer from 1989 to  
20 1995.

21 I was a Federal Special Deputy for the U.S.  
22 Marshal Service, with five years in between.

23 In 2002, I returned to the Division as a  
24 Presentence Investigator.

1           And three years ago, I was promoted to a  
2 supervisor.

3           Q     Thank you. And in your capacity as a supervisor,  
4 have you researched the Division's directives and policies  
5 concerning international supervision, I guess is the best  
6 way to describe that?

7           A     Yes. I was present during the lasting hearing.  
8 And when Mr. Frey made those -- brought the supervision in  
9 Australia up, and mentioned that he had contacted someone  
10 there, I, of course, returned to the office, and I reached  
11 out to Mr. Frey -- I knew he was in trial that day, but I  
12 reached out to him in e-mail, and he responded.

13           I also contacted Lieutenant Sean Arudy, with our  
14 department, who's the State Compact Administrator for the  
15 State of Nevada. He sent me, of course, a copy of our  
16 directives regarding travel permits, and a chain of  
17 e-mails on an unrelated case, but that were similar in  
18 nature, that he wanted me to reference.

19           Q     So let's, first of all, start with the concept of  
20 interstate compact. How is it that an offender, sentenced  
21 in the State of Nevada, can go to another state in the  
22 union of the United States and be supervised?

23           A     The Federal Interstate Compact Agreement -- I do  
24 not believe the states have to participate in them, but I

1 believe they all do. It is a strict requirement.

2 Everything is dependent on the receiving state, not the  
3 sending state.

4 So, for example, in most general cases if someone  
5 wants to go on Interstate Compact, regardless of whether  
6 they lived there or are planning to live there, we have to  
7 secure documentation and verify whether they are going to  
8 be in that state, and send that to the receiving state's  
9 compact office, so they can investigate it.

10 We have to wait for them to allow us to give them  
11 a travel pass, which is usually within 72 hours. And  
12 thereafter, in the next several months, they would render  
13 their decision as to whether they would accept them  
14 formally or not.

15 Q So they have the right of refusal?

16 A Yes, they do.

17 Q And that's based on our Federal law and  
18 Interstate agreements between the states; correct?

19 A That's correct.

20 Q How about trying to send somebody to a foreign  
21 country?

22 A There's no such thing.

23 Q Can you explain to the Court -- you know, P&P has  
24 a directive -- 6.3.116 -- about travel outside of the

1 United States being prohibited?

2 A Yes.

3 Q Can you describe for the Court why that is?

4 A Because we have no way to supervise them.

5 Q Could you give the Court a little more in-depth  
6 information about that?

7 A Can I refer to my notes?

8 Q Please.

9 A According to the directive that you mentioned,  
10 the only way that you could travel Interstate is in  
11 extreme circumstances as approved by the sentencing court  
12 or the parole board, or when the offender has been  
13 deported.

14 And the reason for that is because the Division  
15 is tasked with the responsibilities of supervising these  
16 offenders who have been sentenced by the Court and granted  
17 probation, or released by the parole board from prison.  
18 We maintain only supervision in the State of Nevada.

19 With Interstate Compact, offenders can transfer  
20 between states, in limited circumstances. But the  
21 Division has no ability to ensure whether an offender is  
22 being adequately supervised outside of the United States.

23 Therefore, when the offender is subject to  
24 community supervision by the Division -- either via

1     probation or parole -- the requests for permission to  
2     travel abroad are denied.

3           Q     Is that because you have no jurisdiction over an  
4     individual who's not inside the continental U.S., or in  
5     the receiving state that's agreed to supervise?

6           A     That's true.  Therefore, we can't ensure public  
7     safety.

8           Q     And in terms of resources, if a court -- separate  
9     and apart from the Division saying we have no power to  
10    supervise this person, if a court made a decision, knowing  
11    that there would be no prior on behalf of the Division to  
12    supervise a person in a foreign country, agreed to take on  
13    individual supervision -- meaning that individual is  
14    directly accountable to the Court for his supervised  
15    conditions -- would there be any way of monitoring a  
16    person in another country, on behalf of the Court?

17          A     No.

18          Q     Can you explain your answer, for the Court?

19          A     We have no jurisdiction in another country.  All  
20    we could do -- Can I back up a little bit?

21          Q     Sure.

22          A     If a person leaves this country -- let's just  
23    take this case for an example, since we're here:  There's  
24    an ICE hold, and he will be deported, eventually, whether

1 it's if he's granted probation, or when he's released from  
2 prison. His case will stay open with the Division of  
3 Parole & Probation, in a file cabinet. It's called the  
4 Deportation Caseload. Unless he comes back, wanders into  
5 U.S. borders again, and happens to have contact with the  
6 law-enforcement, only at that time would we assume  
7 supervision and probably proceed with violation  
8 proceedings.

9 Q Is it fair to say that even an international  
10 country like Australia would not have any jurisdiction to  
11 arrest the defendant on a violation of probation that  
12 occurred related to American conditions only?

13 A That's correct.

14 Q Can you explain that with a little more depth?

15 A Sure. In the e-mail that Ms. Benzler sent out,  
16 asking about conditions of supervision, as Mr. Frey  
17 alluded to during the last one, what basically we received  
18 back was their sex-offender-registry laws, which are very  
19 similar to ours.

20 They report -- everything is self-reported. It's  
21 an administrative function, not a punitive function. They  
22 report to Australia four times a year, versus our once a  
23 year.

24 The offenders are required to report their

1 movement, as far as residence; any contact with children;  
2 their travel plans. But that's about it. It's similar to  
3 here.

4 I mean, here our sex-offender officers or  
5 registry may do checks, periodically. But they indicate  
6 they did not, unless they had reason to; unless they had  
7 information that he was violating the terms of his  
8 registration requirements; or that he was re-offending  
9 with children.

10 Q Is it fair to say that the standard P&P  
11 conditions, such as search-and-seizure, checking to see if  
12 a person is unlawfully accessing the internet, related to  
13 their terms of conditions, there's no way that the  
14 Queensland Police Department can accomplish that  
15 supervision?

16 A No.

17 MS. DRUCKMAN: Thank you. Nothing further.

18 THE COURT: Mr. Frey.

19 CROSS EXAMINATION

20 BY MR. FREY:

21 Q Do you know what a prohibition order is under the  
22 Child Protection Offender Reporting Act of 2004.

23 A No.

24 Q So you don't know that if there's a prohibition



1 order in place, then they can't prohibit a registered sex  
2 offender in Australia from having contact with kids? Are  
3 you familiar with that?

4 A I read -- I believe that was in an e-mail I  
5 received. I read it. I don't know what it means. I  
6 don't understand it, necessarily.

7 All I know is that they don't do any active  
8 supervision of people, like a probation or a parole  
9 supervision.

10 It's a sex-offender-registry supervision, similar  
11 to what we have in the United States, or the State of  
12 Nevada sex-offender registry. It's not a form of  
13 supervision, it's sex-offender-registration requirements.

14 Q Is it your understanding that the sex-offender-  
15 registration-notification regime in this state is  
16 punitive?

17 A It is not.

18 Q Given that you are not familiar with the  
19 prohibition order available under the Child Protection  
20 Offender Reporting Act of 2004, then you're probably not  
21 aware that, indeed, somebody subject to the sex-offender-  
22 registration lawyers in Australia can have their internet  
23 access restricted. You're not aware of that?

24 A I can tell you that Lee Skinner (sic) said that

1 they would not be monitoring his internet access, unless  
2 there was a reason to.

3 MS. DRUCKMAN: Just for the record, are you  
4 actually referring to Lee Shepherd?

5 THE WITNESS: Oh, I'm sorry. Lee Shepherd, yes.  
6 BY MR. FREY:

7 Q And the reason that you're referring to would be  
8 a determination that there were reasonable grounds to  
9 determine that a person has recently engaged in concerning  
10 conduct?

11 A That's correct. So, yes.

12 Q You mentioned Australia has very similar laws to  
13 our own?

14 A Regarding sex-offender registration.

15 Q Do you know how many countries in the world have  
16 sex-offender-registration reviews?

17 A I do not.

18 Q Would it surprise you to hear that less than 10  
19 do?

20 A No.

21 Q Would it surprise you to hear that Australia is  
22 one of those countries that actually do have sex-offender-  
23 registration regimes?

24 A I know that they do.

1           Q     But that's not your experience with countries  
2 like Mexico; right?

3           A     I don't have any experience dealing with Mexico.

4           Q     Have you had experience with people that are  
5 sentenced to probation on a sex offense, that are Mexican  
6 nationals, that have a condition of probation to comply  
7 with ICE?

8           A     Yes.

9           MS. DRUCKMAN:  Objection, relevance.

10          THE COURT:  It's overruled.

11 BY MR. FREY:

12          Q     And are you familiar with the fact that, once  
13 they comply with ICE, that they are removed from the  
14 country?

15          A     Yes.  In certain cases.  They are not all  
16 removed.

17          Q     In cases in which they are removed, they actually  
18 leave the country voluntarily or not; correct?

19          A     Yes.

20          Q     And then your ability to supervise a person, for  
21 example, in Mexico, would cease; right?  You would have no  
22 ability to actually supervise that deportee?

23          A     Correct, until they re-enter the country.

24          Q     Exactly.  Now, there was some conversation

1 between you and Ms. Druckman about P&P's ability to  
2 supervise people that go abroad while on probation. There  
3 would be no ability to do that?

4 A That's correct.

5 Q In fact, you wouldn't even grant a travel pass  
6 for people to do that?

7 A That's correct.

8 Q But we're not talking about a travel pass in  
9 Mr. Skinner's case; we're talking about deportation?

10 A Yes.

11 Q Now assuming, hypothetically, that an individual  
12 was the citizen of a country with no sex-offender-  
13 registration scheme at all -- that's the hypothetical --  
14 and that person gets probation, and they are ordered to  
15 comply with ICE. There's no ability for the Division to  
16 supervise that person; correct?

17 A That's correct.

18 Q And the home country is not going to supervise  
19 that person; correct?

20 A I don't know. I'm assuming that they won't.

21 Q If they don't have any registration law, for  
22 example?

23 A I could assume so. I don't know. I am not in  
24 that particular country, at that particular time.

1           Q     So let's just imagine this country has zero laws  
2 with respect to supervision of sex offenders. Under the  
3 terms of that hypothetical, you'd agree that that person  
4 is not going to be supervised by the home country?

5           A     Correct.

6           Q     But Australia is different; right? Australia  
7 does have registration laws for sex offenders?

8           A     Sex-registration laws, yes.

9           Q     Do you know, though, if somebody fails to comply  
10 with those registration requirements, they are subject to  
11 criminal liability?

12          A     Yes.

13          Q     In fact, a felony; correct?

14          A     I don't know.

15          Q     Would it surprise you to hear it was just like  
16 the United States, and that if they failed to comply, that  
17 they would be subjected to prosecution for a felony  
18 offense?

19          A     That's out of my area of expertise.

20          Q     So it would surprise you or it wouldn't?

21               MS. DRUCKMAN: Objection, Your Honor. The  
22 witness has already expressed she's not competent to  
23 answer the question.

24               THE COURT: As to that, it's sustained.

1 BY MR. FREY:

2 Q Would it give you a level of comfort that an  
3 individual would face felony prosecution if they failed to  
4 comply with the sex-offender-registration requirements in  
5 their home country?

6 A Again, I don't have an answer to that. On a  
7 level of comfort for what? I don't have any emotional  
8 interest in whether a sex offender is supervised in  
9 another country or not, or whether they are subject to  
10 further prosecution if they fail to register.

11 Q I think we're all concerned about community  
12 safety; right?

13 A Yes.

14 Q You'd agree that having a penalty in place for a  
15 sex offender who fails to comply with their reporting  
16 requirements would act as a deterrent?

17 A I would have to disagree, on the amount of the  
18 crimes we see here, and the lack of punitive measures that  
19 are taken in this state.

20 Q So your testimony is that there's nothing that  
21 can deter a sex offender?

22 A No, I'm not saying that. I'm saying that what  
23 you posed to me does not mean it's going to be a  
24 deterrent, or that any particular jurisdiction is going to

1 take harsh judgment on someone that violates those rules.

2 Q Do you think that it's more of a deterrent to  
3 have felony liability in place for somebody, versus having  
4 nothing in place for somebody who fails to comply?

5 A Say that again, please.

6 Q You would agree that if somebody -- if a foreign  
7 jurisdiction made it a felony not to comply with sex-  
8 offender-registration requirements in that country, that  
9 that's a good tool to use to supervise people, to keep  
10 them in line and make sure they comply, versus the  
11 alternative, which would be having nothing in place?

12 A It's a good tool, but I wouldn't say it was any  
13 type of supervision. That's not supervision.

14 Q Do you understand that the Child Protection  
15 Offender Reporting Act of 2008 requires individuals to  
16 report any change of address that they may have?

17 A Yes.

18 Q Any change in even in their e-mail address?

19 A Yes.

20 Q Tattoos?

21 A Yes.

22 Q Internet service provider?

23 A Okay.

24 Q And that must occur within seven days of any

1 change? Are you familiar with that requirement?

2 A I'm familiar with it. I read it.

3 Q And are you familiar with the facts that we have  
4 been discussing, that if they don't do that, they are  
5 subject to a felony prosecution?

6 A If they're caught.

7 Q Correct. To be clear, you're not saying that  
8 probation is just some sort of illusion in this case;  
9 right? It's a real possibility?

10 A The law affords for it.

11 Q And you're not saying that there's some sort of  
12 internal restriction in your procedures and protocols that  
13 would prohibit Mr. Skinner from being removed and  
14 repatriated to his own country; right? You can't hold up  
15 a deportation?

16 A No.

17 Q In fact, if he was deported after receiving  
18 probation, this would be consistent with, for example, a  
19 Mexican national who suffers a conviction and is ordered  
20 to comply with ICE?

21 A Correct.

22 Q And, in fact, if that Mexican national, for  
23 example, came back into the country, you would have an  
24 open file on that person, and you could violate him on the



1 spot?

2 A Correct.

3 Q He may even be subject to Federal prosecution --  
4 is that right? -- for failure to register under SORNA.

5 A I don't know.

6 Q Having worked in the Federal system, have you  
7 seen individuals prosecuted for failure to register under  
8 the Federal counterpart to Nevada's law?

9 A No.

10 Q Now you understand if Mr. Skinner was granted the  
11 privilege of probation and returned to his home country,  
12 that if he violated his reporting requirements, that the  
13 length of his reporting requirements would increase?  
14 Meaning: if he is required to register for five years.  
15 But if he violates the reporting requirement, he would  
16 have to register for 10?

17 A That isn't how I remember it. But if you're  
18 saying so, okay. I thought it was if he had a second  
19 offense, a second sexual offense, that he would be  
20 required to report for 10 years.

21 Q So you're not familiar with the fact that if he  
22 violates twice, then he'll actually be subject to lifetime  
23 registration?

24 A I'm not familiar with that.

1 MR. FREY: I'd pass the witness at this point.  
2 Judge.

3 THE COURT: Any questions, Ms. Druckman?

4 REDIRECT EXAMINATION

5 BY MS. DRUCKMAN:

6 Q What's the ability of the State of Nevada to  
7 require or cause the defendant, if he violates the terms  
8 of his probation, to be returned to the State of Nevada to  
9 serve his underlying life sentence?

10 A There is no mechanism in place for that.

11 MS. DRUCKMAN: Thank you. No further questions.

12 THE COURT: On that question?

13 MR. FREY: I have nothing.

14 THE COURT: You may step down.

15 (The witness was excused.)

16 MS. DRUCKMAN: That concludes the State's  
17 witnesses. We do have a mother, Kimberlee Armas, who  
18 would like to go very last, to give an impact statement.  
19 But in terms of the evidentiary portion of the State's  
20 sentencing, that concludes it.

21 THE COURT: We're going to take a quick recess.  
22 I was about to blame the reporter, but let me say: I  
23 would benefit from having five minutes, maybe seven  
24 minutes, and then we'll return for arguments.

1 (Whereupon, a recess was taken.)

2 THE COURT: I have been a judge for almost  
3 10 years, and it's still feels odd when people stand. But  
4 we all remember to stand before the law.

5 While we're waiting for Ms. Druckman, please be  
6 seated.

7 Counsel, I have a telephone conference with civil  
8 attorneys at 4:00 o'clock. I can push them back, as  
9 necessary, but that is my calendar.

10 Mr. Frey.

11 MR. FREY: Well, I want to respect your calendar,  
12 Your Honor. I think we can proceed with the State's next  
13 witness, if possible.

14 THE COURT: I thought we had no other witnesses.

15 MS. DRUCKMAN: We have no other witnesses. We do  
16 have an impact statement, which will go at the very end of  
17 this proceeding.

18 THE COURT: Right.

19 Mr. Skinner, your attorney is going to argue for  
20 you. You also have the right to address the Court. I  
21 typically hear from the defendant first, but I'd like to  
22 hear from your attorney before I hear from you. So I'm  
23 ready to go, Mr. Frey.

24 MR. FREY: Thank you, Your Honor.

1           Judge, I want you to consider probation in this  
2 case, for a number of reasons -- we have already described  
3 some, but I want to delve into some of the details with  
4 respect to the others.

5           Your Honor noted a concern regarding whether or  
6 not there would be proper supervision of Mr. Skinner,  
7 should he be granted the privilege of probation.

8           I have to point out, Your Honor, that there are  
9 only a handful of countries -- only a handful -- that have  
10 any sort of regime whatsoever with respect to sex-offender  
11 registration. Australia is one of them. It's a  
12 modernized, industrial nation; it has sophisticated  
13 legislation that isn't quite a mirror image to our own,  
14 but certainly approximates our own.

15           I think that we're unique in the world, in the  
16 sense that we actually have a notification component to  
17 our laws that actually present information to the public.  
18 For example, posting on the Internet as to sex offenders:  
19 their location, their whereabouts; and identifying  
20 details. That is something that doesn't comport, I think,  
21 with some of the privacy concerns in the tradition of  
22 privacy in Australia; therefore, it's not a component to  
23 their laws. But in every other respect, there seems to be  
24 a very close match between our laws and theirs.

1           So this situation is unique in the sense that Mr.  
2 Skinner is not a Mexican national, for example. Mexico  
3 has no sex-offender-registration laws, according to my  
4 research. And that is not uncommon. In fact, Mexico is  
5 part of the majority.

6           Australia, the United States, Kenya, South Korea,  
7 the United Kingdom, France, are all part of the minority.  
8 These nations actually have sex-offender-registration  
9 regimes.

10           So, this is a case where Your Honor is actually  
11 presented with more assurances than, perhaps, you have  
12 ever had that there's going to be some level of  
13 supervision for an offender if they're granted probation,  
14 in order to comply with ICE.

15           THE COURT: I'm going to interrupt, because this  
16 is important to me, and I want to fully understand. When  
17 you say "supervision," are you talking about supervised  
18 terms and conditions? Or the mere fact that this a  
19 gentleman, if in Australia, will be registered?

20           MR. FREY: Registered. So let's make a  
21 distinction here. "Supervision" here entails intensive  
22 supervision, with active reporting requirements, and a  
23 level of random monitoring. For example: search-  
24 and-seizure, et cetera.

1           You know, we're unique in the sense that our  
2 Megan's Law here is incredibly strict, incredibly  
3 burdensome. And I understand the policy reasons behind  
4 that. But in Australia, there is a difference in that  
5 sense. My sense is that their supervision will not be as  
6 intense. I'm using the term "supervision," because that's  
7 what I'm accustomed to.

8           THE COURT: So where is the community-safety  
9 component? Every defendant convicted of this crime and  
10 similar crimes, after completing the sentence, is subject  
11 to registration. Your argument seems to be: Let's bypass  
12 the sentence -- whether it be punitive, whether it be  
13 community-safety oriented, whether it be rehabilitative,  
14 whatever the purpose of the sentence -- let's leapfrog  
15 over that, and let's just ensure that for the rest of his  
16 life he's registered. And it feels wrong to me.

17           MR. FREY: I understand that it may feel wrong to  
18 you, Your Honor. I can tell you that in my experience I  
19 have never had this sort of discussion with any other  
20 client facing similar circumstances. Meaning: a sex  
21 offense with probation, and an order that, in effect,  
22 requires deportation, voluntary or otherwise. I've never  
23 had this conversation before with somebody of a different  
24 nationality. We're having it now with respect to

1 Mr. Skinner, I think, in part, because of the nature of  
2 the charge. It's a sex offense, certainly, but it's child  
3 pornography. And I understand the uniqueness of that  
4 particular type of requirement.

5 THE COURT: But if he were from another country,  
6 the effect of your argument would be at sentencing:  
7 Judge, give him credit for time served, and let's put him  
8 on registration for the rest of his life.

9 Because probation, as I understand it from the  
10 evidence before me, and in arguments, is that probation is  
11 going to be an illusory -- supervised probation, with  
12 terms and conditions, will be an illusory concept.

13 MR. FREY: He's not going to be in the United  
14 States, and he won't be subject to lifetime supervision  
15 and all the components that go with it. But the  
16 assurances that we have in place now, unlike any other  
17 case that requires lifetime supervision, is that we have  
18 an individual who's going to be repatriated to a home  
19 country that is modern, industrial, developed, with a  
20 sophisticated set of laws, that at least -- I'm not trying  
21 to diminish the laws there -- at least do something. They  
22 do more than something. I think it's the closest  
23 approximation internationally to what we have in place  
24 here.

1           THE COURT: How will I know, as a sentencing  
2 Judge, that he doesn't return to Australia, buy a  
3 computer, download and masturbate to child pornography  
4 images, maybe in the presence of his own child, and maybe  
5 in the presence of neighborhood children? How do I ensure  
6 that doesn't happen?

7           MR. FREY: Well, Your Honor, you heard Ms. Pappas  
8 reference in her testimony that there's never a hundred  
9 percent certainty. I mean, there just isn't.

10          THE COURT: But if he did that here, he would be  
11 brought back into this room, and he would go to prison on  
12 a revocation.

13          MR. FREY: That's correct, Your Honor. I mean,  
14 at some point we're dealing with an international issue.  
15 And under the circumstances, I'm asking Your Honor to  
16 consider under the principles of comity that there's a  
17 notion of reciprocal respect for different bodies of law.  
18 And I'm asking you to accord that same respect to the  
19 sophisticated laws in place in Australia.

20          And at some juncture, we cannot keep Mr. Skinner  
21 here only because we don't like what's available to him in  
22 his home country. It doesn't seem to be the appropriate  
23 type of rationale when coming to a conclusion as to  
24 whether or not to imprison something, or give them an



1 opportunity for probation.

2 I can tell you that Mr. Skinner plea bargained in  
3 this case so that he would have an opportunity to make  
4 arguments for probation, because it's available; it's not  
5 illusory; and it occurs in different cases in which  
6 individuals would be going home to no laws whatsoever.  
7 And in my experience, I have had clients that have been  
8 afforded that sort of opportunity.

9 So to the extent that Your Honor wants  
10 assurances, I think that this case uniquely offers you  
11 more assurances than you've encountered in other cases  
12 when the person is of a different nationality.

13 Is there a hundred-percent guarantee that the  
14 regime at home, in Australia, is going to guarantee that  
15 he's not going to re-offend? There's never any  
16 100 percent guarantee of that.

17 THE COURT: That's just a big risk for my  
18 signature, as I think about young girls portrayed. Let's  
19 not forget the underlying offense here. As I think about  
20 the sex trade that brings Mr. Skinner before me, I don't  
21 know that I want to trust his best intentions not to ever  
22 do it again.

23 MR. FREY: I understand. And to be clear, we're  
24 not saying that this is a trust-type of determination.

1 Because as I mentioned during my Cross-Examination of Ms.  
2 Pappas, I believe there's a component to this law that  
3 allows -- after judicial finding, allows for the  
4 restrictions that I think are at the heart of your  
5 concerns: restrictions on contact with children;  
6 restrictions on frequenting places where children  
7 frequent, as well; restrictions on Internet access.  
8 That's the Prohibition Order under the 2004 law.

9 Mr. Shepherd has an understanding of the law. I  
10 don't believe he's an attorney. I believe he's a  
11 law-enforcement official. He has an understanding of the  
12 law that suggests that there needs to be a judicial  
13 determination of reasonable grounds, so to speak, that  
14 there was concerning conduct that was recent.

15 I think we certainly satisfied the "concerning-  
16 conduct" prong. Recency seems to be an open question. I  
17 would argue that recency would probably be adjudged by the  
18 time of conviction, which is likely going to be today,  
19 when there's final adjudication. And if not, we're just  
20 talking about a year ago.

21 So I think that under the circumstances -- and  
22 we've even offered, Your Honor, by way of exploring the  
23 idea, that Mr. Skinner would voluntarily stipulate to a  
24 Prohibition Order. He had to seek legal advice, because

1 he didn't know what kind of binding effect that agreement  
2 would be, if we make it by e-mail, being in two different  
3 countries.

4 I think, though, that Mr. Skinner is certainly  
5 willing to abide by those conditions. And it would be his  
6 pledge, upon being served with his reporting requirements,  
7 that he would, in fact, agree to those restrictions.

8 But my point is this: There is a legal mechanism  
9 in Australia for imposing the conditions that I think are  
10 at the heart of your concerns in this case. It's a  
11 Prohibition Order, but it requires a judicial finding.  
12 That's under the Child Protection Offender Reporting Act  
13 of 2004, Your Honor.

14 So, in essence, we can have those conditions. We  
15 can have those imposed. But it requires an additional  
16 procedural step.

17 We have offered a stipulation. We don't know if  
18 that stipulation will have any binding effect. But,  
19 nevertheless, I think that, given that everyone is on  
20 notice that Mr. Skinner is pending sentencing in this  
21 court, and has the potential for returning home, that they  
22 are standing ready to receive him.

23 Their immigration department is going to stand  
24 ready to notify the Australia Federal Police upon an entry

1 into the country; and the Queensland Police will be there,  
2 ready to serve him, after taking him into custody, with  
3 his reporting requirements, and then conduct a risk  
4 assessment.

5 He gets taken into custody; he's served with the  
6 reporting requirements; a risk assessment is conducted;  
7 and they conclude whether or not he's high, medium or low.  
8 I think it's akin to our tier-type of system in Nevada.  
9 And then his reporting requirements are tailored  
10 accordingly.

11 And then after that, he will likely face a  
12 reporting period of five years. And the reporting period  
13 and obligations, I think, are fairly stringent.

14 There's no 48-hour-notification of change of  
15 address, but the breadth of the reporting requirements is  
16 great: Change of address; tattoos; e-mails; Internet  
17 service provider; employment. Any change, modification,  
18 alteration of this person's daily life is subject to  
19 reporting to the authorities.

20 Any violation of any of those requirements  
21 results in his exposure to a felony conviction; and, my  
22 understanding is, the lengthening of the reporting period:  
23 up to life.

24 This legislation was drafted in Australia for

1 Australian citizens. Australian legislative bodies  
2 certainly thought that this was a fit piece of  
3 legislation. It's been on the books since 2004, and gone  
4 through some permutation and supplementation; and this is  
5 what they have determined, as a country, is appropriate  
6 for their population.

7 Relevant community. What's the relevant  
8 community in this case? Well, I think that Your Honor is  
9 probably thinking that the relevant community here is the  
10 United States, Australia, and the world at large. I think  
11 that given the international flavor of the case, that's  
12 probably your concern.

13 I think that we guarantee safety to this  
14 community by facilitating his removal from this country,  
15 and guaranteeing that once he -- if he chooses, for  
16 whatever reason, to set foot on American soil again, he  
17 will be served with a violation notice, most likely.

18 He will also be in violation of SORNA, the  
19 Federal law, for failing to register as a sex offender.  
20 And I suspect that the United States, upon notification  
21 from Australia that he's about to arrive on our shores,  
22 he's going to be turned around.

23 The United States is not going to go allow him to  
24 enter the country again, I suppose. And even if he did

1 enter the country, there's a full panoply of requirements  
2 under our domestic sex-offender-registration laws that  
3 would apply to him immediately. So I think that that's  
4 how we guarantee the safety to this community.

5 With respect to the Australian community, he will  
6 be subject, like I said, to those registration laws. That  
7 is a legislative determination, that those would be  
8 adequate to guarantee community safety. So he will be  
9 subject to that regime.

10 In terms of the safety to the world at large, in  
11 essence, Your Honor, he has to report every time he leaves  
12 the country; if, indeed, he's allowed to. I think that's  
13 a case-by-case determination.

14 Even if it's not, and he has the ability to  
15 travel, interstate travel is subject to reporting;  
16 international travel is subject to reporting.

17 And just as I described in some of my  
18 questioning, he would be required to report to the  
19 Queensland Police, who in turn would report to the  
20 Australian Federal Police, who in turn would report to the  
21 destination country that a sex offender of this nature is  
22 about to arrive on your shores. And then it would be up  
23 to that jurisdiction as to whether or not to deny entry or  
24 permit it.

1           There's no prohibition right now on sex offenders  
2 traveling -- that's my understanding -- even though while  
3 subject to probation, there appears to be a restriction on  
4 international travel passes. My research leads me to  
5 believe that sex offenders can travel internationally.

6           In fact, there's pending Federal legislation to  
7 prohibit that. I think it's called the International  
8 Megan's Law -- that's the shorthand for it -- it's H.R.  
9 4537. I believe it's in the Congressional Committee,  
10 pending a hearing. That was introduced in 2011. I think  
11 there are constitutional concerns that are going to result  
12 in its defeat; but, nevertheless, it's part of the  
13 national conversation.

14           But the concerns that I think are important to  
15 note, because restricting somebody's fundamental right to  
16 travel, I think, is going to be the concern of those who  
17 oppose it.

18           In any event, international travel is something  
19 that can only be -- the risk that presents, can only be  
20 contained by agreements of mutual assistance, and the ease  
21 of reporting between Australia and a destination country.

22           And I think that at this juncture, we have to be  
23 confident that the reporting requirements will be  
24 satisfied, that reporting will occur, and that

1 international travel -- if, indeed, he can travel  
2 internationally -- would be subject to those types of  
3 controls.

4 So I think that when you look at the three  
5 communities that I think are relevant here -- the United  
6 States, Australia, and internationally -- I think that  
7 there are safeguards in place that provide a level of  
8 assurance that Mr. Skinner's conduct will not repeat  
9 itself, and that those communities are protected  
10 adequately.

11 Your Honor, this is a case that we chose to  
12 plea-bargain instead of going to trial. There are two  
13 matters. The originating matter involves the  
14 open-and-gross-lewdness count; and then this case kind of  
15 spiraled into a child-pornography case.

16 This is not a case where Mr. Skinner would not be  
17 able to present a defense. This is a case that Mr.  
18 Skinner could have litigated under some Ninth Circuit law,  
19 as well as a recent decision just decided a day ago in the  
20 Third Circuit Court of Appeals -- the Huffman decision --  
21 that challenges the State's theory of promotion in this  
22 case.

23 The State's core theory is that there was  
24 downloaded child pornography, in that the downloads



1 coincided with the operation and running of peer-to-peer  
2 file-sharing software; hence, the theory of promotion.

3 The Huffman case, out of the Third Circuit,  
4 decided just yesterday, came to the conclusion that merely  
5 the running of peer-to-peer, file-sharing software isn't,  
6 in and of itself, enough for a distribution-of-child-  
7 pornography conviction. There actually has to be proof of  
8 receipt of transmission, in order to incur criminal  
9 liability for that type of conduct.

10 So this isn't a case that Mr. Skinner was at a  
11 loss for defenses. We could have raised a defense. We  
12 could have gone through a very uncomfortable trial, with  
13 child witnesses, as well as exposing the jury to  
14 uncomfortable images, that I have inspected personally.  
15 We could have done that. He chose not to do that. I  
16 think that's a decision that merits some serious  
17 consideration.

18 Also, Your Honor, time and time again Mr. Skinner  
19 accommodated the State. The pace of the investigation, I  
20 think you'll agree, was slow. I understand there's a  
21 backlog; but it was slow.

22 And Mr. Skinner, a double amputee, with a  
23 multitude of health problems, continued to wait it out,  
24 and wait it out, and wait it out; and let them perfect

1     their investigation, perfect their case against him, when  
2     he did not need to do that. But he did, anyway.

3             And I think that stands to his credit. Because  
4     he wants nothing but closure at this point. And he takes  
5     absolutely full responsibility. And you're going to hear  
6     from him in a moment. But he wants to move on.

7             And he wants the girls involved in the initial  
8     case to hopefully become restored, have them put this  
9     behind them. He didn't want to expose them to  
10    cross-examination during a jury trial, nor the mothers.

11            And I think that's the decision-making that I  
12    think Your Honor should consider when determining whether  
13    or not this individual, Mr. Skinner, merits a grant of  
14    probation. Because the legislature made that a  
15    possibility. And they made it a possibility in this sort  
16    of a circumstance, because as a policy matter it should be  
17    available.

18            Every case is different. And we're asking Your  
19    Honor to consider this case to be the case where probation  
20    is appropriate.

21            We have submitted a sentencing memorandum. I  
22    think you're very familiar with Mr. Skinner by this point;  
23    you're familiar with Mr. Skinner's availability of  
24    defenses that he willingly chose to forego, because he

1 wanted the matter to come to a conclusion.

2 You're familiar with him allowing the State all  
3 the time that it needed, even despite what I think is an  
4 intense period of time in custody.

5 So this is an individual that has allowed the  
6 case to get to this point. And he didn't necessarily need  
7 to. And that's because he wants to go home; that's  
8 because he's sorry for what he did; that's because he  
9 takes responsibility for his actions; and it's because he  
10 wants to put the matter to rest.

11 THE COURT: Thank you, Mr. Frey.

12 Mr. Skinner, I have read your handwritten  
13 statement. Is there anything else you wish to say to the  
14 Court?

15 THE DEFT: Yes, sir.

16 THE COURT: Please.

17 THE DEFT: Can I speak from here?

18 THE COURT: Yes, that's fine.

19 THE DEFT: I did want to say some things. I'm  
20 really, really sorry about it. You know, like the last  
21 thing I wanted to do is hurt those two girls, you know.

22 They came over, played with the dog, you know,  
23 and the baby, which was fine. And they didn't have dads.  
24 They called me their "fake dad."

1           And, you know, especially in the case of the  
2 little one, the 7-year-old one, I call her "T," and the  
3 8-year-old was "A," that's -- Mrs. Lock's daughter was  
4 "A," and Mrs. Robinson's daughter was "T."

5           And "T" had a bit of a -- they played with the  
6 baby and the dog. And they were happy, you know that?  
7 And that was fine.

8           And there got to be some friction because of the  
9 stress I was under. And we had some neighbors next door  
10 who were rather aggressive to us. They're actually drug  
11 dealers. They hated me.

12           And they attacked the girls once for sitting on  
13 the electric wheelchair that they had. There was a lot of  
14 animosity. And I protected those girls, you know, because  
15 it was just a terrible situation, you know? And I was  
16 their fake dad; supposed to protect things.

17           I know I have done some bad thing. I know I've  
18 allowed bad things to happen. I'm really, really sorry  
19 about it.

20           I'm not a bad person. I hope people can see  
21 there's a glimmer of good in there somewhere. I have  
22 tried to do good things in my life, you know.

23           I did volunteer work for the blood bank, after  
24 the accident, and we had TV campaigns and things like

1 that. I had community spirit, you know. And sure, I'm  
2 off the rails a bit now, obviously. I've got some  
3 medication issues, too, which have been persistent since I  
4 have been in the USA. Actually, it's the drug Zoloft, for  
5 depression. It kind of does something to you a little  
6 bit. And they changed me off of it recently in the jail,  
7 because of that.

8           Anyway, back to the point. I'm really sorry. I  
9 don't want to waste the Court's time. But I cared for  
10 those girls. I would never, ever hurt them. No way. No  
11 way.

12           And if there was bad stuff on the computer, I  
13 will take responsibility for it. I'm responsible for it.  
14 It's my fault; it's my problem; I'm owning it, you know.

15           I forgot the word that we use in Australia for  
16 it -- "I'm ripe for it." We say: "You're ripe for it."  
17 I agree, that's true.

18           I shouldn't be in a position where I have done  
19 this, but I'm responsible for this. I should be much more  
20 responsible. I have been responsible in life.

21           I don't know where it all went wrong. It was  
22 just a lot of continued of things that just went wrong.  
23 And it was just a flood of things that just continued to  
24 go wrong. And it was like falling off a cliff, you know.

1 And I really need to pick up the pieces.

2 And it's not just me, it's other people who were  
3 hurt by this, you know? Especially the girls. That's why  
4 I didn't want them to be involved in any sort of problem  
5 here, with any sort of entanglement in this. It's just  
6 not right.

7 They have a good life. They can move on. I'm  
8 not going to be able to move on. But the kids -- those  
9 two girls, you know, they need to be able to move on; they  
10 need to be able to just let this ebb into the past, you  
11 know?

12 Obviously I'm not trying to minimize it or  
13 discount it or anything like that, because it's serious.  
14 I know it's serious. I understand that.

15 I used to be on the other side, on the right side  
16 of the law, you know? It's not good being on the wrong  
17 side of the law. I can say that for a fact. It's the  
18 worst thing; it's the worst feeling.

19 Being where I am now is just -- every day you  
20 have to resist. You know, put a barrier between what's  
21 dragging me down into -- and you can't. That's why I  
22 keep, you know, clean and tidy all the time, because you  
23 have to resist that.

24 Anyway, I'm not going to rave on or anything like

1 that, I just want to try and get to the point. I have a  
2 couple of points here. I am ashamed of it. I'm really  
3 ashamed of it. I'm just sorry to everyone for it;  
4 especially the moms here. We never really got along.  
5 They didn't really understand me. They didn't come over.  
6 And I wanted them to come over, you know? We had some  
7 animosity there.

8 And I was always under stress, and I said some  
9 things about the single mothering thing, that Joe wasn't  
10 happy with. And I'm sorry about that. I shouldn't have  
11 said anything like that. I said it to the girl "A," the  
12 "A" girl. And I shouldn't have said that. And that was  
13 wrong. I understand it was wrong.

14 I know that what I have done is wrong. What I  
15 have allowed to happen was wrong. The computer having  
16 that stuff on there is wrong. And the content is just --  
17 what would you call it? -- it's reprehensible. You know,  
18 I could say half a dozen words, but it's reprehensible.  
19 And I don't concur that that's what I should be doing, you  
20 know.

21 I understand that the Court will punish me for  
22 this. And that's appropriate. That's as it may be, and  
23 that's as it should be. And I'm prepared for that.

24 But I just -- I'm really sad that it will affect

1 other people, and also maybe even the two girls, because I  
2 don't think they want to hurt me. They never hated me.  
3 They don't hate me. They know I have done something  
4 wrong, but they don't hate me.

5 I think if they see me have some tragic  
6 eventuation (sic) from this, it will be sad for them, you  
7 know?

8 That's really what I want to say, Your Honor.  
9 I'm sorry for raving on. But that's my feeling, you know?  
10 And I'm saying it from the heart.

11 And I really -- I want the Court to believe that  
12 I have a glimmer of good in me there somewhere, which  
13 maybe is redeemable after the bad things are dealt with.

14 Thank you, sir.

15 THE COURT: Thank you.

16 Ms. Druckman, one question that's not been  
17 answered in the presentation of evidence and arguments is  
18 whether Mr. Skinner is eligible for deportation and  
19 Australian registration upon parole.

20 MS. DRUCKMAN: I believe he is.

21 THE COURT: Ms. Druckman.

22 MS. DRUCKMAN: First, Your Honor, I know that  
23 we've had some discussions on it, but I would just say  
24 that the treaty clause of the U.S. Constitution states



1 that individual states cannot make agreements with foreign  
2 sovereigns such as Australia.

3 And there is no Interstate Compact to Australia.  
4 There may be international treaties related to the return  
5 of fugitives, but there is no mechanism by which a  
6 probationary order issued in Washoe County can be carried  
7 out in Australia. It simply will not occur. Supervision  
8 will end the moment he's deported.

9 And the Court is aware that sentencing has many  
10 different components: retribution, deterrence,  
11 rehabilitation. But the primary one that the State feels  
12 applies here is protection of the community. And it's a  
13 very vulnerable community that this Court's sentence will  
14 seek to protect. And that is children.

15 Doctor Nielson's risk assessment states, on page  
16 6: "That with the multiple images of multiple victims,  
17 the defendant meets the criteria for pedophilic sexual  
18 orientation, despite his denials." So what he's saying in  
19 English is: This person is a pedophile.

20 And I'm am not going to read all of them, but  
21 when you consider the images that were on the defendant's  
22 computer, such as an image of a nude female child --  
23 believed to be five to seven years of age, depicted --  
24 being straddled by an adult male, who's inserting his

1 penis in the child's mouth. Or, you know, another image  
2 of a female child, believed to be five to seven years of  
3 age, with her mouth open, while a male is ejaculating.

4 And I'm not going to go on. But you're getting  
5 the impression. You're understanding how extremely young  
6 the children, featured in the pornography -- of which he  
7 had at least 50 images -- were at the time that his  
8 computer was processed.

9 Most of those children were of Asian descent.  
10 And most of those photographs were taken in brothels  
11 consistent with Asian countries where sex trafficking and  
12 sex tourism occurs.

13 This defendant is a person who, based on what  
14 he's looking at, is attracted to very young children,  
15 sexually. And that is the community that Dr. Nielson  
16 states: "With Internet access, all child victims of  
17 pornographic exploitation remain at risk." So that's what  
18 he's described.

19 Once this defendant leaves the United States,  
20 there will be no monitoring to make sure he's not  
21 utilizing the Internet; there will be nobody searching  
22 him, to see what he's doing in his house, or whether there  
23 are underage kids in there playing with Sophie again. And  
24 even Sophie could potentially be at risk.

1           Based on that, the risk to the community is high,  
2   if the defendant is granted probation. And in this  
3   particular instance, a grant of probation exactly is a  
4   sentence to time served, and he just goes off and is  
5   treated like any other registerable sex offender in  
6   another country.

7           This Court will have no ability to monitor him,  
8   to get him back here. That's it. That would be all the  
9   punishment he would get, and all the supervision that he'd  
10  get.

11           And we would leave it up to Australia to follow  
12  him as a sex offender in their country, for registration  
13  purposes only.

14           The State's position is that that's insufficient  
15  in terms of punishment, and in terms of protection to the  
16  community.

17           The defendant has not been completely  
18  forthcoming, even with his psychosexual evaluator.  
19  According to Mr. Nielson, on page 6, he says: "Mr.  
20  Skinner continues to deny his involvement with child  
21  pornography. But much of this is defensive posturing, to  
22  avoid admission of guilt or social ostracism. Once  
23  adjudicated, Mr. Skinner will be more open to discussing  
24  sexual preferences, experiences of fantasies. One must

1 recall, however, that his disclosures during psychological  
2 treatment are confidential, and cannot be used for further  
3 prosecution. Once adjudicated, his prognosis for  
4 developing better insight, better self-control in victim  
5 empathy, will be approved."

6 So in English, what he's saying here is: Right  
7 now, he's not in a position to develop better insight,  
8 better self-control, or victim empathy.

9 He didn't demonstrate that to his evaluator.  
10 Otherwise, it would be in here. It's not in here.  
11 Because that's not the man that talked to Nielson during  
12 this interview.

13 He was not willing to take the responsibility,  
14 and feel the sort of empathy that would have caused  
15 Nielson to give him some type of praise.

16 This paragraph basically says that this is  
17 somebody who desperately needs counseling.

18 If this person is granted probation, he won't be  
19 getting any counseling; he won't be monitored. He will  
20 be, for all facts and purposes, free to do whatever it is  
21 he intends to do.

22 And if past performance is an indicator of future  
23 behavior, he will certainly re-offend.

24 So the State is going to ask the Court to follow

1 the recommendation of the Division. This is fair,  
2 especially when the Court considers the nature of how this  
3 crime came to the attention of the authorities: that two  
4 underage children -- ages seven and eight -- observed a  
5 grown man masturbating, with his two-year-old daughter on  
6 the arm of his wheelchair, looking at a computer screen,  
7 watching pornography, freely masturbating in their  
8 presence.

9 And the State would also indicate that one of the  
10 things pedophiles often do to acclimate children to  
11 accepting sexual advances, is to introduce them to  
12 sexually-explicit materials, to masturbate in front of  
13 them, to discuss sex, to make it commonplace.

14 That was commonplace in Sophie's world. It  
15 wasn't commonplace to those two little girls. That's why  
16 they were so offended and went home and told their mom.

17 This defendant has described himself as these two  
18 little girls' "fake dad." He says: "The last thing I want  
19 to do is hurt those two girls that came over and played  
20 with my dog and Sophie. I want to protect those two  
21 girls. But a flood of things went wrong, like falling off  
22 a cliff. And others were hurt by this, especially those  
23 two girls."

24 The State's position is: Those two girls, and

1 all girls like them in this world, including Sophie, need  
2 the protection that five years in prison will afford them.

3 The State is asking this Court to send this man  
4 to prison.

5 Thank you.

6 Your Honor, we do have Kimberlee Armas here.

7 THE COURT: Ma'am, if you'd like to address the  
8 Court, you will need to follow Deputy Croxon's  
9 instructions, please.

10  
11 KIMBERLEE ARMAS,  
12 called as a witness by the State,  
13 who, having been first duly sworn, was examined  
14 and testified as follows:

15  
16 DIRECT EXAMINATION

17 BY MS. DRUCKMAN:

18 Q Can you please state your name, and spell it for  
19 our Court Reporter?

20 A Kimberlee Armas: K-i-m-b-e-r-l-e-e. A-r-m-a-s.

21 Q Can you please tell the Court what it is you want  
22 to say concerning this case, and the punishment of Mr.  
23 Skinner, and the impact of this crime on your children?

24 A I am a mother -- I only allowed my child over

1     there two to three times. My mother allowed her over  
2     there more, as she was in my mom's custody. My mom knew  
3     Roderick. She sat at the park with Roderick.

4             My mom is also in a wheelchair -- since she was  
5     19. So she knows that raising kids on her own in a  
6     wheelchair is a little tough. That's why she allowed my  
7     daughter to go and see Sophie, and help Sophie, and take  
8     care of Sophie, as being around Roderick.

9             My daughter has been raised in the right home,  
10    and knows it's not appropriate to do the things he was  
11    doing. And that's why she spoke up on it.

12            As far as her not having a dad? She has a dad.  
13    She has wonderful men support in her life. Calling you  
14    her fake dad, you might have tried to convince my daughter  
15    in her mind that that was right, and that's what you  
16    wanted her to call you, because of your sick mind, because  
17    that's what you wanted her to call you. But she has a  
18    dad. She has a dad, who is active in her life.

19            My daughter -- you changed my daughter's life  
20    forever. She will no longer stay at a friend's house.  
21    She won't stay in a room with a man that she's known since  
22    birth.

23            My uncles, who come over in their uniforms, she  
24    won't stay in a room with them by herself, because she

1 doesn't want to get in trouble for the things that they  
2 might do. Because when this was brought to me, I wasn't  
3 very happy that she didn't tell me sooner.

4 She knows that she did nothing wrong, and that it  
5 was you. You will, for the rest of my daughter's life --  
6 changed her. She's not a little girl anymore. She  
7 doesn't do the things she used to be able to do, without  
8 worrying if somebody is going to be there and do something  
9 wrong to her.

10 As far as Iona, at one point in time Iona was  
11 living with me for a couple of years. And that little  
12 girl -- she doesn't have a child anymore, either. She's  
13 trying to grow up way too fast because of the things you  
14 introduced her to, the things you showed her to.

15 The way she dresses has changed, because you  
16 bought her these things, to teach her to dress  
17 differently. You ruined these two kids. You took these  
18 kids' innocence from them. Being children is gone,  
19 because you tried to make them grow up to be in this sex-  
20 industry mindset.

21 And I pray for Sophie all the time, that whatever  
22 you have done to her, or has happened, will let her have a  
23 normal life, and that she was young enough that it's not  
24 going to affect her.



1 But these two little girls, you have changed  
2 forever. And you have to live with that. And you will  
3 face judgment one day.

4 MS. DRUCKMAN: Thank you.

5 THE COURT: Mr. Frey?

6 MS. DRUCKMAN: Your Honor, I thought that given  
7 that she had made a victim-impact statement, that she  
8 would not be subject to cross-examination.

9 THE COURT: It's my practice to allow questions,  
10 if you have anything.

11 MR. FREY: Just one.

12 CROSS-EXAMINATION

13 BY MR. FREY:

14 Q Ms. Armas; is that right?

15 A Yes.

16 Q Why was your daughter in your mom's custody?

17 A My mother's in a wheelchair, so we live with her.  
18 She lives with us. We all live together. And if I have  
19 to go with my son to the doctor, my mom watches my  
20 daughter for me. If I run to the grocery store for  
21 something, my daughter stays with my mother. We live  
22 there. She lives with us.

23 As a grandma, she took her grandkids to the park,  
24 where she met Roderick. She's a grandma to my daughter.

1 MR. FREY: Thank you, Your Honor.

2 THE COURT: Thank you, ma'am. You're free to  
3 step down.

4 (The witness was excused.)

5 THE COURT: Counsel, I have never really figured  
6 out how to effectuate the requirements of NRS 176.0927,  
7 which provides, in Subparagraph 1: If a defendant is  
8 convicted of a sexual offense, the Court shall, following  
9 the imposition of a sentence -- among other things -- to  
10 include notifying the Central Repository.

11 Subparagraph (c): -- Oh, and then I need to say:  
12 Notify the Central Repository.

13 Subparagraph (b): Inform the defendant of the  
14 requirements for registration, including, without  
15 limitation: (1) the duty to register initially pursuant  
16 to NRS 179D.445.

17 And then Subparagraph (c): Require the defendant  
18 to read and sign a form stating that the requirements for  
19 registration have been explained and that the defendant  
20 understands the requirements for registration.

21 It's my intention, after pronouncing sentence, to  
22 leave the bench. Mr. Frey will then approach the bench  
23 and get a copy of the relevant statute, which includes NRS  
24 179D.445. Mr. Skinner will be given an opportunity to

1 sign an acknowledgment that he's received it, and that he  
2 understands the requirements of registration.

3 If he chooses not to sign it, I will direct the  
4 Clerk of Court to sign it on his behalf.

5 What's the present credit for time served?

6 THE DIVISION: 411 days.

7 THE COURT: Mr. Skinner, on May 27th, 2014, you  
8 entered a plea of guilty to the felony charge: promotion  
9 of a sexual performance of a minor, age 14 years or under.  
10 By virtue of that plea, you're adjudged guilty of the  
11 offense.

12 I dismiss CR13-1601, which is the open or gross  
13 lewdness, gross-misdemeanor, pursuant to negotiations.

14 Mr. Skinner, as always, your attorney has given  
15 me a lot to think about.

16 I have learned in this job, Mr. Skinner, that I  
17 can control only what I can control.

18 Last week, I had a young man sitting where you  
19 are, who was given the privilege of diversion. That means  
20 that if he does some things, he gets the felony to go  
21 away, as if it never happened.

22 But one of the conditions was that he pay \$25.00  
23 before he leave the building. And he told me he would. I  
24 told him where to go. I told him if he hadn't paid it,

1 I'm going to have you come back, today.

2 Somewhere between this room and the exit door, he  
3 decided not to pay his \$25.00 administrative-assessment  
4 fee. And he decided not to show up today.

5 I think about the risks of judicial error. If  
6 I'm wrong, you're not going to participate in  
7 self-destructive drug use or marijuana commerce. If I'm  
8 wrong, it's just not that you're going to steal something  
9 that's valued at more than \$650.00.

10 Mr. Skinner, you're a pedophile. And if I'm  
11 wrong, your pedophilia will manifest itself in some way in  
12 the future. And without treatment, supervision, and  
13 sometimes exclusion, our community is at risk.

14 I want you to know, Mr. Skinner -- and what I'm  
15 about to say is \$4.00 will get you a cup of coffee -- I'm  
16 about to send you to prison. But let me tell you, Mr.  
17 Skinner, that I believe you when you say "there's a  
18 glimmer of good in me." I think that every person that  
19 comes into this courtroom has a glimmer of good. I heard  
20 some of it from your daughter; and from your friend; and I  
21 certainly heard it from your attorney.

22 You have sexual inclinations that victimize  
23 others. And you have allowed those inclinations to  
24 victimize others.

1           When I think about your attorney's argument, I  
2     can't get past the idea that it is, number one, not  
3     punitive enough; there's simply very little punishment.  
4     You have a conviction, and you have some registration.  
5     The Court is not satisfied that the supervision in  
6     Australia will be efficacious in any way. I, therefore,  
7     can't predict that a community would be safe.

8           Your attorney has told me what might happen under  
9     a different legal proceeding. Just like my \$25.00  
10    diversion defendant who left the building, I can't control  
11    what I can't control.

12          I have no way of controlling whether you will be  
13    supervised to my satisfaction. And if I'm not satisfied,  
14    I don't have any way to bring you back into this Court,  
15    and to put you in prison upon a revocation.

16          I therefore concluded that with 411 days with  
17    credit for time served, you will pay a \$25.00  
18    administrative-assessment fee; a \$3.00 genetic marker  
19    administrative-assessment fee; a psychosexual fee of  
20    \$902.50; a DNA-test fee of \$150.00; and an attorney's fee  
21    of \$500.00; and you'll pay a fine of \$5,000. Each of  
22    those assessments and fines will be included in your  
23    judgment of conviction, and be susceptible to collection  
24    efforts.

1 I'm sentencing you to the Nevada Department of  
2 Corrections for a period of time defined by your life,  
3 with minimum parole eligibility after five years have been  
4 served.

5 I wish you the best of luck, sir.

6 MS. DRUCKMAN: Subject to lifetime supervision?

7 THE COURT: Subject to lifetime supervision.

8  
9 (Proceedings concluded.)  
10  
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24

1     STATE OF NEVADA     )  
                                      )  
2     COUNTY OF WASHOE   )

3  
4                     I, RANDI LEE WALKER, Certified Shorthand  
5     Reporter of the Second Judicial District Court of the  
6     State of Nevada, in and for the County of Washoe, do  
7     hereby certify:

8                     That I was present in Department No. 15 of  
9     the above-entitled Court and took stenotype notes of the  
10    proceedings entitled herein, and thereafter transcribed  
11    the same into typewriting as herein appears;

12                    That the foregoing transcript is a full, true  
13    and correct transcription of my stenotype notes of said  
14    proceedings.

15                    DATED:   At Reno, Nevada, this 9th day of  
16    November, 2014.

17  
18                                   /s/ Randi Lee Walker  
19                                   RANDI LEE WALKER, CCR No. 137  
20  
21  
22  
23  
24

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

**ZELALEM BOGALE, ESQ.** - Notification received on 2014-11-09 12:08:11.958.  
**JOHN PETTY, ESQ.** - Notification received on 2014-11-09 12:08:12.301.  
**TERRENCE MCCARTHY, ESQ.** - Notification received on 2014-11-09 12:08:12.255.  
**CHRISTINE BRADY, ESQ.** - Notification received on 2014-11-09 12:08:12.005.  
**DIV. OF PAROLE & PROBATION** - Notification received on 2014-11-09 12:08:12.161.  
**MICHAEL BOLENBAKER, ESQ.** - Notification received on 2014-11-09 12:08:12.208.  
**REBECCA DRUCKMAN, ESQ.** - Notification received on 2014-11-09 12:08:11.911.  
**MATTHEW LEE, ESQ.** - Notification received on 2014-11-09 12:08:12.114.  
**CHRISTOPHER FREY, ESQ.** - Notification received on 2014-11-09 12:08:12.052.



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

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**A filing has been submitted to the court RE:** CR14-0644

**Judge:**

HONORABLE DAVID A. HARDY

**Official File Stamp:**

11-09-2014:12:07:01

**Clerk Accepted:**

11-09-2014:12:07:41

**Court:**

Second Judicial District Court - State of Nevada  
Criminal

**Case Title:**

STATE VS. RODERICK STEPHEN SKINNER  
(D15)

**Document(s) Submitted:**

Transcript

**Filed By:**

Randi Walker

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STEPHEN SKINNER

CHRISTOPHER FREY, ESQ. for RODERICK  
STEPHEN SKINNER

TERRENCE P. MCCARTHY, ESQ. for STATE  
OF NEVADA

DIV. OF PAROLE & PROBATION

ZELALEM BOGALE, ESQ. for STATE OF  
NEVADA

REBECCA DRUCKMAN, ESQ. for STATE OF  
NEVADA

JOHN REESE PETTY, ESQ. for RODERICK  
STEPHEN SKINNER

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

CASE NO. CR14-0644

STATE OF NEVADA VS. RODERICK STEPHEN SKINNER

DATE, JUDGE  
OFFICERS OF  
COURT PRESENT

APPEARANCES-HEARING

---

8/26/14	<u>ENTRY OF JUDGMENT AND IMPOSITION OF SENTENCE</u>
HONORABLE	Deputy District Attorney Rebecca Druckman represented the State. Defendant was present, in
DAVID A. HARDY	custody, represented by Deputy Public Defender Christopher Frey. Katie Benzler was present on
Dept. No. 15	behalf of the Division of Parole and Probation.
K. Lane	COURTNEY SKINNER was present by telephone, was sworn, and testified under direct
(Clerk)	examination by counsel Frey, and cross examination. Witness thanked and disconnected from
M. Blazer	the telephone.
(Reporter)	Counsel Frey provided argument in support of probation.
	<b>COURT ORDERED:</b> This matter is continued to August 28, 2014 at 10:00 a.m.
	Defendant remanded to the custody of the Sheriff.

CASE NO. CR14-0644

STATE OF NEVADA VS. RODERICK STEPHEN SKINNER

DATE, JUDGE  
OFFICERS OF  
COURT PRESENT

## APPEARANCES-HEARING

9/4/14  
HONORABLE  
DAVID A. HARDY  
Dept. No. 15  
K. Lane  
(Clerk)  
R. Walker  
(Reporter)ENTRY OF JUDGMENT AND IMPOSITION OF SENTENCE

Deputy District Attorney Rebecca Druckman represented the State. Defendant was present, in custody, represented by Deputy Public Defender Christopher Frey. Katie Benzler was present on behalf of the Division of Parole and Probation.

Counsel Frey advised the Court the defense had no further witnesses to call.

KATIE BENZLER was called by counsel Druckman, was sworn, and testified under direct examination, cross examination, redirect examination, and recross examination. Witness thanked and excused.

LAURA PAPPAS was called by counsel Druckman, was sworn, and testified under direct examination, cross examination, and redirect examination. Witness thanked and excused.

Counsel Frey further addressed the Court and argued in support of a term of probation with a transfer to Australia.

The Defendant addressed the Court on his own behalf.

Counsel Druckman addressed the Court and argued in opposition to a term of probation. She further argued in support of the recommendations of the Division.

KIMBERLEE ARMAS was sworn and provided a victim impact statement.

**COURT ORDERED:** The Defendant entered a plea of guilty on May 27, 2014, and no legal cause being shown as to why judgment should not be pronounced against him, the Court rendered judgment as follows: That Roderick Stephen Skinner is guilty of the crime of Promotion of a Sexual Performance of a Minor, Age 14 or Older, a violation of NRS 200.720 and NRS 200.750, a felony, as charged in the Information, and that he be punished by imprisonment in the Nevada Department of Corrections for a term of life with the possibility of parole, with eligibility for parole beginning when a minimum of 5 years has been served, with credit for time served in the amount of 411 days. It is further ordered that Roderick Stephen Skinner shall pay \$25.00 as an administrative assessment fee, \$3.00 as an administrative assessment for obtaining a biological specimen and conducting a genetic marker analysis, and \$150.00 as a DNA testing fee, and he shall submit to a DNA analysis to determine the presence of genetic markers, if not previously ordered, \$902.50 as a psychosexual fee, \$5,000.00 as a fine, and reimburse the County of Washoe the sum of \$500.00 for legal representation. Pursuant to NRS 176.0931, the Court recommends that a special sentence of lifetime supervision commence after any period of probation, or any term of imprisonment or any period of release on parole. It is further ordered that the Defendant shall register as a Sex Offender with the law enforcement agency in whose jurisdiction the Defendant resides and is employed within 48 hours of release from custody in accordance with NRS 179D.460. Roderick Stephen Skinner is hereby advised that: Any fine, fee or administrative assessment imposed today (as reflected in this judgment of conviction) constitutes a lien, as defined in Nevada Revised Statutes 176.275. Should you not pay these fines, fees, or assessments, collection efforts may be undertaken against you. Defendant remanded to the custody of the Sheriff.

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

**ZELALEM BOGALE, ESQ.** - Notification received on 2014-12-09 14:39:43.902.  
**JOHN PETTY, ESQ.** - Notification received on 2014-12-09 14:39:44.526.  
**TERRENCE MCCARTHY, ESQ.** - Notification received on 2014-12-09 14:39:44.495.  
**CHRISTINE BRADY, ESQ.** - Notification received on 2014-12-09 14:39:43.934.  
**DIV. OF PAROLE & PROBATION** - Notification received on 2014-12-09 14:39:44.448.  
**MICHAEL BOLENBAKER, ESQ.** - Notification received on 2014-12-09 14:39:44.48.  
**REBECCA DRUCKMAN, ESQ.** - Notification received on 2014-12-09 14:39:43.887.  
**MATTHEW LEE, ESQ.** - Notification received on 2014-12-09 14:39:44.417.  
**CHRISTOPHER FREY, ESQ.** - Notification received on 2014-12-09 14:39:44.168.

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A filing has been submitted to the court RE: CR14-0644

**Judge:**

HONORABLE DAVID A. HARDY

**Official File Stamp:**

12-09-2014:14:38:37

**Clerk Accepted:**

12-09-2014:14:39:14

**Court:**

Second Judicial District Court - State of Nevada  
Criminal

**Case Title:**

STATE VS. RODERICK STEPHEN SKINNER  
(D15)

**Document(s) Submitted:**

\*\*\*Minutes

**Filed By:**

Court Clerk KLane

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STEPHEN SKINNER

CHRISTOPHER FREY, ESQ. for RODERICK  
STEPHEN SKINNER

TERRENCE P. MCCARTHY, ESQ. for STATE  
OF NEVADA

DIV. OF PAROLE & PROBATION

ZELALEM BOGALE, ESQ. for STATE OF  
NEVADA

REBECCA DRUCKMAN, ESQ. for STATE OF  
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STEPHEN SKINNER

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**ZELALEM BOGALE, ESQ.** - Notification received on 2014-12-09 14:40:25.869.  
**JOHN PETTY, ESQ.** - Notification received on 2014-12-09 14:40:26.508.  
**TERRENCE MCCARTHY, ESQ.** - Notification received on 2014-12-09 14:40:26.477.  
**CHRISTINE BRADY, ESQ.** - Notification received on 2014-12-09 14:40:26.103.  
**DIV. OF PAROLE & PROBATION** - Notification received on 2014-12-09 14:40:26.415.  
**MICHAEL BOLENBAKER, ESQ.** - Notification received on 2014-12-09 14:40:26.446.  
**REBECCA DRUCKMAN, ESQ.** - Notification received on 2014-12-09 14:40:25.853.  
**MATTHEW LEE, ESQ.** - Notification received on 2014-12-09 14:40:26.384.  
**CHRISTOPHER FREY, ESQ.** - Notification received on 2014-12-09 14:40:26.337.



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A filing has been submitted to the court RE: CR14-0644

Judge:

HONORABLE DAVID A. HARDY

Official File Stamp:

12-09-2014:14:39:14

Clerk Accepted:

12-09-2014:14:39:56

Court:

Second Judicial District Court - State of Nevada  
Criminal

Case Title:

STATE VS. RODERICK STEPHEN SKINNER  
(D15)

Document(s) Submitted:

\*\*\*Minutes

Filed By:

Court Clerk KLane

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STEPHEN SKINNER

TERRENCE P. MCCARTHY, ESQ. for STATE  
OF NEVADA

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NEVADA

REBECCA DRUCKMAN, ESQ. for STATE OF  
NEVADA

JOHN REESE PETTY, ESQ. for RODERICK  
STEPHEN SKINNER

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


## IN THE SUPREME COURT OF THE STATE OF NEVADA

RODERICK STEPHEN SKINNER,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

CR14-0644  
D15  
No. 66666

FILED


FEB 06 2015

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY  DEPUTY CLERK

*ORDER GRANTING MOTION TO TRANSMIT PRESENTENCE  
INVESTIGATION REPORT AND PSYCHOSEXUAL EVALUATION*

Cause appearing, the motion to direct the district court clerk to transmit a copy of the presentence investigation report and psychosexual evaluation in this matter (district court case number CR14-0644) is granted. NRAP 30(b)(6). The district court clerk shall have 15 days from the date of this order to transmit to the clerk of this court a copy of the presentence investigation report and psychosexual evaluation in a sealed envelope. *See id.*; NRS 176.139(1) (psychosexual evaluation is part of presentence investigation and report); (NRS 176.156(5) (providing that except for specific disclosures authorized by NRS 176.156(1)-(4), a presentence investigation report is "confidential and must not be made a part of any public record").

It is so ORDERED.

 C.J.

cc: Washoe County Public Defender  
Attorney General/Carson City  
Washoe County District Attorney  
Washoe District Court Clerk ✓

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**ZELALEM BOGALE, ESQ.** - Notification received on 2015-02-11 09:10:20.401.  
**JOHN PETTY, ESQ.** - Notification received on 2015-02-11 09:10:20.729.  
**TERRENCE MCCARTHY, ESQ.** - Notification received on 2015-02-11 09:10:20.682.  
**CHRISTINE BRADY, ESQ.** - Notification received on 2015-02-11 09:10:20.448.  
**DIV. OF PAROLE & PROBATION** - Notification received on 2015-02-11 09:10:20.588.  
**MICHAEL BOLENBAKER, ESQ.** - Notification received on 2015-02-11 09:10:20.651.  
**REBECCA DRUCKMAN, ESQ.** - Notification received on 2015-02-11 09:10:20.37.  
**MATTHEW LEE, ESQ.** - Notification received on 2015-02-11 09:10:20.542.  
**CHRISTOPHER FREY, ESQ.** - Notification received on 2015-02-11 09:10:20.479.

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A filing has been submitted to the court RE: CR14-0644

**Judge:**

HONORABLE DAVID A. HARDY

**Official File Stamp:**

02-11-2015:09:09:15

**Clerk Accepted:**

02-11-2015:09:09:48

**Court:**

Second Judicial District Court - State of Nevada  
Criminal

**Case Title:**

STATE VS. RODERICK STEPHEN SKINNER  
(D15)

**Document(s) Submitted:**

Supreme Ct Order Granting ...

**Filed By:**

Deputy Clerk YViloria

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STEPHEN SKINNER

CHRISTOPHER FREY, ESQ. for RODERICK  
STEPHEN SKINNER

TERRENCE P. MCCARTHY, ESQ. for STATE  
OF NEVADA

DIV. OF PAROLE & PROBATION

ZELALEM BOGALE, ESQ. for STATE OF  
NEVADA

REBECCA DRUCKMAN, ESQ. for STATE OF  
NEVADA

JOHN REESE PETTY, ESQ. for RODERICK  
STEPHEN SKINNER

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1 **Code 1350**  
2  
3  
45 **IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**  
6 **IN AND FOR THE COUNTY OF WASHOE**  
78 **THE STATE OF NEVADA,****Case No. CR14-0644**9 **Plaintiff,****Dept. No. 15**10 **vs.**11 **RODERICK STEPHEN SKINNER,**12 **Defendant.**  
13 \_\_\_\_\_/14 **CERTIFICATE OF CLERK AND TRANSMITTAL**15 I certify that I am an employee of the Second Judicial District Court of the State of  
16 Nevada, County of Washoe. On the 19th day of February, 2015, I deposited in the  
17 Washoe County mailing system for postage and mailing in the United States Postal  
18 Service in Reno, Nevada, a copy of the Presentence Investigation Report filed July 11,  
19 2014 addressed to the Nevada Supreme Court 201 S. Carson Street, Suite 201, Carson  
20 City, Nevada 89701. The Order is transmitted pursuant to the Supreme Court's Order  
entered February 6, 2015.21 I further certify that the transmitted record is a copy of the original pleadings on file  
22 with the Second Judicial District Court.23 Dated this 19th day of February, 2015.  
2425 JACQUELINE BRYANT  
CLERK OF THE COURT26  
27 By /Yvonne Vlloria  
Yvonne Vlloria  
28 Deputy Clerk

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**ZELALEM BOGALE, ESQ.** - Notification received on 2015-02-19 09:10:49.383.  
**JOHN PETTY, ESQ.** - Notification received on 2015-02-19 09:10:49.71.  
**TERRENCE MCCARTHY, ESQ.** - Notification received on 2015-02-19 09:10:49.664.  
**CHRISTINE BRADY, ESQ.** - Notification received on 2015-02-19 09:10:49.43.  
**DIV. OF PAROLE & PROBATION** - Notification received on 2015-02-19 09:10:49.586.  
**MICHAEL BOLENBAKER, ESQ.** - Notification received on 2015-02-19 09:10:49.617.  
**REBECCA DRUCKMAN, ESQ.** - Notification received on 2015-02-19 09:10:49.352.  
**MATTHEW LEE, ESQ.** - Notification received on 2015-02-19 09:10:49.539.  
**CHRISTOPHER FREY, ESQ.** - Notification received on 2015-02-19 09:10:49.476.



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A filing has been submitted to the court RE: CR14-0644

**Judge:**

HONORABLE DAVID A. HARDY

**Official File Stamp:**

02-19-2015:09:07:43

**Clerk Accepted:**

02-19-2015:09:08:15

**Court:**

Second Judicial District Court - State of Nevada  
Criminal

**Case Title:**

STATE VS. RODERICK STEPHEN SKINNER  
(D15)

**Document(s) Submitted:**

Certificate of Clerk

**Filed By:**

Deputy Clerk YViloria

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NEVADA

CHRISTINE BRADY, ESQ. for RODERICK  
STEPHEN SKINNER

CHRISTOPHER FREY, ESQ. for RODERICK  
STEPHEN SKINNER

TERRENCE P. MCCARTHY, ESQ. for STATE  
OF NEVADA

DIV. OF PAROLE & PROBATION

ZELALEM BOGALE, ESQ. for STATE OF  
NEVADA

REBECCA DRUCKMAN, ESQ. for STATE OF  
NEVADA

JOHN REESE PETTY, ESQ. for RODERICK  
STEPHEN SKINNER

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

## IN THE SUPREME COURT OF THE STATE OF NEVADA

RODERICK STEPHEN SKINNER,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 66666

**FILED**

MAY 04 2015

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURTBY S. Young  
DEPUTY CLERK*ORDER TRANSFERRING TO COURT OF APPEALS*

The clerk of this court is directed to assign this appeal to the Court of Appeals of Nevada for disposition. See Nev. Const. art. 6, § 4. The Nevada Rules of Appellate Procedure as amended on December 18, 2014, shall apply to all further proceedings in this appeal. See In the Matter of the Amendment of the Nevada Rules of Appellate Procedure, ADKT No. 0501 (Order Amending Rules, December 18, 2014) (providing that amended rules apply to appeals docketed in the Court of Appeals of Nevada on or after their effective date).

It is so ORDERED.

1. J. Hardy, C.J.

cc: Hon. David A. Hardy, District Judge  
Washoe County Public Defender  
Attorney General/Carson City  
Washoe County District Attorney  
Washoe District Court Clerk

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

**ZELALEM BOGALE, ESQ.** - Notification received on 2015-05-11 10:55:20.255.  
**JOHN PETTY, ESQ.** - Notification received on 2015-05-11 10:55:20.52.  
**TERRENCE MCCARTHY, ESQ.** - Notification received on 2015-05-11 10:55:20.489.  
**CHRISTINE BRADY, ESQ.** - Notification received on 2015-05-11 10:55:20.286.  
**DIV. OF PAROLE & PROBATION** - Notification received on 2015-05-11 10:55:20.411.  
**MICHAEL BOLENBAKER, ESQ.** - Notification received on 2015-05-11 10:55:20.442.  
**REBECCA DRUCKMAN, ESQ.** - Notification received on 2015-05-11 10:55:20.005.  
**MATTHEW LEE, ESQ.** - Notification received on 2015-05-11 10:55:20.38.  
**CHRISTOPHER FREY, ESQ.** - Notification received on 2015-05-11 10:55:20.317.

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

-

A filing has been submitted to the court RE: CR14-0644

**Judge:**

HONORABLE DAVID A. HARDY

**Official File Stamp:**

05-11-2015:10:54:07

**Clerk Accepted:**

05-11-2015:10:54:49

**Court:**

Second Judicial District Court - State of Nevada  
Criminal

**Case Title:**

STATE VS. RODERICK STEPHEN SKINNER  
(D15)

**Document(s) Submitted:**

Supreme Court Order

**Filed By:**

Deputy Clerk ASmith

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

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

-

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

**The following people were served electronically:**

MATTHEW LEE, ESQ. for STATE OF NEVADA

MICHAEL BOLENBAKER, ESQ. for STATE OF  
NEVADA

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STEPHEN SKINNER

CHRISTOPHER FREY, ESQ. for RODERICK  
STEPHEN SKINNER

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OF NEVADA

DIV. OF PAROLE & PROBATION

ZELALEM BOGALE, ESQ. for STATE OF  
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NEVADA

JOHN REESE PETTY, ESQ. for RODERICK  
STEPHEN SKINNER

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

## IN THE COURT OF APPEALS OF THE STATE OF NEVADA

RODERICK STEPHEN SKINNER,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 66666

FILED

JUL 14 2015

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *Williams*  
DEPUTY CLERK

## ORDER OF AFFIRMANCE


This is an appeal from a judgment of conviction, pursuant to a guilty plea, of promotion of a sexual performance of a minor, age 14 or older. Second Judicial District Court, Washoe County; David A. Hardy, Judge.


Appellant Roderick Skinner claims the district court abused its discretion by sentencing him to a prison term rather than placing him on probation. Skinner asserts the pragmatic approach would have been to sentence him to probation because his deportation to Australia was inevitable.

The granting of probation is discretionary. See NRS 176A.100(1)(c). See generally *Houk v. State*, 103 Nev. 659, 664, 747 P.2d 1376, 1379 (1987) ("The sentencing judge has wide discretion in imposing a sentence . . ."). This court will refrain from interfering with the sentence imposed "[s]o long as the record does not demonstrate prejudice resulting from consideration of information or accusations founded on facts supported only by impalpable or highly suspect evidence." *Silks v. State*, 92 Nev. 91, 94, 545 P.2d 1159, 1161 (1976).

The sentence imposed in this case is within the parameters provided by the relevant statute, *see* NRS 200.750(1), and Skinner does not allege that the district court relied on impalpable or highly suspect evidence. The district court considered Skinner's request for probation, but declined to grant probation. The district court commented that placing Skinner on probation would be illusory because there would be no one to supervise Skinner and make sure he did not violate the terms and conditions of probation. The judge stated he could not "get past the idea that [probation] is . . . not punitive enough" and he was "not satisfied that the supervision in Australia will be efficacious in any way." Considering the circumstances of the crime and the district court's reasoning, we conclude the district court did not abuse its discretion in declining to suspend the sentence and place Skinner on probation. Accordingly, we

ORDER the judgment of conviction AFFIRMED.

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

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

  
\_\_\_\_\_, J.  
Silver



cc: Hon. David A. Hardy, District Judge  
Washoe County Public Defender  
Attorney General/Carson City  
Washoe County District Attorney  
Washoe District Court Clerk

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

**ZELALEM BOGALE, ESQ.** - Notification received on 2015-07-24 09:40:53.074.  
**JOHN PETTY, ESQ.** - Notification received on 2015-07-24 09:40:53.354.  
**TERRENCE MCCARTHY, ESQ.** - Notification received on 2015-07-24 09:40:53.323.  
**CHRISTINE BRADY, ESQ.** - Notification received on 2015-07-24 09:40:53.12.  
**DIV. OF PAROLE & PROBATION** - Notification received on 2015-07-24 09:40:53.245.  
**MICHAEL BOLENBAKER, ESQ.** - Notification received on 2015-07-24 09:40:53.276.  
**REBECCA DRUCKMAN, ESQ.** - Notification received on 2015-07-24 09:40:53.042.  
**MATTHEW LEE, ESQ.** - Notification received on 2015-07-24 09:40:53.214.  
**CHRISTOPHER FREY, ESQ.** - Notification received on 2015-07-24 09:40:53.152.

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

-

A filing has been submitted to the court RE: CR14-0644

Judge:

HONORABLE DAVID A. HARDY

Official File Stamp:

07-24-2015:09:39:38

Clerk Accepted:

07-24-2015:09:40:20

Court:

Second Judicial District Court - State of Nevada  
Criminal

Case Title:

STATE VS. RODERICK STEPHEN SKINNER  
(D15)

Document(s) Submitted:

Supreme Court Order Affirming

Filed By:

Deputy Clerk ASmith

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

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-

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

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MICHAEL BOLENBAKER, ESQ. for STATE OF  
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CHRISTINE BRADY, ESQ. for RODERICK  
STEPHEN SKINNER

CHRISTOPHER FREY, ESQ. for RODERICK  
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TERRENCE P. MCCARTHY, ESQ. for STATE  
OF NEVADA

DIV. OF PAROLE & PROBATION

ZELALEM BOGALE, ESQ. for STATE OF  
NEVADA

REBECCA DRUCKMAN, ESQ. for STATE OF  
NEVADA

JOHN REESE PETTY, ESQ. for RODERICK  
STEPHEN SKINNER

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## IN THE SUPREME COURT OF THE STATE OF NEVADA

RODERICK STEPHEN SKINNER,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

Supreme Court No. 66666  
District Court Case No. CR140644

D15

**REMITTITUR**

TO: Jacqueline Bryant, Washoe District Court Clerk ✓

Pursuant to the rules of this court, enclosed are the following:

Certified copy of Judgment and Opinion/Order.  
Receipt for Remittitur.

DATE: August 10, 2015

Tracie Lindeman, Clerk of Court

By: Joan Hendricks  
Deputy Clerk

cc (without enclosures):

Hon. David A. Hardy, District Judge  
Washoe County Public Defender  
Washoe County District Attorney  
Attorney General/Carson City

**RECEIPT FOR REMITTITUR**

Received of Tracie Lindeman, Clerk of the Supreme Court of the State of Nevada, the  
REMITTITUR issued in the above-entitled cause, on 8-18-15

[Signature]  
District Court Clerk

WASHOE COUNTY DISTRICT COURT

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

RODERICK STEPHEN SKINNER,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

**Supreme Court No. 66666**  
District Court Case No. CR140644

DIS

**CLERK'S CERTIFICATE**

STATE OF NEVADA, ss.

I, Tracie Lindeman, the duly appointed and qualified Clerk of the Supreme Court of the State of Nevada, do hereby certify that the following is a full, true and correct copy of the Judgment in this matter.

**JUDGMENT**

The court being fully advised in the premises and the law, it is now ordered, adjudged and decreed, as follows:

"ORDER the judgment of conviction AFFIRMED."

Judgment, as quoted above, entered this 14<sup>th</sup> day of July, 2015.

IN WITNESS WHEREOF, I have subscribed  
my name and affixed the seal of the Supreme  
Court at my Office in Carson City, Nevada this  
August 10, 2015.

Tracie Lindeman, Supreme Court Clerk

By: Joan Hendricks  
Deputy Clerk



## IN THE COURT OF APPEALS OF THE STATE OF NEVADA

RODERICK STEPHEN SKINNER,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 66666

FILED

JUL 14 2015

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *Williams*  
DEPUTY CLERK

## ORDER OF AFFIRMANCE


This is an appeal from a judgment of conviction, pursuant to a guilty plea, of promotion of a sexual performance of a minor, age 14 or older. Second Judicial District Court, Washoe County; David A. Hardy, Judge.


Appellant Roderick Skinner claims the district court abused its discretion by sentencing him to a prison term rather than placing him on probation. Skinner asserts the pragmatic approach would have been to sentence him to probation because his deportation to Australia was inevitable.

The granting of probation is discretionary. See NRS 176A.100(1)(c). See generally *Houk v. State*, 103 Nev. 659, 664, 747 P.2d 1376, 1379 (1987) ("The sentencing judge has wide discretion in imposing a sentence . . ."). This court will refrain from interfering with the sentence imposed "[s]o long as the record does not demonstrate prejudice resulting from consideration of information or accusations founded on facts supported only by impalpable or highly suspect evidence." *Silks v. State*, 92 Nev. 91, 94, 545 P.2d 1159, 1161 (1976).

The sentence imposed in this case is within the parameters provided by the relevant statute, *see* NRS 200.750(1), and Skinner does not allege that the district court relied on impalpable or highly suspect evidence. The district court considered Skinner's request for probation, but declined to grant probation. The district court commented that placing Skinner on probation would be illusory because there would be no one to supervise Skinner and make sure he did not violate the terms and conditions of probation. The judge stated he could not "get past the idea that [probation] is . . . not punitive enough" and he was "not satisfied that the supervision in Australia will be efficacious in any way." Considering the circumstances of the crime and the district court's reasoning, we conclude the district court did not abuse its discretion in declining to suspend the sentence and place Skinner on probation. Accordingly, we

ORDER the judgment of conviction AFFIRMED.

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

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

  
\_\_\_\_\_, J.  
Silver



cc: Hon. David A. Hardy, District Judge  
Washoe County Public Defender  
Attorney General/Carson City  
Washoe County District Attorney  
Washoe District Court Clerk

THE COURT STATE OF NEVADA  
CERTIFIED COPY  
This document is a full, true and correct copy of  
the original on file and of record in my office.  
DATE: August 10th, 2015  
Supreme Court Clerk, State of Nevada  
By Cipha Hendrich Deputy  
JUSTICE

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

**ZELALEM BOGALE, ESQ.** - Notification received on 2015-08-18 10:08:11.941.  
**JOHN PETTY, ESQ.** - Notification received on 2015-08-18 10:08:12.222.  
**TERRENCE MCCARTHY, ESQ.** - Notification received on 2015-08-18 10:08:12.175.  
**CHRISTINE BRADY, ESQ.** - Notification received on 2015-08-18 10:08:11.988.  
**DIV. OF PAROLE & PROBATION** - Notification received on 2015-08-18 10:08:12.113.  
**MICHAEL BOLENBAKER, ESQ.** - Notification received on 2015-08-18 10:08:12.144.  
**REBECCA DRUCKMAN, ESQ.** - Notification received on 2015-08-18 10:08:11.91.  
**MATTHEW LEE, ESQ.** - Notification received on 2015-08-18 10:08:12.082.  
**CHRISTOPHER FREY, ESQ.** - Notification received on 2015-08-18 10:08:12.019.

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

-

**A filing has been submitted to the court RE:** CR14-0644

**Judge:**

HONORABLE DAVID A. HARDY

**Official File Stamp:**

08-18-2015:10:07:06

**Clerk Accepted:**

08-18-2015:10:07:40

**Court:**

Second Judicial District Court - State of Nevada  
Criminal

**Case Title:**

STATE VS. RODERICK STEPHEN SKINNER  
(D15)

**Document(s) Submitted:**

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

**Filed By:**

Deputy Clerk ASmith

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

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-

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MICHAEL BOLENBAKER, ESQ. for STATE OF  
NEVADA

CHRISTINE BRADY, ESQ. for RODERICK  
STEPHEN SKINNER

CHRISTOPHER FREY, ESQ. for RODERICK  
STEPHEN SKINNER

TERRENCE P. MCCARTHY, ESQ. for STATE  
OF NEVADA

DIV. OF PAROLE & PROBATION

ZELALEM BOGALE, ESQ. for STATE OF  
NEVADA

REBECCA DRUCKMAN, ESQ. for STATE OF  
NEVADA

JOHN REESE PETTY, ESQ. for RODERICK  
STEPHEN SKINNER

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

Petitioner's V3. 373

CR14-0644  
STATE VS. RODERICK STEPHEN SKINNER  
District Court  
Washoe County  
DC-09900070001-031  
09/15/2015 03:03 PM  
2490  
KIMMFC

Roderick Skinner  
Box 7000  
CC, NV 89702

FILED

2015 SEP 15 PM 3:03

JACQUELINE ARYANT  
CLERK OF THE COURT

BY

Washoe County District Court  
Second Judicial, State of Nevada

RODERICK STEPHEN SKINNER

Plaintiff,

vs.

CHRISTOPHER FREY

Defendant

Case No. CR14-0644  
Dept. No. 15

**MOTION FOR WITHDRAWAL  
OF ATTORNEY OF RECORD AND  
TRANSFER OF RECORDS**

DATE OF HEARING: \_\_\_\_\_

TIME OF HEARING: \_\_\_\_\_

**NOTICE OF MOTION AND MOTION FOR WITHDRAWAL  
OF ATTORNEY OF RECORD AND TRANSFER OF RECORDS**

COMES NOW, RODERICK STEPHEN SKINNER, in PRO PER and herein above SUBMIT his  
Notice of Motion and Motion for withdrawal of Attorney of Record and transfer of records, moving  
this court to order that CHRISTOPHER FREY <sup>John Petty</sup> <sub>esq.</sub>, counsel of record in the  
above-entitled action, be withdrawn as counsel of record herein, and that said counsel deliver to  
defendant all documents, pleadings, papers, and tangible personal property in counsel's possession  
and control to defendant, at counsel's expense, to the above address.

This motion is based upon NRS 7.055, Nevada Supreme Court Rules 46 & 166, and this  
Court's Local Rule of Practice corresponding to this motion, as well as the attached points and  
authorities and affidavit supporting same.

## MEMORANDUM OF POINTS AND AUTHORITIES

Although an attorney may not withdraw as counsel of record if doing so would adversely affect the client's interest. Madrid v. Gomez, 150 F.3d 1030, 1038-39 (9th Cir. 1998), the client may terminate his counsel's representation at any time. Kashef-Zihagh v. I.N.S., 791 F.2d 708, 711 (9th Cir. 1986). See NRS 7.055.

Upon being discharged by his client,

[The] attorney who has been discharged by his client shall, upon demand and payment of the fee due from the client, IMMEDIATELY DELIVER TO THE CLIENT all papers, documents, pleadings and items of tangible personal property, which belong to or were prepared for that client. NRS 7.055(1) (emphasis added).  
See also Nevada Supreme Court Rule (SCR) 16; Second Judicial District Court Rule 23(1); and Eighth Judicial District Court Rule 7.40(b) (2) (ii).

As the judgment of conviction has been entered in this case, with appeal, if any, having been perfected, counsel's services are no longer required in this criminal matter. Defendant has, pursuant to the mandates of NRS 7.055 (3), directed counsel to forward to him all documentation generated in this action and to withdraw as counsel of record, but counsel has failed to comply. See Affidavit in support of instant motion.

Counsel's refusal to withdraw himself and forward said documentation to Defendant violates the letter and spirit of SCR 46, which directs a discharged attorney to "protect a client's interest" by "surrendering papers and property to which the client is entitled." Id. This rule governing attorney conduct is a basic one of which the American Bar Association has recognized by requiring of all attorneys within canon 2 of the Code of Professional Responsibility, EC2-32, and Disciplinary Rule 2-110 (a) (2).

Counsel herein has no legal basis for withholding Defendant's papers in this matter. As defendant owes counsel NO fees, which would permit counsel to maintain said papers under a general or retaining lien. Figliuzzi v. District Court, 111 Nev. 338, 340-41, 890 P.2d 798, 800-02 (1995).

/// as per NRS 7.055, a letter was sent to said  
 /// counsels requesting any and all legal documents,  
 (see exhibit 1).

1 Therefore, this Court is moved to exercise its jurisdiction in this matter and ORDER  
2 counsel to be withdrawn as counsel of record and deliver to Defendant the entirety of documentation  
3 generated in the instant case, as Defendant has no other remedy at law to compel counsel to do so.

4  
5 Dated this 10<sup>th</sup> day of Sept. ~~Oct~~, 2015.

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8  
9 By:

Rod Skinner  
RODERICK STEPHEN SKINNER.

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11 Defendant, in PRO PER  
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## AFFIRMATION

Pursuant to NRS 239b.030

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

Motion to Withdraw Counsel

(Title of Document)

Filed in case number CR14-0644☒ Document does not contain the social security number of any person

Or

☐ Document contains the social security number of a person as required by:☐ A specific state or federal law, to wit  
\_\_\_\_\_

Or

☐ For the administration of a public program

Or

☐ For an application for a federal or state grant

Or

☐ Confidential Family Court Information Sheet  
(NRS 125.130, NRS 125.230, and NRS 125b.055)DATE: Sept 10th 2015Rod Skinner

(Signature)

RODERICK STEPHEN SKINNER.

(Print Name)

(Attorney for)

CR14-0644  
STATE VS. RODERICK STEPHEN S  
District Court  
Washoe County  
DC-09900070001-032  
4 Pages  
08/15/2016 03:03 PM  
2490  
v. FINNEC

EXHIBIT 1

EXHIBIT 1

FROM: RODERICK STEPHEN SKINNER #1126964  
N.N.C.C. PO Box 7000  
CARSON CITY, NEVADA 89702

TO: ATTORNEY JOHN REESE PETTY esq.  
CHIEF DEPUTY, APPELLATE DIVISION  
PO Box 11130 RENO, NEVADA 89520-0027

19<sup>TH</sup> AUGUST, 2015

RE: NOTICE OF YOUR WITHDRAWAL AS ATTORNEY OF RECORD AND  
DEMAND FOR TRANSFER OF RECORDS

DEAR ATTORNEY JOHN REESE PETTY,

THIS LETTER IS TO SERVE AS YOUR NOTICE, PURSUANT TO NRS 7-055, THAT YOU ARE HEREBY TERMINATED AS MY COUNSEL OF RECORD IN CASE NUMBER CR14-0644. AS SUCH, I HEREBY DEMAND DELIVERY TO ME, AT THE ABOVE-LISTED ADDRESS, COPIES OF ALL RECORDS FOR THE ABOVE REFERENCED CASE, INCLUDING, BUT NOT LIMITED TO, ALL PAPERS, DOCUMENTS, PLEADINGS, AND ITEMS OF TANGIBLE PERSONAL PROPERTY THAT BELONG TO ME OR WERE PREPARED FOR ME IN THE ABOVE-REFERENCED CASE. AS YOU WERE APPOINTED TO REPRESENT ME IN THIS MATTER, IT SHOULD BE NOTED THAT I OWE NO FEES CONCERNING YOUR REPRESENTATION OF ME, AND THUS, NO GENERAL OR RETAINING LIEN IS ATTACHED TO SAID CASE MATERIAL. DELIVERY OF THE REQUESTED INFORMATION IS DEMANDED WITHIN A REASONABLE TIME, AS PROSCRIBED BY NRS 7-055, (IE: FIVE DAYS).

IN CLOSING, I WOULD LIKE TO THANK YOU FOR YOUR TIME AND DILIGENCE IN THIS MATTER, AND I SHALL ANTICIPATE YOUR EXPEDIENT REPLY.

SINCERELY YOURS, Rod Skinner

DEFENDANT, IN PROPER PERSON

FROM: RODERICK STEPHEN SKINNER #1126964

N.N.C.C. PO BOX 7000

CARSON CITY, NEVADA 89702

TO: ATTORNEY CHRISTOPHER FREY esq.

DEPUTY PUBLIC DEFENDER

PO BOX 11130 RENO, NEVADA 89520-0027

19<sup>TH</sup> AUGUST, 2015

RE: NOTICE OF YOUR WITHDRAWAL AS ATTORNEY OF RECORD AND  
DEMAND FOR TRANSFER OF RECORDS

DEAR ATTORNEY CHRISTOPHER FREY,

THIS LETTER IS TO SERVE AS YOUR NOTICE PURSUANT TO NRS 7.055, THAT YOU ARE HEREBY TERMINATED AS MY COUNSEL OF RECORD IN CASE NUMBER CR14-0644. AS SUCH, I HEREBY DEMAND DELIVERY TO ME, AT THE ABOVE-LISTED ADDRESS, COPIES OF ALL RECORDS FOR THE ABOVE REFERENCED CASE, INCLUDING, BUT NOT LIMITED TO, ALL PAPERS, DOCUMENTS, PLEADINGS, AND ITEMS OF TANGIBLE PERSONAL PROPERTY THAT BELONG TO ME OR WERE PREPARED FOR ME IN THE ABOVE-REFERENCED CASE. AS YOU WERE APPOINTED TO REPRESENT ME IN THIS MATTER, IT SHOULD BE NOTED THAT I OWE NO FEES CONCERNING YOUR REPRESENTATION OF ME, AND THUS, NO GENERAL OR RETAINING LIEN IS ATTACHED TO SAID CASE MATERIAL. DELIVERY OF THE REQUESTED INFORMATION IS DEMANDED WITHIN A REASONABLE TIME, AS PROSCRIBED BY NRS 7.055 (IE: FIVE DAY).

INCLOSING, I WOULD LIKE TO THANK YOU FOR YOUR TIME AND DILIGENCE IN THIS MATTER, AND I SHALL ANTICIPATE YOUR EXPEDIENT REPLY.

SINCERELY YOURS, Rod Skinner

DEFENDANT, IN PROPER V3.379

## CERTIFICATE OF SERVICE BY MAIL

Pursuant to NRCR Rule 5 (b) I hereby certify that I am the Petitioner/Defendant/named herein and  
that on this 10<sup>th</sup> day of Sept, 20 15, I mailed a true and correct copy of the  
foregoing Motion for Withdrawal to the following:

John Reese Petty  
+  
Christopher Frey, Esq.  
Box 11130  
Reno, NV, 89520-0027

Clerk, Washoe County  
District Court  
75 Court Street  
Reno, NV 89501

BY: Rod Skinner  
Roderick Skinner #1126964  
Northern Nevada Correctional Center  
PO Box 7000  
Carson City, NV, 89702

CR14-0644  
STATE VS. RODERICK STEPHEN S 3 Pages  
District Court 09/15/2015 03:03 PM  
Washoe County

Roderick Skinner  
Box 7000  
CC, NV 89702

FILED

2015 SEP 15 PM 3:03

JACQUELINE BRYANT  
CLERK OF THE COURT

Second Judicial District Court  
for Washoe County, State of Nevada

RODERICK STEPHEN SKINNER

Plaintiff,

vs.

CHRISTOPHER FREY

Defendant

Case No.: CR14-0644  
Dept. No. 15

**AFFIDAVIT IN SUPPORT OF MOTION FOR WITHDRAWAL  
OF ATTORNEY OF RECORD AND TRANSFER OF RECORDS**

STATE OF NEVADA )  
COUNTY OF Carson City ) ss:

COMES NOW, RODERICK STEPHEN SKINNER, in PRO PER who being first duly sworn and under the penalty of perjury, does hereby depose and state the following:

(1) I am the Defendant in the above-entitled action.

(2) I mailed a letter to CHRISTOPHER FREY + John Petty on the 19th day of Aug, 2015, which was at least five (5) days prior to the date indicated below, wherein I gave notice to said counsel of his termination as counsel of record and instructed said counsel to so withdraw himself and forward to me my case files herein pursuant to NRS 7.055.

(3) I have received no response from said counsel, nor his office, as to my said instruction

1 I am therefore submitting the instant motion in good faith, as I have no other remedy than this  
2 Court's power to enforce my statutory rights under NRS 7.055 to cause counsel to be withdrawn and  
3 to send me my case files.

4  
5 Dated this 10<sup>th</sup> day of Sept, 2015.

6  
7  
8  
9 By:

Rod Skinner  
RODERICK STEPHEN SKINNER.

10  
11 Defendant, in PRO PER  
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1 VERIFICATION UNDER PENALTY OF PERJURY

2 I do verify under the penalty of perjury that the above affidavit is true and correct and is stated to the  
3 best of my knowledge, and is made without benefit of a notary pursuant to NRS 208.165, and 28 USC §1746 as I  
4 am an incarcerated person.

5  
6 Dated this 10<sup>th</sup> day of Sept, 2015.

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9  
10 By:

Rod Skinner  
RODERICK STEPHEN SKINNER.

11  
12 Defendant, in PRO PER  
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Roderick Skinner, #1126964  
 WCC / P.O. Box 7,000  
 Carson City, NV. 89702  
 Skinner, In Pro Per.

FILED

2015 NOV 13 AM 10:54

JACQUELINE DAVANT  
 CLERK OF THE COURT  
 BY Jones  
 DEPUTY

DISTRICT COURT  
 WASHOE COUNTY, NEVADA

DERICK S. SKINNER,

Petitioner,

Case No. CR 14-0644  
 Dept. No. 15

VS.

John Petty; Christopher Frey,  
 Washoe County Public Defenders,

REQUEST FOR SUBMISSION  
 FOR PRO PER MOTION FOR  
 WITHDRAWAL OF ATTORNEYS OF  
 RECORD AND TRANSFER OF RECORDS

Respondents /

COMES NOW, Roderick Skinner, (hereinafter "Petitioner"), in propria personam, and hereby files this Request for Submission, in the above entitled cause of action.

This Request is made and based upon the Second Judicial District Court Rules and Rule 23(i). See NRS 7.055(1).

Petitioner respectfully requests that his September 15, 2015, "Motion For Withdrawal of Attorney of Record and Transfer of Records" from defense counsel Christopher Frey and appellate counsel, John Petty, both representatives of the Washoe County Public Defenders Office be submitted to this Honorable Court for a review and a decision. See Exhibit 1, letter dated August 25, 2015 from John Reese Petty.

Petitioner will inform this honorable court that counsels have forwarded some of the Petitioner's legal documents; but have failed to forward numerous other documents, such as all pre-trial motions; Preliminary Hearing transcripts; witnesses and victims interviews with Police, Prosecutors, defense counsels and their investigators, Sparks Police Department photographs of the alleged crime scene at the Green Leaf Apartments, 800 Nichols Blvd #193, Sparks, Nevada 89434, documents.

Petitioner further states, as the judgment of conviction has been entered in this case, and the Direct Appeal perfected, counsel's services are no longer required in this criminal matter. Petitioner mandates of NRS 7.055(1), to direct counsel's to forward to him all documents generated in this action and to withdraw as counsel's of record, as both Frey and Petty have failed to comply. See also ADKT No. 411.

Their refusal to withdraw as counsel's of record and forward said documentation to Petitioner violates the letter and spirit of SCR 46 and Dist Ct. Rule 23(1), which directs a discharged attorney to "protect a client's interest" by "surrendering papers and property to which the client's entitled." Id. This rule governing the attorney's conduct is a basic one of which the American Bar Association has recognized by requiring all attorneys within Canon 2 of the Code of Professional Responsibility EC2-32 and Disciplinary Rule 2-110(a)(2); to comply.

Both Frey and Petty have no further legal basis for withholding Petitioner's papers any longer in this matter, as Petitioner owes counsel's "NO FEES" which would permit them to maintain said papers under a general or retaining lien. See, Figliuzzi v. District Court, 111 Nev. 338, 340-41, 890 P.2d 798, 800-02 (Nev. 1995).

Therefore, both Frey and Petty must surrender to Mr. Skinner, their client all papers, documents, pleadings and items (photographs) of tangible personal property to Mr. Skinner.

### CONCLUSION

Petitioner hereby prays that this honorable court grants this Request for Submission, reviews this case and makes a decision on Petitioner's behalf ordering Christopher Frey and John Petty of the Washoe County Public Defenders Office to surrender all of Mr. Skinner's papers, documents, pleadings and items of tangible personal property to him without further delay.

Dated this <sup>3RD</sup> day of November, 2015.

Rod Skinner

Roderick Skinner, #1126964  
NWCC / P.O. Box 7000  
Carson City, NV. 89702

Petitioner In Pro Per

CERTIFICATE OF SERVICE BY MAIL

I, Rodenick Skinner, hereby certify pursuant to MRCP(S)(b), that on this THIRD day of November, 2015, I mailed a true and correct copy of the foregoing attached documents to:

Clerks, Washoe County  
District Court  
75 Court Street  
Reno, Nev. 89501

Washoe County Public Defender's Office  
Christopher Frey and John Petty  
P.O. Box 11130  
Reno, NV. 89520-3083

Washoe County District  
Attorneys Office  
P.O. Box 11130  
Reno, NV. 89520-0027

Rod Skinner

Rodenick Skinner, #1126964  
MNCC / P.O. Box 7000  
Carson City, NV. 89702

Petitioner, In Pro Per.

AFFIRMATION Pursuant to NRS 239B.030

The undersigned hereby affirms that the preceeding documents does not contain the Social Security number of any person.

DATED November 3<sup>RD</sup>, 2015

Rod Skinner

Rodenick Skinner, #1126964

Petitioner, In Pro Per.

V3. 387

CR14-0  
STATE  
Distr  
Washoe  
-24

EXHIBIT 1



Washoe County Public Defender  
Attorneys at Law, Established 1969

August 25, 2015

Mr. Roderick Stephen Skinner (#1126964)  
Northern Nevada Correctional Center  
P.O. Box 7000  
Carson City, Nevada 89702

Re: Appeal #66666

Dear Mr. Skinner:

I received your letter dated August 19, 2015. As you know my involvement in CR14-0644 was limited to appellate work. I have provided you a copy of everything filed in the appeal. It appears you are requesting documents from the district court file or your trial attorney. Accordingly, please direct—if you have not done so already—your “transfer of records” request to Deputy Public Defender Christopher Frey.

Sincerely,

A handwritten signature of John Reese Petty, circled in ink.  
\_\_\_\_\_  
JOHN REESE PETTY  
Chief Deputy, Appellate Division

1 CODE:  
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4  
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. CR14-0644

11 vs.

Dept. No. 15

12 RODERICK STEPHEN SKINNER,  
13

14 Defendant.  
15 \_\_\_\_\_/

16 **ORDER ADDRESSING MOTION FOR WITHDRAWAL OF**  
17 **COUNSEL OF RECORD AND TRANSFER OF RECORDS**

18 Mr. Skinner was charged with promotion of a sexual performance of a minor, age  
19 14 or older. He pled guilty to that offense on May 27, 2014. A judgment of conviction was  
20 entered on September 11, 2014. Mr. Skinner pursued a direct appeal, arguing this Court  
21 abused its discretion in sentencing Mr. Skinner to a prison term rather than placing him on  
22 probation. The Nevada Supreme Court entered an order of affirmance on August 18, 2015.  
23 Christopher Frey of the public defender's office represented Mr. Skinner at the trial phase,  
24 and John Reese Petty represented Mr. Skinner on appeal.

25 Mr. Skinner's present motion was filed on September 15, 2015, without the  
26 assistance of counsel. He alleges he has written letters to both Mr. Frey and Mr. Petty  
27 requesting the transfer of his case file. Mr. Skinner has attached a letter from Mr. Petty  
28 wherein Mr. Petty asserts he has provided Mr. Skinner a copy of everything in the file for  
the appeal and that Mr. Skinner should contact Mr. Frey for documents relevant to the

1 district court proceedings. Mr. Skinner has also attached a letter dated August 19, 2015,  
2 addressed to Mr. Frey entitled "Notice of Your Withdrawal as Attorney of Record and  
3 Demand for Transfer of Records." The letter requests Mr. Frey's withdrawal as well as the  
4 transfer of the case file. Mr. Skinner represents that Mr. Frey has not replied.

5 The present motion relies on NRS 7.055(2), which reads,


6 A client who, after demand therefor and payment of the fee  
7 due from the client, does not receive from his or her discharged  
8 attorney all papers, documents, pleadings and items of tangible  
9 personal property may, by a motion filed after at least 5 days'  
10 notice to the attorney, obtain an order for the production of his  
11 or her papers, documents, pleadings and other property. If the  
12 court finds that the attorney has, without just cause, refused or  
13 neglected to obey its order given under this section, the court  
14 may, after notice and hearing, adjudge the attorney guilty of  
15 contempt and may fine or imprison him or her until the  
16 contempt is purged. If the court finds that the attorney has,  
17 without just cause, withheld the client's papers, documents,  
18 pleadings or other property, the attorney is liable for costs and  
19 attorney's fees.

20 Neither the State nor Mr. Frey has filed a response to Mr. Skinner's motion.  
21 However, the motion does not certify that the interested parties have been served with the  
22 motion. No proof of service exists in the file. The request for submission associated with  
23 this motion includes a certificate of service by mail showing service to the district  
24 attorney's office as well as the public defender's office on November 3, 2015.

25 This is insufficient to satisfy notice and service provisions of the local criminal rules  
26 or of DCR 13(1), which requires due proof of service of the motion. This Court must  
27 therefore deny the motion for lack of proper service. This Court directs Mr. Skinner to  
28 effectuate proper service and resubmit the present motion once that has been completed.

**IT IS SO ORDERED.**

Dated: November 19, 2015.

  
\_\_\_\_\_  
David A. Hardy  
District Court Judge

CERTIFICATE OF SERVICE

I certify that I am an employee of the Second Judicial District Court of the State of Nevada, in and for the County of Washoe; that on the 19<sup>th</sup> day of November, 2015, I electronically filed the foregoing with the Clerk of the Court system which will send a notice of electronic filing to the following:

MATTHEW LEE, ESQ. for STATE OF NEVADA

MICHAEL BOLENBAKER, ESQ. for STATE OF NEVADA

CHRISTINE BRADY, ESQ. for RODERICK STEPHEN SKINNER

CHRISTOPHER FREY, ESQ. for RODERICK STEPHEN SKINNER

TERRENCE P. MCCARTHY, ESQ. for STATE OF NEVADA

ZELALEM BOGALE, ESQ. for STATE OF NEVADA

REBECCA DRUCKMAN, ESQ. for STATE OF NEVADA

JOHN REESE PETTY, ESQ. for RODERICK STEPHEN SKINNER

Further, I certify that I deposited in the county mailing system for postage and mailing with the U.S. Postal Service in Reno, Nevada, a true copy of the foregoing addressed to:

N/A



Judicial Assistant



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

**ZELALEM BOGALE, ESQ.** - Notification received on 2015-11-19 16:19:04.894.  
**TERRENCE MCCARTHY, ESQ.** - Notification received on 2015-11-19 16:19:05.128.  
**JOHN PETTY, ESQ.** - Notification received on 2015-11-19 16:19:04.987.  
**CHRISTINE BRADY, ESQ.** - Notification received on 2015-11-19 16:19:04.925.  
**DIV. OF PAROLE & PROBATION** - Notification received on 2015-11-19 16:19:05.065.  
**MICHAEL BOLENBAKER, ESQ.** - Notification received on 2015-11-19 16:19:05.097.  
**REBECCA DRUCKMAN, ESQ.** - Notification received on 2015-11-19 16:19:04.863.  
**MATTHEW LEE, ESQ.** - Notification received on 2015-11-19 16:19:05.034.  
**CHRISTOPHER FREY, ESQ.** - Notification received on 2015-11-19 16:19:04.956.

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

PROOF OF SERVICE OF ELECTRONIC FILING

-

A filing has been submitted to the court RE: CR14-0644

**Judge:**

HONORABLE DAVID A. HARDY

**Official File Stamp:**

11-19-2015:16:17:53

**Clerk Accepted:**

11-19-2015:16:18:33

**Court:**

Second Judicial District Court - State of Nevada  
Criminal

**Case Title:**

STATE VS. RODERICK STEPHEN SKINNER  
(D15)

**Document(s) Submitted:**

Ord/Resp/Req/CrtOrd/Invol/Com

**Filed By:**

Judicial Asst. SParke

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:**

MATTHEW LEE, ESQ. for STATE OF NEVADA

MICHAEL BOLENBAKER, ESQ. for STATE OF  
NEVADA

CHRISTINE BRADY, ESQ. for RODERICK  
STEPHEN SKINNER

CHRISTOPHER FREY, ESQ. for RODERICK  
STEPHEN SKINNER

TERRENCE P. MCCARTHY, ESQ. for STATE  
OF NEVADA

DIV. OF PAROLE & PROBATION

ZELALEM BOGALE, ESQ. for STATE OF  
NEVADA

REBECCA DRUCKMAN, ESQ. for STATE OF  
NEVADA

JOHN REESE PETTY, ESQ. for RODERICK  
STEPHEN SKINNER

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

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

8 RODERICK STEPHEN SKINNER,  
9 Petitioner,

10 vs.

Case No. CR14-0644

11 ISIDRO BACA, WARDEN OF NORTHERN  
12 NEVADA CORRECTIONAL CENTER,  
13 Respondent.

Dept. No. 15

14 **ORDER GRANTING IN FORMA PAUPERIS**

15 Petitioner is currently serving a sentence in a correctional institution. Pursuant to  
16 Nevada Supreme Court's Order ADKT No. 411, a person will be deemed indigent who is  
17 unable, without substantial hardship to himself or his dependents, to obtain competent  
18 qualified legal counsel on his own. Under this standard, a presumption of substantial  
19 hardship attaches to those persons currently serving a sentence in a correctional institution  
20 or housed in a mental health facility.

21 The Court further finds that pursuant to NRS 171.188, petitioner has insufficient  
22 assets and/or income to proceed absent a grant of *forma pauperis* status.

23 IT IS HEREBY ORDERED, pursuant to NRS 171.188 petitioner is granted leave to  
24 proceed in forma pauperis.

25 IT IS HEREBY FURTHER ORDERED that the Court allow petitioner to bring such  
26 action without costs and file or issue any necessary writ, process, pleading or paper  
27 without charge, with the exception of jury fees.  
28

1 IT IS HEREBY FURTHER ORDERED that the Sherriff or any other appropriate  
2 officer within the state make personal service of any necessary writ, process, pleading or  
3 paper without charge for petitioner.  
4

5 IT IS SO ORDERED.

6 Dated: July 15, 2016.

7   
8 District Court Judge

## CERTIFICATE OF MAILING

Pursuant to NRCP 5(b), I certify that I am an employee of the Second Judicial District Court, and that on the 15 day of July, 2016, I deposited for mailing, first class postage pre-paid, at Reno, Nevada, a true and correct copy of the foregoing document addressed to:

Roderick S. Skinner, #1126964  
NNCC, P.O. Box 7000  
Carson City, NV 89702

  
Department Fifteen Administrative Assistant

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

**ZELALEM BOGALE, ESQ.** - Notification received on 2016-07-15 16:33:22.169.

**TERRENCE MCCARTHY, ESQ.** - Notification received on 2016-07-15 16:33:23.574.

**JOHN PETTY, ESQ.** - Notification received on 2016-07-15 16:33:22.622.

**CHRISTINE BRADY, ESQ.** - Notification received on 2016-07-15 16:33:22.247.

**DIV. OF PAROLE & PROBATION** - Notification received on 2016-07-15 16:33:22.762.

**MICHAEL BOLENBAKER, ESQ.** - Notification received on 2016-07-15 16:33:23.277.

**REBECCA DRUCKMAN, ESQ.** - Notification received on 2016-07-15 16:33:21.873.

**MATTHEW LEE, ESQ.** - Notification received on 2016-07-15 16:33:22.684.

**CHRISTOPHER FREY, ESQ.** - Notification received on 2016-07-15 16:33:22.31.

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

-

**A filing has been submitted to the court RE:** CR14-0644

**Judge:**

HONORABLE DAVID A. HARDY

**Official File Stamp:**

07-15-2016:16:32:01

**Clerk Accepted:**

07-15-2016:16:32:43

**Court:**

Second Judicial District Court - State of Nevada  
Criminal

**Case Title:**

STATE VS. RODERICK STEPHEN SKINNER  
(D15)

**Document(s) Submitted:**

Ord Grant in Forma Pauperis

**Filed By:**

Judicial Asst. SParke

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

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-

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**The following people were served electronically:**

ZELALEM BOGALE, ESQ. for STATE OF  
NEVADA

CHRISTINE BRADY, ESQ. for RODERICK  
STEPHEN SKINNER

MATTHEW LEE, ESQ. for STATE OF NEVADA

CHRISTOPHER FREY, ESQ. for RODERICK  
STEPHEN SKINNER

REBECCA DRUCKMAN, ESQ. for STATE OF  
NEVADA

JOHN REESE PETTY, ESQ. for RODERICK  
STEPHEN SKINNER



TERRENCE P. MCCARTHY, ESQ. for STATE  
OF NEVADA

DIV. OF PAROLE & PROBATION

MICHAEL BOLENBAKER, 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:  
2  
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56 THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
7 IN AND FOR THE COUNTY OF WASHOE  
89 RODERICK STEPHEN SKINNER,  
1011 Petitioner,  
12

Case No. CR14-0644

13 vs.  
14

Dept. No. 15

15 ISIDRO BACA, WARDEN OF NNCC,  
1617 Respondent.  
18 \_\_\_\_\_/19 ORDER  
20

21 Petitioner Roderick Stephen Skinner filed a post-conviction petition for writ of  
22 habeas corpus on July 13, 2016. However, he did not include the verification required by  
23 statute. See NRS 34.730(1). The manner in which the verification should appear is  
24 described in NRS 34.735. The petition and memorandum must comply with the statute by  
25 including the following language above his signature lines:  
26

27 VERIFICATION  
28

Under penalty of perjury, the undersigned declares that the  
undersigned is the petitioner named in the foregoing petition  
and knows the contents thereof; that the pleading is true of the  
undersigned's own knowledge, except as to those matters  
stated on information and belief, and as to such matters the  
undersigned believes them to be true.

NRS 34.735. Mr. Skinner must file a petition that complies with the requirements of NRS  
Chapter 34 before his grounds for relief may be addressed. He may do so by filing an

1 amended petition and memorandum that are verified and in substantial compliance with  
2 NRS 34.735. See generally Miles v. State, 120 Nev. 383, 91 P.3d 588 (2004) (allowing  
3 amendment to correct unverified petition even after one-year period for filing of petition  
4 had elapsed). This Court will address the requests for appointment of counsel and for an  
5 evidentiary hearing when it reviews the properly filed and fully briefed amended petition.

6 **IT IS SO ORDERED.**

7 Dated: August 16, 2016.

8  
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10 for William C. Maddox  
11 David A. Hardy  
12 District Court Judge  
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**Return Of NEF****Recipients**

**ZELALEM BOGALE, ESQ.** - Notification received on 2016-08-16 11:23:46.293.

**TERRENCE MCCARTHY, ESQ.** - Notification received on 2016-08-16 11:23:48.056.

**JOHN PETTY, ESQ.** - Notification received on 2016-08-16 11:23:47.557.

**CHRISTINE BRADY, ESQ.** - Notification received on 2016-08-16 11:23:47.214.

**DIV. OF PAROLE & PROBATION** - Notification received on 2016-08-16 11:23:47.9.

**MICHAEL BOLENBAKER, ESQ.** - Notification received on 2016-08-16 11:23:47.978.

**REBECCA DRUCKMAN, ESQ.** - Notification received on 2016-08-16 11:23:46.215.

**MATTHEW LEE, ESQ.** - Notification received on 2016-08-16 11:23:47.62.

**CHRISTOPHER FREY, ESQ.** - Notification received on 2016-08-16 11:23:47.495.

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

**PROOF OF SERVICE OF ELECTRONIC FILING**

-

**A filing has been submitted to the court RE:** CR14-0644

**Judge:**

HONORABLE DAVID A. HARDY

**Official File Stamp:**

08-16-2016:11:22:28

**Clerk Accepted:**

08-16-2016:11:23:08

**Court:**

Second Judicial District Court - State of Nevada

Criminal

**Case Title:**

STATE VS. RODERICK STEPHEN SKINNER  
(D15)

**Document(s) Submitted:**

Order...

**Filed By:**

Judicial Asst. SParke

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

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

-

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**The following people were served electronically:**

ZELALEM BOGALE, ESQ. for STATE OF  
NEVADA

CHRISTINE BRADY, ESQ. for RODERICK  
STEPHEN SKINNER

MATTHEW LEE, ESQ. for STATE OF NEVADA

CHRISTOPHER FREY, ESQ. for RODERICK  
STEPHEN SKINNER

REBECCA DRUCKMAN, ESQ. for STATE OF  
NEVADA

JOHN REESE PETTY, ESQ. for RODERICK  
STEPHEN SKINNER

TERRENCE P. MCCARTHY, ESQ. for STATE  
OF NEVADA

DIV. OF PAROLE & PROBATION

MICHAEL BOLENBAKER, 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 #1356  
CHRISTOPHER J. HICKS  
2 #7747  
P. O. Box 11130  
3 Reno, Nevada 89520  
(775)328-3200  
4 Attorney for Respondent  
5

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

8 \* \* \*

9 RODERICK STEPHEN SKINNER,

10 Petitioner,

11 v.

Case No. CR14-0644

12 ISIDRO BACA, WARDEN OF NNCC,

Dept. No. 15

13 Respondent.  
14 \_\_\_\_\_/

15 CERTIFICATE OF MAILING

16 Pursuant to NRCP 5(b), I hereby certify that I am an employee of the Washoe County  
17 District Attorney's Office and that on September 30, 2016, I deposited for mailing through the  
18 U.S. Mail Service at Reno, Washoe County, Nevada, postage prepaid, a true copy of Order, filed  
19 August 16, 2016, addressed to:

20 Roderick Skinner #1126964  
Northern Nevada Correctional Center  
21 P.O. Box 7000  
Carson City, NV 89702  
22

23 AFFIRMATION PURSUANT TO NRS 239B.030

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

26 Destinee Allen  
Washoe County District Attorney's Office

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

**ZELALEM BOGALE, ESQ.** - Notification received on 2016-09-30 10:45:08.08.  
**TERRENCE MCCARTHY, ESQ.** - Notification received on 2016-09-30 10:45:08.954.  
**JOHN PETTY, ESQ.** - Notification received on 2016-09-30 10:45:08.58.  
**CHRISTINE BRADY, ESQ.** - Notification received on 2016-09-30 10:45:08.377.  
**DIV. OF PAROLE & PROBATION** - Notification received on 2016-09-30 10:45:08.767.  
**MICHAEL BOLENBAKER, ESQ.** - Notification received on 2016-09-30 10:45:08.86.  
**REBECCA DRUCKMAN, ESQ.** - Notification received on 2016-09-30 10:45:07.971.  
**MATTHEW LEE, ESQ.** - Notification received on 2016-09-30 10:45:08.673.  
**CHRISTOPHER FREY, ESQ.** - Notification received on 2016-09-30 10:45:08.486.



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

**PROOF OF SERVICE OF ELECTRONIC FILING**

-

**A filing has been submitted to the court RE:** CR14-0644

**Judge:**

HONORABLE DAVID A. HARDY

**Official File Stamp:**

09-30-2016:09:18:14

**Clerk Accepted:**

09-30-2016:10:44:31

**Court:**

Second Judicial District Court - State of Nevada

Criminal

**Case Title:**

STATE VS. RODERICK STEPHEN SKINNER  
(D15)

**Document(s) Submitted:**

Certificate of Mailing

**Filed By:**

Terrence McCarthy

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

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-

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

**The following people were served electronically:**

ZELALEM BOGALE, ESQ. for STATE OF  
NEVADA

CHRISTINE BRADY, ESQ. for RODERICK  
STEPHEN SKINNER

MATTHEW LEE, ESQ. for STATE OF NEVADA

CHRISTOPHER FREY, ESQ. for RODERICK  
STEPHEN SKINNER

REBECCA DRUCKMAN, ESQ. for STATE OF  
NEVADA

JOHN REESE PETTY, ESQ. for RODERICK  
STEPHEN SKINNER

TERRENCE P. MCCARTHY, ESQ. for STATE  
OF NEVADA

DIV. OF PAROLE & PROBATION

MICHAEL BOLENBAKER, 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.):

V3. 410

EXHIBIT 2  
GUILTY PLEA MEMORANDUM

ORIGINAL

1 CODE 1785  
2 Richard A. Gammick  
3 #001510  
4 P.O. 11130  
5 Reno, NV. 89520  
6 (775)328-3200  
7 Attorney for Plaintiff

8  
9 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,  
10  
11 IN AND FOR THE COUNTY OF WASHOE.

12 \* \* \*

13 THE STATE OF NEVADA,

14 Plaintiff,

Case No. CR14-0644

15 v.

Dept. No. 15

16 RODERICK STEPHEN SKINNER,

17 Defendant.

18 \_\_\_\_\_/  
19 GUILTY PLEA MEMORANDUM

20 1. I, RODERICK STEPHEN SKINNER, understand that I am  
21 charged with the offense of: PROMOTION OF A SEXUAL PERFORMANCE OF  
22 MINOR, AGE 14 OR OLDER, a violation of NRS 200.720 and NRS 200.750, a  
23 felony.

24 2. I desire to enter a plea of guilty to the offense of  
25 PROMOTION OF A SEXUAL PERFORMANCE OF MINOR, AGE 14 OR OLDER, a  
26 violation of NRS 200.720 and NRS 200.750, a felony, as more fully  
alleged in the charge filed against me.

///

///

///

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 offense  
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 against me and that the  
13 elements of the offense which the State would have to prove beyond a  
14 reasonable doubt at trial are that on or about and between the 5th of  
15 May, 2013 and the 28th of June, 2013, or thereabout, in the County of  
16 Washoe, State of Nevada, I did willfully and unlawfully promote, or  
17 distribute a performance of a minor where the minor engaged in, or  
18 simulated sexual conduct or where the minor was the subject of a  
19 sexual portrayal, by means of file sharing software, to wit: over 50  
20 images and/or videos of underage children (as young as 5 years old  
21 and as old as the fourteen years) depicted in a variety of sexually  
22 explicit scenes and poses, including acts of sexual intercourse,  
23 and/or fellatio, and/or oral copulation, and/or sexual bondage,  
24 and/or sodomy, and/or masturbation.

25       ///

26       ///

1           5. I understand that I admit the facts which support all  
2 the elements of the offense by pleading guilty. I admit that the  
3 State possesses sufficient evidence which would result in my  
4 conviction. I have considered and discussed all possible defenses  
5 and defense strategies with my counsel. I understand that I have the  
6 right to appeal from adverse rulings on pretrial motions only if the  
7 State and the Court consent to my right to appeal in a separate  
8 written agreement. I understand that any substantive or procedural  
9 pretrial issue(s) which could have been raised at trial are waived by  
10 my plea.

11           6. I understand that the consequences of my plea of  
12 guilty are that I may be imprisoned for a period of life with 5 to  
13 the Parole Board in the Nevada State Department of Corrections and  
14 that I am not eligible for probation unless a psychosexual evaluation  
15 is completed pursuant to NRS 176.139 which certifies that I do not  
16 represent a high risk to reoffend based upon a currently accepted  
17 standard of assessment. I may also be fined up to \$100,000.00. I  
18 further understand that I will be required to be on lifetime  
19 supervision pursuant to NRS 176.0931.

20           7. In exchange for my plea of guilty, the State, my  
21 counsel and I have agreed to recommend the following: The State will  
22 be free to argue for an appropriate sentence. The State will not file  
23 additional criminal charges resulting from the arrest in this case.  
24 The State will dismiss the charges in court case no. CR13-1601.  
25 Victims and their families from CR13-1601 will be allowed to make  
26 victim impact statements at the time of sentencing.

1  
2           8. I understand that, even though the State and I have  
3 reached this plea agreement, the State is reserving the right to  
4 present arguments, facts, and/or witnesses at sentencing in support  
5 of the plea agreement.

6           9. Where applicable, I additionally understand and agree  
7 that I will be responsible for the repayment of any costs incurred by  
8 the State or County in securing my return to this jurisdiction.

9           10. I understand that the State, at their discretion, is  
10 entitled to either withdraw from this agreement and proceed with the  
11 prosecution of the original charges or be free to argue for an  
12 appropriate sentence at the time of sentencing if I fail to appear at  
13 any scheduled proceeding in this matter OR if prior to the date of my  
14 sentencing I am arrested in any jurisdiction for a violation of law  
15 OR if I have misrepresented my prior criminal history. I  
16 understand and agree that the occurrence of any of these acts  
17 constitutes a material breach of my plea agreement with the State. I  
18 further understand and agree that by the execution of this agreement,  
19 I am waiving any right I may have to remand this matter to Justice  
20 Court should I later withdraw my plea.

21           11. I understand and agree that pursuant to the terms of  
22 the plea agreement stated herein, any counts which are to be  
23 dismissed and any other cases charged or uncharged which are either  
24 to be dismissed or not pursued by the State, may be considered by the  
25 court at the time of my sentencing.

26           12. I understand that the Court is not bound by the

1 agreement of the parties and that the matter of sentencing is to be  
2 determined solely by the Court. I have discussed the charge(s), the  
3 facts and the possible defenses with my attorney. All of the  
4 foregoing rights, waiver of rights, elements, possible penalties, and  
5 consequences, have been carefully explained to me by my attorney. My  
6 attorney has not promised me anything not mentioned in this plea  
7 memorandum, and, in particular, my attorney has not promised that I  
8 will get any specific sentence. I am satisfied with my counsel's  
9 advice and representation leading to this resolution of my case. I  
10 am aware that if I am not satisfied with my counsel I should advise  
11 the Court at this time. I believe that entering my plea is in my  
12 best interest and that going to trial is not in my best interest. My  
13 attorney has advised me that if I wish to appeal, any appeal, if  
14 applicable to my case, must be filed within thirty days of my  
15 sentence and/or judgment.

16 13. I understand that this plea and resulting conviction  
17 will likely have adverse effects upon my residency in this country if  
18 I am not a U. S. Citizen. I have discussed the effects my plea will  
19 have upon my residency with my counsel.

20 14. I offer my plea freely, voluntarily, knowingly and  
21 with full understanding of all matters set forth in the Information  
22 and in this Plea Memorandum. I have read this plea memorandum  
23 completely and I understand everything contained within it.

24 15. My plea of guilty is voluntary and is not the result  
25 of any threats, coercion or promises of leniency.

26 16. I am signing this Plea Memorandum voluntarily with



1 advice of counsel, under no duress, coercion, or promises of  
2 leniency.

3 17. I do hereby swear under penalty of perjury that all of  
4 the assertions in this written plea agreement document are true.

5 AFFIRMATION PURSUANT TO NRS 239B.030

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

8 DATED this 16TH day of MAY, 2014.  
9 27th OFFER

10 Rod Skinner.  
11 DEFENDANT

12 TRANSLATOR/INTERPRETER

13 [Signature]  
14 Attorney Witnessing Defendant's Signature

15 [Signature]  
16 Prosecuting Attorney

1 CODE:  
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 RODERICK STEPHEN SKINNER,

9 Petitioner,

Case No. CR14-0644

10 vs.

Dept. No. 15

11 ISIDRO BACA, WARDEN OF NNCC,

12 Respondent.  
13 \_\_\_\_\_/

14 ORDER TO FILE ANSWER AND RETURN

15 Petitioner filed a verified petition for writ of habeas corpus (post-conviction) on  
16 October 4, 2016. Pursuant to NRS 34.745(1)(a) and (b), the State of Nevada shall file an  
17 answer and return responding to the allegations of the petition within 45 days from the  
18 date this order is entered. Defendant may file a reply to the answer within 10 days after  
19 the answer is filed.<sup>1</sup>

20 IT IS SO ORDERED.

21 Dated: October 10 2016

22   
23 \_\_\_\_\_  
24 District Court Judge  
25  
26  
27  
28

<sup>1</sup> The certificate of service attached to the petition for writ of habeas corpus leaves this Court in doubt regarding whether service of the petition was properly effectuated on the Washoe County District Attorney and Attorney General as required by NRS 34.730(2). However, this order will serve as notice of the petition to the appropriate parties.

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

**ZELALEM BOGALE, ESQ.** - Notification received on 2016-10-11 08:57:22.556.

**TERRENCE MCCARTHY, ESQ.** - Notification received on 2016-10-11 08:57:23.429.

**JOHN PETTY, ESQ.** - Notification received on 2016-10-11 08:57:22.852.

**CHRISTINE BRADY, ESQ.** - Notification received on 2016-10-11 08:57:22.649.

**DIV. OF PAROLE & PROBATION** - Notification received on 2016-10-11 08:57:23.024.

**MICHAEL BOLENBAKER, ESQ.** - Notification received on 2016-10-11 08:57:23.117.

**REBECCA DRUCKMAN, ESQ.** - Notification received on 2016-10-11 08:57:22.462.

**MATTHEW LEE, ESQ.** - Notification received on 2016-10-11 08:57:22.93.

**CHRISTOPHER FREY, ESQ.** - Notification received on 2016-10-11 08:57:22.759.

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

PROOF OF SERVICE OF ELECTRONIC FILING

-

**A filing has been submitted to the court RE:** CR14-0644

**Judge:**

HONORABLE DAVID A. HARDY

**Official File Stamp:**

10-11-2016:08:56:22

**Clerk Accepted:**

10-11-2016:08:56:51

**Court:**

Second Judicial District Court - State of Nevada

Criminal

**Case Title:**

STATE VS. RODERICK STEPHEN SKINNER  
(D15)

**Document(s) Submitted:**

Ord to File

**Filed By:**

Judicial Asst. SParke

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:**

ZELAJEM BOGALE, ESQ. for STATE OF  
NEVADA

CHRISTINE BRADY, ESQ. for RODERICK  
STEPHEN SKINNER

MATTHEW LEE, ESQ. for STATE OF NEVADA

CHRISTOPHER FREY, ESQ. for RODERICK  
STEPHEN SKINNER

REBECCA DRUCKMAN, ESQ. for STATE OF  
NEVADA

JOHN REESE PETTY, ESQ. for RODERICK  
STEPHEN SKINNER

TERRENCE P. MCCARTHY, ESQ. for STATE  
OF NEVADA

DIV. OF PAROLE & PROBATION

MICHAEL BOLENBAKER, 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 #1130  
2 CHRISTOPHER J. HICKS  
3 #7747  
4 P. O. Box 11130  
5 Reno, Nevada 89520-0027  
6 (775) 328-3200  
7 Attorney for Respondent

8  
9 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,  
10  
11 IN AND FOR THE COUNTY OF WASHOE

12 \* \* \*

13 RODERICK STEPHAN SKINNER,

14 Petitioner,

15 v.

Case No. CR14-0644

16 ISIDRO BACA, WARDEN OF NNCC,  
17 AND NEVADA ATTORNEY GENERAL,

Dept. No. 8

18 Respondent.  
19 \_\_\_\_\_/

20 ANSWER TO AMENDED PETITION FOR WRIT OF HABEAS CORPUS  
21 (POST-CONVICTION)

22 COMES NOW, Respondent, by and through counsel, to answer the amended petition,  
23 filed on October 7, 2016, as follows:

24 1. That Respondent admits any and all allegations contained in paragraphs 1-22 of the  
25 amended petition.

26 2. That Respondent denies any and all allegations contained in paragraph 23 of the  
amended petition.

3. That your affiant is informed and does believe that all relevant pleadings and  
transcripts necessary to resolve the petition are currently available.

///

///

1           4. That Respondent is informed and does believe that aside from an unsuccessful  
2 appeal from his judgment of conviction, Petitioner has not applied for any other relief from this  
3 conviction.

4                           AFFIRMATION PURSUANT TO NRS 239B.030

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

7                           DATED: November 22, 2016.

8   CHRISTOPHER J. HICKS  
9   District Attorney

10   By /s/ TERRENCE P. McCARTHY  
11   TERRENCE P. McCARTHY  
12   Chief 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 November 22, 2016, 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:

Roderick Stephan Skinner #1126964  
Northern Nevada Correctional Center  
P.O. Box 7000  
Carson City, NV 89702

/s/ DESTINEE ALLEN  
DESTINEE ALLEN



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

**ZELALEM BOGALE, ESQ.** - Notification received on 2016-11-22 09:14:37.26.  
**JOHN PETTY, ESQ.** - Notification received on 2016-11-22 09:14:37.744.  
**TERRENCE MCCARTHY, ESQ.** - Notification received on 2016-11-22 09:14:37.666.  
**CHRISTINE BRADY, ESQ.** - Notification received on 2016-11-22 09:14:37.354.  
**DIV. OF PAROLE & PROBATION** - Notification received on 2016-11-22 09:14:37.525.  
**MICHAEL BOLENBAKER, ESQ.** - Notification received on 2016-11-22 09:14:37.588.  
**REBECCA DRUCKMAN, ESQ.** - Notification received on 2016-11-22 09:14:37.182.  
**MATTHEW LEE, ESQ.** - Notification received on 2016-11-22 09:14:37.806.  
**CHRISTOPHER FREY, ESQ.** - Notification received on 2016-11-22 09:14:37.416.

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

-

A filing has been submitted to the court RE: CR14-0644

Judge:

HONORABLE LIDIA STIGLICH

Official File Stamp:

11-22-2016:08:33:22

Clerk Accepted:

11-22-2016:09:12:25

Court:

Second Judicial District Court - State of Nevada  
Criminal

Case Title:

STATE VS. RODERICK STEPHEN SKINNER  
(D8)

Document(s) Submitted:

Answer

Filed By:

Terrence McCarthy

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:**

ZELALEM BOGALE, ESQ. for STATE OF  
NEVADA

MICHAEL BOLENBAKER, ESQ. for STATE OF  
NEVADA

TERRENCE P. MCCARTHY, ESQ. for STATE  
OF NEVADA

DIV. OF PAROLE & PROBATION

CHRISTINE BRADY, ESQ. for RODERICK  
STEPHEN SKINNER

CHRISTOPHER FREY, ESQ. for RODERICK  
STEPHEN SKINNER

JOHN REESE PETTY, ESQ. for RODERICK  
STEPHEN SKINNER

MATTHEW LEE, ESQ. for STATE OF NEVADA

REBECCA DRUCKMAN, 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 #3860  
CHRISTOPHER J. HICKS  
2 #7747  
P. O. Box 11130  
3 Reno, Nevada 89520  
(775)328-3200  
4 Attorney for Respondent  
5

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

8 \* \* \*

9 RODERICK STEPHEN SKINNER,

10 Petitioner,

11 v.

Case No. CR14-0644

12 ISIDRO BACA, WARDEN OF NNCC,  
AND NEVADA ATTORNEY GENERAL,

Dept. No. 8

13 Respondent.  
14 \_\_\_\_\_/

15 REQUEST FOR SUBMISSION

16 It is requested that the Petition for Writ of Habeas Corpus (Post-Conviction), filed on  
17 October 7, 2016, be submitted to the Court for decision.

18 AFFIRMATION PURSUANT TO NRS 239B.030

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

21 DATED: December 8, 2016.

22 CHRISTOPHER J. HICKS  
District Attorney

23 By /s/ TERRENCE P. McCARTHY  
24 TERRENCE P. McCARTHY  
25 Chief Appellate Deputy  
26

**CERTIFICATE OF MAILING**

Pursuant to NRCP 5(b), I hereby certify that I am an employee of the Washoe County District Attorney's Office and that, on December 8, 2016, 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:

Roderick Stephen Skinner #1126964  
Northern Nevada Correctional Center  
P.O. Box 7000  
Carson City, NV 89702

/s/ DESTINEE ALLEN  
DESTINEE ALLEN

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

**ZELALEM BOGALE, ESQ.** - Notification received on 2016-12-08 15:10:25.131.

**JOHN PETTY, ESQ.** - Notification received on 2016-12-08 15:10:25.864.

**TERRENCE MCCARTHY, ESQ.** - Notification received on 2016-12-08 15:10:25.786.

**CHRISTINE BRADY, ESQ.** - Notification received on 2016-12-08 15:10:25.396.

**DIV. OF PAROLE & PROBATION** - Notification received on 2016-12-08 15:10:25.567.

**MICHAEL BOLENBAKER, ESQ.** - Notification received on 2016-12-08 15:10:25.63.

**REBECCA DRUCKMAN, ESQ.** - Notification received on 2016-12-08 15:10:24.85.

**MATTHEW LEE, ESQ.** - Notification received on 2016-12-08 15:10:25.957.

**CHRISTOPHER FREY, ESQ.** - Notification received on 2016-12-08 15:10:25.474.

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

-

A filing has been submitted to the court RE: CR14-0644

Judge:

HONORABLE LIDIA STIGLICH

Official File Stamp:

12-08-2016:13:30:36

Clerk Accepted:

12-08-2016:15:09:49

Court:

Second Judicial District Court - State of Nevada  
Criminal

Case Title:

STATE VS. RODERICK STEPHEN SKINNER  
(D8)

Document(s) Submitted:

Request for Submission

Filed By:

Terrence McCarthy

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

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-

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**The following people were served electronically:**

ZELALEM BOGALE, ESQ. for STATE OF  
NEVADA

MICHAEL BOLENBAKER, ESQ. for STATE OF  
NEVADA

TERRENCE P. MCCARTHY, ESQ. for STATE  
OF NEVADA

DIV. OF PAROLE & PROBATION

CHRISTINE BRADY, ESQ. for RODERICK  
STEPHEN SKINNER

CHRISTOPHER FREY, ESQ. for RODERICK  
STEPHEN SKINNER

JOHN REESE PETTY, ESQ. for RODERICK  
STEPHEN SKINNER

MATTHEW LEE, ESQ. for STATE OF NEVADA

REBECCA DRUCKMAN, 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.):



FILED

2016 DEC 12 AM 11:03

RODERICK STEPHEN SKINNER  
 #1126764 NNCC  
 PO BOX 7000 CARSON CITY  
 NEVADA 89702.

JACQUELINE BRYANT  
 CLERK OF THE COURT  
*Myerna*

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

RODERICK STEPHEN SKINNER,

Case No.: CR14-0644  
 DEPT. NO. 8

██████ PETITIONER,

vs.

MOTION FOR APPOINTMENT  
OF COUNSEL

ISIDRO BACA WARDEN OF NNCC  
 AND NEVADA ATTORNEY GENERAL,  
 ██████ RESPONDENT.

COMES NOW, RODERICK STEPHEN SKINNER in PRO PER and herein above respectfully  
 moves this Honorable Court for an ORDER APPOINTING COUNSEL TO REPRESENT HIM  
IN THIS HABEAS CORPUS PETITION.

The above is made and based on the following Memorandum of Points and Authorities.

1. PETITIONER IS NOT ABLE TO AFFORD COUNSEL, SEE MOTION TO PROCEED IN  
 FORMA PAUPERIS AND AFFIDAVIT IN SUPPORT; WITH THIS COURT'S ORDER  
FILED 2016-07-15 TRANSACTION #5611958  
GRANTING IN FORMA PAUPERIS. (SEE EXHIBIT 1)
2. THE ISSUES INVOLVED IN THIS MATTER ARE VERY COMPLEX.
3. THE ISSUES INVOLVED IN THIS MATTER WILL REQUIRE INVESTIGATION  
 WHICH THE PETITIONER CANNOT DO WHILE CONFINED IN PRISON.
4. PETITIONER IS A FOREIGN NATIONAL WITH LIMITED KNOWLEDGE OF  
 THE LAW AND PROCESS THEREOF.
5. ATTORNEY EDWARD T REED esq. HAS INDICATED HE WILL REPRESENT  
 PETITIONER IF APPROVED BY THE APPOINTED COUNSEL ADMINISTRATOR.  
 HE HAS MET WITH PETITIONER AND IS FAMILIAR WITH THE CASE.  
PETITIONER RESPECTFULLY REQUESTS THAT HE BE APPOINTED AS THE  
ATTORNEY OF RECORD. See EXHIBIT 2 (SEE EXHIBIT 2)

6. PETITIONER WOULD BE UNFAIRLY DISADVANTAGED IN THIS MATTER,  
ABSENT COUNSEL. ACCESS TO ADEQUATE LAW LIBRARY RESOURCES  
AT N.W.C.C. IS INCONSISTENT WITH CASELAW <sup>EXACT</sup> SEE BOUNDS V SMITH <sup>CITE</sup>

7. THE GROUNDS RAISED PRESENT MATERIAL ISSUES OF CONSTITUTIONAL  
IMPORTANCE WHICH NECESSARILY REQUIRE THE ASSISTANCE OF TRAINED  
COUNSEL TO ADEQUATELY PRESENT.

8. PETITIONER IS INTERMITTENTLY BUT OFTEN INCAPACITATED OR  
SIGNIFICANTLY IMPAIRED BY HIS MEDICAL CONDITIONS WHICH ARE  
CROHN'S DISEASE, AMPUTEE NERVE PAIN, AND SPINAL SCOLIOSIS;  
INCAPACITY IS UNPREDICTABLE. PAIN IS ALWAYS PRESENT.

9. PETITIONER IS ACTUALLY INNOCENT OF THE STATE'S CHARGE.

10. A FUNDAMENTAL MISCARRIAGE OF JUSTICE MAY RESULT IF  
PETITIONER IS LEFT TO PRESENT HIS HABEAS CORPUS ISSUES  
TO THE COURT, ABSENT ASSISTANCE OF COUNSEL.

PETITIONER PRAYS THAT THIS HONORABLE COURT SHALL SEE FIT TO APPOINT  
COUNSEL IN THIS MATTER.

Dated this EIGHTH day of DECEMBER, 20 16.

By: Rod Skinner  
RODERICK STEPHEN SKINNER  
PETITIONER IN PRO-PER

CERTIFICATE OF SERVICE BY MAIL

Pursuant to NRCP Rule 5 (b), I hereby certify that I am the Petitioner/Defendant named herein and that on this EIGHTH day of DECEMBER, 20 16, I mailed a true and correct copy of the foregoing MOTION FOR APPOINTMENT OF COUNSEL to the following:

CLERK OF THE COURT

SECOND JUDICIAL DISTRICT COURT

75 COURT ST RENO NV. 89520

CHRISTOPHER J HICKS #7747

PO BOX 11130

RENO NV. 89520-0027

BY: Rod Skinner.  
RODERICK STEPHEN SKINNER  
PETITIONER IN PRO-PER  
#1126964 NNCC  
PO BOX 700 CARSON CITY  
NEVADA 89702

V3. 435

CR14-064  
STATE VS  
District  
Washoe Co  
Ex1

EXHIBIT 1

COURT ORDER GRANTING IN FORMA PAUPERIS

1 CODE:  
2  
3  
4  
5

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

8 RODERICK STEPHEN SKINNER,  
9 Petitioner,

10 vs.

Case No. CR14-0644

11 ISIDRO BACA, WARDEN OF NORTHERN  
12 NEVADA CORRECTIONAL CENTER,  
13 Respondent.

Dept. No. 15

14 ORDER GRANTING IN FORMA PAUPERIS

15 Petitioner is currently serving a sentence in a correctional institution. Pursuant to  
16 Nevada Supreme Court's Order ADKT No. 411, a person will be deemed indigent who is  
17 unable, without substantial hardship to himself or his dependents, to obtain competent  
18 qualified legal counsel on his own. Under this standard, a presumption of substantial  
19 hardship attaches to those persons currently serving a sentence in a correctional institution  
20 or housed in a mental health facility.

21 The Court further finds that pursuant to NRS 171.188, petitioner has insufficient  
22 assets and/or income to proceed absent a grant of *forma pauperis* status.

23 IT IS HEREBY ORDERED, pursuant to NRS 171.188 petitioner is granted leave to  
24 proceed in forma pauperis.

25 IT IS HEREBY FURTHER ORDERED that the Court allow petitioner to bring such  
26 action without costs and file or issue any necessary writ, process, pleading or paper  
27 without charge, with the exception of jury fees.  
28

1 IT IS HEREBY FURTHER ORDERED that the Sherriff or any other appropriate  
2 officer within the state make personal service of any necessary writ, process, pleading or  
3 paper without charge for petitioner.  
4

5 IT IS SO ORDERED.

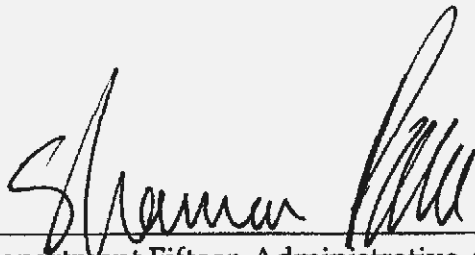
6 Dated: July 15, 2016.

7   
8 District Court Judge  
9  
10  
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## CERTIFICATE OF MAILING

Pursuant to NRCP 5(b), I certify that I am an employee of the Second Judicial District Court, and that on the 15 day of July, 2016, I deposited for mailing, first class postage pre-paid, at Reno, Nevada, a true and correct copy of the foregoing document addressed to:

Roderick S. Skinner, #1126964  
NNCC, P.O. Box 7000  
Carson City, NV 89702

  
Department Fifteen Administrative Assistant

V3. 439

CR14-0644  
STATE VS.  
District  
Washoe Co  
EX2

EXHIBIT 2

- LETTER FROM ATTORNEY EDWARD T REED



**EDWARD T. "NED" REED, ESQ.  
EDWARD T. REED, PLLC**

P.O. Box 34763  
Reno, NV 89533-4763  
(775) 996-0687  
Fax (775) 333-0201

December 2, 2015

**ATTORNEY ~ CLIENT MAIL**

Roderick Skinner, #1126964  
Northern Nevada Correctional Center  
P.O. Box 7000  
Carson City, NV 89702

Dear Roderick:

I reviewed your case on eflex and noticed you had not filed a motion for appointment of counsel. You need to do that as soon as possible to be appointed counsel, and then I could be appointed your counsel if approved by the Appointed Counsel Administrator. I hope all is well with you.

Sincerely,

A handwritten signature in cursive script that reads "Ned Reed".

Edward T. Reed, Esq.  
EDWARD T. REED, PLLC

Enclosure

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

8 THE STATE OF NEVADA, Case No. CR14-0644  
9 Plaintiff, Dept. No. 8

10 vs.

11 RODERICK STEPHEN SKINNER,  
12 Defendant.  
13 \_\_\_\_\_/

14 **ORDER APPOINTING COUNSEL**

15 On September 11, 2014, Roderick Stephen Skinner was convicted, pursuant  
16 to a guilty plea, of promotion of a sexual performance of a minor, age 14 or older.  
17 The judgment of conviction was affirmed on direct appeal, and the remittitur issued  
18 on August 18, 2015. *Skinner v. State*, Docket No. 66666 (Order of Affirmance (July  
19 14, 2015)). Skinner filed a timely *Post-Conviction Petition for a Writ of Habeas*  
20 *Corpus* in this court on July 13, 2016. Skinner seeks appointment of post-conviction  
21 counsel.

22 Having reviewed Skinner's *Petition*, the court finds that appointment of  
23 counsel would assist the court in discerning the issues presented in this case. *See*  
24 NRS 34.750. Accordingly, the court ORDERS Skinner's *Motion for Appointment of*  
25 *Counsel* **GRANTED**.

26 DATED this 6 day of February, 2017.

27   
28 PATRICK FLANAGAN  
District Judge

CERTIFICATE OF SERVICE


Pursuant to NRCP 5(b), I hereby certify that I am an employee of the Second Judicial District Court of the State of Nevada, County of Washoe; that on this 6 day of February, 2017, I electronically filed the following with the Clerk of the Court by using the ECF system which will send a notice of electronic filing to the following:

Terrence McCarthy, Esq. for State of Nevada

I deposited in the Washoe County mailing system for postage and mailing with the United States Postal Service in Reno, Nevada, a true copy of the attached document addressed to:

Roderick Stephen Skinner #1126964  
Northern Nevada Correctional Center  
P.O. Box 7000  
Carson City, NV 89502

Robert Bell  
[via interoffice mail]

  
Judicial Assistant

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

**ZELALEM BOGALE, ESQ.** - Notification received on 2017-02-06 17:37:31.924.

**JOHN PETTY, ESQ.** - Notification received on 2017-02-06 17:37:32.376.

**TERRENCE MCCARTHY, ESQ.** - Notification received on 2017-02-06 17:37:32.329.

**CHRISTINE BRADY, ESQ.** - Notification received on 2017-02-06 17:37:32.002.

**DIV. OF PAROLE & PROBATION** - Notification received on 2017-02-06 17:37:32.189.

**MICHAEL BOLENBAKER, ESQ.** - Notification received on 2017-02-06 17:37:32.251.

**REBECCA DRUCKMAN, ESQ.** - Notification received on 2017-02-06 17:37:31.861.

**MATTHEW LEE, ESQ.** - Notification received on 2017-02-06 17:37:32.439.

**CHRISTOPHER FREY, ESQ.** - Notification received on 2017-02-06 17:37:32.08.

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

-

**A filing has been submitted to the court RE:** CR14-0644

**Judge:**

HONORABLE LIDIA STIGLICH

**Official File Stamp:**

02-06-2017:17:36:27

**Clerk Accepted:**

02-06-2017:17:37:00

**Court:**

Second Judicial District Court - State of Nevada

Criminal

**Case Title:**

STATE VS. RODERICK STEPHEN SKINNER  
(D8)

**Document(s) Submitted:**

Order...

**Filed By:**

Judicial Asst. KSims

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:**

MATTHEW LEE, ESQ. for STATE OF NEVADA

MICHAEL BOLENBAKER, ESQ. for STATE OF  
NEVADA

CHRISTINE BRADY, ESQ. for RODERICK  
STEPHEN SKINNER

CHRISTOPHER FREY, ESQ. for RODERICK  
STEPHEN SKINNER

REBECCA DRUCKMAN, ESQ. for STATE OF  
NEVADA

TERRENCE P. MCCARTHY, ESQ. for STATE  
OF NEVADA

JOHN REESE PETTY, ESQ. for RODERICK  
STEPHEN SKINNER

ZELALEM BOGALE, ESQ. for STATE OF  
NEVADA

DIV. OF PAROLE & PROBATION

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

1 Code : 2715  
2  
3  
4  
5

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

8 \* \* \*

9 RODERICK STEPHEN SKINNER,

10 Petitioner,

Case No. : CR14-0644

11 vs.

Dept No. : 8

12 STATE OF NEVADA,

13 Respondent.  
14 \_\_\_\_\_/

15 **RECOMMENDATION AND ORDER FOR APPOINTMENT OF COUNSEL**  
16 **(POST CONVICTION)**

17 The Petitioner having been granted Forma Pauperis Status, and District Court  
18 Judge Flanagan having determined that there is a basis for the appointment of  
19 counsel and having referred the matter to the Administrator of the Court Appointed  
20 Counsel for selection of counsel for the Petitioner, the Administrator of the Court  
21 Appointed Counsel makes the following recommendation:

22 IT IS HEREBY RECOMMENDED that Edward T. Reed, Esq., be appointed to  
23 represent Petitioner on this Petition For Writ Of Habeas Corpus. Said Counsel is to be  
24 paid pursuant to NRS 7.115 through NRS 7.165 by the State Public Defender in an  
25 amount recommended by the Administrator and approved by the Court.

26 IT IS HEREBY FURTHER RECOMMENDED that Petitioner's counsel have ten (10)  
days from the date of the Court's Order to designate what portions of the Court file  
counsel requests be provided to him by the Clerk of the Court;


1 IT IS HEREBY FURTHER RECOMMENDED that, if the newly appointed attorney  
2 is not an electronic filer with the Second Judicial District Court, the Clerk of the  
3 Court shall provide a CD of all designations made by Petitioner's counsel within five  
4 (5) days of the designation. If the newly appointed attorney is an electronic filer  
5 with the Second Judicial District Court, the newly appointed attorney shall be  
6 placed as the attorney of record in case number CR14-0644.

7 IT IS HEREBY FURTHER RECOMMENDED that Counsel have forty-five (45) days  
8 from the date of the receipt of the record within which to supplement the Petition  
9 For Writ Of Habeas Corpus or file a Notice indicating that the original Petition For  
10 Writ Of Habeas Corpus shall stand as filed;

11 IT IS HEREBY FURTHER RECOMMENDED that the State of Nevada be ordered  
12 to respond within forty-five (45) days from the date of filing and service by the  
13 Petitioner of the Petition to Supplement or Notice Of Nonsupplementation;

14 IT IS HEREBY FURTHER RECOMMENDED that Counsel for Petitioner and the  
15 State of Nevada be ordered to appear within fifteen (15) days of the final briefing  
16 before the Administrative Assistant in Department 8, of the Second Judicial District  
17 Court for the purpose of setting this case for hearing.

18 DATED this 12 day of FEB., 2017.

19   
20 ROBERT C. BELL, ESQ., ADMINISTRATOR,  
COURT APPOINTED COUNSEL

21 Pursuant to the Nevada Supreme Court Order in ADKT 411, and the Second  
22 Judicial District Court's Model Plan to address ADKT 411, good cause appearing  
23 and in the interest of justice,

24 IT IS HEREBY ORDERED that the recommendations of the Administrator are  
25 hereby confirmed, approved and adopted. Edward T. Reed, Esq., shall be  
26 appointed to represent Petitioner on his Petition For Writ Of Habeas Corpus.

DATED this 16 day of FEBRUARY, 2017.

  
CHIEF DISTRICT JUDGE



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

**ZELALEM BOGALE, ESQ.** - Notification received on 2017-02-16 16:08:08.405.

**JOHN PETTY, ESQ.** - Notification received on 2017-02-16 16:08:09.404.

**TERRENCE MCCARTHY, ESQ.** - Notification received on 2017-02-16 16:08:08.889.

**DIV. OF PAROLE & PROBATION** - Notification received on 2017-02-16 16:08:09.638.

**CHRISTINE BRADY, ESQ.** - Notification received on 2017-02-16 16:08:08.468.

**MICHAEL BOLENBAKER, ESQ.** - Notification received on 2017-02-16 16:08:08.733.

**EDWARD REED, ESQ.** - Notification received on 2017-02-16 16:08:08.671.

**REBECCA DRUCKMAN, ESQ.** - Notification received on 2017-02-16 16:08:07.36.

**MATTHEW LEE, ESQ.** - Notification received on 2017-02-16 16:08:08.593.

**CHRISTOPHER FREY, ESQ.** - Notification received on 2017-02-16 16:08:08.53.

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

-

A filing has been submitted to the court RE: CR14-0644

Judge:

HONORABLE LIDIA STIGLICH

Official File Stamp:

02-16-2017:16:06:36

Clerk Accepted:

02-16-2017:16:07:16

Court:

Second Judicial District Court - State of Nevada  
Criminal

Case Title:

STATE VS. RODERICK STEPHEN SKINNER  
(D8)

Document(s) Submitted:

Order...

Filed By:

Judicial Asst. KSims

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:**

MATTHEW LEE, ESQ. for STATE OF NEVADA

MICHAEL BOLENBAKER, ESQ. for STATE OF  
NEVADA

REBECCA DRUCKMAN, ESQ. for STATE OF  
NEVADA

TERRENCE P. MCCARTHY, ESQ. for STATE  
OF NEVADA

JOHN REESE PETTY, ESQ. for RODERICK  
STEPHEN SKINNER

ZELALEM BOGALE, ESQ. for STATE OF  
NEVADA

CHRISTINE BRADY, ESQ. for RODERICK  
STEPHEN SKINNER

CHRISTOPHER FREY, ESQ. for RODERICK  
STEPHEN SKINNER

EDWARD TORRANCE REED, ESQ. for  
RODERICK STEPHEN SKINNER

DIV. OF PAROLE & PROBATION

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

1 EDWARD T. REED, ESQ.  
2 EDWARD T. REED, PLLC  
3 Nevada State Bar No. 1416  
4 P.O. Box 34763  
5 Reno, NV 89533-4763  
6 (775) 996-0687  
7 ATTORNEY FOR PETITIONER

8 **IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**  
9  
10 **IN AND FOR THE COUNTY OF WASHOE**

11 RODERICK STEPHEN SKINNER,

12 Petitioner,

Case No. CR14-0644

13 vs.

Dept. No. 8

14 ISIDRO BACA, WARDEN, NORTHERN  
15 NEVADA CORRECTIONAL CENTER.

16 Respondent.  
17 \_\_\_\_\_/

18 **STIPULATION AND ORDER FOR EXTENSION OF TIME TO FILE**  
19 **SUPPLEMENT TO PETITION FOR WRIT OF HABEAS CORPUS**  
20 (First Request)

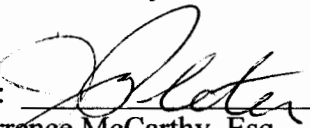
21 Petitioner RODERICK STEPHEN SKINNER, by and though his court-appointed  
22 counsel Edward T. Reed, Esq., and Respondent STATE OF NEVADA, by and through  
23 its counsel Terrence McCarthy, Esq., Chief Appellate Deputy, Washoe County District  
24 Attorney's Office, hereby stipulate to allow Petitioner's counsel an extension of 60 days  
25 to and including July 14, 2017, in which to file the Supplement to the Petition for Writ of  
26 Habeas Corpus. The Supplemental Petition is currently due May 15, 2017. This is the  
27 first extension of time to file the Supplemental Petition.  
28

1 This extension is requested in order to allow the Petitioner's counsel some  
2 additional time needed to obtain all of the medical records and discovery in this case.

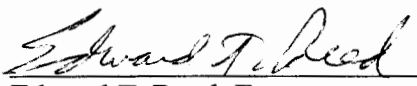
3 Pursuant to NRS 239B.030 , the undersigned do hereby affirm that the preceding  
4 document does not contain the social security number of any person.

5 DATED this 11<sup>th</sup> day of May, 2017.

6  
7 Christopher Hicks  
8 Washoe County District Attorney

9 By:  for  
10 Terrence McCarthy, Esq.  
11 Chief Appellate Deputy  
12 Washoe County District Attorney's Office  
13 P.O. Box 11130  
14 Reno, NV 89520  
15 (775) 328-3200

16 ATTORNEY FOR RESPONDENT

  
Edward T. Reed, Esq.  
EDWARD T. REED, PLLC  
Nevada State Bar No. 1416  
P.O. Box 34763  
Reno, NV 89533-4763  
(775) 996-0687  
Fax (775) 333-0201  
ATTORNEY FOR PETITIONER

17 **ORDER**

18 IT IS SO ORDERED this 15 day of May, 2017.

19  
20   
21 DISTRICT JUDGE  
22  
23  
24  
25  
26  
27  
28

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

**ZELALEM BOGALE, ESQ.** - Notification received on 2017-05-15 16:24:28.071.

**JOHN PETTY, ESQ.** - Notification received on 2017-05-15 16:24:28.524.

**TERRENCE MCCARTHY, ESQ.** - Notification received on 2017-05-15 16:24:28.461.

**DIV. OF PAROLE & PROBATION** - Notification received on 2017-05-15 16:24:28.664.

**CHRISTINE BRADY, ESQ.** - Notification received on 2017-05-15 16:24:28.134.

**MICHAEL BOLENBAKER, ESQ.** - Notification received on 2017-05-15 16:24:28.399.

**EDWARD REED, ESQ.** - Notification received on 2017-05-15 16:24:28.321.

**REBECCA DRUCKMAN, ESQ.** - Notification received on 2017-05-15 16:24:27.993.

**MATTHEW LEE, ESQ.** - Notification received on 2017-05-15 16:24:28.259.

**CHRISTOPHER FREY, ESQ.** - Notification received on 2017-05-15 16:24:28.196.

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

-

A filing has been submitted to the court RE: CR14-0644

**Judge:**

HONORABLE BARRY L. BRESLOW

**Official File Stamp:**

05-15-2017:16:23:20

**Clerk Accepted:**

05-15-2017:16:23:57

**Court:**

Second Judicial District Court - State of Nevada  
Criminal

**Case Title:**

STATE VS. RODERICK STEPHEN SKINNER  
(D8)

**Document(s) Submitted:**

Stip and Order

**Filed By:**

Judicial Asst. CKuhl

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

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-

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**The following people were served electronically:**

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RODERICK STEPHEN SKINNER

ZELALEM BOGALE, ESQ. for STATE OF  
NEVADA

DIV. OF PAROLE & PROBATION

CHRISTINE BRADY, ESQ. for RODERICK  
STEPHEN SKINNER

MICHAEL BOLENBAKER, ESQ. for STATE OF  
NEVADA

CHRISTOPHER FREY, ESQ. for RODERICK  
STEPHEN SKINNER

JOHN REESE PETTY, ESQ. for RODERICK  
STEPHEN SKINNER

MATTHEW LEE, ESQ. for STATE OF NEVADA

TERRENCE P. MCCARTHY, ESQ. for STATE  
OF NEVADA

REBECCA DRUCKMAN, ESQ. for STATE OF  
NEVADA

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

**ZELALEM BOGALE, ESQ.** - Notification received on 2017-06-20 16:18:46.939.

**JOHN PETTY, ESQ.** - Notification received on 2017-06-20 16:18:47.5.

**TERRENCE MCCARTHY, ESQ.** - Notification received on 2017-06-20 16:18:47.438.

**DIV. OF PAROLE & PROBATION** - Notification received on 2017-06-20 16:18:47.625.

**CHRISTINE BRADY, ESQ.** - Notification received on 2017-06-20 16:18:47.001.

**MICHAEL BOLENBAKER, ESQ.** - Notification received on 2017-06-20 16:18:47.235.

**EDWARD REED, ESQ.** - Notification received on 2017-06-20 16:18:47.173.

**REBECCA DRUCKMAN, ESQ.** - Notification received on 2017-06-20 16:18:46.876.

**MATTHEW LEE, ESQ.** - Notification received on 2017-06-20 16:18:47.11.

**CHRISTOPHER FREY, ESQ.** - Notification received on 2017-06-20 16:18:47.064.

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

**PROOF OF SERVICE OF ELECTRONIC FILING**

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**A filing has been submitted to the court RE:** CR14-0644

**Judge:**

HONORABLE BARRY L. BRESLOW

**Official File Stamp:**

06-20-2017:15:48:10

**Clerk Accepted:**

06-20-2017:16:18:15

**Court:**

Second Judicial District Court - State of Nevada

Criminal

**Case Title:**

STATE VS. RODERICK STEPHEN SKINNER  
(D8)

**Document(s) Submitted:**

Ex-Parte Mtn

**Filed By:**

Edward Torrance Reed

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

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RODERICK STEPHEN SKINNER

ZELALEM BOGALE, ESQ. for STATE OF  
NEVADA

DIV. OF PAROLE & PROBATION

CHRISTINE BRADY, ESQ. for RODERICK  
STEPHEN SKINNER

MICHAEL BOLENBAKER, ESQ. for STATE OF  
NEVADA

CHRISTOPHER FREY, ESQ. for RODERICK  
STEPHEN SKINNER

JOHN REESE PETTY, ESQ. for RODERICK  
STEPHEN SKINNER

MATTHEW LEE, ESQ. for STATE OF NEVADA

TERRENCE P. MCCARTHY, ESQ. for STATE  
OF NEVADA

REBECCA DRUCKMAN, ESQ. for STATE OF  
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**The following people have not been served electronically and must be served by traditional means** (see Nevada Electronic Filing Rules.):

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

**ZELALEM BOGALE, ESQ.** - Notification received on 2017-06-30 09:43:11.361.

**JOHN PETTY, ESQ.** - Notification received on 2017-06-30 09:43:12.297.

**TERRENCE MCCARTHY, ESQ.** - Notification received on 2017-06-30 09:43:12.187.

**DIV. OF PAROLE & PROBATION** - Notification received on 2017-06-30 09:43:12.468.

**CHRISTINE BRADY, ESQ.** - Notification received on 2017-06-30 09:43:11.563.

**MICHAEL BOLENBAKER, ESQ.** - Notification received on 2017-06-30 09:43:12.125.

**EDWARD REED, ESQ.** - Notification received on 2017-06-30 09:43:12.063.

**REBECCA DRUCKMAN, ESQ.** - Notification received on 2017-06-30 09:43:11.298.

**MATTHEW LEE, ESQ.** - Notification received on 2017-06-30 09:43:12.016.

**CHRISTOPHER FREY, ESQ.** - Notification received on 2017-06-30 09:43:11.797.

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

PROOF OF SERVICE OF ELECTRONIC FILING

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**A filing has been submitted to the court RE:** CR14-0644

**Judge:**

HONORABLE BARRY L. BRESLOW

**Official File Stamp:**

06-30-2017:09:40:40

**Clerk Accepted:**

06-30-2017:09:42:42

**Court:**

Second Judicial District Court - State of Nevada

Criminal

**Case Title:**

STATE VS. RODERICK STEPHEN SKINNER  
(D8)

**Document(s) Submitted:**

Ex-Parte Mtn

**Filed By:**

Edward Torrance Reed

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

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RODERICK STEPHEN SKINNER

ZELALEM BOGALE, ESQ. for STATE OF  
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DIV. OF PAROLE & PROBATION

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MICHAEL BOLENBAKER, ESQ. for STATE OF  
NEVADA

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STEPHEN SKINNER

JOHN REESE PETTY, ESQ. for RODERICK  
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OF NEVADA

REBECCA DRUCKMAN, ESQ. for STATE OF  
NEVADA

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

**ZELALEM BOGALE, ESQ.** - Notification received on 2017-07-03 16:21:20.125.

**JOHN PETTY, ESQ.** - Notification received on 2017-07-03 16:21:20.998.

**TERRENCE MCCARTHY, ESQ.** - Notification received on 2017-07-03 16:21:20.936.

**DIV. OF PAROLE & PROBATION** - Notification received on 2017-07-03 16:21:21.763.

**CHRISTINE BRADY, ESQ.** - Notification received on 2017-07-03 16:21:20.187.

**MICHAEL BOLENBAKER, ESQ.** - Notification received on 2017-07-03 16:21:20.858.

**EDWARD REED, ESQ.** - Notification received on 2017-07-03 16:21:20.406.

**REBECCA DRUCKMAN, ESQ.** - Notification received on 2017-07-03 16:21:20.062.

**MATTHEW LEE, ESQ.** - Notification received on 2017-07-03 16:21:20.328.

**CHRISTOPHER FREY, ESQ.** - Notification received on 2017-07-03 16:21:20.25.

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

PROOF OF SERVICE OF ELECTRONIC FILING

-

**A filing has been submitted to the court RE:** CR14-0644

**Judge:**

HONORABLE BARRY L. BRESLOW

**Official File Stamp:**

07-03-2017:16:20:09

**Clerk Accepted:**

07-03-2017:16:20:49

**Court:**

Second Judicial District Court - State of Nevada

Criminal

**Case Title:**

STATE VS. RODERICK STEPHEN SKINNER  
(D8)

**Document(s) Submitted:**

Sealed Order

**Filed By:**

Judicial Asst. SParke

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

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ZELALEM BOGALE, ESQ. for STATE OF  
NEVADA

DIV. OF PAROLE & PROBATION

CHRISTINE BRADY, ESQ. for RODERICK  
STEPHEN SKINNER

MICHAEL BOLENBAKER, ESQ. for STATE OF  
NEVADA

CHRISTOPHER FREY, ESQ. for RODERICK  
STEPHEN SKINNER



JOHN REESE PETTY, ESQ. for RODERICK  
STEPHEN SKINNER

MATTHEW LEE, ESQ. for STATE OF NEVADA

TERRENCE P. MCCARTHY, ESQ. for STATE  
OF NEVADA

REBECCA DRUCKMAN, 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 EDWARD T. REED, ESQ.  
2 EDWARD T. REED, PLLC  
3 Nevada State Bar No. 1416  
4 P.O. Box 34763  
5 Reno, NV 89533-4763  
6 (775) 996-0687  
7 ATTORNEY FOR PETITIONER

8 **IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**

9 **IN AND FOR THE COUNTY OF WASHOE**

10 RODERICK STEPHEN SKINNER,

11 Petitioner,

Case No. CR14-0644

12 vs.

Dept. No. 8

13  
14 ISIDRO BACA, WARDEN, NORTHERN  
15 NEVADA CORRECTIONAL CENTER.

16 Respondent.  
17 \_\_\_\_\_/

18 **STIPULATION AND ORDER FOR EXTENSION OF TIME TO FILE**  
19 **SUPPLEMENT TO PETITION FOR WRIT OF HABEAS CORPUS**  
20 (Second Request)

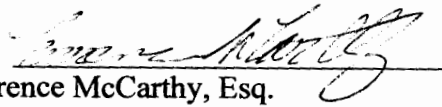
21 Petitioner RODERICK STEPHEN SKINNER, by and through his court-appointed  
22 counsel Edward T. Reed, Esq., and the Respondent, by and through his counsel Terrence  
23 McCarthy, Esq., Chief Appellate Deputy, Washoe County District Attorney's Office,  
24 hereby stipulate to allow Petitioner's counsel an extension of 60 days to and including  
25 September 12, 2017, in which to file the Supplement to the Petition for Writ of Habeas  
26 Corpus. The Supplemental Petition is currently due July 14, 2017. This is the second  
27 extension of time to file the Supplemental Petition.  
28

1 This extension is requested in order to allow the Petitioner's counsel additional  
2 time needed to employ and request funding for an expert witness to examine the evidence  
3 allegedly found on the Petitioner's computer and more time to review the voluminous  
4 discovery in this case.

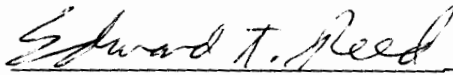
5 Pursuant to NRS 239B.030, the undersigned do hereby affirm that the preceding  
6 document does not contain the social security number of any person.  
7

8 DATED this 13<sup>th</sup> day of July, 2017.

9 Christopher Hicks  
10 Washoe County District Attorney

11  
12 By:   
13 Terrence McCarthy, Esq.  
14 Chief Appellate Deputy  
15 Washoe County District Attorney's Office  
16 P.O. Box 11130  
17 Reno, NV 89520  
18 (775) 328-3200

19 ATTORNEY FOR RESPONDENT

  
Edward T. Reed, Esq.  
EDWARD T. REED, PLLC  
Nevada State Bar No. 1416  
P.O. Box 34763  
Reno, NV 89533-4763  
(775) 996-0687  
Fax (775) 333-0201  
ATTORNEY FOR PETITIONER

20 **ORDER**

21 IT IS SO ORDERED this 17<sup>th</sup> day of July, 2017.

22  
23   
24 DISTRICT JUDGE  
25  
26  
27  
28

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

**ZELALEM BOGALE, ESQ.** - Notification received on 2017-07-17 13:34:29.071.

**JOHN PETTY, ESQ.** - Notification received on 2017-07-17 13:34:34.297.

**TERRENCE MCCARTHY, ESQ.** - Notification received on 2017-07-17 13:34:33.688.

**DIV. OF PAROLE & PROBATION** - Notification received on 2017-07-17 13:34:34.655.

**CHRISTINE BRADY, ESQ.** - Notification received on 2017-07-17 13:34:31.052.

**MICHAEL BOLENBAKER, ESQ.** - Notification received on 2017-07-17 13:34:32.612.

**EDWARD REED, ESQ.** - Notification received on 2017-07-17 13:34:32.534.

**REBECCA DRUCKMAN, ESQ.** - Notification received on 2017-07-17 13:34:27.136.

**MATTHEW LEE, ESQ.** - Notification received on 2017-07-17 13:34:31.754.

**CHRISTOPHER FREY, ESQ.** - Notification received on 2017-07-17 13:34:31.286.

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

PROOF OF SERVICE OF ELECTRONIC FILING

-

**A filing has been submitted to the court RE:** CR14-0644

**Judge:**

HONORABLE BARRY L. BRESLOW

**Official File Stamp:**

07-17-2017:13:32:54

**Clerk Accepted:**

07-17-2017:13:33:42

**Court:**

Second Judicial District Court - State of Nevada

Criminal

**Case Title:**

STATE VS. RODERICK STEPHEN SKINNER  
(D8)

**Document(s) Submitted:**

Stip and Order

**Filed By:**

Judicial Asst. CKuhl

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:**

EDWARD TORRANCE REED, ESQ. for  
RODERICK STEPHEN SKINNER

ZELALEM BOGALE, ESQ. for STATE OF  
NEVADA

DIV. OF PAROLE & PROBATION

CHRISTINE BRADY, ESQ. for RODERICK  
STEPHEN SKINNER

MICHAEL BOLENBAKER, ESQ. for STATE OF  
NEVADA

CHRISTOPHER FREY, ESQ. for RODERICK  
STEPHEN SKINNER

JOHN REESE PETTY, ESQ. for RODERICK  
STEPHEN SKINNER

MATTHEW LEE, ESQ. for STATE OF NEVADA

TERRENCE P. MCCARTHY, ESQ. for STATE  
OF NEVADA

REBECCA DRUCKMAN, 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 : 2777**  
2  
3  
45 **THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**  
6 **IN AND FOR THE COUNTY OF WASHOE**

7 \* \* \*

8 RODERICK STEPHEN SKINNER,

9 Petitioner,

Case No. : CR14-0644

10 vs.

Dept. No.: 8

11 THE STATE OF NEVADA,

12 Respondent.  
1314 **RECOMMENDATION AND ORDER FOR PAYMENT OF ATTORNEY'S FEES**15 **(POST CONVICTION)**16 The Administrator, having reviewed the Claim for Compensation submitted  
17 by Edward T. Reed, Esq., for the representation of Petitioner, finds as follows:18 NRS 7.125 allows for waiver of the statutory cap depending on the following  
19 factors:

- 20 (a) the complexity of the case or the number of its factual or legal issues;
- 
- 21 (b) the severity of the offense;
- 
- 22 (c) the time necessary to provide an adequate defense; or
- 
- 23 (d) other special circumstances.

24 If Petitioner is able to show at least one of the above, the statute allows for  
25 payment of the excess fee upon certification of the Court in which representation  
26 was rendered and approval by the Presiding Judge of the Judicial District in which  
27 the attorney was appointed.


28 This Administrator recommends that the Court find that the time expended

1 was necessary and reasonable to handle the issues in this matter and represent  
2 Petitioner's interests. In addition, this matter is sufficiently complex, both factually  
3 and legally to justify a departure from the standard fee.

4 Accordingly, this Administrator recommends that the Court certify that the  
5 fees requested in excess of the statutory limit are both reasonable and necessary.

6 Further, this Administrator recommends that the Presiding Judge of the Second  
7 Judicial District Court, approve the waiver of NRS 7.125 in the above-entitled case  
8 and for the payment of fees and costs in the amount of TWO THOUSAND FOUR  
9 HUNDRED FORTY ONE DOLLARS AND FIFTY TWO CENTS (\$2,441.52) to Edward T. Reed,  
10 Esq., by the State Public Defender's Office.

11 Dated this 7 day of July, 2017.

12  
13   
14 ROBERT C. BELL, ESQ., ADMINISTRATOR  
COURT APPOINTED COUNSEL

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

18 IT IS HEREBY ORDERED that the recommendations of the Administrator are  
19 hereby confirmed, approved and adopted as to the amount of \$ 2,441<sup>52</sup>. This  
20 amount may not be the same as the Recommendation. Counsel is notified that  
21 they may request a prove-up hearing for the non-approved amounts before the  
22 Chief Judge of the District.

23 Counsel, Edward T. Reed, Esq., shall be reimbursed by the State Of Nevada  
24 Public Defender's Office fees in the amount of \$ 2,441<sup>52</sup>.

25 DATED this 17 day of July, 2017.

26  
27   
28 CHIEF DISTRICT JUDGE