

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

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Elizabeth A. Brown
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RODERICK SKINNER,

Petitioner,

vs.

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

Respondents.

Sup. Ct. Case No. 86846, 86893

Case No. CR14-0644

Dept. 8

RECORD ON APPEAL

VOLUME 4 OF 16

DOCUMENTS

APPELLANT

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 DISTRICT CASE NO: CR14-0644
 RODERICK SKINNER vs WARDEN FRANKLIN ET AL
 DATE: JULY 28, 2023

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SUPREME COURT NO: 86846, 86893
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RODERICK SKINNER vs WARDEN FRANKLIN ET AL
DATE: JULY 28, 2023

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SUPREME COURT NO: 86846, 86893
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RODERICK SKINNER vs WARDEN FRANKLIN ET AL
DATE: JULY 28, 2023

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ZELALEM BOGALE, ESQ. - Notification received on 2017-07-17 15:05:04.867.

JOHN PETTY, ESQ. - Notification received on 2017-07-17 15:05:05.709.

TERRENCE MCCARTHY, ESQ. - Notification received on 2017-07-17 15:05:05.647.

DIV. OF PAROLE & PROBATION - Notification received on 2017-07-17 15:05:05.834.

CHRISTINE BRADY, ESQ. - Notification received on 2017-07-17 15:05:04.945.

MICHAEL BOLENBAKER, ESQ. - Notification received on 2017-07-17 15:05:05.413.

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

Judge:

HONORABLE BARRY L. BRESLOW

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07-17-2017:15:02:10

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07-17-2017:15:04:40

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

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STEPHEN SKINNER

CHRISTOPHER FREY, ESQ. for RODERICK
STEPHEN SKINNER

JOHN REESE PETTY, ESQ. for RODERICK
STEPHEN SKINNER

MICHAEL BOLENBAKER, ESQ. for STATE OF
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ZELALEM BOGALE, ESQ. - Notification received on 2017-08-17 11:35:40.958.

JOHN PETTY, ESQ. - Notification received on 2017-08-17 11:35:44.047.

TERRENCE MCCARTHY, ESQ. - Notification received on 2017-08-17 11:35:43.751.

DIV. OF PAROLE & PROBATION - Notification received on 2017-08-17 11:35:44.937.

CHRISTINE BRADY, ESQ. - Notification received on 2017-08-17 11:35:41.426.

MICHAEL BOLENBAKER, ESQ. - Notification received on 2017-08-17 11:35:43.221.

EDWARD REED, ESQ. - Notification received on 2017-08-17 11:35:42.285.

REBECCA DRUCKMAN, ESQ. - Notification received on 2017-08-17 11:35:40.49.

MATTHEW LEE, ESQ. - Notification received on 2017-08-17 11:35:42.019.

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08-17-2017:10:14:42

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08-17-2017:11:34:49

Court:

Second Judicial District Court - State of Nevada
Criminal

Case Title:

STATE VS. RODERICK STEPHEN SKINNER
(D8)

Document(s) Submitted:

Ex-Parte Mtn

- **Continuation

Filed By:

Edward Torrance Reed

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STEPHEN SKINNER

JOHN REESE PETTY, ESQ. for RODERICK
STEPHEN SKINNER

MICHAEL BOLENBAKER, ESQ. for STATE OF
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RODERICK STEPHEN SKINNER

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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 (Third Request)

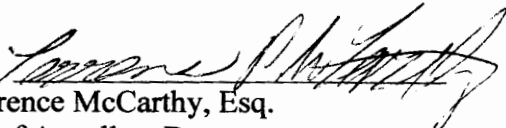
21 Petitioner RODERICK STEPHEN SKINNER, by and through his court-appointed
22 counsel Edward T. Reed, Esq., and the Respondent, by and through his counsel Terrence
23 McCarthy, Esq., Chief Appellate Deputy, Washoe County District Attorney's Office,
24 hereby stipulate to allow Petitioner's counsel an extension of 60 days to and including
25 November 11, 2017, in which to file the Supplement to the Petition for Writ of Habeas
26 Corpus. The Supplemental Petition is currently due September 12, 2017. This is the
27 third extension of time to file the Supplemental Petition.
28

1 This extension is necessary because there is a pending ex parte motion filed by the
 2 Petitioner to authorize expert witness fees to allow an expert to provide a forensic review
 3 of the computers and hard drives removed from the Petitioner's home. Therefore,
 4 additional time is necessary to obtain a decision by the Court on the motion and, if
 5 approved, to then have sufficient time for the expert to examine this evidence and provide
 6 an opinion to Petitioner's counsel. .
 7

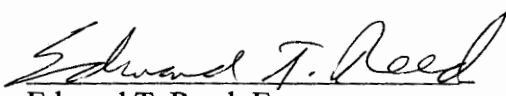
8 Pursuant to NRS 239B.030, the undersigned do hereby affirm that the preceding
 9 document does not contain the social security number of any person.

10 DATED this 11th day of September, 2017.
 11

12 Christopher Hicks
 13 Washoe County District Attorney

14 By: 
 15 Terrence McCarthy, Esq.
 16 Chief Appellate Deputy
 17 Washoe County District Attorney's Office
 18 P.O. Box 11130
 19 Reno, NV 89520
 (775) 328-3200

20 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

21 **ORDER**

22
 23 IT IS SO ORDERED this 13 day of September, 2017.
 24

25 
 26 DISTRICT JUDGE
 27
 28

Return Of NEF**Recipients**

ZELALEM BOGALE, ESQ. - Notification received on 2017-09-13 16:46:09.671.

JOHN PETTY, ESQ. - Notification received on 2017-09-13 16:46:10.42.

TERRENCE MCCARTHY, ESQ. - Notification received on 2017-09-13 16:46:10.373.

DIV. OF PAROLE & PROBATION - Notification received on 2017-09-13 16:46:10.545.

CHRISTINE BRADY, ESQ. - Notification received on 2017-09-13 16:46:09.734.

MICHAEL BOLENBAKER, ESQ. - Notification received on 2017-09-13 16:46:10.311.

EDWARD REED, ESQ. - Notification received on 2017-09-13 16:46:10.092.

REBECCA DRUCKMAN, ESQ. - Notification received on 2017-09-13 16:46:09.624.

MATTHEW LEE, ESQ. - Notification received on 2017-09-13 16:46:10.03.

CHRISTOPHER FREY, ESQ. - Notification received on 2017-09-13 16:46:09.78.

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Judge:

HONORABLE BARRY L. BRESLOW

Official File Stamp:

09-13-2017:16:45:08

Clerk Accepted:

09-13-2017:16:45:36

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

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STEPHEN SKINNER

CHRISTOPHER FREY, ESQ. for RODERICK
STEPHEN SKINNER

JOHN REESE PETTY, ESQ. for RODERICK
STEPHEN SKINNER

MICHAEL BOLENBAKER, ESQ. for STATE OF
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TERRENCE P. MCCARTHY, ESQ. for STATE
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EDWARD TORRANCE REED, ESQ. for
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1 CODE : 2777
2
3
4
56 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 THE STATE OF NEVADA,

13 Respondent.
1415 **RECOMMENDATION AND ORDER GRANTING MOTION FOR EXPERT WITNESS FEES**
16 **(POST CONVICTION)**


17 Counsel for the Petitioner has filed an Ex-Parte Motion For Authorization Of
18 Expert Witness Fees. In these pleadings, Petitioner, by and through counsel, Edward
19 T. Reed, Esq., moves this Court for an Order pre-authorizing expert witness fees for
20 forensic expert Tami Loehrs, of Loehrs and Associates in preparation for the
21 Defendant's criminal case. Counsel has requested an amount up to, but not to
22 exceed TEN THOUSAND DOLLARS (\$10,000.00) be approved.

23 The Administrator, having reviewed the Motion filed herein, and good cause
24 appearing;

25 IT IS HEREBY RECOMMENDED, pursuant to NRS 7.125 through 7.135, that the
26 Court certify the services requested as necessary to provide compensation that is
27 of unusual character and duration;
28

1 IT IS FURTHER RECOMMENDED that the amount up to, but not to exceed TEN
2 THOUSAND DOLLARS (\$10,000.00) be authorized for forensic expert Tami Loehrs of
3 Loehrs and Associates and shall be paid by the State Public Defender's Office upon
4 receipt of invoice for services provided.

5
6 Dated this 8 day of Sept., 2017.

7
8 
9 ROBERT C. BELL, ESQ., ADMINISTRATOR
10 COURT APPOINTED COUNSEL

11 Pursuant to the Nevada Supreme Court Order in ADKT 411 and the Second
12 Judicial District Court's Model Plan to address ADKT 411, good cause appearing and
13 in the interest of justice,

14 IT IS HEREBY ORDERED that the recommendations of the Administrator are
15 hereby confirmed, approved and adopted as to the amount of \$ 10,680. This
16 amount may not be the same as the Recommendation. Counsel is notified that
17 they may request a prove-up hearing for the non-approved amounts before the
18 Chief Judge of the District.

19 Tami Loehrs of Loehrs and Associates shall be reimbursed by the State Of
20 Nevada Public Defender's Office fees in the amount of \$ 10,680, upon receipt
21 of invoice for services provided.

22 DATED this 20 day of SEPTEMBER, 2017.

23
24 
25 CHIEF DISTRICT JUDGE
26
27
28

Return Of NEF**Recipients**

ZELALEM BOGALE, ESQ. - Notification received on 2017-09-20 11:49:58.642.

JOHN PETTY, ESQ. - Notification received on 2017-09-20 11:49:59.781.

TERRENCE MCCARTHY, ESQ. - Notification received on 2017-09-20 11:49:59.719.

DIV. OF PAROLE & PROBATION - Notification received on 2017-09-20 11:49:59.906.

CHRISTINE BRADY, ESQ. - Notification received on 2017-09-20 11:49:58.72.

MICHAEL BOLENBAKER, ESQ. - Notification received on 2017-09-20 11:49:59.656.

EDWARD REED, ESQ. - Notification received on 2017-09-20 11:49:58.939.

REBECCA DRUCKMAN, ESQ. - Notification received on 2017-09-20 11:49:58.58.

MATTHEW LEE, ESQ. - Notification received on 2017-09-20 11:49:58.861.

CHRISTOPHER FREY, ESQ. - Notification received on 2017-09-20 11:49:58.798.

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Judge:

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09-20-2017:11:48:53

Clerk Accepted:

09-20-2017:11:49:28

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

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STEPHEN SKINNER

CHRISTOPHER FREY, ESQ. for RODERICK
STEPHEN SKINNER

JOHN REESE PETTY, ESQ. for RODERICK
STEPHEN SKINNER

MICHAEL BOLENBAKER, ESQ. for STATE OF
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ZELALEM BOGALE, ESQ. - Notification received on 2017-10-26 08:19:49.234.

JOHN PETTY, ESQ. - Notification received on 2017-10-26 08:19:49.78.

TERRENCE MCCARTHY, ESQ. - Notification received on 2017-10-26 08:19:49.702.

DIV. OF PAROLE & PROBATION - Notification received on 2017-10-26 08:19:49.951.

CHRISTINE BRADY, ESQ. - Notification received on 2017-10-26 08:19:49.312.

MICHAEL BOLENBAKER, ESQ. - Notification received on 2017-10-26 08:19:49.624.

EDWARD REED, ESQ. - Notification received on 2017-10-26 08:19:49.546.

REBECCA DRUCKMAN, ESQ. - Notification received on 2017-10-26 08:19:49.156.

MATTHEW LEE, ESQ. - Notification received on 2017-10-26 08:19:49.483.

CHRISTOPHER FREY, ESQ. - Notification received on 2017-10-26 08:19:49.405.

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10-25-2017:16:45:01

Clerk Accepted:

10-26-2017:08:19:23

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

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STEPHEN SKINNER

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STEPHEN SKINNER

JOHN REESE PETTY, ESQ. for RODERICK
STEPHEN SKINNER

MICHAEL BOLENBAKER, ESQ. for STATE OF
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OF NEVADA

EDWARD TORRANCE REED, ESQ. for
RODERICK STEPHEN SKINNER

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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 (Fourth Request)

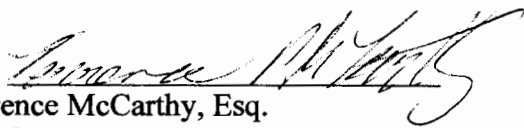
21 Petitioner RODERICK STEPHEN SKINNER, by and through his court-appointed
22 counsel Edward T. Reed, Esq., and the Respondent, by and through his counsel Terrence
23 McCarthy, Esq., Chief Appellate Deputy, Washoe County District Attorney's Office,
24 hereby stipulate to allow Petitioner's counsel an extension of 60 days to and including
25 January 12, 2018, in which to file the Supplement to the Petition for Writ of Habeas
26 Corpus. The Supplemental Petition is currently due November 13, 2017. This is the
27
28

fourth extension of time to file the Supplemental Petition. This extension is necessary to have time to resolve some issues involving the discovery in this case.

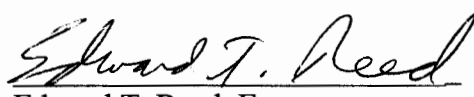
Pursuant to NRS 239B.030, the undersigned do hereby affirm that the preceding document does not contain the social security number of any person.

DATED this 13th day of November, 2017.

Christopher Hicks
Washoe County District Attorney

By: 
Terrence McCarthy, Esq.
Chief Appellate Deputy
Washoe County District Attorney's Office
P.O. Box 11130
Reno, NV 89520
(775) 328-3200

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

ORDER

IT IS SO ORDERED this 15TH day of November, 2017.

NO FURTHER
EXTENSIONS

WILL BE
GRANTED ABSENT
EXTRAORDINARY CAUSE.
BUT


DISTRICT JUDGE

Return Of NEF**Recipients**

ZELALEM BOGALE, ESQ. - Notification received on 2017-11-15 16:53:50.423.

JOHN PETTY, ESQ. - Notification received on 2017-11-15 16:53:54.495.

TERRENCE MCCARTHY, ESQ. - Notification received on 2017-11-15 16:53:53.419.

DIV. OF PAROLE & PROBATION - Notification received on 2017-11-15 16:53:54.667.

CHRISTINE BRADY, ESQ. - Notification received on 2017-11-15 16:53:51.281.

MICHAEL BOLENBAKER, ESQ. - Notification received on 2017-11-15 16:53:53.075.

EDWARD REED, ESQ. - Notification received on 2017-11-15 16:53:53.013.

REBECCA DRUCKMAN, ESQ. - Notification received on 2017-11-15 16:53:50.143.

MATTHEW LEE, ESQ. - Notification received on 2017-11-15 16:53:52.561.

CHRISTOPHER FREY, ESQ. - Notification received on 2017-11-15 16:53:51.437.

******* 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:

11-15-2017:16:51:14

Clerk Accepted:

11-15-2017:16:53:01

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

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STEPHEN SKINNER

MICHAEL BOLENBAKER, ESQ. for STATE OF
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EDWARD TORRANCE REED, ESQ. for
RODERICK STEPHEN SKINNER

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1 **CODE : 2777**
2
3
4
56 **THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
7 **IN AND FOR THE COUNTY OF WASHOE**
89 ***
1011 RODERICK STEPHEN SKINNER,
1213 Petitioner,
14Case No. : CR14-0644
1516 vs.
17Dept. No. : 8
1819 THE STATE OF NEVADA,
2021 Respondent.
22
23
24
25
26
2728 **RECOMMENDATION AND ORDER FOR PAYMENT OF INTERIM ATTORNEY'S FEES**
29 **(POST CONVICTION)**
3031 The Administrator, having reviewed the Claim for Compensation submitted
32 by Edward T. Reed, Esq., for the representation of Petitioner, and the Court having
33 previously entered an Order finding this case to be appropriate for waiver of the
34 \$750.00 statutory cap pursuant to NRS 7.125(4),
3536 This Administrator recommends that the Chief Judge of the Second Judicial
37 District Court find that the time expended was necessary and reasonable to handle
38 the recent issues in this matter and represent Petitioner's interests.
3940 This Administrator further recommends that the Chief Judge of the Second
41 Judicial District Court approve the payment of interim fees in the amount of FIVE
42 THOUSAND ELEVEN DOLLARS AND FIFTY TWO CENTS (\$5,011.52) made payable to
43

Edward T. Reed, Esq., and paid by the State of Nevada Public Defender's Office.

Dated this 7 day of Nov., 2017.


ROBERT C. BELL, ESQ., ADMINISTRATOR
COURT APPOINTED COUNSEL

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

IT IS HEREBY ORDERED that the recommendations of the Administrator are hereby confirmed, approved and adopted as to the amount of \$ 5,011⁵². This amount may not be the same as the Recommendation. Counsel is notified that they may request a prove-up hearing for the non-approved amounts before the Chief Judge of the District.

Counsel, Edward T. Reed, Esq., shall be reimbursed by the State Of Nevada Public Defender's Office fees in the amount of \$ 5,011⁵².

DATED this 21 day of November 2017.


CHIEF DISTRICT JUDGE

Return Of NEF**Recipients**

ZELALEM BOGALE, ESQ. - Notification received on 2017-11-21 13:30:25.02.
JOHN PETTY, ESQ. - Notification received on 2017-11-21 13:30:25.519.
TERRENCE MCCARTHY, ESQ. - Notification received on 2017-11-21 13:30:25.441.
DIV. OF PAROLE & PROBATION - Notification received on 2017-11-21 13:30:25.644.
CHRISTINE BRADY, ESQ. - Notification received on 2017-11-21 13:30:25.082.
MICHAEL BOLENBAKER, ESQ. - Notification received on 2017-11-21 13:30:25.363.
EDWARD REED, ESQ. - Notification received on 2017-11-21 13:30:25.285.
REBECCA DRUCKMAN, ESQ. - Notification received on 2017-11-21 13:30:24.942.
MATTHEW LEE, ESQ. - Notification received on 2017-11-21 13:30:25.207.
CHRISTOPHER FREY, ESQ. - Notification received on 2017-11-21 13:30:25.145.

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

Judge:

HONORABLE BARRY L. BRESLOW

Official File Stamp:

11-21-2017:13:29:25

Clerk Accepted:

11-21-2017:13:29:55

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. BAnderson

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NEVADA

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OF NEVADA

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6 (775) 996-0687

7 *ATTORNEYS FOR PETITIONER*

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

10
11 RODERICK STEPHEN SKINNER,

12
13 Petitioner,

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14 vs.

Dept. No. 8

15
16 ISIDRO BACA, WARDEN, NORTHERN
17 NEVADA CORRECTIONAL CENTER.

18 Respondent.
19 _____ /

20 **SUPPLEMENTAL PETITION FOR WRIT OF HABEAS CORPUS**
21 **(Post Conviction)**

22 The Petitioner, RODERICK STEPHEN SKINNER (hereinafter "Mr. Skinner"),
23 by and through his counsel Edward T. Reed, Esq, hereby files this supplemental petition
24 for writ of habeas corpus. This supplemental petition hereby incorporates the
25 Petition for Writ of Habeas Corpus (original petition) filed by Mr. Skinner on July 13,
26 2016, which was re-filed at the Court's direction on October 7, 2016, to add the
27 verification. This supplemental petition is also based on the Declaration of
28 Roderick Skinner, attached hereto as **Exhibit 1**, and the declaration of Tami Loehrs,

1 attached hereto as **Exhibit 3**. The supplemental petition does not supplant the
2 original petition but merely supplements it.

3
4 **STATEMENT OF THE CASE**

5 On February 5, 2014, the State filed a criminal complaint against Mr. Skinner
6 alleging ten counts of promotion of a sexual performance of a minor, in violation of NRS
7 200.720, ten counts of possession of visual pornography of a person under the age of 16
8 years, in violation of NRS 200.730, and one count of misuse of encryption, a violation of
9 NRS 205.486. On April 10, 2014, an amended criminal complaint was filed against Mr.
10 Skinner which alleged the same charges. On May 6, 2014, Mr. Skinner signed a waiver
11 of preliminary hearing in which he agreed to plead guilty to one count of promotion of
12 the sexual performance of a minor over 14 years of age, in violation of NRS 200.720. On
13 the same day the State filed an information in district court alleging the same charge. On
14 May 27, 2014, Mr. Skinner signed a guilty plea memorandum agreeing to plead guilty to
15 the charge and acknowledging that he could be sentenced to life in prison with eligibility
16 for parole after five years, with probation a possibility. Mr. Skinner was arraigned on
17 May 27, 2014, and plead guilty to the charge.

18 Mr. Skinner's sentencing hearing took place over several days on August 21,
19 2014, August 26, 2014, and September 4, 2014. He was sentenced by the Court to life
20 with the possibility of parole after five years on September 4, 2014. Probation was
21 denied. His conviction was appealed by his counsel, the Washoe County Public
22 Defender, and on July 24, 2015, his appeal was denied by the Nevada Supreme Court in
23 case no. 66666. On July 16, 2016, Mr. Skinner filed a timely petition for writ of habeas
24 corpus. The fourteen grounds in the original petition are well founded on specific
25 allegations of ineffective assistance of his trial and appellate counsel.
26
27
28

STATEMENT OF FACTS

On July 21, 2013, Mr. Skinner was arrested after a complaint alleging open and gross lewdness involving two underage girls who had been in his apartment and allegedly witnessed Mr. Skinner exposing himself to the girls while watching adult women pole dancing on his laptop computer. This resulted in a criminal complaint being filed for open and gross lewdness in case CR13-1601, which was dismissed as part of the plea agreement in the present case. A search warrant was issued in conjunction with the lewdness case, and Mr. Skinner's computers and other items from the apartment were seized on July 23, 2013. After a subsequent search warrant was issued, the Washoe County Sheriff's office allegedly found evidence of child pornography and a file sharing program on the computer. This resulted in the charges in the present case.

After his arrest Mr. Skinner was assigned the Washoe County Public Defender as his counsel, Chris Frey, Deputy Public Defender. At the time of his arrest, Mr. Skinner, an Australian national, was temporarily in this country and had been living in an apartment in Sparks for about 6 months with his two year old daughter, waiting for a certain amount of time so his dog would not have to go through quarantine once he got to Australia. See paragraph 4 of **Exhibit 1**, declaration of Roderick Skinner. He was a former police officer in Australia and was injured in the line of duty in a motorcycle accident. As a result of the accident, he became a double amputee which left him in a wheel chair. As a double amputee, he suffers from phantom nerve pain that can cause excruciating pain without sufficient pain medication. See **Exhibit 1**, para. 2. He also suffers from Crohn's disease and had cancer while incarcerated, which had to be removed in an operation. See, **Exhibit 1**, para. 3.

During the period he was in the Washoe County jail awaiting his trial or guilty plea, he was constantly under-medicated to the point that he was often in serious and debilitating pain. See **Exhibit 1**, paragraph 6, He ended up pleading guilty to one count

1 of promotion of the sexual performance of a minor, in violation of NRS 200.720 and
2 NRS 200.750. However, he has maintained his innocence of these charges from the
3 beginning. See **Exhibit 1**, para. 9. He ended up receiving a life term, with the
4 possibility of parole after 5 years. Mr. Skinner stated in his declaration, paragraph 9, as
5 follows:

6
7 I signed up for the deal not because I was guilty of file sharing of child
8 pornography, but for three reasons: (1) because I was told I would be
9 deported if I entered into this agreement; (2) that if I was out of the Washoe
10 County jail I could receive adequate medical treatment in Australia and
11 alleviate the horrific pain I was in; and (3) because of the long possible
12 sentence that I was subject to under the original charges, with Mr. Frey
13 telling me I was subject to possibly 10 life sentences. I believed that to get
14 this probation, I had to admit to the charge and show contrition. Just before I
15 entered a plea moments before appearing before the Judge, I spoke to Mr.
16 Frey and he told me to just agree to everything the Judge said and I would get
17 probation.

18 Mr. Skinner's counsel filed an appeal of his conviction, with the sole issue being
19 whether not granting probation was acceptable under the circumstances of this case.
20 After the appeal was dismissed, Mr. Skinner filed a timely petition for writ of habeas
21 corpus on July 13, 2016. A subsequent and identical petition was allowed to be filed with
22 the Court on October 7, 2016, after the Court ordered that a petition be filed that had the
23 requisite verification.

24 After the undersigned counsel filed and the Court approved an exparte motion for
25 funds for expert witness Tami Loehrs to review the computer evidence against Mr.
26 Skinner, it was determined that the original evidence had been destroyed by the Washoe
27 County Sheriff's office and Sgt. Carry, making it impossible for Ms. Loehrs to review the
28 evidence. See **Exhibit 2**, correspondence including a letter and emails between Terrence
McCarthy, Chief Appellate Deputy, and the undersigned counsel, in which Mr. McCarthy
tells the undersigned counsel that he was informed by Detective Carry that all of the

1 evidence of the forensic images on Mr. Skinner's computer, which formed the basis for
2 the child pornography and promotion of the sexual performance of a minor charges, has
3 been destroyed or lost, and is no longer available to be reviewed. See also, **Exhibit 3**,
4 declaration of Tami Loehrs.

5 This loss of evidence goes against the requirements in the field of certified
6 computer forensic examiners to preserve evidence for anticipated criminal litigation. See
7 paragraph 17 of **Exhibit 3**, Declaration of Tami Loehrs. Ms. Loehrs states that all of the
8 certifications in the field require training on evidence preservation, namely to create two
9 forensic images of all original electronic evidence seized, one for the purpose of
10 conducting the forensic examination and a second image to be maintained as backup. Id.
11 These should be placed in an evidence locker and maintained years after a matter has
12 concluded due to appeals and other litigated issues. Id.

13 Ms. Loehrs examined all of the reports and documentation from Detective Carry's
14 investigation of the laptop computer hard drive. See **Exhibit 3**, para. 5. Ms. Loehrs
15 noted in her declaration that Sgt. Carry stated in his report that he found "evidence of
16 pornography and pornography viewing" but that further examination was necessary.
17 **Exhibit 3**, para. 7. She listed in paragraph 12 of her declaration several problems with
18 the evidence as follows:

19
20 [T]here is no evidence to determine the origin of the files, where
21 they were located on the computer, when they were created, how long they
22 existed before being deleted, whether they were ever opened or viewed,
23 whether or not a user even knew of their existence or who was at the
24 keyboard during any activity surrounding the files.

25 It appears that a full investigation regarding the files allegedly on Mr. Skinner's
26 computer was never completed, but the charges were based on an initial cursory
27 investigation only. In the present case, after the appeal in his case had concluded, Mr.
28

1 Skinner filed a timely petition for writ of habeas corpus in which the validity of the test
2 results of the forensic images on Mr. Skinner's computer were clearly at issue.

3
4 **GROUND ONE OF SUPPLEMENTAL PETITION**

5
6 **THE FAILURE OF THE STATE TO PRESERVE THE EVIDENCE**
7 **PERTAINING TO THE ALLEGATIONS OF CHILD PORNOGRAPHY AND**
8 **FILE SHARING IS A VIOLATION OF MR. SKINNER'S RIGHT TO DUE**
9 **PROCESS OF LAW, IN VIOLATION OF THE FOURTEENTH AMENDMENT**
10 **TO THE UNITED STATES CONSTITUTION.**

11 The fact that the Washoe County Sheriff's Office destroyed the evidence of the
12 forensic images from the hard drive of Mr. Skinner's computer and anything that could
13 be reviewed by Mr. Skinner's expert, Tami Loehrs, demonstrates that Mr. Skinner's due
14 process rights to fully pursue his habeas corpus petition have been violated. Under the
15 Due Process Clause of the Fourteenth Amendment, criminal prosecution must comport
16 with prevailing notions of fundamental fairness. *California v. Trombetta*, 467 U.S. 479,
17 485, 104 S.Ct. 2528, 2532. While the present action is not a criminal prosecution per se,
18 but a habeas corpus action alleging ineffective assistance of counsel at the trial stage
19 resulting in a plea, it is a continuation of the defense of Mr. Skinner pursuant to law and,
20 as such, the same considerations regarding lost evidence in criminal prosecutions should
21 apply here.

22 In *Arizona v. Youngblood*, 488 U.S. 51, 57-58, 109 S. Ct. 333, 102 L Ed. 2d 281,
23 (1988), the United States Supreme Court held that the defendant must demonstrate that
24 the government acted in bad faith in failing to preserve the potentially useful evidence.
25 In *United States v. Zaragoza-Moreira*, 780 F.3d 971 (9th Cir. 2015), the Ninth Circuit
26 stated as follows: "Potentially useful evidence, as defined in *Youngblood*, is 'evidentiary
27 material of which no more can be said than that it could have been subjected to tests, the
28

1 results of which might have exonerated the defendant' *Youngblood*, 488 U.S. at 57." In
2 the present case, the declaration of Tami Loehrs demonstrates that the evidence that has
3 been destroyed could have been subjected to tests, the results of which might have
4 exonerated Mr. Skinner.

5 Some Nevada cases are also illustrative. In *Crockett v. State*, 95 Nev. 580, 582,
6 600 P. 2d 214, 216 (1979), the Nevada Supreme Court held that the test for reversal
7 based on lost evidence requires that the defendant show either bad faith or connivance on
8 the part of the government or prejudice from its loss. In *Leonard v. State*, 114 Nev. 639,
9 958 P. 2d 1220 (1998), the Nevada Supreme Court held that "if the state fails out of gross
10 negligence to gather material evidence, a defendant is entitled to a presumption that the
11 evidence would have been unfavorable to the state, and in cases of bad faith, dismissal of
12 the charges may be an available remedy. *Daniels v. State*, 956 P.2d 111 (1998)."

13 In the present case, the State both failed to gather evidence, which is to complete
14 a full investigation as outlined by Tami Loehrs, and also lost the evidence of the hard
15 drive and forensic images that could have exonerated Mr. Skinner. The requirements of
16 the Evidence Section of the Washoe County Sheriff's Office are attached as **Exhibit 4**,
17 and have extensive requirements as to chain of custody and packaging. At a minimum
18 the loss or destruction of the evidence in this case rises to the level of gross negligence,
19 and because of the clear violation of the professional standards relating to preservation of
20 the forensic images as outlined in the declaration of Tami Loehrs, and the requirements
21 of the Washoe County Sheriff's Office pertaining to evidence handling, Mr. Skinner
22 asserts that a prima facie case for bad faith or connivance on the part of the State has been
23 demonstrated and Mr. Skinner is entitled to a hearing as to this issue.

24 Mr. Skinner also asserts that prejudice can be demonstrated by the loss of this
25 evidence. In *Sparks v. State*, 104 Nev. 316, 759 P.2d 180 (1988), a gun that was a piece
26 of evidence in a murder case was disposed of by the State prior to the trial and never
27 tested by the State for blood, hair, or fingerprints. Without any proof that the tests would
28

1 have benefitted the defendant in the case, the Court ruled that had the defendant been able
2 to test the gun, they may have found evidence that benefitted the defense, and the Court
3 reversed the conviction.

4 In the present case, Mr. Skinner plead guilty based on the representations of his
5 counsel that the investigation of the computer revealed such strong evidence against him
6 that he would receive ten life terms if he did not enter a plea to one count of promotion of
7 a sexual performance of a minor. Had a complete investigation been done of the
8 computer and the matters listed by Tami Loehrs had been fully considered, he alleges that
9 the evidence would not have shown he had knowing possession of images of child
10 pornography or conducted any file sharing of any such images. However, since the State
11 has destroyed this evidence out of gross negligence and/or bad faith, he can never prove
12 this assertion. As such, his constitutional right to due process of law under the fourteenth
13 amendment has been violated and he is entitled to a hearing and reversal of his
14 conviction.

15
16 **GROUND TWO OF SUPPLEMENTAL PETITION**

17
18 **MR. SKINNER'S COUNSEL'S REPRESENTATION FELL BELOW AN**
19 **OBJECTIVE STANDARD OF REASONABLENESS IN THAT MR. SKINNER'S**
20 **PLEA WAS BASED ON A PROMISE HE WOULD RECEIVE PROBATION**
21 **AND, THEREFORE, WAS NOT VOLUNTARY, BECAUSE IT WAS MADE**
22 **WITHOUT A FULL UNDERSTANDING OF THE CONSEQUENCES OF THE**
23 **PLEA. THE PLEA WAS ALSO BASED ON MEDICAL DURESS OF MR.**
24 **SKINNER.**

25 Mr. Skinner alleges ineffective assistance of counsel by his counsel Mr. Frey, in
26 violation of his 6th and 14th Amendment right to effective assistance of counsel. In
27 *Strickland v. Washington*, 466 U.S. 668, 80 L.Ed. 2d 674, 687, 104 S.Ct. 2052 (1984), the
28 United States Supreme Court held that to prevail on an ineffective assistance of counsel

1 claim, the defendant must demonstrate that his counsel's performance was deficient, and
2 that the deficient performance prejudiced the defendant. *See also, Hill v. Lockhart*, 474
3 U.S. 52, 88 L.Ed. 2d 203, 106 S.Ct. 366, 370-1 (1985); *United States v. Jeronimo*, 398
4 F.3d 1149 (9th Cir. 2005).

5 In *Avery v. State*, 122 Nev. 278, 129 P.3d 664, 669 (2006), the Nevada Supreme
6 Court held that with regard to an ineffective assistance of counsel claim involving a
7 guilty plea, the Petitioner must prove that there is a reasonable probability that, but for
8 counsel's errors, petitioner would not have pleaded guilty and would have insisted on
9 going to trial. The allegations above demonstrate that Mr. Frey did not adequately
10 represent Mr. Skinner and that Mr. Frey's representation fell below an objective standard
11 of reasonableness, thereby prejudicing Mr. Skinner.

12 In the present case Mr. Skinner has alleged that Mr. Frey misrepresented the deal
13 he would receive. See **Exhibit 1**, para. 7. Clearly Mr. Skinner would not have plead
14 guilty but for the misrepresentations by his counsel that he would definitely receive
15 probation, and, therefore, he was prejudiced by the ineffectiveness of his counsel. Mr.
16 Skinner was not from this country and was unfamiliar with the legal system and,
17 therefore, he relied on what his counsel told him. Had Mr. Skinner known that he would
18 not receive probation, he would have not taken the deal and would have gone to trial.

19 Mr. Skinner was also under extreme medical duress in that he had been in
20 extreme pain with numerous medical problems. He told Mr. Skinner on the morning of
21 the plea and numerous times in the weeks preceding the entry of the plea that he had to
22 enter this plea to get out of the jail in order to receive proper medical treatment in
23 Australia.

24 As noted in the Statement of Facts, Mr. Skinner believed, based on what his
25 counsel told him, that he would receive probation and be deported to Australia by taking
26 the plea of one count of the promotion of a sexual performance of a minor. The Ninth
27 Circuit Court of Appeals has held that "a plea agreement must be knowing and voluntary,
28

1 which requires that ‘the defendant possess[] an understanding of the law in relation to
2 the facts.’” (Emphasis added.) (Citation omitted.) *U.S. v. Jones*, 472 F.3d 1136 (9th Cir.
3 2007).

4 For all the foregoing reasons, Mr. Skinner’s counsel was ineffective and
5 prejudiced Mr. Skinner. Mr. Skinner is entitled to have his guilty plea withdrawn and a
6 reversal of his conviction.

7 8 **RIGHT TO AN EVIDENTIARY HEARING**

9 Mr. Skinner requests that a hearing be set in this matter to consider the allegations
10 in this supplement and in his original petition. In *Mann v. State*, 118 Nev. 351, 354, 46
11 P.3d 1228 (2002), the Court held a petitioner has a right to a post-conviction evidentiary
12 hearing when he asserts claims supported by specific factual allegations not belied by the
13 record that, if true, would entitle him to relief. The specific grounds for relief enumerated
14 in the original petition and in this supplemental petition are not belied by the record and,
15 if true, would entitle him to relief and a reversal of the charges. Therefore, Mr. Skinner is
16 entitled to a hearing on his claims.

17 **Pursuant to NRS 239B.030**, the undersigned does hereby affirm that the
18 preceding document does not contain the social security number of any person.

19 DATED this 12th day of January, 2018.

20
21 /s/ Edward T. Reed

22 EDWARD T. REED, ESQ.
23 EDWARD T. REED, PLLC
24 Nevada State Bar No. 1416
25 P.O. Box 34763
26 Reno, NV 89533-4763
27 (775) 996-0687
28 Attorney for Petitioner

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CERTIFICATE OF SERVICE

I hereby certify that I am an employee of Edward T. Reed, PLLC, who represents the Petitioner in this matter, and that on this date I electronically filed the foregoing with the Clerk of the Court by using the ECF system which will send a notice of electronic filing to the following:

Terrence P. McCarthy, Appellate Deputy
Washoe County District Attorney's Office

DATED this 12th day of January, 2018.

/s/ Edward T. Reed
Edward T. Reed

LIST OF EXHIBITS

<u>Exhibit no.</u>	<u>Pages</u>
1. Declaration of Roderick Skinner	4
2. Correspondence	4
3. Declaration of Tami Loehrs	25
4. Washoe County Sheriff Evidence Section rules	6

EXHIBIT 1

EXHIBIT 1

1 1520
2 EDWARD T. REED, ESQ.
3 EDWARD T. REED, PLLC
4 Nevada State Bar No. 1416
5 P.O. Box 34763
6 Reno, NV 89533-4763
7 (775) 996-0687
8 ATTORNEY FOR PETITIONER

9
10 **IN THE SECOND JUDICIAL DISTRICT COURT FOR THE STATE OF NEVADA**
11 **IN AND FOR THE COUNTY OF WASHOE**
12

13 RODERICK SKINNER,

14 Petitioner,

Case No. CR14-0644

15 vs.

Dept. No. 8

16 ISIDRO BACA, WARDEN, NORTHERN
17 NEVADA CORRECTIONAL CENTER.

18 Respondent.
19 _____/

20 **DECLARATION OF RODERICK SKINNER**

21 I, Roderick Skinner, declare under penalty of perjury as follows:

- 22 1. I was a police officer in Queensland, Australia until a motorcycle accident
23 while on duty in Australia. The result of the accident was that I lost both of
24 my legs, and I am now confined to a wheel chair for the rest of my life.
- 25 2. I suffer from phantom nerve pain from my lost limbs which can be
26 excruciating if I am not on sufficient medication.
- 27 3. I also suffer from Crohn's disease, and I had cancer on my neck while in the
28 Washoe County jail, which had to be removed through an operation while in
custody.
4. I arrived in this country in January, 2013, on my way to Australia from
Vietnam. I did this because I had a dog, and I did not have to quarantine the

1 dog in the United States. If I stayed in this country for 6 months, I could
2 proceed to Australia and not quarantine the dog when I got to Australia. If I
3 had come directly from Vietnam to Australia I would have had to quarantine
4 my dog for 6 months after arriving in Australia.

5 5. I was arrested at my apartment in Sparks, Nevada, on or about July 21, 2013,
6 for a charge of open and gross lewdness. After my arrest I was appointed the
7 Washoe County Public Defender and Chris Frey, Deputy Public Defender, as
8 my counsel.

9 6. At the Washoe County Jail, I struggled greatly during the time that I was
10 there, which was 411 days, because the jail did not sufficiently treat my
11 phantom nerve pain. Formerly at the prison I received 2400 milligrams a
12 day of neurontin pain medication, but at the jail, I was only receiving about
13 600 milligrams a day. The jail would frequently run out of medication
14 without notice, which often left me in horrific pain, for which I would
15 contemplate suicide because it was that bad. This lack of proper medical
16 treatment as well as some abuse I suffered at the hands of the staff at the jail
17 is the subject of a pending federal lawsuit.

18 7. My attorney Mr. Frey was all about trying to obtain a settlement, and never
19 went into much detail about the charges. The settlement proposal was a plea
20 to one count of promotion of a sexual performance of a minor, in violation of
21 NRS 200.720. Mr. Frey told me that if I took the deal, I would get probation
22 and be deported. He gave me a copy of NRS 200.720, but not NRS 200.700.

23 8. Mr. Frey had the agents from "ICE" come out to the jail twice to visit me
24 regarding deportation prior to my sentencing, which made me believe that
25 receiving probation and being deported to Australia was a done deal. He told
26 me, if you sign up for this deal, you will be deported.
27
28

1 9. I signed up for the deal not because I was guilty of file sharing of child
2 pornography, but for three reasons: (1) because I was told I would be
3 deported if I entered into this agreement; (2) that if I was out of the Washoe
4 County jail I could receive adequate medical treatment in Australia and
5 alleviate the horrific pain I was in; and (3) because of the long possible
6 sentence that I was subject to under the original charges, with Mr. Frey
7 telling me I was subject to possibly 10 life sentences. I believed that to get
8 this probation, I had to admit to the charge and show contrition. Just before I
9 entered a plea moments before appearing before the Judge, I spoke to Mr.
10 Frey and he told me to just agree to everything the Judge said and I would get
11 probation.

12 10. When I was previously in Thailand, I had installed a used hard drive in my
13 computer in 2010. This computer had been previously owned by another
14 person, and I did not know that child pornography may have been on the
15 computer. I also did not know that a file sharing program that could
16 allegedly share child pornography may have been on this computer. I had
17 previously used a file sharing program, lime wire, for downloading music, but
18 during the time I was in Washoe County, I never downloaded any music or
19 anything else, to my knowledge. If there were any child pornography images
20 on my computer, I was not aware of them, and did not knowingly download
21 any.

23 I declare under penalty of perjury that the foregoing is true and correct.

24 Executed on this 12TH day of JANUARY, 2018.

26 Rod Skinner.

27 RODERICK SKINNER

EXHIBIT 2

EXHIBIT 2

V4. 518

Subject: RE: SKINNER CASE
From: McCarthy, Terrence (tmccarthy@da.washoecounty.us)
To: etreed53@yahoo.com;
Date: Thursday, December 7, 2017 10:19 AM

I heard from Detective Carey. He does not have the computer or any component of the computer.

Terry

From: Edward Reed [mailto:etreed53@yahoo.com]
Sent: Tuesday, November 28, 2017 9:13 AM
To: McCarthy, Terrence <tmccarthy@da.washoecounty.us>
Subject: Re: SKINNER CASE

Hi Terry,

I am inquiring about the status of the evidence in the possession of Detective Carry, the forensic images from Mr. Skinner's computer. Originally I wanted to set up a time when our expert, Tami Loehrs, could examine this evidence and emailed you in early October to set up a time when she could examine the evidence at the WCSO. As I understand it she would examine a copy of what was on Mr. Skinner's computer. You emailed me around October 11 that you checked with Detective Carry and that he did not know what was still available and probably got rid of the original equipment. On November 9 you emailed me that you would check with Detective Carry the following week. Its now been nearly 3 weeks since that email. The deadline on filing a supplemental petition is January 12, 2018, and the Court stated that no additional extensions would be allowed absent extraordinary circumstances. So since time is of the essence, I do need an answer as soon as possible as to whether or not this evidence exists to set up a time when Ms. Loehrs or her assistant can come to Reno to review it.

So if you would please let me know by the end of this week whether or not that evidence is still available. If I do not hear from you by that time, I will go forward and assume the evidence is not still available. Thank you for your assistance in this matter.

Ned

V4. 519

From: "McCarthy, Terrence" <tmccarthy@da.washoecounty.us>
To: 'Edward Reed' <etreed53@yahoo.com>
Sent: Wednesday, October 11, 2017 2:41 PM
Subject: RE: SKINNER CASE

I talked to detective Carry just moments ago. He does not know what is still available. His server crashed a few years ago. He probably got rid of the original equipment. He is going to check on it and let me know. When he does, I'll let you know.

Terry

From: Edward Reed [<mailto:etreed53@yahoo.com>]
Sent: Wednesday, October 11, 2017 2:40 PM
To: McCarthy, Terrence <tmccarthy@da.washoecounty.us>
Subject: SKINNER CASE

Subject: Re: SKINNER CASE

Hi Terry,

The case number is CR14-0644. The assistant to Ms. Loehrs, Jen Snodgrass, told me that her office can arrange the viewing of the forensic images. They have done it a number of times, and would contact the detective/Sheriff's office directly to arrange this.

Ms. Loehrs examined Detective Carry's reports and all of the documentary evidence upon which the reports were based, which I sent to her, and she believed there were some questions regarding whether Mr. Skinner actually had these images in his possession during the period of time stated in the information. She also had some concerns or questions as to Detective Carry's conclusions. So based on that she wanted to examine the evidence herself. Ms. Loehrs conclusions were presented to the court, which granted the funds based on that. So if we just have Ms. Loehrs office set it up, this would obviously make it a lot easier on you and I. The available dates that Ms. Bush from Ms. Loehrs office could come up here are October 16-17, October 30--Nov. 1, November 7-9, 20-21, and 27-30. Please let me know if you have any questions or would like to see any documentation. Thanks.

Ned

Edward T. "Ned" Reed, Esq. EDWARD T. REED, PLLC P.O. Box 34763 Reno, NV 89533-4763 Office: 775.996.0687
Fax: 775.333.0201

From: Edward Reed <etreed53@yahoo.com>
To: "McCarthy, Terrence" <tmccarthy@da.washoecounty.us>
Sent: Tuesday, October 10, 2017 11:00 AM
Subject: Re: SKINNER CASE

Thanks Terry.

Edward T. "Ned" Reed, Esq.

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 6, 2017

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

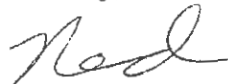
Re: Skinner v. State, CR14-0644

Dear Terry:

This letter is to confirm based on recent emails with you that the evidence in the Skinner case which implicates Mr. Skinner in the charges against him of promotion of a sexual performance of a minor and possession of child pornography has been destroyed, lost or otherwise rendered unavailable to be reviewed by our expert, Ms. Tami Loehrs. This evidence involves Mr. Skinner's computer(s) and the forensic images from that computer on the computer or on a copy of the hard drive. In my last email to you on November 28, 2017, I had asked you to get back to me by the end of that week regarding the status of the evidence after speaking with Detective Carry or I would assume that the evidence was no longer available. Since I have not heard from you, I am confirming my assumption.

If this letter is not correct and the evidence is still available to be reviewed, please contact me as soon as possible so we can arrange to examine it. Thank you.

Sincerely,



Edward T. Reed, Esq.
EDWARD T. REED, PLLC

Cc: Roderick Skinner

EXHIBIT 3

EXHIBIT 3

DECLARATION

I, TAMI L. LOEHRS, hereby declare as follows:

1. I am a computer forensics expert and owner of Loehrs & Associates, LLC (formerly Law2000, Inc.) a firm specializing in computer forensics. My offices are located at 3037 West Ina, Suite 121, Tucson, Arizona 85741. I am competent to testify and the matters contained herein are based on my own personal knowledge.
2. I have been working with computer technology for over 25 years and I hold a Bachelor of Science in Information Systems. I have completed hundreds of hours of forensics training including courses with Guidance Software and Access Data. I am an EnCase Certified Examiner (EnCE), an Access Data Certified Examiner (ACE), a Certified Computer Forensic Examiner (CCFE) and a Certified Hacking Forensic Investigator (CHFI). I have conducted hundreds of forensics exams on thousands of pieces of evidence including hard drives, cell phones, removable storage media and other electronic devices. I have conducted seminars on Computer Forensics and Electronic Discovery throughout the United States. In addition, I hold a Private Investigator Agency License in the State of Arizona which requires a minimum of 6,000 hours investigative experience. My Curriculum Vitae is attached hereto and current versions may be downloaded from the Loehrs & Associates website at www.ForensicsExpert.net.
3. I have been hired as a computer forensics expert for the defense on over 400 child exploitation cases throughout the United States and internationally since the year 2000 including numerous cases in the State of Nevada. I have testified over one-hundred times in State, Federal and international Courts. My work has contributed to more than eighty (80) dismissals, several not guilty verdicts as well as numerous plea offers with non-sex offender probation only sentences.

4. I have been retained as a computer forensics expert by Ned Reed, counsel for Defendant Roderick Skinner, for the purpose of assisting with matters related to the searching, collecting, analyzing and producing of electronic evidence in this matter.

5. I have reviewed discovery materials produced in this matter including, but not limited to, Affidavit for Search Warrant prepared by Michael Brown on October 1, 2013, Northern Nevada Cyber Center Digital Evidence Report Narrative prepared by Sgt. Dennis Carry on November 1, 2013, Curriculum Vitae of Dennis Carry, Washoe County Sheriff's Office Declaration of probable Cause dated January 31, 2014, Judgment of Conviction dated September 10, 2014 and Petition for Writ of Habeas Corpus dated July 13, 2016.

6. According to the Affidavit for Search Warrant, numerous items were seized from Mr. Skinner's residence in July, 2013, including, but not limited to, a Toshiba laptop computer, Hitachi external hard drive, Seagate external hard drive, Samsung external hard drive, and two Buffalo external hard drives. Those items were delivered to Sgt. Carry on October 2, 2013.

7. According to the Digital Evidence Narrative Report, on October 28, 2013, Sgt. Carry conducted an **initial preview examination** of the Toshiba Laptop computer and noted "evidence of pornography and pornography viewing" but indicates further examination is necessary. Sgt. Carry's preliminary examination findings document that the computer was registered to "Mike" with four different user accounts for Mike, Rod, Sophie and Sophie2 but provides no forensic evidence or information regarding dates and times the computer or the accounts were created, when they were used or by whom. He notes that file sharing software was installed in February, 2012 and child pornography was downloaded but further analysis would be conducted after obtaining an additional warrant. He indicates files were located within user created folders but provides no information about the users or the folders. He indicates Internet history revealed websites consistent with child sexual abuse but provides no actual

website URLs, dates, times, user accounts or other information regarding this activity. Two days later, on October 30, 2013, Sgt. Carry created a forensic image of the hard drive which was successfully verified by hash value.

8. On May 27, 2014, Mr. Skinner entered a plea of guilty of the crime of Promotion of a Sexual Performance of a Minor. Mr. Skinner subsequently filed a Petition for Writ of Habeas Corpus claiming that he accepted the plea due to medical distress.

9. On or about September 20, 2017, my services were authorized by the Court for the purpose of conducting an independent computer forensics examination of the evidence seized from Mr. Skinner. Arrangements were being made for that independent examination to be conducted at the Washoe County Sheriff's Office.

10. On October 11, 2017, the status of the evidence was updated in the following email:

From: "McCarthy, Terrence" <tmccarthy@da.washoecounty.us>
To: 'Edward Reed' <etreed53@yahoo.com>
Sent: Wednesday, October 11, 2017 2:41 PM
Subject: RE: SKINNER CASE

I talked to detective Carry just moments ago. He does not know what is still available. His server crashed a few years ago. He probably got rid of the original equipment. He is going to check on it and let me know. When he does, I'll let you know.
 Terry

11. As of the writing of this Affidavit, the evidence remains unavailable for my independent examination which is critical to Mr. Skinner's defense and the issues he has raised. Although Sgt. Carry conducted a preliminary review of the evidence and formulated his own conclusions, he provides no forensic data that can be reviewed to corroborate or refute his conclusions and even he indicates that "further analysis of the computer is necessary to locate additional evidence to either clear or incriminate Skinner."

12. Based on his limited review of the evidence, Sgt. Carry concludes that Roderick Skinner was the user on numerous occasions while child pornography was being downloaded but he provides no forensic evidence or proof in this regard. On the contrary, he indicates the computer was registered to someone named "Mike" and contains four different user accounts but provides no forensic evidence or information regarding any of the other possible users. Sgt. Carry opines that child pornography files exist in an unknown encrypted volume that he cannot find nor access but again provides no forensic evidence or proof of the alleged encrypted volume or the child pornography within. Sgt. Carry indicates files were "carved from unallocated space" but files in unallocated space typically do not maintain any associated metadata such as the file name, file path or dates and times the files were created, modified or last accessed. As such, there is no evidence to determine the origin of the files, where they were located on the computer, when they were created, how long they existed before being deleted, whether they were ever opened or viewed, whether or not a user even knew of their existence or who was at the keyboard during any activity surrounding the files. The only thing that can be said about files recovered from unallocated space is that they existed on the hard drive at one time, which sometimes occurs prior to the current owner's possession of the hard drive.

13. Because data may reside on a computer without the user's knowledge or consent, the defense examination must thoroughly examine all activity surrounding any files for which Mr. Skinner is allegedly responsible which includes where the files originated, how they came to be on the computer, when they were created, moved or copied, whether they were ever opened or viewed, whether the files were deleted and when, how long the files existed prior to being deleted, and most importantly, who had access to the computer when any of this activity occurred. This analysis involves a far more thorough forensics examination than the ***initial preview examination*** conducted by Sgt. Carry.

14. Based on my involvement with hundreds of child pornography cases, the state's forensic examiner generally does not undertake the task of looking for evidence that would provide a defense and often overlooks evidence that would be relevant to the defense - either in defense of the merits of the case or in sentencing mitigation. In my experience, the state's forensic examinations have completely missed finding and reporting exculpatory evidence. For example, Sgt. Carry offers no information, opinions or evidence regarding the identification of "Mike", the name the computer is actually registered to, when "Mike" used the computer, what "Mike" used the computer for and whether or not "Mike" was responsible for any of the child pornography files carved from unallocated space. Nor does Sgt. Carry indicate that he even looked for evidence of other individuals using the computer. Rather, he simply concludes that Mr. Skinner is responsible for all of the activity relevant to the charges in this matter.

15. In contrast, an examination conducted by the defense requires an investigation into what occurred, when it occurred, how it occurred and who may be responsible for the occurrence. These in-depth examinations and investigations are critical to the defense, because of the requirement in a child pornography case that the state prove beyond a reasonable doubt "knowing" receipt, possession and/or distribution. "Knowing" receipt, possession or distribution can only be determined through an in-depth analysis of the entire piece of media to determine: (i) the original source of the data; (ii) the context in which it was copied, saved or downloaded; (iii) the path the data took through the system to arrive at its present location; (iv) dates and times the data was created, modified and accessed; (v) whether the data was ever opened or viewed; (v) and who may have been at the keyboard during the activity. In order to make these determinations, the defense examination and analysis includes, but is not limited to, (i) the recovery of deleted data; (ii) advanced searching processes and the review of thousands of search results; (iii) locating, reviewing, testing and understanding various installed

software applications; (iv) locating, reviewing, testing and understanding various viruses, Trojans and malware present; (v) locating, reviewing, testing and understanding Internet files and how they relate to various users and Internet activities; (vi) extracting and reviewing registry files, log files, HTML files, etc.

16. This proper and thorough independent computer forensics examination can only be accomplished by forensically examining verified images of the electronic evidence items seized using industry standard forensic tools and methodologies. However, according to the state, all of the original evidence seized **and** all of the forensic images acquired by Sgt. Carry no longer exist and therefore, an independent examination by the defense is not possible.

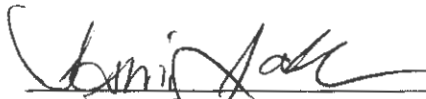
17. According to Sgt. Carry's Curriculum Vitae, his forensic certifications include CCFE, CHFI and ACE. In order to obtain those certifications, he would have received specific training and been required to pass written and practical tests. I also have the CCFE, CHFI and ACE certifications and would have received the same training and passed the same written and practical tests as Sgt. Carry. I know based on my training, test results and study materials still in my possession that all three of those certifications include training on evidence preservation. This includes creating two (2) forensic images of all original electronic evidence seized, one image to be used for the purpose of conducting the forensics examination and a second image to be maintained as backup. Once forensically imaged, all original evidence should be placed in an evidence locker and maintained pursuant to local rules and statutes. Typically, original evidence and/or forensic images are maintained years after a matter has concluded due to appeals and other litigated issues.

18. Based on all of the information set forth above, including Sgt. Carry's own statement that further analysis of the computer is necessary, it is my opinion that Mr. Skinner

cannot be provided an adequate defense without access to either the original evidence seized from him or forensic images that were acquired of that evidence.

19. I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.

Executed on 1/12/18


Tami L. Loehrs, EnCE, ACE, CHFI, CCFE

TAMILOEHRS

3037 West Ina, Suite 121 | Tucson, Arizona 85741
Ofc: 520.219.6807 | Email: TL@ForensicsExpert.net



EDUCATION University of Arizona - Business Administration
Pima College - Legal Assistant Sciences
University of Phoenix - Bachelor of Science, Information Systems (With Honors)

CERTIFICATIONS AND LICENSES Licensed Private Investigator, AZ Department of Public Safety, License No. 1594838
EnCase Certified Examiner (ENCE), Guidance Software (Since 2005)
Access Data Certified Examiner (ACE) (Since 2008)
Computer Hacking Forensic Investigator (CHFI) (Since 2010)
Certified Computer Forensic Examiner (CCFE) (Since 2011)

SPECIALIZED TRAINING EnCase Incident Response, Forensic Analysis and Discovery Course
Arizona Semi Annual Conference Computer Crimes / Internet Fraud
Access Data Boot Camp
Access Data Windows Forensics
How to Create and Perform Effective Keyword Searches
Cell Phone Forensics
Email Investigations
File Recovery Through Data Carving
Basic Investigations of Windows Vista
Reverse Engineering Malware
Incident Investigations
Examining the Windows Registry
Investigating Linux from a Forensic and Incident Response Perspective
MySpace Investigations
Cyber child Exploitation I - Investigations in the Workplace
Mastering Conditions Forensics
File Identification and Recovery Using Black-Hashed Hash Analysis
Case Study Firefox Artifacts and Unallocated Space
Hacking Malware
Technical Profiling for Law Enforcement and Intelligence
Vista Deep Dive I - Basic Investigations of Windows Vista
Vista Deep Dive III - File and Registry Virtualization
Malicious Artifacts Identification and Analysis
Essential Macintosh Forensics
FTK Transition 1.7 to 2.0
ACE Prep
Computer Forensics and Ethical Hacking
IOS Forensics – A comprehensive Approach
Mac OS X Lion Forensics Update
Tracks Left by Covering Your Tracks
What's New in Windows Forensics
A Forensic Look at Windows 8 Immersive Applications: What's Behind the Tiles
Smart Device App Analysis
Windows 8 File History Artifacts
Ares and LimeWire Pro Peer to Peer Files Sharing Software Analysis
Mac OS X Delving a Little Deeper
Vehicle Systems Forensics
How to Catch an Insider Data Thief
Forensic Testimony in Court
Ubiquity Forensics – Your iCloud and You
Searching in EnCase 8 with EQL

TAMILOEHRS

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PROFESSIONAL EXPERIENCE **Computer Forensics Examiner**
Loehrs & Associates, LLC. (Formerly Law2000, Inc.)

Computer forensics services, particularly pertaining to legal evidence, including forensic acquisitions of digital artifacts including computers, cell phones, removable storage media, digital cameras, gaming consoles, etc.; data collection and recovery from allocated and unallocated space; data analysis and conclusions regarding who, what, when, where and how data came to be on an artifact; detailed reporting of conclusions and analysis; and testimony regarding forensic procedures, analysis and conclusions.

Technical experience also includes all aspects of information technology including designing, implementing, maintaining and troubleshooting networks; building and repairing computer systems including workstations and servers; software implementation and support for hundreds of applications; programming; configuring, maintaining and troubleshooting switches and routers; Internet services and web design; designing, maintaining and troubleshooting backup and disaster recovery systems.

PROFESSIONAL MEMBERSHIPS *Forensic Expert Witness Association (FEWA)*
Member of the Arizona Chapter

Based in San Francisco, the Forensic Expert Witness Association (FEWA) is the only non-profit professional membership organization that verifies that each of its professional members has testified at least three times as an expert witness. FEWA is dedicated to the professional development, ethics and promotion of forensic consultants in all fields of discipline. FEWA provides professional education for experts of all levels of experience and also for those aspiring to be experts who have not yet testified, which spans all technical specialties.

National Association of Public Defense (NAPD)
Organizational Membership

The National Association for Public Defense (NAPD) engages all public defense professionals into a clear and focused voice to address the systemic failure to provide the constitutional right to counsel, and to collaborate with diverse partners for solutions that bring meaningful access to justice for poor people. NAPD currently unites nearly 7,000 practitioner-members across the country into a cohesive, unwavering, irreplaceable community capable of bringing justice to a broken system.

TESTIFYING EXPERIENCE **Trials: 50**
Hearings: 64

Hearing: Escambia County Circuit Court, Florida
Child Pornography
Attorney: John Beroset
Case No. 2016 CF 5144

Hearing: Bradford County Court of Common Pleas, Pennsylvania
Child Pornography
Attorney: Kristina Supler
Case No. CP-08-CR-000141-2016

Hearing: Orleans Criminal District Court, Louisiana
Child Pornography
Attorney: Herbert Larson
Case No. 523-930

Hearing: Mohave County Superior Court, Arizona
Child Pornography
Attorney: Virginia Crews

TAMILOEHRS

3037 West Ina, Suite 121 | Tucson, Arizona 85741
Ofc: 520.219.6807 | Email: TL@ForensicsExpert.net



Case No. CR-2015-00312

Hearing: Maricopa County Superior Court, Arizona
Child Pornography
Attorney: Cindy Castillo
Case No. CR 2014-002842-001

Hearing: Chester County Justice Center, Pennsylvania
Child Pornography
Attorney: Adam Bompadre
Case No. Juvenile Court

Hearing: USDC, Central District of California
Child Pornography
Attorney: James Riddet
Case No. SACR14-00188

Hearing: USDC, District of New Hampshire
Child Pornography
Attorney: Bjorn Lange
Case No. CR15-110-01-PB

Hearing: Court of Common Pleas, Lackawanna County Pennsylvania
Child Pornography
Attorney: Robert Trichilo
Case No. 20161048

Trial: Court of Common Pleas, Lackawanna County, Pennsylvania
Child Pornography
Attorney: William Peters
Case No. CR-2013-2694-35

Hearing: USDC, Central District of California
Child Pornography
Attorney: Craig Harbaugh
Case No. CR 15-224-DMG

Hearing: Second Judicial District Court Weber County, Utah
Child Pornography
Attorney: Tara Isaacson
Case No. 131901792

Hearing: USDC, Central District of California
Probation Violation
Attorney: Kim Savo
Case No. CR 06-911-ODW

Hearing: USDC, Western District of Missouri
Child Pornography
Attorney: Kristin Jones
Case No. 13-03081-01-CR-S-MDH

TAMILOEHRS

3037 West Ina, Suite 121 | Tucson, Arizona 85741
Ofc: 520.219.6807 | Email: TL@ForensicsExpert.net



Hearing: Second Judicial District Court Weber County, Utah
Child Pornography
Attorney: Tara Isaacson
Case No. 131901792

Trial: USDC, Southern District of California
Child Pornography
Attorney: Michael Crowley
Case No. CR-03447

Trial: Lancaster County Court of Common Pleas, Pennsylvania
Child Pornography
Attorney: Adam Bompadre
Case No. CR-0000336-2015

Hearing: Lancaster County Court of Common Pleas, Pennsylvania
Child Pornography
Attorney: Adam Bompadre
Case No. CR-0000336-2015

Hearing: USDC, Central District of California
Child Pornography
Attorney: Cuauhtemoc Ortega
Case No. CR 15 00063

Hearing: Maricopa County Superior Court, Arizona
Child Pornography
Attorney: Craig Gillespie
Case No. CR2014-005922-001

Trial: Yavapai County Superior Court, Arizona
Luring of a Minor
Attorney: Michael Alarid
Case No. CR201300970

Hearing: Pima County Superior Court, Arizona
Divorce
Attorney: Nicole Hinderaker
Case No. N/A

Trial: Pima County Superior Court, Arizona
Child Pornography
Attorney: Paul Skitzki
Case No. CR-20141915

Trial: Pima County Superior Court, Arizona
Child Pornography
Attorney: Tatiana Struthers
Case No. CR20111156-001

Hearing: The University of the State of New York Education Department
Determination of Good Moral Character

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Attorney: Carolyn Gorczynski
Case No. N/A

Hearing: USDC, Central District of California
Child Pornography
Attorney: James D. Riddet
Case No. SACR14-00188

Hearing: USDC, Eastern District of California
Child Pornography
Attorney: Michael Chastaine
Case No. 2:12-CR-0401 KJM

Hearing: Yavapai County Superior Court, Arizona
Child Pornography
Attorney: Michael Alarid
Case No. CR201300970

Trial: Essex Superior Court, Massachusetts
Child Pornography
Attorney: Mark Schmidt
Case No. ESCR09-1514

Trial: San Francisco Superior Court, California
Impersonating Police Officer and Coercing Sex Acts
Attorney: Phoenix Streets
Case No. 14025591

Trial: In the Crown Court at Kingston
Child Pornography
Attorney: Alex Chowdhury
Case No. 01TW0018610/1

Hearing: USDC, District of Nebraska
Child Pornography
Attorney: John H. Rion
Case No. 8:13CR107

Trial: County of Bernalillo District Court, New Mexico
Homicide
Attorney: Thomas M. Clark
Case No. D-202-CR-2012-03537

Trial: New Castle County Superior Court, Delaware
Child Pornography
Attorney: Thomas Foley
Case No. 13-01-011058

Trial: Snohomish County District Court, Washington
Child Pornography
Attorney: Sarah Silbovitz
Case No. CR13-1-01219-1

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Hearing: New Castle County Superior Court, Delaware
Child Pornography
Attorney: Thomas Foley
Case No. 1310019248

Trial: Pima County Superior Court, Arizona
Homicide
Attorney: Paul Eckerstrom and Alicia Cata
Case No. CR20084012

Trial: USDC, Southern District of New York
Conspiracy, Wire Fraud
Attorney: Marlon Kirton
Case No. 1:09-CR-01002-WHP

Hearing: USDC, District of New Mexico
Child Pornography
Attorney: Jon Paul Rion
Case No. 11CR-1690-MV

Trial: USDC, Eastern District of Pennsylvania
Child Pornography
Attorney: Mark Greenberg
Case No. CR12-228

Trial: Ontario Court of Justice, Central West Region, Canada
Child Pornography
Attorney: Antal Bakaity
Case No. SA 07 CR-267

Hearing: USDC, District of Vermont
Child Pornography
Attorney: David McColgin
Case No. 5:12-CR-44

Trial: Pima County Superior Court, Arizona
Child Pornography
Attorney: Katherine Estavillo
Case No. CR20102131-001

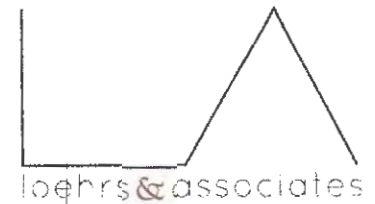
Trial: USDC, Western District of New York
Child Pornography
Attorney: Igor Niman
Case No. M-09-1129

Hearing: Cochise County Superior Court, Arizona
Child Pornography
Attorney: Steve Sherick
Case No. CR2010-00305

Hearing: Maricopa County Superior Court, Arizona

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Homicide
Attorney: Alan Tavassoli
Case No. 2009-030306-001 SE

Hearing: Pima County Superior Court, Arizona
Child Pornography
Attorney: Katherine Estavillo
Case No. CR-20102131-001

Trial: USDC, Northern Mariana Islands
Child Pornography
Attorney: Samuel Mok
Case No. 12-00017

Trial: USDC, Western District of Texas
Child Pornography
Attorney: Luis Islas
Case No. 12-CR-217

Hearing: USDC, Western District of Texas
Child Pornography
Attorney: Luis Islas
Case No. 12-CR-217

Trial: Yuma County Superior Court, Arizona
Homicide
Attorney: Kristi Riggins
Case No. 1400CR2008-005

Hearing: Collin County Superior Court, Texas
Homicide
Attorney: Jim Burnham
Case No. 296-81605-2011

Hearing: USDC, New Mexico, Santa Fe Divisional Office
Child Pornography
Attorney: John Paul Rion
Case No. 11-23-6-0010

Hearing: USDC, Central District of California
Child Pornography
Attorney: Gary Dubcoff
Case No. CR 06-19 DSF

Hearing: USDC, Northern District of Georgia
Child Pornography
Attorney: Ann Fitz
Case No. 1:11-CR-00067-RWS-JFK

Trial: Cochise County Superior Court
Child Pornography
Attorney: Tanja Kelly

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Case No. CR201100293

Trial: USDC, District of Arizona
Hate Crime
Attorney: Barbara Hull
Case No. CR-09-712-PHX-DGC

Trial: USDC, Western District of Wisconsin
Fraud
Attorney: David Mandell
Case No. CR2011 0082

Trial: Superior Court of Forsyth County
Child Pornography
Attorney: Romin Alavi
Case No. 10CR-0118

Hearing: Cochise County Superior Court
Child Pornography
Attorney: Mark Beradoni
Case No. CR201000769

Hearing: USDC, Middle District of Louisiana
Child Pornography
Attorney: Michael Reese Davis, Sr.
Case No. 3-11-CR-000038-JJB-DLD

Trial: Pima County Superior Court
Child Pornography
Attorney: Paul Skitzki
Case No. CR-2010-2663

Hearing: Maricopa County Superior Court
Child Pornography
Attorney: Craig Gillespie
Case No. CR2009-114677001

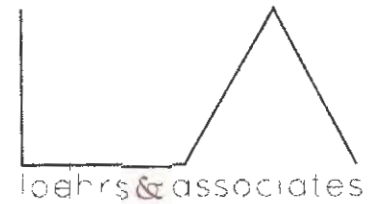
Trial: USDC, Northern District of California
Computer Fraud
Attorney: Manuel Araujo
Case No. CR05-0812 RMW

Hearing: Pima County Superior Court
Child Pornography
Attorney: Katherine Estavillo
Case No. CR2010-1967

Hearing: Forsyth County Superior Court
Child Pornography
Attorney: Romin Alavi
Case No. 10CR-0118

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Trial: USDC, District of Maine
Child Pornography
Attorney: Theodore Fletcher
Case No. SA 07 CR-256

Trial: USDC, Northern District of California
Forgery
Attorney: Elizabeth Falk
Case No. CR10-0068

Hearing: Commonwealth Court of Pennsylvania
Child Pornography
Attorney: John Abom
Case No. CP-21-CR-724-20

Trial: USDC, District of Arizona
Child Pornography
Attorney: David Cantor
Case No. CR09-0794TUCJMR

Trial: USDC, Middle District of Alabama
Child Pornography
Attorney: Susan James
Case No. 2:09CR 73-MEF

Trial: USDC, District of Alabama
Child Pornography
Attorney: Tim Halstrom
Case No. 3:09-CR-159-WKW

Trial: USDC, District of Delaware
Child Pornography
Attorney: Luis Ortiz
Case No. 09-43-SLR

Settlement Conference: Maricopa County Superior Court
Child Pornography
Attorney: Adrian Little
Case No. CR09-000282

Sentencing Hearing: USDC, Northern District of Texas
Child Pornography
Attorney: Jim Burnham
Case No. 3:09-CR-339-M

Hearing: Maricopa County Superior Court
Child Pornography
Attorney: William Foreman
Case No. CR2009-007925-001 DT

Civil Service Hearing: State of Arizona
Unauthorized Use of Computer

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Attorney: Jeff Jacobson
Case No. C2009-8685

Hearing: USDC, District of Arizona
Child Pornography
Attorney: Leslie Bowman / Clint Liechty
Case No. CR-09-441-TUC

Trial: USDC, District of Arizona
Child Pornography
Attorney: Gary Kneip
Case No. CR-08-433

Hearing: USDC, District of Arizona
Child Pornography
Attorney: Harold Higgins
Case No. CR09-1322TUC

Trial: USDC, District of Arizona
Child Pornography
Attorney: Beau Brindley
Case No. 05-CR-931

Sentencing Hearing: USDC, District of Arizona
Child Pornography
Attorney: Neal Taylor
Case No. CR08-310-PHX-PR

Trial: USDC, District of California
Child Pornography
Attorney: Caro Marks
Case No. CR S-07-290 WBS

Trial: Commonwealth of Pennsylvania
Child Pornography
Attorney: Stanton Levenson
Case No. CR 458-07

Trial: USDC, District of New Mexico
Homicide
Attorney: Barbara Mandel
Case No. 07614-RB

Trial: Humboldt County Superior Court
Child Pornography
Attorney: Cathy Dreyfuss
Case No. 55-08-001612

Trial: USDC, District of Georgia
Child Pornography
Attorney: Ann Fitz,
Case No. 2:08 CR000033

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Hearing: Pinal County Superior Court
Harassment
Attorney: Morgan Alexander
Case No. CR2008-00286

Trial: Pima County Superior Court
Child Pornography
Attorney: David Euchner
Case No. CR2004-2573

Trial: USDC, District of California
Violating Terms of MySpace
Attorney: Dean Steward
Case No. CR-08-582-GW-001

Trial: USDC, District of Wyoming
Child Pornography
Attorney: Tom Smith
Case No. 07-CR-32-B

Trial: USDC, District of Puerto Rico
Child Pornography
Attorney: Victor Gonzalez-Bothwell
Case No. 07-140(CCC)

Trial: USDC, District of Arizona
Prostituting a Minor
Attorney: Barbara Hull
Case No. CR07-00871-001-PHX-ROS

Trial: USDC, District of Arizona
Child Pornography
Attorney: Ralph Ellinwood
Case No. CR05-1049-TUC-FRZ

Hearing: USDC, District of California
Child Pornography
Attorney: Rachelle Barbour
Case No. CR-S-07-0020

Hearing: USDC, 379th Judicial District, Bexar County Texas
Child Pornography
Attorney: Evelyn Martinez
Case No. 2006-CR-0477W

Trial: USDC, District of Arizona
Child Pornography
Attorney: Laura Udall
Case No. CR06-0825

Trial: Coconino County Superior Court

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Child Pornography
Attorney: Brad Bransky
Case No. CR2006-1045

Hearing: Pima County Superior Court
Murder
Attorney: Creighton Cornell
Case No. CR2007-0403

Hearing: Pima County Superior Court
Evidence Tampering
Attorney: Todd Jackson
Case No. C2006-5273

Hearing: Maricopa County Superior Court
Child Pornography
Attorney: Jason Lamm
Case No. CR2007-006060

Hearing: Coconino County Superior Court
Child Pornography
Attorney: David Bednar
Case No. CR2007-0519

Hearing: Maricopa County Superior Court
Child Pornography
Attorney: Gary Hendrickson
Case No. CR2006-171689-001

Trial: USDC, District of Arizona
Can Spam
Attorney: Michael Black
Case No. CR05- 870PHX

Hearing: Maricopa County Superior Court
Child Pornography
Attorney: Mark Hawkins
Case No. CR2006-136640-001

Hearing: Navajo County Superior Court
Child Pornography
Attorney: David Martin
Case No. CV2005-013148

Hearing: Pima County Superior Court
IP Theft
Attorney: Todd Jackson
Case No. C2005-5273

Hearing: USDC, District of Arizona
Child Pornography
Attorney: Ralph Ellinwood

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Case No. CR05-1049-TUC-FRZ

Hearing: USDC, District of Arizona
Child Pornography
Attorney: Steven West; Nesci, St. Louis & West
Case No. CR04-2351-TUC-JMR

Hearing: Maricopa County Superior Court
Child Pornography
Attorney: William Foreman
Case No. CR2004-007249-001 DT

Hearing: USDC, District of Arizona
Child Pornography
Attorney: Patricia Gitre
Case No. CR03-490-PHX-ROS

Hearing: Pima County Superior Court
Child Pornography
Attorney: Larry Rosenthal
Case No. CR2001-1155

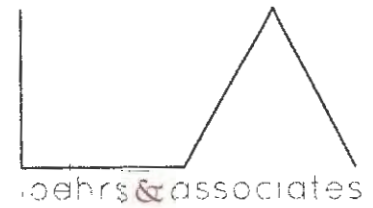
Hearing: Pima County Superior Court
Child Pornography
Attorney: David DeCosta
Case No. CR2002-0171

Trial: Yuma County Superior Court
Child Pornography
Attorney: Richard Bock; Lingeman & Bock
Case No. S1400 CR2000-00472
CA CR02-0578

- PRESENTATIONS
- September, 2016: Speaker
Montana Criminal Defense Lawyers Association
Computer Forensics
Billings, Montana
 - July, 2016: Speaker
National Association for Public Defense
Are Law Enforcement's Online Investigations Violating the 4th Amendment?
Tucson, Arizona
 - July, 2016: Speaker
National Association for Public Defense
How to Know When Digital Evidence has been Manipulated or Fabricated
Tucson, Arizona
 - May, 2016: Speaker
Association of Certified Fraud Examiners
Computer Forensics & Fraud

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Albuquerque, New Mexico

September, 2015: Speaker
Arizona Information Defenders
Computer Forensics
Tucson, Arizona

September, 2015: Speaker
Association of Certified Fraud Examiners
Computer Forensics & Fraud
Tucson, Arizona

February, 2015: Speaker
Arizona Information Defenders
Computer Forensics
Tucson, Arizona

March, 2014: Speaker
Office of the Public Defender
Computer Forensics
San Francisco, California

August, 2013: Speaker
Office of the Public Defender
Computer Forensics for Sex Cases
Palm Beach Gardens, Florida

September, 2012: Speaker
Office of the Public Defender
Computer Forensics for Sex Cases
Fort Myers, Florida

June, 2012: Speaker
Annual APDA Statewide Conference
Computer Forensics for Sex Cases
Phoenix, Arizona

June, 2012: Speaker
Federal Community Defender for Eastern District of Pennsylvania
New Issues in Computer Forensics
Philadelphia, Pennsylvania

September, 2011: Speaker
Pima County Public Defender
Computer Forensics
Tucson, Arizona

April, 2011: Speaker
Delaware Federal Public Defender
Computer Forensics
Wilmington, Delaware

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September, 2010: Speaker
Arizona Attorneys for Criminal Justice
Fall Seminar 2010
Digital Evidence
Tucson, Arizona

April, 2010: Speaker
Office of Defender Services
Conference for Federal Defender Computer Systems Administrators
Computer Forensics / LimeWire
Chicago, Illinois

January, 2010: Speaker
Administrative Office of the United States Courts
Sixth National Seminar on Forensics Evidence and the Criminal Law
Computer Forensics
San Diego, California

September, 2009: Speaker
Arizona Attorneys for Criminal Justice
Fall Seminar 2009
Computer Forensics, A Case Study
Tucson, Arizona

April, 2009: Speaker
Administrative Office of the United States Courts
Portland Winning Strategies Seminar
Computer Forensics
Portland, Oregon

April, 2008: Speaker
National Defender Investigator Association
National Conference
Computer Forensics
Las Vegas, Nevada

November, 2007: Speaker
Association of Legal Administrators
Region 6 Educational Conference & Exposition
E-Discovery and Potential Land Mines
Tucson, Arizona

October, 2007: Featured Speaker
Lorman Education Services
Computer Forensics and Electronic Discovery in Arizona
Tucson, Arizona

September, 2007: Featured Speaker
National Defender Investigator Association
Computer Forensics
Phoenix, Arizona

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Ofc: 520.219.6807 | Email: TL@ForensicsExpert.net



July, 2007: Featured Speaker
Federal Community Defender Office of Pennsylvania
Computer Forensics
Philadelphia, Pennsylvania

April, 2005: Speaker
Fennemore Craig
Electronic Discovery - A Case Study
Tucson, Arizona

March, 2005: Speaker
Arizona Court Reporters Association Annual Convention
Computer Forensics and Electronic Discovery
Phoenix, Arizona

March, 2005: Speaker
Morris K. Udall Inn of Court
Electronic Discovery
Tucson, Arizona

October, 2004: Featured Speaker
Tucson Association of Legal Assistants
Computer Forensics and Electronic Discovery
Tucson, Arizona

June, 2004: Vendor
Arizona State Bar Convention
Phoenix, Arizona

October, 2003: Featured Speaker
Arizona Association of Licensed Private Investigators (AALPI)
Computer Forensics and Electronic Discovery
Phoenix, Arizona

February, 2003: Featured Speaker
Arizona Association of Licensed Private Investigators (AALPI)
Computer Forensics and Computerized Litigation
Tucson, Arizona

October, 2002: Featured Speaker
Arizona Mystery Writers
Computer Forensics
Tucson, Arizona

January, 2002: Featured Speaker
Tucson Association of Legal Assistants
Computer Forensics and Computerized Litigation

July, 2001: Vendor
CLE by the Sea - Electronic Courtrooms, Discovery of Electronically Stored Information
San Diego, California

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Ofc: 520.219.6807 | Email: TL@ForensicsExpert.net



June, 2001: Featured Speaker
Technology for the Practice of Law
Tucson, Arizona

April, 2001: Vendor
State Bar of Arizona - Technology Show
Phoenix, Arizona

January, 2001: Featured Speaker
Internet Security Issues - Detection and Prevention
Tucson, Arizona

EXHIBIT 4

EXHIBIT 4

Evidence Section

Main Phone: (775) 328-3060

evidence@washoecounty.us

The Evidence Section of the Washoe County Sheriff's Office is responsible for all evidence submitted for forensic science division examinations. Evidence is received from more than 80 law enforcement agencies. Additionally, the Evidence Section is the main repository for all Divisions of the Washoe County Sheriff's Office. On average, the Evidence Section completes over 50,000 transactions each year, from receiving evidence to temporarily releasing evidence for examination and returning completed evidence to the submitting agency and retention records for the Sheriff's Office.

Evidence must be submitted to the FSD through the Washoe County Sheriff's Office Evidence Section. It is the responsibility of the Evidence Section to ensure that all evidence is submitted correctly.

- All packages must have a chain of custody with contents accurately listed
- All packages must be properly sealed and initialed
- A completed laboratory examination form stating, which tests are being requested, must be included if testing is required
- All money must be counted prior to submission
- All biological evidence must be in a dried condition
- All plant material must be in a dried condition

When evidence is submitted through the mail, it must be properly packaged (see "Evidence Packaging" section) beneath the exterior wrapper, and may be sent to the address below by any of several carriers (U.S. mail: certified, registered, or overnight; FedEx; or UPS) according to the submitting agency's policy. (Please refer any questions concerning the mailing of evidence to your local district attorney's office).

**Washoe County Sheriff's Office Evidence Section
911 Parr Boulevard
Reno, NV 89512-1000**

Properly packaged evidence may also be submitted in person through the Evidence Section's locker room. The locker room may be accessed through the "EVIDENCE" door near the prisoner intake area, which is located to the rear of the Sheriff's Office. With proper identification, a key to the "EVIDENCE" door may be signed out at the Sheriff's Office Front Desk (staffed daily from 0700 until 2230 hrs.) or the Detention Facility Central Control. After entering the "EVIDENCE" door, continue through the door to your left, into the locker room.

Once inside, you will find instructions and some of the materials necessary to be sure that your evidence is properly packaged and sealed. Remember, all evidence must include a chain of custody and a properly completed EXAMINATION REQUEST FORM. When your evidence is ready to be placed into a locker, simply open the locker door, place the evidence into it, close and lock the door, remove the key, and place the key into the KEY DEPOSIT TUBE, located near the locker area.

V4. 548

Our largest locker measures approximately 45" wide, by 22" deep, by 17" high. **If your evidence item does not fit into that space, must be maintained frozen, or it is in a stage of advanced decay, then the evidence must be brought in during our regular business hours.**

Examination Request Form (pictured above):

The Examination Request Form (S-168) is a three (3)-part form, which is normally located in a drawer of the workbench in the evidence locker room. Blank forms can be sent to agencies upon request. Please write neatly and press firmly (3 copies). If the request is not legible it will delay the processing of the evidence.

One form must be completely filled in and attached to each package submitted to the FSD, except for Toxicology samples. *(Please do not submit an Examination (S-168) Form for Toxicology services. See the Toxicology section for detailed information on submitting toxicology samples.)* **The contents of each package must be carefully described and itemized; and terms such as "few", "numerous", "miscellaneous", "several", and other similar descriptors will not be accepted.** Packages with these vague types of descriptions will be returned un-opened to the submitting agency, with a request for proper itemization and re-submission for examination.

Swabs for DNA should be identified. Please do not mark as "swabs" or "buccal swabs". They should contain a description of the item that was swabbed or the subject's name(s) in the description line. Please insert the name, e-mail, and telephone number of the case agent in the "OFFICER REQUESTING" section, so that we may contact that person directly should additional information be required.

Under the "EXAM REQUESTED" section of the form, please clearly mark each examination you would like conducted on the item(s). If the item(s) will require several exams, mark each type of exam required. If one of the exams is more important to your case than another, such as fingerprints being more important than other analysis in a case, please use the "NOTES, SPECIAL INSTRUCTIONS" section to advise the FSD of that fact. You may also use this section to advise the lab of any special circumstances such as court dates, results of exam needed for warrant request, or a synopsis of the case. A case synopsis or a copy of your report attached to the Examination Request Form will usually answer any questions and expedite the examination.

Each package submitted to the lab must have a CHAIN OF CUSTODY attached. It may be pre-printed on the container, or it may be printed on a separate form and then attached to the container. For your convenience, a chain of custody has been printed on the back of the hard copy of the Examination Request Form. Please use it if you have no other, or if you have run out of signature spaces on yours.

If evidence is re-submitted to the FSD, the original chain of custody should be continued. If the chain is transferred to another form, that fact should be noted at the end of the original form. **Please do not package the original chain inside the container.** When the Examination Request Form has been completely filled in, keep the yellow copy for your case records, attach the remaining blue and white copies to the appropriate package, and place the package into a locker. To help simplify your submissions, the Evidence Section can supply you with extra forms, which may be completed in advance.

Evidence Packaging:

V4. 549

Labeling, packaging and sealing of evidence are the responsibility of the submitter. If evidence is delivered to the Division in a condition not meeting this policy, it is the responsibility of the submitter to correct the deficiency prior to acceptance of the evidence. **Unsealed evidence will be returned.**

As custodians of your evidence, we want to ensure your items have a solid chain of custody, if it should ever be questioned in court. This requires certain elements to exist when receiving an item. The following steps must be followed before an item can be accepted into the evidence section.

- A package is considered properly sealed only if its contents cannot readily escape; and entering the container results in obvious damage/alteration to the container or its seal.
- Proper seals may be accomplished in various ways such as heat or tape seal. All seals must be initialed or otherwise marked to document the person sealing the evidence. Tape seals will be initialed across the tape onto the item.

Acceptable Seals

- Evidence Tape
- Packaging Tape
- Heat Seal

Unacceptable Seals

- Masking Tape
- Scotch Tape
- Staples
- Twist Ties
- Zip-Lock Bags

Items Requiring Special Handling

- If the contents of the package require special handling, such as a loaded gun, bio hazardous materials (bodily fluids), items to be fingerprinted, etc., special alert labels must be placed in a prominent area of the package. These labels are kept in the storage drawers of the workbench in the evidence locker room.
- The evidence section will not accept dangerous items/chemicals, except that a small sampling may be accepted for testing purposes.
- Explosive material will not be accepted without authorization from supervisory personnel.
- Hypodermic devices, needles, and similar items are not routinely accepted. If an examination of these items is absolutely necessary, prior permission to submit the items must be obtained from the Laboratory Director, or their designee. With this permission, the items must be packaged in special puncture proof containers with the proper warning labels attached. The containers and labels are available from the Evidence Section. Alternatively, the contents of a hypodermic syringe can be emptied into a suitable glass or plastic vial prior to submission to the lab for testing.
- Sharps and glass fragments must be rendered safe before placing them in a paper bag. A box is preferred packaging for knives and other sharp items. If the item is contaminated with blood or other bodily fluids, the item must exhibit two warnings: one which relates to the SHARP item, and one which relates to the BIOHAZARD.
- Loaded firearms will not be accepted. Special case circumstances requiring submission of a loaded firearm will be evaluated by the Evidence Supervisor or Division Director.

V4. 550

- Suspected marijuana that has visible signs of mold will not be analyzed as the mold associated with the marijuana is a known carcinogen. If wet plant material is recovered, e.g., live plants, it is critical to completely dry the plant material prior to packaging it, even if it will be packaged in cardboard boxes or paper bags.
- Clandestine laboratory materials will not be accepted without authorization from supervisory personnel.
- Biological materials:
 - It is the responsibility of the submitter to ensure that stains are dry prior to submission.
 - Items should not be packaged while still wet or moist. Thoroughly dry all stains and then place the evidence in paper bags, envelopes, or boxes. DO NOT place evidentiary samples in plastic bags or containers as this promotes degradation.
 - Storage and preservation of evidence of a biological nature returned to a submitter is the responsibility of the submitter.

Proper evidence packaging begins when the items are first collected. Ideally, each item should be packaged separately and then the packages destined for similar examinations may be grouped into one sealed evidence container. For example, the clothing from a suspect consists of "1-pair of shoes, 1-pair of socks, 1-pair of under shorts, 1-t-shirt, 1-pair of jeans with a belt, and 1-jacket". These items should be packaged in six individual packages, with only the jeans and belt in the same package. The packages may then be placed into one larger container which is properly sealed and labeled, and has the evidence chain of custody and Examination Request Form attached.

The following information must be noted on or attached to each package submitted:

- The name of the submitting agency;
- The case number;
- A description of the contents; and
- The date, time, and the location from which the evidence was collected.

Evidence Viewing:

While the Division does perform work for agencies other than Washoe County Sheriff's Office, it is our policy to offer viewings of evidence from Washoe County Sheriff's Office cases only. Evidence that needs to be viewed from external agencies will be released to that agency.

Due to the evolution of testing for biological evidence, it is difficult to determine what items are of biological evidentiary value and what items are not. Therefore, all evidence viewings will take place in the Primary Examination Biology laboratory unless a written agreement is provided by the prosecution and defense stating that the items requested to be viewed have no biological evidentiary value. Viewing of agreed upon non- biological evidence can take place outside of the primary examination biology laboratory. Individuals viewing evidence in the Primary Examination Biology laboratory will wear proper protective apparel, follow all provided safety instructions, and will also provide an oral swab sample. A DNA profile will be developed from this sample and it will be added to the DNA contamination exclusion log. This log is for internal use only and will not be released outside the Division. All casework unknown profiles are compared to the DNA contamination exclusion log prior to entering them into the CODIS DNA database. The purpose of this process is to eliminate known DNA profiles from being uploaded to the national DNA database. A sign in log will

V4. 551

be prepared to record all individuals participating in the viewing. This log will include the WCSO agency case number and Division laboratory number. The log and the list of items viewed will be stored with the case file as administrative documentation. Typically an evidence viewing is managed by two Evidence Clerks with a WCSO detective and possibly a biology staff member present. Including the above listed individuals the maximum total number in attendance may not exceed eight.

An alternative to viewing evidence under the above conditions at the WCSO Forensic Science Division is to view crime scene photographs of the items.

If you have any questions regarding submission of evidence, please feel free to contact the Forensic Science Division at (775) 328-2800 or the Evidence Clerks in the Evidence Section at (775) 328-3060 or by email: evidence@washoecounty.us.

Return Of NEF**Recipients**

ZELALEM BOGALE, ESQ. - Notification received on 2018-01-16 09:07:34.386.

JOHN PETTY, ESQ. - Notification received on 2018-01-16 09:07:34.854.

TERRENCE MCCARTHY, ESQ. - Notification received on 2018-01-16 09:07:34.792.

DIV. OF PAROLE & PROBATION - Notification received on 2018-01-16 09:07:34.979.

CHRISTINE BRADY, ESQ. - Notification received on 2018-01-16 09:07:34.449.

MICHAEL BOLENBAKER, ESQ. - Notification received on 2018-01-16 09:07:34.729.

EDWARD REED, ESQ. - Notification received on 2018-01-16 09:07:34.667.

REBECCA DRUCKMAN, ESQ. - Notification received on 2018-01-16 09:07:34.324.

MATTHEW LEE, ESQ. - Notification received on 2018-01-16 09:07:34.605.

CHRISTOPHER FREY, ESQ. - Notification received on 2018-01-16 09:07:34.542.

******* 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:

01-12-2018:18:13:33

Clerk Accepted:

01-16-2018:09:06:50

Court:

Second Judicial District Court - State of Nevada
Criminal

Case Title:

STATE VS. RODERICK STEPHEN SKINNER
(D8)

Document(s) Submitted:

Supplemental Petition

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

Filed By:

Edward Torrance Reed

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
REBECCA DRUCKMAN, ESQ. for STATE OF
NEVADA
ZELALEM BOGALE, 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

MICHAEL BOLENBAKER, ESQ. for STATE OF
NEVADA

TERRENCE P. MCCARTHY, ESQ. for STATE
OF NEVADA

EDWARD TORRANCE REED, 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.):

Return Of NEF**Recipients**

ZELALEM BOGALE, ESQ. - Notification received on 2018-02-07 08:47:50.693.

JOHN PETTY, ESQ. - Notification received on 2018-02-07 08:47:52.378.

TERRENCE MCCARTHY, ESQ. - Notification received on 2018-02-07 08:47:52.144.

DIV. OF PAROLE & PROBATION - Notification received on 2018-02-07 08:47:52.55.

CHRISTINE BRADY, ESQ. - Notification received on 2018-02-07 08:47:50.818.

MICHAEL BOLENBAKER, ESQ. - Notification received on 2018-02-07 08:47:52.035.

EDWARD REED, ESQ. - Notification received on 2018-02-07 08:47:51.957.

REBECCA DRUCKMAN, ESQ. - Notification received on 2018-02-07 08:47:50.6.

MATTHEW LEE, ESQ. - Notification received on 2018-02-07 08:47:51.879.

CHRISTOPHER FREY, ESQ. - Notification received on 2018-02-07 08:47:51.411.

***** 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:

02-06-2018:18:08:56

Clerk Accepted:

02-07-2018:08:47:21

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

The following people were served electronically:

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NEVADA

ZELALEM BOGALE, 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

MICHAEL BOLENBAKER, ESQ. for STATE OF
NEVADA

TERRENCE P. MCCARTHY, ESQ. for STATE
OF NEVADA

EDWARD TORRANCE REED, 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.):

CODE No. 1130
CHRISTOPHER J. HICKS
#7747
P. O. Box 11130
Reno, Nevada 89520-0027
(775) 328-3200
Attorney for Respondent

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

IN AND FOR THE COUNTY OF WASHOE

* * *

RODERICK STEPHEN SKINNER,

Petitioner,

v.

Case No. CR14-0644

ISIDRO BACA, WARDEN, NORTHERN
NEVADA CORRECTIONAL CENTER

Dept. No. 8

Respondent.

_____ /

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

COMES NOW, Respondent, by and through counsel, and answers the supplemental petition filed on or about January 12, 2018, as follows:

Due to the nature of the supplemental petition, comingling allegation of fact and assertions of law, the respondent generally denies each and every material allegation of fact included in the supplement.

///

///

///

AFFIRMATION PURSUANT TO NRS 239B.030

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

DATED: Feb 26, 2018.

CHRISTOPHER J. HICKS
District Attorney

By /s/ TERRENCE P. McCARTHY
TERRENCE P. McCARTHY
Chief Appellate Deputy

CERTIFICATE OF SERVICE

I hereby certify that this document was filed electronically with the Second Judicial District Court on February 26, 2018. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

Edward T. Reed, Esq.

/s/ MARGARET FORD
MARGARET FORD

Return Of NEF**Recipients**

ZELALEM BOGALE, ESQ. - Notification received on 2018-02-26 10:12:19.401.

JOHN PETTY, ESQ. - Notification received on 2018-02-26 10:12:19.885.

TERRENCE MCCARTHY, ESQ. - Notification received on 2018-02-26 10:12:19.823.

DIV. OF PAROLE & PROBATION - Notification received on 2018-02-26 10:12:19.994.

CHRISTINE BRADY, ESQ. - Notification received on 2018-02-26 10:12:19.495.

MICHAEL BOLENBAKER, ESQ. - Notification received on 2018-02-26 10:12:19.76.

EDWARD REED, ESQ. - Notification received on 2018-02-26 10:12:19.713.

REBECCA DRUCKMAN, ESQ. - Notification received on 2018-02-26 10:12:19.308.

MATTHEW LEE, ESQ. - Notification received on 2018-02-26 10:12:19.635.

CHRISTOPHER FREY, ESQ. - Notification received on 2018-02-26 10:12:19.573.

***** 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:

02-26-2018:09:11:39

Clerk Accepted:

02-26-2018:10:11:47

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.

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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:

MATTHEW LEE, ESQ. for STATE OF NEVADA

REBECCA DRUCKMAN, ESQ. for STATE OF
NEVADA

ZELALEM BOGALE, 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

MICHAEL BOLENBAKER, ESQ. for STATE OF
NEVADA

TERRENCE P. MCCARTHY, ESQ. for STATE
OF NEVADA

EDWARD TORRANCE REED, 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 : 2777**
2
3
4
56 **THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
7 **IN AND FOR THE COUNTY OF WASHOE**
8

9 * * *

10 RODERICK SKINNER,

11 Petitioner,

Case No. : CR14-0644

12 vs.


Dept. No. : 8

13 THE STATE OF NEVADA,

14 Respondent.
15 _____/16 **RECOMMENDATION AND ORDER FOR PAYMENT OF INTERIM ATTORNEY'S FEES**
17 **(POST CONVICTION)**18 The Administrator, having reviewed the Claim for Compensation submitted
19 by Edward T. Reed, Esq., for the representation of Petitioner, and the Court having
20 previously entered an Order finding this case to be appropriate for waiver of the
\$750.00 statutory cap pursuant to NRS 7.125(4),21 This Administrator recommends that the Chief Judge of the Second Judicial
22 District Court find that the time expended was necessary and reasonable to handle
23 the recent issues in this matter and represent Petitioner's interests.24 This Administrator further recommends that the Chief Judge of the Second
25 Judicial District Court approve the payment of interim fees in the amount of FOUR
26 THOUSAND FIVE HUNDRED TWO DOLLARS AND TWENTY-NINE CENTS (\$4,502.29) made
27

1 payable to Edward T. Reed, Esq., and paid by the State of Nevada Public
2 Defender's Office.

3 Dated this 28 day of Feb, 2018.

4
5 
6 ROBERT C. BELL, ESQ., ADMINISTRATOR
COURT APPOINTED COUNSEL

7 Pursuant to the Nevada Supreme Court Order in ADKT 411 and the Second
8 Judicial District Court's Model Plan to address ADKT 411, good cause appearing and
9 in the interest of justice,

10 IT IS HEREBY ORDERED that the recommendations of the Administrator are
11 hereby confirmed, approved and adopted as to the amount of \$ 4,502⁰⁰. This
12 amount may not be the same as the Recommendation. Counsel is notified that
13 they may request a prove-up hearing for the non-approved amounts before the
14 Chief Judge of the District.

15 Counsel, Edward T. Reed, Esq., shall be reimbursed by the State Of Nevada
16 Public Defender's Office fees in the amount of \$ 4,502⁰⁰.

17 DATED this 23 day of March, 2018.

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20 CHIEF DISTRICT JUDGE
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Return Of NEF**Recipients**

ZELALEM BOGALE, ESQ. - Notification received on 2018-03-23 12:41:12.93.
JOHN PETTY, ESQ. - Notification received on 2018-03-23 12:41:13.382.
TERRENCE MCCARTHY, ESQ. - Notification received on 2018-03-23 12:41:13.32.
DIV. OF PAROLE & PROBATION - Notification received on 2018-03-23 12:41:13.507.
CHRISTINE BRADY, ESQ. - Notification received on 2018-03-23 12:41:13.008.
MICHAEL BOLENBAKER, ESQ. - Notification received on 2018-03-23 12:41:13.258.
EDWARD REED, ESQ. - Notification received on 2018-03-23 12:41:13.195.
REBECCA DRUCKMAN, ESQ. - Notification received on 2018-03-23 12:41:12.868.
MATTHEW LEE, ESQ. - Notification received on 2018-03-23 12:41:13.133.
CHRISTOPHER FREY, ESQ. - Notification received on 2018-03-23 12:41:13.07.

***** 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:

03-23-2018:12:40:09

Clerk Accepted:

03-23-2018:12:40:41

Court:

Second Judicial District Court - State of Nevada

Criminal

Case Title:

STATE VS. RODERICK STEPHEN SKINNER
(D8)

Document(s) Submitted:

Ord Approving

Filed By:

Judicial Asst. BAnderson

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:

EDWARD TORRANCE REED, ESQ. for
RODERICK STEPHEN SKINNER

ZELALEM BOGALE, ESQ. for STATE OF
NEVADA

MICHAEL BOLENBAKER, ESQ. for STATE OF
NEVADA

CHRISTINE BRADY, ESQ. for RODERICK
STEPHEN SKINNER

JOHN REESE PETTY, ESQ. for RODERICK
STEPHEN SKINNER

MATTHEW LEE, ESQ. for STATE OF NEVADA

DIV. OF PAROLE & PROBATION

CHRISTOPHER FREY, ESQ. for RODERICK
STEPHEN SKINNER

REBECCA DRUCKMAN, ESQ. for STATE OF
NEVADA

TERRENCE P. MCCARTHY, ESQ. for STATE
OF NEVADA

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

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
6 (775) 996-0687
7 *ATTORNEY FOR PETITIONER*

8
9
10 **IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
11 **IN AND FOR THE COUNTY OF WASHOE**
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RODERICK STEPHEN SKINNER,

Petitioner,

Case No. CR14-0644

vs.

Dept. No. 8

ISIDRO BACA, WARDEN, NORTHERN
NEVADA CORRECTIONAL CENTER.

Respondent.

REQUEST FOR SUBMISSION OF PETITION AND SUPPLEMENTAL
PETITION FOR WRIT OF HABEAS CORPUS; REQUEST FOR EVIDENTIARY
HEARING

Petitioner Roderick Stephen Skinner, by and through his court-appointed counsel Edward T. Reed, Esq., hereby files this Request for Submission of Petition and Supplemental Petition for Writ of Habeas Corpus and Request for Evidentiary Hearing. The Petitioner filed his original petition for writ of habeas corpus on July 13, 2016, and an amended petition for writ of habeas corpus (hereinafter “petition for writ of habeas corpus”) on October 7, 2016, which was amended at the district court’s direction to simply add a verification. On November 22, 2016, the State filed an answer to the

1 amended petition for writ of habeas corpus. The Petitioner filed through his counsel a
2 supplemental petition on January 12, 2018. On February 26, 2018, the State filed an
3 answer to the supplemental petition for writ of habeas corpus.

4 The petition and supplemental petition are hereby submitted to the Court pursuant
5 to NRS 34.770 to determine whether an evidentiary hearing is required as to some or all
6 of the grounds for relief. The petitioner submits that substantial allegations of ineffective
7 assistance of counsel and a violation of the Petitioner's rights have been submitted in the
8 grounds of the petition and supplemental petition for writ of habeas corpus which, if true,
9 would entitle the Petitioner to relief. A petitioner has a right to a post-conviction
10 evidentiary hearing when he asserts claims supported by specific factual allegations not
11 belied by the record that, if true, would entitle him to relief. *Mann v. State*, 118 Nev.
12 351, 354, 46 P.3d 1228 (2002).

13 In addition, the Petitioner asserts that the loss of the evidence by the State, as
14 detailed in the supplemental petition for writ of habeas corpus, and the circumstances
15 surrounding this loss and whether such loss is a violation of due process and a result of
16 the gross negligence or bad faith of the State, require an evidentiary hearing. The
17 Petitioner cannot prosecute his claims of innocence and that his plea was not knowingly
18 or voluntarily made without being able to examine this evidence, which, due to the gross
19 negligence or bad faith of the State, is no longer available to be examined.

20 **Pursuant to NRS 239B.030**, the undersigned does hereby affirm that the
21 preceding document does not contain the social security number of any person.

22 DATED this 10th day of April, 2018.

23
24 /s/ Edward T. Reed
25 Edward T. Reed, Esq.
26 EDWARD T. REED, PLLC
27 P.O. Box 34763
28 Reno, NV 89533-4763
(775) 996-0687
ATTORNEY FOR PETITIONER

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CERTIFICATE OF SERVICE

I hereby certify that I am an employee of Edward T. Reed, PLLC, which represents the Petitioner in this matter, and that on this date I electronically filed the foregoing with the Clerk of the Court using the ECF system which will send a notice of filing to the following:

Terrence McCarthy, Chief Appellate Deputy
Washoe County District Attorney's Office

DATED this 10th day of April, 2018.

/s/ Edward T. Reed

Edward T. Reed

Return Of NEF**Recipients**

ZELALEM BOGALE, ESQ. - Notification received on 2018-04-10 11:34:12.806.

JOHN PETTY, ESQ. - Notification received on 2018-04-10 11:34:13.788.

TERRENCE MCCARTHY, ESQ. - Notification received on 2018-04-10 11:34:13.71.

DIV. OF PAROLE & PROBATION - Notification received on 2018-04-10 11:34:13.929.

CHRISTINE BRADY, ESQ. - Notification received on 2018-04-10 11:34:12.868.

MICHAEL BOLENBAKER, ESQ. - Notification received on 2018-04-10 11:34:13.648.

EDWARD REED, ESQ. - Notification received on 2018-04-10 11:34:13.57.

REBECCA DRUCKMAN, ESQ. - Notification received on 2018-04-10 11:34:12.509.

MATTHEW LEE, ESQ. - Notification received on 2018-04-10 11:34:13.508.

CHRISTOPHER FREY, ESQ. - Notification received on 2018-04-10 11:34:12.946.

******* 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:

04-10-2018:10:46:26

Clerk Accepted:

04-10-2018:11:33:24

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:

Edward Torrance Reed

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

REBECCA DRUCKMAN, ESQ. for STATE OF
NEVADA

EDWARD TORRANCE REED, ESQ. for
RODERICK STEPHEN SKINNER

CHRISTINE BRADY, ESQ. for RODERICK
STEPHEN SKINNER

JOHN REESE PETTY, ESQ. for RODERICK
STEPHEN SKINNER

MICHAEL BOLENBAKER, ESQ. for STATE OF
NEVADA

CHRISTOPHER FREY, ESQ. for RODERICK
STEPHEN SKINNER

DIV. OF PAROLE & PROBATION

ZELALEM BOGALE, ESQ. for STATE OF
NEVADA

TERRENCE P. MCCARTHY, ESQ. for STATE
OF NEVADA

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

RODERICK STEPHEN SKINNER,	Case No.	CR14-0644
Petitioner,	Dept. No.	8
vs.		
ISIDRO BACA, WARDEN, NORTHERN NEVADA CORRECTIONAL CENTER,		
Respondent.		

/ / /

1 Good cause appearing, Petitioner's request for an evidentiary hearing is
2 GRANTED. Accordingly, the parties shall contact the Judicial Assistant for Department
3 Eight **within fifteen (15) days** of the date of this order to set this matter for an
4 evidentiary hearing.

5 IT IS SO ORDERED.

6 DATED this 4TH day of June, 2018.

7 
8 BARRY L. BRESLOW
9 District Judge

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 4 day of June, 2018, 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:

Terrance McCarthy, Esq.


Judicial Assistant

Return Of NEF**Recipients**

ZELALEM BOGALE, ESQ. - Notification received on 2018-06-04 09:29:24.965.
JOHN PETTY, ESQ. - Notification received on 2018-06-04 09:29:25.136.
TERRENCE MCCARTHY, ESQ. - Notification received on 2018-06-04 09:29:25.105.
DIV. OF PAROLE & PROBATION - Notification received on 2018-06-04 09:29:25.183.
CHRISTINE BRADY, ESQ. - Notification received on 2018-06-04 09:29:24.98.
MICHAEL BOLENBAKER, ESQ. - Notification received on 2018-06-04 09:29:25.074.
EDWARD REED, ESQ. - Notification received on 2018-06-04 09:29:25.058.
REBECCA DRUCKMAN, ESQ. - Notification received on 2018-06-04 09:29:24.933.
MATTHEW LEE, ESQ. - Notification received on 2018-06-04 09:29:25.027.
CHRISTOPHER FREY, ESQ. - Notification received on 2018-06-04 09:29:25.011.

***** 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:

06-04-2018:09:28:10

Clerk Accepted:

06-04-2018:09:28:53

Court:

Second Judicial District Court - State of Nevada
Criminal

Case Title:

STATE VS. RODERICK STEPHEN SKINNER
(D8)

Document(s) Submitted:

Ord to Set

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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The following people were served electronically:

MICHAEL BOLENBAKER, ESQ. for STATE OF
NEVADA

MATTHEW LEE, ESQ. for STATE OF NEVADA

ZELALEM BOGALE, ESQ. for STATE OF
NEVADA

DIV. OF PAROLE & PROBATION

JOHN REESE PETTY, ESQ. for RODERICK
STEPHEN SKINNER

REBECCA DRUCKMAN, ESQ. for STATE OF
NEVADA

CHRISTINE BRADY, ESQ. for RODERICK
STEPHEN SKINNER

TERRENCE P. MCCARTHY, ESQ. for STATE
OF NEVADA

CHRISTOPHER FREY, ESQ. for RODERICK
STEPHEN SKINNER

EDWARD TORRANCE REED, 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.):

CODE 2610
Christopher J. Hicks
#7747
P.O. Box 11130
Reno, NV 89520
(775) 328-3200

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

* * *

RODERICK STEPHEN SKINNER,

Petitioner,

v.

Case No. CR14-0644

THE STATE OF NEVADA

Dept. No. 8

Respondent.

NOTICE OF RESPONSIBLE ATTORNEY FOR THE STATE

Notice is hereby given that JOSEPH R. PLATER, Appellate Deputy, is the responsible attorney handling the above-entitled matter on behalf of the State of Nevada. It is requested that any other Deputy District Attorney listed on this case be removed.

AFFIRMATION PURSUANT TO NRS 239B.030

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

Dated this 19th day of June, 2018.

CHRISTOPHER J. HICKS
District Attorney
Washoe County, Nevada

By /s/ JOSEPH R. PLATER
JOSEPH R. PLATER
Appellate Deputy

1 CODE 1250

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 Plaintiff,

10 vs.

Case No. CR14-0644 +

11 THE STATE OF NEVADA +,

Dept. No. 8

12 Defendant.
13 _____/

14 **APPLICATION FOR SETTING**

15 TYPE OF ACTION: POST-CONVICTION

MATTER TO BE HEARD: EVIDENTIARY HEARING

16 Date of Application : June 19, 2018 Made by: RESPONDENT/DEFENDANT
Plaintiff or Defendant

17 COUNSEL FOR PLAINTIFF: EDWARD T. REED, ESQ.

18 COUNSEL FOR DEFENDANT: JOSEPH R. PLATER, APPELLATE DEPUTY

19 Instructions: Check the appropriate box. Indicate who is requesting the jury. Estimated No. Of Jurors:

20 ☐ Jury Demanded by (Name): _____

21 ☒ No Jury Demanded by (Name): _____

22 Estimated Duration of Trial: 1 DAY

23 Edward T. Reed, Esq.

Joseph R. Plater, Appellate Deputy

24 via telephone

via telephone

25 Attorney(s) for Plaintiff

Attorney(s) for Defendant

26 Evidentiary Hrg 9:00 am 8th
27 Motion - No. Setting at on the
28 Trial - No. Setting at on the

January 20 19
day of 20
day of

Return Of NEF**Recipients**

ZELALEM BOGALE, ESQ. - Notification received on 2018-06-19 14:03:15.235.

JOHN PETTY, ESQ. - Notification received on 2018-06-19 14:03:15.422.

TERRENCE MCCARTHY, ESQ. - Notification received on 2018-06-19 14:03:15.391.

DIV. OF PAROLE & PROBATION - Notification received on 2018-06-19 14:03:15.469.

CHRISTINE BRADY, ESQ. - Notification received on 2018-06-19 14:03:15.266.

MICHAEL BOLENBAKER, ESQ. - Notification received on 2018-06-19 14:03:15.36.

EDWARD REED, ESQ. - Notification received on 2018-06-19 14:03:15.344.

REBECCA DRUCKMAN, ESQ. - Notification received on 2018-06-19 14:03:15.22.

MATTHEW LEE, ESQ. - Notification received on 2018-06-19 14:03:15.313.

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***** 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:

06-19-2018:13:44:47

Clerk Accepted:

06-19-2018:14:02:34

Court:

Second Judicial District Court - State of Nevada

Criminal

Case Title:

STATE VS. RODERICK STEPHEN SKINNER
(D8)

Document(s) Submitted:

Application for Setting

Filed By:

Joseph Plater

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

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The following people were served electronically:

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RODERICK STEPHEN SKINNER

TERRENCE P. MCCARTHY, ESQ. for STATE
OF NEVADA

MATTHEW LEE, ESQ. for STATE OF NEVADA

CHRISTINE BRADY, ESQ. for RODERICK
STEPHEN SKINNER

CHRISTOPHER FREY, ESQ. for RODERICK
STEPHEN SKINNER

JOHN REESE PETTY, ESQ. for RODERICK
STEPHEN SKINNER

DIV. OF PAROLE & PROBATION

REBECCA DRUCKMAN, ESQ. for STATE OF
NEVADA

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Return Of NEF**Recipients**

JOHN PETTY, ESQ. - Notification received on 2018-06-19 14:21:58.739.

DIV. OF PAROLE & PROBATION - Notification received on 2018-06-19 14:21:58.411.

CHRISTOPHER FREY, ESQ. - Notification received on 2018-06-19 14:21:58.38.

EDWARD REED, ESQ. - Notification received on 2018-06-19 14:21:58.489.

JOSEPH PLATER, III, ESQ. - Notification received on 2018-06-19 14:21:58.442.

CHRISTINE BRADY, ESQ. - Notification received on 2018-06-19 14:21:58.364.

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

Judge:

HONORABLE BARRY L. BRESLOW

Official File Stamp:

06-19-2018:13:42:28

Clerk Accepted:

06-19-2018:14:21:23

Court:

Second Judicial District Court - State of Nevada
Criminal

Case Title:

STATE VS. RODERICK STEPHEN SKINNER
(D8)

Document(s) Submitted:

Notice of Change of Attorney

Filed By:

Joseph Plater

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JOSEPH R. PLATER, III, ESQ. for STATE OF
NEVADA

CHRISTINE BRADY, ESQ. for RODERICK
STEPHEN SKINNER

CHRISTOPHER FREY, ESQ. for RODERICK
STEPHEN SKINNER

JOHN REESE PETTY, ESQ. for RODERICK
STEPHEN SKINNER

DIV. OF PAROLE & PROBATION

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JOHN PETTY, ESQ. - Notification received on 2018-07-09 12:45:44.378.

DIV. OF PAROLE & PROBATION - Notification received on 2018-07-09 12:45:44.253.

CHRISTOPHER FREY, ESQ. - Notification received on 2018-07-09 12:45:44.238.

EDWARD REED, ESQ. - Notification received on 2018-07-09 12:45:44.347.

JOSEPH PLATER, III, ESQ. - Notification received on 2018-07-09 12:45:44.284.

CHRISTINE BRADY, ESQ. - Notification received on 2018-07-09 12:45:44.206.

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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:

07-09-2018:11:49:26

Clerk Accepted:

07-09-2018:12:45:13

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

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The following people were served electronically:

EDWARD TORRANCE REED, ESQ. for
RODERICK STEPHEN SKINNER

JOSEPH R. PLATER, III, ESQ. for STATE OF
NEVADA

CHRISTINE BRADY, ESQ. for RODERICK
STEPHEN SKINNER

CHRISTOPHER FREY, ESQ. for RODERICK
STEPHEN SKINNER

JOHN REESE PETTY, 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 **CODE : 2777**

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

8 * * *

9 RODERICK SKINNER,

10 Petitioner,

Case No. : CR14-0644

11 vs.

Dept. No. : 8

12 THE STATE OF NEVADA,

13 Respondent.
14 _____/

15 **RECOMMENDATION AND ORDER FOR PAYMENT OF INTERIM ATTORNEY'S FEES**
16 **(POST CONVICTION)**

17 The Administrator, having reviewed the Claim for Compensation submitted
18 by Edward T. Reed, Esq., for the representation of Petitioner, who has been
19 previously declared indigent, and the Court having previously entered an Order
20 finding this case to be appropriate for waiver of the \$750.00 statutory cap pursuant
21 to NRS 7.125(4),


22 This Administrator recommends that the Chief Judge of the Second Judicial
23 District Court find that the time expended was necessary and reasonable to handle
24 the recent issues in this matter and represent Petitioner's interests.

25 This Administrator, having reviewed the Motion filed herein, finding that
26 Defendant is indigent, and Ordering that transcripts be paid for at public expense.

27 This Administrator further recommends that the Chief Judge of the Second
28

Judicial District Court approve the payment of interim fees in the amount of ONE THOUSAND ONE HUNDRED TWENTY TWO DOLLARS AND TWENTY NINE CENTS (\$1,122.29) made payable to Edward T. Reed, Esq., and paid by the State of Nevada Public Defender's Office.

Dated this 12 day of July, 2018.


ROBERT C. BELL, ESQ., ADMINISTRATOR
COURT APPOINTED COUNSEL

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

IT IS HEREBY ORDERED that the recommendations of the Administrator are hereby confirmed, approved and adopted as to the amount of \$1,122²⁹. This amount may not be the same as the Recommendation. Counsel is notified that they may request a prove-up hearing for the non-approved amounts before the Chief Judge of the District.

Counsel, Edward T. Reed, Esq., shall be reimbursed by the State Of Nevada Public Defender's Office fees in the amount of \$ 1,122²⁹.

DATED this 19th day of July, 2018.


CHIEF DISTRICT JUDGE

Return Of NEF**Recipients**

JOHN PETTY, ESQ. - Notification received on 2018-07-19 15:30:42.156.

DIV. OF PAROLE & PROBATION - Notification received on 2018-07-19 15:30:41.36.

CHRISTOPHER FREY, ESQ. - Notification received on 2018-07-19 15:30:41.002.

EDWARD REED, ESQ. - Notification received on 2018-07-19 15:30:42.14.

JOSEPH PLATER, III, ESQ. - Notification received on 2018-07-19 15:30:42.078.

CHRISTINE BRADY, ESQ. - Notification received on 2018-07-19 15:30:40.97.

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

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

Judge:

HONORABLE BARRY L. BRESLOW

Official File Stamp:

07-19-2018:15:29:16

Clerk Accepted:

07-19-2018:15:30:01

Court:

Second Judicial District Court - State of Nevada

Criminal

Case Title:

STATE VS. RODERICK STEPHEN SKINNER
(D8)

Document(s) Submitted:

Ord Approving

Filed By:

Judicial Asst. BWard

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RODERICK STEPHEN SKINNER

JOSEPH R. PLATER, III, ESQ. for STATE OF
NEVADA

CHRISTINE BRADY, ESQ. for RODERICK
STEPHEN SKINNER

CHRISTOPHER FREY, ESQ. for RODERICK
STEPHEN SKINNER

JOHN REESE PETTY, 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 **IN AND FOR THE COUNTY OF WASHOE**

10
11 RODERICK STEPHEN SKINNER,

12
13 Petitioner,

Case No. CR14-0644

14 vs.

Dept. No. 8

15
16 ISIDRO BACA, WARDEN, NORTHERN
17 NEVADA CORRECTIONAL CENTER.

18 Respondent.
19 _____/

20 **MOTION FOR ORDER PERMITTING DISCOVERY**

21 The Petitioner, RODERICK STEPHEN SKINNER, by and through his counsel
22 Edward T. Reed, Esq., hereby moves for an order permitting discovery, to wit: the
23 deposition of Dennis Carry of the Washoe County Sheriff's Department. This motion is
24 based on the attached memorandum of points and authorities, and the declaration of
25 Edward T. Reed, made a part hereof by this reference.
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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 The Petitioner moves for an order pursuant to NRS 34.780 permitting discovery,
3 namely the deposition of Sgt. Dennis Carry of the Washoe County Sheriff's Office. NRS
4 34.780(2) states: "After the writ has been granted and a date set for the hearing, a party
5 may invoke any method of discovery available under the Nevada Rules of Procedure if,
6 and to the extent that, the judge or justice for good cause shown grants leave to do so."
7 As noted in the supplemental petition for writ of habeas corpus (see pages 4-5) and the
8 declaration of Edward T. Reed attached hereto and incorporated herein, Sgt. Carry of the
9 Washoe County Sheriff's Office simply destroyed all of the evidence of the forensic
10 images that comprised the evidence against Mr. Skinner.

11 Upon information and belief, the investigator for the Petitioner, Dustin Grate,
12 attempted at least several times to contact Sgt. Carry over a period of time, and finally
13 was able to speak to him. In that conversation, Carry told him that he had destroyed all
14 of the evidence in the regular course of business and that apparently this was done to
15 purge this evidence periodically or every few years. However, initially the undersigned
16 counsel was told by Chief Deputy District Attorney in an email dated October 11, 2017,
17 contained in exhibit 2 to the supplemental petition for writ of habeas corpus, as follows:

18
19 I talked to Detective Carry just moments ago. He does not know
20 what is available. His server crashed a few years ago. He probably got rid
21 of the original equipment. He is going to check on it and let me know.

22 Since it has been difficult to contact Sgt. Carry and there are many questions
23 surrounding the circumstances of Sgt. Carry destroying the evidence in this case and
24 whether bad faith or gross negligence was involved, the Petitioner submits that a
25 deposition prior to the hearing would be helpful and necessary to understand these issues,
26 since the destruction of the evidence is a key issue in the case. For all the foregoing
27
28

1 reasons, it is respectfully requested that this Honorable Court grant the Petitioner's
2 motion to take the deposition of Dennis Carry.

3 **CONCLUSION**

4 The Petitioner respectfully requests that this Honorable Court issue an order
5 pursuant to NRS 34.780, allowing the Petitioner's counsel to depose Dennis Carry of the
6 Washoe County Sheriff's Office.

7 **Pursuant to NRS 239B.030**, the undersigned does hereby affirm that the
8 preceding document does not contain the social security number of any person.

9 DATED this 22nd day of August, 2018.

11 /s/ Edward T. Reed

12 EDWARD T. REED, ESQ.

13 EDWARD T. REED, PLLC

14 Nevada State Bar No. 1416

15 P.O. Box 34763

16 Reno, NV 89533-4763

17 (775) 996-0687

18 *ATTORNEY FOR PETITIONER*

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DECLARATION OF EDWARD T. REED

I, Edward T. Reed ("declarant"), declare under penalty of perjury as follows:

1. Declarant is the appointed counsel for Petitioner Roderick Skinner.
2. Declarant has read the foregoing motion, is familiar with its contents, and states that the factual assertions stated therein are true to the best of affiant's knowledge, information and belief.
3. Declarant was informed by Investigator Dustin Grate several months ago that he had attempted to contact Dennis Carry of the Washoe County Sheriff's Office to speak to him about the destruction of evidence in the Skinner case by the Washoe County Crime Lab and Sgt. Carry. Investigator Grate informed Declarant that he finally spoke to Mr. Carry after several attempts to contact him and that Carry told him he destroyed the evidence in the regular course of business, which was done periodically every few years.

I declare under penalty of perjury that the foregoing is true and correct.

Dated this 22nd day of August, 2018.

/s/ Edward T. Reed
EDWARD T. REED

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of Edward T. Reed, PLLC, who represents the Petitioner in this matter, and that on this date I electronically filed the foregoing with the Clerk of the Court by using the ECF system which will send a notice of electronic filing to the following:

Jennifer Noble, Chief Appellate Deputy
Washoe County District Attorney's Office

DATED this 22nd day of August, 2018.

/s/ Edward T. Reed
Edward T. Reed

Return Of NEF**Recipients**

JOHN PETTY, ESQ. - Notification received on 2018-08-22 09:59:43.981.

DIV. OF PAROLE & PROBATION - Notification received on 2018-08-22 09:59:43.887.

CHRISTOPHER FREY, ESQ. - Notification received on 2018-08-22 09:59:43.872.

EDWARD REED, ESQ. - Notification received on 2018-08-22 09:59:43.965.

JOSEPH PLATER, III, ESQ. - Notification received on 2018-08-22 09:59:43.918.

CHRISTINE BRADY, ESQ. - Notification received on 2018-08-22 09:59:43.84.

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

Judge:

HONORABLE BARRY L. BRESLOW

Official File Stamp:

08-22-2018:09:55:12

Clerk Accepted:

08-22-2018:09:59:10

Court:

Second Judicial District Court - State of Nevada

Criminal

Case Title:

STATE VS. RODERICK STEPHEN SKINNER
(D8)

Document(s) Submitted:

Mtn for Discovery

Filed By:

Edward Torrance Reed

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STEPHEN SKINNER

CHRISTOPHER FREY, ESQ. for RODERICK
STEPHEN SKINNER

JOHN REESE PETTY, ESQ. for RODERICK
STEPHEN SKINNER

DIV. OF PAROLE & PROBATION

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DIV. OF PAROLE & PROBATION - Notification received on 2018-08-23 12:19:58.206.

CHRISTOPHER FREY, ESQ. - Notification received on 2018-08-23 12:19:58.175.

EDWARD REED, ESQ. - Notification received on 2018-08-23 12:19:58.268.

JOSEPH PLATER, III, ESQ. - Notification received on 2018-08-23 12:19:58.221.

CHRISTINE BRADY, ESQ. - Notification received on 2018-08-23 12:19:58.159.

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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:

08-23-2018:12:00:07

Clerk Accepted:

08-23-2018:12:19:23

Court:

Second Judicial District Court - State of Nevada

Criminal

Case Title:

STATE VS. RODERICK STEPHEN SKINNER
(D8)

Document(s) Submitted:

Application Produce Prisoner

Filed By:

Joseph Plater

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JOSEPH R. PLATER, III, ESQ. for STATE OF
NEVADA

CHRISTINE BRADY, ESQ. for RODERICK
STEPHEN SKINNER

CHRISTOPHER FREY, ESQ. for RODERICK
STEPHEN SKINNER

JOHN REESE PETTY, 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 CODE #3340
CHRISTOPHER J. HICKS
2 #7747
P.O. Box 11130
3 Reno, Nevada 89520-0027
(775) 328-3200
4 Attorney for Respondent

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

9 ***

10 RODERICK STEPHEN SKINNER,

11 Petitioner,

12 v.

Case No. CR14-0644

13 ISIDRO BACA, WARDEN, NORTHERN
14 NEVADA CORRECTIONAL CENTER.

Dept. No. 8

15 Respondent.
16 _____/

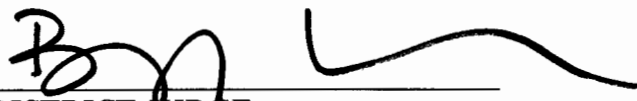
17 ORDER TO PRODUCE PRISONER

18 IT APPEARING to the satisfaction of the above-entitled Court that it is necessary
19 that the Petitioner above named, RODERICK STEPHEN SKINNER #1126964, presently
20 incarcerated in the Northern Nevada Correctional Center, Carson City, Nevada, be
21 brought before the Second Judicial District Court for a post-conviction hearing in the
22 above-entitled action.

23 NOW, THEREFORE, IT IS HEREBY ORDERED that the Warden of the Northern
24 Nevada Correctional Center, Carson City, Nevada, bring the said RODERICK STEPHEN
SKINNER before the Second Judicial District Court on January 8, 2019, at 9:00 a.m.,
for a post-conviction hearing in the above-entitled action, and from time to time

1 thereafter at such time and places as may be ordered and directed by the Court for such
2 proceedings as thereafter may be necessary and proper in the premises.

3
4 DATED this 24 day of August, 2018.

5
6 
7 DISTRICT JUDGE

Return Of NEF**Recipients**

JOHN PETTY, ESQ. - Notification received on 2018-08-24 10:12:09.97.

DIV. OF PAROLE & PROBATION - Notification received on 2018-08-24 10:12:09.33.

CHRISTOPHER FREY, ESQ. - Notification received on 2018-08-24 10:12:09.299.

EDWARD REED, ESQ. - Notification received on 2018-08-24 10:12:09.673.

JOSEPH PLATER, III, ESQ. - Notification received on 2018-08-24 10:12:09.361.

CHRISTINE BRADY, ESQ. - Notification received on 2018-08-24 10:12:09.002.

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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:

08-24-2018:10:10:40

Clerk Accepted:

08-24-2018:10:11:21

Court:

Second Judicial District Court - State of Nevada
Criminal

Case Title:

STATE VS. RODERICK STEPHEN SKINNER
(D8)

Document(s) Submitted:

Ord to Produce Prisoner

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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RODERICK STEPHEN SKINNER

JOSEPH R. PLATER, III, ESQ. for STATE OF
NEVADA

CHRISTINE BRADY, ESQ. for RODERICK
STEPHEN SKINNER

CHRISTOPHER FREY, ESQ. for RODERICK
STEPHEN SKINNER

JOHN REESE PETTY, 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 **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 **REQUEST FOR SUBMISSION OF MOTION FOR ORDER PERMITTING**
19 **DISCOVERY**

20 The Petitioner, RODERICK SKINNER, by and through his counsel Edward T.
21 Reed, Esq., hereby requests that the Motion For Order Permitting Discovery, filed on
22 August 22, 2018, be submitted to the Court for decision. No opposition has been filed
23 by the Respondent. Undersigned counsel certifies that a copy of this request has been
24 served on all parties to this action.

25 **Pursuant to NRS 239B.030**, the undersigned does hereby affirm that the
26 preceding document does not contain the social security number of any person.

27 DATED this 6th day of September, 2018.
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/s/ Edward T. Reed
EDWARD T. REED, ESQ.
EDWARD T. REED, PLLC
Nevada State Bar No. 1416
P.O. Box 34763
Reno, NV 89533-4763
(775) 996-0687
Attorney for Petitioner

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CERTIFICATE OF SERVICE

I hereby certify that I am an employee of Edward T. Reed, PLLC, who represents the Petitioner in this matter, and that on this date I electronically filed the foregoing with the Clerk of the Court by using the ECF system which will send a notice of electronic filing to the following:

Jennifer Noble, Chief Appellate Deputy
Washoe County District Attorney's Office

DATED this 6th day of September, 2018.

/s/ Edward T. Reed
Edward T. Reed

Return Of NEF**Recipients**

JOHN PETTY, ESQ. - Notification received on 2018-09-06 10:28:53.076.

DIV. OF PAROLE & PROBATION - Notification received on 2018-09-06 10:28:52.967.

CHRISTOPHER FREY, ESQ. - Notification received on 2018-09-06 10:28:52.951.

EDWARD REED, ESQ. - Notification received on 2018-09-06 10:28:53.045.

JOSEPH PLATER, III, ESQ. - Notification received on 2018-09-06 10:28:52.998.

CHRISTINE BRADY, ESQ. - Notification received on 2018-09-06 10:28:52.92.

***** 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:

09-06-2018:10:20:36

Clerk Accepted:

09-06-2018:10:28:06

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:

Edward Torrance Reed

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

JOSEPH R. PLATER, III, ESQ. for STATE OF
NEVADA

CHRISTINE BRADY, ESQ. for RODERICK
STEPHEN SKINNER

CHRISTOPHER FREY, ESQ. for RODERICK
STEPHEN SKINNER

JOHN REESE PETTY, 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.):

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
Petitioner, Dept. No. 8

vs.

ISIDRO BACA, WARDEN, NORTHERN
NEVADA CORRECTIONAL CENTER,
Respondent.

ORDER PERMITTING DISCOVERY

Before the Court is a *Motion for Order Permitting Discovery* filed by Petitioner, RODERICK STEPHEN SKINNER, on August 22, 2018. Respondent has not filed an opposition. A post-conviction hearing is set to begin on January 8, 2019.

Petitioner seeks an order from the Court that would allow his counsel to depose Dennis Carry of the Washoe County Sherriff's Office. Petitioner believes that Mr. Carry may have information regarding destroyed evidence that may be pertinent to Petitioner's case.

Pursuant to NRS 34.780(2), following the grant of a writ and setting for a hearing, a party may invoke any method of discovery available under the NRCP upon a finding of good cause by the judge. Based on the information provided in the Declaration of Edward T. Reed, Esq. attached to Petitioner's Motion and the lack of opposition by the State, the Court finds good cause to order the deposition of Mr. Carry.

//

1 Parties are to agree to a date and time for the deposition. Mr. Carry shall be deposed
2 within ninety (90) days of the filing of this Order. Petitioner, by and through his attorney Edward
3 T. Reed, Esq. shall serve a Notice of Deposition on the necessary parties, to include: Joseph R.
4 Plater, III, Esq. for the State of Nevada, Christine Brady, Esq. for Petitioner, Christopher Frey,
5 Esq. for Petitioner, John R. Petty, Esq. for Petitioner, and the Division of Parole and Probation.
6 The Notice shall be filed within ten (10) days of the filing of this Order.

7 **IT IS SO ORDERED.**

8 **DATED** this 7 day of September, 2018.

9
10 
11 BARRY L. BRESLOW
12 District Judge
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CERTIFICATE OF SERVICE

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 7 day of September, 2018, 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:

Joseph R. Plater, III, Esq.

Christine Brady, Esq.

Christopher Frey, Esq.

John R. Petty, Esq.

Edward T. Reed, Esq.

The Division of Parole & Probation



CHRISTINE KUHL
Judicial Assistant

Return Of NEF**Recipients**

JOHN PETTY, ESQ. - Notification received on 2018-09-07 15:01:19.659.

DIV. OF PAROLE & PROBATION - Notification received on 2018-09-07 15:01:19.566.

CHRISTOPHER FREY, ESQ. - Notification received on 2018-09-07 15:01:19.55.

EDWARD REED, ESQ. - Notification received on 2018-09-07 15:01:19.644.

JOSEPH PLATER, III, ESQ. - Notification received on 2018-09-07 15:01:19.597.

CHRISTINE BRADY, ESQ. - Notification received on 2018-09-07 15:01:19.519.

***** 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:

09-07-2018:15:00:18

Clerk Accepted:

09-07-2018:15:00:49

Court:

Second Judicial District Court - State of Nevada

Criminal

Case Title:

STATE VS. RODERICK STEPHEN SKINNER
(D8)

Document(s) Submitted:

Ord Granting

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

DIV. OF PAROLE & PROBATION

CHRISTOPHER FREY, ESQ. for RODERICK
STEPHEN SKINNER

CHRISTINE BRADY, ESQ. for RODERICK
STEPHEN SKINNER

JOHN REESE PETTY, ESQ. for RODERICK
STEPHEN SKINNER

JOSEPH R. PLATER, III, 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
11 RODERICK STEPHEN SKINNER,

12 Petitioner,

Case No. CR14-0644

13
14 vs.

Dept. No. 8

15
16 ISIDRO BACA, WARDEN, NORTHERN
17 NEVADA CORRECTIONAL CENTER.

18 Respondent.
19 _____/

20 **NOTICE OF DEPOSITION**

21 TO: DENNIS CARRY, Washoe County Sheriff's Office, 911 E. Parr Blvd., Reno, NV

22 Petitioner Roderick Skinner, by and through his counsel Edward T. Reed, hereby
23 notifies Dennis Carry, Washoe County Sheriff's Office, that he will be deposed by the
24 Petitioner in the above-entitled case by stenographic means on **Monday, November 5,**
25 **2018, at 1:30 p.m.** at the following location:

26 Sunshine Litigation Services
27 151 Country Estates Circle,
28 Reno, NV 89511

Pursuant to NRS 239B.030, the undersigned does hereby affirm that the preceding document does not contain the social security number of any person.

DATED this 2nd day of October, 2018.

/s/ Edward T. Reed
EDWARD T. REED, ESQ.
EDWARD T. REED, PLLC
Nevada State Bar No. 1416
P.O. Box 34763
Reno, NV 89533-4763
(775) 996-0687
ATTORNEY FOR PETITIONER

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of Edward T. Reed, PLLC, who represents the Petitioner in this matter, and that on this date I electronically filed the foregoing with the Clerk of the Court by using the ECF system which will send a notice of electronic filing to the following:

Joseph Plater, Appellate Deputy
Washoe County District Attorney's Office

Christine Brady, Esq.
Washoe County Public Defender's Office

John R. Petty, Esq.
Washoe County Public Defender's Office

And that the foregoing was sent via United States Postal Service to the following:

Christopher Frey, Esq.
Federal Public Defender's Office
201 W. Liberty St., Ste. 102
Reno, NV 89501

Nevada Division of Parole and Probation
475 Valley Rd.
Reno, NV 89512

And served via United States Postal Service and facsimile service to the following:

Dennis Carry, Washoe County Sheriff's Office
911 E. Parr
Reno, NV 89512
Fax: (775) 785-6240

DATED this 2nd day of October, 2018.

/s/ Edward T. Reed
Edward T. Reed

Return Of NEF**Recipients**

JOHN PETTY, ESQ. - Notification received on 2018-10-02 15:30:22.523.

DIV. OF PAROLE & PROBATION - Notification received on 2018-10-02 15:30:20.729.

CHRISTOPHER FREY, ESQ. - Notification received on 2018-10-02 15:30:18.888.

EDWARD REED, ESQ. - Notification received on 2018-10-02 15:30:22.492.

JOSEPH PLATER, III, ESQ. - Notification received on 2018-10-02 15:30:22.445.

CHRISTINE BRADY, ESQ. - Notification received on 2018-10-02 15:30:18.56.

***** 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:

10-02-2018:14:33:53

Clerk Accepted:

10-02-2018:15:29:12

Court:

Second Judicial District Court - State of Nevada
Criminal

Case Title:

STATE VS. RODERICK STEPHEN SKINNER
(D8)

Document(s) Submitted:

Notice

Filed By:

Edward Torrance Reed

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

DIV. OF PAROLE & PROBATION

CHRISTOPHER FREY, ESQ. for RODERICK
STEPHEN SKINNER

CHRISTINE BRADY, ESQ. for RODERICK
STEPHEN SKINNER

JOHN REESE PETTY, ESQ. for RODERICK
STEPHEN SKINNER

JOSEPH R. PLATER, III, 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
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 NOTICE**
19 **OF DEPOSITION**

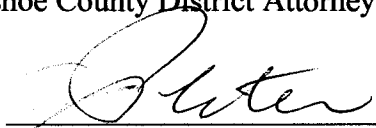
20 Petitioner RODERICK STEPHEN SKINNER, by and through his court-appointed
21 counsel Edward T. Reed, Esq., and the Respondent, by and through his counsel Joseph
22 Plater, Esq., Appellate Deputy, Washoe County District Attorney's Office, hereby
23 stipulate to allow Petitioner's counsel an extension of 15 days to and including October 2,
24 2018, in which to file the Notice of Deposition of Dennis Carry, as required by the
25 Court's Order of September 7, 2018. The Notice of Deposition was originally due to be
26 filed by September 17, 2018. Counsel for the Petitioner, Edward T. Reed, inadvertently
27
28

1 overlooked the original deadline of September 17, 2018, to file the Notice of Deposition,
2 but counsel for the Respondent, Joseph Plater, has graciously allowed the additional time
3 for Petitioner to file the Notice of Deposition.

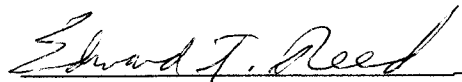
4 **Pursuant to NRS 239B.030**, the undersigned do hereby affirm that the preceding
5 document does not contain the social security number of any person.

6 DATED this 27th day of September, 2018.
7

8 Christopher Hicks
9 Washoe County District Attorney

10 By: 
11 Joseph Plater, Esq.
12 Appellate Deputy
13 Washoe County District Attorney's Office
14 P.O. Box 11130
15 Reno, NV 89520
16 (775) 328-3200

17 **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

18 **ORDER**

19 IT IS SO ORDERED this 27th day of October, 2018.
20

21 
22 DISTRICT JUDGE
23
24
25
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Return Of NEF**Recipients**

JOHN PETTY, ESQ. - Notification received on 2018-10-08 14:29:58.938.

DIV. OF PAROLE & PROBATION - Notification received on 2018-10-08 14:29:56.52.

CHRISTOPHER FREY, ESQ. - Notification received on 2018-10-08 14:29:56.504.

EDWARD REED, ESQ. - Notification received on 2018-10-08 14:29:58.376.

JOSEPH PLATER, III, ESQ. - Notification received on 2018-10-08 14:29:58.018.

CHRISTINE BRADY, ESQ. - Notification received on 2018-10-08 14:29:56.473.

***** 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:

10-08-2018:14:27:53

Clerk Accepted:

10-08-2018:14:28:58

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

DIV. OF PAROLE & PROBATION

CHRISTOPHER FREY, ESQ. for RODERICK
STEPHEN SKINNER

CHRISTINE BRADY, ESQ. for RODERICK
STEPHEN SKINNER

JOHN REESE PETTY, ESQ. for RODERICK
STEPHEN SKINNER

JOSEPH R. PLATER, III, 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.):

Return Of NEF**Recipients**

JOHN PETTY, ESQ. - Notification received on 2018-11-20 16:22:12.791.

DIV. OF PAROLE & PROBATION - Notification received on 2018-11-20 16:22:12.104.

CHRISTOPHER FREY, ESQ. - Notification received on 2018-11-20 16:22:11.792.

EDWARD REED, ESQ. - Notification received on 2018-11-20 16:22:12.182.

JOSEPH PLATER, III, ESQ. - Notification received on 2018-11-20 16:22:12.136.

CHRISTINE BRADY, ESQ. - Notification received on 2018-11-20 16:22:10.544.

***** 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:

11-20-2018:15:13:58

Clerk Accepted:

11-20-2018:16:20:47

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.

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

DIV. OF PAROLE & PROBATION

CHRISTOPHER FREY, ESQ. for RODERICK
STEPHEN SKINNER

CHRISTINE BRADY, ESQ. for RODERICK
STEPHEN SKINNER

JOHN REESE PETTY, ESQ. for RODERICK
STEPHEN SKINNER

JOSEPH R. PLATER, III, 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
4
56 **THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
7 **IN AND FOR THE COUNTY OF WASHOE**
89 ***
1011 RODERICK SKINNER,
1213 Petitioner,
14Case No. : CR14-0644
1516 vs.
17Dept. No. : 8
1819 THE STATE OF NEVADA,
2021 Respondent.
2223 **RECOMMENDATION AND ORDER FOR PAYMENT OF INTERIM ATTORNEY'S FEES**
24 **(POST CONVICTION)**
2526 The Administrator, having reviewed the Claim for Compensation submitted
27 by Edward T. Reed, Esq., for the representation of Petitioner, who has been
28 previously declared indigent, and the Court having previously entered an Order
finding this case to be appropriate for waiver of the \$750.00 statutory cap pursuant
to NRS 7.125(4),This Administrator recommends that the Chief Judge of the Second Judicial
District Court find that the time expended was necessary and reasonable to handle
the recent issues in this matter and represent Petitioner's interests.This Administrator, having reviewed the Motion filed herein, finding that
Defendant is indigent, and Ordering that transcripts be paid for at public expense.

This Administrator further recommends that the Chief Judge of the Second

Judicial District Court approve the payment of interim fees in the amount of TWO THOUSAND FIVE HUNDRED FIFTY THREE DOLLARS AND SIXTY TWO CENTS (\$2,553.62) made payable to Edward T. Reed, Esq., and paid by the State of Nevada Public Defender's Office.

Dated this 3 day of Dec., 2018.


ROBERT C. BELL, ESQ., ADMINISTRATOR
COURT-APPOINTED COUNSEL

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

IT IS HEREBY ORDERED that the recommendations of the Administrator are hereby confirmed, approved and adopted as to the amount of \$2,553⁶². This amount may not be the same as the Recommendation. Counsel is notified that they may request a prove-up hearing for the non-approved amounts before the Chief Judge of the District.

Counsel, Edward T. Reed, Esq., shall be reimbursed by the State Of Nevada Public Defender's Office fees in the amount of \$2,553⁶².

DATED this 20th day of December, 2018.


CHIEF DISTRICT JUDGE

Return Of NEF**Recipients**

JOHN PETTY, ESQ. - Notification received on 2018-12-20 14:01:10.214.

DIV. OF PAROLE & PROBATION - Notification received on 2018-12-20 14:01:09.637.

CHRISTOPHER FREY, ESQ. - Notification received on 2018-12-20 14:01:09.621.

EDWARD REED, ESQ. - Notification received on 2018-12-20 14:01:10.183.

JOSEPH PLATER, III, ESQ. - Notification received on 2018-12-20 14:01:09.902.

CHRISTINE BRADY, ESQ. - Notification received on 2018-12-20 14:01:09.59.

***** 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:

12-20-2018:13:59:57

Clerk Accepted:

12-20-2018:14:00:36

Court:

Second Judicial District Court - State of Nevada

Criminal

Case Title:

STATE VS. RODERICK STEPHEN SKINNER
(D8)

Document(s) Submitted:

Ord Approving

Filed By:

Judicial Asst. BWard

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

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

-

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

The following people were served electronically:

EDWARD TORRANCE REED, ESQ. for
RODERICK STEPHEN SKINNER

DIV. OF PAROLE & PROBATION

CHRISTOPHER FREY, ESQ. for RODERICK
STEPHEN SKINNER

CHRISTINE BRADY, ESQ. for RODERICK
STEPHEN SKINNER

JOHN REESE PETTY, ESQ. for RODERICK
STEPHEN SKINNER

JOSEPH R. PLATER, III, 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
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 CONTINUATION OF HEARING**

19 Petitioner RODERICK SKINNER, by and through his court-appointed counsel
20 Edward T. Reed, Esq., and the Respondent, by and through his counsel Joseph Plater,
21 Esq., Appellate Deputy, Washoe County District Attorney's Office, hereby stipulate to
22 continue and reset the evidentiary hearing in this matter currently set for January 8, 2018.
23 This continuation is necessary because in late November the expert employed by the
24 Petitioner, Tami Loehrs, informed counsel for the Petitioner that she had a family
25 medical emergency and would therefore not be available for the hearing on January 8,
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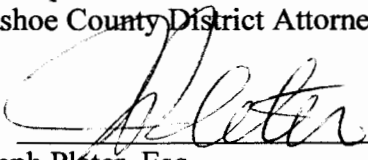
2019. Therefore, it is necessary to continue the hearing to a later date convenient to all the parties and witnesses.

The parties agree to contact the judicial assistance of this department within 15 days of the Court's order approving this stipulation to reset the hearing.

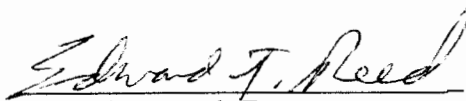
Pursuant to NRS 239B.030, the undersigned do hereby affirm that the preceding document does not contain the social security number of any person.

DATED this 11th day of December, 2018.

Christopher Hicks
Washoe County District Attorney

By: 
Joseph Plater, Esq.
Appellate Deputy
Washoe County District Attorney's Office
P.O. Box 11130
Reno, NV 89520
(775) 328-3200

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

ORDER

IT IS SO ORDERED this 20th day of December, 2018.


DISTRICT JUDGE

Return Of NEF**Recipients**

JOHN PETTY, ESQ. - Notification received on 2018-12-20 14:26:58.898.

DIV. OF PAROLE & PROBATION - Notification received on 2018-12-20 14:26:58.805.

CHRISTOPHER FREY, ESQ. - Notification received on 2018-12-20 14:26:58.774.

EDWARD REED, ESQ. - Notification received on 2018-12-20 14:26:58.883.

JOSEPH PLATER, III, ESQ. - Notification received on 2018-12-20 14:26:58.836.

CHRISTINE BRADY, ESQ. - Notification received on 2018-12-20 14:26:58.758.

******* 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:

12-20-2018:14:25:52

Clerk Accepted:

12-20-2018:14:26:30

Court:

Second Judicial District Court - State of Nevada
Criminal

Case Title:

STATE VS. RODERICK STEPHEN SKINNER
(D8)

Document(s) Submitted:

Stip & Ord to Continue

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

DIV. OF PAROLE & PROBATION

CHRISTOPHER FREY, ESQ. for RODERICK
STEPHEN SKINNER

CHRISTINE BRADY, ESQ. for RODERICK
STEPHEN SKINNER

JOHN REESE PETTY, ESQ. for RODERICK
STEPHEN SKINNER

JOSEPH R. PLATER, III, ESQ. for STATE OF
NEVADA

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

CODE No. 1250

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

IN AND FOR THE COUNTY OF WASHOE

RODERICK STEPHEN SKINNER,

Petitioner,

v.

Case No. CR14-0644

ISIDRO BACA, WARDEN, NORTHERN
NEVADA CORRECTIONAL CENTER

Dept. No. 8

Respondent.

_____ /

APPLICATION FOR SETTING

TYPE OF ACTION: Post-Conviction

MATTER TO BE HEARD: Evidentiary Hearing

DATE OF APPLICATION: January 8, 2019

COUNSEL FOR PETITIONER: Edward T. Reed, Esq.

COUNSEL FOR RESPONDENT: Joseph R. Plater, Appellate Deputy

Setting at 9:00 a.m. – 5:00 p.m. on September 26, 2019,
and 9:00 a.m. – 12:00 p.m. on September 27, 2019.

Return Of NEF**Recipients**

JOHN PETTY, ESQ. - Notification received on 2019-01-08 13:56:07.54.

DIV. OF PAROLE & PROBATION - Notification received on 2019-01-08 13:56:06.573.

CHRISTOPHER FREY, ESQ. - Notification received on 2019-01-08 13:56:06.542.

EDWARD REED, ESQ. - Notification received on 2019-01-08 13:56:07.509.

JOSEPH PLATER, III, ESQ. - Notification received on 2019-01-08 13:56:06.604.

CHRISTINE BRADY, ESQ. - Notification received on 2019-01-08 13:56:06.51.

***** 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:

01-08-2019:13:17:00

Clerk Accepted:

01-08-2019:13:54:50

Court:

Second Judicial District Court - State of Nevada

Criminal

Case Title:

STATE VS. RODERICK STEPHEN SKINNER
(D8)

Document(s) Submitted:

Application for Setting

Filed By:

Joseph Plater

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:

DIV. OF PAROLE & PROBATION

JOSEPH R. PLATER, III, ESQ. for STATE OF
NEVADA

CHRISTINE BRADY, ESQ. for RODERICK
STEPHEN SKINNER

JOHN REESE PETTY, ESQ. for RODERICK
STEPHEN SKINNER

CHRISTOPHER FREY, ESQ. for RODERICK
STEPHEN SKINNER

EDWARD TORRANCE REED, 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.):

Return Of NEF**Recipients**

JOHN PETTY, ESQ. - Notification received on 2019-02-07 16:27:46.324.

DIV. OF PAROLE & PROBATION - Notification received on 2019-02-07 16:27:46.215.

CHRISTOPHER FREY, ESQ. - Notification received on 2019-02-07 16:27:46.199.

EDWARD REED, ESQ. - Notification received on 2019-02-07 16:27:46.293.

JOSEPH PLATER, III, ESQ. - Notification received on 2019-02-07 16:27:46.246.

CHRISTINE BRADY, ESQ. - Notification received on 2019-02-07 16:27:46.168.

******* 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:

02-07-2019:15:30:40

Clerk Accepted:

02-07-2019:16:27:03

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.

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:

DIV. OF PAROLE & PROBATION

JOSEPH R. PLATER, III, ESQ. for STATE OF
NEVADA

CHRISTINE BRADY, ESQ. for RODERICK
STEPHEN SKINNER

JOHN REESE PETTY, ESQ. for RODERICK
STEPHEN SKINNER

CHRISTOPHER FREY, ESQ. for RODERICK
STEPHEN SKINNER

EDWARD TORRANCE REED, 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 : 3000
2
3
4
56 THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7 IN AND FOR THE COUNTY OF WASHOE
8

9 RODERICK SKINNER,
10

Petitioner,

Case No.: CR14-0644
11

vs.

Dept. No.: 8
12THE STATE OF NEVADA,
13Respondent.
1415 **RECOMMENDATION AND ORDER GRANTING TRANSCRIPT AT PUBLIC EXPENSE**
16 **(POST CONVICTION)**17 Upon review of the Motion For Transcripts filed by Petitioner, who has been
18 previously declared indigent, by and through counsel Edward T. Reed, Esq., wherein
19 counsel has requested that transcripts be prepared and provided at public
20 expense.21 The Administrator, having reviewed the Motion filed herein and Ordering that
22 transcripts be paid for at public expense, and good cause appearing;23 IT IS HEREBY RECOMMENDED that the above transcripts be prepared and
24 provided to Counsel, such expense to be paid by the State Public Defender's
25 Office.26 Dated this 24th day of February, 2019.27 
28 COTTER C. CONWAY, ESQ.
APPOINTED COUNSEL ADMINISTRATOR

1
2 Pursuant to the Nevada Supreme Court Order in ADKT 411, and the Second
3 Judicial District Court's Model Plan to address ADKT 411, good cause appearing and
4 in the interest of justice;

5 IT IS HEREBY ORDERED that the recommendations of the Administrator are
6 hereby confirmed, approved and adopted. The above requested transcripts shall
7 be prepared and provided to counsel, such expense to be paid by the State Public
8 Defender's Office.

9
10 DATED this 20th day of March, 2019.

11
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19
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21
22
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25
26
27
28
CHIEF DISTRICT JUDGE

Return Of NEF**Recipients**

JOHN PETTY, ESQ. - Notification received on 2019-03-20 10:01:03.46.

DIV. OF PAROLE & PROBATION - Notification received on 2019-03-20 10:01:03.351.

CHRISTOPHER FREY, ESQ. - Notification received on 2019-03-20 10:01:03.32.

EDWARD REED, ESQ. - Notification received on 2019-03-20 10:01:03.429.

JOSEPH PLATER, III, ESQ. - Notification received on 2019-03-20 10:01:03.382.

CHRISTINE BRADY, ESQ. - Notification received on 2019-03-20 10:01:03.304.

***** 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:

03-20-2019:09:59:56

Clerk Accepted:

03-20-2019:10:00:29

Court:

Second Judicial District Court - State of Nevada

Criminal

Case Title:

STATE VS. RODERICK STEPHEN SKINNER
(D8)

Document(s) Submitted:

Ord Trial Transcript/Public\$

Filed By:

Judicial Asst. BWard

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

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

-

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

The following people were served electronically:

DIV. OF PAROLE & PROBATION

JOSEPH R. PLATER, III, ESQ. for STATE OF
NEVADA

CHRISTINE BRADY, ESQ. for RODERICK
STEPHEN SKINNER

JOHN REESE PETTY, ESQ. for RODERICK
STEPHEN SKINNER

CHRISTOPHER FREY, ESQ. for RODERICK
STEPHEN SKINNER

EDWARD TORRANCE REED, 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.):

Return Of NEF**Recipients**

JENNIFER NOBLE, ESQ. - Notification received on 2019-05-28 11:50:40.191.

JOHN PETTY, ESQ. - Notification received on 2019-05-28 11:50:40.534.

DIV. OF PAROLE & PROBATION - Notification received on 2019-05-28 11:50:40.16.

CHRISTOPHER FREY, ESQ. - Notification received on 2019-05-28 11:50:40.128.

EDWARD REED, ESQ. - Notification received on 2019-05-28 11:50:40.238.

CHRISTINE BRADY, ESQ. - Notification received on 2019-05-28 11:50:40.097.

***** 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:

05-28-2019:11:28:37

Clerk Accepted:

05-28-2019:11:50:05

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.

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:

DIV. OF PAROLE & PROBATION

JENNIFER P. NOBLE, ESQ. for STATE OF
NEVADA

CHRISTINE BRADY, ESQ. for RODERICK
STEPHEN SKINNER

JOHN REESE PETTY, ESQ. for RODERICK
STEPHEN SKINNER

CHRISTOPHER FREY, ESQ. for RODERICK
STEPHEN SKINNER

EDWARD TORRANCE REED, 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 : 2777**
2
3
4
56 **THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
7 **IN AND FOR THE COUNTY OF WASHOE**
8

9 ***

10 RODERICK SKINNER,

11 Petitioner,

Case No. : CR14-0644

12 vs.

Dept. No. : 8

13 THE STATE OF NEVADA,

14 Respondent.
1516 **RECOMMENDATION AND ORDER FOR PAYMENT OF INTERIM ATTORNEY'S FEES**17 **(POST CONVICTION)**18 The Administrator, having reviewed the Claim for Compensation submitted
19 by Edward T. Reed, Esq., for the representation of Petitioner, who has been
20 previously declared indigent, and the Court having previously entered an Order
21 finding this case to be appropriate for waiver of the \$750.00 statutory cap pursuant
22 to NRS 7.125(4),23 This Administrator recommends that the Chief Judge of the Second Judicial
24 District Court find that the time expended was necessary and reasonable to handle
25 the recent issues in this matter and represent Petitioner's interests.26 This Administrator, having reviewed the Motion filed herein, finding that
27 Defendant is indigent, and Ordering that transcripts be paid for at public expense.

28 This Administrator further recommends that the Chief Judge of the Second

Judicial District Court approve the payment of interim fees in the amount of ONE THOUSAND ONE HUNDRED FORTY THREE DOLLARS AND SIXTY CENTS (\$1,143.60) made payable to Edward T. Reed, Esq., and paid by the State of Nevada Public Defender's Office.

Dated this 19th day of June, 2019.


COTTER C. CONWAY, ESQ.
APPOINTED COUNSEL ADMINISTRATOR

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

IT IS HEREBY ORDERED that the recommendations of the Administrator are hereby confirmed, approved and adopted as to the amount of \$ 1,143⁶⁰. This amount may not be the same as the Recommendation. Counsel is notified that they may request a prove-up hearing for the non-approved amounts before the Chief Judge of the District.

Counsel, Edward T. Reed, Esq., shall be reimbursed by the State Of Nevada Public Defender's Office fees in the amount of \$ 1,143⁶⁰.

DATED this 20th day of June, 2019.


CHIEF DISTRICT JUDGE

Return Of NEF**Recipients**

JENNIFER NOBLE, ESQ. - Notification received on 2019-06-26 11:50:13.249.

JOHN PETTY, ESQ. - Notification received on 2019-06-26 11:50:13.92.

DIV. OF PAROLE & PROBATION - Notification received on 2019-06-26 11:50:13.202.

CHRISTOPHER FREY, ESQ. - Notification received on 2019-06-26 11:50:13.171.

EDWARD REED, ESQ. - Notification received on 2019-06-26 11:50:13.873.

CHRISTINE BRADY, ESQ. - Notification received on 2019-06-26 11:50:13.124.

***** 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:

06-26-2019:11:47:55

Clerk Accepted:

06-26-2019:11:48:53

Court:

Second Judicial District Court - State of Nevada
Criminal

Case Title:

STATE VS. RODERICK STEPHEN SKINNER
(D8)

Document(s) Submitted:

Ord Approving

Filed By:

Judicial Asst. BWard

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

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

-

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

The following people were served electronically:

DIV. OF PAROLE & PROBATION

JENNIFER P. NOBLE, ESQ. for STATE OF
NEVADA

CHRISTINE BRADY, ESQ. for RODERICK
STEPHEN SKINNER

JOHN REESE PETTY, ESQ. for RODERICK
STEPHEN SKINNER

CHRISTOPHER FREY, ESQ. for RODERICK
STEPHEN SKINNER

EDWARD TORRANCE REED, 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 4065
2 EDWARD T. REED, ESQ.
3 EDWARD T. REED, PLLC
4 Nevada State Bar No. 1416
5 P.O. Box 34763
6 Reno, NV 89533-4763
7 (775) 996-0687
8 ATTORNEY FOR PETITIONER

9 **IN THE SECOND JUDICIAL DISTRICT COURT FOR THE STATE OF NEVADA**

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 **SUBPOENA**

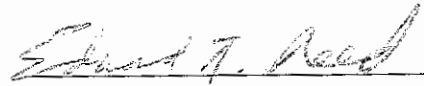
19 TO: DENNIS CARRY, Washoe County Sheriff's Office.

20 YOU ARE COMMANDED pursuant to Nevada Rule of Civil Procedure 45, all
21 and singular business and excuse being laid aside, to attend and appear at the
22 evidentiary hearing in the above-referenced matter set on Tuesday, January 8, 2019,
23 at 9:00 a.m., in the courtroom of Department 8 of the Second Judicial District Court,
24 75 Court Street, Reno, Nevada, and then and there to testify as a witness on behalf of
25 the Petitioner Roderick Skinner.

26 Failure by any person without adequate excuse to comply with a subpoena
27 served upon them may be deemed in contempt of court from which the subpoena
28 issued. [Nevada Rules of Civil Procedure Rule 45(e)].

1 **Pursuant to NRS 239B.030**, the undersigned does hereby affirm that the
2 foregoing document does not contain the social security number of any person.

3 DATED this 26th day of July, 2018.

4
5 

6 EDWARD T. REED, ESQ.
7 EDWARD T. REED, PLLC
8 Nevada State Bar No. 1416
9 P.O. Box 34763
10 Reno, NV 89533-4763
11 (775) 996-0687
12 Fax (775) 333-0201
13 ATTORNEY FOR PETITIONER
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NEVADA RULES OF CIVIL PROCEDURE, RULE 45(c) AND 45(d)

(c) Protection of Persons Subject to Subpoena.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it:

- (i) fails to allow reasonable time for compliance;
 - (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or
 - (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies,
- or
- (iv) subjects a person to undue burden.

(B) If a subpoena

- (i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or
 - (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party,
- the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

[As amended; effective January 1, 2005.]

(d) Duties in Responding to Subpoena.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

[As amended; effective January 1, 2005.]

DECLARATION OF PERSONAL SERVICE

(To be filled out and signed by the person who served the Defendant or Respondent)

STATE OF NEVADA

COUNTY OF WASHOE

I, Kristen Seward, declare:
(Name of person who completed service)

1. That I am not party to this action and I am over 18 years of age.
2. That I personally served a copy of the Summons and the following documents:

Subpoena

upon Dennis Coney, at the following address:

Washoe County Sheriff's Office

on the 30th day of July, 2018.

This document does not contain the social security number of any person.

I declare, under penalty of perjury under the law of the State of Nevada, that the foregoing is true and correct.

Kristen Seward
(Signature of person who completed service)

V4. 673

RE: SETTING SKINNER HEARING FOR SEPT. 26-27

From: Carry, Dennis (DCarry@washoecounty.us)

To: etreed53@yahoo.com

Date: Monday, January 7, 2019, 04:12 PM PST

Right now it looks good. It's a long ways out and currently do not have trial conflicts.

From: Edward Reed [etreed53@yahoo.com]
Sent: Monday, January 07, 2019 3:59 PM
To: Carry, Dennis
Subject: SETTING SKINNER HEARING FOR SEPT. 26-27

Hi Detective Carry,

We are re-setting the Skinner hearing for September 26--27. Please let me know if you have any conflict with these dates. Otherwise, if I don't hear from you by tomorrow at 9 a.m., I will let Department 8 know that the dates are ok. Thank you.

Edward T. Reed

Edward T. "Ned" Reed, Esq.
EDWARD T. REED, PLLC
P.O. Box 34763
Reno, NV 89533-4763
Office: 775.996.0687
Fax: 775.333.0201

V4. 673_{1/1}

Return Of NEF**Recipients**

JENNIFER NOBLE, ESQ. - Notification received on 2019-09-13 09:49:25.312.

JOHN PETTY, ESQ. - Notification received on 2019-09-13 09:49:25.218.

DIV. OF PAROLE & PROBATION - Notification received on 2019-09-13 09:49:25.187.

CHRISTOPHER FREY, ESQ. - Notification received on 2019-09-13 09:49:25.156.

EDWARD REED, ESQ. - Notification received on 2019-09-13 09:49:25.281.

CHRISTINE BRADY, ESQ. - Notification received on 2019-09-13 09:49:25.249.

***** 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:

09-13-2019:09:46:12

Clerk Accepted:

09-13-2019:09:48:39

Court:

Second Judicial District Court - State of Nevada

Criminal

Case Title:

STATE VS. RODERICK STEPHEN SKINNER
(D8)

Document(s) Submitted:

Subpoena

Filed By:

Edward Torrance Reed

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:

DIV. OF PAROLE & PROBATION

JENNIFER P. NOBLE, ESQ. for STATE OF
NEVADA

CHRISTINE BRADY, ESQ. for RODERICK
STEPHEN SKINNER

JOHN REESE PETTY, ESQ. for RODERICK
STEPHEN SKINNER

CHRISTOPHER FREY, ESQ. for RODERICK
STEPHEN SKINNER

EDWARD TORRANCE REED, 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 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
13 Petitioner,

Case No. CR14-0644

14 vs.

Dept. No. 8

15 ISIDRO BACA, WARDEN, NORTHERN
16 NEVADA CORRECTIONAL CENTER.

17 Respondent.
18 _____ /

19 **NOTICE OF EXPERT WITNESS**

20 The Petitioner RODERICK STEPHEN SKINNER, by and through his counsel
21 Edward T. Reed, hereby files this Notice of Expert Witness. Although not required as to
22 evidentiary hearings in habeas corpus cases, this Notice of Expert Witness is hereby filed
23 as a courtesy to give notice to opposing counsel and the Court of an expert witness the
24 Petitioner intends to call at the evidentiary hearing. That expert is Tami Loehrs, a
25 computer forensics expert, who has testified over one hundred times in state, federal and
26 international courts in child exploitation and pornography cases.

27 Ms. Loehrs will testify as to her examination of the evidence available to be
28 reviewed pursuant to her declaration attached as Exhibit 3 to the Supplemental Petition
filed in this case. Her curriculum vitae is also attached to the declaration in Exhibit 3,
and her declaration and curriculum vitae are incorporated herein by this reference.

Pursuant to NRS 239B.030, the undersigned does hereby affirm that this document does not contain the social security number of any person.

DATED this 13th day of September, 2019.

/s/ Edward T. Reed
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

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of Edward T. Reed, PLLC, who represents the Petitioner in this matter, and that on this date I electronically filed the foregoing with the Clerk of the Court by using the ECF system which will send a notice of electronic filing to the following:

Jennifer Noble, Appellate Deputy
Washoe County District Attorney's Office

DATED this 13th day of September, 2019.

/s/ Edward T. Reed
Edward T. Reed

Return Of NEF**Recipients**

JENNIFER NOBLE, ESQ. - Notification received on 2019-09-13 10:27:20.697.

JOHN PETTY, ESQ. - Notification received on 2019-09-13 10:27:20.353.

DIV. OF PAROLE & PROBATION - Notification received on 2019-09-13 10:27:20.322.

CHRISTOPHER FREY, ESQ. - Notification received on 2019-09-13 10:27:20.291.

EDWARD REED, ESQ. - Notification received on 2019-09-13 10:27:20.4.

CHRISTINE BRADY, ESQ. - Notification received on 2019-09-13 10:27:20.385.

***** 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:

09-13-2019:10:25:53

Clerk Accepted:

09-13-2019:10:26:33

Court:

Second Judicial District Court - State of Nevada

Criminal

Case Title:

STATE VS. RODERICK STEPHEN SKINNER
(D8)

Document(s) Submitted:

Notice of Witnesses

Filed By:

Edward Torrance Reed

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:

DIV. OF PAROLE & PROBATION

JENNIFER P. NOBLE, ESQ. for STATE OF
NEVADA

CHRISTINE BRADY, ESQ. for RODERICK
STEPHEN SKINNER

JOHN REESE PETTY, ESQ. for RODERICK
STEPHEN SKINNER

CHRISTOPHER FREY, ESQ. for RODERICK
STEPHEN SKINNER

EDWARD TORRANCE REED, 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.):

CODE No. 1960
CHRISTOPHER J. HICKS
#7747
One South Sierra Street
Reno, Nevada 89501
(775) 328-3200
Attorney for Respondents

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

IN AND FOR THE COUNTY OF WASHOE

* * *

RODERICK STEPHAN SKINNER,

Petitioner,

Case No. CR14-0644

v.

ISIDRO BACA, WARDEN OF NNCC,
AND NEVADA ATTORNEY GENERAL

Dept. No. 8

Respondents.

_____ /

STATE'S BENCH MEMORANDUM REGARDING EVIDENTIARY HEARING

I. Introduction

This post-conviction matter arises from a 2014 conviction for a single count of Promotion of a Sexual Performance of a Minor Over 14, arising from a guilty plea. It is set for evidentiary hearing on September 26 and 27, 2019. Petitioner Skinner asserts he is entitled to relief because his former trial counsel, Christopher Frey, and appellate counsel, John Petty, were ineffective in various respects. He also appears to contend that the State was obligated to retain child pornography after disposition of the case, and that the alleged destruction of the child pornography was an error that entitles him to relief. The State anticipates that the evidentiary hearing will make clear that all of

Petitioner's claims should be denied. The purpose of this Memorandum is to provide the Court with the procedural history of the case, applicable authority, and a summary of the claims in the Petition and Supplemental Petition.

II. Procedural History

1. Charges in CR13-1601 and Discovery of Child Pornography

Petitioner was charged in two cases, arising from connected incidents. The Petition makes several references to CR13-1601. In that case, he was charged with Open and Gross Lewdness. A child who visited Petitioner's apartment complex reported that while visiting Petitioner, she witnessed Petitioner watching pornography on his laptop and masturbating, while Petitioner's two-year-old daughter sat on his lap. Exhibit 20 to Petition, pp. 6-8; 22-7. At the preliminary hearing, the child testified that she was at her neighbor Rod's house watching Sponge Bob while Rod watched "sex videos" on his computer and masturbated. Exhibit 22 to Petition, *Id.* Based on what the child reported, a search warrant for Petitioner's computer was issued by the Sparks Justice Court. During execution of that search warrant, child pornography was located. Detectives applied for and obtained a second search warrant through the Reno Justice Court. Computer forensic analysis confirmed the use of file sharing software, and dates of the sharing software's use to download child pornography, which correlated to Petitioner's use of the internet. Exhibit 25 to Petition, pp. 2-4. As a result, Petitioner was charged twenty felony counts: ten counts of Promotion of a Sexual Performance of a Minor, Age 13 or Younger; ten counts of Possession of Visual Pornography of a Person Under the Age of 16 Years. He was also charged with Misuse of Encryption, a gross misdemeanor. See Criminal Complaint, attached as Exhibit 1 hereto.

Each of the Promotion counts in the criminal complaint were punishable by a sentence of life in prison with the possibility of parole after 10 years. Exhibit 1. Each of the Possession counts were punishable by 1 to 6 years in prison. They alleged promotion and possession of images of children as young as four being sexually abused, with penises and/or ejaculate in their mouths. *Id.* Some images included older children bound with rope or duct tape. Another image was of an 8 to 11-year-old girl grimacing in pain as she was being penetrated by an adult male in her vagina and anus. *Id.*

2. Negotiations and Plea.

On April 24, 2014, Petitioner waived his preliminary hearing in this case, agreeing to plead guilty to a single count of a Promotion of a Sexual Performance of a Minor Over 14. *See Waiver of Preliminary Examination.* That crime is punishable by a term of life with parole eligibility after 5 years—less time than each of the Promotion counts included in the criminal complaint. The State agreed to drop the other charges, and to dismiss the Open and Gross Lewdness charge in CR13-1601. *See Guilty Plea Memorandum.* Otherwise, the parties were free to argue. On May 27, 2014, Petitioner pleaded guilty to the single count of the information. During the sentencing hearing, counsel Frey stated that Petitioner understood that “this is a life sentence, and that a minimum of five years must be served before parole eligibility. However, this charge is probationable. And I can tell Your Honor now that we will be seeking a grant of probation at sentencing.” *See TOP, Arraignment, May 27, 2014, 4-5.* The Court asked Petitioner if his attorney had accurately stated the agreement, and conducted a thorough plea colloquy. *Id.*, 7-9. The Court accepted Petitioner’s plea. *Id.*

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3. Three Sentencing Hearings

There were three sentencing hearings in this case. The first occurred on August 21, 2014. Prior to the hearing, Petitioner's counsel filed a sentencing memorandum under seal, and gave a copy to the State that morning. TOP, Sentencing, August 21, 2014, 4-5. Counsel for the State described the memorandum as approximately 400 pages long. The Court commented that "there was an incredible amount of time spent preparing that mitigation statement. An in many respects it's persuasive, as it distinguishes P&P's probability assessment." *Id.*, 5. It indicated that the prosecutor would be given more time to review the document, but that testimony from a defense witness would be heard that morning. *Id.*, 6-12.

Robin Wellner, one of Petitioner's friends from Australia, testified that Petitioner had good character, and before his motorcycle accident, was a good police officer. *Id.*, 15-37. After the accident, which occurred in the 1980s, Petitioner was still able to work as a "driver-trainer" for the Queensland Police. *Id.* Wellner also testified about the financial resources and support Petitioner would have if he were granted probation and allowed to return to Australia. *Id.* On cross examination, however, she admitted that she had not been around Petitioner for many years, and that she was unaware of the allegations in the companion case; Wellner admitted that if Petitioner had masturbated in the presence of children and watched pornography in front of them, her opinion would change. *Id.*

The second portion of the sentencing hearing was held on August 26, 2014. Petitioner's former counsel, Christopher Frey, arranged telephonic testimony by one of Petitioner's daughters, Courtney Skinner. See TOP, Sentencing, August 26, 2014. Courtney, an adult, testified that Petitioner was a good dad, and that she believed he was

innocent of the charges in this case and in CR13-1601. *Id.*, 7-10; 23-26. Courtney had custody of Sophie, Petitioner's youngest daughter. She explained that her father had inspired her to seek a career in law enforcement, and that he had been a good parent even following amputation of both legs in the 1980s. *Id.* Despite Courtney's insistence that Petitioner could not have committed those crimes, counsel Frey assured the Court that Petitioner accepted responsibility for his actions. *Id.*, 27.

The third portion of the sentencing hearing occurred on September 4, 2014. The State called witnesses from the Division of Parole and Probation. One of those witnesses explained that Petitioner's explanations for what happened to his other young child (a child conceived in Vietnam a few years before Sophie was born) were inconsistent; initially, he stated the child was abducted, but then admitted the child had stayed with her mother and other family in Vietnam. *Id.*, 20. The Division representative further represented that subsequent to Courtney Skinner's testimony at the prior sentencing hearing, she brought Sophie—the same child that Petitioner had held on his lap while masturbating—to a hospital Queensland. *Id.*, 50-51. Doctors there discovered that little Sophie had genital warts, and opined that the genital warts were obtained through sexual abuse. *Id.* The Queensland Police Department had also informed the Division of a 2008 report that Skinner planned to travel to Thailand to engage in child-sex tourism, and that he had asked the reporting part to build him a more secure computer for purposes of storing child pornography. *Id.*, 52-53.

After Petitioner spoke in allocution, telling the Court "I'm ripe for it," and admitting responsibility, the State pointed out that the risk assessment showed that Petitioner met the criterion for pedophilic sexual orientation. *Id.*, 96. Ultimately, the Court sentenced Petitioner to Life with the possibility of parole after five years.

4. Direct Appeal

Chief Deputy Public Defender John Petty filed a direct appeal on Petitioner's behalf, arguing that Petitioner should have received probation. That appeal was denied, and the judgment of conviction affirmed. *See* Order of Affirmance, July 14, 2015, Docket Number 66666.

5. Ineffective Assistance of Counsel Authority

Most of the claims in the petition and supplemental petition pertain to ineffective assistance of counsel. A district court reviews claims of ineffective assistance of trial counsel under *Strickland v. Washington*, 466 U.S. 668, 686-87 (1984); *see also Kirksey v. State*, 112 Nev. 980, 987, 923 P.2d 1102, 1107 (1996). Under *Strickland*, to prevail on a claim of ineffective assistance of trial counsel, a defendant must establish two elements: (1) counsel provided deficient performance, and (2) "the deficient performance prejudiced the defense." *Kirksey*, 112 Nev. 987, 923 P.2d at 107. To prove deficient performance, a defendant must show counsel's performance fell below an objective standard of reasonableness. *Id.* To prove prejudice, a defendant must demonstrate "a reasonable probability that, but for counsel's errors, the result of the trial would have been different." *Id.* at 988, 923 P.2d at 1107. "A reasonable probability is a probability sufficient to undermine confidence in the outcome." *Strickland*, 466 U.S. at 694. Counsel's performance is measured by an objective standard of reasonableness which takes into consideration prevailing professional norms and the totality of the circumstances. *Strickland*, 466 U.S. at 688; *accord, Homick v. State*, 112 Nev. 304, 913 P.2d 1280 (1996). An insufficient showing on either element of the *Strickland* standard requires denial of the claim. *Kirksey*, 112 Nev. At 988, 923 P.2d at 1107.

The court's view of counsel's performance must be highly deferential, with every effort being taken to eliminate the distorting effects of hindsight. *Strickland*, 466 U.S. at 689, 691. In making a fair assessment of counsel's performance, the trial court must reconstruct the circumstances of counsel's challenged conduct and evaluate that challenged act or omission from counsel's perspective at the time, while remaining perfectly mindful that counsel is "strongly presumed to have rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment." *Id.* at 689-90. Accordingly, trial counsel's strategic or tactical decisions will be " 'virtually unchallengeable absent extraordinary circumstances.' " *Doleman v. State*, 112 Nev. 843, 848, 921 P.2d 278, 280 (1996) (*quoting Howard v. State*, 106 Nev. 713, 722, 800 P.2d 175, 180 (1990)). A petitioner must demonstrate the facts underlying a claim of ineffective counsel by a preponderance of the evidence. *Means v. State*, 120 Nev. 1001, 1012, 103 P.3d 25, 33 (2004); *Riley v. State*, 110 Nev. 638, 647, 878 P.2d 272, 278 (1994).

"Representation is an art, and an act or omission that is unprofessional in one case may be sound or even brilliant in another." *Strickland*, 104 S.Ct. at 2067. "To uphold a lawyer's strategy, we need not attempt to divine the lawyer's mental processes underlying the strategy. 'There are countless ways to provide effective assistance in any given case.' *Strickland*, 104 S.Ct. at 2065.

To prevail, Petitioner must demonstrate, by a preponderance of evidence, that his counsel's performance was deficient, falling below an objective standard of reasonableness, and that counsel's deficient performance prejudiced the defense. *Means v. State*, 120 Nev. 1001, 1012, 103 P.3d 25, 33 (2004); *Riley v. State*, 110 Nev. 638, 647, 878 P.2d 272, 278 (1994). This Court's factual findings regarding a claim of

ineffective assistance of counsel are entitled to deference when reviewed on appeal.

Means v. State, supra; Riley, supra.

III. The Original Petition

1. Ground One

In this ground, Petitioner alleges that his former counsel was ineffective for failing to recognize or challenge a lack of “corpus delicti.” He further alleges that there was a failure of proof related to filesharing software. This claim is vague and conclusory. The State is confident that Petitioner will not be able to meet his burden of proof as to Ground One.

2. Ground Two

In this ground, Petitioner appears to contend former counsel was ineffective for failing to challenge the charge under NRS 200.720 as contravening legislative intent. In support of this ground, Petitioner provides no argument as to how the statute is vague and not subject to the plain meaning rule of statutory interpretation. Nor does he provide support of his general allegation regarding legislative intent. This claim should be denied. The State further anticipates that testimony presented during the hearing will show that counsel Frey’s representation was neither deficient nor actually prejudicial within the meaning of *Strickland, supra*. The State is confident that Petitioner will not be able to meet his burden of proof as to Ground Two.

3. Ground Three

In his third ground, Petitioner provides a vague and general allegation that he has been subjected to “disparate treatment.” It is unclear if he is alleging that other child pornography aficionados have received lighter sentences, but even if that is true, it is not

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a basis for relief. The State is confident that Petitioner will not be able to meet his burden of proof as to Ground Three.

4. Ground Four

In this ground, Petitioner alleges ineffective assistance for failure to challenge the constitutionality of the search warrant. He claims the supporting affidavit was not sufficiently particular. He further anticipates that his former counsel knew he was under duress during the time of plea negotiations. He further alleges that former counsel failed to even superficially investigate case. The State anticipates that testimony presented during the hearing will show that counsel Frey's representation was neither deficient nor actually prejudicial within the meaning of *Strickland, supra*. The State is confident that Petitioner will not be able to meet his burden of proof as to Ground Four.

5. Ground Four (A)

Here, Petitioner appears to contend that his apartment was searched eight minutes earlier than the time reported in a search warrant affidavit. This is not a basis for relief, and should be denied. The State is confident that Petitioner will not be able to meet his burden of proof as to Ground Four (A).

6. Ground Five

Petitioner appears to contend that he was detained longer than 60 minutes prior to being formally arrested. He further alleges that police would not allow him to reenter his apartment. This is not a basis for post-conviction relief, and should be denied.

7. Ground Six

This ground simply repeats the same arguments from Ground Five.

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8. Ground Seven

Here, Petitioner alleges that his counsel was ineffective for failing to move to suppress the warrant to search his laptop for failure of probable cause. The State anticipates that testimony presented during the hearing will show that counsel Frey's representation was neither deficient nor actually prejudicial within the meaning of *Strickland, supra*. The State is confident that Petitioner will not be able to meet his burden of proof as to Ground Seven.

9. Ground Eight

Petitioner alleges that his plea was not knowing, voluntary, intelligent and voluntary because it was uninformed. He claims that he did not understand the elements of the charges, and that former counsel Frey was ineffective for failing to explain the elements of the charge to which he plead. The State anticipates that testimony presented during the hearing will show that counsel Frey's representation was neither deficient nor actually prejudicial within the meaning of *Strickland, supra*. The State is confident that Petitioner will not be able to meet his burden of proof as to Ground Eight.

10. Ground Nine

Petitioner alleges that his former counsel was ineffective for engaging in plea negotiations at a time when he was under medical duress. The State anticipates that testimony presented during the hearing will show that counsel Frey's representation was neither deficient nor actually prejudicial within the meaning of *Strickland, supra*. The State is confident that Petitioner will not be able to meet his burden of proof as to Ground Nine.

11. Ground Ten

Petitioner alleges that he did not plead guilty during the plea colloquy, that his counsel did. This assertion is repelled by the record and this ground should be denied.

12. Ground Eleven

Petitioner alleges that his former counsel failed to pursue available defenses, failed to interview witnesses, and failed to investigate “witness tampering.” He further alleges that his counsel was ineffective for failing to consult an expert witness, and failing to impeach Division witnesses during sentencing. He also reiterates complaints stated in prior claims. The State anticipates that testimony presented during the hearing will show that counsel Frey’s representation was neither deficient nor actually prejudicial within the meaning of *Strickland, supra*. The State is confident that Petitioner will not be able to meet his burden of proof as to Ground Eleven.

13. Ground Twelve

Here, Petitioner alleges that former counsel John Petty was ineffective with respect to his appeal, and for failing to “federalize” his claims. The State anticipates that testimony presented during the hearing will show that counsel Petty’s representation was neither deficient nor actually prejudicial within the meaning of *Strickland, supra*. The State is confident that Petitioner will not be able to meet his burden of proof as to Ground Twelve.

14. Ground Thirteen

Petitioner alleges Frey mislead him regarding a defense forensic report. The State anticipates that testimony presented during the hearing will show that counsel Frey’s representation was neither deficient nor actually prejudicial within the meaning

of *Strickland, supra*. The State is confident that Petitioner will not be able to meet his burden of proof as to Ground Thirteen.

15. Ground Fourteen

Here, Petitioner alleges his former counsel was ineffective at preliminary hearing in another case, CR13-1601. That case was dismissed by the Court at sentencing. It is unclear as to how Petitioner contends that this allegation supports relief in this case, but the State anticipates that testimony presented during the hearing will show that counsel Frey's representation was neither deficient nor actually prejudicial within the meaning of *Strickland, supra*. The State is confident that Petitioner will not be able to meet his burden of proof as to Ground Thirteen.

IV. The Supplemental Petition

1. Ground One

This ground is entirely based on an alleged failure of the State to preserve or otherwise maintain Skinner's computer or its digital copies. The Supplemental Petition claims that this alleged failure has resulted in a violation of his due process rights as his purported expert is now unable to conduct an analysis which would have shown that he did not knowingly possess child pornography on the computer.

Petitioner will not be able to establish sufficient evidence to warrant relief. The Petitioner alleges that "[h]ad a complete investigation been done of the computer and the matters listed by Tami Loehrs had been fully considered, he alleges that the evidence would not have shown that he had knowing possession of images of child pornography or conducted any file sharing of any such images." Supplemental Petition, p. 8. The Petitioner cannot establish the factual basis of this claim. Ms. Loehrs' declaration meanders through what she views as a number of deficiencies in Sgt. Carry's forensic

analysis, but the bottom line is that “an independent examination by the defense is not possible.” Exhibit 3 attached to Supplemental Petition, p. 6. As a result, the Petitioner will not be able to present any witness who would testify that he did not knowingly possess child pornography on his computer. Instead, the testimony of Ms. Loehrs will wind up with her opining that she is incapable of conducting any analysis and therefore arriving at a different conclusion from Sgt. Carry.

Moreover, the Supplemental Petition does not offer any authority that would require the State or any law enforcement agency to maintain evidence for future potential defense investigation after a criminal defendant has pled guilty and been sentenced. All of the cases relied upon by the Supplemental Petition relate to the failure of the State to maintain or preserve evidence prior to trial. None of the cases can reasonably be construed to create an obligation on the State to maintain every piece of evidence for an indeterminate period of time after a case has concluded and a defendant has been sentenced. The Supplemental Petition recognizes this issue but does nothing to address it outside of suggesting that “the same considerations regarding lost evidence in criminal prosecutions should apply here.” Supplemental Petition, p. 6. As this proposition is unsupported by any legal authority, persuasive or otherwise, it should be rejected. *See Cunningham v. State*, 94 Nev. 128, 130, 575 P.2d 936, 937 (1978).

2. Ground Two

Ground Two of the Supplemental Petition alleges that counsel Frey informed Petitioner that “he would definitely receive probation....” Supplemental Petition, p. 9. Petitioner asserts that because he was unfamiliar with the American legal system and was in pain as a result of his medical issues, he accepted Frey’s representations and would not have accepted the plea if he had known that he would not receive probation.

A defendant seeking post-conviction relief is not entitled to an evidentiary hearing on factual allegations belied or repelled by the record. *Hargrove v. State*, 100 Nev. 498, 503, 686 P.2d 222, 225 (1984) *citing Grondin v. State*, 97 Nev. 454, 634 P.2d 456 (1981). The record shows that the Petitioner was warned several times that probation was an option but was not guaranteed in this case. At his arraignment, Mr. Frey informed the Court that the Petitioner understood that the crime was punishable by a term of life imprisonment with minimum parole eligibility after five years but that the charge was probationable. Transcript of Proceedings, Arraignment, May 27, 2017, p. 4, lines 20-24. This was an oral recitation of the potential consequences as set forth in the Guilty Plea Memorandum that the Petitioner signed. Guilty Plea Memorandum, filed May 27, 2014, p. 3. The Guilty Plea Memorandum further clarified that prison is mandatory and that he would not be “eligible for probation unless a psychosexual evaluation is completed pursuant to NRS 176.139 which certifies that I do not represent a high risk to reoffend based upon a currently accepted standard of assessment.” Guilty Plea Memorandum, p. 3. When the Court asked the Petitioner if he understood that sentencing was entirely up to the Court and that probation would be a privilege “should you qualify,” the Petitioner answered “I understand.” Transcript, Arraignment, p. 7, line 23 – p. 8, line 11. The Petitioner again said “I understand” in response to the Court pointing out “for a third time, you’re looking at either probation, or life in prison, with parole eligibility after five years.” Transcript, Arraignment, p. 9, lines 20-23.

At the time the Petitioner entered into the negotiations and signed the Guilty Plea Memorandum, he had not yet obtained a psychosexual risk assessment that would have made him eligible for probation. The Psychosexual Risk Assessment that was ultimately provided to the Court and made him eligible for probation was not conducted until June

24, 2014, more than a month after he entered his plea. Psychosexual Evaluation, filed August 6, 2014. In fact, the Petitioner did not even meet with the evaluator for the first time until June 16, 2014. Therefore, at the time that he entered his plea and told the Court that he understood that his plea would subject him to life imprisonment unless he had a qualifying assessment, he did not know, and could not know, that he would receive a qualifying assessment. Thus, the record clearly belies any claim that the Petitioner did not know that he would not automatically be granted probation in this case. In fact, the Court explicitly warned the Petitioner that he had to receive a qualifying assessment before being eligible for probation, the Guilty Plea Memorandum put the same warning in writing, and the Petitioner indicated his understanding that he would have to get a qualifying assessment before even being able to request probation. As a result, Ground Two of the Supplemental Petition is belied by the record and the Petitioner will not be able to prove this assertion at the hearing so as to warrant relief.

V. State's Witnesses

At this time, the State anticipates calling two witnesses: John Reese Petty, and Christopher Frey. Petitioner has not informed the State as to which witnesses he intends to call, except for witness Tammi Loehr.

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AFFIRMATION PURSUANT TO NRS 239B.030

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

DATED: September 24, 2019.

CHRISTOPHER J. HICKS
District Attorney

By /s/ JENNIFER P. NOBLE
JENNIFER P. NOBLE
Chief Appellate Deputy

By /s/ KEVIN NAUGHTON
KEVIN NAUGHTON
Appellate Deputy

CERTIFICATE OF SERVICE

I hereby certify that this document was filed electronically with the Second Judicial District Court on September 24, 2019. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

Edward T. Reed, Esq.

/s/ Margaret Ford
MARGARET FORD

INDEX OF EXHIBITS

Exhibit 1, Criminal Complaint, 13 pages

EXHIBIT 1

EXHIBIT 1

FILED
JANINE BAKER, CLERK
SPARKS JUSTICE COURT

FEB - 5 2014

By P. Lacy
DEPUTY CLERK

DA #14-7319

WCSO WC14-000485 and SPD 13-6743

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

* * *

THE STATE OF NEVADA,

Plaintiff,

Case No.: 14-SCR-00173

v.

Dept.No.: 2

RODERICK STEPHEN SKINNER ,

Defendant

CRIMINAL COMPLAINT

REBECCA C DRUCKMAN of the County of Washoe, State of Nevada, verifies and declares upon information and belief and under penalty of perjury, that RODERICK STEPHEN SKINNER , the defendant above-named, has committed the crimes of:

COUNT I: PROMOTION OF A SEXUAL PERFORMANCE OF MINOR, AGE 13 OR YOUNGER, a violation of NRS 200.720 and NRS 200.750, a felony, in the manner following, to wit:

That the said defendant RODERICK STEPHEN SKINNER, on or about and between the 5TH of May, 2013 and the 28th day of June, 2013, at Sparks Township, within the County of Washoe, State of Nevada, did willfully and unlawfully promote, or distribute a performance of a minor where the minor engages in, or simulates sexual conduct or where the minor is the subject of a sexual portrayal, by means of file sharing software, to wit: an image of a nude female child believed to be five to seven years of age who is depicted being

1 straddled by an adult male, and who is inserting his penis in the
2 child's mouth, while the child lies on a bed under him.

3
4 COUNT II: PROMOTION OF A SEXUAL PERFORMANCE OF MINOR, AGE
5 13 OR YOUNGER, a violation of NRS 200.720 and NRS 200.750, a felony,
6 in the manner following, to wit:

7 That the said defendant RODERICK STEPHEN SKINNER,
8 on or about and between 5th of May, 2013 and the 28th day of June,
9 2013, at Sparks Township, within the County of Washoe, State of
10 Nevada, did willfully and unlawfully promote, or distribute a
11 performance of a minor where the minor engages in, or simulates
12 sexual conduct or where the minor is the subject of a sexual
13 portrayal, by means of file sharing software, to wit: an image of a
14 female child, believed to be five to seven years of age, with her
15 mouth open while an adult male ejaculates into her mouth

16
17 COUNT III: PROMOTION OF A SEXUAL PERFORMANCE OF MINOR, AGE
18 13 OR YOUNGER, a violation of NRS 200.720 and NRS 200.750, a felony,
19 in the manner following, to wit:

20 That the said defendant RODERICK STEPHEN SKINNER, on or
21 about and between 5th of May, 2013 and the 28th day of June, 2013, at
22 Sparks Township, within the County of Washoe, State of Nevada, did
23 willfully and unlawfully promote, or distribute a performance of a
24 minor where the minor engages in, or simulates sexual conduct or
25 where the minor is the subject of a sexual portrayal, by means of
26 file sharing software, to wit: an image of a nude female child,

1 believed to be eleven to thirteen years of age, with her wrists and
2 ankles bound with yellow rope, laying on a bed with her legs spread
3 apart, and her vagina exposed to the photographer's camera.

4
5 COUNT IV: PROMOTION OF A SEXUAL PERFORMANCE OF MINOR, AGE
6 13 OR YOUNGER, a violation of NRS 200.720 and NRS 200.750, a felony,
7 in the manner following, to wit:

8 That the said defendant RODERICK STEPHEN SKINNER, on or
9 about and between 5th of May, 2013 and the 28th day of June, 2013, at
10 Sparks Township, within the County of Washoe, State of Nevada, did
11 willfully and unlawfully promote, or distribute a performance of a
12 minor where the minor engages in, or simulates sexual conduct or
13 where the minor is the subject of a sexual portrayal, by means of
14 file sharing software, to wit: an image of a female child, who is a
15 known and identified victim from the United States, believed to be
16 nine to thirteen years of age, who is holding an adult male's penis
17 against her tongue as her body is located between his legs.

18
19 COUNT V: PROMOTION OF A SEXUAL PERFORMANCE OF MINOR, AGE
20 13 OR YOUNGER, a violation of NRS 200.720 and NRS 200.750, a felony,
21 in the manner following, to wit:

22 That the said defendant RODERICK STEPHEN SKINNER, on or
23 about and between 5th of May, 2013 and the 28th day of June, 2013, at
24 Sparks Township, within the County of Washoe, State of Nevada, did
25 willfully and unlawfully promote, or distribute a performance of a
26 minor where the minor engages in, or simulates sexual conduct or

1 where the minor is the subject of a sexual portrayal, by means of
2 file sharing software, to wit: an image of a female child, who is
3 believed to be nine to eleven years of age, who is holding an adult
4 male's penis in her hand while kissing another female person on a
5 bed.

6 COUNT VI: PROMOTION OF A SEXUAL PERFORMANCE OF MINOR, AGE
7 13 OR YOUNGER, a violation of NRS 200.720 and NRS 200.750, a felony,
8 in the manner following, to wit:

9 That the said defendant RODERICK STEPHEN SKINNER, on or
10 about and between 5th of May, 2013 and the 28th day of June, 2013, at
11 Sparks Township, within the County of Washoe, State of Nevada, did
12 willfully and unlawfully promote, or distribute a performance of a
13 minor where the minor engages in, or simulates sexual conduct or
14 where the minor is the subject of a sexual portrayal, by means of
15 file sharing software, to wit: an image of a female child, believed
16 to be five years of age, where the child is leaning down over a
17 seated adult male and has the adult male's penis in her mouth.

18
19 COUNT VII: PROMOTION OF A SEXUAL PERFORMANCE OF MINOR, AGE
20 13 OR YOUNGER, a violation of NRS 200.720 and NRS 200.750, a felony,
21 in the manner following, to wit:

22 That the said defendant RODERICK STEPHEN SKINNER, on or
23 about and between 5th of May, 2013 and the 28th day of June, 2013, at
24 Sparks Township, within the County of Washoe, State of Nevada, did
25 willfully and unlawfully promote, or distribute a performance of a
26 minor where the minor engages in, or simulates sexual conduct or

1 where the minor is the subject of a sexual portrayal, by means of
2 file sharing software, to wit: an close-up image of a female child's
3 vagina, where the child is believed to be four to six years of age.

4
5 COUNT VIII: PROMOTION OF A SEXUAL PERFORMANCE OF MINOR, AGE
6 13 OR YOUNGER, a violation of NRS 200.720 and NRS 200.750, a felony,
7 in the manner following, to wit:

8 That the said defendant RODERICK STEPHEN SKINNER, on or
9 about and between 5th of May, 2013 and the 28th day of June, 2013, at
10 Sparks Township, within the County of Washoe, State of Nevada, did
11 willfully and unlawfully promote, or distribute a performance of a
12 minor where the minor engages in, or simulates sexual conduct or
13 where the minor is the subject of a sexual portrayal, by means of
14 file sharing software, to wit: an image of a female child, believed
15 to be six to nine years of age, where the child is laying on a bed
16 with her vagina exposed, and her wrists are duct-taped to her legs,
17 making her legs stay apart, in a location which could be a child
18 brothel.

19
20 COUNT IX: PROMOTION OF A SEXUAL PERFORMANCE OF MINOR, AGE
21 13 OR YOUNGER, a violation of NRS 200.720 and NRS 200.750, a felony,
22 in the manner following, to wit:

23 That the said defendant RODERICK STEPHEN SKINNER, on or
24 about and between 5th of May, 2013 and the 28th day of June, 2013, at
25 Sparks Township, within the County of Washoe, State of Nevada, did
26 willfully and unlawfully promote, or distribute a performance of a

1 minor where the minor engages in, or simulates sexual conduct or
2 where the minor is the subject of a sexual portrayal, by means of
3 file sharing software, to wit: an image of a male or female child,
4 believed to be two or three years of age, where the child is looking
5 into the camera, and holding an adult male penis close to his or her
6 mouth.

7
8 COUNT X: PROMOTION OF A SEXUAL PERFORMANCE OF MINOR, AGE 13
9 OR YOUNGER, a violation of NRS 200.720 and NRS 200.750, a felony, in
10 the manner following, to wit:

11 That the said defendant RODERICK STEPHEN SKINNER, on or
12 about and between 5th of May, 2013 and the 28th day of June, 2013, at
13 Sparks Township, within the County of Washoe, State of Nevada, did
14 willfully and unlawfully promote, or distribute a performance of a
15 minor where the minor engages in, or simulates sexual conduct or
16 where the minor is the subject of a sexual portrayal, by means of
17 file sharing software, to wit: an image of a nude female child,
18 believed to be eight to eleven years of age, who appears to be
19 grimacing in pain, where the child is straddling an adult male and
20 he is inserting his penis into the child's vagina or anus.

21
22 COUNT XI: POSSESSION OF VISUAL PORNOGRAPHY OF A PERSON
23 UNDER THE AGE OF 16 YEARS, a violation of NRS 200.730(1), a felony,
24 in the manner following, to wit:

25 That the said defendant RODERICK STEPHEN SKINNER, on or
26 about and between 5th of May, 2013 and the 28th day of June, 2013, at

1 Sparks Township, within the County of Washoe, State of Nevada, did
2 knowingly and willfully have in his possession for any purpose any
3 film, photograph, or other visual presentation depicting a person
4 under the age of sixteen years as the subject of a sexual portrayal,
5 or engaging in or simulating, or assisting others to engage in or
6 simulate sexual conduct, to wit: an image of a female child, believed
7 to be five to seven years of age, with her mouth open while an adult
8 male ejaculates into her mouth
9

10 COUNT XII: POSSESSION OF VISUAL PORNOGRAPHY OF A PERSON
11 UNDER THE AGE OF 16 YEARS, a violation of NRS 200.730(1), a felony,
12 in the manner following, to wit:

13 That the said defendant RODERICK STEPHEN SKINNER, on or
14 about and between 5th of May, 2013 and the 28th day of June, 2013, at
15 Sparks Township, within the County of Washoe, State of Nevada, did
16 knowingly and willfully have in his possession for any purpose any
17 film, photograph, or other visual presentation depicting a person
18 under the age of sixteen years as the subject of a sexual portrayal,
19 or engaging in or simulating, or assisting others to engage in or
20 simulate sexual conduct, to wit: an image of a nude female child,
21 believed to be eleven to thirteen years of age, with her wrists and
22 ankles bound with yellow rope, laying on a bed with her legs spread
23 apart, and her vagina exposed to the photographer's camera.

24 ///

25 ///

26 ///

1 COUNT XIII: POSSESSION OF VISUAL PORNOGRAPHY OF A PERSON
2 UNDER THE AGE OF 16 YEARS, a violation of NRS 200.730(1), a felony,
3 in the manner following, to wit:

4 That the said defendant RODERICK STEPHEN SKINNER, on or
5 about and between 5th of May, 2013 and the 28th day of June, 2013, at
6 Sparks Township, within the County of Washoe, State of Nevada, did
7 knowingly and willfully have in his possession for any purpose any
8 film, photograph, or other visual presentation depicting a person
9 under the age of sixteen years as the subject of a sexual portrayal,
10 or engaging in or simulating, or assisting others to engage in or
11 simulate sexual conduct, to wit: an image of a female child, who is a
12 known and identified victim from the United States, believed to be
13 nine to thirteen years of age, who is holding an adult male's penis
14 against her tongue as her body is located between his legs.

15
16 COUNT XIV: POSSESSION OF VISUAL PORNOGRAPHY OF A PERSON
17 UNDER THE AGE OF 16 YEARS, a violation of NRS 200.730(1), a felony,
18 in the manner following, to wit:

19 That the said defendant RODERICK STEPHEN SKINNER, on or
20 about and between 5th of May, 2013 and the 28th day of June, 2013, at
21 Sparks Township, within the County of Washoe, State of Nevada, did
22 knowingly and willfully have in his possession for any purpose any
23 film, photograph, or other visual presentation depicting a person
24 under the age of sixteen years as the subject of a sexual portrayal,
25 or engaging in or simulating, or assisting others to engage in or
26 simulate sexual conduct, to wit: an image of a female child, who is

V4. 710

1 known and identified victim from the United States, believed to be
2 nine to thirteen years of age, who is holding an adult male's penis
3 against her tongue as her body is located between his legs.
4

5 COUNT XV: POSSESSION OF VISUAL PORNOGRAPHY OF A PERSON
6 UNDER THE AGE OF 16 YEARS, a violation of NRS 200.730(1), a felony,
7 in the manner following, to wit:

8 That the said defendant RODERICK STEPHEN SKINNER, on or
9 about and between 5th of May, 2013 and the 28th day of June, 2013, at
10 Sparks Township, within the County of Washoe, State of Nevada, did
11 knowingly and willfully have in his possession for any purpose any
12 film, photograph, or other visual presentation depicting a person
13 under the age of sixteen years as the subject of a sexual portrayal,
14 or engaging in or simulating, or assisting others to engage in or
15 simulate sexual conduct, to wit: an image of a female child, who is
16 believed to be nine to eleven years of age, who is holding an adult
17 male's penis in her hand while kissing another female person on a
18 bed.
19

20 COUNT XVI: POSSESSION OF VISUAL PORNOGRAPHY OF A PERSON
21 UNDER THE AGE OF 16 YEARS, a violation of NRS 200.730(1), a felony,
22 in the manner following, to wit:

23 That the said defendant RODERICK STEPHEN SKINNER, on or
24 about and between 5th of May, 2013 and the 28th day of June, 2013, at
25 Sparks Township, within the County of Washoe, State of Nevada, did
26 knowingly and willfully have in his possession for any purpose any

V4. 710

V4.711

1 film, photograph, or other visual presentation depicting a person
2 under the age of sixteen years as the subject of a sexual portrayal,
3 or engaging in or simulating, or assisting others to engage in or
4 simulate sexual conduct, to wit: an image of a female child,
5 believed to be five years of age, where the child is leaning down
6 over a seated adult male and has the adult male's penis in her mouth.
7

8 COUNT XVII: POSSESSION OF VISUAL PORNOGRAPHY OF A PERSON
9 UNDER THE AGE OF 16 YEARS, a violation of NRS 200.730(1), a felony,
10 in the manner following, to wit:

11 That the said defendant RODERICK STEPHEN SKINNER, on or
12 about and between 5th of May, 2013 and the 28th day of June, 2013, at
13 Sparks Township, within the County of Washoe, State of Nevada, did
14 knowingly and willfully have in his possession for any purpose any
15 film, photograph, or other visual presentation depicting a person
16 under the age of sixteen years as the subject of a sexual portrayal,
17 or engaging in or simulating, or assisting others to engage in or
18 simulate sexual conduct, to wit: an close up image of a female
19 child's vagina, where the child is believed to be four to six years
20 of age.
21

22 COUNT XVIII: POSSESSION OF VISUAL PORNOGRAPHY OF A PERSON
23 UNDER THE AGE OF 16 YEARS, a violation of NRS 200.730(1), a felony,
24 in the manner following, to wit:

25 That the said defendant RODERICK STEPHEN SKINNER, on or
26 about and between 5th of May, 2013 and the 28th day of June, 2013, at

V4.711

1 Sparks Township, within the County of Washoe, State of Nevada, did
2 knowingly and willfully have in his possession for any purpose any
3 film, photograph, or other visual presentation depicting a person
4 under the age of sixteen years as the subject of a sexual portrayal,
5 or engaging in or simulating, or assisting others to engage in or
6 simulate sexual conduct, to wit: an image of a female child,
7 believed to be six to nine years of age, where the child is laying on
8 a bed with her vagina exposed, and her wrists are duct-taped to her
9 legs, making her legs stay apart in a location which could be a child
10 brothel.

11
12 COUNT XIX: POSSESSION OF VISUAL PORNOGRAPHY OF A PERSON
13 UNDER THE AGE OF 16 YEARS, a violation of NRS 200.730(1), a felony,
14 in the manner following, to wit:

15 That the said defendant RODERICK STEPHEN SKINNER, on or
16 about and between 5th of May, 2013 and the 28th day of June, 2013, at
17 Sparks Township, within the County of Washoe, State of Nevada, did
18 knowingly and willfully have in his possession for any purpose any
19 film, photograph, or other visual presentation depicting a person
20 under the age of sixteen years as the subject of a sexual portrayal,
21 or engaging in or simulating, or assisting others to engage in or
22 simulate sexual conduct, to wit: an image of a male or female child,
23 believed to be two or three years of age, where the child is looking
24 into the camera, and holding an adult male penis close to his or her
25 mouth.

V4. 713

1 COUNT XX: POSSESSION OF VISUAL PORNOGRAPHY OF A PERSON

2 UNDER THE AGE OF 16 YEARS, a violation of NRS 200.730(1), a felony,
3 in the manner following, to wit:

4 That the said defendant RODERICK STEPHEN SKINNER, on or
5 about and between 5th of May, 2013 and the 28th day of June, 2013, at
6 Sparks Township, within the County of Washoe, State of Nevada, did
7 knowingly and willfully have in his possession for any purpose any
8 film, photograph, or other visual presentation depicting a person
9 under the age of sixteen years as the subject of a sexual portrayal,
10 or engaging in or simulating, or assisting others to engage in or
11 simulate sexual conduct, to wit: an image of a nude female child,
12 believed to be eight to eleven years of age, who appears to be
13 grimacing in pain, where the child is straddling an adult male and
14 he is inserting his penis into the child's vagina or anus.

15
16 COUNT XXI: MISUSE OF ENCRYPTION, a violation of NRS

17 205.486, a gross misdemeanor, in the manner following, to wit:

18 That the said defendant RODERICK STEPHEN SKINNER, on or
19 about the 28th day of June, 2013, at Sparks Township, within the
20 County of Washoe, State of Nevada, did willfully use or attempt to
21 use encryption, directly or indirectly, to commit, facilitate,
22 further or promote a criminal offense, and/or to aid, assist, or
23 encourage another person to commit a criminal offense, or to conceal
24 the commission of a criminal offense, or to conceal or protect the
25 identity of a person who has committed an criminal offense, or to
26 delay, hinder , or obstruct the administration of the law, to wit: in

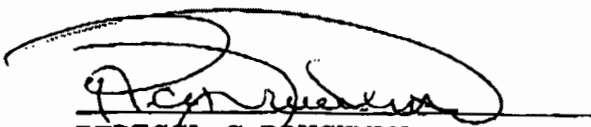
V4. 713

1 that the said defendant did use TRUECRYPT encryption software to
2 attempt to conceal Child Pornography and/or to conceal his promotion
3 or distribution of Child Pornography by means of his file sharing
4 software, and/or to conceal or protect the identities of other
5 persons using his files on the internet, and/or to obstruct, hinder
6 or delay the administration of justice and delay law enforcement's
7 forensic location of Child Pornography on his computer.

8 AFFIRMATION PURSUANT TO NRS 239B.030

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

11
12 DATED this 5 day of February, 2014.

13
14 
15 REBECCA C DRUCKMAN
16 DEPUTY DISTRICT ATTORNEY
17
18
19
20
21
22

23 PCN: WASO0032327C-SKINNER

24 Custody: X
25 Bailed:
26 Warrant:

*

District Court Dept: D15
District Attorney: DRUCKMAN
Defense Attorney:
Bail To be set in Court by Judge
Restitution:

Return Of NEF**Recipients**

JENNIFER NOBLE, ESQ. - Notification received on 2019-09-24 16:02:24.537.

JOHN PETTY, ESQ. - Notification received on 2019-09-24 16:02:24.397.

DIV. OF PAROLE & PROBATION - Notification received on 2019-09-24 16:02:23.055.

CHRISTOPHER FREY, ESQ. - Notification received on 2019-09-24 16:02:23.008.

EDWARD REED, ESQ. - Notification received on 2019-09-24 16:02:24.49.

CHRISTINE BRADY, ESQ. - Notification received on 2019-09-24 16:02:24.443.

******* 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:

09-24-2019:15:59:24

Clerk Accepted:

09-24-2019:16:01:18

Court:

Second Judicial District Court - State of Nevada
Criminal

Case Title:

STATE VS. RODERICK STEPHEN SKINNER
(D8)

Document(s) Submitted:

Memorandum

- **Continuation

Filed By:

Jennifer Patricia Noble

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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:

DIV. OF PAROLE & PROBATION

JENNIFER P. NOBLE, ESQ. for STATE OF
NEVADA

CHRISTINE BRADY, ESQ. for RODERICK
STEPHEN SKINNER

JOHN REESE PETTY, ESQ. for RODERICK
STEPHEN SKINNER

CHRISTOPHER FREY, ESQ. for RODERICK
STEPHEN SKINNER

EDWARD TORRANCE REED, 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.):